

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date:	April 18, 2023	<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Regular
		<input type="checkbox"/> Ordinance	<input type="checkbox"/> Public Hearing
Department:	Facilities Development & Operations		

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve:

- A) A change in ownership interest of the concessions provider at Osprey Point Golf Course in Burt Aaronson South County Regional Park from Thoroughbred Holdings, LLC to SW Hospitality Group LLC; and
- B) A Second Amendment to Concessionaire Lease Agreement with SW Hospitality Group LLC, memorializing the change in ownership of the food and beverage concessions provider at Osprey Point Golf Course in Burt Aaronson South County Regional Park.

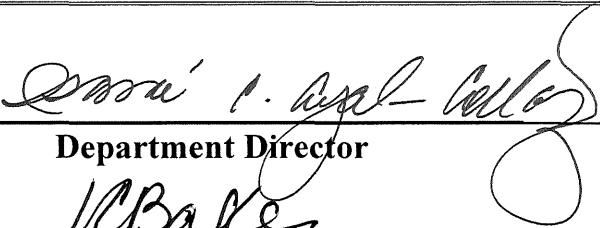


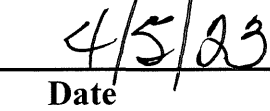
Summary: On July 25, 2019, the Board of County Commissioners (Board) approved Concessionaire Lease Agreement with Osprey Point Restaurant Management, LLC (R-2019-1060) to provide food and beverage concessions at Osprey Point Golf Course in Burt Aaronson South County Regional Park. On August 17, 2021, the Board approved a change in ownership from Osprey Point Management, LLC to Thoroughbred Holdings, LLC which was memorialized in the First Amendment to Concessionaire Lease Agreement (R-2021-1075). Thoroughbred Holdings, LLC wishes to sell its business to SW Hospitality Group, LLC and is requesting consent of the change in ownership as required by the terms of the Concessionaire Lease Agreement. This Second Amendment approves the change in ownership and the assumption of performance obligations under the terms of the Concessionaire Lease Agreement by SW Hospitality Group, LLC. All other terms and conditions to the Agreement remain unchanged. The Parks and Recreation Department (Parks) will continue to have administrative responsibility for the Concessionaire Lease Agreement. **(Property & Real Estate Management) District 5 (HJF)**

Background and Justification: On July 25, 2019, the Board approved Concessionaire Lease Agreement with Osprey Point Restaurant Management, LLC, for an initial term of three years plus two 2-year options to extend.

CONTINUED ON PAGE 3

Attachments:

1. Location Map
2. Second Amendment to Concessionaire Lease Agreement
3. Disclosure of Beneficial Interests

Recommended By:		
	Department Director	Date
Approved By:		
	County Administrator	Date

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					
# 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 Dept Unit Object
Program

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

Fixed Asset Number NA No Fiscal Impact

C. Departmental Fiscal Review: Robert Eric Muller
H. Brown

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

Lina Mata 3/31/2023 OFMB 3109 3-30-23
Contract Development and Control 3/31/23

B. Legal Sufficiency:

Assistant County Attorney 4/4/23

C. Other Department Review:

Department Director

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

Background and Justification (cont'd): On August 17, 2021, the Board approved the First Amendment to Concessionaire Lease Agreement, to (i) modify the Annual Rent; (ii) approve the change in ownership interests from Osprey Point Management, LLC to Thoroughbred Holdings, LLC; (iii) update the Special Activities provision; and (iv) incorporate certain standard language required by County. Thoroughbred Holdings, LLC wishes to sell its business to SW Hospitality Group, LLC and is requesting consent of the change in ownership as required by the terms of the Concessionaire Lease Agreement. Staff has confirmed continued financial ability of SW Hospitality Group, LLC. A disclosure of beneficial interests was provided by SW Hospitality Group, LLC showing Anderson Studebaker and Wylon Wong as each having 50% interest in the company.

Osprey Point Golf Course



LOCATION MAP



SECOND AMENDMENT TO CONCESSIONAIRE LEASE AGREEMENT

THIS SECOND AMENDMENT TO CONCESSIONAIRE LEASE AGREEMENT (R2019-1060), (“Second Amendment”) is made and entered into _____, by and between **PALM BEACH COUNTY**, a political subdivision of the State of Florida, (“County”) and **SW HOSPITALITY GROUP, LLC.**, a Florida Limited Liability Company (“Concessionaire”).

WHEREAS, County and Osprey Point Restaurant Management, LLC, entered into that certain Concessionaire Lease Agreement dated July 25, 2019 (R2019-1060) (the “Agreement”) for the use of the Premises as defined in the Agreement, with a commencement date of July 25, 2019, for a term of three (3) years; and

WHEREAS, Osprey Point Restaurant Management, LLC provided notice to the County that due to the financial impact of Covid-19, it was no longer able to provide services under the Agreement; and

WHEREAS, due to the financial challenges Osprey Point Restaurant Management, LLC partnership ownership changed to 100% ownership by Thoroughbred Holdings, LLC, and

WHEREAS, the First Amendment to Concessionaire Lease Agreement (R2021-1075) (“First Amendment”) dated August 17, 2021 modified the annual rent and approved a change in ownership from Osprey Point Restaurant Management, LLC to Thoroughbred Holdings, LLC; and

WHEREAS, Thoroughbred Holdings, LLC has provided County with a Business Purchase Agreement with SW Hospitality Group, LLC; and

WHEREAS, the parties wish to approve the change in ownership from Thoroughbred Holdings, LLC to SW Hospitality Group, LLC due to the sale of the company.

NOW, THEREFORE, in consideration of the mutual covenants and agreement hereinafter set forth, and various other good and valuable considerations, 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 ascribed to them in the Agreement, as amended.
2. Section 19.03, Notices Required by Agreement, shall be updated as to the Concessionaire as follows:
 - (b) If to Concessionaire at:
SW Hospitality Group, LLC
1128 Royal Palm Beach Blvd #508
Royal Palm Beach, FL 33411
3. County acknowledges receipt of Business Purchase Agreement and consents to the change in ownership of the Concessionaire as required by Section 19.04 of the Agreement and disclosed in

the updated Exhibit “E” attached hereto.

4. Thoroughbred Holdings, LLC assigns its performance obligations set forth in the terms of Concessionaire Agreement R2021-1075 to SW Hospitality Group, LLC and SW Hospitality Group, LLC assumes the performance obligations set forth in the terms of Concessionaire Agreement R2021-1075.
5. Exhibit “E” (Disclosure of Beneficial Interests) of the Agreement is hereby replaced with the updated Exhibit “E” attached hereto.
6. Except as modified by this Second Amendment, the Concessionaire Agreement remains unmodified and in full force and effect in accordance with the terms thereof.

(Remainder of the page intentionally left blank)

IN WITNESS WHEREOF, the parties have caused this Second Amendment to be executed as of the day and year first above written.

ATTEST:

JOSEPH ABRUZZO
CLERK OF THE CIRCUIT COURT &
COMPTROLLER

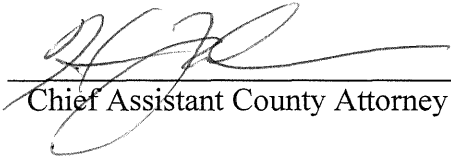
PALM BEACH COUNTY, a political
subdivision of the State of Florida

By: _____
Deputy Clerk

By: _____
Gregg K. Weiss, Mayor


APPROVED AS TO LEGAL
SUFFICIENCY:

APPROVED AS TO TERMS AND
CONDITIONS:

By:  _____
Chief Assistant County Attorney

By:  _____
Department Director

ATTEST:

By: 
Witness Signature

ROBERT MARLOW
Witness Printed Name

By: 
Witness Signature

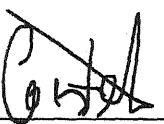
STEPHEN COOK
Witness Printed Name

ASSIGNOR CONCESSIONAIRE:
Thoroughbred Holdings, LLC, a Florida
Limited Liability Company


By: 

PATRICIA MARLOW
Its Manager

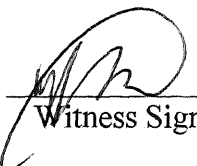
ASSIGNEE CONCESSIONAIRE:
SW Hospitality Group, LLC, a Florida Limited
Liability Company

By: 
Witness Signature

Haritina Carstea
Witness Printed Name

By: 

Anderson Studebaker
Its Manager

By: 
Witness Signature

Wylon Wong
Witness Printed Name

EXHIBIT “E”

DISCLOSURE OF BENEFICIAL INTERESTS

TO: PALM BEACH COUNTY CHIEF OFFICER, OR HIS OR HER OFFICIALLY
DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

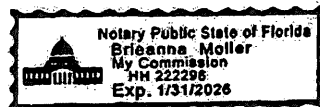
BEFORE ME, the undersigned authority, this day personally appeared Anderson
Studebaker, hereinafter referred to as "Affiant", who being by me first duly sworn,
under oath, deposes and states as follows:

1. Affiant is the member (position - i.e. president, partner, trustee) of
SW Hospitality Group, LLC (name and type of entity - i.e. ABC Corporation,
XYZ Limited Partnership), (the "Concessionaire") which entity is providing concession
services on the real property legally described on or depicted in the attached Exhibit "A" (the
"Licensed Area").
2. Affiant's address is: 1127 Royal Palm Beach Blvd #508
Royal Palm Beach, FL 33411
3. Attached hereto, and made a part hereof, as Exhibit "B" is a complete listing of the
names and addresses of every person or entity having a five percent (5%) or greater
beneficial interest in the concessionaire and the percentage interest of each such person or
entity.
4. Affiant further states that Affiant is familiar with the nature of an oath and with the
penalties provided by the laws of the State of Florida for falsely swearing to statements under
oath.
5. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and
to the best of Affiant's knowledge and belief it is true, correct, and complete, and will be
relied upon by Palm Beach County relating to its entering into a Concessionaire Service
Agreement for the Licensed Area.

FURTHER AFFIANT SAYETH NAUGHT.

Anderson Studebaker Affiant
Print Affiant Name: Anderson Studebaker

The foregoing instrument was sworn to, subscribed and acknowledged before me this 20th
day of July, 2022 by Anderson Studebaker
[] who is personally known to me or [] who has produced FLTD
as identification and who did take an oath.



Brieanna Moller
Notary Public

Brieanna Moller
(Print Notary Name)

NOTARY PUBLIC
State of Florida at Large

My Commission Expires: 01/31/2026

Osprey Point Golf Course



Beneficial Interests of SW Hospitality Group

Anderson Studebaker
3323 Brinely Pl
Royal Palm Beach, FL 33411
50% interest

Wylon Wong
13343 91st Pl N
Maple Grove, MN 55369
50% interest

DISCLOSURE OF BENEFICIAL INTERESTS

TO: PALM BEACH COUNTY CHIEF OFFICER, OR HIS OR HER OFFICIALLY
DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Anderson
Studebaker, hereinafter referred to as "Affiant", who being by me first duly sworn,
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beneficial interest in the concessionaire and the percentage interest of each such person or
entity.
4. Affiant further states that Affiant is familiar with the nature of an oath and with the
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5. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and
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relied upon by Palm Beach County relating to its entering into a Concessionaire Service
Agreement for the Licensed Area.

FURTHER AFFIANT SAYETH NAUGHT.

Anderson Studebaker, Affiant
Print Affiant Name: Anderson Studebaker

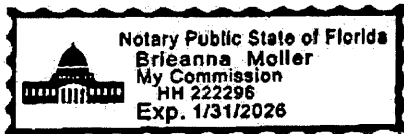
The foregoing instrument was sworn to, subscribed and acknowledged before me this 20th
day of July, 2022 by Anderson Studebaker
[] who is personally known to me or [] who has produced FLDL
as identification and who did take an oath.

Brieanna Moller
Notary Public

Brieanna Moller
(Print Notary Name)

NOTARY PUBLIC
State of Florida at Large

My Commission Expires: 01/31/2026



Beneficial Interests of SW Hospitality Group

Anderson Studebaker
3323 Brinely Pl
Royal Palm Beach, FL 33411
50% interest

Wylon Wong
13343 91st Pl N
Maple Grove, MN 55369
50% interest
