

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY

Meeting Date:	OCTOBER 16, 2018	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Regular
		<input type="checkbox"/> Ordinance	<input type="checkbox"/> Public Hearing
Department:	Facilities Development & Operations		

I. EXECUTIVE BRIEF

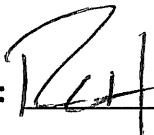
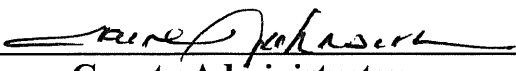
Motion and Title: Staff recommends motion to:

- a) **adopt** a resolution authorizing the re-conveyance of the County’s interest in 0.039 acres of real property located in unincorporated Delray Beach to the Lake Worth Drainage District (LWDD) without charge and without reservation of mineral and petroleum rights; and
- b) **approve** a Corrective County Deed in favor of the Lake Worth Drainage District.

**Summary:** On October 6, 2015, the BCC approved the conveyance of a 0.039 acre of property along the shore of Lake Eden in Delray Beach to LWDD by Resolution R-2015-1387. Recently, the Property Appraiser found that the surveyor made a scrivener’s error in the legal description of the County Deed (R2015-1388) which requires correction. A revised sketch and legal description of the .039 acre site was obtained, then reviewed and approved by staff, LWDD and the Property Appraiser’s Office. This Corrective County Deed is being issued to LWDD in order to correct the scrivener’s error in the County Deed dated October 6, 2015, as recorded in ORB 27866, Page 1946. This Corrective Deed will be recorded and will not retain mineral and petroleum rights as provided for in Florida Statutes Section 270.11. **This re-conveyance must be approved by a Supermajority Vote (5 Commissioners) pursuant to the PREM Ordinance. (PREM) District 4 (HJF)**

**Background & Policy Issues:** In October 2015, the County conveyed the 0.039 acre of property to the LWDD pursuant to a reverter clause in the 1950 deed (Deed Book 914, Page 172) from LWDD to the County. The County had determined that it had no use for the property as it is separated from the County owned Lake Ida Park property and also LWDD had requested that the property be conveyed back to the LWDD. In early 2018, the Property Appraiser identified an error in the legal description of the County Deed to LWDD and notified PREM Staff. The legal description has been corrected, and reviewed and approved by both the Property Appraiser and LWDD. No Disclosure of Beneficial Interest is required since the transaction is between the County and another governmental entity.

- Attachments:**
- 1. Location Map
  - 2. Resolution
  - 3. Corrective County Deed
  - 4. LWDD letter of request dated May 12, 2015

Recommended By:		Amy Wolf	9/14/18
		Department Director	Date
Approved By:		Renee Johnson	9/28/18
		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	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>\$-0-</u>	<u>\$-0-</u>	<u>\$-0-</u>	<u>\$-0-</u>	<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 \_\_\_\_\_

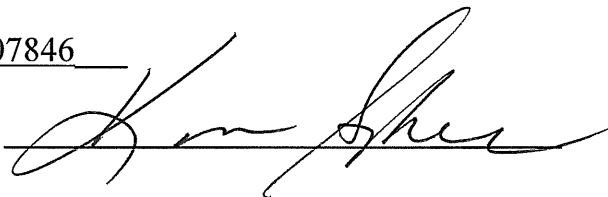
Is Item Included in Current Budget: Yes \_\_\_\_\_ No \_\_\_\_\_

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

No Fiscal impact.

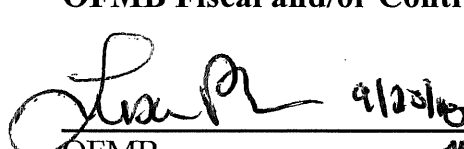

Fixed Assets Number: H07846

### C. Departmental Fiscal Review:



## III. REVIEW COMMENTS

### A. OFMB Fiscal and/or Contract Development Comments:

 9/25/18  
OFMB 9/20 9/20  
 9/25/18  
Contract Development and Control 9/25/18 FD

### B. Legal Sufficiency:

 9/25/18  
Assistant County Attorney

### C. Other Department Review:

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

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

TWP 45

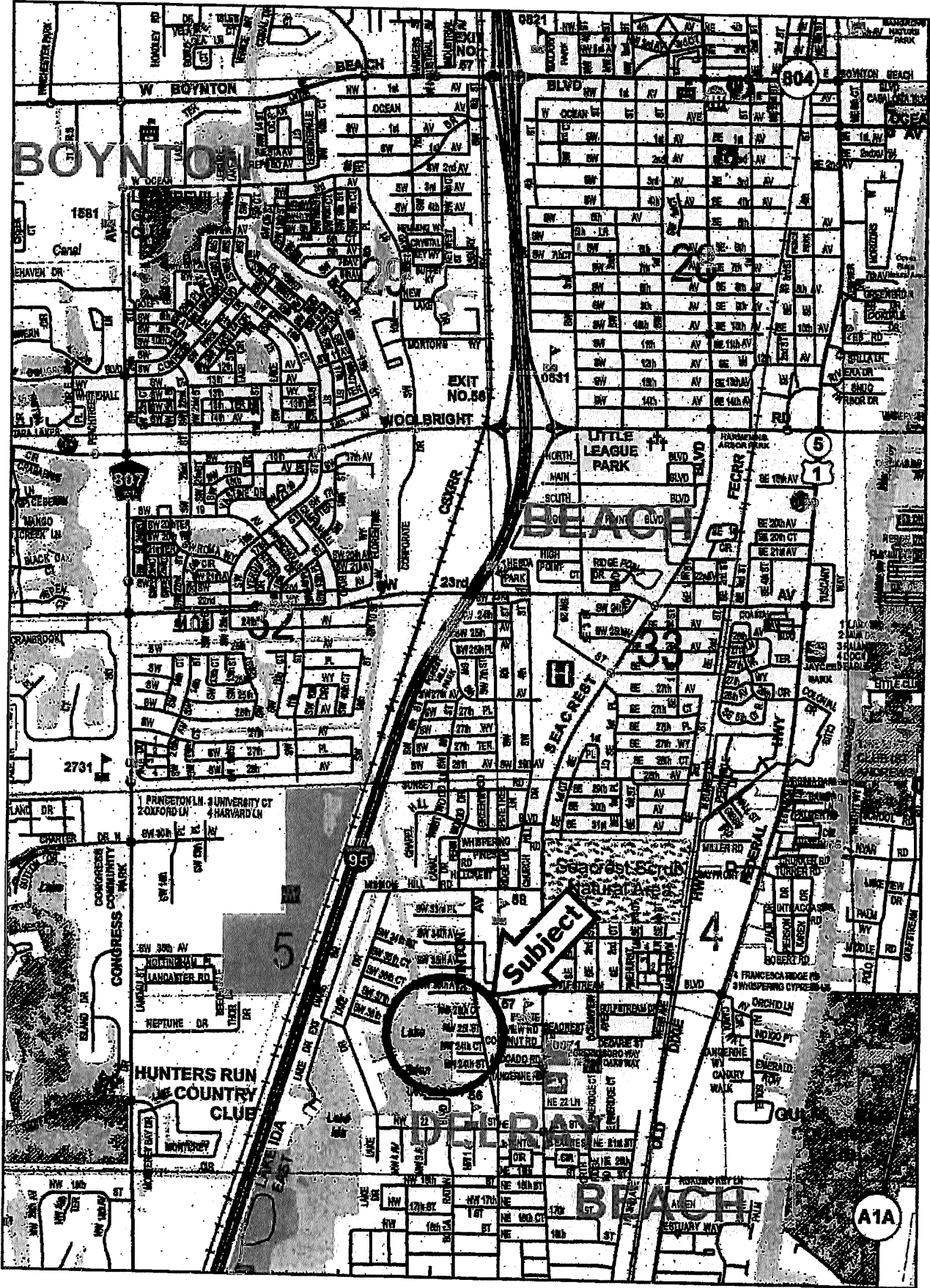
TWP 45

TWP 46

31

32

33



RNG 43

See pg 111

RNG 43

LOCATION MAP



Attachment 2

(5 pages)

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

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AUTHORIZING A CORRECTIVE COUNTY DEED FOR THE PRIOR RECONVEYANCE OF CERTAIN REAL PROPERTY TO LAKE WORTH DRAINAGE DISTRICT, A SPECIAL TAXING DISTRICT OF THE STATE OF FLORIDA, AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the reconveyance of this property to the Lake Worth Drainage District (District) was previously approved by the Board on October 6, 2015, (R2015-1388); and

**WHEREAS**, the Property Appraiser's Office has determined that the legal description contains a scrivener's error and has requested said legal description be corrected; and

**WHEREAS**, the District is requesting that Palm Beach County ("County") reconvey the 0.039 acre of surplus real property using a corrected legal description to District for use by District for its purposes; and

**WHEREAS**, the Board of County Commissioners of Palm Beach County hereby finds that the 0.039 acre of real property should be reconveyed to the District as requested.

**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 re-convey to District by a Corrective County Deed, attached hereto 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

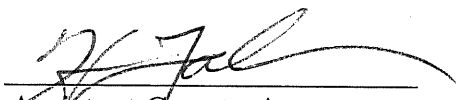
The Mayor thereupon declared the Resolution duly passed and adopted this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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

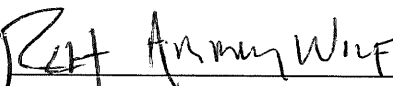
By:   
Department Director

EXHIBIT "A"  
CORRECTIVE COUNTY DEED

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

PCN: 00-43-46-05-000-5170 (a portion of)  
Purchase Price: \$0.00

**CORRECTIVE COUNTY DEED**

**THIS CORRECTIVE DEED IS BEING RECORDED FOR THE PURPOSE OF CORRECTING A SCRIVENER'S ERROR CONTAINED IN THE LEGAL DESCRIPTION OF THE COUNTY DEED RECORDED IN OFFICIAL RECORD BOOK 27866, PAGE 1946 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.**

**This CORRECTIVE 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 **LAKE WORTH DRAINAGE DISTRICT**, a special Taxing District existing under the laws of the State of Florida, whose legal mailing address is 13081 Military Trail, Delray Beach, FL 33484-1105, "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, its successors and assigns forever, the following described land lying and being in Palm Beach County, Florida:

See **Exhibit "A"** attached hereto and made a part hereof.

**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**

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

(OFFICIAL SEAL)

G:\PREM\Dev\Open Projects\PR-Lake Ida - PB\LWDD - Gallik\CorrectiveCounty Deed. hf app 8-13-2018.docx

EXHIBIT "A"

LEGAL DESCRIPTION


A PARCEL OF LAND IN SECTION 5, TOWNSHIP 46 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF LOT 4, ACCORDING TO LAKE EDEN SUBDIVISION PLAT NO. 3, AS RECORDED IN PLAT BOOK 29, PAGE 219, OF THE PUBLIC RECORDS OF SAID PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 00°45'36" EAST, ALONG THE WEST LINE OF SAID LOT 4, A DISTANCE OF 135.02 FEET TO THE SOUTHWEST CORNER OF SAID LOT 4; THENCE SOUTH 88°09'27" WEST, ALONG THE WESTERLY PROLONGATION OF THE SOUTH LINE OF SAID LOT 4, A DISTANCE OF 12.57 FEET TO THE WET (WEST) SIDE OF A WOODEN SEAWALL; THENCE ALONG THE SAID WET (WEST) SIDE OF SAID SEAWALL BY THE FOLLOWING THREE COURSES AND DISTANCES; THENCE NORTH 17°40'21" WEST A DISTANCE OF 7.05 FEET; THENCE NORTH 00°45'36" WEST A DISTANCE OF 105.91 FEET; THENCE NORTH 72°31'35" EAST A DISTANCE OF 12.34 FEET TO THE INTERSECTION WITH THE WATER'S EDGE OF "LAKE EDEN"; THENCE NORTH 00°45'36" WEST, ALONG SAID WATER'S EDGE, A DISTANCE OF 19.00 FEET, TO THE INTERSECTION WITH THE WESTERLY PROLONGATION OF THE NORTH LINE OF AFORESAID LOT 4; THENCE NORTH 88°09' 27" EAST, ALONG LASTLY SAID LINE A DISTANCE OF 2.80 FEET TO THE POINT OF BEGINNING

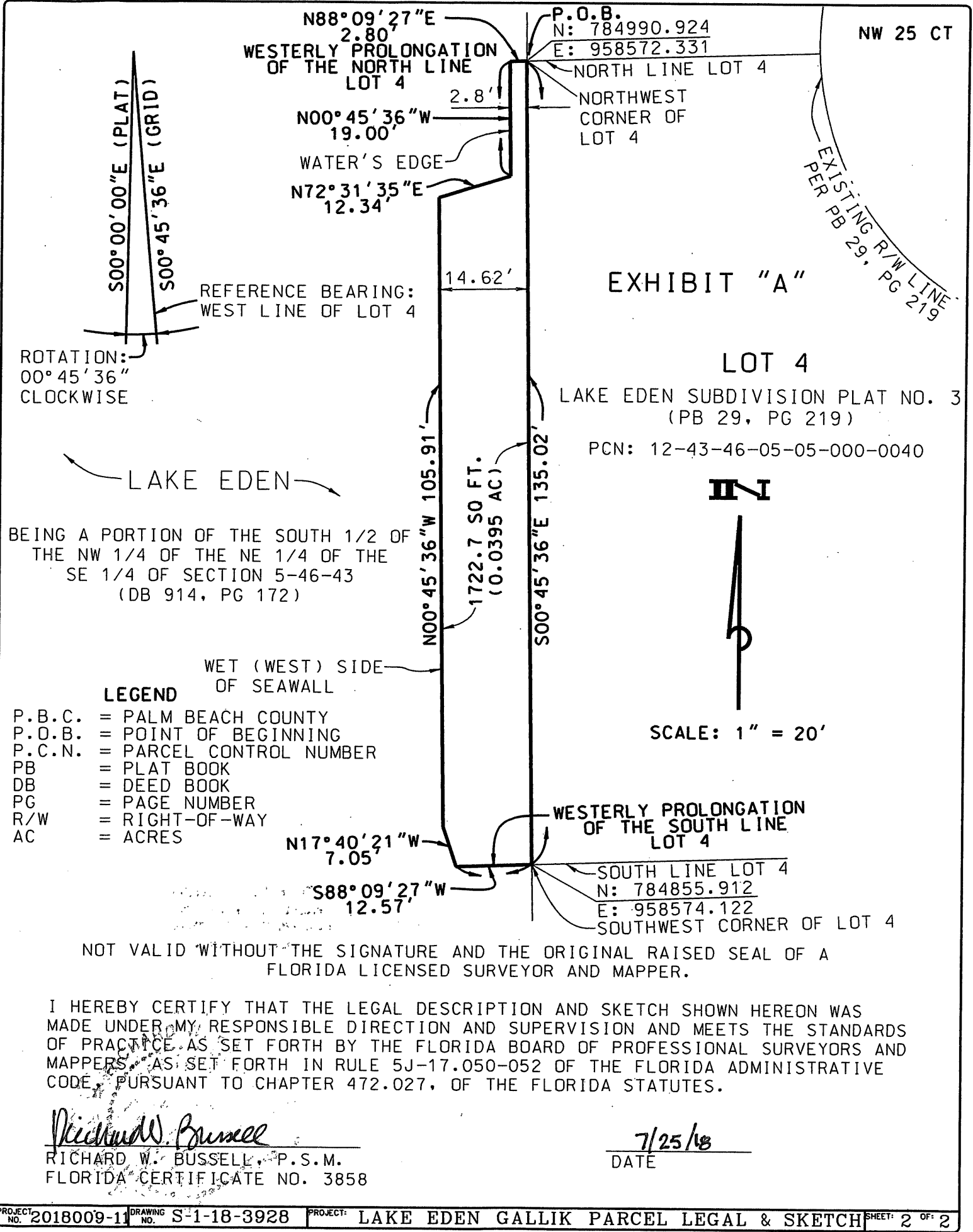
CONTAINING 1,722.7 SQUARE FEET, OR 0.0395 ACRES, MORE OR LESS.

SURVEYOR'S NOTES:

- 1. THIS IS NOT A BOUNDARY SURVEY, BUT A GRAPHIC DEPICTION OF THE ATTACHED LEGAL DESCRIPTION. THERE HAS BEEN NO FIELD WORK, VIEWING OF THE SUBJECT PROPERTY, OR MONUMENTS SET IN CONJUNCTION WITH THE PREPARATION OF THIS LEGAL DESCRIPTION AND SKETCH.
- 2. THE BEARINGS SHOWN HEREON ARE BASED ON A GRID (NAD 83, 1990) BEARING OF THE WEST LINE OF LOT 4, OF LAKE EDEN SUBDIVISION PLAT NO. 3, HAVING A BEARING OF SOUTH 00°45'36" EAST, ALL BEARINGS SHOWN HEREON ARE RELATIVE THERETO.
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- 4. COORDINATES SHOWN ARE GRID  
DATUM = NAD 83, 1990 ADJUSTMENT  
ZONE = FLORIDA EAST  
LINEAR UNITS = US SURVEY FOOT  
COORDINATE SYSTEM 1983 STATE PLANE TRANSVERSE MERCATOR PROJECTION  
ALL DISTANCES ARE GROUND.  
PROJECT SCALE FACTOR = 1.0000462  
GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE  
ROTATION EQUATION: GRID BEARING TO PLAT BEARNG = 00°45'36" CLOCKWISE
- 5. THE INTENDED PLOT SCALE OF THIS DRAWING IS 1" = 20', ON AN 8.5" X 11.0" SHEET.

PROJECT NO. 2018009-11	SHEET: 1 OF 1	PROJECT:  LAKE EDEN GALLIK PARCEL LEGAL & SKETCH		SCALE: 1" = 20' APPROVED: G.W.M. DRAWN: W.D.S. CHECKED: R.W.B. DATE: 07/24/18	NO.	REVISION	BY	DATE		PALM BEACH COUNTY ENGINEERING AND PUBLIC WORKS  ROADWAY PRODUCTION  2300 NORTH JOG ROAD WEST PALM BEACH, FL 33411
		DESIGN FILE NAME S-1-18-3928.DGN	DRAWING NO. S-1-18-3928							





ATTACHMENT 3  
(3 PAGES)

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

PCN: 00-43-46-05-00-000-5170 (a portion of)  
Purchase Price: \$0.00

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### **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**

By:   
Assistant County Attorney

(OFFICIAL SEAL)

G:\PREM\Dev\Open Projects\PR-Lake Ida - PB\LWDD - Gallik\CorrectiveCounty Deed. hf app 8-13-2018.docx

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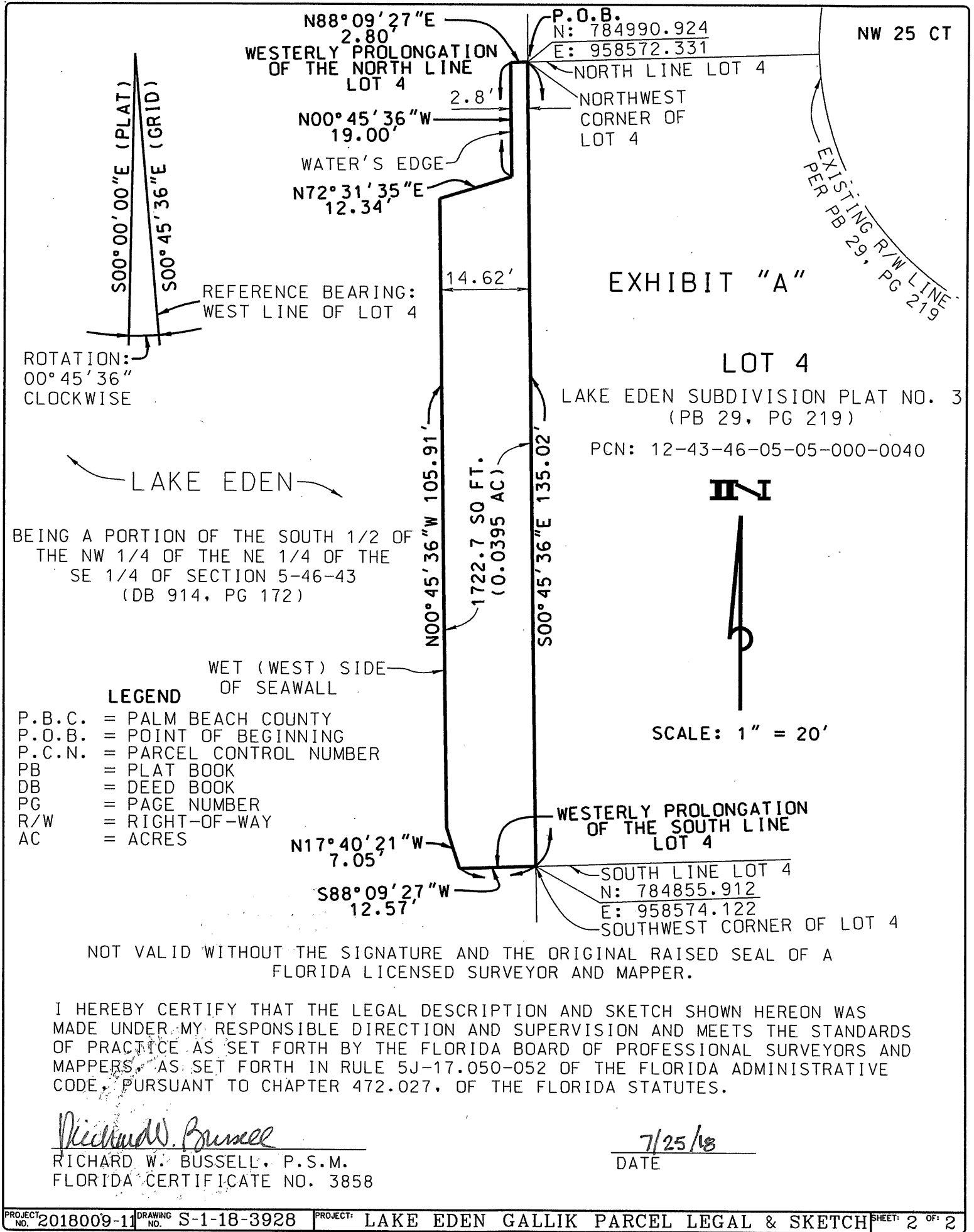
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PROJECT NO. 2018009-11	SHEET: 2	OF: 1	PROJECT:  LAKE EDEN GALLIK PARCEL LEGAL & SKETCH		DATE 07/24/18	SCALE: 1" = 20'	APPROVED: G.W.M. DRAWN: W.D.S. CHECKED: R.W.B.	FIELD BOOK NO. N/A	NO.	REVISION	BY	DATE		PALM BEACH COUNTY ENGINEERING AND PUBLIC WORKS  ROADWAY PRODUCTION  2300 NORTH JOG ROAD WEST PALM BEACH, FL 33411
			DESIGN FILE NAME S-1-18-3928.DGN	DRAWING NO. S-1-18-3928										





LAKE WORTH DRAINAGE DISTRICT  
13081 MILITARY TRAIL  
DELRAY BEACH, FLORIDA 33484 -1105

Board of Supervisors  
James M. Alderman  
Joyce D. Haley  
Jeffrey P. Phipps, Sr.  
Harry Raucher  
John I. Whitworth III  
Executive Director  
Robert M. Brown  
Attorney  
Mark A. Perry, P.A.

May 12, 2015

Ross C. Hering, Director, PREM, FD&O  
Palm Beach County  
Property & Real Estate Management Division  
2633 Vista Parkway  
West Palm Beach, FL 33411-5605

**Re: Proposed Conveyance of a portion of Deed Book 914, PG 172  
North of Lake Ida Road; Located on the east side of Lake Eden  
Adjacent to Lots 4, LAKE EDEN SUBDIVISION PLAT NO 3, PB 29, PG 219  
LWDD E-4 Canal (flowage through Lake Eden)  
LWDD Project No. 14-9589P.01**

Dear Mr. Hering:

Based on conversations with Mr. Peter Banting, and a request from Mr. Gallik, the adjacent property owner, the Lake Worth Drainage District (LWDD) would like to request a portion of Deed Book 914, PG 172 to be conveyed back to LWDD.

In a deed recorded July 20, 1950 LWDD conveyed lands to Palm Beach County for park purposes. Said deed recorded in Deed Book 914, PG 172, stated that if said lands were not used for park purposes then they are to revert to LWDD.

The portion of Deed Book 914, PG 172, that LWDD is requesting to be conveyed back to LWDD contains 1,722.76 square feet, more or less, and is shown on the attached signed and sealed sketch of description.

If you have any questions or concerns, please contact me at this office.

Sincerely,

Nicole A. Smith  
Right-of-Way Coordinator II

: Enclosures

Attachment 4  
Page 1 of 1

Phone: (561) 498-5363 • Fax (561) 495-9694 • [www.LWDD.net](http://www.LWDD.net)