

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: January 24, 2023 (X) Consent ( ) Regular  
( ) Workshop ( ) Public Hearing

Department: Environmental Resources Management

I. EXECUTIVE BRIEF

**Motion and Title:** Staff recommends motion to receive and file Amendment Number 2 to Lease Agreement (Agreement), 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 Tarpon Cove and Sawfish project to extend the term of the lease from December 31, 2022 to July 31, 2024.

**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. Delegated authority, to execute all future time extensions and any necessary minor amendments, was authorized at that time. On October 5, 2021 Amendment No. 1 (R2021-1434) added Sawfish Island to the Project and extends the lease term through December 31, 2022. Amendment No 2 extends the Lease through July 31, 2024. 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 (SF)

**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 2 to Lease Agreement
- 2. Delegation of Authority

Recommended by: Michael Stahl for 12/8/22 Date SF 12/2/22  
Department Director

Approved by: Pa 12/20/22 Date  
Assistant County Administrator

**II. FISCAL IMPACT ANALYSIS**

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

Fiscal Years	2023	2024	2025	2026	2027
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  No \_\_\_\_\_

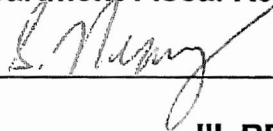
Does this item include the use of federal funds? Yes \_\_\_\_\_ No \_\_\_\_\_

Budget Account No.:

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

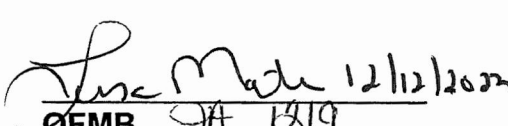

**B. Recommended Sources of Funds/Summary of Fiscal Impact:**  
No fiscal impacts

**C. Department Fiscal Review:**

  
\_\_\_\_\_

**III. REVIEW COMMENTS**

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

*favorable review 12/17/22*  
 *Jose Mada 12/12/2022*  
 OFMB *JH BTB*  *J. J. Joubert 12/20/22*  
 Contract Development & Control  
*12/20/22 km*

**B. Legal Sufficiency:**

  
\_\_\_\_\_

Assistant County Attorney

**C. Other Department Review:**

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

**AMENDMENT NUMBER 2  
TO LEASE AGREEMENT  
BETWEEN  
PALM BEACH COUNTY  
AND FLORIDA INLAND NAVIGATION  
DISTRICT**

**THIS SECOND AMENDMENT TO THE LEASE AGREEMENT** is made and entered into on this \_\_\_ day of November, 2022, 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 November 13, 2020 (R2020-1588) (the "Lease"), that authorized the County to use the Landlord's premises for the handling and temporary storage of rock, shell, and sand for various restoration projects within the county; and

**WHEREAS**, the Landlord and County entered into an amendment of the Lease ("Amendment Number 1") on August 27, 2021 to extend the duration of the Lease; and

**WHEREAS**, the Landlord and County desire to extend the term of the Lease from December 31, 2022 to July 31, 2024; and

**WHEREAS**, extending the Lease will allow the County to use the Landlord's premises for the handling and temporary storage of rock, shell, and sand for the restoration of Tarpon Cove and Sawfish projects

**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 thereto.
2. 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 described in Exhibit "A" attached hereto and made part hereof by reference (the "Premises"), for a term commencing November 13, 2020 and terminating July 31, 2024 (the "TERM").

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

Prior to the use of the Premises, Tenant's 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 (\$100,000), conditioned on Tenant's complete removal from the Premises of all materials placed thereupon by not later than July 31, 2024.

4. 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.

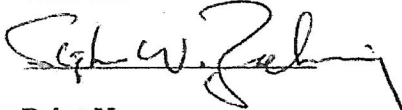
**AS TO LANDLORD**

**FLORIDA INLAND NAVIGATION DISTRICT**

By:   
John C. Blow, Chair

Date: Nov 18, 2022

Witness:



Print Name:

STEPHEN W. BIEDLING

Witness:



Print Name:

Janet Zimmerman

**AS TO COUNTY**

**PALM BEACH COUNTY BOARD  
OF COUNTY COMMISSIONERS**

By: 

Name: Deborah Drum

Title: Director, Environmental Resources Management

Date: NOV. 17, 2022

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:**

By: 

Name: Shannon Fox, Esq.

Title: Assistant County Attorney



**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 *DDB 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