

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

=====

Meeting Date: March 17, 2009 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 portion of a five foot wide utility easement over the westerly five feet of Lot 53A, Plat No. 1-A, Old Port Village, as recorded in Plat Book 28, Page 130, Public Records of Palm Beach County, Florida.

SUMMARY: This petition site is located north of RCA Boulevard, on the east side of Old Harbour Road. The petitioner is requesting the vacation to resolve an error in the location of the house in relation to the utility easement.

District 1 (PK)

Background and Justification: The owner, A. William Bertsch, wants to vacate a portion of the utility easement because his house encroaches into the easement.

Utilities service providers have no objection to the vacation because a replacement easement has been provided, thus this easement is no longer needed.

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: *K. Lopez* 3 Feb 09
Division Director *[Signature]*
Date

Approved by: *Greg T. Webb* 2/24/09
County Engineer 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)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	=====	=====	=====	=====	=====
# 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: _____ *[Signature]*

III. REVIEW COMMENTS

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

<p><i>[Signature]</i> 3-2-09 OFMB <i>[Initials]</i> 2/25/09 CN 2/25/09 SR 2/26/09</p>	<p><i>[Signature]</i> 3/3/09 Contract Dev. and Control</p>
--	---

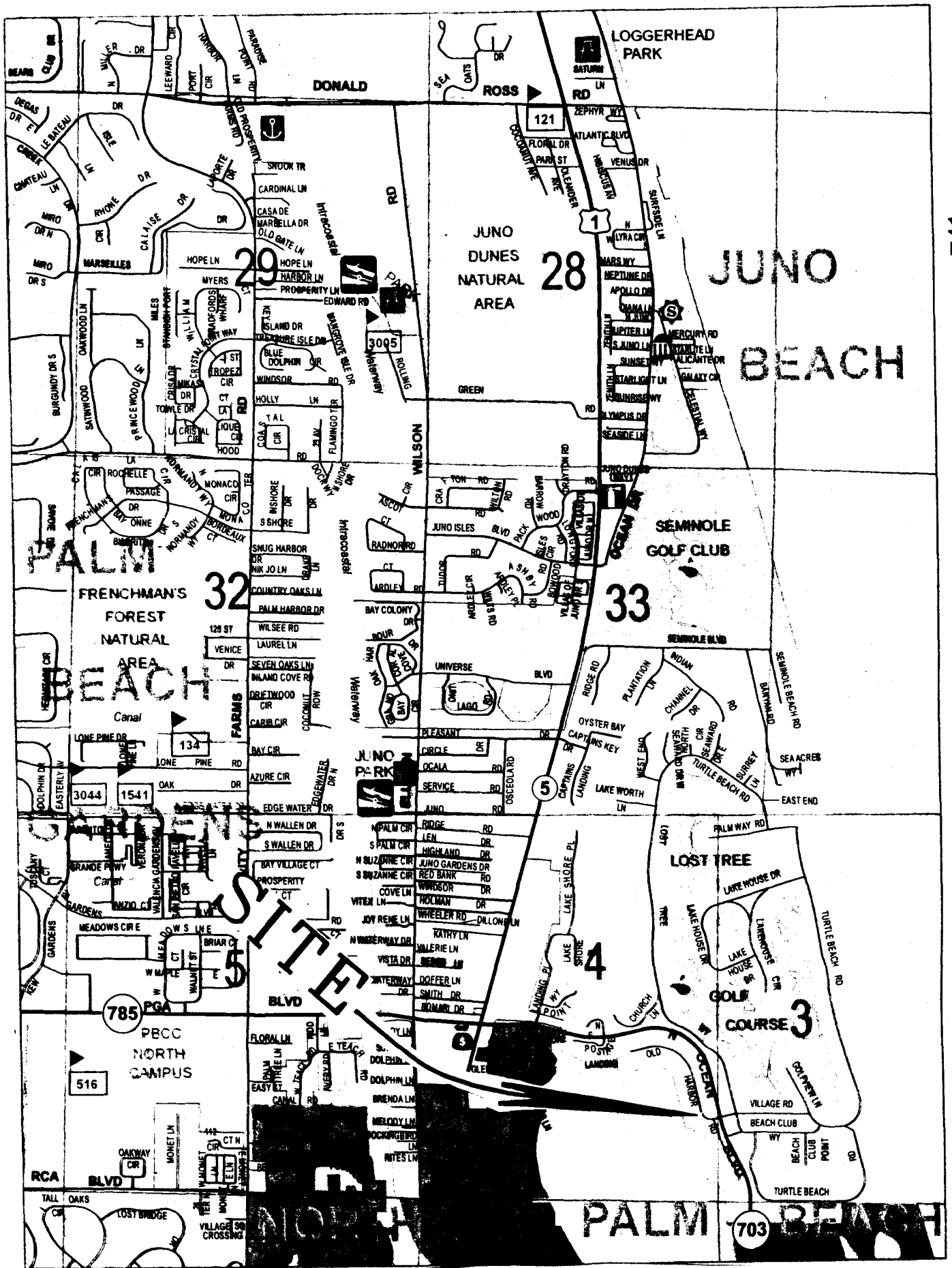
B. Legal Sufficiency:

[Signature] 3/4/09
 Assistant County Attorney

C. Other Department Review:

 Division Director

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



T41

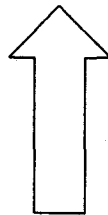
T41

T42

**ABANDONMENT/VACATION OF
A PORTION OF A 5' WIDE UTILITY EASEMENT WITHIN
LOT 53A PLAT NO. 1-A, OLD PORT VILLAGE
PLAT BOOK 28, PAGE 130**

LOCATION SKETCH

N



RESOLUTION NO. R-2009-_____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, VACATING A PORTION OF A FIVE FOOT WIDE UTILITY EASEMENT OVER THE WESTERLY FIVE FEET OF LOT 53A, PLAT NO. 1-A, OLD PORT VILLAGE, AS RECORDED IN PLAT BOOK 28, PAGE 130, OF THE PUBLIC RECORDS IN 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 that portion of a five foot wide utility easement; and

WHEREAS, said petition to vacate said portion of the utility easement was submitted by A. William Bertsch; 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 17, 2009, did hold a meeting on said Petition to abandon/vacate that portion of the utility easement, and this Board determined that said abandonment/vacation conforms to Palm Beach County's Land Development Code.

RESOLUTION NO. R-2009-_____

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. That portion of the utility easement is hereby vacated and closed as a public utility easement and this Board does hereby renounce and disclaim any right or interest of Palm Beach County and the Public in and to the utility 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-2009-_____

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:

Commissioner John F. Koons, Chairman

Commissioner Burt Aaronson, Vice Chairman

Commissioner Karen T. Marcus

Commissioner Shelley Vana

District 4

Commissioner Jess R. Santamaria

Commissioner Addie L. Green

The Chair thereupon declared the Resolution duly passed and adopted this _____ day of _____, 2009.

**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"
PETITION TO ABANDON/VACATE EASEMENT
BOUNDARY SURVEY FOR:
A. WILLIAM BERTSCH

SHEET INDEX

Sheet 1 of 6	Index, Notes, Certification
Sheet 2 of 6	Legal Descriptions of Boundary Survey & Petition Site
Sheet 3 of 6	Map of Boundary Survey & Petition Site
Sheet 4 of 6	Detail of Petition Site
Sheet 5 of 6	Detail of Dedication Site
Sheet 6 of 6	Legend to Boundary Survey

This survey is made specifically and only for the following parties for the purpose of easement abandonment on the surveyed property.

A. WILLIAM BERTSCH

The undersigned surveyor assumes no responsibility or liability for any other purpose or to any other party other than stated above.

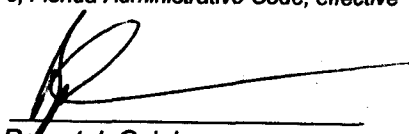
NOTES:

1. All information regarding record easements, adjoiners, and other documents that might affect the quality of title to tract shown hereon was gained from commitment number C-3134530, issued by Gary, Dytrych & Ryan, P.A., dated February 19, 2008. This office has made no search of the Public Records
2. Elevations shown hereon are in feet and decimal parts thereof and are based on NGVD-29.
3. Unless it bears the signature and the original raised seal of a Florida licensed surveyor or mapper this drawing, sketch, plat or map is for informational purposes only and is not valid.
4. This survey cannot be transferred or assigned without the specific written permission of Wallace Surveying Corporation. Certificate of Authorization Number LB4569.
5. Except as shown, underground and overhead improvements are not located.
6. Underground foundations not located.
7. The survey sketch shown hereon does not necessarily contain all of the information obtained or developed by the undersigned surveyor in his field work, office work or research.
8. No responsibility is assumed by this surveyor for the construction of improvements, from building ties shown on this survey.
9. Revisions shown hereon do not represent a "survey update" unless otherwise noted.
10. All dates shown within the revisions block hereon are for interoffice filing use only and in no way affect the date of the field survey stated herein.
11. In some instances, graphic representations have been exaggerated to more clearly illustrate the relationships between physical improvements and/or lot lines. In all cases, dimensions shown shall control the location of the improvements over scaled positions.
12. There was no attempt to locate any subsurface foundations or improvements.
13. The underground utilities shown have been located from field survey information and existing drawings. The surveyor makes no guarantees that the underground utilities shown comprise all such utilities in the area, either in service or abandoned. The surveyor further does not warrant that the underground utilities shown are in the exact location indicated although he does certify that they are located as accurately as possible from information available. The surveyor has not physically located the underground utilities.

CERTIFICATION:

I HEREBY ATTEST that the survey shown hereon meets the minimum technical standards set forth by the Florida Board of Professional Surveyors and Mappers pursuant to section 472.027, Florida Statutes, and adopted in Chapter 61G17-6, Florida Administrative Code, effective September 1, 1981.

DATE OF LAST FIELD SURVEY: 4/01/2008


 Robert J. Cajal
 Professional Surveyor and Mapper
 Florida Certificate No. 6266

 <p style="font-size: 24pt; font-weight: bold; margin: 0;">WALLACE SURVEYING</p> <p style="font-size: 10pt; margin: 0;">CORP. LICENSED BUSINESS # 4569</p> <p style="font-size: 8pt; margin: 0;">5553 VILLAGE BOULEVARD, WEST PALM BEACH, FLORIDA 33407 * (561) 640-4551</p>	DATE: 04/01/08	DWG. No.: 86-439-13
	OFFICE: R.C.	SHEET: 1 OF 6
	C'K'D.: R.C.	REF.: EXHIBIT 2.DWG

EXHIBIT "2"
PETITION TO ABANDON/VACATE EASEMENTS

LEGAL DESCRIPTIONS OF BOUNDARY SURVEY & PETITION SITE

LEGAL DESCRIPTION OF SURVEYED PROPERTY: (WARRANTY DEED, O.R.B. 22557, PG. 659)

Lot 53A, according to **PLAT NO. 1-A OLD PORT VILLAGE** as recorded in Plat Book 28, Page 130, Public Records of Palm Beach County, Florida.

Together with: (QUIT-CLAIM DEED, O.R.B. 22557, PG. 656)

A portion of Old Harbour Road, according to **PLAT NO. 1-A OLD PORT VILLAGE** as recorded in Plat Book 28, Page 130, Public Records of Palm Beach County, Florida, being more particularly described as follows:

BEGIN at the Southwest corner of Lot 53A according to **PLAT NO. 1-A OLD PORT VILLAGE** as recorded in Plat Book 28, Page 130, Public Records of Palm Beach County, Florida; thence South 76°38'19" West, along the Southwesterly prolongation of the South line of said Lot 53A (said South line is assumed to bear South 76°38'19" West and all other bearings are relative thereto), a distance of 13.35 feet to a point; thence North 58°08'14" West a distance of 41.78 feet to the beginning of a curve concave to the Northeast having a radius of 73.75 feet and a central angle of 44°46'33"; thence Northwesterly, along the arc of said curve, a distance of 57.63 feet to the point of cusp of a curve from which the radius point bears North 76°38'19" East a distance of 25.00 feet; thence Southeasterly, along the arc of said curve, a distance of 35.83 feet through a central angle of 82°06'51" to the beginning of a reverse curve having a radius of 50.00 feet; thence Southeasterly, along the arc of said curve, a distance of 78.99 feet through a central angle of 90°31'15" to the **POINT OF BEGINNING**.

Containing in all, 23,988 square feet, more or less.

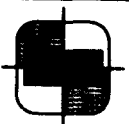
LEGAL DESCRIPTION OF PETITION SITE WITHIN SURVEYED PROPERTY: (PORTION OF PLATTED 5 FOOT WIDE UTILITY EASEMENT TO BE ABANDONED)

A portion of the five foot (5') utility easement over the Westerly 5 feet of Lot 53A, according to **PLAT NO. 1-A OLD PORT VILLAGE** as recorded in Plat Book 28, Page 130, Public Records of Palm Beach County, Florida, being more particularly described as follows:

COMMENCE at the Southwest corner of said Lot 53A; thence Northerly along the West line of said Lot 53A, said West line being a curve concave to the West having a radius of 50.00 feet, a central angle of 9°11'51" and a chord bearing of North 9°33'16" West, an arc distance of 8.03 feet to the **POINT OF BEGINNING** of the hereinafter described parcel; thence continue Northerly and Westerly along said West line and said 50.00 foot radius curve through a central angle of 81°19'20", an arc distance of 70.97 feet to the beginning of a reverse curve concave to the Northeast having a radius of 25.00 feet and a central angle of 37°09'40"; thence Westerly and Northerly, along the arc of said curve and said West line, a distance of 16.21 feet to a point on a non-tangent curve, concave to the East having a radius of 68.75 feet, a central angle of 14°53'18" and a chord bearing of North 20°48'19" West; thence departing said West line, Northerly, along the arc of said curve a distance of 17.86 feet to a point of cusp on a curve, concave to the Northeast having a radius of 20.00 feet, a central angle of 82°06'51" and a chord bearing of South 54°25'06" East, said point lying on the Easterly line of said platted 5 foot wide utility easement; thence Southeasterly, along said Easterly line and arc of said curve, a distance of 28.66 feet to the beginning of a reverse curve concave to the Southwest having a radius of 55.00 feet and a central angle of 81°23'39"; thence Southeasterly, continuing along the Easterly line of said platted 5 foot wide utility easement and arc of said curve, a distance of 78.13 feet to a point on a line 8.00 feet North of and parallel with the South line of said Lot 53A; thence South 76°38'19" West, along said parallel line, a distance of 5.00 feet to the **POINT OF BEGINNING**.

Containing in all 472 square feet, more or less.

Bearings recited herein are based upon said South line having a bearing of South 76°38'19" West and all other bearings are relative thereto.



WALLACE SURVEYING
CORP. LICENSED BUSINESS # 4569
5553 VILLAGE BOULEVARD, WEST PALM BEACH, FLORIDA 33407 * (561) 640-4551

DATE: 04/01/08

DWG. No.: 86-439-13

OFFICE: R.C.

SHEET: 2 OF 6

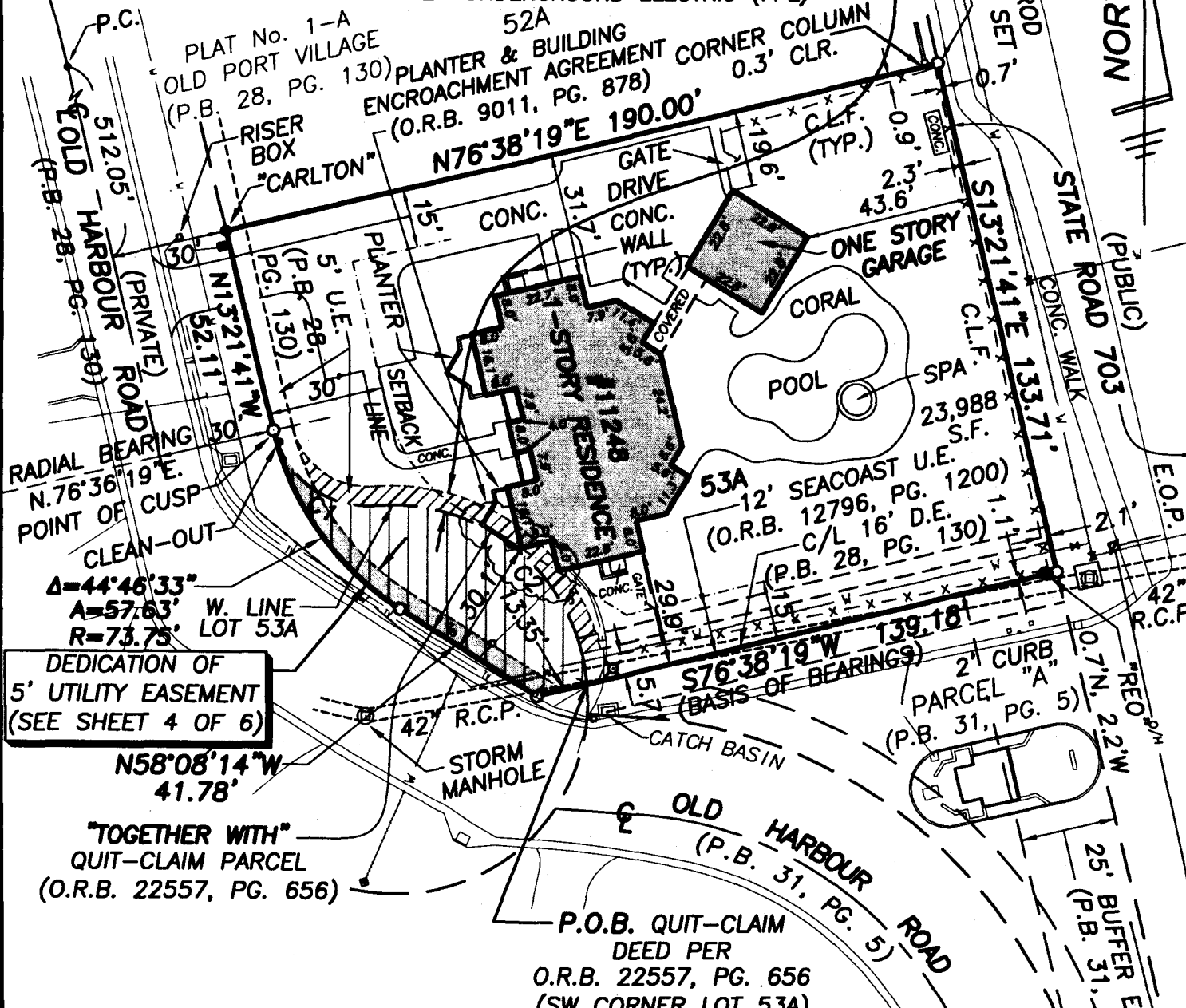
C'K'D.: R.C.

REF.: EXHIBIT 2.DWG

EXHIBIT "2"
PETITION TO ABANDON/VACATE EASEMENTS
MAP OF BOUNDARY SURVEY

ABANDONMENT PORTION OF
 PLATTED 5'
 UTILITY EASEMENT
 (SEE SHEET 5 OF 6)

- DENOTES FLAGGED UNDERGROUND CATV (COMCAST)
- DENOTES FLAGGED UNDERGROUND WATER (SEACOAST)
- DENOTES UNDERGROUND WATER DERIVED FROM S.U.A. G.I.S. WEBSITE FOR WATER AS-BUILTS (SEACOAST)
- DENOTES FLAGGED UNDERGROUND TELEPHONE (AT&T)
- DENOTES FLAGGED UNDERGROUND ELECTRIC (FPL)

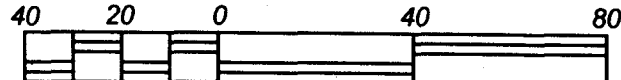


DEDICATION OF
 5' UTILITY EASEMENT
 (SEE SHEET 4 OF 6)

N58°08'14" W
41.78'

"TOGETHER WITH"
 QUIT-CLAIM PARCEL
 (O.R.B. 22557, PG. 656)

P.O.B. QUIT-CLAIM
 DEED PER
 O.R.B. 22557, PG. 656
 (SW CORNER LOT 53A)



SCALE IN FEET
SCALE: 1"=40'

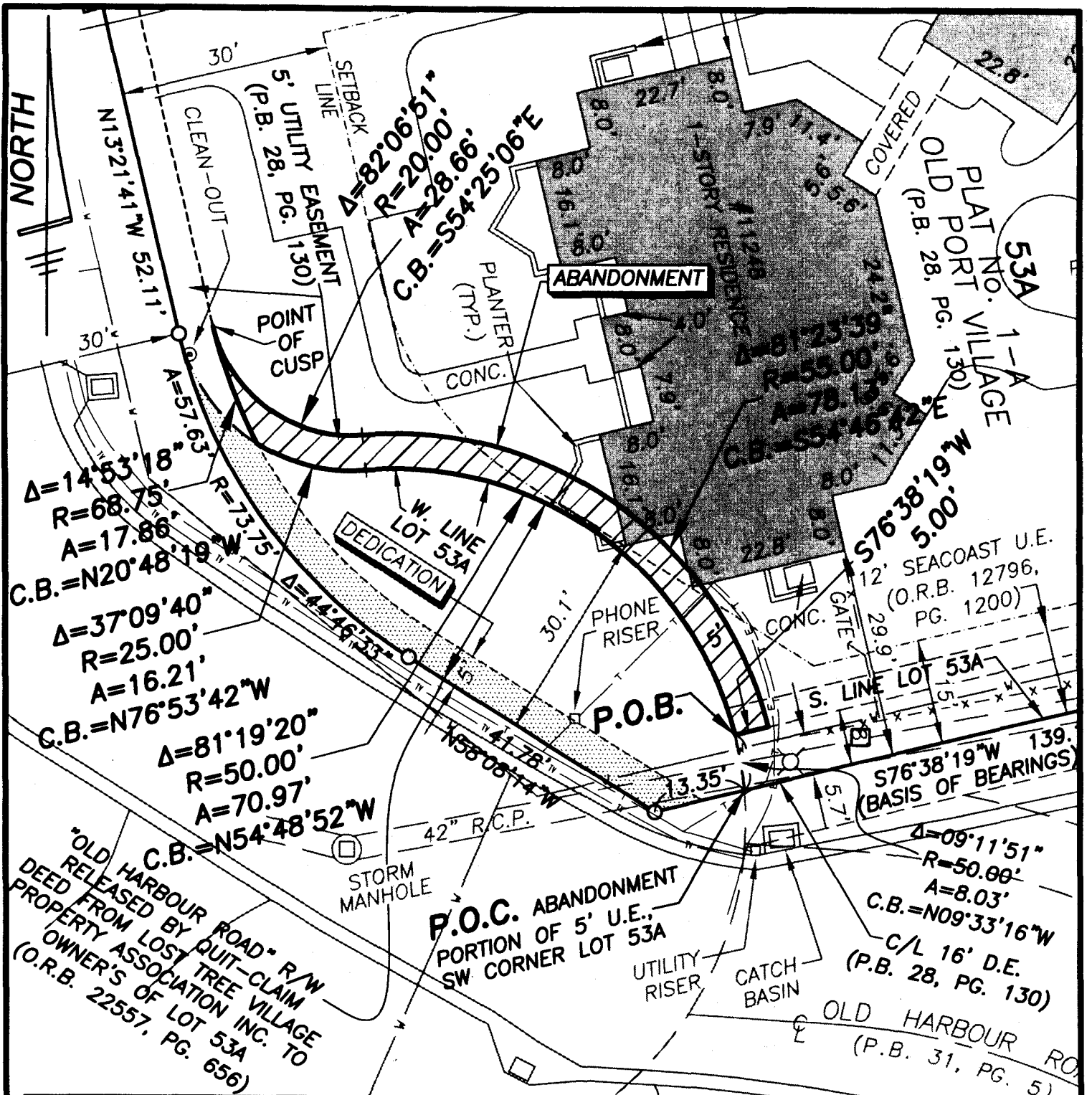
CURVE	RADIUS	ARC LENGTH	CHORD BEARING	DELTA ANGLE
C1	25.00'	35.83'	N54°25'06"W	82°06'51"
C2	50.00'	78.99'	S50°12'56"E	90°31'15"



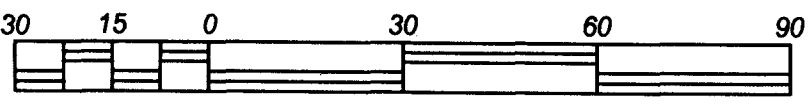
WALLACE SURVEYING
 CORP. LICENSED BUSINESS # 4569

5553 VILLAGE BOULEVARD, WEST PALM BEACH, FLORIDA 33407 * (561) 640-4551

DATE: 04/01/08	DWG. No.: 86-439-13
OFFICE: R.C.	SHEET: 3 OF 6
C'K'D.: R.C.	REF.: EXHIBIT 2.DWG



DETAIL OF PETITION SITE



SCALE IN FEET
SCALE: 1"=30'



WALLACE SURVEYING
CORP. LICENSED BUSINESS # 4569

5553 VILLAGE BOULEVARD, WEST PALM BEACH, FLORIDA 33407 * (561) 640-4551

DATE: 04/01/08

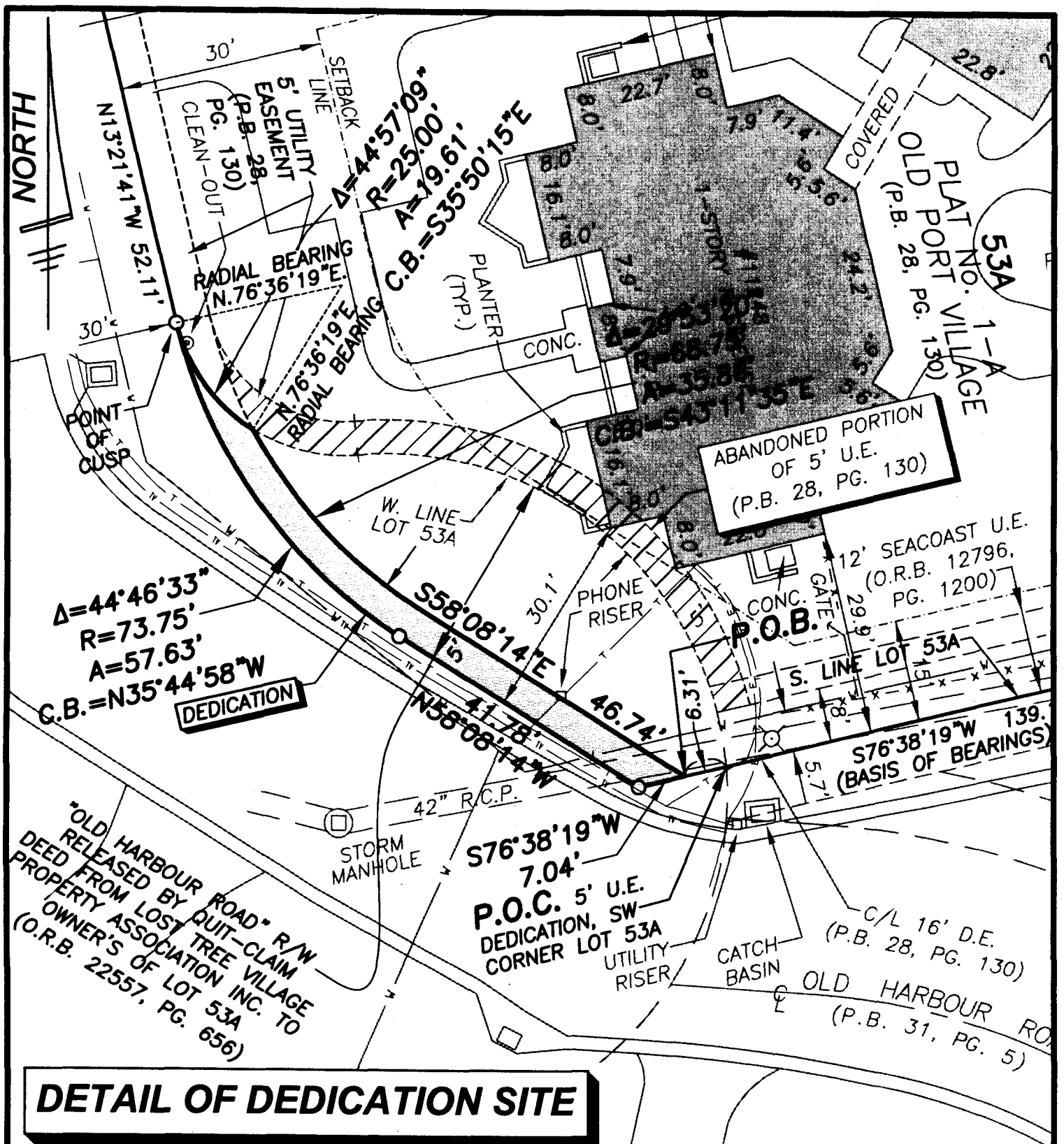
DWG. No.: 86-439-13

OFFICE: R.C.

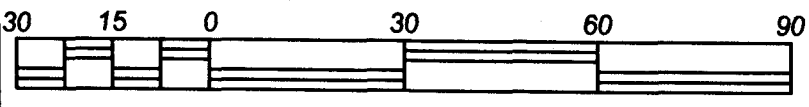
SHEET: 4 OF 6

C'K'D.: R.C.

REF.: EXHIBIT 2.DWG



DETAIL OF DEDICATION SITE



SCALE IN FEET
SCALE: 1"=30'

 <p>WALLACE SURVEYING CORP. LICENSED BUSINESS # 4569 5553 VILLAGE BOULEVARD, WEST PALM BEACH, FLORIDA 33407 * (561) 640-4551</p>	DATE: 04/01/08	DWG. No.: 86-439-13
	OFFICE: R.C.	SHEET: 5 OF 6
	C'K'D.: R.C.	REF.: EXHIBIT 2.DWG

EXHIBIT "2"
PETITION TO ABANDON/VACATE EASEMENTS
LEGEND TO BOUNDARY SURVEY

A	= ARC LENGTH	P.O.C.	= POINT OF COMMENCEMENT
A/C	= AIR CONDITIONING	P.R.C.	= POINT OF REVERSE CURVATURE
A.E.	= ACCESS EASEMENT	P.R.M.	= PERMANENT REFERENCE MONUMENT
A.K.A.	= ALSO KNOWN AS	PROP.	= PROPOSED
ASPH.	= ASPHALT	P.T.	= POINT OF TANGENCY
BLDG.	= BUILDING	PVMT	= PAVEMENT
B.M.	= BENCHMARK	(R)	= RADIAL
B.O.C.	= BACK OF CURB	R	= RADIUS
B.O.W.	= BACK OF WALK	RGE.	= RANGE
(C)	= CALCULATED	R.P.B.	= ROAD PLAT BOOK
CATV	= CABLE ANTENNA TELEVISION	R/W	= RIGHT OF WAY
C.B.	= CHORD BEARING	(S)	= SURVEY DATUM
C.B.S.	= CONCRETE BLOCK STRUCTURE	S.B.	= SETBACK
C.C.C.L.	= COASTAL CONSTRUCTION CONTROL LINE	SEC.	= SECTION
CH	= CHORD	S/D	= SUBDIVISION
C.L.F.	= CHAIN LINK FENCE	S.F.	= SQUARE FEET
CLR.	= CLEAR	S.F.W.M.D.	= SOUTH FLORIDA WATER MANAGEMENT DISTRICT
C.M.P.	= CORRUGATED METAL PIPE	S.H.W.L.	= SEASONAL HIGH WATER LINE
CONC.	= CONCRETE	S.I.R.W.C.D.	= SOUTH INDIAN RIVER WATER CONTROL DISTRICT
(D)	= DESCRIPTION DATUM	S.R.	= STATE ROAD
D.B.	= DEED BOOK	STA.	= STATION
D.E.	= DRAINAGE EASEMENT	STY.	= STORY
D.H.	= DRILL HOLE	S/W	= SIDEWALK
D/W	= DRIVEWAY	T.O.B.	= TOP OF BANK
EL.	= ELEVATION	T.O.C.	= TOP OF CURB
ENC.	= ENCROACHMENT	TWP.	= TOWNSHIP
E.O.P.	= EDGE OF PAVEMENT	TYP.	= TYPICAL
E.O.W.	= EDGE OF WATER	U/C	= UNDER CONSTRUCTION
ESMT	= EASEMENT	U.E.	= UTILITY EASEMENT
F.F.	= FINISH FLOOR	U.R.	= UNRECORDED
FND.	= FOUND	W.C.	= WITNESS CORNER
F.O.C.	= FACE OF CURB	W.M.E.	= WATER MANAGEMENT EASEMENT
I.D.	= INSIDE DIAMETER	W.M.M.E.	= WATER MANAGEMENT MAINTENANCE EASEMENT
INV.	= INVERT	W.M.T.	= WATER MANAGEMENT TRACT
I.T.W.C.D.	= INDIAN TRAIL WATER CONTROL DISTRICT	⊖	= BASELINE
L.A.E.	= LIMITED ACCESS EASEMENT	⊕	= CENTERLINE
L.B.	= LICENSE BOARD	Δ	= CENTRAL ANGLE/Delta
L.W.D.D.	= LAKE WORTH DRAINAGE DISTRICT	■	= CONCRETE MONUMENT FOUND (AS NOTED)
(M)	= FIELD MEASUREMENT	□	= CONCRETE MONUMENT SET (LB #4569)
MH	= MANHOLE	●	= ROD & CAP FOUND (AS NOTED)
M.H.W.L.	= MEAN HIGH WATER LINE	○	= 5/8" ROD & CAP SET (LB #4569)
MIN.	= MINIMUM	⊙	= IRON PIPE FOUND (AS NOTED)
M.L.W.L.	= MEAN LOW WATER LINE	⊗	= IRON ROD FOUND (AS NOTED)
N.V.G.D.	= NATIONAL GEODETIC VERTICAL DATUM	▲	= PARKER-KALON NAIL FOUND
N.P.B.C.I.D.	= NORTHERN PALM BEACH COUNTY IMPROVEMENT DISTRICT	●	= PARKER-KALON NAIL & DISK FOUND (AS NOTED)
N.T.S.	= NOT TO SCALE	●	= PARKER-KALON NAIL & DISK SET (LB #4569)
O.A.	= OVERALL	ℙ	= PROPERTY LINE
O.D.	= OUTSIDE DIAMETER	⊗	= UTILITY POLE
O/H	= OVERHEAD UTILITY LINE	⊗	= FIRE HYDRANT
O.R.B.	= OFFICIAL RECORD BOOK	⊗	= WATER METER
O/S	= OFFSET	⊗	= WATER VALVE
(P)	= PLAT DATUM	⊗	= LIGHT POLE
P.B.	= PLAT BOOK	— SS — SS — SS —	= SANITARY SEWER LINE
P.B.C.	= PALM BEACH COUNTY	— S — S — S —	= STORM SEWER LINE
P.C.	= POINT OF CURVATURE	— X — X — X —	= CHAINLINK FENCE
P.C.C.	= POINT OF COMPOUND CURVATURE	— □ — □ — □ —	= WOOD FENCE
P.C.P.	= PERMANENT CONTROL POINT		
PG.	= PAGE		
P.I.	= POINT OF INTERSECTION		
P/O	= PART OF		
P.O.B.	= POINT OF BEGINNING		
			W.W. = WET WELL
			L.S. = LIFT STATION
			S.V. = SANITARY VALVE
			S.C. = SANITARY CONNECTION
			C.O. = CLEAN-OUT
			B.F.P. = BLACK-FLOW PREVENTOR
			R.C.P. = REINFORCED CONC. PIPE
			⊗ = SANITARY MANHOLE
			⊗ = STORM SEWER MANHOLE



WALLACE SURVEYING

CORP. LICENSED BUSINESS # 4569

5553 VILLAGE BOULEVARD, WEST PALM BEACH, FLORIDA 33407 * (561) 640-4551

DATE: 04/01/08

DWG. No.: 86-439-13

OFFICE: R.C.

SHEET: 6 OF 6

C'K'D.: R.C.

REF.: EXHIBIT 2.DWG