

Agenda Item #: **5-D-1**

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**AGENDA ITEM SUMMARY**

=====  
Meeting Date: DEC 5 2006 [ ] Consent [  ] Regular  
[ ] Workshop [ ] Public Hearing

Department:  
Submitted By: Engineering and Public Works  
Submitted For: Right-of-Way Acquisition Section  
=====

Project No. 2003503

**I. EXECUTIVE BRIEF**

**Motion and Title:** Staff recommends motion to:

- A. Accept a Right-of-Way Warranty Deed
- B. Approve payment of \$1,500,000 for Warranty Deed Parcels 100 and 165.

**Summary:** The County made an appraised value offer of \$1,296,000 but the property owner did not accept it and made a counter-offer of \$1,500,000, a difference of \$204,000. The Engineering & Public Works Department has reviewed the \$1,500,000 counter-offer and recommends approval. These parcels are required for the planned roadway construction project of Northlake Boulevard from east of Seminole Pratt Whitney Road to east of Coconut Boulevard.

**District:** 6 (PM)

**Background and Justification:** On February 1, 2005, the Board approved a request granting approval to appraise and acquire rights-of-way for projects shown on the Five-Year Road Program. The property owner, Coconut Northlake, L.L.C., is in the process of applying for a comprehensive plan amendment to change the Future Land Use Atlas (FLUA) land use designation from Rural Residential (RR20) to commercial low (CL/RR-5). On July 19, 2006, the Board gave preliminary approval to this land use change. The property owner has made a counter-offer and has noted that after final approval, the value of the land could increase significantly. This counter-offer represents a 15.75% increase above the appraised value. The acceptance of this counter-offer would be beneficial to the County because it would avoid a costly condemnation process, the expense to update the appraisal and shield the County from increased land values due to changes in the land use designation. This counter-offer is inclusive of all costs and fees.

**Attachments:**

- 1. Location Map
- 2. Certificate of Appraisal
- 3. Recommendation Approval Memo from Engineering & Public Works Department
- 4. Counter-Offer Letter from Property Owner
- 5. Warranty Deed with Exhibit A
- 6. Ownership Disclosure Information

=====  
Recommended by: Se Ombler A. Fernandez 9/29/06 [Signature]  
Division Director Date

Approved by: By J. Webb 10/24/06  
County Engineer Date  
jmb [Signature]

**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

Fiscal Years	2007	2008	2009	2010	2011
Capital Expenditures	<u>\$204,000</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Operating Costs	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
External Revenues	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Program Income (County)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
In-Kind Match (County)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
<b>NET FISCAL IMPACT</b>	<b><u>\$204,000</u></b>	<b><u>-0-</u></b>	<b><u>-0-</u></b>	<b><u>-0-</u></b>	<b><u>-0-</u></b>

# ADDITIONAL FTE  
POSITIONS (Cumulative) \_\_\_\_\_

Is Item Included in Current Budget? Yes X No \_\_\_\_\_  
Budget Acct No.: Fund 3503 Dept. 361 Unit 0966 Object 6120  
Program

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

Road Impact Fee Fund - Zone 3  
Northlake Blvd/Seminole Pratt to Coconut

Counter Offer-Parcels 100 & 165	\$1,500,000.00
Appraised Value	\$1,296,000.00
Fiscal Impact	\$ 204,000.00

C. Departmental Fiscal Review: R.D. Ward 7/29/06

**III. REVIEW COMMENTS**

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

[Signature] 10-25-06  
OFMB  
ATM 10-25-06  
[Signature] 10-24-06  
[Signature] 10-26/06  
Contract Dev. and Control  
[Signature] 10/26/06

**B. Approved as to Form and Legal Sufficiency:**

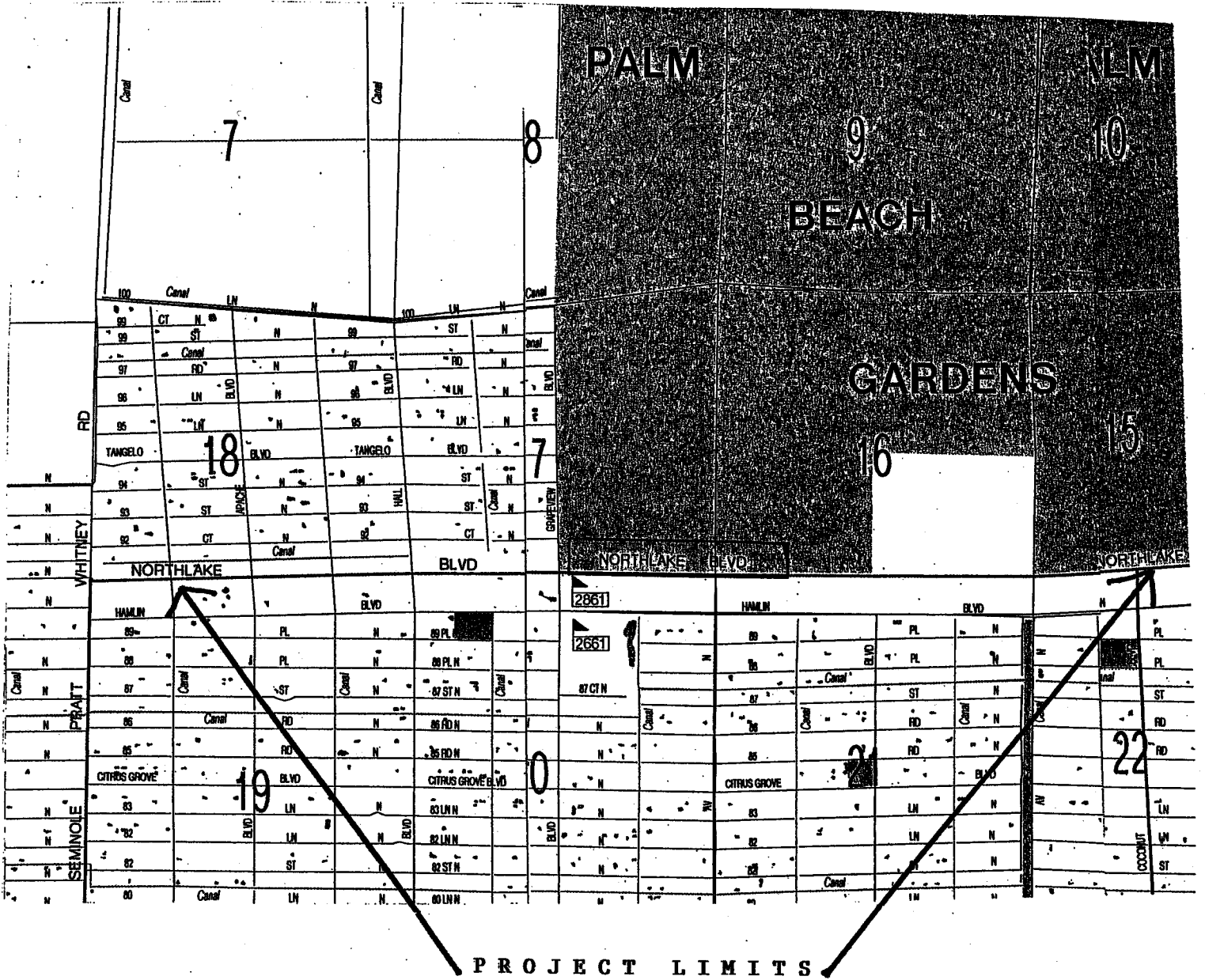
[Signature]  
Assistant County Attorney

**C. Other Department Review:**

\_\_\_\_\_  
Department Director

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

LOCATION MAP



ROBERT B. BANTING, MAI, SRA, PRESIDENT  
State-Certified General Real Estate Appraiser RZ4

FRANK J. CARDO, MAI, VICE PRESIDENT  
State-Certified General Real Estate Appraiser RZ1190

### ANDERSON & CARR, INC.

*Appraisers • Realtors*

521 SOUTH OLIVE AVENUE  
WEST PALM BEACH, FLORIDA 33401-5907

[www.andersoncarr.com](http://www.andersoncarr.com)  
Telephone (561) 833-1661  
Fax (561) 833-0234

May 31, 2006

*Quality Service Since 1947*

Mr L. Morton Rose, P.E., Manager  
Palm Beach County Department of Engineering and Public Works,  
Right-of-Way Acquisition Section  
160 Australian Avenue,  
West Palm Beach, Florida 33406

Re: Project Name: Northlake Boulevard  
Limits: East of Seminole Pratt Whitney Road to  
East of Coconut Boulevard  
Parcel 100 & 165  
Coconut Northlake, LLC

Dear Mr. Rose:

At your request, we have personally appraised the subject property, consisting of two fee takings to be used for a water retention pond and road right-of-way for the widening of Northlake Boulevard. The parcels are located on the south side of Northlake Boulevard, west of Coconut Boulevard about four miles west of the Bee-Line Highway (a/k/a SR 710), in Section 15, Township 42, Range 41E within unincorporated Palm Beach County, Florida. The purpose of this complete appraisal presented in a summary report is to estimate the market value of the part to be acquired plus damages to the remainder, if any, for the property to be acquired, as of May 25, 2006.

Based on an examination and study made, as well as a general knowledge of real estate valuation procedures, we have formed the opinion that on the date mentioned, the subject property had the following values:

<b>Summary of Compensation</b>	
Value of the Fee Taking-Parcel 100 (Land):	\$1,259,500
Value of the Fee Taking-Parcel 100 (Site Improvements):	<u>N/A</u>
Total Value of Fee Taking-Parcel 100:	\$1,259,500
Value of the Fee Taking-Parcel 165 (Land):	\$36,500
Value of the Fee Taking-Parcel 165 (Site Improvements):	<u>N/A</u>
Total Value of Fee Taking-Parcel 165:	\$36,500
Cost to Cure Damages:	<u>N/A</u>
Damages to the Remainder (Severance):	<u>\$0.00</u>
Total Compensation Estimate:	\$1,296,000


**ANDERSON & CARR, INC.**

Mr. L. Morton Rose  
May 30, 2006

The following presents a complete appraisal in a summary report. This letter must remain attached to the report, which contains 65 pages, in order for the value opinion set forth to be considered valid. Your attention is directed to the Assumptions and Limiting Conditions, which follow.

Respectfully submitted,

ANDERSON & CARR, INC.



Frank J. Cardo, MAI  
State-Certified General Real Estate Appraiser RZ1190



Richard L. Mickle II  
State-Certified General Real Estate Appraiser RZ1511

FJC/RJM:cmp



INTEROFFICE MEMORANDUM

DATE: September 19, 2006
TO: Tanya N. McConnell, P.E., Deputy County Engineer
THRU: L. Morton Rose, P.E, Right-of-Way Acquisition Manager
FROM: Joyce M. Boyer, Right-of-Way Specialist
Right-of-Way Acquisition
RE: Northlake Boulevard,
Seminole Pratt Whitney Road to Coconut Boulevard
Project No. 2003503
Parcels 100 & 165 - Coconut Northlake LLC

Department of Engineering
and Public Works
P.O. Box 21229
West Palm Beach, FL 33416-1229
(561) 684-4000
www.pbcgov.com

Palm Beach County
Board of County
Commissioners
Tony Masilotti, Chairman
Addie L. Greene, Vice Chairperson
Karen T. Marcus
Jeff Koons
Warren H. Newell
Mary McCarty
Burt Aaronson

County Administrator
Robert Weisman

Please indicate your acceptance, on behalf of the Engineering & Public Works Department, the counter-offer submitted by the property owner of the subject parcels, in the amount of \$1,500,000 a difference of \$204,000, which is 15.75% over the appraised value of \$1,296,000.

The subject parcels are located on the south side of Northlake Boulevard, abutting the east side of 130th Avenue North. Both parcels will be acquired as partial fee simple. The intended use of the 9.16 acre Parcel 100 is for a retention pond and Parcel 165 is a 20+ foot strip (11,500 SF) of land that will be used as road right-of-way. The property owner's counter-offer request is based on what he feels would be a potential increase to his land value due to proposed changes he is currently sponsoring to amend the comprehensive plan to change the future land use from Rural Residential (RR20) to Commercial Low (CL/RR-5), and if successful will attempt to rezone the property to MUPD.

The acceptance of this counter-offer would be beneficial to the County because it would avoid the timely and costly condemnation process. This counter-offer of \$1,500,000 is inclusive of all costs and fees.

If you require additional information regarding this matter, please don't hesitate to contact me at 6-4124.

ACCEPTED: [Signature] DATE: 9/19/06
Tanya N. McConnell, P.E.
Deputy County Engineer
[Signature] DATE: 9/19/06
L. Morton Rose, P.E., Manager
Right-of-Way Acquisition

Attachment

An Equal Opportunity
Affirmative Action Employer

LAW OFFICES

BOOSE CASEY CIKLIN LUBITZ MARTENS MCBANE & O'CONNELL

A PARTNERSHIP INCLUDING PROFESSIONAL ASSOCIATIONS

LINDA DICKHAUS AGNANT, P.A.  
BRUCE G. ALEXANDER, P.A.  
JERALD S. BEER, P.A.  
WILLIAM R. BOOSE, III, P.A.  
JOHN D. BOYKIN, P.A.  
JESSICA M. CALLOW  
PATRICK J. CASEY, P.A.  
RICHARD R. CHAVES, P.A.  
PATRICIA M. CHRISTIANSEN, P.A.  
ALAN J. CIKLIN, P.A.  
ROBERT L. CRANE, P.A.  
RONALD E. CRESCENZO, P.A.  
KENT B. FRAZER  
JEFFREY M. GARBER  
JASON S. HASELKORN, P.A.  
CHRISTINE M. HOKE

W. JAY HUNSTON, III  
RICHARD A. JAROLEM  
BRIAN B. JOSLYN, P.A.  
GREGORY S. KINO, P.A.  
CHARLES A. LUBITZ, P.A.  
JASON C. MAIER  
RICHARD L. MARTENS, P.A.  
BRIAN M. O'CONNELL, P.A.  
PHIL D. O'CONNELL, P.A.  
CHARLES L. PICKETT  
MATTHEW N. THIBAUT  
DEAN VEGOSEN, P.L.  
GARY WALK, P.A.  
JOHN R. YOUNG, P.A.  
CORY S. ZADANOSKY

PHILLIP D. O'CONNELL, SR. (1907-1987)

LOUIS R. MCBANE (RETIRED)

OF COUNSEL

MICHAEL J. MONCHICK, P.A.

MICHAEL J. KENNEDY, P.A.

JOHN L. REMSEN

515 NORTH FLAGLER DRIVE, STE. 1900  
WEST PALM BEACH, FLORIDA 33401-4343  
TELEPHONE: (561) 832-5900  
FACSIMILE: (561) 833-4209

RECEIVED

AUG 14 '06

RIGHT-OF-WAY

August 11, 2006

L. Morton Rose, P.E., Manager  
Right-of-way Acquisition Section  
Roadway Production Division  
Palm Beach County Engineering Department  
Vista Center, 3rd Floor  
2300 North Jog Road  
West Palm Beach, FL 33411-2745

Joyce M. Boyer, Specialist  
Right-of-way Acquisition Section  
Roadway Production Division  
Palm Beach County Engineering Department  
Vista Center, 3rd Floor  
2300 North Jog Road  
West Palm Beach, FL 33411-2745

Re: PROJECT NUMBER: 2003503  
PROJECT NAME: Northlake Boulevard  
JOB LIMITS: East of Seminole Pratt Whitney Road to  
East of Coconut Blvd.  
PARCEL NO.: 100 and 165  
TYPE OF TAKING: Partial Fee Simple

Dear Mr. Rose and Ms. Boyer:

We are in receipt of and thank you for Morton Rose's correspondence dated June 26, 2006 and Joyce Boyer's correspondence dated July 3, 2006 in regard to the above-referenced Northlake Boulevard roadway construction project. In the June 26, 2006 correspondence, Palm Beach County has offered \$1,296,000 to purchase Parcel 100 (Pond Parcel) and Parcel 165 (Right-of-way Parcel) for 130<sup>th</sup> Avenue North from the 30.71 acre ± parcel owned by Coconut Northlake, LLC.

Please accept this letter as a written counteroffer to Palm Beach County for acquisition of the above-referenced two (2) subject Parcels for the acquisition price of \$1,500,000.

As you are aware, Coconut Northlake, LLC is sponsoring a comprehensive plan amendment to change the Future Land Use Atlas (FLUA) land use designation of this 30.71 acre ± property from Rural Residential (RR20) to Commercial Low (CL/RR-5) comprising a four (4) acre retail commercial component to include a pharmacy and financial institution, a 7.71 acre ± office / government services component, a 9 acre wetland preserve and the County's proposed 10 acre Northlake Boulevard water retention parcel subject of this correspondence for a total projected 80,000 square feet of development

L. Morton Rose, P.E.  
Joyce M. Boyer  
August 11, 2006  
Page 2

with an FAR of six percent (6%). The Multiple Use Planned Development ("MUPD") zoning application for this property contemplates using for lot coverage and FAR computation the wetland preserve parcel (9 acres), the Northlake water retention pond parcel (10 acres), the development parcel (11.71 acres ±) and the previously dedicated Northlake Boulevard right-of-way at no cost to Palm Beach County from Coconut Boulevard on the east to 130<sup>th</sup> Avenue North extension to Northlake Boulevard on the west. We would require confirmation of approval of this plan by Palm Beach County and their subsequent consent and joinder to these governmental approval applications.

The above-referenced comprehensive plan amendment and MUPD zoning applications further contemplate the creation of a thirty foot (30') landscape buffer easement along Hamlin Boulevard and a fifty foot (50') rural parkway non-vehicular multi-purpose pathways easement along Northlake Boulevard from Coconut Boulevard on the east to 130<sup>th</sup> Avenue North on the west as part of an equestrian pathway (Hamlin Boulevard) and pedestrian / bicycle pathway (Northlake Boulevard) continuous pathway systems from 120<sup>th</sup> Avenue North on the east and Grapeview Boulevard on the west. For your information and review, we have enclosed the following documents previously used on the property located at the southeast intersection of Coconut Boulevard and Northlake Boulevard (USPS parcel) previously owned by an affiliate of Coconut Northlake, LLC. We would require similar easements with the right to construct the equestrian pathway system and pedestrian / bicycle pathway system to be recorded on the subject parcels being acquired by Palm Beach County:

- Landscape Buffer Easement by and between George T. Elmore, as Trustee, and Palm Beach County, recorded in Official Records Book 14989, Page 302, of the Public Records of Palm Beach County, Florida; and
- Northlake Boulevard Rural Parkway Non-Vehicular Multi-Purpose Pathways Easement by and between George T. Elmore, as Trustee, and Palm Beach County, recorded in Official Records Book 14989, Page 309, of the Public Records of Palm Beach County, Florida.

It is our understanding that the County will pay for all transactional closing costs, if any, in regard to this transaction and the property owner will pay all of the property owner's legal and consulting fees and all ad valorem real estate taxes due for calendar year 2006 as part of this condemnation settlement counteroffer. It is further our understanding that the Palm Beach County Roadway Production Division will place this matter on the Board of County Commission meeting agenda for October 3, 2006 and that the mutually approved closing date shall be on or about November 15, 2006 if this counteroffer is accepted by the County.

If you have any questions concerning any of the matters discussed in this correspondence and/or its enclosures, please do not hesitate to contact us at your earliest convenience.

Sincerely yours,



William R. Boose III

WRB/cer  
Enclosures

xc: Coconut Northlake, LLC members (w/o enclosures)



Return to:  
Name: Palm Beach County  
R/W Acquisition Section  
Post Office Box 21229  
Address: West Palm Beach, Florida 33416  
Attn: JOYCE M. BOYER  
Acct. No.: 1010 W/C BOX 1066

This Instrument Prepared by:  
Name: Paul F. King  
Assistant County Attorney  
Post Office Box 21229  
Address: West Palm Beach, Florida 33416

NOT TO BE RECORDED  
WITHOUT BOARD OF COUNTY  
COMMISSIONERS ACCEPTANCE DATE

PCN: 00-41-42-15-00-000-7010  
(Individual/Partnership)

SPACE ABOVE THIS LINE FOR PROCESSING DATA

PROJECT NO. 2003503

ROAD NAME: NORTHLAKE BOULEVARD / EAST OF  
SEMINOLE PRATT WHITNEY RD TO E. OF COCONUT BL.  
PARCEL NO. 100 AND 165

WARRANTY DEED

THIS WARRANTY DEED, made this 12<sup>th</sup> day of SEPT., 2006, by COCONUT NORTHLAKE, L.L.C., a Florida Limited Liability Company, whose post office address is 2350 S. Congress Avenue, Delray Beach, FL 33445, hereinafter called grantor, to PALM BEACH COUNTY, a political subdivision of the State of Florida, hereinafter called grantee.

WITNESSETH: That the grantor, for and in consideration of the sum of TEN (\$10.00) dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Palm Beach County, Florida, viz:

Property more particularly described in Exhibit "A" attached hereto and made a part hereof.

TOGETHER with all the tenements, hereditaments, appurtenances, gas, oil and mineral reservations, thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the grantor hereby covenants with said grantee that said grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is subject to encumbrances of record, and taxes subsequent to December 31, 2005.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:  
(Signature of two witnesses required by Florida law)

WITNESS SIGNATURE (Required)

TYPED OR PRINTED NAME OF WITNESS

SIGNATURE OF GRANTOR

George T. Elmore, Managing Member

TYPED OR PRINTED NAME OF GRANTOR

2350 S. Congress Avenue  
Delray Beach, FL 33445

MAILING ADDRESS

N/A

SIGNATURE OF GRANTOR

N/A

TYPED OR PRINTED NAME OF GRANTOR

N/A

MAILING ADDRESS

STATE OF Florida

COUNTY OF Palm Beach

BEFORE ME, the undersigned authority, personally appeared GEORGE T. ELMORE who is / are personally known to me or who has produced identification as identification and who did/did not take an oath, executed the foregoing instrument for the uses and purposes therein expressed.

WITNESS my hand and official seal this 12<sup>th</sup> day of Sept., 2006

Signed: Cottie E. Rankin  
Notary Public in and for  
the County and State aforementioned



Cottie E. Rankin  
Commission # DD361052  
Expires November 20, 2008  
Bonded Tray Fain - Insurance, Inc. 800-365-7819

**LEGAL DESCRIPTION**

A PARCEL OF LAND IN SECTION 15, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 15;  
 THENCE ALONG THE SOUTH LINE OF SAID SECTION 15,  
 N86°54'00"E FOR 60.16 FEET TO A LINE LYING 60.00 FEET EAST OF, AND PARALLEL  
 WITH, THE WEST LINE OF SAID SECTION 15, AND THE POINT OF BEGINNING;  
 THENCE CONTINUE ALONG SAID SOUTH LINE, N86°54'00"E FOR 788.99 FEET;  
 THENCE N03°00'52"W FOR 517.82 FEET TO A LINE LYING 50.00 FEET SOUTH OF,  
 AND PARALLEL WITH, THE SOUTH RIGHT-OF-WAY OF NORTHLAKE BOULEVARD,  
 RECORDED IN OFFICIAL RECORD BOOK 12017, PAGE 1009 OF THE PUBLIC RECORDS  
 OF PALM BEACH COUNTY, FLORIDA;  
 THENCE ALONG SAID PARALLEL LINE, S86°54'00"W FOR 751.65 FEET TO SAID LINE  
 LYING 60.00 FEET EAST OF, AND PARALLEL WITH, THE WEST LINE OF SECTION 15;  
 THENCE ALONG SAID PARALLEL LINE, S01°06'33"W FOR 519.22 FEET TO THE POINT  
 OF BEGINNING.

CONTAINING 9.16 ACRES, MORE OR LESS.

BEARING BASIS: N86°54'00"E ALONG THE SOUTH LINE OF SECTION 15.

THE DESCRIPTION SKETCH AND THE DESCRIPTION TEXT  
 COMPRISE THE COMPLETE LEGAL DESCRIPTION.  
 THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH  
 ACCOMPANY EACH OTHER.  
 REPRODUCTIONS OF THIS DOCUMENT ARE NOT VALID  
 WITHOUT THE ORIGINAL SIGNATURE AND THE ORIGINAL  
 RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND  
 MAPPER NOTED BELOW.

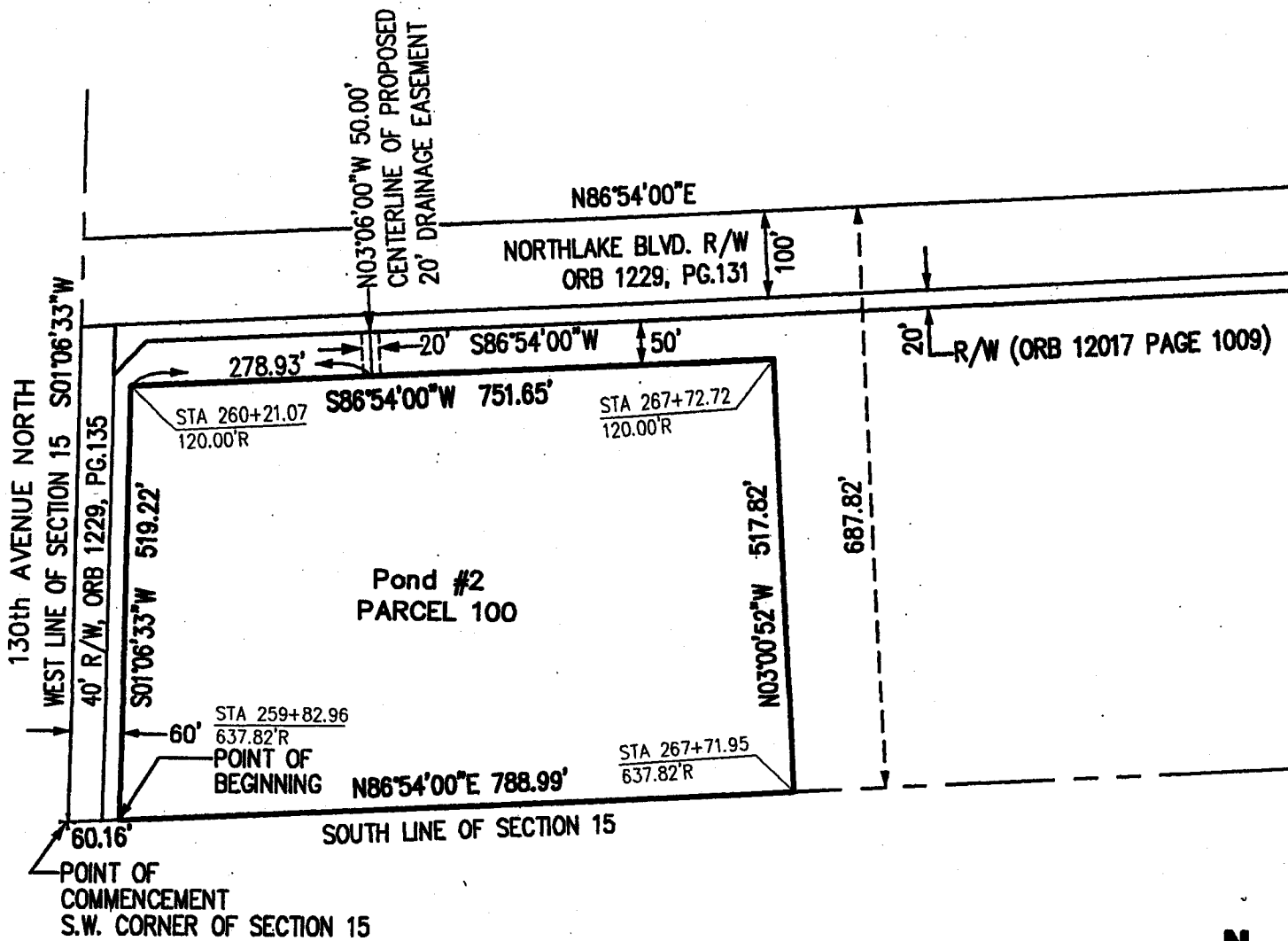
**ABBREVIATIONS**

- R/W - RIGHT-OF-WAY
- O.R.B.- OFFICIAL RECORD BOOK
- PBC - PALM BEACH COUNTY
- R - DISTANCE RIGHT OF BASELINE

*Anthony Brown*  
 ANTHONY BROWN  
 PROFESSIONAL LAND SURVEYOR  
 STATE OF FLORIDA No. 4977  
 DATE: 8/10/05

**BROWN & PHILLIPS, INC.**  
 PROFESSIONAL SURVEYING SERVICES  
 CERTIFICATE OF AUTHORIZATION # LB 6473  
 901 NORTHPOINT PARKWAY, SUITE 305, W.P.B., FL 33407  
 (561) 615-3988, (561) 615-3986 FAX

<b>LEGAL DESCRIPTION</b>	
<b>DRAWN:</b> MDB	<b>PROJ. No.</b> 04-032
<b>CHECKED:</b> TB	<b>SCALE:</b> NONE
<b>DATE:</b> 8/10/05	<b>SHEET</b> 1 OF 2
<b>NORTHLAKE BOULEVARD POND #2 - PARCEL 100</b>	



N  
SCALE 1"=200'

**B**  
**BROWN & PHILLIPS, INC.**  
PROFESSIONAL SURVEYING SERVICES  
CERTIFICATE OF AUTHORIZATION # LB 6473  
901 NORTHPOINT PARKWAY, SUITE 305, W.P.B., FL 33407  
(561) 615-3988, (561) 615-3986 FAX

THIS SKETCH IS NOT A SURVEY

SKETCH TO ACCOMPANY  
LEGAL DESCRIPTION

DRAWN: MDB	PROJ. No. 04-032
CHECKED: TB	SCALE: 1"=200'
DATE: 8/10/05	SHEET 2 OF 2
NORHLAKE BOULEVARD POND #2 - PARCEL 100	

**LEGAL DESCRIPTION**

A PARCEL OF LAND IN SECTION 15, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 15;  
 THENCE ALONG THE SOUTH LINE OF SAID SECTION 15,  
 N86°54'00"E FOR 40.11 FEET TO THE EAST RIGHT-OF-WAY OF 130th AVENUE NORTH, RECORDED IN OFFICIAL RECORD BOOK 1229, PAGE 135, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND THE POINT OF BEGINNING;  
 THENCE ALONG SAID EAST RIGHT-OF-WAY, N01°06'33"E FOR 532.19 FEET TO THE TO THE SOUTH RIGHT-OF-WAY OF NORTHLAKE BOULEVARD, RECORDED IN OFFICIAL RECORD BOOK 12017, PAGE 1009 OF SAID PUBLIC RECORDS;  
 THENCE ALONG SAID RIGHT-OF-WAY, N44°00'17"E FOR 54.45 FEET;  
 THENCE CONTINUE ALONG SAID SOUTH RIGHT-OF-WAY, N86°54'00"E FOR 23.00 FEET;  
 THENCE S44°00'17"W FOR 58.77 FEET TO A LINE LYING 20.00 FEET EAST OF, AND PARALLEL WITH, THE SAID EAST RIGHT-OF-WAY OF 130th AVENUE NORTH;  
 THENCE ALONG SAID PARALLEL LINE, S01°06'33"W FOR 529.25 FEET TO THE SAID SOUTH LINE OF SECTION 15;  
 THENCE ALONG SAID SOUTH LINE, S86°54'00"W FOR 20.05 FEET TO THE POINT OF BEGINNING.

CONTAINING 11,500 SQUARE FEET, MORE OR LESS.

BEARING BASIS: N86°54'00"E ALONG THE SOUTH LINE OF SECTION 15.

THE DESCRIPTION SKETCH AND THE DESCRIPTION TEXT COMPRISE THE COMPLETE LEGAL DESCRIPTION. THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH ACCOMPANY EACH OTHER. REPRODUCTIONS OF THIS DOCUMENT ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER NOTED BELOW.

**ABBREVIATIONS**

R/W - RIGHT-OF-WAY  
 ORB - OFFICIAL RECORD BOOK  
 PBC - PALM BEACH COUNTY  
 R - DISTANCE RIGHT OF BASELINE

*Anthony Brown*  
 ANTHONY BROWN  
 PROFESSIONAL LAND SURVEYOR  
 STATE OF FLORIDA No. 4977  
 DATE: AUG 29 2005



**BROWN & PHILLIPS, INC.**  
 PROFESSIONAL SURVEYING SERVICES  
 CERTIFICATE OF AUTHORIZATION # LB 6473  
 901 NORTHPOINT PARKWAY, SUITE 305, W.P.B., FL 33407  
 (561) 615-3988, (561) 615-3986 FAX

**LEGAL DESCRIPTION**

DRAWN:	MDB	PROJ. No. 04-032
CHECKED:	TB	SCALE: NONE
DATE:	8/22/05	SHEET 1 OF 2

NORTHLAKE BOULEVARD  
 RIGHT-OF-WAY - PARCEL 165

N86°54'00"E

NORTHLAKE BLVD. R/W  
(ORB 1229, PG.131)

100'

N44°00'17"E  
54.45'

STA 260+41.86  
70.00'R

STA 260+64.86  
70.00'R

20'

N86°54'00"E

23.00'

SOUTH R/W (ORB 12017 PAGE 1009)

10' EMBANKMENT EASEMENT  
(ORB 12017 PG.1006)

S44°00'17"W  
58.77'

STA 260+21.81  
110.00'R

STA 260+01.97  
107.06'R

EXHIBIT "A"  
PAGE 2 OF 2

WEST LINE OF SECTION 15

40' R/W, ORB 1229, PG.135

130th AVENUE NORTH

N01°06'33"E  
532.19'

S01°06'33"W  
529.25'

NORTH

SCALE: 1"=100'

687.82'

66'

20'

S86°54'00"W  
20.05'

STA 259+82.96  
637.82'R

SOUTH LINE OF SECTION 15

N86°54'00"E

40.11'

POINT OF BEGINNING  
STA 259+62.91  
637.82'R

POINT OF COMMENCEMENT  
S.W. CORNER OF SECTION 15



THIS SKETCH IS NOT A SURVEY

SKETCH TO ACCOMPANY  
LEGAL DESCRIPTION

**BROWN & PHILLIPS, INC.**  
PROFESSIONAL SURVEYING SERVICES  
CERTIFICATE OF AUTHORIZATION # LB 6473  
901 NORTHPOINT PARKWAY, SUITE 305, W.P.B., FL 33407  
(561) 615-3988, (561) 615-3986 FAX

DRAWN: MDB	PROJ. No. 04-032
CHECKED: TB	SCALE: 1"=100'
DATE: 8/22/05	SHEET 2 OF 2

NORTHLAKE BOULEVARD  
RIGHT-OF-WAY - PARCEL 165

SELLERS DISCLOSURE OF BENEFICIAL INTERESTS  
(REQUIRED BY FLORIDA STATUTES 286.23)

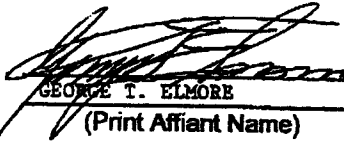
TO: PALM BEACH COUNTY CHIEF OFFICER, OR HIS OR HER OFFICIALLY  
DESIGNATED REPRESENTATIVE

STATE OF FLORIDA  
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared,  
GEORGE T. ELMORE, hereinafter referred to as "Affiant", who being by me  
first duly sworn, under oath, deposes and states as follows:

1. Affiant is the MANAGING MEMBER (position - i.e. president, partner,  
trustee) of COCONUT NORTHLAKE LLC, A FLORIDA LIMITED LIABILITY COMPANY (name and type of entity -  
i.e. ABC Corporation, XYZ Limited Partnership), (the "Owner") which entity is the owner of  
the real property legally described on the attached Exhibit "A" (the "Property").
2. Affiant's address is 1320 N. OCEAN BLVD. GULF STREAM, FLORIDA 33483
3. Attached hereto as Exhibit "B" is a complete listing of the names and  
addresses of every person or entity having a five Percent (5%) or greater beneficial  
interest in the Owner and the percentage interest of each such person or entity.
4. Affiant acknowledges that this Affidavit is given to comply with Florida  
Statutes 286.23, and will be relied upon by Palm Beach County in its purchase of the  
Property.
5. Affiant further states that Affiant is familiar with the nature of an oath and with  
the penalties provided by the laws of the State of Florida for falsely swearing to statements  
under oath.
6. Under penalty of perjury, Affiant declares that Affiant has examined this  
Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

  
GEORGE T. ELMORE Affiant  
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 29 day of NOVEMBER  
2006, by GEORGE T. ELMORE, MANAGING MEMBER OF COCONUT NORTHLAKE LLC who is  
personally known to me or [ ] who has produced  
N/A as identification and who did take an  
oath. NOT



  
Notary Public

Sharon C. Shively  
(Print Notary Name)

NOTARY PUBLIC  
State of Florida at Large

My Commission Expires: 2.25.10

EXHIBIT "A"

PROPERTY

EXHIBIT "A"  
PAGE 1 OF 4

LEGAL DESCRIPTION

A PARCEL OF LAND IN SECTION 15, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 15;  
THENCE ALONG THE SOUTH LINE OF SAID SECTION 15,  
N86°54'00"E FOR 60.16 FEET TO A LINE LYING 60.00 FEET EAST OF, AND PARALLEL  
WITH, THE WEST LINE OF SAID SECTION 15, AND THE POINT OF BEGINNING;  
THENCE CONTINUE ALONG SAID SOUTH LINE, N86°54'00"E FOR 788.99 FEET;  
THENCE N03°00'52"W FOR 517.82 FEET TO A LINE LYING 50.00 FEET SOUTH OF,  
AND PARALLEL WITH, THE SOUTH RIGHT-OF-WAY OF NORTHLAKE BOULEVARD,  
RECORDED IN OFFICIAL RECORD BOOK 12017, PAGE 1009 OF THE PUBLIC RECORDS  
OF PALM BEACH COUNTY, FLORIDA;  
THENCE ALONG SAID PARALLEL LINE, S86°54'00"W FOR 751.85 FEET TO SAID LINE  
LYING 50.00 FEET EAST OF, AND PARALLEL WITH, THE WEST LINE OF SECTION 15;  
THENCE ALONG SAID PARALLEL LINE, S01°06'33"W FOR 519.22 FEET TO THE POINT  
OF BEGINNING.

CONTAINING 9.16 ACRES, MORE OR LESS.

BEARING BASIS: N86°54'00"E ALONG THE SOUTH LINE OF SECTION 15.

THE DESCRIPTION SKETCH AND THE DESCRIPTION TEXT  
COMPRISE THE COMPLETE LEGAL DESCRIPTION.  
THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH  
ACCOMPANY EACH OTHER.  
REPRODUCTIONS OF THIS DOCUMENT ARE NOT VALID  
WITHOUT THE ORIGINAL SIGNATURE AND THE ORIGINAL  
RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND  
MAPPER NOTED BELOW.

ABBREVIATIONS

R/W - RIGHT-OF-WAY  
O.R.B. - OFFICIAL RECORD BOOK  
PBC - PALM BEACH COUNTY  
R - DISTANCE RIGHT OF BASELINE

*Anthony Brown*  
ANTHONY BROWN  
PROFESSIONAL LAND SURVEYOR  
STATE OF FLORIDA No. 4977  
DATE: 1/19/05

**B**  
**BROWN & PHILLIPS, INC.**  
PROFESSIONAL SURVEYING SERVICES  
CERTIFICATE OF AUTHORIZATION # LB 6473  
901 NORTHPOINT PARKWAY, SUITE 305, W.P.B., FL 33407  
(561) 915-3888, (561) 615-3886 FAX

LEGAL DESCRIPTION

CHECKED BY	DATE	SCALE	SHEET	OF
TS <td>8/19/05<td>NONE<td>1</td><td>2</td></td></td>	8/19/05 <td>NONE<td>1</td><td>2</td></td>	NONE <td>1</td> <td>2</td>	1	2

NORTHLAKE BOULEVARD  
MONY # - 24715, 100

**LEGAL DESCRIPTION**

A PARCEL OF LAND IN SECTION 15, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 15; THENCE ALONG THE SOUTH LINE OF SAID SECTION 15, N86°54'00"E FOR 40.11 FEET TO THE EAST RIGHT-OF-WAY OF 130th AVENUE NORTH, RECORDED IN OFFICIAL RECORD BOOK 1229, PAGE 135, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND THE POINT OF BEGINNING; THENCE ALONG SAID EAST RIGHT-OF-WAY, N01°06'33"E FOR 532.18 FEET TO THE SOUTH RIGHT-OF-WAY OF NORTHLAKE BOULEVARD, RECORDED IN OFFICIAL RECORD BOOK 12017, PAGE 1009 OF SAID PUBLIC RECORDS; THENCE ALONG SAID RIGHT-OF-WAY, N44°00'17"E FOR 54.45 FEET; THENCE CONTINUE ALONG SAID SOUTH RIGHT-OF-WAY, N86°54'00"E FOR 23.00 FEET; THENCE S44°00'17"W FOR 58.77 FEET TO A LINE LYING 20.00 FEET EAST OF, AND PARALLEL WITH, THE SAID EAST RIGHT-OF-WAY OF 130th AVENUE NORTH; THENCE ALONG SAID PARALLEL LINE, S01°06'33"W FOR 629.25 FEET TO THE SAID SOUTH LINE OF SECTION 15; THENCE ALONG SAID SOUTH LINE, S86°54'00"W FOR 20.05 FEET TO THE POINT OF BEGINNING.

CONTAINING 11,500 SQUARE FEET, MORE OR LESS.

BEARING BASIS: N86°54'00"E ALONG THE SOUTH LINE OF SECTION 15.

THE DESCRIPTION SKETCH AND THE DESCRIPTION TEXT COMPRISE THE COMPLETE LEGAL DESCRIPTION. THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH ACCOMPANY EACH OTHER. REPRODUCTIONS OF THIS DOCUMENT ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER NOTED BELOW.

**ABBREVIATIONS**

R/W - RIGHT-OF-WAY  
ORB - OFFICIAL RECORD BOOK  
PBC - PALM BEACH COUNTY  
R - DISTANCE RIGHT OF BASELINE

*Anthony Brown*  
ANTHONY BROWN  
PROFESSIONAL LAND SURVEYOR  
STATE OF FLORIDA No. 4877  
DATE: AUG 29 2009

**B**  
**BROWN & PHILLIPS, INC.**  
PROFESSIONAL SURVEYING SERVICES  
CERTIFICATE OF AUTHORIZATION # LB 8473  
901 NORTHPOINT PARKWAY, SUITE 305, W.P.B., FL 33407  
(561) 615-3888, (888) 615-3888 FAX

LEGAL DESCRIPTION		
DRAWN: TEB	PROJ. No. 04-002	
CHECKED: TB	SCALE: NONE	
DATE: 8/22/09	SHEET: 1 OF 8	
NORTHLAKE BOULEVARD RIGHT-OF-WAY - PARCEL 169		



EXHIBIT "B"

SCHEDULE TO BENEFICIAL INTERESTS IN PROPERTY

Name Address Percentage of Interest

Seller is only required to identify five percent (5%) or greater beneficial interest holders. If none, so state. Seller must identify individual owners. If, by way of example, Seller is wholly or partially owned by another entity, such as a corporation, Seller must identify such other entity, its address and percentage interest, as well as such information for the individual owners of such other entity.

1. GEORGE T. ELMORE - 16.667%  
1320 North Ocean Blvd., Gulf Stream, FL 33483

2. CONRAD W. SCHAEFER, AS TRUSTEE OF THE CWS 1997 TRUST 16.667%  
11459 Old Harbour Road, North Palm Beach, FL 33408

Beneficiaries of the CWS 1997 Trust:

20% - Conrad W. Schaefer

40% - Erika Schaefer Sousa, as Trustee of the Gretchen  
Olivia Sousa Trust dated November 21, 1997

40% - Erika Schaefer Sousa, as Trustee of the John  
Bennett Sousa Trust dated May 23, 1995

3. GREGORY J. FAGAN - 16.667%  
631 U.S. Highway One, Suite 305, North Palm Beach, FL 33408

4. DIDI GELLER - 16.667%  
5380 WOODLAND LAKES DR., APT. 215,  
PALM BEACH GARDENS, FL 33418

5. EBB & FLOW, INC., A Florida corporation 16.666%  
515 North Flagler Drive, Suite 1900, West Palm Beach, FL 33401  
(William R. Boose III - President and 100% Owner)

6. CONAILL HOLDINGS LLC, a Florida limited liability company 16.666%  
P. O. Box 3917, West Palm Beach, FL 33402  
50% - Phil D. O'Connell, Jr.  
50% - Linda L. O'Connell