

ORIGINAL

**AMENDMENT NO. 7 TO USE AGREEMENT  
SOUTH FLORIDA WATER MANAGEMENT DISTRICT C-6968-A06**

R2013 1605 NOV 05 2013

**THIS AMENDMENT NO. 7 TO USE AGREEMENT**, made and entered into \_\_\_\_\_, by and between **SOUTH FLORIDA WATER MANAGEMENT DISTRICT**, a public corporation of the State of Florida, hereinafter referred to as "SFWMD" and **PALM BEACH COUNTY**, a political subdivision of the State of Florida, hereinafter referred to as "COUNTY".

**WITNESSETH:**

**WHEREAS**, COUNTY and SFWMD entered into a certain Use Agreement dated January 12, 1993 (R93-75D), as amended by Amendment No. 1, dated December 21, 1993 (R93-1657D), Amendment No. 2, dated December 19, 1995 (R95-1769D), Amendment No. 3, dated December 15, 1998 (R98-2088D), Amendment No. 4, dated December 17, 2002 (R2002-2268), Amendment No. 5, dated January 13, 2004 (R2004-0101), and Amendment No. 6, dated December 16, 2008 (R2008-2311) (the Use Agreement and its Amendments shall collectively be referred to as "Use Agreement"); and

**WHEREAS**, SFWMD and COUNTY desire to extend the Term of the Use Agreement.

**NOW THEREFORE**, in consideration of the rent, mutual covenants and conditions contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. The above recitals are true and correct and incorporated herein by reference.

The Term of this Use Agreement is hereby extended for a period of five (5) years, commencing on January 13, 2014, and expiring on January 12, 2019 (the "Expiration Date"), unless terminated as set forth herein. Either party hereto may advise the other party at any point during the Term of the notifying party's desire or intent to terminate this Use Agreement. The notifying party shall provide the other party with at least ninety (90) days advance written notice of its desire to terminate the Use Agreement upon the date set forth in the termination notice (the "Termination Date"). SFWMD shall close and cap the wells, as well as remove any improvements above the ground surface, prior to the earlier of the Termination Date or Expiration Date.

2. Section 3.2 of the Use Agreement is amended so that Notices to SFWMD shall be sent as follows:

3.2 SFWMD:  
South Florida Water Management District  
Procurement Bureau/Donna Lavery  
P.O. Box 24680  
West Palm Beach, FL 33416-4680  
Telephone No.: (561) 682-6420

With a copy to:

South Florida Water Management District  
Hydrogeology/Steven Krupa  
3301 Gun Club Road, Building B2  
West Palm Beach, FL 33406  
Fax No.: (561) 682-5923

3. No provision of this Use Agreement is intended to, or shall be construed to, create any third party beneficiary or to provide any rights to any person or entity not a party to this Use Agreement, including but not limited to any citizens of Palm Beach County or employees of County or Grantee.

4. The parties agree that no person shall, on the grounds of race, color, sex, age, national origin, disability, religion, ancestry, marital status, familial status, sexual orientation, or gender identity or expression, be excluded from the benefits of, or be subjected to any form of discrimination under any activity conducted pursuant to this Use Agreement.

5. Except as set forth herein, the Use Agreement remains unrevised and in full force and effect, and the parties hereby ratify, confirm, and adopt the Use Agreement as amended hereby.

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IN WITNESS WHEREOF, the parties have set their hands and seals on the date set forth above.

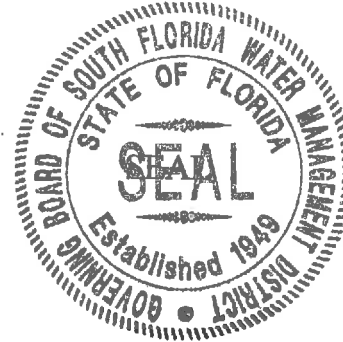
**SOUTH FLORIDA WATER MANAGEMENT DISTRICT**, a public corporation of the State of Florida

ATTEST:

By: Jacki McGusty  
District Clerk

By: Dorothy A. Bradshaw  
Print Name: Dorothy A Bradshaw

Title: Procurement Bureau Chief *SML*



[Signature]  
Witness Signature

Alejandro Quintan  
Print Witness Name

[Signature]  
Witness Signature

Marianne Cuminti  
Print Witness Name

SFWMD Procurement Approved:

By: [Signature]

Date: 9/16/13

SFWMD Office of Counsel Approved:

By: [Signature]

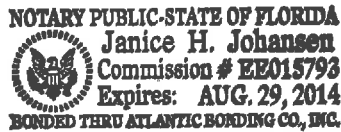
Date: 9/16/13

STATE OF FLORIDA  
COUNTY OF PALM BEACH

The foregoing Amendment No. 7 to Use Agreement was acknowledged before me this 19<sup>th</sup> day of September, 2013, by Dorothy Bradshaw the Procurement Bureau Chief of the South Florida Water Management District a Agency of the State of Florida, who is personally known to me OR who produced \_\_\_\_\_ as identification and who did not take an oath.

[Signature]  
Notary Public

Print Notary Name



NOTARY PUBLIC

State of \_\_\_\_\_ at Large

My Commission Expires: \_\_\_\_\_

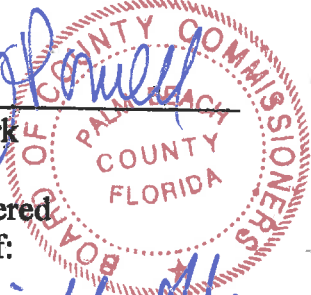
R2013 1605 NOV 05 2013

ATTEST:  
SHARON R. BOCK  
CLERK & COMPTROLLER

PALM BEACH COUNTY, a political  
subdivision of the State of Florida

By: [Signature]  
Deputy Clerk

By: [Signature]  
Steven L. Abrams, Mayor



Signed and delivered  
in the presence of:

[Signature]  
Witness Signature  
Glendia Y. Harvey  
Print Witness Name

[Signature]  
Witness Signature  
Gretel Sarmiento  
Print Witness Name

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

APPROVED AS TO TERMS AND  
AND CONDITIONS

By: [Signature]  
Assistant County Attorney

By: [Signature]  
Audrey Wolf, Director  
Facilities Development & Operations