

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: December 17, 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 a portion of Tracts 22 and 23, Model Land Company Subdivision of Section 14, Township 44 South, Range 42 East, Plat Book 5, Page 78, and lying in a portion of Parcel 4 as recorded in Official Record Book (ORB) 30260, page 1080, also known as the south 300 feet of the 30-foot wide right-of-way (ROW) of Westwood Road, dedicated in ORB 2730, Page 1811 and corrected in ORB 2771, Page 688 (Abandonment Site), all of the Public Records of Palm Beach County (County).

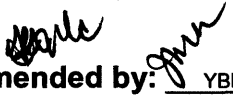
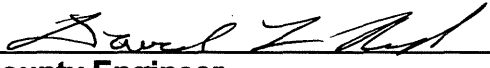

SUMMARY: Adoption of this Resolution will eliminate the public dedication that is in conflict with future redevelopment plans by D.R. Horton, Inc. (Petitioner). The abandonment site is located 460 feet south of Purdy Lane and 1/3 mile west of Haverhill Road. All reviewing agencies and utility service 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 2 (YBH)

Background and Policy Issues: The petitioner has requested the County clear this encumbrance to allow for incorporation of the abandonment site into the single-family residential development known as Jaxon Park. This abandonment is required under Engineering Condition of Approval 3 in Resolution R-2016-0546. The Engineering Department advertised this public hearing on Sunday, December 1, 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 \$14,255.41. The calculations are as follows:

Total sq. ft. of ROW of Abandonment Site	.9,621 square feet
Total sq. ft. subject to a Privilege Fee.	.9,621 square feet
Average sq. ft. value of abutting parcels.	\$2.06
Overall Abandonment Site value.	\$19,819.26
80% of value	\$15,855.41
Less Filing Fee:	-1,600.00
Total Privilege Fee Due	\$14,255.41

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

Recommended by:	 YBH 	11/19/2019
	County Engineer	Date
Approved By:		11/19/19
	Assistant County Administrator	Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2020	2021	2022	2023	2024
Capital Expenditures	\$ -0-	-0-	-0-	-0-	-0-
Operating Costs	-0-	-0-	-0-	-0-	-0-
External Revenues	(\$14,256)	-0-	-0-	-0-	-0-
Program Income (County)	-0-	-0-	-0-	-0-	-0-
In-Kind Match (County)	-0-	-0-	-0-	-0-	-0-
NET FISCAL IMPACT	(\$14,256)	-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 \$14,255.41

C. Departmental Fiscal Review: Alice Kovalainen

III. REVIEW COMMENTS

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

Lisa R 11/12/19
OFMB 11/12/19

A. J. Jankowski 11/14/19
Contract Dev. and Control 11/14/19

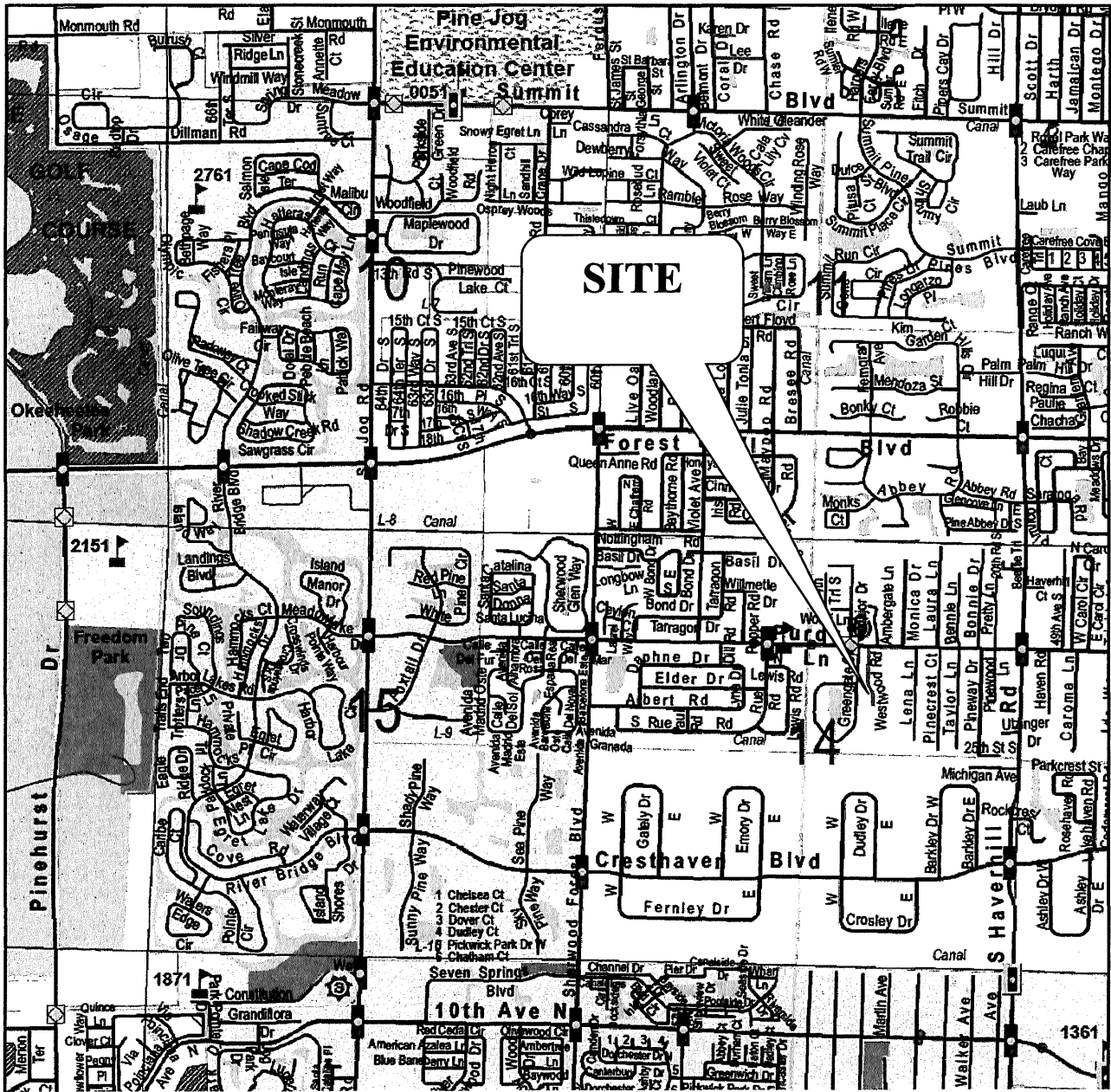
B. Approved as to Form
and Legal Sufficiency:

M. B. Herman 11/18/19
Assistant County Attorney

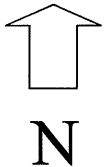
C. Other Department Review:

Department Director

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



LOCATION SKETCH



(Not to scale)

A PORTION OF TRACTS 22 AND 23, MODEL LAND COMPANY SUBDIVISION OF SECTION 14, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PLAT BOOK 5, PAGE 78, AND LYING IN A PORTION OF PARCEL 4 AS RECORDED IN OFFICIAL RECORD BOOK (ORB) 30260, PAGE 1080, ALSO KNOWN AS THE SOUTH 300 FEET OF THE 30-FOOT WIDE RIGHT-OF-WAY OF WESTWOOD ROAD, DEDICATED IN ORB 2730, PAGE 1811 AND CORRECTED IN ORB 2771, PAGE 688, 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 A PORTION OF TRACTS 22 AND 23, MODEL LAND COMPANY SUBDIVISION OF SECTION 14, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PLAT BOOK 5, PAGE 78, AND LYING IN A PORTION OF PARCEL 4 AS RECORDED IN OFFICIAL RECORD BOOK (ORB) 30260, PAGE 1080, ALSO KNOWN AS THE SOUTH 300 FEET OF THE 30-FOOT WIDE RIGHT-OF-WAY (ROW) OF WESTWOOD ROAD, DEDICATED IN ORB 2730, PAGE 1811 AND CORRECTED IN ORB 2771, PAGE 688, ALL OF THE 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 D.R. Horton, Inc. 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 17, 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 a portion of Tracts 22 and 23, Model Land Company Subdivision of Section 14, Township 44 South, Range 42 East, Plat Book 5, Page 78, and lying in a portion of Parcel 4 as recorded in ORB 30260, page 1080, also known as the south 300 feet of the 30-foot wide ROW of Westwood Road, dedicated in ORB 2730, Page 1811 and corrected in ORB 2771, Page 688, 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 December 1, 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

RESOLUTION NO. R-2019-_____

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. A portion of Tracts 22 and 23, Model Land Company Subdivision of Section 14, Township 44 South, Range 42 East, Plat Book 5, Page 78, and lying in a portion of Parcel 4 as recorded in ORB 30260, page 1080, also known as the south 300 feet of the 30-foot wide ROW of Westwood Road, dedicated in ORB 2730, Page 1811 and corrected in ORB 2771, Page 688, 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 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 Hal R. Valeche, District 1

Commissioner Gregg K. Weiss, District 2

Commissioner Dave M. Kerner, District 3

Commissioner Robert S. Weinroth, District 4

Commissioner Mary Lou Berger, District 5

Commissioner Melissa McKinlay, District 6

Commissioner Mack Bernard, District 7

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

EXHIBIT "A"

LEGAL DESCRIPTION

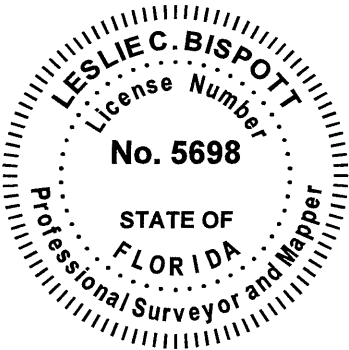
A PARCEL OF LAND BEING A PORTION OF TRACTS 22 AND 23, MODEL LAND COMPANY SUBDIVISION OF SECTION 14, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PLAT BOOK 5, PAGE 78, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND LYING IN A PORTION OF PARCEL 4 AS RECORDED IN OFFICIAL RECORDS BOOK 30260, PAGE 1080, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 14; THENCE SOUTH 48°15'24" WEST, A DISTANCE OF 2653.85 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 88°29'47" EAST, A DISTANCE OF 30.00 FEET; THENCE SOUTH 02°02' 43" WEST, A DISTANCE OF 5.34 FEET; THENCE SOUTH 36°09'06" EAST, A DISTANCE OF 73.81 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTH WEST, HAVING A RADIUS OF 115.00 FEET; THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 37°39'19", A DISTANCE OF 75.58 FEET TO A POINT OF TANGENCY; THENCE SOUTH 01°30'13" WEST, A DISTANCE OF 165.98 FEET (THE PRECEEDING 4 COURSES ARE COINCIDENT WITH THE EAST RIGHT-OF-WAY LINE OF SAID WESTWOOD ROAD) TO A POINT ON THE SOUTH LINE OF SAID WESTWOOD ROAD; THENCE NORTH 88°29'47" WEST ALONG SAID SOUTH LINE ,A DISTANCE OF 30.00 FEET TO A POINT ON SAID WEST RIGHT-OF-WAY LINE OF WESTWOOD ROAD; THENCE NORTH 01°30'13" EAST, A DISTANCE OF 165.98 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 85.00 FEET; THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 37°39'19", A DISTANCE OF 55.86 FEET TO A POINT OF TANGENCY, THENCE NORTH 36°09'06" WEST, A DISTANCE OF 73.81 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 30.00 FEET; THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 38°11'50", A DISTANCE OF 20.00 FEET TO A POINT OF TANGENCY, THENCE NORTH 02°02'43" EAST, A DISTANCE OF 5.05 FEET (THE PRECEEDING 5 COURSES ARE COINCIDENT WITH THE WEST RIGHT-OF-WAY LINE OF SAID WESTWOOD ROAD) TO THE AFOREMENTIONED POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCELS OF LAND CONTAINS 9,620.95 SQUARE FEET OR 0.22 ACRES MORE OR LESS.

Leslie
C
Bispott

Digitally signed by Leslie C
Bispott
DN: c=US, o=MICHAEL B
SCHORAH AND ASSOCIATES
INC, ou=MICHAEL B
SCHORAH AND ASSOCIATES
INC, cn=Leslie C Bispott,
0.9.2342.19200300.100.1.1=A
01098000000153ECCB39690
00024E5
Date: 2019.07.17 10:49:18
-04'00'



THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED
BY LESLIE C. BISPOTT, P.S.M. ON JULY 17, 2019

PRINTED COPIES OF THIS DOCUMENT ARE NOT
CONSIDERED SIGNED AND SEALED AND SIGNATURE
MUST BE VERIFIED ON ANY ELECTRONIC COPIES.



MICHAEL B. SCHORAH & ASSOCIATES, INC.
1850 FOREST HILL BLVD., SUITE 206
WEST PALM BEACH, FLORIDA 33406
TEL. (561) 968-0080 FAX. (561) 642-9726 LB# 2438

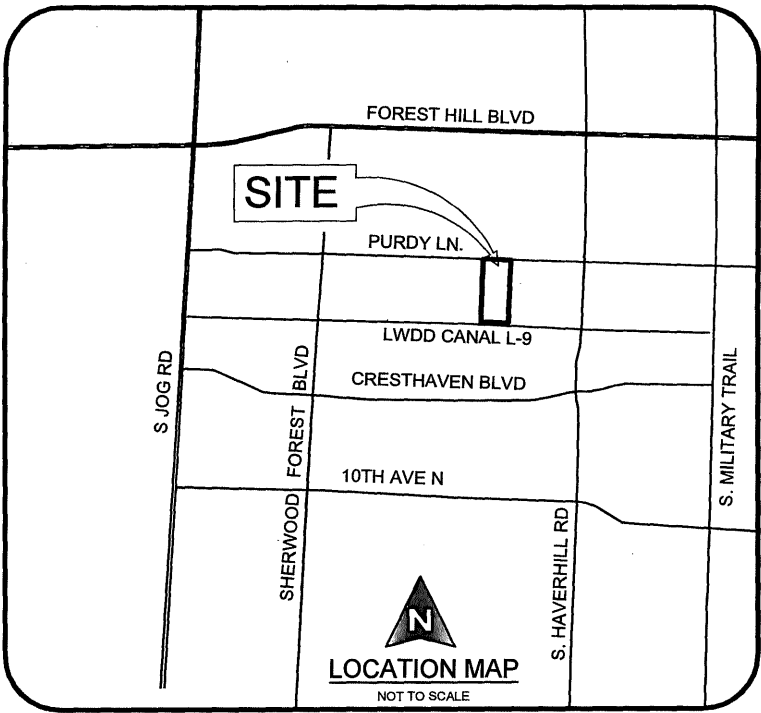
FIELD:	N/A	DRAWN:	R.A.B.	SCALE:	1"=30'
BOOK:	N/A	DATE:	NOV. 2016	CADDFILE:	
PAGE:	N/A	CHECKED:	L.C.B.	1661_ABANDON RD	

BOUNDARY SURVEY
RIGHT-OF-WAY ABANDONMENT

SHEET NO. 1 OF 6 JOB NO. 1661

EXHIBIT A

EXHIBIT "A"



LEGEND

ABBREVIATIONS

P.O.C.	=	POINT OF COMMENCEMENT
P.O.B.	=	POINT OF BEGINNING
R/W	=	RIGHT-OF-WAY
P.B.	=	PLAT BOOK
O.R.B.	=	OFFICIAL RECORD BOOK
R	=	RADIUS
Δ	=	CURVE CENTRAL ANGLE
L	=	ARC LENGTH
(G.)	=	GRID
P.	=	PLAT
FH	=	FIRE HYDRANT
CB	=	CHORD BEARING
FPL	=	FLORIDA POWER AND LIGHT COMPANY
P.B.C.	=	PALM BEACH COUNTY
U.E.	=	UTILITY EASEMENT
FD.	=	FOUND
I.R. & C.	=	IRON ROD & CAP
U.E.	=	UTILITY EASEMENT
D.E.	=	DRAINAGE EASEMENT
DWG	=	DRAWING
SEC.	=	SECTION
SW.	=	SOUTHWEST
NE.	=	NORTHEAST
TWP.	=	TOWNSHIP

SYMBOLS

	=	CENTERLINE
	=	FOUND BOUNDARY CORNER AS SHOWN
	=	SET 1/2" I.R. & C. STAMPED MBSA LB2438
	=	FOUND NAIL OR NAIL AND DISK AS SHOWN
	=	DENOTES FOUND PALM BEACH COUNTY DISK IN CONCRETE
	=	FIRE HYDRANT
	=	GATE VALVE
	=	GUY ANCHOR
	=	WOOD POWER POLE
	=	WOOD FENCE
	=	OVERHEAD POWER LINE



MICHAEL B. SCHORAH & ASSOCIATES, INC.
1850 FOREST HILL BLVD., SUITE 206
WEST PALM BEACH, FLORIDA 33406
TEL. (561) 968-0080 FAX. (561) 642-9726 LB# 2438

FIELD:	N/A	DRAWN:	R.A.B.	SCALE:	1"=30'
BOOK:	N/A	DATE:	NOV. 2016	CADDFILE:	
PAGE:	N/A	CHECKED:	L.C.B.	1661_ABANDON RD	

BOUNDARY SURVEY
RIGHT-OF-WAY ABANDONMENT

SHEET NO. 2 OF 6 JOB NO. 1661

EXHIBIT A

EXHIBIT "A"

COORDINATES NOTE:
STATE PLANE COORDINATES SHOWN ARE GRID
DATUM = NAD 83, 1990 ADJUSTMENT
ZONE = FLORIDA EAST
LINEAR UNITS = US SURVEY FOOT
COORDINATE SYSTEM 1983 STATE PLANE TRANSVERSE MERCATOR PROJECTION
ALL DISTANCES ARE GROUND
PROJECT SCALE FACTOR = 1.00003557
GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE
BEARINGS AS SHOWN HEREON ARE GRID DATUM, NAD 83 1990 ADJUSTMENT,
FLORIDA EAST ZONE.

SURVEYOR NOTES

1. NO SEARCH OF THE PUBLIC RECORDS WAS PERFORMED BY THIS OFFICE.
2. BEARINGS AS SHOWN HEREON ARE BASED UPON THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 44 SOUTH, RANGE 42 EAST RECORDS OF PALM BEACH COUNTY, FLORIDA, HAVING A GRID BEARING OF NORTH 01°52'18" EAST, WHICH IS RELATIVE TO THE NORTH AMERICAN DATUM (N.A.D.) 83, 1990 ADJUSTMENT.
3. NO UNDERGROUND UTILITIES OR IMPROVEMENTS WERE LOCATED BY THIS OFFICE.
4. BASED UPON THE REVIEW OF THE TITLE POLICY AS FURNISHED TO THIS OFFICE BY FIRST AMERICAN TITLE INSURANCE COMPANY, POLICY NUMBER 5011412 - 841056, EFFECTIVE DATE DECEMBER 11, 2018 AT 11:00 PM, THE FOLLOWING SCHEDULE B ITEMS WHICH PERTAIN TO THE SUBJECT PARCEL ARE AS FOLLOWS:

RESTRICTIONS, DEDICATIONS, CONDITIONS, RESERVATIONS, EASEMENTS AND OTHER MATTERS SHOWN ON THE PLAT OF MODEL LAND COMPANY SUBDIVISION OF SECTION 14, TOWNSHIP 44 SOUTH, RANGE 42 EAST, AS RECORDED NOVEMBER 13, 1914 IN PLAT BOOK 5, PAGE(S) 78, BUT DELETING ANY COVENENANT, CONDITION OR RESTRICTION INCLUDING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS OR NATIONAL ORIGIN TO THE EXTENT SUCH COVENANTS, CONDITIONS OR RESTRICTIONS VIOLATE 42USC 3604(C). (ALL PARCELS) **(EXCEPTION 2 - APPLICABLE)**

EASEMENT GRANTED TO FLORIDA POWER & LIGHT COMPANY RECORDED JUNE 20, 1958 IN BOOK 207, PAGE 176. (ALL PARCELS) **(EXCEPTION 3 - NOT APPLICABLE - DOES NOT AFFECT SUBJECT PARCEL)**

TERMS AND CONDITIONS RE COURTESY MAINTENANCE PROGRAM FOR WESTWOOD ROAD AS SET FORTH IN CERTAIN QUIT-CLAIM DEEDS RECORDED SEPTEMBER 1, 1977 IN BOOK 2730, PAGE 1808, 1811, 1830, 1832 & 1834, AND QUIT-CLAIM DEED RECORDED NOVEMBER 29, 1977 IN BOOK 2771, PAGE 745. (PARCEL 4) **(EXCEPTION 4 - APPLICABLE)**

DEED CONVEYING DEVELOPMENT RIGHTS BY PALM BEACH COUNTY TO KIRK ANGELOCCI LLC, RECORDED FEBRUARY 6, 2008 IN BOOK 22426, PAGE 743, AND CONTRACT FOR THE SALE AND PURCHASE OF DEVELOPMENT RIGHT BETWEEN PALM BEACH COUNTY AND KIRK ANGELOCCI, RECORDED FEBRUARY 6, 2008 IN BLOCK 22426, PAGE 745. (PARCELS 1, 2 AND 4) **(EXCEPTION 5 - APPLICABLE)**

5. BASED UPON THE TITLE SEARCH NO EASEMENT OF RECORD EXISTS.



MICHAEL B. SCHORAH & ASSOCIATES, INC. 1850 FOREST HILL BLVD., SUITE 206 WEST PALM BEACH, FLORIDA 33406 TEL. (561) 968-0080 FAX. (561) 642-9726 LB# 2438			
FIELD:	N/A	DRAWN:	R.A.B.
BOOK:	N/A	DATE:	NOV. 2016
PAGE:	N/A	CHECKED:	L.C.B.

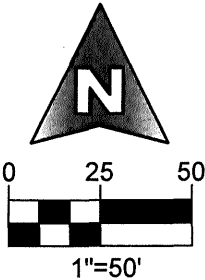
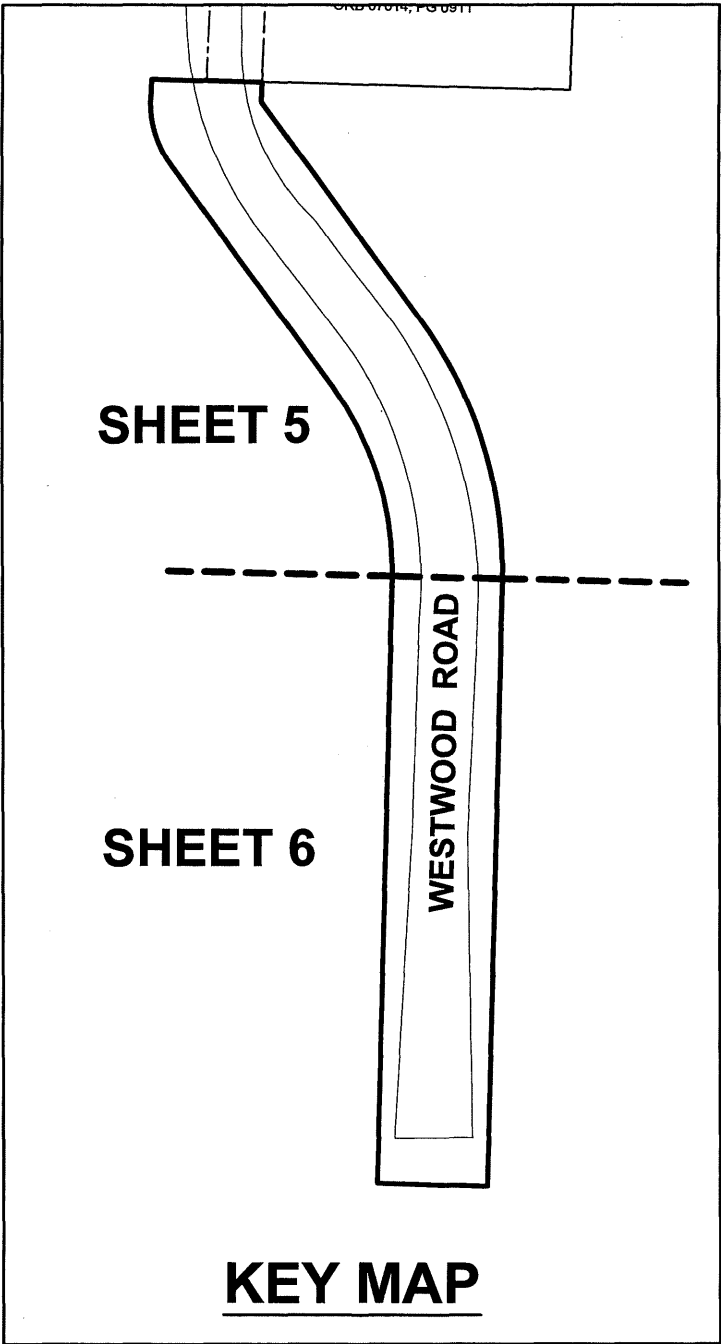
SCALE:	1"=30'
CADDFILE:	1661_ABANDON RD

BOUNDARY SURVEY
RIGHT-OF-WAY ABANDONMENT

SHEET NO. 3 OF 6 JOB NO. 1661

EXHIBIT A

EXHIBIT "A"



MICHAEL B. SCHORAH & ASSOCIATES, INC.
1850 FOREST HILL BLVD., SUITE 206
WEST PALM BEACH, FLORIDA 33406
TEL. (561) 968-0080 FAX. (561) 642-9726 LB# 2438

FIELD:	N/A	DRAWN:	R.A.B.	SCALE:	1"=30'
BOOK:	N/A	DATE:	NOV. 2016	CADDFILE:	
PAGE:	N/A	CHECKED:	L.C.B.	1661_ABANDON RD	

BOUNDARY SURVEY
RIGHT-OF-WAY ABANDONMENT

EXHIBIT A

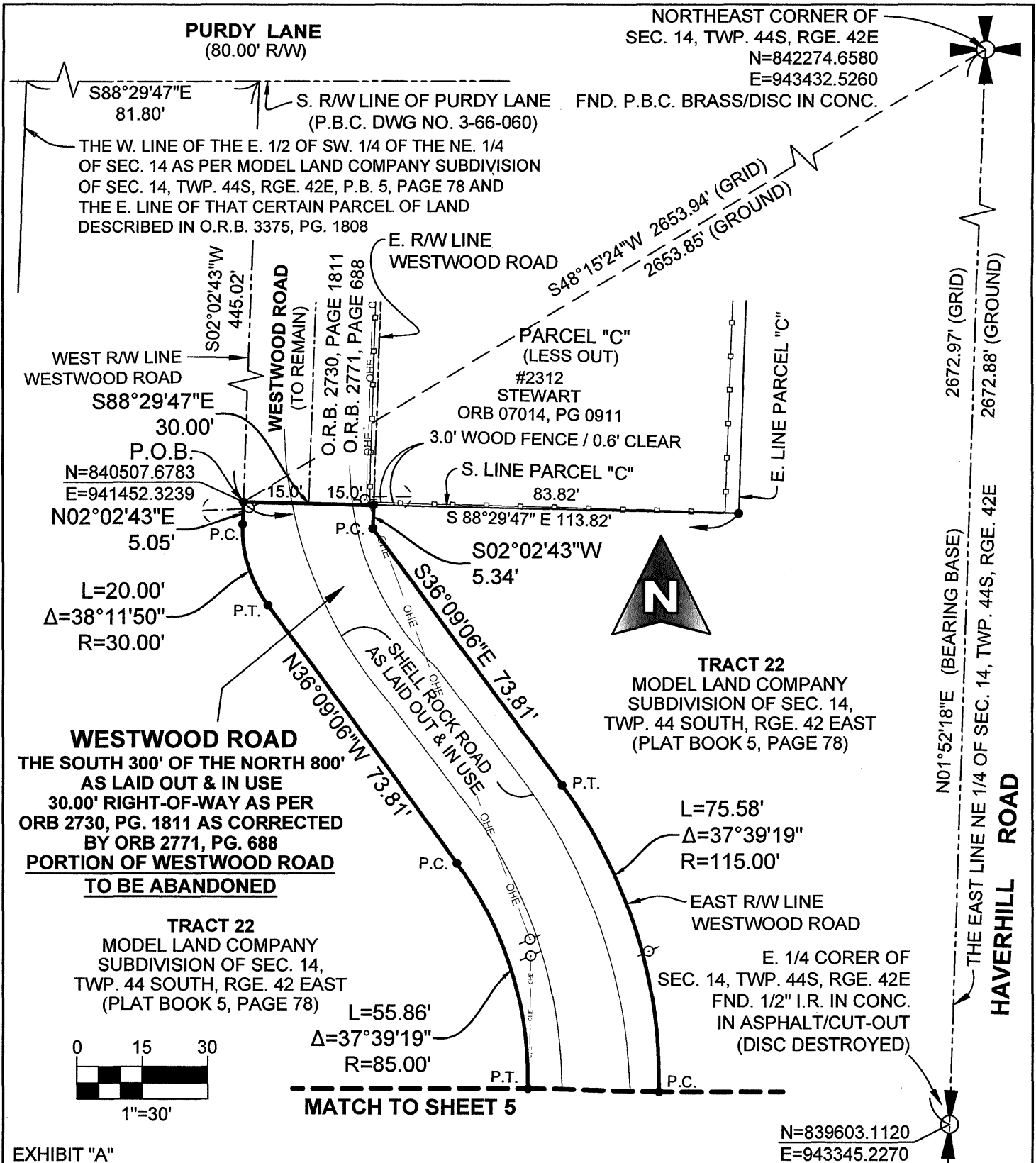


EXHIBIT "A"


	MICHAEL B. SCHORAH & ASSOCIATES, INC. 1850 FOREST HILL BLVD., SUITE 206 WEST PALM BEACH, FLORIDA 33406 TEL. (561) 968-0080 FAX. (561) 642-9726 LB# 2438			BOUNDARY SURVEY RIGHT-OF-WAY ABANDONMENT			
	FIELD:	N/A	DRAWN:			R.A.B.	SCALE:
	BOOK:	N/A	DATE:	NOV. 2016	CADDFILE:		
	PAGE:	N/A	CHECKED:	L.C.B.	1661_ABANDON RD		
					SHEET NO.	5 OF 6	JOB NO.

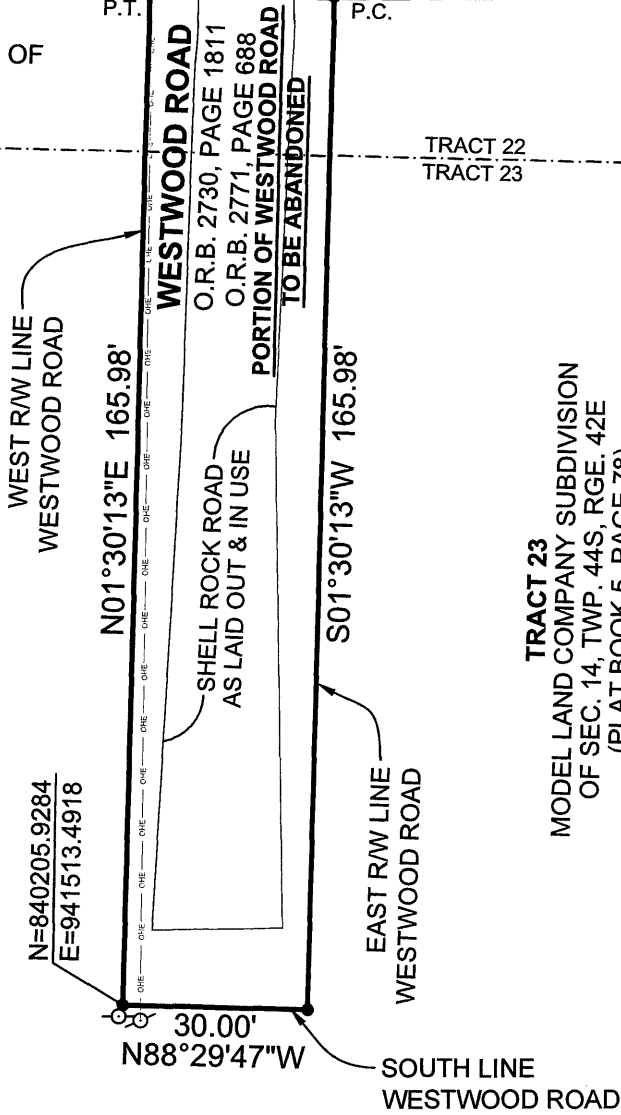
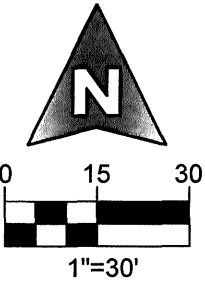
EXHIBIT A

EXHIBIT "A"

TRACT 22
MODEL LAND COMPANY SUBDIVISION OF
SEC. 14, TWP. 44S, RGE. 42E
(PLAT BOOK 5, PAGE 78)

TRACT 23
MODEL LAND COMPANY SUBDIVISION
OF SEC. 14, TWP. 44S, RGE. 42E
(PLAT BOOK 5, PAGE 78)

TRACT 23
MODEL LAND COMPANY SUBDIVISION
OF SEC. 14, TWP. 44S, RGE. 42E
(PLAT BOOK 5, PAGE 78)



MICHAEL B. SCHORAH & ASSOCIATES, INC.
1850 FOREST HILL BLVD., SUITE 206
WEST PALM BEACH, FLORIDA 33406
TEL. (561) 968-0080 FAX. (561) 642-9726 LB# 2438

FIELD:	N/A	DRAWN:	R.A.B.	SCALE:	1"=30'
BOOK:	N/A	DATE:	NOV. 2016	CADDFILE:	
PAGE:	N/A	CHECKED:	L.C.B.	1661_ABANDON RD	

BOUNDARY SURVEY
RIGHT-OF-WAY ABANDONMENT

SHEET NO. 6 OF 6 JOB NO. 1661