



Item: SP: A-2

**Tuesday, June 8, 2021**

## **STRATEGIC PLANNING COMMITTEE**

**SUBJECT: APPROVAL OF THE UNIVERSITY'S SECOND AMENDMENT TO THE AMENDED AND RESTATED CAMPUS DEVELOPMENT AGREEMENT BETWEEN FAU BOT AND THE TOWN OF JUPITER**

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### **PROPOSED COMMITTEE ACTION**

Recommend approval of the University's Second Amendment to the Amended and Restated Campus Development Agreement (CDA) between the Florida Atlantic University and the Town of Jupiter.

### **BACKGROUND INFORMATION**

In accordance with section 1013.30, Florida Statutes, state universities are to address the impacts of campus development on their host cities. After a university adopts a campus master plan, it addresses those impacts through a CDA prepared in conjunction with the host city. The Town and FAU entered into an amended and restated CDA in 2009 (2009 CDA). The First Amendment to the 2009 CDA, extended the term until December 1, 2020 to allow FAU adequate time to adopt the Updated Campus Master Plan. The Master Plan Updated was approved and adopted by the Board on April 20, 2021 and FAU will be negotiating a new Campus Development Agreement with the Town of Jupiter to address any impacts based on the newly adopted Master Plan. A Second Amendment to the CDA is needed to allow time for analysis of utilities and infrastructure impact prior to drafting a new CDA; this amendment extends the term until June 1, 2022.

The Second Amendment to the CDA addresses the continuing impact of FAU's campus development as approved under the 2009 CDA. This amendment requires Town Council approval, scheduled to be held on July 20, 2021.

### **IMPLEMENTATION PLAN/DATE**

Upon Board and Town of Jupiter's approval.

### **FISCAL IMPLICATIONS**

N/A

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**Supporting Documentation: Second Amendment to the Amended and Restate Campus Development Agreement between FAU Board of Trustees and the Town of Jupiter**

**Presented by: Stacy Volnick, VP Administrative Affairs and Chief Administrative Officer**

**Phone: 561-297-6319**

**SECOND AMENDMENT TO  
AMENDED AND RESTATED CAMPUS DEVELOPMENT  
BETWEEN  
THE FLORIDA ATLANTIC UNIVERSITY BOARD OF  
TRUSTEES AND  
THE TOWN OF JUPITER**

This **SECOND AMENDMENT AMENDMENT** ("Amendment") is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_ 2021 ("Effective Date") by and between the **TOWN OF JUPTIER, FLORIDA** (hereinafter referred to as the "Town"), a municipal corporation of the State of Florida, and the **FLORIDA ATLANTIC UNIVERSITY BOARD OF TRUSTEES**, (herein after referred to as "FAU" or "FAUBOT") a public body corporate of the State of Florida.

WHEREAS, the Town and FAU are parties to an Amended and Restated Campus Development Agreement dated December 1, 2009, as amended by a First Amendment dated February 19, 2020, pursuant to Section 1013.30(15), Florida Statutes (the "CDA");

WHEREAS, the First Amendment extended the duration beyond the initial date of December 1, 2019;

WHEREAS, the Town and FAU now desire to amend the CDA to mutually extend the duration of the agreement beyond the extended date of December 1, 2020

NOW THEREFORE, on consideration of the covenants contained herein and the performance thereof, the parties do hereby agree as follows:

1. The foregoing recitals are true and correct and are incorporated as though fully set forth herein.
2. Article 5.0 of the CDA is hereby amended to extend the duration of the CDA until June 1, 2022.
3. Except as specifically modified by this Amendment, all other provisions of the CDA shall remain in full force and effect and shall be binding upon the parties in accordance with their terms.

**IN WITNESS THEREOF**, the parties have set their hands and seals on the day and year indicated.

Signed, sealed and delivered in the presence of:

\_\_\_\_\_

\_\_\_\_\_

FLORIDA ATLANTIC UNIVERSITY BOARD OF TRUSTEES

Date: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF LEON

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared \_\_\_\_\_ of the Florida Atlantic University Board of Trustees, to me known to be the person described herein and who executed the foregoing, and acknowledged the execution thereof to be his free act and deed, for the purposes therein mentioned.

WITNESS my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_

Notary Public

(Notarial Seal)

My Commission expires:

**APPROVED** by the Town Council on \_\_\_\_\_, 20\_\_\_\_.

ATTEST:

TOWN COUNCIL OF THE  
TOWN OF JUPITER, FLORIDA

\_\_\_\_\_

BY: \_\_\_\_\_  
Todd Wodraska, Mayor

(Name / Title)

APPROVED AS TO FORM AND LEGAL

SUFFICIENCY:

\_\_\_\_\_  
Thomas J. Baird, Town Attorney