

54-1

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date:	December 4, 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 the County's interest in 1.33 acres of vacant land located in unincorporated Palm Beach County to Norberto L. Lopez and Maria M. Lopez, husband and wife (the Lopezes), for \$22,524.87 without reservation of phosphate, mineral, metals, and petroleum rights; and

B) approve a County Deed in favor of the Lopezes.

Summary: On June 13, 2016, the County acquired via Escheatment Tax Deed a vacant 1.33 acre County owned parcel located at 40th Street North in Royal Palm Beach. The County owned parcel is adjacent to a parcel owned by the Lopezes and used as their primary residence. In March 2004, the Lopezes purchased two (2) parcels – the County owned parcel and a 1.33 acre adjoining parcel containing a 1,560 sf single family residence. Due to an economic hardship and the failing health of Mr. Lopez, the Lopezes were financially unable to pay taxes on both parcels and chose to only pay taxes on their homesteaded residence. The Lopezes have recovered economically and request that the County re-convey the County owned parcel per Florida Statutes, Section 197.592(1), which allows for the conveyance to the prior fee simple title owner. The County owned parcel has a 2018 assessed value of \$19,811. The Lopezes will pay \$22,524.87, equal to the taxes for the years 2007 through 2018. Staff recommends the conveyance of this parcel to the Lopezes as: (i) the parcel serves no present or future County purpose; (ii) the County will receive payment of all delinquent taxes; (iii) the property will be returned to the tax roll; and (iv) it will relieve the County of potential liability for occurrences on the property. **This conveyance must be approved by a Supermajority Vote (5 Commissioners). (PREM) District 6 (HJF)**

Background and Policy Issues: The County acquired the County owned parcel via Escheatment Tax Deed due to non-payment of property taxes by the Lopezes. The County owned parcel is bisected by an FPL transmission line easement which makes it difficult to develop as a standalone parcel. In accordance with Florida Statutes, Section 197.592(1), the Lopezes request that the County re-convey the parcel to them in exchange for payment of delinquent taxes, together with interest and costs. Ad valorem taxes for 2018 were not assessed against the County owned parcel, but were calculated at the same millage rate as the Lopezes' adjoining parcel at the assessed value of \$19,811 assigned to the County owned parcel. The amount of \$22,524.87 represents taxes for the years 2007-2009 (\$11,912.43), 2010-2017 (\$10,288.12) and 2018 (\$324.32), less the 2% discount rate (\$6.62). Closing is anticipated to occur in January 2019. A Disclosure of Beneficial Interests is not required for this transaction as Norberto L. Lopez and Maria M. Lopez are individuals.

Attachments:

1. Location Map
2. Resolution (with Exhibit A)
3. County Deed
4. Request Letter from Maria Lopez

Recommended By:	<u>Army Wong</u> Department Director	<u>11/21/18</u> Date
Approved By:	<u>JCBaker</u> County Administrator	<u>11/27/18</u> Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2019	2020	2021	2022	2023
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	<u>(\$22,525)</u>	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u><u>(\$22,525)</u></u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</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 <u>0001</u>	Dept <u>410</u>	Unit <u>4240</u>	Rev <u>6422</u>	
	Program _____				

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

The amount of \$22,524.87 represents taxes for the years 2007-2009 (\$11,912.43), 2010-2017 (\$10,288.12) and 2018 (324.32), less the 2% discount rate (\$6.62). Taxes for the years 2007-2009 is the payoff amount for the tax deed application filed by the Clerk's Office in December 2011 and do not include accrued interest or costs after the tax deed application was certified by the Clerk.


OK addition, FAVE, OFNA 11/5/18

Fixed Assets Number H07941

C. Departmental Fiscal Review:

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:


 OFMB 11/2/18 11/4 SP11/8

Ann L. Lawrence 11/21/18
Contract Development and Control
11/21/18 *TL*

B. Legal Sufficiency:

H. J. L. 11/27/18
Assistant County Attorney

C. Other Department Review:

Department Director

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

TWP 43

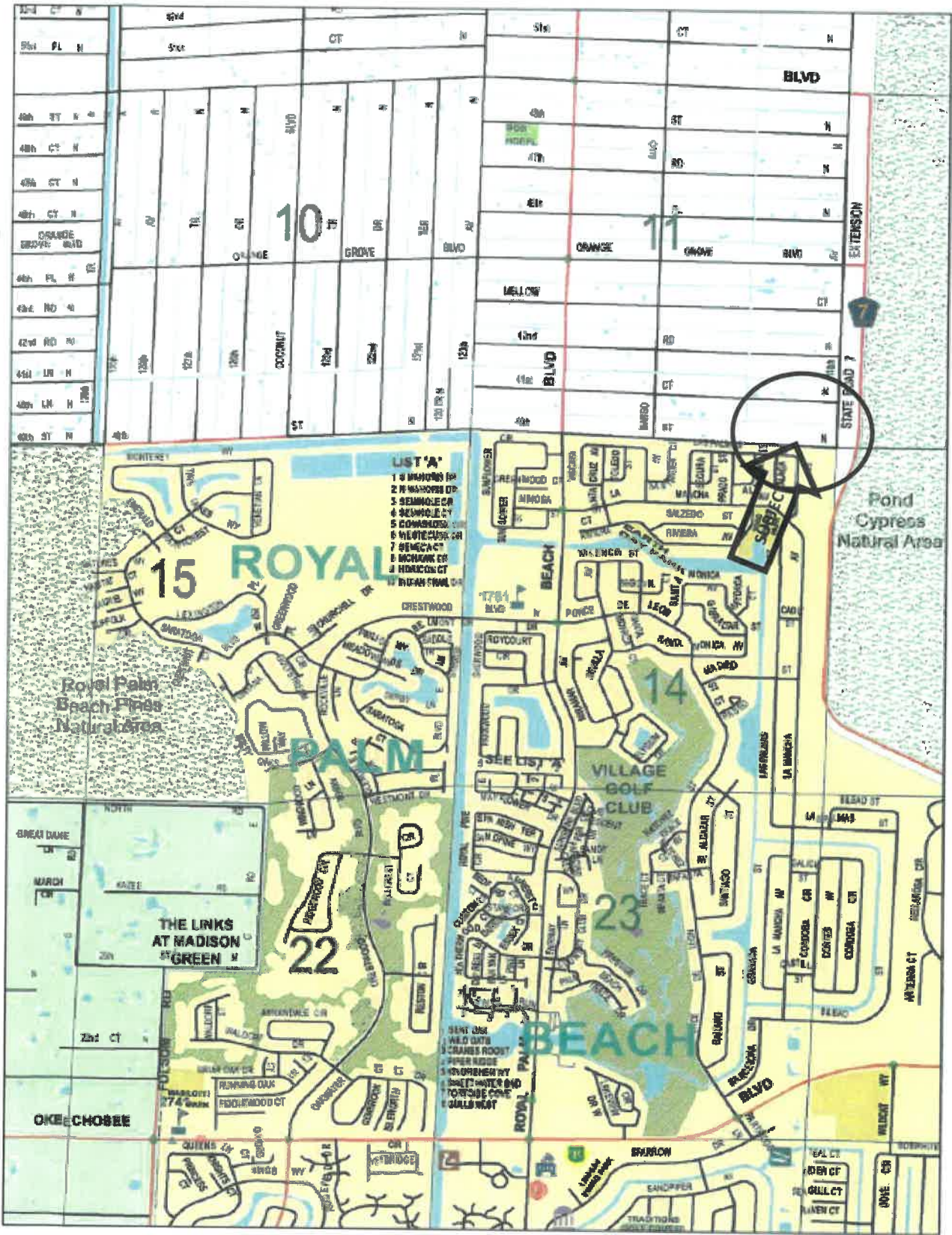
TWP 43

TWP 43

16

17

18



RNG 41

See pg 86

RNG 41

Page 54

LOCATION MAP



Attachment #1

Attachment #2
Resolution (5 pages)

RESOLUTION NO. _____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY TO NORBERTO L. LOPEZ AND MARIA M. LOPEZ PURSUANT TO FLORIDA STATUTES, SECTION 197.592(1), FOR PAYMENT OF ALL DELINQUENT TAXES, TOGETHER WITH INTEREST AND COSTS; WITHOUT RESERVATION OF MINERAL AND PETROLEUM RIGHTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the County owns a 1.33 acre vacant surplus parcel (Surplus Parcel) located at 40th Street North in Royal Palm Beach, which was acquired in June 2016 for delinquent taxes via Escheatment Tax Deed, Certificate Number 2760, as recorded in Official Record Book 28363, Page 1005 of the public records of Palm Beach County; and

WHEREAS, in March 2004, Norberto L. Lopez and Maria M. Lopez (Lopez), husband and wife, acquired two (2) adjoining parcels, the Surplus Parcel and a 1.33 acre parcel, located at 4035 110th Avenue N., Royal Palm Beach, as recorded in Official Record Book 16764, Page 1106 of the public records of Palm Beach County; and

WHEREAS, due to Mr. Lopez's failing health and economic hardship, taxes for the Surplus Parcel went unpaid; and

WHEREAS, prior to the Surplus Property escheating to the County, it was associated with the adjoining 1.33 acre parcel which is Lopez's homestead property; and

WHEREAS, Lopez has recovered economically and has requested the County convey the Surplus Parcel to them; and

WHEREAS, Florida Statutes Section 197.592(1) states that under certain conditions, the County may convey to the record prior fee simple title owner of said land upon written application and payment of all taxes, including municipal taxes and liens, which had become delinquent, together with interest and costs; and

WHEREAS, the subject lands have not been previously sold, acquired for infill housing, or dedicated by the Board of County Commissioners; and

WHEREAS, pursuant to Florida Statute Section 270.11, Lopez 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 has agreed 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 Lopez, for payment of all delinquent taxes, together with interest and costs representing taxes for the years 2007 through 2018 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:

District 1:	Hal R. Valeche
District 2:	Gregg K. Weiss
District 3:	Dave Kerner
District 4:	Robert S. Weinroth
District 5:	Mary Lou Berger
District 6:	Melissa McKinlay
District 7:	Mack Bernard

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

G:\PREM\PM\Dispositions\40th Street RPB - Lopez\Resolution. hf app 10-18-2018.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: 00-41-43-11-00-000-6250

Closing Date: _____

Purchase Price: _____ \$ _____

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 **NORBERTO L. LOPEZ and MARIA M. LOPEZ**, whose legal mailing address is 4035 110th Avenue N., Royal Palm Beach, 33411-9161 "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, has granted, bargained and sold to Grantee, his heirs and assigns forever, the following described land lying and being in Palm Beach County, Florida:

**11-43-41, W ½ OF SE ¼ OF SE ¼ OF SE ¼ OF SE ¼ A/K/A
A-143**

**THE ABOVE BEING THE REAL PROPERTY
DESCRIBED UNDER TAX CERTIFICATE NUMBER
2760 IN THE TAX DEED RECORDED IN OFFICIAL
RECORD BOOK 28363, PAGE 1005, PUBLIC RECORDS
OF PALM BEACH COUNTY, FLORIDA.**

Property Identification Number: 00-41-43-11-00-000-6250

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: _____
, 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: 00-41-43-11-00-000-6250

Closing Date: _____

Purchase Price: _____ \$

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A-143**

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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: _____
, Mayor

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

(OFFICIAL SEAL)

By: 
Chief Assistant County Attorney

Attachment #4
Request Letter from Maria Lopez (1 page)

May 11th, 2018

RE: Street RPB Tax Deed FS1097.592 (1) reconveyance to original owner

Mr. Ross Hering,

My name is Maria Lopez and I have been communicating with Mr. Richard Bogatin for over a year now in regards to my land situated in Palm Beach County;

a) 11-43-41, W 1/2 OF SE 1/4 OF SE 1/4 OF SE 1/4 A/K/A A-143

Property Identification Number: 00-41-43-11-00-000-6250

b) Maria Lopez

c) I stopped making the tax payments due to a hardship when the economy plunged. My husband is elderly and sick and couldn't work anymore which left me no choice than to choose between making my primary home tax payments or this empty land. I lost this land through ESCHEATMENT TAX DEED back in June 2008.

d) I am able and willing to offer and pay the back taxes to reconvey in my name.

I wasn't aware or knowledgeable about being able to pay this and purchase this land again until about a year ago I started looking into paying back those taxes and get this land back in my name.

That's when I contacted Mr. Bogatin and we have been exchanging emails and conversations of how the city could work something out with me to reconvey back to me, the original owner.

Please let me know if you need anything else, do not hesitate to contact me.

Thanking you in advance,

Maria Lopez

Mailed to Ross C. Hering, Director 2633 Vista Parkway West Palm Beach, FL 33411-5605 (561) 233-0214
Phone (561) 233-0210 Fax

2018			
	Taxable Value	Mililage Rate	Tax Amount
COUNTY			
County Operating	19.811	4.5537	\$ 90.21
County Debt	19.811	0.1165	\$ 2.31
Fire Rescue	19.811	3.2966	\$ 65.31
Library Operating	19.811	0.5247	\$ 10.39
Library Debt	19.811	0.0410	\$ 0.81
PUBLIC SCHOOLS			
By State Law	19.811	4.0883	\$ 80.99
By Local Board	19.811	2.3911	\$ 47.37
MUNICIPALITY			
INDEPENDENT SPEC DIST			
So. Fla. Water Mgmt. Basin	19.811	0.1310	\$ 2.60
So. Fla. Water Mgmt. Dist.	19.811	0.1209	\$ 2.40
Everglades Construction	19.811	0.0417	\$ 0.83
Fl. Inland Navigation District	19.811	0.0302	\$ 0.60
Children Services Council	19.811	0.6266	\$ 12.41
Health Care District	19.811	0.7424	\$ 14.71
TAX AMOUNT		16.7047	\$ 330.94
2% disc will be applied in Jan-2019			-2%
			\$ 324.32

$\$330.94 \times 2\% = \6.62

TDA payoff for years 2007 thru 2009 on the day it was certified by the Clerk was \$11,912.43, which does not included accrued interest or costs after the TDA was certified by the Clerk.

Closing Jan-2019	
TDA Amount	\$ 11,912.43
2010	\$ 2,300.92
2011	\$ 1,864.08
2012	\$ 1,344.16
2013	\$ 1,263.11
2014	\$ 1,546.66
2015	\$ 1,239.96
2016	\$ 366.77
2017	\$ 362.46
2018	\$ 324.32
	\$ 22,524.87