

5B-1

Agenda Item #:

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: December 8, 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 two (2) properties that escheated to the County to the City of Boca Raton (City) pursuant to Florida Statutes, Section 197.592(3) 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 City.

Summary: The County acquired two (2) properties located within the municipal boundaries of the City by Tax Deed measuring approximately 0.1718 acres and a combined value of \$52. These unbuildable properties serve no present or future County purpose. Pursuant to Florida Statutes, Section 197.592(3), properties that escheated to the County for delinquent ad valorem taxes which have not been previously sold, acquired for infill housing or dedicated by the Board of County Commissioners and which have not been conveyed to the former record fee simple owner, shall be conveyed to the municipality in which the property is located. Conveyance will relieve the County of potential liability and maintenance costs on the property. In accordance with Florida Statutes, Section 270.11, the County will retain mineral and petroleum rights without rights of entry and exploration. **This conveyance must be approved by a Supermajority Vote (5 Commissioners). (Property & Real Estate Management) District 4 (HJF)**

Background and Policy Issues: The properties escheated to the County via a Tax Deed on May 18, 2004 pursuant to Florida Statutes, Section 197.502(8) and are located on NW 2nd Avenue north of Spanish River Road. (The property to the south measures approximately 0.1181 acres and has an assessed value of \$35. It is located directly adjacent to a City park. The property to the north measures approximately 0.0537 acres and has an assessed value of \$17.) It is located behind a residential home.

In response to direction from the Real Estate Assets Task Force, PREM has developed a program to convey escheated properties that provides little opportunity to further a County function to the municipalities in which they are located. The subject properties are vacant and unbuildable due to their size and location. The Housing and Economic Sustainability Department has no objection to the conveyance of the properties to the City. Conveyance will relieve the County of potential liability and maintenance costs on the property. A Disclosure of Beneficial Interests is not required for transactions between the County and another governmental entity.

Attachments:

- 1. Location Map
- 2. Resolution (W/ Exhibit "A")
- 3. County Deed
- 4. Letter from the City of Boca Raton dated September 1, 2020

Recommended By: [Signature] Department Director Date 10/26/20

Approved By: [Signature] County Administrator Date 11/24/2020

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2021	2022	2023	2024	2025
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u><u>-\$0-</u></u>	<u><u>-\$0-</u></u>	<u><u>-\$0-</u></u>	<u><u>-\$0-</u></u>	<u><u>-\$0-</u></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 _____


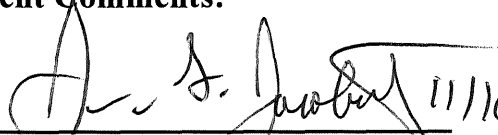


B. Recommended Sources of Funds/Summary of Fiscal Impact:
 No Fiscal Impact

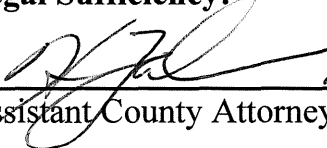
Fixed Assets Number H08082 & H08081

C. Departmental Fiscal Review: 

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

 10/30/2020  11/16/2020
 OFMB  10/30  11/16/20 Contract Development and Control
 11-13-20 TW

B. Legal Sufficiency:
 11/17/20
 Assistant County Attorney

C. Other Department Review:

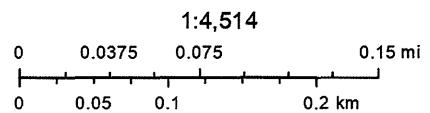
 Department Director

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

06-43-47-07-02-031-0123 & 06-43-47-07-02-031-0064



September 8, 2020



LOCATION MAP

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 THE CITY OF BOCA RATON 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 two (2) properties conveyed under one tax deed within the municipal boundaries of the City of Boca Raton, which were 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 Boca Raton has requested that such properties 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 Boca Raton without charge and by the County Deeds 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 Boca Raton.

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:

- District 1: _____
- District 2: Gregg K. Weiss _____
- District 3: _____
- District 4: Robert S. Weinroth _____
- District 5: _____
- District 6: Melissa McKinlay _____
- District 7: _____

The Mayor thereupon declared the Resolution duly passed and adopted this _____ day of _____, 20__.

PALM BEACH COUNTY, FLORIDA, BY ITS 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: _____
Howard J. Falcon, III
Chief Assistant County Attorney

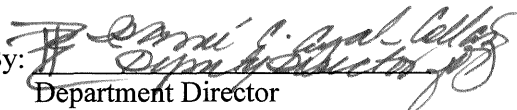
By: 
Department Director

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: 06-43-47-07-02-031-0123 and 06-43-47-07-02-031-0064
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 BOCA RATON, a Florida Municipal Corporation, whose legal mailing address is 201 West Palmetto Park Road, Boca Raton, FL 33432 "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 and assigns forever, the following described land lying and being in Palm Beach County, Florida:

BOCA RATON HILLS SEC 3, ELY 30 FT OF W 150 FT OF NLY 10.54 FT OF LT 6 & ELY 30 FT OF WLY 150 FT OF SLY 64.49 FT OF LT 7, ELY 30 FT OF W 150 FT OF NLY 30.54 FT OF LT 7 & ELY 30 FT OF WLY 150 FT OF SLY 56.78 FT OF LT 8, ELY 30 FT OF WLY 150 FT OF LT 12 (LESS NLY 8.22 FT & SLY 11.78 FT) BLK 31

THE ABOVE BEING THE REAL PROPERTY DESCRIBED UNDER TAX CERTIFICATE NUMBER 10151 IN THE TAX DEED RECORDED IN OFFICIAL RECORD BOOK 16977, PAGE 1005, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

Reserving, however, unto County, its successors and assigns, an undivided three-fourths (3/4) interest in, and title in and to an undivided three-fourths (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 (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: _____
, 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: 06-43-47-07-02-031-0123 and 06-43-47-07-02-031-0064
Closing Date: _____
Purchase Price: "0"

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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: _____
, Mayor

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: _____
Assistant County Attorney

(OFFICIAL SEAL)

Attachment #4
Letter from City of Boca Raton
1 Page

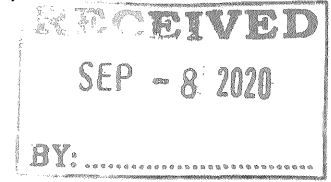


CITY OF Boca Raton

CITY HALL
201 WEST PALMETTO PARK ROAD • BOCA RATON, FL 33432
PHONE (561) 393-7700
(FOR HEARING IMPAIRED) TDD (561) 367-7043
www.myboca.us

September 1, 2020

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



Re: Palm Beach County Surplus Properties Located on N.W. 2nd Avenue
PCN: 06-43-47-07-02-031-0123
PCN: 06-43-47-07-02-031-0064

Dear Mr. Bogatin:

Pursuant to your correspondence of August 14, 2020 and August 24, 2020, please let this letter serve as confirmation that the City of Boca Raton is interested in obtaining the above-referenced properties at no cost to the City. I understand that the County's offer to convey is subject to the approval of the Board of County Commissioners. The conveyance will also be subject to the subsequent approval and acceptance of the deeds by the Boca Raton City Council,

To facilitate the transfer, please coordinate with Jonathan Peservich, the City's Property Specialist, who will be the staff liaison for this conveyance. Mr. Peservich can be reached at 561 393-7776 or jpeservich@myboca.us.

Sincerely,



Leif J. Ahnell, C.P.A., C.G.F.O.
City Manager

LA/jp

cc: George Brown, Deputy City Manager

STAY CONNECTED



- AN EQUAL OPPORTUNITY EMPLOYER -