

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

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Meeting Date: December 18, 2018	<input type="checkbox"/> Consent	<input type="checkbox"/> Regular
	<input type="checkbox"/> Workshop	<input checked="" type="checkbox"/> Public Hearing

Department: Engineering and Public Works  
Submitted By: Engineering and Public Works  
Submitted For: Land Development Division

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I. EXECUTIVE BRIEF



**Motion and Title:** Staff recommends motion to adopt: a resolution to abandon any public interest in a 50-foot wide by approximately 146-foot long portion (Abandonment Site) of the drainage easement lying within the single-family lot located at the northeast corner of the intersection of Palmwood Road and Little Cypress Circle, as described in Deed Book 1038, Page 689, Public Records of Palm Beach County.

**SUMMARY:** Adoption of this resolution will eliminate the public interest in the Abandonment Site where an error in construction caused an encroachment. It has been determined that the remaining drainage easement is sufficient for the public drainage needs. The petition site is located north of Donald Ross Road and east of Palmwood Road. District 1 (LBH)

**Background and Policy Issues:** The encroachment of a pool into this drainage easement was discovered during a recent building permit application process. The pool and surrounding concrete deck was constructed in 1973 under Permit B-1970-271846-000 and encroaches 31.4 feet into the Abandonment Site. All reviewing agencies and utility service providers have approved this 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, December 2, 2018.

- Attachments:**
- 1. Location Sketch
  - 2. Resolution with Exhibit 'A'

Recommended by: <u></u>	<u>15 Nov 2018</u>
County Engineer	Date
Approved by: <u></u>	<u>12/4/18</u>
Assistant County Administrator	Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2019	2020	2021	2022	2023
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 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: Alicia Kovalainen

III. REVIEW COMMENTS

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

Lisa Power 11/20/18 OFMB  
11/19  
11/19  
Contract Dev. and Control 11/28/18 TO  
11/29/18

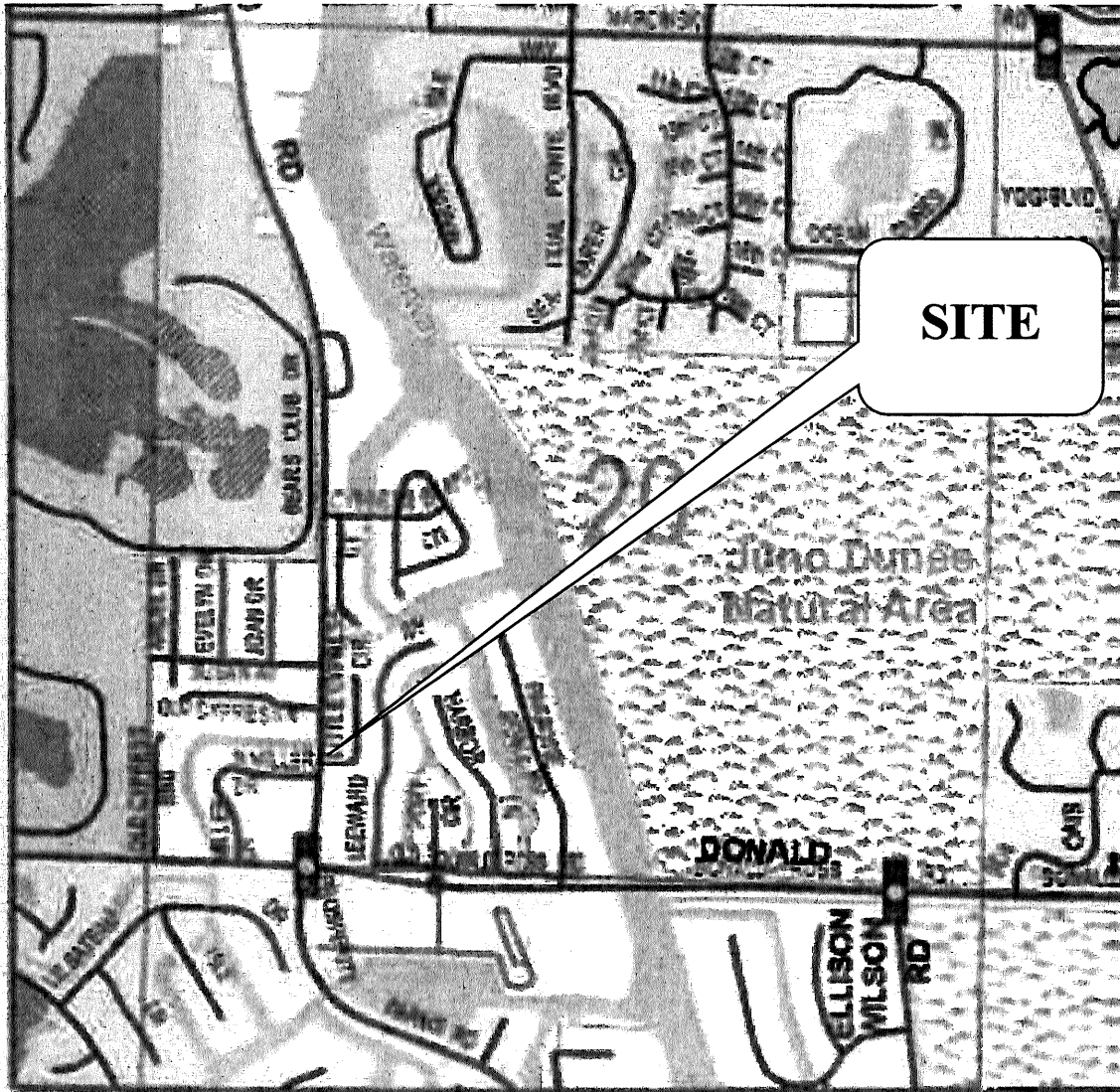
B. Approved as to Form and Legal Sufficiency:

M. Blennan 12/3/2018  
Assistant County Attorney

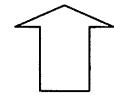
C. Other Department Review:

\_\_\_\_\_  
Department Director

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



## LOCATION SKETCH



N (Not to scale)

ABANDONMENT OF A 50-FOOT WIDE BY APPROXIMATELY 146-FOOT LONG PORTION OF THE DRAINAGE EASEMENT LYING WITHIN THE LOT LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF PALMWOOD ROAD AND LITTLE CYPRESS CIRCLE, AS DESCRIBED IN DEED BOOK 1038, PAGE 689, PUBLIC RECORDS, 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 THE LOT LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF PALMWOOD ROAD AND LITTLE CYPRESS CIRCLE, AS DESCRIBED IN DEED BOOK 1038, PAGE 689, PUBLIC RECORDS, 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 (Ordinance), and the petition of MYREHAZA04, LLC called a public hearing to be held in the County Commissioners' Chambers, at the Governmental Office Complex, 301 North Olive Avenue, West Palm Beach, Florida, on December 18, 2018, to consider and determine whether the County would vacate, abandon, discontinue and close, renounce and disclaim any right or interest of the public in and for that portion of drainage easement as set forth on the sketch and legal description in **Exhibit A** and;

**WHEREAS**, in accordance with the Ordinance, notice of the holding of such meeting was duly published in the Palm Beach Post on December 2, 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 the 50 foot-wide by 146-foot long portion of the drainage easement is in excess of the requirements and will not materially interfere with drainage of the County Road System; and

**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.

**RESOLUTION NO. R-2018-\_\_\_\_\_**

2. The 50-foot wide by 146-foot portion of the drainage easement lying within the lot located at the northeast corner of the intersection of Palmwood Road and Little Cypress Circle, as described in Deed Book 1038, Page 689, 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 drainage 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 the Ordinance.

(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 Hal R. Valeche

Commissioner

Commissioner Dave M. Kerner

Commissioner

Commissioner Mary Lou Berger

Commissioner Melissa McKinlay

Commissioner Mack Bernard

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

**EXHIBIT "1"**  
**SPECIFIC PURPOSE SURVEY**  
**PARTIAL ABANDONMENT OF A 50' DRAINAGE EASEMENT**


Prepared For:  
**MYREHAZA04, LLC**

**DESCRIPTION**

**PROPOSED ABANDONMENT OF A PORTION OF A 50' DITCH EASEMENT**

A PORTION OF THE 50 FOOT WIDE DITCH EASEMENT AS RECORDED IN DEED BOOK 1038, PAGE 689 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA LYING IN THE SOUTHWEST ONE-QUARTER OF SECTION 20, TOWNSHIP 41 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 20 AND PROCEED SOUTH 87°27'54" EAST ALONG THE SOUTH LINE OF SAID SECTION A DISTANCE OF 1123.53 FEET TO THE INTERSECTION OF THE SOUTHERLY EXTENSION OF THE EAST RIGHT-OF-WAY LINE OF PALMWOOD ROAD; THENCE NORTH 01°31'24" EAST ALONG SAID LINE, A DISTANCE OF 660.71 FEET TO THE POINT OF BEGINNING AT THE SOUTHWEST CORNER OF SAID 50 FOOT WIDE DITCH EASEMENT AS RECORDED IN DEED BOOK 1038, PAGE 689 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 01°31'24" EAST ALONG THE WEST LINE OF SAID 50 FOOT WIDE DITCH EASEMENT, THE WEST LINE OF SAID 50 FOOT WIDE DITCH EASEMENT IS ASSUMED TO BEAR NORTH 01°31'24" EAST AND ALL OTHER BEARINGS ARE RELATIVE THERETO, A DISTANCE OF 90.87 FEET TO THE INTERSECTION WITH THE NORTHWESTERLY FACE OF AN EXISTING BULKHEAD; THENCE NORTH 78°18'42" EAST ALONG SAID NORTHWESTERLY FACE OF AN EXISTING BULKHEAD, A DISTANCE OF 19.13 FEET; THENCE NORTH 46°47'32" EAST ALONG SAID NORTHWESTERLY FACE OF AN EXISTING BULKHEAD, A DISTANCE OF 31.31 FEET; THENCE NORTH 18°59'31" EAST ALONG SAID NORTHWESTERLY FACE OF AN EXISTING BULKHEAD, A DISTANCE OF 30.43 FEET TO THE INTERSECTION WITH THE EAST LINE OF SAID 50 FOOT WIDE DITCH EASEMENT; THENCE SOUTH 01°31'24" WEST ALONG THE EAST LINE OF SAID 50 FOOT WIDE DITCH EASEMENT, A DISTANCE OF 146.30 FEET TO THE SOUTHEAST CORNER OF SAID 50 FOOT WIDE DITCH EASEMENT; THENCE NORTH 88°28'36" WEST ALONG THE SOUTH LINE OF SAID 50 FOOT WIDE DITCH EASEMENT, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING.  
 PORTION OF DITCH EASEMENT TO BE ABANDONED CONTAINING 0.122 ACRES OR 5300 SQUARE FEET MORE OR LESS.

I HEREBY CERTIFY THAT THE SPECIFIC PURPOSE SURVEY SHOWN HEREON IS ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS SKETCH AND LEGAL DESCRIPTION MEET THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS AND MAPPERS IN CHAPTER 5J-17.052, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472-027, FLORIDA STATUTES.

  
 RONALD E. STOTLER  
 PROFESSIONAL SURVEYOR AND MAPPER  
 CERTIFICATE NO. 5026  
 STATE OF FLORIDA

SEPTEMBER 14, 2018

**DRAWING #18-234SPS**

REVISIONS: COUNTY COMMENTS, 10-18-2018  
 REVISIONS: COUNTY COMMENTS, 09-26-2018



**MAGELLAN SURVEYING & MAPPING, INC.**

PROFESSIONAL LAND SURVEYORS

LICENSED BUSINESS - 7571

450 S. OLD DIXIE HIGHWAY, SUITE 10

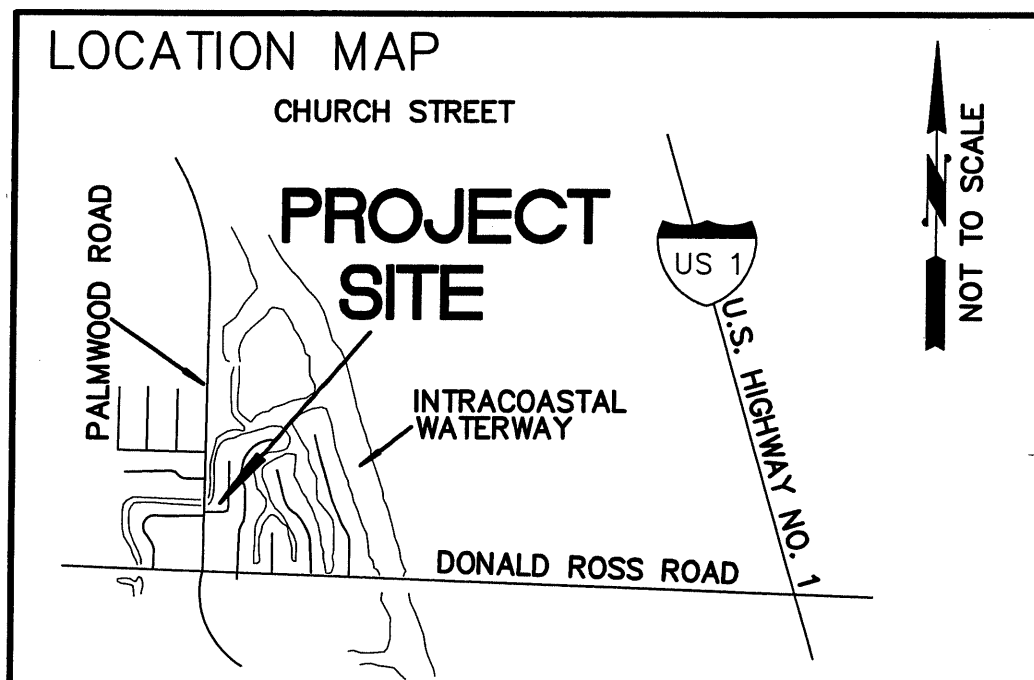
JUPITER, FLORIDA 33458

561-746-8745

FAX 561-746-9632

E-mail [info@magellansurveying.com](mailto:info@magellansurveying.com)

**EXHIBIT "1"**  
**SPECIFIC PURPOSE SURVEY**  
**PARTIAL ABANDONMENT OF A 50' DRAINAGE EASEMENT**



**SURVEYORS NOTES:**

1. THIS SURVEY COMPLIES WITH CHAPTER 5J-17, FLORIDA ADMINISTRATION CODE.
2. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THIS OFFICE.
3. LEGAL DESCRIPTIONS SUPPLIED BY CLIENT OR CLIENT'S AGENT.
4. WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED DIMENSIONS, SOME ITEMS SHOWN HEREIN ARE FOR GRAPHIC AND INFORMATIONAL PURPOSES ONLY.
5. VISIBLE ENCROACHMENTS, IF ANY, ARE SHOWN HEREON.
6. THIS SURVEY FOR CONVEYANCE PURPOSES ONLY AND NOT INTENDED FOR CONSTRUCTION PURPOSES WITHOUT PERMISSION OF THIS SURVEYOR.
7. NO UNDERGROUND UTILITIES LOCATED EXCEPT WHERE SHOWN HEREON.
8. THIS IS NOT AN ENVIRONMENTAL SURVEY.
9. ALL FOUND IRON RODS ARE #5 OR 0.05' IN WIDTH, UNLESS NOTED HEREON
10. THIS SURVEY IS NOT VALID WITHOUT SURVEYOR'S SIGNATURE & EMBOSSED SEAL.

**NOTE:**

I HAVE REVIEWED A TITLE COMMITMENT/SEARCH ISSUED BY  
 AMERICAN LAND TITLE ASSOCIATION

DATE: JANUARY 16, 2018 AND ALL EASEMENTS AND RIGHT-OF-WAY  
 OF RECORD NOTED THEREIN ARE REFLECTED ON THIS PROPERTY.

SEPTEMBER 14, 2018

**DRAWING #18-234SPS**



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**EXHIBIT "1"**  
**SPECIFIC PURPOSE SURVEY**  
**PARTIAL ABANDONMENT OF A 50' DRAINAGE EASEMENT**

**BEARING BASE:**

THE WEST LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 41 SOUTH, RANGE 43 EAST IS TAKEN TO BEAR AN ASSUMED BEARING OF S01°31'24"W AND ALL OTHER BEARING ARE RELATIVE THERETO.

**REFERENCE BOUNDARY SURVEY**

DRAWING NUMBER 18-234 BY MAGELLAN SURVEYING AND MAPPING, INC.  
 DATED JULY 20, 2018

**COORDINATES INFORMATION**

GRID DATUM — NAD 83, 1990 ADJUSTED  
 ZONE — FLORIDA  
 LINEAR UNIT — U.S. SURVEY FOOT  
 COORDINATE SYSTEM— 1983 STATE PLANE  
 TRANSVERSE MERCATOR PROJECTION  
 SCALE FACTOR = 1.0000456

PROPERTY SHOWN HEREON IS LOCATED IN  
 FLOOD ZONES X & AE (BASE FLOOD ELEVATION = 4)  
 PER FLOOD INSURANCE RATE  
 MAP 120192 0189 F DATED OCTOBER 5, 2017

MEAN HIGH WATER ELEVATION 0.44 N.A.V.D.  
 PER STATE OF FLORIDA  
 DEPARTMENT OF ENVIRONMENTAL PROTECTION  
 "LABINS" WEB SITE

**BOUNDARY CLOSURE REPORT:**

CLOSURE N55°12'37"E, 0.002'  
 0.002'/739.36' OR 0.014'/5000'

**ROTATION EQUATION**

ASSUMED TO GRID  
 00°24'36" COUNTERCLOCKWISE

**OWNER:**

MYREHAZA04, LLC  
 12205 AVILES CIRCLE  
 PALM BEACH GARDENS, FLORIDA 33418-8989

DATE OF SURVEY: JULY 20, 2018

SEPTEMBER 14, 2018

**DRAWING #18-234SPS**



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**EXHIBIT "1"**  
**SPECIFIC PURPOSE SURVEY**  
**PARTIAL ABANDONMENT OF A 50' DRAINAGE EASEMENT**

## SCHEDULE B-II TABLE

ITEMS 1-7, STANDARD EXCEPTIONS

ITEM 8, DEED BOOK 1038, PAGE 689 DITCH EASEMENT, SHOWN HEREON

ITEM 9, ORB 4179, PAGE 1093 INGRESS AND EGRESS EASEMENT SHOWN HEREON,

O.R.B. 5587, PAGE 457 &amp; O.R.B. 7283, PAGE 835, EXPANDS EASEMENT BENEFIT

ITEM 10, O.R.B. 10169, PAGE 207 UTILITY EASEMENT, SHOWN HEREON

## SURVEY REPORT:

THIS SURVEY PERFORMED WITH CONVENTIONAL SURVEY METHODS AND GPS MEASURING, USING LEICA TCR307 TRANSIT AND LEICA VIVA GS GNSS RTK (REAL-TIME KINEMATIC GLOBAL POSITIONING SYSTEM), USING LEICA SYSTEM 530, SKI PRO 3.0 SOFTWARE. FOUND OR SET ALL PROPERTY CORNERS, EXCEPT WHERE NOTED HEREON.

FOUND PALM BEACH COUNTY CONTROL STATIONS AS NOTED HEREON; MONUMENTATION OF ADJOINING PLAT "LITTLE CYPRESS POINTE" ALONG THE EAST RIGHT-OF-WAY LINE OF PALMWOOD ROAD SEARCHED FOR AND NOT FOUND; FOUND MONUMENTATION ALONG THE SOUTH LINE OF "LITTLE CYPRESS POINTE". CALCULATED POSITION FOUND CONCRETE MONUMENT 20.15 FEET WEST OF THE NORTHEAST CORNER OF PARCEL SURVEYED CLOSE TO FOUND MEASURED COORDINATES.

SEPTEMBER 14, 2018

DRAWING #18-234SPS

**MAGELLAN SURVEYING & MAPPING, INC.**

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SINCE 2007

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# **EXHIBIT "1"** **SPECIFIC PURPOSE SURVEY** **(PARENT PARCEL)** **"IMPROVEMENTS AND EXISTING EASEMENT** **LOCATION SHEET"**

"SEE SHEET 7 FOR HORIZONTAL CONTROL  
 & GOVERNMENT CORNER TIE-IN"

**POINT OF COMMENCEMENT**  
 NORTHWEST CORNER OF THE  
 NORTHEAST QUARTER OF THE  
 SOUTHWEST QUARTER OF  
 SECTION 20  
 TOWNSHIP 41 SOUTH  
 RANGE 43 EAST

EAST RIGHT-OF-WAY LINE  
 PALMWOOD ROAD  
 PB 64, PG 86

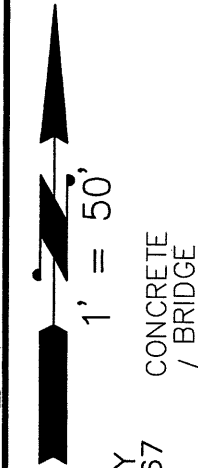
WEST LINE  
 NORTHEAST QUARTER  
 SOUTHWEST QUARTER

**Ⓞ LITTLE CYPRESS CIRCLE**  
 40' INGRESS-EGRESS, UTILITY  
 & DRAINAGE EASEMENT  
 PB 64, PG 86

## **LEGEND**

meas = MEASURED  
 CALC = CALCULATED  
 PB = PLAT BOOK  
 PG = PAGE  
 P.O.B. = POINT OF  
 BEGINNING  
 FIR = FOUND #5 IRON ROD  
 FN/D = FOUND NAIL & DISC  
 FCM = FOUND 4"x4"  
 CONCRETE MONUMENT  
 "L.B. 2799" = NOTATION ON  
 MONUMENTATION  
 SIRC = SET #5 IRON ROD  
 & CAP "L.B.7571"  
 O.R.B. = OFFICIAL RECORDS BOOK

N928162.121 = STATE PLANE  
 E957543.524 COORDINATES



**Ⓞ PALMWOOD ROAD**  
 80' PUBLIC RIGHT-OF-WAY  
 DEED BOOK 1015, PAGE 367

CONCRETE  
 BRIDGE

N928252.979  
 E957545.289

N01°30'34"E meas  
 N01°31'24"E deed

40.00'

50' DITCH EASEMENT  
 DEED BOOK 1038, PAGE 689  
 "FOR BOUNDARY INFORMATION  
 SEE SHEET 6"

S87°30'47"E meas 199.87' meas  
 S87°27'56"E deed 200.00' deed

LOT 1  
 LITTLE CYPRESS POINTE  
 PB 64, PG 86

116.98' meas FCM  
 "P.R.M."  
 1652'  
 SOUTH LINE  
 LITTLE CYPRESS POINTE  
 PB 64, PG 86

UNPLATTED PARCEL  
 "FOR ADDITIONAL IMPROVEMENTS  
 SEE SOURCE BOUNDARY  
 SURVEY DRAWING #18-234"

MEAN HIGH WATER LINE  
 AT FACE OF BULKHEAD

PORTION OF  
 DITCH EASEMENT  
 TO BE ABANDONED

**Ⓞ LITTLE CYPRESS CIRCLE**  
 O.R.B. 4179, PAGE 1093

N87°27'56"W deed 200.00' deed  
 N87°31'29"W meas 199.83' meas

UNPLATTED PARCEL

20.00' deed  
 20.15' meas

170.00' deed  
 169.91' meas

S01°31'24"W deed

S01°06'48"W grid  
 S01°31'24"W deed  
 1835.31'

P.O.B.  
 50' DITCH EASEMENT  
 DEED BOOK 1038 PG 689  
 N928162.126  
 E957543.524

SEPTEMBER 14, 2018  
**DRAWING #18-234SPS**



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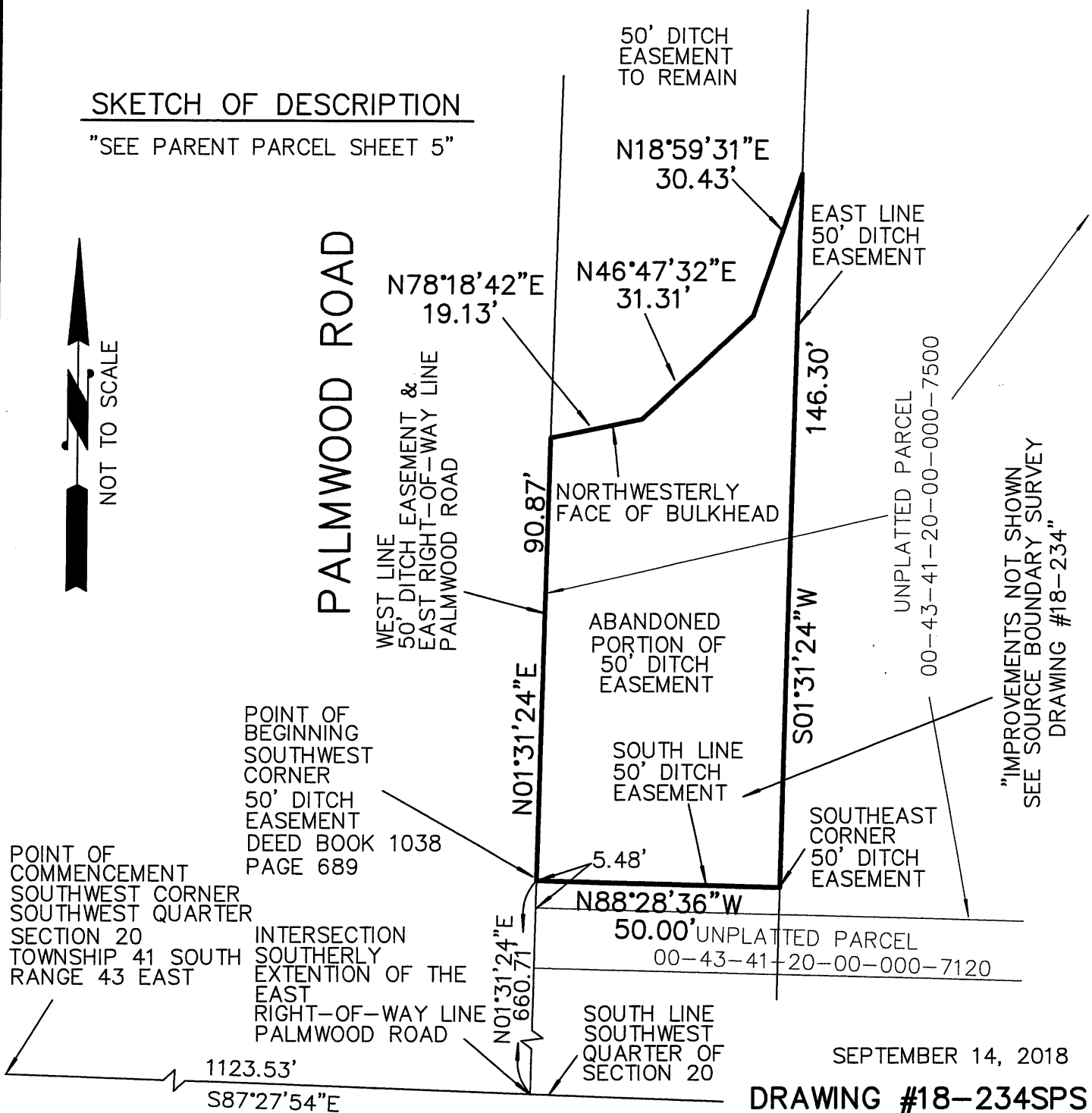
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**EXHIBIT "1"**  
**SPECIFIC PURPOSE SURVEY**  
**PARTIAL ABANDONMENT OF A 50' DRAINAGE EASEMENT**

SKETCH OF DESCRIPTION

"SEE PARENT PARCEL SHEET 5"



**DRAWING #18-234SPS**

REVISIONS: COUNTY COMMENTS, 10-18-2018



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# EXHIBIT "1"

## SPECIFIC PURPOSE SURVEY

### (PARENT PARCEL)

#### "HORIZONTAL CONTROL & GOVERNMENT CORNER TIE-IN INFORMATION SHEET"

"SEE PARENT PARCEL SHEET 5"

FOUND  
PALM BEACH COUNTY  
BRASS DISC "ADMIRAL"  
N935655.060  
E951221.762

#### BEARING DISTANCE TABLE

- ① N78°18'42"E 19.13'
- ② N46°47'32"E 31.31'
- ③ N18°59'31"E 30.43'



NORTHWEST  
CORNER OF  
50' DITCH  
EASEMENT TO  
BE ABANDONED  
N928252.979  
E957545.289

WEST LINE  
50' DITCH EASEMENT &  
EAST RIGHT-OF-WAY LINE  
PALMWOOD ROAD

SOUTHWEST  
CORNER  
50' DITCH  
EASEMENT  
DEED BOOK 1038  
PAGE 689  
N928162.126  
E957543.524

SOUTH LINE  
SOUTHWEST  
QUARTER OF  
SECTION 20

1123.53'  
S87°27'54"E

SOUTHWEST CORNER  
SOUTHWEST QUARTER  
SECTION 20  
TOWNSHIP 41 SOUTH  
RANGE 43 EAST  
(NOT FOUND)

INTERSECTION  
SOUTHERLY  
EXTENSION OF THE  
EAST  
RIGHT-OF-WAY LINE  
PALMWOOD ROAD

50' DITCH  
EASEMENT  
TO REMAIN

ABANDONED  
PORTION OF  
50' DITCH  
EASEMENT

FOUND  
PALM BEACH COUNTY  
BRASS DISC "UNION"  
N911104.528  
E962413.177

SEPTEMBER 14, 2018

**DRAWING #18-234SPS**

REVISIONS: COUNTY COMMENTS, 10-18-2018



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