

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

Meeting Date: February 4, 2014 Consent Regular
 Workshop 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 a 20.10 foot wide drainage easement within a portion of Parcel B-2 of the plat of Boynton Beach Enterprise Center Plat No. 2, as recorded in Plat Book 79, Page 152, Public Records of Palm Beach County, Florida.

SUMMARY: Adoption of this resolution will allow the petitioner, BHC Holdings, LL, LLC, to abandon a portion of the easement in excess of requirements and allow for redevelopment of the site. The petition site is located east of Florida's Turnpike and south of Boynton Beach Boulevard.

District 5 (MRE)

Background and Policy Issues: The owner, BHC Holdings LL, LLC, is in the process of site plan approval to replat Bethesda Health Care Multiple Use Planned Development. A portion of this easement is in excess of requirements 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

Recommended by: Joanne L. Keller 01/07/2014 [Signature]
Division Director Date

Approved by: Sy T. Wald 1/13/14 _____
County Engineer Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2014	2015	2016	2017	2018
Capital Expenditures	\$ <u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Operating Costs	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
External Revenues	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Program Income (County)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
In-Kind Match (County)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
NET FISCAL IMPACT	\$ <u>-0-*</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
# 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:

Ms. Susan H. Straub
OFMB 3/10 3/15 1/15

Dr. J. Jacobson 1117114
Contract Dev. and Control

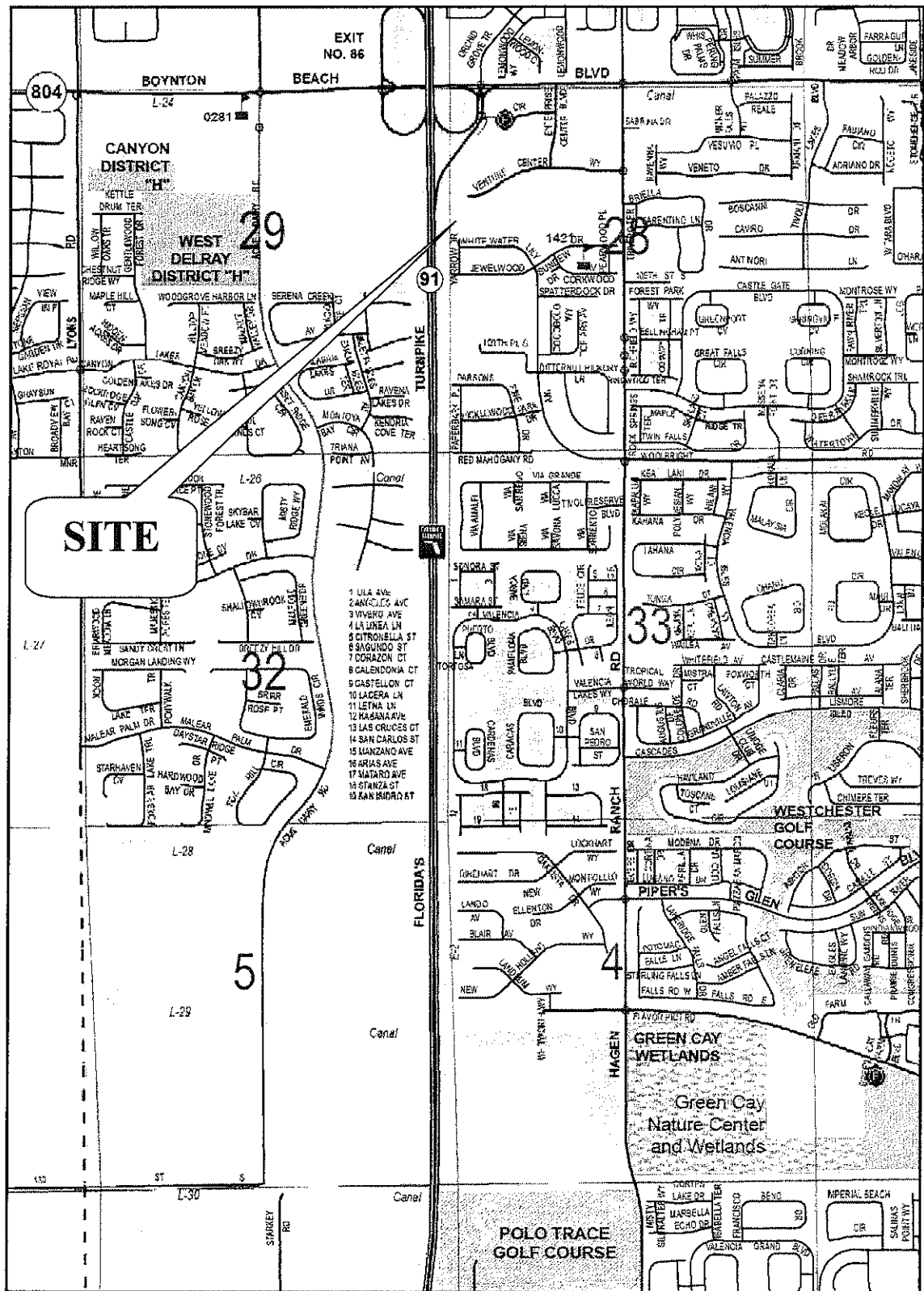
B. Approved as to Form and Legal Sufficiency:

Marlene R. Pettit 1/21/14
Assistant County Attorney

C. Other Department Review:

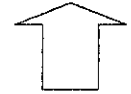
Department Director

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



LOCATION SKETCH

BOYNTON BEACH ENTERPRISE CENTER PLAT NO. 2
ABANDONMENT OF
A PORTION OF A 20.10 FT. DRAINAGE EASEMENT



N
(not to scale)

RESOLUTION NO. R-2014-_____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, VACATING A PORTION OF A 20.10 FOOT WIDE DRAINAGE EASEMENT WITHIN A PORTION OF PARCEL B-2 OF THE PLAT OF BOYNTON BEACH ENTERPRISE CENTER PLAT NO. 2, AS RECORDED IN PLAT BOOK 79, PAGE 152, 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) and the petition of BHC Holdings, LL, 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 Palm Beach County would vacate, abandon, discontinue and close, renounce and disclaim any right or interest of the public in and for that portion of a platted 20.10 foot wide drainage easement as set forth on the sketch and legal description set forth in Exhibit A 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, 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 portion of the drainage easement is hereby abandoned and closed as a drainage easement and this Board does hereby renounce and disclaim

RESOLUTION NO. R-2014-_____

any right or interest of the County and the Public in and to the drainage easement, 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 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 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

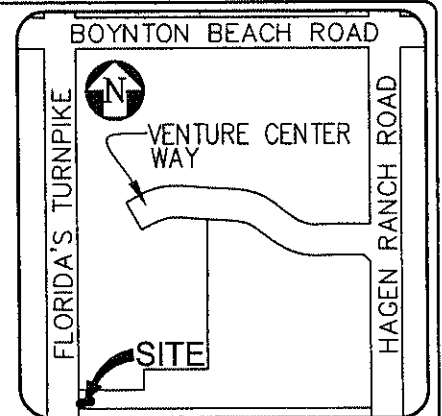
EXHIBIT A

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NOT VALID WITHOUT ACCOMPANYING SHEETS 2 AND 3

DESCRIPTION

A PARCEL OF LAND SITUATED IN SECTION 28, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF PARCEL B-2 OF THE PLAT OF BOYNTON BEACH ENTERPRISE CENTER PLAT NO. 2 AS RECORDED IN PLAT BOOK 79 AT PAGE 152 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, ALSO BEING A PORTION OF A 20 FOOT DRAINAGE EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 11728 AT PAGE 1200 OF THE SAID PUBLIC RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:



LOCATION MAP
N.T.S.

COMMENCING AT THE SOUTHWEST CORNER OF SAID PARCEL B-2; THENCE, ALONG THE WEST LINE OF PARCEL B-2, NORTH 00°24'18" WEST, A DISTANCE OF 19.95 FEET TO A POINT ON THE SOUTH LINE OF SAID 20 FOOT DRAINAGE EASEMENT; SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE, FROM THE POINT OF BEGINNING, CONTINUING ALONG SAID WEST LINE, NORTH 00°24'18" WEST, A DISTANCE OF 20.10 FEET TO A POINT ON THE NORTH LINE OF SAID 20 FOOT DRAINAGE EASEMENT; THENCE, DEPARTING SAID WEST LINE AND ALONG SAID NORTH LINE, NORTH 83°54'32" EAST, A DISTANCE OF 50.25 FEET TO A POINT ON THE EAST LINE OF THAT CERTAIN 50 FOOT EASEMENT CONVEYED TO THE LAKE WORTH DRAINAGE DISTRICT AS RECORDED IN OFFICIAL RECORDS BOOK 9045 AT PAGE 1065 OF THE SAID PUBLIC RECORDS OF PALM BEACH COUNTY; THENCE, DEPARTING SAID NORTH LINE AND ALONG SAID EAST LINE SOUTH 00°24'18" EAST, A DISTANCE OF 20.10 FEET TO A POINT ON THE SAID SOUTH LINE OF SAID 20 FOOT DRAINAGE EASEMENT; THENCE, ALONG SAID SOUTH LINE SOUTH 83°54'32" WEST, A DISTANCE OF 50.25 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 1004.9 SQUARE FEET OR 0.02307 ACRES MORE OR LESS.

SURVEYOR'S NOTES

1. THE SURVEY DEPICTED HEREON IS CLASSIFIED AS A SPECIFIC PURPOSE SURVEY AS DEFINED IN CHAPTER 5J-17.050(10)(j), FLORIDA ADMINISTRATIVE CODE. THE PURPOSE OF THIS SURVEY IS TO DEPICT THE AREA OF A 20' WIDE DRAINAGE EASEMENT RECORDED IN OFFICIAL RECORD BOOK 11728, PAGE 1200 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING VACATED. BOUNDARY CORNERS WERE NOT SET IN THE FIELD.
2. BEARINGS SHOWN HEREON ARE BASED UPON STATE PLANE GRID, FLORIDA EAST NAD 83 1990 ADJUSTMENT OF THE WEST LINE OF BOYNTON BEACH ENTERPRISE CENTER PLAT NO. 2, RECORDED IN PLAT BOOK 79, PAGES 152 THROUGH 155, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AS SHOWN HEREON, SAID LINE HAVING A BEARING OF N00°24'18"W, AND ALL OTHER BEARINGS ARE RELATIVE THERETO.
3. COORDINATES SHOWN HEREON ARE BASED ON THE FLORIDA STATE PLANE COORDINATE GRID, EAST ZONE, USING THE NORTH AMERICAN DATUM OF 1983 WITH THE 1990 ADJUSTMENT (NAD 83-90). SCALE FACTOR: 1.0000263
GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE
BEARING BASE IS GRID NO ROTATION
4. UNDER GROUND UTILITIES WERE NOT SEARCHED FOR OR LOCATED BY ENGENUITY GROUP, INC.

SURVEYOR'S NOTES CONTINUED ON SHEET 2

1 3	DATE	12-04-13
	SCALE	NONE
	CAD FILE	5013.07ABANDSPECPURP
	PROJECT	5013.07
	JOB NO.	5013.07
	DRAWN	STAFF
	CHECKED	K.BECK

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ENGENUITY GROUP, INC. THIS
DRAWING IS PROVIDED FOR
INFORMATIONAL PURPOSES
ONLY, UNLESS SIGNED AND
SEALED BY A REGISTERED
PROFESSIONAL SURVEYOR AND
MAPPER REPRESENTING
ENGENUITY GROUP, INC.

SPECIFIC PURPOSE SURVEY
FOR
EASEMENT ABANDONMENT



NOT VALID WITHOUT ACCOMPANYING SHEETS 1 AND 3

SURVEYOR'S NOTES CONTINUED

- 5. THIS SURVEY IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. OTHERWISE THIS MAP IS FOR INFORMATIONAL PURPOSES ONLY.
- 6. LAST DATE OF FIELD SURVEY: MARCH 6, 2013
- 7. ALL DISTANCES SHOWN HEREON ARE IN U.S. FEET AND DECIMAL PARTS THEREOF UNLESS OTHERWISE NOTED.
- 8. ADDITIONS OR DELETIONS TO THIS SURVEY MAP BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
- 9. ACCURACY STATEMENT: A FIELD SURVEY WAS PERFORMED IN ACCORDANCE WITH CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027 FLORIDA STATE STATUTES FOR TOPOGRAPHIC SURVEYS. THE ACCURACY OF CONTROL DATA WAS VERIFIED BY REDUNDANT MEASUREMENTS OF TRAVERSE CLOSURES AND EXCEEDS COMMERCIAL/HIGH RISK: LINEAR: 1 FOOT IN 10,000 FEET.
- 9. THIS MAP IS INTENDED TO BE DISPLAYED AT A SCALE OF 1/360 OR SMALLER.
- 10. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THIS OFFICE.
- 11. THIS SURVEY IS BASED ON INFORMATION FURNISHED BY THE CLIENT OR THE CLIENT'S REPRESENTATIVE.
- 12. ALL DOCUMENT RECORDING REFERENCES SHOWN HEREON REFER TO THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.
- 13. THIS SURVEY WAS PREPARED AS A RESULT OF A BOUNDARY SURVEY PREPARED FOR BETHESDA HEALTH CARE MUPD BY ENGENUITY GROUP, INC. DATED MARCH 13, 2013 AND LAST UPDATED ON MARCH 19, 2013, PROJECT NUMBER 5013.07. SAID BOUNDARY SURVEY WAS PREPARED WITH THE BENEFIT OF A TITLE REPORT BY STATEWIDE LAND TITLE, INC., SLTI FILE NO. 13-12697, WITH AN EFFECTIVE DATE OF FEBRUARY 11, 2013 AT 8:00 AM.
- 14. THERE WERE NO VISIBLE ABOVE GROUND UTILITIES NOTED WITHIN THE AREA TO BE ABANDONED AS OF THE LAST DATE OF FIELD SURVEY.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE SKETCH REPRESENTED HEREON COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS, AS SET FORTH BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS PURSUANT TO SECTION 472.027 FLORIDA STATUTES.



KEVIN M. BECK, P.S.M.
PROFESSIONAL SURVEYOR AND MAPPER
STATE OF FLORIDA LICENSE NO. 6168
STATE OF FLORIDA LB#6603

SHEET NO.	2	DATE	12-04-13
	3	SCALE	NONE
		CAD FILE	5013.07ABANDSPEC.PURP
		PROJECT	5013.07
		DRAWN	STAFF
JOB NO. 5013.07	CHECKED	K.BECK	

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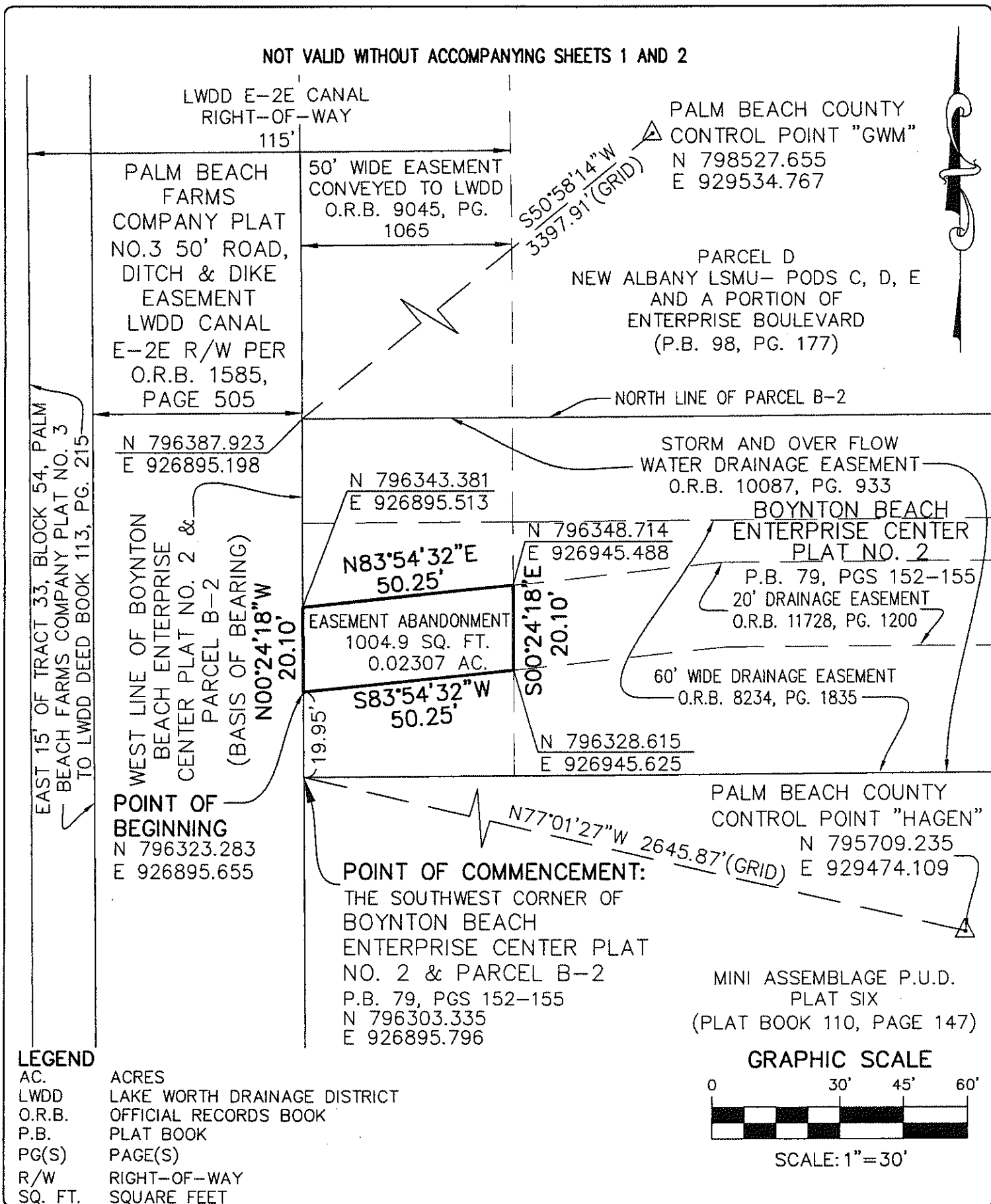
**SPECIFIC PURPOSE SURVEY
FOR
EASEMENT ABANDONMENT**



EXHIBIT A

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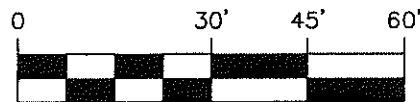
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LEGEND

- AC. ACRES
- LWDD LAKE WORTH DRAINAGE DISTRICT
- O.R.B. OFFICIAL RECORDS BOOK
- P.B. PLAT BOOK
- PG(S) PAGE(S)
- R/W RIGHT-OF-WAY
- SQ. FT. SQUARE FEET

GRAPHIC SCALE



SCALE: 1" = 30'

3	DATE	12-04-13
	SCALE	1"=30'
3	CAD FILE	5013.07ABANDSPECPURP
	PROJECT	5013.07
JOB NO. 5013.07	DRAWN	STAFF
	CHECKED	K.BECK

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**SPECIFIC PURPOSE SURVEY
FOR
EASEMENT ABANDONMENT**



1201 BELVEDERE ROAD, WEST PALM BEACH, FLORIDA 33405
PH (561)655-1151 • FAX (561)632-9350 • WWW.ENGENUITYGROUP.COM