



Baldwin County Commission

Legislation Text

File #: 20-1580, **Version:** 1

Meeting Type: BCC Regular Meeting
Meeting Date: 9/15/2020
Item Status: Addendum
From: Wayne Dyess, County Administrator
Submitted by: Anu Gary, Administrative Services Manager

ITEM TITLE

Termination for Cause of Lease Agreement for Store and Management Agreement for Campground Located at Live Oak Landing between the Baldwin County Commission and WildNative LOL, LLC

STAFF RECOMMENDATION

Authorize the Chairman to take all appropriate steps to terminate the Lease Agreement for the Store and Management Agreement for Campground Located at Live Oak Landing between the Baldwin County Commission and WildNative LOL, LLC, (approved on June 22, 2017, amended on August 21, 2018, and April 21, 2020), including without limitation delivering written notice of the Commission's intent to terminate the lease for cause.

BACKGROUND INFORMATION

Previous Commission action/date: Various dates, see below.

Background: Previous action taken by the Commission:

April 7, 2015, Regular Meeting: Approved the Request for Proposals (RFPS) and authorized the Purchasing Manager to advertise for the Marketing, Leasing and Management of Retail Space and Boat Launch at Live Oak Landing.

May 26, 2015, Work Session: Instructed staff to meet with a County committee to determine what parts of the RFP best fits the County interests for Live Oak Park.

October 13, 2015, Work Session: Instructed staff to negotiate with Five Rivers Delta Safaris, LLC/Wild Native, Inc., on the lease terms and bring back to a Commission Work Session in 30 days.

March 21, 2017, Work Session: Instructed staff to work with Five Rivers Delta Safaris, LLC/Wild Native, Inc., on the lease terms and bring back to a Commission Work Session for discussion.

May 23, 2017, Work Session: Instructed County Attorney to work with WildNative LOL, LLC, on the

terms of the lease agreement and bring back to the Commission.

June 13, 2017, Work Session: Details of draft agreement were discussed and County Attorney was instructed to make revisions to sections 3.1 and 5.5.

June 22, 2017, Regular Meeting: Took the following actions:

Pursuant to Amendment No. 750 of the Alabama Constitution 1901, conduct an open public hearing and consider the following actions:

1) Adopt Resolution #2017-112 of the Baldwin County Commission, pursuant to Amendment No. 750 to the Constitution of Alabama 1901, to promote the local economic and commercial development of the County. The Baldwin County Commission hereby makes the determination that the expenditure of public funds in the form of a warrant for Live Oak Landing and the execution of an agreement for the lease and management of the Live Oak Landing Campgrounds serves a valid and sufficient public purpose, benefiting the public by resulting in an improved and better amenities and services to be provided to the public at Live Oak Landing public park, boat launch and campgrounds, notwithstanding any incidental benefits accruing to any private entity or entities; and

2) Authorize the Chairman to execute the "Lease Agreement for the Store and Management Agreement for Campground Located at Live Oak Landing" between the Baldwin County Commission and WildNative LOL, LLC, an Alabama limited liability company. The term covered by this Lease Agreement shall be for a term of three years and shall commence thirty (30) days prior to the County's estimated completion date of the RV park and bath house being constructed by the County at Live Oak Landing, and shall terminate at 11:59 p.m. Central Time three years from the commencement date. This Agreement shall automatically renew for two additional three-year terms, unless either party elects to terminate the Agreement by giving not less than sixty (60) days written notice prior to the end of the respective term or renewal term.

3) Authorize an expenditure of public funds for the purposes specified in the Agreement.

4) Adopt the Live Oak Landing Extended Stay Policies, Rules and Regulations, as listed in "Exhibit C" of the Agreement

August 14, 2018, Work Session: Revisions to the agreement were discussed at the request of WildNative LOL, LLC, and proposed revisions by WildNative were provided to the Commission for review.

August 21, 2018, Regular Meeting: Took the following actions:

1) In accordance with Section 5.5 (b) of the "Lease Agreement for the Store and Management Agreement for Campground Located at Live Oak Landing" between the Baldwin County Commission and WildNative LOL, LLC, an Alabama limited liability company, which was originally approved by the Commission on June 22, 2017, authorize extended stay guests at the Campground to stay up to ninety (90) days instead of five (5) weeks, throughout the calendar year, subject to any future changes or amendments to the policies, rules and regulations approved by the County, in its

discretion. Except as amended herein, all other terms and conditions of the Lease Agreement and exhibits shall remain in full force and effect.

2) In accordance with the County's authority to amend the policies, rules and regulations applicable to the Lease Agreement, Section 1 of Exhibit C to the Lease Agreement, LIVE OAK LANDING CAMPGROUND EXTENDED STAY POLICIES, RULES AND REGULATIONS, is hereby amended to read as follows:

Extended stay lots shall be subject to published daily, weekly or monthly rates.

3) Except as amended herein, all other terms and conditions of the Lease Agreement and exhibits shall remain in full force and effect.

April 21, 2020, Regular Meeting: Approve an Amended Lease Agreement for Store and Management for Campground Located at Live Oak Landing between the Baldwin County Commission and WildNative LOL, LLC, an Alabama limited liability company which extends the initial term of the Lease Agreement (originally approved on June 22, 2017, and amended on August 21, 2018) to now terminate at 11:59 p.m. on September 25, 2020, instead of the former termination date on July 25, 2020.

FINANCIAL IMPACT

Total cost of recommendation: TBD

Budget line item(s) to be used: N/A

If this is not a budgeted expenditure, does the recommendation create a need for funding?
N/A

LEGAL IMPACT

Is legal review necessary for this staff recommendation and related documents?
Yes.

Reviewed/approved by: Approved by Brad Hicks 09/18/2020 akg

Additional comments: N/A

ADVERTISING REQUIREMENTS

Is advertising required for this recommendation? N/A

If the proof of publication affidavit is not attached, list the reason: N/A

FOLLOW UP IMPLEMENTATION

For time-sensitive follow up, select deadline date for follow up: Time Sensitive - Coordinate with County Attorney's Office. To be mailed via Certified U.S. Mail and Regular U.S. Mail, Return Receipt Requested.

Individual(s) responsible for follow up: Administration: Send correspondence via CERTIFIED MAIL, RETURN RECEIPT REQUESTED, to:

WILDNATIVE LOL, LLC
c/o Druhan & Tyler, L.L.C.
Attorneys at Law
1106 Dauphin Street
Mobile, Alabama 36604

Mailing Address:
P.O. Box 6
Mobile, Alabama 36601

Cc: Mr. Michael Dorie, President, via email: mdorie@wildnative.com

Brad Hicks, County Attorney

Action required (list contact persons/addresses if documents are to be mailed or emailed):
N/A

Additional instructions/notes: N/A