# ADDON



# PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS <u>AGENDA ITEM SUMMARY</u>

Meeting Date:	June 13, 2023	[ ] Consent [ ] Ordinance	[X] Regular [ ] Public Hearing	
Department:	Facilities Developm	ent & Operations		

## I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: the Transit Village Subdivision replat on the condition that after approval by the City of West Palm Beach the County will hold such replat in escrow and recording of same will be at the closing of the transaction pursuant to the Purchase and Sale Agreement (R2012-1158).

On August 14, 2012, the County entered into an Agreement for Purchase and Sale (R2012-1158, **Summary:** as amended thrice: R2018-0956; R2020-0517; and R2021-1587; collectively referred to as PSA) with Transit Village, LLC (TV) for the sale of County-owned real property and air rights at the southeast corner of Banyan Boulevard and Clearwater Drive in the City of West Palm Beach, which is the current site of the County's Intermodal Transit Center (ITC Property). Pursuant to the PSA, TV is to construct a mixed-use development, including a parking garage on the ITC Property (Project). In order to satisfy the City of West Palm Beach's development requirements, TV is replatting the County property as the Transit Village Subdivision (Replat) into three separate tracts. The County will maintain ownership of Tract 3, approximately 1.648 acres, which is the existing area of Palm Tran's bus and passenger operations at the ITC. The Board of County Commissioners' (Board) approval of the Replat is required to authorize the Mayor to sign same as representative of the County as the property owner. Once the County has signed the Replat, it will be submitted by TV to the City of West Palm Beach (City) for final approval by the City Commission. Under the construction of the PSA, a condition precedent to closing is having County-approved plans, drawings and supporting documents, including permitting of same by the City. The Replat must then reflect and conform to the limits and boundaries established on said Countyapproved and City-permitted plans and drawings. Approval and recording of the Replat would necessarily occur prior to closing. TV has represented that delaying approval of the Replat until a later time would affect the ability to close and overall project implementation schedule. However, County Staff comments to the plans and construction drawings have remained unaddressed since February 17, 2023. Therefore, County Staff's position is that County approval of the Replat is premature at this time and the possibility remains that additional revisions to the Replat could be required prior to closing in order to conform it to eventual County-approved and Citypermitted drawings. Consistent with prior Board direction, County Staff has accommodated TV's request to expedite approval of the Replat in order to facilitate project implementation. The required public hearing to consider the Replat has already been scheduled by the City Commission, at TV's request, to take place on June 26, 2023. In its exchanges with TV, County Staff recommended that the Replat be held in escrow by County following City Commission approval and not be recorded into the public records of Palm Beach County until closing on the property. The City is only willing to allow 60 days after approval by the City Commission to record the Replat, which County Staff suspects is an insufficient amount of time for TV to fulfill all pre-closing obligations of the PSA. TV has represented that it will obtain City's concurrence for the County to hold the Replat in escrow until closing. As of the date of this agenda item, a final determination from the City on said matter is yet to be received. County Staff is moving this item forward accommodating the aforementioned request by TV and based upon TV's representations regarding potential delays to the project timeline, and in alignment with prior Board direction to collaborate with TV towards project attainment. (Property & Real Estate Management) District 2/Countywide (HJF)

(Continued on Page 3)

## Attachments:

- 1. Location Map
- 2. Transit Village Subdivision Replat

Recommended By:	Somi'l high lalls	4/9/23		
-	Department Director	Date /	***************************************	
Approved By:	1/CBake	6/12/23		
	County Administrator	Date /		

# $II.\ \underline{FISCAL\ IMPACT\ ANALYSIS}$

Α.	Five Year Summary of I	fiscal Impac	t:			
Fisc	cal Years	2023	2024	2025	2026	2027
Ope Ext Pro	oital Expenditures erating Costs ernal Revenues gram Income (County) Kind Match (County					
NE'	Г FISCAL IMPACT	<u>N/A</u>		***************************************	***************************************	·····
	DDITIONAL FTE SITIONS (Cumulative)		-			MACHINE MINISTRAL
Is I	tem Included in Current B	Budget: Ye	s	No		
Do	es this item include the use	of federal fu	ınds? Yes_	No	_	
Bud	lget Account No: Fund	Program _	Dept	Unit	_ Object	·
В.	Recommended Sources	of Funds/Su	nmary of Fisc	al Impact:		
	No fiscal impact.					
	Fixed Asset Number			7		
C.	Departmental Fiscal Rev	view:	za Syle			
		III. <u>REV</u>	IEW COMM	<u>ENTS</u>		
<b>A.</b>	OFMB Fiscal and/or Co  AGDUL  OFMB GA GIB	ntract Devel	- An	nents:	awlus 6	112123
В.	Legal Sufficiency:  Assistant County Attorney	y				
C.	Other Department Revie	ew:				
	Department Director	<del></del>				
	This summary is not to l	be used as a	basis for payn	ient.		

## Page 3

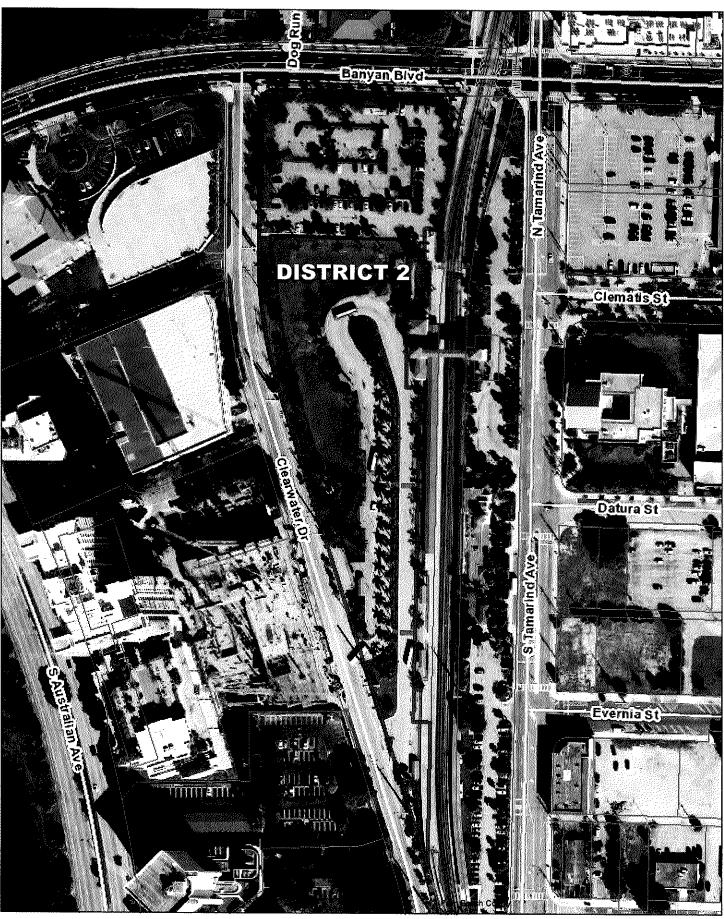
## (Continued from Page1)

Background and Policy Issues: The PSA provides for the sale of land together with air rights over the County's ITC Property and also includes the area of the subsurface footers and supporting structures within the boundaries of the ITC. This Replat is required in accordance with the City's development requirements to memorialize the boundaries of proposed ownership, as well as the PSA requirement that all Government Approvals be obtained prior to closing. Upon Replat and closing, the County will continue to own and operate the proposed Tract 3 up to a height of not less than 21 feet 4 inches above the finished grade. The purchase price due at closing is \$3,600,000 or such other amount as determined by the Federal Transit Administration (FTA) given their interest in the chain of title to the real property.

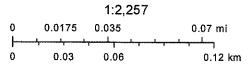
County Staff's position is that approval of the Replat is premature at this time given the absence of materially related deliverables due from TV under the PSA prior to closing. Should the Board approve the Replat and changes to same later be necessary to conform to County-approved plans, drawings and corresponding permits, TV would be assuming all risk by proceeding with the Replat at this time and responsibility (both financial and performance) for making any conforming revisions. Amendment No. 3 to the PSA (R2021-1587) provides TV until August 13, 2024 to fulfill all pre-closing obligations and complete closing.

## **LOCATION MAP**

74-43-43-21-27-001-0000



June 7, 2023



# Attachment 1

## TRANSIT VILLAGE SUBDIVISION

BEING A REPLAT OF PARCEL "A", AS SHOWN ON THE PLAT OF WEST PALM BEACH INTERMODAL TRANSFER FACILITY, AS RECORDED IN PLAT BOOK 110, PAGES 191 AND 192, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA LYING IN SECTION 21, TOWNSHIP 43 SOUTH, RANGE 43 EAST CITY OF WEST PALM BEACH, PALM BEACH COUNTY, FLORIDA

MAY 2023

#### **DEDICATIONS AND RESERVATIONS**

STATE OF FLORIDA COUNTY OF PALM BEACH

KNOW ALL MEN BY THESE PRESENTS THAT PALM BEACH COUNTY. A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA. DWNER OF THE LAND SHOWN HEREON AS:

"TRANSIT VILLAGE SUBDIVISION"

BEING A REPLAT OF PARCEL "A". AS SHOWN ON THE PLAT OF WEST PALM BEACH INTERMODAL TRANSFER FACILITY. ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN PALM BEACH COUNTY, FLORIDA RECORDED IN PLAT BOOK

PARCEL A. PLAT OF WEST PALM BEACH INTERMODAL TRANSFER FACILITY, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 110, PAGE 191 AND 192.

MAYE CAUSED THE SAME TO BE SURVEYED AND PLATTED. AS SHOWN HEREON, AND DO HEREBY

1.) TRACTS 1. 2 AMO 3. AS SHOWN HEREON, ARE HEREBY RESERVED FOR THE FEE SIMPLE OWNER. ITS SUCCESSORS AND ASSIGNS, FUN USE IN ACCORDANCE WITH ZOHING APPROVAL OF RECORD FOR SAID TRACTS, INCLUDION FUTURE AMENDMENTS, ON FILE WITH THE CITY OF WEST PALM BEACH PLAMPING DIVISION. THE MAINTENANCE OF SAID TRACTS SHALL BE THE PEPPETUAL OBLIGATION OF THE FEE SIMPLE DWEN. ITS SUCCESSORS AND ASSIGNS, WITHOUT RECOURSE TO PALM BEACH AND WITHOUT RECOURSE TO PALM BEACH COUNTY IN THE EVENT PALM BEACH COUNTY IS NOT THE FEE SIMPLE OWNER.

2.) THE 24 FOOT ACCESS EASEMENT, AS SHOWN MEREON, IS HEREBY DEDICATED IN PERPETUILY FOR USE AS AN EMERGENCY EXIT AND IS THE PERPETUAL MAINTENANCE OBLICATION OF THE FEE SIMPLE DIMER OF TRACT 2.15 SUCCESSORS AND ASSIGNS. WISHOUT RECORDS TO THE CITY OF WEST PALM BEACH, FLORIDA.

#### **ACKNOWLEDGEMENT**

STATE OF FLORIDA COUNTY OF PALM BEACH

IN WITNESS WHEREOF. THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY. FLORIDA HAS CAUSED THESE PRESENT TO BE SIGNED BY ITS MAYOR AND ITS SEAL TO BE

PALM BEACH COUNTY.
A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA
BOARD OF COUNTY COMMISSIONERS

GREGG WEISS

JOSEPH ABRUZZO CLERK OF THE CIRCUIT COURT AND

#### TITLE CERTIFICATION

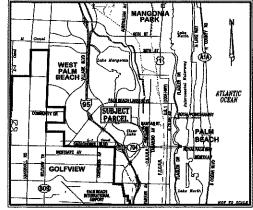
STATE OF FLORIDA

WE SOUTHEAST GUARANTY A TITLE. INC., A TITLE INSURANCE COMPANY, AS DULY LICENSED IN THE STATE OF FLORIDA. BO MEREBY CERTIF\* THAT WE HAVE EXAMINED THE TITLE TO THE MEREON DESCRIBED PROPERTY:

THAT WE FIND THE TITLE TO THE PROPERTY IS VESTED IN PALM SEACH COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDAL THAT THE PROPERTY IS EXEMPT FROM POLITICAL SUBJIVESION OF THE STATE OF FLORIDAT THAT THE PROPERTY IS EXEMPT FROM PROPERTY THANS AND ALL PAUM BEACH COURTY SPECIAL ASSESSMENT ITEMS, AND THAT ALL STHER ITEMS WELD AGAINST SAID LANDS HAVE BEEN STISFEDS. THAT THERE ARE NO MORTGAGES OF RECORD. AND THAT THERE ARE "ENCLAMPRAINES OF RECORD. BUT THOSE ENCLMBRANCES OD NOT PROMIBIT THE CREATION OF THE SUBJIVISION OPPICTED BY THIS

BY: SOUTHEAST GUARANTY & TITLE. INC. A TITLE INSURANCE COMPANY

DATE: Trais 9, 2023 BY: Kent Toursed PRESIDENT



#### VICINITY MAP

#### CITY OF WEST PALM BEACH -REVIEWING SURVEYOR AND MAPPER

CITY OF WEST PALM BEACH COUNTY OF PALM BEACH, FLORIDA

THIS PLAT HAS BEEN REVIEWED FOR COMFORMITY IN ACCORDANCE WITH CHAPTER 177.081(1) OF THE FLORIDA STATUTES AND THE ORDINANCES OF THE CITY OF MEST PALM BEACH. THIS REVIEW DOES NOT INCLUDE THE VERIFICATION OF THE GOODERIC DATA.

YINCENT J. NOEL PROFESSIONAL SURVEYOR AND MAPPER FLORIDA CERTIFICATE No. 4169

#### CITY OF WEST PALM BEACH APPROVAL CITY OF WEST PALM BEACH

KEJTH A. JAMES

WEST PALM BEACH

### **AREA TABULATION** DESCRIPTION | SQUARE FEET | ACREAGE 18,087 0.299 186,320 3.818 TOTAL 251,133 5.765



#### SURVEYOR AND MAPPER'S NOTES:

1.1 BEARINGS SHOWN HEREON ARE ASSUMED AND ARE BASED ON THE (MOERLYING PLAT OF WEST PALM BEACH ENTERMODAL TRANSFER FACILITY. RECORDED IN PLAT BOOK 110. PAGES 191 AND 192. PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. THE EAST LINE OF PARCEL "0". AS SHOWN ON SAID PLAT BEAKS SOUTH OD "40" 39" MEST.

2.1 NO STRUCTURE OR BUILDING OR ANY KIND OF LANDSCAPING SHALL BE PLACED ON OR WITHIN ANY EASEMENT WITHOUT PRIOR WRITTEN CONSENT OF ALL EASEMENT BENEFICIARIES.

3.) NOTICE: THIS PLAT, AS RECORDED IN 175 GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS GESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER CHAPHIC OF DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

4.) IN THOSE CASES WHERE EASEMENTS OF DIFFERENT TYPES CROSS OR OTHERWISE COUNCIDE. DRAINAGE EASEMENTS SHALL HAVE FIRST PRIDRITY, UTILITY EASEMENTS SHALL HAVE FIRST PRIDRITY, UTILITY EASEMENTS SHALL HAVE THIND PRIORITY, AND ALL OTHER EASEMENTS SHALL OF SUBGOODINATE TO THISE WITH THEM PRIDRITTES BEING DETERMENTS

5.) INSTRUMENTS SHOWN ON THIS PLAT ARE RECORDED IN THE PUBLIC RECORDS OF PALM

#### SURVEYOR & MAPPER'S CERTIFICATE:

THIS IS TO CERTIFY THAT THE PLAT SHOWN HEREON IS A THUE AND CORRECT REPRESENTATION OF A SURVEY MADE UNDER MY RESPONSIBLE DIRECTION AND SUPERVISION: THAT SAID SURVEY IS ACCUMENTE TO THE BEST OF MY KONLEDGE AND BELIFF! THAT PERMANENT REPRENAMENTS IP.R.M. "2") HAVE SEEN PLACED AS RECURRED BY LAW. AND FURTHERS THAT THE SURVEY DATA COMPLIES WITH ALL THE REQUIREMENTS OF CHAPTER AND FURTHERS. THAT THE SURVEY DATA COMPLIES WITH ALL THE REQUIREMENTS OF CHAPTER 177. FLORIDA STATUTES, AS AMENDED. AND THE ORDINANCES OF THE CITY OF WEST PALM BEACH, FLORIDA.

BATE: MAY 14 1023



THIS PLAT WAS FILED FOR RECORD \_\_\_ . N. THIS 2023 DAY OF AND DULY RECORDED IN PLAT BOOK DR PAGES OSEPH ABRUZZO Lerk of the circult court No comptroller of palm beach count CLERK OF THE CIRCUIT COURT AND COMPTROLLER OF PALM SEACH COURTS

SHEET 1 OF 3

STATE OF FLORIDA) COUNTY OF PALM BEACHT

#### **ABBREVIATIONS:**

CONCETT OF SELLA WALL

#### LEGEND:

OEHOTES SET "PRW"
 SET 4"X4" CONC, MON. W/ DISK
 STAMPED "PRM LB 4431"
 UHLESS OTHERHISE NOTED

THIS INSTRUMENT WAS PREPARED INIS INSTRUMENT MAS PREFARED BY DAVID C. LIDBERG. P.S.M.IN AND FOR THE OFFICES OF LIDBERG LAND SURVEYING. INC.675 MEST INDIANTOWN ROAD.
SUITE 200, JUPITER, FLORIDA.
33458. TELEPHONE(56)1746-8454.

DB-Q83C-308

MAY 2023



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