

Agenda Item #:

4E

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: December 21, 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 abandoning Tract A, a 25 foot wide right-of-way within Eternal Light Memorial Gardens, Plat IV as recorded in Plat Book 69, Pages 6-7, Public Records of Palm Beach County, Florida.

SUMMARY: Adoption of this Resolution will allow the petitioner to vacate the public interest in the right-of-way to further develop the cemetery. The petition site is located on the east side of State Road 7, approximately 1½ miles south of Boynton Beach Boulevard.

District 5 (PK)

Background and Policy Issues: The owner/petitioner, Mil-Dell, Ltd, a limited partnership, wants to abandon the public interest in the right-of-way so they can further develop the cemetery.

Utility service providers have no objection to the vacation.

Privilege Fee Statement: In accordance with the exemptions in the Right-of-Way Abandonment and Plat Vacation Ordinance 86-18, as amended, Section V, (6), b, the petitioner is the original gratuitous conveyor of the subject right-of-way, therefore not subject to a privilege fee.

Attachments:

1. Location Sketch
2. Resolution with Legal Description and Sketch

Recommended by:

Interim Division Director

Date

Approved by:

A. J. Webb
County Engineer

12/1/10
Date

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 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: atwillhite

III. REVIEW COMMENTS

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

[Signature] 12/2/10
OFMB
SN 12/4/10
12/1/10

[Signature] 12/3/10
Contract Dev. and Control

B. Legal Sufficiency:

Paul F. [Signature] 12/4/10
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, ABANDONING TRACT A, A 25 FOOT WIDE RIGHT-OF-WAY WITHIN ETERNAL LIGHT MEMORIAL GARDENS, PLAT IV AS RECORDED IN PLAT BOOK 69, PAGES 6-7, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

WHEREAS, the Board of County Commissioners of Palm Beach County, Florida, pursuant to authority in Section 336.09, Florida Statutes, and Ordinance No. 86-18 known as the Palm Beach County Right-of-Way Abandonment and Plat Vacation Ordinance, as amended, and the petition of Mil-Dell, Ltd, a limited partnership, called a public hearing to be held in the County Commissioners' Chambers, at the Governmental Office Complex, West Palm Beach, Florida, on December 21, 2010, to consider and determine whether or not Palm Beach County would vacate, abandon, discontinue and close, renounce and disclaim any right or interest of the County in and for Tract A, a 25 foot wide right-of-way; and

WHEREAS, in accordance with Ordinance No. 86-18, as amended, notice of the holding of such meeting was duly published in the Palm Beach Post on December 5, 2010 ; and

WHEREAS, this Board, did hold said hearing as advertised and 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-2010-_____

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 right-of-way is hereby abandoned and closed as a public right-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 right-of-way, more fully described in the legal description and sketch attached hereto and made a part hereof.
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.

RESOLUTION NO. R-2010_____

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 Karen T. Marcus, Chair -

Commissioner Shelley Vana, Vice Chair

Commissioner Paulette Burdick -

Commissioner Steven L. Abrams -

Commissioner Burt Aaronson -

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

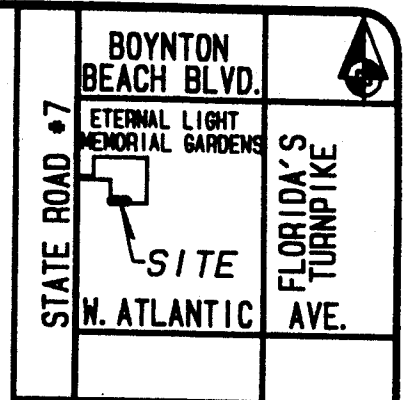
BY: _____
Deputy Clerk

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

BY: _____
County Attorney

**BOUNDARY SURVEY
PREPARED FOR AND CERTIFIED TO:**

MIL-DELL, LTD.



**LOCATION MAP
NOT TO SCALE**

DESCRIPTION:

TRACT "A", ETERNAL LIGHT MEMORIAL GARDENS - PLAT IV; ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 69, PAGES 6 THROUGH 7, INCLUSIVE, OF THE RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING: 16,511 SQUARE FEET, OR 0.379 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, AND RIGHTS-OF-WAY OF RECORD.

NOTES: BEARINGS SHOWN HEREON ARE RELATIVE TO AN ASSUMED BEARING OF NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST ALONG THE WEST LINE OF ETERNAL LIGHT MEMORIAL GARDENS - PLAT IV.

- DENOTES SET #5 IRON ROD / CAP L.B. # 1376.

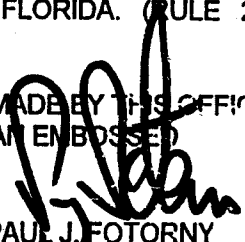
CERTIFICATION:

I HEREBY CERTIFY THAT THE PLAT SHOWN HEREON IS A TRUE AND CORRECT REPRESENTATION OF THE PROPERTY DESCRIPTION AS FURNISHED. SAID SURVEY, AS MADE UNDER MY DIRECTION, IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND CONTAINS NO VISIBLE ENCROACHMENTS, UNLESS SHOWN.

I FURTHER CERTIFY THAT THE SURVEY REPRESENTED HEREON MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYS IN THE STATE OF FLORIDA. (RULE 21HH-6 FLORIDA ADMINISTRATIVE CODE).

NOTE: 1. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THIS OFFICE.
2. THIS SURVEY IS NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.

10/17/96
(DATE OF LAST FIELD WORK)


PAUL J. FOTORNY
PROFESSIONAL SURVEYOR & MAPPER
CERTIFICATE NO. 2297
STATE OF FLORIDA

SHEET 1 OF 2



Dalley-Fotorny, Inc.
land surveyors, planners
5050 TENTH AVE. NORTH
LAKE WORTH, FLORIDA 33463
561-965-8787

PREPARED FOR:

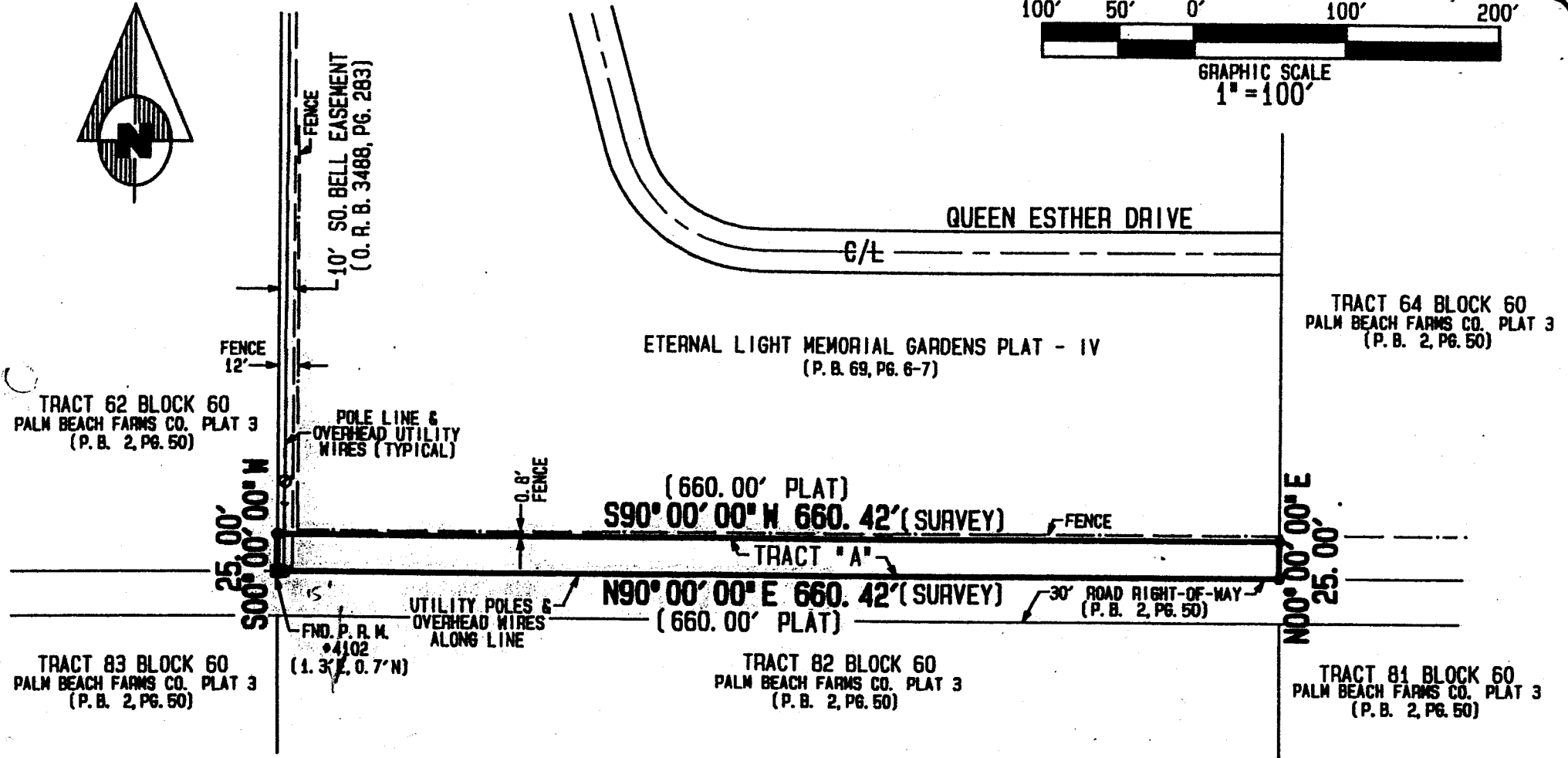
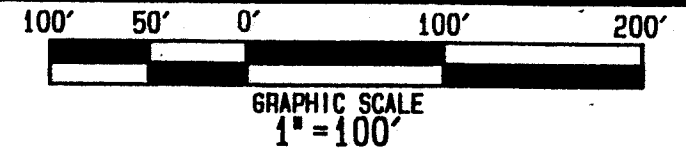
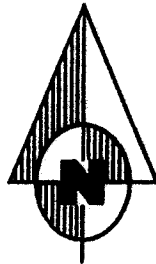
MILL-DELL, LTD.

SCALE: 1"=100'

DR.: W. D. J. CHK.: P. J. F.

DATE: 10/17/96

JOB NO.: 47496005



LEGEND

- - SET IRON ROD & CAP L.B. 1376
UNLESS OTHERWISE NOTED
- Ø - UTILITY POLE & ANCHOR
- P.R.M. - PERMANENT REFERENCE MONUMENT
- P.B. - PLAT BOOK
- PG. - PAGE
- O.R.B. - OFFICIAL RECORD BOOK
- C/L - CENTERLINE

SHEET 2 OF 2

DR.: W. D. J.	DATE: 10/17/96
CHK.: P. J. F.	SCALE: 1" = 100'
PREPARED FOR: MILL-DELL, LTD.	

Dalley & Fatorny, Inc.
land surveyors, planners
5050 TENTH AVE. NORTH
LAKE WORTH, FLORIDA 33463
561-965-8787

INR NO 47496005