

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

Meeting Date:	May 20, 2014	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Regular
		<input type="checkbox"/> Ordinance	<input type="checkbox"/> 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 0.13 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 197.592(3); and
- B) approve** a County Deed in favor of the City of South Bay.

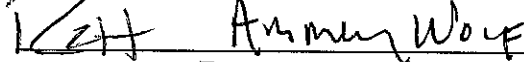
Summary: The City of South Bay has requested the conveyance of County-owned unimproved surplus property located at 135 NW 11th Avenue. The 0.13 acre property was acquired in August 2012 by Tax Deed, is located within the City's municipal boundaries and has an assessed land value of \$10,000. The property is being conveyed pursuant to Florida Statutes Section 197.592(3), which requires the conveyance of surplus property acquired by Tax Deed to the municipality in which it is located. The subject property has been declared surplus and serves no present or future County purpose. The City proposes to utilize the property in their Affordable Housing Program. This conveyance will relieve the County of potential liability for occurrences on this 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 recent amendments to the PREM Ordinance. **(PREM) District 6 (HJF)**

Background and Policy Issues: The property escheated to the County in August 2012. At that time, the property was improved with an abandoned building. The Department of Economic Sustainability obtained a Federal Grant to fund the cost of demolishing the building and the demolition was completed in 2013.

(continued on page 3)

Attachments:

1. Location Map
2. Resolution
3. County Deed
4. Letter of request from the City of South Bay received February 18, 2014

Recommended By:  Department Director

4/18/14
Date

Approved By:  County Administrator

5/2/14
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>\$-0-</u>	<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:

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

C. Departmental Fiscal Review: W 4.22.14

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

[Signature] 4/28/14
OFMB 4/24/14

[Signature] 4/29/14
Contract Development and Control 4-29-14 [Signature]

B. Legal Sufficiency:

[Signature] 5/1/14
Assistant County Attorney

C. Other Department Review:

Department Director

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

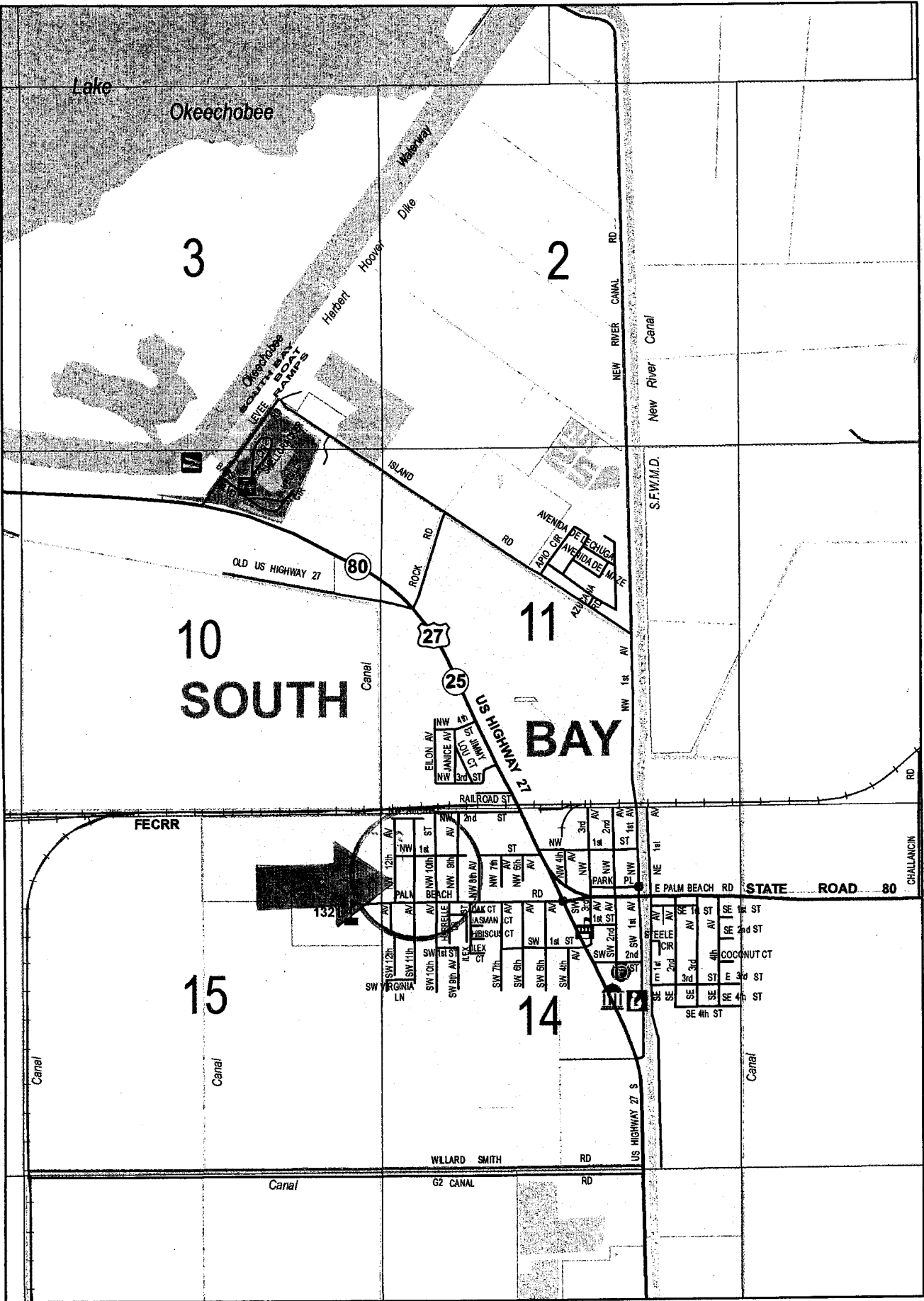
Background and Policy Issues (cont'd.): PREM, in response to direction from the Real Estate Assets Task Force, has developed a program to convey to the municipalities in which they are located, surplus County property which provides little opportunity to further a County function.

Staff feels strongly that the most cost effective method to dispose of this property is to convey it at no cost to the City, as the municipality is in a better position to determine how this property should be used and maintained. As the City proposes to utilize the property in their Affordable Housing Program, 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. As the assessed land value of the property is \$10,000, an appraisal is not required. Further, as the land value is below \$250,000 and the property is being conveyed to a governmental entity, 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



RNG 36

See pg 163

RNG 36



RESOLUTION NO. 2014-

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY TO THE CITY OF SOUTH BAY 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 an approximate 0.13 acre of property within the municipal boundaries of the City of South Bay which was acquired for delinquent taxes; and

WHEREAS, Florida Statute 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 City of South Bay 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 City of South Bay 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 City of South Bay.

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

The Mayor thereupon declared the resolution duly passed and adopted this _____ day of _____, 2014.

PALM BEACH COUNTY, a political
subdivision of the State of Florida
BOARD OF COUNTY COMMISSIONERS

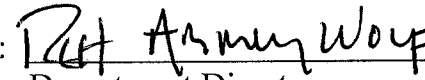
SHARON R. BOCK
CLERK & COMPTROLLER

By: _____
Deputy Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: 
Assistant County Attorney

APPROVED AS TO TERMS
AND CONDITIONS

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: 58-36-44-14-02-000-0231

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 **CITY OF SOUTH BAY**, a municipal corporation existing under the laws of the State of Florida, whose legal mailing address is 335 SW 2nd Avenue, South Bay, Florida 33493 "City".

WITNESSETH:

That County, for and in consideration of the sum of Ten and 00/100 (\$10.00) Dollars 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:

THE SOUTH HALF OF LOT 23, THE CROSBY SUBDIVISION, SOUTH BAY, FLORIDA, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 21, PAGE 34.

THE ABOVE BEING THE REAL PROPERTY DESCRIBED UNDER TAX CERTIFICATE NUMBER 18496 IN THE ESCHEATMENT TAX DEED RECORDED IN OFFICIAL RECORD BOOK 25375, PAGE 0575, 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: _____
Priscilla A. Taylor, Mayor

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: 
Assistant County Attorney

(OFFICIAL SEAL)



City of South Bay

*Office of
City Manager*

South Bay City Hall
335 SW 2nd Avenue
South Bay, FL 33493
Telephone: 561-996-6751
Facsimile: 561-996-7950

www.southbaycity.com

Ross Herring, Director
Property & Real Estate Mgmt Div.
Palm Beach County
2633 Vista Parkway
West Palm Beach, Fl. 33411-5605

RE: Conveyance of 135 NW 11th Avenue in South Bay
PCN: 58-36-44-14-02-000-0231

Dear Mr. Herring:

On behalf of the Commissioner of the City of South Bay, this missive is to acknowledge the conveyance of a 0.13 acre parcel located at the aforementioned address in South Bay.

The parcel is located in the City's residentially zoned community for single family homes. As the city begin developing and redeveloping the neighborhoods this particular parcel would be developed into a single family affordable home.

Should you have any questions, please contact me at 561-996-6751.

Best regards,

Leondrae D. Camel
City Manager

