

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: November 17, 2020

Consent
 Ordinance

Regular
 Public Hearing

Department: Parks and Recreation

Submitted By: Parks and Recreation Department

Submitted For: Parks and Recreation Department

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: an Amendment No. 01 to Lease No. LS060854 between the South Florida Water Management District (District) and Palm Beach County for the 313-acre West Delray Regional Park property located west of State Road 7 and north of West Atlantic Avenue to extend the lease for one additional year.

Summary: On February 28, 2006, the County entered into a seven (7) year lease agreement (R2006-0382) with the District for District-owned property known as the Palm Beach Downs property. The lease commenced on the date of execution and ran until 2013 and was automatically extended for additional one-year terms until January 1, 2021. The County is now entering into an Amendment that will provide an extension of the lease for one additional year to January 1, 2022. The County and the District will enter into negotiation for a long-term lease in 2021 that will provide the County site control for an extended period of time. A long-term lease will allow the County to apply for a variety of development grants and provides a sufficient amount of time to justify the construction and operation of permanent improvements. District 5 (AH)

Background and Justification: In 2000, the District acquired the 313-acre Siemens/Palm Beach Downs Property under its East Coast Buffer program for water management purposes. Prior to the District acquisition, the property was approved for a residential subdivision known as Palm Beach Downs and infrastructure improvements, including paved roads, drainage, and an interconnected lake system were constructed. The District planned on constructing a 1,000-acre plus water storage reservoir on the property and the adjoining property sometime after 2012 and leased the property to the County in the interim. The District has since determined the property is no longer needed for water storage purposes.

Since 2006, the County spent approximately \$1.3 million for site improvements within the park providing access to passive recreational activities such as canoeing, kayaking, picnicking, hiking, nature and equestrian trails, fishing and primitive camping.

Attachment: Amendment No. 01 Lease No. LS060854

Recommended by:

Eric Cee
Department Director

10-26-20
Date

Approved by:

Aronda M. Miller
Assistant County Administrator

11/5/2020
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2021	2022	2023	2024	2025
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____
Is Item Included in Current Budget:			Yes _____	No _____	X _____
Does this item include use of federal funds?			Yes _____	No _____	X _____

Budget Account No.: Fund ___ Department ___ Unit ___
 Object ___ Program ___


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

There is no fiscal impact at this time.

C. Departmental Fiscal Review: 

III. REVIEW COMMENTS

A. OFMB Fiscal And/Or Contract Development and Control Comments:

 11/22/2020
 OFMB pe
10/21 BR 10/21

 10/27/2020
 Contract Development & Control
 10-26-20 TW

B. Legal Sufficiency:

 11-5-2020
 Assistant County Attorney

C. Other Departmental Review:

 Facilities Development and Operations

REVISED 09/2003
 ADM FORM 01

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



SOUTH FLORIDA WATER MANAGEMENT DISTRICT AMENDMENT

LS060854-A01

AMENDMENT NO. 01

TO LEASE NO. LS060854

BETWEEN THE

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

AND

PALM BEACH COUNTY, FLORIDA

This **AMENDMENT NO. 01**, is entered into on _____, to that **LEASE** dated February 28, 2006 between "the Parties," the South Florida Water Management District (**LESSOR**), and Palm Beach County, Florida (**LESSEE**).

WITNESSETH THAT:

WHEREAS, **LESSEE** and **LESSOR** entered into that certain Lease Agreement effective February 28, 2006 (the "**LEASE**"), whereby **LESSOR** leased to **LESSEE** that certain real property consisting of 313.42 acres, more or less located in Palm Beach County, Florida ("Premises"); and

WHEREAS, the **LEASE** expires on January 1, 2021; and

WHEREAS, the **LEASE** may be amended with the prior written approval of the Parties; and

WHEREAS, the Governing Board of the **DISTRICT**, at its December 10, 2020 meeting, will approve entering into this **AMENDMENT NO. 01** with the **LESSEE**; and

WHEREAS, the Parties wish to amend the **LEASE** to extend the contract for 1 year to January 1, 2022.

NOW THEREFORE, the **LESSOR** and the **LESSEE** in consideration of the mutual benefits flowing from each to the other, do hereby agree as follows:

1. The term of the **LEASE** is hereby extended by 1 year and the expiration date, as amended, is January 1, 2022
2. This **AMENDMENT NO. 01** shall be at no additional cost to the **DISTRICT**.



SOUTH FLORIDA WATER MANAGEMENT DISTRICT AMENDMENT

3. All other terms and conditions of the **LEASE** remain unchanged.

IN WITNESS WHEREOF, the Parties or their duly authorized representatives hereby execute this **AMENDMENT NO. 01** on the date first written above.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT BY ITS GOVERNING BOARD

By: _____
Drew Bartlett, Executive Director

By: _____
Candida Heater, Director
Administrative Services Division

SFWMD Legal Form Approved

Thomas R. Sawyer

Date: _____

SFWMD Procurement Approved

Linda Greer

Date: _____



SOUTH FLORIDA WATER MANAGEMENT DISTRICT AMENDMENT

ATTEST:

SHARON R. BOCK
CLERK & COMPTROLLER

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

By: _____
Deputy Clerk

By: _____
Mayor

Signed and delivered
in the presence of:

Witness Signature

Print Witness Name

Witness Signature

Print Witness Name

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: Anne Delgado
Assistant County Attorney

APPROVED AS TO TERMS
AND CONDITIONS

By: [Signature]
Department Director



SOUTH FLORIDA WATER MANAGEMENT DISTRICT AMENDMENT

PUBLIC AGENCY LEASES

By any public officer, trustee, or personal representative:

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me by the means of physical presence or online notarization, this _____ day of _____, 2020, by NAME AND TITLE OF POSITION, who is personally known to me or who has produced _____ as identification.

NOTARY SEAL

Notary Public

Name typed, printed or stamped

My Commission Expires: _____