

Agenda Item # : **3-C-25**

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

Meeting Date: November 21, 2006

☒ Consent ☐ Regular
☐ Workshop ☐ Public Hearing

Department:

Submitted By: Engineering and Public Works

Submitted For: Right-of-Way Acquisition Section

Project No. 1998504

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to Adopt: Ten Resolutions declaring the acquisition of property known as Parcel 102, as a Partial Take in Fee Simple for a Water Management Pond, and Parcels 702, 703, 704, 705, 706, 708, 719, 720 and 722 as Temporary Construction Easements, for the improvement of Lyons Road from Glades Road to Yamato Road.

Summary: This action will adopt ten Resolutions to authorize the filing of Eminent Domain Proceedings against ten parcels whose total appraised value is \$2,943,230.

District: 5 (PM)

Background and Justification: On February 1, 2005, the Board of County Commissioners granted approval to appraise and acquire rights-of-way for projects shown on the Five-Year Road Program. The acquisition of these parcels is required for the improvement of Lyons Road from Glades Road to Yamato Road. These acquisitions are for a public purpose and necessity, which is deemed to be in the best interest of Palm Beach County.

Attachments:

1. Location Map
2. Resolutions with Exhibit "A" and Exhibit "B" (20)

Recommended by:


Division Director

 10/17/06
Date

Approved by:


County Engineer

10/25/06
Date

KAT

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2007	2008	2009	2010	2011
Capital Expenditures	\$2,943,230	-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	\$2,943,230	-0-	-0-	-0-	-0-

ADDITIONAL FTE

POSITIONS (Cumulative) _____

Is Item Included in Current Budget? Yes X No

Budget Acct No.: Fund 3505 Dept. 361 Unit 0667 Object 6120.
Program

B. Recommended Sources of Funds/Summary of Fiscal Impact:

Road Impact Fee Fund - Zone 5
Lyons Rd/Glades Rd to Yamato

Appraisal - Parcel 102	\$2,900,000.00
Appraisals- 9 TCE's	\$ 43,230.00
Fiscal Impact	\$2,943,230.00

C. Departmental Fiscal Review: R.D. Ward 10/16/06

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

[Signature] 10-31-06
OFMB
[Signature] 10-27-06
[Signature] 10-27-06
[Signature] 11/1/06
[Signature] 11/15/06
Contract Dev. and Control

B. Approved as to Form and Legal Sufficiency:

[Signature]
Assistant County Attorney

C. Other Department Review:

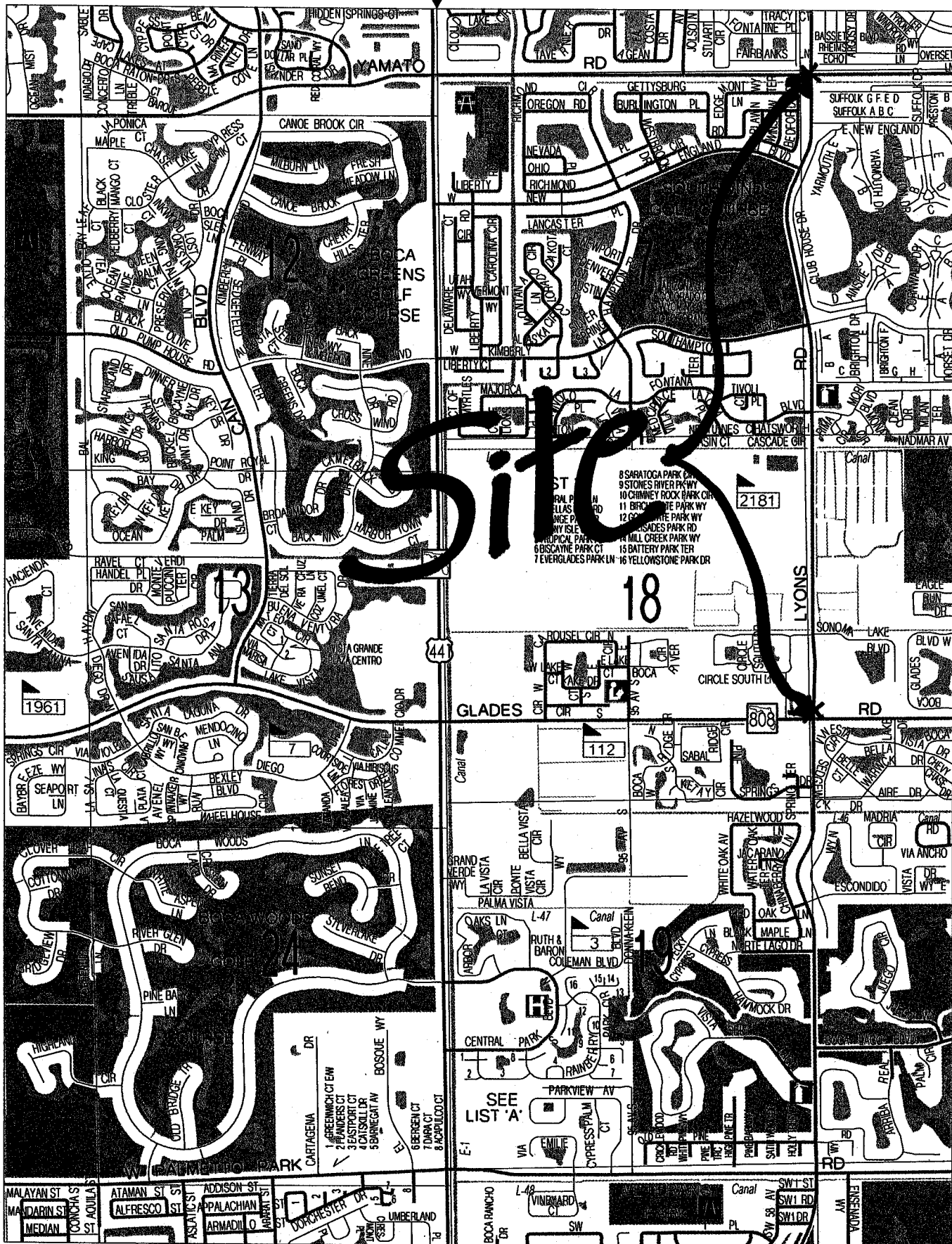
Department Director

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

T47

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T47



RESOLUTION NO. R-2006

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ADOPTING THIS RESOLUTION DECLARING THE ACQUISITION OF PROPERTY KNOWN AS PARCEL 102 AS A PARTIAL TAKE IN FEE SIMPLE FOR A WATER MANAGEMENT POND, NECESSARY FOR THE CONSTRUCTION AND IMPROVEMENT OF LYONS ROAD, FROM GLADES ROAD TO YAMATO ROAD, TO BE A PUBLIC NECESSITY, AUTHORIZING THE EMPLOYMENT OF APPRAISERS AND OTHER EXPERTS, AND THE FILING OF EMINENT DOMAIN PROCEEDINGS.

WHEREAS, the County Engineer has recommended the acquisition of this parcel to the Board of County Commissioners of Palm Beach County, for the construction and improvement of Lyons Road, from Glades Road to Yamato Road, in Palm Beach County, Florida; and,

WHEREAS, the funds are available for the acquisition of this parcel; and,

WHEREAS, the Board of County Commissioners of Palm Beach County is exercising its authority of Eminent Domain pursuant to Florida Statutes 73, 74, 127, and 337.27, as amended; and,

WHEREAS, this Board has considered the required factors pursuant to Florida law including Safety, Costs, Alternative Routes or Methodologies, Long Range Plans, and the Environment, as applicable to this parcel and as set forth in Exhibit "A", attached hereto and incorporated herein, prior to determining that the acquisition of Parcel 102 is necessary; and,

WHEREAS, this Board has considered the required factors under Florida Law, as they apply to Parcel 102, which is more fully described in Exhibit "B"; and,

WHEREAS, after considering the factors as set forth above, this Board has determined that the acquisition of the real property identified as Parcel 102 for the necessary Partial Take in Fee Simple for a Water Management Pond, which is more fully described in Exhibit "B", is necessary for the following public purpose, to wit: the construction and improvement of Lyons Road, from Glades Road to Yamato Road, and as such, the acquisition of said property is a public necessity deemed to be in the best interest of Palm Beach County; and,

WHEREAS, a Partial Take in Fee Simple of the property identified as Parcel 102 is necessary for right-of-way, thereon with the construction to be undertaken by Palm Beach County as to Lyons Road, from Glades Road to Yamato Road, thereon and adjacent thereto. The right-of-way Partial Take in Fee Simple of the parcel is granted upon the condition that the construction limits shall not extend beyond the limits outlined in the legal description of said property; and,

WHEREAS, the property to be acquired through the use of Eminent Domain as authorized by this resolution is not being acquired for the purpose of abating or eliminating public nuisances, slum or blight conditions, and is subject to any applicable conveyance restrictions pursuant to Florida laws, to the extent they may apply; and,

WHEREAS, the acquisition of this parcel is necessary for the construction and improvement of Lyons Road, from Glades Road to Yamato Road,

WHEREAS, in order to accomplish the acquisition of this parcel, the County Engineer and the County Attorney are authorized to take legal action, including the filing of Eminent Domain proceedings, and to employ real estate appraisers and other experts deemed necessary to accomplish this purpose.

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

1. This Board adopts and ratifies those matters set forth in the foregoing recitals.
2. The County Engineer and County Attorney are authorized and directed to employ real estate appraisers for the purpose of securing an appraisal of the value of the property described in Exhibit "B" for the purpose of acquiring said property through Eminent Domain.
3. The County Engineer and the County Attorney are hereby further authorized and directed to proceed to take all necessary steps, including the hiring of accountants, appraisers, or other experts and witnesses, for Palm Beach County to acquire, in its own name, by donation, purchase, or Eminent Domain proceedings, the real property described in Exhibit "B", and prepare all papers, pleadings, and other instruments required for that purpose, and to see that all Eminent Domain proceedings are prosecuted to judgment.
4. The County Engineer and County Attorney are hereby authorized and directed to take such further actions as are reasonably required to fully accomplish the purposes herein above directed, including the making of minor changes in the description of any real property described in Exhibit "B" that may be necessary to fully accomplish those purposes.

BE IT FURTHER RESOLVED that the property described in Exhibit "B" is to be used for the following public purpose: Partial Take in Fee Simple for a Water Management Pond.

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:

Karen T. Marcus

Jeff Koons

Warren H. Newell

Mary McCarty

Burt Aaronson

Addie L. Greene

The Chairperson thereupon declared the Resolution passed and adopted this _____ day of _____, 2006.

**PALM BEACH COUNTY, FLORIDA BY ITS
BOARD OF COUNTY COMMISSIONERS**

SHARON R. BOCK,
Clerk and Comptroller

By: _____
Deputy Clerk

By: _____

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: _____
County Attorney

EXHIBIT "A"

LYONS ROAD FROM GLADES ROAD TO YAMATO ROAD PALM BEACH COUNTY, PROJECT # 1998504

SAFETY

Lyons Road is currently a four (4) lane divided urban roadway within an existing 108' ultimate right-of-way. The widening of Lyons Road from Glades Road to Yamato Road as a six (6) lane divided roadway will improve the traffic performance of this segment of road due to the extra travel lane added each direction. The design of this project has been done in accordance with the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (The Florida Greenbook), as adopted and approved by the Florida Department of Transportation (FDOT).

COST

The cost of improving Lyons Road from Glades Road to Yamato Road, from a four (4) lane divided roadway to a six (6) lane divided roadway, had been estimated prior to beginning design. The appropriate funding for design, right-of-way acquisition and construction was budgeted in the County's Five Year Road program in fiscal years 1998 through 2007. During the design of the roadway, reasonable efforts were made to minimize the areas to be acquired through condemnation.

ALTERNATE ROUTES

Lyons Road from Glades Road to Yamato Road is a heavily traveled roadway, which provides the most direct route for vehicles traveling in a north-south direction through the unincorporated area of Boca Raton. The Palm Beach County Comprehensive Plan (Thoroughfare Right-of-Way-Identification Map), has for many years, defined this route as a route to be improved to meet traffic demands at full development of the County. Palm Beach County's Comprehensive Plan has been prepared to meet the requirements of Chapter 163, F. S. and Rule 9J-5, F.A.C., and to address the needs and interests of the County's residents and visitors.

Alternate routes were considered in lieu of improving Lyons Road, however, since this section of roadway is existing and the ultimate right-of-way is in place it was concluded that an alternate route was not feasible. In addition, construction of an alternate route through this very busy community would have disrupted or displaced numerous residential and business properties, be more costly and result in unnecessary impacts to the environment.

LONG RANGE PLANNING

The development of this project is in conformance with Palm Beach County's 2030 Long Range Transportation Plan. The 2030 Long Range Transportation System Plan is a 25-year forecast based on projected regional needs identified through the process of forecasting travel demand, evaluating system alternatives and selecting those options which best meet the mobility, safety, and other needs of the County, considering financial, environmental and social constraints. The plan serves as the preliminary tool used for transportation planning in Palm Beach County.

ENVIRONMENTAL IMPACTS

Lyons Road exists along an established roadway corridor and the proposed improvements will have minimal negative impacts to the environment. This roadway improvement project is expected to be permitted through the appropriate environmental regulatory agencies.

Below is a more detailed outline of the reasons for each type of acquisition needed for the improvement of Lyons road, from Glades Road to Yamato Road.

**PARTIAL TAKE IN FEE SIMPLE
FOR ADDITIONAL RIGHT OF WAY**

As stated above the widening of Lyons Road between Glades Road and Yamato Road will occur within existing road right-of-way; therefore, there is no additional right-of-way required to widen this segment.

**PARTIAL TAKE IN FEE SIMPLE
FOR WATER MANAGEMENT POND PARCELS**

1 POND SITE REQUIRED TO ACCOMMODATE THE DRAINAGE BETWEEN LWDD L-45 CANAL AND LWDD L-44 CANAL

In accordance with the Pond Sitting Selection Report prepared by Greenhorne & O' Mara Inc. and its sub-consultant (Calloway & Price, Inc.) dated August 2003 as well as previous drainage report dated December 2002 the existing storm sewer system does not meet current hydraulic design criteria for the proposed six lane roadway. A conceptual storm sewer reconstruction analysis has been done. In support of this analysis it was recommended by our consultant and its sub-consultant to acquire a 7.5 ac single pond for this project which is the most practical and economic way to address drainage needs for this segment of roadway.

EASEMENT ACQUISITIONS FOR PERMANENT EASEMENTS

Areas where the finished sidewalk elevation will be 2 ft or more above the existing grade, require acquisition of a permanent easement. This easement prevents the abutting owner from removing the underlying fill and thereby undermining the sidewalk. In cases where surface water ponding could occur on the adjacent property, it might require the placement of drainage structures within the permanent easements to convey that ponding water into the roadway drainage system or to adjacent canals.

EASEMENT ACQUISITIONS FOR TEMPORARY ACCESS, SLOPING & GRADING

Temporary Construction Easements are required (expiring after construction) adjacent to the widened right of way (or the Permanent Easements if acquired) in order to give construction vehicles access to the outside edges of the work area. In some cases these TCEs are also used to regrade the existing ground to prevent ponding of surface water and to direct it to a proper outfall. TCEs are also used to grade and harmonize the adjacent properties with the road right-of-way.

SHEET 1 OF 2

WATER RETENTION AREA - FEE SIMPLE

PORTIONS OF TRACTS 22 AND 23, BLOCK 76, ACCORDING TO PALM BEACH FARMS COMPANY PLAT NO. 3 AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID TRACT 22; THENCE NORTH $89^{\circ}38'24''$ EAST ALONG THE SOUTH LINE OF SAID TRACT 22, A DISTANCE OF 58.02 FEET TO THE POINT OF BEGINNING (SAID POINT BEING ON THE EXISTING EAST RIGHT OF WAY LINE OF LYONS ROAD DESCRIBED IN OFFICIAL RECORDS BOOK 2934, PAGES 1767 THROUGH 1768 OF SAID PUBLIC RECORDS, HAVING A 108 FOOT RIGHT OF WAY); THENCE CONTINUE NORTH $89^{\circ}38'24''$ EAST ALONG THE SOUTH LINE OF TRACTS 22-24, A DISTANCE OF 547.42 FEET; THENCE NORTH $00^{\circ}24'29''$ EAST, A DISTANCE OF 588.93 FEET; THENCE NORTH $89^{\circ}35'31''$ WEST, A DISTANCE OF 584.48 FEET TO SAID EXISTING EAST RIGHT OF WAY LINE OF SAID LYONS ROAD, HAVING A 108 FOOT RIGHT OF WAY; THENCE SOUTH $00^{\circ}22'17''$ EAST, ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 129.86 FEET TO THE POINT OF CURVATURE; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1,855.86 FEET AND A CENTRAL ANGLE OF $7^{\circ}03'53''$, AN ARC LENGTH OF 228.83 FEET TO THE POINT OF REVERSE CURVATURE; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1,963.86 FEET AND A CENTRAL ANGLE OF $6^{\circ}58'45''$, AN ARC LENGTH OF 239.22 FEET (THE PREVIOUS THREE COURSES BEING COINCIDENT WITH SAID EXISTING EAST RIGHT OF WAY LINE OF LYONS ROAD) TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA AND CONTAIN 7.743 ACRES, MORE OR LESS.

BEARINGS SHOWN HEREON ARE RELATIVE TO THE NATIONAL GEODETIC SURVEY, TRANSVERSE MERCATOR COORDINATES, FLORIDA EAST ZONE, NORTH AMERICAN DATUM (NAD) OF 1983 (1990 ADJUSTMENT) THE GRID BEARING BEING N $00^{\circ}22'17''$ W ALONG THE EXISTING EAST RIGHT OF WAY LINE OF SAID LYONS ROAD.

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE ATTACHED SKETCH AND THE ABOVE LEGAL DESCRIPTION ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THE ATTACHED EASEMENT SKETCH AND ABOVE LEGAL DESCRIPTION MEET THE INTENT OF THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING IN THE STATE OF FLORIDA AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PURSUANT TO SECTION 472.027, FLORIDA STATUTES AND ADOPTED IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, EFFECTIVE SEPTEMBER 1, 1981.

NOT VALID UNLESS EMBOSSED WITH SURVEYORS SEAL.


KATHERINE E. BANKO
PROFESSIONAL SURVEYOR AND MAPPER
NO. 5503, STATE OF FLORIDA

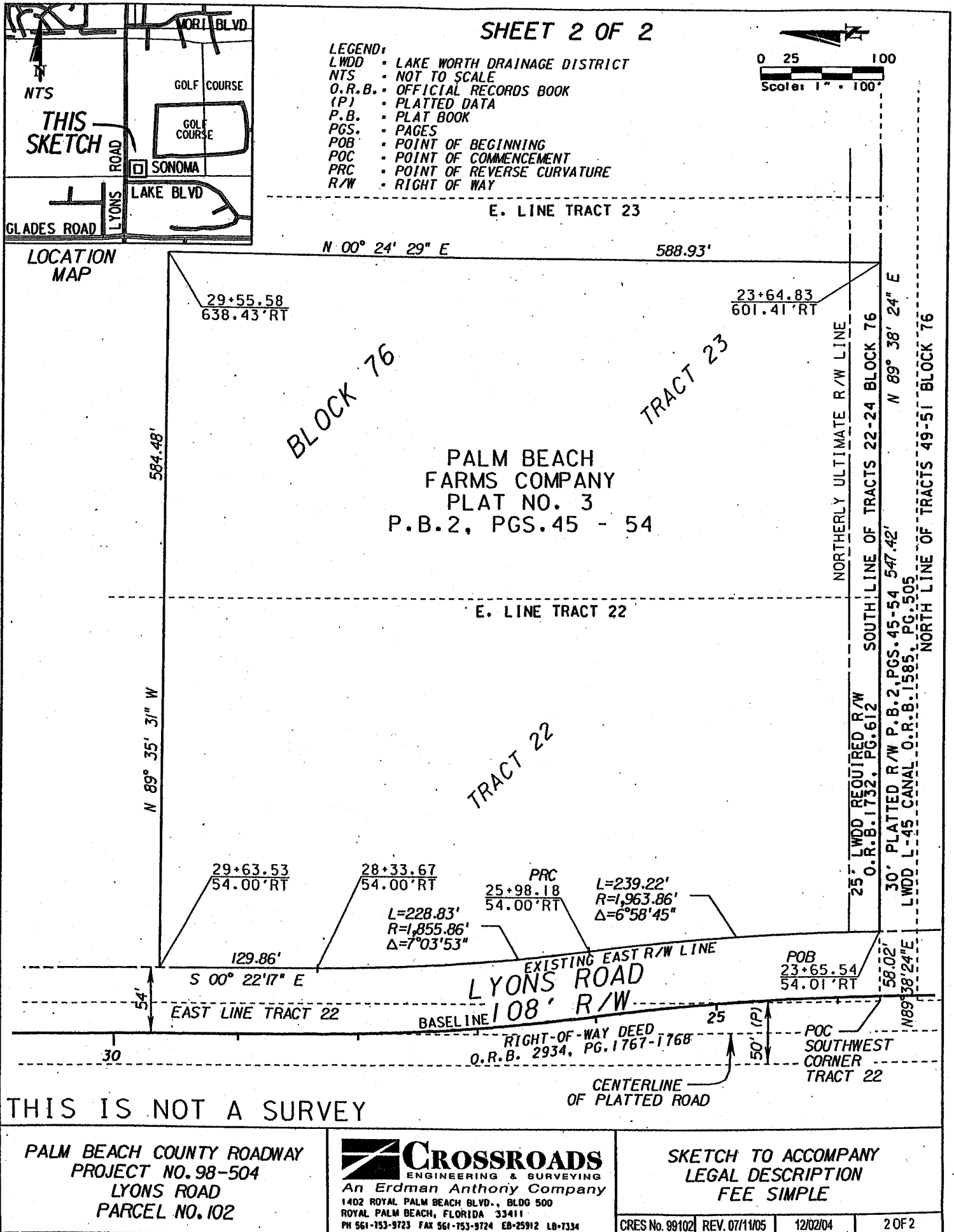
PALM BEACH COUNTY ROADWAY
PROJECT NO. 98-504
LYONS ROAD
PARCEL NO. 102

 **CROSSROADS**
ENGINEERING & SURVEYING
An Erdman Anthony Company
1402 ROYAL PALM BEACH BLVD., BLDG 500
ROYAL PALM BEACH, FLORIDA 33411
PH 561-753-9123 FAX 561-753-9124 EB-25912 LB-7334

LEGAL DESCRIPTION
FEE SIMPLE

CRES No. 99102 REV. 07/11/05 12/02/04 1 OF 2

Exhibit "B" to
Resolution
2 of 2



RESOLUTION NO. R-2006

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ADOPTING THIS RESOLUTION DECLARING THE ACQUISITION OF PROPERTY KNOWN AS PARCEL 702 AS A TEMPORARY CONSTRUCTION EASEMENT, NECESSARY FOR THE CONSTRUCTION AND IMPROVEMENT OF LYONS ROAD, FROM GLADES ROAD TO YAMATO ROAD, TO BE A PUBLIC NECESSITY, AUTHORIZING THE EMPLOYMENT OF APPRAISERS AND OTHER EXPERTS, AND THE FILING OF EMINENT DOMAIN PROCEEDINGS.

WHEREAS, the County Engineer has recommended the acquisition of this parcel to the Board of County Commissioners of Palm Beach County, for the construction and improvement of Lyons Road, from Glades Road to Yamato Road, in Palm Beach County, Florida; and,

WHEREAS, the funds are available for the acquisition of this parcel; and,

WHEREAS, the Board of County Commissioners of Palm Beach County is exercising its authority of Eminent Domain pursuant to Florida Statutes 73, 74, 127, and 337.27, as amended; and,

WHEREAS, this Board has considered the required factors pursuant to Florida law including Safety, Costs, Alternative Routes or Methodologies, Long Range Plans, and the Environment, as applicable to this parcel and as set forth in Exhibit "A", attached hereto and incorporated herein, prior to determining that the acquisition of Parcel 702 is necessary; and,

WHEREAS, this Board has considered the required factors under Florida Law, as they apply to Parcel 702, which is more fully described in Exhibit "B"; and,

WHEREAS, after considering the factors as set forth above, this Board has determined that the acquisition of the real property identified as Parcel 702 for the necessary Temporary Construction Easement, which is more fully described in Exhibit "B", is necessary for the following public purpose, to wit: the construction and improvement of Lyons Road, from Glades Road to Yamato Road, and as such, the acquisition of said property is a public necessity deemed to be in the best interest of Palm Beach County; and,

WHEREAS, a Temporary Construction Easement on property identified as Parcel 702 is necessary for the purpose of tying in and harmonizing said property and driveways, walkways, etc., thereon with the construction and improvement to be undertaken by Palm Beach County as to Lyons Road, From Glades Road to Yamato Road, adjacent thereto. This Temporary Construction Easement is granted upon the condition that the sloping and/or grading upon and above said land shall not extent beyond the limits outlined in the legal description of said property. This Temporary Construction Easement shall expire two years from the date of acquisition or upon the acceptance of the completed construction by the Palm Beach County Board of County Commissioners, whichever is earlier; and,

WHEREAS, the property to be acquired through the use of Eminent Domain as authorized by this resolution is not being acquired for the purpose of abating or eliminating public nuisances, slum or blight conditions, and is subject to any applicable conveyance restrictions pursuant to Florida laws, to the extent they may apply; and,

WHEREAS, the acquisition of this parcel is necessary for the construction and improvement of Lyons Road, from Glades Road to Yamato Road,

WHEREAS, in order to accomplish the acquisition of this parcel, the County Engineer and the County Attorney are authorized to take legal action, including the filing of Eminent Domain proceedings, and to employ real estate appraisers and other experts deemed necessary to accomplish this purpose.

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

- 1. This Board adopts and ratifies those matters set forth in the foregoing recitals.
- 2. The County Engineer and County Attorney are authorized and directed to employ real estate appraisers for the purpose of securing an appraisal of the value of the property described in Exhibit "B" for the purpose of acquiring said property through Eminent Domain.
- 3. The County Engineer and the County Attorney are hereby further authorized and directed to proceed to take all necessary steps, including the hiring of accountants, appraisers, or other experts and witnesses, for Palm Beach County to acquire, in its own name, by donation, purchase, or Eminent Domain proceedings, the real property described in Exhibit "B", and prepare all papers, pleadings, and other instruments required for that purpose, and to see that all Eminent Domain proceedings are prosecuted to judgment.
- 4. The County Engineer and County Attorney are hereby authorized and directed to take such further actions as are reasonably required to fully accomplish the purposes herein above directed, including the making of minor changes in the description of any real property described in Exhibit "B" that may be necessary to fully accomplish those purposes.

BE IT FURTHER RESOLVED that the property described in Exhibit "B" is to be used for the following public purpose: Temporary Construction Easement.

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:

Karen T. Marcus	_____
Jeff Koons	_____
Warren H. Newell	_____
Mary McCarty	_____
Burt Aaronson	_____

Addie L. Greene	_____

The Chairperson thereupon declared the Resolution passed and adopted this _____ day of _____, 2006.

PALM BEACH COUNTY, FLORIDA BY ITS
BOARD OF COUNTY COMMISSIONERS

SHARON R. BOCK,
Clerk and Comptroller

By: _____
Deputy Clerk

By: _____

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: _____
County Attorney

EXHIBIT "A"

LYONS ROAD FROM GLADES ROAD TO YAMATO ROAD PALM BEACH COUNTY, PROJECT # 1998504

SAFETY

Lyons Road is currently a four (4) lane divided urban roadway within an existing 108' ultimate right-of-way. The widening of Lyons Road from Glades Road to Yamato Road as a six (6) lane divided roadway will improve the traffic performance of this segment of road due to the extra travel lane added each direction. The design of this project has been done in accordance with the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (The Florida Greenbook), as adopted and approved by the Florida Department of Transportation (FDOT).

COST

The cost of improving Lyons Road from Glades Road to Yamato Road, from a four (4) lane divided roadway to a six (6) lane divided roadway, had been estimated prior to beginning design. The appropriate funding for design, right-of-way acquisition and construction was budgeted in the County's Five Year Road program in fiscal years 1998 through 2007. During the design of the roadway, reasonable efforts were made to minimize the areas to be acquired through condemnation.

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Lyons Road from Glades Road to Yamato Road is a heavily traveled roadway, which provides the most direct route for vehicles traveling in a north-south direction through the unincorporated area of Boca Raton. The Palm Beach County Comprehensive Plan (Thoroughfare Right-of-Way-Identification Map), has for many years, defined this route as a route to be improved to meet traffic demands at full development of the County. Palm Beach County's Comprehensive Plan has been prepared to meet the requirements of Chapter 163, F. S. and Rule 9J-5, F.A.C., and to address the needs and interests of the County's residents and visitors.

Alternate routes were considered in lieu of improving Lyons Road, however, since this section of roadway is existing and the ultimate right-of-way is in place it was concluded that an alternate route was not feasible. In addition, construction of an alternate route through this very busy community would have disrupted or displaced numerous residential and business properties, be more costly and result in unnecessary impacts to the environment.

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Below is a more detailed outline of the reasons for each type of acquisition needed for the improvement of Lyons road, from Glades Road to Yamato Road.

**PARTIAL TAKE IN FEE SIMPLE
FOR ADDITIONAL RIGHT OF WAY**

As stated above the widening of Lyons Road between Glades Road and Yamato Road will occur within existing road right-of-way; therefore, there is no additional right-of-way required to widen this segment.

**PARTIAL TAKE IN FEE SIMPLE
FOR WATER MANAGEMENT POND PARCELS**

1 POND SITE REQUIRED TO ACCOMMODATE THE DRAINAGE BETWEEN LWDD L-45 CANAL AND LWDD L-44 CANAL

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Areas where the finished sidewalk elevation will be 2 ft or more above the existing grade, require acquisition of a permanent easement. This easement prevents the abutting owner from removing the underlying fill and thereby undermining the sidewalk. In cases where surface water ponding could occur on the adjacent property, it might require the placement of drainage structures within the permanent easements to convey that ponding water into the roadway drainage system or to adjacent canals.

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SHEET 1 OF 2

A THREE (3') FOOT TEMPORARY CONSTRUCTION EASEMENT

PORTIONS OF THE PLAT OF SAVANNAH'S PLACE AS RECORDED IN PLAT BOOK 79, PAGES 148 AND 149 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE EAST THREE (3') FEET OF TRACTS "D" AND "E", LESS THAT PORTION LYING WITHIN THE 20' DRAINAGE EASEMENT AS SHOWN IN TRACT "D" OF SAID PLAT.

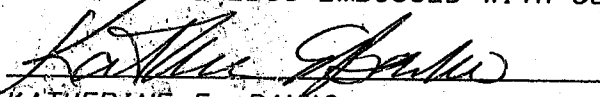
SAID EASEMENT SITUATE IN PALM BEACH COUNTY, FLORIDA AND CONTAINS 1,554 SQUARE FEET, MORE OR LESS.

BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED BEARING OF SOUTH 00°00'22" EAST, ALONG THE EAST LINE OF THE PLAT OF SAVANNAH'S PLACE AS RECORDED IN PLAT BOOK 79, PAGES 148 AND 149 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA


SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE ATTACHED SKETCH AND THE ABOVE LEGAL DESCRIPTION ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THE ATTACHED EASEMENT SKETCH AND ABOVE LEGAL DESCRIPTION MEET THE INTENT OF THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING IN THE STATE OF FLORIDA AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PURSUANT TO SECTION 472.027, FLORIDA STATUTES AND ADOPTED IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, EFFECTIVE SEPTEMBER 1, 1981.

NOT VALID UNLESS EMBOSSED WITH SURVEYORS SEAL.


KATHERINE E. BANKO
PROFESSIONAL SURVEYOR AND MAPPER
NO. 5503, STATE OF FLORIDA

PALM BEACH COUNTY ROADWAY
PROJECT NO. 98-504
LYONS ROAD
PARCEL NO. 702

 **CROSSROADS**
ENGINEERING & SURVEYING
An Erdman Anthony Company
1402 ROYAL PALM BEACH BLVD., BLDG 500
ROYAL PALM BEACH, FLORIDA 33411
PH 561-753-9723 FAX 561-753-9724 EB-25912 LB-7334

LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION
EASEMENT

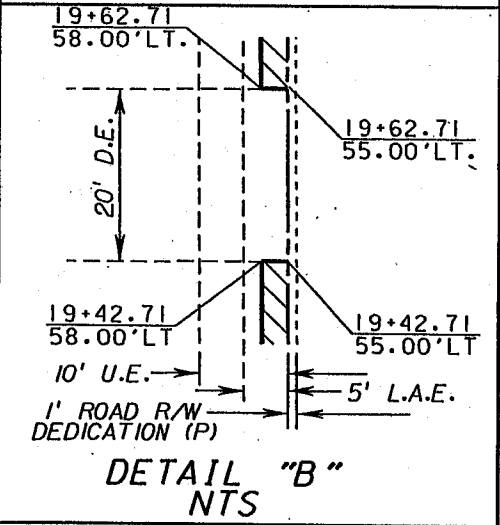
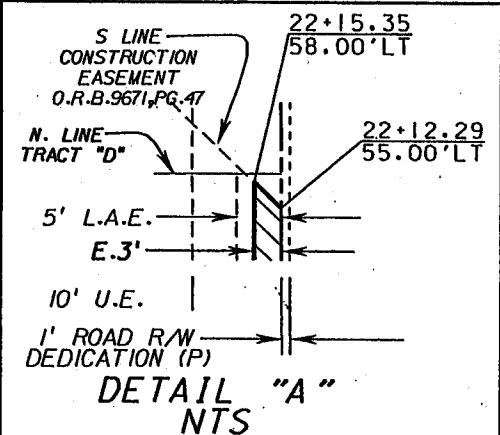
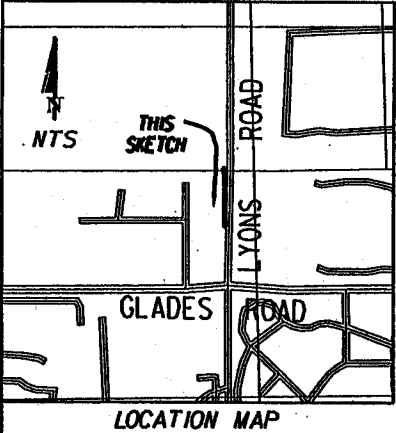
CRES No. 99102

12/02/04

1 OF 2

Exhibit "B" to
Resolution
2 of 2

SHEET 2 OF 2



LEGEND:
L.A.E. = LIMITED ACCESS EASEMENT
NTS = NOT TO SCALE
(P) = PLATTED DATA
P.B. = PLAT BOOK
PGS. = PAGES
R/W = RIGHT OF WAY
T.C.E. = TEMPORARY
CONSTRUCTION EASEMENT
U.E. = UTILITY EASEMENT

THIS IS NOT A SURVEY

PALM BEACH COUNTY ROADWAY
PROJECT NO. 98-504
LYONS ROAD
PARCEL NO. 702

CROSSROADS
ENGINEERING & SURVEYING
An Erdman Anthony Company
1402 ROYAL PALM BEACH BLVD., BLDG 500
ROYAL PALM BEACH, FLORIDA 33411
PH 561-753-9723 FAX 561-753-9724 EB-25912 LB-7334

SKETCH TO ACCOMPANY
LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION
EASEMENT

CRES No. 99102 12/02/04 2 OF 2

RESOLUTION NO. R-2006

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ADOPTING THIS RESOLUTION DECLARING THE ACQUISITION OF PROPERTY KNOWN AS PARCEL 703 AS A TEMPORARY CONSTRUCTION EASEMENT, NECESSARY FOR THE CONSTRUCTION AND IMPROVEMENT OF LYONS ROAD, FROM GLADES ROAD TO YAMATO ROAD, TO BE A PUBLIC NECESSITY, AUTHORIZING THE EMPLOYMENT OF APPRAISERS AND OTHER EXPERTS, AND THE FILING OF EMINENT DOMAIN PROCEEDINGS.

WHEREAS, the County Engineer has recommended the acquisition of this parcel to the Board of County Commissioners of Palm Beach County, for the construction and improvement of Lyons Road, from Glades Road to Yamato Road, in Palm Beach County, Florida; and,

WHEREAS, the funds are available for the acquisition of this parcel; and,

WHEREAS, the Board of County Commissioners of Palm Beach County is exercising its authority of Eminent Domain pursuant to Florida Statutes 73, 74, 127, and 337.27, as amended; and,

WHEREAS, this Board has considered the required factors pursuant to Florida law including Safety, Costs, Alternative Routes or Methodologies, Long Range Plans, and the Environment, as applicable to this parcel and as set forth in Exhibit "A", attached hereto and incorporated herein, prior to determining that the acquisition of Parcel 703 is necessary; and,

WHEREAS, this Board has considered the required factors under Florida Law, as they apply to Parcel 703, which is more fully described in Exhibit "B"; and,

WHEREAS, after considering the factors as set forth above, this Board has determined that the acquisition of the real property identified as Parcel 703 for the necessary Temporary Construction Easement, which is more fully described in Exhibit "B", is necessary for the following public purpose, to wit: the construction and improvement of Lyons Road, from Glades Road to Yamato Road, and as such, the acquisition of said property is a public necessity deemed to be in the best interest of Palm Beach County; and,

WHEREAS, a Temporary Construction Easement on property identified as Parcel 703 is necessary for the purpose of tying in and harmonizing said property and driveways, walkways, etc., thereon with the construction and improvement to be undertaken by Palm Beach County as to Lyons Road, From Glades Road to Yamato Road, adjacent thereto. This Temporary Construction Easement is granted upon the condition that the sloping and/or grading upon and above said land shall not extent beyond the limits outlined in the legal description of said property. This Temporary Construction Easement shall expire two years from the date of acquisition or upon the acceptance of the completed construction by the Palm Beach County Board of County Commissioners, whichever is earlier; and,

WHEREAS, the property to be acquired through the use of Eminent Domain as authorized by this resolution is not being acquired for the purpose of abating or eliminating public nuisances, slum or blight conditions, and is subject to any applicable conveyance restrictions pursuant to Florida laws, to the extent they may apply; and,

WHEREAS, the acquisition of this parcel is necessary for the construction and improvement of Lyons Road, from Glades Road to Yamato Road,

WHEREAS, in order to accomplish the acquisition of this parcel, the County Engineer and the County Attorney are authorized to take legal action, including the filing of Eminent Domain proceedings, and to employ real estate appraisers and other experts deemed necessary to accomplish this purpose.

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

- 1. This Board adopts and ratifies those matters set forth in the foregoing recitals.
- 2. The County Engineer and County Attorney are authorized and directed to employ real estate appraisers for the purpose of securing an appraisal of the value of the property described in Exhibit "B" for the purpose of acquiring said property through Eminent Domain.
- 3. The County Engineer and the County Attorney are hereby further authorized and directed to proceed to take all necessary steps, including the hiring of accountants, appraisers, or other experts and witnesses, for Palm Beach County to acquire, in its own name, by donation, purchase, or Eminent Domain proceedings, the real property described in Exhibit "B", and prepare all papers, pleadings, and other instruments required for that purpose, and to see that all Eminent Domain proceedings are prosecuted to judgment.
- 4. The County Engineer and County Attorney are hereby authorized and directed to take such further actions as are reasonably required to fully accomplish the purposes herein above directed, including the making of minor changes in the description of any real property described in Exhibit "B" that may be necessary to fully accomplish those purposes.

BE IT FURTHER RESOLVED that the property described in Exhibit "B" is to be used for the following public purpose: Temporary Construction Easement.

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:

Karen T. Marcus	_____
Jeff Koons	_____
Warren H. Newell	_____
Mary McCarty	_____
Burt Aaronson	_____

Addie L. Greene	_____

The Chairperson thereupon declared the Resolution passed and adopted this _____ day of _____, 2006.

PALM BEACH COUNTY, FLORIDA BY ITS
BOARD OF COUNTY COMMISSIONERS

SHARON R. BOCK,
Clerk and Comptroller

By: _____
Deputy Clerk

By: _____

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: _____
County Attorney

EXHIBIT "A"

LYONS ROAD FROM GLADES ROAD TO YAMATO ROAD PALM BEACH COUNTY, PROJECT # 1998504

SAFETY

Lyons Road is currently a four (4) lane divided urban roadway within an existing 108' ultimate right-of-way. The widening of Lyons Road from Glades Road to Yamato Road as a six (6) lane divided roadway will improve the traffic performance of this segment of road due to the extra travel lane added each direction. The design of this project has been done in accordance with the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (The Florida Greenbook), as adopted and approved by the Florida Department of Transportation (FDOT).

COST

The cost of improving Lyons Road from Glades Road to Yamato Road, from a four (4) lane divided roadway to a six (6) lane divided roadway, had been estimated prior to beginning design. The appropriate funding for design, right-of-way acquisition and construction was budgeted in the County's Five Year Road program in fiscal years 1998 through 2007. During the design of the roadway, reasonable efforts were made to minimize the areas to be acquired through condemnation.

ALTERNATE ROUTES

Lyons Road from Glades Road to Yamato Road is a heavily traveled roadway, which provides the most direct route for vehicles traveling in a north-south direction through the unincorporated area of Boca Raton. The Palm Beach County Comprehensive Plan (Thoroughfare Right-of-Way-Identification Map), has for many years, defined this route as a route to be improved to meet traffic demands at full development of the County. Palm Beach County's Comprehensive Plan has been prepared to meet the requirements of Chapter 163, F. S. and Rule 9J-5, F.A.C., and to address the needs and interests of the County's residents and visitors.

Alternate routes were considered in lieu of improving Lyons Road, however, since this section of roadway is existing and the ultimate right-of-way is in place it was concluded that an alternate route was not feasible. In addition, construction of an alternate route through this very busy community would have disrupted or displaced numerous residential and business properties, be more costly and result in unnecessary impacts to the environment.

LONG RANGE PLANNING

The development of this project is in conformance with Palm Beach County's 2030 Long Range Transportation Plan. The 2030 Long Range Transportation System Plan is a 25-year forecast based on projected regional needs identified through the process of forecasting travel demand, evaluating system alternatives and selecting those options which best meet the mobility, safety, and other needs of the County, considering financial, environmental and social constraints. The plan serves as the preliminary tool used for transportation planning in Palm Beach County.

ENVIRONMENTAL IMPACTS

Lyons Road exists along an established roadway corridor and the proposed improvements will have minimal negative impacts to the environment. This roadway improvement project is expected to be permitted through the appropriate environmental regulatory agencies.

Below is a more detailed outline of the reasons for each type of acquisition needed for the improvement of Lyons road, from Glades Road to Yamato Road.

**PARTIAL TAKE IN FEE SIMPLE
FOR ADDITIONAL RIGHT OF WAY**

As stated above the widening of Lyons Road between Glades Road and Yamato Road will occur within existing road right-of-way; therefore, there is no additional right-of-way required to widen this segment.

**PARTIAL TAKE IN FEE SIMPLE
FOR WATER MANAGEMENT POND PARCELS**

1 POND SITE REQUIRED TO ACCOMMODATE THE DRAINAGE BETWEEN LWDD L-45 CANAL AND LWDD L-44 CANAL

In accordance with the Pond Sitting Selection Report prepared by Greenhorne & O' Mara Inc. and its sub-consultant (Calloway & Price, Inc.) dated August 2003 as well as previous drainage report dated December 2002 the existing storm sewer system does not meet current hydraulic design criteria for the proposed six lane roadway. A conceptual storm sewer reconstruction analysis has been done. In support of this analysis it was recommended by our consultant and its sub-consultant to acquire a 7.5 ac single pond for this project which is the most practical and economic way to address drainage needs for this segment of roadway.

EASEMENT ACQUISITIONS FOR PERMANENT EASEMENTS

Areas where the finished sidewalk elevation will be 2 ft or more above the existing grade, require acquisition of a permanent easement. This easement prevents the abutting owner from removing the underlying fill and thereby undermining the sidewalk. In cases where surface water ponding could occur on the adjacent property, it might require the placement of drainage structures within the permanent easements to convey that ponding water into the roadway drainage system or to adjacent canals.

EASEMENT ACQUISITIONS FOR TEMPORARY ACCESS, SLOPING & GRADING

Temporary Construction Easements are required (expiring after construction) adjacent to the widened right of way (or the Permanent Easements if acquired) in order to give construction vehicles access to the outside edges of the work area. In some cases these TCEs are also used to regrade the existing ground to prevent ponding of surface water and to direct it to a proper outfall. TCEs are also used to grade and harmonize the adjacent properties with the road right-of-way.

SHEET 1 OF 2

LEGAL DESCRIPTION - TEMPORARY CONSTRUCTION EASEMENTS
PORTIONS OF TRACTS 51 AND 52, BLOCK 76, ACCORDING TO PALM BEACH FARMS
COMPANY PLAT NO. 3 AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE,
PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY
DESCRIBED AS FOLLOWS:

PART 1 OF 2: COMMENCING AT THE WESTERNMOST, SOUTHWEST CORNER OF TRACT 0-2 OF
THE PLAT OF SONOMA LAKE ESTATES AT BOCA RATON AS RECORDED IN PLAT BOOK 62, PAGES
49 THROUGH 51, INCLUSIVE, OF SAID PUBLIC RECORDS; THENCE SOUTH 00° 14' 03" EAST
ALONG THE EXISTING EAST RIGHT OF WAY LINE OF LYONS ROAD AS DESCRIBED IN
OFFICIAL RECORDS BOOK 2870 AT PAGE 1761, A DISTANCE OF 165.16 FEET TO THE POINT
OF BEGINNING; THENCE CONTINUE SOUTH 00° 14' 03" EAST ALONG SAID
RIGHT OF WAY LINE, A DISTANCE OF 51.07 FEET TO A POINT HEREIN AFTER KNOWN AS
"REFERENCE POINT A"; THENCE NORTH 66° 53' 23" EAST, A DISTANCE OF 15.92 FEET;
THENCE NORTH 89° 45' 57" EAST, A DISTANCE OF 11.33 FEET; THENCE NORTH 00° 14' 03"
WEST, A DISTANCE OF 38.76 FEET; THENCE SOUTH 89° 45' 57" WEST, A DISTANCE OF
11.56 FEET; THENCE NORTH 67° 16' 25" WEST, A DISTANCE OF 15.69 FEET TO THE
POINT OF BEGINNING.

TOGETHER WITH:

PART 2 OF 2: COMMENCING AT "REFERENCE POINT A"; THENCE SOUTH 00° 14' 03" EAST ALONG
THE EASTERLY EXISTING EAST RIGHT OF WAY LINE OF LYONS ROAD AS DESCRIBED IN
OFFICIAL RECORDS BOOK 2870 AT PAGE 1761, A DISTANCE OF 82.37 FEET; THENCE
SOUTH 01° 31' 05" EAST ALONG THE EXISTING EAST RIGHT OF WAY LINE OF LYONS
ROAD AS DESCRIBED IN OFFICIAL RECORDS BOOK 5119 AT PAGE 93, A DISTANCE OF 247.73
FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 01° 31' 05" EAST ALONG SAID
RIGHT OF WAY LINE, A DISTANCE OF 70.00 FEET; THENCE NORTH 72° 07' 54" EAST, A
DISTANCE OF 18.64 FEET; THENCE NORTH 88° 28' 55" EAST, A DISTANCE OF 4.11 FEET;
THENCE NORTH 01° 31' 05" WEST, A DISTANCE OF 57.00 FEET; THENCE SOUTH
88° 28' 55" WEST, A DISTANCE OF 2.11 FEET; THENCE NORTH 70° 13' 44" WEST, A DISTANCE
OF 21.35 FEET TO THE POINT OF BEGINNING.

SAID EASEMENT SITUATE IN PALM BEACH COUNTY, FLORIDA AND CONTAINS 2,475
SQUARE FEET, MORE OR LESS.

BEARINGS SHOWN HEREON ARE RELATIVE TO THE NATIONAL OCEAN SURVEY,
TRANSVERSE MERCATOR COORDINATES, FLORIDA EAST ZONE, NORTH AMERICAN
DATUM (NAD) OF 1983 (1990 ADJUSTMENT) THE GRID BEARING BEING N 00° 14' 03" W THE
EXISTING EAST RIGHT OF WAY LINE OF SAID LYONS ROAD.

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE ATTACHED SKETCH AND THE ABOVE LEGAL DESCRIPTION
ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER
CERTIFY THAT THE ATTACHED EASEMENT SKETCH AND ABOVE LEGAL DESCRIPTION
MEET THE INTENT OF THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING
IN THE STATE OF FLORIDA AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL
SURVEYORS AND MAPPERS PURSUANT TO SECTION 472.027, FLORIDA STATUTES AND
ADOPTED IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, EFFECTIVE
SEPTEMBER 1, 1981.

NOT VALID UNLESS EMBOSSED WITH SURVEYORS SEAL.

KATHERINE E. BANKO
PROFESSIONAL SURVEYOR AND MAPPER
NO. 5503, STATE OF FLORIDA

PALM BEACH COUNTY ROADWAY
PROJECT NO. 98-504
LYONS ROAD
PARCEL NO. 703

CROSSROADS
ENGINEERING & SURVEYING
An Erdman Anthony Company
1402 ROYAL PALM BEACH BLVD., BLDG 500
ROYAL PALM BEACH, FLORIDA 33411
PH 561-753-9723 FAX 561-753-9724 EB-25912 LB-7334

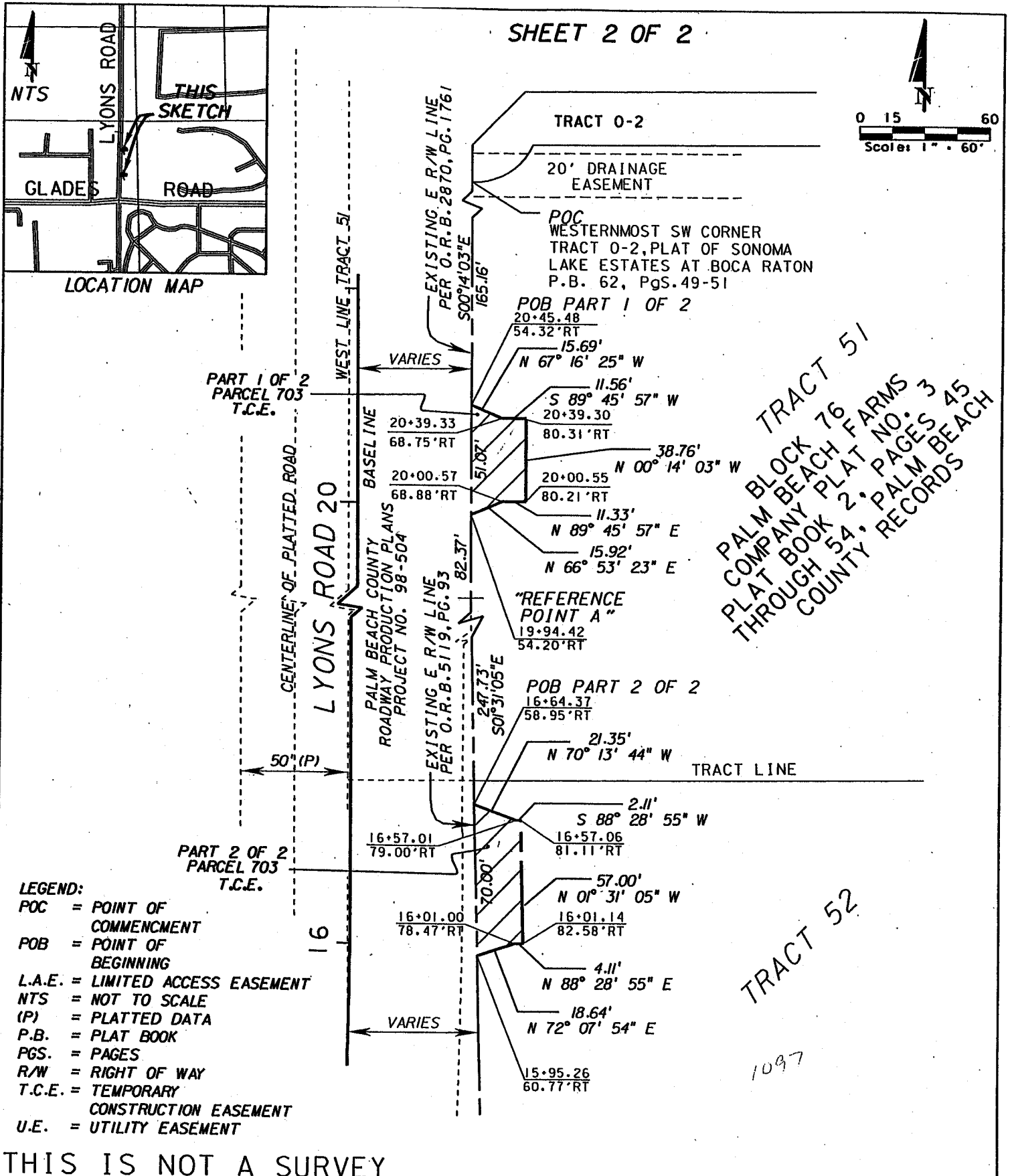
LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION
EASEMENT

CRES No. 99102

12/02/04

1 OF 2

Exhibit "B" to
Resolution
2 of 2



PALM BEACH COUNTY ROADWAY
PROJECT NO. 98-504
LYONS ROAD
PARCEL NO. 703

CROSSROADS
ENGINEERING & SURVEYING
An Erdman Anthony Company
1402 ROYAL PALM BEACH BLVD., BLDG 500
ROYAL PALM BEACH, FLORIDA 33411
PH 561-753-9723 FAX 561-753-9724 EB-25912 LB-7334

SKETCH TO ACCOMPANY
LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION
EASEMENT

CRES No. 99102

12/02/04

2 OF 2

RESOLUTION NO. R-2006

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ADOPTING THIS RESOLUTION DECLARING THE ACQUISITION OF PROPERTY KNOWN AS PARCEL 704 AS A TEMPORARY CONSTRUCTION EASEMENT, NECESSARY FOR THE CONSTRUCTION AND IMPROVEMENT OF LYONS ROAD, FROM GLADES ROAD TO YAMATO ROAD, TO BE A PUBLIC NECESSITY, AUTHORIZING THE EMPLOYMENT OF APPRAISERS AND OTHER EXPERTS, AND THE FILING OF EMINENT DOMAIN PROCEEDINGS.

WHEREAS, the County Engineer has recommended the acquisition of this parcel to the Board of County Commissioners of Palm Beach County, for the construction and improvement of Lyons Road, from Glades Road to Yamato Road, in Palm Beach County, Florida; and,

WHEREAS, the funds are available for the acquisition of this parcel; and,

WHEREAS, the Board of County Commissioners of Palm Beach County is exercising its authority of Eminent Domain pursuant to Florida Statutes 73, 74, 127, and 337.27, as amended; and,

WHEREAS, this Board has considered the required factors pursuant to Florida law including Safety, Costs, Alternative Routes or Methodologies, Long Range Plans, and the Environment, as applicable to this parcel and as set forth in Exhibit "A", attached hereto and incorporated herein, prior to determining that the acquisition of Parcel 704 is necessary; and,

WHEREAS, this Board has considered the required factors under Florida Law, as they apply to Parcel 704, which is more fully described in Exhibit "B"; and,

WHEREAS, after considering the factors as set forth above, this Board has determined that the acquisition of the real property identified as Parcel 704 for the necessary Temporary Construction Easement, which is more fully described in Exhibit "B", is necessary for the following public purpose, to wit: the construction and improvement of Lyons Road, from Glades Road to Yamato Road, and as such, the acquisition of said property is a public necessity deemed to be in the best interest of Palm Beach County; and,

WHEREAS, a Temporary Construction Easement on property identified as Parcel 704 is necessary for the purpose of tying in and harmonizing said property and driveways, walkways, etc., thereon with the construction and improvement to be undertaken by Palm Beach County as to Lyons Road, From Glades Road to Yamato Road, adjacent thereto. This Temporary Construction Easement is granted upon the condition that the sloping and/or grading upon and above said land shall not extent beyond the limits outlined in the legal description of said property. This Temporary Construction Easement shall expire two years from the date of acquisition or upon the acceptance of the completed construction by the Palm Beach County Board of County Commissioners, whichever is earlier; and,

WHEREAS, the property to be acquired through the use of Eminent Domain as authorized by this resolution is not being acquired for the purpose of abating or eliminating public nuisances, slum or blight conditions, and is subject to any applicable conveyance restrictions pursuant to Florida laws, to the extent they may apply; and,

WHEREAS, the acquisition of this parcel is necessary for the construction and improvement of Lyons Road, from Glades Road to Yamato Road,

WHEREAS, in order to accomplish the acquisition of this parcel, the County Engineer and the County Attorney are authorized to take legal action, including the filing of Eminent Domain proceedings, and to employ real estate appraisers and other experts deemed necessary to accomplish this purpose.

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

1. This Board adopts and ratifies those matters set forth in the foregoing recitals.
2. The County Engineer and County Attorney are authorized and directed to employ real estate appraisers for the purpose of securing an appraisal of the value of the property described in Exhibit "B" for the purpose of acquiring said property through Eminent Domain.
3. The County Engineer and the County Attorney are hereby further authorized and directed to proceed to take all necessary steps, including the hiring of accountants, appraisers, or other experts and witnesses, for Palm Beach County to acquire, in its own name, by donation, purchase, or Eminent Domain proceedings, the real property described in Exhibit "B", and prepare all papers, pleadings, and other instruments required for that purpose, and to see that all Eminent Domain proceedings are prosecuted to judgment.
4. The County Engineer and County Attorney are hereby authorized and directed to take such further actions as are reasonably required to fully accomplish the purposes herein above directed, including the making of minor changes in the description of any real property described in Exhibit "B" that may be necessary to fully accomplish those purposes.

BE IT FURTHER RESOLVED that the property described in Exhibit "B" is to be used for the following public purpose: Temporary Construction Easement.

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:

Karen T. Marcus	_____
Jeff Koons	_____
Warren H. Newell	_____
Mary McCarty	_____
Burt Aaronson	_____

Addie L. Greene	_____

The Chairperson thereupon declared the Resolution passed and adopted this _____ day of _____, 2006.

PALM BEACH COUNTY, FLORIDA BY ITS
BOARD OF COUNTY COMMISSIONERS

SHARON R. BOCK,
Clerk and Comptroller

By: _____
Deputy Clerk

By: _____

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: _____
County Attorney

EXHIBIT "A"

LYONS ROAD FROM GLADES ROAD TO YAMATO ROAD PALM BEACH COUNTY, PROJECT # 1998504

SAFETY

Lyons Road is currently a four (4) lane divided urban roadway within an existing 108' ultimate right-of-way. The widening of Lyons Road from Glades Road to Yamato Road as a six (6) lane divided roadway will improve the traffic performance of this segment of road due to the extra travel lane added each direction. The design of this project has been done in accordance with the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (The Florida Greenbook), as adopted and approved by the Florida Department of Transportation (FDOT).

COST

The cost of improving Lyons Road from Glades Road to Yamato Road, from a four (4) lane divided roadway to a six (6) lane divided roadway, had been estimated prior to beginning design. The appropriate funding for design, right-of-way acquisition and construction was budgeted in the County's Five Year Road program in fiscal years 1998 through 2007. During the design of the roadway, reasonable efforts were made to minimize the areas to be acquired through condemnation.

ALTERNATE ROUTES

Lyons Road from Glades Road to Yamato Road is a heavily traveled roadway, which provides the most direct route for vehicles traveling in a north-south direction through the unincorporated area of Boca Raton. The Palm Beach County Comprehensive Plan (Thoroughfare Right-of-Way-Identification Map), has for many years, defined this route as a route to be improved to meet traffic demands at full development of the County. Palm Beach County's Comprehensive Plan has been prepared to meet the requirements of Chapter 163, F. S. and Rule 9J-5, F.A.C., and to address the needs and interests of the County's residents and visitors.

Alternate routes were considered in lieu of improving Lyons Road, however, since this section of roadway is existing and the ultimate right-of-way is in place it was concluded that an alternate route was not feasible. In addition, construction of an alternate route through this very busy community would have disrupted or displaced numerous residential and business properties, be more costly and result in unnecessary impacts to the environment.

LONG RANGE PLANNING

The development of this project is in conformance with Palm Beach County's 2030 Long Range Transportation Plan. The 2030 Long Range Transportation System Plan is a 25-year forecast based on projected regional needs identified through the process of forecasting travel demand, evaluating system alternatives and selecting those options which best meet the mobility, safety, and other needs of the County, considering financial, environmental and social constraints. The plan serves as the preliminary tool used for transportation planning in Palm Beach County.

ENVIRONMENTAL IMPACTS

Lyons Road exists along an established roadway corridor and the proposed improvements will have minimal negative impacts to the environment. This roadway improvement project is expected to be permitted through the appropriate environmental regulatory agencies.

Below is a more detailed outline of the reasons for each type of acquisition needed for the improvement of Lyons road, from Glades Road to Yamato Road.

**PARTIAL TAKE IN FEE SIMPLE
FOR ADDITIONAL RIGHT OF WAY**

As stated above the widening of Lyons Road between Glades Road and Yamato Road will occur within existing road right-of-way; therefore, there is no additional right-of-way required to widen this segment.

**PARTIAL TAKE IN FEE SIMPLE
FOR WATER MANAGEMENT POND PARCELS**

1 POND SITE REQUIRED TO ACCOMMODATE THE DRAINAGE BETWEEN LWDD L-45 CANAL AND LWDD L-44 CANAL

In accordance with the Pond Sitting Selection Report prepared by Greenhorne & O' Mara Inc. and its sub-consultant (Calloway & Price, Inc.) dated August 2003 as well as previous drainage report dated December 2002 the existing storm sewer system does not meet current hydraulic design criteria for the proposed six lane roadway. A conceptual storm sewer reconstruction analysis has been done. In support of this analysis it was recommended by our consultant and its sub-consultant to acquire a 7.5 ac single pond for this project which is the most practical and economic way to address drainage needs for this segment of roadway.

EASEMENT ACQUISITIONS FOR PERMANENT EASEMENTS

Areas where the finished sidewalk elevation will be 2 ft or more above the existing grade, require acquisition of a permanent easement. This easement prevents the abutting owner from removing the underlying fill and thereby undermining the sidewalk. In cases where surface water ponding could occur on the adjacent property, it might require the placement of drainage structures within the permanent easements to convey that ponding water into the roadway drainage system or to adjacent canals.

EASEMENT ACQUISITIONS FOR TEMPORARY ACCESS, SLOPING & GRADING

Temporary Construction Easements are required (expiring after construction) adjacent to the widened right of way (or the Permanent Easements if acquired) in order to give construction vehicles access to the outside edges of the work area. In some cases these TCEs are also used to regrade the existing ground to prevent ponding of surface water and to direct it to a proper outfall. TCEs are also used to grade and harmonize the adjacent properties with the road right-of-way.

Exhibit "B" to
Resolution
1 of 2

SHEET 1 OF 2

LEGAL DESCRIPTION - TEMPORARY CONSTRUCTION EASEMENT

PORTIONS OF TRACTS 33 AND 64, BLOCK 77, ACCORDING TO PALM BEACH FARMS COMPANY PLAT NO. 3 AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF TRACT 64 (SAID POINT BEING ON THE EXISTING EAST RIGHT OF WAY LINE OF LYONS ROAD DESCRIBED IN OFFICIAL RECORDS BOOK 2934, PAGES 1767 THROUGH 1768 OF SAID PUBLIC RECORDS, HAVING A 108 FOOT RIGHT OF WAY); THENCE SOUTH $89^{\circ}38'24''$ WEST ALONG THE SOUTH LINE OF SAID TRACT 64, A DISTANCE OF 3.00 FEET (SAID LINE BEING NON-RADIAL TO THE NEXT AND LAST DESCRIBED CURVES OF THIS DESCRIPTION) TO A POINT ON A CIRCULAR CURVE TO THE LEFT AT WHICH THE RADIUS POINT BEARS $S\ 89^{\circ}31'44''\ W$; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 1852.86 FEET, A CENTRAL ANGLE OF $06^{\circ}57'56''$, A DISTANCE OF 225.26 FEET TO A POINT OF REVERSE CURVATURE; THENCE NORTHERLY ALONG THE ARC OF A CIRCULAR CURVE TO THE RIGHT, HAVING A RADIUS OF 1966.86 FEET, A CENTRAL ANGLE OF $07^{\circ}03'53''$, A DISTANCE OF 242.52 FEET TO A POINT OF TANGENCY; THENCE NORTH $00^{\circ}22'17''$ WEST A DISTANCE OF 582.55 FEET; THENCE NORTH $89^{\circ}37'43''$ EAST, A DISTANCE OF 3.00 FEET TO SAID EXISTING WEST RIGHT OF WAY LINE OF LYONS ROAD; THENCE SOUTH $00^{\circ}22'17''$ EAST A DISTANCE OF 582.55 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 1963.86 FEET, A CENTRAL ANGLE OF $07^{\circ}03'53''\ E$, A DISTANCE OF 242.15 FEET TO A POINT OF REVERSE CURVATURE; THENCE SOUTHERLY ALONG THE ARC OF A CIRCULAR CURVE TO THE RIGHT, HAVING A RADIUS OF 1855.86 FEET, A CENTRAL ANGLE OF $06^{\circ}57'57''$, A DISTANCE OF 225.63 FEET (THE PREVIOUS THREE COURSES ARE COINCIDENT WITH SAID EXISTING WEST RIGHT OF WAY LINE OF LYONS ROAD) TO THE POINT OF BEGINNING.

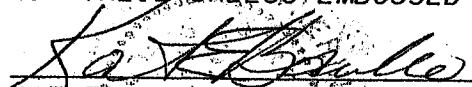
SAID EASEMENT SITUATE IN PALM BEACH COUNTY, FLORIDA AND CONTAINS 3151 SQUARE FEET, MORE OR LESS.

BEARINGS SHOWN HEREON ARE RELATIVE TO THE NATIONAL GEODETIC SURVEY, TRANSVERSE MERCATOR COORDINATES, FLORIDA EAST ZONE, NORTH AMERICAN DATUM (NAD) OF 1983 (1990 ADJUSTMENT) THE GRID BEARING BEING NORTH $00^{\circ}22'17''$ WEST ALONG SAID EXISTING WEST RIGHT OF WAY LINE OF LYONS ROAD


SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE ATTACHED SKETCH AND THE ABOVE LEGAL DESCRIPTION ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THE ATTACHED EASEMENT SKETCH AND ABOVE LEGAL DESCRIPTION MEET THE INTENT OF THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING IN THE STATE OF FLORIDA AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PURSUANT TO SECTION 472.027, FLORIDA STATUTES AND ADOPTED IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, EFFECTIVE SEPTEMBER 1, 1981.

NOT VALID UNLESS EMBOSSED WITH SURVEYORS SEAL.


KATHERINE E. BANKO
PROFESSIONAL SURVEYOR AND MAPPER
NO. 5503, STATE OF FLORIDA

PALM BEACH COUNTY ROADWAY
PROJECT NO. 98-504
LYONS ROAD
PARCEL NO. 704

 **CROSSROADS**
ENGINEERING & SURVEYING
An Erdman Anthony Company
1402 ROYAL PALM BEACH BLVD., BLDG 500
ROYAL PALM BEACH, FLORIDA 33411
PH 561-753-9723 FAX 561-753-9724 EB-25912 LB-7334

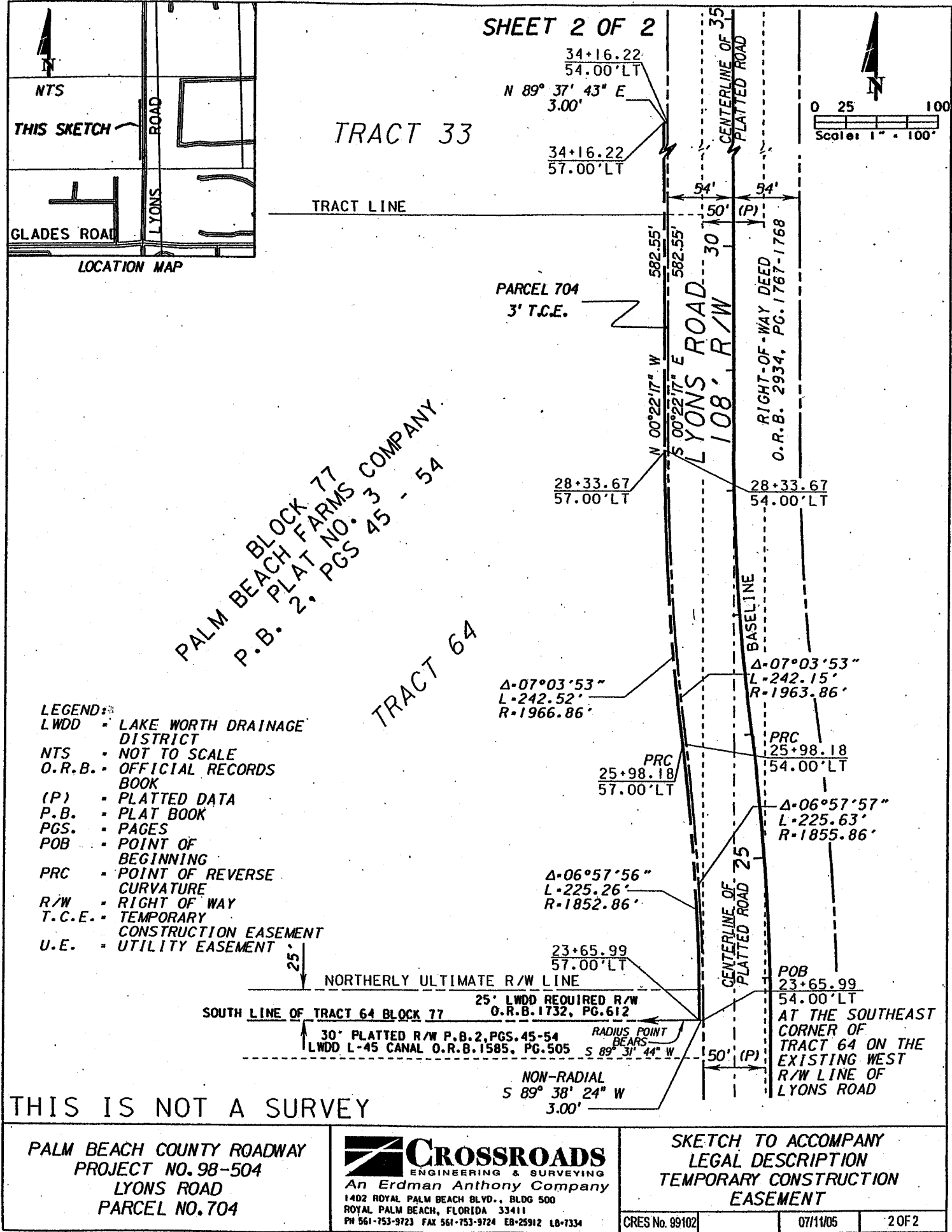
LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION
EASEMENT

CRES No. 99102

07/11/05

1 OF 2

Exhibit "B" to
Resolution
2 of 2



RESOLUTION NO. R-2006

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ADOPTING THIS RESOLUTION DECLARING THE ACQUISITION OF PROPERTY KNOWN AS PARCEL 705 AS A TEMPORARY CONSTRUCTION EASEMENT, NECESSARY FOR THE CONSTRUCTION AND IMPROVEMENT OF LYONS ROAD, FROM GLADES ROAD TO YAMATO ROAD, TO BE A PUBLIC NECESSITY, AUTHORIZING THE EMPLOYMENT OF APPRAISERS AND OTHER EXPERTS, AND THE FILING OF EMINENT DOMAIN PROCEEDINGS.

WHEREAS, the County Engineer has recommended the acquisition of this parcel to the Board of County Commissioners of Palm Beach County, for the construction and improvement of Lyons Road, from Glades Road to Yamato Road, in Palm Beach County, Florida; and,

WHEREAS, the funds are available for the acquisition of this parcel; and,

WHEREAS, the Board of County Commissioners of Palm Beach County is exercising its authority of Eminent Domain pursuant to Florida Statutes 73, 74, 127, and 337.27, as amended; and,

WHEREAS, this Board has considered the required factors pursuant to Florida law including Safety, Costs, Alternative Routes or Methodologies, Long Range Plans, and the Environment, as applicable to this parcel and as set forth in Exhibit "A", attached hereto and incorporated herein, prior to determining that the acquisition of Parcel 705 is necessary; and,

WHEREAS, this Board has considered the required factors under Florida Law, as they apply to Parcel 705, which is more fully described in Exhibit "B"; and,

WHEREAS, after considering the factors as set forth above, this Board has determined that the acquisition of the real property identified as Parcel 705 for the necessary Temporary Construction Easement, which is more fully described in Exhibit "B", is necessary for the following public purpose, to wit: the construction and improvement of Lyons Road, from Glades Road to Yamato Road, and as such, the acquisition of said property is a public necessity deemed to be in the best interest of Palm Beach County; and,

WHEREAS, a Temporary Construction Easement on property identified as Parcel 705 is necessary for the purpose of tying in and harmonizing said property and driveways, walkways, etc., thereon with the construction and improvement to be undertaken by Palm Beach County as to Lyons Road, From Glades Road to Yamato Road, adjacent thereto. This Temporary Construction Easement is granted upon the condition that the sloping and/or grading upon and above said land shall not extent beyond the limits outlined in the legal description of said property. This Temporary Construction Easement shall expire two years from the date of acquisition or upon the acceptance of the completed construction by the Palm Beach County Board of County Commissioners, whichever is earlier; and,

WHEREAS, the property to be acquired through the use of Eminent Domain as authorized by this resolution is not being acquired for the purpose of abating or eliminating public nuisances, slum or blight conditions, and is subject to any applicable conveyance restrictions pursuant to Florida laws, to the extent they may apply; and,

WHEREAS, the acquisition of this parcel is necessary for the construction and improvement of Lyons Road, from Glades Road to Yamato Road,

WHEREAS, in order to accomplish the acquisition of this parcel, the County Engineer and the County Attorney are authorized to take legal action, including the filing of Eminent Domain proceedings, and to employ real estate appraisers and other experts deemed necessary to accomplish this purpose.

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

1. This Board adopts and ratifies those matters set forth in the foregoing recitals.
2. The County Engineer and County Attorney are authorized and directed to employ real estate appraisers for the purpose of securing an appraisal of the value of the property described in Exhibit "B" for the purpose of acquiring said property through Eminent Domain.
3. The County Engineer and the County Attorney are hereby further authorized and directed to proceed to take all necessary steps, including the hiring of accountants, appraisers, or other experts and witnesses, for Palm Beach County to acquire, in its own name, by donation, purchase, or Eminent Domain proceedings, the real property described in Exhibit "B", and prepare all papers, pleadings, and other instruments required for that purpose, and to see that all Eminent Domain proceedings are prosecuted to judgment.
4. The County Engineer and County Attorney are hereby authorized and directed to take such further actions as are reasonably required to fully accomplish the purposes herein above directed, including the making of minor changes in the description of any real property described in Exhibit "B" that may be necessary to fully accomplish those purposes.

BE IT FURTHER RESOLVED that the property described in Exhibit "B" is to be used for the following public purpose: Temporary Construction Easement.

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:

Karen T. Marcus	_____
Jeff Koons	_____
Warren H. Newell	_____
Mary McCarty	_____
Burt Aaronson	_____

Addie L. Greene	_____

The Chairperson thereupon declared the Resolution passed and adopted this _____ day of _____, 2006.

PALM BEACH COUNTY, FLORIDA BY ITS
BOARD OF COUNTY COMMISSIONERS

SHARON R. BOCK,
Clerk and Comptroller

By: _____
Deputy Clerk

By: _____

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: _____
County Attorney

EXHIBIT "A"

LYONS ROAD FROM GLADES ROAD TO YAMATO ROAD PALM BEACH COUNTY, PROJECT # 1998504

SAFETY

Lyons Road is currently a four (4) lane divided urban roadway within an existing 108' ultimate right-of-way. The widening of Lyons Road from Glades Road to Yamato Road as a six (6) lane divided roadway will improve the traffic performance of this segment of road due to the extra travel lane added each direction. The design of this project has been done in accordance with the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (The Florida Greenbook), as adopted and approved by the Florida Department of Transportation (FDOT).

COST

The cost of improving Lyons Road from Glades Road to Yamato Road, from a four (4) lane divided roadway to a six (6) lane divided roadway, had been estimated prior to beginning design. The appropriate funding for design, right-of-way acquisition and construction was budgeted in the County's Five Year Road program in fiscal years 1998 through 2007. During the design of the roadway, reasonable efforts were made to minimize the areas to be acquired through condemnation.

ALTERNATE ROUTES

Lyons Road from Glades Road to Yamato Road is a heavily traveled roadway, which provides the most direct route for vehicles traveling in a north-south direction through the unincorporated area of Boca Raton. The Palm Beach County Comprehensive Plan (Thoroughfare Right-of-Way-Identification Map), has for many years, defined this route as a route to be improved to meet traffic demands at full development of the County. Palm Beach County's Comprehensive Plan has been prepared to meet the requirements of Chapter 163, F. S. and Rule 9J-5, F.A.C., and to address the needs and interests of the County's residents and visitors.

Alternate routes were considered in lieu of improving Lyons Road, however, since this section of roadway is existing and the ultimate right-of-way is in place it was concluded that an alternate route was not feasible. In addition, construction of an alternate route through this very busy community would have disrupted or displaced numerous residential and business properties, be more costly and result in unnecessary impacts to the environment.

LONG RANGE PLANNING

The development of this project is in conformance with Palm Beach County's 2030 Long Range Transportation Plan. The 2030 Long Range Transportation System Plan is a 25-year forecast based on projected regional needs identified through the process of forecasting travel demand, evaluating system alternatives and selecting those options which best meet the mobility, safety, and other needs of the County, considering financial, environmental and social constraints. The plan serves as the preliminary tool used for transportation planning in Palm Beach County.

ENVIRONMENTAL IMPACTS

Lyons Road exists along an established roadway corridor and the proposed improvements will have minimal negative impacts to the environment. This roadway improvement project is expected to be permitted through the appropriate environmental regulatory agencies.

Below is a more detailed outline of the reasons for each type of acquisition needed for the improvement of Lyons road, from Glades Road to Yamato Road.

**PARTIAL TAKE IN FEE SIMPLE
FOR ADDITIONAL RIGHT OF WAY**

As stated above the widening of Lyons Road between Glades Road and Yamato Road will occur within existing road right-of-way; therefore, there is no additional right-of-way required to widen this segment.

**PARTIAL TAKE IN FEE SIMPLE
FOR WATER MANAGEMENT POND PARCELS**

1 POND SITE REQUIRED TO ACCOMMODATE THE DRAINAGE BETWEEN LWDD L-45 CANAL AND LWDD L-44 CANAL

In accordance with the Pond Siting Selection Report prepared by Greenhorne & O' Mara Inc. and its sub-consultant (Calloway & Price, Inc.) dated August 2003 as well as previous drainage report dated December 2002 the existing storm sewer system does not meet current hydraulic design criteria for the proposed six lane roadway. A conceptual storm sewer reconstruction analysis has been done. In support of this analysis it was recommended by our consultant and its sub-consultant to acquire a 7.5 ac single pond for this project which is the most practical and economic way to address drainage needs for this segment of roadway.

EASEMENT ACQUISITIONS FOR PERMANENT EASEMENTS

Areas where the finished sidewalk elevation will be 2 ft or more above the existing grade, require acquisition of a permanent easement. This easement prevents the abutting owner from removing the underlying fill and thereby undermining the sidewalk. In cases where surface water ponding could occur on the adjacent property, it might require the placement of drainage structures within the permanent easements to convey that ponding water into the roadway drainage system or to adjacent canals.

EASEMENT ACQUISITIONS FOR TEMPORARY ACCESS, SLOPING & GRADING

Temporary Construction Easements are required (expiring after construction) adjacent to the widened right of way (or the Permanent Easements if acquired) in order to give construction vehicles access to the outside edges of the work area. In some cases these TCEs are also used to regrade the existing ground to prevent ponding of surface water and to direct it to a proper outfall. TCEs are also used to grade and harmonize the adjacent properties with the road right-of-way.

SHEET 1 OF 4

A THREE (3) FOOT TEMPORARY CONSTRUCTION EASEMENT

PORTIONS OF TRACTS 7, 8, 21, AND 22, AND A 30 FOOT WIDE ROADWAY LYING IN BLOCK 76, ACCORDING TO PALM BEACH FARMS COMPANY PLAT NO. 3 AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID TRACT 22; THENCE NORTH $00^{\circ}22'17''$ WEST, ALONG SAID WEST LINE OF SAID TRACT 22, A DISTANCE OF 597.10 FEET; THENCE SOUTH $89^{\circ}35'31''$ EAST, A DISTANCE OF 29.00 FEET TO THE POINT OF BEGINNING (SAID POINT BEING ON THE EXISTING EAST RIGHT OF WAY LINE OF LYONS ROAD AS DESCRIBED IN OFFICIAL RECORDS BOOK 2934, PAGES 1767 THROUGH 1768 OF SAID PUBLIC RECORDS, HAVING A 108 FOOT RIGHT OF WAY); THENCE NORTH $00^{\circ}22'17''$ WEST ALONG SAID EXISTING EAST RIGHT OF WAY LINE OF LYONS ROAD, A DISTANCE OF 2036.47 FEET; THENCE NORTH $89^{\circ}37'43''$ EAST, A DISTANCE OF 3.00 FEET; THENCE SOUTH $00^{\circ}22'17''$ EAST ALONG A LINE 3 FEET EAST OF AS MEASURED AT RIGHT ANGLES TO SAID EXISTING EAST RIGHT OF WAY LINE OF LYONS ROAD, A DISTANCE OF 2036.51 FEET; THENCE NORTH $89^{\circ}35'31''$ WEST, A DISTANCE OF 3.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA AND CONTAIN 6109 SQUARE FEET, MORE OR LESS.

BEARINGS SHOWN HEREON ARE RELATIVE TO THE NATIONAL GEODETIC SURVEY, TRANSVERSE MERCATOR COORDINATES, FLORIDA-EAST ZONE, NORTH AMERICAN DATUM (NAD) OF 1983 (1990 ADJUSTMENT) THE GRID BEARING BEING NORTH $00^{\circ}22'17''$ WEST ALONG THE EXISTING EAST RIGHT OF WAY LINE OF SAID LYONS ROAD.

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE ATTACHED SKETCH AND THE ABOVE LEGAL DESCRIPTION ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THE ATTACHED EASEMENT SKETCH AND ABOVE LEGAL DESCRIPTION MEET THE INTENT OF THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING IN THE STATE OF FLORIDA AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PURSUANT TO SECTION 472.027, FLORIDA STATUTES AND ADOPTED IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, EFFECTIVE SEPTEMBER 1, 1981.

NOT VALID UNLESS EMBOSSED WITH SURVEYORS SEAL.


KATHERINE E. BANKO
PROFESSIONAL SURVEYOR AND MAPPER
NO. 5503, STATE OF FLORIDA

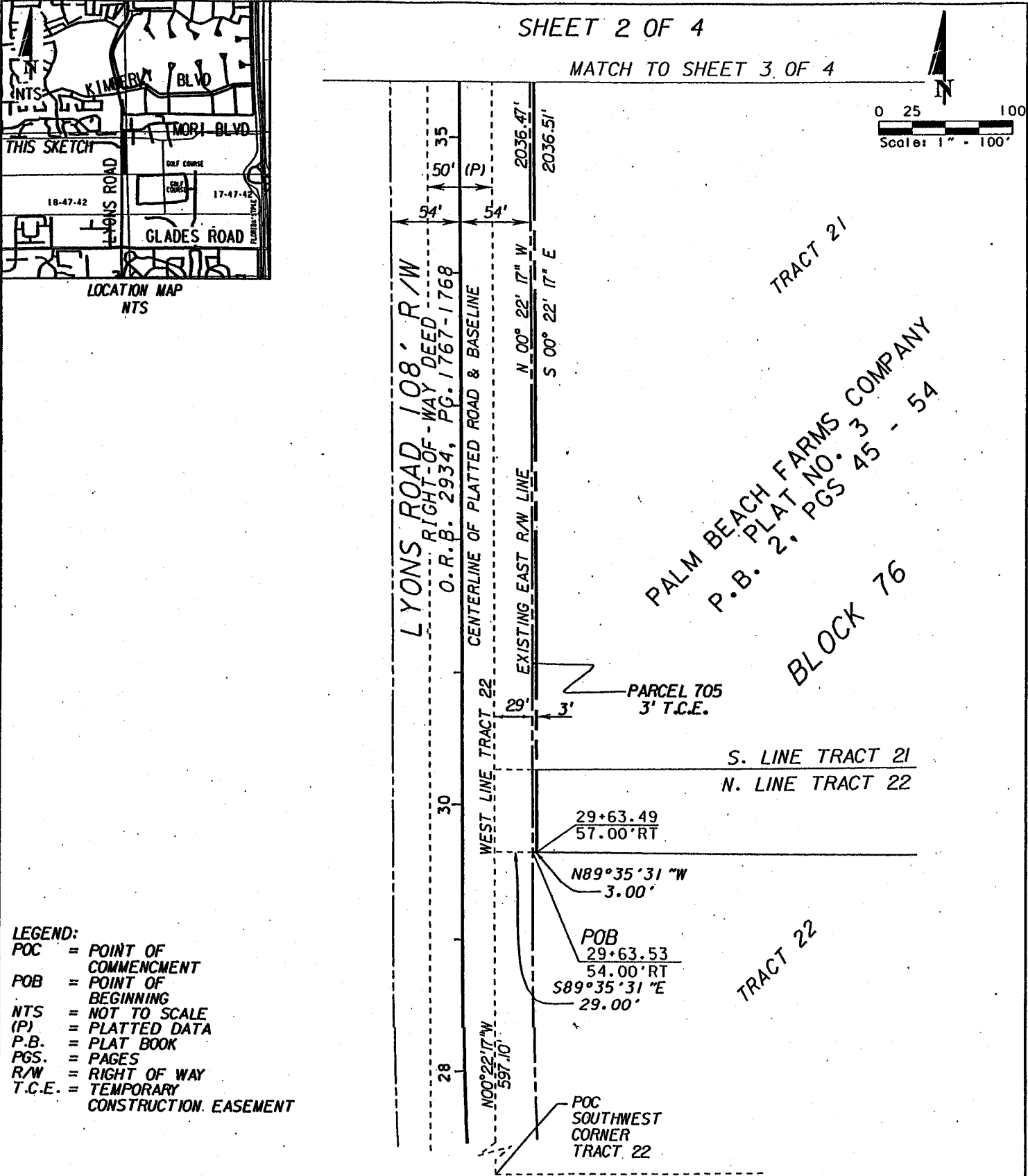
PALM BEACH COUNTY ROADWAY
PROJECT NO. 98-504
LYONS ROAD
PARCEL NO. 705

 **Crossroads**
ENGINEERING & SURVEYING
An Erdman Anthony Company
1402 ROYAL PALM BEACH BLVD., BLDG 500
ROYAL PALM BEACH, FLORIDA 33411
PH 561-753-9723 FAX 561-753-9724 EG-25912 LB-7334


LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION
EASEMENT

CRES No. 99102 REV. 07/11/05 12/02/04 1 OF 4

Exhibit "B" to
Resolution
2 of 4



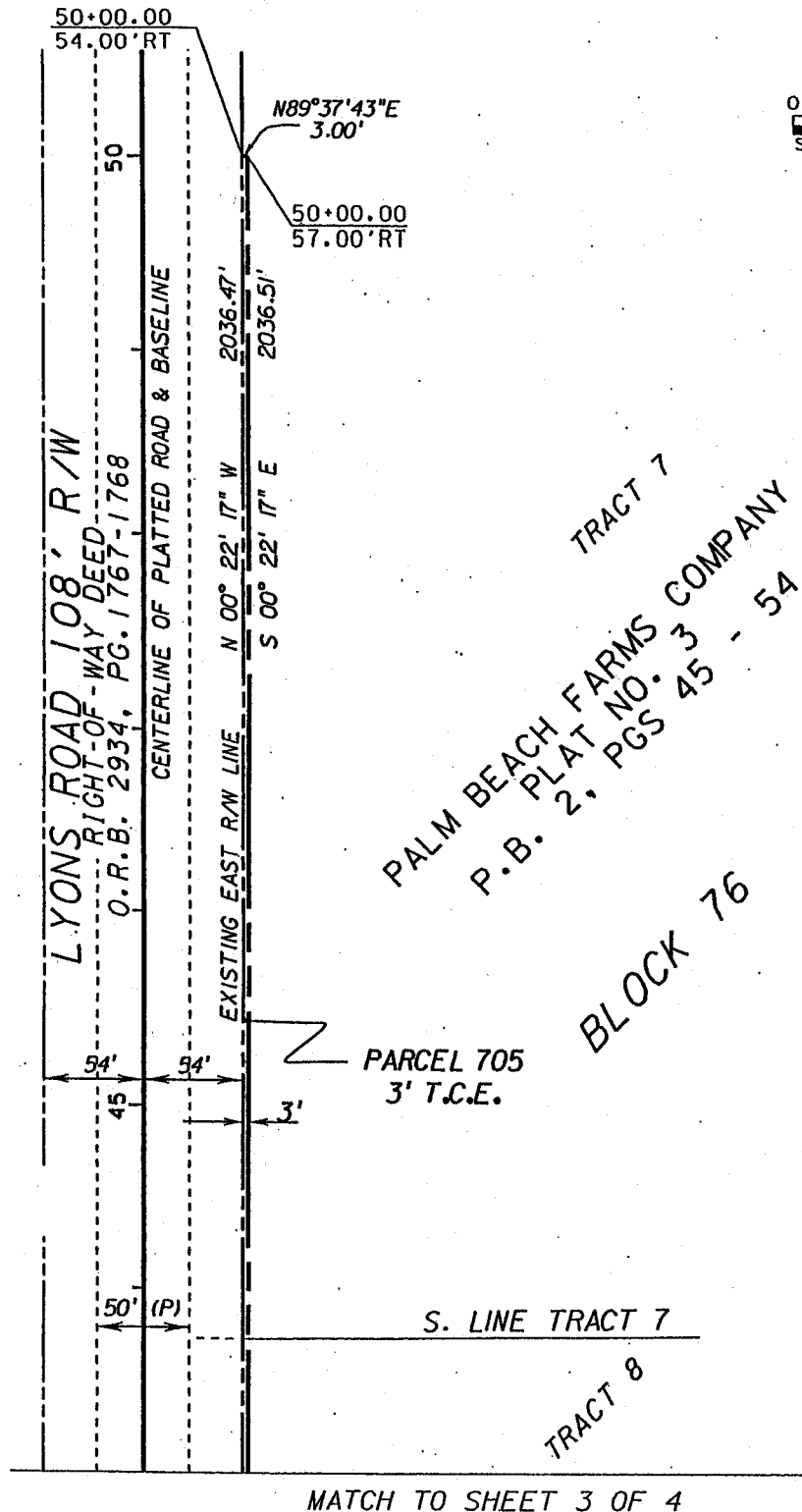
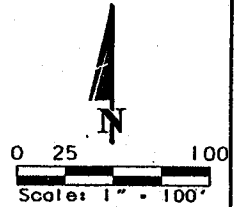
THIS IS NOT A SURVEY

<p>PALM BEACH COUNTY ROADWAY PROJECT NO. 98-504 LYONS ROAD PARCEL NO. 705</p>	 <p>CROSSROADS ENGINEERING & SURVEYING An Erdman Anthony Company 1402 ROYAL PALM BEACH BLVD.. BLDG 500 ROYAL PALM BEACH, FLORIDA 33411 PH 561-753-9723 FAX 561-753-9724 EB-25912 LB-7334</p>	<p>SKETCH TO ACCOMPANY LEGAL DESCRIPTION TEMPORARY CONSTRUCTION EASEMENT</p>			
		CRES No. 99102	REV. 07/11/05	12/02/04	2 OF 4

FILE: E:\PROJECTS\99102-LYONS\CADD\TCE705.dgn

Exhibit "B" to Resolution 4 of 4

SHEET 4 OF 4



LEGEND:
 POC = POINT OF COMMENCEMENT
 POB = POINT OF BEGINNING
 NTS = NOT TO SCALE
 (P) = PLATTED DATA
 P.B. = PLAT BOOK
 PGS. = PAGES
 R/W = RIGHT OF WAY
 T.C.E. = TEMPORARY CONSTRUCTION EASEMENT

THIS IS NOT A SURVEY

PALM BEACH COUNTY ROADWAY
 PROJECT NO. 98-504
 LYONS ROAD
 PARCEL NO. 705

CROSSROADS
 ENGINEERING & SURVEYING
 An Erdman Anthony Company
 1402 ROYAL PALM BEACH BLVD., BLDG 500
 ROYAL PALM BEACH, FLORIDA 33411
 PH 561-753-9723 FAX 561-753-9724 EB-25912 LB-7334

SKETCH TO ACCOMPANY
 LEGAL DESCRIPTION
 TEMPORARY CONSTRUCTION
 EASEMENT

CRES No. 99102	REV. 07/11/05	12/02/04	4 OF 4
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RESOLUTION NO. R-2006

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ADOPTING THIS RESOLUTION DECLARING THE ACQUISITION OF PROPERTY KNOWN AS PARCEL 706 AS A TEMPORARY CONSTRUCTION EASEMENT, NECESSARY FOR THE CONSTRUCTION AND IMPROVEMENT OF LYONS ROAD, FROM GLADES ROAD TO YAMATO ROAD, TO BE A PUBLIC NECESSITY, AUTHORIZING THE EMPLOYMENT OF APPRAISERS AND OTHER EXPERTS, AND THE FILING OF EMINENT DOMAIN PROCEEDINGS.

WHEREAS, the County Engineer has recommended the acquisition of this parcel to the Board of County Commissioners of Palm Beach County, for the construction and improvement of Lyons Road, from Glades Road to Yamato Road, in Palm Beach County, Florida; and,

WHEREAS, the funds are available for the acquisition of this parcel; and,

WHEREAS, the Board of County Commissioners of Palm Beach County is exercising its authority of Eminent Domain pursuant to Florida Statutes 73, 74, 127, and 337.27, as amended; and,

WHEREAS, this Board has considered the required factors pursuant to Florida law including Safety, Costs, Alternative Routes or Methodologies, Long Range Plans, and the Environment, as applicable to this parcel and as set forth in Exhibit "A", attached hereto and incorporated herein, prior to determining that the acquisition of Parcel 706 is necessary; and,

WHEREAS, this Board has considered the required factors under Florida Law, as they apply to Parcel 706, which is more fully described in Exhibit "B"; and,

WHEREAS, after considering the factors as set forth above, this Board has determined that the acquisition of the real property identified as Parcel 706 for the necessary Temporary Construction Easement, which is more fully described in Exhibit "B", is necessary for the following public purpose, to wit: the construction and improvement of Lyons Road, from Glades Road to Yamato Road, and as such, the acquisition of said property is a public necessity deemed to be in the best interest of Palm Beach County; and,

WHEREAS, a Temporary Construction Easement on property identified as Parcel 706 is necessary for the purpose of tying in and harmonizing said property and driveways, walkways, etc., thereon with the construction and improvement to be undertaken by Palm Beach County as to Lyons Road, From Glades Road to Yamato Road, adjacent thereto. This Temporary Construction Easement is granted upon the condition that the sloping and/or grading upon and above said land shall not extent beyond the limits outlined in the legal description of said property. This Temporary Construction Easement shall expire two years from the date of acquisition or upon the acceptance of the completed construction by the Palm Beach County Board of County Commissioners, whichever is earlier; and,

WHEREAS, the property to be acquired through the use of Eminent Domain as authorized by this resolution is not being acquired for the purpose of abating or eliminating public nuisances, slum or blight conditions, and is subject to any applicable conveyance restrictions pursuant to Florida laws, to the extent they may apply; and,

WHEREAS, the acquisition of this parcel is necessary for the construction and improvement of Lyons Road, from Glades Road to Yamato Road,

WHEREAS, in order to accomplish the acquisition of this parcel, the County Engineer and the County Attorney are authorized to take legal action, including the filing of Eminent Domain proceedings, and to employ real estate appraisers and other experts deemed necessary to accomplish this purpose.

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

1. This Board adopts and ratifies those matters set forth in the foregoing recitals.
2. The County Engineer and County Attorney are authorized and directed to employ real estate appraisers for the purpose of securing an appraisal of the value of the property described in Exhibit "B" for the purpose of acquiring said property through Eminent Domain.
3. The County Engineer and the County Attorney are hereby further authorized and directed to proceed to take all necessary steps, including the hiring of accountants, appraisers, or other experts and witnesses, for Palm Beach County to acquire, in its own name, by donation, purchase, or Eminent Domain proceedings, the real property described in Exhibit "B", and prepare all papers, pleadings, and other instruments required for that purpose, and to see that all Eminent Domain proceedings are prosecuted to judgment.
4. The County Engineer and County Attorney are hereby authorized and directed to take such further actions as are reasonably required to fully accomplish the purposes herein above directed, including the making of minor changes in the description of any real property described in Exhibit "B" that may be necessary to fully accomplish those purposes.

BE IT FURTHER RESOLVED that the property described in Exhibit "B" is to be used for the following public purpose: Temporary Construction Easement.

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:

Karen T. Marcus	_____
Jeff Koons	_____
Warren H. Newell	_____
Mary McCarty	_____
Burt Aaronson	_____

Addie L. Greene	_____

The Chairperson thereupon declared the Resolution passed and adopted this _____ day of _____, 2006.

PALM BEACH COUNTY, FLORIDA BY ITS
BOARD OF COUNTY COMMISSIONERS

SHARON R. BOCK,
Clerk and Comptroller

By: _____
Deputy Clerk

By: _____

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: _____
County Attorney

EXHIBIT "A"

LYONS ROAD FROM GLADES ROAD TO YAMATO ROAD PALM BEACH COUNTY, PROJECT # 1998504

SAFETY

Lyons Road is currently a four (4) lane divided urban roadway within an existing 108' ultimate right-of-way. The widening of Lyons Road from Glades Road to Yamato Road as a six (6) lane divided roadway will improve the traffic performance of this segment of road due to the extra travel lane added each direction. The design of this project has been done in accordance with the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (The Florida Greenbook), as adopted and approved by the Florida Department of Transportation (FDOT).

COST

The cost of improving Lyons Road from Glades Road to Yamato Road, from a four (4) lane divided roadway to a six (6) lane divided roadway, had been estimated prior to beginning design. The appropriate funding for design, right-of-way acquisition and construction was budgeted in the County's Five Year Road program in fiscal years 1998 through 2007. During the design of the roadway, reasonable efforts were made to minimize the areas to be acquired through condemnation.

ALTERNATE ROUTES

Lyons Road from Glades Road to Yamato Road is a heavily traveled roadway, which provides the most direct route for vehicles traveling in a north-south direction through the unincorporated area of Boca Raton. The Palm Beach County Comprehensive Plan (Thoroughfare Right-of-Way-Identification Map), has for many years, defined this route as a route to be improved to meet traffic demands at full development of the County. Palm Beach County's Comprehensive Plan has been prepared to meet the requirements of Chapter 163, F. S. and Rule 9J-5, F.A.C., and to address the needs and interests of the County's residents and visitors.

Alternate routes were considered in lieu of improving Lyons Road, however, since this section of roadway is existing and the ultimate right-of-way is in place it was concluded that an alternate route was not feasible. In addition, construction of an alternate route through this very busy community would have disrupted or displaced numerous residential and business properties, be more costly and result in unnecessary impacts to the environment.

LONG RANGE PLANNING

The development of this project is in conformance with Palm Beach County's 2030 Long Range Transportation Plan. The 2030 Long Range Transportation System Plan is a 25-year forecast based on projected regional needs identified through the process of forecasting travel demand, evaluating system alternatives and selecting those options which best meet the mobility, safety, and other needs of the County, considering financial, environmental and social constraints. The plan serves as the preliminary tool used for transportation planning in Palm Beach County.

ENVIRONMENTAL IMPACTS

Lyons Road exists along an established roadway corridor and the proposed improvements will have minimal negative impacts to the environment. This roadway improvement project is expected to be permitted through the appropriate environmental regulatory agencies.

Below is a more detailed outline of the reasons for each type of acquisition needed for the improvement of Lyons road, from Glades Road to Yamato Road.

**PARTIAL TAKE IN FEE SIMPLE
FOR ADDITIONAL RIGHT OF WAY**

As stated above the widening of Lyons Road between Glades Road and Yamato Road will occur within existing road right-of-way; therefore, there is no additional right-of-way required to widen this segment.

**PARTIAL TAKE IN FEE SIMPLE
FOR WATER MANAGEMENT POND PARCELS**

1 POND SITE REQUIRED TO ACCOMMODATE THE DRAINAGE BETWEEN LWDD L-45 CANAL AND LWDD L-44 CANAL

In accordance with the Pond Sitting Selection Report prepared by Greenhorne & O' Mara Inc. and its sub-consultant (Calloway & Price, Inc.) dated August 2003 as well as previous drainage report dated December 2002 the existing storm sewer system does not meet current hydraulic design criteria for the proposed six lane roadway. A conceptual storm sewer reconstruction analysis has been done. In support of this analysis it was recommended by our consultant and its sub-consultant to acquire a 7.5 ac single pond for this project which is the most practical and economic way to address drainage needs for this segment of roadway.

EASEMENT ACQUISITIONS FOR PERMANENT EASEMENTS

Areas where the finished sidewalk elevation will be 2 ft or more above the existing grade, require acquisition of a permanent easement. This easement prevents the abutting owner from removing the underlying fill and thereby undermining the sidewalk. In cases where surface water ponding could occur on the adjacent property, it might require the placement of drainage structures within the permanent easements to convey that ponding water into the roadway drainage system or to adjacent canals.

EASEMENT ACQUISITIONS FOR TEMPORARY ACCESS, SLOPING & GRADING

Temporary Construction Easements are required (expiring after construction) adjacent to the widened right of way (or the Permanent Easements if acquired) in order to give construction vehicles access to the outside edges of the work area. In some cases these TCEs are also used to regrade the existing ground to prevent ponding of surface water and to direct it to a proper outfall. TCEs are also used to grade and harmonize the adjacent properties with the road right-of-way.

Exhibit "B" to
Resolution
1 of 2

SHEET 1 OF 2

LEGAL DESCRIPTION - A 2.00 FOOT TEMPORARY CONSTRUCTION EASEMENT.

THE WEST 2.00 FEET OF TRACT C, ACCORDING TO BRENTWOOD OF BOCA - PHASE I AS RECORDED IN PLAT BOOK 47, PAGES 28 & 29 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

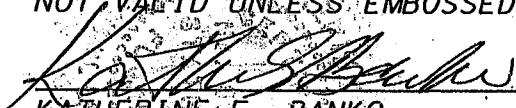
SAID EASEMENT SITUATE IN PALM BEACH COUNTY, FLORIDA AND CONTAINS 836 SQUARE FEET, MORE OR LESS.

BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED PLAT BEARING OF NORTH, ALONG THE WEST LINE OF TRACT C BRENTWOOD OF BOCA - PHASE I AS RECORDED IN PLAT BOOK 47, PAGES 28 & 29 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.


SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE ATTACHED SKETCH AND THE ABOVE LEGAL DESCRIPTION ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THE ATTACHED EASEMENT SKETCH AND ABOVE LEGAL DESCRIPTION MEET THE INTENT OF THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING IN THE STATE OF FLORIDA AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PURSUANT TO SECTION 472.027, FLORIDA STATUTES AND ADOPTED IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, EFFECTIVE SEPTEMBER 1, 1981.

NOT VALID UNLESS EMBOSSED WITH SURVEYORS SEAL.


KATHERINE E. BANKO
PROFESSIONAL SURVEYOR AND MAPPER
NO. 5503, STATE OF FLORIDA

PALM BEACH COUNTY ROADWAY
PROJECT NO. 98-504
LYONS ROAD
PARCEL NO. 706

 **CrossROADS**
ENGINEERING & SURVEYING
An Erdman Anthony Company
1402 ROYAL PALM BEACH BLVD., BLDG 500
ROYAL PALM BEACH, FLORIDA 33411
PH 561-753-9723 FAX 561-753-9724 EO-25912 LB-7334

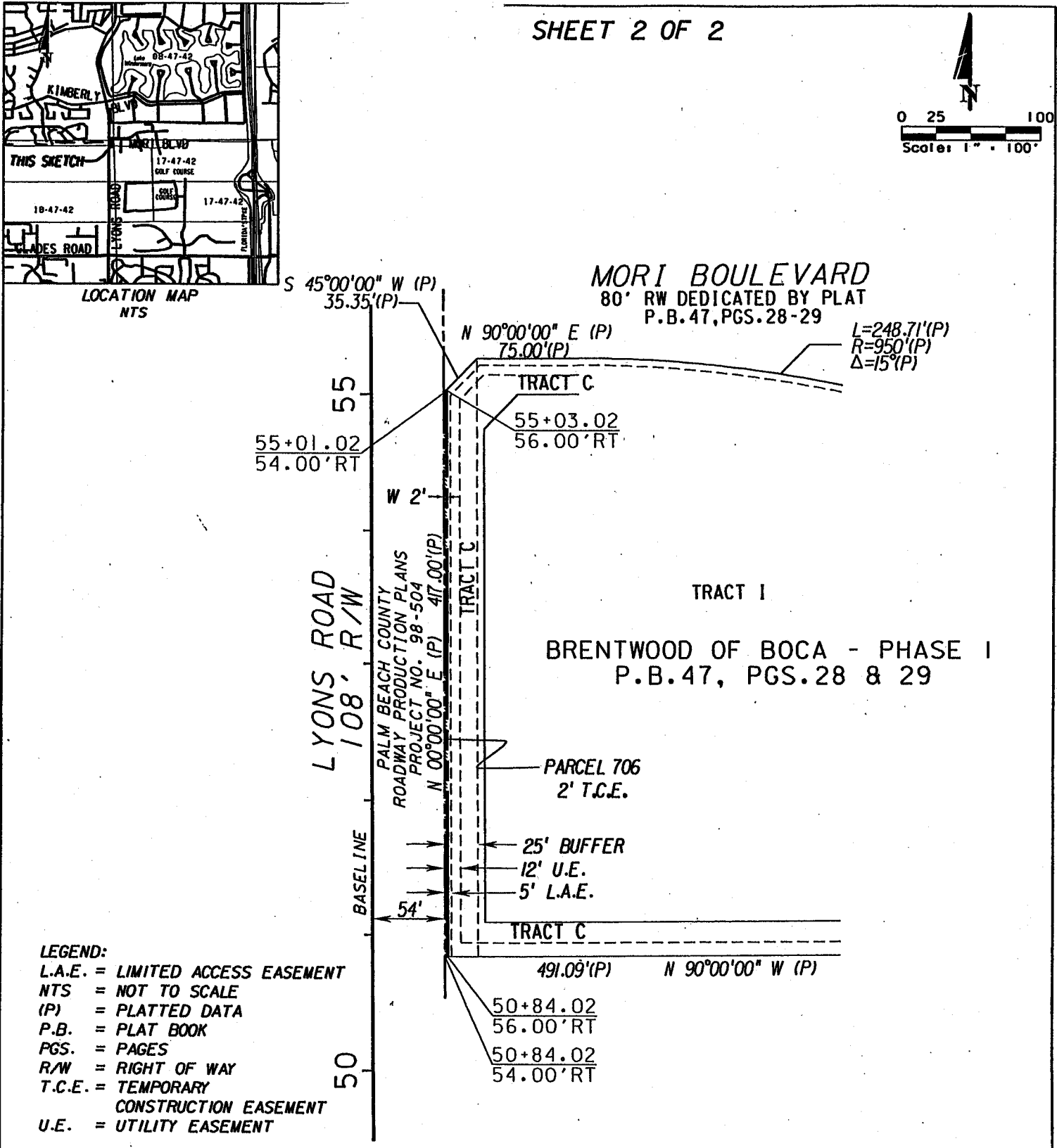
LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION
EASEMENT

CRES No. 99102

12/02/04

1 OF 2

Exhibit "B" to
Resolution
2 of 2



THIS IS NOT A SURVEY

<p>PALM BEACH COUNTY ROADWAY PROJECT NO. 98-504 LYONS ROAD PARCEL NO. 706</p>	<p>CROSSROADS ENGINEERING & SURVEYING An Erdman Anthony Company 1402 ROYAL PALM BEACH BLVD., BLDG 500 ROYAL PALM BEACH, FLORIDA 33411 PH 561-753-9723 FAX 561-753-9724 EB-25912 LB-7334</p>	<p>SKETCH TO ACCOMPANY LEGAL DESCRIPTION TEMPORARY CONSTRUCTION EASEMENT</p>
	CRES No. 99102	12/02/04 2 OF 2

RESOLUTION NO. R-2006

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ADOPTING THIS RESOLUTION DECLARING THE ACQUISITION OF PROPERTY KNOWN AS PARCEL 708 AS A TEMPORARY CONSTRUCTION EASEMENT, NECESSARY FOR THE CONSTRUCTION AND IMPROVEMENT OF LYONS ROAD, FROM GLADES ROAD TO YAMATO ROAD, TO BE A PUBLIC NECESSITY, AUTHORIZING THE EMPLOYMENT OF APPRAISERS AND OTHER EXPERTS, AND THE FILING OF EMINENT DOMAIN PROCEEDINGS.

WHEREAS, the County Engineer has recommended the acquisition of this parcel to the Board of County Commissioners of Palm Beach County, for the construction and improvement of Lyons Road, from Glades Road to Yamato Road, in Palm Beach County, Florida; and,

WHEREAS, the funds are available for the acquisition of this parcel; and,

WHEREAS, the Board of County Commissioners of Palm Beach County is exercising its authority of Eminent Domain pursuant to Florida Statutes 73, 74, 127, and 337.27, as amended; and,

WHEREAS, this Board has considered the required factors pursuant to Florida law including Safety, Costs, Alternative Routes or Methodologies, Long Range Plans, and the Environment, as applicable to this parcel and as set forth in Exhibit "A", attached hereto and incorporated herein, prior to determining that the acquisition of Parcel 708 is necessary; and,

WHEREAS, this Board has considered the required factors under Florida Law, as they apply to Parcel 708, which is more fully described in Exhibit "B"; and,

WHEREAS, after considering the factors as set forth above, this Board has determined that the acquisition of the real property identified as Parcel 708 for the necessary Temporary Construction Easement, which is more fully described in Exhibit "B", is necessary for the following public purpose, to wit: the construction and improvement of Lyons Road, from Glades Road to Yamato Road, and as such, the acquisition of said property is a public necessity deemed to be in the best interest of Palm Beach County; and,

WHEREAS, a Temporary Construction Easement on property identified as Parcel 708 is necessary for the purpose of tying in and harmonizing said property and driveways, walkways, etc., thereon with the construction and improvement to be undertaken by Palm Beach County as to Lyons Road, From Glades Road to Yamato Road, adjacent thereto. This Temporary Construction Easement is granted upon the condition that the sloping and/or grading upon and above said land shall not extent beyond the limits outlined in the legal description of said property. This Temporary Construction Easement shall expire two years from the date of acquisition or upon the acceptance of the completed construction by the Palm Beach County Board of County Commissioners, whichever is earlier; and,

WHEREAS, the property to be acquired through the use of Eminent Domain as authorized by this resolution is not being acquired for the purpose of abating or eliminating public nuisances, slum or blight conditions, and is subject to any applicable conveyance restrictions pursuant to Florida laws, to the extent they may apply; and,

WHEREAS, the acquisition of this parcel is necessary for the construction and improvement of Lyons Road, from Glades Road to Yamato Road,

WHEREAS, in order to accomplish the acquisition of this parcel, the County Engineer and the County Attorney are authorized to take legal action, including the filing of Eminent Domain proceedings, and to employ real estate appraisers and other experts deemed necessary to accomplish this purpose.

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

- 1. This Board adopts and ratifies those matters set forth in the foregoing recitals.
- 2. The County Engineer and County Attorney are authorized and directed to employ real estate appraisers for the purpose of securing an appraisal of the value of the property described in Exhibit "B" for the purpose of acquiring said property through Eminent Domain.
- 3. The County Engineer and the County Attorney are hereby further authorized and directed to proceed to take all necessary steps, including the hiring of accountants, appraisers, or other experts and witnesses, for Palm Beach County to acquire, in its own name, by donation, purchase, or Eminent Domain proceedings, the real property described in Exhibit "B", and prepare all papers, pleadings, and other instruments required for that purpose, and to see that all Eminent Domain proceedings are prosecuted to judgment.
- 4. The County Engineer and County Attorney are hereby authorized and directed to take such further actions as are reasonably required to fully accomplish the purposes herein above directed, including the making of minor changes in the description of any real property described in Exhibit "B" that may be necessary to fully accomplish those purposes.

BE IT FURTHER RESOLVED that the property described in Exhibit "B" is to be used for the following public purpose: Temporary Construction Easement.

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:

Karen T. Marcus	_____
Jeff Koons	_____
Warren H. Newell	_____
Mary McCarty	_____
Burt Aaronson	_____

Addie L. Greene	_____

The Chairperson thereupon declared the Resolution passed and adopted this _____ day of _____, 2006.

PALM BEACH COUNTY, FLORIDA BY ITS
BOARD OF COUNTY COMMISSIONERS

SHARON R. BOCK,
Clerk and Comptroller

By: _____
Deputy Clerk

By: _____

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: _____
County Attorney

EXHIBIT "A"

LYONS ROAD FROM GLADES ROAD TO YAMATO ROAD PALM BEACH COUNTY, PROJECT # 1998504

SAFETY

Lyons Road is currently a four (4) lane divided urban roadway within an existing 108' ultimate right-of-way. The widening of Lyons Road from Glades Road to Yamato Road as a six (6) lane divided roadway will improve the traffic performance of this segment of road due to the extra travel lane added each direction. The design of this project has been done in accordance with the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (The Florida Greenbook), as adopted and approved by the Florida Department of Transportation (FDOT).

COST

The cost of improving Lyons Road from Glades Road to Yamato Road, from a four (4) lane divided roadway to a six (6) lane divided roadway, had been estimated prior to beginning design. The appropriate funding for design, right-of-way acquisition and construction was budgeted in the County's Five Year Road program in fiscal years 1998 through 2007. During the design of the roadway, reasonable efforts were made to minimize the areas to be acquired through condemnation.

ALTERNATE ROUTES

Lyons Road from Glades Road to Yamato Road is a heavily traveled roadway, which provides the most direct route for vehicles traveling in a north-south direction through the unincorporated area of Boca Raton. The Palm Beach County Comprehensive Plan (Thoroughfare Right-of-Way-Identification Map), has for many years, defined this route as a route to be improved to meet traffic demands at full development of the County. Palm Beach County's Comprehensive Plan has been prepared to meet the requirements of Chapter 163, F. S. and Rule 9J-5, F.A.C., and to address the needs and interests of the County's residents and visitors.

Alternate routes were considered in lieu of improving Lyons Road, however, since this section of roadway is existing and the ultimate right-of-way is in place it was concluded that an alternate route was not feasible. In addition, construction of an alternate route through this very busy community would have disrupted or displaced numerous residential and business properties, be more costly and result in unnecessary impacts to the environment.

LONG RANGE PLANNING

The development of this project is in conformance with Palm Beach County's 2030 Long Range Transportation Plan. The 2030 Long Range Transportation System Plan is a 25-year forecast based on projected regional needs identified through the process of forecasting travel demand, evaluating system alternatives and selecting those options which best meet the mobility, safety, and other needs of the County, considering financial, environmental and social constraints. The plan serves as the preliminary tool used for transportation planning in Palm Beach County.

ENVIRONMENTAL IMPACTS

Lyons Road exists along an established roadway corridor and the proposed improvements will have minimal negative impacts to the environment. This roadway improvement project is expected to be permitted through the appropriate environmental regulatory agencies.

Below is a more detailed outline of the reasons for each type of acquisition needed for the improvement of Lyons road, from Glades Road to Yamato Road.

**PARTIAL TAKE IN FEE SIMPLE
FOR ADDITIONAL RIGHT OF WAY**

As stated above the widening of Lyons Road between Glades Road and Yamato Road will occur within existing road right-of-way; therefore, there is no additional right-of-way required to widen this segment.

**PARTIAL TAKE IN FEE SIMPLE
FOR WATER MANAGEMENT POND PARCELS**

1 POND SITE REQUIRED TO ACCOMMODATE THE DRAINAGE BETWEEN LWDD L-45 CANAL AND LWDD L-44 CANAL

In accordance with the Pond Sitting Selection Report prepared by Greenhorne & O' Mara Inc. and its sub-consultant (Calloway & Price, Inc.) dated August 2003 as well as previous drainage report dated December 2002 the existing storm sewer system does not meet current hydraulic design criteria for the proposed six lane roadway. A conceptual storm sewer reconstruction analysis has been done. In support of this analysis it was recommended by our consultant and its sub-consultant to acquire a 7.5 ac single pond for this project which is the most practical and economic way to address drainage needs for this segment of roadway.

EASEMENT ACQUISITIONS FOR PERMANENT EASEMENTS

Areas where the finished sidewalk elevation will be 2 ft or more above the existing grade, require acquisition of a permanent easement. This easement prevents the abutting owner from removing the underlying fill and thereby undermining the sidewalk. In cases where surface water ponding could occur on the adjacent property, it might require the placement of drainage structures within the permanent easements to convey that ponding water into the roadway drainage system or to adjacent canals.

EASEMENT ACQUISITIONS FOR TEMPORARY ACCESS, SLOPING & GRADING

Temporary Construction Easements are required (expiring after construction) adjacent to the widened right of way (or the Permanent Easements if acquired) in order to give construction vehicles access to the outside edges of the work area. In some cases these TCEs are also used to regrade the existing ground to prevent ponding of surface water and to direct it to a proper outfall. TCEs are also used to grade and harmonize the adjacent properties with the road right-of-way.

Exhibit 'B' to
Resolution
1 of 2

SHEET 1 OF 2

LEGAL DESCRIPTION - AN EIGHT (8) FOOT TEMPORARY CONSTRUCTION EASEMENT

THE EAST EIGHT (8) FEET THE PLAT OF BOCA FONTANA PLAZA RECORDED IN
PLAT BOOK 49, PAGE 165 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY,
FLORIDA, LESS THE SOUTH 188 FEET THEREOF.


SAID EASEMENT SITUATE IN PALM BEACH COUNTY, FLORIDA AND CONTAINS
1303 SQUARE FEET, MORE OR LESS.

BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED PLAT BEARING OF
SOUTH 00°00'00" WEST ALONG THE EAST LINE OF THE PLAT OF BOCA FONTANA
PLAZA AS RECORDED IN PLAT BOOK 49, PAGE 165 OF THE PUBLIC RECORDS OF
PALM BEACH COUNTY, FLORIDA

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE ATTACHED SKETCH AND THE ABOVE LEGAL DESCRIPTION
ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER
CERTIFY THAT THE ATTACHED EASEMENT SKETCH AND ABOVE LEGAL DESCRIPTION
MEET THE INTENT OF THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING
IN THE STATE OF FLORIDA AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL
SURVEYORS AND MAPPERS PURSUANT TO SECTION 472.027, FLORIDA STATUTES AND
ADOPTED IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, EFFECTIVE
SEPTEMBER 1, 1981.

NOT VALID UNLESS EMBOSSED WITH SURVEYORS SEAL.


KATHERINE E. BANKO
PROFESSIONAL SURVEYOR AND MAPPER
NO. 5503, STATE OF FLORIDA

PALM BEACH COUNTY ROADWAY
PROJECT NO. 98-504
LYONS ROAD
PARCEL NO. 708

 **CROSSROADS**
ENGINEERING & SURVEYING
An Erdman Anthony Company
1402 ROYAL PALM BEACH BLVD., BLDG 500
ROYAL PALM BEACH, FLORIDA 33411
PH 561-753-9723 FAX 561-753-9724 EB-25912 LB-7334

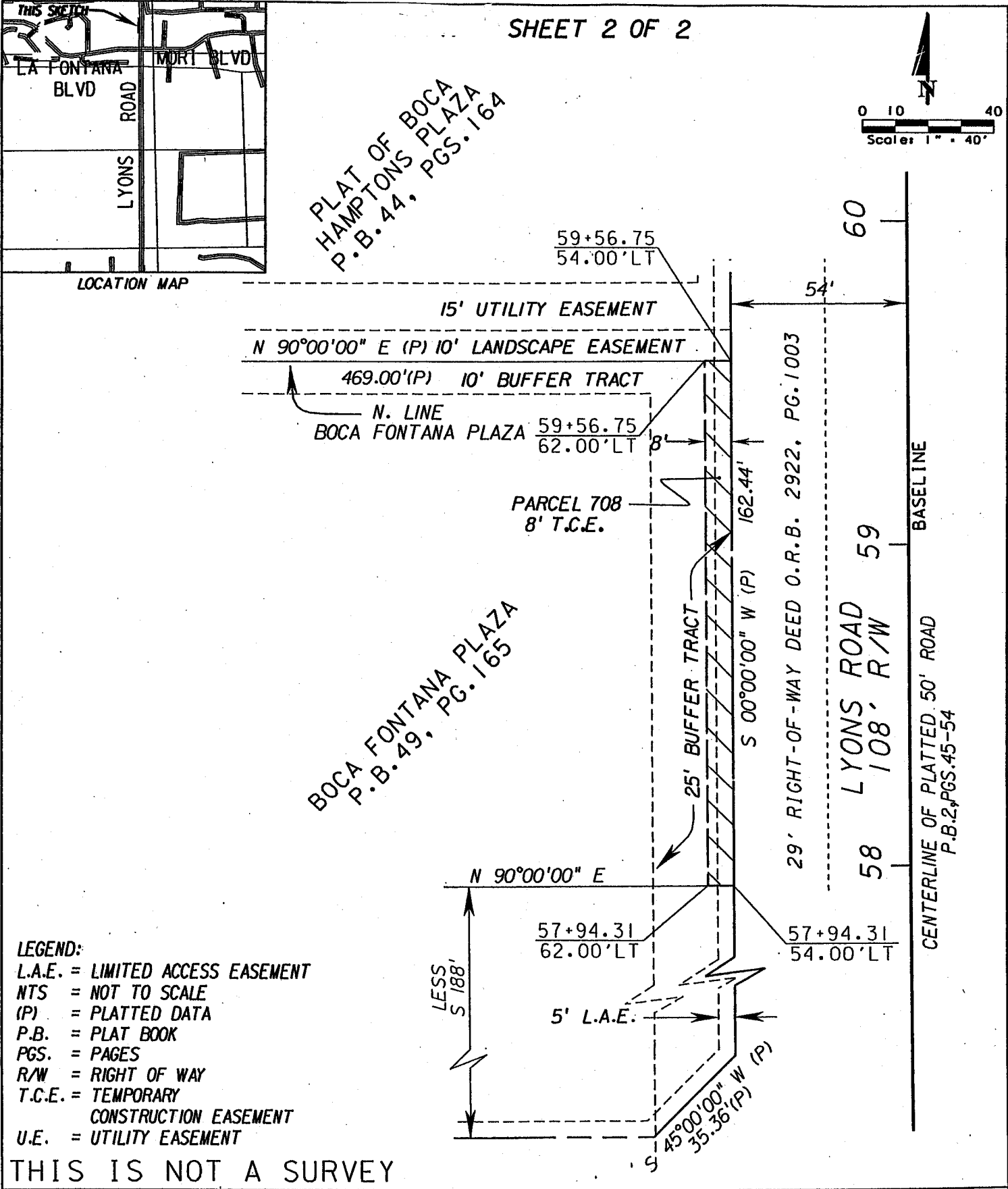
LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION
EASEMENT

CRES No. 99102

12/02/04

1 OF 2

Exhibit "B" to
Resolution
2 of 2



PALM BEACH COUNTY ROADWAY
PROJECT NO. 98-504
LYONS ROAD
PARCEL NO. 708

CROSSROADS
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1402 ROYAL PALM BEACH BLVD., BLDG 500
ROYAL PALM BEACH, FLORIDA 33411
PH 561-753-9723 FAX 561-753-9724 EB-25912 LB-7334

SKETCH TO ACCOMPANY
LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION
EASEMENT

CRES No. 99102

12/02/04

2 OF 2

RESOLUTION NO. R-2006

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ADOPTING THIS RESOLUTION DECLARING THE ACQUISITION OF PROPERTY KNOWN AS PARCEL 719 AS A TEMPORARY CONSTRUCTION EASEMENT, NECESSARY FOR THE CONSTRUCTION AND IMPROVEMENT OF LYONS ROAD, FROM GLADES ROAD TO YAMATO ROAD, TO BE A PUBLIC NECESSITY, AUTHORIZING THE EMPLOYMENT OF APPRAISERS AND OTHER EXPERTS, AND THE FILING OF EMINENT DOMAIN PROCEEDINGS.

WHEREAS, the County Engineer has recommended the acquisition of this parcel to the Board of County Commissioners of Palm Beach County, for the construction and improvement of Lyons Road, from Glades Road to Yamato Road, in Palm Beach County, Florida; and,

WHEREAS, the funds are available for the acquisition of this parcel; and,

WHEREAS, the Board of County Commissioners of Palm Beach County is exercising its authority of Eminent Domain pursuant to Florida Statutes 73, 74, 127, and 337.27, as amended; and,

WHEREAS, this Board has considered the required factors pursuant to Florida law including Safety, Costs, Alternative Routes or Methodologies, Long Range Plans, and the Environment, as applicable to this parcel and as set forth in Exhibit "A", attached hereto and incorporated herein, prior to determining that the acquisition of Parcel 719 is necessary; and,

WHEREAS, this Board has considered the required factors under Florida Law, as they apply to Parcel 719, which is more fully described in Exhibit "B"; and,

WHEREAS, after considering the factors as set forth above, this Board has determined that the acquisition of the real property identified as Parcel 719 for the necessary Temporary Construction Easement, which is more fully described in Exhibit "B", is necessary for the following public purpose, to wit: the construction and improvement of Lyons Road, from Glades Road to Yamato Road, and as such, the acquisition of said property is a public necessity deemed to be in the best interest of Palm Beach County; and,

WHEREAS, a Temporary Construction Easement on property identified as Parcel 719 is necessary for the purpose of tying in and harmonizing said property and driveways, walkways, etc., thereon with the construction and improvement to be undertaken by Palm Beach County as to Lyons Road, From Glades Road to Yamato Road, adjacent thereto. This Temporary Construction Easement is granted upon the condition that the sloping and/or grading upon and above said land shall not extent beyond the limits outlined in the legal description of said property. This Temporary Construction Easement shall expire two years from the date of acquisition or upon the acceptance of the completed construction by the Palm Beach County Board of County Commissioners, whichever is earlier; and,

WHEREAS, the property to be acquired through the use of Eminent Domain as authorized by this resolution is not being acquired for the purpose of abating or eliminating public nuisances, slum or blight conditions, and is subject to any applicable conveyance restrictions pursuant to Florida laws, to the extent they may apply; and,

WHEREAS, the acquisition of this parcel is necessary for the construction and improvement of Lyons Road, from Glades Road to Yamato Road,

WHEREAS, in order to accomplish the acquisition of this parcel, the County Engineer and the County Attorney are authorized to take legal action, including the filing of Eminent Domain proceedings, and to employ real estate appraisers and other experts deemed necessary to accomplish this purpose.

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

1. This Board adopts and ratifies those matters set forth in the foregoing recitals.
2. The County Engineer and County Attorney are authorized and directed to employ real estate appraisers for the purpose of securing an appraisal of the value of the property described in Exhibit "B" for the purpose of acquiring said property through Eminent Domain.
3. The County Engineer and the County Attorney are hereby further authorized and directed to proceed to take all necessary steps, including the hiring of accountants, appraisers, or other experts and witnesses, for Palm Beach County to acquire, in its own name, by donation, purchase, or Eminent Domain proceedings, the real property described in Exhibit "B", and prepare all papers, pleadings, and other instruments required for that purpose, and to see that all Eminent Domain proceedings are prosecuted to judgment.
4. The County Engineer and County Attorney are hereby authorized and directed to take such further actions as are reasonably required to fully accomplish the purposes herein above directed, including the making of minor changes in the description of any real property described in Exhibit "B" that may be necessary to fully accomplish those purposes.

BE IT FURTHER RESOLVED that the property described in Exhibit "B" is to be used for the following public purpose: Temporary Construction Easement.

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:

Karen T. Marcus

Jeff Koons

Warren H. Newell

Mary McCarty

Burt Aaronson

Addie L. Greene

The Chairperson thereupon declared the Resolution passed and adopted this _____ day of _____, 2006.

**PALM BEACH COUNTY, FLORIDA BY ITS
BOARD OF COUNTY COMMISSIONERS**

SHARON R. BOCK,
Clerk and Comptroller

By: _____
Deputy Clerk

By: _____

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: _____
County Attorney

EXHIBIT "A"

LYONS ROAD FROM GLADES ROAD TO YAMATO ROAD PALM BEACH COUNTY, PROJECT # 1998504

SAFETY

Lyons Road is currently a four (4) lane divided urban roadway within an existing 108' ultimate right-of-way. The widening of Lyons Road from Glades Road to Yamato Road as a six (6) lane divided roadway will improve the traffic performance of this segment of road due to the extra travel lane added each direction. The design of this project has been done in accordance with the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (The Florida Greenbook), as adopted and approved by the Florida Department of Transportation (FDOT).

COST

The cost of improving Lyons Road from Glades Road to Yamato Road, from a four (4) lane divided roadway to a six (6) lane divided roadway, had been estimated prior to beginning design. The appropriate funding for design, right-of-way acquisition and construction was budgeted in the County's Five Year Road program in fiscal years 1998 through 2007. During the design of the roadway, reasonable efforts were made to minimize the areas to be acquired through condemnation.

ALTERNATE ROUTES

Lyons Road from Glades Road to Yamato Road is a heavily traveled roadway, which provides the most direct route for vehicles traveling in a north-south direction through the unincorporated area of Boca Raton. The Palm Beach County Comprehensive Plan (Thoroughfare Right-of-Way-Identification Map), has for many years, defined this route as a route to be improved to meet traffic demands at full development of the County. Palm Beach County's Comprehensive Plan has been prepared to meet the requirements of Chapter 163, F. S. and Rule 9J-5, F.A.C., and to address the needs and interests of the County's residents and visitors.

Alternate routes were considered in lieu of improving Lyons Road, however, since this section of roadway is existing and the ultimate right-of-way is in place it was concluded that an alternate route was not feasible. In addition, construction of an alternate route through this very busy community would have disrupted or displaced numerous residential and business properties, be more costly and result in unnecessary impacts to the environment.

LONG RANGE PLANNING

The development of this project is in conformance with Palm Beach County's 2030 Long Range Transportation Plan. The 2030 Long Range Transportation System Plan is a 25-year forecast based on projected regional needs identified through the process of forecasting travel demand, evaluating system alternatives and selecting those options which best meet the mobility, safety, and other needs of the County, considering financial, environmental and social constraints. The plan serves as the preliminary tool used for transportation planning in Palm Beach County.

ENVIRONMENTAL IMPACTS

Lyons Road exists along an established roadway corridor and the proposed improvements will have minimal negative impacts to the environment. This roadway improvement project is expected to be permitted through the appropriate environmental regulatory agencies.

Below is a more detailed outline of the reasons for each type of acquisition needed for the improvement of Lyons road, from Glades Road to Yamato Road.

**PARTIAL TAKE IN FEE SIMPLE
FOR ADDITIONAL RIGHT OF WAY**

As stated above the widening of Lyons Road between Glades Road and Yamato Road will occur within existing road right-of-way; therefore, there is no additional right-of-way required to widen this segment.

**PARTIAL TAKE IN FEE SIMPLE
FOR WATER MANAGEMENT POND PARCELS**

1 POND SITE REQUIRED TO ACCOMMODATE THE DRAINAGE BETWEEN LWDD L-45 CANAL AND LWDD L-44 CANAL

In accordance with the Pond Sitting Selection Report prepared by Greenhorne & O' Mara Inc. and its sub-consultant (Calloway & Price, Inc.) dated August 2003 as well as previous drainage report dated December 2002 the existing storm sewer system does not meet current hydraulic design criteria for the proposed six lane roadway. A conceptual storm sewer reconstruction analysis has been done. In support of this analysis it was recommended by our consultant and its sub-consultant to acquire a 7.5 ac single pond for this project which is the most practical and economic way to address drainage needs for this segment of roadway.

EASEMENT ACQUISITIONS FOR PERMANENT EASEMENTS

Areas where the finished sidewalk elevation will be 2 ft or more above the existing grade, require acquisition of a permanent easement. This easement prevents the abutting owner from removing the underlying fill and thereby undermining the sidewalk. In cases where surface water ponding could occur on the adjacent property, it might require the placement of drainage structures within the permanent easements to convey that ponding water into the roadway drainage system or to adjacent canals.

EASEMENT ACQUISITIONS FOR TEMPORARY ACCESS, SLOPING & GRADING

Temporary Construction Easements are required (expiring after construction) adjacent to the widened right of way (or the Permanent Easements if acquired) in order to give construction vehicles access to the outside edges of the work area. In some cases these TCEs are also used to regrade the existing ground to prevent ponding of surface water and to direct it to a proper outfall. TCEs are also used to grade and harmonize the adjacent properties with the road right-of-way.

Exhibit "B" to
Resolution
1 of 2

SHEET 1 OF 2

A 3.00 FOOT TEMPORARY CONSTRUCTION EASEMENT.

THE EAST 3.00 FEET OF LOT 71, BLOCK 30, ACCORDING TO AMERICAN HOMES AT BOCA RATON, PLAT NO. 10 AS RECORDED IN PLAT BOOK 46, PAGES 134 AND 135 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID EASEMENT SITUATE IN PALM BEACH COUNTY, FLORIDA AND CONTAINS 225 SQUARE FEET, MORE OR LESS.

BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED PLAT BEARING OF SOUTH, ALONG THE EAST LINE OF BLOCK 30, AMERICAN HOMES AT BOCA RATON, PLAT NO. 10 AS RECORDED IN PLAT BOOK 46, PAGES 134 AND 135 OF THE PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.


SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE ATTACHED SKETCH AND THE ABOVE LEGAL DESCRIPTION ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THE ATTACHED EASEMENT SKETCH AND ABOVE LEGAL DESCRIPTION MEET THE INTENT OF THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING IN THE STATE OF FLORIDA AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PURSUANT TO SECTION 472.027, FLORIDA STATUTES AND ADOPTED IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, EFFECTIVE SEPTEMBER 1, 1981.

NOT VALID UNLESS EMBOSSED WITH SURVEYORS SEAL.


KATHERINE E. BANKO
PROFESSIONAL SURVEYOR AND MAPPER
NO. 5503, STATE OF FLORIDA

PALM BEACH COUNTY ROADWAY
PROJECT NO. 98-504
LYONS ROAD
PARCEL NO. 719

 **CROSSROADS**
ENGINEERING & SURVEYING
An Erdman Anthony Company
1402 ROYAL PALM BEACH BLVD., BLDG 500
ROYAL PALM BEACH, FLORIDA 33411
PH 561-753-9723 FAX 561-753-9724 ED-25912 LB-7334

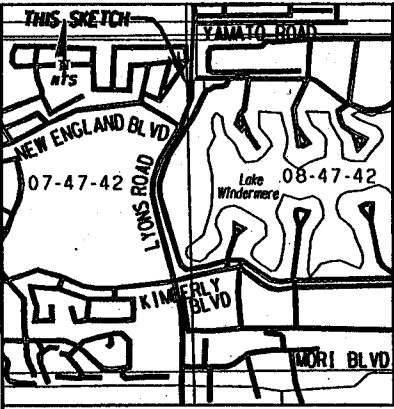
LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION
EASEMENT

CRES No. 99102

12/02/04

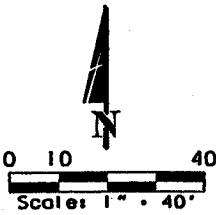
1 OF 2

Exhibit "B" to
Resolution
2 of 2

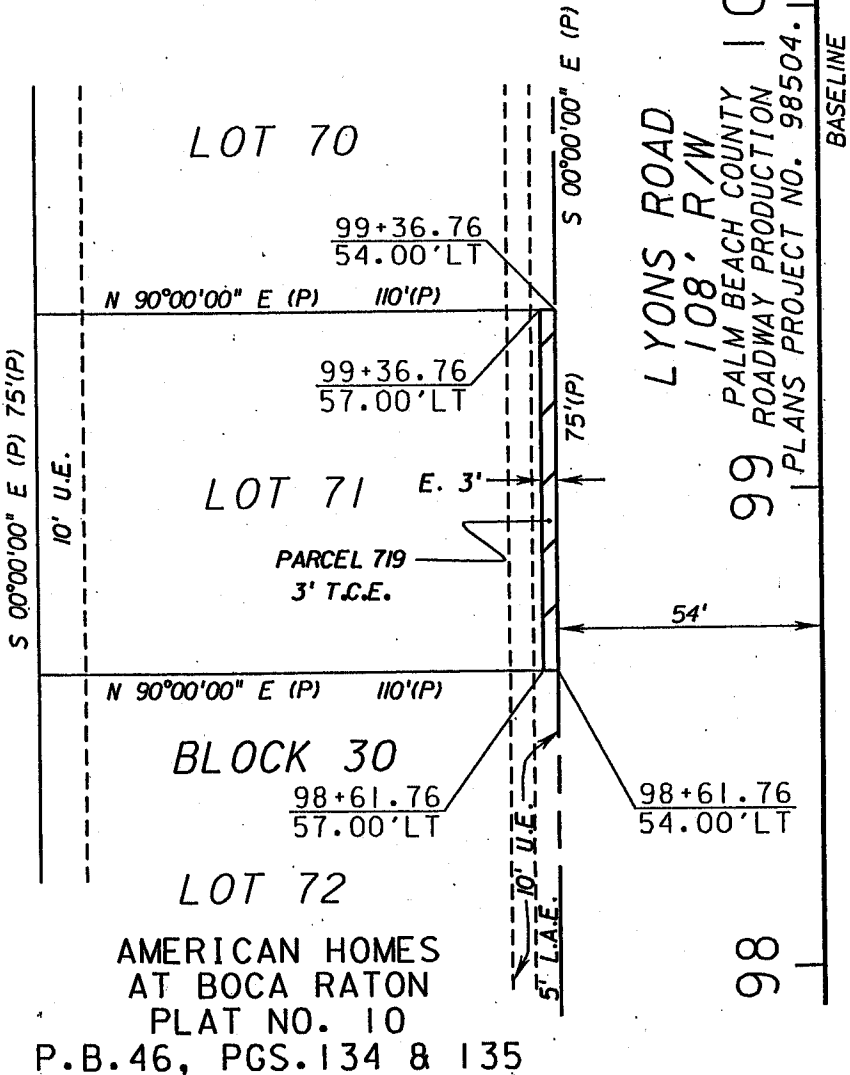


LOCATION MAP

SHEET 2 OF 2



BEDFORD DRIVE
60' R/W



- LEGEND:
- Δ - DELTA (CENTRAL ANGLE)
 - L - ARC LENGTH
 - L.A.E. - LIMITED ACCESS EASEMENT
 - NTS - NOT TO SCALE
 - PGS. - PAGES
 - P.B. - PLAT BOOK
 - (P) - PLATTED DATA
 - R - RADIUS
 - R/W - RIGHT OF WAY
 - T.C.E. - TEMPORARY CONSTRUCTION EASEMENT
 - U.E. - UTILITY EASEMENT

THIS IS NOT A SURVEY

PALM BEACH COUNTY ROADWAY
PROJECT NO. 98-504
LYONS ROAD
PARCEL NO. 719

CROSSROADS
ENGINEERING & SURVEYING
An Erdman Anthony Company
1402 ROYAL PALM BEACH BLVD., BLDG 500
ROYAL PALM BEACH, FLORIDA 33411
PH 561-753-9723 FAX 561-753-9724 EB-25912 LB-7334

SKETCH TO ACCOMPANY
LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION
EASEMENT

RESOLUTION NO. R-2006

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ADOPTING THIS RESOLUTION DECLARING THE ACQUISITION OF PROPERTY KNOWN AS PARCEL 720 AS A TEMPORARY CONSTRUCTION EASEMENT, NECESSARY FOR THE CONSTRUCTION AND IMPROVEMENT OF LYONS ROAD, FROM GLADES ROAD TO YAMATO ROAD, TO BE A PUBLIC NECESSITY, AUTHORIZING THE EMPLOYMENT OF APPRAISERS AND OTHER EXPERTS, AND THE FILING OF EMINENT DOMAIN PROCEEDINGS.

WHEREAS, the County Engineer has recommended the acquisition of this parcel to the Board of County Commissioners of Palm Beach County, for the construction and improvement of Lyons Road, from Glades Road to Yamato Road, in Palm Beach County, Florida; and,

WHEREAS, the funds are available for the acquisition of this parcel; and,

WHEREAS, the Board of County Commissioners of Palm Beach County is exercising its authority of Eminent Domain pursuant to Florida Statutes 73, 74, 127, and 337.27, as amended; and,

WHEREAS, this Board has considered the required factors pursuant to Florida law including Safety, Costs, Alternative Routes or Methodologies, Long Range Plans, and the Environment, as applicable to this parcel and as set forth in Exhibit "A", attached hereto and incorporated herein, prior to determining that the acquisition of Parcel 720 is necessary; and,

WHEREAS, this Board has considered the required factors under Florida Law, as they apply to Parcel 720, which is more fully described in Exhibit "B"; and,

WHEREAS, after considering the factors as set forth above, this Board has determined that the acquisition of the real property identified as Parcel 720 for the necessary Temporary Construction Easement, which is more fully described in Exhibit "B", is necessary for the following public purpose, to wit: the construction and improvement of Lyons Road, from Glades Road to Yamato Road, and as such, the acquisition of said property is a public necessity deemed to be in the best interest of Palm Beach County; and,

WHEREAS, a Temporary Construction Easement on property identified as Parcel 720 is necessary for the purpose of tying in and harmonizing said property and driveways, walkways, etc., thereon with the construction and improvement to be undertaken by Palm Beach County as to Lyons Road, From Glades Road to Yamato Road, adjacent thereto. This Temporary Construction Easement is granted upon the condition that the sloping and/or grading upon and above said land shall not extent beyond the limits outlined in the legal description of said property. This Temporary Construction Easement shall expire two years from the date of acquisition or upon the acceptance of the completed construction by the Palm Beach County Board of County Commissioners, whichever is earlier; and,

WHEREAS, the property to be acquired through the use of Eminent Domain as authorized by this resolution is not being acquired for the purpose of abating or eliminating public nuisances, slum or blight conditions, and is subject to any applicable conveyance restrictions pursuant to Florida laws, to the extent they may apply; and,

WHEREAS, the acquisition of this parcel is necessary for the construction and improvement of Lyons Road, from Glades Road to Yamato Road,

WHEREAS, in order to accomplish the acquisition of this parcel, the County Engineer and the County Attorney are authorized to take legal action, including the filing of Eminent Domain proceedings, and to employ real estate appraisers and other experts deemed necessary to accomplish this purpose.

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

1. This Board adopts and ratifies those matters set forth in the foregoing recitals.
2. The County Engineer and County Attorney are authorized and directed to employ real estate appraisers for the purpose of securing an appraisal of the value of the property described in Exhibit "B" for the purpose of acquiring said property through Eminent Domain.
3. The County Engineer and the County Attorney are hereby further authorized and directed to proceed to take all necessary steps, including the hiring of accountants, appraisers, or other experts and witnesses, for Palm Beach County to acquire, in its own name, by donation, purchase, or Eminent Domain proceedings, the real property described in Exhibit "B", and prepare all papers, pleadings, and other instruments required for that purpose, and to see that all Eminent Domain proceedings are prosecuted to judgment.
4. The County Engineer and County Attorney are hereby authorized and directed to take such further actions as are reasonably required to fully accomplish the purposes herein above directed, including the making of minor changes in the description of any real property described in Exhibit "B" that may be necessary to fully accomplish those purposes.

BE IT FURTHER RESOLVED that the property described in Exhibit "B" is to be used for the following public purpose: Temporary Construction Easement.

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:

Karen T. Marcus	_____
Jeff Koons	_____
Warren H. Newell	_____
Mary McCarty	_____
Burt Aaronson	_____

Addie L. Greene	_____

The Chairperson thereupon declared the Resolution passed and adopted this _____ day of _____, 2006.

PALM BEACH COUNTY, FLORIDA BY ITS
BOARD OF COUNTY COMMISSIONERS

SHARON R. BOCK,
Clerk and Comptroller

By: _____
Deputy Clerk

By: _____

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: _____
County Attorney

EXHIBIT "A"

LYONS ROAD FROM GLADES ROAD TO YAMATO ROAD PALM BEACH COUNTY, PROJECT # 1998504

SAFETY

Lyons Road is currently a four (4) lane divided urban roadway within an existing 108' ultimate right-of-way. The widening of Lyons Road from Glades Road to Yamato Road as a six (6) lane divided roadway will improve the traffic performance of this segment of road due to the extra travel lane added each direction. The design of this project has been done in accordance with the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (The Florida Greenbook), as adopted and approved by the Florida Department of Transportation (FDOT).

COST

The cost of improving Lyons Road from Glades Road to Yamato Road, from a four (4) lane divided roadway to a six (6) lane divided roadway, had been estimated prior to beginning design. The appropriate funding for design, right-of-way acquisition and construction was budgeted in the County's Five Year Road program in fiscal years 1998 through 2007. During the design of the roadway, reasonable efforts were made to minimize the areas to be acquired through condemnation.

ALTERNATE ROUTES

Lyons Road from Glades Road to Yamato Road is a heavily traveled roadway, which provides the most direct route for vehicles traveling in a north-south direction through the unincorporated area of Boca Raton. The Palm Beach County Comprehensive Plan (Thoroughfare Right-of-Way-Identification Map), has for many years, defined this route as a route to be improved to meet traffic demands at full development of the County. Palm Beach County's Comprehensive Plan has been prepared to meet the requirements of Chapter 163, F. S. and Rule 9J-5, F.A.C., and to address the needs and interests of the County's residents and visitors.

Alternate routes were considered in lieu of improving Lyons Road, however, since this section of roadway is existing and the ultimate right-of-way is in place it was concluded that an alternate route was not feasible. In addition, construction of an alternate route through this very busy community would have disrupted or displaced numerous residential and business properties, be more costly and result in unnecessary impacts to the environment.

LONG RANGE PLANNING

The development of this project is in conformance with Palm Beach County's 2030 Long Range Transportation Plan. The 2030 Long Range Transportation System Plan is a 25-year forecast based on projected regional needs identified through the process of forecasting travel demand, evaluating system alternatives and selecting those options which best meet the mobility, safety, and other needs of the County, considering financial, environmental and social constraints. The plan serves as the preliminary tool used for transportation planning in Palm Beach County.

ENVIRONMENTAL IMPACTS

Lyons Road exists along an established roadway corridor and the proposed improvements will have minimal negative impacts to the environment. This roadway improvement project is expected to be permitted through the appropriate environmental regulatory agencies.

Below is a more detailed outline of the reasons for each type of acquisition needed for the improvement of Lyons road, from Glades Road to Yamato Road.

**PARTIAL TAKE IN FEE SIMPLE
FOR ADDITIONAL RIGHT OF WAY**

As stated above the widening of Lyons Road between Glades Road and Yamato Road will occur within existing road right-of-way; therefore, there is no additional right-of-way required to widen this segment.

**PARTIAL TAKE IN FEE SIMPLE
FOR WATER MANAGEMENT POND PARCELS**

1 POND SITE REQUIRED TO ACCOMMODATE THE DRAINAGE BETWEEN LWDD L-45 CANAL AND LWDD L-44 CANAL

In accordance with the Pond Sitting Selection Report prepared by Greenhorne & O' Mara Inc. and its sub-consultant (Calloway & Price, Inc.) dated August 2003 as well as previous drainage report dated December 2002 the existing storm sewer system does not meet current hydraulic design criteria for the proposed six lane roadway. A conceptual storm sewer reconstruction analysis has been done. In support of this analysis it was recommended by our consultant and its sub-consultant to acquire a 7.5 ac single pond for this project which is the most practical and economic way to address drainage needs for this segment of roadway.

EASEMENT ACQUISITIONS FOR PERMANENT EASEMENTS

Areas where the finished sidewalk elevation will be 2 ft or more above the existing grade, require acquisition of a permanent easement. This easement prevents the abutting owner from removing the underlying fill and thereby undermining the sidewalk. In cases where surface water ponding could occur on the adjacent property, it might require the placement of drainage structures within the permanent easements to convey that ponding water into the roadway drainage system or to adjacent canals.

EASEMENT ACQUISITIONS FOR TEMPORARY ACCESS, SLOPING & GRADING

Temporary Construction Easements are required (expiring after construction) adjacent to the widened right of way (or the Permanent Easements if acquired) in order to give construction vehicles access to the outside edges of the work area. In some cases these TCEs are also used to regrade the existing ground to prevent ponding of surface water and to direct it to a proper outfall. TCEs are also used to grade and harmonize the adjacent properties with the road right-of-way.

SHEET 1 OF 2

A 3.00 FOOT TEMPORARY CONSTRUCTION EASEMENT.

THE EAST 3.00 FEET OF LOT 72, BLOCK 30, ACCORDING TO AMERICAN HOMES AT BOCA RATON, PLAT NO. 10 AS RECORDED IN PLAT BOOK 46, PAGES 134 AND 135 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.


SAID EASEMENT SITUATE IN PALM BEACH COUNTY, FLORIDA AND CONTAINS 227 SQUARE FEET, MORE OR LESS.

BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED PLAT BEARING OF SOUTH, ALONG THE EAST LINE OF BLOCK 30, AMERICAN HOMES AT BOCA RATON, PLAT NO. 10 AS RECORDED IN PLAT BOOK 46, PAGES 134 AND 135 OF THE PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE ATTACHED SKETCH AND THE ABOVE LEGAL DESCRIPTION ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THE ATTACHED EASEMENT SKETCH AND ABOVE LEGAL DESCRIPTION MEET THE INTENT OF THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING IN THE STATE OF FLORIDA AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PURSUANT TO SECTION 472.027, FLORIDA STATUTES AND ADOPTED IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, EFFECTIVE SEPTEMBER 1, 1981.

NOT VALID UNLESS EMBOSSED WITH SURVEYORS SEAL.


KATHERINE E. BANKO
PROFESSIONAL SURVEYOR AND MAPPER
NO. 5503, STATE OF FLORIDA

PALM BEACH COUNTY ROADWAY
PROJECT NO. 98-504
LYONS ROAD
PARCEL NO. 720

 **CrossROADS**
ENGINEERING & SURVEYING
An Erdman Anthony Company
1402 ROYAL PALM BEACH BLVD., BLDG 500
ROYAL PALM BEACH, FLORIDA 33411
PH 561-753-9723 FAX 561-753-9724 EB-25912 LB-7334

LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION
EASEMENT

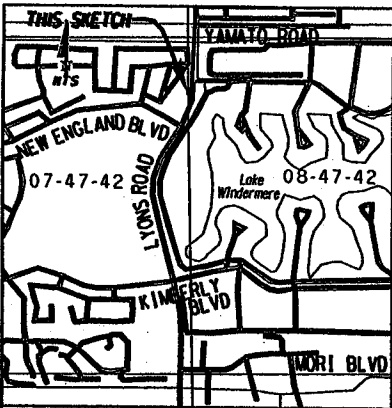
CRES No. 99102

12/02/04

1 OF 2

Exhibit "B" to
Resolution
2 of 2

SHEET 2 OF 2



BEDFORD DRIVE
60' R/W

L=9.15'(P)
R=596'(P)
 $\Delta=0^{\circ}52'48''(P)$

65'(P) S 00°00'00" E (P)

10' U.E.

LOT 71

98+61.76
57.00' LT

N 90°00'00" E (P) 110'(P)

PARCEL 720
3' T.C.E.

LOT 72

97+93.76
57.00' LT

N 89°07'12" W (P) 110'(P)

97+85.09
57.00' LT

LOT 73

BLOCK 30

AMERICAN HOMES
AT BOCA RATON
PLAT NO. 10
P.B. 46, PGS. 134 & 135

S 00°00'00" E (P)

98+61.76
54.00' LT

LYONS ROAD 99
108' R/W

97+96.76
54.00' LT

L=10.84'(P)
R=706'(P)
 $\Delta=0^{\circ}52'48''(P)$

97+85.09
54.00' LT

PALM BEACH COUNTY
ROADWAY PRODUCTION
PLANS PROJECT NO. 98504.

BASELINE

LEGEND:

- Δ - DELTA (CENTRAL ANGLE)
- L - ARC LENGTH
- L.A.E. - LIMITED ACCESS EASEMENT
- NTS - NOT TO SCALE
- PGS. - PAGES
- P.B. - PLAT BOOK
- (P) - PLATTED DATA
- R - RADIUS
- R/W - RIGHT OF WAY
- T.C.E. - TEMPORARY CONSTRUCTION EASEMENT
- U.E. - UTILITY EASEMENT

THIS IS NOT A SURVEY

PALM BEACH COUNTY ROADWAY
PROJECT NO. 98-504
LYONS ROAD
PARCEL NO. 720

CROSSROADS
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PH 561-753-9723 FAX 561-753-9724 EB-25912 LB-7334

SKETCH TO ACCOMPANY
LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION
EASEMENT

CRES No. 99102 12/02/04 2 OF 2

RESOLUTION NO. R-2006

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ADOPTING THIS RESOLUTION DECLARING THE ACQUISITION OF PROPERTY KNOWN AS PARCEL 722 AS A TEMPORARY CONSTRUCTION EASEMENT, NECESSARY FOR THE CONSTRUCTION AND IMPROVEMENT OF LYONS ROAD, FROM GLADES ROAD TO YAMATO ROAD, TO BE A PUBLIC NECESSITY, AUTHORIZING THE EMPLOYMENT OF APPRAISERS AND OTHER EXPERTS, AND THE FILING OF EMINENT DOMAIN PROCEEDINGS.

WHEREAS, the County Engineer has recommended the acquisition of this parcel to the Board of County Commissioners of Palm Beach County, for the construction and improvement of Lyons Road, from Glades Road to Yamato Road, in Palm Beach County, Florida; and,

WHEREAS, the funds are available for the acquisition of this parcel; and,

WHEREAS, the Board of County Commissioners of Palm Beach County is exercising its authority of Eminent Domain pursuant to Florida Statutes 73, 74, 127, and 337.27, as amended; and,

WHEREAS, this Board has considered the required factors pursuant to Florida law including Safety, Costs, Alternative Routes or Methodologies, Long Range Plans, and the Environment, as applicable to this parcel and as set forth in Exhibit "A", attached hereto and incorporated herein, prior to determining that the acquisition of Parcel 722 is necessary; and,

WHEREAS, this Board has considered the required factors under Florida Law, as they apply to Parcel 722, which is more fully described in Exhibit "B"; and,

WHEREAS, after considering the factors as set forth above, this Board has determined that the acquisition of the real property identified as Parcel 722 for the necessary Temporary Construction Easement, which is more fully described in Exhibit "B", is necessary for the following public purpose, to wit: the construction and improvement of Lyons Road, from Glades Road to Yamato Road, and as such, the acquisition of said property is a public necessity deemed to be in the best interest of Palm Beach County; and,

WHEREAS, a Temporary Construction Easement on property identified as Parcel 722 is necessary for the purpose of tying in and harmonizing said property and driveways, walkways, etc., thereon with the construction and improvement to be undertaken by Palm Beach County as to Lyons Road, From Glades Road to Yamato Road, adjacent thereto. This Temporary Construction Easement is granted upon the condition that the sloping and/or grading upon and above said land shall not extent beyond the limits outlined in the legal description of said property. This Temporary Construction Easement shall expire two years from the date of acquisition or upon the acceptance of the completed construction by the Palm Beach County Board of County Commissioners, whichever is earlier; and,

WHEREAS, the property to be acquired through the use of Eminent Domain as authorized by this resolution is not being acquired for the purpose of abating or eliminating public nuisances, slum or blight conditions, and is subject to any applicable conveyance restrictions pursuant to Florida laws, to the extent they may apply; and,

WHEREAS, the acquisition of this parcel is necessary for the construction and improvement of Lyons Road, from Glades Road to Yamato Road,

WHEREAS, in order to accomplish the acquisition of this parcel, the County Engineer and the County Attorney are authorized to take legal action, including the filing of Eminent Domain proceedings, and to employ real estate appraisers and other experts deemed necessary to accomplish this purpose.

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

1. This Board adopts and ratifies those matters set forth in the foregoing recitals.
2. The County Engineer and County Attorney are authorized and directed to employ real estate appraisers for the purpose of securing an appraisal of the value of the property described in Exhibit "B" for the purpose of acquiring said property through Eminent Domain.
3. The County Engineer and the County Attorney are hereby further authorized and directed to proceed to take all necessary steps, including the hiring of accountants, appraisers, or other experts and witnesses, for Palm Beach County to acquire, in its own name, by donation, purchase, or Eminent Domain proceedings, the real property described in Exhibit "B", and prepare all papers, pleadings, and other instruments required for that purpose, and to see that all Eminent Domain proceedings are prosecuted to judgment.
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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:

Karen T. Marcus	_____
Jeff Koons	_____
Warren H. Newell	_____
Mary McCarty	_____
Burt Aaronson	_____

Addie L. Greene	_____

The Chairperson thereupon declared the Resolution passed and adopted this _____ day of _____, 2006.

PALM BEACH COUNTY, FLORIDA BY ITS
BOARD OF COUNTY COMMISSIONERS

SHARON R. BOCK,
Clerk and Comptroller

By: _____
Deputy Clerk

By: _____

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: _____
County Attorney

EXHIBIT "A"

LYONS ROAD FROM GLADES ROAD TO YAMATO ROAD PALM BEACH COUNTY, PROJECT # 1998504

SAFETY

Lyons Road is currently a four (4) lane divided urban roadway within an existing 108' ultimate right-of-way. The widening of Lyons Road from Glades Road to Yamato Road as a six (6) lane divided roadway will improve the traffic performance of this segment of road due to the extra travel lane added each direction. The design of this project has been done in accordance with the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (The Florida Greenbook), as adopted and approved by the Florida Department of Transportation (FDOT).

COST

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LONG RANGE PLANNING

The development of this project is in conformance with Palm Beach County's 2030 Long Range Transportation Plan. The 2030 Long Range Transportation System Plan is a 25-year forecast based on projected regional needs identified through the process of forecasting travel demand, evaluating system alternatives and selecting those options which best meet the mobility, safety, and other needs of the County, considering financial, environmental and social constraints. The plan serves as the preliminary tool used for transportation planning in Palm Beach County.

ENVIRONMENTAL IMPACTS

Lyons Road exists along an established roadway corridor and the proposed improvements will have minimal negative impacts to the environment. This roadway improvement project is expected to be permitted through the appropriate environmental regulatory agencies.

Below is a more detailed outline of the reasons for each type of acquisition needed for the improvement of Lyons road, from Glades Road to Yamato Road.

**PARTIAL TAKE IN FEE SIMPLE
FOR ADDITIONAL RIGHT OF WAY**

As stated above the widening of Lyons Road between Glades Road and Yamato Road will occur within existing road right-of-way; therefore, there is no additional right-of-way required to widen this segment.

**PARTIAL TAKE IN FEE SIMPLE
FOR WATER MANAGEMENT POND PARCELS**

1 POND SITE REQUIRED TO ACCOMMODATE THE DRAINAGE BETWEEN LWDD L-45 CANAL AND LWDD L-44 CANAL

In accordance with the Pond Sitting Selection Report prepared by Greenhorne & O' Mara Inc. and its sub-consultant (Calloway & Price, Inc.) dated August 2003 as well as previous drainage report dated December 2002 the existing storm sewer system does not meet current hydraulic design criteria for the proposed six lane roadway. A conceptual storm sewer reconstruction analysis has been done. In support of this analysis it was recommended by our consultant and its sub-consultant to acquire a 7.5 ac single pond for this project which is the most practical and economic way to address drainage needs for this segment of roadway.

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Exhibit "B" to
Resolution
1 of 2

SHEET 1 OF 2

A 3.00 FOOT TEMPORARY CONSTRUCTION EASEMENT.

THE EAST 3.00 FEET OF LOT 74, BLOCK 30, ACCORDING TO AMERICAN HOMES AT BOCA RATON, PLAT NO. 10 AS RECORDED IN PLAT BOOK 46, PAGES 134 AND 135 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.


SAID EASEMENT SITUATE IN PALM BEACH COUNTY, FLORIDA AND CONTAINS 244 SQUARE FEET, MORE OR LESS.

BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED PLAT BEARING OF SOUTH, ALONG THE EAST LINE OF BLOCK 30, AMERICAN HOMES AT BOCA RATON, PLAT NO. 10 AS RECORDED IN PLAT BOOK 46, PAGES 134 AND 135 OF THE PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE ATTACHED SKETCH AND THE ABOVE LEGAL DESCRIPTION ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THE ATTACHED EASEMENT SKETCH AND ABOVE LEGAL DESCRIPTION MEET THE INTENT OF THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING IN THE STATE OF FLORIDA AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PURSUANT TO SECTION 472.027, FLORIDA STATUTES AND ADOPTED IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, EFFECTIVE SEPTEMBER 1, 1981.

NOT VALID UNLESS EMBOSSED WITH SURVEYORS SEAL.


KATHERINE E. BANKO
PROFESSIONAL SURVEYOR AND MAPPER
NO. 5503, STATE OF FLORIDA

PALM BEACH COUNTY ROADWAY
PROJECT NO. 98-504
LYONS ROAD
PARCEL NO. 722

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ROYAL PALM BEACH, FLORIDA 33411
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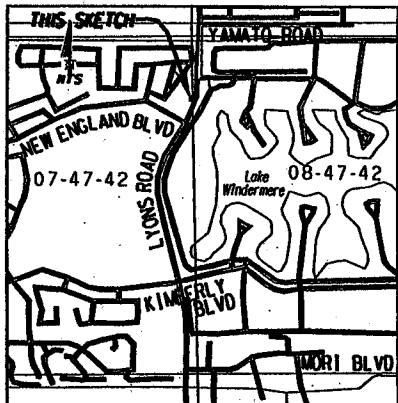
LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION
EASEMENT

CRES No. 99102

12/02/04

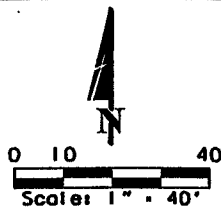
1 OF 2

Exhibit "B" to
Resolution
2 of 2

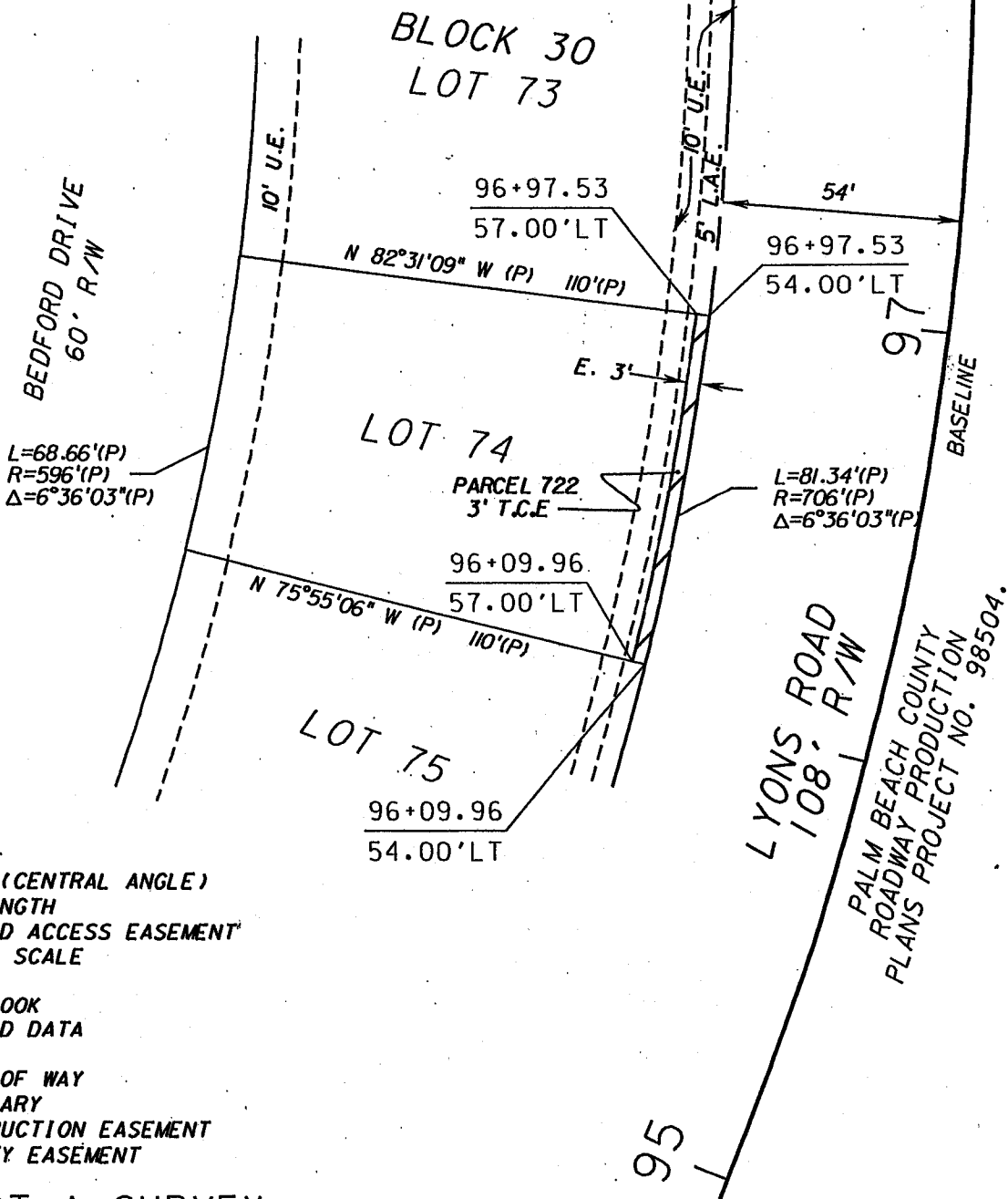


LOCATION MAP

SHEET 2 OF 2



AMERICAN HOMES
AT BOCA RATON
PLAT NO. 10
P.B. 46, PGS. 134 & 135



LEGEND:

- Δ • DELTA (CENTRAL ANGLE)
- L • ARC LENGTH
- L.A.E. • LIMITED ACCESS EASEMENT
- NTS • NOT TO SCALE
- PGS. • PAGES
- P.B. • PLAT BOOK
- (P) • PLATTED DATA
- R • RADIUS
- R/W • RIGHT OF WAY
- T.C.E. • TEMPORARY CONSTRUCTION EASEMENT
- U.E. • UTILITY EASEMENT

THIS IS NOT A SURVEY

PALM BEACH COUNTY ROADWAY
PROJECT NO. 98-504
LYONS ROAD
PARCEL NO. 722

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SKETCH TO ACCOMPANY
LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION
EASEMENT

CRES No. 99102

12/02/04

2 OF 2