Agenda Item #: 3-C-8

#### PALM BEACH COUNTY

# BOARD OF COUNTY COMMISSIONERS

### AGENDA ITEM SUMMARY

Meeting Date: August 21, 2007[X] Consent [] Regular

[ ] 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 (12) foot wide Utility Easement within Lot 42, Replat of Parcel "A", Elmwood Estates, as recorded in Plat Book 32, Page 26, Public Records of Palm Beach County, Florida.

Summary: This petition site is located on the south side of Harwood Street, west of Roan Lane. The owner/petitioner is requesting the vacation to have the potential to utilize the vacated portion of the easement to construct an addition to his house.

District: 1 (PK)

Background and Justification: The owner, Nathan Moore Jr., wants to construct an addition to his home. The lot has an irregular shape, which limits the buildable area. The abandonment has the potential to increase the buildable area of the owner's lot. Any proposed construction in this abandoned easement will be subject to the normal setback requirements of the Zoning Code, Article 3 of the Unified Land Development Code. Initially Mr. Moore requested that the entire easement be abandoned. The request has been modified at the request of BellSouth to leave a four (4) foot easement along the west property line.

Utilities service providers now 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:

Division Director

Date

Approved by:

County Engineer

Date

# II. FISCAL IMPACT ANALYSIS

A.	Five	Year	Summary	of	Fiscal	Impact:
			_			

Fiscal Years	2007	2008	2009	2010	2011	
Capital Expenditures Operating Costs	<u>-0-</u>	-0-	-0-	-0-	<u>-0-</u>	
External Revenues Program Income (County) In-Kind Match (County)  NET FISCAL IMPACT  # ADDITIONAL FTE POSITIONS (Cumulative)	-0- -0- -0-	-0- -0- -0-	-0- -0- -0-	-0- -0- -0-	-0- -0- -0-	
Is Item Included In Current Budget? Yes No Budget Account No.: Fund Agency Org Object Program						
P. Damani, a s						

- B. Recommended Sources of Funds/Summary of Fiscal Impact:
- C. Departmental Fiscal Review: Quy

## III. REVIEW COMMENTS

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

OFMB CONTRACT Dev. and Control

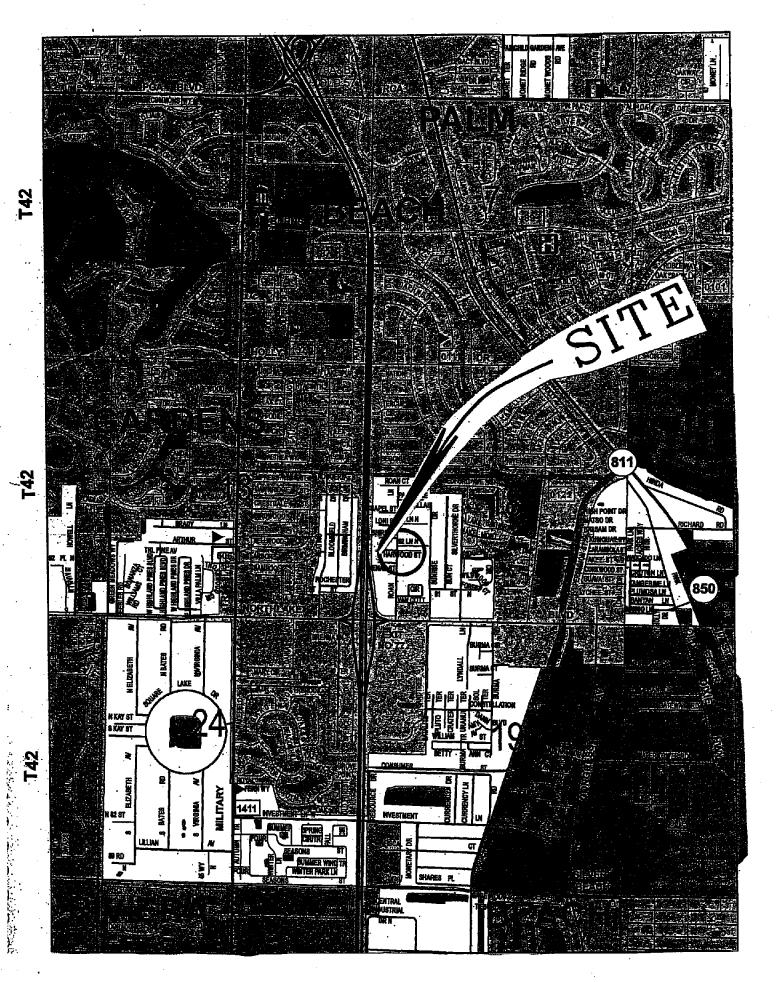
B. Legal Sufficiency:

Assistant County Attorney

C. Other Department Review:

Division Director

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



VACATING A PORTION OF 12' WIDE UTILITY EASEMENT WITHIN LOT 42, REPLAT OF PARCEL "A", ELMWOOD ESTATE PLAT BOOK 32, PAGE 26

**LOCATION SKETCH** 

N

## RESOLUTION NO. R-2007-

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, VACATING A PORTION OF A TWELVE (12) FOOT WIDE UTILITY EASEMENT WITHIN LOT 42, REPLAT OF PARCEL "A", ELMWOOD ESTATES, AS RECORDED IN PLAT BOOK 32, PAGES 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 a portion of a twelve (12) foot wide utility easement; and

WHEREAS, said petition to vacate said easement was submitted by Nathan Moore Jr.; 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 August 21, 2007, did hold a meeting on said petition to vacate, and this Board determined that said 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:

 The foregoing recitals are hereby reaffirmed and ratified.

RESOLUTION	NO.	R-2007-

- 2. A portion of the 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.

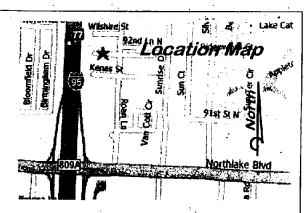
RESOLUTION NO. R-2007-
The foregoing Resolution was offered by Commissioner
, who moved its adoption. The motion was seconded
by Commissioner and, upon being put to a
vote, the vote was as follows:
Addie L. Greene, Chairperson
John F. Koons, Vice Chair
Karen T. Marcus
Mary McCarty
Burt Aaronson
Jess 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 & Comptrolle
BY:
APPROVED AS TO FORM AND LEGAL SUFFICIENCY
R <b>v</b> .

County Attorney

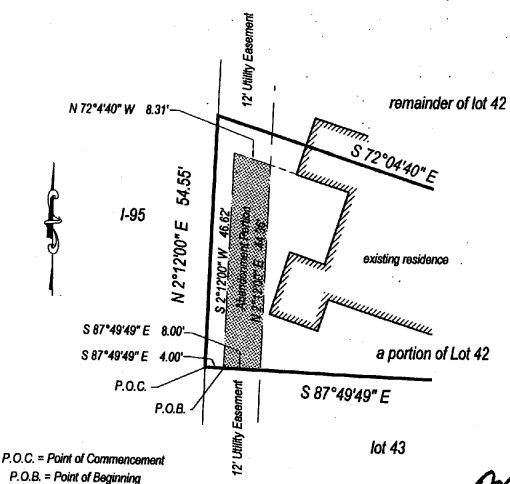
ADDRESS: 3959 Harwood Street, Lake Park, FL.

Description of Abandonment of Easement:
A portion of a 12 foot Utility Easement, being a portion of Lot 42, according to the REPLAT OF PARCEL "A", ELMWOOD ESTATES as recorded in plat book 32 at page 26 in and for the records of Palm Beach County, Florida, being more particularly described as follows:

Commencing at the Southwest corner of said lot 42; thence South 87° 49'49" East, along the South line of said lot 42, a distance of 4.00 feet to the Point of Beginning; thence continue South 87°49'49" East, a distance of 8.00 feet; thence North 2°12'00" East, a distance of 44.36 feet; thence North 72°04'40" West, a distance of 8.31feet; thence South 02°12'00" West, a distance of 46.62 feet; to the South line of Lot 42 and the Point of Beginning.



Sketch and Legal Description: Not a Survey



1) I HEREBY CERTIFY this survey meets Minimum Technical Standards set forth by Florida Administrative Code, pursuant to Section 472.027, Florida Statutes, the Florida Board of Professional Surveyors and Mappers in Chapter 61G17-6, 2) Not valid without raised embossed seal. 3) This firm's Certificate of Authorization Number is LB 6788

Scale: 1 inch = 20 feet n 30

01-30-07 Date

Mark D Laing, psm# 5119



PM Surveying 4546 Cambridge Street West Palm Beach, FL. 33415 (561) 478-7764 Fax 561-1094

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