Agenda Item #: 5L2

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

Meeting Date: April 21, 2015	(X) Consent () Workshop	() Regular () Public Hearing							
Department Submitted By: Submitted For:	Environmental Resources Management Environmental Resources Management								
I. EXECUTIVE BRIEF									
Motion and Title: Staff recommends motion to accept: a Statutory Warranty Deed for the donation of two parcels of vacant land totaling 27.63 acres from Effie Eda Westervelt, as sole surviving Trustee under Trust Agreement dated December 1, 1951, provided that the County pays delinquent and current property taxes estimated at \$800, and title insurance, closing and miscellaneous costs estimated at \$500.									
Summary: The subject parcels make up one of two tracts needed to complete the part of the Northeast Everglades Natural Area (NENA) trail system which will connect the J.W. Corbett Wildlife Management Area and several County natural areas to Jonathan Dickinson State Park. Acceptance of the Statutory Warranty Deed (deed) will allow the County to acquire the parcels at a 95 percent discount over the estimated \$27,630 market value of the property. Both parcels are encumbered by an exclusive drainage easement held by the South Florida Water Management District (SFWMD). A title policy will be obtained for the parcels and a preacquisition environmental assessment will be performed by ERM. A boundary survey will not be obtained due to the low value of the land. ERM will be responsible for the administration of the property. The outstanding taxes and all costs related to the closing will be paid from the Natural Areas Fund, a non-ad valorem source of funds. This donation must be approved by a supermajority vote (5 Commissioners). District 1 (HF)									
Background and Justification: Acceptance of the deed will allow the County, with approval from the SFWMD, to construct a portion of the multiuse Pântano Trail (part of the NENA trail system) within the subject parcels and to provide public pedestrian, bicycle and equestrian access between the Loxahatchee Slough Natural Area and the Beeline Highway. Acceptance of the proposed land donation also will allow utilization of existing canal bank management roads within the parcels to access the Loxahatchee Slough Natural Area. An easement over the subject parcels was granted to SFWMD's predecessor in 1954 and remains in effect today. A portion of the C-18 Canal was subsequently constructed through the subject parcels and will remain as is. An October 2013 appraisal performed on behalf of the County assigned a market value of \$27,630 for the subject parcels. A Disclosure of Beneficial Interests has been provided and identifies the beneficiaries as Effie Eda Westervelt (95 percent), the estate of Peter Jocelyn Westervelt (2.5 percent) and Jane Westervelt (2.5 percent).									
Attachments:									

1. Location map

2. Deed

Recommended by:

Department Director

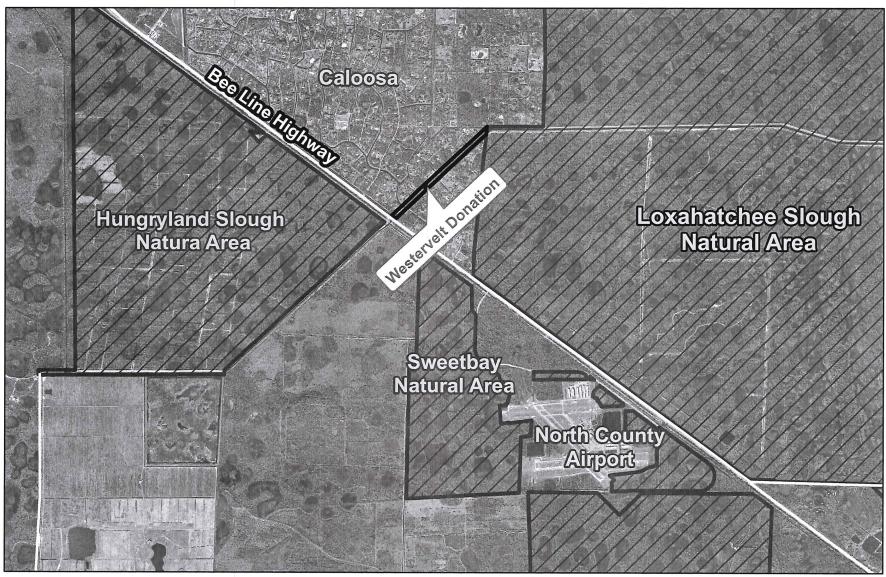
Approved by:

County Administrator

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

A.	Tive Tear Su	illilliary of 1 13	cai impact.			
Fiscal Years	1	2015	2016	2017	2018	2019
Capital Exp	enditures	\$1,300				-
Operating C	Costs					
External Re	venues					
Program Inc	come (County)					
In-Kind Ma	tch (County)					
NET FISC	AL IMPACT	\$1,300				
	ONAL FTE S (Cumulative))				
Is Item Incl	ıded in Curren	t Budget?	Yes	X	No	
Budget Acco	ount No.:	Fund 1226 Program	-	380 Unit	3162 Object	t <u>6101</u>
 B. Recommended Sources of Funds/Summary of Fiscal Impact: Funds for acquisition of the Westervelt parcels will come from the Natural Areas Fund (1226). The total cost of acquiring the two parcels is expected to be less than \$1,300, and includes an estimated \$800 to cover outstanding property taxes and \$500 to cover title insurance, closing and recording costs/fees. C. Department Fiscal Review: 						
III. REVIEW COMMENTS						
А. В.	OFMB Fisca OFMB Fig Legal Sufficient	13/15 90 3/3/15 90	Con	tract Develope	nments: Acolyus nent and Con lec	14/1/15
	Assistant Con	Jal . unty Attorney	1/2/15			
C.	(2.1.)	tment Review				





Location of Westervelt Canal Right of Way Properties





Palm Beach County
Department of Environmental
Resources Management



March 2015;acs

PREPARED BY AND RETURN TO: Ben Williamson, Project Manager PALM BEACH COUNTY PROPERTY & REAL ESTATE MANAGEMENT DIVISION 2633 VISTA PARKWAY WEST PALM BEACH, FLORIDA 33411-5605

PCN: 00-41-41-27-00-000-3010 and 00-41-41-28-00-000-5020

Closing Date:_

Purchase Price: Donation

STATUTORY WARRANTY DEED

(Florida Statutes 689.02)

WITNESSETH:

THAT Grantor, for and in consideration of the sum of Ten and 00/100's (\$10.00) Dollars to it in hand paid by Grantee, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, and sold to Grantee, its successors and assigns forever, all that certain land situate in Palm Beach County, State of Florida, to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

TOGETHER, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

Page 1 of 4

AND Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

(REMAINDER OF PAGE INTENTIONALLY LEFT BLANK).

IN WITNESS WHEREOF, Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in	Grantor:
the presence of:	
	EFFIE EDA WESTERVELT, as sole
Carol Futheres	surviving Trustee under Trust
Witness Signature	Agreement dated December 1, 1951
CAROL MRITCHEVER	2
Witness Name Printed Clovica And Witness Signature Monich F CARVER Witness Name Printed	Effic Eda Westervelt, as Successor Trustee
STATE OF California COUNTY OF Marin	
The foregoing instrument was acknowle	dged before me thisday of a Westervelt. () who is personally known to
me OR () who has produced (a. Drive	/
and who () did () did not take an oath.	Sisa G. Waloni
	Notary Public, State of Charles A. Walsmit
(Stamp/Seal)	1958182
(Starty)	Commission Number My Commission Expires: 10-28.15
Approved by the Palm Beach County	
Board of County Commissioners	LISA A. WALSMITH
on	Cornmission # 1958482 Notary Public - California Marin County My Comm. Expires Oct 28, 2015
County Attorney or Designee	

G:\PREM\DEV\OPEN PROJECTS\ERM-C-18\WESTERVELT DONATION\DEED 2-12-2015.HF APP 2-23-2015.DOCX

Exhibit "A"

A strip of land 220 feet in total width, extending throughout all that part of Section 28, Township 41 South, Range 41 East, lying North and East of the Seaboard Air Line Railroad right of way, said strip of land lying and being Southeasterly of, parallel, contiguous, and as measured at right angles to a line extending from the Southwest corner of the Southeast one quarter (SE 1/4) of Section 32, Township 41 South, Range 41 East, to the Northwest corner of the Northeast one quarter (NE 1/4) of Section 27, Township 41 South, Range 41 East, LESS, HOWEVER, the right of way for road purposes as conveyed to Palm Beach County by deed recorded in Deed Book 1051, Page 407, Palm Beach County, Florida, public records.

TOGETHER WITH

A strip of land 220 feet in total width, extending throughout the West one half (W 1/2) of Section 27, Township 41 South, Range 41 East, said strip of land lying and being Southeasterly of, parallel, contiguous, and as measured at right angles to a line extending from the Southwest corner of the Southeast one quarter (SE 1/4) of Section 32, Township 41 South, Range 41 East, to the Northwest corner of the Northeast one quarter (NE 1/4) of Section 27, Township 41 South, Range 41 East.