

3H-7

Agenda Item #:

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY

<b>Meeting Date:</b>	February 3, 2009	<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Regular
		<input type="checkbox"/> Ordinance	<input type="checkbox"/> Public Hearing
<b>Department:</b>	Facilities Development & Operations		

**I. EXECUTIVE BRIEF**

**Motion and Title: Staff recommends motion to:**

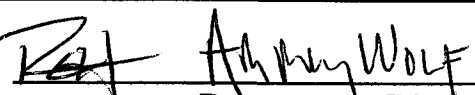
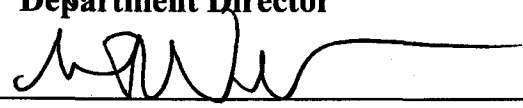
- A) adopt a resolution authorizing the conveyance of the County’s interest in five (5) properties totaling .53 acres of surplus property to the City of West Palm Beach without charge and with reservation of mineral and petroleum rights, but without rights of entry and exploration; and
- B) approve five (5) County Deeds in favor of the City of West Palm Beach.

**Summary:** The City of West Palm Beach has requested the conveyance of six (6) parcels of County-owned surplus properties, acquired by tax deeds in 2005 and 2006. One (1) parcel is being retained for future consideration of a conveyance to the Community Land Trust of Palm Beach County (CLT). The five (5) parcels to be conveyed total 0.53 acres and are located within the City’s municipal boundaries and have a total assessed value of \$193,408. 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 properties have been declared surplus as they serve no present or future County purpose. The property located at 1102 Adams Street, identified as parcel 3 on the Disposition Summary, is improved with a house and shed. The City proposes to utilize the properties for housing, landscaping or community-related programs and is aware of the house on Adams Street. Staff believes that these properties will be more appropriately developed, managed and maintained by the City. Housing & Community Development has reviewed this conveyance and has no objections. This conveyance will relieve the County of potential liability for occurrences on these properties and also the cost of continued maintenance. The County will retain mineral and petroleum rights in accordance with Section 270.11, F.S., without rights of entry and exploration. **(PREM) District 7 (HJF)**

**Background and Justification:** The five (5) unimproved parcels escheated to the County between 2005 and 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, surplus County property which provides little opportunity to further a County function. Staff feels strongly that the most cost effective method to dispose of these parcels is to convey them at no cost to the City, as the municipality is in a better position to determine how this property should be used and maintained. These conveyances will relieve the County of potential liability for occurrences on these properties and also the cost of continued maintenance. Housing & Community Development (HCD) has reviewed these conveyances and has no objections. HCD informed PREM that the CLT was interested in two (2) parcels, which include the parcel at 904 7<sup>th</sup> Street, identified as parcel 5 on the Disposition Summary. This parcel is encumbered with code enforcement liens totaling approximately \$395,000. As a result, the CLT is only interested in the one (1) parcel, which will be brought back to the Board for approval at a later date.

**Attachments:**

- |                        |   |
|------------------------|---|
| 1. Location Map        | 5. Letter of request from the City          |
| 2. Disposition Summary | 6. HCD Memo dated September 8, 2008         |
| 3. Resolution          | 7. Florida Statutes Sections 197.592(3) and |
| 4. County Deeds        | 270.11                                      |

<b>Recommended By:</b>	<u></u> Department Director	<u>1/12/09</u> Date
<b>Approved By:</b>	<u></u> County Administrator	<u>1/26/08</u> Date

**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

Fiscal Years	2009	2010	2011	2012	2013
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	<del>*</del> - 0 -	- 0 -	- 0 -	- 0 -	- 0 -
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget: Yes \_\_\_\_\_ No \_\_\_\_\_

Budget Account No: Fund \_\_\_\_\_ Dept \_\_\_\_\_ Unit \_\_\_\_\_ Object \_\_\_\_\_

**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:**

*[Signature]* 1.21.09  
 OEMB  
 (140) CP 1/15/09  
 1/16/09

*[Signature]* 1/21/09  
 Contract Development and Control

This item complies with current County policies.

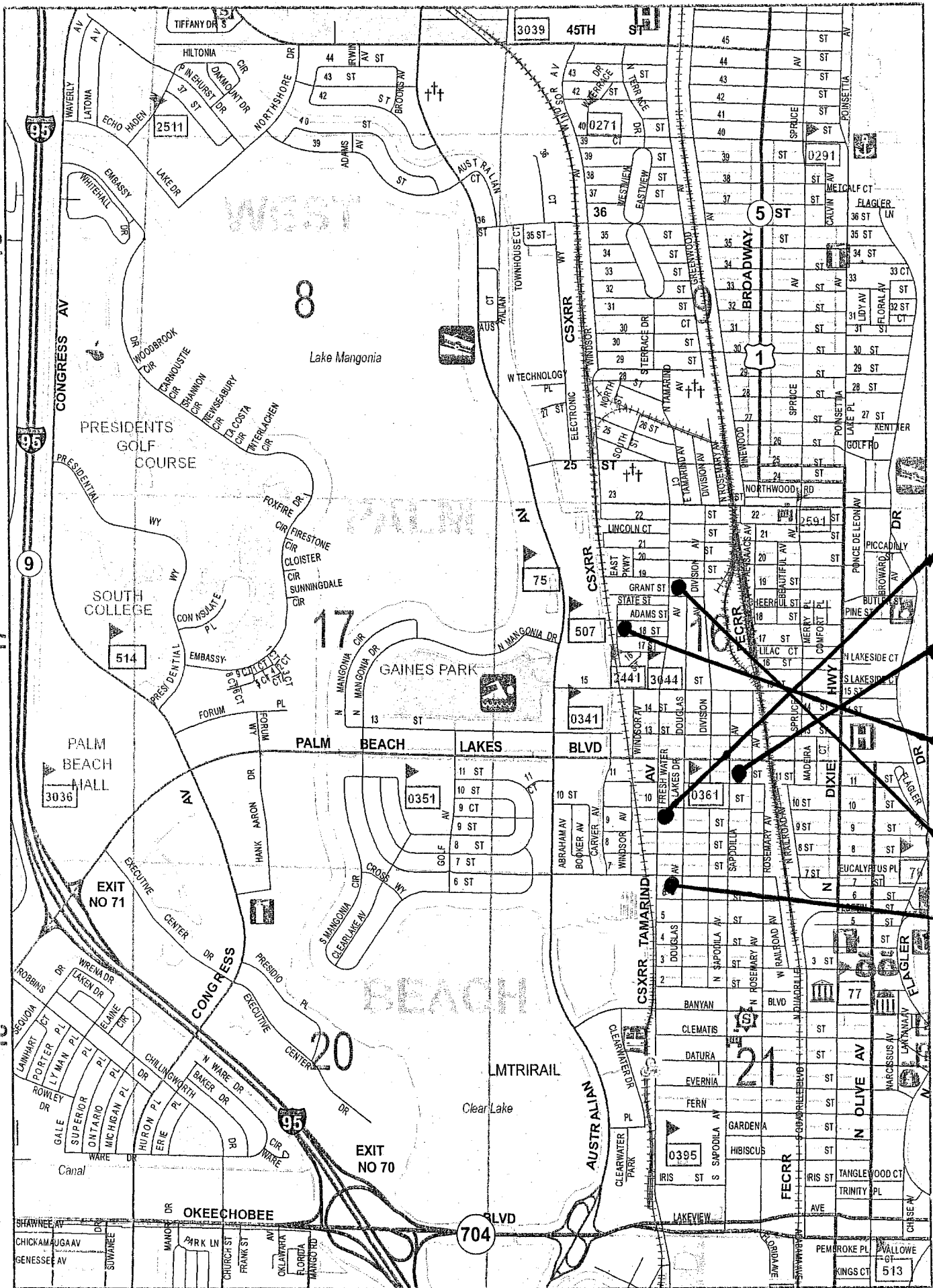
**B. Legal Sufficiency:**

*[Signature]* 1/23/09  
 Assistant County Attorney

**C. Other Department Review:**

\_\_\_\_\_  
 Department Director

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



T43

PARCEL # 1

PARCEL # 2

PARCEL # 3

PARCEL # 4

PARCEL # 5

T43

ATTACHMENT #1

LOCATION MAP



# DISPOSITION VII SUMMARY

November 2008

NO	PCN	SUBDIVISION	STREET ADDRESS	ACRES	2008 ASSESSED VALUE	ACQUIRED BY	BOOK/PAGE NUMBER	MO/YR RECORDED
1.	74-43-43-16-01-014-0071	FRESHWATER ADD. TO WPB AMENDED	1028 North Tamarind Avenue	.08	10,238	TAX DEED	ORB 19095/1519	August 2005
2.	74-43-43-16-01-021-0102	FRESHWATER ADD. TO WPB AMENDED	11 <sup>TH</sup> Street	.08	22,426	TAX DEED	ORB 19861/0952	January 2006
3.	74-43-43-16-08-000-0640	TAMARIND PARK	1102 Adams Street	.08	69,741	TAX DEED	ORB 18628/0626	May 2005
4.	74-43-43-16-10-010-0090	WASHINGTON HEIGHTS	19 <sup>th</sup> Street	.13	31,397	TAX DEED	ORB 18634/0602	May 2005
5.	74-43-43-21-06-006-0030	CLOWS ADDITION TO WPB	904 7 <sup>TH</sup> Street	.16	59,606	TAX DEED	ORB 19930/0387	Feb. 2006
			<b>TOTALS</b>	<b>.53</b>	<b>\$ 193,408</b>			

G:\Property Mgmt Section\Dispositions\WPBVII\DispositionSummaryNovember2008.docx

ATTACHMENT # 2

**RESOLUTION NO. R-2009-**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY TO THE CITY OF WEST PALM BEACH PURSUANT TO FLORIDA STATUTE SECTION 197.592 (3) 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 five (5) properties within the municipal boundaries of the City of West Palm Beach which were 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 lands have not been previously sold, have not been acquired for infill housing, have 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 of West Palm Beach 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 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.

**Section 2. Authorization to Convey Real Property**

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

**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 JOHN F. KOONS, CHAIRMAN
- COMMISSIONER BURT AARONSON, VICE CHAIRMAN
- COMMISSIONER KAREN T. MARCUS
- COMMISSIONER SHELLEY VANA
- COMMISSIONER
- COMMISSIONER JESS R. SANTAMARIA
- COMMISSIONER ADDIE L. GREENE

The Chair thereupon declared the resolution duly passed and adopted this \_\_\_\_ day of \_\_\_\_\_, 2009.

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: Richard Anthony Wolf  
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, FL 33411-5605

PCN: 74-43-43-16-01-014-0071  
Closing Date: \_\_\_\_\_  
Purchase Price: \$-0

## 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 the CITY OF WEST PALM BEACH, a Florida municipal corporation, whose legal mailing address is 202 2<sup>nd</sup> Street, West Palm Beach, Florida 33401-4799, "City".

### WITNESSETH:

That County, for and in consideration of the sum of Ten and 00/100 (\$10.00) Dollars to it in hand paid by City, the receipt whereof is 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:

AMENDED PLAT OF FRESHWATER ADD, N 65 FT OF LT 7, BLK 14 [THE ABOVE BEING THE REAL PROPERTY DESCRIBED UNDER TAX CERTIFICATE NUMBER 18331 IN THE TAX DEED RECORDED IN OFFICIAL RECORD BOOK 19095, PAGE 1519, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

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 Chairman or Vice Chairman 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: \_\_\_\_\_  
John F. Koons, Chairman

**APPROVED AS TO FORM**  
**AND LEGAL SUFFICIENCY**

(OFFICIAL SEAL)

By: \_\_\_\_\_  
Assistant County Attorney

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: 74-43-43-16-01-021-0102  
Closing Date: \_\_\_\_\_  
Purchase Price: \$-0

## 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 the CITY OF WEST PALM BEACH, a Florida municipal corporation, whose legal mailing address is 202 2<sup>nd</sup> Street, West Palm Beach, Florida 33401-4799, "City".

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AMENDED PLAT OF FRESHWATER ADD, W ½ OF LOT 10, BLK 21 [THE ABOVE BEING THE REAL PROPERTY DESCRIBED UNDER TAX CERTIFICATE NUMBER 26218 IN THE TAX DEED RECORDED IN OFFICIAL RECORD BOOK 19861, PAGE 0952, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA].

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.

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**SHARON R. BOCK**  
**CLERK & COMPTROLLER**

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

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
John F. Koons, Chairman

**APPROVED AS TO FORM**  
**AND LEGAL SUFFICIENCY**

(OFFICIAL SEAL)

By: \_\_\_\_\_  
Assistant County Attorney



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: 74-43-43-16-08-000-0640

Closing Date: \_\_\_\_\_

Purchase Price: \$-0

## COUNTY DEED

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### WITNESSETH:

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TAMARIND PARK, LT 64 [THE ABOVE BEING THE REAL PROPERTY DESCRIBED UNDER TAX CERTIFICATE NUMBER 18509 IN THE TAX DEED RECORDED IN OFFICIAL RECORD BOOK 18628, PAGE 0626, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA].

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.

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### ATTEST:

**SHARON R. BOCK**  
**CLERK & COMPTROLLER**

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

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
John F. Koons, Chairman

**APPROVED AS TO FORM**  
**AND LEGAL SUFFICIENCY**

(OFFICIAL SEAL)

By: \_\_\_\_\_  
Assistant County Attorney

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: 74-43-43-16-10-010-0090

Closing Date: \_\_\_\_\_

Purchase Price: \$-0

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WASHINGTON HEIGHTS, LT 9, BLK 10 [THE ABOVE BEING THE REAL PROPERTY DESCRIBED UNDER TAX CERTIFICATE NUMBER 18572 IN THE TAX DEED RECORDED IN OFFICIAL RECORD BOOK 18634, PAGE 0602, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA].

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.

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### ATTEST:

**SHARON R. BOCK**  
**CLERK & COMPTROLLER**

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

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
John F. Koons, Chairman

**APPROVED AS TO FORM**  
**AND LEGAL SUFFICIENCY**

(OFFICIAL SEAL)

By: \_\_\_\_\_  
Assistant County Attorney

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: 74-43-43-21-06-006-0030

Closing Date: \_\_\_\_\_

Purchase Price: \$-0

## 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 the CITY OF WEST PALM BEACH, a Florida municipal corporation, whose legal mailing address is 202 2<sup>nd</sup> Street, West Palm Beach, Florida 33401-4799, "City".

### WITNESSETH:

That County, for and in consideration of the sum of Ten and 00/100 (\$10.00) Dollars to it in hand paid by City, the receipt whereof is 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:

CLOWS ADDITION LT 3, BLK 6 [THE ABOVE BEING THE REAL PROPERTY DESCRIBED UNDER TAX CERTIFICATE NUMBER 26846 IN THE TAX DEED RECORDED IN OFFICIAL RECORD BOOK 19930, PAGE 0387, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA].

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.

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### ATTEST:

**SHARON R. BOCK**  
**CLERK & COMPTROLLER**

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

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
John F. Koons, Chairman

**APPROVED AS TO FORM**  
**AND LEGAL SUFFICIENCY**

(OFFICIAL SEAL)

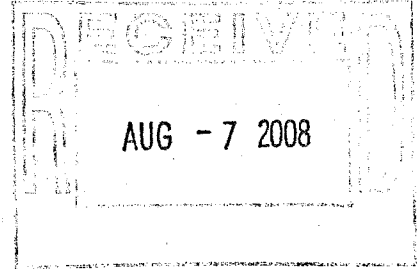
By: \_\_\_\_\_  
Assistant County Attorney

The  
City  
of  
West Palm Beach



*"The Capital City of the Palm Beaches"*

Department of Housing & Community Development  
200 2<sup>nd</sup> Street, 2<sup>nd</sup> Floor  
West Palm Beach, Florida 33401  
Tel: 561/822-1250  
Fax: 561/822-1268



August 4, 2008

Ross Hering, Director  
Property and Real Estate Management Division  
2633 Vista Parkway  
West Palm Beach, Florida 33411

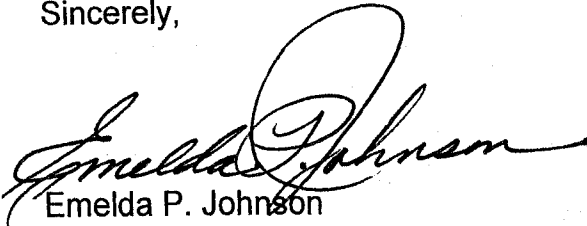
Dear Mr. Hering:

The City of West Palm Beach is interested in obtaining ownership of six (6) properties located within the municipal boundaries of West Palm Beach as detailed on the attached summary. As noted by PREM staff, these parcels were acquired by the County via Tax Deeds.

In addition, the City requests that the County deed these properties to the City of West Palm Beach free of any restrictions. The City plans to utilize these properties for housing, landscaping or other programs that are suitable for the particular parcel.

If you have any questions, please contact Charles Durkin, Housing Finance Manager at 561-822-1259.

Sincerely,

  
Emelda P. Johnson  
Director

*"Equal Opportunity Employer"*

**ATTACHMENT #5**

**INTEROFFICE COMMUNICATIONS**  
**PALM BEACH COUNTY**  
Housing and Community Development

TO: Samara J. Cooper, Assistant Director  
Property and Real Estate Management

FROM: Edward W. Lowery, Director *EWL*  
of Housing and Community Development

DATE: September 8, 2008

RE: **Conveyance of six (6) Properties to the City of  
West Palm Beach**

=====

In response to your August 20, 2008 memorandum, please be advised that the Community Land Trust of Palm Beach County (CLTPBC) is interested in two (2) of the properties identified in your August 20, 2008 memorandum. As you know, the CLTPBC was created by our Board of County Commissioners to create and preserve affordable housing opportunities here in Palm Beach County.

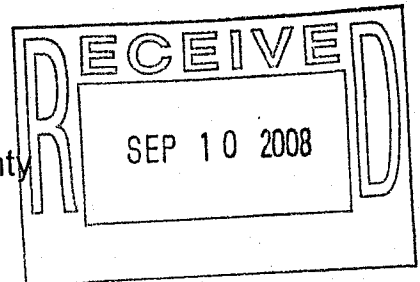
The CLTPBC has inspected all of the properties listed and determined that they are interested in possessing the two (2) properties identified below:

1. 818~ 8<sup>th</sup> Street West Palm Beach  
PCN#: 74-43-43-16-01-003-0050
2. 904~7<sup>th</sup> Street West Palm Beach  
PCN: 74-43-43-21-06-0006-0030

Please be advised as to how we can facilitate the transfer of title of the above identified properties to the CLTPBC. I can be reached directly at 233-3602.

Thank You.

cc: Cindee LaCourse-Blum, Director  
of Community Land Trust of Palm Beach County



**ATTACHMENT #6**

# FLORIDA STATUTE 197.592 (3)

## **Title XIV**

### **TAXATION AND FINANCE**

## **Chapter 197**

### **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. 85-342; s. 7, ch. 86-141; s. 6, ch. 99-190.

**Note.**--Former ss. 194.471, 197.655, 197.302.

**ATTACHMENT # 7**

# **FLORIDA STATUTE 270.11**

**Title XVIII**  
PUBLIC LANDS AND PROPERTY

**Chapter 270**  
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) 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 such 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 upon submission by the local government, water management district, or agency of the state which owns the parcel of 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.