

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

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<b>Meeting Date:</b> May 20, 2014	<b>[X] Consent</b>	<b>[ ] Regular</b>
	<b>[ ] Workshop</b>	<b>[ ] Public Hearing</b>

**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 abandon a portion of that certain 10 foot wide utility easement recorded in Official Records Book 24147, Page 1380, also being a parcel of land lying within a portion of Tract "A," Amestoy Plat Two – 14 Acre Parcel, according to the plat thereof, as recorded in Plat Book 115, Page 156 through 159 and a portion of Tracts 106 and 107, Block 51, Palm Beach Farms Co. Plat No. 3 as recorded in Plat Book 2, Pages 45 through 54, all of the Public Records of Palm Beach County, Florida.

**SUMMARY:** Adoption of this resolution will allow Boynton School Property, LLC, and Boynton Beach Associates XXII, LLLP (owners), to vacate this easement to clear the land of this encumbrance to meet the requirement to dedicate right-of-way for a turn lane. The petition site is located on the north side of Boynton Beach Boulevard, west of Lyons Road.

District 5 (MRE)

**Background and Justification:** The owners, Boynton School Property, LLC, and Boynton Beach Associates XXII, LLLP, are preparing to dedicate right-of-way to Florida Department of Transportation for a required turn lane for the adjoining Charter School. The land must be dedicated free of encumbrances. The portion of this easement is in conflict with the right turn lane location and is proposed to be vacated.

A utility easement was recorded in Official Records Book 25577, Page 613 for the use of local utility companies. Reviewing agencies and utility service providers have no objection to the vacation.

Easements are exempt from the privilege fee requirement in accordance with the Palm Beach County Right-of-Way Abandonment and Plat Vacation Ordinance 86-18, as amended.

- Attachments:**
- 1. Location Sketch
  - 2. Resolution with Legal Description and Sketch

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<b>Recommended by:</b>	 _____ <b>Division Director</b>	<b>04/29/2014</b> _____ <b>Date</b>	
<b>Approved by:</b>	 _____ <b>County Engineer</b>	<b>4/22/14</b> _____ <b>Date</b>	

## 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
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**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: Ali H. Novalainen

### III. REVIEW COMMENTS

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

  
 OFMB *AK* 4/23/10

An. S. Jacobson 4 29 14  
Contract Dev. and Control  
4 29 14 B. Wick

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

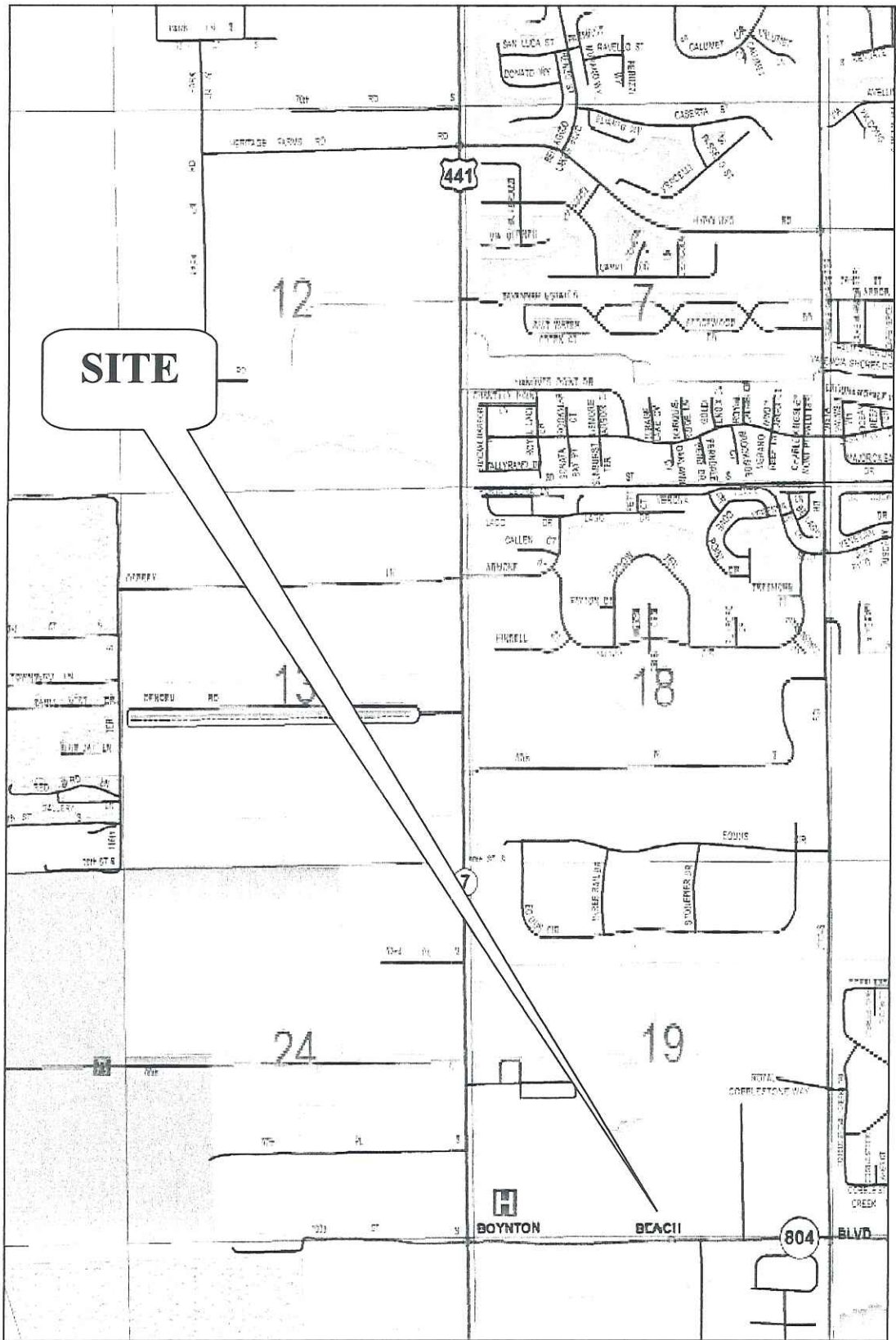
  
Assistant County Attorney

### C. Other Department Review:

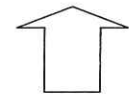
Department Director

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





**LOCATION SKETCH**  
ABANDONMENT OF  
A PORTION OF A 10 FT. UTILITY EASEMENT  
RECORDED IN OFFICIAL RECORDS BOOK 24147  
PAGE 1380



N  
(not to scale)

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

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, VACATING A PORTION OF THAT CERTAIN 10 FOOT WIDE UTILITY EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 24147, PAGE 1380, ALSO BEING A PARCEL OF LAND LYING WITHIN A PORTION OF TRACT "A," AMESTOY PLAT TWO - 14 ACRE PARCEL, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 115, PAGE 156 THROUGH 159 AND A PORTION OF TRACTS 106 AND 107, BLOCK 51, PALM BEACH FARMS CO. PLAT NO. 3 AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, ALL OF THE 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 No. 2002-034) for the vacation of the hereinafter described; and

**WHEREAS**, petition to vacate said easement was submitted by Boynton School Property, LLC, and Boynton Beach Associates XXII, LLLP; 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 20, 2014, did hold a meeting on said petition to vacate, and this Board determined that said utility easement as shown in Exhibit A is in excess of the requirements of the local utility companies; and

**WHEREAS**, this Board while convened in regular session on May 20, 2014, did hold a meeting on said Petition to abandon/vacate the utility easement shown in Exhibit A, and this Board determined that said abandonment/vacation conforms to Palm Beach County's Land Development Code.

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

**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 utility easement is hereby vacated and closed as a public easement and this Board does hereby renounce and disclaim any right or interest of Palm Beach County and the Public in and to the 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 (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



DESCRIPTION:

BEING A PORTION OF THAT UTILITY EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 24147, PAGE 1380, ALSO BEING A PARCEL OF LAND LYING WITHIN A PORTION OF TRACT "A", AMESTOY PLAT TWO - 14 ACRE PARCEL AS RECORDED IN PLAT BOOK 115, PAGES 156 THROUGH 159 AND A PORTION OF TRACTS 106 AND 107, BLOCK 51, PALM BEACH FARMS CO. PLAT NO. 3 AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SAID TRACT "A"; THENCE SOUTH 89°02'44" WEST ALONG THE NORTH LINE OF BOYNTON BEACH BOULEVARD AS RECORDED IN OFFICIAL RECORDS BOOK 16189, PAGE 1405 OF SAID PUBLIC RECORDS, A DISTANCE OF 284.21 FEET; THENCE NORTH 49°02'44" EAST, A DISTANCE OF 15.58 FEET; THENCE NORTH 89°02'44" EAST ALONG A LINE 10.00 FEET NORTH OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH SAID NORTH LINE OF BOYNTON BEACH BOULEVARD, A DISTANCE OF 683.14 FEET; THENCE SOUTH 00°57'16" EAST, A DISTANCE OF 10.00 FEET; THENCE SOUTH 89°02'44" WEST, ALONG SAID NORTH LINE OF BOYNTON BEACH BOULEVARD, A DISTANCE OF 410.86 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.158 ACRES, MORE OR LESS.

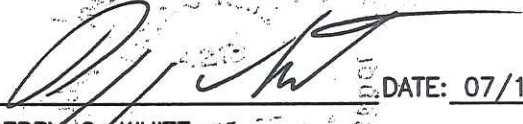
BEARINGS BASED ON THE STATE PLANE GRID FLORIDA EAST ZONE, THE EAST LINE OF TRACT "A", AMESTOY PLAT TWO - 14 ACRE PARCEL, AS RECORDED IN PLAT BOOK 115, PAGES 156 THROUGH 159 HAVING A BEARING OF SOUTH 00°57'00" EAST, ALL OTHER BEARINGS BEING RELATIVE THERETO.

SURVEYOR'S REPORT:

- 1. THIS SKETCH OF BOUNDARY SURVEY IS PREPARED FOR BOYNTON BEACH ASSOCIATES XXII AND IS NOT ASSIGNABLE.
- 2. THIS SURVEY MAP AND REPORT OR THE COPIES HEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- 3. NOTICE: THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.
- 4. THIS SKETCH IS THE PROPERTY OF SAND & HILLS SURVEYING, INC. AND SHALL NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF SAND & HILLS SURVEYING, INC.
- 5. NO UNDERGROUND IMPROVEMENTS WERE LOCATED.
- 6. BOUNDARY DIMENSIONS SHOWN ARE PER DESCRIPTION AND FIELD MEASUREMENT UNLESS OTHERWISE NOTED.
- 8. DESCRIPTION PREPARED FROM THIS SURVEY.
- 9. ALL RECORDED INSTRUMENTS SHOWN HEREON ARE RECORDED IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.
- 10. THE EASEMENTS AND RIGHTS-OF-WAY SHOWN HEREON ARE BASED ON THAT TITLE COMMITMENT PREPARED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY, EFFECTIVE DATE: JUNE 18 2013 AT 8:00 AM., ORDER NO. 3781242.

CERTIFICATION:

I HEREBY CERTIFY THAT THE BOUNDARY SURVEY AS SHOWN HEREON, MEETS THOSE STANDARDS CONTAINED IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, FLORIDA STATUTES. THIS SURVEY OR COPIES HEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL SEAL OF A FLORIDA SURVEYOR.

  
DATE: 07/12/13  
PERRY C. WHITE  
PROFESSIONAL SURVEYOR & MAPPER  
FLORIDA REGISTRATION NO. 4213

STATE PLANE NOTES:  
COORDINATES SHOWN ARE GRID COORDINATES DATUM = NAD 83 (1990 ADJUSTMENT) AS READJUSTED BY PALM BEACH COUNTY IN 1998.  
ZONE = FLORIDA EAST ZONE  
COORDINATE SYSTEM = 1983 STATE PLANE TRANSVERSE MERCATOR PROJECTION  
SCALE FACTOR = 1.00002026  
(GROUND x SCALE FACTOR = GRID)  
ALL DISTANCES ARE GROUND

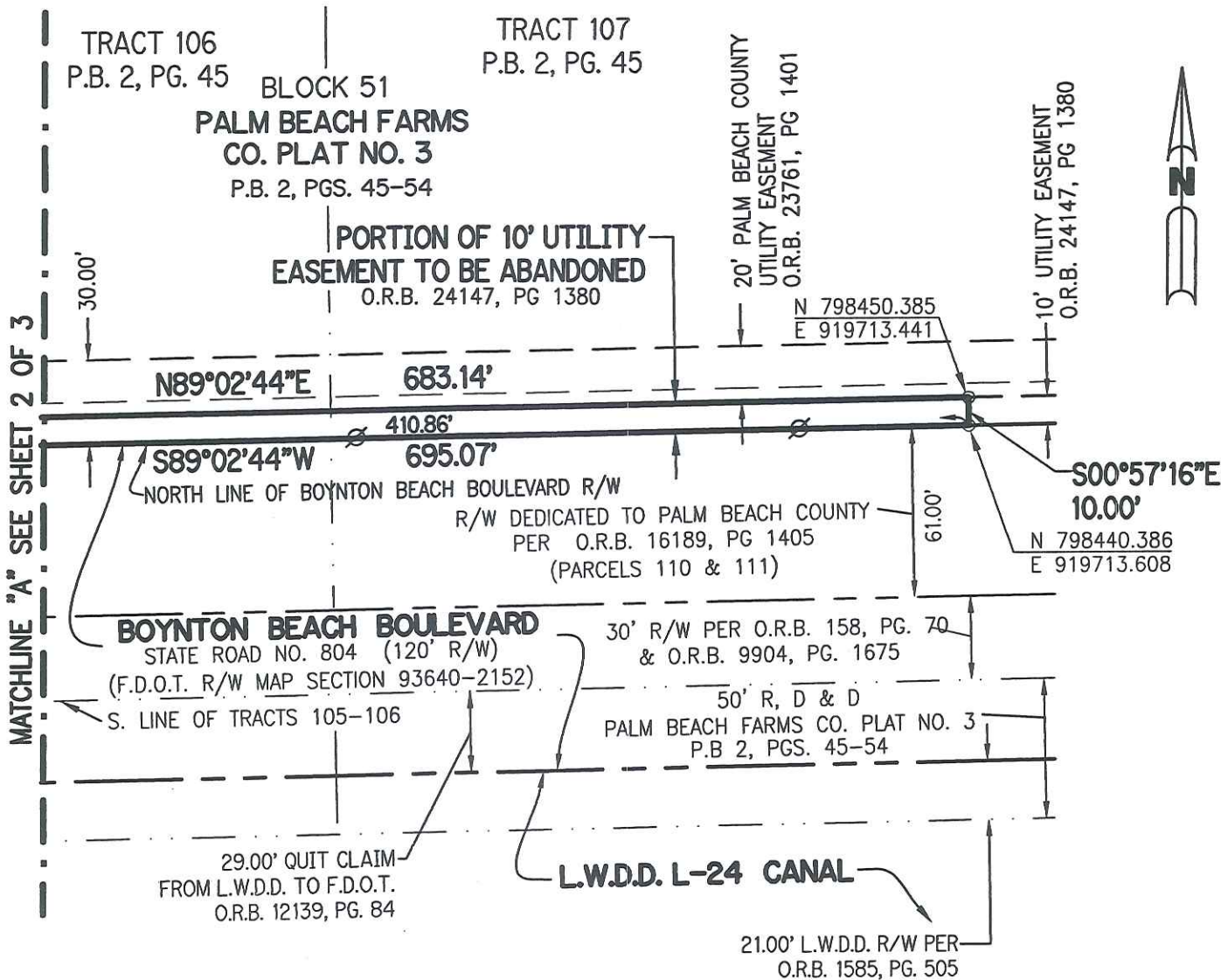
SKETCH OF BOUNDARY SURVEY 10' UTILITY EASEMENT ABANDONMENT FOR FUTURE R/W O.R.B 24147, PG. 1380	SCALE: N/A	SHEET 1 OF 3
	REVIEWED: PW	DRAWN: PW
	DATE: 10/01/13	DRAWING No: D0103BD-UE



LEGEND

ESMT - EASEMENT  
F.D.O.T. - FLORIDA DEPARTMENT OF TRANSPORTATION  
L.B. - LICENSED BUSINESS  
L.W.D.D. - LAKE WORTH DRAINAGE DISTRICT  
O.R.B. - OFFICIAL RECORD BOOK  
P.B. - PLAT BOOK  
PG. - PAGE  
(P) - PLAT

P.O.B. - POINT OF BEGINNING  
P.O.C. - POINT OF COMMENCEMENT  
R/W - RIGHT-OF-WAY  
S.T. - SURVEY TIE  
U.E. - UTILITY EASEMENT  
O- SET 5/8" IRON ROD & CAP LB 7741  
■ - FND 4"x4" PERMANENT REFERENCE MONUMENT  
L.B. 7741  
Ø - EXISTING WOOD UTILITY POLE  
⊠ - EXISTING CONCRETE UTILITY POLE

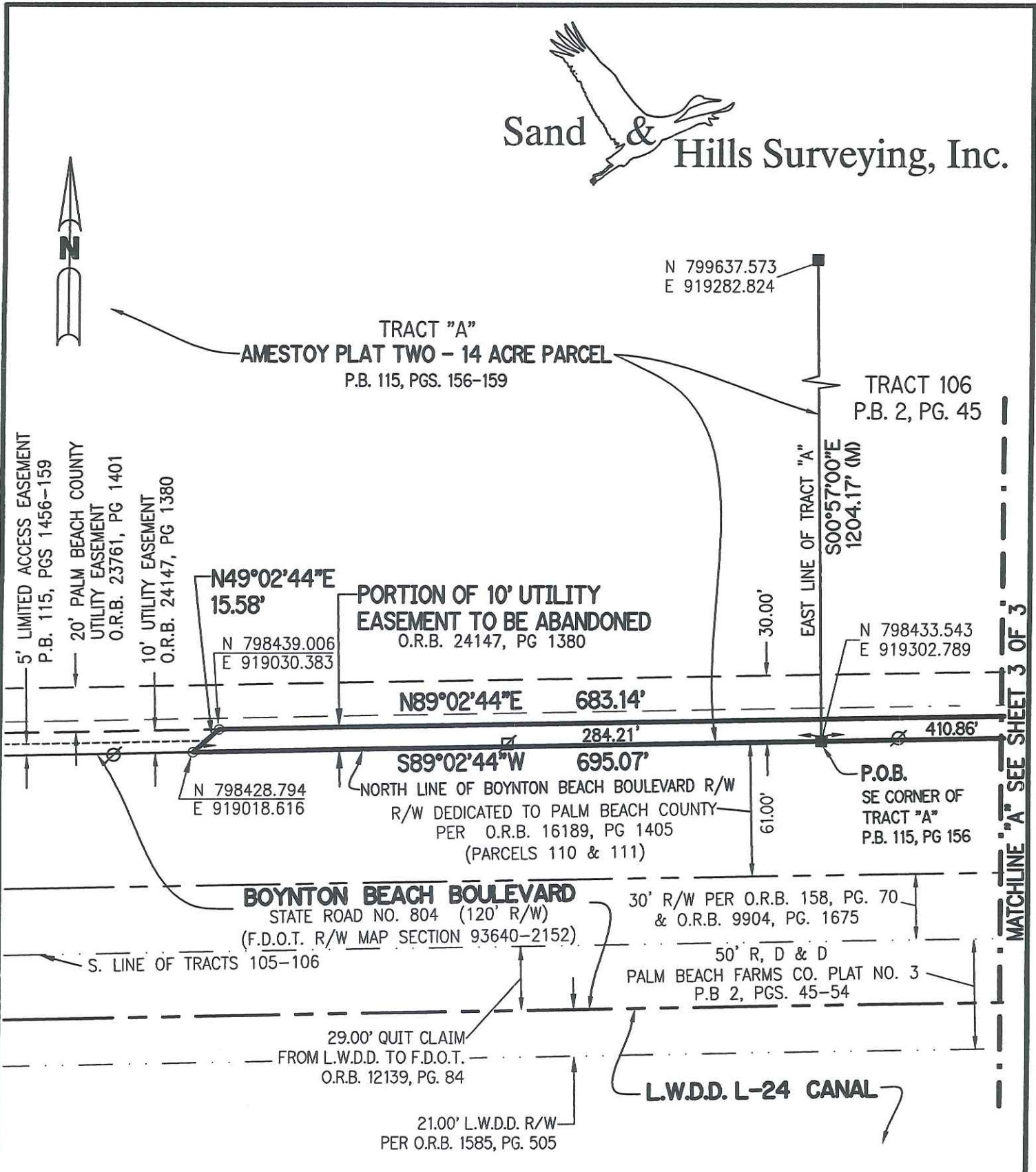


SKETCH OF BOUNDARY SURVEY 10' UTILITY EASEMENT ABANDONMENT FOR FUTURE R/W O.R.B. 24147, PG. 1380	SCALE: 1" = 60'	SHEET 3 OF 3
	REVIEWED: PW	DRAWN: PW
	DATE: 09/05/12	DRAWING No: D0103BD-UE



EXHIBIT A

Page 3 of 3



NOTE: SEE SHEET 3 OF 3 FOR LEGEND

SKETCH OF BOUNDARY SURVEY 10' UTILITY EASEMENT ABANDONMENT FOR FUTURE R/W O.R.B 24147, PG. 1380	SCALE: 1" = 60'	SHEET 2 OF 3
	REVIEWED: PW	DRAWN: PW
	DATE: 09/05/12	DRAWING No: D0103BD-UE