

Agenda Item #: 4A-2

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

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Meeting Date: May 17, 2022 Consent Regular
 Workshop Public Hearing

Department: Engineering and Public Works
Submitted by: Engineering and Public Works
Submitted for: Land Development Division

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I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to adopt: a Resolution abandoning any public interest in a portion of a 12-foot wide utility easement lying in Lot 64, (A P.U.D.) Allegro Replat, according to the map or plat thereof, as recorded in Plat Book 63, pages 193 through 196, inclusive (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 Jesus Enrique Lopez Ocanto and Ana Cristina Berrios Arcilla (Petitioners). All reviewing agencies and utility service providers have approved this abandonment and the portion of the utility easement to be abandoned serves no present or future public purpose. The Petitioner requested the County clear the encumbrance to allow for the addition of a pool to the existing single family home. There are no utility service facilities located within the Abandonment Site. The Engineering Department advertised this public hearing on Sunday, May 1, 2022. The Abandonment Site is located south of Palmetto Park Road on the west side of State Road 7. District 5 (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'

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Recommended by: <i>[Signature]</i>	<i>[Signature]</i>	<i>3/31/22</i>
YBH/TEL	County Engineer	Date
Approved by: <i>[Signature]</i>	<i>[Signature]</i>	<i>4/10/22</i>
	Assistant County Administrator	Date

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:

Jose M... 4/15/22
 4/14/22 OFMB QA 4.4.22

Jose De Jacobo 4/17/22
 Contract Dev. and Control
 4-7-22 TW

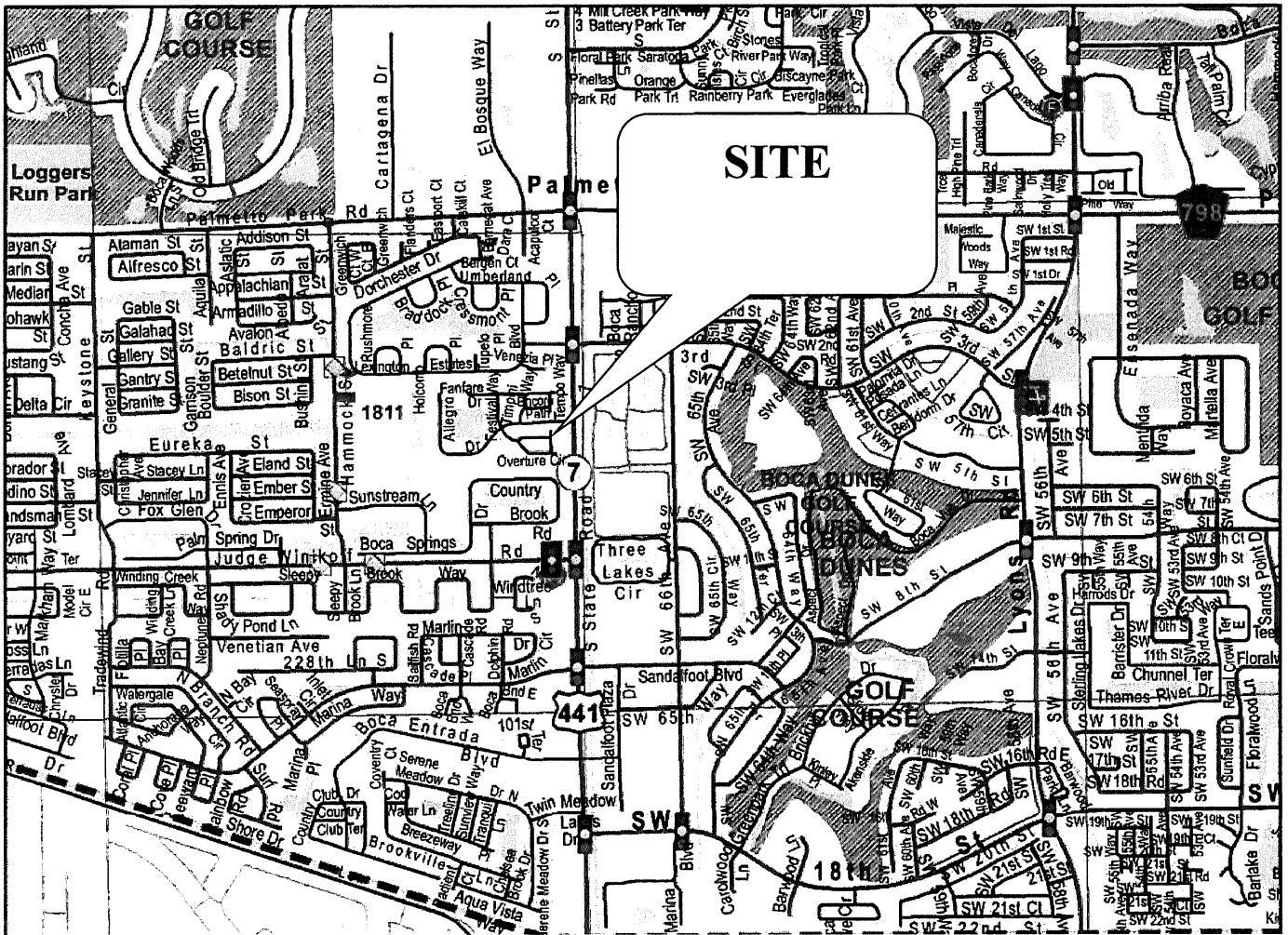
B. Approved as to Form and Legal Sufficiency:

Debra C. ... for Yelizaveta B. Herman
 Assistant County Attorney

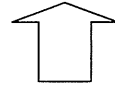
C. Other Department Review:

 Department Director

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



LOCATION SKETCH



N (Not to scale)

A PORTION OF A 12-FOOT WIDE UTILITY EASEMENT LYING IN LOT 64, (A P.U.D.) ALLEGRO REPLAT, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 63, PAGES 193 THROUGH 196, INCLUSIVE, 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 12-FOOT WIDE UTILITY EASEMENT LYING IN LOT 64, (A P.U.D.) ALLEGRO REPLAT, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 63, PAGES 193 THROUGH 196, INCLUSIVE, 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 Jesus Enrique Lopez Ocanto and Ana Cristina Berrios Arcilla, 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 a 12-foot wide utility easement lying in Lot 64, (A P.U.D.) Allegro Replat (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-_____

1. The foregoing recitals are hereby reaffirmed and ratified.

2. A portion of a 12-foot wide utility easement lying in Lot 64, (A P.U.D.) Allegro Replat, according to the map or plat thereof, as recorded in Plat Book 63, pages 193 through 196, inclusive, 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. 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: /s/Yelizaveta B. Herman
Yelizaveta B. Herman,
Assistant County Attorney

BY: _____
Deputy Clerk

SHEET 1 OF 2

SPECIFIC PURPOSE SURVEY UTILITY EASEMENT ABANDONMENT

SECTION 25, TOWNSHIP 47 SOUTH, RANGE 41 EAST,
PALM BEACH COUNTY, FLORIDA

LEGAL DESCRIPTION :

A PORTION OF A 12.00 FEET WIDE UTILITY EASEMENT LYING IN LOT 64, (A P.U.D.) ALLEGRO REPLAT, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 63, PAGE(S) 192 THROUGH 196, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 64, THENCE SOUTH 89 DEGREES, 03 MINUTES AND 48 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 64 A DISTANCE OF 19.00 FEET TO THE TRUE POINT OF BEGINNING, THENCE CONTINUE SOUTH 89 DEGREES, 03 MINUTES AND 48 SECONDS WEST 6.00 FEET; THENCE NORTH 00 DEGREES, 56 MINUTES AND 12 SECONDS WEST LEAVING SAID SOUTH LINE 52.00 FEET TO THE NORTH LINE OF SAID LOT 64; THENCE NORTH 89 DEGREES, 03 MINUTES AND 48 SECONDS EAST ALONG SAID NORTH LINE 6.00 FEET; THENCE SOUTH 00 DEGREES, 56 MINUTES AND 12 SECONDS EAST LEAVING SAID NORTH LINE 52.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 312 SQUARE FEET OR 0.007 ACRES.

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 1.000019169
 (GRID DISTANCE DIVIDED BY SCALE FACTOR IS GROUND DISTANCE.)
 BEARINGS SHOWN ARE GRID DATUM, NAD 83, 1990 ADJUSTMENT, FLORIDA EAST ZONE.

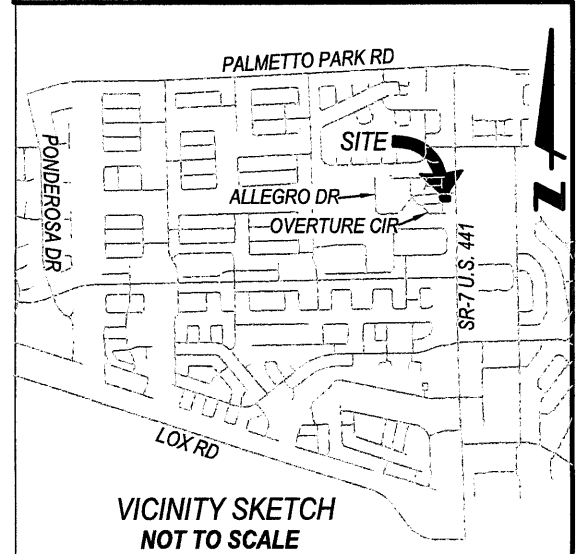
SURVEYORS' NOTES:

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:**

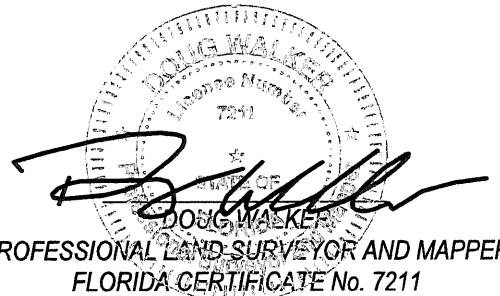
A REVIEW OF THE TITLE SEARCH REPORT, FUND FILE NUMBER 1147867, DATED SEPTEMBER 7, 2021, WAS PERFORMED BY THIS OFFICE.

RESTRICTIONS/EASEMENTS ARE AS FOLLOWS:

1. RIGHTS OF LESSEES...UNKNOWN.
2. PLAT BOOK 63, PAGE 192...ALL SURVEY RELATED MATTERS SHOWN.
3. PLAT BOOK 60, PAGE 3...ALL SURVEY RELATED MATTERS SHOWN.
4. PLAT BOOK 1, PAGE 102...ALL SURVEY RELATED MATTERS SHOWN.
5. COVENANTS AND RESTRICTIONS...AFFECTS UNPLOTTABLE.
6. ORB 5774, PAGE 1964, AFFECTS UNPLOTTABLE.
7. ORB 5207, PAGE 661...AFFECTS UNPLOTTABLE.
8. ORB 6870, PAGE 427...AFFECTS SHOWN.
9. ORB 7143, PAGE 1121...BLANKET IN NATURE, NOT DEPICTED.
10. ORB 7157, PAGE 273...NOT AFFECTED.
11. ORB 6731, PAGE 70...NOT AFFECTED.
12. ORB 6969, PAGE 660...AFFECTS UNKNOWN.
6. THIS SKETCH REFLECTS A BOUNDARY SURVEY PREPARED BY THIS OFFICE DATED 09-23-21, JOB NUMBER 21-0456.
7. THERE ARE NO EXISTING VISIBLE UTILITIES WITHIN THE AREA OF THIS SPECIFIC PURPOSE SURVEY.



Doug Walker
 Digitally signed by Doug Walker
 Date: 2022.02.16 11:11:09 -05'00'



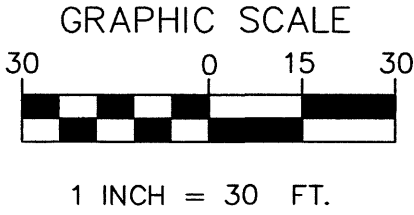
02-16-22
 DATE



**PRINCIPAL
 MERIDIAN
 SURVEYING INC.**

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

21-0456PW	COMMENTS	DW	02-16-22
	UTILITY ABANDONMENT	DW	09-23-21
JOB#	PURPOSE	FIELD	DRAFT
			DATE



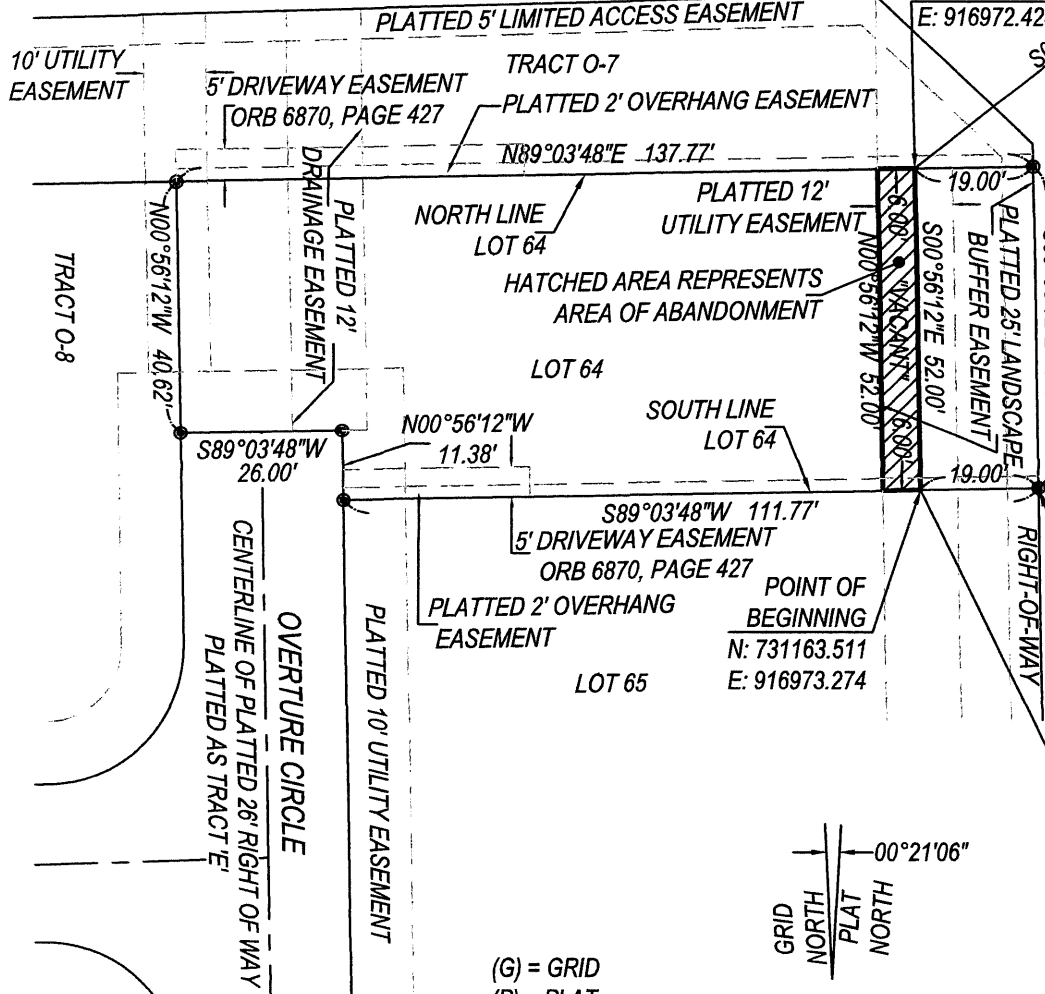
NORTHWEST CORNER SECTION 30
TOWNSHIP 47 SOUTH, RANGE 42 EAST
N: 733592.483
E: 917144.040
PALM BEACH COUNTY POSITION
NOT FOUND

N: 731215.504
E: 916972.424
S04°07'46"W (G)
2383.17'

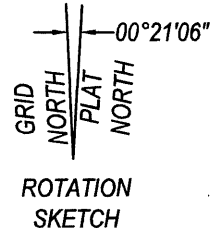
WEST LINE SECTION 30, TOWNSHIP
47 SOUTH, RANGE 42 EAST

S.R. - 7 (U.S. 441)

BEARING BASE
N00°52'22"W (G)
5481.12'



POINT OF BEGINNING
N: 731163.511
E: 916973.274



(G) = GRID
(P) = PLAT

SOUTHWEST CORNER SECTION 30
TOWNSHIP 47 SOUTH, RANGE 42 EAST
N: 728112.000
E: 917227.539
PALM BEACH COUNTY POSITION
NOT FOUND

SECTION 25, TOWNSHIP 47 SOUTH, RANGE 41 EAST
PALM BEACH COUNTY FLORIDA
JOB#21-0456PW



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