

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:

Conveyance of this property will eliminate the County's ongoing maintenance and liability. *Minimal annual cost*

C. Departmental Fiscal Review: _____

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

[Signature] 8-31-07
 OFMB *[Signature]* 8/30/07
[Signature] 8/31/07
 Contract Development and Control *[Signature]* 9/4/07

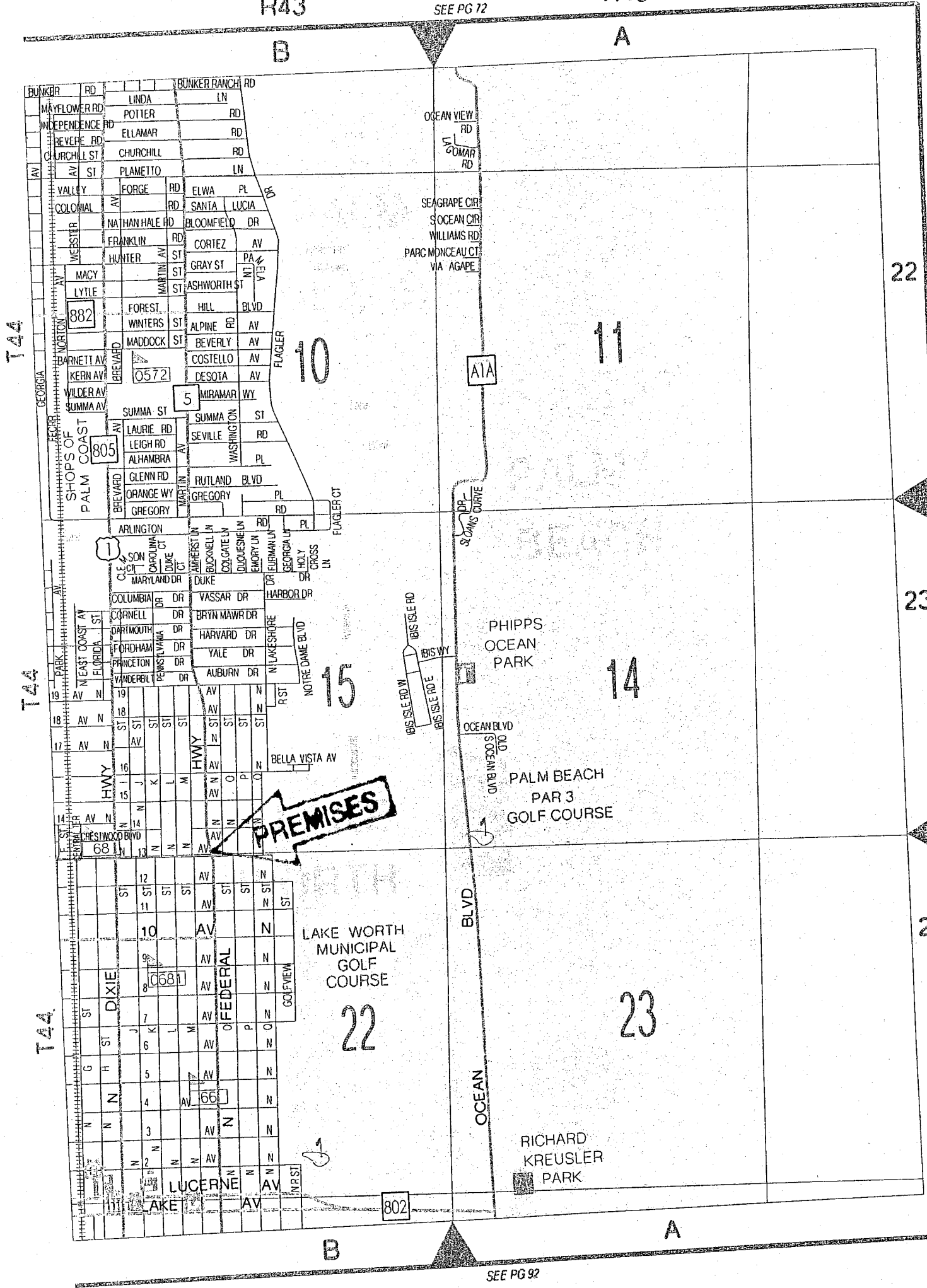
B. Legal Sufficiency:

[Signature] 9/4/07
 Assistant County Attorney

C. Other Department Review:

 Department Director

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



ATTACHMENT #1

LOCATION MAP



RESOLUTION NO. 200__

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY TO THE CITY OF LAKE WORTH, PURSUANT TO FLORIDA STATUTE SECTION 125.38; WITHOUT CHARGE AND WITH MINERAL AND PETROLEUM RIGHTS RESERVATION WITHOUT RIGHTS OF ENTRY AND EXPLORATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Lake Worth, a municipal corporation of the State of Florida ("City"), has made application to the Board of County Commissioners of Palm Beach County requesting that Palm Beach County convey 0.0266 acres of surplus real property to the City for use by the City for public beautification, landscaping, and maintenance purposes; and

WHEREAS, City has been leasing such real property from County pursuant to that certain Lease Agreement for Public Beautification Project in the City of Lake Worth, Florida, dated November 23, 1976, between County and City (R76-1097) (the "Lease Agreement"), as extended for thirty (30) years upon City's exercise of its option to extend by letter dated October 24, 2006; and

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; 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 mineral and petroleum rights; and,

WHEREAS, the Board of County Commissioners of Palm Beach County hereby agrees 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.

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, subject to restrictive covenants and conditions (i) limiting the use of such property to public beautification, landscaping, and maintenance purposes, (ii) reserving an easement for the County for maintenance and operation of a traffic control device, (iii) providing for the County's purchase of the property from the City for One Dollar should County deem the property necessary for another County purpose, and (iv) providing that the Lease Agreement will terminate via the doctrine of merger upon County's delivery of this Deed 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 ROBERT J. KANJIAN
- COMMISSIONER MARY MCCARTY
- COMMISSIONER BURT AARONSON
- COMMISSIONER JESS R. SANTAMARIA

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

SHARON R. BOCK
CLERK & COMPTRROLLER

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

By: _____
Deputy Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

APPROVED AS TO TERMS
AND CONDITIONS

By _____
Assistant County Attorney

By *[Signature]*
Department Director

PREPARED BY AND RETURN TO:
TED A. SIMMONS, PROPERTY SPECIALIST
PALM BEACH COUNTY
PROPERTY & REAL ESTATE MANAGEMENT DIVISION
2633 VISTA PARKWAY
WEST PALM BEACH, FLORIDA 33411-5605

PCN: 38-43-44-15-16-012-0010

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, ("County"), and CITY OF LAKE WORTH, a municipal corporation of the State of Florida, whose legal mailing address is 7 North Dixie Highway, Lake Worth, Florida 33460-3787, ("City").

WITNESSETH:

That County, for and in consideration of the sum of \$10.00 to it in hand paid by City, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained and sold to City, 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
(the "**Property**")

subject to the following reservations and conditions:

1. There is reserved unto County, 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 County hereby expressly releases, any and all rights of entry and rights of exploration relating to such phosphate, mineral, metals and petroleum rights.
2. There is also reserved unto County, its successors and assigns, a perpetual in gross easement in, on, over, under and across the real property legally described in **Exhibit "B"** attached hereto and made a part hereof (the "**Easement Premises**") for access to and construction, installation, operation and maintenance of a traffic control device, which easement shall include the right at any time to install, alter, improve, enlarge, add to, change the nature or

physical characteristics of, or replace, remove or relocate such facilities in, over, under, through and across the Easement Premises. This easement shall run with the land and encumber and burden the Property.

3. The Property shall be restricted to use by City for the purpose of public beautification, landscaping, and maintenance. In the event that City shall fail to use the Property for such purpose, title to the Property shall automatically revert to County. Upon such automatic reverter, City shall execute and deliver to County a statutory warranty deed upon County's request. The City shall not interfere with the rights reserved by County over the Easement Premises set forth above.

4. Any subsequent conveyance or assignment of the Property shall be subject to prior written consent of County. County shall have the option to purchase the Property from City for the sum of One Dollar (\$1.00) should County deem the Property necessary for another County purpose.

5. The Lease Agreement for Public Beautification Project in the City of Lake Worth, Florida dated November 23, 1976, between County and City (R76-1097), as extended, by which City has leased this Property from County, will terminate via the doctrine of merger upon County's delivery of this County Deed to City.

IN WITNESS WHEREOF, County 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

EXHIBIT "A"
(the premises)

LEGAL DESCRIPTION

THAT PORTION OF LOT ONE (1), BLOCK TWELVE (12) OF THE PALM BEACH FARMS COMPANY PLAT OF NORTH LAKE WORTH, AS RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF PALM BEACH COUNTY, FLORIDA, IN BOOK OF PLATS 5, PAGE 49, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT ONE (1), BLOCK TWELVE (12), NORTH LAKE WORTH, PLAT BOOK 5, PAGE 49, PUBLIC RECORDS PALM BEACH COUNTY, FLORIDA, LYING EAST OF THE RIGHT OF WAY FOR STATE ROAD NO. 4 (NOW KNOWN AS STATE ROAD 5/FEDERAL HIGHWAY), RECORDED IN DEED BOOK 588, PAGE 499,

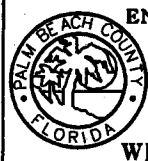
PARCEL CONTAINS 1,158 SQUARE FEET OR 0.0266 ACRES.

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

THIS INSTRUMENT PREPARED BY NORMAN J. HOWARD P.S.M., IN THE OFFICE OF THE COUNTY ENGINEER 2300 NORTH JOG ROAD, PALM BEACH COUNTY, FLORIDA, 33411-2745.

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

3-22-07
DATE

PROJECT NO. 2007009-22	SHEET: 1 OF: 2	PROJECT:	NO.	REVISION	BY	DATE
		DESCRIPTION SKETCH OF LOT 1, BLOCK 12 PLAT OF NORTH LAKE WORTH				
DESIGN FILE NAME S-1-07-2658.DGN	DRAWING NO. S-1-07-2658	SCALE: 1" = 30'	APPROVED: N.J.H.	DATE: 3/21/07	 PALM BEACH COUNTY ENGINEERING AND PUBLIC WORKS ENGINEERING SERVICES 2300 NORTH JOG ROAD WEST PALM BEACH, FL 33411	
			DRAWN: E.A.O.	FIELD BOOK NO.: N/A		
			CHECKED: W.C.E.			

THIS IS NOT A SURVEY

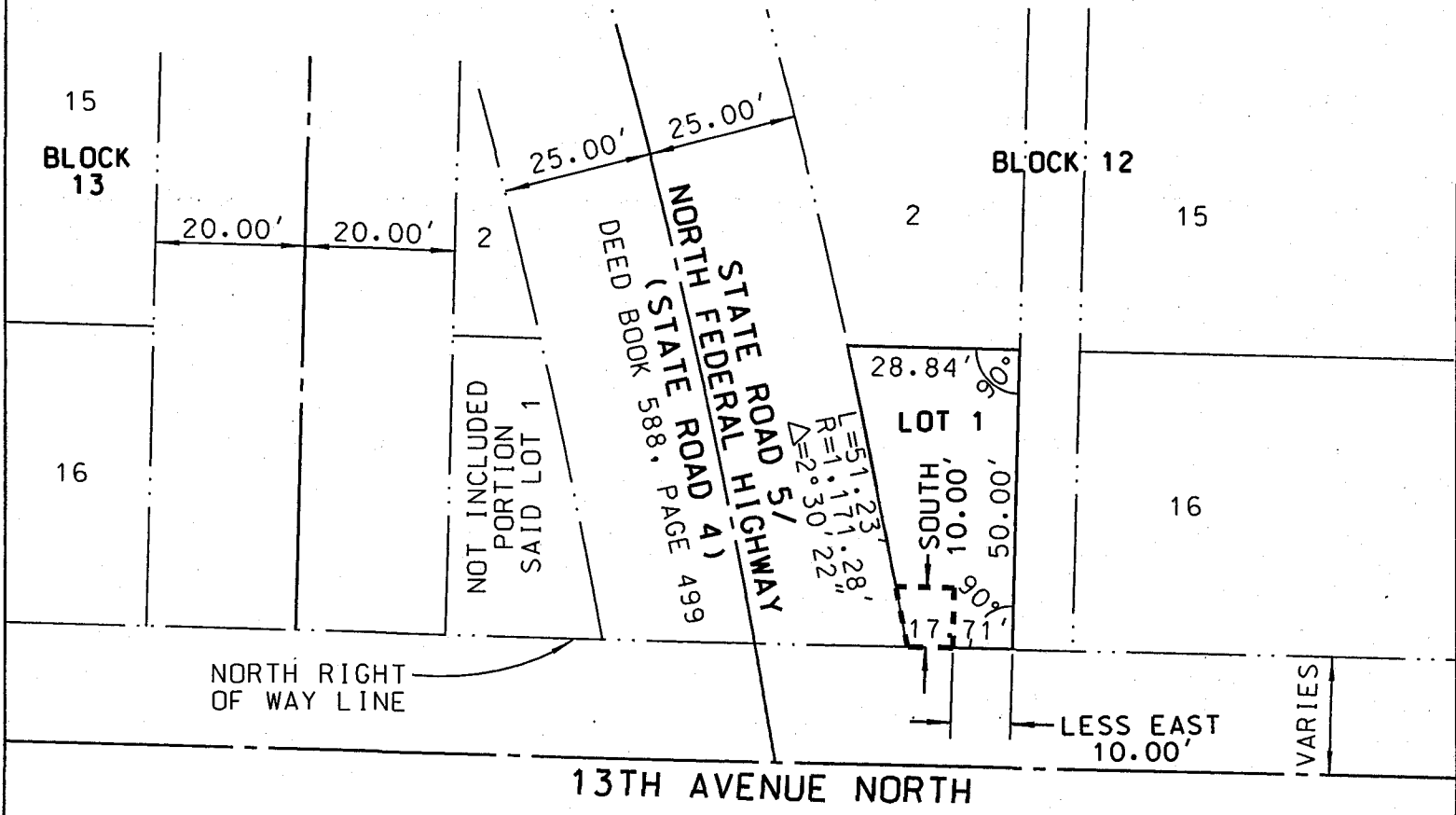
LEGEND

- R = RADIUS
- △ = CENTRAL ANGLE
- L = ARC LENGTH



SCALE: 1" = 30'

PALM BEACH FARMS COMPANY
 PLAT OF NORTH LAKE WORTH
 BOOK OF PLATS 5, PAGE 49



A PORTION OF LOT 1, BK 12.

THIS IS NOT A SURVEY

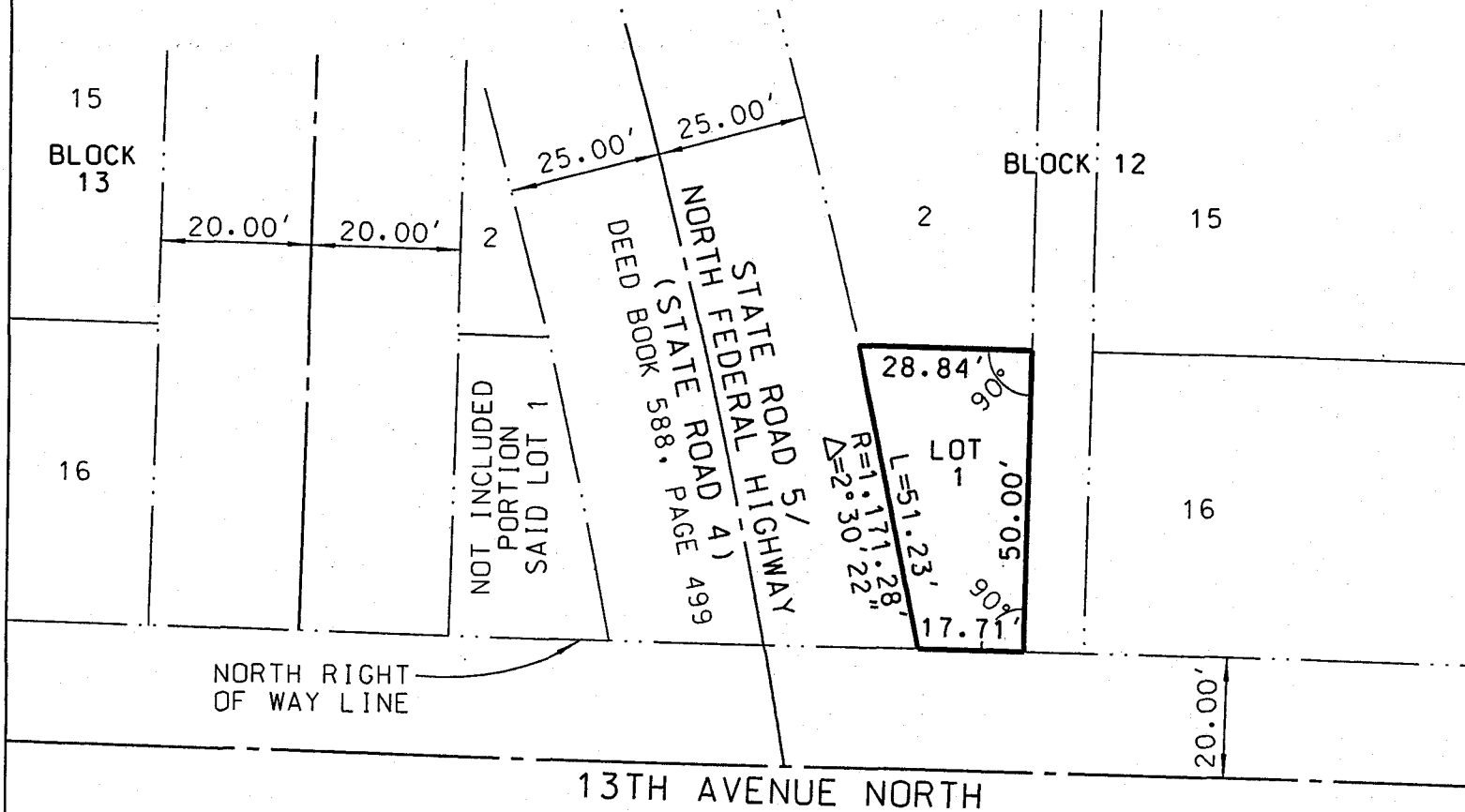
LEGEND

- R = RADIUS
- △ = CENTRAL ANGLE
- L = ARC LENGTH



SCALE: 1" = 30'

PALM BEACH FARMS COMPANY
 PLAT OF NORTH LAKE WORTH
 BOOK OF PLATS 5, PAGE 49





City of **LAKE WORTH**

**7 NORTH DIXIE HIGHWAY
LAKE WORTH, FLORIDA 33460-3787**

www.lakeworth.org

Where the Tropics Begin

OFFICE OF THE
CITY MANAGER

TELEPHONE: (561) 586-1630
FAX: (561) 586-1798

October 24, 2006

Mr. Russ C. Hering
Director, Property and Real Estate Management Division
3200 Belvedere Road, BLDG 1169
West Palm Beach, FL. 33406-1544

Subject: Lease Agreement for Public Beautification between Palm Beach County and
The City of Lake Worth dated November 23, 1976 regarding PCN: 38-43-44-
15-16-012-0010 (the Lease)

Dear Mr. Hering,

At the City's Commission meeting on October 17, 2006, the Commission passed Resolution Number 42-2006 expressing our interest in renewing the existing 30 year lease on a piece of County property located at 13th Avenue North and Federal Highway within the confines of Lake Worth. A signed copy of the Resolution is enclosed.

The Commission also directed me to inquire as to if the piece of property could be deeded permanently to Lake Worth, as the County has not had use for it during at least the last thirty years.

Sincerely,

Paul C. Boyer, Jr.
City Manager

cc: Richard C. Bogatin
Manager, Property Management

ATTACHMENT #4

RESOLUTION NO. 42-2006 OF THE CITY OF LAKE WORTH, FLORIDA, REQUESTING THAT PALM BEACH COUNTY EXECUTE AN ADDITIONAL 30 YEAR LEASE AS PROVIDED FOR IN SECTION 1 OF THE EXISTING LEASE FOR COUNTY OWNED PROPERTY AT 13TH AVENUE NORTH AND FEDERAL HIGHWAY IN THE CITY OF LAKE WORTH, FLORIDA; PROVIDING THAT THE COUNTY SHALL HAVE THE RIGHT TO REPURCHASE SAID PROPERTY AT ANY TIME FOR A NOMINAL SUM; PROVIDING AN EFFECTIVE DATE.

WHEREAS, certain realty located at the intersection of 13th Avenue North and S.R. 5 (Federal Highway), owned by Palm Beach County, a political subdivision of the State of Florida, is not presently needed by the County for any public purpose and is currently being leased by the City of Lake Worth on a 30 year lease, said property being:

Lot 1 (excluding S.R. 5 Right-of-Way), and that portion of Lot 2 lying to the west of the S.R. 5 Right-of-Way, all in Block 12, according to the plat of NORTH LAKE WORTH, recorded in the public records of Palm Beach County, Florida in Plat Book 5, Page 49.

and,

WHEREAS, it is the desire of the City Commission that this property, lying within the municipal boundaries of the City of Lake Worth, Florida, be maintained for the benefit and enjoyment of the residents of this area of the City; and

WHEREAS, the City of Lake Worth has provided the beautification landscaping and maintenance necessary for such project, provided the County will authorize such work by transferring its interest in the property to the City for such limited purpose; and,

WHEREAS, the existing lease executed on November 23, 1976 for a 30 year period and allows an extension of that lease for an additional 30 years;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF LAKE WORTH, FLORIDA, that:

Section 1. The City Commission does hereby request that the Board of County Commissioners of Palm Beach County execute another Deed for the aforesaid property to the City of Lake Worth, such Deed to provide that the City shall use this property exclusively for the purpose of beautification landscaping and maintenance by the City.

Said Deed may contain a reverter clause to operate in the event the City shall fail to so use the property, and may further provide that the County shall have the option of repurchase of the property for a nominal sum of ONE DOLLAR (\$1.00) should the use of the property by the County be deemed necessary by the County for any public purpose.

Select Year: 2006

The 2006 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; s. 1, ch. 86-205; s. 1, ch. 86-257; s. 9, ch. 2001-256.

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<http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App...> 7/18/2007

ATTACHMENT # 5

Select Year: 2006

Go

The 2006 Florida Statutes

Title XI
COUNTY ORGANIZATION AND
INTERGOVERNMENTAL RELATIONS

Chapter 125
COUNTY
GOVERNMENT

[View Entire
Chapter](#)

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.

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