



**STAFF REPORT  
PLANNING & ZONING DIVISION**

**I. Petition Description**

Petition Number: HTE 14-20004 / 2014-043

Petition Name: Legacy Shoppes Vacation Abandonment

Petitioner/ Owner: Legacy Shoppes, LLC  
3700 Airport Road  
Suite 302  
Boca Raton, FL 33431

Agent: Martin Heise, Manager  
Legacy Shoppes, LLC  
3700 Airport Road  
Suite 302  
Boca Raton, FL 33431

Location Address: 165 S. State Road 7

Parcel control  
Number: 72-41-44-01-14-000-0010

Municipality: Royal Palm Beach

Land Use: Commercial Low (CL)

Zoning: General Commercial (CG)

**II. REQUEST:**

To vacate/abandon a portion of the 12 foot wide Water and Sewer Easement, approximately 223 square feet, located at the south portion of Lot 1 of Anthony Groves Plaza Replat as recorded in Plat Book 110 on Page 65 of the Public Records of Palm Beach County, Florida. The owner is seeking the vacation/abandonment to construct a retail shopping plaza totaling 18,000 square feet and parking lot which will encroach into the unused water and sewer easement.

**III. LOCATION:**



The subject property is located at 165 S. State Road 7, as indicated above, within the limits of the Village of Royal Palm Beach. This property is currently under construction and surrounded to the north and east by commercial developments and to the south and west by residential developments.

**BACKGROUND:**

The subject property was purchased by the current owner, Legacy Shoppes, LLC, on April 18, 2014. The owner is seeking the vacation/abandonment to construct a retail shopping plaza totaling 18,000 square feet and parking lot which will encroach into the unused water and sewer easement.

#### **IV. ANALYSIS:**

The Wellington Code of Ordinances Chapter 54, Section 54(b) "Petitions for abandonment of rights-of-way and easements for utility, drainage or maintenance purposes", allows a property owner to petition Wellington to abandon, vacate, discontinue or close any existing easement following Wellington's prescribed application. The area of abandonment is within a 12 foot wide Water and Sewer Easement, not a right-of-way, and therefore does not require consent from the abutting property owners but only a public hearing and notice of intent to abandon through local newspaper publication.

The owner of the subject property has applied to vacate/abandon a portion of the 12 foot wide Water and Sewer Easement, approximately 223 square feet, located at the south portion of Lot 1 Anthony Groves Plaza Replat as recorded in Plat Book 110 on Page 65 of the Public Records of Palm Beach County, Florida. The owner is seeking the vacation/abandonment to construct a retail shopping plaza and parking lot that will encroach into the unused water and sewer easement. The process to allow a structure to encroach into an easement is to abandon either a portion or the entire easement in order to convey a clear title for the property. The owner is requesting this vacation/abandonment to ensure a clear title.

The subject property is located within the Village limits of Royal Palm Beach. Wellington provides water and sewer services to the property and the Water and Sewer Easement is dedicated to the Village of Wellington. Consent was received by the Village of Royal Palm Beach by a Site Plan approved by the Village Council on April 17, 2014.

The Engineering Department has no objections to vacate and abandon a portion of the 12 foot wide Water and Sewer Easement, approximately 223 square feet, on the south portion of the property. The proposed portion of the 12 foot wide Water and Sewer Easement to be vacated/abandoned is depicted on the Sketch of Description (Exhibit C) prepared by Craig Wallace of Wallace Surveying Corp, Registered Land Surveyor (FL. Certificate No. 3357). If any cables or service wires are required to be relocated, it shall be the property owner's responsibility to relocate the wires at their expense.

The Engineering Services Department has determined this request to vacate and abandon a portion of the 12 foot wide Water and Sewer Easement, approximately 223 square feet, located on the south portion of Lot 1 of to be consistent with the public interest and will not adversely affect water or sewer service to other properties.

#### **V. STAFF RECOMMENDATION:**

The Planning and Zoning Division recommends approval of Resolution No. R2015-72 (HTE 14-20004 / 2014-043 VAC) to vacate/abandon a portion of the 12 foot wide Water and Sewer Easement, approximately 223 square feet, located on the south portion of Lot 1 of Anthony Groves Plaza Replat as recorded in Plat Book 110 on Page 65 of the Public Records of Palm Beach County, Florida, as depicted on the Sketch of Description (Exhibit C) prepared by Craig Wallace of Wallace Surveying Corp, Registered Land

Surveyor (FL. Certificate No. 3357). The Engineering and Legal Department has recommended approval.

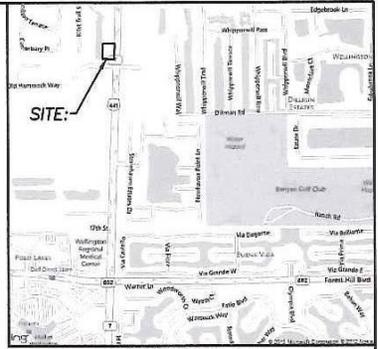
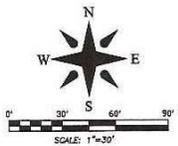
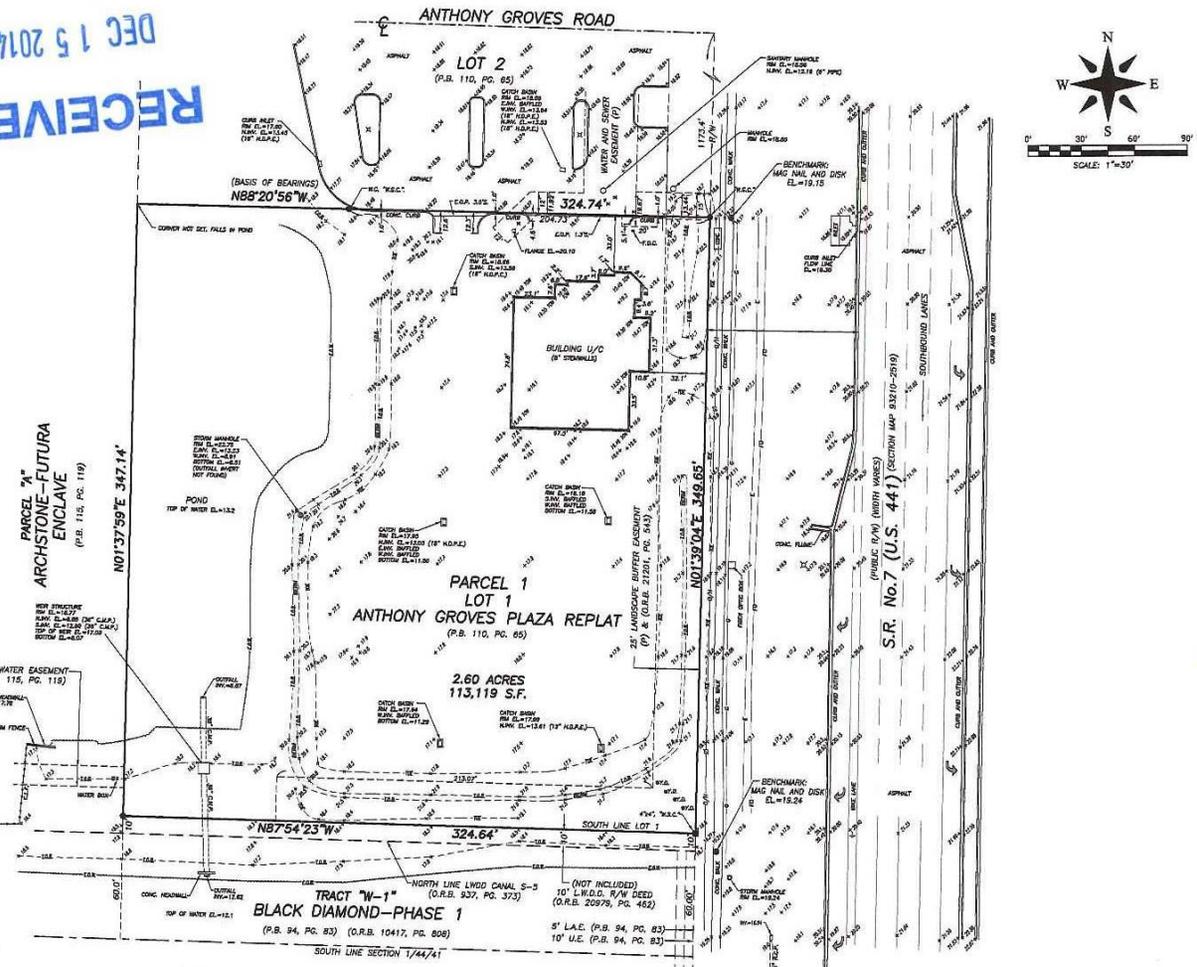
# EXHIBIT A: Boundary Survey

VILLAGE OF WELLINGTON  
PLANNING AND ZONING DIVISION

RECEIVED  
DEC 15 2014

### LEGEND

- A = ARC LENGTH
- AC = AIR CONDITIONING
- AE = ACCESS EASEMENT
- AKA = ALSO KNOWN AS
- ASPH = ASPHALT
- BLDG = BUILDING
- B.M. = BENCHMARK
- B.C. = BACK OF CURB
- B.C.W. = BACK OF CURB WALK
- B.C.W. = BACK OF CURB WALK
- C = CALCULATED
- CA TV = CABLE ANTENNA TELEVISION
- CB = CHORD BEARING
- C.B.S. = CONCRETE BLOCK STRUCTURE
- C.C.C.L. = CIRCUMFERENTIAL CONTROL LINE
- CH = CHORD
- CL.F. = CHAIN LINK FENCE
- CL.R. = CLEAR
- C.M.P. = CORRUGATED METAL PIPE
- CONC. = CONCRETE
- (C) = DESCRIPTION DATUM
- D.B. = DEED BOOK
- D.E. = DRAINAGE EASEMENT
- D.I.P. = DUCTILE IRON PIPE
- EL. = ELEVATION
- ENC. = ENCROACHMENT
- E.P. = EDGE OF PAVEMENT
- F.D. = FIRE DEPARTMENT CONNECTION
- F.F. = FINISH FLOOR
- F.L. = FLOOD
- F.O.C. = FACE OF CURB
- H.D.P.E. = HIGH DENSITY POLYETHYLENE PIPE
- INV. = INVERT
- ITW.D.D. = INDIAN TRAIL WATER CONTROL DISTRICT
- L.A.E. = LIMITED ACCESS EASEMENT
- L.B. = LICENSE BOARD
- L.W.D.D. = LAKE WORTH GRAMMAGE DISTRICT
- (M) = FIELD MEASUREMENT
- M.H. = MANHOLE
- M.H.W.L. = MEAN HIGH WATER LINE
- M.L.W.L. = MEAN LOW WATER LINE
- N.A.V.D. = NORTH AMERICAN VERTICAL DATUM
- N.G.V.D. = NATIONAL GEODETIC VERTICAL DATUM
- N.P.B.C.D. = NORTHERN PALM BEACH COUNTY IMPROVEMENT DISTRICT
- N.T.S. = NOT TO SCALE
- O.A. = OVERALL
- O.D. = OUTSIDE DIAMETER
- OH = OVERHEAD UTILITY LINE
- O.R.B. = OFFICIAL RECORD BOOK
- OS = ORISSET
- (P) = PLAT BOOK 110, PAGE 66
- P.B. = PLAT BOOK
- P.C. = PALM BEACH COUNTY
- P.C. = POINT OF COMMENCEMENT
- P.C.C. = POINT OF COMPOUND CURVATURE
- P.C.P. = PERMANENT CONTROL POINT
- P.F. = PAGE
- P.I. = POINT OF INTERSECTION
- P.O. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCEMENT
- P.O.C. = POINT OF COMMENCEMENT
- P.O.C. = POINT OF REVERSE CURVATURE
- P.R.M. = PERMANENT REFERENCE MONUMENT
- PROP. = PROPOSED
- P.T. = POINT OF TANGENCY
- P.V.M. = PAVEMENT
- (R) = RADIAL
- R. = RADIUS
- RGE. = RANGE
- R.P.B. = ROAD PLAT BOOK
- R.W. = RIGHT OF WAY
- (S) = SURVEY DATUM
- S.B. = STRUCK
- S.E. = SECTION
- S.D. = SUBDIVISION
- S.F. = SQUARE FEET
- S.F.W.M.D. = SOUTH FLORIDA WATER MANAGEMENT DISTRICT
- S.I.R.W.C.D. = SOUTH INDIAN RIVER WATER CONTROL DISTRICT
- (S) = STATE ROAD
- ST. = STATION
- STY. = STORY
- SW. = SIDEWALK
- T.O.B. = TOP OF BANK
- T.O.W. = TOP OF TOP OF WALL
- T.W.K. = TOWNSHIP
- TYP. = TYPICAL
- U.C. = UNDER CONSTRUCTION
- U.E. = UTILITY EASEMENT
- U.R. = UNRECORDED
- W.C. = WITNESS CORNER
- W.M.E. = WATER MANAGEMENT EASEMENT
- W.M.M.E. = WATER MANAGEMENT MAINTENANCE EASEMENT
- W.M.T. = WATER MANAGEMENT TRACT
- W.D. = WYDRA
- (X) = CENTRAL ANGLE DELTA
- (X) = CONCRETE MONUMENT FOUND (AS NOTED)
- (X) = CONCRETE MONUMENT SET (S.B. #4568)
- (X) = F.C.D. & CAP FOUND (AS NOTED)
- (X) = 6" F.C.D. & CAP SET (S.B. #4569)
- (X) = IRON PIPE FOUND (AS NOTED)
- (X) = IRON ROD FOUND (AS NOTED)
- (X) = MAIL FOUND
- (X) = MAG NAIL & DISK FOUND (AS NOTED)
- (X) = MAG NAIL & DISK SET (S.B. #4566)
- (X) = PROPERTY LINE
- (X) = UTILITY POLE
- (X) = FIRE HYDRANT
- (X) = WATER METER
- (X) = WATER VALVE
- (X) = LIGHT POLE
- (X) = UNDERGROUND GAS LINE MARKED BY OTHERS CIRCA 2007
- (X) = UNDERGROUND ELECTRIC LINE MARKED BY OTHERS CIRCA 2007
- (X) = UNDERGROUND FIBER OPTIC LINE MARKED BY OTHERS CIRCA 2007



VICINITY SKETCH N.T.S.

### BOUNDARY SURVEY FOR: PIZZA I REAL ESTATE VENTURES, LLC

This survey is made specifically and only for the following parties for the purpose of a closing on the surveyed property:  
**Pizza I Real Estate Ventures, LLC**  
 Ledger Book of Records 86A444744  
 No responsibility or liability is assumed by the undersigned surveyor for any other purpose or to any other party other than stated above.  
 PROPERTY ADDRESS: Vacant  
 LEGAL DESCRIPTION:  
 PARCEL 1; (P2E SIMPLE ESTATE)  
 Lot 1, ANTHONY GROVES PLAZA, REPLAT, according to the plat thereof as recorded in Plat Book 110, Pages 66 through 68 inclusive, Palm Beach County, Florida.

DATE	DESCRIPTION	APPROVED	PLATTED
07/10/14	Survey of Parcel 1, Anthony Groves Plaza, Replat, according to the plat thereof as recorded in Plat Book 110, Pages 66 through 68 inclusive, Palm Beach County, Florida.	[Signature]	07/10/14
07/10/14	Survey of Parcel 2, Anthony Groves Plaza, Replat, according to the plat thereof as recorded in Plat Book 110, Pages 66 through 68 inclusive, Palm Beach County, Florida.	[Signature]	07/10/14
07/10/14	Survey of Parcel 3, Anthony Groves Plaza, Replat, according to the plat thereof as recorded in Plat Book 110, Pages 66 through 68 inclusive, Palm Beach County, Florida.	[Signature]	07/10/14
07/10/14	Survey of Parcel 4, Anthony Groves Plaza, Replat, according to the plat thereof as recorded in Plat Book 110, Pages 66 through 68 inclusive, Palm Beach County, Florida.	[Signature]	07/10/14
07/10/14	Survey of Parcel 5, Anthony Groves Plaza, Replat, according to the plat thereof as recorded in Plat Book 110, Pages 66 through 68 inclusive, Palm Beach County, Florida.	[Signature]	07/10/14
07/10/14	Survey of Parcel 6, Anthony Groves Plaza, Replat, according to the plat thereof as recorded in Plat Book 110, Pages 66 through 68 inclusive, Palm Beach County, Florida.	[Signature]	07/10/14
07/10/14	Survey of Parcel 7, Anthony Groves Plaza, Replat, according to the plat thereof as recorded in Plat Book 110, Pages 66 through 68 inclusive, Palm Beach County, Florida.	[Signature]	07/10/14
07/10/14	Survey of Parcel 8, Anthony Groves Plaza, Replat, according to the plat thereof as recorded in Plat Book 110, Pages 66 through 68 inclusive, Palm Beach County, Florida.	[Signature]	07/10/14
07/10/14	Survey of Parcel 9, Anthony Groves Plaza, Replat, according to the plat thereof as recorded in Plat Book 110, Pages 66 through 68 inclusive, Palm Beach County, Florida.	[Signature]	07/10/14
07/10/14	Survey of Parcel 10, Anthony Groves Plaza, Replat, according to the plat thereof as recorded in Plat Book 110, Pages 66 through 68 inclusive, Palm Beach County, Florida.	[Signature]	07/10/14

FLOOD ZONE:  
The property is located in Flood Zone B, according to F.I.R.M. (Flood Insurance Rate Map) No. 120192 0102, dated October 15, 1982.

- NOTES:
- All information regarding record encumbrances, adoptions, and other documents that might affect the quality of title to tract shown hereon was gained from commitment number 350702476, issued by Chicago Title Insurance Company, dated April 10, 2007. No search of the Public Records has been made by this office.
  - Elevations shown hereon, if any, are in feet and decimal parts thereof and are based on NAD83. The expected accuracy of the elevations shown hereon is 0.03' for the third surface elevations and 0.1' for the first surface elevations. Elevations shown hereon are U.S. survey feet unless otherwise noted.
  - Descriptions furnished by client or clients agent.
  - Unless it bears the signature and the original sealed seal of a Florida licensed surveyor or mapmaker this drawing, sketch, plat or map is for informational purposes only and is not valid.
  - This survey cannot be transferred or assigned without the specific written permission of Wallace Surveying. This survey is not transferable by Deed or Affidavit of Survey or similar instrument.
  - Errors are shown, underground and overhead improvements are not located. Underground foundations not located.
  - The survey shown hereon does not necessarily contain all of the information obtained or developed by the undersigned surveyor in his field work, office work or research.
  - No responsibility is assumed by the surveyor for the construction of improvements, from building lots shown on this survey.
  - Revisions shown hereon do not represent a "survey update" unless otherwise noted.
  - All data shown within this replat block hereon are for intensive filing use only and do not in any way affect the date of the field survey stated herein.
  - In some instances, graphic representations have been suppressed to more clearly illustrate the relationships between physical improvements and/or lot lines. In all cases, dimensions shown shall control the location of the improvements or said positions.
  - In a violation of Rule 54.17 of the Florida Administrative Code to alter this survey without the express prior written consent of the Surveyor. Additions and/or deletions made to the face of this survey will make this survey invalid.
  - The ownership of fences, perimeter walls and/or hedges shown hereon are not known and thus are not listed as encroachments. Fences, hedges and/or perimeter walls are shown in their relative position to the boundary.
  - The expected horizontal accuracy of the information shown hereon is +/- 0.10'.

### BOUNDARY SURVEY FOR:

PIZZA I REAL ESTATE VENTURES, LLC



FIELD	T.S.	JOB NO.	07-1127.7	PLAT	W62	PK.	33
TRIPED	M.B.	DATE	4/9/14	DOC. NO.	07-1127-2		
DESK	C.W.	NO.	07-1127-2-DWG	SCALE	1" = 30'		

DATE OF LAST FIELD SURVEY: 4/8/2014  
 Greg L. Wallace  
 Professional Surveyor and Mapper  
 Florida Certificate No. 3307

**EXHIBIT B:**  
**Legal Description and Sketch of Easement to be Abandoned**

*EXHIBIT "A"*

**DESCRIPTION SKETCH FOR:  
LEGACY SHOPPES, LLC**

**LEGAL DESCRIPTION:**

A portion of the water and sewer easement within Lot 1, according to the **ANTHONY GROVES PLAZA, REPLAT**, as recorded in Plat Book 110, Page 65, Public Records Palm Beach County, Florida, being more particularly described as follows:

**COMMENCE** at the Northeast corner of said Lot 1;  
thence North 88°20'56" West, along the North line of said Lot 1, (the North line of said Lot 1 is assumed to bear North 88°20'26" West and all other bearings are relative thereto), a distance of 50.04 feet to the **POINT OF BEGINNING** of the hereinafter described parcel;  
thence South 01°37'59" West a distance of 0.07 feet to a point;  
thence North 88°22'01" West a distance of 47.28 feet to a point;  
thence South 46°42'02" West a distance of 24.14 feet to a point;  
thence North 43°22'01" West a distance of 12.00 feet to a point;  
thence North 46°37'59" East a distance of 12.24 feet to a point on said North line;  
thence South 88°20'56" East, along said North line, a distance of 64.20 feet to the **POINT OF BEGINNING**.

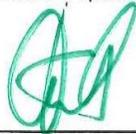
Containing in all 223 square feet, more or less.

**NOTES:**

1. No title policy or commitment affecting title or boundary to the subject property has been provided. It is possible there are deeds and easements, recorded or unrecorded, which could affect the subject property. No search of the Public Records has been made by this office.
2. This sketch is not valid unless sealed with an embossed surveyor's seal and accompanied by Sheet No. 2 of 2.
3. This sketch cannot be transferred or assigned without the specific written permission of **Wallace Surveying Corporation**.
4. This is not a survey!

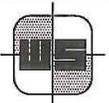
**CERTIFICATION:**

**I HEREBY ATTEST** that the description sketch shown hereon meets the minimum technical standards set forth by the Florida Board of Professional Surveyors and Mappers adopted in Rule 5J-17, Florida Administrative Code pursuant to Section 472.027, Florida Statutes, effective September 1, 1981.



\_\_\_\_\_  
Craig L. Wallace  
Professional Surveyor and Mapper  
Florida Certificate No. 3357

07-1127.008



**WALLACE SURVEYING**  
CORP. LICENSED BUSINESS # 4569

5553 VILLAGE BOULEVARD, WEST PALM BEACH, FLORIDA 33407 \* (561) 640-4551

DATE: 07/17/14

DWG. No.: 07-1127-3

OFFICE: J.P.

SHEET: 1 OF 2

C'K'D.: C.W.

REF.: 07-1127-2.DWG

EXHIBIT "A"

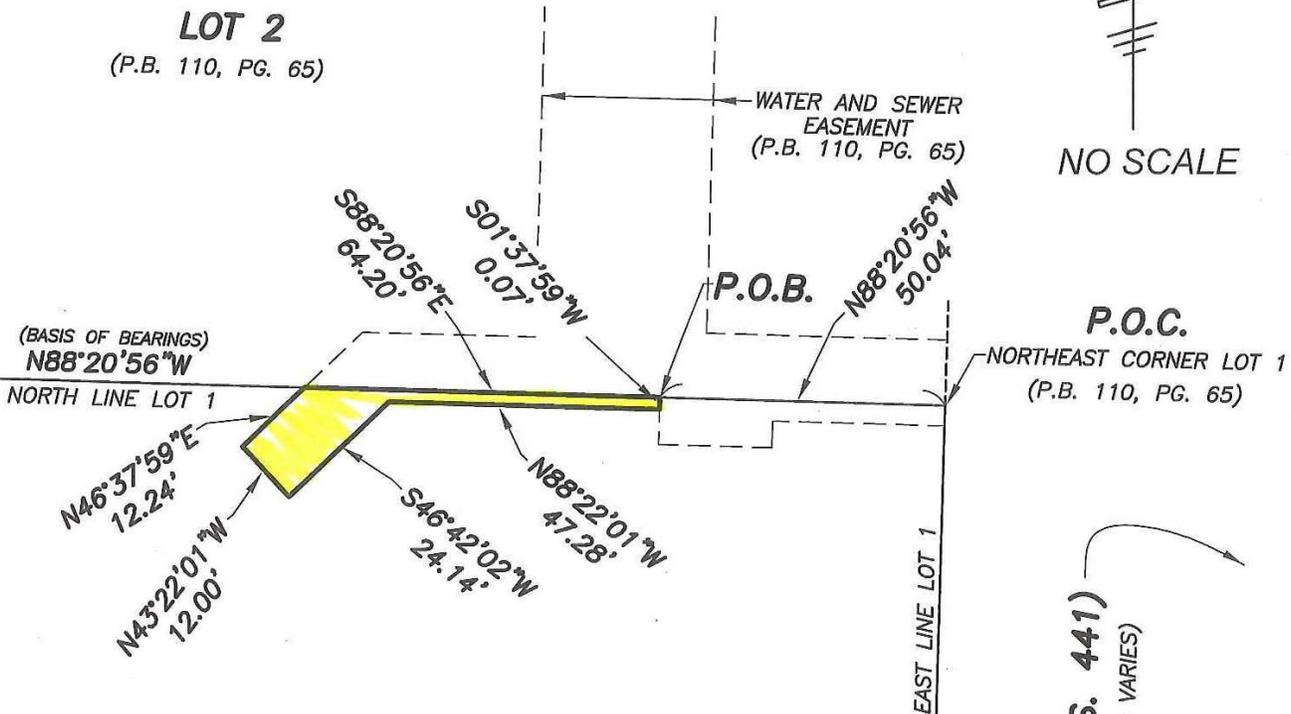
**LEGEND**

- N.T.S. = NOT TO SCALE
- P.B. = PLAT BOOK
- PG. = PAGE
- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCEMENT



NO SCALE

**LOT 2**  
(P.B. 110, PG. 65)

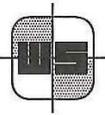


**LOT 1**  
**ANTHONY GROVES PLAZA REPLAT**  
(P.B. 110, PG. 65)

**NOTE:**  
THIS SKETCH IS NOT VALID WITHOUT 2 SHEETS FORMING A COMPLETE SET. THIS IS NOT A SURVEY.

**S.R. No.7 (U.S. 441)**  
(PUBLIC R/W) (WIDTH VARIES)

NO SCALE



**WALLACE SURVEYING**  
CORP. LICENSED BUSINESS # 4569  
5553 VILLAGE BOULEVARD, WEST PALM BEACH, FLORIDA 33407 \* (561) 640-4551

DATE: 07/17/14	DWG. No.: 07-1127-3
OFFICE: J.P.	SHEET: 2 OF 2
C'K'D.: C.W.	REF.: 07-1127-2.DWG