Agenda Item #: 3H-14

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

Meeting Date:	April 10, 2018	[X] Consent	[] Regular	
		[] Ordinance	[] Public Hearing	
Department:	Facilities Development & Operations			

Motion and Title: Staff recommends motion to receive and file: a notice of exercise of the 17th 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, 2018. Exercising this 17th option extends the term to May 31, 2019. There remain twenty-four (24) annual extension options through May 31, 2043. 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 provision and acknowledging the Office of the Inspector General. On July 21, 2015, the Board approved the Fourth Amendment (R2015-0953) adding ten (10) additional one (1) year extension options. State Statutes do not require a Disclosure of Beneficial Interests be obtained when the County leases property to a tenant. Staff confirmed there has been no changes in ownership since the Disclosure submitted in 2015 (Attachment 4) which identifies Stephen W. Bedner (331/3%), Charles Bedner (331/3%), and Bruce Bedner (331/3%) as holding interests in Bedner Farm, Inc.

Attachments:

- 1. Location Map A
- 2. Location Map B
- 3. Extension option request letter
- 4. 2015 Disclosure of Beneficial Interest

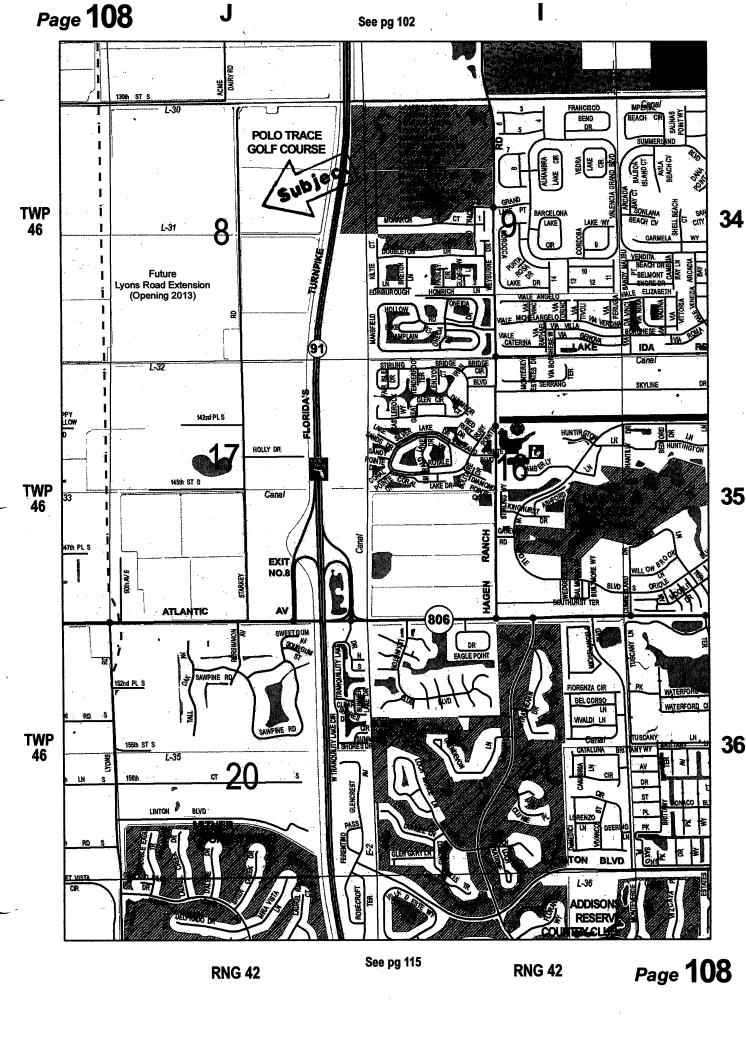
Recommended By:	Department Director	3(16/18 Date
Approved By:	County Administrator	3/24/18 Date

II. FISCAL IMPACT ANALYSIS

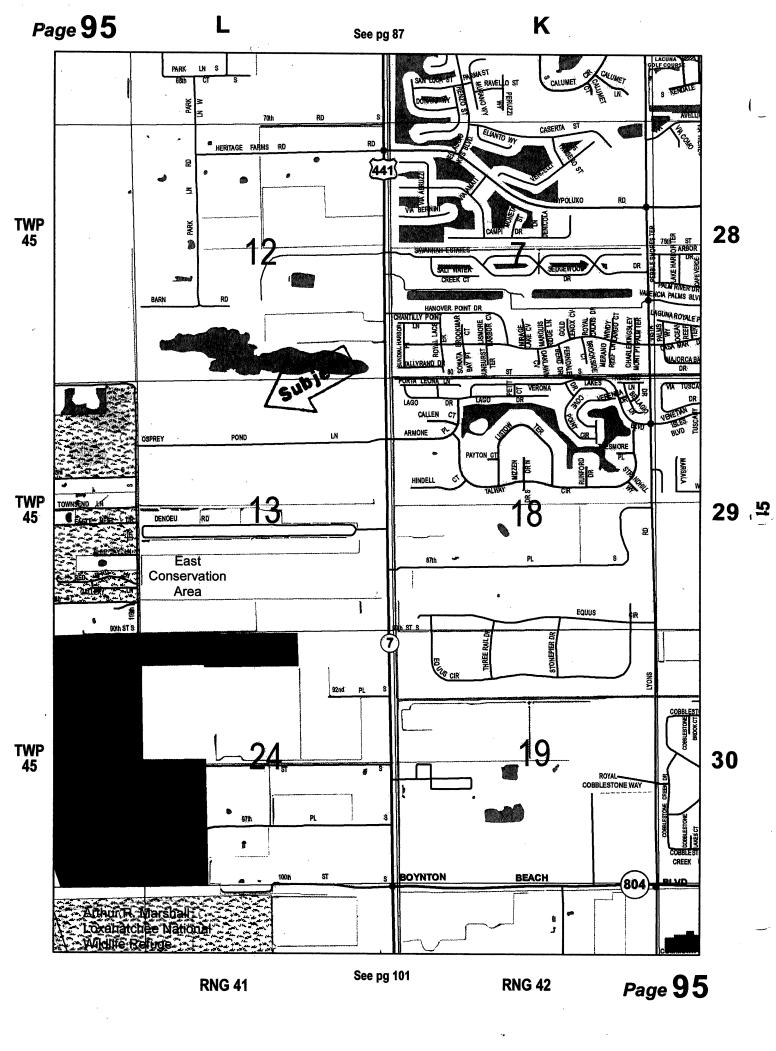
Five Year Summary of Fiscal Impact: A. Fiscal Years 2018 2019 2020 2021 2022 Capital Expenditures **Operating Costs External Revenues** (\$61,459) (\$61,459) **Program Income (County)** In-Kind Match (County **NET FISCAL IMPACT** (\$61,459)(\$61,459)_-0-_ # ADDITIONAL FTE **POSITIONS (Cumulative)** Is Item Included in Current Budget: Yes $\underline{\mathbf{X}}$ No ___ Budget Account No: Fund <u>1222</u> Unit 8011 Dept <u>800</u> Object 6225 Program В. **Recommended Sources of Funds/Summary of Fiscal Impact:** Fixed Assets Number <u>n/a</u> C. **Departmental Fiscal Review:** III. REVIEW COMMENTS A. **OFMB Fiscal and/or Contract Development Comments:** B. Legal Sufficiency: C. **Other Department Review:**

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

Department Director





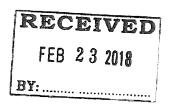


LOCATION MAP

Hachnest, 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

February 14, 2018

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, 2018 to May 31, 2019.

The semi-annual rent shall be submitted by the date of May 31, 2018 and December 31, 2018.

Additionally there are no changes in ownership.

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 MR, the undersigned suthority, this day personally appeared Stephan for the indicated to as "Affiant", who being by me first duly sworn, under oath, deposes and states as follows:
1. Affiant is the
2. Affiant's address is: 10066 Lee Food Capalin Beach, 71 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.
 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.
 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 AFRIANT SAYBIH NAUGHT. Affiant Print Affiant Name: Stephen W Bolner
The furegoing instrument was sworn to, substribed and acknowledged before me this
Notary Public Notary Name (Print Notary Name) NOTARY PUBLIC State of Florida at Large My Commission Expires:
Attachment #4
(with Exhibit 'A' and Exhibit 'B')
(6 pages)

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

Companing at a found Palm Beach County brass disc in concrete at the Northwest corner of Section 7, Township 46 South, Range 42 Best, Palm Beach County, Florida; thence North 89°06'56" Bast 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 Best, 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 Bast one-half (1/2) of said Section 8; thence South 00°12'27" Bast along the West line of the Bast one-half (1/2) of said Section 8, a distance of 2,768.83 feet; thence South 89°54'25" Bast, a distance of 21.12 feet to the POINT OF BEGINNING; thence continue South 89°54'25" Bast along a line being 33.28 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" Bast along the Bast 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" Bast 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

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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; thense North 00°39'39" West along the centertine of a 30 feet 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; thense North 00°39'39" West along a line being 15.00 feet East of and parallel to (as measured at right angles) said centerline, seportion 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 50.00 feet South of and parallel to (as measured at right angles) the North line of and 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 Paim 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 brase disc in concrete at the Northwest corner of Section 7, Township 46 South, Range 42 Bast, Palm Beach County, Florida; thence North 89°06'56" Bast as a basis of bearings along the North er of said Section 7, a distance of 5,530.83 feet to the Northwest corner of said Section 7, also being the Northwest corner of Section 7, also being the Northwest corner of Section 8. 5,330.85 refer to the Northeast corner of said Section 1, also being the Northwest corner of Section 8, Township 46 Septin, Range 42 East, Palm Beach County, Florida; thence North 89°00'55" East along the North line of said Section 8, a distance of 2,546.06 feet to the Northwest corner of the East one-half (1/2) of said Section 8; thence South 00°12'7" East Northwest corner of the East one-half (1/2) of said Section 8; thence South 00°12'27" Bast 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" Bast 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" Bast along the Bast 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" Bast 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" Bast along a line being 90.11 feet Bouth 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" Bast along the East line of said Tract 5 also being the West line of Tract 4 of said plat, a distance

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of 0.53 feet; thence North 89°00'55" Bast 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" Bast along the Bast 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" Bast along a line being 90.67 feet South of and parallel to (as measured at right angles) the North 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" Bast 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 Chameery Case 407, recorded in Official Record Book 6495, Page 1165 of the Public Record of Palm Beach County, Florida, thence South 00°20'12" Bast along the West right-of-way line of the E2-W canal as recorded in Deed Book 00°20'12" Rage 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 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 B2-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 1 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 parallel to (as measured at right aportion of Tract 40 of said plat, a distance of

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

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

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TOGETHER WITH

PARCEL D:

North 1/2 of the NW 1/4 of Section 13, Township 45 South, Range 41 Bast, 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 Bast, 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 14) of the North one-half (N 14) 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, RBV-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

H:\BBac\ERM Bedner\legal|case.wpd

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EXHIBIT "B"

SCHEDULE TO BENEFICIAL INTERESTS IN PROPERTY

Tenant is only required to identify five percent (5%) or greater beneficial interest holders. If none, so state, Tenant must identify individual owners. If, by way of example, Tenant is wholly or partially owned by another entity, such as a corporation, Tenant must identify such other entity, its address and percentage interest, as well as such information for the individual owners of such other entity.

NAME	ADDRESS	PERCENTAGE	
Charles	Bedren 1606	Left 331	%
	motion to	West Boguton Bol	F08347
Potace P		(or Rd 33'	
12000	Bound	on beh \$1 334	13 13
· Stephen	Bodus Ibel	by lar Pd 334 In Boh A 334	13%
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Prince Inc.	47. 4.1.4		