

5I-3

Agenda Item #:

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

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<b>Meeting Date:</b>	<b>July 10, 2018</b>	<input type="checkbox"/> <b>Consent</b>	<input checked="" type="checkbox"/> <b>Regular</b>
		<input type="checkbox"/> <b>Ordinance</b>	<input type="checkbox"/> <b>Public Hearing</b>

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**Department:** **Facilities Development & Operations**

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**I. EXECUTIVE BRIEF**

**Motion and Title:** Staff recommends motion:

**A) adopt** a Resolution authorizing the conveyance of the County's interest in a 0.13 acre of surplus property to Richard Bernard Haines (Haines), as Heir and as Successor Personal Representative of the Richard Haines, Jr. Estate, without reservation of mineral and petroleum rights at no charge; and

**B) approve** a County Deed in favor of Haines.

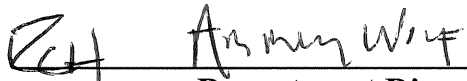

**Summary:** Unbeknownst to the County, on October 31, 2017, Haines mistakenly conveyed to the County a 0.13 acre surplus property containing a 1,240 sf single-family residence located at 1115 Grant Street in West Palm Beach, with an assessed value of \$45,112. At the time of the conveyance of the parcel to the County, it was associated with the assets of the decedent, Richard Haines, Jr. Haines has requested that the County re-convey the parcel to him. As the conveyance to the County was in error and without consideration, Staff recommends that the County re-convey the surplus parcel to Haines without competitive bidding under the alternative disposition procedures established by Ordinance 2002-067. This requires a finding by the Board that Haines is the only person capable of reasonably utilizing the parcel for its highest and best use. This finding is based upon the County's lack of legal arguments to support County ownership of this property and will avoid needless litigation. Haines has requested that such parcel be conveyed without reservation of phosphate, mineral, metals and petroleum rights. **This conveyance must be approved by a Supermajority Vote (5 Commissioners). (PREM) District 7 (HJF)**

**Background and Policy Issues:** In April 2015, Richard Haines, Jr. (decedent) died intestate. In October 2017, Haines mistakenly conveyed to the County the 0.13 acre improved surplus parcel located at 1115 Grant Street in West Palm Beach, by a Personal Representative's Deed as recorded in Official Record Book 29439, Page 0271 of the public records of Palm Beach County. Staff discovered that a deed for this parcel was recorded, which purportedly conveyed this parcel to the County. Staff contacted Haines and informed him of the error. Clearly this was a mistake. The only way to correct this mistake is for the County to record a deed conveying record title back to Haines. Property taxes are current. A Disclosure of Beneficial Interests is not required for this transaction as Richard Bernard Haines, as Heir and as Successor Personal Representative of the Richard Haines, Jr. Estate, is an individual.

**Attachments:**

1. Location Map
2. Resolution (w/Exhibit "A")
3. County Deed

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<b>Recommended By:</b>		<b>6/18/18</b>
	<b>Department Director</b>	<b>Date</b>
<b>Approved By:</b>		<b>7/5/18</b>
	<b>County Administrator</b>	<b>Date</b>

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	<u>0 )</u>	=====	=====	=====	=====			
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____			
Is Item Included in Current Budget:	Yes	_____	No	<u>X</u>				
Does this item include the use of federal funds?	Yes	_____	No	<u>X</u>				
Budget Account No:	Fund	_____	Dept	_____	Unit	_____	Object	_____
		Program	_____					

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

No fiscal impact.

Fixed Assets Number H08863

C. Departmental Fiscal Review:

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

Deleyn B. B. 6/22/18  
OFMB 6/22

Dr. J. Jacobson 7/12/18  
Contract Development and Control 6/29/18

B. Legal Sufficiency:

7/2/18  
Assistant County Attorney

C. Other Department Review:

\_\_\_\_\_  
Department Director

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



# LOCATION MAP

Attachment 1  
1 of 1

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Attachment 2  
Resolution w/ Ex A  
( pages)

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY TO RICHARD BERNARD HAINES, AS HEIR AND AS SUCCESSOR PERSONAL REPRESENTATIVE OF THE ESTATE OF RICHARD HAINES, JR., AT NO CHARGE; WITHOUT RESERVATION OF MINERAL AND PETROLEUM RIGHTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on April 4, 2015, Richard Haines, Jr. (decendent) died intestate; and

**WHEREAS**, Richard Bernard Haines (Haines), as Heir and as Successor Personal Representative of the Estate of Richard Haines, Jr., mistakenly conveyed to the County a 0.13 acre improved surplus parcel located at 1115 Grant Street in West Palm Beach, in October 2017 by a Personal Representative's Deed as recorded in Official Record Book 29439, Page 0271 of the public records of Palm Beach County; and

**WHEREAS**, prior to the conveyance of the parcel to the County, it was associated with the assets of the decendent; and

**WHEREAS**, Haines has requested that County re-convey the parcel to him; and

**WHEREAS**, the Board of County Commissioners of Palm Beach County hereby finds that the conveyance to the County was in error and without consideration, that equity requires re-conveyance of the property and the highest and best use of the parcel is to combine it with the decendent's estate; and

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

**WHEREAS**, the Board desires to re-convey such parcel to Haines; and

**WHEREAS**, pursuant to Florida Statute Section 270.11, Haines 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 re-convey to Richard Bernard Haines (Haines), as Heir and as Successor Personal Representative of the Estate of Richard Haines, Jr., at no charge, 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

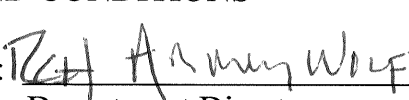
SHARON R. BOCK  
CLERK & COMPTROLLER

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\Johnson Subdivision WPB - Haines\Resolution. hf app 6-8-2018.docx

**EXHIBIT “A”**  
**COUNTY DEED**

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

PCN: 74-43-43-16-06-000-0150  
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 **RICHARD BERNARD HAINES, AS HEIR AND AS SUCCESSOR PERSONAL REPRESENTATIVE OF THE ESTATE OF RICHARD HAINES, JR.**, whose legal mailing address is 836 West 9<sup>th</sup> Street, Riviera Beach, Florida 33404, "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 Dollars (\$10.00) to it in hand paid by Grantee, 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:

JOHNSONS SUBDIVISION LOT 15, PARCEL CONTROL NUMBER: 74-43-43-16-06-000-0150, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 18, AT PAGE 50 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PROPERTY ADDRESS: 1115 GRANT ST., WEST PALM BEACH, FL 33407

**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 pg)

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

PCN: 74-43-43-16-06-000-0150

Closing Date: \_\_\_\_\_

Purchase Price: \_\_\_\_\_ \$0

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### WITNESSETH:

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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**

(OFFICIAL SEAL)

By:  \_\_\_\_\_  
Assistant County Attorney