

34-4

Agenda Item #:

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY

Meeting Date: January 15, 2008

Consent    Regular  
 Ordinance    Public Hearing

Department: Facilities Development & Operations

I. EXECUTIVE BRIEF

**Motion and Title:** Staff recommends motion to approve: Amendment No. 5 to the Lease Agreement (R2002-1978) with the South Florida Science Museum, Inc. located adjacent to Lake Lytal Park.

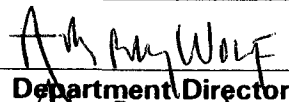
**Summary:** On November 12, 2002, the Board approved a Lease Agreement with the South Florida Science Museum for the lease of approximately 11 acres of undeveloped property on the west side of Lake Lytal Park for the construction of a new science museum. The Agreement has been amended four times. In March 2005, Amendment No. 1 modified the final fund raising milestone to December 21, 2007. In January 2006, Amendment No. 3 modified the interim fund raising milestones. In January 2007, Amendment No. 4: (1) modified the interim fund raising milestones for 2006 and 2007, (2) extended the final fund raising milestone to December 31, 2009, (3) increased the final fund raising total to \$54,800,000, and (4) changed the date construction is required to commence from November 2007 to April 2008. Changing the construction start date also required a change to the default provision of the lease. On October 1, 2007, Staff received a request to: (1) change the construction commencement date to November 12, 2009, (2) extend the interim fund raising milestone for 2007 until June 1, 2008, and (3) permit the modification of the remaining fund raising milestones via a future subsequent amendment. On December 4, 2007, the Board voted to approve the request and Amendment No. 5 will implement that approval. (FDO Admin)  
Countywide/ District 2 (HJF)

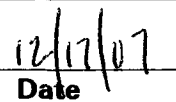
**Background & Justification:** Staff has received a request to extend the interim fund raising milestone for 2007 until June 1, 2008, permit the modification of the remaining fund raising milestones and change the date construction is required to commence to November 12, 2009. To date, the Museum has raised \$20,200,000. The funds raised to date include \$4,000,000 in Parks and Cultural Bond Funds and \$9,000,000 from the Dekelboun Foundation Pledge Agreement.

**Attachments:**

1. Amendment No. 5
2. Request from Science Museum

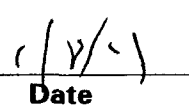
Recommended by: \_\_\_\_\_

  
Department Director

  
Date

Approved by: \_\_\_\_\_

  
County Administrator

  
Date

**II. FISCAL IMPACT ANALYSIS**

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

Fiscal Years	2008	2009	2010	2011	2012
Capital Expenditures	-0-	-0-	-0-	-0-	-0-
Operating Costs	-0-	-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-
<b>NET FISCAL IMPACT</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>
# ADDITIONAL FTE POSITIONS (Cumulative)					

Is Item Included in Current Budget? Yes \_\_\_ No \_\_\_  
 Budget Account No: Fund \_\_\_ Dept \_\_\_ Unit \_\_\_ Object \_\_\_ Reporting Category \_\_\_

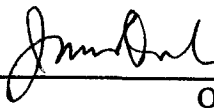
**B. Recommended Sources of Funds/Summary of Fiscal Impact:**


There is no fiscal impact associated with this item beyond already committed funds from the 2002 Parks Bond Issue. The value of the property being encumbered by this lease is \$5,500,000.

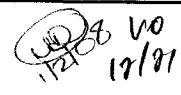
C. Departmental Fiscal Review: \_\_\_\_\_

**III. REVIEW COMMENTS:**

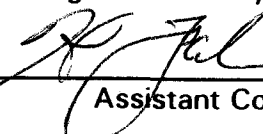
**A. OFMB Fiscal and/or Contract Development & Control Comments:**

 1-2-08  
 \_\_\_\_\_  
 OFMB

 1/3/08  
 \_\_\_\_\_  
 Contract Dev. and Control

 1/21/08 1/21/08

**B. Legal Sufficiency:**

 1/7/08  
 \_\_\_\_\_  
 Assistant County Attorney

**C. Other Department Review:**

\_\_\_\_\_

Parks & Recreation Department

**AMENDMENT #5 TO LEASE AGREEMENT**

THIS AMENDMENT #5 TO THE LEASE AGREEMENT, made and entered into \_\_\_\_\_ by PALM BEACH COUNTY, a political subdivision of the State of Florida, hereinafter referred to as "County" and the SOUTH FLORIDA SCIENCE MUSEUM, INC., a Florida not-for-profit 501(c)(3) organization (the "Tenant") with a Federal ID number of 59-0915177.

WITNESSETH:

WHEREAS, on September 27, 2007, the Tenant requested that the Real Property Land Lease Agreement (R2002-1978), as amended, be modified to adjust the fundraising milestone for 2007, and change the date construction is required to commence from November 12, 2007, to November 12, 2009; and

WHEREAS, the County is willing to agree to such modifications.

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree as follows:

1. All terms of the Real Property Land Lease Agreement (R2002-1978), as amended, remain in full force and effect unless specifically modified below.
2. Section 12.01(a) is hereby deleted and replaced in its entirety with the following:
  - (a) The failure of Tenant to obtain all government approvals and commence construction on the museum building within seven (7) years of the Effective Date.
3. On Exhibit B to the Agreement entitled "Fundraising Milestones", the fund raising milestone deadline of 12/31/07 shall be changed to 6/1/08.

IN WITNESS WHEREOF, County and Tenant have executed this Amendment, or have caused the same to be executed as of the day and year first above written.

ATTEST:

SHARON R. BOCK, CLERK AND  
COMPTROLLER

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

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

By: \_\_\_\_\_  
Addie L. Greene, Chairperson

Science Museum- Amendment #5  
12/05/07

Page 1 of 2

ATT. # 1

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

APPROVED AS TO TERMS  
AND CONDITIONS

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

By: \_\_\_\_\_  
Director, Facilities Dev. & Ops.

SOUTH FLORIDA SCIENCE MUSEUM, INC.

By: \_\_\_\_\_  
Witness Signature

By: \_\_\_\_\_  
Executive Director

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name

By: \_\_\_\_\_  
Witness Signature

By: \_\_\_\_\_  
Chairman of the Board

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name



DEKELBOUM  
SCIENCE CENTER

RECEIVED

OCT - 1 2007

September 27, 2007

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Robert Gottlieb  
Gary Klein  
Sydelle Meyer

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Beverly White Yeager

James S. Rosebush  
CEO

Charles M. Hamilton  
Director

Palm Beach County  
Facilities Development & Operations Department  
2633 Vista Parkway  
West Palm Beach, FL 33411

Attn: Audrey Wolf

**Re: Dekelbourn Science Center Lease at Lake Lytal**

Dear Audrey:

This is an update on the status of the Dekelbourn Science Center Project as well as a specific request of the Commission regarding our lease.

I am happy to report that the project to build a new national science center is more robust today than at any previous point and stands to benefit the people and economy of our county and the eight contiguous counties to a far greater extent than ever before. Our focus during this past year has been on the mission and vision for our *program and content* as well as on establishing productive collaborations with national science organizations such as the Museum of Science in Boston, the US Department of Energy, and with regional organizations such as Scripps and FAU. We have also built stronger and more effective relationship with Palm Beach County Schools.

Because of a new and broadened commitment to address the crisis in science education nationally we have received the largest funding in the Museum's history for programs that deliver science education 24/7 virtually. These new programs are adding strength to the case for a new building. For example, we have received early indication that we will be the beneficiary of a philanthropist who wants our center to be the focus for engineering education for young people—as again a national model.

As the Commissioners have, themselves, stepped up to the plate, recognizing the tremendous need to address science education and at the same time seized the opportunities to benefit our economy thorough science and technology by investing in Scripps and Max Planck we seek a sustained commitment from the Commission for our efforts to build a new center. Because of our new focus on content and program, including delivery of some programs virtually we are reassessing some of the dimensions of the building design as originally adopted by our Board of Trustees. We expect this assessment to be complete within the next six months. As of today we cannot predict the outcome of this assessment. Therefore we are requesting the Commission's consideration of two amendments to the lease.

Article 12, Section 12.01 item (a) requires that all governmental approvals and commencement of construction occur within five years of the Effective Date. The Effective Date is November 12, 2002 and the Science Museum will obviously not be able to meet this requirement. We are asking that this item be amended to seven years from the Effective Date versus the current specified five.

ATT # 2

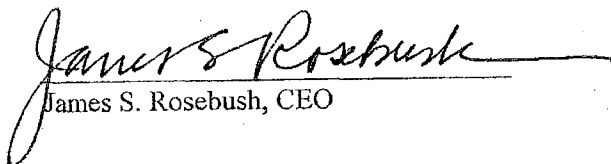
Article 12, Section 12.01 item (c) requires the tenant to comply with fundraising milestone goals as contained in Exhibit B. Exhibit B was last amended in January of this year. The amended milestone goals were \$21.6 million at the end of 2006 and \$32.6 million at the end of 2007. Presently we are reporting approximately \$20.2 million in contributions and pledges. This includes a \$9 million pledge from the Dekelboun Foundation and the \$4 million 2002 County Bond issue. Since we have not met these self imposed financial goals we are requesting an extension until June 1, 2008 to modify the fundraising milestones with a new amendment at that time addressing the milestones and fundraising plan.

Thank you so very much for your consideration of these requests. It is our hope that we will be able to work more closely with the Commission as our plans for a new Center become reality. To this end the CEO of the project, Jim Rosebush has scheduled individual meetings with each Commissioner to help facilitate improved channels of communication with each member regarding our progress and in an effort to seek the input and engagement of each member in this important undertaking.

Please do not hesitate to contact me directly with questions or comments or if further information is required.


Very truly yours,

Dekelboun Science Center



James S. Rosebush, CEO

South Florida Science Museum



Charles Hamilton, President