

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: June 4, 2019 [] Consent [X] Regular
[] Ordinance [] Public Hearing

Department: Department of Housing and Economic Sustainability

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to: A) adopt a Resolution of the Board of County Commissioners of Palm Beach County, Florida, authorizing the conveyance of certain real residential property to the Community Land Trust of Palm Beach County, Inc., pursuant to Florida Statutes Section 125.38, without charge and with reservation of mineral and petroleum rights, but without rights of entry and exploration; and providing for an effective date; B) approve a County Deed in favor of the Community Land Trust of Palm Beach County, Inc. (CLT) conveying a residential property at 4462 Davis Road in unincorporated Palm Beach County.

Summary: Staff recommends Board of County Commissioners' approval of the donation of land to the CLT, a Florida not-for-profit corporation. The property is a 1.0033-acre vacant residential property located at 4462 Davis Road in unincorporated Palm Beach County (PCN: 00-43-44-30-01-057-0040). The property escheated to the County in November 1999 pursuant to Section 197.502(8), Florida Statutes. The appraised value of the property is \$220,000. The Property Review Committee was not required to review the conveyance in accordance with PPM CW-L-23 since the appraised value is less than \$250,000. The CLT has successfully implemented both single-family and multi-family housing projects and has an established track record in the affordable housing arena in Palm Beach County using the community land trust model for homeownership projects. The CLT is proposing to develop at least four (4) affordable attached single-family homes each with three (3) bedrooms, two (2) bathrooms and a one (1) car garage. The homes will be offered for sale using the CLT model whereby the homebuyer enters into a 99-year land lease and purchases the improvements to the property while the CLT holds title to the land in perpetuity for purposes of affordable housing. The homes will be sold to families earning no more than 120% of Area Median Income and the anticipated sales price for buyers will not exceed \$245,000. **The Board should be cognizant that as a result of the County's affordability restrictions on the property, the units cannot be used to meet a Workforce Housing Program (WHP) obligation.** Mineral and petroleum rights on the property will be retained by the County in accordance with Florida Statutes Section 270.11, without rights of entry and exploration. Approval of this item will convey County-owned property to the CLT and result in an increase in the County's affordable housing stock. **Pursuant to the PREM Ordinance, a Supermajority Vote of five (5) Commissioners is required to approve the conveyance.** District 3 (HF)

Background and/or Policy Issues: Florida Statutes Section 125.38 allows County property that is not needed for County purposes to be conveyed to a not-for-profit corporation organized for the purpose of promoting community interest and welfare. The CLT has provided the attached Disclosure of Beneficial Interests that identifies it as a 501(c)(3) organization with no individuals or entities having a beneficial interest in its assets.

Attachment(s):

1. Location Map
2. Resolution
3. County Deed for 4462 Davis Road
4. Letter dated February 21, 2019 from Community Land Trust of Palm Beach County, Inc.
5. Disclosure of Beneficial Interests

Recommended By: Sperry Howard Date: 5-23-19
Department Director

Approved By: [Signature] Date: 5/31/19
Assistant County Administrator
Deputy

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					
In-Kind Match (County)					
NET FISCAL IMPACT					

# ADDITIONAL FTE POSITIONS (Cumulative)					
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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 Code/Period _____

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

NO FISCAL IMPACT

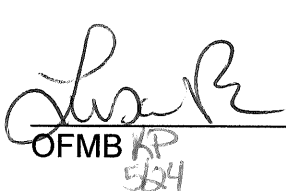
C. Departmental Fiscal Review:

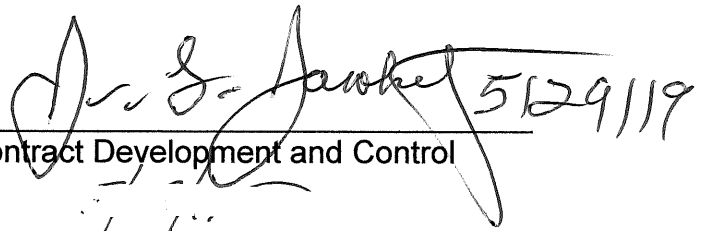


 Shairette Major, Fiscal Manager II

III. REVIEW COMMENTS

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

 5/28/19
 OFMB KP 524
 5/24

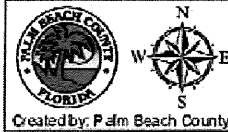
 5/29/19
 Contract Development and Control

B. Legal Sufficiency:

 5/30/19
 Assistant County Attorney

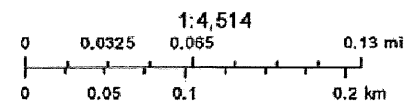
C. Other Department Review:

 Department Director



00-43-44-30-01-057-0040 Davis Road

Created by: Palm Beach County September 28, 2015



RESOLUTION NO. 2019-___

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY TO COMMUNITY LAND TRUST OF PALM BEACH COUNTY, INC., PURSUANT TO FLORIDA STATUTE SECTION 125.38, WITHOUT CHARGE AND WITH RESERVATION OF MINERAL AND PETROLEUM RIGHTS, BUT WITHOUT RIGHTS OF ENTRY AND EXPLORATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Community Land Trust of Palm Beach County, Inc., a Florida not-for-profit corporation (“the CLT”), has made application to the Board of County Commissioners of Palm Beach County requesting that Palm Beach County convey a 1.0033 acre vacant residential property to the CLT for construction of no less than four (4) single-family homes by the CLT for affordable housing purposes; and

WHEREAS, the CLT was founded in 2006 and initially funded by the Board of County Commissioners for the purpose of developing and maintaining a permanent stock of affordable housing available for either sale or lease in Palm Beach County; and

WHEREAS, the CLT has successfully implemented both single-family and multi-family housing projects since its inception and has an established track record in the affordable housing arena in Palm Beach County; and

WHEREAS, under the community land trust model, the CLT retains title to the underlying land and enters into 99-year land leases with homebuyers when the CLT sells the homes, therefore making homeownership more affordable using the community land trust model for homeownership projects; and

WHEREAS, the CLT also offers affordable homes for lease and lease/purchase; and

WHEREAS, the Board of County Commissioners of Palm Beach County hereby finds that Community Land Trust of Palm Beach County, Inc., a Florida not-for-profit corporation, is organized for the purpose of promoting community interest and welfare by making affordable housing available to the community, the aforementioned use constitutes a use for the community interest and welfare, such real property is required for such use, and such real property is not needed for County purposes; and

WHEREAS, pursuant to Florida Statute Section 270.11, Community Land Trust of Palm Beach County, Inc., has requested that such property be conveyed without reservation of and to 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, mineral, 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 Community Land Trust of Palm Beach County, Inc., without charge and by the County Deed attached hereto as Exhibit "A" and incorporated herein by reference, the real property legally described in such Deed, subject to a restrictive covenant limiting the use of such real property to use as affordable housing through December 31, 2049.

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 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 _____, 20__.

PALM BEACH COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

ATTEST: SHARON R. BOCK CLERK & COMPTROLLER

By: 
Howard J. Falcon III,
Chief Assistant County Attorney

By: _____
Deputy Clerk

EXHIBIT A

PREPARED BY:
Jeffrey Bolton, PBC Dept. of Housing & Economic Sustainability

RETURN TO:
PALM BEACH COUNTY
PROPERTY & REAL ESTATE MANAGEMENT DIVISION
2633 Vista Parkway
West Palm Beach, FL 33411-5605

PCN: 00-43-44-30-01-057-0040

Closing Date: _____

Purchase Price: \$0.00

Property Address: 4462 Davis Road Lake Worth, FL 33461

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 **COMMUNITY LAND TRUST OF PALM BEACH COUNTY, INC.**, a Florida not-for-profit corporation, whose legal mailing address is 4938 Davis Road, Lake Worth, FL 33461-5503, "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 (\$10.00) Dollars 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:

PALM BEACH FARMS CO PL 7 LT D (LESS W 20 FT DAVIS RD R/W) BLK 57 & W 25 FT OF LT D BLK 58. THE ABOVE BEING THE REAL PROPERTY DESCRIBED UNDER TAX CERTIFICATE NUMBER 7198 IN THE TAX DEED RECORDED IN OFFICIAL RECORD BOOK 11456, PAGE 00087, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA (the "Property").

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.

This County Deed is given subject to the following conditions and restrictions which are imposed by County upon Grantee as follows:

1. The Property is hereby restricted to use for no less than four (4) single family residential homes occupied by, and affordable to, a person or family earning no more than one hundred twenty percent (120%) of the "Area Median Income" for Palm Beach County as defined by the United States Department of Housing and Urban Development, or any successor agency responsible for such definition (the "Housing Use Restriction").
2. This property is not eligible to be used for the Offsite Construction/Exchange Builder Option or other similar option developed by the County to meet a developer's workforce housing obligation offsite pursuant to the Palm Beach County Workforce Housing Program, contained in Article 5, Supplementary Standards, Chapter D. Density Bonus Programs, Section 1. Workforce

Housing, of the Palm Beach County Unified Land Development Code as may be codified or amended from time to time (the “Workforce Housing Prohibition”).

3. Any conveyance of the Property or any portion thereof, by the Grantee before December 31, 2049, shall specifically recite the Housing Use Restriction and the Workforce Housing Prohibition in any deed conveying the Property or any portion thereof and shall include a reference to this County Deed by referencing the official record book and page number in which it is recorded. The Grantee shall obtain written approval of any subsequent purchasers from the Palm Beach County Department of Housing and Economic Sustainability prior to conveyance.
4. The conditions and restrictions imposed by this County Deed shall constitute covenants running with the land and shall be binding upon and burden the Grantee, its successors and assigns, having or hereafter acquiring any right, title, or interest in or to all or any portions of the real property described in this County Deed through December 31, 2049.

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: _____
Mack Bernard, Mayor

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

(OFFICIAL SEAL)

By: _____
Assistant County Attorney

PREPARED BY:
Jeffrey Bolton, PBC Dept. of Housing & Economic Sustainability

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PROPERTY & REAL ESTATE MANAGEMENT DIVISION
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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: _____
Mack Bernard, Mayor

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

(OFFICIAL SEAL)

By: 
Assistant County Attorney



February 21, 2019

Jonathan Brown
100 Australian Avenue, Suite 500
West Palm Beach, Florida 33406

Dear Mr. Brown:

The Community Land Trust of Palm Beach County, Inc. (CLT of PBC), a 501(c)(3) non-profit organization, requests the following County surplus property as identified on the attached "PREM Surplus Property" report be donated to the CLT of PBC for the development of four permanently affordable homeownership units:

1. 00-43-44-30-01-057-0040 (4462 Davis Road, Lake Worth, Florida 33461)

The high cost housing market in Palm Beach County has been severely affecting the quality of life for a large portion of families in the County for over a decade. Sadly, this trend continues despite one of the worst real estate market declines in US history. According to The Shimberg Center for Housing Studies at the University of Florida, the median single-family sales price in 2018 was \$353,500 well above what the median income household earning \$74,300 can afford. According to the Florida Housing Coalition's 2015 Home Matters Report for Palm Beach County, seventy nine percent of low income households in Palm Beach County are cost burdened, meaning they pay more than 30% of their income in housing costs and 51% are severely cost burdened meaning they pay more than 50% of their income in housing costs. Moreover, the report found that there are 40,000 low-income households that could benefit from a moderately priced home, however only one-tenth of that amount of homes were sold as a primary residence under the then median price of \$246,010. This project will provide four units of high quality, community land ownership housing affordable to low and/or moderate-income households. The CLT of PBC will utilize the Palm Beach County Housing Finance Authority's Non-profit Surplus Fund for the construction financing and will utilize sales proceeds from another project as buyer gap funding.

The Community Land Trust model of homeownership takes a unique approach in providing affordable homeownership. This model is based on dual ownership. The land is owned and preserved by the nonprofit, and the homebuyer owns the home, including the building and all of the improvements on the land. This separation reduces the purchase price for buyers, allowing more families to afford a home, while providing the permanence and security of traditional homeownership.

4938 Davis Road • Lake Worth, Florida 33461

Phone: (561) 318-8842

<http://cltofbbc.org>

OFFICERS:

Hazel Lucas
President
Florida Rural Legal
Services

Timothy P Wheat
Vice President
Development/Real
Estate Sector
Representative

Andrew E. Zeeman
Treasurer
Peninsular Electric

Silvia Ricketts
Secretary
CLT Lessee Member

DIRECTORS:

Dorothy Ellington
Delray Beach
Housing Authority

Shaquala Glasco
CLT Lessee Member

Tangenica Henry
CLT Lessee Member

Tammy McDonald
Urban League of
Palm Beach County

Carolyn Pelicieux
CLT Lessee Member

Derrick Penn
CLT Lessee Member

Shannon Ricketts
CLT Lessee Member

Samantha
Santangelo
CLT General
Member

Randy S. Wertepny,
P.E.
Kesahavarz and
Associates

A ground lease executed at closing between the homebuyer and the land trust ensures that when the house is sold, it goes to another income eligible household for an affordable price. The market appreciation that goes to the seller is capped by the resale formula in the ground lease. Through this shared appreciation model of homeownership, CLT's allow residents to build equity while preserving affordability. It also gives residents the ability to pass on the same opportunity they received to the next household and ensure that housing remains affordable for future generations.

This particular parcel is of interest as it is located only one-half mile from Davis Landings and Davis Landings West, the CLT of PBC headquarters and signature development of 24 affordable CLT homeownership units and 25 multi-family rental units. It is also 2.2 acres from the CLT of PBC's current homeownership project on Kirk Road. Redeveloping vacant properties can support once vibrant core urban neighborhoods and be a catalyst for other community redevelopment and neighborhood stabilization. It is anticipated that the that these homes will cause surrounding property owners to clean up and repair their property as evidenced by the improvements of the housing stock in the immediate area surrounding other CLT of PBC developments.

I hope you will support this request and assist us in our mission to build up a permanent affordable housing infrastructure that will be available to current and future residents of Palm Beach County.

Please call me at (561)318-8430 to discuss this request and/or provide additional information.

Sincerely,



Cindee LaCourse-Blum, Executive Director
Community Land Trust of Palm Beach County, Inc

GRANTEE'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, Cindee LaCourse Blum, hereinafter referred to as "Affiant", who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the Executive Director of Community Land Trust of Palm Beach County, Inc., a Florida not for profit corporation, (the "Grantee") which entity is the Grantee in the donation of the real property legally described on the attached Exhibit "A" (the "Property").

2. Affiant's address is: 4938 Davis Road, Lake Worth, FL 33461

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 Grantee 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 conveyance of the Property.

FURTHER AFFIANT SAYETH NAUGHT.

[Signature], Affiant
Print Affiant Name: Cindee LaCourse Blum

The foregoing instrument was sworn to, subscribed and acknowledged before me this 27 day of March, 2019, by Cindee LaCourse Blum [] who is personally known to me or [] who has produced Driver's License as identification and who did take an oath.



[Signature]
Notary Public
Lupe Julius-Quitos
(Print Notary Name)

NOTARY PUBLIC
State of Florida at Large

My Commission Expires: 8/23/22

EXHIBIT "A"

PROPERTY

4462 Davis Road, Lake Worth:

PALM GARDENS FARMS CO PL 7 LT D (LESS W 20 FT DAVIS RD R/W) BLK 57
& W 25 FT OF LT D BLK 58.

