# Agenda Item #: **UB-**

### PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

### **AGENDA ITEM SUMMARY**

Meeting Date: May 7, 2019		[ ]Consent [ ]Workshop	[ ]Regular [X] Public Hearing			
Department: Submitted By: Submitted For:		and Public Works nd Public Works				

### I. EXECUTIVE BRIEF

**Motion and Title: Staff recommends motion to adopt:** a Resolution abandoning any and all public interest in all of those certain tracts and easements created by and lying within all of the plat of St. Joseph's School, according to the plat thereof, as recorded in Plat Book 101, Page 89, less and except Tracts C, D, and E thereof, (Abandonment Site) and to vacate all of the plat of St. Joseph's School, as recorded in Plat Book 101, Page 89, Public Records of Palm Beach County (County), less and except Tracts C, D, and E thereof.

**SUMMARY:** Adoption of this Resolution will eliminate all platted tracts and easements created by the plat of St. Joseph's School, which will allow Boynton Beach Associates XXV, LLLP (Petitioner) to record a conservation easement in favor of Palm Beach County over the Abandonment Site. The Abandonment Site is located north of Boynton Beach Boulevard and west of Acme Dairy Road. <u>District 5</u> (YBH).

**Background and Policy Issues:** The Abandonment Site is approved as a preserve area for Monticello AGR-PUD and established County practice prohibits platted water management tracts and easements solely for development purposes within preserve areas. The abandonment of the platted easements and platted tracts lying within the Abandonment Site is required under Planning Division Condition of Approval 13 in Resolution R-2018-1703. The Petitioner has requested the County clear this encumbrance, which would allow for the dedication of the site as a conservation easement in favor of the County. The Engineering Department advertised this public hearing on Sunday, April 21, 2019.

All reviewing agencies and utility service providers have approved this abandonment.

**Privilege Fee Statement:** In accordance with County Code Chapter 22, Article III, Road Abandonment and Plat Vacation, Ordinance No. 2002-034, the Abandonment Site is not subject to a privilege fee as it contains no public right-of-way. All dedicated right-of-way on this plat is located within the excepted tracts.

#### **Attachments:**

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

Catolle	vbh	
Recommended	by: Daval Z flish	4/2/19
	County Engineer	Date
Approved By:	fill	4/11/19
	Assistant County Administrator	Date

1

f:\land\_dev\abandonments\2019\ab51398 st. joseph's school plat\ab51398 st joseph's school plat - aa.docx

### II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

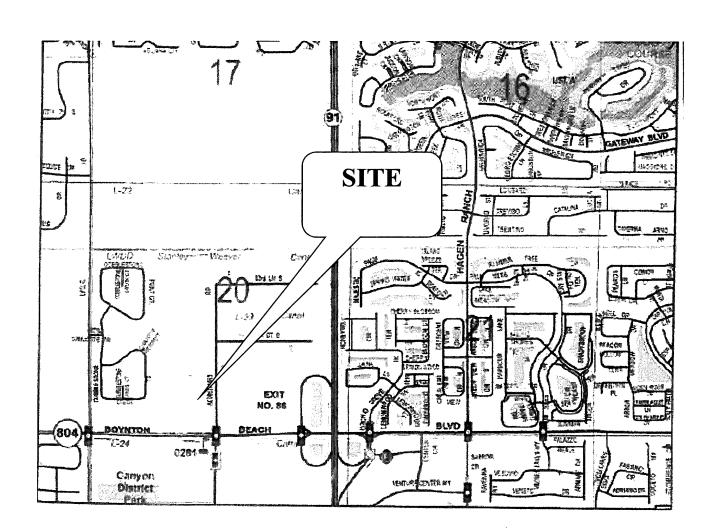
**k** 3,

Fiscal Years Capital Expenditures Operating Costs External Revenues Program Income (County) In-Kind Match (County) NET FISCAL IMPACT # ADDITIONAL FTE POSITIONS (Cumulative)	$\begin{array}{c ccccccccccccccccccccccccccccccccccc$	2021 -0- -0- -0- -0- -0- -0-	2022 -0- -0- -0- -0- -0- -0-	2023 0- 0- 0- 0- 0- 0-
Is Item Included in Current H Does this item include the use	Budget? of federal funds?	Yes No Yes No X		
Budget Acct No.: Fund De Program				
<b>Recommended Sources of Fu</b>	nds/Summary of Fisca	l Impact:		
**This item has no fi to a privilege fee as	it contains no	public righ	t-of-way.	not subject
C. Departmental Fiscal Revi	III. <u>REVIEW COM</u>	Iovalain IMENTS	lu	-
A. OFMB Fiscal and/or Cont	ract Dev. and Contro	l Comments:		
AD OFMB 4/3	15/19 5/4/3 0m 4/3	<u>Contract Dev.</u>	and Control	levia Jeasourtz
B. Approved as to Form and Legal Sufficiency:				
. <u>Allernan</u> 4/16 Assistant County Attorney C. Other Department Review				
C. Other Department Review	/:			

Department Director

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

**2** F:\COMMON\WP\AGENDAPAGE2\AGNPGTWO2019\PRIVILEGE FEE.ABANDONMENT SITE.DOC



# LOCATION SKETCH



ALL OF THE PLAT OF ST. JOSEPH'S SCHOOL, LESS AND EXCEPT TRACTS C, D, AND E, AS RECORDED IN PLAT BOOK 101, PAGES 89-90, PUBLIC RECORDS OF PALM BEACH COUNTY.

#### **RESOLUTION NO. R-2019-**

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ABANDONING ANY AND ALL PUBLIC INTEREST IN ALL OF THOSE CERTAIN TRACTS AND EASEMENTS CREATED BY AND LYING WITHIN ALL OF THE PLAT OF ST. JOSEPH'S SCHOOL, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 101, PAGE 89, LESS AND EXCEPT TRACTS C, D, AND E, THEREOF, AND TO VACATE ALL OF THE PLAT OF ST. JOSEPH'S SCHOOL, AS RECORDED IN PLAT BOOK 101, PAGE 89, PUBLIC RECORDS OF PALM BEACH COUNTY, LESS AND EXCEPT TRACTS C, D, AND E, THEREOF.

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 the Palm Beach County (County) Code Chapter 22, Article III, Road Abandonment and Plat Vacation Ordinance No. 2002-034, known as the County Right-of-Way Abandonment and Plat Vacation Ordinance (Ordinance), and the petition of Boynton Beach Associates XXV, LLLP called a public hearing to be held in the BCC Chambers, at the Robert Weisman Palm Beach County Governmental Center, 301 North Olive Avenue, West Palm Beach, Florida, on May 7, 2019, 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 all of those certain tracts and easements created by and lying within the plat of St. Joseph's School, as recorded in Plat Book 101, Page 89, less and except Tracts C, D, and E thereof, and to vacate all of the plat of St. Joseph's School, as recorded in Plat Book 101, Page 89, less and except Tracts C, D, and E thereof, 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 hearing was duly published in the Palm Beach Post on April 21, 2019; 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 such action will not materially interfere with the County Road System and will not deprive any person of a reasonable means of ingress and egress from at least one County, State or Federal highway.

### RESOLUTION NO. R-2019-\_\_\_\_

## 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 those public tracts and easements created by and lying within the plat of St. Joseph's School, less and except Tracts C, D, and E, thereof, as recorded in Plat Book 101, Page 89, are hereby abandoned and closed and the BCC does hereby renounce and disclaim any right or interest of the County and the Public in and to the tracts and easements, more fully described in the legal description and sketch as shown in **Exhibit A**, and attached hereto and made a part hereof.
- 3. The plat of St. Joseph's School less and except Tracts C, D, and E, thereof, as recorded in Plat Book 101, Page 89, is hereby vacated and closed as a plat and the BCC does hereby renounce and disclaim any right or interest of the County and the Public in and to the plat more fully described in the legal description and sketch shown in **Exhibit A** attached hereto and made a part hereof.
- 4. Notice of the adoption of this Resolution shall be published one time in the Palm Beach Post within thirty (30) days of the date of adoption of this Resolution in accordance with Section 336.10 Florida Statutes and the Ordinance.

(Remainder of page left intentionally blank)

R	E	S	0	L	U	Т	K	)	N	N	0	)_	F	2-	2	0	1	9	)_	

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:

Yelizaveta B. Herman, Assistant County Attorney

Page 3 of 3

# EXHIBIT A



### **DESCRIPTION:**

BEING ALL OF ST. JOSEPH'S SCHOOL, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 101, PAGE 89, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPT TRACTS C, D AND E THEREOF.

CONTAINING 63.85 ACRES MORE OR LESS.

#### SURVEYOR'S REPORT:

1. THIS SKETCH OF DESCRIPTION IS PREPARED FOR BOYNTON BEACH ASSOCIATES XXV, LLLP, CORPORATION AND IS NOT ASSIGNABLE.

2. THIS SKETCH OF SURVEY OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. 3. NOTICE: THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS SKETCH THAT MAY BE

FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

4. THIS SKETCH IS THE PROPERTY OF SAND & HILLS SURVEYING, INC. AND SHALL NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF SAND & HILLS SURVEYING, INC.

5. BEARINGS ARE BASED ON ON AN ASSUMED BEARING DATUM AS SHOWN ON THE PLAT OF ST. JOSEPH'S SCHOOL, ACCORDING TO PLAT BOOK 101, PAGE 89 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. THE WEST LINE OF SAID PLAT HAVING AN ASSUMED BEARING OF SOUTH 00'33'48" EAST WITH ALL BEARINGS SHOWN HEREON BEING RELATIVE THERETO.

6. ALL INSTRUMENTS SHOWN HEREON ARE RECORDED IN THE PUBLIC RECORDS OF PALM PALM BEACH COUNTY, FLORIDA.

7. BOUNDARY DIMENSIONS ARE PER PLAT AND MEASURED UNLESS OTHERWISE NOTED.

### CONTINUED ON SHEET 2 OF 14

CERTIFICATION:					
I HEREBY CERTIFY THAT THE BOUNDARY SURVEY AS SHOWN HEREON, MEETS THOSE STANDARDS CONTAINED IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, FLORIDA STATUTES. THIS SURVEY OR COPIES HEREOF, ARE NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL SEAL OF A FLORIDA SURVEYOR.					
DATE: 10/1/18	SKETCH OF E	BOUNDARY SURVEY	DATE: 10/1/	′18	SHEET 1 OF 14
PERRY C. WHITE REV: 02/18/19	LESS TR	F ST JOSEPH'S SCHOOL ACTS C, D & E	REVIEW	ED: PW	DRAWN: BEJ
PROFESSIONAL SURVEYOR & MAPPER FLORIDA REGISTRATION NO. 4213	P.B.	101, PG. 89		NG No: 3AB01	
8461 LAKE WORTH ROAD, SUITE 410 LAKE WORT	H, FL 33467	Tel: 561-209-604	-8 L.	B. NUM	BER 7741

# EXHIBIT A

### CONTINUED FROM SHEET 1 OF 14

### SURVEYOR'S REPORT:

8. INTERIOR IMPROVEMENTS CONSISTING OF FARM FIELDS AND WATER RETENTION AREAS WERE NOT LOCATED.

9. THE EASEMENTS AND RIGHTS-OF-WAY SHOWN HEREON ARE BASED ON THAT TITLE COMMITMENT PREPARED BY CHICAGO TITLE INSURANCE COMPANY, EFFECTIVE DATE: SEPTEMBER 24, 2018 AT 11:00 PM. ORDER NO. 4988632. THE FOLLOWING EXCEPTIONS, NUMBERED AS THEY APPEAR IN SAID COMMITMENT, ENCUMBER THE SUBJECT PARCEL UNLESS OTHERWISE NOTED.

- 4. RESERVATIONS, EASEMENTS AND TRACTS AS SHOWN ON THE PLAT OF ST. JOSEPH'S SCHOOL AS RECORDED IN PLAT BOOK 101, PAGES 89 THROUGH 54, INCLUSIVE. (ENCUMBERS, PLOTTED)
- 5. RESERVATIONS IN FAVOR OF THE TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA RECORDED IN DEED BOOK 290, PAGE 236. (AFFECTS TRACT 104 IN BLOCK 50) (ENCUMBERS, NOT PLOTTED)
- 6. RESERVATIONS IN FAVOR OF THE TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA RECORDED IN DEED BOOK 337, PAGE 539. (AFFECTS TRACTS 105 AND 106, BLOCK 50) (ENCUMBERS, NOT PLOTTED)
- 7. RESERVATIONS IN FAVOR OF THE TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA RECORDED IN DEED BOOK 348, PAGE 71. (AFFECTS TRACT 76, BLOCK 50) DOCUMENT UNREADABLE
- 8. RESERVATIONS IN FAVOR OF THE BOARD OF COMMISSIONERS OF EVERGLADES DRAINAGE DISTRICT RECORDED IN DEED BOOK 821, PAGE 470; AS AFFECTED BY RELEASE OF RESERVATIONS NO. 17470 RECORDED JULY 27, 2001 IN OFFICIAL RECORDS BOOK 12762, PAGE 1225. (ENCUMBERS, NOT PLOTTED)
- 9. AGREEMENT TO CONVEY DRAINAGE EASEMENT RECORDED JANUARY 20, 1989 IN OFFICIAL RECORDS BOOK 5941, PAGE 1532. DOES NOT ENCUMBER (PLOTTED)

#### 10.INTENTIONALLY DELETED

- 11.STANDARD POTABLE WATER AND WASTEWATER DEVELOPMENT AGREEMENT (SDA) RECORDED NOVEMBER 29, 2001 IN OFFICIAL RECORDS BOOK 13131, PAGE 37. (ENCUMBERS, NOT PLOTTED)
- 12.PERPETUAL EASEMENT IN FAVOR OF BOYNTON BEACH BOULEVARD CORPORATION, A FLORIDA CORPORATION, RECORDEC NOVEMBER 4, 2002 IN OFFICIAL RECORDS BOOK 14351, PAGE 639; AS AFFECTED BY AMENDED AND RESTATED PERPETUAL EASEMENT RECORDED JANUARY 8, 2004 IN OFFICIAL RECORDS BOOK 16416, PAGE 1910. ENCUMBERS (PLOTTED)

13. STANDARD POTABLE WATER AND WASTEWATER DEVELOPMENT AGREEMENT RECORDED SEPTEMBER 13, 2006 IN OFFICIAL RECORDS BOOK 20842, PAGE 1230. ENCUMBERS (NOT PLOTTED)

14. RESTRICTIONS (DELETING THEREFROM ANY RESTRICTIONS, INDICATING ANY PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS OR NATIONAL ORIGIN), COVENANTS, EASEMENT(S), SETBACK(S), IF ANY, AS MAY BE SHOWN ON THE PLAT OF ST. JOSEPH'S SCHOOL AS RECORDED IN PLAT BOOK 101, PAGES 89 AND 90. (NOT PLOTTED)

15. RESTRICTIVE COVENANT RECORDED MARCH 24, 2003 IN OFFICIAL RECORDS BOOK 14964, PAGE 1084. (AFFECTS TRACT "W") TERMINATED PER O.R.B. 19410, PG. 1469 AND O.R.B. 19155, PG. 727. (PLOTTED)

16. RESTRICTIVE COVENANT RECORDED AUGUST 4, 2003 IN OFFICIAL RECORDS BOOK 15630, PAGE 1147; AS AFFECTED BY ASSIGNMENT AND ASSUMPTION OF RESTRICTIVE COVENANT RECORDED APRIL 6, 2004 IN OFFICIAL RECORDS BOOK 16768, PAGE 1148. (PLOTTED)

AN A	SKETCH OF BOUNDARY SURVEY	SCALE: 1"=100'	DATE: 10/1/18	
Sand & True of the	ABANDONMENT OF ST JOSEPH'S SCHOOL LESS TRACTS C, D & E		SHEET 2 OF 14	
Hills Surveying, In	P.B. 101, PG. 89	DRAWING No: D0213AB01	DRAWN: BEJ	
8461 LAKE WORTH ROAD, SUITE 410 L	KE WORTH, FL 33467 Tel: 561–209–604	8 L.B. NUM	IBER 7741	

