

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: June 4, 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 two (2) parcels totaling 0.75 acres of surplus property to the City of South Bay without charge and with reservation of mineral and petroleum rights, but without rights of entry and exploration pursuant to Florida Statutes Section 125.38; and
- B) approve a County Deed in favor of the City of South Bay.

Summary: In 1977, the County acquired two (2) adjacent parcels on Palm Beach Road in South Bay for a Head Start facility, improved with a 7,544 SF building. The building was renovated and served as a Head Start facility until the County constructed a new South Bay Head Start facility in 2004. After Head Start vacated the building in 2004, it served as a Community Action Program (CAP) facility. The building’s foundation, however, has been deteriorating and CAP Staff recently vacated the building. The City of South Bay then requested both parcels be conveyed to them at no charge. As this property serves no present or future County purpose, the building is deteriorating and as securing and maintaining both parcels would be costly, Staff recommends conveyance of both parcels to the City of South Bay at no charge without any restrictions. The Property Appraiser valued the parcels at \$266,149. Staff obtained an appraisal of both parcels which valued the parcels at \$56,000 due to the building’s deterioration. 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 recent amendments to the PREM Ordinance. **(PREM) District 6 (HJF)**

Background and Policy Issues: After the County constructed the current Head Start facility in South Bay in 2004, the building at 625 Palm Beach Road was vacated. Soon after, however, Community Services deemed a CAP facility in the western region was essential and began utilizing the building for those services. In 2012, a structural survey confirmed the building’s deterioration and in April 2013, CAP relocated to a leased site in Belle Glade. As neither the deteriorating building nor the adjacent unimproved parcel serve a present or future County purpose, they have been declared surplus. The City
(Continued on page 3)

Attachments:

- 1. Location Map
- 2. Disposition Summary
- 3. Resolution
- 4. County Deed
- 5. Letter of request from the City of South Bay dated January 30, 2013
- 6. Florida Statutes Sections 125.38 and 270.11

Recommended By: *[Signature]* Department Director Date
Approved By: *[Signature]* County Administrator Date 5/23/13

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2013	2014	2015	2016	2017
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	(\$5,494)	(\$16,538)	(\$9,038)	(\$9,038)	(\$9,038)
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>(\$5,494)</u>	<u>(\$16,538)</u>	<u>(\$9,038)</u>	<u>(\$9,038)</u>	<u>(\$9,038)</u>
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget: Yes _____ No _____

Budget Account No: Fund 0001 Dept 410 Unit 4240
5290 Object Various
Program _____

B. Recommended Sources of Funds/Summary of Fiscal Impact:

Conveyance of these properties will eliminate the County's maintenance and liability; see attached fiscal information sheet for details.

C. Departmental Fiscal Review: _____ *W 5-16-13*

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

OFMB *[Signature]* 5/20/13
5/20 *5/17*

Contract Development and Control *[Signature]* 5/21/13
5-21-13 B. Wheeler

B. Legal Sufficiency:

[Signature] 5/22/13
Assistant County Attorney

C. Other Department Review:

Department Director

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

Page 3 – Background and Policy Issues Continued

of South Bay has requested the County convey both parcels to them at no charge. As maintaining and securing both parcels would be costly, Staff and Community Services concur with the City of South Bay's conveyance request. As this is a conveyance between governmental entities, the approval of the Property Review Committee and the submittal of a Disclosure of Beneficial Interests by the City are not required.

TWP 44

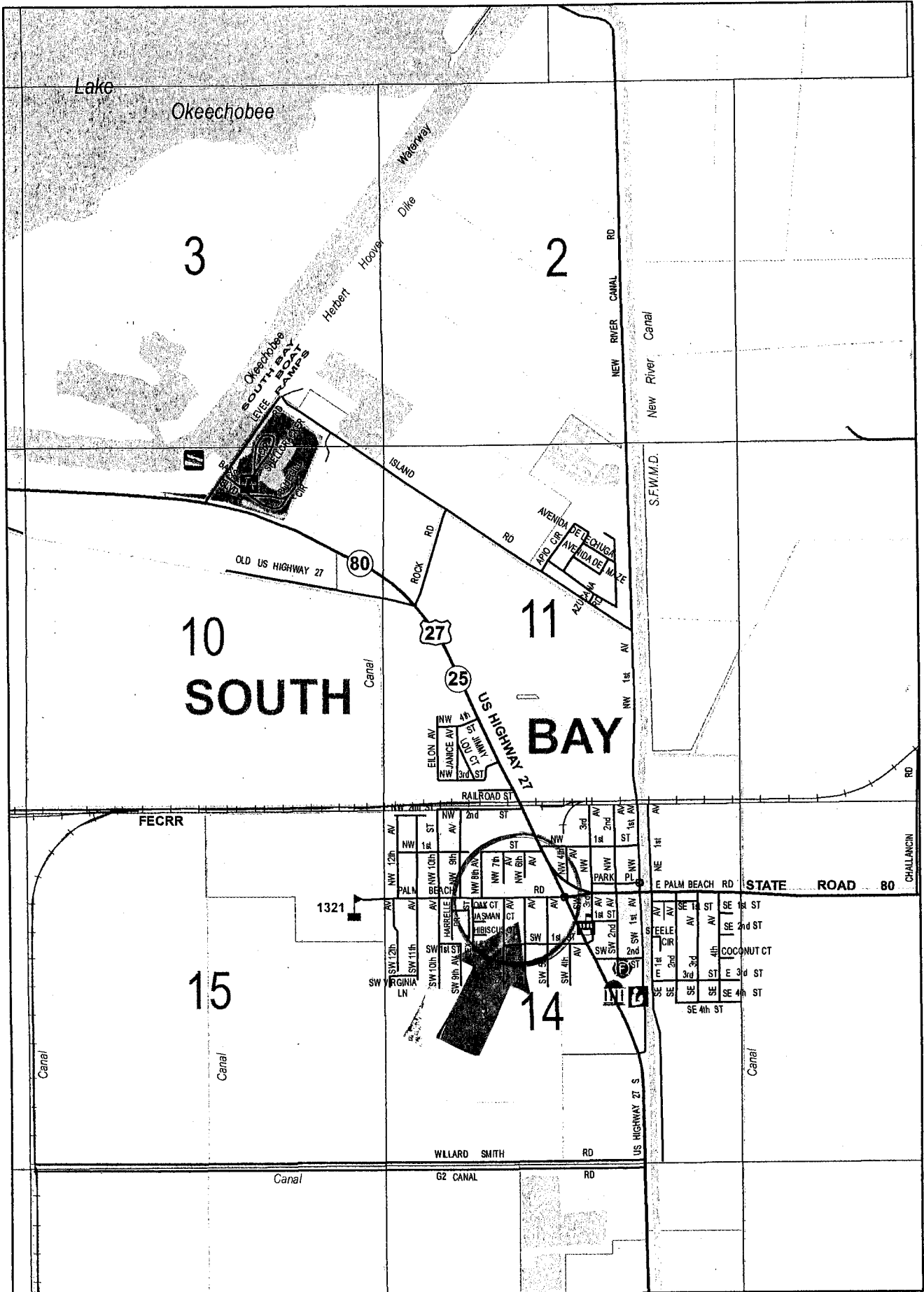
TWP 44

TWP 44

20

21

22



RNG 36

See pg 163

RNG 36

Page 156

LOCATION MAP



CITY OF SOUTH BAY

DISPOSITION SUMMARY – 2013

NO.	PCN	SUBDIVISION	STREET ADDRESS	ACRES	2012 ASSESSED VALUE	2013 APPRAISED VALUE	BOOK/PAGE NUMBER	MONTH/YEAR RECORDED
1.	58-36-44-14-09-000-0220	Roadman and Hardy	625 Palm Beach Road	0.38	\$247,555	\$29,000	2667/1405	April/1977
2.	58-36-44-14-10-000-0010	Roberts Addition	Palm Beach Road (adjacent to and west of the above parcel)	0.37	\$18,594	\$27,000	2668/1622	April/1977
			TOTALS	0.75	\$266,149	\$56,000		

RESOLUTION NO. 20__

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY TO CITY OF SOUTH BAY, PURSUANT TO FLORIDA STATUTE SECTION 125.38, WITHOUT CHARGE AND WITH MINERAL AND PETROLEUM RIGHTS RESERVATION WITHOUT RIGHTS OF ENTRY AND EXPLORATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, City of South Bay, a municipal corporation of the State of Florida ("City"), has made application to the Board of County Commissioners of Palm Beach County requesting that Palm Beach County convey two parcels of surplus real property consisting of 0.37 acres and 0.38 acres to City for use by City for governmental purposes; and

WHEREAS, the Board of County Commissioners of Palm Beach County hereby finds that the aforementioned use constitutes a use for the community interest and welfare, such real property is required for such use and such real property is not needed for County purposes; and

WHEREAS, pursuant to Florida Statute Section 270.11, City 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 hereby agrees 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 City

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

The Mayor 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:
Steven K. Schlamp, Property Specialist
Palm Beach County
Property & Real Estate Management Division
2633 Vista Parkway
West Palm Beach, FL 33411-5605

PCN: 58-36-44-14-10-000-0010 and 58-36-44-14-09-000-0220
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 CITY OF SOUTH BAY, a municipal corporation of the State of Florida, whose legal mailing address is 335 S.W. 2nd Avenue, South Bay, Florida, 33493, "City".

WITNESSETH:

That County, for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00) to it in hand paid by City, the receipt whereof is hereby acknowledged, has granted, bargained and sold to City, 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.

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 Mayor or Vice Mayor 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, Mayor

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

(OFFICIAL SEAL)

By: 
Assistant County Attorney

EXHIBIT "A"

Parcel 1 (58-36-44-14-10-000-0010)

Lots 1, 2, 3 and 4, Roberts Addition to South Bay, a subdivision of Tract 37 of the Amended Plat and resubdivision of Section 14, Township 44 South, Range 36 East and Plat of the Town of South Bay for the Florida State Drainage Company, as recorded in Plat Book 25, Page 177, Public Records of Palm Beach County, Florida.

Together with:

Parcel 2 (58-36-44-14-09-000-0220)

Lots 22, 23 and 24 of ROADMAN AND HARDY'S SUBDIVISION according to the plat thereof on file in the office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 21, at Page 67.

and

The North half of that alley bordered on the North by Lots 22, 23 and 24 of ROADMAN AND HARDY'S SUBDIVISION according to the plat thereof on file in the office of the Clerk of Circuit Court in and for Palm Beach County, Florida, in Plat Book 21, Page 67.

Said alley having been abandoned by the City of South Bay in Resolution No. 244, as recorded in the office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Official Record Book 1365, Page 324.

City Hall
561-996-6751 • 561-996-6752

City of South Bay
335 S.W. 2nd Avenue
South Bay, Florida 33493

Public Works
561-996-2477 • 561-996-3998

Audrey Wolf, Director
Facilities Development & Operations Department
2633 Vista Parkway
West Palm Beach, FL 33411

January 30, 2013

On behalf of the Commissioners of the City of South Bay, I am writing in acceptance of the generous offer of the Palm Beach County Commission to transfer ownership of the Community Action Council Building located at 625 Palm Beach Rd., South Bay, FL 33493 to the City. It is understood that the City will receive ownership of the applicable building and land in "as is" condition.

Thank you for referring me to Brain C. Rheanlt, P.E., of Bridge Design Associates. He was most cooperative in providing to me the structural analysis of the referenced building in a timely manner. Is it possible that your office could order an asbestos and lead-base paint analysis of the structure prior to the transfer of ownership?

The generosity and understanding that you have demonstrated as regards this matter is greatly appreciated. Please inform me of pending actions to be taken as they evolve.

Respectfully,



Arthur W. Anderson, Ph.D.

Manager In Charge

CC: Commissioner Esther E. Berry

Commissioner Joe Kyles

Jessica Figueroa-City Clerk

Thomas Montgomery-City Attorney

Select Year:

The 2012 Florida Statutes

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

125.38 Sale of county property to United States, or state.—If the United States, or any department or agency thereof, the state or any political subdivision or agency thereof, or any municipality of this state, or corporation or other organization not for profit which may be organized for the purposes of promoting community interest and welfare, should desire any real or personal property that may be owned by any county of this state or by its board of county commissioners, for public or community interest and welfare, then the United States, or any department or agency thereof, state or such political subdivision, agency, municipality, corporation or organization may apply to the board of county commissioners for a conveyance or lease of such property. Such board, if satisfied that such property is required for such use and is not needed for county purposes, may thereupon convey or lease the same at private sale to the applicant for such price, whether nominal or otherwise, as such board may fix, regardless of the actual value of such property. The fact of such application being made, the purpose for which such property is to be used, and the price or rent therefor shall be set out in a resolution duly adopted by such board. In case of a lease, the term of such lease shall be recited in such resolution. No advertisement shall be required.

History.—s. 4, ch. 23829, 1947.

Select Year: [Go]

The 2012 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.

Below is information for the figures listed on the agenda summary for conveying two parcels in South Bay to the City of South Bay at no charge:

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2013	2014	2015	2016	2017
Capital Expenditures					
Operating Costs	<u>(\$5,494)</u>	<u>(\$16,538)</u>	<u>(\$9,038)</u>	<u>(\$9,038)</u>	<u>(\$9,038)</u>
External Revenues					
Program Income (County)					
In-Kind Match (County)					
NET FISCAL IMPACT	<u>(\$5,494)</u>	<u>(\$16,538)</u>	<u>(\$9,038)</u>	<u>(\$9,038)</u>	<u>(\$9,038)</u>

FY13:

- The figures are based on the Board approving the conveyance on 6/4/13.
- The figures incorporate savings from removal of the SWA container/dumpster and not having to mow the adjacent unimproved parcel; there are no taxes or assessments on either parcel; electric and water charges are not included as CAP remits those charges at their leased site in Belle Glade.
- The period of 6/4/13 – 9/30/13 is approximately four (4) months.
- The annual cost for the SWA container/dumpster is \$4,431.33 (or \$369.28 per month).
- $\$369.28 \times 4 \text{ months} = \$1,477.12$.
- The adjacent unimproved parcel is mowed 27 times per year at \$334.75 per mow, or \$9,038.25 per year.
- The 27 mows per year is based on:
 - January, February: 1 mow per month
 - March, April, October, November, December: 2 mows per month
 - May, June, July, August, September: 3 mows per month
- $\$334.75 \times 12 \text{ mows} = \$4,017.00$.
- $\$1,477.12 + \$4,017.00 = \$5,494.12$ (round to \$5,494).

FY13 TOTAL = \$5,494

FY14:

- If the conveyance doesn't occur, the building will still be vacated but there would be no SWA container/dumpster; however, the building would have to be secured at an estimated cost of \$7,500.
- If the conveyance doesn't occur, the adjacent unimproved parcel would still need to be mowed.
- $\$7,500.00 + \$9,038.25 = \$16,538.25$ (round to \$16,538).

FY14 TOTAL = \$16,538

FY15, FY16 & FY17:

- If the conveyance did not occur, the adjacent unimproved parcel would still need to be mowed at a cost of \$9,038.25 (round to \$9,038).

FY15, FY16 & FY17 TOTALS = \$9,038