

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

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Meeting Date: January 24, 2012 **Consent** **Regular**
 Workshop **Public Hearing**

Department:

Submitted By: Engineering and Public Works
Submitted For: Land Development Division

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I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to adopt: A Resolution to vacate a portion of a drainage easement and a portion of a utility easement within Lot 44, Villa Stel, as recorded in Plat Book 52, Page 82, Public Records of Palm Beach County, Florida.

SUMMARY: Adoption of this Resolution will allow the petitioner to vacate the portions of the easements encumbered by the pool deck and screen enclosure. The petition site is located east of Powerline Road and north of SW 18th Street on the east side of Via Stel. The petitioner is requesting the vacation to clear the encumbrances to allow the property to be marketable.

District 4 (MRE)

Background and Justification: The owner, Catherine A. Vanden Broeck, as Trustee of the Second Restatement of the Catherine Vanden Broeck Trust U/A/D April 13, 1994, wants to sell her home which was built in 1987 under permit from Palm Beach County. The northern boundary of the pool deck and screen enclosure encroaches the drainage easement approximately one foot three inches (41 square feet); the concrete block wall on the west side of the petition site encroaches the drainage easement less than one square foot; and the western boundary of the pool deck and screen enclosure, the pool equipment pad, a portion of the spa and the concrete block wall on the west side of the petition site encroach the utility easement approximately 746 square feet.

Utility service providers and reviewing agencies have no objection to the vacation.

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.

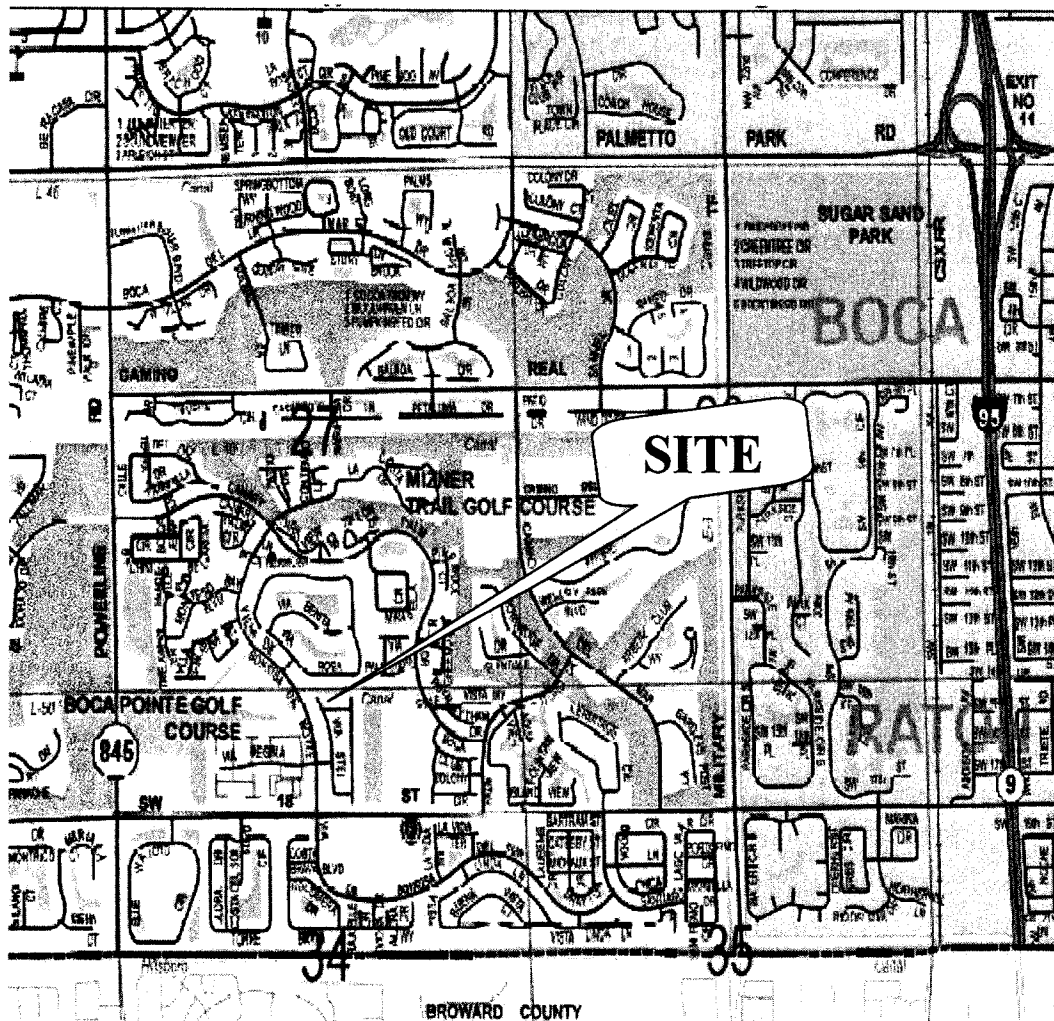
Attachments:

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

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Recommended by: Joannell P. Koerner 12/16/2011
Division Director Date

Approved by: S. J. Walsh 1/4/12
County Engineer Date



VILLA STEL, LOT 44

LOCATION SKETCH

RESOLUTION NO. R-2012-_____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, VACATING A PORTION OF A DRAINAGE EASEMENT AND A UTILITY EASEMENT WITHIN LOT 44, VILLA STEL, RECORDED IN PLAT BOOK 52 PAGE 82 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 Catherine A. Vanden Broeck, as Trustee of the second restatement of the Catherine Vanden Broeck Trust U/A/D April 13, 1994; 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 January 24, 2012, did hold a meeting on said petition to vacate, and this Board determined that said utility easement is in excess of the requirements of the local utility companies; and

WHEREAS, this Board, while convened in regular session on January 24, 2012, did hold a meeting on said petition to vacate, and this Board determined that said drainage easement is in excess of the requirements of the drainage system; and

WHEREAS, this Board while convened in regular session on January 24, 2012, did hold a meeting on said Petition to abandon/vacate the easements, 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 easements are hereby vacated and closed as public easements and this Board does hereby renounce and disclaim any right or interest of Palm Beach County and the Public in and to the easements, more fully described in the legal descriptions and sketches 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, 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:

Commissioner Shelley Vana, Chair

Commissioner Steven L. Abrams, Vice Chairman

Commissioner Karen T. Marcus

Commissioner Paulette Burdick

Commissioner Burt Aaronson

Commissioner Jess R. Santamaria

Commissioner Priscilla A. Taylor

The Chair thereupon declared the Resolution duly passed and adopted this _____ day of _____, 2012.

**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

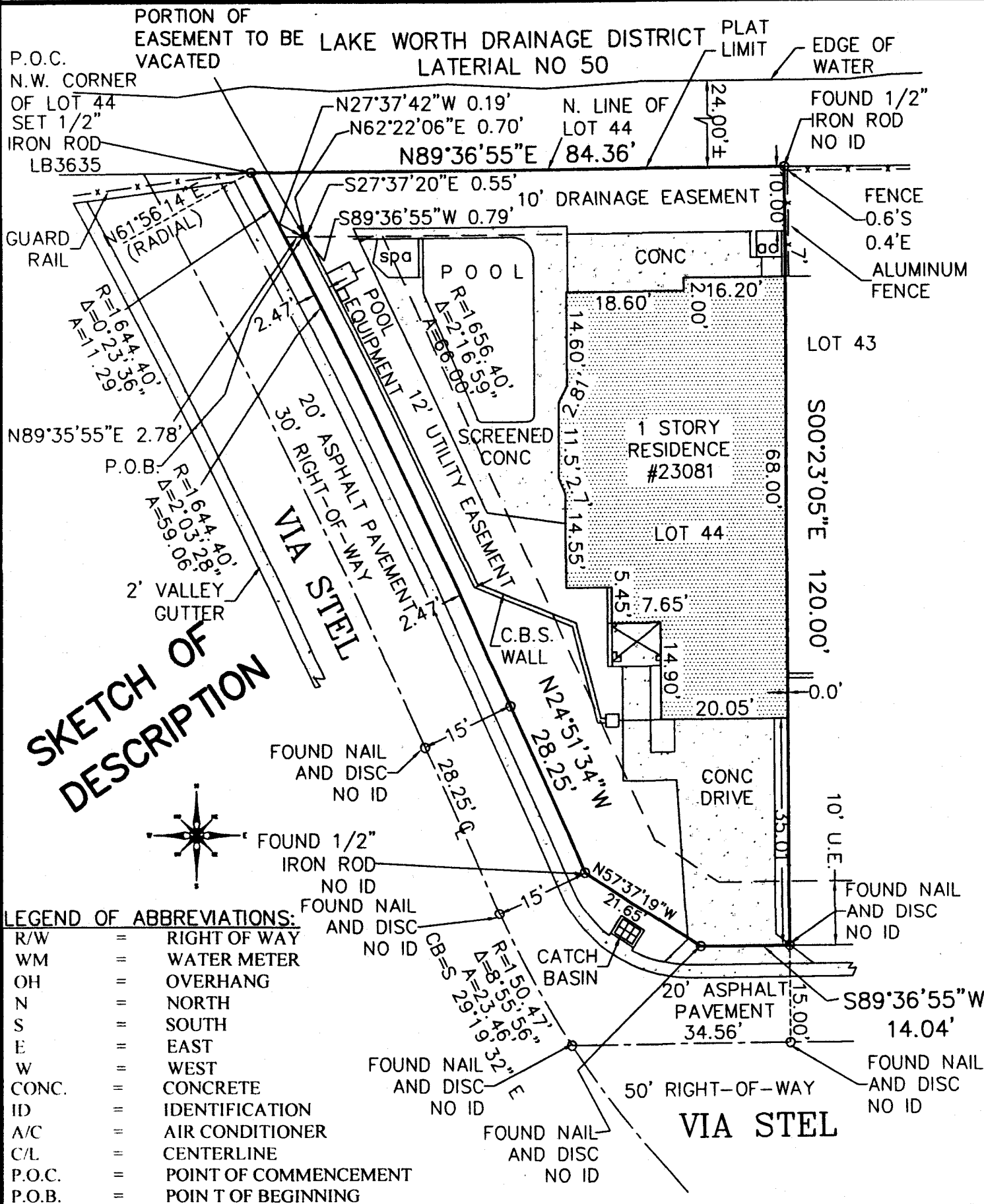
1150 E. ATLANTIC BLVD.
POMPANO BEACH
FLORIDA 33060

ACCURATE LAND SURVEYORS, INC.

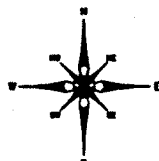
TEL. (954) 782-1441
FAX. (954) 782-1442

L.B. #3635

SHEET 1 OF 2



SKETCH OF DESCRIPTION



LEGEND OF ABBREVIATIONS:

- R/W = RIGHT OF WAY
- WM = WATER METER
- OH = OVERHANG
- N = NORTH
- S = SOUTH
- E = EAST
- W = WEST
- CONC. = CONCRETE
- ID = IDENTIFICATION
- A/C = AIR CONDITIONER
- C/L = CENTERLINE
- P.O.C. = POINT OF COMMENCEMENT
- P.O.B. = POINT OF BEGINNING

CERTIFICATION:

WE HEREBY CERTIFY THAT THE ATTACHED SKETCH OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF AS DELINEATED UNDER OUR DIRECTION AND DOES NOT CONSTITUTE A FIELD SURVEY AS SUCH. I FURTHER CERTIFY THAT THIS SKETCH MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING UNDER RULE 5J-17 FLORIDA ADMINISTRATIVE CODE, ADOPTED BY THE FLORIDA BOARD OF LAND SURVEYORS, OCTOBER 1ST, 2009.

SEAL

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

Robert L. Thompson 12-7-11

ROBERT L. THOMPSON (PRESIDENT)
PROFESSIONAL SURVEYOR AND MAPPER No. 3869
STATE OF FLORIDA

REVISIONS	DATE	BY
REVISE TEXT TO 0.1'	12-07-11	MLW

DATE OF SURVEY	DRAWN BY	CHECKED BY	FIELD BOOK	SCALE	SKETCH NUMBER
05/21/2011	QDI	RLT	11-1422	1" = 20'	SU-11-1422C

1150 E. ATLANTIC BLVD.
POMPANO BEACH
FLORIDA 33060

ACCURATE LAND SURVEYORS, INC.

L.B. #3635

SHEET 2 OF 2

TEL. (954) 782-1441
FAX. (954) 782-1442

SKETCH OF
DESCRIPTION

STREET ADDRESS:

23081 VIA STEL, BOCA RATON, FLORIDA 33433

SKETCH OF DESCRIPTION OF EASEMENT TO BE VACATED:

A PORTION OF LOT 44, VILLA STEL, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 52, PAGE 82 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCE AT THE NORTHWEST CORNER OF LOT 44, SAID POINT BEING ON A 1644.40 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY, A RADIAL LINE AT SAID POINT BEARS NORTH 61°56'14" EAST, THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT BEING THE NORTHEASTERLY RIGHT OF WAY LINE OF VIA STEL THROUGH A CENTRAL ANGLE OF 00°23'36" FOR AN ARC DISTANCE OF 11.29 FEET TO THE INTERSECTION WITH THE SOUTH LINE OF A 10' DRAINAGE EASEMENT; THENCE NORTH 89°36'55" EAST ALONG THE AFOREMENTIONED SOUTH LINE, A DISTANCE OF 3.57 FEET TO THE POINT OF BEGINNING BEING A POINT ON A CURVE OF A 1647.57 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT CONCAVE SOUTHWESTERLY, A RADIAL LINE AT SAID POINT BEARS NORTH 62°23'15" EAST, THENCE ALONG THE ARC OF SAID CURVE BEING THE NORTHEASTERLY FACE ON AN EXTERIOR WALL THROUGH A CENTRAL ANGLE OF 02°04'57", FOR AN ARC DISTANCE OF 59.88 FEET; THENCE SOUTH 68°53'05" EAST ALONG THE NORTHEASTERLY FACE OF AN EXTERIOR WALL, A DISTANCE OF 12.82 FEET TO A POINT ON A CURVE OF A 1656.40 FOOT RADIUS NON-RADIAL CURVE CONCAVE TO THE SOUTHWEST, A RADIAL LINE AT SAID POINT BEARS NORTH 64°47'32" EAST, THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT BEING THE NORTHEASTERLY LINE OF A 10 FOOT UTILITY EASEMENT, THROUGH A CENTRAL ANGLE OF 02°14'53", FOR AN ARC DISTANCE OF 64.99 FEET; THENCE SOUTH 89°36'55" WEST ALONG THE AFOREMENTIONED SOUTH LINE OF A 10 FOOT DRAINAGE EASEMENT, A DISTANCE OF 9.92 FEET TO THE POINT OF BEGINNING. SAID DESCRIBED PARCEL CONTAINING 551 SQUARE FEET, MORE OR LESS.

CERTIFY TO:

CATHERINE A. VANDEN BROECK, AS TRUSTEE OF THE SECOND RESTATEMENT OF THE CATHERINE A. VANDEN BROECK TRUST U/A/D APRIL 13, 1994.

SEAL

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

REVISE TEXT TO 0.1' 12-07-11 MLW

SKETCH
NUMBER SU-11-1422B

1150 E. ATLANTIC BLVD.
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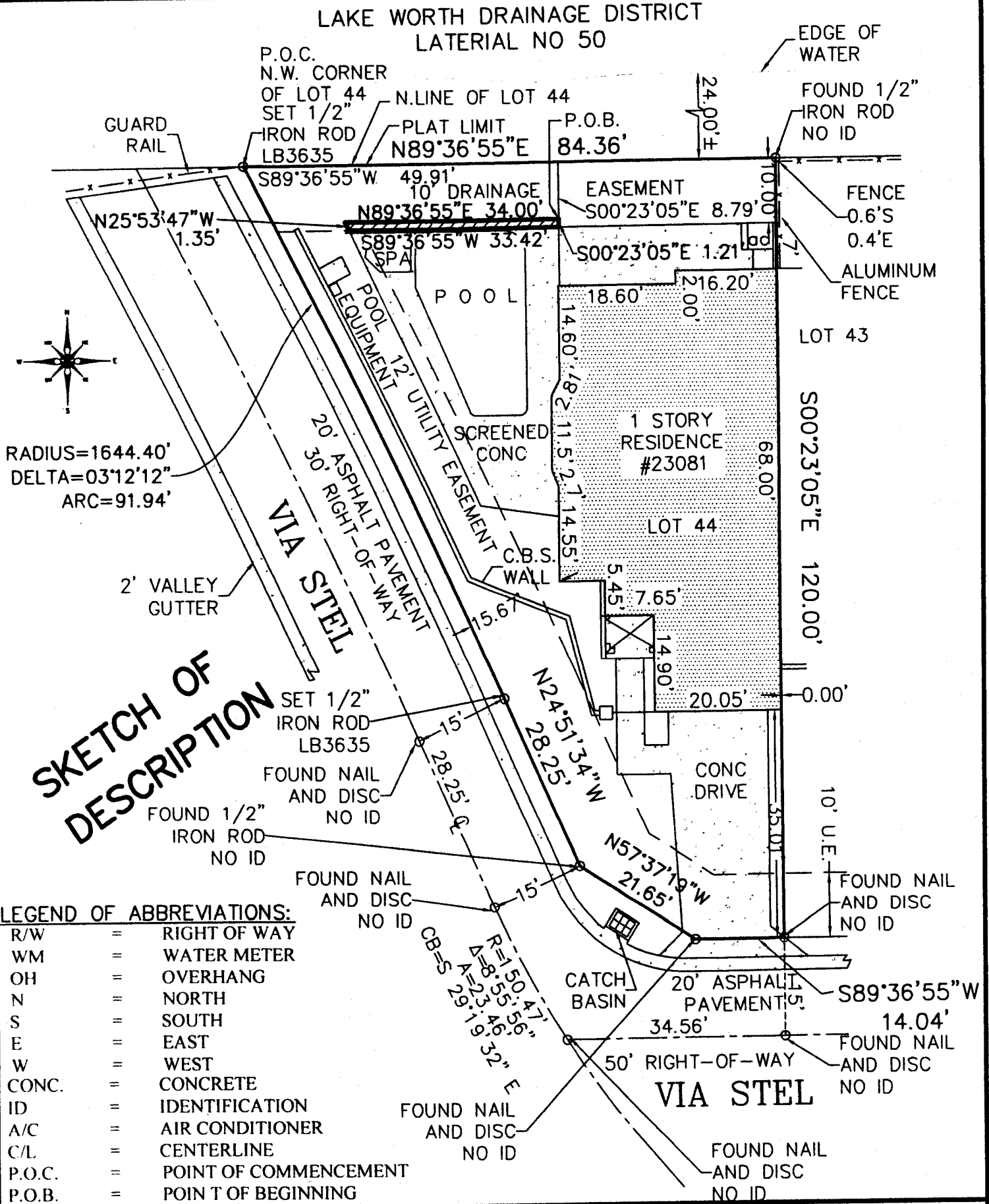
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SHEET 1 OF 2

LAKE WORTH DRAINAGE DISTRICT
LATERAL NO 50



RADIUS=1644.40'
DELTA=03°12'12\"/>

SKETCH OF DESCRIPTION

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CERTIFICATION:

WE HEREBY CERTIFY THAT THE ATTACHED SKETCH OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF AS DELINEATED UNDER OUR DIRECTION AND DOES NOT CONSTITUTE A FIELD SURVEY AS SUCH. I FURTHER CERTIFY THAT THIS SKETCH MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING UNDER RULE 5J-17 FLORIDA ADMINISTRATIVE CODE, ADOPTED BY THE FLORIDA BOARD OF LAND SURVEYORS, OCTOBER 1ST, 2009.

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ROBERT L. THOMPSON (PRESIDENT)
PROFESSIONAL SURVEYOR AND MAPPER No.3869
STATE OF FLORIDA

REVISIONS	DATE	BY
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DATE OF SURVEY	DRAWN BY	CHECKED BY	FIELD BOOK	SCALE 1" = 20'	SKETCH NUMBER
05/21/2011	QDI	RLT	11-1422		SU-11-1422A

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SHEET 2 OF 2

SKETCH OF
DESCRIPTION

STREET ADDRESS:

23081 VIA STEL, BOCA RATON, FLORIDA 33433

SKETCH OF DESCRIPTION OF EASEMENT TO BE VACATED AROUND WALL:

A PORTION OF LOT 44, VILLA STEL, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 52, PAGE 82 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCE AT THE NORTHWEST CORNER OF LOT 44, SAID POINT BEING ON A 1644.40 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY, A RADIAL LINE AT SAID POINT BEARS NORTH 61°56'14" EAST, THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT BEING THE NORTHEASTERLY RIGHT OF WAY LINE OF VIA STEL THROUGH A CENTRAL ANGLE OF 00°23'36" FOR AN ARC DISTANCE OF 11.29 FEET TO THE INTERSECTION WITH THE SOUTH LINE OF A 10' DRAINAGE EASEMENT; THENCE NORTH 89°36'55" EAST ALONG THE AFOREMENTIONED SOUTH LINE A DISTANCE OF 2.78 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION BEING THE INTERSECTION OF THE AFOREMENTIONED SOUTH LINE AND THE SOUTHWESTERLY FACE ON AN EXISTING CONCRETE WALL; THENCE NORTH 27°37'42" WEST ALONG THE AFOREMENTIONED SOUTHWESTERLY FACE, A DISTANCE OF 0.19 FEET TO THE MOST WESTERLY POINT OF THE AFOREMENTIONED WALL; THENCE NORTH 62°22'06" EAST ALONG THE NORTHWESTERLY FACE OF A CONCRETE WALL, A DISTANCE OF 0.70 FEET TO THE MOST NORTHERLY POINT ON THE AFOREMENTIONED WALL; THENCE SOUTH 27°37'20" EAST ALONG THE NORTHEASTERLY FACE OF A CONCRETE WALL, A DISTANCE OF 0.55 FEET TO THE INTERSECTION WITH THE SOUTH LINE OF THE AFOREMENTIONED 10' DRAINAGE EASEMENT; THENCE SOUTH 89°36'55" WEST, ALONG THE AFOREMENTIONED SOUTH LINE, A DISTANCE OF 0.79 FEET TO THE POINT OF BEGINNING. SAID DESCRIBED PARCEL CONTAINING 0.26 SQUARE FEET, MORE OR LESS.

CERTIFY TO:

CATHERINE A. VANDEN BROECK, AS TRUSTEE OF THE SECOND RESTATEMENT OF THE CATHERINE A. VANDEN BROECK TRUST U/A/D APRIL 13, 1994.

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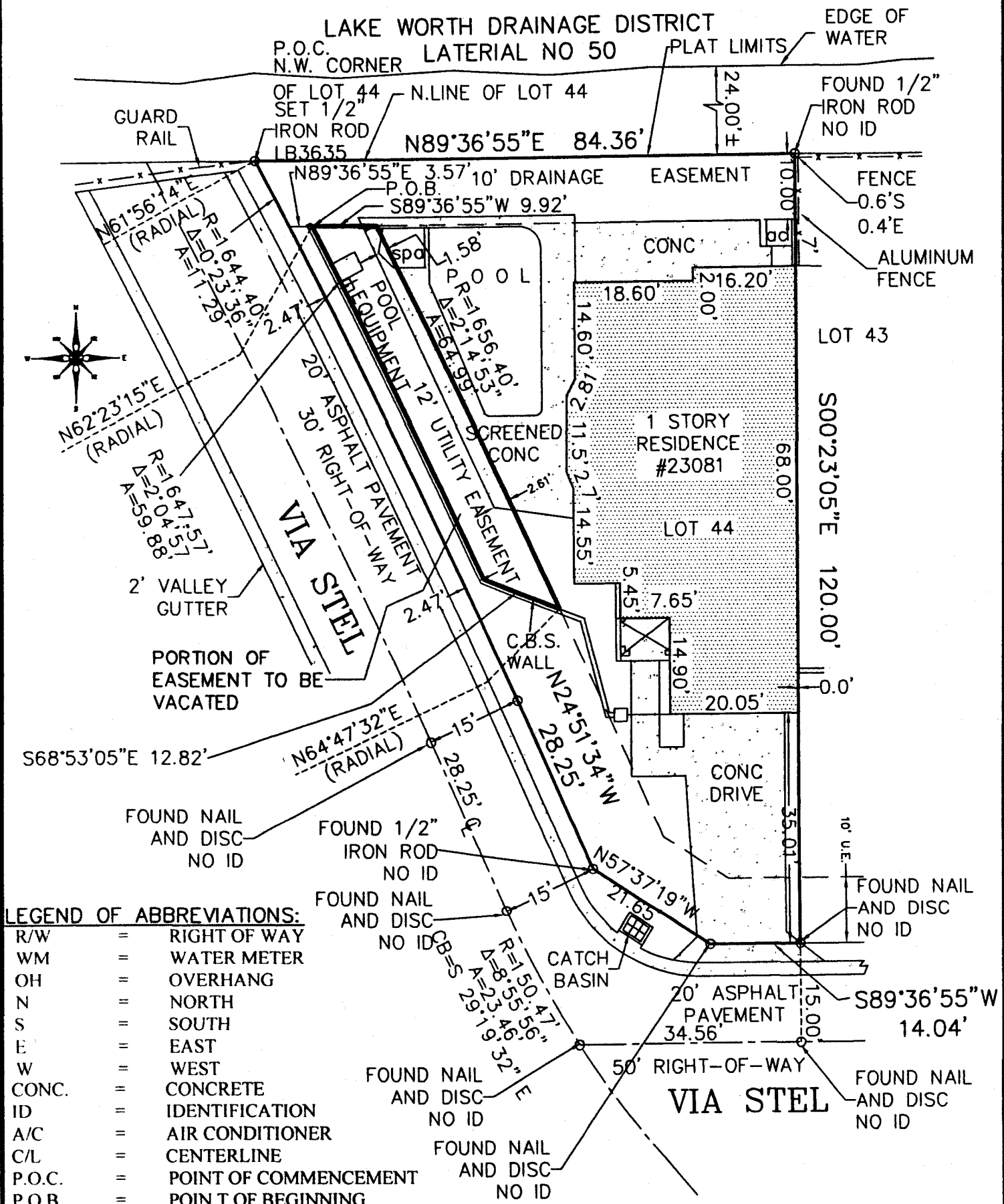
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SHEET 2 OF 2

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**SKETCH OF
DESCRIPTION**

STREET ADDRESS:

23081 VIA STEL, BOCA RATON, FLORIDA 33433

**SKETCH OF DESCRIPTION OF DECK ENCROACHMENT INTO 10'
DRAINAGE EASEMENT:**

A PORTION OF LOT 44, VILLA STEL, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 52, PAGE 82 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCE AT THE NORTHWEST CORNER OF LOT 44, THENCE NORTH $89^{\circ}36'55''$ EAST BASIS OF BEARING ALONG THE NORTH LINE OF LOT 44, A DISTANCE OF 49.91 FEET; THENCE SOUTH $00^{\circ}23'05''$ EAST, A DISTANCE OF 8.79 FEET TO THE POINT OF BEGINNING BEING THE NORTHEAST CORNER OF A CONCRETE POOL DECK; THENCE SOUTH $00^{\circ}23'05''$ EAST, ALONG THE EAST LINE OF THE AFOREMENTIONED POOL DECK, A DISTANCE OF 1.21 FEET TO THE INTERSECTION WITH THE SOUTH LINE OF A 10' DRAINAGE EASEMENT, THENCE SOUTH $89^{\circ}36'55''$ WEST, ALONG THE AFOREMENTIONED SOUTH LINE A DISTANCE OF 33.42 FEET TO THE INTERSECTION WITH THE WEST LINE OF THE CONCRETE DECK; THENCE NORTH $25^{\circ}53'47''$ WEST, ALONG THE AFOREMENTIONED WEST LINE, A DISTANCE OF 1.35 FEET TO THE NORTHWEST CORNER OF THE AFOREMENTIONED CONCRETE DECK; THENCE NORTH $89^{\circ}36'55''$ EAST, ALONG THE NORTH LINE OF THE AFOREMENTIONED CONCRETE DECK, A DISTANCE OF 34.00 FEET TO THE POINT OF BEGINNING. SAID DESCRIBED PARCEL CONTAINING 41 SQUARE FEET, MORE OR LESS.

CERTIFY TO:

CATHERINE A. VANDEN BROECK, AS TRUSTEE OF THE SECOND RESTATEMENT OF THE CATHERINE A. VANDEN BROECK TRUST U/A/D APRIL 13, 1994.

S E A L

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LICENSED SURVEYOR
AND MAPPER.

REVISE TEXT TO 0.1' 12-07-11 MLW

SKETCH
NUMBER SU-11-1422A