

**FIRST AMENDMENT TO
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM SUBAWARD
SPECIFIC PERFORMANCE AND LAND USE RESTRICTION AGREEMENT
WITH THE ARC TAMPA BAY, INC. (CD21ARCTS)**

THIS AMENDMENT (hereinafter AMENDMENT), made and entered into by and between **Pinellas County** (hereinafter **COUNTY**), a political subdivision of the State of Florida, having its principal office at 315 Court Street, Clearwater, Florida 33756, and **The Arc Tampa Bay, Inc.**, (hereinafter **AGENCY**), a not-for-profit corporation organized under the laws of the State of Florida, having its principal office 1501 North Belcher Road, Suite 249, Clearwater, Florida 33765:

WITNESSETH:

WHEREAS, **COUNTY** entered into a Community Development Block Grant Program Subaward Specific Performance and Land Use Restriction Agreement, Agreement No.: **CD21ARCTS** (AGREEMENT) with **AGENCY** on October 28, 2021 to provide, through the Pinellas County Planning Department (DEPARTMENT), **\$75,900.00 (Seventy-Five Thousand, Nine Hundred and NO/100 Dollars)** in Community Development Block Grant (CDBG) funds to **AGENCY** for facility improvements, as recorded in Official Records Book 21786, Pages 95-124 (hereinafter the AGREEMENT); and

WHEREAS, the 2021-2022 Action Plan, approved by the Board in Resolution 21-47, identified funding be provided to **AGENCY** for facility improvements including kitchen, bathroom and classroom remodeling, and floor replacement at the **AGENCY'S** Tarpon Springs Day Program facility located at 16 South Walton Avenue, Tarpon Springs, Florida 34689, (hereinafter the PROJECT); and

WHEREAS, the AGREEMENT states that the PROJECT activities shall be completed by the AGREEMENT expiration date of September 30, 2022; and

WHEREAS, the **AGENCY**, will not be able to complete the PROJECT on or before the AGREEMENT expiration date of September 30, 2022; and

WHEREAS, the **AGENCY** has requested, and the **COUNTY** has agreed, to extend the AGREEMENT expiration date nine (9) months to **June 30, 2023**; and

WHEREAS, as a result of the extension of the term of the AGREEMENT for the PROJECT, the restricted period of the land use restriction will be extended nine (9) months to **July 1, 2030**.

NOW, THEREFORE, in consideration of the promises and mutual covenants, contained herein and for other good and valuable considerations, the receipt and sufficiency of which are hereby mutually acknowledged, the parties agree as follows:

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

Article 2. Amended Terms and Conditions. The terms and conditions of the AGREEMENT are hereby amended and restated as follows:

3. TERM OF SPECIFIC PERFORMANCE AGREEMENT; EFFECTIVE DATE

This Agreement shall become valid and binding upon proper execution by the parties hereto, and unless terminated pursuant to the term herein, shall continue in full force and effect until **June 30, 2023**, or until COUNTY'S full and complete disbursement of funding to AGENCY, whichever comes first. AGENCY may use funds provided herein to cover eligible PROJECT expenses incurred by the AGENCY between **October 1, 2021 and June 30, 2023**.

Notwithstanding the termination of the AGREEMENT, the use restrictions referenced in section 7. Reversion of Assets; Land Use Restrictions, shall remain in full force and effect, restricting the use of the PROPERTY to the use outlined herein, from the Effective Date of this AGREEMENT until the end of the Restricted Period referenced in section 7. Reversion of Assets; Land Use Restrictions.

5. SPECIFIC GRANT INFORMATION

(d)	Federal Award Date	11/24/2021
(e)	Subaward Period of Performance Start and End Date	10/01/2021 – 6/30/2023

7. REVERSION OF ASSETS; LAND USE RESTRICTIONS

b) Restricted Period: Notwithstanding the termination of the AGREEMENT, the land use restrictions referenced herein shall remain in full force and effect, restricting the use of the PROPERTY to the use outlined herein, from the Effective Date of this AGREEMENT until **July 1, 2030** (RESTRICTED PERIOD).

Article 3. Terms and Conditions. Except as otherwise stated herein, the terms and conditions of the Agreement shall remain in full force and effect.

(SIGNATURE PAGE FOLLOWS)

IN WITNESS WHEREOF, the Parties hereto have caused these presents to be executed on the last date of execution as shown below.

ATTEST:

Della Klug

Witness #1 Signature

Della Klug

Print or Type Name

s/ Jo Lugo

Witness #2 Signature

Jo Lugo

Print or Type Name

ATTEST:

Note: Two witnesses are required



Witness #1 Signature

Carolyn Reginelli

Print or Type Name



Witness #2 Signature

Naomi Jones

Print or Type Name

PINELLAS COUNTY, FLORIDA

a political subdivision of the State of Florida


By: _____
Barry A. Burton, County Administrator

October 10, 2022

Date

AGENCY: The Arc Tampa Bay, Inc.


By: _____

Brian Siracusa, Executive Director

Name/Title

10/5/2022

Date

APPROVED AS TO FORM

By: Michael A. Zas
Office of the County Attorney