

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: October 19, 2021

Consent Regular
 Ordinance 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: Amendment No. 02 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.

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 initial lease commenced on the date of execution and ran until 2013 and was automatically extended for additional one-year terms until January 1, 2021. On November 17, 2020 the County executed Amendment No. 01 (R2020-1732) approving a one year time extension until January 1, 2022 allowing for additional time for the County and District to enter into a long-term lease. Amendment No. 2 authorizes a ten (10) year lease extension until January 1, 2032 under the same terms and condition as the 2006 lease agreement with two new provisions: 1) County must not apply or allow application of fertilizer or soil amendment on the property, including biosolids, residuals and septage and; 2) a requirement for the County to update the Management Plan within 180 days of the effective date of the lease extension. Extending our lease with the District for an additional 10 year period provides sufficient time to justify additional site improvements to the property by the County. 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 and desires to have the County continue managing it for recreational purposes.

The County has spent approximately \$1.35 million since 2006 towards site improvements within the park. Passive recreational activities such as canoeing, kayaking, picnicking, hiking, nature and equestrian trails, fishing and primitive camping are currently located onsite. The park is also utilized by a variety of special user groups including the Astronomical Society of the Palm Beaches, Boca Raton Amateur Radio Association, Florida Off-Road Cycling Enthusiasts, Gold Coast Archery, Palm Beach Radio Control Association, Palm Beach RC Power Boaters, South Florida Dirt Oval RC Club, and the South Florida Disc Golf Ambassadors. Future development plans call for the expansion of existing park uses and potential introduction of additional passive uses.

Attachment: Amendment No. 02 Lease No. LS060854

Recommended by: 
Department Director

9-20-21
Date

Approved by: 
Assistant County Administrator

10/1/2021
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	<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	<u>X</u>
Does this item include use of federal funds?		Yes	_____	No	<u>X</u>

Budget Account No.: Fund ___ Department ___ Unit ___
 Object ___ Program N/A

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

There is no fiscal impact at this time.

C. Departmental Fiscal Review: *Travis H* 9/20/21

III. REVIEW COMMENTS

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

Steve Martin 9/23/21
 OFMB *JA 9.23.21 BR 9/23*

Dr. J. Jaworski 9/29/21
 Contract Development & Control
9/29/21 JD

B. Legal Sufficiency:

[Signature]
 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-A02

AMENDMENT NO.

TO LEASE NO. LS060854

BETWEEN THE

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

AND

PALM BEACH COUNTY, FLORIDA

This **AMENDMENT NO. 02**, is entered into on _____, to that **LEASE** dated February 28, 2006 (R2006-0382), and as amended on December 21, 2020 (R2020-1732), between "the Parties," the South Florida Water Management District (**LESSOR**), and Palm Beach County, Florida (**LESSEE**).

WITNESSETH THAT:

WHEREAS, the Governing Board of the **DISTRICT**, at its _____, 2021 meeting, approved entering into this **AMENDMENT NO. 02** with the **LESSEE**; and

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

WHEREAS, the Parties wish to amend the **LEASE** to (i) extend the contract for ten years; (ii) update **LESSEE** and **LESSOR** contact information; (iii) add no fertilizer language; (iv) Lessee required to submit Management Plan update.

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 ten (10) years and the expiration date, as amended, is January 1, 2032.
2. Paragraph 28 of the **LEASE** is hereby revised to read as follows:



SOUTH FLORIDA WATER MANAGEMENT DISTRICT AMENDMENT

LESSEE:

Parks and Recreation Department
Attention: Director
2700 6th Avenue South
Lake Worth, FL 33461

With a copy to:

Property & Real Estate Management Division
Attention: Director
2633 Vista Parkway
West Palm Beach, FL 33411-5605
Telephone: 561-233-0217
Fax: 561-233-0210

Palm Beach County Attorney's Office
Attention: Real Estate
301 North Olive Avenue, Suite 601
West Palm Beach, FL 33401
Telephone: 561-355-2225
Fax: 561-355-4398

LESSOR:

South Florida Water Management District
Attention: Director, Real Estate Division
3301 Gun Club Road
West Palm Beach, FL 33406
Email: RealEstate@sfwmd.gov

3. Add the following Fertilizer language as Paragraph 21. a.:

Lessee must not apply or allow application of fertilizer or soil amendments on the Property.
This includes biosolids, residuals, and septage.

4. Lessee required to update and submit Management Plan within 180 days of the effective date of the lease extension.
5. This **AMENDMENT NO. 02** shall be at no additional cost to the **DISTRICT**.
6. All other terms and conditions of the **LEASE** remain unchanged.



SOUTH FLORIDA WATER MANAGEMENT DISTRICT AMENDMENT

IN WITNESS WHEREOF, the Parties or their duly authorized representatives hereby execute this **AMENDMENT NO. 02** 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

Jose Esquivel

Date: _____



SOUTH FLORIDA WATER MANAGEMENT DISTRICT AMENDMENT

ATTEST:

JOSEPH ABRUZZO
Clerk of the Circuit Court & Comptroller

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

By: _____
Clerk of the Circuit Court & Comptroller

By: _____
Dave Kerner, Mayor

Signed and delivered
in the presence of:

Witness Signature

Print Witness Name

APPROVED AS TO
LEGAL SUFFICIENCY

By: _____
Assistant County Attorney

APPROVED AS TO TERMS
AND CONDITIONS

By: _____
Department Director