

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

Meeting Date:	September 12, 2017	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Regular
		<input type="checkbox"/> Ordinance	<input type="checkbox"/> Public Hearing

Department: Department of Housing and Economic Sustainability

I. EXECUTIVE BRIEF

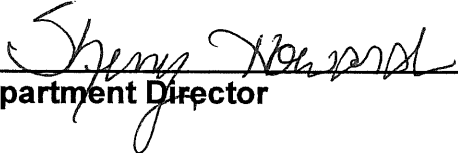
Motion and Title: Staff recommends motion to:

- A) Adopt** a Resolution authorizing the conveyance of a County owned residential property to Habitat for Humanity of Palm Beach County, Inc. (Habitat), a Florida not-for-profit corporation, at no charge, pursuant to Florida Statutes Section 125.38, and with reservation of mineral and petroleum rights, but without rights of entry and exploration; and
- B) Approve** a County Deed in favor of Habitat conveying the residential property at 18507 Limestone Creek Road in unincorporated Palm Beach County.

Summary: On July 28, 2017, Habitat requested the conveyance of a 0.46-acre vacant residential parcel of land located in the Limestone Creek neighborhood (Palm Gardens 1st Addition, Lots 230 & 231). The property escheated to the County on March 30, 2015, pursuant to Section 197.502(8), Florida Statutes. Habitat is a valued and longstanding partner of the County, and has successfully completed the construction and renovation of over 200 affordable homes in Palm Beach County. Habitat will develop the property with two (2) single-family detached homes that will be deed-restricted to remain affordable for no less than 30 years. The appraised value of the property is \$125,000. The Property Review Committee was not required to review the conveyance in accordance with PPM CW-L-23 since the appraised value is less than \$250,000. Mineral and petroleum rights on the property will be retained by the County in accordance with Florida Statutes Section 270.11, without rights of entry and exploration. **Pursuant to PPM CW-L-23, the conveyance must be approved by a Supermajority Vote of five (5) Commissioners.** District 1 (JB)

Background and Justification: In accordance with Section 125.38, Florida Statutes, surplus County property may be conveyed to a not-for-profit corporation organized for the purpose of promoting community interest and welfare. Habitat is a local private not-for-profit organization which has worked to increase affordable homeownership opportunities in Palm Beach County since 1986. Habitat has provided the attached disclosure of Beneficial Interests which identifies it as a 501(c)(3) organization with no individuals or entities having a beneficial interest in its assets. Approval of this agenda item will convey County-owned property to Habitat and will result in an increase in the County’s affordable housing stock.

- Attachment(s):**
- 1. Location Map
 - 2. Resolution
 - 3. County Deed for 18507 Limestone Creek Road
 - 4. Letter of July 28, 2017 from Habitat for Humanity Palm Beach County, Inc.
 - 5. Disclosure of Beneficial Interests

Recommended By:		<u>8-14-17</u>
	Department Director	Date

Approved By: _____

Assistant County Administrator **Date**

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2017	2018	2019	2020	2021
Capital Expenditures					
Grant Expenditures					
External Revenues					
Program Income					
In-Kind Match (County)					
NET FISCAL IMPACT					

# ADDITIONAL FTE POSITIONS (Cumulative)					
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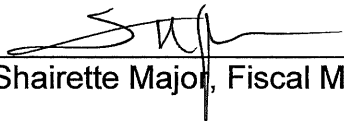
Is Item Included In Current Budget? Yes _____ No _____

Fund _____ Dept _____ Unit _____ Object _____ Program Code/Period _____

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

No fiscal impact

C. Departmental Fiscal Review:


Shairette Major, Fiscal Manager II

III. REVIEW COMMENTS

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

OFMB

Contract Development and Control

B. Legal Sufficiency:

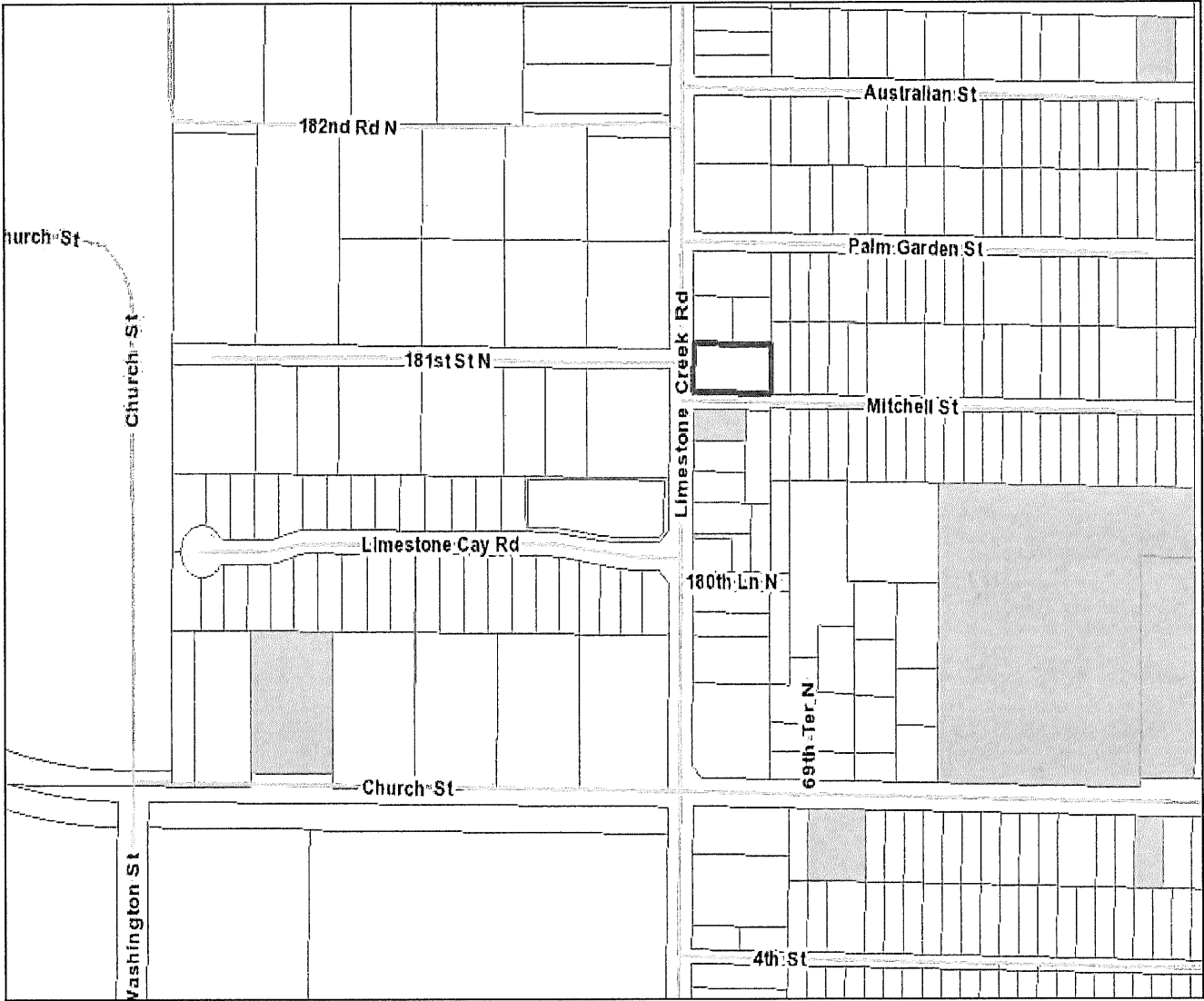
Assistant County Attorney

C. Other Department Review:

Department Director

LOCATION MAP

18507 Limestone Creek Road, Unincorporated Palm Beach County



RESOLUTION NO. 2017-_____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY TO HABITAT FOR HUMANITY OF PALM BEACH COUNTY, INC., 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, Habitat for Humanity of Palm Beach County, Inc., a Florida not for profit corporation (“Habitat”), has made application to the Board of County Commissioners of Palm Beach County requesting that Palm Beach County convey a 0.46 acre vacant residential parcel to Habitat for construction of two (2) homes by Habitat for affordable housing purposes; and

WHEREAS, Habitat has been successfully serving Palm Beach County for 30 years and has an established track record in the affordable housing arena in Palm Beach County; and

WHEREAS, Habitat is a homeownership program that empowers families to build a new life for themselves through the stability and security of owning their own home; and

WHEREAS, Habitat homes are not given away but are sold to families who qualify and are willing to put a minimum of 400 hundred hours of sweat equity labor into the construction of homes before being eligible to purchase their home utilizing a 30 year, no profit, no interest loan with required monthly mortgage payments; and

WHEREAS, the Board of County Commissioners of Palm Beach County hereby finds that Habitat for Humanity of Palm Beach County, Inc., a Florida, non-profit organization, is organized for the purpose of promoting community interest and welfare by making affordable housing available to the community, 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, Habitat for Humanity of Palm Beach County, Inc., has requested that such property be conveyed without reservation of and to 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 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 Habitat for Humanity of Palm Beach County, Inc., without charge and by the County Deeds attached hereto as Exhibit "A" and incorporated herein by reference, the real property legally described in such Deed, subject to a restrictive covenant limiting the use of such real property to use as affordable housing through December 31, 2047.

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 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 _____, 20____.

**PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS**

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

**ATTEST: SHARON R. BOCK
CLERK & COMPTROLLER**

By: _____
James Brako,
Assistant County Attorney

By: _____
Deputy Clerk

EXHIBIT A

PREPARED BY:
Betsy Barr, PBC Dept. of Housing & Economic Sustainability

RETURN TO:
PALM BEACH COUNTY
PROPERTY & REAL ESTATE MANAGEMENT DIVISION
2633 Vista Parkway
West Palm Beach, FL 33411-5605

PCN: 00-42-40-34-02-000-2300
Closing Date: _____
Purchase Price: \$0.00

Property Address: 18507 Limestone Creek Rd

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 **HABITAT FOR HUMANITY OF PALM BEACH COUNTY, INC.**, a Florida not for profit corporation, whose legal mailing address is 6758 North Military Trail, Suite 301, Riviera Beach, FL 33407-1224, "Grantee".

W I T N E S S E T H:

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

PALM GARDENS 1ST ADD LTS 230 & 231. THE ABOVE BEING THE REAL PROPERTY DESCRIBED UNDER TAX CERTIFICATE NUMBER 3816 IN THE TAX DEED RECORDED IN OFFICIAL RECORD BOOK 27429, PAGE 1777, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA (the "Property").

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.

This County Deed is given subject to the following conditions and restrictions which are imposed by County upon Grantee as follows:

1. The Property is hereby restricted to use as no more than two (2) single family residential homes occupied by, and affordable to, a person or family earning no more than one hundred twenty percent (120%) of the "Area Median Income" for Palm Beach County as defined by the United States Department of Housing and Urban Development, or any successor agency responsible for such definition (the "Housing Use Restriction").
2. Any conveyance of the Property or any portion thereof, by the Grantee before December 31, 2047, shall specifically recite the Housing Use Restriction in any deed conveying the Property or any portion thereof and shall include a reference to this County Deed by referencing the official record book and page number in which it is recorded. The Grantee shall obtain written approval of any subsequent purchasers from the Palm Beach County Department of Housing and Economic Sustainability prior to conveyance.

3. The conditions and restrictions imposed by this County Deed shall constitute covenants running with the land and shall be binding upon and burden the Grantee, its successors and assigns, having or hereafter acquiring any right, title, or interest in or to all or any portions of the real property described in this County Deed through December 31, 2047.

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

PREPARED BY:
Betsy Barr, PBC Dept. of Housing & Economic Sustainability

RETURN TO:
PALM BEACH COUNTY
PROPERTY & REAL ESTATE MANAGEMENT DIVISION
2633 Vista Parkway
West Palm Beach, FL 33411-5605

PCN: 00-42-40-34-02-000-2300
Closing Date: _____
Purchase Price: \$0.00

Property Address: 18507 Limestone Creek Rd

COUNTY DEED

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WITNESSETH:

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

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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



*Building
houses,
building
hope*

July 28, 2017

Ms. Sherry Howard
Deputy Director
Palm Beach County Board of County Commissioners
Department of Housing and Economic Sustainability

Reference: Request for Properties

Dear Ms. Howard:

The purpose of this letter is to respectfully request that Palm Beach County Board of County Commissioners approves the transfer of two (2) County-owned properties located in unincorporated Jupiter to Habitat for Humanity of Palm Beach County (HFHPBC), Inc. The properties being requested are as follows:

Location Address: 69th Terrace North
PCN: 00-42-40-34-03-000-0120

Location Address: 18507 Limestone Creek Road
PCN: 00-42-40-34-02-000-2300

HFHPBC intends to develop these properties for affordable housing for home ownership for lower income families in Palm Beach County. HFHPBC serves families whose annual income is between 30% to 80% of the Area Median Income (AMI). Given current construction scheduling and commitments, HFHPBC anticipates development of the requested properties to be completed during the 4th Qtr of CY 2018

If additional information is needed, please feel free to contact me at (561) 253-2080.

Very Respectfully,

A handwritten signature in black ink, reading "Bernard J. Godek".

Bernard J. Godek, CEO
Habitat for Humanity of Palm Beach County, Inc.

GRANTEE'S DISCLOSURE OF BENEFICIAL INTERESTS

TO: PALM BEACH COUNTY CHIEF OFFICER, OR HIS OR HER OFFICALLY DESIGNATED REPRESENTATIVE
STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared, Bernard Godek, hereinafter referred to as "Affiant", who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the Director of Habitat for Humanity of Palm Beach County, Inc., a Florida not for profit corporation. (the "Grantee") which entity is the Grantee in the donation of the real property legally described on the attached Exhibit "A" (the "Property").
2. Affiant's address is: 6758 North Military Trail Suite #301, Riviera Beach, Florida 33407.
3. Attached hereto, and made a part hereof, as Exhibit "B" is a complete listing of the names and addresses of every person or entity have a five percent (5%) or greater beneficial interest in the Grantee and the percentage interest of each such person or entity.
4. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties by the laws of the State of Florida for falsely swearing to statements under oath.
5. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete, and will be relied upon by Palm Beach County relating to its conveyance of the Property.

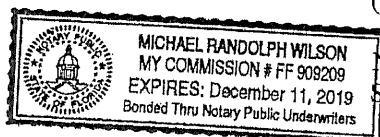
FURTHER AFFIANT SAYETH NAUGHT.

Bernard J. Godek Affiant
Print Affiant Name: BERNARD J. GODEK

The foregoing instrument was sworn to, subscribed and acknowledged before me this 31st day of July, 20 12, by Bernard J. Godek [X] who is personally known to me or [] who has produced _____ as identification and who did take an oath.

[Signature]
Notary Public

M. Michael Wilson
(Print Notary Name)



NOTARY PUBLIC
State of Florida at Large

My Commission Expires: 12/11/19

EXHIBIT "B"

SCHEDULE TO BENEFICIAL INTERESTS

Grantee is only required to identify five percent (5%) or greater beneficial interest holders. If none, so state. Grantee must identify individual owners. If, by way of example, Grantee is wholly or partially owned by another entity, such as a corporation, Grantee must identify such other entity, its address and percentage interest, as well as such information for the individual owners of such other entity.

NAME _____

ADDRESS

PERCENTAGE
OF INTEREST

NONE

EXHIBIT "A"

PROPERTY

18507 Limestone Creek Road, Palm Beach Gardens:

The North 115 feet of the South 940 feet of the East 200 feet of the West 230 feet pf the Southeast Quarter of Section 34, Township 40 South, Range 42, East, together with an easement for ingress and egress in common with other lot owners over and upon the North 40 feet of the South 845 feet of the Southwest Quarter of said Section 34.

This description corresponds to Lots 230 and 231 of the unrecorded Plat of the First Addition to Palm Garden and includes the land to the center of the road on the south side of the two lots.

This property is subject to an easement for Road Purposes over and upon the South 20 feet thereof.