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

Agenda Item #:

3H.6

Meeting Date:	August 18, 2015	[X] Consent [ ] Ordinance	[ ] Regular [ ] Public Hearing
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#### 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 .12 acres of surplus property to the City of Lake Worth 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 Lake Worth.

The City of Lake Worth (City) has requested the conveyance of County owned Summary: unimproved surplus property located at 128 S. E Street. The property was acquired in April 2015 by Tax Deed, is located within the City's municipal boundaries and has an assessed value of \$15,194. This property is a buildable small lot in a designated CRA area. 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 3 (HJF)

Background and Justification: The subject property located at 128 S E Street in Lake Worth is buildable, and is within the boundaries of the City of Lake Worth. 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 it will convey the parcel to its CRA to revitalize the area and provide for a residential unit priced within the County's work force housing sales price range. This conveyance will relieve the County of potential liability for occurrences on the property and also the cost of maintenance. 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 Lake Worth dated June 24, 2015

Recommended By:	- Ann Work Department Director	7/18/15 Date	
Approved By:	County Administrator	) / e/ / / Date	

### II. FISCAL IMPACT ANALYSIS

### A. Five Year Summary of Fiscal Impact:

Fiscal Years	2015	2016	2017	2018	2019
Capital Expenditures					
<b>Operating Costs</b>					
External Revenues	-0-	-0-	-0-	-0-	-0-
<b>Program Income (County)</b>					
In-Kind Match (County					
NET FISCAL IMPACT	<u>-0-</u> *	<u>-0-</u>	<u>-0-</u>	-0	-0-
# ADDITIONAL FTE POSITIONS (Cumulative)					
Is Item Included in Current	Budget: Yes		No		
Budget Account No: Fund	d Dep Program	ot	Unit	Object	

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

	<sup>≭</sup> No fiscal impact.	EARLO, A NOUTLIST
	Fixed Asset Number: <u>HO7834</u>	- Capero of More Norlis
C.	Departmental Fiscal Review:	

### III. <u>REVIEW COMMENTS</u>

### A. OFMB Fiscal and/or Contract Development Comments:

OFMB.

Southand Control Development and Control

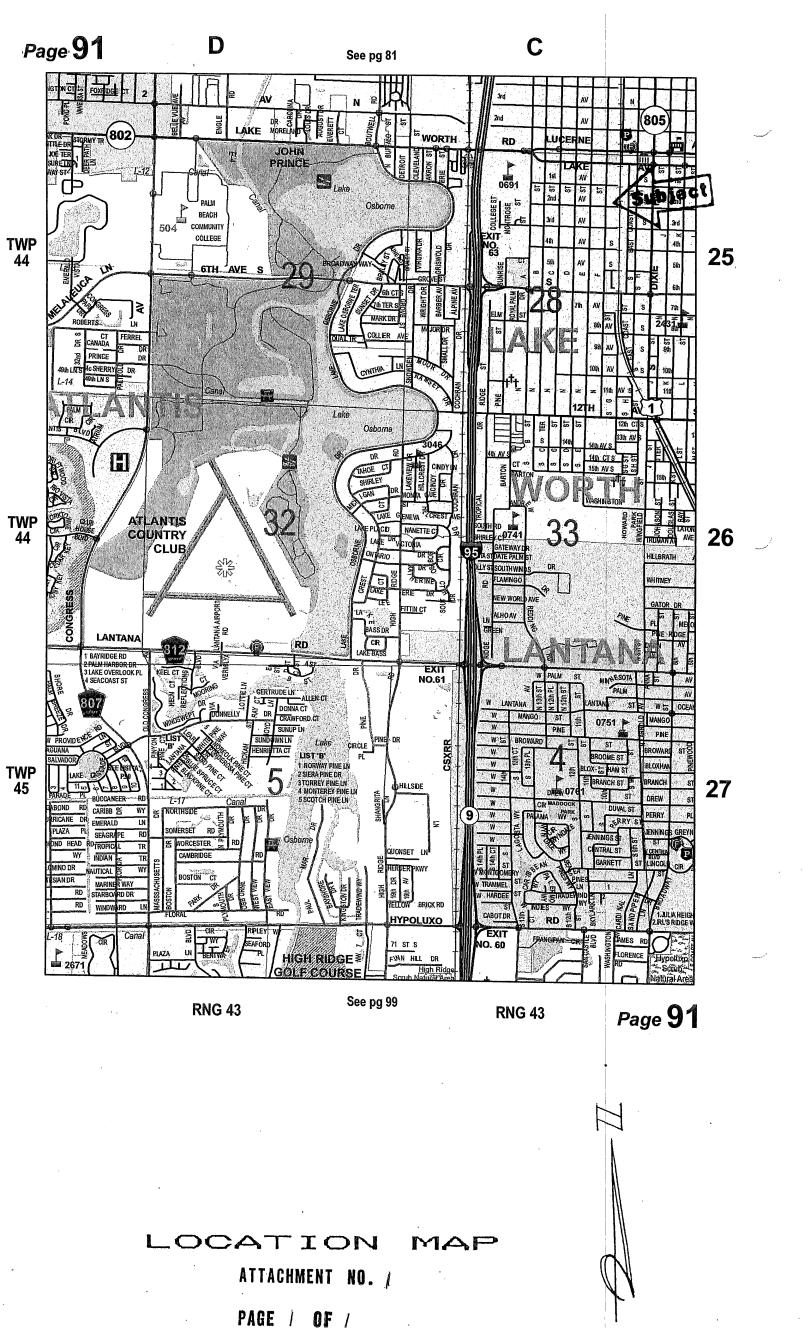
**B.** Legal Sufficiency:

<u>7/30/15</u> Assistant County Attorney

C. Other Department Review:

Department Director

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



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### **RESOLUTION NO. 20**

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

WHEREAS, the County owns one (1) property within the municipal boundaries of the City of Lake Worth 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 property 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 Lake Worth 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. <u>Recitals</u>

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 the City of Lake Worth 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 Lake Worth.

### Section 3. <u>Conflict with Federal or State Law or County Charter</u>

Any statutory or Charter provisions in conflict with this Resolution shall prevail.

### Section 4. <u>Effective Date</u>

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

The Mayor thereupon declared the resolution duly passed and adopted this

day of \_\_\_\_\_, 20\_\_\_\_.

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 APPROVED AS TO TERMS AND CONDITIONS

By: Assistant County Attorney

Wor By: Department

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PREPARED BY AND RETURN TO: <u>Richard C. Bogatin</u> PALM BEACH COUNTY PROPERTY & REAL ESTATE MANAGEMENT DIVISION 2633 Vista Parkway West Palm Beach, FL 33411-5605

PCN: 38-43-44-21	-15-059-0030	
Closing Date:		
Purchase Price:	\$0	

### **COUNTY DEED**

**This COUNTY DEED**, made \_\_\_\_\_\_, by **PALM BEACH COUNTY**, a political subdivision of the State of Florida, by and through its Board of County Commissioners, whose legal mailing address is 2633 Vista Parkway, West Palm Beach, Florida 33411-5605, "County", and the **CITY OF LAKE WORTH**, a Florida municipal corporation, whose legal mailing address is 7 North Dixie Highway, Lake Worth, Florida 33460-3795, "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 <u>City</u>, the receipt whereof is hereby acknowledged, has granted, bargained and sold to <u>City</u>, its successors and assigns forever, the following described land lying and being in Palm Beach County, Florida:

TOWN OF LAKE WORTH, LT 3 and S <sup>1</sup>/<sub>2</sub> of LT 4, BLK 59.

THE ABOVE BEING THE REAL PROPERTY DESCRIBED UNDER TAX CERTIFICATE NUMBER 27627 IN THE TAX DEED RECORDED IN OFFICIAL RECORD BOOK 27493, PAGE 0607, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

Reserving, however, unto County, its successors and assigns, an undivided three-fourths  $({}^{3}\!/_{4})$  interest in, and title in and to an undivided three-fourths  $({}^{3}\!/_{4})$  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  $({}^{1}\!/_{2})$  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

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: Assistant County Attorney

By:

Shelley Vana, Mayor

(OFFICIAL SEAL)

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### CITY OF LAKE WORTH OFFICE OF THE CITY MANAGER

7 North Dixie Highway · Lake Worth, Florida 33460 · Phone: 561-586-1689 · Fax: 561-586-1750

June 24, 2015

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

RE: Conveyance of Property Located at 128 South E Street, Lake Worth PCN = 36-43-44-21-15-059-0030

Dear Mr. Herring:

Recently the Palm Beach County Property and Real Estate Management Division informed the City of Lake Worth of the above referenced real property located within the City that has been escheated to Palm Beach County. It is respectfully requested of the County that this property be conveyed to the City.

The City is most appreciative of your generous offer. Should you have any questions or require additional information regarding this submission, please do not hesitate to contact Jerry Kelly, Grants Analyst, at 561.533.7358. Thank you for your consideration and assistance.

Sincerely, Michael Bornstein

City Manager

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