

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: September 10, 2013 [] Consent [X] 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 three (3) surplus properties with a total acreage of 0.93 to the Town of Loxahatchee Groves (Town) 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** Three (3) County Deeds in favor of the Town of Loxahatchee Groves.

Summary: The Town has requested the conveyance of three (3) County-owned vacant surplus properties located at 147th Avenue North, 24th Court North and Raymond Drive, within the Town's municipal boundaries. The properties total 0.93 acres and were acquired by Tax Deeds in 1997 and 1998, with a total assessed value of \$279.00. The properties are 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. The Town has agreed to accept the properties in 'As-Is' condition and subject to any delinquent taxes or assessments. As these properties have been declared surplus and serve no present or future County purpose, Staff recommends conveyance of the three (3) parcels to the Town at no charge without any restrictions. Under the PREM Ordinance, an appraisal is not required since the assessed value of the properties being conveyed is less than \$25,000. This conveyance will relieve the County of potential liability for occurrences on these properties and the cost of continued maintenance. The County will retain mineral and petroleum rights in accordance with Florida Statutes, Section 270.11, without rights of entry and exploration. This conveyance must be approved by a supermajority vote (5 Commissioners). (PREM) District 6 (HJF)

Background and Policy Issues: The unimproved properties escheated to the County in 1997 and 1998. The properties are small unbuildable access road slivers. The Town has verbally indicated that the Town will permit continued access by the adjacent property owners across these properties. PREM, in response to direction from the Real Estate Assets Task Force, developed a program to convey surplus County property which provides little opportunity to further a County function to the municipalities in which they are located. Staff feels that the most cost effective method to dispose of these properties is to convey them at no cost to the Town, as the Town is in a better position to

Continued on Page 3

Attachments:

- 1. Location Maps w/Aerials
- 2. Disposition Summary
- 3. Resolution
- 4. County Deeds (3)
- 5. Letter of request from the Town
- 6. Florida Statutes, Sections, 197.592(3) and 270.11

Recommended By: Reed Annmy Wolf 8/12/13
Department Director Date

Approved By: [Signature] 8/12/13
County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2014	2015	2016	2017	2018
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u><u>\$-0-</u></u>				
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____
Is Item Included in Current Budget:	Yes _____	No <input checked="" type="checkbox"/>			
Budget Account No:	Fund _____	Dept _____	Unit _____	Object _____	
		Program _____			

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

Conveyance of these properties will eliminate the County's ongoing maintenance and liability.

C. Departmental Fiscal Review: _____ *8/13/13*

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

OFMB *8/15/13* *3 points* _____ *8/13/13*
 Contract Development and Control
8-15-13 B. Wheeler

B. Legal Sufficiency:

8/19/13
 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'd) determine how the property should be used and maintained. This conveyance will relieve the County of potential liability for occurrences on these properties and the cost of continued maintenance. Since the assessed value of the three (3) properties is less than \$250,000, the approval of the Property Review Committee is not required. As this is a conveyance to another governmental entity, a Disclosure of Beneficial Interests is not required.

TWP 43

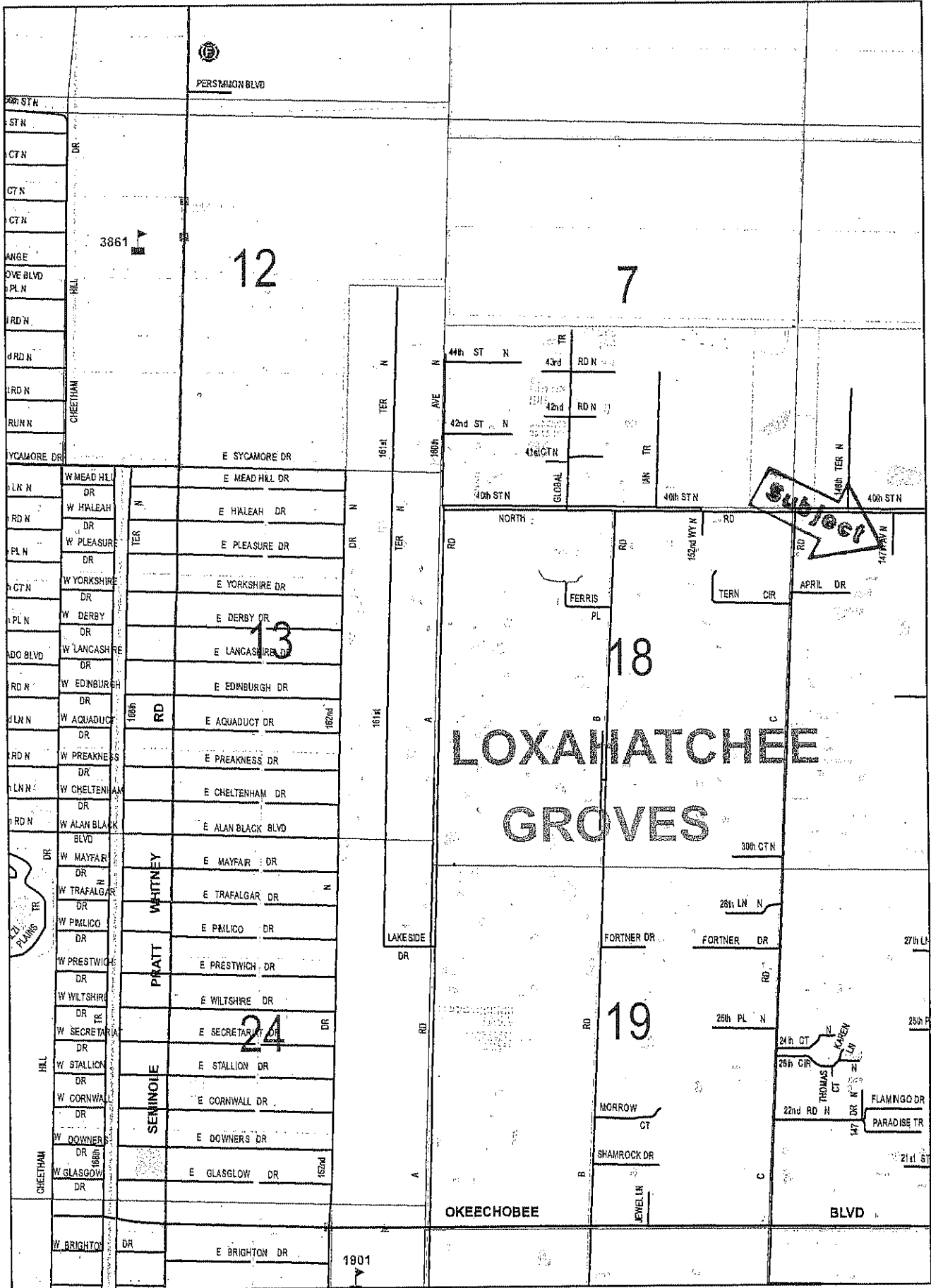
TWP 43

TWP 43

16

17

18



RNG 40

See pg 64

RNG 41

Page 52

147th Avenue North

LOCATION MAP





148th Ter N

40th St N

40th St N

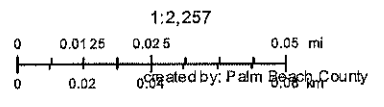
North Rd

North Rd

Palm Beach County



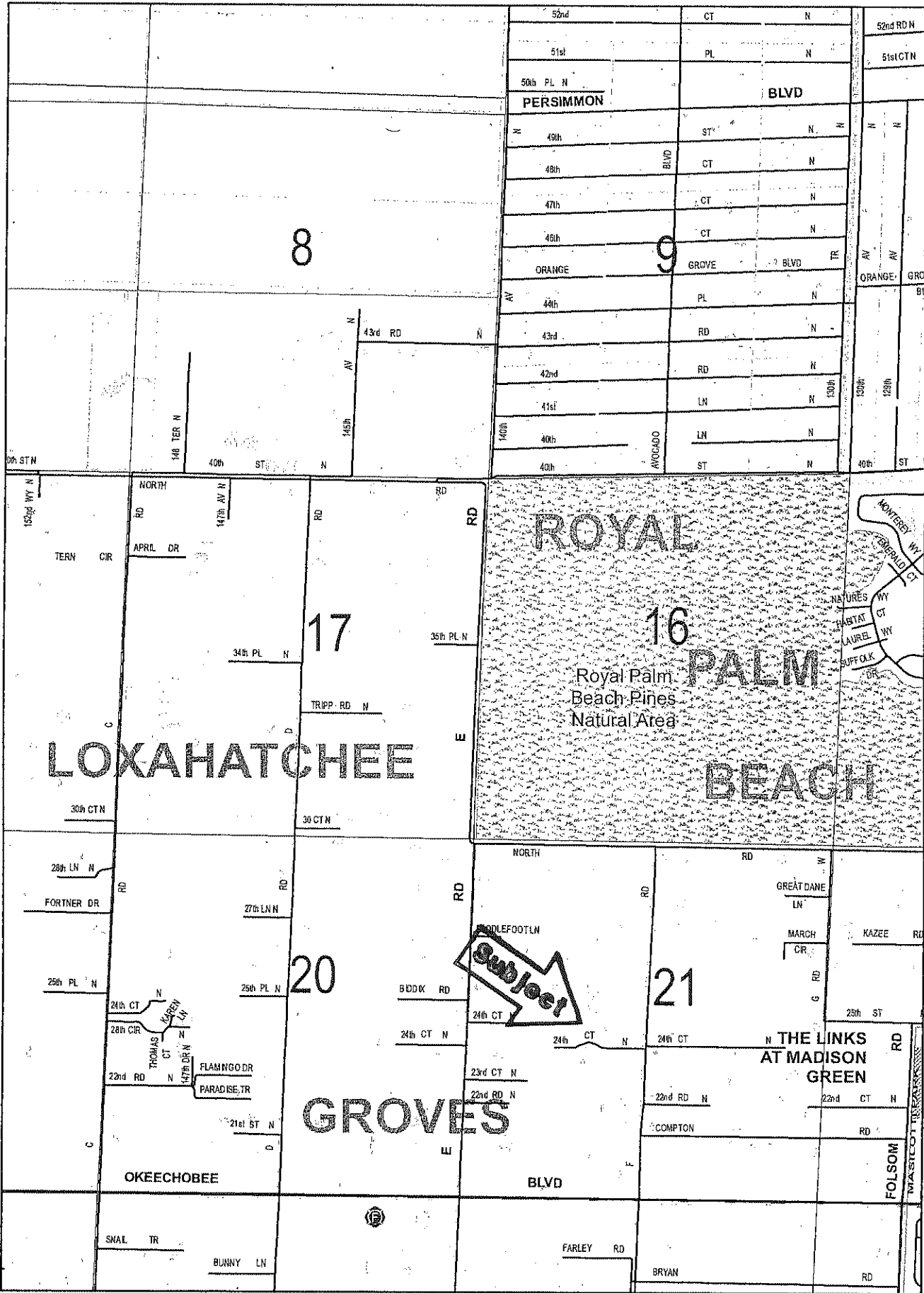
41-41-43-17-01-329-0180 147th Ave N



TWP 43

TWP 43

TWP 43



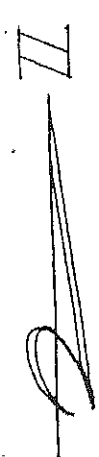
RNG 41

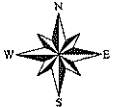
See pg 63

RNG 41

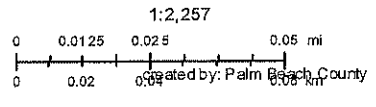
24th Court North

LOCATION MAP





41-41-43-17-01-440-0080 24th Ct N



Palm Beach County

TWP 43

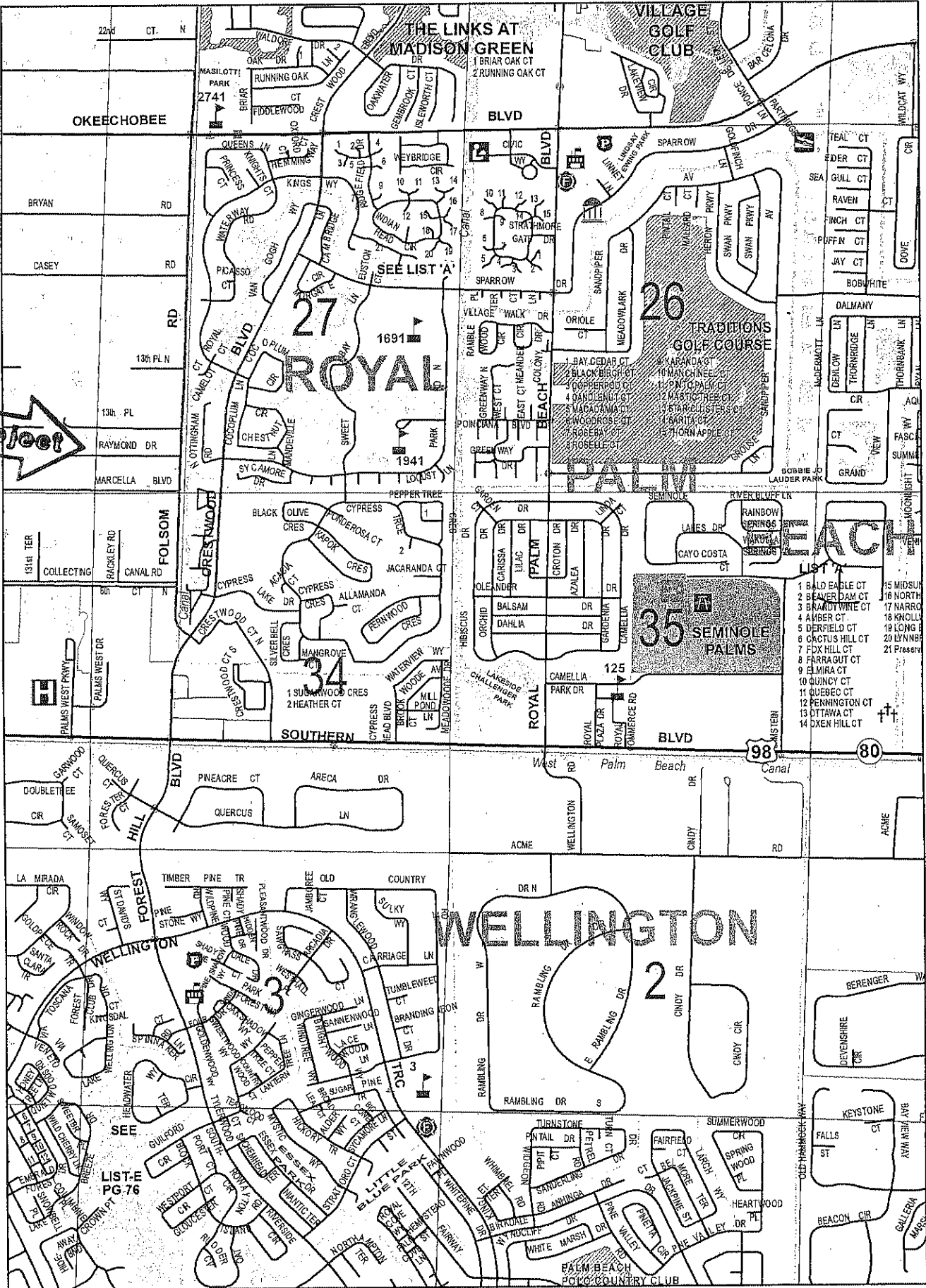
TWP 43

TWP 44

19

20

21



RNG 41

See pg 76

RNG 41

Page 66

Raymond Drive

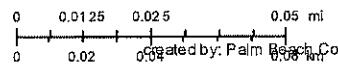
LOCATION MAP





41-41-43-17-01-642-0010 Raymond Dr.

1:2,257



Palm Beach County

LOXAHATCHEE GROVES 2013

NO.	PCN	SUBDIVISION	STREET ADDRESS	ACRES	ASSESSED \$ VALUE	ACQUIRED BY	BOOK/PAGE NUMBER	MONTH/YEAR OF RECORDING
1.	41-41-43-17-01-329-0180		147 th Ave. N	0.21	\$63.00	Tax Deed	10039/1145	10/1997
2.	41-41-43-17-01-440-0080		24 th Ct. N	0.45	\$135.00	Tax Deed	10252/1675	02/1998
3.	41-41-43-17-01-642-0010		Raymond Dr	0.27	\$81.00	Tax Deed	10093/1714	11/1997
Totals				0.93	\$279.00			

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 LOXAHATCHEE GROVES 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 three (3) properties within the municipal boundaries of the Town of Loxahatchee Groves which were 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 lands have 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 Loxahatchee Groves 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 Loxahatchee Groves without charge and by County Deeds attached hereto and incorporated herein by reference, the real property legally described in such deeds. Any liens of record held by the County on the subject lands shall not survive the conveyance to the Town of Loxahatchee Groves.

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

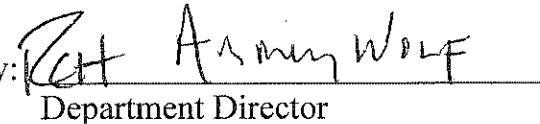
SHARON R. BOCK
CLERK & COMPROLLER

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

PCNs: 41-41-43-17-01-329-0180
Closing Date: _____
Purchase Price: _____

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 TOWN OF LOXAHATCHEE GROVES, a Florida municipal corporation, whose legal mailing address is 14579 Southern Boulevard, Suite 2, Loxahatchee Groves, Florida 33470, "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:

LOXAHATCHEE GROVES
S 370 FT OF N 604.50 FT OF E 25 FT OF W 185 FT OF W 1/2 OF TR
29 BLK C.

THE ABOVE BEING THE REAL PROPERTY DESCRIBED UNDER
TAX CERTIFICATE NUMBER 2018 IN THE TAX DEED
RECORDED IN OFFICIAL RECORD BOOK 10039, PAGE 1145,
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 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

By: 
Assistant County Attorney

(OFFICIAL SEAL)

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

PCNs: 41-41-43-17-01-440-0080
Closing Date: _____
Purchase Price: _____

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 TOWN OF LOXAHATCHEE GROVES, a Florida municipal corporation, whose legal mailing address is 14579 Southern Boulevard, Suite 2, Loxahatchee Groves, Florida 33470, "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:

LOXAHATCHEE GROVES
E 323 FT OF W 646 FT OF N 60.20 FT OF S 366.7 FT OF TR 40 BLK D.

THE ABOVE BEING THE REAL PROPERTY DESCRIBED UNDER TAX CERTIFICATE NUMBER 1972 IN THE TAX DEED RECORDED IN OFFICIAL RECORD BOOK 10252, PAGE 1675, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

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

By: 
Assistant County Attorney

(OFFICIAL SEAL)

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

PCNs: 41-41-43-17-01-642-0010
Closing Date: _____
Purchase Price: _____

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 TOWN OF LOXAHATCHEE GROVES, a Florida municipal corporation, whose legal mailing address is 14579 Southern Boulevard, Suite 2, Loxahatchee Groves, Florida 33470, "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:

LOXAHATCHEE GROVES N 29.98 FT OF S 60 FT OF W
193.4 FT OF E 386.8 FT & N 30 FT OF S 60 FT OF W 193.4
FT OF E 967 FT OF TR 42 BLK F.

THE ABOVE BEING THE REAL PROPERTY DESCRIBED
UNDER TAX CERTIFICATE NUMBER 2069 IN THE TAX
DEED RECORDED IN OFFICIAL RECORD BOOK 10093,
PAGE 1714, PUBLIC RECORDS OF PALM BEACH
COUNTY, FLORIDA.

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

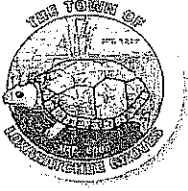
By: _____
Deputy Clerk

By: _____
Steven L. Abrams, Mayor

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: 
Assistant County Attorney

(OFFICIAL SEAL)



Town of Loxahatchee Groves

14579 Southern Boulevard, Suite 2 • Loxahatchee Groves, Florida 33470 • Telephone (561) 793-2418 • Fax (561) 793-2420 • www.loxahatcheegrovesfl.gov

May 29, 2013

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

RE: Raymond Drive Parcel located in Loxahatchee Groves (PCN:41-41-43-17-01-642-0010)
24th Court North Parcel located in Loxahatchee Groves (PCN:41-41-43-17-01-440-0080)
147th Avenue North located in Loxahatchee Groves (PCN:41-41-43-17-01-329-0180)

Dear Mr. Hering,

The Town has been made aware that there are still three (3) County owned surplus properties that lie within the Town boundaries of Loxahatchee Groves. The Town would like the County to convey the above referenced properties to the Town. We are aware that there are unpaid Non Ad Valorem assessments due and agree to accept these properties as such.

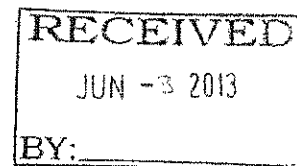
If you have any questions, or would like to discuss this matter further, please feel free to call me at 561-793-2418 or email me at mkutney@loxahatcheegrovesfl.gov.

Sincerely,

Mark Kutney, AICP, ICMA-CM
Town Manager

Enclosures (3)

Cc: Mike Cirullo, Town Attorney
Sue Eichhorn, Town Clerk



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.

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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.