

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: May 17, 2022 [] Consent [] Regular
[] Workshop [X] 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 a utility easement lying in Lot 17 of Southern Cay at Jonathan's Landing P.U.D., as recorded in Plat Book 63, Pages 16 and 17 (Abandonment Site), Public Records of Palm Beach County (County).

SUMMARY: Adoption of this Resolution will eliminate the public dedication that is in conflict with development plans by Aldo Croatti (Petitioner). All reviewing agencies and utility service providers have approved this abandonment and the utility easement serves no present or future public purpose. The Petitioner requested the County clear the encumbrance to allow an addition to the existing single family home. All utility service facilities are located in an alternate utility easement at the front of the lot. The Engineering Department advertised this public hearing on Sunday, May 1, 2022. The Abandonment Site is located south of Indiantown Road, east of Alternate A1A, within the Jonathan's Landing P.U.D. District 1 (YBH)

Background and Policy Issues:
Hearings for abandonments pursuant to Section 171.101, Florida Statutes, are quasi-judicial hearings and are subject to the Palm Beach County Procedures for Conduct of Quasi-Judicial Hearings.

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'

Recommended by: [Signature] YBH/TEL County Engineer Date 4/18/22
Approved by: [Signature] Assistant County Administrator Date 4/19/22

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2022	2023	2024	2025	2026
Capital Expenditures	\$ -0-	-0-	-0-	-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. Easements are exempt from the privilege fee requirement.

C. Departmental Fiscal Review:



III. REVIEW COMMENTS

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

ASD
 4/12/22
 8/4/22 OFMB QA 4.12.22

[Signature]
 Contract Dev. and Control
 4-15-22 TW

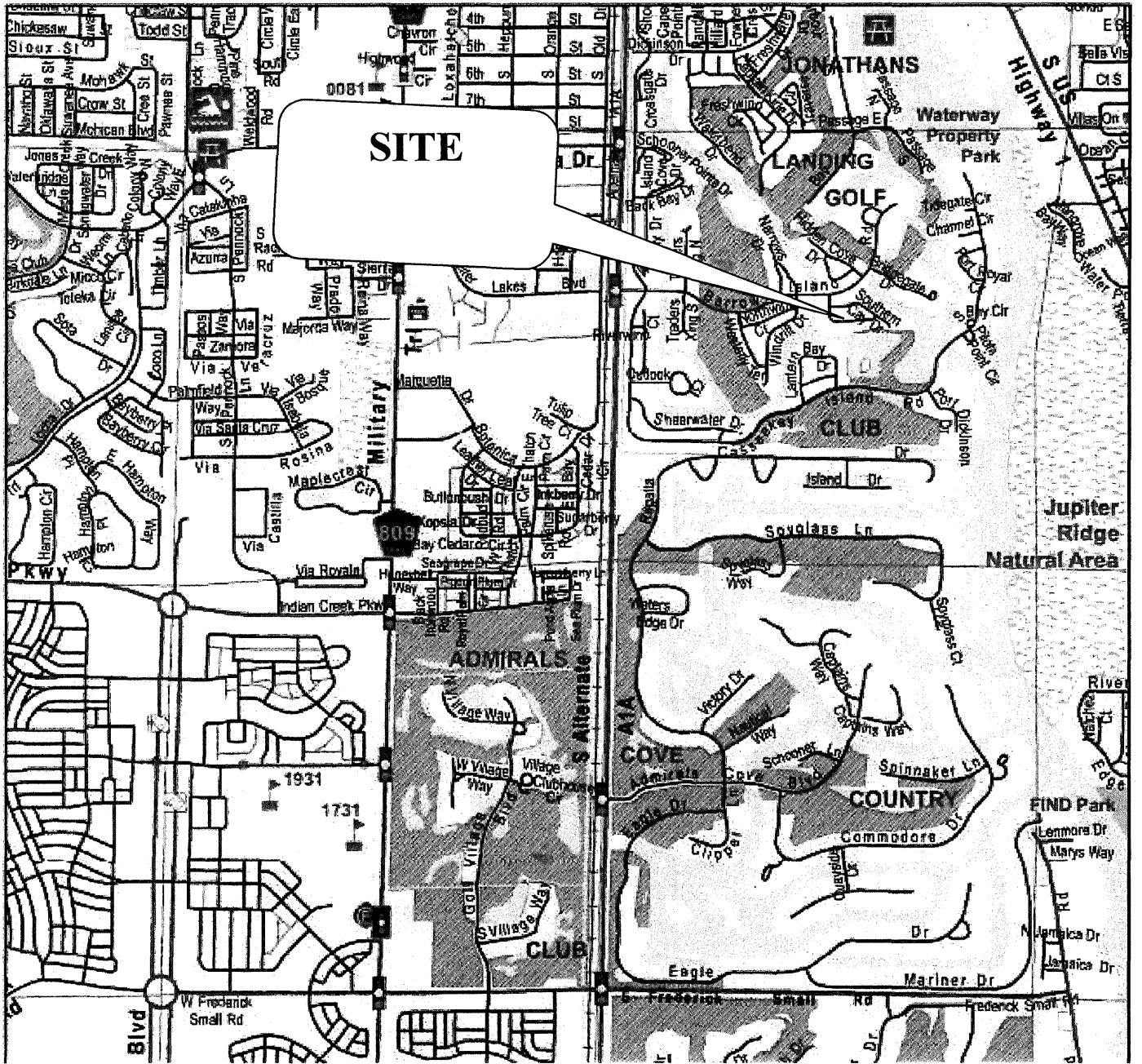
B. Approved as to Form and Legal Sufficiency:

[Signature] 4/18/22
 Assistant County Attorney

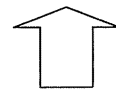
C. Other Department Review:

 Department Director

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



LOCATION SKETCH



N (Not to scale)

A PORTION OF A UTILITY EASEMENT LYING IN LOT 17 OF SOUTHERN CAY AT JONATHAN'S LANDING P.U.D., AS RECORDED IN PLAT BOOK 63, PAGES 16 AND 17, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

RESOLUTION NO. R2022-_____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ABANDONING ANY PUBLIC INTEREST IN A PORTION OF A UTILITY EASEMENT LYING IN LOT 17 OF SOUTHERN CAY AT JONATHAN'S LANDING P.U.D., AS RECORDED IN PLAT BOOK 63, PAGES 16 AND 17, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA

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 the Palm Beach County (County) Code Chapter 22, Article III, Road Abandonment and Plat Vacation Ordinance (Ordinance), and the petition of Aldo Croatti, called a public hearing to be held in the County Commissioners' Chambers, at the Robert Weisman Governmental Office Complex, 301 North Olive Avenue, West Palm Beach, Florida, on May 17, 2022, to consider and determine whether Palm Beach County would vacate, abandon, discontinue and close, renounce and disclaim any right or interest of the County and the public in a portion of the utility easement lying within Lot 17 of Southern Cay at Jonathan's Landing P.U.D., as recorded in Plat Book 63, Pages 16 and 17 (Utility Easement), Public Records of Palm Beach County, Florida, as shown in **Exhibit A**; and

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

WHEREAS, in accordance with the Ordinance, notice of the holding of such meeting was duly published in the Palm Beach Post on May 1, 2022; and

WHEREAS, the BCC while convened in regular session on May 17, 2022 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:

RESOLUTION NO. R2022-_____

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 Robert S. Weinroth, Mayor

Commissioner Gregg K. Weiss, Vice Mayor

Commissioner Maria G. Marino

Commissioner Dave Kerner

Commissioner Maria Sachs

Commissioner Melissa McKinlay

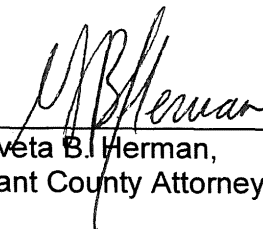
Commissioner Mack Bernard

The Mayor thereupon declared the Resolution duly passed and adopted this _____ day of _____, 2022.

PALM BEACH COUNTY, A POLITICAL
SUBDIVISION OF THE STATE OF
FLORIDA, BY AND THROUGH ITS
BOARD OF COUNTY COMMISSIONERS

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

JOSEPH ABRUZZO,
CLERK OF THE CIRCUIT COURT &
COMPTROLLER

BY: ybh/tel 
Yelizaveta B. Herman,
Assistant County Attorney

BY: _____
Deputy Clerk

RESOLUTION NO. R2022-_____

1. The foregoing recitals are hereby reaffirmed and ratified.
2. A portion of a utility easement lying in Lot 17 of Southern Cay at Jonathan's Landing P.U.D., as recorded in Plat Book 63, Pages 16 and 17, 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)

**SPECIFIC PURPOSE SURVEY
EASEMENT ABANDONMENT**

SECTION 7, TOWNSHIP 41 SOUTH, RANGE 43 EAST,
PALM BEACH COUNTY, FLORIDA

DESCRIPTION :

A PORTION OF A UTILITY EASEMENT LYING IN LOT 17 OF SOUTHERN CAY AT JONATHAN'S LANDING P.U.D., AS RECORDED IN PLAT BOOK 63, AT PAGES 16 AND 17, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 17 OF SOUTHERN CAY AT JONATHAN'S LANDING P.U.D. AS RECORDED IN PLAT BOOK 63, PAGES 16 AND 17 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY FLORIDA, ALSO BEING THE POINT OF BEGINNING OF A UTILITY EASEMENT; THENCE NORTH 88 DEGREES, 43 MINUTES AND 33 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 17 A DISTANCE OF 121.12 FEET; THENCE NORTH 01 DEGREE, 16 MINUTES AND 27 SECONDS EAST LEAVING SAID SOUTH LINE 12.00 FEET; THENCE SOUTH 88 DEGREES, 43 MINUTES AND 33 SECONDS EAST PARALLEL WITH THE SOUTH LINE OF SAID LOT 17 A DISTANCE OF 119.97 FEET TO THE EASTERN LINE OF SAID LOT 17; THENCE SOUTH 04 DEGREES, 10 MINUTES AND 41 SECONDS EAST ALONG SAID EASTERN LINE 12.05 FEET TO THE POINT OF BEGINNING.
CONTAINING 1,447 SQUARE FEET±.

SURVEYORS' NOTES:

1. I HEREBY CERTIFY THIS SURVEY MEETS STANDARDS OF PRACTICE SET FORTH IN RULE 5J-17.050-.052, OF THE FLORIDA ADMINISTRATIVE CODE, ADOPTED BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS, PURSUANT TO CHAPTER 472.027 OF THE FLORIDA STATUTES.
2. THE SURVEY MAP AND REPORT AND THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OR VERIFIED ELECTRONIC SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
3. THIS FIRM'S CERTIFICATE OF AUTHORIZATION NUMBER IS LB 8261.
4. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.

5. TITLE REVIEW:

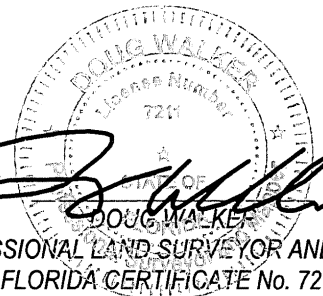
A REVIEW OF THE TITLE SEARCH REPORT BY ATTORNEY'S TITLE FUND SERVICES, LLC DATED NOVEMBER 9, 2021, FUND FILE NUMBER 1174923, WAS PERFORMED BY THIS OFFICE. RESTRICTIONS/EASEMENTS ARE AS FOLLOWS:

1. RIGHTS OF LESSEES...AFFECTS UNKNOWN.
 2. PLAT BOOK 63, PAGE 16...PLOTTABLE AFFECTS SHOWN.
 3. PLAT BOOK 48, PAGE 88...PLOTTABLE AFFECTS SHOWN.
 4. COVENANTS, CONDITIONS, AND RESTRICTIONS...AFFECTS UNPLOTTABLE.
 5. COVENANTS, CONDITIONS, AND RESTRICTIONS...AFFECTS UNPLOTTABLE.
 6. RIPARIAN AND LITTORAL RIGHTS...AFFECTS UNKNOWN.
 7. POSSIBLE RIGHT OF PUBLIC...AFFECTS UNKNOWN.
 8. ANY PORTION OF LAND...AFFECTS UNKNOWN.
 9. ORB 6289, PAGE 1373...PLOTTABLE AFFECTS SHOWN.
 10. DRAINAGE OUTFALL EASEMENT...AFFECTS UNPLOTTABLE.
 11. EASEMENT IN FAVOR OF LOXAHATCHEE RIVER...AFFECTS UNPLOTTABLE.
 12. ORB 7288, PAGE 948...AFFECTS UNPLOTTABLE.
 13. AGREEMENTS BETWEEN LOXAHATCHEE RIVER...AFFECTS UNPLOTTABLE.
 14. DEVELOPER AGREEMENT...AFFECTS UNPLOTTABLE.
 15. NOTICE OF LIEN RIGHTS...AFFECTS UNPLOTTABLE.
6. THIS SPECIFIC PURPOSE SURVEY REFLECTS A BOUNDARY SURVEY PREPARED BY THIS OFFICE DATED 11-09-21, JOB NUMBER 21-0056.
 7. THERE ARE NO EXISTING VISIBLE UTILITIES WITHIN THE AREA OF THIS SPECIFIC PURPOSE SURVEY.

NOTE ON COORDINATES, BEARINGS AND DISTANCES:

COORDINATES SHOWN ARE GRID.
DATUM IS NAD 83, 1990 ADJUSTMENT. ZONE IS FLORIDA EAST.
LINEAR FOOT IS US SURVEY FOOT.
COORDINATE SYSTEM IS 1983 STATE PLANE TRANSVERSE MERCATOR PROJECTION.
ALL DISTANCES ARE GRID UNLESS NOTED OTHERWISE.
SCALE FACTOR IS 1.000043534
(GRID DISTANCE DIVIDED BY SCALE FACTOR IS GROUND DISTANCE.)
BEARINGS SHOWN ARE GRID DATUM, NAD 83, 1990 ADJUSTMENT, FLORIDA EAST ZONE.

Doug Walker
Digitally signed by Doug Walker
Date: 2022.01.11 16:49:07 -05'00'



01-11-22
DATE
PROFESSIONAL LAND SURVEYOR AND MAPPER
FLORIDA CERTIFICATE No. 7211



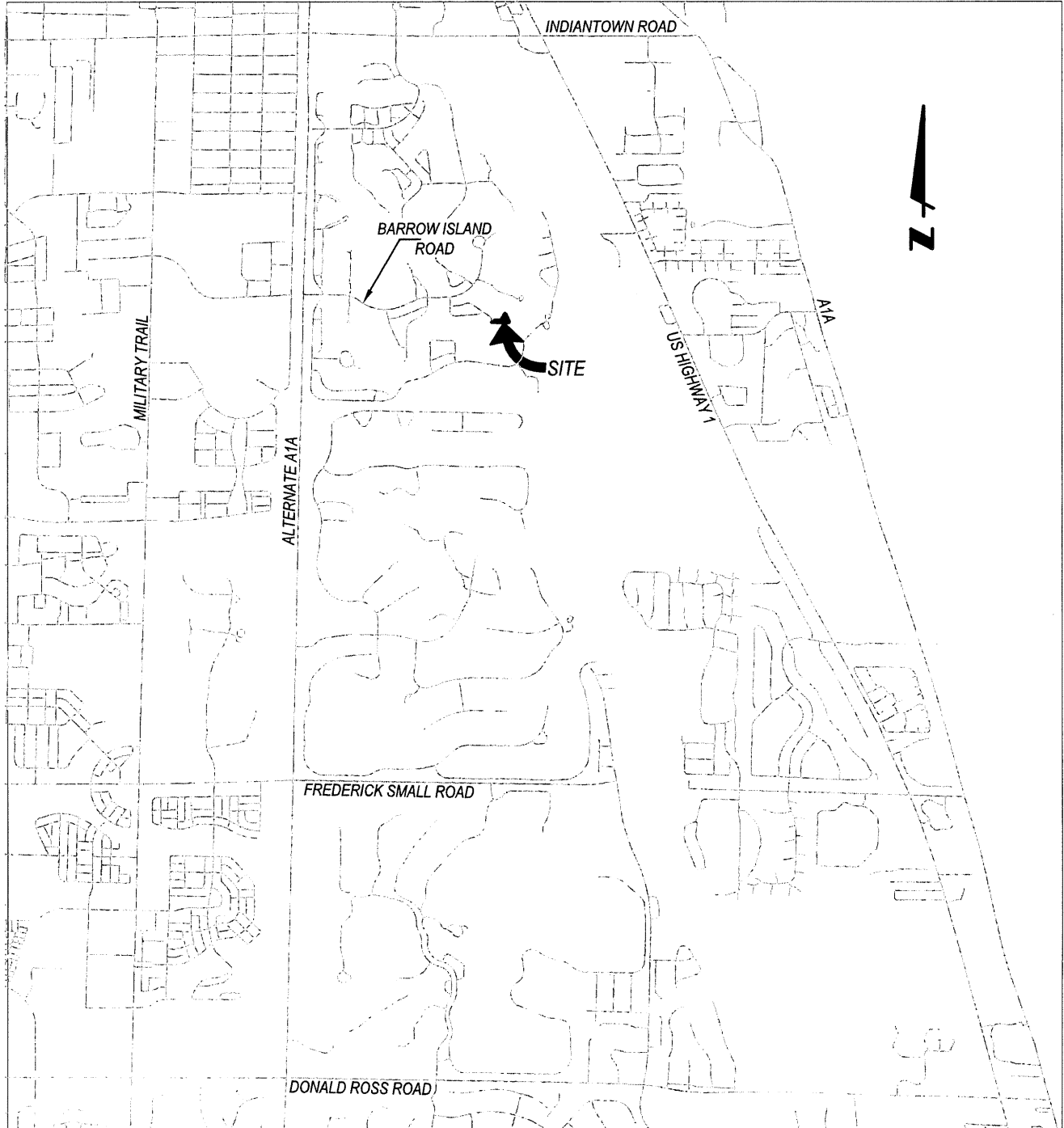
**PRINCIPAL
MERIDIAN
SURVEYING INC.**

4546 CAMBRIDGE STREET
WEST PALM BEACH, FL 33415
PHONE 833.478.7764 / FAX 561.478.1094
WWW.PMSURVEYING.NET

21-0056EA	COMMENTS	DW	01-11-22
JOB#	PURPOSE	FIELD	DRAFT
	ESMT ABANDONMENT		11-09-21
			DATE

SPECIFIC PURPOSE SURVEY EASEMENT ABANDONMENT

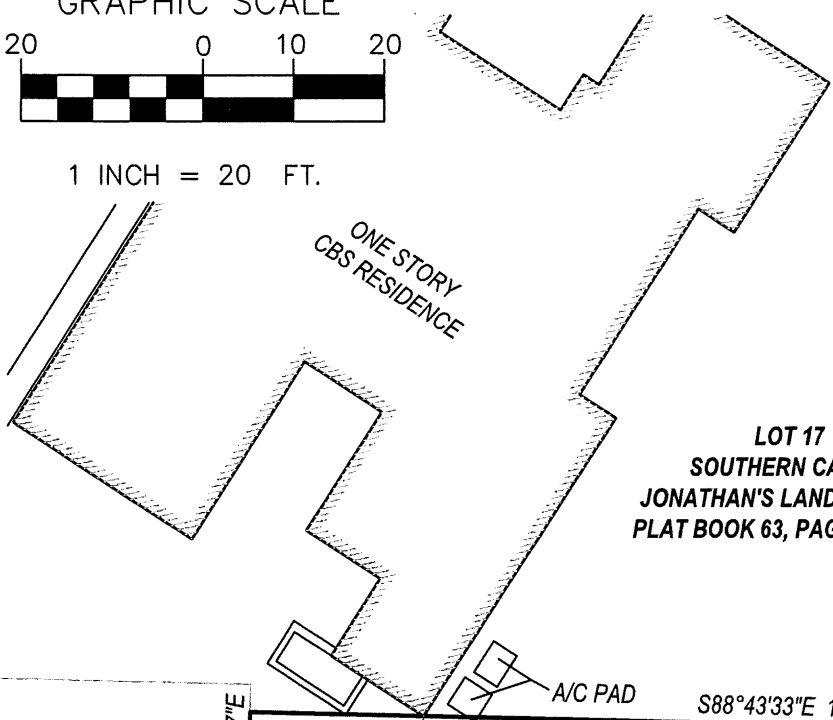
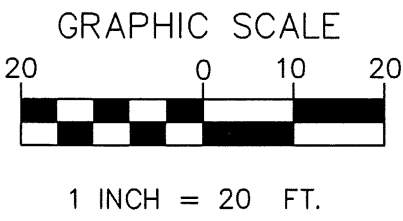
SECTION 7, TOWNSHIP 41 SOUTH, RANGE 43 EAST,
PALM BEACH COUNTY, FLORIDA



VICINITY SKETCH
NOT TO SCALE



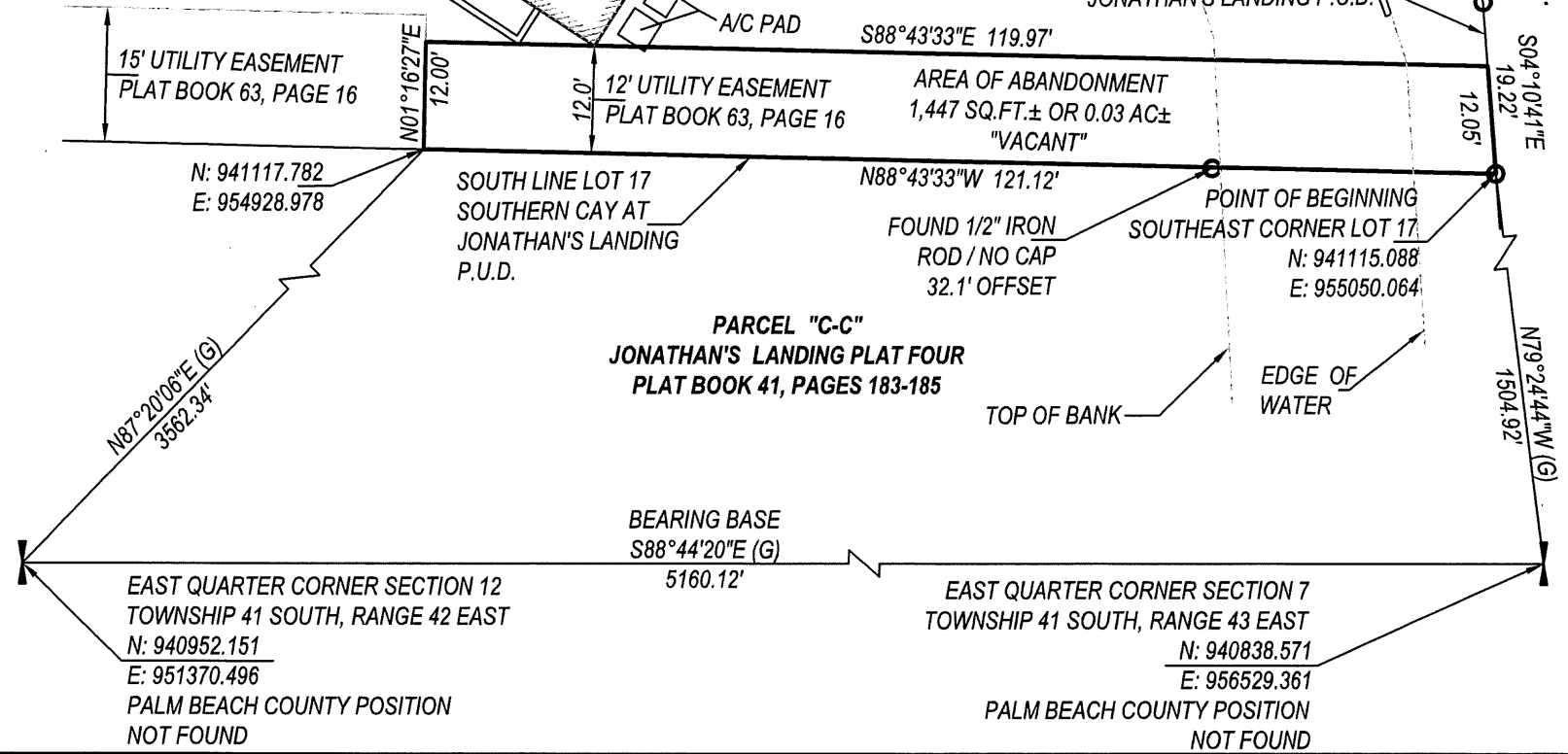
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WWW.PMSI.SURVEYING.NET



EASTERN LINE LOT 17
SOUTHERN CAY AT
JONATHAN'S LANDING P.U.D.

SEAWALL

RECREATION AREAS AT JONATHAN'S LANDING P.U.D.
PARCEL SW-3
PLAT BOOK 57, PAGES 171-179



SECTION 7, TOWNSHIP 41 SOUTH, RANGE 43 EAST
PALM BEACH COUNTY FLORIDA
JOB#21-0056EA