Agenda Item #: 3-C-8

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS <u>AGENDA ITEM SUMMARY</u>

Meeting Date: October 6, 2009

[X] Consent [] Workshop

[] Regular [] Public Hearing

Department:

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

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to adopt: A Resolution vacating the plats of Okeechobee Fruit Lands Co's Subdivision of Section 3, Township 45 S, Range 36 E, Palm Beach County, Florida, less the north 160 feet thereof for the right-of-way of Bolles Canal (Levee L-21), recorded in Plat Book 1, Page 108, within the public records of Palm Beach County, Florida, and vacating Okeechobee Fruit Lands Co's Subdivision of Section 10, Township 45 S, Range 36 E, Palm Beach County, Florida, as recorded in Plat Book 1, Page 115, recorded in the public records of Palm Beach County, Florida, which includes the proposed roadways.

SUMMARY: This petition site is located south of the Bolles Canal and west of U.S. Highway 27. The petitioner is requesting the vacation to eliminate roads and the internal lot lines in order to facilitate future development.

District 6 (PK)

Background and Justification: The owner, Okeelanta Corporation, a Delaware Corporation, authorized to transact business in the State of Florida, wants to abandon these plats and roadways to facilitate future development. The lands have been used for decades to cultivate and grow sugar cane. These road reservations are unimproved and were intended to provide access to five acre lots which were not developed.

Utilities service providers have no objection to the vacation.

Attachments:

1. Location Sketch

2. Resolution with Legal Description and Sketch

Recommended by:	5 Division Director	3 Sept 09 WW Date
Approved by:	J. W.J.J. County Engineer	9/9/09 Date

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II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2010	2011	2012	2013	2014
Capital Expenditures Operating Costs					
External Revenues Program Income (County) In-Kind Match (County)					
NET FISCAL IMPACT	<u>+</u>				
# ADDITIONAL FTE POSITIONS (Cumulative)					
Is Item Included In Curre Budget Account No.: Fund Prog	ent Budgo l Aq gram	jency	Org.	No Obje	ect

III. REVIEW COMMENTS

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

alive or 9-11-09 OFMB

109 Contract De

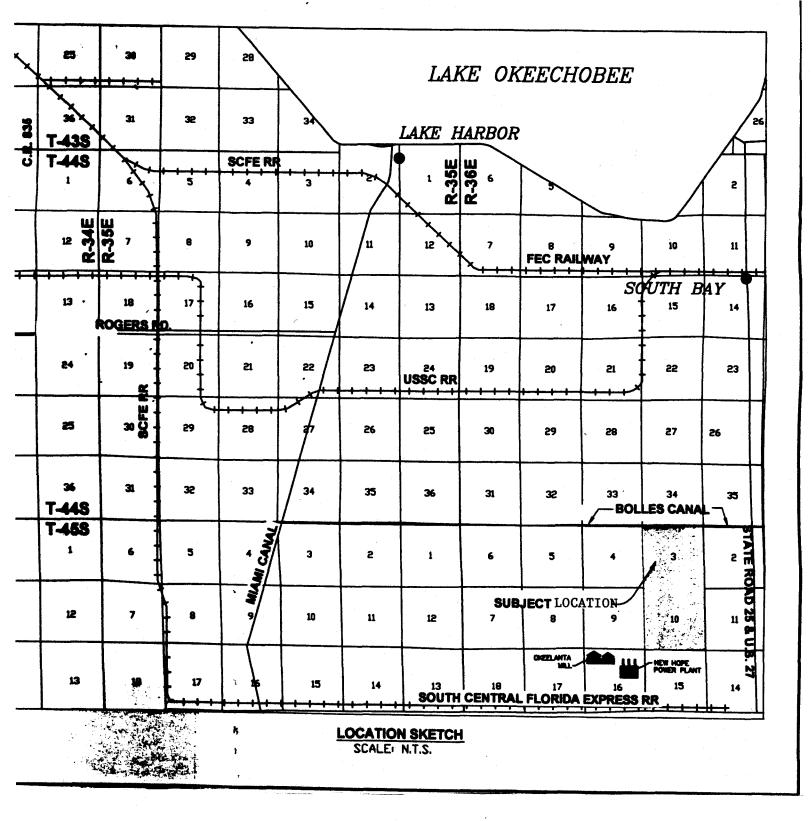
B. Legal Sufficiency:

Assistant

C. Other Department Review:

Division Director

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



ABANDONMENT OF PLATS OF OKEECHOBEE FRUIT LANDS CO'S SUBDIVISION OF -SECTION 3, TOWNSHIP 45 SOUTH, RANGE 36 EAST, PLAT BOOK 1, PAGE 108

& OKEECHOBEE FRUIT LANDS CO'S SUBDIVISION OF SECTION 10, TOWNSHIP 45 SOUTH, RANGE 36 EAST, PLAT BOOK 1, PAGE 115, WHICH INCLUDES THE PROPOSED ROADWAYS, EXCEPT THE NORTH 160 FEET THEREOF FOR THE RIGHT OF WAY OF BOLLES CANAL

LOCATION SKETCH

N

RESOLUTION NO. R-2009-__

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, VACATING THE PLATS OF OKEECHOBEE FRUIT LANDS CO'S SUBDIVISION OF SECTION 3, TOWNSHIP 45 S, RANGE 36 E, PALM BEACH COUNTY, FLORIDA, LESS THE NORTH 160 FEET THEREOF FOR THE RIGHT- OF-WAY OF BOLLES CANAL (LEVEE L-21) RECORDED IN PLAT BOOK 1, PAGE 108, WITHIN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND OKEECHOBEE FRUIT LANDS CO'S SUBDIVISION OF SECTION 10, TOWNSHIP 45 S, RANGE 36 E, PALM BEACH COUNTY, FLORIDA, AS RECORDED IN PLAT BOOK 1, PAGE 115, RECORDED IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AS RECORDED IN PLAT BOOK 1, PAGE 115, RECORDED IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, WHICH INCLUDES THE PROPOSED ROADWAYS.

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, of the plats of Okeechobee Fruit Lands Co's Subdivision of Section 3, Township 45 S, Range 36 E, Palm Beach County, Florida, less the north 160 feet thereof for the right-of-way of Bolles Canal (Levee L-21), recorded in Plat Book 1, Page 108, within the public records of Palm Beach County, Florida, and Okeechobee Fruit Lands Co's Subdivision of Section 10, Township 45 S, Range 36 E, Palm Beach County, Florida, as recorded in Plat Book 1, Page 115, recorded in the public records of Palm Beach County, Florida, which includes the proposed roadways; and

WHEREAS, said petition to vacate said plats was submitted by Okeelanta Corporation, a Delaware Corporation, authorized to transact business in the State of Florida; 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 October 6, 2009, 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. The plats of Okeechobee Fruit Lands Co's Subdivision of Section 3, Township 45 S, Range 36 E, Palm Beach County, Florida, (less the north 160 feet thereof for the right-of-way of Bolles Canal, Levee L-21), recorded in Plat Book 1, Page 108, within the public records of Palm Beach County, Florida and Okeechobee Fruit Lands Co's Subdivision of Section 10, Township 45 S, Range 36 E, Palm Beach County, Florida, as recorded in Plat Book 1, Page 115, recorded in the public records of Palm Beach County, Florida, which includes the proposed roadways, are hereby vacated and the proposed roadways rights-of-way are hereby abandoned and closed as roadway rights-of-way and this Board does hereby renounce and disclaim any right or interest of Palm Beach County and the Public in and to the plats and the proposed roadways rights-of-way, more fully described in the legal description and sketch attached hereto and made a part hereof.

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.

3.

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:

District 2 - JOHN F. KOONS, Chairman

District 5 - BURT AARONSON, Vice Chair

District 1 - KAREN T. MARCUS

District 3 - SHELLEY VANA

District 4 - STEVEN L. ABRAMS

District 6 - JESS R. SANTAMARIA

District 7 - 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**

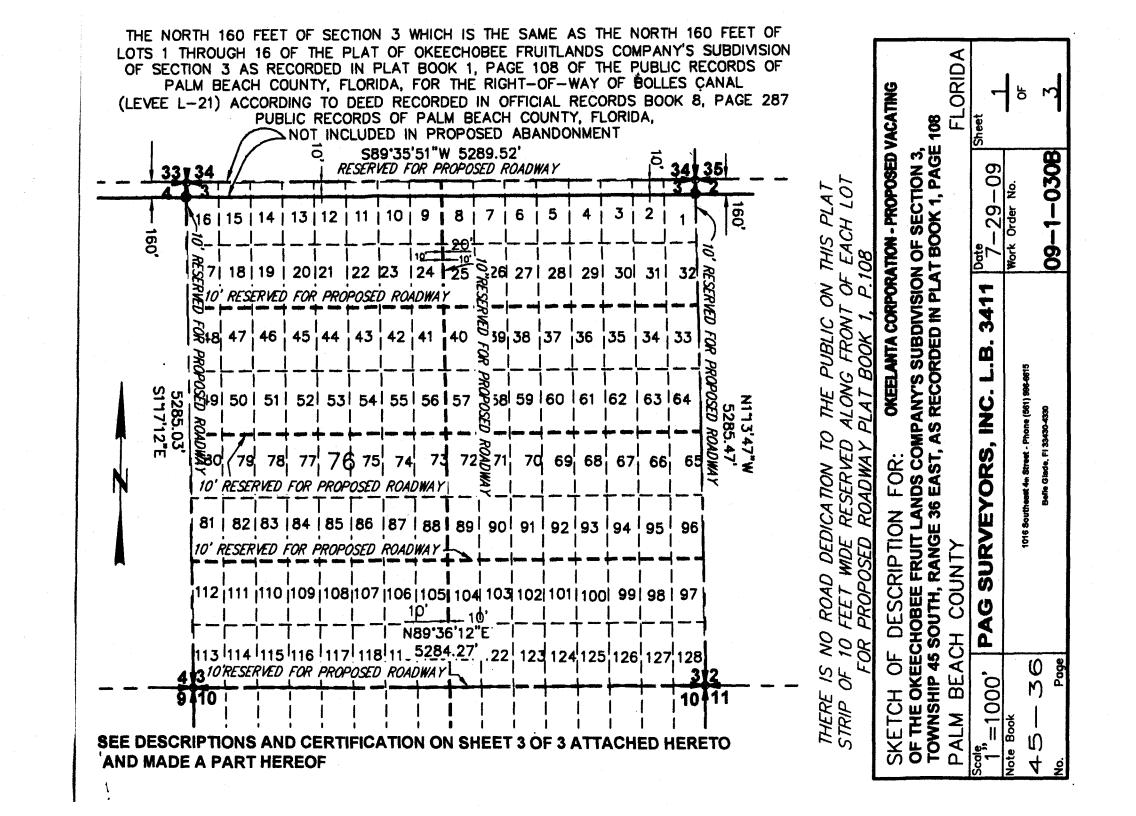
Sharon R. Bock, Clerk & Comptroller

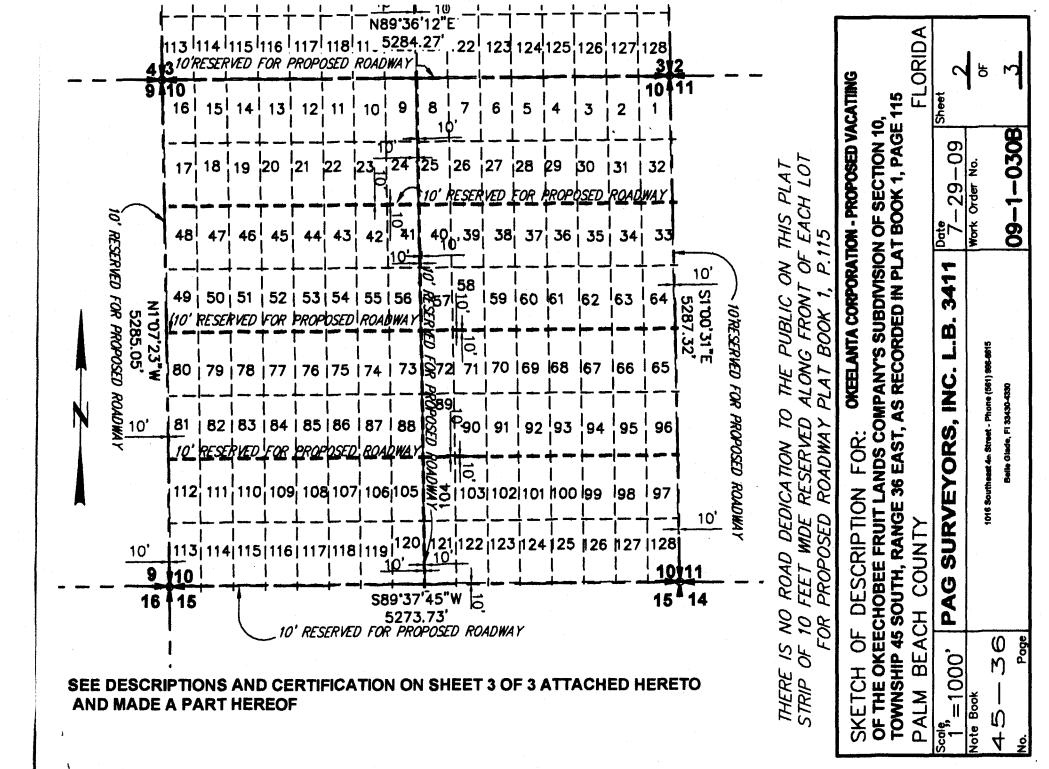
BY: _____ Deputy Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

BY: _____

County Attorney





PAG SURVEYORS, INC. CERTIFICATE OF AUTHORIZATION NO. LB 3411 1016 SOUTHEAST 4TH STREET BELLE GLADE, FL 33430-4330 SKETCH OF DESCRIPTION FOR OKEEL ANTA CORPORATION FOR THE

SKETCH OF DESCRIPTION FOR OKEELANTA CORPORATION FOR THE INTENDED PURPOSE OF VACATING AND ANNULLING THE FOLLOWING PLATS:

1. OKEECHOBEE FRUIT LANDS CO'S SUBDIVISION OF SECTION 3, TOWNSHIP 45 SOUTH, RANGE 38 EAST, PALM BEACH COUNTY, FLORIDA, AS RECORDED IN PLAT BOOK 1, PAGE 108, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND NOT INCLUDING: the North 160 feet thereof, which is the same as the North 160 feet of Lots 1 through 16 of said Plat, for the right-of-way of Bolles Canal, (Levee L-21) as recorded in Official Records Book 8, Page 287 of the public records of Palm Beach County, Florida.

- Containing: 621.973 Acres
- 2. OKEECHOBEE FRUIT LANDS CO'S SUBDIVISION OF SECTION 10, TOWNSHIP 45 SOUTH, RANGE 36 EAST, PALM BEACH COUNTY, FLORIDA, AS RECORDED IN PLAT BOOK 1, PAGE 115, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

Containing: 640.582 Acres

DESCRIPTION: furnished by McDonald Hopkins LLC,

"All those lands lying and being in Sections 3 and 10, Township 45 South, Range 36 East, Palm Beach County, Florida, less the right-of-way for the Bolles Canal (Levee L-21), and more particularly described as follows:

Lots 1 through 128 of the Okeechobee Fruit Lands Co.'s Subdivision of Section 3, Township 45 South, Range 36 East, according to the Plat thereof, recorded in Plat Book 1, Page 108, Public Records of Palm Beach County, Florida, LESS AND EXCEPT the North 160 feet of Section 3, for the right-of-way of the Bolles Canal, Levee (L-21) recorded in Official Records Book 8, Page 287, Public Records of Palm Beach County, Florida; and Lots 1 through 128 of the Okeechobee Fruit Lands Co.'s Subdivision of Section 10. Township 45 South, Range 36 East

Lots 1 through 128 of the Okeechobee Fruit Lands Co.'s Subdivision of Section 10, Township 45 South, Range 36 East. according to the plat thereof, recorded in Plat Book 1, Public Records of Palm Beach County, Florida."

The boundaries shown on the sketches contained in pages 1 and 2 of this document are based upon a boundary survey executed by this Surveyor, Work Order number 09-3-030, dated April 1, 2009.

The Lot numbers and general configuration of the plats is the same as the recorded plats.

There is no Road dedication to the public on the subject plats.

There is only a note reading: "Strip of 10 feet wide reserved along the front of each lot for roadway."

DATUM AND BASIS OF BEARINGS:

Bearings shown on the subject sketches are Grid Bearings of the Florida State Plane Coordinate System, East Zone, on the 1983 North American Datum, 1998 Adjustment.

The South Line of Section 10, Township 45 South, Range 36 East bears

South 89°37'45" West and all other bearings are relative thereto.

This document was prepared by Pedro A. Gonzalez, P.S.M.in the office of PAG SURVEYORS, INC., 1016 Southeast 4th Street, Belle Glade, Florida, 33430

PEDRO A. GONZALEZ, P.S.M Florida License No.2287

SKETCH OF DESCRIPTION FOR: OKEELANTA CORPORATION - PROPOSED VACATING OF THE OKEECHOBEE FRUIT LANDS COMPANY'S SUBDIVISIONS OF SECTIONS 3 & 10, TOWNSHIP 45 SOUTH, RANGE 36 EAST, AS RECORDED IN PLAT BOOK 1, PAGE 108 & PLAT BOOK 1, P.115, RESPECTIVELY						
	CH COUNTY		FLORIDA			
^{Scale} 1"=1000'	PAG SURVEYORS, INC. L.B. 3411	Date 7-29-09	Sheet 3			
Note Book	1016 Southeast 4n Street - Phone (561) 986-6615	Work Order No.	OF			
45-36 No. Poge	Beile Glade, Ft 33430-4330	09-1-030B	_3_			