

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

Meeting Date:	January 12, 2010	<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Regular	
		<input type="checkbox"/> Ordinance	<input type="checkbox"/> 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 0.16 acre parcel of County-owned land in Pahokee to Christ Fellowship Healing Temple Community Development Corporation, for \$1,000 with reservation of mineral and petroleum rights, but without rights of entry and exploration; and **B) approve** a County Deed in favor of Christ Fellowship Healing Temple Community Development Corporation.

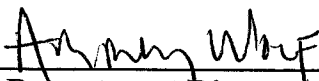

Summary: The County acquired a 0.16 acre parcel of vacant land, located at 798 Joe Lewis Avenue in unincorporated Pahokee, by Tax Deed in July 2006. The parcel was deemed surplus since it serves no present or future County purpose. The assessed value of the parcel is \$4,250. The Christ Fellowship Healing Temple Community Development Corporation (Temple), a not-for-profit corporation, owns the property immediately adjacent to and south of the County-owned vacant parcel. The Temple plans to renovate its facility to provide for community services, such as afterschool programs, job placement referrals, counseling and recreational activities for the elderly. However, the renovations require additional land for the expansion of its facility and for parking. The Temple has requested the conveyance of the County's parcel. Notices were sent to all adjacent owners and the Temple was the only respondent, which offered a purchase price of \$1,000. Pursuant to Section 125.38, Florida Statutes, the County is authorized to convey property to a non-profit organization. The County will retain mineral and petroleum rights in accordance with Section 2701.11, Florida Statutes, but without rights of entry and exploration. Staff recommends the sale of this parcel as it will: (i) lessen the County's potential liability and maintenance responsibilities and, (ii) provide social services to the community. The property is being conveyed to the Temple subject to an automatic reverter should the property not be used in conjunction with the community service activities of the adjacent church, and its successors in title, provided the successor in title is a not-for-profit organization.

(PREM) District 6 (HJF)

Background and Justification: The County acquired title to this property by Tax Deed in July 2006. The 6,969 square foot parcel is located at 798 Joe Lewis Avenue, Pahokee, south of Muck City Road. Christ Fellowship Healing Temple Community Development Corporation (Temple) has entered into a contract for church renovations and construction on the 0.16 acre parcel immediately adjacent to and south of this parcel and required additional land for parking to expand its current facility to provide community services such as; afterschool programs, referrals for job placement, counseling and recreational activities for the elderly. A letter supporting a conveyance of this parcel to the Temple from Mathew Brock, City Manager of Pahokee was received on August 10, 2009. Temple has executed an "As-Is" Agreement, supplied payment of \$1,000 and provided a Beneficial Interest Affidavit identifying it as a nonprofit where no individual person or entity is considered to have a beneficial interest in Christ Fellowship Healing Temple Community Development Corporation.

Attachments:

- | | |
|---------------------------------------|---|
| 1. Location Map | 5. "As-Is" Acknowledgement |
| 2. Resolution | 6. Letter of Support from the City of Pahokee |
| 3. County Deed | 7. Florida Statute Section 125.38 and 270.11 |
| 4. Disclosure of Beneficial Interests | |

Recommended By:		12/11/09	
	Department Director	Date	
Approved By:		12/12/09	
	County Administrator	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	(\$1,000.00)	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	(\$1,000.00)	=====	=====	=====	=====
# 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:

Jim D. Smith 12-21-09 Jim J. Jacobs 12/19/09
OFMB 12/17/09 12-17-09 Contract Development and Control

B. Legal Sufficiency:

H. J. Al 12/23/09
Assistant County Attorney

C. Other Department Review:

Department Director

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

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See pg 133

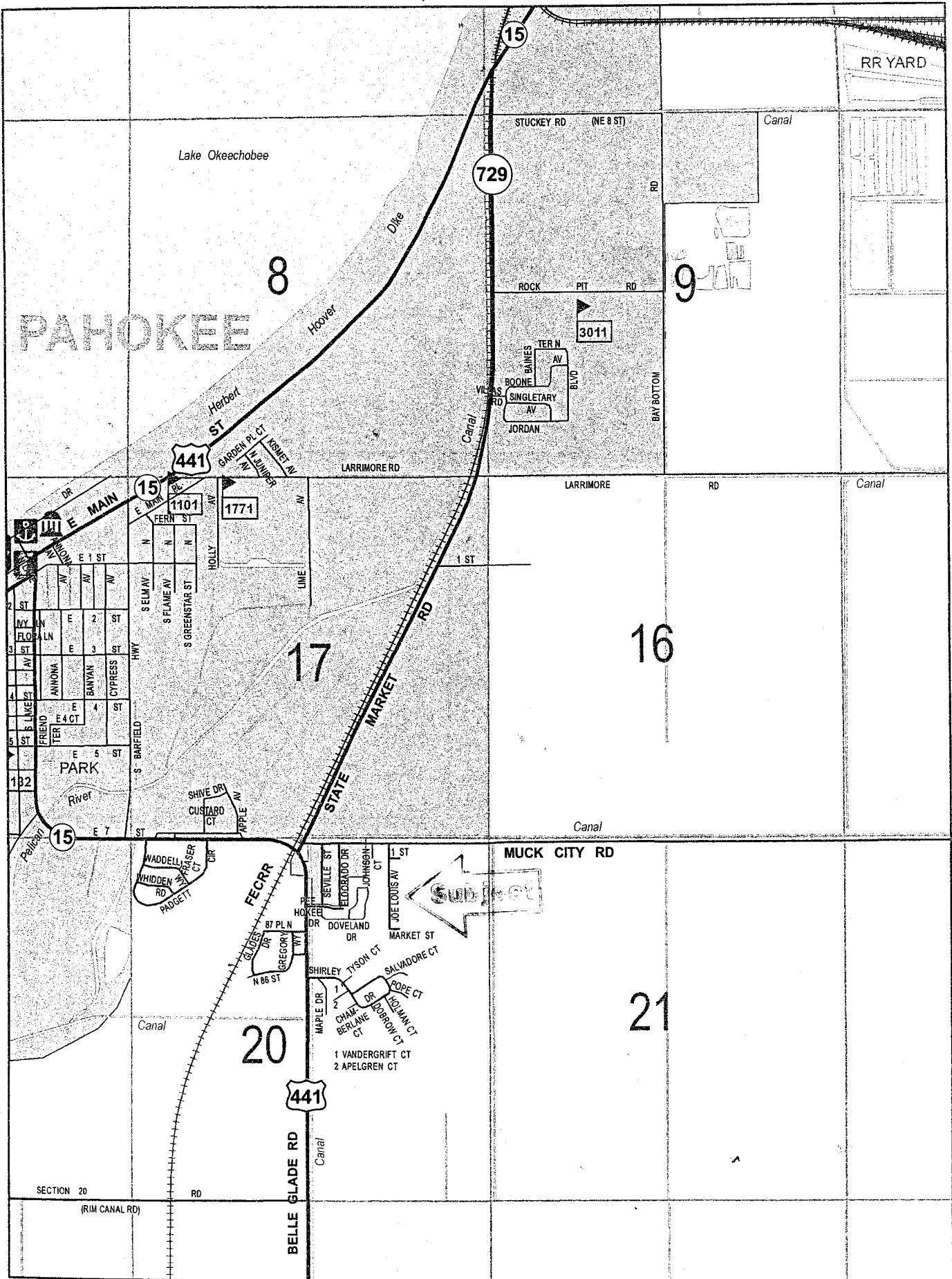
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See pg 138

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LOCATION MAP

ATTACHMENT #1

11

RESOLUTION NO. 201__

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY TO CHRIST FELLOWSHIP HEALING TEMPLE COMMUNITY DEVELOPMENT CORPORATION, PURSUANT TO FLORIDA STATUTE SECTION 125.38, FOR ONE THOUSAND DOLLARS AND WITH MINERAL AND PETROLEUM RIGHTS RESERVATION WITHOUT RIGHTS OF ENTRY AND EXPLORATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Christ Fellowship Healing Temple Community Development Corporation, a Florida nonprofit corporation ("Temple"), has made application to the Board of County Commissioners of Palm Beach County requesting that Palm Beach County convey 0.16 acres of surplus real property to Temple for use by Temple for the purpose of providing services including counseling, job training, afterschool programs, and food and utility assistance, to poor and disadvantaged individuals and families residing in Pahokee and the surrounding area with the goal of assisting residents achieve self-sufficiency.

WHEREAS, the Board of County Commissioners of Palm Beach County hereby finds that Temple, a non-profit organization, is organized for the purpose of promoting community interest and welfare, 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.

WHEREAS, pursuant to Florida Statute Section 270.11, Temple 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 Temple for One Thousand Dollars (\$1000) and by County Deed attached hereto and incorporated herein by reference, the real property legally described in such Deed, subject to a restrictive covenant limiting the use of such real property to those uses that occur in conjunction with the activities of the church located on the adjacent property to the south, or the activities of a successor in title to the adjacent property to the south, provided that the successor in title is a not-for-profit organization organized for the purpose of promoting community interest and welfare that will provide services to and resources for the surrounding community.

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 BURT AARONSON, CHAIR
COMMISSIONER KAREN T. MARCUS, VICE CHAIR
COMMISSIONER JOHN F. KOONS
COMMISSIONER SHELLEY VANA
COMMISSIONER STEVEN L. ABRAMS
COMMISSIONER JESS R. SANTAMARIA
COMMISSIONER PRISCILLA A. TAYLOR

The Chair thereupon declared the resolution duly passed and adopted this

____ day of _____, 201__.

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

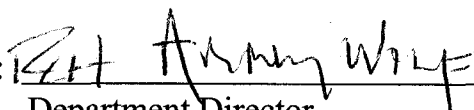
SHARON R. BOCK
CLERK & COMPTROLLER

By: _____
Deputy Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

APPROVED AS TO TERMS
AND CONDITIONS

By: _____
Assistant County Attorney

By: 
Department Director

G:\PROPERTY MGMT SECTION\DISPOSITIONS\PAHOKEE 798 JOE LOUIS AVE\RESOLUTION.002.HF APP.111909.DOCX

PREPARED BY AND RETURN TO:
RICHARD C. BOGATIN
PALM BEACH COUNTY
PROPERTY & REAL ESTATE MANAGEMENT DIVISION
2633 Vista Parkway
West Palm Beach, FL 33411-5605

PCN: 00-37-42-20-02-000-0660
Closing Date: _____
Purchase Price: \$1,000.00

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 Christ Fellowship Healing Temple Community Development Corporation, a Florida nonprofit corporation, whose legal mailing address is 11478 Silk Carnation Way, Royal Palm Beach, Florida 33411, "Grantee".

WITNESSETH:

That County, for and in consideration of the sum of Ten and 00/100 (\$10.00) Dollars 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:

BAILEYS SUB OF TR 5 IN PB18P28 LTS 66 & 67. THE ABOVE BEING THE REAL PROPERTY DESCRIBED UNDER TAX CERTIFICATE NUMBER 255 IN THE TAX DEED RECORDED IN OFFICIAL RECORD BOOK 20583, PAGE 869, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, (the "Property"),

subject to the following reservation, restriction, and conditions:

1. There is reserved 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.

2. The use of the Property shall be restricted to those uses that occur in conjunction with the activities of the church located on the adjacent property to the south, or the activities of a successor in title to the adjacent property to the south, provided that the successor in title is a not-for-profit organization organized for the purpose of promoting community interest and welfare that will provide services to and resources for the surrounding community.

3. In the event that Grantee violates the conditions or restrictions stated herein, title to the Property shall automatically revert to County. Notwithstanding such automatic reverter, Grantee shall execute and deliver to County a statutory warranty deed upon County's request.

ATTACHMENT #3

IN WITNESS WHEREOF, County has caused these presents 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

G:\Property Mgmt Section\Dispositions\Pahokee 798 Joe Louis Ave\County Deed.003.HF app.111909.docx

BUYER'S DISCLOSURE OF BENEFICIAL INTERESTS

TO: PALM BEACH COUNTY CHIEF OFFICER, OR HIS OR HER OFFICIALLY
DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared, Dr. Gloria J. Dennard, hereinafter referred to as "Affiant", who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the President of Christ Fellowship Healing Temple Community Development Corporation, a Florida non-profit corporation, (the "Buyer") which entity is the Buyer of the real property legally described on the attached Exhibit "A" (the "Property").

2. Affiant's address is: 1478 Silk Carnation Way, Royal Palm Beach, FL 33411.

3. Attached hereto, and made a part hereof, as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent (5%) or greater beneficial interest in the Buyer and the percentage interest of each such person or entity.

4. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

5. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete, and will be relied upon by Palm Beach County relating to its sale of the Property.

FURTHER AFFIANT SAYETH NAUGHT.

Dr. Gloria J. Dennard, Affiant
Print Affiant Name Dr. Gloria J. Dennard

The foregoing instrument was sworn to, subscribed and acknowledged before me this 16th day of November, 2009, by Dr. Gloria J. Dennard [] who is personally known to me or [x] who has produced FL. DRIVER LICENSE as identification and who did take an oath.



Brenda J. D'Agostino
Notary Public

Brenda J. D'Agostino
(Print Notary Name)

NOTARY PUBLIC
State of Florida at Large

My Commission Expires: 12/20/2013

EXHIBIT "A"

PROPERTY

Baileys Sub of TR 5 in PB18P28 LTS 66 & 67. THE ABOVE BEING THE REAL PROPERTY DESCRIBED UNDER TAX CERTIFICATE NUMBER 255 IN THE TAX DEED RECORDED IN OFFICIAL RECORD BOOK 20583, PAGE 0869, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

**SCHEDULE TO BENEFICIAL
INTERESTS IN (Buyer)**

NAME	ADDRESS	PERCENTAGE OF INTEREST
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Christ Fellowship Healing Temple Community Development Corporation is a non-profit corporation where no person or entity holds a 5% or greater beneficial interest.

"AS IS" ACKNOWLEDGMENT

THIS ACKNOWLEDGMENT is made this 16th day of November, 2009 by CHRIST FELLOWSHIP HEALING TEMPLE COMMUNITY DEVELOPMENT CORPORATION, a Florida non-profit corporation ("Buyer") to PALM BEACH COUNTY, FLORIDA, a political subdivision of the State of Florida ("Seller").

W I T N E S S E T H:

WHEREAS, Seller agreed to sell and Buyer agreed to buy, for the sum of One Thousand Dollars (\$1,000.00), approximately 0.16 acre(s) of surplus land located in Section 20, Township 42 East, Range 37 South, Palm Beach County ("Property"), and more particularly described as follows:

Baileys Sub of TR 5 IN PB18P28 LTS 66 & 67

WHEREAS, the Buyer has agreed to purchase the Property and any improvements in an "AS IS CONDITION" without warranties and/or representations.

NOW THEREFORE, in consideration of the conveyance of the Property, Buyer hereby acknowledges to Seller as follows:

1. The facts as set forth above are true and correct and incorporated herein.
2. The Buyer acknowledges that it has inspected the Property and hereby accepts the Property in "AS IS CONDITION". Buyer further acknowledges that the Seller has made no warranties or representations of any nature whatsoever regarding the Property including, without limitation, any relating to its value, Seller's title to the Property, the environmental condition of the Property, the physical condition of the Property, its zoning, any improvements located thereon, or the suitability of the Property or any improvements for Buyer's intended use of the Property.
3. Without in any way limiting the generality of the preceding paragraph, Buyer specifically acknowledges and agrees that upon Seller's conveyance of the Property to Buyer, Buyer waives, releases and discharges any claim it has, might have had or may have against the Seller with respect to this transaction or the Property.
4. This Acknowledgment will survive delivery and recording of the County Deed

ATTACHMENT #5

and possession of the Property by the Buyer.

IN WITNESS WHEREOF, Buyer has caused this "As Is" Acknowledgment to be executed on the day and year first aforesaid.

BUYER:

Signed, sealed and delivered
in the presence of:

CHRIST FELLOWSHIP HEALING TEMPLE
COMMUNITY DEVELOPMENT
CORPORATION, (a Florida non-profit
corporation)

Garry D. Dennard
Witness Signature

By: Gloria J. Dennard Pres.

LARRY D. DENNARD
Print Name

Gloria J. Dennard, President

Richard C Bogatin
Witness Signature

(Seal)

Richard C Bogatin
Print Name

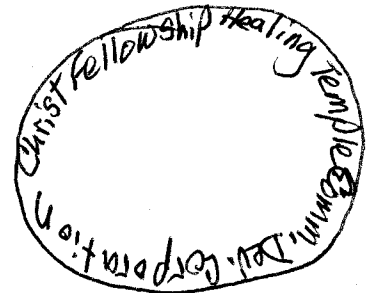
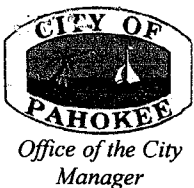


EXHIBIT "A"

LEGAL DESCRIPTION

Baileys Sub of TR 5 in PB18P28 LTS 66 & 67. THE ABOVE BEING THE REAL PROPERTY DESCRIBED UNDER TAX CERTIFICATE NUMBER 255 IN THE TAX DEED RECORDED IN OFFICIAL RECORD BOOK 20583, PAGE 0869, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.



City of Pahokee

CITY HALL • 171 N. LAKE AVE • PAHOKEE, FLORIDA 33476 • PHONE (561) 924-5534 • FAX (561) 924-7301

August 5, 2009

RECEIVED

AUG 10 2009

Wayne Whitaker
Mayor

Henry Crawford Jr.
Vice Mayor

Keith Babb Jr.
Commissioner

Allie Biggs
Commissioner

Diane Walker
Commissioner

Matthew Brock
City Manager

Susan Feltner
City Clerk

Gary Brandenburg
City Attorney

Herbert Crawford,
Parks and Recreation
Director

Alvin Johnson
Public Services
Director

Art Ivester
Port Mayaca
Memorial Gardens
Director

Derrek Moore
Finance Director

Ted Roberts
Community
Development
Director

Richard C. Bogatin, Manager
Palm Beach County
Board of County Commissioners
Facilities Development & Operations Dept.
Property & Real Estate Management Division
2633 Vista Parkway
West Palm Beach, FL 33411-5605

Dear Mr. Bogatin:

This letter is in support of a project under construction by Christ Fellowship Healing Temple Community Development Corporation. They will be providing services for the community of Pahokee, FL and surrounding areas with as many resources as possible. Some of the services that will be provided are:


- Afterschool academic and recreational services for middle school-aged students.
- Counseling and recreational activities for the elderly.
- Referrals for job placement.
- Utility assistance.
- Food for those in need of assistance.
- Ex-offenders job training and referrals.

As they expand, the corporation will offer various other services and resources for the community. In order for this project to be successful, they will need additional space for parking pavilions. The land that is located at 798 Joe Lewis Ave., Pahokee, FL 33476, Control #00374220020000660, will accommodate this need.

Your immediate attention to this matter will be greatly appreciated by Christ Fellowship Healing Temple Community Development Corporation, as well as the people of Pahokee.

Thank you for your consideration in this matter.

Sincerely,



Matthew Brock, City Manager

ATTACHMENT #6

Select Year: 2009

Go

The 2009 Florida Statutes

Title XI	Chapter 125	View Entire
COUNTY ORGANIZATION AND	COUNTY	Chapter
INTERGOVERNMENTAL RELATIONS	GOVERNMENT	

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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Select Year: 2009

Go

The 2009 Florida Statutes

[Title XVIII](#)[Chapter 270](#)[View Entire Chapter](#)

PUBLIC LANDS AND PROPERTY

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) 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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