

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

Meeting Date: May 19, 2009

☒ Consent
☐ Workshop

☐ Regular
☐ 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 ten foot wide utility easement within Tract SS, Mini Assemblage Planned Unit Development, Plat Eight, as recorded in Plat Book 110, Pages 9-13, Public Records of Palm Beach County, Florida.

SUMMARY: This petition site is located on the west side of Hagen Ranch Road and south of Boynton Beach Boulevard. The petitioner is requesting the vacation to clear the title in order that right-of-way for a right turn lane for the Hagen Road Elementary School can be conveyed to Palm Beach County clear of any encumbrances.

District 5 (PK)

Background and Justification: The owner is the School Board of Palm Beach County (School Board). Due to the increased traffic volumes on Hagen Ranch Road and for safety reasons, it is necessary for the School Board to construct a turn lane into the Hagen Road Elementary School. In order to accomplish this, they are required to dedicate the additional right-of-way (free and clear of encumbrances) for this turn lane. There is an existing utility easement within the proposed dedication, thus the need for the abandonment. A replacement utility easement has been provided and will be recorded in the public records simultaneously with the abandonment. The utility providers have no objection.

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: KS Lewis
Division Director

24 April 09
Date

Approved by: A. J. Webb
County Engineer

5/4/09
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>X</u>	_____	_____	_____	_____
# 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:

X No additional fiscal impact as a result of this item.

C. Departmental Fiscal Review: atwillwhite

III. REVIEW COMMENTS

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

Jim B. 5-9-09
 OFMB 5/5/09
JP 5/7/09

Dr. J. Jacobson 5/11/09
 Contract Dev. and Control

B. Legal Sufficiency:

Paul F. 5/13/09
 Assistant County Attorney

C. Other Department Review:

 Division Director

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

[illegible]

RESOLUTION NO. R-2009-_____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, VACATING A PORTION OF A TEN FOOT WIDE UTILITY EASEMENT WITHIN TRACT SS, MINI ASSEMBLAGE PLANNED UNIT DEVELOPMENT, PLAT EIGHT, AS RECORDED IN PLAT BOOK 110, PAGES 9-13, 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 utility easement; and

WHEREAS, said petition to vacate said easement was submitted by the School Board of Palm Beach County; 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 May 19, 2009, did hold a meeting on said Petition to abandon/vacate the easement, and this Board determined that said abandonment/vacation conforms to Palm Beach County's Land Development Code.

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 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.

RESOLUTION NO. R-_____

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.

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

NOT A SURVEY

SCALE: 1"=200'

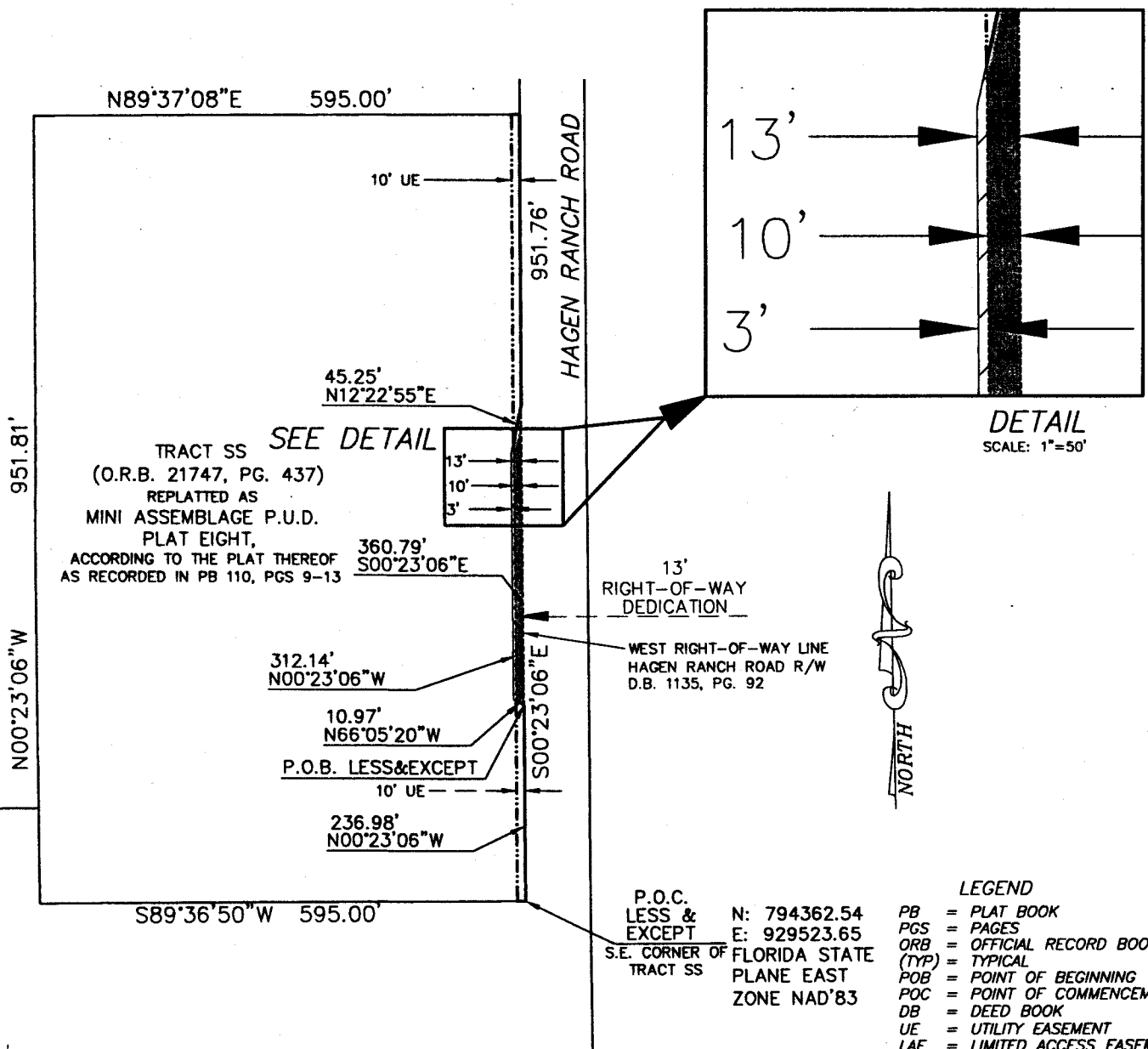
TITLE: UTILITY EASEMENT ABANDONMENT SKETCH

PROJECT: HAGEN RANCH ROAD

JOB No.: 07-129

PAGE 2 OF 2

11/19/08



VELCON GROUP, INC.



ENGINEERS & SURVEYORS

702 S.W. PORT ST. LUCIE BLVD.

PORT ST. LUCIE, FLORIDA 34953

(772) 879-0477

(772) 871-6659 (FAX)

LICENSE BUSINESS #4942

SKETCH OF DESCRIPTION

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENCED SURVEYOR AND MAPPER

Robert F. Kemerson

ROBERT F. KEMERSON
PROFESSIONAL SURVEYOR AND MAPPER
STATE OF FLORIDA # 6285

TITLE: *UTILITY EASEMENT ABANDONMENT DESCRIPTION*
PROJECT: *HAGEN RANCH ROAD*
JOB No.: *07-129*

ABANDONMENT DESCRIPTION:

A PORTION OF A 10 FOOT UTILITY EASEMENT, LOCATED IN TRACT SS, MINI ASSEMBLAGE P.U.D. PLAT EIGHT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 110, PAGES 9-13, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

COMMENCE AT THE SOUTHEAST CORNER OF SAID TRACT SS; THENCE RUN NORTH 00°23'06" WEST, ALONG THE EASTERLY LINE OF TRACT SS, ALSO BEING THE WESTERLY RIGHT-OF-WAY LINE OF HAGEN RANCH ROAD, A DISTANCE OF 236.98 FEET TO THE POINT OF BEGINNING;

THENCE RUN NORTH 66°05'20" WEST, DEPARTING SAID RIGHT-OF-WAY LINE, A DISTANCE OF 10.97 FEET; THENCE RUN NORTH 00°23'06" WEST, A DISTANCE OF 312.14 FEET; THENCE RUN NORTH 12°22'55" EAST, A DISTANCE OF 45.25 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF HAGEN RANCH ROAD; THENCE RUN SOUTH 00°23'06" EAST, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 360.79 FEET TO THE POINT OF BEGINNING.

CONTAINING 3,365 SQUARE FEET OR 0.08 ACRES, MORE OR LESS.

VELCON GROUP, INC.



ENGINEERS & SURVEYORS

702 S.W. PORT ST. LUCIE BLVD.
PORT ST. LUCIE, FLORIDA 34953
(772) 879-0477
(772) 871-6659 (FAX)

11/17/08

LICENSE BUSINESS #4942

PAGE 1 OF 2