

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: April 2, 2019Consent [X]Regular []
Public Hearing []

Department: Water Utilities Department

I. EXECUTIVE BRIEF

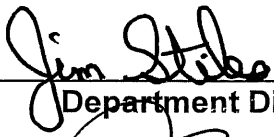
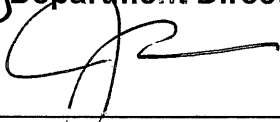
Motion and Title: Staff recommends motion to approve: A Tri-Party Indemnity Agreement between Mission Lakes II LLC (“Property Owner”), ABC Liquors, Inc., (“Lessee”) and Palm Beach County.

Summary: The Property Owner owns a parcel of undeveloped commercial real estate on State Road 7 north of Lantana Road. The Property Owner leases the Property to the Lessee. In order to connect to the County wastewater collection system, the Lessee proposed a connection into a privately-owned lift station and appurtenant facilities located on an adjacent parcel owned by the Target Corporation. The Lessee claims rights to use the facilities pursuant to the Operation and Easement Agreement Between Target Corporation and Mission Lakes LLC. County staff approved the proposed connection subject to the Property Owner and Lessee entering into a Tri-Party Indemnity Agreement with the County. The Maintenance and Easement Agreement secures continued access to the lift station for the Property Owner and ensures the continued maintenance of the lift station. This Tri-Party Indemnity Agreement requires the Property Owner and Lessee to indemnify, defend and hold the County harmless if the Lessee is no longer able to utilize the private wastewater facilities located on the adjacent parcel. Both Agreements run with the land and bind successors to their terms. District 3 (MJ)

Background and Justification: The Board of County Commissioners (BCC) has delegated to the Palm Beach County Water Utilities Director authority to accept standard Indemnity Agreements. BCC approval is required for this non-standard Indemnity Agreement to indemnify, defend and hold the County harmless if Lessee is unable to utilize the privately owned wastewater facilities located on an adjacent property.

Attachments:

- 1. Location Map
- 2. Two (2) Original Tri-Party Indemnity Agreement with Exhibit A
- 3. One (1) Copy of Operation and Easement Agreement Between Target Corporation and Mission Lakes LLC

Recommended By: 2-29-19
Department DirectorDate
3/27/19
Approved By: Deputy County AdministratorDate

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

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

Budget Account No.: Fund Dept Unit Object

Is Item Included in Current Budget? Yes ____ No ____

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

Reporting Category N/A

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

No Fiscal Impact


C. Department Fiscal Review:

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development and Control Comments:

 3/15/19
OFMB

LH
3/15 4/3/19

 3/18/19
Contract Development and Control

B. Legal Sufficiency:

 3/27/19
Assistant County Attorney

C. Other Department Review:

Department Director

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