

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**AGENDA ITEM SUMMARY**

**Meeting Date:** May 7, 2019

**Consent**

**Regular**

**Workshop**

**Public Hearing**

**Department:** Engineering and Public Works

**Submitted By:** Engineering and Public Works

**Submitted For:** Roadway Production Division

**I. EXECUTIVE BRIEF**

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

- A) adopt a Resolution authorizing the conveyance of Palm Beach County's (County) interest in a parcel of surplus right-of-way, within the property located at 2288 Edward Road (Parcel), to Edward Road Associates, LLC.
- B) approve a County deed in favor of Edward Road Associates, LLC.

**SUMMARY:** Adoption of the Resolution will authorize the approval of a county deed to convey by private sale, a parcel of surplus right-of-way of approximately 1,897 square feet to Edward Road Associates, LLC for no cost. The County deed will reserve an interest in phosphates, minerals, metals, and petroleum rights per Florida Statutes Section 270.11, but without rights of entry and exploration.

Edward Associates, LLC has requested the County convey the Parcel since the County has never used it and has no future plans to. The Parcel is being conveyed pursuant to Florida Statutes Section 125.35 (2). The Parcel is of insufficient size and shape to be issued a building permit for any type of development and, due to its location, is of use only to Edward Road Associates, LLC. Per the Statute and aforementioned criteria, the County can affect a private sale. This conveyance will relieve the County of potential liability and the cost of maintenance of this Parcel. All purchases, sales and exchanges of real estate must be approved by a **super majority vote** (5 Commissioners) pursuant to County Ordinance 2009-052. District 1 (YBH)

**Background and Justification:** In 1984, the subject Parcel was donated to the County for a Municipal Service Taxing Unit (MSTU) project for Edward Road. The Parcel was not utilized as part of the MSTU project, and in 1994 the lien was satisfied. Edward Road Associates, LLC has requested the Parcel be conveyed since it is not being used for County purposes. The Engineering Department has determined that the Parcel is surplus and serves no present or future County purpose.

**Attachments:**

1. Location Map
2. Resolution
3. County Deed with Exhibit "A"

**Recommended by:**

David Z. Hill  
County Engineer

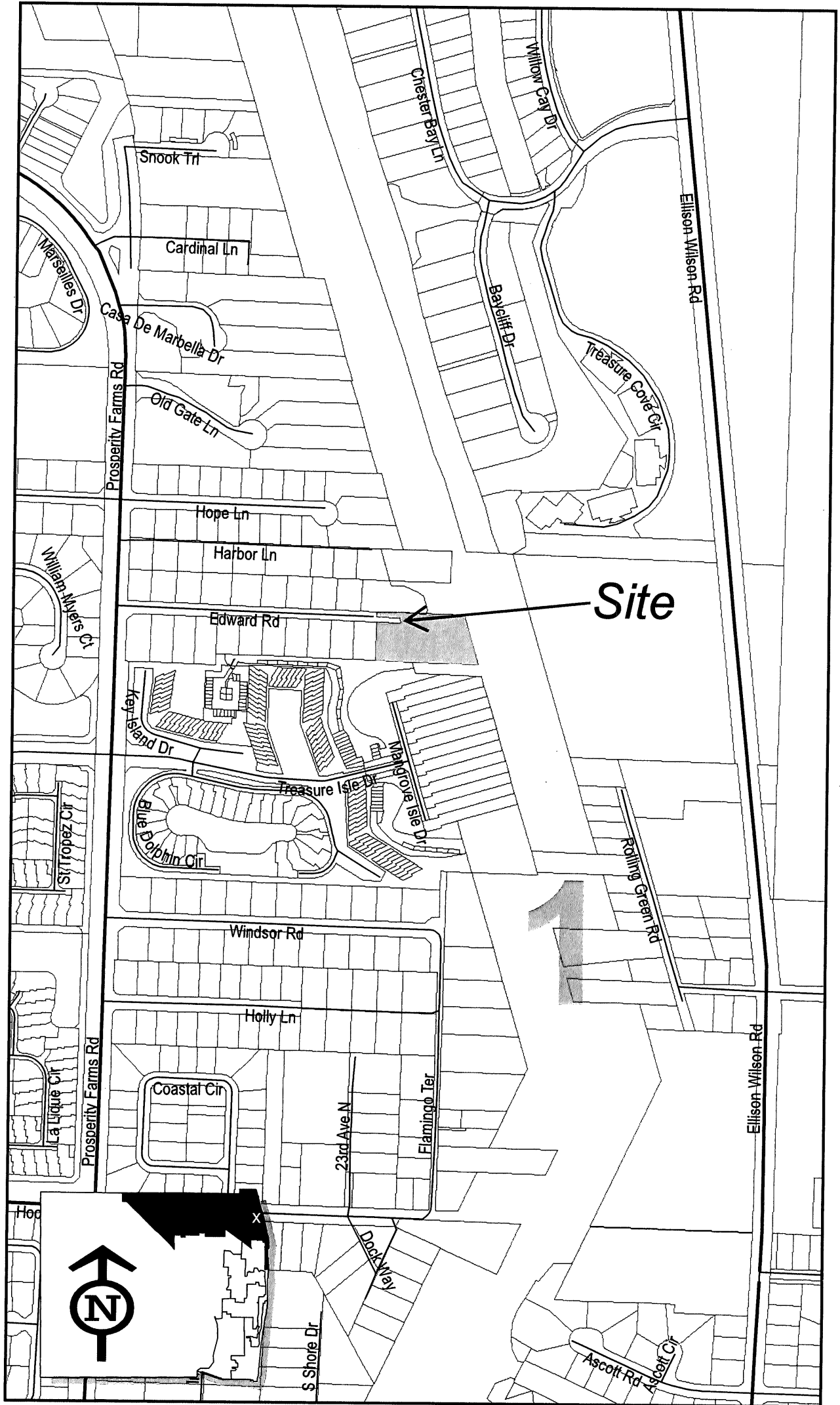
4/23/19  
Date

**Approved by:**

[Signature]  
Assistant County Administrator

4/29/19  
Date





0 500 1,000 1,500 2,000 2,500 Feet  
**Location Map**

**RESOLUTION NO. 2019 - \_\_\_\_\_**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY TO EDWARD ROAD ASSOCIATES, LLC, PURSUANT TO FLORIDA STATUTE SECTION 125.35(2), FOR NO COST, WITH MINERAL AND PETROLEUM RIGHTS RESERVATION WITHOUT RIGHTS OF ENTRY AND EXPLORATION, AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Palm Beach County (County) owns a parcel of surplus right-of-way (containing approximately 1,897 square feet) located at 2288 Edward Road Palm Beach Gardens, Florida 33410 (Parcel); and

**WHEREAS**, the Board of County Commissioners (BCC) hereby finds that such Parcel is of insufficient size and shape to be issued a building permit for any type of development to be constructed on such Parcel; and

**WHEREAS**, the BCC hereby finds that such Parcel is of use only to the adjacent property owner due to its size, shape, location and value; and

**WHEREAS**, the only adjacent property owner is Edward Road Associates (Grantee), which desires to accept the conveyance of the Parcel; and

**WHEREAS**, the BCC desires to affect a private sale of such Parcel to the Grantee pursuant to Florida Statute Section 125.35(2); and

**WHEREAS**, the BCC hereby agrees to convey such Parcel reserving phosphate, minerals, metals and petroleum rights, but releasing any and all rights of entry and exploration relating to such 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 BCC shall convey the Parcel to the Grantee for no cost pursuant to the County Deed, attached hereto as **Exhibit A** and incorporated herein.

**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.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

Sharon R. Bock, Clerk & Comptroller

BY: \_\_\_\_\_  
Yelizaveta B. Herman,  
Assistant County Attorney

BY: \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO TERMS  
AND CONDITIONS

BY: \_\_\_\_\_  
Division Director

Return via Palm Beach County interoffice mail to:  
Wildad Salomon, Right-of-Way Specialist  
Palm Beach County, Engineering & Public Works Department  
Acct. No.: 1010

This Instrument Prepared by:  
Yelizaveta B. Herman, Assistant County Attorney  
Palm Beach County Attorney's Office  
Post Office Box 21229  
West Palm Beach, Florida 33416-1229

Property Control Number: N/A

Purchase Price: \$0  
Closing Date: \_\_\_\_\_

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SPACE ABOVE THIS LINE FOR PROCESSING DATA

PROJECT NO.: ROW Adjacent to 2288 Edward Rd  
ROAD NAME: Edward Road  
PARCEL NO.: N/A

### COUNTY DEED

THIS DEED is made this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by **PALM BEACH COUNTY**, a political subdivision of the State of Florida, by and through its Board of County Commissioners, whose post office address is Post Office Box 21229, West Palm Beach, Florida 33416-1229, ("County"), to **EDWARD ROAD ASSOCIATES, LLC**, a Florida limited liability company, whose post office address is 3309 Fairmont Drive Nashville, TN 37203-1007, ("Grantee").

WITNESSETH: That County, for valuable consideration provided by the Grantee, receipt and sufficiency of which is hereby acknowledged, hereby grants its successors and assigns forever, the following described land lying and being in Palm Beach County, Florida, as follows:

Property more particularly described in Exhibit "A" attached hereto and made a part hereof.

Reserving, however, unto County, its successors and assigns, an undivided three-fourths (3/4) interest in, and title in and to an undivided three-fourths (3/4) interest in, all the phosphate, minerals, and metals that are or may be in, on, or under the said land and an undivided one-half (1/2) interest in all petroleum that is or may be in, on, or under said land, and releasing any and all rights of entry and exploration relating to such rights.

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 AND COMPTROLLER

By: \_\_\_\_\_  
Deputy Clerk

**APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY**

By: \_\_\_\_\_  
Yelizaveta B. Herman,  
Assistant County Attorney

**County:**

**PALM BEACH COUNTY,**  
a political subdivision of the State of Florida,  
by and through its Board of County Commissioners

By: \_\_\_\_\_  
Mack Bernard, Mayor

**(Official Seal)**

# SKETCH AND DESCRIPTION

(COVER & LEGAL DESCRIPTION) - PAGE 1 OF 2

**PROPERTY ADDRESS:**

2288 EDWARD ROAD  
WEST PALM BEACH, FL 33410

THE PURPOSE OF THIS SKETCH AND DESCRIPTION IS TO DESCRIBE THE EASTERLY PORTION OF THE RIGHT OF WAY FOR EDWARD ROAD TO BE CONVEYED.



**LEGAL DESCRIPTION:**

A 20 FOOT WIDE PARCEL OF LAND FOR ROAD RIGHT OF WAY PURPOSE IN THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 29, TOWNSHIP 41 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
THE SOUTH 20 FEET OF THE NORTH 290 FEET OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 29, LESS THE WEST 1037 FEET THEREOF AND LESS THAT PORTION OF THE SOUTH 20 FEET OF THE NORTH 290 FEET OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 29 LYING EAST OF THE WESTERLY RIGHT-OF-WAY LINE OF THE INTRACOASTAL WATERWAY.  
-CONTAINING 1888.2 SQUARE FEET OR 0.0433 ACRES MORE OR LESS

**NOTES:**

1. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN PERFORMED BY THIS OFFICE; IT IS POSSIBLE THAT THERE ARE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS, RESTRICTIONS OR OTHER INSTRUMENTS WHICH COULD AFFECT THE SUBJECT PROPERTY WHICH ARE UNKNOWN TO THE SIGNING SURVEYOR AND ARE NOT SHOWN ON THIS SURVEY.
6. THE BEARINGS SHOWN HEREON ARE GRID AND BASED ON THE NORTH/SOUTH 1/4 SECTION LINE OF SECTION 29, HAVING A BEARING OF N 01°26'46" E.

- STATE PLANE DATA -  
COORDINATES SHOWN ARE GRID DATUM  
DATUM = NAD 93, 1990 ADJUSTMENT  
ZONE = FLORIDA EAST,  
TRANSVERSE MERCATOR PROJECTION  
LINEAR UNIT = U.S. SURVEY FOOT  
COORDINATE SYSTEM = 1983 STATE PLANE  
SCALE FACTOR = 1.0000374  
ALL DISTANCES ARE GROUND  
GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE

**LEGEND**

- I.D. IDENTIFICATION
- L LENGTH
- L.B. LICENSED BUSINESS
- N.A.V.D. NORTH AMERICAN VERTICAL DATUM
- N.G.V.D. NATIONAL GEODETIC VERTICAL DATUM
- O.R.B. OFFICIAL RECORDS BOOK
- P.B. PLAT BOOK
- PSM PROFESSIONAL SURVEYOR AND MAPPER
- P.R.M. PERMANENT REFERENCE MONUMENT
- PG. PAGE
- P.B. PLAT BOOK
- RADIUS
- CENTERLINE
- AND
- NUMBER
- Δ DELTA OR CENTRAL ANGLE

THIS IS TO CERTIFY THAT THE SPECIFIC PURPOSE SURVEY SHOWN HEREON IS ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS SKETCH AND LEGAL DESCRIPTION MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN RULE 5J-17.050-.052, FLORIDA ADMINISTRATIVE CODE, ADOPTED BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS, PURSUANT TO CHAPTER 472.027 OF THE FLORIDA STATUTES.

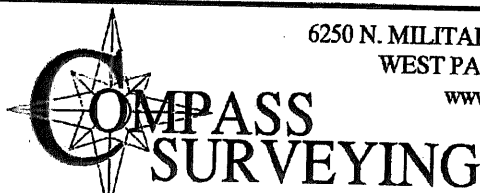
**Kenneth J  
Osborne**

Digitally signed by Kenneth J  
Osborne  
Date: 2019.02.28 13:09:02  
-05'00'

**Kenneth J. Osborne PSM #6415**  
THIS SURVEY IS NOT VALID WITHOUT  
THE SIGNATURE AND THE ORIGINAL RAISED SEAL  
OF A FLORIDA LICENSED SURVEYOR AND MAPPER

EXHIBIT "A"

PREPARED: 01-23-2019  
REVISED: 02-13-2019  
REVISED: 02-21-2019



6250 N. MILITARY TRAIL, SUITE 102  
WEST PALM BEACH, FL 33407  
www.compassurveying.net

LB. 7463 PHONE: 561.640.4800 FAX: 561.640.0576

PROJECT: C-13310  
SHEET 1 OF 2

PREPARED FOR  
GREGORY S. KINO, ESQUIRE  
GILKIN, LUBITZ

THIS DRAWING IS NOT FULL AND COMPLETE WITHOUT ALL OF ITS ACCOMPANYING PAGES.



# SKETCH AND DESCRIPTION

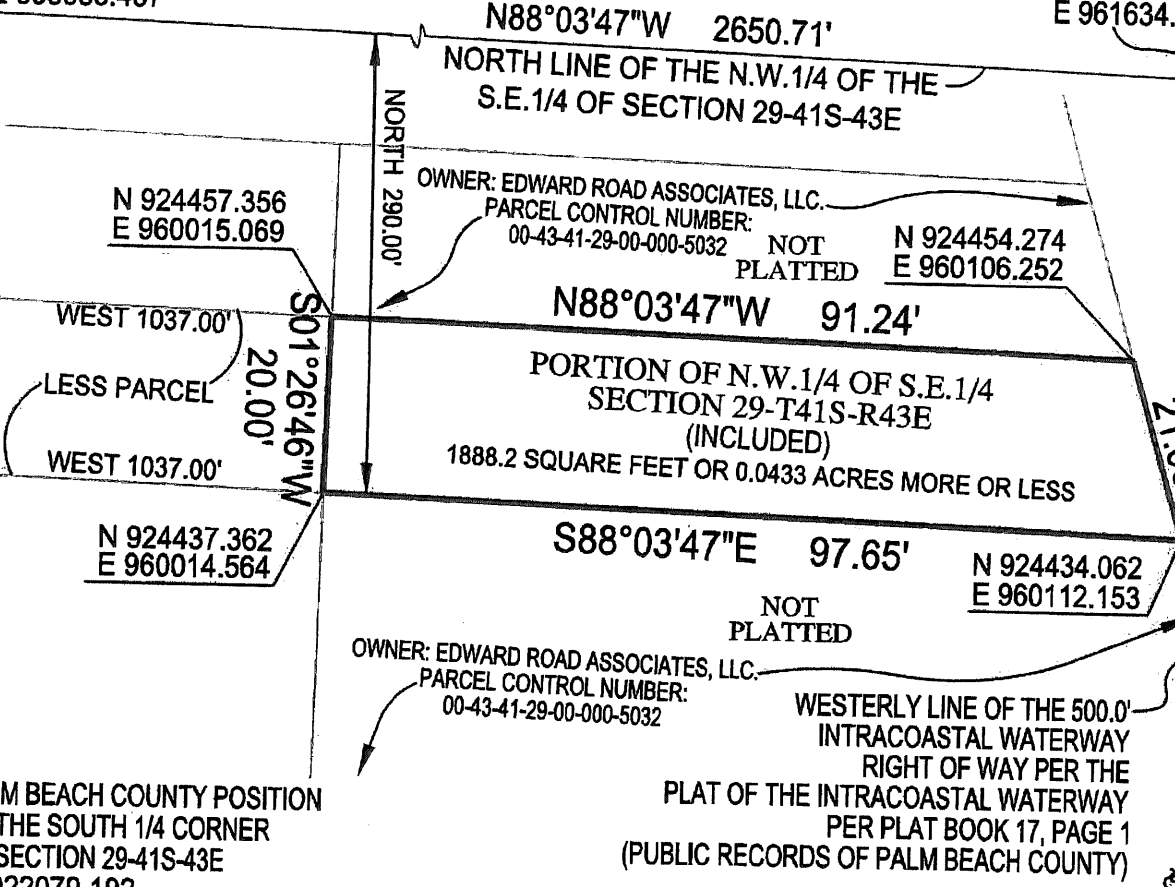
(SKETCH OF DESCRIPTION) - PAGE 2 OF 2

PALM BEACH COUNTY POSITION  
OF THE NORTH 1/4 CORNER  
OF SECTION 29-41S-43E  
N 927445.080  
E 959053.163

PALM BEACH COUNTY POSITION  
OF THE N.W. CORNER OF THE  
S.E. 1/4 OF SECTION 29-41S-43E  
N 924762.332  
E 958985.437

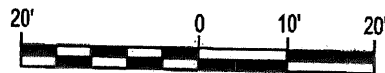
PALM BEACH COUNTY POSITION  
OF THE EAST 1/4 CORNER  
OF SECTION 29-41S-43E  
N 924672.739  
E 961634.629

NORTH/SOUTH 1/4 SECTION LINE  
S01°26'46"W  
5367.60'  
270.03'  
2393.96'



PALM BEACH COUNTY POSITION  
OF THE SOUTH 1/4 CORNER  
OF SECTION 29-41S-43E  
N 922079.192  
E 958917.701

WESTERLY LINE OF THE 500.0'  
INTRACOASTAL WATERWAY  
RIGHT OF WAY PER THE  
PLAT OF THE INTRACOASTAL WATERWAY  
PER PLAT BOOK 17, PAGE 1  
(PUBLIC RECORDS OF PALM BEACH COUNTY)

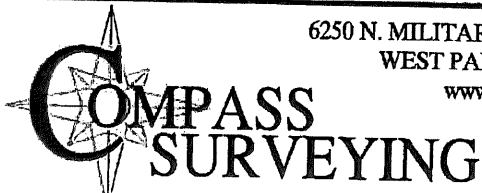


GRAPHIC SCALE (In Feet)  
1 inch = 20 ft.

NORTH  
SCALE 1"=20'

EXHIBIT "A"

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REVISED: 02-21-2019



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SHEET 2 OF 2

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CIKLIN, LUBITZ

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