Agenda Item #: 3-C-2

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

| Meeting Date: April | 6, 2021 | [X] | Consent Workshop | [] | Regular Public Hearing |
|------------------------------------------|---------------------------------------------------------------------------------------------------------|-----|---------------------|-----|---------------------------|
| Department: Submitted By: Submitted For: | Engineering & Public Works Department Engineering & Public Works Department Roadway Production Division | | | | |

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to:

- A) adopt a Resolution authorizing the conveyance of two right-of-way parcels on the northeast corner of Alternate A1A and Richard Road to the State of Florida Department of Transportation (FDOT); and
- B) approve a Palm Beach County (County) deed to convey the parcels at no cost to FDOT.

SUMMARY: Adoption of the Resolution will authorize the approval of the County deed to convey the parcels to FDOT, who has jurisdiction over the east side of Alternate A1A north of the intersection with Richard Road. The Engineering Department has determined that the parcels serve no present or future County purpose. This conveyance will relieve the County of potential liability and the cost of maintenance for these parcels. This conveyance to FDOT is at no cost, and is pursuant to Section 125.38, Florida Statutes. Although the County normally reserves its interest in phosphates, minerals, metals and petroleum rights per Section 270.11, Florida Statutes, FDOT has requested the release of this reservation because FDOT requires the property to be free and clear without encumbrances. In accordance with County ordinance (2019-038), a supermajority vote (5 votes) is required by the Board of County Commissioners (BCC) for all transfers of fee simple real property that requires BCC approval. District 1 (YBH)

Background and Justification: The parcels were requested by FDOT for sidewalk purposes. The parcels were acquired by the County as recorded on February 16, 2007, in Official Record Book 21425, page 1424 and on March 1, 2007, in Official Record Book 21463, page 1475. FDOT requires the transfer of the parcels without reserving phosphates, minerals, metals and petroleum rights per Section 270.11, Florida Statutes. FDOT 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.

Attachments:

- 1. Location Map
- 2. Resolution
- 3. County Deed

| 3. County Deed | , | |
|-----------------------|--------------------------------|----------|
| MR TO THE | A 121 | |
| Recommended by YBH/TE | Ward Llas | 2/24/202 |
| | County Engineer | Date |
| Approved by: | Tal . | 3/2/21 |
| | Assistant County Administrator | Date |

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

| Fiscal Years | 2021 | 2022 | 2023 | 2024 | 2025 |
|-------------------------|-------------|------|------|-----------------------------------------|------|
| 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- | -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 Account No:

Fund

Dept

Unit

Object

Recommended Sources of Funds/Summary of Fiscal Impact:

**This item has no fiscal impact. This conveyance will relieve the County of potential liability and the cost of maintenance for these properties.

C. Departmental Fiscal Review:

III. REVIEW COMMENTS

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

Tur. Man 2125/21

Ball OFMI

nivact Dev. and Control

B. Approved as to Form

and Legal Sufficiency:

ssistant County Attorney

C. Other Department Review:

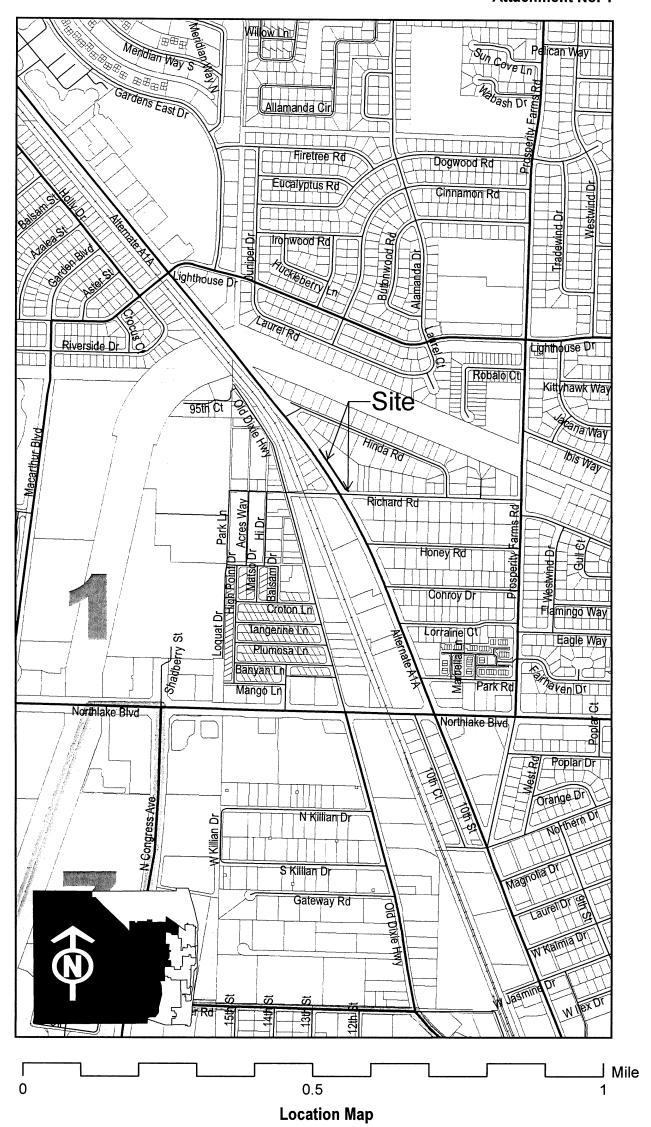
Department Director

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

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Attachment No. 1



RESOLUTION NO. R2021-___

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CONVEYANCE OF TWO RIGHT-OF-WAY PARCELS TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, PURSUANT TO SECTION 125.38, FLORIDA STATUTES, WITHOUT CHARGE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 125.38, Florida Statutes, the State of Florida Department of Transportation (FDOT) has made application to the Board of County Commissioners (BCC) of Palm Beach County (County) requesting that the County convey two right-of-way parcels as described in Official Record Book 21425, page 1424 and Official Record Book 21463, page 1475 (Parcels) to FDOT for sidewalk purposes; and

WHEREAS, the BCC finds that the Parcels are required for such use and are not needed for County purposes; and

WHEREAS, pursuant to Section 270.11, Florida Statutes, FDOT has requested that the County convey the Parcels without reservations and without the rights of entry and exploration relating to phosphates, minerals, metals, and petroleum rights, because FDOT requires the Parcels to be free and clear of encumbrances which could impede use of the Parcels for roadway purposes; and

WHEREAS, the BCC has agreed to convey the Parcels without reserving phosphates, minerals, metals, and petroleum rights, and releases any and all rights of entry and exploration relating to such rights; and

WHEREAS, the Engineering Department has reviewed the Parcels and deems the conveyance to be in the best interest of the County and recommends approval.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

- 1. The foregoing recitals are true and correct and incorporated herein by reference.
- 2. The BCC shall convey to FDOT without charge and by County Deed, attached hereto and incorporated herein by reference, the Parcels legally described in the County Deed.
- 3. The provisions of this Resolution shall be effective immediately upon adoption hereof.

| The foregoing Resolution was offered by Commis | sioner, who moved its |
|------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|
| adoption. The motion was seconded by Commissio | ner, and upon being put to |
| a vote, the vote was as follows: | |
| Commissioner Dave Kerner, Mayor | |
| Commissioner Robert S. Weinroth, Vice M | |
| | |
| Commissioner Maria G. Marino | |
| Commissioner Gregg K. Weiss | |
| Commissioner Maria Sachs | |
| Commissioner Melissa McKinlay | |
| Commissioner Mack Bernard | |
| , 2021. | on duly passed and adopted this day of PALM BEACH COUNTY, A POLITCAL SUBDIVISION OF THE STATE OF FLORIDA, BY AND THROUGH ITS BOARD OF COUNTY COMMISSIONERS |
| APPROVED AS TO FORM AND LEGAL SUFFICIENCY | Joseph Abruzzo, Clerk of the Circuit Court & Comptroller |
| BY:YBH/TEL Yelizaveta B. Herman, Assistant County Attorney | BY: Deputy Clerk |
| APPROVED AS TO TERMS AND CONDITIONS BY: | |

Return via Palm Beach County interoffice mail to: Toni Sharp, Right-of-Way Specialist Palm Beach County, Engineering & Public Works Department Roadway Production Division 2300 North Jog Road, 3rd Floor West West Palm Beach, Florida 33411-2750

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: N/A

| Purchase Price | : \$ 0 |
|----------------|---------------------------------------|
| Closing Date: | · · · · · · · · · · · · · · · · · · · |

SPACE ABOVE THIS LINE FOR PROCESSING DATA

PROJECT NO.: 1993901 FDOT Transfer
ROAD NAME: Alt AIA & Richard Rd
PARCEL NO.: 5 ft Strip & Corner Clip

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 STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION ("FDOT"), whose post office address is 3400 West Commercial Blvd., Fort Lauderdale, Florida 33309, ("Grantee").

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

Properties more particularly described in Official Record Book 21425, Page 1424, and in Official Record Book 21463, Page 1475, both recorded in the public records of Palm Beach County, Florida.

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: | County: |
|---------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|
| JOSEPH ABRUZZO CLERK OF THE CIRCUIT COURT & COMPTROLLER | PALM BEACH COUNTY, a political subdivision of the State of Florida, by and through its Board of County |
| | Commissioners |
| By: Deputy Clerk | By: |
| APPROVED AS TO FORM AND LEGAL SUFFICIENCY By: Assistant County Attorney | (Official Seal) |

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