#### Agenda Item #: 3-C-11

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

Meeting Date: September 12, 2017 [X] 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 all 784 feet of a ten-foot-wide utility easement per the plat of Lantana Farms M.U.P.D., according to the plat recorded in Plat Book 112, Pages 10-11, public records of Palm Beach County, Florida.

SUMMARY: Adoption of this Resolution will eliminate the utility easement that is in conflict with future plans for development by Home Dynamics Silverleaf, LLC (Owner). The petition site is located east of Florida's Tumpike and south of Lantana Road. District 3 (LBH)

Background and Justification: The owner 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 Lantana Road.

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:

Approved by:

UN//ahrsin Assistant County Administrator

Date

8 | >4

#### **II. FISCAL IMPACT ANALYSIS**

#### A. Five Year Summary of Fiscal Impact:

Fiscal Years Capital Expenditures Operating Costs External Revenues Program Income (County) In-Kind Match (County)	2017 <u>\$ -0-</u> <u>-0-</u> <u>-0-</u> <u>-0-</u> <u>-0-</u> -0-	2018 0- 0- -0- -0- -0-	2019 0-  -0- -0- -0-	2020 -0- -0- -0- -0- -0- -0-	2021 <u>-0-</u> <u>-0-</u> <u>-0-</u> <u>-0-</u> -0-
NET FISCAL IMPACT # ADDITIONAL FTE POSITIONS (Cumulative)	 **				<u>-0-</u>

Is Item Included in Current Budget? No Yes

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.

ovalainen C. Departmental Fiscal Review:

III. <u>REVIEW COMMENTS</u>

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

R 8/15

Approved as to Form B. and Legal Sufficiency:

ssistant County Attorney

Other Department Review:

Sontract Dev. and Coutr

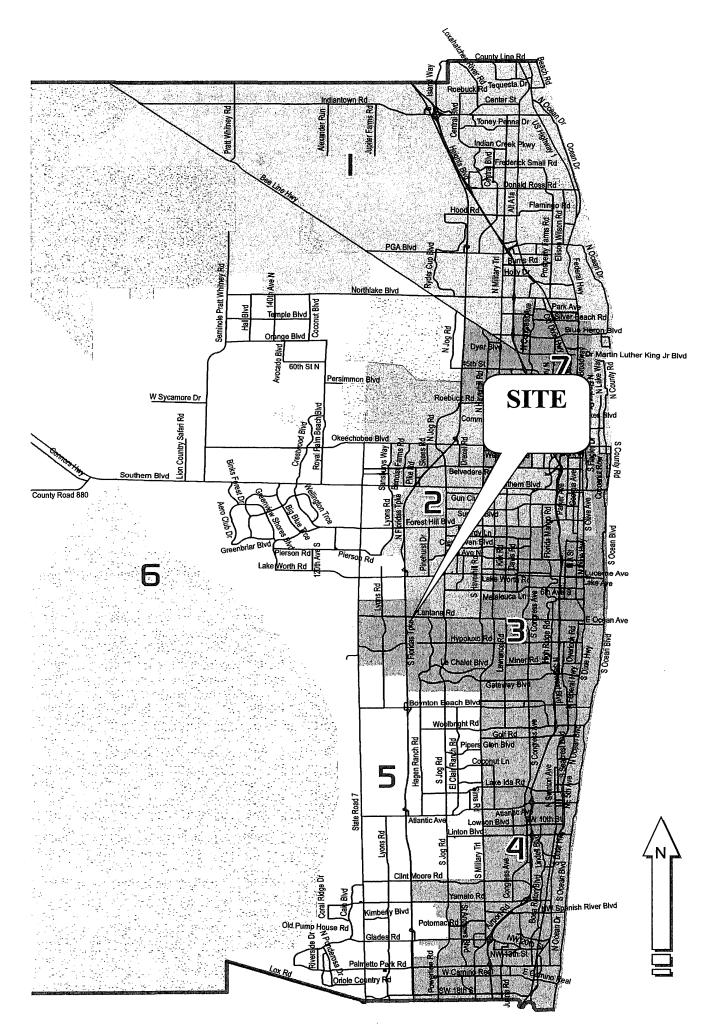
7 (Tu

**Department Director** 

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

F:\COMMON\WP\AGENDAPAGE2\AGNPGTWO2017\00.402 NO PRIVILEGE FEE.DOC

2



LOCATION SKETCH 1 INCH = 4 MILES ABANDONMENT OF A 784 FT. LONG PLATTED UTILITY EASEMENT WITHIN LANTANA FARMS MUPD, PB 112, PG 10, PUBLIC RECORDS OF PALM BEACH COUNTY

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

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ABANDONING ALL 784 FEET OF A TEN-FOOT-WIDE UTILITY EASEMENT PER THE PLAT OF LANTANA FARMS M.U.P.D., ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 112, PAGES 10-11, 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 ("Ordinance") for the abandonment/vacation of the utility easement hereinafter described in Exhibit A; and

WHEREAS, petition to abandon all 784 feet of a ten-foot-wide utility easement per the plat of Lantana Farms M.U.P.D., recorded in Plat Book 112, Pages 10-11, was submitted by Home Dynamics Silverleaf, 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 September 12, 2017, did hold a meeting on said petition to abandon the 10-foot-wide utility easement as shown in Exhibit A; and

WHEREAS, the BCC determined that said abandonment conforms to the Ordinance.

### 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. All of the 10-foot-wide utility easement recorded in Plat Book 112, Pages 10-11, of the Public Records of Palm Beach County, Florida, is hereby abandoned and closed as a public utility easement and the BCC does hereby renounce and disclaim any right or interest of the County and the Public in and to the easement, more fully described in the legal description and sketch as shown in Exhibit A attached hereto and made a part hereof.
- 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 the Ordinance.

(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 \_\_\_\_\_, 2017.

PALM BEACH COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS

Sharon R. Bock, Clerk & Comptroller

BY: \_\_\_

Deputy Clerk

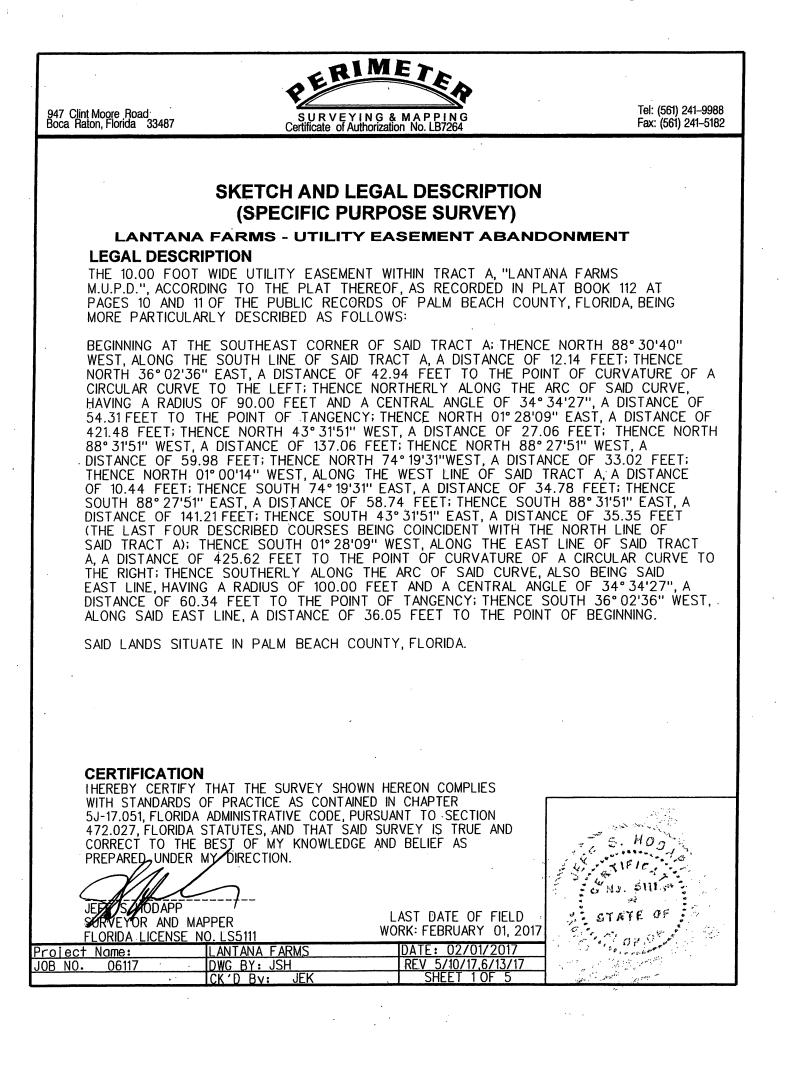
APPROVED AS TO FORM AND LEGAL SUFFICIENCY

BY: \_\_\_\_\_

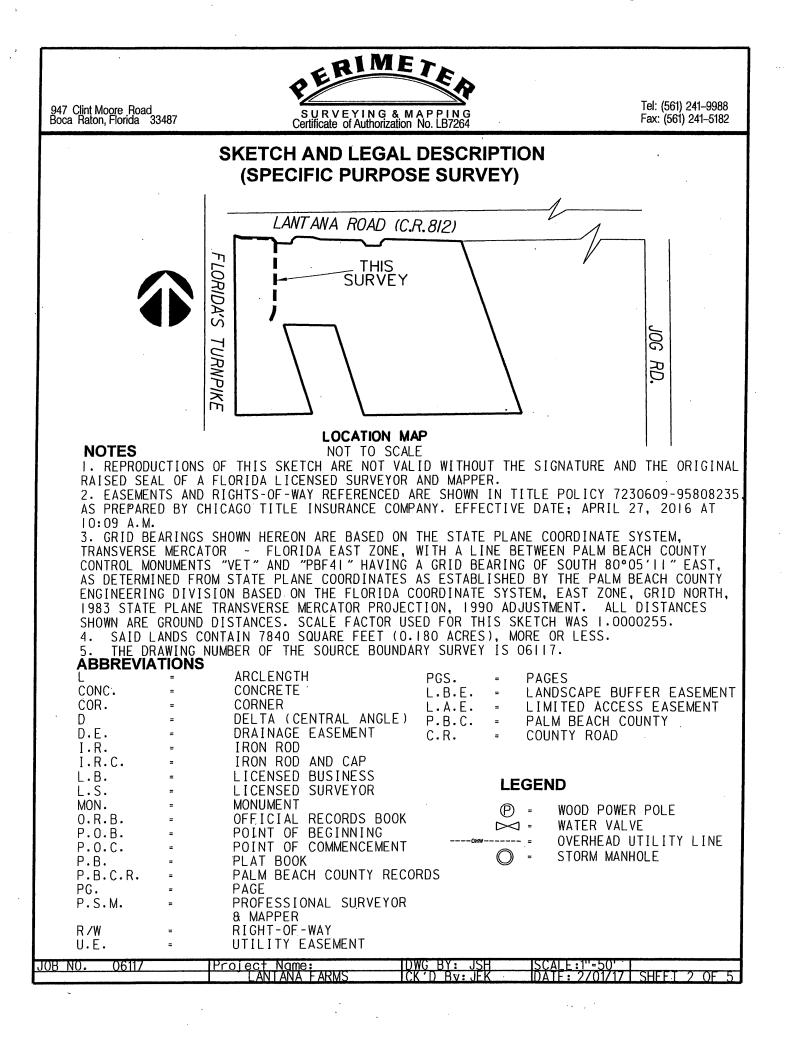
County Attorney

3 of 3

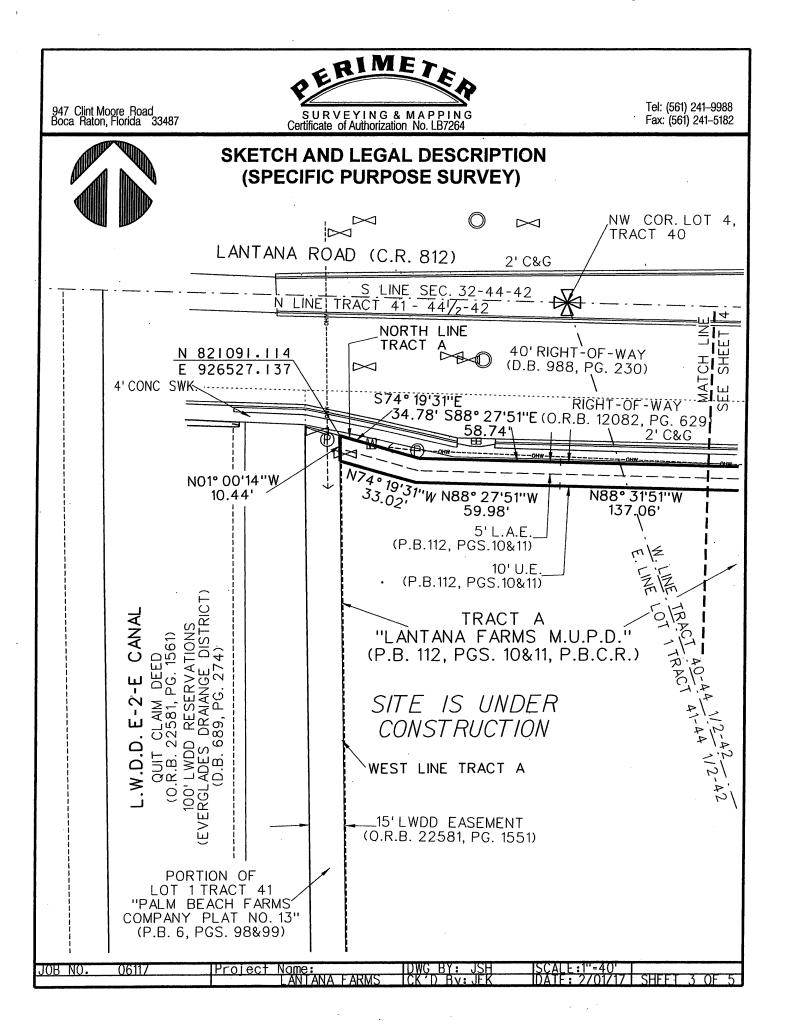
Page 1 of 5



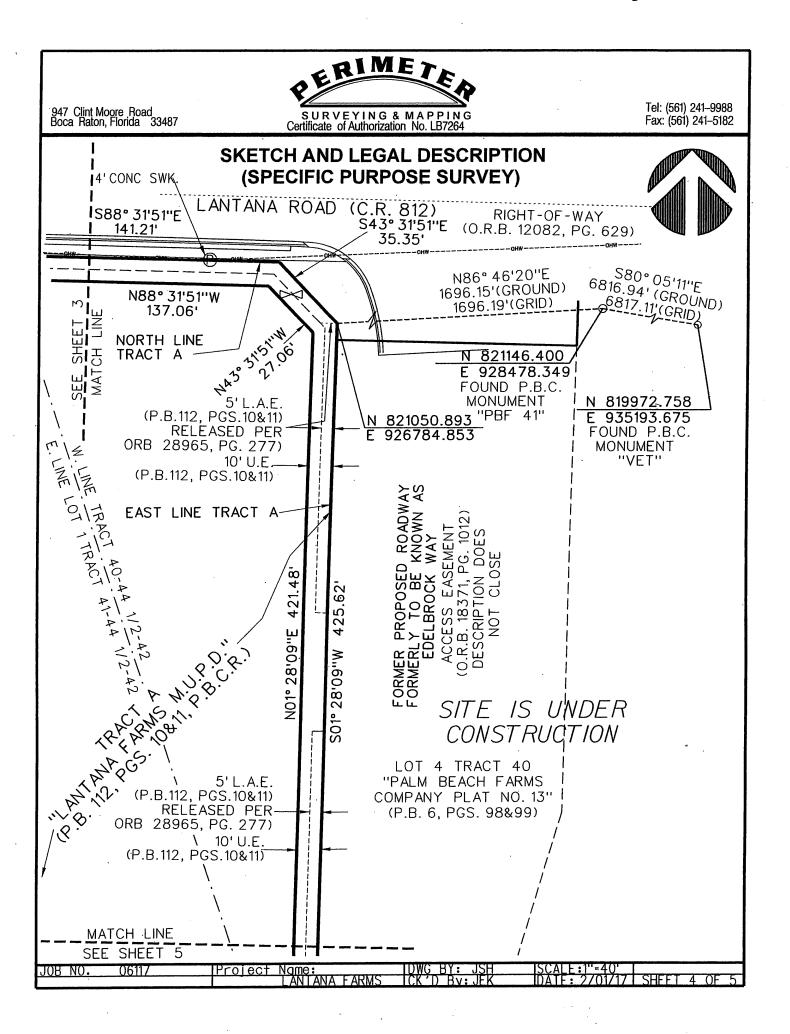
Page 2 of 5



Page 3 of 5



Page 4 of 5



Page 5 of 5

