Agenda Item #: 3-C-1

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: February 11, 2020		[X] Consent [] Workshop	[] Regular [] Public Hearing	aring
Department: Submitted By: Submitted For:	Engineering and Engineering and Land Developme	Public Works		

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to adopt: a Resolution abandoning any public interest in a 15 foot wide drainage easement being the north 7.50 feet of Lot 407 and the south 7.50 feet of Lot 408; and a 15 foot wide drainage easement being the north 7.50 feet of Lot 413 and the south 7.50 feet of Lot 414 (Abandonment Sites), as shown on the plat of Arden P.U.D. Pod A West and Pod B West, recorded in Plat Book 122, Pages 136 through 148, inclusively, 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 Lennar Homes LLC (Petitioner). The petitioner has requested that the County clear this encumbrance to allow for each of the abandonment sites to be replaced with a 12 foot drainage easement which, according to Uniform Land Development Code Article 11.E.4.G.3, is the minimum width to accommodate stormwater management facilities. The abandonment site is located 0.7 miles north of State Road 80 and 2.4 miles west of Lion Country Safari Road. <u>District 6</u> (YBH)

Background and Justification: The Engineering Department has determined that the replacement drainage easements will be sufficient for the existing underground facilities, each containing a 15 inch reinforced concrete pipe to provide drainage for the buffer areas only.

All reviewing agencies and utility service providers have approved this abandonment as the 15 foot drainage easements serve no present or future public purpose.

Easements are exempt from the privilege fee requirement as provided in the County Code of Ordinances Chapter 22, Article III, Road Abandonment and Plat Vacation (Ordinance 2002-034).

Attachments:

1

Location Sketch
Resolution with Exhibits 'A' and 'B'

Recommended by: Will - Java Zhi	1/8/2020
County Engineer	Date
Approved By: Nanal L. Bolton	1/14/2020
Assistant County Administrator	Date

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II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2020	2021	2022	2023	2024
Capital Expenditures	<u>\$ -0-</u>	-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	Account No:		
Fund	Dept	Unit	Object

Recommended Sources of Funds/Summary of Fiscal Impact:

**This item has no fiscal impact. The abandonment site is not subject to a privilege fee as easements are exempt.

C. Departmental Fiscal Review: **III. REVIEW COMMENTS**

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

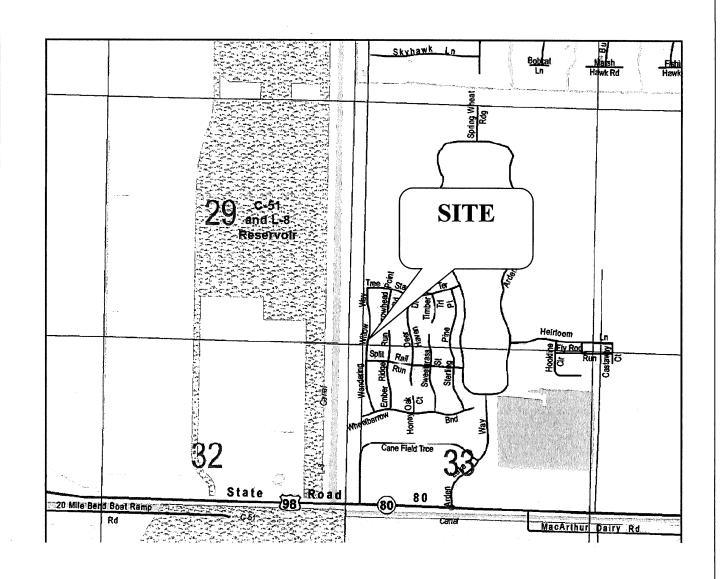
B. Approved as to Form and Legal Sufficiency:

C. Other Department Review:

Contract Dev. and Control 1/10/2020 To

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

F:\COMMON\WP\AGENDAPAGE2\AGNPGTWO2020\20.101. NO PRIVILEGE FEE.DOC



LOCATION SKETCH

N (Not to scale)

A 15 FOOT WIDE DRAINAGE EASEMENT BEING THE NORTH 7.50 FEET OF LOT 407 AND THE SOUTH 7.50 FEET OF LOT 408; AND A 15 FOOT WIDE DRAINAGE EASEMENT BEING THE NORTH 7.50 FEET OF LOT 413 AND THE SOUTH 7.50 FEET OF LOT 414, AS SHOWN ON THE PLAT OF ARDEN P.U.D. POD A WEST AND POD B WEST, RECORDED IN PLAT BOOK 122, PAGES 136 THROUGH 148, INCLUSIVELY, THE PUBLIC RECORDS OF PALM BEACH COUNTY.

RESOLUTION NO. R-2020-___

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ABANDONING ANY PUBLIC INTEREST IN A 15 FOOT WIDE DRAINAGE EASEMENT BEING THE NORTH 7.50 FEET OF LOT 407 AND THE SOUTH 7.50 FEET OF LOT 408; AND A 15 FOOT WIDE DRAINAGE EASEMENT BEING THE NORTH 7.50 FEET OF LOT 413 AND THE SOUTH 7.50 FEET OF LOT 414, AS SHOWN ON THE PLAT OF ARDEN P.U.D. POD A WEST AND POD B WEST, **RECORDED IN PLAT BOOK 122, PAGES 136 THROUGH** 148, INCLUSIVELY, 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 Lennar Homes, 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 February 11, 2020, to consider and determine whether the County would vacate, abandon, discontinue and close, renounce and disclaim any right or interest of the County and the public in a 15 foot wide drainage easement being the north 7.50 feet of Lot 407 and the south 7.50 feet of Lot 408; and a 15 foot wide drainage easement being the north 7.50 feet of Lot 413 and the south 7.50 feet of Lot 414, as shown on the plat of Arden P.U.D. Pod A West and Pod B West, as recorded in Plat Book 122, Pages 136 through 148, inclusive, as shown in **Exhibit A** and **Exhibit B**; and

WHEREAS, in accordance with the Ordinance, notice of the holding of such meeting was duly published in the Palm Beach Post on January 26, 2020; and

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

WHEREAS, 12 foot replacement drainage easements are sufficient for the existing underground facilities in accordance with Uniform Land Development Code Article 11.E.4.G.3; and

Page 1 of 3

RESOLUTION NO. R-2020-___

WHEREAS, the BCC held said hearing as advertised and determined that the two 15 foot wide drainage easements are in excess of the requirements and such action will not materially interfere with drainage of the County road system.

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 15 foot wide drainage easement being the north 7.50 feet of Lot 407 and the south 7.50 feet of Lot 408; and a 15 foot wide drainage easement being the north 7.50 feet of Lot 413 and the south 7.50 feet of Lot 414, as shown on the plat of Arden P.U.D. Pod A West and Pod B West, recorded in Plat Book 122, Pages 136 through 148, inclusively, 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 drainage easements more fully described in the legal descriptions and sketches as shown in **Exhibit A** and **Exhibit B**, attached hereto and made a part hereof.
- 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)

Page 2 of 3

RESOLUTION NO. R-2020-____

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 Dave M. Kerner, Mayor

Commissioner Robert S. Weinroth, Vice Mayor

Commissioner Hal R. Valeche

Commissioner Gregg K. Weiss

Commissioner Mary Lou Berger

Commissioner Melissa McKinlay

Commissioner Mack Bernard

The Mayor thereupon declared the Resolution duly passed and adopted this ______, 2020.

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 uar Yelizaveta B. Herman, Assistant County Attorney

Page 3 of 3

EXHIBIT A

LEGAL DESCRIPTION

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A 15 FOOT WIDE DRAINAGE EASEMENT BEING THE NORTH 7.50 FEET OF LOT 407 AND THE SOUTH 7.50 FEET OF LOT 408, AS SHOWN ON THE PLAT OF ARDEN P.U.D. POD A WEST AND POD B WEST, AS RECORDED IN PLAT BOOK 122, PAGES 136 THROUGH 148, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID EASEMENT LYING IN SECTION 28, TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA.

CONTAINING 2608 SQUARE FEET OR 0.06 ACRES, MORE OR LESS.

THE SPECIFIC PURPOSE SURVEY PROVIDED HEREON MEETS THE REQUIREMENTS AS ESTABLISHED BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PER CHAPTER 5J-17 FLORIDA ADMINISTRATIVE CODE AND THE STANDARDS OF PRACTICE PURSUANT TO CHAPTER 472 FLORIDA STATUTES. DATE OF LAST FIELD WORK <u>6/19/19</u>

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UNLESS THIS DOCUMENT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A LICENSED SURVEYOR AND MAPPER, THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.

DATE OF SIGNATURE: _/ /3/2020

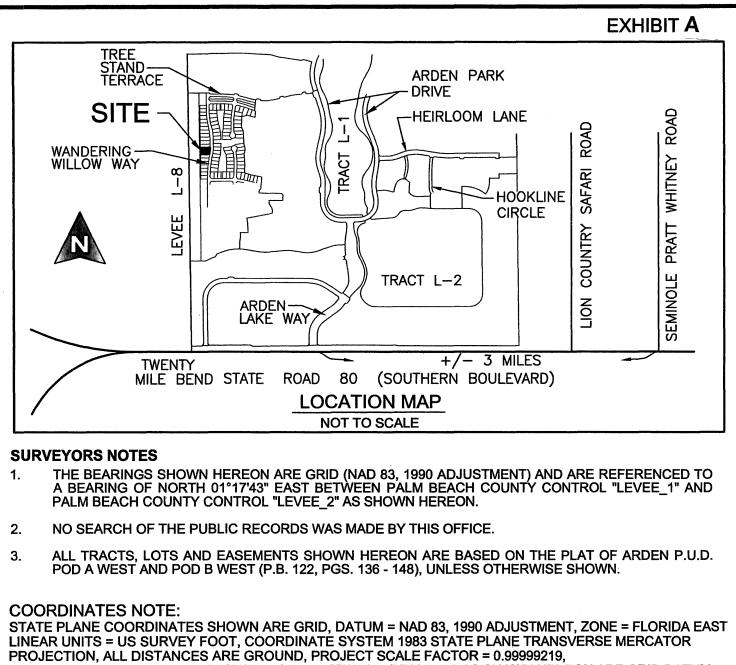
Bisport

LÉSLIE C. BISPOTT PROFESSIONAL SURVEYOR AND MAPPER FLORIDA CERTIFICATE NO. 5698

10/7/19 REVISED PER PALM BEACH COUNTY COMMENTS LETTER DATED OCTOBER 1, 2019

8 1850 F WEST	HAEL B. SCHO ASSOCIATES, I OREST HILL BLVD., SL PALM BEACH, FLORID) 968-0080 FAX. (561	INC. JITE 206	15' DRAIN	URPOSE SURVEY AGE EASEMENT 108, ARDEN P.U.D.
FIELD: N/A	DRAWN: R.A.B.	SCALE: 1" = 30'	POD A WEST	AND POD B WEST
воок: N/A	date: JUNE, 2019	CADDFILE: 1627 407-408	(PETITION TO ABA	NDON/VACATE A 15' D.E.)
PAGE: N/A	CHECKED: L.C.B.	DE ABANDON	SHEET NO. 1 OF 4	JOB NO. 1627

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GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE, BEARINGS AS SHOWN HEREON ARE GRID DATUM, NAD 83 1990 ADJUSTMENT, FLORIDA EAST ZONE.

LEGEND

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P.B. = PLAT BOOK P.B.C. = PALM BEACH COUNTY C.M. = CONCRETE MONUMENT FD. = FOUND PGS. = PAGES PC = POINT OF CURVATURE PT = POINT OF TANGENCY	D.E. = DRAINAGE EASEMENT U.E. = UTILITY EASEMENT I.R. & C. = IRON ROD AND CAP R = RADIUS Δ = CURVE CENTRAL ANGLE L = ARC LENGTH \clubsuit = CENTERLINE	RCP = REINFORCED CONCRETE PIPE C.B. = CATCH BASIN IMP. = IMPROVEMENTS

& A 1850 F0	HAEL B. SCHO SSOCIATES, I DREST HILL BLVD., SU PALM BEACH, FLORIDA 968-0080 FAX. (561)	NC. NTE 206 A 33406	SPECIFIC PURPOSE SURVEY 15' DRAINAGE EASEMENT LOTS 407 - 408, ARDEN P.U.D.	
FIELD: N/A	DRAWN: R.A.B.	SCALE: 1" = 30'	POD A WEST A	ND POD B WEST
воок: N/A	DATE: JUNE, 2019	CADDFILE: 1627 407-408	(PETITION TO ABAND	ON/VACATE A 15' D.E.)
PAGE: N/A	CHECKED: L.C.B.	DE ABANDON	SHEET NO. 2 OF 4	JOB NO. 1627

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EXHIBIT A

TITLE REVIEW

BASED UPON OUR REVIEW OF THE TITLE SEARCH OF THE UPDATED OWNER'S POLICY NO. 5011412-2571895 (SCHEDULE B, FILE NO.: 2038-2571895) FROM FEBRUARY 6, 2019 AT 2:29 P.M., THROUGH OCTOBER 8, 2019 AT 8:00 A.M. BY FIRST AMERICAN TITLE INSURANCE COMPANY, FILE NO.: 1062-4521997.

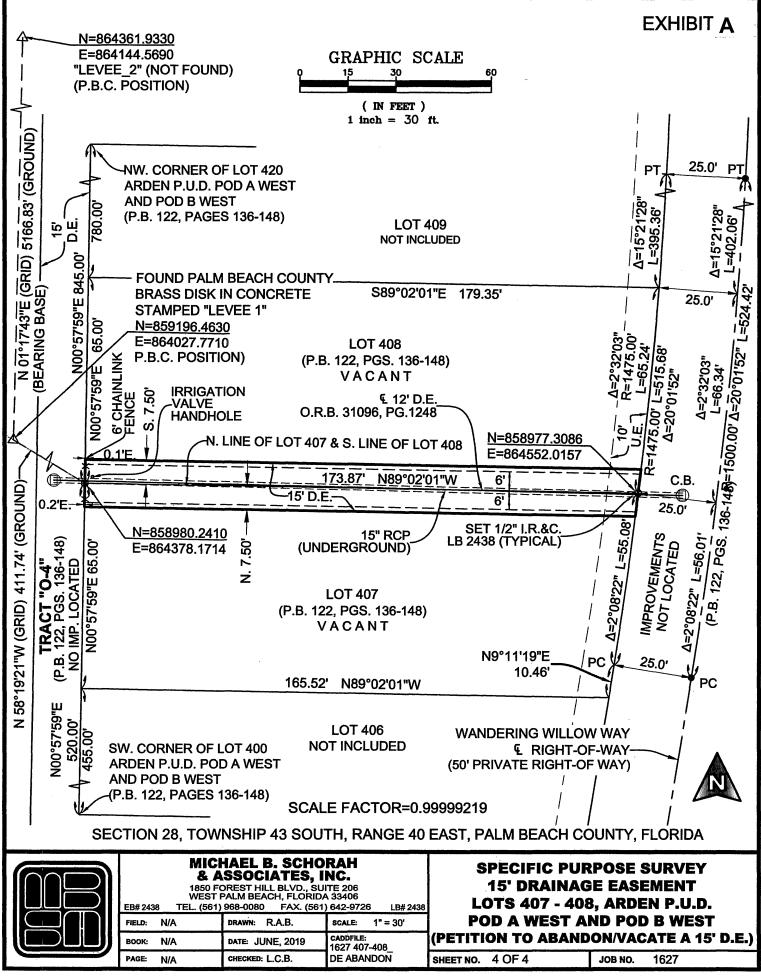
THE FOLLOWING EXCEPTION THAT AFFECTS SUBJECT EASEMENT IS AS FOLLOWS:

. .

RESTRICTIONS, DEDICATIONS, CONDITIONS, RESERVATIONS, EASEMENTS AND OTHER MATTERS SHOWN ON THE PLAT OF ARDEN P.U.D. POD A WEST AND POD B WEST, AS RECORDED IN PLAT BOOK 122, PAGE(S) 136, BUT DELETING ANY COVENANT, CONDITION OR RESTRICTION INDICATING 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 42 USC 3604(C). (EXCEPTION 8) AFFECTS AS SHOWN.

MICHAEL B. SCHORAH & ASSOCIATES, INC. 1850 FOREST HILL BLVD., SUITE 206 WEST PALM BEACH, FLORIDA 33406 EB# 2438 TEL. (561) 968-0080 FAX. (561) 642-9726 LB# 2438			-		
	FIELD: N/A	drawn: R.A.B.	SCALE: 1" = 30'		ND POD B WEST
	воок: N/A	DATE: JUNE, 2019	CADDFILE: 1627 407-408	(PETITION TO ABANE	DON/VACATE A 15' D.E.)
	PAGE: N/A	CHECKED: L.C.B.	DE ABANDON	SHEET NO. 3 OF 4	ЈОВ NO. 1627

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LEGAL DESCRIPTION

A 15 FOOT WIDE DRAINAGE EASEMENT BEING THE NORTH 7.50 FEET OF LOT 413 AND THE SOUTH 7.50 FEET OF LOT 414, AS SHOWN ON THE PLAT OF ARDEN P.U.D. POD A WEST AND POD B WEST, AS RECORDED IN PLAT BOOK 122, PAGES 136 THROUGH 148, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

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CONTAINING 2453 SQUARE FEET OR 0.06 ACRES, MORE OR LESS.

THE SPECIFIC PURPOSE SURVEY PROVIDED HEREON MEETS THE REQUIREMENTS AS ESTABLISHED BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PER CHAPTER 5J-17 FLORIDA ADMINISTRATIVE CODE AND THE STANDARDS OF PRACTICE PURSUANT TO CHAPTER 472 FLORIDA STATUTES.

DATE OF LAST FIELD WORK 6/19/19

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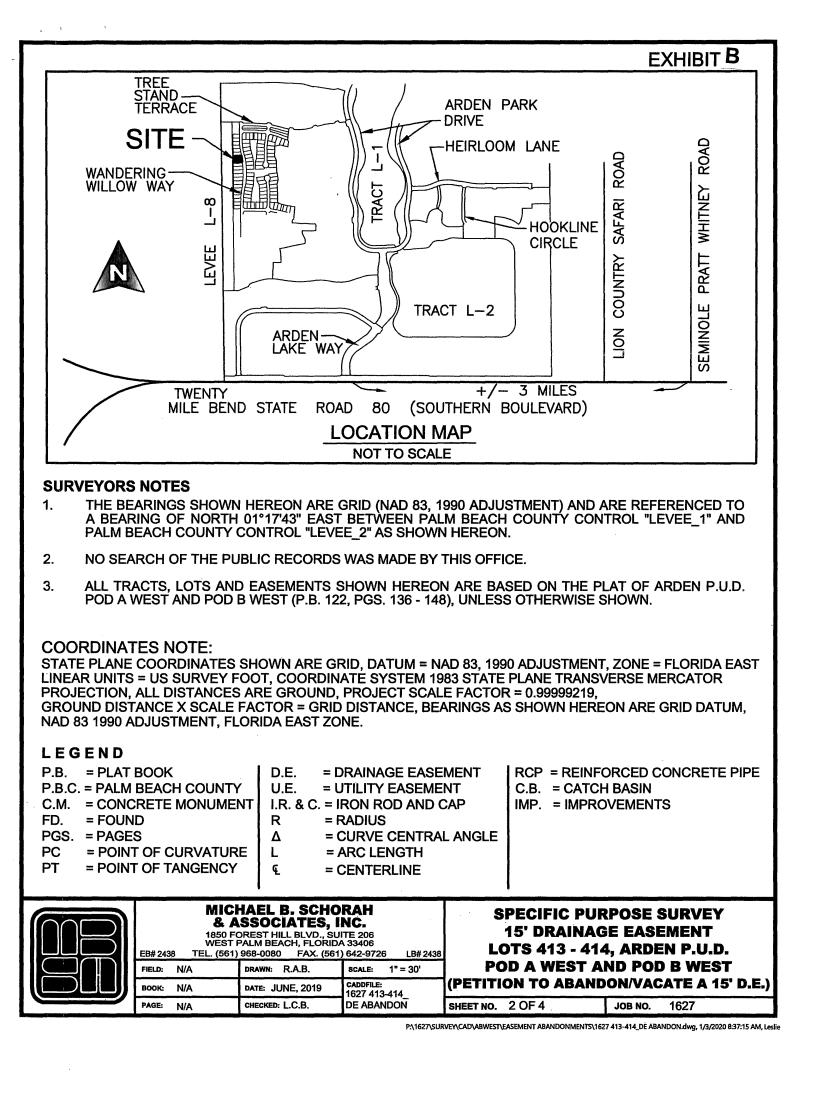
LABibott

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FIELD: N/A	DRAWN: R.A.B.	SCALE: 1" = 30'		ND POD B WEST
воок: N/A	date: JUNE, 2019	CADDFILE: 1627 413-414	(PETITION TO ABAND	ON/VACATE A 15' D.E.)
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TITLE REVIEW

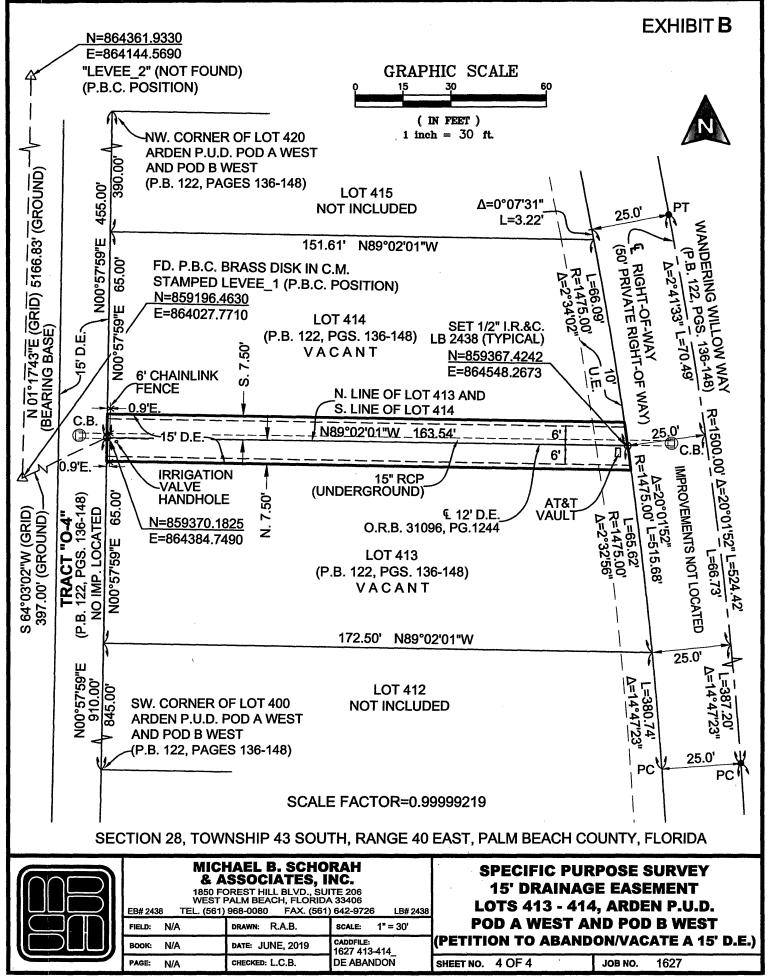
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