Date

# PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

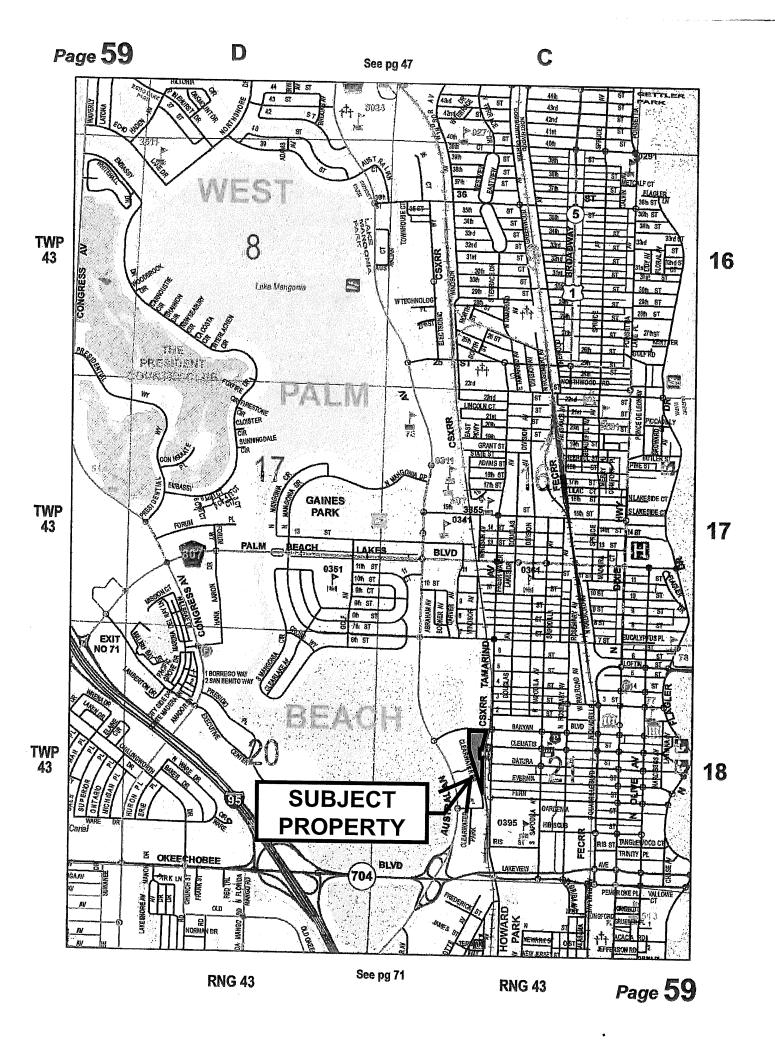
<b>Meeting Date:</b>	October 7, 2014	[X] Consent [ ] Ordinance	[ ] Regular [ ] Public Hearing
Department:	Facilities Developmen	nt & Operations	
	I. <u>E</u>	XECUTIVE BRIEF	
Florida Departme real property con	ent of Transportation (FDC	OT) for an approximately edge and located with	claim and Release of Interests from ly .25 acre portion of County owned in the City of West Palm Beach's
property to the Cothe southeast cor FDOT retained: In purposes and 2) in 1158) with Transit the .25 acres acquidevelopment of TFDOT reversional including open sprights reservation improvements as the property is not (presumably TV)	punty to facilitate the dever ner of Banyan Boulevard 1) a reversionary interest nineral rights. The Count it Village, LLC (TV) for the purishing the Count it Village, LLC (TV) for the purishing a publication of the ITC which are the tutilized in a manner that would be required to pay	elopment of the County'd and Clearwater Drive in the property in the ey entered into an Agree the sale of excess portionase of FDOT's reversional claim and Release of Intuse of the property could accessible amenity, antly improved with a perconsistent with the most is consistent with the use FDOT the fair market with the consistent with the use	cre portion of the 5.8 acre Wedge is Intermodal Transit Center (ITC) at in the City of West Palm Beach. Event that it was not used for public ment for Purchase and Sale (R2012-ns of the Wedge property, including mary interest is required to facilitate interests releases the aforementioned ontinue to be for a public purpose, and also releases FDOT's mineral edestrian sidewalk and landscaping diffied restrictions. In the event that se restriction, the then current owner value of the property. The Quitclaim (PREM) <u>District 7</u> (HJF)
the City of West with TV allowing Wedge property. sale of the propert to facilitate the re	Palm Beach and supports g for a mixed-use transit The Agreement requires laty. FDOT has prepared the	s the ITC. In 2012, the oriented development of FDOT approval (and others Quitclaim and Release is contemplated by the	county entered into an Agreement over and adjacent to the ITC on the ners) as a precondition to closing the se of Interests as part of its approval a Agreement for Purchase and Sale
	ation Map tclaim and Release of Inte	rests	
Recommended B	y: Lat Ann Departm	un Wour  lent Director	0  15  14  Date
Approved By: _		Les	1/2/14

**County Administrator** 

## II. FISCAL IMPACT ANALYSIS

A.	Five Year Summary of F	iscal Impact:				
Fisca	al Years	2015	2016	2017	2018	2019
Oper Exte Prog	ital Expenditures rating Costs rnal Revenues gram Income (County) ind Match (County					
NET	FISCAL IMPACT	*				
	DITIONAL FTE ITIONS (Cumulative)					<u> </u>
Is It	em Included in Current Bu	idget: Yes	N	0		
Budg	get Account No: Fund	Dept Program	: U:	nit	Object	
В.	Recommended Sources of	of Funds/Sumn	nary of Fiscal	Impact:		
C.	No fiscal impact.  Fixed Assets Number Mo?  Departmental Fiscal Rev	7066 QQ. 4	haliu M	9-121	- -	
		III. <u>REVIE</u>	EW COMMEN	<u>NTS</u>		
<b>A.</b>	OFMB Fiscal and/or Con	alloory	1.3	western and C	Ontrol	14
В.	Legal Sufficiency:  Assistant County Attorney	<u> 26 14</u>				
C.	Other Department Revie	w:				
	Department Director					

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



LOCATION MAP



This instrument prepared by or under the direction of:
Laurice C. Mayes, Esq.
Department of Transportation
3400 W. Commercial Boulevard
Ft. Lauderdale, Florida 33309

Parcel No. L66 (Part)
Item/Segment No. N/A
Section No. 93220-2403
Managing District: Four
S.R. No. SFRC
County: Palm Beach

#### Quitclaim and Release of Interests

This Quitclaim and Release of Interests made and given by the State of Florida Department of Transportation this day of \_\_\_\_\_\_, 2014.

#### WITNESSETH:

Whereas, the State of Florida, by and through the State of Florida Department of Transportation (FDOT), conveyed certain property to Palm Beach County (County) in 2007 by Quitclaim Deed for Public Purpose, recorded at Official Records Book 21839, Page 0330 in the Public Records of Palm Beach County (Deed) and the sketch and legal being attached hereto as Exhibit "A" (the "Property"); and

Whereas, that Deed required that the Property be used for public purposes in connection with the County's development of an intermodal transfer facility and provided for the Property to revert to FDOT if it ever ceased to be used for the above described purpose; and

Whereas, the County completed construction of the intermodal transfer facility and has entered into a contract ("Contract") with a private developer for development of a transit oriented development ("TOD") that will adjoin and connect the intermodal transfer facility; and

Whereas, the County has requested that FDOT release its reversionary interest in the Property; and

Whereas, the subject Property was initially acquired by FDOT with state funds and FDOT has determined, in its discretion, that the reversionary provision is no longer necessary; and

Whereas, the "mineral rights" reservations in the deed may also be released pursuant to Fla. Stat. §270.11; and

Whereas, this Quitclaim Deed and Release of Interests is made upon the express condition that the Property will continue to be used for a public purpose, including, but not limited to, for open space comprising a publically accessible amenity; and

Whereas, it is understood and agreed that if the Property ceases to be used for public purpose, including, but not limited to, for open space comprising a publically accessible amenity, the Property's fair market value shall be paid to FDOT by the then current owner and the restriction and obligation shall be then be released. Until so released, this restriction and obligation shall be deemed a covenant running with the Property and shall be enforceable by the State of Florida Department of Transportation against the then current owner of the Property.

Now Therefore, based on and incorporating the foregoing recitals and for good and proper consideration, FDOT hereby releases its reversionary interest in said Property identified in Exhibit "A" and releases the mineral rights reservations contained in the deed.

IN WITNESS WHEREOF, the State of Florida Department of Transportation has caused these presents to be signed in the name of the State of Florida and in the name of the State of Florida Department of Transportation by its District Secretary, District IV and its seal to be hereunto affixed, attested by its Executive Secretary, on the date first above written.

Sig	ned,	sealed	and	delivered
in	our	presence	as	witnesses:

Print Name: LYNDLEWIS

Name: James A

STATE OF FLORIDA I

ame: James 1

District IV

District

ARTHA PURA

ΔΥΥΕΩΥ.

Name: Ma

Executive Secretary

Secretary

#### STATE OF FLORIDA

#### COUNTY OF BROWARD

BEFORE ME, the undersigned authority, this day personally appeared, <u>James A. Wolfe</u>, District Secretary and MARIA Gut. & RREZ , Executive Secretary of the State of Florida Department of Transportation, respectively, to me known to be the persons described in and who executed the foregoing instrument, and they severally acknowledged the execution thereof to be their free act and deed as such officers for the uses and purposes therein mentioned, and that they affixed thereto the official seal of said State of Florida Department of Transportation, and the said instrument is the act and deed of said Department.

WITNESS my hand and official seal this (8th day of \_\_\_\_, 2014.

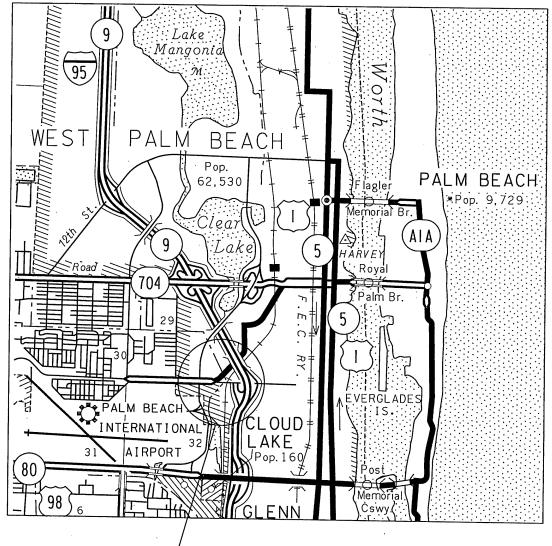
(NOTARIAL SEAL)

PHILIPPA SAMUEL WELLS-HARRISON MY COMMISSION #EE008340 EXPIRES: JUL 23, 2014 bended through 1st State Insurance

Print name: thilippa J. Wells-Harison Notary Public in and for the County and State last aforesaid. My Commission Expires: Ulu 23, 2014







TOWNSHIP 43 SOUT

### LOCATION MAP

#### NOT TO SCALE

#### LEGEND:

△ = DELTA

C.B. = CHORD BEARING

EXIST. = EXISTING

L = LENGTH

(P) = PLAT

P.B. = PLAT BOOK

P.C. = POINT OF CURVE

PG. = PAGE

P.O.B. = POINT OF BEGINNING

P.O.C. = POINT OF COMMENCEMENT

P.T. = POINT OF TANGENT

R = RADIUS

RGE. = RANGE

R.R. = RAILROAD

RT. = RIGHT

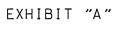
R/W = RIGHT OF WAY

SEC. = SECTION TWP. = TOWNSHIP GENERAL NOTES:

- BEARINGS SHOWN HEREON ARE
  BASED ON THE RIGHT OF WAY
  MAP FOR THE C.S.X. RAILROAD
  STATE PROJECT NO. 93220-2403,
  SHEET 64 OF 75.
- 2. THIS SKETCH EXIST SOLELY FOR THE PURPOSE OF ILLUSTRATING THE LEGAL DESCRIPTION TO WHICH IS ATTACHED.
- 3. ALL DIMENSIONS ARE CALCULATED UNLESS OTHERWISE NOTED.
- 4. HATCHED AREA TO BE SURPLUSED.
  AREA = 10,627 SQUARE FEET.

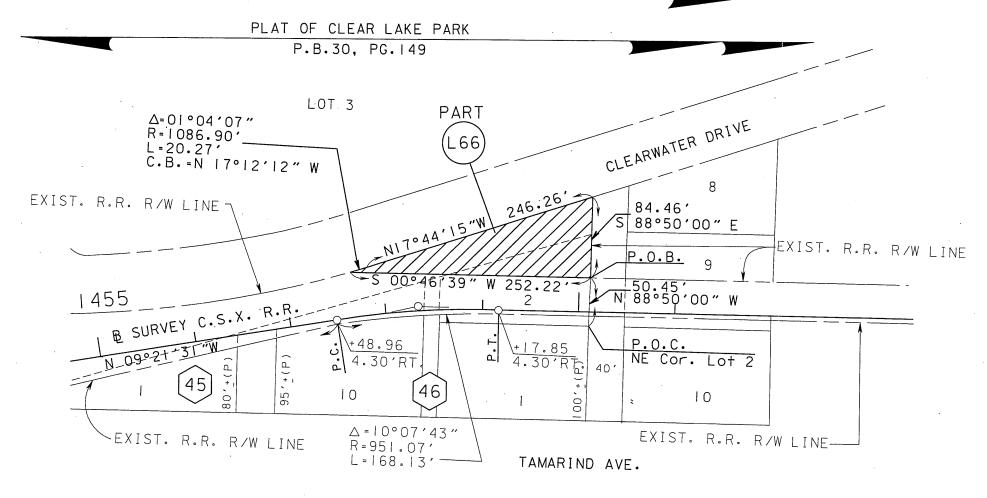
STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION
DISTRICT FOUR
RIGHT OF WAY MAPPING
3400 WEST COMMERCIAL BOULEVARD
FORT LAUDERDALE, FLORIDA 33309
(954) 777-4550

	1							i			
			FLORIDA DEPARTMENT OF TRANSPORTATION								
				PARCEL SKETCH - NOT A SURVEY							
·			STA	TE ROA	D NO. (	CSX	PALM BEACH COUNTY				
				ВҮ	DATE	PREPARED BY:	DATA SOURCE:				
			DRAWN	WALKER	12-01-06	F.D.O.T. DRISTRICT 4	N/A				
REVISION	BY	DATE	CHECKED	BROWN	12-01-06	ITEM/SEGMENT: N/A SECTION	93220-2403	SHEET   OF 3			



SEC. 21, TWP. 43, RGE. 43 E.

SCALE | "=100'



MAP OF THE TOWN OF WEST PALM BEACH

P.B. I, PG. 2

HATCHED AREA TO BE SURPLUSED. AREA = 10,627 SQUARE FEET.

FLORIDA DEPARTMENT OF TRANSPORTATION PARCEL SKETCH - NOT A SURVEY

			STATE	ROAD	PALM	BEACH COUNTY		
				ВҮ .	DATE	PREPARED BY:	DATA SOURCE:	
			DRAWN	WALKER	12-06-06	F.D.O.T. DISTRICT 4	N/A	
REVISION	BY	DATE	CHECKED	BROWN	12-06-06	ITEM/SEGMENT: N/A SECTION 9	3220-2403	SHEET 2 OF 3

TIMS: RWMAPPING/CSX PALM BEACH/RWPSL66CSX.DGN

Item/Segment No. N/A Section No. 93220-2403 Parcel No. L66 (PART) Surplus Property

That part of Lot 2, Block 46, MAP OF THE TOWN OF WEST PALM BEACH, according to the plat thereof, as recorded in Plat Book I, Page 2 of the Public Records of Palm Beach County, Florida and that part of Section 21, Township 43 South, Range 43 East, Palm Beach County, Florida, being more particularly described as follows:

Commence at the Northeast Corner of said Lot 2; thence North 88°50′00″ West along the North line of said Lot 2, a distance of 50.45 feet to the POINT OF BEGINNING; thence South 00°46′39″ West, a distance of 252.22 feet to a point on the Westerly Existing Railroad Right of Way line for the C.S.X. Railroad and a point on a curve concave Westerly, having a chord bearing of North 17°12′12″ West; thence Northwesterly along said Westerly Existing Railroad Right of Way line and said curve, having a radius of 1,086.90 feet, through a central angle of 01°04′07″, an arc distance of 20.27 feet to the end of said curve; thence North 17°44′15″ West along said Westerly Existing Railroad Right of Way line, a distance of 246.26 feet; thence South 88°50′00″ East continuing along said Westerly Existing Railroad Right of Way Line, a distance of 84.46 feet to the POINT OF BEGINNING.

Containing 10,627 square feet, more or less.

I hereby certify that to the best of my knowledge and belief the attached legal description of Parcel No. L66 (PART), as shown on the Right of Way Parcel Sketch for the C.S.X. Railroad, Section No. 93220-2403 is true, accurate and was prepared under my direction.

I further certify that said legal description is in compliance with the Minimum Technical Standards as set forth by the Florida Board of Professional Surveyors & Mappers pursuant to Section 472.027 Florida Statues.

Jeffrey D. Smith

Florida Surveyor and Mapper No. 4805

Date:

REVISION

Florida Department of Transportation

FLORIDA	DEPARTMENT	OF	TRA	NSF	ORTATION
PARCEL	SKETCH	- 1	1OT	Α	SURVEY

STATE ROAD NO. CSX

12-01-06

PALM BEACH COUNTY

DRAWN WALKER 12-01-06

CHECKED BROWN

F.D.O.T. DISTRICT 4

PREPARED BY:

DATA SOURCE: N/A

ITEM/SEGMENT: N/A SECTION 93220-2403

SHEET 3 OF 3