

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

Meeting Date: February 5, 2013 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 conveyance of the County's interest in a 0.22 acre of surplus property to the Town of Lantana without charge and with reservation of mineral and petroleum rights, but without rights of entry and exploration pursuant to Florida Statutes Section 197.592(3); and

B) approve a County Deed in favor of the Town of Lantana.

Summary: The Town of Lantana requested the conveyance of a County-owned improved surplus property located at 111 East Prospect Rd. The 0.22 acre property contains a single story multifamily structure that was acquired by Tax Deed in May 2012. It is located within the Town's municipal boundaries and has an assessed value of \$92,326. The property is being conveyed pursuant to Florida Statutes Section 197.592(3), which authorizes the conveyance of surplus property acquired by Tax Deed to the municipality in which it is located. PREM obtained an appraisal from Anderson and Carr; which valued the property at \$30,000 due to the poor condition of the structure. An unsolicited third party offer of \$25,000 was received. The subject property has been declared surplus and serves no present or future County purpose. The Town proposes to utilize the property by either demolishing the structure and developing a neighborhood park, or renovating the structure for Town Staff office use. This conveyance will relieve the County of potential liability for occurrences on the property and also the cost of maintenance. The County will retain mineral and petroleum rights in accordance with Florida Statutes Section 270.11, without rights of entry and exploration. 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)**

Background and Policy Issues: The property escheated to the County in May 2012. PREM, in response to direction from the Real Estate Assets Task Force, has developed a program to convey surplus County property which provides little opportunity to further a County function to the municipalities in which the property is located. Staff feels that the most cost effective method to dispose of this property is to convey it at no cost to the Town, as the municipality is in a better position to determine how the property should be used and maintained. The property was burdened by over \$300,000 in liens filed by the IRS, Town of Lantana Code Enforcement, and the County's Construction Industry Licensing Board.

(continued on page 3)

Attachments:

1. Location Map
2. Resolution
3. County Deed
4. Letter dated September 20, 2012, from the Town of Lantana
5. Florida Statutes Sections 197.592(3) and 270.11

Recommended By: Ray Anthony Wolf 1/13/13
 Department Director Date

Approved By: [Signature] 1/28/13
 County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2013	2014	2015	2016	2017
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	(\$1,200)	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	(\$1,200)	=====	=====	=====	=====
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____
Is Item Included in Current Budget: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>					
Budget Account No: Fund <u>0001</u> Dept <u>410</u> Unit <u>4240</u> 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: _____

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

John Wick 1/23/13
OFMB
1/18/13

Dr. J. Jacobson 1/25/13
Contract Development and Control

B. Legal Sufficiency:

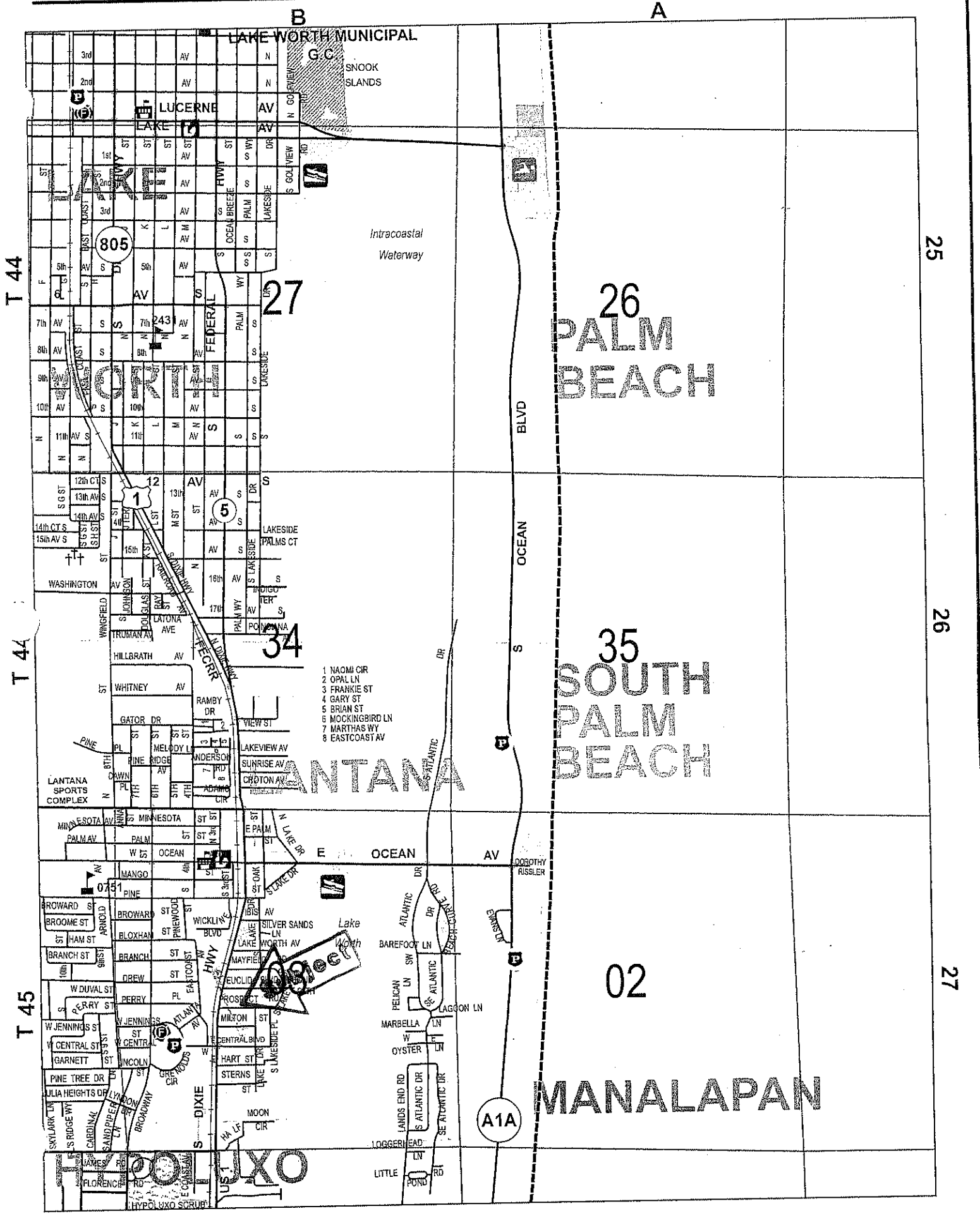
[Signature] 1/28/13
Assistant County Attorney

C. Other Department Review:

Department Director

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

Background and Policy Issues (cont.) The County Attorney's Office opined that all liens were extinguished upon or after 120 days of conveyance by escheatment to the County. The County's Department of Economic Sustainability has reviewed this conveyance and has no objections. Staff is recommending that no restrictions be placed upon the use of this property. This conveyance will relieve the County of potential liability for occurrences on this property and also the cost of maintenance. Since the assessed value of the property is less than \$250,000 the approval of the Property Review Committee is not required. The property has a single story three (3) unit multifamily structure that is in very poor condition. The Town proposes to use the property for Staff offices or demolishing the structure and developing a neighborhood park. The Property Appraisers office estimated the market value in 2011 at \$146,675, but recently reduced the value to \$92,326. An appraisal was obtained from Anderson and Carr which valued the property at \$30,000 for land only. Anderson & Carr felt that the highest and best use of the property would be to demolish the structure and construct a new residential unit when the market improves. On August 30, 2012 an unsolicited offer of \$25,000 was received from a private investor. 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).



LOCATION MAP



RESOLUTION NO. 20 _____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY TO THE TOWN OF LANTANA 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 Town of Lantana 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 Town of Lantana 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 Town of Lantana 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 land shall not survive the conveyance to the Town of Lantana.

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 Steven L. Abrams, Chairman
- Commissioner Priscilla A. Taylor, Vice Chair
- Commissioner Hal R. Valeche
- Commissioner Paulette Burdick
- Commissioner Shelley Vana
- Commissioner Mary Lou Berger
- Commissioner Jess R. Santamaria

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

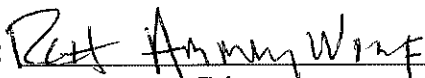
SHARON R. BOCK
CLERK & COMPTROLLER

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: 40-43-45-03-09-000-0881

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 the TOWN OF LANTANA, a municipal corporation of the State of Florida, whose legal mailing address is 500 Greynolds Circle, Lantana, Florida 33462, "Town".

WITNESSETH:

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

LAKESIDE POINT ADD W 1/2 OF LT 88 & LT 89. THE ABOVE BEING THE REAL PROPERTY DESCRIBED UNDER TAX CERTIFICATE NUMBER 15881 IN THE TAX DEED RECORDED IN OFFICIAL RECORD BOOK 25189, PAGE 984, 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 Chairman 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: _____
Steven L. Abrams, Chairman

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: 
Assistant County Attorney

(OFFICIAL SEAL)



500 Greynolds Circle
Lantana, FL 33462-4594
(561) 540-5000
Fax (561) 540-5009
www.lantana.org

Mayor
David J. Stewart

Council Members
Philip J. Aridas
Tom Deringer
Lynn J. Moorhouse, D.D.S.

Town Manager
Deborah S. Manzo

RECEIVED

SEP 25 2012

September 20, 2012

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

Subject: Parcel at 111 East Prospect Rd., Lantana
PCN: 40-43-45-03-09-000-0881

Dear Mr. Hering:

It has come to my attention that the property at 111 East Prospect Rd. was recently acquired by Palm Beach County. The property is located in the Town of Lantana, just east of Dixie Highway in a residential neighborhood. I would like to request that the County consider conveying this property to the Town of Lantana.

If you have any questions, please feel free to contact David Thatcher, Development Services Director, at 561-540-5032 or via email at dthatcher@lantana.org.

Thanks for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Deborah S. Manzo".

Deborah S. Manzo
Town Manager

Cc: Crystal Gibson, Town Clerk
Max Lohman, Town Attorney
David Thatcher, Development Services Director

*"To Preserve Lantana's
hometown atmosphere
through responsible
government and quality
service."*

The Florida Senate

2012 Florida Statutes

TITLE XIV TAXATION AND FINANCE	CHAPTER 197 TAX COLLECTIONS, SALES, AND LIENS	VIEW ENTIRE CHAPTER
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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

2012 Florida Statutes

TITLE XVIII PUBLIC LANDS AND PROPERTY	CHAPTER 270 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.

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