

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: May 15, 2012 [] Consent [] Regular
[] Workshop [X] 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 any public interest in that certain improved portion of the 30 foot right-of-way for Persimmon Avenue as shown on the plat of Delray Lakes Estates, as recorded in Plat Book 41, Pages 200-201, Public Records of Palm Beach County (County), Florida and a portion of the 30 foot right-of-way easement as shown within the westerly 15 feet of Tract 8 and the easterly 15 feet of Tract 9, Palm Beach Farms Company Plat No. 1, as recorded in Plat Book 2, Pages 26-28, of said County records.

SUMMARY: Adoption of this Resolution will allow the County to vacate its interest in that certain portion of Persimmon Avenue to allow the subdivisions to the south, Delray Lakes Estates and Balmoral, to privatize and gate their communities. The petition site is located on the south side of Atlantic Avenue and is 0.8 miles west of Florida's Turnpike.

District 5 (MRE)

Background and Policy Issues: This application is being processed concurrently with the Delray Lakes Estates public rights-of-way abandonment application. The residents of Delray Lakes Estates represented by the petitioner Delray Lakes Estates Homeowners Association, Inc. wish to privatize the roads within their subdivision to gate the community and this abandonment of a portion of Persimmon Avenue is necessary to allow for future construction of a gatehouse.

Utilities service providers have no objection to the vacation because replacement easements have been provided. Easements will be recorded simultaneously with the abandonment. These easements cover a portion of the width of Persimmon Avenue for its entire length.

Privilege Fee Statement: In accordance with the exemption in the Right-of-Way Abandonment and Plat Vacation Ordinance 86-18, as amended by Ordinance No. 2002-034, governmental agencies are exempt from the privilege fee.

- Attachments:**
1. Location Sketch
2. Resolution with Legal Description and Sketch

Recommended by: *Glenn R. Koenig* 04/23/2012 *[Signature]*
Division Director Date

Approved by: *S. T. Webb* 4/24/12
County Engineer Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2012	2013	2014	2015	2016
Capital Expenditures					
Operating Costs	< \$201.00 >				
External Revenues					
Program Income (County)					
In-Kind Match (County)					
NET FISCAL IMPACT	< \$201.00 >				
# ADDITIONAL FTE POSITIONS (Cumulative)					

Is Item Included In Current Budget? Yes X No
 Budget Account No.: Fund 1201 Dept 360 Unit 2230 Object Various

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

County Transportation Trust Fund
 Road Section
 Maintenance

C. Departmental Fiscal Review:

Alii Kovalainen

III. REVIEW COMMENTS

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

[Signature] 4/27/2012
 OFMB
 SW 4/25/12
 4/25/12
 AJ
 CC

[Signature] 5/3/12
 Contract Dev. and Control
 5-2-12 Bill [Signature]

B. Legal Sufficiency:

[Signature] 5/10/12
 Assistant County Attorney

C. Other Department Review:

 Department Director

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

R 42

See pg 102

R 42

108

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T 46

T 46

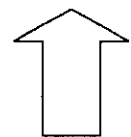
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LOCATION SKETCH

N
N.T.S.

RESOLUTION NO. R-2012_____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ABANDONING THAT CERTAIN IMPROVED PORTION OF THE 30 FOOT RIGHT-OF-WAY FOR PERSIMMON AVENUE AS SHOWN ON THE PLAT OF DELRAY LAKES ESTATES, AS RECORDED IN PLAT BOOK 41, PAGES 200-201, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND A PORTION OF THE 30 FOOT RIGHT-OF-WAY EASEMENT AS SHOWN WITHIN THE WESTERLY 15 FEET OF TRACT 8 AND THE EASTERLY 15 FEET OF TRACT 9, PALM BEACH FARMS COMPANY PLAT NO. 1, AS RECORDED IN PLAT BOOK 2, PAGES 26-28, OF SAID COUNTY RECORDS.

WHEREAS, the Board of County Commissioners of Palm Beach County, Florida (Board), pursuant to authority in Section 336.09, Florida Statutes, and as provided in Palm Beach County Code Chapter 22. Article III, Road Abandonment and Plat Vacation (Ordinance No. 2002-034), known as the Palm Beach County Right-of-Way Abandonment and Plat Vacation Ordinance, and the petition of the County Engineer, called a public hearing to be held in the County Commissioners' Chambers, at the Governmental Office Complex, West Palm Beach, Florida, on May 15, 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 that portion of Persimmon Avenue, as set for on the sketch and legal description set forth in Exhibit A; and

WHEREAS, in accordance with as provided in Palm Beach County Code Chapter 22. Article III, Road Abandonment and Plat Vacation (Ordinance No. 2002-034), notice of the holding of such meeting was duly published in the Palm Beach Post on April 29, 2012; and

WHEREAS, Palm Beach County has reserved utility easements over a portion of the area being abandoned; 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-2012-_____

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 public right-of-way and this Board does hereby renounce and disclaim any right or interest of 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 Palm Beach County Code Chapter 22. Article III.

RESOLUTION NO. R-2012_____

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**

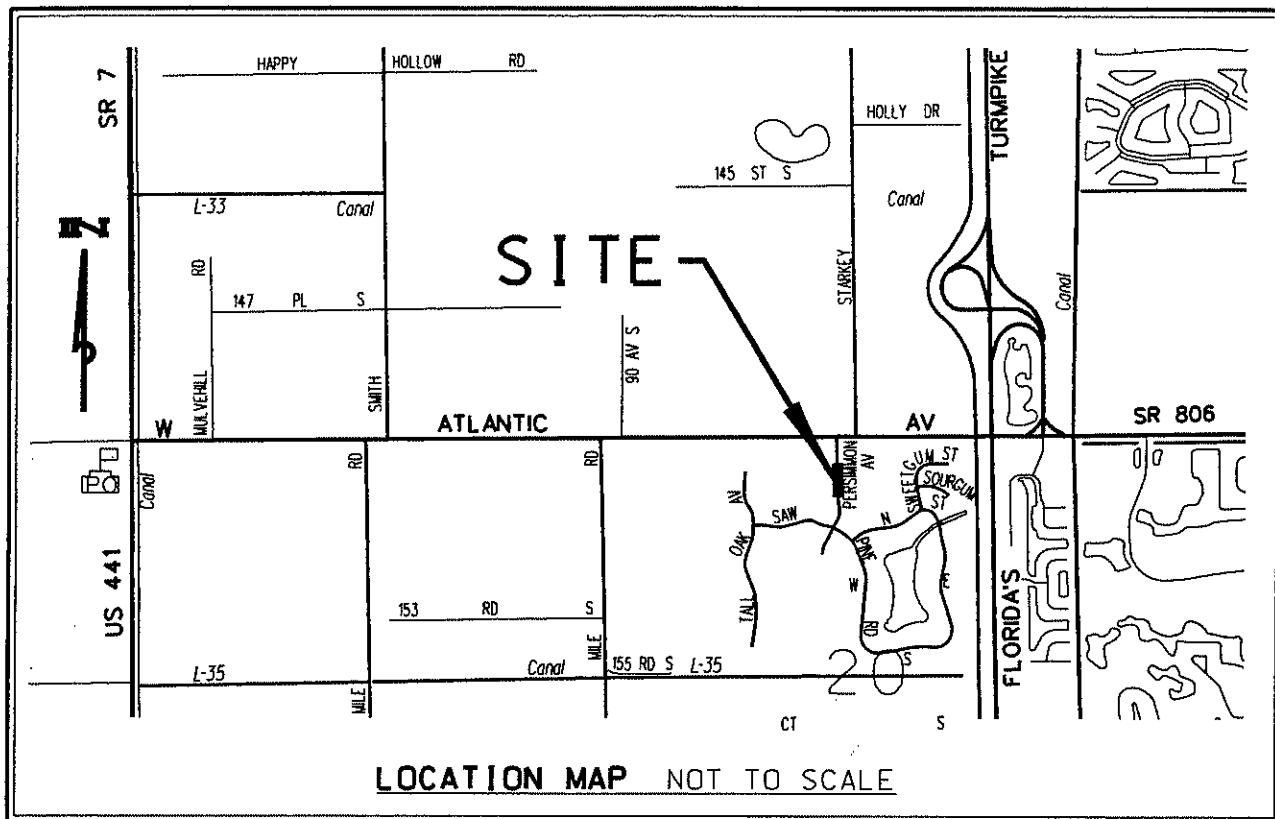
Sharon R. Bock, Clerk & Comptroller

BY: _____
Deputy Clerk

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

BY: _____
County Attorney

EXHIBIT "A"



LEGAL DESCRIPTION

A PARCEL OF LAND DESCRIBED FOR RIGHT-OF-WAY ABANDONMENT PURPOSES, LYING IN SECTION 20, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF THE 30 FOOT RIGHT-OF-WAY FOR PERSIMMON AVENUE AS SHOWN ON THE PLAT OF DELRAY LAKES ESTATES, AS RECORDED IN PLAT BOOK 41, PAGES 200-201, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND A PORTION OF THE 30 FOOT RIGHT-OF-WAY EASEMENT AS SHOWN WITHIN THE WESTERLY 15 FEET OF TRACT 8 AND THE EASTERLY 15 FEET OF TRACT 9, PALM BEACH FARMS COMPANY PLAT NO. 1, AS RECORDED IN PLAT BOOK 2, PAGES 26-28, OF SAID COUNTY RECORDS; SAID RIGHT-OF-WAY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF TRACT D-1, OF SAID PLAT OF DELRAY LAKES ESTATES; THENCE SOUTH 89°47'53" WEST ALONG THE SOUTH LINE OF TRACTS 8 AND 9, OF SAID PALM BEACH FARMS COMPANY PLAT NO. 1, A DISTANCE OF 30.01 FEET TO A PLAT CORNER SHOWN ON SAID DELRAY LAKES ESTATES AND ON THE CENTERLINE OF PERSIMMON AVENUE A 60 FOOT RIGHT-OF-WAY; THENCE CONTINUE SOUTH 89°47'53" WEST, A DISTANCE OF 30.01 FEET TO THE SOUTHEAST CORNER OF TRACT R-1, AS SHOWN ON SAID PLAT OF DELRAY LAKES ESTATES AND TO THE WESTERLY RIGHT-OF-WAY LINE OF PERSIMMON AVENUE; THENCE NORTH 01°28'36" WEST ALONG THE WESTERLY RIGHT-OF-WAY LINE OF PERSIMMON AVENUE, A DISTANCE OF 314.33 FEET; THENCE NORTH 88°31'24" EAST, A DISTANCE OF 30.00 FEET TO

PROJECT NO. 2012050.202
SHEET 1 OF 5

PROJECT: **PERSIMMON AVENUE ABANDONMENT DELRAY LAKES ESTATES**
DESIGN FILE NAME: S-1-11-3267.DGN
DRAWING NO.: S-1-11-3267

NO.	REVISION	BY	DATE
1	REVISE DESC OF BOUNDARY	C.P.	4/19/22

SCALE: 1" = 100'
APPROVED: C.S.P.
DRAWN: E.A.O.
CHECKED: G.W.M.
DATE: 12/28/11
FIELD BOOK NO.: 1224 B

PALM BEACH COUNTY
ENGINEERING AND PUBLIC WORKS
ENGINEERING SERVICES
2300 NORTH JOG ROAD
WEST PALM BEACH, FL 33411

A POINT ON THE CENTERLINE OF PERSIMMON AVENUE AND BEING ON THE EASTERLY LINE OF SAID PLAT OF DELRAY LAKES ESTATES; THENCE NORTH $88^{\circ}31'24''$ EAST, A DISTANCE OF 30.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF PERSIMMON AVENUE BEING ON THE EAST LINE OF THE WESTERLY 15 FEET OF TRACT 8, OF SAID PLAT OF PALM BEACH FARMS COMPANY PLAT NO. 1; THENCE SOUTH $01^{\circ}28'36''$ EAST ALONG THE EASTERLY RIGHT-OF-WAY LINE OF PERSIMMON AVENUE, A DISTANCE OF 315.67 FEET TO THE AFOREMENTIONED POINT OF BEGINNING.

CONTAINING 0.4339 ACRES (18900 SQUARE FEET) MORE OR LESS.

SURVEYOR'S NOTES

1. NO SEARCH OF THE PUBLIC RECORDS WAS PERFORMED BY THIS OFFICE.
2. BEARINGS SHOWN HEREON ARE BASED UPON THE CENTERLINE OF PERSIMMON AVENUE AS SHOWN ON SAID PLAT OF DELRAY LAKES ESTATES (PLAT BOOK 41, PAGES 200-201) HAVING A PLATTED BEARING WHICH IS ON AN ASSUMED BASIS OF SOUTH $01^{\circ}28'36''$ EAST AND ALL OTHER BEARINGS ARE RELATIVE THERETO.
3. BEARING ROTATION EQUATION PLAT TO GRID: CENTERLINE OF PERSIMMON AVENUE SOUTH $01^{\circ}28'36''$ EAST (PLAT) - SOUTH $01^{\circ}52'33''$ EAST (GRID NAD 83/90) WHICH EQUATES TO A $0^{\circ}23'57''$ COUNTERCLOCKWISE ROTATION PLAT TO GRID.
4. THE BOUNDARY SURVEY SHOWN HEREON WAS PREPARED IN ACCORDANCE WITH PALM BEACH COUNTY ABANDONMENT ORDINANCE NO. 86-18.
5. IT SHOULD BE NOTED THAT THE CALL RECITED ON THE PLAT OF DELRAY LAKES ESTATES (PLAT BOOK 41, PAGES 200-201) SHOWN AS THE SOUTHEAST CORNER OF TRACT 8, OF PALM BEACH FARMS COMPANY PLAT NO. 1 (PLAT BOOK 2, PAGES 26-28) MAY BE INCORRECT AND IT IS MY OPINION THAT THE CORRECT CALL SITED ON SAID PLAT OF DELRAY LAKES ESTATES SHOULD BE 15 FEET EASTERLY OF THAT POSITION. THIS LOCATION WOULD CENTER IT ON THE 30 FOOT PLATTED RIGHT-OF-WAY EASEMENT CONSISTENT WITH THE HISTORICAL EVIDENCE THAT THE TRACT LINES EXTEND TO THE CENTERLINE OF THE 30 FOOT PLATTED RIGHT-OF-WAY EASEMENTS WHERE APPLICABLE IN PALM BEACH FARMS COMPANY PLAT NO. 1.
6. IT IS POSSIBLE THAT THERE ARE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS, OR OTHER INSTRUMENTS WHICH COULD AFFECT THE SUBJECT PROPERTY, WHICH ARE UNKNOWN TO THE SIGNING SURVEYOR.
7. FIELD WORK FOR THIS PROJECT IS LOCATED IN FIELD BOOK 1224 B, PAGE 3 & 4 - DATED 01/04/12. INSTRUMENTS USED WERE THE TOPCON GTS 311 AND TRIMBLE GPS R-8.
8. THE FILE NAMES ARE DELRAYLK.ZAK, AND S-1-11-3267.DGN.

LEGEND

LWDD = LAKE WORTH DRAINAGE DISTRICT
PBF = PALM BEACH FARMS COMPANY
ORB = OFFICIAL RECORD BOOK
U.E. = UTILITY EASEMENT
R/W = RIGHT OF WAY
(D) = DESCRIPTION
(C) = CALCULATED
PB = PLAT BOOK
(M) = MEASURED
(P) = PLAT
PG = PAGE

9. FIELD WORK COMPLETED ON 01/04/12.

10. ALL EXISTING AND ESTABLISHED CONTROL BASED ON THE MEASUREMENTS SHOWN, MEET OR EXCEED THE RELATIVE DISTANCE ACCURACY REQUIREMENT OF 1:10,000 (COMMERCIAL /HIGH RISK) REQUIRED BY THIS SURVEY.


11. UNDERGROUND FOUNDATIONS AND UTILITIES MAY BE PRESENT. NO UNDERGROUND FOUNDATIONS OR UTILITIES WERE LOCATED BY THIS SURVEY.

12. COORDINATES SHOWN ARE GRID
DATUM = NAD 83, 1990 ADJUSTMENT
ZONE = FLORIDA EAST
LINEAR UNITS = US SURVEY FOOT
COORDINATE SYSTEM 1983 STATE PLANE TRANSVERSE MERCATOR PROJECTION
ALL DISTANCES ARE GROUND.
PROJECT SCALE FACTOR = 1.00002539
GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE
ALL FEATURE SYMBOLS SHOWN ARE NOT TO SCALE.

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

14. THIS INSTRUMENT PREPARED BY CRAIG S. PUSEY, P.S.M. IN THE OFFICE OF THE COUNTY ENGINEER, 2300 NORTH JOG ROAD, WEST PALM BEACH, FLORIDA 33411-2745.

15. I HEREBY CERTIFY THAT THE BOUNDARY SURVEY SHOWN HEREON WAS MADE UNDER MY RESPONSIBLE DIRECTION AND SUPERVISION AND THAT SAID SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.


CRAIG S. PUSEY, P.S.M.
FLORIDA CERTIFICATE #5019

4/19/12
DATE

N 771416.442
E 924431.288
FOUND
40d NAIL & WASHER
(S65°08'W, 0.26'
FROM CALCULATED
1/4 CORNER)

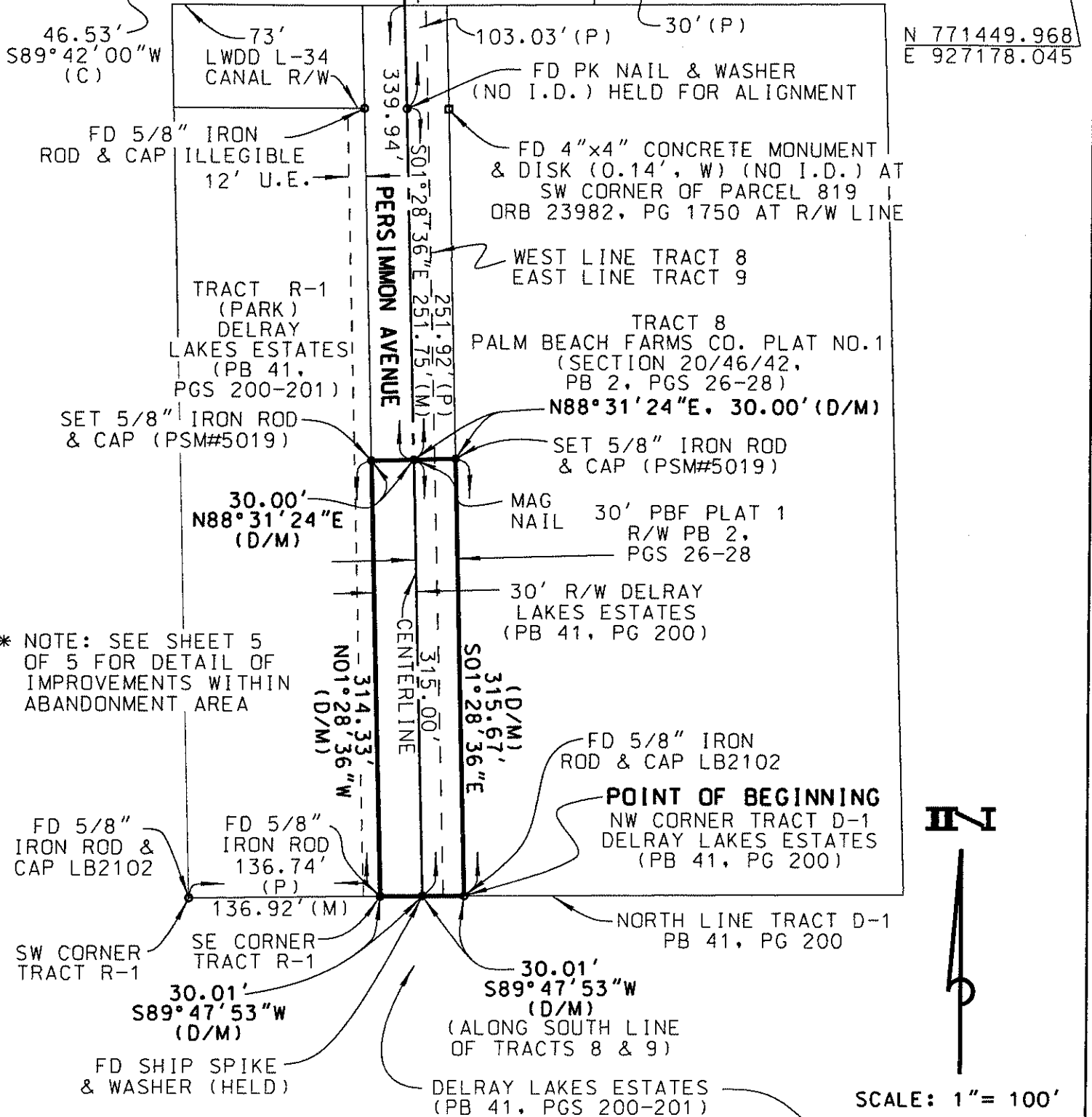
NORTH 1/4 CORNER
SECTION 20, TOWNSHIP
46 SOUTH, RANGE 42 EAST
"PBCO POSITION"

NORTHEAST CORNER
SECTION 20, TOWNSHIP
46 SOUTH, RANGE 42 EAST
"PBCO POSITION"

ATLANTIC AVE. (S.R. 806)

N89°42'00"E 2746.89'(C)

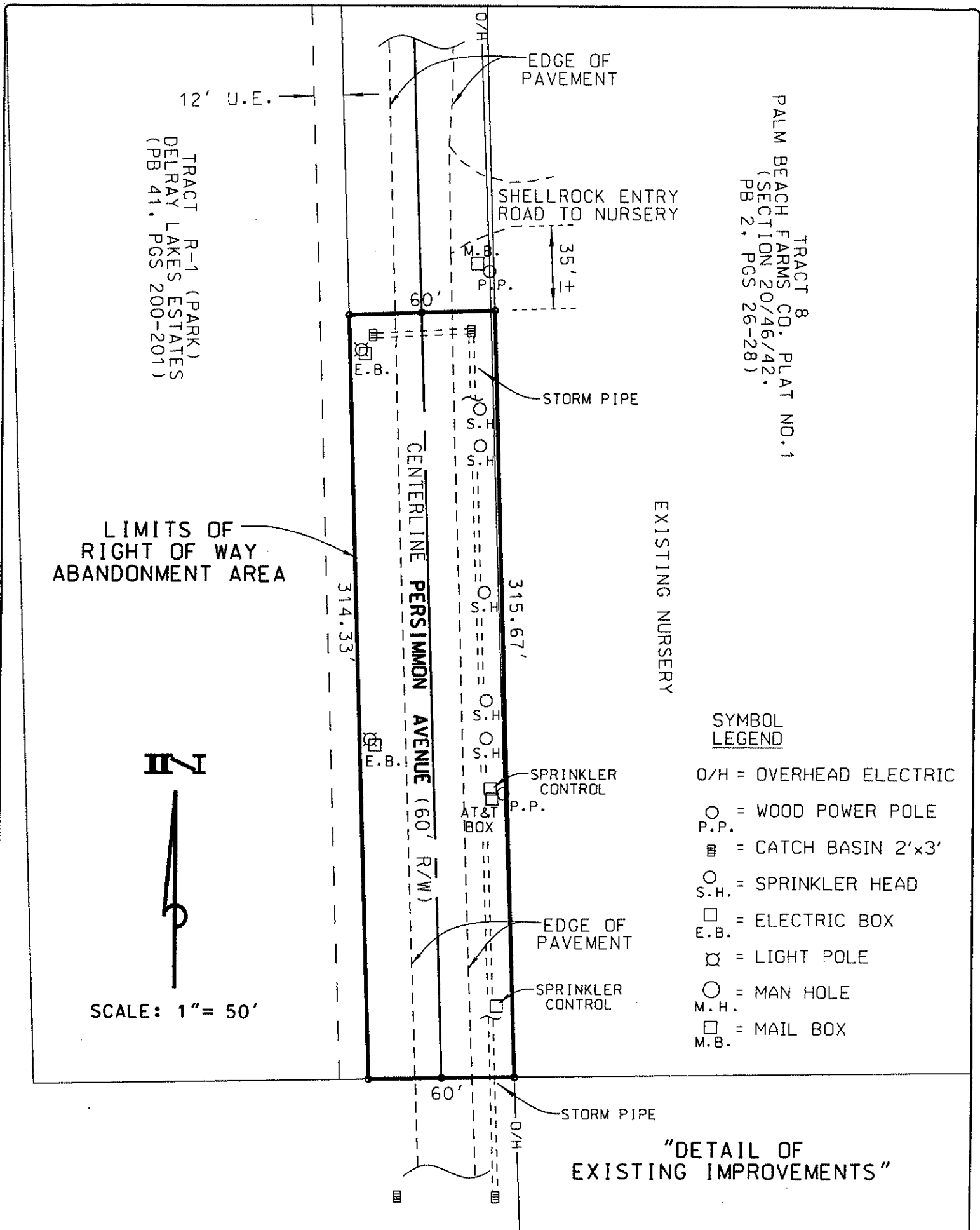
N LINE SEC. 20/46/42



* NOTE: SEE SHEET 5 OF 5 FOR DETAIL OF IMPROVEMENTS WITHIN ABANDONMENT AREA



SCALE: 1" = 100'



SYMBOL LEGEND

- O/H = OVERHEAD ELECTRIC
- = WOOD POWER POLE P.P.
- = CATCH BASIN 2'x3'
- = SPRINKLER HEAD S.H.
- = ELECTRIC BOX E.B.
- ⊗ = LIGHT POLE
- = MAN HOLE M.H.
- = MAIL BOX M.B.

"DETAIL OF EXISTING IMPROVEMENTS"