

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS <u>AGENDA ITEM SUMMARY</u>

Meeting Date:	October 6, 2015	[X] Consent [] Ordinance	[] Regular [] Public Hearing
Department:	Facilities Development	nt & Operations	

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to:

- a) adopt a resolution authorizing the re-conveyance of the County's interest in 0.039 acres of real property located in unincorporated Delray Beach to the Lake Worth Drainage District (LWDD) without charge and without reservation of mineral and petroleum rights; and
- b) approve a County Deed in favor of the Lake Worth Drainage District.

Summary: In 1950 the LWDD conveyed approximately 20 acres of property to the County comprising a large portion of Lake Eden which is adjacent to, but separate from, Lake Ida. The original Deed from LWDD to the County contained a restriction that the property be used for park purposes and included a reverter clause. Robert and Brenda Gallik own a 0.24 acre residential lot at 24 NW 25th Ct., Delray Beach, which abuts Lake Eden. The Gallik's desire to put an addition on their home and will require the acquisition of approximately .039 acres of additional upland property the County owns along the lake shoreline. The County has no use for this property as it is separated from the County owned Lake Ida Park. On May 12, 2015, LWDD provided a letter requesting that the County acknowledge the reversion and re-convey the property to LWDD since the upland property has never been used for park purposes. This County Deed is being granted to LWDD in recognition of LWDD's reverter rights and will allow title to be transferred from LWDD to the Galliks. The County will not retain mineral and petroleum rights as provided for in Florida Statutes Section 270.11. This conveyance must be approved by a Supermajority Vote (5 Commissioners) pursuant to the PREM Ordinance. (PREM) District 4 (HJF)

Background & Policy Issues: There are numerous instances where the County owns a small portion of the lakefront residential lots on the east side of Lake Eden/Lake Ida. The situation comes to light when owners attempt to sell their lots or in the case of the Galliks, make an addition to their home. Numerous lot owners have also built docks out into the water on submerged lands owned by the County. This issue has been brought to the attention of the Board previously, and Staff continues to remain silent on the issue with the lot owners generally, and merely responds to specific requests from the lot owners.

(continued on page 3)

Attachments:

- 1. Location Map
- 2. Resolution
- 3. County Deed
- 4. LWDD letter of request dated May 12, 2015

Recommended By:	I Army Work	9/5/15
v O	Department Director	Date /
Approved By:	1/C/Ballen	9/25/15
	County Administrator	Date /

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:						
Fisca	d Years	2016	2017	2018	2019	2020
Oper Extended Prog	tal Expenditures cating Costs rnal Revenues ram Income (County) ind Match (County					
NET	FISCAL IMPACT	* <u>\$-0-</u>	<u>\$-0-</u>	<u>\$-0-</u>	\$-0-	<u>\$-0-</u>
	DITIONAL FTE ITIONS (Cumulative)					
Is Ite	em Included in Current B	udget: Yes		No		
Budg	et Account No: Fund	Dept Program	1	U nit	Object	
В.	Recommended Sources	of Funds/Sumn	nary of Fisca	al Impact:		
C.	Departmental Fiscal Rev	Fixed As	iscal impact. set No. H078	9 \$.	Low, RAWO.	ormb eluli
A.	OFMB Fiscal and/or Co	\sim	Dre	ents:	ober 91	20115
В.	Legal Sufficiency: Assistant County Attorney	<u>1/23/15</u> 1	(
C.	Other Department Revie	ew:				
	Department Director					

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

Page 3

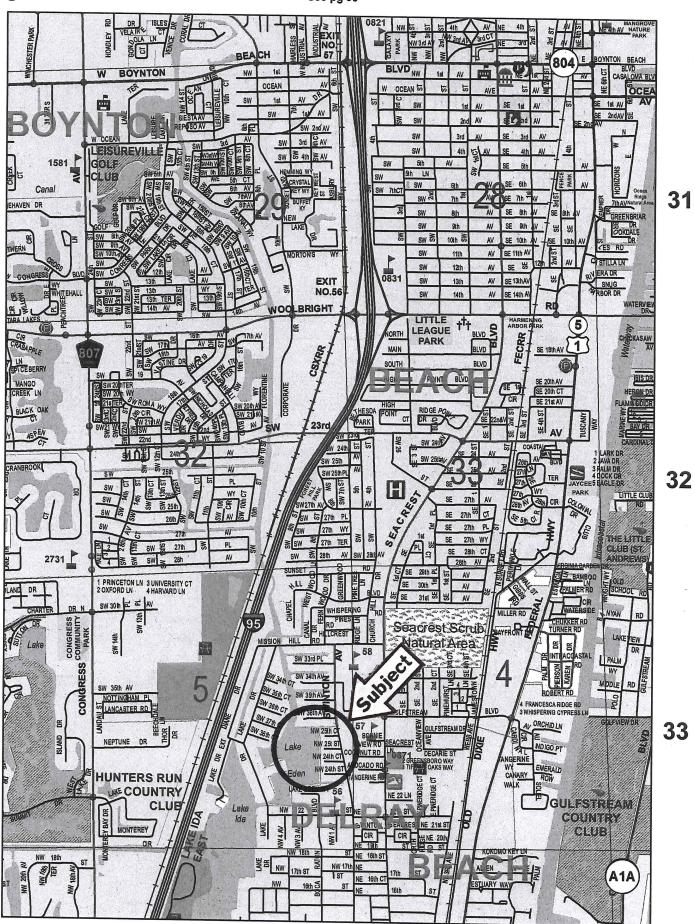
Background & Policy Issues (Cont'd): The County is conveying this property to the LWDD pursuant to the reverter clause in the deed (Deed Book 914, Pg 172) from LWDD. Because the property is reverting to the original party regardless of value, the approval of the Property Review Committee and an appraisal of the property were not obtained. Mineral and petroleum rights are also not being reserved as provided for in Florida Statute Section 270.11. The County's Parks and Recreation and Environmental Resource Management Departments have reviewed this conveyance and have no objections. No Disclosure of Beneficial Interest is required since the transaction is between the County and another governmental entity.

TWP

45

TWP 45

TWP 46 D



RNG 43

See pg 111

RNG 43

Page 105

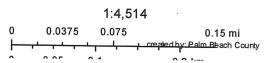
LOCATION MAP

Attachment 1 Page 1 of 2





September 2, 2015



LOCATION MAP

Attachment 1 Page 2 of 2



RESOLUTION NO.	

RESOLUTION OF THE BOARD OF **COMMISSIONERS OF** PALM BEACH FLORIDA, AUTHORIZING THE RECONVEYANCE OF CERTAIN REAL PROPERTY TO LAKE WORTH DRAINAGE DISTRICT, **SPECIAL** Α DISTRICT OF THE STATE OF FLORIDA, WITHOUT CHARGE WITHOUT MINERAL AND PETROLEUM RIGHTS **RESERVATION:** AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Lake Worth Drainage District, a Special Taxing District of the State of Florida ("District"), has made a request to the Board of County Commissioners of Palm Beach County asking that Palm Beach County ("County") reconvey a 0.039 acre of surplus real property to District for use by District for its purposes; and

WHEREAS, District deeded the 0.039 acre parcel to County as part of a larger parcel with a restriction that the property be used for park purposes; and

WHEREAS, the deed to the County provided that title to the land would revert to District if County did not use the property for park purposes, and County is not using the 0.039 acre parcel of land for park purposes; and

WHEREAS, District has requested that the 0.039 acre parcel be reconveyed to District; and

WHEREAS, the Board of County Commissioners of Palm Beach County hereby finds that the 0.039 acre of real property should be re-conveyed to District as requested, and at no charge, as it is not being used for the intended park purposes and title will revert to District; and

WHEREAS, pursuant to Florida Statutes Section 270.11, District has requested that such property be re-conveyed without reservation of phosphate, mineral, metals and petroleum rights; and

WHEREAS, the Board of County Commissioners of Palm Beach County hereby agrees to re-convey such property without reserving phosphate, mineral, metals and petroleum 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 Re-convey Real Property</u>

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

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. 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

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

_____, 20 .

APPROVED AS TO TERMS AND CONDITIONS

By: Assistant County Attorney

Department Director

G:\PREM\Dev\Open Projects\PR-Lake Ida - PB\LWDD - Gallik\Resolution.hf app 8-19-2015.docx

PREPARED BY AND RETURN TO:
Peter Banting, Real Estate Specialist
PALM BEACH COUNTY
PROPERTY & REAL ESTATE MANAGEMENT DIVISION 2633 Vista Parkway
West Palm Beach, FL 33411-5605

PCN: 00-43-46-05-00-000-5170 (a portion of)

Closing Date:
Purchase Price: \$0.00

By: _

COUNTY DEED

C	JUNII DEED
County Commissioners, whose legal a Beach, Florida 33411-5605, "County a special Taxing District existing u	e
\mathbf{W}	ITNESSETH:
(\$10.00) to it in hand paid by Grant	nsideration of the sum of Ten and 00/100 Dollars ee, the receipt whereof is hereby acknowledged, has tee, its successors and assigns forever, the following m Beach County, Florida:
See Exhibit "A	" attached hereto and made a part hereof.
	County has caused these presents to be executed in mmissioners acting by the Mayor or Vice Mayor of d.
ATTEST:	
SHARON R. BOCK CLERK & COMPTROLLER	PALM BEACH COUNTY, a political subdivision of the State of Florida
By:	By:Shelley Vana, Mayor
APPROVED AS TO FORM AND LEGAL SUFFICIENCY	(OFFICIAL SEAL)

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Assistant County Attorney

Page 1 of 1

EXHIBIT "A" DESCRIPTION

BEGINNING AT THE MORTHWEST CORNER OF LOT 4, LAKE EDEM SUBDIVISION PLATINO. 3, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 29, PAGE 218, RECORDED IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE PROCEED S01 10"0" E, ALONG THE WEST LINE OF SAID LOT 4, A DISTANCE OF 135.02 FEET TO THE SOUTHWEST CORNER OF SAID LOT 4; THENCE M 89 54"17"W, ALONG A LINE BEING THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 4, A DISTANCE OF 12.51 FEET TO THE WET EDGE OF AN EXISTING WOOD SEAWALL; THENCE FOR THE NEXT THREE COURSES ALONG SAID WET EDGE OF SAID SEAWALL, N 15 45"56"W, A DISTANCE OF 7.05 FEET; THENCE N 01 10"04"E, A DISTANCE OF 105.90 FEET; THENCE N 74 27"54"E, A DISTANCE OF 12.34 FEET TO THE WATERS EDGE; THENCE NO1 10"04"E, ALONG THE WATERS EDGE, A DISTANCE OF 19.00 FEET, TO THE WESTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 4; THENCE N 89 54"55"E, A DISTANCE OF 280 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,722.76 BQ. FT., .039 ACRE.

L.W.D.D. PROJECT NO. 14-9589P-01

THIS IS NOT A SURVEY



Renner, Burgess, Inc.

1 S.E. 4th Ave., Suite 205 Delray Beach, FL 83483 e 551-243-4624

Phone

240-4869

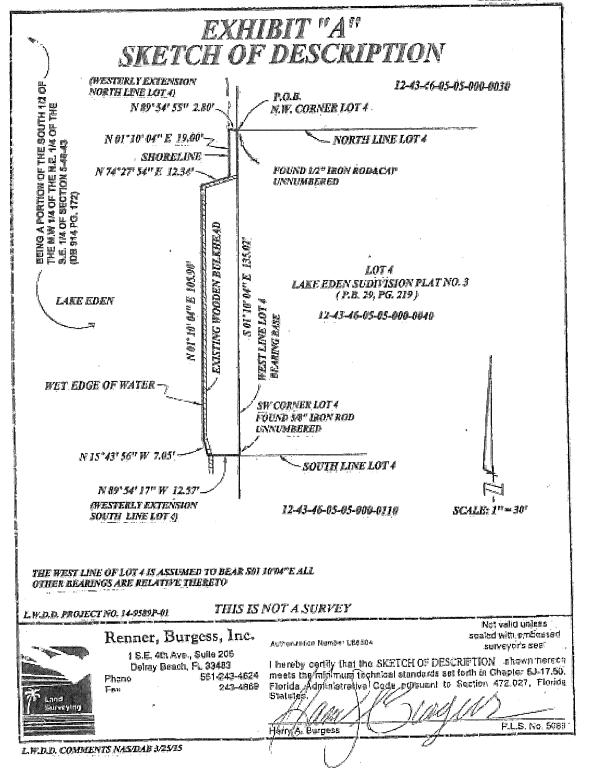
Authorization Number Liebzets

Not vaid unless sgaled with embossed surveyors seal

I hereby certify that the SKETCH OF DESCRIPTION shown hereon. meets the minimum technical standards set tighth in Chopier SJ 17.5%. Pletide Administrative Code purseant to Section 472.027, Flatish Statutes

P.L.S. No. 5099

L.W.D.D. COMMENTS NATION 5/25/13



PREPARED BY AND RETURN TO: Peter Banting, Real Estate Specialist PALM BEACH COUNTY PROPERTY & REAL ESTATE MANAGEMENT DIVISION 2633 Vista Parkway West Palm Beach, FL 33411-5605

PCN: 00-43-46-05-00-000-5170 (a portion of) Closing Date:
Purchase Price: \$0.00

COUNTY DEED

C	JUNIT DEED
COUNTY, a political subdivision of County Commissioners, whose legal is Beach, Florida 33411-5605, "County a special Taxing District existing u	e
\mathbf{W} 1	ITNESSETH:
(\$10.00) to it in hand paid by Granto	nsideration of the sum of Ten and 00/100 Dollars ee, the receipt whereof is hereby acknowledged, has tee, its successors and assigns forever, the following m Beach County, Florida:
See Exhibit "A	" attached hereto and made a part hereof.
	County has caused these presents to be executed in mmissioners acting by the Mayor or Vice Mayor of d.
ATTEST:	
SHARON R. BOCK CLERK & COMPTROLLER	PALM BEACH COUNTY, a political subdivision of the State of Florida
By: Deputy Clerk	By:
Deputy Clerk	By: Shelley Vana, Mayor
APPROVED AS TO FORM	

AND LEGAL SUFFICIENCY

(OFFICIAL SEAL)

Assistant County Attorney

 $G:\label{lem:county} G:\label{lem:county} G:\label{lem:county} Deed. If app~8-19-2015. docx$

Page 1 of 1

EXHIBIT "A DESCRIPTION

BEGINNING AT THE NORTHWEST CORNER OF LOT 4, LAKE EDEN SUBDIVISION PLAT NO. 3, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 29, PAGE 219, RECORDED IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE PROCEED \$01 10'04"E, ALONG THE WEST LINE OF SAID LOT 4, A DISTANCE OF 135.02 FEET TO THE SOUTHWEST CORNER OF SAID LOT 4; THENCE N 89 54'17"W, ALONG A LINE BEING THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 4, A DISTANCE OF 12.57 FEET TO THE WET EDGE OF AN EXISTING WOOD SEAWALL; THENCE FOR THE NEXT THREE COURSES ALONG SAID WET EDGE OF SAID SEAWALL, N 15 43'56"W, A DISTANCE OF 7.05 FEET; THENCE N 01 10'04"E, A DISTANCE OF 105.90 FEET; THENCE N 74 27'54" E, A DISTANCE OF 12.34 FEET TO THE WATERS EDGE; THENCE N01 10'04" E, ALONG THE WATERS EDGE, A DISTANCE OF 19.00 FEET, TO THE WESTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 4; THENCE N 89 54'55"E, A DISTANCE OF 2.80 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,722.76 SQ. FT., .039 ACRE.

L.W.D.D. PROJECT NO. 14-9589P-01

THIS IS NOT A SURVEY



Renner, Burgess, Inc.

1 S.E. 4th Ave., Suite 205 Delray Beach, FL 33483

Phone Fax

561-243-4624

243-4869

Authorization Number LB6504

Not valid unless sealed with embossed surveyor's seal

I hereby certify that the SKETCH OF DESCRIPTION shown hereon. meets the minimum technical standards set Inth in Chapter 5J-17.50, Florida Administrative Code pursuant to Section 472.027, Florida Statutes.

UM Harry A. Burgess

P.L.S. No. 5089

L.W.D.D. COMMENTS NAS/DAB 3/25/15

EXHIBIT "A" SKETCH OF DESCRIPTION

(WESTERLY EXTENSION BEING A PORTION OF THE SOUTH 1/2 OF 12-43-46-05-05-000-0030 NORTH LINE LOT 4) P.O.B.THE N.W 1/4 OF THE N.E. 1/4 OF THE S.E. 1/4 OF SECTION 5-46-43 (DB 914 PG, 172) N 89°54' 55" 2.80" N.W. CORNER LOT 4 N 01°10' 04" E 19.00'-**NORTH LINE LOT 4** SHORELINE FOUND 1/2" IRON ROD&CAP N 74°27' 54" E 12.34" UNNUMBERED EXISTING WOODEN BULKHEAD S 01°10' 04" E 135.02 N 01° 10' 04" E 105.90' LOT 4 LAKE EDEN SUDIVISION PLAT NO. 3 (P.B. 29, PG. 219) LAKE EDEN WEST LINE LOT 12-43-46-05-05-000-0040 WET EDGE OF WATER SW CORNER LOT 4 FOUND 5/8" IRON ROD UNNUMBERED N 15°43' 56" W 7.05' SOUTH LINE LOT 4 N 89°54' 17" W 12.57 (WESTERLY EXTENSION SCALE: 1" = 30' 12-43-46-05-05-000-0110 SOUTH LINE LOT 4)

THE WEST LINE OF LOT 4 IS ASSUMED TO BEAR S01 10'04"E ALL OTHER BEARINGS ARE RELATIVE THERETO

L.W.D.D. PROJECT NO. 14-9589P-01

THIS IS NOT A SURVEY



Renner, Burgess, Inc.

1 S.E. 4th Ave., Suite 205 Delray Beach, FL 33483

Phone Fax 561-243-4624 243-4869 Australian Alumbar I BEEO

Not valid unless sealed with embossed surveyor's seal

P.L.S. No. 5089

I hereby certify that the SKETCH OF DESCRIPTION shown hereon meets the minimum technical standards set forth in Chapter 5J-17.50. Florida Administrative Code pursuant to Section 472.027, Florida Statutes.

Harry A. Burgess

L.W.D.D. COMMENTS NAS/DAB 3/25/15



13081 MILITARY TRAIL DELRAY BEACH, FLORIDA 33484 -1105 Board of Supervisors
James M. Alderman
Joyce D. Haley
Jeffrey P. Phipps, Sr.
Harry Raucher
John I. Whitworth III
Executive Director
Robert M. Brown
Attorney
Mark A. Perry, P.A.

May 12, 2015

Ross C. Hering, Director, PREM, FD&O Palm Beach County Property & Real Estate Management Division 2633 Vista Parkway West Palm Beach, FL 33411-5605

Re: Proposed Conveyance of a portion of Deed Book 914, PG 172

North of Lake Ida Road; Located on the east side of Lake Eden

Adjacent to Lots 4, LAKE EDEN SUBDIVISION PLAT NO 3, PB 29, PG 219

LWDD E-4 Canal (flowage through Lake Eden)

LWDD Project No. 14-9589P.01

Dear Mr. Hering:

Based on conversations with Mr. Peter Banting, and a request from Mr. Gallik, the adjacent property owner, the Lake Worth Drainage District (LWDD) would like to request a portion of Deed Book 914, PG 172 to be conveyed back to LWDD.

In a deed recorded July 20, 1950 LWDD conveyed lands to Palm Beach County for park purposes. Said deed recorded in Deed Book 914, PG 172, stated that if said lands were not used for park purposes then they are to revert to LWDD.

The portion of Deed Book 914, PG 172, that LWDD is requesting to be conveyed back to LWDD contains 1,722.76 square feet, more or less, and is shown on the attached signed and sealed sketch of description.

If you have any questions or concerns, please contact me at this office.

Sincerely,

Nicole A. Smith

Right-of-Way Coordinator II

Mide Smite

: Enclosures

Attachment 4
Page 1 of 1

Phone: (561) 498-5363 • Fax (561) 495-9694 • www.LWDD.net