

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2019	2020	2021	2022	2023
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	(\$9,000)	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>(\$9,000)</u>	=====	=====	=====	=====
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget: Yes _____ No _____

Does this item include the use of federal funds? Yes _____ No X

Budget Account Fund 0001 Dept 410 Unit 4240 Revenue 6422

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

The disposition of the County's interest in the Parcel will relieve the County of any future property liability. The \$9,000.00 will be credited to the General Governmental Account.

Fixed Asset Number N/A – right-of-way parcel

C. Departmental Fiscal Review:  _____

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

 OFMB <u>AW</u> 5/14	5/15/19 LH 5/13 5/5/10	 Contract Development and Control 5/16/19
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B. Legal Sufficiency:

 5/16/19
 Assistant County Attorney

C. Other Department Review:

 Department Director

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

Background and Policy Issues: The County and Florida Department of Transportation (FDOT) jointly filed an Order of Taking in November, 1972 and then received a Stipulated Final Judgement (Judgement) for the same in June, 1986, for a 303 square foot parcel. The 3' strip was required for State Road A-1-A Right-of-Way (Blue Heron Boulevard). The Parcel being approximately 3' wide and 100' long, is located on the south side of the Blue Heron Boulevard, east of Phil Foster Park in Riviera Beach. The western boundary of the Parcel abuts the A-1-A right-of-way and the eastern boundary abuts the property owned by Gateway. The 3' strip was originally cut-out of the Gateway property pursuant to the Judgement for the benefit of the FDOT right-of-way. Gateway is in the process of developing its property and has requested that the County and FDOT convey back the 3' strip to them since it is not required for the right-of-way. Florida Statute 255.22 (2) allows the 3' strip to be considered abandoned if not utilized for 60 months by the County. Also, Florida Statutes Section 125.35(2), states that the Board may effect a private sale of the 3' strip upon a finding that the value of a parcel is \$15,000 or less and when due to its size, shape, location and value, it is of use to only one or more adjacent property owners. The County has no use for this undevelopable 3' wide strip, which has an assessed value of approximately \$11,185.00. Gateway and FDOT are the only abutting property owners who could benefit from the acquisition of the Parcel. FDOT has already released their interest in the 3' strip. Gateway paid FDOT \$9,000 for their interest which was based on a July 2017 appraisal by Donnie Webster, FDOT's R/W appraiser, who appraised the 3' strip for \$9,000. Gateway has also agreed to pay the County \$9,000 for the County's interest in the 3' strip. Both the \$9,000.00 already paid by Gateway to FDOT and the proposed payment of \$9,000.00 by Gateway to the County will total \$18,000 which far exceeds the assessed value and the appraised value of the 3' strip. Staff was not able to obtain any documentation to support that the County funded any of the expense associated with the condemnation of the Property and believe that all the condemnation expenses were handled by FDOT as part of the Blue Heron Boulevard right-of-way project.

Under Florida Statutes Section 286.23, a Disclosure of Beneficial Interests is required to be provided with any transaction involving the purchase of property by the County. Such disclosure is not required for transactions involving the sale of property by the County. However, staff is requesting such disclosures for all transactions with private entities. Prior to Board approval, Gateway will execute and deliver to County, the attached Disclosure which identifies Richard J. Lazzara as having a 100% ownership interest in Gateway.

B

A

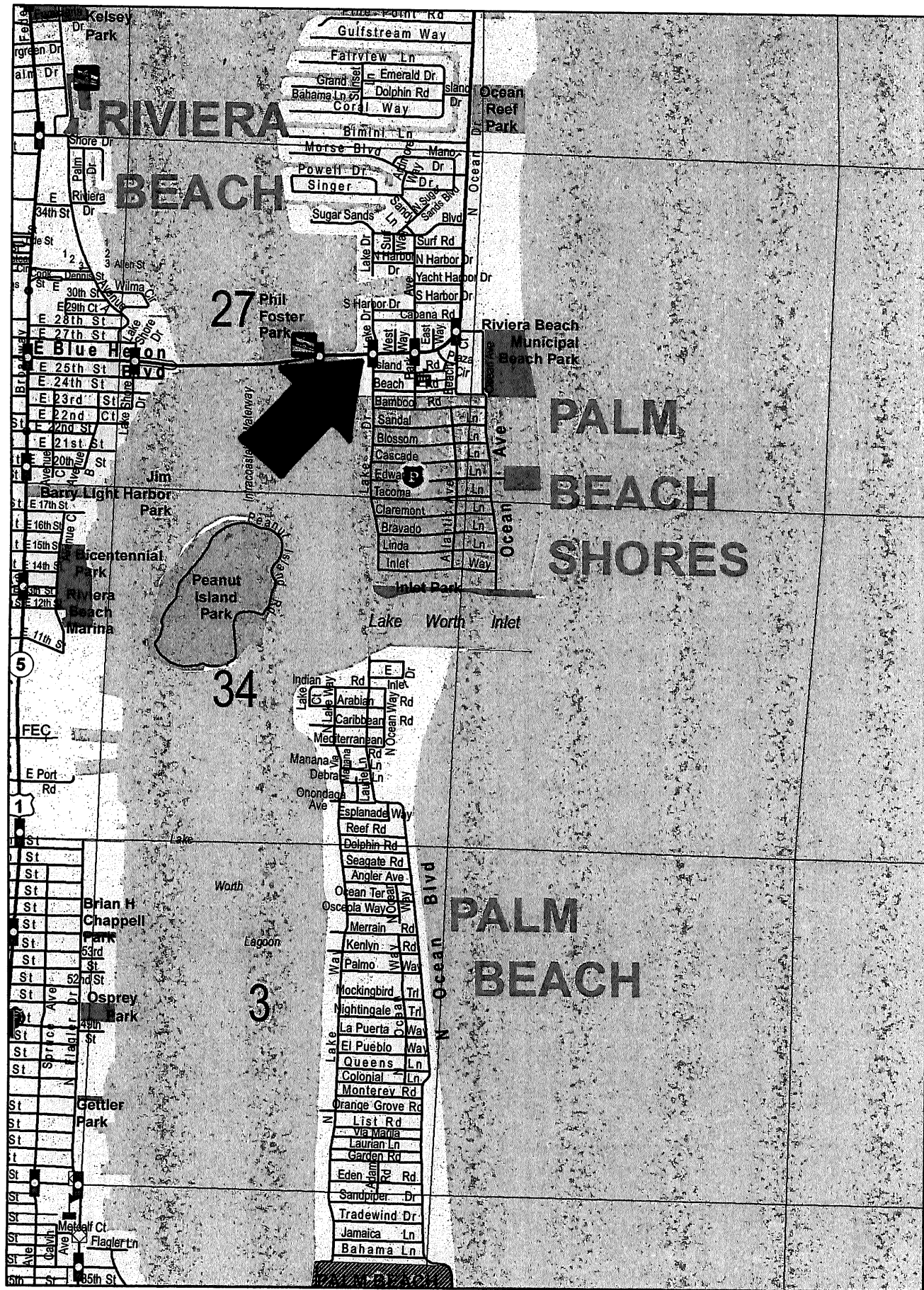
TWP 42

13

TWP 43

14

15



RNG 43

RNG 43

II

ATTACHMENT NO. 2 - RESOLUTION
5 Pages

RESOLUTION NO. 2019-_____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY TO SINGER ISLAND GATEWAY, LLC, A FLORIDA LIMITED LIABILITY COMPANY, PURSUANT TO FLORIDA STATUTE SECTION 125.35(2); FOR NINE THOUSAND AND No/100 DOLLARS (\$9,000.00), WITH MINERAL AND PETROLEUM RIGHTS RESERVATION AND WITHOUT RIGHTS OF ENTRY AND EXPLORATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the County owns a surplus parcel of real property containing 303 square feet of land located on the south side of the Blue Heron Boulevard, east of Phil Foster Park in Riviera Beach; and

WHEREAS, the Board of County Commissioners of Palm Beach County hereby finds that the value of such property is approximately Nine Thousand and No/100 Dollars (\$9,000.00) , as determined by Florida Department of Transportation’s 2017 appraisal; and

WHEREAS, the Board of County Commissioners hereby finds that such property is of use only to the adjacent property owner due to its size, shape, location and value; and

WHEREAS, the Board desires to affect a private sale of such property to Singer Island Gateway, LLC pursuant to Florida Statute Section 125.35(2); and

WHEREAS, pursuant to Florida Statute Section 270.11, Singer Island Gateway, LLC has requested that such property be conveyed without reservation of and release the rights of entry and exploration relating to phosphate, mineral, metals and petroleum rights; and

WHEREAS, the Board of County Commissioners of Palm Beach County hereby agrees to convey such property 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 Board of County Commissioners of Palm Beach County shall convey to Singer Island Gateway, LLC, for Nine Thousand and No/100 Dollars (\$9,000.00) 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:

- 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"
COUNTY DEED

PREPARED BY AND RETURN TO:
MARCEL PESSOA, REAL ESTATE SPECIALIST
PALM BEACH COUNTY
PROPERTY & REAL ESTATE MANAGEMENT DIVISION
2633 Vista Parkway
West Palm Beach, FL 33411-5605

PCN: N/A - Former Right-of-Way
Closing Date: _____
Purchase Price: \$9,000.00

COUNTY DEED

This 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 SINGER ISLAND GATEWAY, LLC, a Florida limited liability company, whose legal mailing address is P.O. Box 1140, West Palm Beach, FL 33401, "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, 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.

Reserving, however, unto County, its successors and assigns, an undivided three-fourths ($\frac{3}{4}$) interest in, and title in and to an undivided three-fourths ($\frac{3}{4}$) 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 ($\frac{1}{2}$) interest in all petroleum that is or may be in, on, or under said land. The aforementioned reservation of phosphate, mineral, metals and petroleum rights shall not include, and County hereby expressly releases, any and all rights of entry and rights of exploration relating to such phosphate, mineral, metals and petroleum 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 & 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

Exhibit "A"
LEGAL DESCRIPTION

A PORTION OF LAND LOCATED IN SECTION 27, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE WESTERLY 3 FEET OF LOT 525, ACCORDING TO THE PLAT OF PALM BEACH SHORES AS RECORDED IN PLAT BOOK 23 AT PAGES 29 THROUGH 32 INCLUSIVE OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA,

AND

THAT PART OF THE WESTERLY 3 FEET OF LOT 526, ACCORDING TO THE SAID PLAT OF PALM BEACH SHORES WHICH LIES WITHIN 150 FEET SOUTHERLY OF THE BASELINE OF SURVEY FOR STATE ROAD A-1-A (BLUE HERON BOULEVARD) AS NOW EXISTS ACCORDING TO THE RIGHT OF WAY MAP FOR SECTION 93080-2506 STATE ROAD A-1-A.

ATTACHMENT NO. 3 – COUNTY DEED
2 Pages

PREPARED BY AND RETURN TO:
MARCEL PESSOA, REAL ESTATE SPECIALIST
PALM BEACH COUNTY
PROPERTY & REAL ESTATE MANAGEMENT DIVISION
2633 Vista Parkway
West Palm Beach, FL 33411-5605

PCN: N/A - Former Right-of-Way
Closing Date: _____
Purchase Price: \$9,000.00

COUNTY DEED

This **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 **SINGER ISLAND GATEWAY, LLC**, a Florida limited liability company, whose legal mailing address is P.O. Box 1140, West Palm Beach, FL 33401, "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, 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.

Reserving, however, unto County, its successors and assigns, an undivided three-fourths ($\frac{3}{4}$) interest in, and title in and to an undivided three-fourths ($\frac{3}{4}$) 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 ($\frac{1}{2}$) interest in all petroleum that is or may be in, on, or under said land. The aforementioned reservation of phosphate, mineral, metals and petroleum rights shall not include, and County hereby expressly releases, any and all rights of entry and rights of exploration relating to such phosphate, mineral, metals and petroleum 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 & 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

By: 
Assistant County Attorney

(OFFICIAL SEAL)

Exhibit "A"
LEGAL DESCRIPTION

A PORTION OF LAND LOCATED IN SECTION 27, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE WESTERLY 3 FEET OF LOT 525, ACCORDING TO THE PLAT OF PALM BEACH SHORES AS RECORDED IN PLAT BOOK 23 AT PAGES 29 THROUGH 32 INCLUSIVE OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA,

AND

THAT PART OF THE WESTERLY 3 FEET OF LOT 526, ACCORDING TO THE SAID PLAT OF PALM BEACH SHORES WHICH LIES WITHIN 150 FEET SOUTHERLY OF THE BASELINE OF SURVEY FOR STATE ROAD A-1-A (BLUE HERON BOULEVARD) AS NOW EXISTS ACCORDING TO THE RIGHT OF WAY MAP FOR SECTION 93080-2506 STATE ROAD A-1-A.

ATTACHMENT NO. 4 – DISCLOSURE OF BENEFICIAL INTEREST
3 Pages

BUYER'S DISCLOSURE OF BENEFICIAL INTERESTS

TO: PALM BEACH COUNTY CHIEF OFFICER, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared, Richard J. Lazzara, hereinafter referred to as "Affiant", who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the Sole Member of **SINGER ISLAND GATEWAY, LLC, A Florida limited liability company**, (the "Buyer") which entity is the Buyer of the real property legally described on the attached Exhibit "A" (the "Property").

2. Affiant's address is: P.O. Box 1140, West Palm Beach, FL 33401.

3. Attached hereto, and made a part hereof, as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent (5%) or greater beneficial interest in the Buyer and the percentage interest of each such person or entity.

4. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

5. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete, and will be relied upon by Palm Beach County relating to its sale of the property.

FURTHER AFFIANT SAYETH NAUGHT.

_____, Affiant
Print Affiant Name: Richard J. Lazzara

The foregoing instrument was sworn to, subscribed and acknowledged before me this ___ day of _____, 2019, by Richard J. Lazzara [] who is personally known to me or [] who has produced _____ as identification and who did take an oath.

Notary Public

(Print Notary Name)

NOTARY PUBLIC
State of Florida at Large

My Commission Expires: _____

EXHIBIT "A"

PROPERTY

LEGAL DESCRIPTION

A PORTION OF LAND LOCATED IN SECTION 27, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE WESTERLY 3 FEET OF LOT 525, ACCORDING TO THE PLAT OF PALM BEACH SHORES AS RECORDED IN PLAT BOOK 23 AT PAGES 29 THROUGH 32 INCLUSIVE OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA,

AND

THAT PART OF THE WESTERLY 3 FEET OF LOT 526, ACCORDING TO THE SAID PLAT OF PALM BEACH SHORES WHICH LIES WITHIN 150 FEET SOUTHERLY OF THE BASELINE OF SURVEY FOR STATE ROAD A-1-A (BLUE HERON BOULEVARD) AS NOW EXISTS ACCORDING TO THE RIGHT OF WAY MAP FOR SECTION 93080-2506 STATE ROAD A-1-A.

