

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

Meeting Date: June 2, 2020	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Regular
	<input type="checkbox"/> Ordinance	<input type="checkbox"/> 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 one (1) parcel of surplus property to the City of Boynton 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

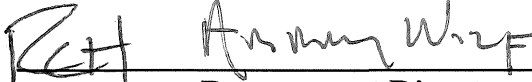

B) approve a County Deed in favor of the City of Boynton Beach.

Summary: In January, 2020, the County acquired by Tax Deed a 50' X 29' unbuildable parcel located at NW 1st St within the municipal boundaries of the City of Boynton 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, but 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 .037 acre in size, has a 2019 total assessed value of \$1,050. 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 Department of Housing and Economic Sustainability has no objection to this conveyance. 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 Boynton Beach dated March 30, 2020

Recommended By:	 Department Director	5/3/2020 Date
Approved By:	 County Administrator	5/13/2020 Date

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)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

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 _____

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

No Fiscal Impact

Fixed Asset Number H08906

Handwritten: a. D. Quinn, Fano, OFMB 5/7/20

C. Departmental Fiscal Review:

Handwritten signature

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

Handwritten: [Signature] 5/12/20
OFMB *LM 5/8*

Handwritten: [Signature] 5/11/2020
Contract Development and Control

B. Legal Sufficiency:

Handwritten: [Signature] 5/12/20
Assistant County Attorney

C. Other Department Review:

Department Director

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

Attachment #2
Resolution w/Exhibit A
3 Pages

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 BOYNTON BEACH PURSUANT TO FLORIDA STATUTE SECTION 197.592(3) 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 one (1) vacant parcel within the municipal boundaries of the City of Boynton 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 Boynton Beach 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 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 Boynton Beach without charge and by County Deed attached hereto as Exhibit “A”

and incorporated herein by reference, the real property legally described in such deeds. Any liens of record held by the County on the subject lands shall not survive the conveyance to the City of Boynton 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 _____, _____.

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

PCN: 08-43-45-21-07-002-1582
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 the **CITY OF BOYNTON BEACH**, a Florida Municipal Corporation, whose legal mailing address is 3301 Quantum Blvd, Suite 101, Boynton Beach, FL 33426 "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:

BOYNTON HILLS SWLY 28.33 FT OF NELY 46.33 FT OF LT 158 BLK B

THE ABOVE BEING THE REAL PROPERTY DESCRIBED UNDER TAX CERTIFICATE NUMBER 19529 IN THE TAX DEED RECORDED IN OFFICIAL RECORD BOOK 31156, PAGE 1058, 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.

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:

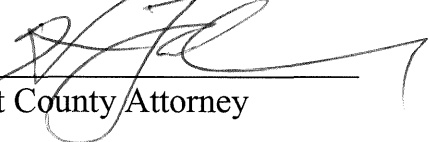
SHARON R. BOCK
CLERK & COMPTROLLER

By: _____
Deputy Clerk

PALM BEACH COUNTY, a political
subdivision of the State of Florida

By: _____
Dave Kerner, Mayor

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: 
Assistant County Attorney

(OFFICIAL SEAL)

Attachment #3
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: 08-43-45-21-07-002-1582
Closing Date: _____
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UNDER TAX CERTIFICATE NUMBER 19529 IN THE TAX DEED
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PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

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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

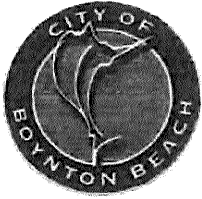
APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

(OFFICIAL SEAL)

By: _____
Assistant County Attorney

Attachment #4
Letter from City of Boynton Beach
1 Page

The City of Boynton Beach



OFFICE OF THE CITY MANAGER
Lori LaVerriere, City Manager
3301 Quantum Boulevard, Ste. 101
Boynton Beach, Florida 33426
(P): 561-742-6010 | (F): 561-742-6011
www.boynton-beach.org

March 30, 2020

**Mr. Ross Hering, Director
Property & Real Estate Management Division
Palm Beach County
2633 Vista Parkway
West Palm Beach, FL 33411-5605**

**Re: NW 1st Street Escheatment Deed
PCN: 08-43-45-21-07-002-1582**

Dear Mr. Hering:

Pursuant to your request of February 18, 2020, the City of Boynton Beach will accept conveyance of the property.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lori LaVerriere", is written over a horizontal line.

**Lori LaVerriere
City Manager**

cc: James A. Cherof, City Attorney

America's Gateway to the Gulfstream