

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

Meeting Date: April 7, 2015 ☒ Consent ☐ Regular
 ☐ Ordinance ☐ Public Hearing

Department: **Facilities Development & Operations**

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to receive and file: a notice of exercise of the 14th one (1) year extension option under the Lease with Bedner Farm, Inc. (R2001-0582) for Bedner Farm's continued agricultural use of approximately 246 acres located in the Ag Reserve for \$122,918.50/year.

Summary: Bedner Farm leases two (2) parcels of property in the Ag Reserve from the County. One parcel is approximately 156 acres located just west of the Turnpike and north of Atlantic Avenue. The other parcel is approximately 90 acres located west of U.S. 441 and north of Boynton Beach Boulevard. The Lease currently expires on May 31, 2015. Exercising this 14th option will extend the term to May 31, 2016. There remain seventeen (17) annual extension options through May 31, 2033. The annual rental rate is currently \$122,918.50/year (\$500/acre). Pursuant to the Lease, Bedner Farm has the right to exercise its option and the Board has no discretionary authority to deny the exercise of the option. PREM will continue to have administrative responsibility for this Lease. **(PREM) Districts 5 and 6 (HJF)**

Background and Justification: On April 17, 2001, the Board accepted an assignment from the Nature Conservancy of an Option Agreement for Sale and Purchase (R2001-0582) to acquire approximately 262 acres in the Ag Reserve, with a 10 year lease back of the property to Bedner Farm. On May 15, 2007, the Board approved the First Amendment (R2007-0827) extending the term of the Lease for an additional twelve (12) years through 2023. On January 12, 2010, the Board approved the Second Amendment (R2010-0083) reducing the rent from \$659/acre to \$500/acre. On February 4, 2014, the Board approved the Third Amendment (R2014-0190) adding ten (10) additional one (1) year extension options, updating the non discrimination provisions and acknowledging the Office of the Inspector General. State Statutes do not require a Disclosure of Beneficial Interests be obtained when the County leases property to a tenant, however, Staff requested an updated disclosure. The Disclosure, attached as Attachment 4, identifies Stephen W. Bedner (33-1/3%), Charles Bedner (33-1/3%), and Bruce Bedner (33-1/3%) as holding interests in Bedner Farm, Inc.

Attachments:

1. Location Map A
2. Location Map B
3. Extension option request letter
4. Disclosure of Beneficial Interest

Recommended By: KCJ. Anthony Wong
Department Director

2/25/15
Date

Approved By: _____
County Administrator

3/13/18

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2015	2016	2017	2018	2019
Capital Expenditures	_____	_____/____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	<u>(\$61,459.00)</u>	<u>(\$61,459.00)</u>	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u><u>(\$61,459.00)</u></u>	<u><u>(\$61,459.00)</u></u>	<u><u>-0-</u></u>	<u><u>-0-</u></u>	<u><u>-0-</u></u>
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget: Yes ☒ No _____

Budget Account No: Fund 1222 Dept 800 Unit 8011 Object 6225
Program _____

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

Fixed Assets Number n/a

C. Departmental Fiscal Review: _____ *W 3/9/15*

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

[Signature]
OFMB *KN 3/10* *JP 3/10* *SK 3/12/15* *SW 3/10*

[Signature] *3/11/15*
Contract Development and Control
3-11-15 B. B. B.

B. Legal Sufficiency:

[Signature] *3/12/15*
Assistant County Attorney

C. Other Department Review:

Department Director

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



Attachment #1

TWP 45

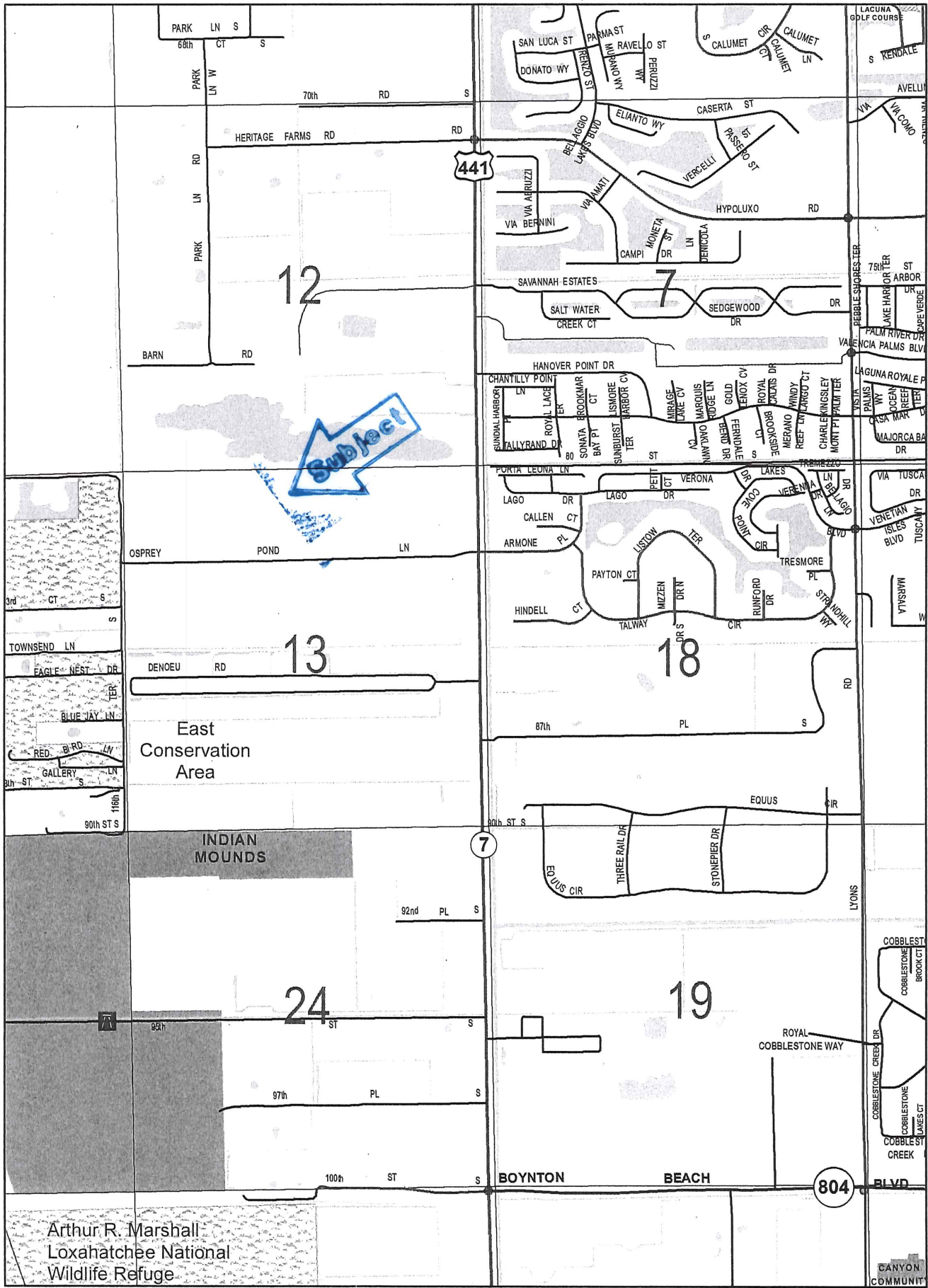
TWP 45

TWP 45

28

29

30



RNG 41

See pg 101

RNG 42

LOCATION MAP

"B"

Attachment #2

BEDNER FARMS, INC
10066 LEE ROAD
BOYNTON BEACH, FL 33473
561-733-5490
561-733-5492 fax

Palm Beach County Property & Real Estate Management
2633 Vista Parkway
West Palm Beach, FL
33411-5605

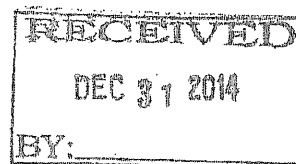
December 29, 2014

Please be advised this letter serves as Bedner Farms, Inc notice for the option to renew the lease agreement with Palm Beach County.
It is our intent to occupy the premise for another year starting June 1, 2015 to May 31, 2016.
The semi-annual rent shall be submitted by the date of May 31, 2015 and December 31, 2015.

Sincerely,



Charles A. Bedner
President



Attachment #3

TENANT'S DISCLOSURE OF BENEFICIAL INTERESTS

TO: PALM BEACH COUNTY CHIEF OFFICER, OR HIS OR HER OFFICIALLY
DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Stephen W Bedner, hereinafter referred to as "Affiant", who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the STD (position - i.e. president, partner, trustee) of Bedner Farm, Inc. (name and type of entity - i.e. ABC Corporation, XYZ Limited Partnership), (the "Tenant") which entity is the lessee of the real property legally described on the attached Exhibit "A" (the "Property").

2. Affiant's address is: 10066 Lee Road
Boynton Beach, FL 33473

3. Attached hereto, and made a part hereof, as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent (5%) or greater beneficial interest in the Tenant and the percentage interest of each such person or entity.

4. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

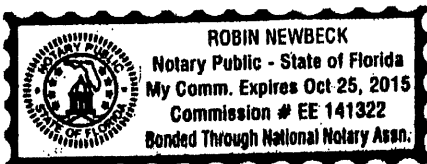
5. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete, and will be relied upon by Palm Beach County relating to its lease of the Property.

FURTHER AFFIANT SAYETH NAUGHT.

[Signature], Affiant

Print Affiant Name: Stephen W Bedner

The foregoing instrument was sworn to, subscribed and acknowledged before me this 6 day of February, 2015, by [X] who is personally known to me or [] who has produced [] as identification and who did take an oath.



[Signature]
Notary Public

Robin Newbeck
(Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: 9/25/2015

Attachment #4
(with Exhibit 'A' and Exhibit 'B')

EXHIBIT A

Lands being comprised of all or portions thereof of Tracts 2 through 8 inclusive, Tracts 25 through 30 inclusive, Tracts 35 through 40 inclusive, Tracts 57 through 62 inclusive, Tracts 67 through 72 inclusive, Tracts 89 through 93 inclusive, and Tracts 100 through 104 inclusive, Section 8, PALM BEACH FARMS CO. PLAT NO. 1, according to the plat thereof as recorded in Plat Book 2, at Page 26 of the Public Records of Palm Beach County, Florida, being more particularly described in the following two (2) parcels:

PARCEL A

Commencing at a found Palm Beach County brass disc in concrete at the Northwest corner of Section 7, Township 46 South, Range 42 East, Palm Beach County, Florida; thence North 89°06'56" East as a basis of bearings along the North line of said Section 7, a distance of 5,530.83 feet to the Northeast corner of said Section 7, also being the Northwest corner of Section 8, Township 46 South, Range 42 East, Palm Beach County, Florida; thence North 89°00'55" East along the North line of said Section 8, a distance of 2,646.06 feet to the Northwest corner of the East one-half (1/2) of said Section 8; thence South 00°12'27" East along the West line of the East one-half (1/2) of said Section 8, a distance of 2,768.83 feet; thence South 89°54'25" East, a distance of 21.12 feet to the POINT OF BEGINNING; thence continue South 89°54'25" East along a line being 38.28 feet South of and parallel to (as measured at right angles) the North line of Tract 72, Section 8, Palm Beach Farms Co. Plat No. 1, as recorded in Plat Book 2, Page 26 of the Public Records of Palm Beach County, Florida, a distance of 342.09 feet; thence South 00°37'38" East along the East line of said Tract 72 also being the West line of Tract 71 of said plat, a distance of 7.92 feet; thence South 89°54'25" East along a line being 46.20 feet South of and parallel to (as measured at right angles) the North line of Tracts 67 through 71 of said plat, a distance of 1,348.89 feet, the preceding three (3) courses also being coincident with the Southerly limits of the Lake Worth Drainage District Lateral-31 according to Chancery Case 407 recorded in Official Record Book 6495, Page 1165 of the Public Records of Palm Beach County, Florida; thence South 09°39'48" West along the West right-of-way line of the E2-W canal as recorded in Deed Book 1111, Page 667 of the Public Records of Palm Beach County, Florida, a distance of 1,226.52 feet to the point of curvature of a circular curve to the left; thence Southerly along the arc of said curve having a radius of 11,709.16 feet and a central angle of 02°04'55", a distance of 425.46 feet; thence South 89°32'28" West along a line

being 321.00 feet North of and parallel to (as measured at right angles) the South line of Tracts 100 through 104 of said plat of Palm Beach Farms Co. Plat No. 1, a distance of 1,402.39 feet; thence North 00°39'39" West along the centerline of a 30 foot wide road and a portion of the West line of Tract 104 of said plat, a distance of 15.15 feet; thence North 89°46'38" East, a distance of 15.00 feet; thence North 00°39'39" West along a line being 15.00 feet East of and parallel to (as measured at right angles) said centerline, a portion of the West line of Tract 104, the West line of Tract 89, and a portion of the West line of Tract 72 of said plat, a distance of 1,624.79 feet; thence North 89°54'25" West along a line being 50.00 feet South of and parallel to (as measured at right angles) the North line of said Tract 72, a distance of 15.00 feet, the preceding three (3) courses also being coincident with the Starkey Road right-of way dedication recorded in Official Record Book 7542, Page 1288 of the Public Records of Palm Beach County, Florida; thence North 00°39'39" West along the centerline of said 30 foot wide road and the West line of a portion of said Tract 72, a distance of 11.72 feet to the POINT OF BEGINNING.

Said lands situate, lying and being in Palm Beach County, Florida.

Containing 2,503,966 square feet or 57.483 acres more or less.

PARCEL B

Commencing at a found Palm Beach County brass disc in concrete at the Northwest corner of Section 7, Township 46 South, Range 42 East, Palm Beach County, Florida; thence North 89°06'56" East as a basis of bearings along the North line of said Section 7, a distance of 5,530.83 feet to the Northeast corner of said Section 7, also being the Northwest corner of Section 8, Township 46 South, Range 42 East, Palm Beach County, Florida; thence North 89°00'55" East along the North line of said Section 8, a distance of 2,646.06 feet to the Northwest corner of the East one-half (1/2) of said Section 8; thence South 00°12'27" East along the West line of the East one-half (1/2) of said Section 8, a distance of 90.12 feet to the POINT OF BEGINNING; thence North 89°00'55" East along a line being 90.11 feet South of and parallel to (as measured at right angles) the North line of Tract 8, Section 8, Palm Beach Farms Co. Plat No. 1, as recorded in Plat Book 2, Page 26 of the Public Records of Palm Beach County, Florida, a distance of 343.56 feet; thence South 00°37'38" East along the East line of said Tract 8, also being the West line of Tract 7 of said plat, a distance of 0.53 feet; thence North 89°00'55" East along a line being 90.64 feet South of and parallel to (as measured at right angles) the North line of said Tract 7 and the North line of Tract 6 of said plat, a distance of 653.62 feet; thence North 00°38'31" West along the East line of said Tract 6 also being the West line of Tract 5 of said plat, a distance of 0.53 feet; thence North 89°00'55" East along a line being 90.11 feet South of and parallel to (as measured at right angles) the North line of said Tract 5, a distance of 326.75 feet; thence South 00°40'18" East along the East line of said Tract 5 also being the West line of Tract 4 of said plat, a distance

of 0.53 feet; thence North 89°00'55" East along a line being 90.64 feet South of and parallel to (as measured at right angles) the North line of said Tract 4, a distance of 326.85 feet; thence South 00°42'01" East along the East line of said Tract 4 also being the West line of Tract 3 of said plat, a distance of 0.03 feet; thence North 89°00'55" East along a line being 90.67 feet South of and parallel to (as measured at right angles) the North line of said Tract 3, a distance of 326.75 feet; thence North 00°43'48" West along the East line of said Tract 3 also being the West line of Tract 2 of said plat, a distance of 0.03 feet; thence North 89°00'55" East along a line being 90.64 feet South of and parallel to (as measured at right angles) the North line of said Tract 2, a distance of 19.54 feet, the preceding eleven (11) courses also being coincident with the Southerly limits of the Lake Worth Drainage District Lateral-30 as mentioned in Chancery Case 407, recorded in Official Record Book 6495, Page 1165 of the Public Record of Palm Beach County, Florida; thence South 00°20'12" East along the West right-of-way line of the E2-W canal as recorded in Deed Book 1127, Page 250 of the Public Records of Palm Beach County, Florida, a distance of 91.12 feet to the point of curvature of a circular curve to the right; thence Southerly along the West right-of-way line of said E2-W canal and the arc of said curve having a radius of 11,209.16 feet and a central angle of 10°00'00", a distance of 1,956.37 feet; thence South 09°39'48" West along the West right-of-way line of said E2-W canal, a distance of 632.44 feet; thence North 89°54'25" West along a line being 15.00 feet North of and parallel to (as measured at right angles) the South line of Tracts 57 through 62 of said plat of Palm Beach Farms Co. Plat No. 1, said line also being the North line of the Lake Worth Drainage District Lateral-31 as recorded in Official Record Book 1585, Page 505 of the Public Records of Palm Beach County, Florida, a distance of 1,687.09 feet; thence North 00°39'39" West along a line being 15.00 feet East of and parallel to (as measured at right angles) the West line of Tracts 57 and a portion of Tract 40 of said plat, a distance of 931.84 feet to the point of curvature of a circular curve to the left; thence Northerly along the arc of said curve having a radius of 2,421.67 feet and a central angle of 06°22'50", a distance of 269.68 feet to a point on the West line of a portion of Tract 40 of said plat, the preceding two (2) courses also being coincident with the Starkey Road right-of-way dedication as recorded in Official Record Book 7542, Page 1261 of the Public Records of Palm Beach County, Florida; thence North 00°39'39" West along a portion of the West line of Tract 40, the West line of Tract 25, and a portion of the West line of Tract 8 of said plat, a distance of 1,424.85 feet; thence North 89°00'55" East along a line being 90.11 feet South of and parallel to (as measured at right angles) the North line of Tract 8 of said plat, a distance of 0.08 feet to the POINT OF BEGINNING.

Said lands situate, lying and being in Palm Beach County, Florida.

Containing 4,993,026 square feet or 114.624 acres more or less.

TOGETHER WITH

PARCEL D:

North 1/2 of the NW 1/4 of Section 13, Township 45 South, Range 41 East, Palm Beach County, Florida.

PARCEL E:

Being the East 1/2 of the Northeast 1/4 of the Southeast 1/4 of the Northwest 1/4 of Section 13, Township 45 South, Range 41 East, Palm Beach County, Florida.

PARCEL F:

Being the West 1/2 of the Northwest 1/4 of the Southwest 1/4 of the Northeast 1/4 of Section 13, Township 45 South, Range 41 East, Palm Beach County, Florida.

Said lands cumulatively being 90.27 acres more or less.

TOGETHER WITH

An easement for ingress and egress over the North 50 feet of the South one-half (S 1/2) of the North one-half (N 1/2) of Section 13, Township 45 South, Range 41 East, Palm Beach County, Florida.

LESS AND EXCEPT THE FOLLOWING TWO WETLANDS PARCELS AS SHOWN ON THE SURVEY PREPARED BY DENNIS J. LEAVY AND ASSOCIATES, JOB NO. 01-027, REV-2, DATED 5/1/01, AS REVISED 6/18/01:

1. The West Preserve Area - 12.38 +/- acres
2. The South Preserve Area - 4.16 +/- acres

SCHEDULE TO BENEFICIAL INTERESTS IN PROPERTY

NAME	ADDRESS	PERCENTAGE OF INTEREST
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Stephen Wedner 16666 Lee Rd 33130
Brynston Bch Fl 33473