

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date:	May 19, 2015	<input checked="" type="checkbox"/> Consent	<input 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:

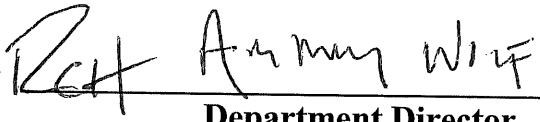


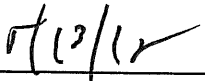
- A) **adopt** a resolution authorizing the conveyance of the County’s interest in a .41 acre vacant parcel of County-owned land located on Collin Drive in unincorporated West Palm Beach to David R. Dukes with reservation of mineral and petroleum rights, but without rights of entry and exploration;
- B) **approve** a deposit Receipt and Contract for Sale and Purchase with David R. Dukes for the sale of approximately .41 acre of vacant surplus land for \$3,300; and
- C) **approve** a County Deed in favor of David R. Dukes.

Summary: The County Water Utilities Department (WUD) controls approximately .41 acre of vacant surplus land adjacent to Collin Drive in unincorporated West Palm Beach. The property is surrounded by residential lots, has no access to a public street and could not be developed as an independent residential lot. WUD recently relocated its lift station onto what was previously the access drive from Collin Drive. This created a large landlocked open space which WUD desires to sell in order to avoid future maintenance costs. Pursuant to Florida Statutes Section 125.35(2), the Board may effect a private sale of the parcel upon a finding that the value of a parcel is \$15,000 or less as determined by the County property appraiser, and when, due to the shape, size, location and value of the property, it is determined by the Board it is of use to only one or more adjacent property owners. The property is assessed at \$2,500. PREM notified the adjoining owners requesting bids on the site and four bids were received: Valeriano Flores and Diana Lara (Flores/Lara) in the amount of \$5,000; David R. Dukes in the amount of \$3,300; Miguel Rios-Hernandez in the amount of \$1,500; and Juan Carlos Montoya - Revocable Trust in the amount of \$1,150. Flores/Lara subsequently withdrew their bid. Staff recommends the Board accept the bid of the second high bidder, David R. Dukes, in the amount of \$3,300. The property is being sold “as is” without contingences. Closing is to occur within 30 days of Board approval. The County will retain mineral and petroleum rights in accordance with Florida Statutes Section 270.11, but will not retain rights of entry and exploration. This sale must be approved by a supermajority vote (5 Commissioners). (PREM) District 2 (HJF)

Background and Justification: The County acquired this utility site in 1979. The Plat of the property designates it as a “Lift Station Site”.

Continued on Page 3

- Attachments:**
- 1. Location Map
 - 2. Resolution
 - 3. Deposit Receipt and Contract for Sale & Purchase
 - 4. County Deed

Recommended By:		
	Department Director	Date
Approved By:		
	County Administrator	Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2015	2016	2017	2018	2019
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	(\$3,300)	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	(\$3,300)	=====	=====	=====	=====
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget: Yes _____ No X

Budget Account No: Fund 4011 Dept 721 Unit W031 Object 6546
Program _____

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

Disposition of this property will eliminate the County's ongoing annual maintenance cost of \$1,800/year.

Fixed Asset Number F08353

a. Ordino 4/29/15

C. Departmental Fiscal Review: _____

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

Sherry Brown
OFMB *4/30*
4/30

Joe J. Jacobson
Contract Development and Control *5/11/15*
5-11-15

B. Legal Sufficiency:

Jeff
Assistant County Attorney *5/12/15*

C. Other Department Review:

Department Director

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

Background and Justification Continued: The property is approximately .41 acre in size and previously had a water utility lift station located directly in the middle of the site. Recently, WUD moved the lift station to the perimeter in what was the access road off Collin Drive, thereby blocking access from Collin Drive. WUD requested that PREM sell the entire property while reserving an easement for the new lift station. Pursuant to Florida Statute Section 125.35, if a parcel of land is assessed at \$15,000 or less, and when, due to its size, shape and location, it is of use only to adjacent property owners, the County may effect a private sale to the adjacent property owners. PREM sent a certified mailing out to all adjacent homeowners on August 21, 2014, requesting interested parties to respond as to whether they were interested in purchasing the property. Two additional letters were sent out on September 16, 2014, to those owners that did not respond to the certified letter, with no response to either mailing. Four adjacent owners positively responded to PREM's inquiry as interested potential purchasers. PREM held a mandatory pre-bid meeting on October 6, 2014. All four adjoining owners attended the meeting, including interpreters assisting two of the spanish speaking property owners. It was evident at the meeting and from subsequent phone calls that the spanish speaking property owners did not trust the County or the bidding process. PREM Staff fielded several phone calls to allay fears that the process was under sealed bid conditions and nothing unusual was happening. On February 6, 2015, PREM sent notice that bids were due in the PREM office by 2pm February 18, 2015, at which time they would be publically opened. Instructions called for the bidders to submit a signed Deposit Receipt and Contract for Sale & Purchase, a signed "As-Is" Acknowledgement and a 10% deposit check for the bid amount. Bidding results were as follows:

- 1) Valeriano Flores & Diana Lara - \$5000 bid.
(Deposit Check for \$500, an unsigned "As-Is" Statement and an incomplete Contract – no bid amount stated)
- 2) David R. Dukes - \$3300 bid.
(Deposit Check for \$330, a signed "As-Is" Statement, a fully completed Contract)
- 3) Miguel Rios-Hernandez - \$1500 bid.
(Deposit Check for \$150, an unsigned "As-Is" Statement, a fully completed Contract)
- 4) Juan Carlos Montoya - Revocable Trust - \$1150 bid.
(Deposit Check for \$115, a signed "As-Is" Statement, a fully completed Contract)

At the bid opening, three (3) of the four (4) interested property owners submitting offers were present, in addition to Max Heridia from the Inspector General's office. The bid opening was recorded on disc and each bid was opened and read aloud. The bid package from Flores/Lara was unusual since they did not insert the actual bid amount on the contract nor submit a signed "As-Is" Statement, only a signed contract with a \$500 deposit check was received. Flores/Lara were present at the bid opening and upon questioning as to their bid amount, they verbally stated that their bid was for \$5,000. PREM subsequently sent a follow-up letter to each bidder on February 25, 2015, explaining the incomplete bid package from Flores/Lara, but that it would be PREM's recommendation to accept the Flores/Lara bid. PREM also stated to each of the four (4) bidders that if there were any bid objections to awarding the contract to Flores/Lara, those objections must be presented to the Board on the same date the item was to be heard by the Board.

On March 18, 2015, PREM received a phone call from Flores/Lara requesting that their bid be withdrawn. The reason for the withdrawal was due to information they received from the Zoning Division indicating they could not park multiple vehicles on the property. Having received multiple bids on the site, PREM allowed Flores/Lara to withdraw their bid and their deposit was returned. PREM contacted the second highest bidder, David R. Dukes, who remained willing to purchase the site for his bid of \$3,300. Therefore, PREM recommends the Board accept David R. Dukes' bid of \$3,300 to purchase the Collin Drive surplus property site. A Disclosure of Beneficial Interests is not required as Mr. Dukes is an individual.