

AMENDMENT ONE
to
**REIMBURSEMENT AGREEMENT FOR
CAPITAL IMPROVEMENTS**

REALIZE BRADENTON – Art Walk

MANATEE COUNTY

THIS REIMBURSEMENT AGREEMENT AMENDMENT (“Amendment”), is made and entered into as of September 26, 2017, by and between Realize Bradenton, a Florida non-profit organization and Manatee County, a political subdivision of the State of Florida (hereinafter the “County”).

W I T N E S S E T H

WHEREAS, the County levies and collects a tourist development tax pursuant to Section 125.0104, *Florida Statutes* (the “Act”), and has adopted a tourist development plan that authorizes the use of proceeds of the tourist development tax for, among other things, a one-time reimbursement to Realize Bradenton to fund the costs of creating a 3-mile destination experience for visitors in the downtown Bradenton Area, (the “Project”) in an aggregate amount not to exceed one hundred thousand dollars (\$100,000); and

WHEREAS, the County and Realize Bradenton entered into a REIMBURSEMENT AGREEMENT, dated as of December 1, 2015 (the “Agreement”), to implement the use of tourist development tax proceeds for the purpose of funding the Project, subject to Realize Bradenton providing matching funds in an amount equal to such funding, as authorized in the County’s tourist development plan.

NOW, THEREFORE, the County and Realize Bradenton, in consideration of the mutual covenants hereinafter set forth, the sufficiency of which is hereby acknowledged, agree as follows:

1. AMENDMENT OF AGREEMENT. The Agreement is hereby amended as follows:

A. Amendment of Section 2. Reimbursement.

The paragraph of Section 2 of the Agreement is hereby amended to read in its entirety as follows:

The County shall reimburse Realize Bradenton for Reimbursable Costs, in an aggregate amount not to exceed one hundred thousand dollars (\$100,000) over a 3 year period terminating December 31, 2018, subject to the following provisions.

B. Amendment of Section 4. Duration and Termination.

The paragraph of Section 4 of the Agreement is hereby amended to read in its entirety as follows:

This Agreement shall remain in effect for a term of 3 years, 3 months (terminating December 31, 2018). Upon termination, Realize Bradenton shall provide a final invoice to the County, and the County shall make a final reimbursement then due to Realize Bradenton for all Reimbursable Costs incurred on or prior to the date of termination under this Agreement and not previously invoiced.

C. Replacement of Exhibit "A": Exhibit "A" to the Agreement is hereby replaced with Exhibit "A" attached hereto and incorporated herein by reference.

2. ALL OTHER PROVISIONS UNAFFECTED. All provisions of the Agreement not expressly amended hereby shall remain unaffected by this Amendment, and in full force and effect as they are set forth in the Agreement.

3. VALIDITY. Each of the County and Realize Bradenton represents and warrants to the other its respective authority to enter into this Amendment.

4. SEVERABILITY. The provisions of this Amendment are declared by the parties hereto to be severable. In the event any term or provision of this Amendment shall be held invalid by a Court of competent jurisdiction, such invalid term or provision should not affect the validity of any term or provision hereof; and all such terms and provisions hereof shall be enforceable to the fullest extent permitted by law as if such invalid term or provision had never been part of this Amendment; provided, however, if any term or provision of this Amendment is held to be invalid due to the scope or extent here thereof, then, to the extent permitted by law, such term or provision shall be automatically deemed modified in order that it may be enforced to the maximum scope and extent permitted by law.

5. EFFECTIVE DATE. This Amendment shall take effect as of the date set forth above.

WHEREFORE, the parties hereto have executed this Agreement as of the date and year first above written.

**MANATEE COUNTY, a political
subdivision of the State of Florida**

By: Board of County Commissioners

By: 
Ed Hunzeker, County Administrator

9/26/17

**REALIZE BRADENTON, a
Florida non-profit organization**

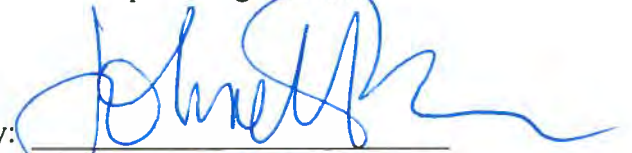
By: 
Johnette Isham, Executive Director

EXHIBIT "A"
Description of the Project

Art Walk Bradenton Project in the urban core city limits (downtown Bradenton)

Create a 3-mile cultural corridor of public art which will connect Riverwalk, Main Street, South Florida Museum, Manatee Performing Arts Hall, Art Center Manatee and the Village of the Arts.

The total project will include:

- 5 heritage postcard panels to complement the current 10 postcards located on the Riverwalk, including calls to artist and honorariums
- 3 Village of the Arts gateways, including calls to artist and honorariums
- Public art murals/panels, including calls to artist and honorariums
- Public art company services including, but not limited to, securing high quality public art for the historic postcard panels, Village of the Arts gateways, and murals/panels.
- Promotion of Art Walk.
- Signage for Art.
- Development, programming, testing and execution of a location-based, responsive website to provide an interactive tour of 42 downtown public artworks, cultural institutions, historic sites, restaurants, and shops.
- Photography, video, and historic research, content development, and professionally written text (for the responsive website)

County to reimburse Realize Bradenton in an aggregate amount of up to \$100,000 over a 3 year period (terminating December 31, 2018), subject to Realize Bradenton providing matching funds in an amount equal to such funding.

September 26, 2017 - Regular Meeting
Agenda Item #15

Approved in Open Session 9/26/17,
Manatee County
Board of County Commissioners

Subject

Amendment One to Reimbursement Agreement with Realize Bradenton for the Art Walk Project

Briefings

None

Contact and/or Presenter Information

Presenter: Elliott Falcione, CVB Exec. Director, x3940

Contact: Monica Luff, CVB Sr. Admin. Spec., x3944

Action Requested

Approval and authorization for the County Administrator to execute Amendment One to Reimbursement Agreement with Realize Bradenton.

Enabling/Regulating Authority

Code of Laws 2-29-25 Tourist Development Plan

F.S.S. 125.0104 Authorized uses of Resort Tax Funds

Background Discussion

- The County and Realize Bradenton entered into a 2 year Reimbursement Agreement on December 1, 2015, to fund the costs of creating a 3-mile destination experience (Art Walk) in the downtown Bradenton Area.
- Realize Bradenton wasn't able to complete the project in the 2 year timeframe, so we are asking to extend the agreement by 1 year, 3 months to December 31, 2018. All other provisions of the agreement are unaffected.
- The aggregate amount of the reimbursement is up to \$100,000 subject to Realize Bradenton providing matching funds in an amount equal to such funding. Amount remaining of the \$100,000 subject to reimbursement is \$32,065.
- This amendment does not change the amount of the reimbursement.
- All funds involved with this reimbursement are tourism taxes; NOT general funds.

County Attorney Review

Not Reviewed (Utilizes exact document or procedure approved within the last 18 months)

Explanation of Other

Reviewing Attorney

N/A

Manatee County Government Administrative Center
Commission Chambers, First Floor
9:00 a.m. - September 26, 2017

Instructions to Board Records

Send one executed original agreement to Monica Luff, CVB.

Copy of approved agenda memo to Monica Luff, CVB monica.luff@mymanatee.org

Distributed 9/28/17, RT

Cost and Funds Source Account Number and Name

1030002400 Other Civic Enterprises - CVB

Amount and Frequency of Recurring Costs

up to \$100,000; one time expenditure

Attachment: [Realize Brad Agreement Amend 1.pdf](#)