**RESOLUTION 2013-\_\_\_\_\_**

**INTERGOVERNMENTAL AGREEMENT FOR FUNDING**

**TO COMPLETE MATANZAS WOODS PARKWAY MULTI-USE PATH/TRAIL**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, APPROVING THE TERMS AND CONDITIONS OF AN INTERGOVERNMENTAL AGREEMENT WITH PALM COAST PARK COMMUNITY DEVELOPMENT DISTRICT AND PALM COAST LAND, LLC, RELATING TO THE CONTRIBUTION OF FUNDS FOR COMPLETION OF THE MATANZAS WOODS PARKWAY MULTI-USE PATH/TRAIL; AUTHORIZING TRANSFER OF FUNDS; AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR IMPLEMENTING ACTIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

 **WHEREAS,** Flagler County is managing the construction of a multi-use path/trail on Matanzas Woods Parkway between US-1 and Bird of Paradise Drive; and

**WHEREAS,** the construction bids for the multi-use path/trail exceed the available grant amount to complete the project; and

**WHEREAS**, the City has requested Palm Coast Park Community Development District (CDD) and Palm Coast Land, LLC, a contribution of up to $150,000 to supplement the grant funds so the entire path/trail can be constructed as planned; and

**WHEREAS,** the CDD has committed to providing the funds with the condition that neither Palm Coast Land, LLC, as developer of Palm Coast Park, nor the CDD will be obligated to install the US-1/Matanzas Woods Parkway traffic signal when warranted in the future; and

**WHEREAS**, the funds received from the CDD will be used to reimburse Flagler County for the construction of the Matanzas Woods Parkway multi-use path/trail; and

**WHEREAS**, the funds will be reimbursed to Flagler County after submittal of appropriate invoices and documentation for reimbursement; and

 **NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA:**

**SECTION 1. APPROVAL OF INTERGOVERNMENTAL AGREEMENT.** The City Council hereby approves the terms and conditions of the Intergovernmental Agreement with Palm Coast Park Community Development District and Palm Coast Land, LLC, as attached hereto and incorporated herein by reference as Exhibit “A.”

**SECTION 2. AUTHORIZATION TO TRANSFER.** The City Council hereby authorizes the City Manager, or designee to transfer to Flagler County for the construction of the Matanzas Woods multi-use path/trail from the Palm Coast Park Community Development District contribution.

**SECTION 3. AUTHORIZATION TO EXECUTE.** The City Manager is hereby authorized to execute the Intergovernmental Agreement as depicted in Exhibit "A."

**SECTION 4. Severability.** If any section or portion of a section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Resolution.

 **SECTION 5. Conflicts.** All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

**Section 6. IMPLEMENTING ACTIONS.** The City Manager is hereby authorized to take any actions necessary to implement the action taken in this Resolution.

**SECTION 7.** **EFFECTIVE DATE.** This Resolution shall take effect immediately upon adoption by the City Council.

 **DULY PASSED AND ADOPTED** by the City Council of the City of Palm Coast, Florida, on this 19th day of November 2013.

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|  | CITY OF PALM COAST, FLORIDA |
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| ATTEST: | JON NETTS, Mayor |
|  |  |
|  |
| Virginia A. Smith, City Clerk |  |

Approved as to form and legality

William E. Reischmann, Jr., Esq.

City Attorney

Attachment:Exhibit A – Intergovernmental Agreement for Funding to Complete Matanzas Woods Parkway Multi-Use Path/Trail