Agenda Item #: 3H-1

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

| Meeting Date: | July 14, 2020 | [X] Consent [] Ordinance | [] Regular [] Public Hearing |
|---------------|-----------------------|---------------------------|-----------------------------------|
| Department: | Facilities Developmen | t & Operations | |

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to:

- A) adopt a Resolution authorizing an Amended and Restated Lease Agreement ("Lease") with the City of Delray Beach, FL ("City") and consent to an Amended and Restated Sublease Agreement ("Sublease) between the City and the Friends of Sandoway House Nature Center, Inc., a Florida not for profit Corporation ("Friends") for the City and Friends continued use of approximately one third (1/3) acre of land improved with a 3,700 square foot residential structure located at 142 S. Ocean Blvd in Delray Beach known as the Sandoway House.
- **B)** approve an Amended and Restated Lease Agreement with the City of Delray Beach commencing on August 10, 2020 and extending until August 9, 2055 for \$1 per year; and
- **C) approve** a Consent to the Sublease between City of Delray Beach and the Friends of Sandoway House Nature Center, Inc. commencing on August 10, 2020 and extending until August 9, 2055 for \$1 per year.

Summary: On July 25, 1995, the County approved an Interlocal Agreement (R95-992D) and a Land Lease Agreement (R95-993D) with the City for the City's use of the Sandoway House; providing 30 additional parking spots for beach parking, enhancing the recreational potential of the beach area and potential parks and recreation related educational opportunities such as the establishment of a marine educational center. In 1996, the County approved a Sublease and Management Agreement (96-1038D) between the City and the Friends for purposes of maintaining a nature and education center—for nature/educational/historical programs and other public purposes. Friends, in partnership with the City, obtained grants and renovated the structure. The Lease and Sublease will extend the term of both agreements for thirty-five (35) years. Pursuant to the Lease, the City is responsible for the continued maintenance of the property as well as all utilities, repairs and removal of its property and restoration of the premises at the expiration or termination of the Lease. Under the Sublease, Friends will remain responsible for performing the City's maintenance obligations and will provide nature and educational programs at the property. The Parks and Recreation Department supports extending the term of these agreements and will continue to have administrative responsibility for the Lease. (Property and Real Estate Management) District 4 (HJF)

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Attachments:

- 1. Location Map
- 2. Resolution
- 3. Amended and Restated Lease Agreement (2)
- 4. Consent to Amended and Restated Sublease Agreement, w/Sublease Agreement (2)
- 5. Budget Availability Statement

| Recommended By: 1/2+ | Army Work | | |
|----------------------|----------------------|----------|--|
| | Department Director | Date | |
| Approved By: | Baker | 7/1/0000 | |
| | County Administrator | Date | |

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact: Fiscal Years 2020 2021 2022 2023 2024 **Capital Expenditures Operating Costs External Revenues** (\$1.00)(\$1.00)(\$1.00)(\$1.00)(\$1.00)**Program Income (County) In-Kind Match (County NET FISCAL IMPACT** (\$1.00)(\$1.00)(\$1.00)(\$1.00)(\$1.00)# ADDITIONAL FTE **POSITIONS (Cumulative)** No ___ Is Item Included in Current Budget: Yes χ__ Yes ____ No X Does this item include the use of federal funds? Budget Account No. Fund <u>0001</u> Dept <u>580</u> Unit <u>5110</u> Revenue Source <u>4902</u> В. Recommended Sources of Funds/Summary of Fiscal Impact: MO 4551 Fixed Asset Number MOH234 L C. Departmental Fiscal Review: III. REVIEW COMMENTS **OFMB Fiscal and/or Contract Development Comments:** A. 5k 6/23 Legal Sufficiency: B. C. Other Department Review:

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

Department Director

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Background and Justification: On July 25, 1995, the County entered into an Interlocal Agreement (R95-992D) and a Land Lease Agreement (R95-993D) with the City of Delray Beach ("City"), for use of the Sandoway House. In 1996 the County approved a Sublease and Management Agreement (96-1038D) between the City and the Friends of Sandoway House Nature Center Inc. for the purpose of maintaining a nature and educational center for nature/educational/historical programs and other public purposes. The "house" has since been restored with Florida Community Trust grant funds. Friends, under the Sublease with City, remains responsible for the City's obligations under the Lease with respect to maintenance, all utilities, repairs, removal of its property and restoration of the premises at the expiration or termination of the lease. The Friends provide daily nature and educational programs at the property. The current term of the lease with City and the sublease between the City and Friends of the Sandoway House will expire August 9, 2020.

Many of the State and Federal Grants which are available for renovations and capital improvements require a long term lease (in this case 60 years), and have a remaining term of 30-35 years. That is why this Amended and Restated Lease and Sublease extends the term from the original commencement date of August 10, 1995, and expires August 9, 2055. If the City's Lease with County is terminated, then the Sublease will automatically terminate. The annual rent is \$1 per year.

Florida Statutes, Section 286.23 does not require that a Disclosure of Beneficial interest be obtained.