Agenda Item #: 3-C-6

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

 Meeting Date:
 January 12, 2021
 [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 12-foot wide utility easement lying in the north 2 feet of the west 12 feet of Tract A, Plat No. 1 of Delray Villas, according to the plat thereof, as recorded in Plat Book 37, Pages 4 through 7 (Abandonment Site), Public Records of Palm Beach County (County).

**SUMMARY:** Adoption of this Resolution will eliminate the public dedication that is in conflict with the right-of-way dedicated to the County by Delray SL One, LLC (Petitioner) in the Warranty Deed recorded in Official Record Book 31189, Pages 862-867. The Petitioner has requested the County clear this encumbrance to make the right-of-way free of encumbrances, for the expansion of Lake Ida Road. All reviewing agencies and utility service providers have approved this abandonment and the utility easement serves no present or future public purpose. The Abandonment Site is located at the southeast corner of Lake Ida Road and Via Flora. District 5 (YBH)

**Background and Justification:** The County requires this abandonment to clear the encumbrance on the right-of-way dedicated to the County. The right-of-way dedication was required under Engineering Condition E-2 in Resolutions R2016-1090 and R2016-1091.

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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## II. FISCAL IMPACT ANALYSIS

# A. Five Year Summary of Fiscal Impact:

Fiscal Years	2021	2022	2023	2024	2025
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-
<b># ADDITIONAL FTE</b>					
<b>POSITIONS (Cumulative)</b>					

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

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.

Object

C. Departmental Fiscal Review:

### III. <u>REVIEW COMMENTS</u>

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

131319990

B. Approved as to Form and Legal Sufficiency:

del Williams

Assistant County Attorney

C. Other Department Review:

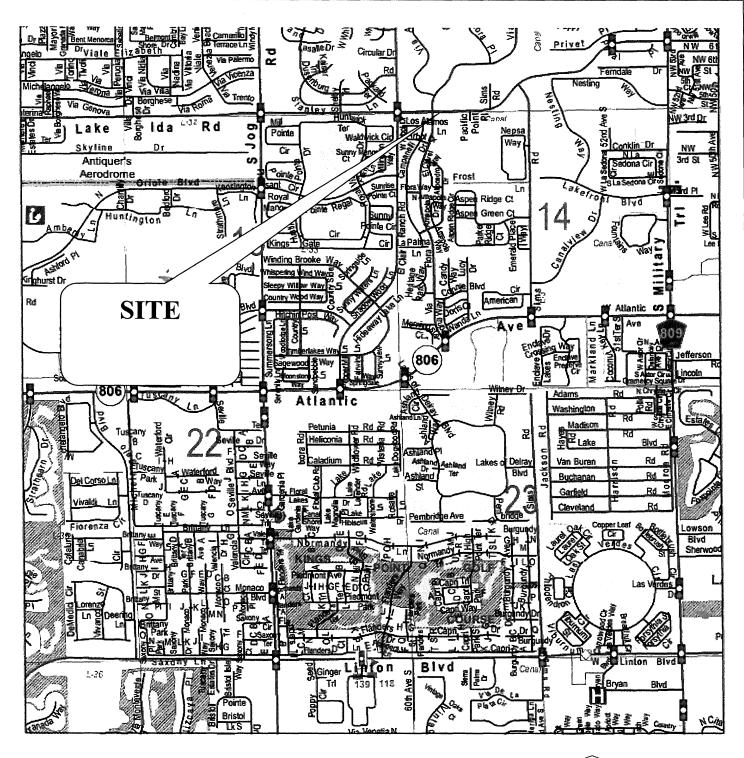
Department Director This summary is not to be used as a basis for payment.

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121912020 Contract I and Control -707

**ATTACHMENT 1** 



# LOCATION SKETCH

 $N \hspace{0.1 cm} ( \text{Not to scale} )$ 

A PORTION OF THE 12-FOOT WIDE UTILITY EASEMENT LYING IN THE NORTH 2 FEET OF THE WEST 12 FEET OF TRACT A, PLAT NO. 1 OF DELRAY VILLAS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 37, PAGES 4 THROUGH 7, PUBLIC RECORDS OF PALM BEACH COUNTY.

### RESOLUTION NO. R2021-\_\_\_\_

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ABANDONING ANY PUBLIC INTEREST IN A PORTION OF THE 12-FOOT WIDE UTILITY EASEMENT, LYING IN THE NORTH 2 FEET OF THE WEST 12 FEET OF TRACT A, PLAT NO. 1 OF DELRAY VILLAS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 37, PAGES 4 THROUGH 7, 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 12-foot wide utility easement lying in the north 2 feet of the west 12 feet of Tract A, Plat No. 1 of Delray Villas, according to the plat thereof, as recorded in Plat Book 37, Pages 4 through 7 (Utility Easement), Public Records of Palm Beach County, as shown in **Exhibit A**; and

WHEREAS, a petition to abandon any public interest in the Utility Easement was submitted by Delray SL One, 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 January 12, 2021 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:

Page 1 of 3

- 1. The foregoing recitals are hereby reaffirmed and ratified.
- 2. Any and all public interest in a portion of the 12-foot wide utility easement lying in the north 2 feet of the west 12 feet of Tract A, Plat No. 1 of Delray Villas, according to the plat thereof, as recorded in Plat Book 37, Pages 4 through 7, 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)

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Comm	moved	its	adoption.	The	motion	was	seconded	b
	issioner			and, upon	being put	t to a vote	, the vote was	a
follows	:							
		Commis	sioner Dave	Kerner, Ma	yor			
		Commis	sioner Rober	rt S. Weinro	oth, Vice M	ayor		
		Commis	sioner Maria	G. Marino				
		Commis	sioner Gregg	g K. Weiss				
		Commis	sioner Maria	Sachs				
		Commis	sioner Meliss	sa McKinlay	r			
		Commis	sioner Mack	Bernard				
	The	e Mayor t	hereupon de	clared the F	Resolution	duly passe	ed and adopte	d
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**EXHIBIT A** 

### **DESCRIPTION:**

THE NORTH 2 FEET OF THE WEST 12 FEET OF TRACT A, PLAT NO. 1 OF DELRAY VILLAS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 37, PAGES 4 THROUGH 7 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 24 SQUARE FEET/0.0006 ACRES MORE OR LESS.

### NOTES:

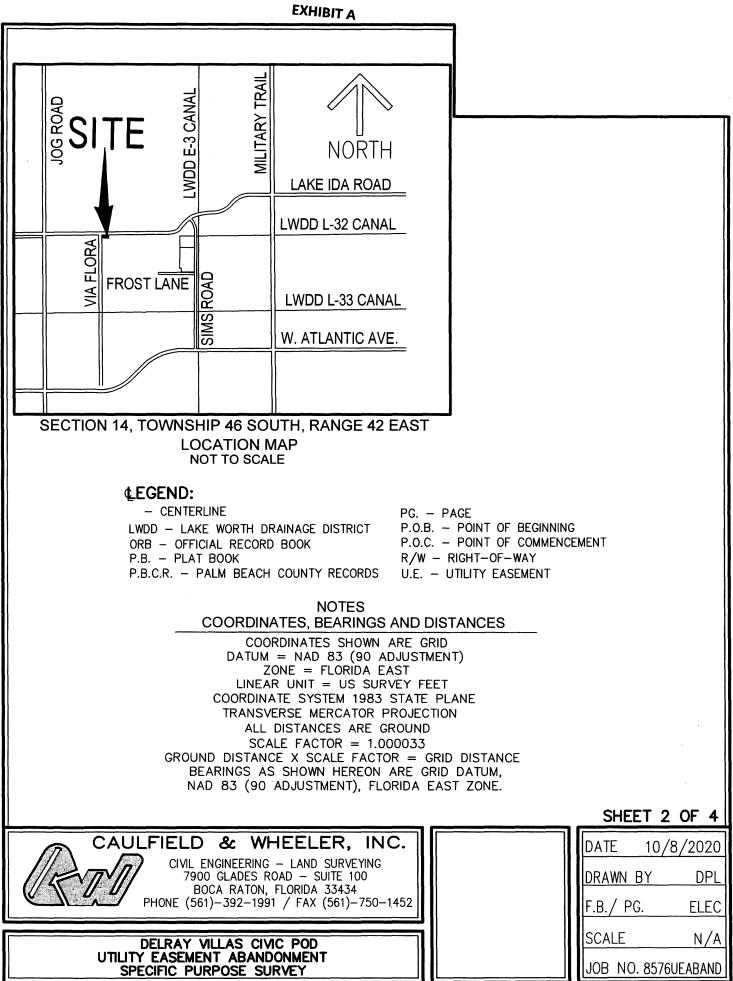
- 1. THIS SURVEY OR REPRODUCTIONS THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL SEAL, OR THE AUTHENTICATED ELECTRONIC SIGNATURE AND SEAL OF A FLORIDA LICENSED PROFESSIONAL SURVEYOR AND MAPPER.
- 2. ADDITIONS OR DELETIONS TO SKETCH OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
- 3. THE LAND DESCRIPTION SHOWN HEREON WAS PREPARED BY THE SURVEYOR.
- 4. BEARINGS SHOWN HEREON ARE RELATIVE TO A GRID BEARING OF S00<sup>1</sup>9'35"W ALONG THE WEST LINE OF STONYBROOK ON THE LAKE PUD, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 121, PAGE 19 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, RELATIVE TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NORTH AMERICAN DATUM OF 1983 (90 ADJUSTMENT).
- 5. PLOTTABLE MATTERS CONTAINED IN FIRST AMERICAN TITLE INSURANCE COMPANY COMMITMENT FILE NUMBER 2037-4472069, EFFECTIVE DATE SEPTEMBER 6, 2019 AT 8:00 A.M. ARE REFLECTED ON THE SKETCH SHOWN HEREON.
- 6. ALL RECORD INFORMATION SHOWN HEREON IS OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

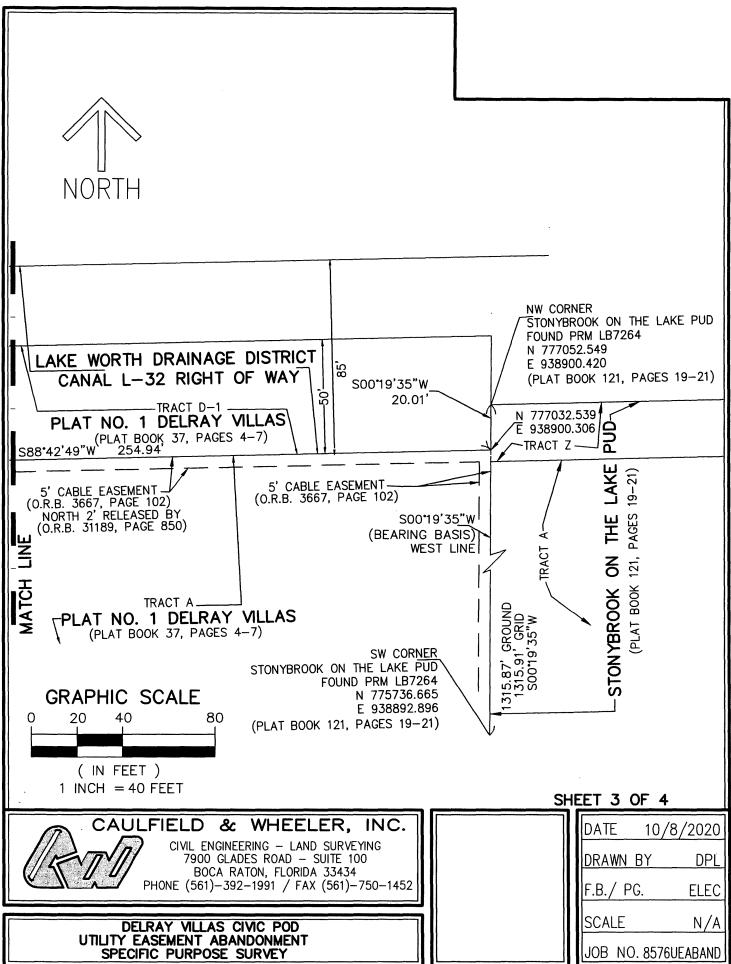
### **CERTIFICATE:**

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 SURVEYED UNDER MY DIRECTION ON MAY 22, 2020. I FURTHER CERTIFY THAT THIS SPECIFIC PURPOSE SURVEY MEETS THE STANDARDS OF PRACTICE SET FORTH IN CHAPTER 5J–17, FLORIDA ADMINISTRATIVE CODE, ADOPTED BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS, PURSUANT TO FLORIDA STATUTES 472.027.

SHEET 1 OF 4

CAULFIELD & WHEELER, INC. CIVIL ENGINEERING – LAND SURVEYING 7900 GLADES ROAD – SUITE 100 BOCA RATON, FLORIDA 33434 PHONE (561)–392–1991 / FAX (561)–750–1452	David Digitally signed by David Lindley Drive US. Staff, J-Boca With on C-Cutified & With one Cutified & W	DATE 10/8/2020 DRAWN BY DPL F.B./ PG. ELEC
DELRAY VILLAS CIVIC POD UTILITY EASEMENT ABANDONMENT SPECIFIC PURPOSE SURVEY	REGISTERED LAND SURVEYOR NO. 5005 STATE OF FLORIDA L.B. 3591	SCALE N/A JOB NO. 8576UEABAND





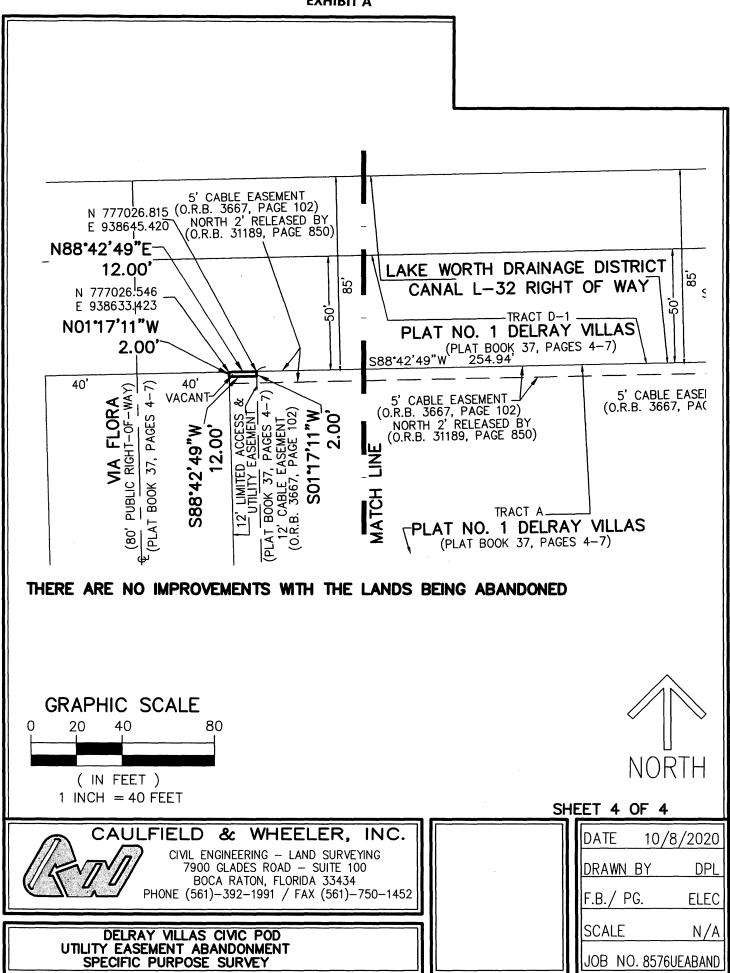


EXHIBIT A