

Board of County Commissioners Agenda Request

Date of Meeting: November 21, 2023

Date Submitted: October 30, 2023

To: Honorable Chairman and Members of the Board

From: Edward J. Dixon, County Administrator
Allan Meeks, Facilities Manager

Subject: Approval of Massey Building Lease Amendment

Statement of Issue:

This item is presented to the Board for the approval of a lease amendment with the Florida Department of Environmental Protection (FDEP) to amend the lease 4845 for Gadsden County to manage the leased premises only for the establishment and operation of a healthcare facility and senior services center, along with other related uses necessary for the accomplishment of these purposes as designated in the Land Use Plan.

Background:

On December 15, 2020, the Gadsden County Board of County Commissioners entered a Fifty (50) year lease agreement with the Florida Department of Environmental Protection for the Lamar Massey Building.

On July 7, 2022, LESSOR and LESSEE entered into Amendment Number One to Lease Number 4845, modifying Paragraph 4 of the lease to allow for additional uses of the leased premises. Amendment Number One to Lease Number 4845 contained a scrivener's error that incorrectly identified LESSEE as SUBLESSEE; and WHEREAS, LESSOR, and LESSEE desire to amend the lease to correct that scrivener's error.

Analysis:

Approval of the lease amendment adds needed language to Lease 4845 that allows a Subleasee to manage the lease premises only for the establishment and operation of a healthcare facility and Senior Services Center, along with other related uses necessary for the accomplishment of these purposes.

Fiscal Impact:

There is no Fiscal Impact.

Options:

1. Approve the Massey Building Lease Amendment and authorize the chairman to sign all related documents.
2. Do not approve.
3. Board direction.

County Administrator's Recommendation:

Option 1.

Attachments:

1. Lease Amendment

This instrument prepared by:
Jay Sircy
Department of Environmental Protection
Bureau of Public Land Administration
Division of State Lands
3900 Commonwealth Blvd. MS 130
Tallahassee, Florida 32399-3000
Action No. 47804

ATL1

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT
TRUST FUND OF THE STATE OF FLORIDA**

AMENDMENT NUMBER TWO TO LEASE NUMBER 4845

THIS LEASE AMENDMENT is entered into this ____ day of _____, 20____, by and between the **BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA**, hereinafter referred to as "LESSOR" and **GADSDEN COUNTY, FLORIDA**, a political subdivision of the State of Florida, hereinafter referred to as "LESSEE";

WITNESSETH:

WHEREAS, LESSOR, by virtue of Section 253.03, Florida Statutes, holds title to certain lands and property for the use and benefit of the State of Florida; and

WHEREAS, on December 15, 2020, LESSOR and LESSEE entered into Lease Number **4845** (the "lease"); and

WHEREAS, on July 7, 2022, LESSOR and LESSEE entered into Amendment Number One to Lease Number **4845** modifying Paragraph 4 of the lease to allow for additional uses of the leased premises; and

WHEREAS, Amendment Number One to Lease Number **4845** contained a scrivener's error that incorrectly identified LESSEE as SUBLESSEE; and

WHEREAS, LESSOR and LESSEE desire to amend the lease to correct that scrivener's error.

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

1. Paragraph 4 of the lease is hereby revised, replaced, and superseded in its entirety by the following:
 4. PURPOSE: LESSEE shall manage the leased premises only for the establishment and operation of a healthcare facility and senior services center, along with other related uses necessary for the accomplishment of these purposes as designated in the Land Use Plan required by paragraph 8 of this lease.

2. It is understood and agreed by LESSOR and LESSEE that in each and every respect the terms of Lease Number **4845**, except as amended, shall remain unchanged and in full force and effect and the same are hereby ratified, approved and confirmed by LESSOR and LESSEE as of the date of this amendment.

3. It is understood and agreed by LESSOR and LESSEE that this Amendment Number **Two** to Lease Number **4845** is hereby binding upon the parties hereto and their successors and assigns.

4. This lease amendment may be executed by electronic signature, which shall be considered as an original signature for all purposes and shall have the same force and effect as an original signature. Without limitation, “electronic signature” shall include faxed versions of an original signature or electronically scanned and transmitted versions (e.g., via pdf) of an original signature.

[Remainder of page intentionally left blank; Signature page follows]

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

“LESSOR”

“LESSEE”

**BOARD OF TRUSTEES OF THE INTERNAL
IMPROVEMENT TRUST FUND OF THE
OF FLORIDA**

**GADSDEN COUNTY, FLORIDA,
a political subdivision of the State of Florida
By its Board of County Commissioners**

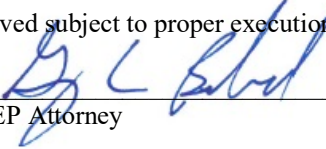
(SEAL)

(SEAL)

BY: _____
Brad Richardson, Chief, Bureau of Public Land
Division of State Lands, State of
Florida Department of Environmental Protection, as
agent for and on behalf of the Board of Trustees of the
Internal Improvement Trust Fund of the State of
Florida

BY: _____
Kimblin E. NeSmith, J.D., Chairman

Approved subject to proper execution:

BY:  _____ 09-11-2023
DEP Attorney Date