

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

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Meeting Date: August 18, 2015 **Consent** **Regular**
 Workshop **Public Hearing**

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 strip of land 5 feet in width and increasing to a strip 10 feet in width at its east end, said strip being a portion of the 10 foot wide utility easement as platted on the Cherry Road Complex Plat according to the plat thereof as recorded in Plat Book 114, Page 114, of the public records of Palm Beach County, Florida.

SUMMARY: Adoption of this resolution will eliminate the public dedications which are in conflict with future redevelopment plans for the site. The petition site is located on the north side of Cherry Road, east of Military Trail and west of Country Club Road.

District 7 (MRE)

Background and Justification: The owner, Palm Beach County Facilities Development and Operations, is preparing to further develop their site. The existing easement is in conflict with the proposed development and is proposed to be vacated.

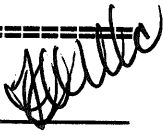
Reviewing agencies and utility service providers have no objection to the vacation.

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).

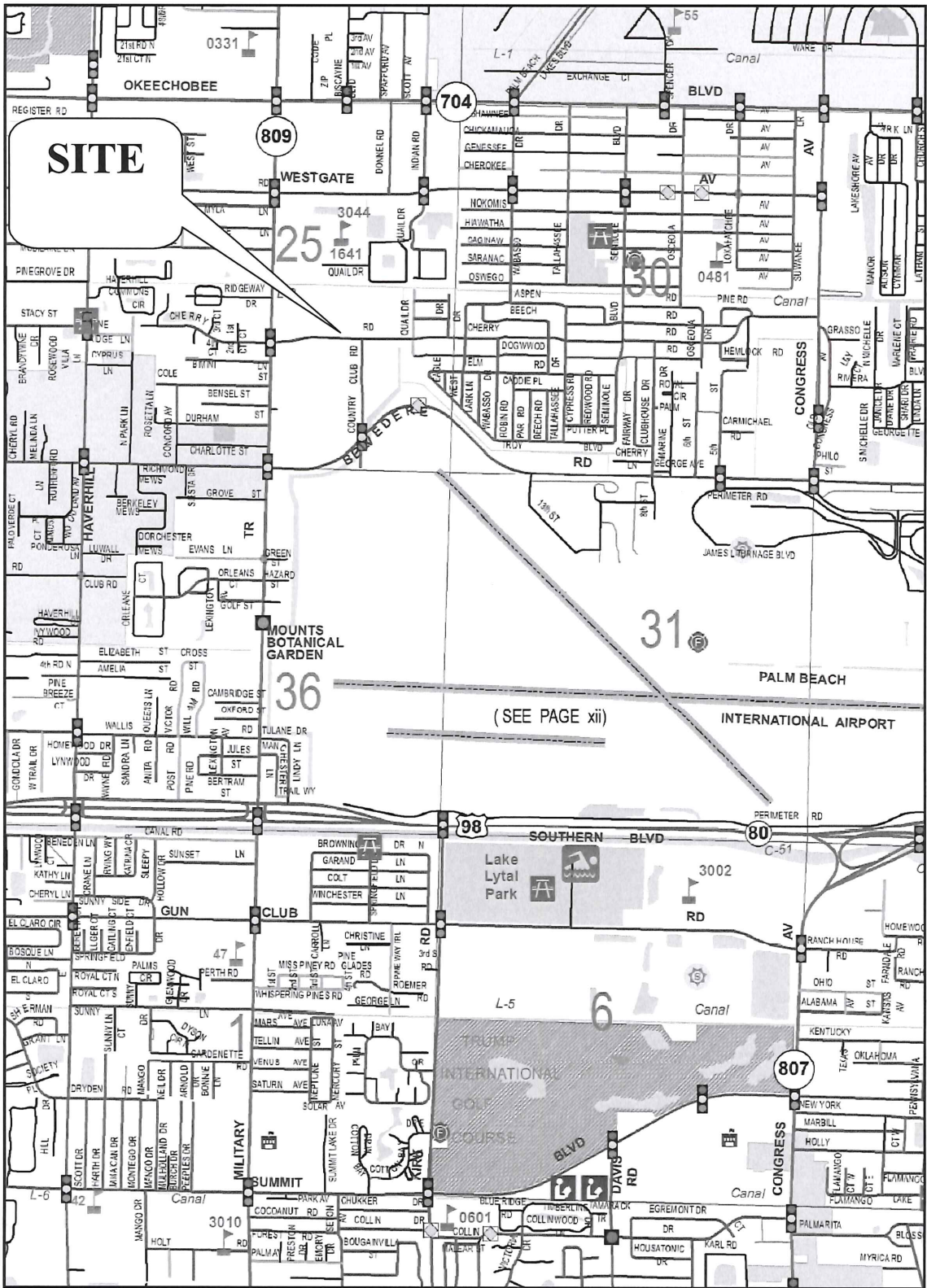
Attachments:

- 1. Location Sketch
- 2. Resolution with Exhibit 'A'

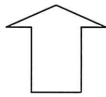
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Recommended by: Joanne P. Keller 07/27/2015 
 Division Director **Date**

Approved by: Sy T. Webb 7/28/15
 County Engineer **Date**



LOCATION SKETCH



N (Not to scale)

UTILITY EASEMENT

ABANDONMENT OF A PORTION OF THE UTILITY
 EASEMENT ALONG THE SOUTHERN BOUNDARY OF THE
 CHERRY ROAD COMPLEX PLAT, PLAT BOOK 114, PAGE 114,
 PUBLIC RECORDS, PALM BEACH COUNTY

RESOLUTION NO. R-2015-_____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ABANDONING/VACATING A STRIP OF LAND 5 FEET IN WIDTH AND INCREASING TO A STRIP 10 FEET IN WIDTH AT ITS EAST END, SAID STRIP BEING A PORTION OF THE 10 FOOT WIDE UTILITY EASEMENT AS PLATTED ON THE CHERRY ROAD COMPLEX PLAT, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 114, PAGE 114, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

WHEREAS, the Board of County Commissioners of Palm Beach County, Florida (Board), has considered the abandonment/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 abandonment/vacation of the hereinafter described; and

WHEREAS, petition to abandon/vacate said strip of land 5 feet in width and increasing to a strip 10 feet in width at its east end, said strip being a portion of the 10 foot wide utility easement as platted on the Cherry Road Complex Plat, was submitted by Palm Beach County Facilities Development and Operations; and

WHEREAS, this petition substantially complies with the terms and conditions of the abandonment/vacation as set forth in said Ordinance; and

WHEREAS, this Board, while convened in regular session on August 18, 2015, did hold a meeting on said petition to abandon/vacate, and this Board determined that said portion of the 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 August 18, 2015, did hold a meeting on said Petition to abandon/vacate the portion of the utility easement shown in Exhibit A, and this Board determined that said abandonment/vacation conforms to the County's Land Development Code.

RESOLUTION NO. R-2015-_____

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. That certain portion of the 10 foot wide utility easement is hereby abandoned/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 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).

RESOLUTION NO. R-2015-_____

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 Shelley Vana, Mayor
- Commissioner Mary Lou Berger, Vice Mayor
- Commissioner Hal R. Valeche
- Commissioner Paulette Burdick
- Commissioner Steven L. Abrams
- Commissioner Melissa McKinlay
- Commissioner Priscilla A. Taylor

The Mayor thereupon declared the Resolution duly passed and adopted this _____ day of _____, 2015.

**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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LEGAL DESCRIPTION

A STRIP OF LAND 5 FEET IN WIDTH AND INCREASING TO A STRIP 10 FEET IN WIDTH AT ITS EAST END, SAID STRIP BEING A PORTION OF THE 10 FOOT WIDE UTILITY EASEMENT AS PLATTED ON THE CHERRY ROAD COMPLEX PLAT AS RECORDED IN PLAT BOOK 114, PAGE 114 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID STRIP BEING SITUATED IN SECTION 25, TOWNSHIP 43 SOUTH, RANGE 42 EAST AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID TRACT "A"; THENCE NORTH $01^{\circ}27'34''$ EAST, ALONG THE WEST LINE OF SAID TRACT "A", A DISTANCE OF 5.00 FEET TO A POINT ON A LINE 5.00 FEET NORTH OF, AS MEASURED AT RIGHT ANGLES TO, AND PARALLEL WITH THE SOUTH LINE OF SAID TRACT "A"; THENCE SOUTH $88^{\circ}57'15''$ EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 616.41 FEET; THENCE NORTH $46^{\circ}13'15''$ EAST DEPARTING SAID PARALLEL LINE, A DISTANCE OF 7.09 FEET TO A POINT ON A LINE 10.00 FEET NORTH OF, AS MEASURED AT RIGHT ANGLES TO, AND PARALLEL WITH SAID SOUTH LINE OF TRACT "A"; THENCE SOUTH $88^{\circ}57'15''$ EAST ALONG THE LAST DESCRIBED PARALLEL LINE, A DISTANCE OF 50.00 FEET TO AN INTERSECTION WITH SAID SOUTH LINE OF TRACT "A"; THENCE SOUTH $01^{\circ}23'45''$ WEST ALONG SAID SOUTH LINE OF TRACT "A", SAID SOUTH LINE ALSO BEING THE NORTH RIGHT-OF-WAY LINE OF CHERRY ROAD AS RECORDED IN OFFICIAL RECORD BOOK 6694, PG 934 OF SAID PUBLIC RECORDS, A DISTANCE OF 10.00 FEET; THENCE NORTH $88^{\circ}57'15''$ WEST, CONTINUING ALONG SAID SOUTH LINE OF TRACT "A", SAID SOUTH LINE ALSO BEING THE EXISTING NORTH RIGHT-OF-WAY LINE OF CHERRY ROAD AS RECORDED IN OFFICIAL RECORD BOOK 770, PAGE 121 OF SAID PUBLIC RECORDS, A DISTANCE OF 671.42 FEET TO THE POINT OF BEGINNING.

CONTAINING 3.620 SQUARE FEET OR 0.083 ACRES, MORE OR LESS.

SURVEYOR'S NOTES

1. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THE SIGNING SURVEYOR.
2. COORDINATES SHOWN ARE GRID
DATUM = NAD 83, 1990 ADJUSTMENT
ZONE = FLORIDA EAST
LINEAR UNITS = US SURVEY FOOT
COORDINATE SYSTEM 1983 STATE PLANE TRANSVERSE MERCATOR PROJECTION
ALL DISTANCES ARE GROUND.
PROJECT SCALE FACTOR = 1.0000384
GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE
3. THIS IS NOT A BOUNDARY SURVEY.
4. BEARINGS ARE BASED ON A GRID (NAD 83, 1990 ADJUSTMENT) BEARING OF NORTH $88^{\circ}57'15''$ WEST ALONG THE SOUTH LINE OF SAID TRACT "A", CHERRY ROAD COMPLEX PLAT PER PLAT BOOK 114, PAGE 114 OF SAID PUBLIC RECORDS.
5. IT IS POSSIBLE THAT THERE ARE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS OR OTHER INSTRUMENTS WHICH COULD AFFECT THE SUBJECT PROPERTY, WHICH ARE UNKNOWN TO THE SIGNING SURVEYOR.


PROJECT NO. 2015009-03	SHEET: 1 OF: 7	PROJECT: SPECIFIC PURPOSE SURVEY FOR ABANDONMENT PORTION OF 10' U.E. LIBRARY ANNEX CHERRY ROAD		DATE DRAWN: 01/05/15 FIELD BOOK NO. 1267Z	NO.	REVISION	BY	DATE		PALM BEACH COUNTY ENGINEERING AND PUBLIC WORKS
		DESIGN FILE NAME S-1-14-3586.DGN	DRAWING NO. S-1-14-3586							

EXHIBIT A

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SURVEYOR'S NOTES (CONTINUED)

6. THIS INSTRUMENT WAS PREPARED BY WAYNE LARRY FISH, P.S.M. IN THE OFFICE OF THE COUNTY ENGINEER, VISTA CENTER 2300 NORTH JOG ROAD, WEST PALM BEACH, FLORIDA 33411-2745.
7. THE STATE PLANE COORDINATES SHOWN HEREON ARE TAKEN FROM THE CHERRY ROAD COMPLEX PLAT AS SAID PLAT IS RECORDED IN PLAT BOOK 114, PAGE 114 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.
8. SEE THE CHERRY ROAD COMPLEX PLAT FOR ADDITIONAL INFORMATION ON EASEMENTS AND OTHER INFORMATION PERTINENT TO THIS PROPERTY.
9. THE EXISTING 60' WIDE RIGHT-OF-WAY FOR CHERRY ROAD ABBUTTING THE 10 FOOT UTILITY EASEMENT WAS CONVEYED TO PALM BEACH COUNTY BY RIGHT-OF-WAY DEED RECORDED IN OFFICIAL RECORD BOOK 770, PAGE 121 OF SAID PUBLIC RECORDS.
10. THE RIGHT-OF-WAY FOR CHERRY ROAD EAST OF THE CENTERLINE OF COUNTRY CLUB ROAD AND WEST OF THE WEST LINE OF PLAT NO. 5 OF GOLFVIEW HEIGHTS WAS CONVEYED TO PALM BEACH COUNTY BY THE FOLLOWING DEEDS: OFFICIAL RECORD BOOK 6694, PAGE 934; OFFICIAL RECORD BOOK 770, PAGE 123; OFFICIAL RECORD BOOK 770, PAGE 125 AND OFFICIAL RECORD BOOK 6417, PAGE 219. FOR CLARITY PURPOSES THESE DEEDS ARE NOT SHOWN ON THE SKETCH. SEE THE CHERRY ROAD COMPLEX PLAT FOR A GRAPHIC DEPICTION OF THESE DEEDS.

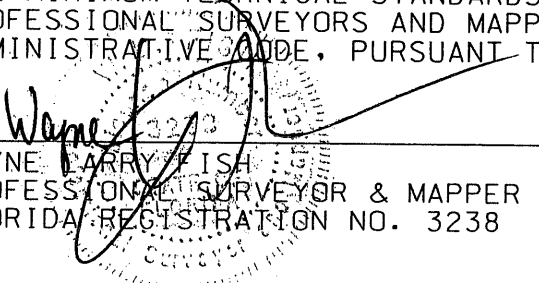
LEGEND

POB = POINT OF BEGINNING	EASE = EASEMENT
PC = POINT OF CURVATURE	PBCO = PALM BEACH COUNTY
PT = POINT OF TANGENCY	⊙ = CENTERLINE
DB = DEED BOOK	E/P = EDGE OF PAVEMENT
ORB = OFFICIAL RECORD BOOK	x-----x = CHAIN LINK FENCE
PB = PLAT BOOK	-----bfo = BURED FIBER OPTIC CABLE(S)
R/W = RIGHT-OF-WAY	
PG = PAGE	
U/G = UNDERGROUND	

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE SPECIFIC PURPOSE SURVEY SHOWN HEREON MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J.17.050-.052, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.


WAYNE LARRY FISH
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA REGISTRATION NO. 3238

01/07/2015

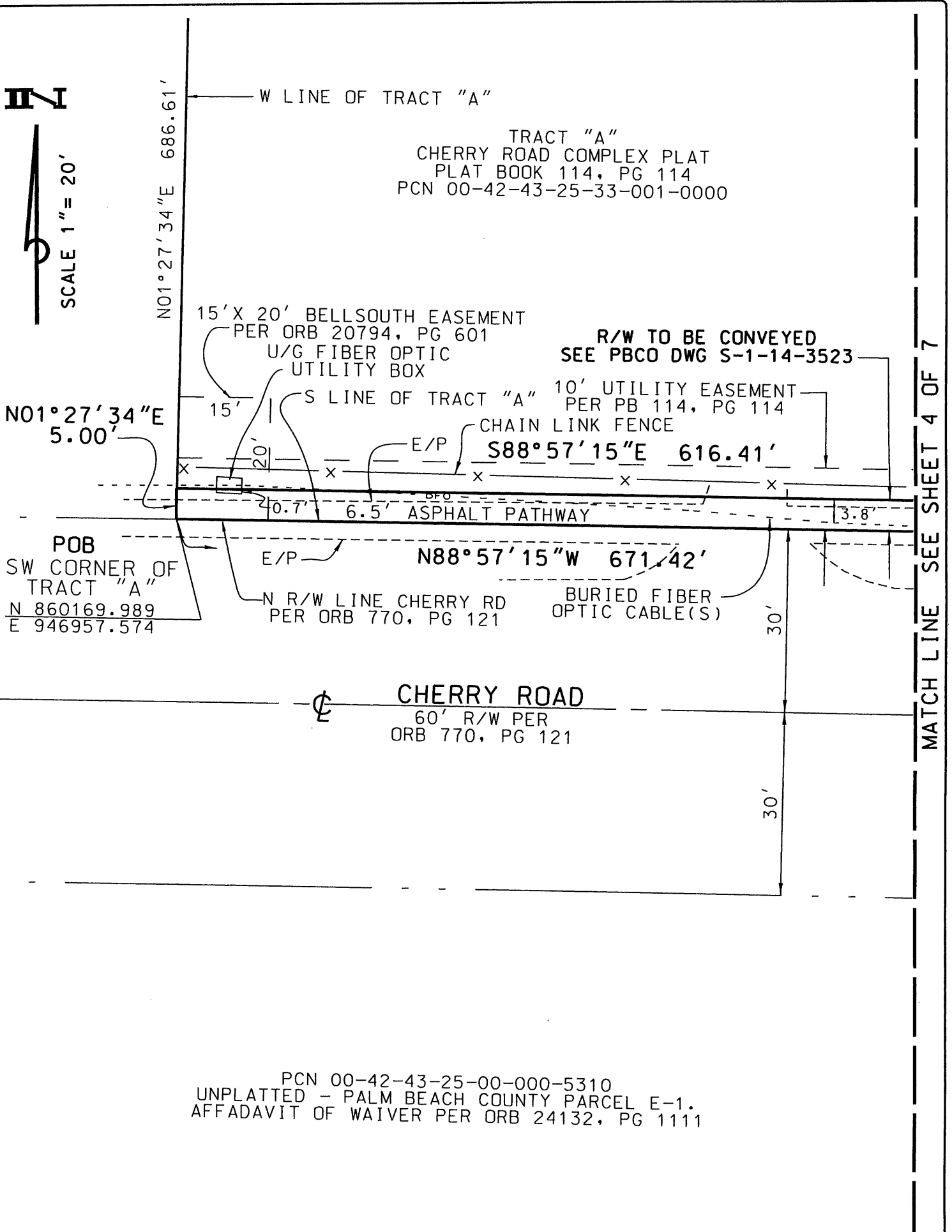
DATE

EXHIBIT A

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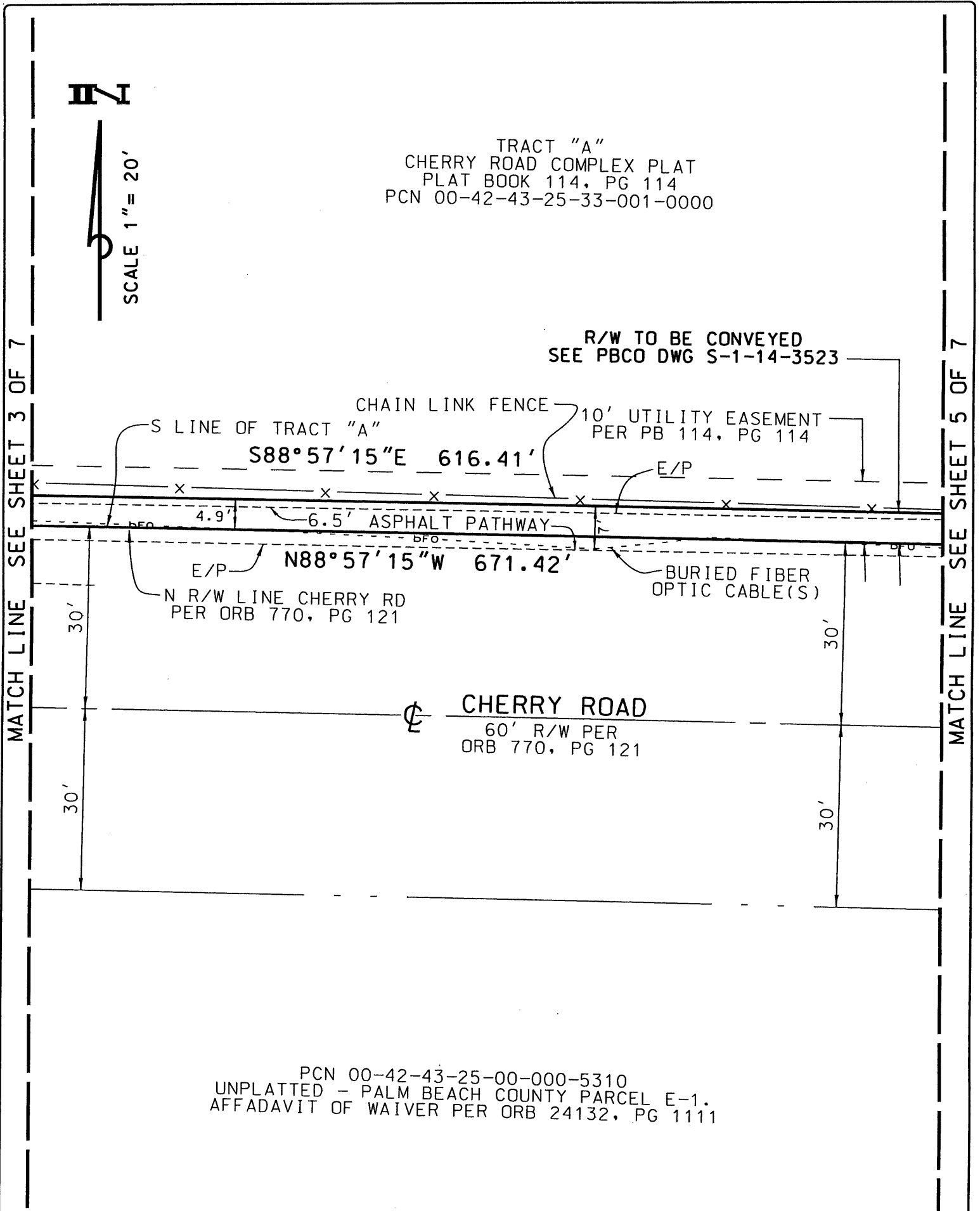
SCALE 1" = 20'



PCN 00-42-43-25-00-000-5310
UNPLATTED - PALM BEACH COUNTY PARCEL E-1.
AFFADAVIT OF WAIVER PER ORB 24132, PG 1111

EXHIBIT A

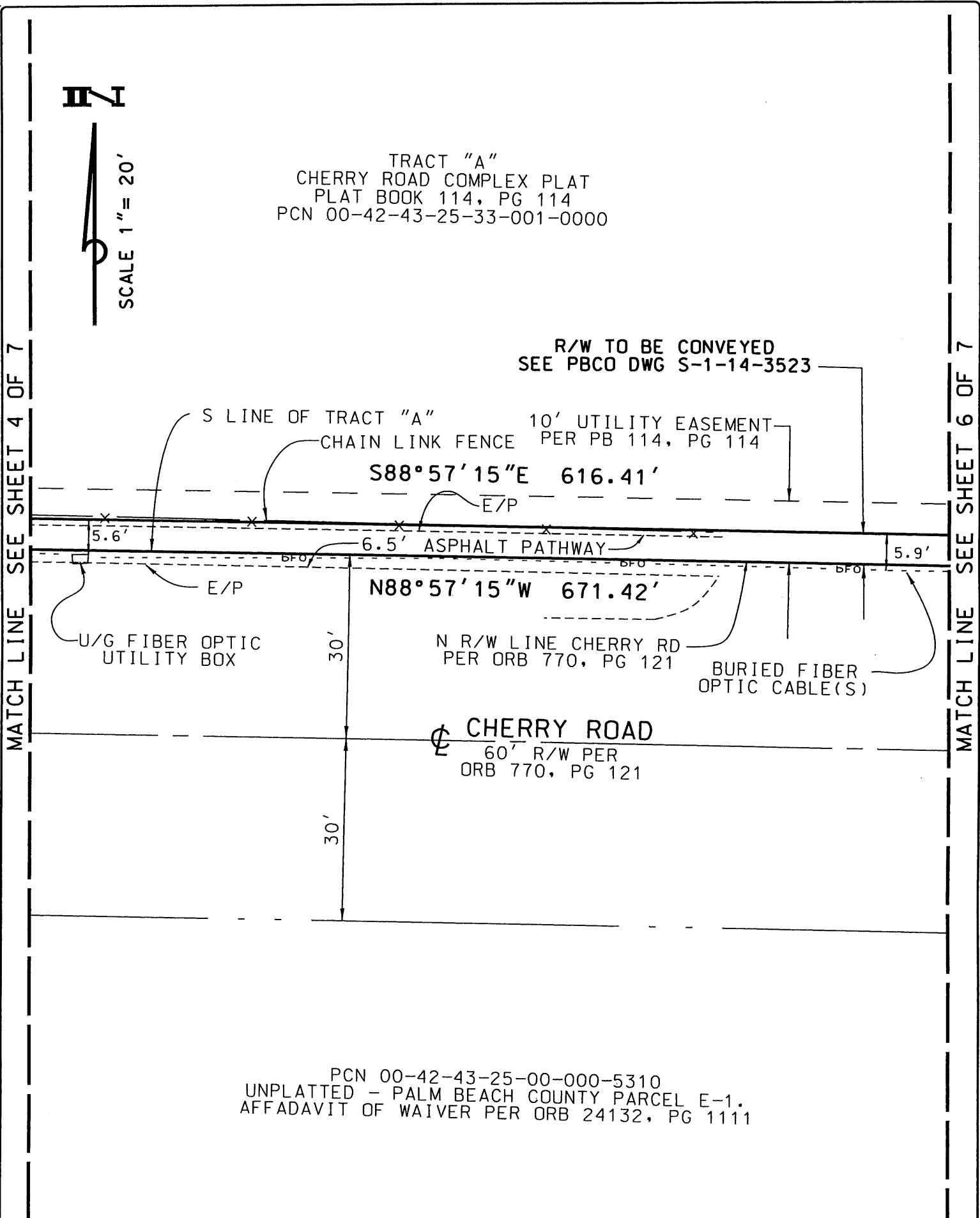
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PCN 00-42-43-25-00-000-5310
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AFFADAVIT OF WAIVER PER ORB 24132, PG 1111

EXHIBIT A

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MATCH LINE SEE SHEET 4 OF 7

MATCH LINE SEE SHEET 6 OF 7

TRACT "A"
CHERRY ROAD COMPLEX PLAT
PLAT BOOK 114, PG 114
PCN 00-42-43-25-33-001-0000

R/W TO BE CONVEYED
SEE PBCO DWG S-1-14-3523

S LINE OF TRACT "A" 10' UTILITY EASEMENT
CHAIN LINK FENCE PER PB 114, PG 114

S88°57'15"E 616.41'

E/P

5.6'

6.5' ASPHALT PATHWAY

5.9'

E/P

N88°57'15"W 671.42'

U/G FIBER OPTIC
UTILITY BOX

N R/W LINE CHERRY RD
PER ORB 770, PG 121

BURIED FIBER
OPTIC CABLE(S)

CHERRY ROAD

60' R/W PER
ORB 770, PG 121

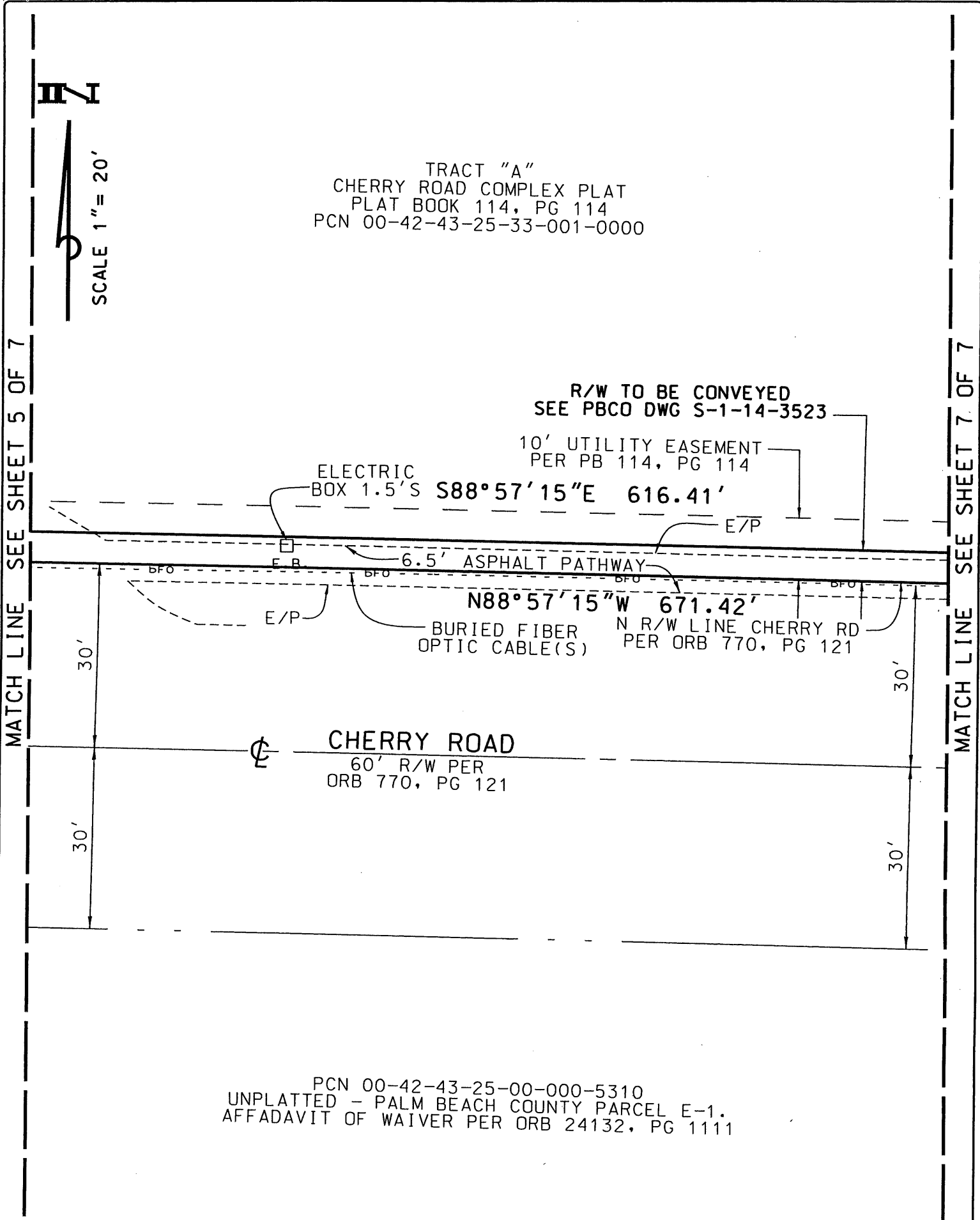
30'

30'

PCN 00-42-43-25-00-000-5310
UNPLATTED - PALM BEACH COUNTY PARCEL E-1.
AFFADAVIT OF WAIVER PER ORB 24132, PG 1111

EXHIBIT A

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TRACT "A"
CHERRY ROAD COMPLEX PLAT
PLAT BOOK 114, PG 114
PCN 00-42-43-25-33-001-0000

R/W TO BE CONVEYED
SEE PBCO DWG S-1-14-3523

10' UTILITY EASEMENT
PER PB 114, PG 114

ELECTRIC
BOX 1.5'S $S88^{\circ}57'15''E$ 616.41'

6.5' ASPHALT PATHWAY

$N88^{\circ}57'15''W$ 671.42'

BURIED FIBER
OPTIC CABLE(S) N R/W LINE CHERRY RD
PER ORB 770, PG 121

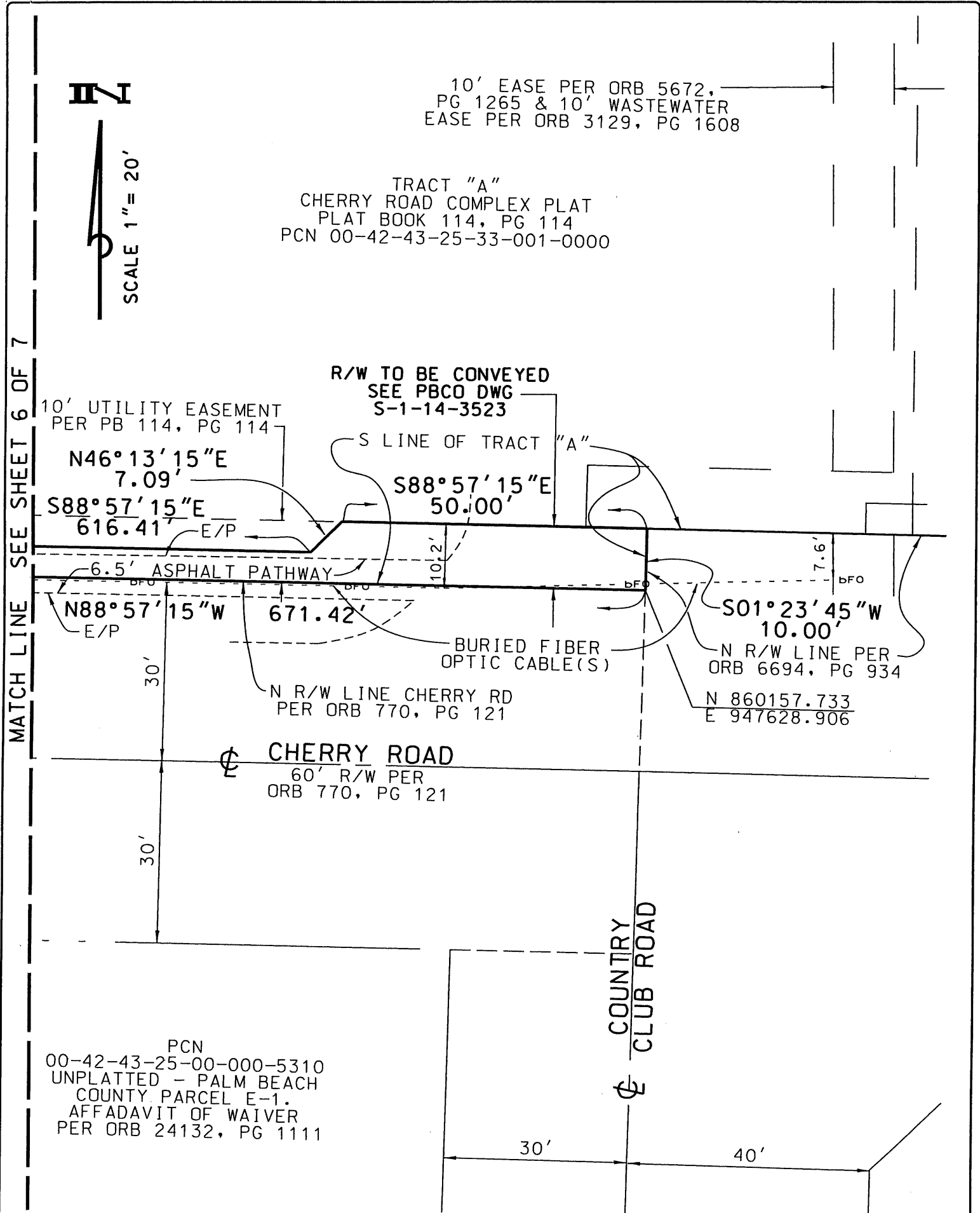
CHERRY ROAD

60' R/W PER
ORB 770, PG 121

PCN 00-42-43-25-00-000-5310
UNPLATTED - PALM BEACH COUNTY PARCEL E-1.
AFFIDAVIT OF WAIVER PER ORB 24132, PG 1111

EXHIBIT A

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PCN
00-42-43-25-00-000-5310
UNPLATTED - PALM BEACH
COUNTY PARCEL E-1.
AFFIDAVIT OF WAIVER
PER ORB 24132, PG 1111