

3H-9

Agenda Item #:

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

Meeting Date:	April 21, 2009	<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Regular
		<input type="checkbox"/> Ordinance	<input type="checkbox"/> Public Hearing

Department: **Facilities Development & Operations**

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: the plat of DuBois AGR - Preserve Plat Five.

Summary: The County owns a parcel of land consisting of approximately 100 acres in the Agricultural Reserve west of Boynton Beach which was donated pursuant to the terms of a tri-party Agreement for Donation of Real Property with Rebecca R. Butts and GL Homes (R2001-1538). As a condition of the agreement the County agreed to submit the property as the preservation area for one or more AGR-PUD's of GL Homes' future development areas. GL Homes has requested that the County submit 33.507 acres of the 100 acre parcel as a preservation area to satisfy a condition of approval for Zoning Application DOA2007-1420 for GL Homes' DuBois AGR PUD (R2008-114). The Plat designates the 33.507 acre parcel as a Preservation Area. The County is required to execute the plat as the property owner. (PREM) District 3 (JMB)

Background and Justification: The 33.507 acre parcel to be platted is the western one-third of the 100.442 acre Butts Tract Natural Area, located in the Agricultural Reserve, in western Boynton Beach, one mile west of South State Road 7. The property was donated to the County in 2001 for preservation purposes under a tri-party Agreement for Donation of Real Property. In April 2005, the eastern 9.256 acre portion of the Butts Tract was platted as Canyon Isles Preserve Plat Three and in March 2006, the middle 51.527 acres were platted as Canyon Springs Preserve Plat No. 1. GL Homes is responsible for all costs of platting this parcel. The conditions of approval for Zoning Application DOA2007-1420 for GL Homes' DuBois AGR PUD require the property to be platted and to include language on the plat limiting the parcel to preservation uses.

Attachments:

1. Location Map
2. Plat

Recommended By:


Department Director


Date

Approved By:


County Administrator


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	<u>0</u>	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget: Yes _____ No _____

Budget Account No: Fund _____ Dept _____ Unit _____ Object _____
Program _____

B. Recommended Sources of Funds/Summary of Fiscal Impact:

No fiscal impact.

C. Departmental Fiscal Review: _____

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

Jim Dull 4-8-09
OFMB
(NO) CN 4/8/09

Dr. J. Javon 4/9/09
Contract Development and Control

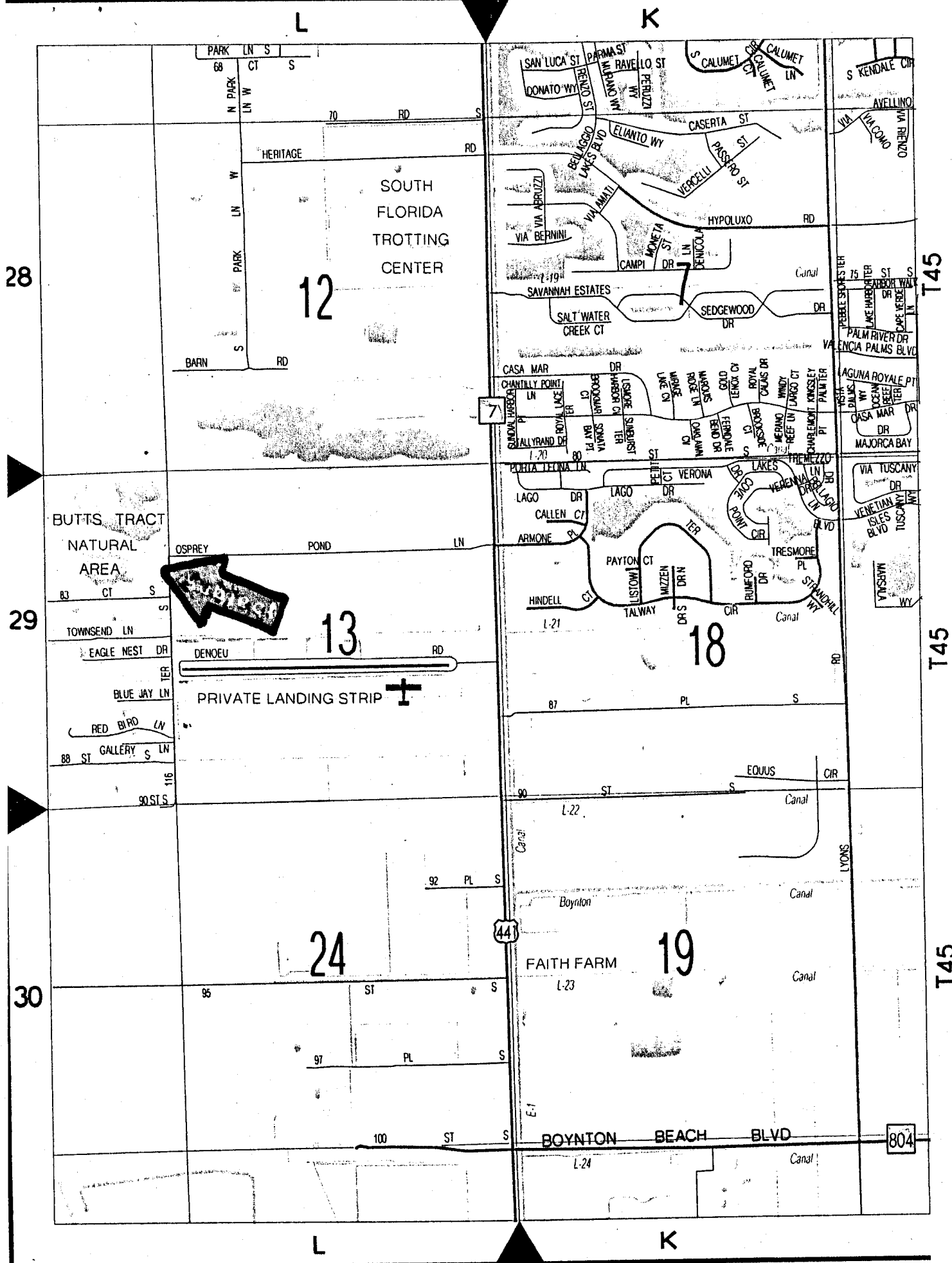
B. Legal Sufficiency:

James Brinko 4/10/09
Assistant County Attorney

C. Other Department Review:

Department Director

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



DUBOIS AGR - PRESERVE PLAT FIVE

A PORTION OF THE NORTH THREE-QUARTERS (N 3/4) OF
THE NORTHEAST QUARTER (NE 1/4) OF SECTION 14, TOWNSHIP 45 SOUTH, RANGE 41 EAST,
PALM BEACH COUNTY, FLORIDA.

SHEET 1 OF 2 AUGUST, 2008

DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT PALM BEACH COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, OWNER OF THE LAND SHOWN HEREON, AS DUBOIS AGR - PRESERVE PLAT FIVE, A PORTION OF THE NORTH THREE-QUARTERS (N 3/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 14, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 14, TOWNSHIP 45 SOUTH, RANGE 41 EAST; THENCE SOUTH 88°14'10" WEST ALONG THE NORTH LINE OF SAID SECTION 14, A DISTANCE OF 1985.53 FEET TO THE POINT OF BEGINNING OF THE HERON DESCRIBED PARCEL; THENCE SOUTH 00°54'07" EAST, A DISTANCE OF 682.52 FEET; THENCE NORTH 88°12'11" EAST, A DISTANCE OF 111.51 FEET; THENCE SOUTH 00°45'30" EAST, A DISTANCE OF 1,324.98 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH THREE-QUARTER (3/4) OF THE NORTHEAST ONE-QUARTER (1/4) OF SAID SECTION 14; THENCE SOUTH 88°07'50" WEST ALONG SAID LINE, A DISTANCE OF 768.38 FEET TO A POINT ON THE WEST LINE OF THE NORTHEAST ONE-QUARTER (1/4) OF SAID SECTION 14; THENCE NORTH 00°57'03" WEST ALONG SAID ONE-QUARTER (1/4) SECTION LINE, A DISTANCE OF 1,988.75 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 14; THENCE NORTH 88°14'10" EAST ALONG SAID SECTION LINE, A DISTANCE OF 681.84 FEET TO THE POINT OF BEGINNING.

CONTAINING 33.507 ACRES, MORE OR LESS.

HAVE CAUSED THE SAME TO BE SURVEYED AND PLATTED AS SHOWN HEREON AND DO HEREBY DEDICATE AS FOLLOWS:

TRACT "A", AS SHOWN HEREON, PURSUANT TO ARTICLE 3.E.2.F.3 OF THE PALM BEACH COUNTY UNIFIED LAND DEVELOPMENT CODE, IS DEDICATED AS THE PRESERVE AREA FOR BUTTS PRESERVE/DUBOIS DEVELOPMENT, CONTROL NO. 2004-250. A PORTION OF TRACT "A", AS SHOWN HEREON, IS SUBJECT TO CONSERVATION EASEMENT RESTRICTIONS SET FORTH IN OFFICIAL RECORDS BOOK 12956, PAGE 969 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TRACT "A" CONTAINS 33.507 ACRES, MORE OR LESS.

IN WITNESS WHEREOF, THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS CHAIRMAN AND ITS SEAL TO BE AFFIXED HERETO THIS _____ DAY OF _____ 2009.

PALM BEACH COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA

BOARD OF COUNTY COMMISSIONERS

BY: _____
JOHN F. KOONS, CHAIRMAN

ATTEST:
SHARON R. BOCK, CLERK & COMPTROLLER

THIS INSTRUMENT PREPARED BY
PERRY C. WHITE, P.S.M. 4213, STATE OF FLORIDA
ARCADIS U.S., INC.
2081 VISTA PARKWAY
WEST PALM BEACH, FLORIDA 33411
EB 7917 / LB 7062

TITLE CERTIFICATION

STATE OF FLORIDA
COUNTY OF PALM BEACH

WE, GARDENS TITLE, INC., A TITLE INSURANCE COMPANY, AS DULY LICENSED IN THE STATE OF FLORIDA, DO HEREBY CERTIFY THAT WE HAVE EXAMINED THE TITLE TO THE HERON DESCRIBED PROPERTY; THAT I FIND THE TITLE TO THE PROPERTY IS VESTED IN PALM BEACH COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA; THAT THE CURRENT TAXES HAVE BEEN PAID; THAT THERE ARE NO MORTGAGES OF RECORD; AND THAT THERE ARE ENCUMBRANCES OF RECORD BUT THOSE ENCUMBRANCES DO NOT PROHIBIT THE CREATION OF THE SUBDIVISION DEPICTED BY THIS PLAT.

GARDENS TITLE, INC.

BY: _____
JUNE WHITE, PRESIDENT

DATE: 2/23/09

COUNTY ENGINEER

THIS PLAT IS HEREBY APPROVED FOR RECORD PURSUANT TO PALM BEACH COUNTY ORDINANCE 95-33, AND IN ACCORDANCE WITH SECTION 177.07(2), FLORIDA STATUTES, THIS _____ DAY OF _____ 2009, AND HAS BEEN REVIEWED BY A PROFESSIONAL SURVEYOR & MAPPER EMPLOYED BY PALM BEACH COUNTY IN ACCORDANCE WITH SECTION 177.081 (1) FLORIDA STATUTES.

BY: _____
GEORGE T. WEBB, P.E. COUNTY ENGINEER

DATE: _____

SURVEYOR'S CERTIFICATE

THIS IS TO CERTIFY THAT THE PLAT SHOWN HEREON IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY MADE UNDER MY RESPONSIBLE DIRECTION AND SUPERVISION; THAT SAID SURVEY IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF; THAT PERMANENT REFERENCE MONUMENTS ("P.R.M.S.") HAVE BEEN PLACED AS REQUIRED BY LAW; AND, FURTHER, THAT THE SURVEY DATA COMPLIES WITH ALL THE REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES, AS AMENDED, AND THE ORDINANCES OF PALM BEACH COUNTY, FLORIDA.

BY: _____
PERRY C. WHITE, PROFESSIONAL SURVEYOR AND MAPPER
LICENSE NO. 4213, STATE OF FLORIDA

DATE: 2/23/09

SITE PLAN DATA:

DUBOIS AGR - PRESERVE PLAT FIVE
(BUTTS / DUBOIS PRESERVE)
CONTROL NO. - PDD 2004-250
TOTAL AREA - 33.507 ACRES - TRACT "A"

SURVEYOR'S NOTES:

1) BEARINGS SHOWN HEREON ARE BASED ON STATE PLANE GRID, NAD 83, (1990 ADJUSTMENT). THE EAST LINE OF SECTION 14, TOWNSHIP 45 SOUTH, RANGE 41 EAST, HAVING A BEARING OF S00°45'30"E.

2) NO BUILDING OR ANY KIND OF CONSTRUCTION OR TREES OR SHRUBS SHALL BE PLACED ON ANY EASEMENT WITHOUT PRIOR WRITTEN CONSENT OF ALL EASEMENT BENEFICIARIES AND ALL APPLICABLE COUNTY APPROVALS OR PERMITS AS REQUIRED FOR SUCH ENCROACHMENTS.

3) NOTICE: THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF PALM BEACH COUNTY.

4) IN THOSE CASES WHERE EASEMENTS OF DIFFERENT TYPES CROSS OR OTHERWISE COINCIDE, DRAINAGE EASEMENTS SHALL HAVE FIRST PRIORITY, UTILITY EASEMENTS SHALL HAVE SECOND PRIORITY, ACCESS EASEMENTS SHALL HAVE THIRD PRIORITY, AND ALL OTHER EASEMENTS SHALL BE SUBORDINATE TO THESE, WITH THEIR PRIORITIES BEING DETERMINED BY USE RIGHTS GRANTED.

5) COORDINATES SHOWN ON THE GEODETIC CONTROL MEET OR EXCEED THE LOCAL ACCURACY REQUIREMENTS OF A 2 CENTIMETER GEODETIC CONTROL SURVEY.
COORDINATES SHOWN ARE GRID COORDINATES
DATUM = NAD 83 (1990 ADJUSTMENT)
ZONE = FLORIDA EAST ZONE
LINEAR UNIT = U.S. SURVEY FEET
COORDINATE SYSTEM = 1983 STATE PLANE TRANSVERSE MERCATOR PROJECTION
ALL DISTANCES ARE GROUND
SCALE FACTOR = 1.0000147 NO ROTATION, GROUND TO GRID

6) THE PROPERTY SUBJECT TO THIS PLAT IS A PRESERVATION AREA APPROVED AS PART OF PETITION 2004-250 AND SHALL BE RESTRICTED TO PRESERVATION USES AS FOLLOWS:

PERMITTED USES

- CROP PRODUCTION, PASTURE, OR EQUESTRIAN PURPOSES OR MAY BE RETAINED AS FALLOW LAND;
- ACCESSORY STRUCTURES SUCH AS BARNES AND PUMP STRUCTURES ARE PERMITTED;
- REGIONAL WATER STORAGE AREAS TO SERVE AS WATER MANAGEMENT FUNCTIONS OR TO SERVE AS A WATER PRESERVE AREA IF DESIGNATED BY THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT TO SERVE REGIONAL WATER MANAGEMENT PURPOSES AS CERTIFIED BY EITHER LAKE WORTH DRAINAGE DISTRICT OR SOUTH FLORIDA WATER MANAGEMENT DISTRICT, OR FOR WATER MANAGEMENT PURPOSES NOT DIRECTLY RELATED TO THE 60/40 AGR-PDD IF APPROVED BY THE DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT AND MANAGED FOR ENVIRONMENTAL RESOURCE VALUES;
- WETLAND OR BONA FIDE AGRICULTURAL USES PER THE UNIFIED LAND DEVELOPMENT CODE (ULDC);
- OTHER USES AS PERMITTED BY THE REQUIRED CONSERVATION EASEMENTS;
- OTHER USES AS MAY BE PERMITTED WITHIN THE PROTECTED AREA OF AN AGR-PDD CONSISTENT WITH THE COMPREHENSIVE PLAN AND THE ULDC;

NOT PERMITTED

- AGRICULTURAL SUPPORT USES SUCH AS PROCESSING FACILITIES, FARMWORKER HOUSING AND THE LIKE SHALL NOT BE ACCOMMODATED IN THE PROTECTED OR PRESERVATION AREA OF THE AGR-PDD;
- NO RESIDENTIAL UNITS OR FARM RESIDENCES (WHETHER EXISTING OR PROPOSED) SHALL BE ALLOWED WITHIN THE PRESERVE AREA.

7) THE PLAT IS SUBJECT TO THE FOLLOWING EASEMENTS OF RECORD:

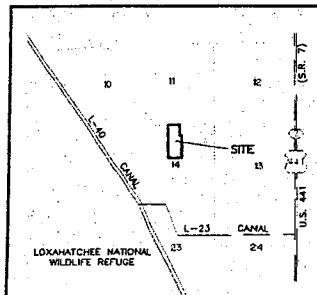
- CONSERVATION EASEMENT, OFFICIAL RECORDS BOOK 12956, PAGE 969

PALM BEACH COUNTY
BOARD OF COUNTY
COMMISSIONERS

COUNTY ENGINEER

SURVEYOR

SITE MAP
NOT TO SCALE



WPO0A448.0020

SHEET 1 OF 2

ATTACHMENT # 2

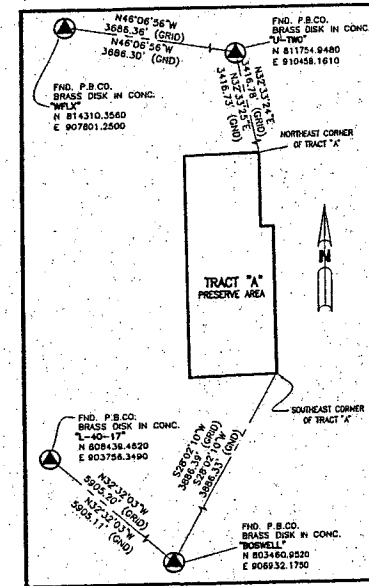
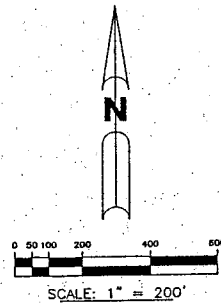
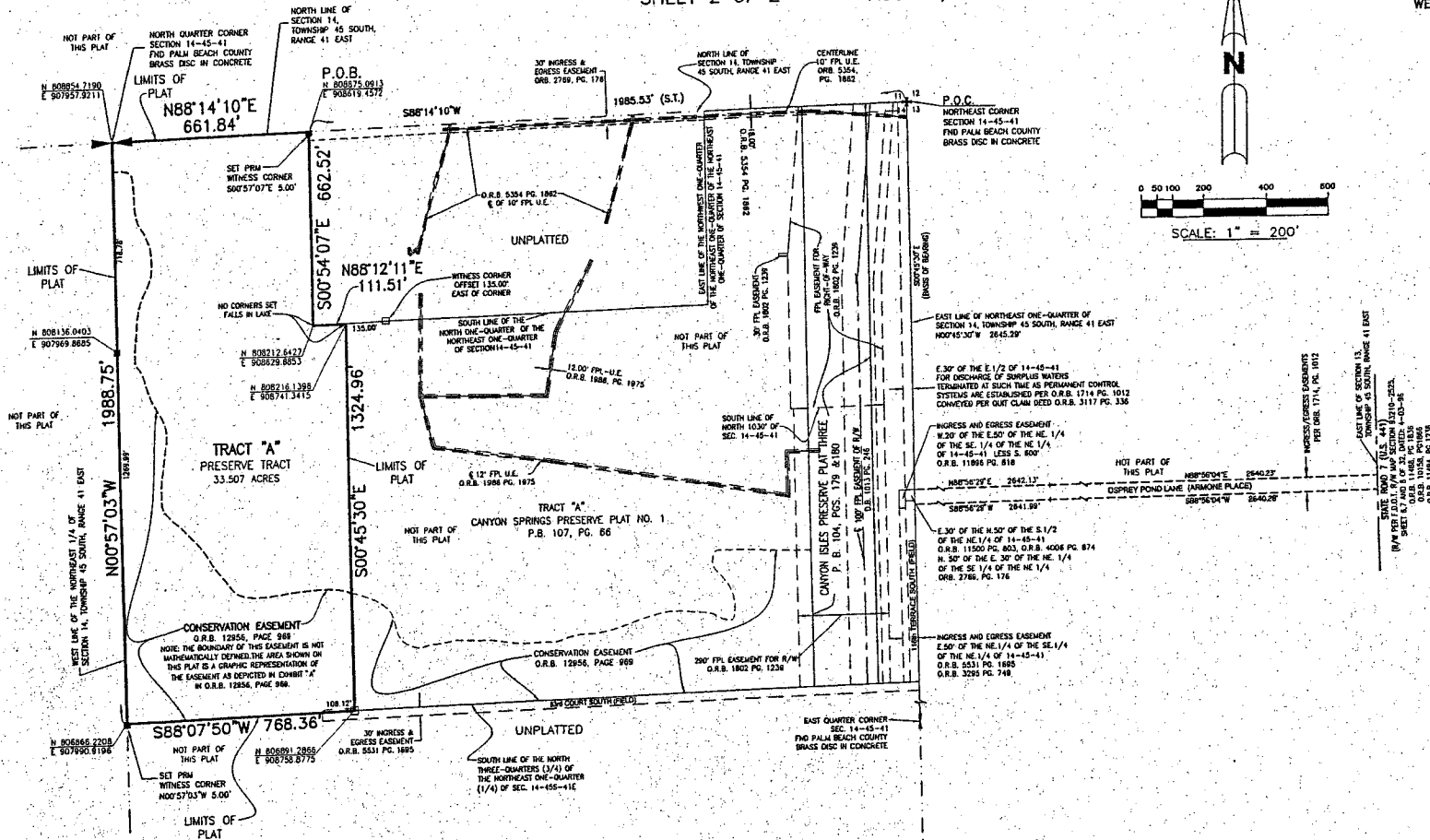
DUBOIS AGR - PRESERVE PLAT FIVE

A PORTION OF THE NORTH THREE-QUARTERS (N 3/4) OF
THE NORTHEAST QUARTER (NE 1/4) OF SECTION 14, TOWNSHIP 45 SOUTH, RANGE 41 EAST,
PALM BEACH COUNTY, FLORIDA.

SHEET 2 OF 2

AUGUST, 2008

THIS INSTRUMENT PREPARED BY
PERRY C. WHITE, P.S.M. 4213, STATE OF FLORIDA
ARCADIS U.S., INC.
2081 VISTA PARKWAY
WEST PALM BEACH, FLORIDA 33411
EB 7917 / LB 7062



DETAIL OF GPS TIES
TO STATE PLANE COORDINATE DATUM
NOT TO SCALE

LEGEND:

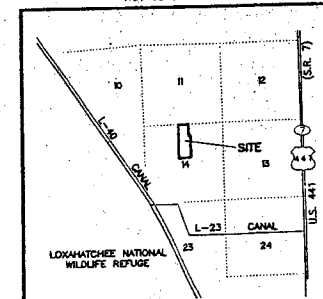
— SET PERMANENT REFERENCE
MONUMENT, L.B. 77082
— FOUND PERMANENT REFERENCE
MONUMENT, L.B. 18674
C - CENTERLINE
D.B. - DEED BOOK
D.E. - DRAINAGE EASEMENT
F.P.L. - FLORIDA POWER AND LIGHT
FND. - FOUND
CHD - CHURCH
L.B. - LICENSED BUSINESS
L.W.D.D. - LAKE NORTH DRAINAGE DISTRICT
MON. - MONUMENT
N.T.S. - NOT TO SCALE

O.R.B. - OFFICIAL RECORD BOOK
(P) - PLAT
P.B. - PLAT BOOK
P.G.S. - PAGES
P.O.B. - POINT OF BEGINNING
P.O.C. - POINT OF COMMENCEMENT
P.S.M. - PROFESSIONAL SURVEYOR AND MAPPER
R.L.S. - REGISTERED LAND SURVEY
SEC. - SECTION
R/W - RIGHT-OF-WAY
U.E. - UTILITY EASEMENT
14-45-41 - SECTION 14, TOWNSHIP 45 SOUTH, RANGE 41 EAST
N 1000000.0000 - DENOTES STATE PLANE COORDINATES
E 1000000.0000

NOTE:

COORDINATES SHOWN ON THE GEODETIC CONTROL MEET OR EXCEED THE LOCAL ACCURACY
REQUIREMENTS OF A 2 CENTIMETER GEODETIC CONTROL SURVEY.
COORDINATES SHOWN ARE GRID COORDINATES DATUM = NAD 83 (1980 ADJUSTMENT)
AS READJUSTED BY PALM BEACH COUNTY IN 1998.
ZONE = FLORIDA EAST ZONE
LINEAR UNIT = U.S. SURVEY FEET
COORDINATE SYSTEM = 1983 STATE PLANE TRANSVERSE MERCATOR PROJECTION
ALL DISTANCES ARE GROUND
SCALE FACTOR = 1.000147
PLAT BEARING = GRID BEARING

SITE MAP NOT TO SCALE



WP00A448.0020

SHEET 2 OF 2