

3H12

Agenda Item #:

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: June 5, 2007 [X] Consent [] Regular
[] Ordinance [] Public Hearing

Department: Facilities Development & Operations

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to:

- A) adopt a resolution authorizing the conveyance of .7579 acres of vacant land to the State of Florida Department of Transportation (FDOT) at no charge and without reservation of mineral rights; and
- B) approve a County Deed in favor of FDOT.

Summary: The County is planning to begin construction of a new library on the west side of State Road 7 between Clint Moore Road and Yamato Road in western Boca Raton in July 2007. As a condition of site plan approval, the County is required to provide FDOT with a 40' strip of land to meet FDOT's requirement for a 240' right-of-way for State Road 7. The total area to be conveyed is .7579 acre (33,014 sf) and is located along the eastern boundary of the County's property (State Road 7). FDOT has requested that the County convey the land without reservation of mineral and petroleum rights. (PREM) District 5 (HJF)

Background & Justification: The Library Department is constructing a public library in western Boca Raton on a 20.57 acre County-owned parcel of land on State Road 7 just north of Yamato Road. The library will utilize 7.6 acres and a 4 acre lake will be created to handle drainage for the property, leaving 8.97 acres for future development. A condition of site plan approval required the County to provide additional land to FDOT for State Road 7 road right-of-way. FDOT has requested the County convey the land without reservation of oil and mineral rights pursuant to Florida Statutes Section 270.11. Although the State requires reservation of mineral rights in almost all State conveyances, FDOT would not accept a mineral rights reservation. As it is highly unlikely that there are any minerals under this land and even more unlikely that mining activities would be permitted, Staff recommends that the land be conveyed without reservations. 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 with the State, and as such, a Disclosure was not requested.

Attachments:

- 1. Location Map
- 2. Resolution
- 3. County Deed
- 4. Florida Statutes Section 125.38
- 5. Florida Statutes Section 270.11

Recommended By: Keith Anthony Wolf Department Director Date: 5/14/07

Approved By: Robert W. Wason County Administrator Date: 5/24/07

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>-0-</u> | <u>_____</u> | <u>_____</u> | <u>_____</u> | <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:

No Fiscal Impact

C. Departmental Fiscal Review: _____

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

[Signature]
 5/22/07
 OFMB
 CN
 5/21/07

[Signature]
 5/23/07
 Contract Development and Control
 Done 5/23/07

B. Legal Sufficiency:

[Signature]
 5/24/07
 Assistant County Attorney

C. Other Department Review:

 Department Director

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

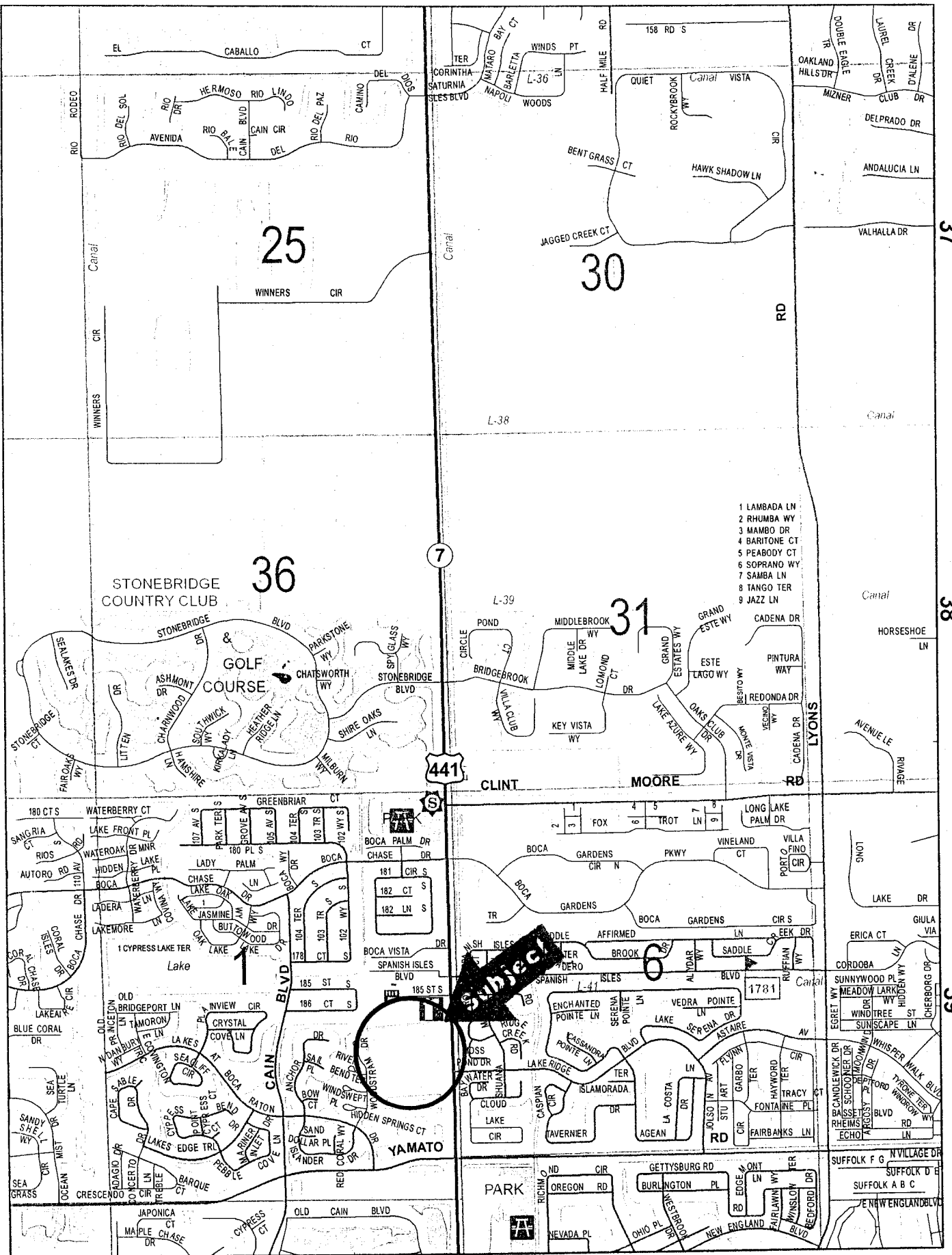
L

K

T46

1

T47



L

K

LOCATION MAP

ATTACHMENT #1

Handwritten signature or initials.

RESOLUTION NO. 2007 - _____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY TO STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, PURSUANT TO FLORIDA STATUTE SECTION 125.38, WITHOUT CHARGE AND WITHOUT RESERVATION OF MINERAL AND PETROLEUM RIGHTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the State of Florida Department of Transportation, ("FDOT"), has requested that Palm Beach County convey .7579 acre of surplus real property to FDOT for use by FDOT for road widening purposes.

WHEREAS, the Board of County Commissioners of Palm Beach County hereby finds that the aforementioned use constitutes a use for the community interest and welfare, such real property is required for such use and such real property is not needed for County purposes.

WHEREAS, pursuant to Florida Statute Section 270.11, FDOT has requested that such property be conveyed without reservation of mineral and petroleum rights; and,

WHEREAS, the Board of County Commissioners of Palm Beach County has agreed to convey such property without such a reservation due to the apparent absence of mineral deposits and the fact that such a reservation would inhibit development and reduce the marketability of the property.

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.

Section 2. Authorization to Convey Real Property

The Board of County Commissioners of Palm Beach County shall convey to FDOT, without charge and by County Deed attached hereto and incorporated herein by reference, the real property legally described in such County Deed.

ATTACHMENT #2

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**

SHARON R. BOCK
CLERK & COMPTROLLER

By: _____
Deputy Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

By: _____
Assistant County Attorney

**APPROVED AS TO TERMS AND
CONDITIONS:**

By: Paul Anthony Wong
Department Director

PREPARED BY AND RETURN TO:
PETER BANTING
PALM BEACH COUNTY
PROPERTY & REAL ESTATE MANAGEMENT DIVISION
3200 BELVEDERE ROAD, BUILDING 1169
WEST PALM BEACH, FLORIDA 33406-1544

PARCEL NO. N/A
ITEM/SEGMENT NO. 2290921
SECTION NO. 93210-2515
MANAGING DISTRICT 04
S.R. NO. 7 (U.S. 441)
COUNTY: PALM BEACH

PROPERTY CONTROL NUMBER: A portion of 00-41-47-01-01-001-0010

COUNTY DEED

This Deed is 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 **STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION**, whose legal mailing address is 3400 W. Commercial Boulevard, Ft. Lauderdale, Florida 33309, party of the second part.

WITNESSETH:

That the said party of the first part, for and in consideration of the sum of \$10.00 to it in hand paid by the party of the second part, the receipt and sufficiency of which 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:

See **Exhibit "A"** attached hereto and made a part hereof.

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, FLORIDA,
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

LEGAL DESCRIPTION

EXHIBIT "A"

A PORTION OF TRACTS 50, 51 AND 52, FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 2, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 102 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 1, TOWNSHIP 47 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A FOUND PALM BEACH COUNTY BRASS DISC IN CONCRETE MARKING THE SOUTHEAST CORNER OF SAID SECTION 1; THENCE NORTH 89°14'45" EAST ALONG A LINE AT RIGHT ANGLE FROM THE BASELINE OF SURVEY FOR STATE ROAD 7 (U.S. 441), A DISTANCE OF 1.131 METERS (3.71 FEET) TO A POINT ON SAID BASELINE OF SURVEY AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR SECTION 93210-2515; THENCE NORTH 00°45'15" WEST ALONG SAID BASELINE OF SURVEY, A DISTANCE OF 222.878 METERS (731.23 FEET); THENCE NORTH 01°02'37" WEST CONTINUING ALONG SAID BASELINE OF SURVEY, A DISTANCE OF 327.204 METERS (1,073.50 FEET); THENCE SOUTH 88°57'23" WEST AT A RIGHT ANGLE TO THE LAST DESCRIBED COURSE, A DISTANCE OF 22.860 METERS (75.00 FEET) TO A POINT ON THE WESTERLY EXISTING RIGHT OF WAY LINE FOR SAID STATE ROAD 7 (U.S. 441) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR SECTION 93210-2515; THENCE SOUTH 89°24'40" WEST, A DISTANCE OF 38.102 METERS (125.01 FEET) TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89°24'40" WEST, A DISTANCE OF 12.192 METERS (40.00 FEET); THENCE NORTH 01°02'37" WEST ALONG A LINE 73.152 METERS (240.00 FEET) WEST OF AND PARALLEL WITH SAID BASELINE OF SURVEY, A DISTANCE OF 251.582 METERS (825.40 FEET) TO A POINT ON THE NORTH LINE OF SAID TRACT 50; THENCE NORTH 89°28'49" EAST ALONG SAID NORTH LINE, A DISTANCE OF 12.192 METERS (40.00 FEET) TO A POINT ON SAID WESTERLY EXISTING RIGHT OF WAY LINE FOR STATE ROAD 7 (U.S. 441) AS SHOWN IN OFFICIAL RECORD BOOK 10523, PAGES 1295-1296 SAID PUBLIC RECORDS; THENCE SOUTH 01°02'37" EAST ALONG SAID WESTERLY EXISTING RIGHT OF WAY LINE, A DISTANCE OF 251.567 METERS (825.35 FEET) TO THE POINT OF BEGINNING.

PARCEL CONTAINS 33,014 SQUARE FEET OR 0.7579 ACRES, MORE OR LESS.

NO SEARCH OF THE PUBLIC RECORDS WAS MADE BY THE SIGNING SURVEYOR.


THIS INSTRUMENT WAS PREPARED BY NORMAN J. HOWARD, P.S.M., IN THE OFFICE OF THE COUNTY ENGINEER, 160 AUSTRALIAN AVENUE, SUITE 405, WEST PALM BEACH, FLORIDA, 33406.

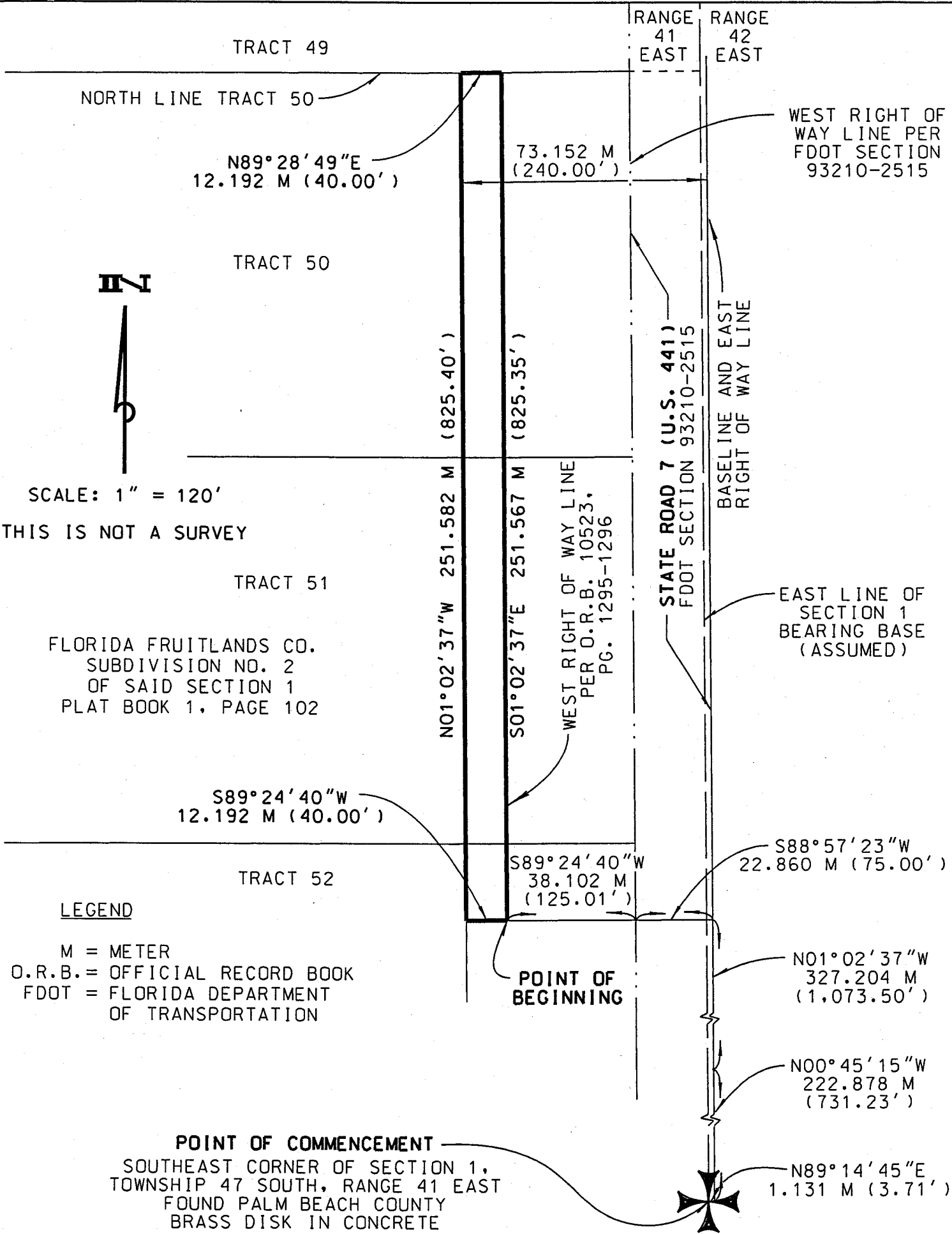
N. Howard

 NORMAN J. HOWARD, P.S.M.
 FLORIDA CERTIFICATE NO. 5776

10-24-06
 DATE

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

| | | | | | | | |
|-------------------------------------|------------|---|---|---|-------------------|--------|----------|
| PROJECT NO. 2006018-10 | SHEET 1 | PROJECT WEST BOCA BRANCH LIBRARY ADDITIONAL RIGHT OF WAY | SCALE: 1" = 100' APPROVED: N.J.H. DRAWN: E.A.O. CHECKED: N.J.H. DATE: 9/07/06 FIELD BOOK NO. | NO. | REVISION | BY | DATE |
| | | | | 1 | REVISE TRACT LINE | N.J.H. | 10/20/06 |
| DESIGN FILE NAME S-1-06-2533.DGN | | DRAWING NO. S-1-06-2533 | |  PALM BEACH COUNTY ENGINEERING AND PUBLIC WORKS ENGINEERING SERVICES 160 AUSTRALIAN AVENUE WEST PALM BEACH, FL 33406 | | | |



Select Year: 2005

The 2005 Florida Statutes

| | | |
|---|--|--|
| <p style="text-align: center;">Title XI COUNTY ORGANIZATION AND INTERGOVERNMENTAL RELATIONS</p> | <p style="text-align: center;">Chapter 125 COUNTY GOVERNMENT</p> | <p style="text-align: center;">View Entire Chapter</p> |
|---|--|--|

125.38 Sale of county property to United States, or state.--If the United States, or any department or agency thereof, the state or any political subdivision or agency thereof, or any municipality of this state, or corporation or other organization not for profit which may be organized for the purposes of promoting community interest and welfare, should desire any real or personal property that may be owned by any county of this state or by its board of county commissioners, for public or community interest and welfare, then the United States, or any department or agency thereof, state or such political subdivision, agency, municipality, corporation or organization may apply to the board of county commissioners for a conveyance or lease of such property. Such board, if satisfied that such property is required for such use and is not needed for county purposes, may thereupon convey or lease the same at private sale to the applicant for such price, whether nominal or otherwise, as such board may fix, regardless of the actual value of such property. The fact of such application being made, the purpose for which such property is to be used, and the price or rent therefor shall be set out in a resolution duly adopted by such board. In case of a lease, the term of such lease shall be recited in such resolution. No advertisement shall be required.

History.--s. 4, ch. 23829, 1947.

Copyright © 1995-2005 The Florida Legislature • [Privacy Statement](#) • [Contact Us](#)

ATTACHMENT # 4

Select Year: 2005

The 2005 Florida Statutes

Title XVIII
PUBLIC LANDS AND PROPERTY

Chapter 270
PUBLIC LANDS

[View Entire Chapter](#)

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;

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String... 11/2/2005

ATTACHMENT # 5