

5E-2

Agenda Item #:

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

**Meeting Date: June 18, 2019**

☐ Consent

☒ 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 six (6) parcels of real property to the Westgate/Belvedere Homes Community Redevelopment Agency (CRA), pursuant to Florida Statutes Section 125.38, without charge and with reservation of mineral and petroleum rights without rights of entry and exploration; and

**B) approve** a County Deed in favor of the CRA.

**Summary:** The County owns six (6) parcels of land totaling 3.79 acres located within the boundaries of the CRA. These properties were purchased with Community Development Block Grant Funds in the County's name on behalf of the CRA between 1999 and 2005. The purchases were made to alleviate flooding in the north Westgate area by constructing small drainage ponds. Since then, additional parcels have been purchased in the north Westgate area directly in the CRA's name. The CRA believes that sufficient drainage has been provided. The CRA has requested that the County convey these six (6) parcels to the CRA so they can actively manage and permit their own projects. Further, the CRA is working with an adjacent property owner, Mickey Fernandez, doing business as Mi Pais Express, to assist his redevelopment project, and intends to grant a maintenance and access easement over a portion of the property located on Westgate Avenue being conveyed to the CRA. County will convey these parcels to the CRA without charge, and retain mineral and petroleum rights without rights of entry and exploration in accordance with Florida Statute Section 270.11. Both the Property and Real Estate Management Division and the Engineering Department support the conveyance of these six (6) parcels to the CRA. **This conveyance must be approved by a Supermajority Vote (5 Commissioners).** (PREM) District 7 (HJF)

**Background and Policy Issues:** The CRA was created in 1989 to promote social and economic development within the Westgate Community. The CRA has been actively implementing infrastructure improvements in the north Westgate area since 2001 to pave roadways, install drainage systems, build detention ponds and develop other flood mitigation measures. Between 1999 and 2005, six (6) properties were acquired in the County's name for use by the CRA. The CRA has requested that title to the six (6) properties currently under County ownership be transferred to the CRA. The intent is to allow the CRA freedom to manage these sites and to transfer responsibility for permitting and liability to the CRA. In addition, the CRA desires to assist Mickey Fernandez, doing business as Mi Pais Express, in developing two (2) properties adjacent to one of the County parcels. This may require the CRA to grant a maintenance and access easement needed by Mr. Fernandez for his redevelopment project. Both the Property and Real Estate Management Division and the Engineering Department support the CRA's request as the CRA is, and has been, effectively managing these parcels for some time.

**Attachments:**


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

**Recommended By:**

  
Department Director

5-23-19  
Date

**Approved By:**

  
County Administrator

6/11/19  
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	=====	=====	=====	=====	=====
# ADDITIONAL FTE POSITIONS (Cumulative)	0_____	_____	_____	_____	_____

Is Item Included in Current Budget: Yes \_\_\_\_\_ No \_\_\_\_\_

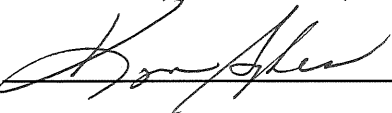
Does this item include the use of federal funds? Yes \_\_\_\_\_ No \_\_\_\_\_

Budget Account No: Fund \_\_\_\_\_ Program \_\_\_\_\_ Dept \_\_\_\_\_ Unit \_\_\_\_\_ Object \_\_\_\_\_

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

No Fiscal Impact.

Fixed Assets Numbers: 5/23/19 A. DiRienzo, MGR, FAND, OFMB  
H08887 (00-43-43-30-03-016-0010); H08888 (00-43-43-30-03-016-0310);  
H08889 (00-43-43-30-03-022-0050); H08890 (00-43-43-30-03-022-0160);  
M06731 (00-43-43-30-03-028-0400); M06730 (00-43-43-30-03-028-0100)

C. Departmental Fiscal Review: 

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

 5/24/19  
OFMB 5/28 5/28  
 6/14/19  
Contract Development and Control

B. Legal Sufficiency:

 6/6/19  
Assistant County Attorney

C. Other Department Review:

\_\_\_\_\_  
Department Director

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

TWP  
43

19

20

21

TWP  
44

RNG 42

See pg 80

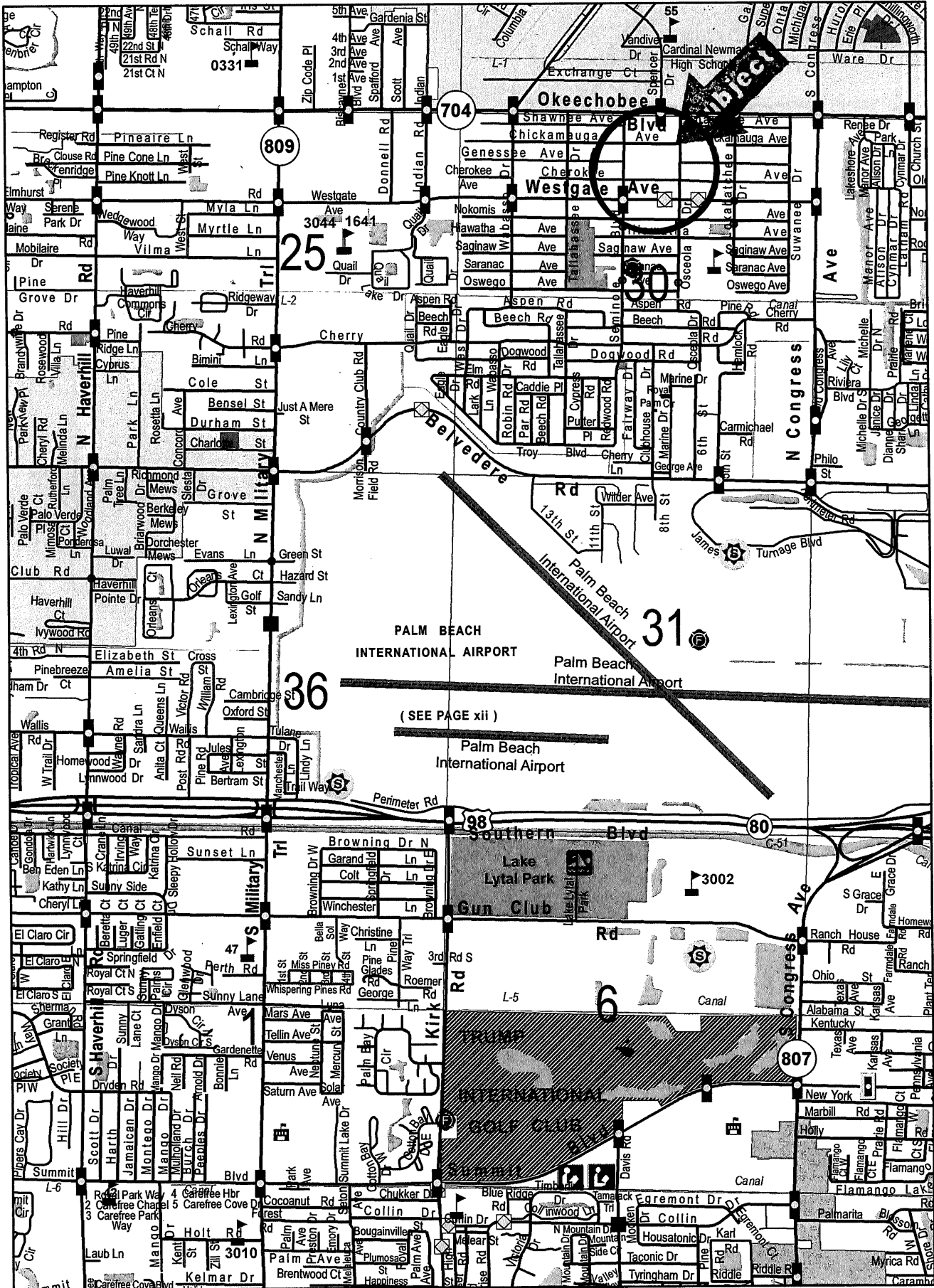
RNG 43

Page 70

# LOCATION MAP

ATTACHMENT 1  
1 PAGE

Handwritten signature or mark.





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

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY TO WESTGATE/BELVEDERE HOMES COMMUNITY REDEVELOPMENT AGENCY, PURSUANT TO FLORIDA STATUTE SECTION 125.38, WITHOUT CHARGE AND WITH MINERAL AND PETROLEUM RIGHTS RESERVATION WITHOUT RIGHTS OF ENTRY AND EXPLORATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the County owns six (6) parcels, 3.79 acres, of surplus land in unincorporated Palm Beach County which were acquired in the County's name on behalf of the Westgate/Belvedere Homes Community Redevelopment Agency to alleviate flooding in the north Westgate area; and

**WHEREAS**, the Westgate/Belvedere Homes Community Redevelopment Agency, a dependent special district ("CRA"), has made application to the Board of County Commissioners of Palm Beach County requesting that Palm Beach County convey such 3.79 acres of surplus real property to CRA for use by CRA for economic redevelopment purposes; and

**WHEREAS**, the Board of County Commissioners of Palm Beach County hereby finds that 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, CRA 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, 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 CRA without charge and 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"**

**(To the Resolution)**

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

Parcel 1: 00-43-43-30-03-016-0010  
Parcel 2: 00-43-43-30-03-016-0310  
Parcel 3: 00-43-43-30-03-022-0050  
Parcel 4: 00-43-43-30-03-022-0160  
Parcel 5: 00-43-43-30-03-028-0400  
Parcel 6: 00-43-43-30-03-028-0100

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

**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 **WESTGATE/BELVEDERE HOMES COMMUNITY REDEVELOPMENT AGENCY**, a dependent special district, whose legal mailing address is 1280 North Congress Ave., Suite 215, West Palm Beach, FL 33409, "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 Dollars (\$10.00) to it in hand paid by County, 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**

**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

## **Exhibit "A"**

### **Parcel 1 (00-43-43-30-03-016-0010)**

As recorded in the Official Record Book 9968, Page 324 in the Office of the Clerk of the Circuit Court in and for Palm Beach County Florida.

West Gate Estates, Northern Section, Lots 1 to 9 Inclusive Block 16 according to plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 8, Page 38.

and

### **Parcel 2 (00-43-43-30-03-016-0310)**

As recorded in the Official Record Book 5529, Page 1081 in the Office of the Clerk of the Circuit Court in and for Palm Beach County Florida.

Lots 31 to 45 inclusive, of Block 16 in West Gate Estates, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 8, Page 38.

and

### **Parcel 3 (00-43-43-30-03-022-0050)**

As recorded in the Deed Book 681, Page 395 in the Office of the Clerk of the Circuit Court in and for Palm Beach County Florida.

Lots 5, 6, 35, & 36 Block 22 according to the Plat of Westgate Estates, recorded in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 8, Page 38.

and

### **Parcel 4 (00-43-43-30-03-022-0160)**

As recorded in the Official Record Book 6864, Page 1693 in the Office of the Clerk of the Circuit Court in and for Palm Beach County Florida.

Lots 16 through 24 Block 22 inclusive and Lots 25 through 30 Block 22, less the South 30 feet thereof, Westgate Estates (Northern Section), according to the plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 8, Page 38.

and

### **Parcel 5 (00-43-43-30-03-028-0400)**

Lots 40, 41, 42 and 43, Block 28, of Westgate Estates (Northern Section), according to the plat thereof on file in the Office of the Clerk of the Circuit Court, in and for Palm Beach County Florida, as recorded in Plat Book 8, Page 38.

and

### **Parcel 6 (00-43-43-30-03-028-0100)**

Lots 10, 11, 12, 13, 14 and 15, Block 28, of Westgate Estates (Northern Section), according to the plat thereof on file in the Office of the Clerk of the Circuit Court, in and for Palm Beach County, Florida, as recorded in Plat Book 8, Page 38.





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PALM BEACH COUNTY  
PROPERTY & REAL ESTATE MANAGEMENT DIVISION  
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**CLERK & COMPTROLLER**

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**subdivision of the State of Florida**

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

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

**APPROVED AS TO FORM**  
**AND LEGAL SUFFICIENCY**

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By:   
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