

ST. PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of June 18, 2009

TO: The Honorable Jeff Danner, Chair and Members of City Council

SUBJECT: Authorizing the Mayor, or his Designee, to execute a Lease Agreement with Edward White Hospital, Inc., a Florida for profit corporation, for the use of a ±32,930 square foot parcel of City-owned property located on the south side of Booker Creek Park as an employee/park patron parking lot for a period of three (3) years; and to execute all documents necessary to effectuate same; and providing an effective date. *(Requires affirmative vote of at least six (6) members of City Council.)*

EXPLANATION: Real Estate & Property Management received a request from Edward White Hospital, Inc., ("Hospital"), a Florida for profit corporation, located at 2323 Ninth Avenue North, to renew its lease agreement with the City of St. Petersburg ("City") for the use of a ±32,930 square foot parcel of land ("Property") as a parking facility for use by employees and park patrons (illustration attached). The Property is located north of and abutting the Hospital's existing parking lot and south of Booker Creek Park. In 2004, the Hospital implemented a ±\$3,000,000 campus renovation project to improve the aesthetics of the area south of Booker Creek Park along with relieving overflow parking pressure on the surrounding North Kenwood area streets by constructing a parking lot consisting of forty (40) parking spaces on the south side of Booker Creek Park for park patron and Hospital employee use.

The Hospital constructed the parking lot at its sole cost and expense and provided an additional \$30,000 to the City to help fund the construction of the two (2) pedestrian bridge elements of the City's Booker Creek Park Master Design Plan. The Hospital designated five (5) of the forty (40) parking spaces for exclusive use by Booker Creek Park patrons.

The Property was appraised by Joseph J. Ayo, MAI, SRA, Ayo and Associates, for the City at the expense of the Hospital and the fair market rent for this site was determined to be \$877.25 per month or \$10,527.00 annually. On December 16, 2004, St. Petersburg City Council approved the acceptance of the Hospital's total cost for constructing the improved parking lot together with a payment of \$30,000 towards the City's construction of two (2) pedestrian bridges as part of the Booker Creek Park Master Plan as prepaid rent ("Prepaid Rent") in its authorization of a lease between the City and the Hospital by Resolution No. 2004-759 for a three (3) year term commencing upon the Hospital's completion of constructing the parking lot ("2006 Lease"). The Hospital's cost to construct the parking lot was \$136,297.18, therefore, bringing the Prepaid Rent balance to \$166,297.18. The 2006 Lease provided for a rent credit against the Prepaid Rent and the balance of the Prepaid Rent at the end of the current term will be \$134,453.00.

The Hospital has executed a Lease Agreement ("Lease") for a term of three (3) years, subject to City Council approval, with the terms and conditions providing it with the same basic rights and privileges it has enjoyed in the preceding term. After adjusting the prior rent for increases in the Consumer Price Index ("CPI") the rental rate during the first year of the new 3-year term will be \$11,040 annually or \$920 monthly. In lieu of a cash rent payment, a credit against the Prepaid Rent balance will be made each month during the term until the balance of Prepaid Rent has been depleted. On the anniversary date of each year, the rent will be adjusted for any increase in CPI. The Hospital will maintain a commercial general liability insurance policy in an amount of at least \$1,000,000 and has agreed to indemnify and hold harmless the City from and against all liability and damages arising from their occupancy and use of the Premises. The Premises and all improvements will be maintained and operated by the Hospital at its expense.

City Council Resolution No. 79-740A, dated October 4, 1979, establishes policies for the sale and leasing of City-owned park and waterfront property. Section 1.02 (c)(2) of the City Charter, Park and Waterfront Property, permits City Council approval of leases for residentially-zoned Waterfront and Park property for three (3) years or less with approval by an affirmative vote of at least six (6) members of City Council. The subject property is zoned (CRT-1) Corridor Residential Traditional-1.

RECOMMENDATION: Administration recommends that City Council authorize the Mayor, or his Designee, to execute a Lease Agreement with Edward White Hospital, Inc., a Florida for profit corporation, for the use of a ±32,930 square foot parcel of City-owned property located on the south side of Booker Creek Park as an employee/park patron parking lot for a period of three (3) years; and to execute all documents necessary to effectuate same.

COST/FUNDING/ASSESSMENT INFORMATION: N/A

ATTACHMENTS: Exhibit "A", Illustration and Resolution

APPROVALS: Administrative: R. Mussett 6-4-09 36

Budget: N/A

Legal: RBB

(As to consistency w/attached legal documents)

EXHIBIT "A"

A portion of LOT 1, NINTH AVENUE CENTER PARTIAL REPLAT, as recorded in Plat Book 67, Page 9, Public Records of Pinellas County Florida, being more particularly described as follows:

From the Southwest corner of said LOT 1 as a Point of Reference; thence N.00°37'00"W., along the West line of said LOT 1, 36.40 feet to a point on the North line of the South 36.40 feet of said LOT 1 and the POINT OF BEGINNING; thence continue N.00°37'00"W., 177.60 feet; thence departing said West line, S.75°42'57"E., 108.86 feet to a Point of Curvature; thence 39.92 feet along the arc of a curve to the right, concave to the Southwest, having a radius of 35.29 feet, central angle 64°48'48", chord bearing S.43°18'33"E., chord length 37.83 feet to a Point of Reverse Curvature; thence 66.85 feet along the arc of a curve to the left, concave to the Northeast, having a radius of 57.09 feet, central angle 67°05'06", chord bearing S.44°26'41"E., chord length 63.09 feet to a Point of Tangency; thence S.77°59'14"E., 66.77 feet; thence S.73°29'15"E., 63.08 feet to a point on the East line of said LOT 1; thence S.00°37'00"E., 46.60 feet to a point on the North line of the South 36.40 feet of said LOT 1; thence N.89°57'00"W., along the North line of the South 36.40 feet of said LOT 1, 300.00 feet to the POINT OF BEGINNING.

Taken from the Boundary Survey prepared by George F. Young, Inc., Dated 12/11/03, Job Number 0313-0661-00. Containing 32,930 square feet or 0.756 acres.

Part of Pinellas County Parcel I.D. No.: 14/31/16/60175/000/0010

ILLUSTRATION



ILLUSTRATION



NO.: _____

A RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE A LEASE AGREEMENT WITH EDWARD WHITE HOSPITAL, INC., A FLORIDA FOR PROFIT CORPORATION, FOR THE USE OF A ±32,930 SQUARE FOOT PARCEL OF CITY-OWNED PROPERTY LOCATED ON THE SOUTH SIDE OF BOOKER CREEK PARK AS AN EMPLOYEE/PARK PATRON PARKING LOT FOR A PERIOD OF THREE (3) YEARS; AND TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE SAME; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Real Estate & Property Management received a request from Edward White Hospital, Inc., ("Hospital"), a Florida for profit corporation, located at 2323 Ninth Avenue North, to renew its lease agreement with the City of St. Petersburg ("City") for the use of a ±32,930 square foot parcel of land ("Property") as a parking facility for use by employees and park patrons; and

WHEREAS, the Property is located north of and abutting the Hospital's existing parking lot and south of Booker Creek Park; and

WHEREAS, in 2004, the Hospital implemented a ±\$3,000,000 campus renovation project to improve the aesthetics of the area south of Booker Creek Park along with relieving overflow parking pressure on the surrounding North Kenwood area streets by constructing a parking lot consisting of forty (40) parking spaces on the south side of Booker Creek Park for park patron and Hospital employee use; and

WHEREAS, the Hospital constructed the parking lot at its sole cost and expense and provided an additional \$30,000 to the City to help fund the construction of the two (2) pedestrian bridge elements of the City's Booker Creek Park Master Design Plan and designated five (5) of the forty (40) parking spaces for exclusive use by Booker Creek Park patrons; and

WHEREAS, the Property was appraised by Joseph J. Ayo, MAI, SRA, Ayo and Associates, for the City at the expense of the Hospital and the fair market rent for this site was determined to be \$877.25 per month or \$10,527.00 annually; and

WHEREAS, on December 16, 2004, St. Petersburg City Council approved the acceptance of the Hospital's total cost for constructing the improved parking lot together with a payment of \$30,000 towards the City's construction of two (2) pedestrian bridges as part of the Booker Creek Park Master Plan as prepaid rent ("Prepaid Rent") in its authorization of a lease between the City and the Hospital by Resolution No. 2004-759 for a three (3) year term commencing upon the Hospital's completion of constructing the parking lot ("2006 Lease"); and

WHEREAS, the Property is legally described as follows:

A portion of LOT 1, NINTH AVENUE CENTER PARTIAL REPLAT, as recorded in Plat Book 67, Page 9, Public Records of Pinellas County Florida, being more particularly described as follows:

From the Southwest corner of said LOT 1 as a Point of Reference; thence N.00°37'00"W., along the West line of said LOT 1, 36.40 feet to a point on the North line of the South 36.40 feet of said LOT 1 and the POINT OF BEGINNING; thence continue N.00°37'00"W., 177.60 feet; thence departing said West line, S.75°42'57"E., 108.86 feet to a Point of Curvature; thence 39.92 feet along the arc of a curve to the right, concave to the Southwest, having a radius of 35.29 feet, central angle 64°48'48", chord bearing S.43°18'33"E., chord length 37.83 feet to a Point of Reverse Curvature; thence 66.85 feet along the arc of a curve to the left, concave to the Northeast, having a radius of 57.09 feet, central angle 67°05'06", chord bearing S.44°26'41"E., chord length 63.09 feet to a Point of Tangency; thence S.77°59'14"E., 66.77 feet; thence S.73°29'15"E., 63.08 feet to a point on the East line of said LOT 1; thence S.00°37'00"E., 46.60 feet to a point on the North line of the South 36.40 feet of said LOT 1; thence N.89°57'00"W., along the North line of the South 36.40 feet of said LOT 1, 300.00 feet to the POINT OF BEGINNING; Containing 32,930 square feet or 0.756 acres; Part of Pinellas County Parcel I.D. No.: 14/31/16/60175/000/0010; and

WHEREAS, the Hospital's cost to construct the parking lot was \$136,297.18, therefore, bringing the Prepaid Rent balance to \$166,297.18; and

WHEREAS, the 2006 Lease provided for a rent credit against the Prepaid Rent and the balance of the Prepaid Rent at the end of the current term will be \$134,453.00; and

WHEREAS, after adjusting the prior rent for increases in the Consumer Price Index ("CPI") the rental rate during the first year of the new 3-year term will be \$11,040.00 annually or \$920.00 monthly; and

WHEREAS, in lieu of a cash rent payment, a credit against the Prepaid Rent balance will be made each month during the term until the balance of Prepaid Rent has been depleted; and

WHEREAS, on the anniversary date of each year, the rent will be adjusted for any increase in CPI; and

WHEREAS, the Hospital has executed a Lease Agreement ("Lease") for a term of three (3) years, subject to City Council approval, with the terms and conditions providing it with the same basic rights and privileges it has enjoyed in the preceding term; and

WHEREAS, the Hospital will maintain a commercial general liability insurance policy in an amount of at least \$1,000,000 and has agreed to indemnify and hold harmless the City from and against all liability and damages arising from their occupancy and use of the Premises; and

WHEREAS, the Premises and all improvements will be maintained and operated by the Hospital at its expense; and

WHEREAS, City Council Resolution No. 79-740A, dated October 4, 1979, establishes policies for the sale and leasing of City-owned park and waterfront property; and

WHEREAS, Section 1.02 (c)(2) of the City Charter, Park and Waterfront Property, permits City Council approval of leases for residentially-zoned Waterfront and Park property for three (3) years or less with approval by an affirmative vote of at least six (6) members of City Council; and


WHEREAS, the subject property is zoned (CRT-1) Corridor Residential Traditional-1.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that the Mayor, or his Designee, is hereby authorized to execute a Lease Agreement with Edward White Hospital, Inc., a Florida for profit corporation, for the use of a ±32,930 square foot parcel of City-owned property located on the south side of Booker Creek Park as an employee/park patron parking lot for a period of three (3) years; and to execute all documents necessary to effectuate same.


This Resolution shall become effective immediately upon its adoption.

LEGAL:

APPROVED BY:




City Attorney (Designee)



Clarence Scott, III, Administrator
City Services Administration

APPROVED BY:



Bruce E. Grimes, Director
Real Estate and Property Management