Agenda Item #: 3H-23

# PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

Meeting Date:	March 23, 2010	[X] Consent [ ] Ordinance	[ ] Regular [ ] Public Hearing	
Department:	Facilities Developme	nt & Operations		

#### I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: exercise of the final option to extend the term of the Lease Agreement (R2002-0957), dated June 18, 2002, with the Milagro Foundation, Inc., for the County's continued use of a 2,100+/- SF child care facility and surrounding land for the Delray Beach Early Head Start Program, at an annual rate of \$39,552/yr.

Summary: The County on behalf of Community Services Head Start currently leases approximately 2,100 SF child care facility and surrounding land at 346 SW 6th Avenue in Delray Beach, for the operation of the Delray Beach Early Head Start Program. The County has leased this facility since 2005 and the current term will expire on April 30, 2010. This final remaining option will extend the term of the Lease Agreement for one (1) year, from May 1, 2010 through April 30, 2011. The annual rent for this extension period will increase three percent (3%) to \$39,552 (\$18.83/sf). All other terms of the Lease Agreement remain unchanged. (PREM) District 7 (HJF)

Background and Justification: On June 18, 2002, the Board approved the initial Lease Agreement with Ages & Stages, Inc. for a period of two (2) years and ten (10) months expiring on April 30, 2005. On January 11, 2005, the Board exercised the renewal option, extending the term of the Lease Agreement until April 30, 2008 (R2005-0101). In December 2006, Ages & Stages, Inc. sold the property to the Milagro Foundation, Inc. On April 15, 2008, the Board approved Amendment Number One to the Lease Agreement extending the term of the Lease for one (1) year expiring on April 30, 2009, and increasing the annual rental rate to \$37,200.00 (R2008-0634). On February 24, 2009 the Board approved Amendment Number Two to the Lease Agreement extending the term of the Lease for one (1) year from May 1, 2009 through April 30, 2010, and providing for one (1) option to renew for one (1) year. Currently, the County does not have any County-owned space available within the surrounding area to use as an Early Head Start facility. The Delray Beach Early Head Start Program serves 16 children from the ages of 1 month through 36 months. This Program is scheduled to be relocated to the new Head Start facility planned for construction within Delray Beach's Catherine Strong Park in FY 2012. A third amendment will be necessary if construction is delayed. Florida State Statutes, Section 286.23, requires that a Disclosure of Beneficial Interests be obtained when a property held in a representative capacity is leased to the County. The Milagro Foundation, Inc., a Florida Non Profit Corporation 501(c)(3), provided the attached Disclosure indicating that no person or entity holds a five percent (5%) or greater beneficial interest.

#### **Attachments:**

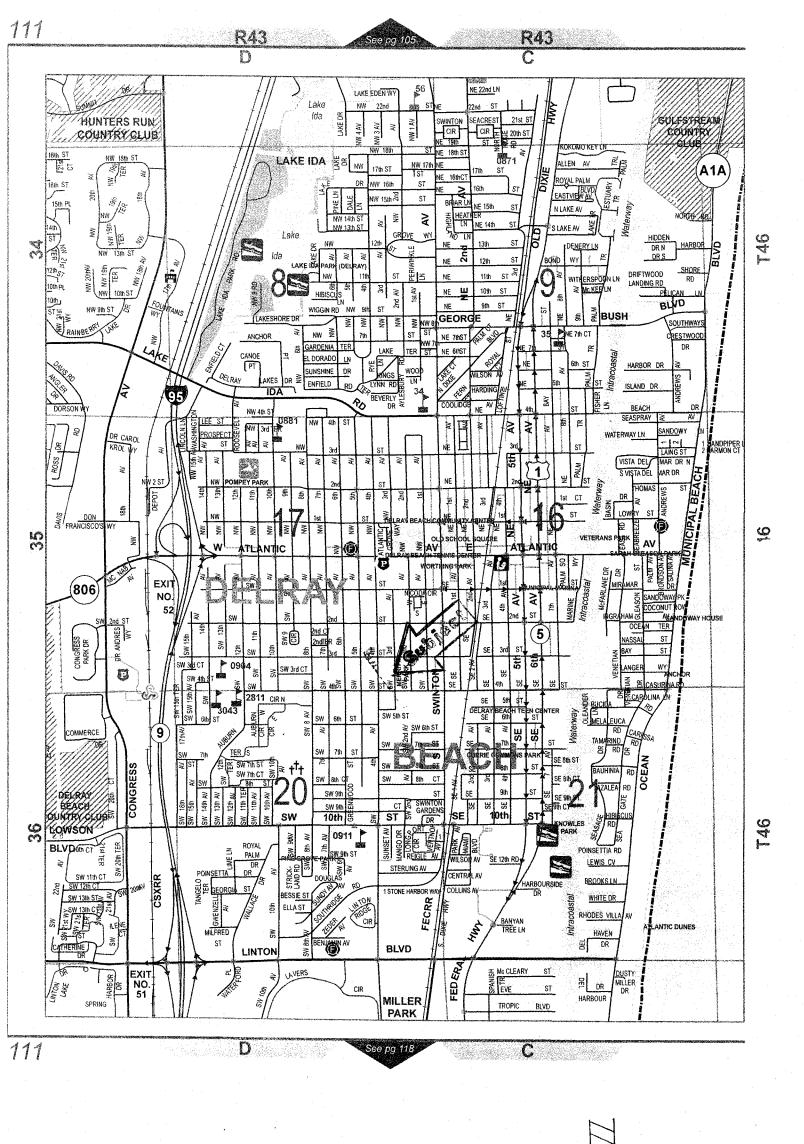
- 1. Location Map
- 2. Option to Extend Letter
- 3. Disclosure of Beneficial Interest
- 4. Budget Availability Statement

Recommended By:	Anny Wif	427/10		
	Department Director	Date	•	
Approved By:	WYUM	3/16/10		
	County Administrator	Date	•	

# II. FISCAL IMPACT ANALYSIS

<b>A.</b>	Five Year Summary of Fi	scal Impact:				
Fisca	l Years	2010	2011	2012	2013	2014
Oper Exter Prog In-Ki	tal Expenditures rating Costs rnal Revenues ram Income (County) ind Match (County	<u>16,480</u> 	23,072			
NET	FISCAL IMPACT	<u>16,480</u>	23,072			-
	DITIONAL FTE TIONS (Cumulative)			<u> </u>	<del></del>	
Is Ite	m Included in Current Bud	get: Yes	<u>X</u>	No		
Budg	et Account No: Fund Program	1002 Dept EH20 GY09	_	Unit <u>1457</u>	Object	4410 Ad valorem 20% Grant 80%
В.	Recommended Sources of	Funds/Summ	ary of Fis	cal Impact:		
C.	Departmental Fiscal Revie	ew: III. <u>REVIE</u>	W COMN	MENTS		
Α.	OFMB Fiscal and/or Cont	ract Developi	nent Com	ments:		
	OFMB 19/2019 18/10 2		Contract D	evelopment and	Control 3/12/20	12)10
В.	Assistant County Attorney	3/15/10				
C.	Other Department Review	y:				
	Department Director					

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



LOCATION MAP

ATTACHMENT # /





Facilities Development & Operations Department
Property & Real Estate
Management Division

2633 Vista Parkway
West Palm Beach, FL 33411-5605
(561) 233-0217
FAX: (561) 233-0210
www.pbcgov.com/fdo

Palm Beach County Board of County Commissioners

Burt Aaronson, Chair

Karen T. Marcus. Vice Chair

Jeff Koons

Shelley Vana

Steven L. Abrams

Jess R. Santamaria

Priscilla A. Taylor

**County Administrator** 

Robert Weisman

"An Equal Opportunity
Affirmative Action Employer"



March 23, 2010

CERTIFIED MAIL, RETURN RECEIPT REQUESTED 7008 1830 0003 6079 8785

Stacey Renee Sutton, Executive Director The Milagro Foundation, Inc. 340 SW 6th Avenue Delray Beach, FL 33444

Re: Exercise of Option to Extend Lease Agreement (R2002-0957) dated June 18, 2002, as amended, by and between the Milagro Foundation, Inc., as Landlord, and Palm Beach County.

Dear Ms. Sutton:

Pursuant to the provisions of Section 1.04 of the above referenced Lease Agreement, Palm Beach County, is hereby exercising this one time option to extend the term of said Lease for an additional period of one (1) year effective May 1, 2010, through April 30, 2011.

Sincerely,

ATTEST:

SHARON R. BOCK CLERK & COMPTROLLER PALM BEACH COUNTY, FLORIDA, a political subdivision of the State of Florida

BOARD OF COUNTY COMMISSIONERS

By:\_\_\_\_\_\_\_Burt Aaronson, Chair

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

APPROVED AS TO TERMS AND CONDITIONS:

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

By: Coff 11 Production

G:\Property Mgmt Section\Out Lease\Ages & Stages Early Headstart DELRAY\Extension Option 2010\Ltr Exercise of Option 3.09.10.HF app.020210.docx

#### LANDLORD'S DISCLOSURE OF BENEFICIAL INTERESTS (REQUIRED BY FLORIDA STATUTES 286.23)

TO: PALM BEACH COUNTY CHIEF OFFICER, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared,						
1. Affiant is the <u>President</u> of <u>Milagro Foundation</u> , Inc. , (the "Owner") which entity is the owner of the real property legally described on the attached Exhibit "A" (the "Property").						
2. Affiant's address is: 340 SW 6 <sup>th</sup> Ave., Delray Beach, FL 33444						
3. Attached hereto, and made a part hereof, as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent (5%) or greater beneficial interest in the Owner and the percentage interest of each such person or entity.						
4. Affiant acknowledges that this Affidavit is given to comply with Florida Statutes 286.23, and will be relied upon by Palm Beach County in its lease of the Property.						
5. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.						
6. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.						
FURTHER AFEIANT SAYETH NAUGHT.						
(Print Affiant Name) Jeffrey Cohen						
The foregoing instrument was sworn to, subscribed and acknowledged before me this \( \frac{18^{\frac{1}{38^{\frac{1}{108^{\frac{1}{38^{\frac{1}{38^{\frac{1}{18^{\frac{1}{108^{\frac{1}{108^{\frac{1}{18^{1}}}}}}}}}}}}}}}}}}}}}}}}}}}}}}}						
MICHELE A ALLEN (Print Notary Name)  Notary Public State of Florida My Cormission # DD 579844 Bonded By National Notary Asan.  NOTARY PUBLIC State of Florida at Large						
G:\PREM\Standard Documents\Disclosure of Beneficial Interest (landlord) 12-08 doc						

#### **EXHIBIT "A"**

#### **PROPERTY**

THE SOUTH 100 FEET OF THE EAST 100 FEET OF THE SOUTH ½ BLOCK 16, TOGETHER WITH THE NORTH 100 FEET OF THE SOUTH 204.88 FEET OF THE EAST 135 FEET OF THE SOUTH ½ BLOCK 16, AND THE SOUTH 204.88 FEET OF THE EAST 100 FEET, LESS THE SOUTH 100 FEET AND THE NORTH 100 FEET OF THE SOUTH ½ BLOCK 16. TOWN OF LINTON, FLORIDA, N/K/A DELRAY BEACH, ACCORDING TO THE PLAT THEROF AS RECORDED IN THE PLAT BOOK 1, PAGE 3, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

#### **EXHIBIT "B"**

# SCHEDULE TO BENEFICIAL INTERESTS IN PROPERTY

Landlord is only required to identify five percent (5%) or greater beneficial interest holders. If none, so state. Landlord must identify individual owners. If, by way of example, Landlord is wholly or partially owned by another entity, such as a corporation, Landlord must identify such other entity, its address and percentage interest, as well as such information for the individual owners of such other entity.

NAME ADDRESS			OF INTERES			
There are no Board	Members w	vho have m	ade contr	ibutions gre	eater than 5%	of our
operating budget. The program is operational based upon grants from a variety of						
family foundations,	Children S	Services Co	uncil, Co	mmunity F	oundation, a	nd the
United Way. Any a	dditional n	nonies are	raised th	rough fund	lraising event	s. The
Milagro Foundation	is a 501	C 3. The	re are no	o individua	l entities that	t have
beneficial interest in	its assets.					
		***	<del></del>		-	
·						

## **BUDGET AVAILABILITY STATEMENT**

REQUEST DATE: 1/05/2010 REQ	UESTED BY:	Richard C Boga	tin PHC FAX	NE: 561.233.0 : 561.233.	
PROJECT TITLE: Delray Beach Early	y Head Start (M	Ailagro Center),	Extension Option	PROJECT 1	NO.:2009-5.017
Fiscal Years	2010	2011	2012	2013	2014
Capital Expenditures Operating Costs External Revenues Program Income (County) In-Kind Match (County	16,480	<u>23,072</u> 			
NET FISCAL IMPACT	<u>16,480</u>	23,072			
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Department: Community Services,					
BAS APPROVED BY:	na Malh	olla DA	TE: 1/13	10	
ENCUMBRANCE NUMBER:					

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ACORD,	<b>EVIDENCE OF</b>	PRO	PERTY IN	SURANC	E DATE 02.	(MM/DD/YYYY) /02/2010
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okas & Callaway			General Ins Co	of America		
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Rose McEwem, CIC/JCLEMM

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A	ABUSI	E & MOLESTATION INCL			PERSONAL & ADV INJURY	\$	1,000,000
					GENERAL AGGREGATE	\$	3,000,000
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					PROPERTY DAMAGE (Per accident)	\$	
	GARAGE LIABILITY				AUTO ONLY - EA ACCIDENT	\$	
	ANY AUTO				OTHER THAN AUTO ONLY: AGG	\$	
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	DEDUCTIBLE RETENTION \$					\$	
	WORKERS COMPENSATION AND		<u> </u>	<del>                                     </del>	WC STATU- OTH		
	EMPLOYERS' LIABILITY			1	E.L. EACH ACCIDENT	s	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED?				E.L. DISEASE - EA EMPLOYE	+	
	If yes, describe under SPECIAL PROVISIONS below				E.L. DISEASE - POLICY LIMIT	+	
A	OTHER Professional Liability	LP7739596	09/11/2009	09/11/2010	\$1,000,000 \$3,000,000	Each	
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Re: Pal the con	cription of operations/Locations/Vehicle 340 SW 6th Ave & 346 SW 6th Beach County BOCC, Proper General Liability when required tons.	h Ave, Delray beach, ty and Real Estate M uired by written con	FL 33444 gt. is named tract with t	d as Addition the Named In	sured per the po		
1 e	n (10) Day Notice of Cancel	lation applies in th	e event of i	non payment	or premium."		
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ŀ	Property and Real Estate Attention: Nicholas Lan		BUT FAILUR	E TO MAIL SUCH NOTI	O THE CERTIFICATE HOLDERT CE SHALL IMPOSE NO OBLIGA , ITS AGENTS OR REPRESENT.	TION O	R LIABILITY
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Rose McEwen, CIC/EAMBLE

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		GENERAL LIABILITY		T			EACH OCCURRENCE	\$	
		COMMERCIAL GENERAL LIABILITY					DAMAGE TO RENTED PREMISES (Ea occurence)	\$	
		CLAIMS MADE OCCUR					MED EXP (Any one person)	\$	
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					REPRESENTATI AUTHORIZED RE		19		

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### **Detail by Entity Name**

#### Florida Non Profit Corporation

MILAGRO FOUNDATION, INC.

#### Filing Information

Document Number N98000000152

FEI/EIN Number

650804625

Date Filed

01/12/1998

State

FL

Status

ACTIVE

Last Event

CANCEL ADM DISS/REV

Event Date Filed 09/30/2008

**Event Effective Date NONE** 

#### **Principal Address**

340 SW 6TH AVE

**DELRAY BEACH FL 33444** 

Changed 04/22/2005

#### **Mailing Address**

340 SW 6TH AVE

**DELRAY BEACH FL 33444** 

Changed 03/13/2009

#### Registered Agent Name & Address

COHEN, JEFFREY L 54 NE FOURTH AVE

DELRAY BEACH FL 33483

Name Changed: 04/22/2005

Address Changed: 09/30/2008

#### Officer/Director Detail

#### Name & Address

Title DP

COHEN, JEFFREY L 54 NE FOURTH AVENUE DELRAY BEACH FL 33483 US

Title DS

KNAUS, MARYANN 1479 ESTUARY TRAIL DELRAY BEACH FL 33483 US

http://www.sunbiz.org/scripts/cordet.exe?action=DETFIL&inq\_doc\_number=N9800000015... 2/1/2010

Title DT

HINNERS, BRIAN J 625 AUBURN CIRCLE WEST DELRAY BEACH FL 33444 US

#### **Annual Reports**

Report Year Filed Date

2007

02/05/2007 09/30/2008

2008 2009

03/13/2009

#### **Document Images**

03/13/2009 – ANNUAL REPORT	View image in PDF format
09/30/2008 REINSTATEMENT	View image in PDF format
02/05/2007 ANNUAL REPORT	View image in PDF format
01/23/2006 ANNUAL REPORT	View image in PDF format
04/22/2005 ANNUAL REPORT	View image in PDF format
06/15/2004 ANNUAL REPORT	View image in PDF format
04/08/2004 ANNUAL REPORT	View image in PDF format
04/16/2003 ANNUAL REPORT	View image in PDF format
04/28/2002 ANNUAL REPORT	View image in PDF format
04/30/2001 ANNUAL REPORT	View image in PDF format
04/26/2000 ANNUAL REPORT	View image in PDF format
05/17/1999 - ANNUAL REPORT	View image in PDF format
01/12/1998 Domestic Non-Profit	View image in PDF format
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Note: This is not official record. See documents if question or conflict.

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No Name History

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### 2009 NOT-FOR-PROFIT CORPORATION ANNUAL REPORT

DOCUMENT# N9800000152

Entity Name: MILAGRO FOUNDATION, INC.

Mar 13, 2009 Secretary of State

**Current Principal Place of Business:** 

New Principal Place of Business:

340 SW 6TH AVE

DELRAY BEACH, FL 33444

**Current Mailing Address:** 

**New Mailing Address:** 

340 SW 6TH AVENUE DELRAY BEACH, FL 33444 US

340 SW 6TH AVE DELRAY BEACH, FL 33444

FEI Number: 65-0804625

FEI Number Applied For ( )

FEI Number Not Applicable ( )

Certificate of Status Desired ( )

Name and Address of Current Registered Agent:

Name and Address of New Registered Agent:

COHEN, JEFFREY L 54 NE FOURTH AVE DELRAY BEACH, FL 33483

US

The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.

SIGNATURE:

Electronic Signature of Registered Agent

Date

**OFFICERS AND DIRECTORS:** 

ADDITIONS/CHANGES TO OFFICERS AND DIRECTORS:

Title: Name:

( ) Delete COHEN, JEFFREY L

54 NE FOURTH AVENUE

Title: Name: () Change () Addition

Address: City-St-Zip:

DELRAY BEACH, FL 33483 US

City-St-Zip: Title:

() Change () Addition

Name:

Title:

DS () Delete KNAUS, MARYANN

Name: Address

Address: City-St-Zip:

1479 ESTUARY TRAIL DELRAY BEACH, FL 33483 US

City-St-Zip: Title:

( ) Change ( ) Addition

Name: Address: City-St-Zip: ( ) Delete

HINNERS, BRIAN J 625 AUBURN CIRCLE WEST Name:

Address:

DELRAY BEACH, FL 33444 US

City-St-Zip:

I hereby certify that the information supplied with this filing does not qualify for the exemption stated in Chapter 119, Florida Statutes. I further certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am an officer or director of the corporation or the receiver or trustee empowered to execute this report as required by Chapter 617, Florida Statutes; and that my name appears above, or on an attachment with an address, with all other like empowered.

SIGNATURE: JEFFREY L COHEN

DP

03/13/2009

Electronic Signature of Signing Officer or Director

Date