Agenda Item #: 3H-16

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

Meeting Date:	March 13, 2018	[X]	Consent Ordinance	[] Regular [] Public He	earing				
Department:	Facilities Developmen	t & Ope		[]	s				
I. EXECUTIVE BRIEF									
Motion and Title: Staff recommends motion to approve:									
A) a Restrictive Covenant over a portion of County property leased to Indian Trail Improvement District (ITID) for the Acreage Community Park South to satisfy grant funding requirements by the State of Florida, Department of State, Division of Cultural Affairs (Division) located in unincorporated Palm Beach County,									
B) a Third Amendment to Agreement of Lease with ITID for Acreage Community Park.									
Summary: ITID was awarded a Cultural Facilities Grant to fund a portion of the costs associated with the construction of an outdoor amphitheater within Acreage Community Park South located at 140 th Avenue North in the Acreage. The funded improvements will include a concrete outdoor stage area with natural lawn seating, lighting, sound system, restrooms, pathways and parking. The Cultural Facilities Grant requires a Restrictive Covenant be recorded restricting the use of the property to a cultural facility (Amphitheater) for a 10 year period. It is anticipated that construction of the Amphitheater will be completed by June 15, 2018. This Third Amendment to Agreement of Lease incorporates the terms of the Cultural Facilities Grant Award Agreement entered into by the Division and ITID on January 3, 2017 into the Lease, incorporates certain language required by County and provides for ITID acknowledgement that its use of the Amphitheater parcel is subject to the restrictions and covenants of the Cultural Facilities Grant Award Agreement and that ITID will be solely responsible for performance of the terms thereof. (PREM) District 6 (HJF) Background and Justification: Acreage Community Park consists of two (2) adjacent parcels, an approximately 18 acre parcel owned by ITID in fee (Acreage Community Park North) and an approximately 28 acre County owned parcel (Acreage Community Park South) which was leased by the County to ITID for a term of twenty-five (25) years. Both parcels are managed and maintained by ITID. Continued On Page 3									
2. Restr	tion Map rictive Covenant Third Amendment to Agre	ement o	f Lease						
Recommended By	Departm	ent Dire	ector	2 15 5 Date					
Approved By:	//JOSE	Adminis	trator	$\frac{3/7}{\text{Date}}$	/18				

II. FISCAL IMPACT ANALYSIS

Α.	Five Year Summary of Fi	iscal Impact:				
Fis	cal Years	2018	2019	2020	2021	2022
Ope Ext Pro	pital Expenditures erating Costs ternal Revenues ogram Income (County) Kind Match (County					
NE	T FISCAL IMPACT	*				
	DDITIONAL FTE SITIONS (Cumulative)					
Is I	tem Included in Current Buss this item include used lget Account No: Fund	u dget: Yes e of federal Dej	funds	No Yes Unit	No_X Object	
В.	Recommended Sources of	f Funds/Sumi	nary of Fisça	l Impact:	2/18	
No F	Recommended Sources of Fiscal impact. d Asset Number: M060	Cont	iv med y	30 2 1°		
Fixe	d Asset Number: <u>M060</u>	12	-			
C.	Departmental Fiscal Revi	iew:				
		III. <u>REVII</u>	EW COMME	<u>ENTS</u>		
A.	OFMB Fiscal and/or Con Polypholist zl	•	A	ents: Multiple Company and	Control 3/6/	18
В.	Legal Sufficiency: Assistant County Attorney	16/18				
C.	Other Department Review	w:				
	Department Director					

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

X

(continued from page 1)

Background and Policy Issues: On January 9, 2001, the County and ITID entered into an Interlocal Agreement providing for the cooperative expansion and development of Acreage Community Park and Acreage Pines Natural Area (R-2001-0128). Pursuant to the terms of the Interlocal Agreement, the County and ITID entered into an Agreement of Lease on April 3, 2001 (R2001-0482).

In 2003, the County received a grant from Florida Communities Trust (FCT) (R2003-0197) to fund a portion of the cost for acquiring property that is now a part of the Acreage Community Park and Acreage Pines Natural Area. FCT required the County to amend the Lease to incorporate the Grant Award Agreement between the County and FCT prior to disbursing grant funds. In 2003, the Lease was amended (R2003-0421) to incorporate the Grant Award Agreement into the Lease and revised the use of the premises to include an outdoor amphitheater. On August 17, 2010, the Board approved a Second Amendment (R2010-1333) to revise the premises, extend the 25 year term from August 17, 2010, with two (2) twentyfive (25) year renewal options, and to acknowledge that a portion of the Acreage Community Park South property (Property) is subject to the Grant Award Agreement with FCT which requires that all development, maintenance and use activities be consistent with the Grant Award Agreement and Management Plan, and also deleted the requirement that the County convey the property to ITID upon expiration of the Lease. ITID was recently awarded a Cultural Facilities Grant in the amount of \$200,000.00 by the Division to fund a portion of the construction costs for an outdoor amphitheater. The Cultural Facility Grant Funding Agreement between ITID and the District requires that a Restrictive Covenant be recorded into the public records, which will restrict the use of the Property for a 10-year period for Cultural Facility activities (development and operation of an amphitheater). FCT has reviewed this Restrictive Covenant and has no issue with the construction of the amphitheater and associated improvements and activities. Upon BCC approval, the Restrictive Covenant will be forwarded to the Division for final execution. ITID will record the Restrictive Covenant. This Third Amendment to Agreement of Lease with ITID for Acreage Community Park South property provides that ITID acknowledges that its use of the Cultural Facility Parcel is subject to the restrictions and covenants of the Cultural Facilities Grant Award Agreement and that ITID shall be solely responsible for performance of the terms thereof.

ITID executed the Restrictive Covenant and Third Amendment to Agreement of Lease on September 20, 2017, however, ITID requested that the County delay the County's approval until they obtained a construction schedule extension from the Division. The construction completion date has been extended until June 15, 2018, and ITID recently requested that the County move forward with the County's approvals as set forth herein.