

**FIRST AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN
ALACHUA COUNTY AND THE CITY OF GAINESVILLE
FOR THE DISTRIBUTION OF THE LOCAL OPTION GAS TAX**

This First Amendment to the Interlocal Agreement between Alachua County and the City of Gainesville for the Distribution of the Local Option Gas Tax, (the "Amendment") is entered into by and between ALACHUA COUNTY, a charter county and political subdivision of the State of Florida (the "County"), and the CITY OF GAINESVILLE, a municipal corporation (the "City").

WITNESSETH

WHEREAS, Section 336.025, Fla. Stat., permits the County the authority to levy, in addition to other taxes allowed by law, a local option gas tax ("Gas Tax") upon every gallon of motor fuel and special fuel sold in the County and taxed under the provisions of Chapter 206, Fla. Stat.; and

WHEREAS, the County and City entered into an Interlocal Agreement on June 28, 1985 ("Interlocal") to provide for the division and distribution of the proceeds of the 4th, 5th and 6th cents of the Gas Tax; and

WHEREAS, the Interlocal is effective from September 1, 1985 to August 31, 2015; and

WHEREAS, the County and City desire to extend the Interlocal for an additional thirty (30) years to provide for the division and distribution of the proceeds of any extension of the Gas Tax by the County; and

WHEREAS, the City is a municipality located within Alachua County, Florida, eligible to receive a portion of the local option gas tax, and represents a majority of the population of the incorporated area within the county.

NOW THEREFORE, in consideration of the mutual promises and covenants contained herein, the Interlocal is hereby amended as follows:

- (1) Paragraph 2 of the Interlocal is hereby deleted and the following shall be inserted in its place:

"This Agreement shall take effect on September 1, 2015, and shall terminate on either August 31, 2045, or, if the local option gas tax is levied for less than thirty (30) years, on August 31st of the year in which the levy terminates. It shall govern the division and distribution of proceeds of the 4th, 5th and 6th cent of the local option gas tax imposed through August 31st but not collected or otherwise available for distribution until after August 31st of the year the Agreement terminates."

- (2) Paragraph 7 of the Interlocal is hereby deleted and the following shall be inserted in its place:

“Upon adoption of an ordinance levying the 4th, 5th and 6th cents of local option gas tax by the County, the County shall provide the State of Florida Department of Revenue the distribution proportions established by this Agreement prior to September 1, 2015.”

- (3) Except as expressly amended herein, all other terms and provisions of the original Interlocal between the parties, dated June 28, 1985, shall be and remain in full force and effect.
- (4) Should there be any conflict between the terms of the Interlocal and this Amendment, the terms of this Amendment shall govern.
- (5) This Amendment shall be effective upon the date of execution of all parties.

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IN WITNESS WHEREOF, the parties hereto have made and executed this First Amendment to Interlocal Agreement between Alachua County and the City of Gainesville for the Distribution of the Local Option Gas Tax on the respective dates beneath each signature.

ALACHUA COUNTY:

**BOARD OF COUNTY COMMISSIONERS OF
ALACHUA COUNTY, FLORIDA**

ATTEST:

By: _____
Charles S. Chestnut IV, Chair
Board of County Commissioners
Date: _____

J.K. Irby, Clerk

APPROVED AS TO FORM

(SEAL)

Alachua County Attorney

CITY OF GAINESVILLE:

CITY OF GAINESVILLE, FLORIDA

By: _____
Edward B. Braddy, Mayor
City of Gainesville
Date: _____

ATTEST:

Kurt Lannon, Clerk of the Commission

APPROVED AS TO FORM AND LEGALITY

(SEAL)

City of Gainesville Attorney