

SECOND AMENDMENT
TO AGREEMENT BETWEEN THE
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
AND
MANATEE COUNTY
FOR
PROVIDE ACCESS TO NEAR REAL-TIME DISTRICT DATA COLLECTION

This SECOND AMENDMENT effective upon execution by both parties by and between the SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT, a public corporation of the State of Florida, whose address is 2379 Broad Street, Brooksville, Florida 34604-6899, hereinafter referred to as the "DISTRICT," and MANATEE COUNTY, a political subdivision of the State of Florida, whose address is 1112 Manatee Avenue West, Bradenton, Florida 34205, hereinafter referred to as the "COUNTY."

WITNESSETH:

WHEREAS, the DISTRICT and the COUNTY entered into an agreement effective December 15, 2015 (Agreement No. 15MA0000001), as amended June 1, 2016, hereinafter referred to as the "Existing Agreement" to provide access to near real-time District data collection; and

WHEREAS, the parties hereto wish to amend the Existing Agreement to correct the effective date of the First Amendment, add eight (8) additional surface water and rainfall monitoring sites, add one (1) rain gauge at the Manatee County Public Works Department Office, and modify contract language.

NOW THEREFORE, in consideration of the mutual terms, covenants and conditions contained herein, the parties hereby mutually agree to amend the Existing Agreement as follows:

1. The effective date of the First Amendment is hereby changed from June 1, 2015 to June 1, 2016.
2. Paragraph 2, Specific Project Related Provisions, is hereby amended to replace the first paragraph in its entirety with the following:
 2. SPECIFIC PROJECT-RELATED PROVISIONS. The District shall collect near real-time data from seventeen surface water and rainfall monitoring sites and one rain gauge and make them available to the COUNTY.
3. Subparagraph 2.8, Specific Project Related Provisions, is hereby replaced in its entirety with the following:
 - 2.8 The DISTRICT has established permanent elevation benchmarks at each of the following eight (8) data collection sites: Gamble Creek at Mulholland Road, Frog Creek at I-75 (Buffalo Road), Braden River at River Club Boulevard, Cypress Strand at Kay Road Northeast, Government Hammock at North River Village, Palma Sola Drain at 75th Street West, Pearce Drain at 63rd Avenue East, and Wares Creek at

DeSoto Square Mall; and surveyed them to establish elevations relative to the North American Vertical Datum of 1988 (NAVD88). The DISTRICT will determine the measured elevation shift between the existing National Geodetic Vertical Datum of 1929 (NGVD29) elevations and the surveyed NAVD88 elevation, and adjust historical data to NAVD88. The DISTRICT will then adjust the existing staff gauges so that they will be direct-reading for NAVD88 elevations. Water level elevation data will be provided relative to the NAVD88 datum.

4. Paragraph 2, Specific Project Related Provisions, is hereby amended to add Subparagraphs 2.9 and 2.10 as follows:
 - 2.9 The COUNTY shall establish two (2) permanent elevation benchmarks within 50 feet of the Mill Creek at 131st Street data collection site, and deliver a certified survey report publishing elevation relative to the North American Vertical Datum of 1988 (NAVD88), and will install a direct reading USGS Style A staff gauge, calibrated to the NAVD88 datum within the channel of Mill Creek. Water level elevation data will be provided relative to the NAVD88 datum. Copies of the signed and sealed survey for the benchmarks and staff gauge will be provided to the DISTRICT Project Manager.
 - 2.10 The COUNTY shall establish two (2) permanent elevation benchmarks within 50 feet of each of the following eight (8) sites: Bowlees Creek at 63rd Avenue, Warners Bayou at Riverview Boulevard, Sugarhouse/Glenn Creek at 27th Street East, Wares Creek at 12th Avenue West, McMullen Creek at 28th Avenue East, Bowlees Creek at 44th Avenue East, Gap Creek at 45th Street East, and Slaughter Drain at Erie Road surface water monitoring sites; deliver a certified survey report publishing elevation relative to the North American Vertical Datum of 1988 (NAVD88); and will install a direct reading USGS Style A staff gauge calibrated to the NAVD88 datum within the identified channels. Water level elevation data will be provided relative to the NAVD88 datum. Copies of the signed and sealed survey for the benchmarks and staff gauge will be provided to the DISTRICT Project Manager.
5. Paragraph 5, Access, is hereby amended to replace the first paragraph in its entirety with the following:
 5. ACCESS. The COUNTY hereby grants permission to the DISTRICT and any of its agents, contractors, employees, or any other individual that is performing any of the DISTRICT's obligations under this Agreement, to enter upon the COUNTY'S real property to access the eighteen stations identified in Attachment "A".
6. Attachment "A," Property Locations, is hereby replaced in its entirety with Attachment "A" attached hereto.
7. The terms, covenants and conditions set forth in the Existing Agreement that have not been specifically amended herein, will continue in existence, are hereby ratified, approved and confirmed, and will remain binding upon the parties hereto.

The remainder of this page intentionally left blank.

IN WITNESS WHEREOF, the parties hereto, or their lawful representatives, have executed this SECOND AMENDMENT on the day and year set forth next to their signatures below.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

By: *Roberta Starks* 10/12/17
Roberta Starks Date
Data Collection Bureau Chief

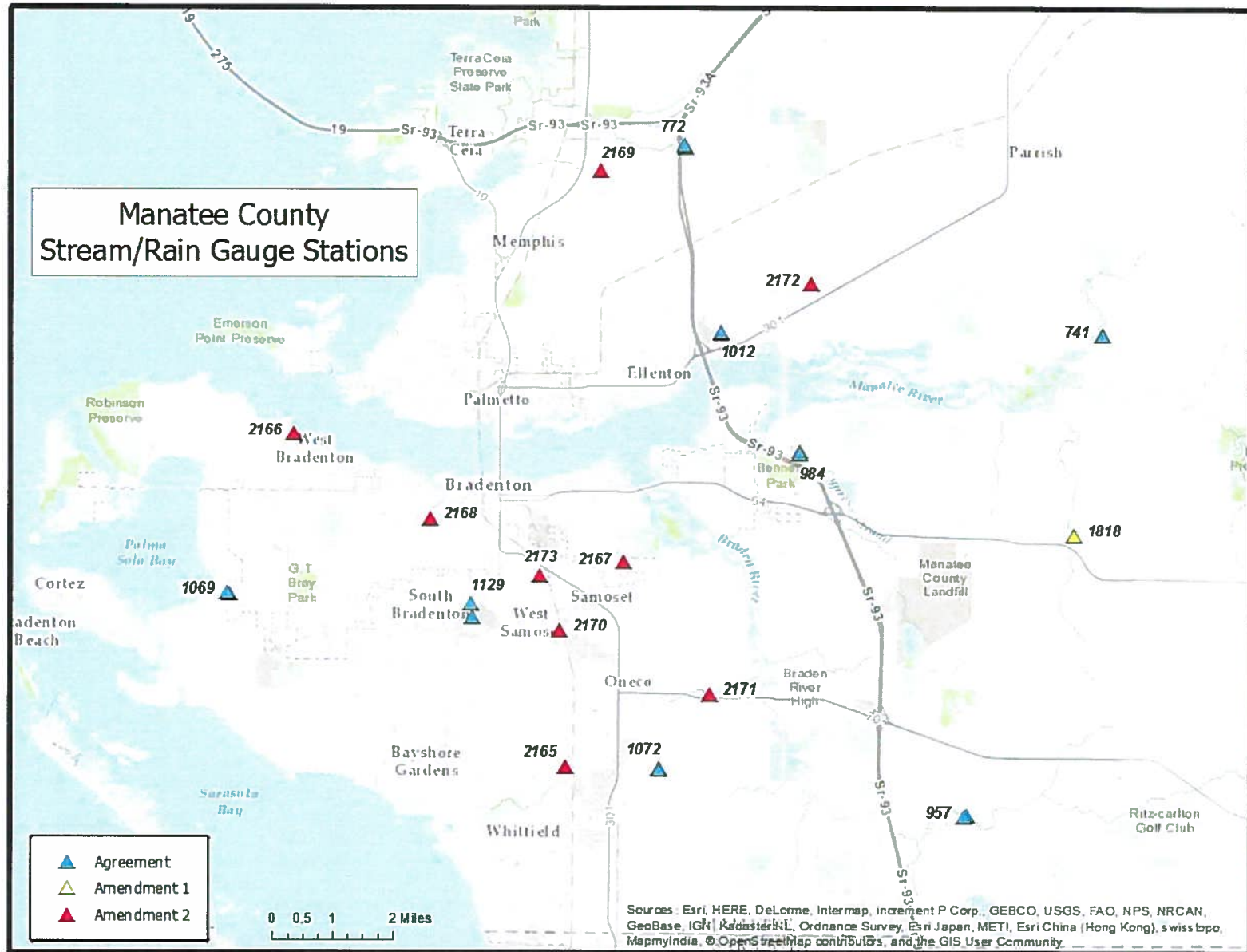
MANATEE COUNTY

By: *Ed Hunzeker* 9/26/17
Ed Hunzeker Date
County Administrator

SECOND AMENDMENT
TO AGREEMENT BETWEEN THE
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
AND
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TO
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DISTRICT APPROVAL	INITIALS	DATE
LEGAL	<u><i>EL</i></u>	<u>8-14-17</u>
RISK MGMT	<u>N/A</u>	<u>N/A</u>
CONTRACTS	<u><i>CS for GH</i></u>	<u><i>CS for GH</i></u>
BUREAU CHIEF	<u><i>RS</i></u>	<u>8-18-17</u>
DIRECTOR	<u>—</u>	<u>—</u>
GOVERNING BOARD	<u>—</u>	<u>—</u>

ATTACHMENT "A" PROPERTY LOCATIONS



Station (Map) ID	Site Name	Stage Site ID	Rainfall Site ID
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772	FROG CREEK AT I-75 (BUFFALO ROAD)	26254	26255
957	BRADEN RIVER AT RIVER CLUB BOULEVARD	26251	26250
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2166	WARNERS BAYOU AT RIVERVIEW BOULEVARD	890044	890045
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2172	SLAUGHTER DRAIN AT ERIE ROAD	890056	890057
2173	MANATEE COUNTY PUBLIC WORKS	---	890058

The remainder of this page intentionally left blank.



An Equal Opportunity Employer

Southwest Florida Water Management District

2379 Broad Street, Brooksville, Florida 34604-6899

(352) 796-7211 or 1-800-423-1476 (FL only)

WaterMatters.org

Bartow Office
170 Century Boulevard
Bartow, Florida 33830-7700
(863) 534-1448 or
1-800-492-7862 (FL only)

Sarasota Office
6750 Fruitville Road
Sarasota, Florida 34240-9711
(941) 377-3722 or
1-800-320-3503 (FL only)

Tampa Office
7601 U.S. 301 North (Fort King Highway)
Tampa, Florida 33637-6759
(813) 985-7481 or
1-800-836-0797 (FL only)

Randall S. Maggard
Chair, Pasco

Jeffrey M. Adams
Vice Chair, Pinellas

Bryan K. Beswick
Secretary, DeSoto, Hardee,
Highlands

Ed Armstrong
Treasurer, Pinellas

H. Paul Senft, Jr.
Former Chair, Polk

Michael A. Babb
Former Chair, Hillsborough

John Henslick
Manatee

James G. Murphy
Polk

Kelly S. Rice
Citrus, Lake, Levy, Sumter

Joel Schleicher
Charlotte, Sarasota

Rebecca Smith
Hillsborough, Pinellas

Mark Taylor
Hernando, Marion

Michelle Williamson
Hillsborough

Brian J. Armstrong, P.G.
Executive Director

October 13, 2017

Mr. Kenneth Kohn, P.E.
Manatee County Public Works Department
Stormwater Management Division
1022 26th Avenue East
Bradenton, FL 34208

Subject: Cooperative Agreement-Provide Access to Near Real Time District
Data Collection, Amendment No. 002-Agreement No. 15MA0000001

Dear Mr. Kohn:

Enclosed is an executed original of the above-referenced agreement between the Southwest Florida Water Management District and Manatee County for your records.

If you have any questions, please contact me at extension 4284 at the Brooksville office.

Sincerely,

Granville Kinsman
Granville Kinsman, P.G.
Manager
Hydrologic Data Section
Data Collection Bureau

GK/lc
Enclosures (1)

RECEIVED

OCT 16 2017

PUBLIC WORKS
ENGINEERING DIVISION

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

September 26, 2017 - Regular Meeting
Agenda Item #27

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

Subject

Second Amendment to Cooperative Agreement with Southwest Florida Water Management District to Provide Access to Near Real-Time District Data Collection

Briefings

None

Contact and/or Presenter Information

Sia Mollanazar, P.E., Deputy Director - Engineering Services, Public Works Dept., Ext. 7487.

Action Requested

Authorization for the County Administrator to execute the "Second Amendment to Agreement Between the Southwest Florida Water Management District and Manatee County to Provide Access to Near Real-Time District Data Collection" to add eight (8) additional surface water and rainfall monitoring sites, add one (1) rain gauge at the Manatee County Public Works Department office, and modify contract language.

Enabling/Regulating Authority

F.S. Chapter 125, County Government

Background Discussion

Southwest Florida Water Management District (SWFWMD) has agreed to amend the Cooperative Agreement with Manatee County a second time. This amendment is to add eight (8) additional surface water and rainfall monitoring sites, add one (1) rain gauge at the Manatee County Public Works Department office, 1022 26th Avenue East, Bradenton, FL 34208, and modify contract language for standardizing reporting data and site access.

The original agreement (attached) was executed on December 15, 2015. The first amendment was executed on February 7, 2017. The new monitoring sites, additional rain gauge, and the establishment of permanent elevation benchmarks for various reporting sites will be critical in the assessment of flooding and also utilized for a wide range of engineering and operational purposes. Attached please find a copy of the Second Amendment to the Cooperative Agreement.

County Attorney Review

Formal Written Review (Opinion memo must be attached)

Explanation of Other

Reviewing Attorney

Zamboni

Instructions to Board Records

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

Please return two (2) executed agreements to Thomas Gerstenberger, P.E., Stormwater Engineering Division Manager, Public Works Department, for transmission to Southwest Florida Water Management District (SWFWMD). Once the agreement has been executed by SWFWMD, an original will be forwarded to Board Records for retention. **Distributed 9/28/17, RT**

Cost and Funds Source Account Number and Name
460-0010700/Stormwater Engineering

Amount and Frequency of Recurring Costs
\$0

Attachment: [Amendment No 2 Agreement No 15MA0000001 \(2\).pdf](#)

Attachment: [Response Memorandum to CAO Matter No. 2017-340 08032017.pdf](#)

Attachment: [Executed SWFWMD - Cooperative Agreement to Provide Access to Near Real-Time District Data Collection - Original Agreement 12152015.pdf](#)

Attachment: [Executed SWFWMD - Cooperative Agreement to Provide Near Real-Time District Data Collection - First Amendment - 02242017.pdf](#)



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Hillsborough, Pinellas

Mark Taylor
Hernando, Marion

Michelle Williamson
Hillsborough

Vacant
Polk

Brian J. Armstrong, P.G.
Executive Director

August 18, 2017

Mr. Kenneth Kohn, P.E.
Manatee County Public Works Department
Stormwater Management Division
1022 26th Avenue East
Bradenton, FL 34208

Subject: Cooperative Agreement-Provide Access to Near Real Time District
Data Collection, Amendment No. 002-Agreement No. 15MA0000001

Dear Mr. Kohn:

Enclosed are two originals of the above-referenced agreement between the Southwest Florida Water Management District and Manatee County. Please have both originals signed, dated and return the executed originals to my attention.

If you have any questions, please contact me at extension 4284 at the Brooksville office.

Sincerely,

Granville Kinsman, P.G.
Manager
Hydrologic Data Section
Data Collection Bureau

GK/lc
Enclosures (2)

Station (Map) ID	Site Name	Stage Site ID	Rainfall Site ID
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2173	MANATEE COUNTY PUBLIC WORKS	---	890058

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WITNESSETH:

WHEREAS, the DISTRICT and the COUNTY entered into an agreement effective December 15, 2015 (Agreement No. 15MA0000001), as amended June 1, 2016, hereinafter referred to as the "Existing Agreement" to provide access to near real-time District data collection; and

WHEREAS, the parties hereto wish to amend the Existing Agreement to correct the effective date of the First Amendment, add eight (8) additional surface water and rainfall monitoring sites, add one (1) rain gauge at the Manatee County Public Works Department Office, and modify contract language.

NOW THEREFORE, in consideration of the mutual terms, covenants and conditions contained herein, the parties hereby mutually agree to amend the Existing Agreement as follows:

1. The effective date of the First Amendment is hereby changed from June 1, 2015 to June 1, 2016.
2. Paragraph 2, Specific Project Related Provisions, is hereby amended to replace the first paragraph in its entirety with the following:
 2. SPECIFIC PROJECT-RELATED PROVISIONS. The District shall collect near real-time data from seventeen surface water and rainfall monitoring sites and one rain gauge and make them available to the COUNTY.
3. Subparagraph 2.8, Specific Project Related Provisions, is hereby replaced in its entirety with the following:
 - 2.8 The DISTRICT has established permanent elevation benchmarks at each of the following eight (8) data collection sites: Gamble Creek at Mulholland Road, Frog Creek at I-75 (Buffalo Road), Braden River at River Club Boulevard, Cypress Strand at Kay Road Northeast, Government Hammock at North River Village, Palma Sola Drain at 75th Street West, Pearce Drain at 63rd Avenue East, and Wares Creek at

DeSoto Square Mall; and surveyed them to establish elevations relative to the North American Vertical Datum of 1988 (NAVD88). The DISTRICT will determine the measured elevation shift between the existing National Geodetic Vertical Datum of 1929 (NGVD29) elevations and the surveyed NAVD88 elevation, and adjust historical data to NAVD88. The DISTRICT will then adjust the existing staff gauges so that they will be direct-reading for NAVD88 elevations. Water level elevation data will be provided relative to the NAVD88 datum.

4. Paragraph 2, Specific Project Related Provisions, is hereby amended to add Subparagraphs 2.9 and 2.10 as follows:

- 2.9 The COUNTY shall establish two (2) permanent elevation benchmarks within 50 feet of the Mill Creek at 131st Street data collection site, and deliver a certified survey report publishing elevation relative to the North American Vertical Datum of 1988 (NAVD88), and will install a direct reading USGS Style A staff gauge, calibrated to the NAVD88 datum within the channel of Mill Creek. Water level elevation data will be provided relative to the NAVD88 datum. Copies of the signed and sealed survey for the benchmarks and staff gauge will be provided to the DISTRICT Project Manager.

- 2.10 The COUNTY shall establish two (2) permanent elevation benchmarks within 50 feet of each of the following eight (8) sites: Bowlees Creek at 63rd Avenue, Warners Bayou at Riverview Boulevard, Sugarhouse/Glenn Creek at 27th Street East, Wares Creek at 12th Avenue West, McMullen Creek at 28th Avenue East, Bowlees Creek at 44th Avenue East, Gap Creek at 45th Street East, and Slaughter Drain at Erie Road surface water monitoring sites; deliver a certified survey report publishing elevation relative to the North American Vertical Datum of 1988 (NAVD88); and will install a direct reading USGS Style A staff gauge calibrated to the NAVD88 datum within the identified channels. Water level elevation data will be provided relative to the NAVD88 datum. Copies of the signed and sealed survey for the benchmarks and staff gauge will be provided to the DISTRICT Project Manager.

5. Paragraph 5, Access, is hereby amended to replace the first paragraph in its entirety with the following:

5. ACCESS. The COUNTY hereby grants permission to the DISTRICT and any of its agents, contractors, employees, or any other individual that is performing any of the DISTRICT's obligations under this Agreement, to enter upon the COUNTY'S real property to access the eighteen stations identified in Attachment "A".

6. Attachment "A," Property Locations, is hereby replaced in its entirety with Attachment "A" attached hereto.

7. The terms, covenants and conditions set forth in the Existing Agreement that have not been specifically amended herein, will continue in existence, are hereby ratified, approved and confirmed, and will remain binding upon the parties hereto.

The remainder of this page intentionally left blank.

IN WITNESS WHEREOF, the parties hereto, or their lawful representatives, have executed this SECOND AMENDMENT on the day and year set forth next to their signatures below.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

By: _____
 Roberta Starks Date
 Data Collection Bureau Chief

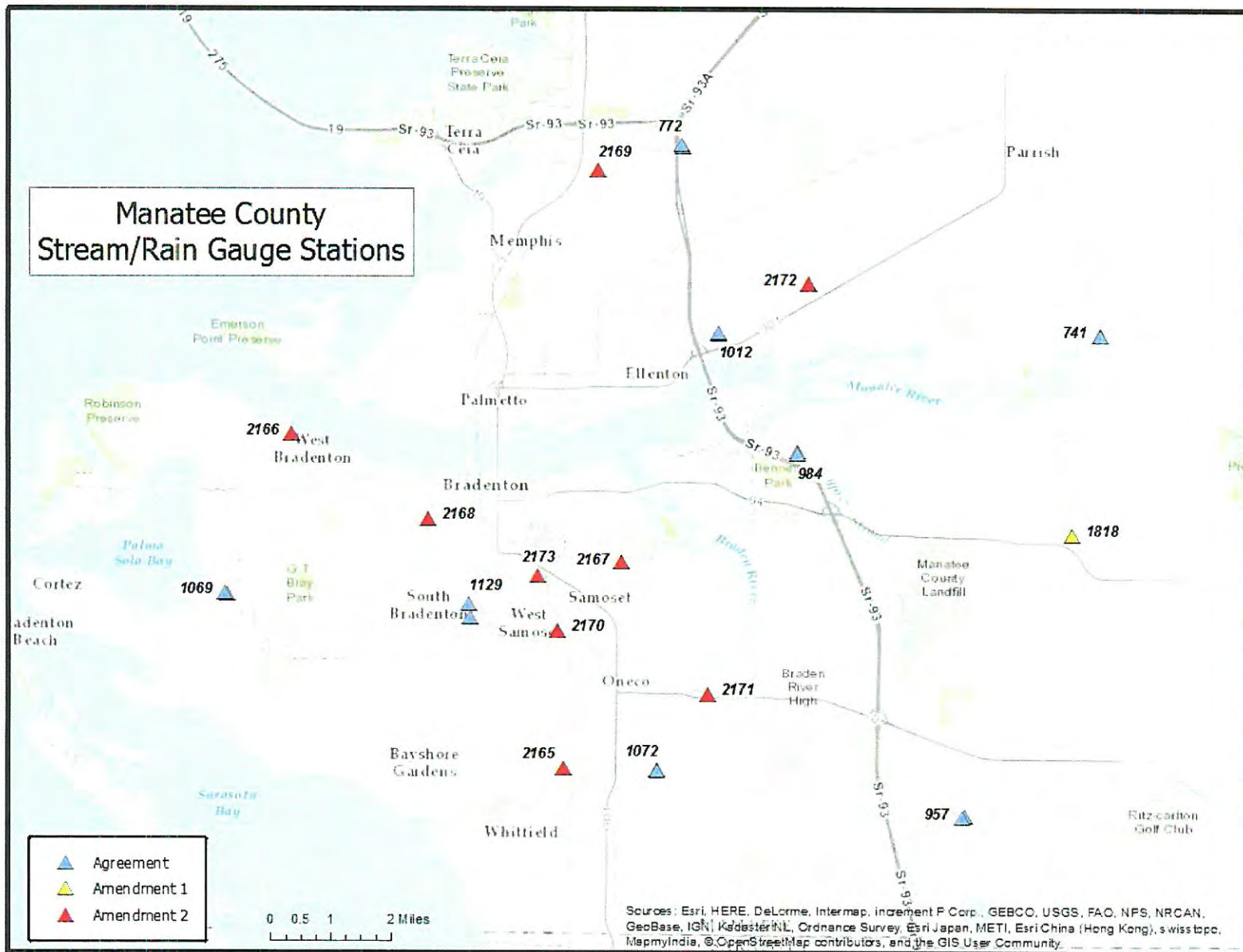
MANATEE COUNTY

By: _____
 Ed Hunzeker Date
 County Administrator

SECOND AMENDMENT
 TO AGREEMENT BETWEEN THE
 SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
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 TO
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DISTRICT APPROVAL	INITIALS	DATE
LEGAL	<u>SL</u>	<u>8-14-17</u>
RISK MGMT	<u>N/A</u>	<u>N/A</u>
CONTRACTS	<u>CD for GH</u>	<u>CD for GH</u>
BUREAU CHIEF	<u>RS</u>	<u>8-18-17</u>
DIRECTOR	_____	_____
GOVERNING BOARD	_____	_____

ATTACHMENT "A" PROPERTY LOCATIONS



Station (Map) ID	Site Name	Stage Site ID	Rainfall Site ID
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2173	MANATEE COUNTY PUBLIC WORKS	---	890058

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OFFICE OF THE COUNTY ATTORNEY

MITCHELL O. PALMER, COUNTY ATTORNEY*
William E. Clague, Assistant County Attorney
Sarah A. Schenk, Assistant County Attorney**
Christopher M. De Carlo, Assistant County Attorney
Geoffrey K. Nichols, Assistant County Attorney
Pamela J. D'Agostino, Assistant County Attorney
Anne M. Morris, Assistant County Attorney
Katharine M. Zamboni, Assistant County Attorney
Alexandria Nicodemi, Assistant County Attorney

MEMORANDUM

DATE: August 3, 2017

TO: Sia Mollananzar, P.E., Deputy Director – Engineering Services, Public Works Department

THROUGH: Mitchell O. Palmer, County Attorney *MOP 8-4-17*

FROM: Katharine M. Zamboni, Assistant County Attorney *KMZ*

RE: **Second Amendment to Cooperative Agreement to Provide Access to Near Real-Time District Data Collection; CAO Matter No. 2017-340**

You requested legal review of a Second Amendment to the Cooperative Agreement between Manatee County and the Southwest Florida Water Management District (SWFWMD) to Provide Access to Near Real-Time District Data Collection.

I have reviewed the original amendment proposed by SWFWMD, as well as the revised amendment provided on August 3, 2017. I find the revised amendment enclosed with this memorandum to be legally sufficient.

I trust this response adequately addresses your question. Should you have any further questions or require any further assistance, please do not hesitate to contact this Office.

KMZ

Enclosure

Copies to: Ed Hunzeker, County Administrator
Dan Schlandt, Deputy County Administrator
John Osborne, Acting Deputy County Administrator
Cheri Coryea, Acting Deputy County Administrator
Ron Schulhofer, Director, Public Works Department

* Board Certified in Construction Law

** Board Certified in City, County, & Local Government Law

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4. Paragraph 2, Specific Project Related Provisions, is hereby amended to add Subparagraphs 2.9 and 2.10 as follows:
 - 2.9 The COUNTY shall establish two (2) permanent elevation benchmarks within 50 feet of the Mill Creek at 131st Street data collection site, and deliver a certified survey report publishing elevation relative to the North American Vertical Datum of 1988 (NAVD88), and will install a direct reading USGS Style A staff gauge, calibrated to the NAVD88 datum within the channel of Mill Creek. Water level elevation data will be provided relative to the NAVD88 datum. Copies of the signed and sealed survey for the benchmarks and staff gauge will be provided to the DISTRICT Project Manager.
 - 2.10 The COUNTY shall establish two (2) permanent elevation benchmarks within 50 feet of each of the following eight (8) sites: Bowlees Creek at 63rd Avenue, Warners Bayou at Riverview Boulevard, Sugarhouse/Glenn Creek at 27th Street East, Wares Creek at 12th Avenue West, McMullen Creek at 28th Avenue East, Bowlees Creek at 44th Avenue East, Gap Creek at 45th Street East, and Slaughter Drain at Erie Road surface water monitoring sites; deliver a certified survey report publishing elevation relative to the North American Vertical Datum of 1988 (NAVD88); and will install a direct reading USGS Style A staff gauge calibrated to the NAVD88 datum within the identified channels. Water level elevation data will be provided relative to the NAVD88 datum. Copies of the signed and sealed survey for the benchmarks and staff gauge will be provided to the DISTRICT Project Manager.
5. Paragraph 5, Access, is hereby amended to replace the first paragraph in its entirety with the following:
 5. ACCESS. The COUNTY hereby grants permission to the DISTRICT and any of its agents, contractors, employees, or any other individual that is performing any of the DISTRICT's obligations under this Agreement, to enter upon the COUNTY'S real property to access the eighteen stations identified in Attachment "A".
6. Attachment "A," Property Locations, is hereby replaced in its entirety with Attachment "A" attached hereto.
7. The terms, covenants and conditions set forth in the Existing Agreement that have not been specifically amended herein, will continue in existence, are hereby ratified, approved and confirmed, and will remain binding upon the parties hereto.

The remainder of this page intentionally left blank.

IN WITNESS WHEREOF, the parties hereto, or their lawful representatives, have executed this SECOND AMENDMENT on the day and year set forth next to their signatures below.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

By: _____
Roberta Starks Date
Data Collection Bureau Chief

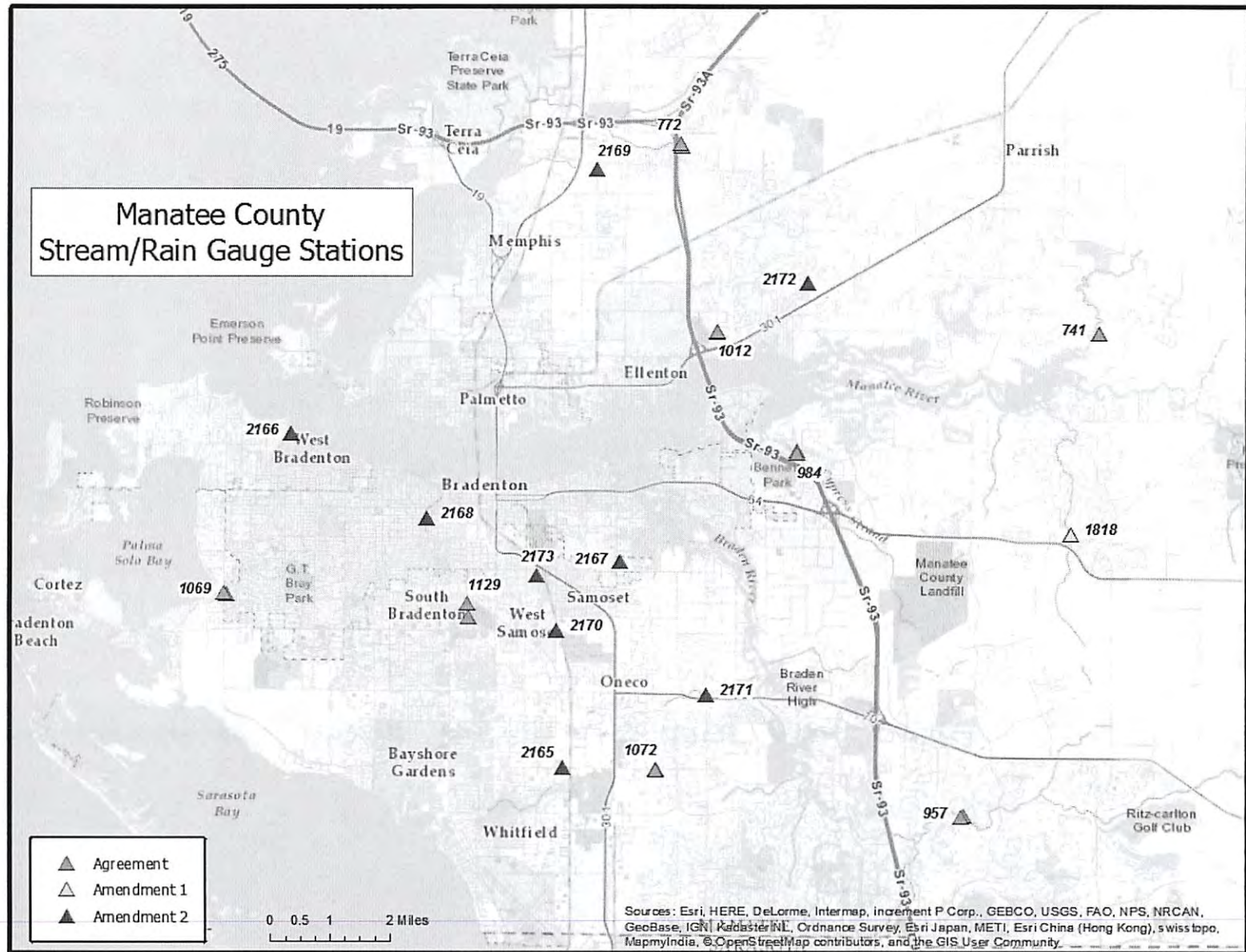
MANATEE COUNTY

By: _____
Ed Hunzeker Date
County Administrator

SECOND AMENDMENT
TO AGREEMENT BETWEEN THE
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
AND
MANATEE COUNTY
TO
PROVIDE ACCESS TO NEAR REAL-TIME DISTRICT DATA COLLECTION

DISTRICT APPROVAL	INITIALS	DATE
LEGAL	_____	_____
RISK MGMT	_____	_____
CONTRACTS	_____	_____
BUREAU CHIEF	_____	_____
DIRECTOR	_____	_____
GOVERNING BOARD	_____	_____

ATTACHMENT "A" PROPERTY LOCATIONS



Station (Map) ID	Site Name	Stage Site ID	Rainfall Site ID
741	GAMBLE CREEK AT MULHOLLAND ROAD	25767	25768
772	FROG CREEK AT I-75 (BUFFALO ROAD)	26254	26255
957	BRADEN RIVER AT RIVER CLUB BOULEVARD	26251	26250
984	CYPRESS STRAND AT KAY ROAD NORTHEAST	25769	25770
1012	GOVERNMENT HAMMOCK AT NORTH RIVER VILLAGE	26205	25771
1069	PALMA SOLA DRAIN AT 75th STREET WEST	26206	26238
1072	PEARCE DRAIN AT 63rd AVENUE EAST	26253	26252
1129	WARES CREEK AT DESOTO SQUARE MALL	26208	26207
1818	MILL CREEK AT 131st STREET	869132	869133
2165	BOWLEES CREEK AT 63rd AVENUE	890042	890043
2166	WARNERS BAYOU AT RIVERVIEW BOULEVARD	890044	890045
2167	SUGARHOUSE/GLENN CREEKS AT 27th STREET EAST	890046	890047
2168	WARES CREEK AT 12th AVENUE WEST	890048	890049
2169	McMULLEN CREEK AT 28th AVENUE EAST	890050	890051
2170	BOWLEES CREEK AT 44th AVENUE EAST	890052	890053
2171	GAP CREEK AT 45th STREET EAST	890054	890055
2172	SLAUGHTER DRAIN AT ERIE ROAD	890056	890057
2173	MANATEE COUNTY PUBLIC WORKS	---	890058

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Southwest Florida Water Management District

2379 Broad Street, Brooksville, Florida 34604-6899
(352) 796-7211 or 1-800-423-1476 (FL only)
WaterMatters.org

Bartow Service Office
170 Century Boulevard
Bartow, Florida 33830-7700
(863) 534-1448 or
1-800-492-7862 (FL only)

Sarasota Service Office
6750 Fruitville Road
Sarasota, Florida 34240-9711
(941) 377-3722 or
1-800-320-3503 (FL only)

Tampa Service Office
7601 U.S. 301 North (Fort King Highway)
Tampa, Florida 33637-6759
(813) 985-7481 or
1-800-836-0797 (FL only)

Michael A. Babb
Chair, Hillsborough

Randall S. Maggard
Vice Chair, Pasco

Jeffrey M. Adams
Secretary, Pinellas

David W. Dunbar
Treasurer, Hillsborough, Pinellas

H. Paul Senft, Jr.
Former Chair, Polk

Ed Armstrong
Pinellas

Bryan K. Beswick
DeSoto, Hardee, Highlands

Thomas E. Bronson
Hernando, Marion

Wendy Griffin
Hillsborough

John Henslick
Manatee

George W. Mann
Polk

Michael A. Moran
Charlotte, Sarasota

Kelly S. Rice
Citrus, Lake, Levy, Sumter

Robert R. Beltran, P.E.
Executive Director

December 16, 2015

Mr. Kenneth Kohn
Manatee County Public Works
1022 26th Avenue East
Bradenton, Florida 34208

Subject: Cooperative Agreement with Manatee County
SWFWMD Agreement No. 15MA0000001

Dear Mr. Kohn:

Enclosed is one fully executed original of the agreement between the Southwest Florida Water Management District and Manatee County Public Works for the subject project. Please accept this letter as your written notice to proceed, effective December 15th 2015.

If you have any questions, please contact me at extension 4284 at the Brooksville office. I look forward to working with you on this project.

Sincerely,

Granville Kinsman, P. G.
Manager, Hydrologic Data Section
Data Collection Bureau

GK/rgf
Enclosures (2)

COOPERATIVE AGREEMENT
BETWEEN THE
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
AND
MANATEE COUNTY
TO

PROVIDE ACCESS TO NEAR REAL-TIME DISTRICT DATA COLLECTION

THIS COOPERATIVE AGREEMENT is made and entered into by and between the SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT, a public corporation of the State of Florida, whose address is 2379 Broad Street, Brooksville, Florida 34604-6899, hereinafter referred to as the "DISTRICT," and MANATEE COUNTY, a political subdivision of the State of Florida, whose address is 1112 Manatee Avenue West, Bradenton, Florida 34205, hereinafter referred to as the "COUNTY."

WITNESSETH:

WHEREAS, the DISTRICT and the COUNTY entered into an agreement effective February 10, 2000 ("Original Agreement") that allowed the COUNTY to electronically access certain data in near real-time which are of value to the COUNTY at no cost to the COUNTY, hereinafter the "PROJECT"; and

WHEREAS, the DISTRICT and the COUNTY wish to terminate the Original Agreement and replace it with this Agreement to include provisions that reflect current technology requirements.

NOW, THEREFORE, the DISTRICT and the COUNTY, in consideration of the mutual terms, covenants and conditions set forth herein, hereby mutually agree as follows:

1. PROJECT MANAGER AND NOTICES. Each party hereby designates the employee set forth below as its respective Project Manager. Project Managers shall assist with PROJECT coordination and shall be the party's prime contact person. Notices or reports shall be sent to the attention of the parties' Project Manager by U.S. mail, postage paid, to the parties' addresses as set forth below:

Project Manager for the DISTRICT:
Granville Kinsman, P. G.
Southwest Florida Water Management District
2379 Broad Street
Brooksville, Florida 34609

Project Manager for the COUNTY:
Kenneth Kohn
Manatee County Public Works
1022 26th Avenue East
Bradenton, Florida 34208

2. SPECIFIC PROJECT-RELATED PROVISIONS. The DISTRICT shall collect near real-time data from eight surface water and rainfall monitoring sites and make them available to the COUNTY.

- 2.1 The DISTRICT shall acquire data from the COUNTY'S sites using cellular IP telemetry. The DISTRICT will bear the costs for data transmission from these sites.
- 2.2 The COUNTY agrees to consider all data collected from the DISTRICT'S SCADA system as provisional data, subject to verification and change by the DISTRICT.
- 2.3 The DISTRICT shall not be liable for missing data due to malfunctions or system failures.
- 2.4 The DISTRICT shall not be liable for the accuracy, availability or interpretation of any data received by the COUNTY from the near real time data collection sites.
- 2.5 The COUNTY shall purchase and install the equipment and materials necessary to instrument the telemetry sites to DISTRICT standards. The COUNTY shall only purchase equipment set forth by the DISTRICT specifications. Programming and configuration of equipment will conform to DISTRICT standards. No substitutions will be allowed without written approval of the DISTRICT. The COUNTY shall maintain ownership of the equipment it has purchased.
- 2.6 The DISTRICT will be responsible for calibration and preventive maintenance of the COUNTY'S equipment at sites that have been set-up to work with the DISTRICT SCADA system. The DISTRICT will conduct monthly data verification visits to ensure data are being accurately measured, and identify any problems that need to be addressed. The DISTRICT will notify the COUNTY if data or equipment problems are detected.
- 2.7 The COUNTY will be responsible for repairing and replacing all components required to maintain station operability.
- 2.8 The DISTRICT has established permanent elevation benchmarks at each of the eight data collection sites, and surveyed them to establish elevations relative to the North American Vertical Datum of 1988 (NAVD88). The DISTRICT will determine the measured elevation shift between the existing National Geodetic Vertical Datum of 1929 (NGVD29) elevations and the surveyed NAVD88 elevation, and adjust historical data to NAVD88. The DISTRICT will then adjust the existing staff gauges so that they will be direct-reading for NAVD88 elevations. Water level elevation data will be provided relative to the NAVD88 datum.
3. CONTRACT PERIOD. This Agreement shall be effective upon execution by both parties and shall remain in effect until terminated by either party in accordance with Paragraph 6, TERMINATION of this Agreement. Upon execution of this Agreement by both parties, the Original Agreement shall terminate.
4. CONTINGENCY. Both parties' performance obligations under this Agreement are contingent upon their respective Board's appropriation of funds in each fiscal year of this Agreement.
5. ACCESS. The COUNTY hereby grants permission to the DISTRICT and any of its agents, contractors, employees, or any other individual that is performing any of the DISTRICT'S

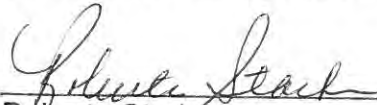
obligations under this Agreement, to enter upon the COUNTY'S real property to access the eight stations identified in Attachment "A".

6. LIABILITY. Each party hereto agrees to indemnify and hold the other harmless, to the extent allowed under Section 768.28, F.S., from all claims loss, damage and expense, including attorneys' fees and costs, and attorneys' fees and costs on appeal, arising from the negligent acts or omissions of the indemnifying party's officers, employees, contractors and agents related to its performance under this Agreement. This provision shall survive the expiration or termination of this Agreement.
7. PROJECT RECORDS AND DOCUMENTS. The COUNTY recognizes and agrees that the DISTRICT is subject to the Public Records provisions of Chapter 119, Florida Statutes, and that all documents, papers, letters and other materials made or received by the COUNTY in conjunction with the PROJECT are subject to said provisions.
8. DISTRICT RECOGNITION. The COUNTY shall recognize the DISTRICT'S participation in any reports, models, or other documents intended for public distribution resulting from this Agreement. At a minimum such acknowledgment shall indicate that the data was obtained from the SCADA system which is maintained by the Southwest Florida Water Management District.
9. TERMINATION. This Agreement may be terminated by either party without cause upon fifteen (15) days written notice to the other party. Termination shall be effective upon the fifteenth (15th) day after the non-terminating party's receipt of said notice.
10. ASSIGNMENT. The COUNTY may not assign or transfer its rights or obligations under this Agreement, including any operation or maintenance duties related to the PROJECT, without prior written consent of the DISTRICT.
11. THIRD PARTY BENEFICIARIES. Nothing in this Agreement shall be construed to benefit any person or entity not a party to this Agreement.
12. MODIFICATIONS. This Agreement constitutes the entire agreement between the parties and may be amended only in writing, signed by all parties to this Agreement.

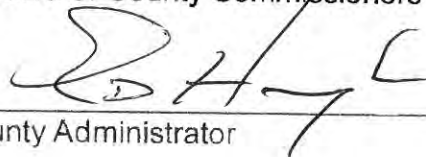
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IN WITNESS WHEREOF, the parties hereto, or their lawful representatives, have executed this Agreement on the day and year set forth next to their signatures below.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

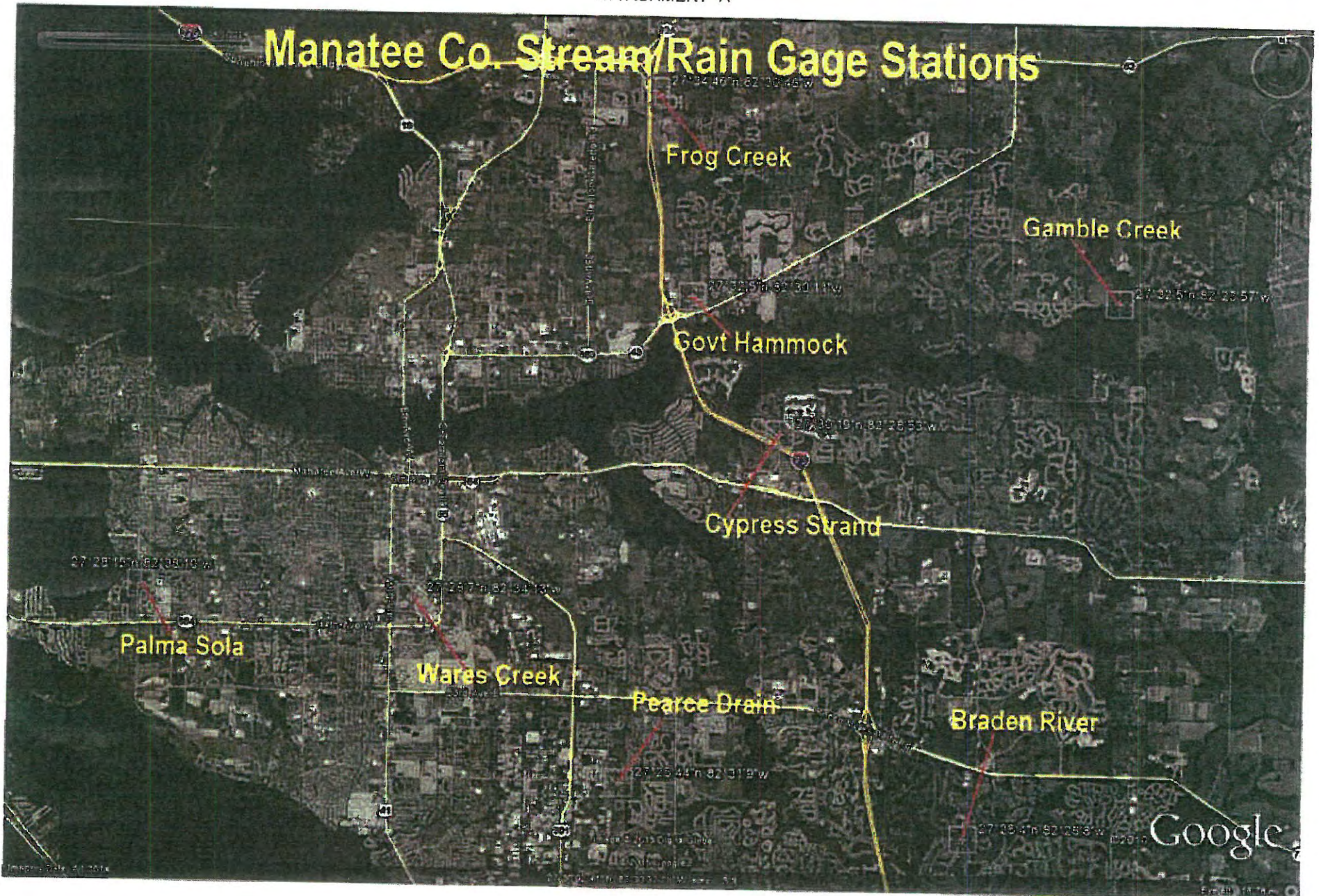
By:  12-15-15
Roberta Starks Date
Data Collection Bureau Chief

MANATEE COUNTY
By its Board of County Commissioners

By:  12-1-15
County Administrator Date

COOPERATIVE AGREEMENT
BETWEEN THE
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
AND
MANATEE COUNTY
TO
PROVIDE ACCESS TO NEAR REAL-TIME DISTRICT DATA COLLECTION

DISTRICT APPROVAL	INITIALS	DATE
LEGAL		
RISK MGMT		
CONTRACTS		
BUREAU CHIEF		
DIRECTOR		
GOVERNING BOARD		



IN WITNESS WHEREOF, the parties hereto, or their lawful representatives, have executed this Agreement on the day and year set forth next to their signatures below.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

By: _____
 Roberta Starks Date
 Data Collection Bureau Chief

MANATEE COUNTY

By: _____
 Betsy Benac, Chairperson Date
 Board of County Commissioners

Attest:

By: _____
 R.B. Shore
 Clerk of Circuit Court

AGREEMENT
 BETWEEN THE
 SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
 AND
 MANATEE COUNTY
 PROVIDE ACCESS TO NEAR REAL-TIME DISTRICT DATA COLLECTION

DISTRICT APPROVAL	INITIALS	DATE
LEGAL	<u>MBM</u>	<u>9/2/15</u>
RISK MGMT	<u>N/A</u>	
CONTRACTS	<u>EBC</u>	<u>9/8/15</u>
BUREAU CHIEF	<u>RS</u>	<u>9-28-15</u>
DIRECTOR	<u>N/A</u>	<u>N/A</u>
GOVERNING BOARD	<u>N/A EBC</u>	



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Southwest Florida Water Management District

2379 Broad Street, Brooksville, Florida 34604-6899

(352) 796-7211 or 1-800-423-1476 (FL only)

WaterMatters.org

Bartow Office

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(813) 985-7481 or
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Randall S. Maggard
Chair, Pasco

Jeffrey M. Adams
Vice Chair, Pinellas

Bryan K. Beswick
Secretary, DeSoto, Hardee,
Highlands

Ed Armstrong
Treasurer, Pinellas

H. Paul Senft, Jr.
Former Chair, Polk

Michael A. Babb
Former Chair, Hillsborough

Thomas E. Bronson
Hernando, Marion

Wendy Griffin
Hillsborough

John Henslick
Manatee

George W. Mann
Polk

Michael A. Moran
Charlotte, Sarasota

Kelly S. Rice
Citrus, Lake, Levy, Sumter

Vacant
Hillsborough, Pinellas

Brian J. Armstrong, P.G.
Executive Director

February 23, 2017

Mr. Kenneth Kohn, P.E.
Manatee County Public Works Department
Stormwater Management Division
1022 26th Avenue East
Bradenton, FL 34208

Subject: Cooperative Agreement-Provide Access to Near Real Time District
Data Collection, Amendment No. 001-Agreement No. 15MA0000001

Dear Mr. Kohn:

Enclosed is an executed original of the above-referenced agreement between the
Southwest Florida Water Management District and Manatee County for your records.

If you have any questions, please contact me at extension 4284 at the Brooksville office.

Sincerely,

Granville Kinsman, P.G.
Manager
Hydrologic Data Section
Data Collection Bureau

GK/lc
Enclosures (1)

RECEIVED

FEB 24 2017

PUBLIC WORKS
ENGINEERING DIVISION

FIRST AMENDMENT
TO COOPERATIVE AGREEMENT BETWEEN THE
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
AND
MANATEE COUNTY
TO
PROVIDE ACCESS TO NEAR REAL-TIME DISTRICT DATA COLLECTION

This FIRST AMENDMENT entered into and effective the 1st day of June, 2015 by and between the SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT, a public corporation of the State of Florida whose address is 2379 Broad Street, Brooksville, Florida 34604-6899, hereinafter referred to as the "DISTRICT," and MANATEE COUNTY, a political subdivision of the State of Florida, whose address is 1112 Manatee Avenue West, Bradenton, Florida 34205, hereinafter referred to as the "COUNTY."

WITNESSETH:

WHEREAS, the DISTRICT and the COUNTY entered into an agreement effective December 15, 2015 (Agreement No. 15MA0000001) hereinafter referred to as the "Existing Agreement," to provide access to near real-time District data collection; and

WHEREAS, the parties hereto wish to amend the Existing Agreement to add one additional surface water and rainfall monitoring site at Mill Creek and 131st Street.

NOW THEREFORE, in consideration of the mutual terms, covenants and conditions contained herein, the parties hereby mutually agree to amend the Existing Agreement as follows:

1. Paragraph 2, Specific Project Related Provisions, is hereby amended to replace the first paragraph in its entirety with the following:

SPECIFIC PROJECT-RELATED PROVISIONS. The DISTRICT shall collect near real-time data from nine surface water and rainfall monitoring sites and make them available to the COUNTY.

2. Subparagraph 2.8, Specific Project Related Provisions, is hereby replaced in its entirety with the following:

2.8 The COUNTY shall establish two (2) permanent elevation benchmarks within 50 feet of the Mill Creek at 131st Street data collection site, and deliver a certified survey report publishing elevation relative to the North American Vertical Datum of 1988 (NAVD88), and will install a direct reading USGS Style A staff gauge, calibrated to the NAVD88 datum within the channel of Mill Creek. Water level elevation data will be provided relative to the NAVD88 datum. Copies of the signed and sealed survey for the benchmarks and staff gauge will be provided to the DISTRICT Project Manager.

3. Paragraph 5, Access, is hereby replaced in its entirety with the following:

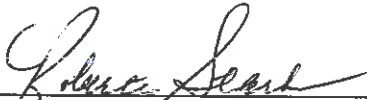
ACCESS. The COUNTY hereby grants permission to the DISTRICT and any of its agents, contractors, employees, or any other individual that is performing any of the DISTRICT's obligations under this Agreement, to enter upon the COUNTY'S real property to access the nine stations identified in Attachment "A".

4. Attachment "A," Property Locations, attached hereto, is hereby replaced in its entirety.
5. The terms, covenants and conditions set forth in the Existing Agreement that have not been specifically amended herein, will continue in existence, are hereby ratified, approved and confirmed, and will remain binding upon the parties hereto.

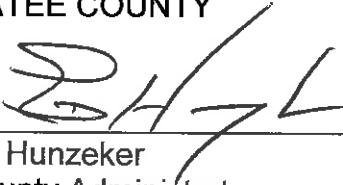
The remainder of this page intentionally left blank.

IN WITNESS WHEREOF, the parties hereto, or their lawful representatives, have executed this Amendment on the day and year set forth next to their signatures below.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

By:  8-3-16
Roberta Starks Date
Data Collection Bureau Chief

MANATEE COUNTY

By:  2-7-17
Ed Hunzeker Date
County Administrator

FIRST AMENDMENT
TO AGREEMENT BETWEEN THE
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
AND
MANATEE COUNTY
TO
PROVIDE ACCESS TO NEAR REAL-TIME DISTRICT DATA COLLECTION

DISTRICT APPROVAL	INITIALS	DATE
LEGAL	<u>MBM</u>	<u>7/26/16</u>
RISK MGMT	<u>NA</u>	<u>—</u>
CONTRACTS	<u>BB</u>	<u>7-29-16</u>
BUREAU CHIEF	<u>B</u>	<u>8-3-16</u>
DIRECTOR	<u>PIA</u>	<u>—</u>
GOVERNING BOARD	<u>—</u>	<u>—</u>

Manatee Co. Stream/Rain Gauge Stations

