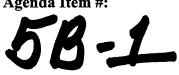
Agenda Item #:

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



Meeting Date:	May 16, 2023	[] Consent [] Ordinance	[X] Regular [] Public Hearing
Department:	Facilities Development & Oper	ations	

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to:

A) adopt a Resolution authorizing the conveyance of the County's interest lying within the Olive Street right-ofway as dedicated by the New Palm Beach Heights plat, PB 6, Page 73 (Plat), located east of Ocean Drive, to the Town of Juno Beach (Town) pursuant to F.S. §125.38, without charge and without reservation of mineral and petroleum rights; and

B) approve a County Deed in favor of the Town of Juno Beach.

Summary: In the mid to late 1990s, the County constructed a pedestrian walkover, and the Town made other improvements, within a portion of the undeveloped 46 foot wide Olive Street right-of-way parcel ('Right-of-Way Parcel) which is located on the east side of the intersection of Donald Ross Road and Ocean Drive in Juno Beach. The walkover and improvements were constructed to help protect the dune and vegetation along the ocean front Right-of-Way Parcel. Ownership and maintenance responsibilities of the Right-of-Way Parcel has always been an area of uncertainty. To clear up the uncertainty, Town is willing to take over the ownership and maintenance responsibility of the Right-of-Way Parcel and on February 22, 2023, the Town approved the acceptance of the proposed County Deed. This conveyance will resolve any future ownership and maintenance issue with the Town. Since the Right-of-Way Parcel is located within the municipal limits of the Town, the County's Engineering and Public Works Department has no issue with the proposed conveyance. The Right-of-Way Parcel is being conveyed to the Town pursuant to F.S. §125.38 without charge and without reservation of This conveyance must be approved by a Supermajority Vote (5 mineral and petroleum rights. Commissioners). (Property & Real Estate Management) District 1 (HJF)

Background & Policy Issues: This conveyance will relieve the County of potential liability for occurrences on the property and any maintenance obligations. The specific intent of the conveyance is to release and quitclaim any interest in the Right-of-Way Parcel arising pursuant to the New Palm Beach Heights plat recorded in Plat Book 6, Page 73, of the Public Records of Palm Beach County, Florida, including the pedestrian walkover structure.

Attachments:

- 1. Location Map
- Resolution (with Exhibit "A") 2.
- 3. County Deed (with Exhibit "A")
- Town of Juno Beach Resolution 2023-02 4

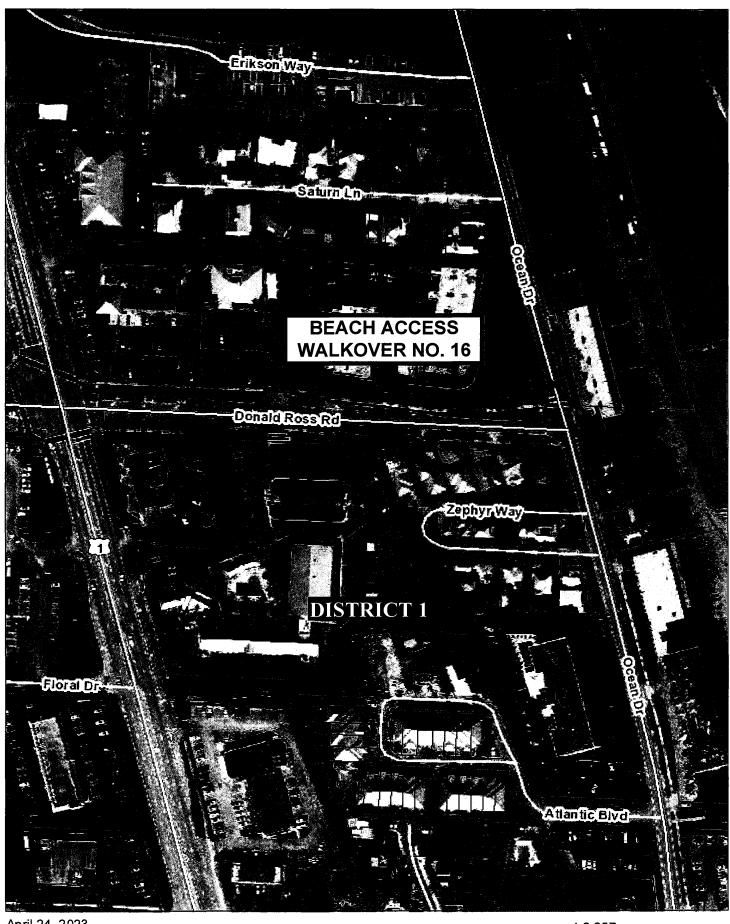
Recommended By:	Some I high allo	4/26/23
	Department Director	Date
Approved By:	Mater (5/8/23
•	County Administrator	Date /

II. FISCAL IMPACT ANALYSIS

A.	Five Year Summary of Fis	cal Impact:					
Fisca	al Years	2023	2024	2025	2026	2027	
Oper Exte Prog	ital Expenditures rating Costs ernal Revenues gram Income (County) Lind Match (County						
NET	FISCAL IMPACT	<u>-\$0-</u>	<u>-\$0-</u>	<u>-\$0-</u>	<u>-\$0-</u>	<u>-\$0-</u>	
	ODITIONAL FTE SITIONS (Cumulative)						
Is It	em Included in Current Bu	dget:	Yes	N	To <u>X</u>		
Doe	s this item include the use of	f federal fund	ds? Yes	N	lo <u>X</u>		
Bud	get Account No: Fund		Dept Program	^U	Jnit	Object	_
В.	Recommended Sources of No Fiscal Impact	Funds/Sum	mary of Fiscal I	mpact:			
	Fixed Assets Numbers n	/a					
C.	Departmental Fiscal Revi	ew: Zbenz Wolli. RI	t Eix Phi EVIEW COMM	CLLLA_	=		
A.	OFMB Fiscal and/or Con	tract Develo	pment Commen	ıts:	Λ		
	June Mart 51,1 OFMB 97-5/1	2027 ESW 5-1-23	Contract De	evelopment ar	d Control	5/2/2	
В.	Legal Sufficiency: Assistant County Attorney			- 0			
C.	Other Department Revie	w:					
1	Engineering Department I	Director					

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

Town of Juno Beach Right-of-Way Crossover No. 16



Attachment No. 1 Location Map

RESOLUTION NO. R2023 -

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY TO THE TOWN OF JUNO BEACH, PURSUANT TO FLORIDA STATUTE SECTION WITHOUT **CHARGE** 125.38, WITHOUT MINERAL AND PETROLEUM RIGHTS **PROVIDING** RESERVATION; AND **FOR** EFFECTIVE DATE.

WHEREAS, the Town of Juno Beach ("Town"), has made application to the Board of County Commissioners of Palm Beach County requesting that Palm Beach County convey its interest in right-of-way lying within the Olive Street right-of-way, as dedicated by the New Palm Beach Heights plat, Plat Book 6, Page 73, of the public records of Palm Beach County, Florida, located east of Ocean Drive, in the Town, in order to resolve ownership and maintenance responsibilities; and

WHEREAS, the Board of County Commissioners of Palm Beach County hereby finds that the aforementioned is for the community interest and welfare, and such right-of-way is not needed for County purposes; and

WHEREAS, Town has requested that such property be conveyed without reservation of phosphate, mineral, metals and petroleum rights; and

WHEREAS, the Board of County Commissioners of Palm Beach County hereby agrees to convey such property without reserving phosphate, mineral, metals and petroleum 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. <u>Authorization to Convey Real Property</u>

The Board of County Commissioners of Palm Beach County shall convey to Town without charge and by County Deed attached hereto as Exhibit "A" and incorporated herein by reference, the real property legally described in such Deed.

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. <u>Effective Date</u>

The provisions of this Resolution	on shall be effective immediately upon ad	option
hereof.		
The foregoing resolution was offe	ered by Commissioner	who
moved its adoption. The Motion was se	econded by Commissioner,	and
upon being put to a vote, the vote was as	s follows:	
	hael A. Barnett rei Woodward a Baxter	
The Mayor thereupon declared th	ne resolution duly passed and adopted this	day
of, 20		
	PALM BEACH COUNTY, a political subdivision of the State of Florida JOSEPH ABRUZZO CLERK OF THE CIRCUIT COURT	
	& COMPTROLLER	
	By: Deputy Clerk	
APPROVED AS TO LEGAL SUFFICIENCY	APPROVED AS TO TERMS AND CONDITIONS	
By: Assistant County Attorney	By: Department Director	3

EXHIBIT "A" COUNTY DEED

PREPARED BY AND RETURN TO: Lorymil Melendez-Dolgado, Real Estate Spacialist PALM BEACH COUNTY PROPERTY & REAL ESTATE MANAGEMENT DIVISION 2633 Vista Parkway West Palm Beach, FL 33411-5605

PCN: N/A-Town of Juno Beach Right-of-Way
Closing Date: NA
Purchase Price: NA

COUNTY DEED

This COUNTY DEED, made ______, by PALM BEACH COUNTY, a political subdivision of the State of Florida, whose legal mailing address is 2633 Vista Parkway, West Palm Beach, Florida 33411-5605, "County", and TOWN OF JUNO BEACH, a Florida municipality, whose legal mailing address is 340 Ocean Drive, Juno Beach, FL 33408, "Grantee".

WITNESSETH:

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

See Exhibit "A" attached hereto and made a part hereof ("the Property").

The specific intent of this Deed is to release and quitclaim any interest in the Property arising pursuant to the New Palm Beach Heights plat recorded in Plat Book 6, Page 73, of the Public Records of Palm Beach County, Florida, including the pedestrian dune crossover structure located within the Property.

SAVING AND RESERVING, unto County, easements for all existing utility lines and equipment, together with the right to repair, maintain, add to and enlarge said lines and equipment.

THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK

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:	
JOSEPH ABRUZZO CLERK OF THE CIRCUIT CO & COMPTROLLER	PALM BEACH COUNTY, a political OURT subdivision of the State of Florida
By:	By:Gregg K. Weiss, Mayor
APPROVED AS TO LEGAL SUFFICIENCY	(OFFICIAL SEAL)
By: Assistant County Attorney	_

\pbcgov.org\PDO\Common\PREM\Standard Documents\Deed County Release all (11-2022).docx

Exhibit "A" Legal Description

That portion of the Olive Street right-of-way, according to the New Palm Beach Heights plat, as recorded in Plat Book 6, Page 73, of the public records of Palm Beach County, Florida, lying east of Ocean Drive (A.K.A. State Road A1A) right-of-way.

PREPARED BY AND RETURN TO: Lorymil Melendez-Delgado, Real Estate Specialist PALM BEACH COUNTY
PROPERTY & REAL ESTATE MANAGEMENT DIVISION 2633 Vista Parkway West Palm Beach, FL 33411-5605

PCN: N/A- Town of Juno Beach Right-of-Way Closing Date: NA
Purchase Price: NA

COUNTY DEED

__, by **PALM BEACH COUNTY.** This COUNTY DEED, made a political subdivision of the State of Florida, whose legal mailing address is 2633 Vista Parkway, West Palm Beach, Florida 33411-5605, "County", and TOWN OF JUNO BEACH, a Florida municipality, whose legal mailing address is 340 Ocean Drive, Juno Beach, FL 33408, "Grantee".

WITNESSETH:

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

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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:

JOSEPH ABRUZZO CLERK OF THE CIRCUIT COURT & COMPTROLLER	PALM BEACH COUNTY, a political subdivision of the State of Florida
By: Deputy Clerk	By:Gregg K. Weiss, Mayor
APPROVED AS TO LEGAL SUFFICIENCY By: Assistant County Attorney	(OFFICIAL SEAL)

Exhibit "A" Property Legal Description

That portion of the Olive Street right-of-way, according to the New Palm Beach Heights plat, as recorded in Plat Book 6, Page 73, of the public records of Palm Beach County, Florida, lying east of Ocean Drive (A.K.A. State Road A1A) right-of-way.

2				
3	A RESOLUT	ON OF THE TOWN COUNCIL OF THE TOWN OF JUNO		
4	BEACH, FLORIDA, ACCEPTING A DEED FROM PALM BEACH			
	COUNTY FOR THE CONVEYANCE OF THAT PORTION OF THE			
5				
6		OSS ROAD RIGHT-OF-WAY EAST OF OCEAN DRIVE		
7	INCLUDING	THE PEDESTRIAN DUNE WALKOVER; AND PROVIDING		
8	FOR AN EFF	ECTIVE DATE.		
9				
10	WHEREAS i	n order to resolve a dispute over the ownership and maintenance of		
11	•	Walkover located within the Donald Ross Road right-of-way, Palm		
12				
	——————————————————————————————————————	lected to convey the property upon which the Walkover is located to		
13	the Town via County	Deed; and		
14				
15	WHEREAS,	the Town Council determines that the acceptance of the Deed,		
16	including acceptanc	e of the ownership and maintenance responsibility for the Dune		
17		pest interests of the residents and property owners of the Town of		
18	Juno Beach.	FF 4		
19	04.10 200011.			
20	NOW THED	EFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE		
	•	·		
21	TOWN OF JUNO BI	:ACH, as follows.		
22		TT		
23	Section 1.	The foregoing recitals are ratified and incorporated herein.		
24				
25		The Town Council hereby accepts a County Deed from Palm Beach		
26		ion of the Donald Ross Road right-of-way east of Ocean Drive,		
27	including the pedest	rian Dune Walkover. Upon recordation of the Deed in the public		
28		hall assume ownership and maintenance of the pedestrian Dune		
29	Walkover.			
30				
31	Section 3	This Resolution shall be effective immediately upon adoption.		
32		• • •		
	DECOLVED /	AND ADOPTED this 22nd day of February, 2023.		
33	RESULVED A	AND ADOPTED this Rang day of PROTUCING, 2023.		
34		∞ // \sim		
35				
36		- Con May		
37		DD Halpern/Mayor		
38		V		
39	ATTEST:			
40	10/	10020		
41 _	at Com			
42	Caitlin E. Copeland-l	Rodriguez, MMC		
43	Town Clerk			
44				
45	APPROVED AS TO	FORM AND		
46	LEGAL SUFFICIENC			
47	/ .	''/ <i>]</i>		
48	Loonard C. Dubin T	over Attornay		
49	Leonard G. Rubin, T	own Auomey		

RESOLUTION 2023-02

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