

Agenda Item #: 3-C-20

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

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Meeting Date: February 27, 2007 [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 a 10 foot wide utility easement within Lot 47, Windrift at Jonathan's Landing, a Planned Unit Development, as recorded in Plat Book 58, Pages 127-129, Public Records of Palm Beach County, Florida.

Summary: This petition site is located within the Jonathan's Landing Planned Unit Development, east of State Road 811. The owners/petitioners are requesting the vacation because the pool and pool patio encroach into the utility easement and the owners want to clear the conflict.

District: 1 (PK)

Background and Justification: The owners/petitioners are Ruth A. Bell, Drummond C. Bell, Drummond C. Bell III and Richard J. Bell, Trustees of the Ruth A. Bell Revocable Trust. They are requesting the abandonment because the corner of the pool and pool patio encroach into the utility easement. The house was built by the original developer as a model home and was sold to the petitioners with the encroachment. The property owners have not been able to sell this property due to this encroachment. The abandonment will resolve this conflict.

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 (2)

Recommended by: *[Signature]* 27 Jan 07 *[Signature]*
Division Director Date

Approved by: *[Signature]* 1/29/07
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-
NET FISCAL IMPACT	<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 1/25/07

III. REVIEW COMMENTS

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

[Signature] 2-5-07
 OFMB 2-5-07
 [Signature] 2/7/07
 [Signature] 2/7/07
 [Signature] 2/7/07
 Contract Dev. and Control

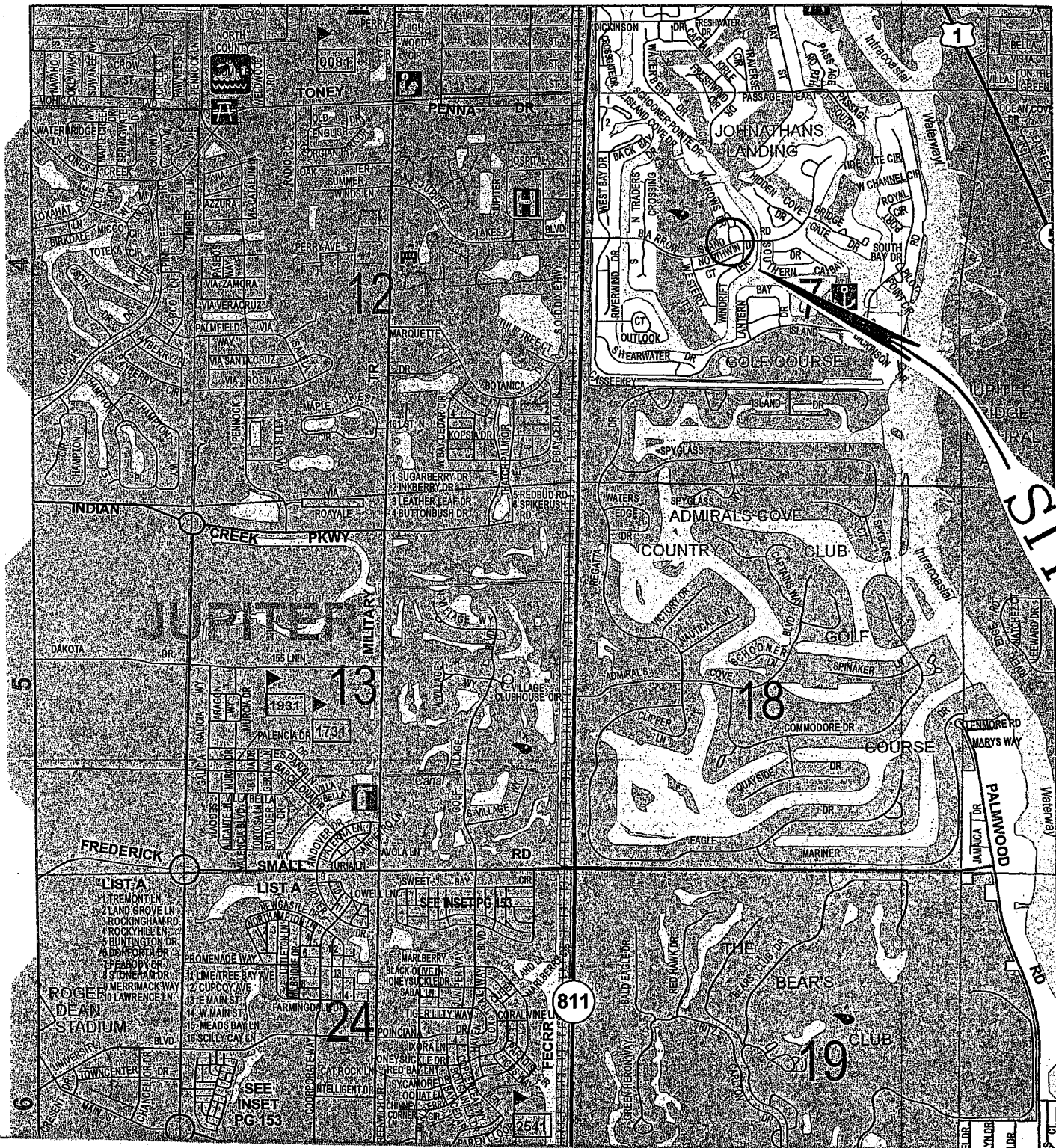
B. Legal Sufficiency:

Paul F. [Signature] 02/08/07
 Assistant County Attorney

C. Other Department Review:

 Division Director

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



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**VACATING A PORTION OF A UTILITY EASEMENT WITHIN
 LOT 47, WINDDRIFT AT JONATHAN'S LANDING
 PLAT BOOK 58, PAGES 127-129**

LOCATION SKETCH



N

RESOLUTION NO. R-2007-_____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, VACATING A PORTION OF A 10 FOOT WIDE UTILITY EASEMENT WITHIN LOT 47 WITHIN THE PLAT OF WINDRIFT AT JONATHAN'S LANDING, A PLANNED UNIT DEVELOPMENT, AS RECORDED IN PLAT BOOK 58, PAGES 127-129, 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 that portion of the utility easement; and

WHEREAS, said petition to vacate said portion of utility easement was submitted by Ruth A. Bell, Drummond C. Bell, Drummond C. Bell III and Richard J. Bell, Trustees of the Ruth A. Bell Revocable Trust; 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 February 27, 2007, did hold a meeting on said petition to vacate, and this Board determined that said portion of the utility easement is 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. That portion of the utility easement is hereby vacated and closed as a public easement and this Board does hereby renounce and disclaim any right or interest of Palm Beach County and the Public in and to that portion of the utility easement, 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

John F. 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 _____, 2007.

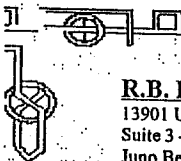
**PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS**

Sharon R. Bock, Clerk & Comptroller

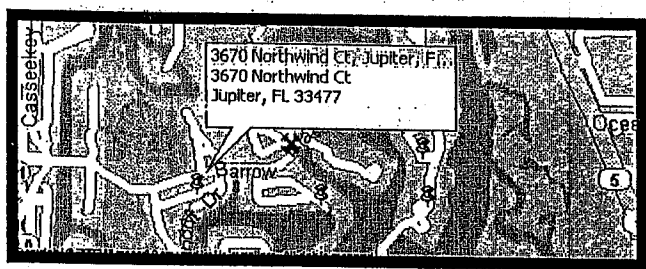
BY: _____
Deputy Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

BY: _____
County Attorney



R.B. Brennan Surveying, Inc.
 13901 U.S. Highway No. 1
 Suite 3 - LB # 6813
 Juno Beach, Florida 33408
 Voice: 561-776-0505
 Fax: 561-776-0506
 www.brennanservices.com



Property Location shown on this Location Map is based on Algorithms and Data provided by Microsoft Corporation, this Surveyor takes no responsibility regarding the accuracy of said Location Map

Job No.: 06-05-142

Property Address:
 3670 NORTHWIND COURT
 JUPITER, FLORIDA 33477

Legal Description:
 ABANDONMENT/VACATING EASEMENT OF BELL PROPERTY

A PORTION OF A 10' UTILITY EASEMENT WITHIN THE 10' UTILITY EASEMENT ALONG THE SOUTH BOUNDARY LINE OF LOT 47, OF WINDRIFT AT JONATHAN'S LANDING, A P.U.D., ACCORDING TO THE PLAT THEREOF OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, AS RECORDED IN PLAT BOOK 58, PAGE 127 THROUGH 129; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 47, OF SAID PLAT AND THE NORTHERLY RIGHT-OF-WAY LINE OF WINDRIFT DRIVE; THENCE NORTH 19 DEGREES 17'53" WEST ALONG THE EASTERLY LOT LINE OF SAID LOT 47, A DISTANCE OF 10.14 FEET, TO THE NORTHERLY LINE OF A 10' UTILITY EASEMENT; THENCE SOUTH 61 DEGREES 15'00" WEST, ALONG THE NORTHERLY LINE OF SAID EASEMENT, A DISTANCE OF 6.84 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 19 DEGREES 17'53" EAST, A DISTANCE OF 6.21 FEET; THENCE SOUTH 70 DEGREES 42'07" WEST, A DISTANCE OF 20.80 FEET; THENCE NORTH 19 DEGREES 17'53" WEST, A DISTANCE OF 2.06 FEET TO THE NORTHERLY LINE OF A 10' UTILITY EASEMENT AND A POINT ON A CURVE CONCAVED TO THE SOUTHEAST; THENCE EASTERLY ALONG THE NORTHERLY LINE OF A 10' UTILITY EASEMENT, HAVING A CENTRAL ANGLE OF 03 DEGREES 49'51", A RADIUS OF 285.00 FEET AND AN ARC LENGTH OF 19.06 FEET TO A POINT OF TANGENCY; THENCE NORTH 61 DEGREES 15'00" EAST, ALONG THE NORTHERLY LINE OF A 10' UTILITY EASEMENT, A DISTANCE OF 2.16 FEET TO THE POINT OF BEGINNING.

CONTAINING 88.8 SQUARE FEET OR 0.002 ACRES MORE OR LESS.

Field Date:
 05/24/06

Certified To:
 DRUMMOND C. BELL AND RUTH A. BELL, HIS WIFE, GRANTOR, AND RUTH A BELL, DRUMMOND C. BELL, DRUMMOND C. BELL III AND RICHARD J. BELL, TRUSTEES OF THE RUTH A BELL REVOCABLE TRUST, DATED JULY 5, 1996 AS AMENDED
 WILLIAM S. WOOD, ESQ.
 ATTORNEYS' TITLE INSURANCE FUND, INC.

- Surveyors Notes:**
- 1) Lands shown hereon have not been abstracted by this office for easements, reservations, or rights of way of record.
 - 2) Subsurface improvements or encroachments were not located or shown hereon.
 - 3) Elevations shown hereon are relative to the National Geodetic Vertical Datum of 1929 unless otherwise noted.)
 - 4) Only improvements located are those shown hereon.

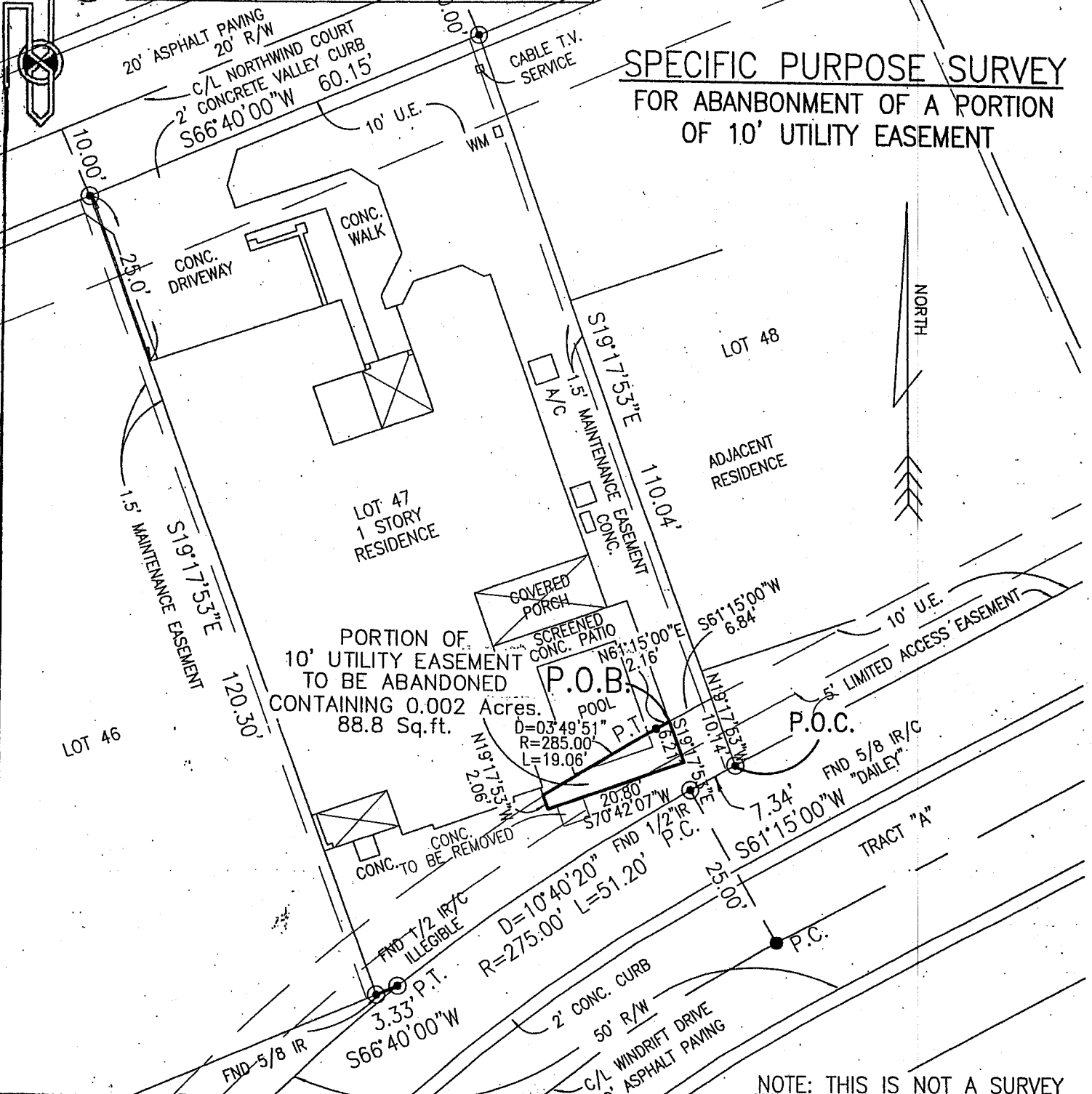
Legend

A.	Arc	I.P.	Iron Pipe	P.O.B.	Point of Beginning	C.B.	Catch Basin
A/C.	Air Conditioner	I.R./C.	Iron Rod/Cap	P.C.P.	Permanent Control Point	SQ. FT.	Square Feet
B.M.	Bench Mark	I.R.	Iron Rod	PG.	Page	IP/C.	Iron Pipe & Cap
C.H.D.	Chord	L.B.	Licensed Business	P.K.	Parker/Kalan Nail	C.	Calculated
C.L.F.	Chain Link Fence	L.P.	Light Pole	PLS	Professional Land Surveyor	No.	Number
C/L.	Center Line	L.	Length	P.R.C.	Point of Reverse Curvature	Twp.	Township
CM.	Concrete Monument	M.	Measured	P.R.M.	Permanent Reference Monument	Rge.	Range
CONC.	Concrete	M.H.	Man Hole	P.S.M.	Professional Surveyor & Mapper	Sec.	Section
Dd.	Deed	+-	Plus or Minus	P.T.	Point of Tangency		
D.E.	Drainage Easement	N.V.G.D.	National Geodetic Vertical Datum	R.	Radius		
D.	Delta Angle	O.R.B.	Official Record Book	R.L.S.	Registered Land Surveyor		
EL.	Elevation	O/H.	Overhead Utility Lines	R/W.	Right-Of-Way		
E.O.P.	Edge of Pavement	P.	Plat	U.E.	Utility Easement		
E.O.W.	Edge of Water	P.B.	Plat Book	U.P.	Utility Pole		
FND.	Found	P.C.	Point of Curvature	W.V.	Water Valve		
F.F.	Finish Floor	P.C.C.	Point of Compound Curvature	W.M.	Water Meter		
F.H.	Fire Hydrant	P.O.C.	Point of Commencement	-X-X	Fence		

Date 09/11/06	Orig. X	Rev.	By GD	Chk. WTB	Job Number 06-05-142	National Flood Insurance Program Data	
						Community Panel No:	120192 0108 B
						Firm Date:	10/15/82
						Zone:	B
						Base Flood Elevation:	
						Lowest Floor Elevation:	9.75
						Garage Floor Elevation:	9.02

R.B. BRENNAN SURVEYING L.B. # 8813

SPECIFIC PURPOSE SURVEY FOR ABANDONMENT OF A PORTION OF 10' UTILITY EASEMENT



NORTH

PORTION OF
10' UTILITY EASEMENT
TO BE ABANDONED
CONTAINING 0.002 Acres
88.8 Sq. ft.

P.O.B.

POOL
D=03'49"51"
R=285.00'
L=19.06'

P.O.C.

NOTE: THIS IS NOT A SURVEY

ELEVATIONS BASED ON BENCHMARK: N/A

SEE SHEET ONE OF TWO FOR ADDITIONAL NOTES AND PROPERTY DESCRIPTION

DESCRIPTION FURNISHED BY:

SCALE: 1" = 20'

THE SURVEY OF THE PROPERTY SHOWN HEREON IS IN ACCORDANCE WITH THE DESCRIPTION FURNISHED BY CLIENT OR CLIENTS REPRESENTATIVE. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THIS OFFICE FOR CURRENCY, ACCURACY OR OMISSIONS OF DESCRIPTION FURNISHED. THIS PLAT OF SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. I HEREBY CERTIFY THAT THE PLAT OF SURVEY AND BOUNDARY SURVEY SHOWN HEREON IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY OF THE DESCRIBED IN THE CAPTION THEREOF, MADE UNDER MY DIRECTION, AND IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS ADOPTED BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS PURSUANT TO SECTION 472.027 FLORIDA STATUTES AND RULES CHAPTER 81G37-8 FLORIDA ADMINISTRATIVE CODE.

William T. Boyd
 William T. Boyd
 SURVEYOR AND MAPPER
 CERTIFICATE NO. 8334 STATE OF FLORIDA