

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: February 6, 2007

☒ Consent
☐ Ordinance

☐ Regular
☐ Public Hearing

Department: Parks and Recreation

Submitted By: Parks and Recreation Department

Submitted For: Parks and Recreation Department

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: **A)** First Amendment to Interlocal Agreement (R2005-0680) with the City of Delray Beach to provide an increase in project funding, in an amount not-to-exceed \$1,000,000, for Delray Intracoastal Park for the period February 6, 2007, through April 4, 2008, for a total County contribution of \$2,000,000; and **B)** Revised Exhibit "A" to reflect increases to the project budget.

Summary: This Amendment provides \$1,000,000 to increase the previously approved allocation of \$1,000,000 from the 2002 Recreational and Cultural Facilities Bond and the Transportation Improvement Fund for Delray Intracoastal Park construction for a total County contribution of \$2,000,000. The Amendment also provides a revised Exhibit "A" that reflects an increase in the project cost estimate of \$1,453,768 (from \$2,152,240 to \$3,606,008) and a resultant increase in Delray Beach's matching fund requirement from \$1,152,240 to \$1,606,008. The additional \$1,000,000 of County funding is from the 2004 \$50M Waterfront Access Bond referendum. District 4 (PK)

Background and Justification: On April 5, 2005, the County entered into an Interlocal Agreement with the City of Delray Beach (R2005-0680) for \$1,000,000 for the construction of Delray Intracoastal Park to include two boat ramps, thirteen regular parking places, nineteen boat trailer parking places, and a 411 square foot restroom facility, as well as other site amenities such as a drinking fountain, benches, bicycle rack, and fencing. This Amendment provides additional project funding in an amount not-to-exceed \$1,000,000 from the 2004 Waterfront Access Bond. The additional funding was needed by the City of Delray Beach because of a substantial increase in the project cost estimate.

The Amendment also includes a revised Exhibit "A" Form to reflect the project cost increase for a new total project cost of \$3,606,008. The cost increase and the provision of the additional \$1,000,000 from the Waterfront Access Bond results in a total County contribution of an amount not-to-exceed \$2,000,000 and a total required City project cost of an amount of no less than \$1,606,008. The Amendment has been executed by the City of Delray Beach, and now needs to be approved by the Board of County Commissioners.

Attachment: First Amendment to Interlocal Agreement

Recommended by: _____

Department Director

Date

1/16/07

Approved by: _____

Assistant County Administrator

Date

1/29/07

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2007	2008	2009	2010	2011
Capital Expenditures	-0-	-0-	-0-	-0-	-0-
Operating Costs	1,000,000	-0-	-0-	-0-	-0-
External Revenues	-0-	-0-	-0-	-0-	-0-
Program Income (County)	-0-	-0-	-0-	-0-	-0-
In-Kind Match (County)	-0-	-0-	-0-	-0-	-0-
NET FISCAL IMPACT	1,000,000	-0-	-0-	-0-	-0-
# ADDITIONAL FTE POSITIONS (Cumulative)					

Is Item Included in Current Budget? Yes X No
Budget Account No.: Fund 3038 Department 581 Unit P572
Object 8101 Program

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

\$50M GO 05, Waterfront Access Bond

Delray Intracoastal Park/Pass Through	3038-581-P572-8101	\$1,000,000
---------------------------------------	--------------------	-------------

Agreement is currently encumbered for \$1,000,000 with document # KPO 581 041405*802.

C. Departmental Fiscal Review:

III. REVIEW COMMENTS

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

This project was approved as part of the 2007 CIP (aka Obidacian/Boat Ramps)

12/24/07
 OEMB
 1/22/07
 B. Legal Sufficiency:

07 CIP (aka Obidacian Boat Ramps)
Dr. J. Jacobson 1/26/07
 Contract Development and Control
 C. Jones 1/26/07

B. Legal Sufficiency:

Paul F. [Signature] 1/29/07
Assistant County Attorney

This amendment complies with our review requirements.

C. Other Department Review:

Department Director

REVISED 10/95
ADM FORM 01

This summary is not to be used as a basis for payment

G:\SYINGER\Bond2002\Delray Beach - Delray Intracoastal Park\agdfor amendment.doc

**FIRST AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN
PALM BEACH COUNTY AND THE CITY OF DELRAY BEACH FOR FUNDING
OF DELRAY INTRACOASTAL PARK**

THIS FIRST AMENDMENT TO AGREEMENT (R-2005-0680) is entered into on _____, by and between Palm Beach County, a political subdivision of the State of Florida, hereinafter referred to as "COUNTY", and the City of Delray Beach, a corporate body politic pursuant to the Constitution of the State of Florida, hereinafter referred to as "MUNICIPALITY".

WITNESSETH:

WHEREAS, on April 5, 2005, COUNTY entered into an Agreement with MUNICIPALITY (R-2005-0680) for the period April 5, 2005, through April 4, 2008, to provide an amount not-to-exceed \$1,000,000 from the \$50 Million Recreation and Cultural Facilities Bond for funding of the Delray Intracoastal Park ("the Project"); and

WHEREAS, on November 2, 2004, a bond referendum was passed by the voters of Palm Beach County for the issuance of general obligation bonds for the purpose of financing the acquisition, construction, and/or improvements to waterfront access in Palm Beach County, in the principal amount of \$50 Million ("the \$50 Million Waterfront Access Bond"); and

WHEREAS, County has approved proposed funding allocations for the \$50 Million Waterfront Access Bond and the Project represents one such waterfront access project; and

WHEREAS, COUNTY desires to provide an additional \$1,000,000 for the Project from the \$50 Million Waterfront Access Bond for a total amount not-to-exceed \$2,000,000 from the two Bond issues; and

WHEREAS, MUNICIPALITY is in need of additional funding for the Delray Intracoastal Park project because the project cost estimate has increased by \$1,453,768 for a total project cost estimate of \$3,606,008 as is reflected in the attached Revised Intracoastal Park Construction Cost Estimate; and

WHEREAS, both parties desire to amend the Agreement.

NOW THEREFORE, the parties hereby agree as follows:

1. Section 1.03 of the Agreement shall be amended by deleting "COUNTY will pay to MUNICIPALITY a total amount not-to-exceed \$1,000,000 for the design and construction of the Project as more fully described in the Project Description, Conceptual Site Plan, and Cost Estimate attached hereto and made a part hereof as Exhibit "A"; and inserting "COUNTY will pay to MUNICIPALITY a total amount not-to-exceed \$2,000,000 for the construction of the Project as more fully described in the Project Description, Conceptual Site Plan, and Revised Cost Estimate attached hereto and made a part hereof as Exhibit "A".

2. Section 1.04 of the Agreement shall be amended by deleting "MUNICIPALITY agrees to provide funding in an amount of \$1,152,240 or greater to complete the Project. The parties agree that the COUNTY shall provide its portion of the funding only after MUNICIPALITY has expended \$1,152,240." and inserting "MUNICIPALITY agrees to provide funding in an amount of \$1,606,008 or greater to complete the Project. The parties agree that the COUNTY shall provide its portion of the funding only after MUNICIPALITY has expended \$1,606,008."

3. Section 5.01 shall be amended by deleting "the Project shall serve a public recreational or cultural purpose" and inserting "MUNICIPALITY warrants that the Project shall serve recreational and waterfront access purposes" in its place.

4. Except as provided herein, each and every other term of the Agreement shall remain in full force and effect and the Agreement is reaffirmed as modified herein.

IN WITNESS WHEREOF, the parties, by and through their duly authorized agents, have hereunto set their hands and seals on the date indicated above.

ATTEST:

**SHARON R. BOCK, CLERK &
Comptroller**

By: _____
Deputy Clerk

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

By: _____
Commissioner, Addie L. Greene, Chairperson

ATTEST:

By: Cherrell D. Nulbin
City Clerk

CITY OF DELRAY BEACH

By: [Signature]
Mayor

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

By: [Signature]
City Attorney

**APPROVED AS TO FORM AND LEGAL
SUFFICIENCY**

By: _____
County Attorney

APPROVED AS TO TERMS AND CONDITIONS

By: [Signature]
Dennis L. Eshleman, Director
Parks and Recreation Department

Exhibit A
Description of Project

The City of Delray Beach leased from the Florida Inland Navigation District 4.09 acres (known as MSA 650) to be used and developed as a park to provide boating access to the Intracoastal Waterway. The lease was entered into on March 8, 2000 for 30 years with one (1) option to renew for a twenty-five year extension. The subject site is located on northbound Federal Highway (U.S. 1) between Linton Boulevard and S.E. 10th Street, just south of Knowles Park. Delray Harbour Club, a condominium to the north of the F.I.N.D. property, is interested in expanding their parking areas. To make both properties more useful for their intended purposes, a series of land swaps was conveyed between the City, F.I.N.D., and the Delray Harbour Club. These land swaps are shown on attached exhibits.

The development of the project shall involve the construction of two boat ramps, staging docks, 8 regular parking places, 2 handicapped parking spaces, 19 boat trailer parking places, and a 411 square foot rest room facility. There will be other site amenities such as a drinking fountain, benches, and a bicycle rack. Exotic trees will be removed and approximately 27% of the park area will remain undisturbed in native mangrove trees. The enclosed site plan shows the location of each amenity.

Ref:finddesc

Exhibit A
REVISED COST ESTIMATE

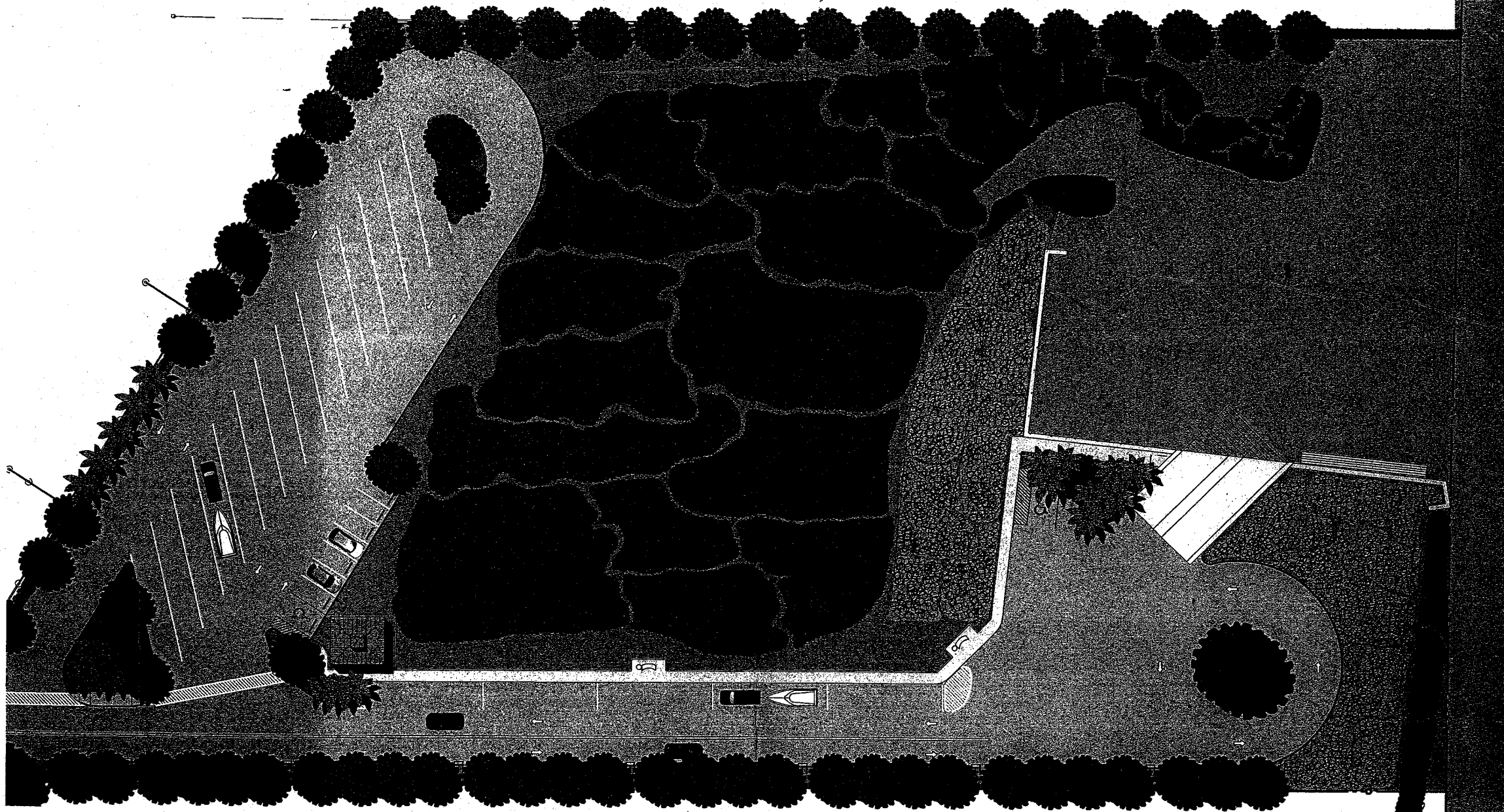
OPINION OF PROBABLE CONSTRUCTION COST
INTRACOASTAL (FIND) PARK
CURRIE SOWARDS AGUILA ARCHITECTS
Updated May 2006

No.	DESCRIPTION	AMOUNT	REMARKS
1	Mobilization	35,000	Assumes single mobilization
2	Demolition	10,000	
3	Clearing & Grubbing	30,000	
4	Site Fill & Grading	75,000	
5	Miscellaneous Site Costs	47,500	Silt fence, testing, cleaning, traffic control
6	Site Paving	196,000	
7	Turnlane	35,000	
8	Curbing, Stripping & Signage	57,500	
9	Marine Work	1,500,000	Includes daydock, seawall, dredging, etc
10	Railing	27,500	
11	Concrete Pavers & Side Walks	22,500	
12	Bike Rack, Signage, Benches & Trash	9,100	
13	South Site Wall (8 ft.)	68,850	
14	Chain-Link Fence	20,000	
15	Landscaping	70,000	
16	Irrigation	20,000	
17	Site Utilities	125,000	Water, sewer, and drainage
18	Site Lighting	30,000	
19	Restroom Building	85,000	
20	Sub-Total 1	2,463,950	
21	Mitigation	350,000	Estimate, see note 2 below
22	Sub-Total 2	2,813,950	
23	General Conditions	172,058	
24	Sub-Total 3	2,986,008	
25	Overhead & Profit	330,000	
26	Sub-Total 4	3,316,008	
27	Contingency	100,000	
28	Bond Premium	45,000	
29	Professional Fees	145,000	
30	Project Totals	3,606,008	

Notes:

1. These costs represents the architects best opinion of probable construction costs and where prepared without the benefit of bid, based on 85% drawings.
2. Mitigation costs will be determined after full agency review, and once impact to existing area is determined, costs can be formalized.
3. The City is encouraged to obtain a detailed cost estimate prepared by a certified cost estimator once the documents are better defined.

Exhibit A Site Plan



SITE PLAN
SCALE: 1"=40'

DELRAY BEACH INTRACOASTAL PARK
JUNE 9 2006



CURRIE • SOWARDS • AGUILA • ARCHITECTS
Architects • Planners • Interior Designers

ACORD™ CERTIFICATE OF LIABILITY INSURANCE		DATE (MM/DD/YYYY) 10/31/06
PRODUCER 1-561-995-6706 Arthur J. Gallagher Risk Management Services Arthur J. Gallagher & Co. (Florida) 2255 Glades Road Suite 400E Boca Raton, FL 33431		THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.
INSURERS AFFORDING COVERAGE		
INSURED City Of Delray Beach 100 Northwest 1st Ave Delray Beach , FL 33444		NAIC # 12831
		INSURER A: State Natl Ins Co Inc
		INSURER B:
		INSURER C:
		INSURER D:
		INSURER E:

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR ADD'L LTR INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC	MDB 02669 32	10/01/06	10/01/07	EACH OCCURRENCE \$ SeeBelow DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$
A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS	MDB 02669 32	10/01/06	10/01/07	COMBINED SINGLE LIMIT (Ea accident) \$ SeeBelow BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN EA ACC AGG \$
A	EXCESS/UMBRELLA LIABILITY <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE DEDUCTIBLE RETENTION \$	MDB 02669 32	10/01/06	10/01/07	EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$ 2,000,000 \$ \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? INCL EXCL If yes, describe under SPECIAL PROVISIONS below				WC STATU-TORY LIMITS OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	OTHER Workers Compensation	MDB 02669 32	10/01/06	10/01/07	Statutory Limits Statutory

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS
XXXX-Policy Subject to a \$500,000 per occurrence Self Insured Retention


For: Grant for funding for construction of Delray Beach Intracoastal Park.
Certificate Holder is additional insured but only to the extent of indemnity provisions of the applicable contract and only to the extent allowed by F.S. 768.28 and the Florida constitution.

CERTIFICATE HOLDER

Palm Beach County
Attn: Parks & Recreation
2700 6TH Ave South
Lake Worth , FL 33461
USA

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE 

IMPORTANT

If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must be endorsed. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

DISCLAIMER

The Certificate of Insurance on the reverse side of this form does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.