

Agenda Item #:

4A

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

Meeting Date: May 20, 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 abandon any public interest in the unimproved road easements lying within a portion of Section 30, Palm Beach Farms Company Plat No. 1, as recorded in Plat Book 2, Page 26, and road right-of-way according to those deeds recorded in Official Records Book 3220, Page 1019 and Official Records Book 3801, Page 1960, all of the Public Records of Palm Beach County, Florida.

**SUMMARY:** Adoption of this resolution will allow the petitioner, Boynton Beach Associates XXIV, LLLP, to abandon this portion of the unimproved road easements and right-of-way that is in conflict with their proposed subdivision plan.

District 5 (MRE)

**Background and Policy Issues:** The owner, Boynton Beach Associates XXIV, LLLP, wants to create a residential development. Removing this portion of the unimproved road easements and right-of-way will not affect access to the site.

Reviewing agencies and utility service providers have no objection to the vacation.

**Privilege Fee Statement:** The petition is subject to a privilege fee of \$113,987.20. The calculations are as follows:

Total square feet of Right-of-Way to be abandoned	352,400
Total square feet subject to Privilege Fee	352,400
Average sq. ft. value of parcels abutting the right of way	\$0.41
Overall value	\$144,484
80% of value	\$115,587.20
Less Filing Fee	- \$1,600.00
Total Privilege Fee	\$113,987.20

**Attachments:**

1. Location Sketch
2. Resolution with Exhibit A

Recommended by: Joanwell Keller  
Division Director

03/26/2014  
Date

Approved by: S. T. Wall  
County Engineer

4/22/14  
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	(\$113,987)	-0-	-0-	-0-	-0-
Program Income (County)	-0-	-0-	-0-	-0-	-0-
In-Kind Match (County)	-0-	-0-	-0-	-0-	-0-
NET FISCAL IMPACT	(\$113,987)	-0-	-0-	-0-	-0-
# ADDITIONAL FTE					
POSITIONS (Cumulative)					

Is Item Included in Current Budget?    Yes    No

Budget Acct No.: Fund 3500    Dept. 800    Unit 8005    Rev Src 6425

Recommended Sources of Funds/Summary of Fiscal Impact:

Transportation Improvement Fund  
Abandonment Ordinance Fees

C. Departmental Fiscal Review: Alicia Koralainen

III. REVIEW COMMENTS

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

[Signature]  
OFMB 4/23/14

[Signature]  
Contract Dev. and Control  
4/23/14

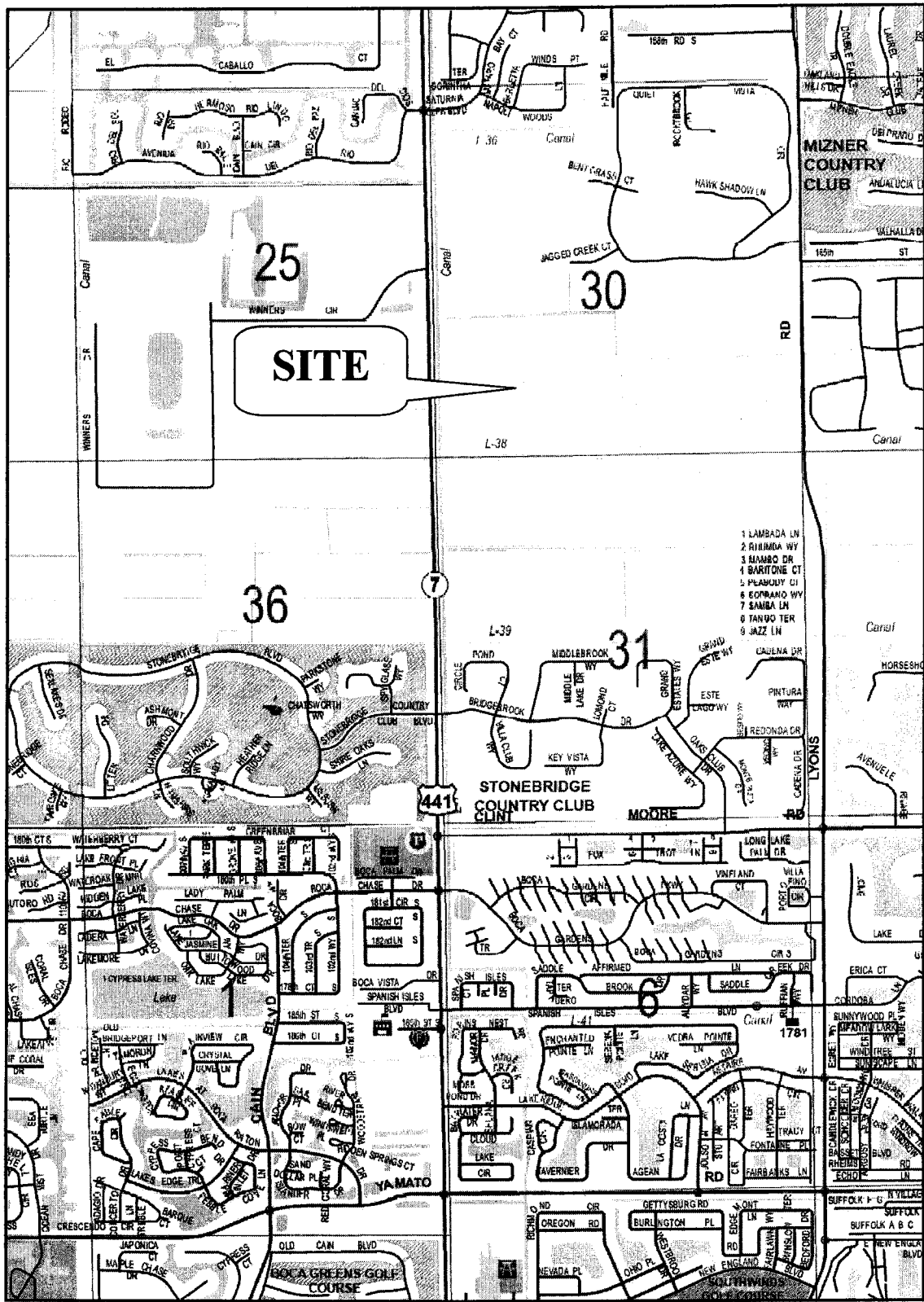
B. Approved as to Form  
and Legal Sufficiency:

[Signature]  
Assistant County Attorney

C. Other Department Review:

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

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



# LOCATION SKETCH



(Not to scale)

ABANDONMENT OF THE UNIMPROVED ROAD EASEMENTS LYING WITHIN A PORTION OF SECTION 30, PALM BEACH FARMS COMPANY PLAT NO. 1, AS RECORDED IN PLAT BOOK 2, PAGE 26, AND ROAD RIGHT-OF-WAY ACCORDING TO THOSE DEEDS RECORDED IN OFFICIAL RECORDS BOOK 3220, PAGE 1019 AND OFFICIAL RECORDS BOOK 3801, PAGE 1960, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA

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

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ABANDONING ANY PUBLIC INTEREST IN THE UNIMPROVED ROAD EASEMENTS LYING WITHIN A PORTION OF SECTION 30, PALM BEACH FARMS COMPANY PLAT NO. 1, AS RECORDED IN PLAT BOOK 2, PAGE 26, AND ROAD RIGHT-OF-WAY ACCORDING TO THOSE DEEDS RECORDED IN OFFICIAL RECORDS BOOK 3220, PAGE 1019 AND OFFICIAL RECORDS BOOK 3801, PAGE 1960, ALL OF THE 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), known as the Palm Beach County Right-of-Way Abandonment and Plat Vacation Ordinance, and the petition of Boynton Beach Associates XXIV, LLLP, called a public hearing to be held in the County Commissioners' Chambers, at the Governmental Office Complex, West Palm Beach, Florida, on May 20, 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 the unimproved road easements lying within a portion of Section 30, Palm Beach Farms Company Plat No. 1, as recorded in Plat Book 2, Page 26, and road right-of-way according to those deeds recorded in Official Records Book 3220, Page 1019 and Official Records Book 3801, Page 1960, all of the Public Records of Palm Beach County, Florida, 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 May 4, 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

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

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 road easements and road right-of-way are hereby abandoned and closed as easements and 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 road easements and road right-of-way, more fully described in the legal description and sketch as shown in Exhibit A 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 9



DESCRIPTION:

BEING THE SOUTHERLY 15.00 FEET OF TRACTS 17 THROUGH 24 AND TRACTS 81 THROUGH 96, THE NORTHERLY 40.00 FEET OF TRACTS 41 AND 42, THE NORTHERLY 15.00 FEET OF TRACTS 43 THROUGH 48 AND TRACTS 97 THROUGH 112, THE EASTERLY 15.00 FEET OF TRACTS 24, 73, 88, 105 AND 120, THE WESTERLY 15.00 FEET OF TRACTS 72, 89, 104 AND 121 ALL LYING IN SECTION 30, PALM BEACH FARMS CO. PLAT NO 1, AS RECORDED IN PLAT BOOK 2, PAGE 26, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, ALSO THE WESTERLY 15.00 FEET OF A PORTION OF TRACT "H", KENCO RANCH AS RECORDED IN PLAT BOOK 93, PAGE 193 OF SAID PUBLIC RECORDS, ALL LYING WITHIN SECTION 30, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 30, TOWNSHIP 46 SOUTH, RANGE 42 EAST ALSO BEING THE SOUTHWEST CORNER OF TRACT 113 OF SAID PALM BEACH FARMS CO. PLAT NO 1, SECTION 30; THENCE NORTH 89°22'50" EAST ALONG THE SOUTH LINE OF SAID SECTION 30, A DISTANCE OF 95.00 FEET; THENCE NORTH 00°59'19" WEST ALONG A LINE 95.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID SECTION 30, A DISTANCE OF 1,348.62 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00°59'19" WEST ALONG SAID PARALLEL LINE, A DISTANCE OF 30.00 FEET TO A POINT DESIGNATED AS POINT "A" FOR FUTURE REFERENCE; THENCE NORTH 88°57'35" EAST ALONG A LINE 15.00 FEET NORTHERLY OF AND PARALLEL WITH THE SOUTH LINE OF SAID TRACTS 81 THROUGH 88, A DISTANCE OF 2,588.89 FEET; THENCE NORTH 00°59'13" WEST ALONG A LINE 15.00 FEET WESTERLY OF AND PARALLEL WITH THE EAST LINE OF SAID TRACTS 73 AND 88, A DISTANCE OF 1,318.45 FEET; THENCE NORTH 88°59'26" EAST, A DISTANCE OF 30.00 FEET; THENCE SOUTH 00°59'13" EAST ALONG A LINE 15.00 FEET EASTERLY OF AND PARALLEL WITH THE WEST LINE OF SAID TRACTS 72 AND 89, A DISTANCE OF 1,318.44 FEET; THENCE NORTH 88°57'35" EAST ALONG A LINE 15.00 FEET NORTHERLY OF AND PARALLEL WITH THE SOUTH LINE OF SAID TRACTS 89 THROUGH 96, A DISTANCE OF 2,617.91 FEET; THENCE SOUTH 00°52'26" EAST ALONG THE WEST RIGHT-OF-WAY LINE OF LYONS ROAD AS RECORDED IN OFFICIAL RECORDS BOOK 11413, PAGE 1734 OF SAID PUBLIC RECORDS, A DISTANCE OF 30.00 FEET; THENCE SOUTH 88°57'35" WEST ALONG A LINE 15.00 FEET SOUTHERLY OF AND PARALLEL WITH THE NORTH LINE OF SAID TRACTS 97 THROUGH 104, A DISTANCE OF 2,617.85 FEET; THENCE SOUTH 00°59'13" EAST ALONG A LINE 15.00 FEET EASTERLY OF AND PARALLEL WITH THE WEST LINE OF SAID TRACTS 104 AND 121, A DISTANCE OF 1,323.48 FEET; THENCE ALONG THE EXISTING NORTH RIGHT-OF-WAY LINE OF

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 SKETCH AND DESCRIPTION OR COPIES HEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL SEAL OF A FLORIDA SURVEYOR AND MAPPER.

DATE: 12/01/13

PERRY C. WHITE  
PROFESSIONAL SURVEYOR & MAPPER  
FLORIDA REGISTRATION NO. 4213

REVISED: 03/11/14

SKETCH OF BOUNDARY SURVEY

30' ROAD EASEMENT  
ABANDONMENT  
SECTION 30, T46S, R42E

SCALE:  
1" = 300'

SHEET 1 OF 9

REVIEWED: PW

DRAWN: PW

DATE:  
08/17/11

DRAWING No:  
D0115EX02

8461 LAKE WORTH ROAD, SUITE 410

LAKE WORTH, FL 33467

Tel: 561-209-6048

L.B. NUMBER 7741



DESCRIPTION: (CON'T)

THE LAKE WORTH DRAINAGE DISTRICT L-38 CANAL FOR THE FOLLOWING THREE DESCRIBED COURSES, SOUTH 89°22'50" WEST, A DISTANCE OF 15.00 FEET; THENCE SOUTH 00°59'13" EAST, A DISTANCE OF 0.02 FEET; THENCE SOUTH 89°22'50" WEST, A DISTANCE OF 15.00 FEET; THENCE NORTH 00°59'13" WEST ALONG A LINE 15.00 FEET WESTERLY OF AND PARALLEL WITH THE EAST LINE OF SAID TRACTS 105 AND 120, A DISTANCE OF 1,323.28 FEET; THENCE SOUTH 88°57'35" WEST ALONG A LINE 15.00 FEET SOUTHERLY OF AND PARALLEL WITH THE NORTH LINE OF SAID TRACTS 105 THROUGH 112, A DISTANCE OF 2,588.89 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL:

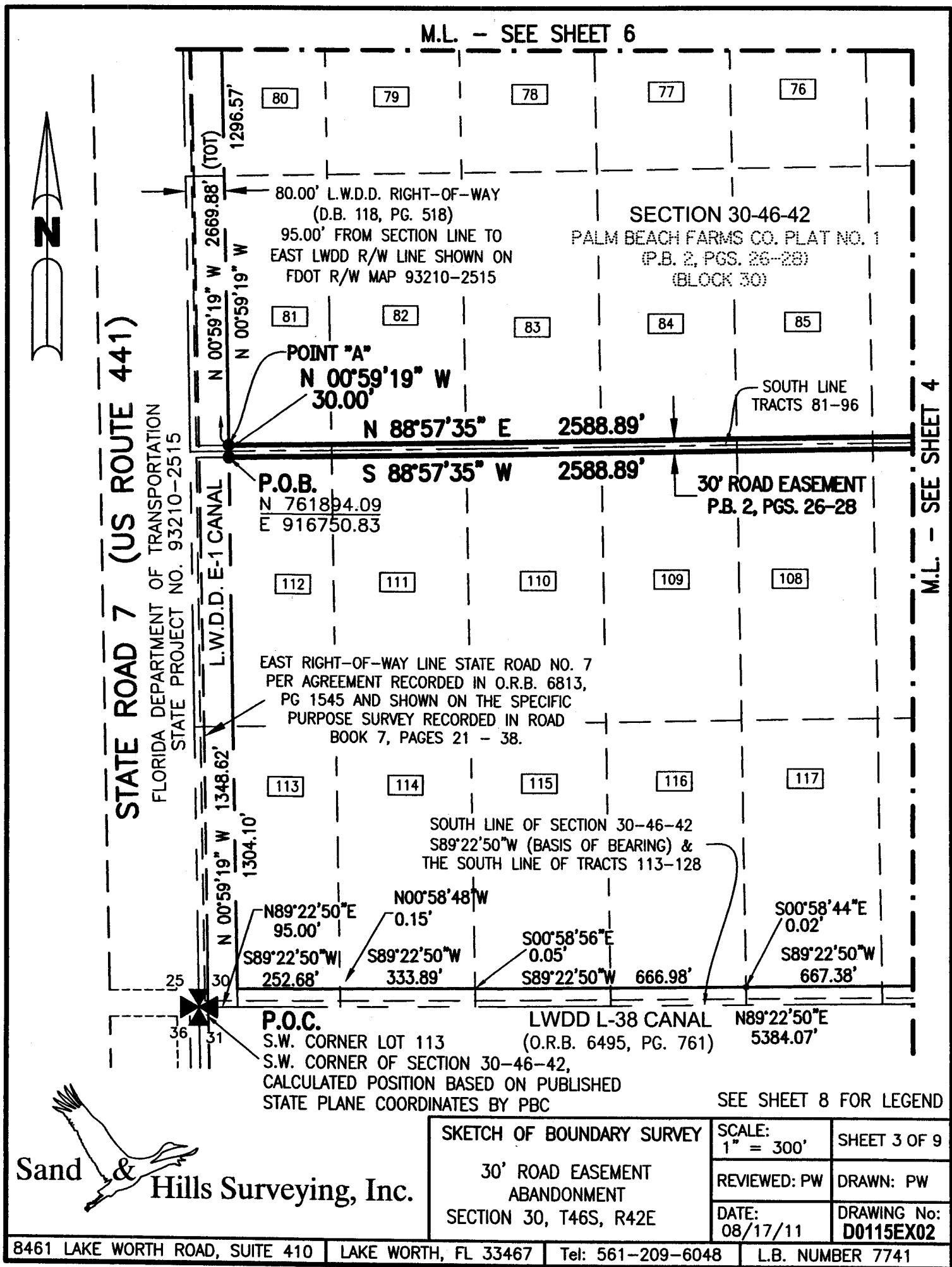
COMMENCE FROM THE PREVIOUSLY DESCRIBED POINT "A" ; THENCE NORTH 00°59'19" WEST ALONG A LINE 95.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID SECTION 30, A DISTANCE OF 2669.88 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID PARALLEL LINE NORTH 00°59'19" WEST, A DISTANCE OF 30.00 FEET; THENCE NORTH 89°01'08" EAST ALONG A LINE 15.00 FEET NORTHERLY OF AND PARALLEL WITH THE SOUTH LINE OF SAID TRACTS 17 THROUGH 24, A DISTANCE OF 2,588.76 FEET; THENCE NORTH 00°59'11" WEST ALONG A LINE 15.00 FEET WESTERLY OF AND PARALLEL WITH THE EAST LINE OF SAID TRACT 24, A DISTANCE OF 659.06 FEET; THENCE NORTH 89°02'20" EAST ALONG THE NORTH LINE OF SAID TRACT 24 AND ITS EASTERLY EXTENSION, A DISTANCE OF 30.00 FEET; THENCE SOUTH 00°59'11" EAST ALONG A LINE 15.00 FEET EASTERLY OF AND PARALLEL WITH THE WEST LINE OF SAID TRACT "H", KENCO RANCH, A DISTANCE OF 714.04 FEET; THENCE SOUTH 89°01'08" WEST ALONG A LINE 40.00 FEET SOUTHERLY OF AND PARALLEL WITH THE NORTH LINE OF SAID TRACTS 41 AND 42, A DISTANCE OF 697.45 FEET; THENCE NORTH 00°58'47" WEST ALONG THE WEST LINE OF SAID TRACT 42, A DISTANCE OF 25.00 FEET; THENCE SOUTH 89°01'08" WEST ALONG A LINE 15.00 FEET SOUTHERLY OF AND PARALLEL WITH THE NORTH LINE OF SAID TRACTS 43 THROUGH 48, A DISTANCE OF 1921.32 FEET TO THE POINT OF BEGINNING.

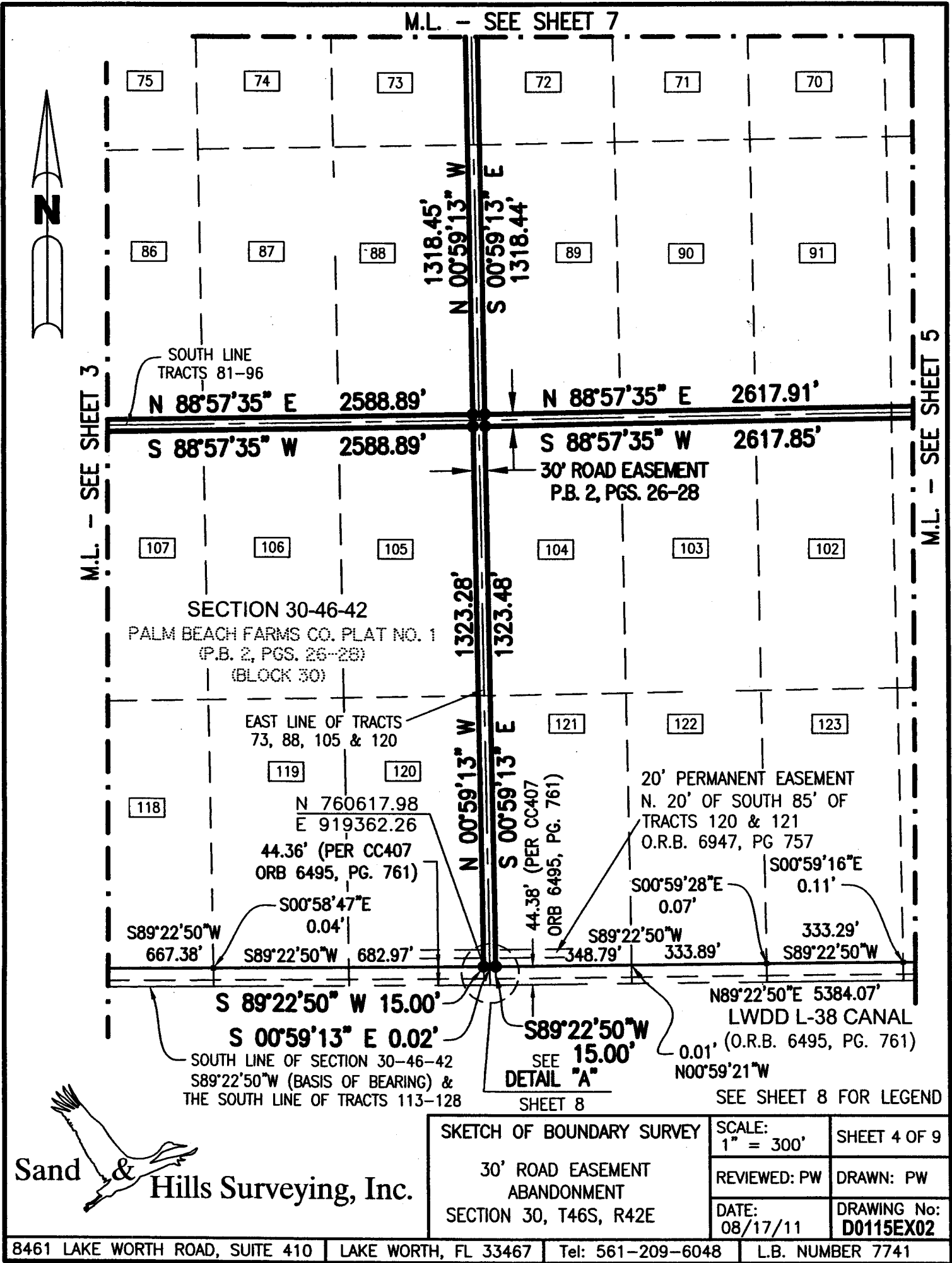
CONTAINING 352,190 SQUARE FEET OR 8.09 ACRES, MORE OR LESS.

SKETCH OF BOUNDARY SURVEY  30' ROAD EASEMENT ABANDONMENT  SECTION 30, T46S, R42E	SCALE: 1" = 300'	SHEET 2 OF 9
	REVIEWED: PW	DRAWN: PW
	DATE: 08/17/11	DRAWING No: D0115EX02

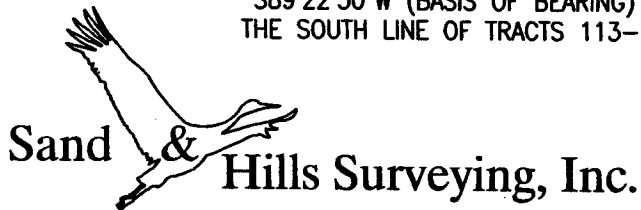
8461 LAKE WORTH ROAD, SUITE 410	LAKE WORTH, FL 33467	Tel: 561-209-6048	L.B. NUMBER 7741
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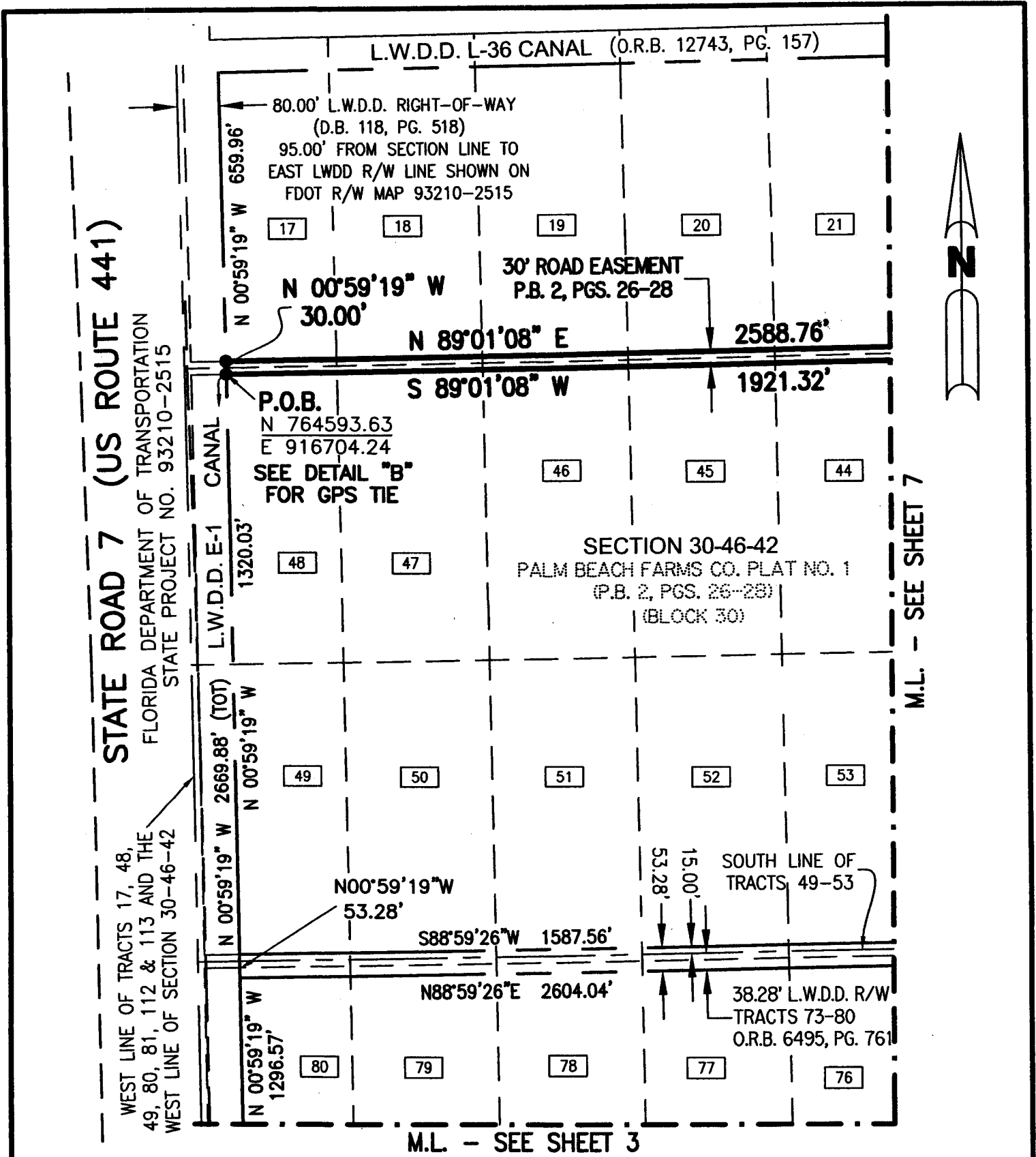




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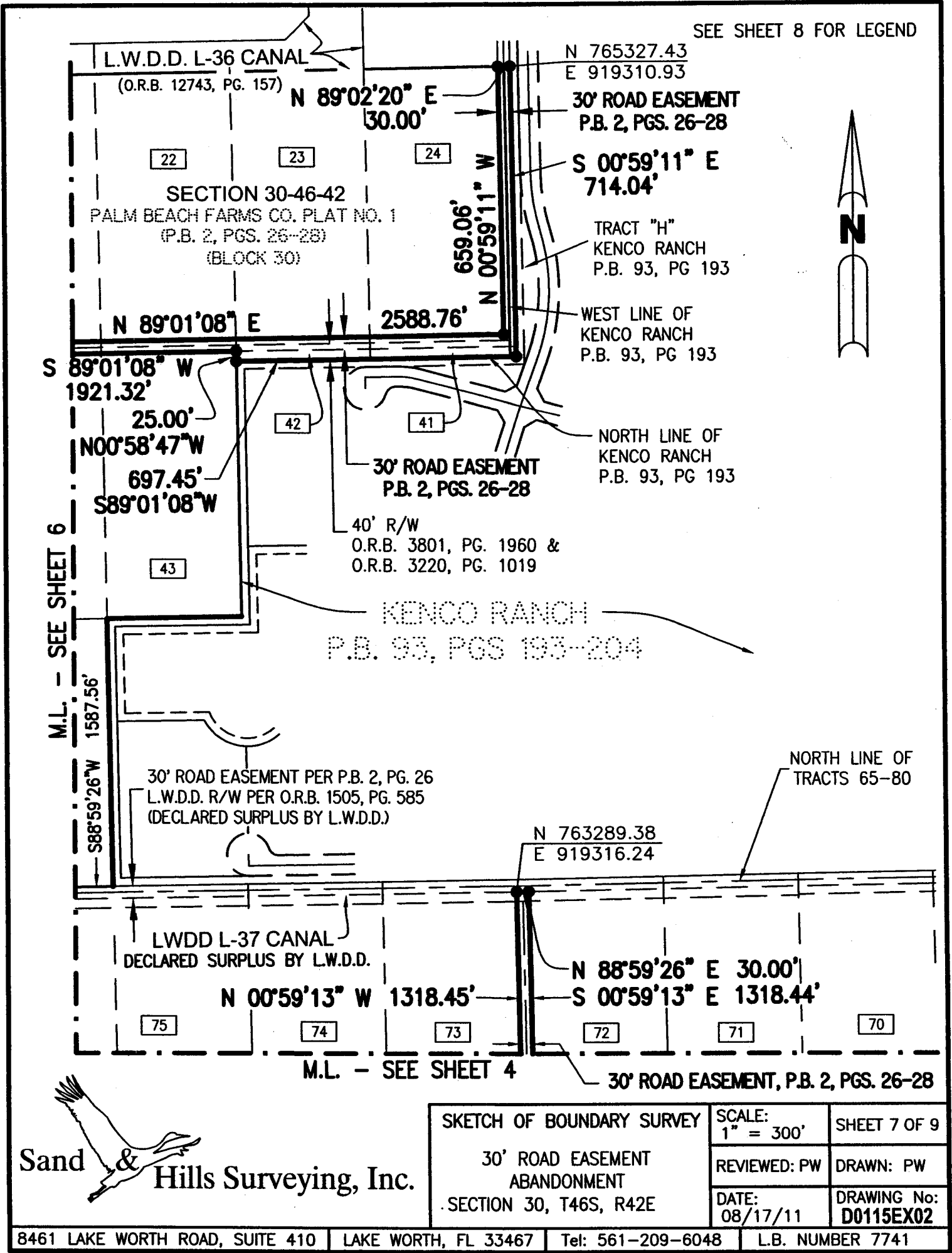
**DRAWING No:**  
**D0115EX02**



SKETCH OF BOUNDARY SURVEY 30' ROAD EASEMENT ABANDONMENT SECTION 30, T46S, R42E	SEE SHEET 8 FOR LEGEND	
	SCALE: 1" = 300'	SHEET 6 OF 9
	REVIEWED: PW	DRAWN: PW
	DATE: 08/17/11	DRAWING No: D0115EX02

EXHIBIT A

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**SURVEYOR'S NOTES:**

- 1. THIS SKETCH OF BOUNDARY SURVEY IS PREPARED FOR BOYNTON BEACH ASSOCIATES XXIV, LLLP 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 IMPROVEMENTS WERE LOCATED UNLESS OTHERWISE NOTED.
- 6. BOUNDARY DIMENSIONS SHOWN ARE PER DESCRIPTION AND FIELD MEASUREMENT UNLESS OTHERWISE NOTED.
- 7. BEARINGS SHOWN HEREON ARE BASED ON STATE PLANE GRID, FLORIDA EAST ZONE, NAD 83, 1990 ADJUSTMENT. THE SOUTH LINE OF SECTION 30, TOWNSHIP 46 SOUTH, RANGE 42 EAST HAVING A BEARING OF S89°22'50"W AND ALL OTHER BEARINGS BEING RELATIVE THERETO.
- 8. DESCRIPTION PREPARED FROM THIS SURVEY.
- 9. ALL RECORDED INSTRUMENTS SHOWN HEREON ARE RECORDED IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.
- 10. THERE ARE NO VISIBLE IMPROVEMENTS WITHIN THE SUBJECT PARCEL EXCEPT FOR FARM DITCHES AND INTERNAL FARM ROADS WHICH WERE NOT LOCATED.
- 11. THE FOLLOWING EXCEPTIONS CONTAINED IN THAT TITLE COMMITMENT PREPARED BY FIRST AMERICAN TITLE INSURANCE COMPANY, COMMITMENT NO. FA-C-NCS-78136-FTL, DATE EFFECTIVE: OCTOBER 11, 2012 AT 8:00 A.M. REVISED DECEMBER 13, 2013 ARE SHOWN HEREON OR LISTED BELOW.
- 12. RESERVATIONS OF CANAL TO TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA AS SET FORTH IN DEED RECORDED IN DEED BOOK 327, PAGE 155. (AS TO TRACTS 96 AND 97) **(NOT PLOTTED)**
- 13. RESERVATION FOR RIGHTS OF WAY IN FAVOR OF THE LAKE WORTH DRAINAGE DISTRICT AS SET FORTH IN DEED RECORDED IN DEED BOOK 648, PAGE 481. (AS TO TRACTS 43, 44, 47, 48, 65, 66, 67, 68, 69, 70, 71, 72, 80, 90, 91, 92, 93, 94, 95, AND 96, SECTION 30, PLAT 1, PALM BEACH FARMS CO., ACCORDING TO PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 2 AT PAGE 26) **(NOT PLOTTED)**
- 14. RESERVATION FOR RIGHTS OF WAY IN FAVOR OF THE LAKE WORTH DRAINAGE DISTRICT AS SET FORTH IN DEED RECORDED IN DEED BOOK 758, PAGE 222. (TRACTS 17 TO 24 INC., TRACTS 97 TO 104 INC., TRACTS 119 TO 130 INC., SECTION 30, TOWNSHIP 46 SOUTH, RANGE 48 EAST, PLAT NO. 1 ACCORDING TO PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 2, PAGE 26.) **(NOT PLOTTED)**

STATE PLANE COORDINATE NOTES:  
COORDINATES SHOWN ARE GRID COORDINATES DATUM = NAD 83 (1990 ADJUSTMENT).  
ZONE = FLORIDA EAST ZONE  
LINEAR UNIT = U.S. SURVEY FEET  
COORDINATE SYSTEM = 1983 STATE PLANE TRANSVERSE MERCATOR PROJECTION  
ALL DISTANCES ARE GROUND  
SCALE FACTOR = 1.0000227  
PLAT BEARING = GRID BEARING

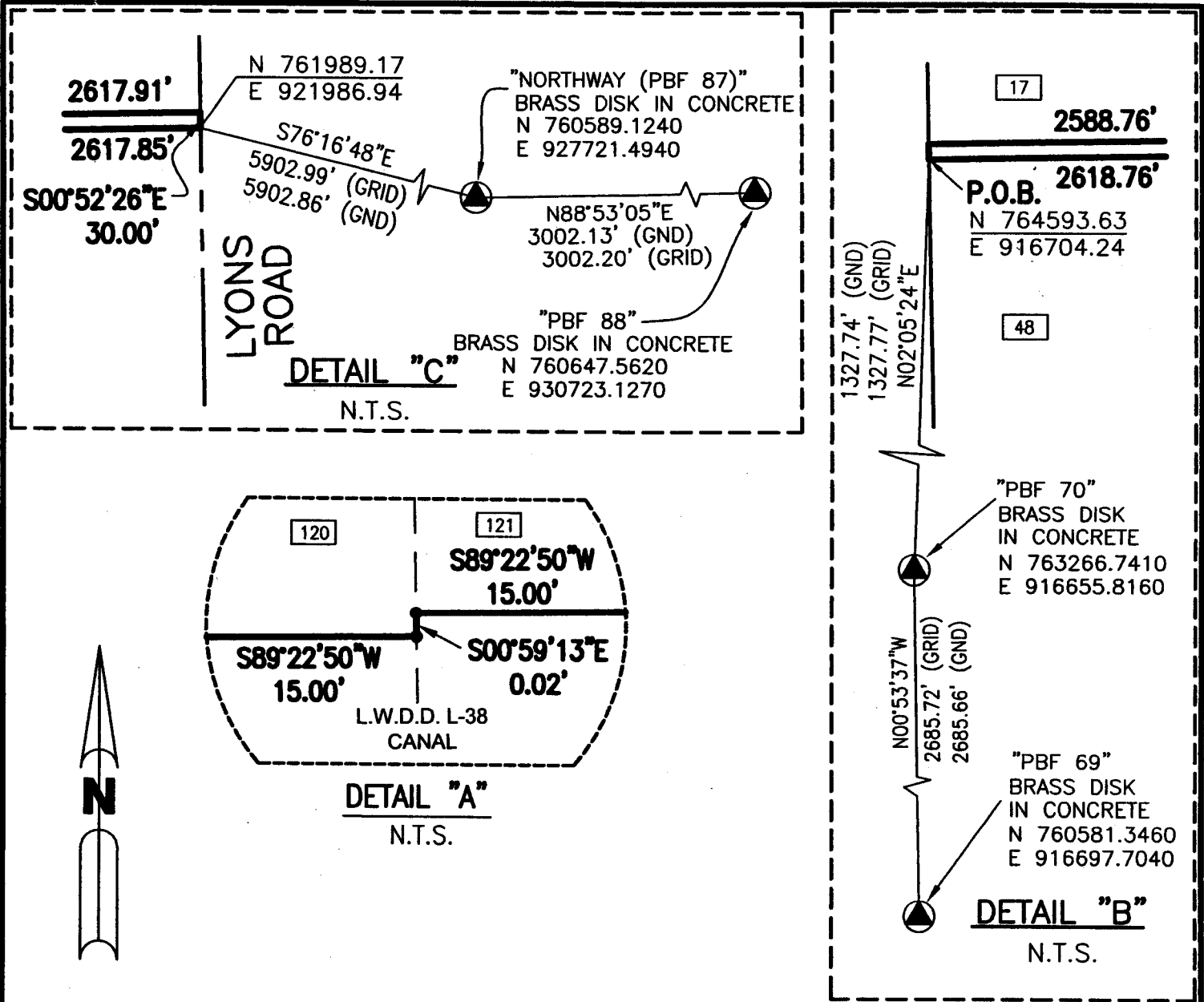
**LEGEND:**

- L.B. - LICENSED BUSINESS
- L.W.D.D. - LAKE WORTH DRAINAGE DISTRICT
- M.L. - MATCH LINE
- O.R.B. - OFFICIAL RECORDS BOOK
- P.B.C. - PALM BEACH COUNTY
- P.O.B. - POINT OF BEGINNING
- P.O.C. - POINT OF COMMENCEMENT
- P.B. - PLAT BOOK
- PGS. - PAGES
- R/W - RIGHT-OF-WAY
- - SET 5/8" IRON ROD & CAP  
L.B. 7741

SKETCH OF BOUNDARY SURVEY  30' ROAD EASEMENT ABANDONMENT  SECTION 30, T46S, R42E	SCALE: 1" = 300'	SHEET 8 OF 9
	REVIEWED: PW	DRAWN: PW
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SKETCH OF BOUNDARY SURVEY 30' ROAD EASEMENT ABANDONMENT SECTION 30, T46S, R42E	SCALE: 1" = 300'	SHEET 9 OF 9
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8461 LAKE WORTH ROAD, SUITE 410 LAKE WORTH, FL 33467 Tel: 561-209-6048 L.B. NUMBER 7741