PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS <u>AGENDA ITEM SUMMARY</u>

Agenda Item #: 3H · 3

Meeting Date:	April 16, 2019	[X] Consent [] Ordinance	[] Regular [] Public Hearing
Department:	Facilities Developme	ent & Operations	

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: a First Amendment to Water Service Agreement (Amendment) between the County and the Town of Jupiter (Town) for additional water service capacity reservation and connections required by Loggerhead Marine Life Center (Center) for their proposed expansion project at Loggerhead Park.

Summary: Center leases 2.39 acres for their scientific research and rehabilitation center for sea turtles. Center is in the process of expanding their facility, which will require capacity reservation in excess of what was previously reserved in a Water Service Agreement (Agreement) between County and the Town of Jupiter (R2005-1077). This First Amendment will reserve an additional 9.1 Commercial Equivalent Residential Connections (ERC). All other terms and conditions of the Agreement remain unchanged. Pursuant to the terms of the Lease, the Center is obligated to pay all utility connection and assessment fees and the Center has already paid the required fees to the Town. (PREM) District 1 (HJF)

Background and Justification: On June 7, 2005, the Board approved the Agreement (R2005-1077), which reserved adequate water facilities and services for the Center's facility in Loggerhead Park. The Center is processing to expand their facility, which will require capacity reservation in excess of what was previously reserved in the Agreement. The Town has requested the Agreement be amended to provide for additional water service capacity reservation and connections, adding an additional 9.1 Commercial ERCs.

Attachments:

- 1. Location Map
- 2. First Amendment to Water Service Agreement

Recommended B	y: Ret Anny Work	4/3/19	
	Department Director	Date	
Approved By:	Car 1-	4/5/19	
	County Administrator	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	0	0	0	0	<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 <u>No X</u>									
Budget Account No: Fund	Program	t U	nit	Object					

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. <u>REVIEW COMMENTS</u>

A. OFMB Fiscal and/or Contract Development Comments:

3/29

13119 ontract Development and Control

B. Legal Sufficiency:

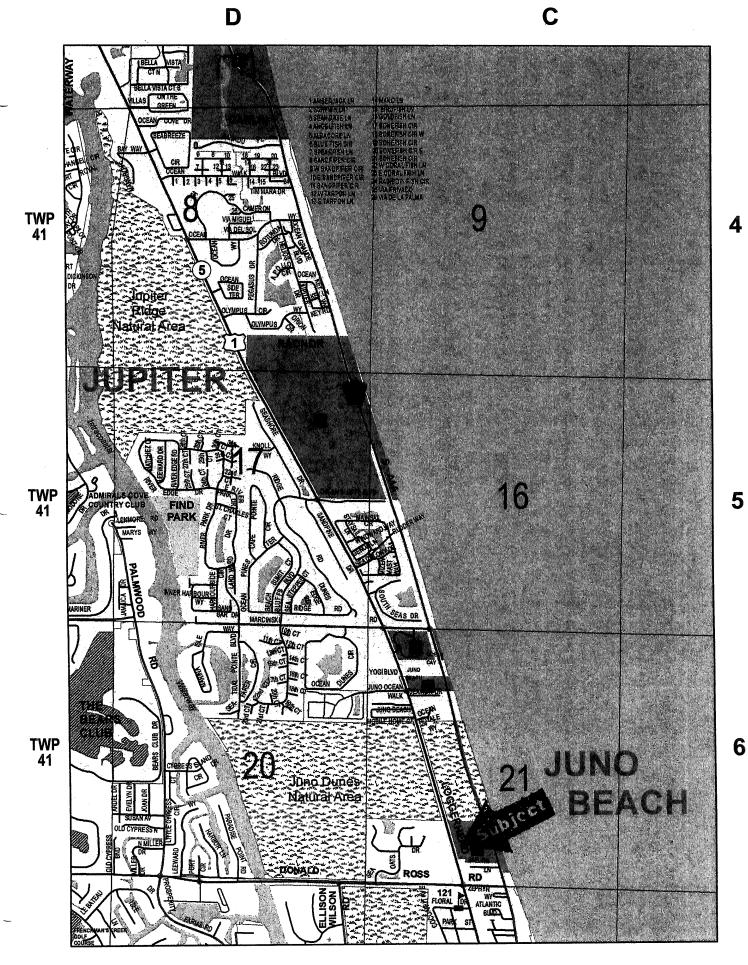
С.

Assistant County Attorney

Other Department Review:

Department Director

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



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ATTACHMENT #2 FIRST AMENDMENT TO WATER SERVICE AGREEMENT - 5 PAGES PREPARED BY AND RETURN TO: Attn: Travis Sanders, Utilities Town of Jupiter 210 Military Trail Jupiter, FL 33458

Property Control Number: 28-43-41-21-00-005-0031

FIRST AMENDMENT TO WATER SERVICE AGREEMENT

THIS FIRST AMENDMENT to Water Service Agreement (the "First Amendment") is made and entered into this ______ day of ______, 2019, by and between Palm Beach County, a political subdivision of the State of Florida, by and through its Board of County Commissioners, (hereinafter referred to as the "County") on behalf of a Commercial project known as Loggerhead Marine Life Center, and the Town of Jupiter, a municipal corporation organized and operating under the laws of the State of Florida, (hereinafter referred to as "Town").

WITNESSETH:

WHEREAS, the County has requested a capacity reservation in excess of that previously reserved in a certain water service agreement originally entered into between the Town and Palm Beach County Department of Parks and Recreation dated June 7, 2005, a copy of which was recorded August 2, 2005, in Official Records Book 19008, at Page(s) 1354, of the Public Records of Palm Beach County, Florida (the "Agreement"); and

WHEREAS, the County and the Town desire to amend the Agreement to provide for additional water service capacity reservation and connections and modify Exhibit "C" of the Agreement.

NOW THEREFORE, in consideration of the sum of TEN DOLLARS (\$10.00) the receipt and sufficiency of which are hereby acknowledged, and other good and valuable consideration, the parties hereby covenant and agree that the above Agreement, as recorded, is hereby amended as follows:

1. The foregoing recitals are true and correct and incorporated herein by reference. Terms not defined herein shall have the same meaning as ascribed to them in the Agreement.

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2. Exhibit "C" to the Agreement is hereby modified to add the following:

The number of Commercial ERCs (23.1) provided for by said recorded agreement and an additional 2.9 ERCs later paid and reserved is hereby amended by adding to the scope of the agreement to include an additional 9.1 Commercial ERCs specifically assigned as below:

21,084 square foot expansion at 150 gpd/1,000 sqft = 3,162.6 gpd

3,874 square foot basement storage at 10 gpd/1,000 sqft = 38.7 gp

3,201.3 gpd/350 gpd/ ERC = 9.1 ERCs

3. County agrees to be bound by the Town's water extension policy ordinance, including but not limited to, such fees and payment schedules as follows:

i. Payment of connection fees (Off-Site Fees and Capacity Fees) for the 9.1 additional Commercial ERCs reserved by this amendment. Current Off-Site Fees are recognized to be in the amount of \$669.00 for each Commercial ERC. Current Capacity Fees are recognized to be in the amount of \$2,270.00 for each Commercial ERC. Total connection fees are equal to \$26,744.90 due and payable at signing of this First Amendment.

ii. Payment of One hundred percent (100%) of the administrative fees at 4% of the total connection fees (\$26,744.90). Administrative fees for 9.1 Commercial ERCs are recognized to be in the amount of \$1,069.80 due and payable at signing of this First Amendment.

iii. Payment of Accrued Guaranteed Revenue Fees (AGRF) due at the current rate at the time as this First Amendment is executed. AGRF is currently recognized to be in the amount of \$1,332.60 for each of the 9.1 Commercial ERC reserved by this First Amendment. The current AGRF due is recognized to be in the amount of \$12,126.66 due upon signing of this First Amendment.

iv. Payment of Annual Guaranteed Revenue Fees equal to the current base facility charge for each of the 9.1 Commercial ERCs for a period of twelve (12) months in advance. The current Annual Guaranteed Revenue due is recognized to be in the amount of \$2,425.33. Guaranteed Revenue Fees will be billed annually to County based upon the number of ERCs connected within the previous year.

4. This First Amendment shall be recorded in the Office of the Clerk of Circuit Court of Palm Beach County.

5. Paragraph 14 of the Agreement, as it relates to notice to the County, is hereby amended as follows:

Attn: Audrey Wolf, Director Facilities Development and Operations 2633 Vista Parkway West Palm Beach, FL 33411

6. Except as modified by this First Amendment, the Agreement remains unmodified and in full force and effect, and the parties hereby ratify, confirm and adopt the Agreement, as amended in accordance with the terms thereof.

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IN WITNESS WHEREOF, the County and the Town have executed or have caused this First Amendment to be duly executed in several counter parts, each of which counterpart shall be considered an original executed copy of this First Amendment.

ATTEST: By: Boylan, Town Clerk Sally M. (TOWN SEAL) ORIDA



TOWN OF JUPITER, a municipal Corporation of the State of Florida

By: 11 Matt Benoit, Town Manager

Approved as to form and legality By: 2 Thomas J. Baird, Town Attorney

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ATTEST:

SHARON R. BOCK CLERK & COMPTROLLER

By:

Deputy Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: County Attorney

COUNTY:

PALM BEACH COUNTY, a political subdivision of the State of Florida

By:

Mack Bernard, Mayor

APPROVED AS TO TERMS AND CONDITIONS

Department Director By:

G:\PREM\Dev\Open Projects\PR-Loggerhead Marine Life Ctr\Water Service Agreement\First Amendment. HF Approved 2-26-2019.docx

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