

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: September 9, 2008 [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 the County's interest in a 0.41 acre vacant parcel of County-owned land located north of Summit Boulevard and west of Haverhill Road in unincorporated Palm Beach County to Piper's Cay Association, Inc., a Florida not-for-profit corporation, for \$30,000 with reservation of mineral and petroleum rights, but without rights of entry and exploration; and
- B) approve a County Deed in favor of Piper's Cay Association, Inc.

Summary: The County acquired an 18 feet wide x 976 feet long (0.41 acre) undevelopable strip of vacant land in unincorporated Palm Beach County by Tax Deed in February 1998. The parcel is located north of Summit Boulevard and west of Haverhill Road. This strip was incorporated into the platted landscape buffer of the Piper's Cay PUD by the Developer in error. The parcel was deemed surplus as it served no present or future County purpose. The assessed value of the parcel in 2005 was \$324. In accordance with F.S. Section 125.35(2), notice of the County's intent to sell this land was sent to adjacent property owners who were given the opportunity to bid on this parcel. As Piper's Cay was the only respondent, negotiations resulted in a \$30,000 (\$73,172/acre) offer. This price was calculated on the basis of the per acre price paid by the Developer in 2004 for its adjoining land. Piper's Cay will pay documentary stamps and recording costs, and accept the property in "AS IS" condition. Staff recommends the sale of this parcel as it will: (i) lessen the County's potential liability and maintenance responsibilities and, (ii) return the parcel to the tax roll. The County will retain mineral rights in accordance with F.S. Section 270.11, but will not retain rights of entry and exploration. (PREM)

District 6 (HJF)

Background and Justification: The County acquired title to this property by Tax Deed in February, 1998. Piper's Cay, LLC, acquired 18.620 acres for development of the Piper's Cay Condominiums in November, 2004. They paid \$1,400,000 (\$75,188/acre). Piper's Cay thought the County's property was included in their acquisition. In December, 2005, Piper's Cay mistakenly included the County's property in the plat of Piper's Cay. The attorney who examined title for the Developer as part of the platting process had certified that Piper's Cay, LLC, held title to all of the property included in the plat. Upon discovery of the error, Staff had numerous discussions with the Developer and its representatives about resolution of the issue. It would be impossible at this point to remove the County's property from the development as development has been completed and units have been sold. As a result of negotiations, the Developer's title insurer, Attorney's Title Insurance Fund, Inc., offered to settle the matter for \$30,000 on behalf of its insured. Attorney's Title requested that the County convey the property to Piper's Cay Association, Inc., as the successor to Piper's Cay, LLC. The assessed value of the County Property in 2005, the last time the property was assessed for tax purposes, was \$324. In accordance with F.S. Section 125.35(2), notice of the County's intent to sell this land was sent to adjacent property owners who were given the opportunity to bid on this parcel. As Piper's Cay was the only respondent, and as Piper's Cay acquired property adjacent to this parcel in 2004 for approximately \$75,188/acre, Staff recommends the Board accept Piper's Cay \$30,000 offer.

Attachments:

- 1. Location Map
- 2. Resolution
- 3. County Deed
- 4. Florida Statute Section 125.35(2)

Recommended By: [Signature] Department Director Date: 8/9/08
Approved By: [Signature] County Administrator Date: 8/25/08

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2008	2009	2010	2011	2012
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	(\$30,000)	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>(\$30,000)</u>	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

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:

Atwillhite 8-18-08
 OFMB
 (WD) 8/15
 8/15

8/18/08
 Contract Development and Control

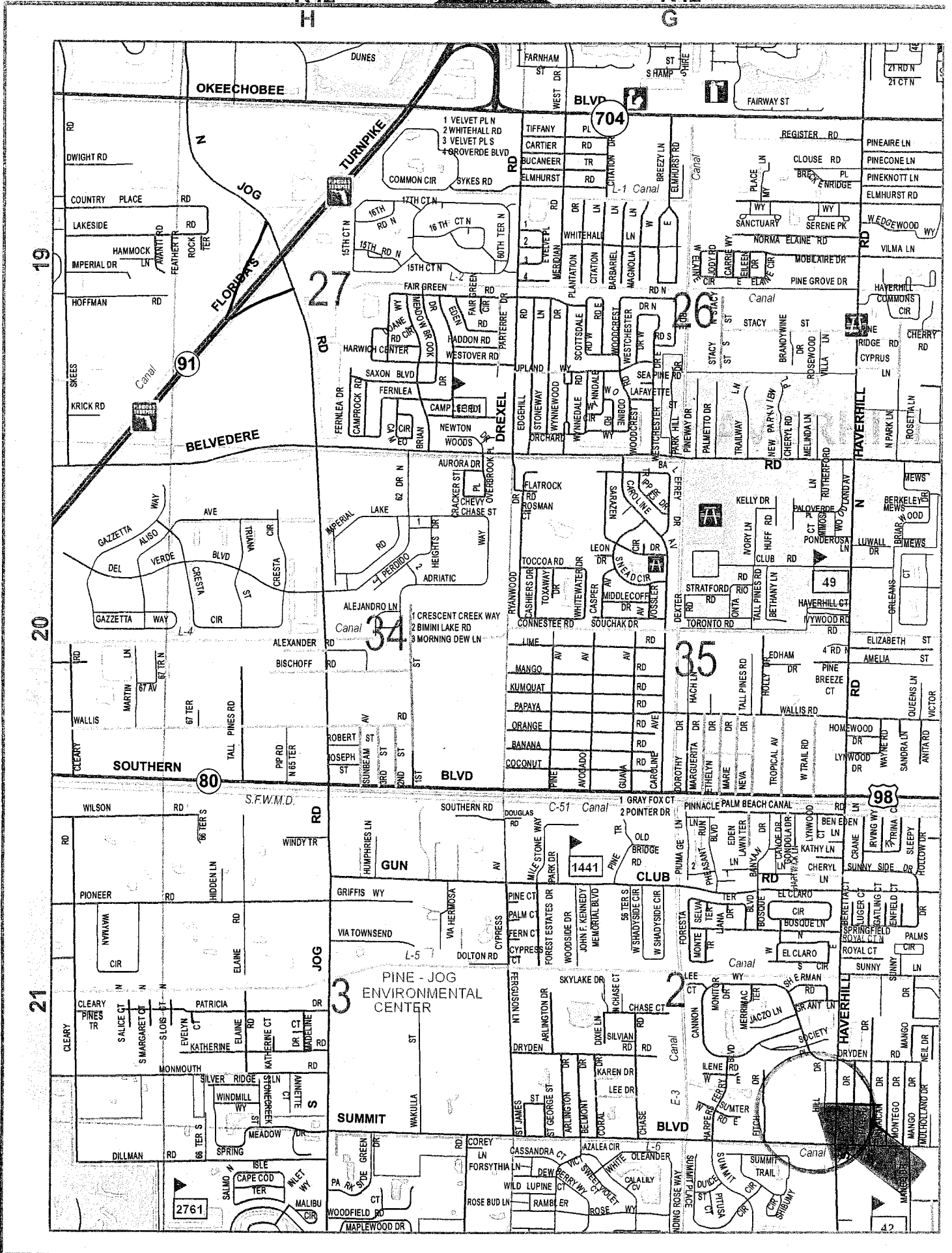
B. Legal Sufficiency:

8/21/08
 Assistant County Attorney

C. Other Department Review:

 Department Director

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



LOCATION MAP

ATTACHMENT # 1



RESOLUTION NO. 2008-

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY TO PIPER'S CAY ASSOCIATION, INC., PURSUANT TO FLORIDA STATUTE SECTION 125.35(2); FOR THIRTY THOUSAND AND NO/100 DOLLARS (\$30,000.00), WITH MINERAL AND PETROLEUM RIGHTS RESERVATION AND WITHOUT RIGHTS OF ENTRY AND EXPLORATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the County owns a surplus parcel of real property containing 0.41 +/- acres located north of Summit Boulevard and west of Haverhill Road in unincorporated Palm Beach County;

WHEREAS, the Board of County Commissioners of Palm Beach County hereby finds that such property is of insufficient size and shape to be issued a building permit for any type of development to be constructed on such property;

WHEREAS, the Board of County Commissioners hereby finds that such property is of use only to the adjacent property owners due to its size, shape, location and value;

WHEREAS, the County sent notice of its intent to sell such parcel to owners of adjacent property by certified mail and only received notice from Piper's Cay Association, Inc., of its desire to purchase such property;

WHEREAS, the Board desires to affect a private sale of such property to Piper's Cay Association, Inc., a Florida not-for-profit corporation, pursuant to Florida Statute Section 125.35(2);

WHEREAS, pursuant to Florida Statute Section 270.11, Piper's Cay Association, Inc., 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 Piper's Cay Association, Inc., for Thirty Thousand and no/100 Dollars (\$30,000.00) 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: Anthony Wolf
Department Director

G:\Property Mgmt Section\Dispositions\Pipers Cay - Rathbun\Resolution.002.HFapp.072908.sks.doc

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: none currently assigned
Closing Date:
Purchase Price: \$30,000.00

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 **PIPER'S CAY ASSOCIATION, INC.**, a Florida not-for-profit corporation, whose legal mailing address is c/o Wellington Management, 3461-B Fairlane Farms Road, Wellington, Florida 33414, "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, its successors and assigns forever, the following described land lying and being in Palm Beach County, Florida:

MODEL LAND CO SUB, W 18 FT OF E ½ OF TR 21 (LESS N 20 FT RD R/W) & W 18 FT OF E ½ OF TR 22 (LESS S 320 FT). THE ABOVE BEING THE REAL PROPERTY DESCRIBED UNDER TAX CERTIFICATE NUMBER 4349 IN THE TAX DEED RECORDED IN OFFICIAL RECORD BOOK 10252, PAGE 1750, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

Reserving, however, unto County, its successors and assigns, an undivided three-fourths (¾) interest in, and title in and to an undivided three-fourths (¾) 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 (½) 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

Select Year: 2007

The 2007 Florida Statutes

Title XI
COUNTY ORGANIZATION AND
INTERGOVERNMENTAL RELATIONS

Chapter 125
COUNTY
GOVERNMENT

[View Entire
Chapter](#)

125.35 County authorized to sell real and personal property and to lease real property.--

(1)(a) The board of county commissioners is expressly authorized to sell and convey any real or personal property, and to lease real property, belonging to the county, whenever the board determines that it is to the best interest of the county to do so, to the highest and best bidder for the particular use the board deems to be the highest and best, for such length of term and such conditions as the governing body may in its discretion determine.

(b) Notwithstanding the provisions of paragraph (a), the board of county commissioners is expressly authorized to:

1. Negotiate the lease of an airport or seaport facility;
2. Modify or extend an existing lease of real property for an additional term not to exceed 25 years, where the improved value of the lease has an appraised value in excess of \$20 million; or
3. Lease a professional sports franchise facility financed by revenues received pursuant to s. [125.0104](#) or s. [212.20](#);

under such terms and conditions as negotiated by the board.

(c) No sale of any real property shall be made unless notice thereof is published once a week for at least 2 weeks in some newspaper of general circulation published in the county, calling for bids for the purchase of the real estate so advertised to be sold. In the case of a sale, the bid of the highest bidder complying with the terms and conditions set forth in such notice shall be accepted, unless the board of county commissioners rejects all bids because they are too low. The board of county commissioners may require a deposit to be made or a surety bond to be given, in such form or in such amount as the board determines, with each bid submitted.

(2) When the board of county commissioners finds that a parcel of real property is of insufficient size and shape to be issued a building permit for any type of development to be constructed on the property or when the board of county commissioners finds that the value of a parcel of real property is \$15,000 or less, as determined by a fee appraiser designated by the board or as determined by the county property appraiser, and when, due to the size, shape, location, and value of the parcel, it is determined by the board that the parcel is of use only to one or more adjacent property owners, the board may effect a private sale of the parcel. The board may, after sending notice of its intended action to owners of adjacent property by certified mail, effect a sale and conveyance of the parcel at private sale without receiving bids or publishing notice; however, if, within 10 working days after receiving such mailed notice, two or more owners of adjacent property notify the board of their desire to purchase the parcel, the board shall accept sealed bids for the parcel from such property owners and may convey such parcel to the highest bidder or may reject all offers.

(3) As an alternative to subsections (1) and (2), the board of county commissioners may by ordinance prescribe disposition standards and procedures to be used by the county in selling and conveying any real or personal property and in leasing real property owned by the county. The standards and procedures must provide at a minimum for:

(a) Establishment of competition and qualification standards upon which disposition will be determined.

http://www.flsenate.gov/Statutes/index.cfm?p=2&App_mode=Display_Statute&Search_String=&URL... 7/21/2008

ATTACHMENT # 4

(b) Reasonable public notice of the intent to consider disposition of county property and the availability of copies of the standards. Reasonableness of the notice is to be determined by the efficacy and efficiency of the means of communication used.

(c) Identification of the form and manner by which an interested person may acquire county property.

(d) Types of negotiation procedures applicable to the selection of a person to whom county properties may be disposed.

(e) The manner in which interested persons will be notified of the board's intent to consider final action at a regular meeting of the board on the disposition of a property and the time and manner for making objections.

(f) Adherence in the disposition of real property to the governing comprehensive plan and zoning ordinances.

History.--s. 1, ch. 23829, 1947; s. 1, ch. 70-388; s. 1, ch. 77-475; s. 1, ch. 81-87; s. 1, ch. 83-100; s. 1, ch. 86-105; s. 2, ch. 89-103; s. 2, ch. 95-416; ss. 1, 2, ch. 99-190; s. 1, ch. 2001-252; ss. 56, 79, ch. 2002-402.

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