

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

Meeting Date: June 29, 2010 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 that certain Palm Beach County Utility Easement lying within Tract C, The Polo Club Shops, as recorded in Plat Book 59, Pages 41-42 and recorded in Official Record Book 5490, Page 1052, Public Records of Palm Beach County, Florida.

SUMMARY: Adoption of this Resolution will allow the development to be consistent with the approved site plan. The petition site is located at the northwest corner of Old Clint Moore Road and Military Trail.

District 5 (PK)

Background and Justification: The owner, Granite Polo Club Shoppes, a Delaware limited liability company, received Site Plan approval by the Development Review Committee on February 10, 2010. The proposed partial redevelopment of the Polo Club Shoppes Shopping Center calls for a new building to be built in what is now a parking lot. A blanket utility easement was placed over the parking lot. A portion of that blanket utility easement is required to be abandoned to allow for this proposed building. It was also found that a portion of the existing shopping center building was built over that blanket utility easement and that area is also included in this abandonment. 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 (attachment 1)
- 2. Resolution with Legal Description and Sketch

Recommended by: Joannell Koerner 27 May 2010
Interim Division Director Date

Approved by: Sy J. Webb 6/8/10
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	* 0	_____	_____	_____	_____
# 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:

M. Dixon 6/11/10
 OFMB PR 6-10-10 6/3/10

Dr. J. Jacobson 6/14/10
 Contract Dev. and Control

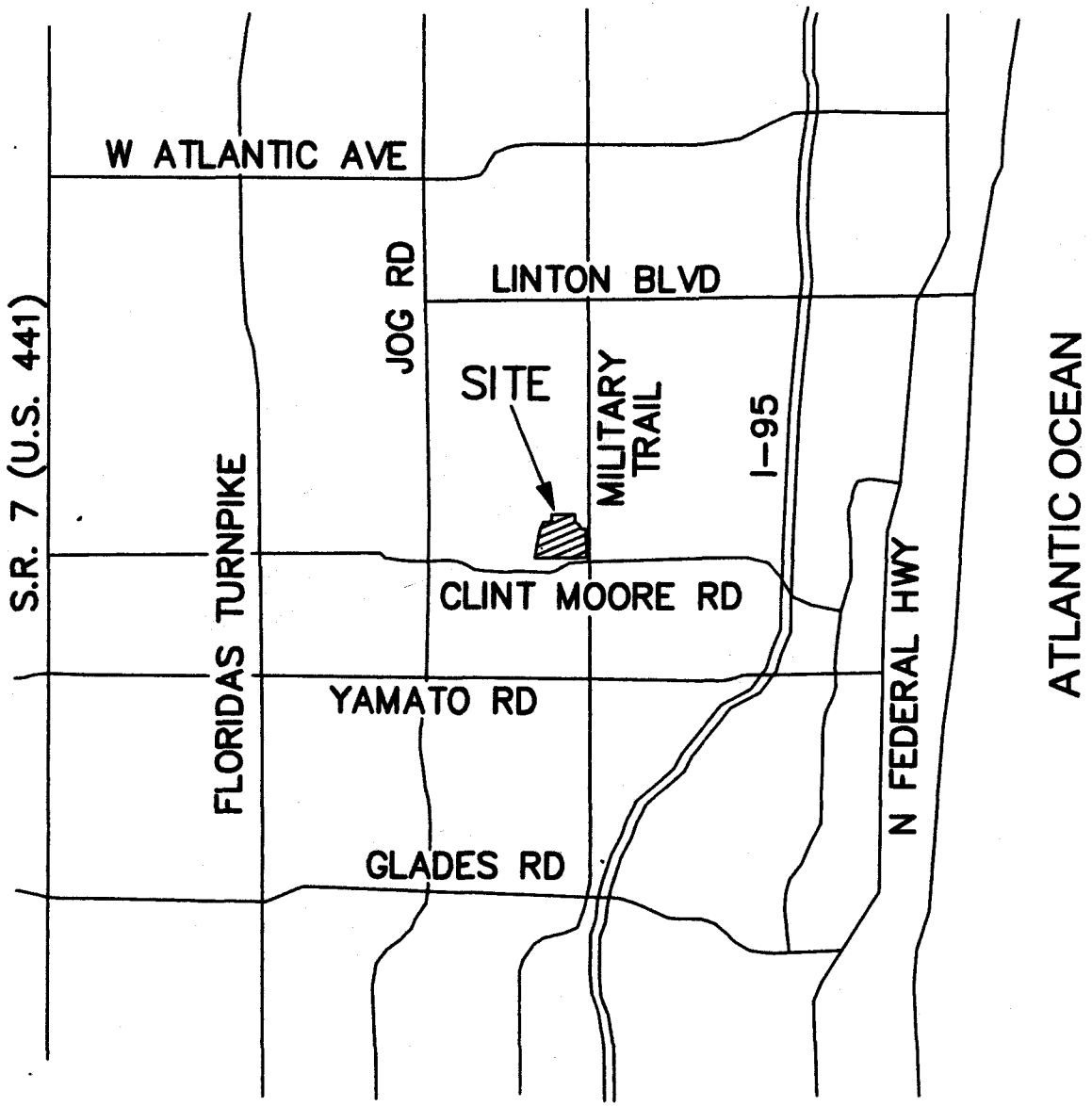
B. Legal Sufficiency:

Paul F. J. 6/14/10
 Assistant County Attorney

C. Other Department Review:

 Division Director

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



LOCATION MAP
NOT TO SCALE

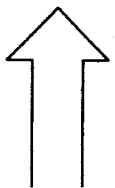


VACATING PORTION OF PALM BEACH COUNTY UTILITY EASEMENT LYING
WITHIN TRACT C, THE POLO CLUB SHOPS, AS RECORDED IN PLAT BOOK 59,
PAGES 41-42 & RECORDED IN ORB 5490, PAGE 1052

ATTACHMENT 1

LOCATION SKETCH

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RESOLUTION NO. R-2010-_____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, VACATING A PORTION OF THAT CERTAIN PALM BEACH COUNTY UTILITY EASEMENT LYING WITHIN TRACT C, THE POLO CLUB SHOPS, AS RECORDED IN PLAT BOOK 59, PAGES 41-42 AND RECORDED IN OFFICIAL RECORD BOOK 5490, PAGE 1052, 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 that certain portion of the Utility Easement; and

WHEREAS, petition to vacate said easement was submitted by Granite Polo Club Shoppes, a Delaware limited liability company; 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 June 29, 2010, did hold a meeting on said Petition to abandon/vacate that portion of the utility 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 utility easement and this Board does hereby renounce and disclaim any right or interest of Palm Beach County and the Public in and to that portion of the utility easement, more fully described in the legal description and sketch attached hereto and made a part hereof.

RESOLUTION NO. R-2010-_____

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 Burt Aaronson, Chair	-
Commissioner Karen T. Marcus, Vice Chair	-
Commissioner Jeff Koons	-
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 _____, 2010.

**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: UTILITY EASEMENT ABANDONMENT

A PORTION OF THAT CERTAIN PALM BEACH COUNTY UTILITY EASEMENT, LYING WITHIN TRACT C, THE POLO CLUB SHOPS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 59, PAGES 41 AND 42 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 35, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF TRACT A OF THE POLO CLUB SHOPS; THENCE S.88°51'56"W. ALONG THE NORTH LINE THEREOF, A DISTANCE OF 22.67 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S.88°51'56"W. ALONG SAID NORTH LINE, A DISTANCE OF 74.63 FEET TO A POINT TO BE LATER REFERRED TO AS POINT A; THENCE N.01°59'49"W., A DISTANCE OF 17.04 FEET; THENCE N.88°00'10"E., A DISTANCE OF 28.67 FEET; THENCE N.01°59'50"W., A DISTANCE OF 8.07 FEET; THENCE N.88°00'10"E., A DISTANCE OF 27.33 FEET; THENCE S.01°59'57"E., A DISTANCE OF 7.40 FEET; THENCE N.88°00'10"E., A DISTANCE OF 18.62 FEET; THENCE S.01°59'50"E., A DISTANCE OF 18.83 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

COMMENCING AT THE AFORESAID POINT A, SAID POINT BEING THE POINT OF COMMENCEMENT 2; THENCE S.88°51'56"W. ALONG THE NORTH LINE OF SAID TRACT A, A DISTANCE OF 22.41 FEET; THENCE S.01°08'04"E. ALONG THE WEST LINE OF SAID TRACT A, A DISTANCE OF 100.75 FEET TO THE POINT OF BEGINNING 2; THENCE CONTINUE S.01°08'04"E. ALONG SAID WEST LINE, A DISTANCE OF 37.34 FEET; THENCE N.88°32'20"W. ALONG SAID WEST LINE, A DISTANCE OF 96.50 FEET; THENCE N.34°28'35"W. ALONG SAID WEST LINE, A DISTANCE OF 1.00 FEET; THENCE N.55°31'25"E., A DISTANCE OF 67.37 FEET; THENCE S34°28'35"E, A DISTANCE OF 26.44 FEET; THENCE N55°31'25"E, A DISTANCE OF 31.29 FEET TO THE POINT OF BEGINNING 2.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.
SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS AND RIGHTS-OF-WAY OF RECORD.

NOTES:

1. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.
2. LANDS SHOWN HEREON ARE NOT ABSTRACTED FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.
3. BEARINGS SHOWN HEREON ARE RELATIVE TO A RECORD BEARING OF S.88°51'56"W. ALONG THE NORTH LINE OF TRACT A, THE POLO CLUB SHOPS.
4. THE "LAND DESCRIPTION" HEREON WAS PREPARED BY THE SURVEYOR.
5. DATA SHOWN HEREON WAS COMPILED FROM THE INSTRUMENT OF RECORD AND DOES NOT CONSTITUTE A FIELD SURVEY AS SUCH.
6. O.R.B. - DENOTES OFFICIAL RECORD BOOK

CERTIFICATE:

I HEREBY CERTIFY THAT THE ATTACHED SKETCH OF DESCRIPTION OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION ON FEBRUARY 4, 2010. I FURTHER CERTIFY THAT THIS SKETCH OF DESCRIPTION MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH IN CHAPTER 61G17-6 ADOPTED BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS PURSUANT TO FLORIDA STATUTES 472.027.



CAULFIELD & WHEELER, INC.
CIVIL ENGINEERING - LAND PLANNING
LANDSCAPE ARCHITECTURE - SURVEYING
7301A W. PALMETTO PARK ROAD - SUITE 100A
BOCA RATON, FLORIDA 33433
PHONE (561)-392-1991 / FAX (561)-750-1452

[Signature]
DAVID P. LINDLEY
REGISTERED LAND
SURVEYOR NO. 5005
STATE OF FLORIDA
L.B. 3591

DATE	2/4/10
DRAWN BY	JC
F.B./ PG.	N/A
SCALE	AS SHOWN
JOB NO.	5705ABAN

**THE POLO CLUB SHOPS
UTILITY EASEMENT ABANDONMENT
SKETCH OF DESCRIPTION**

