3H-10 Agenda Item #:

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

Meeting Date:	February 7, 2012	[X] Consent [] Ordinance	[] Regular [] Public Hearing
Department:	Facilities Developmen	at & Operations	

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to:

A) approve an extension letter to exercise the second option to extend the Lease Agreement (R2007-1722) with South Florida Water Management District (SFWMD) and Roth Farms, Inc., for Roth Farms to continue to farm 114.57 acres of land at 20 Mile Bend; and

B) adopt a Resolution finding that exercising the second option to extend the Lease Agreement with South Florida Water Management District and Roth Farms, Inc., is in the best interest of the County.

Summary: The County and SFWMD own adjacent parcels of land at 20 Mile Bend that are leased by Roth Farms for sugar cane and row crops. The extension letter approves the second of three renewal options of one (1) year each, extending the term to February 25, 2013, with a three percent (3%) rent increase. The revenues are shared on a pro rata basis between SFWMD (33.92%) and the County (66.08%). The annual rent for the extension period is \$25,363.51 and the County will receive \$16,760.21. All other terms of the Lease remain in full force and effect. Rick Roth of Roth Farms serves on the Agricultural Enhancement Council. The Council provides no regulation, oversight, management, or policy-setting recommendations regarding the lease agreement. Disclosure of the contractual relationship at a duly noticed public meeting is being provided in accordance with the provision of Sect. 2-443, of the Palm Beach County Code of Ethics. (PREM) <u>District 6</u> (HJF)

Background and Justification: In 2007, the County acquired from SFWMD 96.18 acres of property at 20 Mile Bend for the proposed development of a PBSO Law Enforcement Training Facility, a Palm Beach State College (f/k/a Palm Beach Community College) Public Safety Training Facility and a Public Shooting Park. However, while Palm Beach State College has abandoned its plan for the Public Safety Training Facility the County still plans to construct a Public Shooting Park in the future when construction funding becomes available. The property was acquired subject to a Lease between SFWMD and Roth Farms which lease was partially assigned to the County. Since the County became a co-lessor with SFWMD in 2007, the Lease has been amended and the term extended four times: (i) Fourth Amendment dated February 5, 2008 (R2008-0192), (ii) Fifth Amendment dated December 16, 2008 (R2008-2309), (iii) Sixth Amendment dated February 23, 2010 (R2010-0253), and (iv) Seventh Amendment dated February 15, 2011 (R2011-0187). The Sixth Amendment extended the term to February 25, 2011, and provided for three (3) renewal options of one (1) year each. The Seventh Amendment exercised the first of three one (1) year renewal options extending the term to February 25, 2012, and Roth Farms has requested to exercise the second one (1) year renewal options to extend the term to February 25, 2013. As the County does not anticipate construction starting on this land in the near future, extending the Lease with Roth Farms benefits the County by ensuring proper maintenance and maximizes use of the land. Further, the Lease provides for a 180-day cancellation notice should the County wish to commence construction at an earlier date. After approval of this term extension, the document will be forwarded to SFWMD for approval at their February 9, 2012, meeting. Florida Statutes Section 286.23 requires that a Disclosure of Beneficial Interest 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. Since the Statute does not require the Disclosure and since this is an amendment to a Lease which was previously approved by the Board, Staff did not request a new Disclosure.

Attachments:

- 1. Location Map
- 2. Extension Letter
- 3. Resolution

Recommended By:	Annen Wont	1/25/12	
Recommended DJ. Feff	Department Director	Date	
Approved By:	MADEL	inglu	
	County Administrator	Date	

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2012	2013	2014	2015	2016
Capital Expenditures Operating Costs External Revenues Program Income (County) In-Kind Match (County	<u><\$16,760.21></u>				
NET FISCAL IMPACT	<u><\$16,760.21></u>	<u>\$ -0-</u>	<u>\$ -0</u>	<u>\$ -0-</u>	<u>\$ -0-</u>
# ADDITIONAL FTE POSITIONS (Cumulative)				<u> </u>	
Is Item Included in Current Bu	idget: Yes	<u>X</u>	No		
Budget Account No: Fund	<u>0001</u> Dept Program	<u>410</u>	Unit <u>4240</u>	Object <u>62(</u>)2

B. Recommended Sources of Funds/Summary of Fiscal Impact:

Roth Farms will remit the \$25,363.51 annual rent to SFWMD upon approval of this term extension; SFWMD will then forward the County its 66.08% pro rata share of the annual rent, or \$16,760.21, which will be allocated to the General Fund.

1-19-12 **Departmental Fiscal Review:** С.

III. <u>REVIEW COMMENTS</u>

A. OFMB Fiseal and/or Contract Development Comments:

OFMB

SIL Contract Development and Contro Wherees 1-20-1

B. Legal Sufficiency:

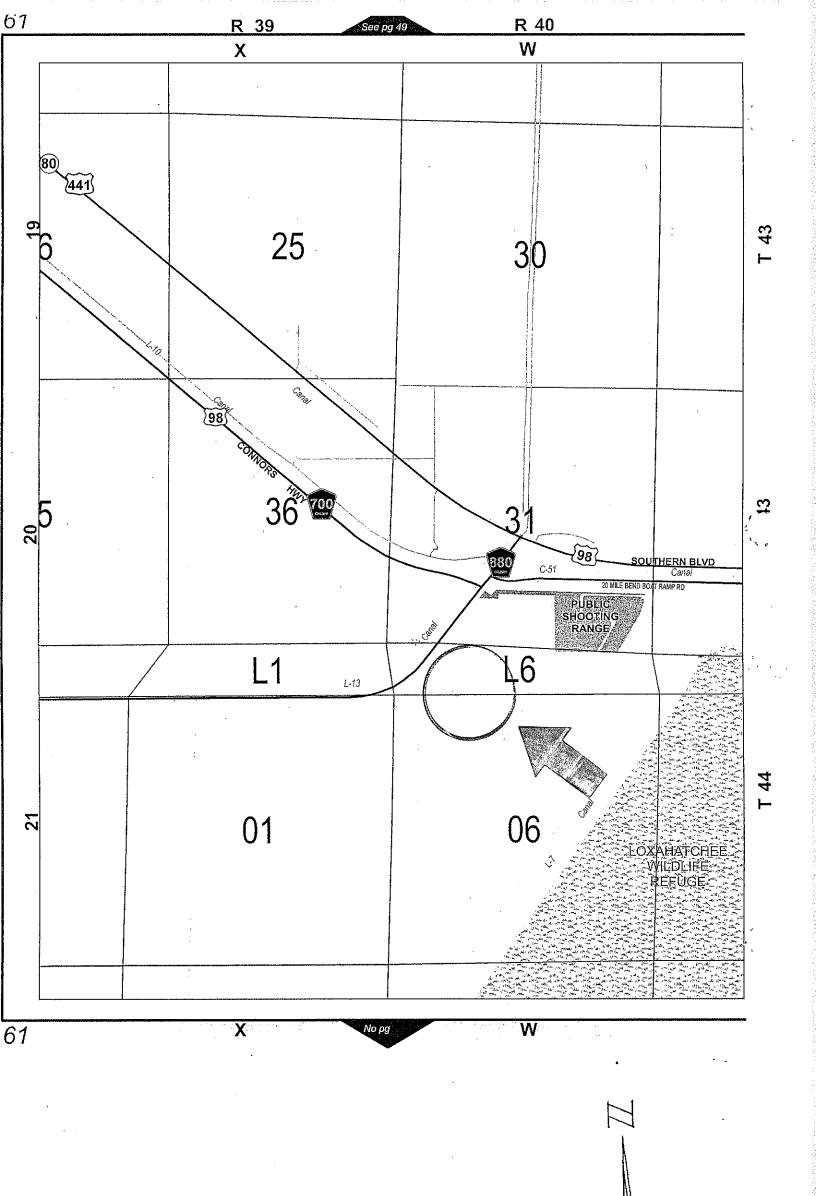
ounty Attorney

C. Other Department Review:

Department Director

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

G:\PREM\AGENDA\2012\02-07\Roth Farms 2012 Renewal - ss.1.docx



LOCATION MAP



Facilities Development & Operations Department Property & Real Estate Management Division

2633 Vista Parkway West Palm Beach, FL 33411-5605 (561) 233-0217 FAX: (561) 233-0210 www.pbcgov.com/fdo

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Palm Beach County Board of County Commissioners

Shelley Vana, Chair

Steven L. Abrams, Vice Chairman

Karen T. Marcus

Paulette Burdick

Burt Aaronson

Jess R. Santamaria

Priscilla A. Taylor

County Administrator

Robert Weisman

"An Equal Opportunity Affirmative Action Employer February 7, 2012

CERTIFIED MAIL RETURN RECEIPT REQUESTED #7010 0290 0000 7884 4954

Roth Farms, Inc. Attn: Raymond R. Roth Jr. P.O. Box 1300 Belle Glade, FL 33430

Re: Exercise of Option to Extend Lease Agreement (Agreement No. C-9318) as partially assigned October 2, 2007 (R2007-1722), between the South Florida Water Management District, Palm Beach County, and Roth Farms, Inc.

Dear Mr. Roth:

Pursuant to the provisions of Article 2 of the above referenced Lease Agreement, as amended, Palm Beach County and South Florida Water Management District hereby agree that the Lease term for the Premises shall be extended for the 2nd of three (3) available one (1) year extension periods as requested by Roth Farms, Inc., thereby extending the Lease through February 25, 2013.

ATTEST:

SHARON R. BOCK, CLERK & COMPTROLLER

By:___

Deputy Clerk

APPROVED AS TO FORM LEGAL SUFFICIENCY

By: Assistant County Attorney

PALM BEACH COUNTY, a political subdivision of the State of Florida

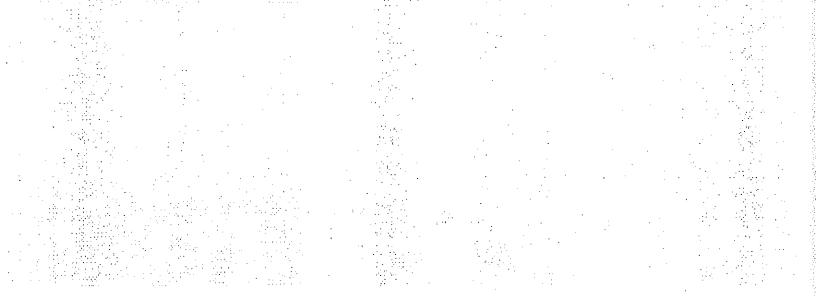
By:

Shelley Vana, Chair

APPROVED AS TO TERMS AND CONDITIONS

Kelf Anny Wor Department Director Bv:

Page 1 of 2



By:

ATTEST:

By: _____ District Clerk/Secretary

WITNESSES:

Witness Signature

Print Witness Name

SOUTH FLORIDA WATER MANAGEMENT DISTRICT, a public corporation of the State of Florida

Dorothy Bradshaw

Chief - Procurement Bureau of Administrative Services Division

Date of Execution by SFWMD

Witness Signature

Print Witness Name

REVIEWED AND APPROVED AS TO LEGAL FORM SFWMD Procurement Approved:

By:

12/22 Date:

AGREED TO/ ACCEPTED BY LESSEE:

ROTH FARMS, INC., a Florida corporation

By: Raymond R. Roth, Jr., Mesident

(SEAL)

WITNESSES:

District Attorney

Witness Signature Debbie Boswell Print Witness Name

Witness Signature

Print Witness Name

RESOLUTION NO. 2012-

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AUTHORIZING AN EXTENSION OF THE LEASE WITH ROTH FARMS, INC.; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on October 25, 2007, Palm Beach County acquired approximately 96.18 acres of property at 20-Mile Bend from South Florida Water Management District (the "District"), for the proposed development of a Public Safety Training Facility, Public Shooting Park, and expansion of the Law Enforcement Training facility; and

WHEREAS, a portion of the property conveyed to County by District was subject to a Lease Agreement dated February 26, 1998 (the "Lease"), between District and Roth Farms, Inc., a Florida corporation, allowing Roth Farms to use the property for agricultural purposes; and

WHEREAS, upon District's conveyance of the property to County, District also assigned to County all of District's rights, title, and interest in and to the Lease, as amended, as applicable to the property conveyed to County; and

WHEREAS, in order to provide for the maintenance of the County's and District's respective properties and maximize the use of the properties until County and District were ready to commence construction, County, District, and Roth Farms have entered into amendments to the Lease to extend the term, provide for additional extension options, establish the annual rental rate for the extended Lease terms, and increase the amount of land being leased; and

WHEREAS, the parties wish to extend the Lease by agreeing to Roth Farms' exercise of the second of three available one (1) year extension options of the Lease established by the Sixth Amendment to the Lease (R2010-0253); and

WHEREAS, the Board of County Commissioners of Palm Beach County hereby finds that the extension of the Lease is in the best interest of the County as:

1) an extension of the Lease with Roth Farms, Inc., will ensure continued proper maintenance of the County's property at no cost to the County;

Page 1 of 3

2) an extension of the Lease will maximize the use of the property;

3) the property will generate \$16,760.21of additional net rental revenue paid to County by Roth Farms, Inc., for the one (1) year extension of the term.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Section 1. <u>Recitals</u>

The foregoing recitals are true and correct and incorporated herein by reference.

Section 2. <u>Authorization to Amend the Lease</u>

The Board of County Commissioners of Palm Beach County shall grant Roth Farms, Inc., a one (1) year extension of the term of the Lease as set forth in the extension approval letter attached hereto and incorporated herein by reference.

Section 3. Conflict with Federal or State Law or County Charter.

Any statutory or Charter provisions in conflict with this Resolution shall prevail.

(continued on next page)

Section 4. <u>Effective Date.</u>

The provisions of this Resolution shall be effective immediately upon adoption hereof.

The foregoing resolution was offered by Commissioner

_____ who moved its adoption. The Motion was seconded by Commissioner _____

_____, and upon being put to a vote, the vote was as follows:

COMMISSIONER SHELLEY VANA, CHAIR COMMISSIONER STEVEN L. ABRAMS, VICE CHAIRMAN COMMISSIONER KAREN T. MARCUS COMMISSIONER PAULETTE BURDICK COMMISSIONER BURT AARONSON COMMISSIONER JESS R. SANTAMARIA COMMISSIONER PRISCILLA A. TAYLOR

The Chair thereupon declared the resolution duly passed and adopted this

_____day of ______, 2012.

PALM BEACH COUNTY, a political subdivision of the State of Florida BOARD OF COUNTY COMMISSIONERS

SHARON R. BOCK CLERK & COMPTROLLER

By:_

Deputy Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY APPROVED AS TO TERMS AND CONDITIONS

Bx Assistant County Attorney

By Cat Anny Worf Department Director

\\FDO-FS\COMMON\PREM\PM\IN LEASE\ROTH FARMS, INC\2012 RENEWAL\RESOLUTION.001.HF APP.122011.DOCX

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Facilities & Dev Oper. Dept	THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN				
Property & RE Mgmt Div					
West Palm Beach, FL 33411	- juffuna. Hooker				
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No Events

Florida Profit Corporation

ROTH FARMS, INC.

Filing Information

Document Number 261551 FEI/EIN Number 591026176 Date Filed 08/06/1962 State FL ACTIVE Status

Principal Address

27502 STATE ROAD 880 BELLE GLADE FL 33430

Changed 02/24/1999

Mailing Address

P.O. BOX 1300 BELLE GLADE FL 33430

ROTH, RAYMOND R. JR. 27502 CR 880 BELLE GLADE FL 33430

Title VPT

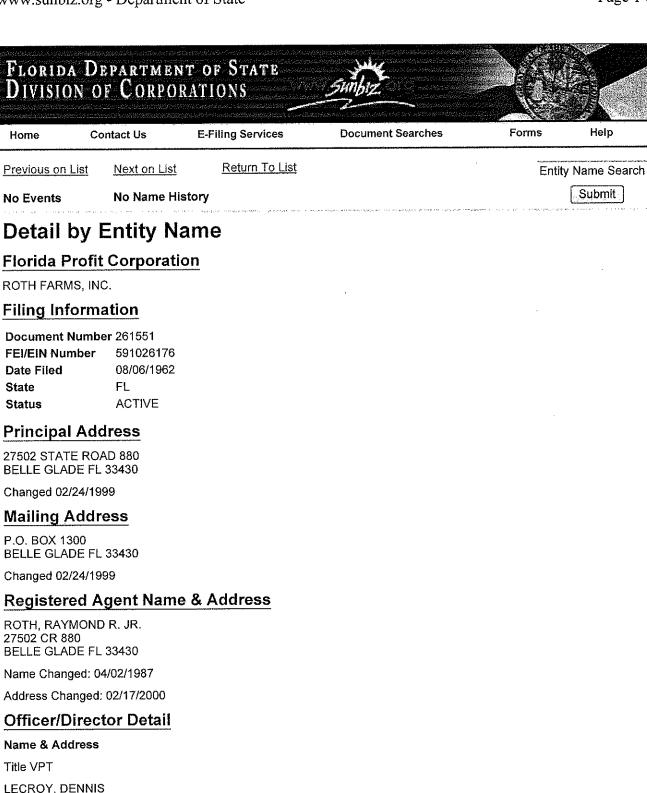
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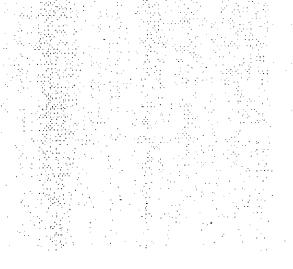
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ROTH JR., RAYMOND 232 N.W. AVE. L BELLE GLADE FL

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ROTH, RYAN PO BOX 1300 Page 1 of 2





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BELLE GLADE FL 33430

Annual Reports

 Report Year
 Filed Date

 2009
 04/30/2009

 2010
 04/29/2010

 2011
 04/28/2011

Document Images

04/28/2011 ANNUAL REPORT	
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09/19/2002 ANNUAL REPORT View image in PDF format	
02/12/2001 ANNUAL REPORT View image in PDF format	
02/17/2000 ANNUAL REPORT View image in PDF format	
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2011 FOR PROFIT CORPORATION ANNUAL REPORT

DOCUMENT# 261551

Entity Na	me: R	OTH FA	RMS,	INC.

Current Principal Place of Business:

27502 STATE ROAD 880 BELLE GLADE, FL 33430

Current Mailing Address:

New Mailing Address:

New Principal Place of Business:

P.O. BOX 1300 BELLE GLADE, FL 33430

FEI Number: 59-1026176 FEI Number Applied For ()

FEI Number Not Applicable ()

Certificate of Status Desired ()

Date

Name and Address of New Registered Agent:

Apr

retarv

Secr

28, 201

of

State

Name and Address of Current Registered Agent:

ROTH, RAYMOND R. JR. 27502 CR 880 BELLE GLADE, FL 33430 US

The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.

SIGNATURE:

Electronic Signature of Registered Agent

OFFICERS AND DIRECTORS:

Title:	VPT
Name:	LECROY, DENNIS
Address:	14194 88TH PL N
City-St-Zip:	LOXAHATCHEE, FL 33470
Title:	DP
Name:	ROTH JR., RAYMOND
Address:	232 N.W. AVE. L
City-St-Zip:	BELLE GLADE, FL
Title:	S
Name:	ROTH, RYAN
Address:	PO BOX 1300
City~St-Zip:	BELLE GLADE, FL 33430

I hereby certify that the information indicated on this report or supplemental report is true and accurate and that my electronic
signature shall have the same legal effect as if made under oath; that I am an officer or director of the corporation or the receiver
or trustee empowered to execute this report as required by Chapter 607, Florida Statutes; and that my name appears above, or
on an attachment with all other like empowered.

 SIGNATURE:
 RAYMOND R ROTH JR
 PRES
 04/28/2011

 Electronic Signature of Signing Officer or Director
 Date

MEMORANDUM

TO: Dorothy Bradshaw, Chief - Procurement Bureau, Administrative Services Division

FROM: Doug Bergstrom, Director, Administrative Services Divisio

DATE: October 12, 2011

SUBJECT: Designation of Authority – Procurement CODE SECTION: Section 101-47, District Policy Code

I, Doug Bergstrom, Director of the Administrative Services Division at the South Florida Water Management District, in accordance with the authority granted to me by the Executive Director, designate to Dorothy Bradshaw, Chief – Procurement Bureau of Administrative Services Division, the following: 1) the authority to execute all procurement, revenue, and zero-dollar transactions, terminations, and other authority, except those items that specifically require Governing Board approval, 2) after Governing Board approval, the authority to execute all contracts and agreements authorized by the Governing Board, and 3) the authority to terminate, in writing, existing contracts with prior concurrence of the Office of Counsel.

You are not authorized to further sub-designate the authority granted in this memorandum.

c: Jacqueline McGorty, District Clerk

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Below is information on the justification for the figures listed on the agenda summary's fiscal impact analysis section. A BAS was not prepared as the below revenue is allocated to the General Fund and Larry Schaner does not sign a revenue BAS. This information is for the term extension for the Lease Agreement with SFWMD and Roth Farms, Inc., for land at 20 Mile Bend. The term extension exercises the second of three renewal options of one year each for the term of 2/26/2012 - 2/25/2013.

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2012	2013	2014	2015	2016
Capital Expenditures Operating Costs External Revenues Program Income (County) In-Kind Match (County	<u><\$16,760.21></u>				
NET FISCAL IMPACT	<u><\$16,760.21></u>	<u>\$ -0-</u>	<u>\$ -0-</u>	<u>\$ -0</u>	<u>\$ -0-</u>
# ADDITIONAL FTE POSITIONS (Cumulative)		******		<u></u>	

<u>FY12:</u>

- The Agreement with Roth Farms expires on 2/25/2012.
- The term extension extends the term for one year until 2/25/2013.
- Roth Farms remits rent on an annual basis at the beginning of each term (2/26) to SFWMD.
- SFWMD then remits to the County its 66.08% pro rata share.
- The rent due at the beginning of the forthcoming term effective 2/26/12 is based upon 114.57 acres @ \$221.38 per acre = \$25,363.51 x 66.08% = \$16,760.21.

$FY12 = \underline{\$16,760.21}$

<u>FY13 to FY16:</u>

· \$-0-