

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

Meeting Date: May 6, 2014

☒ Consent  
☐ Workshop

☐ Regular  
☐ 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 vacate a portion of a three foot wide utility easement along the north line of Lot 1 of the plat of Okeechobee Garden Estates, as recorded in Plat Book 23, Page 181, 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 east of Military Trail, on the north side of Okeechobee Boulevard.

District 7 (MRE)

**Background and Justification:** The owner, West Okeechobee Commercial, LLC, is in the process of site plan approval to replat the property. The portion of this 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

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

Division Director

03/26/2014 \_\_\_\_\_  
Date

Approved by: \_\_\_\_\_

County Engineer

4/11/14 \_\_\_\_\_  
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: \_\_\_\_\_

*Alii Kovalainen*

## III. REVIEW COMMENTS

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

*4/14*  
*4/15/14*  
*OFMB*  
*4/14*

*4/15/14*  
*Contract Dev. and Control*  
*4-15-14 Richard*

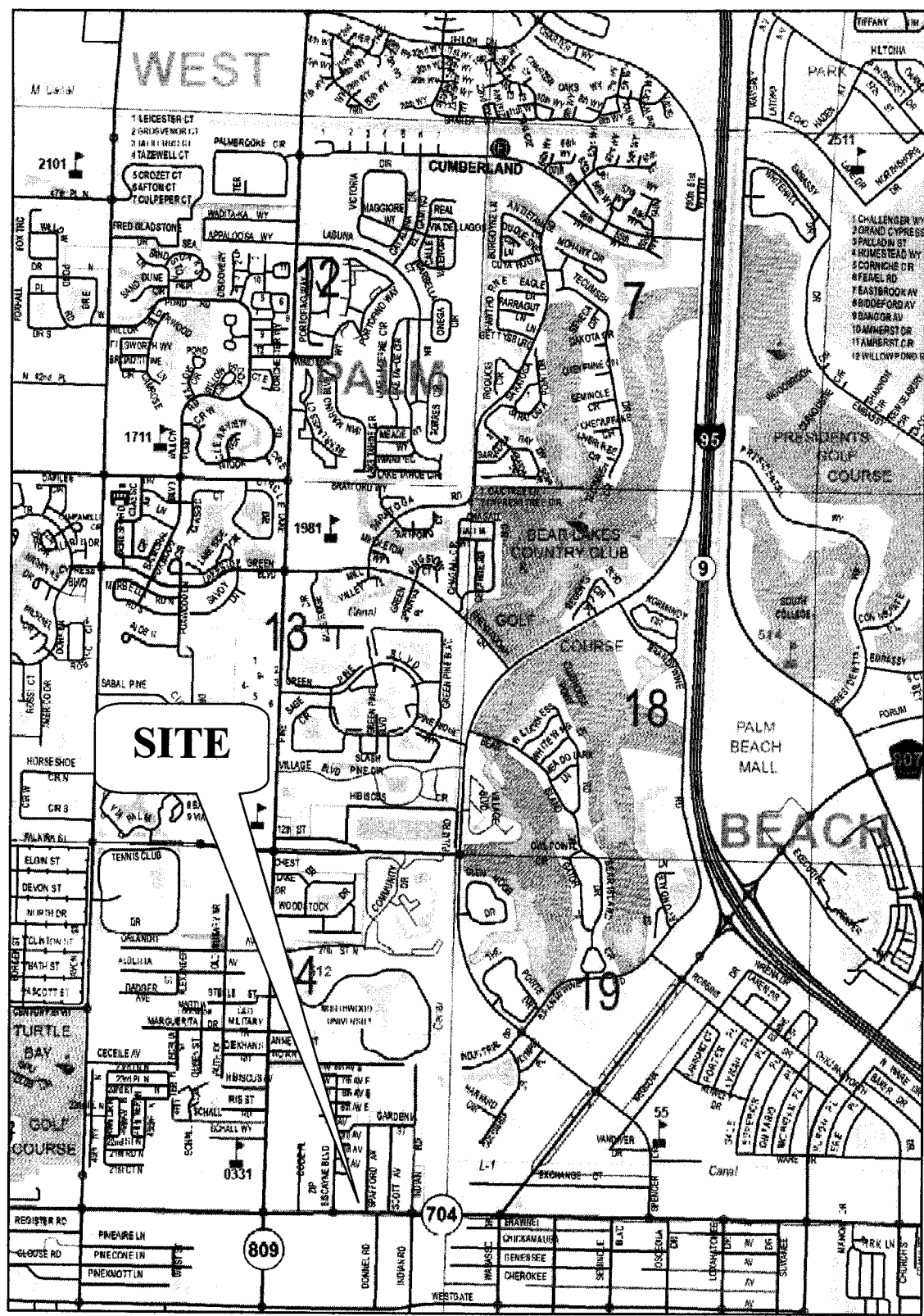
### B. Approved as to Form and Legal Sufficiency:

*4/17/14*  
*Assistant County Attorney*

### C. Other Department Review:

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

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



LOCATION SKETCH



(not to scale)

ABANDONMENT OF UTILITY EASEMENT WITHIN THE  
NORTH THREE FEET OF LOT 1, OKEECHOBEE GARDEN  
ESTATES, PER PLAT BOOK 23, PAGE 181, PUBLIC RECORDS,  
PALM BEACH COUNTY, FLORIDA.

**RESOLUTION NO. R-2014-\_\_\_\_\_**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, VACATING A PORTION OF A THREE FOOT WIDE UTILITY EASEMENT ALONG THE NORTH LINE OF LOT 1 OF THE PLAT OF OKEECHOBEE GARDEN ESTATES, AS RECORDED IN PLAT BOOK 23, PAGE 181, 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 West Okeechobee Commercial, 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 May 6, 2014, 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

**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.

**RESOLUTION NO. R-2014-\_\_\_\_\_**

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 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 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

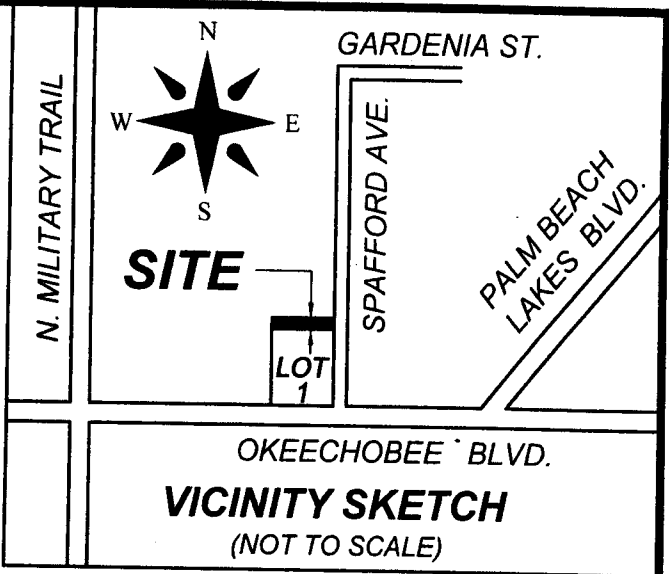
EXHIBIT A

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PETITION TO ABANDON/VACATE EASEMENT  
SPECIAL PURPOSE SURVEY FOR:  
WEST OKEECHOBEE  
COMMERCIAL, LLC

SHEET INDEX

SHEET 1 OF 4	INDEX, LEGAL DESCRIPTION OF PETITION SITE, CERTIFICATION
SHEET 2 OF 4	SURVEY LEGEND & NOTES
SHEET 3 OF 4	MAP OF SURVEY (OVERALL LOT 1)
SHEET 4 OF 4	MAP OF SURVEY PETITION SITE



THIS SPECIAL PURPOSE SURVEY IS MADE SPECIFICALLY AND ONLY FOR THE FOLLOWING PARTIES FOR THE PURPOSE OF EASEMENT ABANDONMENT ON THE SURVEYED PROPERTY.

WEST OKEECHOBEE COMMERCIAL, LLC  
LANDMARK TITLE OF FLORIDA, INC.  
ATTORNEYS' TITLE INSURANCE FUND, INC.  
ANCHOR COMMERCIAL BANK, ITS SUCCESSORS AND/OR ASSIGNS  
KOHL & ASSOC. PLC

THE UNDERSIGNED SURVEYOR ASSUMES NO RESPONSIBILITY OR LIABILITY FOR ANY OTHER PURPOSE OR TO ANY OTHER PARTY OTHER THAN STATED ABOVE.

PROPERTY ADDRESS:  
4237 OKEECHOBEE BOULEVARD  
WEST PALM BEACH, FL

LEGAL DESCRIPTION: (PETITION SITE, PLATTED 3 FOOT WIDE  
UTILITY EASEMENT TO BE ABANDONED)

THE NORTH 3 FEET OF LOT 1, BEING A 3 FOOT WIDE UTILITY EASEMENT ACCORDING TO THE PLAT OF OKEECHOBEE GARDEN ESTATES, AS RECORDED IN PLAT BOOK 23, PAGE 181, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING IN ALL, 415.8 SQUARE FEET, MORE OR LESS.

CERTIFICATION:  
I HEREBY ATTEST THAT THE SURVEY SHOWN HEREON MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS ADOPTED IN RULE 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, EFFECTIVE SEPTEMBER 1, 1981.

DATE OF LAST FIELD SURVEY: 08/09/2013

NOTE: THIS SURVEY CONSISTS OF 4 SHEETS  
AND IS NOT VALID WITHOUT ALL 4 SHEETS  
FORMING A COMPLETE SET.

ROBERT J. CAJAL  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA CERTIFICATE NO. 6266

REVISED 03/07/14, REVISE BEARINGS FOR SECTION LINE, TIES TO NE & NW CORNERS & NOTE #11, R.C.  
REVISED 02/18/14, RESPOND TO SURVEY SECTION COMMENTS REPORT DATED 01/22/14, REVISE LEGEND, R.C.

 <b>WALLACE SURVEYING</b> CORP. LICENSED BUSINESS # 4569 5553 VILLAGE BOULEVARD, WEST PALM BEACH, FLORIDA 33407 * (561) 640-4551	DATE: 08/09/13	DWG. No.: 07-1328-2
	OFFICE: R.C.	SHEET: 1 OF 4
	C'K'D.: R.C.	JOB No.: 07-1328.6

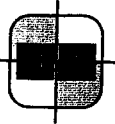
PETITION TO ABANDON/VACATE EASEMENT  
LEGEND, NOTES TO SURVEY

LEGEND

BLDG.	= BUILDING	PG.	= PAGE
B.O.W.	= BACK OF WALK	R/W	= RIGHT OF WAY
C/L, $\mathcal{C}$	= CENTERLINE	S.F.	= SQUARE FEET
CONC.	= CONCRETE	TYP.	= TYPICAL
E.O.P.	= EDGE OF PAVEMENT	U.E.	= UTILITY EASEMENT
D.B.	= DEED BOOK	▲	= MAG NAIL FOUND
D.E.	= DRAINAGE EASEMENT	Ⓐ	= MAG NAIL & DISK FOUND (AS NOTED)
L.B.	= LICENSE BOARD	Ⓢ	= MAG NAIL & "WALLACE " DISK SET
O/H	= OVERHEAD UTILITY LINE	●	= 5/8" IRON ROD FOUND
O.R.B.	= OFFICIAL RECORD BOOK	●	= 5/8" IRON ROD & CAP FOUND (AS NOTED)
(P)	= PLAT DATUM	Ⓢ, Ⓢ	= UTILITY POLE
P.B.	= PLAT BOOK	Ⓢ	= FIRE HYDRANT
P.B.C.	= PALM BEACH COUNTY	Ⓢ	= WATER METER
		Ⓢ	= WATER/SANITARY VALVE
		Ⓢ	= LIGHT POLE

NOTES:

- ALL INFORMATION REGARDING RECORD EASEMENTS, ADJOINERS, AND OTHER DOCUMENTS THAT MIGHT AFFECT THE QUALITY OF TITLE TO TRACT SHOWN HEREON WAS GAINED FROM TITLE SEARCH REPORT NUMBER 06-2013-007847, ISSUED BY ATTORNEYS' TITLE FUND SERVICES, LLC, DATED JULY 8, 2013. THIS OFFICE HAS MADE NO SEARCH OF THE PUBLIC RECORDS.
- UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR OR MAPPER AND IS ACCOMPANIED BY ALL 4 SHEETS MAKING A COMPLETE SET, THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.
- THIS SURVEY CANNOT BE TRANSFERRED OR ASSIGNED WITHOUT THE SPECIFIC WRITTEN PERMISSION OF WALLACE SURVEYING CORPORATION. CERTIFICATE OF AUTHORIZATION NUMBER LB4569.
- EXCEPT AS SHOWN, UNDERGROUND AND OVERHEAD IMPROVEMENTS ARE NOT LOCATED. UNDERGROUND FOUNDATIONS NOT LOCATED.
- THE SURVEY SKETCH SHOWN HEREON DOES NOT NECESSARILY CONTAIN ALL OF THE INFORMATION OBTAINED OR DEVELOPED BY THE UNDERSIGNED SURVEYOR IN HIS FIELD WORK, OFFICE WORK OR RESEARCH.
- ALL DATES SHOWN WITHIN THE REVISIONS BLOCK HEREON ARE FOR INTEROFFICE FILING USE ONLY AND IN NO WAY AFFECT THE DATE OF THE FIELD SURVEY STATED HEREIN.
- IN SOME INSTANCES, GRAPHIC REPRESENTATIONS HAVE BEEN EXAGGERATED TO MORE CLEARLY ILLUSTRATE THE RELATIONSHIPS BETWEEN PHYSICAL IMPROVEMENTS AND/OR LOT LINES. IN ALL CASES, DIMENSIONS SHOWN SHALL CONTROL THE LOCATION OF THE IMPROVEMENTS OVER SCALED POSITIONS.
- IT IS A VIOLATION OF RULE 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE TO ALTER THIS SURVEY WITHOUT THE EXPRESS PRIOR WRITTEN CONSENT OF THE SURVEYOR. ADDITIONS AND/OR DELETIONS MADE TO THE FACE OF THIS SURVEY WILL MAKE THIS SURVEY INVALID.
- THE OWNERSHIP OF FENCES, PERIMETER WALLS AND/OR HEDGES SHOWN HEREON ARE NOT KNOWN AND THUS ARE NOT LISTED AS ENCROACHMENTS. FENCES, HEDGES AND/OR PERIMETER WALLS ARE SHOWN IN THEIR RELATIVE POSITION TO THE BOUNDARY.
- THE EXPECTED HORIZONTAL ACCURACY OF THE INFORMATION SHOWN HEREON IS +/- 0.10'.
- BEARINGS SHOWN HEREON ARE GRID AND ARE BASED ON THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 43 SOUTH, RANGE 42 EAST WHICH BEARS SOUTH 01°14'33" WEST, AND ALL OTHER BEARINGS SHOWN HEREON ARE RELATIVE THERETO.
- COORDINATES SHOWN ARE GRID.
- DATUM = NAD 83, 1990 ADJUSTMENT.
- ZONE = FLORIDA EAST
- LINEAR UNIT = US FOOT
- ALL DISTANCES ARE GROUND.
- SCALE FACTOR = 1.00003864
- GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE



**WALLACE**

**SURVEYING**

CORP. LICENSED BUSINESS # 4569

5553 VILLAGE BOULEVARD, WEST PALM BEACH, FLORIDA 33407 \* (561) 640-4551

DATE: 08/09/13

DWG. No.: 07-1328-2

OFFICE: R.C.

SHEET: 2 OF 4

C'K'D.: R.C.

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