

VILLAGE OF ROYAL PALM BEACH

Agenda Item Summary

AGENDA ITEM:

Approval for the Village Manager to negotiate two (2) contracts for the sale of Village-owned property to Paint Lux, LLC and Artemis Investments, LLC totaling Four Hundred Five Thousand Dollars (\$405,000.00) for approximately 0.4882± acres of land located at 6846 Seminole Palms Drive.

ISSUE:

Paint Lux, LLC and Artemis Investments, LLC have requested to purchase the Village-owned real property located at 6846 Seminole Palms Drive (PCN 72-41-43-35-00-000-7350) on the south side of Seminole Palms Drive west of the recently vacated Ideal School.

Per Village Code Sec. 2-3(a), prior to disposing of any Village-owned real property, the Village Council shall first consider and take action by voting either in favor or against any such proposal. The Code also requires the Village Council to have a supermajority vote if the sale is less than the appraised value.

At its regular meeting on December 16, 2021, the Village Council voted 5-0 in favor of the proposed conveyance, after which two (2) appraisals were obtained: 1) Anderson & Carr appraised the real property at a market value of \$360,000.00 (**Attachment A**) and 2) Callaway & Price appraised the real property at a market value of \$450,000.00 (**Attachment B**). The average market value of the two appraisals is \$405,000.00.

Paint Lux, LLC and Artemis Investments, LLC have agreed to the following terms:

1. Paint Lux, LLC and Artemis Investments, LLC agree to pay the costs of the survey work to create individual legal descriptions for Parcel E (east half of above-referenced lot) and Parcel W (west half of the above-referenced existing lot) in the amount of \$5,316.00, split between each equally;
2. Paint Lux, LLC will purchase Parcel W for \$202,500.00;
3. Artemis Investments, LLC will purchase Parcel E for \$202,500.00;
4. Each Buyer will place a \$50,000.00 deposit in escrow within seven (7) business days after a 60-day due diligence period;
5. Parcel E shall be conveyed to Artemis Investments, LLC and Parcel W conveyed to Paint Lux, LLC in “as is” condition with no improvements to be made to either parcel by the Village between Council approval and conveyance through recording of the required deeds;
6. Parcel E will be developed as a “public or private academic institution”. Artemis Investments, LLC has indicated that it intends to incorporate Parcel E into its existing academic institution located at 300 and 400 Royal Commerce Park to

provide additional parking for the institution. Such incorporation will require a Comprehensive Plan Amendment for Parcel E to change the Future Land Use Designation from current Open Space (OS) to Industrial (Ind) and a Rezoning to change the zoning from current Public Ownership (PO) to Industrial General (IG). Parcel E will be sold with a reverter clause that provides that if Artemis Investments, LLC fails to obtain an approved site plan and building permit for a Public or private academic institution within eighteen (18) months after closing, or within any extension period granted by the Village Council, then Parcel E reverts back to the Village for a purchase price of \$202,500.00. Should Artemis Investments, LLC obtain an approved site plan and building permit for the Public or private academic institution on Parcel E, the reverter clause shall automatically expire;

7. Parcel W will be developed as an "Automobile and/or water craft repair and/or service" facility, as that term is defined in Section 26-22 of Village Code. Paint Lux, LLC has indicated a desire "to change the use to private, secured parking according to Sec. 26-92. IL Industrial Limited District." However, "private, secured parking" is not a use currently permitted in the IL Zoning District and the existing Paint Lux, LLC facility is not currently zoned IL. Additionally, Village Code Section 2-3(a)(1) requires that for Council to convey Village-owned property, the interested purchasers must "own land adjacent to the village-owned land" and that "***such land is capable of being incorporated into the proposed purchaser's development.***" Paint Lux, LLC's current development is approved as an "Automobile and/or water craft repair and/or service", originally approved within the IL Zoning District but later rezoned to General Industrial (IG). To incorporate this parcel into the existing approved development will require a Comprehensive Plan Amendment for Parcel W to change the Future Land Use Designation from current Open Space (OS) to Industrial (Ind) and a Rezoning to change the zoning from current Public Ownership (PO) to Industrial General (IG). For Paint Lux, LLC to utilize Parcel W as a private parking area for towed vehicles, additional approvals may be required (e.g., Zoning Text Amendment and Special Exception) to allow for such use. Parcel W will be sold with a reverter clause that provides if Paint Lux, LLC fails to obtain an approved site plan and building permit for its expanded automotive and/or water craft repair and/or service facility within eighteen (18) months after closing, or within any extension period granted by the Village Council, then Parcel W reverts back to the Village for a purchase price of \$202,500.00. Should Paint Lux, LLC obtain an approved site plan and building permit for expanded automotive and/or water craft repair and/or service facility on Parcel W, the reverter clause shall automatically expire;
8. Closing on the two (2) parcels shall occur within three (3) months after entering into a contract/purchase agreement with the Village and both Artemis Investments, LLC and Paint Lux, LLC shall obtain all Approvals required by contract and to make the parcels recognized for development within eighteen (18) months thereafter, unless otherwise extended by Village Council;
9. Closing on the two (2) parcels shall occur simultaneously;
10. Artemis Investments, LLC and Paint Lux, LLC have each agreed to pay all documentary (doc) stamp taxes and recording fees for the deeds; and

11. Artemis Investments, LLC and Paint Lux, LLC understand and agree that the Village Code requires the portions of the lot to be conveyed to each must be incorporated into the existing development of each and must be site planned accordingly, with the required Comprehensive Plan Amendments and Rezoning to occur prior to site plan approval. Artemis Investments, LLC and Paint Lux, LLC expressly agree that there shall be no use of Parcel E or Parcel W until after such time as the parcels are recognized for development with approved site plans.

RECOMMENDED ACTION:

Approval for the Village Manager to negotiate two (2) contracts for sale of the Proposed Request for Conveyance of land pursuant to Village Code.

Initiator:	Village Manager	Agenda Date	Village Council
Village Manager	Approval	4/21/22	Action

Parcel to be conveyed

DOROTHY JACKS - DBA
Palm Beach County Property Appraiser
We Value What You Value [PAPA Home](#)

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Owners
ROYAL PALM BEACH VILLAGE OF

Property Detail
Location: 6846 SEMINOLE PALMS DR
Municipality: ROYAL PALM BEACH
Parcel No.: 72414335000007350
Subdivision:
Book: 11803 Page: 258
Sale Date: SEP-2003
Mailing Address: 1050 ROYAL PALM BEACH BLVD
ROYAL PALM BEACH FL 33411 1605
Use Type: 8900 - MUNICIPAL
Total Square Feet: 0

Sales Information

Sales Date	Price
SEP-2003	10
FEB-1993	60000

Appraisals

Tax Year	2021
Improvement Value	\$0
Land Value	\$82,628
Total Market Value	\$82,628

All values are as of January 1st each year