AGENDA ITEM IS OVER 50 PAGES CAN BE VIEWED IN THE MINUTES DEPT.

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

Agenda Item.

[X] Regular Consent Meeting Date: August 17, 2010 [] Public Hearing Workshop Department: Submitted By: Department of Airports Submitted For:

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve:

(A) An Agreement for Purchase and Sale for the following property at a total cost of \$295,000 by a supermajority vote. Said property is located West of Runway 10L at Palm Beach International Airport (PBIA):

Hess Corporation, a Delaware corporation

600 N. Military Trail

West Palm Beach, FL 33415

Sales Price

\$295,000

Replacement Housing

N/A

Parcel W-325

(B) A Budget Transfer of \$295,000 in the Airport's Improvement and Development Fund from Reserves to provide budget to fund the property purchase.

Summary: The property was previously improved with a self-service gas station. All improvements were removed by the Seller in 2009, and the property is now vacant. The property was appraised by Anderson & Carr, Inc., in August 2009 at \$265,000 as a vacant site. The purchase price exceeds the current appraised value by 11.3%. The comparable sales used in determining the appraised value of the property range from \$9.40 to \$16.70 per square foot. The counter offer amount of \$12.16 per square foot is within the lower range of the comparable sales. The deed will contain a restriction precluding use of the property for the operation of a retail convenience store or for the retail sale or storage of petroleum. The restriction will expire after 30 years and will not restrict the sale or storage of fuel for aviation-related purposes. The Agreement provides for indemnification by the County for environmental conditions caused by the County after closing. The County's indemnification obligation is expressly limited to the extent permitted by law. The Seller requested the exclusion of certain standard warranties and representations related to the environmental condition of and title to the property; however, the County has the right to obtain its own environmental assessment and title insurance. The Seller also agreed to indemnify the County for environmental conditions, which occurred on the property prior to closing. inspections, including an environmental assessment, will be completed prior to closing and the County will obtain title insurance. The Seller has also agreed to provide a limited Environmental Affidavit related to the environmental condition of the property and a Seller's Affidavit relating to title matters. An Underground Storage Tank (UST) System Closure Report was completed when the fuel system was removed. All purchases, sales and exchanges of real estate must be approved by a supermajority vote (5 Commissioners) pursuant to recent amendments to the PREM Ordinance. Countywide (HJF)

Background and Policy Issues: The property contains approximately 0.56 acres and is located between PBIA and Military Trail. This property will be added to PBIA and eventually converted to an aviation related use. The Agreement is subject to the provisions of Public Law 91-646 (Uniform Act) and to review and audit by the FAA; therefore, it is exempt from review by the Property Review Committee pursuant to the PREM Ordinance.

Attachments:

- 1. Three (3) Original Agreements for Purchase and Sale
- 2. Correspondence (Parcel W-325)
- 3. Budget Transfer

Recommended By:	Jul Selly	8/4/10
	Department Director	Date
Approved By:	Myslens	ANIO
	County Administrator	Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fis	cal Impact:				
Fiscal Years	2010	2011	2012	2013	2014
Capital Expenditures Operating Costs	\$ 295,000				
External Revenues (Grants) Program Income (County) In-Kind Match (County)					
NET FISCAL IMPACT	\$ 295,000				
# ADDITIONAL FTE POSITIONS (Cumulative)	Control Management		***************************************		
Is Item Included in Current Bu Budget Account No: Fund Repo	udget? Yo Dep orting Catego	es No artment ory	<u>X</u> Unit	Object	IS and a second
B. Recommended Sources o	f Funds/Sum	mary of Fisc	al Impact:		
Approval of this item will p A187-6101. A Transfer of Airport Revenues.					
C. Departmental Fiscal Revie	ew:(2	u Sun	<u> </u>		
	III. REVIEW	COMMENTS	2		
A. OFMB Fiscal and/or Contr	act Develop	ment and Co	ntrol Comme	ents:	
OFMB SANDO		Contr	act Dev. and	Control ous 8/10/10	110/10
B. Legal Sufficiency:			This Contract co	mplies with our	
Assistant County Attorney	1/10		contract review i	requirements.	
C. Other Department Review	:				
Department Director		. v			
REVISED 9/03 ADM FORM 01 (THIS SUMMARY IS NOT TO I	BE USED AS	A BASIS FOI	R PAYMENT)	