

**AMENDMENT NO. 2 TO THE
AGREEMENT BETWEEN
THE CITY OF MIAMI BEACH, FLORIDA
AND
THE SABRINA COHEN FOUNDATION, INC.
FOR AN ADAPTIVE RECREATION CENTER**

This Amendment No. 2 (Amendment) to the Funding, Collaboration and Management Agreement dated November 2, 2017 ("Agreement"), by and between the City of Miami Beach ("City"), and the Sabrina Cohen Foundation, Inc. (the "Foundation"), is entered into as of this 16 day of ~~July~~ August, 2019:

RECITALS

WHEREAS, on October 31, 2017, the Mayor and City Commission adopted Resolution No. 2017-30082, approving and authorizing the Mayor and City Clerk to execute the Agreement with the Foundation, for the Foundation to raise the funds and be responsible for all of the expenses related to the City's design, development and construction of an Adaptive Recreation Center ("Center") to be located at a portion of the City's "P72" surface parking lot at the 53rd Street and Collins Avenue (the "P72 Lot"); and

WHEREAS, the City would be the owner of the Center, which will be used for the primary purpose of providing the general public and specifically, persons living with physical and cognitive disabilities, including seniors living with disabilities and able-bodied individuals with temporary injuries, with an accessible access point to the beach and related beach programming; and

WHEREAS, on July 2, 2018, pursuant to the Agreement's terms, the Mayor and City Commission adopted Resolution No. 2018-30377, approving, in the City's proprietary capacity, the Concept Plan for the Center, a copy of which is attached hereto and incorporated by reference as Exhibit "A-1"; and

WHEREAS, on January 16, 2019, the City Commission approved Amendment No. 1 via Resolution No. 2019-3067 updating certain technical references, consistent with the Concept Plan approved by the City Commission on July 2, 2018 and applicable provisions of the City Code; and

WHEREAS, the City and the Foundation desire to amend the Agreement and accomplish the purposes outlined in this Amendment No. 2.

NOW THEREFORE, in consideration of the mutual promises and conditions contained herein, and other good and valuable consideration, the sufficiency of which is hereby acknowledged, the City and Consultant hereby agree to amend the Agreement as follows:

1. ABOVE RECITALS.

The above recitals are true and correct and are incorporated as part of this Amendment.

2. MODIFICATIONS. The Agreement is hereby amended (deleted items ~~struck through~~ and inserted items underlined) as follows:

Section 7.1.b of the Agreement is hereby amended as follows:

b. The FOUNDATION commits to the following fundraising schedule and deadlines, based on the estimated budget of Project Costs for the Base Concept Design:

- (i) 25% of Project Costs raised (in cash, donation pledges and grant commitments) within ~~twelve (12)~~ twenty-four (24) months following the City Commission's approval of the Concept Plan;
- (ii) 50% of Project Costs raised (in cash, donation pledges and grant commitments) within ~~twenty-four (24)~~ thirty-six (36) months following the City Commission's approval of the Concept Plan;
- (iii) 100% of Project Costs raised (in cash, donation pledges and grant commitments) within ~~thirty-six (36)~~ forty-eight (48) months following the City Commission's approval of the Concept Plan.

3. RATIFICATION.

Except as amended herein, all other terms and conditions of the Agreement shall remain unchanged and in full force and effect. In the event there is a conflict between the provisions of this Amendment and the Agreement, the provisions of this Amendment shall govern.

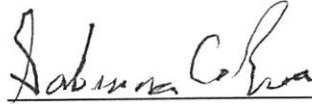
IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed by their appropriate officials, as of the date first entered above.

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.

SABRINA COHEN FOUNDATION, INC.:

By: _____

Name:
Secretary



Name:
President

CITY OF MIAMI BEACH, FLORIDA:

ATTEST:

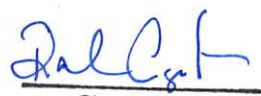
By: _____

 AUG 21, 2019
Rafael Granado, City Clerk


Dan Gelber, Mayor



APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

 7/9/19
City Attorney RAP Date

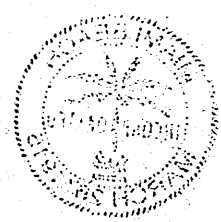
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APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



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City Attorney
Date *[Handwritten date]*

RESOLUTION NO. 2019-30922

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AMENDMENT NO. 2 TO THE COLLABORATION, FUNDING AND MANAGEMENT AGREEMENT BETWEEN THE CITY AND THE SABRINA COHEN FOUNDATION, INC. FOR AN ADAPTIVE RECREATION CENTER, WITH SUCH AMENDMENT NO. 2 EXTENDING THE FUNDRAISING SCHEDULE AND DEADLINES IN SECTION 7.1.B OF THE AGREEMENT BY TWELVE (12) MONTHS, IN ORDER TO PROVIDE THE FOUNDATION WITH ADDITIONAL TIME TO RAISE DONATIONS FOR THE DESIGN AND CONSTRUCTION OF THE ADAPTIVE RECREATION CENTER.

WHEREAS, on October 31, 2017, the Mayor and City Commission adopted Resolution No. 2017-30082, approving a Collaboration, Funding and Management Agreement ("Agreement") with the Sabrina Cohen Foundation, Inc. (the "Foundation"), for the Foundation to raise the funds and be responsible for all of the expenses related to the City's design, development and construction of an Adaptive Recreation Center (the "Center"), to be located within a portion of the City's "P72" surface parking lot at 53rd Street and Collins Avenue (the "P72 Lot"); and

WHEREAS, the Agreement provides that the City would be the owner of the Center, which would be used for the primary purpose of providing the general public and, specifically, persons living with physical and cognitive disabilities, including seniors living with disabilities and able-bodied individuals with temporary injuries, with an accessible access point to the beach and related beach programming; and

WHEREAS, on July 2, 2018, pursuant to the Agreement's terms, the Mayor and City Commission adopted Resolution No. 2018-30377, and approved, in the City's proprietary capacity, the Foundation's proposed Concept Plan for the Center; and

WHEREAS, on January 16, 2019, the City Commission approved Amendment No. 1 via Resolution No. 2019-30671 updating certain technical references, consistent with the Concept Plan approved by the City Commission on July 2, 2018 and applicable provisions of the City Code; and

WHEREAS, the City and the Foundation desire to amend the Agreement, a copy of which is attached to the Commission Memorandum accompanying this Resolution, to extend the fundraising schedule and deadlines in Section 7.1.b by a period of twelve (12) months, in order to provide the Foundation with additional time to raise the requisite donations for the design and construction of the Adaptive Recreation Center.

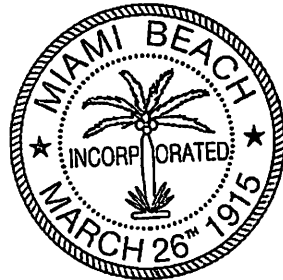
NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA that the Mayor and City Commission hereby approve and authorize the Mayor and City Clerk to execute Amendment No. 2 to the Collaboration, Funding and Management Agreement between the City and the Sabrina Cohen Foundation, Inc. for an Adaptive Recreation Center, with such Amendment No. 2 extending the Fundraising Schedule and Deadlines in Section 7.1.b by twelve (12) months, in order to provide the Foundation with additional time to raise donations for the design and construction of the Adaptive Recreation Center.

PASSED and ADOPTED this 31 day of July, 2019.



DAN GELBER, MAYOR

ATTEST:


AUG 12, 2019
RAFAEL E. GRANADO, CITY CLERK



APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION


City Attorney 7/19/19 Date
