

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: May 6, 2008

Consent

Regular

Ordinance

Public Hearing

Department: Parks and Recreation Department

Submitted By: Parks and Recreation Department

Submitted For: Parks and Recreation Department

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to receive and file: **A)** a fully executed Addendum I to Grant Contract (R2007-2045) for the Florida Communities Trust (FCT) grant to fund the acquisition of the 1.10 acre waterfront Susan DuBois Kindt Estate, extending the contract expiration date from October 1, 2007, to April 1, 2008; and **B)** a fully executed Addendum II to Grant Contract (R2007-2045) for the Florida Communities Trust (FCT) grant, extending the contract expiration date from April 1, 2008, to July 15, 2008.

Summary: On July 11, 2006, the Board authorized submission of a FCT grant (R2006-1315) in the amount of \$2,500,000 to help fund the acquisition of the 1.10 acre waterfront Susan DuBois Kindt Estate. The Board also authorized the County Administrator or his designee to execute all future time extensions of the FCT grant and authorized the Parks and Recreation Department Director to serve as Liaison Agent with FCT for the grant project. On December 5, 2006, the State of Florida Department of Community Affairs awarded an FCT grant of up to \$2,500,000 to Palm Beach County. Due to lengthy negotiations with the executor of the estate and on going due diligence issues, a five month and subsequent three and a half month time extension were requested. Pursuant to the delegated authority and acting as the Liaison Agent, Department Director, Dennis Eshleman, signed the Addendums on behalf of the Board of County Commissioners. District 1 (AH)

Background and Justification: Acquisition of this property will add 1.10 acres to the west side of DuBois Park. Once the acquisition is complete, the boat ramp and docks will be renovated to accommodate launching of non-motorized vessels, a water taxi landing site, and day use dockage. The exotic vegetation will be removed and native landscaping will be installed, additional parking will be constructed, and a multi-purpose path, picnic shelter, park benches, and bike racks will be installed. The pineapple packing house is believed to be one of the oldest structures in Palm Beach County. The Parks and Recreation Department plans to restore this historic structure for use as an educational kiosk. The State of Florida will match 50%, up to \$2.5 million, for the acquisition and associated costs including title work, surveys, environmental assessments and recording documents.

Attachments:

1. Addendum I to Grant Contract
2. Addendum II to Grant Contract

Recommended by: _____

Department Director

4/16/08
Date

Approved by: _____

Assistant County Administrator

4/30/08
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2008	2009	2010	2011	2012
Capital Expenditures	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Operating Costs	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
External Revenues	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Program Income (County)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
In-Kind Match (County)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
NET FISCAL IMPACT	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>

ADDITIONAL FTE POSITIONS (Cumulative) _____

Is Item Included in Current Budget? Yes _____ No _____
 Budget Account No.: Fund _____ Department _____ Unit _____
 Object _____ Program N/A

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

These two Addendums are for time extensions only, and have no additional fiscal impact to Palm Beach County.

C. Departmental Fiscal Review: Chopelakis

III. REVIEW COMMENTS

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

<p><u>A. White 4.28.08</u> OFMB 88 4/28/08 4/28/08</p>	<p><u>SH CN</u> 4/28/08 4/23/08</p>	<p><u>Jim J. Jacoby 4/29/08</u> Contract Development and Control 4/29/08</p>
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B. Legal Sufficiency:

Anne Delmont 4/30/08
 Assistant County Attorney

C. Other Department Review:

 Department Director

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

FCT Contract Number 07-CT-1E-06-F6-A1-041
FLORIDA COMMUNITIES TRUST
FF6 Award Number 06-041-FF6
SUSAN DEBOIS KINDT ESTATE

ADDENDUM I TO GRANT CONTRACT

THIS ADDENDUM I is entered into by and between the FLORIDA COMMUNITIES TRUST (FCT), a nonregulatory agency within the State of Florida Department of Community Affairs, and PALM BEACH COUNTY, a local government of the State of Florida (Recipient), this 28th day of March, 2008.

NOW THEREFORE, FCT and the Recipient mutually agree as follows:

WHEREAS, the parties hereto entered into a Grant Contract which sets forth the conditions of conceptual approval that must be satisfied by Recipient prior to the receipt of the FCT Florida Forever award and the restrictions that are imposed on the Project Site subsequent to its acquisition with the FCT Florida Forever award;

WHEREAS, the initial term of the Grant Contract expires October 1, 2007;

WHEREAS, the Recipient in accordance with Section I., paragraph 2 of the Grant Contract and in compliance with Rule 9K-7.009, F.A.C., has timely submitted to FCT a written request for extension of the October 1, 2007 deadline;

WHEREAS, Section II. of the Grant Contract states that the agreement may be amended at any time. Any agreement must be set forth in a written instrument and agreed to by both the Recipient and FCT;

WHEREAS, the parties hereto desire to extend the term of the Grant Contract as provided by Rule 9K-7.009, F.A.C.;

NOW THEREFORE, FCT and the RECIPIENT mutually agree as follows:

1. The above recitals are hereby incorporated by reference into this section.
2. The parties hereby agree to revive it nunc pro tunc as though it had not lapsed.
3. In every respect, this amendment is to be construed and applied as though the parties had both signed it before October 1, 2007.

06-041-FF6
September 28, 2007
GCAMD.1

4. The Grant Contract by and between FCT and the Recipient is hereby extended until April 1, 2008.

This Addendum I and the Grant Contract embody the entire agreement between the parties. All other terms and conditions not specifically referenced in this agreement remain the same and unchanged.

IN WITNESS WHEREOF, the parties hereto have duly executed this Addendum I.

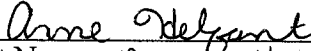
PALM BEACH COUNTY

By: 

Print Name: Dennis Estheman
Title: Director, Parks & Recreation

Date: March 17, 2008

Approved as to Form and Legality:

By: 
Print Name: Anne Helfant

FLORIDA COMMUNITIES TRUST

By: 

Janice Browning, Division Director
Housing and Community Development

Date: 3/28/08

Approved as to Form and Legality:

By: 
Kristen L. Coons, Trust Counsel

FCT Contract Number 07-CT-1E-06-F6-A1-041
FLORIDA COMMUNITIES TRUST
FF6 Award Number 06-041-FF6
SUSAN DEBOIS KINDT ESTATE

ADDENDUM II TO GRANT CONTRACT

THIS ADDENDUM II is entered into by and between the FLORIDA COMMUNITIES TRUST (FCT), a nonregulatory agency within the State of Florida Department of Community Affairs, and PALM BEACH COUNTY, a local government of the State of Florida (Recipient), this 26th day of March, 2008.

NOW THEREFORE, FCT and the Recipient mutually agree as follows:

WHEREAS, the parties hereto entered into a Grant Contract which sets forth the conditions of conceptual approval that must be satisfied by Recipient prior to the receipt of the FCT Florida Forever award and the restrictions that are imposed on the Project Site subsequent to its acquisition with the FCT Florida Forever award;

WHEREAS, the term of the Grant Contract expires April 1, 2008;

WHEREAS, the Recipient in accordance with Section I., paragraph 2 of the Grant Contract and in compliance with Rule 9K-7.009, F.A.C., has timely submitted to FCT a written request for extension of the October 1, 2007 deadline;

WHEREAS, Section II. of the Grant Contract states that the agreement may be amended at any time. Any agreement must be set forth in a written instrument and agreed to by both the Recipient and FCT;

WHEREAS, the parties hereto desire to extend the term of the Grant Contract as provided by Rule 9K-7.009, F.A.C.;

NOW THEREFORE, FCT and the RECIPIENT mutually agree as follows:

1. The above recitals are hereby incorporated by reference into this section.
2. The parties hereby agree to revive it nunc pro tunc as though it had not lapsed.
3. In every respect, this amendment is to be construed and applied as though the parties

06-041-FF6
March 5, 2008
GCAMD.2

had both signed it before April 1, 2008.

4. The Grant Contract by and between FCT and the Recipient is hereby extended until July 15, 2008.

This Addendum II, Addendum I and the Grant Contract embody the entire agreement between the parties. All other terms and conditions not specifically referenced in this agreement remain the same and unchanged.

IN WITNESS WHEREOF, the parties hereto have duly executed this Addendum II.

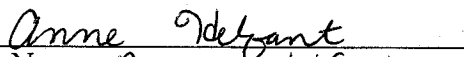
PALM BEACH COUNTY

By: 

Print Name: Dennis Eshleman
Title: Director, Parks & Recreation

Date: March 17, 2008

Approved as to Form and Legality:

By: 
Print Name: Anne Helfant

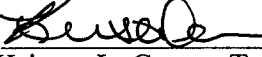
FLORIDA COMMUNITIES TRUST

By: 

Janice Browning, Division Director
Housing and Community Development

Date: 3/26/08

Approved as to Form and Legality:

By: 
Kristen L. Coons, Trust Counsel