

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY

Meeting Date: June 3, 2008 [X] Consent [ ] Regular  
[ ] Ordinance [ ] Public Hearing

Department: Facilities Development & Operations

I. EXECUTIVE BRIEF

**Motion and Title:** Staff recommends motion to approve: a First Amendment to Two-Year Lease Agreement (R2006-0986) with the Village of Tequesta, dated June 6, 2006, for the continued use of Fire Rescue Station No. 11 located at 465 Seabrook Road, in Tequesta.

**Summary:** The County, on behalf of the Fire Rescue Department, currently leases a 3,206SF building at 465 Seabrook Road, in Tequesta for the operation of Fire Rescue Station No. 11. This Amendment extends the term of the Lease until September 30, 2009, unless sooner terminated. The annual rent is \$1.00 per year. (PREM) District 1 (HJF)

**Background and Justification:** Since 1976, fire rescue services have been provided to the northeast portion of the County through a 30-year Lease between the Village of Tequesta and the Jupiter Fire Control District which expired on June 24, 2006. In 1983, under Ordinance 83-23, the Palm Beach County Fire Rescue Department assumed all assets and responsibilities of the Jupiter Fire Control District. Under this Ordinance and upon expiration of the Lease between the Village and the Jupiter Fire Control District, the County and the Village entered into a new lease agreement in 2006 for a term of two (2) years. The current Lease expired on June 5, 2008, and this Amendment was delayed while Fire Rescue and the Village negotiated an extension. This Amendment will allow the fire station to remain in operation at the site until September 30, 2009. At the expiration or earlier termination of the Lease, the building, land, and its improvements shall revert to the Village of Tequesta. The donation of the building to the Village will save the County demolition and associated site restoration costs.

**Attachments:**

- 1. Location Map
- 2. First Amendment to Two-Year Lease Agreement
- 3. Budget Availability Statement

Recommended By: [Signature] Anthony Wayne 5/22/08  
Department Director Date

Approved By: [Signature] 5/30/08  
County Administrator Date

**II. FISCAL IMPACT ANALYSIS**

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

Fiscal Years	2008	2009	2010	2011	2012
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	<u>1.00</u>	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	_____	<u>1.00</u>	_____	_____	_____
<b># ADDITIONAL FTE POSITIONS (Cumulative)</b>	_____	_____	_____	_____	_____

Is Item Included in Current Budget: Yes   x   No \_\_\_\_\_  
 Budget Account No: Fund 1300 Dept 440 Unit 4231 Object 4401  
 Program \_\_\_\_\_

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

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

**III. REVIEW COMMENTS**

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

<p><u>atwillhite 5-27-08</u>                  OFMB <u>ll 5/26/08</u> <u>pr 5/27/08</u> <u>VO 5/27</u></p>	<p><u>Don J. Jacob</u> <u>5/28/08</u>                  Contract Development and Control  <u>Edwards 5/28/08</u></p>
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**B. Legal Sufficiency:**

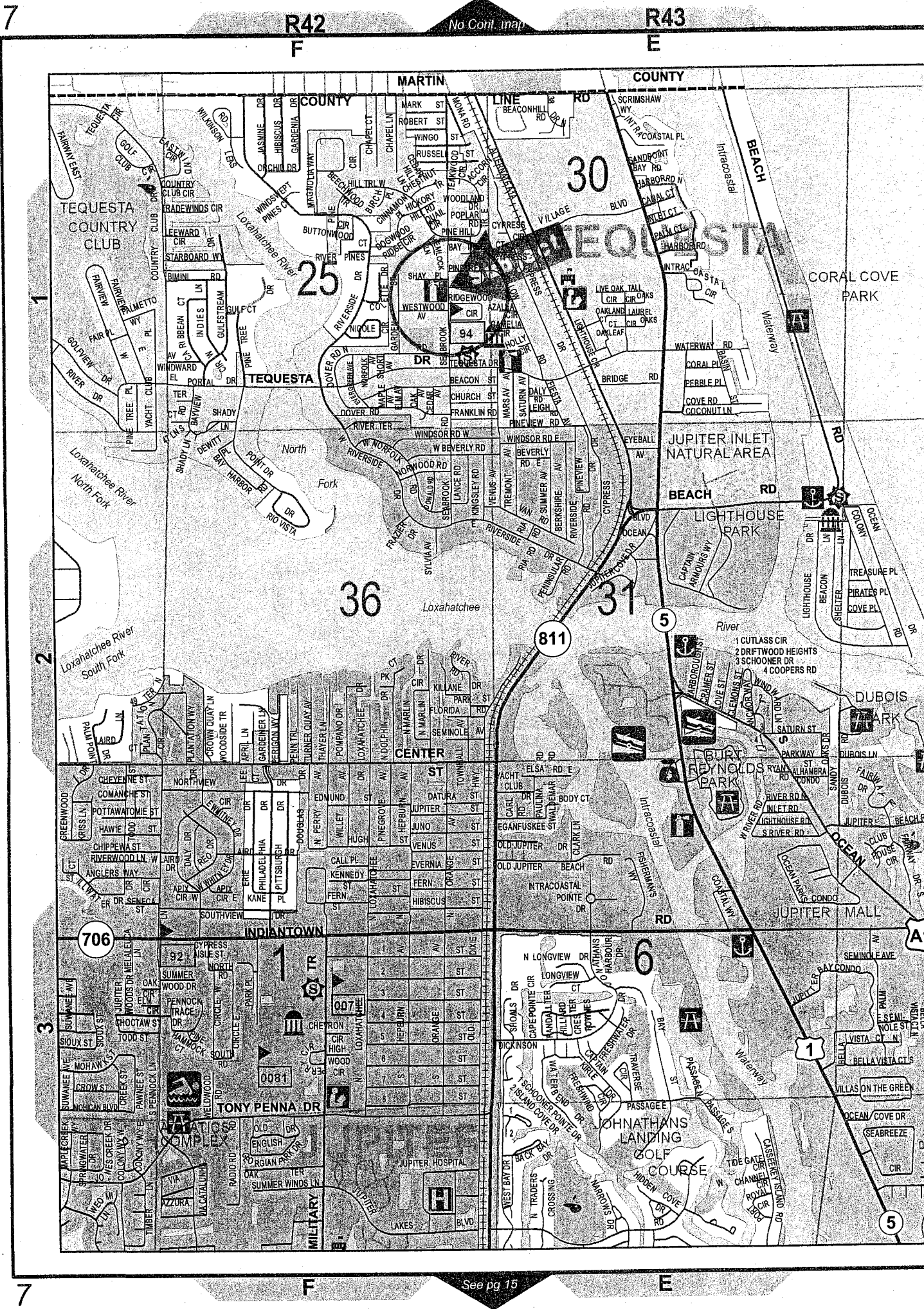
K. J. L. 5/29/08  
 Assistant County Attorney

**This amendment complies with our review requirements.**

**C. Other Department Review:**

\_\_\_\_\_  
 Department Director

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



LOCATION MAP  
ATTACHMENT #1

Handwritten signature or initials.

**FIRST AMENDMENT TO TWO-YEAR LEASE AGREEMENT**

**BETWEEN**

**THE VILLAGE OF TEQUESTA**

**AND**

**PALM BEACH COUNTY**

**COUNTY FIRE RESCUE STATION 11**

THIS FIRST AMENDMENT to the above-referenced Agreement is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2008, effective June 7, 2008 (the "Effective Date"), by and between the Village of Tequesta, a municipal corporation with offices located at 345 Tequesta Drive, Tequesta, Florida, 33469, organized in accordance with the laws of Florida, hereinafter referred to as the "Landlord", and Palm Beach County, a political subdivision established in accordance with the laws of the State of Florida with principal address at 301 North Olive Avenue, West Palm Beach, Florida, 33401, hereinafter referred to as the "County."

WHEREAS, the Landlord and the County entered into an agreement for the lease of certain real property owned by the Landlord on June 6, 2006 [R2006-0986] (the "Lease Agreement"); and

WHEREAS, the Lease Agreement will expire on June 6, 2008 in accordance with its own terms; and

WHEREAS, the County desires to extend the Lease Agreement for a period of approximately sixteen (16) months or until September 30, 2009 and the Landlord agrees to such an extension with the consideration that the existing building would automatically become the property of the Landlord free and clear of all liens and/or encumbrances as of September 30, 2009.

NOW, THEREFORE, and in consideration of mutual terms, conditions, promises, covenants and payments hereinafter set forth, the Landlord and the County agree as follows:

SECTION 1: Section 1.02. Length of Term and Effective Date. is hereby revised to read as follows:

Section 1.02 Length of Term and Effective Date.

The term of this Lease Agreement shall commence on the Effective Date and shall extend

until September 30, 2009 unless sooner terminated pursuant to the provisions of this Lease Agreement.

SECTION 2: Section 3.04. Surrender of Premises. is revised to read as follows:

Section 3.04. Surrender of Premises.

Upon expiration of the Lease Agreement on September 30, 2009 or upon default by the County in accordance with Section 10.01. or cancellation by the County in accordance with Article XII, or for termination by the County any other reason, whatsoever, the Building and improvements currently existing on the Landlord's real property located at 465 Seabrook Road, Tequesta, Florida 33469 shall automatically become the property of the Landlord; which Building and improvements shall be surrendered to the Landlord in broom clean condition, with the County's personal property removed.

SECTION 3: Section 15.18. Effective Date of Lease. is hereby revised to read as follows:

Section 15.18. Effective Date of Lease.

The Effective Date of this Lease Agreement shall be June 7, 2008.

SECTION 4: This First Amendment shall be attached to the current Lease Agreement which was entered into by and between the Landlord and the County on June 6, 2006 and shall become a part thereof. All other sections of the Lease Agreement shall remain in full force and effect as set forth in the Lease Agreement and there shall be no changes to the Lease Agreement with the exception of those items specifically set forth in this First Amendment.

Further, the parties agree as follows:

- A. This First Amendment may be modified only by the mutual and written consent of both parties.

- B. If any provision or any portion contained in this First Amendment is held unconstitutional, invalid or unenforceable, the remainder of this First Amendment, or portion thereof, shall be deemed severable, shall not be affected and shall remain in full force and effect.

ATTEST:  
SHARON R. BOCK,  
Clerk & Comptroller

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY COMMISSIONERS

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

\_\_\_\_\_  
By: Addie Greene, Chair

[COUNTY SEAL]

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

APPROVED AS TO TERMS AND  
CONDITIONS

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

*Anthony Wolf*  
*Arman Daco*  
\_\_\_\_\_  
By: Fire-Rescue

ATTEST:

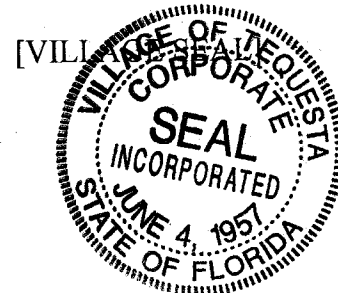
VILLAGE OF TEQUESTA

*Lori McWilliams*  
\_\_\_\_\_  
Lori McWilliams, CMC, Village Clerk

*Pat Watkins*  
\_\_\_\_\_  
Pat Watkins, Mayor

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

*Trela White*  
\_\_\_\_\_  
Trela White, Village Attorney



BUDGET AVAILABILITY STATEMENT

RECEIVED

MAY 20 2008

REQUEST DATE: May 19, 2008

REQUESTED BY: Martha LaVerghetta, Property Specialist, FD&O - PREM

SENT TO: Bonnie Stein, Financial Analyst III, Fire Rescue

PROJECT NAME: 1<sup>st</sup> Amendment, Fire Rescue Station #11 (Tequesta)

IS ITEM INCLUDED IN CURRENT BUDGET: YES X NO       

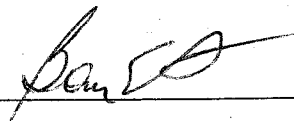
BUDGET ACCOUNT NO:

FUND: 1300 DEPT: 440 UNIT: 4231 OBJ: 4401 PROGRAM:       

FIVE YEAR SUMMARY OF FISCAL IMPACT:

FISCAL YEARS	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>
CAPITAL EXPENDITURES	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
OPERATING COSTS	<u>      </u>	<u>\$ 1.00</u>	<u>      </u>	<u>      </u>	<u>      </u>
EXTERNAL REVENUE	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
PROGRAM INCOME (COUNTY)	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
IN KIND MATCH (COUNTY)	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<b>NET FISCAL IMPACT</b>	<u>      </u>	<u>\$ 1.00</u>	<u>      </u>	<u>      </u>	<u>      </u>

PROPOSED BCC MEETING DATE: June 17, 2008

BAS APPROVED BY:  DATE: 5/19/08

G:\Property Mgmt Section\Out Lease\Fire Res STN #11 Tequesta\1st Amend\BAS.051908.doc

ATTACHMENT #3