

5H-2

Agenda Item #:

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: March 13, 2018 [] Consent [X] 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 a .02-acre parcel of property to the Town of Palm Beach without charge pursuant to Florida Statute 197.592(3); and
- B) Approve a County Deed conveying the .02 acre parcel to the Town of Palm Beach.

Summary: In 1945, this .02-acre parcel on the east side of North Ocean Boulevard in Palm Beach was dedicated on the plat of Ocean Terrace to all homeowners within the platted subdivision for access to the ocean and beach recreation. Some of the owners within the subdivision also received easements to use this parcel in the deeds to their properties. After the developer of the Ocean Terrace subdivision completed development of the subdivision, the developer stopped paying taxes. A tax deed was issued to the County in 1971. Tax foreclosure does not extinguish dedications by plat nor previously granted easement rights. Therefore, the County does not have clear title to sell this property. Over the years, homeowners within the subdivision have made several unsuccessful attempts to acquire this property, including a legal action which was dismissed. As there is no practical ability for the public to use this property or for the County to sell it, the County has not maintained it. Recently the Town of Palm Beach requested that the County convey this property to the Town to assist with the Town's coastal management program. This will provide the Town access to the beach for beach re-nourishment construction staging, and will also allow the Town to remove a decorative wall and concrete patio installed by owners within the subdivision which are badly in need of repair and encroach upon the Town's right-of-way. F.S. 197.592(3) requires that lands acquired by the County for delinquent taxes be conveyed to the municipality in which such lands are located. The Statute does not require an appraisal, and the assessed value is \$47,000. Conveying this property to the Town will: 1) allow the town to both use the property for its coastal management program; 2) relieve the County of liability and maintenance responsibility; and 3) transfer responsibility to the Town to address questions regarding the rights of the homeowners within the subdivision to use this property.

(PREM) District 1 (HJF)

Background and Policy Issues: Continued on Page 3

Attachments:

- 1. Location Map
- 2. Resolution
- 3. County Deed
- 4. Request for conveyance

Recommended By:  Department Director 2/15/18 Date

Approved By:  County Administrator 3/6/18 Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2018	2019	2020	2021	2022
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	* =====	=====	=====	=====	=====
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget: Yes _____ No _____

Does this item include the use of federal funds? Yes _____ No X

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

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

Fixed Assets Number G07317 *Confirmed AD 2/22/18 OFMB*

C. Departmental Fiscal Review: _____

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

* INDETERMINABLE AT THIS TIME.

Lisa Ponz 2/26/18
 OFMB *(initials)* 2/26
(initials) 2/26 *sp 2/25/18*

A. S. Jones 3/5/18
 Contract Development and Control
 3/5/18 *(initials)*

B. Legal Sufficiency:

(Signature) 3/6/18
 Assistant County Attorney

C. Other Department Review:

 Department Director

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

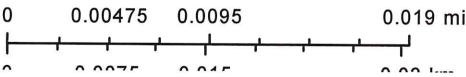
Background and Policy Issues

Background and Policy Issues: The County acquired two similar small parcels of land along the beach in the Town of Palm Beach. Both parcels were platted as beachfront access and bathing parcels for the use of Lot owners within the subdivisions, but no homeowners associations were established to care for and pay taxes on these parcels. When the developer sold off all of the Lots within the subdivision, it stopped paying taxes and the properties were ultimately foreclosed upon and escheated to the County in the 1970s. In 1994, the County reached a settlement agreement with homeowners in the Osceola Way subdivision where the County agreed to convey an undivided 1/14th interest in the beach access parcel to each of the 14 lot owners within the subdivision for a total price of \$33,000.

The County tried to reach a similar arrangement with the homeowners within the Ocean Terrace subdivision, but those efforts were unsuccessful. The homeowners still periodically contact Staff, but they have been unable to get their neighbors to participate in such a program. This issue has remained unresolved for over 20 years. Because a sale of the property would remain subject to the rights of the homeowners to use this property, there is no practical ability to sell this property. Conveyance of this property to the Town will allow the Town to both use the property for its beach re-nourishment program and let the Town address the claims by the homeowners regarding usage of this property.



Palm Beach County



Attachment # 2

Resolution (4 pages including Exhibit A)

RESOLUTION NO. _____

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

WHEREAS, the County owns a .02 acre parcel within the municipal boundaries of the Town of Palm Beach (“Town”) 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, the Board of County Commissioners of Palm Beach County has agreed to convey such property 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. Authorization to Convey Real Property

The Board of County Commissioners of Palm Beach County shall convey to the Town 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 land shall not survive the conveyance to Town.

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 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: 
Assistant County Attorney

APPROVED AS TO TERMS
AND CONDITIONS

By: 
Department Director

EXHIBIT "A"
COUNTY DEED

Prepared By and Return To:
Ross C. Hering, Director
Palm Beach County
Property & Real Estate Management Division
2633 Vista Parkway
West Palm Beach, FL 33411-5605

PCN: 50-43-43-03-000-0251
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 the TOWN OF PALM BEACH, a Florida municipal corporation, whose legal mailing address is 360 S. County Road, Palm Beach, Florida 33480 "Grantee".

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 / his or her heirs) and assigns forever, the following described land lying and being in Palm Beach County, Florida:

UNNUMBERED TRACT LYING N OF LOT 8-A, OCEAN TERRACE AS IN PB 20 P 64, SEC. 3, TWP. 43S, R 43 E

THE ABOVE BEING THE REAL PROPERTY DESCRIBED UNDER TAX CERTIFICATE NUMBER 1235 PART IN THE TAX DEED RECORDED IN OFFICIAL RECORD BOOK 1902, PAGE 1322, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

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.

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

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)

Attachment # 3
County Deed (1 page)

Prepared By and Return To:
Ross C. Hering, Director
Palm Beach County
Property & Real Estate Management Division
2633 Vista Parkway
West Palm Beach, FL 33411-5605

PCN: 50-43-43-03-000-0251
Closing Date: _____
Purchase Price: _____ \$0

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ATTEST:

SHARON R. BOCK
CLERK & COMPTROLLER

By: _____
Deputy Clerk

PALM BEACH COUNTY, a political
subdivision of the State of Florida

By: _____
Melissa McKinlay, Mayor

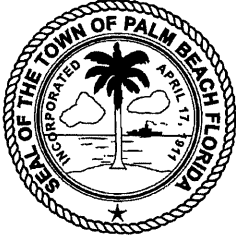
APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: _____
Assistant County Attorney

(OFFICIAL SEAL)

Attachment # 4

Request for Conveyance (2 pages)



TOWN OF PALM BEACH

Office of Mayor and Town Council

JAN 23 2018

January 17, 2018

Verdenia C. Baker
County Administrator
Palm Beach County
Robert Weisman Governmental Center
301 North Olive Avenue
West Palm Beach, FL 33401

MAYOR GAIL L. CONIGLIO

COUNCIL

RICHARD M. KLEID, PRESIDENT
DANIELLE H. MOORE, PRESIDENT PRO TEM
JULIE ARASKOG
BOBBIE LINDSAY
MARGARET A. ZEIDMAN

Re: Transfer of Ownership Request for Parcel at Angler Avenue

Dear Ms. Baker,

Palm Beach County is the current owner of Parcel No. 50-43-43-03-03-000-0251 located at the southeast corner of Angler Avenue and North Ocean Boulevard within the Town of Palm Beach. The Town understands that ownership of this parcel was taken by the County many years ago due to a private property owner's delinquency in their tax responsibilities. The Town respectfully requests that ownership of this parcel be transferred to the Town of Palm Beach to assist with our Coastal Management Program.

Access to the beach for heavy equipment is essential for the U.S. Army Corps of Engineers to effectively perform inlet maintenance dredging for the Port of Palm Beach and have the limited sand resources placed directly on the beach. Angler Avenue is one of only a few available locations at the north end of Palm Beach Island which can provide the necessary construction access.

According to Florida Statute, Section 197.592(3), delinquent tax lands located within the boundaries of an incorporated municipality of the county shall be conveyed to the governing board of the municipality and shall be freely alienable to the municipality without regard to third parties.

The property is in need of regular maintenance and the hedges require frequent trimming along North Ocean Boulevard. A decorative wall and concrete patio, which were constructed by a previous owner, presently exists partially within the Town's Right-of-Way for Angler Avenue. In addition, drainage issues within this property have caused possible Zika concerns.

This surplus property has no use for Palm Beach County and identified maintenance costs may not be the best use of County funds. If transferred to the Town, the parcel would enhance

Post Office Box 2029 • 360 South County Road • Palm Beach, Florida 33480
Telephone (561) 838-5414 • Facsimile (561) 838-5411
E-mail: mayor@townofpalmbeach.com • council@townofpalmbeach.com
Website: www.townofpalmbeach.com

accessibility for implementation of the inlet maintenance dredging project which benefits commerce throughout the entire County.

Should the County transfer the parcel, the Town intends to assume the responsibility for the parcel's necessary maintenance efforts, which to date have been largely abandoned. Lastly, if transferred, the Town would work with the neighboring properties to ensure that the condition of the parcel is appropriately maintained.

I appreciate the help from your staff and consideration by the Board of County Commissioners. If you have any questions, please contact me by phone at 561-838-5414 or via email at gconiglio@townofpalmbeach.com, or Robert Weber, Coastal Program Manager, by phone at 561-838-5440 or via email at rweber@townofpalmbeach.com.

Sincerely,



Gail L. Coniglio
Mayor

cc. Thomas G. Bradford, Town Manager
H. Paul Brazil, P.E., Director of Public Works
Robert Weber, Coastal Program Manager
John Randolph, Town Attorney
Ross Hering, Palm Beach County