

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**AGENDA ITEM SUMMARY**

Meeting Date: September 12, 2006

☒ Consent    ☐ Regular  
☐ Workshop    ☐ Public Hearing

Department:

Submitted By: Department of Airports

Submitted For:

**I. EXECUTIVE BRIEF**

**Motion and Title:** Staff recommends motion to approve: First Amendment to the Air Freight Building Lease Agreement with United States Postal Service (USPS).

**Summary:** The Department of Airports is requesting approval to amend USPS' Air Freight Building Lease Agreement, (R97-555-D), to extend the Agreement for an additional nine months to September 30, 2007. Countywide (LMB).

**Background and Justification:** USPS is a long-term tenant at the Palm Beach International Airport. The Air Freight Building Lease Agreement was originally approved on May 6, 1997 and expires December 4, 2006. By extending the term, the Agreement's termination date will coincide with the three year appraisal eliminating the need and expense for any interim appraisals to be performed.

**Attachment:**

1. Four (4) Originals of the First Amendment to the Air Freight Building Lease Agreement

Recommended By: \_\_\_\_\_

Department Director

Date

Approved By: \_\_\_\_\_

County Administrator

Date

## II. FISCAL IMPACT ANALYSIS

### A. Five Year Summary of Fiscal Impact:

Fiscal Years	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
Operating Revenues	<u>(13,032)</u>	<u>(117,295)</u>	<u>(0)</u>	<u>(0)</u>	<u>(0)</u>
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>(13,032)</u>	<u>(117,295)</u>	<u>(0)</u>	<u>(0)</u>	<u>(0)</u>

# ADDITIONAL FTE  
POSITIONS (Cumulative) \_\_\_\_\_

Is Item Included in Current Budget? Yes X No \_\_\_\_\_  
Budget Account No: Fund 4100 Department 120 Unit 8451 Object 4413  
Reporting Category \_\_\_\_\_

### B. Recommended Sources of Funds/Summary of Fiscal Impact:

Current revenues will not be affected. By extending the agreement, the elimination of costs of an interim appraisal would balance any revenue increases for the period. New rates will be in effect in October of 2007 once the appraisal has been completed.

C. Departmental Fiscal Review: CM Simms

## III. REVIEW COMMENTS

### A. OFMB Fiscal and/or Contract Development and Control Comments:

Jim Doherty 8-21-06  
OFMB  
8/18/06  
8-21-06  
8/14/06

Jim J. Jacobson 8/22/06  
Contract Dev. and Control  
6. Jones 8/22/06

### B. Legal Sufficiency:

This amendment complies with  
our review requirements.

Laura Becker  
Assistant County Attorney

### C. Other Department Review:

\_\_\_\_\_  
Department Director

**FIRST AMENDMENT TO THE  
AIR FREIGHT BUILDING LEASE AGREEMENT  
BETWEEN PALM BEACH COUNTY AND  
UNITED STATES POSTAL SERVICE**

This Amendment No. 1 ("Amendment") is made and entered into \_\_\_\_\_, 2006 by and between Palm Beach County, a political subdivision of the State of Florida (the "COUNTY"), and United States Postal Service, an agency of the Federal Government of the United States, having its Area Facilities Service Office at Building 300, Suite 300, 4000 DeKalb Technology Parkway, Atlanta, Georgia, 30340-2799 ("LESSEE").

**WITNESSETH:**

**WHEREAS**, pursuant to the Air Freight Building Lease Agreement between the COUNTY and LESSEE, dated and approved May 6, 1997 (R-97-555-D)(the "Lease") LESSEE leases certain ground areas at the Palm Beach International Airport for the purpose of processing air couriered mail and cargo; and

**WHEREAS**, the parties now desire to amend the Lease to extend the expiration date of the Lease; and

**WHEREAS**, the Board of County Commissioners has determined that it is in the best interests of the COUNTY to approve this Amendment to the Lease to provide for the extension of term.

**NOW, THEREFORE**, in consideration of the premises and of the mutual covenants herein contained, and for such other good and valuable consideration, the receipt of which the parties hereby expressly acknowledge, the parties hereto covenant and agree to the following terms and conditions:

- (1) The recitals set forth above are true and correct and incorporated herein by this reference. Terms not defined herein shall have the meaning ascribed to them in the Lease.
- (2) Article 1.01 of the Lease is hereby deleted in its entirety and replaced with the following:  
  
"This Term of Lease shall commence on December 5, 1996 (the "Commencement Date") and shall terminate on September 30, 2007.
- (3) Except as modified herein all terms and conditions of the Lease shall remain in full force and effect.
- (4) This Amendment shall become effective when signed by all parties and approved by the Palm Beach County Board of County Commissioners.

IN WITNESS WHEREOF, COUNTY has caused this Amendment to be signed by the Chair of the Board of County Commissioners and the seal of the Board to be affixed hereto and attested by the Clerk of the Board, pursuant to the authority granted by the Board, and LESSEE, United States Postal Service, has caused these presents to be signed in its lawful name by its duly authorized officer, the Contracting Officer, acting on behalf of LESSEE, and the seal of LESSEE to be affixed hereto the day and year first written above.

ATTEST:

PALM BEACH COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_

CHAIR: \_\_\_\_\_

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

APPROVED AS TO TERMS AND CONDITIONS

By: \_\_\_\_\_  
County Attorney

By: *[Signature]*  
Director, Department of Airports

ATTEST:

United States Postal Service:

Signed, sealed and delivered in the  
Presence of two witnesses for Tenant:

*[Signature]*  
Signature  
Scott Mowry  
Typed or Printed Name

By: *[Signature]*  
KENNY GRIFFIN  
Typed or Printed Name of Corporate Officer

*[Signature]*  
Signature  
PAUL O REED  
Typed or Printed Name

Title: Contracting Officer

Corporate Seal