

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY

Meeting Date: Date May 5, 2020 [ ] Consent [X] 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 the County's interest in a .01 parcel of surplus property located on the southwest corner of NW 7<sup>th</sup> Avenue and NW 2<sup>nd</sup> Street in Delray Beach to the City of Delray Beach without charge pursuant to Florida Statutes Section 197.592(3), and with reservation of mineral and petroleum rights, but without rights of entry and exploration; and

**B) approve:** a County Deed in favor of the City of Delray Beach.

**Summary:** In January, 2020, the County acquired by Tax Deed a 135' X 29' unbuildable parcel located within the municipal boundaries of the City of Delray Beach. The parcel serves no present or future County purpose. The parcel is being conveyed to the City pursuant to Florida Statutes Section 197.592(3), which requires the conveyance of surplus properties acquired by tax deed to the municipality in which it is located. This conveyance will relieve the County of potential liability for occurrences on the property. The County will retain mineral and petroleum rights in accordance with Florida Statutes Section 270.11, without rights of entry and exploration. **This conveyance must be approved by a Supermajority Vote (5 Commissioners). (Property & Real Estate Management) District 7 (HJF)**

**Background and Policy Issues:** The vacant unbuildable parcel totaling 0.11 acre in size and located on the southwest corner of NW 7<sup>th</sup> Avenue and NW 2<sup>nd</sup> Street in Delray Beach, has a 2019 total assessed value of \$22,800. PREM, in response to direction from the Real Estate Assets Task Force, has developed a program to convey to the municipalities in which they are located, surplus County property which provides little opportunity to further a County function. Staff feels strongly that the most cost effective method to dispose of this property is to convey the parcel at no cost to the City, as the municipality is in a better position to determine how this property should be used and maintained. The Housing and Economic Sustainability Department supports conveying this parcel to the city. This conveyance will relieve the County of potential liability for occurrences on the property.

**Attachments:**

1. Location Map
2. Resolution
3. County Deed (1)
4. Letter from the City of Delray Beach dated February 10, 2020

Recommended By: *[Signature]* Department Director • Date 3/23/20

Approved By: *[Signature]* County Administrator Date 4/2/2020

**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

Fiscal Years	2020	2021	2022	2023	2024
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
<b># ADDITIONAL FTE POSITIONS (Cumulative)</b>	_____	_____	_____	_____	_____
<b>Is Item Included in Current Budget:</b>		Yes	_____	No	<u>X</u>
<b>Does this item include the use of federal funds?</b>		Yes	_____	No	<u>X</u>
<b>Budget Account No:</b>		Fund _____	Dept _____	Unit _____	Object _____
		Program _____			

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

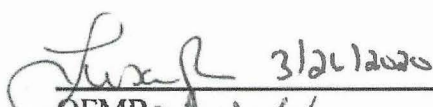
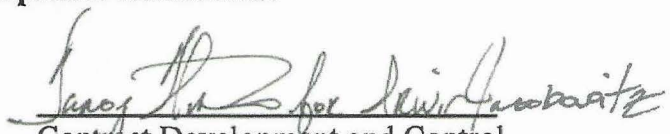
No Fiscal Impact

Fixed Asset Number H08905


**C. Departmental Fiscal Review:** 

**III. REVIEW COMMENTS**

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

 OFMB <u>3/26/2020</u> <u>3/25</u>	 Contract Development and Control <u>3/27/2020 TW</u>
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**B. Legal Sufficiency:**

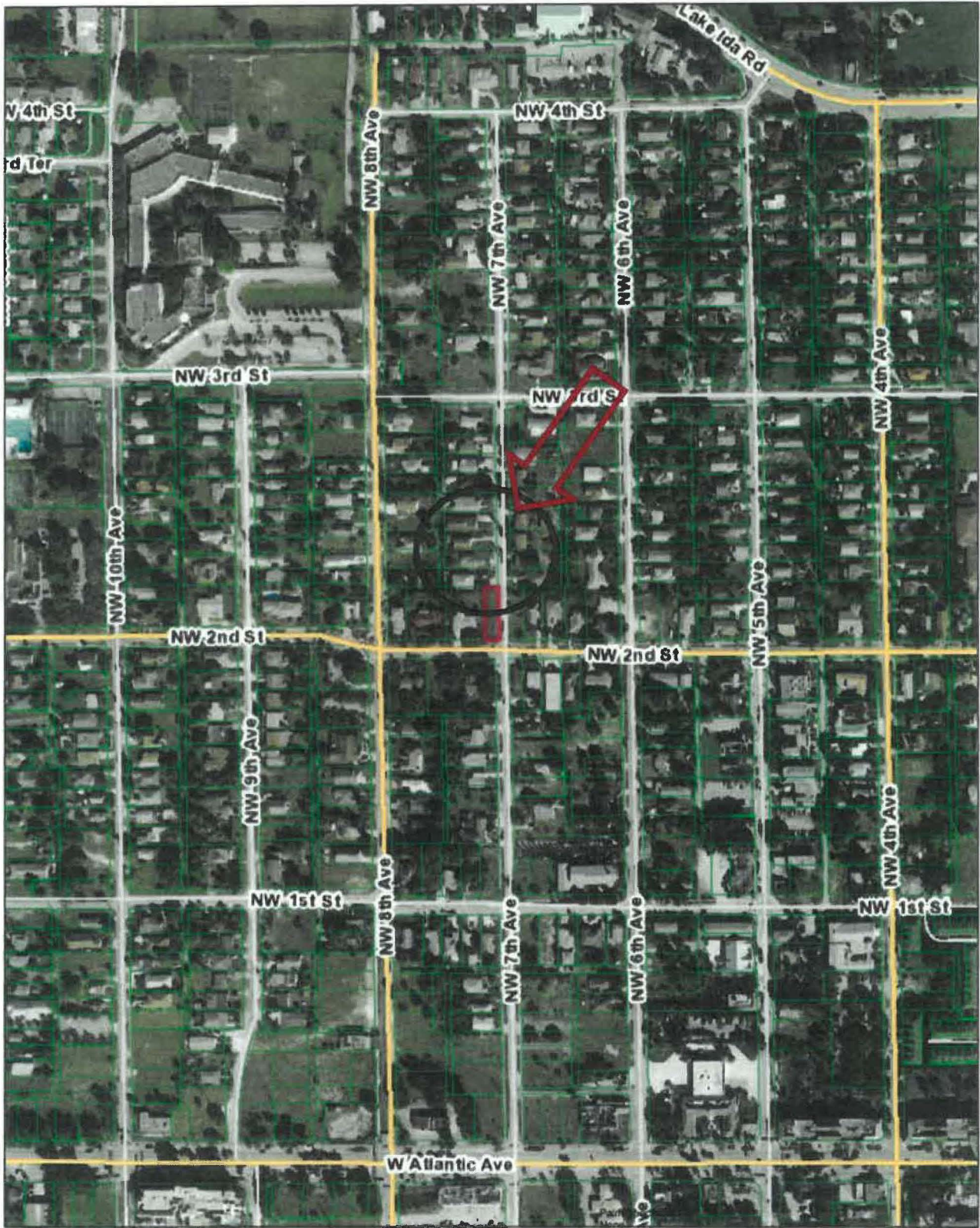
  
3/31/20  
 Assistant County Attorney

**C. Other Department Review:**

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

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

# LOCATION



MAP

Attachment #2  
Resolution  
3 Pages

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**RESOLUTION NO. 20 \_\_\_\_\_**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY TO CITY OF DELRAY BEACH PURSUANT TO FLORIDA STATUTE SECTION 197.592(3) WITHOUT CHARGE AND WITH RESERVATION OF MINERAL AND PETROLEUM RIGHTS, BUT WITHOUT RIGHTS OF ENTRY AND EXPLORATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHERE**, the County owns a 0.11 acre vacant parcel within the municipal boundaries of the City of Delray Beach which was acquired for delinquent taxes; and

**WHEREAS**, Florida Statutes Section 197.592(3) states that under certain conditions, the County is to convey to municipalities in which they are located, properties acquired by the County for delinquent taxes and that any liens of record held by the County on such properties shall not survive the conveyance to the municipalities; and

**WHEREAS**, the subject lands have not been previously sold, acquired for infill housing, or dedicated by the Board of County Commissioners, and shall not be conveyed to the record prior fee simple title owner; and

**WHEREAS**, pursuant to Florida Statute Section 270.11, the City of Delray Beach 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 has agreed 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 the

City of Delray Beach 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. Any liens of record held by the County on the subject lands shall not survive the conveyance to the City of Delray Beach.

**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 Dave Kerner, Mayor
- Commissioner Robert S. Weinroth, Vice Mayor
- Commissioner Hal R. Valeche
- Commissioner Gregg K. Weiss
- Commissioner Mary Lou Berger
- Commissioner Melissa McKinlay
- Commissioner Mack Bernard

The Mayor thereupon declared the resolution duly passed and adopted this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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

APPROVED AS TO TERMS AND CONDITIONS

By:   
Assistant County Attorney

By:   
Department Director

EXHIBIT A

PREPARED BY AND RETURN TO:  
RICHARD C. BOGATIN, Manager, Property Management  
PALM BEACH COUNTY  
PROPERTY & REAL ESTATE MANAGEMENT DIVISION  
2633 Vista Parkway  
West Palm Beach, FL 33411-5605

PCN: 12-43-46-16-01-002-0040  
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 **CITY OF DELRAY BEACH**, a municipal corporation of the State of Florida, whose legal mailing address is 100 N.W. 1<sup>st</sup> Avenue, Delray Beach, FL 33444, "City".

**WITNESSETH:**

That County, for and in consideration of the sum of Ten and 00/100 (\$10.00) Dollars to it in hand paid by "City", the receipt whereof is hereby acknowledged, has granted, bargained and sold to "City", (its successors / his or her heirs) and assigns forever, the following described land lying and being in Palm Beach County, Florida:

TOWN OF DELRAY E 57 FT OF S 135 FT /LESS 20 FT RD R/W/  
BLK 2.

THE ABOVE BEING THE REAL PROPERTY DESCRIBED  
UNDER TAX CERTIFICATE NUMBER 21505 IN THE TAX DEED  
RECORDED IN OFFICIAL RECORD BOOK 31156, PAGE 0847,  
PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

Reserving, however, unto County, its successors and assigns, an undivided three-fourths (¾) interest in, and title in and to an undivided three-fourths (¾) 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 (½) 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: \_\_\_\_\_  
Dave Kerner, Mayor

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

(OFFICIAL SEAL)

By: \_\_\_\_\_  
Assistant County Attorney

Attachment #3  
County Deed  
1 Page



PREPARED BY AND RETURN TO:  
RICHARD C. BOGATIN, Manager, Property Management  
PALM BEACH COUNTY  
PROPERTY & REAL ESTATE MANAGEMENT DIVISION  
2633 Vista Parkway  
West Palm Beach, FL 33411-5605

PCN: 12-43-46-16-01-002-0040

Closing Date: \_\_\_\_\_

Purchase Price: "0"

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RECORDED IN OFFICIAL RECORD BOOK 31156, PAGE 0847,  
PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

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.

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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: \_\_\_\_\_  
Dave Kerner, Mayor

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

By: \_\_\_\_\_  
Assistant County Attorney

(OFFICIAL SEAL)

Attachment #4  
Letter from City of Delray Beach  
1 Page

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# CITY OF DELRAY BEACH

CITY MANAGER'S OFFICE

100 N.W. 1<sup>ST</sup> AVENUE • DELRAY BEACH • FLORIDA 33444 • (561) 243-7015

Delray Beach

Florida



1993 • 2001 • 2017

February 10, 2020

Richard C. Bogatin  
Manager  
Property & Real Estate Management  
2633 Vista Parkway  
West Palm Beach, FL 33411-5605



**RE:** NW 7<sup>th</sup> Avenue Escheatment Deed  
PCN: 12-43-46-16-01-002-0040

Dear Mr. Bogatin:

Pursuant to your request on January 13, 2020, the City of Delray Beach will accept conveyance of the property.

Sincerely,

*Suzanne Fisher*  
George Gretsas  
City Manager  
*on behalf of GG*

SF/av

cc: Lynn Gelin, City Attorney  
Suzanne Fisher, Assistant City Manager  
Marie Kalka, Finance Director

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