

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

Meeting Date: May 2, 2017	<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 vacant 0.12 acre parcel of County-owned land located at 617 W 5th Street in Riviera Beach to the City of Riviera Beach without charge pursuant to Florida Statutes Section 197.592(3), with reservation of mineral and petroleum rights, but without rights of entry and exploration; and

B) approve a County Deed in favor of the City of Riviera Beach.

Summary: Palm Beach County acquired a vacant 0.12 acre parcel located at 617 W 5th Street within the municipal boundaries of the City of Riviera Beach by Tax Deed in December 2016. The parcel serves no present or future County purpose. The City is developing a Community Center on its adjacent parcel and desires to use this property for additional parking. The parcel is being conveyed to the City pursuant to Florida Statutes Section 197.592(3), which requires the conveyance of surplus properties acquired by tax deed to the municipality in which it is located. This conveyance will relieve the County of potential liability for occurrences on the property. 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: In December 2016, the County acquired title to this property by Tax Deed. The property has a 2016 total assessed value of \$7,461. PREM, in response to direction from the Real Estate Assets Task Force, has developed a program to convey to the municipalities in which they are located surplus County property which provides little opportunity to further a County function. Staff feels strongly that the most cost effective method to dispose of this property is to convey the parcel at no cost to the City of Riviera Beach as the municipality is in a better position to determine how this property should be used and maintained. This conveyance will relieve the County of potential liability for occurrences on the property.

Attachments:

1. Location Map
2. Resolution
3. County Deed (1)
4. Letter from the City of Riviera Beach dated March 14, 2017

Recommended By:	<u><i>Keith Anthony Woff</i></u>	<u>4/10/17</u>	
	Department Director	Date	
Approved By:	<u><i>Veronica C. Baker</i></u>	<u>4/23/17</u>	
	County Administrator	Date	

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2017	2018	2019	2020	2021
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	* -0-	-0-	-0-	-0-	-0-
# 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 H08071 *4/18/17*
FA-MO

C. Departmental Fiscal Review: *Ken Lee 4/12/17*

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

John Lee 4/12/17
OFMB *4/19*

Dr. S. Jacobson 4/24/17
Contract Development and Control

B. Legal Sufficiency:

H. Lee 4/25/17
Assistant County Attorney

C. Other Department Review:

Department Director

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

TWP 42

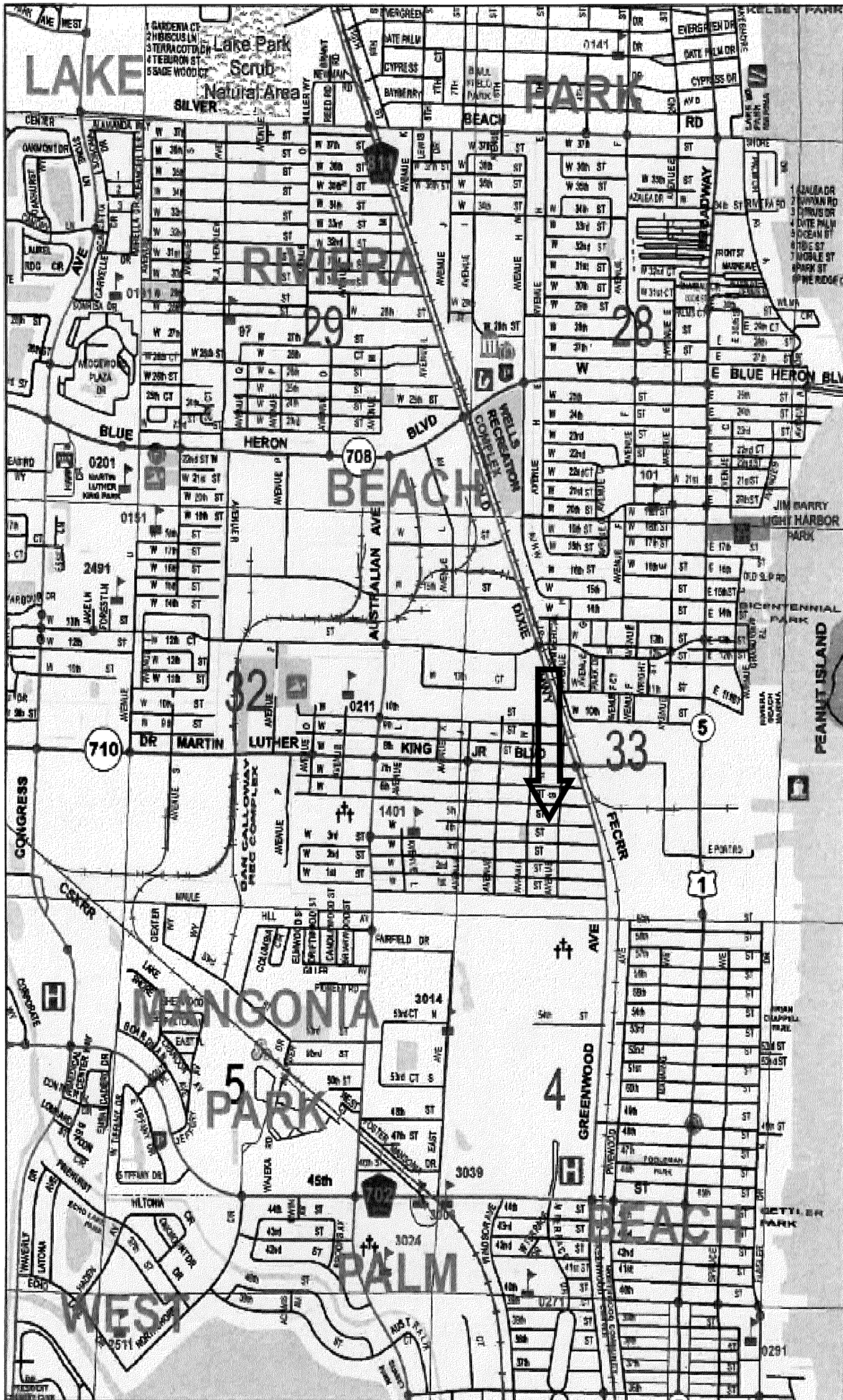
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TWP 42

14

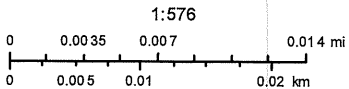
TWP 43

15





56-43-42-33-08-000-0300
Location Map



Attachment #2

Resolution (4 pages)

RESOLUTION NO. _____

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

WHEREAS, the County owns a parcel within the municipal boundaries of the City of Riviera Beach 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 lands have 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 Riviera Beach has requested that such property be conveyed without reservation of and release the rights of entry and exploration relating to phosphate, mineral, metals 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. 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 the City of Riviera Beach without charge and by County Deed attached hereto as Exhibit "A"

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 Riviera Beach.

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 Paulette Burdick, Mayor
Commissioner Melissa McKinlay, Vice Mayor
Commissioner Hal R. Valeche
Commissioner Dave Kerner
Commissioner Steven L. Abrams
Commissioner Mary Lou Berger
Commissioner Mack Bernard

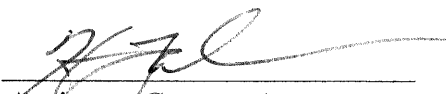
The Mayor thereupon declared the resolution duly passed and adopted this day of _____, 2017.

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

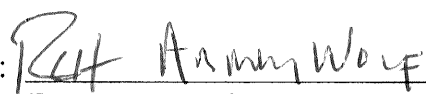
By: 
Department Director

EXHIBIT "A"

COUNTY DEED

PREPARED BY AND RETURN TO:
DELLA M. LOWERY, PROPERTY SPECIALIST
PALM BEACH COUNTY
PROPERTY & REAL ESTATE MANAGEMENT DIVISION
2633 Vista Parkway
West Palm Beach, FL 33411-5605

PCN: 56-43-42-33-08-000-0300
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 CITY OF RIVIERA BEACH, a municipal corporation of the State of Florida, whose legal mailing address is 600 West Blue Heron Boulevard, Riviera Beach, Florida 33404, "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 City, the receipt whereof is hereby acknowledged, has granted, bargained and sold to City, its successors and assigns forever, the following described land lying and being in Palm Beach County, Florida:

RIVIERA BEACH HEIGHTS LT 30

THE ABOVE BEING THE REAL PROPERTY DESCRIBED UNDER TAX CERTIFICATE NUMBER 27491 IN THE TAX DEED RECORDED IN OFFICIAL RECORD BOOK 28744, PAGE 1241, 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: _____
Paulette Burdick, Mayor

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

(OFFICIAL SEAL)

By: _____
Assistant County Attorney

Attachment #3
County Deed (1 page)

PREPARED BY AND RETURN TO:
DELLA M. LOWERY, PROPERTY SPECIALIST
PALM BEACH COUNTY
PROPERTY & REAL ESTATE MANAGEMENT DIVISION
2633 Vista Parkway
West Palm Beach, FL 33411-5605

PCN: 56-43-42-33-08-000-0300
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 **CITY OF RIVIERA BEACH**, a municipal corporation of the State of Florida, whose legal mailing address is 600 West Blue Heron Boulevard, Riviera Beach, Florida 33404, "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 City, the receipt whereof is hereby acknowledged, has granted, bargained and sold to City, its successors and assigns forever, the following described land lying and being in Palm Beach County, Florida:

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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: _____
Paulette Burdick, Mayor

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: 
Assistant County Attorney

(OFFICIAL SEAL)

Attachment #4

Letter from the City of Riviera Beach (1 page)



CITY OF RIVIERA BEACH

DEPARTMENT OF COMMUNITY DEVELOPMENT
600 WEST BLUE HERON BLVD. RIVIERA BEACH, FLORIDA 33404
(561) 845-4060 FAX (561) 840-4038

March 14, 2017

Sent by Email: RHering@co.palm-beach.fl.us
DLowery@co.palm-beach.fl.us

PBC Facilities Development & Operations Department
Property & Real Estate Management Division
Ross C. Hering, Director
2633 Vista Parkway
West Palm Beach, FL 33404

Re: County-owned Escheated Tax Deed; PCN 56-43-42-33-08-000-0300

Dear Mr. Hering:

The City of Riviera Beach requests that the Palm Beach County Board of County Commissioners consider conveying the property known by PCN 56-43-42-33-08-000-0300 to the City, as described within your previous correspondence to the City (enclosed). This property is currently vacant and is located adjacent to City land which will soon be redeveloped as parking for the new Riviera Beach Heights Community Center (approved by City Resolution No. 14-16). The City initial intended use for the property is to utilize it as a Phase II option for expansion of Community Center uses as required, with an ultimate goal of utilizing the property for affordable infill housing in the future.

Thank you for considering our request.

Sincerely,

Terrence Bailey, P.E.
Director of Community Development

C: Danny D. Jones, Interim City Manager
Jeff Gagnon, AICP, Assistant Director of Community Development

Enclosure: Letter from PBC
Property Information