

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

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Meeting Date: September 11, 2007 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 5' X 20' anchor easement located within Lot 8, Waterway Vista as recorded in Plat Book 25, Page 158, Public Records of Palm Beach County, Florida.

Summary: This petition site is located north of PGA Boulevard and west of Ellison Wilson Road. The vacation of this anchor easement will increase the buildable lot area, allowing the septic tank to be constructed in the property's front yard.

District: 1(PK)

Background and Justification: The owners, Thomas F. Collins and Patricia Collins, want to construct a new home on their lot. The proposed septic system must be placed in the front yard because the rear yard is in close proximity to the Intracoastal Waterway. This vacation will increase their buildable lot area, thus allowing the septic tank to be constructed in the front yard.

Utilities service providers have no objection to the vacation because there are no utilities located within the proposed abandoned easement.

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

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Recommended by: *B. Leary* 8 August 07 *[Signature]*
Division Director Date

Approved by: *Sy T. Webb* 8/15/07
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: Rawland 8/16/07

III. REVIEW COMMENTS

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

Jim [Signature] 8-20-07
 OFMB WD 8/16/07

Jim J. Jacobson 8/21/07
 Contract Dev. and Control
6 June 8/21/07

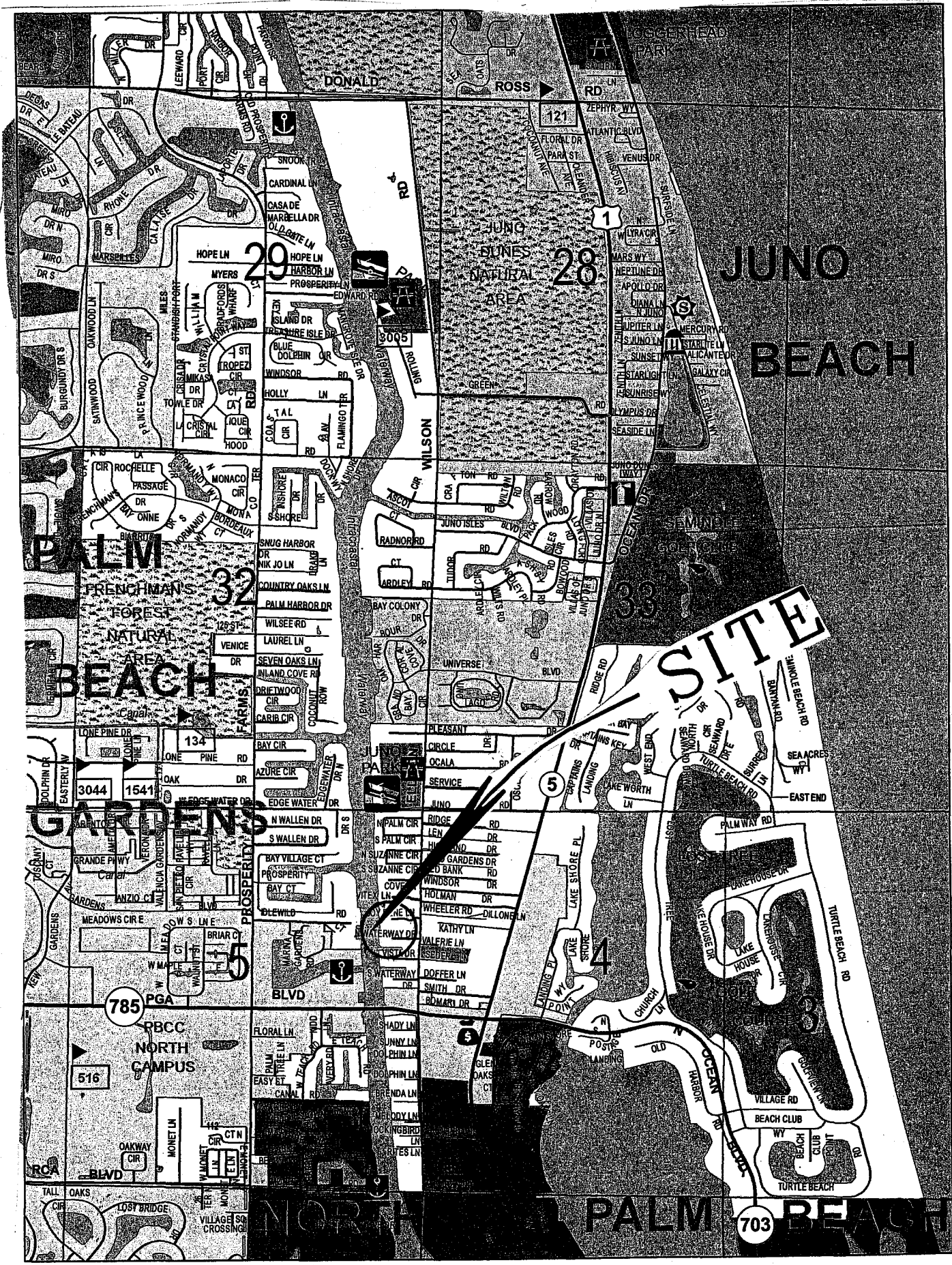
B. Legal Sufficiency:

Paul F. [Signature] 8/22/07
 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
ANCHOR EASEMENT WITHIN LOT 8
WATERWAY VISTA
PLAT BOOK 25, PAGE 158**

LOCATION SKETCH



RESOLUTION NO. R-2007-_____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, VACATING A 5' X 20' ANCHOR EASEMENT LOCATED WITHIN LOT 8, WATERWAY VISTA AS RECORDED IN PLAT BOOK 25, PAGE 158, 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 5' X 20' anchor easement; and

WHEREAS, said petition to vacate said easement was submitted by Thomas F. Collins and Patricia Collins; 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 September 11, 2007, did hold a meeting on said petition to vacate, and this Board determined that said anchor easement is in excess of the requirements of the local utility companies.

RESOLUTION NO. R-2007-_____

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. The anchor 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 & Comptroller

BY: _____
Deputy Clerk

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

BY: _____
County Attorney

**BOUNDARY SURVEY FOR:
TOM COLLINS**

This survey is made specifically and only for the following parties for the purpose of an easement abandonment on the surveyed property.

Tom Collins

The undersigned surveyor assumes no responsibility or liability for any other purpose or to any other party other than stated above.

PROPERTY ADDRESS: 2091 N. Waterway Drive, North Palm Beach, FL 33408

LEGAL DESCRIPTION:

A portion of Lot 8, according to the plat of **WATERWAY VISTA**, as recorded in Plat Book 25, Page 158, Public Records of Palm Beach County, Florida, shown as a 5 foot by 20 foot anchor easement, being more particularly described as follows:

BEGIN at the Southeast corner of said Lot 8;
thence North 88°28'07" West (the South line of said Lot 8 is assumed to bear South 63°18'17" West and all other bearings are relative thereto) a distance of 20.00 feet to a point;
thence North 01°31'53" East a distance of 5.00 feet to a point;
thence South 88°28'07" East a distance of 17.66 feet to a point on the East line of said Lot 8, said point lying on a curve concave to the Northeast, having a radius of 50.00 feet, central angle of 06°19'42" and a chord bearing of South 23°31'52" East;
thence Southeasterly, along the arc of said curve and said East line, a distance of 5.52 feet to the **POINT OF BEGINNING**.

Containing in all 94 square feet, more or less.

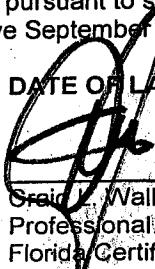
FLOOD ZONE: This property is located in Flood Zone A5 (El. 7), according to F.I.R.M. (Flood Insurance Rate Map) No. 120192 0127 B, dated October 15, 1982.

NOTES:

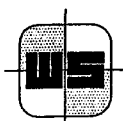
1. No title policy or commitment affecting title or boundary to the subject property has been provided. It is possible there are deeds and easements, recorded or unrecorded, which could affect this survey and boundaries. This office has made no search of the Public Records.
2. Elevations shown hereon, if any, are in feet and decimal parts thereof and are based on NGVD-29.
3. Description furnished by client or client's agent.
4. Unless it bears the signature and the original raised seal of a Florida licensed surveyor or mapper this drawing, sketch, plat or map is for informational purposes only and is not valid.
5. This survey cannot be transferred or assigned without the specific written permission of Wallace Surveying Corporation. Certificate of Authorization Number LB4569.
6. Except as shown, underground and overhead improvements are not located.
7. Underground foundations not located.
8. The survey sketch shown hereon does not necessarily contain all of the information obtained or developed by the undersigned surveyor in his field work, office work or research.
9. No responsibility is assumed by this surveyor for the construction of improvements, from building ties shown on this survey.
10. Revisions shown hereon do not represent a "survey update" unless otherwise noted.
11. All dates shown within the revisions block hereon are for interoffice filing use only and in no way affect the date of the field survey stated herein.
12. In some instances, graphic representations have been exaggerated to more clearly illustrate the relationships between physical improvements and/or lot lines. In all cases, dimensions shown shall control the location of the improvements over scaled positions.

CERTIFICATION: I HEREBY ATTEST that the survey shown hereon meets the minimum technical standards set forth by the Florida Board of Professional Surveyors and Mappers pursuant to section 472.027, Florida Statutes, and adopted in Chapter 61G17-6, Florida Administrative Code, effective September 1, 1981.

DATE OF LAST FIELD SURVEY: 05/24/2007


Craig J. Wallace
Professional Surveyor and Mapper
Florida Certificate No. 3357
Sheet 1 of 2

98-1070-2



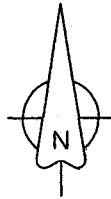
WALLACE SURVEYING
CORP. LICENSED BUSINESS # 4569
5553 VILLAGE BLVD., WEST PALM BEACH, FLORIDA 33407 • (561) 640-4551

| | |
|---------------|--------------------|
| DATE: 5/24/07 | DWG. NO. 98-1070-2 |
| OFFICE: M.B. | SHEET 1 OF 2 |
| C/K'D: C.W. | REF: 98-1070-2.DWG |

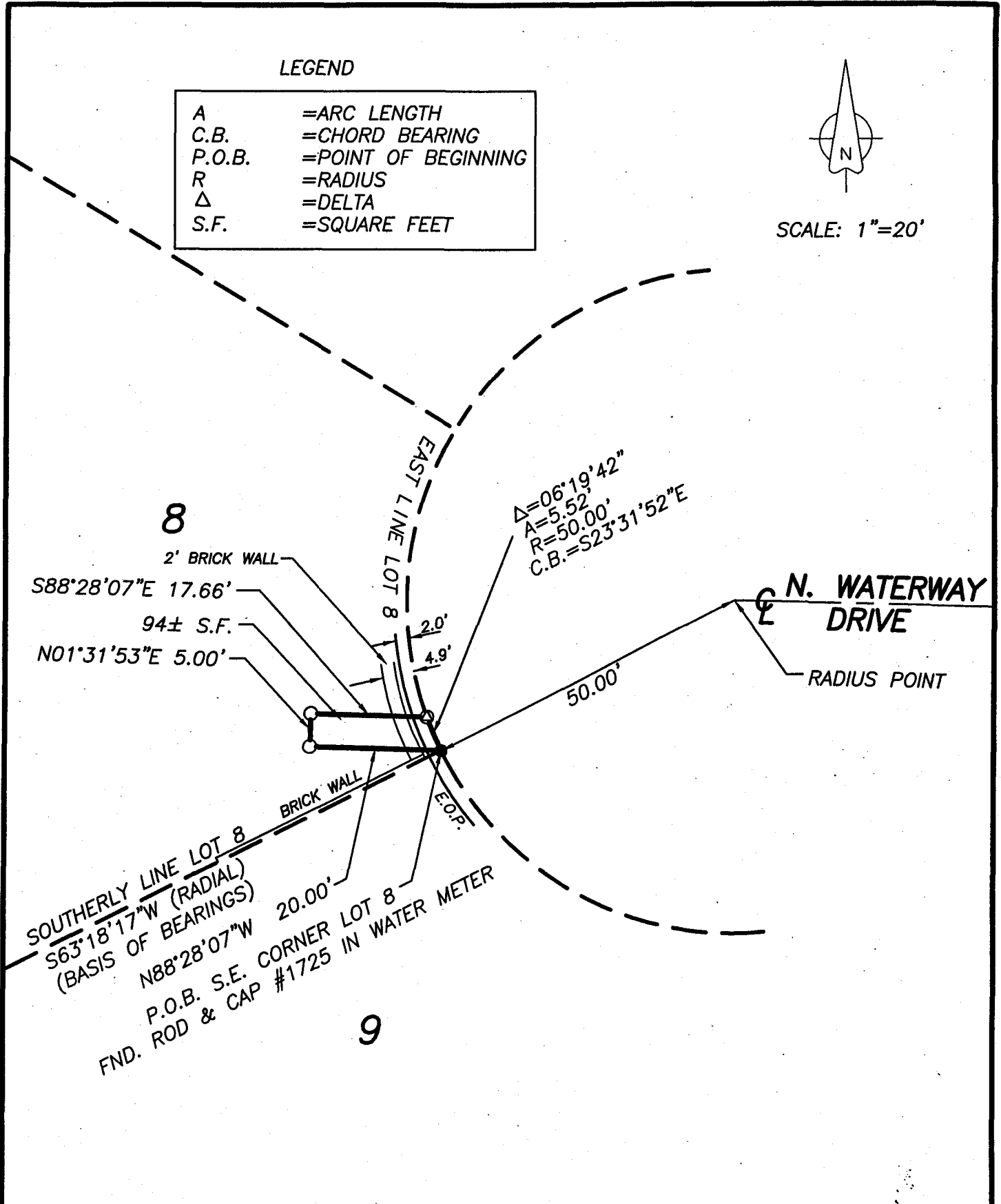
EX 1-1

LEGEND

| | |
|--------|---------------------|
| A | =ARC LENGTH |
| C.B. | =CHORD BEARING |
| P.O.B. | =POINT OF BEGINNING |
| R | =RADIUS |
| Δ | =DELTA |
| S.F. | =SQUARE FEET |



SCALE: 1"=20'



8
2' BRICK WALL
S88°28'07"E 17.66'
94± S.F.
N01°31'53"E 5.00'

EAST LINE LOT 8

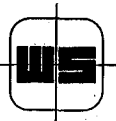
Δ=06°19'42"
A=5.52'
R=50.00'
C.B.=S23°31'52"E

N. WATERWAY DRIVE
RADIUS POINT

SOUTHERLY LINE LOT 8
S63°18'17"W (RADIAL)
(BASIS OF BEARINGS)

N88°28'07"W 20.00'
P.O.B. S.E. CORNER LOT 8
FND. ROD & CAP #1725 IN WATER METER

9



WALLACE SURVEYING
CORP. LICENSED BUSINESS # 4589

5553 VILLAGE BLVD., WEST PALM BEACH, FLORIDA 33407 * (561) 640-4551

| | |
|---------------|--------------------|
| DATE: 5/24/07 | DWG. NO. 98-1070-2 |
| OFFICE: M.B. | SHEET 2 OF 2 |
| C.K'D: C.W. | REF: 98-1070-2.DWG |

Ex 1-2