

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date:	April 10, 2007	<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:

A) adopt a resolution authorizing the conveyance of the County's interest in 0.07 acres of land to the City of Belle Glade without charge and with reservation of mineral and petroleum rights, but without rights of entry and exploration; and

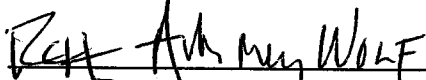

B) approve a County Deed in favor of the City of Belle Glade.

Summary: The City of Belle Glade has requested the conveyance of a parcel of County-owned surplus property acquired by tax deed in June 2006. The 0.07 acre parcel is located at 201 SW 5th Street within the City's municipal boundaries and is improved with an unoccupied two story commercial structure, previously operated as a tavern with apartments on the second story. The assessed value of the parcel is \$71,734. Florida Statutes Section 197.592(3), requires the conveyance of surplus property acquired by tax deed to the municipality in which it is located. The subject parcel has been declared surplus as it serves no present or future County purpose. Staff believes that this property will be more appropriately developed, managed and maintained by the City. The conveyance of surplus property to the municipality in which it is located is a major element of PREM's disposition program adopted by the Board upon the recommendation of the Real Estate Assets Task Force. This conveyance will relieve the County of potential liability for occurrences on this property and also the cost of continued maintenance. The County will retain mineral and petroleum rights in accordance with Florida Statutes Section 270.11, without rights of entry and exploration. **(PREM) District 6 (HJF)**

Background and Justification: The 0.07 acre parcel escheated to the County in June 2006. PREM, in response to direction from the Real Estate Assets Task Force, has developed a program to convey to the municipalities in which they are located, County property which is surplus and provides little opportunity to further a County function. The property was previously operated as a tavern with apartments above, but the property has been vacant for some time. Staff believes that the municipality is in a better position to determine how this property should be used and maintained. The City plans to renovate the site and use it for affordable apartment complexes with a commercial storefront as part of the City's In Fill Housing Program. The Department of Housing and Community Development supports the conveyance of the property to the City. Under Florida Statutes Section 286.23, a Disclosure of Beneficial Interests is required to be provided in connection with any purchase of property by the County. Such Disclosure is not required in connection with the sale of land by the County. Although Staff is requesting such Disclosure for all transactions, this conveyance is to a municipality and as such, a Disclosure was not requested.

Attachments:

1. Location Map
2. Disposition Summary
3. City of Belle Glade letter of request dated December 29, 2006
4. Resolution
5. County Deed
6. Florida Statutes Section 197.592(3) and 270.11

Recommended By:		3/18/07	
	Department Director	Date	
Approved By:		3/27/07	
	County Administrator	Date	

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2007	2008	2009	2010	2011
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u><u>-0-</u></u>	<u><u>-0-</u></u>	<u><u>-0-</u></u>	<u><u>-0-</u></u>	<u><u>-0-</u></u>
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget: Yes_____ No_____
Budget Account No: Fund_____ Dept _____ Unit _____ Object_____
Program _____

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

Conveyance of this property will eliminate the County's ongoing maintenance and liability.

C. Departmental Fiscal Review:


III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

~~Edizulu Bles~~
OFMB 3/2/07 vo
3/2/07

Don S. Judd 3/26/07
Contract Development and Control
3/26/07
This item complies with current
County policies.

B. Legal Sufficiency:

Legal Sufficiency:

3/26/07
Assistant County Attorney

C. Other Department Review:

Department Director

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

ATTACHMENT #2

CITY OF BELLE GLADE DISPOSITION SUMMARY

NO.	PCN	SUBDIVISION	STREET ADDRESS (IMPROVEMENT, IF ANY)	ACRES	ASSESSED VALUE	ACQUIRED BY	BOOK/PAGE NUMBER	MONTH/YEAR OF RECORDING
1.	04-37-43-31-01-031-0040	State Survey	SW 5 th Street	0.07	\$ 71,734	Tax Deed	20505/129	06/2006



City of Belle Glade

Department of Planning & Building

Tel: 561-996-0100
Fax: 561-993-1811

December 29, 2006

RECEIVED

City Hall Complex

110 Dr. Martin Luther King, Jr.
Blvd., West
Belle Glade, FL
33430-3900

Ms. Samara J. Cooper, Asst. Director
Property & Real Estate Management Div.
3200 Belvedere Road, Building 1169
West Palm Beach, FL 33406

JAN 02 2007

RE: Property Control Number: 04-37-43-31-01-031-0040

Commissioners

Dr. Ray Torres Sanchez,
Mayor

Donald D. Garrett,
Vice Mayor

Gwendolyn J.L. Asia-Williams
Treasurer

Mary S. Kendall

Shelly Miller

Newall J. Daughtrey
City Manager

Dear Ms. Cooper;

This letter is written in response to your letter dated December 11, 2006 in reference to 201 S.W. 5TH Street, Belle Glade, FL 33430 being conveyed from Palm Beach County to the City of Belle Glade. The City will gladly accept this building for future redevelopment. Below is the associated parcel control number along with a brief description of the proposed land use.

- Parcel control numbers: 04-37-43-31-01-031-0040. With these parcels we can continue with our Infill Housing Program by providing affordable apartments complexes and a nice storefront.

I appreciate your interest in Belle Glade's effort to improve its' neighborhoods and communities, and I look forward to working with you to expedite arrangements to facilitate the intended conveyance of the above referenced building.

Should you have any questions or concerns please feel free to give me a call at 561 996-0100 ext 607

Sincerely,

Ralph D. Butts, Sr.
Planning & Building Manager

cc: Newall J Daughtrey, City Manager
Barbara Bell-Spence, Community Development Mgr.

ATTACHMENT # 3

RESOLUTION NO. R-200__ -

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY TO THE CITY OF BELLE GLADE WITHOUT CHARGE AND WITH MINERAL AND PETROLEUM RIGHTS RESERVATION WITHOUT RIGHTS OF ENTRY AND EXPLORATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the County owns one (1) property within the municipal boundaries of the City of Belle Glade (the "City") which was acquired for delinquent taxes; and,

WHEREAS, Florida Statutes Section 197.592(3) states that under certain conditions, the County is to convey to municipalities in which they are located, properties acquired by the County for delinquent taxes and that any liens of record held by the County on such properties shall not survive the conveyance to the municipalities; and,

WHEREAS, the subject land has not been previously sold, has not been acquired for infill housing, has not been dedicated by the Board of County Commissioners, and shall not be conveyed to the record prior fee simple title owner; and,

WHEREAS, pursuant to Florida Statute Section 270.11, the City has requested that such property be conveyed without reservation of and to release the rights of entry and exploration relating to such mineral and petroleum rights; and,

WHEREAS, the Board of County Commissioners of Palm Beach County has agreed to convey such property reserving phosphate, mineral, metals and petroleum rights but releasing any and all rights of entry and exploration relating to such rights.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Section 1. Recitals

The foregoing recitals are true and correct and incorporated herein by reference.

ATTACHMENT # 4

Section 2. Authorization to Convey Real Property

The Board of County Commissioners of Palm Beach County shall convey to the City without charge and by County Deed attached hereto and incorporated herein by reference, the real property legally described in such deed. Any liens of record held by the County on the subject land shall not survive the conveyance to City.

Section 3. Conflict with Federal or State Law or County Charter

Any statutory or Charter provisions in conflict with this Resolution shall prevail.

Section 4. Effective Date

The provisions of this Resolution shall be effective immediately upon adoption hereof.

The foregoing resolution was offered by Commissioner _____ who moved its adoption. The Motion was seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

COMMISSIONER ADDIE L. GREENE, CHAIRPERSON
COMMISSIONER JOHN F. KOONS, VICE CHAIR
COMMISSIONER KAREN T. MARCUS
COMMISSIONER WARREN H. NEWELL
COMMISSIONER MARY MCCARTY
COMMISSIONER BURT AARONSON
COMMISSIONER JESS R. SANTAMARIA

The Chair thereupon declared the resolution duly passed and adopted this ____ day of _____, 2007.

PALM BEACH COUNTY, a political
subdivision of the State of Florida
BOARD OF COUNTY COMMISSIONERS

SHARON R. BOCK
CLERK & COMPTROLLER

By: _____
Deputy Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

APPROVED AS TO TERMS
AND CONDITIONS

By _____
Assistant County Attorney

By Pat Amy Wilf
Department Director

PREPARED BY AND RETURN TO:
STEVEN K. SCHLAMP, PROPERTY SPECIALIST
PALM BEACH COUNTY
PROPERTY & REAL ESTATE MANAGEMENT DIVISION
3200 BELVEDERE ROAD, BUILDING 1169
WEST PALM BEACH, FLORIDA 33406-1544

PCN: 04-37-43-31-06-004-0090

COUNTY DEED

This COUNTY DEED, made _____, by **PALM BEACH COUNTY**, a political subdivision of the State of Florida, whose legal mailing address is 301 North Olive Avenue, West Palm Beach, Florida 33401-4791, party of the first part, and the **CITY OF BELLE GLADE**, a municipal corporation, whose legal mailing address is 110 Dr. Martin Luther King Blvd. West, Belle Glade, FL 33430-3900, party of the second part.

WITNESSETH:

That the said party of the first part, for and in consideration of the sum of Ten and 00/100 (\$10.00) Dollars to it in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the party of the second part, its successors and assigns forever, the following described land lying and being in Palm Beach County, Florida:

BAILEY ADD NO 4 PL 2 LT 9 BLK 4. THE ABOVE BEING THE REAL PROPERTY DESCRIBED UNDER TAX CERTIFICATE NUMBER 11066 IN THE TAX DEED RECORDED IN OFFICIAL RECORD BOOK 20775, PAGE 1666, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

Reserving, however, unto party of the first part, its successors and assigns an undivided three-fourths (3/4) interest in, and title in and to an undivided three-fourths (3/4) interest in, all the phosphate, minerals, and metals that are or may be in, on, or under the said land and an undivided one-half (1/2) interest in all petroleum that is or may be in, on, or under said land. The aforementioned reservation of phosphate, mineral, metals and petroleum rights shall not include and party of the first part hereby expressly releases any and all rights of entry and rights of exploration relating to such phosphate, mineral, metals and petroleum rights.

IN WITNESS WHEREOF, the said party of the first part has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairperson or Vice Chair of said Board, the day and year aforesaid.

ATTEST:

SHARON R. BOCK
CLERK & COMPTROLLER

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

By: _____
Deputy Clerk

By: _____
Addie L. Greene, Chairperson

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

(OFFICIAL SEAL)

By: _____
Assistant County Attorney

ATTACHMENT #5

Select Year: 2006 [Go](#)

The 2006 Florida Statutes

[Title XIV](#) [Chapter 197](#) [View Entire Chapter](#)
TAXATION AND FINANCE TAX COLLECTIONS, SALES, AND LIENS

197.592 County delinquent tax lands; method and procedure for sale by county; certain lands conveyed to municipalities; extinction of liens.--

(1) Lands acquired by any county of the state for delinquent taxes in accordance with law which have not been previously sold or dedicated by the board of county commissioners may, at its discretion, be conveyed to the record fee simple owner of such lands as of the date the county obtained title to the lands. However, before any conveyance shall be made, the former owner of the lands may file with the board of county commissioners a verified written application which shall show:

(a) The description of the lands for which a conveyance is sought;

(b) The name and address of the former owner;

(c) The date title was acquired by the county;

(d) The price of the lands as previously fixed by resolution of the board of county commissioners, if this has been done;

(e) The use to which the lands were enjoyed by the record fee simple owner at the time of acquisition by the county;

(f) A brief statement of the facts and circumstances upon which the former owner bases the request for restitution of the described property;

(g) An offer to pay an amount equal to all taxes, including municipal taxes and liens, if any, which had become delinquent, together with interest and costs provided by law.

(2) In the event the described lands have not been assessed for taxes for the current year in which the petition is filed, the applicant shall pay, in addition, the taxes for current and omitted years, the latter amount to be determined by applicable millage for the omitted years and based on the last assessment of the described lands.

(3) Lands acquired by any county of the state for delinquent taxes in accordance with law which have not been previously sold, acquired for infill housing, or dedicated by the board of county commissioners, which the board of county commissioners has determined are not to be conveyed to the record fee simple owner in accordance with the provisions of subsections (1) and (2), and which are located within the boundaries of an incorporated municipality of the county shall be conveyed to the governing board of the municipality in which the land is located. Such lands conveyed to the municipality shall be freely alienable to the municipality without regard to third parties. Liens of record held by the county on such parcels conveyed to a municipality shall not survive the conveyance of the property to the municipality.

(4) Liens of record held by the county upon lands not conveyed in accordance with subsections (1) and (2) or subsection (3) shall not survive the conveyance of the property to the county.

History.--s. 1, ch. 22870, 1945; ss. 1, 2, ch. 69-55; s. 1, ch. 72-268; s. 23, ch. 73-332; s. 197, ch.

http://www.flsenate.gov/Statutes/index.cfm?p=2&App_mode=Display_Statute&Search_Stri... 2/5/2007

ATTACHMENT # 6

Select Year: 2006 [Go](#)

The 2006 Florida Statutes

[Title XVIII](#)[Chapter 270](#)[View Entire Chapter](#)

PUBLIC LANDS AND PROPERTY

PUBLIC LANDS

270.11 Contracts for sale of public lands to reserve certain mineral rights; prohibition on exercise of right of entry in certain cases.--

(1) Unless the applicable agency chooses not to reserve such interest and except as otherwise provided by law, in all contracts and deeds for the sale of land executed by the Board of Trustees of the Internal Improvement Trust Fund or by any local government, water management district, or other agency of the state, there shall be reserved for such local government, water management district, other agency of the state, or the board of trustees and its successors an undivided three-fourths interest in, and title in and to an undivided three-fourths interest in, all the phosphate, minerals, and metals that are or may be in, on, or under the said land and an undivided one-half interest in all the petroleum that is or may be in, on, or under said land with the privilege to mine and develop the same.

(2)(a) The Board of Trustees of the Internal Improvement Trust Fund may, in its discretion, sell or release any reserved interest or any portion thereof in or as to any particular parcel of land, and the State Board of Education may sell or release any such interest or any portion thereof which was reserved for said board pursuant to this section prior to September 1, 1967. Such sale or release shall be made on application of the owner of the title to the particular parcel of land with statement of reason justifying such sale or release.

(b) The right of entry in respect to any interest in phosphate, minerals, and metals or any interest in petroleum heretofore or hereafter reserved in favor of the Board of Trustees of the Internal Improvement Trust Fund or the State Board of Education is hereby released as to any parcel of property that is, or ever has been, a contiguous tract of less than 20 acres in the aggregate under the same ownership.

(3) A local government, water management district, or agency of the state may, at its discretion, sell or release reserved interest in any parcel of land, except that such sale or release shall be made upon petition of the purchaser for such interest and with a statement of reasons justifying such sale or release.

(4) Any state agency, except a water management district, which receives royalties for parcels shall remit any such moneys into the General Revenue Fund, unless otherwise provided by law.

History.--ss. 1, 2, ch. 6159, 1911; RGS 1226; CGL 1771; s. 1095, ch. 19355, 1939; CGL 1940 Supp. 892(414); s. 1, ch. 26849, 1951; s. 1, ch. 59-220; s. 2, ch. 61-119; ss. 27, 35, ch. 69-106; s. 76, ch. 71-355; s. 1, ch. 86-205; s. 1, ch. 86-257; s. 9, ch. 2001-256.

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