



**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

Fiscal Years	2012	2013	2014	2015	2016
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	<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 _____ Program _____					

**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: \_\_\_\_\_ *[Signature]* 2-6-12

**III. REVIEW COMMENTS**

**A. OFMB Fiscal and/or Contract Development Comments:**

*Fiscal Impact cannot be determined. Maintenance is on an as needed basis*

OFMB *[Signature]* 2/10/12  
 Contract Development and Control *[Signature]* 2/21/12  
*2-21-12 B/10/12*

**B. Legal Sufficiency:**

*[Signature]* 2/23/12  
 Assistant County Attorney

**C. Other Department Review:**

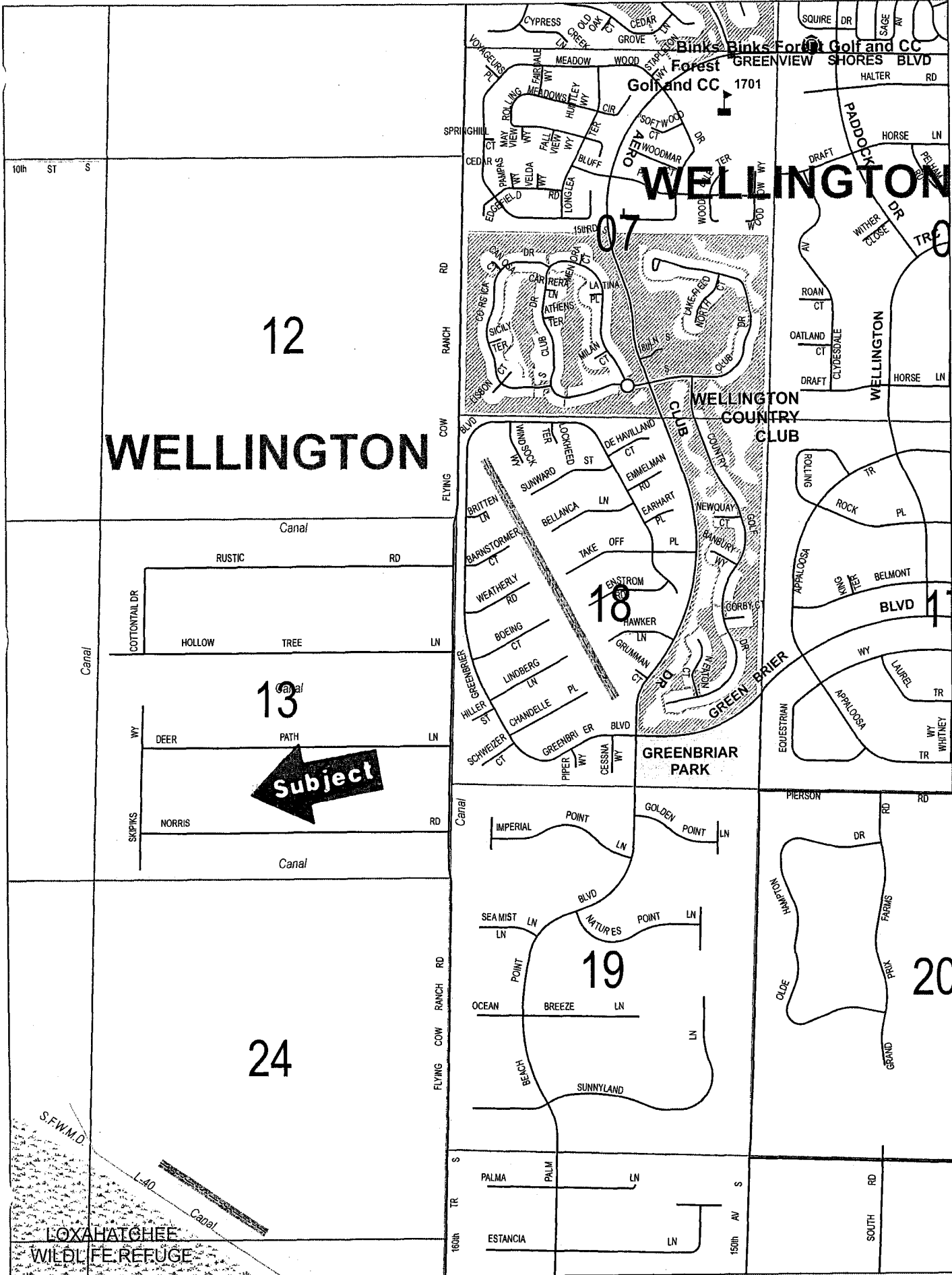
\_\_\_\_\_  
 Department Director

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

**Background and Policy Issues (cont.)** Since the assessed value of the property is \$39,075, the approval of the Property Review Committee is not required. This assessed value was established based on the value of the abutting residential lots. However, the land is a 30' wide x 1,300' long strip of land located in a rural subdivision where the existing residential lots are a minimum of 5 acres in size. The best use for the property appears to be use by the Village of Wellington for maintenance of the adjacent drainage canal, and the Village has indicated a need for it for that purpose. Florida Statutes Section 197.592(3) requires, under certain circumstances, the conveyance of surplus property acquired by Tax Deed to the municipality in which it is located. The statute does not establish how the property is to be valued or conveyed. The PREM Ordinance requires an appraisal of property to be disposed of by sale when the assessed value exceeds \$25,000, but does not address appraisal of property to be disposed of by donation. The County is conveying this property to the Village of Wellington as required by statute, and it is doing so by donation. In an effort to save costs, staff did not obtain an appraisal of this property in light of the ambiguity between the statutory requirement to convey the land and the PREM Ordinance's requirement regarding appraisals. For these purposes, Staff is comfortable relying on the assessed value. No Disclosure of Beneficial Interest is required since the transaction is between the County and another governmental entity. This conveyance must be approved by a supermajority vote (5 Commissioners).

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See pg 84

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LOCATION MAP

II

RESOLUTION NO. 2012-\_\_\_\_\_

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY TO THE VILLAGE OF WELLINGTON 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 the Village of Wellington 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 land has not been previously sold, acquired for infill housing, or 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 Village of Wellington 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 Village of Wellington 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 Village of Wellington.

**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 Shelley Vana, Chair
- Commissioner Steven L. Abrams, Vice Chairman
- Commissioner Karen T. Marcus
- Commissioner Paulette Burdick
- 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

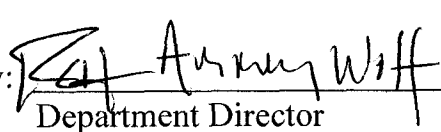
SHARON R. BOCK  
CLERK & COMPTROLLER

By: \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

APPROVED AS TO TERMS AND CONDITIONS

By:   
Assistant County Attorney

By:   
Department Director

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: 73-40-44-13-00-000-7000

Closing Date: \_\_\_\_\_

Purchase Price: \$0

## 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 VILLAGE OF WELLINGTON, a Florida municipality, whose legal mailing address is 12300 Forest Hill Boulevard, Wellington, Florida, 33414, "Village".

### WITNESSETH:

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

13-44-40, ELY 30.09 FT OF S 1/2 of SW 1/4 00-40-44-13-00-000-7000.  
THE ABOVE BEING THE REAL PROPERTY DESCRIBED  
UNDER TAX CERTIFICATE NUMBER 963'90 IN THE TAX  
DEED RECORDED IN OFFICIAL RECORD BOOK 12667, PAGE  
1222, PUBLIC RECORDS OF PALM BEACH COUNTY,  
FLORIDA.

Reserving, however, unto County, its successors and assigns, an undivided three-fourths (3/4) interest in, and title in and to an undivided three-fourths (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 (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:

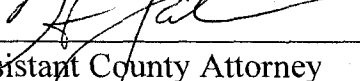
SHARON R. BOCK  
CLERK & COMPTROLLER

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

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Shelley Vana, Chair

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

By:   
Assistant County Attorney

(OFFICIAL SEAL)



A GREAT HOMETOWN

Council  
Darell Bowen, Mayor  
Matt Willhite, Vice Mayor  
Dr. Carmine A. Priore, Mayor pro tem  
Howard K. Coates, Jr., Councilman  
Anne Gerwig, Councilwoman

Manager  
Paul Schofield

RECEIVED

October 6, 2011

OCT 21 2011

Ross Hering, Director  
Palm Beach County Property and Real Estate Management  
2633 Vista Parkway  
West Palm Beach, Florida 33411

Re: Rustic Ranches Phase II – Parcel 13-44-40-7000


Dear Mr. Hering:

It has recently come to my attention that the above referenced parcel is owned by Palm Beach County. The property is a narrow strip which is approximately 30 feet in width and 1,940 feet in length totaling .91 acres adjacent to a canal in the Rustic Ranches subdivision. The existing canal abuts and is parallel to this strip of property, thereby preventing normal and regular maintenance of the existing storm water canal.

We respectfully request that Palm Beach County consider conveyance of the subject property to Wellington for use in canal maintenance.

Should you have any questions, please don't hesitate to contact me directly via email at [jbonde@wellingtonfl.gov](mailto:jbonde@wellingtonfl.gov) or via telephone at 561-791-4002.

Thank you.



John W. Bonde,  
Deputy City Manager

/la  
encl.

cc: Awilda Rodriguez, Wellington Clerk  
Jeffrey Kurtz, Attorney for Wellington



The Florida Senate

2011 Florida Statutes

<a href="#">TITLE XIV</a> TAXATION AND FINANCE	<a href="#">CHAPTER 197</a> TAX COLLECTIONS, SALES, AND LIENS	<a href="#">VIEW ENTIRE CHAPTER</a>
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**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. 85-342; s. 7, ch. 86-141; s. 6, ch. 99-190.

**Note.**— Former ss. 194.471, 197.655, 197.302.

## The Florida Senate

### 2011 Florida Statutes

<u>TITLE XVIII</u> PUBLIC LANDS AND PROPERTY	<u>CHAPTER 270</u> PUBLIC LANDS	<u>VIEW ENTIRE CHAPTER</u>
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#### **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.