

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

<b>Meeting Date:</b>	March 12, 2019	<input checked="" type="checkbox"/> <b>Consent</b>	<input type="checkbox"/> <b>Regular</b>
		<input type="checkbox"/> <b>Ordinance</b>	<input type="checkbox"/> <b>Public Hearing</b>

**Department:** Facilities Development & Operations

**I. EXECUTIVE BRIEF**

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

**A) adopt** a Resolution authorizing a Fifth Amendment to Agreement of Lease with Loggerhead MarineLife Center, Inc., a Florida not-for-profit corporation (Center) to grant the Center additional easements and to extend the deadline for commencement of construction from November 2, 2018, to November 2, 2019, and extend the deadline for completion of construction from November 2, 2020 to November 2, 2021;

**B) approve** a Fifth Amendment to Agreement of Lease (Amendment); and

**C) approve** a Temporary Construction Easement for the temporary staging area for materials and equipment and a temporary construction office trailer.

**Summary:** On August 19, 2003(R2003-1246), the Board approved a 30 year Agreement of Lease with the Center to create a scientific research and rehabilitation center for sea turtles on 1.28 acres within Loggerhead Park in Juno Beach. On May 3, 2011 (R2011-0695), the Board approved an expansion of the leased premises to 2.39 acres to facilitate development of new classrooms and offices, exhibit areas, new holding and touch tanks, additional courtyard seating, a small outdoor amphitheater and an expanded gift shop (Expansion Project) and added milestones for fund raising and deadlines for construction. In September of 2016 (R-2016-1356), the Board extended the fund raising milestones and the project construction commencement date to November 2, 2017 and the completion deadline date to November 2, 2019. The Center has met the fund raising milestones; however, a one (1) year extension of the construction commencement date and completion deadline date was requested. On January 23, 2018 (R2018-0052), the Board approved a one (1) year extension of the project construction commencement date to November 2, 2018, and completion deadline date to November 2, 2020. On October 3, 2018, the Center advised staff that they are ready to proceed on their ground breaking which they anticipate will commence in May of 2019, therefore, they are requesting additional deadline extensions of the construction commencement and completion dates. The Center is also requesting the approval of temporary and permanent easements that will be required for this project. This Amendment extends the construction commencement date to November 2, 2019 and the completion deadline date to November 2, 2021, and grants the Center the right to install various easements across portions of the Loggerhead Park property. The Amendment also deletes the TCE attached as Exhibit "C" to the Second Amendment of Agreement of Lease (R2011-0695) and replaces it with the TCE attached as Attachment 4 to this item. This TCE allows for temporary staging areas for materials and equipment, and a temporary construction office trailer. Parks supports this Amendment and TCE and will continue to have administrative responsibility for the Agreement of Lease. All other terms and conditions of the Agreement of Lease remain unchanged. **(PREM) District 1 (HJF)**

(continued on Page 3)

**Attachments:**

1. Location Map
2. Resolution (w/Exhibit "A")
3. Fifth Amendment to Agreement of Lease (2) (w/Exhibit "A-1", "A-2", "A-3" & "B")
4. Temporary Construction Easement (w/Exhibit "A-1", "A-2" & "A-3")
5. Disclosure of Beneficial Interests (w/Exhibit "A", "B")

**Recommended By:**



**Department Director**

2/11/19

**Date**

**Approved By:**



**County Administrator**

2/25/19

**Date**

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2019	2020	2021	2022	2023
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget: Yes \_\_\_\_\_ No \_\_\_\_\_

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

Budget Account No: Fund \_\_\_\_\_ Dept \_\_\_\_\_ Unit \_\_\_\_\_ Object \_\_\_\_\_  
Program \_\_\_\_\_

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


There is no financial impact to County associated with this item.

Fixed Asset Number N/A


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

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

  
OFMB <sup>RD</sup>  
2/15

2/15/19  
9/2/13

  
Contract Development and Control

2/25/19  
2/25/19

B. Legal Sufficiency:

  
Assistant County Attorney

2/25/19

C. Other Department Review:

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

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

**Background and Justification:** The Center has operated in Loggerhead Park since 1984, and has grown into an internationally renowned scientific research and rehabilitation center for sea turtles. The Center monitors eight miles of shoreline in northern Palm Beach County that are among the most active sea turtle nesting beaches in the world. The Center attracts over 200,000 visitors annually and, according to the Center's database, over 40% of the visitors reside outside of Palm Beach County. The current campus includes a state-of-the-art full-service veterinary hospital for sea turtles, exhibit hall, outdoor classroom, research lab, resource center, and marine-oriented gift shop. The Center is also a local community education resource that serves over 60 schools, offers lecture series, a Junior Marine Biology Camp, turtle nesting walks, and outreach presentations. On October 7, 2008, the Board approved a First Amendment to Agreement of Lease (R2008-1749) which granted the Center the right to install underground saltwater lines within the park for the operation of its rehabilitation tanks and exhibits. On May 3, 2011, the Board approved a Second Amendment to Agreement of Lease (R2011-0695) which increased the lease premises to 2.39 acres to accommodate the Expansion Project, extended the lease term 35 years (expiring May 2, 2046) and added construction terms and conditions for the Expansion Project which included construction financing milestones, and project construction commencement and completion deadlines. On September 27, 2016, the Board approved a Third Amendment to Agreement of Lease (R2016-1356), which extended the fund raising milestones from May 2, 2016, to November 2, 2017, extended the project construction commencement from May 2, 2016, to no later than November 2, 2017, and extended the completion deadline from May 2, 2018, to November 2, 2019. On January 23, 2018, the Board approved a Fourth Amendment to Agreement of Lease (R2018-0052), which extended the deadline for commencement of construction from November 2, 2017, to November 2, 2018, and extends the deadline for completion of construction from November 2, 2019, to within two (2) years of commencement of the Expansion Project (November 2, 2020).

This Amendment extends the deadline for commencement of construction from November 2, 2018, to November 2, 2019, and extends the deadline for completion of construction from November 2, 2020, to within two (2) years of commencement of the Expansion Project (November 2, 2021). The Amendment grants the Center a non-exclusive easement for the right to install a water main, water chiller line and an overflow drainage line. The Amendment also deletes the TCE attached as Exhibit "C" to the Second Amendment to the Agreement of Lease and replaces it with the TCE attached as Attachment 4 to this item. This TCE allows for staging areas for materials and equipment, and a temporary construction office trailer.

State statutes do not require a Disclosure of Beneficial Interests be obtained when the County leases property to another party, however, the Center provided a disclosure in January 2019 identifying the Center as a 501(3) organization with no individuals or entities having a beneficial interest in its assets.