

Agenda Item #: **3-C-3**

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

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Meeting Date: June 7, 2011	<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Regular
	<input type="checkbox"/> Workshop	<input type="checkbox"/> Public Hearing

Department:
Submitted By: Engineering and Public Works
Submitted For: Right-of-Way Acquisition Section

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I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to:

- A) Approve a negotiated amount of \$343,000 for the fee simple purchase of a 3.08 acre vacant parcel from The Church of God of Prophecy (Church) to be utilized for storm water management for the widening of Haverhill Road from south of the Lake Worth Drainage District L-14 Canal to Lake Worth Road project (Project); and
- B) Accept a warranty deed signed by Mr. Robert F. Davis, Jr. on March 10, 2011, who is an authorized representative of the Church and is entitled to act on their behalf in property sale matters.

SUMMARY: The Engineering Department’s Roadway Production Division has negotiated the purchase price of \$343,000 for one vacant parcel, measuring 3.08 acres located on the west side of Haverhill Road approximately ¼ mile south of Lake Worth Road. This parcel will be used as a storm water management area for the Project. This agenda item is to approve the negotiated purchase price of \$343,000 (2% above county appraisal) and to accept the signed warranty deed conveying the parcel to Palm Beach County.

Districts 2 and 3 (PK)

Background and Justification: The Roadway Production Division is planning to expand Haverhill Road from south of the Lake Worth Drainage District L-14 Canal to Lake Worth Road. Haverhill Road will be widened to provide for a four lane divided roadway section from approximately 500 feet south of Nautica Lakes Boulevard to Melaleuca Lane, and a five lane undivided section from Melalueca Lane to Lake Worth Road. The purchase of this 3.08 acre parcel will provide land for storm water management for the Project. The parcel was listed for sale with an asking price of \$399,000. Palm Beach County (County) had it appraised for \$336,000 and negotiated a purchase price of \$343,000 which is approximately 2% above the appraised value. This Project is included in the County’s Five Year Road Program and the approval of this purchase and acceptance of the warranty deed is in the best interest of the County.

Attachments:

- 1. Location Map
- 2. Counter Offer Letter
- 3. Negotiated Settlement Letter
- 4. Executed Warranty Deed with Exhibit “A” (1 copy)

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Recommended by: _____	Division Director	_____	Date
Approved by: <u>S. J. Webb</u>	County Engineer	_____	5/17/11 Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2011	2012	2013	2014	2015
Capital Expenditures	\$343,000	-0-	-0-	-0-	-0-
Operating Costs	-0-	-0-	-0-	-0-	-0-
External Revenues	-0-	-0-	-0-	-0-	-0-
Program Income (County)	-0-	-0-	-0-	-0-	-0-
In-Kind Match (County)	-0-	-0-	-0-	-0-	-0-
NET FISCAL IMPACT	\$343,000	-0-	-0-	-0-	-0-
# ADDITIONAL FTE POSITIONS (Cumulative)					

Is Item Included in Current Budget? Yes X No

Budget Account No:

Fund 3504 Dept 361 Unit 1325 Object 6120

Recommended Sources of Funds/Summary of Fiscal Impact:

Road Impact Fee Fund - Zone 4
Haverhill Rd/S of LWDD L-14 Canal to Lake Worth Rd

C. Departmental Fiscal Review:

Aluiforainen

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

[Signature] 5/19/11
OFMB 5/18/11
cc 5/18/11

[Signature] 5/20/11
Contract Dev. and Control

B. Approved as to Form and Legal Sufficiency:

[Signature] 5/23/11
Assistant County Attorney

C. Other Department Review:

Department Director

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

SITE

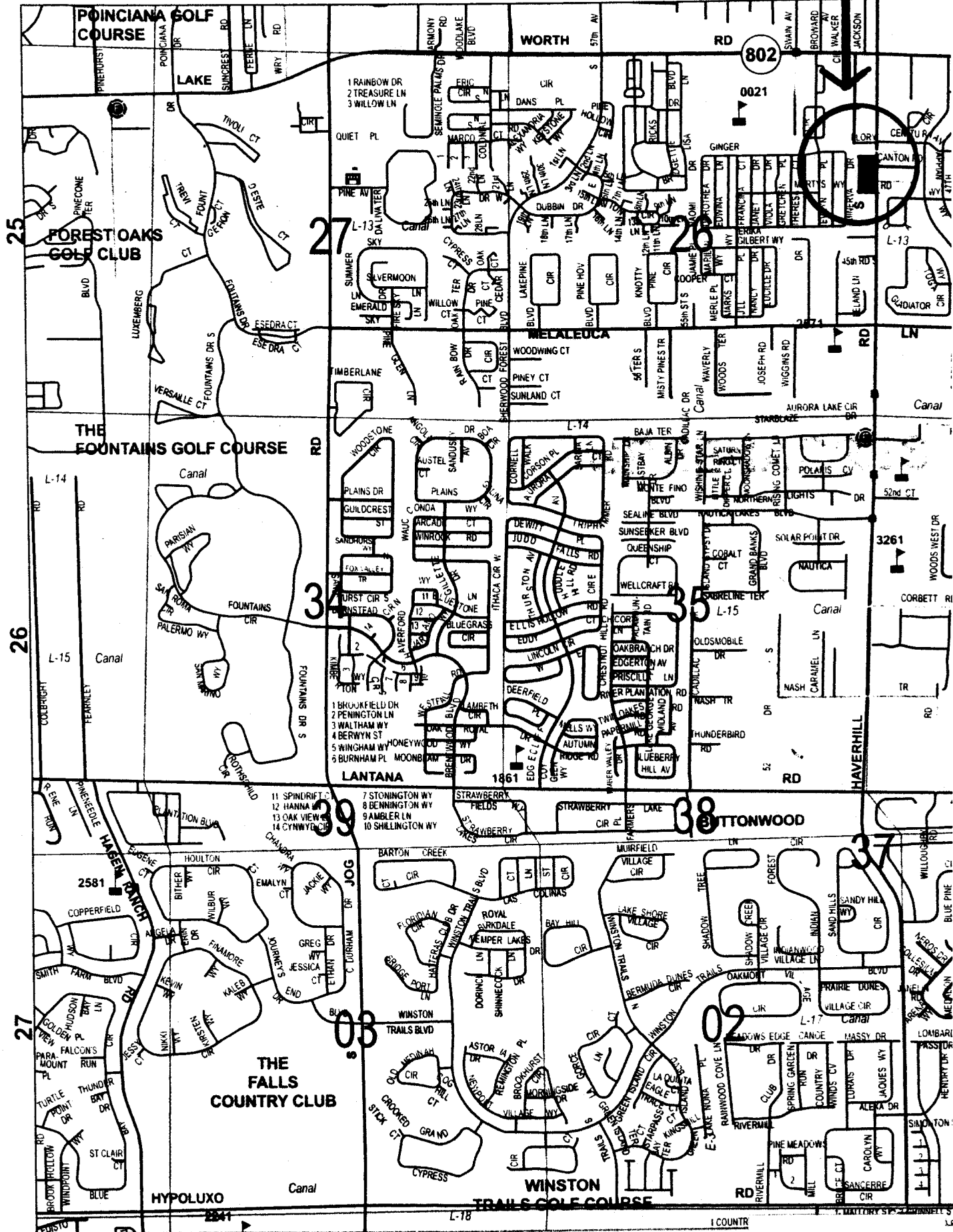
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See pg 79

R 42

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G



ATTACHMENT 1
LOCATION MAP



**Department of Engineering
and Public Works**

P.O. Box 21229

West Palm Beach, FL 33416-1229

(561) 684-4000

FAX: (561) 684-4050

www.pbcgov.com



**Palm Beach County
Board of County
Commissioners**

Karen T. Marcus, Chair

Shelley Vana, Vice Chair

Paulette Burdick

Steven L. Abrams

Burt Aaronson

Jess R. Santamaria

Priscilla A. Taylor

County Administrator

Robert Weisman

*"An Equal Opportunity
Affirmative Action Employer"*



January 21, 2011

New Empire Realty, Inc.
C/O Ms. Ethlyn Webb, Real Estate Agent
6801 Lake Worth Road, Suite 109
Greenacres, FL 33467

RE: OWNERS: The Church of God of Prophecy State Offices in Florida, Inc.
LOCATION: Property located on the West side of Haverhill Rd.
approximately ¼ mile south of Lake Worth Road and just
south of Flory Drive.
PROJECT NO.: 2010503
PCN: 00-42-44-26-00-000-1210
PARCEL NO: WT1

Dear Ms. Webb:

Palm Beach County has received the counter offer of \$390,000 for the property owned by the Church of God of Prophecy. We had the property appraised and based on the appraised value we are able to increase our offer to \$336,000 for the purchase of the 3.08 acre parcel of land referenced above. This offer is contingent on the County completing an environmental study of the property which shows no contaminants. The environmental study will begin as soon as you have accepted our revised offer.

If your clients agree to this offer, please respond in writing and we will send a Warranty Deed for your clients to sign. Upon receipt of the signed deed and the above mentioned study, we will begin the acceptance and payment process. If you have any questions, please contact me at 561/684-4124.

Sincerely,

Sherry Wildner, Right-of-Way Specialist

cc: Omelio A. Fernandez, P.E., Director, Roadway Production Division
L. Morton Rose, P.E., Five Year Road Program Manager

ATTACHMENT 2



**Department of Engineering
and Public Works**

P.O. Box 21229
West Palm Beach, FL 33416-1229
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February 18, 2011

New Empire Realty, Inc.
C/O Ms. Ethlyn Webb, Real Estate Agent
6801 Lake Worth Road, Suite 109
Greenacres, FL 33467

Via Certified Mail

RE: OWNERS: The Church of God of Prophecy State Offices in Florida, Inc.
LOCATION: Property located on the West side of Haverhill Rd.
approximately ¼ mile south of Lake Worth Road and just
south of Flory Drive.
PROJECT NO.: 2010503
PCN: 00-42-44-26-00-000-1210
PARCEL NO: County Negotiated Settlement -WT1

Dear Ms. Webb:

This is to inform you that Palm Beach County agrees to the negotiated settlement of **\$343,000** for the property owned by the Church of God of Prophecy. This offer is contingent upon the County completing an environmental study of the property which shows no contaminants, and approval by the Board of County Commissioners.

I have enclosed a Warranty Deed for your clients to sign. Upon receipt of the signed deed and the above mentioned study, we will begin the acceptance and payment process. If you have any questions, please contact me at 561/684-4124.

Sincerely,

Sherry Wildner, Right-of-Way Specialist

cc: Omelio A. Fernandez, P.E., Director, Roadway Production Division
L. Morton Rose, P.E., Five Year Road Program Manager

ATTACHMENT 3

Return to: Right-of-Way Acquisition Section
Name: Palm Beach County Engineering
Address: West Palm Beach, Florida 33416
Attn:
Acct. No.: 1010 W/C BOX 1066

This Instrument Prepared by:
Name: Paul F. King
Assistant County Attorney
Post Office Box 21229
West Palm Beach, Florida 33416

NOT TO BE RECORDED
WITHOUT BOARD OF COUNTY
COMMISSIONERS ACCEPTANCE DATE

PCN: 00-42-44-26-00-000-1210 (Corporation)
SPACE ABOVE THIS LINE FOR PROCESSING DATA
PROJECT NO. 2010503
ROAD NAME: Haverhill
LIMITS: S. of the LWDD L-14 Canal to Lake Worth Rd.
PARCEL NO. WT-1

THIS WARRANTY DEED, made this 10th day of March, 2011, by The Church of God of Prophecy State Offices in Florida, Inc., a Corporation existing under the laws of FLORIDA, and having its principal place of business at P.O. BOX 783156, Winter Garden, FL, 34778-3156, hereinafter called grantor, to PALM BEACH COUNTY, a political subdivision of the State of Florida, whose post office address is P.O. Box 21229, West Palm Beach, Florida 33416, hereinafter called grantee.

WITNESSETH: That the grantor, for and in consideration of the sum of TEN (\$10.00) dollars and other valuable considerations, receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the grantee, all that certain land situate in Palm Beach County, Florida, viz:

Property more particularly described in Exhibit "A" attached hereto and made a part hereof.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the grantor hereby covenants with said grantee that it is lawfully seized of said land in fee simple; that it has good right and lawful authority to sell and convey said land; that it hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes subsequent to December 31, 2010.

IN WITNESS WHEREOF the grantor has caused these presents to be executed in its name, and its corporate seal to be affixed, by its proper officers thereunto duly authorized, the day and year first above written.

(CORPORATE SEAL)

Signed, sealed and delivered in the presence of:
(Signature of two witnesses required by Florida law)

[Signature]
WITNESS Signature (Required)

L.B. BAGWELL
TYPED OR PRINTED NAME OF WITNESS

[Signature]
WITNESS SIGNATURE (Required)

Noward E.C. Dear
TYPED OR PRINTED NAME OF WITNESS

The Church of God of Prophecy State Offices in Florida, Inc.
CORPORATION NAME - TYPED OR PRINTED

BY: [Signature]
SIGNATURE OF PRESIDENT

Robert f. Davis Jr.
TYPED OR PRINTED NAME OF PRESIDENT

ATTEST: [Signature]
SIGNATURE OF SECRETARY

Willie H. Davis
TYPED OR PRINTED NAME OF SECRETARY

P.O. BOX 783156
Winter Garden, FL 34778-3156
MAILING ADDRESS

STATE OF Florida

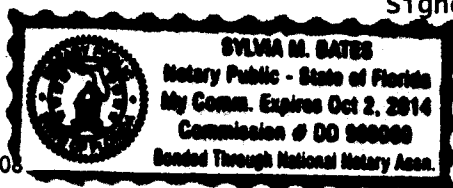
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 10th day of MARCH

of 2011, a Non-Profit corporation, on behalf of the corporation. He/she is personally known to me or has produced (Known to me) as identification.

witness my hand and official seal this 10 day of March, 2011.

signed: [Signature]



Notary Public in and for the County and State aforementioned

Exhibit "A"

The following described land, situate, lying and being in Palm Beach County, Florida, to-wit:

The East $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 26, Township 44 South, Range 42 East less the North 220 feet thereof and less road right-of-way described as follows:

All that portion of the East $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ less the North 200 feet thereof of said Section 26, lying East of the purposes West right-of-way line of Haverhill Road as shown on the right-of-way map recorded in Road Plat Book 5, pages 16 and 17, Public Records of said County, less the existing right-of-way as described by Deed, recorded in Deed Book 62, page 323, Public Records of said County, over and across the East 25 feet of the above-described portion of land.

ATTACHMENT 4
EXHIBIT "A"
