



Item: SP-A1

Thursday, November 12, 2015

**SUBJECT: APPROVAL OF THE SECOND AMENDMENT TO THE CAMPUS DEVELOPMENT AGREEMENT BETWEEN FAU BOARD OF TRUSTEES AND CITY OF BOCA RATON**

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**PROPOSED Board ACTION**

Approval of the Second Amendment to the Campus Development Agreement (CDA) between FAU BOT and the City of Boca Raton.

**BACKGROUND INFORMATION**

On November 18, 2009 the Board of Trustees approved the Campus Development Agreement between FAU BOT and City of Boca Raton to address the impacts created by the proposed development on public facilities and services, including roads, sanitary sewer, solid waste, drainage/stormwater management, potable waters, parks and recreation, and public transportation. The term of this agreement ends on December 31, 2015. The proposed second amendment to the CDA, extends the term of the existing CDA for an additional twenty four (24) months while FAU develops an updated Master Plan to align with the 2015 approved Strategic Plan – the Race to Excellence.

**IMPLEMENTATION PLAN/DATE**

Effective upon final execution by both FAU BOT and the City of Boca Raton.

**FISCAL IMPLICATIONS**

Continuing payment of monthly and annual obligations for stormwater, water, sewer and Tri Rail commuter shuttle services, if applicable.

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**Supporting Documentation:** Second Amendment to CDA between FAU BOT and City of Boca Raton

**Presented by:** Ms. Stacy Volnick, Vice President – Administrative Affairs

**Phone:** 561-297-1098

SECOND AMENDMENT TO  
AMENDED AND RESTATED CAMPUS DEVELOPMENT  
BETWEEN  
THE FLORIDA ATLANTIC UNIVERSITY BOARD OF TRUSTEES  
AND  
THE CITY OF BOCA RATON

This SECOND AMENDMENT ("Amendment") is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2015 ("Effective Date") by and between the CITY OF BOCA RATON ("City"), a municipal corporation of the State of Florida, and the FLORIDA ATLANTIC UNIVERSITY BOARD OF TRUSTEES, a public body corporate of the State of Florida ("FAU" or "FAUBOT").

WHEREAS, the City and FAU are parties to an Amended and Restated Campus Development Agreement dated November 24, 2009, as amended by a First Amendment dated November 2, 2012, pursuant to Section 1013.30(15), Florida Statutes (the "CDA");

WHEREAS, the City and FAU now desire to amend the CDA to mutually extend the duration of the agreement beyond the initial date of December 31, 2015.

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 for a period of two additional years, until December 31, 2017.
3. During the extension period, FAU shall continue to make all required recurring payments to the City for Stormwater Management Fees, Water and Sewer charges, and Annual Shuttle Payments, as applicable.
4. 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 WHEREOF**, this Amendment has been executed by the parties hereto on the day and year indicated.

FLORIDA ATLANTIC UNIVERSITY  
BOARD OF TRUSTEES

By: \_\_\_\_\_  
John W. Kelly, President

STATE OF FLORIDA :  
COUNTY OF PALM BEACH :

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 John W. Kelly, President of Florida Atlantic University, 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 \_\_\_\_\_, 2015.

\_\_\_\_\_  
Notary Public

(Notarial Seal)

My Commission expires: \_\_\_\_\_

**APPROVED** by the City Council of the City of Boca Raton on \_\_\_\_\_, 2015.

ATTEST:

CITY OF BOCA RATON, FLORIDA

\_\_\_\_\_  
Susan S. Saxton, City Clerk

By: \_\_\_\_\_  
Susan Haynie, Mayor

APPROVED AS TO FORM:

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Diana Grub Frieser, City Attorney