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

**INTERGOVERNMENTAL AGREEMENT**

**MATANZAS WOODS PARKWAY WIDENING LAND CONTRIBUTION**

**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 LAND, LLC, AND PALM COAST PARK COMMUNITY DEVELOPMENT DISTRICT RELATING TO THE TRANSFER OF LANDS TO MEET A CONDITION OF THE PALM COAST PARK DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER; 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,** a condition of the Palm Coast Park Development of Regional Impact Development Order (DRI-DO) requires Palm Coast Park Land, LLC, and Palm Coast Park Community Development District (CDD), in cooperation with the Florida Department of Transportation (FDOT), to complete an Interchange Justification Report (IJR) for Interstate-95/Matanzas Woods Parkway Interchange; and

**WHEREAS,** Palm Coast Park Land, LLC, and Palm Coast Park Community Development District (CDD) would receive a $250,000 credit towards their proportionate share contribution to mitigate offsite transportation impacts for Palm Coast Park based upon the estimated cost of the IJR to complete an Interchange Justification Report (IJR) for Interstate95/Matanzas Woods Parkway Interchange; and

**WHEREAS,** the DRI/DO does not require completion of the IJR until the end of Phase 1 or 2019, neither of which has occurred; and

**WHEREAS,** the IJR has already been completed; and

**WHEREAS,** Palm Coast Park CDD is proposing to transfer to the City a drainage pond site and additional right-of-way (Matanzas Woods Parkway east-bound onto southbound Belle Terre Parkway) which will be needed for the planned 4-laning of Matanzas Woods Parkway in lieu of the IJR study;

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

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

**SECTION 2. AUTHORIZATION TO EXECUTE.** The City Manager is hereby authorized to execute the Intergovernmental Agreement as depicted in Exhibit "A."

**SECTION 3. 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 4. Conflicts.** All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

**Section 5. IMPLEMENTING ACTIONS.** The City Manager is hereby authorized to take any actions necessary to implement the action taken in this Resolution.

**SECTION 6.** **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 Matanzas Woods Pkwy. Widening Land Contribution