

Agenda Item #: 5B

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

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Meeting Date: August 18, 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 abandoning a portion of that certain unimproved 25 foot wide platted right-of-way lying east of and adjacent to Tract 6, Block 4, Palm Beach Farms Plat No. 3, as recorded in Plat Book 2, Pages 45-54, Public Records of Palm Beach County, Florida.

SUMMARY: Adoption of this resolution will allow for the abandonment of the unused road right-of-way, lying within Palm Beach County Water Treatment Plant No. 8. The site is located south of Okeechobee Boulevard, east of Jog Road and north of Belvedere Road. Palm Beach County Water Utilities Department operates this treatment plant and their proposed site plan, as approved by the Development Review Officer, calls for the abandonment of this right-of-way.

District 2 (PK)

Background and Policy Issues: The owner, Palm Beach County, is requesting the abandonment to allow for the development of the revised site plan as approved by the Development Review Officer.

Utility service providers have no objection to the vacation because replacement easements will be provided.

Privilege Fee Statement: In accordance with the exemption in the Right-of-Way Abandonment and Plat Vacation Ordinance 86-18, as amended by Ordinance No. 2002-034, governmental agencies are exempt from the privilege fee.

Attachments:

1. Location Sketches
2. Resolution with Legal Description and Sketch

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Recommended by: *K. Legas* *16 July 2009* *[Signature]*

Approved by: *Sgt. T. Webb* *7/27/09*
 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	X	_____	_____	_____	_____
# 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: Atwillhite

III. REVIEW COMMENTS

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

[Signature] 7/30/09
 7-28-09 OFMB [Signature] 7/28/09

[Signature] 7/30/09
 Contract Dev. and Control

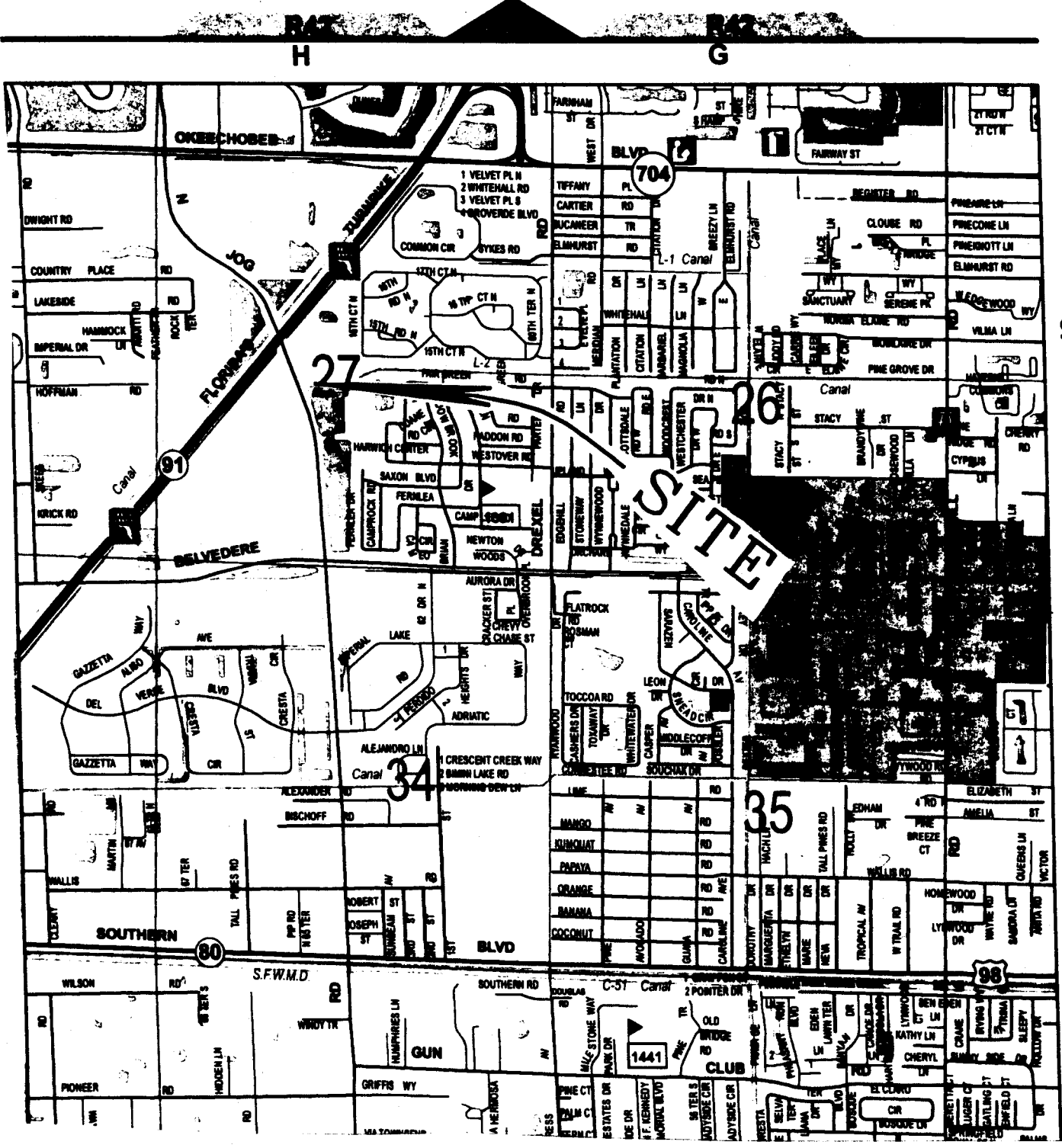
B. Legal Sufficiency:

[Signature] 7/31/09
 Assistant County Attorney

C. Other Department Review:

 Division Director

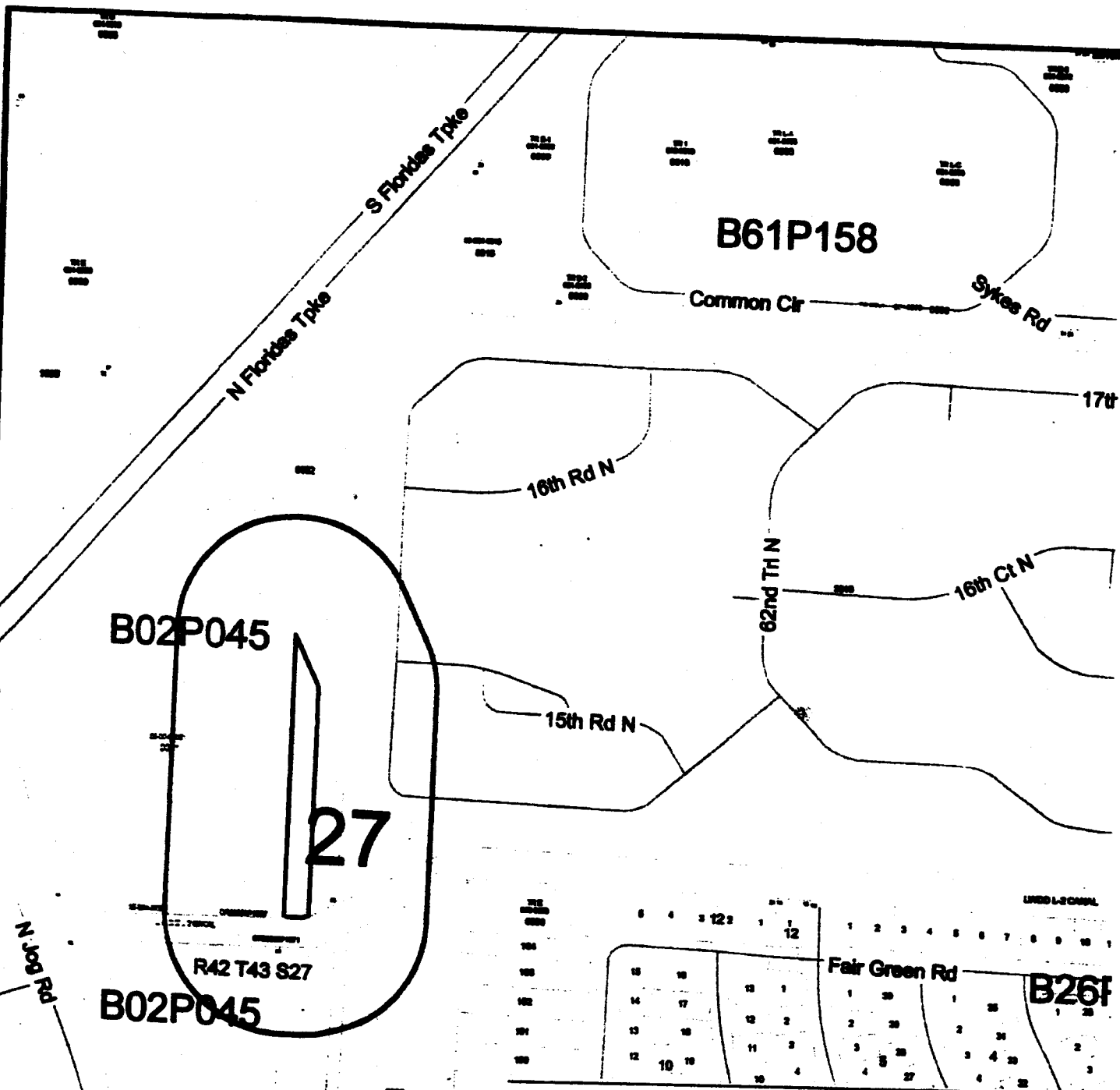
This summary is not to be used as a basis for payment.



**ABANDONING A PORTION OF UNIMPROVED 25' WIDE
 RIGHT-OF-WAY LYING EAST OF AND ADJACENT TO TRACT
 6, BLOCK 4, PALM BEACH FARMS PLAT NO. 3, AS
 RECORDED IN PLAT BOOK 2, PAGES 45-54**

LOCATION SKETCH





B02P045

B61P158

B261

27

R42 T43 S27

B02P045

Key

Selected Parcels	100	300	500
Others	200	400	

Gary R. Nikolits, CFA
 Palm Beach County
 Property Appraiser

Location: Downtown Service Center



Map Scale



Notes:

LOCATION SKETCH

RESOLUTION NO. R-2009-_____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ABANDONING A PORTION OF THAT CERTAIN UNIMPROVED 25 FOOT WIDE PLATTED RIGHT-OF-WAY LYING EAST OF AND ADJACENT TO TRACT 6, BLOCK 4, PALM BEACH FARMS PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45-54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

WHEREAS, the Board of County Commissioners of Palm Beach County, Florida, pursuant to authority in Section 336.09, Florida Statutes, and Ordinance No. 86-18 known as the Palm Beach County Right-of-Way Abandonment and Plat Vacation Ordinance, as amended, and the petition of Palm Beach County Water Utilities Department, called a public hearing to be held in the County Commissioners' Chambers, at the Governmental Office Complex, West Palm Beach, Florida, on August 18, 2009, to consider and determine whether or not Palm Beach County would vacate, abandon, discontinue and close, renounce and disclaim any right or interest of the County to that certain portion of the 25 foot platted right-of-way; and

WHEREAS, in accordance with Ordinance No. 86-18, as amended, notice of the holding of such meeting was duly published in the Palm Beach Post on August 1, 2009; and

WHEREAS, this Board, did hold said hearing as advertised and determined that such action will not materially interfere with the County Road System and will not deprive any person of a reasonable means of ingress and egress from at least one County, State or Federal highway.

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 certain 25 foot wide unimproved right-of-way is hereby abandoned and closed as right-of-way and this Board does hereby renounce and disclaim any right or interest of Palm Beach County and the Public in and to that certain unimproved 25 foot wide right-of-way, 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 Priscilla A. Taylor

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

**WATER TREATMENT PLANT NO. 8
25' RIGHT OF WAY ABANDONMENT**

25 FOOT PLATTED RIGHT-OF-WAY
ADJOINING TRACT 6, BLOCK 4,
PALM BEACH FARMS CO., PLAT NO 3,
PLAT BOOK 2, PAGES 45-54,
SECTION 27, TOWNSHIP 43 SOUTH, RANGE 42 EAST,
PALM BEACH COUNTY, FLORIDA

LEGAL DESCRIPTION:

A PORTION OF THAT CERTAIN 25.00 FOOT PLATTED RIGHT-OF-WAY LYING EAST OF AND ADJOINING TRACT 6, BLOCK 4, PALM BEACH FARMS CO. PLAT NO 3, AS RECORDED IN PLAT BOOK 2, AT PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF TRACT 6, BLOCK 4, PALM BEACH FARMS CO. PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, AT PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. THENCE N 01°36'36" E ALONG THE EAST LINE OF SAID TRACT 6, FOR A DISTANCE OF 650.43 FEET; THENCE S 25°56'34" E ALONG THE SOUTHWESTERLY LINE OF A PARCEL OF LAND DESCRIBED IN DEED BOOK 1099, AT PAGE 224 FOR A DISTANCE OF 54.05 FEET; THENCE S 01°36'36" W ALONG A LINE PARALLEL WITH AND 25 FEET EAST OF AS MEASURED AT RIGHT ANGLES TO THE EAST LINE OF SAID TRACT 6 FOR A DISTANCE OF 601.48 FEET TO A POINT ON THE EASTERLY EXTENSION OF THE SOUTH LINE OF SAID TRACT 6: THENCE S 89°14'36" W ALONG THE EASTERLY EXTENSION OF THE SOUTH LINE OF SAID TRACT 6 FOR A DISTANCE OF 25.02 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE WITHIN PALM BEACH COUNTY, FLORIDA.

SAID LAND CONTAINING 0.36 ACRES MORE OR LESS.

NOTES:

- 1) THIS SKETCH AND LEGAL DESCRIPTION DOES NOT REPRESENT A FIELD SURVEY. (THIS IS NOT A SURVEY)
- 2) THIS SKETCH AND LEGAL DESCRIPTION WAS NOT ABSTRACTED FOR EASEMENTS AND OR RIGHTS OF WAY OF RECORD OTHER THAN SHOWN.
- 3) THIS SKETCH IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND RAISED EMBOSSED SEAL OF A FLORIDA REGISTERED SURVEYOR.
- 4) THE LEGAL DESCRIPTION SHOWN HEREON WAS CREATED BY THE UNDERSIGNING FIRM AS DIRECTED BY PALM BEACH COUNTY WATER UTILITIES DEPARTMENT.
- 5) BEARINGS SHOWN HEREON ARE REFERENCED TO THE STATE PLANE COORDINATE SYSTEM, FLORIDA EAST ZONE, NORTH AMERICAN DATUM 1983 (ADJUSTMENT OF 1990) NORTH SOUTH QUARTER SECTION LINE OF SECTION 27 HAVING A BEARING OF S01°47'04"W.

HELLER-WEAVER AND SHEREMETA, INC.
FLORIDA STATE L.B. NO. 3449

BY: DANIEL C. LAAK
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA REG. NO. 5118

LEGEND:

P.B. PLAT BOOK
PG. PAGE(S)
O.R.B. OFFICIAL RECORDS BOOK

REVISIONS
(6-08-09) PER COUNTY'S
COMMENTS



Heller - Weaver and Sheremeta, inc.
Engineers ... Surveyors and Mappers
310 S.E. 1st Street, Suite 4 Delray Beach, Florida 33483
(561) 243-8700 - Phone (561) 243-8777 - Fax

DATE:	7-29-2008
SCALE:	N/A
DRAWN BY:	W. ROLLE
CHECKED BY:	D. LAAK
SHEET:	1 OF 2
FILE NO.	08-15457.027-SS1

**WATER TREATMENT PLANT NO. 8
25' RIGHT OF WAY ABANDONMENT**

25 FOOT PLATTED RIGHT-OF-WAY
ADJOINING TRACT 6, BLOCK 4,
PALM BEACH FARMS CO., PLAT NO 3,
PLAT BOOK 2, PAGES 45-54,
SECTION 27, TOWNSHIP 43 SOUTH, RANGE 42 EAST,
PALM BEACH COUNTY, FLORIDA

SOUTH QUARTER
CORNER OF SECTION 27,
TOWNSHIP 43S., RANGE 42E.



NORTH-SOUTH
QUARTER SECTION
LINE SECTION 27,
TOWNSHIP 43S.,
RANGE 42E.

80' RIGHT OF WAY
(O.R.B 1732, PG. 612
SHEET 11 OF 240)

PARCEL
DESCRIBED IN
DEED BOOK
1099, PAGE 224
PCN # 00-42-43-27-05-004-0052
S25°56'34"E
54.05'

8' HIGH
CHAINLINK
FENCE
PCN # 00-42-43-27-05-004-0053

EASTERLY EXTENSION
OF THE SOUTH
LINE OF TRACT 6.

S01°47'04"W

N01°47'04"E
2549.45

HIATUS

S01°36'36"W 601.48'

0.36± ACRES

650.43' N01°36'36"E
PCN # 00-42-43-27-05-004-0053

25' RIGHT OF WAY PER
PALM BEACH FARMS CO.
PLAT NO. 3, PLAT BOOK 2,
PAGES 45-54

EAST LINE
TRACT 6



**TRACT 6
PALM BEACH FARMS CO. PLAT
NO. 3,
(PLAT BOOK 2, PAGES 45-54)
BLOCK 4**

S.E CORNER TRACT 6

30' RIGHT OF WAY PER
PALM BEACH FARMS CO.
PLAT NO. 3, PLAT BOOK 2,
PAGES 45-54

25' AREA QUIT CLAIMED
FROM L.W.D.D. TO PALM
BEACH COUNTY
(O.R.B. 22268, PG. 1067)

LEGEND:

PCN PROPERTY CONTROL NUMBER
P.O.B. POINT OF BEGINNING
L.W.D.D. LAKE WORTH DRAINAGE DISTRICT

REVISIONS
(6-08-09) PER COUNTY'S COMMENTS
(7-02-09) PER COUNTY'S COMMENTS



E.B. NO. 0003448

Heller - Weaver and Sheremeta, inc.
Engineers ... Surveyors and Mappers
310 S.E. 1st Street, Suite 4 Delray Beach, Florida 33483
(561) 243-8700 - Phone (561) 243-8777 - Fax

DATE:	7-29-2008
SCALE:	1" = 80'
DRAWN BY:	W. ROLLE
CHECKED BY:	D. LAAK
SHEET:	2 OF 2
FILE NO.	08-15457.027-SS2

