

**FIRST AMENDMENT TO CAMPUS DEVELOPMENT AGREEMENT
BETWEEN THE UNIVERSITY OF SOUTH FLORIDA BOARD OF TRUSTEES
AND THE CITY OF TAMPA**

THIS FIRST AMENDMENT TO CAMPUS DEVELOPMENT AGREEMENT (the "First Amendment") is made and executed this 18th day of December, 2015, between the CITY OF TAMPA ("City"), a municipal corporation of the State of Florida, and the UNIVERSITY OF SOUTH FLORIDA BOARD OF TRUSTEES ("USFBOT"), a public body corporate of the State of Florida, acting for and on behalf of the UNIVERSITY OF SOUTH FLORIDA ("USF").

WHEREAS, the Tampa Campus of USF is considered to be a vital public facility which provides research and educational benefits of statewide and national importance, and which further provides substantial educational, economic, and cultural benefits to the City; and

WHEREAS, in recognition of this unique relationship between campuses of the State University System and the local governments in which they are located, the Florida Legislature has established special provisions for campus planning and concurrency in Section 1013.30, Florida Statutes, which supersede the requirements of Part II of Chapter 163, Florida Statutes, except when stated otherwise; and

WHEREAS, the USFBOT has prepared and adopted a campus master plan for the USF Tampa Campus in compliance with the requirements set forth in Subsections 1013.30(3)-(5), Florida Statutes; and

WHEREAS, upon adoption of the campus master plan by the USFBOT, the USFBOT and the City were required to enter into a campus development agreement; and

WHEREAS, Pursuant to Resolution No. 1997-1709, adopted by the city on December 4, 1997, the City and USF therein identified and then known as the Florida Board of Regents, a public corporation of the State of Florida, acting for and on behalf of the University of South Florida, entered into a Campus Development Agreement dated January 16, 1998 (the "Agreement") regarding the development of certain lands known as the University of South Florida Tampa Campus; and was amended and entered into on December 18, 2003, by and between USFBOT as the successor in interests to the Florida Board of Regents (BOR), a public corporation of the State of Florida, acting for and on behalf of the University of South Florida; and

WHEREAS, the Campus Development Agreement dated January 16, 1998, including the December 18, 2003, Amendment, Article 13.0-CONCURRENCY VESTING FOR DEVELOPMENT, states "Any amendment or extension to this Agreement or subsequent campus development agreement shall recognize development identified in the adopted [1995] USF Tampa Campus Master Plan and Exhibit "A" as vested from concurrency by this Agreement, and that development which remains unbuilt shall remain vested from the City's concurrency requirements."; and

WHEREAS, notice of City Council's intent to consider this First Amendment was provided as required by Section 163.3225, *Florida Statutes* (2014); and

WHEREAS, this First Amendment has been considered by the City Council at two public hearings and approved by the City Council at the second public hearing; and

WHEREAS, this First Amendment is in the best interest and promotes the health, safety and welfare, of the citizens of the City.

NOW, THEREFORE, in consideration of the mutual benefits created herein, the Parties hereby agree as follows:

1. Section 5.0 DURATION OF AGREEMENT, subsection 5.1 is hereby amended to read as follows:

"5.0 DURATION OF AGREEMENT

5.1 This Agreement shall become effective upon execution by both parties and shall remain in effect through December 31, 2025, this agreement may be extended by the mutual consent of the USFBOT and the City, in accordance with Section 15.0 of this Agreement as it is not anticipated that projected development identified in Exhibit "A" will be exceeded prior to that date. The USF Tampa Campus Master Plan will be updated in 2020 for the next 10 year timeframe in terms of projected development and impacts of campus development on public facilities and services."

2. The City Clerk of the City of Tampa shall record this First Amendment to Campus Development Agreement in the Public Records of Hillsborough County, within fourteen (14) days of execution of the First Amendment by both parties. A copy of the recorded First Amendment shall be forwarded to the state land planning agency by USF within fourteen (14) days after the date of execution. This First Amendment shall not become effective until it is properly recorded.
3. This First Amendment may be executed in any number of counterparts, any one and all of which shall constitute the contract of the parties and each of which shall be deemed an original. Except as provided, herein, the Agreement is unmodified, in full force and effect and hereby ratified in every respect. In the event of any conflict between the terms of the Agreement and the terms of this First Amendment, the terms of this First Amendment shall control.

[Signatures on Following Pages]

IN WITNESS WHEREOF, the parties have caused this First Amendment to be executed as of the date first set forth above.

CITY:

CITY OF TAMPA, FLORIDA, a municipal corporation under the laws of the State of Florida

ATTEST:

Shirley Fox-Knowles
City Clerk

By: Bob Buckhorn
Bob Buckhorn, Mayor

Date: 12/18/15

Approved as to Form:

By: Rebecca M. Kert
Rebecca M. Kert
Senior Assistant City Attorney

The University of South Florida Board of Trustees, a public body corporate:

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

By: Harold W. Mullis
Harold W. Mullis, Chair
The University of South Florida Board of Trustees, a public body corporate

The foregoing instrument was acknowledged before me this 3 day of Dec., 2015, by Harold W. Mullis who is personally known to me (or) produced _____ as identification.

Date: 12/3/15

Patricia Ciaccio
(Signature of person taking acknowledgement)

Patricia Ciaccio
(Type or print name of Notary Public)

January 17, 2017
Commission Number/Commission Expiration



On November 5, 2015, the University of South Florida Board of Trustees, at a scheduled and noticed public meeting, approved and authorized the execution of this First Amendment.

APPROVED by the City Council of the City of Tampa on November 5, 2015.
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