

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

Meeting Date:	April 2, 2019	<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 issuance of a Corrective County Deed to the City of West Palm Beach to correct the legal description of a 0.04 acre of real property previously conveyed to the City; and



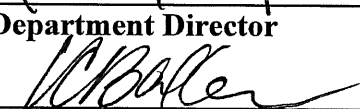
B) approve a Corrective County Deed in favor of the City.

Summary: In November 1997, the County acquired a 0.04 acre surplus parcel via Tax Deed. On December 05, 2000 (R-2000-1981), the Board approved the conveyance of the 0.04 acre surplus parcel to the City. The parcel is located near 9th Street and North Tamarind Avenue in West Palm Beach. The City discovered a scrivener's error in the legal description and has requested that the County execute a Corrective County Deed. As the error originated in the tax rolls, County staff requested that the Clerk and Comptroller provide a Corrective Tax Deed. On February 26, 2019, the Clerk's office recorded a Corrective Escheatment Tax Deed to correct the scrivener's error contained in the legal description within the 1997 tax deed. This Corrective County Deed with the corrected legal description will re-convey the surplus parcel to the City, at no charge, without reservation of phosphate, mineral, metals, and petroleum rights. **This re-conveyance must be approved by a Supermajority Vote (5 Commissioners) pursuant to the PREM Ordinance. (PREM) District 7 (HJF)**

Background and Policy Issues: In November 1997, the County acquired a 0.04 acre surplus parcel located near 9th Street and North Tamarind Avenue in West Palm Beach for delinquent taxes via Tax Deed, Certificate Number 13475, as recorded in Official Record Book 10094, Page 177. In December 2000, (R-2000-1981) the County conveyed the 0.04 acre surplus parcel to the City by County Deed as recorded in Official Record Book 12352, Page 831. Both the City and PREM agree that there is a scrivener's error in the legal description contained in both deeds referenced above. In order for the County to process the City's request, the County requested a Corrective Escheatment Tax Deed from the Clerk. As requested, the Clerk provided a Corrective Escheatment Tax Deed as recorded on February 26, 2019, in Official Record Book 30438, Page 1132. This Corrective County Deed will re-convey the surplus parcel to the City and correct the scrivener's error. No Disclosure of Beneficial Interest is required since the transaction is between the County and another governmental entity.

Attachments:

1. Location Map
2. Corrective Escheatment Tax Deed (Official Record Book 30438, Page 1132)
3. Resolution
4. Corrective County Deed

Recommended By:			<u>3/4/19</u>
		Department Director	Date
Approved By:			<u>3/25/19</u>
		County Administrator	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	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>---(0)---</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
# 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 _____ Dept _____ Unit _____ Object _____
Program _____

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

No fiscal impact.

Fixed Assets Number _____

C. Departmental Fiscal Review:

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

Reuben Bena 3/19/19 U. J. Jarolunt 3/22/19
OFMB ASD 3/19 Contract Development and Control 3/22/19
3/18

B. Legal Sufficiency:

[Signature] 3/25/19
Assistant County Attorney

C. Other Department Review:

Department Director

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

74-43-43-16-01-006-0024



LOCATION MAP

ATTACHMENT 2

Corrective Escheatment Tax Deed (Official Record Book 30438, Page 1132)

1 Page



CFN 20190066159

OR BK 30438 PG 1132
RECORDED 02/26/2019 11:46:54
Palm Beach County, Florida
Sharon R. Bock, CLERK & COMPTROLLER
Pg 1132 (1pg)

STATE OF FLORIDA, COUNTY OF PALM BEACH
Tax Deed Certificate Number 1987-13475
Property Control No. 74-43-43-16-01-006-0024

CORRECTIVE ESCHEATMENT TAX DEED

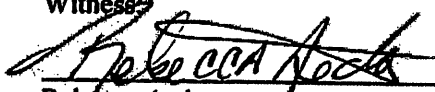
THIS CORRECTIVE ESCHEATMENT TAX DEED IS BEING RECORDED FOR THE PURPOSE OF CORRECTING A SCRIVENER'S ERROR CONTAINED IN THE LEGAL DESCRIPTION OF THE TAX DEED RECORDED IN OFFICIAL RECORD BOOK 10094, PAGE 177 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

This Corrective Escheatment Tax Deed is issued pursuant to Section 197.502(8), Florida Statutes, wherein the statutorily required number of years have passed from the day the subject land was offered for public sale and placed on the list of "lands available for taxes" in accordance with Section 197.502(7), Florida Statutes, without having been purchased. As provided in Section 197.502(8), Florida Statutes, the property has escheated to the County free and clear of any and all tax certificates, tax liens or any other liens of record, including governmental liens, which liens are deemed canceled pursuant to said statute.

Now, on this day, the undersigned Clerk & Comptroller conveys to Palm Beach County through its Board of County Commissioners, whose address is: c/o Property & Real Estate Management Division, 2633 Vista Parkway, West Palm Beach, FL 33411-5605, together with all hereditaments, buildings, fixtures, and improvements of any kind and description, the following legally described land situated in Palm Beach County, Florida:

SOUTH 70 FEET, OF THE EAST 26 FEET, LOT 2, BLOCK 6, AMENDED PLAT OF THE FRESHWATER ADDITION TO THE TOWN OF WEST PALM BEACH, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 6, PAGE 29, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

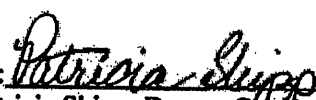
Witness:

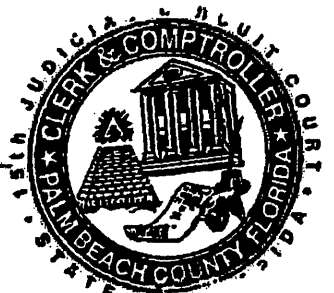

Rebecca Aedo


Montrece A. Thomas

County of Palm Beach

Sharon R. Bock, Clerk & Comptroller
Palm Beach County, Florida

by: 
Patricia Shipp, Deputy Clerk
205 N. Dixie Hwy, Room 3.23
West Palm Beach, FL 33401



On February 26, 2019, before me, Deborah A. Compitello, a Notary Public, personally appeared Patricia Shipp, Deputy Clerk, in and for the State of Florida and this county, known to me to be the person described in, and who executed the foregoing instrument, and acknowledged the execution of this instrument to be her own free act and deed for the use and purpose therein mentioned.

Witness my hand and seal date aforesaid.


Deborah A. Compitello, Notary Public



DEBORAH A. COMPITELLO
Commission # GG 171351
Expires January 25, 2022

ATTACHMENT 3

Resolution

4 Pages

RESOLUTION NO. _____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AUTHORIZING A CORRECTIVE COUNTY DEED FOR THE PRIOR CONVEYANCE OF CERTAIN REAL PROPERTY TO THE CITY OF WEST PALM BEACH, A MUNICIPAL CORPORATION OF THE STATE OF FLORIDA, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in November 1997, the County acquired a 0.04 acre vacant parcel of land located at 9th Street and Tamarind Avenue in West Palm Beach, via Tax Deed, Certificate Number 13475, as recorded in Official Record Book 10094, Page 177 of the public records of Palm Beach County; and

WHEREAS, in December 2000, the County conveyed the 0.04 acre surplus property by County Deed to the City of West Palm Beach (“City”), as recorded in Official Record Book 12352, Page 831, of the public records of Palm Beach County; and

WHEREAS, the City and County have determined that the legal description contained in the Tax Deed contains a scrivener’s error; and

WHEREAS, County staff requested that the Clerk and Comptroller’s Office issue a Corrective Escheatment Tax Deed with a corrected legal description; and

WHEREAS, on February 26, 2019, the Clerk and Comptroller’s Office issued a Corrective Escheatment Tax Deed, Certificate Number 1987-13475, which corrected the legal description, as recorded in Official Record Book 30438, Page 1132, of the public records of Palm Beach County; and

WHEREAS, the City is requesting that Palm Beach County (“County”) re-convey to the City the 0.04 acre of real property using the corrected legal description; and

WHEREAS, the Board of County Commissioners of Palm Beach County hereby finds that the 0.04 acre of real property should be re-conveyed to the City 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 City by a Corrective 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 Mack Bernard , Mayor
Commissioner Dave Kerner, Vice Mayor
Commissioner Hal R. Valeche
Commissioner Gregg K. Weiss
Commissioner Robert S. Weinroth
Commissioner Mary Lou Berger
Commissioner Melissa McKinlay

The Mayor thereupon declared the Resolution duly passed and adopted this ____ day of _____, 2019.

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

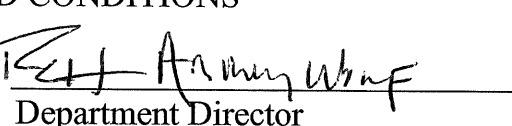
By: 
Department Director

EXHIBIT "A"
CORRECTIVE COUNTY DEED

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

PCN: 74-43-43-16-01-006-0024

CORRECTIVE COUNTY DEED

THIS CORRECTIVE COUNTY 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 12352, PAGE 831 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, party of the first part, and **CITY OF WEST PALM BEACH**, a municipal corporation of the State of Florida, whose legal mailing address is 401 Clematis Street, West Palm Beach, Florida 33401-4799, party of the second part.

W I T N E S S E T H:

That the said party of the first part, in accordance with Florida Statute 197.592(3) and for other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, has granted, bargained and sold to the party of the second part, its successors and assigns forever, the following described land lying and being in Palm Beach County, Florida:

South 70 feet of the East 26 feet, Lot 2, Block 6, Amended Plat of the Freshwater Addition to the Town of West Palm Beach, according to the Plat recorded in Plat Book 6, Page 29, public records of Palm Beach County, Florida.

IN WITNESS WHEREOF, the party of the first part 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: _____
Mack Bernard, Mayor

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

(OFFICIAL SEAL)

By: _____
Assistant County Attorney

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ATTACHMENT 4
Corrective County Deed

1 Page

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: 74-43-43-16-01-006-0024

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WITNESSETH:

That the said party of the first part, in accordance with Florida Statute 197.592(3) and for other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, has granted, bargained and sold to the party of the second part, its successors and assigns forever, the following described land lying and being in Palm Beach County, Florida:

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IN WITNESS WHEREOF, the party of the first part 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: _____
Mack Bernard, Mayor

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

(OFFICIAL SEAL)

By: 
Assistant County Attorney

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