

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

Meeting Date:	April 2, 2013	<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Regular
		<input type="checkbox"/> Ordinance	<input type="checkbox"/> Public Hearing

**Department:** Facilities Development & Operations

## I. EXECUTIVE BRIEF

**Motion and Title:** Staff recommends motion to receive and file: notice of exercise of the fourth option to extend under the Lease Agreement with Theodore W. Winsberg and Gertrude K. Winsberg (R99-842D) for the Winsbergs' continued agricultural use of approximately 60 acres located on Hagen Ranch Road in Boynton Beach.

**Summary:** In 1996, the County purchased 175 acres of property from the Winsbergs for 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 until the Water Utilities Department (WUD) was ready to construct its project. 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. The next phase of the Water Reclamation Project is not expected to be implemented within the next five (5) years. 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 fourth option will extend the term of the Lease Agreement through May 1, 2014. The Winsbergs have the right to exercise their 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. Six (6) one (1) year options remain available to the Winsbergs. All other terms of the Lease Agreement remain in full force and effect. **(PREM) District 5 (HJF)**

**Background and Justification:** The Lease Agreement was approved on May of 1999 (R99-842D). The Winsbergs exercised the first option on April 6, 2010 (R2010-0519). The second extension option was exercised on April 5, 2011 (R2011-0504) and the third extension option was exercised on April 17, 2012 (R2012-0566), extending the term of the Lease Agreement through May 1, 2013. Exercise of this fourth extension option will extend the term through May 1, 2014. Florida Statutes does not require that a Disclosure of Beneficial Interests be obtained.

**Attachments:**

1. Location Map
2. Option to Extend Letter
3. Budget Availability Statement

**Recommended By:**

Department Director

3/5/13  
Date

**Approved By:**

County Administrator

3/19/15  
Date

## II. FISCAL IMPACT ANALYSIS

### A. Five Year Summary of Fiscal Impact:

Fiscal Years	2013	2014	2015	2016	2017
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	<\$1.00>	<\$1.00>	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<\$1.00>	<\$1.00>	=====	=====	=====
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget: Yes X No \_\_\_\_\_

Budget Account No: Fund 4000 Dept 720 Unit 4200 Object RSRC 6999  
Program \_\_\_\_\_

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

C. Departmental Fiscal Review: \_\_\_\_\_ *3-6-13*

## III. REVIEW COMMENTS

### A. OFMB Fiscal and/or Contract Development Comments:

*[Signature]* 3/11/2013 *3/11*  
OFMB

*[Signature]* 3/11/2013 *3-14-13 B. B. B.*  
Contract Development and Control

### B. Legal Sufficiency:

*[Signature]* 3/19/13  
Assistant County Attorney

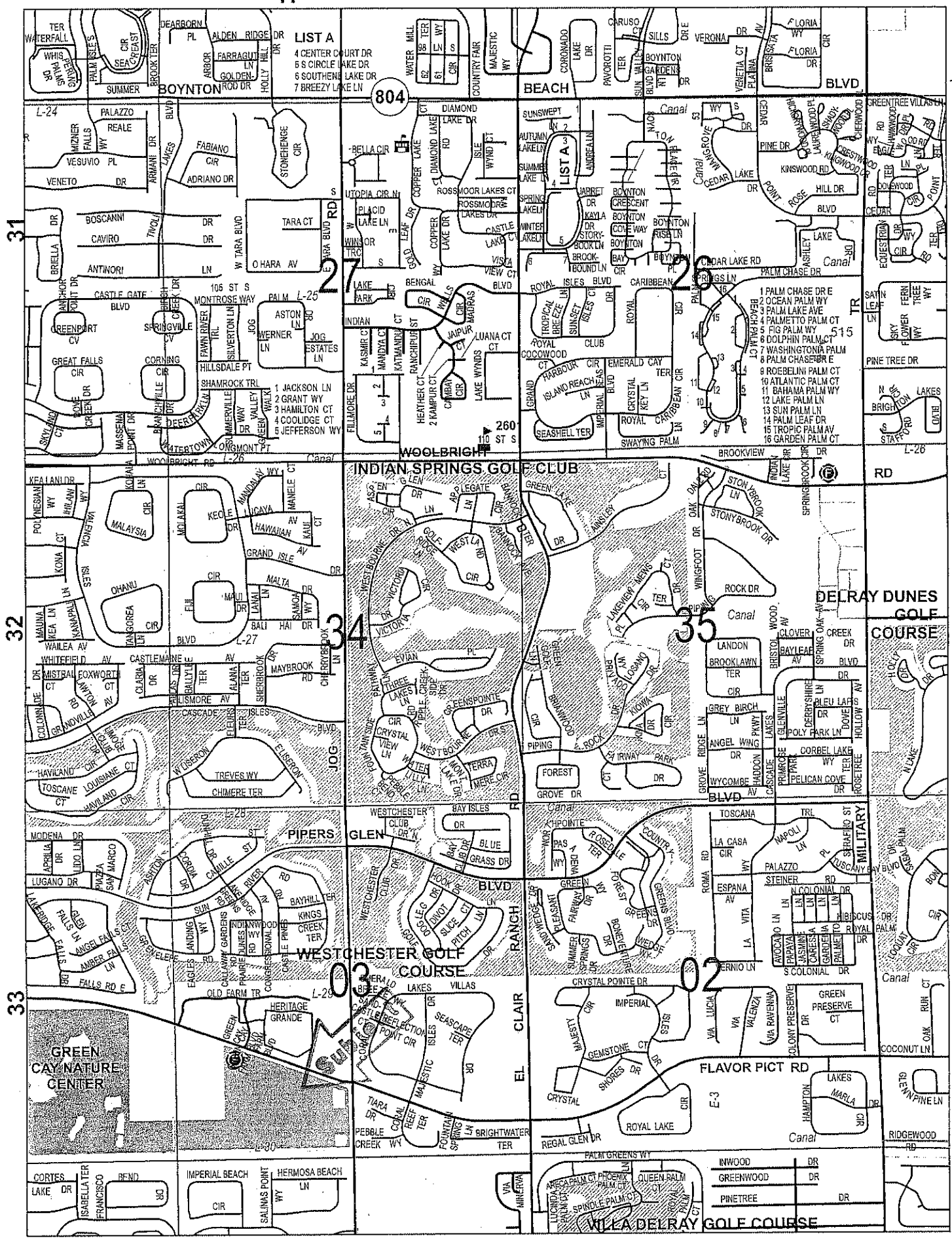
### C. Other Department Review:

\_\_\_\_\_  
Department Director

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

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LOCATION MAP

II



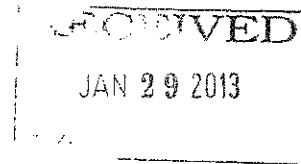
## GREEN CAY FARMS, INC.

PHONE: (561) 499-5345  
FAX: (561) 637-0611

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

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

01/28/13



PBC BOARD OF COUNTY COMMISSIONERS  
WEST PALM BEACH FL

RE: R99-842D

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

Sincerely,

Ted and Trudy Winsberg

## BUDGET AVAILABILITY STATEMENT

REQUEST DATE: March 1, 2012

REQUESTED BY: Richard C. Bogatin

PHONE: 561-233-0214

FAX: 561-233-0210

PROJECT TITLE: Winsberg Farm Lease Option No 3 PROJECT NO.: 2012-5.00

Fiscal Years	2012	2013	2014	2015	2016
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	<\$1.00>	<\$1.00>	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<\$1.00>	<\$1.00>	_____	_____	_____
# ADDITIONAL FTE	_____	_____	_____	_____	_____
POSITIONS (Cumulative)	_____	_____	_____	_____	_____

\*\* By signing this BAS your department agrees to these staff costs and your account will be charged upon receipt of this BAS by FD&O. Unless there is a change in the scope of work, no additional staff charges will be billed.

### BUDGET ACCOUNT NUMBER

FUND: 4000 DEPT: 720 UNIT: 4200 OBJ: RSRC 6999 SUB OBJ:

ENCUMBRANCE NUMBER:

IS ITEM INCLUDED IN CURRENT BUDGET: YES X NO \_\_\_\_\_

IDENTIFY FUNDING SOURCE FOR EACH ACCOUNT: (check all that apply)

- ☐ Ad Valorem (source/type: \_\_\_\_\_)
- ☐ Non-Ad Valorem (source/type: \_\_\_\_\_)
- ☐ Grant (source/type: \_\_\_\_\_)
- ☐ Park Improvement Fund (source/type: \_\_\_\_\_)
- ☐ General Fund ☐ Operating Budget ☐ Federal/Davis Bacon
- ☐ \_\_\_\_\_ ☐ \_\_\_\_\_ ☐ \_\_\_\_\_

SUBJECT TO IG FEE? YES \_\_\_\_\_ NO X

Department: Water Utilities

BAS APPROVED BY: [Signature] DATE: 3/6/13

Feb. 27. 2013 10:37AM

PALM BCH CTY FARM BUREAU

No. 9451 P. 2

### 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.

<b>FLORIDA FARM BUREAU INSURANCE COMPANIES</b> <b>P.O. BOX 147030</b> <b>GAINESVILLE, FLORIDA 32614-7030</b>	<b>COMPANIES AFFORDING COVERAGES:</b>  Company Letter A:  <b>Florida Farm Bureau General Ins. Co.</b>  Company Letter B:  <b>Florida Farm Bureau Casualty Ins. Co.</b>
<b>NAME AND ADDRESS OF INSURED:</b> THEODORE W. WINSBERG &/OR GERTRUDE K WINSBERG &/OR GREEN CAY FARMS INC 12750 HAGEN RANCH ROAD BOYNTON BEACH, FL 33437	

The policies of insurance listed below have been issued to the insured named above and are in force at this time. 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.

CO. LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	ALL LIMITS IN THOUSANDS		
A	<b>General Liability:</b> <input checked="" type="checkbox"/> Commercial General Liability (Occurrence Form) <input type="checkbox"/> Owner's & Contractor's Protective <input type="checkbox"/> Farmer's Personal Liability	CPP 9507106	02/04/2013	02/04/2014	General Aggregate	\$	1,000
					Products-completed operations aggregate	\$	1,000
					Personal & Advertising Injury	\$	500
					Each Occurrence	\$	500
					Fire Damage (Any one fire)	\$	50
					Medical Expense (Any one person)	\$	5
	<b>Automobile Liability:</b> <input type="checkbox"/> Any auto <input type="checkbox"/> All owned autos <input type="checkbox"/> Scheduled autos <input type="checkbox"/> Hired autos <input type="checkbox"/> Non-owned autos				Combined Single Unit	\$	
					Bodily Injury (Per Person)	\$	
					Bodily Injury (Per Accident)	\$	
					Property Damage	\$	
A	<b>Excess Liability:</b> <input checked="" type="checkbox"/> Umbrella Form <input type="checkbox"/> Other than Umbrella form	UMC 9610053	02/04/2013	02/04/2014		Each Occurrence \$ 1,000	Aggregate \$ 1,000
	<b>Employers Liability:</b> <input type="checkbox"/> Farm Employer's Liability <input type="checkbox"/> Farm Employee's Medical						\$ (Each Occurrence) \$ (Each Employee)
	<b>Other:</b>						\$

#### DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES:

LEASE AGREEMENT: R99-842D  
PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS ARE NAMED AS AN ADDITIONAL INSURED FOR  
COMMERCIAL GENERAL LIABILITY. (CG 20 11 11 85)  
UMBRELLA FOLLOWS FORM AND IS EXCESS OVER THE GENERAL LIABILITY.

**CANCELLATION:** Should any of the above described policies be cancelled before the expiration date thereof, the issuing company will endeavor to mail 30 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:

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS  
C/O PROPERTY & REAL ESTATE MANAGEMENT DIVISION  
2633 VISTA PARKWAY  
WEST PALM BEACH, FL 33411-5605

COUNTY CODE 50 DATE ISSUED 02/27/13

Serviced by PALM BEACH County Farm Bureau

RICHARD MOURFIELD

AUTHORIZED REPRESENTATIVE

Feb. 27, 2013 10:37AM

PALM BCH CTY FARM BUREAU

No. 9451 P. 3



## CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
02/26/2013

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).

<b>PRODUCER</b>  PALM BEACH COUNTY FARM BUREAU-DELRAY 13121 MILITARY TRAIL DELRAY BEACH FL 33484		<b>CONTACT NAME:</b> RICHARD MOURFIELD <b>PHONE:</b> (A/C, Ho, Ext): 561-488-5200 <b>FAX:</b> (A/C, No): <b>E-MAIL ADDRESS:</b> <b>PRODUCER CUSTOMER ID #:</b>	
<b>INSURED</b>  GREEN CAY FARMS INC., &/OR THEODORE W. WINSBERG &/OR GERTRUDE K. WINSBERG 12750 HAGEN RANCH RD BOYNTON BEACH FL 33437		<b>INSURER(S) AFFORDING COVERAGE</b> <b>INSURER A:</b> FFVA MUTUAL INSURANCE CO <b>INSURER B:</b> <b>INSURER C:</b> <b>INSURER D:</b> <b>INSURER E:</b> <b>INSURER F:</b>	
		<b>NAIC #</b> 31321	

### 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	ADD'L SUBR INSR LTR	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	<b>GENERAL LIABILITY</b> <input type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC					EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS					COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)
	<b>UMBRELLA LIAB</b> <input type="checkbox"/> OCCUR <b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE <b>DEDUCTIBLE</b> <b>RETENTION \$</b>					EACH OCCURRENCE AGGREGATE
A	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? <input type="checkbox"/> Y/N (Mandatory in NH) If yes, describe under SPECIAL PROVISIONS below	N/A	WC840-0001816-2010A	01/01/2013	01/01/2014	<input checked="" type="checkbox"/> WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000

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

### CERTIFICATE HOLDER

### CANCELLATION

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS C/O PROPERTY & REAL ESTATE MANAGEMENT DIVISION 2633 VISTA PARKWAY WPB, FL 33411-5805	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 RICHARD MOURFIELD
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