### PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

Meeting Date:	April 20, 2021	[X] Consent [ ] Ordinance	[ ] Regular [ ] Public Hearing
Department:	Facilities Developme	ent & Operations	
Challenger To are service and the service and	I. I	EXECUTIVE BRIEF	·
(R2004-1624) with district created pur a storage yard to be	: Staff recommends m the Solid Waste Author suant to Chapter 2001-3	otion to approve: a Firrity of Palm Beach Count 31 of the State of Florida	est Amendment to Lease Agreement ty ("Authority"), a dependent special , providing for alternate premises for and Public Works, Road and Bridge
a lease agreement and Bridge Divisi equipment for a periods. The Authoremises occupied premises and the Control of the Road and Bridge the alternate premises. Should right to return to it will continue to Management) Distributed and	with the Authority for a on for storing, staging, eriod of ten years with ority is pursuing the deby the County. Pursuant County has already relocated previous and provide the original premises be at its sole cost and expensive administrative restrict 2 (HJF)	and handling of non-hatthe right to extend the levelopment of an equine to Section 1.04 of the Levated to the alternate prend. This First Amendmends a new ingress/egress pecome available for re-onse. Engineering and Pubsponsibility for the agree 20, 2004, the Board ap	Commissioners ("Board") approved as of Tract 19 to be used by the Road azardous construction materials and ease for 9 successive 10-year option residuals processing facility on the ase, the Authority identified alternate mises for the continued operations of at will revise Exhibit A to document eath from Pike Road to the alternate ocupancy, the County shall have the lic Works, Road and Bridge Division element. (Property & Real Estate
lease agreement f Division. The curr at an annual rate of	or approximately 5.249 ent term will expire on 3 of \$10.00. County may to	Description acres to be used as storaged as storaged as storaged as storaged as a storaged as a storaged as storag	andfill property including the subject brage yard by the Road and Bridge 10 year automatic options remaining ment with 90 days advance notice to Beneficial Interests be obtained.
Attachments:			
2. First	ation Map : Amendment get Availability Stateme	ent	
Recommended B	y: Barne Depart	Ment Director	3/24/21 Date
Approved By: _	County	y Administrator	3/29/21 Date

### II. FISCAL IMPACT ANALYSIS

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

Fiscal Years	2021	2022	2023	2024	2025
Capital Expenditures	<u>\$ -0-</u>	0	-0-	0	
Operating Costs	\$ 10	-0-	-0-	-0-	-0-
External Revenues	-0-	0-	-0-	-0-	-0-
Program Income (County)		0	-0-	-0-	0-
In-Kind Match (County)			0-	-0-	0-
NET FISCAL IMPACT	<u>\$ 10</u>	0-	0_	0	0-
# ADDITIONAL FTE					
POSITIONS (Cumulative)					

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

Budget Account No:

Fund 1201 Dept 360

Unit 2210

Object 4401

Recommended Sources of Funds/Summary of Fiscal Impact:

County Transport Trust Fund Road & Bridge Administration

Yearly Lease Fee

\$ 10.00

### III. REVIEW COMMENTS

4.	<b>OFMB</b>	Fiscal an	d/or Cont	ract Dev.	and Cont	rol Comments	:
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of por

**OFMB** 

Contract Dev. and Control

3-24-21 Tw

B. Approved as to Form and Legal Sufficiency:

**Assistant County Attorney** 

C. Other Department Review:

**Department Director** 

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

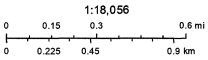
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## 00-42-43-27-05-006-1701



December 11, 2020





## LOCATION MAP

Attachment #1 <u>1</u> Page

#### LEASE AMENDMENT No 1

THIS LEASE AMENDMENT No 1, made and entered into on by and between the SOLID WASTE AUTHORITY OF PALM BEACH COUNTY, a dependent special district created pursuant to Chapter 2001-331 of the State of Florida, hereinafter referred to as the "Authority" and PALM BEACH COUNTY a political subdivision of the State of Florida, hereinafter referred to as "County".

#### WITNESSETH:

WHEREAS, the Authority is the owner of certain real property (the "Original Property") as more specifically described in and which County currently leases from the Authority pursuant to the lease dated July 20, 2004 (R-2004-1624) (the "Lease"), a copy of which lease is incorporated herein by reference; and

WHEREAS, the Authority, with the agreement and approval of the County, would like to use the Original Property for the development of an Equine Residuals Processing Facility; and

WHEREAS, the Authority, as set forth in Section 1.04 of the Lease, has identified alternate premises to replace the Original Property and the County has relocated to the alternate premises for the operations of the Road and Bridge Division, which alternate premises is depicted in Exhibit "A" with accompanying survey and incorporated herein by reference (the "Relocation Property"); and

WHEREAS, the County has relocated to and is currently operating at the Relocation Property and all terms of the Lease will continue in full force and effect as to the Relocation Property only and the County has agreed to release all rights in the Original Property.

**NOW THEREFORE,** in consideration of the rents, covenants, and agreements hereinafter reserved and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree 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 in the Lease.
- 2) The County has relocated all of the existing operations to the Relocation Property and accepts the Relocation Property in its current "as is" condition and hereby releases and relinquishes all rights in and to the Original Property.
- 3) In the event the Original Property becomes available and Authority determines in its sole discretion that the Original Property is not needed for an Authority Purpose, Authority shall offer to permit County to relocate from the Relocation Property, at County's sole expense, back to the Original Property. For purposes hereof, Authority Purpose shall include, without limitation, use by Authority or Authority's lease of the Original Property to a third party to generate revenue.

- 4) Throughout the term of this Lease, the Authority shall permit the County to access the Relocation Property from Pike Road at or near 7th Place N., including the right to access the Relocation Property through, over, and across Authority's property abutting the Relocation Property to the east, both as shown on Exhibit A.
- 5) The Parties acknowledge that this Lease Amendment is solely for the purpose of relocating County's operations from the Original Property to the Relocation Property, and that all other terms of the Lease shall remain in full force and effect in relation to County's use of the Relocation Property.

Remainder of this page left intentionally blank

IN WITNESS WHEREOF, the Parties hereto have duly executed this Lease Amendment No 1 as of the day and year first above written.

Signed and delivered in the presence of:

ATTEST:

By:

By:

Sandra Vassalotti, Clerk to the Board

SOLID WASTE AUTHORITY OF PALM BEACH COUNTY

By:

By:

Dan Pellowitz, Executive Director

Feb. 25, 2021

(SEAL)

APPROVE AS TO LEGAL SUFFICIENCY

Howard J. Falcon III

Howard J. Falcon, III General Counsel

APPROVE AS TO TERMS AND CONDITIONS

Print Name

Contract Mgmt + Compliance
Title

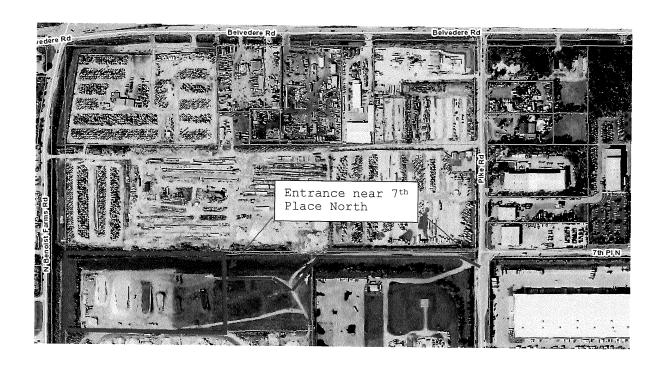
## PALM BEACH COUNTY, a political Signed and delivered in the presence of: Subdivision of the State of Florida Witness Signature By: Dave Kerner, Mayor Print Witness Name Witness Signature ATTEST: Print Witness Name JOSEPH ABRUZZO **CLERK & COMPTROLLER** Deputy Clerk APPROVED AS TO FORM AND APPROVED AS TO **TERMS AND** LEGAL SUFFICIENCY **CONDITIONS** By: Department Director Assistant County Attorney

G:\PREM\PM\Out Lease\FD&O Cross State-R&B\1st Amendment\CountyRB MJ & HF approved 2-11-2021.docx

**COUNTY:** 

### **EXHIBIT "A"**

### THE RELOCATED PROPERTY



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#### PROPERTY DESCRIPTION:

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#### INDEX OF SHEETS

#### FOR THE BENEFIT OF:

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#### SURVEYORS NOTES

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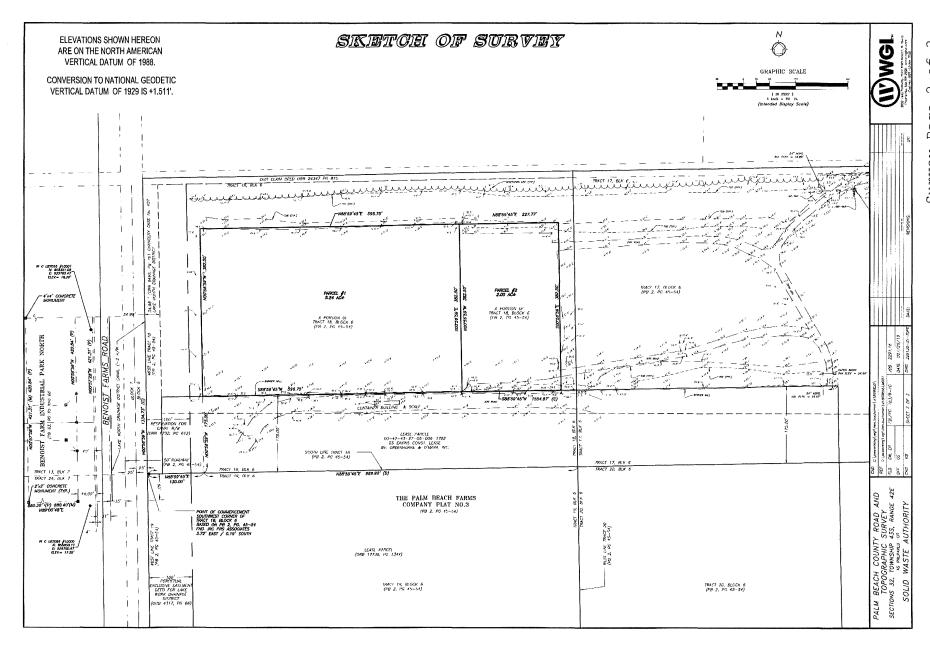
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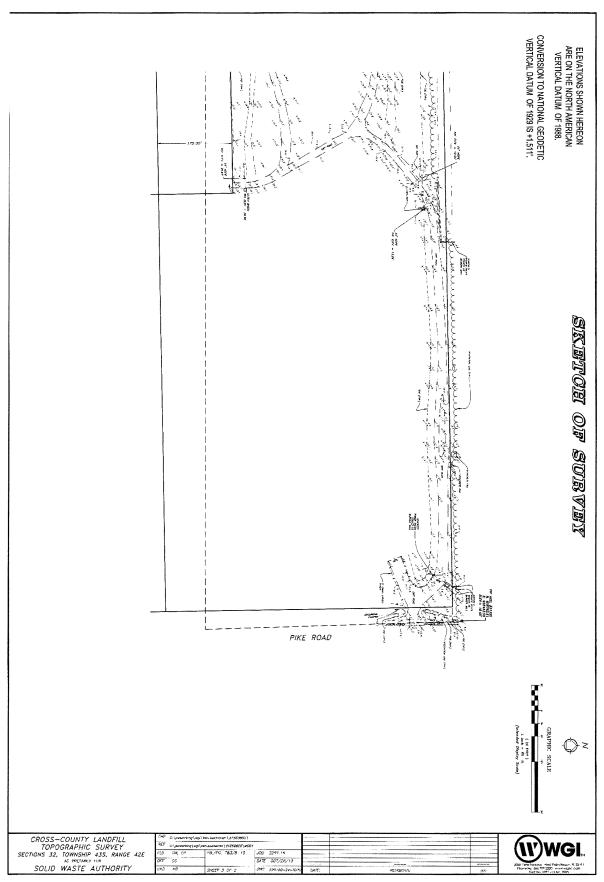
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Survey Page 2 of 3



Survey Page 3 of 3

### **BUDGET AVAILABILITY STATEMENT**

REQUESTED BY: Richard Bogatin

PHONE: 561.233.0214

FAX: PROJECT TITLE: 1st Amendment SWA Cross State relocation PROJECT NO.:2020-5.013 Fiscal Years 2023 2021 2022 2024 2025 Capital Expenditures \$10.00 **Operating Costs External Revenues** Program Income (County) **In-Kind Match (County NET FISCAL IMPACT** \$10.00 # ADDITIONAL FTE **POSITIONS (Cumulative)** \*\* By signing this BAS your department agrees to these staff costs and your account will be charged upon receipt of this BAS by FD&O. Unless there is a change in the scope of work, no additional staff charges will be billed. **BUDGET ACCOUNT NUMBER** FUND: 1201 **DEPT: 360** UNIT: 2201 OBJ: 4401 SUB OBJ: IS ITEM INCLUDED IN CURRENT BUDGET: YES X NO IDENTIFY FUNDING SOURCE FOR EACH ACCOUNT: (check all that apply) ☑ Ad Valorem (source/type: \_ □ Non-Ad Valorem (source/type: \_\_\_\_\_ ☐ Grant (source/type: \_\_\_\_\_  $\hfill \square$  Park Improvement Fund (source/type: \_\_\_ ☐ Operating Budget ☐ General Fund ☐ Federal/Davis Bacon □ <u>Cty-Transport Trust Fund – R&B Admin</u> □ \_\_\_\_ □ Department: Engineering/Road & Bridge Admin aporth to \_\_\_\_\_ DATE: 3/12/21 BAS APPROVED BY: ENCUMBRANCE NUMBER:

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REQUEST DATE: <u>3/12/2021</u>