

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

=====

Meeting Date: April 10, 2007 [X] 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 a portion of a twelve foot wide utility easement, lying within Lot 26, Boca Hamlet, as recorded in Plat Book 45, Pages 8 and 9, Public Records of Palm Beach County, Florida.

Summary: This petition site is located south of Palmetto Park Road, east of the Florida Turnpike. The owner/petitioner is requesting the vacation to resolve a conflict with the proposed construction of a six foot high masonry wall.

District: 4 (PK)

Background and Justification: The owners/petitioners, Elie and Guilda Berdugo, are currently constructing a new residence, and a masonry wall within the rear of their lot. They are requesting this abandonment because the proposed six foot high masonry wall would encroach into a portion of the utility easement. This abandonment would resolve this conflict.

Utilities service providers have no objection to the vacation.

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: *K. Lewis* *5 Mar 07* *[Signature]*
Division Director Date

Approved by: *D. J. Webb* *3/14/07*
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>-0-</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><u>-0-</u></u>	<u><u>-0-</u></u>	<u><u>-0-</u></u>	<u><u>-0-</u></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 3/1/07

III. REVIEW COMMENTS

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

James Smith 3/15/07
 OFMB
 JMS 3/15/07
 (Signature) 3/15/07

(Signature) 3/15/07
 Contract Dev. and Control
 3/16/07

B. Legal Sufficiency:

This item complies with current County policies.

Paul F. J. 3/19/07
 Assistant County Attorney

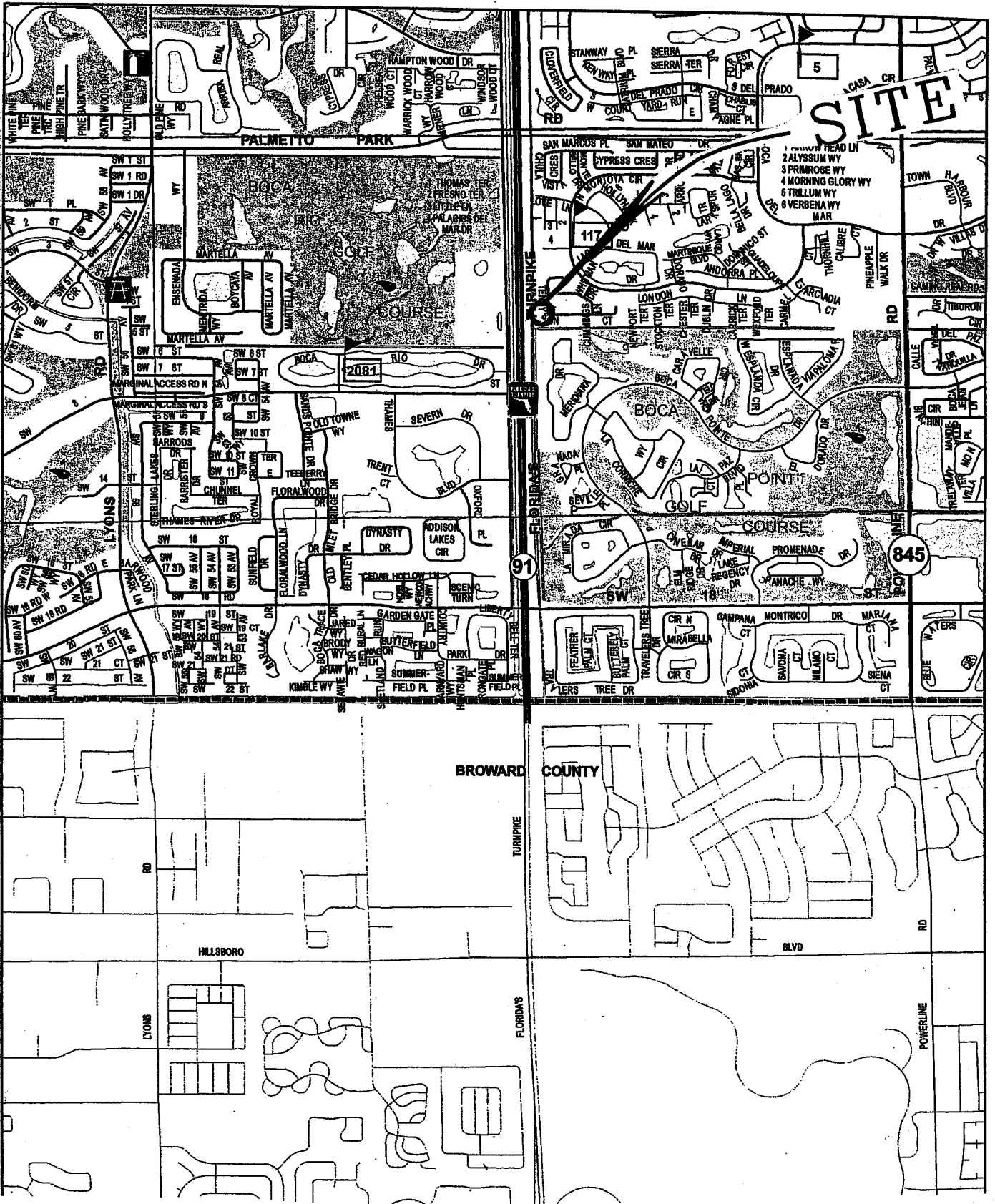
C. Other Department Review:

 Division Director

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

R42

R42



**VACATING PORTION OF
12' WIDE UTILITY EASEMENT
LOT 26, BOCA HAMLET
PLAT BOOK 45, PAGES 8 & 9**

LOCATION SKETCH



RESOLUTION NO. R-2007-_____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, VACATING A PORTION OF A TWELVE FOOT WIDE UTILITY EASEMENT LYING WITHIN LOT 26, BOCA HAMLET, AS RECORDED IN PLAT BOOK 45, PAGES 8 AND 9, 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 a portion of a twelve foot wide utility easement within Lot 26, Boca Hamlet; and

WHEREAS, said petition to vacate said portion of the utility easement was submitted by Elie and Guilda Berdougó, property owners; and

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

RESOLUTION R-2007-_____

WHEREAS, this Board while convened in regular session on April 10, 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 the 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.

RESOLUTION R-2007-_____

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**

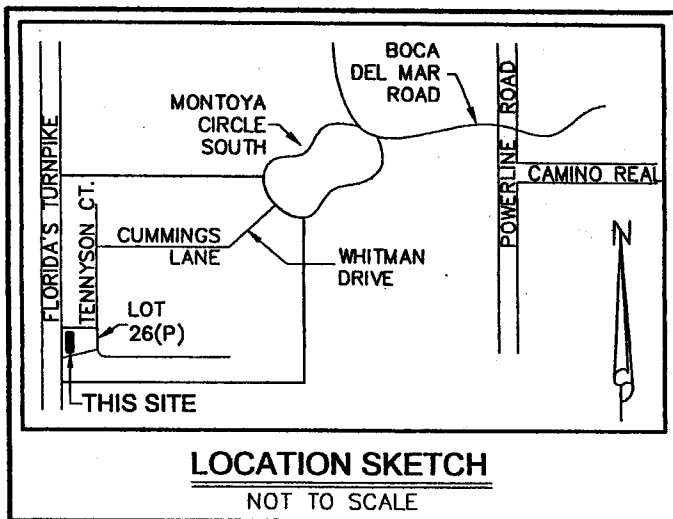
Sharon R. Bock, Clerk & Comptroller

BY: _____
Deputy Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

BY: _____
County Attorney

SKETCH & DESCRIPTION

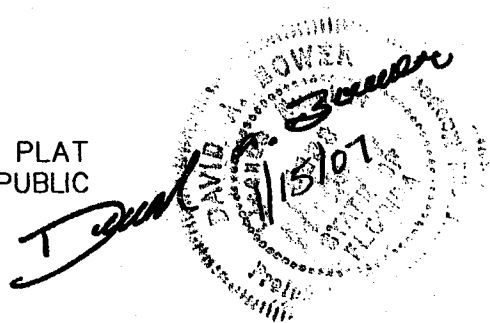


SURVEY NOTES:

1. THIS INSTRUMENT NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. THE UNDERSIGNED MAKES 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.
3. THE LICENSE BUSINESS NUMBER FOR DENNIS J. LEAVY & ASSOCIATES INC. IS LB 6599 AND THE CERTIFYING SURVEYOR'S LICENSE NUMBER IS 5888.
4. BEARINGS DEPICTED HEREON ARE BASED UPON THE WEST LINE OF LOT 26, BOCA HAMLET, AS RECORDED IN PLAT BOOK 45, PAGES 8 AND 9 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. SAID LINE HAVING A BEARING OF NORTH 00°34'33" WEST AS DEPICTED ON SAID PLAT.
5. THIS IS NOT A SURVEY.

LEGEND:

- P = AS DESCRIBED ON THE PLAT OF BOCA HAMLET, PLAT BOOK 45, PAGES 8 AND 9, PALM BEACH COUNTY PUBLIC RECORDS
 POB = POINT OF BEGINNING
 POC = POINT OF COMMENCEMENT



1.	01/12/07	REVISE UTILITY EASEMENT PER CLIENT FAX OF 1/5/07	TLL
REVISIONS			

DENNIS J. LEAVY & ASSOCIATES, INC.
 LAND SURVEYORS * MAPPERS
 460 BUSINESS PARK WAY SUITE D
 ROYAL PALM BEACH, FLORIDA 33411
 PHONE: (561) 753-0650 FAX: (561) 753-0290

SKETCH & DESCRIPTION
 For: E.B. DEVELOPERS

DRAWN: DAB	SCALE: N/A	DATE: 10/04/06
F.B./PG.: N/A	JOB#: 06-088 UE-ABAN	SHEET: 1 OF 3

DESCRIPTION:

A 9.00 foot wide strip of land lying within Lot 26 of the Plat of BOCA HAMLET as recorded in Plat Book 45 on Pages 8 and 9 of the Public Records of Palm Beach County, Florida and being further described as follows:

Commencing at the southwest corner of said Lot 26; thence North 66°41'33" East, along the south line of said Lot 26, a distance of 13.01 feet to a point on the east line of 12 foot wide Utility Easement as depicted on said Plat; thence North 00°34'33" West, along the said east line, a distance of 5.49 feet to the POINT OF BEGINNING; thence South 89°25'27" West, a distance of 9.00 feet to a point on a line lying 3 feet east of and parallel with (as measured at right angles) the west line of said Lot 26; thence North 00°34'33" West along said parallel line, a distance of 96.99 feet; thence North 89°25'27" East, a distance of 9.00 feet to a point on the east line of said 12 foot wide Utility Easement; thence South 00°34'33" East along said east line, a distance of 96.99 feet to the POINT OF BEGINNING.

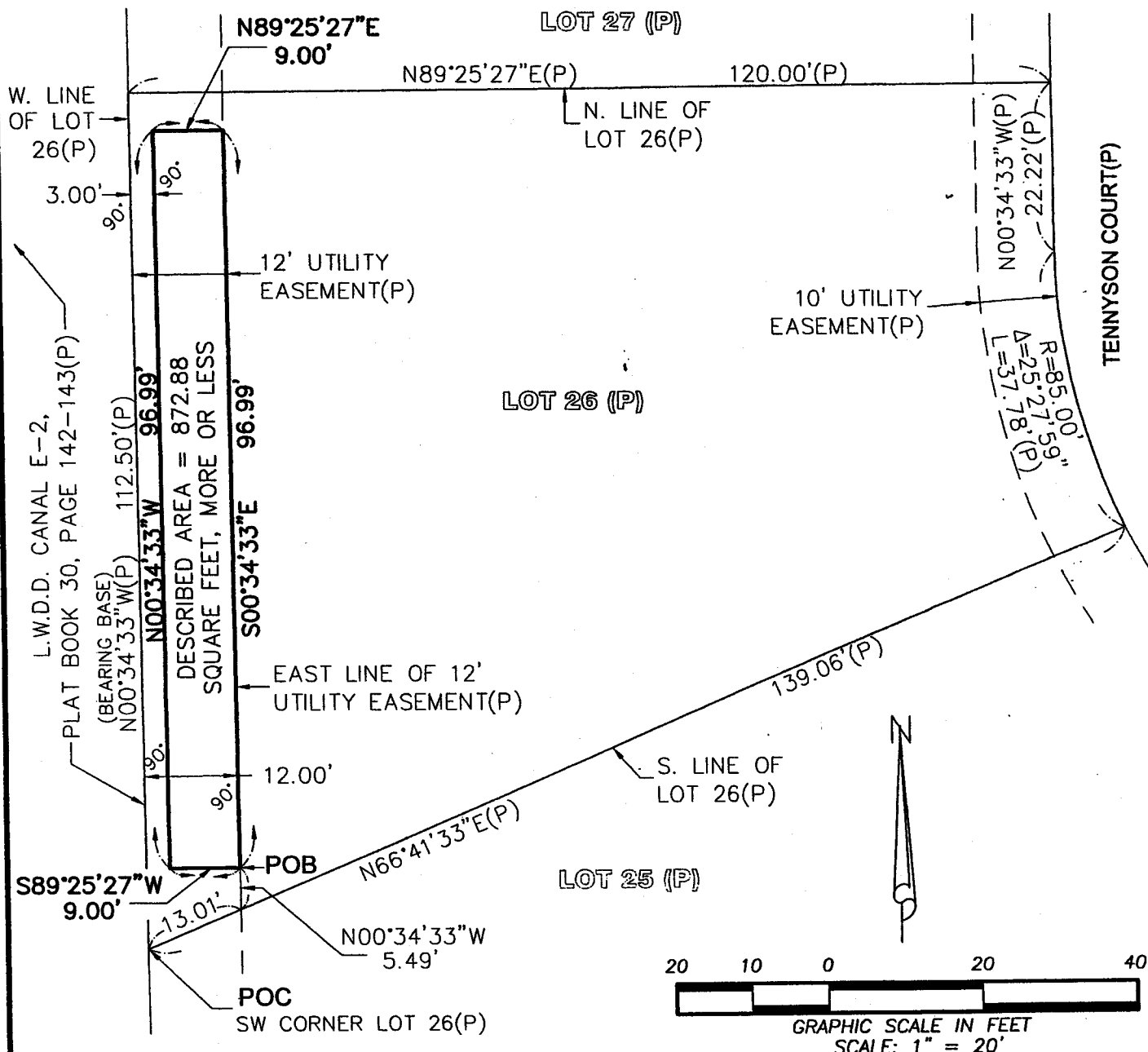
Said lands situate, lying and being in Palm Beach County, Florida.

Containing 872.88 square feet, more or less.

DENNIS J. LEAVY & ASSOCIATES, INC.
LAND SURVEYORS • MAPPERS
460 BUSINESS PARK WAY SUITE D
ROYAL PALM BEACH, FLORIDA 33411
PHONE: (561) 753-0650 FAX: (561) 753-0290

SKETCH & DESCRIPTION
For: E.B. DEVELOPERS

DRAWN: DAB	SCALE: N/A	DATE: 10/04/06
F.B./PG.: N/A	JOB#: 06-088 UE-ABAN	SHEET: 2 OF 3



DENNIS J. LEAVY & ASSOCIATES, INC.
 LAND SURVEYORS + MAPPERS
 460 BUSINESS PARK WAY SUITE D
 ROYAL PALM BEACH, FLORIDA 33411
 PHONE: (561) 753-0650 FAX: (561) 753-0290

SKETCH & DESCRIPTION
 For: E.B. DEVELOPERS

DRAWN: DAB	SCALE: 1"=20'	DATE: 10/04/06
F.B./PG.: N/A	JOB#: 06-088 UE-ABAN	SHEET: 3 OF 3