

**Agenda Item #:**

## AGENDA ITEM SUMMARY

**Department:**

**Submitted For: Right-of-Way Acquisition Section**

## Date \_\_\_\_\_

## II. FISCAL IMPACT ANALYSIS

### A. Five Year Summary of Fiscal Impact:

Fiscal Years	2012	2013	2014	2015	2016
Capital Expenditures	\$ -0-	-0-	-0-	-0-	-0-
Operating Costs	-0-	-0-	-0-	-0-	-0-
External Revenues	-0-	-0-	-0-	-0-	-0-
Program Income (County)	-0-	-0-	-0-	-0-	-0-
In-Kind Match (County)	-0-	-0-	-0-	-0-	-0-
NET FISCAL IMPACT	* \$ -0-	-0-	-0-	-0-	-0-
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget?                      Yes                      No

Budget Acct No.: Fund \_\_\_\_\_ Dept. \_\_\_\_\_ Unit \_\_\_\_\_ Object \_\_\_\_\_  
Program

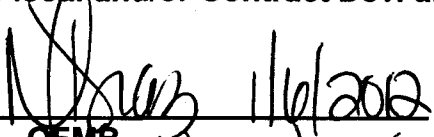
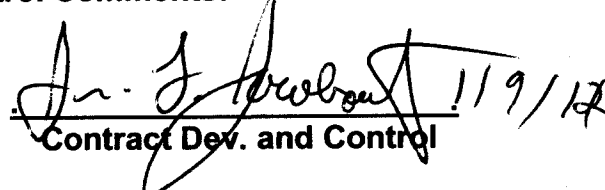
### Recommended Sources of Funds/Summary of Fiscal Impact:

\*This item has no fiscal impact.

C. Departmental Fiscal Review: \_\_\_\_\_

## III. REVIEW COMMENTS

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

 1/16/2012  
 OFMB  
 1/15/12 1/15/12 ac 2/15/12  
 1/19/12  
 Contract Dev. and Control

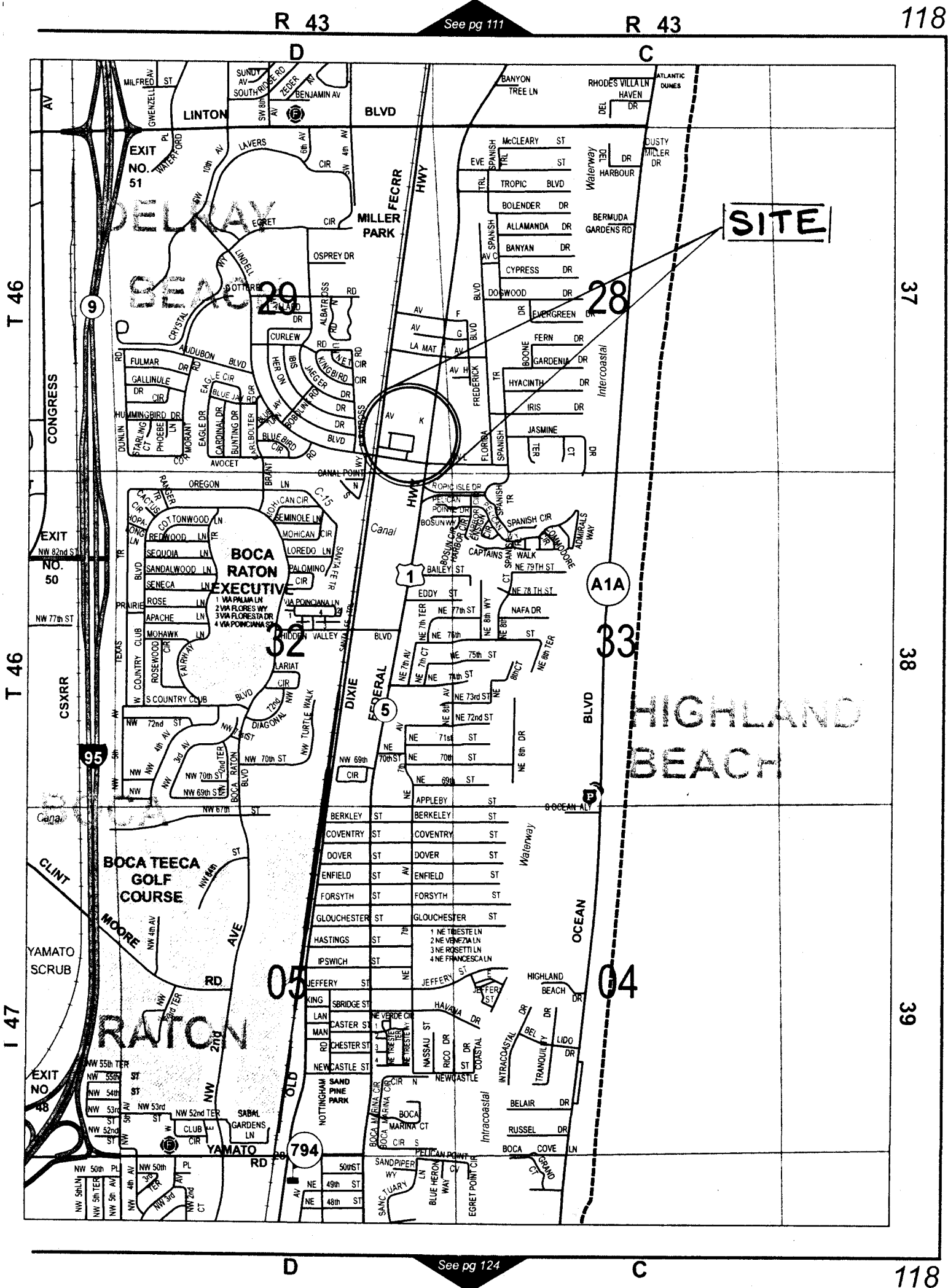
### B. Approved as to Form and Legal Sufficiency:

  
 Assistant County Attorney

### C. Other Department Review:

\_\_\_\_\_  
Department Director

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



6  
T.M.

47808

ACCEPTED BY  
BOARD OF COUNTY COMMISSIONERS  
Corporation DATE 6-22-71 CRD NO: ROAD Old Dixie Highway

RIGHT-OF-WAY DEED

THIS INDENTURE Made this 21st day of May, A.D. 1971  
between DEL-RATON MOBILE HEADQUARTERS, INC.

a corporation organized and existing under the laws of the State of Florida having  
its principal place of business in the City of Delray Beach, County of Palm Beach,  
State of Florida, as party of the first part, and COUNTY OF PALM BEACH, IN  
THE STATE OF FLORIDA, as party of the second part.

WITNESSETH, that the party of the first part, for and in consideration of the sum of One  
Dollar and other valuable considerations paid, receipt of which is hereby acknowledged, does here-  
by grant, remise, release, quit claim and convey unto the party of the second part, its successors  
and assigns forever the following described land, situate, lying and being in the County of Palm  
Beach, State of Florida, to-wit:

The West 76 Feet of Lots 24 through 35, inclusive,  
Block 3, Del-Raton Park, according to the Plat  
thereof recorded in the Office of the Clerk of the  
Circuit Court, Palm Beach County, Florida, in  
Plat Book 14, Pages 9 and 10.

THIS INSTRUMENT PREPARED BY  
PAUL F. FEIGERT  
PALM BEACH COUNTY  
WEST PALM BEACH, FLORIDA

PALM BEACH COUNTY  
028245  
STATE OF FLORIDA  
DOCUMENTARY STAMP TAX  
DEPT. OF REVENUE  
PA. JUL-771  
10524  
00.30

PALM BEACH COUNTY  
064751  
FLORIDA  
DEPT. OF REVENUE  
JUL-771  
10524  
DOCUMENTARY SURTAX  
00.55

71 JUL 7 AM 8:51

1 P.P. Ch. R/W

660  
30  
55

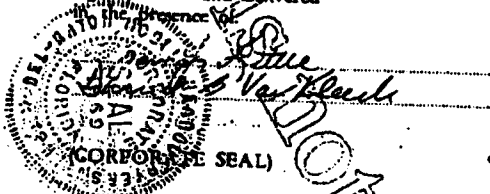
ESP1912 REC 814

This deed is made for the purpose of giving and granting to the party of the second part, its successors, legal representatives and assigns, a right-of-way and easement in and to said lands for public highway purposes; and is made, executed and delivered with the express understanding and condition that should the same ever be discontinued or abandoned as a public highway the title to the same shall thereupon revert to and revert in the party of the first part, its successors or assigns.

TO HAVE AND TO HOLD THE SAME, together with all and singular the appurtenances thereto belonging or in anywise incident or appertaining and all the estate, right, title, interest, and claim whatsoever of the party of the first part, in law or in equity, to the only proper use, benefit and behoof of the said party of the second part, its successors and assigns.

IN WITNESS WHEREOF, the party of the first part has caused these presents to be duly executed in its name by its President, and its corporate seal to be hereto affixed, attested by its Assistant Secretary, the date first above written.

Signed, sealed and delivered



DEL-RATON MOBILE HEADQUARTERS, INC.

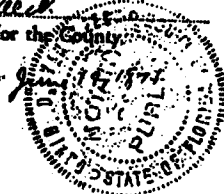
BY: Walter Kohl, Jr. PRESIDENT  
ATTEST: Joseph J. Nedelsky ITS ASSISTANT SECRETARY

STATE OF FLORIDA  
COUNTY OF PALM BEACH

Before me personally appeared Walter Kohl, Jr. and Joseph J. Nedelsky, to me well known and known to me to be the President and Assistant Secretary respectively of Del-Raton Mobile Headquarters, Inc., the corporation named in the foregoing instrument, and known to me to be the persons who as such officers of said corporation, executed the same; and then and there the said Walter Kohl, Jr. and the said Joseph J. Nedelsky did acknowledge before me that said instrument is the free act and deed of said corporation by them respectively executed as such officers for the purposes therein expressed; that the seal thereunto attached is the corporate seal by them in like capacity affixed; all under authority in them duly vested by the Board of Directors of said Corporation.

WITNESS my hand and official seal this 21st day of May 19 71

Samuel Van Kleeck  
Notary Public in and for the County of Palm Beach and State of Florida.  
My commission expires June 1, 1972



6-19-74

RIGHT-OF-WAY DEED

Recorded in O & B Book 8  
Serial verified  
Palm Beach County, Fla.  
John B. Smith  
Clerk Circuit Court

FILED 1912 PAGE 815

PALM BEACH COUNTY

FILED FOR RECORD

in the office of the Clerk of the Circuit Court  
for the County of Palm Beach, State of Florida,  
on the 21st day of May,  
A. D. 19 71, and recorded in Deed Book  
1912 on Page 815 and the record  
verified.

Clerk of the Circuit Court,  
Palm Beach County, Florida

RECEIVED AUG 01 2011

July 27, 2011

ATTACHMENT 3  
Page 1 of 2

Mr. L. Morton Rose, P.E.  
Five Year Road Program Manager  
Palm Beach County Engineering Department  
2300 North Jog Road  
West Palm Beach, Florida 33411

rezoning  
concurrency  
conditional  
use,  
special  
exceptions,  
DRC approval  
site plans  
annexations  
comp plan  
amendments,  
variances  
(county, state,  
municipal)  
abandonments  
palm beach  
broward  
dade &  
all counties  
& cities  
in florida

**RE: REVERSION OF A PORTION OF OLD DIXIE HWY RIGHT OF WAY**

Dear Mr. Rose:

The R/W adjacent to the properties north and south of this subject property has been returned to those property owners. Old Dixie Highway is an 80' R/W (and shown as such on the 5 year R/W Plan), and at the subject property is 106' wide. Considering that Palm Beach County [COUNTY] is neither using nor do they intend to use this portion of R/W, we would like to have it returned.

I am requesting a portion of Old Dixie Highway R/W, within the city limits of Delray Beach, be returned to the adjacent property owner. The 26' foot portion of the R/W is located between Linton Boulevard and Lindell Boulevard on the east side of Old Dixie Highway, legally described as:

"The East 26 feet of the west 76 feet of Lots 24 through 35 Inclusive, Block 3, Del-Raton Park, According to the Plat Thereof, as recorded in Plat Book 14, Page 10, Public Records of Palm Beach County, Florida."

The owners recently had a site plan approved by the City of Delray Beach [CITY] for some changes to their recreational vehicle park. One of the Conditions of Approval was the owner "provide a 5-foot wide sidewalk adjacent to the right-of-way line per LDR Section 6.1.3." "All sidewalks shall be a minimum of 5-feet wide and located 1-foot off the right-of-way line." To install a sidewalk connecting to the sidewalk north, the new sidewalk would have to jog east 26', follow the subject property line and then jog west 26' to connect to the sidewalk to the south.

I had submitted an Abandonment Petition to the CITY to abandon twenty-six feet of R/W adjacent to my client's property (described above). The petition was being processed when the City Planner called and asked that I obtain a letter of "No Objection" to the abandonment from COUNTY Engineering since Old Dixie Highway is a County Road.

I was awaiting the letter when Maureen Barber, Technical Assistant II, and Joanne Koerner, Director of Land Development Division, called me to discuss the situation. They told me that since Dixie Highway is in the COUNTY and the CITY had no interest in the R/W, we would still have to abandon the R/W in the

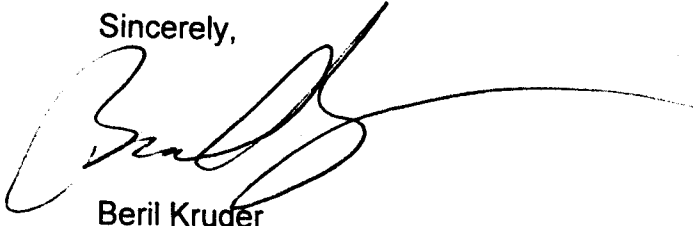
COUNTY, and that I speak with Tony Miller about the situation since he had done research on this portion of Old Dixie Highway..

Tony told me that abandonment of the R/W was the proper avenue only if the R/W was dedicated by Plat. This R/W was deeded to the COUNTY by R/W Deed in 1971, ORB 1912, Page 814-815. The deed has a clause "and is made, executed and delivered with the express understanding and condition that should the same ever be discontinued or abandoned as a public highway the title to the same shall thereupon revert to and revest in the party of the first part, its successors or assigns." Del-Raton Mobile Headquarters, Inc. still owns the property.

Please let me know what, if anything further is necessary to accomplish the foregoing.

I would appreciate if you would call me at your earliest convenience

Sincerely,

A handwritten signature in black ink, appearing to read 'Beril Kruger', with a long horizontal flourish extending to the right.

Beril Kruger

CC: Del-Raton Mobile Headquarters, Inc.

**ATTATCHMENTS:**

- Copy R/W Deed
- Copy County Deed Prop. To North
- Warranty Deed
- Survey of R/W to be returned

Return to: Palm Beach County  
Name: R/W Acquisition Section  
Post Office Box 21229  
Address: West Palm Beach, Florida 33416  
Attn: Richard A. Graddock, Real Estate Technician  
Acct. No.: 1010 W/C BOX 1066

This Instrument Prepared by:  
Name: Paul F. King, Assistant County Attorney  
Post Office Box 21229  
Address: West Palm Beach, Florida 33416

PCN:

## **C O U N T Y D E E D**

THIS DEED, made this \_\_\_ day of \_\_\_\_\_, 2012 by **PALM BEACH COUNTY**, a political subdivision of the State of Florida, party of the first part, and **DEL-RATON MOBILE HEADQUARTERS, INC.**, a Florida Corporation, party of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of Ten (\$10.00) Dollars to it in hand paid by the parties of the second part, receipt whereof is hereby acknowledged, has granted, bargained and sold to the parties of the second part, their heirs and assigns forever, the following described land lying and being in Palm Beach County, Florida:

Property more particularly described In Exhibit "A", attached hereto and made a part hereof.

IN WITNESS WHEREOF the said party of the first part has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chair or Vice Chair of said Board, the day and year aforesaid.

**ATTEST:**  
SHARON R. BOCK  
CLERK & COMPTROLLER

**PALM BEACH COUNTY, BY ITS  
BOARD OF COUNTY COMMISSIONERS**

By: \_\_\_\_\_  
Deputy Clerk

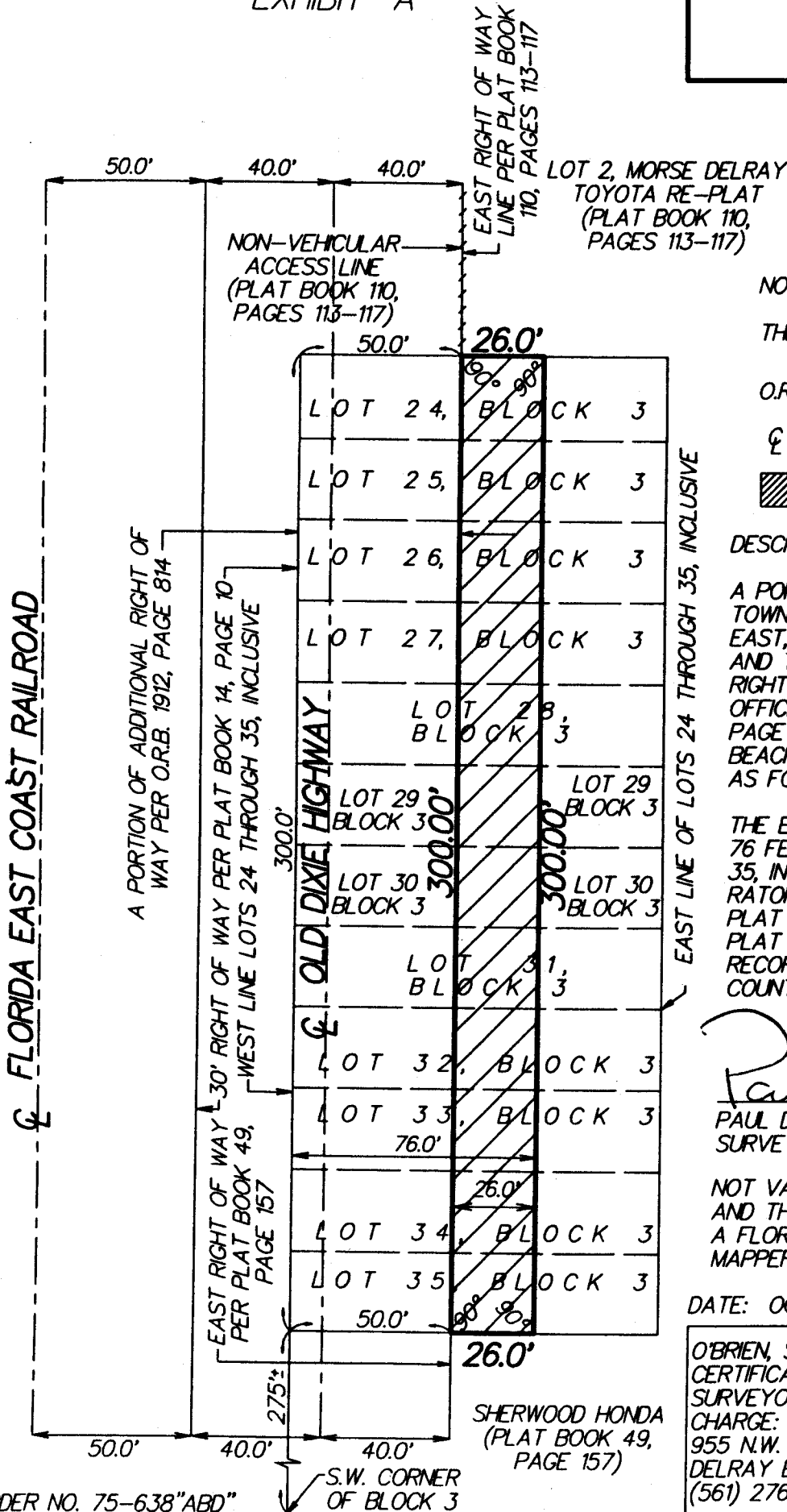
By: \_\_\_\_\_  
Shelley Vana, Chair

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY**

By: \_\_\_\_\_  
County Attorney



SKETCH OF DESCRIPTION  
EXHIBIT "A"




NOTES:

THIS IS NOT A SURVEY

O.R.B. = OFFICIAL RECORDS BOOK

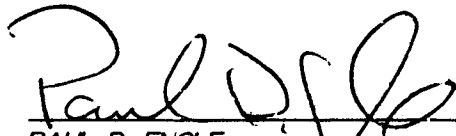
CL = CENTERLINE

 = AREA TO BE REVERTED

DESCRIPTION:

A PORTION OF SECTION 29, TOWNSHIP 46 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA AND THAT PORTION OF THE ROAD RIGHT OF WAY AS DESCRIBED IN OFFICIAL RECORDS BOOK 1912, PAGE 814, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

THE EAST 26 FEET OF THE WEST 76 FEET OF LOTS 24 THROUGH 35, INCLUSIVE, BLOCK 3, DEL-RATON PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 14, PAGE 10, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

  
PAUL D. ENGLE  
SURVEYOR & MAPPER #5705

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

DATE: OCT. 7, 2011

O'BRIEN, SUTER & O'BRIEN, INC  
CERTIFICATE OF AUTHORIZATION #LB353  
SURVEYOR AND MAPPER IN RESPONSIBLE CHARGE: PAUL D. ENGLE  
955 N.W. 17TH AVENUE, SUITE K1  
DELRAY BEACH FLORIDA 33445  
(561) 276-4501 (561) 732-3279

ORDER NO. 75-638"ABD"