Agenda Item #: 3H-4

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

Meeting Date:	December 2, 2014	[X] Consent [] Ordinance	[] Regular [] Public Hearing
Department:	Facilities Developmen	t & Operations	

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to:

A) adopt a Resolution authorizing the conveyance of the County's interest in .21 acres of surplus property to the City of Greenacres without charge and with reservation of mineral and petroleum rights, but without rights of entry and exploration pursuant to Florida Statutes Section 270.11; and

B) approve a County Deed in favor of the City of Greenacres.

Summary: The City of Greenacres (City) has requested the conveyance of County owned unimproved surplus property located north of Melaleuca Lane and east of Empire Way. The property was acquired in February 2001 by Tax Deed, is located within the City's municipal boundaries and has an assessed value of \$270. This property is triangular in shape and is unbuildable. 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. This property has been declared surplus and serves no present or future County purpose. Conveyance to the City will relieve the County of maintenance responsibility and liability. 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 2 (HJF)

Background & Justification: The subject property is triangular in shape, abuts Empire Way and is within the boundaries of the City of Greenacres. The property is of no current or future use to the County, and Staff feels strongly that the most cost effective method to dispose of this surplus property is to convey it at no cost to the City, as the municipality is in a better position to determine how the property should be used and maintained. The City indicated open space and beautification use of the property. This conveyance will relieve the County of potential liability for occurrences on the property and also the cost of maintenance. Staff attempted to require the City to accept another remnant unbuildable surplus property located within the City's boundaries; however, the City indicated it is not interested in acquiring it. As this property is being conveyed to a governmental entity and the assessed value is less than \$250,000, approval by the Property Review Committee is not required. A Disclosure of Beneficial Interests is also not required.

Attachments:

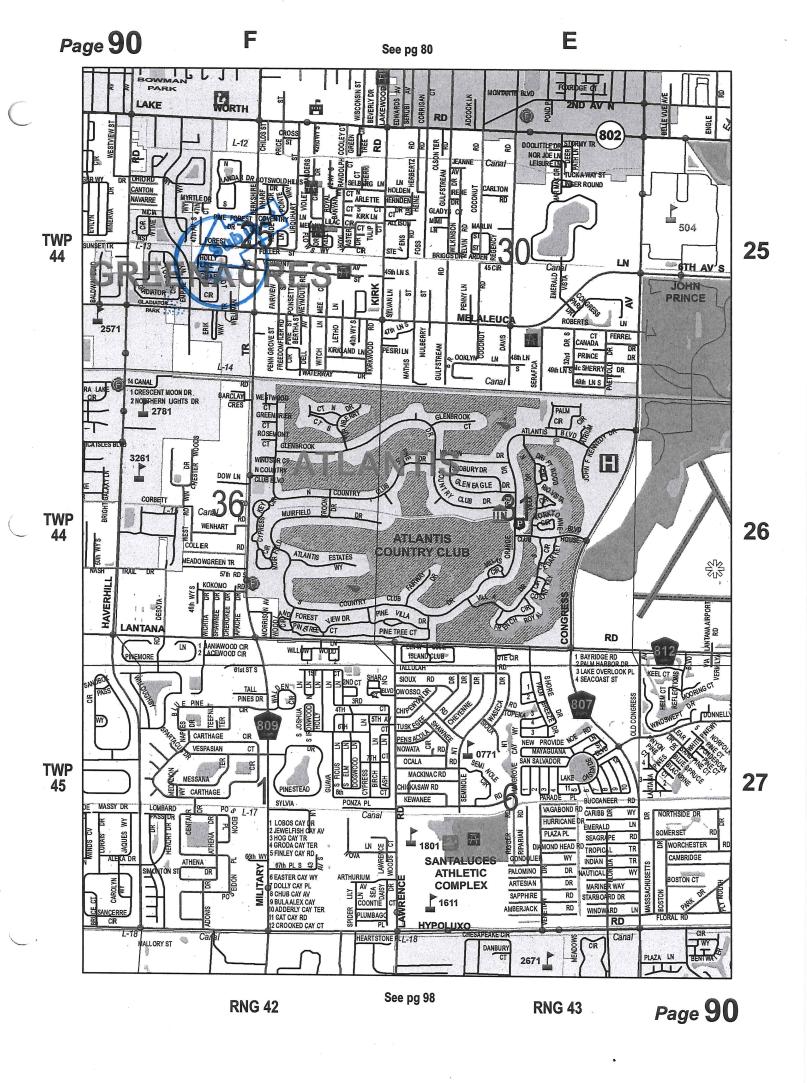
- 1. Location Map
- 2. Resolution authorizing conveyance
- 3. County Deed
- 4. Letter from City of Greenacres dated May 19, 2014

Recommended By:	Cot throng Work	11/5/14	
	Department Director	Date	
Approved By:	Myllen	11/19/1	
	County Administrator	Date	

II. FISCAL IMPACT ANALYSIS

A.	Five Year Summary of 1	Fiscal Impact:				
Fisc	cal Years	2015	2016	2017	2018	2019
Ope Ext Pro	oital Expenditures erating Costs ernal Revenues gram Income (County) Kind Match (County	<u>-0-</u>	-0-	<u>-0-</u>	-0-	-0-
NE'	T FISCAL IMPACT	₹ <u>-0-</u>	-0-	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
	DDITIONAL FTE SITIONS (Cumulative)					
Is I	tem Included in Current B	udget: Yes		No		
Buc	lget Account No: Fund	Dept Program		Unit	Object	
В.	Recommended Sources	of Funds/Sumr	nary of Fisc	al Impact:		
	* No fiscal impact.	\wedge	`o		J	
	Fixed Asset Number: M0	6854 AD=	eina 101.11	11-	1314	
C.	Departmental Fiscal Re	view:	$ \bigvee$			
		III. <u>REVII</u>	EW COMM	ENTS		
A.	OFMB Fiscal and/or Co	ntract Develop	And	nents: Ludy velopment and subsection	d Control	14
В.	Legal Sufficiency: Assistant County Attorney	<u>i /19/14</u> §				
C.	Other Department Revi	ew:				
	Department Director					

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



LOCATION MAP



RESOLUTION NO. 20

RESOLUTION OF THE **BOARD** OF COMMISSIONERS OF PALM BEACH COUNTY. FLORIDA, AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY TO THE CITY OF GREENACRES PURSUANT TO FLORIDA STATUTE SECTION 197.592(3) WITHOUT CHARGE AND WITH MINERAL AND **PETROLEUM** RESERVATION WITHOUT RIGHTS OF ENTRY AND **EXPLORATION**; AND **PROVIDING FOR** EFFECTIVE DATE.

WHEREAS, the County owns an approximate 0.21 acre property within the municipal boundaries of the City of Greenacres 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 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 City of Greenacres 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. <u>Authorization to Convey Real Property</u>

The Board of County Commissioners of Palm Beach County shall convey to the

City of Greenacres 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 lands shall not survive the conveyance to the City of Greenacres.

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 a	adoption. The Motion was seconded by Commissioner,
and upon be	eing put to a vote, the vote was as follows:
	Commissioner Hal R. Valeche Commissioner Paulette Burdick Commissioner Shelley Vana Commissioner Commissioner Mary Lou Berger Commissioner Commissioner Commissioner Priscilla A. Taylor
The N	Mayor thereupon declared the Resolution duly passed and adopted this
lay of	, 2014.
	PALM BEACH COUNTY, a political subdivision of the State of Florida BOARD OF COUNTY COMMISSIONERS SHARON R. BOCK CLERK & COMPTROLLER

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

APPROVED AS TO TERMS AND CONDITIONS

Deputy Clerk

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By:

Richard C. Bogatin, Property Specialist Palm Beach County Property & Real Estate Management Division 2633 Vista Parkway	
West Palm Beach, FL 33411-5605 PCN: 18-42-44-25-18-002-0033 Closing Date: Purchase Price:	
CO	UNTY DEED
This COUNTY DEED, made _ a political subdivision of the State of Fl Avenue, West Palm Beach, Florida, 334	, by PALM BEACH COUNTY , orida, whose legal mailing address is 301 North Olive 401-4791, "County", and CITY OF GREENACRES, the laws of the State of Florida, whose legal mailing
WIT	TNESSETH:
to it in hand paid by City, the receipt	ration of the sum of Ten and 00/100 (\$10.00) Dollars of whereof is hereby acknowledged, has granted, rs and assigns forever, the following described land, Florida:
ACCORDING TO THE PLA OF THE CLERK OF THE (, LT 3 (LESS NLY 85.41 FT) BLK 2, T THEREOF ON FILE IN THE OFFICE CIRCUIT COURT IN AND FOR PALM DA, RECORDED IN PLAT BOOK 31,
TAX CERTIFICATE NUM RECORDED IN OFFICIAL	EAL PROPERTY DESCRIBED UNDER (BER 12649'90 IN THE TAX DEED RECORD BOOK 12309, PAGE 469, LM BEACH COUNTY, FLORIDA.
phosphate, minerals, and metals that are undivided one-half (½) interest in all pe The aforementioned reservation of phosphate.	ty, its successors and assigns, an undivided three-to an undivided three-fourths (¾) interest in, all the re or may be in, on, or under the said land and an stroleum that is or may be in, on, or under said land. phate, mineral, metals and petroleum rights shall not releases any and all rights of entry and rights of mineral, metals and petroleum rights.
IN WITNESS WHEREOF, Conname by its Board of County Commiss. Board the day and year aforesaid.	unty has caused these presents to be executed in its ioners acting by the Mayor or Vice Mayor of said
ATTEST:	
SHARON R. BOCK CLERK & COMPTROLLER	PALM BEACH COUNTY, a political subdivision of the State of Florida
By: Deputy Clerk	Ву:
APPROVED AS TO FORM	, Mayor
AND LEGAL SUFFICIENCY	(OFFICIAL GEAL)
70	(OFFICIAL SEAL)

Assistant County Attorney
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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

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 GREENACRES, a municipal corporation existing under the laws of the State of Florida, whose legal mailing address is 5800 Melaleuca Lane, Greenacres, Florida 33463, "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:

PALM BEACH VILLAS II, LT 3 (LESS NLY 85.41 FT) BLK 2, 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 31, PAGE 54.

THE ABOVE BEING THE REAL PROPERTY DESCRIBED UNDER TAX CERTIFICATE NUMBER 12649'90 IN THE TAX DEED RECORDED IN OFFICIAL RECORD BOOK 12309, PAGE 469, 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 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:	By:
APPROVED AS TO FORM AND LEGAL SUFFICIENCY	, Mayor

AND LEGAL SUFFICIENCY

(OFFICIAL SEAL)

Assistant County Attorney

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City of Greenacres



Samuel J. Ferreri Mayor

Wadie Atallah City Manager

May 19, 2014

Mr. Ross Hering, Director Property and Real Estate Management Division Facilities Development Department Palm Beach County 2633 Vista Parkway West Palm Beach, FL 33411-5605

RE: Empire Way Parcel located in Greenacres (PCN: 18-42-44-25-18-002-0033)

Dear Mr. Hering:

The City has been made aware that there is a County owned surplus property within the boundaries of the City of Greenacres. The City would like the County to convey the above referenced property to the City. We are aware that there may be unpaid Non Ad Valorem assessments due and agree to accept the property as such.

If you have any questions, or would like to discuss this matter further, please feel free to call me at 561-642-2017.

Sincerely,

Wadie Atallah, PE City Manager

MAY 22 2014