

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

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

- A) **Adopt:** A resolution abandoning portions of a 30 and a 50 foot wide unimproved right-of-way, lying between Blocks 80 and 81, Palm Beach Farms Company Plat No. 3, as recorded in Plat Book 2, Pages 45-54, Public Records of Palm Beach County, Florida.
- B) **Approve:** Authorization for the Chairperson to execute the Utility Easement as requested by Palm Beach County Water Utilities Department.

Summary: This petition site is located south of Palmetto Park Road, east of Lyons Road, lying between Sandalfoot Cove Sections 7 & 8 and Boca Rio Heights Developments. The County Engineer is requesting the abandonment to release the public interest in these unimproved rights-of-way.

District: 5 (PK)

Background and Policy Issues: The Engineering Department was approached by one of the adjacent property owners, Gary Willis, who inquired about abandoning the unimproved rights-of-way adjacent to his rear property. The Engineering Department concluded that it would be in the public's best interest to abandon the entire rights-of-way in this area, because they serve no purpose.

Utility service providers have no objection to the vacation. A Palm Beach County Water Utility Easement (attached) will be executed by the Chairperson and recorded simultaneously with the abandonment.

Privilege Fee Statement: In accordance with the exemption in the Right-of-Way Abandonment and Plat Vacation Ordinance 86-18, as amended by Ordinance No. 2002-034, governmental agencies are exempt from the privilege fee.

Attachments:

- 1. Location Sketch
- 2. Resolution with Legal Description and Sketch
- 3. Utility Easement to be signed

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Recommended by: KS Rogers by GRC 6/28/2007
Division Director Date

Approved by: A. T. Wilh 7/23/07
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:

C. Departmental Fiscal Review: _____ *[Signature]*

III. REVIEW COMMENTS

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

[Signature] 7-24-07
 OFMB *[Initials]* 7/24/07

[Signature] 7/25/07
 Contract Dev. and Control
 6, June 7/25/07

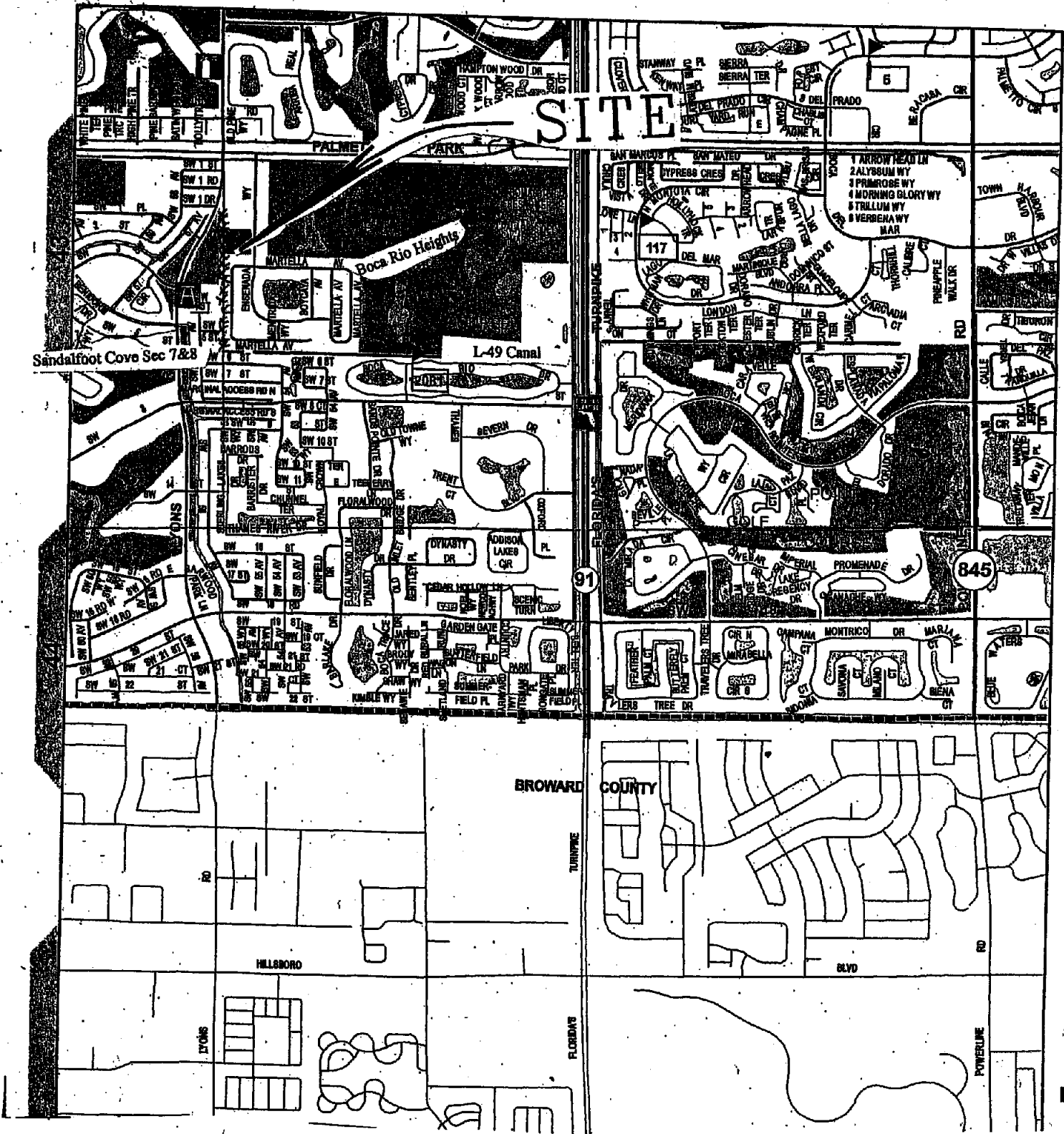
B. Legal Sufficiency:

[Signature] 7/26/07
 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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**ABANDONING UNIMPROVED ROADS
 WITHIN PALM BEACH FARMS PLAT 3
 LYING BETWEEN TWO PLATS
 BOCA RIO HEIGHTS
 &
 SANDALFOOT COVE SECTIONS 7 & 8
 LOCATION SKETCH**



RESOLUTION NO. R-2007-_____

RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF PALM BEACH COUNTY,
FLORIDA, ABANDONING PORTIONS OF A 30 AND A
50 FOOT WIDE UNIMPROVED RIGHT-OF-WAY,
LYING BETWEEN BLOCKS 80 AND 81, PALM BEACH
FARMS COMPANY PLAT NO. 3, AS RECORDED IN
PLAT BOOK 2, PAGES 45-54, PUBLIC RECORDS
OF PALM BEACH COUNTY, FLORIDA.

WHEREAS, the Board of County Commissioners of Palm Beach County, Florida, pursuant to authority in Section 336.09, Florida Statutes, and Ordinance No. 86-18 known as the Palm Beach County Right-of-Way Abandonment and Plat Vacation Ordinance, as amended, and the petition of the County Engineer, called a public hearing to be held in the County Commissioners' Chambers, at the Governmental Office Complex, West Palm Beach, Florida, on August 21, 2007, to consider and determine whether or not Palm Beach County would vacate, abandon, discontinue and close, renounce and disclaim any right or interest of the County to these rights-of-way; and

WHEREAS, in accordance with Ordinance No. 86-18, as amended, notice of the holding of such meeting was duly published in the Palm Beach Post on August 1, 2007; and

WHEREAS, a Utility Easement is required to be executed by Palm Beach County Board of County Commissioners.

RESOLUTION NO. R-2007-_____

WHEREAS, this Board did hold said hearing as advertised and determined that such action will not materially interfere with the County Road System and will not deprive any person of a reasonable means of ingress and egress from at least one County, State or Federal highway.

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 rights-of-way are hereby abandoned and closed as rights-of-way and this Board does hereby renounce and disclaim any right or interest of Palm Beach County and the Public in and to these rights-of-way, more fully described in the legal description and sketch attached hereto and made a part hereof.
3. The Chairperson is authorized to execute the Utility Easement as requested by Palm Beach County Water Utilities Department.
4. 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 & Comptroller

BY: _____
Deputy Clerk

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

BY: _____
County Attorney

EXHIBIT "A"

A PORTION OF THE 30 AND 50 FOOT ROAD, DYKE AND DITCHES BETWEEN BLOCKS 80 AND 81, PALM BEACH FARMS COMPANY PLAT NO. 3 AS RECORDED IN PLAT BOOK 2, PAGES 45-54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF RECREATION TRACT "C", SANDALFOOT COVE SECTIONS SEVEN AND EIGHT AS RECORDED IN PLAT BOOK 30, PAGE 225 SAID PUBLIC RECORDS; BEING A POINT ON A CURVE CONCAVE NORTHWEST HAVING A RADIUS OF 1963.86 FEET, WHERE THE RADIUS POINT BEARS NORTH 72°16'03" WEST; THENCE NORTHERLY ALONG THE ARC AND NORTHERLY EXTENSION OF THE NORTHWEST LINE OF SAID RECREATION TRACT "C" AND THE EAST RIGHT-OF-WAY LINE OF S.W. 57TH AVENUE AS SHOWN ON SAID PLAT OF SANDALFOOT COVE, THROUGH A CENTRAL ANGLE OF 5°41'29", A DISTANCE OF 195.08 FEET TO THE SOUTH CORNER OF RIGHT-OF-WAY DEED RECORDED IN OFFICIAL RECORD BOOK 2959, PAGE 196 SAID PUBLIC RECORDS; THENCE SOUTH 0°01'45" WEST ALONG THE WEST LINE OF TRACTS 8 AND 9, BLOCK 80, SAID PALM BEACH FARMS COMPANY PLAT NO. 3, BOCA RIO HEIGHTS PLAT NO. 1, PLAT BOOK 38, PAGE 140, BOCA RIO HEIGHTS PLAT NO. 2, PLAT BOOK 47, PAGE 116, SAID PUBLIC RECORDS AND THE SOUTHERLY EXTENSION, BEING THE EAST RIGHT-OF-WAY LINE OF SAID 50-FOOT ROAD, DYKE AND DITCH, A DISTANCE OF 2226.44 FEET TO THE SOUTH LINE OF A 30-FOOT ROAD, DYKE AND DITCH; THENCE NORTH 89°59'03" WEST ALONG THE SOUTH LINE OF SAID 30-FOOT ROAD AND THE NORTH LINE OF LOT 11, BLOCK 31, SAID SANDALFOOT COVE SECTIONS SEVEN AND EIGHT, A DISTANCE OF 50.00 FEET; THENCE NORTH 0°01'45" EAST ALONG THE EAST LINE OF SAID SANDALFOOT COVE PLAT, THE EAST LINE OF TRACT 29, BLOCK 81, SAID PALM BEACH FARMS COMPANY PLAT NO. 3, THE EAST LINE OF SAID RECREATION TRACT "C" BEING THE WEST RIGHT-OF-WAY LINE OF A SAID 50-FOOT ROAD, DYKE, AND DITCH, A DISTANCE OF 2037.98 FEET TO THE POINT OF BEGINNING.

ROAD, DYKE, AND DITCHES CONTAIN 106,296 SQUARE FEET MORE OR LESS.

NO SEARCH OF THE PUBLIC RECORDS WAS MADE BY THE SIGNING SURVEYOR.

THIS INSTRUMENT WAS PREPARED BY NORMAN J. HOWARD, P.S.M., IN THE OFFICE OF THE COUNTY ENGINEER, 2300 NORTH JOG ROAD, WEST PALM BEACH, FLORIDA, 33411.


Norman J. Howard

NORMAN J. HOWARD, P.S.M.
FLORIDA CERTIFICATE NO. 5776

4-6-07

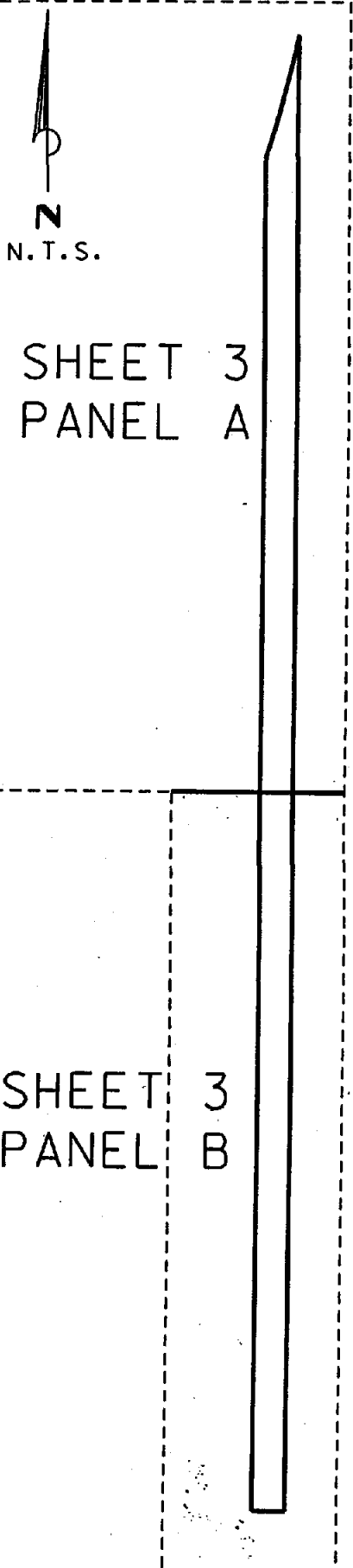
DATE

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

PROJECT NO. 2007005-04	SHEET NO. 3	SHEET 1	PROJECT:		SCALE: VARIES	REVISION	BY	DATE
			BLOCKS 80 & 81, PALM BEACH FARMS CO. PLAT NO. 3					
DESIGN FILE NAME S-1-07-2654.DGN			DRAWING NO. S-1-07-2654		APPROVED BY: N.J.H.	FIELD BOOK NO. N/A		
					 PALM BEACH COUNTY ENGINEERING AND PUBLIC WORKS ENGINEERING SERVICES 2300 NORTH JOG ROAD WEST PALM BEACH, FL 33411			

LEGEND

- △ = DELTA
- L = LENGTH
- R = RADIUS
- D.E. = DRAINAGE EASEMENT
- L.W.D.D. = LAKE WORTH DRAINAGE DISTRICT
- N.T.S. = NOT TO SCALE
- O.R.B. = OFFICIAL RECORD BOOK
- P.B. = PLAT BOOK
- P.B.F.CO. = PALM BEACH FARMS COMPANY
- PG(S) = PAGE(S)
- P.O.B. = POINT OF BEGINNING
- P.S.M. = PROFESSIONAL SURVEYOR & MAPPER
- R/W = RIGHT-OF-WAY

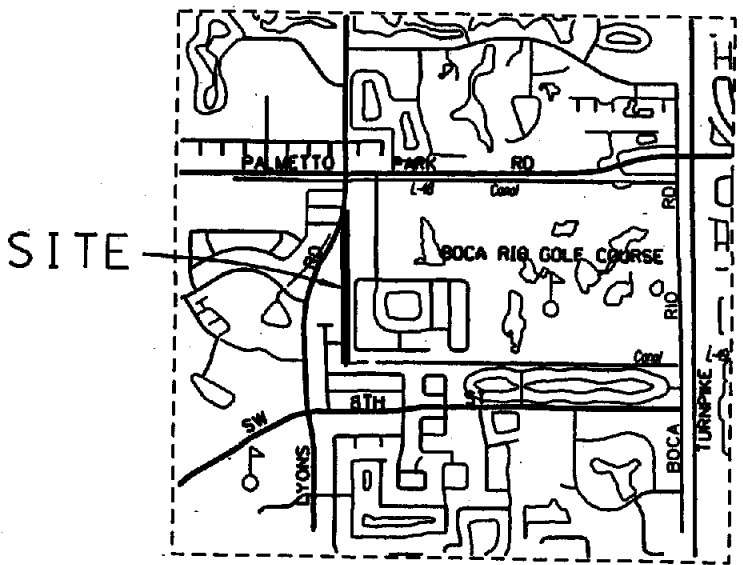


N.T.S.

SHEET 3
PANEL A

SHEET 3
PANEL B

KEY MAP



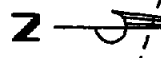
LOCATION MAP
N.T.S.

PANEL "A" SOUTH CORNER OF R/W DEED

O.R.B. 2959, PG. 196

P.O.B. N.E. CORNER RECREATION TRACT "C"

SCALE: 1" = 120'



TRADIAL BEARING
N72°16'03"W

R=1963.86'
Δ=05°41'29"
L=195.08'

LYONS ROAD (S.W. 57TH AVENUE)
AS SHOWN ON PLAT OF SANDALFOOT COVE SECTIONS 7 AND 8 P.B. 30, PG. 225

SANDALFOOT COVE SECTIONS 7 AND 8 P.B. 30, PG. 225

RECREATION AREA TRACT "C"

ABANDON PER O.R.B. 4076, PG. 1004

TRACT 29, BLOCK 81 P.B.F.CO. PLAT NO. 3 P.B. 2, PGS. 45-54 BEARING BASE

R=1855.86'
Δ=01°02'31"
L=33.75'

R=1855.86'
Δ=03°35'20"
L=116.25'

S31°24'04"W
L=121.14'

R=1963.86'
Δ=13°40'07"
L=468.50'

N00°01'45"E

S00°01'45"W

2037.98'

2226.44'

50.0' ROAD, DYKE, & DITCH

BOCA RIO HEIGHTS PLAT NO. 1 P.B. 38, PG. 140

30.0' ROAD, DYKE, & DITCH

P.B.F.CO. PLAT NO. 3 P.B. 2, PGS. 45-54

R/W DEED O.R.B. 2959, PG. 196

TRACT 9, BLOCK 80

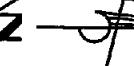
TRACT 8, BLOCK 80

THIS IS NOT A SURVEY MATCH LINE - SEE PANEL "B"

PANEL "B"

MATCH LINE - SEE PANEL "A"

SCALE: 1" = 120'



BLOCK 31 SANDALFOOT COVE SECTIONS 7 AND 8 P.B. 30, PG. 225

BLOCK 30 BEARING BASE

TRACT 29, BLOCK 81 P.B.F.CO. PLAT NO. 3 P.B. 2, PGS. 45-54 689.18'

50.00' N89°59'03"W

N00°01'45"E

2037.98'

S00°01'45"W

2226.44'

50.0' ROAD, DYKE, & DITCH

30.0' ROAD, DYKE, & DITCH

BOCA RIO HEIGHTS PLAT NO. 2 P.B. 47, PG. 116

BOCA RIO HEIGHTS PLAT NO. 1 P.B. 38, PG. 140

12 13

9 10 11

85.00'

65

66

BLOCK 2

67

68

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Prepared by and Return to:
Palm Beach County Water Utilities Department
P.O. Box 16097 Attn: Engineering Div.
West Palm Beach, Florida 33416-6097

UTILITY EASEMENT

THIS EASEMENT is made, granted and entered into this _____ day of August, 2007, by Palm Beach County Board of County Commissioners (hereinafter referred to as "Grantor"), whose address is 301 South Olive Avenue, West Palm Beach, Florida, to Palm Beach County (hereinafter referred to as "Grantee"), c/o Water Utilities Department, P.O. Box 16097, West Palm Beach, Florida 33416-6097.

WITNESSETH

That Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) in hand paid by the Grantee and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant to the Grantee, its successors and assigns, a perpetual utility easement which shall permit Grantee authority to enter upon the property of the Grantor at any time to install, operate, maintain, service, construct, reconstruct, remove, relocate, repair, replace, improve, expand, tie into, and inspect potable water, reclaimed water and/or wastewater lines and appurtenant facilities and equipment in, on, over, under and across the easement premises. This utility easement or portion thereof can also be utilized for a wastewater pump station and may be fenced in for access control purposes. The easement hereby granted covers a strip of land lying, situate and being in Palm Beach County, Florida, and being more particularly described as follows:

SEE EXHIBIT "A", ATTACHED HERETO AND MADE A PART HEREOF

Grantor hereby covenants with Grantee that it is lawfully seized and in possession of the real property herein described and that it has good and lawful right to grant the aforesaid easement free and clear of mortgages and other encumbrances unless specifically stated to the contrary. The County desires that such easement not be extinguished by the doctrines of merger or unity of title and remain valid and in effect upon a subsequent conveyance of the Property by County.

IN WITNESS WHEREOF, the Grantor has hereunto set its hand and affixed its seal as of the date first above written.

ATTEST:
SHARON R. BOCK, CLERK & COMPTROLLER

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

BY: _____
Clerk & Comptroller (or Deputy Clerk)

BY: _____
Chairperson

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

BY: _____
County Attorney

This instrument prepared by:
Paul King, Assistant County Attorney
Palm Beach County
P.O. Box 21229
West Palm Beach, FL 33416

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this _____ day of _____, 2007 by _____ Chairperson, Board of County Commissioners, who is personally known to me or who has produced _____ as identification and who did not take an oath.

Typed name of Acknowledger
Deputy Clerk

Prepared by and Return to:
Palm Beach County Water Utilities Department
P.O. Box 16097 Attn: Engineering Div.
West Palm Beach, Florida 33416-6097

UTILITY EASEMENT

THIS EASEMENT is made, granted and entered into this _____ day of August, 2007, by Palm Beach County Board of County Commissioners (hereinafter referred to as "Grantor"), whose address is 301 South Olive Avenue, West Palm Beach, Florida, to Palm Beach County (hereinafter referred to as "Grantee"), c/o Water Utilities Department, P.O. Box 16097, West Palm Beach, Florida 33416-6097.

WITNESSETH

That Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) in hand paid by the Grantee and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant to the Grantee, its successors and assigns, a perpetual utility easement which shall permit Grantee authority to enter upon the property of the Grantor at any time to install, operate, maintain, service, construct, reconstruct, remove, relocate, repair, replace, improve, expand, tie into, and inspect potable water, reclaimed water and/or wastewater lines and appurtenant facilities and equipment in, on, over, under and across the easement premises. This utility easement or portion thereof can also be utilized for a wastewater pump station and may be fenced in for access control purposes. The easement hereby granted covers a strip of land lying, situate and being in Palm Beach County, Florida, and being more particularly described as follows:

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IN WITNESS WHEREOF, the Grantor has hereunto set its hand and affixed its seal as of the date first above written.

ATTEST:
SHARON R. BOCK, CLERK & COMPTROLLER

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

BY: _____
Clerk & Comptroller (or Deputy Clerk)

BY: _____
Chairperson

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

This instrument prepared by:
Paul King, Assistant County Attorney
Palm Beach County
P.O. Box 21229
West Palm Beach, FL 33416

BY: _____
County Attorney

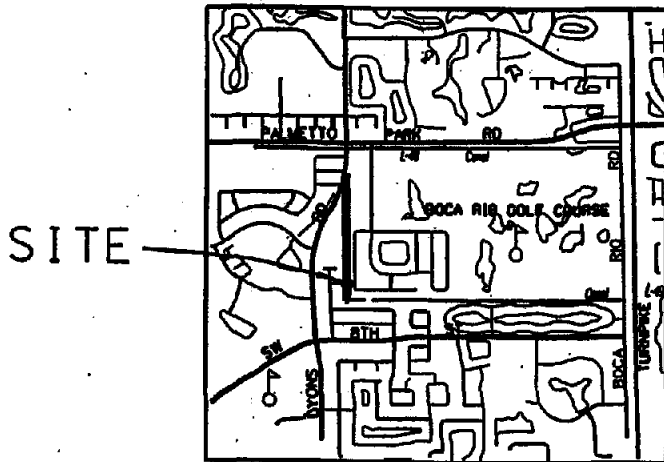
STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this _____ day of _____, 2007 by _____ Chairperson, Board of County Commissioners, who is personally known to me or who has produced _____ as identification and who did not take an oath.

Typed name of Acknowledger
Deputy Clerk

Exhibit A

SECTION 30, TOWNSHIP 47 SOUTH, RANGE 42 EAST



LOCATION MAP
N.T.S.

EXHIBIT "A"

A 20 FOOT UTILITY EASEMENT IN A PORTION OF THE 50 FOOT ROAD, DYKE AND DITCH BETWEEN BLOCKS 80 AND 81, PALM BEACH FARMS COMPANY PLAT NO. 3 AS RECORDED IN PLAT BOOK 2, PAGES 45-54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, THE CENTERLINE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 1, BLOCK 30, SANDALFOOT COVE SECTIONS SEVEN AND EIGHT AS RECORDED IN PLAT BOOK 30, PAGES 225-228, SAID PUBLIC RECORDS; THENCE SOUTH $00^{\circ}01'45''$ WEST (ASSUMED BEARING BASE) ALONG THE SOUTHERN EXTENSION OF THE EAST LINE OF SAID LOT 1 AND WESTERLY RIGHT-OF-WAY OF SAID 50 FOOT ROAD, DYKE, AND DITCH, A DISTANCE OF 9.50 FEET TO THE POINT OF BEGINNING; THENCE SOUTH $89^{\circ}58'15''$ EAST PARALLEL WITH THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 50.00 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF SAID 50 FOOT ROAD, DYKE AND DITCH AND THE POINT OF TERMINATION.

EASEMENT CONTAINS 1,000 SQUARE FEET.

NO SEARCH OF THE PUBLIC RECORDS WAS MADE BY THE SIGNING SURVEYOR.

THIS INSTRUMENT WAS PREPARED BY NORMAN J. HOWARD, P.S.M., IN THE OFFICE OF THE COUNTY ENGINEER, 2300 NORTH JOG ROAD, WEST PALM BEACH, FLORIDA, 33411.

N. Howard

 NORMAN J. HOWARD, P.S.M.
 FLORIDA CERTIFICATE NO. 5776

5-31-07

 DATE

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

PROJECT NO. 2007005-04
 SHEETS 1
 OF 2

PROJECT: 20' UTILITY EASEMENT BETWEEN BLOCKS 80 & 81 PALM BEACH FARMS CO. PLAT NO. 3
 DESIGN FILE NAME: S-1-07-2733.DGN
 DRAWING NO.: S-1-07-2733

NO.	REVISION	BY	DATE

SCALE: VARIES
 APPROVED: N.J.H.
 DRAWN: D.J.C.
 CHECKED: N.J.H.
 DATE: 05/31/07
 FIELD BOOK NO.: N/A

PALM BEACH COUNTY
 ENGINEERING AND PUBLIC WORKS
 ENGINEERING SERVICES
 2300 NORTH JOG ROAD
 WEST PALM BEACH, FL 33411

LOT 1
BLOCK 30
SANDALFOOT COVE
SECTIONS 7 AND 8
PLAT BOOK 30,
PAGE 225-228

POINT OF
COMMENCEMENT
SOUTHEAST
CORNER SAID
LOT 1 BLOCK 30

N89°58'15"W

POINT OF
BEGINNING

SW 5TH STREET
50.0' RIGHT-OF-WAY

LOT 1
BLOCK 31
SANDALFOOT COVE
SECTIONS 7 AND 8
PLAT BOOK 30,
PAGE 225-228

50.0'
RIGHT-OF-WAY
PALM BEACH FARMS
CO. PLAT NO. 3,
PLAT BOOK 2,
PAGES 45-54

EAST LINE OF SAID
LOT 1 BLOCK 30

N00°01'45"E

S00°01'45"W
9.50'

10.0'

WEST RIGHT-
OF-WAY LINE

EAST RIGHT-OF-WAY LINE

S00°01'45"W

POINT OF
TERMINATION

BOCA RIO HEIGHTS
PLAT NO. 2
PLAT BOOK 47
PAGE 116



SCALE: 1" = 20'