

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

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<b>Meeting Date:</b>	<b>October 20, 2015</b>	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Regular
		<input type="checkbox"/> Ordinance	<input type="checkbox"/> Public Hearing

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**Department:**        **Facilities Development & Operations**

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**I. EXECUTIVE BRIEF**

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

**A) Approve** the finding that all conditions precedent to closing contained in *Article 9.1.* of the Interlocal Agreement (R2015-1070) with the City of West Palm Beach ("City") for the exchange of property for the development of a two team Major League Baseball Spring Training Facility ("Facility") will have been satisfied provided the County receives the unconditional State Funding Certification Letter ("State Letter") no later than October 30, 2015;

**B) Authorize** Staff to close on the property exchange for the Facility after the finding in Motion A has been satisfied; and

**C) Authorize** the County Administrator, or her designee to execute the Memorandum of Fee Commencement Date reflecting the date upon which the remaining condition precedent to the issuance of the bond (Motion A of Item 5B-2) is fulfilled.

**Summary:** This item authorizes Staff to close in the property exchange with the City of West Palm Beach providing the land upon which the Facility will be constructed. The closing would take place promptly after the County receives the Funding Certification Letter from the State and the bonds are authorized for issuance. The Memorandum of Fee Commencement Date will be sent reflecting the date upon which the State Funding Certification is received. **(FDO Admin) Countywide/District 7** **(MWJ/HJF)**

**Background and Policy Issues:** N/A

**Attachments:**

Memorandum of Fee Commencement Date

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<b>Recommended By:</b>	<i>Robert Eric McEllehan for Audrey Wolf</i>	<i>10/6/15</i>
	Department Director	Date

<b>Approved By:</b>	<i>Veronica C. Baker</i>	<i>10/16/15</i>
	County Administrator	Date

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II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2016	2017	2018	2019	2020
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>      *      </u>	<u>                  </u>	<u>                  </u>	<u>                  </u>	<u>                  </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:


\* There is no fiscal impact to this item.

C. Departmental Fiscal Review: \_\_\_\_\_

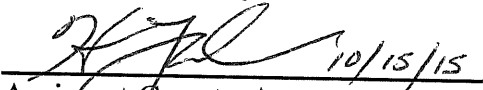
III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

  
OFMB <sup>40</sup><sub>10/13</sub> <sup>10/13</sup>

  
Contract Development and Control <sup>10/15/15</sup>  
B Wheeler 10-14-15

B. Legal Sufficiency:

  
Assistant County Attorney <sup>10/15/15</sup>

C. Other Department Review:

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

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

**MEMORANDUM  
OF FEE COMMENCEMENT DATE**

This Memorandum of Fee Commencement Date is made as of \_\_\_\_\_, by and between Palm Beach County, Florida, a political subdivision of the State of Florida, by and through its Board of County Commissioners (the "County") and HW Spring Training Complex, LLC, a Florida Limited Liability Company (the "LLC").

**WITNESSETH:**

**WHEREAS**, on October 20, 2015, the County and the LLC have entered into that certain First Restated Sports Facility Use Agreement (R2015-\_\_\_\_\_) (the "Facility Use Agreement") for the operation of a Major League Baseball spring training facility; and

**WHEREAS**, Article 6 of the Facility Use Agreement requires the LLC pay a Team Improvement Areas Fee for use of the Major League Baseball spring training facility commencing on the Fee Commencement Date; and

**WHEREAS**, Article 6 of the Facility Use Agreement defines the Fee Commencement Date as the third anniversary of the issuance of the County Bonds; and

**WHEREAS**, the County approved the issuance of the County Bonds on October 20, 2015 contingent, however, upon receipt of the State Funding Certification Letter; and

**WHEREAS**, the parties agree that the Fee Commencement Date shall be the third anniversary of the date of the County's receipt of the Funding Certification Letter from the State.

**NOW THEREFORE**, the parties hereby agree as follows:

1. The foregoing recitals are true and correct and are incorporated herein by reference.
2. Pursuant to Section 6.1 of the Facility Use Agreement, the Fee Commencement Date is hereby established as \_\_\_\_\_.

THE REMAINDER OF THIS PAGE IS LEFT BLANK

**IN WITNESS WHEREOF**, the parties hereto have caused this Agreement to be executed in several counterparts, each of which shall constitute an original and all of which, taken together, shall constitute a single instrument, by the appropriate officials and the necessary seals to be affixed thereto as the day first written above.

**WITNESS:** **PALM BEACH COUNTY, a political subdivision of the State of Florida**

By: _____ Signature	By: _____ Director, Facilities Development & Operations
_____ Print Name and Title	

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY:** **APPROVED AS TO TERMS AND CONDITIONS**

By: _____ Assistant County Attorney	By: _____ Business & Community Agreements Manager
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**WITNESSES:**

**HW SPRING TRAINING COMPLEX, LLC,  
a Florida Limited Liability Company**

By: \_\_\_\_\_  
Witness Signature

By: \_\_\_\_\_  
Giles Kibbe, Manager

\_\_\_\_\_  
Print Witness Name

By: \_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Print Witness Name

**WITNESSES:**

**HW SPRING TRAINING COMPLEX, LLC, a  
Florida Limited Liability Company**

By: \_\_\_\_\_  
Witness Signature

By: \_\_\_\_\_  
Arthur Fuccillo, Manager

\_\_\_\_\_  
Print Witness Name

By: \_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Print Witness Name