

Agenda Item #: 4A

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: February 4, 2014 [] 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 a portion of the unimproved 30 foot wide right-of-way lying within the plat of Palm Beach Farms Company Plat No. 9, as recorded in Plat Book 5, Page 58, Public Records of Palm Beach County, Florida and to execute a utility easement over the entire area to be abandoned.

SUMMARY: Adoption of this resolution will allow the petitioner, Arrigo Enterprises LLC, to abandon this portion of the unimproved right-of-way that is surrounded on all sides by their existing site to allow the petitioner greater flexibility in developing their property.

District 2 (MRE)

Background and Policy Issues: The owner, Arrigo Enterprises LLC, wants to provide for greater flexibility in establishing setbacks as well as improve the marketability of the site by removing this portion of the unimproved Palm Beach Farms right-of-way which encumbers their site.

Utility service providers have no objection to the vacation because a replacement easement has been provided. One easement covering the entire area to be abandoned will be reserved for water utilities, the only utility with interest there.

As provided in Palm Beach County Code Chapter 22. Article III, Road Abandonment and Plat Vacation (Ordinance 2002-034), the grant of easements within the entire length and width of the right-of-way negates the privilege fee.

Attachments:

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

Recommended by: J. Kella 12/10/2013 [Signature]
Division Director Date
Approved by: J. Wahl 1/6/13
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 Rovalesmen

III. REVIEW COMMENTS

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

[Signature]
OFMB 1/8/2014

[Signature]
Contract Dev. and Control
1-9-14 13/10/14

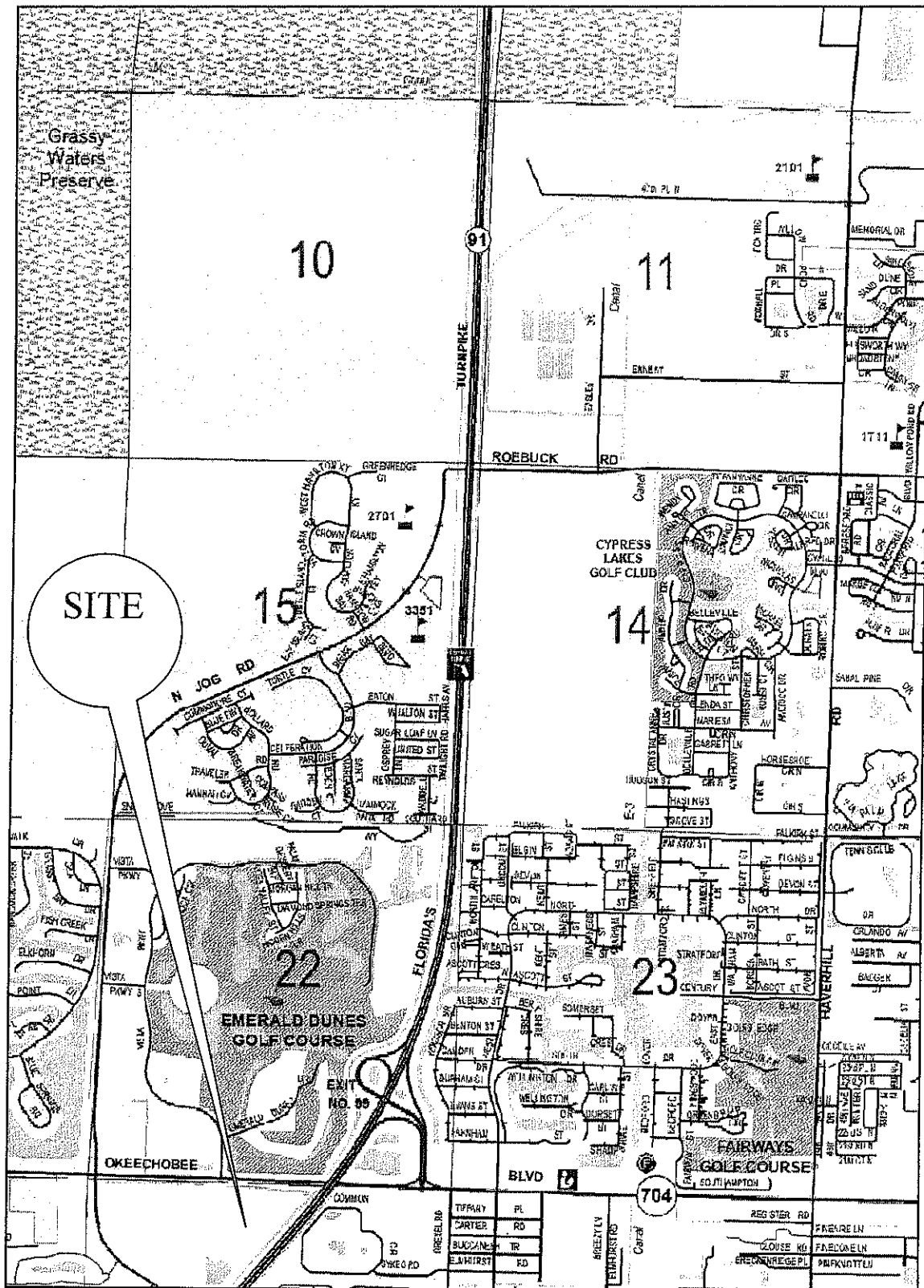
B. Approved as to Form and Legal Sufficiency:

[Signature]
Assistant County Attorney

C. Other Department Review:

Department Director

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



LOCATION SKETCH



ARRIGO ENTERPRISES LLC

RESOLUTION NO. R-2014-_____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ABANDONING ANY PUBLIC INTEREST IN A PORTION OF THE UNIMPROVED 30 FOOT WIDE RIGHT-OF-WAY LYING WITHIN THE PLAT OF PALM BEACH FARMS COMPANY PLAT NO. 9, AS RECORDED IN PLAT BOOK 5, PAGE 58, PUBLIC RECORDS OF PALM BEACH COUNTY, Florida, RESERVING ONE UTILITY 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 Arrigo Enterprises LLC, called a public hearing to be held in the County Commissioners' Chambers, at the Governmental Office Complex, West Palm Beach, Florida, on February 4, 2014, 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 a portion of the unimproved 30 foot wide right-of-way lying within the Plat of Palm Beach Farms Company Plat No. 9, as recorded in Plat Book 5, Page 58, Public Records of Palm Beach County, Florida, as set forth on the sketch and legal description set forth in Exhibit 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 19, 2014; and

WHEREAS, the Board is authorized to reserve and declare a utility easement over the entire area being abandoned for ingress and egress, construction, operation and maintenance of water and wastewater utilities upon, over and under all of the area to be abandoned as shown in Exhibit A; and

RESOLUTION NO. R-2014_____

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 a non-exclusive perpetual utility easement in, over, across, on, under and through the entire area to be abandoned, as described in Exhibit A, for water and wastewater utilities. This easement is given for the purpose of permitting the Palm Beach County Water Utilities Department to construct, maintain, replace and operate its facilities within the abandoned area. The utility easement created hereby shall constitute an easement running with the land and shall encumber and burden the abandoned area. The utility easement shall not be extinguished by operation of law, including without limitation, the doctrines of merger or unity of title and shall inure to the benefit of the Palm Beach County Water Utilities Department.
3. The right-of-way is hereby abandoned and closed as 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 B attached hereto and made a part hereof.
4. 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 County Code Chapter 22. Article III, Road Abandonment and Plat Vacation (Ordinance 2002-034).

RESOLUTION NO. R-2014-_____

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 Priscilla A. Taylor, Mayor

Commissioner Paulette Burdick, Vice Mayor

Commissioner Hal R. Valeche

Commissioner Shelley Vana

Commissioner Steven L. Abrams

Commissioner Mary Lou Berger

Commissioner Jess R. Santamaria

The Mayor thereupon declared the Resolution duly passed and adopted this _____ day of _____, 2014.

**PALM BEACH COUNTY, FLORIDA BY
ITS BOARD OF COUNTY COMMISSIONERS**

Sharon R. Bock, Clerk & Comptroller

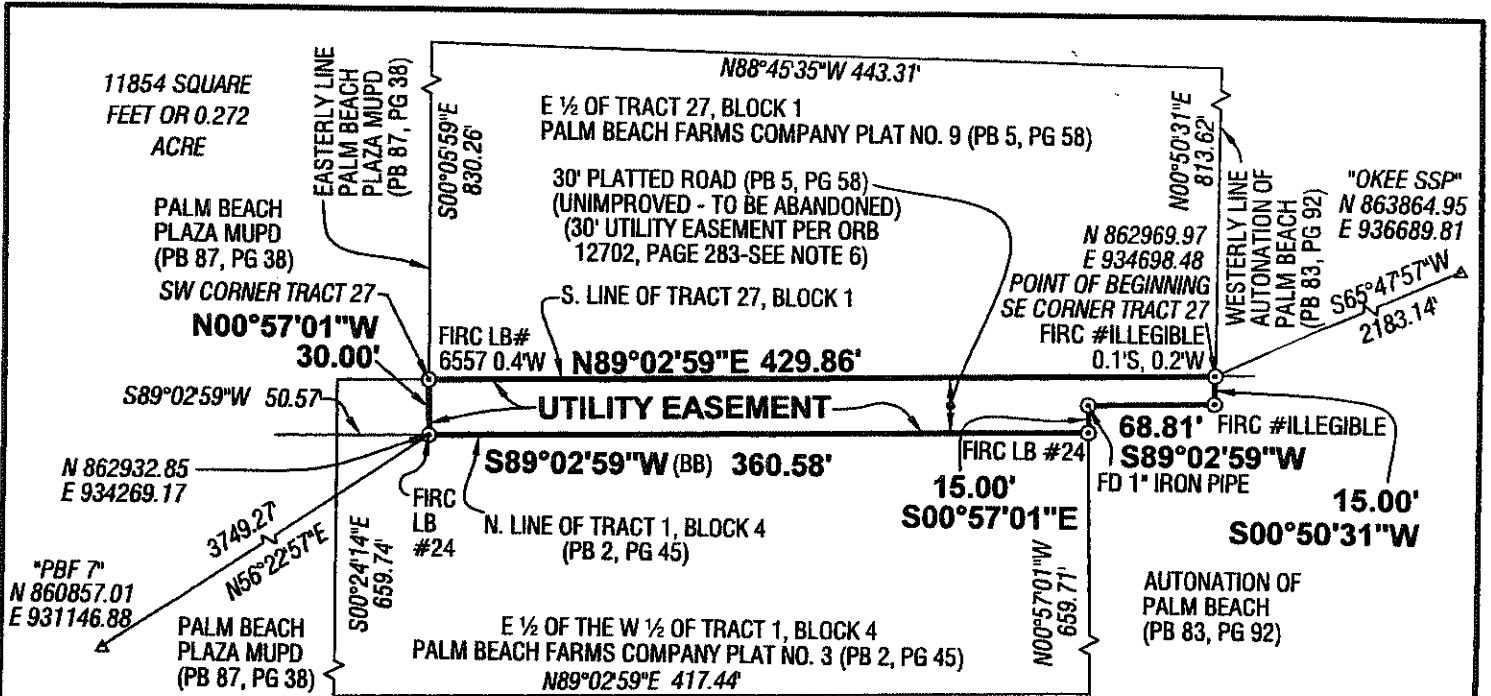
BY: _____
Deputy Clerk

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

BY: _____
County Attorney

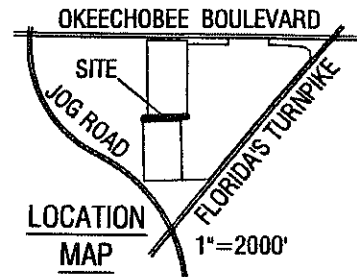
EXHIBIT A

Page 1 of 2



SURVEYOR'S NOTES:

1. THE N & E COORDINATES SHOWN HEREON ARE STATE PLANE GRID COORDINATES ACCORDING TO THE TRANSVERSE MERCATOR PROJECTION OF THE FLORIDA EAST ZONE, N.A.D. 83, PER THE 1990 ADJUSTMENT.
2. THE BEARING BASIS (BB) AS SHOWN HEREON, IS BASED ON THE STATE PLANE GRID AZIMUTH BEARING OF SOUTH 89°02'59" WEST, NORTH LINE OF TRACT 1, BLOCK 4, AS SHOWN HEREON, AND ALL OTHER BEARINGS ARE RELATIVE THERETO.
3. THE LINEAR DIMENSIONS SHOWN HEREON ARE GROUND DISTANCES IN U.S. FEET AND DECIMAL PARTS THEREOF.
4. THE GROUND DISTANCE TO GRID DISTANCE SCALE FACTOR IS 1.000030 (GROUND DISTANCE x SCALE FACTOR = GRID DISTANCE)
5. NO SEARCH OF THE PUBLIC RECORDS WERE PERFORMED BY THIS OFFICE.
6. PER TITLE SEARCH REPORT PREPARED BY STATEWIDE LAND TITLE HAVING AN EFFECTIVE DATE OF JULY 24, 2013 AND SLTI FILE NO.13-12960, NO INSTRUMENTS OF RECORD PURPORTING TO CREATE A MORTGAGE OR OTHER ENCUMBRANCE ON THE PROPERTY WERE FOUND, EXCEPTING THE UTILITY EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 12702, PAGE 283, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, WHICH ENCUMBERS THE ENTIRE SUBJECT PROPERTY DESCRIBED HEREON. HOWEVER, THE REPORT STATES THAT THE GRANTORS OF THE EASEMENT DID NOT HOLD TITLE TO THE SUBJECT PARCEL WHEN THEY GRANTED THE EASEMENT.



LEGEND

- CLF = CHAINLINK FENCE
- FD = FOUND
- FIRC = FOUND IRON REBAR & CAP
- MH = MANHOLE
- ORB = OFFICIAL RECORDS BOOK
- PB = PLAT BOOK
- PG = PAGE
- WM = WATER METER
- WP = WOOD UTILITY POLE
- WV = WATER VALVE
- △ = FOUND PALM BEACH COUNTY HORIZONTAL CONTROL MONUMENT
- = OVERHEAD UTILITY LINES
- = TOP OF BANK
- = TOE OF SLOPE



NOTE: THIS IS NOT A SURVEY

SEE SHEET 1 OF 2 FOR LEGAL DESCRIPTION

SKETCH OF:

UTILITY EASEMENT

ASSOCIATED LAND SURVEYORS, INC.

4152 West Blue Heron Boulevard, Suite 121, Riviera Beach, FL 33404-4859
 Phone (561) 848-2102 L.B. NO. 7344 Fax (561) 844-9659 EMAIL: als@alssurvey.net



FILE: 04-0018-UE.DWG	DATE: 11-18-2013	BY: DJC	CKD:	W.O.#: 04-0018.C	SHEET 2 OF 2
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EXHIBIT A

Page 2 of 2

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF THE 30 FOOT PLATTED ROADWAY LYING BETWEEN THE SOUTH LINE OF TRACT 27, BLOCK 1, PALM BEACH FARMS COMPANY PLAT NO. 9, AS RECORDED IN PLAT BOOK 5, PAGE 58, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA AND THE NORTH LINE OF TRACT 1, BLOCK 4, PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGE 45, SAID PUBLIC RECORDS; SAID PARCEL BEING SPECIFICALLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SAID TRACT 27, BLOCK 1, BEING A POINT ON THE WESTERLY BOUNDARY OF AUTONATION OF PALM BEACH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 83, PAGE 92, SAID PUBLIC RECORDS; THENCE, SOUTH 00°50'31" WEST, ALONG SAID WESTERLY BOUNDARY, A DISTANCE OF 15.00 FEET TO A CORNER ON SAID PLAT BOUNDARY; THENCE, SOUTH 89°02'59" WEST, CONTINUING ALONG SAID PLAT BOUNDARY, A DISTANCE OF 68.81 TO A CORNER ON SAID PLAT BOUNDARY; THENCE, SOUTH 00°57'01" EAST, CONTINUING ALONG SAID PLAT BOUNDARY, A DISTANCE OF 15.00 FEET TO THE INTERSECTION THEREOF WITH THE SAID NORTH LINE OF TRACT 1, BLOCK 4; THENCE, SOUTH 89°02'59" WEST, ALONG SAID NORTH LINE, DEPARTING SAID PLAT BOUNDARY, A DISTANCE OF 360.58 FEET; THENCE, NORTH 00°57'01" WEST, DEPARTING SAID NORTH LINE OF TRACT 1, A DISTANCE OF 30.00 FEET TO THE SOUTHWEST CORNER OF SAID TRACT 27, BLOCK 1; THENCE, NORTH 89°02'59" EAST, ALONG THE SOUTH LINE OF SAID TRACT 27, BLOCK 1, A DISTANCE OF 429.86' FEET TO THE POINT OF BEGINNING.

CONTAINING: 11,854 SQUARE FEET OR 0.272 ACRES, MORE OR LESS

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, AND RIGHTS-OF-WAY OF RECORD.

I HEREBY CERTIFY THAT THIS DESCRIPTION AND ATTACHED SKETCH, AS PREPARED UNDER MY DIRECTION, ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND MEET THE MINIMUM TECHNICAL STANDARDS SET FORTH IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, AS ADOPTED BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS PURSUANT TO FLORIDA STATUTE 472.027

BY:


STEPHEN L. SHIRLEY, P.S.M. 3918

DATE: 11-11-2013

NOTE: THIS IS NOT A SURVEY

LEGAL DESCRIPTION OF:

UTILITY EASEMENT

SEE SHEET 2 OF 2 FOR SKETCH



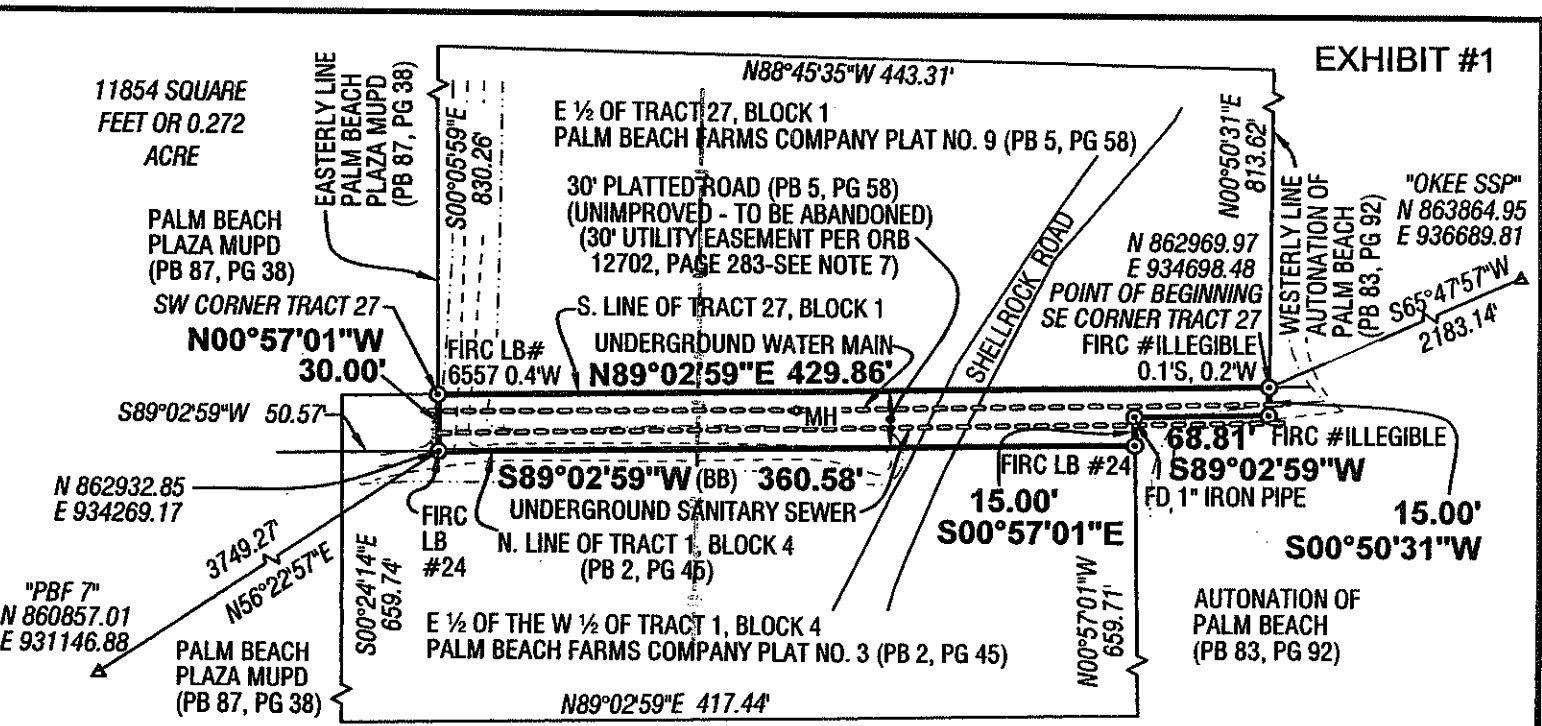
ASSOCIATED LAND SURVEYORS, INC.

4152 West Blue Heron Boulevard, Suite 121, Riviera Beach, FL 33404-4859
Phone (561) 848-2102 L.B. NO. 7344 Fax (561) 844-9659 EMAIL: als@alssurvey.net

FILE: 04-0018-UE.DWG | DATE: 11-11-2013 | BY: SLS | CKD: | W.O.#: 04-0018.C | SHEET 1 OF 2

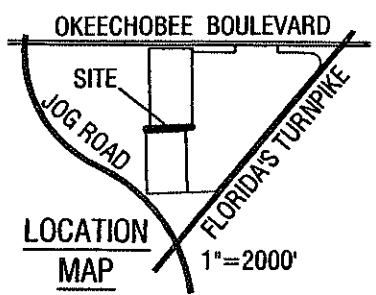
EXHIBIT B

Page 1 of 2

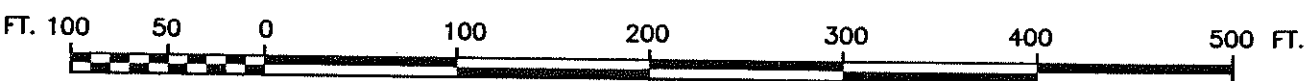


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5. NO SEARCH OF THE PUBLIC RECORDS WERE PERFORMED BY THIS OFFICE.
6. THE UNDERGROUND WATER AND SANITARY LINE LOCATIONS SHOWN HEREON ARE AS PROVIDED BY OTHERS; NO OTHER BELOW GROUND IMPROVEMENTS/STRUCTURES, IF ANY, HAVE BEEN LOCATED.
7. PER TITLE SEARCH REPORT PREPARED BY STATEWIDE LAND TITLE HAVING AN EFFECTIVE DATE OF JULY 24, 2013 AND SLTI FILE NO.13-12960, NO INSTRUMENTS OF RECORD PURPORTING TO CREATE A MORTGAGE OR OTHER ENCUMBRANCE ON THE PROPERTY WERE FOUND, EXCEPTING THE UTILITY EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 12702, PAGE 283, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, WHICH ENCUMBERS THE ENTIRE SUBJECT PROPERTY DESCRIBED HEREON. HOWEVER, THE REPORT STATES THAT THE GRANTORS OF THE EASEMENT DID NOT HOLD TITLE TO THE SUBJECT PARCEL WHEN THEY GRANTED THE EASEMENT.



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SEE SHEET 1 OF 2 FOR LEGAL DESCRIPTION

ROAD ABANDONMENT 30' PLATTED ROAD SOUTH OF TRACT 27, BLOCK 1 PALM BEACH FARMS COMPANY PLAT NO. 9 (PLAT BOOK 5, PAGE 58)



ASSOCIATED LAND SURVEYORS, INC.

REVISED: 9-25-2013

4152 West Blue Heron Boulevard, Suite 121, Riviera Beach, FL 33404-4859
 Phone (561) 848-2102 L.B. NO. 7344 Fax (561) 844-9659 EMAIL: als@alssurvey.net

FILE: 30rPBFrdABAN	DATE: 5-31-2013	BY: DJC	CKD:	W.O.#: 04-0018.C	SHEET 2 OF 2
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EXHIBIT #1

LEGAL DESCRIPTION

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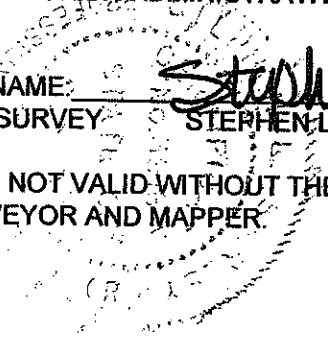
CONTAINING: 11,854 SQUARE FEET OR 0.272 ACRES, MORE OR LESS

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, AND RIGHTS-OF-WAY OF RECORD.

CERTIFICATION: I HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY DESCRIBED HEREON, AND THAT THIS SKETCH OF SURVEY IS ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT THIS SURVEY COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS AS SET FORTH IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE.

05-31-2013 NAME: Stephen L. Shirley
DATE OF FIELD SURVEY: STEPHEN L. SHIRLEY, P.S.M. 3918

THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.



BOUNDARY SURVEY OF:

ROAD ABANDONMENT 30' PLATTED ROAD SOUTH OF TRACT 27, BLOCK 1 SEE SHEET 2 OF 2 FOR
PALM BEACH FARMS COMPANY PLAT NO. 9 (PLAT BOOK 5, PAGE 58) MAP OF SURVEY



ASSOCIATED LAND SURVEYORS, INC.

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REVISED: 9-25-2013

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