



**WELLINGTON
PLANNING & ZONING DIVISION
STAFF REPORT**

I. Petition Description

Petition Number: 17-200001 (2017-028 VAC)

Petition Name: 13624 Columbine Avenue Vacation/Abandonment

Petitioner/ Owner: Michael Adrian Wolf and Cathy Anaya
13624 Columbine Avenue
Wellington, Florida 33414

Location Address: 13624 Columbine Avenue

Parcel Control
Number: 73-41-44-04-01-029-0220

Land Use: Residential D

Zoning: Agricultural Residential/Planned Unit Development
(AR/PUD)

II. REQUEST:

To vacate/abandon an 18-foot portion of a 25-foot maintenance easement, approximately 1,278 square feet (18' x 71') located on the rear of Lot 22, Block 29, Sugar Pond Manor of Wellington PUD, as recorded in Plat Book 30, Page 20 of the Public Records of Palm Beach County, Florida. The owner is seeking the vacation/abandonment to construct a pool, deck, and screen enclosure which will encroach into the easement.

III. LOCATION:

The subject property is located at 13624 Columbine Avenue (Exhibit A – Location Map). It is within the Sugar Pond Manor subdivision which is part of the Wellington PUD. A single family residence exists on the property (Exhibit B – Survey), and it is surrounded on the north, south, east, and west by similar single family properties.

IV. HISTORY

On April 24, 1973, the Palm Beach County Board of County Commissioners approved the plat known as Sugar Pond Manor of Wellington. The plat approved various residential and commercial tracts over 793 acres. A 25-foot maintenance and utility easement was approved as part of the plat, with the six-foot utility easement located entirely within the 25-foot maintenance easement. On November 24, 1987, the Board of County Commissioners approved Resolution No. R-87-1821 (Exhibit C – R-87-1821) vacating the utility easement on Lot 22, Block 29, Sugar Pond Manor, as well as on many other lots within Sugar Pond Manor.

The subject property was purchased by the current owners on September 17, 2003. A warranty deed recorded with the Clerk of the Courts of Palm Beach County shows Michael Adrian Wolf and Cathy Anaya as the owners of the property. The petitioner applied for this vacation/abandonment to construct a pool, deck, and screen enclosure at the rear of the residence which will encroach into the maintenance easement.

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 an 18-foot portion of a 25-foot wide maintenance 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 an 18-foot portion of a 25-foot maintenance easement, approximately 1,278 square feet, located on Lot 22, Block 29, Sugar Pond Manor of Wellington PUD as recorded in Plat Book 30, Page 20 of the Public Records of Palm Beach County, Florida. The owner is seeking the vacation/abandonment to construct a pool, deck, and screen enclosure which will encroach into the easement. The process to allow a structure to encroach into an easement is to vacate either a portion or the entire easement, to convey a clear title for the property.

The Engineering Services Department, Utility Department, and all utility companies (Comcast, FPL, Florida Public Utilities and AT&T) have no objections to vacate and abandon the 18-foot portion of the 25-foot maintenance easement. The proposed area to be vacated/abandoned is depicted on the Sketch and Description (Exhibit D – Sketch and Description) prepared by Kenneth J. Osborne, Target Surveying, LLC, Professional Surveyor & Mapper (Florida Certificate No. 6415).

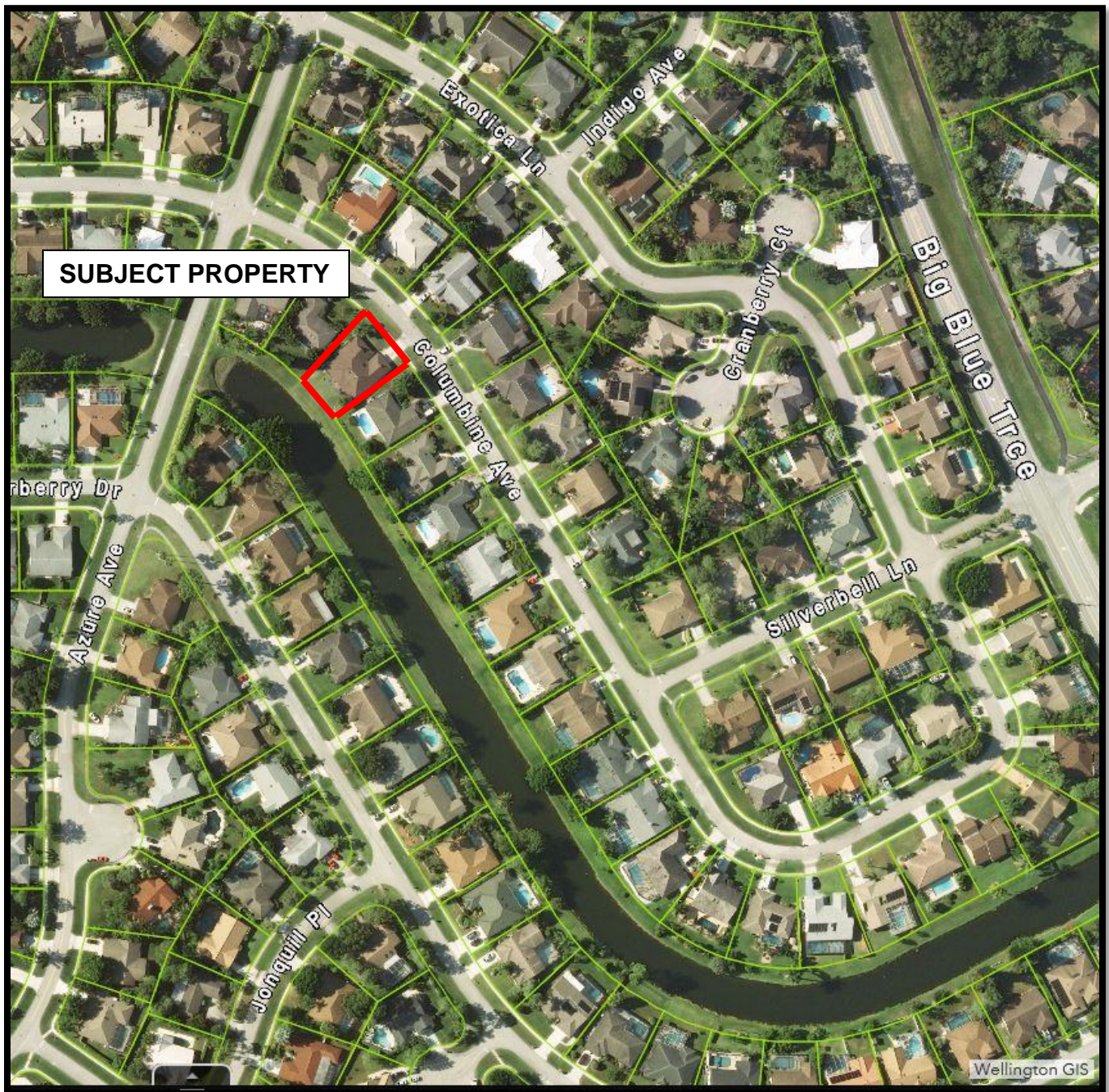
The Engineering Services Department and Utility Department have determined this request to vacate an 18-foot portion of a 25-foot wide maintenance easement located on Lot 22, Block 29 of Sugar Pond Manor to be consistent with the public interest and will not adversely affect utility or maintenance access to other properties.

VI. STAFF RECOMMENDATION:

The Planning and Zoning Department recommends approval of Resolution No. R2017-15 (2017-028 VAC) to vacate/abandon an 18-foot portion of a 25-foot maintenance

easement, approximately 1,278 square feet located on Lot 22, Block 29, Sugar Pond Manor of Wellington PUD, as recorded in Plat Book 30, Page 20 of the Public Records of Palm Beach County, Florida, as depicted on the Sketch and Description prepared by Kenneth J. Osborne, Target Surveying, LLC, Professional Surveyor & Mapper (Florida Certificate No. 6415), for the purpose of constructing a pool, deck, and screen enclosure which will encroach into the easement (Exhibit E – Proposed Construction).

EXHIBIT A:
Location Map



[illegible]

EXHIBIT C:
Resolution No. R87-1821

DEC-14-1987 10:01am 87-361019

RETURN TO: B. HANSEN
ENGR. DEPT.
LAND ACQ. SECT.
160 AUSTRALIAN AVE.

ORB 5512 Pg 1260

RESOLUTION NO. R-87- 1821

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, VACATING CERTAIN SIX AND TWELVE FOOT WIDE UTILITY EASEMENTS WITHIN THE PLATS OF GREENVIEW SHORES NO. 1 AND 2, AND SUGAR POND MANOR OF WELLINGTON P.U.D. AS RECORDED IN PLAT BOOK 31, PAGE 113, PLAT BOOK 31 PAGE 120 AND PLAT BOOK 30, PAGE 20, RESPECTIVELY, OF THE PUBLIC RECORDS IN PALM BEACH COUNTY, FLORIDA

WHEREAS, the Board of County Commissioners of Palm Beach County, Florida, pursuant to authority in Sections 177.101 and 336.09, Florida Statutes, and Ordinance No. 86-18 known as the Palm Beach County Right of Way Abandonment and Plat Vacation Ordinance and upon the petition of the County Engineer for the vacation of those certain utility easements hereinafter described.

WHEREAS, this Petition substantially complies with the terms and conditions of the vacation as set forth in said Ordinance; and

WHEREAS, this Board while convened in regular session on November 24, 1987 did hold a meeting on said Petition to vacate, and this Board having determined that said easements are in excess of the requirements of the local utility companies.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1. The foregoing recitals are hereby reaffirmed and ratified.
2. The following Utility Easements are hereby vacated and closed as public easements and this Board does hereby renounce and disclaim any right or interest of Palm Beach County and the Public in and to the following easements as described on Exhibit "A" attached hereto and made a part hereof.

3. Notice of the adoption of this Resolution shall be published once in the Palm Beach Post/Times within thirty (30) days of the date of adoption of this Resolution in accordance with Section 336.10, Florida Statutes and Ordinance No. 86-18.

The foregoing Resolution was offered by Commissioner Wilken, who moved its adoption. The motion was seconded by Commissioner Marcus, and upon being put to a vote, the vote was as follows:

KAREN T. MARCUS	-	AYE
CAROL A. ROBERTS	-	AYE
CAROL J. ELMQUIST	-	AYE
DOROTHY H. WILKEN	-	AYE
KENNETH ADAMS	-	AYE

The Chairman thereupon declared the Resolution duly passed and adopted this 24th day of November, 1987.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS
JOHN B. DUNKLE, Clerk

BY: Debra E. Dorsey
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Stephen M. Graham
County Attorney

Abandonment petition of 12' Utility Easement within the 25' Drainage Maintenance Easement.

GREENVIEW SHORES NO. 1

Block 1	Lot 4, 9-33	
Block 4	Lots 1-20	Less Lots 8 & 17

GREENVIEW SHORES NO. 2

Block 7	Lots 1-2
Block 13	Lots 1-15
Block 17	Lots 28
Block 21	Lot 1
Block 23	Lots 8-10
Block 25	Lots 2-20
Block 37	Lots 18-35
Block 42	Lots 14-16; 18-41
Block 64	Lots 6,7,12,13,18,19,24-26
Block 67	Lots 9 & 10
Block 68	Lots 5-13; 15-17
Block 74	Lots 1-10
Block 76	Lots 7-16; 18-21; 23-27

ABANDONMENT PETITION OF 6' UTILITY EASEMENT WITHIN 25' DRAINAGE MAINTENANCE EASEMENT.

SUGAR POND MANOR

Block 7	Lots 4-24;	Less Lot 8
Block 9	Lots 1-17;	Less Lots 2,3,10 & 11
Block 12	Lots 2-10; 15-41	Less Lots 6,9 & 21
Block 13	Lots 1-10; 18-33;	Less Lots 6 & 9
Block 19	Lots 3-16	Less Lots 9 & 13
Block 20	Lots 1-6; 20-39 & 44;	Less Lots 24 & 29
Block 25	Lots 1-19	
Block 26	Lots 1-16;	Less Lots 2,4,8 & 12,14
Block 29	Lots 4-24;	Less Lots 12,16 & 17
Block 36	Lots 1-23;	Less Lots 6 & 10
Block 45	Lots 1-13;	Less Lot 11
Block 46	Lots 1-3; 6-7; 9-23	
Block 48	Lots 1-13; 24-30;	Less Lots 3,10,25,27,28 & 29
Block 50	Lots 11-16	
Block 51	Lots 7-39;	Less Lot 16
Block 56	Lots 17-21; 35-55	
Block 63	Lots 6-14	
Block 68	Lots 10-14; 54-69;	Less Lot 60
Block 71	Lots 1-34; 51;	Less 20 & 31
Block 74	Lots 4-6; 14-23; 31-51;	Less Lots 19 & 45
Block 75	Lots 3-39;	Less Lots 5 & 18

EXHIBIT "A"

THE PALM BEACH POST

Published Daily and Sunday
West Palm Beach, Palm Beach County, Florida

PROOF OF PUBLICATION

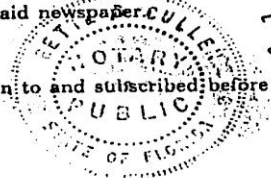
STATE OF FLORIDA
COUNTY OF PALM BEACH

Before the undersigned authority personally appeared Barbara M. McCord
who on oath says that she/he is Class. Adv. Mgr. of The Palm Beach Post,
a daily and Sunday newspaper published at West Palm Beach in Palm Beach County,
Florida; that the attached copy of advertising, being a _____

in the matter of Notice
Sugar Pond Manor
in the _____ Court, was published in said newspaper in
the issues of December 6, 1987

Affiant further says that the said The Post is a newspaper published at West Palm Beach, in said Palm Beach County, Florida, and that the said newspaper has heretofore been continuously published in said Palm Beach County, Florida, daily and Sunday and has been entered as second class mail matter at the post office in West Palm Beach, in said Palm Beach County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she/he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 7 day of December A.D. 19 87



Barbara M. McCord
Debra D. Quinn

NOTARY PUBLIC, STATE OF FLORIDA
My Commission Expires 12/31/90
Debra D. Quinn, Notary Public

NO. 787846
Resolution R-87-1821
Whereas the Board of County Commissioners pursuant to the authority provided in Chapter 338.08, Florida Statutes and pursuant to Ordinance 88-18 did hold a meeting on November 24, 1987, Resolution R-87-1821 pertaining to the abandonment/reaction of certain utility easements within the plots of Sugar Pond Manor, Greenview Shores No. 1 and No. 2, recorded in Plat Book 30, page 20, Plat Book 31, page 113 and Plat Book 31, page 120 respectively, Public Records of Palm Beach County, Florida was passed and recorded in the Minutes of the Board of County Commissioners, Board of County Commissioners, Palm Beach County, Florida
PUB: The Palm Beach Post
December 6, 1987

RECORD VERIFIED
PALM BEACH COUNTY, FLA.
JOHN B. DUNKLE
CLERK CIRCUIT COURT

EXHIBIT D:

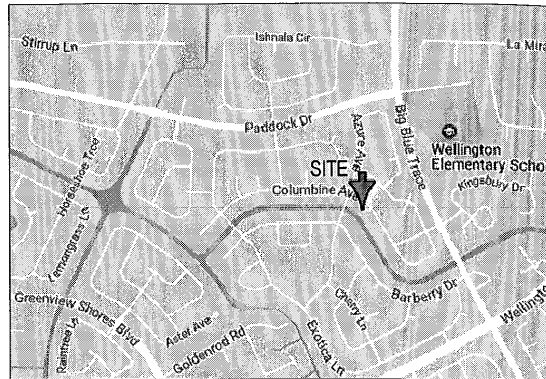
Legal Description and Sketch of Easement to be Abandoned

SKETCH AND DESCRIPTION

(COVER & LEGAL DESCRIPTION)

PROPERTY ADDRESS:
13624 COLUMBINE AVENUE
WELLINGTON, FL 33414

THE PURPOSE OF THIS SKETCH AND DESCRIPTION
IS TO SHOW THE PROPOSED PORTION OF THE 25'
LAKE MAINTENANCE EASEMENT AND 6'-UTILITY-
~~EASEMENT~~ TO BE ABANDONED



VICINITY MAP
NOT TO SCALE

LEGAL DESCRIPTION

BEING A PORTION OF LOT 22, BLOCK 29, SUGAR POND MANOR OF WELLINGTON, PUD, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 30, PAGE 20 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST SOUTHERLY CORNER OF SAID LOT 22; THENCE N51°53'05"E WITH THE SOUTHEASTERLY LINE OF SAID LOT 22 FOR A DISTANCE OF 7.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N51°53'05"E WITH THE SOUTHEASTERLY LINE OF SAID LOT 22 FOR A DISTANCE OF 18.00 FEET TO A POINT ON A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 430.53' AND WHOSE CHORD BEARS N43°00'43"W FOR A DISTANCE OF 73.50'; THENCE NORTHWESTERLY WITH SAID CURVE THROUGH A CENTRAL ANGLE OF 9°47'36" FOR AN ARC LENGTH OF 73.59' TO A POINT IN THE NORTHWESTERLY LINE OF SAID LOT 22; THENCE S42°05'29"W WITH THE NORTHWESTERLY LINE OF SAID LOT 22 FOR A DISTANCE OF 18.00 FEET TO A POINT ON A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 412.53 FEET AND WHOSE CHORD BEARS S43°00'43"E FOR A DISTANCE OF 70.43 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 9°47'36" FOR AN ARC LENGTH OF 70.43 FEET TO THE POINT OF BEGINNING

NOTES:

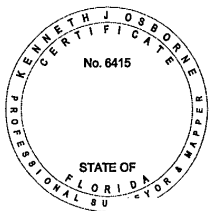
1. THIS IS NOT A BOUNDARY SURVEY.
2. NO FIELD WORK PERFORMED IN THE PREPARATION OF THIS LEGAL AND SKETCH.
3. THIS DRAWING IS NOT FULL AND COMPLETE WITHOUT ALL OF ITS ACCOMPANYING PAGES.

ABBREVIATION LEGEND

CH=CHORD
L=LENGTH
N.R.=NON RADIAL
P=PLAT
P.B.=PLAT BOOK
PG.=PAGE
P.I.D.=PARCEL IDENTIFICATION NUMBER
P.O.B.=POINT OF BEGINNING
P.O.C.=POINT OF COMMENCEMENT
R=RADIUS
U.E.=UTILITY EASEMENT

SURVEY NO. 179512
SKETCH DATE: 03-16-2017

PAGE 1 OF 2



SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT THIS SKETCH AND DESCRIPTION IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY PREPARED UNDER MY DIRECTION.
NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SIGNATURE AND AUTHENTICATED ELECTRONIC SEAL, OR A RAISED EMBOSSED SEAL AND SIGNATURE.

(SIGNED)

KENNETH J OSBORNE
PROFESSIONAL SURVEYOR AND MAPPER #6415

PAGE 1 OF 2 PAGES
(NOT COMPLETE WITHOUT PAGE 2)



LB #7893

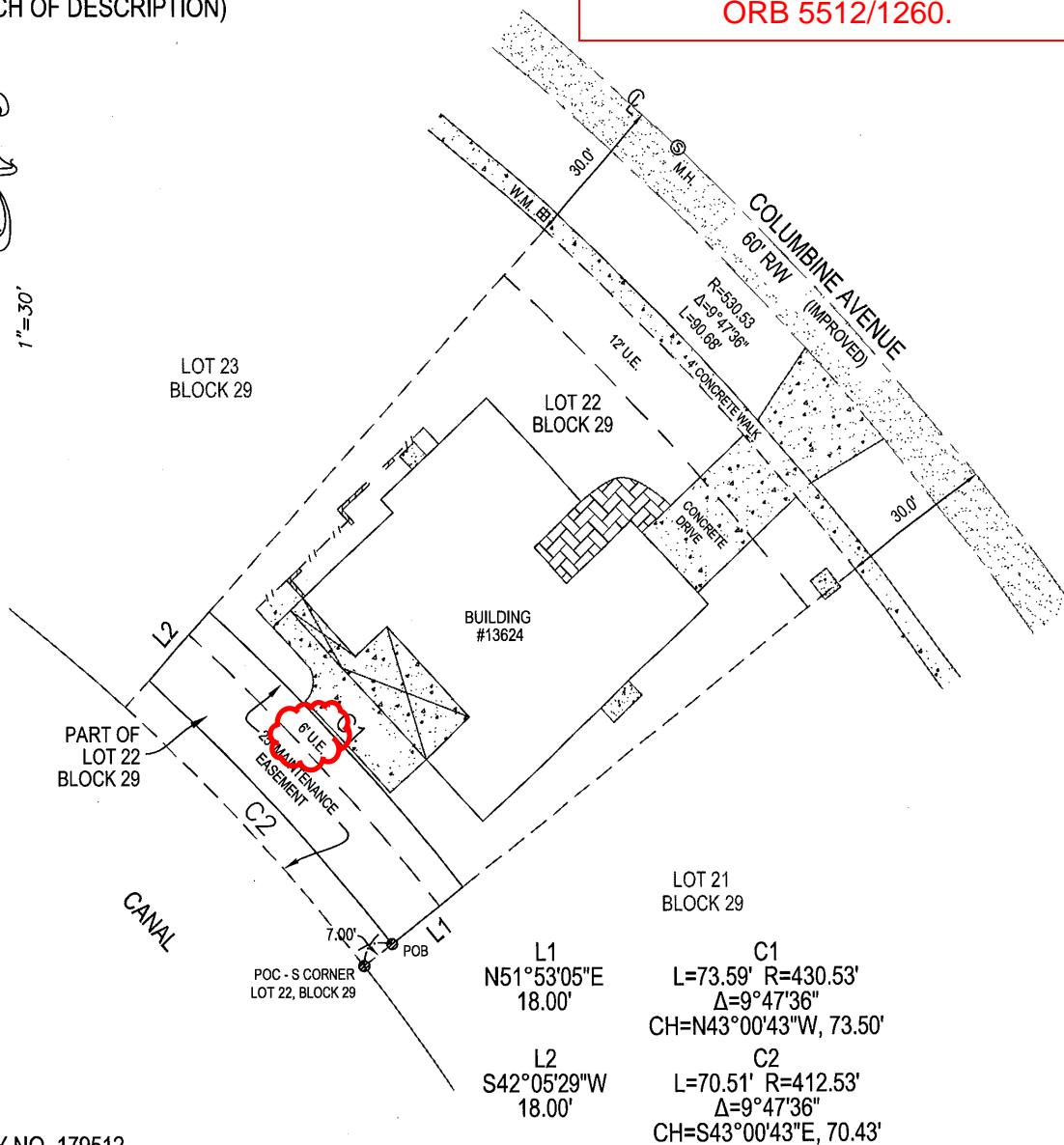
SERVING FLORIDA

6250 N. MILITARY TRAIL, SUITE 102
WEST PALM BEACH, FL 33407
PHONE (561) 640-4800
STATEWIDE PHONE (800) 226-4807
STATEWIDE FACSIMILE (800) 741-0576
WEBSITE: <http://targetsurveying.net>

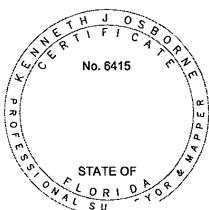
SKETCH AND DESCRIPTION

(SKETCH OF DESCRIPTION)

6' Utility Easement abandoned
ORB 5512/1260.



SURVEY NO. 179512
SKETCH DATE: 03-16-2017

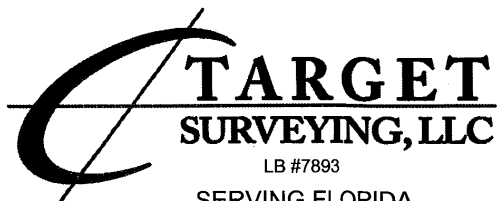


(SIGNED)

KENNETH J. OSBORNE
PROFESSIONAL SURVEYOR AND MAPPER #6415

SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT THIS SKETCH AND DESCRIPTION IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY PREPARED UNDER MY DIRECTION. NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SIGNATURE AND AUTHENTICATED ELECTRONIC SEAL, OR A RAISED EMBOSSED SEAL AND SIGNATURE.



LB #7893

SERVING FLORIDA

6250 N. MILITARY TRAIL, SUITE 102
WEST PALM BEACH, FL 33407
PHONE (561) 640-4800
STATEWIDE PHONE (800) 226-4807
STATEWIDE FACSIMILE (800) 741-0576
WEBSITE: <http://targetsurveying.net>

PAGE 2 OF 2 PAGES
(NOT COMPLETE WITHOUT PAGE 1)

Wolf

