

**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 Parcel Service, Inc. (UPS).

Summary: The Department of Airports requests approval to amend the UPS Air Freight Building Lease Agreement, (R96-2014-D), to extend the expiration date for an additional eleven months to September 30, 2007. **Countywide (LMB)**

Background and Justification: UPS is a long-term tenant at Palm Beach International Airport. The Air Freight Building Lease Agreement (R96-2014-D) was originally approved on December 19, 1996 and expires October 27, 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

8/14/06

Date

Approved By: 

County Administrator

8/14/06

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>(11,170)</u>	<u>(50,265)</u>	<u>(0)</u>	<u>(0)</u>	<u>(0)</u>
<u>(0)</u>					
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>(11,170)</u>	<u>(50,265)</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 _____
Reporting Category _____

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

Extension of the agreement will eliminate the cost to County of an interim appraisal

C. Departmental Fiscal Review: _____

III. REVIEW COMMENTS

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

Imp Out 8-21-06
OFMB
8/18/06 adm 8-21-06 MM 8/15/06

Jim - J. Juarez 8/11/06
Contract Dev. and Control
Done 8/11/06

B. Legal Sufficiency:

This amendment complies with
our review requirements.

Laura Burke
Assistant County Attorney

C. Other Department Review:

Department Director

**FIRST AMENDMENT TO THE
AIR FREIGHT BUILDING LEASE AGREEMENT
BETWEEN PALM BEACH COUNTY AND
UNITED PARCEL SERVICE, INC**

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 Parcel Service, Inc, an Ohio corporation, having its office and principal place of business at 1400 North Hurstbourne Parkway, Louisville, Kentucky, 40223 ("LESSEE").

WITNESSETH:

WHEREAS, pursuant to the Air Freight Building Lease Agreement between the COUNTY and LESSEE, dated and approved December 19, 1996 (R-96-2014-D)(the "Lease") LESSEE leases certain ground areas at the Palm Beach International Airport for the purpose of conducting air freight and cargo operations; 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 October 29, 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 Parcel Service, Inc. has caused these presents to be signed in its lawful name by its duly authorized officer, the Vice President 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: James Kelly
Director, Department of Airports

ATTEST:

United Parcel Service, Inc:

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

Dontai L. Smalls
Signature
Dontai Smalls
Typed or Printed Name

By: Mark McLean
Mark McLean
Typed or Printed Name of Corporate Officer

Denise M. Williams
Signature
Denise Williams
Typed or Printed Name

Title: V.P. Finance

Corporate Seal