

Agenda Item #: 3-C-9

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: April 21, 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 12 foot wide Utility Easement within Lot 20, Thornhill Green, as recorded in Plat Book 36, Pages 125, Public Records of Palm Beach County, Florida.

SUMMARY: This petition site is located west of Powerline Road and south of Palmetto Park Road on the south side of Arcadia Court. The petitioner is requesting the vacation to accommodate an addition to their house.

District 4 (PK)

Background and Justification: The owners, Amiel Tokayer and Edna Tokayer, want to construct an addition to their home. In order to accommodate the addition, it is necessary to vacate a portion of the 12 foot wide utility easement along the south property line.

Utilities service providers have no objection to the vacation.

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. Lewis 17 March 2009
Division Director Date

Approved by: Sgt. J. Webb 4/7/09
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	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:

III. REVIEW COMMENTS

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


 OFMB 


 Contract Dev. and Control

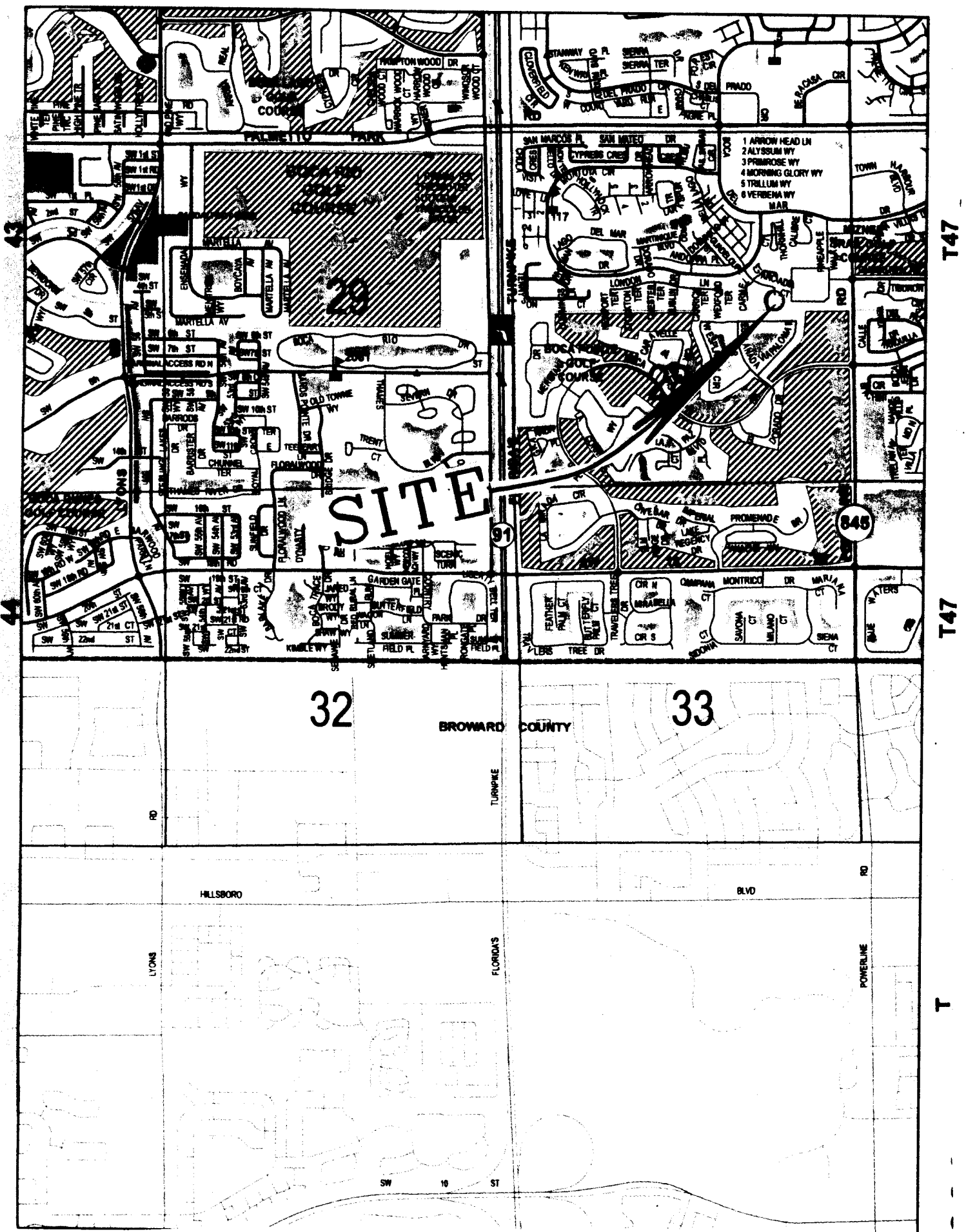
B. Legal Sufficiency:

Paul F. [Signature] 4/15/09
Assistant County Attorney

C. Other Department Review:

Division Director

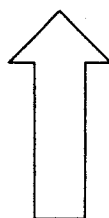
This summary is not to be used as a basis for payment.



**ABANDON 7' OF 12' WIDE UE
LOT 20, THORNHILL GREEN
PLAT BOOK 36, PAGE 125**

LOCATION SKETCH

N



RESOLUTION NO. R-2009-_____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, VACATING A PORTION OF A 12 FOOT WIDE UTILITY EASEMENT WITHIN LOT 20, THORNHILL GREEN, AS RECORDED IN PLAT BOOK 36, PAGES 125, 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 12 foot wide utility easement within Lot 20, Thornhill Green; and

WHEREAS, said petition to vacate said easement was submitted by Amiel Tokayer and Edna Tokayer, owners; 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 21, 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 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: _____
County Attorney

SKETCH OF DESCRIPTION



ACCURATE LAND SURVEYORS, INC.

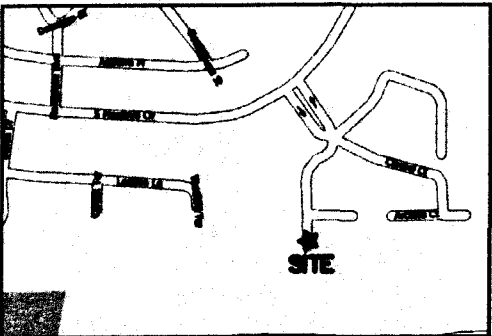
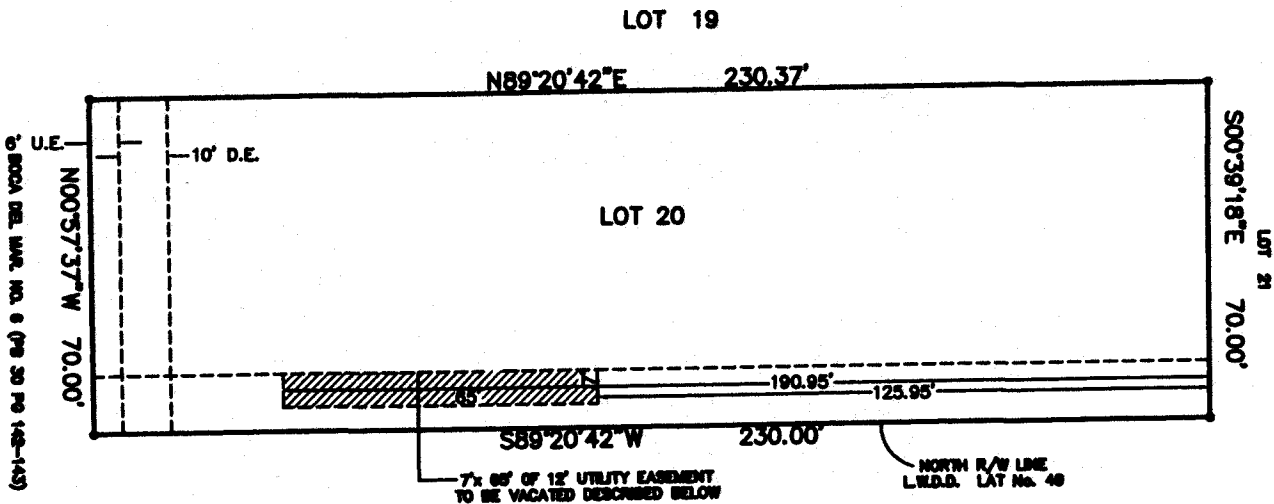
L.B. #3635

1150 E. ATLANTIC BLVD.
POMPANO BEACH
FLORIDA 33060

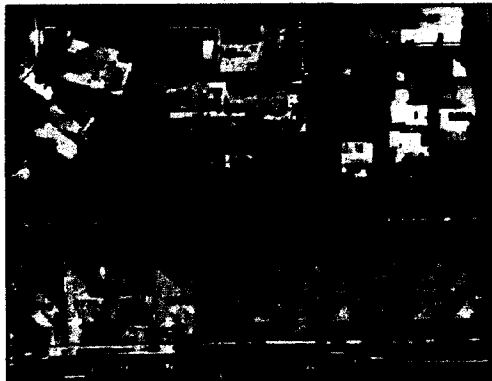
TEL. (954) 782-1441

FAX. (954) 782-1442

SHEET 1 OF 1



GENERAL LOCATION MAP NOT TO SCALE



SITE SKETCH NOT TO SCALE

DESCRIPTION OF EASEMENT TO BE VACATED:

THE NORTH 7 FEET OF THE SOUTH 12 FEET OF THE WEST 65 FEET OF THE EAST 190.95 FEET OF LOT 20, OF THORNHILL MEWS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 36, PAGE 125 & 126 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CERTIFICATION:

WE HEREBY CERTIFY THAT THE ATTACHED SKETCH OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF AS DELINEATED UNDER OUR DIRECTION AND DOES NOT CONSTITUTE A FIELD SURVEY AS SUCH. I FURTHER CERTIFY THAT THIS SKETCH MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING UNDER RULE 61G17-6 FLORIDA ADMINISTRATIVE CODE, ADOPTED BY THE FLORIDA BOARD OF LAND SURVEYORS, MAY 1995.

Robert L. Thompson 1-14-09

ROBERT L. THOMPSON (PRESIDENT)
PROFESSIONAL SURVEYOR AND MAPPER No. 3669 - STATE OF FLORIDA



REVISIONS		DATE	BY
DATE OF SURVEY	DRAWN BY	CHECKED BY	FIELD BOOK
01/08/09	AL	RLT	2625/20
SCALE 1"=40'			SKETCH NUMBER SU-09-0012A