Agenda Item #: 3-C-8

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

Meeting Date: October 16, 2012

[X] Consent [ ] Workshop [] Regular [] Public Hearing

**Department:** 

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

I. EXECUTIVE BRIEF

**Motion and Title:** Staff recommends motion to adopt: A Resolution to vacate portions of utility easements within the plat of Jewish Community Campus, as recorded in Plat Book 68, Page 75, Public Records of Palm Beach County, Florida.

**SUMMARY:** Adoption of this Resolution will allow the petitioner to vacate portions of the easements to allow for redevelopment of the site. The petition site is located on the west side of Military Trail and north side of Community Drive.

District 7 (MRE)

**Background and Justification:** The owner, Palm Beach Jewish Community Campus Corporation, will be replatting the property. Portions of the easements are in conflict with the approved site development plan and are proposed to be vacated. Other portions of these easements are being vacated to remove the public's interest and to provide rights only to a specific utility company.

A replacement easement covering a portion of the area to be vacated has been provided for Florida Public Utilities and will be recorded simultaneously with the vacation resolution. Reviewing agencies and the remaining utility service providers have no objection to the vacations.

Easements are exempt from the privilege fee requirement as provided in Palm Beach County Code Chapter 22. Article III, Road Abandonment and Plat Vacation (Ordinance 2002-034).

## Attachments:

1. Location Sketch

2. Resolution with Legal Descriptions and Sketches

Recommended	by: <u>Jouwill Kelle</u> Division Director	09/11/2012
Approved by:	J. W.M. County Engineer	9/18/12 Date

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## II. FISCAL IMPACT ANALYSIS

## A. Five Year Summary of Fiscal Impact:

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Fiscal Years	2013	2014	2015	2016	2017
Capital Expenditures	<u>\$ -0-</u>		-0-		<u>-0-</u>
<b>Operating Costs</b>	-0-	0-	0	-0-	-0-
<b>External Revenues</b>	-0-	0-	-0-	-0-	- <u>0-</u>
Program Income (County)	-0-	-0-	-0-	-0-	- <u>0-</u>
In-Kind Match (County)	-0-	-0-	-0-	-0-	- <u>0-</u>
NET FISCAL IMPACT	\$ -0-	-0-	-0-	-0-	<u>-0-</u>
<b># ADDITIONAL FTE</b>					
<b>POSITIONS (Cumulative)</b>		<del></del>		<u> </u>	

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.

alicepovalamen C. Departmental Fiscal Review:

III. <u>REVIEW COMMENTS</u>

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

B. Approved as to Form and Legal Sufficiency:

10/3/12 Assistant County Attorney

- C. Other Department Review:

**Department Director** 

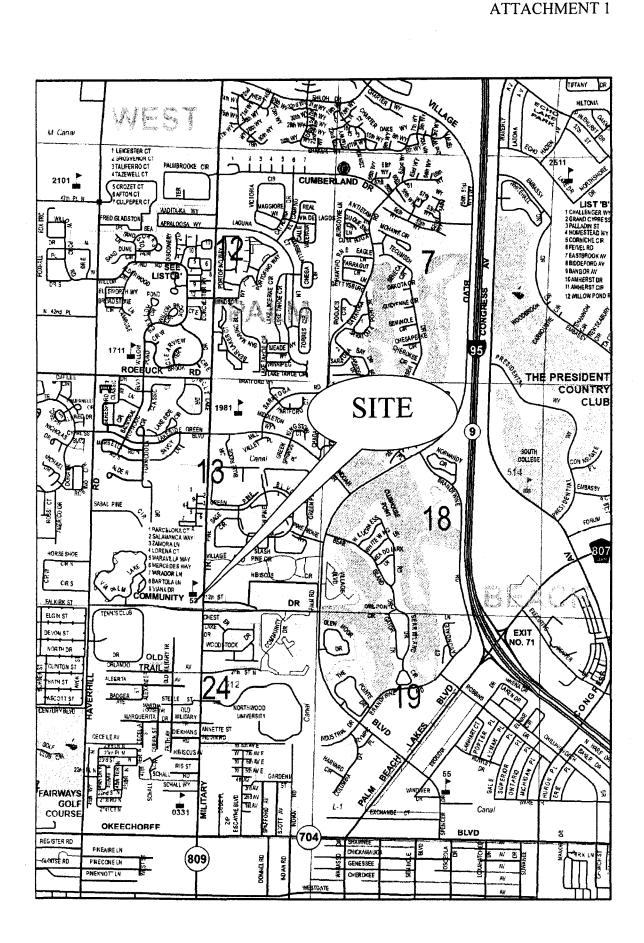
This summary is not to be used as a basis for payment.

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Contract



# **LOCATION SKETCH**

PORTIONS OF UTILITY EASEMENTS WITHIN THE PLAT OF JEWISH COMMUNITY CAMPUS

### RESOLUTION NO. R-2012-\_\_\_\_

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, VACATING PORTIONS OF UTILITY EASEMENTS WITHIN THE PLAT OF JEWISH COMMUNITY CAMPUS, AS RECORDED IN PLAT BOOK 68, PAGE 75, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

WHEREAS, the Board of County Commissioners of Palm Beach County, Florida (Board), has considered the vacation pursuant to authority in Sections 177.101 and 336.09 of the Florida Statutes and as provided in Palm Beach County (County) Code Chapter 22. Article III, Road Abandonment and Plat Vacation (Ordinance 2002-034) for the vacation of the hereinafter described; and

WHEREAS, petition to vacate said easement was submitted by Palm Beach Jewish Community Campus Corporation; 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 October 16, 2012, did hold a meeting on said petition to vacate, and this Board determined that said portions of utility easements as shown in Exhibits 1A and 1B attached hereto and made a part hereof, are in excess of the requirements of the local utility companies; and

WHEREAS, this Board while convened in regular session on October 16, 2012, did hold a meeting on said Petition to vacate the portions of the utility easements shown in Exhibits 1A and 1B, and this Board determined that said vacation conforms to the 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 portions of utility easements are hereby vacated and closed as public easements and this Board does hereby renounce and disclaim any right or

interest of the County and the Public in and to the easements, more fully described in the legal descriptions and sketches as shown in Exhibits 1A and 1B attached hereto and made a part hereof.

 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 as provided in Palm Beach County (County) Code Chapter 22. Article III, Road Abandonment and Plat Vacation (Ordinance 2002-034).

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



Engineering A Planning Surveying Environmental 2035 VISTA PARKWAY, SUITE 100, WEST PALM BEACH, FL 33411 (866) 909–2220 phone (561) 687–1110 fax CERTIFICATE OF AUTHORIZATION No. LB 7055 ORLANDO – PORT ST. LUCIE – TAMPA www.wantmangroup.com

DESCRIPTION & SKETCH PREPARED FOR: OXBRIDGE ACADEMY OF THE PALM BEACHES "EXHIBIT 1A"

#### LEGAL DESCRIPTION:

A PLATTED 12.00 FOOT WIDE UTILITY EASEMENT LYING IN TRACT B, JEWISH COMMUNITY CAMPUS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 68, AT PAGE 75, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID PLAT, SAID POINT BEING THE POINT OF BEGINNING; THENCE SOUTH 01°59'20" WEST ALONG THE EAST LINE OF SAID PLAT, FOR 12.00 FEET TO THE SOUTH LINE OF SAID 12.00 FOOT WIDE EASEMENT, SAID SOUTH LINE LYING 12.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID PLAT; THENCE NORTH 88°34'18" WEST ALONG SAID SOUTH LINE, FOR 1,210.12 FEET TO THE WEST LINE OF SAID PLAT; THENCE NORTH 01°59'20" EAST ALONG SAID WEST LINE, FOR 12.00 FEET TO THE NORTHWEST CORNER OF SAID PLAT; THENCE SOUTH 88°34'18" EAST ALONG SAID NORTH LINE, FOR 1,210.12 FEET TO THE POINT OF BEGINNING.

SUBJECT TO EXISTING EASEMENTS, RIGHTS-OF-WAY, COVENANTS, RESERVATIONS AND RESTRICTIONS OF RECORD, IF ANY.

SAID LANDS LYING AND SITUATE IN PALM BEACH COUNTY, FLORIDA.

(NOT A SURVEY-DESCRIPTION AND SKETCH ONLY)

#### SURVEYOR'S NOTES:

DATE:

1. DATA SHOWN HEREON WAS COMPILED FROM OTHER INSTRUMENTS AND DOES NOT CONSTITUTE A FIELD SURVEY AS SUCH.

2. THE BEARINGS SHOWN HEREON ARE ASSUMED AND BASED ON THE NORTH LINE OF THE PLAT OF JEWISH COMMUNITY CAMPUS, PLAT BOOK 68, PAGE 75, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, SAID NORTH LINE BEARS SOUTH 88°34'18" EAST AND ALL OTHER BEARINGS RECITED HEREON ARE RELATIVE THERETO.

**REVISION:** 

FOR THE FIRM WANTMAN GROUP, INC.

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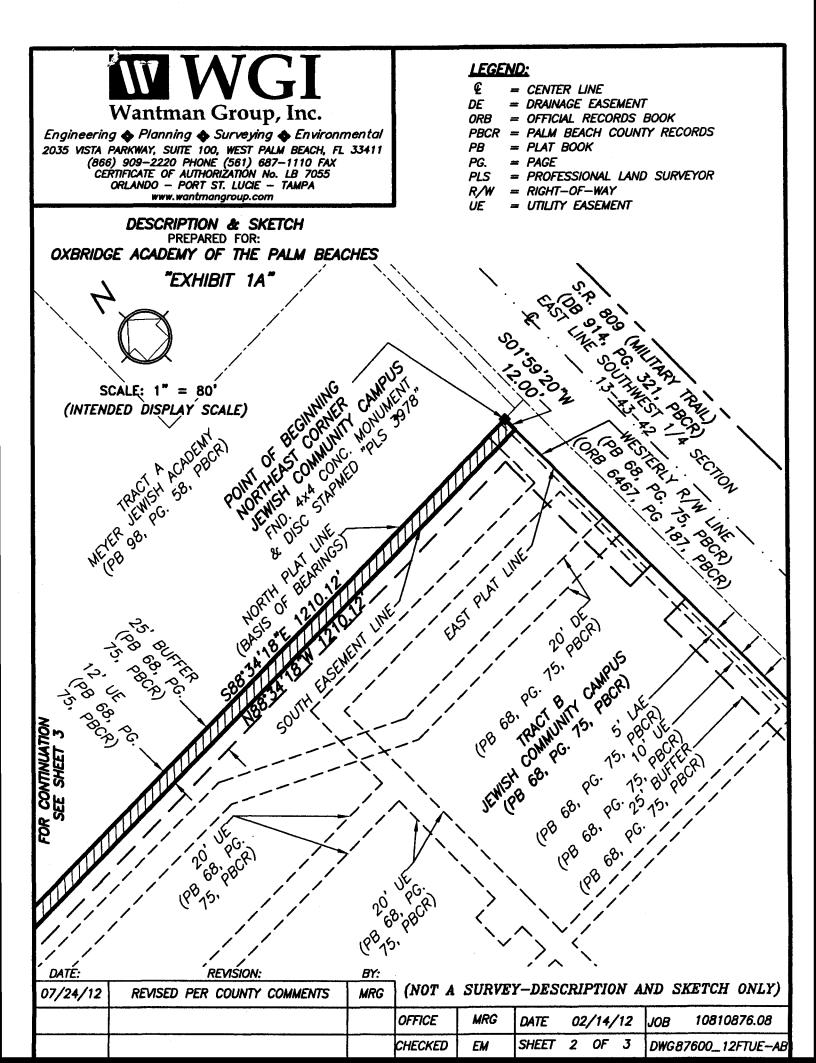
DATE: 7/25/12

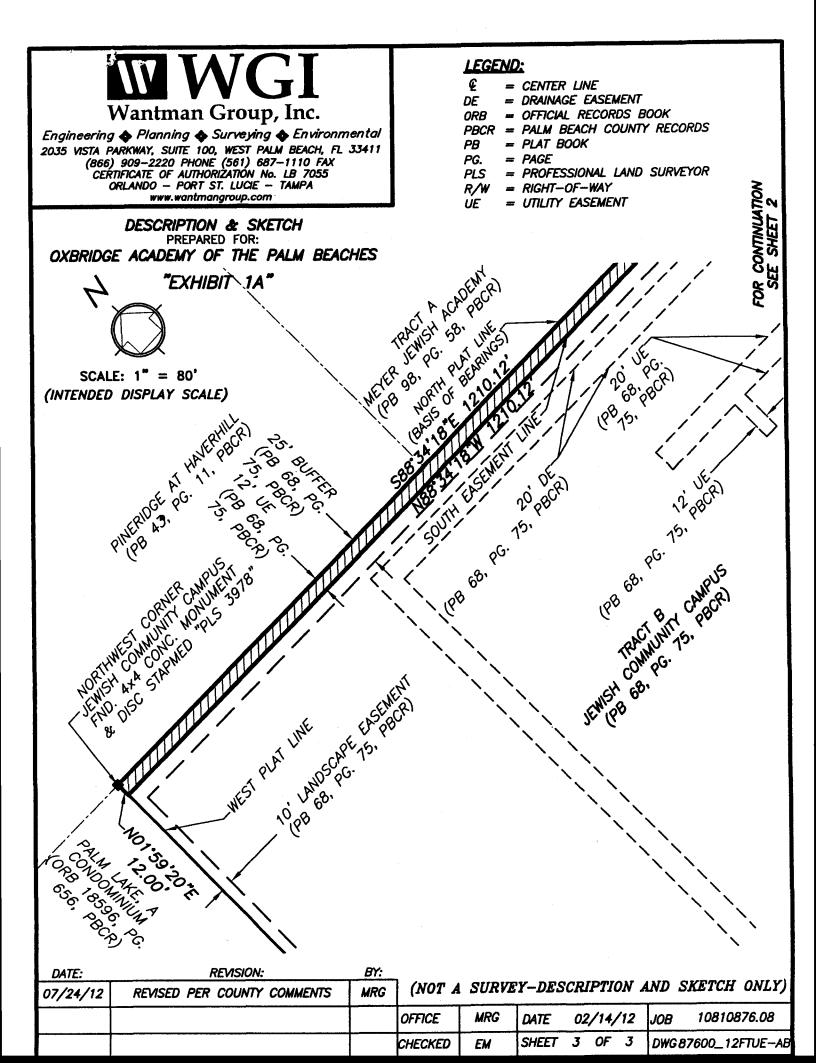
ERIC MATTHEWS, PROFESSIONAL SURVEYOR AND MAPPER FLORIDA LICENSE NO. 6717

07/24/12	REVISED PER COUNTY COMMENTS	MRG	FLORIDA LICENSE NO. 6717						
			OFFICE	MRG	DATE	02/14/12	JOB 10810876.08		
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BY:

BY:







Engineering A Planning Surveying Environmental 2035 VISTA PARKWAY, SUITE 100, WEST PALM BEACH, FL 33411 (866) 909–2220 PHONE (561) 687–1110 FAX CERTIFICATE OF AUTHORIZATION No. LB 7055 ORLANDO – PORT ST. LUCIE – TAMPA www.wantmangroup.com

DESCRIPTION & SKETCH PREPARED FOR: OXBRIDGE ACADEMY OF THE PALM BEACHES "EXHIBIT 1B"

### LEGAL DESCRIPTION: (Easement Abandonment)

A PORTION OF A PLATTED UTILITY EASEMENT LYING IN TRACT B, JEWISH COMMUNITY CAMPUS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 68, AT PAGE 75, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID PLAT; THENCE NORTH 88'34'18" WEST ALONG THE NORTH LINE OF SAID PLAT, FOR 10.00 FEET TO THE CENTERLINE OF SAID UTILITY EASEMENT, THE FOLLOWING FOUR (4) COURSES BEING ALONG SAID CENTERLINE; THENCE DEPARTING SAID NORTH LINE SOUTH 01"59'20" WEST, FOR 64.41 FEET; THENCE NORTH 88.00'43" WEST, FOR 265.42 FEET; THENCE SOUTH 01\*59'30" WEST, FOR 83.82 FEET; THENCE NORTH 88\*00'30" WEST, FOR 10.00 FEET TO THE POINT OF BEGINNING OF A 20.00 FOOT WIDE STRIP OF LAND LYING 10.00 FEET EACH SIDE OF AND ADJACENT TO THE FOLLOWING DESCRIBED CENTERLINE; THENCE CONTINUE NORTH 88.00'30" WEST, FOR 335.00 FEET TO A POINT HEREAFTER KNOWN AS POINT A; THENCE CONTINUE NORTH 88'00'30" WEST, FOR 80.00 FEET TO A POINT OF TERMINUS.

(Continued on Sheet 2)

(NOT A SURVEY-DESCRIPTION AND SKETCH ONLY)

#### SURVEYOR'S NOTES:

1. DATA SHOWN HEREON WAS COMPILED FROM OTHER INSTRUMENTS AND DOES NOT CONSTITUTE A FIELD SURVEY AS SUCH.

2. THE BEARINGS SHOWN HEREON ARE ASSUMED AND BASED ON THE WESTERLY RIGHT-OF-WAY LINE AND BASED ON THE WESTERLT RIGHT-OF-WAT LITE FOR MILITARY TRAIL (S.R. 809) AS SHOWN ON THE PLAT OF JEWISH COMMUNITY CAMPUS, PLAT BOOK 68, PAGE 75 AND AS RECORDED IN OFFICIAL RECORDS BOOK 6467, PAGE 187, BOTH OF THE PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, SAID WESTERLY LINE BEARS SOUTH 01"59'20" WEST AND ALL OTHER BEARINGS RECITED HEREON ARE RELATIVE THERETO.

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ERIC MATTHEWS, PROFESSIONAL SURVEYOR ANI FLORIDA LICENSE NO. 6717

DATE

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WANTMAN GROUP, INC.

FOR THE FIRM:

DATE: _	1/25/12
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DESCRIPTION & SKETCH PREPARED FOR: OXBRIDGE ACADEMY OF THE PALM BEACHES "EXHIBIT 1B"

(Continued from Sheet 1)

TOGETHER WITH:

A PORTION OF A PLATTED UTILITY EASEMENT LYING IN TRACT B, JEWISH COMMUNITY CAMPUS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 68, AT PAGE 75, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT SAID POINT A, SAID POINT BEING THE POINT OF BEGINNING OF A 12.00 FOOT WIDE STRIP OF LAND LYING 6.00 FEET EACH SIDE OF AND ADJACENT TO THE FOLLOWING DESCRIBED CENTERLINE; THENCE SOUTH 01°59'30" WEST, FOR 46.70 FEET TO A POINT OF TERMINUS.

SUBJECT TO EXISTING EASEMENTS, RIGHTS-OF-WAY, COVENANTS, RESERVATIONS AND RESTRICTIONS OF RECORD, IF ANY.

SAID LANDS LYING AND SITUATE IN PALM BEACH COUNTY, FLORIDA.

DATE:	REVISION:	BY:	_							
07/24/12	REVISED PER COUNTY COMMENTS	MRG	(NOT A SURVEY-DESCRIPTION AND SKETCH ONLY)							
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