

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: February 23, 2010

Consent

Regular

Ordinance

Public Hearing

Department: Parks and Recreation

Submitted By: Parks and Recreation Department

Submitted For: Parks and Recreation Department

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: First Amendment to Palm Beach County Florida Boating Improvement Program Project Agreement with the Town of Jupiter (R2008-0422) for funding of the Sawfish Bay Park project to reduce project scope, reduce funding amount from \$250,000 to \$122,724.78, and to extend the project completion date from December 31, 2008, to March 30, 2010.

Summary: This fully executed First Amendment reduces the amount of Palm Beach County Florida Boating Improvement Program (FBIP) funding for the Sawfish Bay Project from \$250,000 to \$122,724.78, reduces the project scope, and extends the project completion date from December 31, 2008, to March 30, 2010. Funding for this project was approved from the Park Improvement Fund during the FY2007 budget process. After the final reimbursement payment is issued, the residual balance in this project will be returned to the Park Improvement Fund FBIP reserve. District 1 (AH)

Background and Justification: This First Amendment to the PBC-FBIP Agreement with the Town of Jupiter is for funding of the completed Sawfish Bay Park project and is necessary to continue processing a project reimbursement. The original project description included a dock/seawall, canoe/kayak launch, 28 parking/access spaces, and restrooms. The restrooms are being eliminated from the FBIP project because another funding source for the restrooms was found. The County's contribution of FBIP funding to assist the Town of Jupiter with the cost of the dock/seawall, canoe/kayak launch, and 28 parking spaces was reduced from \$250,000 to \$122,724.78.

The original project completion date was December 31, 2008, but decisions regarding the restrooms and FBIP requirements, such as the need to record a Notice of Limitation of Use for the project site, resulted in Jupiter's request for the Amendment to extend the project completion date to March 30, 2010. The term of the Agreement for this capital project remains unchanged and is for 25 years or until March 10, 2033.

This First Amendment has been executed on behalf of the Town of Jupiter, and now needs to be approved by the Board of County Commissioners.

Attachments:

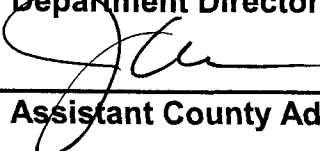
1. First Amendment to Project Agreement
2. Letter from Town of Jupiter

Recommended by:


Department Director

1/29/10
Date

Approved by:


Assistant County Administrator

2/10/10
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2010	2011	2012	2013	2014
Capital Expenditures	<u>(127,275)</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>(127,275)</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
# ADDITIONAL FTE POSITIONS (Cumulative)	<u>0</u>	_____	_____	_____	_____

Is Item Included in Current Budget? Yes X No _____
 Budget Account No.: Fund 3600 Department 581 Unit P603
 Object 8101 Program N/A

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

FUND: Park Improvement Fund
 UNIT: Sawfish Bay Park
 Contributions Othr Govtl Agency 3600-581-P603-8101 (\$127,275)

C. Departmental Fiscal Review: _____ ckopelakis _____

III. REVIEW COMMENTS

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

Funding reduced by \$127,275.22.

[Signature]
 OFMB *ada 2/11*
2/16/10
5/2/10
5/12/10

[Signature] 2/9/10
 Contract Development and Control

B. Legal Sufficiency:

This amendment complies with our review requirements.

Anne Delaney 2/10/10
 Assistant County Attorney

C. Other Department Review:

 Department Director

REVISED 10/95
 ADM FORM 01

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

**FIRST AMENDMENT TO FLORIDA BOATING IMPROVEMENT PROGRAM
PROJECT AGREEMENT BETWEEN PALM BEACH COUNTY AND THE TOWN OF
JUPITER FOR SAWFISH BAY PARK DEVELOPMENT**

THIS AMENDMENT is entered into on _____, by and between Palm Beach County, a political subdivision of the State of Florida, hereinafter referred to as "County", and the Town of Jupiter, a Florida Municipal Corporation, herein referred to as "Town".

WITNESSETH:

WHEREAS, on February 1, 2008, County entered into an Agreement (R-2008-0422) with Town, hereinafter referred to as the "Agreement" to provide Palm Beach County Florida Boating Improvement Program (PBC-FBIP) funding in an amount not to exceed \$250,000 to assist with the funding for Town's Sawfish Bay Park Development project, hereinafter referred to as the "Project"; and

WHEREAS, Town has requested that County extend the Project completion date specified in the Agreement from December 31, 2008, to March 30, 2010, in order to allow additional project completion time and accommodate the necessary time frame for the reimbursement process; and

WHEREAS, Town has requested that County approve a revised project description and cost estimate (Exhibit A to the Agreement) to eliminate construction of the restroom buildings from the project elements list and to revise the actual completed costs for the remainder of the project to total \$122,724.78; and

WHEREAS, the Project will benefit all citizens of Palm Beach County.

NOW THEREFORE, the parties hereby agree as follows:

1. The fifth "Whereas" clause of the Agreement is amended to read, "Whereas, the Town has submitted a Project Application requesting FBIP funds in an amount not to exceed \$122,724.78 for use toward Sawfish Bay Park Boating Improvements which is an eligible project in accordance with Resolution No. 99-7, as amended; and"
2. The sixth "Whereas" clause of the Agreement is amended to read, "Whereas, funding in an amount not to exceed \$122,724.78 is available from FBIP funds."
3. Section 4a of the Agreement is amended to read, "The County hereby agrees to pay the Town an amount not to exceed \$122,724.78 on a reimbursement basis for costs associated with the Town's eligible boating related project to include a dock/seawall, canoe/kayak launch, and 28 parking/access spaces, hereinafter referred to as the "Project", as more fully described in the revised "Exhibit A" of the Project Application attached hereto and incorporated herein."
4. The first sentence of Section 7 of the Agreement is amended to read "The Town shall complete the Project and provide accounting data to County for same on or before March 30, 2010."
5. Except as provided herein, each and every other term of the Agreement shall remain in full force and effect and the Agreement is reaffirmed as modified herein.

IN WITNESS WHEREOF, the parties, by and through their duly authorized agents, have hereunto set their hands and seals on the date indicated above.

ATTEST:
SHARON R. BOCK, Clerk &
Comptroller
By: _____
Deputy Clerk

**PALM BEACH COUNTY, FLORIDA, ON BEHALF
OF ITS BOARD OF COUNTY COMMISSIONERS**
By: _____
Burt Aaronson, Chair

ATTEST: 


City Clerk *Sally M. Bock*

TOWN OF JUPITER
By: 

Mayor

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**
By: _____
County Attorney



By: 
Dennis L. Eshleman, Director
Parks and Recreation Department

11-12-2009

Date Received: ~~10-17-07~~

**PALM BEACH COUNTY
FLORIDA BOATING IMPROVEMENT PROGRAM
PROJECT APPLICATION**
AMENDED

Part A: Identification

Applicant Information

Project Sponsor: Town of Jupiter
Project Name: Sawfish Bay Park
Liaison Agent: Russell Ruskay
Title: Director of Parks and Recreation
Address: 200 Military Trail, Jupiter, FL 33458
Telephone: 561-741-2334

I hereby certify that the information provided in this application is true and accurate.

Signature: 

Date: 10-11-07

Project Information

Grant Amount Requested: ~~\$250,000~~ \$122,724.78

Project Type (check one)

Acquisition

Development

Retroactive

Site Control (check one)

Acquisition

Leased

Own

If Leased, Date of Expiration:

Brief Project Description:

Sawfish Bay Park is located at the junction of the Intracoastal Waterway and the Loxahatchee River with views of the historic Jupiter lighthouse. The park has been designated as historical, and was once used as a drop off and pick up point for children that accessed the land by boat to attend school. It is located on a major roadway, Alternate A1A. Amenities at this park include a 900-ft. seawall fishing pier, a canoe/kayak launch, two docks, a sand beach, pavilions, picnic tables, benches, trash receptacles, water fountains, grass parking, hiking trail and a fish cleaning station. Restrooms are on the construction plans and are ~~currently out to bid~~. In addition to the parks kayak/canoe launching area, based on this park's location and other amenities, it is considered a highly desired boater's destination park.

**PALM BEACH COUNTY
FLORIDA BOATING IMPROVEMENT PROGRAM
PROJECT APPLICATION**

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Part B: Development

The project is 95-percent complete. The only outstanding features are the restrooms, which are currently out to bid. We anticipate completion by ~~May 2008.~~
(please see attached photos) December 2009. *ck*

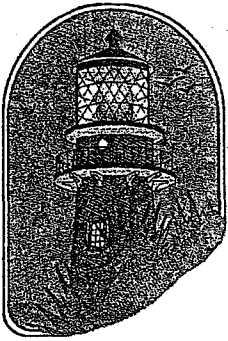
Project Description

Type and Estimated Cost of Proposed Development by Facility:

<u>Facility</u>	<u>Quantity (Number and/or Footage)</u>	<u>Estimate Cost</u>
Restrooms	300 sq. ft.	\$102,000
Dock/Seawall	30 ft.	\$44,750
Canoe/Kayak Launch	20 ft.	\$14,000
Parking/Access	28 spaces	\$89,250
Total		<u>\$250,000</u>
		122,724.78 <i>ck</i>

Attachments (Required prior to Application Consideration)

- Location Map: Attach a detailed street, road or highway map locating the project site and provide driving instructions from the nearest intersection.
- Site Plan: Attach a legal-sized conceptual site plan displaying location of planned facilities, if applicable.
- Boundary Map: Provide a boundary map clearly identifying the project boundaries.



Town of Jupiter

Department of Parks and Recreation

July 10, 2009

Susan Yinger
Administrative Support Manager
Palm Beach County
Department of Parks and Recreation
2700 6th Avenue South
Lake Worth, FL 33461

Amendment is required

Reference: Palm Beach County FBIP – Town of Jupiter
Sawfish Bay Park
REQUEST FOR AMENDMENT AND REIMBURSEMENT

Dear Ms. Yinger:

The Town of Jupiter is respectfully requesting an amendment to the above-referenced grant agreement, along with reimbursement for the finished project elements.

The restrooms were not built; therefore, we would like to remove this element from the agreement. We are requesting reimbursement for the finished elements. The original grant agreement was for \$250,000, and the restrooms were \$102,000. Enclosed is an itemized statement showing the completed project elements. Our total reimbursement request is for \$122,724.78.

Please contact me at 561-741-2334 or via e-mail at russr@jupiter.fl.us with any questions relating to this project or request. Your consideration is appreciated!

Very truly yours,

Russell Ruskay, Director
Department of Parks and Recreation

cc: Mark Rady, Grants Accountant