



Memorandum

File #: 17-00616

City Council

11/9/2017

LEGISLATIVE ACTION ITEM

SPONSOR: City Council President Brian Spencer

SUBJECT:

FISH HATCHERY LEASE

RECOMMENDATION:

That City Council determine the Lease between the City of Pensacola and the Florida Fish and Wildlife Commission for the construction of the Gulf Cost Marine Fisheries Hatchery/Enhancement Center to be VOID in accordance with Section 20 (Performance Schedule) of the Lease.

HEARING REQUIRED: No Hearing Required

SUMMARY:

On May 12, 2014 the City of Pensacola and the Florida Fish and Wildlife Commission (FWC) executed a Lease for what is known as the Bruce Beach property.

Under the terms of said Lease, Section 20 (Performance Schedule) states in part:

“...Barring any unforeseen delays due to site conditions or Force Majeure as defined in Section 36 below, Commission shall commence construction of the Center, the public waterfront access and public recreation facilities no later than three (3) years following the execution date of this Lease. Should Commission fail to commence construction...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.”

In accordance with the Lease as well as pertinent Florida Statute 713.13, it does not appear that “commencement of construction” has taken place which would, by definition, render the Lease void.

PRIOR ACTION:

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

May 12, 2014 - City executed a Lease with the Florida Fish and Wildlife Commission.

FUNDING:

N/A

FINANCIAL IMPACT:

None

STAFF CONTACT:

Don Kraher, Council Executive

ATTACHMENTS:

- 1) Fish Hatchery Lease
- 2) Florida Stat 713.13 - Notice of Commencement

PRESENTATION: No