

Meeting Date
FEBRUARY 3, 2015



AGENDA	
Section	CONSENT
Item No.	<i>II.A.3</i>

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	TERMINATION OF LEASE AGREEMENT WITH HARMONY FARMS, INC. PARCEL ID: 26-36-18-00-00004.0-0000.00
DEPT/OFFICE:	UTILITY SERVICES DEPARTMENT

Requested Action:

It is requested that the Board of County Commissioners send notice of termination of the lease with Harmony effective upon receipt of written consent to termination/waiver of notice from Harmony Farms or 30 days, whichever is earlier.

Summary Explanation & Background:

Harmony Farms, Inc., a not-for-profit agency, entered into a ten year Land Lease Agreement with Brevard County on January 1, 2006. The lease was for 116 acres of property located on the S. Central Wastewater Treatment Plant site. Harmony Farms intended to install temporary stables and use the property for trail rides and horse shows. Harmony Farms has made no improvements to the property and never occupied the land. Harmony Farms has indicated, in writing, that the organization does not find it feasible to build upon or develop the property and would like to terminate the lease agreement.

It is requested that the Board of County Commissioners send notice of termination of the lease to Harmony Farms with termination to take effect immediately upon receipt of written consent waiving notice of termination under lease agreement provision or within 30 days of the date of the termination notice, whichever occurs first:

**ARTICLE XIV
TERMINATION BY LANDLORD**

In addition to other instances described herein, the happening of any of the following shall cause this agreement to be terminated upon thirty (30) days written notice unless, within such time, TENANT remedies the issue upon which the notification is based:

B. If, for a period of 120 consecutive days, TENANT abandons or vacates the demised property before the end of the term of this Lease, or any extension or renewal thereof.

Contact: Robert G. Adolphe, P.E., Utility Services Director, 321-633-2091, Bob.adolphe@brevardcounty.us

Clerk to the Board instruction:

Exhibits Attached: Letter of termination; Request for termination from Harmony Farms, Inc.

Contract /Agreement (If attached):		Reviewed by County Attorney	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	PR <input type="checkbox"/>	USD FINANCE <input checked="" type="checkbox"/>
County Manager		Assistant County Manager, Mel Scott			Department Director / Extension			
Stockton Whitten						Robert G. Adolphe, P.E., Utility Services Director / x52091		



Tammy Etheridge, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972

February 4, 2015

MEMORANDUM

TO: Robert Adolphe, Utility Services Director

RE: Item II.A.3., Termination of Lease Agreement with Harmony Farms, Inc. for Property Located on South Central Wastewater Treatment Plant Site

The Board of County Commissioners, in regular session on February 3, 2015, authorized the Chairman to sign a Letter terminating the Lease with Harmony Farms, Inc.; and said termination will be effective upon receipt of written consent to termination/waiver of notice from Harmony Farms, Inc., or 30 days, whichever is earlier. Enclosed is a copy of the Letter.

Your continued cooperation is greatly appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Etheridge, Deputy Clerk

Encl. (1)

cc: Commissioner Fisher



BOARD OF COUNTY COMMISSIONERS

Robin L. Fisher, District 1 Commissioner
400 South Street, Suite 1A
Titusville, FL 32780
(321) 264-6750
www.brevardcounty.us

February 3, 2015

Harmony Farms
5300 Stadium Parkway
Rockledge, FL 32955

Attention: Pamela J. Rogan


Ladies and Gentlemen:

Pursuant to your letter dated December 30, 2014, the Brevard County Board of County Commissioners has voted to terminate the lease between Harmony Farms and the County dated 01/01/2006.

If Harmony Farms wishes this termination to be effective immediately, please send a written confirmation that Harmony consents to the termination of the lease and waives the 30 day notice of termination period provided for in the lease. That consent should be sent to the attention of Robert G. Adolphe, P.E. in the county Utilities Department.

On behalf of the County Commission, I express the county's continued gratitude for the service that Harmony Farms continues to provide to the community.

Sincerely,


Robin L. Fisher, Chairman
Brevard County Board of County Commissioners

As approved by the Board on February 3, 2015



HARMONY FARMS, INC.

"Equine Assisted Therapy & Activities"

5300 Stadium Parkway

Rockledge, Fl. 32955

(321) 631-9433 www.harmonyfarmsinc.com

December 30, 2014

RECEIVED

JAN 05 2015

Board of County Commissioners
Utility Services Department
2725 Judge Fran Jamieson Way, A-213
Viera, FL 32940

UTILITY SERVICES

Attention: Robert G. Adolphe, P.E., Director

Re: County Lease Agreement – Parcel ID: 26-36-18-00-00004.0-0000.00

Dear Mr. Adolphe,

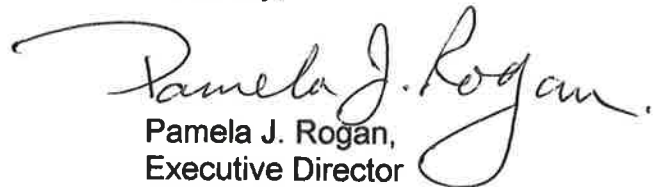
Please be advised that Harmony Farms Inc., hereby surrenders the leased property captioned above and will not seek to renew the lease agreement with Brevard County for this parcel of land.

It is not feasible for us to develop and build on this property. No changes or improvements have been made and we have never occupied the land. We thank the County for their commitment to helping us advance our program and center.

I am sure there will be papers to sign. Please forward them directly to the address above or send via email to info@harmonyfarmsinc.com, or FAX to 321 242-1707.

Thank you.

Sincerely,


Pamela J. Rogan,
Executive Director