

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: August 14, 2018

☐ 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 the east 1-foot portion of a 12-foot wide drainage easement lying within Lot 19, Block 2 as shown on Plat No. 2 Meadowbrook, Plat Book 26, Page 169, Public Records of Palm Beach County.

SUMMARY: Adoption of this resolution will eliminate the public interest in a 1-foot portion of the existing drainage easement where an error in construction caused an encroachment. The remaining 11-feet under the drainage easement is sufficient for the public drainage needs. The petition site is located north of Belvedere Road and east of Jog Road. District 2 (LBH)

Background and Policy Issues: The abandonment of this site is conditioned under administrative variance application AVB-2017-01350, which was sought for reduced setbacks in order to close a long-open building permit, B82001395. The single family residence located on Lot 19 was built in 1982 and 1-foot of the garage roof encroaches over a 12-foot wide easement on the west side of the lot. All reviewing agencies have signed-off on the proposed abandonment.

Easements are exempt from the privilege fee requirement as provided in Palm Beach County Code of Ordinances Chapter 22, Article III, Road Abandonment and Plat Vacation (Ordinance 2002-034). The Engineering Department advertised this petition for a public hearing on Sunday, July 29, 2018.

Attachments:

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

Recommended by: 

Department Director

Date

7/12/2018

Approved by: 

Assistant County Administrator

Date

7/11/18

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2018	2019	2020	2021	2022
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
Does this item include the use of federal funds? Yes No X

Budget Account No:

Fund Dept Unit Object

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: .

Alice Kovalainen

III. REVIEW COMMENTS

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

[Signature] 7/3/18
OFMB
8/7/3
sm 7/3

[Signature] 7/5/18
Contract Dev. and Control
7/5/18

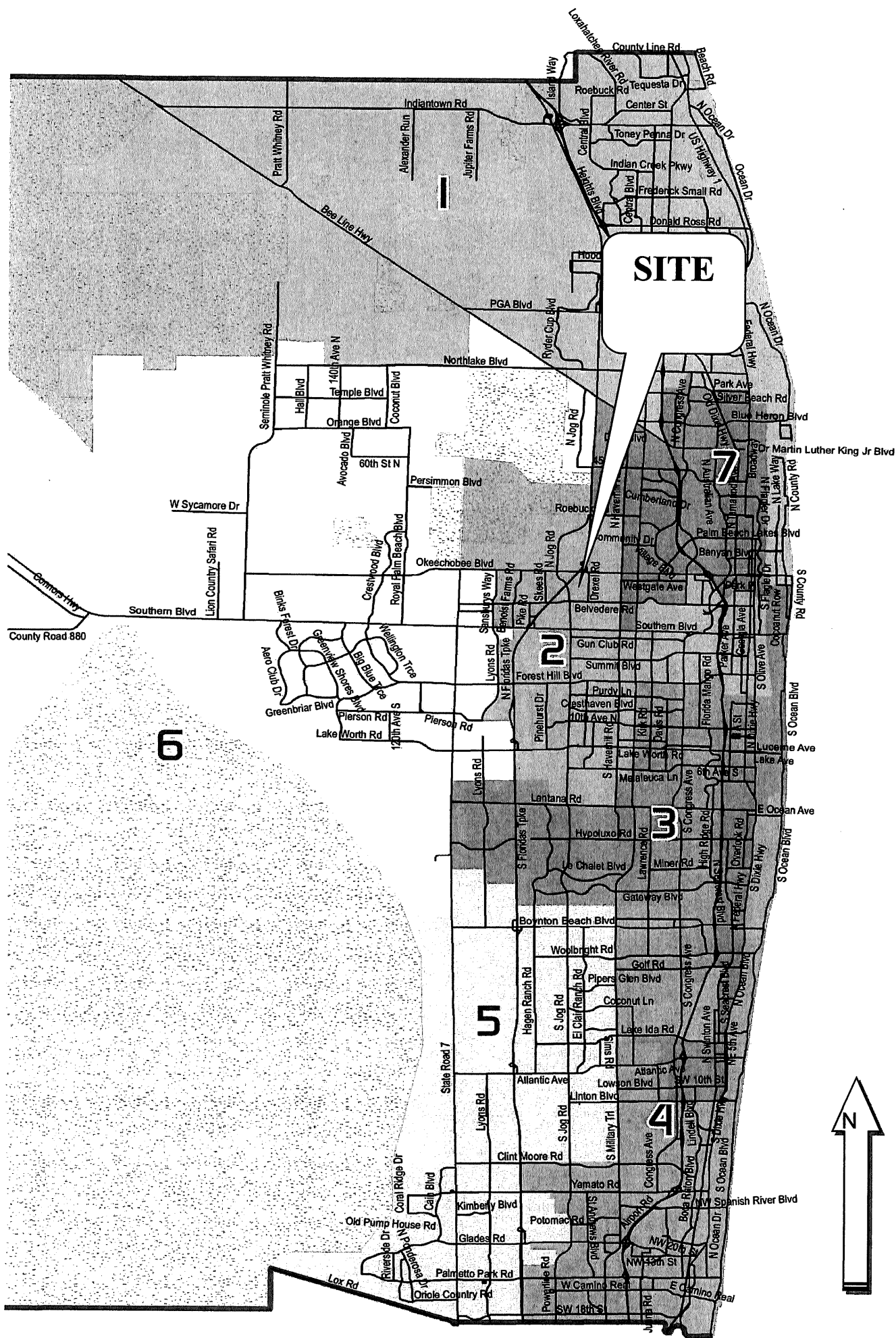
B. Approved as to Form and Legal Sufficiency:

[Signature] 7/6/2018
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 A PORTION OF A DRAINAGE EASEMENT LYING
WITHIN LOT 19, BLOCK 2, PLAT NO. 2 MEADOWBROOK, PLAT BOOK
26, PAGE 169, PUBLIC RECORDS OF PALM BEACH COUNTY

RESOLUTION NO. R-2018-_____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ABANDONING ANY PUBLIC INTEREST IN A PORTION OF THE DRAINAGE EASEMENT LYING WITHIN LOT 19, BLOCK 2, PLAT NO. 2 MEADOWBROOK, AS RECORDED IN PLAT BOOK 26, PAGE 169, PUBLIC RECORDS, 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 portion of drainage easement hereinafter described in **Exhibit A**; and

WHEREAS, a petition to abandon the east 1-foot portion of the 12-foot wide drainage easement lying within Lot 19, Block 2 (Abandonment Site), Plat No. 2 Meadowbrook, Plat Book 26, Page 169, as set forth on the sketch and legal description in **Exhibit A** was submitted by Carlos Guzman; and

WHEREAS, in accordance with the Ordinance, notice of the holding of such meeting was duly published in the Palm Beach Post on July 29, 2018; and

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

WHEREAS, the BCC held said hearing as advertised and determined that said east 1-foot portion of the 12 foot drainage easement lying within Lot 19, Block 2, Plat No. 2 Meadowbrook as recorded in Plat Book 26, Page 169 is in excess of the requirements and will not materially interfere with drainage of the County Road System; and

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

RESOLUTION NO. R-2018-_____

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 east 1-foot portion of the 12-foot wide drainage easement lying within Lot 19, Block 2 as shown on Plat No. 2 Meadowbrook, Plat Book 26, Page 169, Public Records of Palm Beach County, Florida, is hereby abandoned and closed as an 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 County Code Chapter 22. Article III, Road Abandonment and Plat Vacation (Ordinance 2002-034).

(Remainder of page left intentionally blank)

RESOLUTION NO. R-2018-_____

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 Melissa McKinlay, Mayor

Commissioner Mack Bernard, Vice Mayor

Commissioner Hal R. Valeche

Commissioner Paulette Burdick

Commissioner Dave Kerner

Commissioner Steven L. Abrams

Commissioner Mary Lou Berger

The Mayor thereupon declared the Resolution duly passed and adopted this
_____ day of _____, 2018.

**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: _____
Yelizaveta B. Herman
Assistant County Attorney

**SPECIFIC PURPOSE SURVEY
PARTIAL EASEMENT ABANDONMENT**

PROPERTY ADDRESS:

FOLIO NO. 00-42-43-27-02-002-0190
6043 FAIR GREEN ROAD,
WEST PALM BEACH, FL 33417

AREA OF PROPERTY: 7,395 SQUARE FEET AND/OR
0.170 ACRES MORE OR LESS.

AREA TO BE ABANDONED : 101.69 SQUARE FEET AND/OR
0.002 ACRES MORE OR LESS.

CERTIFIED TO:

THIS SKETCH AND LEGAL HAS BEEN PREPARED FOR THE
EXCLUSIVE USE OF THE ENTITIES NAME HEREON. THE
CERTIFICATIONS DO NOT EXTEND TO ANY UNNAMED
PARTIES.

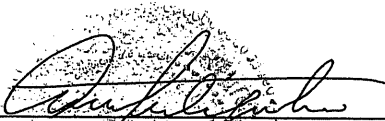
- ELITE CAPITAL & DEVELOPMENT, INC.

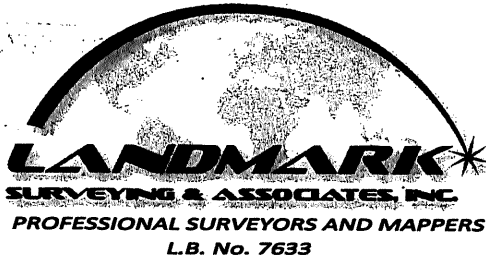
LEGAL DESCRIPTION FOR ABANDONMENT:

THE EAST 1 FEET OF A PLATTED 6 FOOT DRAINAGE EASEMENT AS SHOWN IN LOT 19, BLOCK 2,
OF "PLAT NO. 2 MEADOWBROOK", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT
BOOK 26, AT PAGE 169, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SURVEYORS CERTIFICATE:

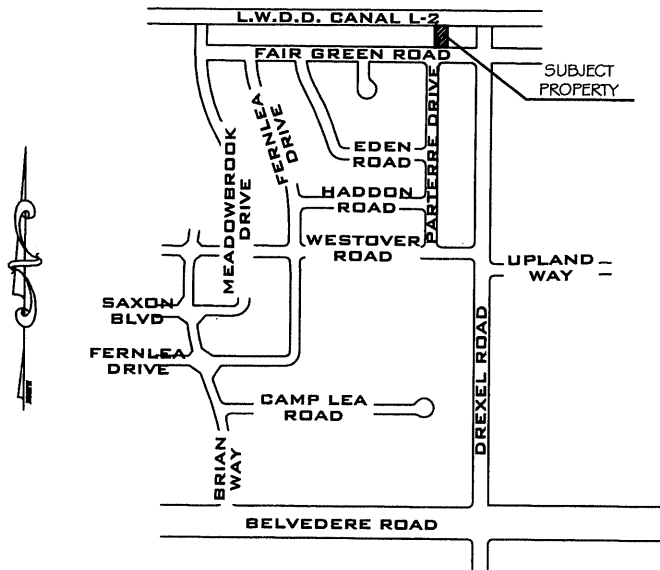
I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THIS "SPECIFIC PURPOSE
SURVEY" IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY PREPARED UNDER MY DIRECTION.
THAT IT MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE STATE OF FLORIDA BOARD OF
PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17.050 THROUGH 5J-17.052 OF THE FLORIDA
ADMINISTRATIVE CODE AND ITS IMPLEMENTING LAW, PURSUANT TO CHAPTER 42.02, FLORIDA
STATUTE.

SIGNED  FOR THE FIRM ARTURO MENDIGUTIA, P.S.M.
P.S.M. No. 5844 STATE OF FLORIDA. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL
RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. ADDITIONS OR DELETIONS TO
SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED
WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES IN A DIGITAL FORMAT NOT
VALID WITHOUT AN AUTHENTIC ELECTRONIC SIGNATURE AND AUTHENTICATED ELECTRONIC SEAL.

PARCEL NUMBER: 00-42-43-27-02-002-0190			1435 S.W. 87th AVENUE SUITE "201" MIAMI, FL 33174 PHONE: (305) 556-4002 FAX: (305) 556-4003 EMAIL: JFEE@LMSURVEYING.COM
LOCATION MAP, SURVEYORS NOTES & CERTIFICATE			
Project No.: 1707-121			
Drawn by: D.R.	SKETCH		
Approved by: AM	SHEET 1 OF 4		
DATE: 12-12-2017	Scale: AS SHOWN		

SPECIFIC PURPOSE SURVEY

PARTIAL EASEMENT ABANDONMENT



LOCATION MAP

SECTION 27, TOWNSHIP 43 SOUTH, RANGE 42 EAST
 LYING AND BEING IN PALM BEACH COUNTY FLORIDA
 (NOT TO SCALE)

SURVEYOR'S NOTES:

- 1.) THIS IS NOT A BOUNDARY SURVEY
- 2.) BEARINGS AND COORDINATES SHOWN ON THIS SPECIFIC PURPOSE SURVEY ARE BASED ON THE FLORIDA STATE PLANES COORDINATE SYSTEM, EAST ZONE, 1983 NORTH AMERICAN DATUM, 1990 ADJUSTMENT DERIVING A BERING OF 501°29'32"W, AS ESTABLISHED FROM THE S.E. CORNER OF SECTION 27, TOWNSHIP 43 SOUTH, RANGE 42 EAST, FLORIDA AND THE EAST 1/4 CORNER OF SECTION 27 TOWNSHIP 43 SOUTH, RANGE 42 EAST, FLORIDA.
- 3.) TYPE OF SURVEY: SPECIFIC PURPOSE SURVEY.
- 4.) ALL MEASUREMENTS ARE IN ACCORDANCE WITH THE UNITED STATES STANDARD U.S. FOOT.
- 5.) CONTACT THE APPROPRIATE AUTHORITY PRIOR TO ANY DESIGN WORK ON THE HEREIN DESCRIBED PARCEL FOR BUILDING AND ZONING INFORMATION.
- 6.) UNDERGROUND UTILITIES ARE NOT DEPICTED HEREON, CONTACT THE APPROPRIATE AUTHORITY PRIOR TO ANY DESIGN WORK OR CONSTRUCTION ON THE PROPERTY HEREIN DESCRIBED. SURVEYOR SHALL BE NOTIFIED AS TO ANY DEVIATION FROM UTILITIES SHOWN HEREON.
- 7.) ENCUMBRANCES NOT SHOWN ON THE PLAT.
- 8.) FENCE OWNERSHIP NOT DETERMINED.
- 9.) NO IDENTIFICATION FOUND ON PROPERTY CORNERS UNLESS NOTED.
- 10.) THE SOURCES OF DATE USED FOR THE PREPARATION OF THIS BOUNDARY SURVEY IS "PLAT NO. 2 MEADOWBROOK" RECORDED IN PLAT BOOK 26, AT PAGE 169.
- 11.) THIS MAP OF SURVEY IS INTENDED TO BE DISPLAYED AT A SCALE OF ONE INCH EQUALS 20 FEET OR SMALLER.

PARCEL NUMBER: 00-42-43-27-02-002-0190	
LOCATION MAP, SURVEYORS NOTES & CERTIFICATE	
Project No.: 1707-121	
Drawn by: D.R.	SKETCH
Approved by: AM	SHEET 2 OF 4
DATE: 12-12-2017	Scale: AS SHOWN



LANDMARK
SURVEYING & ASSOCIATES, INC.
PROFESSIONAL SURVEYORS AND MAPPERS
L.B. No. 7633

1435 S.W. 87th AVENUE
SUITE "201"
MIAMI, FL 33174
PHONE: (305) 556-4002
FAX: (305) 556-4003
EMAIL:
JFEE@LMSURVEYING.COM

SPECIFIC PURPOSE SURVEY PARTIAL EASEMENT ABANDONMENT


TITLE COMMITMENT REVIEW:

ALL THE FOLLOWING DOCUMENTS, LISTED IN SCHEDULE B-II OF THE TITLE COMMITMENT FILE NUMBER 17042772, PREPARED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, DATE EFFECTIVE AS OF MAY 09, 2017 AT 10:35 AM, FURNISHED BY THE CLIENT TO THE UNDERSIGNED WERE REVIEWED TO SHOW ANY MATTER AFFECTING THE SUBJECT PROPERTY.

1. DEFECTS, LIENS, ENCUMBRANCES, ADVERSE CLAIMS OR OTHER MATTERS, IF ANY CREATED, FIRST APPEARING IN THE PUBLIC RECORDS OR ATTACHING SUBSEQUENT TO THE EFFECTIVE DATE HEREOF BUT PRIOR TO THE DATE THE PROPOSED INSURED ACQUIRES FOR VALUE OF RECORD THE ESTATE OR INTEREST OR MORTGAGE THEREON COVERED BY THIS COMMITMENT.
2. THE FOLLOWING MATTERS DISCLOSED BY SURVEY PREPARED BY LANDMARK SURVEYING & ASSOCIATES, INC., UNDER JOB NUMBER 1704-103, DATED APRIL 25, 2017:
 - A). FENCE ENCROACHING ONTO THE EASEMENT AREA ON THE NORTH, THE EAST, AND THE WEST.
 - B). IRON PIPES ENCROACHING ONTO THE EASEMENT AREA ON THE NORTH.
 - C). BUILDING ENCROACHING INTO THE WEST SIDE SET-BACK AREA.
 - D). ALUMINUM SHED ENCROACHING INTO THE REAR (SOUTH) SET-BACK AREA.
 - E). ALUMINUM SHED, CONCRETE, AND FENCE ENCROACHING INTO THE DRAINAGE EASEMENT AREA ON THE WEST.
3. RIGHTS OR CLAIMS OF PARTIES IN POSSESSION.
4. CONSTRUCTION, MECHANICS, CONTRACTORS' OR MATERIALMEN'S LIEN CLAIMS, IF ANY, WHERE NO NOTICE THEREOF APPEARS OF RECORD.
5. EASEMENTS OR CLAIMS OF EASEMENTS NOT SHOWN BY THE PUBLIC RECORDS.
6. GENERAL OR SPECIAL TAXES AND ASSESSMENTS REQUIRED TO BE PAID IN THE YEAR 2017 AND SUBSEQUENT YEARS.
7. RESTRICTIONS, CONDITIONS, RESERVATIONS, EASEMENTS AND OTHER MATTERS CONTAINED ON THE PLAT OF PLAT NO. 2, MEADOWBROOK, AS RECORDED IN PLAT BOOK 26, AT PAGE 169, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. (AFFECTS THE SUBJECT PROPERTY AND IS PLOTTED)
8. RESTRICTIONS, COVENANTS, AND CONDITIONS AS CONTAINED IN INSTRUMENT RECORDED IN O.R. BOOK 519, AT PAGE 626, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. (NOT PROVIDED BY THE CLIENT AND UNABLE TO GET FROM PUBLIC RECORDS)
9. AGREEMENT WITH FIRST FLORIDA UTILITIES, INC., AS CONTAINED IN INSTRUMENT RECORDED IN O.R. BOOK 827, AT PAGE 714, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. (NOT PROVIDED BY THE CLIENT AND UNABLE TO GET FROM PUBLIC RECORDS)
10. ORDER RE: LAKE WORTH DRAINAGE DISTRICT RECORDED IN O.R. BOOK 6495, AT PAGE 761, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. (AFFECTS THE SUBJECT PROPERTY BUT IS NOT PLOTTABLE)
11. RIPARIAN AND LITTORAL RIGHTS ARE NOT INSURED.

ANY ADVERSE OWNERSHIP CLAIM BY THE STATE OF FLORIDA BY RIGHT OF SOYEREIGNTY TO ANY PORTION OF THE LANDS INSURED HEREUNDER, INCLUDING SUBMERGED, FILLED OR ARTIFICIALLY EXPOSED LANDS AND LANDS ACCRETED TO SUCH LANDS.

PARCEL NUMBER: 00-42-43-27-02-002-0190	
LOCATION MAP, SURVEYORS NOTES & CERTIFICATE	
Project No.: 1707-121	
Drawn by: J.FEE	SKETCH
Approved by: AM	SHEET 3 OF 4
DATE: 12-12-2017	Scale: AS SHOWN



LANDMARK
SURVEYING & ASSOCIATES, INC.
PROFESSIONAL SURVEYORS AND MAPPERS
L.B. No. 7633

1435 S.W. 87th AVENUE
SUITE "201"
MIAMI, FL 33174
PHONE: (305) 556-4002
FAX: (305) 556-4003
EMAIL:
JFEE@LMSURVEYING.COM

NORTH LINE S.E. 1/4 SEC. 27,
TWP. 43 SOUTH, RGE. 42 EAST

1/4 SEC. CORNER SECT. 27, TWP. 43 SOUTH,
RGE. 42 EAST N: 861,057.838
E: 938,246.378

N.W. CORNER
LOT 1; BLOCK 2
P.B. 26; PG. 169
P.R.M.

L.W.D.D. CANAL L-2
80.00' RIGHT OF WAY
(P.B. 26, PG. 169)
(L.W.D.D. PRJ. # 68-122 SHEET 11 OF 240)
S88°29'18"E 65.00'

1191.46'

N:860972.5995 12' EASEMENT
E:937988.9391 (P.B.26-PG.169)

N:860972.5732
E:937989.9387

EXISTING 12' D.E
AS PER
(P.B.26-PG.169)

1.00'

PARCEL AREA: 101.69 Sq.Ft.
0.002 Acres

PCN:
00-42-43-27-02-002-0190
LOT 19 BLOCK 2
PLAT NO. 2
MEADOWBROOK
P.B.26 - PG.169

FOR IMPROVEMENTS SEE
SOURCE
BOUNDARY SURVEY
SKETCH # 1704-103

1.00'

N:860870.9283
E:937986.9352
N88°18'28"W 65.00'

N:860870.9578
E:937985.9357

80.00' DEDICATED RIGHT OF WAY
(P.B. 26, PG 169)

195.09'
55.09'

N.E. CORNER
LOT 21;
BLOCK 2 P.B. 26;
PG. 169
P.R.M.

501°29'32"W
80.00'

501°29'32"W
2,633.15'

EAST LINE S.E. 1/4 SECTION 27,
TOWNSHIP 43 SOUTH,
RANGE 42 EAST

S.E. CORNER
SECTION 27
N: 858,345.613
E: 938,175.725

PC. LOT 1; BLOCK 2
P.B. 26; PG. 169

PCN: 00-42-43-27-02-002-0180
LOT 18 BLOCK 2
PLAT NO. 2 MEADOWBROOK
P.B.26 - PG.169

N01°41'33"E 113.67'

1166.19'

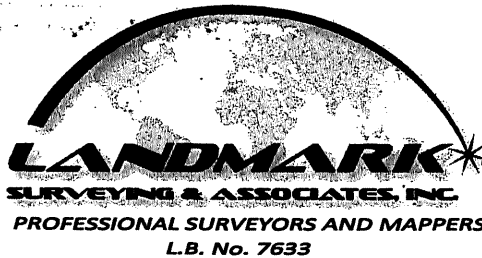
130.39'

PC
LOT 21; BLOCK 2
P.B. 26; PG. 169

FAIR GREEN ROAD

GRAPHIC SCALE
40' 20' 0 20'
(IN FEET)
1 Inch = 20 feet

Scale: 1" - 20'



**1435 S.W. 87th AVENUE
SUITE "201"
MIAMI, FL 33174
PHONE: (305) 556-4002
FAX: (305) 556-4003
EMAIL:
JFEE@LMSURVEYING.COM**