

**AMENDMENT NUMBER 1
TO
AGREEMENT BETWEEN
THE CITY OF JACKSONVILLE
AND
THE CITY OF JACKSONVILLE BEACH
FOR
PAVILION AND PLAYGROUND MATERIALS
FOR
THE BEACHES PARK PROJECT FOR KIDS**

THIS AMENDMENT TO AGREEMENT ("Amendment"), made and entered into this 12th day of July, 2001, by and between THE CITY OF JACKSONVILLE, a municipal corporation ("Jacksonville"), and THE CITY OF JACKSONVILLE BEACH, a municipal corporation ("Beach").

WITNESSETH:

WHEREAS, on May 8, 2001, the parties made and entered into an agreement under which Jacksonville contributed \$9,851.00 for a Pavilion and playground material for the Beaches Park Project For Kids ("Agreement"); and

WHEREAS, in consideration for such contribution, the Beach agreed to operate and maintain the Beaches Park Project For Kids as a public park open for joint public recreational use by all residents of Duval County; and

WHEREAS, the parties wish to amend said Agreement to increase the amount of Jacksonville's contribution by \$15,000 from Better Jacksonville Plan District 3 Bond Funds from Council Member Jerry Holland, pursuant to Section 106.315, *Ordinance Code*, as amended; and

WHEREAS, the undersigned representatives for the parties hereto are fully authorized to execute this Amendment and to bind each respective party hereto; now

therefore:

IN CONSIDERATION of the mutual covenants herein contained and for other good and valuable consideration, the parties agree that:

1. The above stated recitals are true and correct and, by this reference, are incorporated herein and made a part hereof.

2. Section 3, of said Agreement is amended, in part, to read as follows, and Exhibit A-1, attached hereto and, by this reference made a part hereof, is substituted for Exhibit A, attached to and made a part of said Agreement:

“3. Jacksonville agrees to pay an amount not to exceed \$24,851.00 to assist the Beach in obtaining a Pavilion and other Playground Equipment, for the Beaches Park Project for Kids located at the Beach. Said amount shall be Jacksonville’s maximum indebtedness under this Agreement. The Pavilion and other Playground Equipment, together with estimated costs are more particularly identified in Exhibit A-1, attached hereto and, by this reference, made a part hereof. This total amount of \$24,851.00 is composed of \$9,851 appropriated by Ordinance 2000-749-E and \$15,000 appropriated from District 3 Better Jacksonville Plan Bond Funds, pursuant to Section 106.315, *Ordinance Code*.”

3. Section 5, of said Agreement is amended, in part, to read as follows:

“5. (a) If the actual cost of the Pavilion and other Playground Equipment is less than the \$24,851.00 appropriated in the Appropriation Ordinance and pursuant to Section 106.315, *Ordinance Code*, then, and in such event, the Beach shall so advise Jacksonville and the Beach shall refund, to Jacksonville any appropriated funds

in excess of such actual purchase price.

“(b) If the actual cost of the Pavilion and other Playground Equipment is more than the \$24,851.00 appropriated in the Appropriation Ordinance and pursuant to Section 106.315, *Ordinance Code*, then and in such event the Beach shall be responsible for finding other funding sources provide the additional funds.”

4. Section 6, of said Agreement is amended, in part, to read as follows:

“6. The Beach agrees to accept the funds appropriated in Ordinance 2000-749-E, and pursuant to Section 106.315, *Ordinance Code*, in accordance with bond covenants and restrictions that may be applicable to the release and use of funds by Jacksonville, and with the terms of said Appropriation Ordinance, Section 106.315, *Ordinance Code*, and all applicable terms and provisions of Chapter 118 (Miscellaneous Appropriations) and Chapter 126 (Purchasing Code), *Ordinance Code*, or similar public purchasing ordinances, rules or regulations.”

5. Section 7, of said Agreement is amended, in part, to read as follows:

“7. The Planning, Research and Grants Division of the Parks, Recreation and Entertainment Department is Jacksonville’s representative to ensure compliance with the Appropriation Ordinance, Section 106.315, *Ordinance Code*, and all other laws related to the project (including Chapters 118 and 126 or other purchasing rules) and for the joint use specified in Section 9 below.”

6. Section 13, of said Agreement is amended, in part, to read as follows:

“13. This Agreement shall become effective on the day and year first above written and shall continue unless sooner terminated by Jacksonville with or without cause

upon thirty (30) days prior written notice to the Beach. The Beach may terminate this Agreement, at any time, upon thirty (30) days prior written notice to Jacksonville; provided however, if the Beach terminates this Agreement it shall return to Jacksonville, the full amount of the \$24,851.00, appropriated, for the Beaches Park Project For Kids, in Ordinance 2000-749-E and pursuant to Section 106.315, *Ordinance Code*. For purpose of notice, the representatives of the parties shall be:

For the City:

Division Chief of Planning, Research and Grants Division
Parks, Recreation and Entertainment Department
851 North Market Street
Jacksonville, Florida 32202

For the Beach: ' ' '

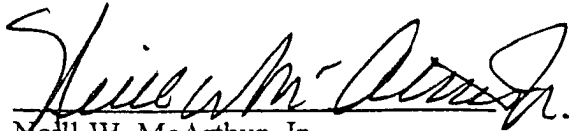
Grounds Maintenance Division
City of Jacksonville Beach
321 Renman Road
Jacksonville Beach, Florida 32250

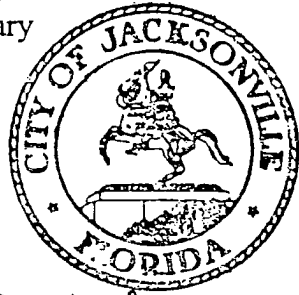
Notice shall be certified mail, return receipt requested, or by hand delivery with signed receipts.

SAVE AND EXCEPT as expressly amended in this instrument, the terms and conditions of the said May 8, 2001 Agreement shall remain in free force and effect.

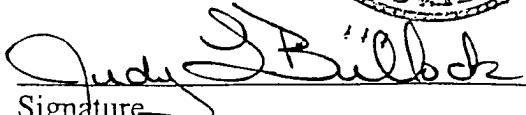
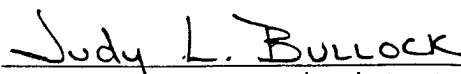
IN WITNESS WHEREOF, the parties, by and through their undersigned authorized representatives, have executed this instrument on the day and year first above written:

ATTEST:


Neil W. McArthur, Jr.
Corporation Secretary



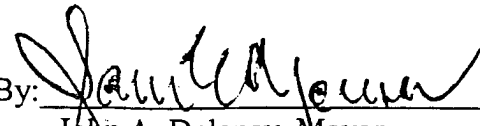
ATTEST:


Signature

Type / Print Name Assistant City Clerk

Signature

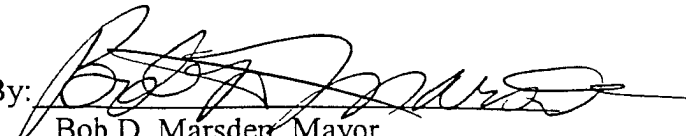
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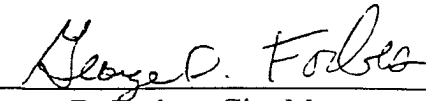
CITY OF JACKSONVILLE

By: 
John A. Delaney, Mayor

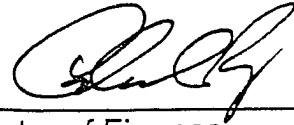
Sam E. Mousa
Chief Administrative
For: Mayor John De
Under Authority of
Executive Order No.

CITY OF JACKSONVILLE BEACH

By: 
Bob D. Marsden, Mayor

By: 
George D. Forbes, City Manager

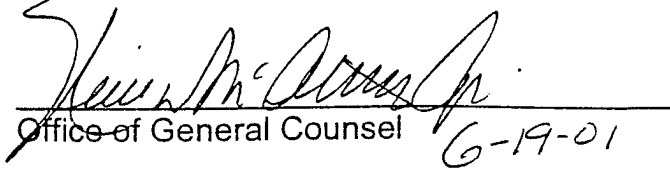
In compliance with the Charter of the City of Jacksonville, I do hereby certify that there is an unexpended, unencumbered, and unimpounded balance in the appropriation sufficient to cover the foregoing Agreement, and provision has been made for the payment of the monies provided therein to be paid.



Director of Finance
3177-57



Form Approved:



Office of General Counsel 6-19-01

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BLACHES PARK PROJECT FOR KIDS PLAYGROUND EQUIPMENT PRICES

Castle Maze	\$3,500.00
Sunken Ship	\$2,800.00
#7 Train	\$1,200.00

~~Wheelchair Access Ramp \$9,000.00~~

Amphitheater/Pavilion \$8,000.00

Sandboxes (2) each \$600.00

Slides:

Elephant Tube Slide \$2,000.00

Twisty Slide \$3,500.00

Dragon Bumpy Slide \$1,200.00

Tot Slide @ Castle \$750.00

Tot Slide @ rock climb \$750.00

Obstacle Course

Rubber Bridge \$650.00

Chain Bridge \$550.00

Bouncy Bridge \$550.00

Ring Bridge \$475.00

Low Rings \$300.00

Monkey Bars \$450.00

Low Ladder \$250.00

Chin-Up Pipe \$150.00

Balance on Chains \$200.00

Zip Wire \$2,000.00

Tot Castle \$2,500.00

Lighthouse \$1,200.00

Climbers and more

Fire Pole \$700.00

Rope Climb \$250.00

Wiggle Bridge \$950.00

Rock Climb \$800.00

Spider Web \$750.00

EXTRA'S

Telephone System \$450.00

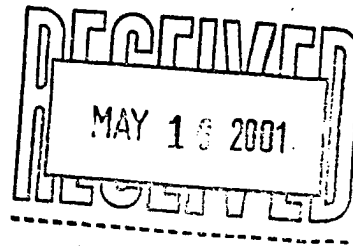
Tic-Tac-Toe \$300.00

SWINGS

Swings (4) (bay) \$750.00

Tire swings each \$1,000.00

Action: (Bob Gott)
Initiate action
as described -
Amend Agreement



cc: B. Brauhm
S. Sullivan
Pat. 512

DEPT. Reader

OFFICE OF THE CITY COUNCIL

GERALD D. "JERRY" HOLLAND
COUNCILMAN, DISTRICT THREE
OFFICE (904) 630-1386
FAX (904) 630-2906
E-MAIL: JHOLLAND@coj.net

117 WEST DUVAL STREET
SUITE 425
JACKSONVILLE, FLORIDA
32202

May 11, 2001

The Honorable John Delaney
Mayor, City of Jacksonville
117 W. Duval Street
Jacksonville, FL 32202

Dear Mayor Delaney:

This letter directs and authorizes you to appropriate \$15,000 from the Better Jacksonville Plan District 3 bond money to provide additional funding for the Beaches Park for Kids Project at Jacksonville Beach. Attached you will find the required backup documentation.

Thank you for your assistance in this matter.

Sincerely,

Jerry Holland
Councilman, District 3

JH/sh

Attachments

- Parks & Rec (Tger) - Initiate Action and amend current agreement for this additional money

- Shari Sherman - Acct. Setup

- Ed Hall - Info / Files

- Janice Billy - Info / Files

1 Introduced by Council Member Holland:
2
3

4 **ORDINANCE 2000-749-E**

5 AN ORDINANCE APPROPRIATING \$9,851 FROM THE
6 PARK ACQUISITION AND MAINTENANCE EXPENSE FUND
7 TO CITY OF JACKSONVILLE BEACH FOR BEACHES PARK
8 PROJECT FOR KIDS; AUTHORIZING THE MAYOR TO
9 ENTER INTO A CONTRACT TO ACCOMPLISH THIS
10 PROJECT; PROVIDING AN EFFECTIVE DATE.
11

12 **BE IT ORDAINED** by the Council of the City of Jacksonville:

13 **Section 1.** For the 1999-2000 fiscal year, within the
14 City's budget, there are hereby appropriated the indicated sum(s)
15 from the account(s) listed in subsection (a) to the account(s)
16 listed in subsection (b):

17 (a) Appropriated from:

18 Park Acquisition and Maintenance Fund CCDE64303-04904
19 TRCCO3 \$9,851

20 (b) Appropriated to:

21 City of Jacksonville Beach Account Number: \$9,851
22 to be designated

23 (c) The purpose of this appropriation is to provide funds for
24 a pavilion and playground materials for the Beaches Park Project
25 for Kids located in the City of Jacksonville Beach.

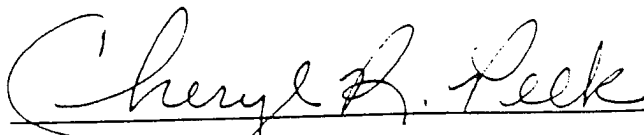
26 (d) The expenditure of the funds appropriated herein is
27 contingent upon the execution of an agreement between the City of
28 Jacksonville Beach and the City of Jacksonville which provides for
29 joint use of the Beaches Park Project for Kids. No funds for the
30 project may be released prior to execution of said agreement by all
31 parties.

1 (e) The funds provided herein shall not lapse at the close of
2 this fiscal year, but shall carry forward until the next fiscal
3 year.

4 **Section 2.** The Mayor is hereby directed and authorized to
5 enter into an agreement with the City of Jacksonville Beach to
6 accomplish the Beaches Park Project for Kids and to provide for
7 joint use of the property on which the project is located and to
8 ensure public access for all residents of Duval County to same.
9 The City of Jacksonville Beach is directed to comply with the
10 provisions of all applicable laws and to provide the City of
11 Jacksonville with all requested documentation regarding the project
12 and provide a full accounting of the sources and uses of the funds
13 for the project in a report format approved by the Council Auditor
14 and Director of Administration and Finance. The Mayor is directed
15 to appoint the appropriate City department to insure compliance
16 with the agreement and all appropriate laws. Further, should the
17 City of Jacksonville Beach receive any funds which are unspent on
18 this project, said funds shall be returned to the City within
19 thirty (30) days of the completion of the project, or by September
20 30, 2001, whichever occurs first.

21 **Section 3.** This ordinance shall become effective upon
22 signature by the Mayor or upon becoming effective without the
23 Mayor's signature.

24
25 Form Approved:

26 
27 _____
28 Office of General Counsel

29 Legislation Prepared by: Cheryl R. Peek

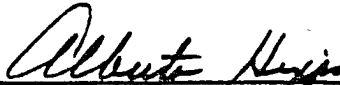
30 9/14/00 G:\shared\LEGIS.CC\2000LEG\ORDS\2000-749-E.doc

ORDINANCE 2000-749-E

CERTIFICATE OF AUTHENTICATION

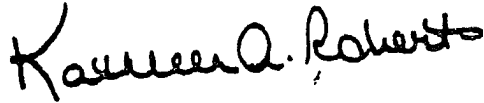
ENACTED BY THE COUNCIL

September 12, 2000

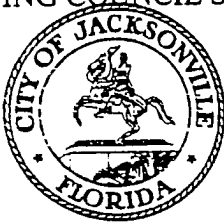


ALBERTA HIPPS
COUNCIL PRESIDENT

ATTEST:

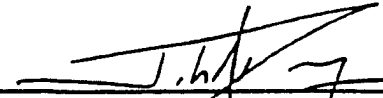


KATHLEEN A. ROBERTS
ACTING COUNCIL SECRETARY



SEP 18 2000

APPROVED: _____



JOHN DELANEY, MAYOR

FISCAL MO/YEAR : 10 2001 TITLE NOTFOUND : CURRENCY CODE :
INDEX CODE : PRCP322F5720 PARKS/REC/ENTER CAPITAL PROJECTS (F5720)
SUBJECT : 06505 OTHER CONSTRUCTION COSTS
PROJECT : PR0294 BEACHES PARK PROJECT
PROJECT DETAIL : 01 BEACHES PARK PROJECT
GRANT :
GRANT DETAIL :
USER CODE :

S	JULY 2001	ANNUAL BALANCE	ALL YEARS BALANCE
ESTIMATED REVENUES	.00	.00	.00
REVENUES	.00	.00	.00
UNREALIZED REVENUES	.00	.00	.00
BUDGET	.00	.00	9,851.00
EXPENDITURES	.00	.00	.00
ENCUMBRANCES	.00	.00	.00
PRE-ENCUMBRANCES	.00	.00	.00
REMAINING BALANCE	.00	.00	9,851.00

F1-HELP F2-SELECT F9-LINK F4-PRIOR F5-NEXT
F10-PRIOR-MO F11-NEXT-MO

G014 - RECORD FOUND