### Agenda Item #:

3H-17

### PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS <u>AGENDA ITEM SUMMARY</u>

Meeting Date:	April 10, 2007	[X] Consent [] Ordinance	[] Regular [] Public Hearing
			[] Fublic meaning

**Department:** Facilities Development & Operations

### I. EXECUTIVE BRIEF

### Motion and Title: Staff recommends motion to approve:

A) the first option to extend the Sublease Agreement (R97-355-D) with the State of Florida Department of Management Services (DMS) and the Department of Transportation (DOT) for the continued use of the State's 800 MHz Communications Tower at 5393 W. Indiantown Road, Jupiter; and

**B)** the first option to extend the Sublease Agreement (R97-356-D) with the State of Florida Department of Management Services and the Department of Transportation for the continued use of the State's 800 MHz Communications Tower at 7951 Glades Road, Boca Raton.

**Summary:** Palm Beach County currently subleases a portion of two Communications Tower Sites from DMS and DOT. The Towers are located at 5393 W. Indiantown Road, Jupiter and at 7951 Glades Road, Boca Raton. The term of the Subleases expire April 13, 2007. Exercise of the extension options will extend the term of the Sublease Agreements from April 14, 2007 through April 13, 2017. All other terms of the Sublease Agreements remain unchanged. (PREM) <u>Districts 1 & 5</u> (JMB)

**Background and Justification:** On March 18, 1997, the Board approved the Sublease Agreements with DMS and DOT. Recently, the County was advised that DMS and DOT sold the Towers to M/A Com Private Radio Systems Inc. It is Staff's intention after exercising the County's extension options, to enter into an amendment to memorialize the sale and assignment and to memorialize the County's communication equipment on each of these towers. Florida Statutes Section 286.23 requires that a Disclosure of Beneficial Interest be obtained when a property held in a representative capacity is leased to the County. As this is the County's exercise of its right to extend the term of the Sublease Agreements with a governmental agency and such Sublease Agreements have been previously approved by the Board, Staff did not request such Disclosure.

### Attachments:

- 1. Location maps
- 2. Notice To Renew Letter Jupiter Tower
- 3. Notice To Renew Letter Boca Raton Tower

Recommended By:	Department Director	3 18 07 Date	
Approved By:	County Administrator	3/28/07 Date	

### II. FISCAL IMPACT ANALYSIS

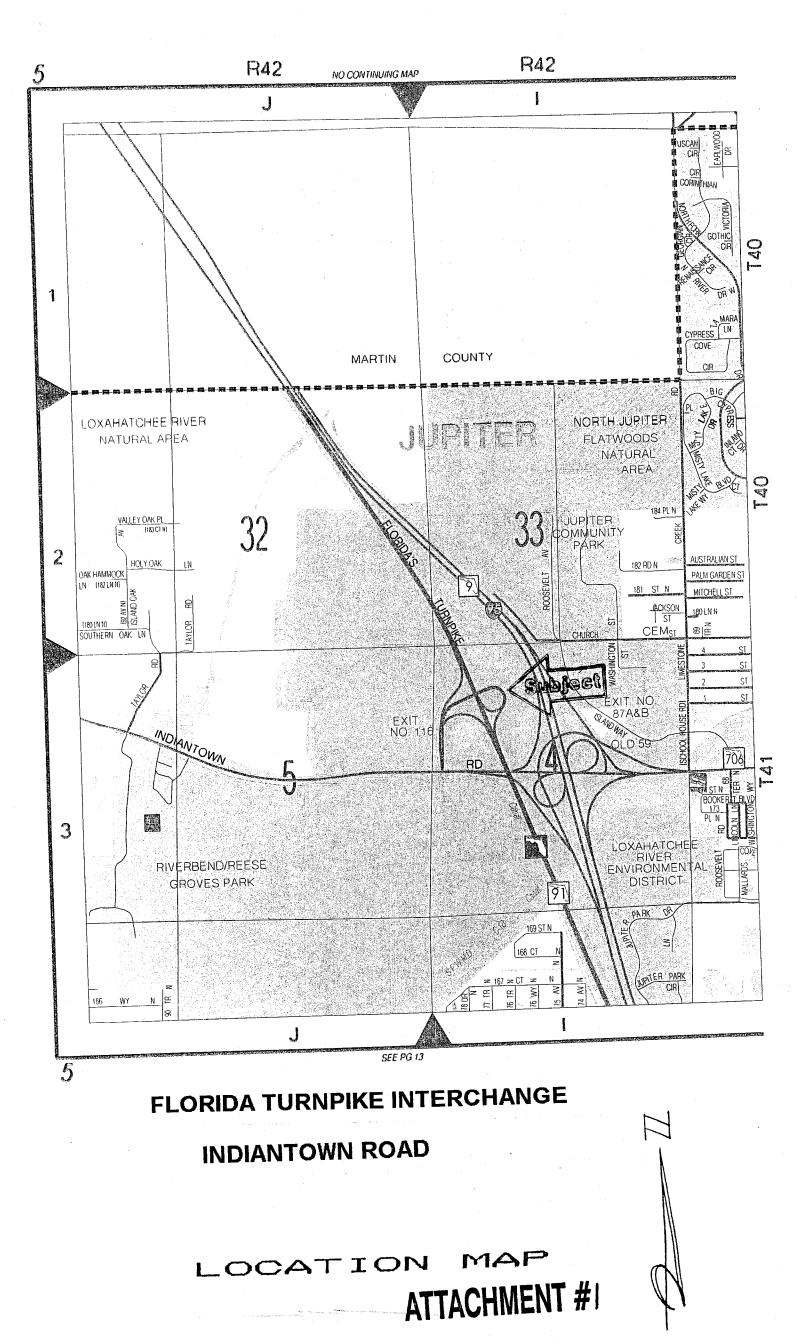
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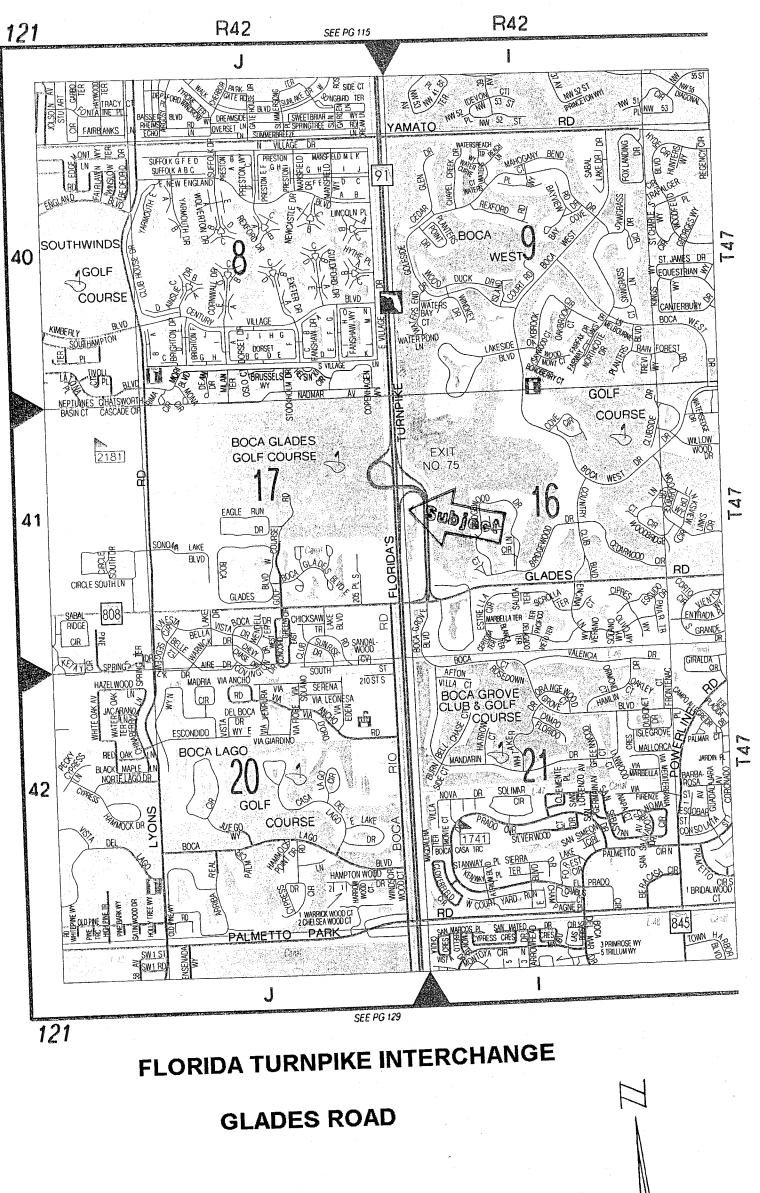
### A. Five Year Summary of Fiscal Impact:

Fiscal Years	2007	2008	2009	2010	2011	
Capital Expenditures Operating Costs (Rent) External Revenues Program Income (County) In-Kind Match (County)	0	0	0	0	0	
NET FISCAL IMPACT		0	0	0		
# ADDITIONAL FTE POSITIONS (Cumulative)						
	udget: Yes d Agenc gram	No y Org	Objec	:t		
B. Recommended Sources	of Funds/Sun	nmary of Fisc	al Impact:			
No fiscal impact.						
C. Departmental Fiscal Re	eview:	. <u> </u>		<del></del>		
	III. <u>REV</u>	IEW COMM	<u>ENTS</u>			
A. OFMB Fiscal and/or Co	ontract Develo	opment/Comn	nents:			
Glizaltalifi 375107 OFMB	veseprog	Contract D	evelopment	and Control	3123/07	
B. Legal Sufficiency: <u>James Bullo</u> Assistant County Attor	- <u>3/27</u> (0-7 ney					
C. Other Department Revi	iew:					
Department Director	·					

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

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LOCATION MAP



Facilities Development & Operations Department Property & Real Estate Management Division

3200 Belvedere Road Building 1169 West Palm Beach, FL 33406-1544 (561) 233-0200 FAX: (561) 233-0210 www.pbcgov.com/fdo

### Falm Beach County Board of County Commissioners

Addie L. Greene, Chairperson

Jeff Koons, Vice Chair

Karen T. Marcus

Warren H. Newell

Mary McCarty

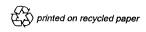
Burt Aaronson

Jess R. Santamaria

#### **County Administrator**

Robert Weisman

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### April 10, 2007

DHL#

Richard Rewiski Department of Management Services Enterprise Information Technology Services 4050 Esplanade Way Tallahassee, Florida 32399-0950

James L. Ely, Executive Director Department of Transportation Florida's Turnpike Enterprises PO Box 613069 Ocoee, Florida 34761

Roger Boucher, General Counsel & Assistant Secretary M/A-Com Private Radio Systems, Inc. 3315 Old Forest Road Lynchburg, Virginia 24501

> Re: Notice of Renewal – Sublease Agreement between Department of Management Services, Department of Transportation and Palm Beach County for the Jupiter Tower Communication Site (April 14, 1997) (R97-355-D dated March 18, 1997).

Dear Mr. Rewiski, Mr. Ely & Mr. Boucher:

This letter is to notify you that Palm Beach County (County) is renewing the above-referenced Sublease Agreement for the first additional ten (10) year renewal period pursuant to Section 10 of the Sublease Agreement, dated April 14, 1997 between the Department of Management Services, Department of Transportation and the County. The exercise by County of its renewal thereof will extend the term of the Sublease through April 13, 2017 and serves to ratify and confirm that said Sublease is in good standing, in full force and effect, and that there are no defaults, set-offs, claims, counter-claims, or cross-claims of any nature whatsoever by any of the parties against the other.

# ATTACHMENT #2



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> Palm Beach County Board of County

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Notice of Renewal April 10, 2007 Page 2

All other terms and conditions of the Sublease Agreement shall remain the same.

ATTEST:

SHARON R. BOCK, CLERK & COMPTROLLER

PALM BEACH COUNTY, a Political Subdivision of the State of Florida

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

By: \_\_\_\_

Addie L. Greene, Chairperson

APPROVED AS TO FORM LEGAL SUFFICIENCY

By:

Assistant County Attorney

# APPROVED AS TO TERMS AND CONDITIONS

HAM MU WOLF Audrey Wolf, Director By: 4

Facilities Development & Operations

## cc: Danielle Marcella, Project Manager, M/A-COM

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Facilities Development & Operations Department Property & Real Estate Management Division

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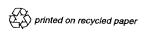
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James L. Ely, Executive Director Department of Transportation Florida's Turnpike Enterprises PO Box 613069 Ocoee, Florida 34761

Roger Boucher, General Counsel & Assistant Secretary M/A-Com Private Radio Systems, Inc. 3315 Old Forest Road Lynchburg, Virginia 24501

> Re: Notice of Renewal – Sublease Agreement between Department of Management Services, Department of Transportation and Palm Beach County for the Boca Raton Tower Communication Site (April 14, 1997) (R97-356-D dated March 18, 1997).

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# **ATTACHMENT #**3



Facilities Development & Operations Department

Property & Real Estate

Management Division 3200 Belvedere Road

Building 1169

West Palm Beach, FL 33406-1544 (561) 233-0200 FAX: (561) 233-0210 www.pbcgov.com/fdo Notice of Renewal April 10, 2007 Page 2

All other terms and conditions of the Sublease Agreement shall remain the same.

By:

ATTEST:

SHARON R. BOCK, CLERK & COMPTROLLER PALM BEACH COUNTY, a Political Subdivision of the State of Florida

By:

Deputy Clerk

Addie L. Greene, Chairperson

APPROVED AS TO FORM LEGAL SUFFICIENCY

By:

Assistant County Attorney

### APPROVED AS TO TERMS AND CONDITIONS

By: Audrey Wolf, Director

Facilities Development & Operations

### cc: Danielle Marcella, Project Manager, M/A-COM

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