

|                         |
|-------------------------|
| Meeting Date            |
| <b>October 18, 2016</b> |



| AGENDA   |                     |
|----------|---------------------|
| Section  | Unfinished Business |
| Item No. | V C                 |

**AGENDA REPORT**  
*BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS*

|                     |   |
|---------------------|---|
| <b>SUBJECT:</b>     | Resolution, RE: entering into a lease agreement with a non-profit unincorporated association for the purpose of allowing development of a 114 acre site into a Wildlife and STEM Education Center |
| <b>DEPT/OFFICE:</b> | Curt Smith, District 4 Commission Office  |

**Requested Action:**  
 It is requested that the Board of County Commissioners adopts a resolution confirming their desire to enter into a lease agreement with a not for profit unincorporated association relating to a 114 acres of county-owned surplus land for use as a Wildlife and STEM Education Center and conservation area.

**Summary Explanation & Background:**

At the October 4<sup>th</sup> County Commission Meeting there was a citizen's request by Tom and Anita Unrath to allow for the creation of a Wildlife and STEM Educational Center on the 114 acres of surplus land in Suntree.

During the discussion of that item, Commissioner Smith asked to table the item to allow for him to meet with the Unraths and become more informed as to what their plan was. It was also pointed out by Commissioner Fisher that whatever is determined should come back while this Commission is still intact. Mr. Knox confirmed that the County has, in the past, entered into lease agreements with not for profit organizations, because the County has a lot of flexibility on surplus property dispositions like the one being requested.

It is the intention of this group to form a not for profit organization, and enter into an agreement with the County. The attached resolution is required by section 125.38 Florida Statutes in order to proceed with the steps required to transfer the property.

Clerk to the Board instruction:

Exhibits Attached: Resolution authorizing lease agreement for a Wildlife and STEM Educational Center on the 114 acres of surplus land

**Contract /Agreement (If attached):** Reviewed by County Attorney    Yes         No     PR

|                                    |  |
|------------------------------------|--|
| County Manager<br>Stockton Whitten | Department Director / Extension<br><br>Curt Smith, Commissioner District 4 |
|------------------------------------|--|



Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001  
Fax: (321) 264-6972  
Tammy.Rowe@brevardclerk.us

October 19, 2016

**M E M O R A N D U M**

**TO:** Commissioner Curt Smith, District 4

**Re:** Item V.C., Resolution Entering Into a Lease Agreement with a Non-Profit Unincorporated Association for the Purpose of Allowing Development of a 114-Acre Site into a Wildlife and STEM Education Center

The Board of County Commissioners, in regular session on October 18, 2016, adopted Resolution No. 16-190, authorizing a transfer of a 114-acre site to a not-for-profit unincorporated association, pursuant to section 125.38, Florida Statutes, and Section 2-247, Brevard County Code of Ordinances, for the purpose of allowing development of the site into a Wildlife and STEM Education Center. Enclosed is a certified copy of the Resolution.

Your willingness to serve the citizens of Brevard County in this capacity is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

*Tammy Rowe*

✓ Tammy Rowe, Deputy Clerk

Encl. (1)

cc: Planning and Development Director  
Asset Management

**RESOLUTION NO. 2016-190**

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, AUTHORIZING A TRANSFER OF COUNTY PROPERTY TO A NOT-FOR-PROFIT UNINCORPORATED ASSOCIATION PURSUANT TO SECTION 125.38, FLORIDA STATUTES, AND SECTION 2-247, BREVARD COUNTY CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, 100 ACRE HOLLOWES, a not-for-profit unincorporated association under the laws of the State of Florida (hereinafter referred to as the “Organization”) has applied to the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA (hereinafter referred to as the “County”), to transfer by sale or lease or other instrument 114 acres described in Exhibit A attached hereto, (hereinafter referred to as the “Property”); and

**WHEREAS**, the Organization desires to use and maintain the property as an environmental education and conservation area;

**WHEREAS**, the County finds that the Organization’s proposed use of the Property will promote public health, safety or welfare, will serve the public interest, will serve a public purpose, constitutes a service that could be provided by local government, and that the Property is not needed for County purposes at this time.

**WHEREAS**, the County desires to cooperate with and assist the 100 Acre Hollows in acquiring the real property.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA**, that:

1. The Property is located within the area described on Exhibit A which will be used in a manner compatible with County purposes.

2. The Organization shall use and maintain the Property for the purposes as an environmental education and conservation area and shall <sup>complete</sup> the steps toward that use as identified in the lease.

3. The County shall enter into a lease agreement with the Organization to transfer the Property.

4. The Organization shall pay \$10 per year as consideration for the agreement.

5. The term of the lease shall be five (5) years with automatic renewals for ten (10) additional terms of five (5) years each unless earlier terminated by either party after six (6) months advanced notice to the other party.

6. In the event the Property is not used or ceases to be used for the purpose stated herein term of lease term shall immediately cease and the Property shall revert to the County which thereafter shall have the right to re-enter and repossess the Property.

This resolution shall take effect immediately.

**DONE, ORDERED AND ADOPTED**, in regular session, this 18 day of October, 2016

ATTEST:

  
\_\_\_\_\_  
[NAME], Clerk

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

By:   
\_\_\_\_\_  
[NAME], Chairman

As Approved By the Board on: October 18, 2016

EXHIBIT "A"

[this Exhibit should contain a description of the property such as a survey or deed or other applicable legal description of the property]

Exhibit A



1. NE 1/4 Of SW 1/4

2. Se 1/4 Of SW 1/4

3. Part Of NW 1/4 Of NE 1/4 As Desc IN Orb 3420 Pg 620 Par 253

**RESOLUTION NO. 2016-\_\_\_**

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**WHEREAS**, the Organization desires to use and maintain the property as an environmental education and conservation area;

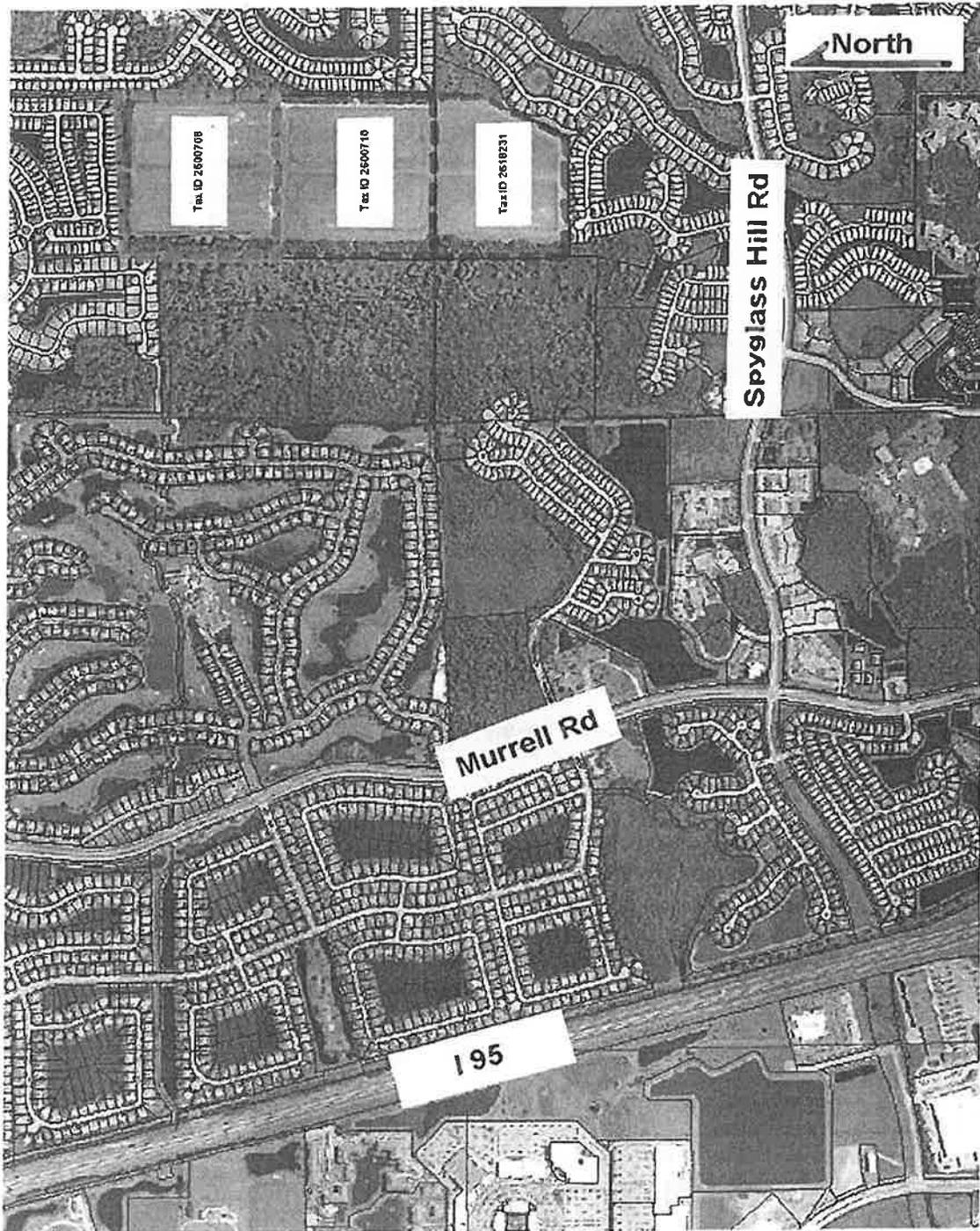
**WHEREAS**, the County finds that the Organization’s proposed use of the Property will promote public health, safety or welfare, will serve the public interest, will serve a public purpose, constitutes a service that could be provided by local government, and that the Property is not needed for County purposes at this time.

**WHEREAS**, the County desires to cooperate with and assist the 100 Acre Hollows in acquiring the real property.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA**, that:

1. The Property is located within the area described on Exhibit A which will be used in a manner compatible with County purposes.
2. The Organization shall use and maintain the Property for the purposes.

EXHIBIT "A"



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|-------------------------|
| Meeting Date            |
| <b>October 18, 2016</b> |



| AGENDA   |                     |
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| DEPT/OFFICE: | Curt Smith, District 4 Commission Office  |

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It is the intention of this group to form a not for profit organization, and enter into an agreement with the County. The attached resolution is required by section 125.38 Florida Statutes in order to proceed with the steps required to transfer the property.

Clerk to the Board instruction:

Exhibits Attached: Resolution authorizing lease agreement for a Wildlife and STEM Educational Center on the 114 acres of surplus land

Contract /Agreement (If attached): Reviewed by County Attorney    Yes        No        PR

|                                    |                                     |
|------------------------------------|-------------------------------------|
| County Manager<br>Stockton Whitten | Department Director / Extension     |
|                                    | Curt Smith, Commissioner District 4 |

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**WHEREAS**, the Organization desires to use and maintain the property as an environmental education and conservation area;

**WHEREAS**, the County finds that the Organization’s proposed use of the Property will promote public health, safety or welfare, will serve the public interest, will serve a public purpose, constitutes a service that could be provided by local government, and that the Property is not needed for County purposes at this time.

**WHEREAS**, the County desires to cooperate with and assist the 100 Acre Hollows in acquiring the real property.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, that:**

1. The Property is located within the area described on Exhibit A which will be used in a manner compatible with County purposes.
2. The Organization shall use and maintain the Property for the purposes.

3. The County shall enter into a lease agreement with the Organization to transfer the Property subject to the following conditions:

a. The not-for-profit shall file a fictitious name registration with the State of Florida, Department of State;

b. The Organization shall convert to or create a not-for-profit corporation and upon completion of that condition, this resolution and the agreement provided for hereunder shall inure to the benefit of and be deemed assigned to the newly created not-for-profit corporation.

4. The Organization shall pay \$10 per year as consideration for the lease agreement.

5. The term of the lease shall be thirty (30) years with automatic renewals for three (3) additional terms of thirty (30) years each unless earlier terminated by either party after five (5) years advanced notice to the other party, unless an earlier termination is agreed upon by the parties.

6. In the event the Property is not used or ceases to be used for the purpose stated herein term of lease term shall immediately cease and the Property shall revert to the County which thereafter shall have the right to re-enter and repossess the Property.

This resolution shall take effect immediately.

**DONE, ORDERED AND ADOPTED**, in regular session, this \_\_\_ day of \_\_\_\_\_, 20\_\_.

ATTEST:

\_\_\_\_\_  
Scott Ellis, Clerk

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

By: \_\_\_\_\_  
Jim Barfield, Chairman

As Approved By the Board on: \_\_\_\_\_

EXHIBIT "A"

