

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

Meeting Date: December 18, 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 to abandon any public interest in that certain portion of the north 25 feet of the west one-half of Lot 5, and the north 25 feet of Lots 6 and 7, "Kanawha Park," according to the plat thereof as recorded in Plat Book 23 at Page 248, of the Public Records of Palm Beach County, Florida, being a portion of Canal Drive and reserving an ingress and egress easement over the entire area to be abandoned.

SUMMARY: Adoption of this Resolution will allow the petitioner, Lake Worth Outpatient Properties, LLC, to vacate this portion of right-of-way to allow for redevelopment of the site. The petition site is located on the south side of Lake Worth Road, west of Jog Road and east of Charleston Street.

District 2 (MRE)

Background and Policy Issues: The petitioner wants to incorporate this excess public right-of-way into the adjacent site for redevelopment. The abandonment area was part of the Lake Worth Drainage District's Chancery property and was deeded to Palm Beach County as right-of-way in Official Records Book 2679, Page 522 of the Public Records of Palm Beach County. Abandonment of this right-of-way is necessary to allow for development of the site per the approved site plan. An ingress and egress easement will be reserved for all property owners utilizing Canal Drive for access to their properties.

Reviewing agencies and the utility service providers have no objection to the vacation.

(Continued on Page 3)

Attachments:

- 1. Location Sketch
2. Resolution with Legal Description and Sketch with Exhibits "A" and "B"

Recommended by: Joanne L. Keller Division Director 11/21/2012 Date

Approved by: T. Wohl County Engineer 11/20/12 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	-0-	-0-	-0-	-0-	-0-
External Revenues	(\$13,175)	-0-	-0-	-0-	-0-
Program Income (County)	-0-	-0-	-0-	-0-	-0-
In-Kind Match (County)	-0-	-0-	-0-	-0-	-0-
NET FISCAL IMPACT	(\$13,175)	-0-	-0-	-0-	-0-
# ADDITIONAL FTE POSITIONS (Cumulative)					

Is Item Included in Current Budget? Yes No X

Budget Acct No.: Fund 3500 Dept. 800 Unit 8005 Rev Src 6425

Recommended Sources of Funds/Summary of Fiscal Impact:

Transportation Improvement Fund
Abandonment Ordinance Fees

C. Departmental Fiscal Review: *Alice Kovalainen*

III. REVIEW COMMENTS

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

[Signature] 11/28/12
OFMB

[Signature] 12/3/12
Contract Dev. and Control

11/27/12
11/27/12

B. Approved as to Form and Legal Sufficiency:

[Signature] 12/11/12
Assistant County Attorney

C. Other Department Review:

Department Director

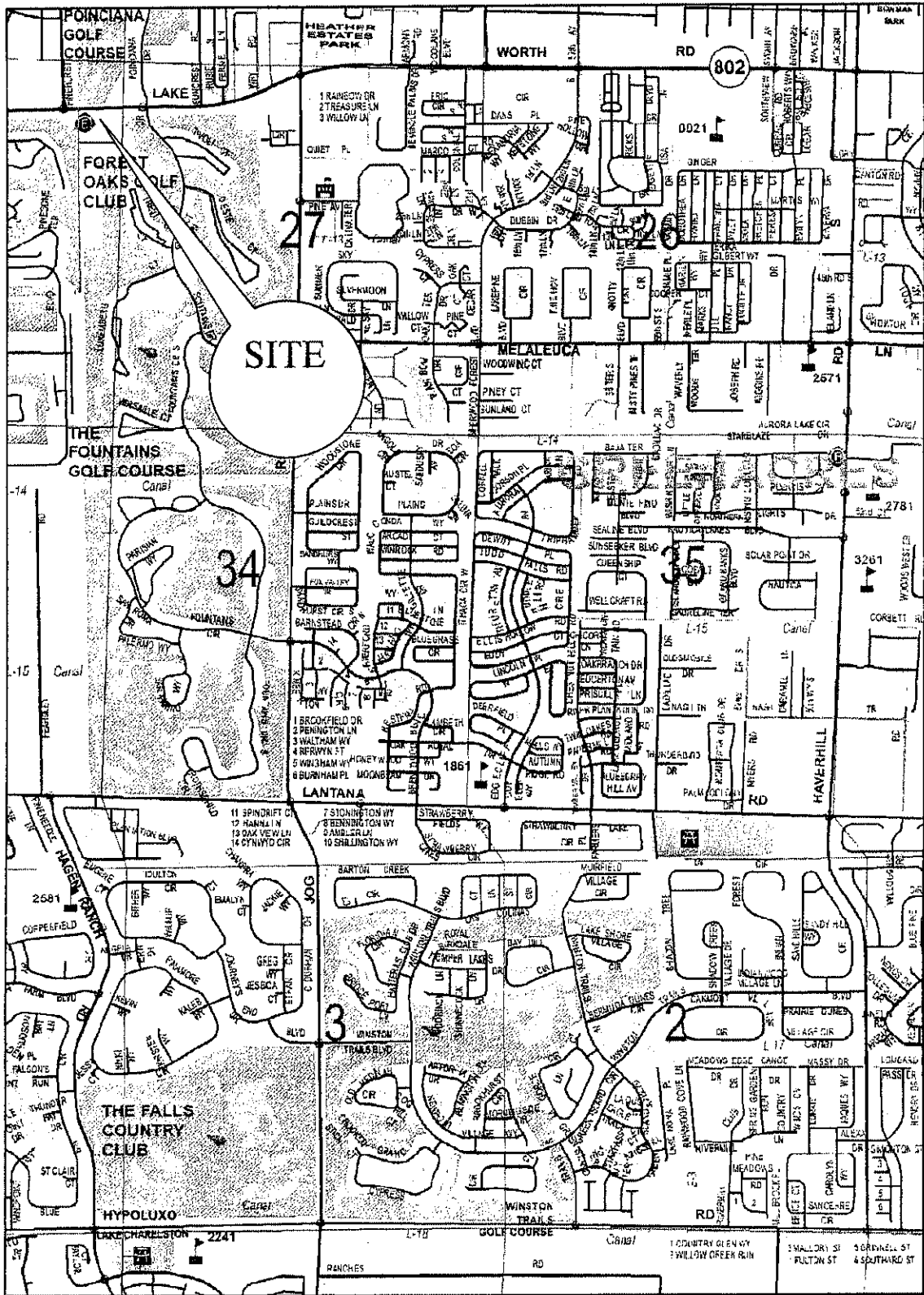
This summary is not to be used as a basis for payment.

Background and Policy Issues:

(Continued from Page 1)

Privilege Fee Statement: The petition is subject to a privilege fee of \$13,175.00. The calculations are as follows:

Total sq. ft. of Right-of-Way for petition site	3,125 sq. ft.
Less sq. ft. of Right-of-Way for easements	0 sq. ft.
Total square feet subject to Privilege Fee	3,125 sq. ft.
Average square footage value of parcels abutting the right of way	\$5.91 per sq. ft.
Overall value	\$18,468.75
80% of value	\$14,775.00
Less Filing Fee	\$-1,600.00
Total Privilege Fee	\$13,175.00



LOCATION SKETCH



CANAL DRIVE

RESOLUTION NO. R-2012-_____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ABANDONING ANY PUBLIC INTEREST IN THAT CERTAIN PORTION OF THE NORTH 25 FEET OF THE WEST ONE-HALF OF LOT 5, AND THE NORTH 25 FEET OF LOTS 6 AND 7, "KANAWHA PARK," ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 23 AT PAGE 248, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF CANAL DRIVE AND RESERVING AN INGRESS AND EGRESS EASEMENT OVER THE ENTIRE AREA TO BE ABANDONED.

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 (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 Lake Worth Outpatient Properties, LLC, called a public hearing to be held in the County Commissioners' Chambers, at the Governmental Office Complex, West Palm Beach, Florida, on December 18, 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 that portion of Canal Drive as set forth on the sketch and legal description set forth in Exhibit A attached hereto and incorporated herein by reference; and

WHEREAS, in accordance with as provided in 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 December 2, 2012; and

WHEREAS, the Board is authorized to reserve and declare an ingress and egress easement over, across, on, under and through the entire area to be abandoned as set forth on the sketch and legal description set forth in Exhibit B attached hereto and incorporated herein by reference for the following parties:

Owner(s) of property with PCN 00-42-43-27-10-000-0100

Owner(s) of property with PCN 00-42-43-27-10-000-0090

RESOLUTION NO. R-2012-_____

Owner(s) of property with PCN 00-42-43-27-10-000-0080
Owner(s) of property with PCN 00-42-43-27-10-000-0051
Owner(s) of property with PCN 00-42-43-27-10-000-0040
Owner(s) of property with PCN 00-42-44-27-19-000-1030
Owner(s) of property with PCN 00-42-44-27-19-000-1050
Owner(s) of property with PCN 00-42-44-27-19-000-1010
Owner(s) of property with PCN 00-42-44-27-19-000-1040
Owner(s) of property with PCN 00-42-44-27-19-000-2060
Owner(s) of property with PCN 00-42-44-27-19-000-2040
Owner(s) of property with PCN 00-42-44-27-19-000-1020
Owner(s) of property with PCN 00-42-44-27-19-000-2080
Owner(s) of property with PCN 00-42-44-27-19-000-2010
Owner(s) of property with PCN 00-42-44-27-19-000-2050
Owner(s) of property with PCN 00-42-44-27-19-000-2030
Owner(s) of property with PCN 00-42-44-27-19-000-2020
Owner(s) of property with PCN 00-42-44-27-00-000-3010
Owner(s) of property with PCN 00-42-43-27-10-000-0110, 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.

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 Board hereby reserves and declares an ingress and egress easement over, across, on, under and through the entire area to be abandoned as set forth on the sketch and legal description set forth in Exhibit B and incorporated herein by reference for the following parties:

Owner(s) of property with PCN 00-42-43-27-10-000-0100
Owner(s) of property with PCN 00-42-43-27-10-000-0090
Owner(s) of property with PCN 00-42-43-27-10-000-0080
Owner(s) of property with PCN 00-42-43-27-10-000-0051
Owner(s) of property with PCN 00-42-43-27-10-000-0040

RESOLUTION NO. R-2012-_____

Owner(s) of property with PCN 00-42-44-27-19-000-1030
Owner(s) of property with PCN 00-42-44-27-19-000-1050
Owner(s) of property with PCN 00-42-44-27-19-000-1010
Owner(s) of property with PCN 00-42-44-27-19-000-1040
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Owner(s) of property with PCN 00-42-44-27-19-000-1020
Owner(s) of property with PCN 00-42-44-27-19-000-2080
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Owner(s) of property with PCN 00-42-44-27-00-000-3010
Owner(s) of property with PCN 00-42-43-27-10-000-0110

2. The right-of-way is hereby vacated and closed as public right-of-way and this Board does hereby renounce and disclaim any right or interest of the County and the Public in and to the right-of-way, more fully described in the legal description and sketch as shown in Exhibit A 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 as provided in Palm Beach County (County) Code Chapter 22. Article III, Road Abandonment and Plat Vacation (Ordinance 2002-034).

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:

District 1:

District 2: Paulette Burdick

District 3:

District 4: Steven L. Abrams

District 5:

District 6: Jess R. Santamaria

District 7: 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

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 A BOUNDARY SURVEY

LAKE WEST OUTPATIENT PROPERTIES - R/W ABANDONMENT LEGAL DESCRIPTION

THE NORTH 25.00 FEET OF THE WEST ONE-HALF OF LOT 5, AND THE NORTH 25.00 FEET OF LOTS 6 AND 7, "KANAWHA PARK", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 23 AT PAGE 248 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 7; THENCE NORTH 89°02'30" EAST, ALONG THE NORTH LINE OF SAID LOTS 5, 6 AND 7, A DISTANCE OF 125.00 FEET; THENCE SOUTH 00°58'30" EAST, ALONG THE EAST LINE OF THE WEST ONE-HALF OF SAID LOT 5, A DISTANCE OF 25.00 FEET; THENCE SOUTH 89°02'30" WEST, ALONG A LINE 25.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID LOTS 5, 6 AND 7, A DISTANCE OF 125.00 FEET; THENCE NORTH 00°58'30" WEST, ALONG THE WEST LINE OF SAID LOT 7, A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING.

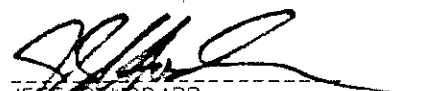
SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA, AND CONTAIN 3125 SQUARE FEET, MORE OR LESS.

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. EASEMENTS AND RIGHTS-OF-WAY LISTED IN ALTA OWNERS POLICY NUMBER 06-2011-004933A1, PREPARED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, EFFECTIVE DATE: AUGUST 17, 2011 AT 11:00 PM ARE SHOWN HEREON.
3. BEARINGS SHOWN HEREON ARE BASED ON STATE PLANE COORDINATES AS ESTABLISHED BY THE PALM BEACH COUNTY ENGINEERING DIVISION BASED ON THE FLORIDA COORDINATE SYSTEM, EAST ZONE, GRID NORTH, 1983 STATE PLANE TRANSVERSE MERCATOR PROJECTION, 1990 ADJUSTMENT, USING A DIRECT BEARING TIE BETWEEN PALM BEACH COUNTY CONTROL POINTS "PBF 33" AND "PBF 34" OF NORTH 00°24'45" WEST, RESULTING IN A BEARING OF NORTH 89°02'30" EAST, ALONG THE NORTH LINE OF SAID LOTS 5, 6 AND 7 OF KANAWHA PARK. ALL DISTANCES SHOWN ARE GROUND DISTANCES, UNLESS NOTED OTHERWISE. SCALE FACTOR USED FOR THIS SURVEY WAS 1.000028.
GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE.

CERTIFICATION

I HEREBY CERTIFY THAT THE SURVEY 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 SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION.


JEFF S. MODAPP
SURVEYOR AND MAPPER
FLORIDA LICENSE NO. LS5111

LAST DATE OF FIELD WORK: JULY 7, 2012

Project Name:	LAKE WEST OUT PROP	DATE:	7/17/2012
JOB NO.	10176	DWG BY:	JSH
		CK'D BY:	JSH
			SHEET 1 OF 3

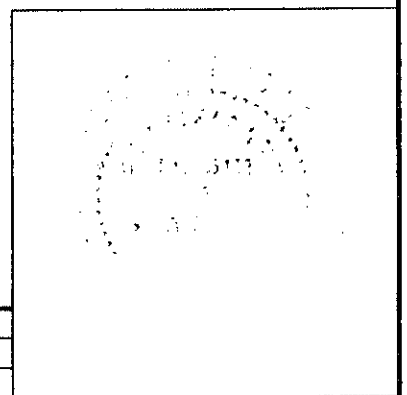


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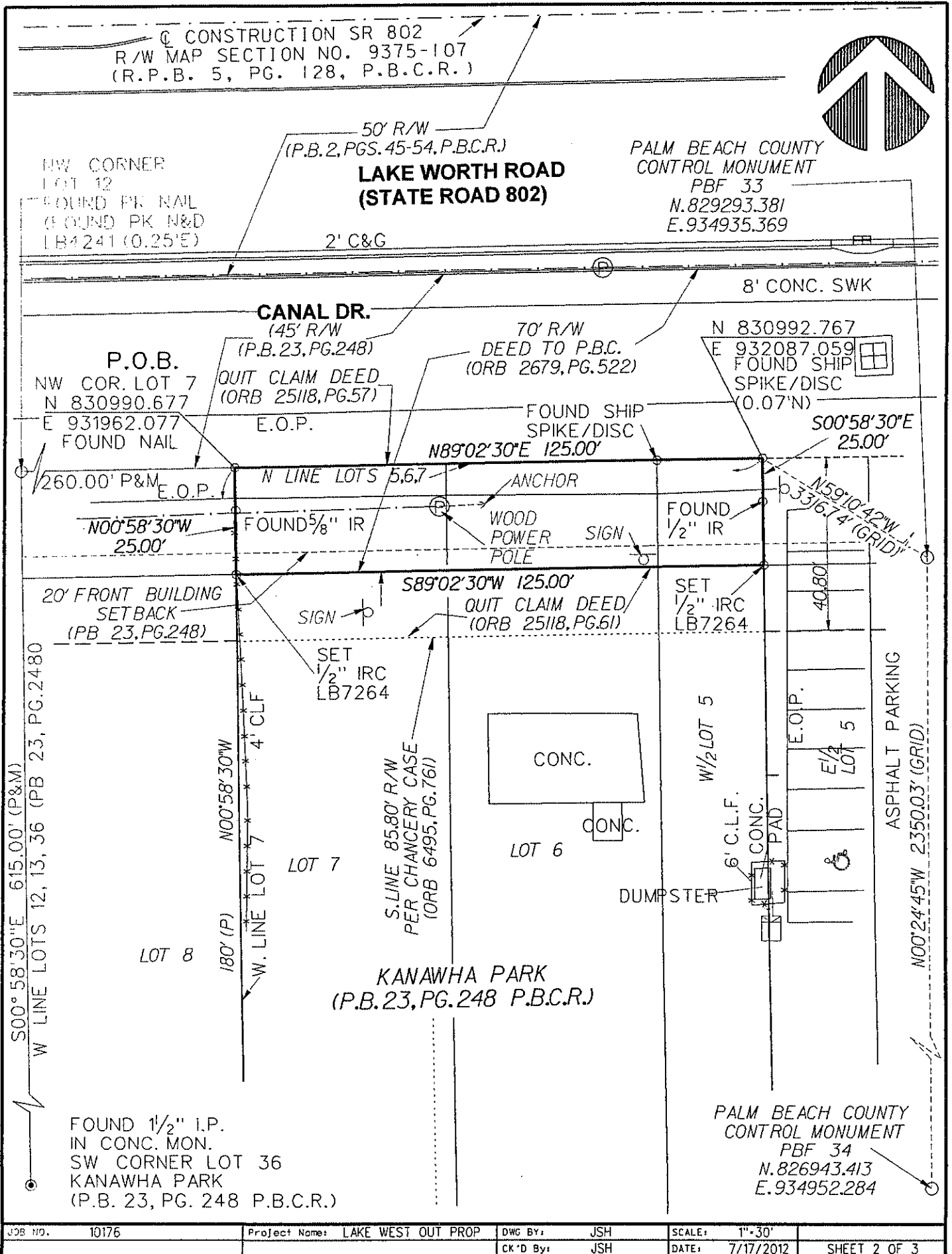


EXHIBIT A

ABBREVIATIONS

E.O.P.	=	EDGE OF PAVEMENT
I.R.	=	IRON ROD
I.R.C.	=	IRON ROD AND CAP
I.P.	=	IRON PIPE
L.B.	=	LICENSED BUSINESS
L.S.	=	LICENSED SURVEYOR
LWDD	=	LAKE WORTH DRAINAGE DISTRICT
O.R.B.	=	OFFICIAL RECORDS BOOK
O/S	=	OFFSET
(P)	=	PLAT
P.O.B.	=	POINT OF BEGINNING
P.B.	=	PLAT BOOK
P.B.C.R.	=	PALM BEACH COUNTY RECORDS
PG.	=	PAGE
P.S.M.	=	PROFESSIONAL SURVEYOR & MAPPER
R/W	=	RIGHT-OF-WAY
R.P.B.	=	ROAD PLAT BOOK
U.E.	=	UTILITY EASEMENT

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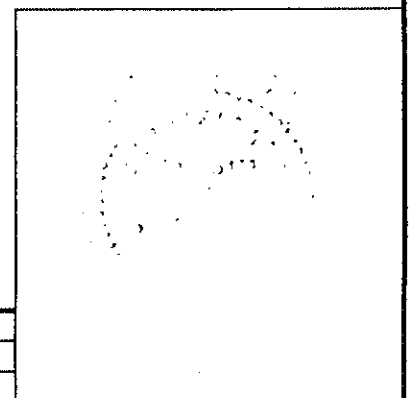
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			SHEET 1 OF 3

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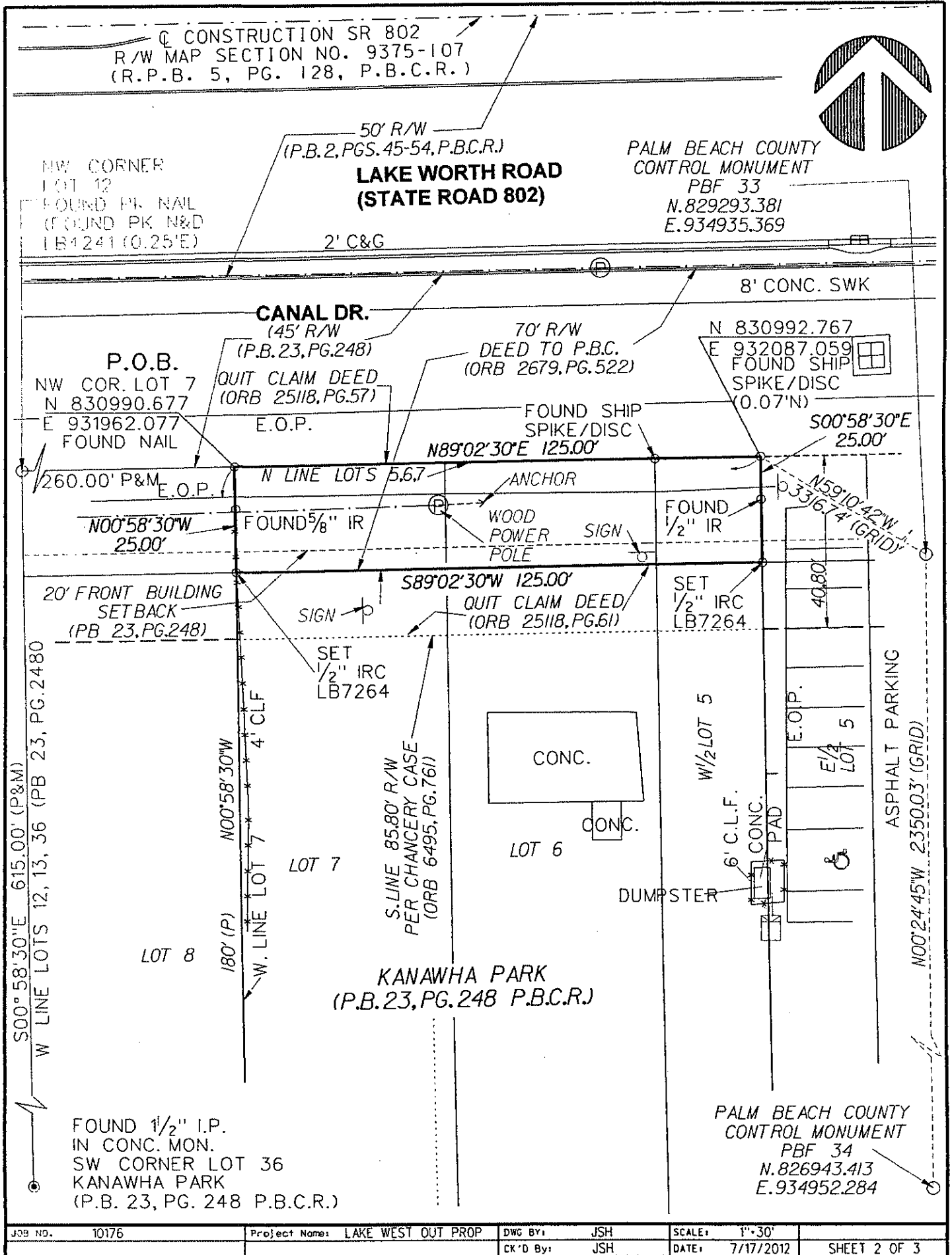


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