

Agenda Item #: 4-A-1

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

Meeting Date: October 18, 2016 [] Consent [] Regular
[] Workshop [X] Public Hearing
Department: Engineering and Public Works

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 an approximately 2,114 foot long portion of that certain unimproved 30 foot wide right-of-way tract (Tract) lying within Block 34, Palm Beach Farms Company Plat No. 3, as recorded in Plat Book 2, Pages 45 through 54, Public Records of Palm Beach County, Florida, and executing one utility easement over the entire area to be abandoned.

SUMMARY: Adoption of this resolution will allow the petitioner, Solid Waste Authority of Palm Beach County, to remove the public's interest from this unimproved right-of-way which will allow the petitioner to gate the property to stop access by the public in an effort to stop illegal dumping on this Tract. The public does not rely on the petition site for any type of access. The petition site is located east of State Road 7/US Highway 441 and north of Lantana Road.

District 3 (MRE)

Background and Policy Issues: The owner, Solid Waste Authority of Palm Beach County, wishes to remove this unneeded public right-of-way dedication from their property in an effort to stop illegal dumping on the Tract. As provided in Palm Beach County Code Chapter 22. Article III, Road Abandonment and Plat Vacation (Ordinance 2002-034), the Engineering Department advertised this petition for a public hearing on Sunday, October 2, 2016.

Reviewing agencies and utility service providers have no objection to the vacation because a utility easement has been provided.

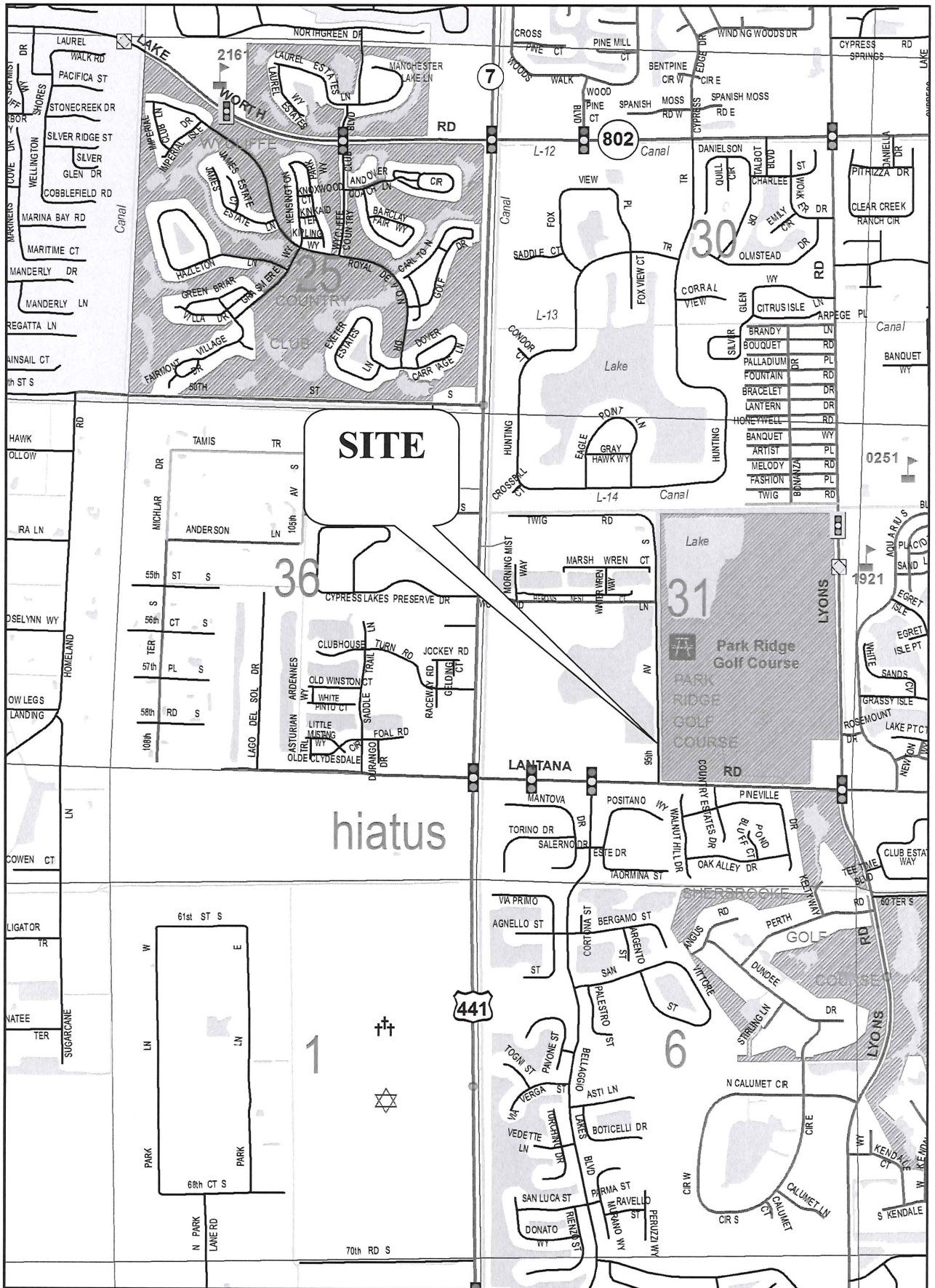
As provided in Palm Beach County Code Chapter 22. Article III, Road Abandonment and Plat Vacation (Ordinance 2002-034), governmental agencies are exempt from the privilege fee.

Attachments:

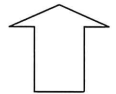
- 1. Location Sketch
- 2. Resolution with Exhibits 'A' and 'B'
- 3. Florida Power & Light Utility Easement with Exhibit 'A'

Recommended by: [Signature] Department Director Date 9/27/16

Approved by: [Signature] Assistant County Administrator Date 10/11/16



LOCATION SKETCH



N (Not to scale)

ABANDONMENT OF AN APPROXIMATELY 2,114 FOOT LONG PORTION OF THE UNIMPROVED RIGHT-OF-WAY (95TH AVE SOUTH) LYING WITHIN BLOCK 34, PALM BEACH FARMS PLAT NO. 3, PLAT BOOK 2, PAGES 45-54, PUBLIC RECORDS OF PALM BEACH COUNTY

RESOLUTION NO. R-2016-_____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ABANDONING AN APPROXIMATELY 2,114 FOOT LONG PORTION OF THAT CERTAIN UNIMPROVED 30 FOOT WIDE RIGHT-OF-WAY TRACT (TRACT) LYING WITHIN BLOCK 34, PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND EXECUTING ONE UTILITY EASEMENT OVER THE ENTIRE TRACT TO BE ABANDONED.

WHEREAS, the Board of County Commissioners (Board) of Palm Beach County, Florida (County), pursuant to authority in Section 336.09, Florida Statutes, and as provided in County Code Chapter 22. Article III, Road Abandonment and Plat Vacation (Ordinance No. 2002-034) and the petition of Solid Waste Authority of Palm Beach County, called a public hearing to be held in the County Commissioners' Chambers, at the Governmental Office Complex, West Palm Beach, Florida, on October 18, 2016, 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 Tract lying within Block 34, as set forth on the sketch and legal description set forth in Exhibit B 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 October 2, 2016; and

WHEREAS, the Board has the authority to execute a utility easement for Florida Power & Light (FP&L) over a portion of the Tract being abandoned as shown in Exhibit A; 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.

RESOLUTION NO. R-2016 _____

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 Board is authorized to execute a utility easement over a portion of the Tract to be abandoned for FP&L as shown in Exhibit A attached hereto and made a part hereof.
3. The Tract is hereby abandoned as a public right-of-way and this Board does hereby renounce and disclaim any right or interest of the Public in and to the Tract, more fully described in the legal description and sketch as shown in Exhibit B attached hereto and made a part hereof.
4. Notice of the adoption of this Resolution shall be published one time 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-2016-_____

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 Mary Lou Berger, Mayor

Commissioner Hal R. Valeche, Vice Mayor

Commissioner Paulette Burdick

Commissioner Shelley Vana

Commissioner Steven L. Abrams

Commissioner Melissa McKinlay

Commissioner Priscilla A. Taylor

The Mayor thereupon declared the Resolution duly passed and adopted this

_____ day of _____, 2016.

**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 5

EXHIBIT "A"

LEGAL DESCRIPTION OF PARCEL:

BEING A PORTION OF A 30 FOOT ROAD RIGHT OF WAY IN BLOCK 34, OF THE PALM BEACH FARMS COMPANY PLAT NO.3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2 AT PAGE 45 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 31, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; SAID PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A FOUND 4"X4" CONCRETE MONUMENT WITH ALUMINUM DISC STAMPED "PLS#3542 31-42" MARKING THE SOUTH 1/4 CORNER OF SAID SECTION 31; THENCE NORTH 88°23'30" WEST ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 31, A DISTANCE OF 135.58 FEET; THENCE NORTH 01°36'30" EAST ALONG A LINE BEING PERPENDICULAR TO THE LAST DESCRIBED COURSE, A DISTANCE OF 54.00 FEET TO A POINT OF INTERSECTION WITH THE NORTH EXISTING RIGHT OF WAY LINE OF COUNTY ROAD 812 (LANTANA ROAD) AND THE WEST EXISTING RIGHT OF WAY LINE OF 95TH AVENUE; THENCE NORTH 01°03'37" WEST ALONG SAID WEST EXISTING RIGHT OF WAY LINE OF 95TH AVENUE, A DISTANCE OF 386.65 FEET; THENCE CONTINUE NORTH 01°03'37" WEST ALONG SAID WEST EXISTING RIGHT OF WAY LINE OF 95TH AVENUE, A DISTANCE OF 99.87 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 01°03'37" WEST ALONG SAID WEST EXISTING RIGHT OF WAY LINE OF 95TH AVENUE, A DISTANCE OF 2,112.93 FEET TO A POINT OF INTERSECTION WITH THE SOUTH EXISTING RIGHT OF WAY LINE OF WOODWIND LANE ALSO BEING THE NORTHEAST CORNER OF TRACT 21 OF SAID BLOCK 34; THENCE NORTH 88°56'51" EAST ALONG THE PROLONGATION OF SAID SOUTH EXISTING RIGHT OF WAY LINE OF WOODWIND LANE, A DISTANCE OF 30.00 FEET TO A POINT ON THE EAST EXISTING RIGHT OF WAY LINE OF 95TH AVENUE, ALSO BEING THE NORTHWEST CORNER OF TRACT 20 OF SAID BLOCK 34; THENCE SOUTH 01°03'37" EAST ALONG SAID EAST EXISTING RIGHT OF WAY LINE OF 95TH AVENUE, A DISTANCE OF 2,114.33 FEET TO A POINT; THENCE NORTH 88°23'30" WEST ALONG A LINE BEING 540.00 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 31, A DISTANCE OF 30.03 FEET TO THE POINT OF BEGINNING.

CONTAINING 63,408 SQUARE FEET OR 1.456 ACRES, MORE OR LESS.

I HEREBY CERTIFY THAT THIS LEGAL AND SKETCH DESCRIPTION WAS PREPARED UNDER MY DIRECTION AND THAT SAID SKETCH AND LEGAL DESCRIPTION IS IN COMPLIANCE WITH THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17.052, FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027 FLORIDA STATUTES.

Thuy A. Truong
THUY A. TRUONG, P.S.M.
FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 5868
STANTEC CONSULTING INC.
2056 VISTA PARKWAY, SUITE 100
WEST PALM BEACH, FLORIDA 33411
(561) 686-7707 LB 7866

08-25-16

DATE

NOT VALID UNLESS SIGNED AND SEALED.

REVISION		BY	DATE	CHECKED		TT	08/25/16	Project No.2024180524.035		SHEET 1 OF 5	
								95TH AVENUE RIGHT-OF-WAY - PETITION TO ABANDON			
								FP&L EASEMENT			
								PALM BEACH COUNTY			
								PREPARED BY:			
								STANTEC CONSULTING INC. (LB 7866)		NOT TO SCALE	

EXHIBIT A

GENERAL NOTES

EXHIBIT "A"

LEGEND

1. COORDINATES SHOWN ARE GRID.

DATUM=NAD83, 1990 ADJUSTMENT

ZONE=FLORIDA EAST.

LINEAR UNITS=U.S. SURVEY FOOT.

COORDINATE SYSTEM: 1983 STATE PLANE
TRANSVERSE MERCATOR PROJECTION.

ALL DISTANCES ARE GROUND.

PROJECT SCALE FACTOR=1.000020
GROUND DISTANCE X SCALE FACTOR=
GRID DISTANCE.

ALL BEARINGS ARE GRID (NO ROTATION).

2. BEARINGS SHOWN HEREON ARE BASED ON
THE SOUTH LINE OF THE SOUTHEAST 1/4
OF SECTION 31, TOWNSHIP 44 SOUTH,
RANGE 42 EAST. SAID SOUTH LINE BEARS
SOUTH 88°21'03" EAST.

3. THIS SKETCH EXISTS SOLELY FOR THE
PURPOSE OF ILLUSTRATING THE LEGAL
DESCRIPTION TO WHICH IT IS ATTACHED.

4. ALL DIMENSIONS ARE CALCULATED
UNLESS OTHERWISE NOTED.

5. INFORMATION SHOWN WAS BASED ON:

- SPECIFIC PURPOSE SURVEY FOR SWA 95TH ABANDONMENT,
DRAWING NO.2024180524.035, DATED 9/16/2015
- SKETCH OF BOUNDARY SURVEY FOR LANTANA LANDFILL
SITE AND LAKE AND PARK SITE,
PREPARED BY HELLER-WEAVER AND SHERMETA, INC., DATED 2001.
- FDOT R/W MAP SECTION NO.93530-2151, DATED 1953.
- FDOT R/W MAP SECTION NO.93210-2525, DATED 1996.
- PBC R/W MAP PROJECT NO.90606, DATED 1991.
- P.B.2, PG.45 PUBLIC RECORDS OF PBC.
- P.B.114, PG.54, PUBLIC RECORDS OF PBC.
- CCR DOCUMENTS FROM LABINS WEBSITE.
- SECTION CORNER COORDINATES ARE IN ACCORANCE WITH THE PALM BEACH COUNTY
SECTION CORNER HISTORY DATABASE BEING ON THE NAD 1983/1990 ADJUSTMENT.

ADD.	ADDITION
ALUM.	ALUMINUM
&	AND
AVE.	AVENUE
CCR	CERTIFIED CORNER RECORD
CO.	COMPANY
CMON	CONCRETE MONUMENT
COR.	CORNER
C.R.	COUNTY ROAD
(D)	DEED
EXIST.	EXISTING
FDOT	FLORIDA DEPARTMENT OF TRANSPORTATION
FP&L	FLORIDA POWER AND LIGHT
FD.	FOUND
INC.	INCORPORATED
L.W.D.D.	LAKE WORTH DRAINAGE DISTRICT
LB	LICENSED BUSINESS
MAG	MAGNETIC
NO.	NUMBER
O.R.B.	OFFICIAL RECORD BOOK
PG.	PAGE
PBC	PALM BEACH COUNTY
PCN	PARCEL CONTROL NUMBER
P.U.D.	PLANNED UNIT DEVELOPMENT
(P)	PLAT
P.B.	PLAT BOOK
±	PLUS OR MINUS
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
PLS	PROFESSIONAL LAND SURVEYOR
RGE.	RANGE
R/W	RIGHT OF WAY
SEC.	SECTION
SWA	SOLID WASTE AUTHORITY
SQ.FT.	SQUARE FEET
TR.	TRACT
TWP.	TOWNSHIP
W/	WITH

SHEET INDEX

<u>SHEET NO.</u>	<u>SHEET DESCRIPTION</u>
SHEET 1 OF 5	LEGAL DESCRIPTION
SHEET 2 OF 5	NOTES AND LEGEND
SHEET 3 OF 5	KEY SHEET
SHEET 4 OF 5	DETAIL SHEET
SHEET 5 OF 5	LOCATION MAP

6. TITLE SEARCH REPORTS WERE PROVIDED BY COHEN, NORRIS, WOLMER, RAY, TELEPMAN
& COHEN, FUND FILE NO.06-2015-216997, DATED AUGUST 28, 2015.

7. FOR EXISTING ABOVE GROUND IMPROVEMENT INFORMATION REFER TO SPECIFIC PURPOSE SURVEY FOR SOLID
WASTE AUTHORITY 95TH AVENUE ABANDONMENT, DRAWING NO.2024180524.035, DATED 8/04/2016.

EASEMENT PARCEL = 63,408 SQ.FT.(1.456 ACRES)

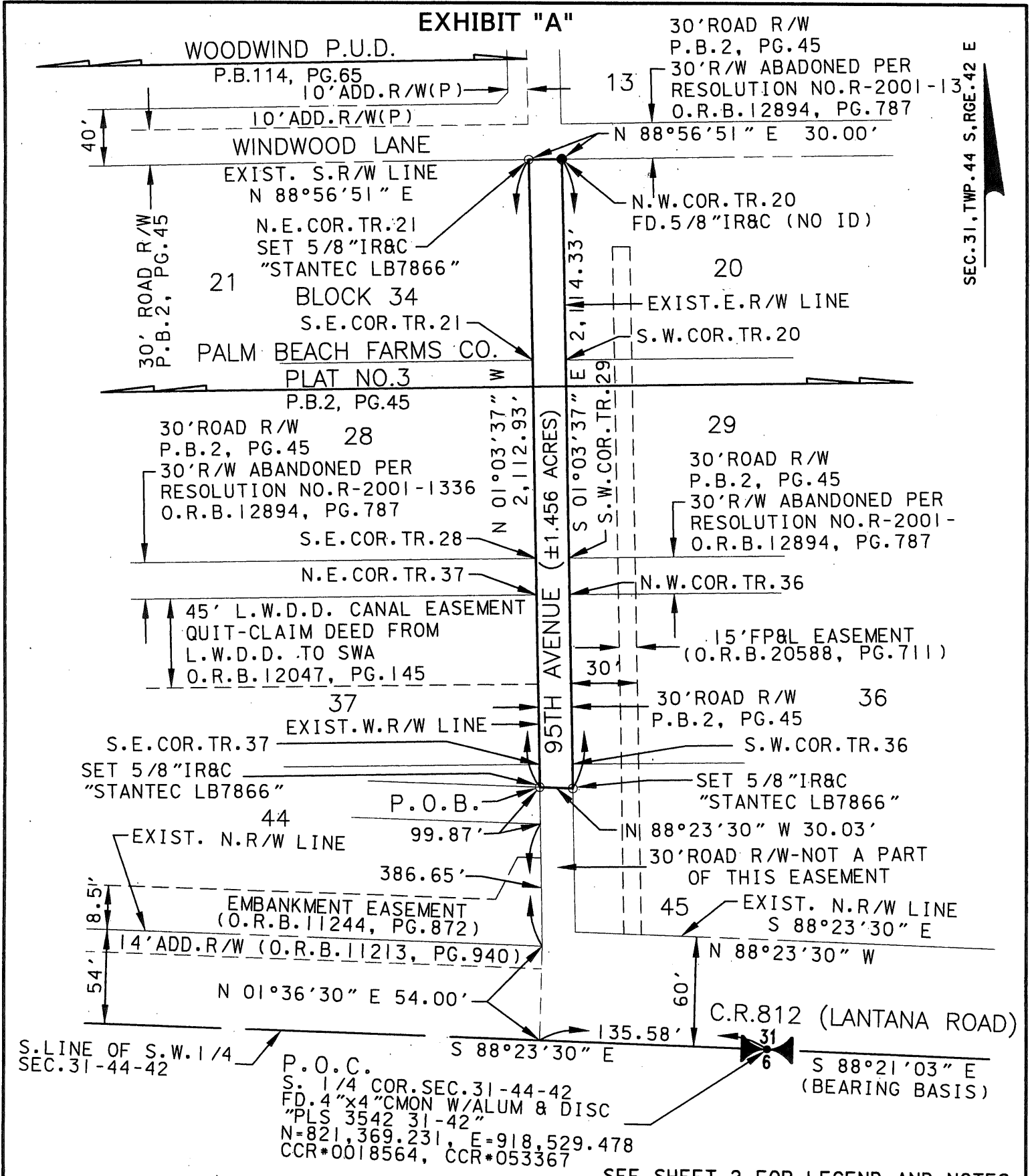
**95TH AVENUE RIGHT-OF-WAY - PETITION TO ABANDON
FP&L EASEMENT**

PALM BEACH COUNTY

DRAWN	DR	08/25/16	PREPARED BY: STANTEC CONSULTING INC. (LB 7866)			NOT TO SCALE				
CHECKED	TT	08/25/16	Project No.2024180524.035						SHEET 2 OF 5	
REVISION	BY	DATE	CHECKED	TT	08/25/16					SHEET 2 OF 5

EXHIBIT A

Page 3 of 5



SEE SHEET 2 FOR LEGEND AND NOTES

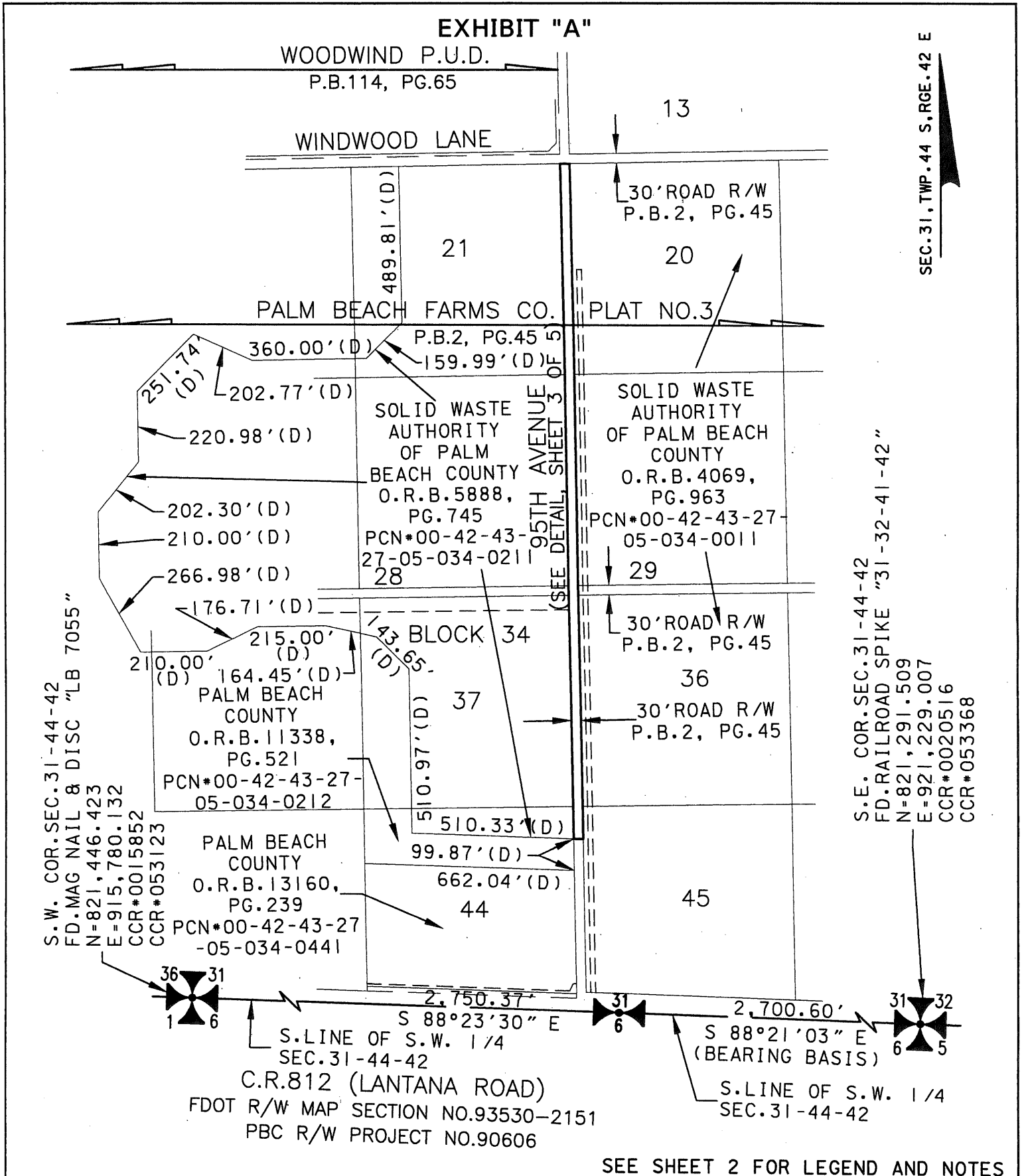
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Page 4 of 5



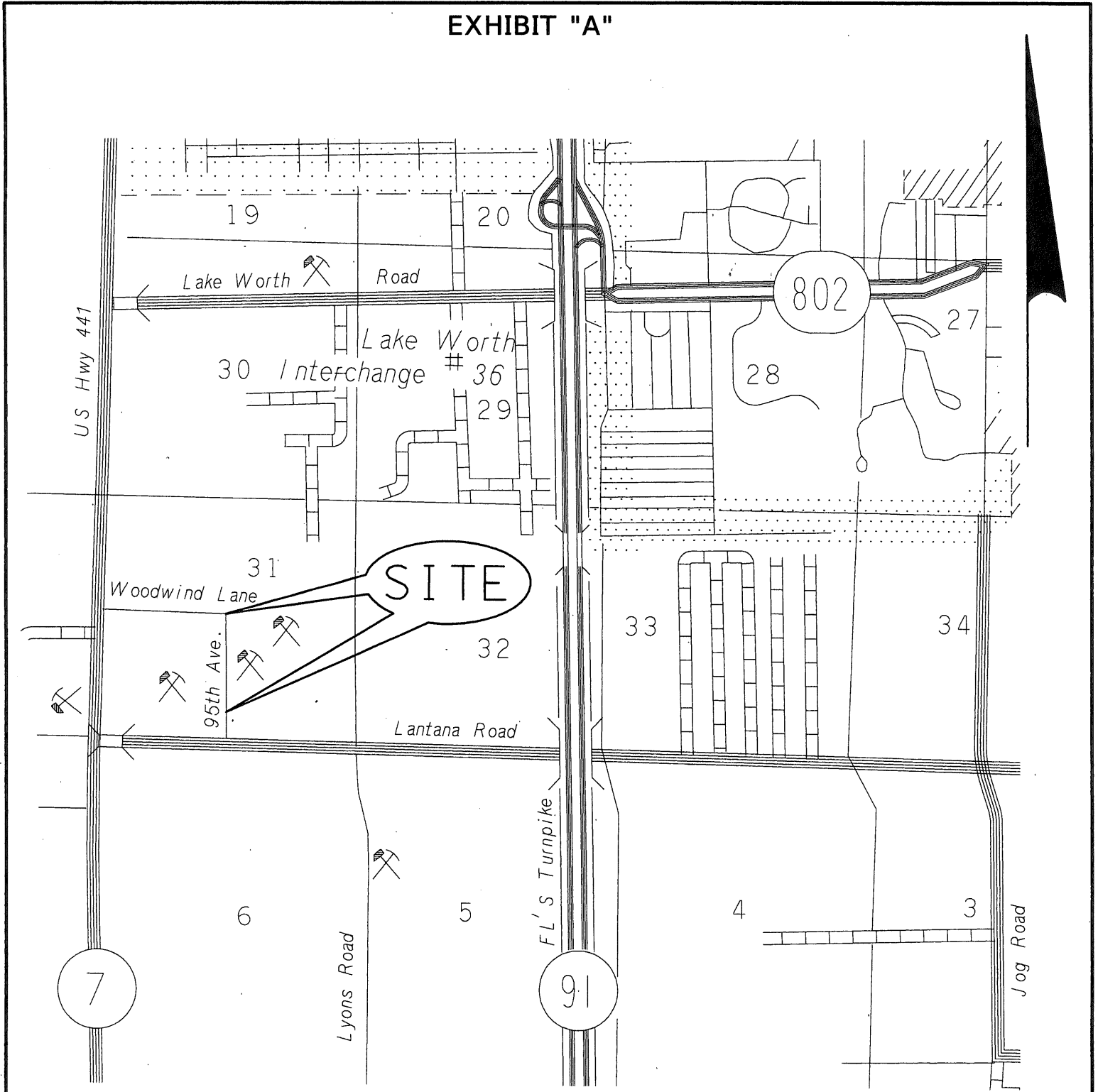
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REVISION	BY	DATE	CHECKED	TT	08/25/16
					Project No.2024180524.035
					SHEET 4 OF 5

EXHIBIT A

Page 5 of 5

EXHIBIT "A"



LIMITS: A PORTION OF A 30 FOOT RIGHT-OF-WAY AS SHOWN IN PALM BEACH FARMS COMPANY PLAT NO.3, PLAT BOOK 2, PAGES 45 THROUGH 54, AS RECORDED IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING WITHIN BLOCK 34 IN SECTION 31, TOWNSHIP 44 SOUTH, RANGE 42 EAST

LOCATION MAP

		95TH AVENUE RIGHT-OF-WAY - PETITION TO ABANDON FP&L EASEMENT					
		PALM BEACH COUNTY					
		BY	DATE	PREPARED BY:	NOT TO SCALE		
		DRAWN	DR	08/25/16		STANTEC CONSULTING INC. (LB 7866)	
REVISION	BY	DATE	CHECKED	TT	08/25/16	Project No.2024180524.035	SHEET 5 OF 5

EXHIBIT B

LEGAL DESCRIPTION OF PARCEL:

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Thuy A. Truong
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 FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 5868
 STANTEC CONSULTING INC.
 2056 VISTA PARKWAY, SUITE 100
 WEST PALM BEACH, FLORIDA 33411
 (561) 686-7707 LB 7866

08-09-16
 DATE

NOT VALID UNLESS SIGNED AND SEALED.

		95TH AVENUE RIGHT-OF-WAY - PETITION TO ABANDON BOUNDARY SURVEY			
				PALM BEACH COUNTY	
		BY	DATE	PREPARED BY:	
		DRAWN	DR	08/04/16	STANTEC CONSULTING INC. (LB 7866) NOT TO SCALE
REVISION	BY	DATE	CHECKED	TT	08/04/16
					Project No.2024180524.035
					SHEET 1 OF 5

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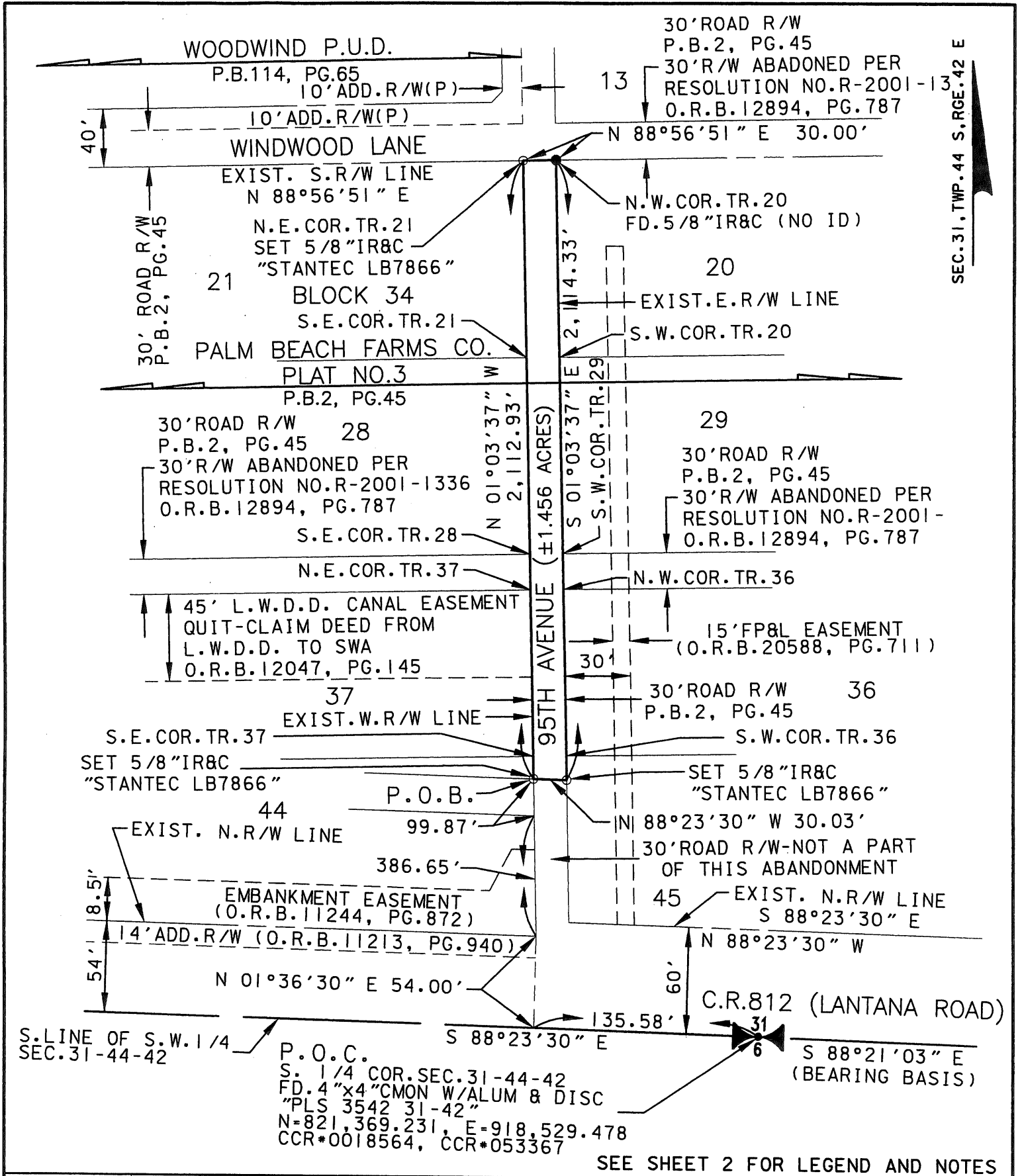
ADD.	ADDITION
ALUM.	ALUMINUM
&	AND
AVE.	AVENUE
CCR	CERTIFIED CORNER RECORD
CO.	COMPANY
CMON	CONCRETE MONUMENT
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C.R.	COUNTY ROAD
(D)	DEED
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P.O.B.	POINT OF BEGINNING
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PLS	PROFESSIONAL LAND SURVEYOR
RGE.	RANGE
R/W	RIGHT OF WAY
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SWA	SOLID WASTE AUTHORITY
SQ.FT.	SQUARE FEET
TR.	TRACT
TWP.	TOWNSHIP
W/	WITH

SHEET INDEX

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SHEET 3 OF 5	KEY SHEET
SHEET 4 OF 5	DETAIL SHEET
SHEET 5 OF 5	LOCATION MAP

95TH AVENUE RIGHT-OF-WAY - PETITION TO ABANDON BOUNDARY SURVEY						
PALM BEACH COUNTY						
			BY	DATE	PREPARED BY:	
			DRAWN	DR	08/04/16	STANTEC CONSULTING INC. (LB 7866)
			CHECKED	TT	08/04/16	NOT TO SCALE
REVISION	BY	DATE	Project No.2024180524.035			SHEET 2 OF 5

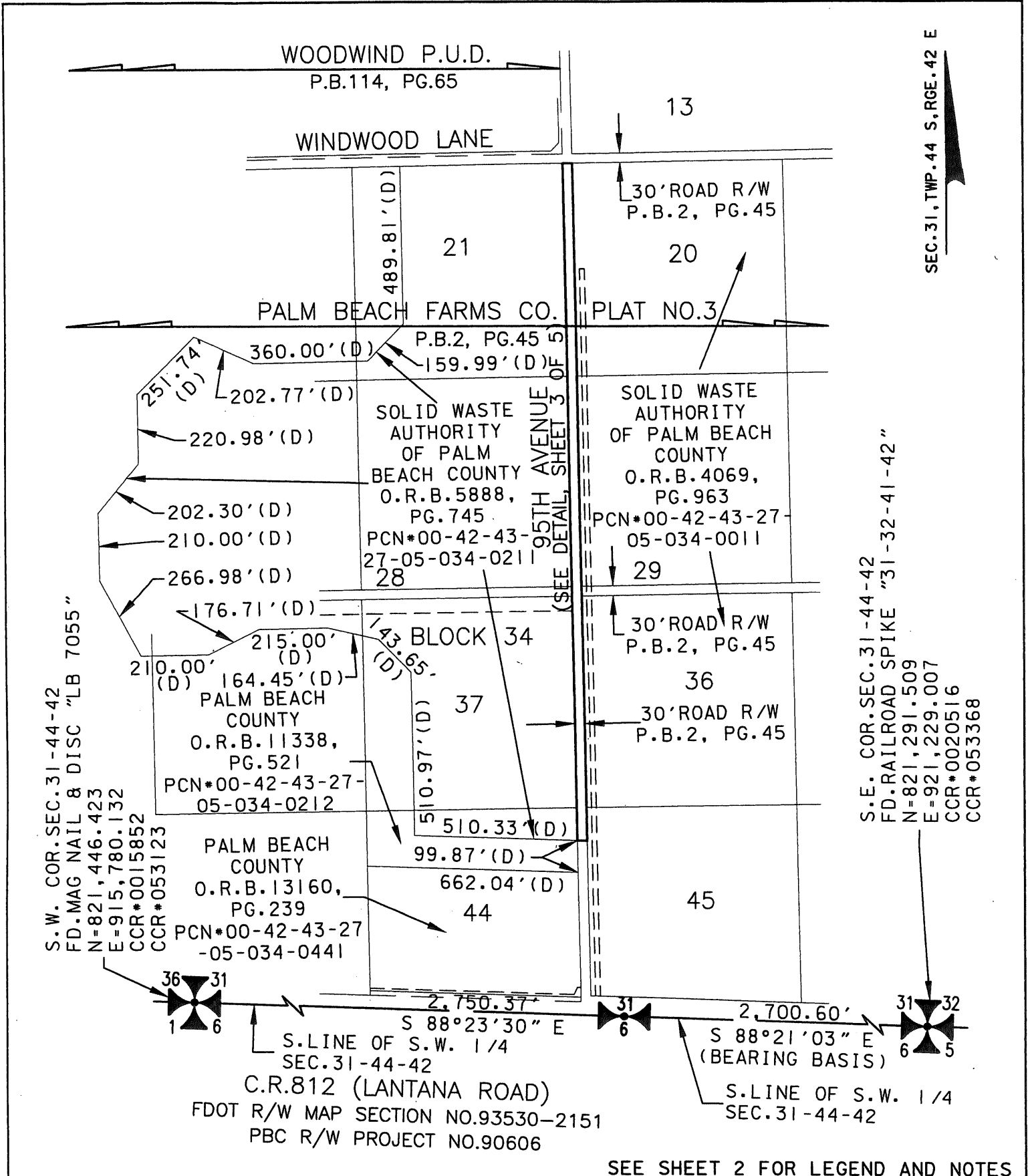
EXHIBIT B



SEC.31, TWP.44 S, RGE.42 E

95TH AVENUE RIGHT-OF-WAY - PETITION TO ABANDON BOUNDARY SURVEY					
PALM BEACH COUNTY					
	BY	DATE	PREPARED BY:		
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REVISION	BY	DATE	CHECKED	TT	08/04/16
Project No.2024180524.035					SHEET 3 OF 5

EXHIBIT B



SEE SHEET 2 FOR LEGEND AND NOTES

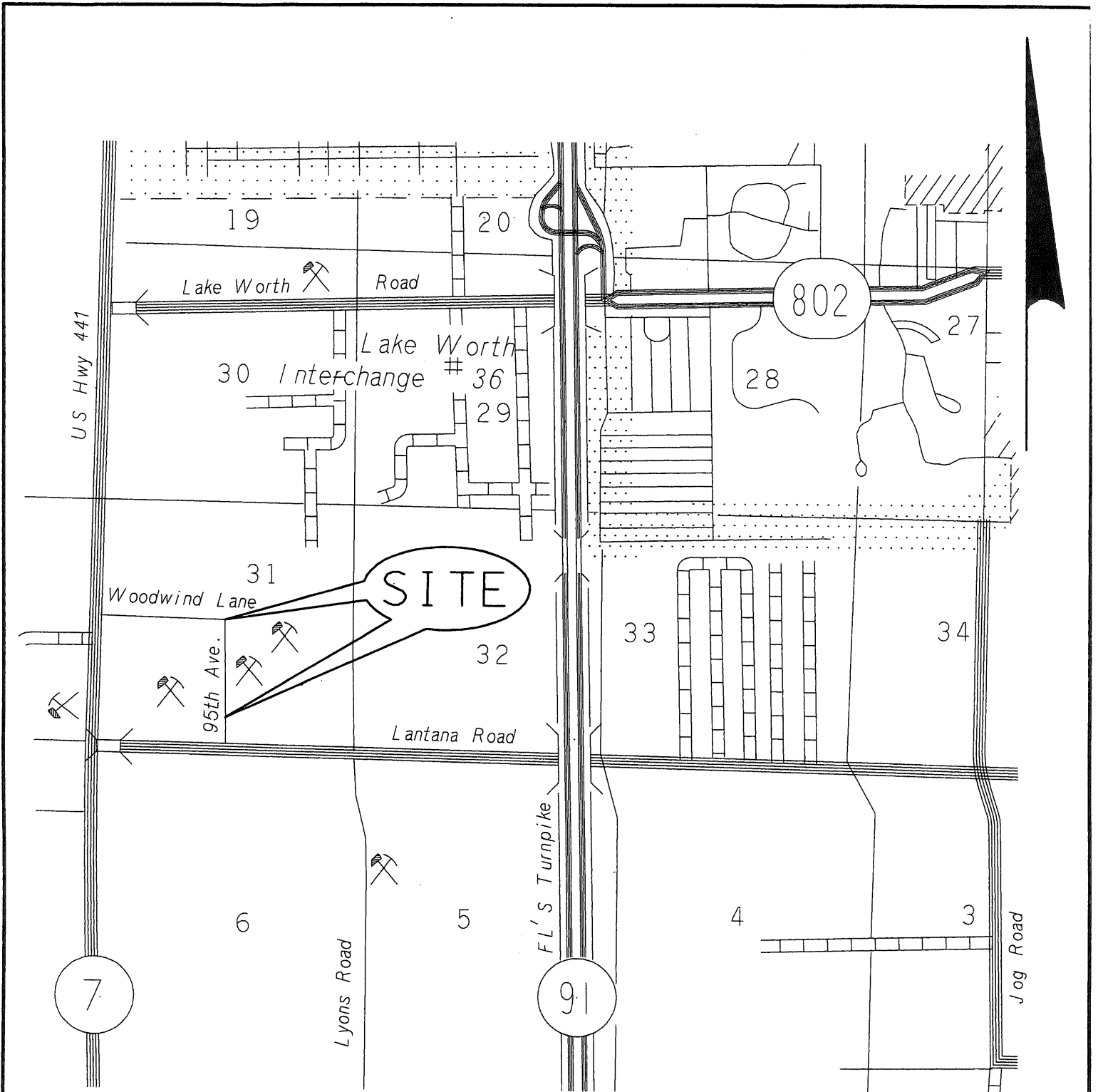
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PALM BEACH COUNTY

REVISION			BY			DATE			CHECKED			TT			08/04/16			PREPARED BY:			STANTEC CONSULTING INC. (LB 7866)			SCALE: 1"=400'		
Project No.2024180524.035															SHEET 4 OF 5											

EXHIBIT B

Page 5 of 5



LIMITS: A PORTION OF A 30 FOOT RIGHT-OF-WAY AS SHOWN IN PALM BEACH FARMS COMPANY PLAT NO.3, PLAT BOOK 2, PAGES 45 THROUGH 54, AS RECORDED IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING WITHIN BLOCK 34 IN SECTION 31, TOWNSHIP 44 SOUTH, RANGE 42 EAST

LOCATION MAP

95TH AVENUE RIGHT-OF-WAY - PETITION TO ABANDON BOUNDARY SURVEY

PALM BEACH COUNTY

			BY	DATE	PREPARED BY:	
					STANTEC CONSULTING INC. (LB 7866)	NOT TO SCALE
			DRAWN	DR	08/04/16	
			CHECKED	TT	08/04/16	
REVISION	BY	DATE			Project No.2024180524.035	SHEET 5 OF 5

Return to:

Maureen Barber
Land Development Division
2300 N Jog Rd, 3W-13
West Palm Beach FL 33411-2745

Attachment 3
Page 1 of 2

EASEMENT

KNOW ALL MEN BY THESE PRESENTS that PALM BEACH COUNTY, FLORIDA, a political subdivision of the State of Florida, whose address is 301 N Olive West Palm Beach, 33401-4700 ("Grantor") in considerations, receipt of which is hereby acknowledged, does hereby grant to the **Florida Power & Light Company, a Florida corporation, whose address is P.O. Box 14000, Juno Beach, Florida 33408-0420**, and to its affiliates, licensees, agents, successors and assigns ("Grantee") (the term "assigns" meaning any person, firm or corporation owning by way of assignment all rights under the Agreement or a portion of such rights with Grantee or its other assigns retaining and exercising the other rights), an easement forever for a **right-of-way, thirty (30) feet in width**, to be used for the construction, operation and maintenance of one or more overhead and underground electric transmission and distribution lines, including but not limited to, wires, poles, "H" frame structures, towers, cables, conduits, anchors, guys, roads, trails and equipment associated therewith, attachments and appurtenant equipment for communication purposes and one or more pipelines, and appurtenant equipment for the transmission of substances of any kind (all of the foregoing hereinafter referred to as "**facilities**"), over, under, in, on, upon and across the lands of the Grantor situated in the County of Palm Beach and the State of Florida and being more particularly described on Exhibit A attached hereto and made a part hereof ("**Easement Area**"); together with the right and privilege from time to time to reconstruct, inspect, alter, improve, enlarge, add to, change the voltage, as well as the nature or physical characteristics of, replace, remove or relocate such facilities or any part of them upon, across, over or under the Easement Area with all rights and privileges necessary or convenient for the full enjoyment or the use thereof for the herein described purposes, including, but not limited to, the right to cut and keep clear all trees and undergrowth and other obstructions within the Easement Area and on lands of Grantor adjoining the Easement Area that may interfere with the proper construction, operation and maintenance of such facilities or any part of them, the right to mark the location of any underground facilities by above ground and other suitable markers and the right of ingress and egress for personnel and equipment of Grantee, its contractors, agents, successors or assigns over the adjoining lands of Grantor, for the purpose of exercising and enjoying the rights granted by this easement and any or all of the rights granted hereunder.

Further, Grantor hereby grants to Grantee, its contractors, subcontractors and other authorized representatives, a perpetual access easement in, on, over and across the Easement Area for ingress and egress purposes, including the right to enter upon, cross and/or exit the Easement Area on foot or with motorized construction and other type vehicles and trucks carrying construction equipment, materials and personnel, in order to access Grantee's facilities situated on the property located adjacent to the Easement Area. This easement is granted with all rights necessary and convenient for the full use and enjoyment of the Easement Area for the purposes described herein including without limitation (i) the right to use any existing roads on the Easement Area, (ii) the right, but not the obligation, of Grantee to use, improve, maintain or construct a road on the Easement Area necessary for Grantee to access Grantee's facilities situated on the property located adjacent to the Easement Area, and (iii) Grantee's right to keep any road on the Easement Area clear of brush, trees, obstructions as may be necessary or desirable for Grantee's use.

Grantor, however, reserves the right and privilege to use the Easement Area for such other purposes except as herein granted or as might interfere or be inconsistent with the use, occupation, maintenance or enjoyment thereof by Grantee or its successors or assigns, or as might cause a hazardous condition; provided, however, and by the execution and delivery hereof Grantor so expressly agrees that no portion of the Easement Area shall be excavated, altered, obstructed, improved, surfaced or paved without the prior written permission of Grantee, or its successors or assigns.

By the execution hereof, Grantor covenants that it has the right to convey this easement and that Grantee and its successors and assigns shall have quiet and peaceful possession, use and enjoyment of this easement and the rights granted hereby.

IN WITNESS WHEREOF, Grantor has executed this Agreement this _____ day of _____, 20__.

Grantor:

ATTEST:
SHARON R. BOCK, CLERK & COMPTROLLER
By: _____
Name: _____
Title: _____

PALM BEACH COUNTY, FLORIDA, BY ITS BOARD
OF COUNTY COMMISSIONERS
By: _____
Name: _____
Title: _____

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY
By: _____
Assistant County Attorney

ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF PALM BEACH

On this _____ day of _____, 20__ before me, the undersigned notary public, personally appeared _____, Chair, Board of County Commissioners, personally known to me to be the person who subscribed to the foregoing instrument, and acknowledged that he/she executed the same on behalf of the County and that he/she was duly authorized so to do.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

NOTARY PUBLIC, STATE OF FLORIDA
Print name:
Commission No.:
My Commission Expires:

EXHIBIT "A"

LEGAL DESCRIPTION OF PARCEL:

BEING A PORTION OF A 30 FOOT ROAD RIGHT OF WAY IN BLOCK 34, OF THE PALM BEACH FARMS COMPANY PLAT NO.3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2 AT PAGE 45 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 31, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; SAID PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A FOUND 4"x4" CONCRETE MONUMENT WITH ALUMINUM DISC STAMPED "PLS#3542 31-42" MARKING THE SOUTH 1/4 CORNER OF SAID SECTION 31; THENCE NORTH 88°23'30" WEST ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 31, A DISTANCE OF 135.58 FEET; THENCE NORTH 01°36'30" EAST ALONG A LINE BEING PERPENDICULAR TO THE LAST DESCRIBED COURSE, A DISTANCE OF 54.00 FEET TO A POINT OF INTERSECTION WITH THE NORTH EXISTING RIGHT OF WAY LINE OF COUNTY ROAD 812 (LANTANA ROAD) AND THE WEST EXISTING RIGHT OF WAY LINE OF 95TH AVENUE; THENCE NORTH 01°03'37" WEST ALONG SAID WEST EXISTING RIGHT OF WAY LINE OF 95TH AVENUE, A DISTANCE OF 386.65 FEET; THENCE CONTINUE NORTH 01°03'37" WEST ALONG SAID WEST EXISTING RIGHT OF WAY LINE OF 95TH AVENUE, A DISTANCE OF 99.87 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 01°03'37" WEST ALONG SAID WEST EXISTING RIGHT OF WAY LINE OF 95TH AVENUE, A DISTANCE OF 2,112.93 FEET TO A POINT OF INTERSECTION WITH THE SOUTH EXISTING RIGHT OF WAY LINE OF WOODWIND LANE ALSO BEING THE NORTHEAST CORNER OF TRACT 21 OF SAID BLOCK 34; THENCE NORTH 88°56'51" EAST ALONG THE PROLONGATION OF SAID SOUTH EXISTING RIGHT OF WAY LINE OF WOODWIND LANE, A DISTANCE OF 30.00 FEET TO A POINT ON THE EAST EXISTING RIGHT OF WAY LINE OF 95TH AVENUE, ALSO BEING THE NORTHWEST CORNER OF TRACT 20 OF SAID BLOCK 34; THENCE SOUTH 01°03'37" EAST ALONG SAID EAST EXISTING RIGHT OF WAY LINE OF 95TH AVENUE, A DISTANCE OF 2,114.33 FEET TO A POINT; THENCE NORTH 88°23'30" WEST ALONG A LINE BEING 540.00 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 31, A DISTANCE OF 30.03 FEET TO THE POINT OF BEGINNING.

CONTAINING 63,408 SQUARE FEET OR 1.456 ACRES, MORE OR LESS.

I HEREBY CERTIFY THAT THIS LEGAL AND SKETCH DESCRIPTION WAS PREPARED UNDER MY DIRECTION AND THAT SAID SKETCH AND LEGAL DESCRIPTION IS IN COMPLIANCE WITH THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17.052, FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027 FLORIDA STATUTES.

Thuy A. Truong
THUY A. TRUONG, P.S.M.
FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 5868
STANTEC CONSULTING INC.
2056 VISTA PARKWAY, SUITE 100
WEST PALM BEACH, FLORIDA 33411
(561) 686-7707 LB 7866

08-25-16
DATE

NOT VALID UNLESS SIGNED AND SEALED.

				95TH AVENUE RIGHT-OF-WAY - PETITION TO ABANDON FP&L EASEMENT	
				PALM BEACH COUNTY	
	BY	DATE	PREPARED BY:		
	DRAWN	DR	STANTEC CONSULTING INC. (LB 7866)	NOT TO SCALE	
REVISION	BY	DATE	CHECKED	TT	08/25/16
				Project No.2024180524.035	
				SHEET 1 OF 5	

EXHIBIT A

to Attachment 3
Page 2 of 5

GENERAL NOTES

EXHIBIT "A"

LEGEND

1. COORDINATES SHOWN ARE GRID.

DATUM=NAD83,1990 ADJUSTMENT

ZONE=FLORIDA EAST.

LINEAR UNITS=U.S. SURVEY FOOT.

COORDINATE SYSTEM: 1983 STATE PLANE
TRANSVERSE MERCATOR PROJECTION.

ALL DISTANCES ARE GROUND.

PROJECT SCALE FACTOR=1.000020
GROUND DISTANCE X SCALE FACTOR=
GRID DISTANCE.

ALL BEARINGS ARE GRID (NO ROTATION).

2. BEARINGS SHOWN HEREON ARE BASED ON
THE SOUTH LINE OF THE SOUTHEAST 1/4
OF SECTION 31, TOWNSHIP 44 SOUTH,
RANGE 42 EAST. SAID SOUTH LINE BEARS
SOUTH 88°21'03" EAST.

3. THIS SKETCH EXISTS SOLELY FOR THE
PURPOSE OF ILLUSTRATING THE LEGAL
DESCRIPTION TO WHICH IT IS ATTACHED.

4. ALL DIMENSIONS ARE CALCULATED
UNLESS OTHERWISE NOTED.

5. INFORMATION SHOWN WAS BASED ON:

- SPECIFIC PURPOSE SURVEY FOR SWA 95TH ABANDONMENT,
DRAWING NO.2024180524.035, DATED 9/16/2015
- SKETCH OF BOUNDARY SURVEY FOR LANTANA LANDFILL
SITE AND LAKE AND PARK SITE,
PREPARED BY HELLER-WEAVER AND SHERMETA, INC., DATED 2001.
- FDOT R/W MAP SECTION NO.93530-2151, DATED 1953.
- FDOT R/W MAP SECTION NO.93210-2525, DATED 1996.
- PBC R/W MAP PROJECT NO.90606, DATED 1991.
- P.B.2, PG.45 PUBLIC RECORDS OF PBC.
- P.B.114, PG.54, PUBLIC RECORDS OF PBC.
- CCR DOCUMENTS FROM LABINS WEBSITE.
- SECTION CORNER COORDINATES ARE IN ACCORANCE WITH THE PALM BEACH COUNTY
SECTION CORNER HISTORY DATABASE BEING ON THE NAD 1983/1990 ADJUSTMENT.

6. TITLE SEARCH REPORTS WERE PROVIDED BY COHEN, NORRIS, WOLMER, RAY, TELEPMAN
& COHEN, FUND FILE NO.06-2015-216997, DATED AUGUST 28, 2015.

7. FOR EXISTING ABOVE GROUND IMPROVEMENT INFORMATION REFER TO SPECIFIC PURPOSE SURVEY FOR SOLID
WASTE AUTHORITY 95TH AVENUE ABANDONMENT, DRAWING NO.2024180524.035, DATED 8/04/2016.

EASEMENT PARCEL = 63,408 SQ.FT.(1.456 ACRES)

ADD.	ADDITION
ALUM.	ALUMINUM
&	AND
AVE.	AVENUE
CCR	CERTIFIED CORNER RECORD
CO.	COMPANY
CMON	CONCRETE MONUMENT
COR.	CORNER
C.R.	COUNTY ROAD
(D)	DEED
EXIST.	EXISTING
FDOT	FLORIDA DEPARTMENT OF TRANSPORTATION
FP&L	FLORIDA POWER AND LIGHT
FD.	FOUND
INC.	INCORPORATED
L.W.D.D.	LAKE WORTH DRAINAGE DISTRICT
LB	LICENSED BUSINESS
MAG	MAGNETIC
NO.	NUMBER
O.R.B.	OFFICIAL RECORD BOOK
PG.	PAGE
PBC	PALM BEACH COUNTY
PCN	PARCEL CONTROL NUMBER
P.U.D.	PLANNED UNIT DEVELOPMENT
(P)	PLAT
P.B.	PLAT BOOK
±	PLUS OR MINUS
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
PLS	PROFESSIONAL LAND SURVEYOR
RGE.	RANGE
R/W	RIGHT OF WAY
SEC.	SECTION
SWA	SOLID WASTE AUTHORITY
SQ.FT.	SQUARE FEET
TR.	TRACT
TWP.	TOWNSHIP
W/	WITH

SHEET INDEX

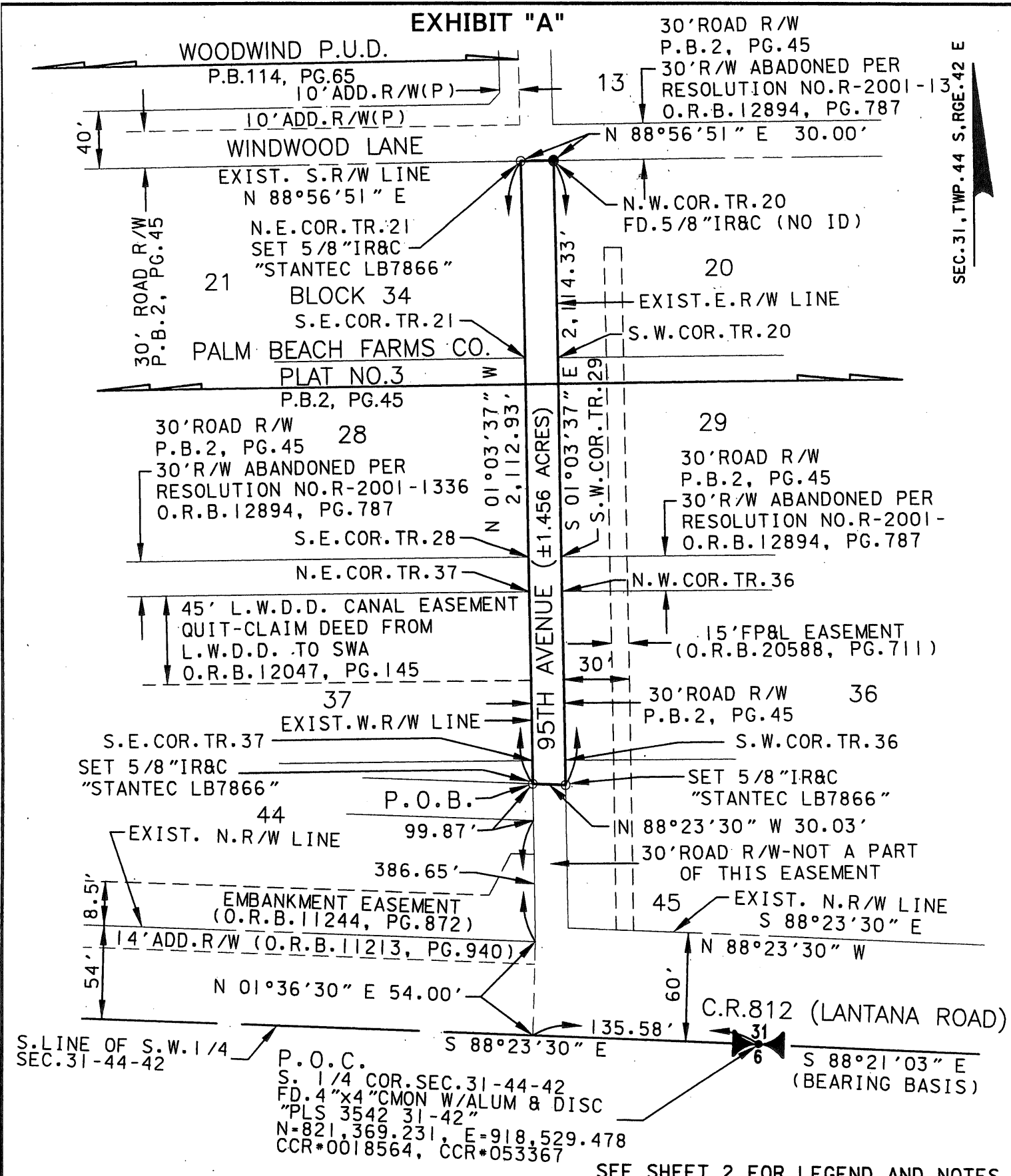
SHEET NO.	SHEET DESCRIPTION
SHEET 1 OF 5	LEGAL DESCRIPTION
SHEET 2 OF 5	NOTES AND LEGEND
SHEET 3 OF 5	KEY SHEET
SHEET 4 OF 5	DETAIL SHEET
SHEET 5 OF 5	LOCATION MAP

95TH AVENUE RIGHT-OF-WAY - PETITION TO ABANDON FP&L EASEMENT

PALM BEACH COUNTY

			BY	DATE	PREPARED BY:				
			DRAWN	DR	08/25/16	STANTEC CONSULTING INC. (LB 7866)		NOT TO SCALE	
REVISION		BY	DATE	CHECKED	TT	08/25/16	Project No.2024180524.035		SHEET 2 OF 5

EXHIBIT A
to Attachment 3
Page 3 of 5



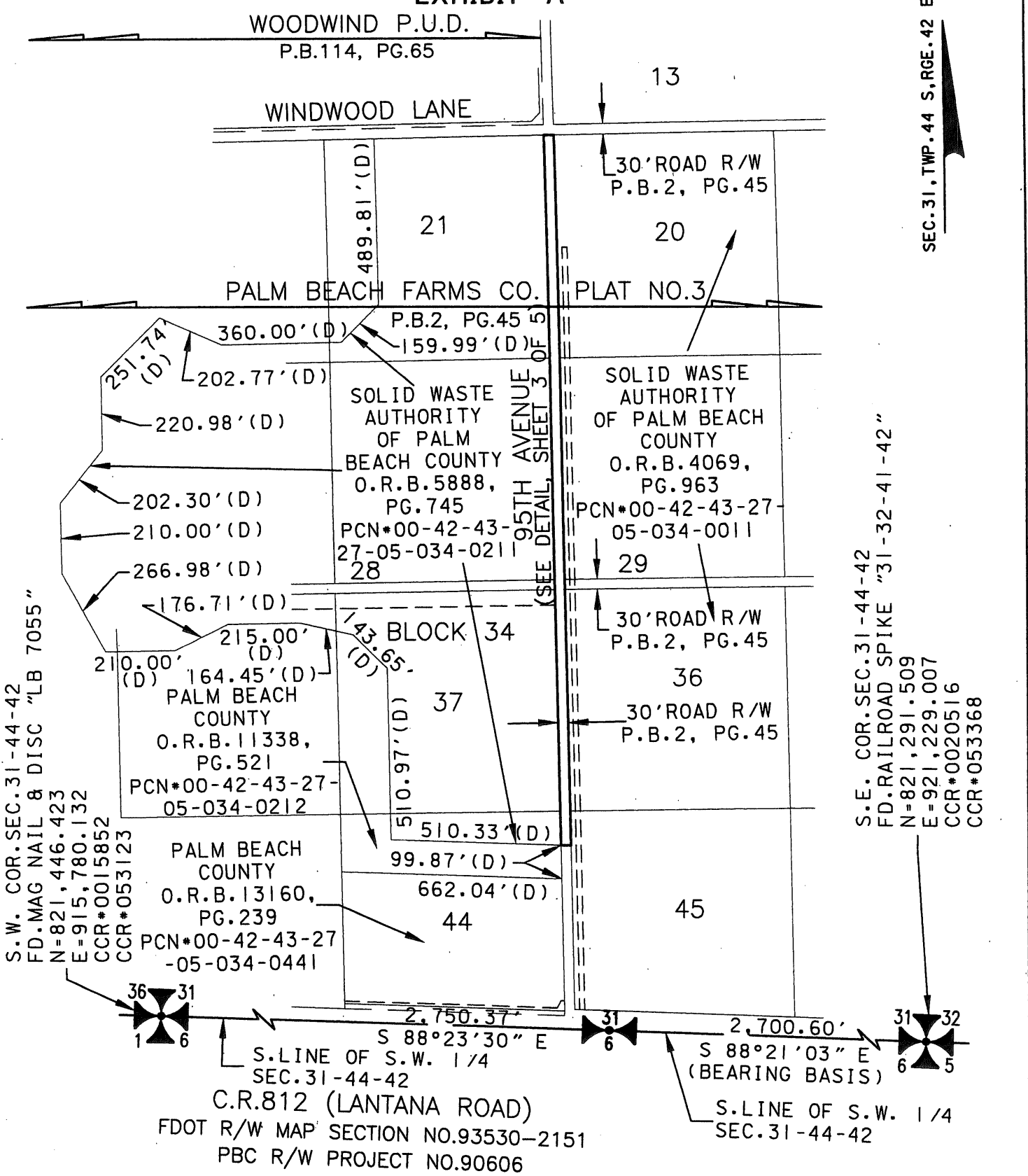
SEC.31, TWP.44 S. RGE.42 E

95TH AVENUE RIGHT-OF-WAY - PETITION TO ABANDON					
FP&L EASEMENT					
PALM BEACH COUNTY					
BY	DATE	PREPARED BY:	NOT TO SCALE		
DRAWN	DR	08/25/16	STANTEC CONSULTING INC. (LB 7866)		
CHECKED	TT	08/25/16	Project No.2024180524.035		SHEET 3 OF 5

EXHIBIT A

to Attachment 3
Page 4 of 5

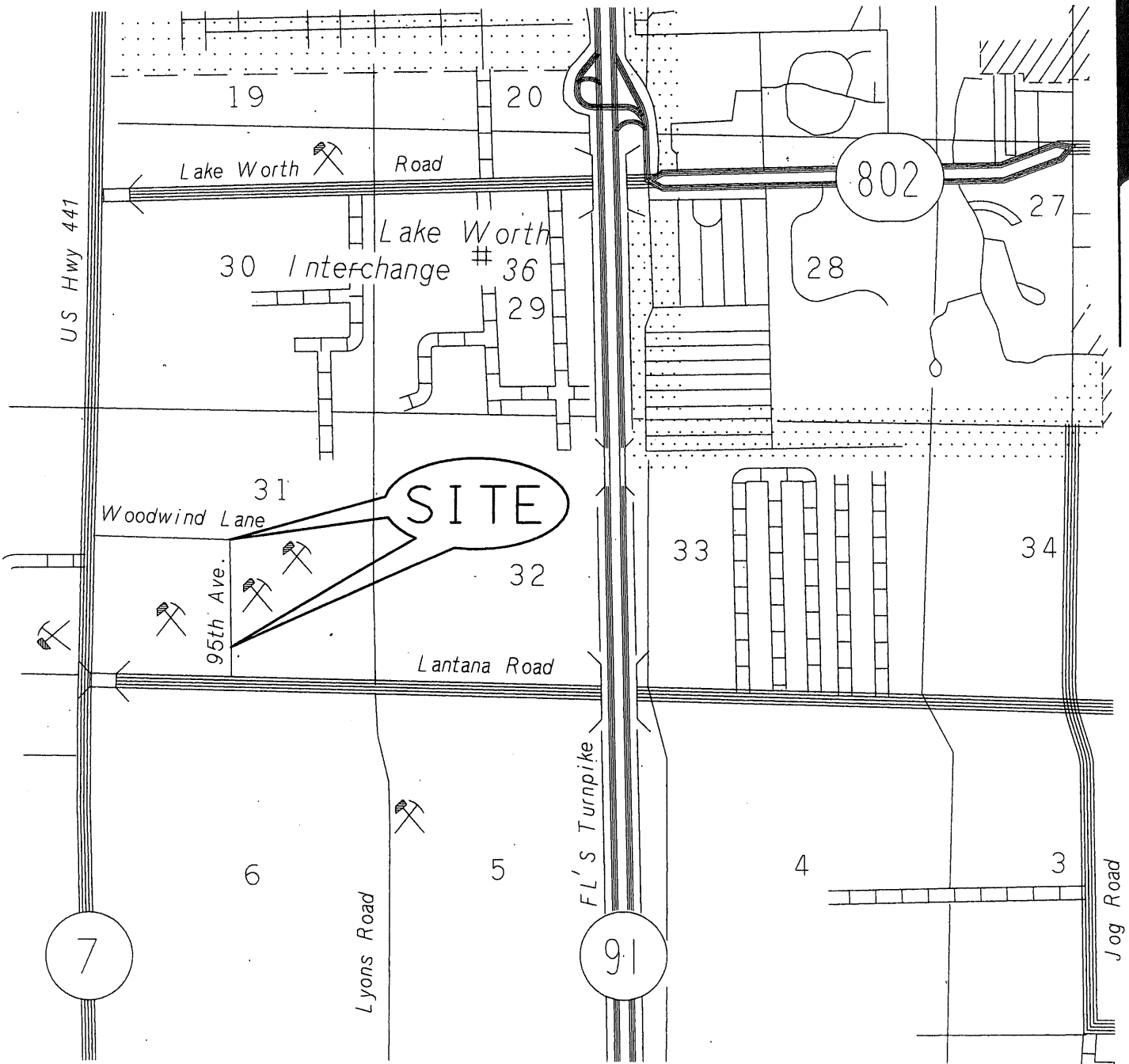
EXHIBIT "A"



SEE SHEET 2 FOR LEGEND AND NOTES

				95TH AVENUE RIGHT-OF-WAY - PETITION TO ABANDON FP&L EASEMENT	
				PALM BEACH COUNTY	
		BY	DATE	PREPARED BY:	SCALE: 1"=400'
		DRAWN	DR	STANTEC CONSULTING INC. (LB 7866)	
REVISION	BY	DATE	CHECKED	TT	08/25/16
					Project No.2024180524.035
					SHEET 4 OF 5

EXHIBIT "A"



LIMITS: A PORTION OF A 30 FOOT RIGHT-OF-WAY AS SHOWN IN PALM BEACH FARMS COMPANY PLAT NO.3, PLAT BOOK 2, PAGES 45 THROUGH 54, AS RECORDED IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING WITHIN BLOCK 34 IN SECTION 31, TOWNSHIP 44 SOUTH, RANGE 42 EAST

LOCATION MAP

**95TH AVENUE RIGHT-OF-WAY - PETITION TO ABANDON
FP&L EASEMENT**

PALM BEACH COUNTY

				BY	DATE	PREPARED BY:	
				DR	08/25/16	STANTEC CONSULTING INC. (LB 7866)	NOT TO SCALE
				TT	08/25/16	Project No.2024180524.035	
REVISION	BY	DATE	CHECKED	TT	08/25/16		SHEET 5 OF 5