

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

Meeting Date:	June 5, 2018	<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Regular
		<input type="checkbox"/> Ordinance	<input type="checkbox"/> Public Hearing

Department: Facilities Development & Operations

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to receive and file: a notice of exercise of the second option to extend the term of the Lease Agreement (R98-1015D) dated July 21, 1998, with Okeeheelee BMX Parents Council, Inc. (BMX) for five (5) years for the continued operation of a bicycle moto-cross track at Okeeheelee Park for \$1/year.

Summary: Since July 21, 1998, BMX 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. The current term of the Lease Agreement will expire July 20, 2018. BMX wishes to exercise its second and final option to extend the term of the Lease Agreement for five (5) years from July 21, 2018 through July 20, 2023. The Annual Rental is \$1. The Parks & Recreation Department is satisfied with BMX'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 BMX. All other terms and conditions of the Lease Agreement shall remain in full force and effect. Parks will continue to have administrative responsibility for this Lease Agreement. **(PREM) District 2 (HJF)**

Background and Justification: On July 21, 1998, the Lease Agreement was approved (R98-1015D). The initial term was for a period of five (5) years ending on July 20, 2003, with one (1) five (5) year option to extend. The extension option was exercised and the term was extended to July 20, 2008. On July 8, 2008, the Board approved a First Amendment (R2008-1179) to the Lease Agreement which extended the term to July 20, 2013, with two (2) options to extend for a period of five (5) years each, added and updated various standard County provisions. BMX exercised its first extension option (R2013-0875) and the term was extended to July 20, 2018. Exercise of this second and final extension option will extend the term through July 20, 2023. As BMX has provided 18 years of exceptional service to the public, has made substantial improvements to the leased property and has provided a well-run program, in the near future, Staff will attempt to negotiate another lease agreement with BMX for the continued operation of the facility for the benefit of the public. Florida Statutes do not require a Disclosure of Beneficial Interests be obtained; however, BMX has provided a Disclosure of Beneficial Interests dated March 15, 2018, identifying it as a not-for-profit corporation where no individual holds an interest in the corporation.

Attachments:

1. Location Map
2. Okeehelée BMX Parents Council, Inc. Letter to Extend Dated March 15, 2018
3. Budget Availability Statement
4. Disclosure of Beneficial Interests

Recommended By: RH Army Wint 5/12/18
Department Director Date

Approved By: JC Baker 5/24/18
County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2018	2019	2020	2021	2022
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)_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget: Yes X No _____

Does this item include the use of federal funds? Yes _____ No X

Budget Account No: Fund 0001 Dept 580 Unit 5110 RSRC 4902
Program _____

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

Fixed Asset Number n/a

C. Departmental Fiscal Review: [Signature]

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

[Signature] 5/18/18
OFMB 5/18
[Signature] 5/17
[Signature] 5/18/18
Contract Development and Control

B. Legal Sufficiency:

[Signature] 5/22/18
Assistant County Attorney

C. Other Department Review:

Department Director

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

TWP 44

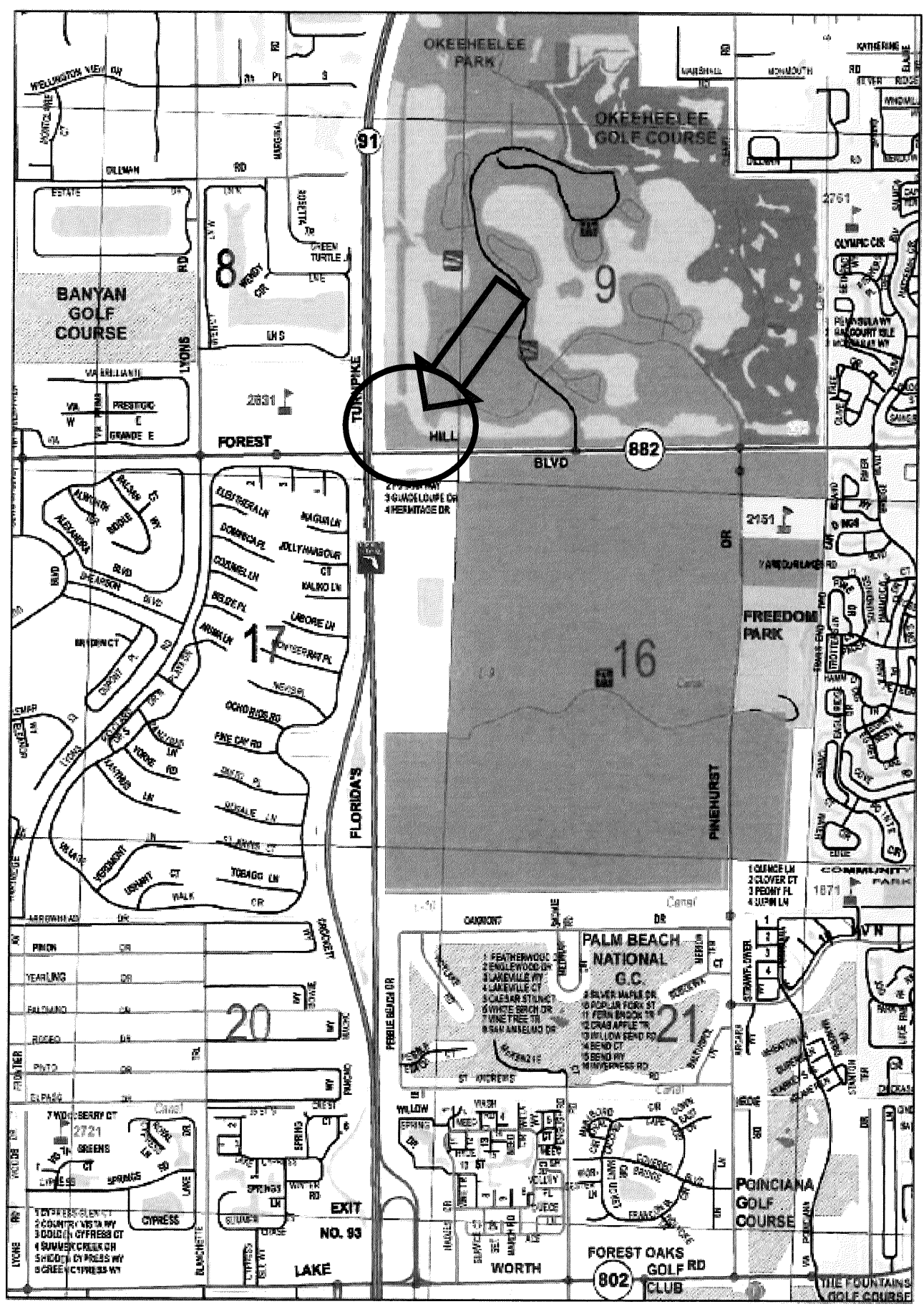
TWP 44

TWP 44

22

23

24



RNG 42

See pg 88

RNG 42

Page 78

LOCATION MAP

Attachment #1





3/15/2018

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., would like to exercise the second of the two 5-year options and be giving a third 5 year option on top of the second we are currently seeking for lease R98-1015D.

Thank you,

Chuck Jones
President
Okeeheelee BMX Parents Council Inc.

Attachment #2
1 pg

BUDGET AVAILABILITY STATEMENT

REQUEST DATE: 04/23/18

REQUESTED BY: Della M. Lowery
Property Specialist – PREM

PHONE: (561) 233-0239
FAX: (561) 233-0210

PROJECT TITLE: Okeeheelee Park - BMX Option 2 of 2

PROJECT NO.:2018-5.006

Fiscal Years	2018	2019	2020	2021	2022
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)_____
# 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 RSRC : 4902 SUB OBJ: N/A

IS ITEM INCLUDED IN CURRENT BUDGET: YES ☒ 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
☐ _____ ☐ _____ ☐ _____

SUBJECT TO IG FEE? ☐ YES ☒ NO

Department: Parks & Recreation Department

BAS APPROVED BY: [Signature] DATE: 4/24/18

ENCUMBRANCE NUMBER: N/A

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

1. Affiant is the President (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").

2. Affiant's address is: P. O. Box 211652
Royal Palm Beach, FL 33411

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.

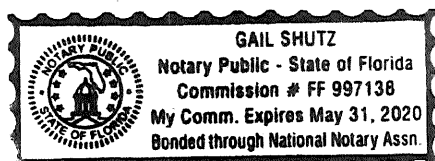
5. Under penalty of perjury, Affiant declares that Affiant has examined this
Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and
complete, and will be relied upon by Palm Beach County relating to its lease of the
Property.

FURTHER AFFIANT SAYETH NAUGHT.

[Signature], Affiant

Print Affiant Name: Charles Jones III

The foregoing instrument was sworn to, subscribed and acknowledged before me this
15 day of MARCH, 2018, by CHARLES JONES III
[] who is personally known to me or [] who has
produced FLDL as identification and who did take an oath.



[Signature]
Notary Public

GAIL SHUTZ
(Print Notary Name)

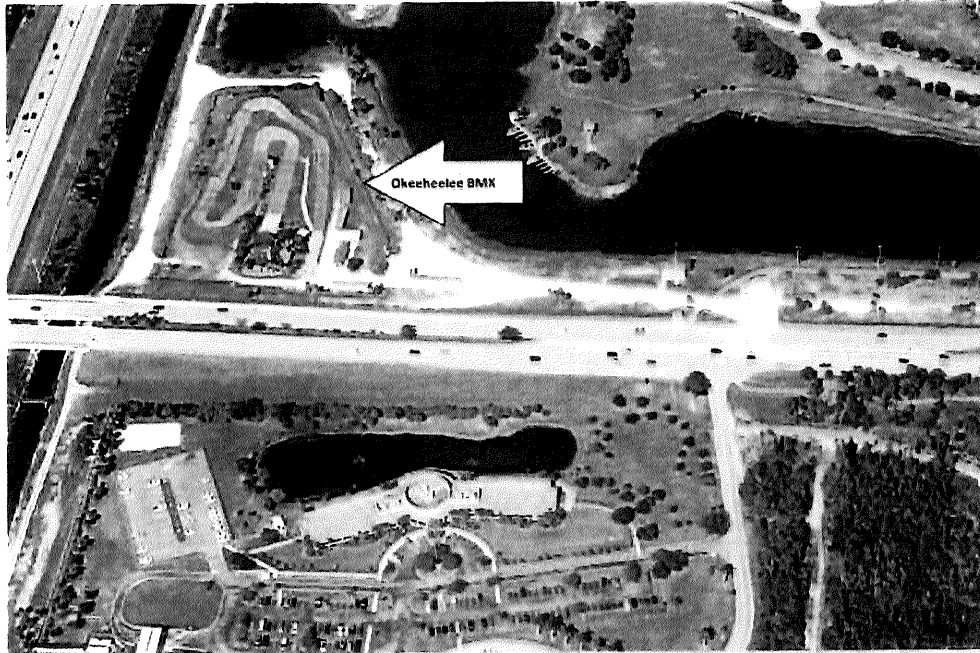
NOTARY PUBLIC
State of Florida at Large
My Commission Expires: _____

Attachment #4
1 of 3

EXHIBIT "A"

PROPERTY

The Okeehetee BMX Parents Council's +/- 3.78 acre bicycle moto-cross track is located in the southwest corner of Okeehetee 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.



Attachment #4
2 of 3

SCHEDULE TO BENEFICIAL INTERESTS IN PROPERTY

NAME	ADDRESS	PERCENTAGE OF INTEREST
------	---------	---------------------------

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Attachment #4
373