Agenda Item #: 3H-23

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

Meeting Date:	November 16, 2010	[X] Consent [] Ordinance	[] Regular [] Public Hearing	
Department:	Facilities Development	t & Operations		

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: a Plan of Termination of 1000 Forty-Fifth Condominium.

SUMMARY: The County recently completed the acquisition of 17 office condominium units located at 1000 45th Street in West Palm Beach from various unit owners for purposes of developing a Homeless Resource Center. The units comprise the 1000 Forty-Fifth Condominium and the County owns all of the units within the Condominium. The 1000 Forty-Fifth Condominium Association, Inc. (Association) was established to govern and operate the condominium property on behalf of the unit owners. The County as owner of all of the units, no longer has a need to keep the Association active. The Plan of Termination establishes the County as the termination trustee; terminates the Condominium and the Association; transfers the Association's property and assets to the County; and allows the County to conclude the affairs of the Association. The Plan of Termination will be recorded with the Palm Beach County Clerk of Courts. The Association is expected to have approximately \$6,100 in surplus funds remaining following dissolution of the Association. All surplus funds will be transferred to the County once the Association's expenses have been satisfied. (PREM) District 7 (HJF)

Background and Justification: The Palm Beach County Central Homeless Resource Center (HRC) in West Palm Beach will allow the County to improve and expand the provision of supportive services to the County's homeless population from a central location in the County. This will be the first in a network of regional HRCs that are envisioned by the adopted *Ten-Year Plan to End Homelessness in Palm Beach County* to be located throughout the County. From this location, a universal intake and assessment process will be available to the County's homeless population on a 24-hour basis, 365 days per year. The proposed center, which is currently under renovation, will provide a centralized location from which multiple homeless service providers can intimately administer case management, life skills training, job placement, and permanent housing placement services to homeless adults and families without disruption in service. A component of the facility consists of adult interim housing for short-term use when permanent housing is not immediately available. The center will also provide a variety of counseling, health, nutrition, instructional and educational services to return homeless clients to a self-sufficient and productive lifestyle.

(Continued on page 3)

Attachments:

- 1. Location Map
- 2. Plan of Termination of 1000 Forty-Fifth Condominium

Recommended By:	Cet Army Wif	10/20/10
	Department Director	Date
Approved By:	Notales_	- 11/1/2010
,	County Administrator	Date /

II. FISCAL IMPACT ANALYSIS

A. Five Year Summan	y of Fiscal Impact	•			
Fiscal Years	2011	2012	2013	2014	2015
Capital Expenditures Operating Costs External Revenues Program Income (County In-Kind Match (County	(\begin{aligned} \\ \\ \qquad				
NET FISCAL IMPACT	$(\underline{6100})$				
# ADDITIONAL FTE POSITIONS (Cumulative					
Is Item Included in Curre	ent Budget: Yes		No		
Budget Account No:	und <u>3804</u> De _l Program	pt <u>411</u>	Unit <u>B452</u>	Rev	<u>6999</u>
B. Recommended Sou	rces of Funds/Sum	mary of F	iscal Impact:		
Revenue from this it – Public Building In	iprovement Fund)			Center pro	oject (fund
C. Departmental Fisca	l Review:				
	III. <u>REV</u>	IEW COM	<u>MENTS</u>		
A. OFMB Fiscal and/o 8 6,000 to an o 8 attributed OFMB	or Contract Develo	Da	mments: ter all experience Development and	roent	ave been
B. Legal Sufficiency: Assistant County At	-11/1/10 corney				
C. Other Department	Review:				
Department Director					

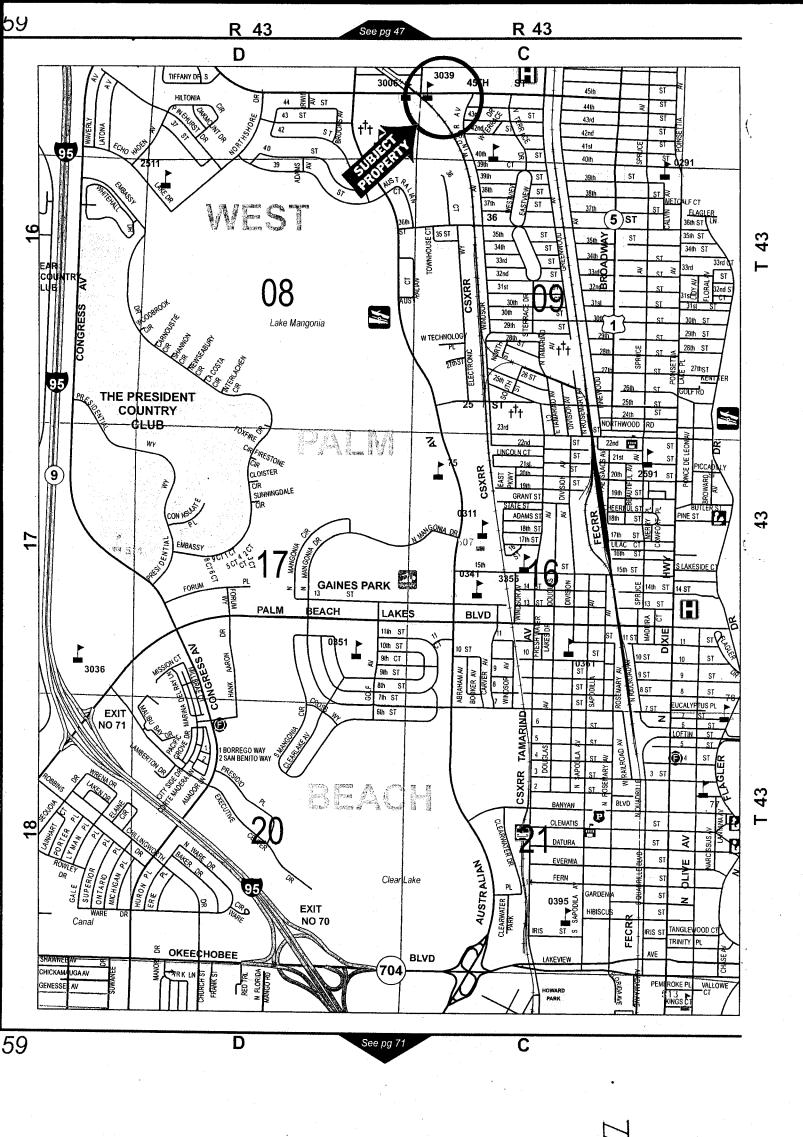
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This summary is not to be used as a basis for payment.

Background and Justification, continued:

In July of 2010, the County completed the purchase of the last of the 17 units within the Condominium. The Condominium is located on 4.03 acres, includes three buildings containing 17 office condominium units, and provides nearly 35,000 square feet of improved space. The condominium units were originally developed in the early 1980s and a Declaration of Condominium was recorded in 1984 to establish a condominium form of ownership setting forth the rules, regulations, unit owner fees and bylaws under which the office complex would operate. Accordingly, a condominium association was formed, submitted to the State as a corporation under the name 1000 Forty-Fifth Condominium Association, Inc., and is still active to this date. As owner of all of the 17 units within the Condominium, the County no longer needs to retain the Condominium form of ownership. In order to terminate the Condominium and dissolve the Association, a Plan of Termination must be approved and recorded pursuant to F.S. 718.117.

Under the plan, the County establishes itself as the termination trustee with the authority to terminate the Condominium, conclude the affairs of the Association, and dissolve the Association. Upon approval by the Board, the Plan of Termination will be recorded with the Clerk of Courts, Palm Beach County, Florida. Upon recordation of the Plan of Termination, the interests of the respective unit owners (the County) in the Association property, common surplus, and other assets shall be 100% vested in and held by the County. The Florida Division of Corporations has involuntarily dissolved the Association for failure to file an annual report. This is a technical matter and as the intent is to dissolve the Association and there are no other actions needed to be taken to wrap up the affairs of the Association, Staff will just let the involuntary dissolution stand rather than going through the motions to formally dissolve the Association. The County expects to have approximately \$6,100.00 following the payment and satisfaction of all outstanding Association expenses. All Association surplus funds will be transferred to the County once the Association has been dissolved.



LOCATION MAP

ATTACHMENT # /



Prepared By/Return To: Howard J. Falcon, III Senior Assistant County Attorney Palm Beach County Attorney's Office 301 North Olive Avenue – Suite 601 West Palm Beach, FL 33401

PLAN OF TERMINATION OF 1000 FORTY-FIFTH CONDOMINIUM

The undersigned, **PALM BEACH COUNTY**, a political subdivision of the State of Florida, with an address of 301 North Olive Avenue, Administration, 11th Floor, West Palm Beach, Florida 33401, as the owner of all of the units in the 1000 FORTY-FIFTH CONDOMINIUM, according to the Declaration of Condominium recorded in Official Record Book 4413 Page 598, Public Records of Palm Beach County, Florida, as amended by the First Amendment to the Declaration of Condominium recorded in Official Record Book 10327 Page 1736, Public Records of Palm Beach County, Florida, located at 1000 45th Street, West Palm Beach, FL 33407, after notice and being fully advised in the premises, hereby terminates the 1000 FORTY-FIFTH CONDOMINIUM and files this Plan of Termination pursuant to Florida Statutes §718.117.

- 1. Palm Beach County, a political subdivision of the State of Florida., with an address of 301 North Olive Avenue, Administration, 11th Floor, West Palm Beach, Florida 33401, is the Termination Trustee and shall have all the powers and duties as termination trustee as provided in Florida Statutes §718.117, shall be vested with the powers given to the board pursuant to the declaration, by-laws, and Florida Statutes §718.117(6), and shall specifically have the power to protect, conserve, manage, sell, or dispose of the condominium property.
- 2. This Plan of Termination shall be effective upon recording unless not recorded prior to May 16, 2011 in which event this Plan of Termination shall be void.
- 3. The interests of the respective unit owners in the association property, common surplus, and other assets of the association, shall be the same as the respective interests of the unit owners in the common elements immediately before termination, specifically, 100% vested in and held by Palm Beach County.
- 4. The interests of the respective unit owners in any proceeds from the sale of the condominium property shall be the same as the respective interests of the unit owners

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in the common elements immediately before termination, specifically, 100% vested in and held by Palm Beach County. However, no condominium property or real property owned by the association is anticipated to be sold following termination.

- 5. The interests of the respective unit owners in any insurance proceeds or condemnation proceeds that are not used for repair or reconstruction at the time of termination shall be the same as the respective interests of the unit owners in the common elements immediately before termination, specifically, 100% vested in and held by Palm Beach County. However no insurance proceeds or condemnation proceeds are anticipated to be distributed following termination.
- 6. The unit owners' rights and title as tenants in common in undivided interests in the condominium property shall vest in Palm Beach County when the plan is recorded. Palm Beach County shall thereafter become the beneficiaries of the proceeds realized from the plan of termination.
- 7. Following termination of the condominium, the condominium property, association property, common surplus, and other assets of the association shall be held by PALM BEACH COUNTY, a political subdivision of the State of Florida, with an address of 301 North Olive Avenue, Administration, 11th Floor, West Palm Beach, Florida 33401.
- 8. The legal description of the property prior to termination of the condominium is:
 - Units 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17, 1000 FORTY-FIFTH CONDOMINIUM, according to the Declaration of Condominium thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Official Record Book 4413, Page 598, together with an undivided interest in the common elements declared in said Declaration of Condominium to be an appurtenance to the above described units.
- 9. The legal description of the property upon termination of the condominium is set forth in **EXHIBIT** "A" attached hereto and made a part hereof.

IN WITNESS WHEREOF, the period of day of	parties have caused this Plan of Termination to be _, 2010.
Signed, sealed and delivered in the presence of:	OWNER OF UNITS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17, 1000 FORTY-FIFTH CONDOMINIUM:
ATTEST:	
SHARON R. BOCK CLERK & COMPTROLLER	PALM BEACH COUNTY, a political subdivision of the state of Florida,
By: Deputy Clerk	By:, Chair
APPROVED AS TO FORM AND LEGAL SUFFICIENCY	APPROVED AS TO TERMS AND CONDITIONS
By:County Attorney	By: Department Director
	TERMINATION TRUSTEE:
SHARON R. BOCK CLERK & COMPTROLLER	PALM BEACH COUNTY, a political subdivision of the state of Florida,
By:	By:, Chair
APPROVED AS TO FORM AND LEGAL SUFFICIENCY	APPROVED AS TO TERMS AND CONDITIONS
By: County Attorney	By: Department Director

 $G: \label{lem:condominium} G: \label{lem:condominium} Plan of Termination - Approved By RCH \& HF. docx \\$

EXHIBIT "A"

LEGAL DESCRIPTION OF PROPERTY

PHASE 1 (ORB 4413 PAGE 619):

A CERTAIN PARCEL OF LAND IN SECTION 4, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF LOTS 9 THROUGH 16, INCLUSIVE, ACCORDING TO THE PLAT OF THE SUBDIVISION OF GEORGE S. ROWLEY'S HOMESTEAD, AS RECORDED IN PLAT BOOK 1, PAGE 76, IN AND FOR THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT OF INTERSECTION OF THE NORTHEASTERLY RIGHT-OF-WAY LINE OF THE SEA BOARD COAST LINE RAILROAD WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF 45TH STREET (108 FOOT RIGHT-OF-WAY); THENCE NORTH 88°47'23" EAST, ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID 45TH STREET (THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID 45TH STREET IS ASSUMED TO BEAR NORTH 88°47'23" EAST AND ALL OTHER BEARINGS ARE RELATIVE THERETO), A DISTANCE OF 553.71 FEET TO A POINT OF CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 4637.66 FEET AND A CENTRAL ANGLE OF 00°46'37"; THENCE EASTERLY, ALONG THE ARC OF SAID CURVE AND CONTINUING ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID 45TH STREET, A DISTANCE OF 62.89 FEET TO A POINT; THENCE SOUTH 03°01'23" WEST, DEPARTING FROM THE ARC OF SAID CURVE AND THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID 45TH STREET, A DISTANCE OF 183.66 FEET TO A POINT; THENCE SOUTH 88°47'23" WEST A DISTANCE OF 214.74 FEET TO A POINT; THENCE SOUTH 01°12'37" EAST A DISTANCE OF 216.41 FEET TO A POINT LYING ON THE ARC OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 2914.93 FEET, A CENTRAL ANGLE OF 10°57'44" AND A RADIAL BEARING AT THIS POINT OF SOUTH 50°03'38" WEST, SAID POINT ALSO BEING ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID SEABOARD COAST LINE RAILROAD; THENCE NORTHWESTERLY, ALONG THE ARC OF SAID CURVE AND ALONG THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID SEA BOARD COAST LINE RAILROAD, A DISTANCE OF 557.70 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH

PHASE 2 (ORB 10327 PAGE 1742):

A CERTAIN PARCEL OF LAND IN SECTION 4, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF LOTS 9 THROUGH 16, INCLUSIVE, ACCORDING TO THE PLAT OF THE SUBDIVISION OF

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GEORGE S. ROWLEY'S HOMESTEAD, AS RECORDED IN PLAT BOOK 1, PAGE 76, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT OF INTERSECTION OF THE NORTHEASTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COAST LINE RAILROAD WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF 45TH STREET (108 FOOT RIGHT-OF-WAY); THENCE NORTH 88°47'23" EAST, ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF 45TH STREET (THE SOUTHERLY RIGHT-OF-WAY LINE OF 45TH STREET IS ASSUMED TO BEAR NORTH 88°47'23" EAST AND ALL OTHER BEARINGS ARE RELATIVE THERETO), A DISTANCE OF 553.71 FEET TO A POINT OF CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 4637.66 FEET AND A CENTRAL ANGLE OF 00°46'37"; THENCE EASTERLY, ALONG THE ARC OF SAID CURVE AND CONTINUING ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID 45TH STREET, A DISTANCE OF 62.89 FEET TO A POINT; THENCE SOUTH 03°01'23" WEST, DEPARTING THE ARC OF SAID CURVE IN THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID 45TH STREET, A DISTANCE OF 183.66 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE SOUTH 88°47'23" WEST A DISTANCE OF 214.74 FEET TO A POINT; THENCE SOUTH 01°12'37" EAST A DISTANCE OF 216.41 FEET TO A POINT LYING ON THE ARC OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 2914.93 FEET, A CENTRAL ANGLE OF 00°16'44" AND A RADIAL BEARING AT THIS POINT OF SOUTH 50°03'38" WEST, SAID POINT ALSO BEING ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID SEABOARD COAST LINE RAILROAD, THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE AND ALONG THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID SEABOARD COAST LINE RAILROAD, A DISTANCE OF 14.19 FEET TO A POINT; THENCE NORTH 88°47'23" EAST, DEPARTING FROM THE ARC OF SAID CURVE AND THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID SEABOARD COAST LINE RAILROAD, A DISTANCE OF 189.05 FEET TO A POINT; THENCE SOUTH 89°32'06" EAST A DISTANCE OF 189.54 FEET TO A POINT LYING ON THE ARC OF A CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 965.0 FEET, A CENTRAL ANGLE OF 4°46'33" AND A RADIAL BEARING AT THIS POINT OF SOUTH 82°27'47" EAST, SAID POINT ALSO LYING ON THE WESTERLY RIGHT-OF-WAY LINE OF WINDSOR TERRACE DRIVE (60 FOOT RIGHT-OF-WAY); THENCE NORTHERLY, ALONG THE ARC OF SAID CURVE AND ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID WINDSOR TERRACE DRIVE, A DISTANCE OF 80.44 FEET TO A POINT; THENCE NORTH 89°32'06" WEST, DEPARTING FROM THE ARC OF SAID CURVE AND THE WESTERLY RIGHT-OF-WAY LINE OF SAID WINDSOR TERRACE DRIVE, A DISTANCE OF 199.21 FEET TO A POINT; THENCE NORTH 03°01'23" EAST A DISTANCE OF 148.72 FEET TO THE POINT OF BEGINNING.