Agenda Item #:

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

Meeting Date: September 11, 2007[] Consent [] Regular [] Workshop [X] Public Hearing

Department:

Submitted By: Engineering and Public Works Submitted For: Land Development Division

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.
- Approve: Authorization for the Chairperson to execute the B) 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. This item was postponed from the public hearing date of August 21, 2007, to revise the legal description and sketch to exclude that portion of the unimproved right-of-way within Palm Beach County's Sandalfoot Cove Park.

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 unimproved rights-of-way (approximately 953 feet in length), because they serve no purpose. This excludes the unimproved right-of-way that lies within Palm Beach County's Sandalfoot Cove Park.

(Continued on Page 3)

Attachments:

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

			112
Recommended by:	Division Director	22 Agest 07	h
Approved by:		Date/ 8/27/07	•
	County Engineer	Date	

II. FISCAL IMPACT ANALYSIS

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-Program Income (County) -0--0--0--0-In-Kind Match (County) -0--0--0--0--0--0--0--0-NET FISCAL IMPACT -- 0 -_____ _____ -0-# ADDITIONAL FTE POSITIONS (Cumulative)

Is Item Included In Current Budget? Yes No Budget Account No.: Fund Agency Org. Object Program

Recommended Sources of Funds/Summary of Fiscal Impact: в. No additional fiscal impact as a result of this item. Departmental Fiscal Review: R. 2 Ward 8 33 0 C.

III. REVIEW COMMENTS

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

OFMB

A. Five Year Summary of Fiscal Impact:

Legal Sufficiency: Β.

Contry

Other Department Review: C.

Division Director

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

- 2 -

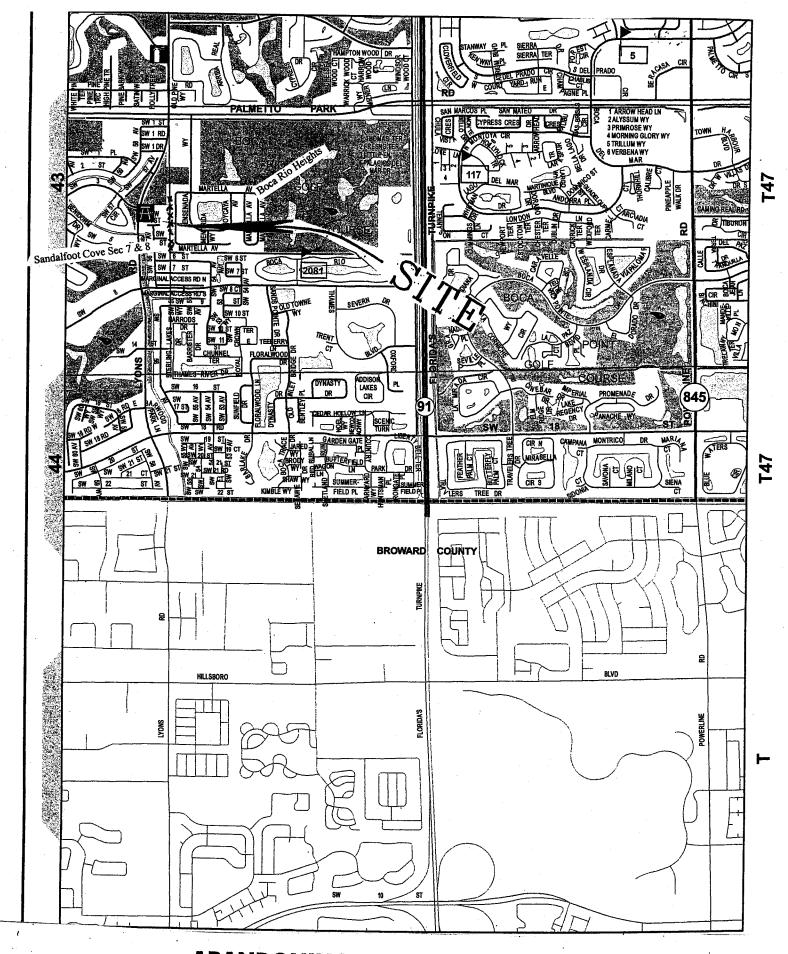
30107 Contract Dev. and E. Jon 8/30/07 and Control

> This item complies with current County policies.

Background and Policy Issues: (Continued from Page 1)

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.



ABANDONING UNIMPROVED ROADS WITHIN PALM BEACH FARMS PLAT 3 LYING BETWEEN TWO PLATS BOCA RIO HEIGHTS & SANDALFOOT COVE SECTIONS 7 & 8

LOCATION SKETCH

N

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, and continuing on September 11, 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; and

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:

- 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.
- 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 Robert J. Kanjian Mary McCarty Burt Aaronson Jess R. Santamaria

The Chair thereupon declared the Resolution duly passed and adopted this _____day of _____, 2007.

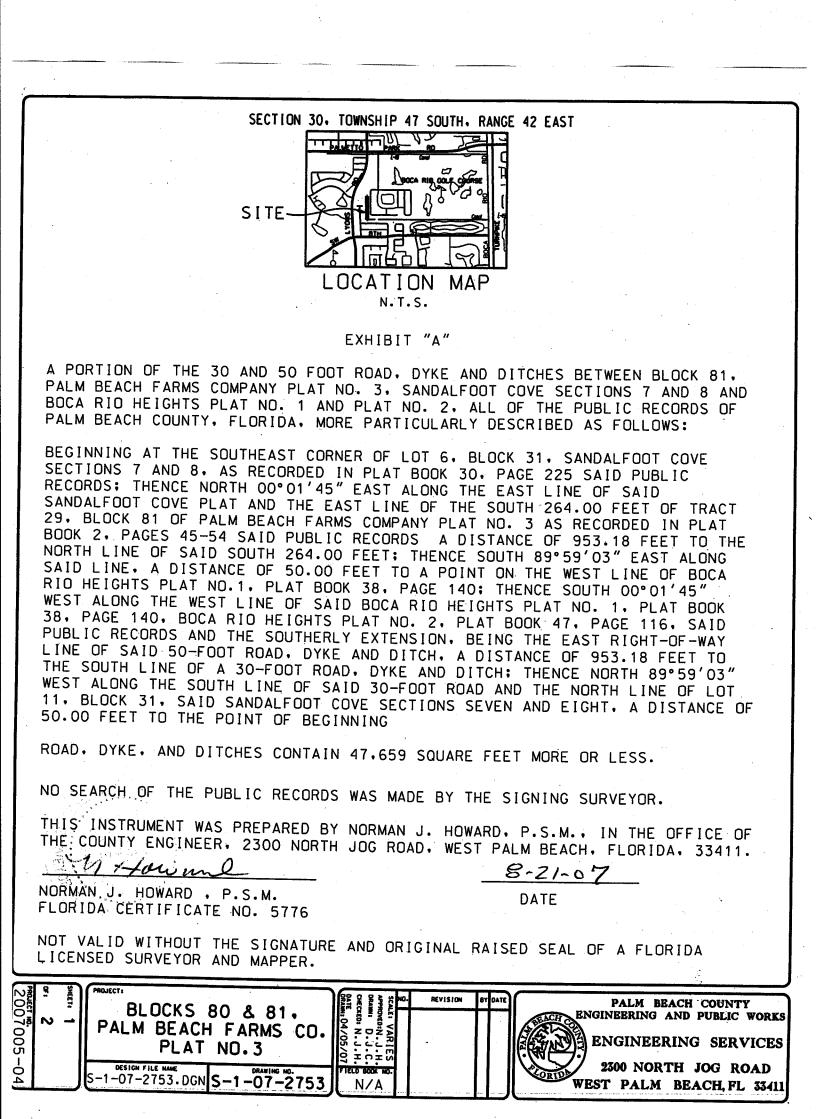
> PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

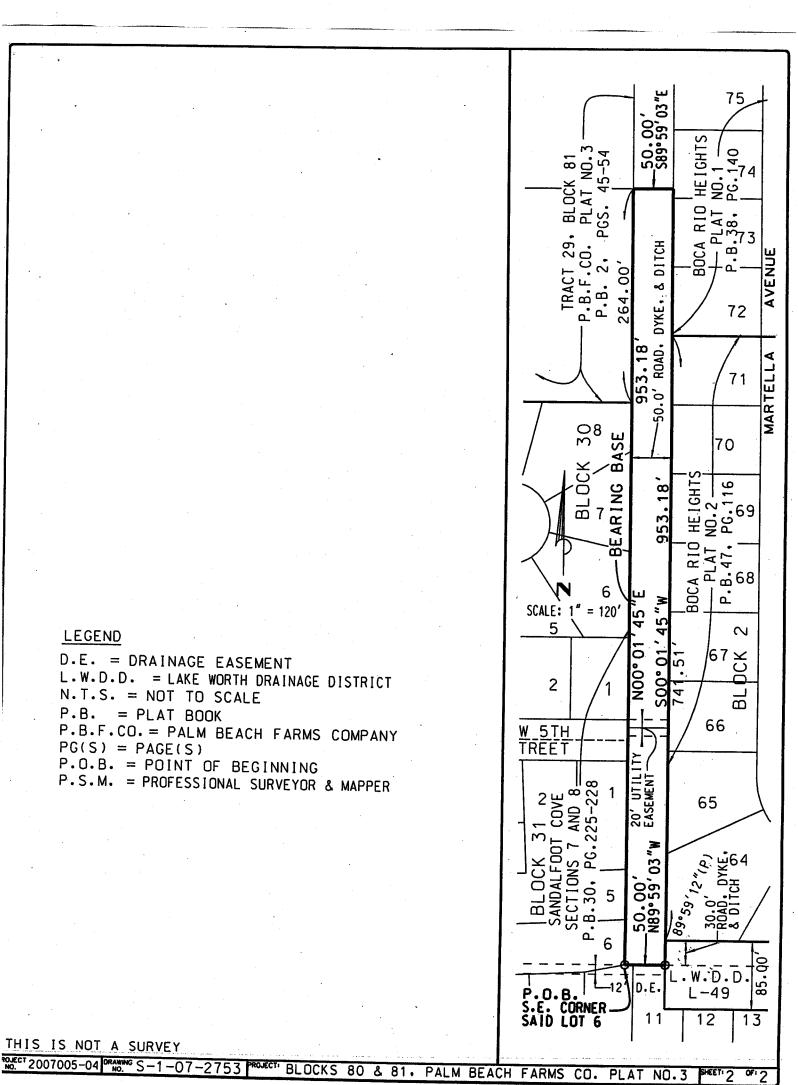
Sharon R. Bock, Clerk & Comptroller

BY: _____ Deputy Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

BY: Paul F. F. County Attor





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 11th day of September 11, 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

This instrument prepared by:

West Palm Beach, FL 33416

Palm Beach County

P.O. Box 21229

Paul King, Assistant County Attorney

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

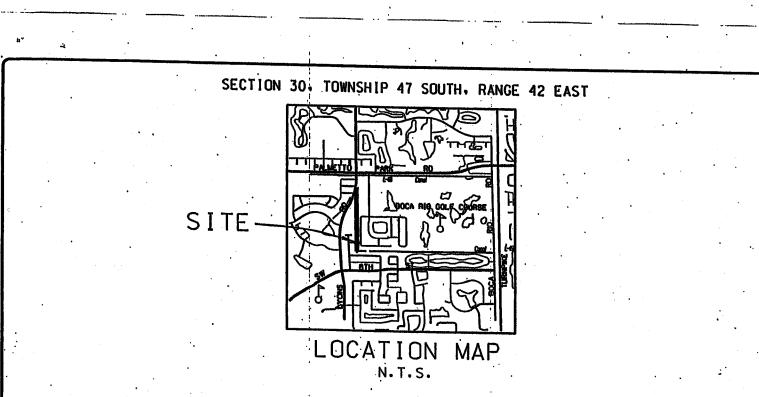
BY:

County Attorney

STATE OF FLORIDA COUNTY OF PALM BEACH

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

Typed name of Acknowledger Deputy Clerk



ExhibitA

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°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°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.

2 returnand 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

NOT	ENGINEERING AND PUBLIC WO	ces .D
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