

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY

Meeting Date:	October 6, 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

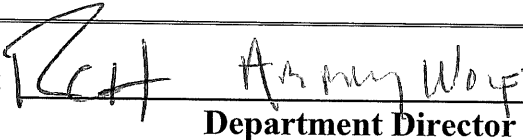

Motion and Title: Staff recommends motion to:

- A) **adopt** a Resolution authorizing the conveyance of the County’s interest in .06 acres of surplus property to the Palm Beach County Housing Authority, a government entity created pursuant to Chapter 421, Florida Statutes, without charge and with reservation of mineral and petroleum rights, but without rights of entry and exploration pursuant to Florida Statutes Section 125.38; and
- B) **approve** a County Deed in favor of the Palm Beach County Housing Authority.

**Summary:** The Palm Beach County Housing Authority (PBCHA) has requested the conveyance of a County owned unimproved surplus property located at the northwest corner of NW 12<sup>th</sup> Avenue and NW 4<sup>th</sup> Street in Boynton Beach. The property was acquired in June 2010 by Tax Deed and has an assessed value of \$8,190. This property is a buildable small lot adjacent to numerous other vacant properties owned by PBCHA and proposed for the construction of affordable housing units. The property is being conveyed pursuant to Florida Statutes Section 125.38, which authorizes the sale of the property directly to another government entity without competitive bidding provided the Board is satisfied the conveyance promotes a community interest and public welfare. This property has been declared surplus and serves no present or future County purpose. Conveyance to PBCHA 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 7 (HJF)**

**Background and Justification:** The subject property located at the northwest corner of NW 12<sup>th</sup> Avenue and NW 4<sup>th</sup> Street is in the Cherry Hills Subdivision within the municipal boundaries of the City of Boynton Beach. The property is of no current or future use to the County and the County’s Department of Economic Sustainability supports conveying this surplus property at no cost to PBCHA, who controls the majority of the other vacant lots in the area. PBCHA will incorporate the property into its current plan to revitalize the area and intends to provide residential units 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 PBCHA dated June 25, 2015

Recommended By:		9/5/15
	Department Director	Date
Approved By:		9-28-15
	County Administrator	Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2016	2017	2018	2019	2020
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	* <u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget: Yes \_\_\_\_\_ No \_\_\_\_\_

Budget Account No: Fund \_\_\_\_\_ Dept \_\_\_\_\_ Unit \_\_\_\_\_ Object \_\_\_\_\_  
Program \_\_\_\_\_

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

\* No fiscal impact.

Fixed Asset Number: H07845

*A. D. Rieno, FAMO, OFMB 9/11/15 9.8.15*  
*[Signature]*

C. Departmental Fiscal Review: \_\_\_\_\_

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

*[Signature]*  
OFMB *9/14* *(A)* *9/14*  
*[Signature]* *9/24/15*  
Contract Development and Control  
*B. Wheeler 9-24-15*

B. Legal Sufficiency:

*[Signature]* *9/25/15*  
Assistant County Attorney

C. Other Department Review:

\_\_\_\_\_  
Department Director

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

TWP 45

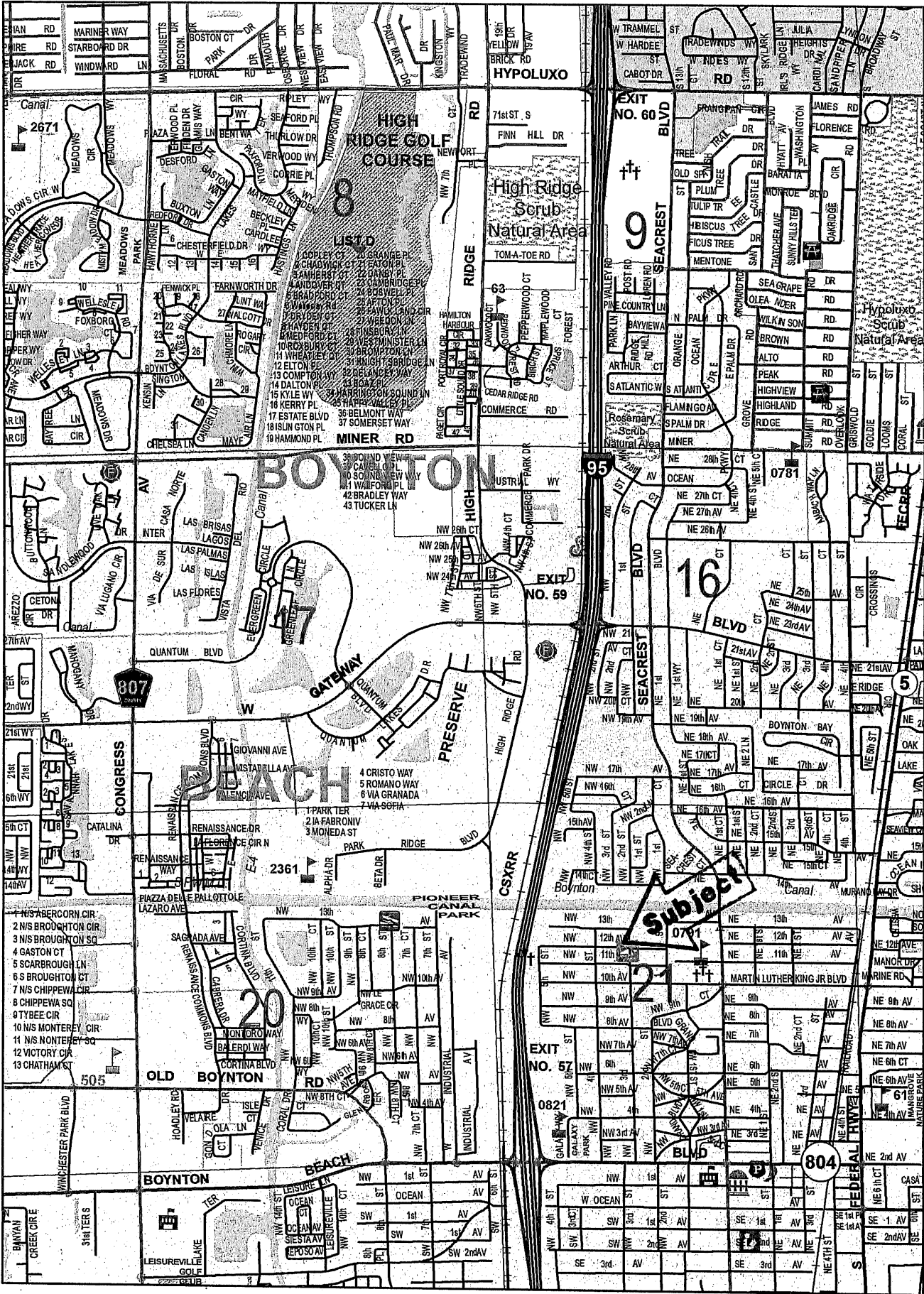
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TWP 45

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TWP 45

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RNG 43

See pg 105

RNG 43

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LOCATION MAP

Attachment No. 1

ATTACHMENT NO. 2  
(3 pages)

**RESOLUTION NO. 20\_\_**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY TO THE PALM BEACH COUNTY HOUSING AUTHORITY, PURSUANT TO FLORIDA STATUTE SECTION 125.38, WITHOUT CHARGE AND WITH MINERAL AND PETROLEUM RIGHTS RESERVATION WITHOUT RIGHTS OF ENTRY AND EXPLORATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Palm Beach County Housing Authority, a , a government entity created by Chapter 421, Florida Statutes (“PBCHA”), has made application to the Board of County Commissioners of Palm Beach County requesting that Palm Beach County convey 0.06 acres of surplus real property to PBCHA for use by PBCHA for attainable or workforce housing purposes; and

**WHEREAS**, the Board of County Commissioners of Palm Beach County hereby finds that the aforementioned use constitutes a use for the community interest and welfare, such real property is required for such use and such real property is not needed for County purposes; and

**WHEREAS**, pursuant to Florida Statute Section 270.11, PBCHA 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 hereby agrees 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. Authorization to Convey Real Property**

The Board of County Commissioners of Palm Beach County shall convey to PBCHA without charge and by County Deed attached hereto and incorporated herein by reference, the real property legally described in such Deed.

**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 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

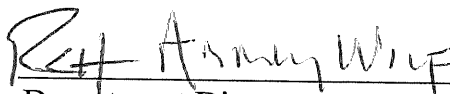
SHARON R. BOCK  
CLERK & COMPTROLLER

By: \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

By:   
Assistant County Attorney

APPROVED AS TO TERMS  
AND CONDITIONS

By:   
Department Director

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

PCN: 08-43-45-21-14-000-4160  
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 **PALM BEACH COUNTY HOUSING AUTHORITY**, a government entity created by Chapter 421, Florida Statutes, whose legal mailing address is 3432 W. 45<sup>th</sup> Street, West Palm Beach, Florida 33407, "PBCHA".

**WITNESSETH:**

That County, for and in consideration of the sum of Ten and 00/100 (\$10.00) Dollars to it in hand paid by PBCHA, the receipt whereof is hereby acknowledged, has granted, bargained and sold to PBCHA, its successors and assigns forever, the following described land lying and being in Palm Beach County, Florida:

CHERRY HILLS, BOYNTON LT 416.  
THE ABOVE BEING THE REAL PROPERTY DESCRIBED UNDER  
TAX CERTIFICATE NUMBER 10977 IN THE TAX DEED  
RECORDED IN OFFICIAL RECORD BOOK 23899, PAGE 0241,,  
PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

Reserving, however, unto County, its successors and assigns, an undivided three-fourths (¾) interest in, and title in and to an undivided three-fourths (¾) 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 (½) 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

By: \_\_\_\_\_  
Shelley Vana, Mayor

**APPROVED AS TO FORM**  
**AND LEGAL SUFFICIENCY**

(OFFICIAL SEAL)

By: \_\_\_\_\_  
Assistant County Attorney

ATTACHMENT NO. 3  
( 1 page)



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

PCN: 08-43-45-21-14-000-4160

Closing Date: \_\_\_\_\_

Purchase Price: 0

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TAX CERTIFICATE NUMBER 10977 IN THE TAX DEED  
RECORDED IN OFFICIAL RECORD BOOK 23899, PAGE 0241,,  
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 an 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: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Shelley Vana, Mayor

**APPROVED AS TO FORM**  
**AND LEGAL SUFFICIENCY**

By:   
Assistant County Attorney

(OFFICIAL SEAL)

ATTACHMENT NO. 4  
(1 page)



## PALM BEACH COUNTY HOUSING AUTHORITY

June 25, 2015

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: Tax Deed Lot - Parcel Control Number 08-43-45-21-14-000-4160/ Cherry Hill / NW 12<sup>th</sup> Ave,  
Boynton Beach

Dear Mr. Hering:

The Palm Beach County Housing Authority has been made aware that there is a County owned surplus property within County boundaries, adjacent to parcels currently owned by the Authority. The Palm Beach County Housing Authority would like the County to convey the above referenced property to the Housing Authority. 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 to call me at 561.718.2865.

Sincerely,

Larry Greenberg  
Chief Operating Officer

PALM BEACH COUNTY HOUSING AUTHORITY

3432 W. 45<sup>TH</sup> Str  
West Palm Beach, FL 334  
Office: 561.684.210  
Fax: 561.253.070  
[www.pbchafll.com](http://www.pbchafll.com)