Agenda Item #: **3H-Y**

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS <u>AGENDA ITEM SUMMARY</u>

Meeting Date:	March 14, 2017	[X] Consent	[] Regular
		[] Ordinance	[] Public Hearing

Department: Facilities Development & Operations

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve:

A) the second option to extend the Sublease Agreement (R97-355-D) with the State of Florida Department of Management Services (DMS) and the Department of Transportation (DOT) for the continued use of the State's 800 MHz Communications Tower at 5393 W. Indiantown Road, Jupiter; and

B) the second option to extend the Sublease Agreement (R97-356-D) with DMS and DOT for the continued use of the State's 800 MHz Communications Tower at 7951 Glades Road, Boca Raton.

Summary: Palm Beach County currently subleases a portion of two (2) communications tower sites from DMS and DOT. The towers are located at 5393 W. Indiantown Road, Jupiter and at 7951 Glades Road, Boca Raton. On April 10, 2007, (R2007-0505 and R2007-0506) the Board exercised the first extension option for each tower. The term of the Sublease Agreements expire April 13, 2017. Exercise of the extension options will extend the term of the Sublease Agreements from April 14, 2017, through April 13, 2027. All other terms of the Sublease Agreements remain unchanged. FDO will continue administrative responsibilities for these Sublease Agreements. (PREM) <u>Districts 1 & 5</u> (HJF)

Background and Justification: On March 18, 1997, the Board approved the Sublease Agreements with DMS and DOT. Subsequently, the State sold the towers to M/A Com Private Radio Systems Inc., which was later acquired by Harris Corporation. On January 24, 2017, Staff sent notice to DMS and DOT of the County's intention to exercise its second and final 10 year extension option for each tower. Staff will continue its efforts to enter into an amendment to memorialize the sale and assignment and to memorialize the County's communication equipment on each tower, and to provide for additional term extension options. Florida Statutes Section 286.23 requires that a Disclosure of Beneficial Interest be obtained when a property held in a representative capacity is leased to the County. As this is the County's exercise of its right to extend the term of the Sublease Agreements with a governmental agency and such Sublease Agreements have been previously approved by the Board, Staff did not request such disclosure.

Attachments:

- 1. Location Maps
- 2. Notice to Renew Letter Jupiter Tower
- 3. Notice to Renew Letter Boca Raton Tower

Recommended By:	Anny Worf	2/7/17-
	Department Director	Date
Approved By:	MBala	2/28/17
	County Administrator	Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2017	2018	2019	2020	2021
Capital Expenditures Operating Costs External Revenues Program Income (County) In-Kind Match (County	(\$0)	(\$0)	(\$0)	(\$0)	(\$0)
# ADDITIONAL FTE POSITIONS (Cumulative)	-* <u>(\$0)</u>	<u>(\$0)</u>	<u>(\$0)</u>	<u>(\$0)</u>	<u>(\$0)</u>
Is Item Included in Current H Budget Account No: Fund	0		No Unit	Object	

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

2-15-17 Fixed Asset Number <u>n/a</u> Departmental Fiscal Review: ____ С.

III. <u>REVIEW COMMENTS</u>

A. OFMB Fiscal and/or Contract Development Comments:

Contract Development and Control

B. Legal Sufficiency:

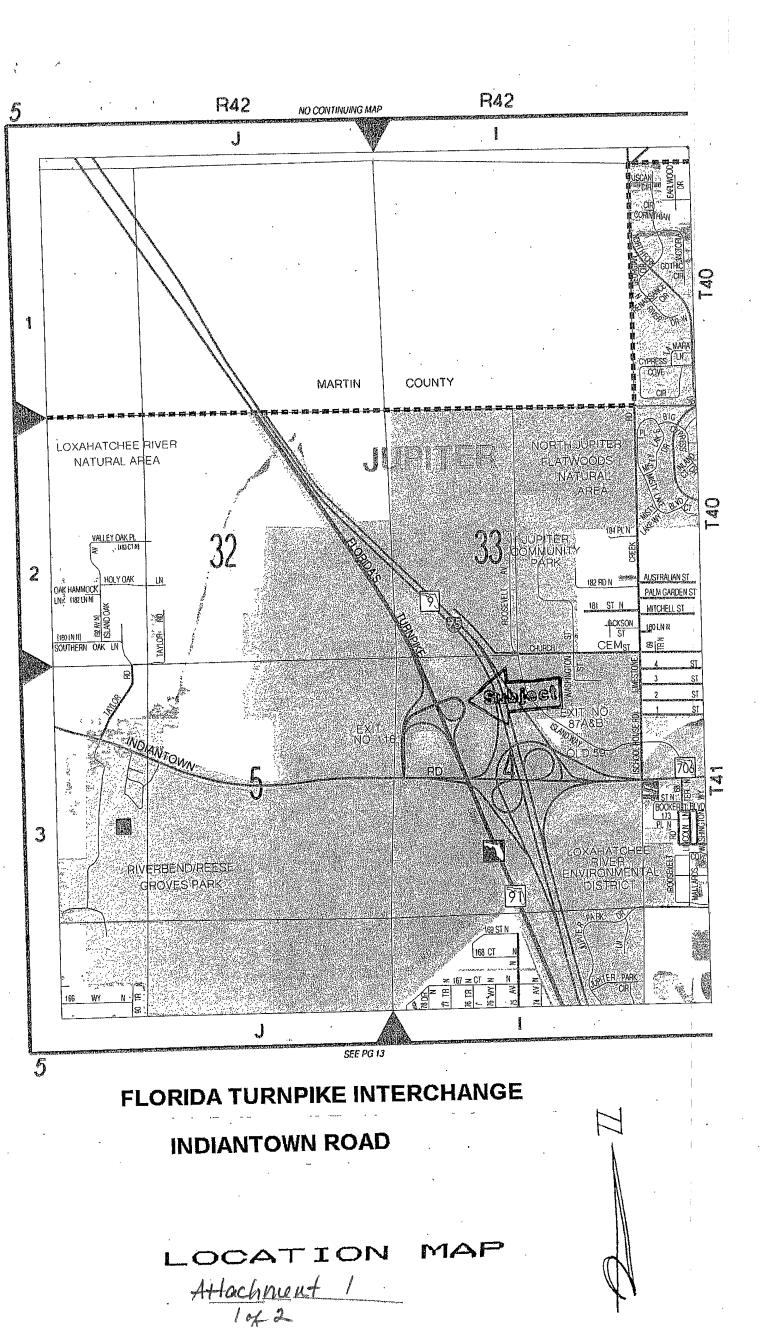
Assistant County Attorney

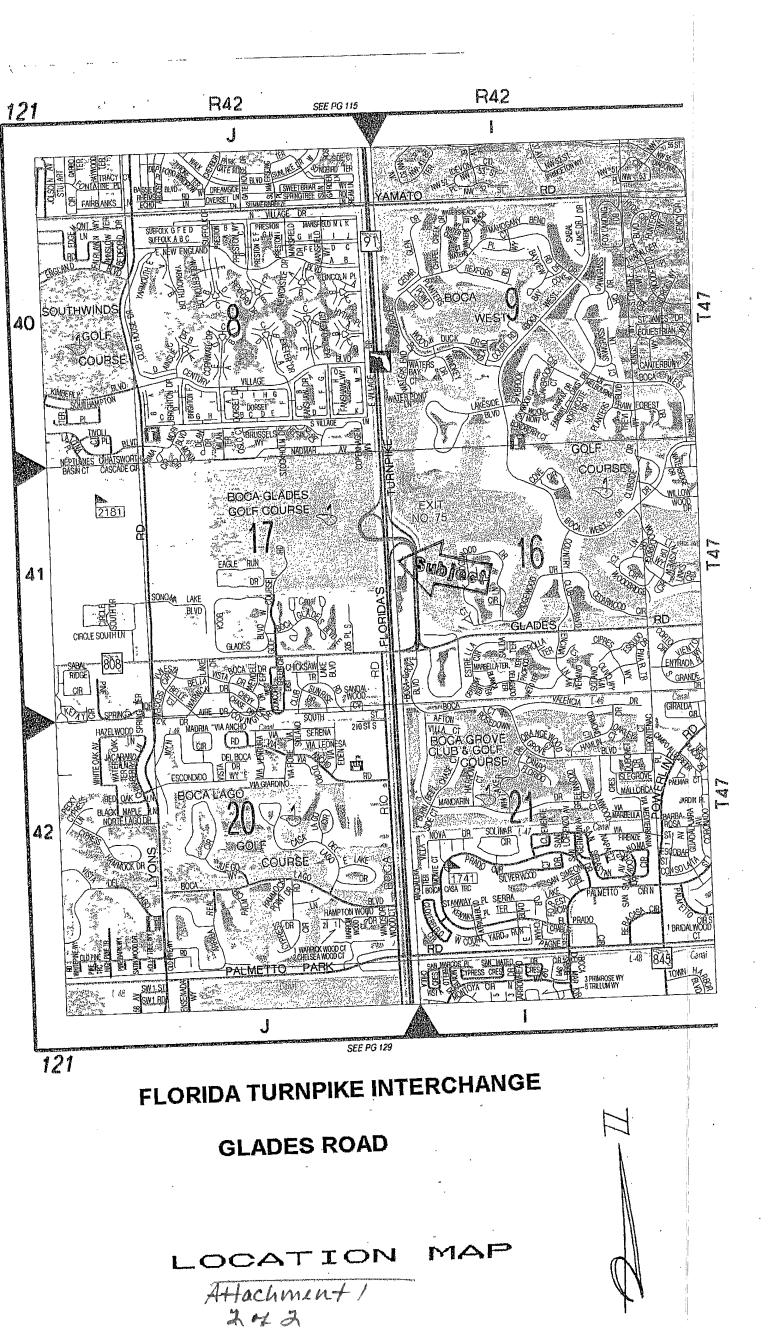
C. Other Department Review:

Department Director

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

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Attachment 2 Letter of Renewal Jupiter Tower 2 pages



acilities Development & Operations Department

Property & Real Estate Management Division

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

> Palm Beach County Board of County

Commissioners Paulette Burdick, Mayor

Melissa McKinlay, Vice Mayor

Hal R. Valeche

Dave Kerner

Steven L. Abrams

Mary Lou Berger

Mack Bernard

County Administrator

Verdenia C. Baker

"An Equal Opportunity Affirmative Action Employer" March 14, 2017

Matthew Matney Public Safety Bureau Chief Florida Department of Management Services Division of Telecommunications 4030 Esplanade Way Tallahassee, Florida 32399

Diane Gutierrez-Scaccetti, Executive Director Department of Transportation Florida's Turnpike Enterprises P.O. Box 613069 Ocoee, Florida 34761

Steven A. Williams, Sr. Operations Manager, Florida SLERS Communication Systems / Harris Corporation 7022 TPC Drive, Suite 500 Orlando, Florida 32822

Re: Notice of Renewal Sublease Agreement between Department of Management Services, Department of Transportation and Palm Beach County for the Jupiter Tower Communication Site (April 14, 1997) (R97-355-D dated March 18, 1997)

Dear Mr. Matney, Ms. Gutierrez-Scaccetti, and Mr. Williams, Sr.:

This letter is to notify you that Palm Beach County (County) is renewing the above-referenced Sublease Agreement for the Second additional ten (10) year renewal period pursuant to Section 10 of the Sublease Agreement, dated April 14, 1997, between the Department of Management Services, the Department of Transportation and the County. The exercise by County of its renewal thereof will extend the term of the Sublease through April 13, 2027, and serves to ratify and confirm that said Sublease is in good standing, in full force and effect, and that there are no defaults, set-offs, claims, counter-claims, or cross-claims of any nature whatsoever by any of the parties against the other. March 14, 2017 Notice of Renewal Sublease Agreement between Department of Management Services, Department of Transportation and Palm Beach County Jupiter Tower Communication Site Page 2

All other terms and conditions of the Sublease Agreement shall remain the same.

ATTEST:

SHARON R. BOCK, CLERK & COMPTROLLER

By:

Deputy Clerk

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

By: _

Paulette Burdick, Mayor

APPROVED AS TO FORM LEGAL SUFFICIENCY

By:

Assistant County Attorney

cc: Ross C. Hering, Director, PREM

APPROVED AS TO TERMS AND CONDITIONS

many IULF By: Audrey Wolf, Director

Facilities Development & Operations

G:\PREM\PM\Out Lease\Jupiter 800 MHz Tower Lease\Second Renewal\Lease Extension BCC Notice. hf app 1-30-2017.docx

A Hachment 3 Letter of Renewal - Boca Tower



acilities Development & Operations Department

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Steven A. Williams, Sr. Operations Manager, Florida SLERS Communication Systems / Harris Corporation 7022 TPC Drive, Suite 500 Orlando, Florida 32822

Re: Notice of Renewal

Sublease Agreement between Department of Management Services, Department of Transportation and Palm Beach County for the Boca Raton Tower Communication Site (April 14, 1997) (R97-356-D) dated March 18, 1997)

Dear Mr. Matney, Ms. Gutierrez-Scaccetti, and Mr. Williams, Sr.:

This letter is to notify you that Palm Beach County (County) is renewing the above-referenced Sublease Agreement for the Second additional ten (10) year renewal period pursuant to Section 10 of the Sublease Agreement, dated April 14, 1997, between the Department of Management Services, the Department of Transportation and the County. The exercise by County of its renewal thereof will extend the term of the Sublease through April 13, 2027, and serves to ratify and confirm that said Sublease is in good standing, in full force and effect, and that there are no defaults, set-offs, claims, counter-claims, or cross-claims of any nature whatsoever by any of the parties against the other. March 14, 2017 Notice of Renewal Sublease Agreement between Department of Management Services, Department of Transportation and Palm Beach County Boca Raton Tower Communication Site Page 2

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Facilities Development & Operations

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