

Agenda Item #: 3-C-1

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**AGENDA ITEM SUMMARY**

Meeting Date: April 17, 2012

☒ Consent      ☐ Regular  
☐ Workshop      ☐ Public Hearing

Department:

Submitted By: Engineering and Public Works

Submitted For: Roadway Production Division

**I. EXECUTIVE BRIEF**

**Motion and Title:** Staff recommends motion to approve: A County Deed to convey certain parcels of land to Mr. and Mrs. Smith M. Blanchard (Property Owners). This County deed will return certain parcels mistakenly conveyed by the Property Owners to Palm Beach County (County) in 1984 as they attempted to comply with the right-of-way dedication required in Petition Number 84-82.

**SUMMARY:** Approval of this County Deed will return to the Property Owners certain parcels of land conveyed to the County in error.

District 3 (MRE)

**Background and Justification:** In 1984, the Property Owners were required by Petition Number 84-82 to convey to the County the west seven feet of their property for the right-of-way for Military Trail. The subject property is located on the east of Military Trail approximately 1,250 feet south of 10<sup>th</sup> Avenue North. The required property was conveyed by a Right-of-Way Warranty Deed which was recorded in Official Records Book 4489, Pages 358 and 359. The Property Owners are preparing to sell their property and their title insurance company discovered that the Right-of-Way Warranty Deed, by virtue of a misplaced punctuation, inadvertently conveyed parcels of land that should not have been conveyed to the County. The Property Owners have requested that those parcels of land be re-conveyed to them in order to clear the title on their property. The approval of this County Deed will clear the property's title and enable the Property Owners to sell their property.

**Attachments:**

1. Location Map
2. County Deed with Exhibit "A"
3. Request for Release from Property Owner's Representative
4. Copy of Right-of-Way Warranty Deed

Recommended by: *WLF*

*Ornelio A. Fernandez*  
Division Director

*3/28/12*  
Date

Approved by:

*B. T. Webb*  
County Engineer

*3/28/12*  
Date

## II. FISCAL IMPACT ANALYSIS

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

Fiscal Years	2012	2013	2014	2015	2016
Capital Expenditures	\$ -0-	-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	\$ -0-	-0-	-0-	-0-	-0-
# ADDITIONAL FTE					
POSITIONS (Cumulative)					

Is Item Included in Current Budget? Yes No

Budget Acct No.: Fund \_\_\_\_\_ Dept. \_\_\_\_\_ Unit \_\_\_\_\_ Object \_\_\_\_\_  
Program

### Recommended Sources of Funds/Summary of Fiscal Impact:

This item has no fiscal impact.

C. Departmental Fiscal Review: Whillhite

## III. REVIEW COMMENTS

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

OFMB 3/22/12 3/29/12 3/28/12 4/2/12  
Contract Dev. and Control 4/2/12

### B. Approved as to Form and Legal Sufficiency:

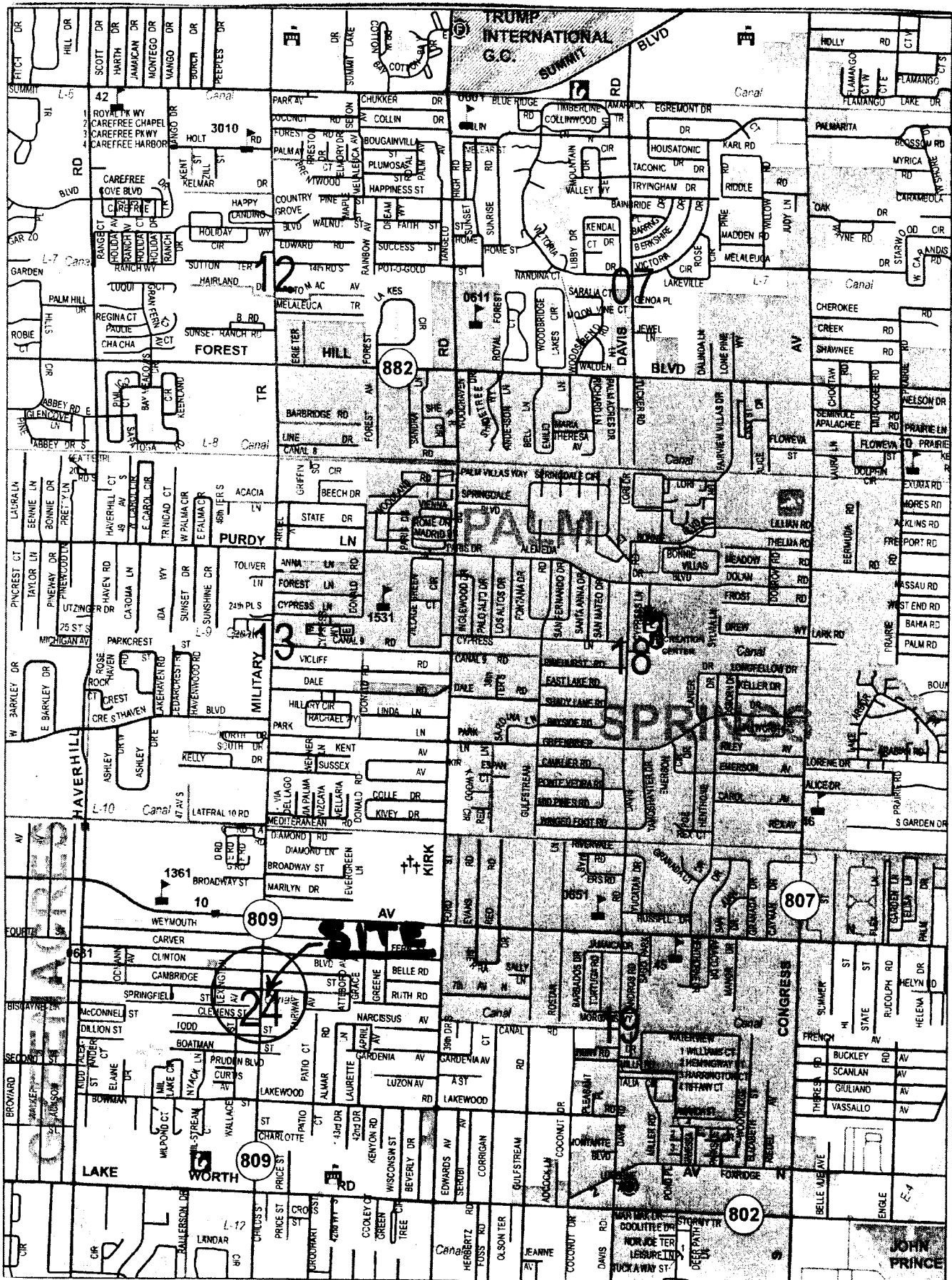
Mark R. Hitt 4/3/12  
Assistant County Attorney

### C. Other Department Review:

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

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

### LOCATION MAP



RETURN TO:

NAME: PALM BEACH COUNTY  
R/W ACQUISITION SECTION  
POST OFFICE BOX 21229  
ADDRESS: WEST PALM BEACH, FLORIDA 33416  
ATTN: ED HANDY  
ACCT. NO.: 1010 W/C BOX 1066

## C O U N T Y D E E D

THIS DEED, made this \_\_\_\_\_ by **PALM BEACH COUNTY**, a political subdivision of the State of Florida, party of the first part, and **SMITH M. BLANCHARD and AUDREY E. BLANCHARD**, parties of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of Ten (\$10.00) Dollars to it in hand paid by the parties of the second part, receipt whereof is hereby acknowledged, has granted, bargained and sold to the parties of the second part, their heirs and assigns forever, the following described land lying and being in Palm Beach County, Florida:

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

IN WITNESS WHEREOF the said party of the first part has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chair or Vice Chairman of said Board, the day and year aforesaid.

ATTEST:  
SHARON R. BOCK, Clerk & Comptroller

PALM BEACH COUNTY, FLORIDA, BY  
ITS BOARD OF COUNTY COMMISSIONERS

BY: \_\_\_\_\_  
Clerk (or Deputy Clerk)

BY: \_\_\_\_\_  
Commissioner Shelley Vana, Chair

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

BY: \_\_\_\_\_  
County Attorney

This instrument prepared by:  
Marlene R. Everitt, Assistant County Attorney  
Palm Beach County  
P.O. Box 21229  
West Palm Beach, FL 33416

STATE OF FLORIDA  
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2012  
by \_\_\_\_\_ Chair or Vice Chairman, Board of County Commissioners,  
who is personally known to me or who has produced \_\_\_\_\_ as identification and  
who did not take an oath.

\_\_\_\_\_  
Typed name of Acknowledger  
Deputy Clerk

EXHIBIT "A"

A PORTION OF THE LAND RECORDED IN OFFICIAL RECORDS BOOK 4489, PAGES 0358 & 0359, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN THE PLAT OF KENWOOD AS RECORDED IN PLAT BOOK 3, PAGES 44 AND 45, *BEING MORE PARTICULARLY DESCRIBED AS FOLLOW:*

THAT PORTION OF THE 20 FOOT SERVICE STREET ADJACENT AND WESTERLY OF LOT 43 BOUNDED ON THE NORTH BY THE WESTERLY PROLONGATION OF THE NORTH LINE OF LOT 43 AND ON THE SOUTH BY THE WESTERLY PROLONGATION OF THE SOUTH LINE OF LOT 43;

TOGETHER WITH THAT PORTION OF THE NORTHERLY 50 FEET OF SPRINGFIELD STREET ADJACENT THERETO BOUNDED ON THE WEST BY THE SOUTHERLY PROLONGATION OF THE WEST LINE OF LOT 44 AND ON THE EAST BY THE SOUTHERLY PROLONGATION OF THE EAST LINE OF LOT 39, LESS THE WEST 10 FEET FOR THE MILITARY TRAIL RIGHT OF WAY.

REC'D FEB 24 2012

**LAW OFFICE OF  
STELLA SUAREZ-RITA, PA**

814 W. Lantana Road, Suite 1  
Lantana, FL 33462  
Telephone: 561.586.5883  
Fax: 561.586.5450/EFax: 561.892.3952  
Email: [sritacsq@ritlawgroup.com](mailto:sritacsq@ritlawgroup.com)

February 23, 2012

Palm Beach County –  
Attn: Roadway Prod. Division – Ed Handy  
2300 N. Jog Road – 3<sup>rd</sup> Floor, West Wing  
West Palm Beach, FL 33411

Re: Request for Quit Claim Deed as to abandoned parcels in Right of Way Deed recorded in OR Book 4489, Page 358

Dear Mr. Handy:

Pursuant to my telephone conversation of earlier this week, I represent Mr. and Mrs. Smith Blanchard who are the fee simple owners of certain property located on Military Trail, Lake Worth. In Petition No. 84-82, my clients were required to convey to the County an additional seven (7') feet for the Military Trail expansion. This was approved and completed by the recording of a Right of Way Deed in OR Book 4489, Page 358 recorded in 1984. However, as I explained to you, this ROW Deed not only included the 7' necessary for the expansion but in the manner in which it was written, it purports to also include a twenty (20') foot service alley way and the 50' abandoned Springfield Street in the same instrument.


This issue came up in a title review when my clients were anticipating conveyance of certain lots including the two abandoned parcels referenced in the 1984 ROW Deed. At this time, my clients are unable to convey and provide title insurance because they have inadvertently given back to the county the two abandoned parcels.

This is a request for the county to re-convey the two abandoned parcels referenced in the 1984 ROW Deed back to my clients so that they may be able to sell the adjacent lots together with these parcels. You had indicated that the next available county meeting will be held on April 17<sup>th</sup> when you would be able to present this issue before the county. Please present this the county and advise me as to the outcome of same.

Mr. and Mrs. Blanchard would like to appear in order to seek approval for in order to see approval for an assignment of the Piping, Paving and Parking License Agreement recorded in OR Book 7390, Page 1466 and amended in OR Book 9979, Page 435.

I am enclosing a copy of the 1984 ROW Deed for your reference. If you need any other information to help in this matter, please do not hesitate to contact me.

Sincerely,



Stella Suarez-Rita  
Attorney-at-Law  
Encl.

NM

Individuals  
Partnerships

CRD NO: PETITION NO. 84-82  
ROAD Military Trail

## RIGHT-OF-WAY WARRANTY DEED

85 054544

THIS INDENTURE Made this 15<sup>th</sup> day of November, A.D., 19 84  
between Smith M. Blanchard and Audrey E. Blanchard, His Wife

1985 MAR 12 PM 3:47

hereinafter called the grantor, to PALM BEACH COUNTY, a political subdivision of the State of Florida, hereinafter called the 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, hereby grants, bargains, sells, alien, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Palm Beach County, Florida, to-wit:

Accepted by Board of  
County Commissioners  
Date 12-14-84

The West 7 ft. of the following described property, Lots 39-43 inclusive and Lots 44-47 inclusive, less the West 3 feet thereof, Together with the 20 ft. Service Road lying adjacent to and Westerly of Lot 43 bounded on the North by the Westerly extension of the Northerly Line of Lot 43 and on the South by the Westerly extension of the Southerly Line of Lot 43; Also, together with the Northerly 50 ft. of Springfield Street bounded on the West by the Southerly extension of the Westerly Line of Lot 44 and on the East by the Southerly extension of the Easterly Line of Lot 39, less Westerly 3 ft. thereof of Springfield Street, all according to the Plat of Kenwood as recorded in Plat Book 3, pages 44 & 45, Public Records of Palm Beach County, Florida.

Documentary Tax Pd \$  
Intangible Tax Pd \$  
Class, Palm Beach County, Florida

9.60  
45

Return to  
Land Acquisition  
Bldg. S-1170, P. B. I. A.

84489 P0358

This instrument prepared  
By: Paul G. Parker, President  
ECLECTIC, Inc.  
4000 So. 57th Ave. Suite# 210  
Lake Worth, Florida 33463

84489 P0358

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 the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor 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 accruing subsequent to December 31, 1913.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

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

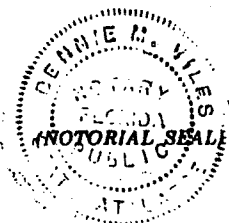
Bennie M. Viles  
Marion F. Viles

Smith M. Blanchard (SEAL)  
Audrey E. Blanchard (SEAL)

STATE OF Florida  
COUNTY OF Palm Beach

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State of aforesaid and in the County aforesaid to take acknowledgments, personally appeared Smith M. Blanchard and Audrey E. Blanchard, His Wife to me known to be the person(s) described in and who executed the foregoing instrument and they acknowledged before me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 15th day of November, 1984.



Bennie M. Viles  
NOTARY PUBLIC

My Commission expires: May 16, 1987

84489 P0359

RECORD VERIFIED  
PALM BEACH COUNTY FLA  
JOHN B. DUNKLE  
CLERK CIRCUIT COURT

84489 P0328