Amendment to the Toho Water Authority
Water and Wastewater System
Standard Developer's Service Agreement
OR 5094 / 1765 - 1800

This Amendment (the "Agreement") is made this 12th day of April 2017 by and between Tohopekaliga Water Authority, an independent special district established and created pursuant to Chapter 189, Florida Statutes (hereinafter referred to as "Toho") and Deerfield Land Corporation (hereinafter referred to as "Developer") and in consideration of the mutual undertakings and agreements herein contained and assumed, and other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged by the parties, the Developer and Toho hereby covenant and agree as follows:

I) The following Special Conditions are mutually agreed upon between the Developer and Toho and are intended to amend, supplement, and add the following conditions to the previously recorded Section 21 Special Conditions section of the Developer’s Service Agreement as recorded in OR 5094 / 1965-1800 as follows:

6. The DEVELOPER shall construct approximately 2,050 lineal feet of 16" potable water main along Orange Avenue extending south from the Orange County line. TWA will reimburse the DEVELOPER for the difference in cost between 1,500' 12" potable water main and a 16" potable water main and 100% of the cost for an additional 550' of 16" water main upon project acceptance and approval by TWA. TWA shall pay for all incremental cost of the DEVELOPER for change, including additional design and contractor costs such as overhead and profit as defined in the bids provided. DEVELOPER shall not be required to pay any increased or additional inspection fees as a result of such change.

7. Prior to the start of construction the DEVELOPER will obtain construction cost proposals from at least three contractors and submit to TWA for approval. Bids shall be based on final approved construction plans. TWA's reimbursement to the DEVELOPER shall be based on a combination of the lowest bid for 550' of 16" water main and the smallest difference in cost for 1500' of upsizing of 12" water main to 16" water main from each bidder, which shall require the following:
a. Unit prices for the pipes, valves, fittings, and other accessories required for the construction of the 550' 16" water main for the Project and upsizing costs for 1500' of 12" water main to 16" water main are to be submitted to TWA for review and approval by staff.

b. Upon staff approval of unit prices TWA shall submit the pricing to the Board of Supervisors for formal approval.

c. Upon final acceptance and approval of the Project a check will be issued to the DEVELOPER for the approved costs.

II) All other terms, conditions, and covenants of the Developer's Service Agreement as recorded in OR 5094 / 1965-1800 shall remain in full force and effect.
IN WITNESS WHEREOF, DEVELOPER and TWA have executed or have caused this Agreement, with the named Exhibits attached, if any, to be duly executed in several counterparts, each of which counterpart shall be considered an original executed copy of this Agreement.

TOHOPEKALIGA WATER AUTHORITY

By: ____________________________
    Tom E. White, Vice Chair
    951 Martin Luther King Blvd
    Kissimmee, FL 34741

Attest: ____________________________
    Clarence L. Thacker, Secretary

STATE OF FLORIDA
COUNTY OF OSCEOLA

The foregoing instrument was acknowledged before me this 12th day of April, 202_, by Tom E. White, of the Tohopekaliga Water Authority, a Special District authorized to do business in the State of Florida, on behalf of the corporation. He is personally known to me.

Signature of Person Taking Acknowledgment

Nilza C. Díaz

Name of Acknowledged, Typed, Printed or Stamped

Notary Public

Title or Rank

Serial Number, if any.
Signed, sealed and delivered in the presence of:

x: Noreida Montana

By: Noreida Montana

x: Susan Boumy Chiono

By: Susan Counes Chiono

DEVELOPER

By: _______________________

Printed Name: THOMAS M. ROEHLK

Company: DEERFIELD LAND CORPORATION

Address: 14901 S. ORANGE BLOSSOM TRAV

ORLANDO, FL 32837

[Corporate Seal]

STATE OF FLORIDA
COUNTY OF OSCEOLA

The foregoing instrument was acknowledged before me this 27th day of March, 2017, by Thomas M. Roehl, of Deerfield Land Corporation, a Delaware Corporation authorized to do business in the State of Florida, on behalf of the corporation. S/He is personally known to me or has produced ___________________________ as identification and did (did not) take an oath.

Signature of Person Taking Acknowledgment

Susan Counes Chiono

Name of Acknowledger Typed, Printed or Stamped
Notary Public

Title or Rank

Serial Number, if any.

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