

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

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Meeting Date: December 19, 2006 [X] Consent [] Regular
[] Workshop [] 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 vacating a portion of that certain 10 foot wide utility easement lying within Tract "C", and a private roadway located within a portion of Tract "A", Town Commons, Plat One, as recorded in Plat Book 99, Pages 68-69, Public Records of Palm Beach County, Florida.

Summary: This petition site is located at the northeast corner of Lyons Road and Hypoluxo Road. The owner/petitioner is requesting the vacation in order to enhance the design of the pedestrian and residential areas of the development.

District: 3 (PK)

Background and Justification: The owner, Town Commons LLC, a Florida Limited Liability Company, wants to improve the design of Town Commons, a large scale multiple use development. Allowing the abandonment will augment the design of the pedestrian and residential areas. The Site Plan (petition Number 2000-039) was approved on May 24, 2006.

Utility service providers have no objection to the vacation.

Utility easements and private roadways are exempt from the privilege fee requirement in accordance with the Palm Beach County Right-of-Way Abandonment and Plat Vacation Ordinance 86-18, as amended.

Attachments:

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

Recommended by: *[Signature]* Division Director 14 Nov 06 Date *[Signature]*

Approved by: *[Signature]* County Engineer 11/27/06 Date

RESOLUTION NO. R-2006-_____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, VACATING A PORTION OF THAT CERTAIN 10 FOOT WIDE UTILITY EASEMENT LYING WITHIN TRACT "C", AND A PRIVATE ROADWAY LOCATED WITHIN A PORTION OF TRACT "A", TOWN COMMONS, PLAT ONE, AS RECORDED IN PLAT BOOK 99, PAGES 68-69, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

WHEREAS, the Board of County Commissioners of Palm Beach County, Florida, has considered the vacation pursuant to authority in Sections 177.101 and 336.09 of the Florida Statutes and Ordinance No. 86-18 known as the Palm Beach County Right-of-Way Abandonment and Plat Vacation Ordinance, as amended, for the vacation of the a portion of a utility easement within Tract "C" and a private road, within Tract "A", Town Commons, Plat One; and

WHEREAS, said petition to vacate said portion of the utility easement and private roadway was submitted by Town Commons LLC, a Florida Limited Liability Company; and

WHEREAS, this petition substantially complies with the terms and conditions of the vacation as set forth in said Ordinance; and

WHEREAS, this Board while convened in regular session on December 19, 2006, did hold a meeting on said Petition to abandon/vacate that portion of the utility easement and private roadway, and this Board determined that said abandonment/vacation conforms to Palm Beach County's Land Development Code.

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. The portion of the utility easement and private roadway are hereby vacated and closed as a public easement and private roadway and this Board does hereby renounce and disclaim any right or interest of Palm Beach County and the Public in and to the easement and private roadway, 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.

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:

ADDIE L. GREENE, CHAIRPERSON

JEFF KOONS, VICE CHAIR

KAREN T. MARCUS

WARREN H. NEWELL

MARY McCARTY

BURT AARONSON

JESS R. SANTAMARIA

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

DESCRIPTION: UTILITY EASEMENT ABANDONMENT

A PORTION OF THAT CERTAIN 10 FOOT WIDE UTILITY EASEMENT LYING WITHIN TRACT "C", TOWN COMMONS - PLAT ONE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 99, PAGES 68 AND 69 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST EASTERLY CORNER OF SAID TRACT "C"; THENCE S.81°46'16"W., A DISTANCE OF 705.61 FEET TO THE POINT OF BEGINNING; THENCE N.24°26'00"E., A DISTANCE OF 72.73 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 375.00 FEET AND A CENTRAL ANGLE OF 16°57'56"; THENCE NORTHERLY ALONG THE ARC A DISTANCE OF 111.04 FEET; THENCE N.07°28'04"E., A DISTANCE OF 26.36 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 15.00 FEET AND A CENTRAL ANGLE OF 33°33'26"; THENCE NORTHEASTERLY ALONG THE ARC A DISTANCE OF 8.79 FEET TO A POINT OF REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 63.00 FEET AND A CENTRAL ANGLE OF 247°06'53"; THENCE WESTERLY ALONG THE ARC, A DISTANCE OF 271.72 FEET TO A POINT OF REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 15.00 FEET AND A CENTRAL ANGLE OF 33°33'26"; THENCE SOUTHERLY ALONG THE ARC, A DISTANCE OF 8.79 FEET; THENCE S.07°28'04"W., A DISTANCE OF 26.36 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 275.00 FEET AND A CENTRAL ANGLE OF 11°52'10"; THENCE SOUTHERLY ALONG THE ARC A DISTANCE OF 56.97 FEET; THENCE S.70°39'46"E., A DISTANCE OF 10.00 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES N.70°39'46"W., A RADIAL DISTANCE OF 285.00 FEET; THENCE NORTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 11°52'10", A DISTANCE OF 59.04 FEET; THENCE N.07°28'04"E., A DISTANCE OF 26.36 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 33°33'26"; THENCE NORTHERLY ALONG THE ARC A DISTANCE OF 14.64 FEET TO A POINT OF REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 53.00 FEET AND A CENTRAL ANGLE OF 247°06'53"; THENCE EASTERLY ALONG THE ARC, A DISTANCE OF 228.59 FEET TO A POINT OF REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 33°33'26"; THENCE SOUTHWESTERLY ALONG THE ARC, A DISTANCE OF 14.64 FEET; THENCE S.07°28'04"W., A DISTANCE OF 26.36 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 365.00 FEET AND A CENTRAL ANGLE OF 16°57'56"; THENCE SOUTHERLY ALONG THE ARC A DISTANCE OF 108.08 FEET; THENCE S.24°26'00"W., A DISTANCE OF 72.73 FEET; THENCE S.65°34'00"E., A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.
SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS AND RIGHTS-OF-WAY OF RECORD.

NOTES:

1. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.
2. LANDS SHOWN HEREON WERE ABSTRACTED BY ATTORNEYS TITLE INSURANCE FUND, INC., FUND FILE NUMBER 06-2005-8803, EFFECTIVE DATE JUNE 20, 2005 AT 11:00 PM.
3. BEARINGS SHOWN HEREON ARE RELATIVE TO A RECORD BEARING OF N53°48'16"E ALONG THE SOUTHERLY LINE OF TRACT "C", TOWN COMMONS - PLAT ONE, AS RECORDED IN PLAT BOOK 99, PAGES 68 AND 69
4. THE "LAND DESCRIPTION" HEREON WAS PREPARED BY THE SURVEYOR.
5. DATA SHOWN HEREON WAS COMPILED FROM THE INSTRUMENT OF RECORD AND DOES NOT CONSTITUTE A FIELD SURVEY AS SUCH.


CERTIFICATE:

I HEREBY CERTIFY THAT THE ATTACHED SKETCH OF DESCRIPTION OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION ON JULY 29, 2005. I FURTHER CERTIFY THAT THIS SKETCH OF DESCRIPTION MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH IN CHAPTER 61G17-6 ADOPTED BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS PURSUANT TO FLORIDA STATUTES 472.027.

SHEET 1 OF 2



CAULFIELD & WHEELER, INC.
 CIVIL ENGINEERING - LAND PLANNING
 LANDSCAPE ARCHITECTURE - SURVEYING
 7301A W. PALMETTO PARK ROAD - SUITE 100A
 BOCA RATON, FLORIDA 33433
 PHONE (561)-392-1991 / FAX (561)-750-1452



DAVID P. LINDLEY
 REGISTERED LAND
 SURVEYOR NO. 5005
 STATE OF FLORIDA
 L.B. 3591

DATE	7/29/05
DRAWN BY	JC
F.B./ PG.	N/A
SCALE	AS SHOWN
JOB NO.	4393

**TOWN COMMONS
 UTILITY EASEMENT ABANDONMENT
 SKETCH OF DESCRIPTION**

TRACT "C"
TOWN COMMONS - PLAT ONE
(PLAT BOOK 99, PAGES 68-69)

$\Delta=247^{\circ}06'53''$
 $R=63.00'$
 $L=271.72'$

$\Delta=247^{\circ}06'53''$
 $R=53.00'$
 $L=228.59'$

$\Delta=33^{\circ}33'26''$
 $R=25.00'$
 $L=14.64'$

$\Delta=33^{\circ}33'26''$
 $R=25.00'$
 $L=14.64'$

$\Delta=33^{\circ}33'26''$
 $R=15.00'$
 $L=8.79'$

$S07^{\circ}28'04''W$
26.36'

$S07^{\circ}28'04''W$
26.36'

$\Delta=33^{\circ}33'26''$
 $R=15.00'$
 $L=8.79'$

$\Delta=11^{\circ}52'10''$
 $R=275.00'$
 $L=56.97'$

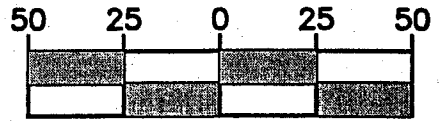
$\Delta=11^{\circ}52'10''$
 $R=285.00'$
 $L=59.04'$

$N07^{\circ}28'04''E$
26.36'

$S70^{\circ}39'46''E$
10.00'
(RADIAL)

$\Delta=16^{\circ}57'56''$
 $R=365.00'$
 $L=108.08'$

$\Delta=16^{\circ}57'56''$
 $R=375.00'$
 $L=111.04'$



GRAPHIC SCALE
(IN FEET)

TRACT "B"

TRACT "A"

TRACT "C"

POINT OF COMMENCEMENT
MOST EASTERLY CORNER OF
TRACT "C"
TOWN COMMONS - PLAT ONE
(PLAT BOOK 99, PAGES 68-69)

$S24^{\circ}26'00''W$
72.73'

$N24^{\circ}26'00''E$
72.73'

$S81^{\circ}46'16''W$
705.61'

$N65^{\circ}34'00''W$
10.00'

POINT OF BEGINNING

$N53^{\circ}48'16''E$

HYPOLUXO ROAD
(PLAT BOOK 99, PAGES 68-69)

SOUTHERLY LINE OF TRACT "C"
(BEARING BASIS)

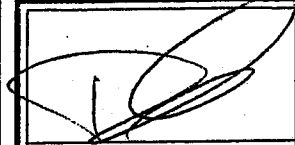
10' UTILITY
EASEMENT
TO REMAIN

10' UTILITY
EASEMENT
TO REMAIN

SHEET 2 OF 2



CAULFIELD & WHEELER, INC.
CIVIL ENGINEERING - LAND PLANNING
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BOCA RATON, FLORIDA 33433
PHONE (561)-392-1991 / FAX (561)-750-1452



DAVID P. LINDLEY.
REGISTERED LAND
SURVEYOR NO. 5005
STATE OF FLORIDA
L.B. 3591

DATE	7/29/05
DRAWN BY	JC
F.B./ PG.	N/A
SCALE	AS SHOWN
JOB NO.	4393

TOWN COMMONS
UTILITY EASEMENT ABANDONMENT
SKETCH OF DESCRIPTION

DESCRIPTION: PRIVATE ROADWAY ABANDONMENT

A PORTION OF TRACT "A", TOWN COMMONS - PLAT ONE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 99, PAGES 68 AND 69 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST EASTERLY CORNER OF SAID TRACT "C" OF SAID TOWN COMMONS - PLAT ONE; THENCE N.81°09'45"W., A DISTANCE OF 651.92 FEET TO THE POINT OF BEGINNING; THENCE N.23°59'45"E., A DISTANCE OF 3.18 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 62.00 FEET AND A CENTRAL ANGLE OF 33°54'39"; THENCE NORTHEASTERLY ALONG THE ARC A DISTANCE OF 36.70 FEET TO A POINT OF REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 18.00 FEET AND A CENTRAL ANGLE OF 63°55'25"; THENCE NORTHEASTERLY ALONG THE ARC, A DISTANCE OF 20.08 FEET TO A POINT OF REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 63.50 FEET AND A CENTRAL ANGLE OF 97°39'44"; THENCE NORTHEASTERLY ALONG THE ARC, A DISTANCE OF 108.24 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES S.79°54'53"E., A RADIAL DISTANCE OF 25.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 30°56'23", A DISTANCE OF 13.50 FEET TO A POINT OF REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 53.00 FEET AND A CENTRAL ANGLE OF 247°06'53"; THENCE WESTERLY ALONG THE ARC, A DISTANCE OF 228.59 FEET TO A POINT OF REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 33°33'26"; THENCE SOUTHERLY ALONG THE ARC, A DISTANCE OF 14.64 FEET; THENCE S.07°28'04"W., A DISTANCE OF 26.36 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 285.00 FEET AND A CENTRAL ANGLE OF 16°57'56"; THENCE SOUTHERLY ALONG THE ARC A DISTANCE OF 84.39 FEET; THENCE S.24°26'00"W., A DISTANCE OF 14.93 FEET; THENCE S.66°00'15"E., A DISTANCE OF 15.21 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.
CONTAINING 12,258 SQUARE FEET/0.281 ACRES MORE OR LESS.
SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS AND RIGHTS-OF-WAY OF RECORD.

NOTES:

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3. BEARINGS SHOWN HEREON ARE RELATIVE TO A RECORD BEARING OF N53°48'16"E ALONG THE SOUTHERLY LINE OF TRACT "C", TOWN COMMONS - PLAT ONE, AS RECORDED IN PLAT BOOK 99, PAGES 68 AND 67
4. THE "LAND DESCRIPTION" HEREON WAS PREPARED BY THE SURVEYOR.
5. DATA SHOWN HEREON WAS COMPILED FROM THE INSTRUMENT OF RECORD AND DOES NOT CONSTITUTE A FIELD SURVEY AS SUCH.


CERTIFICATE:

I HEREBY CERTIFY THAT THE ATTACHED SKETCH OF DESCRIPTION OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION ON JULY 29, 2005. I FURTHER CERTIFY THAT THIS SKETCH OF DESCRIPTION MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH IN CHAPTER 61G17-6 ADOPTED BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS PURSUANT TO FLORIDA STATUTES 472.027.

SHEET 1 OF 2



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DAVID P. LINDLEY
REGISTERED LAND
SURVEYOR NO. 5005
STATE OF FLORIDA
L.B. 3591

DATE	7/29/05
DRAWN BY	JC
F.B./ PG.	N/A
SCALE	AS SHOWN
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**TOWN COMMONS
PRIVATE ROADWAY ABANDONMENT
SKETCH OF DESCRIPTION**

TRACT "C"

$\Delta=247^{\circ}06'53''$
R=53.00'
L=228.59'

$\Delta=33^{\circ}33'26''$
R=25.00'
L=14.64'

$\Delta=30^{\circ}56'23''$
R=25.00'
L=13.50'

S79°54'53"E
(RADIAL)

S07°28'04"W
26.36'

$\Delta=16^{\circ}57'56''$
R=285.00'
L=84.39'

S24°26'00"W
14.93'

$\Delta=63^{\circ}55'25''$
R=18.00'
L=20.08'

$\Delta=97^{\circ}39'44''$
R=63.50'
L=108.24'

PROPOSED
PRIVATE
ROADWAY

$\Delta=33^{\circ}54'39''$
R=62.00'
L=36.70'

N23°59'45"E
3.18'

S66°00'15"E
15.21'

POINT OF BEGINNING

POINT OF COMMENCEMENT
MOST EASTERLY CORNER OF
TRACT "C"
TOWN COMMONS - PLAT ONE
(PLAT BOOK 99, PAGES 68- 69)

N81°09'45"W

651.92'

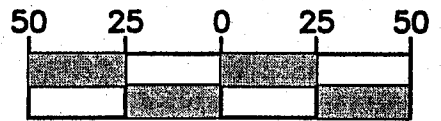
TRACT "B"

TRACT "A"

TRACT "C"

SOUTHERLY LINE OF TRACT "C"
(BEARING BASIS)

N53°48'16"E
HYPOLUXO ROAD
(PLAT BOOK 99, PAGES 68- 69)



GRAPHIC SCALE
(IN FEET)

SHEET 2 OF 2



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