

VILLAGE OF ROYAL PALM BEACH

Agenda Item Summary

AGENDA ITEM: Approval and authorization for the Mayor to execute the Fifth Addendum to Lease Agreement with Above and Beyond Preschool, LLC, in order to extend the term of the lease for an additional five (5) years for \$258.30 per year for the 728± square foot parcel immediately adjacent to Camellia Park property.

ISSUE: In 1996, the Village Council approved a five (5) year lease with Robinson Day Care, Inc. d/b/a Kids Club with an option to renew for additional five year terms for the use of the adjacent park property. State requirements mandated that Kids Club provide this additional playground space when they increased enrollment at the day care center located at 672 Camellia Drive. On November 17, 2011, the Village Council approved an assignment of the lease to Kreative Kids Club, Inc. On November 1, 2018, the Village Council approved an assignment of the lease to Above and Beyond Preschool, LLC. Above and Beyond Preschool, LLC's use of the Village-owned parcel has not interfered with the Village's use of the park and the Parks and Recreation Director has confirmed that it will not interfere in the future.

The annual lease amount of \$258.30, which was in effect for the previous term, will be continued at that present rate during the fifth term.

RECOMMENDED ACTION: Motion to Approve

Initiator	Village Manager Approval	Agenda Date	Village Council Action
Finance Director	Approve	6/17/21	Action

**FIFTH ADDENDUM TO LEASE AGREEMENT
BY AND BETWEEN
THE VILLAGE OF ROYAL PALM BEACH
AND
ABOVE AND BEYOND PRESCHOOL, LLC**

THIS FIFTH ADDENDUM, made and entered into this 17th day of June, 2021, effective July 2, 2021, by and between the Village of Royal Palm Beach, Florida, a municipal corporation organized and existing in accordance with the laws of the State of Florida with offices located at 1050 Royal Palm Beach Boulevard, Royal Palm Beach, FL 33411, hereinafter referred to as the “Village”, and Above and Beyond Preschool, LLC, a Florida limited liability company, with offices located at 672 Camellia Drive, Royal Palm Beach, FL 33411, hereinafter referred to as “Above and Beyond”, both of whom agree that the original Lease Agreement made and entered into by and between the parties on June 20, 1996, as amended by the “First Addendum to Lease Agreement” which was effective July 2, 2001, as further amended by the “Second Addendum to Lease Agreement” which was effective July 2, 2006, as further amended by the “Third Addendum to Lease Agreement” which was effective on July 2, 2011, as further amended by the “Fourth Addendum to Lease Agreement” which was effective on July 2, 2016, and as further assigned to Above and Beyond on November 1, 2018 (the “LEASE”), is hereby amended in the following manner:

Section 1: The term of the LEASE is amended at Section 1. COMMENCEMENT AND COMPENSATION. to provide that the LEASE shall be extended for an additional five-year term commencing on July 2, 2021 and ending on July 1, 2026.

Section 2: The amount of the LEASE’s annual lease payment is hereby set forth at Section 1.COMMENCEMENT AND COMPENSATION. in the amount of two hundred fifty-eight and 30/100 dollars (\$258.30); additionally, Above and Beyond shall be responsible for the payment of the property taxes assessed against the Village for the business use in this leasehold space.

Section 3: All other Sections and recitals of the above-referenced LEASE shall remain in full force and effect and there shall be no changes to the LEASE with the exception of the items specifically set forth in this Fifth Addendum.

Section 4: This Fifth Addendum shall be attached to the current LEASE and shall become a part thereof.

IN WITNESS WHEREOF, the Village has caused this Fifth Addendum to be signed and executed on its behalf by its Mayor; and Above and Beyond has signed and executed this Fifth Addendum, both in duplicate, with an effective date as noted above.

Witnesses:

VILLAGE OF ROYAL PALM BEACH

By: Fred Pinto
Its: Mayor

(SEAL)

THE STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of [] physical presence or [] online notarization, this _____ day of _____, 2021, by Mayor Fred Pinto, who is personally known to me or who has produced a Florida driver's license as identification and who did/did not take an oath.

NOTARY PUBLIC
State of Florida

(Seal)

**ABOVE AND BEYOND PRESCHOOL,
LLC**

Witnesses:

By: Hunter Kaufman
Its: Manager

Date: _____

THE STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of [] physical presence or [] online notarization this _____ day of _____, 2021, by Hunter Kaufman, who is personally known to me or who has produced a Florida driver's license as identification and who did/did not take an oath.

NOTARY PUBLIC
State of Florida

(Seal)