

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: June 18, 2019	<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	

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to adopt: a Resolution abandoning any public interest in all of that portion of the 25-foot right-of-way (ROW) reservation described in Deed Book 61, Page 166, lying in Parcel G, Delray Dunes First Section, according to the plat thereof, as recorded in Plat Book 28, Pages 222 through 224; and all of that portion of the 25 foot ROW reservation described in Deed Book 61, Page 166 and Deed Book 62, Page 245, lying in the parcel of land described in the deed recorded in O.R.B. 29713, Page 1191 (Abandonment Site), all of the Public Records of Palm Beach County (County).


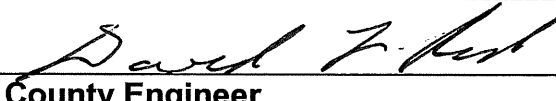


SUMMARY: Adoption of this Resolution will eliminate the public dedication that is in conflict with future redevelopment plans by JKM Boynton ALF, LLC (Petitioner). The Abandonment Site is located approximately .64 miles south of Woolbright Road on the east side of Military Trail. All reviewing agencies and utility service providers have approved this abandonment. The Engineering Department has determined that the Abandonment Site is surplus and serves no present or future public purpose. District 4 (YBH).

Background and Policy Issues: The Petitioner has requested the County clear this encumbrance to allow for incorporation of the Abandonment Site into the development of a new Congregate Living Facility. This abandonment is also required under Engineering Condition of Approval E-3, Resolution R-2018-0004. The Engineering Department advertised this public hearing on Sunday, June 2, 2019.

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 subject to a privilege fee of \$30,606.90. The calculations are as follows:

Total sq. ft. of ROW of Abandonment Site	13,963 square feet
Total sq. ft. subject to a Privilege Fee.	13,963 square feet
Average sq. ft. value of abutting parcels.	\$2.74
Overall Abandonment Site value.	\$38,258.62
80% of value	\$30,606.90
Less Filing Fee:	-1,600.00
Total Privilege Fee Due	\$29,006.90

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

Recommended by: 		5/29/19
ybh	County Engineer	Date
Approved By: 		6/11/19
	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	(\$29,007)	-0-	-0-	-0-	-0-
Program Income (County)	-0-	-0-	-0-	-0-	-0-
In-Kind Match (County)	-0-	-0-	-0-	-0-	-0-
NET FISCAL IMPACT	(\$29,007)	-0-	-0-	-0-	-0-
# ADDITIONAL FTE					
POSITIONS (Cumulative)					

Is Item Included in Current Budget? Yes X No
Does this item include the use of federal funds? Yes No X

Budget Acct No.: Fund 3500 Dept. 800 Unit 8005 Rev Src 6425

Recommended Sources of Funds/Summary of Fiscal Impact:
Transportation Improvement Fund
Abandonment Ordinance Fees

If approved the petition is subject to a privilege fee of \$29,006.90

C. Departmental Fiscal Review: Alicia Kovalainen

III. REVIEW COMMENTS

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

Robert Brown 6/6/19
OFMB
SPG/5
um 6/5

A. J. Jacobson
Contract Dev. and Control
6/10/19
6/10/19

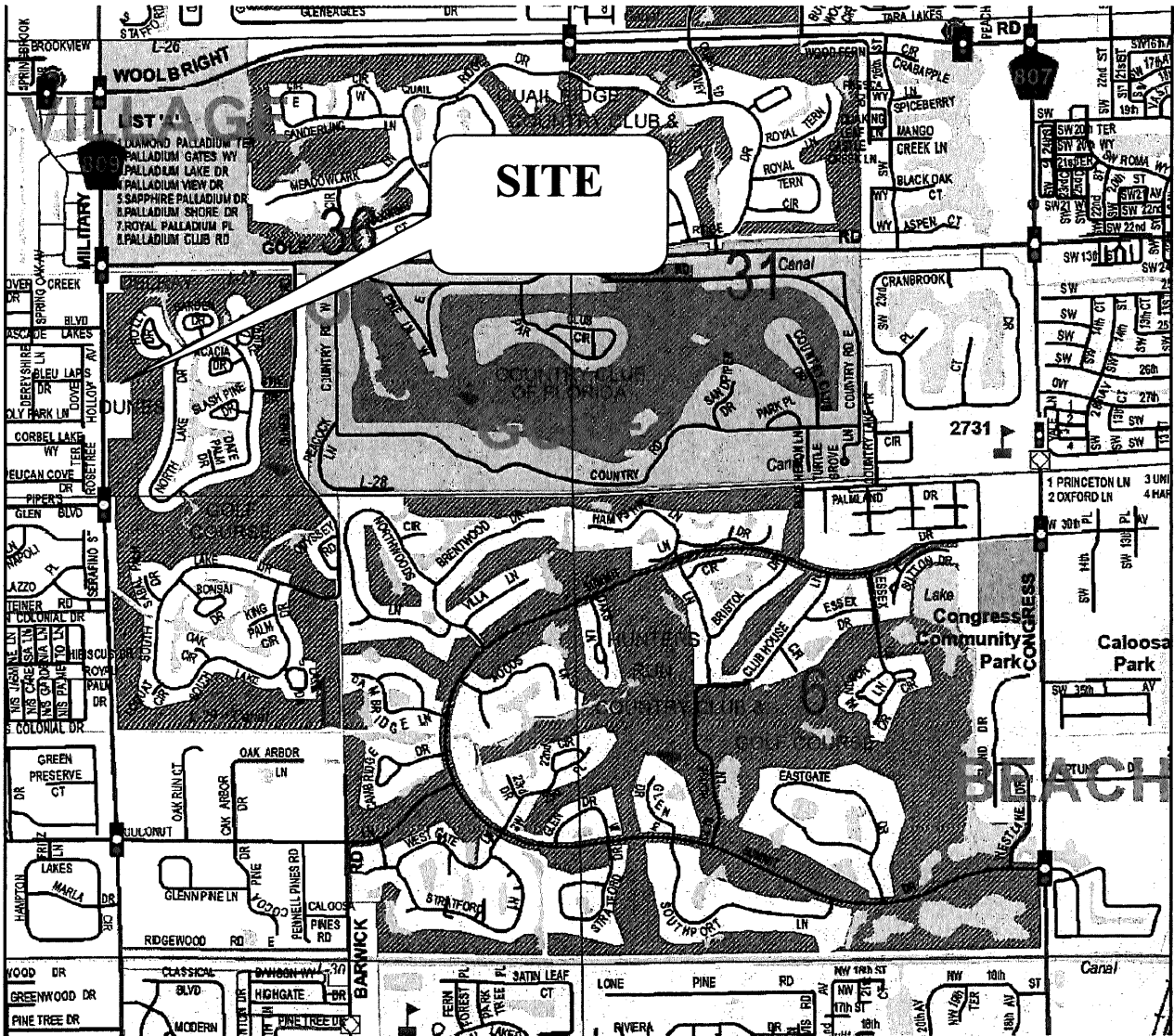
B. Approved as to Form and Legal Sufficiency:

M. B. Hewman 6/11/19
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)

ALL OF THAT PORTION OF THE 25-FOOT RIGHT-OF-WAY (ROW) RESERVATION DESCRIBED IN DEED BOOK 61, PAGE 166, LYING IN PARCEL G, DELRAY DUNES FIRST SECTION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 28, PAGES 222 THROUGH 224; AND ALL OF THAT PORTION OF THE 25-FOOT UNIMPROVED ROW RESERVATION DESCRIBED IN DEED BOOK 61, PAGE 166 AND DEED BOOK 62, PAGE 245, LYING IN THE PARCEL OF LAND DESCRIBED IN THE DEED RECORDED IN O.R.B. 29713, PAGE 1191, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY.

RESOLUTION NO. R-2019-_____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ABANDONING ANY PUBLIC INTEREST IN ALL OF THAT PORTION OF THE 25-FOOT RIGHT-OF-WAY (ROW) RESERVATION DESCRIBED IN DEED BOOK 61, PAGE 166, LYING IN PARCEL G, DELRAY DUNES FIRST SECTION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 28, PAGES 222 THROUGH 224; AND ALL OF THAT PORTION OF THE 25-FOOT UNIMPROVED ROW RESERVATION DESCRIBED IN DEED BOOK 61, PAGE 166 AND DEED BOOK 62, PAGE 245, LYING IN THE PARCEL OF LAND DESCRIBED IN THE DEED RECORDED IN O.R.B. 29713, PAGE 1191, PUBLIC RECORDS OF PALM BEACH COUNTY.

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 JKM Boynton ALF, 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 June 18, 2019, to consider and determine whether Palm Beach County would vacate, abandon, discontinue and close, renounce and disclaim any right or interest of the County and the public in and to all of that portion of the 25-foot unimproved right-of-way (ROW) reservation described in Deed Book 61, Page 166, lying in Parcel G, Delray Dunes First Section, according to the plat thereof, as recorded in Plat Book 28, Pages 222 through 224; and all of that portion of the 25-foot unimproved ROW reservation described in Deed Book 61, Page 166 and Deed Book 62, Page 245, lying in the parcel of land described in the deed recorded in O.R.B. 29713, Page 1191 as shown 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 June 2, 2019; and

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

RESOLUTION NO. R-2019-_____

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.

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 that portion of the 25-foot unimproved right-of-way (ROW) reservation described in Deed Book 61, Page 166, lying in Parcel G, Delray Dunes First Section, according to the plat thereof, as recorded in Plat Book 28, Pages 222 through 224 and all of that portion of the 25-foot unimproved ROW reservation described in Deed Book 61, Page 166 and Deed Book 62, Page 245, lying in the parcel of land described in the deed recorded in O.R.B. 29713, Page 1191 is 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 two portions of unimproved ROW, 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 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)

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



947 Clint Moore Road
Boca Raton, Florida 33487

SURVEYING & MAPPING
Certificate of Authorization No. LB7264

Tel: (561) 241-9988
Fax: (561) 241-5182

SPECIFIC PURPOSE SURVEY

BOYNTON ATRIUM - RIGHT OF WAY ABANDONMENT
LEGAL DESCRIPTION

ALL THAT PORTION OF THE 25 FOOT RIGHT-OF-WAY RESERVATION DESCRIBED IN DEED BOOK 61 PAGE 166 LYING IN PARCEL G, "DELRAY DUNES FIRST SECTION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 28 AT PAGES 222 THROUGH 224 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND ALL THAT PORTION OF THE 25 FOOT RIGHT-OF-WAY RESERVATION DESCRIBED IN DEED BOOK 61 PAGE 166 AND DEED BOOK 62 PAGE 245 LYING IN THE PARCEL OF LAND DESCRIBED IN THE DEED RECORDED IN O.R.B. 29713 PAGE 1191 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 36 TOWNSHIP 45 SOUTH RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; THENCE NORTH 00° 34' 42" WEST, ALONG THE WEST LINE OF SAID SECTION 36, A DISTANCE OF 1327.98 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 36; THENCE NORTH 89° 34' 05" EAST, ALONG THE NORTH LINE OF SAID SOUTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER, A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00° 34' 42" WEST, ALONG A LINE 60.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID SECTION 36, A DISTANCE OF 25.00 FEET; THENCE NORTH 89° 34' 05" EAST, ALONG A LINE 25.00 FEET NORTH OF AND PARALLEL WITH THE NORTH LINE OF THE SOUTHWEST ONE QUARTER OF THE SOUTHWEST ONE QUARTER OF SAID SECTION 36, A DISTANCE OF 279.27 FEET; THENCE SOUTH 00° 34' 38" EAST, A DISTANCE OF 50.00 FEET; THENCE SOUTH 89° 34' 05" WEST, ALONG A LINE 25.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE SOUTHWEST ONE QUARTER OF THE SOUTHWEST ONE QUARTER OF SAID SECTION 36, A DISTANCE OF 279.27 FEET; THENCE NORTH 00° 34' 42" WEST, ALONG A LINE 60.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID SECTION 36, A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA AND CONTAIN 13,963 SQUARE FEET (0.321 ACRES), MORE OR LESS.

CERTIFICATION

I HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON COMPLIES WITH STANDARDS OF PRACTICE AS CONTAINED IN CHAPTER 5J-17.051, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, AND THAT SAID SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION.

JEFF S. HODAPP
SURVEYOR AND MAPPER
FLORIDA LICENSE NO. LS5111

LAST DATE OF FIELD
WORK: 2-21-18

Project Name:	BOYNTON ATRIUM	DATE: 1/09/2019
JOB NO. 16155	DWG BY: JSH	
	CK'D By: JCV	SHEET 1 OF 4

EXHIBIT A

NOTES

1. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. TITLE INFORMATION IS SHOWN ON THIS PAGE.
3. THE BEARINGS SHOWN HEREON ARE BASED ON A DIRECT LINE FROM PALM BEACH COUNTY CONTROL POINTS RAO TO TIM HAVING A GRID BEARING OF NORTH 00° 44' 29" WEST, AS DETERMINED FROM STATE PLANE COORDINATES AS ESTABLISHED BY THE PALM BEACH COUNTY ENGINEERING DIVISION BASED ON THE FLORIDA COORDINATE SYSTEM, EAST ZONE, GRID NORTH, 1983 STATE PLANE TRANSVERSE MERCATOR PROJECTION, 1990 ADJUSTMENT. POSITIONAL ACCURACY MEETS OR EXCEEDS A 1:10,000 MINIMUM RELATIVE DISTANCE ACCURACY. ALL DISTANCES SHOWN ARE GROUND DISTANCES, UNLESS LABELED OTHERWISE. SCALE FACTOR USED FOR THIS SURVEY IS 1.0000355. GRID DISTANCE = GROUND DISTANCE X 1.0000355. UNITS=US SURVEY FOOT.

TITLE INFORMATION

TITLE COMMITMENT NUMBER 6092441\$6881505
PREPARED BY CHICAGO TITLE TITLE INSURANCE COMPANY
EFFECTIVE DATE: OCTOBER 25, 2018 AT 11:00 PM
REVISION E - 11-13-2018

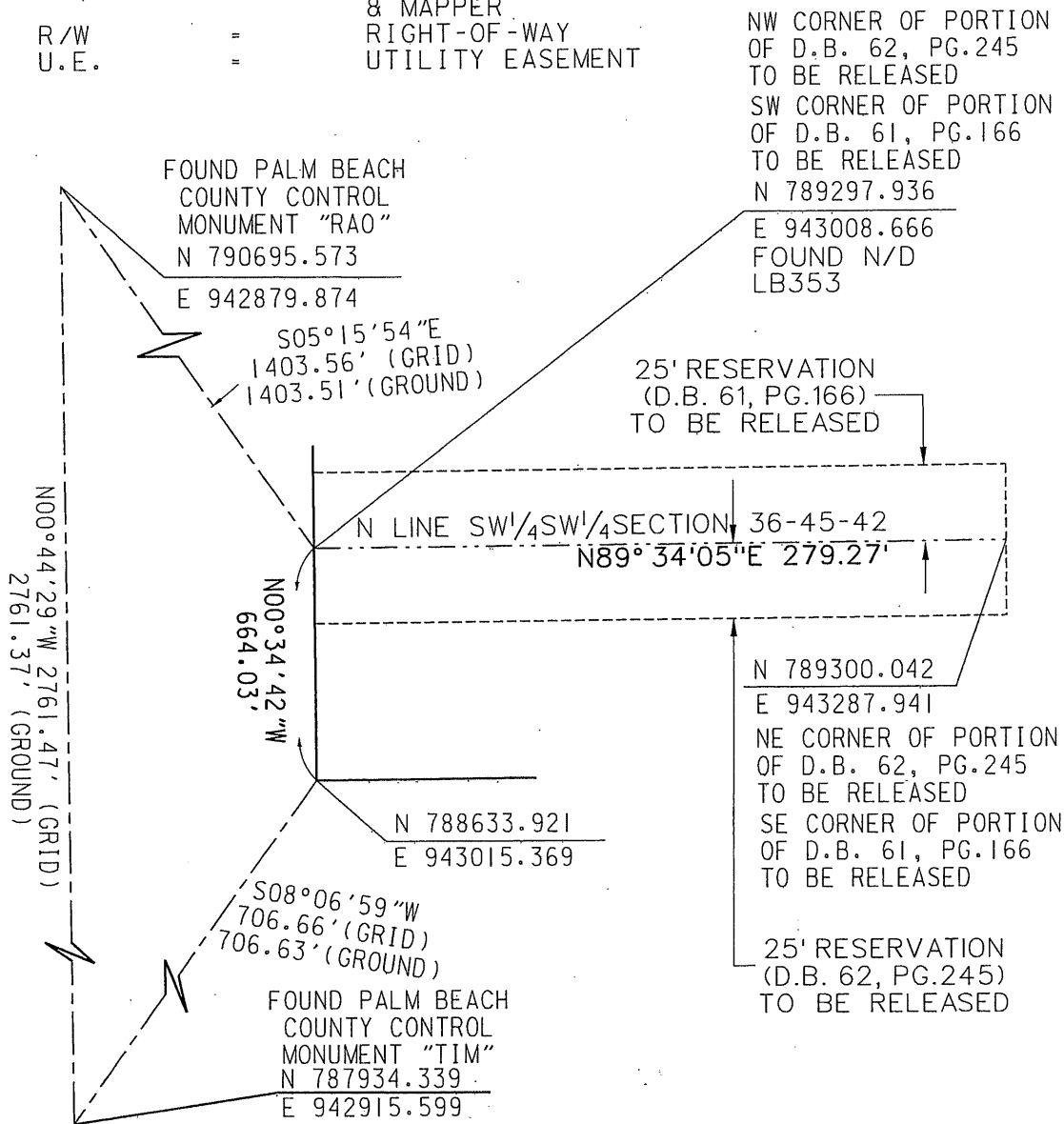
NO.	BOOK /PAGE	DESC.	AFFECTS?	PLOTTED?
5	DB 61/166	ROAD & CANAL RESERVATION	YES	YES
6	DB 62/245	ROAD & CANAL RESERVATION	YES	YES
6	DB 646/303	R/W RESERVATION	YES	YES
7	DB 647/164	LWDD RESERVATION IN DEED	YES	YES
8	ORB 9205/1225	DECL OF REST	YES	NO
8	ORB 12501/509	AMENDMENT	YES	NO
8	ORB 13117/672	AMENDMENT	YES	NO
8	ORB 14449/263	AMENDMENT	YES	NO
8	ORB 14946/1400	AMENDMENT	YES	NO
8	ORB 15359/1765	AMENDMENT	YES	NO
8	ORB 15433/1372	AMENDMENT	YES	NO
8	ORB 16258/1714	AMENDMENT	YES	NO
8	ORB 17770/3	AMENDMENT	YES	NO
8	ORB 21562/733	AMENDMENT	YES	NO
8	ORB 22327/1200	AMENDMENT	YES	NO
8	ORB 22328/1780	AMENDMENT	YES	NO
8	ORB 22329/561	AMENDMENT	YES	NO
8	ORB 22378/1347	AMENDMENT	YES	NO
8	ORB 22465/1377	AMENDMENT	YES	NO
8	ORB 22640/1512	AMENDMENT	YES	NO
8	ORB 22640/1517	AMENDMENT	YES	NO
8	ORB 29152/1965	AMENDMENT	YES	NO
9	ORB 1765/800	FPL EASEMENT	YES	YES
10	ORB 1765/801	FPL EASEMENT	YES	YES
11	ORB 1765/802	FPL EASEMENT	YES	YES
12	ORB 8150/126	AGREEMENT	YES	NO
13	ORB 29536/1811	OFFSITE DRG ESMT	YES	YES
14	ORB 29536/1822	OFFSITE DRG ESMT	YES (OFFSITE)	YES
15	ORB 4260/588	CANAL MAINT AG	YES	NO
16	ORB 7906/1157	ENCROACH AG	YES	NO
17	ORB 13723/729	AGR NOT ENCUMBER	YES	NO
17	ORB 22024/120	REAFFIRMATION	YES	NO
18	ORB 24377/552	AGR NOT ENCUMBER	YES	NO
19	ORB 24403/1596	PARKING DECLARATION	YES	NO
20	ORB 28120/1785	ENV REC PERMIT	YES	NO
24	ORB 29672/311	DEVELOPMENT RIGHTS	YES	NO
25	ORB 29713/1197	MORTGAGE	YES	NO

JOB NO. 16155	Project Name:	DWG BY: JSH	SCALE: NTS	
	BOYNTON ATRIUM	CK'D By: JCV	01/09/2019	SHEET 2 OF 4

EXHIBIT A

ABBREVIATIONS

L	=	ARCLength
COR.	=	CORNER
D	=	DELTA (CENTRAL ANGLE)
D.E.	=	DRAINAGE EASEMENT
L.B.	=	LICENSED BUSINESS
L.S.	=	LICENSED SURVEYOR
O.R.B.	=	OFFICIAL RECORDS BOOK
P.O.B.	=	POINT OF BEGINNING
P.O.C.	=	POINT OF COMMENCEMENT
P.B.	=	PLAT BOOK
P.B.C.R.	=	PALM BEACH COUNTY RECORDS
PG.	=	PAGE
P.S.M.	=	PROFESSIONAL SURVEYOR & MAPPER
R/W	=	RIGHT-OF-WAY
U.E.	=	UTILITY EASEMENT



CONTROL SKETCH

MILITARY TRAIL

MILITARY TRAIL

(COUNTY ROAD 809) 120' PUBLIC RIGHT-OF-WAY
(R.P.B. 2, PG. 26, P.B.C.R.) (R.P.B. 7, PG. 150, P.B.C.R.)
(O.R.B. 3706, PG. 1436, 1438, 1456.) (O.R.B. 3752, PG. 352)
(O.R.B. 4140, PG. 455)

N00° 34' 42" W
1327.98'

W LINE SECTION

NW CORNER
SW 1/4 SECTION
36-45S-42E

P.O.B.
FOUND N/D
; LB353

CORNER
1/4 SW 1/4

N00° 34' 42" W
25.00'

P.O.C.
SW CORNER
SECTION 36-45S-42E

DRAINAGE EASEMENT
(O.R.B. 29536, PG. 1811)
DEED O.R.B. 2009,
PG. 1223

✓N LINE O.R.B. 29713, PG. 1191

SOUTH LIMIT

(ORB 3752, PG 352) DRAINAGE EASEMENT
(ORB 4140, PG 455) (O.R.B. 29536, PG. 181)

METAL SHED

74.17' 1 STORY CBS 37' 18"

FOUND $\frac{1}{2}$ " IR
(NO ID)
(0.18'N, 0.08'W)
FENCE COR
0.4' S

W 40' SUBJECT TO
RESERVATION
(D.B. 646, PG.303)

16' FPL EASEMENT
(O.R.B. 1765, PG. 802)
(W 7' FALL IN R/W)

OWNER:JKM BOYNTON ALF LLC

SET 1/2" IRC
LB7264
(TYP)

N LINE SW¹/₄SW¹/₄SECTION 36-45-42-

PARCEL G
"DELRAY DUNES FIRST SECTION"/
(P.B. 28, PGS. 222-224, P.B.C.R.)\

N89° 34'05"E / 279.27'

10'X15' 286.27' (P)&(C)

S89° 34' 05" W 279.27'

SW 1/4 SW 1/4
SECTION 36-45-42

S LINE O.R.B. 29713, PG. 1191

E LINE O.R.B. 29713, PG. 1191

25' RESERVATION:
(D.B. 62, PG.245)

25' RESERVATION
(D.B. 61, PG.166)

