

5E-2

Agenda Item #:

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: March 22, 2016 Consent Regular
 Ordinance 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 1.30 acres of surplus property to Melvin Boren and Roberta Minx Boren without charge, and without reservation of mineral and petroleum rights; and

B) **approve** a County Deed in favor of Melvin Boren and Roberta Minx Boren.

Summary: The County recently acquired by Escheatment Tax Deed a vacant 1.30 acre parcel located at 11448 Mellow Court, in unincorporated Royal Palm Beach, with an assessed value of \$18,876. After the issuance of the tax deed to the County, it was discovered that sufficient notice of the tax sale was not provided pursuant to Florida Statute Chapter 197. Rather than file court action to set aside the tax deed sale, the Clerk & Comptroller has requested the County re-convey the parcel to Melvin Boren and Roberta Minx Boren, the owners of record at the time of issuance of the tax deed, at no charge, without reservation of mineral and petroleum rights. **(PREM) District 6 (HJF)**

Background and Policy Issues: On July 15, 2015, the Clerk & Comptroller issued the County an Escheatment Tax Deed, Certificate Number 2762-2008, which was recorded in Official Record Book 27672, Page 1383. However, upon receipt of the tax deed, Staff discovered the tax deed was issued without fully complying with the notice requirements of Florida Statute Chapter 197. On February 26, 2015, prior to the tax foreclosure sale, the parcel was transferred to Melvin Boren and Roberta Minx Boren and the Borens did not receive sufficient notice prior to the tax foreclosure sale. In order to cure the error, the Clerk & Comptroller's Office requested the County re-convey the parcel to Melvin Boren and Roberta Minx Boren, who were the owners of record at the time of issuance of the tax deed. This reconveyance is the simplest way to correct this situation and should not be construed as a sale/donation of the property. The alternative would require court action to set aside the tax deed sale. A Disclosure of Beneficial Interests is not required for this transaction as Melvin Boren and Roberta Minx Boren are individuals.

Attachments:

1. Location Map
2. Resolution
3. County Deed

Recommended By: REH

Annmy Wong
Department Director

2/25/16
Date

Approved By: _____

W. Baker
County Administrator

3/15/16
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	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	*0	=====	=====	=====	=====
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget: Yes _____ No X

Budget Account No: Fund _____ Dept _____ Unit _____ Object _____
 Program _____

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

* No fiscal impact.

Fixed Assets Number: H07924

C. Departmental Fiscal Review: _____

W 2-25-16 *[Signature]* 03/01/2016

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

[Signature]
 OFMB/HP 3/2 3/2

[Signature] 3/10/16
 Contract Development and Control

B. Legal Sufficiency:

[Signature] 3/15/16
 Assistant County Attorney

C. Other Department Review:

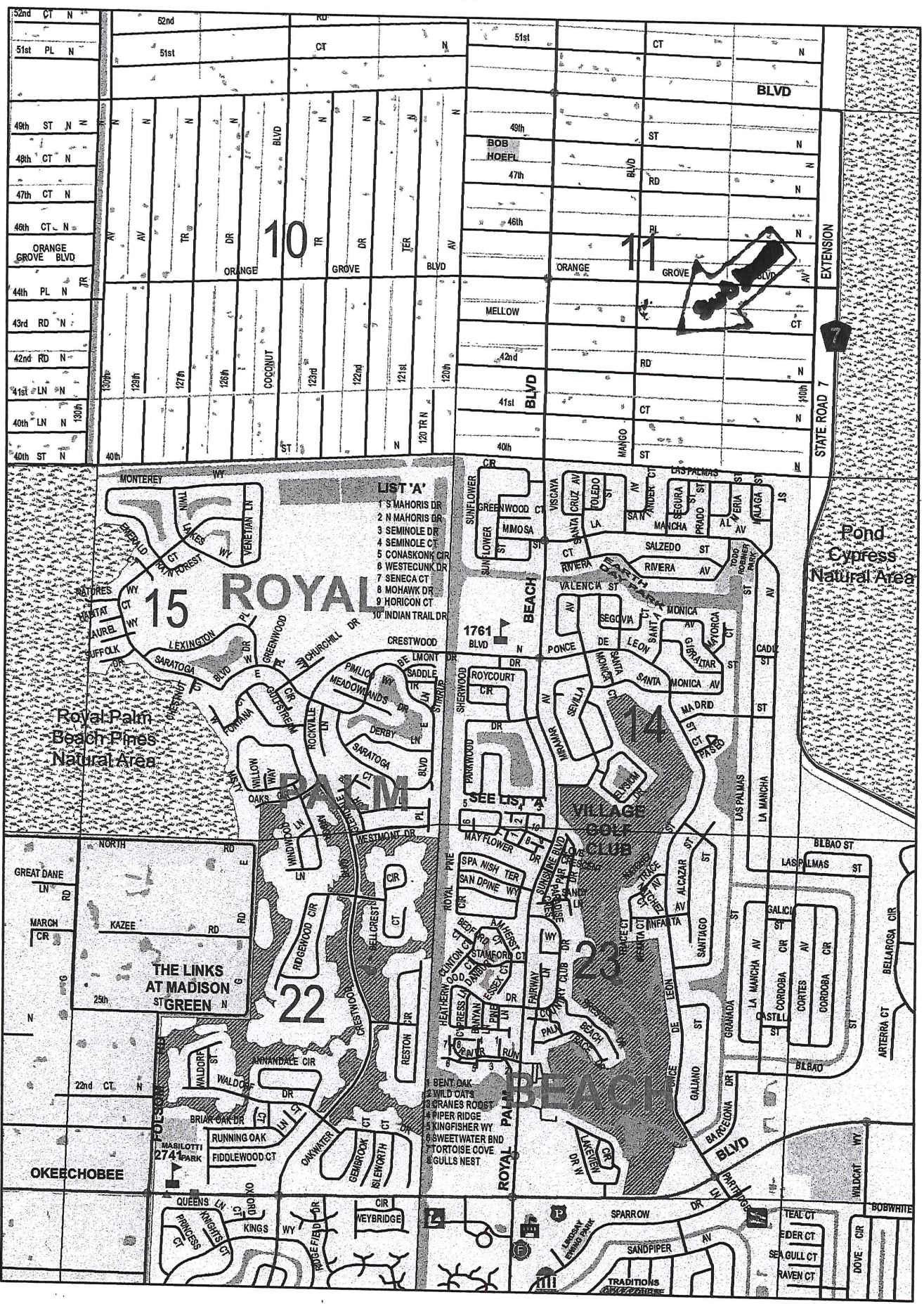
 Department Director

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

TWP 43

TWP 43

TWP 43



16

17

18

LOCATION MAP

Attachment 1

1 of 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 MELVIN BOREN AND ROBERTA MINX BOREN, WITHOUT CHARGE, WITHOUT RESERVATION OF MINERAL AND PETROLEUM RIGHTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on July 15, 2015, the County acquired a 1.30 acre vacant parcel located at 11448 Mellow Court, in unincorporated Royal Palm Beach, via Escheatment Tax Deed, Certificate Number 2762, as recorded in Official Record Book 27672, Page 1383 of the public records of Palm Beach County; and

WHEREAS, the Palm Beach County Tax Collector's Office failed to include all mortgagees of the subject property, such that insufficient notice was provided of the tax sale pursuant to Florida Statute Chapter 197. On February 26, 2015, the parcel was sold to Melvin Boren and Roberta Minx Boren, which said sale invalidates the tax deed; and

WHEREAS, in order to cure the error, the County has been requested to re-convey the parcel to Melvin Boren and Roberta Minx Boren, who were the owners of record prior to the issuance of the Escheatment Tax Deed; and

WHEREAS, the Board of County Commissioners of Palm Beach County hereby agrees to convey such property without reservation of mineral 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. Authorization to Convey Real Property

The Board of County Commissioners of Palm Beach County shall convey to Melvin Boren and Roberta Minx Boren, at no charge, pursuant to the County Deed attached hereto as Exhibit "A" 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 Mary Lou Berger, Mayor
- Commissioner Hal R. Valeche, Vice Mayor
- Commissioner Paulette Burdick
- Commissioner Shelley Vana
- 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: [Signature]
Chief Assistant County Attorney

APPROVED AS TO TERMS AND CONDITIONS

By: [Signature]
Department Director

EXHIBIT "A"
TO RESOLUTION

PREPARED BY AND RETURN TO:
Katrina L. Bellinger, Real Estate Technician
PALM BEACH COUNTY
PROPERTY & REAL ESTATE MANAGEMENT DIVISION
2633 Vista Parkway
West Palm Beach, FL 33411-5605

PCN: 00-41-43-11-00-000-6380
Closing Date: _____
Purchase Price: _____

COUNTY DEED

This is a 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", in favor of Melvin Boren and Roberta Minx Boren, whose legal mailing address is 701 South Olive Avenue, Ste. 104, West Palm Beach, Florida 33401, "Grantees".

WITNESSETH:

WHEREAS, on July 15, 2015, County acquired the below described property via Escheatment Tax Deed, Certificate Number 2762, recorded in Official Record Book 27672, Page 1383 of the public records of Palm Beach County (the "Tax Deed"); and

WHEREAS, the Tax Deed was issued without fully complying with the requirements of Chapter 197, Florida Statute; and

WHEREAS, in order to cure the error, the County has been requested to re-convey the property to the Grantees, who were the owners of record prior to the issuance of the Tax Deed.

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

11-43-41, W½ of NE1/4 of SW1/4 of NW1/4 of SE1/4 (less UND ½
INT GAS, OIL AND MINERAL RGTS) A/K/A A-222

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: _____
Mary Lou Berger, Mayor

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

(OFFICIAL SEAL)

By: _____
Chief Assistant County Attorney

ATTACHMENT NO. 3
(1 page)

PREPARED BY AND RETURN TO:
Katrina L. Bellinger, Real Estate Technician
PALM BEACH COUNTY
PROPERTY & REAL ESTATE MANAGEMENT DIVISION
2633 Vista Parkway
West Palm Beach, FL 33411-5605

PCN: 00-41-43-11-00-000-6380
Closing Date: _____
Purchase Price: _____

COUNTY DEED

This is a 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", in favor of Melvin Boren and Roberta Minx Boren, whose legal mailing address is 701 South Olive Avenue, Ste. 104, West Palm Beach, Florida 33401, "Grantees".

WITNESSETH:

WHEREAS, on July 15, 2015, County acquired the below described property via Escheatment Tax Deed, Certificate Number 2762, recorded in Official Record Book 27672, Page 1383 of the public records of Palm Beach County (the "Tax Deed"); and

WHEREAS, the Tax Deed was issued without fully complying with the requirements of Chapter 197, Florida Statute; and

WHEREAS, in order to cure the error, the County has been requested to re-convey the property to the Grantees, who were the owners of record prior to the issuance of the Tax Deed.

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

11-43-41, W $\frac{1}{2}$ of NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of SE $\frac{1}{4}$ (less UND $\frac{1}{2}$ INT GAS, OIL AND MINERAL RGTS) A/K/A A-222

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: _____
Mary Lou Berger, Mayor

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: _____
Chief Assistant County Attorney

(OFFICIAL SEAL)