

Agenda Item #:

4C

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY

Meeting Date: October 17, 2006 [ ] Consent [ ] Regular  
[ ] Workshop [X] Public Hearing

Department:

Submitted By: Engineering and Public Works  
Submitted For: Land Development Division

I. EXECUTIVE BRIEF

**Motion and Title:** Staff recommends motion to adopt: A Resolution abandoning a portion of Fairgrounds Road and the unimproved thirty foot wide road, lying in Tract 16, Block 7; a portion of the south twenty-five feet of Tract 9, Block 7, Palm Beach Farms Company Plat 3, recorded in Plat Book 2, Page 45; and, all of Tract R-1, Palms West Industrial Park, recorded in Plat Book 71, Page 75, Public Records of Palm Beach County, Florida.

**Summary:** This petition site is located on the east side of Sansbury's Way, 0.25 miles south of Belvedere Road. The petitioner is requesting the abandonment to allow the auto auction to expand their business operations by consolidating numerous parcels. The abandonment ordinance requires consent from all the abutting property owners for public road abandonments.

**District:** 6 (PK)

**Background and Policy Issues:** The owners, Florida Auto Action of Orlando, Inc., JMC-IV Real Estate Company, and Palm Beach Newspapers, Inc., have filed a development order amendment application for a proposed Multiple Use Planned Development (MUPD), Petition 2005-641. They have consolidated numerous parcels, encompassing 71.9 acres. This proposed MUPD will allow the auto auction to expand their business operations, to increase their vehicle storage, and to upgrade their parking and landscaping. This abandonment will increase their usable land area.

(Continued on Page 3)

**Attachments:**

1. Location Sketch
2. Resolution with Legal Description and Sketch

Recommended by:

Division Director

Date

Approved by:

County Engineer

Date

## II. FISCAL IMPACT ANALYSIS

### A. Five Year Summary of Fiscal Impact:

Fiscal Years	2007	2008	2009	2010	2011
Capital Expenditures	-0-	-0-	-0-	-0-	-0-
Operating Costs	-0-	-0-	-0-	-0-	-0-
External Revenues	(\$245,297)	-0-	-0-	-0-	-0-
Program Income (County)	-0-	-0-	-0-	-0-	-0-
In-Kind Match (County)	-0-	-0-	-0-	-0-	-0-
NET FISCAL IMPACT	(\$245,297)	-0-	-0-	-0-	-0-

# ADDITIONAL FTE

POSITIONS (Cumulative) \_\_\_\_\_

Is Item Included in Current Budget? Yes \_\_\_\_\_

No X

Budget Acct No.: Fund \_\_\_\_\_ Dept. \_\_\_\_\_ Unit \_\_\_\_\_ Object \_\_\_\_\_  
Program \_\_\_\_\_

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

Transportation Improvement Fund  
Transportation Improvement  
Abandonment Ordinance Fees

Net Privilege Fee (See Calculation Pg 3)

\$245,296.80

Should the Privilege Fee be waived by the Board, the fiscal impact will be the loss of this revenue.

C. Departmental Fiscal Review: R.D. Ward 9/6/06

## III. REVIEW COMMENTS

### A. OFMB Fiscal and/or Contract Dev. and Control Comments:

John D. Smith 9-25-06  
OFMB  
9-25-06  
9-27-06

Ann J. Smith 9/26/06  
Contract Dev. and Control  
Exempt 9/26/06

### B. Approved as to Form and Legal Sufficiency:

This item complies with current County policies.

Paul F. Smith 9/27/06  
Assistant County Attorney

### C. Other Department Review:

\_\_\_\_\_  
Department Director

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

**Background and Policy Issues: (Continued)**

Utility service providers have no objection to the vacation because alternative easements have been provided.

**Privilege Fee Statement:**

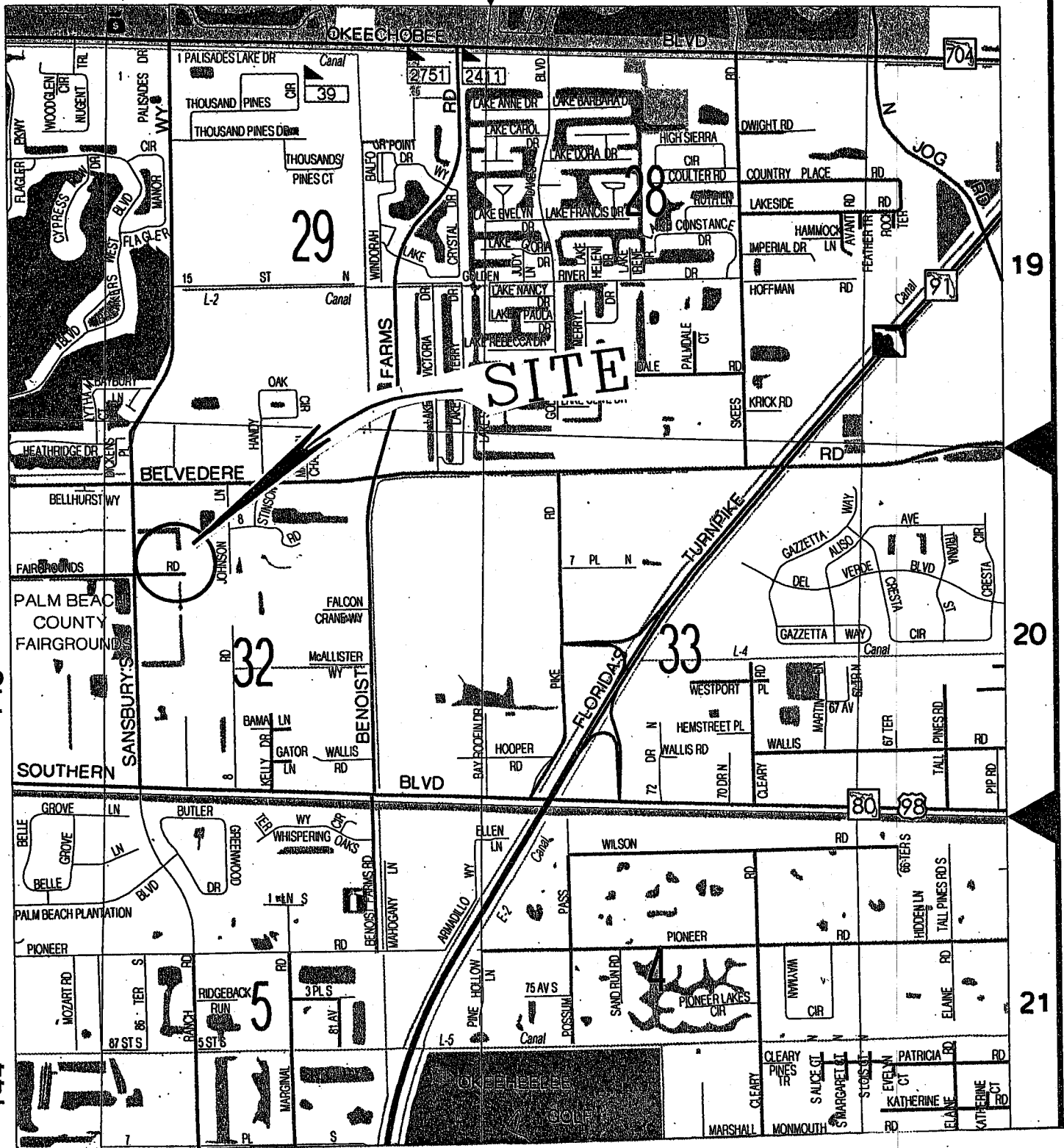
The petition is subject to a privilege fee of \$245,296.80. The calculations are as follows:

Total sq. ft. of right-of-way abandonment: . .	145,009
Less sq. ft. of right-of-way for Palm Beach County Water Utilities Department. . . . .	-9,327
Less sq. ft. of easement for BellSouth and Florida Power & Light . . . . .	-6,194
Less sq. ft of right-of-way for Benoist Farms Road . . . . .	-900
Less sq. ft. of right-of-way for Sansbury's Way	-25,881
Total square feet subject to Privilege Fee. . .	102,707
Average square footage value of parcels abutting the right-of-way. . . . .	\$.3
Overall value. . . . .	\$308,121
80% of value . . . . .	\$246,496.80
Less Filing Fee . . . . .	\$-1,200.00
<b>Total Privilege Fee . . . . .</b>	<b>\$245,296.80</b>

T43

T43

T44



**VACATING A PORTION OF  
FAIRGROUNDS ROAD AND  
A 30' WIDE ROAD**

**LOCATION SKETCH**



**N**

RESOLUTION NO. R-2006-\_\_\_\_\_

RESOLUTION ABANDONING A PORTION OF FAIRGROUNDS ROAD AND THE UNIMPROVED THIRTY FOOT WIDE ROAD, LYING IN TRACT 16, BLOCK 7; A PORTION OF THE SOUTH TWENTY-FIVE FEET OF TRACT 9, BLOCK 7, PALM BEACH FARMS COMPANY PLAT 3, RECORDED IN PLAT BOOK 2, PAGE 45; AND ALL OF TRACT R-1, PALMS WEST INDUSTRIAL PARK, RECORDED IN PLAT BOOK 71, PAGE 75, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

WHEREAS, the Board of County Commissioners of Palm Beach County, Florida, pursuant to authority in Section 336.09, Florida Statutes, and Ordinance No. 86-18 known as the Palm Beach County Right-of-Way Abandonment and Plat Vacation Ordinance, as amended, and the petition of Florida Auto Action of Orlando, Inc., JMC-IV Real Estate Company, and Palm Beach Newspapers, Inc., called a public hearing to be held in the County Commissioners' Chambers, at the Governmental Office Complex, West Palm Beach, Florida, on October 17, 2006, to consider and determine whether or not Palm Beach County would vacate, abandon, discontinue and close, renounce and disclaim any right or interest of the County to these rights-of-way; and

WHEREAS, in accordance with Ordinance No. 86-18, as amended, notice of the holding of such meeting was duly published in the Palm Beach Post on October 1, 2006; and

RESOLUTION NO. R-2006-\_\_\_\_\_

WHEREAS, this Board did hold said hearing as advertised and determined that such action will not materially interfere with the County Road System and will not deprive any person of a reasonable means of ingress and egress and the right of convenient access from at least one County, State or Federal highway.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1. The foregoing recitals are hereby reaffirmed and ratified.
2. These rights-of-way are hereby abandoned and closed as rights-of-way and this Board does hereby renounce and disclaim any right or interest of Palm Beach County and the Public in and to these rights-of-way, more fully described in the legal description and sketch attached hereto and made a part hereof.
3. Notice of the adoption of this Resolution shall be published once in the Palm Beach Post within thirty (30) days of the date of adoption of this Resolution in accordance with Section 336.10, Florida Statutes and Ordinance No. 86-18.

RESOLUTION NO. R-2006-\_\_\_\_\_

The foregoing Resolution was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and, upon being put to a vote, the vote was as follows:

Commissioner Tony Masilotti, Chair  
Commissioner Addie L. Greene, Vice Chairperson  
Commissioner Karen T. Marcus  
Commissioner Jeff Koons  
Commissioner Warren H. Newell  
Commissioner Mary McCarty  
Commissioner Burt Aaronson

The Chair thereupon declared the Resolution duly passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

PALM BEACH COUNTY, FLORIDA BY  
ITS BOARD OF COUNTY COMMISSIONERS

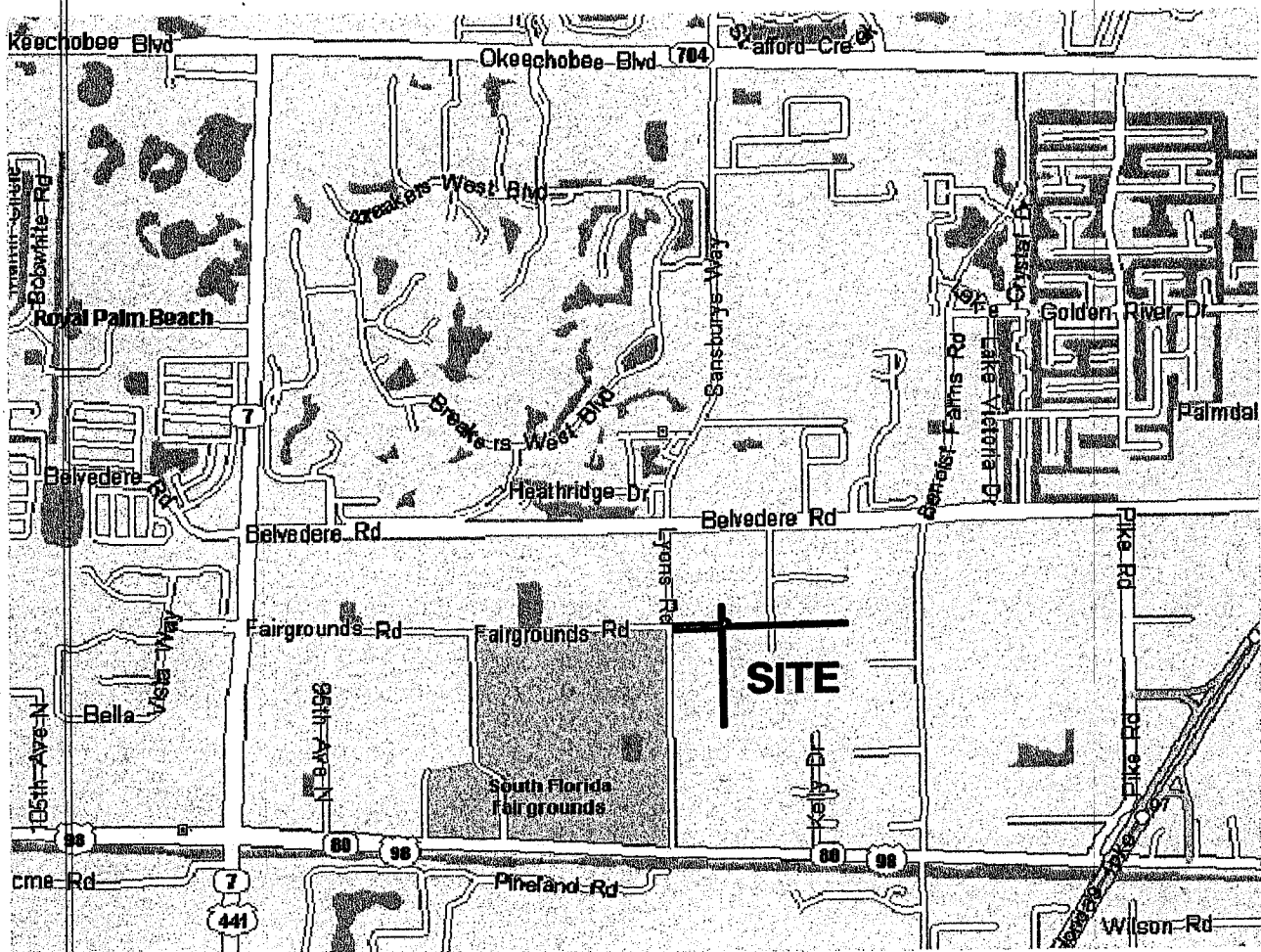
Sharon R. Bock, Clerk & Comptroller

BY: \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

BY: \_\_\_\_\_  
County Attorney

LOCATION MAP

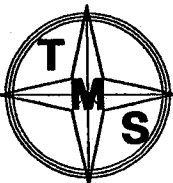


NOT TO SCALE

REVISED 6-1-06: GEOMETRY CHANGE FOR NEW SANSBURY WAY RIGHT OF WAY

SHEET 1 OF 9

**TIMOTHY M. SMITH**  
**LAND SURVEYING, INC.**  
11440 OKEECHOBEE BOULEVARD SUITE 210  
ROYAL PALM BEACH, FL 33411  
(561) 602-8160  
LB #6865



**SPECIFIC PURPOSE  
SURVEY**

SCALE:	N/A
DATE:	OCT 2005
DIRECTORY:	MANHCRAN
FIELD BOOK:	N/A
DWG NO.:	CRANSY04



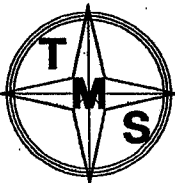
LEGAL DESCRIPTION

BEING A PORTION OF THOSE CERTAIN 30 FOOT WIDE ROADWAYS LYING IN BLOCK 7; AND A PORTION OF THE SOUTH 25 FEET OF TRACK 9, BLOCK 7, AND A PORTION OF THE NORTH 25 FEET OF TRACT 16, BLOCK 7, PALM BEACH FARMS COMPANY PLAT NO. 3, PLAT BOOK 2 PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND ALL OF TRACT R-1, PALMS WEST INDUSTRIAL PARK, PLAT BOOK 71, PAGE 75, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF TRACT 21, SAID BLOCK 7, RUN THENCE NORTH 00°57'46" WEST ALONG THE EAST LINE OF SAID TRACTS 21 AND 16, A DISTANCE OF 1293.92 FEET TO A POINT ON THE SOUTH LINE OF FAIRGROUNDS ROAD AS SAME IS DESCRIBED IN OFFICIAL RECORDS BOOK 9097, PAGE 1686, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 89°02'17" WEST ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 599.35 FEET TO A POINT ON A LINE 20.00 FEET EAST OF AND PARALLEL WITH THE EAST RIGHT OF WAY LINE OF SANBURY WAY; THENCE NORTH 00°56'58" WEST ALONG SAID PARALLEL LINE LINE, A DISTANCE OF 26.27 FEET; THENCE NORTH 45°27'25" EAST, A DISTANCE OF 34.52 FEET; THENCE NORTH 00°56'58" WEST, A DISTANCE OF 29.93 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF FAIRGROUNDS ROAD AS SAME IS DESCRIBED IN OFFICIAL RECORDS BOOK 2428, PAGE 1209, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 89°02'17" EAST ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 574.33 FEET TO A POINT ON THE EAST LINE OF SAID TRACT 9; THENCE NORTH 00°57'46" WEST ALONG SAID EAST LINE, A DISTANCE OF 55.04 FEET; THENCE NORTH 89°04'25" EAST ALONG THE WESTERLY EXTENSION OF THE NORTH LINE OF SAID TRACT R-1 AND ALONG SAID NORTH LINE OF TRACT R-1, A DISTANCE OF 54.95 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 55.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AND ALONG THE SAID NORTH LINE OF TRACT R-1 THROUGH A CENTRAL ANGLE OF 89°57'56", A DISTANCE OF 86.36 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 00°57'39" EAST ALONG THE EAST LINE OF SAID TRACT R-1, A DISTANCE OF 25.01 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 2; THENCE NORTH 89°02'17" EAST ALONG THE SAID SOUTH LINE OF LOT 2 AND

SHEET 2 OF 9

**TIMOTHY M. SMITH**  
**LAND SURVEYING, INC.**  
11440 OKEECHOBEE BOULEVARD SUITE 210  
ROYAL PALM BEACH, FL 33411  
(561) 602-8160  
LB #6865



**SPECIFIC PURPOSE  
SURVEY**

SCALE:	N/A
DATE:	OCT 2005
DIRECTORY:	MANHCRA
FIELD BOOK:	N/A
DWG NO.:	CRANSY04

LEGAL DESCRIPTION

ALONG THE SOUTH LINE OF TRACT 11, SAID BLOCK 7, A DISTANCE OF 1569.92 FEET TO THE SOUTHEAST CORNER OF SAID TRACT 11; THENCE SOUTH 00°56'45" EAST, A DISTANCE OF 30.00 FEET TO THE NORTHEAST CORNER OF TRACT 14, SAID BLOCK 7; THENCE SOUTH 89°02'17" WEST ALONG THE NORTH LINE OF SAID TRACT 14 AND ALONG THE NORTH LINE OF TRACT 15, SAID BLOCK 7, A DISTANCE OF 1649.82 FEET TO THE NORTHWEST CORNER OF SAID TRACT 15; THENCE SOUTH 00°57'46" EAST ALONG THE WEST LINE OF SAID TRACT 15 AND ALONG THE WEST LINE OF TRACT 22, SAID BLOCK 7, A DISTANCE OF 1318.91 TO THE SOUTHWEST CORNER OF SAID TRACT 22; THENCE SOUTH 89°01'26" WEST, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 145,009 SQUARE FEET MORE OR LESS.

SURVEYOR'S NOTES

BEARINGS SHOWN HEREON ARE REFERENCED TO THE EAST RIGHT OF WAY LINE OF SANBURY WAY, HAVING A BEARING OF NORTH 00°56'58" WEST.

THIS SPECIFIC PURPOSE SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND RAISED SEAL OF PROFESSIONAL SURVEYOR AND MAPPER TIMOTHY M. SMITH, FLORIDA CERTIFICATE NUMBER 4676.

THE SURVEYOR HAS REVIEWED STEWART GUARANTY TITLE COMPANY OWNER AND ENCUMBRANCE REPORT FILE NUMBER 2005517682 WITH AN EFFECTIVE DATE OF OCTOBER 11, 2005 AND ALL EASEMENTS CONTAINED THEREIN THAT CAN BE LOCATED ARE PLOTTED HEREON.

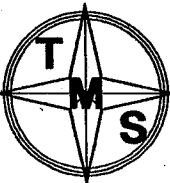
UNDERGROUND UTILITIES SHOWN HEREON ARE BASED ON PAINT AND FLAG MARKING OF LOCATIONS BY UTILITY OWNERS AT THE CLIENT'S REQUEST. LOCATIONS WERE NOT VERIFIED BY THE SURVEYOR

TIMOTHY M. SMITH, P.S.M.  
FLORIDA CERTIFICATE NO. 4676  
DATE OF SURVEY: 12-20-2005

SHEET 3 OF 9

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SCALE:	N/A
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FIELD BOOK:	N/A
DWG NO.:	CRANSY04

SANSBURY WAY

W LINE TRACT 9

N00°56'58"W  
29.93'

N00°56'58"W  
26.27'

W LINE TRACT 15

20.00'  
TRACT 9  
BLOCK 7  
PALM BEACH FARMS COMPANY  
PLAT NO. 3  
BURIED PLAT BOOK 2 PAGE 45  
TELEPHONE

6' CHAIN LINK FENCE

N RIGHT OF WAY LINE  
FAIRGROUNDS ROAD  
ORB 2428 PAGE 1209

ASPHALT

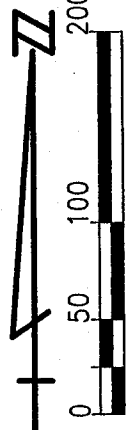
FAIRGROUNDS ROAD

S89°02'17"W 599.35'

S RIGHT OF WAY LINE  
FAIRGROUNDS ROAD  
ORB 9097 PAGE 1686

E RIGHT OF WAY LINE  
SANSBURY WAY  
N00°56'58"W  
BASIS OF BEARINGS

N45°27'25"E  
34.52'



GRAPHIC SCALE IN FEET  
SCALE 1" = 100'

### LEGEND

- DRAINAGE INLET
- △ WATER VALVE
- ORB OFFICIAL RECORDS BOOK
- ◇ UTILITY POLE
- ↓ ANCHOR
- ASPHALT DRIVE (TYPICAL)
- OVERHEAD UTILITY WIRES

N89°02'17"E 574.33'

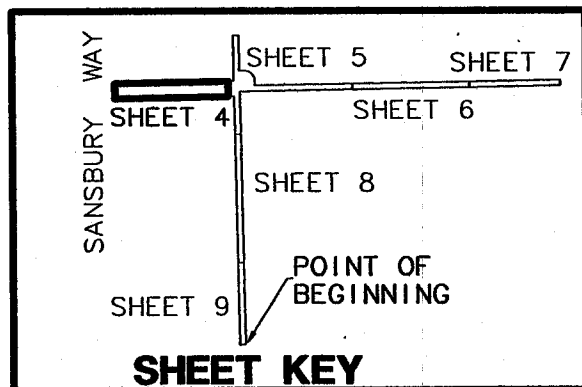
WATER MAIN

ASPHALT

N LINE TRACT 16

30' ROADWAY PALM BEACH FARMS  
COMPANY PLAT NO. 3  
PLAT BOOK 2 PAGE 45

TRACT 16  
BLOCK 7  
PALM BEACH FARMS COMPANY  
PLAT NO. 3  
PLAT BOOK 2 PAGE 45



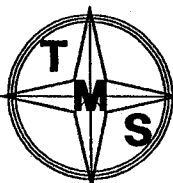
SHEET KEY

REVISED 6-1-06: GEOMETRY CHANGE FOR NEW SANSBURY WAY RIGHT OF WAY

SHEET 4 OF 9

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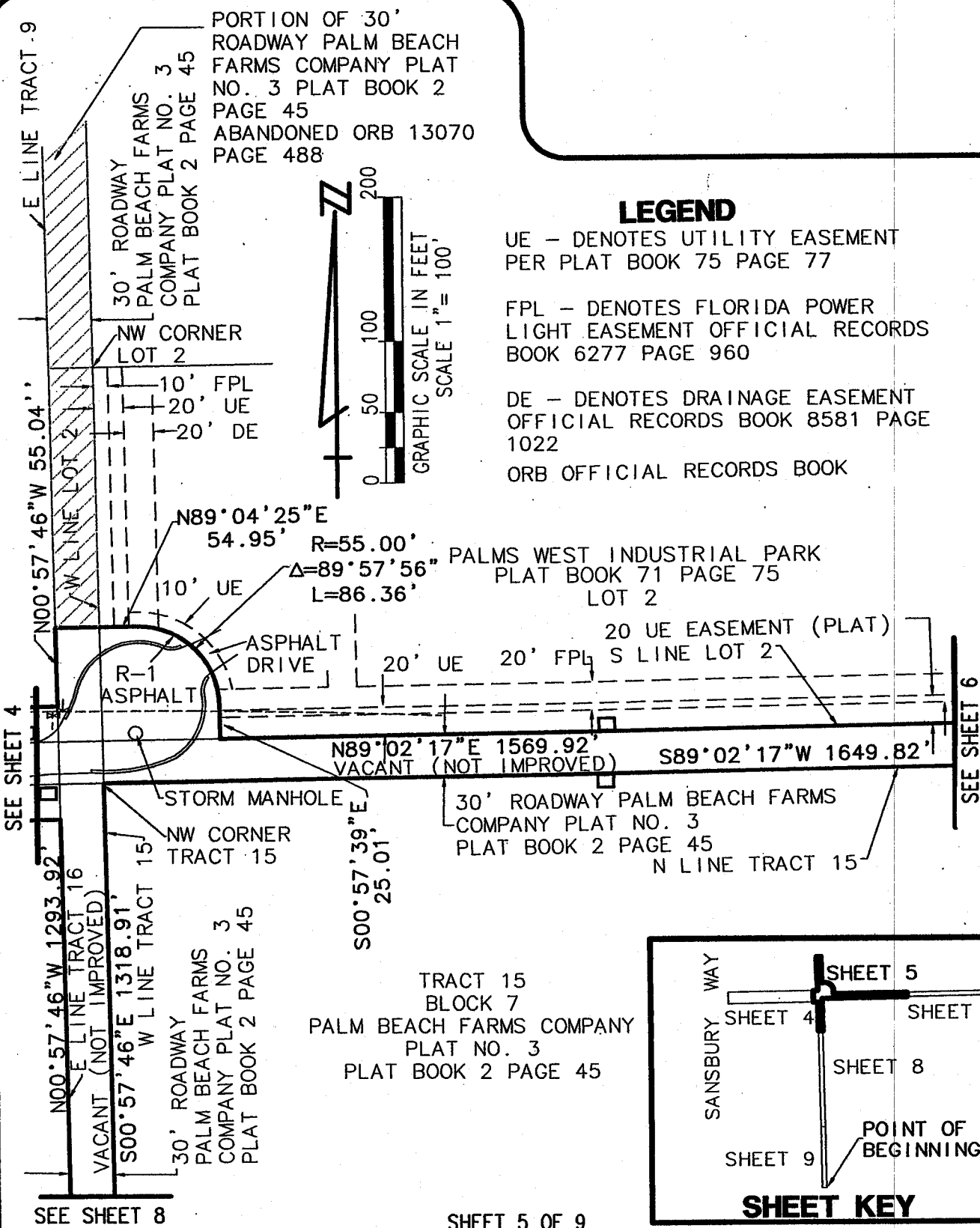
SCALE: 1" = 100'

DATE: OCT 2005

DIRECTORY: MANHCAN

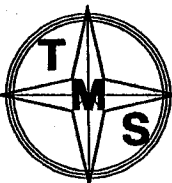
FIELD BOOK: N/A

DWG NO.: CRANSY04



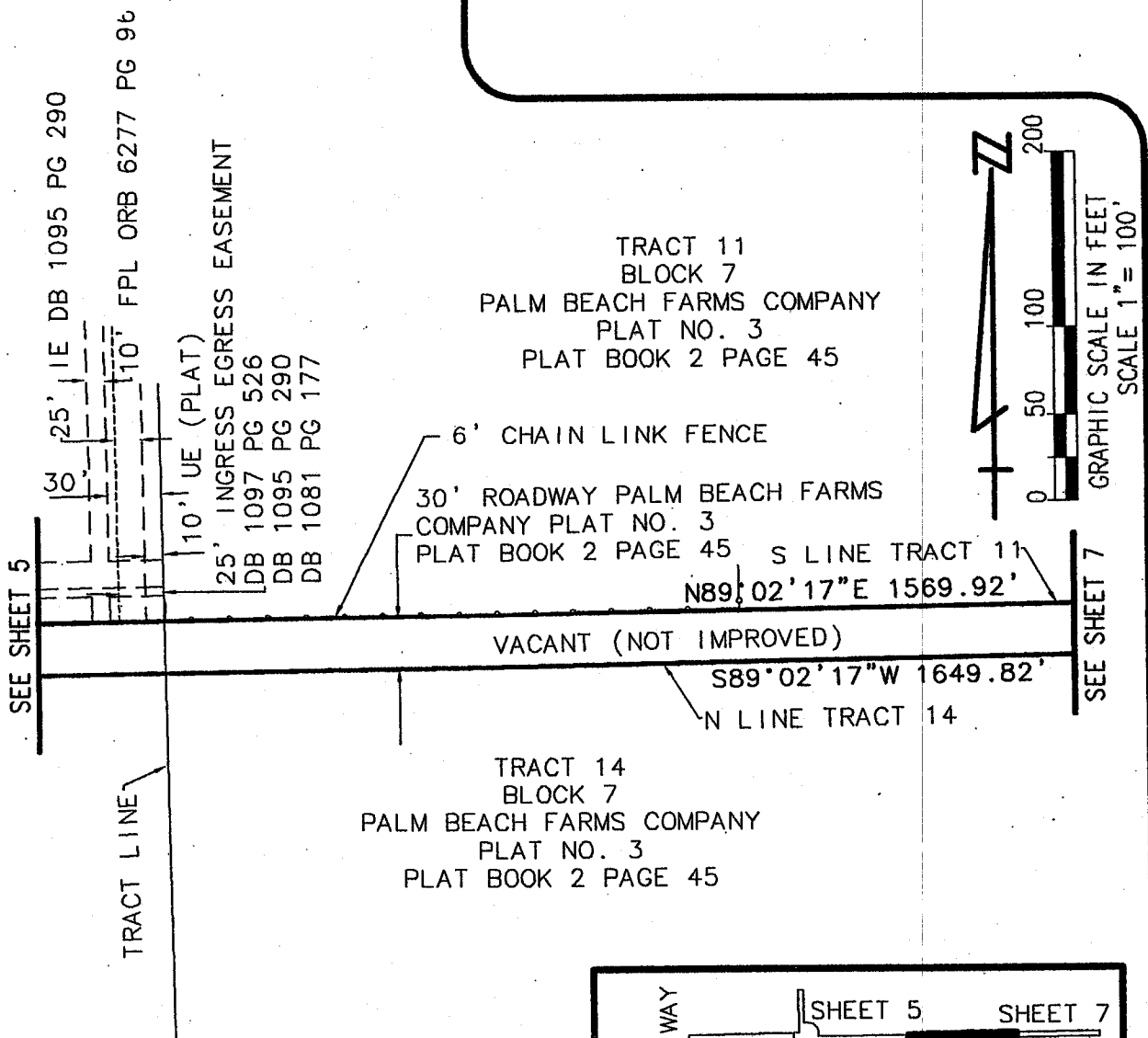
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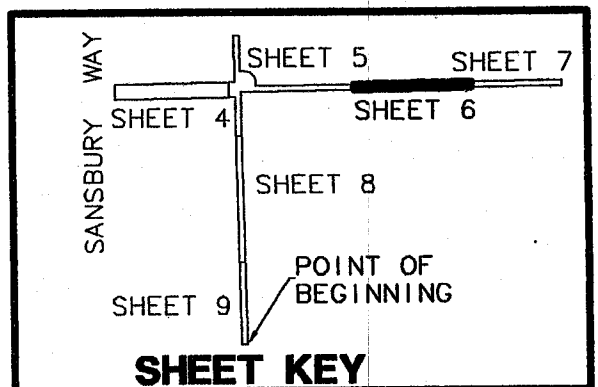
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SCALE: 1" = 100'  
DATE: OCT 2005  
DIRECTORY: MANHCRAN  
FIELD BOOK: N/A  
DWG NO.: CRANSY04



### LEGEND

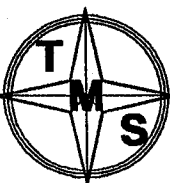
DB DEED BOOK  
ORB OFFICIAL RECORDS BOOK  
FPL FLORIDA POWER & LIGHT



SHEET 6 OF 9

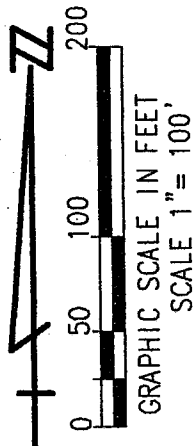
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TRACT 11  
BLOCK 7  
PALM BEACH FARMS COMPANY  
PLAT NO. 3  
PLAT BOOK 2 PAGE 45

TRACT 12  
BLOCK 7  
PALM BEACH FARMS COMPANY  
PLAT NO. 3  
PLAT BOOK 2 PAGE 45

30' ROADWAY PALM BEACH FARMS  
COMPANY PLAT NO. 3  
PLAT BOOK 2 PAGE 45

SE CORNER  
TRACT 11

N89°02'17"E 1569.92'

S LINE TRACT 11 VACANT (NOT IMPROVED)

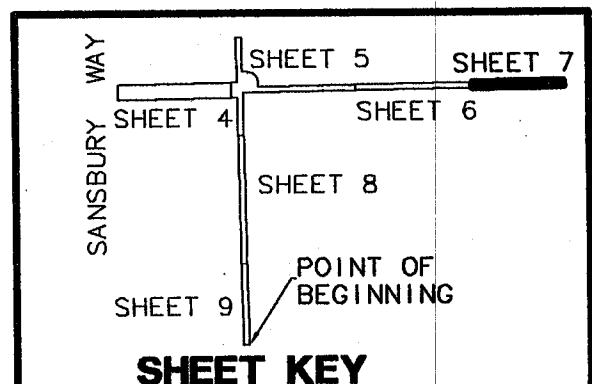
S89°02'17"W 1649.82'

N LINE TRACT 14 NE CORNER  
TRACT 14

TRACT 14  
BLOCK 7  
PALM BEACH FARMS COMPANY  
PLAT NO. 3  
PLAT BOOK 2 PAGE 45

TRACT 13  
BLOCK 7  
PALM BEACH FARMS COMPANY  
PLAT NO. 3  
PLAT BOOK 2 PAGE 45

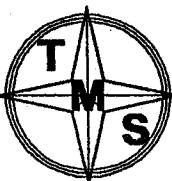
TRACT LINE



SHEET 7 OF 9

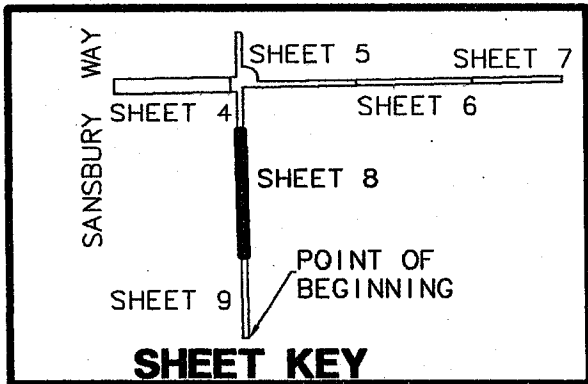
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TRACT 16  
BLOCK 7  
PALM BEACH FARMS COMPANY  
PLAT NO. 3  
PLAT BOOK 2 PAGE 45

TRACT 21  
BLOCK 7  
PALM BEACH FARMS COMPANY  
PLAT NO. 3  
PLAT BOOK 2 PAGE 45

SEE SHEET 5

E LINE TRACT 16  
N00°57'46"W 1293.92'

VACANT (NOT IMPROVED)

W LINE TRACT 15  
S00°57'46"E 1318.91'

E LINE TRACT 21

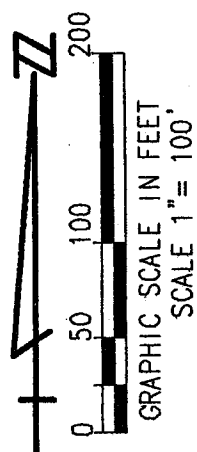
W LINE TRACT 22

30' ROADWAY  
PALM BEACH FARMS  
COMPANY PLAT NO. 3  
PLAT BOOK 2 PAGE 45

SEE SHEET 9.

TRACT 15  
BLOCK 7  
PALM BEACH FARMS COMPANY  
PLAT NO. 3  
PLAT BOOK 2 PAGE 45

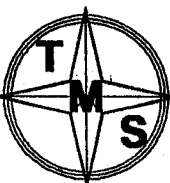
TRACT 22  
BLOCK 7  
PALM BEACH FARMS COMPANY  
PLAT NO. 3  
PLAT BOOK 2 PAGE 45



SHEET 8 OF 9

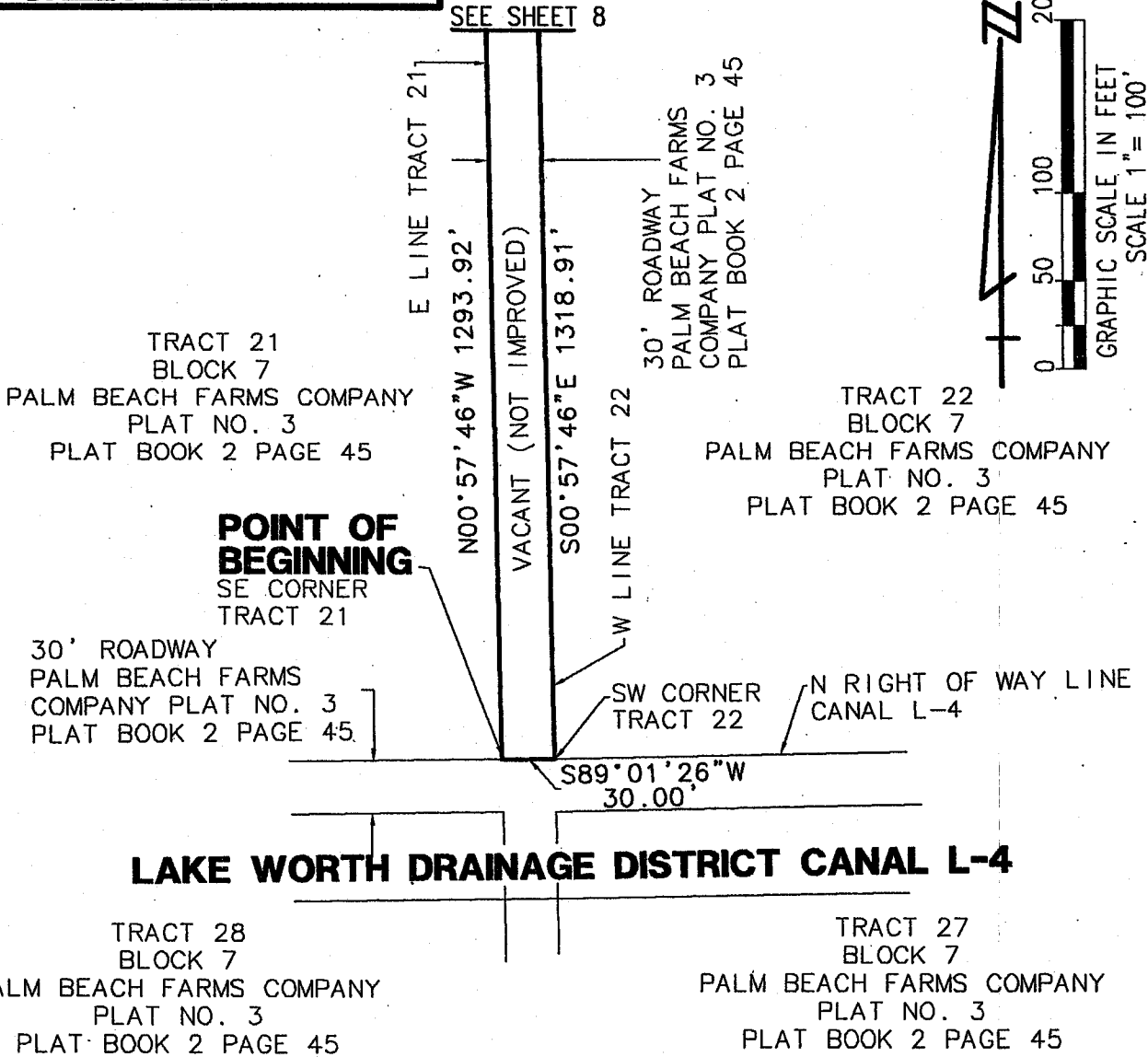
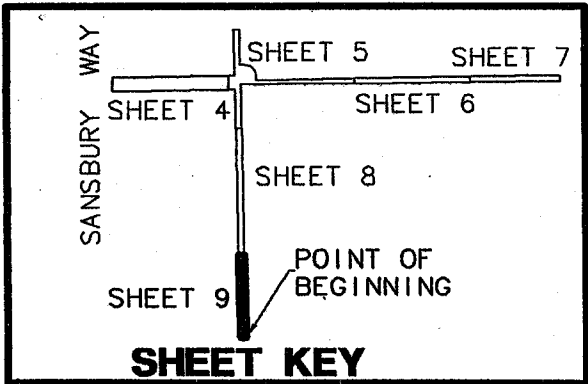
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SHEET 9 OF 9

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