

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2023	2024	2025	2026	2027
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	=====	=====	=====	=====	=====
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget: Yes _____ No _____

Does this item include the use of federal funds? Yes _____ No _____

Budget Account No: Fund _____ Dept _____ Unit _____ Object _____
 Program _____

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

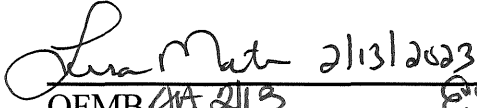
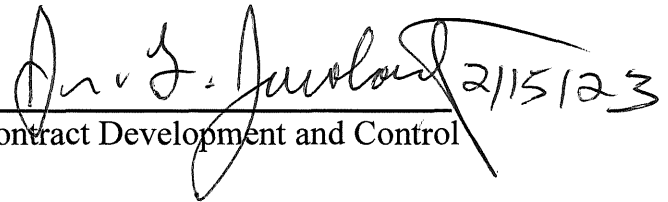
No Fiscal impact.

Fixed Asset Number N/A

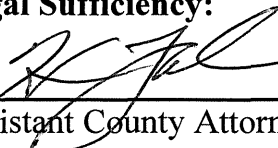
C. Departmental Fiscal Review: 

III. REVIEW COMMENTS



A. OFMB Fiscal and/or Contract Development Comments:

<p><u></u> 2/13/2023 OFMB QA 2/13 ESW 2-13-23</p>	<p><u></u> 2/15/23 Contract Development and Control</p>
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B. Legal Sufficiency:

 2/15/23
 Assistant County Attorney

C. Other Department Reviews:

<p><u></u> Department Director, Engineering & Public Works</p>	<p><u></u> Department Director, Water Utilities</p>
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This summary is not to be used as a basis for payment.

Background and Justification Continued: process said requests. Since the County has no interest in the Plat right of way, the Disclaimer and delegated signature authority would effectively simplify the overall process that requires the review and coordination amongst FD&O, Engineering and Water Utilities departments and the CAO.

Ownership of the rights of way for roads and ditches within The Palm Beach Farms Co. platted subdivisions has historically been a contentious issue. The Palm Beach Farms Co. subdivisions in the central portions of the County were established by several different plats recorded in the early 1900s. The rights of way shown on these various plats were dedicated to the public, but many were never formally accepted by the County for ownership or maintenance purposes.

In the 1980's, West Peninsular/Absolute acquired the interest of the original developer of The Palm Beach Farms Co. platted subdivisions and asserted claims to ownership of the rights of way within the plats. West Peninsular/Absolute started to sell portions of right of way to third parties, who were not adjacent owners for use of the property. This wreaked havoc on property owners and developers. In addition, West Peninsular/Absolute sued the County and other defendants in Federal court over the Abandonment Ordinance No. 86-18, among other issues, claiming the County was effectively selling land owned by West Peninsular/Absolute. The jury returned a verdict against the County finding that the County had never accepted the offer of dedication from plaintiffs' predecessor in interest (Final Judgment Order recorded in ORB 11687, Page 1584). In a related state court case, West Peninsular/Absolute lost its interest in the rights of way to the adjoining property owners, resulting in the property owners holding fee simple title to the rights of way free and clear of the Palm Beach Farms Plat No. 3 public dedication (ORB 9209, Page 116 and ORB 11006, Page 1981). In 2002, the County reached a settlement with West Peninsular/Absolute where the County paid for those few rights of way the County was actually using, and West Peninsular/Absolute provided the County with Quit Claim Deeds releasing any claims to the rights of way within the Palm Beach Farms plats.

As a result of the Federal lawsuit, Engineering and the CAO have taken the position that (with certain limited exceptions for rights of way the County purchased as part of the settlement or owned as an adjacent owner) the County and the public have no interest in the rights of way that were part of the Federal lawsuit; that the adjacent tract owners own to the centerline of the road; that the County cannot abandon those rights of way, and that there is no need for the County to provide adjacent owners a quit claim deed to evidence clear title in the adjacent owners.

However, continued uncertainty exists with respect to the County's interest in the rights of way arising out of the West Peninsular/Absolute Quit Claim Deeds (ORB 13889, Page 490 and ORB 13889, Page 459). To the layperson, the record shows a Quit Claim Deed to the County. In addition, the Property Appraiser's records reflect the County as owner. Title companies and attorneys sometimes require a deed from the County in order to insure title. In those few instances, the County has provided Quit Claim Deeds to adjacent owners releasing any County interest. Most recently, on February 9, 2021, the Board of County Commissioners approved a Quit Claim Deed in favor of Judith A. Hoover, as Successor Trustee of the Credit Shelter Trust created under the Richard D. Hoover Trust Declaration u/a/d 12/24/1986 as amended and restated 2/23/1998 (collectively "Judith A. Hoover, as Successor Trustee") and Hoover Properties, LTD, a Florida Limited Partnership (collectively "Hoover") releasing of record any County interest in the Hoover's portion of the 15' strip of right of way within The Palm Beach Farms Co. Plat No. 3. While reviewing Hoover's request for a quit claim deed, it was discovered that utility lines exist within the subject property. Hoover provided the County a Utility Easement within the south 15' of the released road right of way.

The Disclaimer form disclaims, releases and quit claims to an Owner the County interest in the Property which may have arisen pursuant to the West Peninsular/Absolute Quit Claim Deeds. In order to be assured that the legal description for the strip of land being released by the Disclaimer is within the limits of the Plat and affected by the West Peninsular/Absolute judgements, Engineering will review and approve said legal description prior to recording of the Disclaimer.

In the event any existing County improvements (water/sewer/reclaim/drainage lines and structures, etc.) are located within the right of way that is being disclaimed, Engineering and/or WUD will request that the property owner grant the County an easement to address any existing County improvements. If an easement is approved by the property owner, it will be processed by the impacted Department.

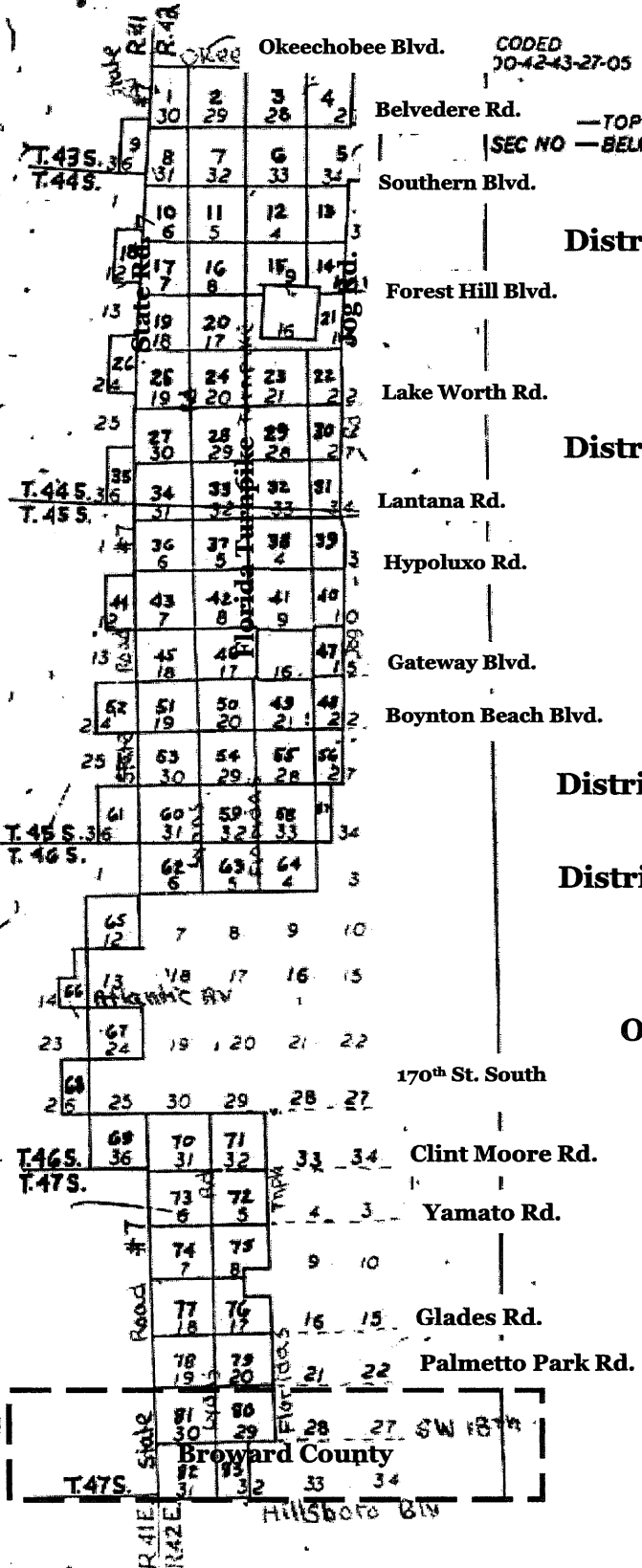
General Location Map Palm Beach Farms Plat No. 3

District 6

PALM BEACH FARMS

PLAT 3 PB2 PGS 45-54

District 5



District 2

District 3

District 2

District 5

Outside District 4

Attachment 2

Disclaimer of Interest In Property

3 Pages

PREPARED BY AND RETURN TO:

PALM BEACH COUNTY
PROPERTY & REAL ESTATE MANAGEMENT DIVISION
2633 Vista Parkway
West Palm Beach, FL 33411-5605

PCN: _____

DISCLAIMER OF INTEREST IN PROPERTY

PALM BEACH COUNTY a political subdivision of Florida, whose legal mailing address is 2633 Vista Parkway, West Palm Beach, Florida 33411-5605, (“County”) received quit claim deeds from **WEST PENNINSULAR TITLE COMPANY**, a Florida corporation, as recorded in Office Record Book 13889, Page 490 and **ABSOLUTE, INC.**, a Florida corporation, as recorded in Official Record Book 13889, Page 459, of the Public Records of Palm Beach County, Florida (collectively, the “Quit Claim Deeds”).

_____ (“Owner”), whose mailing address is _____ and is the fee simple owner of the property as legally described in Exhibit “A” attached hereto and made a part hereof (“Property”).

County does hereby disclaim, release and quit claim to Owner any interest in the Property which may have arisen pursuant to the Quit Claim Deeds.

IN WITNESS WHEREOF, County has caused these presents to be executed in its name by its Board of County Commissioners acting through the Director, Facilities Development & Operations Department, Palm Beach County, pursuant to delegated authority under (Resolution # or Agenda Item # _____), dated _____, 20____, the day and year aforesaid.

Signed and delivered
in the presence of:

PALM BEACH COUNTY, a Political
Subdivision of the State of Florida

Witness Signature

By: _____
Director, Facilities Development & Operations

Print Witness Name

Witness Signature

Print Witness Name

CONTINUED ON NEXT PAGE

State of Florida)
County of Palm Beach)

The foregoing instrument was acknowledged before me by means of [] physical presence or [] online notarization, this (date) _____ by Isami Ayala-Collazo, Director, Facilities Development and Operation of Palm Beach County, on behalf of the Palm Beach County Board of County Commission. She is personally known to me or who has produced. (type of identification) as identification.

(Signature of person taking acknowledgment)

(Name typed, printed or stamped)

(Title or rank)

(Serial number if any)

**APPROVED AS TO
LEGAL SUFFICIENCY**

By: _____
Assistant County Attorney

EXHIBIT "A"