

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

Meeting Date: November 17, 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 portion of a 15 foot wide private drainage easement within a portion of Parcel "A", Oriole Jewish Center, as recorded in Plat Book 46, Page 73, Public Records of Palm Beach County, Florida.

SUMMARY: This petition site is located on the north side of West Atlantic Avenue, east of Hagen Ranch Road, and west of Cumberland Drive. The petitioner is requesting the vacation because the proposed new building will encroach into this drainage easement.

District 5 (PK)

Background and Justification: The owner/petitioner, Oriole Jewish Center of Delray Beach Anshei Shalom, Inc., is requesting the abandonment in order to construct the new building. The drainage system for the site has been reconfigured to accommodate the proposed building. A replacement easement is not required by Palm Beach County Code for this on-site drainage system.

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: *[Signature]* *19 October 2009*
Division Director Date

Approved by: Sgt. J. Walsh 10/21/09
County Engineer 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: adwillhite

III. REVIEW COMMENTS

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

ml 11/3/09
10-28-09 OFMB UD 10/22/09

Don J. [Signature]
Contract Dev. and Control
6 Jan 11/14/09

B. Legal Sufficiency:

Paul F. [Signature] 11/9/09
Assistant County Attorney

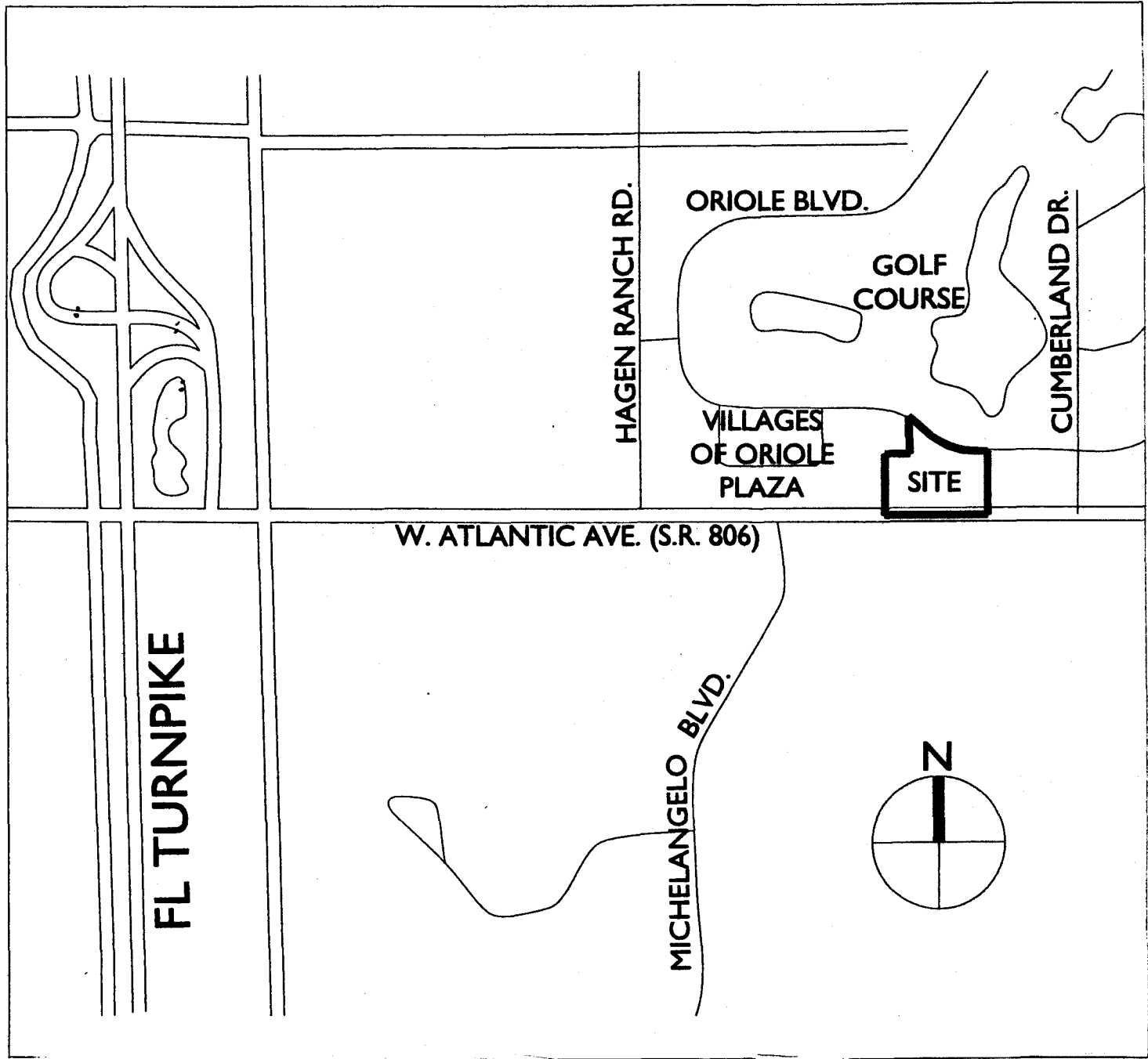
C. Other Department Review:

Division Director

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

LOCATION MAP

NTS.



**VACATING A 15' WIDE PRIVATE DRAINAGE EASEMENT
WITHIN A PORTION OF PARCEL "A" ORIOLE JEWISH CENTER
PLAT BOOK 46, PAGES 73**

LOCATION SKETCH

RESOLUTION NO. R-2009-_____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, VACATING A PORTION OF A FIFTEEN FOOT WIDE PRIVATE DRAINAGE EASEMENT WITHIN A PORTION OF PARCEL "A", ORIOLE JEWISH CENTER, AS RECORDED IN PLAT BOOK 46, PAGE 73, 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 drainage easement; and

WHEREAS, petition to vacate said easement was submitted by Oriole Jewish Center of Delray Beach Anshei Shalom, Inc., 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 17, 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 NO. 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, as amended.

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 1: Karen T. Marcus-

District 2: John F. Koons

District 3: Shelley Vana

District 4: Steven L. Abrams

District 5: Burt Aaronson

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

DESCRIPTION SKETCH FOR: RUTH RALES JEWISH FAMILY SERVICE

DESCRIPTION: PORTION OF 15' DRAINAGE EASEMENT TO BE ABANDONED

An existing 15 foot wide drainage easement, being a portion of Parcel "A", **ORIOLE JEWISH CENTER**, according to the plat thereof, recorded in Plat Book 46, Page 73, Public Records of Palm Beach County, Florida, that portion of said 15 foot wide drainage easement to be abandoned being more particularly described as follows:

COMMENCE at the Southeast corner of said Parcel "A"; thence North 89°40'59" West, along the south line of said Parcel "A" (the south line of said Parcel "A" is assumed to bear North 89°40'59" West and all other bearings are relative thereto), a distance of 87.42 feet to point of intersection with the east line of an existing 20 foot wide drainage easement as shown on said plat; thence North 00°19'01" East, along said east line, a distance of 20.00 feet to the southeast corner of an existing 15 foot wide drainage easement as shown on said plat and the **POINT OF BEGINNING** of the hereinafter described parcel; thence continue along the limits of said existing 15 foot wide drainage easement through the following twelve courses;

- 1) North 89°40'59" West a distance of 15.02 feet;
- 2) thence North 03°19'01" West a distance of 92.48 feet;
- 3) thence North 89°40'59" West a distance of 327.96 feet.
- 4) thence North 00°19'01" East a distance of 15.00 feet;
- 5) thence South 89°40'59" East a distance of 327.01 feet;
- 6) thence North 03°19'01" West a distance of 240.44 feet;
- 7) thence North 66°00'00" West a distance of 139.31 feet;
- 8) thence North 83°00'00" West a distance of 68.88 feet;
- 9) thence North 07°00'00" East a distance of 15.00 feet;
- 10) thence South 83°00'00" East a distance of 71.12 feet;
- 11) thence South 66°00'00" East a distance of 150.69 feet;
- 12) thence South 03°19'01" East a distance of 358.04 feet to the Southeast corner of said existing 15 foot wide drainage easement and the **POINT OF BEGINNING**.


Containing in all, 13,432 square feet, more or less.

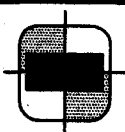
NOTES:

1. No title policy or commitment affecting title or boundary to the subject property has been provided. It is possible there are deeds and easements, recorded or unrecorded, which could affect the subject property. No search of the Public Records has been made by this office.
2. This sketch is not valid unless sealed with an embossed surveyor's seal and accompanied by Sheet No. 2 of 2.
3. This sketch cannot be transferred or assigned without the specific written permission of **Wallace Surveying Corporation**.
4. This is not a survey!

CERTIFICATION:

I HEREBY ATTEST that the description sketch shown hereon meets the minimum technical standards set forth by the Florida Board of Land Surveyors and Mappers pursuant to sections 472.027, Florida Statutes, and adopted in Chapter 61G17-6, Florida Administrative Code, effective September 1, 1981.

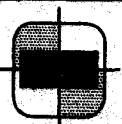
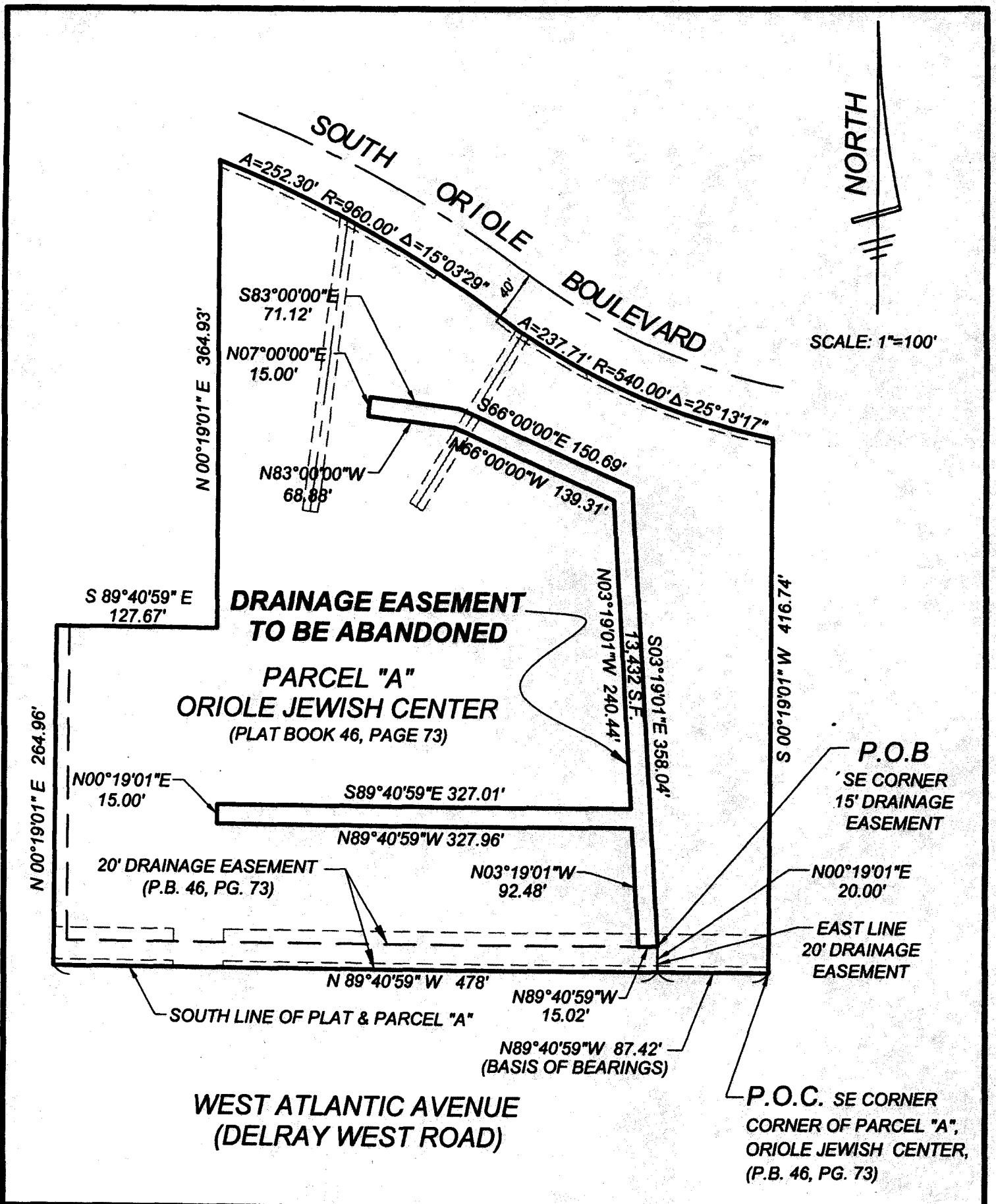

Craig L. Wallace
Professional Surveyor and Mapper
Florida Certificate No. 3357



WALLACE SURVEYING
CORP. LICENSED BUSINESS # 4569

5553 VILLAGE BOULEVARD, WEST PALM BEACH, FLORIDA 33407 * (561) 640-4551

DATE: 06/16/09	DWG. No.: 08-1154-6
OFFICE: M.B.	SHEET: 1 OF 2
C'K'D.: C.W.	REF.: 08-1154-6.DWG



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CORP. LICENSED BUSINESS # 4569
5553 VILLAGE BOULEVARD, WEST PALM BEACH, FLORIDA 33407 * (561) 640-4551

DATE: 06/16/09	DWG. No.: 08-1154-6
OFFICE: M.B.	SHEET: 2 OF 2
C'K'D.: C.W.	REF.: 08-1154-6.DWG