

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

Meeting Date:	September 14, 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:

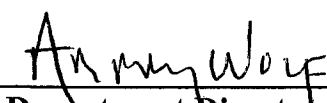

- A) adopt** a resolution authorizing the conveyance of the County's interest in .14 acres of surplus property to the City of West Palm Beach without charge and with reservation of mineral and petroleum rights, but without rights of entry and exploration pursuant to Florida Statutes Section 197.592(3); and
B) approve a County Deed in favor of the City of West Palm Beach.

Summary: The City of West Palm Beach requested the conveyance of a County-owned vacant surplus property. The .14 acre property was acquired by Tax Deed in March of 2005 and is located at 818 8th Street, within the City's municipal boundaries with an assessed value of \$35,088. The property is being conveyed pursuant to Florida Statutes Section 197.592(3), which requires the conveyance of surplus property acquired by Tax Deed to the municipality in which it is located. The subject property has been declared surplus and serves no present or future County purpose. The City proposes to utilize this property for housing, landscaping or community related programs. Staff believes that this property will be more appropriately developed, managed and maintained by the City. Housing & Community Development has reviewed this conveyance and has no objections to the conveyance but would prefer that the use be restricted to affordable housing. This conveyance will relieve the County of potential liability for occurrences on this property and also the cost of continued maintenance. The County will retain mineral and petroleum rights in accordance with Florida Statutes Section 270.11, without rights of entry and exploration. **(PREM) District 7 (HJF)**

Background and Justification: The unimproved property escheated to the County on March 8, 2005. 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 this property 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. Therefore, Staff is recommending that no restrictions be placed upon use of this property. These conveyances will relieve the County of potential liability for occurrences on this property and also the cost of continued maintenance.

Attachments:

1. Location Map
2. Resolution
3. County Deed
4. Letter of request from the City
5. Florida Statutes Sections, 197.592(3) and 270.11

Recommended By:		8/22/10
	Department Director	Date
Approved By:		9/1/10
	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	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>- 0 -</u> <i>* See below</i>	<u>- 0 -</u>	<u>- 0 -</u>	<u>- 0 -</u>	<u>- 0 -</u>
# 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:

** Fiscal impact cannot be determined*

OFMB

8/31/10 8/30/10

Contract Development and Control

B. Legal Sufficiency:

Assistant County Attorney

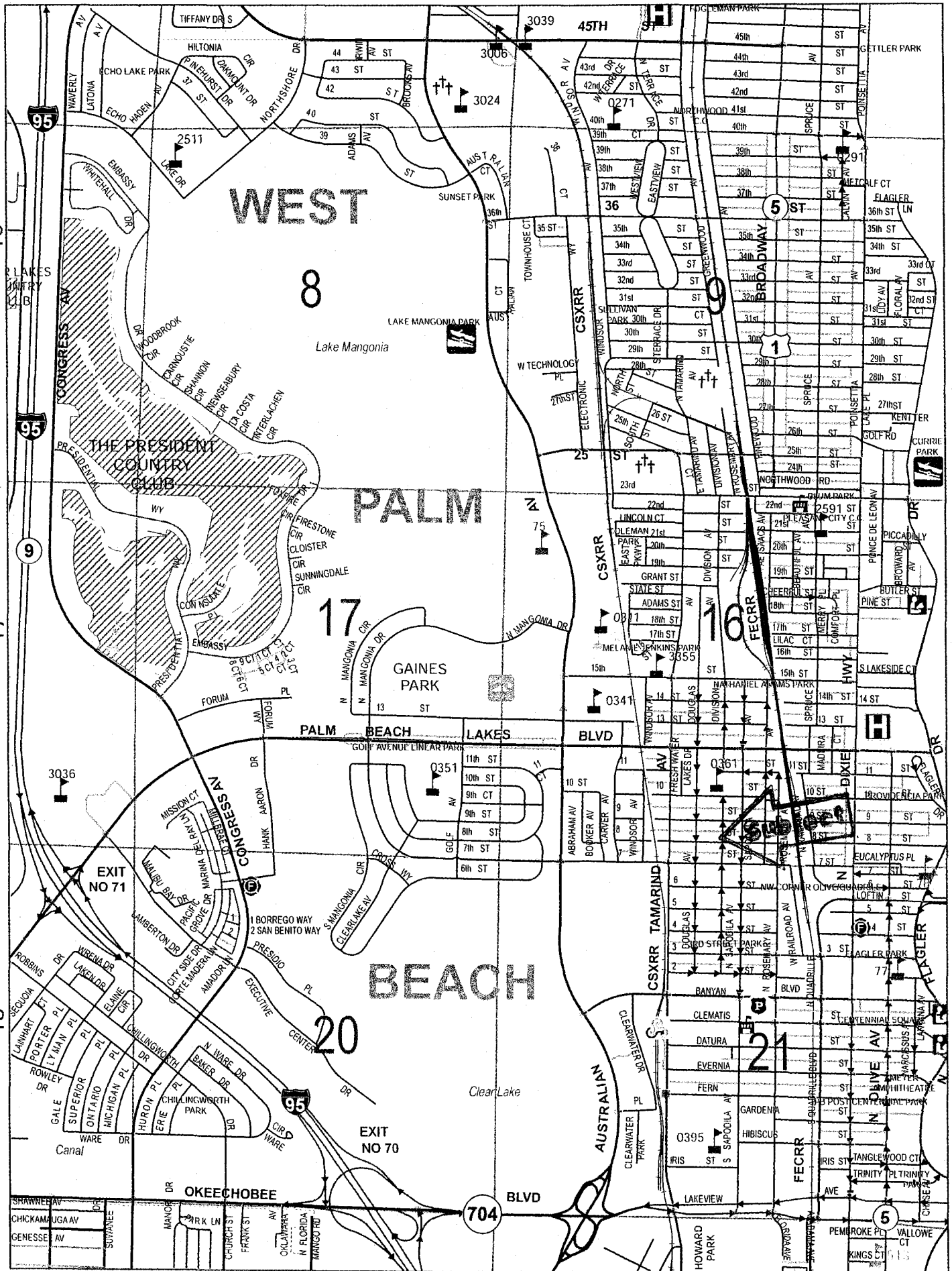
C. Other Department Review:

Department Director

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

D

C



LOCATION MAP

RESOLUTION NO. 20_____

**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 one (1) property within the municipal boundaries of West Palm Beach (the "City") which was 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 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 without charge and by County Deed attached hereto and incorporated herein by reference, the

real property legally described in such deed. Any liens of record held by the County on the subject lands shall not survive the conveyance to the City.

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 DISTRICT 2
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 _____, 2010.

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: Keith Anthony Wolf
Department Director

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

PCN: 74-43-43-16-01-003-0050

Closing Date: _____

Purchase Price: \$0.00

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 **CITY OF WEST PALM BEACH**, a Florida municipal corporation, whose legal mailing address is 401 Clematis Street, West Palm Beach, Florida 33402, "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 PL OF FRESHWATER ADD LT 5 BLK 3. THE ABOVE BEING THE REAL PROPERTY DESCRIBED UNDER TAX CERTIFICATE NUMBER 18299 IN THE TAX DEED RECORDED IN OFFICIAL RECORD BOOK 18229, PAGE 1886, 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 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

The City of West Palm Beach



"The Capital City of the Palm Beaches"

Lois J. Frankel
Mayor
P.O. Box 3366
401 Clematis Street (33401)
West Palm Beach, FL 33402
Telephone: 561-822-1400
Fax: 561-822-1424
e-mail: lfrankel@wpb.org

RECEIVED

JUN 24 2010

June 22, 2010

Richard C. Bogatin
Manager, Property Management
Property & Real Estate Management
2633 Vista Parkway
West Palm Beach, FL 33411-5605

RE: 818 8th Street

Dear Mr. Bogatin:

It is my understanding from City staff that the property located at 818 8th Street is a vacant lot owned by Palm Beach County which has become a nuisance due to continual illegal dumping on the property. This lot is located within our Northwest CRA target area and could be included as part of our vacant lot infill lot program. In an effort to revitalize the neighborhood, the City of West Palm Beach and the West Palm Beach Community Redevelopment Agency are aggressively pursuing vacant lots for single-family infill development.

Please consider conveying this lot to the City or the CRA. Should you have any questions regarding our program, please call Barry Lazarus, CRA Real Estate Administrator at 561.822.1431.

Sincerely,

A handwritten signature in black ink, appearing to be "Lois J. Frankel", written over a horizontal line.

Lois J. Frankel, Mayor
The City of West Palm Beach

cc: Brenda Kelley, Deputy Redevelopment Manager
Barry Lazarus, CRA Redevelopment Administrator
Suzanne Payson, Assistant City Attorney

"An Equal Opportunity Employer"

ATTACHMENT # 4

Select Year: 2009

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The 2009 Florida Statutes

[Title XIV](#)[Chapter 197](#)[View Entire Chapter](#)

TAXATION AND FINANCE 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.

<http://www.flsenate.gov/statutes/index.cfm?p=2&mode=View Statutes&SubMenu=1&App...> 8/4/2010

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

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

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Select Year: 2009

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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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