

Agenda Item #:

PALM BEACH COUNTY

BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: April 7, 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 15 foot wide private drainage easement within Lot 4 of Old Gate Subdivision, as recorded in Plat Book 104, Pages 170-171, Public Records of Palm Beach County, Florida.

SUMMARY: This petition site is located south of Donald Ross Road and east of Prosperity Farms Road. The petitioner is requesting the vacation in order to meet the required setbacks to accommodate the construction of a larger residence.

District 1 (PK)

Background and Justification: The owner, Wilson Homes, LLC, a Florida Limited Liability Company, wants to construct a home to the minimum setback requirement. In order to build to the minimum setback, it is necessary to vacate a portion of a 15 foot wide drainage easement. This easement was established as a part of the on-site retention requirements. The owner's engineer, Tim Messler, P.E., has indicated that the reduced width of the drainage easement would be sufficient to accommodate the onsite retention requirement, as proposed in the revised on-site grading plan. This drainage easement and the proposed concrete wall will be maintained by the Old Gate Property Owners Association and said Association has no objection to the vacation.

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: KS Rogers by CRE 3-4
 Division Director Date

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Division Director

Date

Approved by: Sy. I. Webb
County Engineer

Sy T. Webb
County Eng

County Engineer

3/11/09
Date

Date _____

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2009	2010	2011	2012	2013
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 fiscal impact.

C. Departmental Fiscal Review: _____ *[Signature]*

III. REVIEW COMMENTS

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

[Signature] 3-16-09
 OFMB
 (NO) 3/12/09 CW 3/12/09
 JL 3/13/09

[Signature] 3/17/09
 Contract Dev. and Control

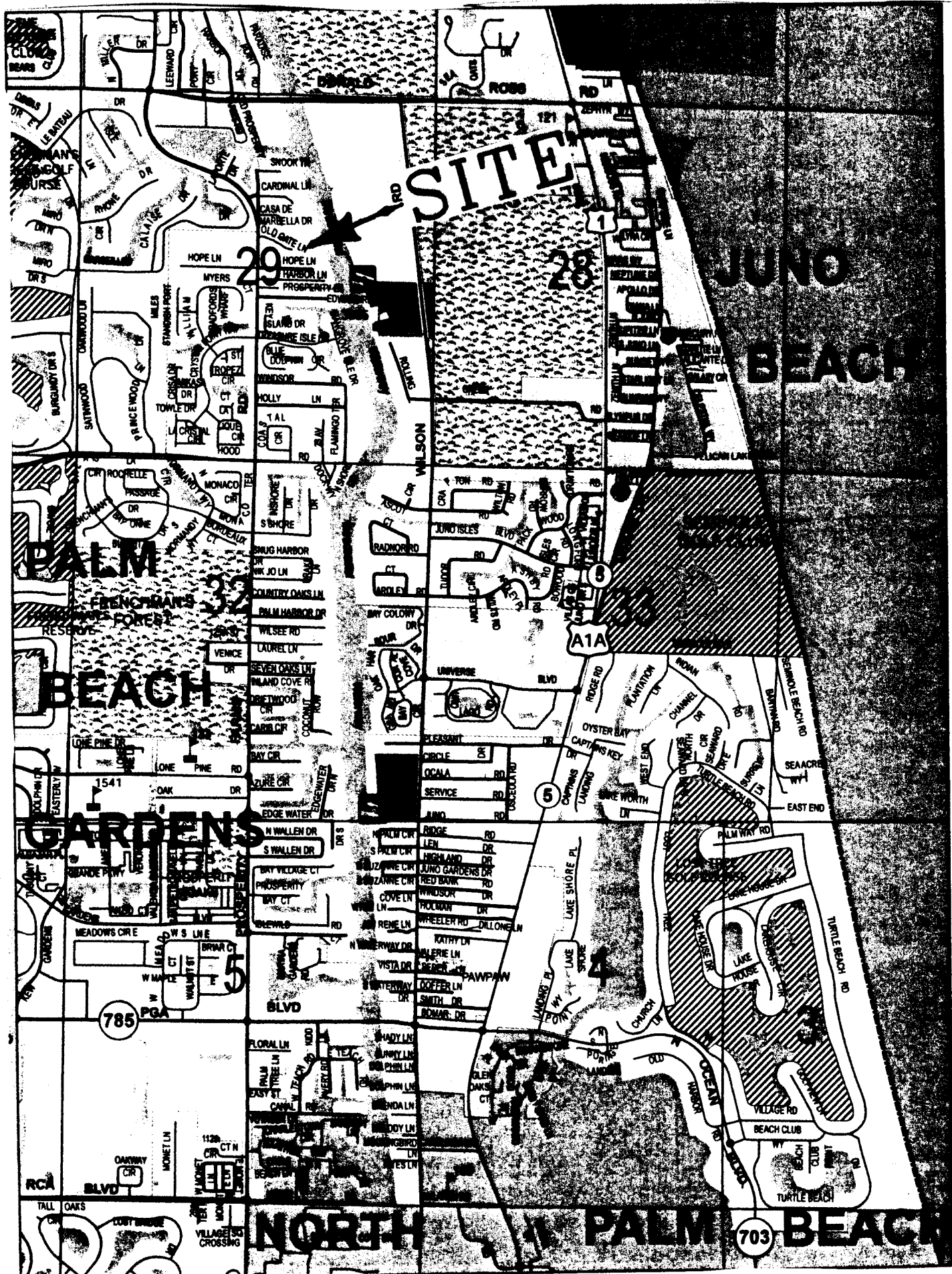
B. Approved as to Form and Legal Sufficiency:

[Signature] 3/18/09
 Assistant County Attorney

C. Other Department Review:

 Department Director

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



T41

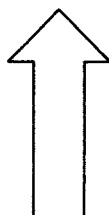
T41

T42

**ABANDONMENT/VACATION OF
PORTION OF 15' WIDE PRIVATE DRAINAGE EASEMENT
LOT 4 OLD GATE SUBDIVISION
PLAT BOOK 104, PAGES 170-171**

LOCATION SKETCH

N



RESOLUTION NO. R-2009-_____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, VACATING A PORTION OF A 15 FOOT WIDE PRIVATE DRAINAGE EASEMENT WITHIN LOT 4 OF OLD GATE SUBDIVISION, AS RECORDED IN PLAT BOOK 104, PAGES 170-171, 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 a portion of a drainage easement; and

WHEREAS, said petition to vacate said easement was submitted by Wilson Homes, LLC, a Florida Limited Liability Company; 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 April 7, 2009 did hold a meeting on said Petition to abandon/vacate that portion of the drainage 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 drainage 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-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

Commissioner Steven L. Abrams

Commissioner Jess R. Santamaria

Commissioner Addie L. Greene

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

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

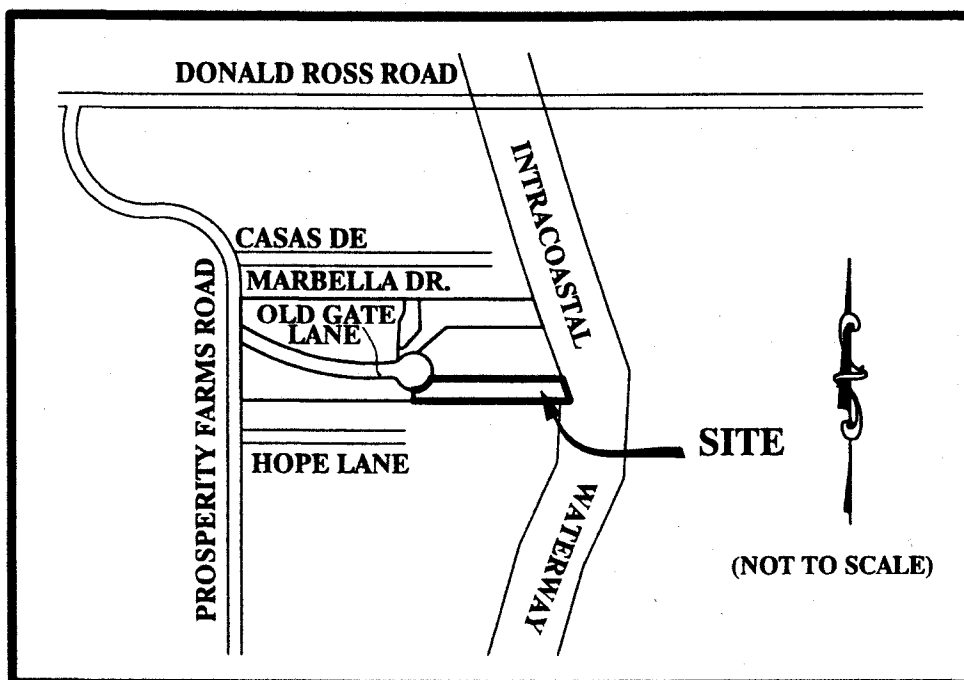
Sharon R. Bock, Clerk & Comptroller

BY: _____
Deputy Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

BY: Paul F. S.
County Attorney

**SPECIFIC PURPOSE BOUNDARY SURVEY
FOR THE ABANDONMENT OF THE NORTH 7.5 FEET OF
THE 15 FOOT DRAINAGE EASEMENT, ALONG THE SOUTH LINE
OF LOT 4, OLD GATE SUBDIVISION**

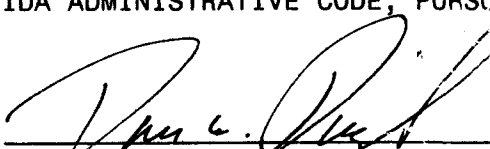


VICINITY SKETCH

WILSON INVESTMENT HOLDINGS, INC.

I HEREBY CERTIFY TO EACH OF THE ABOVE THAT A SURVEY OF THE PROPERTY DESCRIBED HEREON WAS MADE UNDER MY SUPERVISION AND THAT THE SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

DECEMBER 17, 2008
DATE OF FIELD SURVEY


DAN W. DAILEY
DAILEY AND ASSOCIATES, INC.
FLORIDA LAND SURVEYOR NO. 2439

THIS SURVEY IS NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.

DAILEY
AND ASSOCIATES, INC.
Surveying and Mapping
112 N. U.S. Highway No. 1
Tequesta, FL. 33469
Phone: (561) 746-8424
BUSINESS LICENSE: LB# 2799

*PETITION SITE
LEGAL DESCRIPTION*

LOT 4, ACCORDING TO THE PLAT OF OLD GATE
SUBDIVISION, AS RECORDED IN PLAT BOOK 104,
PAGES 170 AND 171 OF THE PALM BEACH COUNTY
FLORIDA PUBLIC RECORDS.

*PORTION OF DRAINAGE EASEMENT
TO BE ABANDONED
LEGAL DESCRIPTION*

THE NORTH 7.50 FEET OF THE 15 FOOT DRAINAGE EASEMENT, ALONG THE SOUTH
LINE OF LOT 4, ACCORDING TO THE PLAT OF OLD GATE SUBDIVISION, AS
RECORDED IN PLAT BOOK 104, PAGES 170 AND 171 OF THE PALM BEACH COUNTY,
FLORIDA, PUBLIC RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID LOT 4; THENCE S88°02'57"E
ALONG THE SOUTH LINE OF SAID LOT 4 (BEARING BASIS), 10.00 FEET;
THENCE N01°57'03"E ALONG A LINE 10.00 FEET EAST OF AND PARALLEL TO
THE WEST LINE OF SAID LOT 4, 7.50 FEET TO THE POINT OF BEGINNING;
THENCE CONTINUE N01°57'03"E ALONG SAID PARALLEL LINE, 7.50 FEET; TO
THE INTERSECTION WITH A LINE 15.00 FEET NORTH OF AND PARALLEL TO SAID
SOUTH LINE OF LOT 4; THENCE S88°02'57"E ALONG SAID PARALLEL LINE,
401.25 FEET TO THE INTERSECTION WITH THE WEST LINE OF A CONSERVATION
EASEMENT, AS SHOWN ON SAID PLAT OF OLD GATE SUBDIVISION; THENCE
S22°06'54"W ALONG SAID WEST LINE, 7.99 FEET TO THE INTERSECTION WITH
A LINE 7.50 FEET NORTH OF AND PARALLEL TO SAID SOUTH LINE OF LOT 4;
THENCE N88°02'57"W ALONG SAID PARALLEL LINE, 398.49 FEET TO THE POINT
OF BEGINNING.

CONTAINING 2,999 SQUARE FEET, MORE OR LESS.

SURVEYOR'S NOTES:

- 1) BEARINGS SHOWN HEREON ARE BASED UPON THE SOUTH LINE OF
LOT 4, BEING S 88°02'57" E.
- 2) ELEVATIONS SHOWN HEREON ARE BASED UPON N.G.V.D. 1929.
- 3) UTILITIES SHOWN HEREON ARE VISIBLE ABOVE GROUND
FEATURES. ADDITIONAL SUB-SURFACE UTILITIES
OR STRUCTURES MAY EXIST.
- 4) PETITION SITE PROPERTY CONTAINS 45371 SQUARE FEET OR 1.04 ACRES,
MORE OR LESS.
- 5) PARCEL LIES IN FLOOD ZONE: "A5" 120192 0119 B.

DATE: FEBRUARY 11, 2009

SHEET 3 OF 4

JOB NO.: 04-214-4

LEGEND

CONC. - CONCRETE
(P.R.M.) - PERMANENT REFERENCE MONUMENT
LS - LAND SURVEYOR
R - RADIUS
© - DELTA ANGLE
A - ARC LENGTH
SSCO - SANITARY SEWER CLEAN-OUT



SCALE: 1" = 40'

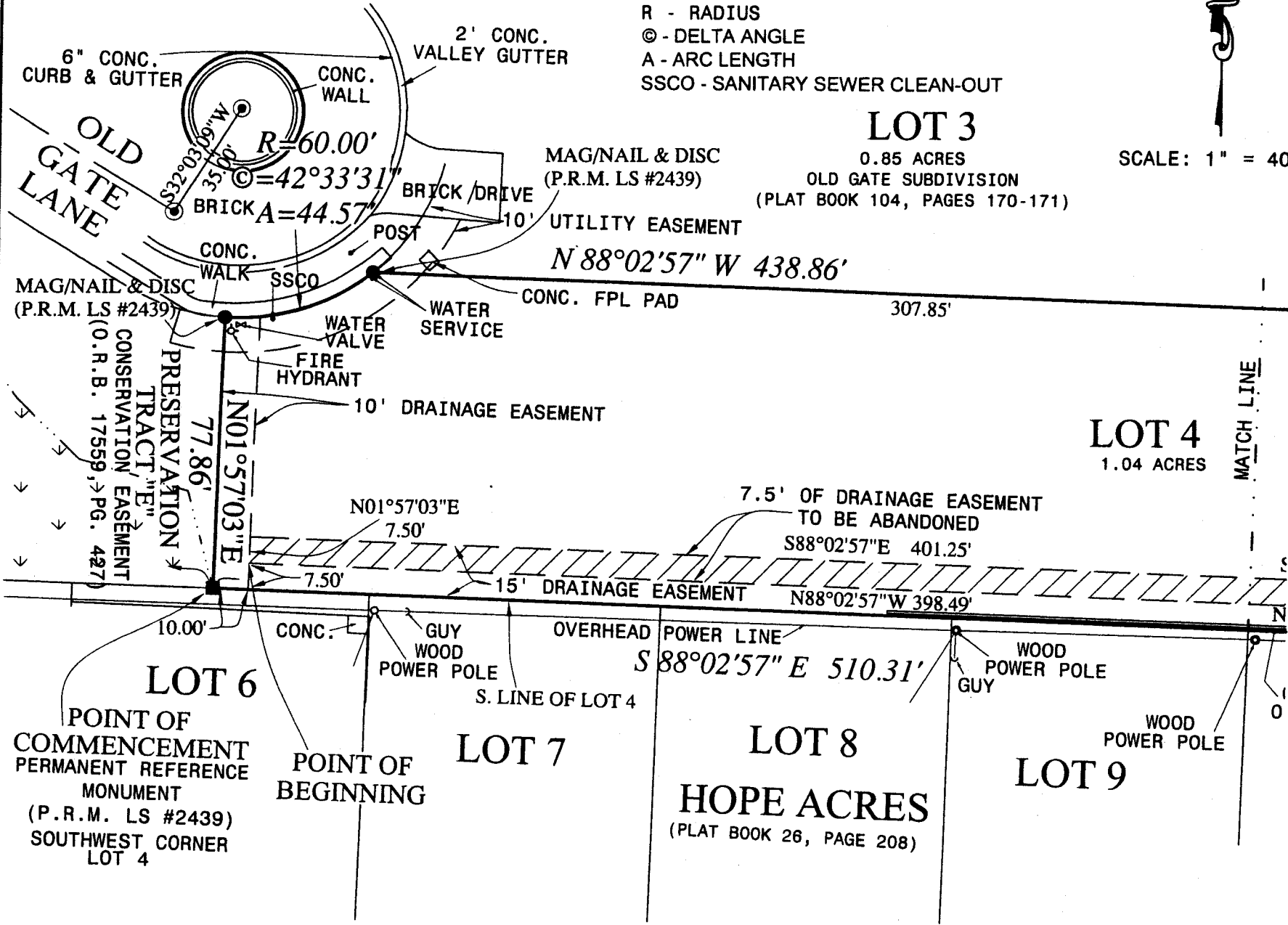
LOT 3

0.85 ACRES
OLD GATE SUBDIVISION
(PLAT BOOK 104, PAGES 170-171)

LOT 4

1.04 ACRES

MATCH LINE



6" CONC.
CURB & GUTTER

2' CONC.
VALLEY GUTTER

R=60.00'

©=42°33'31"

A=44.57'

MAG/NAIL & DISC
(P.R.M. LS #2439)

10' UTILITY EASEMENT

N 88°02'57" W 438.86'

307.85'

MAG/NAIL & DISC
(P.R.M. LS #2439)

CONC.
WALK

SSCO

WATER
VALVE

WATER
SERVICE

FIRE
HYDRANT

10' DRAINAGE EASEMENT

PRESERVATION
TRACT "E"

N 01°57'03" E 77.86'

N 01°57'03" E

7.50'

7.5' OF DRAINAGE EASEMENT
TO BE ABANDONED

S 88°02'57" E 401.25'

7.50'

15' DRAINAGE EASEMENT

N 88°02'57" W 398.49'

10.00'

CONC.

GUY
WOOD
POWER POLE

OVERHEAD
POWER LINE

S 88°02'57" E 510.31'

WOOD
POWER POLE
GUY

WOOD
POWER POLE

POINT OF
COMMENCEMENT
PERMANENT REFERENCE
MONUMENT
(P.R.M. LS #2439)
SOUTHWEST CORNER
LOT 4

POINT OF
BEGINNING

LOT 7

LOT 8

HOPE ACRES
(PLAT BOOK 26, PAGE 208)

LOT 9

DATE: FEBRUARY 11, 2009

SHEET 4 OF 4

JOB NO.: 04-214-4

