

**FIRST AMENDMENT TO AGREEMENT BETWEEN
PALM BEACH COUNTY AND THE SCHOOL BOARD OF PALM BEACH
COUNTY FOR THE EEE HIGH SCHOOL AUDITORIUM FLY LOFT**

THIS FIRST AMENDMENT TO AGREEMENT is entered into on _____, by and between Palm Beach County, a political subdivision of the State of Florida, hereinafter referred to as "COUNTY", and the SCHOOL BOARD OF PALM BEACH COUNTY, a corporate body politic pursuant to the Constitution of the State of Florida, hereinafter referred to as "SCHOOL BOARD".

WITNESSETH:

WHEREAS, on April 13, 2003, COUNTY entered into an Agreement with SCHOOL BOARD (R-2004-0689) to provide funding in an amount up to \$200,000 for construction of the EEE High School (now named Park Vista Community High School) Auditorium Fly Loft to be completed on or before April 12, 2007; and

WHEREAS, SCHOOL BOARD has completed the Fly Loft, which cost \$140,377, leaving an unexpended balance of \$59,623; and

WHEREAS, SCHOOL Board also completed construction an Orchestra Pit for the Park Vista Community High School auditorium to further expand capabilities of the auditorium stage in order to accommodate big events and provide a state of the art facility for ballets, big bands, plays, and shows to benefit both the students and the community; and

WHEREAS, the orchestra pit project was funded with \$50,000 from the Recreation Assistance Program – District 3, but the actual project cost was \$90,924, leaving an unfunded balance of \$40,924; and

WHEREAS, the SCHOOL BOARD has requested that the County expand the scope of the Auditorium Fly Loft project to include the Auditorium Orchestra Pit project and to allow the unfunded balance of \$40,924 for the Orchestra Pit to be reimbursed from the unexpended balance of \$59,623 from the Bond funding for the Fly Loft; and

WHEREAS, COUNTY desires to allow for the expanded scope of the Fly Loft Project to also include the Orchestra Pit; and

WHEREAS, the parties desire to amend the Agreement.

NOW THEREFORE, the parties hereby agree as follows:

1. The Project Description and Cost Estimate in Exhibits "A" and "D" within the Exhibits Section shall be revised to expand the scope of the project to include the Orchestra Pit.

2. Except as provided herein, each and every other term of the Agreement shall remain in full force and effect and the Agreement is reaffirmed as modified herein.

IN WITNESS WHEREOF, the parties, by and through their duly authorized agents, have hereunto set their hands and seals on the date indicated above.

ATTEST:

SHARON R. BOCK, Clerk & Comptroller

PALM BEACH COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Tony Masilotti, Chairman

ATTEST:

SCHOOL BOARD OF PALM BEACH COUNTY

By: _____
Superintendent

By: _____
Chairman

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

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By: Blair Lewis 12/2/05
School Board Attorney

By: _____
County Attorney

APPROVED AS TO TERMS AND CONDITIONS

By: _____
Dennis L. Eshleman, Director
Parks and Recreation Department