

TO THE HONORABLE BOARD OF COMMISSIONERS OF BERRIEN COUNTY: Your County Personnel and Human Services Committee respectfully recommends the adoption of the following:

WHEREAS, Berrien County entered into a 25-year lease agreement with the Department of the Army, Corps of Engineers, lease No. DACW35-1-96-3001 (Lease), for use and occupancy of the U.S. South revetment and adjacent U.S. Easement Area for public park and recreational purposes on March 29, 1996; and

WHEREAS, the Lease incorporates Supplemental Agreement #1 effective June 14, 2007 and approved through Resolution P0705087 adding Section 36 D to the lease, allowing Berrien County to construct, operate, and maintain pier safety devices on the U.S. Pier and Revetment; and

WHEREAS, the Lease incorporates Supplemental Agreement #2 effective July 10, 2008 and approved through Resolution P0807121 adding Section 36 E to the lease to include the annual fireworks display at the U.S. South Pier of the St. Joseph Harbor Federal Navigation Project; and

WHEREAS, the Lease expired on March 28, 2021; and

WHEREAS, County Staff have been working with the U.S. Corps of Engineers since 2020 to renew the Lease and was ensured the lease remains in good standing after the expiration date and will stand in "hold over" status until the renewal can be made; and

WHEREAS, a Letter Agreement has been prepared by Department of the Army, U.S. Army Engineer District, Detroit (USAED Detroit), and reviewed and approved by Berrien County Corporate Counsel, for the renewal of the Lease, with an administrative fee of up to \$9,000.00; and

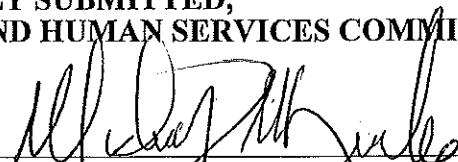
WHEREAS, upon approval of the Letter Agreement, the USAED Detroit will complete the Lease review, process the documents, determine the fair market value of the Lease, and provide the Lease documents to the County for approval.


NOW, THEREFORE, BE IT RESOLVED that the Chairman of the Board is authorized to execute the Letter Agreement for Lease DACW35-1-96-3001.

BE IT FURTHER RESOLVED that up to \$9,000 from the Berrien County Parks budget be paid to USAED Detroit for administrative fees upon receipt of the cost ledger report.

**RESPECTFULLY SUBMITTED,
BERRIEN COUNTY PERSONNEL AND HUMAN SERVICES COMMITTEE**


Robert P. Harrison, Chairperson


Michael Majerek, Vice-Chairperson


Rayonte D. Bell

RESOLUTION APPROVED AS TO FORM	
Administrative <input checked="" type="checkbox"/>	Date 10-3-22
Comments Attached _____	
Corporate Counsel <input checked="" type="checkbox"/>	Date 9/21/22
Comments Attached _____	