

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date:	July 13, 2021	<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Regular
		<input type="checkbox"/> Workshop	<input type="checkbox"/> Public Hearing
Department:	<u>Environmental Resources Management</u>		

I. EXECUTIVE BRIEF



Motion and Title: Staff recommends motion to receive and file Amendment to Lease Agreement (R-2014-0522) (Agreement), with the City of Lake Worth Beach, for the management of the Jewell/Steinhardt Cove Living Shoreline for a 99-year Lease term.

Summary: On April 15, 2014, the Board of County Commissioners (BCC) approved the Agreement to complete environmental restoration and manage the 13-acre site. At that time, the BCC authorized the County Administrator, or designee, to sign all future time extensions and minor amendments associated with the Agreement. The City's Charter provides for a maximum term of 20 years on all leases and agreements, therefore the initial term of the lease agreement was for 19 years, 11 months. In order to preserve the restored habitat, in 2015, the County and City of Lake Worth Beach partnered with Florida Department of Environmental Protection and Florida Fish and Wildlife Conservation Commission to construct the Jewell/Steinhardt Cove Living Shoreline at a cost of approximately \$394,000 dollars. The City placed a referendum before the registered voters during the March 17, 2020 primary elections. The 99-year term lease was approved by the voters and the results of the election were certified at the March 19, 2020 Special Commission Meeting. In accordance with the County PPM CW-O-051, all delegated contracts/agreements/ grants must be submitted by the initiating Department as a receive and file agenda item. **There is no cost to the County.** District 3 (SS)

Background and Justification: Components of the restoration project consist of nine acres of shallow-water areas conducive for seagrass recruitment, 1.5 acres of restored and created mangrove and Spartina habitats, and two acres of restored tropical hardwood hammock with trails and overlooks. This parcel is identified as an important natural resource within the Lake Worth Lagoon Management Plan.

Attachments:

1. Amendment to Lease Agreement (R2014-0522)
2. Delegation of Authority Memo

Recommended by:	 _____ Department Director	<u>6-21-21</u> _____ Date	SAS 6/21/21
Approved by:	 _____ Assistant County Administrator	<u>6/29/21</u> _____ 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	_____	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget? Yes _____ No _____

Does this item include the use of federal funds? Yes _____ No _____

Budget Account No.:

Fund _____ Department _____ Unit _____ Object _____ Program _____

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

No fiscal impact associated with this amendment.

C. Department Fiscal Review:

S. Neary

III. REVIEW COMMENTS

A. OFMB Fiscal and /or Contract Dev. and Control Comments:

Luz Mateo 6/22/21
 OFMB CA 6/21/21
 6/22/21

David J. [Signature] 6/28/21
 Contract Development & Control
 6-28-21 TC

B. Legal Sufficiency:

[Signature] 6/23/21
 Assistant County Attorney

C. Other Department Review:

 Department Director

ATTACHMENT 1

**AMENDMENT TO
LEASE AGREEMENT
BETWEEN
PALM BEACH COUNTY
AND
THE CITY OF LAKE WORTH BEACH**

THIS AMENDMENT TO LEASE AGREEMENT is made and entered into on this _____ day of _____, 2021, by and between the City of Lake Worth Beach, a Florida municipal corporation, hereinafter referred to as the “City”, and Palm Beach County, Florida, a political subdivision of the State of Florida, hereinafter referred to as the “County”. The City and the County shall hereinafter be referred to collectively as the “parties”.

WITNESSETH:

WHEREAS, the parties entered into a Lease Agreement dated April 15, 2014 (R2014-0522) (the “Lease”) for approximately 13 acres of property known as the Jewell/Steinhardt Cove Living Shoreline and referred to in the Lease as the City tract; and

WHEREAS, in the Lease, the City agreed to use its best efforts to place a referendum before its voters to extend the Lease for a full 99-year lease term; and

WHEREAS, the City placed a referendum before its registered voters on the March 17, 2020 ballot, and the voters approved the Lease extension providing for a 99-year Lease term; and

WHEREAS, the parties wish to amend to Lease to provide for a total 99-year Lease term.

NOW, THEREFORE, in consideration of the mutual covenants, and conditions contained herein, the parties agree as follows:

1. The foregoing recitals are true and correct and are incorporated herein by reference. Terms not defined herein shall have the same meaning and effect as in the Lease. Any reference to “Lease” contained herein shall include all amendments thereto.

2. Section 6 of the Lease is hereby deleted, and replaced as follows:

6. The term of this Lease Agreement commenced on April 15, 2014 and upon signature by both parties (“the Effective Date”) shall be for a period of 99 years.

3. All other terms and conditions of the Lease shall remain the same.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment to the Lease Agreement on the day and year first written above.

ATTEST:

JOSEPH ABRUZZO
CLERK OF THE
CIRCUIT COURT & COMPTROLLER

BY: _____,
Deputy Clerk

DATE: _____

(SEAL)

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

BY: 1st Scott A. Stone
Scott A. Stone,
Assistant County Attorney

DATE: 6/10/21

CITY OF LAKE WORTH BEACH,
FLORIDA
BY ITS COMMISSION

BY: [Signature]
Betty Resch, Mayor

PALM BEACH COUNTY BOCC

By: [Signature]
Deborah Drum, Director
Environmental Resources Management

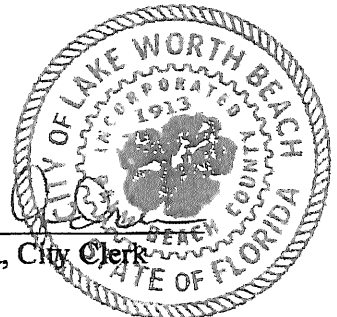
DATE: 6-21-21

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

BY: [Signature] FOR
Glen Torcivia, City Attorney

ATTESTED:

BY: [Signature]
Deborah M. Andrea, City Clerk



DATE: 5/16/2021

APR 24 2014



**INTEROFFICE MEMORANDUM
Palm Beach County
Environmental Resources Management**

DATE: April 22, 2014

TO: Robert Weisman
County Administrator

FROM: *RR* Robert Robbins, Director
Environmental Resources Management

SUBJECT: REQUEST FOR DELEGATION OF APPROVAL AUTHORITY:
Lease Agreement with the City of Lake Worth for the restoration
and management of a 13-acre City tract for nineteen years and
eleven months.

On April 15, 2014 agenda item 3L1 (R2014-0522) the County Commission approved the County Administrator or his designee to sign all future time extensions and other forms associated with this Agreement and necessary minor amendments that do not change the scope of work or terms and conditions of the Agreement.

This memorandum is my formal request for delegation of signatory authority for the Director or Deputy Director of Environmental Resources Management (ERM) to sign any necessary amendments for the above mentioned Agreement. 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.

APPROVED: *Robert Weisman* DATE: 4/24/14
Robert Weisman, County Administrator

RR:mc
Attachment