Agenda Item #: 3H-4

PALM BEACH COUNTY **BOARD OF COUNTY COMMISSIONERS** AGENDA ITEM SUMMARY

Meeting Date:	July 16, 2013	[X] Consent [] Ordinance	[] Regular [] Public Hearing
Department:	Facilities Development	t & Operations	

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to receive and file: a notice of exercise of the first option to extend the term of the Lease Agreement (R-98-1015-D) with Okeeheelee BMX Parents Council, Inc. (Council) for the continued use of a bicycle moto-cross track at Okeeheelee Park for \$1/year.

Summary: Since July 21, 1998, Council has operated under the current Lease Agreement for the management of an approximate 3.78 acre bicycle moto-cross track in the southwest corner of Okeeheelee Park. Council wishes to exercise its option to extend the term of the Lease for five (5) years from July 21, 2013, to July 20, 2018. The Annual Rent is \$1 and it is paid to the Parks & Recreation Department. The Parks & Recreation Department is satisfied with Council's performance. The Board has no discretionary authority to deny the exercise of the option; however, the County may terminate the Lease Agreement upon thirty (30) days written notice to Council. The Council will have one (1) remaining five (5) year option. (PREM) District 2 (HJF)

Background and Justification: The Lease Agreement was approved on July 21, 1998 (R-98-1015-D). The initial term was for five (5) years ending on July 20, 2003, with one (1) term extension option for five (5) years. The extension option was exercised and the term was extended to July 20, 2008. On July 8, 2008 (R2008-1179), the Board approved a First Amendment to the Lease Agreement extending the term to July 20, 2013, with two (2) term extension options of five (5) years each. Exercise of this first option will extend the term to July 20, 2018. Florida 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, but does not require such Disclosure when the County leases property to a tenant. Council has provided a Disclosure of Beneficial Interest identifying it as a not-for-profit corporation where no individual holds a greater than 5% interest in the corporation. Parks and Recreation will continue to have management responsibility for this Lease.

Attachments:

- Location Map 1.
- 2. Letter dated March 4, 2013, from Okeeheelee BMX Parents Council, Inc.
- Budget Availability Statement 3.
- Disclosure of Beneficial Interests 4.

Recommended By:	Pett Ammy WirF	6/2/13	
* 1	Department Director	Date /	
Approved By:	Alu	6/24/13	
	County Administrator	Date	

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2013	2014	2015	2016	2017
Capital Expenditures					
Operating Costs					
External Revenues	<u>(\$1)</u>	<u>(\$1)</u>	<u>(\$1)</u>	<u>(\$1)</u>	<u>(\$1)</u>
Program Income (County)					
In-Kind Match (County)				ti.	
NET FISCAL IMPACT	<u>(\$1)</u>	(\$1)	(\$1)	<u>(\$1)</u>	<u>(\$1)</u>
# ADDITIONAL FTE POSITIONS (Cumulative)					
Is Item Included in Current B	udget: Yes	X	No		
0	<u>0001</u> De gram	ept <u>580</u>	Unit <u>5110</u>	Obj <u>4</u>	<u>902</u>

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

The \$1/year rent due each July 21st is remitted directly to the Parks & Recreation Department.

C. Departmental Fiscal Review: _

6-1017

III. <u>REVIEW COMMENTS</u>

OFMB Fiscal and/or Contract Development Comments: A. Contract Development and Contro G-21-13 B Grad 6121113 OFMB

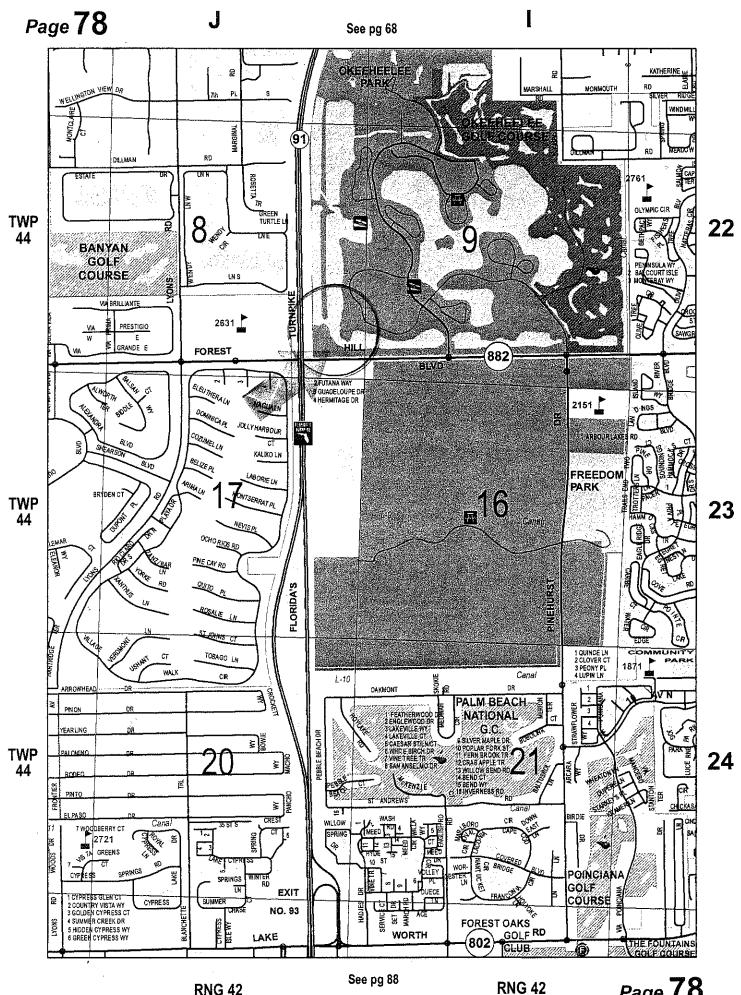
B. Legal Sufficiency:

County Attornéy

C. Other Department Review:

Department Director

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



RNG 42

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OCATION MAP L

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3/4/2013

Palm Beach County Parks and Recreation Attn: John Wildner 2700 6th Ave South Lake Worth, FL 33461

To Whom It May Concern:

This letter is to inform you that the Okeeheelee BMX Parents Council Inc., we would like to exercise the first of two 5-year options to extend the term of the Lease Agreement dated 7/21/98 (R98-1015), as amended, to 7/20/2018.

Please be advised to address all future notifications to: Okeeheelee BMX Parents Council, Inc., Attn: President, P.O. Box 211652, Royal Palm Beach, FL 33411".

Please advise how we should proceed to facilitate this lease renewal.

Respectfully,

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Mark Dew President Okeeheelee BMX Parents Council, Inc.

REQUESTED BY: Steven K. Schlamp PHONE: 233-0239 REQUEST DATE: 5/20/2013 Property Spec./PREM FAX: 233-0210 PROJECT TITLE: Okee Park BMX Option 2013 PROJECT NO.: 2012-5.011 **Fiscal Years** 2013 2014 2016 2017 2015 **Capital Expenditures Operating Costs External Revenues** (\$1) (\$1) (\$1) (\$1)(\$1) **Program Income (County)** In-Kind Match (County) NET FISCAL IMPACT (\$1)___ (\$1) (\$1) (\$1) (\$1) 0 **# ADDITIONAL FTE POSITIONS (Cumulative)** ** By signing this BAS your department agrees to these staff costs and your account will be charged upon receipt of this BAS by FD&O. Unless there is a change in the scope of work, no additional staff charges will be billed. **BUDGET ACCOUNT NUMBER** FUND: 0001 DEPT: 580 UNIT: 5110 OBJ: 4902 SUB OBJ: IS ITEM INCLUDED IN CURRENT BUDGET: YES X NO IDENTIFY FUNDING SOURCE FOR EACH ACCOUNT: (check all that apply) □ Ad Valorem (source/type: □ Non-Ad Valorem (source/type: _ Grant (source/type: □ Park Improvement Fund (source/type: 🗇 General Fund □ Operating Budget Federal/Davis Bacon 10-10-**YES** □ NO SUBJECT TO IG FEE? Department: Parks & Recreation Department DATE: 5/23/17 Wm BAS APPROVED BY: ENCUMBRANCE NUMBER: G:\PREM\PM\In Lease\Parks - Okee BMX\Option.2013\BAS.052013.doc

BUDGET AVAILABILITY STATEMENT

ATTACHMENT NO. 4

TENANT'S DISCLOSURE OF BENEFICIAL INTERESTS

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 __________, hereinafter referred to as "Affiant", who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the <u>President</u> (position - i.e. president, partner, trustee) of Okeeheelee BMX Parents Council, Inc. (name and type of entity - i.e. ABC Corporation, XYZ Limited Partnership), (the "Tenant") which entity is the lessee of the real property legally described on the attached Exhibit "A" (the "Property").

Affiant's address is: POBOX 211652. Royal Palm Beach FL 3341 2.

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 Tenant and the percentage interest of each such person or entity.

4. 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.

5. 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, and will be relied upon by Palm Beach County relating to its lease of the Property.

FURTHER AFFIANT SAYETH NAUGHT. , Affiant

Print Affiant Name: <u>Mark D. Den</u>

The foregoing instrument was sworn to, subscribed and acknowledged before me this _____

<u>19</u> day of <u>april</u>, 20<u>13</u>, by <u>mark 10 en</u> [Newho is personally known to me or [] who has

produced

_____as identification and who did take an oath. Jeances Je Nal Notary Public 6

FRANCES J. NOCL (Print Notary Name)

NOTARY PUBLIC State of Florida at Large My Commission Expires

MY COMMISSION # EE 010759 EXPIRES: September 18, 2014 Bonded Thru Notary Public Underwriter

G:\PREM\PM\In Lease\Parks - Okee BMX\Option.2013\Disclosure.RCHappr.041613.doc

EXHIBIT "A"

PROPERTY

The Okeeheelee BMX Parents Council's +/- 3.78 acre bicycle moto-cross track is located in the southwest corner of Okeeheelee Park in West Palm Beach, near the northeast corner of the Florida Turnpike and Forest Hill Blvd.; in PCN 00-42-43-27-05-012-0350.

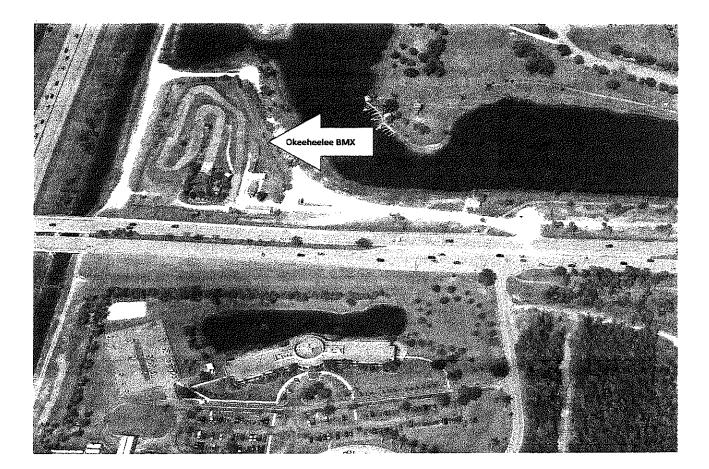


EXHIBIT "B"

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SCHEDULE TO BENEFICIAL INTERESTS IN PROPERTY

Tenant is only required to identify five percent (5%) or greater beneficial interest holders. If none, so state. Tenant must identify individual owners. If, by way of example, Tenant is wholly or partially owned by another entity, such as a corporation, Tenant 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	PERCENTAGE
		OF INTEREST
None.	Okeeheelee BMX Parents Council, Inc., is a 501(c)(3)	organization. There
ana na ii	dividuals or optities that have a honoficial interest in its	assata
are no n	ndividuals or entities that have a beneficial interest in its	<u>assets.</u>
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