

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**AGENDA ITEM SUMMARY**

**Meeting Date:**     October 5, 2021                  Consent                      Regular  
    Workshop                        Public Hearing

**Department:**     Environmental Resources Management

**I. EXECUTIVE BRIEF**

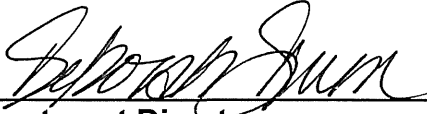
**Motion and Title:** Staff recommends motion to receive and file Amendment Number 1 to Lease Agreement (Amendment), with the Florida Inland Navigation District (FIND), for the occupancy and use of the FIND premises as a construction staging site for storage of materials for the restoration of Sawfish Island and to extend the term of the lease from May 31, 2022 to December 31, 2022.

**Summary:** On October 20, 2020, the Board of County Commissioners (BCC) approved a Lease Agreement with FIND (R2020-1588) to use the Material Storage Area (MSA) 617-C available to the County for the handling and temporary storage of rock, shell and sand material needed by the Project, which includes Juno/Jupiter Beach and Tarpon Cove Projects. This Amendment adds Sawfish Island to the Project and extends the lease term. At that time, the BCC authorized the County Administrator, or designee, to sign all future time extensions and minor amendments associated with the Agreement. 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 1 (SS)

**Background and Justification:** The FIND 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 the site directly to various contractors, but now requests that lease agreements be with the contracting entity for oversight.

**Attachments:**

- 1. Amendment Number 1 to Lease Agreement R2020-1588
- 2. Delegation of Authority Memo

**Recommended by:**                      8-27-21  
   Department Director                     Date

SAS 8/27/21

**Approved by:**                      9/13/21  
   Assistant County Administrator                     Date

**II. FISCAL IMPACT ANALYSIS**

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

Fiscal Years	2022	2023	2024	2025	2026
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	-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 \_\_\_\_\_

Budget Account No.:

Fund \_\_\_\_\_ Department \_\_\_\_\_ Unit \_\_\_\_\_ Object \_\_\_\_\_ Program \_\_\_\_\_

**B. Recommended Sources of Funds/Summary of Fiscal Impact:**  
No fiscal impacts

**C. Department Fiscal Review:**

\_\_\_\_\_ *[Signature]*

**III. REVIEW COMMENTS**

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

*[Signature]* 9/3/21 *[Signature]* 9/10/21  
 OFMB 9.3.21 Contract Development & Control

**B. Legal Sufficiency:**

*[Signature]* 9/10/21  
 Assistant County Attorney  
 Fax: 5.521

**C. Other Department Review:**

\_\_\_\_\_  
 Department Director

**AMENDMENT NUMBER 1 TO  
LEASE AGREEMENT  
BETWEEN  
PALM BEACH COUNTY  
AND FLORIDA INLAND NAVIGATION DISTRICT**

**THIS AMENDMENT TO THE LEASE AGREEMENT** is made and entered into on this 27<sup>TH</sup> day of August, 2021, by and between **FLORIDA INLAND NAVIGATION DISTRICT**, an independent special taxing district of the State of Florida, hereinafter referred to as Landlord or DISTRICT, and **PALM BEACH COUNTY, FLORIDA**, a political subdivision of the State of Florida, hereinafter referred to as Tenant or County.

WITNESSETH:

**WHEREAS**, the parties entered into a Lease Agreement dated October 20, 2020 (R2020-1588) (the "Lease") wherein the County is using the Landlord's premises for the handling and temporary storage of rock, shell and sand material needed to undertake the renourishment of Juno Beach, the renourishment of Jupiter Beach, and the restoration of Tarpon Cove Islands (collectively, the "Project"); and

**WHEREAS**, the County desires to amend the Lease to include the restoration of Sawfish Island as part of the Project; and

**WHEREAS**, the County has requested the Landlord to make the Premises available to the County and its contractor and subcontractors for the handling and temporary storage of rock, shell and sand material needed by the Sawfish Island restoration project; and

**WHEREAS**, the Landlord is willing to make the Premises available to the County for the Sawfish Island restoration project in accordance with the terms and conditions of the Lease; and

**WHEREAS**, the Landlord and County also desire to extend the term of the lease from May 31, 2022 to December 31, 2022.

**NOW, THEREFORE**, in consideration of the promises and mutual covenants and conditions contained herein, the parties agree to modify the Lease 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 there to.
2. The term "Project," as first referenced and defined in Recital B. of the Lease, and as referenced throughout the Lease, shall be amended to include the restoration of Sawfish Island.
3. Section 2 of the Lease is hereby amended as follows:

Landlord hereby leases to Tenant that property located in Palm Beach County, Florida and Known as MSA-617C, as more particularly describe in Exhibit "A" attached hereto and made part hereof by reference (the "Premises"), for a term commencing subsequent to DISTRICT and COUNTY Board's approval of the lease and terminating ~~May 31, 2022~~ December 31, 2022 (the "TERM").

4. Section 22 of the Lease is here by amended as follows:

Prior to the use of the Premises, Tenant contractor shall deliver to Landlord a surety bond issued by a surety reasonably satisfactory to Landlord or a cash bond in the principal amount of One hundred Thousand and 00/100 Dollars (\$100,00), conditioned on Tenant's complete removal from the Premises of all materials place thereupon by Tenant during the term of this lease not later than ~~May 31, 2022~~ December 31, 2022.

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

The remainder of this page is intentionally left blank.

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

AS TO LANDLORD:

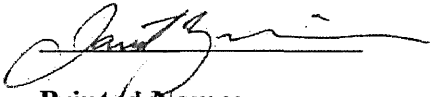
FLORIDA INLAND NAVIGATION  
DISTRICT



Don Donaldson, Chair

Date: 2/5/21

Witness:



Printed Name:

Janet Zimmerman

Witness:



Printed Name:

Glenn Scambler

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

BY: Isl Scott A. Stone  
Scott A. Stone, Esq.,  
Assistant County Attorney

PALM BEACH COUNTY BOCC

BY: Deborah Drum  
Deborah Drum, Department Director  
Environmental Resources Management



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

**DATE:** December 29, 2020

**TO:** Verdenia C. Baker  
County Administrator

**THROUGH:** Patrick Rutter  
Assistant County Administrator

**FROM:** Deborah Drum, Director *DRD 12-30-20*  
Environmental Resources Management

**SUBJECT:** REQUEST FOR DELEGATION OF APPROVAL AUTHORITY:  
**A Lease Agreement (Agreement) with Florida Inland Navigation District (FIND) for the occupancy and use of Material Storage Area (MSA) 617-C as a construction staging site and for storage of materials beginning on October 20, 2020 and expiring on May 31, 2022.**

On October 20, 2020, agenda item 3L-2 (R2020-1588), 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 the Agreement, and any necessary minor amendments that do not substantially change the scope of work, terms, or conditions of the 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 Agreement, and any necessary minor amendments that do not substantially change the scope of work, terms, or conditions of the 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: *Verdenia C. Baker* DATE: 1/13/21  
Verdenia C. Baker, County Administrator

DD:kf  
Attachment