

AGENDA ITEM SUMMARY

Meeting Date: January 12, 2010

[X] Consent

☐ **Regular**

[] Ordinance

[] Public Hearing

Department: Facilities Development & Operations

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: a Declaration of Public Purpose acknowledging that a 3.65 acre parcel of land conveyed to the City of Boynton Beach (City) may be used for the development of a public school.

Summary: In May of 1977, the Board approved the conveyance of 3.65 acres of land to the City (R77-458). The property is located north of Boynton Beach Boulevard and East of I-95 on Galaxy Way within the municipal boundaries of the City. The County Deed contained a reverter restricting use to public purposes. The property is currently used as a City Park and provides recreation facilities for the Galaxy Elementary School located adjacent to and east of the City Park. The City and the School Board are in the process of planning the redevelopment of the City Park parcel and the Galaxy Elementary School. The plan is to construct the new school on the Park, tear down the old school, and replace the recreation facilities on the old school site. This Declaration of Public Purpose affirms that the use of the City Park parcel for use as a public school is consistent with the public purpose use restriction contained in the County Deed and such use will not trigger a reverter of the parcel to the County. This Declaration of Public Use will be recorded in the Public Records of Palm Beach County.

(PREM) District 7 (HJF)

Background and Justification: This Declaration of Public Purpose was requested by the City to confirm that use of the property for a public school is consistent with the public purpose use restriction and that such use will not trigger a reverter to the County. The School Board and the City are in the process of entering into an agreement whereby the City Park parcel will be used by the School Board for the construction of the Galaxy Elementary School replacement facility and property owned by the School Board located north of the existing Galaxy Elementary School will be used as the replacement site for the City Park.

Attachments:

1. Location Map
2. Declaration of Public Purpose

Recommended By: Rest Army Wuf 12/11/09
Department Director Date

Approved By: Chris Chris 12/2/09
County Administrator Date

Recommended By:

Department Director

12/11/09

Date _____

Approved By:

County Administrator

14/2/07

Date _____

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2010	2011	2012	2013	2014
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<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:

Jan Dula 12-21-09
OFMB 12/17/09

Ann J. Jacobson 12/19/09
Contract Development and Control

DM
12-17-09

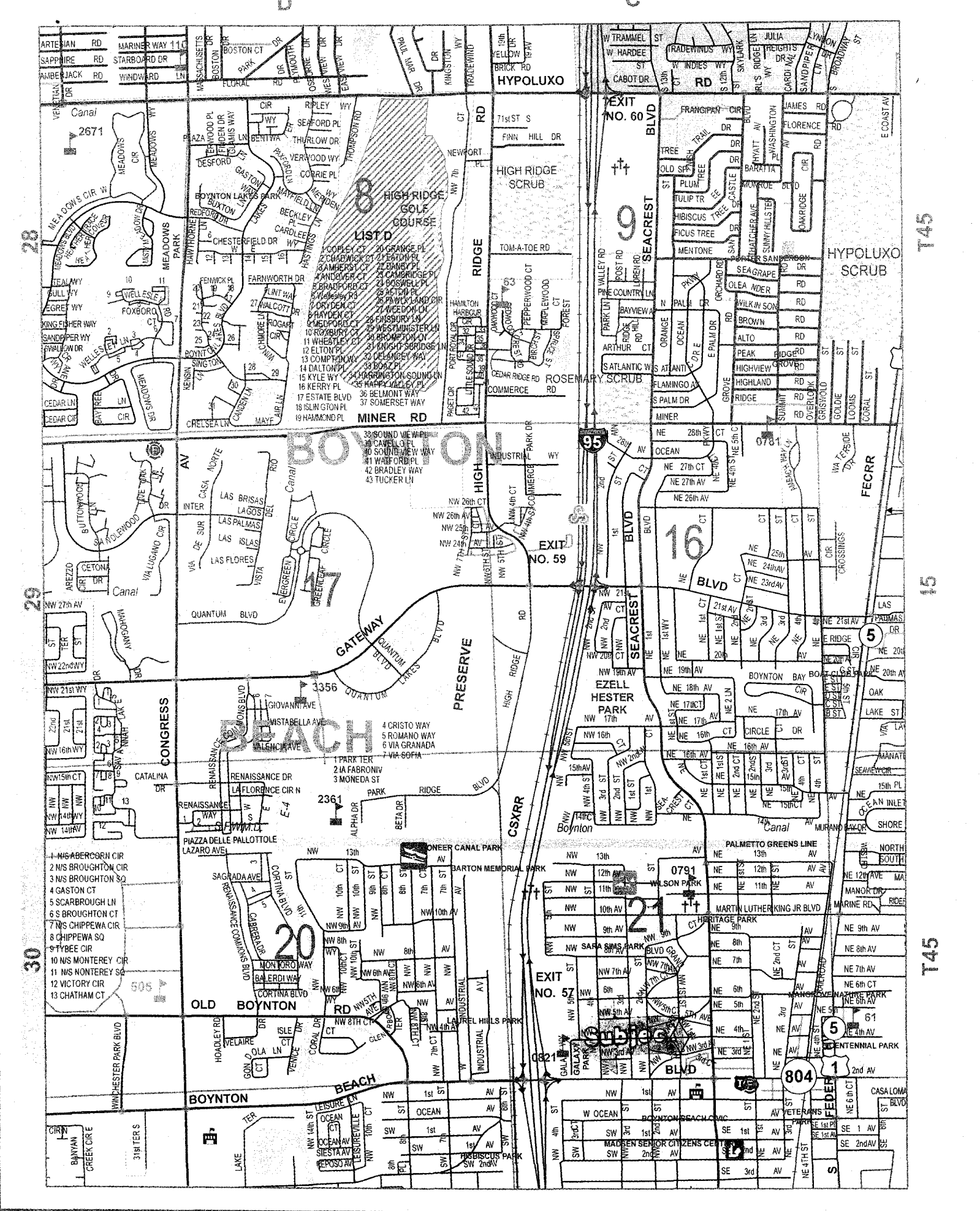
B. Legal Sufficiency:

12/23/09
Assistant County Attorney

C. Other Department Review:

Department Director

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



LOCATION MAP

Handwritten signature or initials.

PREPARED BY AND RETURN TO:
Samara J. Cooper, Business & Community
Agreements Manager
PALM BEACH COUNTY
PROPERTY & REAL ESTATE MANAGEMENT DIVISION
2633 Vista Parkway
West Palm Beach, FL 33411-5605

PCN: 08-43-45-21-00-000-7030

DECLARATION OF PUBLIC PURPOSE

THIS DECLARATION OF PUBLIC PURPOSE 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).

WITNESSETH

WHEREAS, the County conveyed to the City of Boynton Beach (City) by virtue of that certain County Deed dated May 17, 1977 and recorded in July 12, 1977 in Official Records Book 2706 at Page 999 of the Public Records of Palm Beach County, Florida title to the following described land lying and being in Palm Beach County, Florida:

The East ½ of the Southeast ¼ of the Southwest ¼ of the Southwest ¼ of Section 21, Township 45 South, Range 43 East LESS those parcels conveyed to the State of Florida Department of Transportation as recorded in official Record Book 1374, Page 495 and Official Record Book 2226, Page 1037, Public Records of Palm Beach County, Florida.

WHEREAS, the County Deed contained a reverter clause which provided that in the event the Property is not used for a public purpose for a period of sixty (60) consecutive months, the Property shall automatically revert to the County; and

WHEREAS, the Property has been utilized by the City since 1977 as a City Park which is consistent with a public purpose; and

WHEREAS, the City and the Palm Beach County School Board (School Board) have agreed that it is in the best interests of the citizens and residents of the City to rebuild and expand Galaxy Elementary School which is located on a parcel immediately adjacent to the Property; and

WHEREAS, the proposed expansion of Galaxy Elementary School entails a redesign and relocation of the existing school which requires the utilization of the Property as a component of the rebuilt and redesigned Galaxy Elementary School; and

WHEREAS, the City and County have agreed to allow the School Board to proceed with the redesign and construction of Galaxy Elementary School which will be located on the Property.

NOW, THEREFORE, the County hereby makes this Declaration of Public Purpose and states as follows:

1. **RECITALS.** The recitals set forth above are true and correct and are incorporated herein.

2. **PUBLIC PURPOSE.** This Declaration of Public Purpose is intended and shall be construed as an expression by the Board of County Commissioners of Palm Beach County that the use of the Property is consistent with the intent as evidenced in the language of the County Deed that the Property be used for a public purpose and the redesign and construction of Galaxy Elementary School is consistent with the restriction that the Property be used for a public purpose and such use shall not trigger a reverter to the County.

3. **COVENANT RUNNING WITH THE LAND.** This Declaration of Public Purpose shall be recorded in the Public Records of Palm Beach County, Florida and shall run with the Property described herein and shall be binding on all persons and entities acquiring title to or use of the Property.

4. **WAIVER.** Any failure by Palm Beach County to enforce the restrictive covenant set forth in the County Deed shall not be deemed a waiver of the right to do so thereafter.

5. **EFFECTIVE DATE.** This Declaration of Public Purpose shall become effective when executed by the Board of County Commissioners of Palm Beach County and upon its recordation in the Public Records of Palm Beach County, Florida.

IN WITNESS WHEREOF, County has caused this Declaration of Public Purpose to be executed in its name by its Board of County Commissioners acting by the Chair 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: _____
Burt Aaronson, Chair

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

(OFFICIAL SEAL)

By: 
Assistant County Attorney