

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

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Meeting Date: April 7, 2009 ☒ Consent ☐ Regular
 ☐ Workshop ☐ Public Hearing

Department:

Submitted By: Engineering and Public Works
Submitted For: Land Development Division

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I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to adopt: A Resolution vacating those certain portions of utility easements lying within tract "S", Yamato Court MUPD, as recorded in Plat Book 110, Pages 158-163, Public Records of Palm Beach County, Florida.

SUMMARY: This petition site is located at the southeast corner of Yamato Road and State Road 7. The petitioner is requesting the vacation because the water lines were installed in a different location and these easements are no longer needed.

District 5 (PK)

Background and Justification: The owner, Temple Beth El of Boca Raton, Inc, a Florida not-for-profit corporation, wants to abandon these certain utility easements because the water lines were installed in a different location. Utility service providers have no objection to the vacation because these easements are no longer needed and replacement easements have been provided.

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

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Recommended by: KS Rogers by CLR 3/4/09 *[Signature]*
 Division Director Date

Approved by: S. T. Webb 3/11/09
 County Engineer 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: *Choff*

III. REVIEW COMMENTS

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

 Jim O'Neil 3/16/09 *John J. [unclear]* 3/17/09
OFMB Contract Dev. and Control
WJ 3/12/09
3/13/09

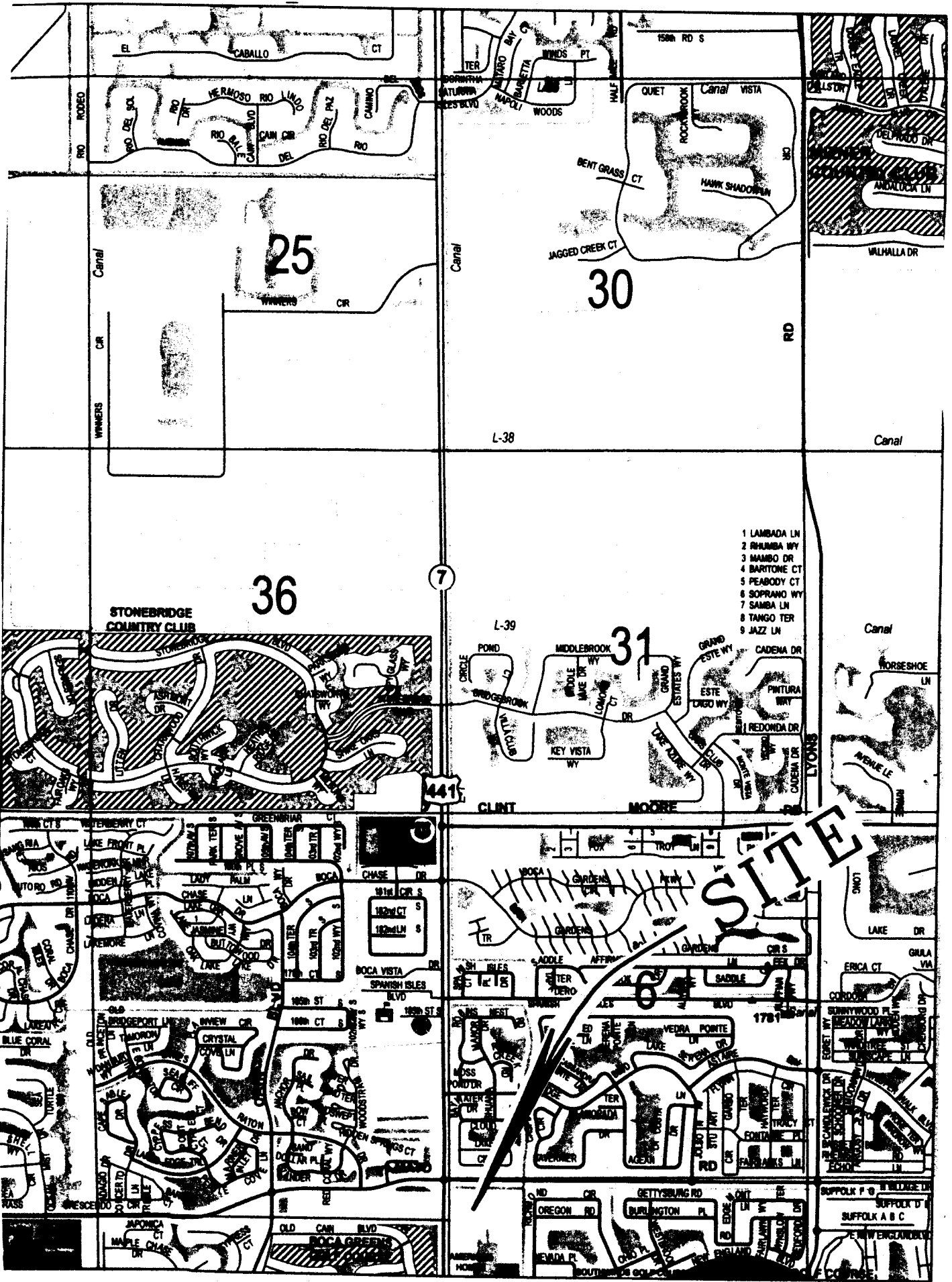
B. Approved as to Form and Legal Sufficiency:

 Paul F. [unclear] 3/18/09
Assistant County Attorney

C. Other Department Review:

Department Director

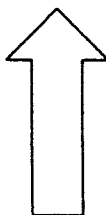
This summary is not to be used as a basis for payment.



VACATE CERTAIN PORTIONS OF UTILITY EASEMENTS
WITHIN TRACT "S", YAMATO COURT MUPD
PLAT BOOK 110, PAGES 158-163

LOCATION SKETCH

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RESOLUTION NO. R-2009-_____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, VACATING THOSE CERTAIN PORTIONS OF UTILITY EASEMENTS LYING WITHIN TRACT "S", YAMATO COURT MUPD, AS RECORDED IN PLAT BOOK 110, PAGES 158-163, 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 those certain portions utility easements; and

WHEREAS, said petition to vacate said easement was submitted by Temple Beth El of Boca Raton, Inc, a Florida not-for-profit corporation, 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 those certain portions of the utility easements, and this Board determined that said abandonment/vacation conforms to Palm Beach County's Land Development Code.

RESOLUTION NO. 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. The utility easements are 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-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

Exhibit # 1

YAMATO COURT M.U.P.D. - TRACT "S"
LEGAL DESCRIPTION OF PALM BEACH COUNTY
UTILITY EASEMENTS TO BE ABANDONED.

ALL THAT PART OF THOSE CERTAIN PALM BEACH COUNTY UTILITY EASEMENTS LYING IN TRACT "S", YAMATO COURT MUPD, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 110, PAGE 158, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.

CERTIFICATION:

I HEREBY CERTIFY THAT THE LEGAL DESCRIPTION SHOWN HEREON AND THE DESCRIPTION SKETCH ATTACHED HERETO ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

BY: WM. R. VAN CAMPEN DATE: 1-28-2008
WM. R. VAN CAMPEN, P.S.M. 2424

SEE SHEET 2 OF 2 FOR SKETCH

DESCRIPTION OF:

YAMATO COURT MUPD PALM BEACH COUNTY UTILITY EASEMENT TO BE ABANDONED



ASSOCIATED LAND SURVEYORS, INC.

4152 W. BLUE HERON BOULEVARD—SUITE 121
RIVIERA BEACH FLORIDA 33404 L.B. NO. 7344
PHONE: (561) 848-2102 FAX: (561) 844-9659 EMAIL: ALSSURVEY@AOL.COM

TRACT "A"
(PLAT BOOK 110, PAGE 158)

TRACT "J"
(PLAT BOOK 110, PAGE 158)

TRACT "S"
(PLAT BOOK 110, PAGE 158)

N23°54'12"E 22.91'
N89°49'05"E 5.43'
C/L 20' PBCUE
S45°25'31"E 27.50'
C/L 20' PBCUE

S45°00'34"E 15.14'



FT. 50 25 0 50 FT.

NOTE: THIS IS NOT A SURVEY (GRAPHIC SCALE) SEE SHEET 1 OF 2 FOR LEGAL DESCRIPTION

DESCRIPTION SKETCH OF:

YAMATO COURT MUPD PALM BEACH COUNTY UTILITY EASEMENT TO BE ABANDONED



ASSOCIATED LAND SURVEYORS, INC.

4152 W. BLUE HERON BOULEVARD—SUITE 121
RIVIERA BEACH FLORIDA 33404 L.B. NO. 7344
PHONE: (561) 848-2102 FAX: (561) 844-9659 EMAIL: ALSSURVEY@AOL.COM

FILE: Yamato Court...

DATE: 01-22-2008

BY: KVC

CKD:

W.O.NO.: P295

SHEET 2 OF 2