

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: October 16, 2018 [X] Consent [] Regular
[] Ordinance [] 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 Relating to Phosphate, Mineral, Metals and Petroleum Reservations for ZNT, LLC (ZNT), a foreign limited liability company, (formerly known as TAAZ, LLC) (TAAZ) owned properties located on Broken Sound Boulevard in Boca Raton; and

B) approve a Release of Rights of Entry and Exploration Relating to Phosphate, Mineral, Metals and Petroleum Reservations.

Summary: The Board, as part of an Industrial Revenue Bond Transaction, conveyed property located at 5400 Broken Sound Boulevard, Boca Raton, Florida to Mitel, Inc. ("Mitel"). Mitel simultaneously conveyed the property to TAAZ, now known as ZNT. ZNT is requesting that the County release the County's statutory rights of entry and exploration for minerals from this property in order to render title to said property marketable. The County only had a security interest in this property which was satisfied. (PREM) District 4 (HJF)

Background and Justification: In 1980, the County issued a \$4,000,000 Industrial Development Revenue Bond, 1980 Series A (Mitel of Delaware, Inc. Project) (the "Bond") to finance an industrial development project by Mitel. As security for the Bond, Mitel conveyed the property underlying that project to the County. An Installment Sale Agreement between Mitel and the County provided that the County would reconvey that property to Mitel after Mitel paid all monies due under the Bond. Mitel paid off the bond. On July 1, 1997 (R97-796D), the Board approved the conveyance of property to Mitel and Mitel simultaneously conveyed the property to TAAZ, now known as ZNT. ZNT has requested that the rights of entry and exploration be released from this property in order to render title to said property marketable. The County deed to TAAZ did not specifically reserve mineral rights with rights of entry and exploration on this property, but in order to satisfy the attorneys for ZNT, staff is recommending approval of this Release.

Attachments:

- 1. Location Map
- 2. Resolution
- 3. Release of Rights of Entry and Exploration Relating to Phosphate, Mineral, Metals and Petroleum Reservations

Recommended By: [Signature] Department Director Date: 9/22/18
Approved By: [Signature] County Administrator Date: 10/3/18

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2019	2020	2021	2022	2023
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 X_____

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:


No fiscal impact.

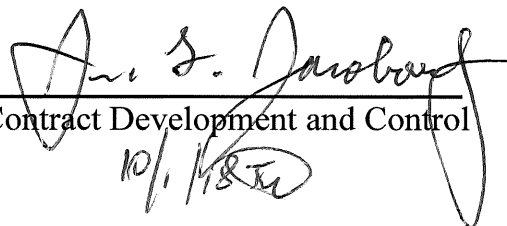
Fixed Asset Number _____ n/a _____

C. Departmental Fiscal Review: 

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

 9/25/18
 OFMB 9/24

 10/11/18
 Contract Development and Control 10/1/18

B. Legal Sufficiency:

 10/2/18
 Assistant County Attorney

C. Other Department Review:

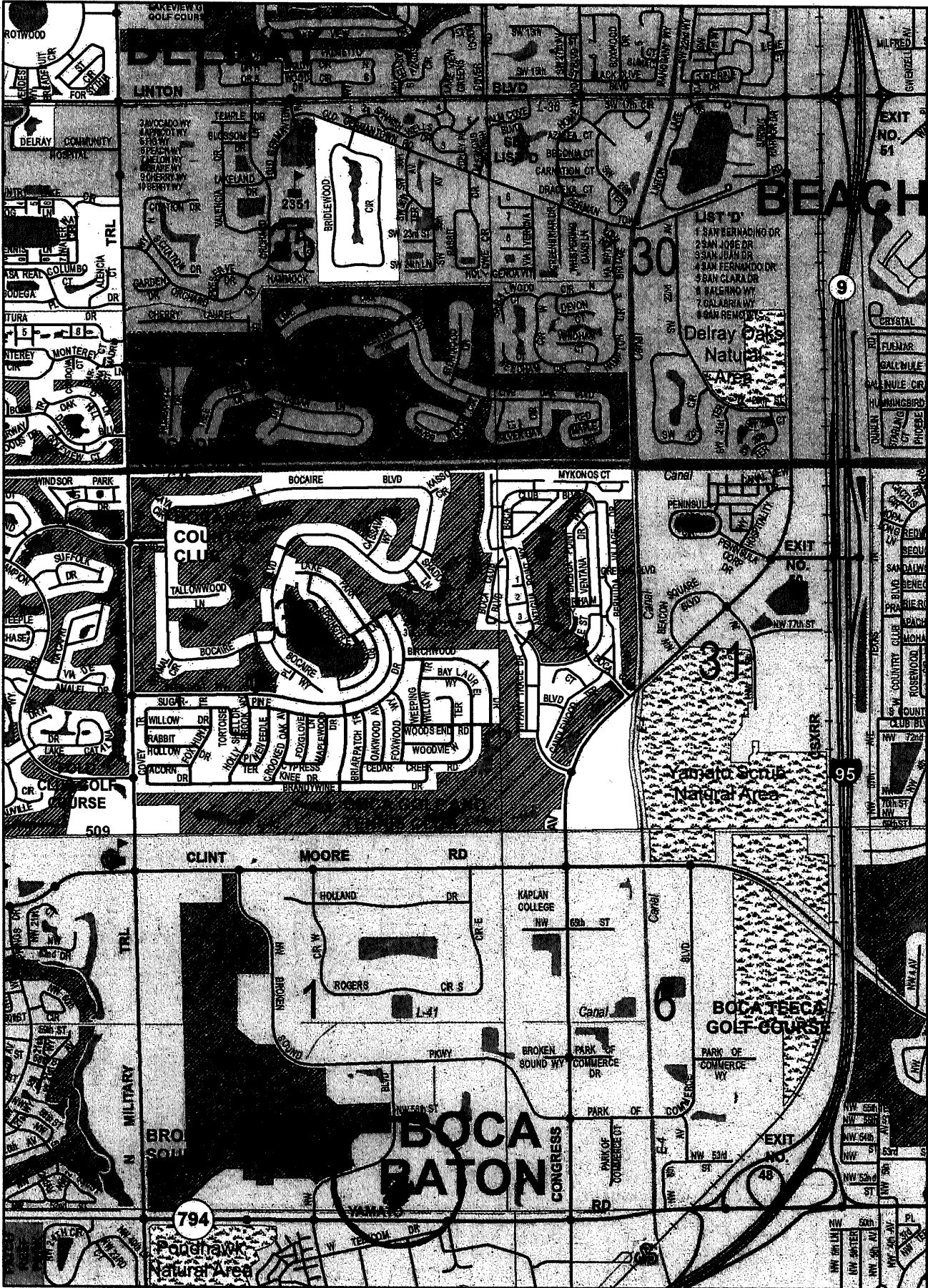
 Department Director

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

TWP 46

TWP 46

TWP 47



37

38

39

RNG 42

See pg 123

RNG 43

Page 117

Attachment /
LOCATION MAP

1 pg

Attachment 2
Resolution w/ Ev A
3 pgs

RESOLUTION NO. _____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE RELEASE OF RIGHTS OF ENTRY AND EXPLORATION RELATING TO MINERAL AND PETROLEUM RIGHTS RESERVATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on July 1, 1997 (R97-796D), the Board of County Commissioners of Palm Beach County approved the conveyance of property located at 5400 Broken Sound Boulevard, Boca Raton, Florida to Mitel, Inc. ("Mitel"), as recorded in Official Records Book 9885, Page 671, pursuant to an Installment Sale Agreement between the County and Mitel; and

WHEREAS, Mitel simultaneously conveyed the property to TAAZ, LLC, now known as ZNT, LLC; ("ZNT"); and

WHEREAS, ZNT has requested that the rights of entry and exploration relating to phosphate, mineral, metals and petroleum rights be released from this property in order to render title to said property 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 that certain instrument recorded in Official Records Book 9885, Page 671.

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 Re-convey Real Property

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 that certain instrument recorded in Official Records Book 9885, Page 671, 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 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"

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: 06-42-47-01-02-004-0000

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

This RELEASE, 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", for the benefit of ZNT, LLC, a foreign limited liability company, (formerly known as TAAZ, LLC) whose legal mailing address is 5300 Broken Sound Boulevard NW, Suite 110, Boca Raton, Florida 33487, "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 Grantee, the receipt whereof is hereby acknowledged, does hereby release, convey and forever quitclaim unto Grantee all entry and exploration rights pursuant to that certain instrument recorded in Official Records Book 9885, Page 671, of the public records of Palm Beach County, Florida, relating to the following described land:

Parcel "D", ARVIDA PARK OF COMMERCE, Plat No. 1,
according to the Plat thereof recorded in Plat Book 34, Page 184,
of the Public Records of Palm Beach County, Florida.

This Release is being given without statutory, express or implied, warranties of any nature whatsoever and acceptance hereof shall be without recourse to County.

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

(OFFICIAL SEAL)

By: _____
Assistant County Attorney

Attachment 3
Release of Rights of Entry and Exploration Relating
to Phosphate, Minerals, Metals and Petroleum Reservations
1 p9

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: 06-42-47-01-02-004-0000

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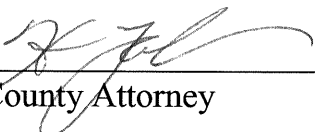
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ATTEST:

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)