

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: February 5, 2013 [] Consent [] Regular [x] 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:

- A) Abandon any public interest in all those certain utility easements lying within Parcel A and Tracts F, L and R dedicated by the Plat of Isola Bella Isles - Phase I, together with all those certain drainage easements dedicated by the Plat of Isola Bella Isles - Phase I, as recorded in Plat Book 111, Page 119, Public Records of Palm Beach County, Florida; and
B) Vacate all of the Plat of Isola Bella Isles - Phase I, as recorded in Plat Book 111, Page 119, Public Records of Palm Beach County, Florida.

SUMMARY: Adoption of this Resolution will allow the petitioner, Hypoluxo Acquisition, LLC, to abandon these easements and vacate this plat to allow for redevelopment of the site. The petition site is located on the south side of Hypoluxo Road and west of Military Trail.

District 3 (MRE)

Background and Policy Issues: The petitioner wants to redevelop this site. Abandonment of these easements and vacation of this plat is necessary to allow for development of the site per the approved subdivision plan. Replacement easements will be provided as required by code.

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

As provided in Palm Beach County Code Chapter 22. Article III, Road Abandonment and Plat Vacation (Ordinance 2002-034), there is no privilege fee because there has been no conveyance of lots.

Attachments:

- 1. Location Sketch
2. Resolution with Exhibits

Recommended by: Joannella Keller Division Director 01/02/2013 Date

Approved by: D. T. Walsh County Engineer 1/7/13 Date



LOCATION SKETCH



ISOLA BELLA ISLES - PHASE I

RESOLUTION NO. R-2013-_____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ABANDONING ANY PUBLIC INTEREST IN ALL THOSE CERTAIN UTILITY EASEMENTS LYING WITHIN PARCEL A AND TRACTS F, L AND R DEDICATED BY THE PLAT OF ISOLA BELLA ISLES – PHASE I, TOGETHER WITH ALL THOSE CERTAIN DRAINAGE EASEMENTS DEDICATED BY THE PLAT OF ISOLA BELLA ISLES – PHASE I, AS RECORDED IN PLAT BOOK 111, PAGE 119, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND VACATING ALL OF THE PLAT OF ISOLA BELLA ISLES – PHASE I, AS RECORDED IN PLAT BOOK 111, PAGE 119, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

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 Hypoluxo Acquisition, LLC, called a public hearing to be held in the County Commissioners' Chambers, at the Governmental Office Complex, West Palm Beach, Florida, on February 5, 2013, 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 all those certain utility easements lying within parcel A and Tracts F, L and R dedicated by the plat of Isola Bella Isles – Phase I as shown in Exhibit 1, together with all those certain drainage easements dedicated by the Plat of Isola Bella Isles – Phase I as shown in Exhibit 1.B and all of the Plat of Isola Bella Isles – Phase I as shown in Exhibit 1.A, recorded in Plat Book 111, Page 119 as set forth on the sketch and legal description set forth in Exhibits 1, 1.A and 1.B attached hereto and incorporated herein by reference; and

WHEREAS, 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 January 20, 2013; and

WHEREAS, this Board did hold said hearing as advertised and determined that such action will not materially interfere with the County Road System

RESOLUTION NO. R-2013-_____

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 utility easements are hereby abandoned and closed as public utility easements and this Board does hereby renounce and disclaim any right or interest of the County and the Public in and to the utility easements, more fully described in the legal description and sketch as shown in Exhibit 1 attached hereto and made a part hereof.
3. The drainage easements are hereby abandoned and closed as public drainage easements and this Board does hereby renounce and disclaim any right or interest of the County and the Public in and to the drainage easements, more fully described in the legal description and sketch as shown in Exhibit 1.B attached hereto and made a part hereof.
4. The plat of Isola Bella Isles – Phase I is hereby vacated and this Board does hereby renounce and disclaim any right or interest of the County and the Public in and to the plat, more fully described in the legal description and sketch as shown in Exhibit 1.A attached hereto and made a part hereof.
5. 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-2013-_____

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 Steven L. Abrams, Chairman

Commissioner Priscilla A. Taylor, Vice Chair

Commissioner Hal R. Valeche

Commissioner Paulette Burdick

Commissioner Shelley Vana

Commissioner Mary Lou Berger

Commissioner Jess R. Santamaria

The Chair thereupon declared the Resolution duly passed and
adopted this _____ day of _____, 2013.

**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



DJG Surveying and Mapping, Inc.

6750 NW 9th Court Margate, Florida 33063
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LB # 7682

Exhibit 1

Sheet 1 of 4

- Sketch and Description - 10' Utility Easement

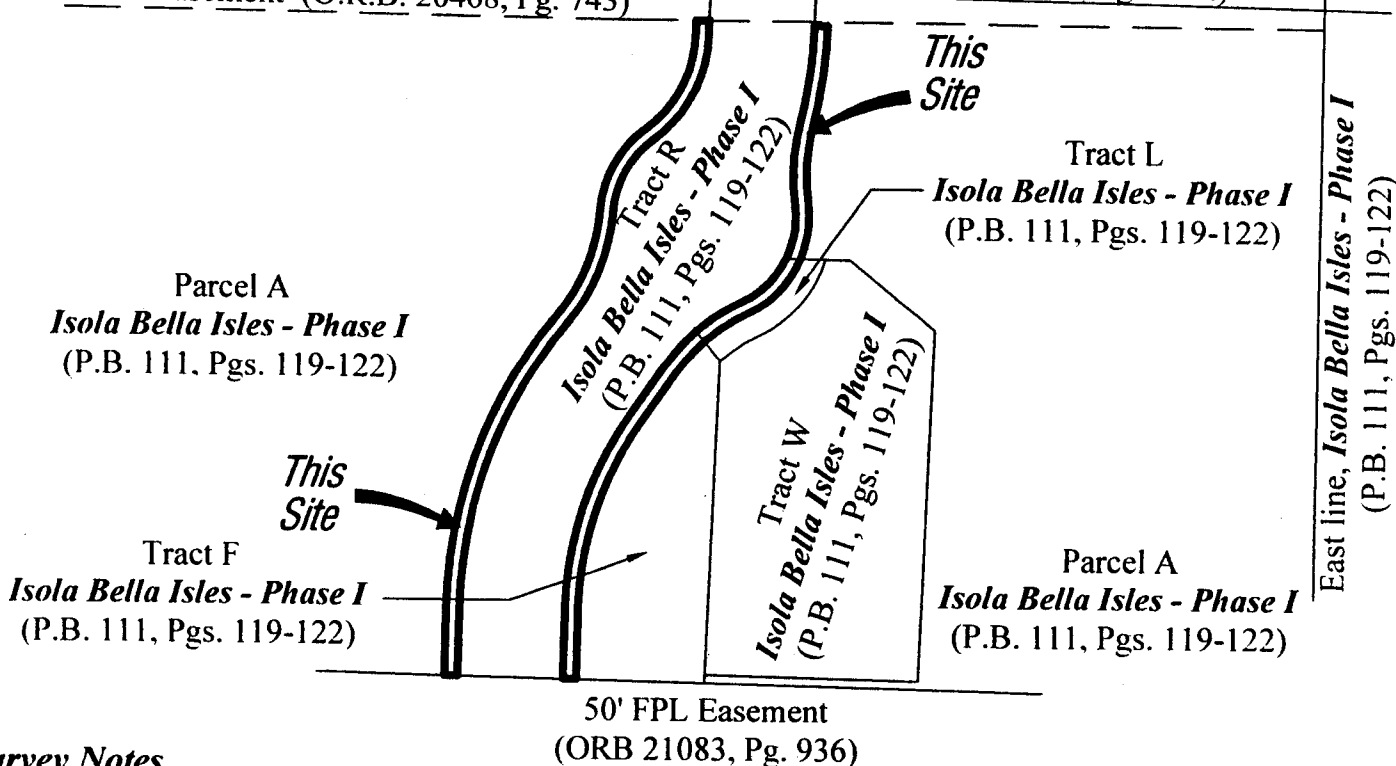
HYPOLUXO ROAD
(O.R.B. 6310, Pg. 535, P.B.C.R.)
(P.B. 93, Pgs. 68-70, P.B.C.R.)
(Deed Book 172, Pg. 589, P.B.C.R.)

North line of Section 12-45-42

L.W.D.D. Canal L-18

(O.R.B. 6495, Pg. 761)

L.W.D.D. Easement (O.R.B. 20468, Pg. 743) 24' L.W.D.D. R/W (O.R.B. 7511, Pg. 1952)



Survey Notes

1. Bearing Reference: The Grid Bearings shown hereon are referenced to the Southerly line of LWDD Canal L-18, as recorded in Official Records Book 7511, Page 1952, said line also being the North line of *Isola Bella Isles - Phase I*, as recorded in Plat Book 111, Pages 119-122, Palm Beach County Records. Said line bears North 88°50'23" West.
2. This is not a survey, but only a graphic depiction shown hereon. No boundary corners were set in the field related to this sketch.
3. All recordings shown hereon are referenced to the Public Records of Palm Beach County, Florida.

12-5-12

Dennis J. Gabriele
Professional Surveyor and Mapper No. LS5709
State of Florida

Not Valid without the signature
and original raised seal of a Florida
licensed Surveyor and Mapper



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EXHIBIT 1

Sheet 2 of 4

- Sketch and Description -

North Line *Isola Bella Isles - Phase I* (P.B. 111, Pgs. 119-122)
South R/W line LWDD Canal L-18 (ORB. 7511, Pg. 1952)

P.O.C. - Northernmost Northeast corner

Parcel A

Isola Bella Isles - Phase I
(P.B. 111, Pgs. 119-122)

L.W.D.D. Easement
(O.R.B. 20468, Pg. 743)

P.O.B.
"B"

N 89°51'37" W
90.03'

N 88°50'23" W 391.10'

S 01°43'14" W
10.90'

P.O.B.
"A"

S 01°43'14" W 2.69'

S 01°43'14" W 21.50'

R = 95.00'
L = 87.76'
D = 52°55'40"

R = 345.00'
L = 75.87'
D = 12°36'01"

R = 74.50'
L = 66.12'
D = 50°51'14"

Parcel A

Isola Bella Isles - Phase I
(P.B. 111, Pgs. 119-122)

10' Utility Easement

R = 145.00'
L = 91.22'
D = 36°02'41"

R = 145.00'
L = 57.74'
D = 22°48'54"

10' Utility Easement

Parcel A

Isola Bella Isles - Phase I
(P.B. 111, Pgs. 119-122)

R = 345.00'
L = 232.85'
D = 38°40'14"

Tract L

R = 74.50'
L = 95.21'
D = 73°13'16"

R = 145.00'
L = 74.91'
D = 29°36'00"

Tract W

Isola Bella Isles - Phase I
(P.B. 111, Pgs. 119-122)

S 35°07'37" W
45.98'

Tract F

Isola Bella Isles - Phase I
(P.B. 111, Pgs. 119-122)

R = 255.00'
L = 151.13'
D = 33°57'29"

S 01°10'08" W
105.55'

S 01°10'08" W
105.50'

P.O.T.

P.O.T.

North line 50' FPL Easement (ORB 21083, Pg. 936)

East line, *Isola Bella Isles - Phase I*
(P.B. 111, Pgs. 119-122)

Legend

- P.O.B. = Point of Beginning
- P.O.C. = Point of Commencement
- P.O.T. = Point of Termination
- P.B. = Plat Book
- ORB = Official Records Book
- Pg. = Page
- R = Radius
- L = Arc Length
- D = Delta (Central Angle)
- L.W.D.D. = Lake Worth Drainage District
- R/W = Right-Of-Way



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LB # 7682

EXHIBIT 1

Sheet 3 of 4

- Legal Description -

A portion of *Isola Bella Isles - Phase I*, according to the plat thereof, as recorded in Plat Book 111, Pages 119-122, of the Public Records of Palm Beach County, Florida, lying in Section 12, Township 45 South, Range 42 East, and being more particularly described as follows:

Commencing at the Northernmost Northeast corner of said *Isola Bella Isles - Phase I* plat, said point also being a point on the South right-of-way line of Lake Worth Drainage District Canal L-18, as recorded in Official Records Book 7511, Page 1952, of the Public Records of Palm Beach County, Florida;

Thence, North $88^{\circ}50'23''$ West, along said South right-of-way line of Canal L-18, and the North line of said *Isola Bella Isles - Phase I* plat, a distance of 391.10 feet;

Thence, South $01^{\circ}43'14''$ West, a distance of 21.50 feet to a point on the South line of a Lake Worth Drainage District Easement, as recorded in Official Records Book 20468, Page 743, of the Public Records of Palm Beach County, Florida, and the **Point of Beginning (point "A")**, said point also being a point on the centerline of a 10 foot wide utility easement; said centerline being described as follows;

Thence, continue South $01^{\circ}43'14''$ West, a distance of 2.69 feet to the point of curvature of a circular curve, concave to the West, having a radius of 345.00 feet and a central angle of $12^{\circ}36'01''$;

Thence, Southerly along the arc of said curve, an arc distance of 75.87 feet to the point of reverse curvature of a circular curve, concave to the East, having a radius of 145.00 feet and a central angle of $22^{\circ}48'54''$;

Thence, Southerly along the arc of said curve, an arc distance of 57.74 feet to the point of reverse curvature of a circular curve, concave to the Northwest, having a radius of 74.50 feet and a central angle of $73^{\circ}13'16''$;

Thence, Southerly and Southwesterly along the arc of said curve, an arc distance of 95.21 feet to the point of reverse curvature of a circular curve, concave to the Southeast, having a radius of 145.00 feet and a central angle of $29^{\circ}36'00''$;

Thence, Southwesterly along the arc of said curve, an arc distance of 74.91 feet to the point of tangency;

Thence, South $35^{\circ}07'37''$ West, a distance of 45.98 feet to the point of curvature of a circular curve, concave to the East, having a radius of 255.00 feet and a central angle of $33^{\circ}57'29''$;

Thence, Southerly along the arc of said curve, an arc distance of 151.13 feet to the point of tangency;

Thence, South $01^{\circ}10'08''$ West, a distance of 105.50 feet to a point on the North line of a 50 foot FPL Easement, as recorded in Official Records Book 21083, Page 936, of the Public Records of Palm Beach County, Florida, and the **Point of Termination**;

Together With:

Commence at aforementioned Point "A";

Thence, North $89^{\circ}51'37''$ West, along the South line of a Lake Worth Drainage District Easement, as recorded in Official Records Book 20468, Page 743, of the Public Records of Palm Beach County, Florida, a distance of 90.03 feet to the **Point of Beginning (point "B")**, and a point on the centerline of a 10 foot wide utility easement; said centerline being described as follows;

Continued on Sheet 4 of 4



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EXHIBIT 1

Sheet 4 of 4

- Legal Description -

Continued from Sheet 3 of 4

Thence, South $01^{\circ}43'14''$ West, a distance of 10.90 feet to the point of curvature of a circular curve, concave to the Northwest, having a radius of 95.00 feet and a central angle of $52^{\circ}55'40''$;

Thence, Southwesterly along the arc of said curve, an arc distance of 87.76 feet to the point of reverse curvature of a circular curve, concave to the Southeast, having a radius of 74.50 feet and a central angle of $50^{\circ}51'14''$;

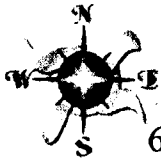
Thence, Southwesterly along the arc of said curve, an arc distance of 66.12 feet to the point of reverse curvature of a circular curve, concave to the Northwest, having a radius of 145.00 feet and a central angle of $36^{\circ}02'41''$;

Thence, Southwesterly along the arc of said curve, an arc distance of 91.22 feet to the point of reverse curvature of a circular curve, concave to the Southeast, having a radius of 345.00 feet and a central angle of $38^{\circ}40'14''$;

Thence, Southwesterly along the arc of said curve, an arc distance of 232.85 feet to the point of tangency;

Thence, South $01^{\circ}10'08''$ West, a distance of 105.55 feet to a point on the North line of a 50 foot FPL Easement, as recorded in Official Records Book 21083, Page 936, of the Public Records of Palm Beach County, Florida, and the *Point of Termination*.

Said lands lying and being in Palm Beach County, Florida, and containing 12,036 square feet (0.28 acres) more or less.



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LB # 7682

Exhibit 1.A

Sheet 1 of 2

- Sketch and Description -

Legal Description

All of *Isola Bella Isles - Phase 1* Plat as recorded in Plat Book 111, Pages 119 - 122, of the Public Records of Palm Beach County, Florida.

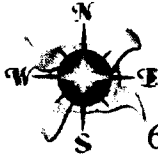
Surveyor's Notes

1. Bearing Reference: The Grid Bearings shown hereon are referenced to the North line of Parcel A, as shown on the plat of *Isola Bella Isles - Phase I*, Plat Book 111, Pages 119 to 122, Palm Beach County Records.
Said line bears South 88°50'23" East.
2. This is not a survey, but only a graphic depiction shown hereon. No boundary corners were set in the field related to this sketch.
3. LWDD denotes Lake Worth Drainage District.
4. This sketch is not drawn to scale.
5. This sketch was prepared in accordance with Chapter 177.101, Florida Statutes, and the intent of the Plat vacation is to remove all underlying tracts and easements which were created by virtue of the recordation of the Plat of *Isola Bella Isles - Phase I*, as recorded in Plat Book 111, Pages 119-122, of the Public Records of Palm Beach County, Florida.

12-5-12

Dennis J. Gabriele
Professional Surveyor and Mapper No. LS5709
State of Florida

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and original raised seal of a Florida
licensed Surveyor and Mapper



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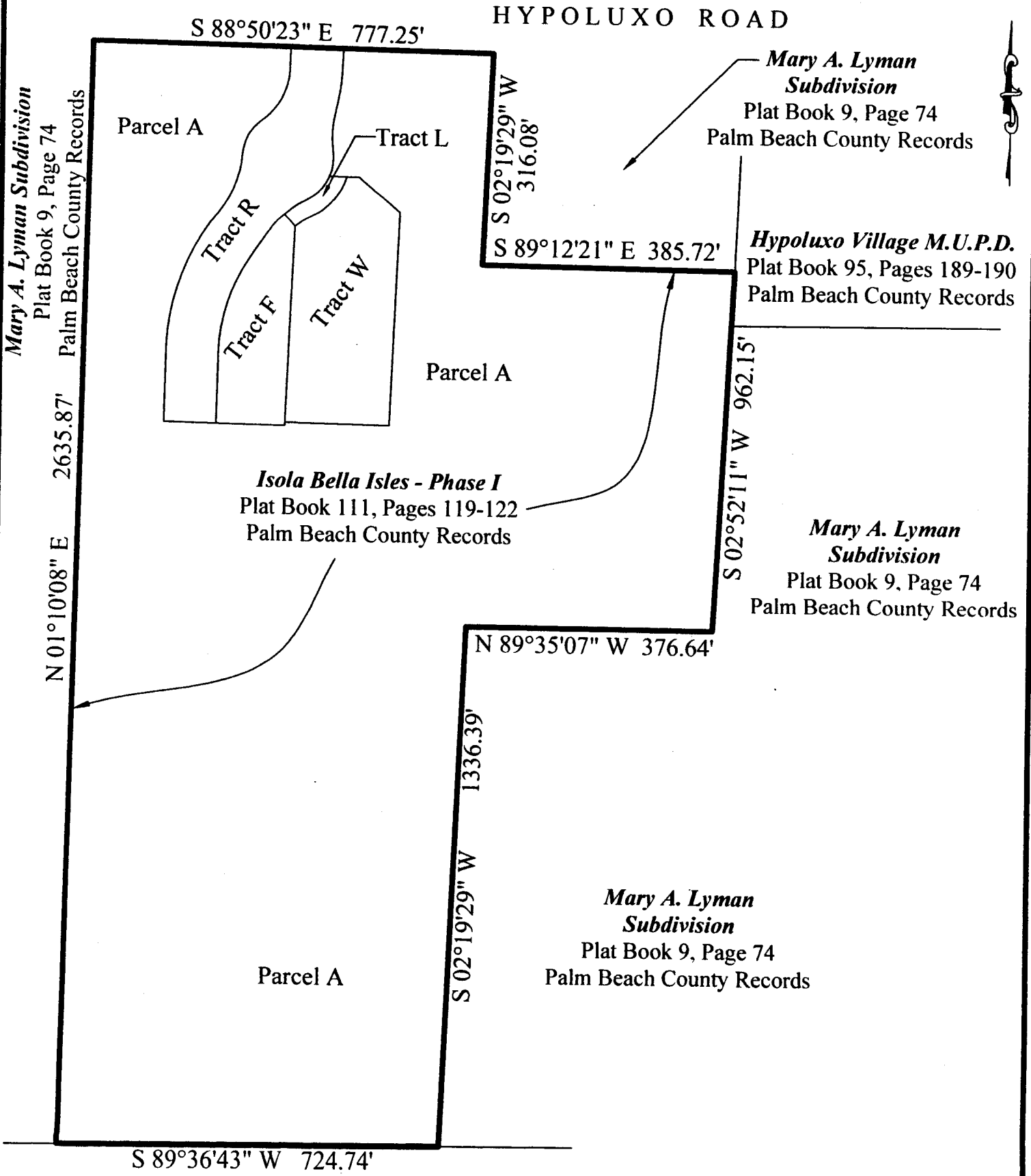
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EXHIBIT 1A

Sheet 2 of 2

- Sketch and Description -





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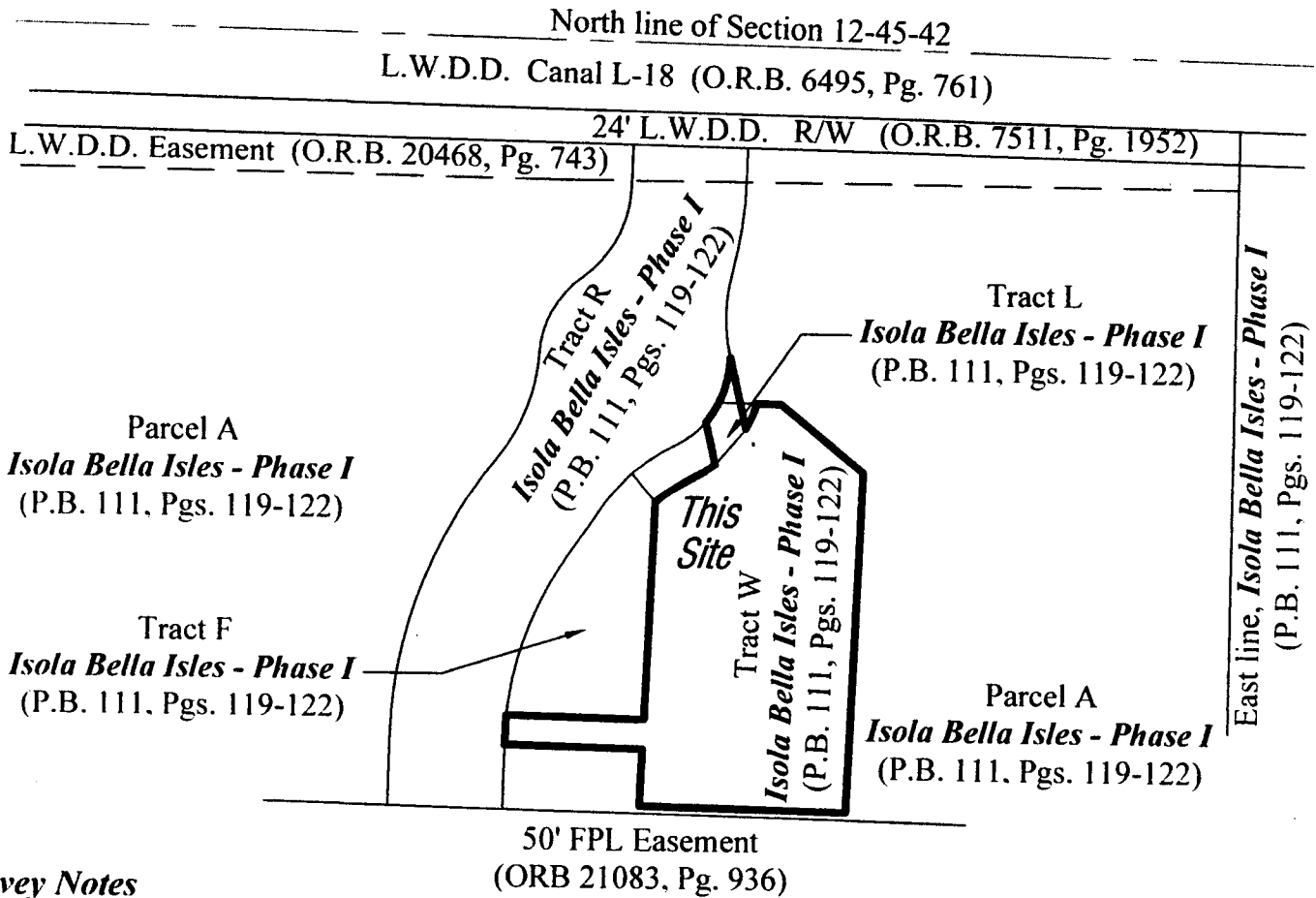
LB # 7682

Exhibit 1.B

Sheet 1 of 3

- Sketch and Description - Drainage Easement

HYPOLUXO ROAD
(O.R.B. 6310, Pg. 535, P.B.C.R.)
(P.B. 93, Pgs. 68-70, P.B.C.R.)
(Deed Book 172, Pg. 589, P.B.C.R.)



Survey Notes

1. Bearing Reference: The Grid Bearings shown hereon are referenced to the Southerly line of LWDD Canal L-18, as recorded in Official Records Book 7511, Page 1952, said line also being the North line of *Isola Bella Isles - Phase I*, as recorded in Plat Book 111, Pages 119-122, Palm Beach County Records. Said line bears North 88°50'23" West.
2. This is not a survey, but only a graphic depiction shown hereon. No boundary corners were set in the field related to this sketch.
3. All recordings shown hereon are referenced to the Public Records of Palm Beach County, Florida.

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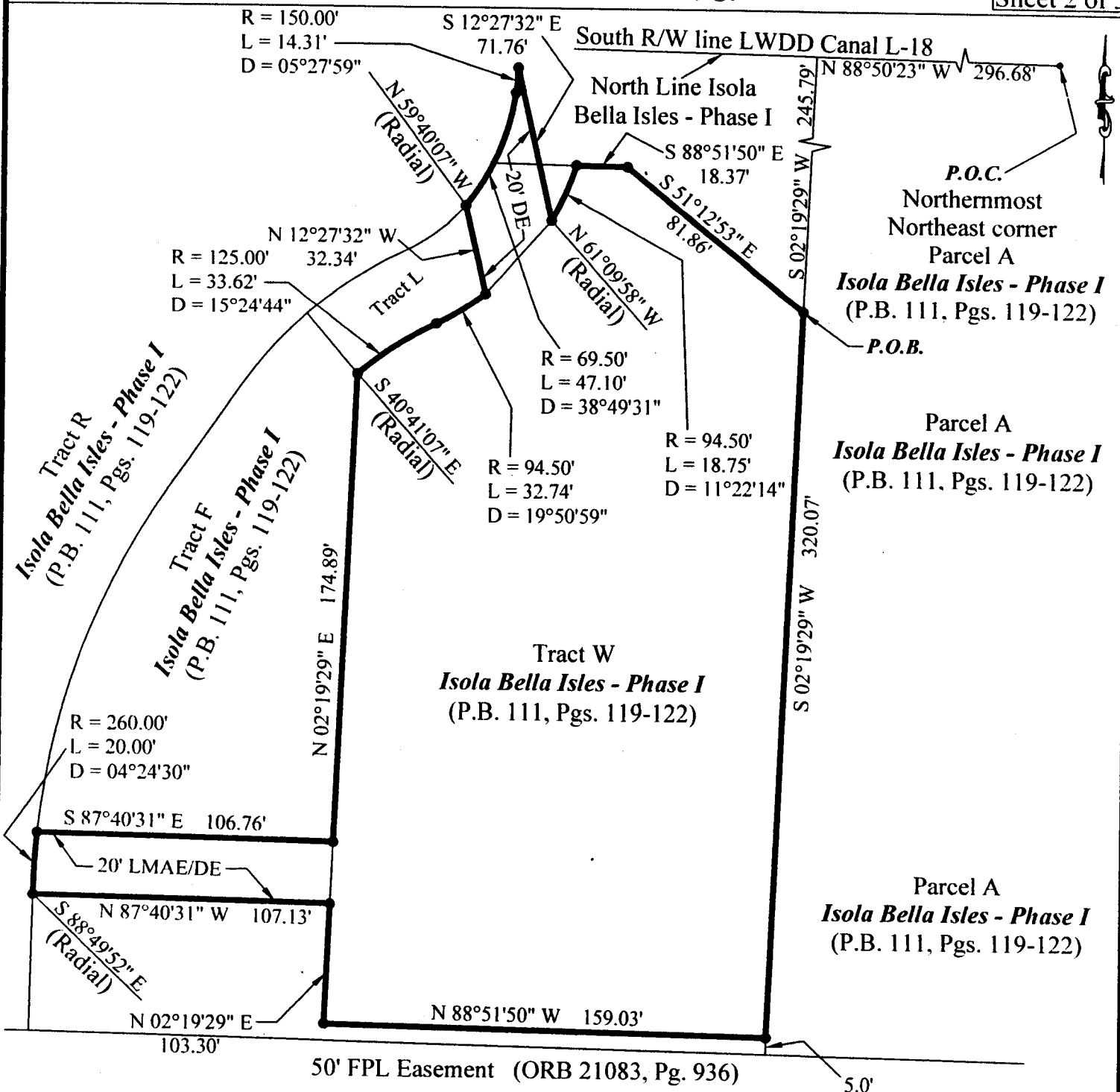
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EXHIBIT 1B

Sheet 2 of 3



Legend

- P.O.B. = Point of Beginning
- P.O.C. = Point of Commencement
- P.B. = Plat Book
- ORB = Official Records Book
- Pg. = Page
- R = Radius
- L = Arc Length
- D = Delta (Central Angle)
- LMAE = Lake Maintenance Access Easement
- DE = Drainage Easement



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LB # 7682

EXHIBIT 1B

Sheet 3 of 3

- Legal Description -

A portion of *Isola Bella Isles - Phase I*, according to the plat thereof, as recorded in Plat Book 111, Pages 119-122, of the Public Records of Palm Beach County, Florida, lying in Section 12, Township 45 South, Range 42 East, being all of Water Management Tract W, all of that 20 foot Lake Maintenance Access Easement and Drainage Easement lying within Tract F, and all of that 20 foot Drainage Easement lying within portions of Tract L and Parcel A of said *Isola Bella Isles - Phase I*, and being more particularly described as follows:

Commencing at the Northernmost Northeast corner of Parcel A, of said *Isola Bella Isles - Phase I* plat, said point also being a point on the South right-of-way line of Lake Worth Drainage District Canal L-18, as recorded in Official Records Book 7511, Page 1952, of the Public Records of Palm Beach County, Florida; Thence, North 88°50'23" West, along said South right-of-way line of Canal L-18, and the North line of said *Isola Bella Isles - Phase I* plat, a distance of 296.68 feet;
Thence, South 02°19'29" West, a distance of 245.79 feet to the **Point of Beginning**;
Thence, continue South 02°19'29" West, a distance of 320.07 feet;
Thence, North 88°51'50" West, a distance of 159.03 feet;
Thence, North 02°19'29" East, a distance of 103.30 feet;
Thence, North 87°40'31" West, a distance of 107.13 feet to the point of curvature of a circular curve, concave to the Southeast, having a radius of 260.00 feet and a central angle of 04°24'30", a radial line bears through said point South 88°49'52" East;
Thence, Northeasterly along the arc of said curve, an arc distance of 20.00 feet;
Thence, South 87°40'31" East, a distance of 106.76 feet;
Thence, North 02°19'29" East, a distance of 174.89 feet to a point on the arc of a circular curve, concave to the Southeast, having a radius of 125.00 feet and a central angle of 15°24'44", a radial line bears from said point South 40°41'07" East;
Thence, Northeasterly along the arc of said curve, an arc distance of 33.62 feet to the point of reverse curvature of a circular curve, concave to the Northwest, having a radius of 94.50 feet and a central angle of 19°50'59";
Thence, Northeasterly along the arc of said curve, an arc distance of 32.74 feet;
Thence, North 12°27'32" West, a distance of 32.34 feet to a point on the arc of a circular curve, concave to the West, having a radius of 69.50 feet and a central angle of 38°49'31", a radial line bears from said point North 59°40'07" West;
Thence, Northeasterly along the arc of said curve, an arc distance of 47.10 feet to the point of reverse curvature of a circular curve, concave to the East, having a radius of 150.00 feet and a central angle of 05°27'59";
Thence, Northerly along the arc of said curve, an arc distance of 14.31 feet;
Thence, South 12°27'32" East, a distance of 71.76 feet to a point on the arc of a circular curve, concave to the West, having a radius of 94.50 feet and a central angle of 11°22'14", a radial line bears from said point North 61°09'58" West;
Thence, Northeasterly along the arc of said curve, an arc distance of 18.75 feet;
Thence, South 88°51'50" East, a distance of 18.37 feet;
Thence, South 51°12'53" East, a distance of 81.86 feet to the **Point of Beginning**.

Said lands lying and being in Palm Beach County, Florida.