



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 3

DATE: July 13, 2022

TO: Mayor Jerry L. Demings
-AND-
County Commissioners

FROM: Mindy T. Cummings, Manager
Real Estate Management Division *MTC*

CONTACT PERSON: **Mindy T. Cummings, Manager**

DIVISION: **Real Estate Management Division**
Phone: (407) 836-7090

ACTION REQUESTED: Approval and execution of Amendment No. 1 to Lease Agreement related to Water Conserv II Property for Sportsplex Park With Option to Purchase a Portion Thereof and Consent to Sublease and authorization for the Real Estate Management Division to furnish notices, required or allowed by the Lease Agreement, as needed.

PROJECT: Sportsplex Park
Lease File #4033

District 1

PURPOSE: To amend the lease agreement related to Water Conserv II Property for Sportsplex Park With Option to Purchase a Portion Thereof with an effective date of August 28, 2007 ("Sportsplex Lease") to allow a library as a permitted use and to consent to the sublease of a portion of the property to the Orange County Library District ("Library") to build a library.

ITEMS: Amendment No. 1 to Lease Agreement
Cost: None

APPROVALS: Real Estate Management Division
County Attorney's Office
Risk Management Division
Parks and Recreation Division

REMARKS: The City of Orlando ("City") and County own, as tenants in common, approximately 215 acres of real property in the Horizon West Community of Orange County, Florida ("Property").

The City and County previously entered into a lease agreement related to Water Conserv II Property for Sportsplex Park With Option to Purchase a Portion Thereof with an effective date of August 28, 2007 ("Sportsplex Lease") pursuant to which, among other things, the City leases to the County its undivided 50% interest in the Property for the County's use of a portion of the Property for the design, construction, operation, and maintenance of public recreation complexes thereon. The initial term of the Sportsplex Lease is 100 years with one option to renew for another 100 years.

At the July 18, 2022 City Council meeting, the City signed the amendment to the Sportsplex Lease to allow for a public library as a permitted use, as well as consent to the County subleasing a portion of the Property to the Library for use as a public library.

This action provided the County's acknowledgement of the amendment and consent by the City and allowed the County to enter into the sublease with the Library.

All other terms and conditions the Sportsplex Lease shall remain in effect.

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS

JUL 26 2022

**AMENDMENT NO. 1
TO LEASE AGREEMENT
related to
WATER CONSERV II PROPERTY
FOR SPORTSPLEX PARK
WITH OPTION TO PURCHASE
A PORTION THEREOF**

AND

CONSENT TO SUBLEASE

THIS AMENDMENT NO. 1 TO LEASE AGREEMENT AND CONSENT TO SUBLEASE (**Amendment and Consent**) is made and entered as of the last date below (**Effective Date**), by and between **CITY OF ORLANDO**, a municipal corporation organized and existing under the laws of the state of Florida (**City**), and the **ORANGE COUNTY**, a charter county and political subdivision of the state of Florida (**County**).

RECITALS

WHEREAS, the City and County own, as tenants in common, approximately two hundred fifteen (215) acres of real property more particularly described in that certain lease agreement dated August 28, 2007 as defined hereinbelow (**Property**); and

WHEREAS, the City and County previously entered into a lease agreement related to Water Conserv II Property For Sportsplex Park With Option to Purchase A Portion Thereof with an effective date of August 28, 2007 (**Lease Agreement**) pursuant to which, among other things, the City leases to the County its undivided 50% interest in the Property for the County's use of a portion of the Property for the design, construction, operation and maintenance of public recreation complexes thereon (**Leased Premises**); and

WHEREAS, the Lease Agreement limits the permitted use of the Leased Premises by the County to public park and other specified purposes, and County desires to sublease a portion of the Leased Premises to the Orange County Library District (**Library District**) for the design, construction, operation and maintenance of an approximately 20,000 square foot building, with an outdoor venue and associated appurtenances, including but not limited to parking, access drive, and retention, to serve the residents of Orange County (**Library**); and

WHEREAS, the City has agreed to amend the Lease Agreement in order to allow a portion of the Leased Premises to be used as a public library pursuant to the terms and conditions contained herein; and

WHEREAS, the City and County desire to amend the Lease Agreement as provided herein;
and

WHEREAS, the City agrees to consent to the sublease of a portion of the Leased Premises to the Library District pursuant to the terms set forth herein.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City and County hereby agree to amend the Lease Agreement as follows:

1. **Recitals**. The above recitals are true and correct and are incorporated into and made a part of this Amendment and Consent as if fully set forth herein.

2. **Capitalized Terms**. All capitalized terms contained in this Amendment and Consent and not defined herein shall have the meaning set forth in the Lease Agreement.

3. **Amendment**. The following provision of the Lease Agreement is amended as follows:

Page 1 of the Lease Agreement, Third WHEREAS clause is hereby stricken in its entirety and replaced with the following.

WHEREAS, City desires to lease the City's interest in the Property to County for County's use for the purpose of planning, designing, permitting, and constructing, one or more public recreational complexes in West Orange County as well as operating, maintaining, securing, repairing and replacing all activities, amenities, infrastructure, and structures necessary or incidental thereto, and said park uses shall be generally consistent with that certain "Feasibility Study & Site Plan for a Proposed Athletic Field Sports Complex in Orange County, Florida," prepared for Orange County Parks and Recreation Division, dated September 2003 ("Sports Complex Study"), and on file with the Manager of the Orange County Parks and Recreation Division, as well as for the development of a Library, a buffer area for the adjacent Rapid Infiltration Basin site and Water Conserv II Project and related uses (collectively, the Lease Purposes"). A true copy of the Preliminary Master Plan ("Site Plan), which is a part of the Sports Complex Study is attached hereto as **Exhibit "B"** and incorporated herein by reference, however, the parties hereto understand that the Site Plan is preliminary and subject to substantial change as County develops it further; and

4. **Consent**. Pursuant to Section 21 of the Lease Agreement, the City hereby consents to the sublease of a portion of the Leased Premises for use by the Library District for the Library, subject to the following:

Rent. The County may charge the Library District rent for its subleased portion of the Leased Premises and may retain all such rent provided that all rent received by the County is applied to Orange County Parks and Recreation. operations and maintenance fund for the entire duration of the sublease.

Upon approval of this Amendment and Consent by the City, no further approval, authorization or consent from the City shall be necessary for County to sublease a portion of the Leased Premises to the Library District for use as a Library. A copy of the fully executed sublease shall be provided to City upon request.

5. Except as specifically amended herein, all terms, conditions, provisions, rights and obligations contained in the Lease Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the City and County have executed this Amendment No. 1 to Lease Agreement related to Water Conserv II Property For Sportsplex Park With Option to Purchase A Portion Thereof as of the Effective Date and Consent to Sublease.

CITY OF ORLANDO, FLORIDA

By: Jim Gray
Name: Jim Gray
Title: Mayor Pro Tem
Date: July 18, 2022

Attest:

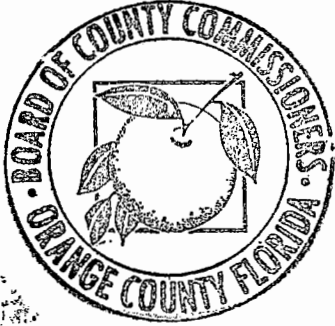
By: Stephanie Herdacia
Stephanie Herdacia, City Clerk

APPROVED AS TO FORM AND LEGALITY
for the use and reliance of the
City of Orlando, Florida, only.

July 8, 2022.
Wendy Powell
Assistant City Attorney

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COUNTY SIGNATURE APPEARS ON FOLLOWING PAGE

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners



Bryson W. Brooks
for Jerry L. Demings
Orange County Mayor

Date: 26 July 2022 07/25/2022
(mm/dd/yyyy)

ATTEST: Phil Diamond, CPA, County Comptroller
As Clerk of the Board of County Commissioners

BY:

Noelia Perez
for Deputy Clerk

Noelia Perez
Printed Name