Agenda Item #:

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PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS <u>AGENDA ITEM SUMMARY</u>

Meeting Date:July 10, 2007[X] Consent[] Regular[] Ordinance[] Public HearingDepartment:Facilities Development & Operations

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: a Partial Assignment and Assumption of Lease from the South Florida Water Management District (SFWMD).

Summary: On April 10, 2007, the Board approved an Agreement for Exchange with the SFWMD (R2007-0514) (Exchange Agreement). Pursuant to the Exchange Agreement, SFWMD is conveying 96. 18 acres of land to the County. SFWMD currently leases a portion of the 96. 18 acres to Roth Farms, Inc. A condition of the Exchange Agreement is that SFWMD assign its interest in the Lease with Roth Farms, Inc. to the County. The Lease expires February 25, 2008, and can be terminated upon 180 days prior written notice or harvest of the then current crop. Because SFWMD is only charging the County for 11.57 of the 96. 18 acres, the County is not requiring SFWMD to refund a pro-rata share of the \$9,548.00 advanced rental payment previously collected by SFWMD. Staff intends to close the exchange within 15 days of Board approval. (PREM) <u>Countywide/District 6</u> (HJF)

Background and Justification: As part of the proposed multi-use development of the 20-Mile Bend property, the Board approved the Exchange Agreement on April 10, 2007. The proposed development of 20-Mile Bend will include a SFWMD Field Station, a PBSO Law Enforcement Training Facility, a Palm Beach Community College Public Safety Training Facility, and a Public Shooting Park. As a condition precedent to the closing of the exchange, the County was required to enter into a lease with SFWMD providing SFWMD the right to install communications equipment on the County's Communication Tower at 20-Mile Bend. SFWMD has requested that the execution of the tower lease be delayed until SFWMD has finalized its technical requirements for the communication tower space. At closing, SFWMD will provide a waiver of the foregoing condition precedent. Florida Statutes Section 286.23 requires that a Disclosure of Beneficial Interests be obtained when a property held in a representative capacity is leased to the County, but does not require such Disclosure when the County leases property to a tenant. However, Staff is requesting such Disclosure for all transactions with private entities. The County Attorney's Office is of the opinion that such Disclosure is not required for transactions between the County and another governmental entity. As such, Staff did not request a disclosure from SFWMD. Roth Farms, Inc. provided a Disclosure which is attached as Attachment 3. This Disclosure identifies the ownership interests of Roth Farms, Inc. as Raymond R. Roth with a 63.25% interest and Cynthia G. Roth, Susan K. Roth, and Mary C. Lecroy each with a 12.25% interest.

Attachments:

Agenda item is more than 50 pages; may be viewed in Administration.

- 1. Location Map
- 2. Partial Assignment and Assumption of Lease
- 3. Disclosure of Beneficial Interests
- 4. April 10, 2007 agenda item

Recommended By:	Zet Amm Wilk	6/22/07	
	Department Director	Date	
Approved By:	A Priler	- 1/235	
	County Administrator	Date	

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2007	2008	2009	2010	2011
Capital Expenditures Operating Costs					
External Revenues					
Program Income (County)				· · · · · · · · · · · · · · · · · · ·	
In-Kind Match (County)			<u> </u>		<u> </u>
NET FISCAL IMPACT					
# ADDITIONAL FTE POSITIONS (Cumulative)					
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B. Recommended Sources	of Funds/Su	immary of F i	iscal Impact:		
No Fiscal Impact.					
C. Departmental Fiscal Rev	view:	<u></u>			
	III. <u>RE</u>	VIEW COM	<u>MENTS</u>		
A. OFMB Fiscal and/or Co	ntract Deve	elopment Cor	nments:		
0FMB (1)	N 1101	Mm. Contract	7. files	t and Control	701
B. Legal Sufficiency:	<u> </u>				
Assistant/County Attorn Assignment not signed at tame of CAO sur C. Other Department Revie	by Dustr ren.	act			
Department Director					

This summary is not to be used as a basis for payment.

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