

Agenda Item #: 4A

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: May 20, 2008 [] 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 two platted unimproved road easements, thirty (30) feet in width, being the south fifteen (15) feet of Tracts 81-95 and the north fifteen (15) feet of Tracts 98-112, and the west fifteen (15) feet of Tracts 72, 89, 104 and 121, and the east 15 feet of Tracts 73, 88, 105 and 120, lying in Block 29, Section 29, Township 46 South, Range 42 East, within the plat of Palm Beach Farms Company Plat No. 1, Plat Book 2, Pages 26-28, Public Records of Palm Beach County, Florida.

Summary: This petition site is located approximately one (1) mile north of Clint Moore Road, on the east side of Lyons Road. The release of the public road easements will allow for the development of Dubois AGR Planned Unit Development as proposed by the Final Subdivision Plan, Petition Number 2004-250.

District: 5 (PK)

Background and Policy Issues: The owner, Boca Raton Associates VI, LLLP, A Florida Limited Liability Limited Partnership wants to subdivide the land to current Palm Beach County standards. The road design and dimensions within the Plat of Palm Beach Farms Company Plat 1 are not compatible with the Final Plan approved by the Development Review Officer on November 14, 2007, as well as current design criteria and code requirements. The land is currently being farmed.

The release of public interest in the easements is required to conform with the Unified Land Development Code and present design practices.

(Continued on page 3)

Attachments:

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

Recommended by: [Signature] 16 April 08
Division Director Date

Approved by: [Signature] 4/20/08
County Engineer Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2008	2009	2010	2011	2012
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: E.D. Ward 4/11/08

III. REVIEW COMMENTS

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

atwillhite 4-30-08
 OFMB SP 4/24/08 CA 4/28/08

Jim J. Javelle 5/12/08
 Contract Dev. and Control

5/11/08

B. Legal Sufficiency:

Paul F. J. 5/5/08
 Assistant County Attorney

C. Other Department Review:

 Division Director

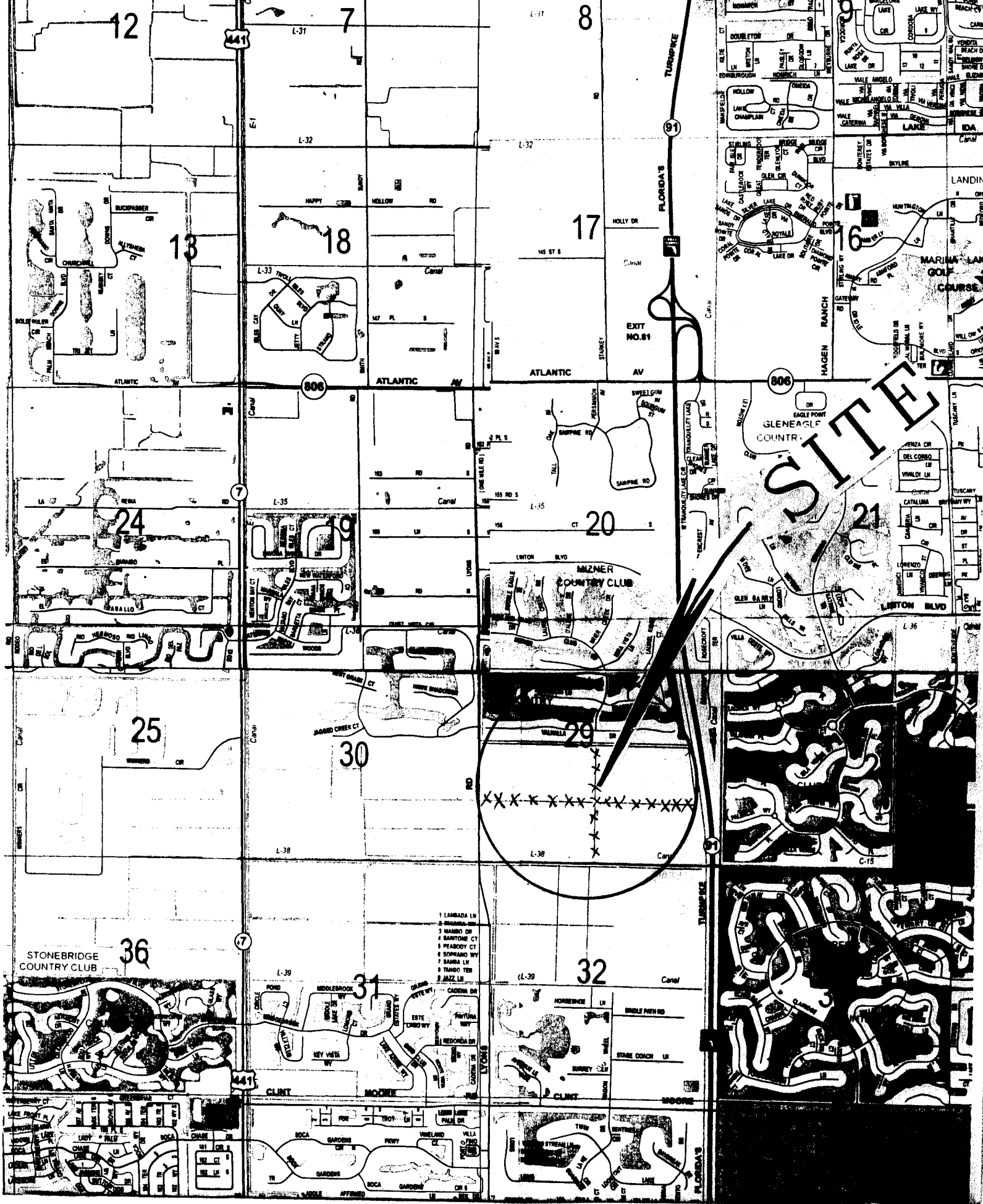
This summary is not to be used as a basis for payment.

Background and Policy Issues: (Continued from Page 1)

Utility service providers have no objection to the vacation.

Privilege Fee Statement:

The petition site is not subject to a privilege fee. According to Palm Beach County Ordinance 2002-034, amending Chapter 22 of the Palm Beach County Code, Article III (Ordinance 86-18), governing the Vacation and Abandonment of Easements and Subdivision Plats under the control and jurisdiction of the Board of County Commissioners, Section 2-Privilege Fee, (6) such privilege fee shall not apply to petitions submitted by the following: c, these easements are contained in plats which were recorded in the Public Records of Palm Beach County and no conveyance of lots by reference to the plat, appear of record.



**VACATING TWO PLATTED ROAD RIGHTS-OF-WAY
 WITHIN PALM BEACH FARMS COMPANY PLAT NO. 1
 PLAT BOOK 2, PAGE 26-28**

LOCATION SKETCH



RESOLUTION NO. R-2008-_____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ABANDONING TWO PLATTED UNIMPROVED ROAD EASEMENTS, THIRTY (30) FEET IN WIDTH, BEING THE SOUTH FIFTEEN (15) FEET OF TRACTS 81-95 AND THE NORTH FIFTEEN (15) FEET OF TRACTS 98-112, AND THE WEST FIFTEEN (15) FEET OF TRACTS 72, 89, 104 AND 121, AND THE EAST 15 FEET OF TRACTS 73, 88, 105 AND 120, LYING IN BLOCK 29, SECTION 29, TOWNSHIP 46 SOUTH, RANGE 42 EAST, WITHIN THE PLAT OF PALM BEACH FARMS COMPANY PLAT NO. 1, PLAT BOOK 2, PAGES 26-28, 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 Boca Raton Associates VI, LLLP, A Florida Limited Liability Limited Partnership, called a public hearing to be held in the County Commissioners' Chambers, at the Governmental Office Complex, West Palm Beach, Florida, on May 20, 2008, 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 two platted road easements; 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 May 1, 2008; 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-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. These two road easements are hereby abandoned and closed as easements and this Board does hereby renounce and disclaim any right or interest of Palm Beach County and the Public in and to these easements, 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

EXHIBIT #2
SKETCH OF BOUNDARY SURVEY

LAND DESCRIPTION: - 30' PLATTED ROAD EASEMENT ABANDONMENT

TWO PLATTED ROAD EASEMENTS 30.00 FOOT IN WIDTH, BEING THE SOUTH 15.00 FEET OF TRACTS 81 THROUGH 95 AND THE NORTH 15.00 FEET OF TRACTS 98 THROUGH 112 AND THE WEST 15.00 FEET OF TRACTS 72, 89, 104 AND 121 AND THE EAST 15.00 FEET OF TRACTS 73, 88, 105 AND 120, ALL LYING IN BLOCK 29, PALM BEACH FARMS COMPANY PLAT NO. 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 26 THROUGH 28 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING WEST OF THE WEST RIGHT-OF-WAY LINE OF THE SUNSHINE STATE PARKWAY (FLORIDA TURNPIKE), AS RECORDED IN DEED BOOK 1104, PAGE 577 AND EAST OF THE EAST RIGHT-OF-WAY LINE OF LYONS ROAD, AS RECORDED IN OFFICIAL RECORDS BOOK 11413, PAGE 1734 ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA LYING WITHIN SECTION 29, TOWNSHIP 46 SOUTH, RANGE 42 EAST OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 5.160 ACRES, MORE OR LESS.

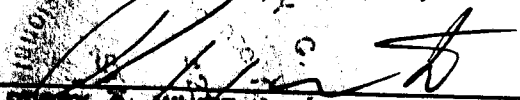
SUBJECT TO EASEMENTS, RESTRICTIONS AND RIGHTS-OF-WAY OF RECORD.

FOR SURVEY NOTES SEE SHEET 2 OF 8

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.

DATE OF SURVEY: 10/02/07



PERRY C. WHITE
PROFESSIONAL LAND SURVEYOR & MAPPER
LICENSE NO. 4213, STATE OF FLORIDA

DATE: 10-02-07, REVISED 3-10-08


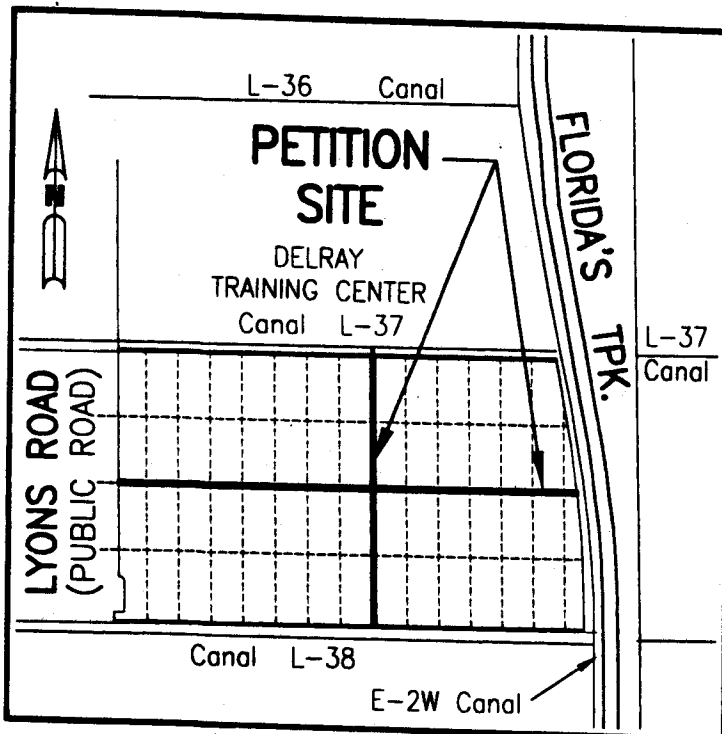
 ARCADIS U.S., Inc. 2081 Vista Parkway West Palm Beach, Florida 33411 Tel: (561) 687-7000 Fax: (561) 687-7751 www.arcadis-us.com	PROJECT MANAGER PCW	DEPARTMENT MANAGER PCW	SCALE: AS SHOWN	CHECKED BY PCW
	SHEET TITLE SKETCH OF BOUNDARY SURVEY 30' PLATTED ROAD EASEMENT ABANDONMENT		DATE: 10-02-07	DRAWN BY JAF
	SHEET 1 OF 8		PROJECT NUMBER WP00A448	DRAWING NUMBER A448RW-ABAND02

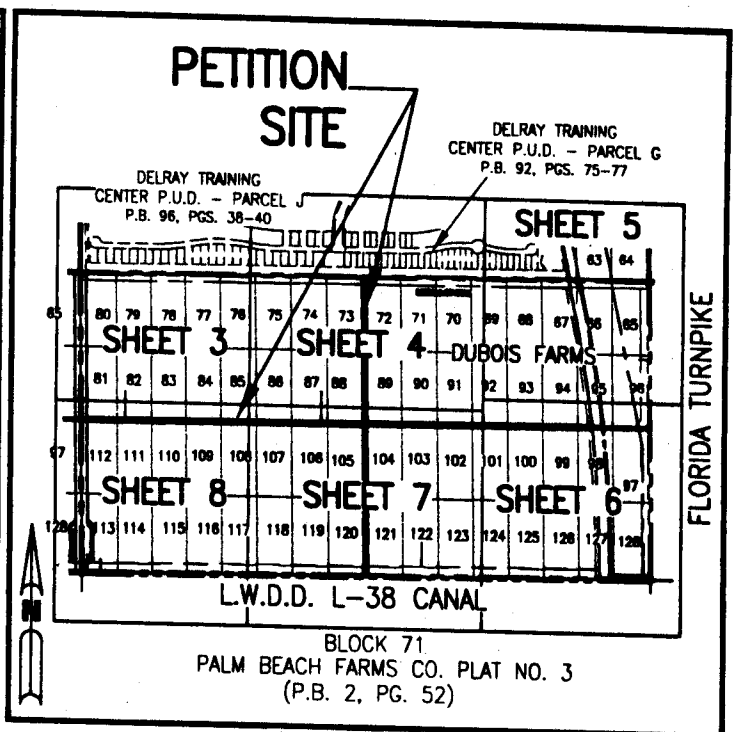
EXHIBIT #2 SKETCH OF BOUNDARY SURVEY

SURVEYOR'S NOTES:

1. THIS SURVEY IS PREPARED FOR G.L. HOMES OF FLORIDA AND IS NOT ASSIGNABLE.
2. EASEMENTS AND RIGHTS-OF-WAY SHOWN HEREON ARE BASED ON THAT TITLE COMMITMENT PREPARED BY ATTORNEYS' TITLE INSURANCE FUND, INC., POLICY NO. CF-7027300, AS AMENDED BY ENDORSEMENT NO. 2, EFFECTIVE DATE AUGUST 3, 2007.
3. VISIBLE ENCROACHMENTS ARE AS SHOWN.
4. DESCRIPTION PREPARED FROM THIS SURVEY.
5. NOTICE: THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.
6. THIS SKETCH IS THE PROPERTY OF ARCADIS U.S., INC. AND SHALL NOT BE REPRODUCED IN WHOLE OR PART WITHOUT THE PERMISSION OF ARCADIS U.S., INC. IN WRITING.
7. BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH LINE OF SECTION 29, TOWNSHIP 46 SOUTH, RANGE 42 EAST AS BEING S89°24'50"W.
8. BOUNDARY DIMENSIONS SHOWN ARE PER CALCULATED AND FIELD MEASUREMENT UNLESS OTHERWISE NOTED.



LOCATION MAP
NOT TO SCALE



KEY MAP
NOT TO SCALE

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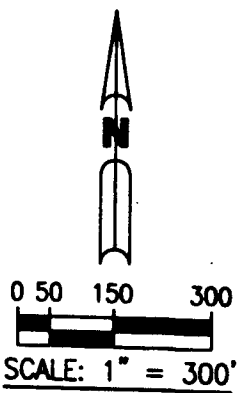
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West Palm Beach, Florida 33411

Tel: (561) 697-7000 Fax: (561) 697-7751
www.arcadis-us.com

LB 7062

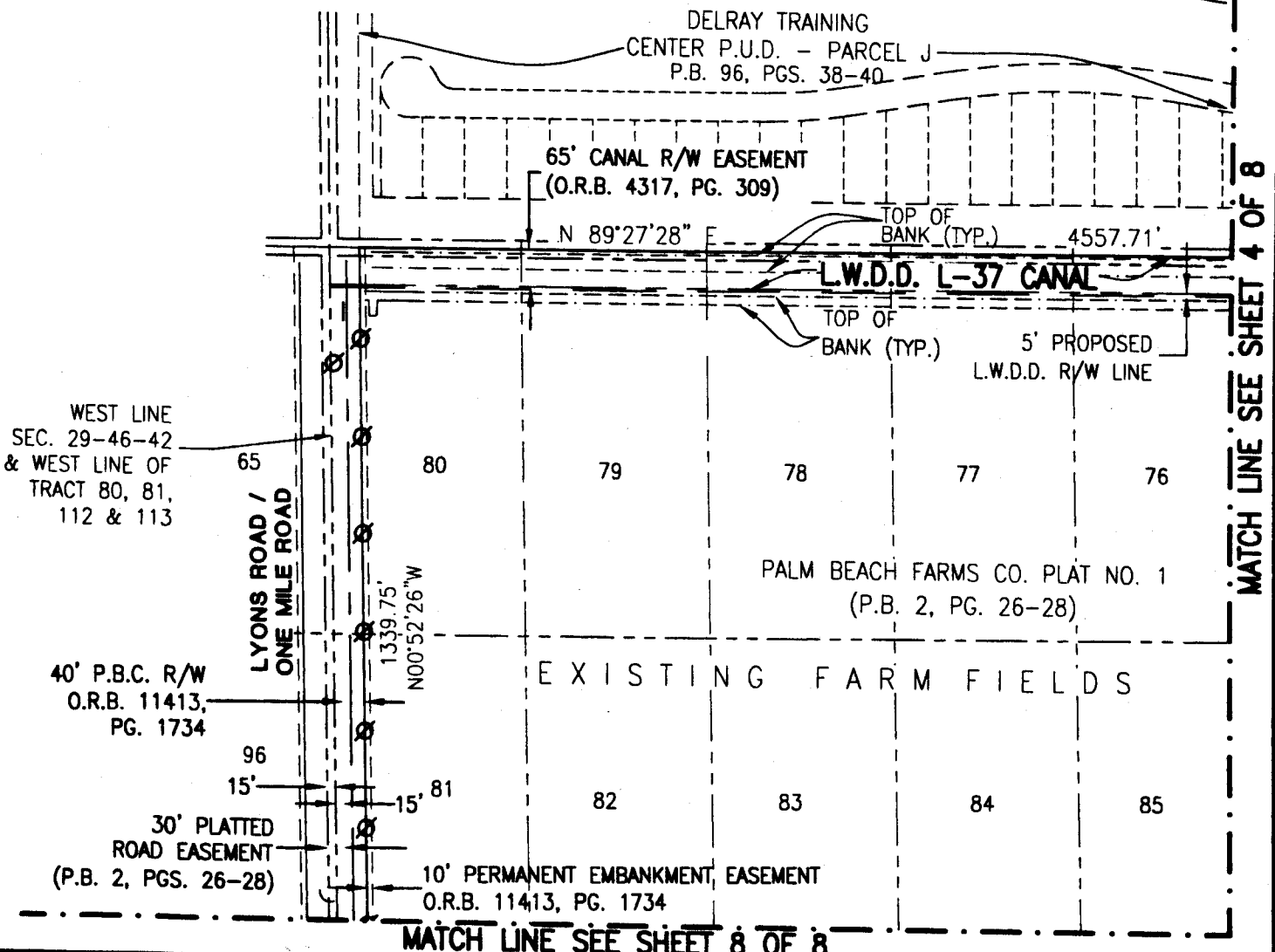
PROJECT MANAGER PCW	DEPARTMENT MANAGER PCW	SCALE: AS SHOWN	CHECKED BY PCW
SHEET TITLE SKETCH OF BOUNDARY SURVEY 30' PLATTED ROAD EASEMENT ABANDONMENT SHEET 2 OF 8		DATE: 09-13-07	DRAWN BY JAF
		PROJECT NUMBER WP00A448	DRAWING NUMBER A448RW-ABAND02

EXHIBIT #2 SKETCH OF BOUNDARY SURVEY



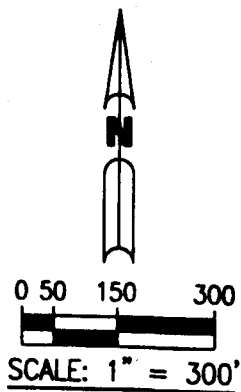
LEGEND:

- - SET 5/8" IRON ROD W/CAP L.B. #7062, UNLESS OTHERWISE NOTED.
- ☒ - DRAINAGE CONTROL STRUCTURE
- ∅ - EXISTING UTILITY POLE
- OHE— - OVERHEAD ELECTRIC
- A - ARC LENGTH
- Δ - DELTA ANGLE
- R - RADIUS
- O.R.B. - OFFICIAL RECORD BOOK
- P.B. - PLAT BOOK
- PGS. - PAGES
- U.E. - UTILITY EASEMENT
- L.W.D.D. - LAKE WORTH DRAINAGE DISTRICT
- SEC. - SECTION
- FND. - FOUND
- CONC. MON. - CONCRETE MONUMENT
- R/W - RIGHT-OF-WAY
- C.M.P. - CORRUGATED METAL PIPE
- D.B. - DEED BOOK
- MEAS. - MEASURED
- CALC. - CALCULATED



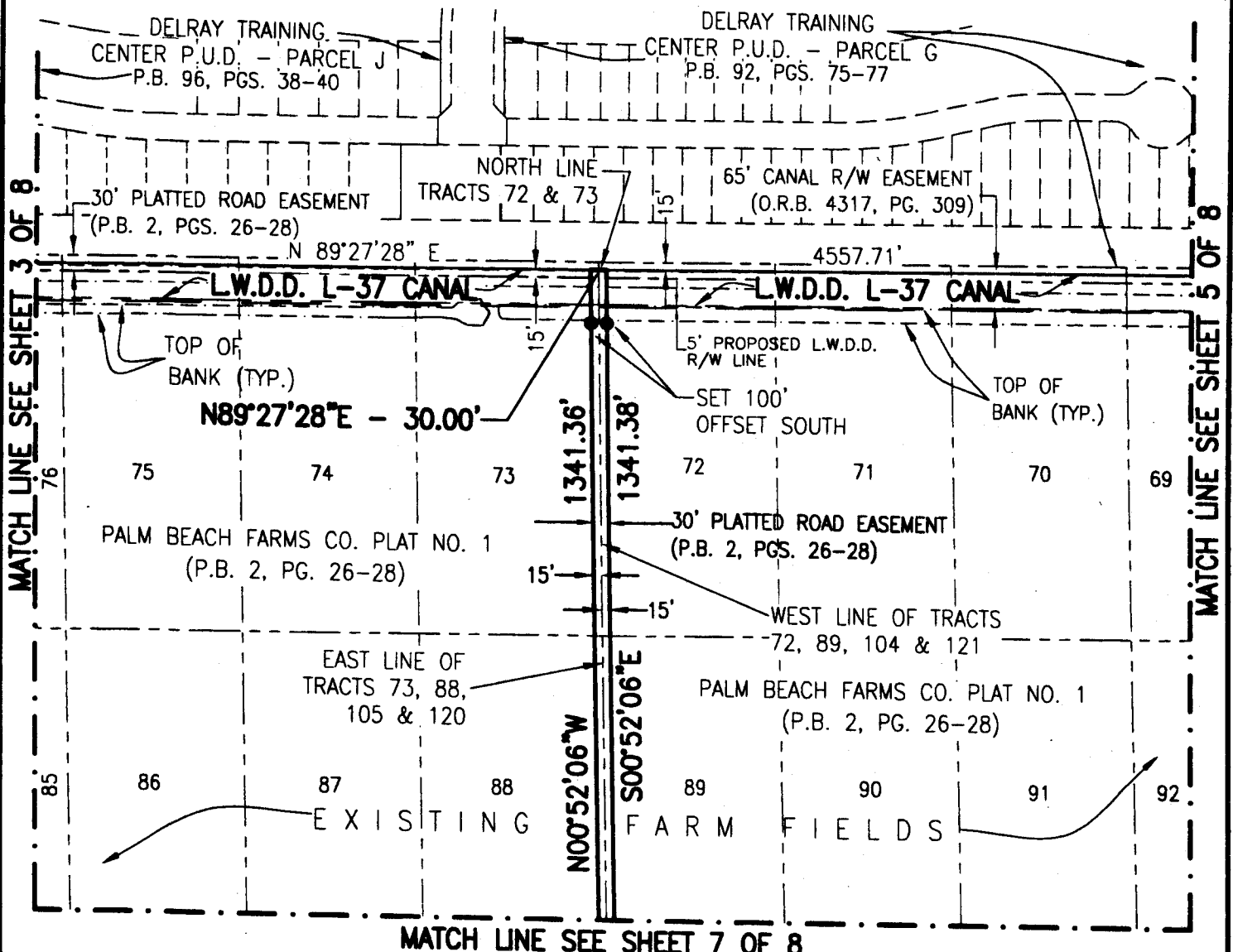
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	SHEET TITLE SKETCH OF BOUNDARY SURVEY 30' PLATTED ROAD EASEMENT ABANDONMENT		DATE: 10-02-07		DRAWN BY JAF
	SHEET 3 OF 8		PROJECT NUMBER WP00A448		DRAWING NUMBER A448RW-ABAND02
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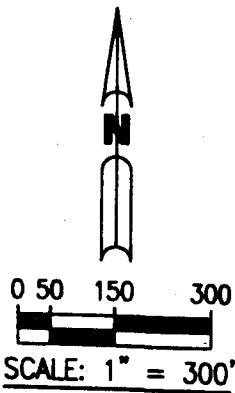
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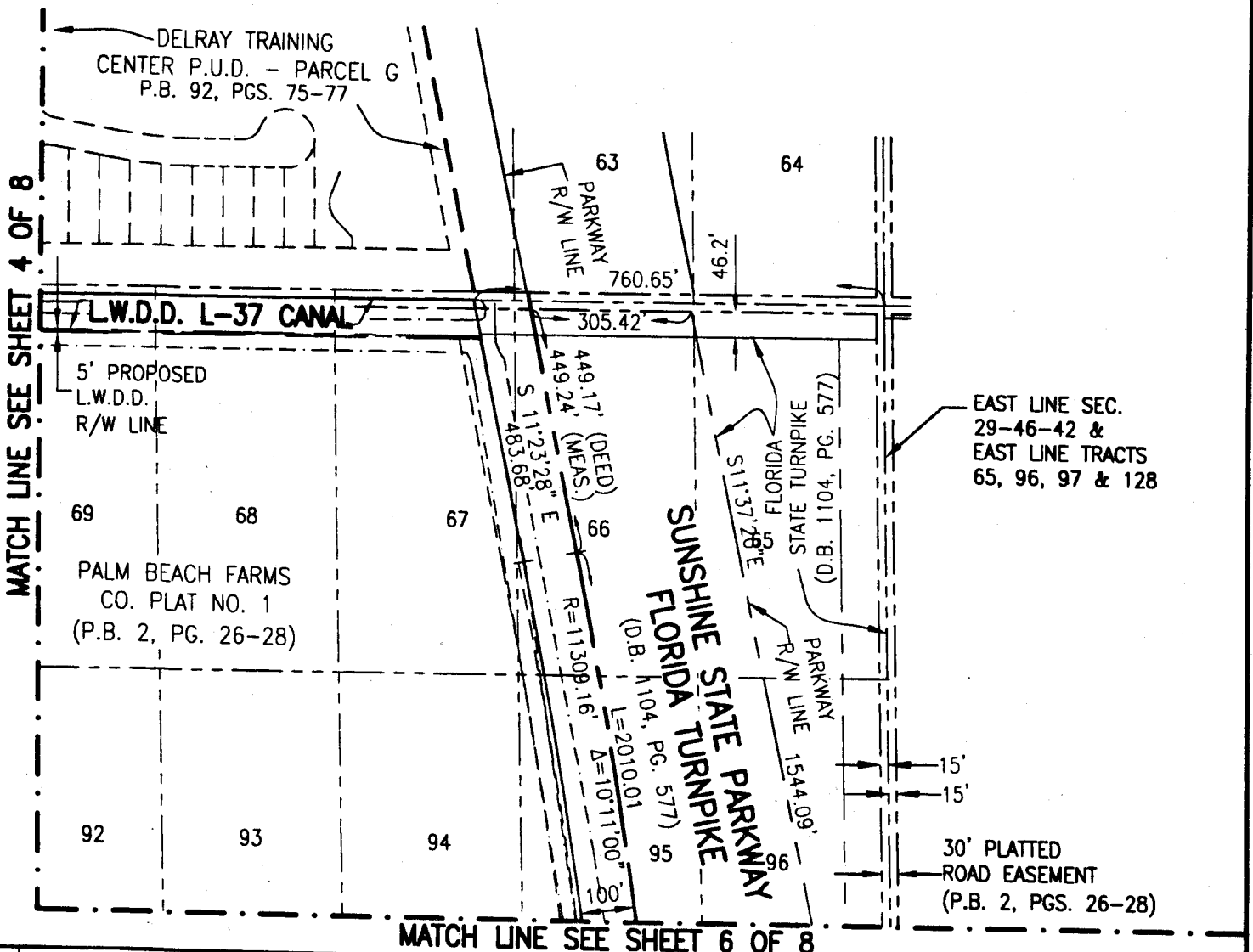
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	SHEET TITLE SKETCH OF BOUNDARY SURVEY 30' PLATTED ROAD EASEMENT ABANDONMENT			DATE: 10-02-07	DRAWN BY JAF
	PROJECT NUMBER WP00A448			DRAWING NUMBER A448RW-ABAND02	
	SHEET 4 OF 8				

EXHIBIT #2 SKETCH OF BOUNDARY SURVEY



LEGEND:

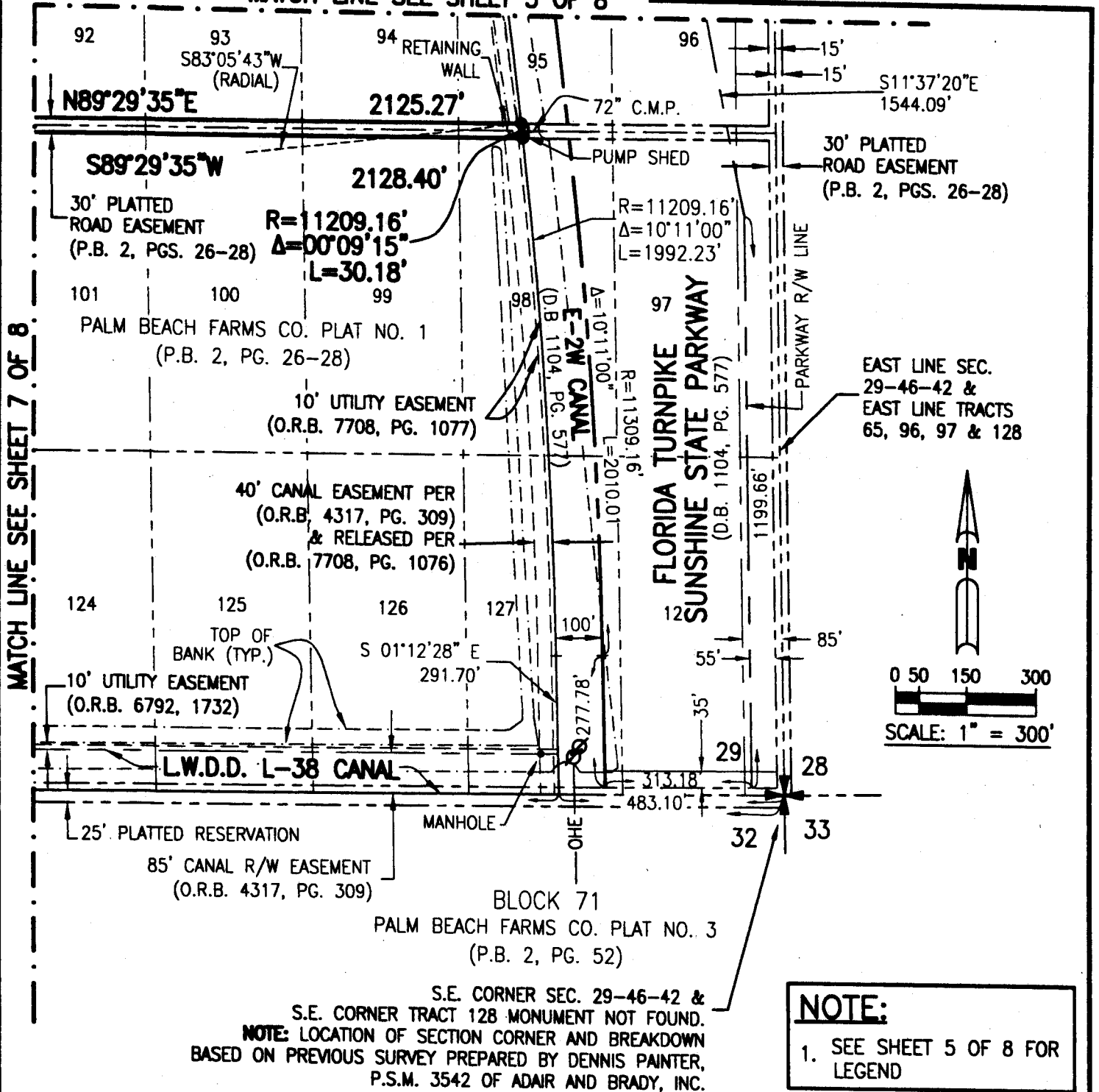
- - SET 5/8" IRON ROD W/CAP L.B. #7062, UNLESS OTHERWISE NOTED.
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	SHEET TITLE SKETCH OF BOUNDARY SURVEY 30' PLATTED ROAD EASEMENT ABANDONMENT SHEET 5 of 8		DATE: 10-02-07		DRAWN BY JAF
	PROJECT NUMBER WPO0A448		DRAWING NUMBER A448RW-ABAND02		
	Tel: (561) 697-7000 Fax: (561) 697-7751 www.arcadis-us.com				

EXHIBIT #2 SKETCH OF BOUNDARY SURVEY

MATCH LINE SEE SHEET 5 OF 8



NOTE:
1. SEE SHEET 5 OF 8 FOR LEGEND

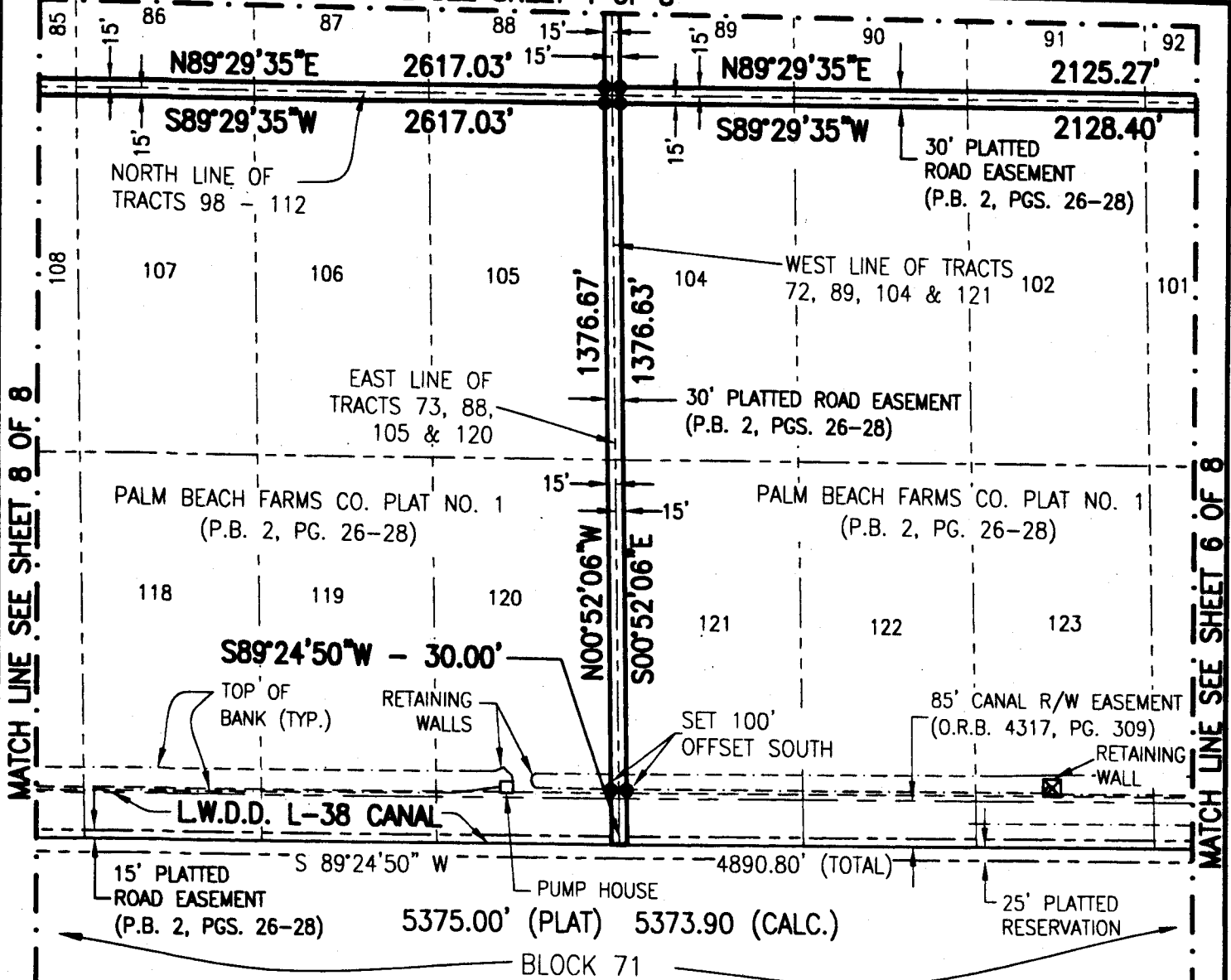
EXHIBIT #2 SKETCH OF BOUNDARY SURVEY



0 50 150 300

SCALE: 1" = 300'

MATCH LINE SEE SHEET 4 OF 8



MATCH LINE SEE SHEET 8 OF 8

MATCH LINE SEE SHEET 6 OF 8

LEGEND:

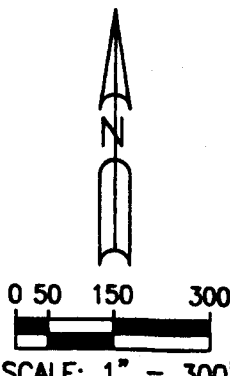
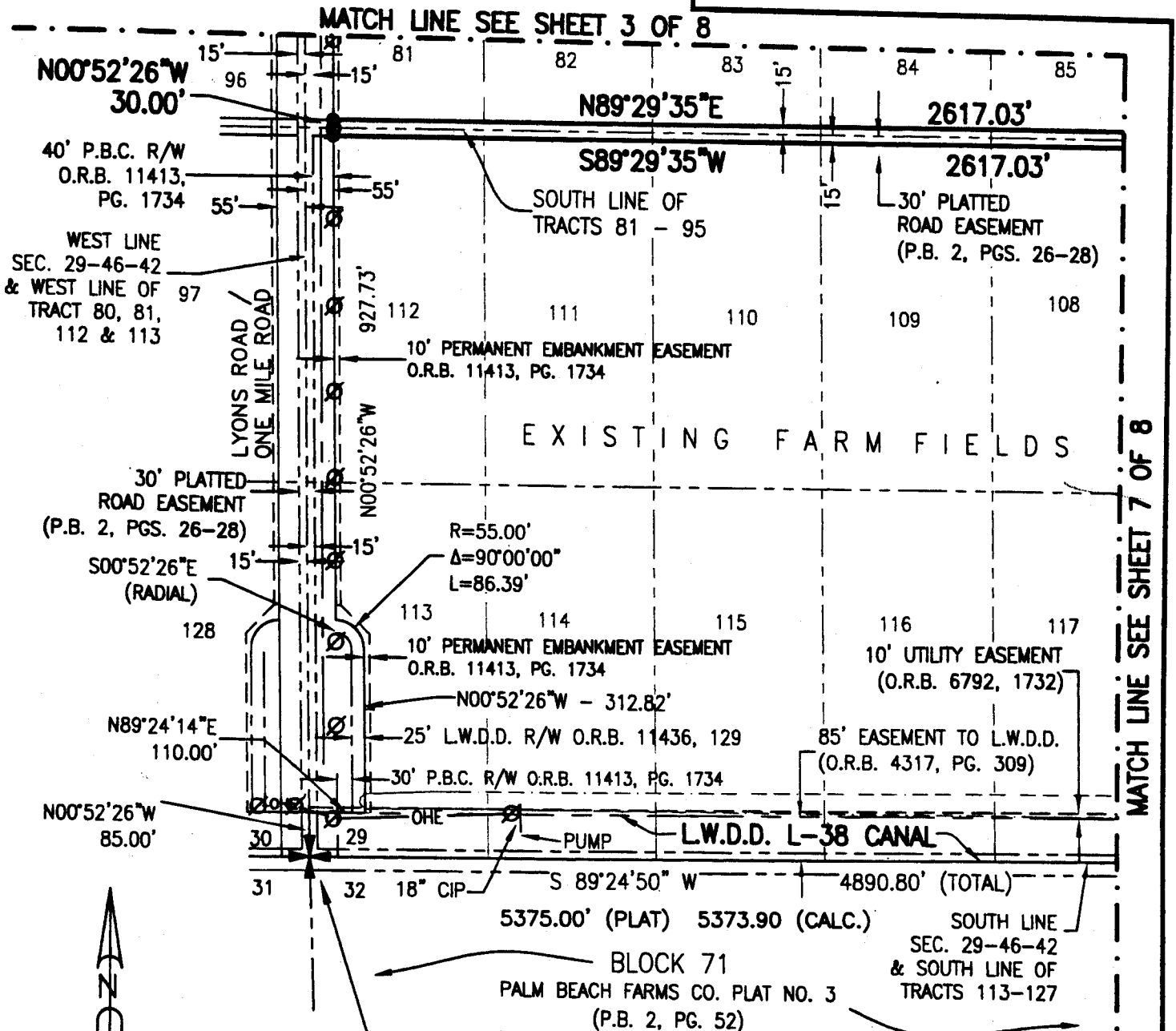
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	SHEET TITLE SKETCH OF BOUNDARY SURVEY 30' PLATTED ROAD EASEMENT ABANDONMENT SHEET 7 OF 8			DATE: 10-02-07	DRAWN BY JAF
				PROJECT NUMBER WP00A448	DRAWING NUMBER A448RW-ABAND02

EXHIBIT #2 SKETCH OF BOUNDARY SURVEY

NOTE:

1. SEE SHEET 5 OF 8 FOR LEGEND



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	SHEET TITLE SKETCH OF BOUNDARY SURVEY 30' PLATTED ROAD EASEMENT ABANDONMENT SHEET 8 OF 8		DATE: 10-02-07	DRAWN BY JAF
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