



## Legislation Details (With Text)

**File #:** 22-2954      **Version:** 1      **Name:**  
**Type:** Consent Agenda      **Status:** Agenda Ready  
**File created:** 5/20/2022      **In control:** City Commission Regular Meeting  
**On agenda:** 6/28/2022      **Final action:** 6/28/2022  
**Title:** Approve the Third Amendment to the City of North Port, Florida and North Port Health Investors, LLC Water and Wastewater System Developer's Agreement.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Amendment 3 to Agreement, 2. Amendment 2 to Agreement, 3. Amendment 1 to Agreement, 4. Agreement

Date	Ver.	Action By	Action	Result
6/28/2022	1	City Commission Regular Meeting		

**TO:** Honorable Mayor & Members of the North Port Commission

**FROM:** A. Jerome Fletcher II, ICMA-CM, MPA, City Manager

**TITLE:** Approve the Third Amendment to the City of North Port, Florida and North Port Health Investors, LLC Water and Wastewater System Developer's Agreement.

### Recommended Action

Approve the Third Amendment to the City of North Port, Florida and North Port Health Investors, LLC Water and Wastewater System Developer's Agreement.

### Background Information

North Port Health Investors, LLC entered into a Standard Developer's Agreement with the City of North Port on October 28, 2019. During the initial planning stages, the Developer provided the Department of Utilities with a capacity fee payment schedule with the entire reservation of 109 Water and Wastewater ERCs to be paid on or before November 1, 2019. Due to the complexities of the COVID19 pandemic, the Developer amended their Agreement with an effective date of January 12, 2021, which revised their capacity payment schedule outlined in Section 20.3.

The Developer is still committed to bringing the project to fruition, however, due to continued unforeseen circumstances now relating to the financial market lending uncertainty and price increases on all construction materials required to build the facility, they have requested an extension for their first payment of capacity to secure the additional lending required. The Developer desires to revise the schedule outlined in Section 20.3 so that Developer's initial payment shall be on or before December 1, 2022.

The Third Amendment to the City of North Port, Florida and North Port Health Investors, LLC Water and Wastewater System Developer's Agreement has been reviewed by the City Attorney and is legally correct as to form.

### Strategic Plan

Promote sustainable growth and development, while maintaining or enhancing quality of life in our City

### **Financial Impact**

There will be a delay of \$ 445,265 in water and wastewater capacity fees for approximately six months and effectively also delays the guaranteed revenue charges for an estimated amount of no more than \$32,968.

### **Procurement**

Not applicable.

#### **Attachments:**

1. Third Amendment to Standard Developer's Agreement
2. Second Amendment to Standard Developer's Agreement
3. First Amendment to Standard Developer's Agreement
4. Standard Developer's Agreement

**Prepared by:** Michelle Tipp, Utilities Business Manager

**Department Director:** Nancy Gallinaro, Utilities Director