



Broward County

Legislation Details (With Text)

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On agenda: 1/26/2021 **Final action:** 1/26/2021

Title: MOTION TO APPROVE First Amendment to Separation Agreement and Mutual Release between Broward County and Young At Art of Broward, Inc. and authorize the Mayor and Clerk to execute same.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit 1 - YAA Dania Beach Lease Agreement, 2. Exhibit 2 - First Amendment to Separation Agreement

| Date | Ver. | Action By | Action | Result |
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Broward County Commission Regular Meeting

Director's Name: Bertha Henry

Department: County Administration

Information

Requested Action

MOTION TO APPROVE First Amendment to Separation Agreement and Mutual Release between Broward County and Young At Art of Broward, Inc. and authorize the Mayor and Clerk to execute same.

Why Action is Necessary

Agreements with external agencies require approval by the Broward County Board of County Commissioners (Board).

What Action Accomplishes

Approves the First Amendment to Separation Agreement and Mutual Release (Agreement) which, among other things, requires that YAA vacate and turnover possession of Broward County's (County) property located at 751 SW 121st Avenue, Davie, FL 33325.

Is this Action Goal Related

No

Previous Action Taken

June 12, 2018 Regular Meeting (Item No. 103), September 22, 2020 Regular Meeting (Item No. 55), December 8, 2020 Regular Meeting (Item No. 62).

Summary Explanation/Background

The YAA Children's Museum, Broward County Library and common areas is a 56,000 square-foot joint-use facility (Premises) in Davie, Florida.

The County and YAA entered into a lease agreement on July 1, 2018 in connection with YAA's occupancy and use of a portion of the Premises. YAA was unable to fulfill its lease commitments and County staff began discussions with YAA about the terms of a potential separation agreement. At the September 22, 2020 Regular Meeting (Item No. 55), the Board approved the proposed terms of a Separation Agreement and at the December 8, 2020 Regular Meeting (Item No. 62) the Board approved a Separation Agreement containing, among other things, the following terms:

- YAA will vacate the Premises and the lease shall terminate 60 days after agreement execution;
- YAA has provided a list of items it is required to remove and others it may remove- anything left behind is deemed abandoned and will be disposed of;
- YAA is conditionally released from all debts due to County (~\$960,000), but if they do not vacate and turnover the Premises within the required 60-day timeframe (which can only be extended under limited circumstances), they remain responsible for all monies owed to the County;
- County will release \$74,500 of grant funding awarded to YAA; \$32,000 will be paid up front to offset demobilization costs and the remaining \$42,500 will be paid if YAA removes the required identified property and vacates, within the 60-day period, to offset moving costs.

The Agreement was executed on December 8, 2020, which established February 7, 2021 as the final day that YAA could vacate the premises. Since that time YAA has been dismantling their exhibits and looking for a new location. YAA recently succeeded in finding a new home in Dania Beach and secured a new lease (Exhibit 1).

YAA is not able to move into their new space until February 1, 2021. Given the volume and nature of the material they must move, YAA was concerned that they would not be able to move everything out of the premises in Davie in one week and they asked the County Administrator for an extension, as provided for in the Agreement. The Agreement did not provide for any changes to the financial terms, which is why this First Amendment is before the Board.

The First Amendment to the Separation Agreement and Mutual Release (Exhibit 2) provides a 14-day extension to YAA to remove their items and vacate the premises. YAA has agreed to pay the County \$8,999.90 for utility usage during this additional time-period, which is to be deducted from the final payment the County will make to YAA if they vacate the premises by February 21, 2021. As an incentive to move out sooner, the utility fee will be pro-rated over the additional 14-day period; each additional day YAA occupies the premises beyond the original 60-day period (but not longer than the additional 14-day period) an additional \$642.85 will be added to the final County payment to YAA.

Source of Additional Information

Alan Cohen, Assistant County Administrator, 954-357-7364

Fiscal Impact

Fiscal Impact/Cost Summary

Grant funds to be released to YAA are included in the current Fiscal Year budget.