

Agenda Item #:

5D

**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 adopt: A Resolution abandoning that portion of the unimproved thirty (30) foot wide right-of-way centered on the south line of Section 11, Township 47, Range 41, adjoining Tracts 40 and 41, Florida Fruit Lands Company's Subdivision No. 2, as recorded in Plat Book 1, Page 102, Public Records of Palm Beach County, Florida.

**Summary:** This petition site is located south of Kimberly Boulevard (also known as Old Pump House Road) and west of Coral Ridge Road. The owner/petitioner is requesting the abandonment to utilize the unimproved right-of-way within the development of a Planned Unit Development (PUD).

**District:** 5(PK)

**Background and Policy Issues:** The owner/petitioner is G.L. Homes of Boca Raton Associates V, Ltd, a Florida Limited Partnership. The Developer received approval of the Final Subdivision Plan by the Development Review Officer on April 26, 2006 for Collier PUD (Petition Number 2004-015). The Final Subdivision Plan and the proposed plat shows the area to be abandoned as a buffer easement. The developer wants to clear the record in order to utilize that portion of the abandoned right-of-way. Utility service providers have no objection to the abandonment.

(Continued on Page 3)

**Attachments:**

- 1. Location Sketch
- 2. Resolution with Legal Description and Sketches

Recommended by:

[Signature]  
Division Director

10 Aug 2007  
Date

[Signature]

Approved by:

[Signature]  
County Engineer

8/16/07  
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>
<b>NET FISCAL IMPACT</b>	<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:** RD Ward 8/8/07

**III. REVIEW COMMENTS**

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

Jan Duh 8/21/07  
 OFMB (NO) 8/21/07 CN 8/17/07

Jan J. Jacoby 8/21/07  
 Contract Dev. and Control

**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.

**Background and Policy Issues:** (Continued from Page 1)

**Privilege Fee Statement:**

In accordance with the Right-of-Way Abandonment and Plat Vacation Ordinance 86-18, Section V, (7), no privilege fee is due because the petitioner has conveyed more right-of-way (ROW) for Coral Ridge Drive than the area that is being abandoned. The calculations are as follows:

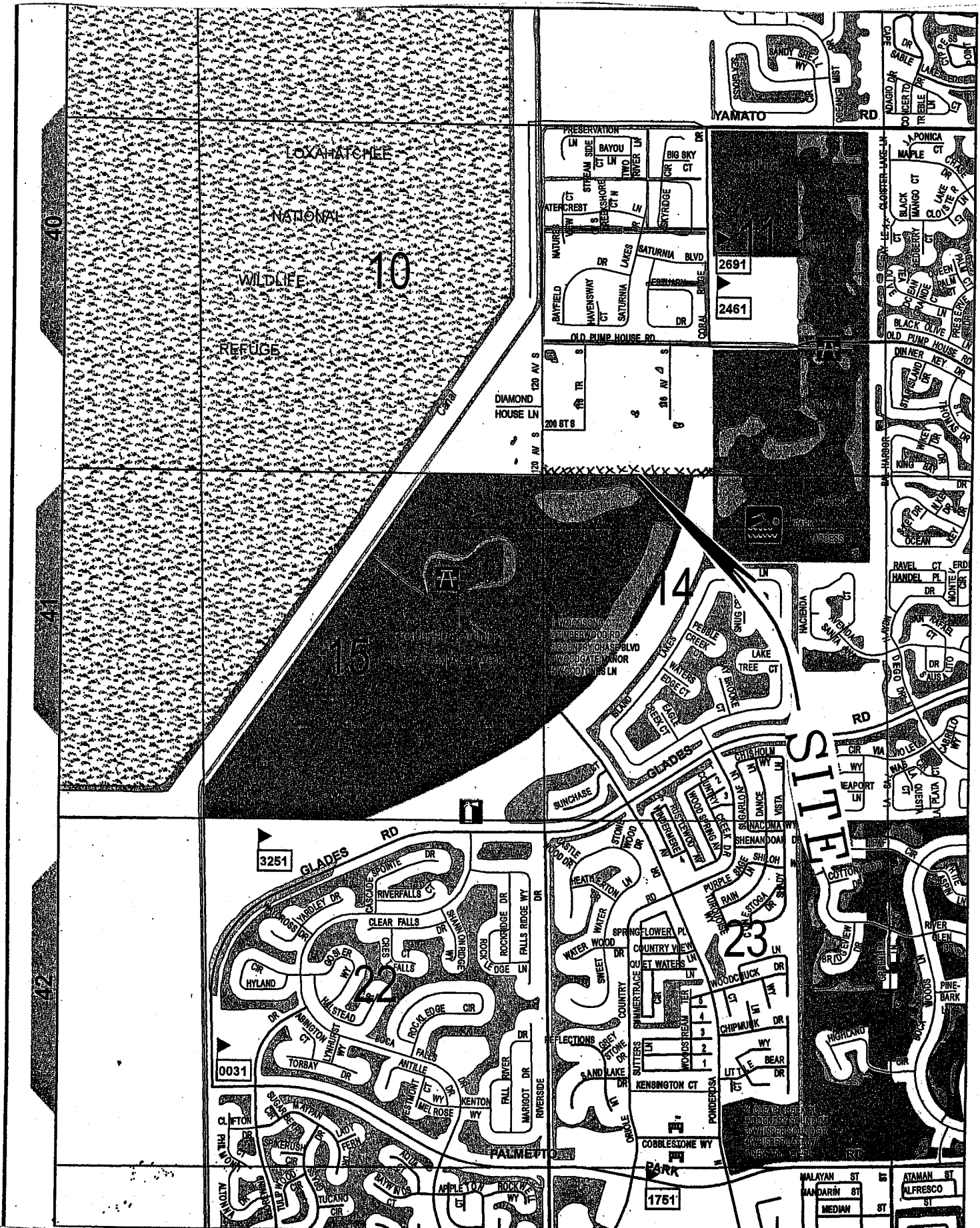
Total sq. ft. of ROW for unimproved right-of-way . . .	1.72 acres
Less Right-of-Way for Coral Ridge Drive . . . . .	5.30 acres
Subtotal: . . . . .	-(3.58) acres
<b>Total Privilege Fee . . . . .</b>	<b>-0-</b>

**Background and Policy Issues:** (Continued from Page 1)

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In accordance with the Right-of-Way Abandonment and Plat Vacation Ordinance 86-18, Section V, (7), no privilege fee is due because the petitioner has conveyed more right-of-way (ROW) for Coral Ridge Drive than the area that is being abandoned. The calculations are as follows:

Total sq. ft. of ROW for unimproved right-of-way . . .	1.72 acres
Less Right-of-Way for Coral Ridge Drive . . . . .	5.30 acres
Subtotal: . . . . .	-(3.58) acres
<b>Total Privilege Fee . . . . .</b>	<b>-0-</b>



**VACATING PORTION OF UNIMPROVED  
30' WIDE RIGHT-OF-WAY  
WITHIN THE PLAT OF  
FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 2,  
PLAT BOOK 1, PAGE 102**

**LOCATION SKETCH**



T47  
T47  
T47

RESOLUTION NO. R-2007-\_\_\_\_\_

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA ABANDONING THAT PORTION OF THE UNIMPROVED THIRTY (30) FOOT WIDE RIGHT-OF-WAY CENTERED ON THE SOUTH LINE OF SECTION 11, TOWNSHIP 47, RANGE 41, ADJOINING TRACTS 40 AND 41, FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 2, AS RECORDED IN PLAT BOOK 1, PAGE 102, 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 G.L. Homes of Boca Raton Associates V, Ltd, a Florida limited partnership, called a public hearing to be held in the County Commissioners' Chambers, at the Governmental Office Complex, West Palm Beach, Florida, 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 the unimproved right-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 19, 2007; and

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.

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 right-of-way is hereby abandoned and closed as right-of-way and this Board does hereby renounce and disclaim any right or interest of Palm Beach County and the Public in and to the right-of-way, 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





**ARCADIS U.S., Inc.**

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EB 7917 / LB 7062

## SKETCH OF BOUNDARY SURVEY

**EXHIBIT #2**

### DESCRIPTION:

BEING A PORTION OF THE SOUTH 15.00 OF TRACTS 40 AND 41 OF THE PLAT OF FLORIDA FRUIT LANDS COMPANY SUBDIVISION NO. 2 (SECTION 11, TOWNSHIP 47 SOUTH, RANGE 41 EAST), ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 102 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND A PORTION OF THE NORTH 15.00 FEET OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SECTION 14, TOWNSHIP 47 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, ALL LYING WITHIN THAT PORTION OF A RIGHT OF PUBLIC ACCESS, 30.00 FEET IN WIDTH, AS SHOWN ON SAID PLAT OF FLORIDA FRUIT LANDS COMPANY SUBDIVISION NO. 2, SAID STRIP BEING CENTERED ON THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 11, TOWNSHIP 47 SOUTH, RANGE 41 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF TRACT S12-A OF THE BOUNDARY PLAT OF ORIOLE COUNTRY AS RECORDED IN PLAT BOOK 32, PAGES 175 THROUGH 180, SAID PUBLIC RECORDS; THENCE SOUTH 89°47'30" WEST, ALONG THE NORTH LINE OF SAID BOUNDARY PLAT OF ORIOLE COUNTRY, A DISTANCE OF 148.56 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE SOUTH 89°47'30" WEST, ALONG SAID NORTH LINE, A DISTANCE OF 2,493.26 FEET; THENCE NORTH 00°40'28" WEST, A DISTANCE OF 30.00 FEET; THENCE NORTH 89°47'30" EAST, ALONG A LINE 15.00 NORTH OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 11, A DISTANCE OF 2,498.02 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 2,023.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS NORTH 82°04'09" WEST; THENCE SOUTHERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00°51'33", A DISTANCE OF 30.34 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.72 ACRES, MORE OR LESS.

### CERTIFICATION:

I HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON WAS PREPARED UNDER MY DIRECTION FOR THE PURPOSE OF A BOUNDARY SURVEY ACCORDING TO A LEGAL DESCRIPTION FURNISHED AS SHOWN HEREON, AND THAT THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS, CHAPTER 61G17-6 FLORIDA ADMINISTRATIVE CODE, AS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS, PURSUANT TO SECTION 472.027, FLORIDA STATUTES. THIS SURVEY IS ONLY VALID FOR THE PURPOSE AS STATED ABOVE, FOR WHICH IT IS INTENDED. THIS SURVEY IS NOT VALID WITHOUT A RAISED SEAL.

  
PERRY C. WHITE

PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA REGISTRATION NO. 4213

DATE: 5/3/07

NOTE: THIS IS NOT A SKETCH OF SURVEY, BUT ONLY A GRAPHIC DEPICTION OF THE DESCRIPTION SHOWN HEREON. THERE HAS BEEN NO FIELD WORK, VIEWING OF THE SUBJECT PROPERTY, OR MONUMENTS SET IN CONNECTION WITH THE PREPARATION OF THE INFORMATION SHOWN HEREON.

NOTE: LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RESTRICTIONS, RIGHTS-OF-WAY AND EASEMENTS OF RECORD.



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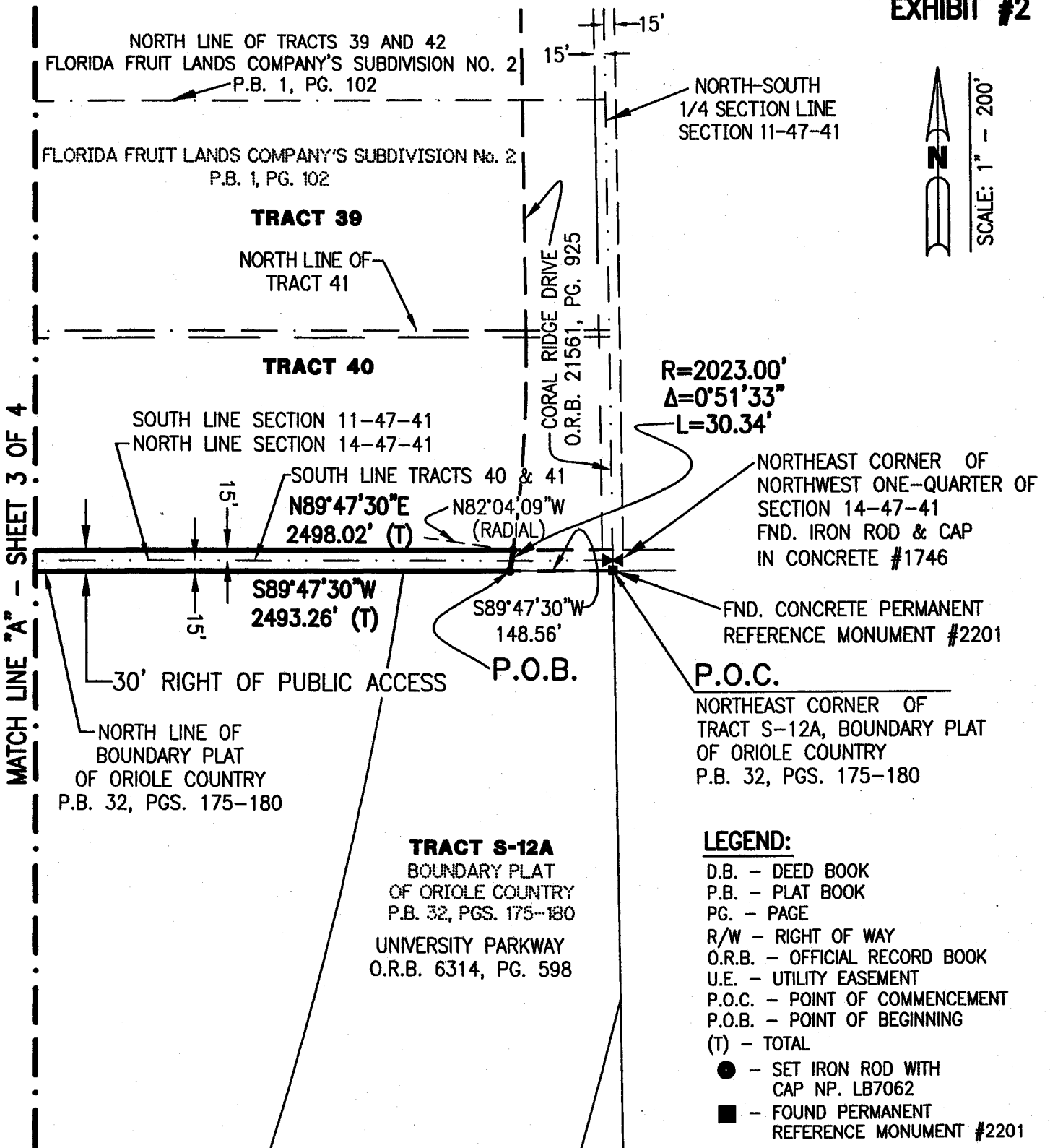
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### SKETCH OF BOUNDARY SURVEY

EXHIBIT #2





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### SKETCH OF BOUNDARY SURVEY

**EXHIBIT #2**

NORTH LINE OF TRACTS 39 AND 42  
FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 2  
P.B. 1, PG. 102

**TRACT 42**

**TRACT 39**

NORTH LINE OF  
TRACT 41

FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION No. 2  
P.B. 1, PG. 102

FLORIDA POWER & LIGHT EASEMENT  
PER O.R.B. 2494 PG. 792  
NORTH 10.00' OF TRACTS 40 & 41

**TRACT 41**

**TRACT 40**

SOUTH LINE TRACTS 40 & 41

**N89°47'30"E 2498.02' (T)**

**S89°47'30"W 2493.26' (T)**

NORTH LINE OF  
BOUNDARY PLAT  
OF ORIOLE COUNTRY  
P.B. 32, PGS. 175-180

30' RIGHT OF PUBLIC ACCESS

SOUTH LINE SECTION 11-47-41  
NORTH LINE SECTION 14-47-41



SCALE: 1" = 200'

**TRACT 'Z-1'**  
BOUNDARY PLAT OF ORIOLE COUNTRY  
P.B. 32, PGS. 175-180

**LEGEND:**

SEE SHEET 2 OF 6

MATCH LINE "B" - SHEET 4 OF 4

MATCH LINE "A" - SHEET 2 OF 4



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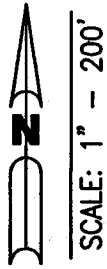
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**SKETCH OF BOUNDARY SURVEY**

**EXHIBIT #2**



**SECTION 10  
TOWNSHIP 47 SOUTH  
RANGE 41 EAST**

P.C.N.-00-41-47-10-00-000-1070

OWNER-ARE EL TRUST

ERIC GRANITUR, TRUSTEE

O.R.B. 10545, PG. 1437

SOUTH LINE OF SECTION 10-47-41

**TRACT 1**

P.B. 1, PG. 162

NORTH LINE OF BOUNDARY PLAT OF ORIOLE COUNTRY P.B. 32, PGS. 175-180

NORTH LINE OF SECTION 15-47-41

30' RIGHT OF PUBLIC ACCESS

**N00°40'28"W**

**30.00'**

NORTHWEST CORNER OF NORTHWEST ONE-QUARTER OF SECTION 14-47-41 FND. 1" IRON PIPE

**TRACT 'Z-2'**

BOUNDARY PLAT OF ORIOLE COUNTRY P.B. 32, PGS. 175-180

**TRACT 41**

**N89°47'30"E**

**2498.02' (T)**

**S89°47'30"W**  
**2493.26' (T)**

**TRACT 'Z-1'**

BOUNDARY PLAT OF ORIOLE COUNTRY P.B. 32, PGS. 175-180

15' 15'

**TRACT 42**

WEST LINE OF SEC. 11-47-41

MATCH LINE "B" - SHEET 3 OF 4

**LEGEND:**

SEE SHEET 2 OF 6



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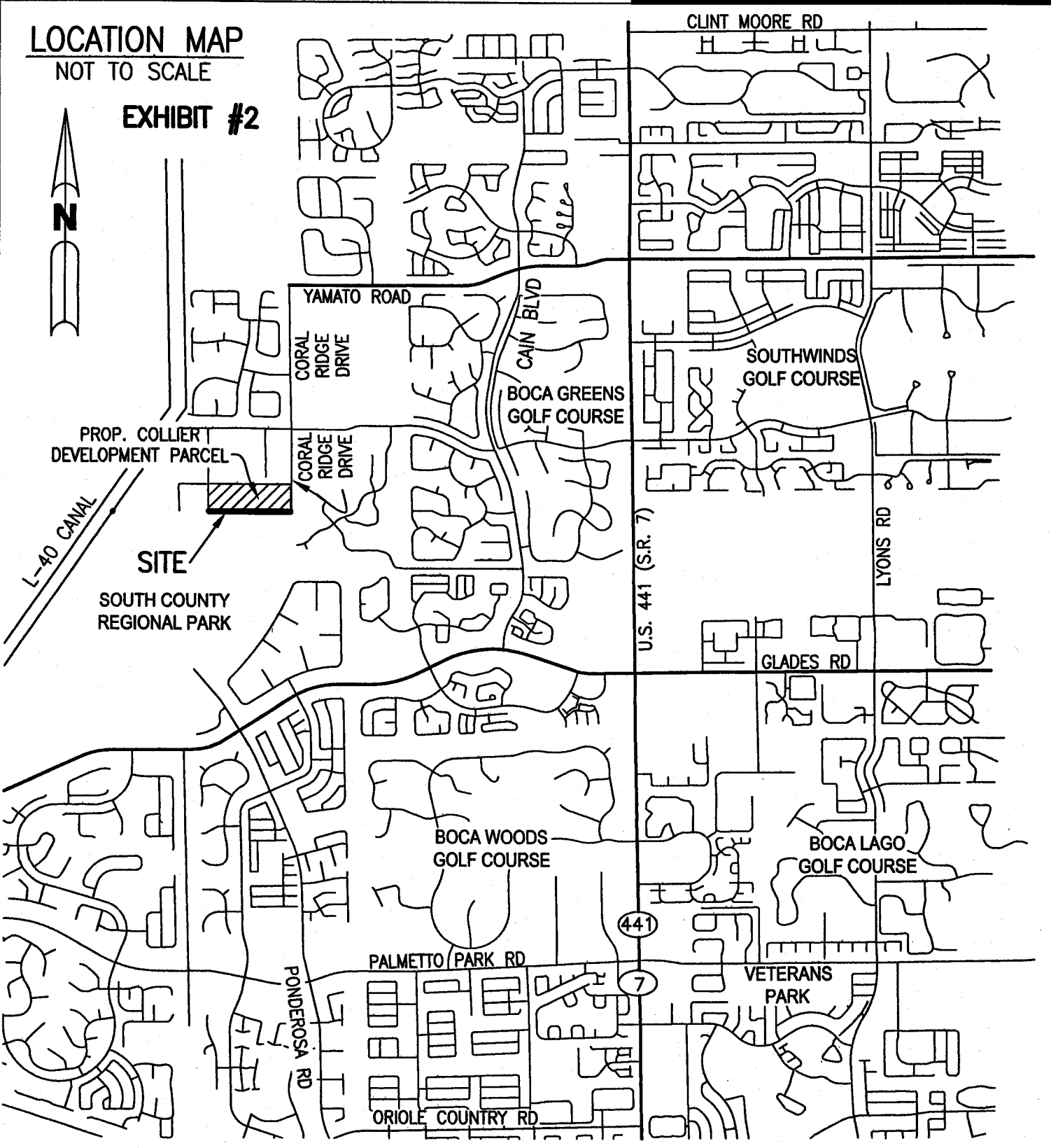
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**LOCATION MAP**

NOT TO SCALE

**EXHIBIT #2**





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## SKETCH OF BOUNDARY SURVEY

**EXHIBIT #2**

### SURVEYOR'S REPORT:

1. THIS SURVEY IS PREPARED FOR G.L. HOMES OF BOCA RATON ASSOCIATES V, LTD. AND IS NOT ASSIGNABLE.
2. LEGAL DESCRIPTION PREPARED FROM THIS SURVEY.
3. THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS AND/OR RIGHTS-OF-WAY OF RECORD.
4. NOTICE: THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.
5. THIS SKETCH IS THE PROPERTY OF ARCADIS U.S., INC. AND SHALL NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF ARCADIS U.S., INC.
6. BOUNDARY DIMENSIONS SHOWN ARE AS FIELD MEASURED UNLESS OTHERWISE NOTED.
7. BEARINGS ARE ASSUMED AND BASED ON THE SOUTH LINE OF SECTION 11, TOWNSHIP 47 SOUTH, RANGE 41 EAST WHICH BEARS SOUTH 89°47'30" EAST PER PALM BEACH COUNTY'S 1972 FREE ADJUSTMENT WITH ALL BEARINGS SHOWN HEREON BEING RELATIVE THERETO.
8. THERE ARE NO IMPROVEMENTS WITH THE SUBJECT PARCEL.