

## Agenda Item #: 3-C-11

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**AGENDA ITEM SUMMARY**

---

<b>Meeting Date:</b> March 12, 2013	<input checked="" type="checkbox"/>	<b>Consent</b>	<input type="checkbox"/>	<b>Regular</b>	
	<input type="checkbox"/>	<b>Workshop</b>	<input type="checkbox"/>	<b>Public Hearing</b>	

**Department:**  
**Submitted By:** Engineering & Public Works Department  
**Submitted For:** Roadway Production Division

---

**I. EXECUTIVE BRIEF**

**Motion and Title:** Staff recommends motion to adopt: A Resolution approving recordation and filing of a Specific Purpose Survey Maintenance Map with the Clerk of the Circuit Court (Clerk) of and for Palm Beach County (County) Florida certifying that a portion of 40<sup>th</sup> Terrace North in Section 24, Township 42, Range 42, has been maintained or repaired, continuously and uninterrupted, by the County for over four years and all rights, title, easement appurtenances in and to the road are therefore vested in the County.

**SUMMARY:** Adoption of this Resolution will establish and confirm title of 40<sup>th</sup> Terrace North in Section 24, Township 42, Range 42, to the County in accordance with Section 95.361, Florida Statutes, which provides that upon four years of continuous and uninterrupted maintenance or repair of the road by the County and upon filing of a map with the Clerk, title to the road becomes vested in the County for the extent in width that has been actually maintained. The Road and Bridge Division Director has certified, on the cover of the 40<sup>th</sup> Terrace North Specific Purpose Survey Maintenance Map, that it depicts the limits of maintenance by the County.

District 1 (M.R.E.)

**Background and Justification:** The County accepted a deed from the property owner of 40<sup>th</sup> Terrace North in 1971, for a 60 ft. road easement. Seacoast Utility is planning to install water lines within the road easement and has requested County permission. However staff has determined that the existing easement does not provide sufficient rights to allow water line installations. The road is currently courtesy maintained, and has been maintained by the County in excess of the four year requirement specified in Section 95.361 of the Florida Statutes to establish title to the property.

After reviewing the attached Specific Purpose Survey Maintenance Map and finding it in proper order, staff recommends Board approval, which will allow the County to permit the Seacoast Utility waterline installation.

**Attachments:**

1. Location Map
2. Resolution
3. Maintenance Map

Recommended by: \_\_\_\_\_

**Division Director**

**Date**

Approved By: \_\_\_\_\_

**County Engineer**

**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	-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	* \$ -0-	-0-	-0-	-0-	-0-
# ADDITIONAL FTE POSITIONS (Cumulative)					

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 additional fiscal impact. The County has been maintaining this section of roadway and will continue to do so.

C. Departmental Fiscal Review: Alicia Kovalainen

**III. REVIEW COMMENTS**

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

[Signature] 3/16/2013  
OFMB  
3/15/13

[Signature] 3/17/13  
Contract Dev. and Control  
3-7-13

**B. Approved as to Form and Legal Sufficiency:**

[Signature] 3/11/13  
Assistant County Attorney

**C. Other Department Review:**

\_\_\_\_\_  
Department Director

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

TWP 42

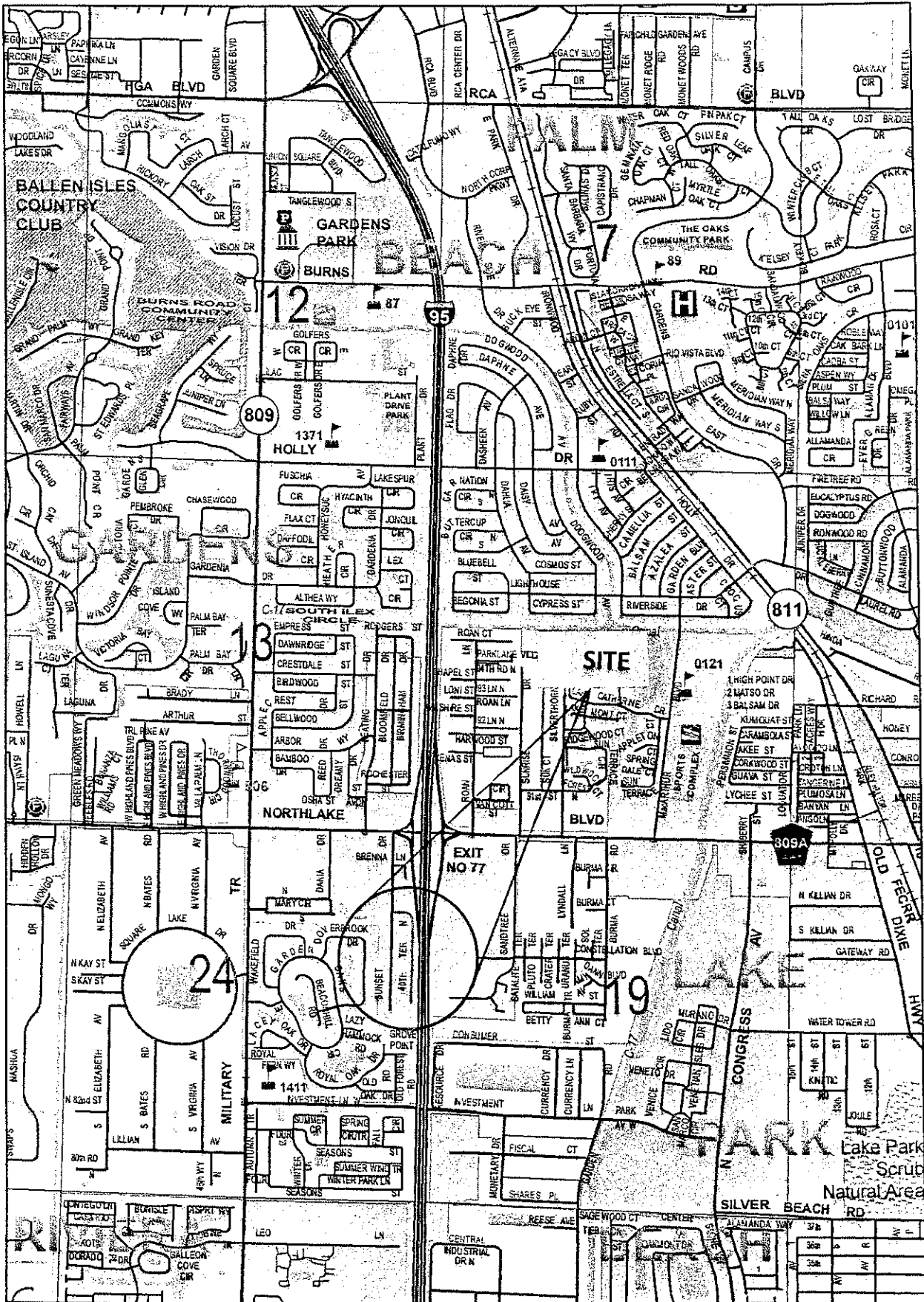
TWP 42

TWP 42

10

11

12



RNG 42

See pg 46

RNG 43

Page 34

LOCATION MAP

RESOLUTION NO. R-2013

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, TO APPROVE THE RECORDATION/FILING OF A MAINTENANCE MAP - SPECIFIC PURPOSE SURVEY, FOR 40<sup>TH</sup> TERRACE NORTH, SECTION 24, TOWNSHIP 42, RANGE 42, WITH THE CLERK OF THE CIRCUIT COURT OF AND FOR PALM BEACH COUNTY, FLORIDA

**WHEREAS**, 40<sup>th</sup> Terrace North, Maintenance Map - Specific Purpose Survey has been submitted to the Board of County Commissioners for approval for filing for records; and

**WHEREAS**, the Road and Bridge Division Director has certified that Palm Beach County has maintained this area of 40<sup>th</sup> Terrace North for four (4) years, as required by Florida Statute 95.361.

**WHEREAS**, Florida Statute **95.361 Roads presumed to be dedicated**, states that when a road constructed by the County, has been maintained or repaired continuously and uninterruptedly for four (4) years by the County, the road shall be deemed to be dedicated to the public to the extent in width that has been actually maintained. The dedication shall vest all right, title, easement and appurtenances in and to the road in the County; and

**WHEREAS**, the Maintenance Map, shall be filed at the office of the clerk of the circuit court of the County where the road is located. The Maintenance Map shall recite on it that the road is vested in the County and shall be duly certified by the Mayor and Clerk of the Board of County Commissioners of the County. Said filing shall be prima facie evidence of ownership by the County.

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 Mayor of the Board and the County Engineer are hereby authorized to sign the Specific Purpose Survey (Maintenance Map) and the Clerk is authorized to sign same.

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, Mayor -
- Commissioner Priscilla A. Taylor, Vice Mayor -
- Commissioner Hal R. Valeche -
- Commissioner Paulette Burdick -
- Commissioner Shelley Vana -
- Commissioner Mary Lou Berger -
- Commissioner Jess R. Santamaria -

The Mayor thereupon declared the Resolution duly passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

SHARON R. BOCK, CLERK AND  
COMPTROLLER

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
County Attorney

# COUNTY OF PALM BEACH STATE OF FLORIDA

BOARD OF COUNTY COMMISSIONERS

PROJECT NO. 2012050.101

## 40TH TERRACE NORTH MAINTENANCE MAP - SPECIFIC PURPOSE SURVEY

SECTION 24, TOWNSHIP 42 SOUTH, RANGE 42 EAST

HAL R. VALECHE  
DISTRICT 1

PAULETTE BURDICK  
DISTRICT 2

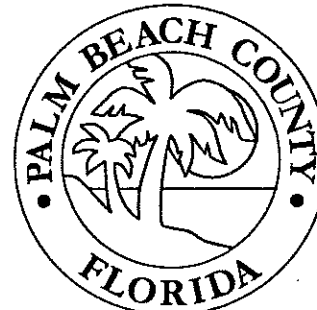
STEVEN L. ABRAMS  
DISTRICT 4

JESS R. SANTAMARIA  
DISTRICT 6

SHELLEY VANA  
DISTRICT 3

MARY LOU BERGER  
DISTRICT 5

PRISCILLA A. TAYLOR  
DISTRICT 7



- LEGEND**
- FDOT = FLORIDA DEPARTMENT OF TRANSPORTATION
  - S.R. = STATE ROAD
  - PCN = PROPERTY CONTROL NUMBER
  - IPBCI = PALM BEACH COUNTY
  - R/W = RIGHT OF WAY
  - O.R.B. = OFFICIAL RECORD BOOK
  - R.P.B. = ROAD PLAT BOOK
  - P.L. = PLAT BOOK
  - P. = PAGE
  - C = CENTERLINE
  - = PROPERTY LINE
  - △ = SIGN
  - = GUY ANCHOR
  - W.M. = WATER METER
  - W.V. = WATER VALVE
  - F.H. = FIRE HYDRANT
  - S.M. = STORM MANHOLE
  - N.H. = NUT AND WASHER
  - P.P. = POWER POLE WOOD
  - = PROPERTY CORNER
  - P.C.

**LEGAL DESCRIPTION OF AREA CLAIMED BY MAINTENANCE**

A PARCEL OF LAND BEING A PORTION OF THAT CERTAIN EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 1679, PAGE 1240, AS RECORDED IN OFFICIAL RECORDS BOOK 1912, PAGE 798, AND A PORTION OF THOSE LANDS RECORDED IN OFFICIAL RECORDS BOOK 1456, PAGE 1572, ALL AS RECORDED IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID PARCEL OF LAND ALSO BEING A PORTION OF KRAMER'S UNRECORDED SUBDIVISION LYING IN THE NORTHEAST QUARTER IN 1/4 OF SECTION 24, TOWNSHIP 42 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 24; THENCE NORTH 88° 32' 49" WEST ALONG THE NORTH LINE OF THE NORTHEAST QUARTER IN 1/4 OF SAID SECTION 24, A DISTANCE OF 495.44 FEET TO THE EAST LINE OF THE WEST QUARTER IN 1/4 OF THE EAST HALF IN 1/2 OF THE EAST HALF IN 1/2 OF THE NORTHEAST QUARTER IN 1/4 OF SAID SECTION 24; THENCE SOUTH 01° 24' 29" WEST ALONG SAID EAST LINE, A DISTANCE OF 166.97 FEET; THENCE SOUTH 68° 35' 21" EAST, A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 01° 24' 39" EAST, A DISTANCE OF 29.42 FEET; THENCE SOUTH 54° 32' 58" EAST, A DISTANCE OF 31.22 FEET; THENCE SOUTH 88° 37' 51" EAST, A DISTANCE OF 105.12 FEET TO THE BEGINNING OF A TANGENT CURVE; SAID CURVE BEING CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 120.00 FEET AND A CENTRAL ANGLE OF 90° 00' 02"; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 189.70 FEET TO A POINT OF TANGENCY; THENCE SOUTH 01° 28' 00" WEST, A DISTANCE OF 112.46 FEET TO A POINT ON THE NORTH LINE OF LOT 13 OF SAID KRAMER'S UNRECORDED SUBDIVISION; THENCE NORTH 88° 38' 00" WEST ALONG SAID NORTH LINE, A DISTANCE OF 24.00 FEET; THENCE NORTH 01° 28' 00" EAST, A DISTANCE OF 114.01 FEET TO THE BEGINNING OF A TANGENT CURVE; SAID CURVE BEING CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 80.00 FEET AND A CENTRAL ANGLE OF 78° 57' 21"; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 115.63 FEET TO A POINT OF TANGENCY; THENCE NORTH 78° 29' 12" WEST, A DISTANCE OF 68.67 FEET; THENCE NORTH 87° 45' 12" WEST, A DISTANCE OF 14.30 FEET; THENCE SOUTH 49° 54' 37" WEST, A DISTANCE OF 16.31 FEET; THENCE NORTH 01° 24' 39" EAST, A DISTANCE OF 24.38 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 0.850 ACRES MORE OR LESS.

**RIGHT OF WAY DEDICATION OF  
AREAS SHOWN HEREON BY MAINTENANCE**

STATE OF FLORIDA  
COUNTY OF PALM BEACH

APPROVED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS, PALM BEACH COUNTY, FLORIDA, ON THIS DATE STEVEN L. ABRAMS AND SHARON R. BOCK, RESPECTIVELY MAYOR OF THE BOARD OF COUNTY COMMISSIONERS AND CLERK OF THE CIRCUIT COURT OF PALM BEACH COUNTY, FLORIDA, DO HEREBY CERTIFY THAT THE COUNTY ROAD HERETOFORE KNOWN AND DESIGNATED AS 40TH TERRACE NORTH IN PALM BEACH COUNTY, FLORIDA, AS SHOWN ON THE MAP TO WHICH THIS CERTIFICATE IS AFFIXED, HAS BEEN MAINTAINED, KEPT IN REPAIR AND WORKED CONTINUOUSLY AND UNINTERRUPTEDLY FOR A PERIOD OF MORE THAN SEVEN YEARS BY THE COUNTY OF PALM BEACH, FLORIDA TO THE EXTENT IN WIDTH AS SHOWN ON SAID MAP, AND RIGHT OF WAY AS SHOWN IS DEEMED TO BE DEDICATED TO THE PUBLIC, THE TITLE TO THE RIGHT OF WAY OF SAID ROAD HAS VESTED IN THE COUNTY OF PALM BEACH, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 337.31 (RENUMBERED 35.38), FLORIDA STATUTES 1961.

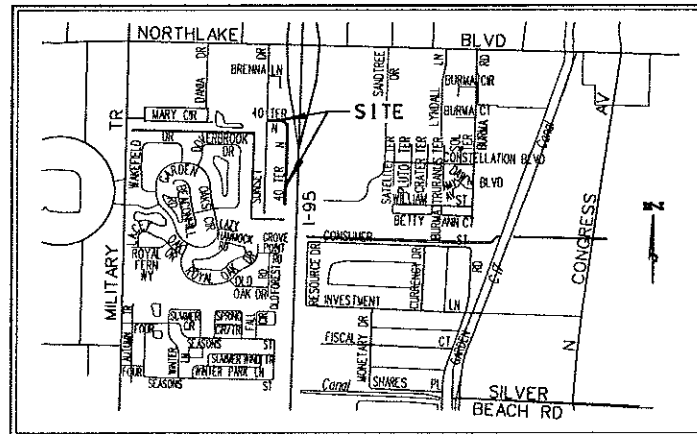
DATE \_\_\_\_\_  
BY: STEVEN L. ABRAMS  
MAYOR, BOARD OF COUNTY COMMISSIONERS  
BY: SHARON R. BOCK  
CLERK AND COMPTROLLER  
BY: GEORGE T. WEBB, P.E.  
COUNTY ENGINEER

THIS IS TO CERTIFY THAT THE WIDTH AND EXTENT OF THE AREAS SHOWN HEREON ARE A TRUE AND CORRECT REPRESENTATION OF THE AREAS ALONG 40TH TERRACE NORTH THAT HAS BEEN CONTINUOUSLY MAINTAINED FOR A PERIOD OF MORE THAN FOUR (4) YEARS BY PALM BEACH COUNTY FORCES.

DARYL W. DAWSON  
DIRECTOR, ROAD AND BRIDGE DIVISION  
ENGINEERING AND PUBLIC WORKS  
PALM BEACH COUNTY, FLORIDA

DATE: \_\_\_\_\_

SECTION 24, TOWNSHIP 42 SOUTH, RANGE 42 EAST



**SURVEYOR'S REPORT**  
THIS IS A MAINTENANCE MAP/SPECIFIC PURPOSE SURVEY SHOWING THE LIMITS OF MAINTENANCE ALONG 40TH TERRACE NORTH AS RECORDED IN OFFICIAL RECORD BOOK 1679, PG. 1240 & OFFICIAL RECORD BOOK 1912, PAGE 798, PALM BEACH COUNTY PUBLIC RECORDS.

OFFICIAL RECORD BOOK 1912, PAGE 798 IS A QUIT CLAIM DEED THAT WAS RECORDED AFTER THE CREATION OF THE 60' INGRESS/EGRESS EASEMENT IN OFFICIAL RECORD BOOK 1679, PAGE 1240. ALTHOUGH THE INTENT APPEARS TO CONVEY FEE TO THE INGRESS/EGRESS EASEMENT THIS OFFICE HAS BEEN ADVISED BY COUNCIL THAT ONLY AN EASEMENT EXISTS. OFFICIAL RECORD BOOK 1912, PAGE 798 DOES NOT IMPACT LOTS 6, 14, PCN#52-42-42-24-00-000-1320 OR PCN#52-42-42-24-00-000-1322.

THE PROJECT LIMITS WERE ESTABLISHED USING CONVENTIONAL SURVEYING PROCEDURES AND A FIELD SURVEY WAS DONE TO LOCATE THE LIMITS OF MAINTENANCE.

A FIELD TRAVERSE WAS RUN FROM THE FOUND PALM BEACH COUNTY GEODETIC CONTROL STATIONS "SUSAN" & "M-57" TO ESTABLISH STATE PLANE COORDINATES ON THE ENTIRE SITE.

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.

THE COORDINATES, POSITION AND ORIENTATION OF THIS SURVEY CONFORMS TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, TRANSVERSE MERCATOR PROJECTION, FLORIDA EAST ZONE, ON THE NORTH AMERICAN DATUM OF 1983, 1980 ADJUSTMENT, ON FILE IN THE OFFICE OF THE COUNTY ENGINEER.

NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THE SIGNING SURVEYOR.

THIS INSTRUMENT PREPARED BY GLENN W. MARK, P.L.S. & CHARLIE R. BRECKEN P.S.M. IN THE OFFICE OF THE COUNTY ENGINEER, VISTA CENTER 2300 NORTH JOG ROAD, WEST PALM BEACH, FLORIDA 33411-2745.

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

DATE OF AERIAL PHOTO BY OTHERS 11/23/2010 - 12/12/2010. THIS IS AN ORTHO-IMAGE OR ORTHO-PHOTO. THE PHOTO WAS NOT CONTROLLED, TARGETED OR FIELD VERIFIED BY THE SIGNING SURVEYOR AND IS FOR INFORMATIONAL PURPOSES ONLY.

THE BEARINGS SHOWN HEREON ARE GRID (NAD 83/80) BEARINGS RELATIVE TO A BEARING OF NORTH 88° 32' 49" WEST ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 42 SOUTH, RANGE 42 EAST AS SHOWN ON THIS SURVEY.

THE SCALE FACTOR FOR THIS AREA IS 1.000039455.

THE DISTANCES SHOWN HEREON ARE GROUND DISTANCES.

ALL FEATURE SYMBOLS SHOWN ARE NOT TO SCALE.

SURVEY FILE NAME: 2012050.101, REF. 5-3-13-3352.DGN

FIELD WORK COMPLETED 02/28/2013, IN FIELD BOOK 1038, PAGE 58-69.

**SURVEYOR'S CERTIFICATE**

I HEREBY CERTIFY THAT THE MAINTENANCE MAP AND SPECIFIC PURPOSE SURVEY PRESENTED HEREIN IS THE RESULT OF A FIELD SURVEY CONDUCTED UNDER MY DIRECTION. THIS MAP DEPICTS THE LOCATION OF PUBLIC RIGHT-OF-WAY AND AREAS MAINTAINED BY COUNTY FORCES. THE CERTIFICATION OF THE DIRECTOR OF THE ROAD AND BRIDGE DIVISION WITHIN THE CORRIDOR DEPICTED HEREON, THE MAP AND FIELD SURVEY MEET MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17.050-.052, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

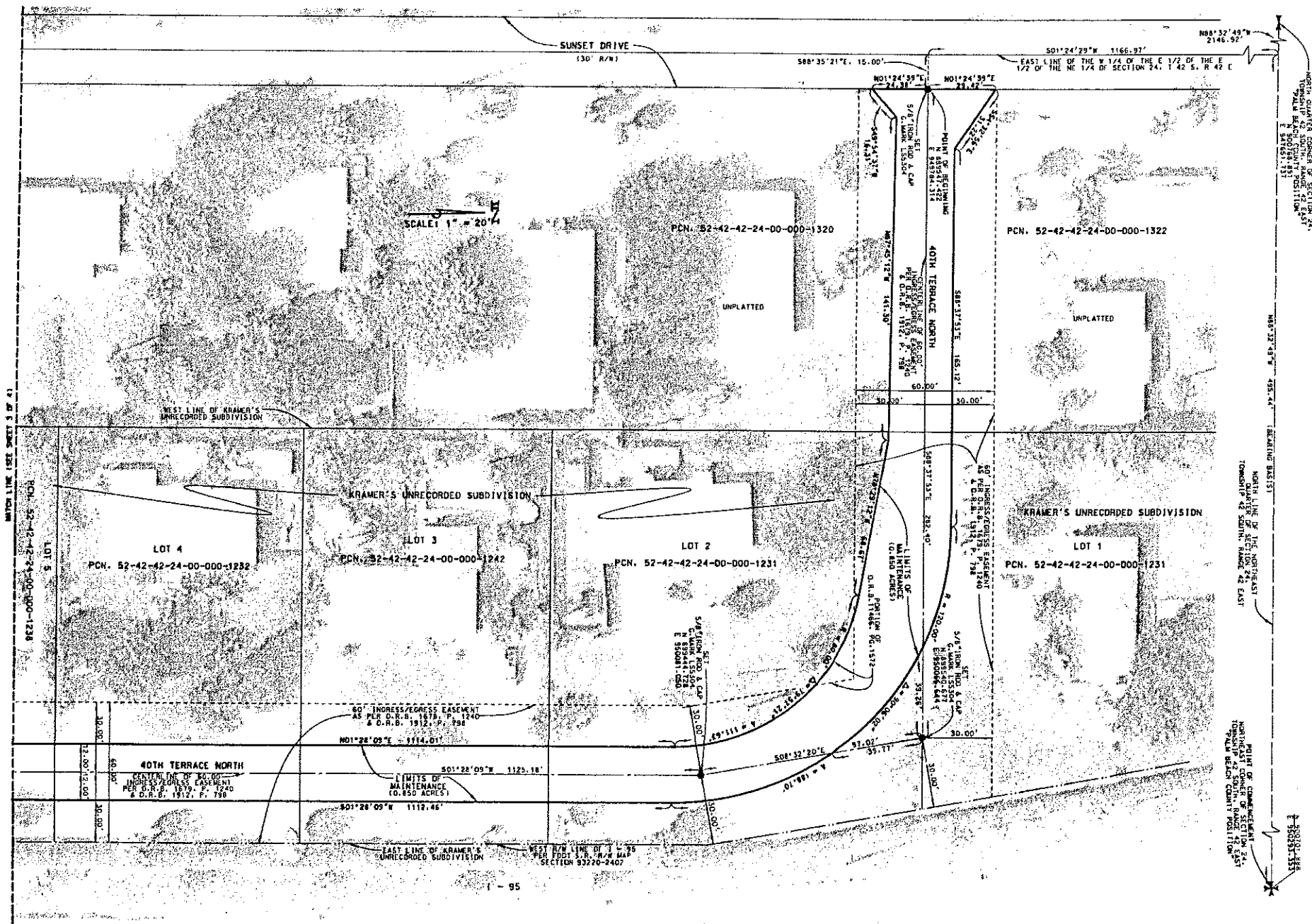
DATE: \_\_\_\_\_

GLENN W. MARK, P.L.S.  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA CERTIFICATE NO. 5304

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

REVISED LOCATION SKETCH 02/11/2013


COUNTY COMMISSION	COUNTY ENGINEER	SURVEYOR SEAL	SHEET 1	OF 4	PROJECT NO. 2012050.101	SECTION FILE NAME 5-3-13-3352.DGN	DATE 02/18/13
40TH TERRACE NORTH MAINTENANCE MAP - SPECIFIC PURPOSE SURVEY SECTION 24 TOWNSHIP 42 SOUTH RANGE 42 EAST				SCALE: 1" = 20'	APPROVED: G.W.M.	DRAWN: E.A.D.	CHECKED: C.R.B.
				DATE 02/18/13	PALM BEACH COUNTY ENGINEERING AND PUBLIC WORKS ROADWAY PRODUCTION 2300 NORTH JOG ROAD WEST PALM BEACH, FL 33411		

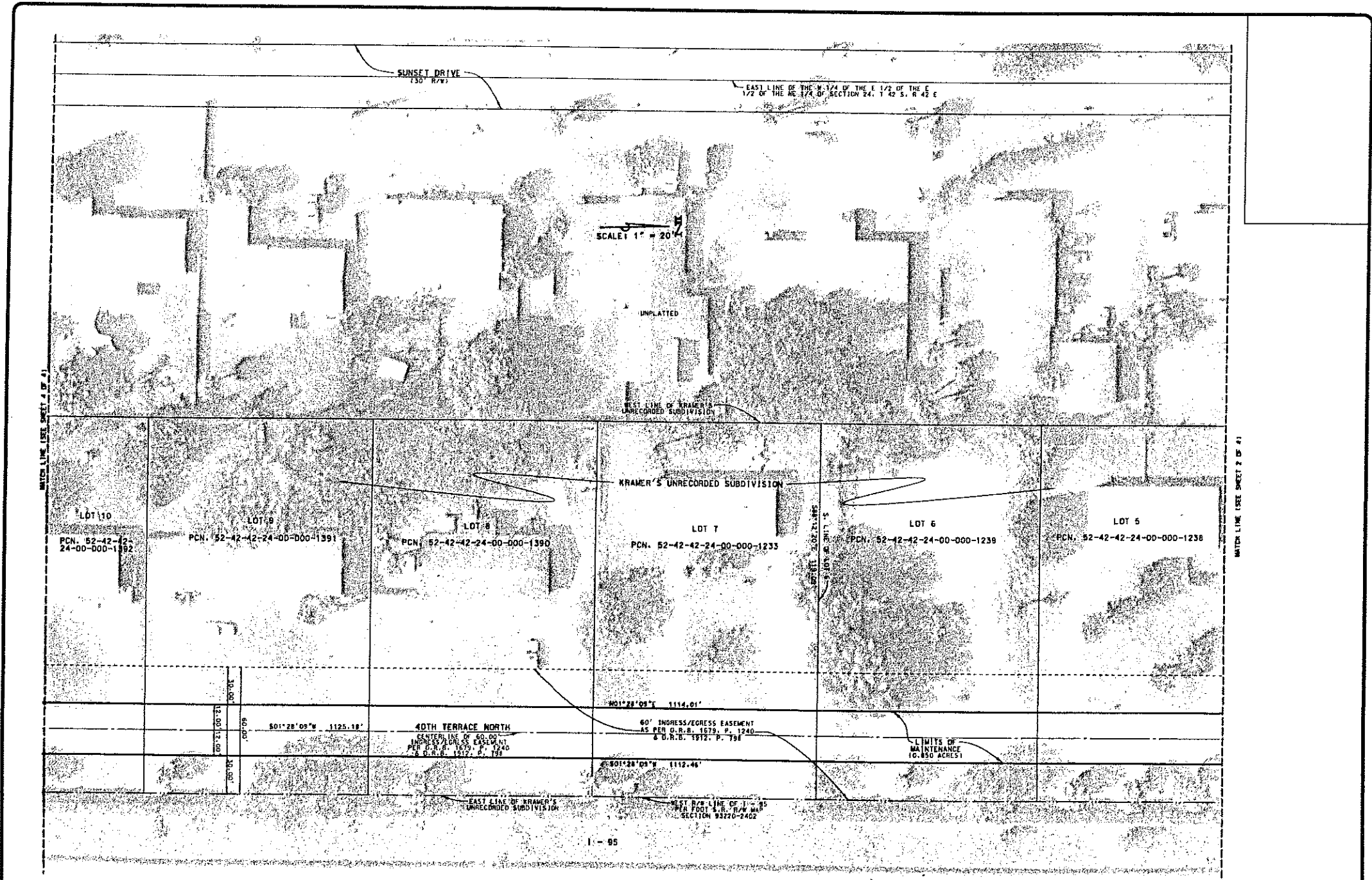



NORTH CORNER CORNER OF SECTION 24, TOWNSHIP 42 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY POSITION.

NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 42 SOUTH, RANGE 42 EAST.

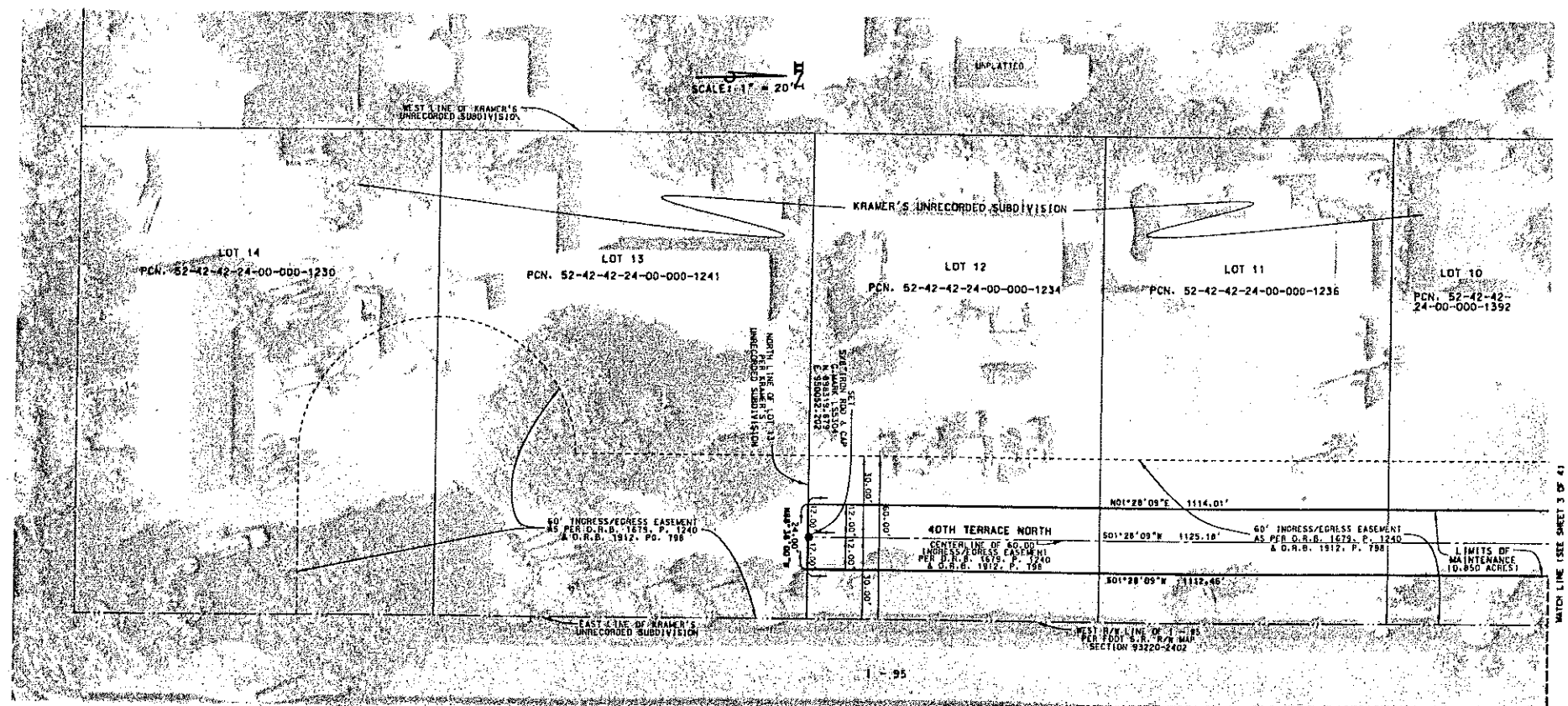
POINT OF COMMENCEMENT FOR THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 42 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY POSITION.


SHEET 2	40TH TERRACE NORTH MAINTENANCE MAP - SPECIFIC PURPOSE SURVEY SECTION 24, TOWNSHIP 42 SOUTH, RANGE 42 EAST		SCALE: 1" = 20'	 PALM BEACH COUNTY ENGINEERING AND PUBLIC WORKS <b>ROADWAY PRODUCTION</b> 800 NORTH JOO ROAD WEST PALM BEACH, FL 33411
			DATE: 02/18/13	
SP. 4	PROJECT NO: 2012050-101	DESIGNED BY: S-3-13-3357.DGN	DRAWN BY: S-3-13-3352	



SHEET 3 OF 4 PROJECT NO. 2012050.101	<b>40TH TERRACE NORTH</b> MAINTENANCE MAP - SPECIFIC PURPOSE SURVEY SECTION 14, TOWNSHIP 30 SOUTH, RANGE 40 EAST DESIGN FILE NO. 5-3-13-2357.DGN DRAWING NO. 5-3-13-2352	SCALE 1" = 20' APPROVED: G.S.M. DRAWN: C.A.G. CHECKED: C.R.B. DATE: 02/18/13	 PALM BEACH COUNTY ENGINEERING AND PUBLIC WORKS <b>ROADWAY PRODUCTION</b> 800 NORTH 300 ROAD WEST PALM BEACH, FL 33411
--	--	--	---





SHEET 4 OF 4 PROJECT NO. 2012050.101	40TH TERRACE NORTH MAINTENANCE MAP - SPECIFIC PURPOSE SURVEY SECTION 84 TOWNSHIP 4 SOUTH RANGE 4 EAST		SCALE: 1" = 20' DRAWN BY: E.A.D. CHECKED BY: C.R.B. DATE: 02/18/13	 PALM BEACH COUNTY ENGINEERING AND PUBLIC WORKS ROADWAY PRODUCTION 899 NORTH 300 ROAD WEST PALM BEACH, FL 33411
	PREPARED BY: C.W.M. DATE: 02/18/13	SECTION FILE NO.: 8-3-13-3352.DGN		