

Agenda Item #: 4-A-2

**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 all of that certain unimproved 30 foot wide right-of-way (ROW) tract lying between Tracts 13 and 14, and Tracts 19 and 20, Block 28, Palm Beach Farms Company Plat No. 3, as recorded in Plat Book 2, Pages 45 through 54, Public Records of Palm Beach County, Florida.

SUMMARY: Adoption of this resolution will allow the petitioner, DiVosta Homes, L.P., to pursue redevelopment of Gulfstream Planned Unit Development, a large residential project. The public does not rely on the petition site for any type of access. The petition site is located east of Polo Road and south of Lake Worth Road.

District 6 (MRE)

Background and Policy Issues: The owner, DiVosta Homes, L.P., wishes to remove from their property this unneeded public ROW dedication that is in conflict with their proposed site plan to redevelop this land. 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.

Privilege Fee Statement: As provided in Palm Beach County Code Chapter 22. Article III, Road Abandonment and Plat Vacation (Ordinance 2002-034) no privilege fee is due because the petitioner is conveying more ROW for Polo Road than the area that is being abandoned. The calculations are as follows:

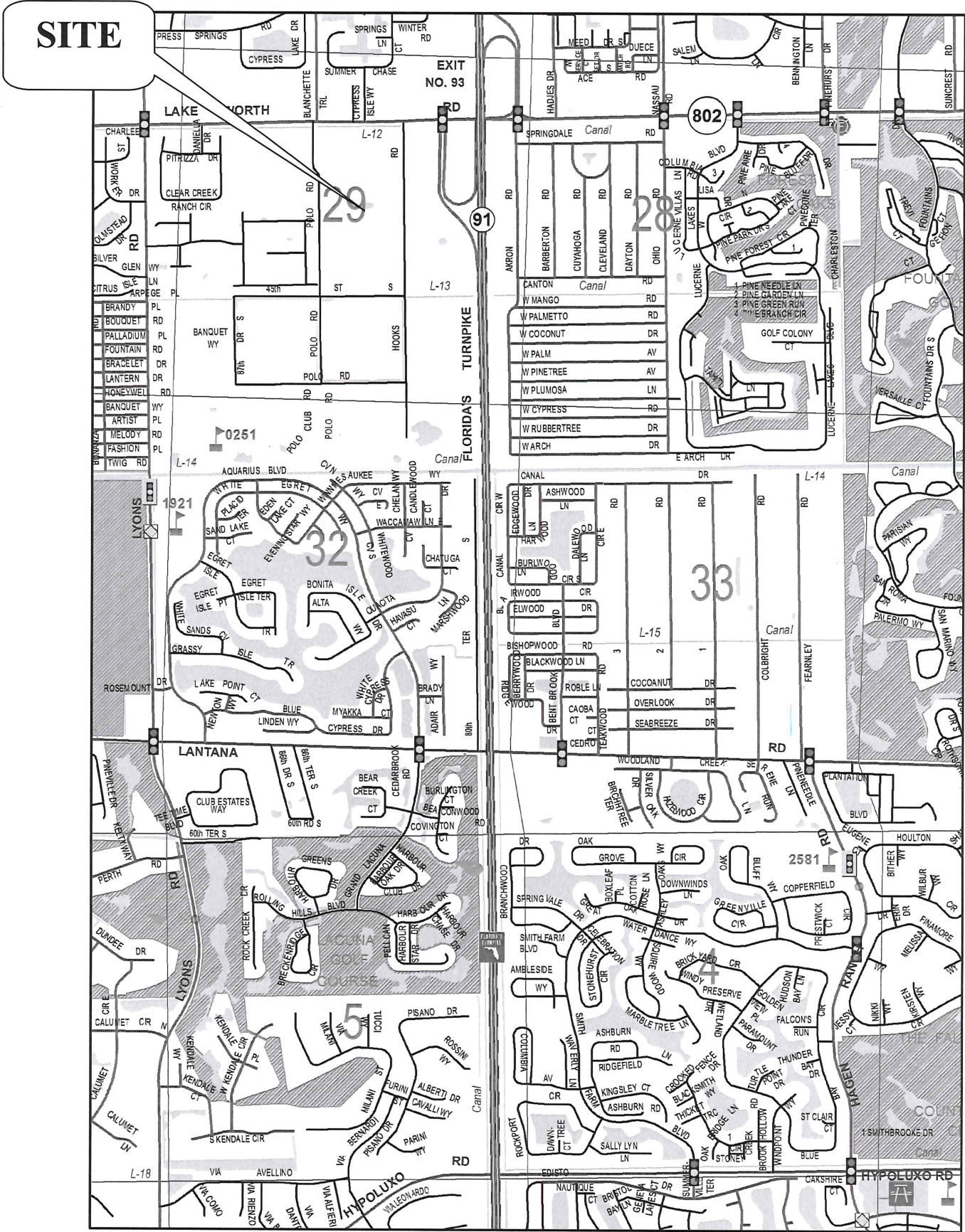
| | |
|--|----------------------|
| Total sq. ft. of ROW for Petition Site | 39,589 square feet |
| Less ROW for Polo Road | 196,723 square feet |
| Subtotal: | -157,137 square feet |
| Total Privilege Fee | -0- |

Attachments:

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

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

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



LOCATION MAP  N (Not to scale)

ABANDONMENT OF ALL OF THAT CERTAIN 30 FOOT WIDE
 RIGHT-OF-WAY TRACT LYING BETWEEN TRACTS 13 AND
 14, AND TRACTS 19 AND 20, BLOCK 28,
 PALM BEACH FARMS COMPANY PLAT NO. 3,
 AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54

RESOLUTION NO. R-2016-_____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ABANDONING ALL OF THAT CERTAIN UNIMPROVED 30 FOOT WIDE RIGHT-OF-WAY TRACT (TRACT) LYING BETWEEN TRACTS 13 AND 14, AND TRACTS 19 AND 20, BLOCK 28, PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

WHEREAS, the Board of County Commissioners (Board) of Palm Beach County (County), Florida, pursuant to authority in Section 336.09, Florida Statutes, and as provided in Palm Beach County Code Chapter 22. Article III, Road Abandonment and Plat Vacation (Ordinance No. 2002-034) and the petition of DiVosta Homes, L.P. called a public hearing to be held in the Board's 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 all of that certain unimproved Tract lying between Tracts 13 and 14, and Tracts 19 and 20, Block 28, 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 October 2, 2016; 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.

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.

RESOLUTION NO. R-2016_____

2. 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 A attached hereto and made a part hereof.

3. 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" SHEET 1 OF 7

DESCRIPTION: PETITION TO ABANDON RIGHT-OF-WAY

ALL OF THAT CERTAIN 30 FOOT WIDE RIGHT-OF-WAY LYING BETWEEN TRACTS 13 AND 14, AND TRACTS 19 AND 20, BLOCK 28, PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 29, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID TRACT 13; THENCE N.89°03'30"E. ALONG THE SOUTH LINE OF SAID TRACTS 13 AND 14, A DISTANCE OF 1319.64 FEET TO THE SOUTHEAST CORNER OF SAID TRACT 14; THENCE S.00°56'30"E, A DISTANCE OF 30.00 FEET TO THE NORTHEAST CORNER OF SAID TRACT 19; THENCE S.89°03'30"W. ALONG THE NORTH LINE OF SAID TRACTS 19 AND 20, A DISTANCE OF 1319.64 FEET TO THE NORTHWEST CORNER OF SAID TRACT 20; THENCE N.00°56'30"W., A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.

LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.
CONTAINING 39,589 SQUARE FEET/0.9088 ACRES MORE OR LESS.

NOTES:

1. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.
2. LANDS SHOWN HEREON WERE ABSTRACTED BY LAND TITLE INSURANCE COMPANY, OWNERSHIP AND ENCUMBRANCE REPORT DATED APRIL 29, 2016.
3. BEARINGS ARE RELATIVE TO A GRID BEARING OF S.87°34'57"W. ALONG THE LINE BETWEEN PALM BEACH COUNTY ENGINEERING DEPARTMENT HORIZONTAL CONTROL POINTS "SUMMER AND "NASSAU", BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NORTH AMERICAN DATUM OF 1983 (90/98 ADJUSTMENT).
4. COORDINATES SHOWN HEREON ARE RELATIVE TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NORTH AMERICAN DATUM OF 1983 (90/98 ADJUSTMENT) IN U.S. SURVEY FEET.
5. THE "LAND DESCRIPTION" HEREON WAS PREPARED BY THE SURVEYOR.
6. THIS SPECIFIC PURPOSE SURVEY WAS COMPLETED TO DELINEATE EXISTING ABOVE GROUND IMPROVEMENTS AND UTILITIES WITHIN AN EXISTING RIGHT-OF-WAY AND DOES NOT CONSTITUTE A BOUNDARY SURVEY AS SUCH.

CERTIFICATE:

I HEREBY CERTIFY THAT THE ATTACHED SPECIFIC PURPOSE SURVEY OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION ON JUNE 30, 2016. I FURTHER CERTIFY THAT THIS SPECIFIC PURPOSE SURVEY MEETS THE STANDARDS OF PRACTICE SET FORTH IN CHAPTER 5J-17 ADOPTED BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS PURSUANT TO FLORIDA STATUTES 472.027.

SHEET 1 OF 7



CAULFIELD & WHEELER, INC.
CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE - SURVEYING
7900 GLADES ROAD - SUITE 100
BOCA RATON, FLORIDA 33434
PHONE (561)-392-1991 / FAX (561)-750-1452

[Signature]

DAVID P. LINDLEY
REGISTERED LAND
SURVEYOR NO. 5005
STATE OF FLORIDA
L.B. 3591

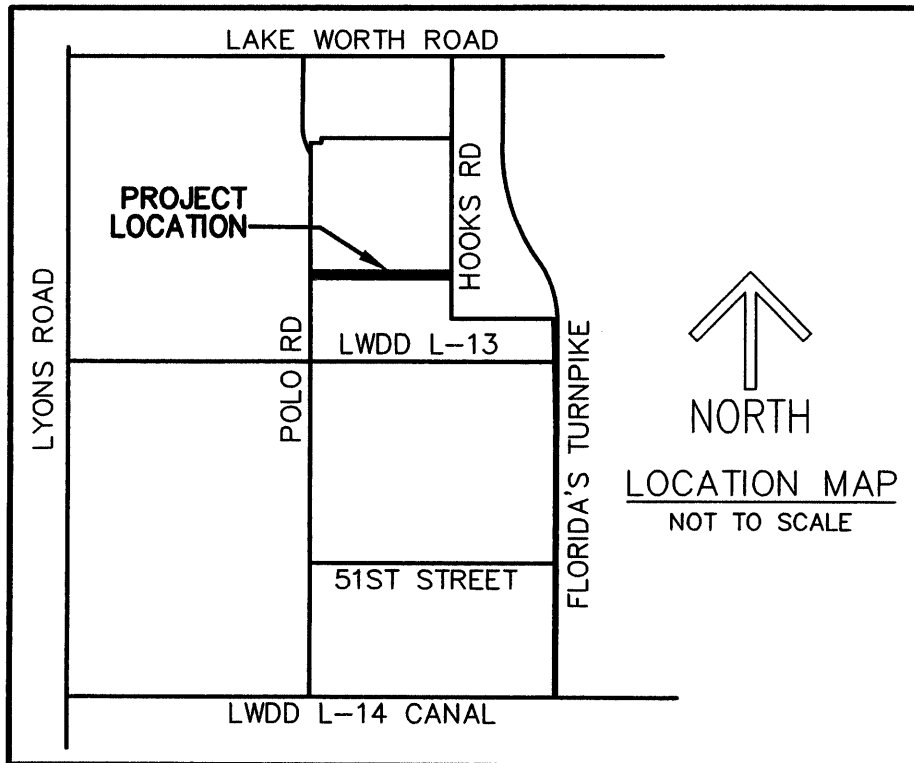
| | |
|-----------|-----------|
| DATE | 6/30/16 |
| DRAWN BY | JC |
| T.B./ PG. | N/A |
| SCALE | AS SHOWN |
| JOB NO. | 6956ABAN3 |

**GULFSTREAM POLO PROPERTIES PUD
PETITION TO ABANDON RIGHT-OF-WAY
SPECIFIC PURPOSE SURVEY**

EXHIBIT A

Page 2 of 7

EXHIBIT "A"
SHEET 2 OF 7



↑
NORTH
LOCATION MAP
NOT TO SCALE

NOTES COORDINATES, BEARINGS AND DISTANCES

COORDINATES SHOWN ARE GRID
 DATUM = NAD 83 1990 ADJUSTMENT
 ZONE = FLORIDA EAST
 LINEAR UNIT = US SURVEY FEET
 COORDINATE SYSTEM 1983 STATE PLANE
 TRANSVERSE MERCATOR PROJECTION
 ALL DISTANCES ARE GROUND
 SCALE FACTOR = 1.0000226
 GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE
 BEARINGS AS SHOWN HEREON ARE GRID DATUM,
 NAD 83 1990 ADJUSTMENT, FLORIDA EAST ZONE.

LEGEND ABBREVIATIONS

| | |
|---------------------------------|---|
| ☉ - CENTERLINE | LB - LICENSED BUSINESS |
| △ - DELTA (CENTRAL ANGLE) | L.W.D.D. - LAKE WORTH DRAINAGE DISTRICT |
| CLF - CHAIN LINK FENCE | O.R.B. - OFFICIAL RECORD BOOK |
| CMP - CORRUGATED METAL PIPE | OE - OVERHEAD ELECTRIC |
| CONC - CONCRETE | R - RADIUS |
| FIRC - FOUND IRON ROD WITH CAP | RCP - REINFORCED CONCRETE PIPE |
| FPL - FLORIDA POWER & LIGHT CO. | SBT - SOUTHERN BELL TELEPHONE |
| IP - IRON PIPE | SIRC - SET IRON ROD WITH CAP |
| L - ARC LENGTH | WPP - WOOD POWER POLE |

SHEET 2 OF 7



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GULFSTREAM POLO PROPERTIES PUD
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 SPECIFIC PURPOSE SURVEY

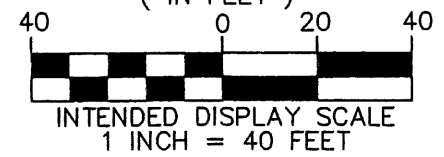
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| F.B./ PG. | N/A |
| SCALE | AS SHOWN |
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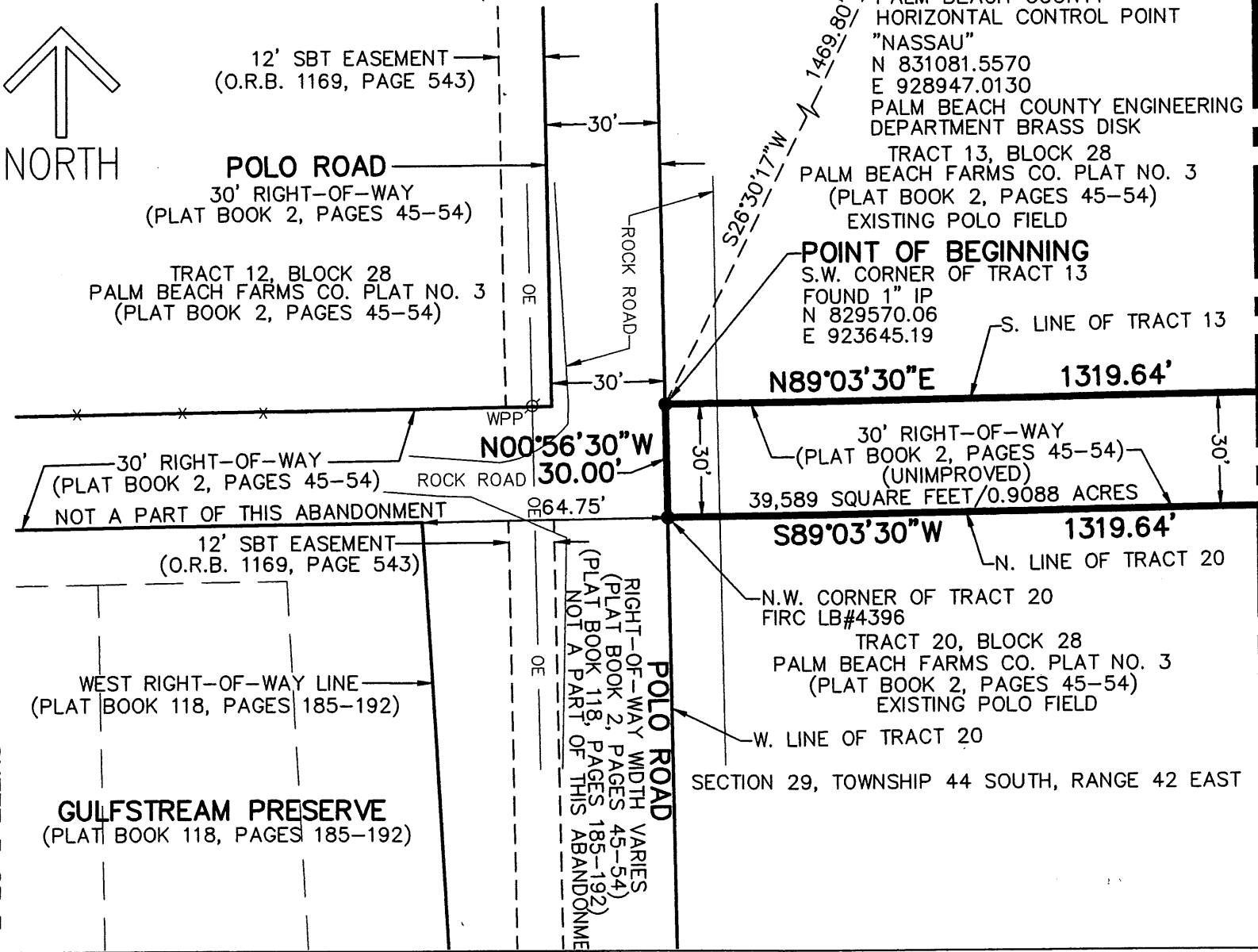
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GRAPHIC SCALE
 (IN FEET)



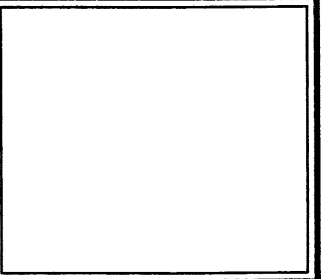
FOUND PALM BEACH COUNTY
 HORIZONTAL CONTROL POINT "SUMMER"
 N 830885.4090
 E 924301.1320
 PALM BEACH COUNTY ENGINEERING
 DEPARTMENT BRASS DISK

PALM BEACH COUNTY
 HORIZONTAL CONTROL POINT
 "NASSAU"
 N 831081.5570
 E 928947.0130
 PALM BEACH COUNTY ENGINEERING
 DEPARTMENT BRASS DISK



MATCH LINE SHEET 4 OF 7

EXHIBIT "A" SHEET 3 OF 7

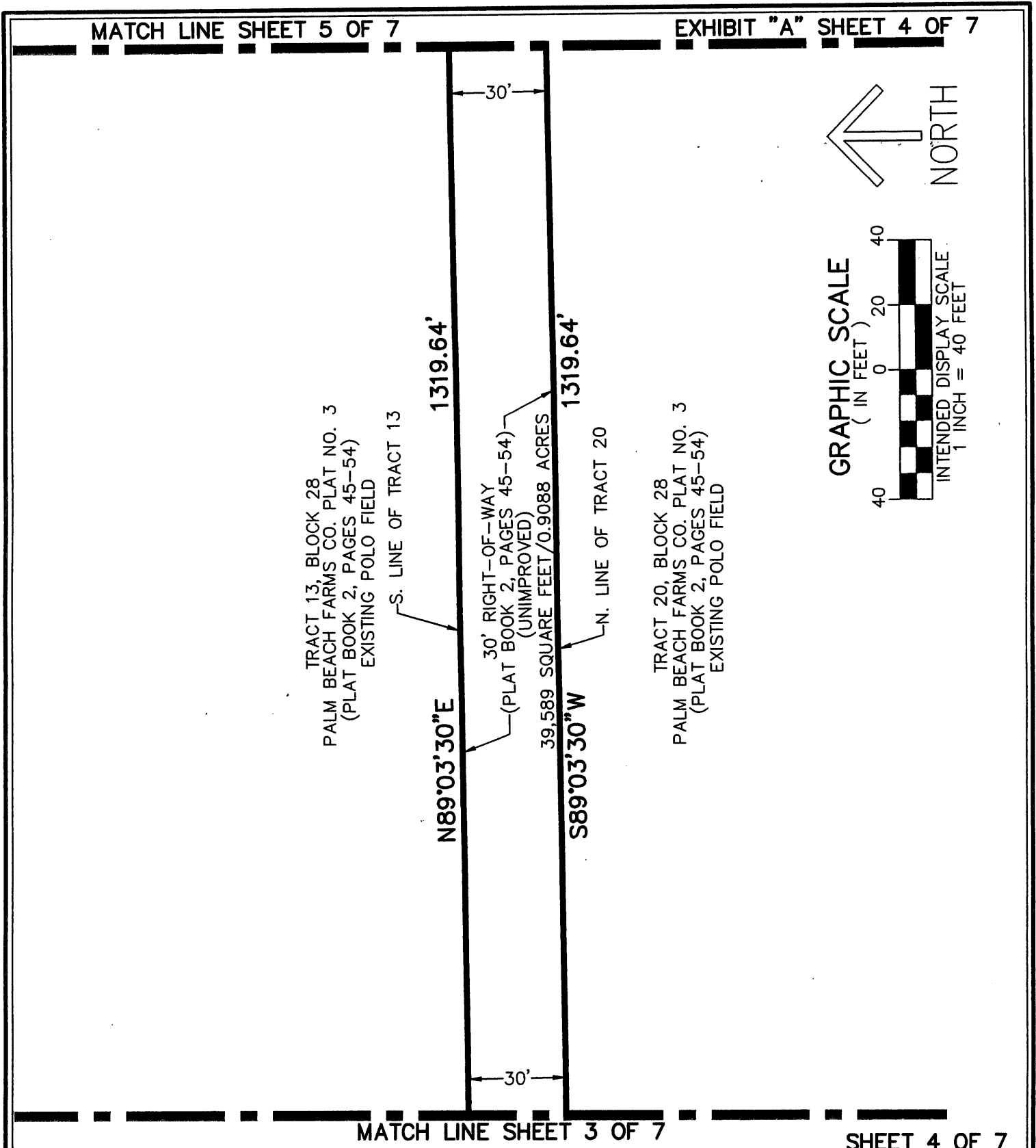


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SHEET 3 OF 7

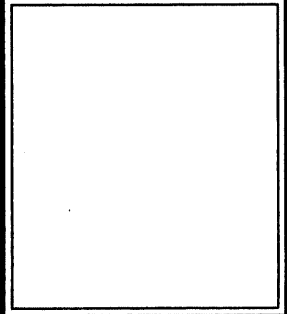
EXHIBIT A

Page 4 of 7



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SHEET 4 OF 7

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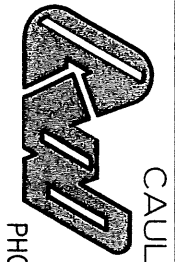
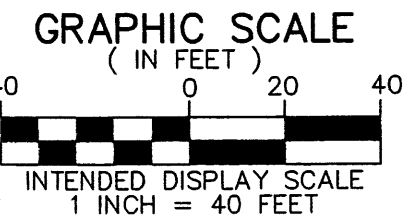
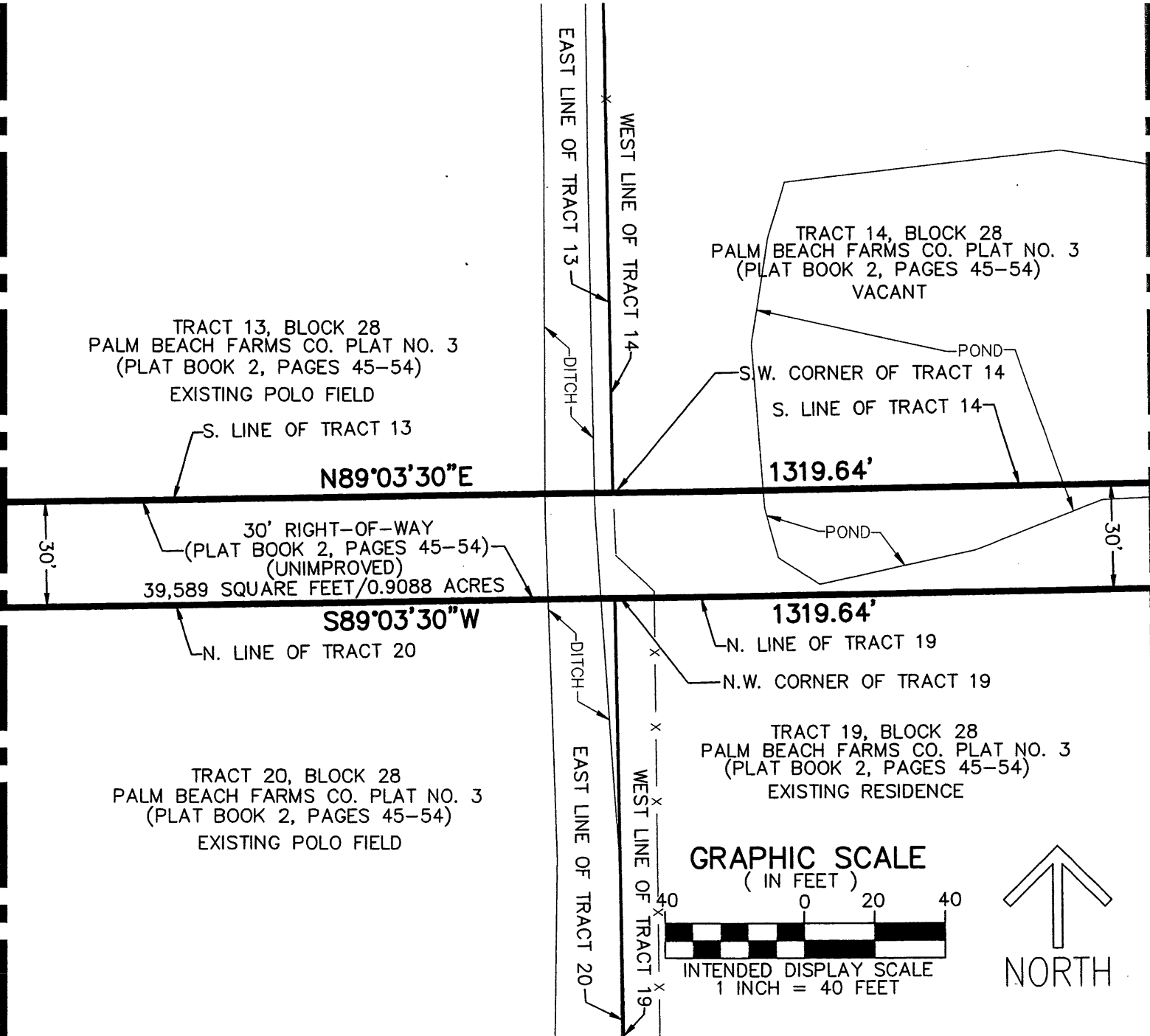
EXHIBIT A

MATCH LINE SHEET 6 OF 7

EXHIBIT "A" SHEET 5 OF 7

MATCH LINE SHEET 4 OF 7

SHEET 5 OF 7



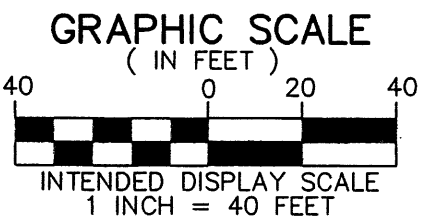
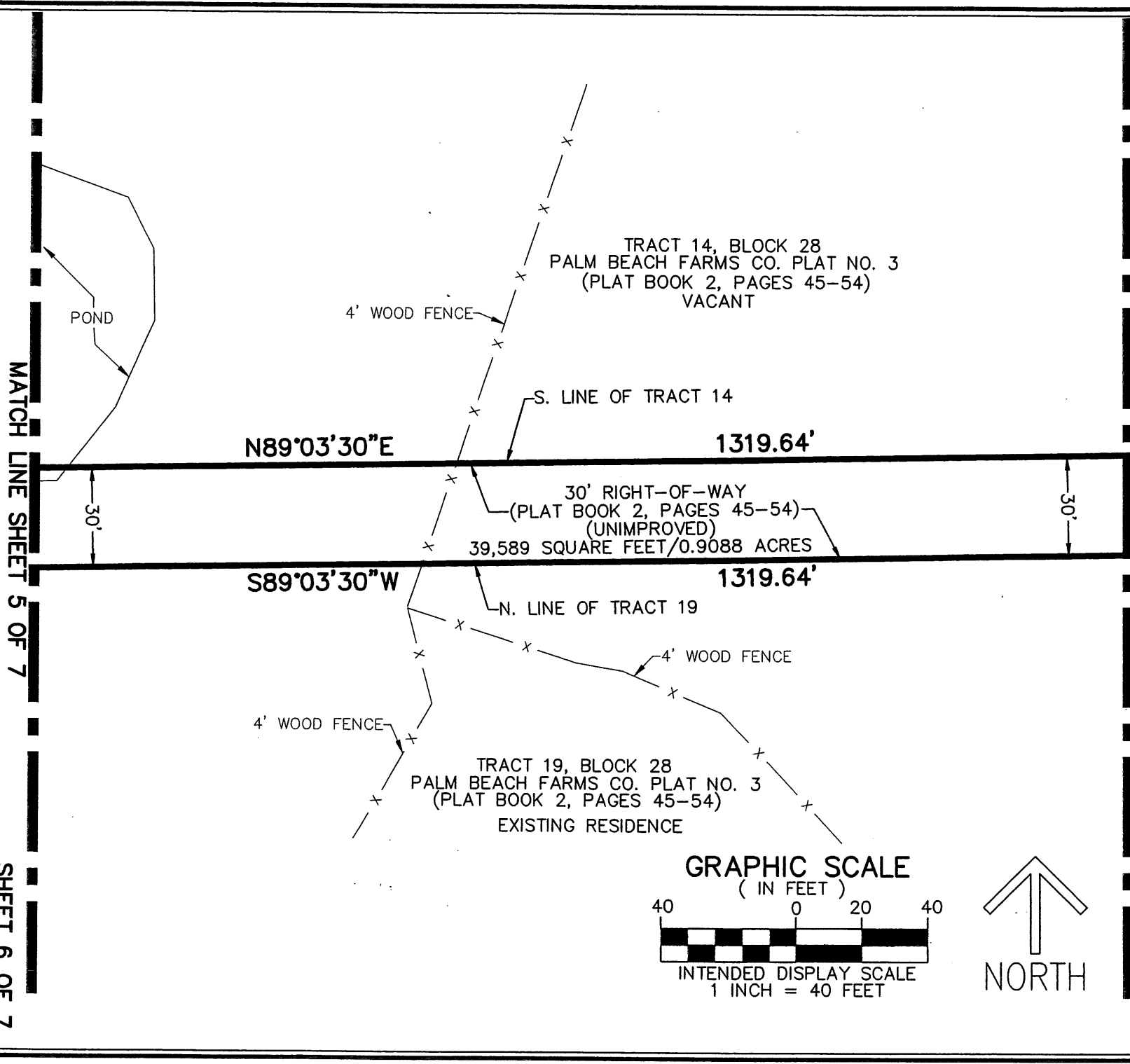
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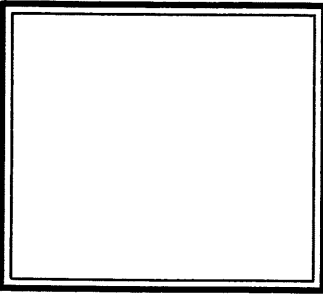
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MATCH LINE SHEET 7 OF 7
EXHIBIT "A" SHEET 6 OF 7



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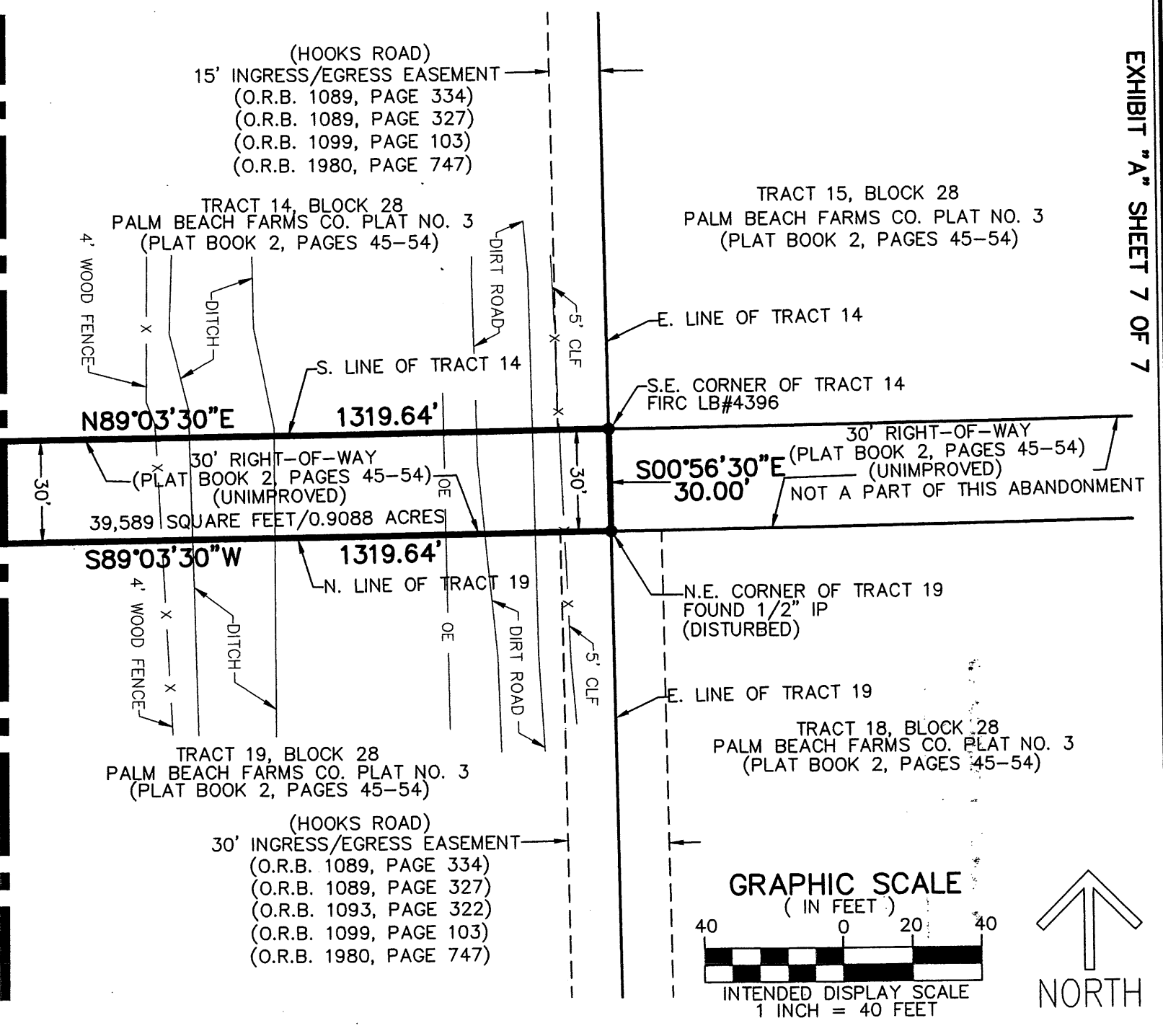
MATCH LINE SHEET 6 OF 7

SHEET 7 OF 7



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