

REAL ESTATE EXECUTIVE SUMMARY

PROJECT: STA 1 West
COUNTY: Palm Beach
TRACT NO.: 4910E-001
ACRES: 39.73
PURPOSE: Approval of Exercise of Option to Extend Agricultural Lease; Approval of Waiver of Competition

BACKGROUND/CONSIDERATIONS: Pursuant to a comprehensive Lease Agreement (the "Lease") with the District, encompassing the approximately 39.73 acres Tract No. 4910E-001 and identified as District lease agreement no. C-9318, and with Palm Beach County (the "County") encompassing approximately 74.84 acres, Roth Farms, Inc. ("Roth Farms") leases a total of approximately 114.57 acres as depicted in Exhibit "A" attached hereto and made a part hereof. Pursuant to the Lease, beginning effective February 26, 2011, the District, the County and Roth Farms may extend the Lease for as many as three (3) consecutive one-year extension periods (individually, an "Extension Period"). The District, the County and Roth Farms entered into a February 15, 2011 amendment to the Lease whereby the Lease was extended for the first Extension Period through February 25, 2012. The District, the County and Roth Farms desire to enter into another amendment to the Lease whereby the Lease shall be extended for the second Extension Period from February 26, 2012 through February 25, 2013. The County and Roth Farms have approved and executed the amendment extending the Lease for the second Extension Period through February 25, 2013. This item requesting approval to extend the Lease was submitted and scheduled for the District's February 9, 2012 Governing Board meeting, but was removed due to the fact that the meeting occurred at an offsite location from the West Palm Beach headquarters. Though the District's general policy is to competitively bid leases when possible, the Governing Board may approve a Waiver of Competition under certain justified circumstances which were set forth in the November 9, 2011 presentation of the District's Agricultural Lease Policy by Assistant Executive Director Robert M. Brown to the District's Project and Lands Committee. One such circumstance is where the District together with an external partner has procured a single lease covering separately owned but adjoining lands as is specifically applicable here with respect to the County. An additional extenuating circumstance present with the subject Lease is the fact that the Extension Periods were already approved and the Lease previously amended to reflect that.

FISCAL IMPACT: The payment to the District under the Lease for the Extension Period of February 26, 2012 through February 25, 2013 is \$8,603.30.

AUTHORIZATION: The Governing Board, pursuant to Section 373.093 of the Florida Statutes, may lease lands or interests in land under terms and conditions determined by the Governing Board.

RECOMMENDATION: A Resolution of the Governing Board of the South Florida Water Management District to approve exercise of option to extend the Lease for one-year through February 25, 2013 and approve a waiver of competition.

Prepared by: _____
Robert A. Schaeffer, Lead Professional
Real Estate Section
Date _____

Reviewed by: _____
Ray Palmer, Section Administrator
Real Estate Section
Date _____

Approved by: _____
Tommy B. Strowd, P.E., Director
Operations, Maintenance and Construction Division
Date _____

Attachments: Resolution, map,
waiver of competition