

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

| | | |
|-------------------------------|---|---|
| Meeting Date: October 8, 2019 | <input checked="" type="checkbox"/> Consent | <input type="checkbox"/> Regular |
| | <input type="checkbox"/> Workshop | <input type="checkbox"/> 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:

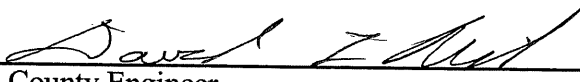
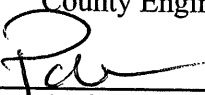
- A) adopt a Resolution authorizing the conveyance to the Village of Palm Springs (Village) of four (4) parcels with property control numbers 70-43-44-08-04-000-0482, 70-43-44-19-11-002-0249, 70-43-44-19-08-000-1050, and 70-42-44-24-04-000-0410; and
- B) approve a Palm Beach County (County) deed to convey the parcels at no cost to the Village.

SUMMARY: On October 25, 2018, the Village requested the transfer of the County’s property interest in the subject parcels to allow the municipality to maintain and have jurisdictional control throughout its municipal boundaries for a public purpose. The County normally reserves its interest in phosphate, minerals, metals and petroleum rights per Section 270.11(1), Florida Statutes. However, the Village has requested the release of this reservation because it requires the properties to be free and clear without encumbrances which could impede the use of the properties. Three of the four parcels were acquired by tax deed, and one was acquired by a dedication for drainage purposes. Staff has determined that the parcels serve no present or future County purpose. All parcels are located within the Village’s municipal boundaries. The parcels are being conveyed to the Village pursuant to Section 125.38, Florida Statutes. This conveyance will relieve the County of potential liability and the cost of maintenance for these properties. All purchases, sales and exchanges of fee simple title to real property must be approved by a **super majority vote** (5 Commissioners) pursuant to County Ordinance 2009-052. District 3 (YBH)

Background and Justification: The parcels were acquired by the County as recorded on August 4, 1992, in Official Record Book 7347, page 1068; as recorded on February 27, 2002, in Official Record Book 13452, page 432; as recorded on March 20, 2000, in Official Record Book 11669, page 493; as recorded on January 29, 1960, in Official Record Book 461, page 430, respectively.

(Continued on Page 3)

- Attachments:**
- 1. Location Map
 - 2. Resolution
 - 3. County Deed with Exhibit “A”

| | | |
|-------------------------|--|---------|
| Recommended by: ybh/tel |  | 9/19/19 |
| | County Engineer | Date |
| Approved by: |  | 9/16/19 |
| | Assistant County Administrator | Date |

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

| Fiscal Years | 2020 | 2021 | 2022 | 2023 | 2024 |
|-------------------------|--------|------|------|------|------|
| Capital Expenditures | \$ -0- | -0- | -0- | -0- | -0- |
| Operating Costs | -0- | -0- | -0- | -0- | -0- |
| External Revenues | -0- | -0- | -0- | -0- | -0- |
| Program Income (County) | -0- | -0- | -0- | -0- | -0- |
| In-Kind Match (County) | -0- | -0- | -0- | -0- | -0- |
| NET FISCAL IMPACT | \$ ** | -0- | -0- | -0- | -0- |
| # 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 Acct No.: Fund__ Dept.__ Unit__ Object
Program

Recommended Sources of Funds/Summary of Fiscal Impact:

**This item has no fiscal impact.

C. Departmental Fiscal Review: Alicia Kovalainen

III. REVIEW COMMENTS

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

[Signature] 9/15/11
9/10/11 ASD OFMB 9/9/11

[Signature] 9/12/19
Contract Dev. and Control 9/11/19 TW

B. Approved as to Form and Legal Sufficiency:

[Signature] 9/12/19
Assistant County Attorney

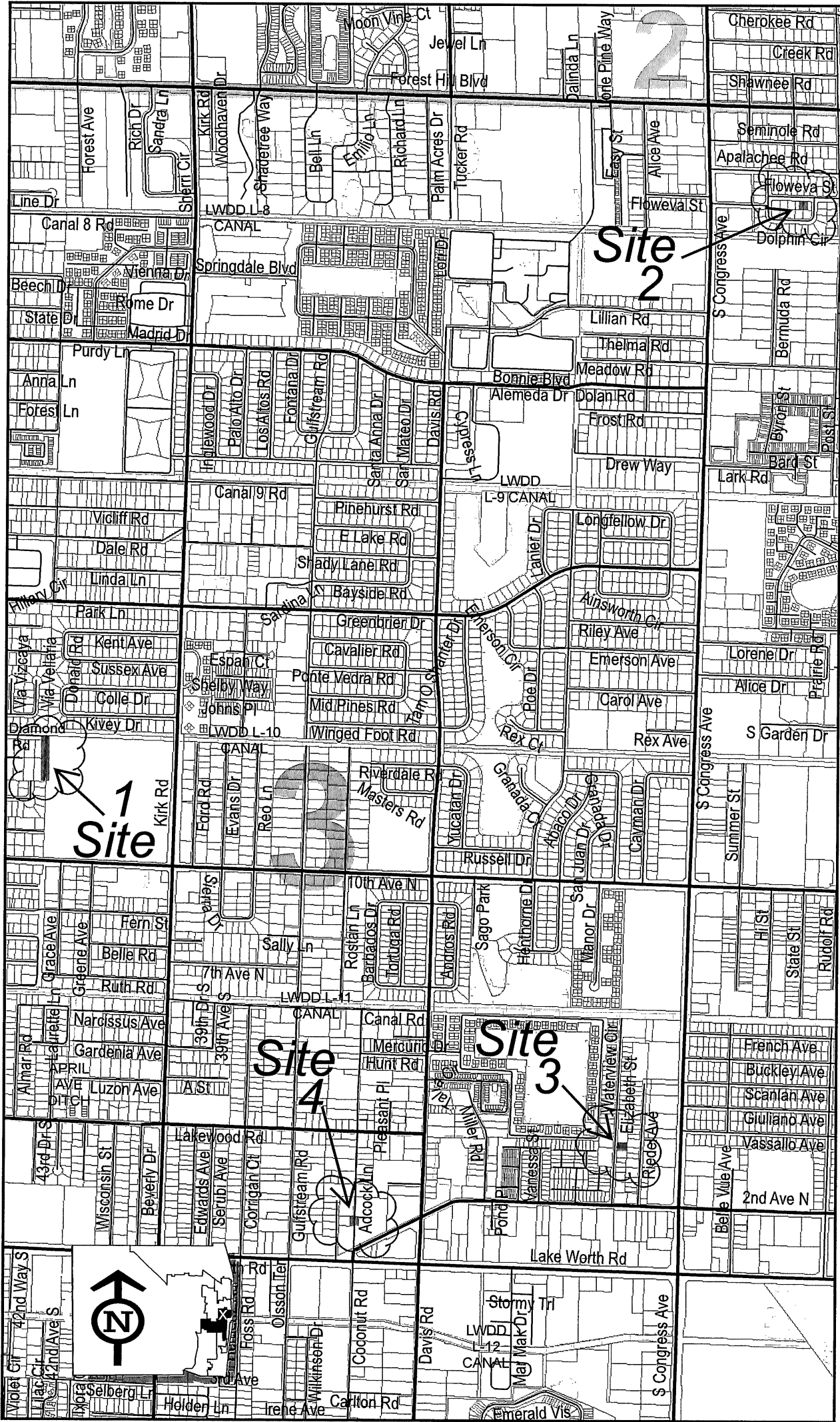
C. Other Department Review:

Department Director

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

Background and Justification: (Continued from Page 1)

As the estimated land value of \$4,652 is below \$250,000 and the properties are being conveyed to a governmental entity pursuant to Section 125.38, Florida Statutes, approval of the Property Review Committee is not required. The Village requires the property to be free and clear without encumbrances which could impede the Village's use of the property. The County agrees to release the reservation for all phosphate, minerals, metals and petroleum rights pursuant to Section 270.11(1), Florida Statutes. The Village will assume responsibility for the perpetual maintenance of the parcels conveyed to them. The Engineering Department recommends adoption of the Resolution, and approval of the County deed.



0 0.5 1 Mile
Location Map

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTIES WITH PROPERTY CONTROL NUMBERS 70-43-44-08-04-000-0482, 70-43-44-19-11-002-0249, 70-43-44-19-08-000-1050, and 70-42-44-24-04-000-0410 TO THE VILLAGE OF PALM SPRINGS, PURSUANT TO SECTION 125.38, FLORIDA STATUTES, WITHOUT CHARGE AND WITHOUT MINERAL RIGHTS RESERVATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village of Palm Springs (Village) has made application to the Board of County Commissioners (BCC) of Palm Beach County (County) requesting that the County convey four (4) parcels of real properties with property control numbers 70-43-44-08-04-000-0482, 70-43-44-19-11-002-0249, 70-43-44-19-08-000-1050, and 70-42-44-24-04-000-0410 (Properties) to the Village for public purposes; and

WHEREAS, the BCC hereby finds that the aforementioned use constitutes a use for the community interest and welfare, such Properties are required for such use and such Properties are not needed for County purposes; and

WHEREAS, the Village has requested that such Properties be conveyed without reservation of oil and mineral rights as required by Section 270.11, Florida Statutes; and

WHEREAS, the BCC agrees to convey such Properties without such a reservation due to the apparent absence of mineral deposits, and the fact that such a reservation would inhibit development and reduce marketability of the Properties.

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 Properties

The BCC shall convey to the Village without charge and by County Deed attached hereto and incorporated herein by reference, the Properties legally described in the County Deed, subject to a restrictive covenant limiting the use of such Properties to public purposes.

Section 3. Conflict with Federal or State Law or County Charter.

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: 
County Attorney

BY: _____
Deputy Clerk

Return via Palm Beach County interoffice mail to:
Toni Sharp, 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: Property Control Numbers 70-43-44-08-04-000-0482; 70-43-44-19-11-002-0249;
70-43-44-19-08-000-1050; and 70-42-44-24-04-000-0410

Purchase Price: \$ 0
Closing Date: _____

SPACE ABOVE THIS LINE FOR PROCESSING DATA

PROJECT NO.: MRT 2018-034
ROAD NAME: Floweva St; Adcock Ln;
Elizabeth St; Evergreen Ln
PARCEL NO.: PREM Surplus; Drainage Dedication

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 **THE VILLAGE OF PALM SPRINGS**, a municipal corporation of the State of Florida, whose post office address is 226 Cypress Lane, Palm Springs, Florida 33461, The Village of Palm Springs.

WITNESSETH: That County, for and in consideration of the sum of Ten (\$10.00) Dollars to it in hand paid by The Village of Palm Springs, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, and conveys unto The Village of Palm Springs, its successors and assigns forever, the following described land lying and being in Palm Beach County, Florida, as follows:

Properties (four parcels) more particularly described in Exhibit "A" attached hereto and made a part hereof.

This County Deed is granted on the express condition that the Properties shall be used by the Village of Palm Springs solely for public purpose.

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

County:

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

By: _____
Mack Bernard, Mayor

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

By:  _____
Assistant County Attorney

(Official Seal)

Exhibit "A"

PCN 70-43-44-08-04-000-0482; PER ORB 7347, PAGE 1068; W 2.75 FT OF LOT 48, BEING S 1/2 OF SW 1/4 OF SW 1/4, IN PLAT BOOK 25, PAGE 192; CONGRESS HEIGHTS

AND;

PCN 70-43-44-19-11-002-0249; PER ORB 11669, PAGE 493; LAKEWOOD GARDENS PLAT 1 IN PLAT BOOK 18, PAGE 38; E 20 FT OF N 80 FT OF S 350 FT OF TR 24 BLK 2

AND;

PCN 70-43-44-19-08-000-1050; PER ORB 13452, PAGE 432; LAKE ECHO PLAT IN PLAT BOOK 21, PAGE 41; PRIVATE ALLEY N OF & ADJACENT TO LOT 51

AND;

PCN 70-42-44-24-04-000-0410; PER ORB 461, PAGE 430; PARCEL "C" OF EVERGREEN ACRES, 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 26, PAGE 43; FOR DRAINAGE PURPOSES.