

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2012	2013	2014	2015	2016
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	(\$100)	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	(\$100)	=====	=====	=====	=====
# 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:

There is minimal revenue generated by the sale of this property, but its conveyance will eliminate the County's ongoing maintenance and liability. Approximately 50 total hours of Staff time was spent disposing of this property.

C. Departmental Fiscal Review: _____ *W 10-14-11*

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

OFMB *[Signature]* 10/20/11
10/19/11
 Contract Development and Control *[Signature]* 10/25/11
10-21-11 B. Wheeler

B. Legal Sufficiency:

[Signature] 10/24/11
 Assistant County Attorney

C. Other Department Review:

 Department Director

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

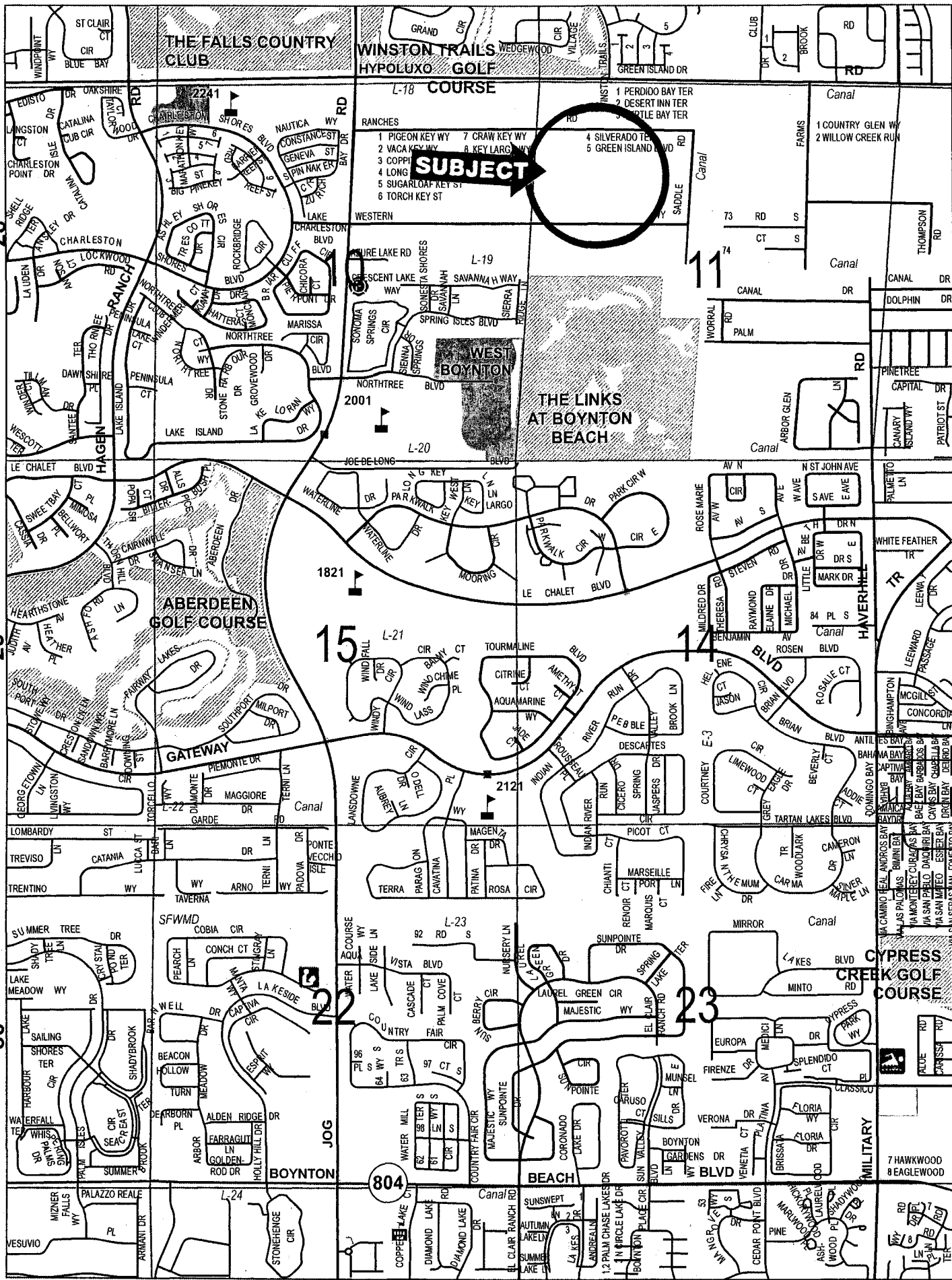
Background and Policy Issues (Cont'd):

based on the per acre price Hypoluxo/Jog paid for its acquisition of the surrounding properties which has been assembled for a proposed PUD. Once the PUD is developed, it will have an overall water management system to address the storm water drainage requirements for the areas and will not need to utilize the canal.

The assessed value of the remaining 7.55 acre parcel is currently shown on the Property Appraiser records as \$99,631, which on a proportional basis makes the assessed value of the subject 50' x 166' (8,300 sq. ft./19 acres) portion roughly equivalent to \$2,500.

Terwilliger/Leone are the residential property owners who own 2.43 acres located north of and adjacent to the subject property. They offered to purchase a 50' section of the surplus canal property and delivered a check for the nominal \$100 purchase price. Terwilliger/Leone understand that: i) the property is subject to an easement for canal purposes; ii) they will pay documentary stamps and recording costs and (iii) they will accept the property in "AS IS" condition. The closing will occur shortly after Board approval. Further, this transaction does not require a review by the Property Review Committee since the parcel's value is less than \$250,000.

There have been numerous comments made recently suggesting the County dispose of "surplus" properties by the most efficient and cost effective manner possible. In many instances the properties are of a nature that have little, if any, value to anyone other than the adjacent property owners. It is our experience that in order to induce the adjacent property owner to accept the property, a price well below assessed value is required. In addition, substantial staff time is required in order to structure the transaction in a manner acceptable to the property owner and neighbors, resolve problems with legal descriptions and to clean up the property. In this case, the sales price is only \$100 and Staff spent a total of approximately 50 hours effectuating the sale.



T 45

15



T 45

LOCATION MAP

II



produced by: myGeoNav



RESOLUTION NO. 2011-__

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY TO CARL L. TERWILLIGER & DONNA M. LEONE, HIS WIFE, AND DONNA M. LEONE, AS TRUSTEE, PURSUANT TO FLORIDA STATUTE SECTION 125.35(2); FOR ONE HUNDRED DOLLARS (\$100.00), WITH MINERAL AND PETROLEUM RIGHTS RESERVATION AND WITHOUT RIGHTS OF ENTRY AND EXPLORATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the County owns a surplus parcel containing 7.55+/- acres of 50 foot wide canal right-of-way ("County Parcel") located east of Jog Road and south of Hypoluxo Road in unincorporated Palm Beach County, which County Parcel is subject to an easement for canal purposes;

WHEREAS, part of the County Parcel is a rectangular strip of real property approximately 50 feet wide x 166 feet long which contains 8300 +/- square feet (approximately .19 acres) (the "Surplus Property"), located adjacent to the property owned by Carl L. Terwilliger & Donna M. Leone, his wife, and Donna M. Leone, as Trustee (collectively, "Terwilliger");

WHEREAS, the Board of County Commissioners of Palm Beach County hereby finds that such Surplus Property is of insufficient size and shape to be issued a building permit for any type of development to be constructed on such property;

WHEREAS, the Board of County Commissioners hereby finds that such Surplus Property is of use only to the adjacent property owners due to its size, shape, location and value;

WHEREAS, the County sent notice of its intent to sell such parcel to owners of adjacent property by certified mail and only received notice from Terwilliger of their desire to purchase such property;

WHEREAS, the Board desires to affect a private sale of such Surplus Property to Terwilliger pursuant to Florida Statute Section 125.35(2);

WHEREAS, pursuant to Florida Statute Section 270.11, Terwilliger has requested that such Surplus Property be conveyed without reservation of and that the County release all 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 Surplus Property reserving phosphate, minerals, metals and petroleum rights, but releasing any and all rights of entry and exploration relating to such rights, and subject to an easement for canal purposes as recorded in Official Record Book 325, Page 305, Public Records of Palm Beach County, Florida, and all other matters of record.

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 Carl L. Terwilliger & Donna M. Leone, his wife, and Donna M. Leone, as Trustee, for One Hundred Dollars (\$100.00), pursuant to the County Deed attached hereto and incorporated herein by reference, the real property legally described in such Deed, subject to an easement for canal purposes as recorded in Official Record Book 325, Page 305, Public Records of Palm Beach County, Florida, and all other matters of record,

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 _____ whomoved its adoption. The Motion was seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

- COMMISSIONER KAREN T. MARCUS, CHAIR
- COMMISSIONER SHELLEY VANA, VICE CHAIR
- COMMISSIONER PAULETTE BURDICK
- COMMISSIONER STEVEN L. ABRAMS
- COMMISSIONER BURT AARONSON
- COMMISSIONER JESS R. SANTAMARIA
- COMMISSIONER PRISCILLA A. TAYLOR

The Chair thereupon declared the resolution duly passed and adopted this _____ day of _____, 20____.

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

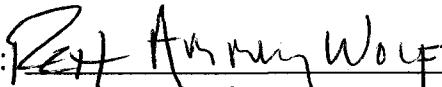
SHARON R. BOCK
CLERK & COMPTROLLER

By: _____
Deputy Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

APPROVED AS TO TERMS
AND CONDITIONS

By: 
Assistant County Attorney

By: 
Department Director

“AS IS” ACKNOWLEDGMENT

THIS ACKNOWLEDGMENT is made this 18 day of February, 20__ by **CARL L. TERWILLIGER & DONNA M. LEONE, his wife, and DONNA M. LEONE, as Trustee** (collectively, the “Buyer”) to **PALM BEACH COUNTY, FLORIDA**, a political subdivision of the State of Florida (“Seller”).

WITNESSETH:

WHEREAS, Seller has agreed to sell and Buyer has agreed to buy, for the sum of One Hundred and no/100 Dollars (\$100.00), approximately .19 acre(s) of surplus land located in Section 11, Township 45S, Range 42E, Palm Beach County (“Property”), and more particularly described as follows:

The South 25 feet of the West half of the East half of the Southeast quarter of the Northwest quarter of the Northwest quarter of Section 11, Township 45 South, Range 42 East, Palm Beach County, Florida, together with the North 25 feet of the West half of the East half of the Northeast quarter of the Southwest quarter of the Northwest quarter of Section 11, Township 45 South, Range 42 East, Palm Beach County, Florida.

The above described parcels lying south of and adjoining the west half of Lot 5, Block 7 of the unrecorded plat of Palm Beach Ranches.

Subject to an easement for canal purposes recorded in Official Record Book 325, Page 305, Public Records of Palm Beach County, Florida, and all other matters of record.

WHEREAS, the Buyer agreed to purchase the Property and any improvements in an “AS IS CONDITION,” without warranties and/or representations and acknowledge the foregoing at the closing of the transaction.

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 and possession of the Property by the Buyer.

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

Signed, sealed and delivered
in the presence of:

Buyer:

Michael Dennis
Witness Signature (as to both)

By: Carl L. Terwilliger
Carl L. Terwilliger

Michael Dennis
Print Name

Buyer:

[Signature]
Witness Signature (as to both)

By: Donna M. Leone
Donna M. Leone, individually
and as Trustee

J. Speller
Print Name

TO 516N

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, Donna M. Leone, Trustee, hereinafter referred to as "Affiant", who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant (the "Buyer") is the Buyer of the real property legally described on the attached Exhibit "A" (the "Property").
2. Affiant's address is: 5782 Ranches Road, Lake Worth, FL 3346⁸~~5~~-7607.
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 trust that Buyer administers and will therefore benefit from the purchase of the Property, and the percentage interest of each such person or entity in said trust.
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.

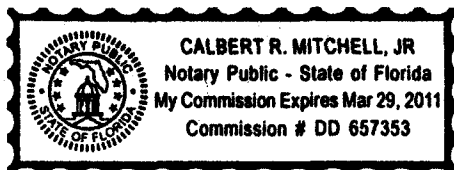
FURTHER AFFIANT SAYETH NAUGHT.

Donna M. Leone, Trustee, Affiant
Donna M. Leone, Trustee

The foregoing instrument was sworn to, subscribed and acknowledged before me this 18 day of February, 2011, by Donna M. Leone, Trustee, [] who is personally known to me or [] who has produced FLDL as identification and who did take an oath.

[Signature]
Notary Public

Calbert Mitchell Sr.
(Print Notary Name)



NOTARY PUBLIC
State of Florida at Large

My Commission Expires: 3/29/11

EXHIBIT "A"

PROPERTY

The South 25 feet of the West half of the East half of the Southeast quarter of the Northwest quarter of the Northwest quarter of Section 11, Township 45 South, Range 42 East, Palm Beach County, Florida, together with the North 25 feet of the West half of the East half of the Northeast quarter of the Southwest quarter of the Northwest quarter of Section 11, Township 45 South, Range 42 East, Palm Beach County, Florida.

The above described parcels lying south of and adjoining the west half of Lot 5, Block 7 of the unrecorded plat of Palm Beach Ranches.

Subject to an easement for canal purposes recorded in Official Record Book 325, Page 305, Public Records of Palm Beach County, Florida, and all other matters of record.

PREPARED BY AND RETURN TO:
Peter Banting, Real Estate Specialist
PALM BEACH COUNTY
PROPERTY & REAL ESTATE MANAGEMENT DIVISION
2633 Vista Parkway
West Palm Beach, FL 33411-5605

PCN: 00-42-45-10-01-009-0020 (portion of)
Closing Date: _____
Purchase Price: \$100.00

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 CARL L. TERWILLIGER & DONNA M. LEONE, his wife, and DONNA M. LEONE, as Trustee, whose legal mailing address is 5782 Ranches Road, Lake Worth, FL 33463 (collectively, "Grantee").

WITNESSETH:

That County, for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00) to it in hand paid by Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to Grantee, its successors, heirs, and assigns forever, the following described land lying and being in Palm Beach County, Florida:

The South 25 feet of the West half of the East half of the Southeast quarter of the Northwest quarter of the Northwest quarter of Section 11, Township 45 South, Range 42 East, Palm Beach County, Florida, together with the North 25 feet of the West half of the East half of the Northeast quarter of the Southwest quarter of the Northwest quarter of Section 11, Township 45 South, Range 42 East, Palm Beach County, Florida.

The above described parcels lying south of and adjoining the west half of Lot 5, Block 7 of the unrecorded plat of Palm Beach Ranches.

Subject to an easement for canal purposes recorded in Official Record Book 325, Page 305, Public Records of Palm Beach County, Florida, and all other matters of record.

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

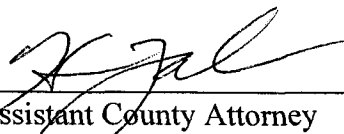
PALM BEACH COUNTY, a political
subdivision of the State of Florida

By: _____
Deputy Clerk

By: _____
Karen T. Marcus, Chair

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

(OFFICIAL SEAL)

By: 
Assistant County Attorney

Select Year: 2010

The 2010 Florida Statutes

<u>Title XI</u>	<u>Chapter 125</u>	<u>View Entire</u>
COUNTY ORGANIZATION AND INTERGOVERNMENTAL	COUNTY	<u>Chapter</u>
RELATIONS	GOVERNMENT	

125.35 County authorized to sell real and personal property and to lease real property.—

(1)(a) The board of county commissioners is expressly authorized to sell and convey any real or personal property, and to lease real property, belonging to the county, whenever the board determines that it is to the best interest of the county to do so, to the highest and best bidder for the particular use the board deems to be the highest and best, for such length of term and such conditions as the governing body may in its discretion determine.

(b) Notwithstanding the provisions of paragraph (a), the board of county commissioners is expressly authorized to:

1. Negotiate the lease of an airport or seaport facility;
2. Modify or extend an existing lease of real property for an additional term not to exceed 25 years, where the improved value of the lease has an appraised value in excess of \$20 million; or
3. Lease a professional sports franchise facility financed by revenues received pursuant to s. 125.0104 or s. 212.20;

under such terms and conditions as negotiated by the board.

(c) No sale of any real property shall be made unless notice thereof is published once a week for at least 2 weeks in some newspaper of general circulation published in the county, calling for bids for the purchase of the real estate so advertised to be sold. In the case of a sale, the bid of the highest bidder complying with the terms and conditions set forth in such notice shall be accepted, unless the board of county commissioners rejects all bids because they are too low. The board of county commissioners may require a deposit to be made or a surety bond to be given, in such form or in such amount as the board determines, with each bid submitted.

(2) When the board of county commissioners finds that a parcel of real property is of insufficient size and shape to be issued a building permit for any type of development to be constructed on the property or when the board of county commissioners finds that the value of a parcel of real property is \$15,000 or less, as determined by a fee appraiser designated by the board or as determined by the county property appraiser, and when, due to the size, shape, location, and value of the parcel, it is determined by the board that the parcel is of use only to one or more adjacent property owners, the board may effect a private sale of the parcel. The board may, after sending notice of its intended action to owners of adjacent property by certified mail, effect a sale and conveyance of the parcel at private sale without receiving bids or publishing notice; however, if, within 10 working days after receiving such mailed notice, two or more owners of adjacent property notify the board of their desire to purchase the parcel, the board shall accept sealed bids for the parcel from such property owners and may convey such parcel to the highest bidder or may reject all offers.

(3) As an alternative to subsections (1) and (2), the board of county commissioners may by ordinance prescribe disposition standards and procedures to be used by the county in selling and conveying any real or personal property and in leasing real property owned by the county. The standards and procedures must provide at a minimum for:

(a) Establishment of competition and qualification standards upon which disposition will be determined.

(b) Reasonable public notice of the intent to consider disposition of county property and the availability of copies of the standards. Reasonableness of the notice is to be determined by the efficacy and efficiency of the means of communication used.

(c) Identification of the form and manner by which an interested person may acquire county property.

(d) Types of negotiation procedures applicable to the selection of a person to whom county properties may be disposed.

(e) The manner in which interested persons will be notified of the board's intent to consider final action at a regular meeting of the board on the disposition of a property and the time and manner for making objections.

(f) Adherence in the disposition of real property to the governing comprehensive plan and zoning ordinances.

History.—s. 1, ch. 23829, 1947; s. 1, ch. 70-388; s. 1, ch. 77-475; s. 1, ch. 81-87; s. 1, ch. 83-100; s. 1, ch. 86-105; s. 2, ch. 89-103; s. 2, ch. 95-416; ss. 1, 2, ch. 99-190; s. 1, ch. 2001-252; ss. 56, 79, ch. 2002-402.

Select Year: 2010

The 2010 Florida Statutes

Title XVIII
PUBLIC LANDS AND PROPERTY

Chapter 270
PUBLIC LANDS

[View Entire Chapter](#)

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.