

**Agenda Item #:**

**PALM BEACH COUNTY**

**BOARD OF COUNTY COMMISSIONERS**

## AGENDA ITEM SUMMARY

**Meeting Date:** January 9, 2007

☒ Consent    ☐ Regular

☐ Workshop ☐ 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 vacating two (2) six (6) foot wide utility easements lying within a portion of Lots 1-8 and Lots 11-18, Block 2, and lying within a portion of Lots 1-8 and Lots 11-18, Block 3, within the plat of Sunbeam Park, as recorded in Plat Book 14, Page 26, Public Records of Palm Beach County, Florida.

**Summary:** This petition site is located on the east side of Jog Road, north of Southern Boulevard. The petitioner is requesting the abandonment to clear the record, allowing the property to be developed as a Class A Conditional Use.

**District:** 6 (PK)

**Background and Justification:** The owners/petitioners, Howard and Amy Holloway, received approval by the Development Review Officer on October 12, 2005, to allow a convenience store with gas sales and a fast food restaurant (Petition No. 2002-032, R-2003-0117). The plat has been submitted, reviewed and approved, however these easements must be abandoned prior to recording the plat.

Utilities service providers have no objection to the vacation.

Utility Easements 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: AS Keys 29 Nov 06  
Division Director Date

Approved by: Sy J. Walsh 12/5/06  
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	-0-	-0-	-0-	-0-	-0-
Program Income (County)	-0-	-0-	-0-	-0-	-0-
In-Kind Match (County)	-0-	-0-	-0-	-0-	-0-
<b>NET FISCAL IMPACT</b>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	
# ADDITIONAL FTE POSITIONS (Cumulative)					

Is Item Included In Current Budget? Yes \_\_\_\_\_ No \_\_\_\_\_  
 Budget Account No.: Fund \_\_\_\_\_ Agency \_\_\_\_\_ Org. \_\_\_\_\_ Object \_\_\_\_\_  
 Program \_\_\_\_\_

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

No additional fiscal impact as a result of this item.

C. Departmental Fiscal Review: R.D. Ward 11/30/06

## III. REVIEW COMMENTS

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

[Signature] 12-12-06  
 OFMB  
 12-12-06  
[Signature] 12/11/06  
 Contract Dev. and Control  
 12/13/06

### B. Legal Sufficiency:

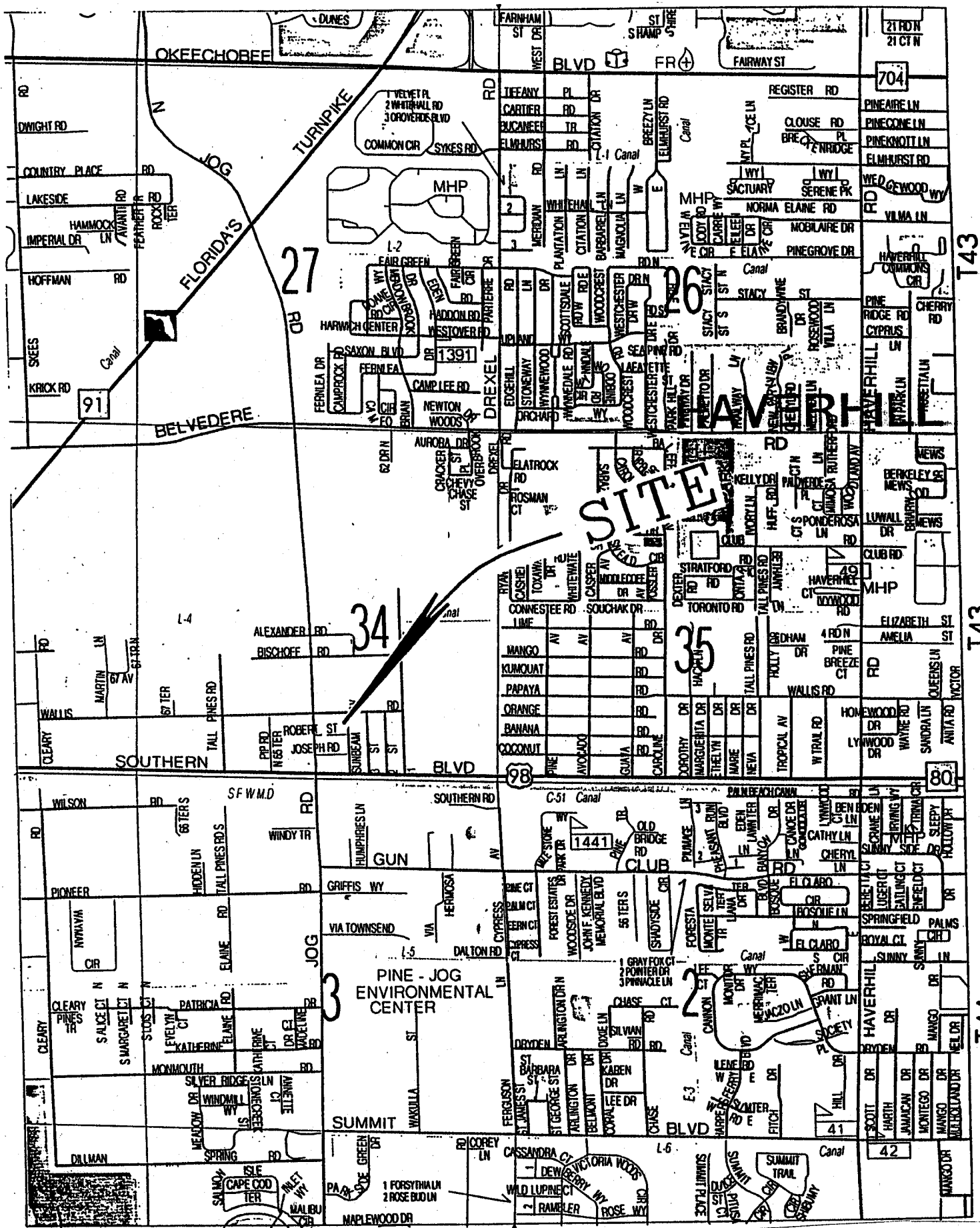
This item complies with current  
County policies.

Paul F. [Signature] 12/18/06  
 Assistant County Attorney

### C. Other Department Review:

\_\_\_\_\_  
 Division Director

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



**VACATING 2-SIX FOOT WIDE UTILITY EASEMENTS  
WITHIN THE PLAT OF SUNBEAM PARK,  
PLAT BOOK 14, PAGE 26**

**LOCATION SKETCH**

RESOLUTION NO. R-2007-\_\_\_\_\_

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, VACATING TWO (2) SIX (6) FOOT WIDE UTILITY EASEMENTS LYING WITHIN A PORTION OF LOTS 1-8 AND LOTS 11-18, BLOCK 2, AND LYING WITHIN A PORTION OF LOTS 1-8 AND LOTS 11-18, BLOCK 3, WITHIN THE PLAT OF SUNBEAM PARK, AS RECORDED IN PLAT BOOK 14, PAGE 26, 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 these certain public utility easements; and

WHEREAS, said petition to vacate said easements was submitted by Howard and Amy Holloway, owners/petitioners; 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 January 9, 2007, did hold a meeting on said petition to vacate, and this Board determined that said easements are in excess of the requirements of the local utility companies.

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 easements are hereby vacated and closed as a public easements and this Board does hereby renounce and disclaim any right or interest of Palm Beach County and the Public in and to these easements, 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:

Commissioner Addie L. Greene, Chairperson

Commissioner John F. Koons, Vice Chair

Commissioner Karen T. Marcus

Commissioner Warren H. Newell

Commissioner Mary McCarty

Commissioner Burt Aaronson

Commissioner Jess R. Santamaria

The Chair thereupon declared the Resolution duly passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

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

# SKETCH AND DESCRIPTION

DESCRIPTION:

A PORTION OF LOTS 1 THROUGH 8 AND LOTS 11 THROUGH 18, BLOCK 2, SUNBEAM PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 14, PAGE 26, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

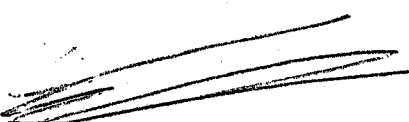
BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 8, SAID POINT ALSO BEING ON THE EAST RIGHT-OF-WAY LINE OF JOG ROAD; THENCE NORTH 00°33'00" WEST ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 3.00 FEET; THENCE NORTH 89°27'00" EAST, A DISTANCE OF 400.00 FEET TO THE WEST RIGHT OF WAY LINE OF SUNBEAM AVENUE; THENCE SOUTH 00°33'00" EAST ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 6.00 FEET; THENCE SOUTH 89°27'00" WEST, A DISTANCE OF 400.00 FEET TO SAID EAST RIGHT OF WAY LINE OF JOG ROAD; THENCE NORTH 00°33'00" WEST ALONG SAID EAST RIGHT OF WAY LINE, DISTANCE OF 3.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE LYING AND BEING IN PALM BEACH COUNTY, FLORIDA. CONTAINING 2,400 SQUARE FEET MORE OR LESS.

NOTES:

- 1) Bearings shown hereon are based on the Plat of Sunbeam Park (P.B. 14, PG. 26, P.B.C.R.).
- 2) This Sketch is not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper.
- 3) The undersigned and David & Gerchar, Inc., make no representations or guarantees as to the information reflected hereon pertaining to easements, rights-of-way, setback lines, agreements and other matters, and further, this instrument is not intended to reflect or set forth all such matters. Such information should be obtained and confirmed by others through appropriate title verification. lands shown hereon were not abstracted for rights-of-way and/or easements of record.
- 4) This Sketch and Description consists of two sheets and is not complete without both sheets.

THIS IS NOT A SKETCH OF SURVEY SHEET 1 OF 2

REVISIONS	DATE	BY	CKD	FB/PG	<p>A PORTION OF LOTS 1-8 AND LOTS 11-18 BLOCK 2  SUNBEAM PARK (PLAT BOOK 14, PAGES 26, P.B.C.R.)</p>
 THEODORE J. DAVID FOR THE FIRM PROFESSIONAL SURVEYOR AND MAPPER FLORIDA REGISTRATION NO. 5821 DAVID & GERCHAR, INC. LB#6935	SCALE:	NOT TO SCALE		JOB NO:	00-146B2
	FB/PG:	N/A		CAD. FILE:	C:\DWGS\00-146
	DRAWN BY:	SN		DATE:	9/07/06
	CKD. BY:	TJD		PROJ. FILE:	00-146
<p>DAVID &amp; GERCHAR, INC. SURVEYORS AND MAPPERS 10750 Wiles Road Coral Springs, Florida 33076 (954) 340-4025 • Fax: (954) 255-0735</p>					



# SKETCH AND DESCRIPTION

## DESCRIPTION:

A PORTION OF LOTS 1 THROUGH 8 AND LOTS 11 THROUGH 18, BLOCK 3, SUNBEAM PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 14, PAGE 26, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 8, SAID POINT ALSO BEING ON THE EAST RIGHT-OF-WAY LINE OF JOG ROAD; THENCE NORTH 00°33'00" WEST ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 3.00 FEET; THENCE NORTH 89°27'00" EAST, A DISTANCE OF 400.00 FEET TO THE WEST RIGHT OF WAY LINE OF SUNBEAM AVENUE; THENCE SOUTH 00°33'00" EAST ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 6.00 FEET; THENCE SOUTH 89°27'00" WEST, A DISTANCE OF 400.00 FEET TO SAID EAST RIGHT OF WAY LINE OF JOG ROAD; THENCE NORTH 00°33'00" WEST ALONG SAID EAST RIGHT OF WAY LINE, DISTANCE OF 3.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE LYING AND BEING IN PALM BEACH COUNTY, FLORIDA. CONTAINING 2,400 SQUARE FEET MORE OR LESS.

## NOTES:

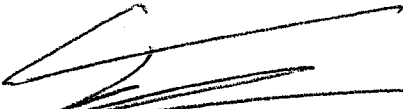
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- 3) The undersigned and David & Gerchar, Inc., make no representations or guarantees as to the information reflected hereon pertaining to easements, rights-of-way, setback lines, agreements and other matters, and further, this instrument is not intended to reflect or set forth all such matters. Such information should be obtained and confirmed by others through appropriate title verification. Lands shown hereon were not abstracted for rights-of-way and/or easements of record.
- 4) This Sketch and Description consists of two sheets and is not complete without both sheets.

THIS IS NOT A SKETCH OF SURVEY

SHEET 1 OF 2

REVISIONS	DATE	BY	CKD	FB/PG

A PORTION OF  
LOTS 1-8 AND LOTS 11-18  
BLOCK 3  
SUNBEAM PARK  
(PLAT BOOK 14, PAGES 26, P.B.C.R.)

  
THEODORE J. DAVID FOR THE FIRM  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA REGISTRATION NO. 5821  
DAVID & GERCHAR, INC. LB#6935

SCALE: NOT TO SCALE	JOB NO: 00-146B3
FB/PG: N/A	CAD. FILE: C:\DWGS\00-146
DRAWN BY: SN	DATE: 9/07/06
CKD. BY: TJD	PROJ. FILE: 00-146

**DAVID &  
GERCHAR, INC.**  
SURVEYORS AND MAPPERS  
10750 Wiles Road  
Coral Springs, Florida 33076  
(954) 340-4025 • Fax: (954) 255-0735



# SKETCH AND DESCRIPTION

JOG ROAD  
140' RIGHT-OF-WAY (TOTAL)  
(P.B. 14, PG. 26, P.B.C.R.)

P.O.B.  
NORTHWEST CORNER OF LOT 8, BLOCK 3  
SUNBEAM PARK  
(P.B. 14, PG. 26, P.B.C.R.)

ACQUIRED FOR R/W  
O.R.B. 5294, PG. 515

EAST RIGHT OF WAY LINE  
JOG ROAD

3.00'  
N 00°33'00" W

400.00'

11

12

13

14

15

16

17

18

SUNBEAM PARK  
PLAT BOOK 14, PAGE 26, P.B.C.R.

3

2

6.00'  
S 00°33'00" E

EAST LINE BLOCK 3

SUNBEAM AVENUE

WEST RIGHT OF WAY SUNBEAM AVE

60' RIGHT-OF-WAY  
(PLAT BOOK 14, PAGE 26, P.B.C.R.)

## LEGEND:

L. W. D. D. LAKE WORTH DRAINAGE DISTRICT  
P. B. PLAT BOOK  
PG. PAGE  
O. R. B. OFFICIAL RECORD BOOK  
P. B. C. R. PALM BEACH COUNTY RECORDS  
P. O. B. POINT OF BEGINNING

THIS IS NOT A SKETCH OF SURVEY

SHEET 2 OF 2

REVISIONS

DATE

BY

CKD

FB/PG

A PORTION OF  
LOTS 1-8 AND LOTS 11-18  
BLOCK 3  
SUNBEAM PARK  
(PLAT BOOK 14, PAGES 26, P.B.C.R.)

SCALE:

1" = 80'

FB/PG:

N/A

DRAWN BY: SN

CKD. BY: TJD

JOB NO:

00-146B3

CAD. FILE:

C:\DWGS\00-146

DATE:

9/07/06

PROJ. FILE:

00-146

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