

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

Meeting Date: **June 19, 2018** ☐ **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 0.13 acres of surplus property to Larance Ford for \$861.43 without reservation of phosphate, mineral, metals, and petroleum rights; and

B) approve a County Deed in favor of Larance Ford.

Summary: On March 14, 2016, the County acquired by Escheatment Tax Deed a 0.13 acre vacant parcel of land located at Bacom Point Road in Pahokee. In December 2014, Ford purchased two (2) parcels - the surplus parcel and a 0.69 acre adjoining parcel containing a 2,529 sf single family residence, located at 785 Bacom Point Road, Pahokee. Palm Beach County property tax records did not reflect Ford as the new owner of the surplus parcel and the Property Appraiser Office, the Tax Collector and Clerk's Office failed to provide Ford notice of the taxes due and the tax sale pursuant to Florida Statute Chapter 197. As a result, the surplus parcel was foreclosed upon and ultimately escheated to the County. Staff is recommending the County re-convey the surplus parcel to Ford, the owner of record at the time of issuance of the tax deed, without competitive bidding under the alternative disposition procedures established by Ordinance 2002-067. This requires a finding by the Board that Ford is the only person capable of reasonably utilizing the property. Staff recommends this finding to correct the procedural errors and to ensure that Ford retains access to the property immediately behind his home (his backyard). Mr. Ford will pay \$861.43, equal to the taxes for the years 2015, 2016 and 2017. **This conveyance must be approved by a Supermajority Vote (5 Commissioners). (PREM) District 6 (HJF)**

Background and Policy Issues: The County owns a 0.13 acre vacant surplus parcel located at Bacom Point Road in Pahokee, which was acquired in March 2016 for delinquent taxes via Escheatment Tax Deed, Certificate Number 29711, as recorded in Official Record Book 28160, Page 0801 of the public records of Palm Beach County. In December 2014, prior to the tax foreclosure sale, Ford acquired the surplus parcel together with an adjoining 0.69 acre parcel containing a 2,529 sf single family residence, as recorded in Official Record Book 27222, Page 0282 of the public records of Palm Beach County. Ford made application for a permit to improve the surplus parcel and it was at that time he became aware of the tax sale to the County. Palm Beach County property tax records did not reflect Ford as the new owner of the surplus parcel, and consequently, Ford did not receive property tax notices for the surplus parcel, nor did he receive notice of the tax sale. Ford had no cause to believe delinquent taxes were owed on the surplus parcel. In order to cure this error, Staff recommends re-conveying the surplus parcel to Ford who was the owner at the time of the issuance of the tax deed. This re-conveyance is the simplest way to correct this situation. Property taxes for the surplus property for 2015 were \$305.34. Ad valorem taxes for 2016 and 2017 were not assessed against the surplus parcel and were calculated at the same millage rate as the adjoining parcel at the assessed value of \$10,954 assigned to the surplus parcel. The amount of \$861.43 represents taxes for the years 2015 (\$305.34), 2016 (\$298.62) and 2017 (\$293.36), less the 4% discount rate (\$35.89), which is consistent with Ford's tax payments for his other parcel for these same years. A Disclosure of Beneficial Interests is not required for this transaction as Larance Ford is an individual.

Attachments:

1. Location Map
2. Resolution (with Exhibit A)
3. County Deed

Recommended By: <u>Jeff Armstrong</u>	5/25/18
Department Director	Date
Approved By: <u>[Signature]</u>	6/11/18
County Administrator	Date

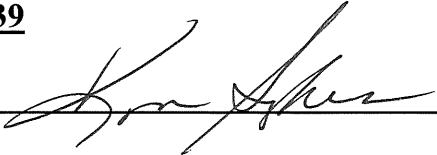
II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2018	2019	2020	2021	2022
Capital Expenditures					
Operating Costs					
External Revenues	(\$861.43)				
Program Income (County)					
In-Kind Match (County)					
NET FISCAL IMPACT	(\$861.43)				
# ADDITIONAL FTE POSITIONS (Cumulative)					
Is Item Included in Current Budget:	Yes		No		
Does this item include the use of federal funds?	Yes		No		
Budget Account No:	Fund 0001	Dept 410	Unit 4240	Object 6422	
		Program			

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

OK FAND AG 5/30/18
Fixed Assets Number H07939

C. Departmental Fiscal Review: 

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

 OFMB  Contract Development and Control 

B. Legal Sufficiency:

 6/7/18
Assistant County Attorney

C. Other Department Review:

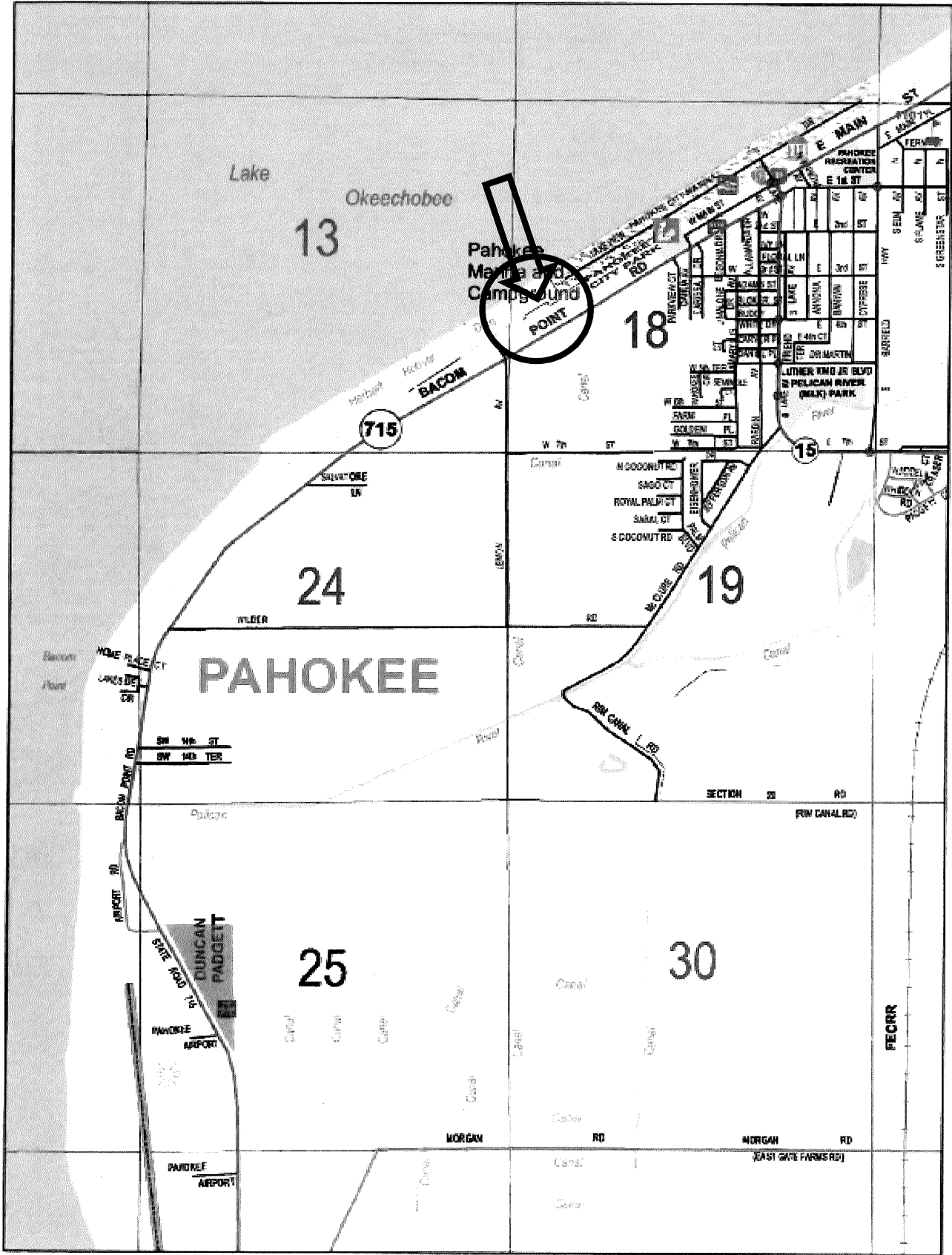
Department Director

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

TWP
42

TWP
42

TWP
42



11

12

13

RNG 36

See pg 143

RNG 37

LOCATION MAP

Attachment #2
Resolution (6 pages)

RESOLUTION NO. _____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY TO LARANCE FORD FOR EIGHT HUNDRED SIXTY ONE DOLLARS AND 43/100 (\$861.43); WITHOUT RESERVATION OF MINERAL AND PETROLEUM RIGHTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the County owns a 0.13 acre vacant surplus parcel (“Surplus Parcel”) located at Bacom Point Road in Pahokee, which was acquired in March 2016 for delinquent taxes via Escheatment Tax Deed, Certificate Number 29711, as recorded in Official Record Book 28160, Page 0801 of the public records of Palm Beach County; and ; and

WHEREAS, in December 2014, Larance Ford (“Ford”) acquired two (2) adjoining parcels, the Surplus Parcel and a 0.69 acre parcel, located at 785 Bacom Point Road, Pahokee, as recorded in Official Record Book 27222, Page 0282 of the public records of Palm Beach County; and

WHEREAS, Palm Beach County property tax records did not reflect Ford as the new property owner of the Surplus Parcel and consequently, Ford did not receive property tax notices for the Surplus Parcel, nor did he receive notice of the tax sale; and

WHEREAS, Ford had no cause to believe delinquent taxes were owed on the Surplus Parcel; and

WHEREAS, prior to the Surplus Property escheating to the County, it was associated with the adjoining 0.69 acre parcel; and

WHEREAS, Ford has requested that County convey the Surplus Parcel to him; and

WHEREAS, the Board of County Commissioners of Palm Beach County hereby finds that the highest and best use of the Surplus Parcel is to combine it with the adjoining 0.69 acre parcel; and

WHEREAS, the Board of County Commissioners of Palm Beach County hereby finds that Ford is the only person capable of reasonably utilizing the Surplus Parcel for its highest and best use; and

WHEREAS, the Board desires to convey such Surplus Parcel to Ford; and

WHEREAS, pursuant to Florida Statute Section 270.11, Ford has requested that such property be conveyed without reservation of phosphate, mineral, metals and petroleum rights; and

WHEREAS, the Board of County Commissioners of Palm Beach County hereby agrees to convey such property without reservation of 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 Larance Ford, for Eight Hundred Sixty One Dollars and 43/100 (\$861.43) representing taxes for the years 2015, 2016 and 2017, by 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 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 _____, 2018.

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

BOARD OF COUNTY COMMISSIONERS

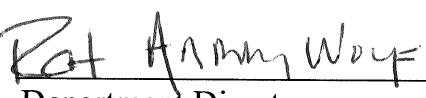
SHARON R. BOCK
CLERK & COMPTROLLER

By: _____
Deputy Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
Assistant County Attorney

APPROVED AS TO TERMS
AND CONDITIONS

By: _____
Department Director

G:\PREM\PM\Dispositions\Ridgeway Beach - Lakeview Dr. Frontage\Resolution. hf app 4-26-2018.docx

EXHIBIT "A"

COUNTY DEED

PREPARED BY AND RETURN TO:
Della Lowery, Property Specialist
Palm Beach County
Property & Real Estate Management Division
2633 Vista Parkway
West Palm Beach, FL 33411-5605

PCN: 48-37-42-18-18-000-0611

Closing Date: _____

Purchase Price: \$861.43

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 Larance Ford, 785 Bacom Point Road, Pahokee, FL 33476-2411, "Grantee".

WITNESSETH:

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

RIDGEWAY BEACH TR LYG BET LT A61 & US LEVEE

**THE ABOVE BEING THE REAL PROPERTY DESCRIBED
UNDER TAX CERTIFICATE NUMBER 29711 IN THE TAX
DEED RECORDED IN OFFICIAL RECORD BOOK 28160,
PAGE 0801, PUBLIC RECORDS OF PALM BEACH COUNTY,
FLORIDA.**

Property Identification Number: 48-37-42-18-18-000-0611

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: _____
Melissa McKinlay, Mayor

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

(OFFICIAL SEAL)

By: _____
Chief Assistant County Attorney

Attachment #3
Deed (1 page)

PREPARED BY AND RETURN TO:
Della Lowery, Property Specialist
Palm Beach County
Property & Real Estate Management Division
2633 Vista Parkway
West Palm Beach, FL 33411-5605

PCN: 48-37-42-18-18-000-0611
Closing Date: _____
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RIDGEWAY BEACH TR LYG BET LT A61 & US LEVEE

THE ABOVE BEING THE REAL PROPERTY DESCRIBED UNDER TAX CERTIFICATE NUMBER 29711 IN THE TAX DEED RECORDED IN OFFICIAL RECORD BOOK 28160, PAGE 0801, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

Property Identification Number: 48-37-42-18-18-000-0611

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: _____
Melissa McKinlay, Mayor

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

(OFFICIAL SEAL)

By:  _____
Chief Assistant County Attorney

2017		
10.954	4.7815	52.38
10.954	0.1208	1.32
10.954	3.4581	37.88
10.954	0.5491	6.01
10.954	0.0400	0.44
10.954	6.5419	71.66
10.954	0.6590	7.22
10.954	0.0320	0.35
10.954	0.7808	8.55
10.954	2.4980	27.36
10.954	4.2710	46.78
10.954	0.0441	0.48
10.954	0.1275	1.40
10.954	0.1384	<u>1.52</u>
		\$ 263.36
EBWCD		<u>\$ 30.00</u>
		\$ 293.36

2016		
10.954	4.7815	52.38
10.954	0.1327	1.45
10.954	3.4581	37.88
10.954	0.5491	6.01
10.954	0.0442	0.48
10.954	6.5419	71.66
10.954	0.6833	7.48
10.954	0.0320	0.35
10.954	0.8993	9.85
10.954	2.4980	27.36
10.954	4.5720	50.08
10.954	0.0471	0.52
10.954	0.1359	1.49
10.954	0.1477	<u>1.62</u>
		\$ 268.62
EBWCD		<u>\$ 30.00</u>
		\$ 298.62

2015		
10.954	4.7815	52.38
10.954	0.1462	1.60
10.954	3.4581	37.88
10.954	0.5491	6.01
10.954	0.0494	0.54
10.954	6.5419	71.66
10.954	0.6677	7.31
10.954	0.0320	0.35
10.954	1.0426	11.42
10.954	2.4980	27.36
10.954	5.0140	54.92
10.954	0.0506	0.55
10.954	0.1459	1.60
10.954	0.1586	<u>1.74</u>
		\$ 275.34
EBWCD		<u>\$ 30.00</u>
	\$ 305.32	\$ 305.34

Due to the County only pays for Non-Ad Valorem in order to calculate the County-owned parcel property taxes for year 2016 and 2017 that Larance Ford has been instructed to pay we used the Millage Rate from the property (PCN: 48-37-42-18-18-000-0610) Larance Ford currently own.

Tax Year

2015 used PCN: 48-37-42-18-18-000-0611

2016 used PCN: 48-37-42-18-18-000-0610

2017 used PCN: 48-37-42-18-18-000-0610

2017 \$ 293.36

2016 \$ 298.62

2015 \$ 305.34

 \$ 897.32 4%

\$ (35.89) \$ 35.89

\$ 861.43