Agenda Item #: 3H-10

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

Meeting Date:	March 13, 2018	[X] Consent [] Ordinance	[] Regular [] Public Hearing
Department:	Facilities Development & Operations		

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to:

A) adopt a Resolution authorizing a Release of Rights of Entry and Exploration for minerals for Habitat for Humanity of South Palm Beach County, Inc. (Habitat) owned properties located on NE 2nd Street between Seacrest Blvd. and E. Martin Luther King Jr. Blvd. in Boynton Beach, and

B) approve a Release of Rights of Entry and Exploration.

Summary: The Board approved the conveyance of three (3) surplus properties to the City of Boynton Beach, via Florida Statutes Section 197.592(3). On December 4, 2017, the City of Boynton Beach conveyed these properties to Habitat. Habitat is requesting that the County release the rights of entry and exploration for minerals from these properties in order to render the properties marketable. Staff has no reason to believe that there are any minerals of significant market value. **(PREM) District 7 (HJF)**

Background and Justification: On March 17, 1998, (R98-364), the Board approved the conveyance of two (2) surplus properties to the City of Boynton Beach. On July 11, 2000 (R2000-0946), the Board approved the conveyance of one (1) surplus property to the City of Boynton Beach. These properties are adjacent to each other and are located on NE 2nd Street in Boynton Beach. In December 2017, the City donated the three (3) properties to Habitat for the purpose of constructing new homes and is requesting that the County release all rights of entry and exploration for mineral rights in the properties in order to improve the marketability of the properties. The County deeds to the City of Boynton Beach do not specifically reserve mineral rights with rights of entry and exploration on these properties. In order to satisfy the attorneys for Habitat, Staff is recommending approval of this Release.

Attachments:

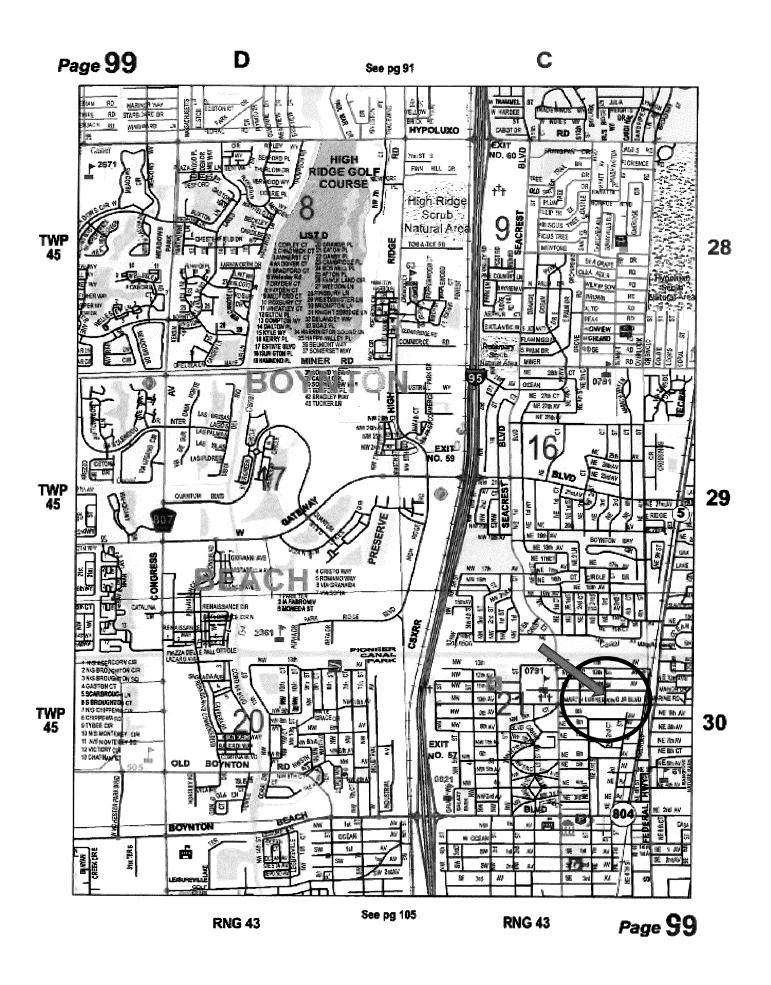
- 1. Location Map
- 2. Resolution
- 3. Release of Rights of Entry and Exploration

Recommended By:	Army Wing	2/10/18	
	Department Director	Date	
Approved By:	lBake	2/22/18	
<u> </u>	County Administrator	Date	

II. FISCAL IMPACT ANALYSIS

Α.	Five Year Summary of	Fiscai Impact				
Fisc	eal Years	2018	2019	2020	2021	2022
Ope External	oital Expenditures erating Costs ernal Revenues gram Income (County) Kind Match (County					
NE	Γ FISCAL IMPACT	** <u>\$-0-</u>				
	DDITIONAL FTE SITIONS (Cumulative)					
Is I	tem Included in Current	Budget: Yes		No ×		
Doe	es this item include the us	e of federal fu	nds? Yes	No <u>×</u> _	-	
Bud	lget Account No: Fund	l Do Program	-	Unit	_ Object _	
В.	Recommended Sources	of Funds/Sum	nmary of Fiso	cal Impact:		
	*No fiscal impact.					
	Fixed Asset Number N	<u>/A</u>		Ω		
C.	Departmental Fiscal Re	eview:	ays &	yher		
		III. <u>REV</u>	IEW COMM	<u>IENTS</u>		
A.	OFMB Fiscal and/or Co	ontract Develo	opment Com	ments:		
(OFMB 2000 Of	170/19 20 1910/18	Contract Do	evelopment and	d Control	132/18
В.	Legal Sufficiency: Assistant County Attorne	2/22/18 ey				
C.	Other Department Rev	iew:				
	Department Director					

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



LOCATION MAP



RESOLUTION NO.

RESOLUTION THE \mathbf{OF} **BOARD** OF COUNTY **COMMISSIONERS PALM BEACH** OF FLORIDA, **AUTHORIZING** THE RIGHTS OF ENTRY AND EXPLORATION RELATING MINERAL AND **PETROLEUM** RESERVATIONS; AND **PROVIDING FOR** EFFECTIVE DATE.

WHEREAS, on March 17, 1998 (R98-364), the Board of County Commissioners of Palm Beach County approved the conveyance of two (2) properties to the City of Boynton Beach as recorded in Official Records Book 10326, Page 1867 and Official Records Book 10326, Page 1868; and

WHEREAS, on July 11, 2000 (R2000-0946), the Board of County Commissioners of Palm Beach County approved the conveyance of one (1) property to the City of Boynton Beach as recorded in Official Records Book 11919, Page 1547; and

WHEREAS, on December 4, 2017, the City of Boynton Beach conveyed these properties to Habitat for Humanity of South Palm Beach County, Inc. ("Habitat"); and

WHEREAS, Habitat has requested that the rights of entry and exploration relating to phosphate, mineral, metals and petroleum rights be released from these properties in order to render title to such properties marketable; and

WHEREAS, the Board of County Commissioners of Palm Beach County hereby agrees to release any and all rights of entry and exploration relating to phosphate, mineral, metals and petroleum rights arising pursuant to those certain instruments recorded in Official Records Book 10326, Page 1867, Official Records Book 10326, Page 1868 and Official Records Book 11919, Page 1547.

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 release any and all rights of entry and exploration relating to phosphate, mineral, metals and petroleum

rights arising pursuant to those certain instruments recorded in Official Records Book 10326, Page 1867, Official Records Book 10326, Page 1868 and Official Records Book 11919, Page 1547 by execution of the Release of Rights of Entry and Exploration Relating to Phosphate, Minerals, Metals, and Petroleum Reservations attached hereto as Exhibit "A".

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 Melissa McKinlay, Mayor Commissioner Mack Bernard, Vice Mayor Commissioner Hal R. Valeche Commissioner Paulette Burdick Commissioner Dave Kerner Commissioner Steven L. Abrams Commissioner Mary Lou Berger
The Mayor thereupon declared the Resolution duly passed and adopted thisday
of, 20
PALM BEACH COUNTY, a political

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,

APPROVED AS TO TERMS AND CONDITIONS

By: Assistant County Attorney

Department Director

G:\PREM\MJackson\Habit.Reso. hf app 1-26-2018.docx

EXHIBIT "A"

Release of Rights of Entry and Exploration Relating to Phosphate, Minerals, Metals, and Petroleum Reservation

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

PCN: 08-43-45-21-22-004-0104, 08-43-45-21-22-004-0103 and 08-43-45-21-22-004-0102

RELEASE OF RIGHTS OF ENTRY AND EXPLORATION RELATING TO PHOSPHATE, MINERALS, METALS, AND PETROLEUM RESERVATIONS

COUNTY, a political subdivision of the St Commissioners, whose legal mailing add Florida 33411-5605, "County", for the	, by PALM BEACH ate of Florida, by and through its Board of County ress is 2633 Vista Parkway, West Palm Beach, benefit of HABITAT FOR HUMANITY OF, a Florida not-for-profit corporation, whose legal ray Beach, Florida 33483, "Grantee".	
WITN	NESSETH:	
in hand paid by Grantee, the receipt where convey and forever quitclaim unto Grante phosphate, mineral, metal, and petroleum r recorded in Official Records Book 10326, Pa	of the sum of Ten and 00/100 Dollars (\$10.00) to it eof is hereby acknowledged, does hereby release, ee all rights of entry and exploration relating to eights arising pursuant to those certain instruments age 1867, Official Records Book 10326, Page 1868 547, of the public records of Palm Beach County, and:	
See Exhibit "A" attached hereto and made a part hereof.		
This Release is being given without st whatsoever and acceptance hereof shall be wi	tatutory, express or implied, warranties of any nature thout recourse to County.	
IN WITNESS WHEREOF, County name by its Board of County Commission Board, the day and year aforesaid.	y has caused these presents to be executed in its ners acting by the Mayor or Vice Mayor of said	
ATTEST:		
SHARON R. BOCK CLERK & COMPTROLLER By: Deputy Clerk	PALM BEACH COUNTY, a political subdivision of the State of Florida By: Melissa McKinlay, Mayor	
APPROVED AS TO FORM AND LEGAL SUFFICIENCY By: Assistant County Attorney	(OFFICIAL SEAL)	

G:\PREM\MJackson\Release.Habitat. hf app 1-26-2018.docx

EXHIBIT "A"

Parcel 1:

The South 25 feet of Lot 10, Block 4, The Meeks and Andrews Addition to Boynton, Fla, according to the map or plat thereof as recorded in Plat Book 5, Page 84, Public Records of Palm Beach County, Florida.

Parcel 2:

The North 25 feet of the South 50 feet of Lot 10, Block 4, The Meeks and Andrews Addition to Boynton, Fla, according to the map or plat thereof as recorded in Plat Book 5, Page 84, Public Records of Palm Beach County, Florida.

Parcel 3:

The North 25 feet of the South 75 feet of Lot 10, Block 4, The Meeks and Andrews Addition to Boynton, Fla, according to the map or plat thereof as recorded in Plat Book 5, Page 84, Public Records of Palm Beach County, Florida.

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

 $PCN:\ 08-43-45-21-22-004-0104,\ 08-43-45-21-22-004-0103\ and\ 08-43-45-21-22-004-0102$

RELEASE OF RIGHTS OF ENTRY AND EXPLORATION RELATING TO PHOSPHATE, MINERALS, METALS, AND PETROLEUM RESERVATIONS

Commissioners, whose legal mailing add Florida 33411-5605, "County", for the	ate of Florida, by and through its Board of County lress is 2633 Vista Parkway, West Palm Beach, benefit of HABITAT FOR HUMANITY OF, a Florida not-for-profit corporation, whose legal
WITN	NESSETH:
in hand paid by Grantee, the receipt wher convey and forever quitclaim unto Grante phosphate, mineral, metal, and petroleum recorded in Official Records Book 10326, P	of the sum of Ten and 00/100 Dollars (\$10.00) to it eof is hereby acknowledged, does hereby release, ee all rights of entry and exploration relating to rights arising pursuant to those certain instruments age 1867, Official Records Book 10326, Page 1868 547, of the public records of Palm Beach County, and:
See Exhibit "A" attached	d hereto and made a part hereof.
This Release is being given without so whatsoever and acceptance hereof shall be with	tatutory, express or implied, warranties of any nature ithout recourse to County.
IN WITNESS WHEREOF, County name by its Board of County Commission Board, the day and year aforesaid.	y has caused these presents to be executed in its ners acting by the Mayor or Vice Mayor of said
ATTEST:	
SHARON R. BOCK CLERK & COMPTROLLER By: Deputy Clerk	PALM BEACH COUNTY, a political subdivision of the State of Florida By: Melissa McKinlay, Mayor
APPROVED AS TO FORM AND LEGAL SUFFICIENCY By: Assistant County Attorney	(OFFICIAL SEAL)

G:\PREM\MJackson\Release.Habitat. hf app 1-26-2018.docx

EXHIBIT "A"

Parcel 1:

The South 25 feet of Lot 10, Block 4, The Meeks and Andrews Addition to Baynton, Fla, according to the map or plat thereof as recorded in Plat Book 5, Page 84, Public Records of Palm Beach County, Florida.

Parcel 2:

The North 25 feet of the South 50 feet of Lot 10, Block 4, The Meeks and Andrews Addition to Boynton, Fla, according to the map or plat thereof as recorded in Plat Book 5, Page 84, Public Records of Palm Beach County, Florida.

Parcel 3:

The North 25 feet of the South 75 feet of Lot 10, Block 4, The Meeks and Andrews Addition to Boynton, Fla, according to the map or plat thereof as recorded in Plat Book 5, Page 84, Public Records of Palm Beach County, Florida.