



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 17-00613

City Council

2/8/2018

LEGISLATIVE ACTION ITEM

SPONSOR: City Council Member Sherri F. Myers

SUBJECT:

FISH HATCHERY LEASE

RECOMMENDATION:

That City Council declare the Lease with the Florida Fish and Wildlife Commission void in accordance with Paragraph 20 of the Lease; based on the Commission's failure to commence construction of the Florida Gulf Coast Marine Fisheries Hatchery/Enhancement Center at Bruce Beach within the three (3) years of execution of the Lease on May 12, 2014 and urge the Florida Fish and Wildlife Commission to work with the City to find a more appropriate location.

HEARING REQUIRED: No Hearing Required

SUMMARY:

On May 12, 2014, the Florida Fish and Wildlife Conservation Commission entered into a lease with the City of Pensacola for the lease of 44.45 acres of prime commercial real estate, valued by the Escambia County Property Appraiser for tax purpose to be \$6,959,474 million dollars, located on waterfront property known as Bruce Beach.

By the terms of the agreement, Section 20 Performance Schedule, the Commission is required to "commence construction" of the Florida Gulf Coast Marine Fisheries Hatchery/Enhancement Center within three years of the signing of the lease. The Commission has failed to provide any documents that evidence it has begun commencement of construction within the meaning of the law, or establish standards within the construction industry. The sponsor of this recommendation has written a number of e-mails to Eric Olson, the City Administrator and Gil McRae asking for all documents that evidence the event that gives rise to their assertion that the Commission has "commenced construction" as that term is used in the construction industry. Those facts have not been forthcoming. The Commission expressly agreed in Section 20 of the lease, that should it fail to "commence construction" within the first 3 years of signing the lease, that "the Commission hereby expressly agrees to immediately forfeit all property interests and any rights under this Lease and occupation of the Premises, and the Lease shall be void." (Emphasis added).

PRIOR ACTION:

May 12, 2014 - Execution of Lease between the City of Pensacola and Florida Fish and Wildlife Commission

May 8, 2014 - City Council authorized the Mayor to negotiate with and enter into a Lease agreement with the Florida Fish and Wildlife Commission for the building of a Hatchery at Bruce Beach

FUNDING:

N/A

FINANCIAL IMPACT:

To be determined

STAFF CONTACT:

Don Kraher, Council Executive

ATTACHMENTS:

- 1) Fish Hatchery Lease
- 2) Property Appraiser Sheet
- 3) Joint Press Release
- 4) Gil McRae email reply re Hatchery Lease - Myers
- 5) Public Records Request re Hatchery - Myers
- 6) Public Records Request II - No Response- Myers

PRESENTATION: No