

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: February 7, 2012 **Consent** **Regular**
 Ordinance **Public Hearing**

Department: Facilities Development & 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

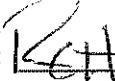
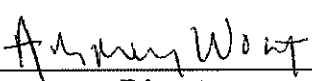
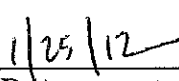
B) adopt a Resolution finding that exercising the second option to extend the Lease Agreement with South Florida Water Management District and Roth Farms, Inc., is in the best interest of the County.

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) District 6 (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:   
Department Director Date

Approved By:  
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	<\$16,760.21>	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u><\$16,760.21></u>	<u>\$ -0-</u>	<u>\$ -0-</u>	<u>\$ -0-</u>	<u>\$ -0-</u>
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget: Yes X No

Budget Account No: Fund 0001 Dept 410 Unit 4240 Object 6202
 Program _____

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.

C. Departmental Fiscal Review: _____ *W 1-19-12*

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

 OFMB *1/24/12*
1/23/12

 Contract Development and Control *1/26/12*
1-20-12 B. Wheeler

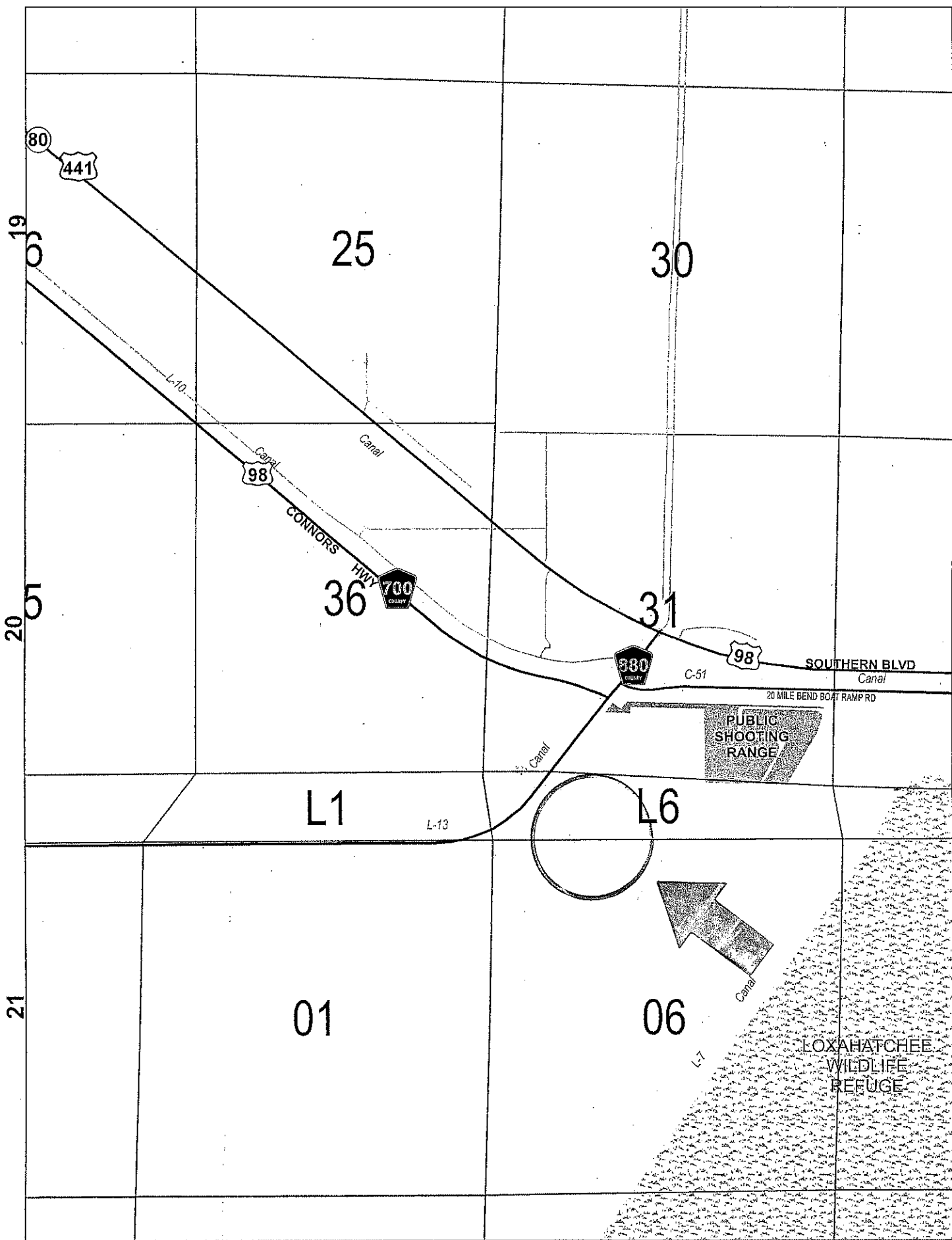
B. Legal Sufficiency:

 Assistant County Attorney *1/26/12*

C. Other Department Review:

 Department Director

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



T 43

13

T 44

LOCATION MAP





February 7, 2012

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
#7010 0290 0000 7884 4954

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

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

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

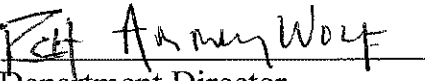
By: _____
Deputy Clerk

By: _____
Shelley Vana, Chair

APPROVED AS TO FORM
LEGAL SUFFICIENCY

APPROVED AS TO TERMS AND
CONDITIONS

By: 
Assistant County Attorney

By: 
Department Director

"An Equal Opportunity
Affirmative Action Employer"

ATTEST:

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

By: _____
District Clerk/Secretary

By: _____
Dorothy Bradshaw
Chief - Procurement Bureau of
Administrative Services Division

WITNESSES:

Witness Signature

Print Witness Name

Date of Execution by SFWMD

Witness Signature

Print Witness Name

REVIEWED AND APPROVED
AS TO LEGAL FORM

SFWMD Procurement Approved:

By: Genda Green

District Attorney

Date: 12/22/11 *rw*

AGREED TO/ ACCEPTED BY LESSEE:

ROTH FARMS, INC., a Florida corporation

WITNESSES:

Debbie Boswell
Witness Signature

Debbie Boswell
Print Witness Name

By: Raymond R. Roth, Jr.
Raymond R. Roth, Jr., President

(SEAL)

Mrs. Lopez
Witness Signature

Mrs Lopez
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;

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

3) the property will generate \$16,760.21 of 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. Recitals

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

Section 2. Authorization to Amend the Lease

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. Effective Date.

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

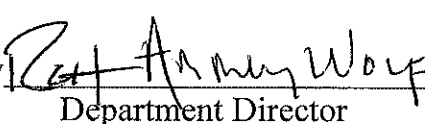
SHARON R. BOCK
CLERK & COMPTROLLER

By: _____
Deputy Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: 
Assistant County Attorney

APPROVED AS TO TERMS AND CONDITIONS

By: 
Department Director



CERTIFICATE OF LIABILITY INSURANCE

ROTHF-1

OP ID: PJ

DATE (MM/DD/YYYY)

01/03/12

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(ies) 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 Atlantic Pacific-Belle Glade P.O. Drawer 190 Belle Glade, FL 33430 Jeffrey A. Hooker	561-996-5800 561-996-7830	CONTACT NAME: PHONE (A/C, No, Ext): FAX (A/C, No): E-MAIL ADDRESS: INSURER(S) AFFORDING COVERAGE INSURER A: FCCI Insurance Co. INSURER B: Chartis Specialty Ins Co INSURER C: INSURER D: INSURER E: INSURER F:	NAIC # 10178 26883
INSURED Roth Farms, Inc. Rick Roth P.O. Box 1300 Belle Glade, FL 33430			

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

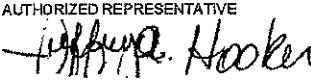
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDITIONAL INSURED	SUBROGATION	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC	X	X	FPP00003836	03/19/11	03/19/12	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 50,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COM/OP AGG \$ 2,000,000 Pollution \$ 500,000
A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input checked="" type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS			CA00071406	03/19/11	03/19/12	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
B	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$ 10,000			BE081233097	03/19/11	03/19/12	EACH OCCURRENCE \$ 10,000,000 AGGREGATE \$ 10,000,000
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		N/A	001WC12A54824	01/01/12	01/01/13	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
A	Pollution Liab			FPP00003836	03/19/11	03/19/12	Pollution 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)



Certificate holder is listed as additional insured in respects to the General Liability policy as well as named on the Waiver of Subrogation clause.

CERTIFICATE HOLDER**CANCELLATION**

PBCCOM1 PBC Board of County Comm Facilities & Dev Oper. Dept Property & RE Mgmt Div 2633 Vista Parkway West Palm Beach, FL 33411	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
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FLORIDA DEPARTMENT OF STATE
DIVISION OF CORPORATIONS

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No Events No Name History

Detail by Entity Name

Florida Profit Corporation

ROTH FARMS, INC.

Filing Information

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

Principal Address

27502 STATE ROAD 880
 BELLE GLADE FL 33430
 Changed 02/24/1999

Mailing Address

P.O. BOX 1300
 BELLE GLADE FL 33430
 Changed 02/24/1999

Registered Agent Name & Address

ROTH, RAYMOND R. JR.
 27502 CR 880
 BELLE GLADE FL 33430
 Name Changed: 04/02/1987
 Address Changed: 02/17/2000

Officer/Director Detail

Name & Address

Title VPT
 LECROY, DENNIS
 14194 88TH PL N
 LOXAHATCHEE FL 33470

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

Title S
 ROTH, RYAN
 PO BOX 1300

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](#)
- [04/29/2010 -- ANNUAL REPORT](#)
- [04/30/2009 -- ANNUAL REPORT](#)
- [04/29/2008 -- ANNUAL REPORT](#)
- [04/09/2007 -- ANNUAL REPORT](#)
- [02/14/2006 -- ANNUAL REPORT](#)
- [01/03/2005 -- ANNUAL REPORT](#)
- [02/02/2004 -- ANNUAL REPORT](#)
- [01/21/2003 -- ANNUAL REPORT](#)
- [09/19/2002 -- ANNUAL REPORT](#)
- [02/12/2001 -- ANNUAL REPORT](#)
- [02/17/2000 -- ANNUAL REPORT](#)
- [02/24/1999 -- ANNUAL REPORT](#)
- [04/07/1998 -- ANNUAL REPORT](#)
- [02/28/1997 -- ANNUAL REPORT](#)
- [01/26/1996 -- ANNUAL REPORT](#)
- [01/25/1995 -- ANNUAL REPORT](#)

Note: This is not official record. See documents if question or conflict.

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State of Florida, Department of State

2011 FOR PROFIT CORPORATION ANNUAL REPORT

DOCUMENT# 261551

**FILED
Apr 28, 2011
Secretary of State**

Entity Name: ROTH FARMS, INC.

Current Principal Place of Business:

27502 STATE ROAD 880
BELLE GLADE, FL 33430

New Principal Place of Business:

Current Mailing Address:

P.O. BOX 1300
BELLE GLADE, FL 33430

New Mailing Address:

FEI Number: 59-1026176 **FEI Number Applied For ()** **FEI Number Not Applicable ()** **Certificate of Status Desired ()**

Name and Address of Current Registered Agent:

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

Name and Address of New Registered Agent:

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

_____ Date

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

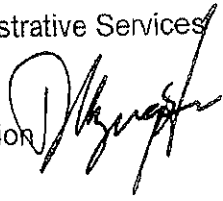
04/28/2011

Electronic Signature of Signing Officer or Director

Date

MEMORANDUM

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

FROM: Doug Bergstrom, Director, Administrative Services Division 

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

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	<\$16,760.21>	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u><\$16,760.21></u>	<u>\$ -0-</u>	<u>\$ -0-</u>	<u>\$ -0-</u>	<u>\$ -0-</u>
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

FY12:

- 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 = \$16,760.21

FY13 to FY16:

- \$-0-