

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

=====

Meeting Date: June 20, 2017 Consent Regular
 Workshop 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 the unimproved posted and viewed right-of-way (ROW) lying in Section 34, Township 40 South, Range 42 East, being the north 25 feet of Tract "A" according to the plat of Els Center of Excellence as recorded in Plat Book 117, Pages 147 through 148, public records of Palm Beach County, Florida, together with the north 25 feet of ROW of the east 300 feet of the west 330 feet of the southwest quarter of said Section 34.

SUMMARY: Adoption of this resolution will eliminate the public dedication which is in conflict with future redevelopment plans for Els Center of Excellence. The petition site is located on the east side of Limestone Creek Road, one mile north of Indiantown Road. The petition is subject to a privilege fee of \$18,861.37. District 1 (LBH)

Background and Policy Issues: The Els for Autism Foundation, owner of Els Center of Excellence, has petitioned the County to clear this encumbrance to allow for development of their property. Abandoning this portion of unimproved ROW will not affect access to the site or any other property.

Reviewing agencies and utility service providers have no objection to the abandonment. 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, June 4, 2017.

Privilege Fee Statement: The petition is subject to a privilege fee of \$18,861.37. The calculations are as follows:

Total square feet of Right-of-Way to be abandoned	32,499
Total square feet subject to Privilege Fee	32,499
Average sq. ft. value of parcels abutting the right of way	\$0.787
Overall value	\$25,576.71
80% of value	\$20,461.37
Less Filing Fee	- \$ 1,600.00
Total Privilege Fee	\$18,861.37

Attachments:

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

Recommended by: *[Signature]* Department Director Date: 5/23/17

Approved by: *[Signature]* Assistant County Administrator Date: 4/5/17

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

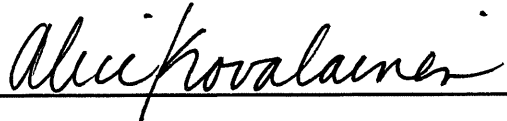
Fiscal Years	2017	2018	2019	2020	2021
Capital Expenditures	\$ -0-	-0-	-0-	-0-	-0-
Operating Costs	-0-	-0-	-0-	-0-	-0-
External Revenues	(\$18,862)	-0-	-0-	-0-	-0-
Program Income (County)	-0-	-0-	-0-	-0-	-0-
In-Kind Match (County)	-0-	-0-	-0-	-0-	-0-
NET FISCAL IMPACT	(\$18,862)	-0-	-0-	-0-	-0-
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget? Yes No

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

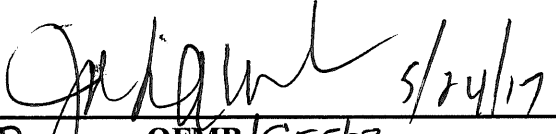
Recommended Sources of Funds/Summary of Fiscal Impact:

Transportation Improvement Fund
Abandonment Ordinance Fees

C. Departmental Fiscal Review: 

III. REVIEW COMMENTS

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

 5/24/17
 OFMB/Ex 5/23
 HAD 5/23

 6/1/17
 Contract Dev. and Control
 5/31/17

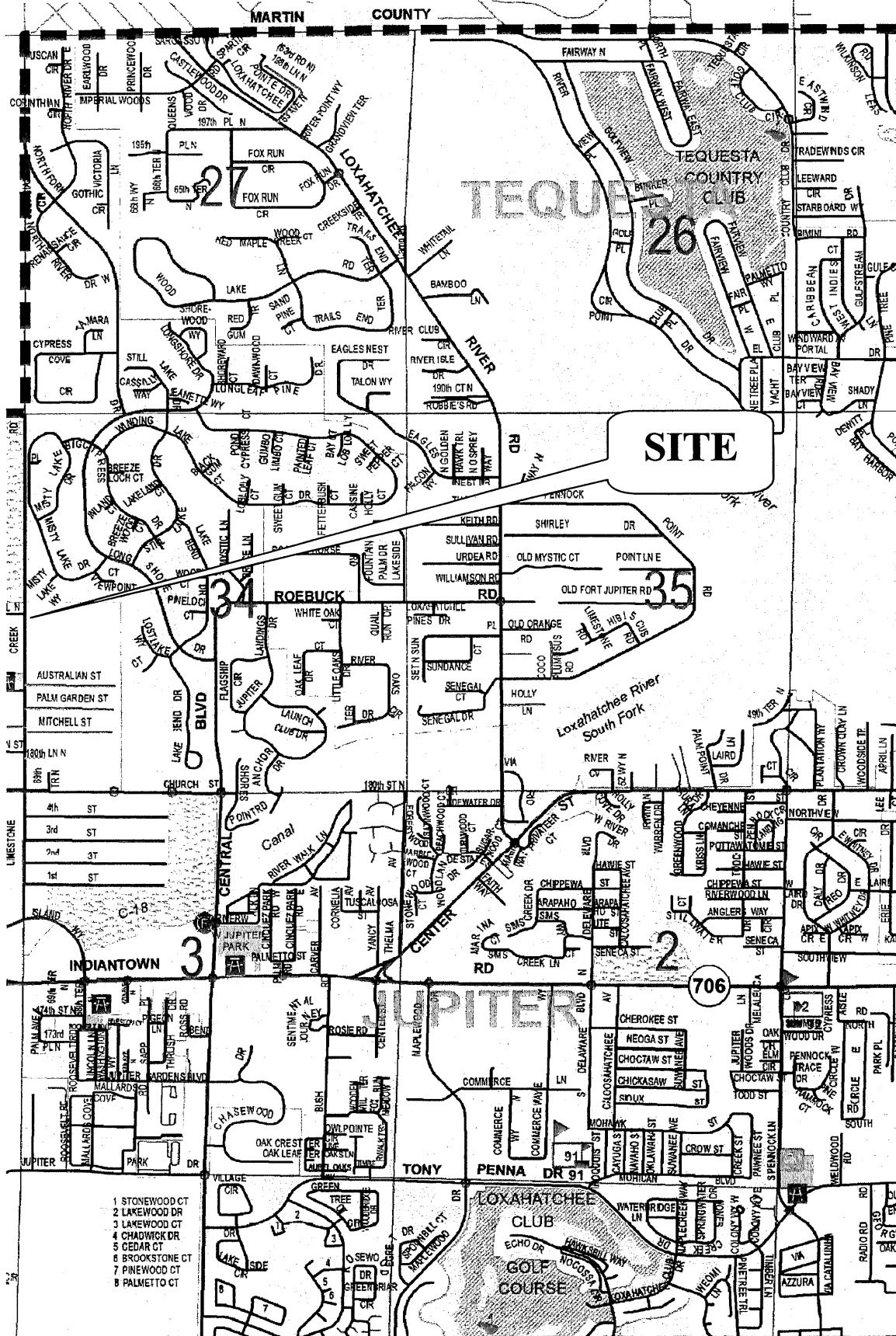
B. Approved as to Form and Legal Sufficiency:

 6/2/17
 Assistant County Attorney

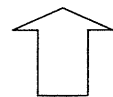
C. Other Department Review:

 Department Director

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



LOCATION SKETCH



N (Not to scale)

ABANDONMENT OF THE NORTH 25 FEET OF BOTH THE UNIMPROVED POSTED & VIEWED RIGHT-OF-WAY, AND OF THE PLAT OF ELS CENTER OF EXCELLENCE RECORDED IN PLAT BOOK 117, PAGE 147, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA

RESOLUTION NO. R-2017-_____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ABANDONING ANY PUBLIC INTEREST IN A PORTION OF THE UNIMPROVED POSTED AND VIEWED RIGHT-OF-WAY PER PALM BEACH COUNTY COMMISSION MEETING 4/4/1916 LYING IN SECTION 34, TOWNSHIP 40 SOUTH, RANGE 42 EAST, BEING THE NORTH 25 FEET OF TRACT "A" ACCORDING TO THE PLAT OF ELS CENTER OF EXCELLENCE AS RECORDED IN PLAT BOOK 117, PAGES 147 THROUGH 148, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, TOGETHER WITH THE NORTH 25 FEET OF RIGHT-OF-WAY OF THE EAST 300 FEET OF THE WEST 330 FEET OF THE SOUTHWEST QUARTER OF SAID SECTION 34.

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 the petition of the Els for Autism Foundation, called a public hearing to be held in the BCC's Chambers, at the Governmental Office Complex, West Palm Beach, Florida, on June 20, 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 a portion of the posted and viewed right-of-way per Palm Beach County Commission meeting 4/4/1916 lying in Section 34, Township 40 South, Range 42 East, being the north 25 feet of Tract "A" according to the plat of Els Center of Excellence as recorded in Plat Book 117, Pages 147 through 148, public records of Palm Beach County, Florida, together with the north 25 feet of right-of-way of the east 300 feet of the west 330 feet of the southwest quarter of said Section 34; 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 June 4, 2017; 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

RESOLUTION NO. R-2017 _____

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 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 portions of the right-of-way, more fully described in the legal descriptions and sketches 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

Page 1 of 4

BOUNDARY SURVEY ELS CENTER OF EXCELLENCE PETITION TO ABANDON RIGHT OF WAY

LEGAL DESCRIPTION

A PORTION OF THE POSTED & VIEWED RIGHT-OF-WAY PER PALM BEACH COUNTY COMMISSION MEETING 4/4/1916 LYING IN SECTION 34, TOWNSHIP 40 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTH 25.00 FEET OF TRACT "A" ACCORDING TO THE PLAT OF ELS CENTER OF EXCELLENCE AS RECORDED IN PLAT BOOK 117, PAGES 147 THROUGH 148, PALM BEACH COUNTY, FLORIDA PUBLIC RECORDS.

TOGETHER WITH THE NORTH 25.00 FEET OF THE EAST 300 FEET OF THE WEST 330 FEET OF THE SOUTHWEST QUARTER OF SAID SECTION 34.

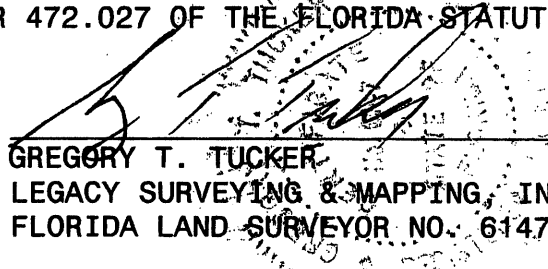
CONTAINING 32,499 SQUARE FEET OR 0.746 ACRES, MORE OR LESS.

ELS FOR AUTISM FOUNDATION, INC.

I HEREBY CERTIFY TO EACH OF THE ABOVE THAT A SURVEY OF THE PROPERTY DESCRIBED HEREON WAS MADE UNDER MY SUPERVISION AND THAT THE SURVEY CONFORMS TO THE STANDARDS OF PRACTICE FOR PROFESSIONAL SURVEYOR AND MAPPERS AS OUTLINED IN CHAPTER 5J-17, F.A.C., PURSUANT TO CHAPTER 472.027 OF THE FLORIDA STATUTES.

NOVEMBER 1, 2016

DATE OF FIELD SURVEY


GREGORY T. TUCKER
LEGACY SURVEYING & MAPPING, INC.
FLORIDA LAND SURVEYOR NO. 6147

THIS SURVEY IS NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL OR DIGITAL SIGNATURE.

Legacy

Surveying and Mapping, Inc.
112 N. U.S. Highway No. 1
Tequesta, FL. 33469
Phone: (561) 746-8424
BUSINESS LICENSE: LB# 8130

DATE: 3/28/2017

SHEET 1 OF 4 JOB NO.: 16-133-5 R-W AB REVISED

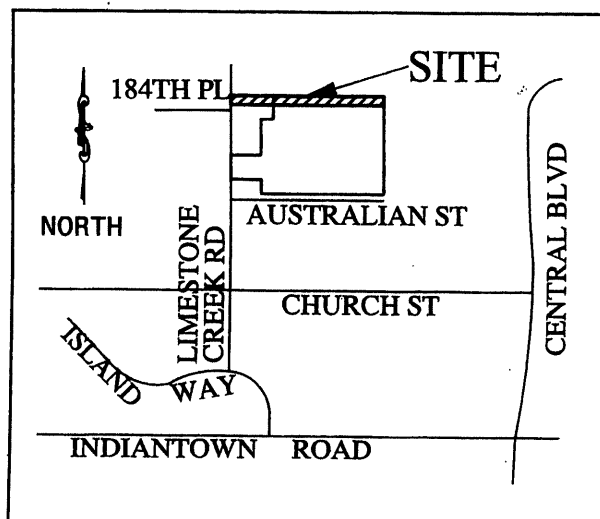
EXHIBIT A

Page 2 of 4

BOUNDARY SURVEY ELS CENTER OF EXCELLENCE PETITION TO ABANDON RIGHT OF WAY

LEGEND

■	FOUND 4x4 CONC. MONUMENT LABELLED "PRM LB# 2799"
●	FOUND 5/8" IRON ROD/CAP LABELLED "LB# 2799"
○	SET 5/8" IRON ROD/CAP LABELLED "LB 8130"
CW	CONCRETE WALK
SSCO	SANITARY SEWER CLEAN OUT
TWP	TOWNSHIP
RNG	RANGE
OHW	OVERHEAD WIRE
SM	SANITARY SEWER MANHOLE
PCN	PROPERTY CONTROL NUMBER
M	MEASURED
P	PLAT
OHW	OVERHEAD WIRE
WPP	WOOD POWER POLE
TRR	TEMPORARY ROCK ROAD
—○—	CHAINLINK FENCE
—○—	WOOD RAIL FENCE



LOCATION MAP
(NOT TO SCALE)

SURVEYOR'S NOTES:

- 1) BEARINGS SHOWN HEREON ARE BASED UPON GRID NORTH STATE PLANE COORDINATE SYSTEM NAD 83, 1990 ADJUSTMENT. THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 34 BEING $N00^{\circ}01'05''E$.
- 2) UTILITIES SHOWN HEREON ARE VISIBLE ABOVE GROUND FEATURES. THEREFORE, ADDITIONAL SUB-SURFACE UTILITIES OR STRUCTURES MAY EXIST.
- 3) PARCEL CONTAINS 32,499 SQUARE FEET OR 0.746 ACRES, MORE OR LESS.
- 4) I HAVE REVIEWED THE ATTORNEYS TITLE FUND SERVICES TITLE SEARCH REPORT FUND FILE NUMBER 396394A1, DATED FEB. 22, 2017, AND FIND THAT ALL EASEMENTS & SURVEY MATTERS ON THAT REPORT ARE CITED HEREON.
- 5) STATE PLANE COORDINATE INFORMATION:
 - A. COORDINATES SHOWN ARE GRID
 - B. DATUM = NAD 83, 1990 ADJUSTMENT
 - C. ZONE = FLORIDA EAST
 - D. LINEAR UNIT = U.S. SURVEY FOOT
 - E. COORDINATE SYSTEM 1983 STATE PLANE TRANSVERSE MERCATOR PROJECTION, 1990 ADJUSTMENT
 - F. ALL DISTANCES ARE GROUND
 - G. SCALE FACTOR = 1.000030734
 - H. GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE

Legacy
Surveying and Mapping, Inc.
112 N. U.S. Highway No. 1
Tequesta, FL. 33469
Phone: (561) 746-8424
BUSINESS LICENSE: LB# 8130

DATE: 3/28/2017

SHEET 2 OF 4

JOB NO.: 16-133-5 R-W AB REVISED

EXHIBIT A

Page 3 of 4

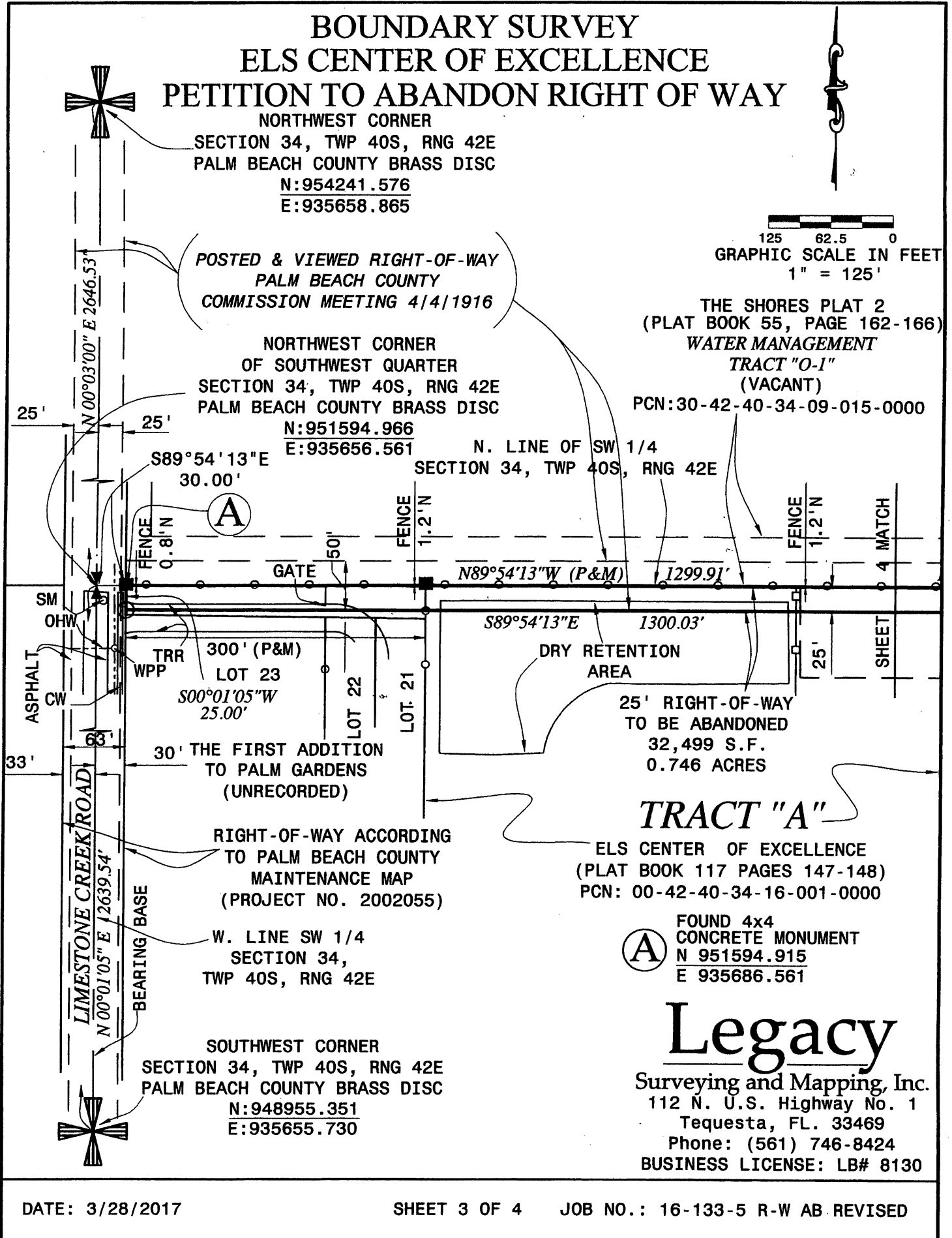
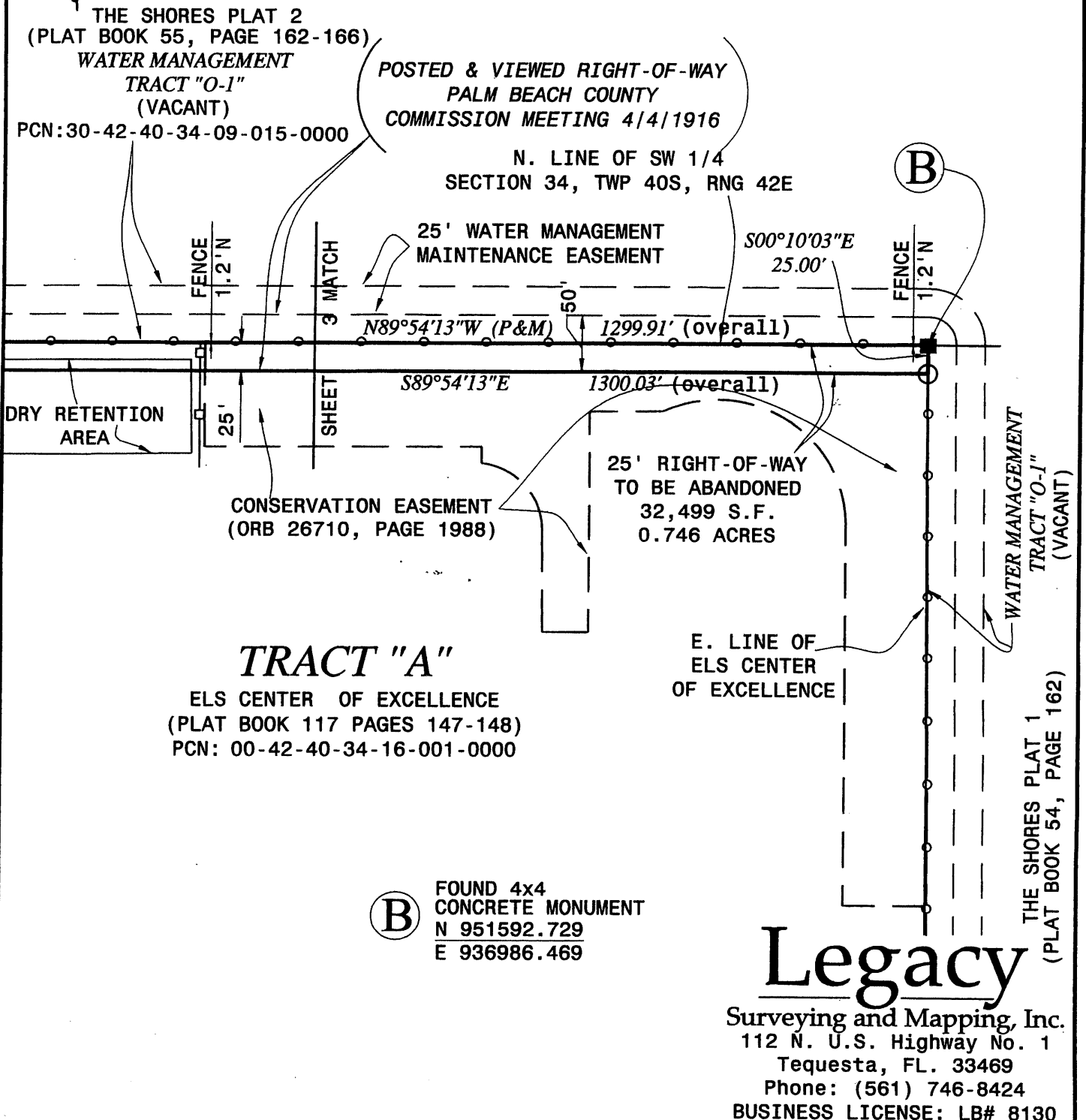
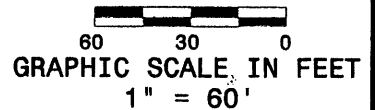


EXHIBIT A

Page 4 of 4

BOUNDARY SURVEY ELS CENTER OF EXCELLENCE PETITION TO ABANDON RIGHT OF WAY



DATE: 3/28/2017

SHEET 4 OF 4

JOB NO.: 16-133-5 R-W AB REVISED