

Agenda Item #: 4-D

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

Meeting Date: October 16, 2012 ☐ Consent ☐ Regular
☐ Workshop ☒ 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)** a portion of Bob West Road, a parcel of land recorded in Official Record Book 5780, Page 1529, being described as the North 60 feet of the South 120 feet of Tract 85, Block 62, Palm Beach Farms Company Plat No. 3, as recorded in Plat Book 2, Pages 45-54, Public Records of Palm Beach County, Florida; and
- B)** all of those certain utility easements lying within Tracts A, R, L1, L2 and P5, dedicated by the Plat of Delray Holdings 282, together with all drainage easements, including the drainage easement lying over all of Tract W and all Palm Beach County utility easements dedicated by the plat of Delray Holdings 282, according to the plat thereof, as recorded in Plat Book 111, Pages 136 through 150 of the Public Records of Palm Beach County, Florida.

SUMMARY: Adoption of this Resolution will allow the petitioner, Delray 282, LLC (Owner), to comply with the request of Palm Beach County (County) staff to provide a secondary access for the proposed development (Monticello) utilizing the existing Bob West Road. Further, it will also vacate existing utility and drainage easements to allow for replat. The petition site is located east of State Road 7 and north of Atlantic Avenue.

District 5 (MRE)

Background and Policy Issues: The Owner wants to comply with the request of County staff which arose during the Development Order Amendment (DOA) process for Monticello, to provide a secondary access utilizing the existing Bob West Road. Further, the owner has agreed to accept maintenance of the Bob West Road bridge as well as the remaining portion of Bob West Road required for access to the proposed Monticello development. The County's Road & Bridge Division estimates annual maintenance costs to be \$4,032.20.

(Continued on Page 3)

Attachments:

1. Location Sketch
2. Resolution with Legal Descriptions and Sketches

Recommended by: Joan M. Kella
Division Director

09/27/2012
Date

Approved by: Sy J. Webb
County Engineer

10/1/12
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2013	2014	2015	2016	2017
Capital Expenditures	\$ -0-	-0-	-0-	-0-	-0-
Operating Costs	(4,033)	-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	(4,033)	-0-	-0-	-0-	-0-
# ADDITIONAL FTE					
POSITIONS (Cumulative)					

Is Item Included in Current Budget? Yes ☒ No

Budget Acct No.: Fund 1201 Dept. 360 Unit 2230 Object Various
Program

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] 10/2/12
OFMB
10/2/12

[Signature] 10/9/12
Contract Dev. and Control

B. Approved as to Form and Legal Sufficiency:

[Signature] 10/11/12
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)

Because the DOA results in a revised subdivision plan for the Monticello site, a replat of the petition site will be required. As part of the replat, certain utility easements and all of the drainage easements lying within the existing plat need to be vacated to allow for new utility and drainage easements on the future replat.

Utility service providers have no objection to the vacation.

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 No. 2002-034), the Palm Beach County Right-of-Way Abandonment and Plat Vacation.

Privilege Fee Statement: Although public rights-of-way require payment of a privilege fee, based on the average land value of the abutting land as determined by the Property Appraiser's value, the privilege fee for this petition is zero (\$0.00) dollars.

RESOLUTION NO. R-2012-_____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ABANDONING A PORTION OF BOB WEST ROAD, A PARCEL OF LAND RECORDED IN OFFICIAL RECORD BOOK 5780, PAGE 1529, BEING DESCRIBED AS THE NORTH 60 FEET OF THE SOUTH 120 FEET OF TRACT 85, BLOCK 62, PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45-54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; AND ALL OF THOSE CERTAIN UTILITY EASEMENTS LYING WITHIN TRACTS A, R, L1, L2 AND P5, DEDICATED BY THE PLAT OF DELRAY HOLDINGS 282, TOGETHER WITH ALL DRAINAGE EASEMENTS INCLUDING THE DRAINAGE EASEMENT LYING OVER ALL OF TRACT W AND ALL PALM BEACH COUNTY UTILITY EASEMENTS DEDICATED BY THE PLAT OF DELRAY HOLDINGS 282, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 111, PAGES 136 THROUGH 150 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

WHEREAS, the Board of County Commissioners (Board) of Palm Beach County, Florida (County), pursuant to authority in Section 336.09, Florida Statutes, and as provided in the County Code Chapter 22. Article III, Road Abandonment and Plat Vacation (Ordinance No. 2002-034), known as the County Right-of-Way Abandonment and Plat Vacation Ordinance, and the petition of Delray 282, LLC, called a public hearing to be held in the County Commissioners' Chambers, at the Governmental Office Complex, West Palm Beach, Florida, on October 16, 2012, to consider and determine whether or not the County would vacate, abandon, discontinue and close, renounce and disclaim any right or interest of the public in and for the right-of-way, utility and drainage easements; and

WHEREAS, as provided in the 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 September 30, 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 deprive any person of a reasonable means of ingress and egress from at least one County, State or Federal highway.

RESOLUTION NO. R-2012_____

WHEREAS, the petitioner, Delray 282, LLC, has agreed to maintain the Bob West Road bridge over the E-1 canal. Further, the petitioner has also agreed to maintain the portion of Bob West Road required for access to their proposed subdivision on the north and east sides of Bob West Road.

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, utility easements and drainage easements are hereby abandoned and closed as a right-of-way, utility easements and drainage easements and this Board does hereby renounce and disclaim any right or interest of the Public in and to the right-of-way, utility easements and drainage easements, more fully described in the legal descriptions and sketches (Exhibits 1.A and 1.B) 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 as provided in the County Code Chapter 22. Article III, Road Abandonment and Plat Vacation (Ordinance2002-034).

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

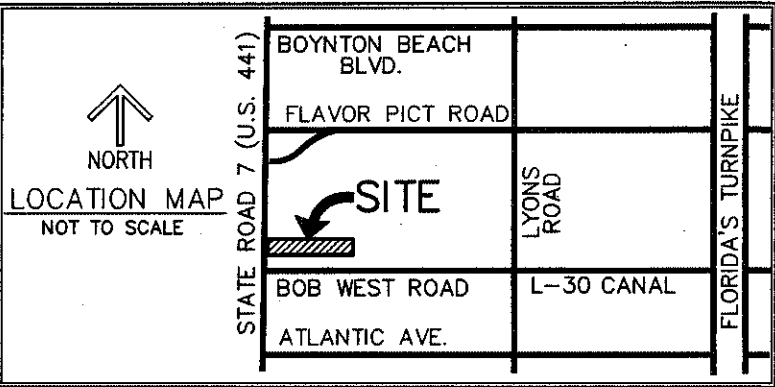


EXHIBIT 1.A

LEGEND-ABBREVIATIONS

- PRM - PERMANENT REFERENCE MONUMENT
● - 5/8" IRON ROD WITH CAP LB NO. 3591
✕ - SECTION CORNER
LB - LICENSED BUSINESS
L.W.D.D. - LAKE WORTH DRAINAGE DISTRICT
O.R.B. - OFFICIAL RECORD BOOK

DESCRIPTION:

A PARCEL OF LAND RECORDED IN OFFICIAL RECORD BOOK 5780, PAGE 1529 AND OFFICIAL RECORD BOOK 15669, PAGE 1685 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING DESCRIBED AS THE NORTH 60.00 FEET OF THE SOUTH 120.00 FEET OF TRACT 85, BLOCK 62, PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID LANDS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF TRACT L3, DELRAY HOLDINGS 282, AS RECORDED IN PLAT BOOK 111, PAGES 136 THROUGH 150 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA PUBLIC RECORDS; THENCE N01°01'21"W ALONG THE WEST LINE OF TRACT 85, BLOCK 62, PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF SAID PUBLIC RECORDS, A DISTANCE OF 60.00 FEET; THENCE N89°07'26"E ALONG THE SOUTH LINE OF TRACT P1 OF SAID DELRAY HOLDINGS 282, A DISTANCE OF 502.04 FEET; THENCE S00°23'28"E ALONG THE WEST LINE OF SAID TRACT P1, A DISTANCE OF 60.00 FEET; THENCE S89°07'26"W ALONG THE NORTH LINE OF TRACT L3 OF SAID DELRAY HOLDINGS 282, A DISTANCE OF 501.38 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN SECTION 6, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA. CONTAINING 30,103 SQUARE FEET/0.6911 ACRES MORE OR LESS.
SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, AND RIGHTS-OF-WAY OF RECORD.

NOTES:

1. THIS SURVEY REPRESENTS A BOUNDARY SURVEY AS DEFINED IN THE MINIMUM TECHNICAL STANDARDS FOR SURVEYING AND MAPPING IN CHAPTER 5J-17 FLORIDA ADMINISTRATIVE CODE.
2. THE "LAND DESCRIPTION" HEREON WAS PREPARED BY THE SURVEYOR.
3. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.
4. LANDS SHOWN HEREON WERE ABSTRACTED BY ATTORNEYS' TITLE FUND SERVICES, LLC, FUND FILE NUMBER 06-2011-09589, DATED DECEMBER 6, 2011, 11:00 PM.
5. THIS SURVEY IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND RAISED EMBOSSED SEAL OF A FLORIDA REGISTERED SURVEYOR.
6. UNDERGROUND FOUNDATIONS WERE NOT LOCATED.
7. FLOOD ZONE: "B"; COMMUNITY PANEL NO. 120192 0160 B; DATE: FEBRUARY 01, 1979.
8. BEARINGS SHOWN HEREON ARE RELATIVE TO A RECORD BEARING OF N89°07'26"E ALONG THE SOUTH LINE OF TRACT P1, DELRAY HOLDINGS 282, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 111, PAGES 136 THROUGH 150 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CERTIFICATE:

I HEREBY CERTIFY THAT THE ATTACHED BOUNDARY SURVEY OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION ON MAY 24, 2012. I FURTHER CERTIFY THAT THIS BOUNDARY SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH IN CHAPTER 5J-17 ADOPTED BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS PURSUANT TO FLORIDA STATUTES 472.027.

SHEET 1 OF 3



CAULFIELD & WHEELER, INC.

CIVIL ENGINEERING - LAND PLANNING
LANDSCAPE ARCHITECTURE - SURVEYING
7301A W. PALMETTO PARK ROAD - SUITE 100A
BOCA RATON, FLORIDA 33433
PHONE (561)-392-1991 / FAX (561)-750-1452

DAVID P. LINDLEY
REGISTERED LAND
SURVEYOR NO. 5005
STATE OF FLORIDA
L.B. 3591

DATE 05/24/12

DRAWN BY JC

F.B./ PG. ELEC

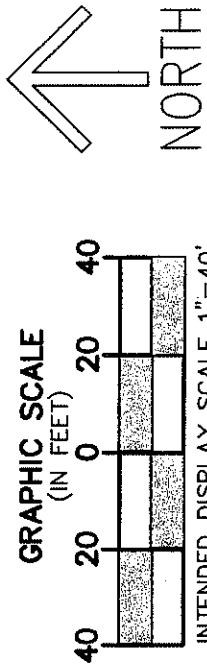
SCALE AS SHOWN

JOB NO. 4251

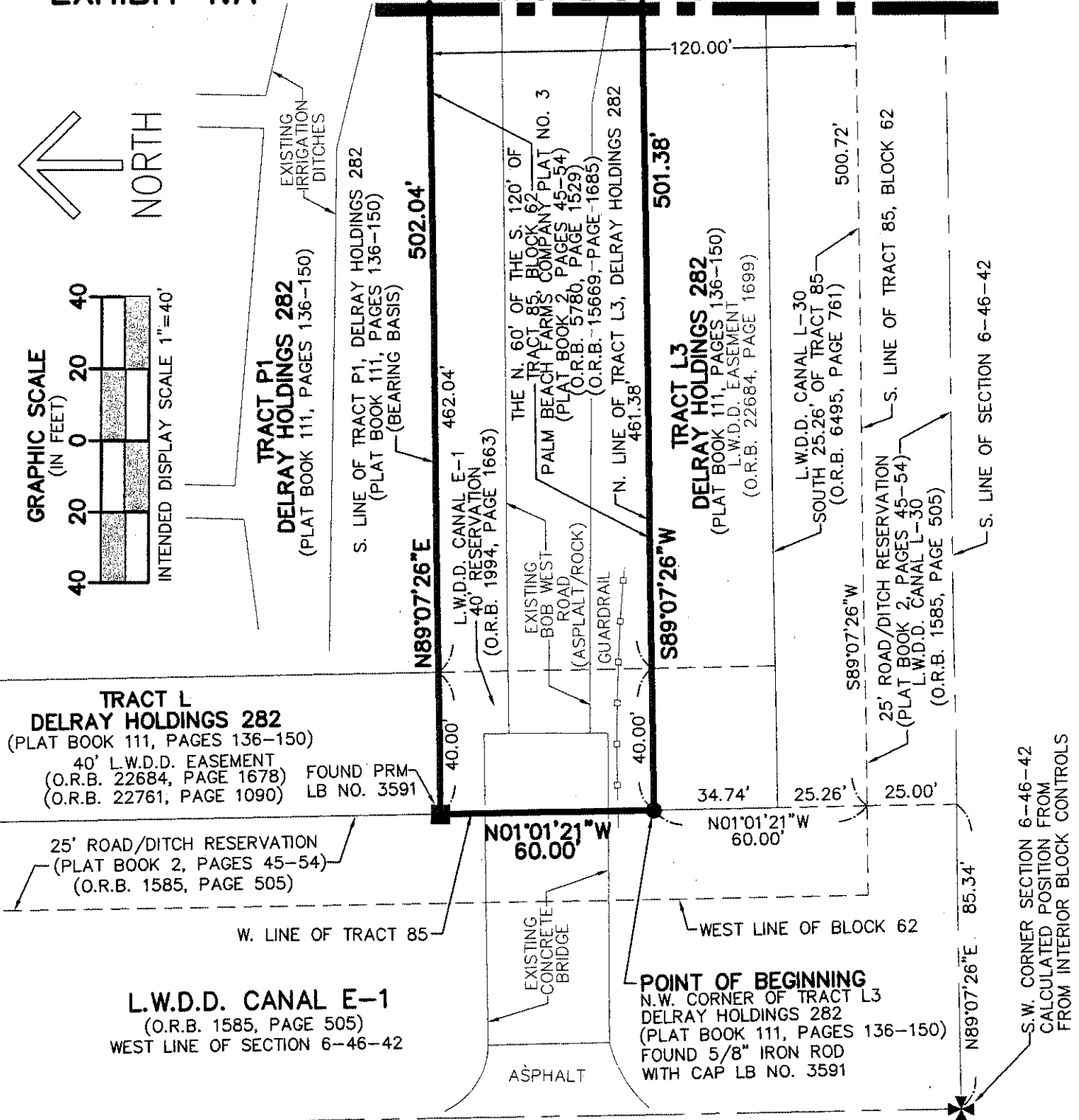
A PORTION OF BOB WEST ROAD
SECTION 6, TOWNSHIP 46 SOUTH, RANGE 42 EAST
BOUNDARY SURVEY

EXHIBIT 1.A

MATCH LINE SHEET 3 OF 3



NORTH



STATE ROAD 7 (U.S. 441)

FLORIDA DEPARTMENT OF TRANSPORTATION MAP SECTION 93210-2524
RIGHT-OF-WAY WIDTH VARIES

SHEET 2 OF 3

CAULFIELD & WHEELER, INC.

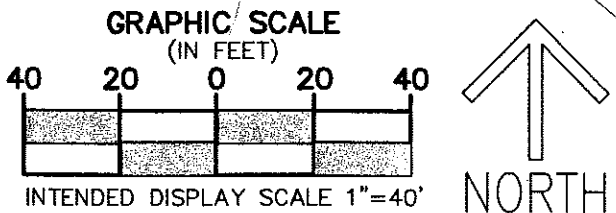


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PHONE (561)-392-1991 / FAX (561)-750-1452

A PORTION OF BOB WEST ROAD
SECTION 6, TOWNSHIP 46 SOUTH, RANGE 42 EAST
BOUNDARY SURVEY

DATE	05/24/12
DRAWN BY	JC
F.B./ PG.	ELEC
SCALE	AS SHOWN
JOB NO.	4251

EXHIBIT 1.A



TRACT P1
DELRAY HOLDINGS 282
(PLAT BOOK 111, PAGES 136-150)

S. LINE OF TRACT P1, DELRAY HOLDINGS 282
(PLAT BOOK 111, PAGES 136-150)
(BEARING BASIS)

EXISTING
IRRIGATION
DITCHES

N89°07'26"E

462.04'

502.04'

THE N. 60' OF THE S. 120' OF
TRACT 85, BLOCK 62
PALM BEACH FARMS COMPANY PLAT NO. 3
(PLAT BOOK 2, PAGES 45-54)
(O.R.B. 5780, PAGE 1529)
(O.R.B. 15669, PAGE 1685)

EXISTING BOB WEST ROAD
(ASPLALT/ROCK)

N. LINE OF TRACT L3, DELRAY HOLDINGS 282
461.38'

S89°07'26"W

501.38'

TRACT L3
DELRAY HOLDINGS 282
(PLAT BOOK 111, PAGES 136-150)
L.W.D.D. EASEMENT
(O.R.B. 22684, PAGE 1699)

L.W.D.D. CANAL L-30
SOUTH 25.26' OF TRACT 85
(O.R.B. 6495, PAGE 761)

S89°07'26"W

500.72'

25' ROAD/DITCH RESERVATION
(PLAT BOOK 2, PAGES 45-54)
L.W.D.D. CANAL L-30
(O.R.B. 1585, PAGE 505)

S. LINE OF SECTION 6-46-42

FOUND 5/8" IRON ROD
WITH CAP LB NO. 3591

W. LINE OF TRACT P1, DELRAY HOLDINGS 282
E. LINE OF TRACT 85, BLOCK 62

S00°23'28"E
60.00'

FOUND 5/8" IRON ROD
WITH CAP LB NO. 3591

34.74'
120.00'

25.26'

MATCH LINE SHEET 2 OF 3

SHEET 3 OF 3



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BOCA RATON, FLORIDA 33433
PHONE (561)-392-1991 / FAX (561)-750-1452

A PORTION OF BOB WEST ROAD
SECTION 6, TOWNSHIP 46 SOUTH, RANGE 42 EAST
BOUNDARY SURVEY

DATE 05/24/12

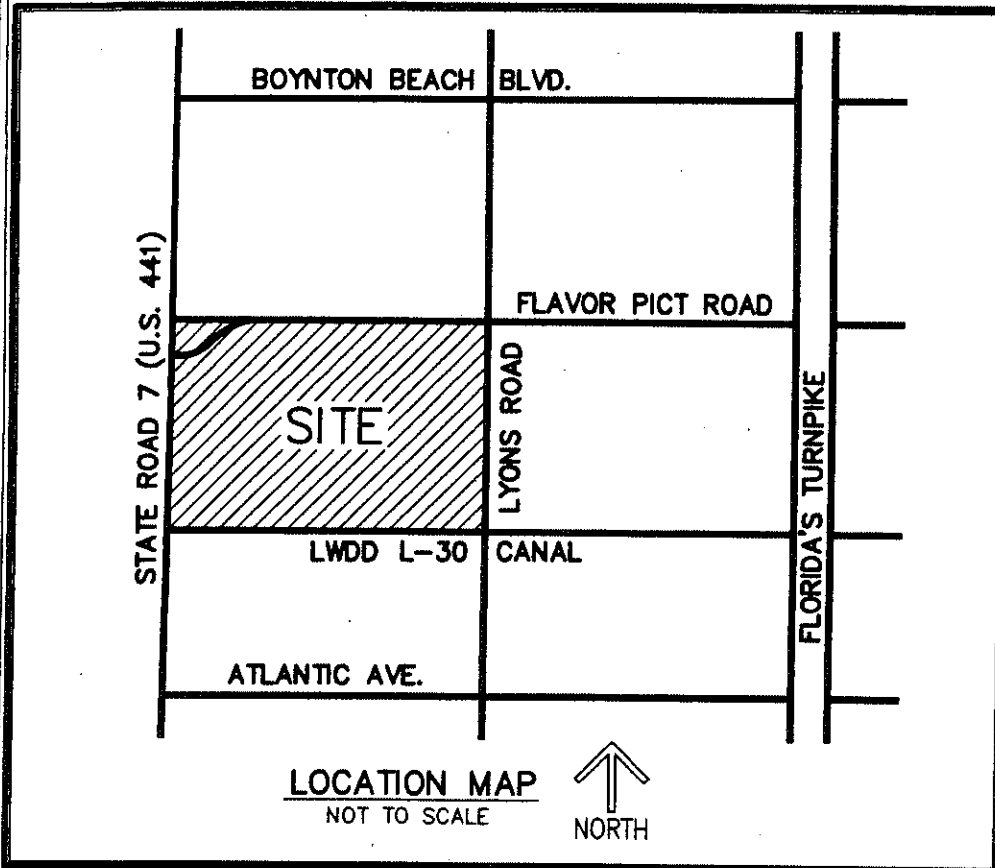
DRAWN BY JC

F.B./PG. ELEC

SCALE AS SHOWN

JOB NO. 4251

EXHIBIT 1.B



DESCRIPTION:

ALL THOSE CERTAIN UTILITY EASEMENTS LYING WITHIN TRACTS A, R, L1, L2 AND P5, DEDICATED BY THE PLAT OF DELRAY HOLDINGS 282, TOGETHER WITH ALL DRAINAGE EASEMENTS, INCLUDING THE DRAINAGE EASEMENT LYING OVER ALL OF TRACT W, ALL PALM BEACH COUNTY UTILITY EASEMENTS DEDICATED BY THE PLAT OF DELRAY HOLDINGS 282, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 111, PAGES 136 THROUGH 150 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS SITUATE IN SECTION 6, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

NOTES:

1. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.
2. LANDS SHOWN HEREON ARE NOT ABSTRACTED FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.
3. THE "LAND DESCRIPTION" HEREON WAS PREPARED BY THE SURVEYOR.
4. DATA SHOWN HEREON WAS COMPILED FROM THE INSTRUMENTS OF RECORD AND DOES NOT CONSTITUTE A FIELD SURVEY AS SUCH.
5. O.R.B. DENOTES OFFICIAL RECORD BOOK

CERTIFICATE:

I HEREBY CERTIFY THAT THE ATTACHED SKETCH OF DESCRIPTION OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION ON APRIL 5, 2012. I FURTHER CERTIFY THAT THIS SKETCH OF DESCRIPTION MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH IN CHAPTER 5J-17 ADOPTED BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS PURSUANT TO FLORIDA STATUTES 472.027.

SHEET 1 OF 3



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DAVID P. LINDLEY
REGISTERED LAND
SURVEYOR NO. 5005
STATE OF FLORIDA
L.B. 3591

**DELRAY HOLDINGS 282
EASEMENT RELEASES
SKETCH OF DESCRIPTION**

DATE 04/05/12

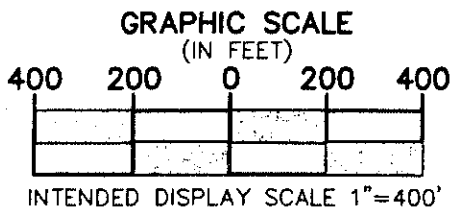
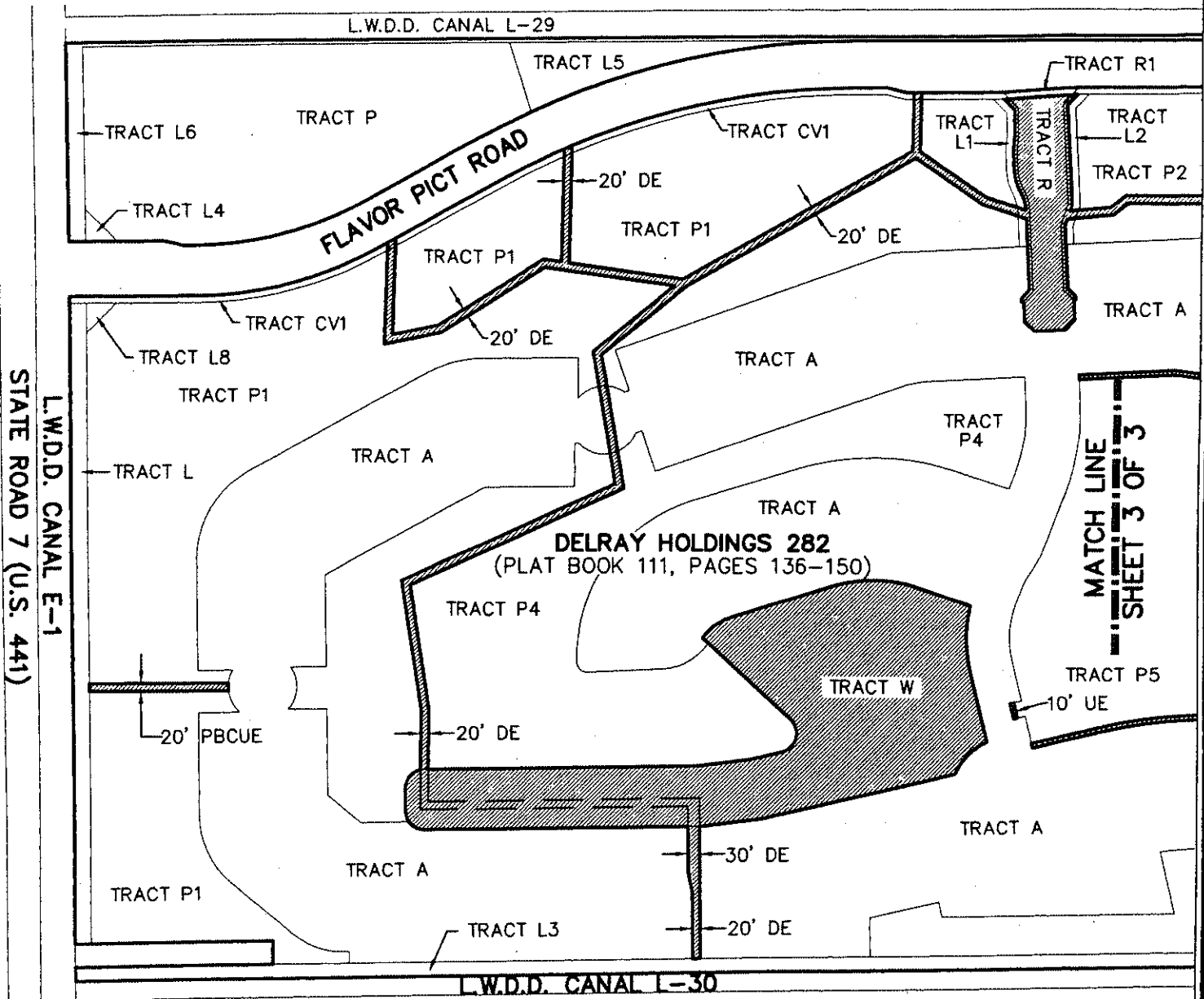
DRAWN BY JC

F.B./ PG. N/A

SCALE AS SHOWN

JOB NO. 4251_SKOD

EXHIBIT 1.B



LEGEND-ABBREVIATIONS

DE - DRAINAGE EASEMENT
UE - UTILITY EASEMENT
PBCUE - PALM BEACH COUNTY EASEMENT
L.W.D.D. - LAKE WORTH DRAINAGE DISTRICT

SHEET 2 OF 3

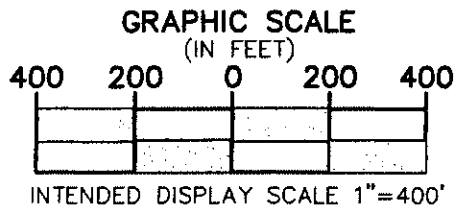
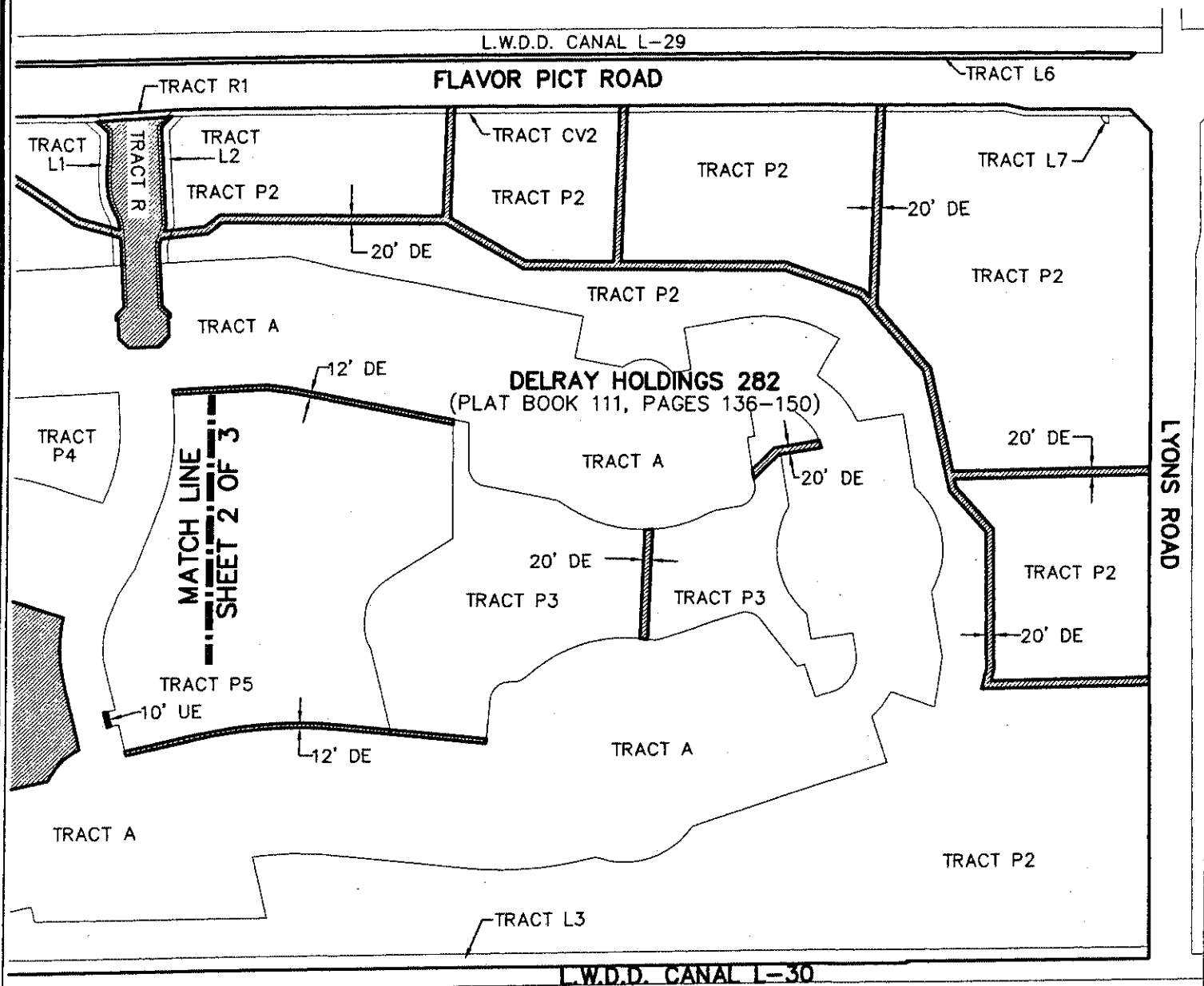


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**DELRAY HOLDINGS 282
EASEMENT RELEASES
SKETCH OF DESCRIPTION**

DATE	04/05/12
DRAWN BY	JC
F.B./ PG.	N/A
SCALE	AS SHOWN
JOB NO.	4251_SKOD

EXHIBIT 1.B

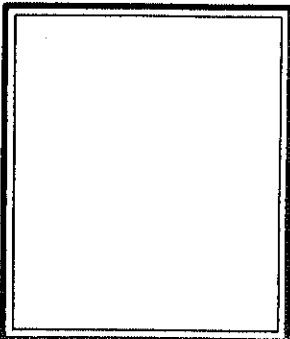


LEGEND-ABBREVIATIONS
DE - DRAINAGE EASEMENT
UE - UTILITY EASEMENT
PBCUE - PALM BEACH COUNTY EASEMENT
L.W.D.D. - LAKE WORTH DRAINAGE DISTRICT

SHEET 3 OF 3

CAULFIELD & WHEELER, INC.
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LANDSCAPE ARCHITECTURE - SURVEYING
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PHONE (561)-392-1991 / FAX (561)-750-1452

**DELRAY HOLDINGS 282
EASEMENT RELEASES
SKETCH OF DESCRIPTION**



DATE	04/05/12
DRAWN BY	JC
F.B./ PG.	N/A
SCALE	AS SHOWN
JOB NO.	4251_SK0D