

6D-1

Agenda Item #:

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

Meeting Date:	July 22, 2008	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Regular
		<input type="checkbox"/> Ordinance	<input type="checkbox"/> Public Hearing

Department:	Facilities Development & Operations
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I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to:

- A) **adopt** a resolution authorizing the conveyance of the County's interest in a 142 square foot parcel of County-owned land in Boynton Beach to Southern Homes of Palm Beach, LLC, for \$3,703.36 with reservation of mineral and petroleum rights, but without rights of entry and exploration; and
- B) **approve** a County Deed in favor of Southern Homes of Palm Beach, LLC.

Summary: The County acquired a 2.94 acre parcel of submerged land underlying Three Finger Canals in unincorporated Boynton Beach by Tax Deed in May 1971. The canals are located along the Intracoastal Waterway in Boynton Beach between Turner Road and Bamboo Lane. The assessed value of the County's entire parcel is \$891. The County has previously sold 115 square feet to the Anya Group in August of 2005 for \$3,000 (26.08/sf) (R2005-1333) and a 414 square foot parcel to Patricia H. Mikulec in March of 2008 for \$10,797.12 (\$26.08/sf) (R2008-0464). This property is being sold to the Southern Homes of Palm Beach, LLC for \$3,703.36 (\$26.08/sf) without competitive bidding under the alternative disposition procedures established by Ordinance 2002-067. This requires a finding by the Board that Southern Homes of Palm Beach, LLC is "the only person capable of reasonably utilizing the property for the use which the Board has determined to be the highest and best use of the property." Staff recommends this finding to ensure that Southern Homes of Palm Beach, LLC as the adjacent upland riparian lot owner, retains access to the canal immediately behind its lots. The County will retain mineral rights in accordance with Florida Statutes Section 270.11, but will not retain rights of entry and exploration. (PREM) District 4 (HJF)

Background and Policy Issues: The County acquired title to 2.94 acres of submerged lands underlying Three Finger Canals by Tax Deed in May 1971. The three canals are between Turner Road on the south and Bamboo Lane Circle to the north. This 142 square foot parcel is located on the west end of the middle canal. The canals were dredged in connection with the development of a small residential subdivision and provide waterfront access to the adjoining lot owners. No provision was made for ownership and management/maintenance of the canals and the property went to tax foreclosure and ultimately escheated to the County. There are numerous minor encroachments out into the canals and most of the adjoining owners have docks and pilings extending into the canals. Southern Homes bought up the land along the north side of this middle canal and created a new subdivision. Southern Homes paid \$20.13/sf for the land. The land is currently assessed at \$136/sf. Staff is recommending that the property be sold for the same price as the other parcels to be consistent in the treatment of the various property owners.

Attachments:

1. Location Map
2. Resolution
3. County Deed

Recommended By:

Department Director

Date

Approved By:

County Administrator

Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2008	2009	2010	2011	2012
Capital Expenditures					
Operating Costs					
External Revenues	(\$3,703.36)				
Program Income (County)					
In-Kind Match (County)					
NET FISCAL IMPACT	(\$3,703.36)				
# ADDITIONAL FTE POSITIONS (Cumulative)	0				

Is Item Included in Current Budget: Yes _____ No X

Budget Account No: Fund 0001 Dept 410 Unit 4240 Object 6422
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:

Atwillwhite 7-11-08
OFMB CC 28 7/10/08 7/11/08 CN 7/10/08

John F. Webster
Contract Development and Control
7/11/08

This item complies with current
County policies.

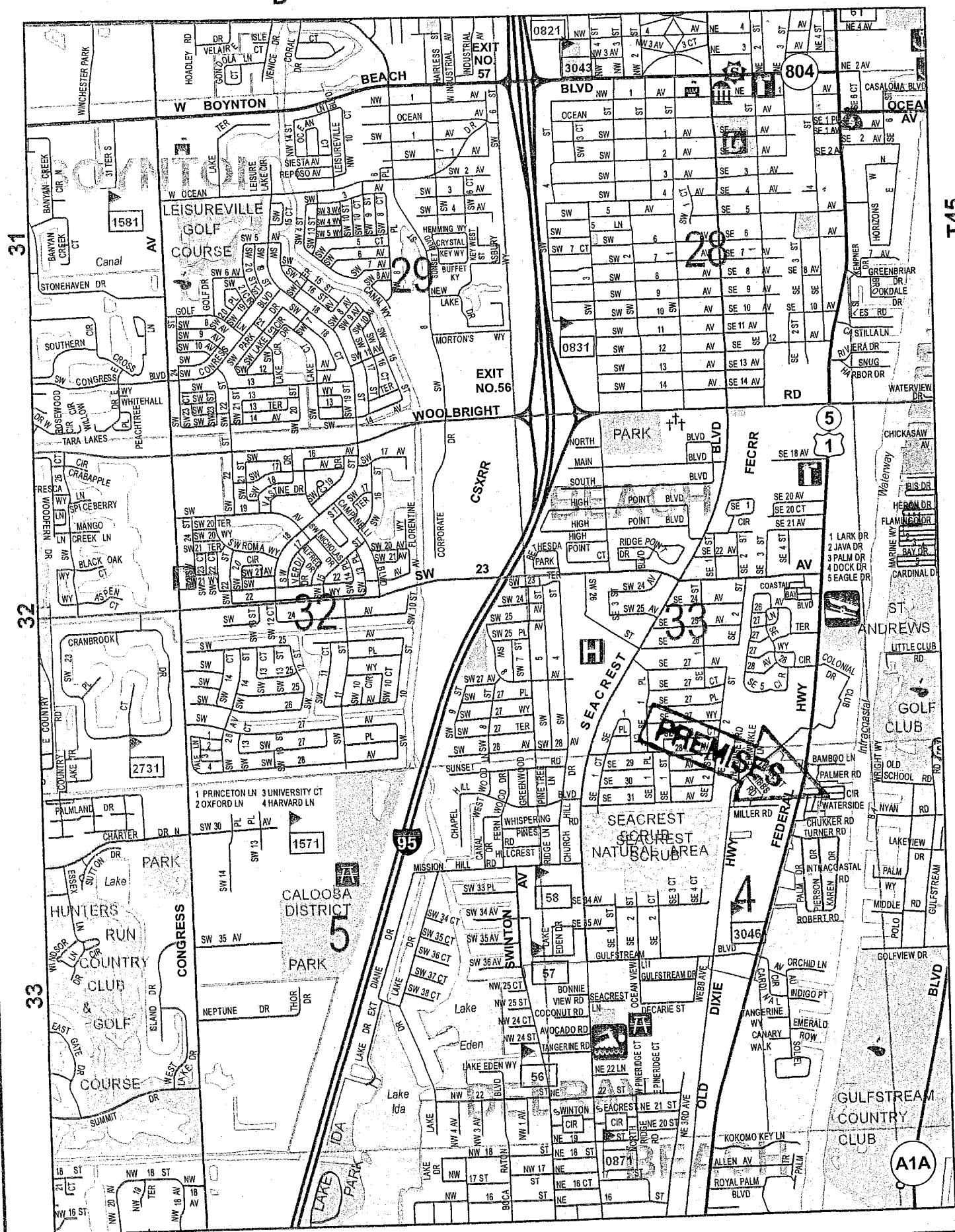
B. Legal Sufficiency:

AF Jal 7/14/08
Assistant County Attorney

C. Other Department Review:

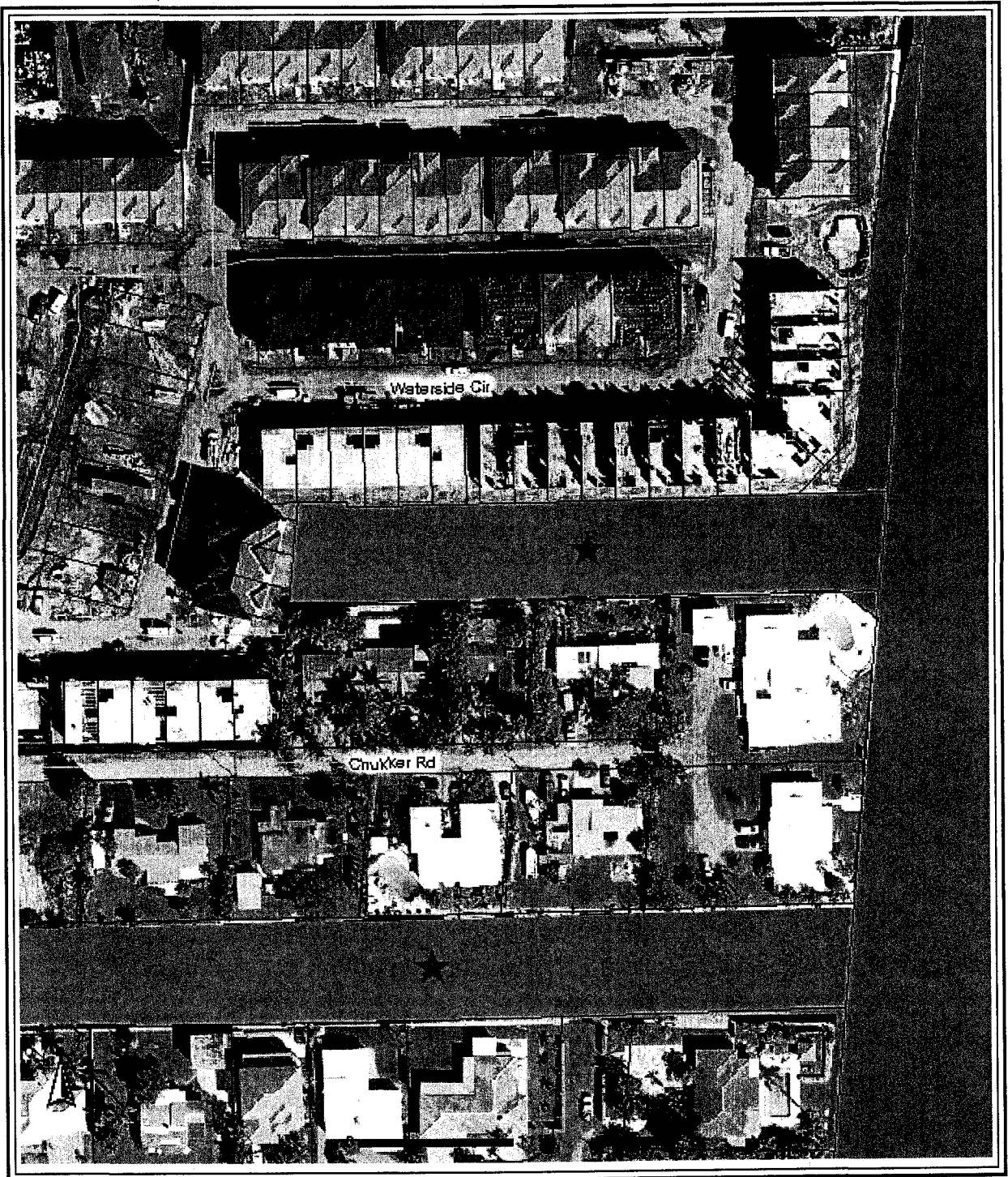
Department Director

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



ATTACHMENT # /

LOCATION MAP



Map Scale 1:1327

Map produced on 7/3/2008

RESOLUTION NO. 2008 - ____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY TO SOUTHERN HOMES OF PALM BEACH, LLC FOR THREE THOUSAND SEVEN HUNDRED THREE AND 36/100 DOLLARS (\$3,703.36), WITH MINERAL AND PETROLEUM RIGHTS RESERVATION AND WITHOUT RIGHTS OF ENTRY AND EXPLORATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the County owns a 2.94+/- acre parcel of real property consisting of both submerged lands and upland real property ("County Parcel"), located east of Federal Highway and south of Woolbright Road in unincorporated Palm Beach County; and

WHEREAS, part of the County Parcel is a rectangular strip of real property approximately 4.08 feet wide x 35 feet long which contains 142 +/- square feet (approximately .003 acres)(the "Surplus Parcel"), located between the submerged lands and adjoining upland property owned by Southern Homes of Palm Beach, LLC ("Southern Homes"); and

WHEREAS, Southern Homes has requested that County convey the Surplus Parcel to it; and

WHEREAS, the Board of County Commissioners of Palm Beach County hereby finds that the highest and best use of the Surplus Parcel is to combine it with the adjoining upland property; and

WHEREAS, the Board of County Commissioners of Palm Beach County hereby finds that due to the size and location of the Surplus Parcel, Southern Homes is the only one capable of utilizing the Surplus Parcel for its highest and best use; and

WHEREAS, the Board desires to sell such Surplus Parcel to Southern Homes; and

WHEREAS, pursuant to Florida Statute Section 270.11, Southern Homes has requested that such property be conveyed without reservation of and that the County release all 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, minerals, 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 Southern Homes of Palm Beach, LLC, for Three Thousand Seven Hundred Three and 36/100 Dollars (\$3,703.36) pursuant to the County Deed attached hereto and incorporated herein by reference, the real property legally described in such Deed.

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 _____, 200__.

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: Robert Anthony Worf
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, FL 33411-5605

PCN: a portion of 00-43-46-04-00-001-0030

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 **SOUTHERN HOMES OF PALM BEACH, LLC**, a Florida limited liability company, whose legal mailing address is 12895 SW 132 Street, Suite 200, Miami, FL 33186, "Grantee".

WITNESSETH:

That County, for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00) to it in hand paid by Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to Grantee, her heirs 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.

Reserving, however, unto County, its successors and assigns, an undivided three-fourths ($\frac{3}{4}$) interest in, and title in and to an undivided three-fourths ($\frac{3}{4}$) 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 ($\frac{1}{2}$) 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.

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

G:\Property Mgmt Section\Dispositions\Boynton canal 01-2005\Southern Homes\County Deed.001.HFapp.062408.doc

EXHIBIT "A"

DESCRIPTION:

A PORTION OF AN UNNAMED CANAL LAYING IN SECTION 4, TOWNSHIP 46 SOUTH, RANGE 43 EAST, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 51, "WATERSIDE VILLAGE P.U.D." ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 106, PAGES 195 AND 196 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, THENCE S89°18'46"W, ALONG THE SOUTHERLY BOUNDARY OF SAID LOT 51, A DISTANCE OF 13.01 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S89°18'46"W, ALONG SAID SOUTHERLY BOUNDARY AND ITS WESTERLY EXTENSION, 35.00 FEET TO THE EASTERLY BOUNDARY OF TRACT A OF SAID PLAT "WATERSIDE VILLAGE P.U.D."; THENCE N05°26'06"E, ALONG THE EASTERLY BOUNDARY OF SAID TRACT A, 4.08 FEET TO THE SOUTHERLY BOUNDARY OF LOT 50 OF SAID PLAT; THENCE N89°18'46"E ALONG THE SOUTHERLY BOUNDARY OF SAID LOT 50 AND 51, A DISTANCE OF 35.00 FEET; THENCE S05°26'06"W ALONG THE BOUNDARY OF SAID LOT 51, A DISTANCE OF 4.08 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING IN PALM BEACH COUNTY, FLORIDA, CONTAINING 142 SQUARE FEET (0.003 ACRE) MORE OR LESS.

CANAL RIGHT-OF-WAY

