

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY**

**Meeting Date:**      **August 14, 2012**      ☐ **Consent**      ☒ **Regular**  
    ☐ **Ordinance**      ☐ **Public Hearing**

**Department:** Facilities Development & Operations

## I. EXECUTIVE BRIEF

**Motion and Title: Staff recommends motion to:**

**a) adopt a resolution authorizing the reconveyance to the Lake Worth Drainage District (LWDD) of the County's interest in 0.30 acres of real property located in unincorporated Delray without charge and without reservation of mineral and petroleum rights; and**

**5) approve** a County Deed in favor of the Lake Worth Drainage District, a Special Taxing District of the State of Florida.

**Summary:** In 1950 the Lake Worth Drainage District conveyed approximately 10 acres of property to the County comprising large portions of the lake on the east side of Lake Ida Park. It appears that either the legal description of the property did not accurately track the shoreline, or over time some of the residential lots abutting the lake were filled out into the lake. Vickie Garland, Ethel Ivory, & The Resurrection Trust (collectively, Garland) own a 0.34 acre lot at 1516 Lake Drive, Delray Beach which abuts the lake, but is separated from the lake by a 66' x 200' (13, 215 SF) upland strip of the property the County acquired from LWDD. The County has no use for this property as it is separated from the Park. This parcel is essentially the lake frontage of Garland's backyard. The Deed from LWDD contained a restriction that the property be used for park purposes and included a reverter. Staff asked LWDD if it would release the restriction and allow the County to sell the property to Garland. LWDD declined. Garland subsequently informed LWDD that the property was not being used as a park, and requested a conveyance of the property from LWDD. On March 2, 2012, LWDD requested that the County acknowledge the reversion and reconvey the property to LWDD as the property is no longer being used for its intended purpose. This County Deed is being granted to LWDD in recognition of LWDD's reverter rights and will allow title to be transferred from LWDD to Garland. The County will not retain mineral and petroleum rights as provided for in Florida Statutes Section 270.11. All purchases, sales and exchanges of real estate must be approved by a supermajority vote (5 Commissioners) pursuant to the PREM Ordinance. (PREM) District 4 (HJF)

## 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)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<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:

~~X~~ Conveyance of this property will eliminate the County's ongoing maintenance and liability.

### C. Departmental Fiscal Review: \_\_\_\_\_

## III. REVIEW COMMENTS

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

*[Signature]* 7/24/2012 *7/24/12*  
OFMB *See*

*[Signature]* 7/26/12  
Contract Development and Control *7-25-12 B. White*

### B. Legal Sufficiency:

*[Signature]* 7/27/12  
Assistant County Attorney

### C. Other Department Review:

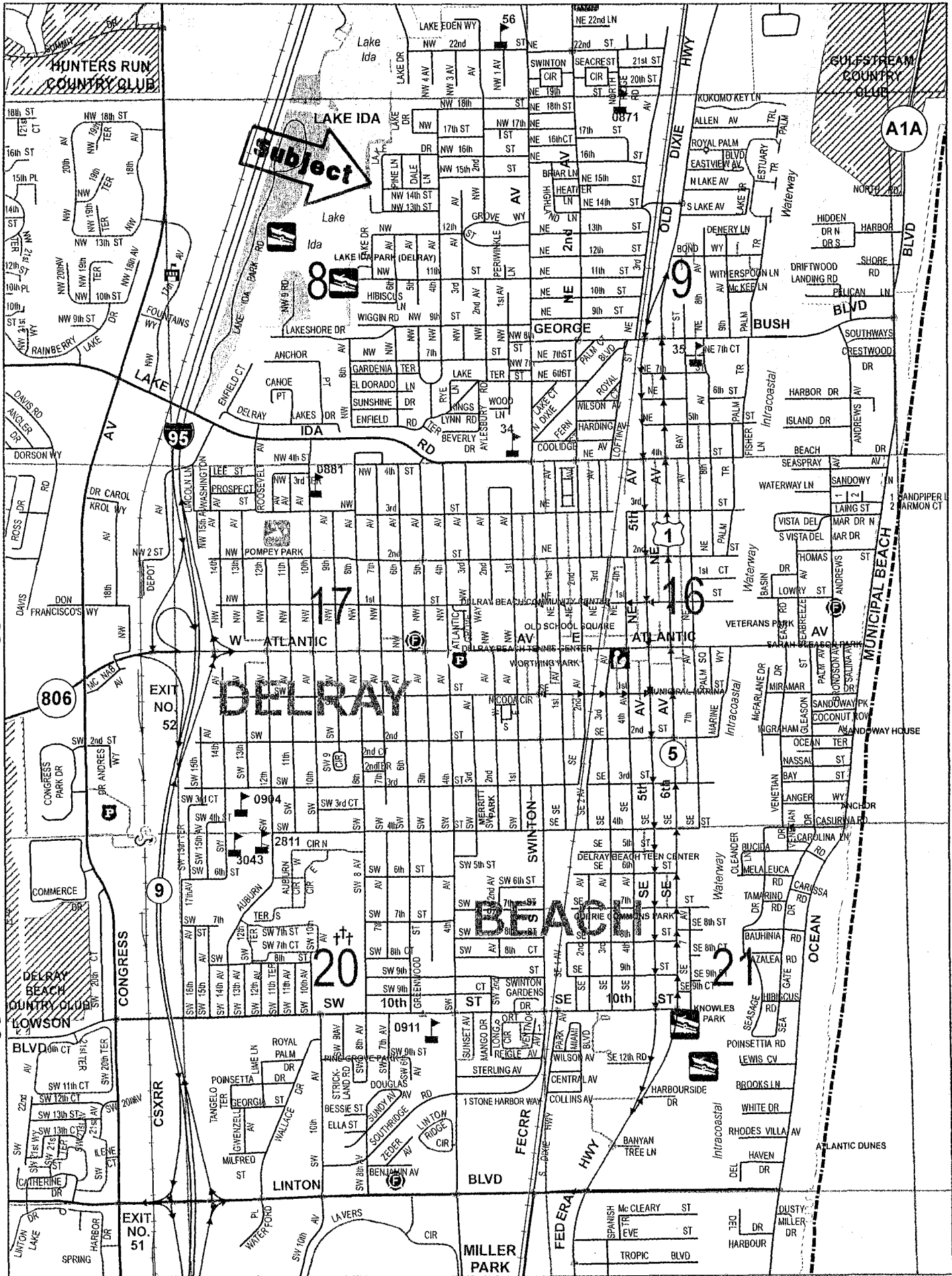
\_\_\_\_\_  
Department Director

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

**Background & Policy Issues (Cont'd):** The County is conveying this property to the LWDD pursuant to the reverter clause in the deed from LWDD. Because the property is reverting to the original party regardless of value, the approval of the Property Review Committee and an appraisal of the property were not obtained. Mineral and petroleum rights are also not being reserved as provided for in Florida Statute Section 270.11. The County's Parks and Recreation and Environmental Resource Management Departments have reviewed this conveyance and have no objections. No Disclosure of Beneficial Interest is required since the transaction is between the County and another governmental entity

D

C



D

C

# LOCATION MAP

(1 of 3)

11



12-43-46-08-00-000-7070

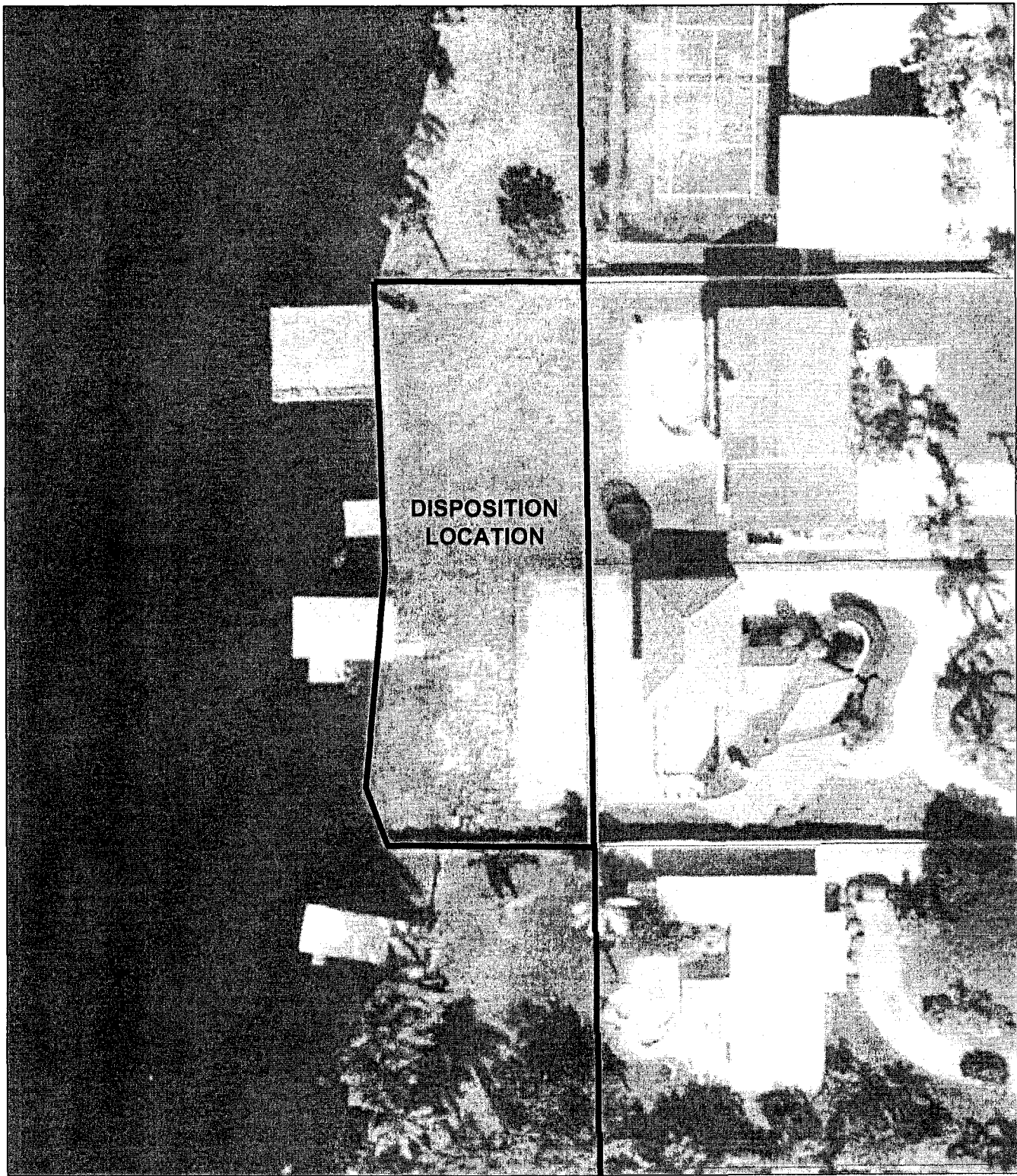
produced by: myGeoNav



## Lake Ida Park

(2 of 3)





**RESOLUTION NO. 20\_\_**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE RECONVEYANCE OF CERTAIN REAL PROPERTY TO LAKE WORTH DRAINAGE DISTRICT, A SPECIAL TAXING DISTRICT OF THE STATE OF FLORIDA, WITHOUT CHARGE AND WITHOUT MINERAL AND PETROLEUM RIGHTS RESERVATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Lake Worth Drainage District, a Special Taxing District of the State of Florida ("District"), has made application to the Board of County Commissioners of Palm Beach County requesting that Palm Beach County re-convey 0.30 acres of surplus real property to District for use by District for its purposes; and

**WHEREAS**, District deeded the 0.30 acre parcel to County as part of a larger parcel with a restriction that the property be used for park purposes; and

**WHEREAS**, the deed to the County provided that title to the land would revert to District if County did not use the property for park purposes, and County is not using the 0.30 acre parcel of land for park purposes; and

**WHEREAS**, District has requested that the 0.30 acre parcel be re-conveyed to District; and

**WHEREAS**, the Board of County Commissioners of Palm Beach County hereby finds that the 0.30 acres of real property should be re-conveyed to District as requested and at no charge as it is not being used for the intended park purposes and title will revert to District; and

**WHEREAS**, pursuant to Florida Statute Section 270.11, District has requested that such property be re-conveyed without reservation of, and with release of the 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 re-convey such property without reserving phosphate, mineral, metals and petroleum rights or the rights of entry to such property.

**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 Re-convey Real Property**

The Board of County Commissioners of Palm Beach County shall re-convey to District without charge and by County Deed attached hereto and incorporated herein by reference, the real property legally described in such Deed.

**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

G:\PREM\PM\Dispositions\Delray Lake Ida LWDD\Resolution.002.HF app.061312.docx

PREPARED BY AND RETURN TO:  
Richard C. Bogatin  
PALM BEACH COUNTY  
PROPERTY & REAL ESTATE MANAGEMENT DIVISION  
2633 Vista Parkway  
West Palm Beach, FL 33411-5605

PCN: 12-43-46-08-00-000-7070\_ (portion of)  
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 LAKE WORTH DRAINAGE DISTRICT, a Special Taxing District of the State of Florida, whose legal mailing address is 13081 Military Trail, Delray Beach, Florida 33484, "District".

### WITNESSETH:

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

See Exhibit "A" attached hereto and made a part hereof.

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 Chairman 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

(OFFICIAL SEAL)

By:   
Assistant County Attorney

EXHIBIT "A"  
to  
COUNTY DEED

EXHIBIT "A"

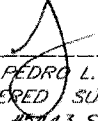
LEGAL DESCRIPTION:

That portion of the NE 1/4, of Section 8, Township 46 South, Range 43 East, Palm Beach County, Florida, Lying West of the West line of Lots 13 and 14, in Block 4 of, "TOTTERDALE ADDITION", according to the plat thereof, as recorded in Plat Book 23 at Page 151, of the Public Records of Palm Beach County, Florida, described as follows: Commence at the Northeast corner of said Lot 13, Block 4; thence N87 46' 07"W as a basis of bearings (assumed meridian) along the North line of said Lot 13, Block 4 for 147.48 feet to the Northwest corner of said Lot 13, Block 4 and Point of Beginning; thence continue N87 46' 07"W along the Westerly extension of the North line of said Lot 13, Block 4, for 65.46 feet; thence S00 00' 00"E for 99.48 feet; thence S09 05' 46"W for 80.60 feet; thence S15 00' 42"E for 21.53 feet; thence S87 46' 02"E along the Westerly extension of the South line of said Lot 14, Block 4, for 66.72 feet to the Southwest corner of said Lot 14, Block 4; thence N01 41' 37"E along the West line of said Lots 13 and 14, Block 4, for 200.00 feet to the Northwest corner of said Lot 13, Block 4 and Point of Beginning. Containing 13,215.52 square feet, more or less.

Surveyor's Certificate

I HEREBY CERTIFY: that the LEGAL AND SKETCH of the property described hereon was made under my supervision and that this LEGAL AND SKETCH meets the Minimum Technical Standards set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes. And, that the sketch hereon is true and correct to the best of my knowledge and belief. Subject to notes and notations shown hereon.

THIS SURVEY MAP OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

 3-6-2012  
PEDRO L. MARTINEZ P.S.M.  
REGISTERED SURVEYOR AND MAPPER  
#5443 STATE OF FLORIDA.

LWDD PROJECT NO. 09-8386 P.D.3

**LEGAL DESCRIPTION**



**MARTINEZ AND MARTINEZ, INC.**

BUSINESS LICENSE NUMBER 7702

TELEPHONE (305) 362-1127

5600 WEST 9TH LANE HIALEAH, FLORIDA 33012

DATE: 02-22-2012

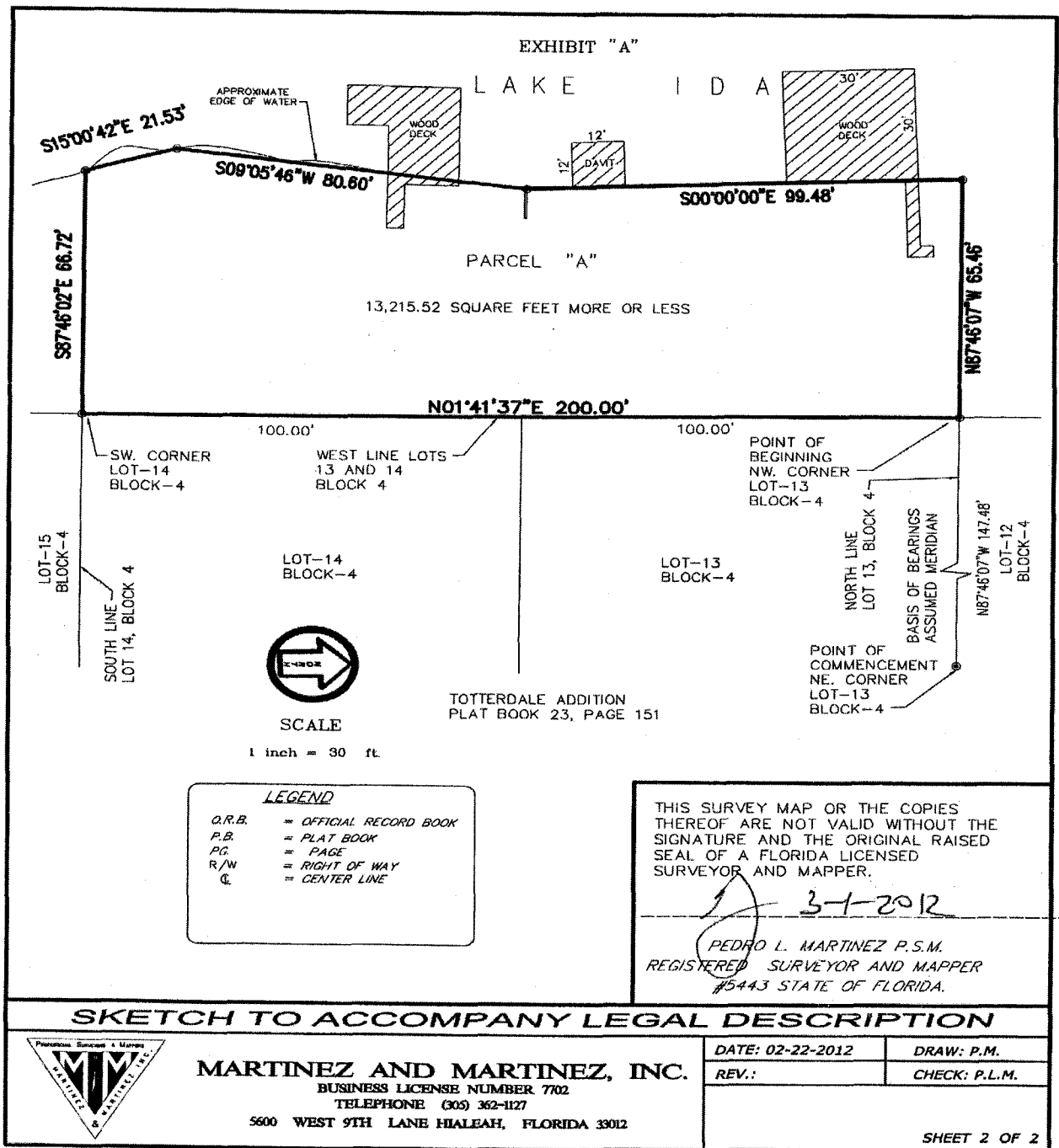
DRAW: P.M.

REV.:

CHECK: P.L.M.

SHEET 1 OF 2

NAS/DAB 2/29/12



Attachment 4



LAKE WORTH DRAINAGE DISTRICT

13081 MILITARY TRAIL  
DELRAY BEACH, FLORIDA 33484 - 1105

March 2, 2012

Ross C. Hering, Director, PREM, FD&O  
Facilities Development & Operations Department  
Property & Real Estate Management Division  
2633 Vista Parkway  
West Palm Beach, FL 33411-5605

Re: Proposed Conveyance of a portion of Deed Book 914, PG 172  
North of Lake Ida Road; Located on the east side of Lake Ida  
Portion of PCN# 12-43-46-08-00-000-7070 (Lake Ida Tract) adjacent to Lots  
13 & 14, Block 4, TOTTERDALE, PB 23, PG 151  
PCN: 12-43-46-08-00-000-7070 (portion of)  
LWDD E-4 Canal (flowage through Lake Ida)  
LWDD Project No. 09-8386P.03

Dear Mr. Hering:

Based on conversations with Mr. Richard Bogatin, Property Specialist, and a request from Mr. Burke, adjacent property owner, the Lake Worth Drainage District (LWDD) would like to request a portion of Deed Book 914, PG 172 to be conveyed back to LWDD.

In a deed recorded July 20, 1950 LWDD conveyed lands to Palm Beach County for park purposes. Said deed recorded in Deed Book 914, PG 172, stated that if said lands were not used for park purposes then they are to revert to LWDD.

The portion of Deed Book 914, PG 172, that LWDD is requesting to be conveyed back to LWDD contains 13,215.52 square feet, more or less, and is shown on the attached signed and sealed sketch of description.

If you have any questions or concerns, please contact me at this office.

Respectfully,

LAKE WORTH DRAINAGE DISTRICT

Nicole A. Smith  
Right-of-Way Coordinator

RECEIVED

MAR 05 2012

Enclosures

Board of Supervisors  
James M. Alderman  
C. David Goodlett  
Joyce D. Haley  
Harry Raucher  
John I. Whitworth III  
Manager/Secretary  
Ronald L. Crone  
Assistant Managers  
Carol W. Connolly  
Michael D. Baker  
Attorney  
Perry & Kern, P.A.

EXHIBIT "A"

LEGAL DESCRIPTION:

*That portion of the NE. 1/4, of Section 8, Township 46 South, Range 43 East, Palm Beach County, Florida, Lying West of the West line of Lots 13 and 14, in Block 4 of, "TOTTERDALE ADDITION", according to the plat thereof, as recorded in Plat Book 23 at Page 151, of the Public Records of Palm Beach County, Florida. described as follows: Commence at the Northeast corner of said Lot 13, Block 4; thence N87 46' 07"W as a basis of bearings (assumed meridian) along the North line of said Lot 13, Block 4 for 147.48 feet to the Northwest corner of said Lot 13, Block 4 and Point of Beginning; thence continue N87 46' 07"W along the Westerly extension of the North line of said Lot 13, Block 4, for 65.46 feet; thence S00 00' 00"E for 99.48 feet; thence S09 05' 46"W for 80.60 feet; thence S15 00' 42"E for 21.53 feet; thence S87 46' 02"E along the Westerly extension of the South line of said Lot 14, Block 4, for 66.72 feet to the Southwest corner of said Lot 14, Block 4; thence N01 41' 37"E along the West line of said Lots 13 and 14, Block 4, for 200.00 feet to the Northwest corner of said Lot 13, Block 4 and Point of Beginning. Containing 13,215.52 square feet, more or less.*

Surveyor's Certificate

*I HEREBY CERTIFY: that the LEGAL AND SKETCH of the property described hereon was made under my supervision and that this LEGAL AND SKETCH meets the Minimum Technical Standards set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes. And, that the sketch hereon is true and correct to the best of my knowledge and belief. Subject to notes and notations shown hereon.*

THIS SURVEY MAP OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

*PEDRO L. MARTINEZ P.S.M.*  
REGISTERED SURVEYOR AND MAPPER  
#5443 STATE OF FLORIDA.

LWDD PROJECT NO. 09-8386 P.D3

**LEGAL DESCRIPTION**



**MARTINEZ AND MARTINEZ, INC.**

BUSINESS LICENSE NUMBER 7702

TELEPHONE (305) 362-1127

5600 WEST 9TH LANE HIALEAH, FLORIDA 33012

DATE: 02-22-2012

DRAW: P.M.

REV.:

CHECK: P.L.M.

SHEET 1 OF 2



# EXHIBIT "A"

LAKE IDA

PARCEL "A"

13,215.52 SQUARE FEET MORE OR LESS

N01°41'37"E 200.00'

100.00'

100.00'

SW. CORNER  
LOT-14  
BLOCK-4

WEST LINE LOTS  
13 AND 14  
BLOCK 4

POINT OF  
BEGINNING  
NW. CORNER  
LOT-13  
BLOCK-4

LOT-15  
BLOCK-4

SOUTH LINE  
LOT 14, BLOCK 4

LOT-14  
BLOCK-4

LOT-13  
BLOCK-4

NORTH LINE  
LOT 13, BLOCK 4

BASIS OF BEARINGS  
ASSUMED MERIDIAN

N87°46'07"W 147.48'  
LOT-12  
BLOCK-4

POINT OF  
COMMENCEMENT  
NE. CORNER  
LOT-13  
BLOCK-4



SCALE

1 inch = 30 ft.

## LEGEND

O.R.B. = OFFICIAL RECORD BOOK  
P.B. = PLAT BOOK  
PG. = PAGE  
R/W = RIGHT OF WAY  
C = CENTER LINE

THIS SURVEY MAP OR THE COPIES  
THEREOF ARE NOT VALID WITHOUT THE  
SIGNATURE AND THE ORIGINAL RAISED  
SEAL OF A FLORIDA LICENSED  
SURVEYOR AND MAPPER.

PEDRO L. MARTINEZ P.S.M.

REGISTERED SURVEYOR AND MAPPER  
#5443 STATE OF FLORIDA.

## SKETCH TO ACCOMPANY LEGAL DESCRIPTION



MARTINEZ AND MARTINEZ, INC.

BUSINESS LICENSE NUMBER 7702

TELEPHONE (305) 362-1127

5600 WEST 9TH LANE HIALEAH, FLORIDA 33012

DATE: 02-22-2012

DRAW: P.M.

REV.:

CHECK: P.L.M.

SHEET 2 OF 2

Attachment 5



13081 MILITARY TRAIL  
DELRAY BEACH, FLORIDA 33484 -1105

RECEIVED

NOV 18 2009

Board of Supervisors  
James M. Alderman  
C. David Goodlett  
Joyce D. Haley  
Murray R. Kalish  
John I. Whitworth III  
Manager/Secretary  
Ronald L. Crone  
Assistant Managers  
Carol W. Connolly  
Michael D. Baker  
Attorney  
Perry & Kern, P.A.

November 16, 2009

Richard C. Bogatin  
Facilities Development & Operations Department  
Property & Real Estate Management Division  
2633 Vista Parkway  
West Palm Beach, Florida 33411-5605

Re: Proposed conveyance  
Portion of the West 1/2 of SW 1/4 of NW 1/4 of NE 1/4 of Section 8/46/43  
Portion of PCN # 12-43-46-08-00-000-7070 (Lake Ida Tract) adjacent to  
Lots 13 & 14 of TOTTERDALE, Plat Book 23, Page 151  
LWDD E-4 Canal (Flowage through Lake Ida)  
LWDD Project No. 09-8386P.03

Dear Mr. Bogatin:

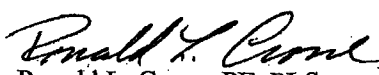
I am in receipt of your letter dated November 3, 2009 with respect to the lands  
Lake Worth Drainage District conveyed to Palm Beach County, recorded in Deed Book  
914, Page 172.

The deed was made for the purpose of giving and granting the County of Palm Beach a  
right of way and easement for park purposes; and was made, executed and delivered with  
the express understanding and condition that should the same ever be discontinued or  
abandoned by the county as a public park, the title to the same shall thereupon revert to  
and revert back to Lake Worth Drainage District.

If you have any questions or concerns, please contact me.

Respectively,

LAKE WORTH DRAINAGE DISTRICT

  
Ronald L. Crone, PE, PLS  
Manager/ Secretary

RLC: dab

cc: Perry & Kern, PA  
Ross C. Hering

## Attachment 6

**The Florida Senate****2011 Florida Statutes**

<b><u>TITLE XVIII</u></b> <b>PUBLIC LANDS AND PROPERTY</b>	<b><u>CHAPTER 0270</u></b> <b>PUBLIC LANDS</b>	<b><u>VIEW ENTIRE CHAPTER</u></b>
---	---	-----------------------------------

**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.

Disclaimer: The information on this system is unverified. The journals or printed bills of the respective chambers should be consulted for official purposes.

Copyright © 2000- 2012 State of Florida.