Agenda Item #: <u>3-C-20</u>

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

Meeting Date:	August 25, 2020	[X] Consent [ ] Workshop	[ ] Regular [ ] Public Hearing
Department: Submitted by: Submitted for:	Engineering and Public Engineering and Public Land Development Di	ic Works	
	I. EXI	ECUTIVE BRIEF	
public interest in on the plat of To	a portion of the 10-foot wn Commons PUD/MU Pages 6 through 11 (A	motion to adopt: a Reso t wide utility easement, lying JPD, according to the plat to bandonment Site), of the P	g in Parcel B, as shown thereof, as recorded in
conflict with futupetitioner has re right-of-way, fre reviewing agenc utility easement	ure development by T equested the County c e of encumbrances, for ies and utility service po serves no present or	ion will eliminate the publicown Commons Shoppes, lear this encumbrance to a cor a new right-turn lane or roviders have approved this future public purpose. The ast of Lyons Road. District 3	LLC (Petitioner). The allow the dedication of an Hypoluxo Road. All abandonment and the Abandonment Site is
Engineering Co encumbrances to	ondition 7 in Resolut to be cleared prior to ac	he right-of-way dedicatio ion R2020-0057 and the ceptance of right-of-way. T n the development under Z	County requires all the utility easement will
	of Ordinances Chapte	ege fee requirement as pr r 22, Article III, Road Al	
Attachments: 1. Location Ske 2. Resolution w			
Recommended		wel I Tup	7/16/2020
Approved by:	100	nty Engineer  stant County Administrate	Date $\frac{0.024020}{0.000000000000000000000000000000000$

## 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-	-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: . Wholliet

## III. REVIEW COMMENTS

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

B. Approved as to Form and Legal Sufficiency:

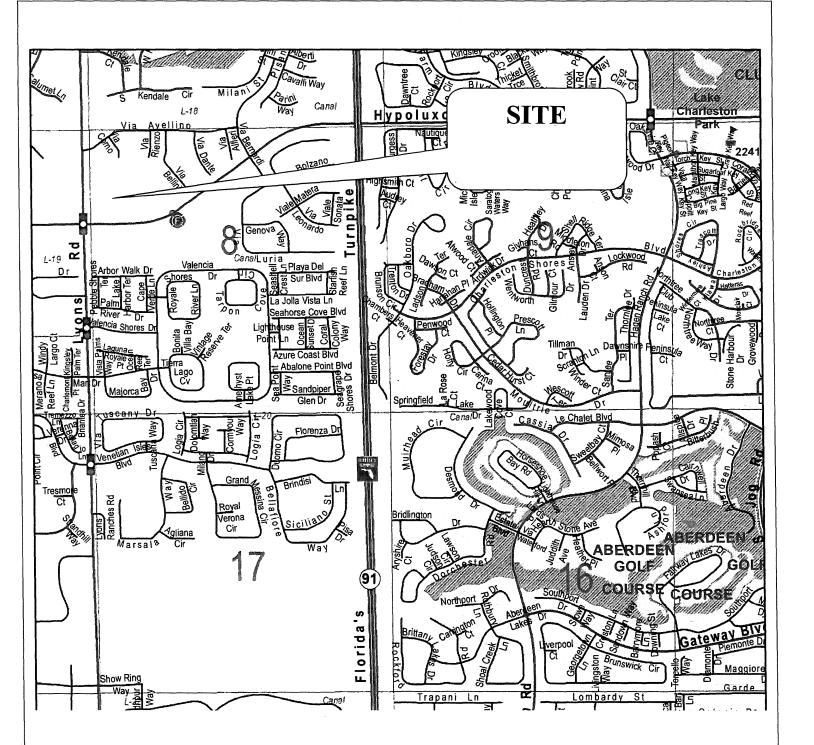
**Assistant County Attorney** 

C. Other Department Review:

**Department Director** 

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

2



# **LOCATION SKETCH**



N (Not to scale)

A PORTION OF THE 10-FOOT WIDE UTILITY
EASEMENT, LYING IN PARCEL B, AS SHOWN ON THE
PLAT OF TOWN COMMONS PUD/MUPD, ACCORDING
TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK
118, PAGES 6 THROUGH 11, 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 IN PARCEL B, AS SHOWN ON THE PLAT OF TOWN COMMONS PUD/MUPD, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 118, PAGES 6 THROUGH 11, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY.

WHEREAS, the Board of County Commissioners (BCC) of Palm Beach County, Florida, pursuant to authority in Sections 336.09 and 177.101, Florida Statutes, and as provided in Palm Beach County (County) Code Chapter 22. Article III, Road Abandonment and Plat Vacation Ordinance (Ordinance), has considered the abandonment/vacation of any public interest in a portion of the 10-foot wide utility easement, lying in Parcel B, as shown on the plat of Town Commons PUD/MUPD, according to the plat thereof, as recorded in Plat Book 118, Pages 6 through 11, of the Public Records of Palm Beach County, as shown in Exhibit A (Utility Easement); and

**WHEREAS,** a petition to abandon any public interest in the Utility Easement was submitted by Town Common Shoppes , LLC; 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 August 25, 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. Any and all public interest in the portion of the 10-foot wide utility easement, lying in Parcel B, as shown on the plat of Town Commons PUD/MUPD, according to the plat thereof, as recorded in Plat Book 118, Pages 6 through 11, 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 Utility Easement, more fully described in the legal description and sketch as shown in Exhibit A attached hereto and made a part hereof.

(Remainder of page left intentionally blank)

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

	Th	e foregoi	ng Resolution	was offe	red by Com	missioner	*	,
who	moved	its	adoption.	The	motion		seconded	by
Comm	issioner_			and, upo	n being put	t to a vot	e, the vote wa	s as
follows	:							
		Commis	ssioner Dave I	Kerner, M	layor			
		Commis	ssioner Robert	S. Wein	roth, Vice N	layor		
		Commis	ssioner Hal R.	Valeche				
		Commis	ssioner Gregg	K. Weiss	3			
		Commis	ssioner Mary L	.ou Berge	er			
		Commi	ssioner Meliss	a McKinl	ay			
		Commi	ssioner Mack I	Bernard				
	Th	e Mayor:	thereupon dec	lared the	Pesalution	duly pas	and and adopte	لم
41- : -					resolution	duly pas	seu anu auopie	:u
เกเร	day	от	, 20	20.				
			, FLORIDA, B DMMISSIONE					
Sharo	n R. Bock	k, Clerk 8	& Comptroller	•				
BY: _	Deputy C	lerk		_				
	OVED AS _ SUFFIC		RM AND					
	s/ Yelizaveta							
			,					
PALM BOAR Sharon BY:	BEACH (D OF CO)  The R. Bock  Deputy C  OVED AS  SUFFICE	Commis Commis e Mayor of COUNTY UNTY CO k, Clerk & lerk TO FOR EIENCY B. Herman B. Herman	ssioner Mary Lessioner Melissessioner Mack Interespondent Mack Interespondent Mercupon decompt. 20  The FLORIDA, BOMMISSIONE Comptroller Medical Mandament Medical Med	ou Berge a McKinl Bernard lared the 20. Y ITS RS	er ay	duly pass	sed and adopte	:d

## PALM BEACH COUNTY PROJECT NO. 1993074-(MRT 2020-011) EXHIBIT "A"

### **DESCRIPTION:**

A PORTION OF PARCEL B, TOWN COMMONS PUD/MUPD, LYING IN SECTION 8, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 118, PAGES 6 THROUGH 11 OF

THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID PARCEL B; THENCE SOUTHWESTERLY ALONG THE SOUTH LINE OF SAID

PARCEL B, ALSO BEING THE NORTH RIGHT-OF-WAY LINE OF HYPOLUXO ROAD, AS SHOWN ON SAID TOWN COMMONS

PUD/MUPD PLAT, ALONG THE ARC OF A CURVE TO THE RIGHT WHOSE RADIUS POINT BEARS N26°22'52"W, HAVING A RADIUS OF 1370.00 FEET, A CENTRAL ANGLE OF 5'46'44", AN ARC DISTANCE OF 138.18 FEET TO THE POINT OF BEGINNING; THENCE, CONTINUING ALONG THE SAID SOUTH LINE OF PARCEL B, ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 1370.00 FEET, A CENTRAL ANGLE OF 10°27'15", AN ARC DISTANCE OF 249.97 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF SAID PARCEL B ALSO BEING THE EAST RIGHT-OF-WAY LINE OF TRACT "A", TOWN COMMONS - PLAT ONE ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 99, PAGES 68 AND 69 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, ALSO KNOWN AS TOWN COMMONS DRIVE; THENCE, ALONG SAID WEST LINE OF PARCEL B AND EAST RIGHT-OF-WAY LINE, N53'45'23"W, A DISTANCE OF 16.64 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE LYING 12.00 FEET NORTH OF AND PARALLEL WITH THE SAID SOUTH LINE OF PARCEL B; THENCE, DEPARTING SAID WEST LINE OF PARCEL B AND EAST RIGHT-OF-WAY LINE, ALONG SAID PARALLEL CURVE TO THE LEFT WHOSE RADIUS POINT BEARS NO9"39"50"W, HAVING A RADIUS OF 1358.00 FEET, A CENTRAL ANGLE OF 0"35"04", AN ARC DISTANCE OF 13.86 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF THE EXISTING 10 FOOT UTILITY EASEMENT RUNNING ALONG THE SOUTH LINE OF SAID PARCEL B; THENCE, DEPARTING SAID PARALLEL LINE, ALONG THE NORTH LINE OF SAID 10 FOOT UTILITY EASEMENT, S53'45'23"E, A DISTANCE OF 2.76 FEET; THENCE, CONTINUING ALONG SAID NORTH LINE OF 10 FOOT UTILITY EASEMENT, ALONG A NON-TANGENT CURVE TO THE LEFT WHOSE RADIUS POINT BEARS N1019'42"W, HAVING A RADIUS OF 1360.00 FEET, A CENTRAL ANGLE OF 8'33'00", AN ARC DISTANCE OF 202.95 FEET; THENCE, DEPARTING SAID NORTH LINE OF 10 FOOT UTILITY EASEMENT, N83°56'31"E, A DISTANCE OF 42.27 FEET TO THE POINT THE POINT OF BEGINNING.

CONTAINING 2,366 SQUARE FEET OR 0.543 ACRES, MORE OR LESS.

- 1. REPRODUCTIONS OF THIS SURVEY ARE NOT VALID WITHOUT THE SIGNATURE AND SEAL OF THE FLORIDA REGISTERED LAND SURVEYOR.
- 2. BEARINGS ARE RELATIVE TO A RECORD BEARING OF N53'45'23"W ALONG THE SOUTHWEST BOUNDARY LINE AS MONUMENTED AND SHOWN ON PARCEL B, TOWN COMMONS PUD/MUPD, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 118, PAGES 6 THROUGH 11 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.
- 3. THE "LAND DESCRIPTIONS" HEREON WERE PREPARED BY THE SURVEYOR.
- 4. DATA SHOWN HEREON WAS COMPILED FROM INSTRUMENTS OF RECORD AND DOES NOT CONSTITUTE A BOUNDARY SURVEY AS SUCH.
- OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY COMMITMENT NO. 389327, DATED: MARCH 10, 2020, HAS BEEN REVIEWED BY THIS OFFICE, AND ALL ENCUMBRANCES THAT AFFECT THE PROPERTY ARE SHOWN OR NOTED HEREON. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN PERFORMED BY THIS OFFICE. IT IS POSSIBLE THAT THERE ARE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS, RESTRICTIONS OR OTHER INSTRUMENTS WHICH COULD AFFECT THE SUBJECT PROPERTY WHICH ARE UNKNOWN TO THE SIGNING SURVEYOR AND ARE NOT SHOWN ON THIS SURVEY. RECORDING INFORMATION SHOWN HEREON IS OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

  SEE SOURCE BOUNDARY SURVEY BY CAULFIELD & WHEELER, JOB 4393—4—LD, DATED MAY 14, 2020 FOR B2
- EXCEPTIONS AND IMPROVEMENTS

## **CERTIFICATE:**

I HEREBY CERTIFY THAT THE ATTACHED SPECIFIC PURPOSE SURVEY OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION ON MARCH 31, 2020. I FURTHER CERTIFY THAT THIS SPECIFIC PURPOSE SURVEY MEETS THE STANDARDS OF PRACTICE SET FORTH IN CHAPTER 5J-17 ADOPTED BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS PURSUANT TO FLORIDA STATUTES

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

SHEET 1 OF 4

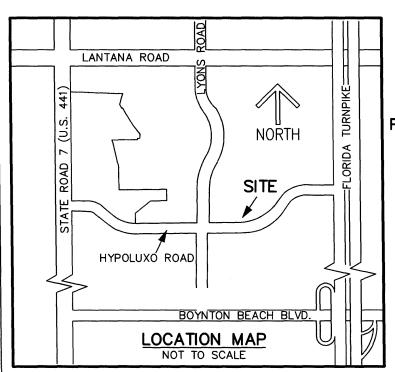
CAULFIELD & WHEELER, INC CIVIL ENGINEERING - LAND PLANNING LANDSCAPE ARCHITECTURE -SURVEYING 7900 GLADES ROAD -SUITE 100 BOCA RATON, FLORIDA 33434 PHONE (561)-392-1991 / FAX (561)-750-1452

TOWN COMMONS MUPD PARCEL B
PORTION OF 10' UTILITY EASEMENT BEING ABANDONED SPECIFIC PURPOSE SURVEY

Digitally signed by David Lindley DN: C=US, st=FL, l=Boca Raton, o=Caulfield & David Wheeler, Inc., ou = Survey, cn = David Lindley, cn = David Lindley, email=dave@cwlassoc.com David 2020,05:29 09:38:26 DAVID P. LINDLEY REGISTERED LAND SURVEYOR NO. 5005 STATE OF FLORIDA

L.B. 3591

DATE (	03/31/20
DRAWN BY	DLS
F.B./ PG.	NONE
SC A_E	NONE
JOB NO.	4393 UEAB2



PALM BEACH COUNTY PROJECT NO. 1993074-(MRT 2020-011) EXHIBIT "A"

## LEGEND/ABBREVIATIONS

 ← CENTERLINE

Δ - DELTA (CENTRAL ANGLE)
RB - RADIAL BEARING

 $\mathsf{E} - \mathsf{EASTING}$  (WHEN USED WITH COORDINATES) FPL - FLORIDA POWER & LIGHT COMPANY

L - ARC LENGTH

LB - LICENSED BUSINESS

N - NORTHING (WHEN USED WITH COORDINATES)

O.R.B. - OFFICIAL RECORD BOOK

(P) - PLAT

POB - POINT OF BEGINNING

POC - POINT OF COMMENCEMENT PUD - PLANNED UNIT DEVELOPMENT

R - RADIUS

# NOTES COORDINATES, BEARINGS AND DISTANCES

COORDINATES, BEAKINGS AND DISTANCES

COORDINATES SHOWN ARE GRID

DATUM = NAD 83 1990 ADJUSTMENT

ZONE = FLORIDA EAST

LINEAR UNIT = US SURVEY FEET

COORDINATE SYSTEM 1983 STATE PLANE

TRANSVERSE MERCATOR PROJECTION

ALL DISTANCES ARE GROUND, UNLESS NOTED OTHERWISE

SCALE FACTOR = 1.0000221

GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE

BEARINGS AS SHOWN HEREON ARE GRID DATUM, NAD 83 1990

ADJUSTMENT. FLORIDA EAST ZONE.

ADJUSTMENT, FLORIDA EAST ZONE.

N53°45'23"W (PLAT BEARING) N54°09'29"W (GRID BEARING)

00°24'06" = BEARING ROTATION

(PLAT TO GRID)

COUNTERCLOCKWISE

CAULFIELD & WHEELER, INC CIVIL ENGINEERING - LAND PLANNING

LANDSCAPE ARCHITECTURE - SURVEYING 7900 GLADES ROAD - SUITE 100 BOCA RATON, FLORIDA 33434 PHONE (561)-392-1991 / FAX (561)-750-1452

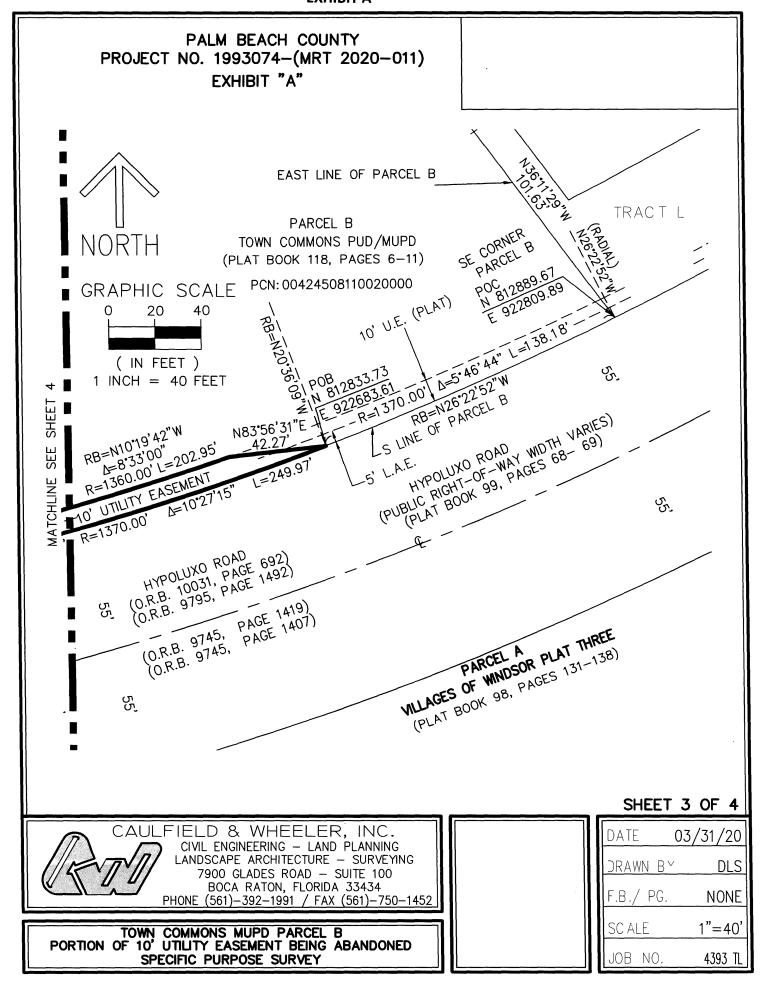
SOUTHWEST BOUNDARY LINE PARCEL B BASIS OF BEARINGS THIS SURVEY

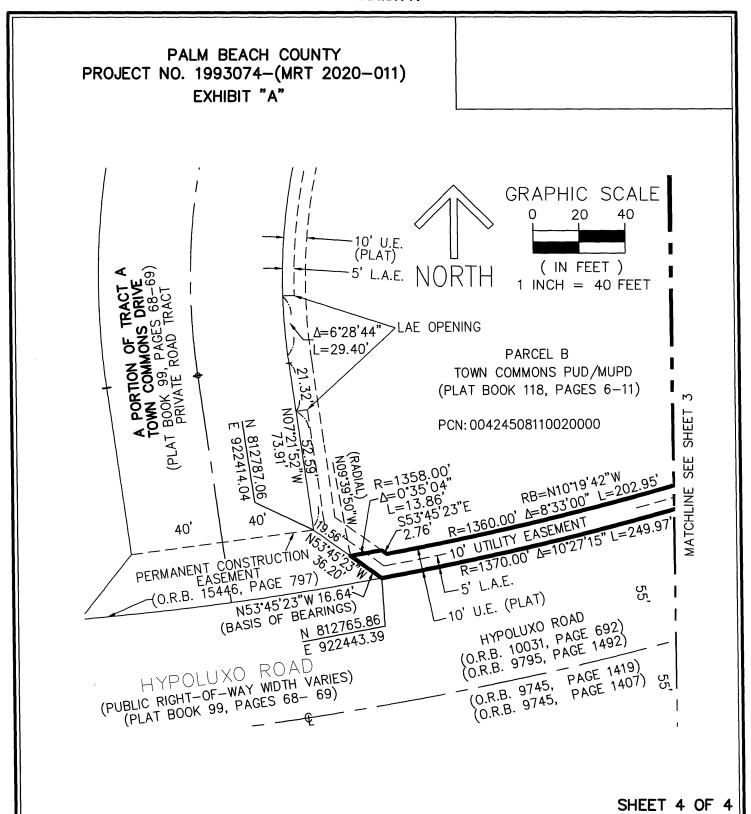
TOWN COMMONS MUPD PARCEL B
PORTION OF 10' UTILITY EASEMENT BEING ABANDONED SPECIFIC PURPOSE SURVEY



•		
	DATE (	03/31/20
	DRAWN BY	DLS
	F.B./ PG.	NONE
	SC A_E	NONE
	JOB NO.	4393 UEAB2

SHEET 2 OF 4





CAULE

CAULFIELD & WHEELER, INC.

CIVIL ENGINEERING - LAND PLANNING

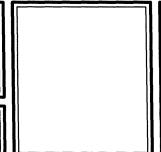
LANDSCAPE ARCHITECTURE - SURVEYING

7900 GLADES ROAD - SUITE 100

BOCA RATON, FLORIDA 33434

PHONE (561)-392-1991 / FAX (561)-750-1452

TOWN COMMONS MUPD PARCEL B
PORTION OF 10' UTILITY EASEMENT BEING ABANDONED
SPECIFIC PURPOSE SURVEY



DATE	03/31/20
DRAWN BY	DLS
F.B./ PG.	NONE
SC ALE	1"=40'
JOB NO.	4393 UEAB2