

**THIRD AMENDMENT TO LARGE USER WASTEWATER AGREEMENT
BETWEEN BROWARD COUNTY AND CITY OF COCONUT CREEK FOR
WASTEWATER TRANSMISSION, TREATMENT, AND DISPOSAL**

This is the Third Amendment to the Large User Wastewater Agreement, previously executed by and between Broward County, a political subdivision of the State of Florida (the "COUNTY") and CITY OF COCONUT CREEK ("CUSTOMER,") (collectively referred to as the "Parties").

RECITALS:

WHEREAS, on May 23, 1989, the COUNTY and CUSTOMER entered into a Large User Wastewater Agreement (the "LU Agreement"), under which the COUNTY provides wastewater transmission, treatment and disposal services to CUSTOMER; and

WHEREAS, on March 7, 2000, the COUNTY and CUSTOMER entered into a First Amendment to the Agreement (the "First Amendment"), providing a third point of connection in the general vicinity of Sample Road and State Road 7; and

WHEREAS, on November 10, 2009, the COUNTY and CUSTOMER entered into a Second Amendment to the Agreement, providing CUSTOMER an additional 1.07 million gallons per day ("MGD") of wastewater transmission and an additional 0.5 MGD of treatment and disposal Reserve Capacity in the COUNTY's Transmission Facilities and the COUNTY's Treatment Facilities, as defined in the LU Agreement ("Regional System"); and

WHEREAS, the COUNTY is constructing a sanitary sewer system in an unincorporated area in Broward County, Florida, known as Hillsboro Pines, as shown and described in Exhibit "E," attached hereto and incorporated herein (the "Hillsboro Pines Service Area"); and

WHEREAS, CUSTOMER is the owner and operator of a sanitary sewer system which provides services to areas surrounding the Hillsboro Pines Service Area through the CUSTOMER's existing wastewater facilities identified in Exhibit "E," (the "CUSTOMER's System"); and

WHEREAS, the COUNTY owns and operates the Regional System, which provides wastewater treatment, transmission, and disposal services to the CUSTOMER; and

WHEREAS, the COUNTY wants to use the CUSTOMER's System for the transmission of wastewater from the Hillsboro Pines Service Area to the Regional System; and

WHEREAS, CUSTOMER is willing to transmit wastewater from the Hillsboro Pines Service Area through the CUSTOMER's System to the Regional System; and

WHEREAS, the Third Amendment to the LU Agreement ("Third Amendment") is necessary and reasonable under the circumstances, and is in the best interest of the public; NOW, THEREFORE,

IN CONSIDERATION of the mutual terms, conditions, promises, covenants, and payments hereinafter set forth, the Parties agree as follows:

1. The truth and accuracy of each "Whereas" clause set forth above is acknowledged by the Parties and incorporated herein.
2. Article 2, Definitions, Section 2.13, is hereby amended to read as follows:

2.13 "POINT(S) OF CONNECTION"

This term shall mean the POINT(S) point(s) where the CUSTOMER'S ~~system~~ SYSTEM connects to the COUNTY system for the purpose either of delivering wastewater into the COUNTY system from the CUSTOMER'S system SYSTEM or of transmitting wastewater through CUSTOMER'S SYSTEM to the REGIONAL SYSTEM; said POINT(S) OF CONNECTION is defined, described, and set forth in Article 3.1 hereof.

3. Article 2, Definitions, is hereby amended to add new Sections 2.16 and 2.17 to read as follows:

2.16 "HILLSBORO PINES SERVICE AREA"

This term shall mean the geographic boundaries in which the COUNTY is responsible for providing wastewater collection and transmission services to the Connecting point(s) of the CUSTOMER'S SYSTEM as shown and described on Exhibit "E," as attached hereto and incorporated herein.

2.17 "REGIONAL SYSTEM"

This term shall mean the COUNTY TRANSMISSION FACILITIES and the COUNTY TREATMENT FACILITIES.

4. Article 3, Provisions Pertaining to Connection to the County Wastewater Treatment System, Section 3.4, is hereby amended to add a new Subsection 3.4.1 to read as follows:

3.4. CUSTOMER'S SERVICE AREA:

...

3.4.1 CUSTOMER may accept wastewater from the HILLSBORO PINES SERVICE AREA that is outside of the CUSTOMER'S SERVICE AREA

5. Article 3, Provisions Pertaining to Connection to the County Wastewater Treatment System, is hereby amended to add a new Section 3.13 to read as follows:

3.13 TRANSMISSION SERVICES FROM HILLSBORO PINES SERVICE AREA

CUSTOMER shall provide the COUNTY with transmission services for the transmission of wastewater from the HILLSBORO PINES SERVICE AREA through CUSTOMER'S SYSTEM to the REGIONAL SYSTEM through new POINTS OF CONNECTION shown in Exhibit "C," as attached hereto and incorporated herein.

6. Article 5, Provisions Pertaining to Charges, Section 5.1, is hereby amended to add a new Subsection 5.1.6 to read as follows:

...

5.1.6 The COUNTY shall deduct from CUSTOMER'S bill (as calculated in this Article) the amount of wastewater collected and transmitted by CUSTOMER from the HILLSBORO PINES SERVICE AREA to the REGIONAL SYSTEM pursuant to Section 3.13. The measurement of wastewater entering the CUSTOMER'S SYSTEM from the HILLSBORO PINES SERVICE AREA shall be measured on the CUSTOMER'S side of a wastewater meter to be installed by the COUNTY at a Second Lift Station generally at 48th Avenue as identified in Exhibit "C-1" and "E" as part of the HILLSBORO PINES SERVICE AREA. COUNTY shall maintain this new meter in the same manner as described in Section 3.10 for existing meters.

7. The LIST OF EXHIBITS at the end of the LU Agreement is amended to add the following to the bottom of the list:

...

"E" Hillsboro Pines Service Area

8. Exhibit C to the LU Agreement is stricken and replaced in its entirety with Exhibit C-1 as attached hereto and incorporated herein.
9. All other terms and conditions of the Agreement, not inconsistent herewith, shall remain in full force and effect and are to be performed at the level specified in the Agreement.
10. This Third Amendment shall be effective upon full execution by the Parties.
11. This Third Amendment shall be executed in four (4) counterparts, each of which shall be deemed to be an original.

Words in ~~struck-through~~ type are deletions from existing text.
Words in underscoring type are additions to existing text.

IN WITNESS WHEREOF, the Parties hereto have made and executed this Third Amendment to Agreement: BROWARD COUNTY through its BOARD OF COUNTY COMMISSIONERS, signing by and through its Mayor or Vice-Mayor, authorized to execute same by Board action on the ____ day of _____, 20__, and the CITY OF COCONUT CREEK, signing by and through its _____, duly authorized to execute same.

COUNTY

ATTEST:

BROWARD COUNTY, by and through its Board of County Commissioners

Broward County Administrator, as
Ex-officio Clerk of the Broward County
Board of County Commissioners

By _____
Mayor
____ day of _____, 20__

Approved as to form by
Joni Armstrong Coffey
Broward County Attorney
Governmental Center, Suite 423
115 South Andrews Avenue
Fort Lauderdale, Florida 33301
Telephone: (954) 357-7600
Telecopier: (954) 357-7641

By _____
Angela F. Benjamin (Date)
Assistant County Attorney

By _____
Michael J. Kerr (Date)
Deputy County Attorney

AFB
2016-08-12 Third Amendment to LU Agreement .doc
11/03/16
#16-076.00

THIRD AMENDMENT TO LARGE USER WASTEWATER AGREEMENT BETWEEN
BROWARD COUNTY AND CITY OF COCONUT CREEK FOR WASTEWATER
TRANSMISSION, TREATMENT, AND DISPOSAL

CITY

ATTEST:

CITY OF COCONUT CREEK

Leslie Wallace May, City Clerk

By _____
Mikkie Belvedere, Mayor

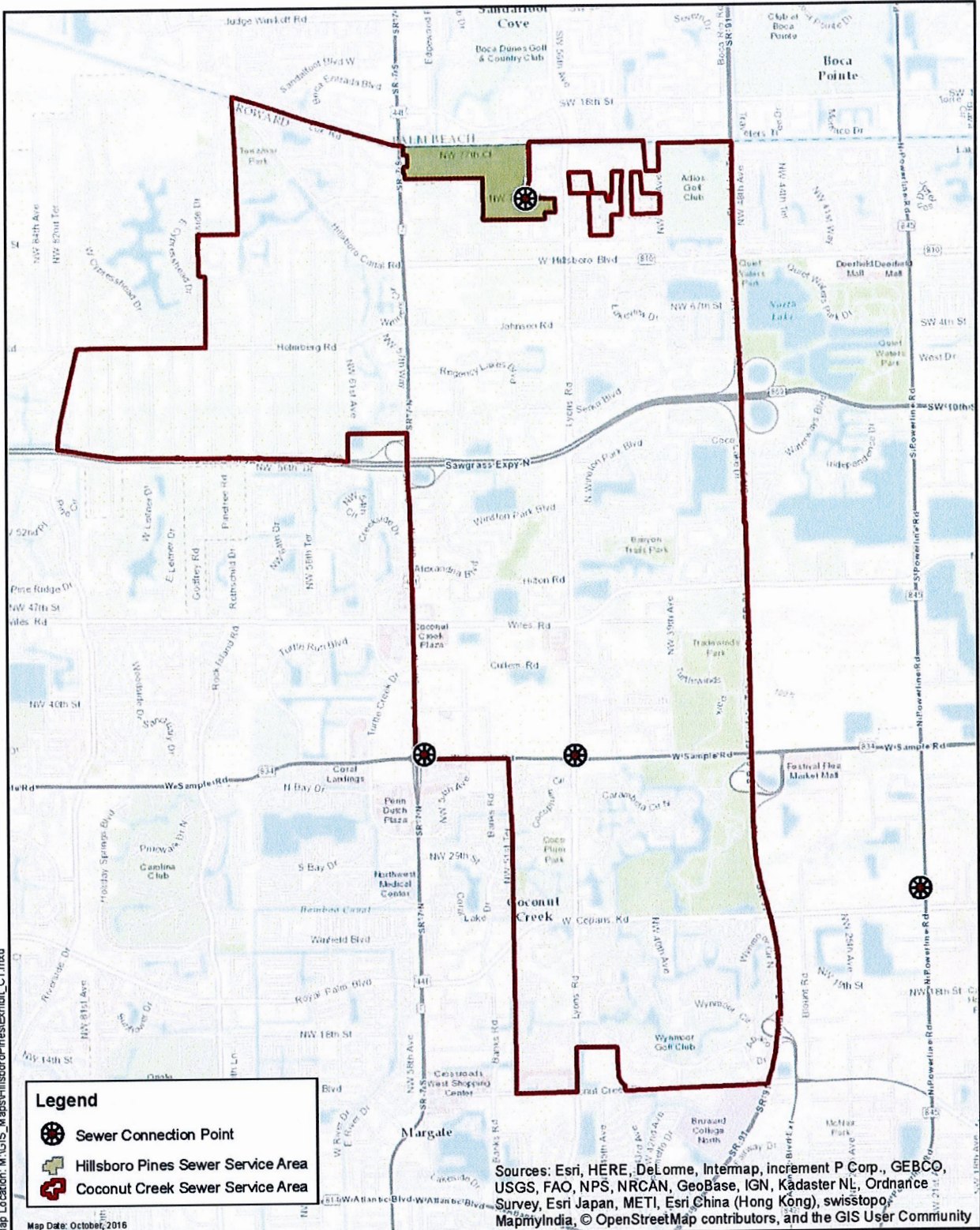
(SEAL)

____ day of _____, 20____.

By _____
Mary C. Blasi, City Manager




APPROVED AS TO FORM:

By _____
Terrill C. Pyburn, City Attorney



Map Location: M:\GIS_Maps\HillsboroPines\Exhibit_C1.mxd

Legend

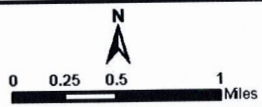
-  Sewer Connection Point
-  Hillsboro Pines Sewer Service Area
-  Coconut Creek Sewer Service Area

Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

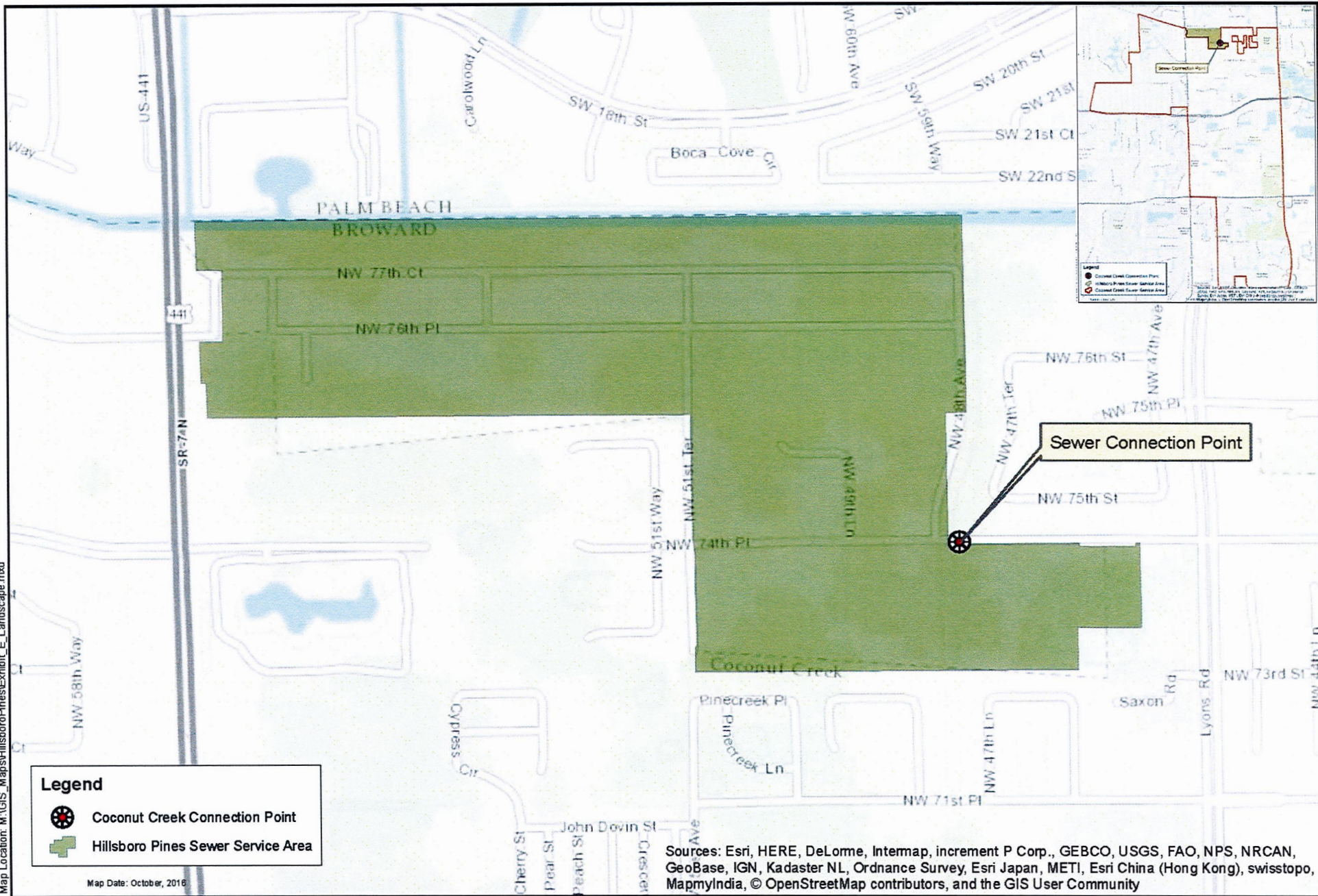
Map Date: October, 2016





Exhibit C - 1 Points of Connection



Map Location: M:\GIS_Maps\HillsboroPines\Exhibit_E_Landscape.mxd



Legend

-  Coconut Creek Connection Point
-  Hillsboro Pines Sewer Service Area

Map Date: October, 2016

Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community



Exhibit E: Hillsboro Pines Sewer Service Area

