



**WELLINGTON
PLANNING & ZONING DIVISION
STAFF REPORT**

I. PETITION DESCRIPTION:

Petition Number: 16-200001 (2016-032 VAC)

Petition Name: 14399 Rolling Rock Place Vacation

Petitioner/ Owner: Christian and Tracy Harris
14365 Rolling Rock Place
Wellington, FL 33414

Agent: Francisco J. Gonzalez, Esq.
Gonzalez, Shenkman, & Buckstein, P.L.
1035 South State Road 7, Suite 312
Wellington, Florida 33414

Location Address: 14365 Rolling Rock Place

Parcel control
Number: 73-41-44-17-01-060-0030

Land Use: Residential "B"

Zoning: Agricultural Residential/Planned Unit Development/
Equestrian Overlay Zoning District Subarea B
(AR/PUD/EOZD)

II. REQUEST:

To vacate/abandon a 12-foot wide utility easement, approximately 268 linear feet, located between the unified Lots 3 and 4 of Block 60, Saddle Trail Park of Wellington, as recorded in Plat Book 41 at Pages 103-105, inclusive, of the Public Records of Palm Beach County, Florida. The owner is seeking the vacation/abandonment to construct an addition to an existing stable and accessory structures which will encroach into the easement as it is located in the center of the unified properties.

III. LOCATION:

The subject property is located within Saddle Trail Park at 14365 Rolling Rock Place as indicated in Exhibit "A". The property currently has a single family residence, stable, and sand ring and is surrounded by other similar single family homes with equestrian structures.

IV. BACKGROUND:

The subject property was purchased by the current owners on June 26, 2015. A Unity of Title was recorded for Lots 3 and 4, Block 60, Saddle Trail Park of Wellington (14365 and 14399 Rolling Rock Place) on May 12, 1999. The petitioner applied for this vacation/abandonment to construct an addition to an existing stable and accessory structures which will encroach into the easement as it is located in the center of the unified properties as indicated in Exhibit "B".

V. 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 12-foot wide utility 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 12-foot wide utility easement, approximately 268 linear feet, located between the unified Lots 3 and 4, Block 60, Saddle Trail Park of Wellington as recorded in Plat Book 41 at Pages 103-105, inclusive, of the Public Records of Palm Beach County, Florida. The owner is seeking the vacation/abandonment to construct an addition to an existing stable and accessory structures which will encroach into the easement as it is located in the center of the unified properties. 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 Engineering Department and all utility companies (Comcast, FPL, Florida Public Utilities and AT&T) have no objections to vacate and abandon the 12-foot wide utility easement. The proposed 12-foot wide utility easement to be vacated / abandoned is depicted on the Sketch and Description (Exhibit C) prepared by Richard G. Rader, JDC Development Services, Inc., Registered Land Surveyor (FL Certificate No. 4861).

The Engineering Department has determined this request to vacate and abandon a 12-foot wide utility easement located between Lots 3 and 4 to be consistent with the public interest and will not adversely affect utility or maintenance access to other properties.

VI. STAFF RECOMMENDATION:

The Planning and Zoning Department recommends approval of Resolution No. R2016-45 (16-200001/2016-032 VAC) to vacate/abandon a 12-foot wide utility easement, approximately 268 linear feet, located between the unified Lots 3 and 4, Block 60, Saddle

Trail Park of Wellington as recorded in Plat Book 41 at Pages 103-105, inclusive, of the Public Records of Palm Beach County, Florida, as depicted on the Sketch and Description (Exhibit C) prepared by Richard G. Rader, JDC Development Services, Inc., Registered Land Surveyor (FL Certificate No. 4861).

**Exhibit A:
Location Map**

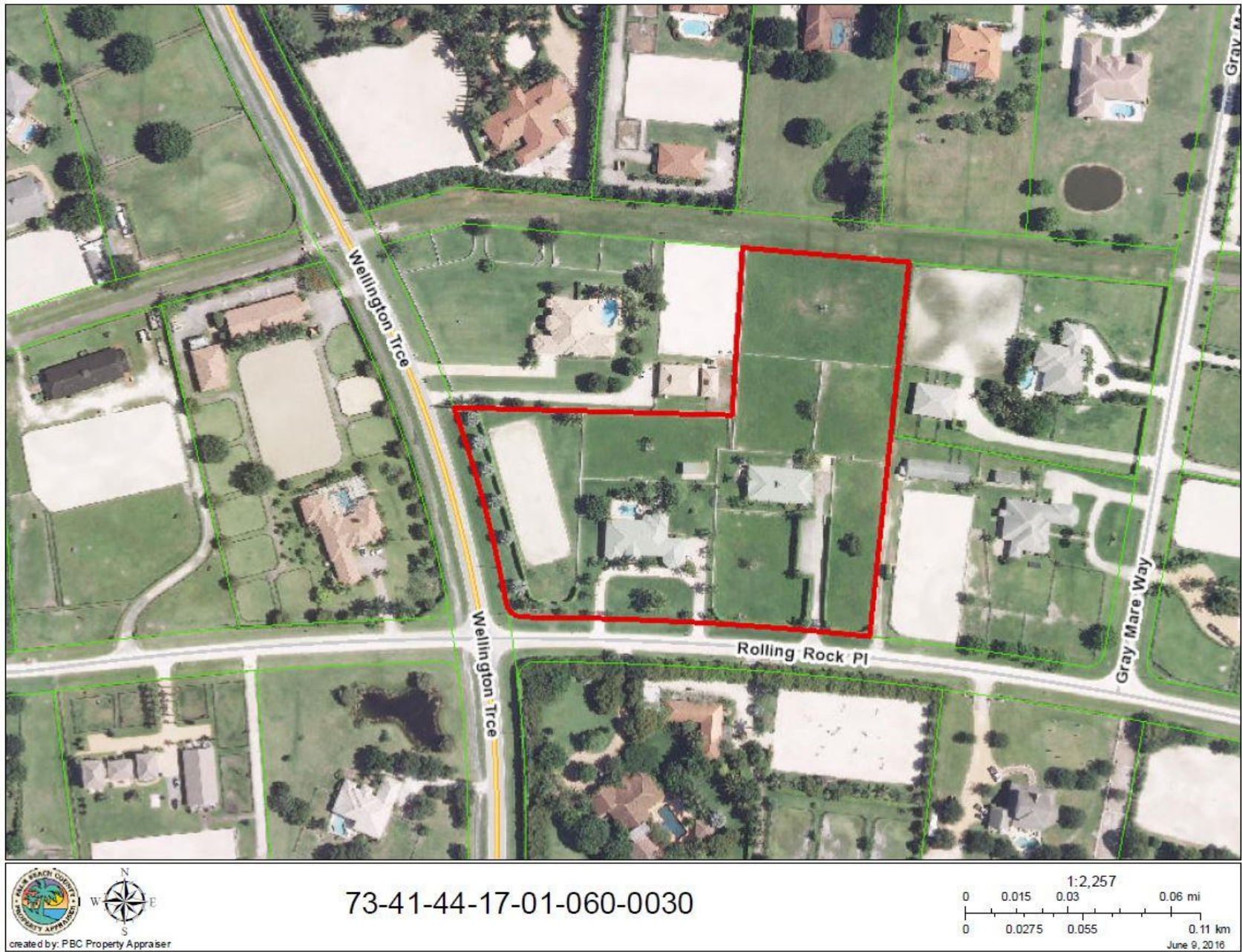


EXHIBIT B: **Boundary Survey**

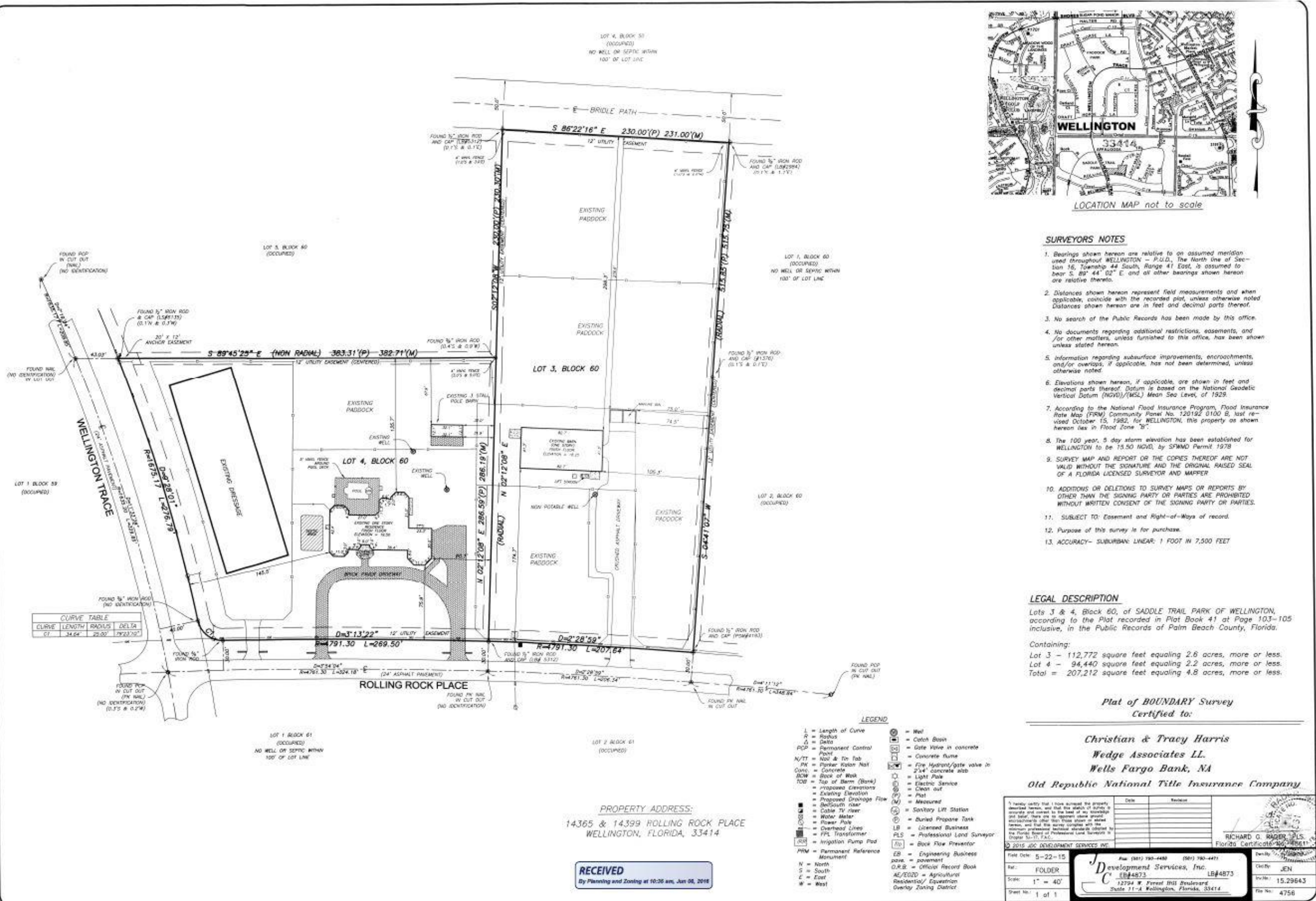


EXHIBIT C:
Legal Description and Sketch of Easement to be Abandoned

**SKETCH AND DESCRIPTION OF A 12' FOOT UTILITY EASEMENT ABANDONMENT
FOR LOTS 3 & 4, BLOCK 60, SADDLE TRAIL PARK OF WELLINGTON**

LEGAL DESCRIPTION: ABANDONMENT OF A 12' UTILITY EASEMENT

A PARTIAL ABANDONMENT OF A 12 FOOT UTILITY EASEMENT LYING IN PORTIONS OF LOTS 3 AND 4, BLOCK 60, SADDLE TRAIL PARK OF WELLINGTON, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 41, AT PAGES 103-105, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING at the Northeast corner of said Lot 4, Block 60; thence run South 02°12'08" West along the East line of said Lot 4, Block 60 for a distance of 6.00 feet to the POINT OF BEGINNING; thence run South 89°45'25" East for a distance of 6.00 feet; thence run South 02°12'08" West for a distance of 268.80 feet to a point on a Non-Tangent curve; said curve being concave to the South having a radius of 4803.30 Feet, a central angle of 00°08'35" and a Chord Bearing of North 87°47'52" West; thence run Westerly along the arc of said curve for a distance of 12.00 feet; thence run North 02°12'08" East for a distance of 268.39 feet; thence run South 89°45'25" East for a distance of 6.00 feet to the POINT OF BEGINNING.

AREA OF EASEMENT ABANDONMENT CONTAINS: 3223 S.F.— 0.07 ACRE

Property Control No. 73-41-44-17-01-060-0030

THIS IS NOT A SURVEY

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FILE NO.4756 (06-28-16)
PAGE ONE OF TWO
NOT VALID WITHOUT PAGE TWO

RICHARD G. RADEB, PLS.
Florida Certificate No. 4861

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JUN 28 2016

TRINITY OF WELLINGTON
PLANNING AND DESIGN SERVICES

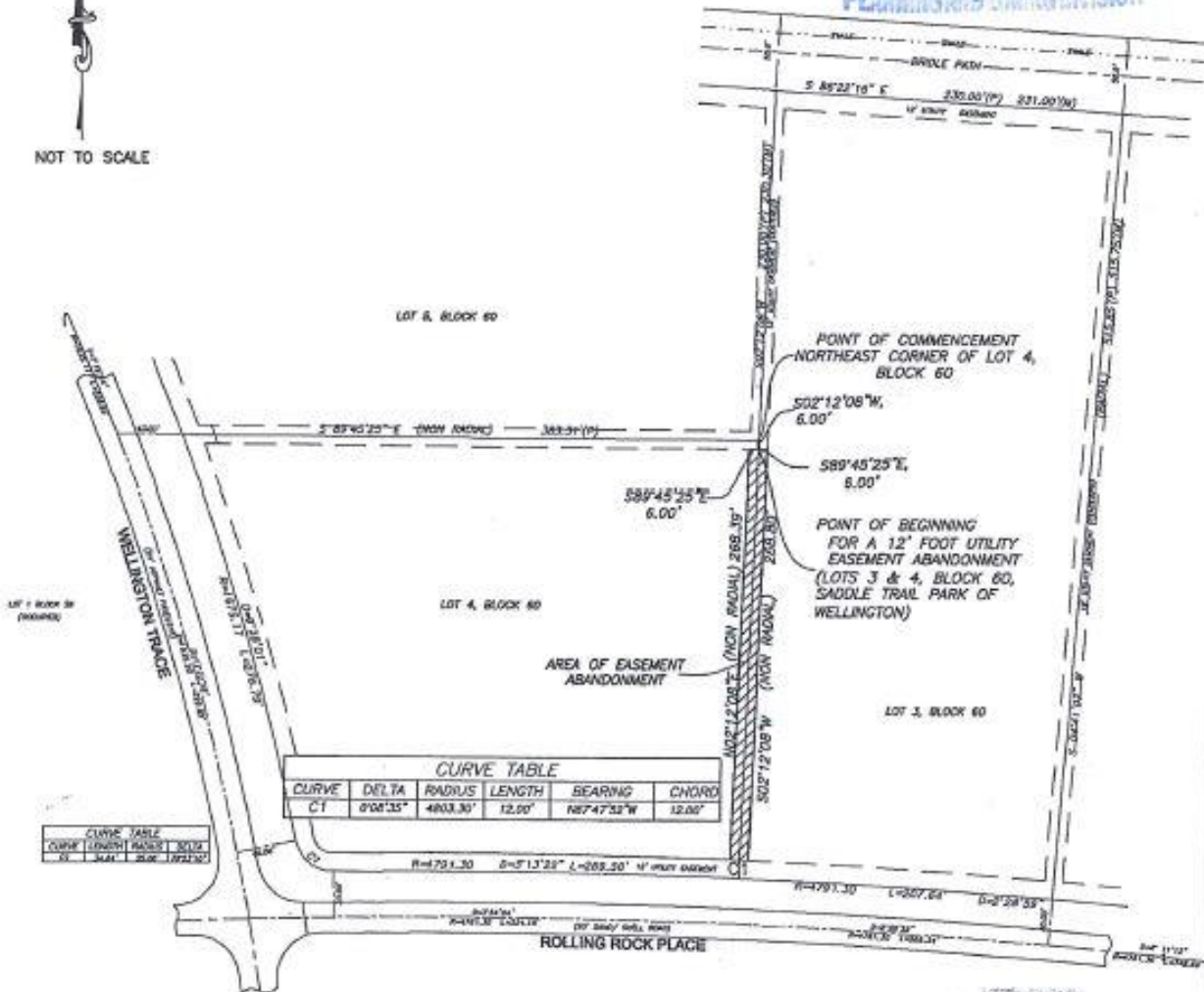


SKETCH AND DESCRIPTION OF A 12' FOOT UTILITY EASEMENT ABANDONMENT
FOR LOTS 3 & 4, BLOCK 60, SADDLE TRAIL PARK OF WELLINGTON

RECEIVED

JUN 20 2016

TOWN OF WELLINGTON
PLANNING AND ZONING DEPARTMENT



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