

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

Meeting Date: November 3, 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 ten foot wide utility easement lying within Lots 11, 12, 13 and 14, as shown on the Plat of Kanawha Park, recorded in Plat Book 23, Page 248, Public Records of Palm Beach County, Florida.

SUMMARY: This petition site is located at the southeast corner of Lake Worth Road and Charleston Street. The petitioner is requesting the vacation to make way for the construction of a new Fire Rescue Station. Utilities that were previously located in the subject easement have been relocated within a replacement easement.

District 2 (PK)

Background and Justification: The owner, Palm Beach County, is constructing a new Fire Rescue Station on the combination of the subject Lots 11, 12, 13, and 14. The location of the fire station is across the subject utility easement necessitating the relocation of the utility line and the abandonment of the easement. On December 2, 2008, the Board of County Commissioners approved a Utility Easement Agreement (R2008-2194) for the relocation of the utility easement. The adjacent property will not be affected by the relocation of these utility lines. 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: KS Lyons
Division Director

30 Sept 09
Date

Approved by:
County Engineer

10/8/09
Date

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	*				
# 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: Approved

III. REVIEW COMMENTS

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

M. S. Wheeler
 10/14/09 OFMB (115) CN 10/9/09

John J. Jent 10/23/09
 Contract Dev. and Control

B. Legal Sufficiency:

Paul F. J. 10/26/09
 Assistant County Attorney

C. Other Department Review:

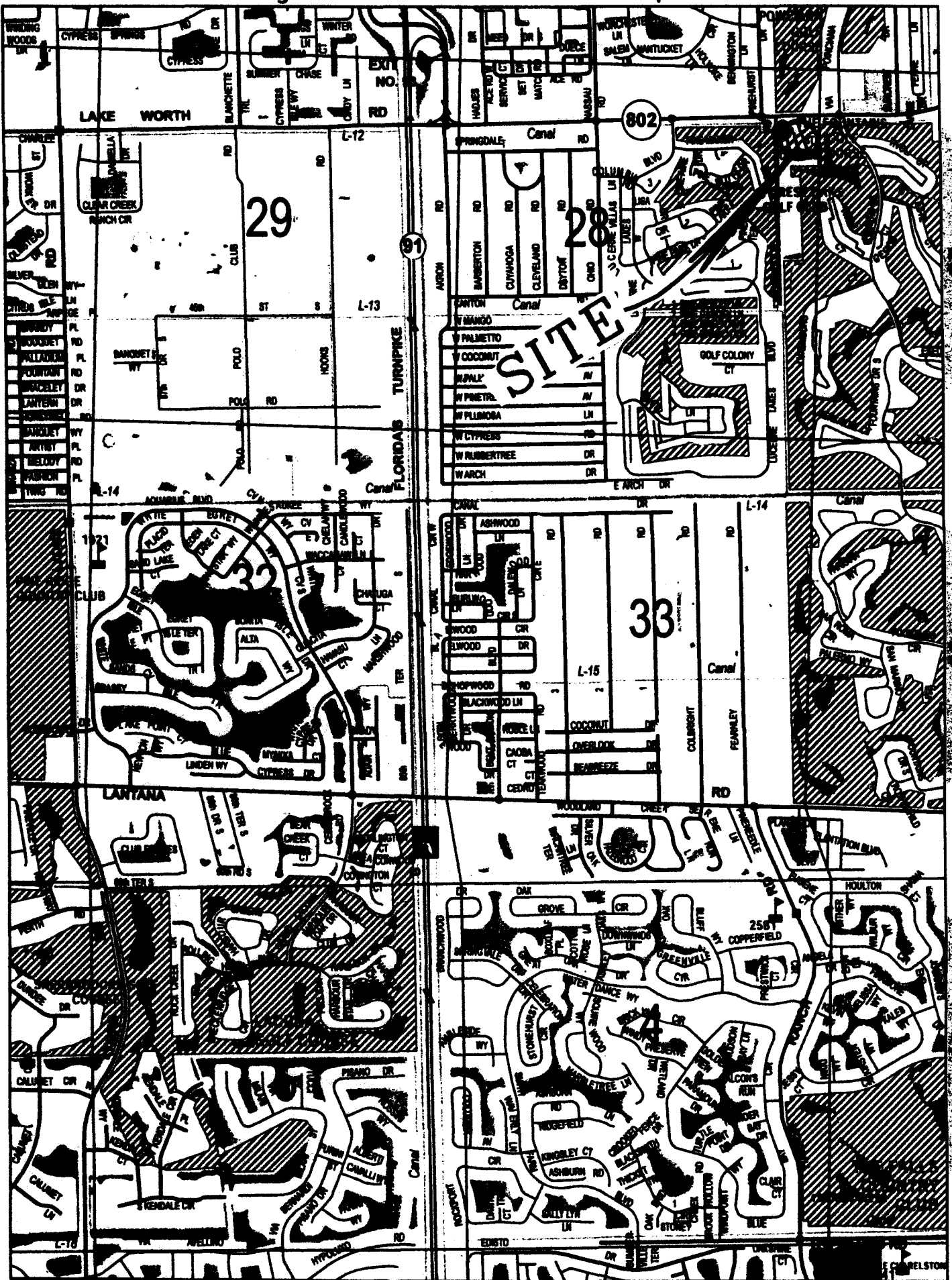
 Division Director

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

144

T44

T45



**VACATING 10' WIDE UTILITY EASEMENT
LYING WITHIN LOTS 11, 12, 13 & 14
KANAWHA PARK
PLAT BOOK 23, PAGE 248**

LOCATION SKETCH

N



RESOLUTION NO. R-2009-_____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, VACATING A TEN FOOT WIDE UTILITY EASEMENT LYING WITHIN LOTS 11, 12, 13 AND 14, AS SHOWN ON THE PLAT OF KANAWHA PARK, RECORDED IN PLAT BOOK 23, PAGE 248, 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 the utility easement; and

WHEREAS, petition to vacate said easement was submitted by 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 November 3, 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. The 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 R-2009-_____

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:

District 2 -	Commissioner John F. Koons, Chairman
District 5 -	Commissioner Burt Aaronson, Vice Chairman
District 1 -	Commissioner Karen T. Marcus
District 3 -	Commissioner Shelley Vana
District 4 -	Commissioner Steven L. Abrams
District 6 -	Commissioner Jess R. Santamaria
District 7 -	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

LEGAL DESCRIPTION

BEING A PORTION OF THE 10 FOOT UTILITY EASEMENT LYING IN THE REAR OF LOTS 1 THROUGH 24 AS SHOWN ON THE PLAT OF KANAWHA PARK, AS RECORDED IN PLAT BOOK 23, PAGE 248 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PORTION OF THE 10 FOOT UTILITY EASEMENT DESCRIBED ABOVE, TO BE ABANDONED BEING:

THAT PORTION OF SAID EASEMENT LYING IN THE SOUTH 5 FEET OF LOT 11, LESS THE EAST 10 FEET THEREOF, THE SOUTH 5 FEET OF LOT 12, THE NORTH 5 FEET OF LOT 13 AND THE NORTH 5 FEET OF LOT 14, LESS THE EAST 10 FEET THEREOF, ACCORDING TO THE PLAT OF KANAWHA PARK, AS RECORDED IN PLAT BOOK 23, PAGE 248, PALM BEACH COUNTY PUBLIC RECORDS.

SURVEYOR'S NOTES

1. BEARINGS SHOWN HEREON ARE BASED ON THE WEST LINE OF SAID LOT 12 OF THE PLAT OF KANAWHA PARK, SAID LINE IS ASSUMED TO BEAR NORTH 00°56'46" WEST, ALL OTHER BEARINGS ARE RELATIVE THERETO.
2. THIS IS NOT A BOUNDARY SURVEY.

LAND SURVEYOR'S STATEMENT

I HEREBY CERTIFY THAT THE SKETCH SHOWN HEREON IS A TRUE AND CORRECT REPRESENTATION OF THE ACCOMPANYING DESCRIPTION AND COMPLIES WITH THE TECHNICAL STANDARDS SET FORTH IN CHAPTER 61G17-6, F.A.C., BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS, PURSUANT TO SECTION 472.027, FLORIDA STATUTES. NOT VALID UNLESS SEALED WITH SURVEYOR'S EMBOSSED SEAL AND SIGNATURE.

F.R.S. AND ASSOCIATES, INC.

BY: _____

DAVID L. SMITH, P.S.M.
FLORIDA LICENSE NO. 4951
FOR THE FIRM

THIS IS NOT A BOUNDARY SURVEY



F.R.S. & ASSOCIATES, INC.
LAND SURVEYORS AND LAND PLANNERS

CERTIFICATE OF AUTHORIZATION NO. LB 4241
801 NORTHPOINT PARKWAY, SUITE 301
WEST PALM BEACH, FLORIDA 33407-1953
PHONE (561)478-7178 FAX (561)478-7922

SCALE: N/A

DATE: 05-23-09

DRAWN BY: D.L.S.

APPR. BY: G.P.W.

F.B. N/A

PG. N/A

CADD REF.
12/00/01 FIRE STATION 32 APPROVED
BY 10' DE ABANDONING

SKETCH AND LEGAL DESCRIPTION

EAST/WEST 10' U.E. TO BE ABANDONED
FOR FIRE STATION 32

JOB NUMBER:

A 07-002

SHEET 1 OF 2

