

4B-1

Agenda Item #: _____

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

Meeting Date: April 4, 2017

Consent
 Workshop

Regular
 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 any public interest in a portion of an undeveloped road easement 30 feet in width and 2,529 feet long, lying within Tracts 17 through 24 and 41 through 48, all in Section 19, Township 46 South, Range 42 East, Palm Beach Farms Company Plat No. 1, Plat Book 2, Page 26, of the Public Records of Palm Beach County, Florida.

SUMMARY: Adoption of this resolution will eliminate the public dedication which is in conflict with future redevelopment plans for Sussman AGR-PUD. The petition site is located east of State Road 7 and west of Half Mile Road, approximately 2,000 feet south of Atlantic Avenue. The petition is subject to a privilege fee of \$75,131.88. District 5 (PK)

Background and Policy Issues: The owner, 441 Acquisition, LLC, wants to clear this encumbrance to allow for development of the site. Abandoning this portion of undeveloped right-of-way will not affect access to the site.

Privilege Fee Statement: The calculations are as follows:

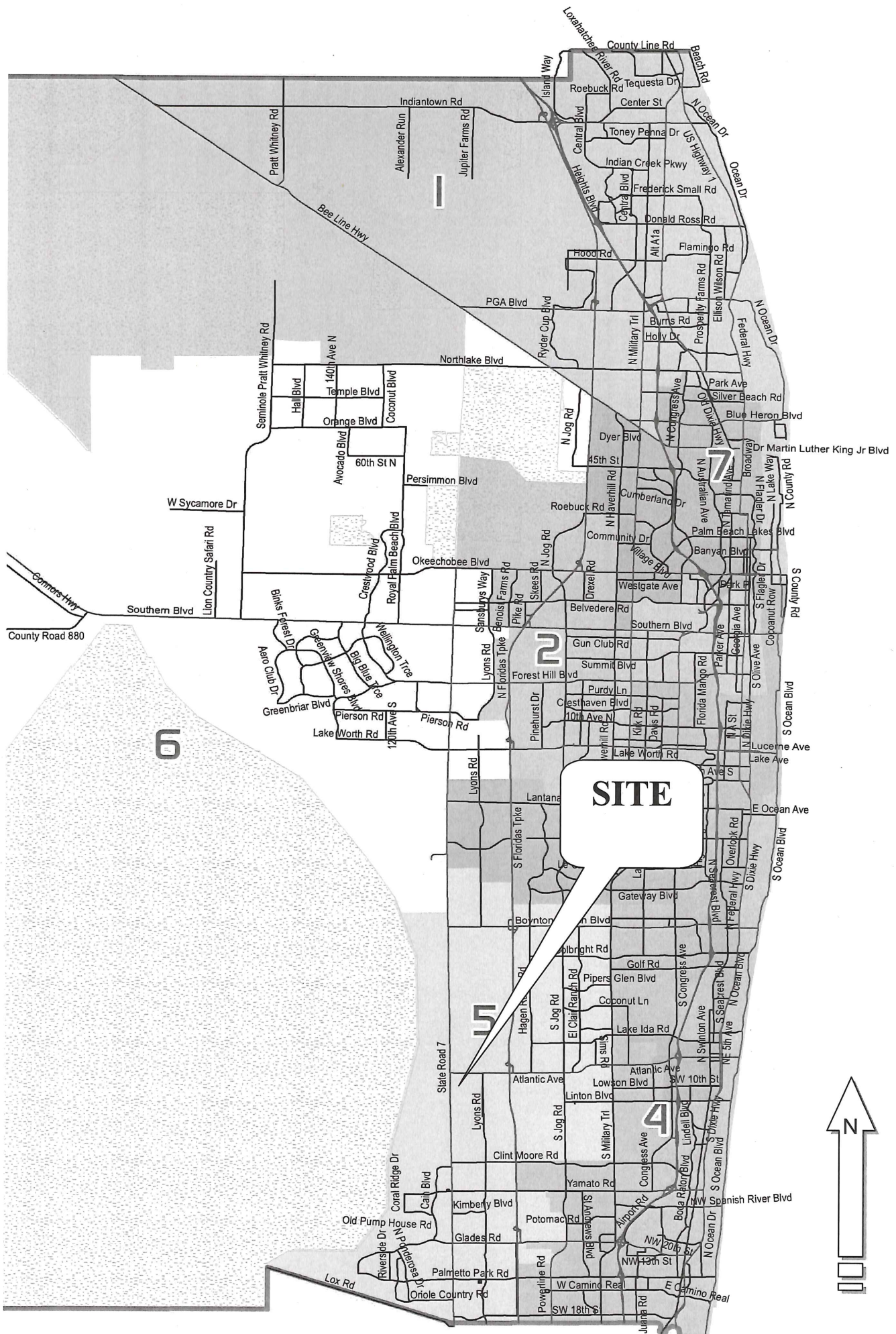
Total square feet of Right-of-Way to be abandoned	75,882
Total square feet subject to Privilege Fee	75,882
Average sq. ft. value of parcels abutting the right of way	\$1.264
Overall value	\$95,914.85
80% of value	\$76,731.88
Less Filing Fee	- \$ 1,600.00
Total Privilege Fee	\$75,131.88

Attachments:

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

Recommended by: S. J. Webb 3/14/17
Department Director Date

Approved by: Mark Johnson 3/22/17
Assistant County Administrator Date



LOCATION SKETCH 1 INCH = 4 MILES

ABANDONMENT OF A 2,529 FT. LONG PORTION OF THE 30 FT. WIDE UNDEVELOPED RIGHT-OF-WAY EASEMENT, PALM BEACH FARMS PLAT NO. 1, PB 2, PG 26, PUBLIC RECORDS OF PALM BEACH COUNTY

RESOLUTION NO. R-2017 _____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ABANDONING ANY PUBLIC INTEREST IN A PORTION OF AN UNDEVELOPED ROAD EASEMENT 30 FEET IN WIDTH AND 2,529 FEET LONG, LYING WITHIN TRACTS 17 THROUGH 24 AND 41 THROUGH 48, ALL IN SECTION 19, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH FARMS COMPANY PLAT NO. 1, PLAT BOOK 2, PAGE 26, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

WHEREAS, the Board of County Commissioners (BCC) of Palm Beach County, Florida, 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 pursuant to the petition of 441 Acquisition, LLC, called a public hearing to be held in the BCC Chambers, at the Governmental Office Complex, West Palm Beach, Florida, on April 4, 2017, 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 in a portion of an undeveloped road easement 30 feet in width and 2,529 feet long, lying within Tracts 17 through 24 and 41 through 48, all in Section 19, Township 46 South, Range 42 East, Palm Beach Farms Company Plat No. 1, Plat Book 2, Page 26, as set forth on the sketch and legal description set forth in Exhibit A attached hereto and incorporated herein by reference, all of the Public Records of Palm Beach County, Florida; 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 March 19, 2017; and
and

WHEREAS, the BCC 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:

RESOLUTION NO. R-2017-_____

2. The portion of the right-of-way is hereby abandoned and closed as right-of-way and the BCC does hereby renounce and disclaim any right or interest of the County and the Public in and to the portion of the right-of-way, 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 County Code Chapter 22. Article III, Road Abandonment and Plat Vacation (Ordinance 2002-034).

RESOLUTION NO. R-2017_____

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 Paulette Burdick, Mayor

Commissioner Melissa McKinlay, Vice Mayor

Commissioner Hal R. Valeche

Commissioner Dave Kerner

Commissioner Steven L. Abrams

Commissioner Mary Lou Berger

Commissioner Mack Bernard

The Mayor thereupon declared the Resolution duly passed and adopted this _____ day of _____, 2017.

**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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DESCRIPTION:

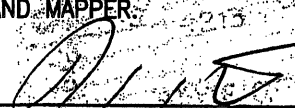
A PORTION OF THE ROAD EASEMENT 30.00 FEET IN WIDTH. LYING WITHIN TRACTS 17 THROUGH 24 AND 41 THROUGH 48 ALL IN SECTION 19, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH FARMS COMPANY PLAT NO. 1, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 26 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTHWEST CORNER OF SAID TRACT 48; THENCE NORTH 89°19'57" EAST ALONG THE NORTH LINE OF SAID TRACT 48, A DISTANCE OF 80.00 FEET TO A POINT OF BEGINNING; THENCE, NORTH 00°43'34" WEST ALONG A LINE 80.00 FEET EAST OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE WEST LINE OF SAID TRACT 17, A DISTANCE OF 15.00 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID ROAD EASEMENT; THENCE, ALONG SAID NORTH LINE, NORTH 89°19'57" EAST, A DISTANCE OF 2529.39 FEET; THENCE, SOUTH 01°34'11" EAST ALONG A LINE 30.00 FEET WEST OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE EAST LINE OF SAID TRACTS 24 AND 41, A DISTANCE OF 30.00 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID ROAD EASEMENT; THENCE, ALONG SAID SOUTH LINE, SOUTH 89°19'57" WEST, A DISTANCE OF 2529.83 FEET; NORTH 00°43'34" WEST ALONG A LINE 80.00 FEET EAST OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE WEST LINE OF SAID TRACT 48, A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.742 ACRES OR 75,882 SQUARE FEET MORE OR LESS.

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: 11/30/16
PERRY C. WHITE
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA REGISTRATION NO. 4213

NOTE:

SEE SHEET 5 FOR SURVEYOR'S NOTES

SKETCH OF BOUNDARY SURVEY
SUSSMAN AGR-P.U.D.
ABANDONMENT OF A
30' ROAD EASEMENT

SCALE:
NONE

SHEET 1 OF 5

REVIEWED: PW

DRAWN: DLS

DATE:
02/10/16

DRAWING No:
D0195LG01

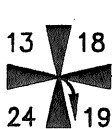
8461 LAKE WORTH ROAD, SUITE 410

LAKE WORTH, FL 33467

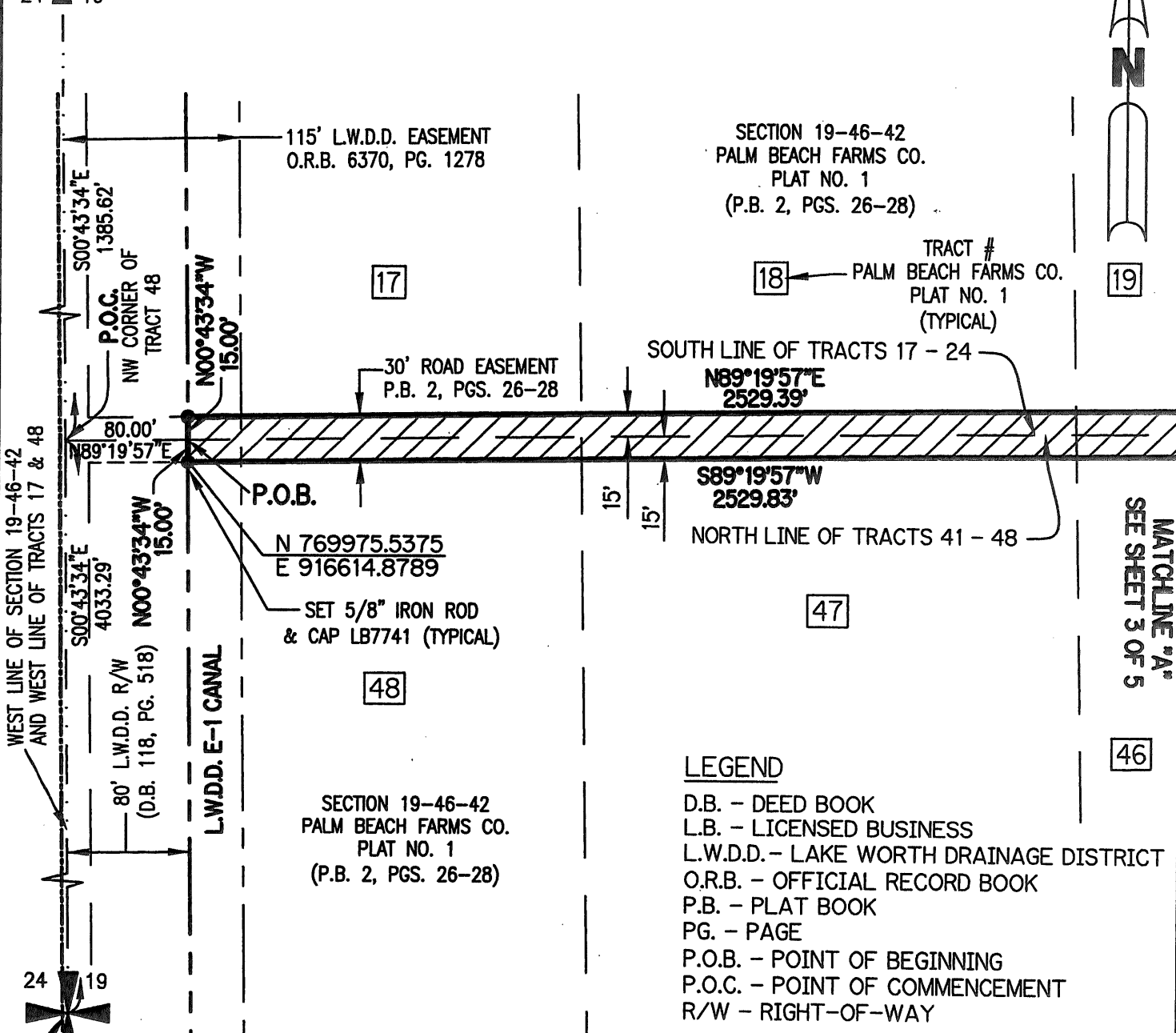
Tel: 561-209-6048

L.B. NUMBER 7741

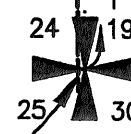
EXHIBIT A



NW CORNER SECTION 19-46-42
LOCATION BASED ON PUBLISHED STATE PLANE
COORDINATES BY PALM BEACH COUNTY SURVEY
DEPARTMENT.



WEST LINE OF SECTION 19-46-42
AND WEST LINE OF TRACTS 17 & 48



SW CORNER SECTION 19-46-42
LOCATION BASED ON PUBLISHED STATE PLANE
COORDINATES BY PALM BEACH COUNTY SURVEY
DEPARTMENT.

SECTION 19-46-42
PALM BEACH FARMS CO.
PLAT NO. 1
(P.B. 2, PGS. 26-28)

TRACT #
PALM BEACH FARMS CO.
PLAT NO. 1
(TYPICAL)

SOUTH LINE OF TRACTS 17 - 24
N89°19'57"E
2529.39'

NORTH LINE OF TRACTS 41 - 48
S89°19'57"W
2529.83'

SECTION 19-46-42
PALM BEACH FARMS CO.
PLAT NO. 1
(P.B. 2, PGS. 26-28)

LEGEND

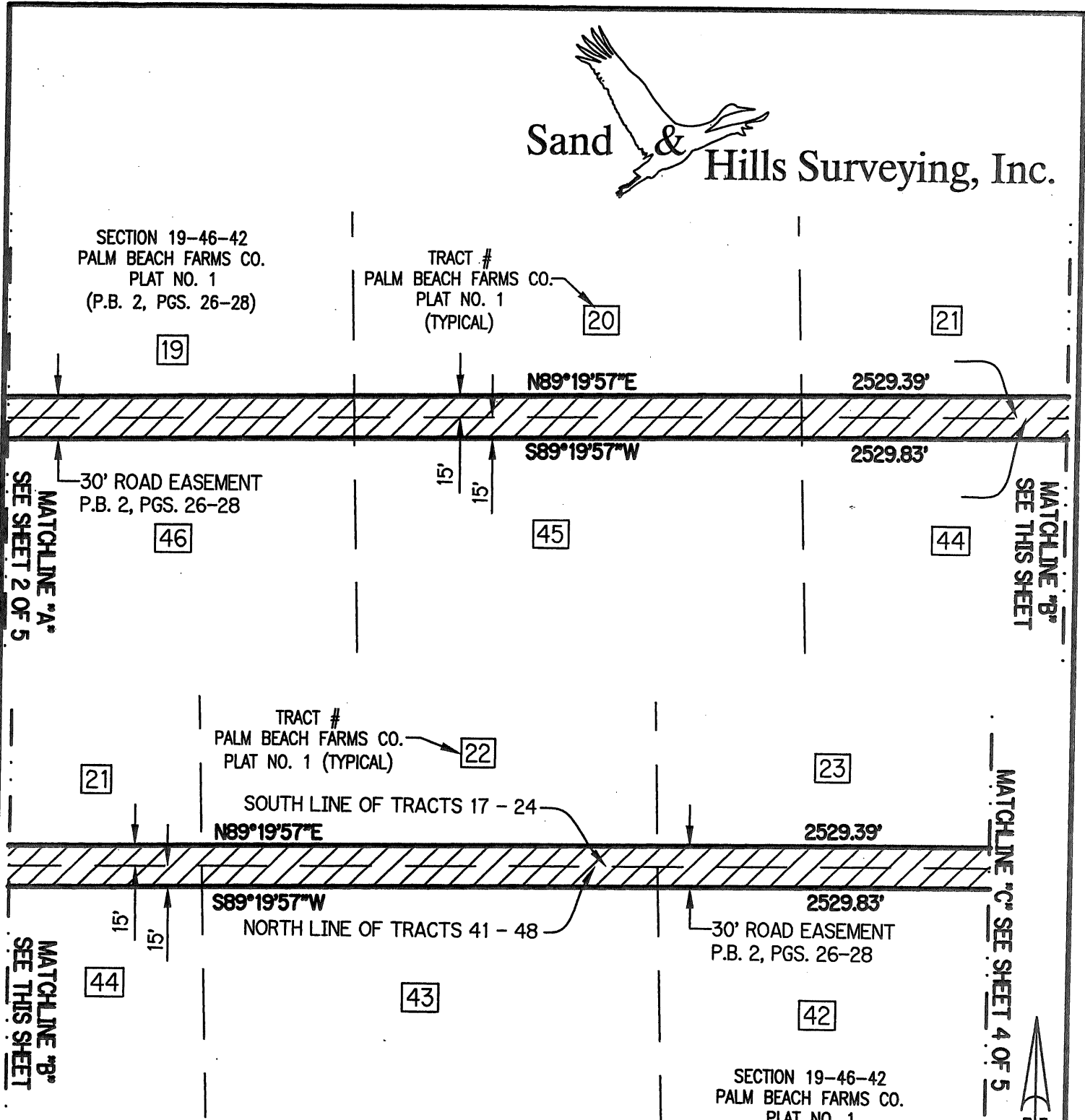
- D.B. - DEED BOOK
- L.B. - LICENSED BUSINESS
- L.W.D.D. - LAKE WORTH DRAINAGE DISTRICT
- O.R.B. - OFFICIAL RECORD BOOK
- P.B. - PLAT BOOK
- PG. - PAGE
- P.O.B. - POINT OF BEGINNING
- P.O.C. - POINT OF COMMENCEMENT
- R/W - RIGHT-OF-WAY

MATCHLINE "A"
SEE SHEET 3 OF 5

SKETCH OF BOUNDARY SURVEY SUSSMAN AGR-P.U.D. ABANDONMENT OF A 30' ROAD EASEMENT	SCALE: 1"=100'	SHEET 2 OF 5
	REVIEWED: PW	DRAWN: DLS
	DATE: 02/10/16	DRAWING No: D0195LG01

EXHIBIT A

Page 3 of 5



LEGEND

- D.B. - DEED BOOK
- 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.O.B. - POINT OF BEGINNING
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SKETCH OF BOUNDARY SURVEY
SUSSMAN AGR-P.U.D.
ABANDONMENT OF A
30' ROAD EASEMENT

SCALE:

1"=100'

REVIEWED: PW

DATE:

02/10/16

SHEET 3 OF 5

DRAWN: DLS

DRAWING No:

D0195LG01



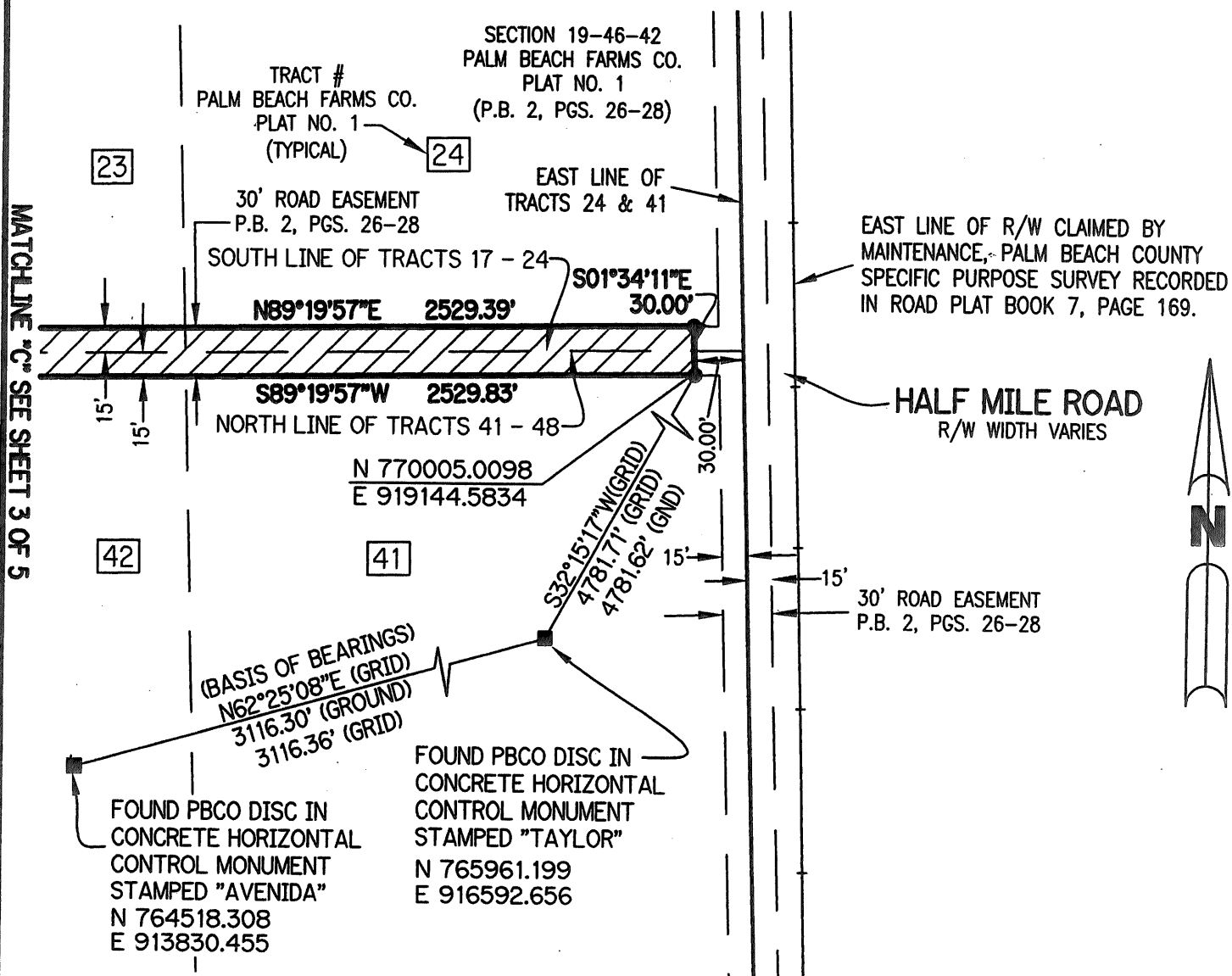
EXHIBIT A

Page 4 of 5



LEGEND

- L.B. - LICENSED BUSINESS
- L.W.D.D. - LAKE WORTH DRAINAGE DISTRICT
- O.R.B. - OFFICIAL RECORD BOOK
- P.B. - PLAT BOOK
- PG. - PAGE
- R/W - RIGHT-OF-WAY



NOTE:

COORDINATES SHOWN ARE GRID COORDINATES DATUM = NAD 83 (1990 ADJUSTMENT)
 COORDINATE SYSTEM = 1983 STATE PLANE TRANSVERSE MERCATOR PROJECTION
 GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE
 LINEAR UNIT = U.S. SURVEY FEET
 ALL DISTANCES ARE GROUND UNLESS NOTED
 SCALE FACTOR = 1.0000190
 PLAT BEARING = GRID BEARING
 ZONE = FLORIDA EAST ZONE

SKETCH OF BOUNDARY SURVEY SUSSMAN AGR-P.U.D. ABANDONMENT OF A 30' ROAD EASEMENT	SCALE: 1"=100'	SHEET 4 OF 5
	REVIEWED: PW	DRAWN: DLS
	DATE: 02/10/16	DRAWING No: D0195LG01

EXHIBIT A

Page 5 of 5



SURVEYOR'S REPORT:

1. THIS SKETCH OF BOUNDARY SURVEY IS PREPARED FOR 441 ACQUISITION, LLC AND IS NOT ASSIGNABLE.
2. THIS SURVEY MAP AND REPORT OR THE COPIES THEREOF 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. THERE ARE NO IMPROVEMENTS WITHIN THE SUBJECT PARCEL.
5. BOUNDARY DIMENSIONS SHOWN ARE PER DESCRIPTION AND FIELD MEASUREMENT UNLESS OTHERWISE NOTED.
6. BEARINGS SHOWN HEREON ARE BASED ON THE FLORIDA EAST ZONE STATE PLANE GRID, THE LINE FORMED BETWEEN THE PALM BEACH COUNTY HORIZONTAL CONTROL MONUMENTS STAMPED "AVENIDA" AND "TAYLOR" HAVING A BEARING OF NORTH 62°25'08" EAST WITH ALL BEARINGS SHOWN HEREON BEING RELATIVE THERETO.
7. DESCRIPTION PROVIDED BY CLIENT.
8. ALL RECORDED INSTRUMENTS SHOWN HEREON ARE RECORDED IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.
9. THERE ARE NO DITCH OR DIKE RESERVATIONS ACCORDING TO THE PALM BEACH FARMS CO. PLAT NO. 1 THAT ENCUMBER THE SUBJECT PARCEL. THERE ARE NO EXISTING DITCHES OR DIKES ON THE SUBJECT PROPERTY THAT SERVE ANY ADJOINING PARCELS.
10. THE EASEMENTS AND RIGHTS-OF-WAY SHOWN HEREON ARE BASED ON THAT TITLE COMMITMENT PREPARED BY CHICAGO TITLE INSURANCE COMPANY, EFFECTIVE DATE: SEPTEMBER 21, 2016 AT 11:00 AM, ORDER NO: 4988860.

NOTE:

COORDINATES SHOWN ARE GRID COORDINATES DATUM = NAD 83 (1990 ADJUSTMENT)
COORDINATE SYSTEM = 1983 STATE PLANE TRANSVERSE MERCATOR PROJECTION
GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE
LINEAR UNIT = U.S. SURVEY FEET
ALL DISTANCES ARE GROUND UNLESS NOTED
SCALE FACTOR = 1.0000190
PLAT BEARING = GRID BEARING
ZONE = FLORIDA EAST ZONE

SKETCH OF BOUNDARY SURVEY SUSSMAN AGR-P.U.D. ABANDONMENT OF A 30' ROAD EASEMENT	SCALE: NONE	SHEET 5 OF 5
	REVIEWED: PW	DRAWN: DLS
	DATE: 02/10/16	DRAWING No: D0195LG01

8461 LAKE WORTH ROAD, SUITE 410

LAKE WORTH, FL 33467

Tel: 561-209-6048

L.B. NUMBER 7741