

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: July 22, 2008

☒ Consent

☐ Regular

☐ Workshop

☐ Public Hearing

Department:

Submitted By: Engineering and Public Works

Submitted For: Right-of-Way Acquisition Section

Project No. : 2003513

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to adopt: A Resolution authorizing the immediate exchange of 54.17 acres of Donald Ross Road right-of-way that is no longer required, for 5.1782 acres of environmentally sensitive land within the Loxahatchee Slough Natural Area. This land is needed for the Jog Road, from Hood Road to Donald Ross Road project (Project).

SUMMARY: This action authorizes the exchange of right-of-way for Donald Ross Road west of Jog Road for land classified as conservation land, that is required for the Project.

District 1 (PK)

Background and Justification: In the mid 1950's, land was conveyed to Palm Beach County to be used for the right-of-way for the extension of Donald Ross Road. This right-of-way was located in Sections 19, 20, 21, 28, 29 and 30, Township 41 South, Range 42 East, and contains 54.17 acres. The land which is needed for the Project is under the Conservation Lands Protection Ordinance No. 2003-052 (Ordinance) and contains 5.1782 acres. The Ordinance requires that a request to use or convey an interest in conservation lands for purposes other than originally intended be offset by an offer that provides a benefit to the Conservation Lands Program. The 54.17 acres of Donald Ross road right-of-way is to be preserved as additional environmentally sensitive land within the Loxahatchee Slough Natural Area pursuant to the Ordinance. On May 18, 2004, the Board of County Commissioners (BCC) approved Resolution R-2004-0934 that conceptually authorized the subject exchange. The construction of this segment of Jog Road will provide a continuous north/south route from PGA Boulevard to Donald Ross Road. The adoption of this resolution authorizing the exchange of the lands described in Exhibit "A" and Exhibit "B" of the resolution will satisfy the intent of Resolution R-2004-0934 and provide the necessary right-of-way to complete the Project. The adoption of this resolution is also deemed to be in the best interest of Palm Beach County.

Attachments:

1. Location Map
2. Resolution with Exhibit "A" and Exhibit "B"

Recommended by: _____

Division Director

Date

Approved by: _____

S. T. Webb
County Engineer

7/2/08
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-	-0-

ADDITIONAL FTE
POSITIONS (Cumulative) _____

Is Item Included in Current Budget? Yes _____ No ____
Budget Acct No.: Fund _____ Dept. _____ Unit _____ Object _____
Program _____

B. Recommended Sources of Funds/Summary of Fiscal Impact:

This item has no additional fiscal impact.

C. Departmental Fiscal Review: R. D. Ward 6/18/08

III. REVIEW COMMENTS

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

Atwillhite 7-8-08
OFMB
SN 7/8/08 CN 7/9/08

Don J. Acosta 7/19/08
Contract Dev. and Control
6/19/08

B. Approved as to Form and Legal Sufficiency:

Paul F. J. 7/10/08.
Assistant County Attorney

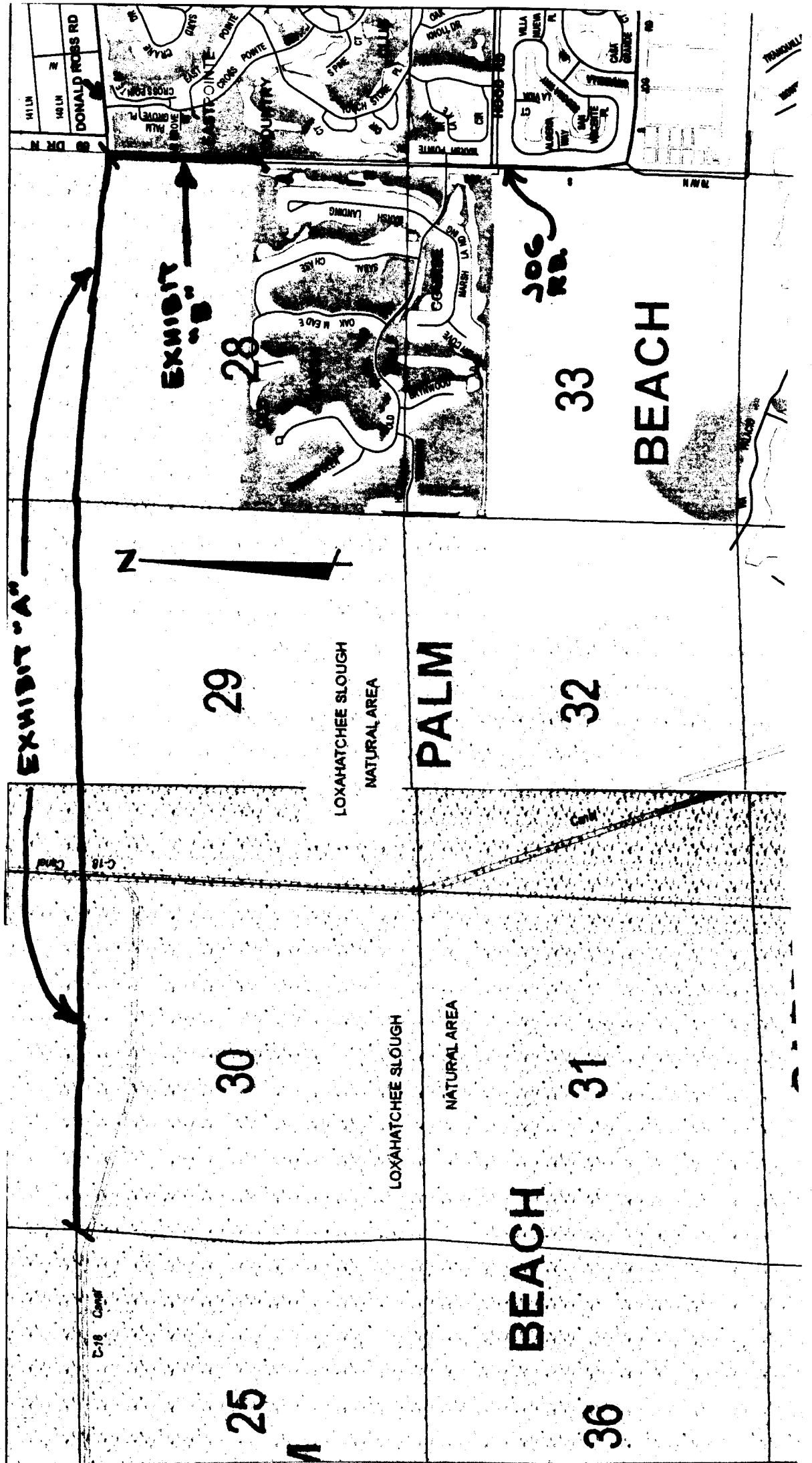
C. Other Department Review:

Richard E. Wobley
Department Director

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

I:\WP\AgendaPage2\Agnpgtwo2008\00230.No Impact

LOCATION MAP



RESOLUTION NO. R-2008-

**RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA,
AUTHORIZING THE IMMEDIATE EXCHANGE OF 54.17
ACRES OF DONALD ROSS ROAD RIGHT-OF-WAY THAT
IS NO LONGER REQUIRED, FOR 5.1782 ACRES OF
ENVIRONMENTALLY SENSITIVE LAND WITHIN THE
LOXAHATCHEE SLOUGH NATURAL AREA THAT IS
NEEDED FOR THE JOG ROAD, FROM HOOD ROAD TO
DONALD ROSS ROAD PROJECT .**

WHEREAS, the 54.17 acres of land was conveyed to Palm Beach County in the mid 1950s for the extension of Donald Ross Road; and,

WHEREAS, this land is no longer needed for the right-of-way of Donald Ross Road because of changes to the Palm Beach County Thoroughfare Right-of-Way Identification Map; and,

WHEREAS, the 5.1782 acres of land needed for the Jog Road, from Hood Road to Donald Ross Road project is under the Conservation Lands Protection Ordinance No. 2003-052; and,

WHEREAS, Ordinance No. 2003-052 requires that a request to use or convey an interest in conservation lands for purposes other than originally intended be offset by an offer that provides a benefit to the Conservation Lands Program; and,

WHEREAS, the 54.17 acres of land no longer needed for the right-of-way of Donald Ross Road is to be preserved as additional environmentally sensitive land within the Loxahatchee Slough Natural Area pursuant to Ordinance No. 2003-052; and,

WHEREAS, on May 18, 2004, the Board of County Commissioners adopted Resolution R-2004-0934 that conceptually authorized this exchange; and,

WHEREAS, the construction of this segment of Jog Road will provide a continuous north/south route from PGA Boulevard to Donald Ross Road; and,

WHEREAS, the adoption of this Resolution authorizing the exchange of the lands described in Exhibit "A" and Exhibit "B" will satisfy the intent of Resolution R-2004-0934 and provide the necessary right-of-way to complete the Jog Road, from Hood Road to Donald Ross Road project and,

WHEREAS, the adoption of this Resolution is in the best interest of Palm Beach County.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY
COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, THAT:**

- a. This Board adopts and ratifies those matters set forth in the foregoing recitals.

BE IT FURTHER RESOLVED that the adoption of this resolution authorizes the immediate exchange of the lands described in Exhibit "A" and Exhibit "B".

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.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

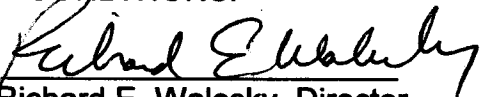
PALM BEACH COUNTY,
FLORIDA, BY ITS BOARD OF
COUNTY COMMISSIONERS

Sharon R. Bock, Clerk & Comptroller

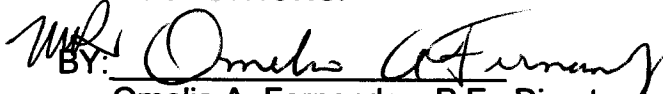
BY: _____
County Attorney

BY: _____
Deputy Clerk

APPROVED AS TO TERMS
AND CONDITIONS:

BY: 
Richard E. Walesky, Director
Environmental Resources Management

APPROVED AS TO TERMS
AND CONDITIONS:

BY: 
Omelio A. Fernandez, P.E., Director,
Engineering Public Works & Operations Division

DONALD ROSS ROAD
EXISTING 150.00 FOOT RIGHT-OF-WAY WEST OF JOG ROAD

LEGAL DESCRIPTION:

A PARCEL OF LAND LYING IN A PORTION OF SECTIONS 19, 20, 21, 28, 29 AND 30, TOWNSHIP 41 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH 75.00 FEET OF SECTION 19, TOWNSHIP 41 SOUTH, RANGE 42 EAST LESS THE RIGHT-OF-WAY FOR STATE ROAD 7 ACCORDING TO DEED BOOK 943, PAGE 73, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA;

THE SOUTH 75.00 FEET OF SECTION 20, TOWNSHIP 41 SOUTH, RANGE 42 EAST;

THE SOUTH 75.00 FEET OF SECTION 21, TOWNSHIP 41 SOUTH, RANGE 42 EAST, LESS THE EAST 170.29 FEET FOR JOG ROAD;

THE NORTH 75.00 FEET OF SECTION 28, TOWNSHIP 41 SOUTH, RANGE 42 EAST, LESS THE EAST 170.26 FEET FOR JOG ROAD;

THE NORTH 75.00 FEET OF SECTION 29, TOWNSHIP 41 SOUTH, RANGE 42 EAST;

THE NORTH 75.00 FEET OF SECTION 30, TOWNSHIP 41 SOUTH, RANGE 42 EAST, LESS THE RIGHT-OF-WAY FOR STATE ROAD 7, ACCORDING TO DEED BOOK 943, PAGE 73, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL CONTAINS 2,359.901 SQUARE FEET OR 54.1759 ACRES MORE OR LESS.

NO SEARCH OF THE PUBLIC RECORDS WAS MADE BY THE SIGNING SURVEYOR.

THIS IS NOT A SURVEY.

THIS INSTRUMENT PREPARED BY NORMAN J. HOWARD, P.S.M., IN THE OFFICE OF THE COUNTY ENGINEER, 160 AUSTRALIAN AVENUE, SUITE # 405, WEST PALM BEACH, FLORIDA.

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

N. Howard
NORMAN J. HOWARD, P.S.M.
FLORIDA CERTIFICATE # 5776

8-7-03
DATE


PROJECT NO. 03513	SHEET 3	PROJECT DONALD ROSS ROAD EXISTING 150.00' R/W WEST OF JOG ROAD	DESIGN FILE NAME 03513DonaldRoss.	DRAWING NO. S-1-03-1904	REVISION 1 EDIT TITLE	DATE 8/7/03		PALM BEACH COUNTY ENGINEERING AND PUBLIC WORKS ENGINEERING SERVICE 160 AUSTRALIAN AVENUE WEST PALM BEACH, FL 33411

EXHIBIT "A"
2043

LEGEND

D.B. = DEED BOOK
P. = PAGE
R/W = RIGHT OF WAY
W/O = WEST OF



SCALE: 1" = 300'

THIS IS NOT A SURVEY

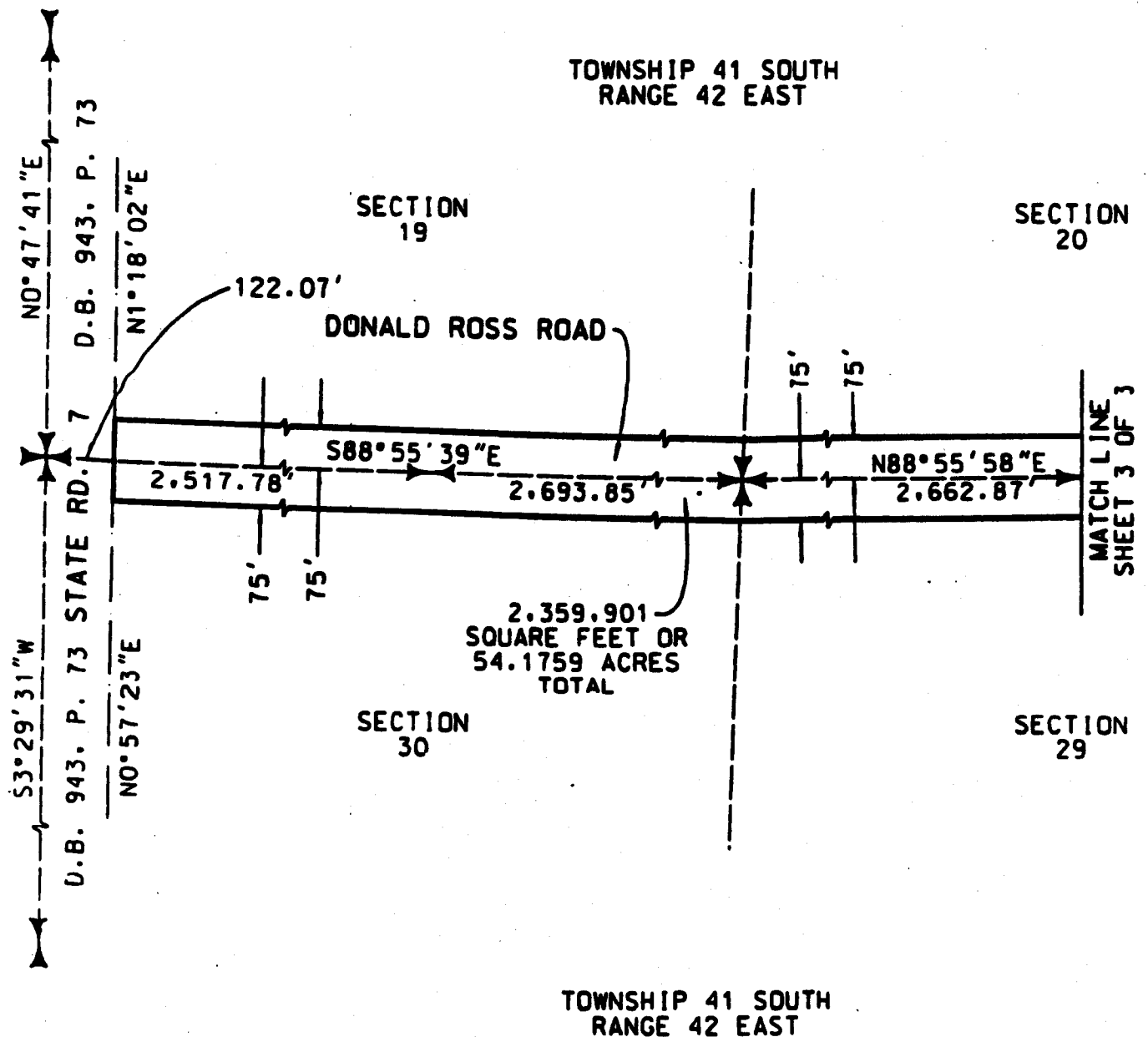


EXHIBIT "A"
3 of 3



SCALE: 1" = 300'
THIS IS NOT A SURVEY

TOWNSHIP 41 SOUTH
RANGE 42 EAST

SECTION
20

SECTION
21

MATCH LINE
SHEET 2 OF 3

SECTION
29

SECTION
28

DONALD ROSS ROAD

2.359.901
SQUARE FEET OR
54.1759 ACRES
TOTAL

JOG ROAD
(PROPOSED)

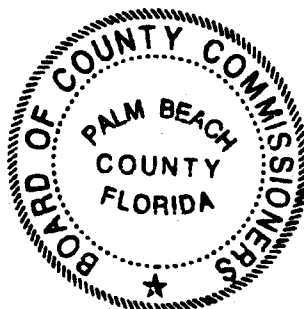
TOWNSHIP 41 SOUTH
RANGE 42 EAST

PROJECT NO. 03513 DRAWING NO. S-1-03-1904 PROJECT DONALD ROSS RD. EXISTING 150.00' R/W W/O JOG RD. SHEET 3 OF 3

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on: May 18, 2004

DATED at West Palm Beach, FL on 5-32-04
DOROTHY H. WILKEN, Clerk

By: Linda C. Hickman D.C.



LEGAL DESCRIPTION

A PARCEL OF LAND FOR RIGHT-OF-WAY PURPOSES LYING IN SECTION 28, TOWNSHIP 41 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 28; THENCE SOUTH 01°14'46" WEST ALONG THE EAST LINE OF SAID SECTION 28, A DISTANCE OF 75.15 FEET TO THE SOUTH RIGHT-OF-WAY OF DONALD ROSS ROAD ACCORDING TO DEED BOOK 1094, PAGE 569, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 01°14'46" WEST ALONG SAID EAST LINE OF SECTION 28, A DISTANCE OF 2,228.88 FEET TO THE SOUTH LINE OF THE NORTH HALF OF SAID SECTION 28, ALSO BEING THE NORTH LINE OF RIGHT-OF-WAY PARCEL FOR JOG ROAD ACCORDING TO OFFICIAL RECORD BOOK 4778, PAGE 1792 SAID PUBLIC RECORDS; THENCE NORTH 87°21'32" WEST ALONG SAID RIGHT-OF-WAY AND THE EASTERLY EXTENSION OF THE NORTH LINE OF THE PLAT OF OLD MARSH GOLF CLUB ACCORDING TO PLAT BOOK 58, PAGE 62 - 76 SAID PUBLIC RECORDS, A DISTANCE OF 100.03 FEET TO A LINE 100.00 FEET WEST OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE EAST LINE OF SAID SECTION 28; THENCE NORTH 01°14'46" EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 2,162.36 FEET; THENCE NORTH 41°56'42" WEST ALONG THE CHORD OF A 75 FOOT RADIUS CURVE, A DISTANCE OF 102.67 FEET TO THE SAID SOUTH RIGHT-OF-WAY LINE OF DONALD ROSS ROAD; THENCE SOUTH 85°08'09" EAST ALONG SAID RIGHT-OF-WAY, BEING 75.00 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE NORTH LINE OF SAID SECTION 28, A DISTANCE OF 170.61 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 225.563 SQUARE FEET OR 5.1782 ACRES MORE OR LESS.

PARCEL SUBJECT TO AN EXCLUSIVE 12 FOOT UTILITY EASEMENT TO SEACOAST UTILITY AUTHORITY, RECORDED IN O.R.B. 10264, PAGE 1783.

NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THE SIGNING SURVEYOR.

THIS INSTRUMENT PREPARED BY NORMAN J. HOWARD, P.S.M. IN THE OFFICE OF THE COUNTY ENGINEER, 160 AUSTRALIAN AVENUE, WEST PALM BEACH, FLORIDA 33406.

Norman J. Howard
NORMAN J. HOWARD, P.S.M.
FLORIDA CERTIFICATE NO. 5776

7-3-03
DATE

SEAL


PROJECT NO. 03513	SHEET 2	PROJECT JOG ROAD HOOD ROAD TO DONALD ROSS ROAD	DESIGN FILE NAME 03513.DGN	DRAWING NO. S-1-03-1896	DATE 07/01/03	REVISION 1 REVISE WIDTH	BY N.H.	DATE 7/03		PALM BEACH COUNTY ENGINEERING AND PUBLIC WORKS ENGINEERING SERVICE 160 AUSTRALIAN AVENUE WEST PALM BEACH, FL 33411

EXHIBIT "B"
2.82

SEE
DETAIL

929807.649
935216.811

P.O.C.
NORTHEAST CORNER OF
SECTION 28, TOWNSHIP
41 SOUTH, RANGE 42 EA

D.B. 1088
P. 70

D.B. 1031
P. 628
DONALD ROSS ROAD

S85°08'09"E
SOUTH R/W LINE

927370.293
932504.292

D.B. 1094
P. 569

D.B. 1041
P. 489

P.O.B.

927397.366
937756.826

N41°56'42"W
102.67'

S85°08'09"E
170.61'

10' UTILITY
EASEMENT
BY PLAT

EAST LINE OF
SECTION 28

100.00'

II I

SCALE: 1" = 300'

P.B. 56
P. 29

P.B. 41
P. 168

70' WATER
MANAGEMENT
TRACT BY PLAT

12' UTILITY EASEMENT TO
SEACOAST UTILITY AUTHORITY
O.R.B. 10264, PAGE 1783

N87°21'32"W
100.03'

924841.528
935100.652

O.R.B. 4778, P. 1792

DETAIL (N.T.S.)

LEGEND

- R/W = RIGHT-OF-WAY
- D.B. = DEED BOOK
- P.B. = PLAT BOOK
- O.R.B. = OFFICIAL RECORD BOOK
- P.O.C. = POINT OF COMMENCEMENT
- P.O.B. = POINT OF BEGINNING

925086.766
929784.444

SOUTH LINE OF
THE NORTH 1/2
OF SECTION 28
NORTH LINE OF OLD MARSH
GOLF CLUB P.B. 58, P. 62-76