

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**AGENDA ITEM SUMMARY**

Meeting Date: April 16, 2019

Consent       Regular  
 Workshop       Public Hearing

Submitted By: Department of Airports

**I. EXECUTIVE BRIEF**

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

**(A) adopt** a resolution approving a Termination Agreement with the Florida Department of Transportation (FDOT) for the Golfview Commercial Property Acquisition at Palm Beach International Airport (PBI); and

**(B) Approve** a Budget Amendment of \$4,704,879 in the Airport's Improvement and Development Fund to terminate the receipt of a grant from the FDOT, and reduce budget project cost of \$9,409,758; which includes a transfer to Reserves in the amount of \$4,704,879.

**Summary:** On June 20, 2017, the Board adopted a resolution (R-2017-0791) approving a Joint Participation Agreement (JPA) (R-2017-0792) with the FDOT in the amount of \$4,704,879 for the Golfview Commercial Property Acquisition at PBI. The grant expiration date is December 31, 2019. Based on the inability of the County to successfully acquire the properties originally anticipated under this agreement, it has been determined that this JPA is no longer needed; therefore, the FDOT has provided a Termination Agreement relieving both parties of any obligations under this agreement. **Countywide (AH)**

**Background and Justification:** The above funding was to provide for the acquisition of various commercial properties adjacent to the northwest portion of the Airport. These properties were previously reviewed as part of the Near-Term Project in the Federal Aviation Administration's (FAA) Environmental Impact Statement (EIS) for the Airfield Improvement Project at PBI. The primary objective was to acquire sufficient interest in adjacent properties between Military Trail and the existing west airport property line to better secure and define the airport's boundary and/or convert the land to aeronautical use, including revenue-generating use. During their review in the EIS, the FAA concurred that this acquisition would meet the Airport's objectives. After several attempts, the Department of Airports has been unsuccessful in obtaining voluntary acceptance of the offers to purchase the properties. As such, the Department of Airports feels it is in the best interest of the County to terminate this agreement and to seek to reallocate the funding to other projects in the future. Discussions with FDOT have indicated their continued efforts to retain these funds for possible future application to other projects undertaken by the Department of Airports. The termination of this agreement will also provide for the release of \$4,704,879 in Airport Reserve funds used to provide the local match (50%) for this project.

**Attachments:**

1. Resolution – (3 originals)
2. Termination Agreement – (2 originals)
3. Budget Amendment

Recommended By:       3-19-19  
Department Director      Date

Approved By:       4/2/19  
County Administrator      Date

**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

Fiscal Years	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>
Capital Expenditures	(\$9,409,758)	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues (Grants)	\$4,704,879	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	<u>(\$4,704,879)</u>	=====	=====	=====	=====
<b># ADDITIONAL FTE POSITIONS (Cumulative)</b>	_____	_____	_____	_____	_____

Is Item Included in the Current Budget? Yes \_\_\_\_\_ No X  
 Does this item include the use of federal funds? Yes \_\_\_\_\_ No X

Budget Account No: Fund 4111 Department 121 Unit A365 Object 6504  
 Reporting Category \_\_\_\_\_

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

Termination of this funding will result in an increase in Reserves in the amount of \$4,704,879. This represented local match that was budgeted in the Budget Amendment that recognized the grant (17-0806).

C. Departmental Fiscal Review: CM Sumner

**III. REVIEW COMMENTS**

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

Lisa R 3/25/19  
 OFMB 2/20/19 3/16/19 3/25/19

Ann J. Jankus 4/11/19  
 Contract Dev. and Control 4/11/19

**B. Legal Sufficiency:**

Anne Deland 4-2-19  
 Assistant County Attorney

**C. Other Department Review:**

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

REVISED 11/17

(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT)

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, APPROVING A TERMINATION AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR GOLFVIEW COMMERCIAL PROPERTY ACQUISITION AT PALM BEACH INTERNATIONAL AIRPORT.**

WHEREAS, Palm Beach County, Florida (the "County") through its Department of Airports requested funding for Golfview Commercial Property Acquisition (the "Project") at Palm Beach International Airport (the "Airport"); and

WHEREAS, the Florida Department of Transportation (FDOT) agreed to participate in the funding of the Project for the Airport; and

WHEREAS, the FDOT provided a Joint Participation Agreement reflecting their commitment of funding in the amount of Four Million Seven Hundred Four Thousand Eight Hundred Seventy Nine Dollars (\$4,704,879) or 50% of the eligible project costs, whichever is less; and

WHEREAS, the parties have determined that the performance of the Joint Participation Agreement entered into between the parties is not in their best interests; and

WHEREAS, It is in the best interest of the County to enter into this Termination Agreement relieving both parties of any obligations under this agreement.

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that the Termination Agreement between Palm Beach County and The Florida Department of Transportation, a copy of which is attached hereto and made a part hereof, is hereby approved and the Mayor of the Palm Beach Board of County Commissioners and the Clerk of the Board are authorized to sign same on behalf of the Board.

The foregoing Resolution was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_, and being put to a vote, the vote was as follows:

Commissioner Mack Bernard, Mayor	-
Commissioner Dave Kerner, Vice Mayor	-
Commissioner Hal R. Valeche	-
Commissioner Gregg K. Weiss	-
Commissioner Robert S. Weinroth	-
Commissioner Mary Lou Berger	-
Commissioner Melissa McKinlay	-

The Mayor thereupon declared the Resolution duly passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BOARD OF COUNTY COMMISSIONERS

Sharon R. Bock, Clerk & Comptroller  
Palm Beach County

By: \_\_\_\_\_  
County Attorney

By: \_\_\_\_\_  
Deputy Clerk

**JOINT PARTICIPATION AGREEMENT TERMINATION**

This agreement made and entered into this \_\_\_\_ day of \_\_\_\_\_ by and between the State of Florida Department of Transportation, an agency of the State of Florida, hereinafter called the Department and Palm Beach County hereinafter called the Agency.

WITNESSETH

WHEREAS, the parties have determined that the performance of the Joint Participation Agreement entered into between the parties on July 20, 2017 is not in their best interests.

WHEREAS, the parties agree to terminate the referenced JPA; and

WHEREAS, there are no outstanding invoices related to this JPA.

NOW, THEREFORE, in consideration of the premises it is agreed that the above described agreement is terminated and each party relieves the other of any obligations.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed.

AGENCY

By: \_\_\_\_\_  
Mack Bernard

Title: \_\_\_\_\_  
Mayor

Sharon R. Bock, Clerk & Comptroller  
Palm Beach County

ATTEST \_\_\_\_\_

Title: \_\_\_\_\_  
Deputy Clerk

Approved As To FORM, LEGALITY

By: \_\_\_\_\_  
County Attorney

Approved AS To Terms and Conditions

By:   
Director of Airports

FDOT

Approved As To FORM, LEGALITY

\_\_\_\_\_  
Legal Review  
Department of Transportation

Department of Transportation  
Director of Transportation Development

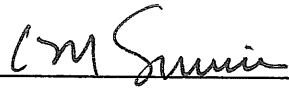
**BUDGET AMENDMENT**  
**BOARD OF COUNTY COMMISSIONERS**  
**PALM BEACH COUNTY, FLORIDA**

Fund 4111 Airport Improvement & Development Fund

Advantage Document Numbers:  
 BGRV 051117/446  
 BGEX 051117/1311

Use this form to provide budget for items not anticipated in the budget.

ACCT.NUMBER	ACCOUNT NAME	ADOPTED BUDGET	CURRENT BUDGET	INCREASE	DECREASE	ADJUSTED BUDGET	EXPENDED/ ENCUMBERED AS OF 03/15/2019	REMAINING BALANCE
<b>Revenues</b>								
121-A365-3404	State Grant Capital-Transport	4,704,879	4,704,879	0	4,704,879	0		
	<b>Total Receipts and Balances</b>	<u>156,107,505</u>	<u>144,055,942</u>	<u>0</u>	<u>4,704,879</u>	<u>139,351,063</u>		
<b>Expenditures</b>								
121-A365-6504	lotb Non Infrastructure	9,409,758	9,409,758	0	9,409,758	0	0	0
121-A900-9909	Reserves Improvement Program	14,601,542	16,931,441	4,704,879	0	21,636,320		21,636,320
	<b>Total Appropriations &amp; Expenditures</b>	<u>156,107,505</u>	<u>144,055,942</u>	<u>4,704,879</u>	<u>9,409,758</u>	<u>139,351,063</u>		

	<b>Signatures</b>	<b>Date</b>	<b>By Board of County Commissioners</b>
<u>Airports</u>		<u>3/19/19</u>	<b>At Meeting of</b>
<b>INITIATING DEPARTMENT/DIVISION</b>			<u>April 16, 2019</u>
<b>Administration/Budget Department Approval</b>			<b>Deputy Clerk to the Board of County Commissioners</b>
<b>OFMB Department - Posted</b>			