Agenda Item: 3L-1

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date:	February 4, 2020	(X) Consent () Workshop	()Regular ()Public Hearing
Department:	Environmental Resources Management		

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to receive and file: the First Amendment to Lease Agreement MSA 671-C (Agreement) with Florida Inland Navigation District (FIND) to extend the lease termination date three months, from October 31, 2019 to January 31, 2020.

Summary: On July 2, 2019, the Board of County Commissioners (County) approved the Agreement (R2019-0968) to provide for temporary occupancy and use of FIND's waterfront site MSA 617-C as a staging site for materials and construction equipment associated with ongoing construction of the Tarpon Cove restoration project within Lake Worth Lagoon. The 15-acre parcel located along the Intracoastal Waterway west of Ellison Wilson Road, is being utilized by County contractors to receive, stage and load materials such as rock and sand for transport to the Tarpon Cove project site. Work occurs weekdays from 8:00 am to 6:00 pm only. Materials staged onsite are used to complete the construction of intertidal islands from the 85,000 cubic yards of sand material donated by the FIND maintenance dredging of the Intracoastal Waterway that provided an estimated cost savings of \$4.5 million to the County. In accordance with County PPM CW-O-051, all delegated contracts/ agreements/grants must be submitted by the initiating Department as a receive and file agenda item. District 1 (SS)

Background and Justification: FIND and the County entered into a lease agreement to use the site as a temporary staging area. MSA 617-C is one of a limited number of waterfront sites suitable for construction staging for the County's environmental restoration and artificial reef projects and has been utilized previously for similar purposes. FIND has historically leased sites directly to various contractors but now requests that lease agreements be with the contracting entity for oversight.

Attachments:

- 1. First Amendment to Lease Agreement
- 2. Delegation of Authority Memo

	4 has		
Recommended by	DUD V d	/ //wh	1-6-2020
	Department Direc	ctor	Date
Approved by:	the	-	1/20/20
• •	Assistant County	Administrator	Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	3	2020	2021	2022	2023	2024
Capital Expe	enditures	***************************************	***************************************			
Operating C	osts	\$600				
External Rev	venues					
Program Inc	come (Count	y)				
In-Kind Mate	ch (County)					
NET FISCAL	IMPACT	_\$600_		-		
# ADDITION POSITIONS		e)				
Is Item Inclu	ıded in Curre	ent Budget?	Yes _	X	No	
Does this ite	em include th	ne use of fed	eral funds?	Yes	NoX	
Budget Account No.:						
Fund <u>1232</u>	Propertment	nt <u>380</u> Unit	<u>3010</u> Object <u>:</u>	3401 Progr	am	
В.			of Funds/Su 200 per month		scal Impact:	
C.	Department	Fiscal Revie	ew:	_		
		<u>III. REVI</u>	EW COMME	NTS		
A.	OFMB Fisca	al and /or Co	ntract Dev. aı	nd Control C	omments:	
	OFMB OF	- 19120	20 Cont	vact Develop	ment & Cont	1/16/2020
В.	Legal Suffic	V		1.80	/	116/2020 16
		ounty Attorn	-			
C.	Other Depar	rtment Revie	w:			
		Director				

FIRST AMENDMENT TO LEASE AGREEMENT MSA 617-C

THIS FIRST AMENDMENT ("Amendment") to that certain Lease Agreement ("Agreement") between Florida Inland Navigation District ("FIND") and PALM BEACH COUNTY, FLORIDA ("Tenant") dated the 13th day of September, 2019.

WITNESSETH:

WHEREAS, FIND owns a parcel of real property in Palm Beach County known as MSA 617-C which is more particularly described in the Agreement (hereinafter, the "Premises"); and

WHEREAS, Pursuant to the previous Agreement, FIND leased the Premises to the Tenant for a term ending October 31, 2019; and

WHEREAS, Tenant is requesting a three (3) month extension of the Lease Term; and

WHEREAS, FIND is willing to extend the Lease Term for another three (3) months, subject to the terms and conditions of this Amendment.

NOW, THEREFORE, in consideration of the premises, the sum of Ten Dollars (\$10.00) and other valuable consideration, FIND and the Tenant hereby agree as follows:

- 1. The foregoing recitals are true and correct, and are incorporated herein by reference.
- 2. FIND hereby agrees to amend Section 2 of the original Agreement to extend the lease termination date from October 31, 2019 to January 31, 2020.
- 3. The Effective Date of this Amendment shall be the date on which the last party to this Amendment executes this Amendment.
- 4. Except as amended by this Amendment, the Agreement is ratified, confirmed and accepted.
- 5. This Amendment may be executed in counterparts, all of which taken together shall be deemed an original, with a facsimile and/or an e-mail signature serving as an original thereof.

IN WITNESS WHEREOF, the parties hereto have duly executed this Amendment, by and through their duly authorized officers, as of the day and year stated above.

As to Landlord:

FLORIDA INLAND NAVIGATION DISTRICT, an independent special taxing district of the State of Florida

	independent specia	I taxing district of the State of Florida
Witness1:	-By:	Mark Crosley
	Mark Crosle	y, Exectitive Privector
Wtness2: Jamsoul	Dated:	10/23/2019
(continued next page)		

FIRST AMENDMENT TO LEASE AGREEMENT MSA 617-C

Approved as to form and legal sufficiency:	
Peter L. Breton, Escop Goneral Counsel	
	As to Tenant:
Witness 1: Mey Stants	PALM BEACH COUNTY, a political subdivision of the State of Florida By: Drum, Department Director ERM Deborah
Witness2: Junit & Centle	Dated: 10-29-2019
Approved as to form and legal	
Scott A. Stone, Asst. County Attorney	
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ATTACHMENT 2



INTEROFFICE MEMORANDUM
Palm Beach County

Environmental Resources Management

DATE:

October 22, 2019

TO:

Verdenia C. Baker County Administrator

THROUGH:

Patrick Rutter

Assistant County Administrator

FROM:

Deborah Drum, Director

Environmental Resources Management

SUBJECT:

REQUEST FOR DELEGATION OF APPROVAL AUTHORITY:

Lease Agreement with the Florida Inland Navigation District for the occupancy and use of Material Storage Area (MSA) 617-C as a

construction staging site.

On July 2, 2019, agenda item 3L1 (R2019-0968) the Board of County Commissioners approved the County Administrator, or designee, to sign all future time extensions, task assignments, certifications, and other forms associated with this Lease Agreement, and any necessary minor amendments that do not substantially change the scope of work, terms, or conditions of the Lease Agreement.

This memorandum is my request for delegation of signatory authority for the Director or Deputy Director of Environmental Resources Management (ERM) to sign all future time extensions, task assignments, certifications, and other forms associated with this Contract, and any necessary minor amendments that do not substantially change the scope of work, terms, or conditions of the Contract. If you agree, please sign below and return this memorandum. I am available to answer any questions you may have concerning this request. Thank you in advance for your consideration.

DATE:

APPROVED:

erdenia C. Baker, County Administrator

DD:kf Attachment