

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

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Meeting Date: November 21, 2006 [] Consent [] Regular
[] Workshop [X] Public Hearing

Department:

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

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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. The petitioner was unable to obtain consent from one abutting property owner. This owner was notified by certified mail dated August 28, 2006, and October 2, 2006, of this public hearing date. These notices give them the opportunity to present their comments either in writing or at the public hearing.

District: 6 (PK)

Background and Policy Issues: This item was postponed from the October 17, 2006, Public Hearing to 10:30 a.m. on November 21, 2006. The owners, Florida Auto Auction 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

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Recommended by: M. McConnell 10/20/06
for Division Director Date
Approved by: S. J. Wall 11/6/06
County Engineer Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2007	2008	2009	2010	2011
Capital Expenditures	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Operating Costs	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
External Revenues	<u>< \$245,294 ></u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Program Income (County)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
In-Kind Match (County)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
NET FISCAL IMPACT	<u>< \$245,294 ></u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>

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) \$245,294.40

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

C. Departmental Fiscal Review: _____ 10/19/06

III. REVIEW COMMENTS

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

_____ 11-9-06
OFMB
11-9-06
11-9-06
11-9-06
11-13-06
Contract Dev and Control

B. Approved as to Form and Legal Sufficiency:

_____ 11/15/06
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)

The abandonment ordinance requires consent from all the abutting property owners for public road abandonments. The petitioner has documented six attempts to contact and attempt to obtain approval from one abutting property owner: BellSouth Mobility, Inc. (PCN 00-42-43-27-05-007-0113).

Staff has determined that this property presently accesses onto other public roads and this abandonment will not affect convenient access.

Certified letters, dated August 28, 2006, and October 2, 2006, were sent to this property owner notifying them of this Public Hearing, giving them the opportunity to present their comments either in writing or in person.

The Engineering Department, as well as the County Attorney's office, respectfully requests the Board approve the abandonment of these rights-of-way without the consent of this abutting property owner because the County Engineer is sponsoring that portion abutting BellSouth Mobility, thus relieving the responsibility to obtain consent from this property owner.

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 \$245,294.40. The calculations are as follows:

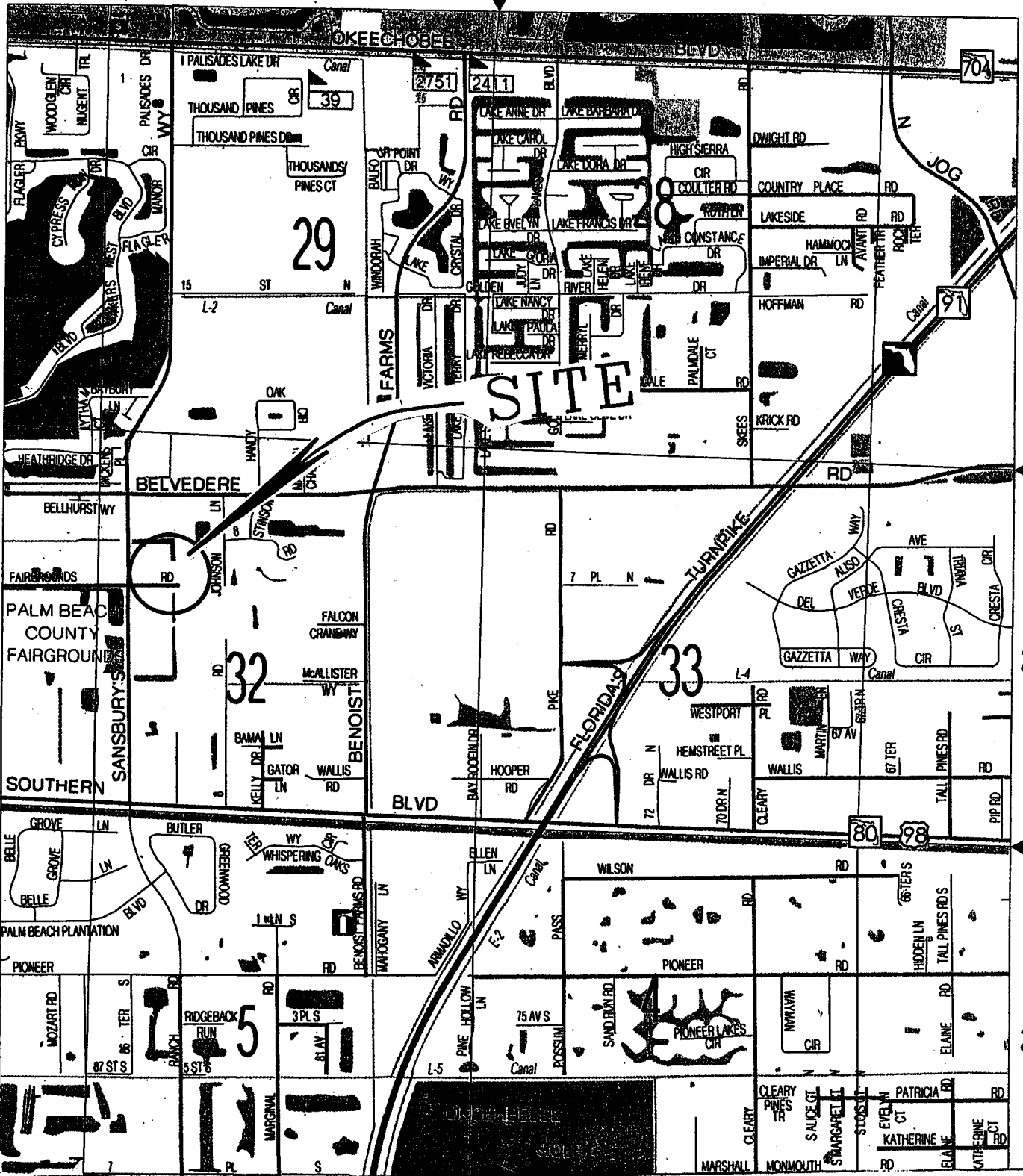
Total sq. ft. of right-of-way abandonment: . . .	145,009
Less sq. ft. of right-of-way for Palm Beach County Water Utilities Department.	-9,327
Less sq. ft. of easement for BellSouth and Florida Power & Light	-6,195
Less sq. ft of right-of-way for Benoist Farms Road	-900
Less sq. ft. of right-of-way for Sansbury's Way	-25,881
Total square feet subject to Privilege Fee.	102,706
Average square footage value of parcels abutting the right-of-way.	\$.3
Overall value.	\$308,118
80% of value	\$246,494.40
Less Filing Fee	\$-1,200.00
Total Privilege Fee	\$245,294.40

The owner applicant has agreed to pay their full privilege fee, including the BellSouth Mobility portion.

T43

T43

T44



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

LOCATION SKETCH



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 November 21, 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:

Karen T. Marcus
Jeff Koons
Warren H. Newell
Mary McCarty
Burt Aaronson

Addie L. Greene

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

PALM BEACH COUNTY, FLORIDA BY
ITS BOARD OF COUNTY COMMISSIONERS

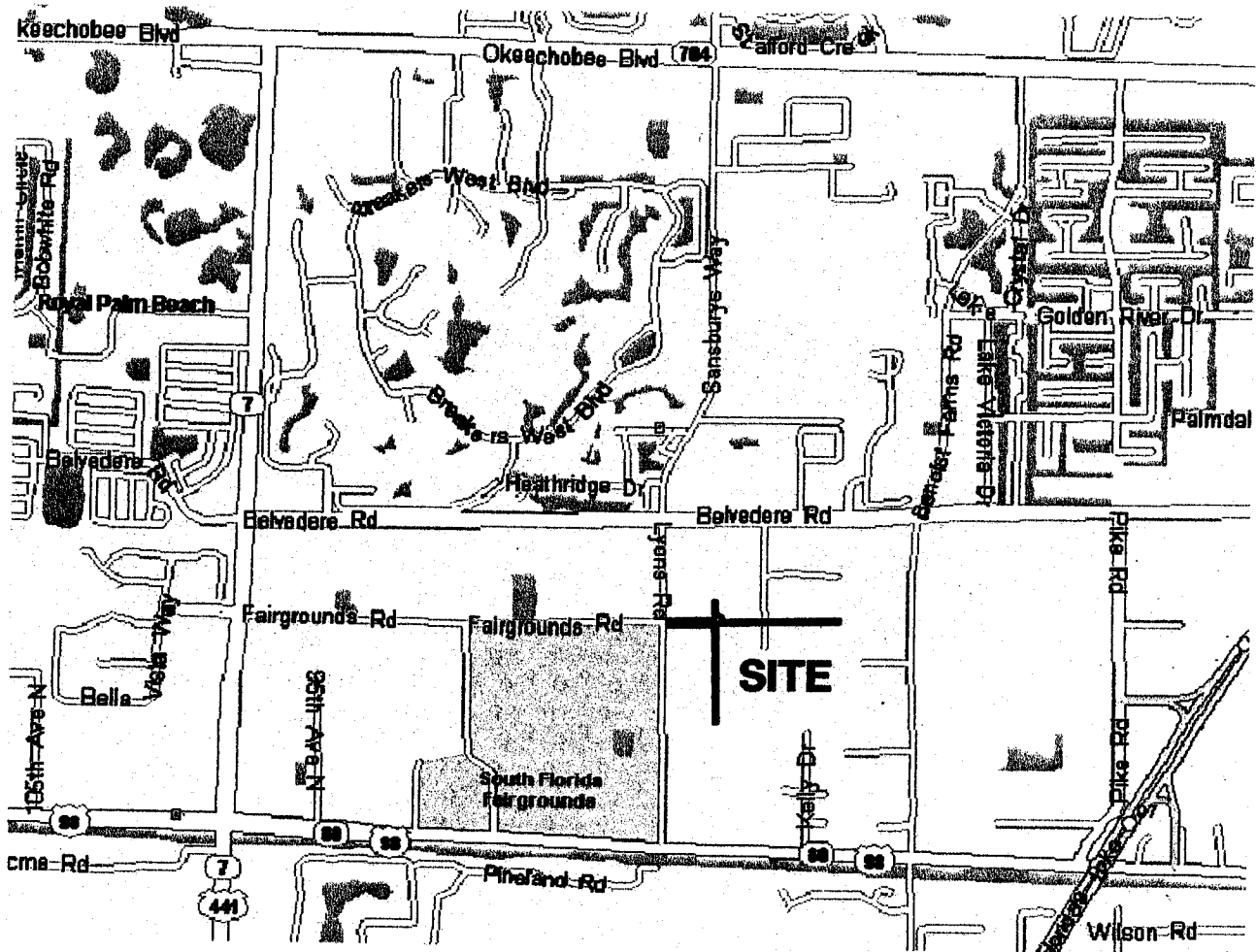
Sharon R. Bock, Clerk & Comptroller

BY: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY: _____
County Attorney

LOCATION MAP



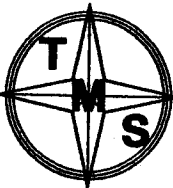
NOT TO SCALE

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

LEGAL DESCRIPTION

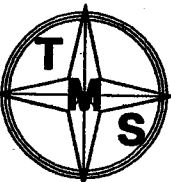
BEING A PORTION OF THOSE CERTAIN 30 FOOT WIDE ROADWAYS LYING IN BLOCK 7, AND A PORTION OF THE SOUTH 25 FEET OF TRACK 9, BLOCK 7, AND A PORTION OF THE NORTH 25 FEET OF TRACT 16, BLOCK 7, PALM BEACH FARMS COMPANY PLAT NO. 3, PLAT BOOK 2 PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND ALL OF 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:	MANHCRAN
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.

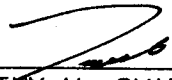
SURVEYOR'S NOTES

BEARINGS SHOWN HEREON ARE REFERENCED TO THE EAST RIGHT OF WAY LINE OF SANSBURY 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.

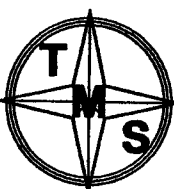
UNDERGROUND UTILITIES SHOWN HEREON ARE BASED ON PAINT AND FLAG MARKING OF LOCATIONS BY UTILITY OWNERS AT THE CLIENT'S REQUEST. LOCATIONS WERE NOT VERIFIED BY THE SURVEYOR


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

SHEET 3 OF 9

TIMOTHY M. SMITH
LAND SURVEYING, INC.

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**SPECIFIC PURPOSE
SURVEY**

SCALE: N/A

DATE: OCT 2005

DIRECTORY: MANHCRAN

FIELD BOOK: N/A

DWG NO.: CRANSY04

SANSBURY WAY

W LINE TRACT 9

CENTERLINE

W LINE TRACT 15

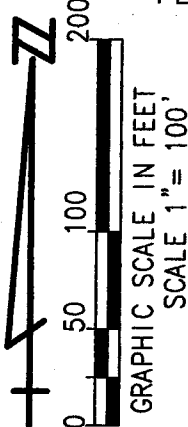
20.00'
TRACT 9
BLOCK 7
PALM BEACH FARMS COMPANY
PLAT NO. 3
BURIED PLAT BOOK 2 PAGE 45
TELEPHONE

6' CHAIN LINK FENCE
N RIGHT OF WAY LINE
FAIRGROUNDS ROAD
ORB 2428 PAGE 1209

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°52'25"E



LEGEND

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

N89°02'17"E 574.33'

S LINE TRACT 9

WATER MAIN

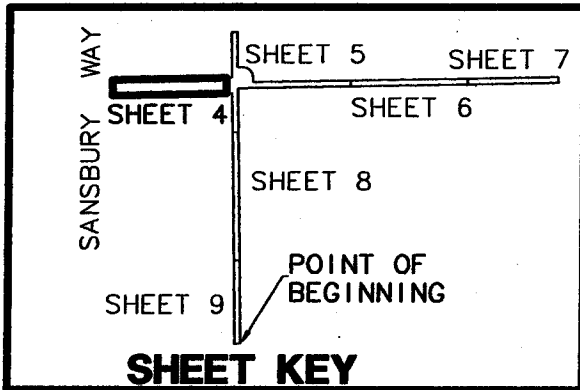
ASPHALT FAIRGROUNDS ROAD

ASPHALT

25' 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

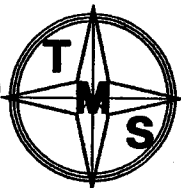


REVISED 6-1-06: GEOMETRY CHANGE FOR NEW SANSBURY WAY RIGHT OF WAY

SHEET 4 OF 9

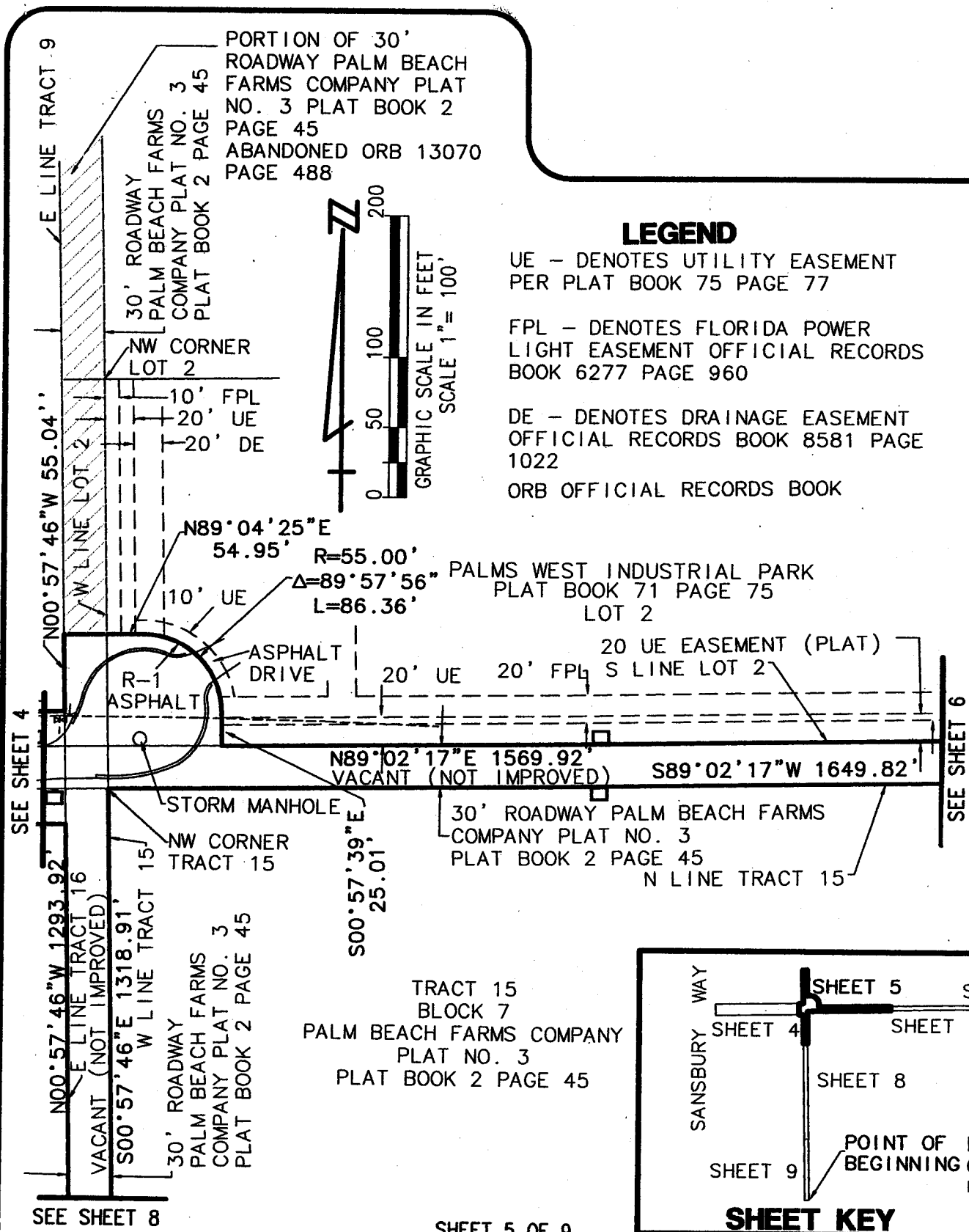
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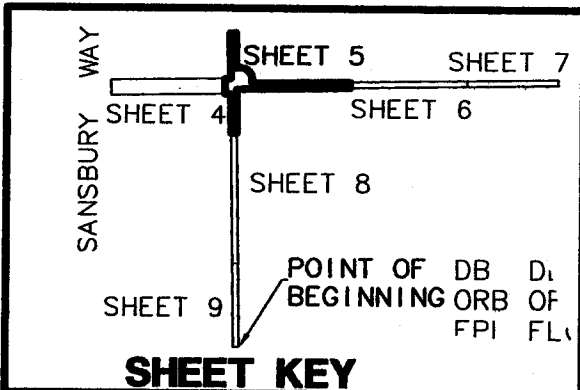
SPECIFIC PURPOSE
SURVEY

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



LEGEND

- UE - DENOTES UTILITY EASEMENT
PER PLAT BOOK 75 PAGE 77
- FPL - DENOTES FLORIDA POWER
LIGHT EASEMENT OFFICIAL RECORDS
BOOK 6277 PAGE 960
- DE - DENOTES DRAINAGE EASEMENT
OFFICIAL RECORDS BOOK 8581 PAGE
1022
- ORB OFFICIAL RECORDS BOOK

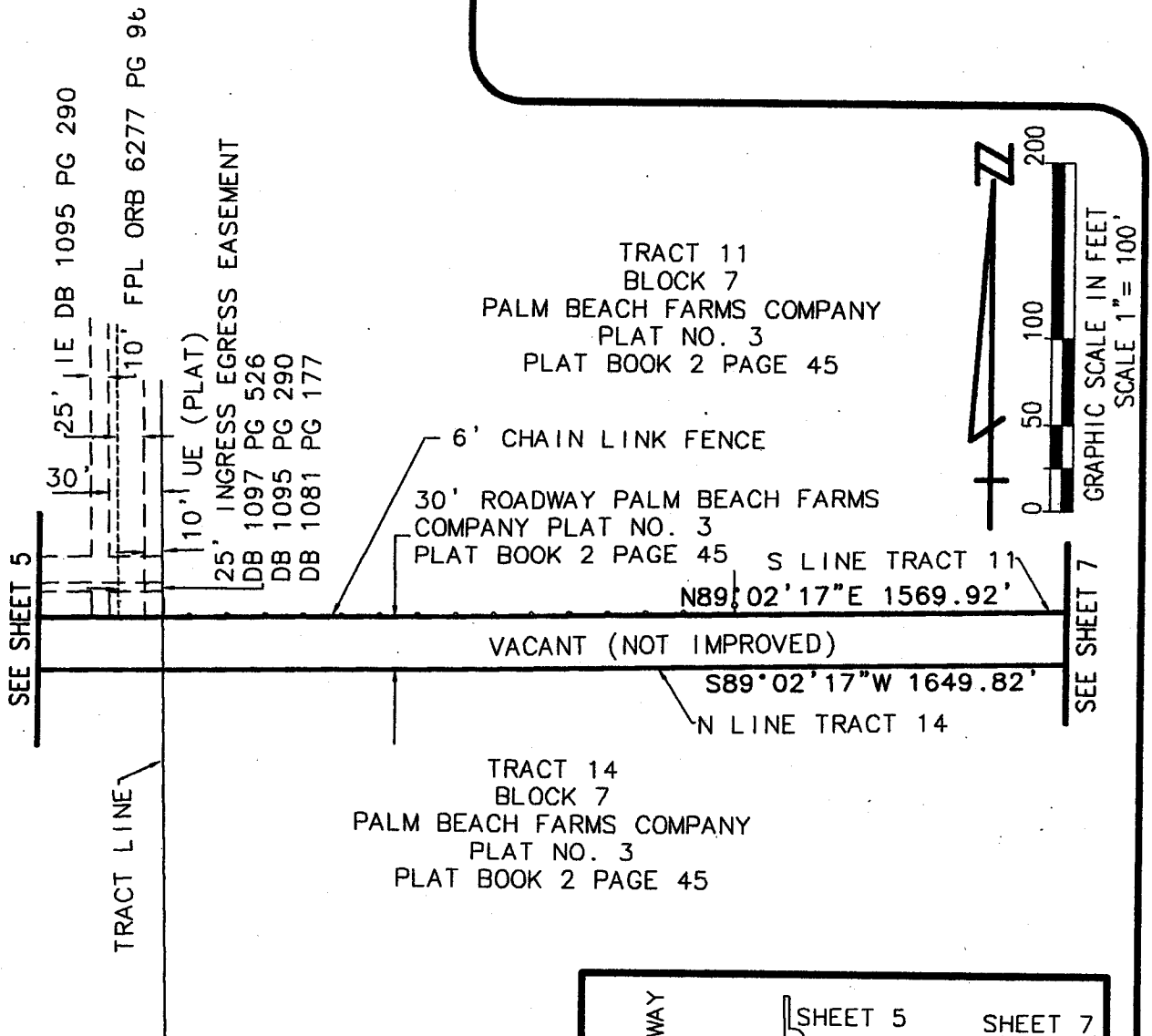


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SHEET 5 OF 9

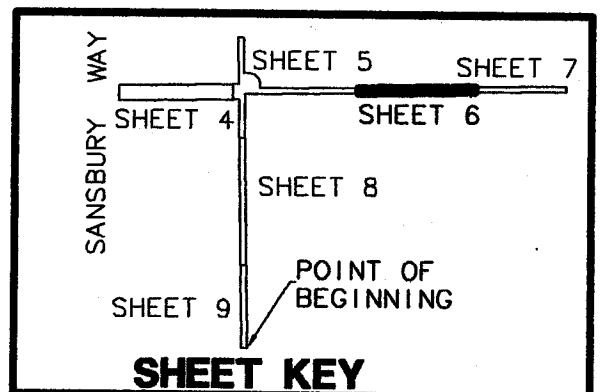
SPECIFIC PURPOSE SURVEY

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



LEGEND

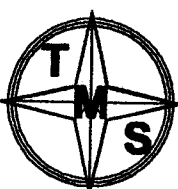
DB DEED BOOK
ORB OFFICIAL RECORDS BOOK
FPL FLORIDA POWER & LIGHT



SHEET 6 OF 9

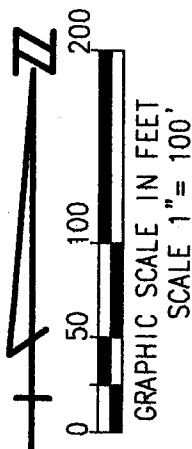
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**SPECIFIC PURPOSE
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DATE: OCT 2005
DIRECTORY: MANHCRAN
FIELD BOOK: N/A
DWG NO.: CRANSY04



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'

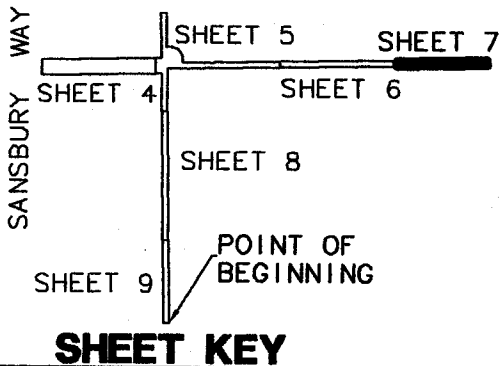
S LINE TRACT 11 VACANT (NOT IMPROVED)

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

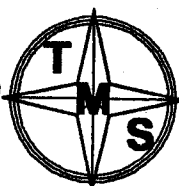
TRACT 13
BLOCK 7
PALM BEACH FARMS COMPANY
PLAT NO. 3
PLAT BOOK 2 PAGE 45



SHEET 7 OF 9

**TIMOTHY M. SMITH
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**SPECIFIC PURPOSE
SURVEY**

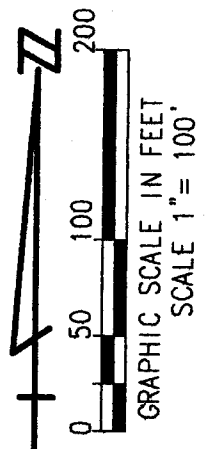
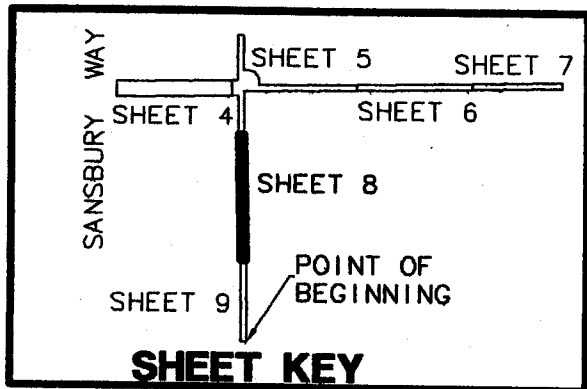
SCALE: 1" = 100'

DATE: OCT 2005

DIRECTORY: MANHCAN

FIELD BOOK: N/A

DWG NO.: CRANSY04



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

TRACT 15
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

TRACT 22
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

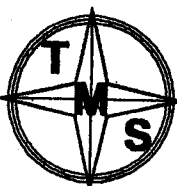
SEE SHEET 9

3
45

SHEET 8 OF 9

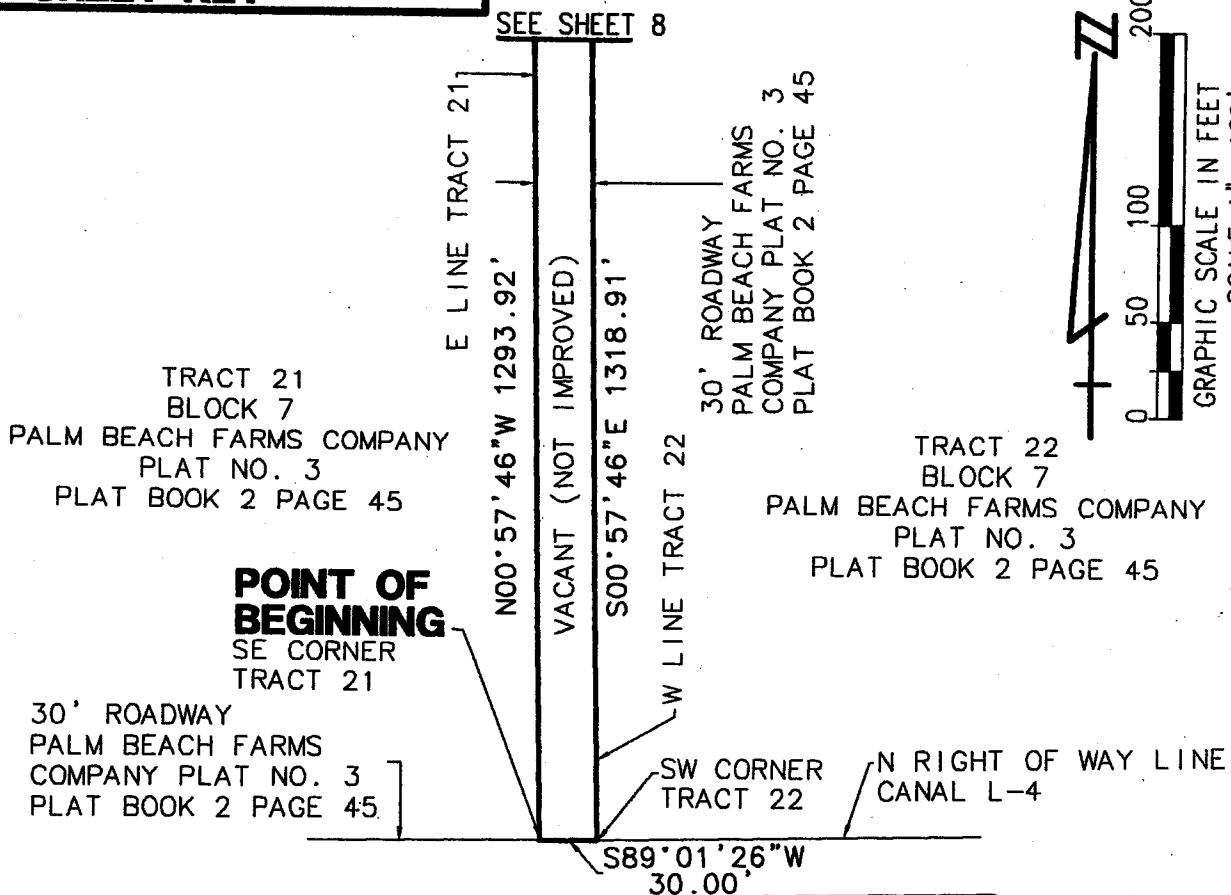
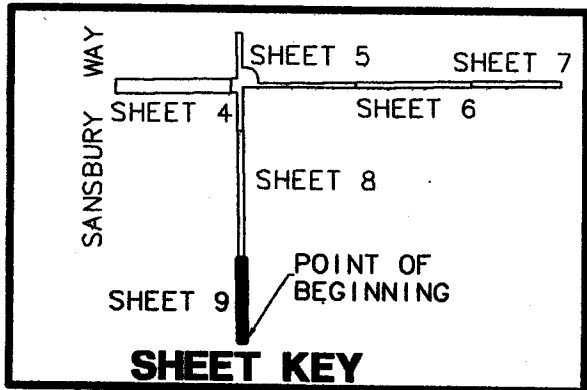
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LAND SURVEYING, INC.

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ROYAL PALM BEACH, FL 33411
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LB #6865



**SPECIFIC PURPOSE
SURVEY**

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



LAKE WORTH DRAINAGE DISTRICT CANAL L-4

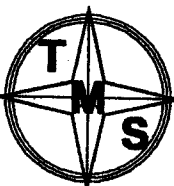
TRACT 28
BLOCK 7
PALM BEACH FARMS COMPANY
PLAT NO. 3
PLAT BOOK 2 PAGE 45

TRACT 27
BLOCK 7
PALM BEACH FARMS COMPANY
PLAT NO. 3
PLAT BOOK 2 PAGE 45

SHEET 9 OF 9

**TIMOTHY M. SMITH
LAND SURVEYING, INC.**

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ROYAL PALM BEACH, FL 33411
(561) 602-8160
LB #6865



**SPECIFIC PURPOSE
SURVEY**

SCALE: 1"=100'

DATE: OCT 2005

DIRECTORY: MANHCAN

FIELD BOOK: N/A

DWG NO.: CRANSY04