

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY

Meeting Date: November 18, 2008  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 eight feet of a twenty-eight foot wide maintenance easement within Lot 75, Woods Walk Plat Two, as recorded in Plat Book 58, Pages 6-8, Public Records of Palm Beach County, Florida.

SUMMARY: This petition site is located on the north side of Lake Worth Road and east of State Road 7. The vacation of a portion of the maintenance easement will increase the buildable lot area, allowing the construction of a swimming pool.

District 6 (PK)

Background and Justification: The owner, Erik Frasco, is requesting the vacation of a portion of the twenty-eight foot wide maintenance easement. This vacation will increase the buildable lot area, allowing the construction of a swimming pool.

The maintenance easement was platted eight feet wider than Palm Beach County's standard in order to accommodate a planned pedestrian path. The requirement for the pedestrian path was subsequently eliminated (condition No. 2 of R-88-1203). The eight feet can be abandoned without impacting the maintenance easement.

Continued on Page 3

Attachments:

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

Recommended by: \_\_\_\_\_

*K. Slays*  
Division Director

*22 Oct 08*  
Date

Approved by: \_\_\_\_\_

*T. Webb*  
County Engineer

*10/28/08*  
Date

**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

Fiscal Years	2009	2010	2011	2012	2013
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	<b>* See below</b>				
<b># ADDITIONAL FTE POSITIONS (Cumulative)</b>	_____	_____	_____	_____	_____

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:** *[Signature]*

**III. REVIEW COMMENTS**

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

*atwillhite 10.29.08*  
*SW 10/29/08 CN 10/29/08*  
OFMB *[Signature]*

*Jim J. Jacoff 10/29/08*  
Contract Dev. and Control  
*[Signature]* 10/29/08

**B. Legal Sufficiency:**

*Paul F. J. 10/30/08*  
Assistant County Attorney

**C. Other Department Review:**

\_\_\_\_\_  
Division Director

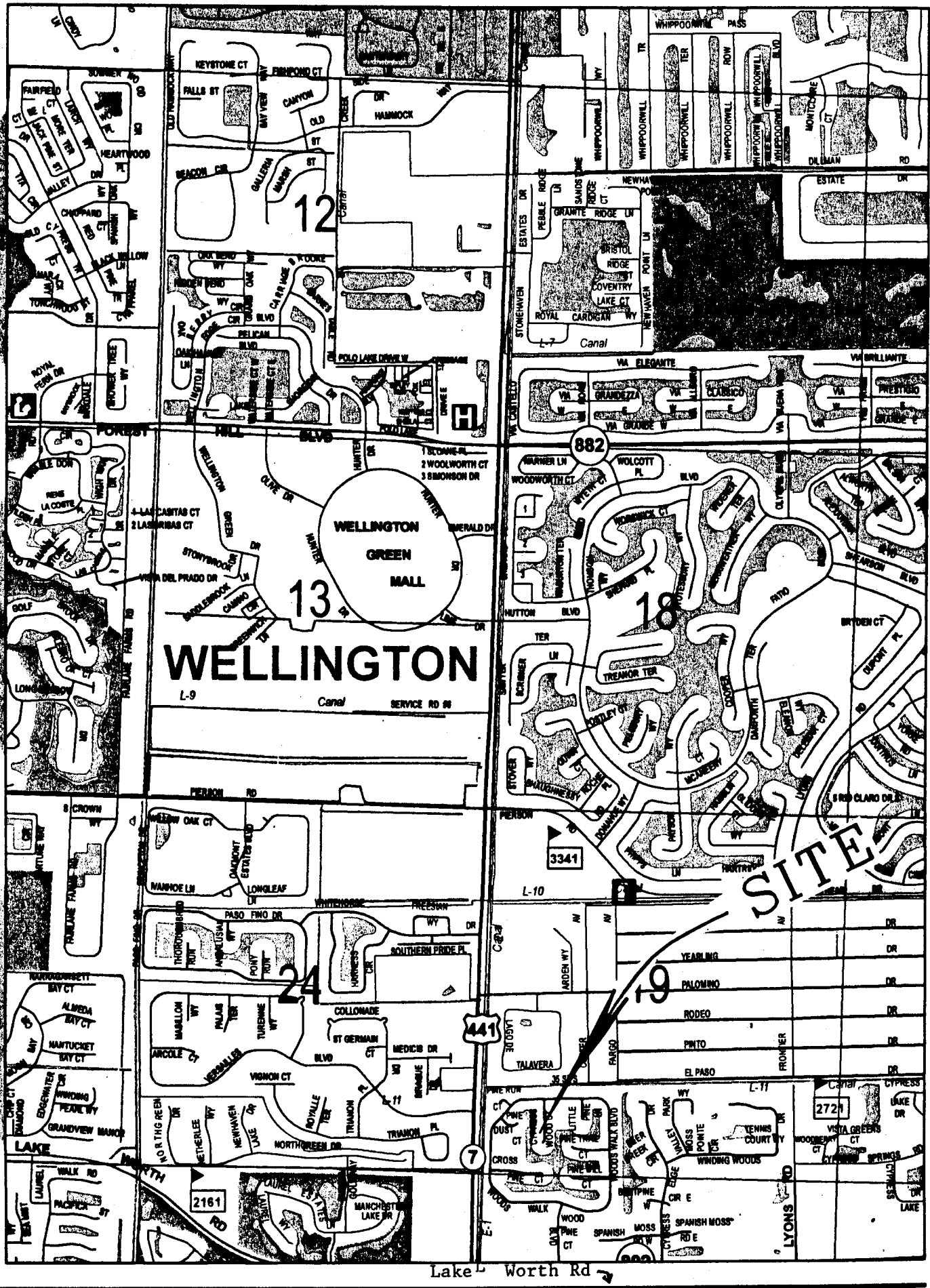
This summary is not to be used as a basis for payment.

**Background and Justification:** (Continued from Page 1)

The maintenance easement is the responsibility of the Woods Walk Homeowners' Association, Inc., and they have no objection to the proposed vacation.

To ensure that the lake bank slopes are not altered and remain in accordance with the current design code requirements during the construction of the swimming pool, the petitioner has agreed to submit a final sealed survey of the reconstructed lake bank, certifying to the proper slope. The petitioner's failure to comply with this requirement will result in this being brought to Code Enforcement for action.

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.



**VACATING 8' OF A 28' WIDE MAINTENANCE EASEMENT  
 LOT 75, WOODS WALK PLAT TWO  
 PLAT BOOK 58, PAGES 6-8**

**LOCATION SKETCH**



RESOLUTION NO. R-2008-\_\_\_\_\_

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, VACATING EIGHT FEET OF A TWENTY-EIGHT-FOOT WIDE MAINTENANCE EASEMENT WITHIN LOT 75, WOODS WALK PLAT TWO, AS RECORDED IN PLAT BOOK 58, PAGES 6-8, 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, of eight feet of the twenty-eight-foot wide maintenance easement within Lot 75 of said plat; and

WHEREAS, said petition to vacate said easement was submitted by Erik Frasco; 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 November 18, 2008, did hold a meeting on said petition to vacate, and this Board determined that said portion of the easement is in excess of the requirements of County Standards for such maintenance easements.

WHEREAS, to ensure that the lake bank slopes are not altered and remain in accordance with the current design code requirements during the construction of the swimming pool, the petitioner has agreed to submit a final sealed survey of the reconstructed lake bank, certifying to the proper slope. The petitioner's failure to comply with this requirement will result in this being brought to Code Enforcement for action; and

RESOLUTION NO. R-2008-\_\_\_\_\_

**WHEREAS**, the Engineering Department, Land Development Division, will advise Building Division of Planning, Zoning & Building Department to withhold final construction approval until the requested sealed survey has been received and approved by Land Development Staff.

**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. Eight feet of a twenty-eight-foot wide maintenance 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 that portion of 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:

District 1: Karen T. Marcus

District 2: John F. Koons

District 3:

District 4: Mary McCarty

District 5:

District 6: Jess R. Santamaria

District 7:

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**

Lot 75, WOODS WALK PLAT TWO, according to the plat thereof, as recorded in Plat Book 58, pages 6 through 8, inclusive, of the Public Records of Palm Beach County, Florida.

SUBJECT TO easements, reservations, restrictions and rights of way of record, if any.

Containing: 10,350 square feet, more or less (0.238 Acres, more or less)

**LEGAL DESCRIPTION OF ABANDONMENT**

The Easterly 8 feet of the 28 foot maintenance easement lying on Lot 75, WOODS WALK PLAT TWO, according to the plat thereof, as recorded in Plat Book 58, pages 6 through 8, inclusive, of the Public Records of Palm Beach County, Florida.

Containing: 885 square feet, more or less

**NOTES:**

1. All set capped iron rods noted hereon are 1/2 inch in diameter and marked LB 3752 on the cap.
2. All bearings shown hereon are based upon an assumed bearing of North 02°-53'-34" East along the West line of WOODS WALK PLAT TWO as shown on said plat.
3. Lands shown hereon were not abstracted by this office for easements, reservations, restrictions and rights of way of record.
4. Legal description shown hereon was furnished to this office by the client. The legal description for the proposed abandonment of a portion of the 28 foot maintenance easement was prepared by this office.
5. Underground improvements, if any, were not located.
6. Elevations are National Geodetic Vertical Datum of 1929.
7. By graphic plotting only the subject property is located in Flood Zone "B", information taken from Firm Flood Insurance Rate Map Community Panel Number 120192 0160 A, dated February 1, 1979.
8. This survey document, as an instrument of service, is intended only for the specific purpose and client for which it was prepared and certified. Reuse of and/or reliance on this document for any other purpose without written authorization and adaptation by Ewing and Shirley, Inc. shall be without liability to Ewing and Shirley, Inc.
9. Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.

**CERTIFICATION**

I HEREBY CERTIFY TO: **ERIK R. FRASCO** that the survey shown hereon was prepared under my direction for the purpose of: **easement abandonment** according to a legal description furnished as shown hereon in the absence of an abstract and that it is accurate to the best of my knowledge and belief and further that said survey meets the minimum technical standards set forth by the Florida Board of Land Surveyors, pursuant to Section 472.027 Florida Statutes and Chapter 61G17-6 of the Florida Administrative Code. This survey is only valid for the purpose as stated above, for which it is intended.

Date of Survey: February 29, 1988  
Resurveyed: July 23, 2008

EWING AND SHIRLEY, INC. LB 3752

*Kent W. Ewing*  
Kent W. Ewing  
Professional Surveyor and Mapper  
Florida Certificate No. 3884

**BOUNDARY SURVEY FOR ERIK R. FRASCO**

**EWING AND SHIRLEY, INC.**  
SURVEYORS AND MAPPERS  
5313 10TH AVENUE NORTH  
GREENACRES, FLORIDA 33463  
TELE: (561) 968-0421 \* FAX (561) 968-0478

DATE: 8-04-08

SCALE: N/A

DRAWN BY: KE

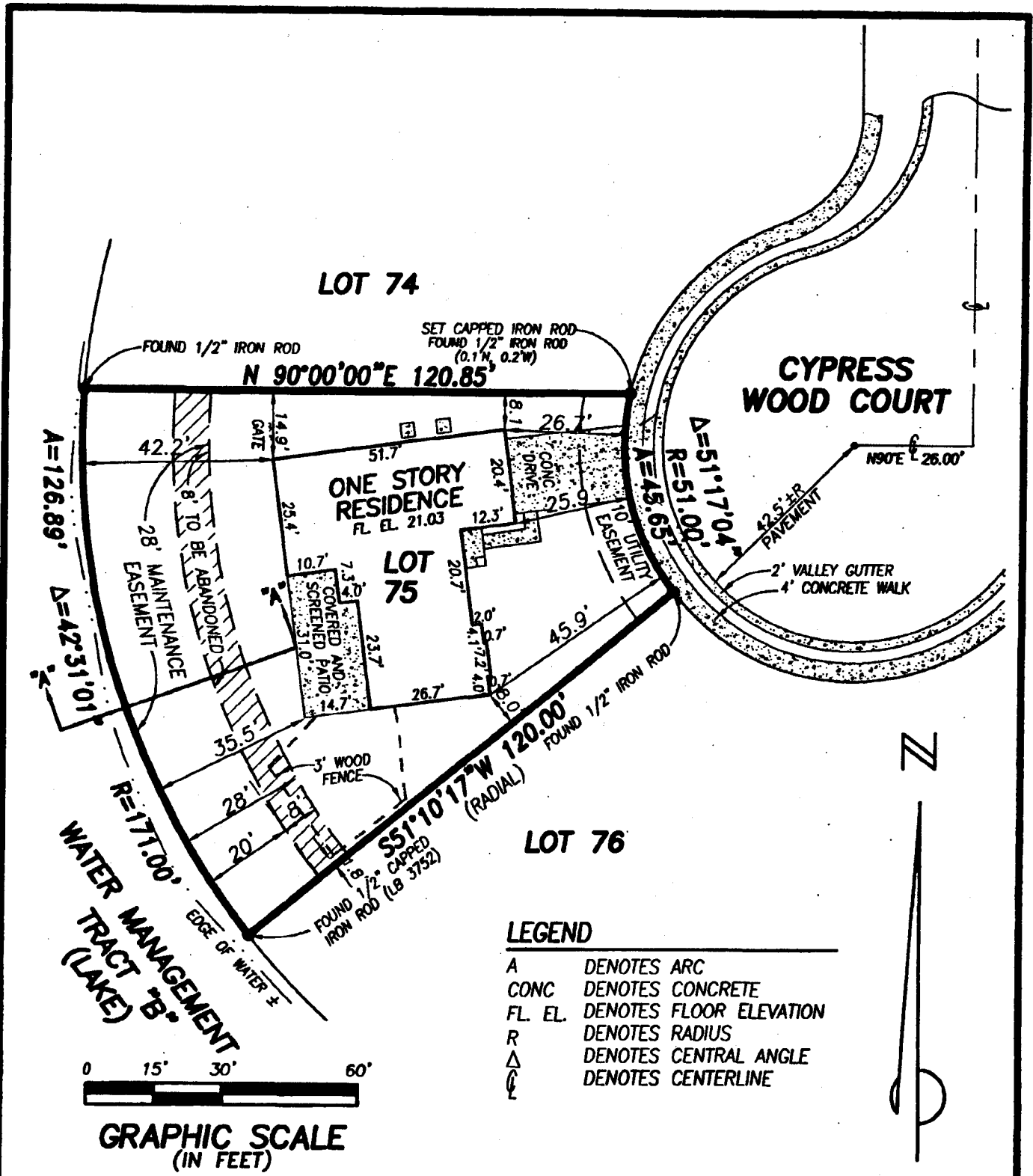
SHEET 1 of 4

REVISIONS:

DRAWING NO.

**08-056**



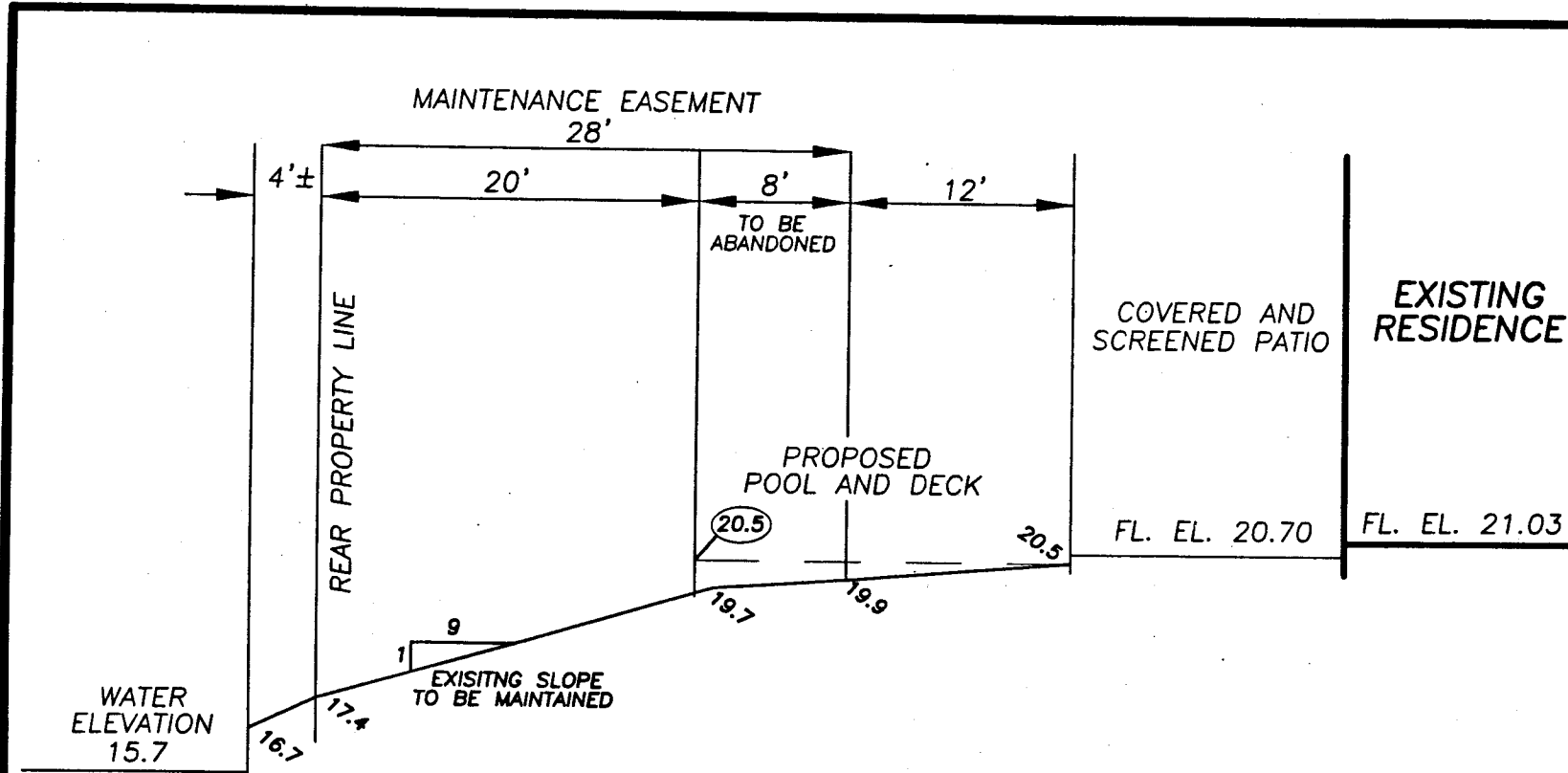


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 5313 10TH AVENUE NORTH  
 GREENACRES, FLORIDA 33463  
 TELE: (561) 968-0421 \* FAX (561) 968-0478

DATE: 8-04-08  
 SCALE: 1" = 30'  
 DRAWN BY: KE  
 SHEET 2 of 4

REVISIONS:  
 DRAWING NO.  
**08-056**



**SECTION "A" - "A"**

SCALE: 1" = 10' HORIZONTAL  
1" = 4' VERTICAL

SEE SHEET 2 OF 4 FOR CROSS SECTION LOCATION

NOTES: ELEVATIONS SHOWN HEREON ARE EXPRESSED IN FEET AND DECIMAL PARTS THEREOF

19.9 DENOTES EXISTING ELEVATION

(20.5) DENOTES PROPOSED ELEVATION

**LOT 75  
WOODS WALK PLAT TWO**

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SURVEYORS AND MAPPERS

5313 10TH AVENUE NORTH  
GREENACRES, FLORIDA 33463  
TELE: (561) 968-0421 \* FAX (561) 968-0478

DATE: 8-04-08

SCALE: AS SHOWN

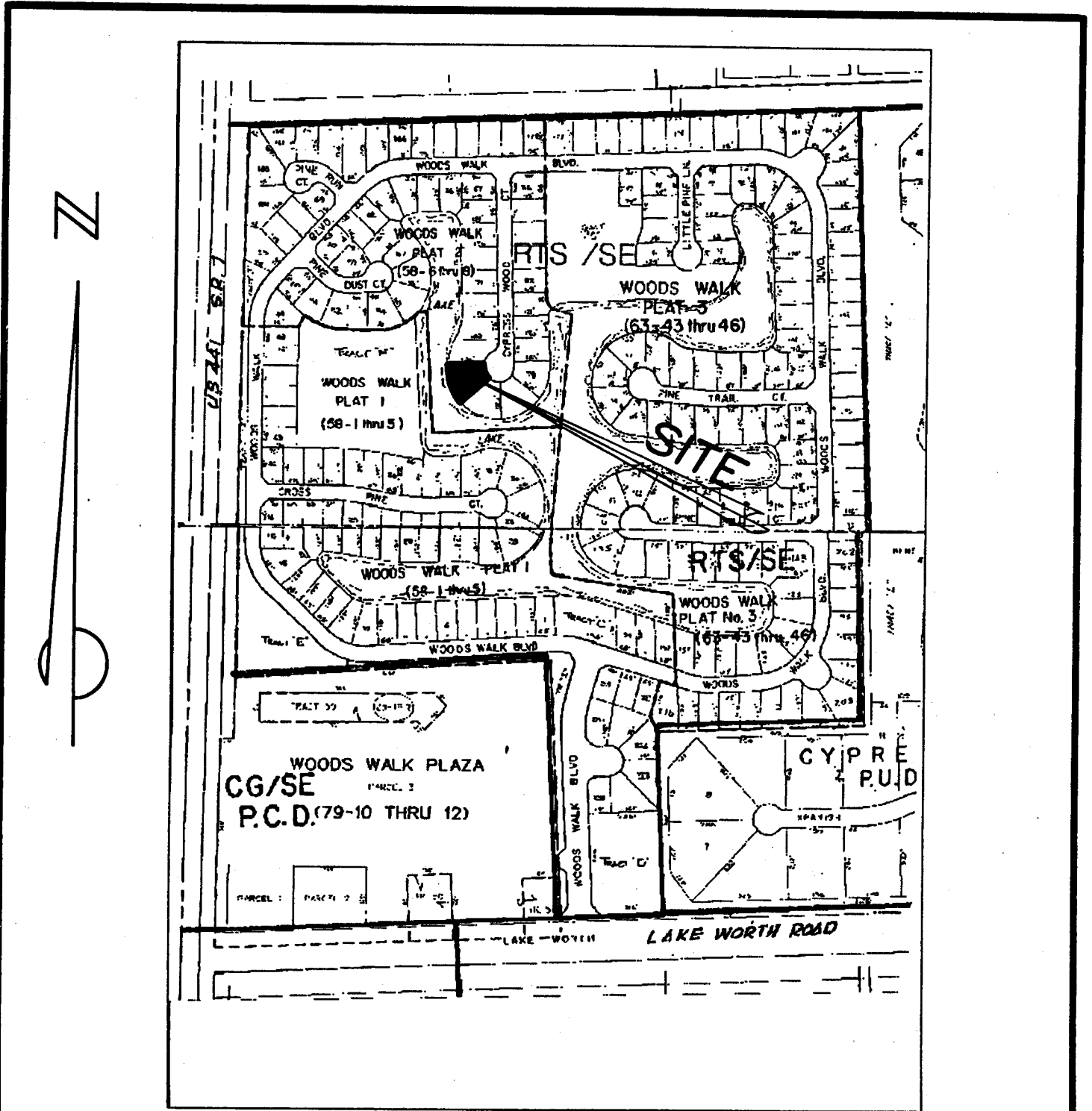
DRAWN BY: KE

SHEET 3 of 4

REVISIONS:

DRAWING NO.

**08-056**



**L O C A T I O N   M A P**  
 N O T   T O   S C A L E

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 5313 10TH AVENUE NORTH  
 GREENACRES, FLORIDA 33463  
 TELE: (561) 968-0421 \* FAX (561) 968-0478

DATE: 8-04-08

SCALE: N/A

DRAWN BY: KE

SHEET 4 of 4

REVISIONS:

DRAWING NO.

**08-056**