FIRST AMENDMENT TO PEACE RIVER/MANASOTA REGIONAL WATER SUPPLY AUTHORITY MASTER WATER SUPPLY CONTRACT

THIS FIRST AMENDMENT TO PEACE RIVER/MANASOTA REGIONAL WATER SUPPLY AUTHORITY MASTER WATER SUPPLY CONTRACT (this “Amendment”) is made and entered into as of the 4th day of June, 2008, by and between the PEACE RIVER/MANASOTA REGIONAL WATER SUPPLY AUTHORITY, a regional water supply authority created and existing pursuant to Sections 373.196, 373.1962 and 163.01, Florida Statutes, and other applicable law, acting by and through its Board of Directors, the governing board thereof (“Authority”); MANATEE COUNTY, a political subdivision of the State of Florida, acting by and through its Board of County Commissioners, the governing board thereof (“Manatee”); CHARLOTTE COUNTY, a political subdivision of the State of Florida, acting by and through its Board of County Commissioners, the governing board thereof (“Charlotte”); DESOTO COUNTY, a political subdivision of the State of Florida, acting through its Board of County Commissioners, the governing board thereof (“DeSoto”); SARASOTA COUNTY, a political subdivision of the State of Florida, acting by and through its Board of County Commissioners, the governing board thereof (“Sarasota”); and the CITY OF NORTH PORT, a municipal corporation of the State of Florida, acting by and through its Board of City Commissioners, the governing board thereof (“North Port”) (collectively “Customers”).

WITNESSETH:

WHEREAS, the Authority and Customers entered into the Peace River/Manasota Regional Water Supply Authority Master Water Supply Contract effective October 5, 2005 (the “Agreement”); and

WHEREAS, pursuant to the Agreement, each Customer submitted to the Authority a report which identified its projections for Authority Supplied Water, each Customer identified that quantity of water it shall purchase from the Authority in the designated Contract Year. For the initial time period through Contract Year 2013, the New Water Supply Demands in Exhibit “C” was the water each Customer irrevocably committed to purchase from the Authority, and the Authority agreed to supply such water; and
WHEREAS, at the time Customers submitted their New Water Supply Demands to the Authority in 2005, Customers were experiencing rapid population growth and intense development; and

WHEREAS, the Customers have since submitted their New Water Supply Demands to the Authority in 2008, the rapid population growth and intense development previously experienced by the Customers has declined; and

WHEREAS, the Agreement may only be amended by a writing duly executed by the Authority, Manatee, Charlotte, DeSoto, Sarasota and North Port and pursuant to the terms and conditions of the Agreement.

NOW, THEREFORE, in consideration of the foregoing recitals, Authority and the Customers hereby agree as follows:

1. **Incorporation of Recitals.** The foregoing recitals are true and correct and are incorporated herein by reference.

2. **Amendments.**
   
   2.1 Exhibit “C” of the Agreement, entitled “New Water Supply Demands” is hereby deleted in its entirety and replaced with the amended Exhibit “C” attached to this amendment.

3. **Ratification.** The terms and conditions of the Agreement, as amended by this Amendment, are hereby ratified and confirmed by the parties.

IN WITNESS WHEREOF, the Authority, Manatee, Charlotte, DeSoto, Sarasota, and North Port have caused this Amendment to be executed effective as of the date first above written.

IN WITNESS WHEREOF, have executed this Contract on the day, month and year first above written.
WITNESS:

Linda Stewart

Edward Yates

Approved as to form:

D. Mann

Attorney for Peace River Manasota Regional Water Supply Authority

STATE OF FLORIDA
COUNTY OF MANATEE

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgements, personally appeared, Shannon Staub, to me known to be the person described in and who executed the foregoing instrument on behalf of the Peace River Manasota Regional Water Supply Authority and Shannon Staub, acknowledged before me that Shannon Staub, executed same as a free act and deed for the uses and purposes therein stated.

WITNESS my hand and official seal in the County and State last aforesaid this 4th day of June, 2008

Edward Yates
Notary Public, My Commission
Exp. March 17, 2012

PEACE RIVER MANASOTA REGIONAL WATER SUPPLY AUTHORITY

By: Shannon Staub, Chairman

Date: 6-4-08

JUN 4 2008
BOARD APPROVED

SEAL
BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY

By ___________________________
Thomas C. D'Aprile, Chairman

Date: ________________________

ATTEST:
Barbara T. Scott, Clerk of Circuit
Court and Ex-Officio Clerk to the
Board of County Commissioners

By: ___________________________
Anne L. Rahler
Deputy Clerk

5-13-08

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

Janette S. Knowlton, County Attorney

STATE OF FLORIDA
COUNTY OF CHARLOTTE

I HEREBY CERTIFY that on this day, before, me, an officer duly authorized in the State
aforesaid and in the County aforesaid to take acknowledgements, personally appeared,

Tom D'Aprile

Tom D'Aprile, to me known to be the person described in and who executed
the foregoing instrument on behalf of Charlotte County, and acknowledged before me that Tom D'Aprile, executed same as a free act
and deed for the uses and purposes therein stated.

WITNESS my hand and official seal in the County and State last aforesaid this 19th
day of May, 2008.

Bonnie S. Stoner
Notary Public
My Commission Expires: NOTARY PUBLIC FLORIDA
Bonnie S. Stoner
Commission # DD447969
Expires: July 06, 2009
Bonded Third Atlantic Bonding Co., Inc.
WITNESS:

[Signature]
Carol Treadwell

Approved as to form:

[Signature]
Howard G. Holtzworth
Attorney for DeSoto County

STATE OF FLORIDA
COUNTY OF FLORIDA

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgements, personally appeared, T. Felton Garner, to me known to be the person described in and who executed the foregoing instrument on behalf of DeSoto County, and acknowledged before me that ______________________, executed same as a free act and deed for the uses and purposes therein stated.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of __________, 2008.

[Signature]
Notary Public, My
Commission
Expires:

BETTY PHILLIPS
Notary Public, State of Florida
My comm. expires Dec. 18, 2011
Comm. No. DD741978
MANATEE COUNTY
BOARD OF COUNTY COMMISSIONERS

WITNESS:

_________________________

By: _______________________

Date: 4/23/08

Approved as to form:

_________________________

Attorney for Manatee County

STATE OF FLORIDA
COUNTY OF MANATEE

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State
aforesaid and in the County aforesaid to take acknowledgements, personally appeared,
_________________________, to me known to be the person described in and who executed
the foregoing instrument on behalf of Manatee County, and __________________________
acknowledged before me that __________________________, executed same as a free act and
deed for the uses and purposes therein stated.

WITNESS my hand and official seal in the County and State last aforesaid this _____
day of __________________, 2008

_________________________
Notary Public, My
Commission
Expires:
STATE OF FLORIDA  
COUNTY OF SARASOTA  

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgements, personally appeared, Shannon Stahl, to me known to be the person described in and who executed the foregoing instrument on behalf of Sarasota County, and ______________________ acknowledged before me that ______________________, executed same as a free act and deed for the uses and purposes therein stated.

WITNESS my hand and official seal in the County and State last aforesaid this 28th day of May, 2008

Notary Public, My  
Commission  
Expires:

Roberta Ilene Benson

Notary Public, My  
Commission  
Expires:
WITNESS:

Ida Strong

Susan Hale

Approved as to form:

Robert K. Polk
Attorney for City of North Port

STATE OF FLORIDA
COUNTY OF SARASOTA

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgements, personally appeared, Fred E. Tower, III, to me known to be the person described in and who executed the foregoing instrument on behalf of the City of North Port, and __________________________ acknowledged before me that __________________________, executed same as a free act and deed for the uses and purposes therein stated.

WITNESS my hand and official seal in the County and State last aforesaid this 5th day of May, 2008

Beth E. Legare
Notary Public, My
Commission
Expires:
EXHIBIT “C”
New Water Supply Demands

### Annual Average Daily Quantity (MGD)

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### Maximum Daily Quantity (MGD)

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Annual Average Day, Peak Month Average Day and Maximum Day are expressed in million gallons per day (MGD).
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