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**SOUTH FLORIDA WATER MANAGEMENT DISTRICT**

**RESOLUTION NO. 2012-\_\_\_\_\_**

**A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT APPROVING THE EXERCISE OF AN OPTION TO EXTEND THE LEASE AGREEMENT AND APPROVING A WAIVER OF COMPETITION FOR ROTH FARMS, INC., AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, 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.

**WHEREAS**, 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; and

**WHEREAS**, pursuant to the Lease, beginning effective February 25, 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"); and

**WHEREAS**, 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; and

**WHEREAS**, 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; and

**WHEREAS**, the County and Roth Farms have approved and executed the amendment extending the Lease for the second Extension Period through February 25, 2013; and

**WHEREAS**, based on the existing circumstances regarding the partnership with Palm Beach County and the approved Extension Periods under the Lease, staff recommends that the Governing Board approve the waiver of the competitive process with respect to this extension of the Lease.

**NOW THEREFORE, BE IT RESOLVED** by the Governing Board of the South Florida Water Management District:

**Section 1:** The Governing Board of the South Florida Water Management District, retroactive to February 26, 2012, approves a one-year extension through February 25, 2013 of District lease agreement no. C-9318 with Roth Farms, Inc.

40 **Section 2:** The Governing Board of the South Florida Water Management District approves a  
41 waiver of competition with respect to lease agreement no. C-9318 with Roth Farms, Inc.

42 **Section 3.** The Governing Board of the South Florida Water Management District hereby  
43 authorizes the Bureau Chief of the District's Procurement Bureau to execute the instrument  
44 extending the lease agreement.

45 **Section 4.** This Resolution shall take effect immediately upon adoption.

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48 **PASSED** and **ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

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**SOUTH FLORIDA WATER MANAGEMENT  
DISTRICT, BY ITS GOVERNING BOARD**

By: \_\_\_\_\_  
Chairman

56 **ATTEST:**

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58 \_\_\_\_\_  
59 District Clerk/Secretary

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**Approved as to form:**

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By: \_\_\_\_\_  
Office of Counsel

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Print Name: \_\_\_\_\_

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