



# Pinellas County

## Legislation Details (With Text)

**File #:** 22-1441D **Version:** 1

**Type:** Delegated Item **Status:** Passed

**File created:** 12/14/2022 **In control:** Parks and Conservation Resources

**On agenda:** 1/31/2023 **Final action:** 1/31/2023

**Title:** The Restrictive Covenant with the State of Florida, Department of State, Division of Cultural Affairs and the Florida Botanical Gardens Foundation.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Restrictive Covenant Agreement

Date	Ver.	Action By	Action	Result
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### **Subject:**

The Restrictive Covenant with the State of Florida, Department of State, Division of Cultural Affairs and the Florida Botanical Gardens Foundation.

### **Recommended Action:**

Approval and execution by the County Administrator of the Restrictive Covenant (Agreement) with the State of Florida, Department of State, Division of Cultural Affairs (State) and Florida Botanical Gardens Foundation (Foundation) for a portion of Walsingham Park (Property) for the future Majeed Children's Discovery Garden (Project).

- The Foundation and the County entered into a License Agreement for the purpose of constructing and operating the Project on the Property.
- The Foundation received a grant in the amount of \$300,000.00 for a portion of the construction costs to build the Project.
- In exchange for the grant, the State requires the County and Foundation to restrict the Property for use as a cultural facility for a minimum of ten (10) years.
- If the County or Foundation is in violation of the Agreement, the Foundation will be responsible to repay a portion, or all of the grant award.

### **Strategic Plan:**

Practice Superior Environmental Stewardship

3.2 Preserve and manage environmental lands, beaches, parks and historical assets

Foster Continual Economic Growth and Vitality

4.6 Support a vibrant community with recreation, arts, and culture to attract residents and visitors.

### **Summary:**

Approval and execution of the Agreement will allow the Foundation to meet its grant award

requirements for construction of the Project.

**Background/Explanation:**

The Foundation and the County entered into a License Agreement on August 24, 2021, for a portion of land located in Walsingham Park for the purpose of constructing and operating the Project. As part of its fundraising efforts, the Foundation received a grant from the State in the amount of \$300,000.00 to fund a portion of the Project's construction costs.

In order to ensure the grant award is used for its intended purpose, the State is requiring the County, as property owner, and the Foundation to restrict the use of the Property as a cultural facility for a minimum of ten (10) years following execution of the grant award agreement.

If this Agreement is violated, the Foundation is responsible for repayment of the grant award, which repayment is tied to a graduated repayment schedule dependent on the date of violation. If the Foundation does not repay the grant funds, the State will seek a judgment against the Foundation.

**Fiscal Impact:**

N/A

**Delegated Authority:**

Authority for the County Administrator to sign this Agreement is granted under Code Section 2-62 (a) (1)

**Staff Member Responsible:**

Paul Cozzie, Director, Parks and Conservation Resources

**Partners:**

Florida Botanical Gardens Foundation

**Attachments:**

Agreement