Agenda Item #: 3H-5

# PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

Meeting Date:	April 6, 2010	[X] Consent [ ] Ordinance	[ ] Regular [ ] Public Hearing
Department:	Facilities Develo	pment & Operations	5
		I. EXECUTIVE B	RIEF
option under the	Lease Agreement wis continued agricult	th Theodore W. Wins	and file: notice of exercise of the extension berg and Gertrude K. Winsberg (R99-842D ately 60 acres located on Hagen Ranch Roam
			of property from the Winsbergs for thy Wetlands Water Reclamation project. The

development of the Water Utilities Department's Green Cay Wetlands Water Reclamation project. The property is located off Hagen Ranch Road between Boynton Beach Boulevard and Atlantic Boulevard. The Board approved the original Lease Agreement in May of 1999 (R99-842D), which allowed the Winsbergs to continue to farm the property. Over time, as WUD constructed phases of the Water Reclamation Project, the area leased to the Winsbergs was reduced and the Winsbergs currently lease approximately 60 acres. In April of 2008, the Board approved the Fourth Amendment (R2008-0629) which extended the term of the Lease Agreement through May 1, 2010, and provided the Winsbergs with ten (10) additional one (1) year options to extend the term of the Lease Agreement. Exercising this first option will extend the term of the Lease Agreement through May 1, 2011. Pursuant to the terms of the Fourth Amendment, the Winsbergs have the right to exercise its option and the Board has no discretionary authority to not allow the exercise of the option. The County will continue to have the right to terminate this Lease upon 120 days notice. The annual rental rate for this option period will continue to be \$1/yr. All other terms of the Lease Agreement remain in full force and effect. (PREM)

### District 5 (HJF)

**Attachments:** 

- 1. Location Map
- 2. Option to Extend Letter
- 3. Budget Availability Statement
- 4. April 15, 2008 agenda item approving the Fourth Amendment

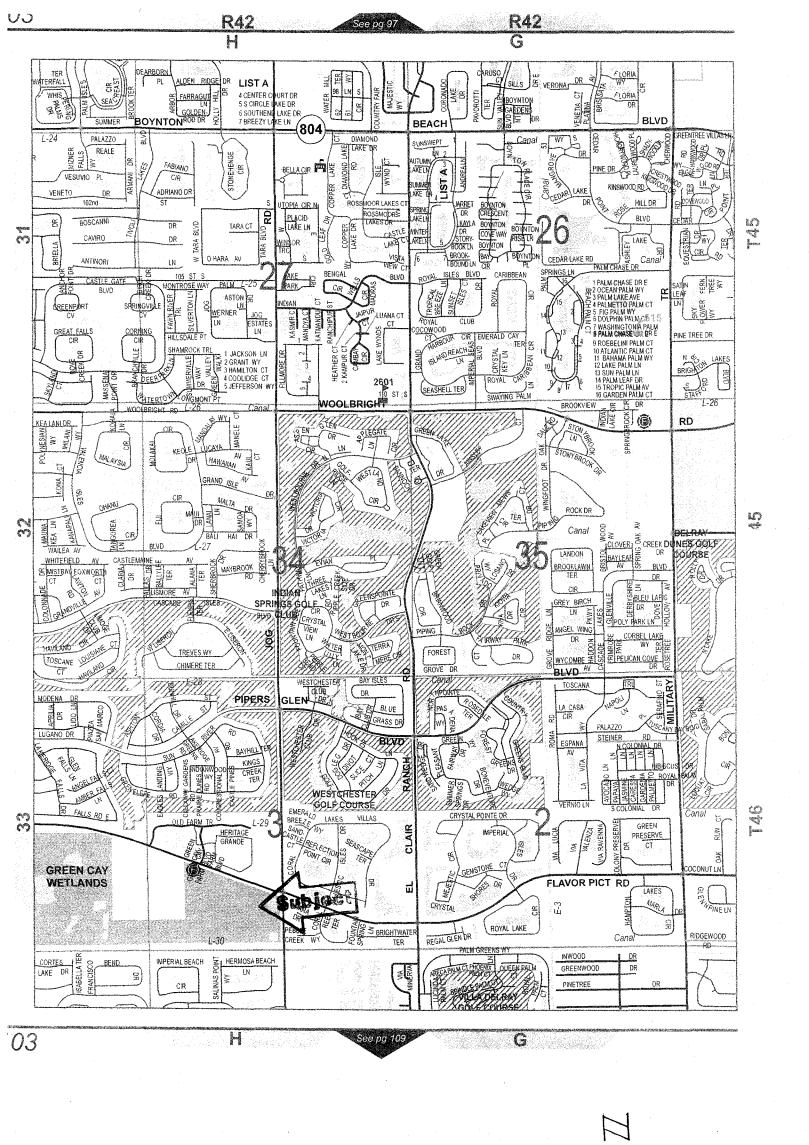
Recommended By: Zett	Anny Worf	3/18/10
	Department Director	Date
Approved By:	dardy	3 36 (0
	County Administrator	Date '

# II. FISCAL IMPACT ANALYSIS

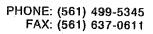
# A. Five Year Summary of Fiscal Impact:

Fiscal Years	2010	2011	2012	2013	2014
Capital Expenditures Operating Costs External Revenues Program Income (County) In-Kind Match (County					
NET FISCAL IMPACT	(\$1)			<del></del>	
# ADDITIONAL FTE POSITIONS (Cumulative)					
Is Item Included in Current Bu	idget: Yes	<u>X</u>	No		
Budget Account No: Fund	4000 Dep Program	t <u>720</u>	Unit <u>4200</u>	Object <u>6999</u>	9
B. Recommended Sources of	of Funds/Sum	mary of Fis	cal Impact:		
C. Departmental Fiscal Rev				<del></del>	
	III. <u>REVI</u>	EW COM	<u>MENTS</u>		
A. OFMB Fiscal and/or Con	ntract Develop	Contract D	J. Jack	contro ≥ 10 Contro ≥ 10  25/10	-5/10
B. Legal Sufficiency:  Assistant County Attorney	129/10				
C. Other Department Revie	ew:				
Department Director	<u>.</u>				

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



LOCATION MAP





# GREEN CAY FARMS, INC.

THEODORE W.WINSBERG, PRES.
GERTRUDE K. WINSBERG, SEC. TREAS.
MICHAEL JAMESON, VICE PRES.
SYLVIA WINSBERG, VICE PRES.

Growers and Packers of Fancy Florida Winter Vegetables
12750 HAGEN RANCH ROAD -:- BOYNTON BEACH, FL 33437-9727

1/7/10

BCC

West Palm Beach, PL

Re: R99-842D

We would like to renew our lease on the county owned property listed above.

Fed of Trudy Winsberg
Ted and Trudy Winsberg

PECEIVEL

JAN 07 2010

### BUDGET AVAILABILITY STATEMENT

March 4, 2010 REQUESTED BY: Richard C. Bogatin PHONE: 561-233-0214

REQUEST DATE:

			_	FAX:	561-233-03	210
PROJECT TITLE: Winsberg Farm	Lease Option ?	No I I	PROJECT NO	.: 2010-5	.010	
Fiscal Years	2010	2011				
Capital Expenditures Operating Costs		· .	-	_		
External Revenues Program Income (County)	(\$1.)			 		
In-Kind Match (County						
NET FISCAL IMPACT	_(\$1)_	- <del></del>	<del></del>			
# ADDITIONAL FTE POSITIONS (Cumulative)		*		<del></del>	***************************************	
** By signing this BAS your departmen BAS by FD&O. Unless there is a change	t agrees to these ge in the scope o	e staff costs of work, no	and your acco	ount will uff charge	be charged up s will be bille	oon receipt of this d.
BUDGET ACCOUNT NUMBER FUND: 4000 DEPT: 720 UNIT: IS ITEM INCLUDED IN CURREN	4200 OBJ:	RSRC 699	9 SUR O	RI:		
IDENTIFY FUNDING SOURCE FO	OR EACH ACC	COUNT: (c	heck <u>all</u> that	apply)		
~ Ad Valorem (source/type:					_)	
~ Grant (source/type: ~ Park Improvement Fund (source/type ~ General Fund	:				) ) eral/Davis Ba	con
~	~~	- 0		~		
Department:						
BAS APPROVED BY:	la m W	ist	DATE:3	14/1	<u>3</u>	
ENCUMBRANCE NUMBER:						

 $C: \label{local-content} C: \label{local-content} C: \label{local-content} C: \label{local-content} C: \label{local-content} C: \label{local-content} C: \label{local-content-conten$ 

Agenda Item #:

# PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

3H-5 R2008-0629

**Meeting Date:** 

April 15, 2008

[X] Consent
[ ] Ordinance

] Regular

Department:

Facilities Development & Operations

| Public Hearing

#### I. EXECUTIVE BRIEF

#### Motion and Title: Staff recommends motion to:

- A) adopt a Resolution authorizing the lease of certain real property to Theodore W. Winsberg and Gertrude K. Winsberg; and
- B) approve a Fourth Amendment to Lease Agreement (R99-842D) with Theodore W. Winsberg and Gertrude K. Winsberg for the continued use of property located on Hagen Ranch Road, Boynton Beach.

Summary: In 1996, the Board approved the purchase of 175 acres from the Winsbergs which was to be acquired in phases and was completed in 2000. The property is located off Hagen Ranch Road between Boynton Beach Boulevard and Atlantic Boulevard and was purchased for development of WUD's Green Cay Wetlands Water Reclamation project. The Real Estate Purchase and Sale Contract (R96-1547D) granted the Winsbergs the right to lease back the property for \$1/yr for farming until such time as WUD has improved or is prepared to improve 60% of the property. The County entered into a Lease with the Winsbergs in 1999, which has been extended three (3) times and will expire on May 1, 2008. WUD has completed Phase I of the Green Cay project encompassing roughly 62% of the property, but the construction of Phase II has been delayed indefinitely. In light of the delay, the Winsbergs requested an additional extension for \$1/yr. WUD believes that the intent of the Contract was that the Winsbergs would lease the property rent free until such time that the County was prepared to commence construction of Phase II. The County is generally required to bid leases of County-owned property. However, existing deed restrictions effectively preclude the County from leasing the property to others. This Fourth Amendment will extend the term for two (2) years, from April 30, 2008 through May 1, 2010, with an option to renew the term of the Lease Agreement for ten (10) successive periods of one (1) year each. The County will continue to have the right to terminate this Lease upon 120 days notice. The annual rental rate for this Fourth Amendment will continue to be \$1/yr. All other terms of the Lease Agreement remain in full force and effect. (PREM) District 5 (HJF)

Background and Justification: On October 1, 1996, the Board approved the Real Estate Purchase and Sale Contract wherein the County agreed, as part of the consideration for the land purchase, to lease the property back to the Winsbergs until the WUD was prepared to develop the property. The purchase price was calculated at \$15,000/acre and was significantly less than appraised value of \$47,000/acre. The Board approved the original Lease Agreement on May 8, 1999 (R99-842D); the First Amendment on June 19, 2001 (R2001-0937); the Second Amendment on April 13, 2004 (R2004-0649); and the Third Amendment on April 18, 2006 (R2006-0666). This Fourth Amendment modifies the term of the Agreement allowing the Winsbergs to continue their agricultural operations since WUD has not yet begun development of Phase II of the Wetlands Water Reclamation project and there is no definite date by which the project will proceed. Restrictions contained in the deed by which the Winsbergs conveyed the property to the County effectively preclude the County from leasing the property to others for farming or using the property for any purpose other than for constructing a wetland treatment and/or groundwater recharge facility.

#### Continued on Page 3

#### Attachments:

- 1. Location Map
- 2. Aerial Map
- 3. Resolution
- 4. Fourth Amendment to Lease Agreement

Recommended By: CH HMWOY 4909

Department Director Date

Approved By: County Administrator Date

### II. FISCAL IMPACT ANALYSIS

A.	Five Year Summary of	Fiscal Impac	t:			
Fisc	al Years	2008	2009	2010	2011	2012
Ope Exte Prog	ital Expenditures rating Costs rnal Revenues gram Income (County) Lind Match (County)	(\$1)	(\$1)			
NE	T FISCAL IMPACT	_(\$1)	<u>(\$1)</u>	-0-	-0-	0-
	DDITIONAL FTE ITIONS (Cumulative)		-			
Is Ite Bud	em Included in Current B get Account No: Fur Pro	Budget: Yes_ id_4000 Dej gram	ot <u>720                                    </u>	Init <u>4200</u>	RSRC_699	9_
В.	Recommended Sources	of Funds/Su	mmary of Fis	cal Impact:		
	No Fiscal Impact.					
C.	Departmental Fiscal Ro	eview:				
		III. <u>R</u>	EVIEW COM	<u>IMENTS</u>		
<b>A.</b>	OFMB Fiscal and/or Co	ontract Devel	opment Com Contract	J. Ja.	and Control	14/08
В.	Legal Sufficiency:  Assistant County Attor	<u>4/10/0</u> 8 ney	0	hls amendment co ar review required	mplies with cents.	
C.	Other Department Rev	iew:				
	Department Director	7 Northeaders and a second sec				
	This summary is not to	be used as a l	basis for pay	ment.		

G:\PREM\AGENDA\2008\04-15\winsberg - ni.wpd

#### Background and Justification, continued

The Winsbergs have been very cooperative in all phases of WUD's Green Cay Project. They sold the property for substantially less than appraised value and modified the restrictive covenants to allow construction of a Fire Station. By leasing the property, the County enhances agriculture and avoids maintenance and security costs. The only issue in extending the Lease is whether after nine (9) years of rent free use, the Winsbergs should be required to pay rent. WUD believes that it was the intent of the parties that the Winsbergs could lease the property rent free until such time that WUD is prepared to commence construction of Phase II of the project. Unfortunately, the purchase contract used 60% as the threshold, and Phase I occupied roughly 62% of the property. Staff believes it is not in the County's interest to contest this matter in light of questions as to the intent of the parties and the cooperation received from the Winsbergs. If the County does not lease this property to the Winsbergs, WUD will incur maintenance costs of approximately \$25,000/yr.



# **CERTIFICATE OF LIABILITY INSURANCE**

DATE (M W(DD/YYYY) 03/04/2010

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(iee) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER	seme	epne	-					3 XIOC QC	J117 <del>0</del> 1 1	វិស្សា លេ ប្រជា
<b>,</b>				CONTA						
PALM BEACH COUNTY FL FARM BUREA				PHONE   FAX   16/C, No. 1561-498-5200   (A/C, No.); 561-498-3078						B 3078
13121 MILITARY TRAIL	10			ADDRE	SS:			contraction.	01-73	0-3076
DEL DAY DEACH		22.42	•	PRODU	CER MERID #					
INSURED FL	· '	33484	<del>}</del>			SURERYS) AFEC	RDING COVERAGE		Т	
IN ACKED			· · · · · · · · · · · · · · · · · · ·	INSURE	RA: FFVA N	IUTUAL INSU	IRANCE CO			NAIC#
CREEN ON FARIAGE				INSURE		io io i i i i i i	NOTICE CO			3, 321
GREEN CAY FARMS, II	VC	_		INSURE						
12750 HAGEN RANCH BOYNTON BEACH				INSURE		<del> </del>				
BOTH ON BEACH		FL,	33437	INSURE				,		
COVERAGES CEN	TIFI	CATI	NUMBER:	INSURE		<del></del>				
HIS IS TO CERTIFY THAT THE DOLLGE	20.2	13 145 1	2410	WE BEI	N ISSUED T	A THE INCHES	REVISION NUM	BER:		
INDICATED. NOTWITHSTANDING ANY R CERTIFICATE MAY BE ISSUED OR MAY	EQUI	REME	NT, TERM OR CONDITION	OF AN	Y CONTRAC	T OR OTHER	ED NAMED ABOVE	FOR TH	E POI	JCY PERIOD
WYGGOODIONO WAD CONDITIONS OF STICE	PER LPOLI	FAIN,	THE INSURANCE AFFORD	DED BY	THE POLICE	ES DESCRIBE	D HEREIN IS SUE	JECT TO	) ALL	WHICH THIS
INSR LTR TYPE OF INSURANCE	ADDL	SUDE		BEEN	.LD J J LD LD	I WIND COVINIO	•			THE PERMIS.
GENERAL LIABILITY	JNSR	WVD	POLICY NUMBER		POLICY EFF (MIM/DD/YYYY)	POLICY EXP		LIMITS		
COMMERCIAL GENERAL LIABILITY							EACH OCCURRENCE	Τ,	<u>.                                      </u>	
							PREMISES (E0 accum	7000)	5	1012//
CLAIMS-MADE OCCUR	1	]'				}	MED EXP (Any one pe		5 5	
94		İ					PERSONAL & ADV IN.		<u> </u>	
CENT ACCOPTON TO A MAIN AND A MAN							GENERAL AGOREGA		· · · · · ·	
GEN'L AGGREGATE LIMIT APPLIES PER!	1						PRODUCTS - COMP/O			
AUTOMOBILE LIABILITY	-	L						******	<u>"</u>	
· ·							COMBINED SINGLE L	IMIT		
ANY AUTO							(Es accident)	13	<b>S</b>	
ALL OWNED AUTOS	[	('	·				BODILY INJURY (Per p	'	5	
SCHEDULED AUTOS							BODILY INJURY (Per o	ecident) f	3	
HIRED AUTOS				i			PROPERTY DAMAGE			
NON-DWNED AUTOS							(Per accident)			
				1				5	~~~~~~~	
UMBRELLA LIAB OCCUR					·	<del></del>		- 3	i	
EXCESS LIAB CLAIMS-MADE	<u></u>	_					EACH OCCURRENCE		<u> </u>	
DEDUCTIBLE	ון	J		}			AGGREGATE			
RETENTION \$				[				3		
A WORKERS COMPENSATION AND EMPLOYERS' LIABILITY			W0040 00040		01/01/0010	2424	NA WAS STATE	<u> </u>		
ANY PROPRIETOR/PARTNER/EXECUTIVE TIN			WC840-0001816-2010A		01/01/2010	01/01/2011	X WCSTATU- TORY LIMITS	OTH- ER		
OFFICER/MEMBER EXCLUDED?	N/A	1					E.L. ÉACH ACCIDENT	\$		500,000
If yes, describe under SPECIAL PROVISIONS below							E.L. DISEASE - EA EM			500,000
The state of the s	<b></b>	_					E.L. DISEASE - POLIC	LIMIT \$		500.000
<u>.                                      </u>	[ ]	1								
DESCRIPTION OF OPERATIONS / LOCATIONS / VEHIC	LFS (8		ACTOR AND A AND A DESCRIPTION	i						ļ
	(1	1404(0)}	TOONO IVI, Additional Remarks :	Schudule,	. If more space is	required)				
										· · ·
							· •			l
CERTIFICATE HOLDER										ł
				CANC	ELLATION					
DALM DEACH COUNTY										
PALM BEACH COUNTY BO				SHOU	LD ANY OF T	HE ABOVE DE	SCRIBED POLICIES E WILL BE DELIVERI	BE CANC	ELLED	BIFORE THE
ESTATE MANAGEMENT,	ATTN	: DIR	ECTOR		Y PROVISIONS	CARLO CARL MACHINE	-c WILL BE DELIVERI	ED IN AGO	XORDAN	C(S WITH THE
2633 VISTA PARKWAY										ŀ
WEST PALM BEACH		_	20444	AUTHOR	RIZED REPRESE	NTATIVE				
WEST PALM BEACH FL 33411										

ACORD 25 (2009/09)

@ 1988- 2009 ACORD CORPORATION. All rights reserved.

The ACORD name and logo are registered marks of ACORD

ROBERT L LENTZ

## **CERTIFICATE OF INSURANCE**

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES LISTED BELOW.

FI	LORIDA FARM BUR P.O	EAU INSURANCE ( . BOX 147030	COMPANIES / Company Letter A:	AFFORDING COVERAGES:			
	GAINESVILL	E, FLORIDA 32614-	514-7030 Florida Farm Bureau General Ins. Co				
NAME A	ND ADDRESS OF INSURED:		HECEIVED	Company Letter B:			
GREEN CAY FARMS INC			Mary Cont Sound to source	Florida Farm Bureau Casualty Ins. Co.			
BOYN	0 HAGEN RANCH RI TON BEACH, FL	33437-4128	GFC 0'7 2009				
The polic condition described	ies of insurance listed below h of any contract or other doc d herein is subject to all the terr	ave been issued to the insurument with respect to which ns, exclusions and conditions	ed named above and are this certificate may be is of such policies.	in force at this time. ssued or may perta	Notwithstanding any requirement, term or in, the insurance afforded by the policies		
CO. LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	ALL LIMITS IN THOUSANDS		
	GENERAL LIABILITY:	<del></del>	<del>- </del>		GENERAL AGGREGATE		

CO. LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	ALL L	IMITS IN THOU	SANDS	
	GENERAL LIABILITY:		···		GENERAL	AGGREGATE	\$ 1,0	000
	COMMERCIAL GENERAL LIABILITY (OCCURRENCE FORM)				OPERATION	S-COMPLETED IS AGGREGATE	\$ 1,0	
Α	OWNER'S & CONTRACTOR'S PROTECTIVE	CPP 9507106 16	02/04/2010	02/04/2011	IN.	& ADVERTISING JURY COURRENCE	<u> </u>	500 500
	FARMER'S PERSONAL	011 930/100 10	02/04/2010	02/04/2011	FIRE DAMAG	GE (Any one fire)	\$	5(
						AL EXPENSE ne person)	\$	5
	AUTOMOBILE LIABILITY:  ANY AUTO				COMBINED SINGLE LIMIT	\$		
	ALL OWNED AUTOS				BODILY INJURY (Per Person)	\$		
	SCHEDULED AUTOS				BODILY INJURY (Per	\$		
	HIRED AUTOS				Accident)	<u> </u>		
	NON-OWNED AUTOS		•		PROPERTY DAMAGE	\$		
	EXCESS LIABILITY:  UMBRELLA FORM					EACH OCCURRENCE	AGGREG	ATE
	OTHER THAN UMBRELLA FORM					\$	\$	
	EMPLOYERS LIABILITY:  FARM EMPLOYER'S LIABILITY					I	\$ (Each Occu	rrence
	FARM EMPLOYEE'S MEDICAL						\$ (Each Emp	lovee
	OTHER:						\$	
DESCR SEE	IPTION OF OPERATIONS/LOCATIONS FORM CG 20 11 1:	ATIONS/VEHICLES: 1 85						

CANCELLATION: Should any of the above described policies be cancelled before the expiration date thereof, the issuing company will endeavor to mail 10 days written notice to the below named certificate holder, but failure to mail such notice shall impose no obligation or liability of any kind upon the company.

NAME AND ADDRESS OF CERTIFICATE HOLDER:	County Code 50-0 Date Issued 12/01/2009
ATTN: DIRECTOR PALM BEACH COUNTY BOCC	Serviced by PALM BEACH County Farm Bureau
PROPERTY & REAL ESTATE DEVELOPMENT 2633 VISTA PKWY	ROBERT L LENTZ, INC, CLU, CHFC AUTHORIZED REPRESENTATIVE
WEST PALM BEACH FL 33411-5613	M2.2 93-7-692 /Rev. 5/93

## THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

# ADDITIONAL INSURED — MANAGERS OR LESSORS OF PREMISES

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART.

#### **SCHEDULE**

- 1. Designation of Premises (Part Leased to You): E/S HAGEN RANCH RD BOYNTON BEACH, FL
- 2. Name of Person or Organization (Additional Insured): PALM BEACH COUNTY BOCC
- 3. Additional Premium: \$

21

PROPERTY & REAL ESTATE MANAGEMENT

(If no entry appears above, the information required to complete this endorsement will be shown in the Declarations as applicable to this endorsement.)

WHO IS INSURED (Section II) is amended to include as an insured the person or organization shown in the Schedule but only with respect to liability arising out of the ownership, maintenance or use of that part of the premises leased to you and shown in the Schedule and subject to the following additional exclusions:

This insurance does not apply to:

- 1. Any "occurrence " which takes place after you cease to be a tenant in that premises.
- Structural alterations, new construction or demolition operations performed by or on behalf of the person or organization shown in the Schedule.