



**WELLINGTON
PLANNING & ZONING DIVISION
STAFF REPORT**

I. Petition Description

Petition Number: 16-200002 (2015-058 VAC)

Petition Name: Glenspur East Vacation (aka Tonkawa Farms)

Petitioner/ Owner: South Road Wellington LP
PO Box 1308
Houston, TX 77251

Agent: Jon Schmidt
Jon E. Schmidt & Associates, Inc.
2247 Palm Beach Lakes Blvd #101
West Palm Beach, FL 33409

Location Address: 4150 South Road

Parcel control
Number: 73-41-44-29-02-001-0000

Land Use: Residential "A"

Zoning: Agricultural Residential/Equestrian Overlay Zoning District
(AR/EOZD) – Subarea C

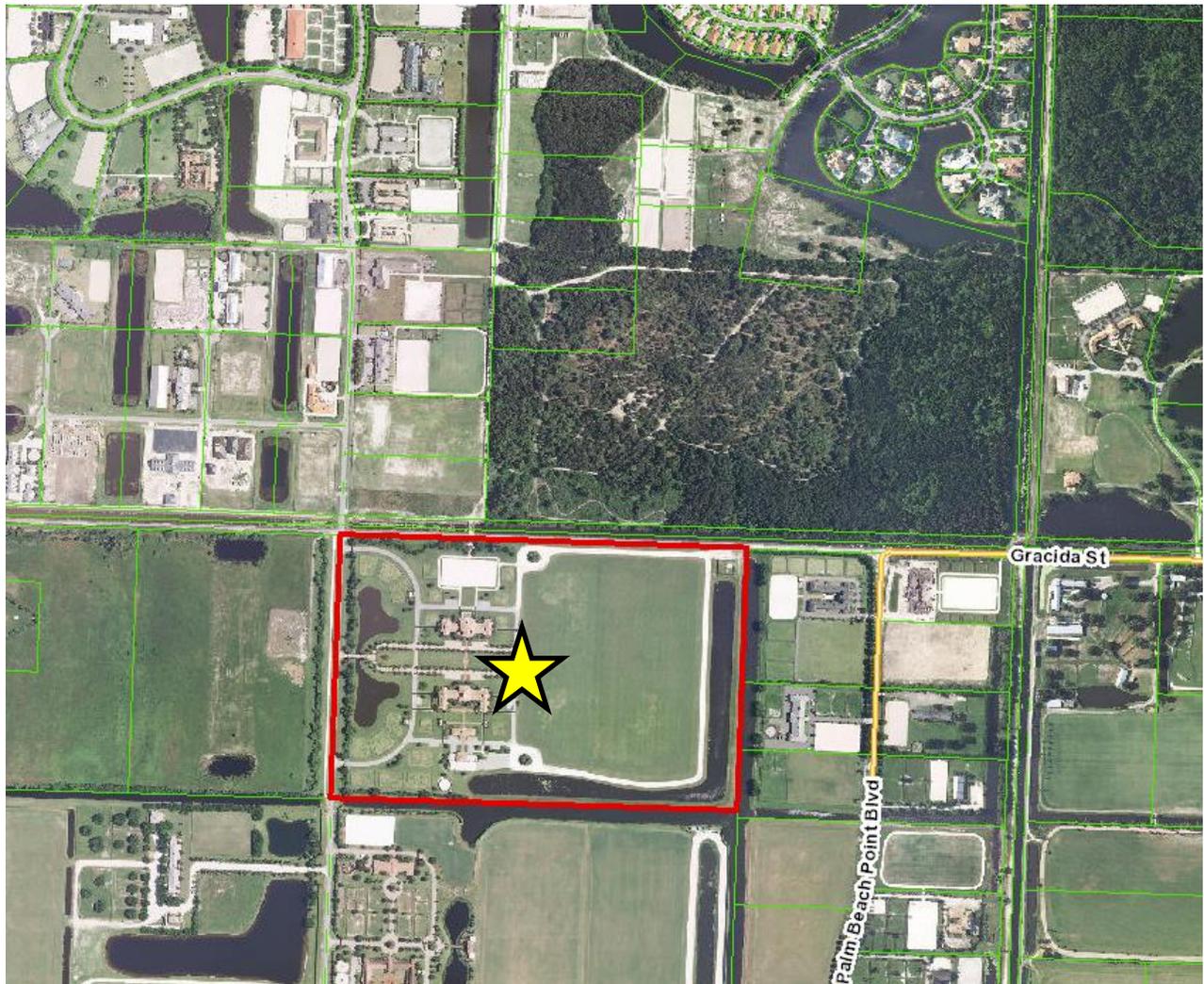
II. REQUEST:

To vacate/abandon a portion of a five (5) foot wide Limited Access Easement (LAE), approximately 400 square feet, located on the north boundary of Parcel "A" of Tonkawa Farms as recorded in Plat Book 116 on Pages 69-71 of the Public Records of Palm Beach County, Florida (Exhibit A – Sketch and Description and Exhibit B – Plat). The owner is seeking the vacation/abandonment to install a driveway and provide access to the property off of 40th Street South on the northeast side of the property.

III. LOCATION:

The subject property is located at 4150 South Road as indicated in Exhibit "A", at the southeast corner of 40th Street and South Road. This property is developed with two (2)

barns, grooms quarters, security/caretakers quarters, paddocks and other ancillary equestrian facilities. The property is surrounded by other properties with similar equestrian uses.



BACKGROUND:

The subject property was purchased by the current owner, South Road Wellington, LP, on June 7, 2011. The Tonkawa Farms (aka Glenspur East) site plan was approved on October 26, 2011. The site plan included a potential access point on the northeast corner of the property.

On October 4, 2016, the petitioner applied for the vacation/abandonment for a portion of the five (5) foot wide Limited Access Easement, approximately 400 square feet, to provide legal access to the property along 40th Street South. A Minor Site Plan Amendment was also applied for to add the driveway on the northeast corner (Exhibit C – Proposed Site Plan). The Minor Site Plan Amendment will be administratively certified pending the vacation/abandonment of the Limited Access 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 a portion of a five (5) foot wide Limited Access 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 thru local newspaper publication.

The owner of the subject property has applied to vacate/abandon a portion of a five (5) foot wide Limited Access Easement, approximately 400 square feet, located on the north boundary of Parcel “A” of Tonkawa Farms as recorded in Plat Book 116 on Pages 69-71 of the Public Records of Palm Beach County, Florida. The owner is seeking the vacation/abandonment to legalize the access onto 40th Street South for the existing driveway on the east side of the property.

The Engineering Department has no objections to vacate the Limited Access Easement as it is consistent with the public interest and will not adversely affect utility or maintenance access to other properties. The proposed portion of the Limited Access Easement to be vacated/abandoned is depicted on the Sketch and Description (Exhibit A) prepared by Craig Wallace, Registered Land Surveyor (FL. Certificate No. 3357).

V. STAFF RECOMMENDATION:

The Planning and Zoning Division recommends approval of Resolution No. R2016-80 (16-200002 [2016-058 VAC]) to vacate/abandon a portion of a five (5) foot wide Limited Access Easement, approximately 400 square feet, located on the north boundary of Parcel “A” of Tonkawa Farms as recorded in Plat Book 116 on Pages 69-71 of the Public Records of Palm Beach County, Florida, as depicted on the Sketch and Description (Exhibit A) prepared by Craig Wallace, Registered Land Surveyor (FL. Certificate No. 3357).

1. A Minor Site Plan Amendment shall be approved showing the additional driveway accessing 40th Street on the east side of the property.
2. All necessary permits shall be required for the construction of the driveway accessing 40th Street South.

EXHIBIT A:
Legal Description and Sketch of Easement to be Abandoned

**DESCRIPTION SKETCH FOR:
TONKAWA FARMS**

LEGAL DESCRIPTION:

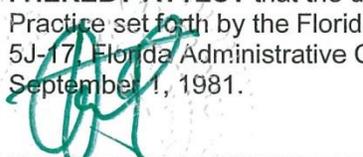
The North 5 feet of the West 80 feet of the East 130 feet of Parcel "A", according to the Plat of **TONKAWA FARMS**, as recorded in Plat Book 116, Page 69, Public Records of Palm Beach County, Florida.

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 conforms to the Standards of Practice 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

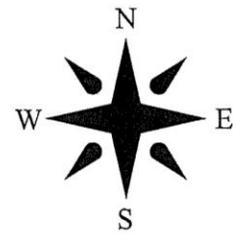
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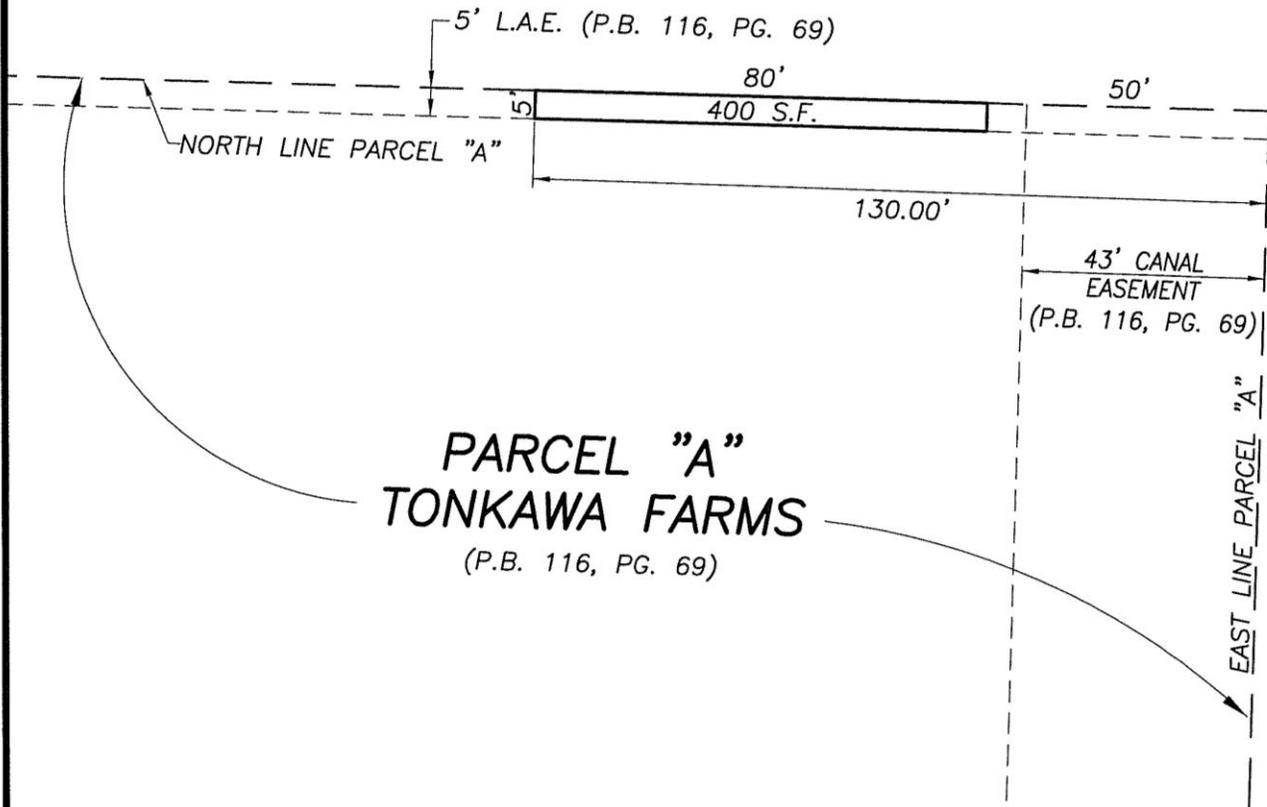
WALLACE SURVEYING
CORP. LICENSED BUSINESS # 4569

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

DATE: 09/22/16	DWG. No.: 11-1147-8
OFFICE: M.B.	SHEET: 1 OF 2
C'K'D.: C.W.	REF.: 11-1147-8.DWG



C-24 CANAL & 40th ST. SOUTH



PARCEL "A"
TONKAWA FARMS
 (P.B. 116, PG. 69)

LEGEND

L.A.E. = LIMITED ACCESS EASEMENT
 P.B. = PLAT BOOK
 P.G. = PAGE
 S.F. = SQUARE FEET



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