

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

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Meeting Date: May 7, 2019 **Consent** **Regular**
 Workshop **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 abandoning any public interest in a portion of the 15 foot utility easement as platted on the plat of The Gables of West Palm Beach (Abandonment Site), as recorded in Plat Book 71, Pages 63 and 64, of the Public Records of Palm Beach County (County), lying in Section 24, Township 43 South, Range 42 East, Palm Beach County.

SUMMARY: Adoption of this Resolution will eliminate the public dedication that is in conflict with future development plans by ACH of West Palm Beach, LLC (Petitioner). The Abandonment Site is located on the east side of Haverhill Road, ½ mile north of Okeechobee Boulevard. All reviewing agencies and utility service providers have approved this abandonment, and the abandonment site serves no present or future public purpose. District 7 (YBH)

Background and Justification: The Petitioner has requested the County clear this encumbrance to allow for dedication of the Abandonment Site to Palm Beach County as free and clear right-of-way which will become a right turn lane into a future multifamily development.

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.

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

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Recommended by: *[Signature]* ybh *[Signature]* *4/5/2019*
County Engineer **Date**

Approved by: *[Signature]* *4/17/19*
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: Alii Kovalainen

III. REVIEW COMMENTS

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

Lisa R 4/15/19
 OFMB 4/9
 4/15/19

A. J. Jacobson 4/15/19
 Contract Dev. and Control 4/15/19 TH

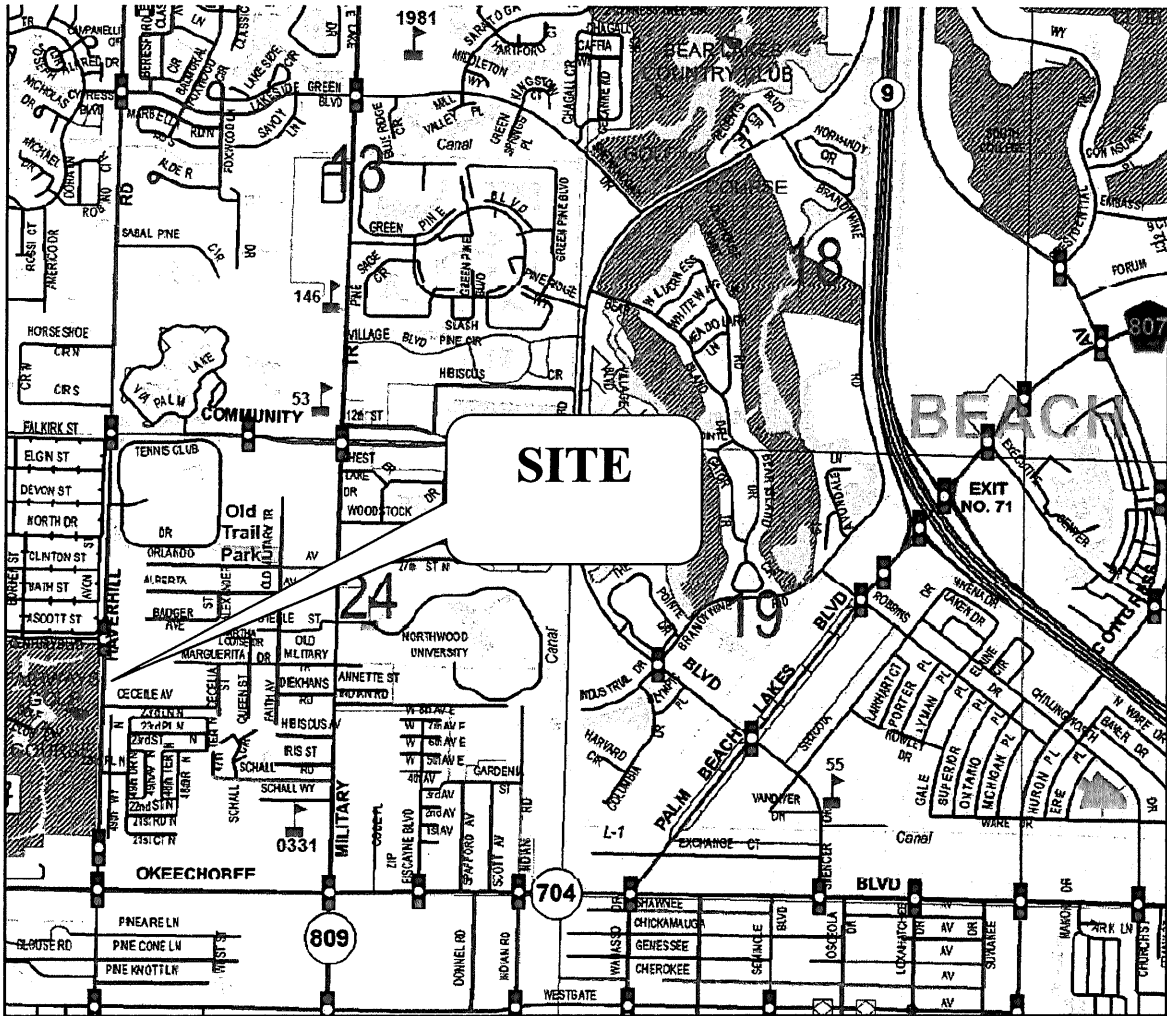
B. Approved as to Form and Legal Sufficiency:

M. J. Kerner 4/16/2019
 Assistant County Attorney

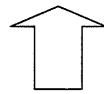
C. Other Department Review:

 Department Director

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



LOCATION SKETCH



N (Not to scale)

A PORTION OF THE 15 FOOT UTILITY EASEMENT AS PLATTED ON THE PLAT OF THE GABLES OF WEST PALM BEACH, RECORDED IN PLAT BOOK 71, PAGES 63-64, PUBLIC RECORDS OF PALM BEACH COUNTY, LYING IN SECTION 24, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

RESOLUTION NO. R-2019-_____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ABANDONING ANY PUBLIC INTEREST IN A PORTION OF THE 15 FOOT UTILITY EASEMENT AS PLATTED ON THE PLAT OF THE GABLES OF WEST PALM BEACH, RECORDED IN PLAT BOOK 71, PAGES 63 AND 64, PUBLIC RECORDS OF PALM BEACH COUNTY, LYING IN SECTION 24, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY.

WHEREAS, the Board of County Commissioners (BCC) of Palm Beach County, Florida, pursuant to authority in Section 336.09, Florida Statutes, 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 a portion of the 15 foot utility easement as platted on the plat of The Gables of West Palm Beach, as recorded in Plat Book 71, Pages 63 and 64, of the Public Records of Palm Beach County, lying in Section 24, Township 43 South, Range 42 East, Palm Beach County, as shown in **Exhibit A** (Utility Easement); and

WHEREAS, a petition to abandon the Utility Easement was submitted by ACH of West Palm Beach, 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 May 7, 2019 did hold a meeting on said petition to abandon the Utility Easement; and

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

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. A portion of the 15 foot utility easement as platted on the plat of The Gables of West Palm Beach, as recorded in Plat Book 71, Pages 63 and 64, of the Public Records of Palm Beach County, lying in Section 24, Township 43 South, Range 42 East, Palm Beach County, 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.
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-2019-_____

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 Mack Bernard, Mayor
- Commissioner Dave M. Kerner, Vice Mayor
- Commissioner Hal R. Valeche
- Commissioner Gregg K. Weiss
- Commissioner Robert S. Weinroth
- Commissioner Mary Lou Berger
- Commissioner Melissa McKinlay

The Mayor thereupon declared the Resolution duly passed and adopted this _____ day of _____, 2019.

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: ybh _____
Yelizaveta B. Herman,
Assistant County Attorney

EXHIBIT "A"

DESCRIPTION:

A PORTION OF THE 15 FOOT UTILITY EASEMENT AS PLATTED ON THE PLAT OF THE GABLES OF WEST PALM BEACH, AS RECORDED IN PLAT BOOK 71, PAGES 63 AND 64 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 24, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID GABLES OF WEST PALM BEACH; THENCE NORTH 1°30'47" EAST, ALONG THE WEST LINE THEREOF, AND THE EAST RIGHT-OF-WAY LINE OF HAVERHILL ROAD, AS RECORDED IN OFFICIAL RECORD BOOK 6485, PAGE 1694 OF SAID PUBLIC RECORDS, A DISTANCE OF 241.93 FEET; THENCE, DEPARTING SAID WEST LINE SOUTH 88°29'13" EAST, A DISTANCE OF 12.00 FEET TO A POINT ON A LINE 12.00 FEET EAST OF AND PARALLEL WITH SAID WEST LINE OF SAID GABLES OF WEST PALM BEACH; THENCE, ALONG SAID PARALLEL LINE, SOUTH 1°30'47" WEST, A DISTANCE OF 241.78 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID GABLES OF WEST PALM BEACH; THENCE, ALONG SAID SOUTH LINE, NORTH 88°12'20" WEST, A DISTANCE OF 12.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 2,902 SQUARE FEET/0.0666 ACRES MORE OR LESS.

NOTES:

1. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID UNLESS SEALED WITH A SURVEYOR'S SEAL.
2. ADDITIONS OR DELETIONS TO SKETCH OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
3. THE LAND DESCRIPTION SHOWN HEREON WAS PREPARED BY THE SURVEYOR.
4. BEARINGS SHOWN HEREON ARE RELATIVE TO A GRID BEARING OF S.01°30'47"W. ALONG THE WEST LINE OF THE NORTHWEST ONE-QUARTER (1/4) OF SECTION 24, TOWNSHIP 43 SOUTH, RANGE 42 EAST, RELATIVE TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NORTH AMERICAN DATUM OF 1983 (90 ADJUSTMENT).
5. SUBJECT PROPERTY FALLS WITHIN FLOOD ZONE: X; BASE FLOOD ELEVATION: NONE; PANEL: 120229 0578F; MAP DATE: 10/5/17
6. PLOTTABLE MATTERS CONTAINED IN OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY COMMITMENT NUMBER 518814 A1, EFFECTIVE DATE JANUARY 15, 2018 AT 11:00 P.M. ARE REFLECTED ON THE SKETCH SHOWN HEREON.
7. ALL RECORD INFORMATION SHOWN HEREON IS OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.
8. THE PURPOSE OF THIS SPECIFIC PURPOSE SURVEY IS TO DELINEATE EXISTING IMPROVEMENTS WITHIN THE AREA OF THE PROPOSED ABANDONMENT AND DOES NOT CONSTITUTE A BOUNDARY SURVEY AS SUCH.

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 JANUARY 7, 2019. I FURTHER CERTIFY THAT THIS SPECIFIC PURPOSE SURVEY MEETS THE STANDARDS OF PRACTICE SET FORTH IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, ADOPTED BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS, PURSUANT TO FLORIDA STATUTES 472.027.

SHEET 1 OF 4

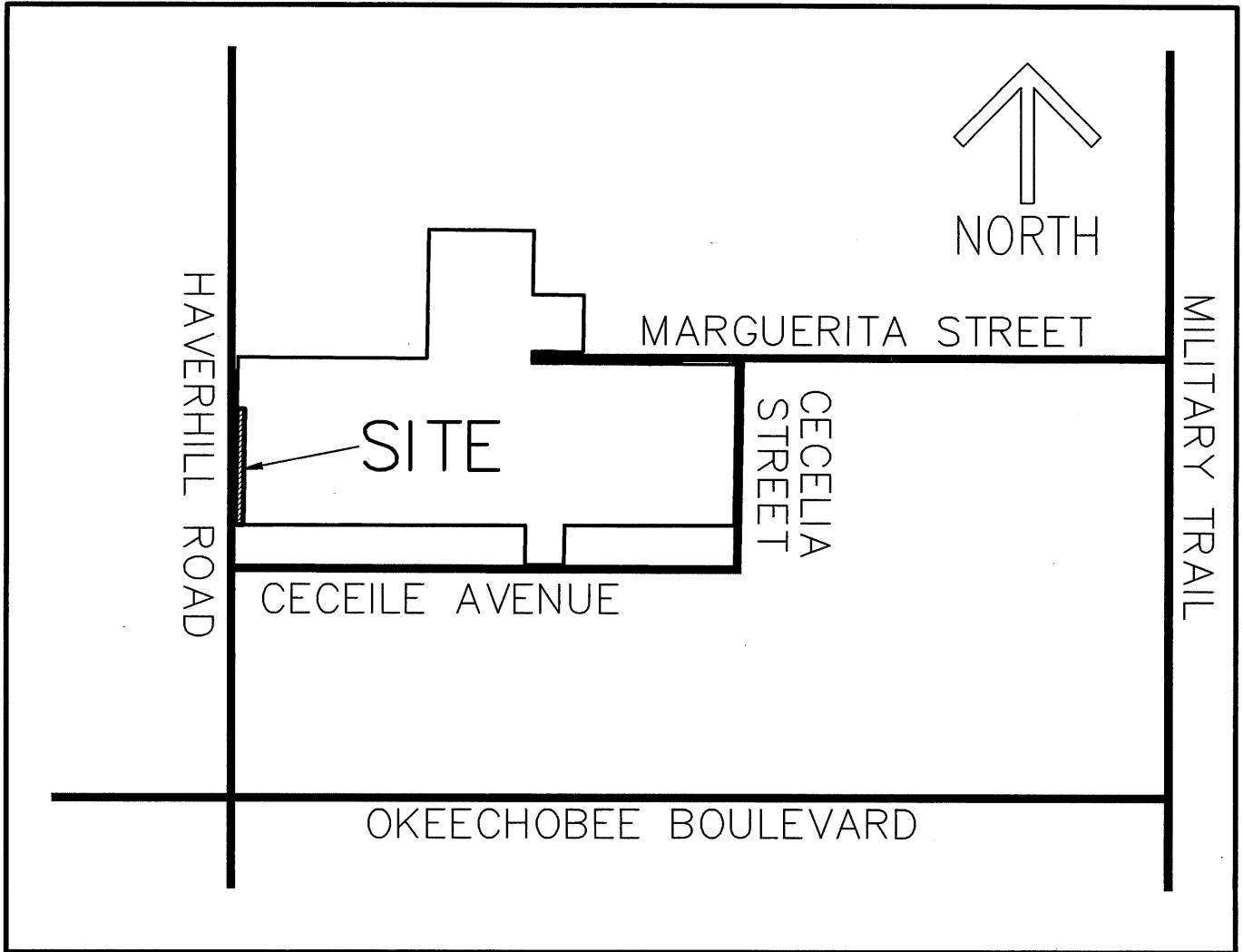
CAULFIELD & WHEELER, INC.
CIVIL ENGINEERING - LAND SURVEYING
7900 GLADES ROAD - SUITE 100
BOCA RATON, FLORIDA 33434
PHONE (561)-392-1991 / FAX (561)-750-1452

**HAVERHILL RESIDENTIAL
PORTION OF 15 FOOT UTILITY EASEMENT ABANDONMENT
SPECIFIC PURPOSE SURVEY**

DAVID P. LINDLEY
REGISTERED LAND SURVEYOR
No 5095
STATE OF FLORIDA
No. 8094

DATE	2/20/19
DRAWN BY	DLS
F.B./ PG.	ELEC
SCALE	N/A
JOB NO.	8094-EASEAB

EXHIBIT "A"



LOCATION MAP
NOT TO SCALE

SHEET 2 OF 4



CAULFIELD & WHEELER, INC.

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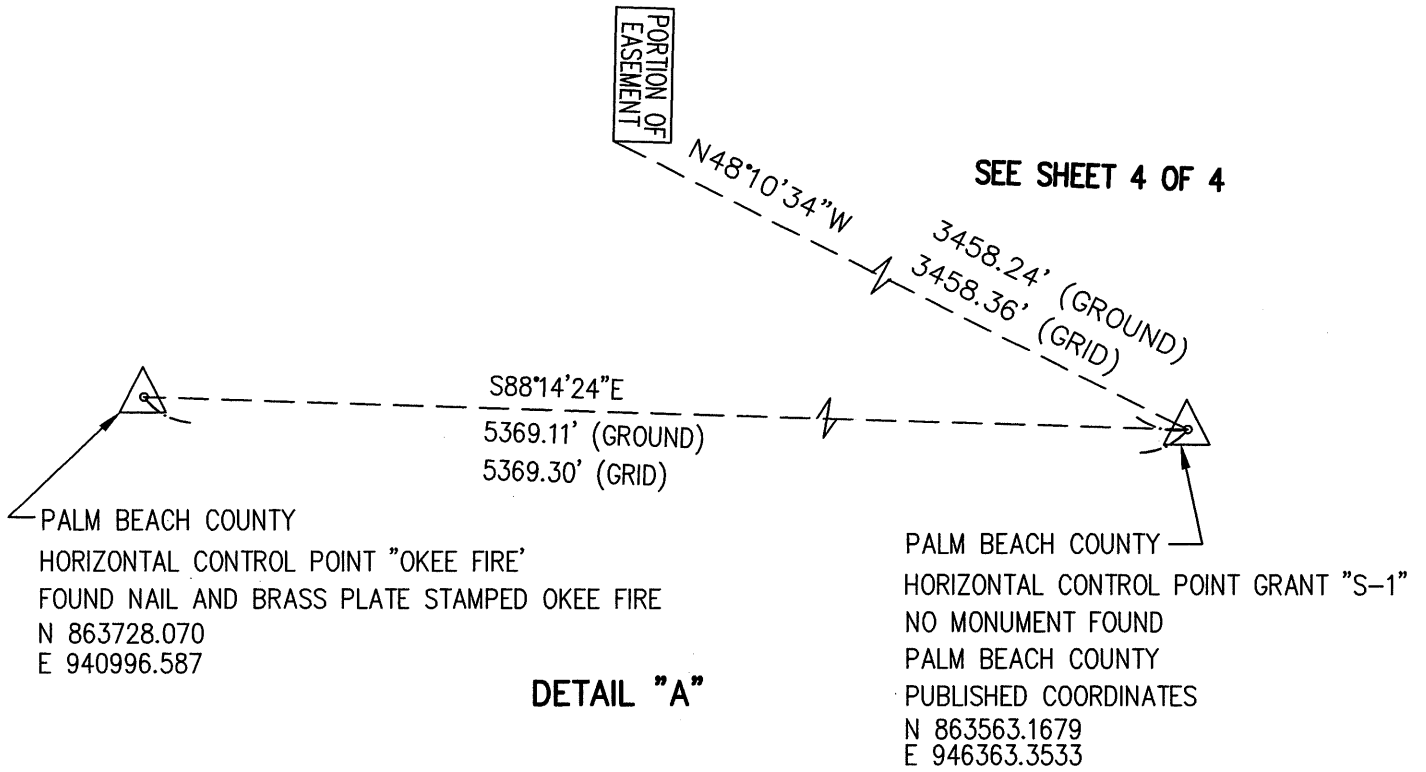
**HAVERHILL RESIDENTIAL
PORTION OF 15 FOOT UTILITY EASEMENT ABANDONMENT
SPECIFIC PURPOSE SURVEY**

DATE	2/20/19
DRAWN BY	DLS
F.B./ PG.	ELEC
SCALE	N/A
JOB NO.	8094-EASEAB

EXHIBIT "A"

**NOTES
COORDINATES, BEARINGS AND DISTANCES**

COORDINATES SHOWN ARE GRID
DATUM = NAD 83 (90 ADJUSTMENT)
ZONE = FLORIDA EAST
LINEAR UNIT = US SURVEY FEET
COORDINATE SYSTEM 1983 STATE PLANE
TRANSVERSE MERCATOR PROJECTION
ALL DISTANCES ARE GROUND
SCALE FACTOR = 1.0000360
GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE
BEARINGS AS SHOWN HEREON ARE GRID DATUM,
NAD 83 (1990 ADJUSTMENT), FLORIDA EAST ZONE.




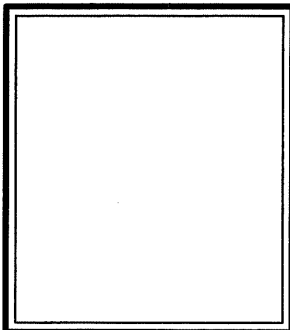
DETAIL "A"

LEGEND/ABBREVIATIONS

- ☉ - CENTERLINE
- E - EASTING (WHEN USED WITH COORDINATES)
- FPL - FLORIDA POWER & LIGHT COMPANY
- I/E - INGRESS/EGRESS
- LAE - LIMITED ACCESS EASEMENT
- LB - LICENSED BUSINESS
- N - NORTHING (WHEN USED WITH COORDINATES)
- O.R.B. - OFFICIAL RECORD BOOK
- UE - UTILITY EASEMENT

SHEET 3 OF 4

CAULFIELD & WHEELER, INC.

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DATE	2/20/19
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F.B./ PG.	ELEC
SCALE	N/A
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**HAVERHILL RESIDENTIAL
PORTION OF 15 FOOT UTILITY EASEMENT ABANDONMENT
SPECIFIC PURPOSE SURVEY**

EXHIBIT "A"

SECTION 24, TOWNSHIP 43 SOUTH, RANGE 42 EAST

S88°29'13"E

12.00'

N 866111.21
E 943792.58

BROKEN ASPHALT

ADULT CONGREGATE LIVING FACILITY TRACT
THE GABLES OF WEST PALM BEACH
(PLAT BOOK 71, PAGES 63-64)

**PORTION OF 15 FOOT
UTILITY EASEMENT
AS RECORDED IN
PLAT BOOK 71,
PAGES 63-64**

TELEPHONE
RISER

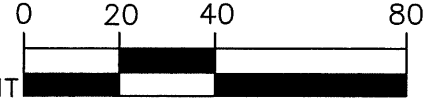
HAVERHILL ROAD
110' PUBLIC RIGHT-OF-WAY

CHAIN LINK FENCE
OVERHEAD WIRES

WEST LINE OF THE
GABLES OF WEST PALM BEACH
EAST RIGHT-OF-WAY LINE
HAVERHILL ROAD
(O.R.B. 6485, PAGE 1694)



GRAPHIC SCALE



(IN FEET)

1 INCH = 40 FEET

WEST LINE OF THE S.W. 1/4
OF SECTION 24
S01°30'47"W

241.93'
75' LAE OPENING
241.78'

15' UE
5'X160' LAE

10'X210.75' FPL EASEMENT
(O.R.B. 3135, PAGE 1446)

N89°12'20"W
12.00'

SOUTH LINE OF THE
GABLES OF WEST PALM BEACH

END OF FENCE
1.1' NORTH
17.1' EAST

P.U.D. BUFFER TRACT
OVERHEAD WIRES
ON LINE

729.64'

741.64'

N89°12'20" W

WOOD POWERPOLE
0.5' SOUTH

UNPLATTED

3458.24' (GROUND)
3458.36' (GRID)
N48°10'34"W

POINT OF BEGINNING

S.W. CORNER OF
THE GABLES OF WEST PALM BEACH
(PLAT BOOK 71, PAGES 63-64)
FOUND 4"X4" CONCRETE MONUMENT LS#3010
N 865869.35
E 943786.19

**SEE DETAIL
"A" SHEET 3**

SHEET 4 OF 4

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