

**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 the west 443 feet of a 50 foot wide ingress/egress easement recorded in Official Record Book 5156, Page 363, of the public records of Palm Beach County, Florida.

**SUMMARY:** Adoption of this Resolution will eliminate the ingress/egress easement which is in conflict with future development plans developed by Strata Realty, Inc., Boat-Mart, Inc., and Stratemeyer, LLC (Owners). The petition site is located west of Military Trail and north of Forest Hill Boulevard. District 2 (LBH)

**Background and Justification:** The owners petitioned Palm Beach County to clear this encumbrance to allow for further development of the site. Abandonment of the easement will not affect access to the site or any other site along Military Trail.

Reviewing agencies and utility service providers have all approved this abandonment.

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'

Recommended by: S. J. Hall 6/13/17  
Department Director Date

Approved by:  6/27/17  
Assistant County Administrator Date

## 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	-0-	-0-	-0-	-0-	-0-
Program Income (County)	-0-	-0-	-0-	-0-	-0-
In-Kind Match (County)	-0-	-0-	-0-	-0-	-0-
NET FISCAL IMPACT	**	-0-	-0-	-0-	-0-
# ADDITIONAL FTE POSITIONS (Cumulative)					

Is Item Included in Current Budget?	Yes	No
-------------------------------------	-----	----

**Budget Acct No.: Fund\_\_ Dept.\_\_ Unit\_\_ Object**  
**Program**


**Recommended Sources of Funds/Summary of Fiscal Impact:**

**\*\*This item has no fiscal impact. Easements are exempt from the privilege fee requirement.**

C. Departmental Fiscal Review: Indefinite

### III. REVIEW COMMENTS

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

  
 JHC 6/15/17  
 OFMB JET 6/14

John S. Jacobson 6/16/17  
Contract Dev. and Control  
6/15/17 *TH*

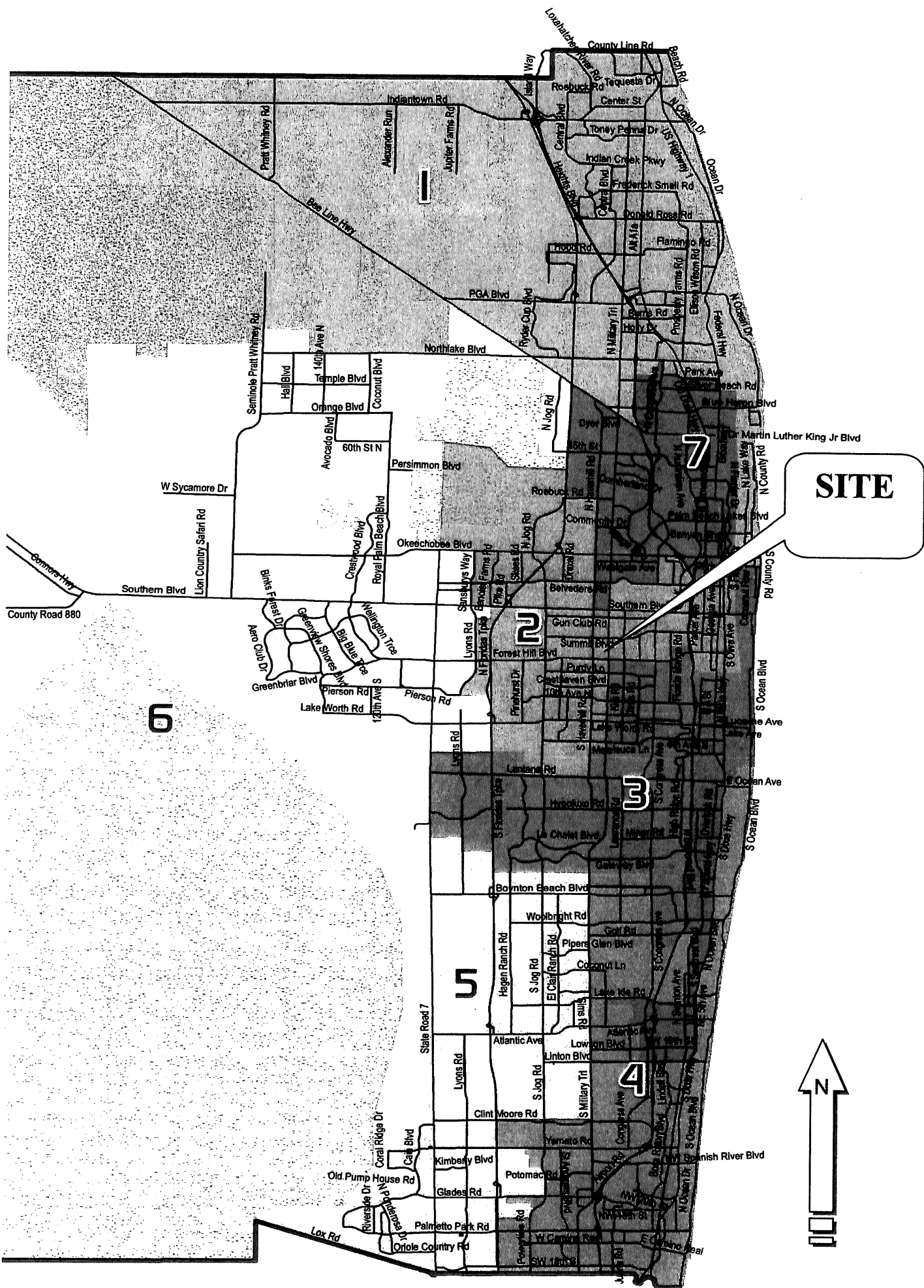
**B. Approved as to Form and Legal Sufficiency:**

6/26/17   
Assistant County Attorney

**C. Other Department Review:**

**Department Director**

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



**LOCATION SKETCH** 1 INCH = 4 MILES  
**ABANDONMENT OF THE WEST 443 FEET OF A  
50 FT. WIDE INGRESS/EGRESS EASEMENT,  
OFFICIAL RECORD BOOK 5156, PAGE 363,  
PUBLIC RECORDS OF PALM BEACH COUNTY**

**RESOLUTION NO. R-2017-\_\_\_\_\_**

**RESOLUTION OF THE BOARD OF COUNTY  
COMMISSIONERS OF PALM BEACH COUNTY,  
FLORIDA, ABANDONING THE WEST 443 FEET  
OF A 50 FOOT WIDE INGRESS/EGRESS  
EASEMENT RECORDED IN OFFICIAL RECORD  
BOOK 5156, PAGE 363, OF THE PUBLIC  
RECORDS OF PALM BEACH COUNTY, FLORIDA.**

**WHEREAS**, the Board of County Commissioners (BCC) of Palm Beach County, Florida, has considered the abandonment 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 in Exhibit A; and

**WHEREAS**, petition to abandon the west 443 feet of a 50 foot wide ingress/egress easement recorded in Official Record Book 5156, Page 363, was submitted by Strata Realty, Inc., Boat-Mart, Inc., and Stratemeyer, LLC; and

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

**WHEREAS**, the BCC, while convened in regular session on July 11, 2017, did hold a meeting on said petition to abandon the said portion of the 50 foot wide ingress/egress easement as shown in Exhibit A; and

**WHEREAS**, the BCC determined that said abandonment conforms to the County's Land Development Code.

**RESOLUTION NO. R-2017-\_\_\_\_\_**

**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 portion of the 50 foot wide ingress/egress easement recorded in Official Record Book 5156, Page 363, of the Public Records of Palm Beach County, Florida, is hereby abandoned and closed as a public ingress/egress easement 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 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).

(Remainder of page left intentionally blank)

**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

DESCRIPTION:

ALL THAT PORTION OF THAT CERTAIN 50 FOOT WIDE INGRESS/EGRESS EASEMENT RECORDED IN OFFICIAL RECORD BOOK 5156, PAGE 363, LYING WEST OF THE WEST RIGHT-OF-WAY LINE OF MILITARY TRAIL, AS RECORDED IN OFFICIAL RECORD BOOK 2878, PAGE 539, BEING WITHIN LOT 1, BLOCK 3, PLAT NO. 1, PALM BEACH PLANTATIONS, AS RECORDED IN PLAT BOOK 10, PAGE 20, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 1, BLOCK 3; THENCE N.88°49'33"W. ALONG THE SOUTH LINE THEREOF, A DISTANCE OF 30.03 FEET TO A POINT OF INTERSECTION WITH SAID WEST RIGHT-OF-WAY LINE; THENCE N.01°30'19"W. ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 162.18 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N.01°30'19"W. ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 50.05 FEET; THENCE N.88°49'33"W. ALONG THE NORTH LINE OF SAID INGRESS/EGRESS EASEMENT, A DISTANCE OF 443.00 FEET; THENCE S.01°30'19"E. ALONG THE WEST LINE OF SAID INGRESS/EGRESS EASEMENT, A DISTANCE OF 50.05 FEET; THENCE S.88°49'33"E. ALONG THE SOUTH LINE OF SAID INGRESS/EGRESS EASEMENT, A DISTANCE OF 443.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING IN THE SOUTHWEST ONE-QUARTER OF SECTION 12, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.  
CONTAINING 22,150 SQUARE FEET/0.5085 ACRES MORE OR LESS.


NOTES:

- 1. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.
- 2. BEARINGS SHOWN HEREON ARE RELATIVE TO A GRID BEARING OF N.01°30'19"W. ALONG THE EAST LINE OF THE S.W. 1/4 OF SECTION 12, TOWNSHIP 44 SOUTH, RANGE 42 EAST, RELATIVE TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NORTH AMERICAN DATUM OF 1983 (90/98 ADJUSTMENT).
- 3. THE "LAND DESCRIPTION" HEREON WAS PREPARED BY THE SURVEYOR.
- 4. THIS SPECIFIC PURPOSE SURVEY WAS COMPLETED TO DELINEATE EXISTING ABOVE GROUND IMPROVEMENTS AND UTILITIES WITHIN AN EXISTING EASEMENT AND DOES NOT CONSTITUTE A BOUNDARY SURVEY AS SUCH.
- 5. LANDS SHOWN HEREON WERE ABSTRACTED BY WESTCOR LAND TITLE INSURANCE COMPANY, OWNERSHIP AND ENCUMBRANCE REPORT SEARCH NO. 15-38956, SEARCH NO. 15-38962 AND SEARCH NO. 15-38966, ALL WITH A SEARCH PERIOD FROM 04-22-1970 TO /8-10-2015, UPDATED 1-3-17. THE ONLY B-2 EXCEPTION IN THE TITLE COMMITMENT THAT AFFETCS THE PROPERTY IS A DRAINAGE EASEMENT RECORDED IN OFFICIAL RECORD BOOK 5411, PAGE 455 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND IT IS PLOTTED ON SHEET 4 OF THE SURVEY.

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 SEPTEMBER 12, 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 4



**CAULFIELD & WHEELER, INC.**  
CIVIL ENGINEERING — LAND SURVEYING  
7900 GLADES ROAD — SUITE 100  
BOCA RATON, FLORIDA 33434  
PHONE (561)-392-1991 / FAX (561)-750-1755

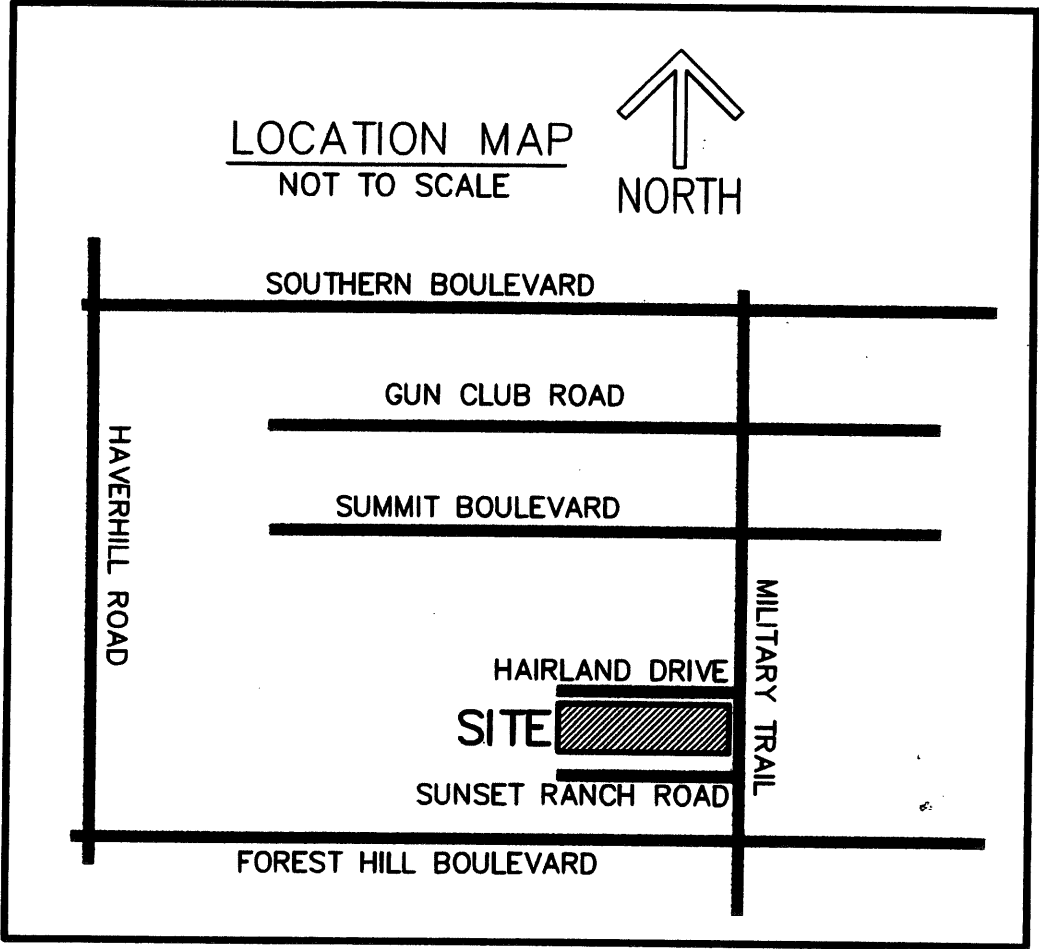
**DON COOK MOTORS**  
**INGRESS/EGRESS EASEMENT RELEASE**  
**SPECIFIC PURPOSE SURVEY**

STATE OF FLORIDA  
REGISTERED LAND  
SURVEYOR NO. 5005  
STATE OF FLORIDA  
LB# 3591

DATE	4/18/17
DRAWN BY	JC
F.B./ PG.	N/A
SCALE	AS SHOWN
JOB NO.	7240-AE

EXHIBIT A


Page 2 of 4



NOTES  
COORDINATES, BEARINGS AND DISTANCES

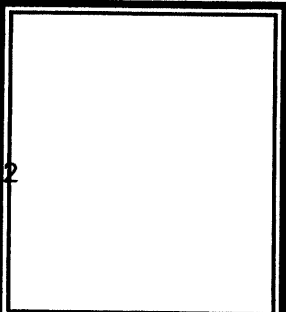
COORDINATES SHOWN ARE GRID  
DATUM = NAD 83 (90/98 ADJUSTMENT)  
ZONE = FLORIDA EAST  
LINEAR UNIT = US SURVEY FEET  
COORDINATE SYSTEM 1983 STATE PLANE  
TRANSVERSE MERCATOR PROJECTION  
ALL DISTANCES ARE GROUND  
SCALE FACTOR = 1.0000375  
GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE  
BEARINGS AS SHOWN HEREON ARE GRID DATUM,  
NAD 83 (90/98 ADJUSTMENT), FLORIDA EAST ZONE.

SHEET 2 OF 4



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

**DON COOK MOTORS**  
INGRESS/EGRESS EASEMENT RELEASE  
SPECIFIC PURPOSE SURVEY



DATE	4/18/17
DRAWN BY	JC
F.B./ PG.	N/A
SCALE	AS SHOWN
JOB NO.	7240-AE



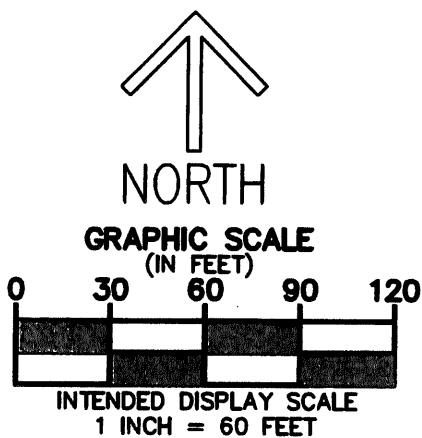
## Page 3 of 4



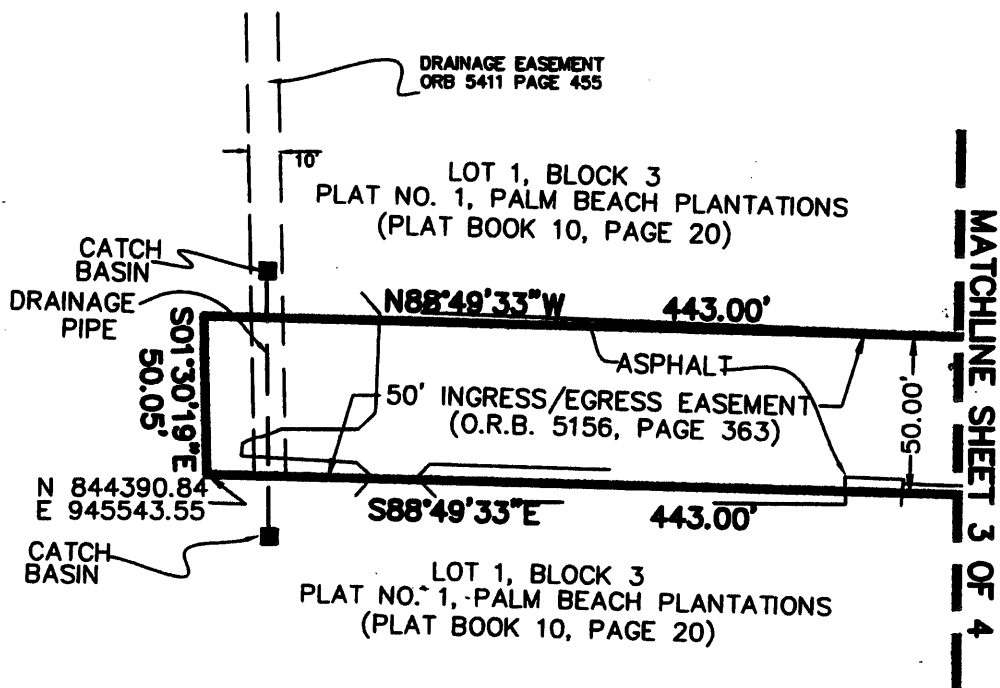
**DON COOK MOTORS  
INGRESS/EGRESS EASEMENT RELEASE  
SPECIFIC PURPOSE SURVEY**

DATE	4/18/17
DRAWN BY	JC
F.B./ PG.	N/A
SCALE	AS SHOWN
JOB NO.	7240-AE

EXHIBIT A



LEGEND/ABBREVIATIONS  
CL - CENTERLINE  
LB - LICENSED BUSINESS  
O.R.B. - OFFICIAL RECORD BOOK  
F.P.L. - FLORIDA POWER & LIGHT



SHEET 4 OF 4



CAULFIELD & WHEELER, INC.

CIVIL ENGINEERING - LAND SURVEYING  
7900 GLADES ROAD - SUITE 100  
BOCA RATON, FLORIDA 33434

PHONE (561)-392-1991 / FAX (561)-750-1452

DON COOK MOTORS  
INGRESS/EGRESS EASEMENT RELEASE  
SPECIFIC PURPOSE SURVEY

DATE	4/18/17
DRAWN BY	JC
F.B./ PG.	N/A
SCALE	AS SHOWN
JOB NO.	7240-AE