

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: September 23, 2008[X] Consent [] Regular
[] Workshop [] 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 vacating a 40 foot wide Utility, Drainage & Access Easement lying between lots 21 and 22 within the Plat of Le Lac, Plat 2, as recorded in Plat Book 48 Page 61, Public Records of Palm Beach County, Florida.

SUMMARY: This petition site is located north of Clint Moore Road and east of Jog Road. The petitioners, who own lot 21 and lot 22, are requesting the vacation in order reconfigure and re-plat these lots accordingly.

District 5 (PK)

Background and Justification: The owners, George D. Perlman and Daniel Goldberg, as Co-Trustees of the Le Lac Land Trust, want to refigure these lots to allow additional land area within lot 21, and decrease the land area for lot 22. The abandonment will be recorded in concert with the recordation of the pre-plat. The re-plat (Le Lac, Plat 4) has been submitted for review and processing.

Utilities service providers have no objection to the vacation and there will be no adverse impact on the utility, drainage or access because replacement easements will be provided on the re-plat Le Lac, Plat 4.

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: _____
Division Director Date

Approved by: A. J. Webb 8/27/08
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: Shuff

III. REVIEW COMMENTS

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

Shwillhite 9.2.08
OFMB 9/2/08 8/29

Don J. Jant 9/3/08
Contract Dev. and Control 9/3/08

B. Legal Sufficiency:

Paul F. Jant 9/4/08
Assistant County Attorney

C. Other Department Review:

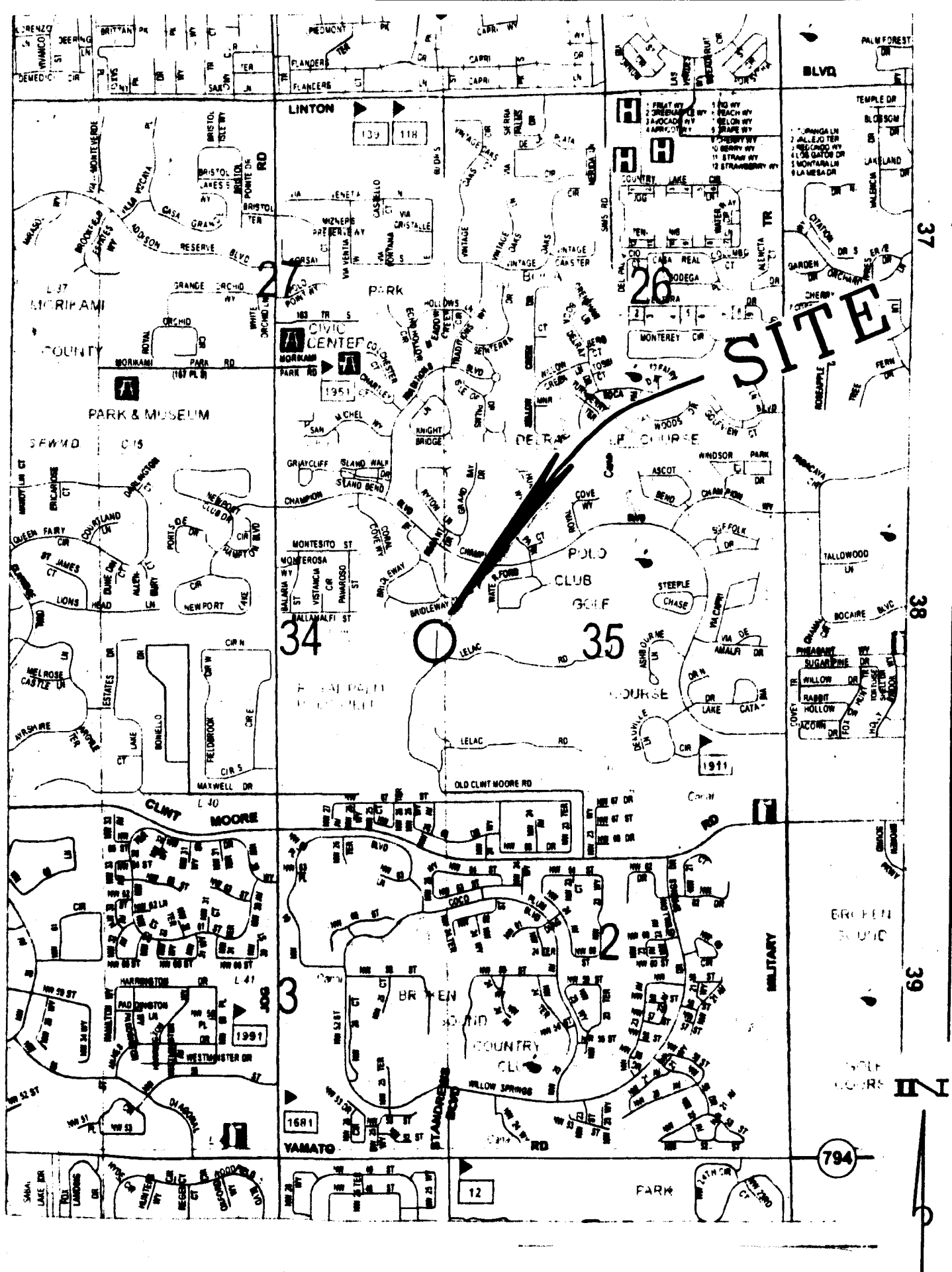
Division Director

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

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**VACATING 40' WIDE
UTILITY, DRAINAGE & ACCESS EASEMENT
BETWEEN LOTS 21 & 22
LE LAC, PLAT 2
PLAT BOOK 48 PAGE 61**

LOCATION SKETCH



RESOLUTION NO. R-2008-_____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, VACATING A FORTY (40) FOOT WIDE UTILITY, DRAINAGE & ACCESS EASEMENT LYING BETWEEN LOTS 21 AND 22 WITHIN THE PLAT OF LE LAC, PLAT 2, AS RECORDED IN PLAT BOOK 48 PAGE 61, 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 the forty (40) foot wide utility, drainage and access easement; and

WHEREAS, said petition to vacate said forty (40) foot wide utility, drainage and access easement was submitted by George D. Perlman and Daniel Goldberg, as Co-Trustees of the Le Lac Land Trust, 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 September 23, 2008 did hold a meeting on said Petition to abandon/vacate the forty (40) foot wide utility, drainage and access easement, and this Board determined that said abandonment/vacation conforms to Palm Beach County's Land Development Code.

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 forty (40) foot wide utility, drainage and access 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

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 34, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF LOTS 21 AND 22, LE LAC PLAT 2 AS RECORDED IN PLAT BOOK 48, PAGE 61 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH 20 FEET OF SAID LOT 21

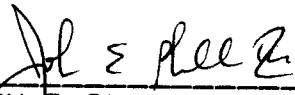
TOGETHER WITH:

THE NORTH 20 FEET OF SAID LOT 22

CONTAINING 18,395 SQUARE FEET (0.422 ACRES), MORE OR LESS.

ABBREVIATIONS

PB- PLAT BOOK
IR/C- #4 IRON ROD WITH
BROWN & PHILLIPS CAP
PRM- PERMANENT REFERENCE
MONUMENT


JOHN E. PHILLIPS, III
PROFESSIONAL LAND SURVEYOR
STATE OF FLORIDA NO. 4826
DATE: 7/16/08



BROWN & PHILLIPS, INC.

PROFESSIONAL SURVEYING SERVICES
CERTIFICATE OF AUTHORIZATION # LB 6473
901 NORTHPOINT PKWY, SUITE 305, W.P.B. FLORIDA 33407
(561) 615-3988, (561) 615-3986 FAX

SKETCH OF
BOUNDARY SURVEY

DRAWN: DKN	PROJ. No. 07-047
CHECKED: TB	SCALE: NONE
EASEMENT ABANDONMENT	DATE: SEPT. 2007
	SHEET 1 OF 3

SURVEY REPORT

1. THIS IS A BOUNDARY SURVEY AS DEFINED IN CHAPTER 61G17-6.002(10), FLORIDA ADMINISTRATIVE CODE. FIELD WORK COMPLETED ON SEPTEMBER 12, 2007.
2. SURVEY BASED ON LE LAC-PLAT 2 AS RECORDED IN PLAT BOOK 48, PAGE 6 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.
3. BEARINGS BASED ON S00°04'18"W ALONG THE WEST LINE OF LE LAC- PLAT 2.
4. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT.
THERE MAY BE ADDITIONAL EASEMENTS AND/OR RESTRICTIONS NOT SHOWN ON THIS SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF PALM BEACH COUNTY.
NO SEARCH OF THE PUBLIC RECORDS HAS BEEN PERFORMED BY BROWN & PHILLIPS, INC.
5. ● DENOTES SET #4 IRON ROD WITH BROWN & PHILLIPS, INC. CAP, UNLESS NOTED OTHERWISE.
○ DENOTES SET NAIL WITH BROWN & PHILLIPS, INC. DISK, UNLESS NOTED OTHERWISE.
6. NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED AS PART OF THIS SURVEY, UNLESS SHOWN HEREON.
7. THE CURRENT USE OF THE SUBJECT PROPERTY IS A UTILITY, DRAINAGE AND ACCESS EASEMENT. THIS USE FALLS WITHIN THE SUBURBAN RISK CATEGORY AS CLASSIFIED IN CHAPTER 61G17-6.003, FLORIDA ADMINISTRATIVE CODE.
ALL FIELD-MEASURED CONTROL MEASUREMENTS EXCEEDED THE ACCURACY REQUIREMENTS FOR THIS CLASSIFICATION.
8. THE CONTRACTED PURPOSE OF THIS SURVEY IS TO MEET THE SURVEY REQUIREMENT FOR THE ABANDONMENT OF THE 40' WIDE UTILITY, DRAINAGE AND ACCESS EASEMENT.
9. THE SKETCH OF SURVEY AND SURVEY REPORT COMPRISE THE COMPLETE SURVEY.
THIS SURVEY IS NOT VALID UNLESS THE SKETCH AND REPORT ACCOMPANY EACH OTHER.
REPRODUCTIONS OF THIS SURVEY ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER EMPLOYED BY BROWN & PHILLIPS, INC.
10. THIS SURVEY WAS PREPARED FOR THE PARTIES LISTED BELOW AND IS NOT ASSIGNABLE:
A) BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY
B) LE LAC LAND TRUST

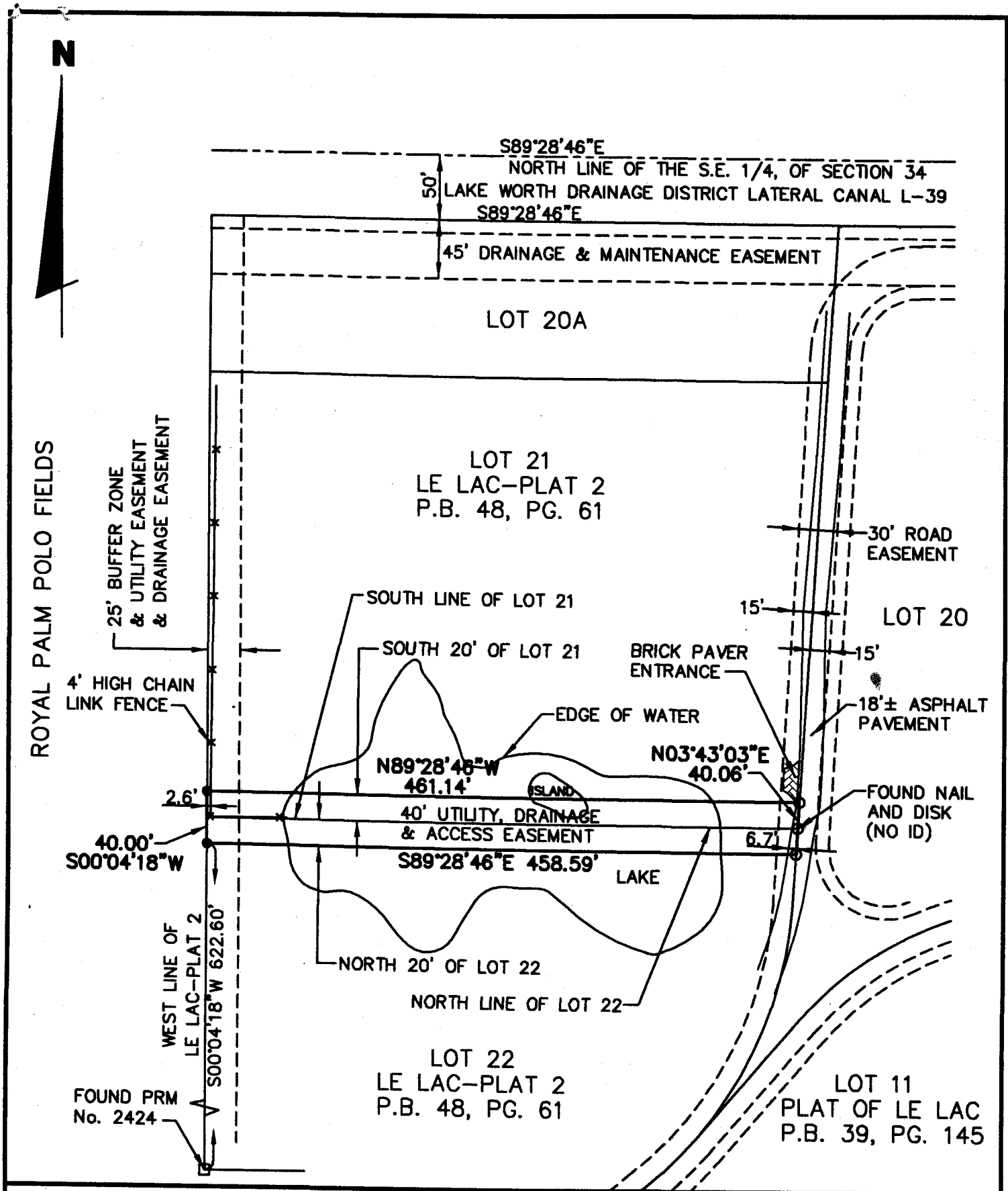


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SKETCH OF BOUNDARY SURVEY

DRAWN: DKN	PROJ. No. 07-047
CHECKED: TB	SCALE: NONE
EASEMENT ABANDONMENT	DATE: SEPT. 2007
	SHEET 2 OF 3



B BROWN & PHILLIPS, INC.

PROFESSIONAL SURVEYING SERVICES
 CERTIFICATE OF AUTHORIZATION # LB 6473
 901 NORTHPOINT PKWY, SUITE 305, W.P.B. FLORIDA 33407
 (561) 615-3988, (561) 615-3986 FAX

SKETCH OF BOUNDARY SURVEY

DRAWN: DKN	PROJ. No. 07-047
CHECKED: TB	SCALE: 1" = 100'
EASEMENT ABANDONMENT	DATE: SEPT. 2007
	SHEET 3 OF 3