

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY

Meeting Date:	May 2, 2017	<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 approve: exercise of third option to extend the Lease Agreement (R2002-0889) with Floral Acres, LLC, a Florida limited liability company, (Floral Acres) for the continued use of 38 acres for nursery operations located in the Ag Reserve in Boynton Beach at an annual rate of \$37,580.

**Summary:** On June 4, 2002, the Board approved the Lease Agreement with Floral Acres for its use of approximately 38 acres of land located in the AG Reserve, east of State Road 7 approximately 2 miles south of Boynton Beach Boulevard, for use as a container nursery. Floral Acres has requested the County’s consent to this exercise of the third five (5) year extension option which will extend the term through June 3, 2022. Two (2) five (5) year extension options remain. The annual rent for this extension period is \$37,580. PREM will continue to have administrative responsibility for this Lease Agreement. (PREM) District 5 (HJF)

**Background and Justification:** On June 4, 2002, the Board approved the Lease Agreement with Floral Acres. The initial term of the Lease Agreement was for five (5) years ending on June 3, 2007, with four (4) extension options, each for a period of five (5) years. Extension options two (2) through four (4) require consent by the Board. On April 10, 2007, (R2007-0498), the Board approved the first extension option extending the term of the Lease Agreement through June 3, 2012. On January 12, 2010, (R2010-0089), the Board approved the First Amendment reducing the rent to \$37,580 (\$1,000/acre). On May 1, 2012, (R2012-0630), the Board approved a Second Amendment updating the standard provisions and consenting to the second option extending the term of the Lease Agreement through June 3, 2017. Exercise of this third option will extend the term of the Lease Agreement from June 4, 2017, through June 3, 2022. Florida Statutes does not require that a Disclosure of Beneficial Interests be obtained. The previous disclosure (attached as Attachment #5) identified Patrick Rosacker (50%) and Arthur A. Rosacker, III (50%) as holding interests in Floral Acres, LLC, which Staff confirmed no change in ownership has occurred.

- Attachments:**
- 1. Location Map
  - 2. Board Extension Consent Letter
  - 3. Letter Dated January 3, 2017, from Floral Acres
  - 4. Budget Availability Statement
  - 5. Disclosure of Beneficial Interests

Recommended By:	<u>Reh</u>	<u>Army Wulf</u>	<u>4/3/17</u>
		Department Director	Date
Approved By:	<u>Veronica C. Baker</u>		<u>4/25/17</u>
		County Administrator	Date

## II. FISCAL IMPACT ANALYSIS

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

Fiscal Years	2017	2018	2019	2020	2021
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	<\$18,790. >	<\$37,580. >	<\$37,580. >	<\$37,580. >	<\$37,580. >
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<\$18,790. >	<\$37,580. >	<\$37,580. >	<\$37,580. >	<\$37,580. >
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

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

Budget Account No: Fund 1222 Dept 800 Unit 8011 Revenue  
Source 6225

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

Fixed Asset Number n/a

C. Departmental Fiscal Review: Kenn Skee 4/11/17

## III. REVIEW COMMENTS

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

[Signature]  
OFMB ET 4/14 PA 4/14 Sum 4/14

[Signature] 4/20/17  
Contract Development and Control

### B. Legal Sufficiency:

[Signature] 4/24/17  
Assistant County Attorney

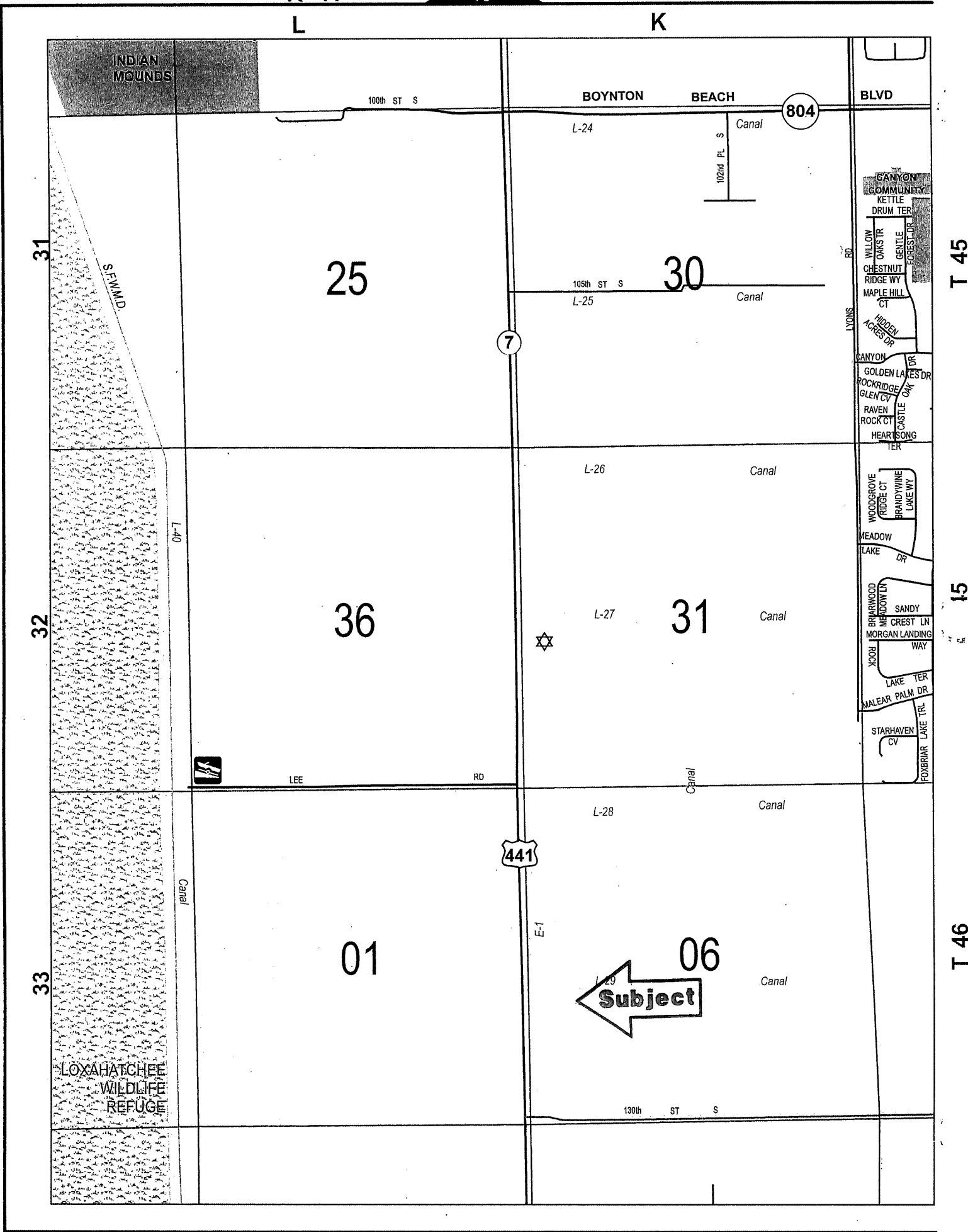
### C. Other Department Review:

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

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

**L**

K



**L**

See pg 107

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## LOCATION MAP

Attachment 1

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Attachment 2  
1 of 1



**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

May 2, 2017

**Facilities Development &  
Operations Department**

**Property & Real Estate  
Management Division**

2633 Vista Parkway

West Palm Beach, FL 33411

Telephone - (561) 233-0217

Facsimile (561) 233-0210

www.pbgov.com/fdo

**Palm Beach County  
Board of County  
Commissioners**

Paulette Burdick, Mayor

Melissa McKinlay, Vice Mayor

Hal R. Valeche

Dave Kerner

Steven L. Abrams

Mary Lou Berger

Mack Bernard

**County Administrator**

Verdenia C. Baker

*"An Equal Opportunity  
Affirmative Action Employer"*

Patrick Rosacker, President  
Floral Acres, LLC  
P.O. Box 480519  
Delray Beach, FL 33448

Re: Approval of Exercise of Third Option to Renew Lease Agreement  
(R2002-0889) dated June 4, 2002, as amended, with Floral Acres,  
LLC. ("Tenant")

Dear Mr. Rosacker:

Pursuant to the provisions of Section 1.03 of the above referenced Lease Agreement, Palm Beach County hereby approves Tenant's exercise of its third option to renew the term of said Lease Agreement for an additional period of five (5) years, effective June 4, 2017, through June 3, 2022.

Sincerely,

ATTEST:

SHARON R. BOCK  
CLERK & COMPTROLLER

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

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Paulette Burdick, Mayor

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

APPROVED AS TO TERMS  
AND CONDITIONS

By: \_\_\_\_\_  
Assistant County Attorney

By: \_\_\_\_\_  
Audrey Wolf, Director  
Facilities Development & Operations

cc: Ross C. Hering, Director, PREM  
Howard J. Falcon, III, Assistant County Attorney  
Administrator, Palm Beach Soil & Water Conservation District

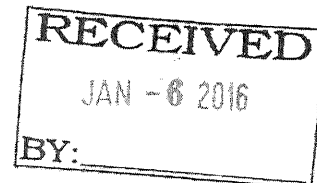
G:\PREM\PM\In Lease\Floral Acres 38 Acre Lease\3rd Option\Ltr.Cnty Apprv.HFapp.3.15.17.docx



January 3, 2017

CERTIFIED MAIL RETURN  
RECEIPT REQUESTED

Palm Beach County  
Board of County Commissioners  
Property & Real Estate Management  
Attn: Ross Hering, Director  
2633 Vista Parkway  
West Palm Beach, FL 33411-5605



Re: Lease Agreement (R2002 0889) Dated June 4, 2002 between Palm Beach  
County as "County" and Floral Acres, L.L.C. as "Tenant"

Dear Mr. Hering:

Pursuant to and in conjunction with the above referenced Lease, more specifically,  
**Section 1.03 Option to Renew** of same, please accept this letter as our notice to exercise  
our right and option to renew the term of this Lease from June 4, 2017 through June 3,  
2022. This option to renew is the 3<sup>rd</sup> of four (4) five (5) year options being exercised.

Respectfully,

Patrick Rosacker  
Managing Member  
Floral Acres, LLC

cc: Richard C. Bogatin, Manager, Property Management

Attachment 3  
10/1

Mailing Address: Floral Acres LLC • P.O. Box 480519 • Delray Beach, FL 33446  
Physical Address: 12440 US HWY 441/SR 7 • Boynton Beach, FL 33473  
Tel: (561) 499-2655 • Fax: (561) 496-0952 • www.FloralAcresLLC.com

## BUDGET AVAILABILITY STATEMENT

REQUEST DATE: 3/17/2017 REQUESTED BY: Richard C. Bogatin

PHONE: 561.233.0214

FAX: 561.233.0210

PROJECT TITLE: Floral Acres (York) Opt #3 Consent PROJECT NO.:2017-5.003

Fiscal Years	2017	2018	2019	2020	2021
Capital Expenditures					
Operating Costs	<\$18,790.00>	<\$37,580.00>	<\$37,580.00>	<\$37,580.00>	<\$37,580.00>
External Revenues					
Program Income					
(County)					
In-Kind Match					
(County)					
NET FISCAL	<\$18,790.00>	<\$37,580.00>	<\$37,580.00>	<\$37,580.00>	<\$37,580.00>
IMPACT					
# 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: 1222

DEPT: 800

UNIT: 8011

Revenue Source: 6225

SUB OBJ:

IS ITEM INCLUDED IN CURRENT BUDGET: YES ☒ 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

Department: Environmental Resources Mgmt.

BAS APPROVED BY: Sue Neary DATE: 3/20/17

ENCUMBRANCE NUMBER:

C:\Users\sneary\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\ILA2H1OD\BAS revenue\_expense (031110).WIN 7.3.17.17.docx

Attachment 4  
1 of 1

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 Patrick Rosack, hereinafter referred to as "Affiant", who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the Managing Member (position - i.e. president, partner, trustee) of Floral Area LLC (name and type of entity - i.e. ABC Corporation, XYZ Limited Partnership), (the "Tenant") which entity is the lessee of the real property depicted on the attached Exhibit "A" (the "Property").

2. Affiant's address is: PO Box 480519  
Boca Raton FL 33440

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.~~

Patrick Rosack, Affiant  
(Print Affiant Name) Patrick Rosack

The foregoing instrument was sworn to, subscribed and acknowledged before me this 23<sup>rd</sup> day of July, 2010, by Patrick R. Rosack  
[X] who is personally known to me or [ ] who has produced  
as identification and who did take an oath.

Notary Public

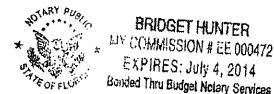
Bridget Hunter  
(Print Notary Name)

NOTARY PUBLIC  
State of Florida at Large

My Commission Expires: 7-4-14

G:\PREM\RFP\2010\Amestoy\RFP.007.HF app.062810.rev.071510.clean.doc

C:\Documents and Settings\dyonn\My Documents\Web Page Revisions\PREM07-15-10\RFP.007.HF app.062810.rev.071510.clean.doc



Attachment 5  
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## SCHEDULE TO BENEFICIAL INTERESTS

NAME	ADDRESS	PERCENTAGE OF INTEREST
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Arthur A. Rosack III

PO Box 480519  
Delray Beach, FL  
33448

50%

Summary of Certificates

This report displays detailed Certificate of Insurance information for a selected Insured. Any items shown in red are deficient.

Monday, March 27, 2017

- Simple View
- Certificate Images
- Documents
- Call Log

Insured: Floral Acres, LLCInsured ID: R2011-1787

Status: Compliant (with overrides)

ITS Account Number: PLC1352

Project(s): Palm Beach County - Facilities PREM

Insurance Policy	Required	Provided	<u>Override</u>
<u>General Liability</u>			
Expiration: 7/1/2017			
General Aggregate:	\$1,000,000	\$2,000,000	
Products - Completed Operations Aggregate:	\$0	\$0	
Personal And Advertising Injury:	\$0	\$0	
Each Occurrence:	\$1,000,000	\$1,000,000	
Fire Damage:	\$0	\$0	
Medical Expense:	\$0	\$0	
<u>Automobile Liability</u>			
Expiration: 7/1/2017			
	All Owned Autos	Any Auto not provided	X
	Hired Autos	not provided	X
	Non-Owned Autos	not provided	X
Combined Single Limit:	\$500,000	\$1,000,000	
<u>Workers Compensation/Employers Liability</u>	WC Stat. Limits	not provided	X
Expiration: 4/1/2017			
<u>Environmental Impairment Insurance</u>	Additional Insured	Additional Insured	
Expiration: 7/1/2017			
Each Occurrence:	\$1,000,000	\$373,900	
Aggregate Limit:	\$1,000,000	\$373,390	

Notifications [\(Show All\)](#)

There were no deficiency letters issued.

Do you have an updated Certificate? Click the button below to submit a Certificate

Certificate Submittal