An Interlocal Agreement Under Chapter 163 Florida Statutes
Relating to Chapter 171 Part II Florida Statutes.

This Agreement is made the date last written below by and between Indian River County, the City of Vero Beach, the City of Sebastian, the City of Fellsmere, the Town of Indian River Shores, and the Town of Orchid.

WITNESS THAT:

WHEREAS, the parties are empowered to enter into cooperative ventures by Section 163.01 Florida Statutes, the “Florida Interlocal Cooperation Act of 1969;” and,

WHEREAS, the parties to this agreement, all local general-purpose governments organized under the laws of the State of Florida, are presently negotiating an Interlocal Service Boundary Agreement including an annexation plan for certain areas of the county pursuant to the method provided in Chapter 171, Part II Florida Statutes; and,

WHEREAS, the staff assigned to this process by each party believe that this process may take a year or more; and,

WHEREAS, the parties thus feel that it would be in the public interest to maintain the status quo until the negotiating process is completed; and,

WHEREAS, the staff assigned to the negotiating team have suggested that a temporary agreement be entered into which would prohibit certain activities from occurring in relation to land which is now in the unincorporated area and outside the urban service area; and,

WHEREAS, this temporary agreement will expire on October 31, 2008, unless extended by agreement of all parties; and,

WHEREAS, in the event the interlocal service boundary agreement process fails to result in a signed interlocal agreement among all the parties, and the parties have
continued to negotiate in good faith till the expiration date set forth in this stand down agreement, all parties agree to waive the requirements of Florida Statutes §171.203(13), requiring dispute resolutions pursuant to §164.1053-164.1057.

NOW THEREFORE, in consideration of the mutual covenants and agreements herein contained, and for such other good and valuable consideration, the undersigned parties agree as follows:

1. Adoption of Restrictions pertaining to Annexation and Urban Service Line Changes on Unincorporated Land Outside the Urban Service Area

   Except as provided for in sections 2 or 3, until after October 31, 2008:
   
   a) There shall be no annexation of land that is, as of May 1, 2007, in the unincorporated area of the county and outside the county’s urban service area;

   b) There shall be no changes to the boundary line delineating the county’s urban service area from what is was on May 1, 2007; and

2. Restriction May be Changed by Super-Majority Vote

   Any restriction in section 1 may be overridden by a super-majority vote of all the parties to this agreement.

3. Grandfathering Clause, Legal Challenges

   This Agreement does not apply to lands for which annexation applications or petitions have been submitted before May 1, 2007, nor does it preclude any party from bringing challenges to such annexations or related comprehensive plan amendments.

4. Execution of Multiple Copies
This Agreement may be signed in multiple copies, each of which shall be deemed an original.

5. Removal from Agreement

Any party may remove itself from this Agreement by adopting a resolution of its governing body to that effect. Such resolution shall take effect no earlier than October 31, 2008; except that in the event that the county conducts a first reading of an ordinance proposing a home rule charter or the parties cease negotiating an Interlocal Service Boundary Agreement, such resolution shall take effect as provided in the resolution.

6. Effective Date

This Agreement shall become effective upon filing with the Clerk of the Circuit Court of Indian River County pursuant to Section 163.01(11) Florida Statutes.

7. Waiver of §171.203(13) Requirements

In the event the interlocal service boundary agreement process fails to result in a signed interlocal agreement among all the parties, and the parties have continued to negotiate in good faith till the expiration date set forth in this stand down agreement, all parties agree to waive the requirements of Florida Statutes §171.203(13), requiring dispute resolutions pursuant to §164.1053-164.1057.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals as of the date written below.
INDIAN RIVER COUNTY

By: ________________________________________

Sandra L. Bowden, Chairman
Board of County Commissioners

ATTEST:  J. K. Barton, Clerk

BCC approved: _____________

By: _______________________
Deputy Clerk

STATE OF FLORIDA
COUNTY OF INDIAN RIVER

Acknowledged before me this ____ day of June, 2008 by Sandra L. Bowden, Chairman of the Board of County Commissioners of Indian River County, Florida who is personally known to me.

NOTARY PUBLIC

____________________________________

SEAL:

Printed name: _______________________
Commission No.: ____________________
Commission Expiration: _____________