

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

4A

Meeting Date: April 17, 2012

Consent
 Workshop

Regular
 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 to abandon:

- A) that portion of the 15 foot wide and 30 foot wide right-of-way easements falling in Tracts 128, 98, 97, 96, 95, 65, 66 and 67 in Section 17, Township 46 South, Range 42 East, according to the Plat of Palm Beach Farms Co. Plat No. 1, as recorded in Plat Book 2, Pages 26 through 28, Public Records of Palm Beach County, Florida; and
- B) that portion of the 30 foot wide right-of-way easement falling in Tracts 30, 31, 32, 33, 34 and 35 in Section 17, Township 46 South, Range 42 East, according to the Plat of Palm Beach Farms Co. Plat No. 1, as recorded in Plat Book 2, Pages 26 through 28, Public Records of Palm Beach County, Florida.

SUMMARY: Adoption of this Resolution will allow the petitioner, Atlantic Commons Associates, LLLP, to vacate these unimproved road rights-of-way which are not depended upon for access and utilize the abandoned right-of-way for development purposes. The petition site is located north of Atlantic Avenue, west of the Lake Worth Drainage District Canal E-2E and east of Florida's Turnpike.

District 5 (MRE)

Background and Policy Issues: The owner, Atlantic Commons Associates, LLLP, wants to accommodate proposed development and restrict public right-of-way uses on the property. Portions of these rights-of-way encumbered by Lake Worth Drainage District easements will remain as easements benefitting the Lake Worth Drainage District. This application is subject to a privilege fee as the petitioner does not qualify for any of the privilege fee exemptions provided in Ordinance 2002-034. The petitioner has submitted the privilege fee of \$32,691.40 but intends to seek relief from the requirement by the Board and request the fee be returned.

Utility service providers have no objection to the vacation.

(Continued on Page 3)

Attachments:

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

Recommended by: Joannell Kocerna
Division Director

03/12/2012
Date

Approved by: D. T. White
County Engineer

3/26/12
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2012	2013	2014	2015	2016
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	< \$32,691. >		_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	< \$32,691 >		_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included In Current Budget? Yes ___ No **X**
 Budget Account No.: Fund 3500 Agency 800 Org. 8005 Rev Src 6425
 Reporting Category ___

B. Recommended Sources of Funds/Summary of Fiscal Impact:

Transportation Improvement Fund
 Transportation Improvement

Transportation Improvement Fund
 Privilege Fees

C. Departmental Fiscal Review: H. White

III. REVIEW COMMENTS

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

<p><u> N. Bras 3/18/2012 </u> OFMB 3/15/12 3/12/12 CC 3/20/12</p>	<p><u> Dr. J. J. J. 4/12/12 </u> Contract Dev. and Control 4-2-12 B. Walker</p>
--	--

B. Legal Sufficiency:

 Mark R. 4/3/12
 Assistant County Attorney

C. Other Department Review:

 Department Director

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

Background and Policy Issues: (Continued from Page 1)

Privilege Fee Statement: The petition is subject to a privilege fee of \$32,691.40. The calculations are as follows:

Total sq. ft. of Right-of-Way for petition site	90,795 sq. ft.
Less sq. ft. of Right-of-Way for easements	55,370 sq. ft.
Total square feet subject to Privilege Fee	35,425 sq. ft.
Average square footage value of parcels abutting the right of way	\$1.21 per sq. ft.
Overall value	\$42,864.25
80% of value	\$34,291.40
Less Filing Fee	\$-1,600.00
Total Privilege Fee	\$32,691.40

R 42

See pg 102

R 42

T 46

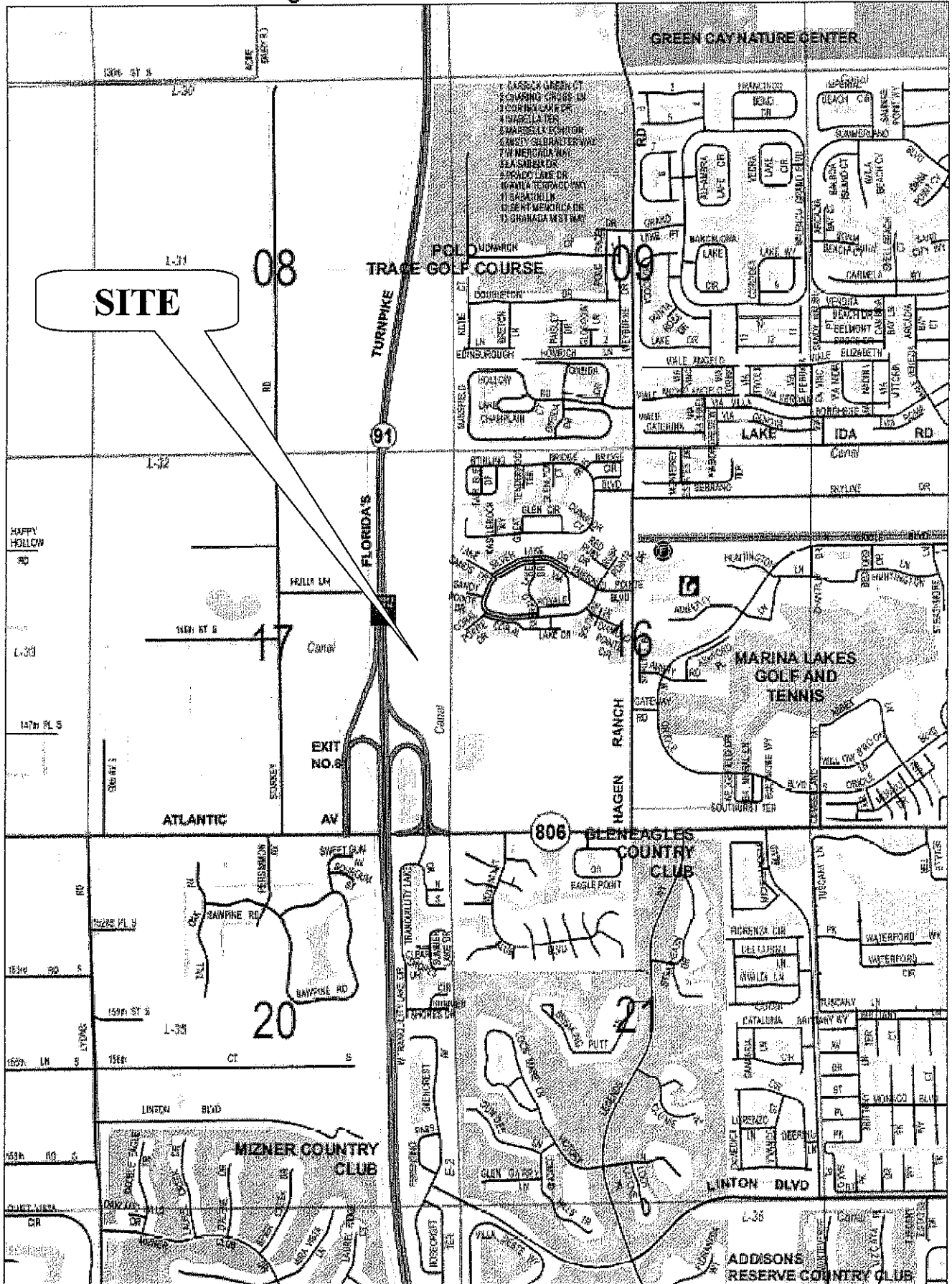
T 46

T 46

34

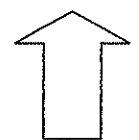
35

36



See pg 115

LOCATION SKETCH



N
N.T.S.

RESOLUTION NO. R-2012-_____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ABANDONING: A) THAT PORTION OF THE 15 FOOT WIDE AND 30 FOOT WIDE RIGHT-OF-WAY EASEMENTS FALLING IN TRACTS 128, 98, 97, 96, 95, 65, 66 AND 67 IN SECTION 17, TOWNSHIP 46 SOUTH, RANGE 42 EAST, ACCORDING TO THE PLAT OF PALM BEACH FARMS CO. PLAT NO. 1, AS RECORDED IN PLAT BOOK 2, PAGES 26 THROUGH 28, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; AND B) THAT PORTION OF THE 30 FOOT WIDE RIGHT-OF-WAY EASEMENT FALLING IN TRACTS 30, 31, 32, 33, 34 AND 35 IN SECTION 17, TOWNSHIP 46 SOUTH, RANGE 42 EAST, ACCORDING TO THE PLAT OF PALM BEACH FARMS CO. PLAT NO. 1, AS RECORDED IN PLAT BOOK 2, PAGES 26 THROUGH 28, 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 Atlantic Commons Associates, LLLP, called a public hearing to be held in the County Commissioners' Chambers, at the Governmental Office Complex, West Palm Beach, Florida, on April 17, 2012, 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 public in and for A) that portion of the 15 foot wide and 30 foot wide right-of-way easements falling in Tracts 128, 98, 97, 96, 95, 65, 66 and 67 in Section 17, Township 46 South, Range 42 East, according to the Plat of Palm Beach Farms Co. Plat No. 1; and B) that portion of the 30 foot wide right-of-way easement falling in Tracts 30, 31, 32, 33, 34 and 35 in Section 17, Township 46 South, Range 42 East, according to the Plat of Palm Beach Farms Co. Plat No. 1; 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 April 1, 2012; 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

RESOLUTION NO. R-2012_____

deprive any person of a reasonable means of ingress and egress from at least one County, State or Federal highway.

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 rights-of-way are hereby abandoned and closed as rights-of-way and this Board does hereby renounce and disclaim any right or interest of the Public in and to the rights-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, 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

RESOLUTION NO. R-2012-_____

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

PERIMETER

949A Clint Moore Road
Boca Raton, Florida 33487

SURVEYING & MAPPING
Certificate of Authorization No. LB7264

Tel: (561) 241-9988
Fax: (561) 241-5182

EXHIBIT #1 SKETCH AND LEGAL DESCRIPTION (NOT A SURVEY) ATLANTIC COMMONS-15' & 30' R/W ABANDONMENT (SOUTH)

LEGAL DESCRIPTION:

THAT PORTION OF THE 15.00 FOOT WIDE AND 30.00 FOOT WIDE RIGHT-OF-WAY EASEMENT FALLING IN TRACTS 128, 98, 97, 96, 95, 65, 66 AND 67 IN SECTION 17, TOWNSHIP 46 SOUTH, RANGE 42 EAST, ACCORDING TO THE PLAT OF PALM BEACH FARMS CO. PLAT NO. 1, AS RECORDED IN PLAT BOOK 2, PAGES 26 THROUGH 28, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 17; THENCE NORTH 00°34'49" EAST, ALONG THE EAST LINE OF SAID SECTION 17, A DISTANCE OF 104.83 FEET; THENCE SOUTH 89°22'44" WEST, ALONG THE NORTH RIGHT-OF-WAY LINE OF ATLANTIC AVENUE, A DISTANCE OF 0.94 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89°22'44" WEST, ALONG SAID NORTH LINE, A DISTANCE OF 15.00 FEET; THENCE NORTH 00°02'23" EAST, ALONG THE WEST LINE OF A 15.00 FOOT WIDE RIGHT-OF-WAY, AS SHOWN ON SAID PLAT, A DISTANCE OF 1381.27 FEET; THENCE SOUTH 89°08'54" WEST, ALONG A LINE 15.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID TRACTS 97 AND 98, A DISTANCE OF 351.53 FEET; THENCE NORTH 54°13'11" WEST, ALONG THE EAST RIGHT-OF-WAY LINE OF FLORIDA'S TURNPIKE, A DISTANCE OF 50.28 FEET; THENCE NORTH 89°08'54" EAST, ALONG A LINE 15.00 FEET NORTH OF AND PARALLEL WITH SAID NORTH LINE OF TRACTS 97 AND 98, A DISTANCE OF 392.34 FEET; THENCE NORTH 00°02'23" EAST, ALONG SAID WEST LINE OF THE 15.00 FOOT WIDE RIGHT-OF-WAY, A DISTANCE OF 1304.94 FEET; THENCE SOUTH 89°03'11" WEST, ALONG A LINE 15.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID TRACTS 65, 66 AND 67, A DISTANCE OF 836.80 FEET; THENCE NORTH 01°30'24" WEST, ALONG SAID EAST RIGHT-OF-WAY LINE OF FLORIDA'S TURNPIKE, A DISTANCE OF 15.00 FEET; THENCE NORTH 89°03'11" EAST, ALONG THE NORTH LINE OF SAID TRACTS 65, 66 AND 67, A DISTANCE OF 852.21 FEET; THENCE SOUTH 00°02'23" WEST, ALONG THE EAST LINE OF SAID 15.00 FOOT RIGHT-OF-WAY, A DISTANCE OF 2731.30 FEET TO THE POINT OF BEGINNING.


SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA, AND CONTAIN 64,682 SQUARE FEET, MORE OR LESS.

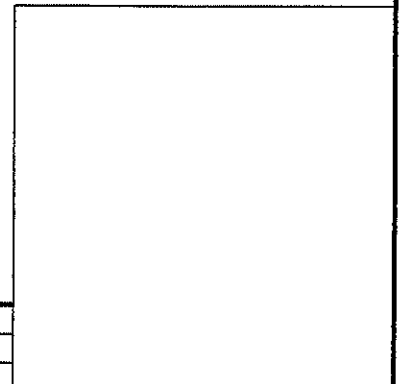
NOTES

1. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. NO SEARCH OF THE PUBLIC RECORDS WAS MADE IN THE PREPARATION OF THIS SKETCH AND DESCRIPTION.
3. BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH LINE OF THE SOUTHEAST ONE-QUARTER OF SECTION 17, HAVING A BEARING OF NORTH 89°18'03" EAST, ACCORDING TO THE STATE PLANE COORDINATE SYSTEM, STATE OF FLORIDA, EAST ZONE, NORTH AMERICAN DATUM OF 1983, 1990 ADJUSTMENT.

CERTIFICATION

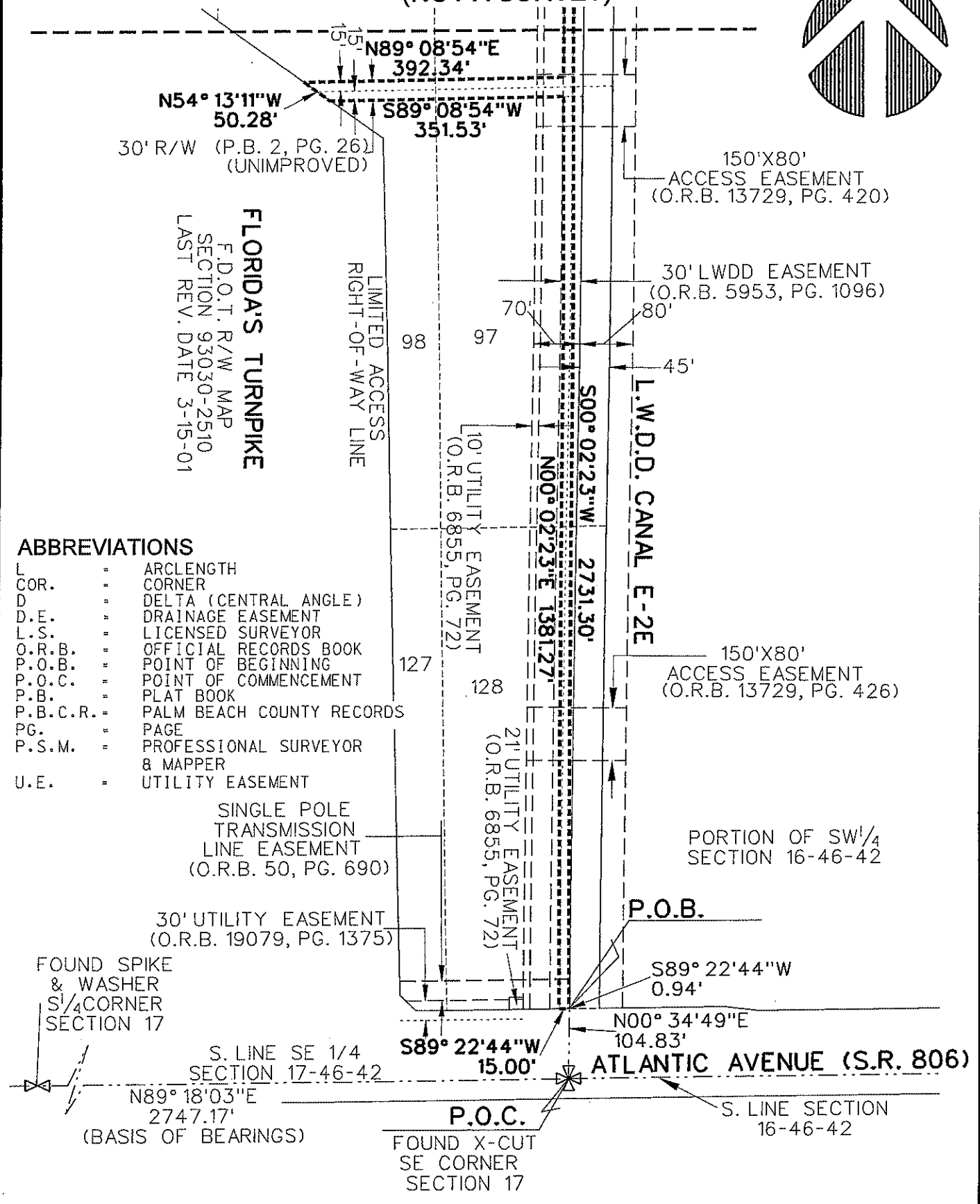
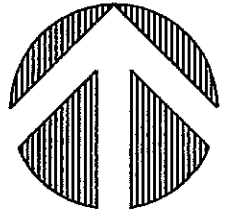
I HEREBY CERTIFY THAT THE SKETCH AND DESCRIPTION SHOWN HEREON COMPLIES WITH MINIMUM TECHNICAL STANDARDS AS CONTAINED IN CHAPTER 5J-17.051, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, AND THAT SAID SKETCH AND DESCRIPTION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION.


JERE S. HODAPP
SURVEYOR AND MAPPER
FLORIDA LICENSE NO. LS5111



Project Name:	ATLANTIC COMMONS	15' & 30' R/W ABANDONMENT (S)	DATE:	1/17/2012
JOB NO.	08156	DWG BY:	JLH	
		CK'D By:	JSH	SHEET 1 OF 3

SKETCH AND LEGAL DESCRIPTION (NOT A SURVEY)



FLORIDA'S TURNPIKE
 F.D.O.T. R/W MAP
 SECTION 93030-2510
 LAST REV. DATE 3-15-01

ABBREVIATIONS

- L COR. = ARLENGTH CORNER
- D = DELTA (CENTRAL ANGLE)
- D.E. = DRAINAGE EASEMENT
- L.S. = LICENSED SURVEYOR
- O.R.B. = OFFICIAL RECORDS BOOK
- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCEMENT
- P.B. = PLAT BOOK
- P.B.C.R. = PALM BEACH COUNTY RECORDS
- PG. = PAGE
- P.S.M. = PROFESSIONAL SURVEYOR & MAPPER
- U.E. = UTILITY EASEMENT

SINGLE POLE
 TRANSMISSION
 LINE EASEMENT
 (O.R.B. 50, PG. 690)

30' UTILITY EASEMENT
 (O.R.B. 19079, PG. 1375)

FOUND SPIKE
 & WASHER
 S¹/₄ CORNER
 SECTION 17

S. LINE SE 1/4
 SECTION 17-46-42

N89° 18' 03" E
 2747.17'
 (BASIS OF BEARINGS)

P.O.C.
 FOUND X-CUT
 SE CORNER
 SECTION 17

P.O.B.
 S89° 22' 44" W
 0.94'

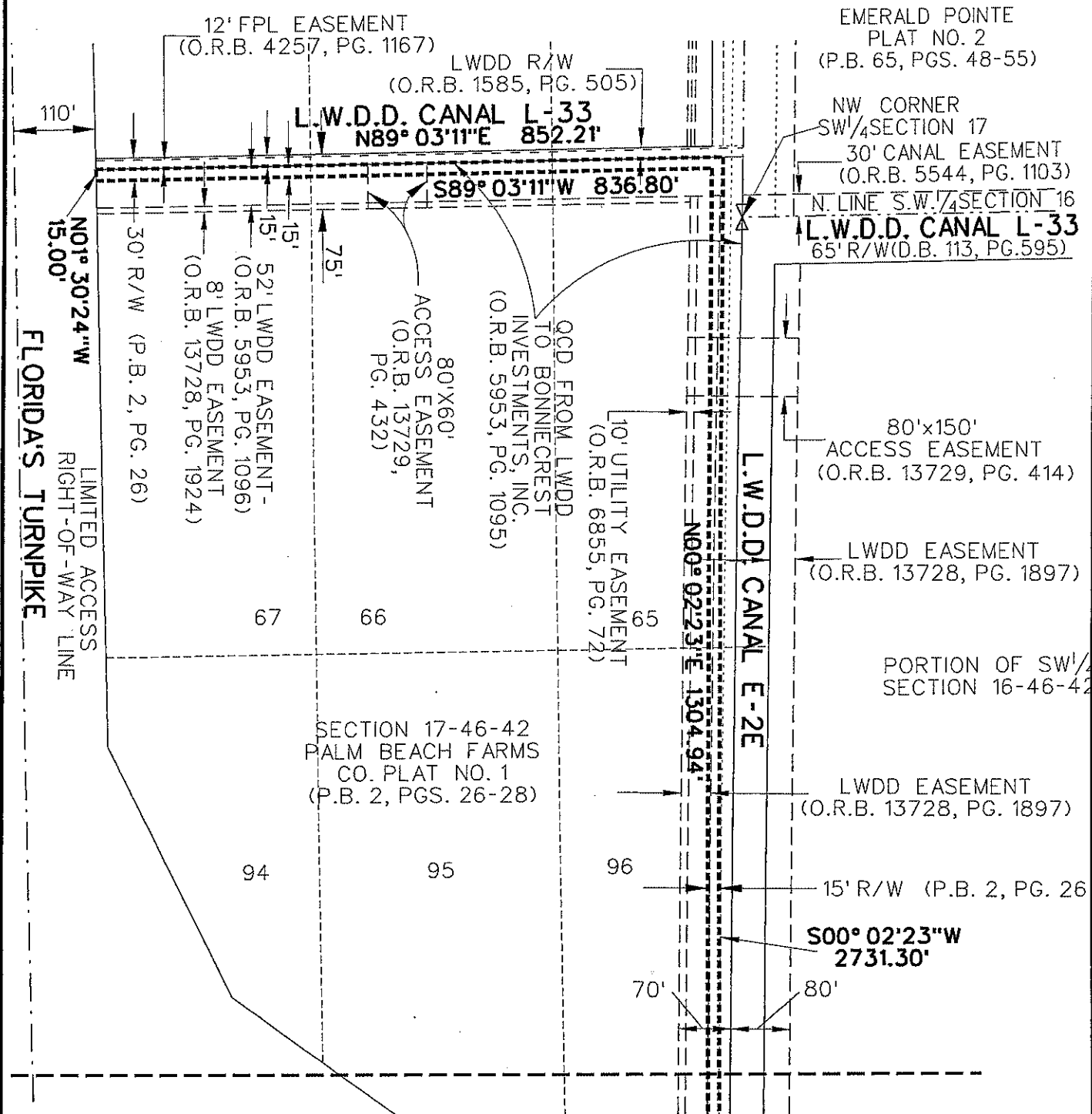
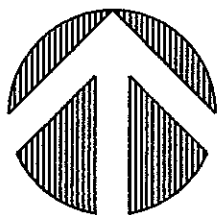
N00° 34' 49" E
 104.83'

ATLANTIC AVENUE (S.R. 806)

S. LINE SECTION
 16-46-42

JOB NO. 08156	Project Name: ATLANTIC COMMONS 15' & 30' R/W ABANDONMENT	DWG BY: JLH	CK'D BY: JSH	SCALE: 1"=200'	DATE: 1/17/2012
					SHEET 2 OF 3

SKETCH AND LEGAL DESCRIPTION (NOT A SURVEY)



JOB NO. 08156	Project Name: ATLANTIC COMMONS 15&30' R/W ABANDONMENT	DWG BY: JLH CK'D By: JSH	SCALE: 1"=200' DATE: 1/17/2012	SHEET 3 OF 3
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PERIMETER

949A Clint Moore Road
Boca Raton, Florida 33487

SURVEYING & MAPPING
Certificate of Authorization No. LB7264

Tel: (561) 241-9988
Fax: (561) 241-5182

EXHIBIT #1 SKETCH AND LEGAL DESCRIPTION (NOT A SURVEY) ATLANTIC COMMONS-30' R/W ABANDONMENT (NORTH)

LEGAL DESCRIPTION:

THAT PORTION OF THE 30.00 FOOT WIDE RIGHT-OF-WAY EASEMENT FALLING IN TRACTS 30, 31, 32, 33, 34 AND 35 IN SECTION 17, TOWNSHIP 46 SOUTH, RANGE 42 EAST, ACCORDING TO THE PLAT OF PALM BEACH FARMS CO. PLAT NO. 1, AS RECORDED IN PLAT BOOK 2, PAGES 26 THROUGH 28, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 17; THENCE NORTH 00° 34' 49" EAST, ALONG THE EAST LINE OF SAID SECTION 17, A DISTANCE OF 4155.46 FEET; THENCE NORTH 89° 25' 11" WEST, A DISTANCE OF 54.16 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89° 07' 25" WEST, ALONG A LINE 15.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID TRACTS 33, 34 AND 35, A DISTANCE OF 870.44 FEET; THENCE NORTH 01° 24' 05" WEST, ALONG THE EAST RIGHT-OF-WAY LINE OF FLORIDA'S TURNPIKE, A DISTANCE OF 30.00 FEET; THENCE NORTH 89° 07' 25" EAST, ALONG A LINE 15.00 FEET NORTH OF AND PARALLEL WITH THE NORTH LINE OF SAID TRACTS 33, 34 AND 35, A DISTANCE OF 871.19 FEET; THENCE SOUTH 00° 02' 23" WEST, ALONG THE WEST LINE OF A 15.00 FOOT WIDE RIGHT-OF-WAY SHOWN ON SAID PLAT, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA, AND CONTAIN 26,124 SQUARE FEET, MORE OR LESS.

NOTES

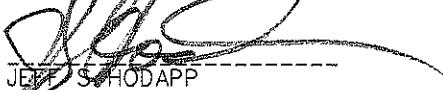
1. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. NO SEARCH OF THE PUBLIC RECORDS WAS MADE IN THE PREPARATION OF THIS SKETCH AND DESCRIPTION.
3. BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH LINE OF THE SOUTHEAST ONE-QUARTER OF SECTION 17, HAVING A BEARING OF NORTH 89° 18' 03" EAST, ACCORDING TO THE STATE PLANE COORDINATE SYSTEM, STATE OF FLORIDA, EAST ZONE, NORTH AMERICAN DATUM OF 1983, 1990 ADJUSTMENT.

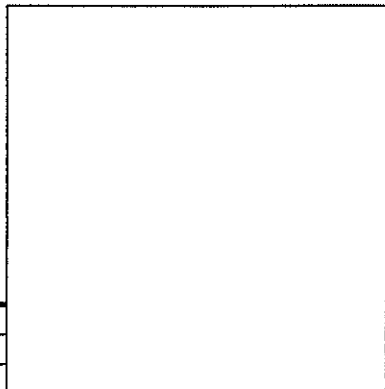
ABBREVIATIONS

L	=	ARCLENGTH	P.O.C.	=	POINT OF COMMENCEMENT
COR.	=	CORNER	P.B.	=	PLAT BOOK
D	=	DELTA (CENTRAL ANGLE)	P.B.C.R.	=	PALM BEACH COUNTY RECORDS
D.E.	=	DRAINAGE EASEMENT	PG.	=	PAGE
L.S.	=	LICENSED SURVEYOR	P.S.M.	=	PROFESSIONAL SURVEYOR
O.R.B.	=	OFFICIAL RECORDS BOOK		=	& MAPPER
P.O.B.	=	POINT OF BEGINNING	U.E.	=	UTILITY EASEMENT

CERTIFICATION

I HEREBY CERTIFY THAT THE SKETCH AND DESCRIPTION SHOWN HEREON COMPLIES WITH MINIMUM TECHNICAL STANDARDS AS CONTAINED IN CHAPTER 5J-17.051, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, AND THAT SAID SKETCH AND DESCRIPTION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION.


JEFF SCHODAPP
SURVEYOR AND MAPPER
FLORIDA LICENSE NO. LS5111

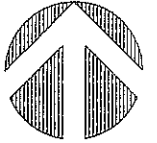


Project Name:	ATLANTIC COMMONS	30' R/W ABANDONMENT (N)	DATE:	1/17/2012
JOB NO.	08156	DWG BY:	JLH	
		CK'D By:	JSH	SHEET 1 OF 2

SKETCH AND LEGAL DESCRIPTION (NOT A SURVEY)

SECTION 8-46-42
PALM BEACH FARMS CO. PLAT NO. 1
(P.B. 2, PGS. 26-28)
126 127 128

NE CORNER
SECTION 17
(NOT FOUND)



S89° 15'11"W
N. LINE SECTION 17

L.W.D.D. CANAL L-32

E. LINE SECTION 17

LWDD EASEMENT
(O.R.B. 13728, PG. 1897)

15' LWDD RESERVATION
(O.R.B. 1994, PG. 1573)

HAGAN RANCH HEIGHTS
(P.B. 63, PGS. 71-78)

45' L.W.D.D. R/W
(D.B. 113, PG. 562)

30' R/W (P.B. 2, PG. 26)
(UNIMPROVED)

S00° 02'23"W
30.00'

LIMITED ACCESS
RIGHT-OF-WAY LINE

N89° 25'11"W 54.16'

N01° 24'05"W
30.00'

N89° 07'25"E 871.19'

S89° 07'25"W 870.44'

P.O.B.

SECTION 17-46-42
PALM BEACH FARMS
CO. PLAT NO. 1
(P.B. 2, PGS. 26-28)
35 34 33

QCD TO LWDD
(O.R.B. 1585, PG. 505)
15' R/W (P.B. 2, PG. 26)

F.D.O.T. R/W MAP
SECTION 93030-2510
LAST REV. DATE 3-15-01

FLORIDAS TURNPIKE
SURVEY

EMERALD POINTE
PLAT NO. 2
(P.B. 65, PGS. 48-55)

10' UTILITY EASEMENT
(O.R.B. 6855, PG. 72)

NW CORNER
SW 1/4 SECTION 17
(NOT FOUND)

FOUND SPIKE
& WASHER
S 1/4 CORNER
SECTION 17

L.W.D.D. CANAL L-33

L.W.D.D. CANAL L-33

SECTION 17-46-42
PALM BEACH FARMS CO. PLAT NO. 1
(P.B. 2, PGS. 26-28)
67 66 65

N00° 34'49"E
4155.46'

P.O.C.

S. LINE SE 1/4 SECTION 17-46-42
N89° 18'03"E 2747.17'
(BASIS OF BEARINGS)

FOUND X-CUT
SE CORNER
SECTION 17

JOB NO. 08156	Project Name: ATLANTIC COMMONS 30' R/W ABANDONMENT (N)	DWG BY: JLH	SCALE: 1"=400'	DATE: 1/17/2012
		CK'D By: JSH		SHEET 2 OF 2