

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

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Meeting Date:	July 22, 2014	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Regular
		<input type="checkbox"/> Ordinance	<input type="checkbox"/> Public Hearing

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Department: Administration

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I. EXECUTIVE BRIEF

**Motion and Title:** Staff recommends motion to:

**A) adopt** a Resolution of the Board of County Commissioners of Palm Beach County, Florida, authorizing a modification of the Convention Center Hotel Lease with CityPlace Hotel, LLC; and providing for an effective date; and

**B) approve** Second Amendment to Hotel Lease with CityPlace Hotel, LLC.

**Summary:** On October 30, 2012, the Board of County Commissioners (BCC) approved Agreements to facilitate the construction and operation of the Convention Center Hotel. On June 4, 2013, the BCC approved an Amendment to the Hotel Lease (R2013-0706). This Amendment increases the hotel land 0.05 acres to allow sufficient land for amenities. Countywide (HF)

**Background and Policy Issues:** On July 24, 2012, the BCC conceptually approved the Terms and Conditions of the hotel Agreements. On April 12, 2011, the BCC conceptually approved a subsidy in the amount of \$27 Million for the development of a 400 room Hilton Convention Center Hotel to The Related Companies, L.P. and directed Staff to begin negotiations with Related. On March 9, 2010, the BCC approved the Selection Committee's number one ranking of The Related Companies, L.P. to develop and operate the Hotel. On October 30, 2012, the Board of County Commissioners (BCC) approved agreements to facilitate the construction and operation of the Convention Center Hotel and Garage.

**Attachments:**

1. Resolution
  2. Second Amendment to Hotel Lease
- 

Approved By:

  
Assistant County Administrator

7/15/14  
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

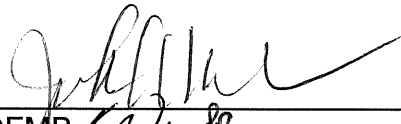
Fiscal Years	2014	2015	2016	2017	2018
Capital Expenditures					
Operating Costs					
Debt Service					
External Revenues					
Program Income					
(County)					
In-Kind Match					
(County)					
NET FISCAL IMPACT					
No. Additional FTE Positions (Cumulative)					
Is Item Included in Current Budget:	Yes			No	
Budget Account No:					
Reporting Category:					

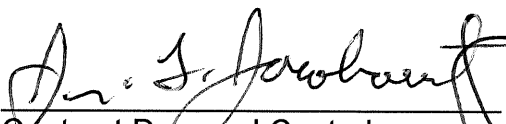
B. Recommended Sources of Funds/Summary of Fiscal Impact:

C. Departmental Fiscal Review:


III. REVIEW COMMENTS

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

  
\_\_\_\_\_  
OFMB *7/15/14*

  
\_\_\_\_\_  
Contract Dev. and Control  
*7-15-14 BWheeler*

B. Legal Sufficiency:

  
\_\_\_\_\_  
Assistant County Attorney *7/15/14*

C. Other Department Review:

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

**RESOLUTION NO. 2014-**

**RESOLUTION OF THE BOARD OF COUNTY  
COMMISSIONERS OF PALM BEACH COUNTY,  
FLORIDA, AUTHORIZING A MODIFICATION OF  
THE CONVENTION CENTER HOTEL LEASE WITH  
CITYPLACE HOTEL, LLC; AND PROVIDING FOR  
AN EFFECTIVE DATE.**

**WHEREAS,** CityPlace Hotel, LLC, pursuant to a Lease Agreement dated November 30, 2012 (R2013-0104), as amended (the "Lease"), leases land from Palm Beach County for the convention center hotel;

**WHEREAS,** CityPlace Hotel has requested that County add a certain .05 acre parcel of real property to the land leased by County to CityPlace pursuant to the Lease; and

**WHEREAS,** the Board of County Commissioners of Palm Beach County hereby finds that such real property is not needed for County purposes and will facilitate the construction of the convention center hotel and further finds that the convention center hotel is expected to provide significant benefit to the adjoining County owned Convention Center and accordingly it is in the best interest of the County to amend the Lease to include the real property.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY  
COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

**Section 1.    Recitals**

The foregoing recitals are true and correct and incorporated herein by reference.

**Section 2.    Authorization to Extend the Term of the Lease**

The Board of County Commissioners of Palm Beach County shall add the real property to the Lease pursuant to the Second Amendment to Lease attached hereto and incorporated herein by reference.

**Section 3.    Conflict with Federal or State Law or County Charter.**

Any statutory or Charter provisions in conflict with this Resolution shall prevail.

**Section 4.    Effective Date.**

The provisions of this Resolution shall be effective immediately upon adoption hereof.

The foregoing Resolution was offered by Commissioner \_\_\_\_\_

who moved its adoption. The Motion was seconded by Commissioner \_\_\_\_\_

\_\_\_\_\_, and upon being put to a vote, the vote was as follows:

Commissioner Priscilla A. Taylor, Mayor  
Commissioner Paulette Burdick, Vice Mayor  
Commissioner Hal R. Valeche  
Commissioner Shelley Vana  
Commissioner Steven L. Abrams  
Commissioner Mary Lou Berger  
Commissioner Jess R. Santamaria

The Mayor thereupon declared the Resolution duly passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

PALM BEACH COUNTY, a political  
subdivision of the State of Florida  
BOARD OF COUNTY COMMISSIONERS

SHARON R. BOCK  
CLERK & COMPTROLLER

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

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

By \_\_\_\_\_

  
Assistant County Attorney

G:\WPDATA\GENGOVTH\FALCON\CONVENTN\CityPlace Hotel LLC Lease.Resolution Modification.4.18.14.CLEAN.docx

**SECOND AMENDMENT TO HOTEL LEASE**

THIS IS A SECOND AMENDMENT TO HOTEL LEASE made and entered into \_\_\_\_\_, 2014, by and between PALM BEACH COUNTY, a political subdivision of the State of Florida, ("Owner") and CITYPLACE HOTEL, LLC, a Delaware limited liability company ("Tenant").

**WITNESSETH:**

WHEREAS, Owner and Tenant entered into that certain Hotel Lease dated November 30, 2012 (R2013 - 0104) as amended by Amendment to Hotel Lease dated June 4, 2013 (R2013-0706) (Hotel Lease); and

WHEREASE, Owner and Tenant have agreed to amend the Hotel Lease as hereinafter set forth.

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00), the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree as follows:

1. The foregoing recitals are true and correct and incorporated herein by reference. Terms not defined herein shall have the same meaning as ascribed to them in the Hotel Lease.

2. The real property legally described on Exhibit "A" attached hereto and incorporated herein by reference is hereby added to the Hotel Land.

3. Except as set forth herein, the Hotel Lease remains unrevised and in full force and effect, and the parties hereby ratify, confirm and adopt the Hotel Lease as amended hereby.

IN WITNESS WHEREOF, the parties have set their hands and seals on the date set forth above.

PALM BEACH COUNTY, FLORIDA, a  
Political Subdivision of the State of Florida

ATTEST:  
SHARON R. BOCK, Clerk & Comptroller

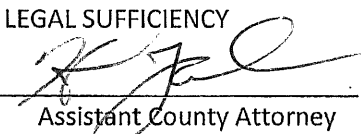
By its BOARD OF COUNTY  
COMMISSIONERS

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

By: \_\_\_\_\_  
Priscilla A. Taylor, Mayor

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

APPROVED AS TO TERMS AND  
CONDITIONS

By:   
Assistant County Attorney

By:   
Assistant County Administrator

Witnesses:

CITIPLACE HOTEL, LLC

Ashley Dowden  
Signature

Ashley Dowden  
Print Name

Jordan Rathlev  
Signature

JORDAN RATHLEV  
Printed Name

By: gb  
Name: Gopal Rajagurda  
Title: Vice President

State of New York )  
County of New York ) SS:

On the 9<sup>th</sup> day of July in the year 2014, before me, the undersigned, personally appeared Gopal Rajagurda, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to be within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Bernadine T. Hourihane  
Notary Public (Signature)

Bernadine T. Hourihane  
(Printed Name)

BERNADINE T. HOURIHANE  
Notary Public, State of New York  
No. 01HO4815779  
Qualified in Queens County  
Certificate Filed in New York County Serial Number, if any)  
Commission Expires July 31, 2018

(AFFIX NOTARY SEAL)

7/31/18  
(My Commission Expires)

## EXHIBIT "A"

**LEGAL DESCRIPTION: SUPPLEMENTAL LANDS**

**A PORTION OF TRACT "1", CITYPLACE PLAT NO. 2, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 90, PAGES 33-37, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:**

**COMMENCE AT THE SOUTHWEST CORNER OF TRACT "2", OF SAID CITYPLACE PLAT NO. 2; THENCE NORTH 01°12'05" EAST, ALONG AN EASTERLY BOUNDARY OF SAID TRACT "1", A DISTANCE OF 195.19 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 01°12'05" EAST, A DISTANCE OF 86.30 FEET; THENCE SOUTH 88°47'55" EAST, A DISTANCE OF 25.05 FEET; THENCE SOUTH 01°12'05" WEST, A DISTANCE OF 86.30 FEET; THENCE NORTH 88°47'55" WEST, A DISTANCE OF 25.05 FEET TO THE POINT OF BEGINNING. THE LAST THREE (3) DESCRIBED COURSES BEING COINCIDENT SAID EASTERLY BOUNDARY.**

**SAID LANDS SITUATE IN THE CITY OF WEST PALM BEACH, PALM BEACH COUNTY, FLORIDA. CONTAINING 2,162 SQUARE FEET OR 0.050 ACRES MORE OR LESS.**

**NOTE:**

**THE BEARINGS SHOWN HEREON ARE BASED ON THE PLAT OF CITYPLACE PLAT NO. 2, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 90, PAGES 33-37, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. THE WEST BOUNDARY OF TRACT "2" OF SAID PLAT BEARS NORTH 01°12'05" EAST.**

**CERTIFICATE:**

**WE HEREBY CERTIFY THAT THIS SKETCH AND DESCRIPTION AND OTHER PERTINENT DATA SHOWN HEREON, OF THE ABOVE DESCRIBED PROPERTY, CONFORMS TO THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING IN THE STATE OF FLORIDA, AS OUTLINED IN RULES 5J-17.051 AND 5J-17.052, (FLORIDA ADMINISTRATIVE CODE) AS ADOPTED BY THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN SEPTEMBER, 1981, AS AMENDED, PURSUANT TO CHAPTER 472.027, FLORIDA STATUTES AND THAT SAID SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.**

**CRAVEN THOMPSON & ASSOCIATES, INC.  
CERTIFICATE OF AUTHORIZATION NUMBER 271**

---

**DOUGLAS M. DAVIE.**  
**PROFESSIONAL SURVEYOR AND MAPPER NO. 4343**  
**THIS SKETCH AND DESCRIPTION OR THE COPIES THEREOF ARE NOT**  
**VALID WITHOUT THE SIGNATURE AND RAISED SEAL OF A FLORIDA**  
**LICENSED SURVEYOR AND MAPPER.**

**SHEET 1 OF 2**

**N:\clerical\JOBS\1997\97-0072-052-01\LEGALS\SD PORTION OF TRACT 1.doc**  
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**DMD/dmd**





CRAVEN • THOMPSON & ASSOCIATES, INC.  
ENGINEERS • PLANNERS • SURVEYORS

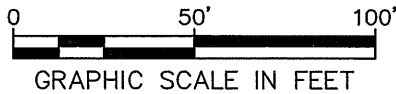
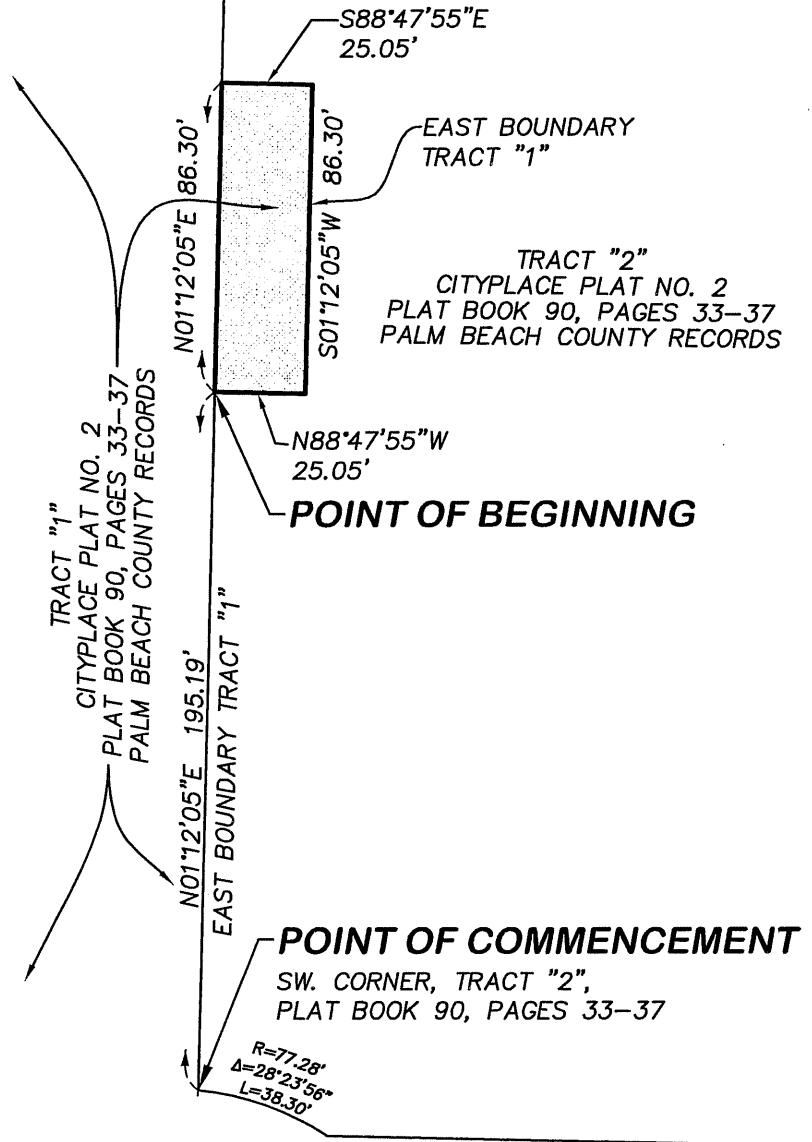
3563 N.W. 53RD STREET, FORT LAUDERDALE, FLORIDA 33309 FAX: (954) 739-6409 TEL.: (954) 739-6400  
FLORIDA LICENSED ENGINEERING, SURVEYING & MAPPING BUSINESS No. 271  
FLORIDA LICENSED LANDSCAPE ARCHITECTURE BUSINESS No. C000114

MATERIAL SHOWN HEREON IS THE PROPERTY OF CRAVEN-THOMPSON & ASSOCIATES, INC. AND SHALL NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT PERMISSION OF CRAVEN-THOMPSON & ASSOCIATES, INC. WRITING CRAVEN-THOMPSON & ASSOCIATES, INC. COPYRIGHT © 2004

FOR: **THE RELATED COMPANIES**

NOTE: THIS IS NOT A SKETCH OF SURVEY, but only a graphic depiction of the description shown hereon. There has been no field work, viewing of the subject property, or monuments set in connection with the preparation of the information shown hereon.

SKETCH TO ACCOMPANY DESCRIPTION  
SUPPLEMENTAL LANDS



TRACT "1"  
CITYPLACE PLAT NO. 2  
PLAT BOOK 90, PAGES 33-37  
PALM BEACH COUNTY RECORDS

SHEET 2 OF 2 SHEETS

UPDATES and/or REVISIONS	DATE	BY	CK'D	NOTE
				The undersigned and CRAVEN-THOMPSON & ASSOCIATES, INC. make no representations or guarantees as to the information reflected hereon pertaining to easements, rights-of-way, set back lines, reservations, agreements and other similar matters, and further, this instrument is not intended to reflect or set forth all such matters. Such information should be obtained and confirmed by others through appropriate title verification.
				NOTE Lands shown hereon were not abstracted for right-of-way and/or easements of record.
				G: \1997\97-0072.052-CONVENTION-CENTER-HOTEL\DRAWINGS\SKETCH_AND_D
JOB NO.: 97-0072-052	DRAWN BY: DMD	CHECKED BY: RAY	F.B.N/A	PG.N/A
				DATED: 8/9/13