

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

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Meeting Date: October 1, 2013 ☒ Consent ☐ Regular
 ☐ Workshop ☐ Public Hearing

Department:

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

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I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to adopt: A Resolution to vacate a portion of a 12 foot wide utility easement within Parcel "2" of the plat of Hy-Crest Center, as recorded in Plat Book 64, Pages 177-178, Public Records of Palm Beach County, Florida.

SUMMARY: Adoption of this Resolution will allow the petitioner to vacate a portion of the easement to allow for redevelopment of the site. The petition site is located on the east side of Interstate 95 and the south side of Hypoluxo Road.

District 7 (MRE)

Background and Justification: The owner, WellTreat LLC, is in the process of site plan approval to modify the use on the subject property. This portion of the easement is in conflict with the site development plan and is proposed to be vacated.

Reviewing agencies and 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 2002-034).

Attachments:

1. Location Sketch
2. Resolution with Legal Description and Sketch

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Mr Recommended by: Tony W. Miller for Joanne Keller 8-20-2013 *[Signature]*
 Division Director Date

Approved by: A. J. W. Hall 9/6/13
 County Engineer Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2014	2015	2016	2017	2018
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 fiscal impact.

C. Departmental Fiscal Review: .

Alicia Kovalainen

III. REVIEW COMMENTS

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

[Signature] 9/11/2013
OFMB *HC* 9/11/13

[Signature] 9/11/2013
Contract Dev. and Control
9-13 13 *Beck*

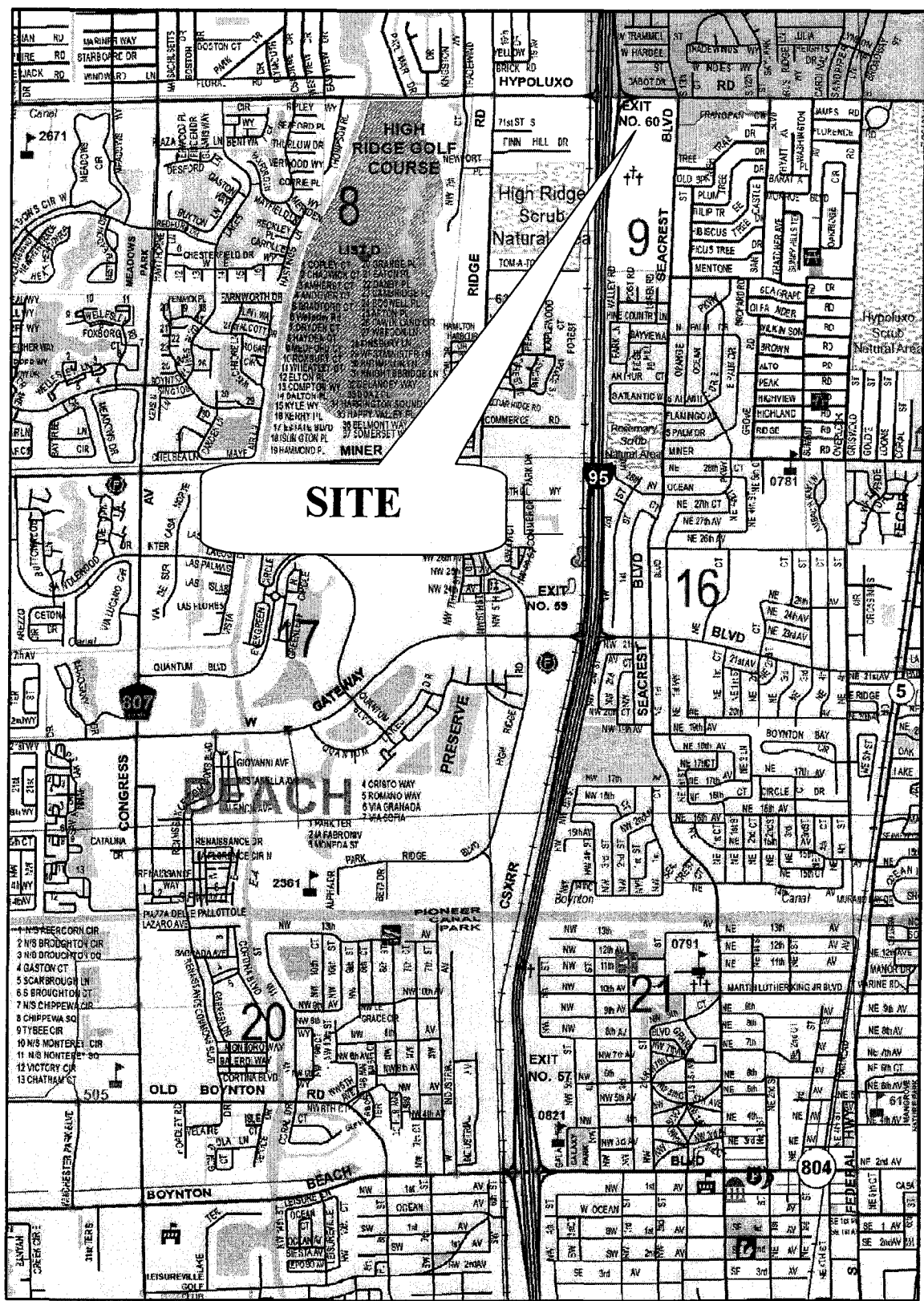
B. Approved as to Form and Legal Sufficiency:

[Signature] 9/16/13
Assistant County Attorney

C. Other Department Review:

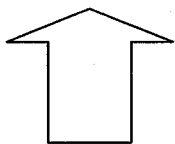
Department Director

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



LOCATION SKETCH

HY-CREST CENTER
East of Interstate 95 and
South of Hypoluxo Road



N

not to scale

RESOLUTION NO. R-2013-_____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, VACATING A PORTION OF A 12 FOOT WIDE UTILITY EASEMENT WITHIN PARCEL "2" OF THE PLAT OF HY-CREST CENTER, AS RECORDED IN PLAT BOOK 64, PAGES 177-178, 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 WellTreat LLC; 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 1, 2013, did hold a meeting on said petition to vacate, and this Board determined that said portion of the utility easement as shown in Exhibit A attached hereto and made a part hereof, is in excess of the requirements of the local utility companies; and

WHEREAS, this Board while convened in regular session on October 1, 2013, did hold a meeting on said Petition to vacate the portion of the utility easement shown in Exhibit A, 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 portion of the utility easement is hereby vacated and closed as a public easement and this Board does hereby renounce and disclaim any

right or interest of the County and the public in and to the easement, more fully described in the legal description and sketch as shown in Exhibits 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).

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 _____, 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

EXHIBIT A

Page 1 of 2

TELEPHONE NO. 561-314-0769

FAX NO. 561-314-0770

EXACTA

COMMERCIAL LAND SURVEYORS
L.B. 7551

3460 FAIRLANE FARMS ROAD, SUITE 6, WELLINGTON, FL. 33414

EXHIBIT "A"

LEGAL DESCRIPTION OF:

A 12 FOOT WIDE UTILITY EASEMENT

A PORTION OF PARCEL 2, HY-CREST CENTER

P.B 64, PGS 177 AND 178, P.B.C.R.

LEGAL DESCRIPTION:

A 12 FOOT WIDE UTILITY EASEMENT BEING A PORTION OF PARCEL "2", HY-CREST CENTER, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 64, PAGES 177 AND 178, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. THE CENTERLINE OF SAID 12 FOOT WIDE UTILITY EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID PARCEL "2";
THENCE SOUTH 02°29'14" WEST, ALONG THE EASTERLY BOUNDARY OF SAID PARCEL "2", A DISTANCE OF 361.75 FEET; THENCE NORTH 87°30'46" WEST, A DISTANCE OF 86.60 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED CENTERLINE; THENCE CONTINUE NORTH 87°30'46" WEST, A DISTANCE OF 41.42 FEET TO A REFERENCE POINT "A"; THENCE CONTINUE NORTH 87°30'46" WEST, A DISTANCE OF 67.50 FEET;
THENCE SOUTH 47°29'14" WEST, A DISTANCE OF 6.00 FEET TO A REFERENCE POINT "B";
THENCE CONTINUE SOUTH 47°29'14" WEST, A DISTANCE OF 44.97 FEET TO THE POINT OF TERMINATION OF THE HEREIN DESCRIBED CENTERLINE.

TOGETHER WITH A 12 FOOT WIDE UTILITY EASEMENT. THE CENTERLINE OF SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE AFOREMENTIONED REFERENCE POINT "A"; THENCE SOUTH 02°29'14" WEST, A DISTANCE OF 35.98 FEET TO THE POINT OF TERMINATION OF THE HEREIN DESCRIBED CENTERLINE.

TOGETHER WITH A 12 FOOT WIDE UTILITY EASEMENT. THE CENTERLINE OF SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE AFOREMENTIONED REFERENCE POINT "B"; THENCE NORTH 42°30'46" WEST, A DISTANCE OF 25.00 FEET TO THE POINT OF TERMINATION OF THE HEREIN DESCRIBED CENTERLINE. THE SIDELINES OF SAID EASEMENT TO BE SHORTENED OR LENGTHENED TO MEET AT ANGLE POINTS. SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

SURVEY NOTES:

1. THE BEARINGS SHOWN HEREON ARE BASED ON A PLAT BEARING OF S.02°29'14"W, ALONG THE EASTERLY BOUNDARY OF PARCEL "2", AS SHOWN ON THE PLAT OF HY-CREST CENTER, RECORDED IN P.B. 64, PG'S 177-178, P.B.C.R.
2. THE PROPERTY SHOWN HEREON WAS NOT ABSTRACTED FOR OWNERSHIP, RIGHTS-OF-WAY OF OTHER MATTERS OF RECORD BY EXACTA. THIS SKETCH DOES NOT REPRESENT A FIELD SURVEY (THIS IS NOT A SURVEY).
3. THE LEGAL DESCRIPTION SHOWN HEREON WAS AUTHORED BY EXACTA COMMERCIAL SURVEYORS, INC., WITHOUT THE BENEFIT OF A TITLE SEARCH. FOR MORE INFORMATION ABOUT POSSIBLE EASEMENTS AND RESTRICTIONS ON THIS PROPERTY REFER TO THE PUBLIC RECORDS OF THIS COUNTY AND THE PLAT OF RECORD (IF ANY).
4. THE ABANDONMENT OF THE 12' UTILITY EASEMENT IS ONLY FOR THAT PORTION OF THE EASEMENT ENCUMBERED BY THE EXISTING BUILDING.
5. THE PROPERTY SHOWN HEREON WAS NOT ABSTRACTED FOR OWNERSHIP, RIGHTS-OF-WAY, EASEMENTS OR OTHER MATTERS OF RECORD BY EXACTA COMMERCIAL SURVEYORS, INC. THE EASEMENTS AND OTHER MATTERS OF RECORD SHOWN HEREON ARE BASED ON COMMITMENT FOR TITLE INSURANCE, COMMITMENT SCHEDULE B-SECTION II, PREPARED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, FILE No.: 13000904 JC3, COMMITMENT EFFECTIVE DATE: DECEMBER 10, 2012 AT 8:00 A.M., REVISED DATE: FEBRUARY 05, 2013 AT 3:52 P.M.

REVISIONS	DATE		BY
	REVISE EASEMENT CONFIGURATION	02/21/13	
DATE OF SKETCH:		DRAWN BY	CHECKED BY
01/30/13		J.E.C.	J.D.L.R.
			FIELD BOOK
			N/A

CERTIFICATE:

THIS IS TO CERTIFY THAT THE SKETCH AND LEGAL DESCRIPTION SHOWN HEREON IS ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS SKETCH AND LEGAL DESCRIPTION MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.07, FLORIDA STATUTES.

JAVIER DE LA ROCHA
PROFESSIONAL SURVEYOR AND MAPPER NO. 6080 - STATE OF FLORIDA

SEAL
NOT VALID UNLESS
SEALED HERE WITH
AN EMBOSSED
SURVEYOR'S SEAL

SHEET 1 OF 2

EXHIBIT A

Page 2 of 2

TELEPHONE NO. 561-314-0769

FAX NO. 561-314-0770

EXACTA
COMMERCIAL LAND SURVEYORS
L.B. 7551

3460 FAIRLANE FARMS ROAD, SUITE 6, WELLINGTON, FL. 33414

EXHIBIT "A"

SKETCH OF:

A 12 FOOT WIDE UTILITY EASEMENT
A PORTION OF PARCEL 2, HY-CREST CENTER
P.B 64, PGS 177 AND 178, P.B.C.R.

LEGEND:

P.B.C.R... PALM BEACH COUNTY RECORDS
P.B..... PLAT BOOK
PG..... PAGE

P.O.C.... POINT OF COMMENCEMENT
P.O.B.... POINT OF BEGINNING
P.O.T.... POINT OF TERMINATION
R.P. "A"... REFERENCE POINT "A"

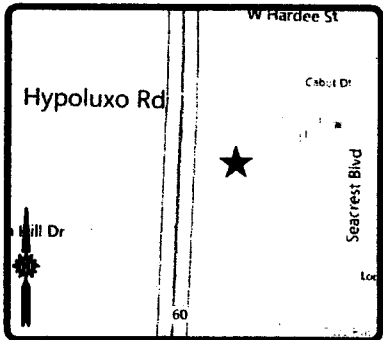
(P) DENOTES BEARING AND/OR DISTANCE
BASED ON PLAT OF RECORD

✓..... BREAK IN SCALE

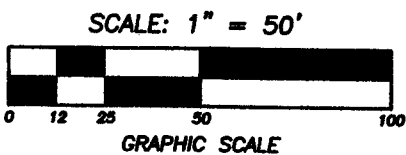
⊙..... CENTERLINE

O.R.B.... OFFICIAL RECORDS BOOK

NOTE:
SEE SHEET 1 FOR THE
LEGAL DESCRIPTION OF
THE SKETCH GRAPHICALLY
SHOWN HEREON.



LOCATION MAP
NOT TO SCALE



WATER MANAGEMENT TRACT
HY-CREST CENTER
PLAT BOOK 64, PAGES 177 AND 178,
P.B.C.R.

SKETCH NO.
FL1211-1861UE

WESTERLY
BOUNDARY
OF PARCEL "2"
(P)

OUTLINE OF
EXSITING BUILDING
(2/21/13)
SHEET 2 OF 2

