Agenda Item #: 3-C-2

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

Meeting Date:	October 6, 2020	[X] Consent [] Workshop	[] Regular [] Public Hearing	
	,			
	<u>I. EXECUTI</u>	VE BRIEF		
public interest in of the east 100 the east 1/2 of the east, Palm Beach Beach Park Subwide utility east feet of the sout Township 45 so Beach Park Subwarranty Deed	le: Staff recommends motion a portion of the 6-foot wide a feet of the west 230 feet of the the west 1/2 of the cast six (6 the 3,202 feet of the east 1/2 of the the west 1/2 of the the west 1/2 of the the west 1/2 of the west 1/2 of the the west 1/2 of	utility easement lying the north 145 feet of of Section 1, Townsh on as Lot 24E of the u oc. 8-22-1960); and in) feet of the west 13 of the west 1/2 of the own as Lot 23E of the ssoc. 8-22-1960) ar Book 29702, Pages 1	g in the west six (6) feet the south 3,202 feet of hip 45 south, Range 41 unrecorded plat of Palm in a portion of the 6-foot 30 feet of the north 145 west 1/2 of Section 1, unrecorded plat of Palm and as described on the	
SUMMARY: Adoption of this Resolution will eliminate the public dedications that are in conflict with future development by Elisangela Dias and Paulo Dias (Petitioners). The Petitioners have requested the County clear these encumbrances to allow for the construction of a new single-family home. All reviewing agencies and utility service providers have approved this abandonment and the utility easements serve no present or future public purpose. The Abandonment Sites are located east of Park Lane West and 2,100 feet north of 68th Court South. District 6 (YBH)				
Background and Justification: The Unified Land Development Code prohibits residential construction within utility easements. The location of these existing utility easements within the lots severely limits the size and placement of any proposed structure.				
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'				
Recommende	od by: //BH/TEL County E	Z M	ア/27/2025 Date	
Approved by:	Pal	County Administra	9/3/20	

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2021	2022	2023	2024	2025
Capital Expenditures	\$ -0-	0	0-	0	
Operating Costs			0-		<u>-0-</u>
External Revenues	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 sites are not subject to privilege fees as easements are exempt.

C. Departmental Fiscal Review: . Muchovalaeuen

III. REVIEW COMMENTS

A. QFMB	Fiscal and/or	Contract Dev. and Con	ntrol Comments:
JUS 1210	OFMB	12020	Contract Dev. and Control
00 04		0) -1	9- 2-/20Th

B. Approved as to Form

and Legal Sufficiency:

| Yewar 9/2/2020
Assistant County Attorney

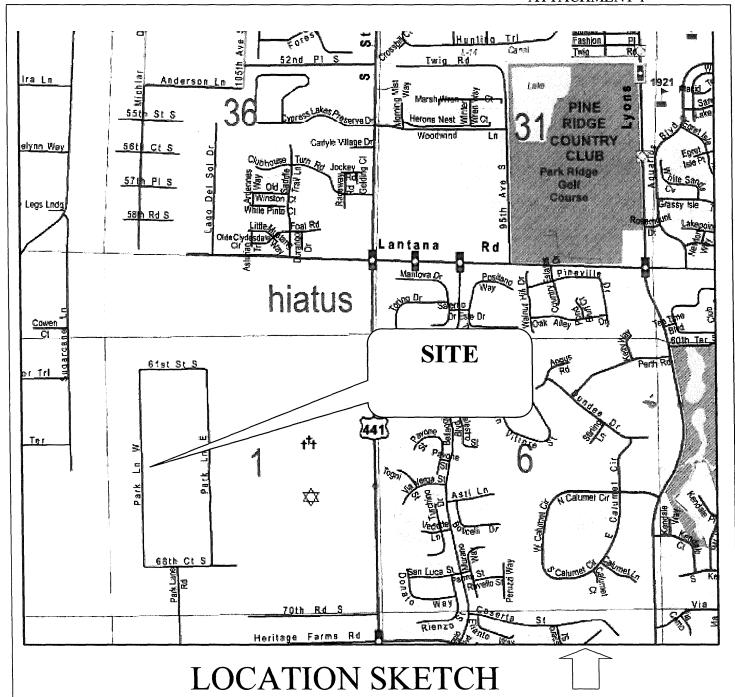
C. Other Department Review:

Department Director

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

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N (Not to scale)

A PORTION OF THE 6-FOOT WIDE UTILITY EASEMENT LYING IN THE WEST SIX (6) FEET OF THE EAST 100 FEET OF THE WEST 230 FEET OF THE NORTH 145 FEET OF THE SOUTH 3,202 FEET OF THE EAST 1/2 OF THE WEST 1/2 OF THE WEST 1/2 OF SECTION 1, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA (ALSO KNOWN AS LOT 24E OF THE UNRECORDED PLAT OF PALM BEACH PARK SUBDIVISION JOHN ADAIR JR & ASSOC. 8-22-1960); AND A PORTION OF THE 6-FOOT WIDE UTILITY EASEMENT LYING IN THE EAST SIX (6) FEET OF THE WEST 130 FEET OF THE NORTH 145 FEET OF THE SOUTH 3,202 FEET OF THE EAST 1/2 OF THE WEST 1/2 OF THE WEST 1/2 OF SECTION 1, TOWNSHIP 45 SOUTH, RANGE 41 EAST (ALSO KNOWN AS LOT 23E OF THE UNRECORDED PLAT OF PALM BEACH PARK SUBDIVISION JOHN ADAIR JR & ASSOC. 8-22-1960) AND AS DESCRIBED ON THE WARRANTY DEED RECORDED IN OFFICIAL RECORD BOOK 29702, PAGES 265-268.

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ABANDONING ANY PUBLIC INTEREST IN A PORTION OF THE 6-FOOT WIDE UTILITY EASEMENT LYING IN THE WEST SIX (6) FEET OF THE EAST 100 FEET OF THE WEST 230 FEET OF THE NORTH 145 FEET OF THE SOUTH 3,202 FEET OF THE EAST 1/2 OF THE WEST 1/2 OF THE WEST 1/2 OF SECTION 1, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA (ALSO KNOWN AS LOT 24E OF THE UNRECORDED PLAT OF PALM BEACH PARK SUBDIVISION JOHN ADAIR JR & ASSOC. 8-22-1960); AND IN A PORTION OF THE 6-FOOT WIDE UTILITY EASEMENT LYING IN THE EAST SIX (6) FEET OF THE WEST 130 FEET OF THE NORTH 145 FEET OF THE SOUTH 3,202 FEET OF THE EAST 1/2 OF THE WEST 1/2 OF THE WEST 1/2 OF SECTION 1, TOWNSHIP 45 SOUTH, RANGE 41 EAST (ALSO KNOWN AS LOT 23E OF THE UNRECORDED PLAT OF PALM BEACH PARK SUBDIVISION JOHN ADAIR JR & ASSOC. 8-22-1960) AND AS DESCRIBED ON THE WARRANTY DEED RECORDED IN OFFICIAL RECORD BOOK 29702, PAGES 265-268 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 6-foot wide utility easement lying in the west six (6) feet of the east 100 feet of the west 230 feet of the north 145 feet of the south 3,202 feet of the east 1/2 of the west 1/2 of the west 1/2 of Section 1, Township 45 south, Range 41 east, Palm Beach County, Florida (also known as Lot 24E of the unrecorded plat of Palm Beach Park Subdivision John Adair Jr & Assoc. 8-22-1960); and in a portion of the 6-foot wide utility easement lying in the east six (6) feet of the west 1/30 feet of the north 145 feet of the south 3,202 feet of the east 1/2 of the west 1/2 of the west 1/2 of Section 1, Township 45 south, Range 41 east (also known as Lot 23E of the unrecorded plat of Palm Beach Park Subdivision John Adair Jr & Assoc. 8-22-1960) and as described on the Warranty Deed recorded in Official Record Book

29702, Pages 265-268 (Utility Easements), of the Public Records of Palm Beach County, as shown in **Exhibit A**; and

WHEREAS, a petition to abandon any public interest in the Utility Easements was submitted by Elisangela and Paulo Dias; 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 October 6, 2020 did hold a meeting on said petition to abandon the Utility Easements; and

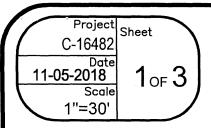
WHEREAS, the BCC determined that said petition conforms to the Ordinance.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

- The foregoing recitals are hereby reaffirmed and ratified.
- Any and all public interest in a portion of the 6-foot wide utility easement 2. lying in the west six (6) feet of the east 100 feet of the west 230 feet of the north 145 feet of the south 3,202 feet of the east 1/2 of the west 1/2 of the west 1/2 of Section 1, Township 45 south, Range 41 east, Palm Beach County, Florida (also known as Lot 24E of the unrecorded plat of Palm Beach Park Subdivision John Adair Jr & Assoc. 8-22-1960); and in a portion of the 6-foot wide utility easement lying in the east six (6) feet of the west 130 feet of the north 145 feet of the south 3,202 feet of the east 1/2 of the west 1/2 of the west 1/2 of Section 1, Township 45 south, Range 41 east (also known as Lot 23E of the unrecorded plat of Palm Beach Park Subdivision John Adair Jr & Assoc. 8-22-1960) and as described on the Warranty Deed recorded in Official Record Book 29702, Pages 265-268, of the Public Records of Palm Beach County, is hereby abandoned and closed as public utility easements, and the BCC does hereby renounce and disclaim any right or interest of the County and the Public in and to the Utility Easements, more fully described in the legal description and sketch as shown in **Exhibit A** attached hereto and made a part hereof.

RESOLUTION NO. R2020-____

	Th	e foregoi	ng Resolution	n was offer	ed by Com	missioner		
who	moved	its	adoption.				seconded	b
Comm	nissioner_			and, upor	n being pu	t to a vote	the vote was	s as
follows								
		Commi	ssioner Dave	Kerner, M	ayor			
		Commi	ssioner Robe	rt S. Weinr	oth, Vice M	layor		
		Commi	ssioner Hal R	R. Valeche				
	Commissioner Gregg K. Weiss							
	Commissioner Mary Lou Berger							
		Commi	ssioner Melis	sa McKinla	y			
		Commi	ssioner Mack	Bernard				
	Th	e Mayor	thereupon de	eclared the	Resolution	duly pass	ed and adopte	ed
this _			, 2				•	
BOAF	RD OF CO	UNTY C	/, FLORIDA, OMMISSION & Comptrolle	ERS				
Onard	ii K. Buci	k, Cierk	& Comptrolle	er				
BY: _	Deputy C	lerk						
	OVED AS		RM AND					
Ī	s/ Yelizaveta (elizaveta Assistant (B. Herm						



LEGAL DESCRIPTION

A PORTION OF THE WEST 6.00 FEET OF THE EAST 100 FEET OF THE WEST 230 FEET OF THE NORTH 145 FEET OF THE SOUTH 3,202 FEET OF THE EAST 1/2 OF THE WEST 1/2 OF THE WEST 1/2 OF SECTION 1, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA (ALSO KNOWN AS LOT 23E OF THE UNRECORDED PLAT OF PALM BEACH PARK SUBDIVISION JOHN ADAIR JR & ASSOC. 8-22-1960); AND A PORTION OF THE EAST 6.00 FEET THE WEST 130 FEET OF THE NORTH 145 FEET OF THE SOUTH 3,202 FEET OF THE EAST 1/2 OF THE WEST 1/2 OF SECTION 1, TOWNSHIP 45 SOUTH, RANGE 41 EAST (ALSO KNOWN AS LOT 24E OF THE UNRECORDED PLAT OF PALM BEACH PARK SUBDIVISION JOHN ADAIR JR & ASSOC. 8-22-1960), PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 1, TOWNSHIP 45 SOUTH, RANGE 41 EAST, RUN NORTH 89°21'09" EAST, ALONG THE NORTH LINE AFOREMENTIONED SECTION 1, DISTANCE OF 669.27 FEET TO A POINT ON THE WEST LINE OF THE EAST 1/2 OF THE WEST 1/2 OF THE WEST 1/2 OF SECTION 1, THENCE SOUTH 00°47'44" EAST, ALONG SAID WEST LINE OF THE EAST 1/2 OF THE WEST 1/2 OF THE WEST 1/2 OF SECTION 1, A DISTANCE OF 2,370.19 TO A POINT ON THE NORTH LINE OF THE SOUTH 3,202.00 FEET OF SECTION 1; THENCE RUN NORTH 89°11'22" EAST, ALONG THE NORTH LINE OF THE SOUTH 3,202.00 FEET, A DISTANCE OF 130.00 FEET; THENCE RUN SOUTH 00°47'44" EAST, A DISTANCE OF 6.00 FEET TO THE POINT OF BEGINNING; THENCE RUN NORTH 89°11'22" EAST, A DISTANCE OF 109.00 FEET; THENCE RUN SOUTH 00°47'44" EAST, A DISTANCE OF 109.00 FEET; THENCE RUN NORTH 89°11'22" WEST, A DISTANCE OF 12.00 FEET; THENCE RUN NORTH 00°47'44" WEST, A DISTANCE OF 109.00 FEET; THENCE RUN NORTH 89°11'22" EAST, A DISTANCE OF 6.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,308 SQUARE FEET OR 0.03 ACRES MORE OR LESS.

NOTES:

- 1. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.
- 2. LANDS SHOWN HEREON WERE ABSTRACTED BY: COMMONWEALTH LAND TITLE INSURANCE COMPANY, POLICY NUMBER: BB622005019 DATED: MAY 04, 2020 @ 12:00A.M. ALL POLICY AND TITLE SEARCH ITEMS HAVE BEEN ABSTRACTED AND ALL THAT APPLY ARE SHOWN HEREON.
- 3. BEARINGS SHOWN HEREON ARE RELATIVE TO A GRID BEARING OF NORTH 00°48'36" WEST ALONG THE WEST LINE OF SECTION 1, TOWNSHIP 45 SOUTH, RANGE 41 EAST, RELATIVE TO THE STATE PLAN COORDINATE SYSTEM, EAST ZONE, NORTH AMERICAN DATUM OF 1983 (1990 ADJUSTMENT).
- 4. THE COORDINATES SHOWN HEREON ARE RELATIVE TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NORTH AMERICAN DATUM OF 1983 (90/98 ADJUSTMENT) IN U.S. SURVEY FEET.
- 5. THE LÈGAL DESCRIPTION HEREON WAS PREPARED BY THE SURVEYOR. 6. THE SPECIFIC PURPOSE OF THIS SURVEY IS TO DELINEATE THE UTILITY EASEMENT TO BE ABANDONED WITHIN THE SUBJECT PROPERTY.
- 7. ON THE DATE OF THIS SURVEY THERE WERE NO IMPROVEMENTS WITHIN THE HEREON DESCRIBED PROPERTY.

REVISIONS:

- 1. REVIEWED TITLE COMMITMENT: 12-23-2019
- 2. ADDRESSED COMMENTS: 01-30-2020
- 3. REVIEWED TITLE COMMITMENT: 06-16-2020
- 4. ADDRESSED COMMENTS: 06-29-2020
- 5. ADDRESSED COMMENTS: 07-13-2020

I HEREBY CERTIFY THAT THE ATTACHED SKETCH OF SPECFIC 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 SEPTEMBER 10, 2018. I FURTHER CERTIFY THAT THIS SPECIFIC PURPOSE SURVEY MEETS THE STANDARDS OF PRACTICE SET FORTH IN CHAPTER 5J-17 F.A.C., ADOPTED BY THE BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PURSUANT TO FLORIDA STATUTES 472.027.

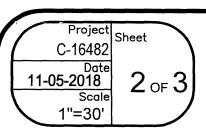


TelMsbre

Kenneth J. Osborne PSM #6415

SPECIFIC PURPOSE SURVEY
UTILITY EASEMENT ABANDONMENT

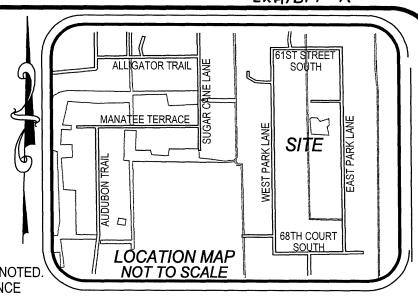
THIS DRAWING IS NOT FULL AND COMPLETE WITHOUT ALL OF ITS ACCOMPANING PAGES.



- STATE PLANE DATA -COORDINATES SHOWN ARE GRID DATUM DATUM = NAD 93, 1990 ADJUSTMENT ZONE = FLORIDA EAST. TRANSVERSE MERCATOR PROJECTION LINEAR UNIT = U.S. SURVEY FOOT COORDINATE SYSTEM = 1983 STATE PLANE SCALE FACTOR = 1.0000156

ALL DISTANCES ARE GROUND UNLESS OTHERWISE NOTED

GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE



I have reviewed COMMONWEALTH LAND TITLE INSURANCE COMPANY'S COMMITMENT FOR TITLE INSURANCE Policy Number: BB622005019 Dated: MAY 4, 2020 @ 12:00AM All policy and title search items have been abstracted and all that apply are shown hereon ITEM# O.R.B. PG. CONVEYANCE **STATUS** DOES NOT AFFECT - NOT PLOTTED 659 86 **EASEMENT** 4 612 L.W.D.D. 1732 NOT PLOTTABLE 4 6495 761 L.W.D.D. **NOT PLOTTABLE** 1165 L.W.D.D. NOT PLOTTABLE 4 6495 4 6495 1545 NOT PLOTTABLE L.W.D.D. **UNREADABLE - NOT PLOTTED** 4 6495 1554 L.W.D.D.

L.W.D.D. = DENOTES LAKE WORTH DRAINAGE DISTRICT

LEGEND

A/C AIR CONDITIONER	P.O.B. POINT OF BEGINNING
DED DACKELOW DDEVENTED	
B.F.P. BACKFLOW PREVENTER	P.O.C. POINT OF COMMENCEMENT
B.F.P. BACKFLOW PREVENTER C.B.S. CONCRETE BLOCK STRUCTURE	P.O.C. POINT OF COMMENCEMENT PSM PROFESSIONAL SURVEYOR AND MAPPER
EL. ELEVATION	P.R.M. PERMANENT REFERENCE MONUMENT
EL. ELEVATION	F.K.W. FERMANENT REFERENCE MONOMENT
EL. ELEVATION F.F. FINISHED FLOOR	PG. PAGE
I.D. IDENTIFICATION	P.B. PLAT BOOK
	DI DALLON NAME
L LENGTH	PK PARKER KYLON NAIL
L.B. LICENSED BUSINESS	R RADIUS
M MEASURED	TAN TANGENT
M MEASURED _	TAN TANDON DY DENOU MADY
N.T.S. NOT TO SCALE	T.B.M. TEMPORARY BENCH MARK
N&D NAIL & DISC	Q CENTERLINE
NAD NAIL A DIOC	AND
N.A.V.D.NORTH AMERICAN VERTICAL DATUM	& AND
N.G.V.D.NATIONAL GEODETIC VERTICAL DATUM	& AND # NUMBER
O D D OFFICIAL DECORDE DOOK	A DELTA OR CENTRAL ANCLE
P.B. PLAT BOOK	E CONCRETE
O.R.B. OFFICIAL RECORDS BOOK P.B. PLAT BOOK	Δ DELTA OR CENTRAL ANGLE CONCRETE



SPECIFIC PURPOSE SURVEY UTILITY EASEMENT ABANDONMENT

THIS DRAWING IS NOT FULL AND COMPLETE WITHOUT ALL OF ITS ACCOMPANING PAGES.

