Agenda Item #: 3-C-7

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

Meeting Date: October 5, 2010

[X] Consent
[] Workshop

[] Regular [] Public Hearing

Department:

Submitted By: Submitted For:

Engineering and Public Works Land Development Division

Motion and Title: Staff recommends motion to adopt: A Resolution to vacate the north five feet of a ten foot wide utility easement within Lot 23 Block One Escondido at Boca Raton, Plat No. 2 as recorded in Plat Book 32, Page 172, Public Records of Palm Beach County, Florida.

SUMMARY: Adoption of this Resolution will allow the petitioners to vacate a portion of the utility easement to accommodate the installation of a swimming pool. The petition site is located on the east side of Lyons Road and north of Palmetto Park Road.

District 5 (PK)

Background and Justification: The owners, Daniel Polley and Marie Polley, want to construct a pool in their back yard. In order to accommodate the construction, it is necessary to vacate a portion of the ten foot wide utility easement along the south property line.

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

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Recommended by:		09/08/10
	Interim Division Direc	tor Date
Approved by:	S. T. Will	9/17/10
	County Engineer	Date

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II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of	Fiscal	Impact:			
Fiscal Years	2011	2012	2013	2014	2015
Capital Expenditures Operating Costs					••
External Revenues Program Income (County) In-Kind Match (County)					
NET FISCAL IMPACT		-			
# ADDITIONAL FTE POSITIONS (Cumulative)	·				· .
Is Item Included In Curre Budget Account No.: Fund Prog	ent Budg lA gram	gency	Org.	No Obje	ect
				· · · ·	

B. Recommended Sources of Funds/Summary of Fiscal Impact: No additional fiscal impact as a result of this item.
C. Departmental Fiscal Review: <u>Mullit</u>

III. REVIEW COMMENTS

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

Mcg. 20-10 2

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Contract Dev. and Control

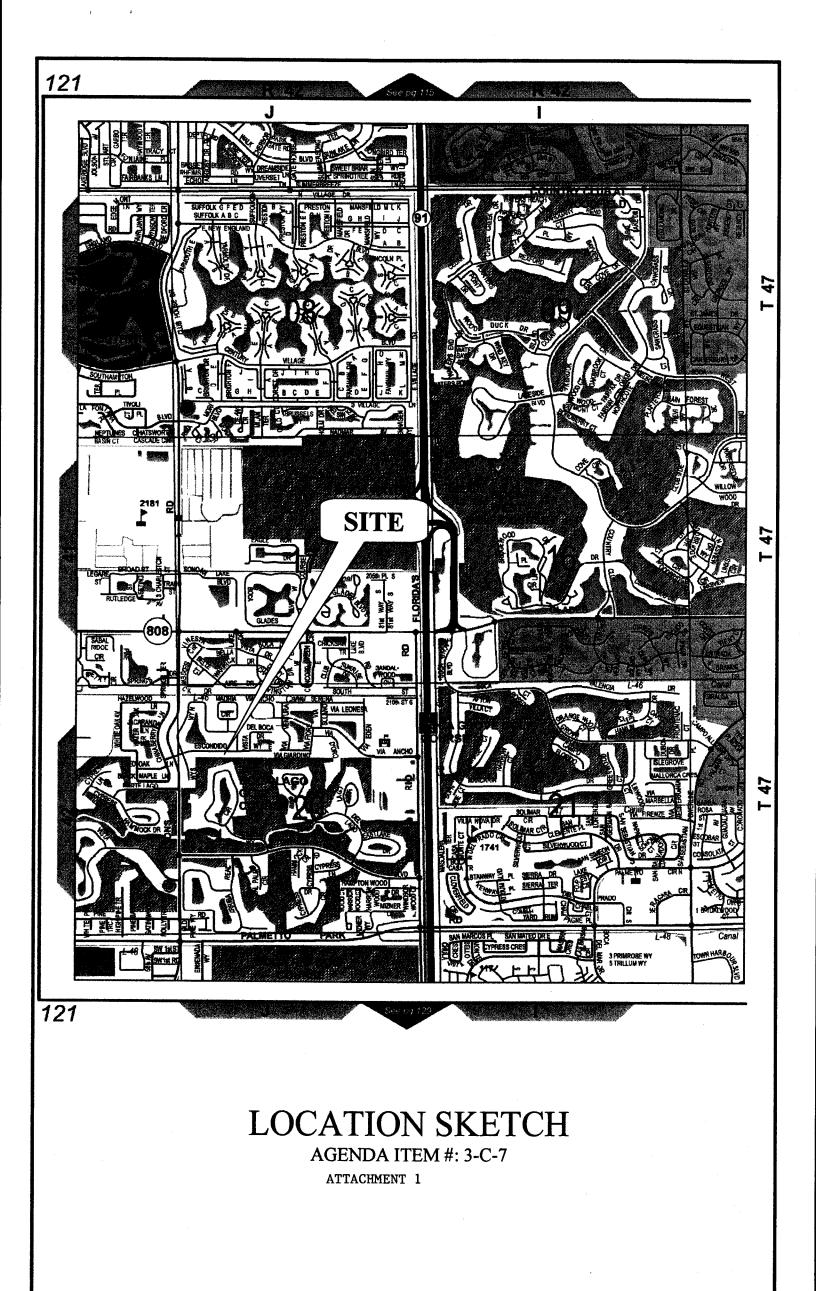
B. Legal Sufficiency:

Paul F. 9/21/10 Assistant County Attorney

C. Other Department Review:

Interim Division Director

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



RESOLUTION NO. R-2010-___

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, VACATING THE NORTH FIVE FEET OF A TEN FOOT WIDE UTILITY EASEMENT WITHIN LOT 23 BLOCK ONE ESCONDIDO AT BOCA RATON, PLAT NO. 2 RECORDED IN PLAT BOOK 32 PAGE 172 OF THE PUBLIC RECORDS IN 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 hereinafter described; and

WHEREAS, petition to vacate said easement was submitted by Daniel Polley and Marie Polley, owners; 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 5, 2010, did hold a meeting on said petition to vacate, 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 the easement, more fully described in the legal description and sketch attached hereto and made a part hereof.

RESOLUTION NO. R-2010-

Notice of the adoption of this Resolution shall be published once in the Palm 3. 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 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

