

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

| Fiscal Years | 2009 | 2010 | 2011 | 2012 | 2013 |
|--|-------------------|------------|------------|--------------|-------|
| Capital Expenditures | _____ | _____ | _____ | _____ | _____ |
| Operating Costs | _____ | _____ | _____ | _____ | _____ |
| External Revenues | _____ | _____ | _____ | _____ | _____ |
| Program Income (County) | _____ | _____ | _____ | _____ | _____ |
| In-Kind Match (County) | _____ | _____ | _____ | _____ | _____ |
| NET FISCAL IMPACT | <u>*see below</u> | _____ | _____ | _____ | _____ |
| # ADDITIONAL FTE POSITIONS (Cumulative) | _____ | _____ | _____ | _____ | _____ |
| Is Item Included in Current Budget: | Yes _____ | No _____ | | | |
| Budget Account No: | Fund _____ | Dept _____ | Unit _____ | Object _____ | |
| | Program _____ | | | | |

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

* The proposed funding allocation for the Science Museum from the 2002 Recreational and Cultural Facilities Bond Issue will be addressed in a separate Parks and Recreation Department agenda item in the future.

C. Departmental Fiscal Review: _____

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

| | |
|--|---|
| <p><u>atwillhite 11-19-08</u> OFMB 88 11/19/08 11/19/08 54 11/19</p> | <p><u>Dr. J. Jacobus 11/19/08</u> Contract Development and Control 11/19/08</p> |
|--|---|

B. Legal Sufficiency:

H. Jal 11/20/08
 Assistant County Attorney

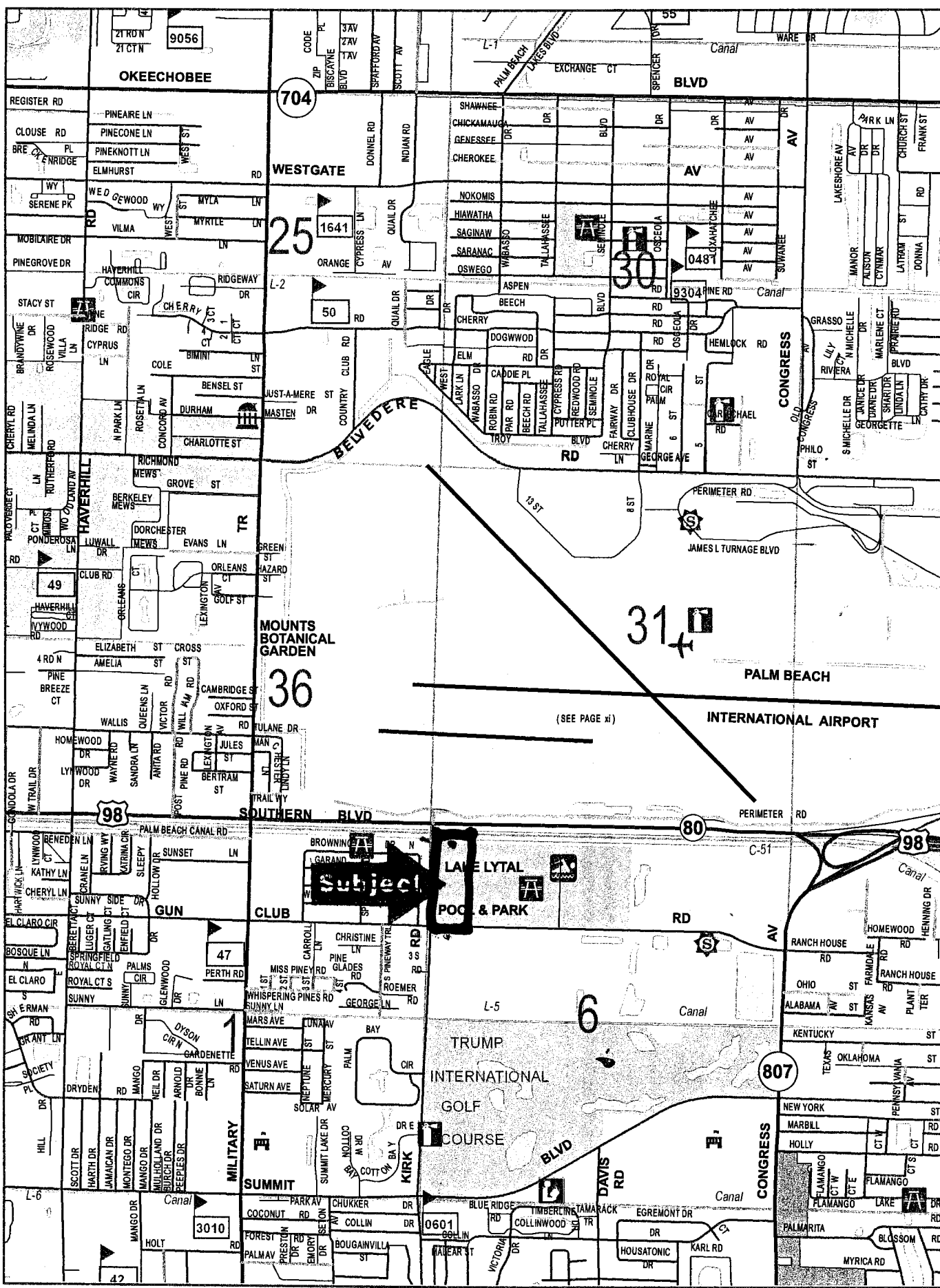
C. Other Department Review:

Dennis Eshleman
 Dennis Eshleman, Director
 Parks and Recreation

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

F

E



T43

T44

19

20

21

F

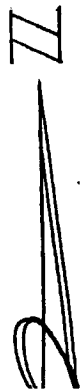
E

Attachment # 1

Page 1 of 1

Page 1 of 1

LOCATION MAP



TERMINATION OF LEASE

THIS TERMINATION OF LEASE is made and entered into on _____, by and between **PALM BEACH COUNTY**, a political subdivision of the State of Florida, hereinafter referred to as "County" and **SOUTH FLORIDA SCIENCE MUSEUM, INC.**, a Florida not-for-profit 501(c)(3) organization, hereinafter referred to as "Tenant".

WITNESSETH:

WHEREAS, County and Tenant entered into that certain Lease Agreement dated November 12, 2002 (R2002-1978), as amended by Amendment # 1 dated March 1, 2005 (R2005-0498), Second Amendment dated May 17, 2005 (R2005-0997), Amendment # 3 dated January 10, 2006 (R2006-0122), Amendment # 4 dated January 9, 2007 (R2007-0071), and Amendment #5 dated January 15, 2008 (R2008-0050) (the Lease Agreement and Amendments shall collectively be referred to herein as the "Lease") relating to the real property legally described in Exhibit "A" attached hereto; and

WHEREAS, the parties have agreed to terminate the Lease.

NOW, THEREFORE, in consideration of TEN AND NO/100'S DOLLARS, in lawful money in hand paid and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. The foregoing recitals are true and correct and incorporated herein by reference.
2. County and Tenant hereby terminate, cancel and extinguish the Lease, and Tenant hereby releases, relinquishes, and quit claims to County all right, title and interest of Tenant in and to the real property described in the Lease, all improvements thereto, and any items of personalty located upon such property.
3. This Termination of Lease shall become effective upon approval and execution by the Palm Beach County Board of County Commissioners.

(Remainder of page intentionally left blank)

IN WITNESS WHEREOF, Tenant has executed this instrument on the date set forth below and County upon the date first above written.

WITNESS:

TENANT:

SOUTH FLORIDA SCIENCE MUSEUM, INC., a Florida not-for-profit 501(c)(3) organization

[Signature]
Witness Signature

By: [Signature]
Chairman of the Board

MARY B Sellers
Print Witness Name

Print Name: Rhys L. Williams

[Signature]
Witness Signature

Date: 11/12/08

Rachel Docekal
Print Witness Name

(SEAL)

ATTEST:

COUNTY:

SHARON R. BOCK
CLERK & COMPTROLLER

PALM BEACH COUNTY, a
political subdivision of the State of Florida

By: _____
Deputy Clerk

By: _____
Chair

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

APPROVED AS TO TERMS
AND CONDITIONS

By: [Signature]
Assistant County Attorney

By: [Signature]
Audrey Wolf, Director
Facilities Development & Operations

DESCRIPTION SKETCH FOR: SOUTH FLORIDA SCIENCE MUSEUM

DESCRIPTION:

PARCEL "A":

A parcel of land, being a portion of Tract 4, Block 2, Section 6, PLAT NO. 1, PALM BEACH PLANTATIONS, as recorded in Plat Book 10, Page 20, Public Records of Palm Beach County, Florida, lying in Section 6, Township 44 South, Range 43 East, Palm Beach County, Florida, said parcel being more particularly described as follows:

COMMENCING at the Northwest corner of said Section 6, thence South 88° 47' 38" East along the North line of said Section 6 (the North line of said Section 6 is assumed to bear South 88° 47' 38" East and all other bearings are relative thereto) a distance of 483.58 feet, thence South 1° 36' 39" West a distance of 130.0 feet, to a point being on the Southerly existing right of way line for the West Palm Beach Canal (C-51) and the POINT OF BEGINNING of the hereinafter described parcel; thence continue South 1° 36' 39" West a distance of 1161.49 feet, to a point being on the Northerly right of way line of Gun Club Road per Palm Beach County Engineering Departments drawing S-1-90-102, thence North 85° 13' 19" West a distance of 161.80 feet to a point being 51.0 feet North of (as measured at right angles to) and parallel with the centerline of Gun Club Road; thence North 88° 43' 19" West along said parallel line a distance of 200.0 feet to a point; thence North 43° 35' 49" West a distance of 56.70 feet to a point being on the Easterly right of way line of Kirk Road per Palm Beach County Road right of way map project no. 88564, said East right of way line being 80.0 feet East of (as measured at right angles to) and parallel with the West line of the Northwest Quarter of said Section 6; thence North 1° 31' 42" East along said parallel line a distance of 830.11 feet to a point; thence North 2° 40' 27" East a distance of 280.90 feet to a point being on the South right of way line of the West Palm Beach Canal (C-51) said South line being 130.0 feet South of (as measured at right angles to) and parallel with the North line of the Northwest Quarter of said Section 6; thence South 88° 47' 38" East along said parallel line a distance of 397.77 feet to the POINT OF BEGINNING.

Containing 10.622 acres more or less.

PARCEL "B":

A parcel of land, being a portion of Tract 4, Block 2, Section 6, PLAT NO. 1, PALM BEACH PLANTATIONS, as recorded in Plat Book 10, Page 20, Public Records of Palm Beach County, Florida, lying in Section 6, Township 44 South, Range 43 East, Palm Beach County, Florida, said parcel being more particularly described as follows:

COMMENCING at the Northwest corner of said Section 6, thence South 88° 47' 38" East along the North line of said Section 6 (the North line of said Section 6 is assumed to bear South 88° 47' 38" East and all other bearings are relative thereto) a distance of 517.58 feet; thence South 1° 36' 39" West a distance of 130.0 feet to a point being on the Southerly existing right of way line for the West Palm Beach Canal (C-51) and the POINT OF BEGINNING of the hereinafter described parcel; thence continue South 1° 36' 39" West along the West line of a 66 foot drainage easement per Palm Beach Engineering Department drawing 3-81-637B a distance of 1162.66 feet to a point being on the Northerly right of way line of Gun Club Road per Palm Beach County Engineering Department drawing S-1-90-102, said right of way being 80.0 feet in width; thence North 88° 43' 19" West along said North right of way line a distance of 15.53 feet to a point; thence North 85° 13' 19" West a distance 18.50 feet to a point; thence North 1° 36' 39" East a distance of 1161.49 feet to a point being on the South right of way line of the West Palm Beach Canal (C-51) said South line being 130.0 feet South of (as measured at right angles to) and parallel with the North line of the Northwest Quarter of said Section 6; thence South 88° 47' 38" East along said parallel line a distance of 34.0 feet to the POINT OF BEGINNING.

Containing 0.907 acres more less.

NOTE: THIS SKETCH IS NOT VALID UNLESS ACCOMPANIED BY SHEET No. 2 OF 3 & SHEET No. 3 OF 3 MAKING A COMPLETE SET.



WALLACE SURVEYING
CORP. LICENSED BUSINESS # 4589

901 NORTHPOINT PARKWAY, SUITE 117, WEST PALM BEACH, FLORIDA 33407 * (561) 640-4551

| | |
|---------------|---------------------|
| DATE: 9/30/02 | DWG. No.: 02-1029-2 |
| OFFICE: F.C. | SHEET: 1 OF 3 |
| C'K'D.: | REF.: 02-1029D.ZAK |

Attachment # 2

EXHIBIT A

Page 3 of 8

LESS and EXCEPT the following tract of land:

LESS and EXCEPT the following tract which is subject to a maintenance easement between Palm Beach County and the South Florida Water Management District

A portion of Tract 4, Block 2, Section 6, **PLAT NO. 1 PALM BEACH PLANTATIONS**, according to the plat thereof as recorded in Plat Book 10, Page 20 of the Public Records of Palm Beach County, Florida lying in Section 06, Township 44 South, Range 43 East, Palm Beach County, Florida, more particularly described as follows:

COMMENCE at a found Palm Beach County brass disc in concrete marking the Southwest corner of the Northwest one-quarter (N.W. 1/4) of said Section 06; thence North 01° 31' 46" East along the West line of the Northwest one-quarter (NW 1/4) of said Section 06, a distance of 2534.36 feet; thence South 88° 47' 36" East, a distance of 85.62 feet to a point on the Easterly existing right of way line for Kirk Road, Palm Beach County Project No. 88564, and the **POINT OF BEGINNING**; thence continue South 88° 47' 36" East along the Southerly existing right of way line for the West Palm Beach Canal (C-51), a distance of 111.90 feet; thence South 02° 04' 09" West, a distance of 11.90 feet; thence South 78° 45' 43" West, a distance of 115.38 feet to a point on the Easterly existing right of way line for Kirk Road; thence North 02° 40' 32" East along the Easterly existing right of way line for said Kirk Road, a distance of 36.77 feet to the **POINT OF BEGINNING**.

Containing 2725 square feet (0.063 acres), more or less.

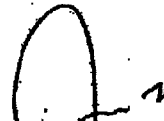
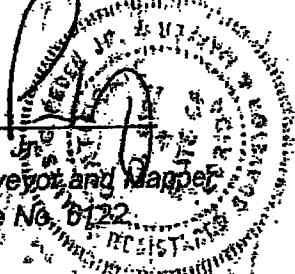
Containing in all 11.466 total acres, more or less.

NOTES:

1. No title policy or commitment affecting title or boundary to the subject property has been provided. It is possible there are deeds and easements, recorded or unrecorded, which could affect the subject property. No search of the Public Records has been made by this office.
2. This plat is not valid unless sealed with an embossed surveyor's seal and accompanied by Sheet No. 2 of 3 and 3 of 3 making a complete set.
3. This sketch cannot be transferred or assigned without the specific written permission of **Wallace Surveying Corporation**.
4. Descriptions as supplied by client.
5. This is not a survey!

CERTIFICATION:

I HEREBY ATTEST that the description sketch shown hereon meets the minimum technical standards set forth by the Florida Board of Land Surveyors and Mappers pursuant to sections 472.027, Florida Statutes, and adopted in Chapter 61G17-6, Florida Administrative Code, effective September 1, 1981.


James G. Peden, Jr.
Professional Surveyor and Mapper
Florida Certificate No. 6122


02-1029-2

NOTE: THIS SKETCH IS NOT VALID UNLESS ACCOMPANIED BY SHEET No. 1 OF 3 & SHEET No. 3 OF 3 MAKING A COMPLETE SET.



WALLACE SURVEYING
CORP. LICENSED BUSINESS # 4568

501 NORTHPOINT PARKWAY, SUITE 117, WEST PALM BEACH, FLORIDA 33407 • (561) 640-4551

| | |
|---------------|---------------------|
| DATE: 9/30/02 | DWG. No.: 02-1029-2 |
| OFFICE: R.G. | SHEET: 2 OF 3 |
| C'K'D.: | REF.: 02-1029D.ZAK |

Attachment # 2

EXHIBIT A

Page 4 of 8

SECRETARY'S CERTIFICATE

The undersigned hereby certifies that the following are true and correct statements:

1. That he/she is the Secretary of the South Florida Science Museum, Inc., a not-for-profit 501(C)(3) corporation organized and existing in good standing under the laws of the State of Florida, hereinafter referred to as the "Corporation", and that attached hereto as Exhibit A are true and correct copies of certain Resolutions adopted by the Board of Directors of the Corporation as of the 10th day of November, 2008, in accordance with the laws of the State of the state of incorporation of the Corporation, the Articles of Incorporation and the By-laws of the Corporation.

2. That the Resolutions attached hereto as Exhibit A have not been modified, amended, rescinded, revoked or otherwise changed and remain in full force and effect as of the date hereof.

3. That the Corporation is in good standing under the laws of the State of Florida and has the full power and authority to enter into the Termination of Lease as referenced in said Resolutions.

(Remainder of page intentionally left blank)

Attachment # 2
Page 6 of 8

IN WITNESS WHEREOF, the undersigned has set his hand and affixed the Corporate Seal of the Corporation the 12th day of November, 2008.

[Handwritten Signature]
(Signature)

John KIME
(Print Signatory's name)
It's Secretary

(CORPORATE SEAL)

SWORN TO AND SUBSCRIBED before me this 12th day of November, 2008, by the Secretary of the aforesaid corporation, who is personally known to me OR who produced _____ as identification and who did NOT take an oath.

Brandeis P. Riley
Notary Signature

BRANDEIS P. RILEY
Print Notary Name

NOTARY PUBLIC
State of Florida at Large

My Commission Expires:



BOARD OF TRUSTEES RESOLUTION
November 10, 2008

SOUTH FLORIDA SCIENCE MUSEUM, INC. OFFERS THE FOLLOWING RESOLUTION

Terminating of Lake Lytal Lease with Palm Beach County

Whereas the Board of Trustees of the South Florida Science Museum, Inc. wishes to terminate the lease with Palm Beach County for:

- Parcel "A" a portion of land, being a portion of Tract 4, Block 2, Section 6, PLAT NO. 1 PALM BEACH PLANTATIONS, as recorded in Plat Book 10, Page 20, Public Records of Palm Beach County, Florida, lying in section 6, Township 44 South, Range 43 East, Palm Beach County Florida containing 10.622 acres of land more or less.
- Parcel "B" a portion of land, being a portion of Tract 4, Block 2, Section 6, PLAT NO. 1 PALM BEACH PLANTATIONS, as recorded in Plat Book 10, Page 20, Public Records of Palm Beach County, Florida, lying in section 6, Township 44 South, Range 43 East, Palm Beach County Florida containing .097 acres of land more or less.

It is hereby resolved that The Chairman of the Board of Trustees, Rhys L. Williams, shall be authorized to execute the attached lease termination agreement with Palm Beach County Florida. Be it also resolved that any two officers and or staff members listed below may serve as witnesses on that agreement.

Daniel Fountain, Treasurer of the Corporation
Mary Sellers, C.E.O.
Dr. Rachel Docekal, V. P. Institutional Advancement

Attachment # 2
Page 8 of 8



RECEIVED

JUN - 2 2008

DIRECTOR'S OFFICE

May 28, 2008

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

Att: Audrey Wolf

Re: South Florida Science Museum/Palm Beach County
Land Lease Agreement

Dear Audrey:

As the South Florida Science Museum continues to focus on our long range goal of providing the very best science-related programs and exhibits to the community, we have come to one very important conclusion regarding our future. It is now clear to us that remaining in our current location in Dreher Park and expanding our programs will provide the best possible outcome for our members, visitors and the region.

The 2002 Lease Agreement (as Amended in January 2008) between the Science Museum and Palm Beach County has specific conditions for terminating the Lease. Our Board of Trustees respectively asks that you use this letter as our intent to relinquish the Lease back to Palm Beach County. We are working with the City of West Palm Beach as well as communicating with the Palm Beach Zoo to establish a new Master Plan for our facility in Dreher Park. We are anticipating a public announcement in September to outline our new vision and direction. We were hoping that the relinquishing of our lease with the County would have coincided with this new announcement so as to avoid any possible misunderstanding of our direction by government and the citizens of Palm Beach County.

The site has been maintained in a state greatly improved from when we took over the property in December of 2002. Many invasive species of trees and flora have been cleared from the majority of the site, and we removed over ten dumpsters of debris and garbage, including two automobiles. We have been renting a fence to protect the west side from illegal dumping and

Attachment # 3

Page 1 of 2

1

Palm Beach County
Facilities Development & Operations Department
May 28, 2008

can either turn this fence over to your control or have it removed. We are not aware of any other outstanding costs or commitments regarding the site and look forward to your comments on how best to proceed.

Therefore, the South Florida Science Museum's desire is to officially relinquish, thereby terminating, the Lease Agreement in September of this year to allow for sufficient time and preparation by both of our staffs in an effort to make this as simple and streamlined as possible.

I also want to personally thank you for your tremendous professional support in working diligently with us on the numerous issues that have arisen over the last few years. Please do not hesitate to contact me directly with questions or comments or if further information is required.

Best regards,
South Florida Science Museum



Charles M. Hamilton
President/CEO

CMH/JG

cc: Rhys L. Williams; Chairman, Board of Trustees
Ian Kulin, Project Manager

Attachment # 3

Page 2 of 2