Agenda Item #: <u>3-C-1</u>

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

 Image: Submitted for:
 June 2, 2020
 [X] Consent
 [] Regular

 [] Workshop
 [] 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 the 10-foot wide utility easement, lying within two linear parkway tracts as shown on the plats of Valencia Cove AGR-PUD – South Plat One, recorded in Plat Book 121, Pages 58 through 77, and Valencia Cove AGR-PUD – South Plat Three, recorded in Plat Book 122, Pages 179 through 183, all of the Public Records of Palm Beach County (County) (Abandonment Site).

**SUMMARY:** Adoption of this Resolution will eliminate the public dedication that is in conflict with future dedication of the linear parkway to the County by Boynton Beach Associates XXII (Petitioner). The petitioner has requested the County clear this encumbrance to allow the parent tract to be declared as right-of-way in the future. All reviewing agencies and utility service providers have approved this abandonment and it serves no present or future public purpose. The abandonment site is located east of Lyons Road and 2.6 miles south of Boynton Beach Boulevard. <u>District 5</u> (YBH)

**Background and Justification:** The County requires all encumbrances to be cleared prior to acceptance of right-of-way.

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: YBH_	David & Mith	5/5/2-20
	County Engineer	Date
	Pdu	<(7)20
Approved by:	-1 -0	<u></u>
	Assistant County Administrator	Date

## 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-	
<b>Operating Costs</b>	-0-	-0-	0	-0-	-0-
External Revenues		-0-	-0-	-0-	-0-
<b>Program Income (County)</b>	-0-	-0-	0-		-0-
In-Kind Match (County)	-0-	-0-	-0-	-0-	-0-
NET FISCAL IMPACT	\$ **	-0-	0-	-0-	-0-
<b># ADDITIONAL FTE</b>					
<b>POSITIONS (Cumulative)</b>					
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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. <u>REVIEW COMMENTS</u>

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

51512020 Sis 5/5

B. Approved as to Form and Legal Sufficiency:

7-2020

Assistant County Attorney

C. Other Department Review:

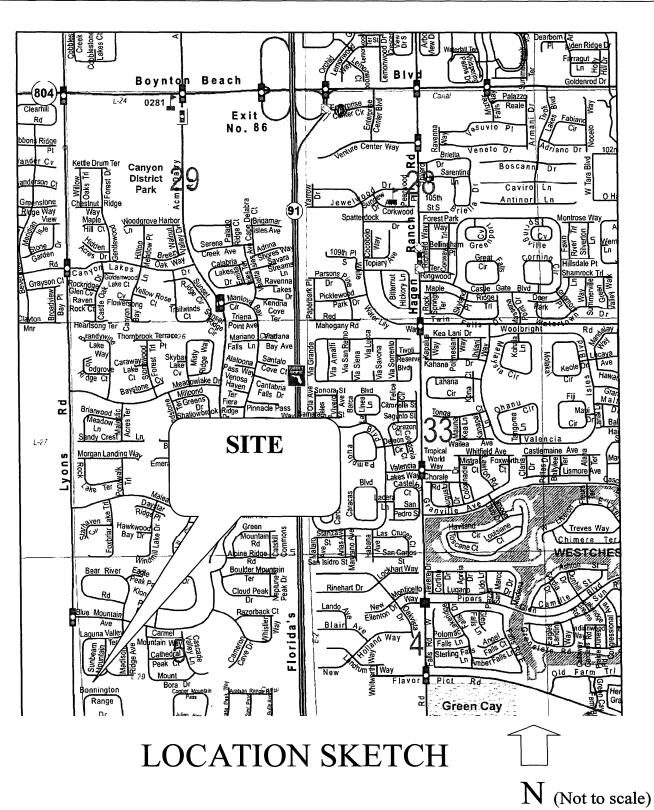
Department Director This summary is not to be used as a basis for payment.

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Contract Dev. and/Control

**ATTACHMENT 1** 



A PORTION OF THE 10-FOOT WIDE UTILITY EASEMENT, LYING WITHIN TWO LINEAR PARK WAY TRACTS AS SHOWN ON THE PLATS OF VALENCIA COVE AGR-PUD – SOUTH PLAT ONE, RECORDED IN PLAT BOOK 121, PAGES 58 THROUGH 77, AND VALENCIA COVE AGR-PUD – SOUTH PLAT THREE, RECORDED IN PLAT BOOK 122, PAGES 179 THROUGH 183, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY.

### RESOLUTION NO. R2020-\_\_\_\_

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ABANDONING ANY PUBLIC INTEREST IN A PORTION OF THE 10-FOOT WIDE UTILITY EASEMENT, LYING WITHIN TWO LINEAR PARKWAY TRACTS AS SHOWN ON THE PLATS OF VALENCIA COVE AGR-PUD – SOUTH PLAT ONE, RECORDED IN PLAT BOOK 121, PAGES 58 THROUGH 77, AND VALENCIA COVE AGR-PUD – SOUTH PLAT THREE, RECORDED IN PLAT BOOK 122, PAGES 179 THROUGH 183, 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, 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 Ordinance (Ordinance) Vacation for the abandonment/vacation of a portion of the 10-foot wide utility easement, lying within two linear parkway tracts as shown on the plats of Valencia Cove AGR-PUD - South Plat One, recorded in Plat Book 121, Pages 58 through 77, and Valencia Cove AGR-PUD -South Plat Three, recorded in Plat Book 122, Pages 179 through 183, all of the Public Records of Palm Beach County, as shown in Exhibit A (Utility Easement); and

WHEREAS, a petition to abandon the Utility Easement was submitted by Boynton Beach Associates XXII; 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 June 2, 2020 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 10-foot wide utility easement, lying within two linear parkway tracts as shown on the plats of Valencia Cove AGR-PUD South Plat One, recorded in Plat Book 121, Pages 58 through 77, and Valencia Cove AGR-PUD South Plat Three, recorded in Plat Book 122, Pages 179 through 183, all of the Public Records of 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.
- 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)

		R	ESOLUTIO	N NO. R-20	20			
	The	foregoin	g Resolution	was offere	d by Comn	nissioner		
who	moved		adoption.				seconded	by
Commiss	sioner			and, upon	being put	to a vote,	the vote was	as
follows:								
		Commiss	sioner Dave	Kerner, Ma	yor			
		Commiss	sioner Rober	t S. Weinro	oth, Vice Ma	ayor		
		Commiss	sioner Hal R.	Valeche				
		Commiss	sioner Gregg	K. Weiss				
		Commiss	sioner Mary I	₋ou Berger				
		Commiss	sioner Meliss	a McKinlay	/			
		Commiss	sioner Mack	Bernard				
	The	Mayor th	ereupon dec	clared the F	Resolution (	duly passe	ed and adopted	1
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EXHIBIT A

Sand Hills Surveying, Inc.

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## **DESCRIPTION:**

BEING A PORTION OF THE UTILITY EASEMENT 10.00 FEET IN WIDTH, LYING WITHIN THE LINEAR PARKWAY, VALENCIA COVE AGR-P.U.D. – SOUTH PLAT ONE, RECORDED IN PLAT BOOK 121, PAGES 58 TO 77 INCLUSIVE AND THE LINEAR PARKWAY TRACT, VALENCIA COVE AGR-P.U.D. – SOUTH PLAT THREE, RECORDED IN PLAT BOOK 122, PAGES 179 TO 183 INCLUSIVE, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF SAID LINEAR PARKWAY, VALENCIA COVE AGR-P.U.D. - SOUTH PLAT ONE; THENCE, ALONG THE NORTH LINE OF SAID LINEAR PARKWAY TRACT FOR THE FOLLOWING FOUR (4) DESCRIBED COURSES, NORTH 89'36'30" EAST, A DISTANCE OF 450.00 FEET; THENCE NORTH 88'41'30" EAST, A DISTANCE OF 250.03 FEET; THENCE NORTH 88'20'07" EAST, A DISTANCE OF 720.18 FEET; THENCE NORTH 89'36'30" EAST, A DISTANCE OF 578.17 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID LINEAR PARKWAY TRACT, VALENCIA COVE AGR-P.U.D. - SOUTH PLAT THREE; THENCE, ALONG SAID NORTH LINE FOR THE FOLLOWING THREE (3) DESCRIBED COURSES, NORTH 89'36'30" EAST, A DISTANCE OF 565.03 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 2160.00 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 18'37'37", A DISTANCE OF 702.22 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 2040.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 0'36'46", A DISTANCE OF 21.82 FEET; THENCE, CONTINUING ALONG SAID NORTH LINE, NORTH 89'36'30" EAST, A DISTANCE OF 33.13 FEET TO A POINT OF INTERSECTION WITH THE SOUTHERLY LINE OF THE 10 FOOT UTILITY EASEMENT BEING COINCIDENT WITH SAID NORTH LINE OF SAID LINEAR PARKWAY TRACT, VALENCIA COVE AGR-P.U.D. - SOUTH PLAT THREE AND A POINT ON A NON-TANGENT CURVE CONCAVE TO THE SOUTH, HAVING A RADIUS OF 2030.00 FEET FROM WHICH A RADIAL LINE BEARS SOUTH 17'31'00" EAST; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF A DISTANCE OF 53.22 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE 1'30'07", NORTH, HAVING A RADIUS OF 2170.00 FEET, SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, AND SAID SOUTH EASEMENT LINE, THROUGH A CENTRAL ANGLE OF 18'37'37", A DISTANCE OF 705.47 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 89'36'30" WEST, A DISTANCE OF 565.03 FEET TO A POINT OF INTERSECTION WITH THE SOUTHERLY LINE OF THE 10 FOOT UTILITY EASEMENT BEING COINCIDENT WITH SAID NORTH LINE OF SAID LINEAR PARKWAY, VALENCIA COVE AGR-P.U.D. - SOUTH PLAT ONE; THENCE, ALONG SAID SOUTH LINE, SOUTH 89'36'30" WEST, A DISTANCE OF 578.06 FEET; THENCE SOUTH 88'20'07" WEST, A DISTANCE OF 720.10 FEET; THENCE SOUTH 88'41'30" WEST, A DISTANCE OF 250.14 FEET; THENCE SOUTH 89'36'30" WEST, A DISTANCE OF 445.94 FEET; THENCE SOUTH 44'36'30" WEST, A DISTANCE OF 14.14 FEET; THENCE SOUTH 89'36'30" WEST ALONG THE SOUTH LINE OF SAID LINEAR PARKWAY, A DISTANCE OF 14.14 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF SAID THE LINEAR PARKWAY; THENCE, ALONG SAID WEST LINE, NORTH 44'36'30" EAST, A DISTANCE OF 28.28 FEET TO THE POINT OF BEGINNING.

CONTAINING 33,238 SQUARE FEET OR 0.763 ACRES, MORE OR LESS.

#### 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 SKETCH AND DESCRIPTION OR COPIES HEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL SEAL OF A FLORIDA SURVEYOR AND MAPPER.

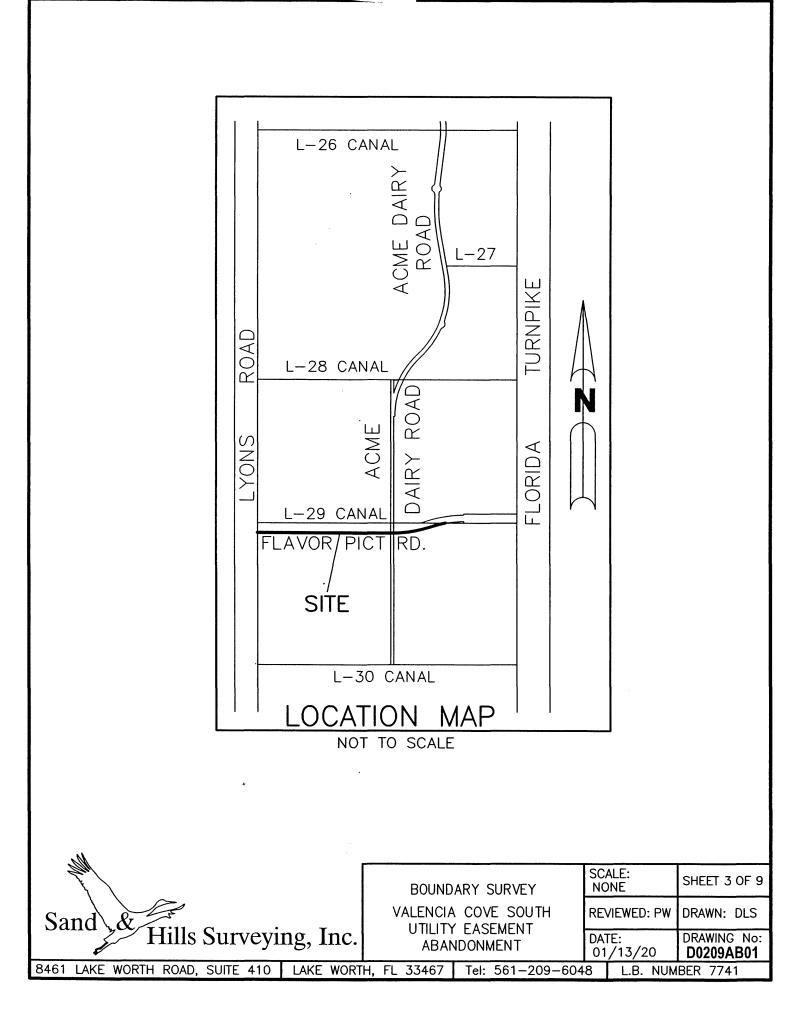
no st	-	BOLIND	ARY SURVEY	SC/	ALE: NONE	SHEET 1 OF 9
PERRY C. WHITE	1/13/20	VALENCIA		RE۱	/IEWED: PW	DRAWN: DLS
PROFESSIONAL SURVEYOR & MAPPER FLORIDA REGISTRATION NO. 4213			NDONMENT	DA1 01	TE: /13/20	DRAWING No: D0209AB01
8461 LAKE WORTH ROAD, SUITE 410	LAKE WORT	H, FL 33467	Tel: 561-209-604	-8	L.B. NUM	BER 7741

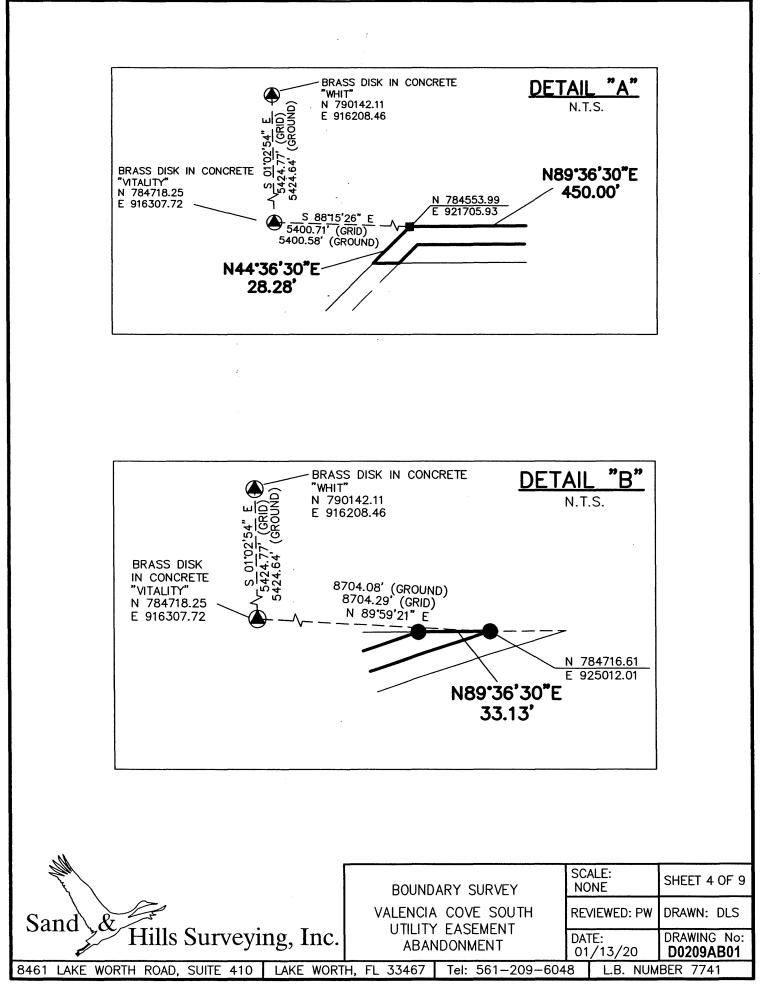


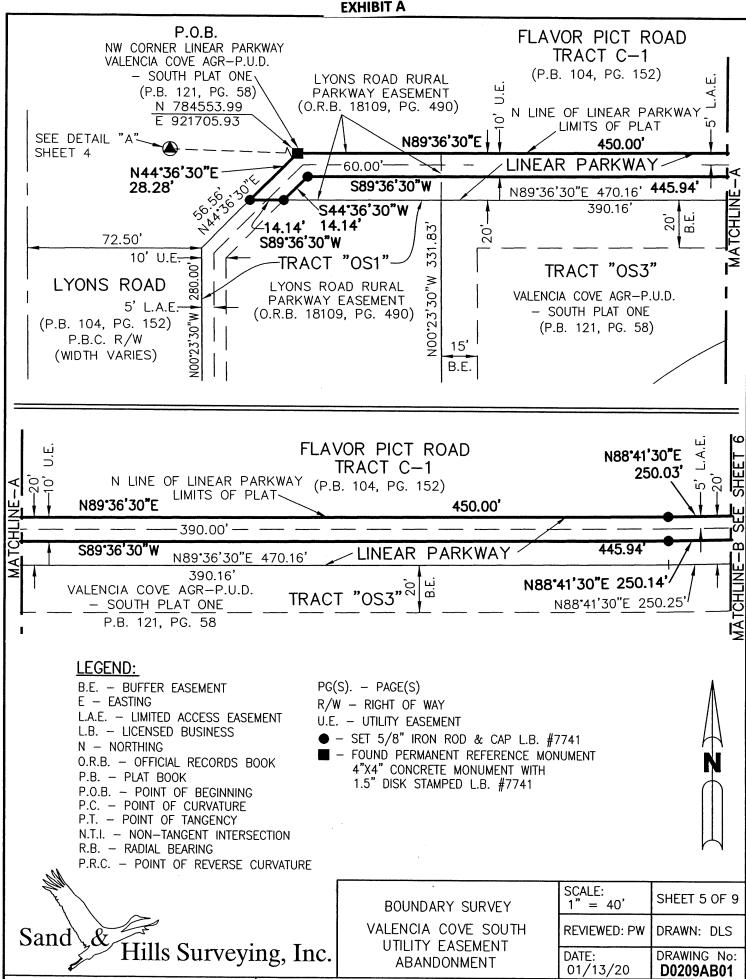
#### SURVEYOR'S REPORT:

- 1. THIS SKETCH OF BOUNDARY SURVEY IS PREPARED FOR BOYNTON BEACH ASSOCIATES XXII, LLLP AND IS NOT ASSIGNABLE. THIS SURVEY MAP AND REPORT OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE
- SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- NOTICE: THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.
   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. THERE ARE NO IMPROVEMENTS WITHIN THE SUBJECT PARCEL.
- 6. BOUNDARY DIMENSIONS SHOWN ARE PER PLAT/DESCRIPTION AND FIELD MEASUREMENT UNLESS OTHERWISE NOTED.
- 7. BEARINGS SHOWN HEREON ARE BASED ON THE STATE PLANE GRID, FLORIDA EAST ZONE, THE LINE FORMED BETWEEN PALM BEACH COUNTY HORIZONTAL CONTROL MONUMENTS STAMPED "VITALITY" AND "WHIT" HAVING A GRID BEARING OF SOUTH 01°02'54" EAST, WITH ALL BEARINGS SHOWN HEREON BEING RELATIVE THERETO. 8. DESCRIPTION WAS PREPARED BY THE SURVEYOR. 9. ALL RECORDED INSTRUMENTS SHOWN HEREON ARE RECORDED IN THE PUBLIC RECORDS OF
- PALM BEACH COUNTY, FLORIDA.
- 10.COORDINATES SHOWN ARE GRID COORDINATES DATUM = NAD 83 (1990 ADJUSTMENT). ZONE = FLORIDA EAST ZONELINEAR UNIT = U.S. SURVEY FEET COORDINATE SYSTEM = 1983 STATE PLANE TRANSVERSE MERCATOR PROJECTION ALL DISTANCES ARE GROUND (UNLESS OTHERWISE NOTED). SCALE FACTOR = 1.0000240
- 11.THE EASEMENTS AND RIGHTS-OF-WAY SHOWN HEREON ARE BASED ON THAT TITLE SEARCH REPORT PREPARED BY ATTORNEY'S TITLE FUND SERVICES, LLC, EFFECTIVE DATE: AUGUST 23, 2019 AT 11:00 PM, FUND FILE NO. 775882. THE FOLLOWING EXCEPTIONS, NUMBERED AS THEY APPEAR IN SAID COMMITMENT, ENCUMBER THE SUBJECT PARCEL UNLESS OTHERWISE NOTED.
- 6. ALL MATTERS CONTAINED ON THE PLAT OF VALENCIA COVE AGR-P.U.D. SOUTH PLAT ONE, AS RECORDED IN PLAT BOOK 121, PAGE 58, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.
- 7. ALL MATTERS CONTAINED ON THE PLAT OF VALENCIA COVE AGR-P.U.D. SOUTH PLAT THREE, AS RECORDED IN PLAT BOOK 122, PAGE 179, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.
- 8. RURAL PARKWAY CONSERVATION EASEMENT, AS RECORDED IN OFFICIAL RECORDS BOOK 18109, PAGE 490, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

	BOUND	DARY SURVEY	CALE: NONE	SHEET 2 OF 9
			VIEWED: PW	DRAWN: DLS
		UTILITY EASEMENT ABANDONMENT		DRAWING No: D0209AB01
8461 LAKE WORTH ROAD, SUITE 410	LAKE WORTH, FL 33467	Tel: 561-209-6048	L.B. NUM	BER 7741







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	EXHIBIT A			
	TRAC <sup>-</sup> R PARKWAY (P.B. 104.	PG. 152)	لين ح ن ن 1 <b>N88</b> •	ч. .0 20'07 <b>"</b> Е 1–
		250.03'		<u>20.18'</u> Z
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₹			20.10'	
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A. C.	DOUN		SCALE:	SHEET 6 OF 9
Sand & Hills Surveyi	ng, Inc. VALENC	DARY SURVEY A COVE SOUTH Y EASEMENT NDONMENT	DATE: 01/13/20	DRAWN: DLS DRAWING No: D0209AB01
	LAKE WORTH, FL 33467		48 <u>L.B.</u> NUME	BER 7741

