Agenda Item #: 3H-2

# PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

Meeting Date:	October 6, 2015	[X] Consent [ ] Ordinance	[ ] Regular [ ] Public Hearing		
Department:	Facilities Development & Operations				

# I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to:

**A) adopt** a Resolution authorizing the conveyance of the County's interest in .22 acres of surplus property to the City of Delray Beach without charge and with reservation of mineral and petroleum rights, but without rights of entry and exploration pursuant to Florida Statutes Section 270.11; and

**B)** approve a County Deed in favor of the City of Delray Beach.

Summary: The City of Delray Beach (City) has requested the conveyance of County owned unimproved surplus property located at 316 4<sup>th</sup> Avenue. The property was acquired in April 2015 by Tax Deed, is located within the City's municipal boundaries and has an assessed value of \$21,625. This property is a buildable small lot in a designated CRA area. The property is being conveyed pursuant to Florida Statutes Section 197.592(3), which authorizes the conveyance of surplus property acquired by Tax Deed to the municipality in which it is located. This property has been declared surplus and serves no present or future County purpose. Conveyance to the City will relieve the County of maintenance responsibility and liability. The County will retain mineral and petroleum rights in accordance with Florida Statutes Section 270.11, without rights of entry and exploration. This conveyance must be approved by a Supermajority Vote (5 Commissioners). (PREM) District 7 (HJF)

**Background and Justification:** The subject property located at 316 SW 4<sup>th</sup> Avenue in Delray Beach is buildable, and is within the boundaries of the City of Delray Beach. The property is of no current or future use to the County, and Staff feels strongly that the most cost effective method to dispose of this surplus property is to convey it at no cost to the City as the municipality is in a better position to determine how the property should be used and maintained. The City indicated it will convey the parcel to revitalize the area and provide for residential units priced within the County's work force housing sales price range. This conveyance will relieve the County of potential liability for occurrences on the property and also the cost of maintenance. As this property is being conveyed to a governmental entity and the assessed value is less than \$250,000, approval by the Property Review Committee is not required. A Disclosure of Beneficial Interests is also not required.

### **Attachments:**

- 1. Location Map
- 2. Resolution authorizing conveyance
- 3. County Deed
- 4. Letter from City Delray Beach dated August 3, 2015

Recommended By:	Army War	9/5/15
	Department Director	Date
Approved By:	Moaker	9-28-15
	County Administrator	Date

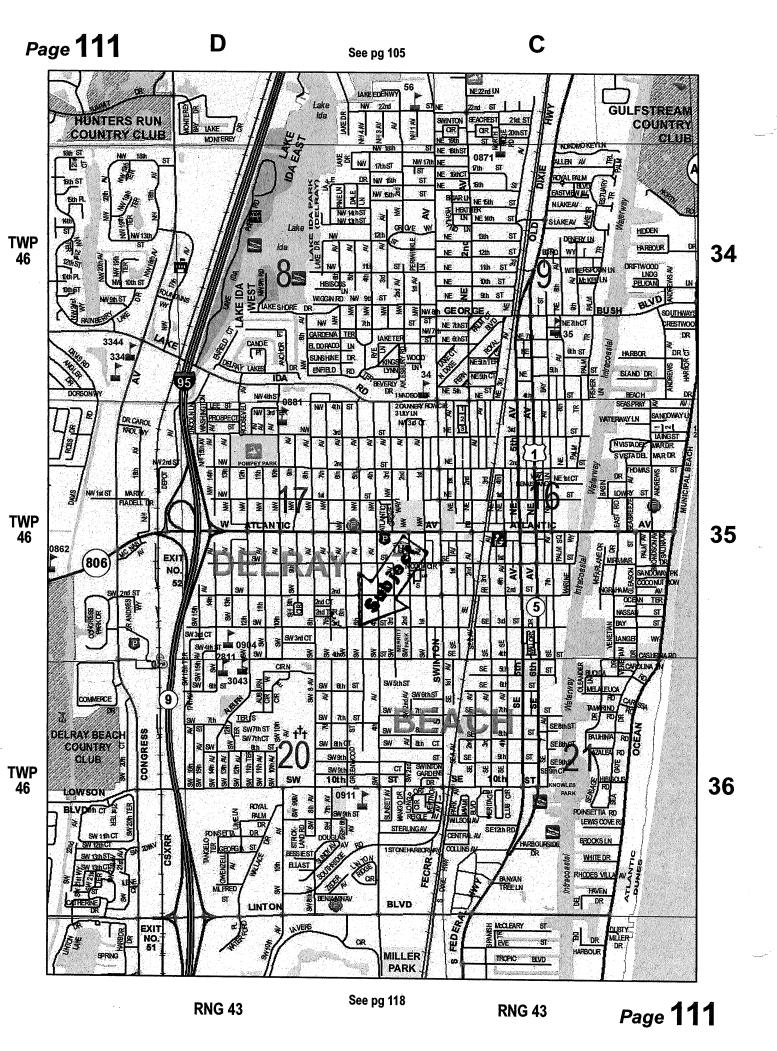
# II. FISCAL IMPACT ANALYSIS

# A. Five Year Summary of Fiscal Impact:

Fiscal Year	s	2016	2017	2018	2019	2020
Capital Exp Operating ( External Ro Program In	oenditures Costs	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	
NET FISCA	AL IMPACT	<u>-0-</u> *	<u>-0-</u>	-0-	-0-	<u>-0-</u>
# ADDITION	ONAL FTE S (Cumulative)					
Is Item Incl	luded in Current Bu	dget: Yes	]	No		
Budget Account No: Fund Dept Unit Object						
B. Reco	mmended Sources of	f Funds/Sumn	nary of Fisca	al Impact:		
Fixed Asset Number: HO7833  C. Departmental Fiscal Review: G-8/5  III. REVIEW COMMENTS						
A. OFMB Fiscal and/or Contract Development Comments:  OFMB (1) (Contract Development and Control B wheeler = (21/1.5)  B. Legal Sufficiency:  Assistant County Attorney						
	r Department Review	v:				

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

Department Director



LOCATION MAP

Attachment No. 1



## RESOLUTION NO. 20\_\_\_\_

RESOLUTION OF THE **BOARD OF COUNTY** COMMISSIONERS OF PALM BEACH FLORIDA, AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY TO THE CITY **BEACH** 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** EFFECTIVE DATE.

WHEREAS, the County owns one (1) parcel within the municipal boundaries of the City of Delray Beach which was 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 Delray Beach has requested that such property be conveyed without reservation of and to release the rights of entry and exploration relating to mineral 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. <u>Authorization to Convey Real Property</u>

The Board of County Commissioners of Palm Beach County shall convey to the City of Delray Beach without charge and by County Deed attached hereto 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 Delray Beach.

# 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 Resolu	ation shall be effective immediately upon adoption
hereof.	
The foregoing resolution was	offered by Commissioner who
moved its adoption. The Motion wa	s seconded by Commissioner
and upon being put to a vote, the vote	was as follows:
Commissioner Hai Commissioner Pau Commissioner Ste Commissioner Me Commissioner Pris The Mayor thereupon declar	ry Lou Berger, Vice Mayor  I R. Valeche hlette Burdick ven L. Abrams hlissa McKinlay scilla A. Taylor  red the resolution duly passed and adopted this
day of, 20	
	PALM BEACH COUNTY, a political subdivision of the State of Florida BOARD OF COUNTY COMMISSIONERS  SHARON R. BOCK CLERK & COMPTROLLER  By:
APPROVED AS TO FORM AND LEGAL SUFFICIENCY	APPROVED AS TO TERMS
DEGAL SUFFICIENCY	AND CONDITIONS
Ву:	By: Ket Mun Worf
Assistant County Attorney	Department Director

PREPARED BY AND RETURN TO: Richard C. Bogatin, Property Specialist PALM BEACH COUNTY PROPERTY & REAL ESTATE MANAGEMENT DIVISION 2633 Vista Parkway West Palm Beach, FL 33411-5605

PCN: 12-43-46-16-01-032-0040 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 DELRAY BEACH, a municipal corporation of the State of Florida, whose legal mailing address is 100 N.W. 1st Avenue. Delray Beach, Florida 33444, "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:

> TOWN OF DELRAY LOTS 4 & 24 BLK 32. THE ABOVE BEING THE REAL PROPERTY DESCRIBED UNDER TAX CERTIFICATE NUMBER 22828 IN THE TAX DEED RECORDED IN OFFICIAL RECORD BOOK 27493, PAGE 0166, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

Reserving, however, unto County, its successors and assigns, an undivided threefourths (¾) interest in, and title in and to an undivided three-fourths (¾) 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 PALM BEACH COUNTY, a political **CLERK & COMPTROLLER** subdivision of the State of Florida By: By: Deputy Clerk Shelley Vana, Mayor APPROVED AS TO FORM AND LEGAL SUFFICIENCY (OFFICIAL SEAL) By: **Assistant County Attorney**

PREPARED BY AND RETURN TO:
Richard C. Bogatin, Property Specialist
PALM BEACH COUNTY
PROPERTY & REAL ESTATE MANAGEMENT DIVISION
2633 Vista Parkway
West Palm Beach, FL 33411-5605

PCN: 12-43-46-16-01-032-0040 Closing Date:\_\_\_\_\_ Purchase Price:\_\_\_\_\_\$0

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PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

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# ATTEST: SHARON R. BOCK CLERK & COMPTROLLER By: Deputy Clerk APPROVED AS TO FORM AND LEGAL SUFFICIENCY By: (OFFICIAL SEAL)

Assistant County Attorney

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100 to No. 14 AUENDE V DECEMAN REACH D LA 25444 V FENDRAS-1000

August 3, 2015

Mr. Ross Hering
Facilities Development and Operation Department
Property and Real Estate Management Division
Palm Beach County
2633 Vista Parkway
West Palm Beach, FL 33411

AUG 0 6 2015

RE: County-Owned Escheated Tax Deed PCN 12-43-46-16-01-032-0040

Dear Mr. Hering,

Pursuant to your request of, July 24, 2015, the city of Delray Beach will accept conveyance of the property.

Sincerely,

Donald B. Cooper

City Manager of Delray Beach

DC/sy

cc: Noel Pfeffer, City Attorney

Jack Warner, Chief Financial Officer

Suzanne Davis, Director, Parks and Recreation

SELVICE - PERFORMANCE - INTEGRITY - RESPONSIBLE - ILMOVATIVE - TEAMWORK