

Agenda Item #: 3-2-31

AGENDA ITEM SUMMARY

Department:

Submitted For: Land Development Division

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to adopt: A Resolution vacating a portion of a 12 foot wide utility easement lying in Tract B1, Fountains South - Replat of Tracts A1 and B1, as recorded in Plat Book 49, Pages 98-100, Public Records of Palm Beach County, Florida.

Summary: This petition site is located west of Jog Road and north of Lantana Road within the development called Fountains South Planned Unit Development. The petitioner is requesting the vacation of a portion of a utility easement in order to allow the redevelopment of the recreation facility that was destroyed by the numerous hurricanes that hit South Florida in 2005.

District: 2 (PK)

Background and Justification: The owner, Fountains Country Club, Inc., wants to abandon a certain portion of the utility easement to accommodate the redesign of the recreation facility that previously served the residents of the Fountains Country Club South until it was damaged by hurricanes in 2005. The recreation facility received approval from the Development Review Officer (DRO) on January 9, 2008, to allow the redesign of the site which will include a new fitness center and tennis pro shop. The tennis courts and maintenance facility that exist on the subject site will remain unchanged.

Utilities service providers have no objection to the vacation. A replacement easement has been provided to Florida Power and Light, recorded in Official Record Book 22342, Pages 1475-1477.

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: KS Lyons 6 Feb 08
Division Director Date

Approved by: D. J. W. H. 2/12/08
County Engineer Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

| Fiscal Years | 2008 | 2009 | 2010 | 2011 | 2012 |
|-------------------------|------|------|------|------|------|
| Capital Expenditures | -0- | -0- | -0- | -0- | -0- |
| Operating Costs | -0- | -0- | -0- | -0- | -0- |
| External Revenues | -0- | -0- | -0- | -0- | -0- |
| Program Income (County) | -0- | -0- | -0- | -0- | -0- |
| In-Kind Match (County) | -0- | -0- | -0- | -0- | -0- |
| NET FISCAL IMPACT | -0- | -0- | -0- | -0- | |

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: *Paul F. J.*

III. REVIEW COMMENTS

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

Jim D. 2-21-08
OFMB SW CN
2/20/08 2/20/08 2/13/08

John P. H.
2/28/08
Contract Dev. and Control

B. Legal Sufficiency:

This item complies with current
County policies.

Paul F. J. 2/22/08
Assistant County Attorney

C. Other Department Review:

Division Director

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

G



N

RESOLUTION NO. R-2008-_____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, VACATING A PORTION OF A 12 FOOT WIDE UTILITY EASEMENT LYING IN TRACT B1, FOUNTAINS SOUTH - REPLAT OF TRACTS A1 AND B1, AS RECORDED IN PLAT BOOK 49, PAGES 98-100, 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 12 foot wide utility easement; and

WHEREAS, said petition to vacate said easement was submitted by Fountains Country Club, Inc.; 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 March 11, 2008, 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.

RESOLUTION NO. R-2008-_____

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 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-2008-_____

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 _____, 2008.

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

DESCRIPTION:

THE SOUTH 90 FEET OF A 12 FOOT UTILITY EASEMENT LYING IN TRACT B1, FOUNTAINS SOUTH – REPLAT OF TRACTS A1 AND B1, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 49, PAGES 98 THROUGH 100 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID TRACT B1;

THENCE NORTH 76°00'00" WEST ALONG THE NORTH LINE OF SAID TRACT B1, A DISTANCE OF 160.00 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTH, HAVING A RADIUS OF 1200.00 FEET;

THENCE WESTERLY ALONG THE NORTH LINE OF SAID TRACT B1 AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 16°15'06", AN ARC DISTANCE OF 340.37 FEET TO THE EAST LINE OF SAID 12 FOOT UTILITY EASEMENT;

THENCE SOUTH 04°41'24" EAST ALONG SAID EAST LINE, A DISTANCE OF 159.76 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUE SOUTH 04°41'24" EAST ALONG SAID EAST LINE, A DISTANCE OF 90.00 FEET TO THE SOUTH LINE OF SAID 12 FOOT UTILITY EASEMENT;

THENCE SOUTH 85°18'36" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 12.00 FEET TO THE WEST LINE OF SAID 12 FOOT UTILITY EASEMENT;

THENCE NORTH 04°41'24" WEST ALONG SAID WEST LINE, A DISTANCE OF 90.00 FEET TO THE NORTH LINE OF THE SOUTH 90 FEET OF SAID 12 FOOT UTILITY EASEMENT;

THENCE NORTH 85°18'36" EAST ALONG SAID NORTH LINE, A DISTANCE OF 12.00 FEET TO THE POINT OF BEGINNING.

LYING IN PALM BEACH COUNTY, FLORIDA.
CONTAINING 1,080 SQUARE FEET.

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SURVEYOR AND MAPPER'S SIGNATURE

1. UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, THIS MAP/REPORT IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.
2. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THIS OFFICE.

RHS
RICHARD H. SMITH, PROFESSIONAL SURVEYOR & MAPPER
STATE OF FLORIDA NO. 5239

PROJECT NAME:

SPECIFIC PURPOSE SURVEY FOR:
THE FOUNTAINS COUNTRY CLUB
SOUTH CLUBHOUSE
U.E. TO BE ABANDONED

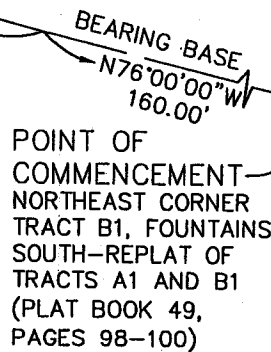






Scale: N/A
Sheet 1 OF 2
Computed: SLS
Checked: RHS

REVISIONS:

| | | |
|-----------------|------------------------|---------------------|
| Field Book: N/A | Page: N/A | Field: N/A |
| Date 11/1/07 | FILE NO. 06-0022 12-UE | Project No. 06-0022 |

3550 S.W. Corporate Parkway, Palm City, Florida 34990
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-  = STREET LIGHT
 = ELECTRIC SERVICE
 = WATER VALVE
 = FIRE HYDRANT
 U.E. = UTILITY EASEMENT

NOTES

THIS IS A SPECIFIC PURPOSE SURVEY
INTENDED TO SHOW THE LOCATION OF
EXISTING IMPROVEMENTS WITHIN AN
EXISTING UTILITY EASEMENT. THE
PARCEL DOES NOT REPRESENT FEE
OWNERSHIP AND NO BOUNDARY
MONUMENTS HAVE BEEN SET.

FLORIDA LICENSE BUSINESS NUMBER LB7622

BOYLE
ENGINEERING CORPORATION

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Scale: 1"=40'

Sheet 2 OF 2

Computed: SLS

Checked: RHS

PROJECT NAME:

**SPECIFIC PURPOSE SURVEY FOR:
THE FOUNTAINS COUNTRY CLUB**

SOUTH CLUBHOUSE

U.E. TO BE ABANDONED

REVISIONS:

Field Book: N/A

Date _____

11/1/07

Page: N/A

FILE NO.

06-0022 12-UE

Field: N/A

Project No. _____

Project No.
06-0022