

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

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

Meeting Date: December 19, 2006

☒ Consent ☐ Regular
☐ Workshop ☐ Public Hearing

Department:

Submitted By: Engineering and Public Works

Submitted For: Right-of-Way Acquisition Section

Project No. 2004602

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to Adopt: 19 Resolutions declaring the acquisition of property known as Parcels 13, 25 and 26 as Partial Takes in Fee Simple for Right-of-Way, Parcels 801 and 802 as Permanent Easements, Parcels 804, 806, 808, 810, 814, 814A, 815, 815A, 816, 816A, 817 and 817A as Exclusive Perpetual Easements, and Parcels 901 and 902 as Temporary Construction Easements, for the improvement and construction of West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey Road (Project).

Summary: This action will adopt 19 Resolutions to authorize the filing of Eminent Domain Proceedings against 19 parcels whose total estimated appraised value is \$1,359,050.

District: 5 (PM)

Background and Justification: On July 19, 2005, the Board of County Commissioners approved an Agreement for Acquisition with Ascot Development (developer) to acquire rights-of-way and easements for the improvement of West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey Road. This Agreement was amended on July 11, 2006. The acquisition of these parcels is required for the improvement and construction of the Project. These acquisitions are for a public purpose and necessity, which is deemed to be in the best interest of Palm Beach County.

The developer has contributed the funds for the acquisition for this Project, in accordance with the approved Agreement for Acquisition, as amended.

Attachments:

1. Location Map
2. Resolutions with Exhibit "A" and Exhibit "B" (38)

Recommended by:


Division Director

11/13/06
Date

Approved by:


County Engineer

11/27/06
Date

KAT

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2007	2008	2009	2010	2011
Capital Expenditures	<u>\$1,359,050</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>
NET FISCAL IMPACT	<u>\$1,359,050</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>

ADDITIONAL FTE

POSITIONS (Cumulative)

Is Item Included in Current Budget? Yes X No

Budget Acct No.: Fund 3500 Dept. 361 Unit 1085 Object 6120
Program

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

Transportation Improvement Fund

W Atlantic/W of Lyons to E of Fla's Turnpike

Appraised Values - 19 Parcels \$1,359,050.00

C. Departmental Fiscal Review: R.D. Ward 11/15/06

III. REVIEW COMMENTS

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

Elizabeth Davis 11/30/06
OFMB

[Signature] 12/4/06
Contract Dev. and Control
Expires 12/4/06

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

This item complies with current County policies.

Assistant County Attorney

C. Other Department Review:

Department Director

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

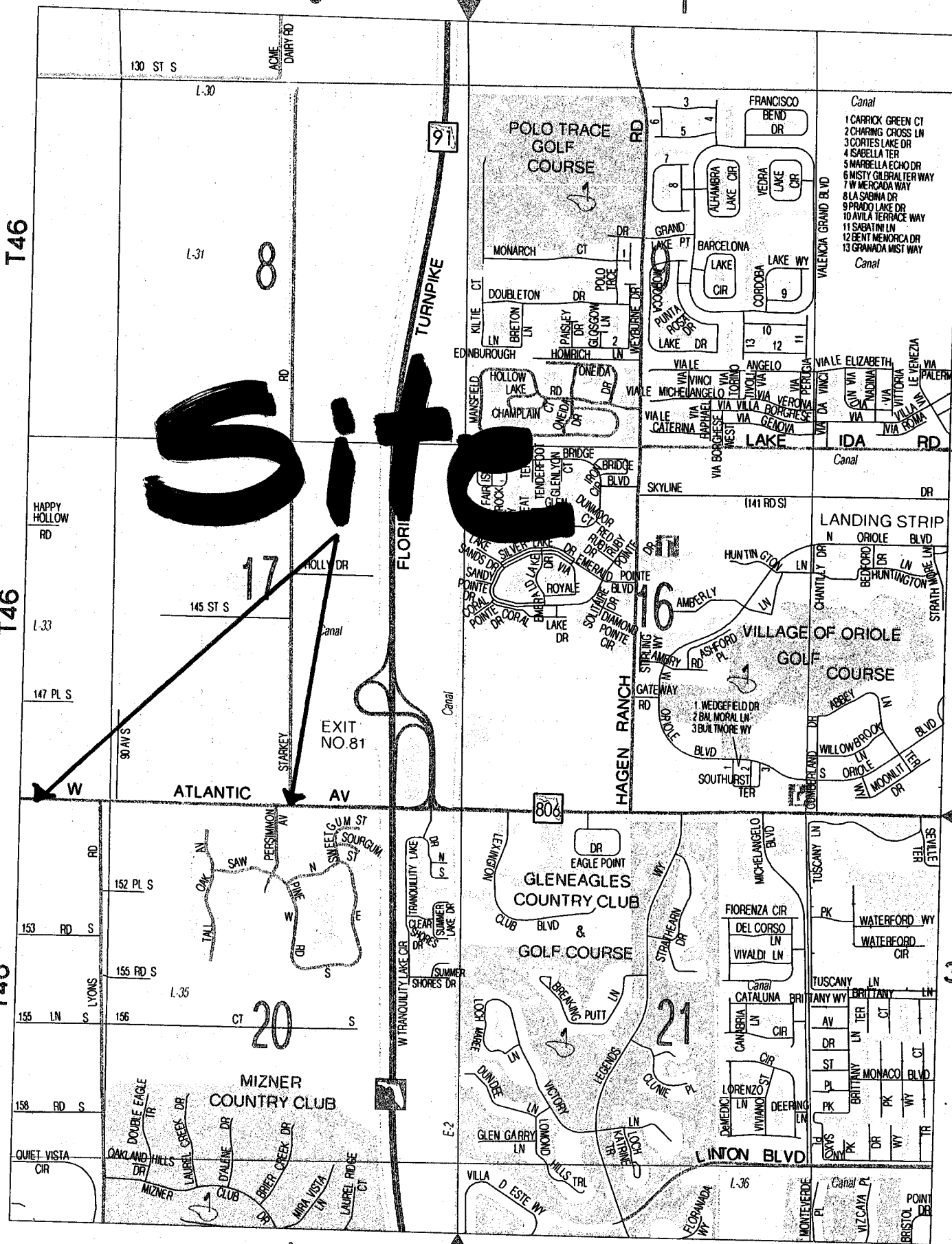
Location Map

R42

SEE PG 102

R42

108



SEE PG 115

108

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 13 AS A PARTIAL TAKE IN FEE SIMPLE FOR RIGHT-OF-WAY, NECESSARY FOR THE CONSTRUCTION AND IMPROVEMENT OF WEST ATLANTIC AVENUE, FROM 1,330 FEET WEST OF LYONS ROAD TO STARKEY 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 West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey 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 13 is necessary; and,

WHEREAS, this Board has considered the required factors under Florida Law, as they apply to Parcel 13, 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 13 for the necessary Partial Take in Fee Simple for Right-of-Way, which is more fully described in Exhibit "B", is necessary for the following public purpose, to wit: the construction and improvement of West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey 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 13 is necessary for right-of-way, thereon with the construction to be undertaken by Palm Beach County as to West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey 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 West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey 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 Right-of-Way.

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:

Addie L. Greene, Chairperson	_____
Jeff Koons, Vice Chair	_____
Karen T. Marcus	_____
Warren H. Newell	_____
Mary McCarty	_____
Jess R. Santamaria	_____
Burt Aaronson	_____

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

SHARON R. BOCK,
Clerk and Comptroller

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: _____
County Attorney

EXHIBIT "A"

ATLANTIC AVENUE (SR806) FROM 1,330 FEET WEST OF LYONS TO ROAD TO STARKEY ROAD PALM BEACH COUNTY PROJECT NO.: 2004602

SAFETY

Atlantic Avenue is currently a two (2) lane rural roadway. The widening/reconstruction of this facility from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway, will improve the overall safety for all users of this roadway due to the construction of a depressed median to separate vehicles traveling in opposite directions. The design of this project has been done in accordance with the Florida Department of Transportation Standards and the Plans Preparation Manual, as adopted and approved by the Florida Department of Transportation (FDOT).

COST

The cost of improving Atlantic Avenue from west of Lyons Road to Starkey Road, from a two (2) lane to a four (4) lane divided roadway, was estimated during the early stages of design. The appropriate funding for design, right-of-way acquisition, and construction has been funded by an agreement between a contingent of local developers and Palm Beach County, and is currently held in escrow. During the design of the roadway, reasonable efforts were made to minimize the areas to be acquired through condemnation.

After considering Safety, Alternative Routes and Methodologies, Long Range Planning, and Environmental factors, the cost of the acquisition of the parcels for this project fits into the available escrow funds for this project, and the acquisition of the parcels is necessary in furtherance of this public project.

ALTERNATIVE ROUTES

Atlantic Avenue is a heavily traveled roadway, which provides the most direct route for vehicles traveling in an east-west direction from State Road 7 to Florida's Turnpike through unincorporated Palm Beach County, west of Delray Beach, Florida. 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.

Alternative routes were not considered in lieu of improving Atlantic Avenue. Typical Section alternatives were developed by the FDOT to determine the most cost effective improvements which would result in the least amount of impact to local residents and businesses, while minimizing environmental impacts. Construction of an alternative route through this general area would most likely disrupt and displace numerous properties, resulting in significant damages and unnecessary environmental impacts.

LONG RANGE PLANNING

The development of this project is in conformance with Palm Beach County's 2030 Long Range Transportation System Plan. The 2030 Long Range Transportation System Plan is a 25-year forecast based on projected regional needs identified through the process of predicting 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 IMPACT

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

Below is a more detailed outline of the reasons for each type of acquisition needed for the improvement of Atlantic Avenue from 1,330 feet west of Lyons Road to Starkey Road.

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

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

The additional right-of-way is required to accommodate the roadway improvements for this project.

EASEMENT ACQUISITIONS FOR PERMANENT EASEMENTS

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

To accommodate the proposed roadway improvements, permanent easements are needed to accommodate roadway embankments which will occupy the adjacent property. The easements will grant access to the maintaining agency.

EASEMENT ACQUISITIONS FOR TEMPORARY CONSTRUCTION EASEMENTS

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

To accommodate the proposed roadway improvements, temporary construction easements are needed to allow reconstruction of existing points of ingress/egress to the adjacent property.

EASEMENT ACQUISITIONS FOR EXCLUSIVE PERPETUAL EASEMENTS

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

As a part of this project, the Lake Worth Drainage District (LWDD) has transferred certain property for the proposed roadway improvements. The L-34 canal, which is located south of the existing right-of-way of Atlantic Avenue, will be relocated further to the south to accommodate the proposed improvements. LWDD requires new easement areas to accommodate and maintain the relocated canal.

DESCRIPTION & SKETCH
PREPARED FOR:
PALM BEACH COUNTY, FLORIDA

PARCEL 13
ATLANTIC AVENUE (SR 806) BETWEEN LYONS ROAD & STARKEY ROAD
PALM BEACH COUNTY, FLORIDA

LEGEND

CSFFCD = CENTRAL AND SOUTHERN FLORIDA
FLOOD CONTROL DISTRICT
DB = DEED BOOK
FDOT = FLORIDA DEPARTMENT OF TRANSPORTATION
LWDD = LAKE WORTH DRAINAGE DISTRICT
ORB = OFFICIAL RECORD BOOK
PB = PLAT BOOK
PBC = PALM BEACH COUNTY
PG. = PAGE

POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
R/W = RIGHT-OF-WAY
SEC. = SECTION
SF = SQUARE FEET
SFWD = SOUTH FLORIDA WATER MANAGEMENT DISTRICT
SR = STATE ROAD

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 20, TOWNSHIP 46 SOUTH, RANGE 42 EAST, BEING A PORTION OF THE WEST ONE-HALF OF TRACT 9, TRACT 10, AND THE EAST ONE-HALF OF TRACT 11, ALL OF THE PALM BEACH FARMS COMPANY PLAT NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 26 THROUGH 28 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTH ONE-QUARTER CORNER OF SAID SECTION 20; THENCE NORTH 89°58'57" WEST, ALONG THE NORTH LINE OF SAID SECTION 20, A DISTANCE OF 120.23 FEET TO A POINT ON THE PROLONGATION OF THE EAST LINE OF THE WEST ONE-HALF OF SAID TRACT 9 AND THE POINT OF BEGINNING; THENCE SOUTH 01°52'21" EAST, ALONG SAID EAST LINE, A DISTANCE OF 30.02 FEET; THENCE NORTH 89°58'57" WEST, A DISTANCE OF 663.74 FEET TO A POINT ON THE WEST LINE OF THE EAST HALF OF SAID TRACT 11; THENCE NORTH 01°51'24" WEST, ALONG SAID WEST LINE, A DISTANCE OF 30.02 FEET; THENCE SOUTH 89°58'57" EAST, ALONG THE NORTH LINE OF SAID SECTION 20 A DISTANCE OF 663.74 FEET TO THE POINT OF BEGINNING.

CONTAINING 19912 SQUARE FEET OR 0.457 ACRES, MORE OR LESS.

SURVEYOR'S NOTES

1. THIS DRAWING IS NOT A SURVEY.
2. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THIS OFFICE.
3. THE DESCRIPTION SKETCH AND THE DESCRIPTION TEXT COMPRISE THE COMPLETE LEGAL DESCRIPTION. THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH ACCOMPANY EACH OTHER.
4. THIS LEGAL DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER EMPLOYED BY WANTMAN GROUP, INC.
5. THE BEARINGS SHOWN HEREON ARE BASED ON THE NORTH LINE OF THE NORTHWEST ONE-QUARTER OF SECTION 20, TOWNSHIP 46 SOUTH, RANGE 42 EAST, WHICH BEARS NORTH 89°58'57" WEST.

WANTMAN GROUP, INC.

Thomas R. Ditman

THOMAS R. DITMAN
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NUMBER 5763



Wantman Group, Inc.

Engineering ♦ Surveying ♦ Mapping

2035 VISTA PARKWAY, SUITE 100
WEST PALM BEACH, FL 33411
(561) 687-2220 phone
(561) 687-1110 fax
CERTIFICATION NUMBER 6091
LICENSED BUSINESS NUMBER 7055

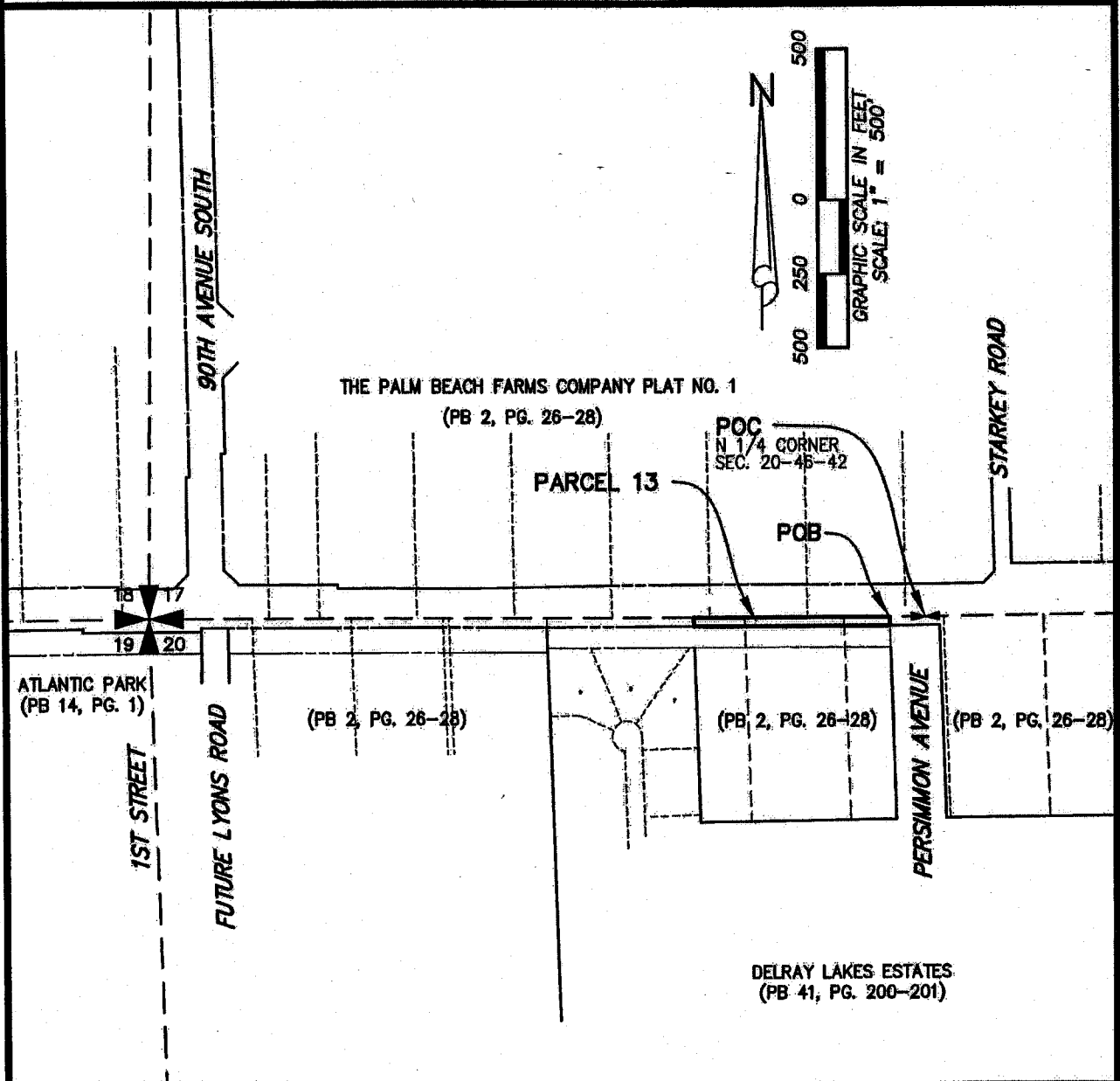
CAD
T:\478 Atlantic Ave Design\DGN\survey\478SY13.dwg

REFERENCE

FIELD	JOB	204478.00
DRAWN BY	DPK	DATE 10/06/05
CHECKED BY	TRD	SHEET 1 OF 3

DESCRIPTION & SKETCH
PREPARED FOR:
PALM BEACH COUNTY, FLORIDA

PARCEL 13
ATLANTIC AVENUE (SR 806) BETWEEN LYONS ROAD & STARKEY ROAD
PALM BEACH COUNTY, FLORIDA

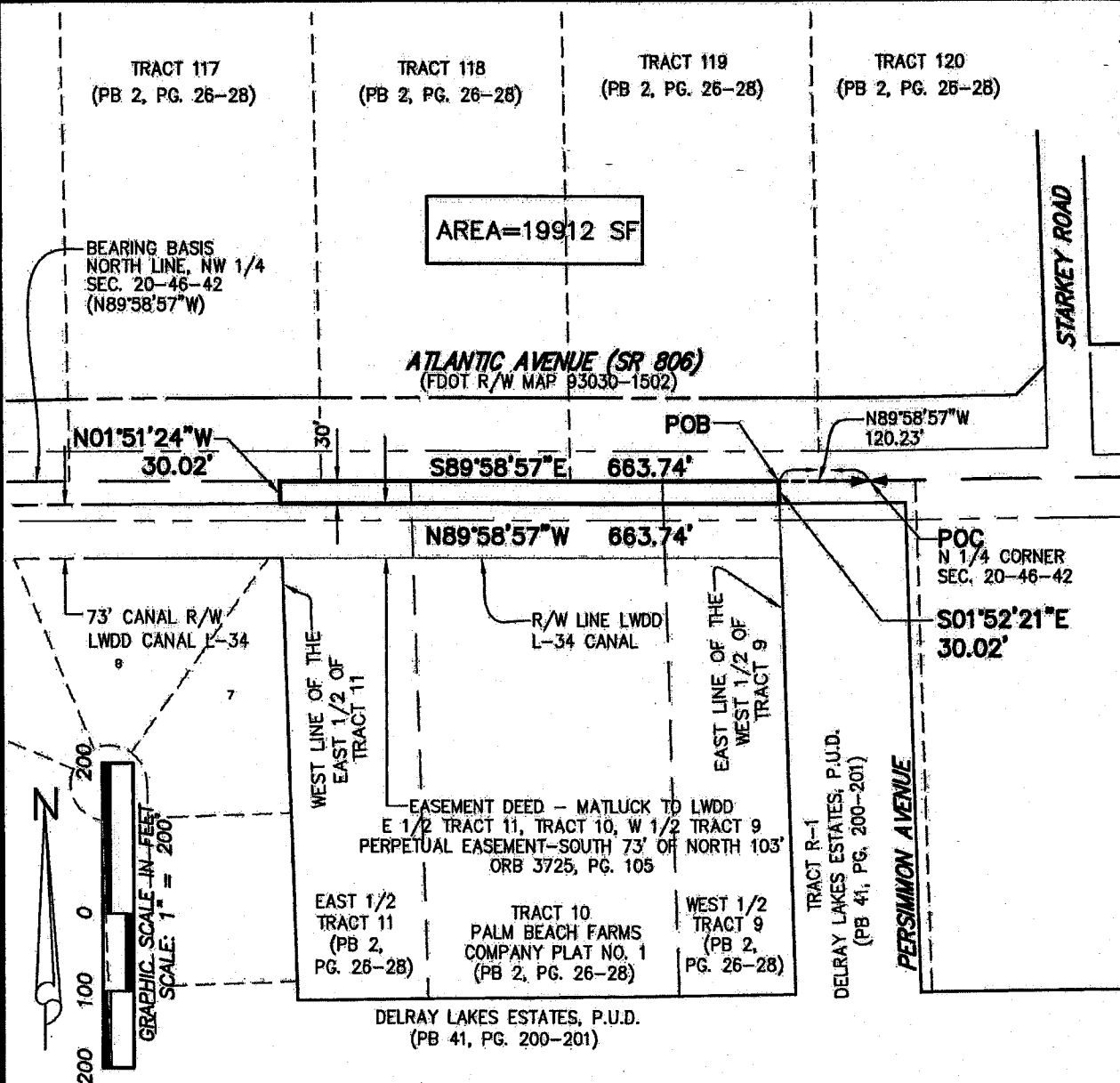


Wantman Group, Inc.
Engineering ♦ Surveying ♦ Mapping
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CAD T:\478 Atlantic Ave Design\DGN\survey\478SY13.dwg		
REFERENCE		
FIELD		JOB 204478.00
DRAWN BY	DPK	DATE 10/06/05
CHECKED BY	TRD	SHEET 2 OF 3

DESCRIPTION & SKETCH
PREPARED FOR:
PALM BEACH COUNTY, FLORIDA

PARCEL 13
ATLANTIC AVENUE (SR 806) BETWEEN LYONS ROAD & STARKEY ROAD
PALM BEACH COUNTY, FLORIDA



Wantman Group, Inc.
Engineering ♦ Surveying ♦ Mapping
2035 VISTA PARKWAY, SUITE 100
WEST PALM BEACH, FL 33411
(561) 687-2220 phone
(561) 687-1110 fax
CERTIFICATION NUMBER 6091
LICENSED BUSINESS NUMBER 7065

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REFERENCE		
FIELD		JOB 204478.00
DRAWN BY	DPK	DATE 10/06/05
CHECKED BY	TRD	SHEET 3 OF 3

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 25 AS A PARTIAL TAKE IN FEE SIMPLE FOR RIGHT-OF-WAY, NECESSARY FOR THE CONSTRUCTION AND IMPROVEMENT OF WEST ATLANTIC AVENUE, FROM 1,330 FEET WEST OF LYONS ROAD TO STARKEY 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 West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey 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 25 is necessary; and,

WHEREAS, this Board has considered the required factors under Florida Law, as they apply to Parcel 25, 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 25 for the necessary Partial Take in Fee Simple for Right-of-Way, which is more fully described in Exhibit "B", is necessary for the following public purpose, to wit: the construction and improvement of West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey 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 25 is necessary for right-of-way, thereon with the construction to be undertaken by Palm Beach County as to West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey 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 West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey 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 Right-of-Way.

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:

Addie L. Greene, Chairperson	_____
Jeff Koons, Vice Chair	_____
Karen T. Marcus	_____
Warren H. Newell	_____
Mary McCarty	_____
Jess R. Santamaria	_____
Burt Aaronson	_____

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

SHARON R. BOCK,
Clerk and Comptroller

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: _____
County Attorney

EXHIBIT "A"

ATLANTIC AVENUE (SR806) FROM 1,330 FEET WEST OF LYONS TO ROAD TO STARKEY ROAD PALM BEACH COUNTY PROJECT NO.: 2004602

SAFETY

Atlantic Avenue is currently a two (2) lane rural roadway. The widening/reconstruction of this facility from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway, will improve the overall safety for all users of this roadway due to the construction of a depressed median to separate vehicles traveling in opposite directions. The design of this project has been done in accordance with the Florida Department of Transportation Standards and the Plans Preparation Manual, as adopted and approved by the Florida Department of Transportation (FDOT).

COST

The cost of improving Atlantic Avenue from west of Lyons Road to Starkey Road, from a two (2) lane to a four (4) lane divided roadway, was estimated during the early stages of design. The appropriate funding for design, right-of-way acquisition, and construction has been funded by an agreement between a contingent of local developers and Palm Beach County, and is currently held in escrow. During the design of the roadway, reasonable efforts were made to minimize the areas to be acquired through condemnation.

After considering Safety, Alternative Routes and Methodologies, Long Range Planning, and Environmental factors, the cost of the acquisition of the parcels for this project fits into the available escrow funds for this project, and the acquisition of the parcels is necessary in furtherance of this public project.

ALTERNATIVE ROUTES

Atlantic Avenue is a heavily traveled roadway, which provides the most direct route for vehicles traveling in an east-west direction from State Road 7 to Florida's Turnpike through unincorporated Palm Beach County, west of Delray Beach, Florida. 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.

Alternative routes were not considered in lieu of improving Atlantic Avenue. Typical Section alternatives were developed by the FDOT to determine the most cost effective improvements which would result in the least amount of impact to local residents and businesses, while minimizing environmental impacts. Construction of an alternative route through this general area would most likely disrupt and displace numerous properties, resulting in significant damages and unnecessary environmental impacts.

LONG RANGE PLANNING

The development of this project is in conformance with Palm Beach County's 2030 Long Range Transportation System Plan. The 2030 Long Range Transportation System Plan is a 25-year forecast based on projected regional needs identified through the process of predicting 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 IMPACT

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

Below is a more detailed outline of the reasons for each type of acquisition needed for the improvement of Atlantic Avenue from 1,330 feet west of Lyons Road to Starkey Road.

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

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

The additional right-of-way is required to accommodate the roadway improvements for this project.

EASEMENT ACQUISITIONS FOR PERMANENT EASEMENTS

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

To accommodate the proposed roadway improvements, permanent easements are needed to accommodate roadway embankments which will occupy the adjacent property. The easements will grant access to the maintaining agency.

EASEMENT ACQUISITIONS FOR TEMPORARY CONSTRUCTION EASEMENTS

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

To accommodate the proposed roadway improvements, temporary construction easements are needed to allow reconstruction of existing points of ingress/egress to the adjacent property.

EASEMENT ACQUISITIONS FOR EXCLUSIVE PERPETUAL EASEMENTS

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

As a part of this project, the Lake Worth Drainage District (LWDD) has transferred certain property for the proposed roadway improvements. The L-34 canal, which is located south of the existing right-of-way of Atlantic Avenue, will be relocated further to the south to accommodate the proposed improvements. LWDD requires new easement areas to accommodate and maintain the relocated canal.

Exhibit "B"

1 of 3

DESCRIPTION & SKETCH
PREPARED FOR:
PALM BEACH COUNTY, FLORIDA

PARCEL 25
ATLANTIC AVENUE (SR 806) BETWEEN LYONS ROAD & STARKEY ROAD
PALM BEACH COUNTY, FLORIDA

LEGEND

DB = DEED BOOK
FDOT = FLORIDA DEPARTMENT OF TRANSPORTATION
LWDD = LAKE WORTH DRAINAGE DISTRICT
ORB = OFFICIAL RECORD BOOK
PBC = PALM BEACH COUNTY
PB. = PLAT BOOK
PG. = PAGE

POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
R/W = RIGHT-OF-WAY
SEC. = SECTION
SF = SQUARE FEET
SR = STATE ROAD

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 17, TOWNSHIP 46 SOUTH, RANGE 42 EAST, BEING A PORTION OF THE WEST ONE-HALF OF TRACT 113, BLOCK 17 OF THE PALM BEACH FARMS COMPANY PLAT NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 26 THROUGH 28 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

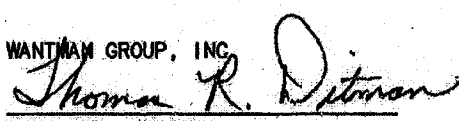
COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 17; THENCE SOUTH 89°58'57" EAST, ALONG THE SOUTH LINE OF SAID SECTION 17, A DISTANCE OF 419.50 FEET TO A POINT ON THE SOUTHERLY EXTENSION OF THE EAST LINE OF THE SAID WEST ONE-HALF OF TRACT 113; THENCE NORTH 01°01'59" WEST, ALONG SAID SOUTHERLY EXTENSION, A DISTANCE OF 40.01 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89°58'57" WEST, A DISTANCE OF 178.51 FEET TO A POINT ON THE WEST LINE OF SAID TRACT 113; THENCE NORTH 01°02'58" WEST, ALONG SAID WEST LINE, A DISTANCE OF 509.28 FEET; THENCE NORTH 89°09'53" EAST, A DISTANCE OF 15.00 FEET; THENCE SOUTH 01°02'58" EAST, A DISTANCE OF 385.48 FEET; THENCE SOUTH 45°30'57" EAST, A DISTANCE OF 71.38 FEET; THENCE SOUTH 89°58'57" EAST, A DISTANCE OF 113.52 FEET TO A POINT ON THE EAST LINE OF THE WEST ONE-HALF OF SAID TRACT 113; THENCE SOUTH 01°01'59" EAST, ALONG SAID EAST LINE, A DISTANCE OF 74.01 FEET TO THE POINT OF BEGINNING.

CONTAINING 20992 SQUARE FEET OR 0.482 ACRES, MORE OR LESS.

SURVEYOR'S NOTES

1. THIS DRAWING IS NOT A SURVEY.
2. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THIS OFFICE.
3. THE DESCRIPTION SKETCH AND THE DESCRIPTION TEXT COMPRISE THE COMPLETE LEGAL DESCRIPTION. THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH ACCOMPANY EACH OTHER.
4. THIS LEGAL DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER EMPLOYED BY WANTMAN GROUP, INC.
5. THE BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SECTION 17, TOWNSHIP 46 SOUTH, RANGE 42 EAST, WHICH BEARS SOUTH 89°58'57" WEST.

WANTMAN GROUP, INC.



THOMAS R. DITTMAN
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NUMBER 5763



Wantman Group, Inc.

Engineering ♦ Surveying ♦ Mapping

2035 VISTA PARKWAY, SUITE 100
WEST PALM BEACH, FL 33411
(561) 687-2220 phone
(561) 687-1110 fax
CERTIFICATION NUMBER 6091
LICENSED BUSINESS NUMBER 7055

CAD

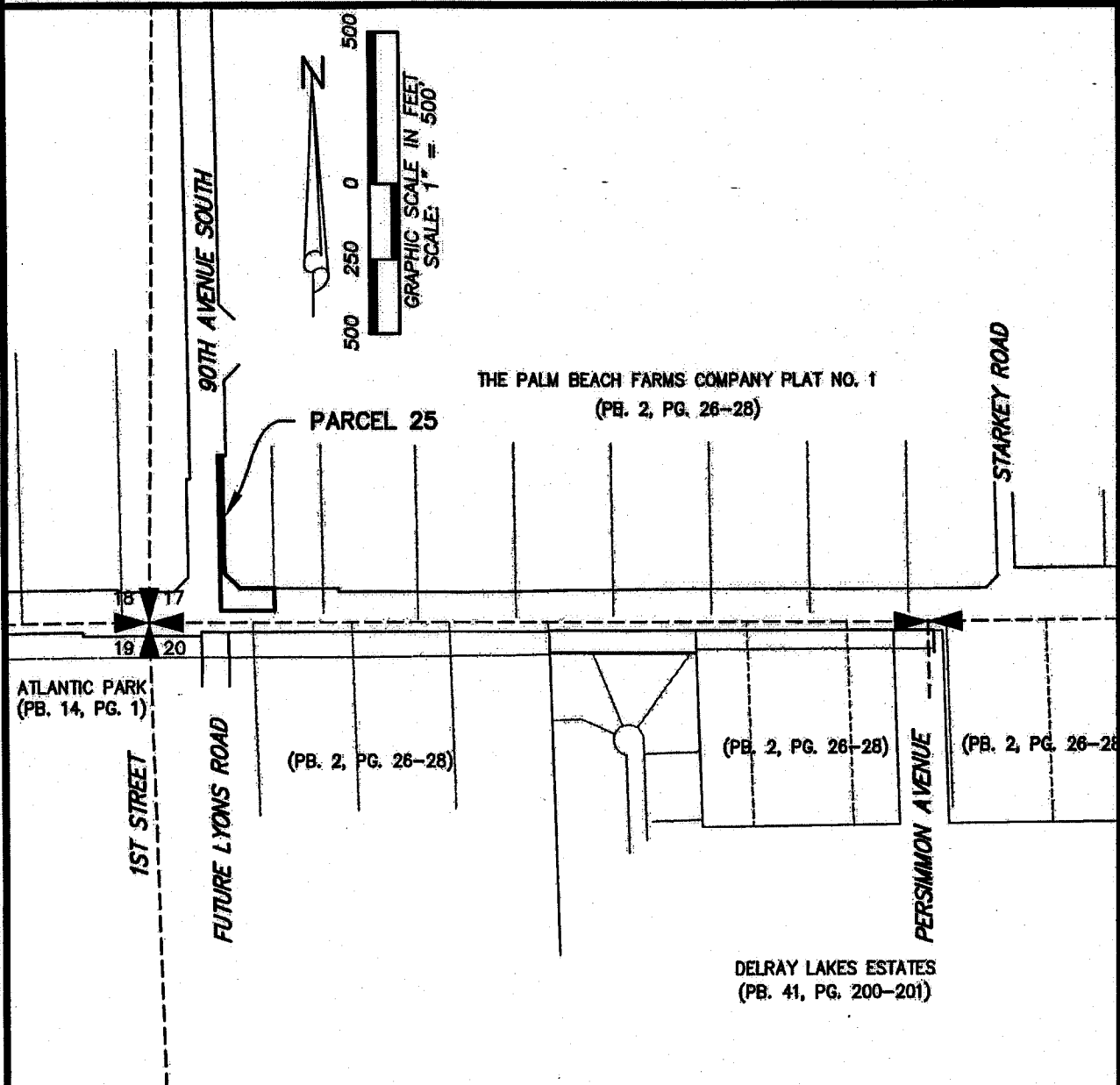
T:\478 Atlantic Ave Design\DGN\survey\478SY25.dwg

REFERENCE

FIELD	JOB	204478.00
DRAWN BY	DPK	DATE 1/18/06
CHECKED BY	TRD	SHEET 1 OF 3

DESCRIPTION & SKETCH
PREPARED FOR:
PALM BEACH COUNTY, FLORIDA

PARCEL 25
ATLANTIC AVENUE (SR 806) BETWEEN LYONS ROAD & STARKEY ROAD
PALM BEACH COUNTY, FLORIDA



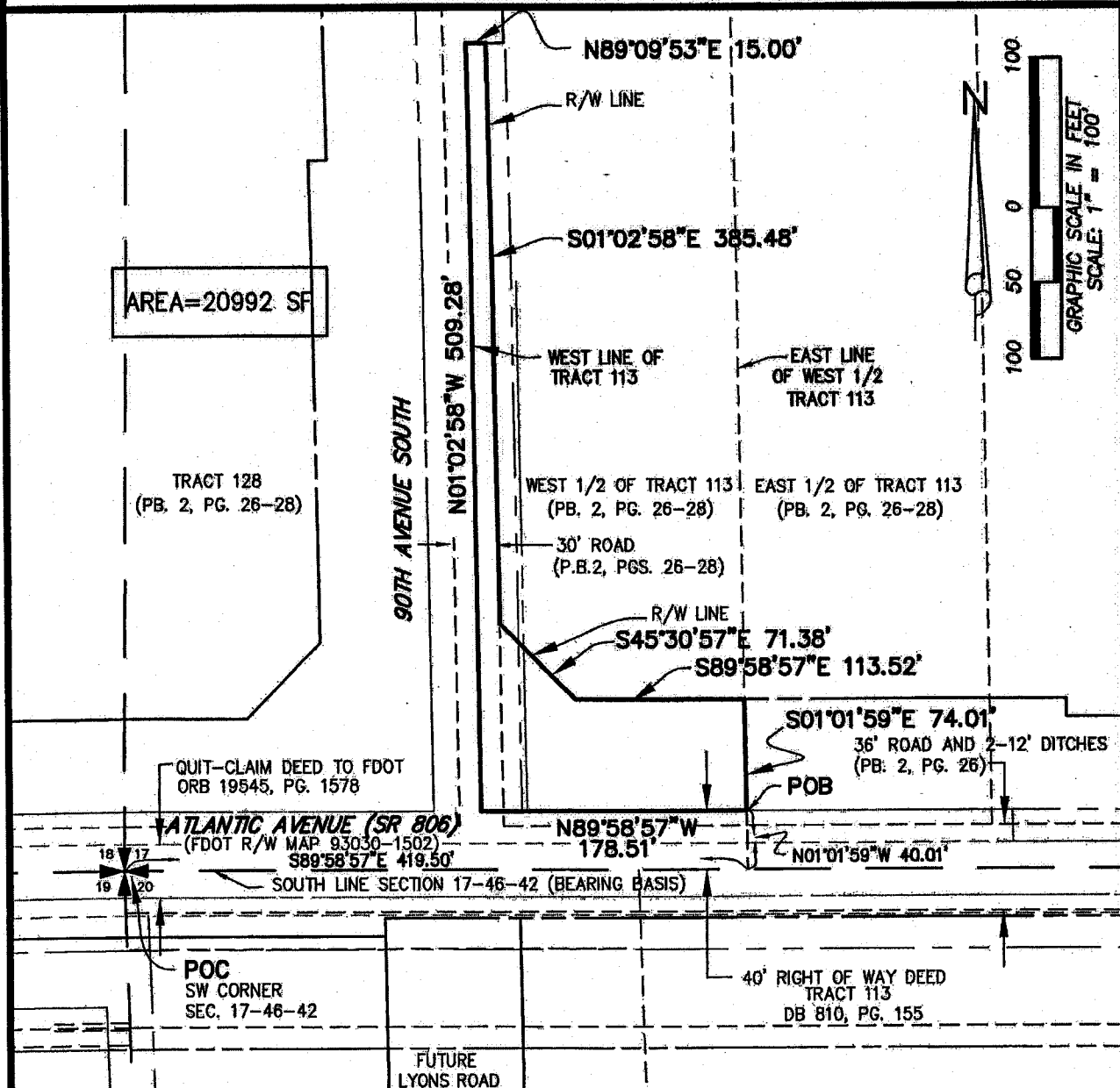
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CAD T:\478 Atlantic Ave Design\DGN\survey\478SY25.dwg	
REFERENCE	
FIELD	JOB 204478.00
DRAWN BY DPK	DATE 1/18/06
CHECKED BY TRD	SHEET 2 OF 3

Exhibit "B"
3 of 3

DESCRIPTION & SKETCH
PREPARED FOR:
PALM BEACH COUNTY, FLORIDA

PARCEL 25
ATLANTIC AVENUE (SR 806) BETWEEN LYONS ROAD & STARKEY ROAD
PALM BEACH COUNTY, FLORIDA



Wantman Group, Inc.
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CAD T:\478 Atlantic Ave Design\DGN\survey\478SY25.dwg	
REFERENCE	
FIELD	JOB 204478.00
DRAWN BY DPK	DATE 1/18/06
CHECKED BY TRD	SHEET 3 OF 3

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 26 AS A PARTIAL TAKE IN FEE SIMPLE FOR RIGHT-OF-WAY, NECESSARY FOR THE CONSTRUCTION AND IMPROVEMENT OF WEST ATLANTIC AVENUE, FROM 1,330 FEET WEST OF LYONS ROAD TO STARKEY 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 West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey 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 26 is necessary; and,

WHEREAS, this Board has considered the required factors under Florida Law, as they apply to Parcel 26, 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 26 for the necessary Partial Take in Fee Simple for Right-of-Way, which is more fully described in Exhibit "B", is necessary for the following public purpose, to wit: the construction and improvement of West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey 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 26 is necessary for right-of-way, thereon with the construction to be undertaken by Palm Beach County as to West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey 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 West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey 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 Right-of-Way.

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:

Addie L. Greene, Chairperson	_____
Jeff Koons, Vice Chair	_____
Karen T. Marcus	_____
Warren H. Newell	_____
Mary McCarty	_____
Jess R. Santamaria	_____
Burt Aaronson	_____

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

SHARON R. BOCK,
Clerk and Comptroller

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: _____
County Attorney

EXHIBIT "A"

ATLANTIC AVENUE (SR806) FROM 1,330 FEET WEST OF LYONS TO ROAD TO STARKEY ROAD PALM BEACH COUNTY PROJECT NO.: 2004602

SAFETY

Atlantic Avenue is currently a two (2) lane rural roadway. The widening/reconstruction of this facility from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway, will improve the overall safety for all users of this roadway due to the construction of a depressed median to separate vehicles traveling in opposite directions. The design of this project has been done in accordance with the Florida Department of Transportation Standards and the Plans Preparation Manual, as adopted and approved by the Florida Department of Transportation (FDOT).

COST

The cost of improving Atlantic Avenue from west of Lyons Road to Starkey Road, from a two (2) lane to a four (4) lane divided roadway, was estimated during the early stages of design. The appropriate funding for design, right-of-way acquisition, and construction has been funded by an agreement between a contingent of local developers and Palm Beach County, and is currently held in escrow. During the design of the roadway, reasonable efforts were made to minimize the areas to be acquired through condemnation.

After considering Safety, Alternative Routes and Methodologies, Long Range Planning, and Environmental factors, the cost of the acquisition of the parcels for this project fits into the available escrow funds for this project, and the acquisition of the parcels is necessary in furtherance of this public project.

ALTERNATIVE ROUTES

Atlantic Avenue is a heavily traveled roadway, which provides the most direct route for vehicles traveling in an east-west direction from State Road 7 to Florida's Turnpike through unincorporated Palm Beach County, west of Delray Beach, Florida. 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.

Alternative routes were not considered in lieu of improving Atlantic Avenue. Typical Section alternatives were developed by the FDOT to determine the most cost effective improvements which would result in the least amount of impact to local residents and businesses, while minimizing environmental impacts. Construction of an alternative route through this general area would most likely disrupt and displace numerous properties, resulting in significant damages and unnecessary environmental impacts.

LONG RANGE PLANNING

The development of this project is in conformance with Palm Beach County's 2030 Long Range Transportation System Plan. The 2030 Long Range Transportation System Plan is a 25-year forecast based on projected regional needs identified through the process of predicting 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 IMPACT

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

Below is a more detailed outline of the reasons for each type of acquisition needed for the improvement of Atlantic Avenue from 1,330 feet west of Lyons Road to Starkey Road.

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

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

The additional right-of-way is required to accommodate the roadway improvements for this project.

EASEMENT ACQUISITIONS FOR PERMANENT EASEMENTS

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

To accommodate the proposed roadway improvements, permanent easements are needed to accommodate roadway embankments which will occupy the adjacent property. The easements will grant access to the maintaining agency.

EASEMENT ACQUISITIONS FOR TEMPORARY CONSTRUCTION EASEMENTS

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

To accommodate the proposed roadway improvements, temporary construction easements are needed to allow reconstruction of existing points of ingress/egress to the adjacent property.

EASEMENT ACQUISITIONS FOR EXCLUSIVE PERPETUAL EASEMENTS

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

As a part of this project, the Lake Worth Drainage District (LWDD) has transferred certain property for the proposed roadway improvements. The L-34 canal, which is located south of the existing right-of-way of Atlantic Avenue, will be relocated further to the south to accommodate the proposed improvements. LWDD requires new easement areas to accommodate and maintain the relocated canal.

DESCRIPTION & SKETCH
PREPARED FOR:
PALM BEACH COUNTY, FLORIDA

PARCEL 26
ATLANTIC AVENUE (SR 806) BETWEEN LYONS ROAD & STARKEY ROAD
PALM BEACH COUNTY, FLORIDA

LEGEND

DB	= DEED BOOK	POB	= POINT OF BEGINNING
FDOT	= FLORIDA DEPARTMENT OF TRANSPORTATION	POC	= POINT OF COMMENCEMENT
LWDD	= LAKE WORTH DRAINAGE DISTRICT	R/W	= RIGHT-OF-WAY
ORB	= OFFICIAL RECORD BOOK	SEC.	= SECTION
PBC	= PALM BEACH COUNTY	SF	= SQUARE FEET
PB.	= PLAT BOOK	SR	= STATE ROAD
PG.	= PAGE		

LEGAL DESCRIPTION:

A PARCEL OF LAND LYING IN SECTION 17, TOWNSHIP 46 SOUTH, RANGE 42 EAST, BEING A PORTION OF THE EAST ONE-HALF OF TRACT 113, BLOCK 17 OF THE PALM BEACH FARMS COMPANY PLAT NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 26 THROUGH 28 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 17; THENCE SOUTH 89°58'57" EAST, ALONG THE SOUTH LINE OF SAID SECTION 17, A DISTANCE OF 419.50 FEET TO A POINT ON THE SOUTHERLY PROLONGATION OF THE WEST LINE OF THE SAID EAST ONE-HALF OF TRACT 113; THENCE NORTH 01°01'59" WEST, ALONG SAID SOUTHERLY PROLONGATION, A DISTANCE OF 40.01 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 01°01'59" WEST, ALONG THE WEST LINE OF THE EAST ONE-HALF OF SAID TRACT 113, A DISTANCE OF 74.01 FEET; THENCE SOUTH 89°58'57" EAST, A DISTANCE OF 183.53 FEET TO A POINT ON THE EAST LINE OF THE EAST ONE-HALF OF SAID TRACT 113; THENCE SOUTH 01°01'03" EAST, ALONG SAID EAST LINE, A DISTANCE OF 74.01 FEET; THENCE NORTH 89°58'57" WEST, A DISTANCE OF 183.51 FEET TO THE POINT OF BEGINNING.

CONTAINING 12101 SQUARE FEET OR 0.278 ACRES, MORE OF LESS.

SURVEYOR'S NOTES

1. THIS DRAWING IS NOT A SURVEY.
2. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THIS OFFICE.
3. THE DESCRIPTION SKETCH AND THE DESCRIPTION TEXT COMPRISE THE COMPLETE LEGAL DESCRIPTION. THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH ACCOMPANY EACH OTHER.
4. THIS LEGAL DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER EMPLOYED BY WANTMAN GROUP, INC.
5. THE BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SECTION 17, TOWNSHIP 46 SOUTH, RANGE 42 EAST, WHICH BEARS SOUTH 89°58'57" WEST.

WANTMAN GROUP, INC.

Thomas R. Ditman

THOMAS R. DITMAN
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NUMBER 5763



Wantman Group, Inc.
Engineering ♦ Surveying ♦ Mapping

2035 VISTA PARKWAY, SUITE 100
WEST PALM BEACH, FL 33411
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(561) 687-1110 fax
CERTIFICATION NUMBER 6091
LICENSED BUSINESS NUMBER 7055

CAD
T:\478 Atlantic Ave Design\DGN\survey\478SY26.dwg

REFERENCE

FIELD	JOB	204478.00
DRAWN BY	DPK	DATE 1/18/06
CHECKED BY	TRD	SHEET 1 OF 3

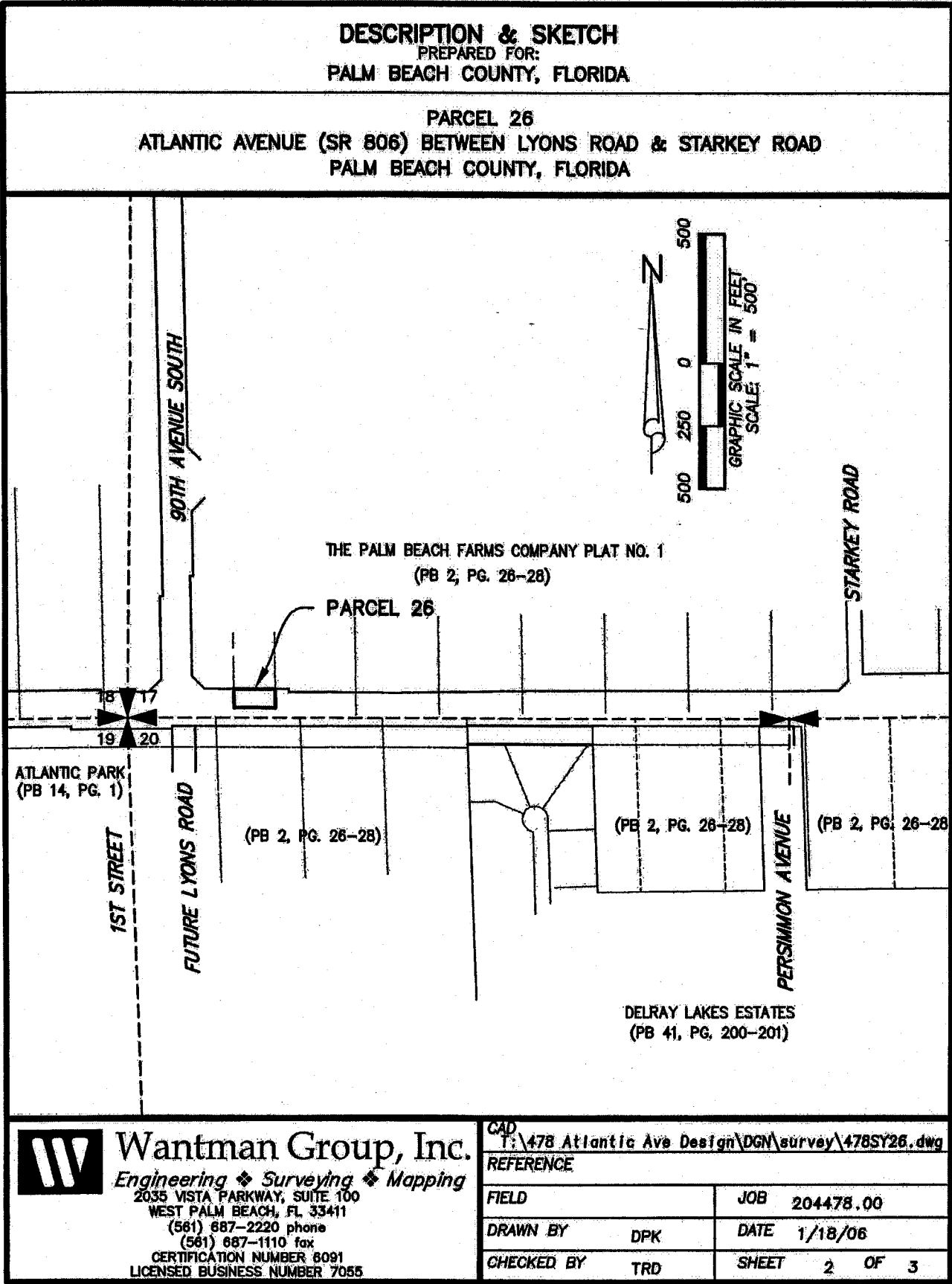
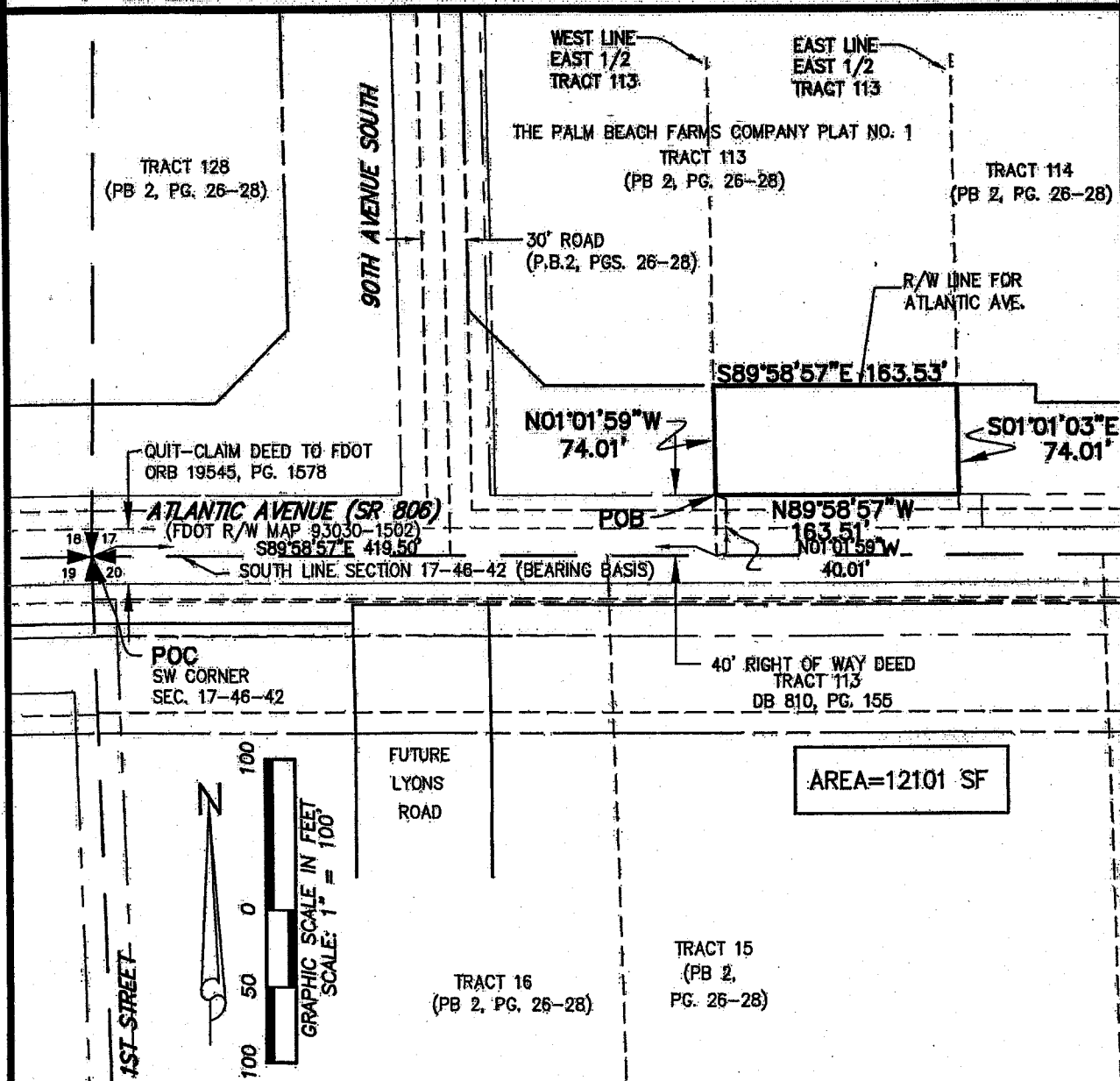


Exhibit "B"
3 of 3

DESCRIPTION & SKETCH
PREPARED FOR:
PALM BEACH COUNTY, FLORIDA

PARCEL 26
ATLANTIC AVENUE (SR 806) BETWEEN LYONS ROAD & STARKEY ROAD
PALM BEACH COUNTY, FLORIDA



Wantman Group, Inc.
Engineering ♦ Surveying ♦ Mapping
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CERTIFICATION NUMBER 6091
LICENSED BUSINESS NUMBER 7055

CAD T:\478 Atlantic Ave Design\OGN\survey\478SY26.dwg		
REFERENCE		
FIELD		JOB 204478.00
DRAWN BY	DPK	DATE 1/18/06
CHECKED BY	TRD	SHEET 3 OF 3

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 801 AS A PERMANENT EASEMENT, NECESSARY FOR THE CONSTRUCTION AND IMPROVEMENT OF WEST ATLANTIC AVENUE, FROM 1,330 FEET WEST OF LYONS ROAD TO STARKEY 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 West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey 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 801 is necessary; and,

WHEREAS, this Board has considered the required factors under Florida Law, as they apply to Parcel 801, 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 801, which is more fully described in Exhibit "B", is necessary for the following public purpose, to wit: the construction and improvement of West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey 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 Permanent Easement on property identified as Parcel 801 is necessary for the following purposes and uses: constructing and permanently maintaining an embankment to secure and preserve the structural integrity of the construction and improvement to be undertaken by Palm Beach County as to West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey Road, adjacent thereto. The filling, sloping, and/or grading upon and above the parcel shall not extent 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 West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey 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: Permanent 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:

Addie L. Greene, Chairperson	_____
Jeff Koons, Vice Chair	_____
Karen T. Marcus	_____
Warren H. Newell	_____
Mary McCarty	_____
Jess R. Santamaria	_____
Burt Aaronson	_____

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

SHARON R. BOCK,
Clerk and Comptroller

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: _____
County Attorney

EXHIBIT "A"

ATLANTIC AVENUE (SR806) FROM 1,330 FEET WEST OF LYONS TO ROAD TO STARKEY ROAD PALM BEACH COUNTY PROJECT NO.: 2004602

SAFETY

Atlantic Avenue is currently a two (2) lane rural roadway. The widening/reconstruction of this facility from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway, will improve the overall safety for all users of this roadway due to the construction of a depressed median to separate vehicles traveling in opposite directions. The design of this project has been done in accordance with the Florida Department of Transportation Standards and the Plans Preparation Manual, as adopted and approved by the Florida Department of Transportation (FDOT).

COST

The cost of improving Atlantic Avenue from west of Lyons Road to Starkey Road, from a two (2) lane to a four (4) lane divided roadway, was estimated during the early stages of design. The appropriate funding for design, right-of-way acquisition, and construction has been funded by an agreement between a contingent of local developers and Palm Beach County, and is currently held in escrow. During the design of the roadway, reasonable efforts were made to minimize the areas to be acquired through condemnation.

After considering Safety, Alternative Routes and Methodologies, Long Range Planning, and Environmental factors, the cost of the acquisition of the parcels for this project fits into the available escrow funds for this project, and the acquisition of the parcels is necessary in furtherance of this public project.

ALTERATIVE ROUTES

Atlantic Avenue is a heavily traveled roadway, which provides the most direct route for vehicles traveling in an east-west direction from State Road 7 to Florida's Turnpike through unincorporated Palm Beach County, west of Delray Beach, Florida. 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.

Alternative routes were not considered in lieu of improving Atlantic Avenue. Typical Section alternatives were developed by the FDOT to determine the most cost effective improvements which would result in the least amount of impact to local residents and businesses, while minimizing environmental impacts. Construction of an alternative route through this general area would most likely disrupt and displace numerous properties, resulting in significant damages and unnecessary environmental impacts.

LONG RANGE PLANNING

The development of this project is in conformance with Palm Beach County's 2030 Long Range Transportation System Plan. The 2030 Long Range Transportation System Plan is a 25-year forecast based on projected regional needs identified through the process of predicting 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 IMPACT

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

Below is a more detailed outline of the reasons for each type of acquisition needed for the improvement of Atlantic Avenue from 1,330 feet west of Lyons Road to Starkey Road.

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

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

The additional right-of-way is required to accommodate the roadway improvements for this project.

EASEMENT ACQUISITIONS FOR PERMANENT EASEMENTS

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

To accommodate the proposed roadway improvements, permanent easements are needed to accommodate roadway embankments which will occupy the adjacent property. The easements will grant access to the maintaining agency.

EASEMENT ACQUISITIONS FOR TEMPORARY CONSTRUCTION EASEMENTS

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

To accommodate the proposed roadway improvements, temporary construction easements are need to allow reconstruction of existing points of ingress/egress to the adjacent property.

EASEMENT ACQUISITIONS FOR EXCLUSIVE PERPETUAL EASEMENTS

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

As a part of this project, the Lake Worth Drainage District (LWDD) has transferred certain property for the proposed roadway improvements. The L-34 canal, which is located south of the existing right-of-way of Atlantic Avenue, will be relocated further to the south to accommodate the proposed improvements. LWDD requires new easement areas to accommodate and maintain the relocated canal.

DESCRIPTION & SKETCH
PREPARED FOR:
PALM BEACH COUNTY, FLORIDA

PARCEL 801
PERPETUAL EASEMENT
ATLANTIC AVENUE (SR 806)
PALM BEACH COUNTY, FLORIDA

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 17, TOWNSHIP 46 SOUTH, RANGE 42 EAST, BEING A PORTION OF TRACT 113 OF THE PALM BEACH FARMS COMPANY PLAT NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 26 THROUGH 28, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

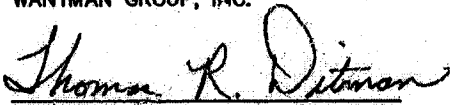
COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 17; THENCE SOUTH 89°58'57" EAST, ALONG THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 17, A DISTANCE OF 419.50 FEET; THENCE NORTH 01°01'59" WEST, ALONG THE EAST LINE OF THE WEST HALF OF TRACT 113, A DISTANCE OF 114.02 FEET; THENCE NORTH 89°58'57" WEST, ALONG A LINE PARALLEL TO AND 114.00 FEET NORTH OF SAID SOUTHWEST ONE-QUARTER LINE, A DISTANCE OF 15.25 FEET, TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89°58'57" WEST ALONG SAID LINE, A DISTANCE OF 98.27 FEET; THENCE NORTH 45°30'57" WEST, A DISTANCE OF 15.70 FEET; THENCE SOUTH 89°58'57" EAST, ALONG A LINE PARALLEL TO AND 125.00 FEET NORTH OF SAID SOUTHWEST ONE-QUARTER LINE, A DISTANCE OF 109.27 FEET; THENCE SOUTH 01°01'59" EAST A DISTANCE OF 11.00 FEET, TO THE POINT OF BEGINNING.

CONTAINING 1141 SQUARE FEET, MORE OR LESS.

SURVEYOR'S NOTES

1. THIS DRAWING IS NOT A SURVEY.
2. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THIS OFFICE.
3. THE DESCRIPTION SKETCH AND THE DESCRIPTION TEXT COMPRISE THE COMPLETE LEGAL DESCRIPTION. THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH ACCOMPANY EACH OTHER.
4. THIS LEGAL DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER EMPLOYED BY WANTMAN GROUP, INC.
5. BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SECTION 17, TOWNSHIP 46 SOUTH, RANGE 42 EAST, WHICH BEARS SOUTH 89°58'57" EAST.

WANTMAN GROUP, INC.


THOMAS R. DITMAN
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NUMBER 5763

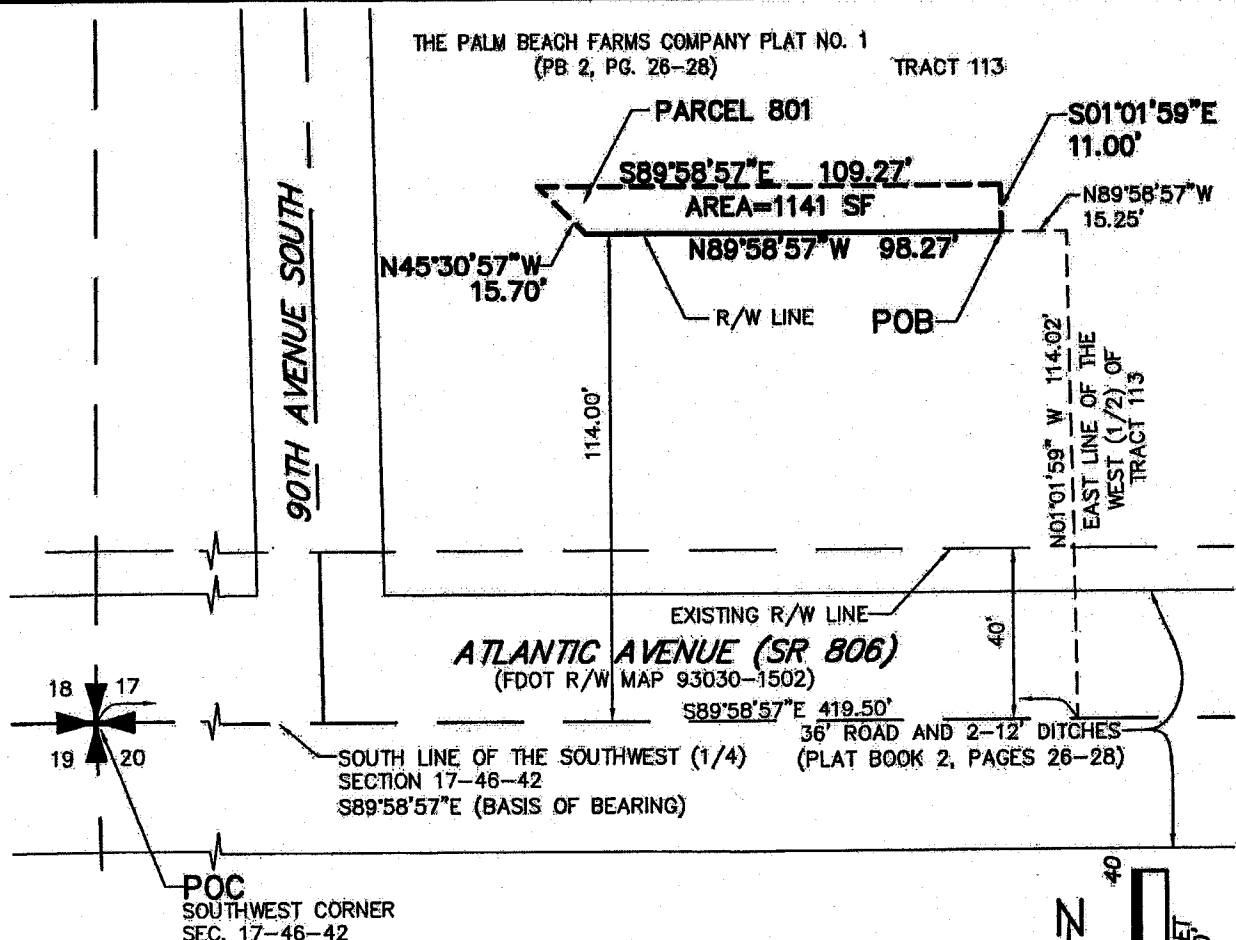
 **Wantman Group, Inc.**
Engineering ♦ Surveying ♦ Mapping
2035 VISTA PARKWAY, SUITE 100
WEST PALM BEACH, FL 33411
(561) 687-2220 phone
(561) 687-1110 fax
CERTIFICATION NUMBER 6091
LICENSED BUSINESS NUMBER 7055

CAD T:\478 Atlantic Ave Design\DGN\survey\Parcel1801.dwg	
REFERENCE	
FIELD	JOB 204478.00
DRAWN BY DPK	DATE 1/18/06
CHECKED BY TRD	SHEET 1 OF 2

Exhibit "B"
2 of 2

DESCRIPTION & SKETCH
PREPARED FOR:
PALM BEACH COUNTY, FLORIDA

PARCEL 801
PERPETUAL EASEMENT
ATLANTIC AVENUE (SR 806)
PALM BEACH COUNTY, FLORIDA



Wantman Group, Inc.
Engineering ♦ Surveying ♦ Mapping
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CERTIFICATION NUMBER 8091
LICENSED BUSINESS NUMBER 7055

CAD T:\478 Atlantic Ave Design\DGN\survey\Parcel801.dwg	
REFERENCE	
FIELD	JOB 204478.00
DRAWN BY DPK	DATE 1/18/06
CHECKED BY TRD	SHEET 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 802 AS A PERMANENT EASEMENT, NECESSARY FOR THE CONSTRUCTION AND IMPROVEMENT OF WEST ATLANTIC AVENUE, FROM 1,330 FEET WEST OF LYONS ROAD TO STARKEY 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 West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey 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 802 is necessary; and,

WHEREAS, this Board has considered the required factors under Florida Law, as they apply to Parcel 802, 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 802, which is more fully described in Exhibit "B", is necessary for the following public purpose, to wit: the construction and improvement of West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey 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 Permanent Easement on property identified as Parcel 802 is necessary for the following purposes and uses: constructing and permanently maintaining an embankment to secure and preserve the structural integrity of the construction and improvement to be undertaken by Palm Beach County as to West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey Road, adjacent thereto. The filling, sloping, and/or grading upon and above the parcel shall not extent 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 West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey 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: Permanent 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:

Addie L. Greene, Chairperson	_____
Jeff Koons, Vice Chair	_____
Karen T. Marcus	_____
Warren H. Newell	_____
Mary McCarty	_____
Jess R. Santamaria	_____
Burt Aaronson	_____

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

SHARON R. BOCK,
Clerk and Comptroller

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: _____
County Attorney

EXHIBIT "A"

ATLANTIC AVENUE (SR806) FROM 1,330 FEET WEST OF LYONS TO ROAD TO STARKEY ROAD PALM BEACH COUNTY PROJECT NO.: 2004602

SAFETY

Atlantic Avenue is currently a two (2) lane rural roadway. The widening/reconstruction of this facility from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway, will improve the overall safety for all users of this roadway due to the construction of a depressed median to separate vehicles traveling in opposite directions. The design of this project has been done in accordance with the Florida Department of Transportation Standards and the Plans Preparation Manual, as adopted and approved by the Florida Department of Transportation (FDOT).

COST

The cost of improving Atlantic Avenue from west of Lyons Road to Starkey Road, from a two (2) lane to a four (4) lane divided roadway, was estimated during the early stages of design. The appropriate funding for design, right-of-way acquisition, and construction has been funded by an agreement between a contingent of local developers and Palm Beach County, and is currently held in escrow. During the design of the roadway, reasonable efforts were made to minimize the areas to be acquired through condemnation.

After considering Safety, Alternative Routes and Methodologies, Long Range Planning, and Environmental factors, the cost of the acquisition of the parcels for this project fits into the available escrow funds for this project, and the acquisition of the parcels is necessary in furtherance of this public project.

ALTERATIVE ROUTES

Atlantic Avenue is a heavily traveled roadway, which provides the most direct route for vehicles traveling in an east-west direction from State Road 7 to Florida's Turnpike through unincorporated Palm Beach County, west of Delray Beach, Florida. 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.

Alternative routes were not considered in lieu of improving Atlantic Avenue. Typical Section alternatives were developed by the FDOT to determine the most cost effective improvements which would result in the least amount of impact to local residents and businesses, while minimizing environmental impacts. Construction of an alternative route through this general area would most likely disrupt and displace numerous properties, resulting in significant damages and unnecessary environmental impacts.

LONG RANGE PLANNING

The development of this project is in conformance with Palm Beach County's 2030 Long Range Transportation System Plan. The 2030 Long Range Transportation System Plan is a 25-year forecast based on projected regional needs identified through the process of predicting 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 IMPACT

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

Below is a more detailed outline of the reasons for each type of acquisition needed for the improvement of Atlantic Avenue from 1,330 feet west of Lyons Road to Starkey Road.

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

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

The additional right-of-way is required to accommodate the roadway improvements for this project.

EASEMENT ACQUISITIONS FOR PERMANENT EASEMENTS

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

To accommodate the proposed roadway improvements, permanent easements are needed to accommodate roadway embankments which will occupy the adjacent property. The easements will grant access to the maintaining agency.

EASEMENT ACQUISITIONS FOR TEMPORARY CONSTRUCTION EASEMENTS

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

To accommodate the proposed roadway improvements, temporary construction easements are needed to allow reconstruction of existing points of ingress/egress to the adjacent property.

EASEMENT ACQUISITIONS FOR EXCLUSIVE PERPETUAL EASEMENTS

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

As a part of this project, the Lake Worth Drainage District (LWDD) has transferred certain property for the proposed roadway improvements. The L-34 canal, which is located south of the existing right-of-way of Atlantic Avenue, will be relocated further to the south to accommodate the proposed improvements. LWDD requires new easement areas to accommodate and maintain the relocated canal.

Exhibit "B"
1 of 2

DESCRIPTION & SKETCH
PREPARED FOR:
PALM BEACH COUNTY, FLORIDA

PARCEL 802
PERPETUAL EASEMENT
ATLANTIC AVENUE (SR 806)
PALM BEACH COUNTY, FLORIDA

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 17, TOWNSHIP 46 SOUTH, RANGE 42 EAST, BEING A PORTION OF TRACT 113 OF THE PALM BEACH FARMS COMPANY PLAT NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 26 THROUGH 28, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

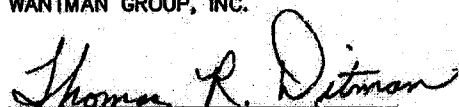
COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 17; THENCE SOUTH 89°58'57" EAST, ALONG THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 17, A DISTANCE OF 583.00 FEET TO A POINT ON THE EXTENSION OF THE EAST LINE OF TRACT 113; THENCE NORTH 01°01'03" WEST, ALONG SAID EAST EXTENSION OF TRACT 113, A DISTANCE OF 114.02 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89°58'57" WEST, ALONG A LINE PARALLEL TO AND 114.00 FEET NORTH OF THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 17, A DISTANCE OF 124.78 FEET; THENCE NORTH 00°01'03" EAST, A DISTANCE OF 11.00 FEET; THENCE SOUTH 89°58'57" EAST, ALONG A LINE PARALLEL TO AND 125.00 FEET NORTH OF THE SAID SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SECTION 17, A DISTANCE OF 69.35 FEET; THENCE NORTH 00°01'03" EAST, A DISTANCE OF 13.00 FEET; THENCE SOUTH 89°58'57" EAST, ALONG A LINE PARALLEL TO AND 138.00 FEET NORTH OF THE SAID SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SECTION 17, DISTANCE OF 55.00, TO A POINT ON THE EAST LINE OF TRACT 113; THENCE SOUTH 01°01'03" EAST, ALONG SAID EAST TRACT LINE, A DISTANCE OF 24.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 2088 SQUARE FEET, MORE OR LESS.

SURVEYOR'S NOTES

1. THIS DRAWING IS NOT A SURVEY.
2. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THIS OFFICE.
3. THE DESCRIPTION SKETCH AND THE DESCRIPTION TEXT COMPRISE THE COMPLETE LEGAL DESCRIPTION. THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH ACCOMPANY EACH OTHER.
4. THIS LEGAL DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER EMPLOYED BY WANTMAN GROUP, INC.
5. BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SECTION 17, TOWNSHIP 46 SOUTH, RANGE 42 EAST, WHICH BEARS SOUTH 89°58'57" EAST.

WANTMAN GROUP, INC.


THOMAS R. DITMAN
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NUMBER 5763

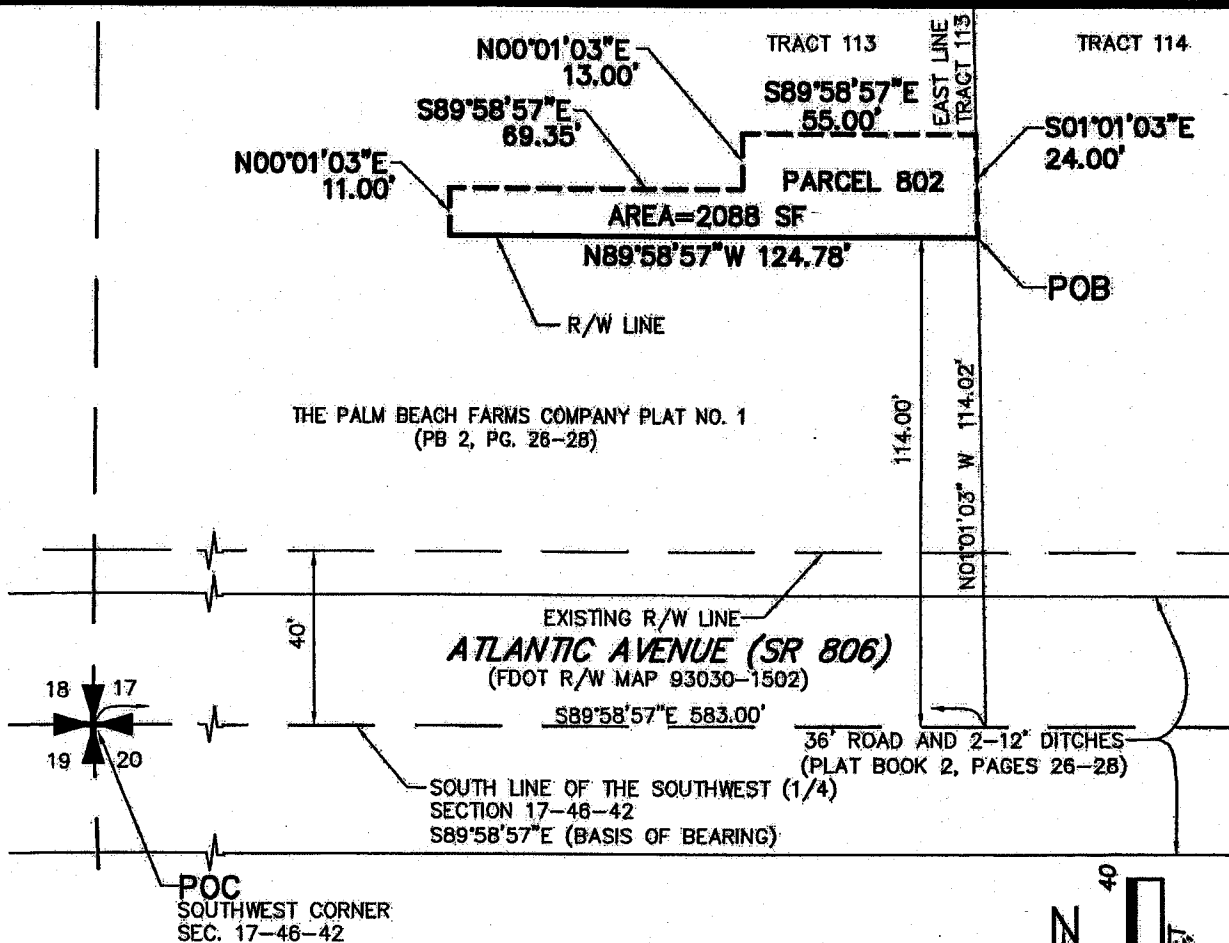


Wantman Group, Inc.
Engineering ♦ Surveying ♦ Mapping
2035 VISTA PARKWAY, SUITE 100
WEST PALM BEACH, FL 33411
(561) 687-2220 phone
(561) 687-1110 fax
CERTIFICATION NUMBER 6091
LICENSED BUSINESS NUMBER 7055

CAD T:\478 Atlantic Ave Design\DCM\survey\Parcel802.dwg	
REFERENCE	
FIELD	JOB 204478.00
DRAWN BY DPK	DATE 1/18/06
CHECKED BY TRD	SHEET 1 OF 2

DESCRIPTION & SKETCH
PREPARED FOR:
PALM BEACH COUNTY, FLORIDA

PARCEL 802
PERPETUAL EASEMENT
ATLANTIC AVENUE (SR 806)
PALM BEACH COUNTY, FLORIDA



LEGEND:

- FDOT = FLORIDA DEPARTMENT OF TRANSPORTATION
- LT. = LEFT
- PB = PLAT BOOK
- PG. = PAGE
- POB = POINT OF BEGINNING
- POC = POINT OF COMMENCEMENT
- R/W = RIGHT-OF-WAY
- SEC. = SECTION
- SF = SQUARE FEET
- SR = STATE ROAD
- STA. = STATION



Wantman Group, Inc.
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CERTIFICATION NUMBER 6091
LICENSED BUSINESS NUMBER 7055

CAD T:\478 Atlantic Ave Design\DGN\survey\Parcel802.dwg	
REFERENCE	
FIELD	JOB 204478.00
DRAWN BY DPK	DATE 1/18/06
CHECKED BY TRD	SHEET 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 804 AS AN EXCLUSIVE PERPETUAL EASEMENT, NECESSARY FOR THE CONSTRUCTION AND IMPROVEMENT OF WEST ATLANTIC AVENUE, FROM 1,330 FEET WEST OF LYONS ROAD TO STARKEY 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 West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey 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 804 is necessary; and,

WHEREAS, this Board has considered the required factors under Florida Law, as they apply to Parcel 804, 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 804, which is more fully described in Exhibit "B", is necessary for the following public purpose, to wit: the construction and improvement of West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey 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, an Exclusive Perpetual Easement on property identified as Parcel 804 is necessary for the following purposes and uses: providing an unencumbered right-of-way for use as a canal and canal related purposes including, but not limited to, the use of same for ingress and egress purposes, excavation, removal of vegetation, irrigation, water control structures, berms and areas for maintenance and deposit of spoil, all quasi-utility type purposes, and for any such other purpose thereunto related, or in anywise appertaining: over, across, through and upon, under or within the parcel, as related to the construction and improvement to be undertaken by Palm Beach County as to West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey Road, adjacent thereto. The rights herein described shall not extent 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 West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey 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: Exclusive Perpetual 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:

Addie L. Greene, Chairperson	_____
Jeff Koons, Vice Chair	_____
Karen T. Marcus	_____
Warren H. Newell	_____
Mary McCarty	_____
Jess R. Santamaria	_____
Burt Aaronson	_____

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

SHARON R. BOCK,
Clerk and Comptroller

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: _____
County Attorney

EXHIBIT "A"

ATLANTIC AVENUE (SR806) FROM 1,330 FEET WEST OF LYONS TO ROAD TO STARKEY ROAD PALM BEACH COUNTY PROJECT NO.: 2004602

SAFETY

Atlantic Avenue is currently a two (2) lane rural roadway. The widening/reconstruction of this facility from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway, will improve the overall safety for all users of this roadway due to the construction of a depressed median to separate vehicles traveling in opposite directions. The design of this project has been done in accordance with the Florida Department of Transportation Standards and the Plans Preparation Manual, as adopted and approved by the Florida Department of Transportation (FDOT).

COST

The cost of improving Atlantic Avenue from west of Lyons Road to Starkey Road, from a two (2) lane to a four (4) lane divided roadway, was estimated during the early stages of design. The appropriate funding for design, right-of-way acquisition, and construction has been funded by an agreement between a contingent of local developers and Palm Beach County, and is currently held in escrow. During the design of the roadway, reasonable efforts were made to minimize the areas to be acquired through condemnation.

After considering Safety, Alternative Routes and Methodologies, Long Range Planning, and Environmental factors, the cost of the acquisition of the parcels for this project fits into the available escrow funds for this project, and the acquisition of the parcels is necessary in furtherance of this public project.

ALTERNATIVE ROUTES

Atlantic Avenue is a heavily traveled roadway, which provides the most direct route for vehicles traveling in an east-west direction from State Road 7 to Florida's Turnpike through unincorporated Palm Beach County, west of Delray Beach, Florida. 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.

Alternative routes were not considered in lieu of improving Atlantic Avenue. Typical Section alternatives were developed by the FDOT to determine the most cost effective improvements which would result in the least amount of impact to local residents and businesses, while minimizing environmental impacts. Construction of an alternative route through this general area would most likely disrupt and displace numerous properties, resulting in significant damages and unnecessary environmental impacts.

LONG RANGE PLANNING

The development of this project is in conformance with Palm Beach County's 2030 Long Range Transportation System Plan. The 2030 Long Range Transportation System Plan is a 25-year forecast based on projected regional needs identified through the process of predicting 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 IMPACT

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

Below is a more detailed outline of the reasons for each type of acquisition needed for the improvement of Atlantic Avenue from 1,330 feet west of Lyons Road to Starkey Road.

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

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

The additional right-of-way is required to accommodate the roadway improvements for this project.

EASEMENT ACQUISITIONS FOR PERMANENT EASEMENTS

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

To accommodate the proposed roadway improvements, permanent easements are needed to accommodate roadway embankments which will occupy the adjacent property. The easements will grant access to the maintaining agency.

EASEMENT ACQUISITIONS FOR TEMPORARY CONSTRUCTION EASEMENTS

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

To accommodate the proposed roadway improvements, temporary construction easements are needed to allow reconstruction of existing points of ingress/egress to the adjacent property.

EASEMENT ACQUISITIONS FOR EXCLUSIVE PERPETUAL EASEMENTS

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

As a part of this project, the Lake Worth Drainage District (LWDD) has transferred certain property for the proposed roadway improvements. The L-34 canal, which is located south of the existing right-of-way of Atlantic Avenue, will be relocated further to the south to accommodate the proposed improvements. LWDD requires new easement areas to accommodate and maintain the relocated canal.

Exhibit "B"
1 of 3

DESCRIPTION & SKETCH
PREPARED FOR:
PALM BEACH COUNTY, FLORIDA

LAKE WORTH DRAINAGE DISTRICT PARCEL 804
ATLANTIC AVENUE (SR 806) BETWEEN LYONS ROAD & STARKEY ROAD
PALM BEACH COUNTY, FLORIDA

LEGEND

CSFFCD = CENTRAL AND SOUTHERN FLORIDA FLOOD CONTROL DISTRICT	PB = PLAT BOOK
DB = DEED BOOK	PG. = PAGE
ESMT. = EASEMENT	POB = POINT OF BEGINNING
FDOT = FLORIDA DEPARTMENT OF TRANSPORTATION	POC = POINT OF COMMENCEMENT
LWDD = LAKE WORTH DRAINAGE DISTRICT	R/W = RIGHT-OF-WAY
ORB = OFFICIAL RECORD BOOK	SEC. = SECTION
PBC = PALM BEACH COUNTY	SF = SQUARE FEET
	SFWM = SOUTH FLORIDA WATER MANAGEMENT DISTRICT
	SR = STATE ROAD

LEGAL DESCRIPTION

A PORTION OF LAND LYING IN SECTION 20, TOWNSHIP 46 SOUTH, RANGE 42 EAST, BEING A PORTION OF TRACT 15 OF THE PALM BEACH FARMS COMPANY PLAT NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 26 THROUGH 28, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 20; THENCE SOUTH 89°58'57" EAST, ALONG THE NORTH LINE OF SAID SECTION 20, A DISTANCE OF 348.27 FEET TO A POINT ON THE WEST LINE OF SAID TRACT 15, THENCE SOUTH 01°40'51" EAST, ALONG SAID WEST LINE, A DISTANCE OF 52.31 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°58'57" EAST, A DISTANCE OF 333.31 FEET TO A POINT ON THE EAST LINE OF SAID TRACT 15; THENCE SOUTH 01°43'32" EAST, ALONG SAID EAST LINE, A DISTANCE OF 66.74 FEET; THENCE NORTH 89°58'57" WEST, A DISTANCE OF 333.36 FEET TO A POINT ON THE WEST LINE OF SAID TRACT 15; THENCE NORTH 01°40'51" WEST, ALONG SAID WEST LINE, A DISTANCE OF 66.74 FEET TO THE POINT OF BEGINNING.

CONTAINING 22237 SQUARE FEET OR 0.510 ACRES, MORE OR LESS.

SURVEYOR'S NOTES

1. THIS DRAWING IS NOT A SURVEY.
2. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THIS OFFICE.
3. THE DESCRIPTION SKETCH AND THE DESCRIPTION TEXT COMPRISE THE COMPLETE LEGAL DESCRIPTION. THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH ACCOMPANY EACH OTHER.
4. THIS LEGAL DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER EMPLOYED BY WANTMAN GROUP, INC.
5. BEARINGS SHOWN HEREON ARE BASED ON THE NORTH LINE OF SECTION 20, TOWNSHIP 46 SOUTH, RANGE 42 EAST, WHICH BEARS SOUTH 89°58'57" EAST.

WANTMAN GROUP, INC.

Thomas R. Ditman
THOMAS R. DITMAN
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NUMBER 5763

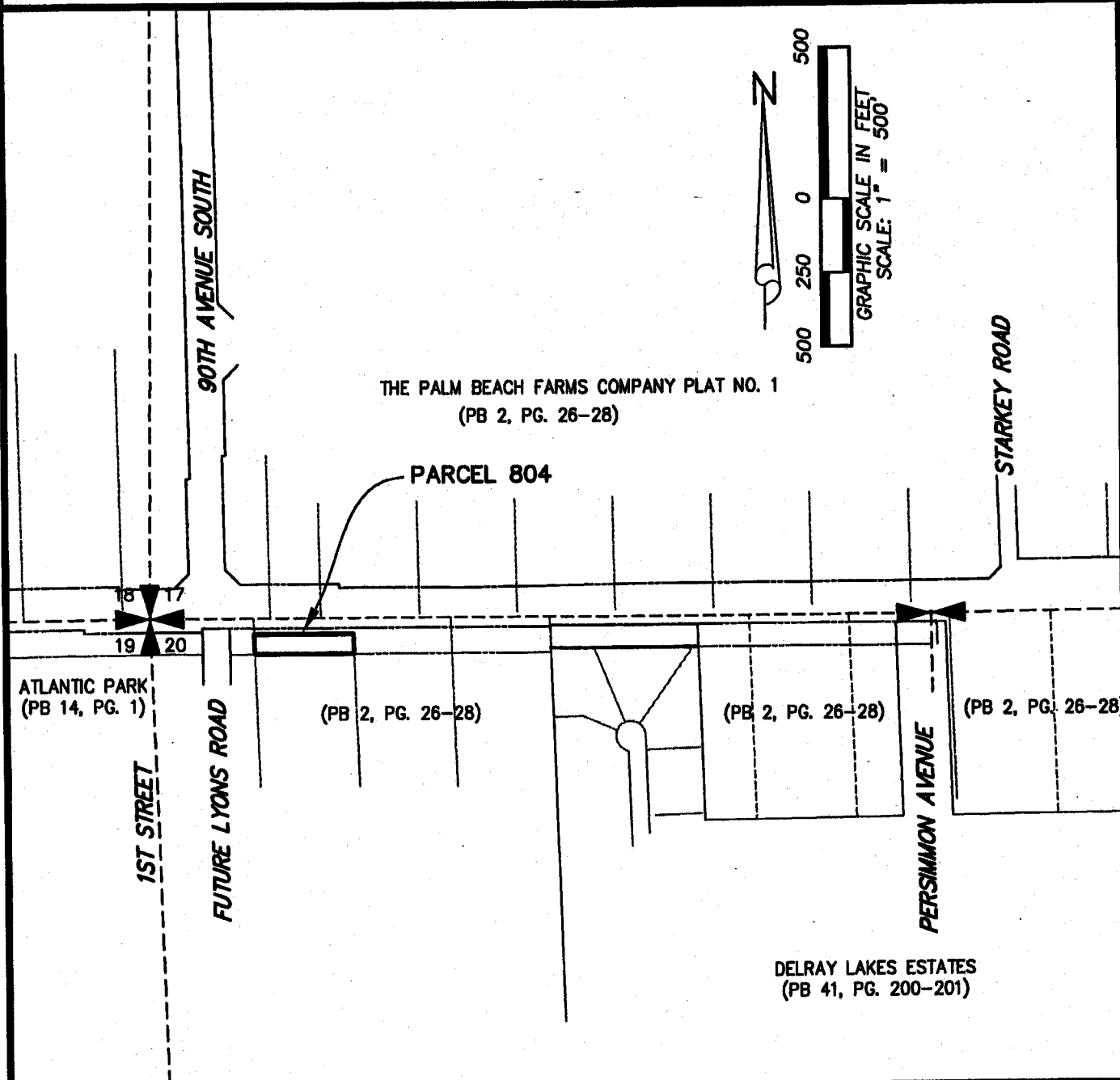


Wantman Group, Inc.
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(561) 687-2220 phone
(561) 687-1110 fax
CERTIFICATION NUMBER 6091
LICENSED BUSINESS NUMBER 7055

CAD T:\478 Atlantic Ave Design\DGN\survey\478SY804.dwg	
REFERENCE	
FIELD	JOB 204478.00
DRAWN BY DPK	DATE 10/17/06
CHECKED BY TRD	SHEET 1 OF 3

DESCRIPTION & SKETCH
PREPARED FOR:
PALM BEACH COUNTY, FLORIDA

LAKE WORTH DRAINAGE DISTRICT PARCEL 804
ATLANTIC AVENUE (SR 806) BETWEEN LYONS ROAD & STARKEY ROAD
PALM BEACH COUNTY, FLORIDA



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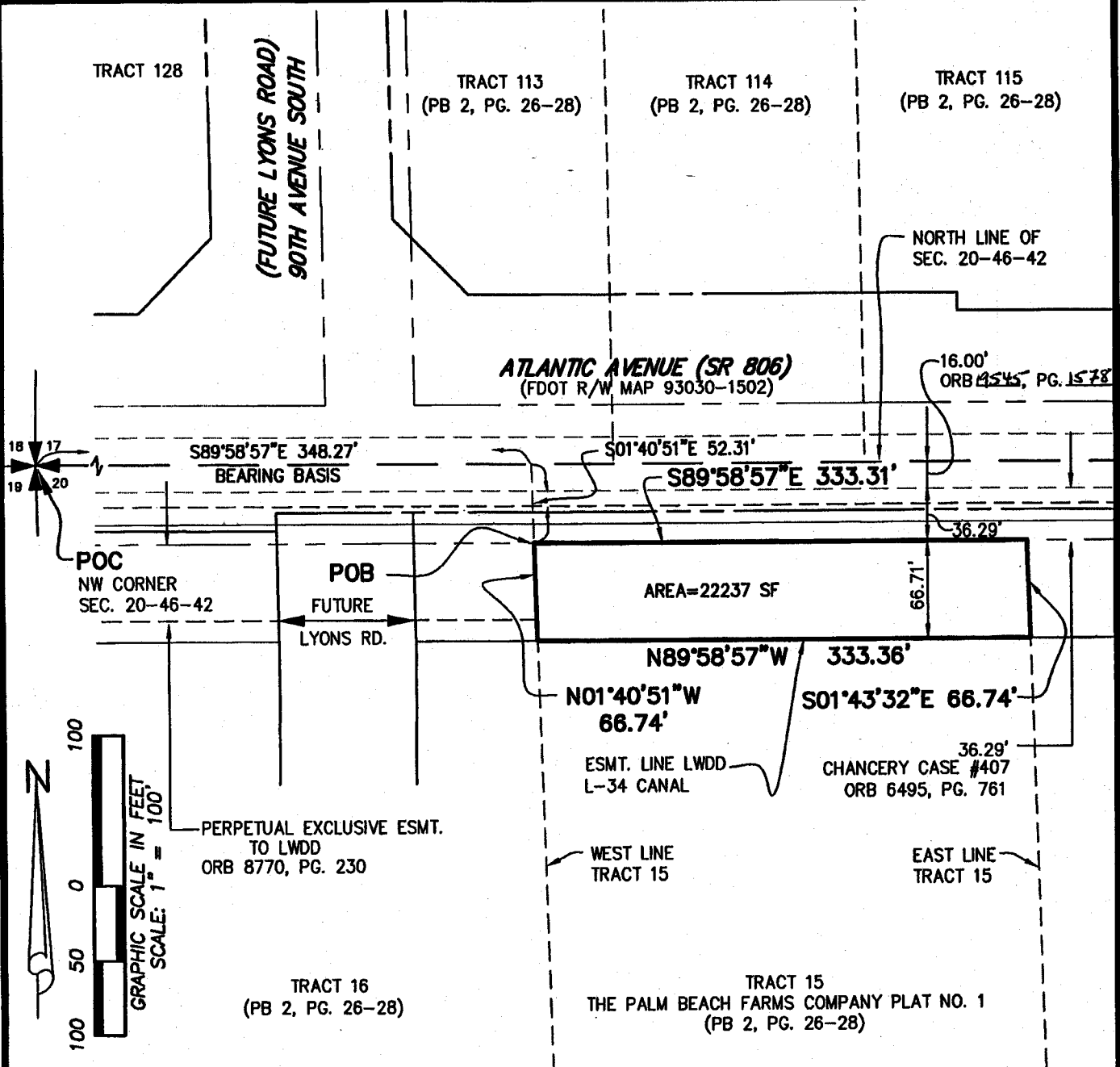
CAD T:\478 Atlantic Ave Design\DGN\survey\478SY804.dwg	
REFERENCE	
FIELD	JOB 204478.00
DRAWN BY DPK	DATE 10/17/06
CHECKED BY TRD	SHEET 2 OF 3

Exhibit "B"
3 of 3

DESCRIPTION & SKETCH

PREPARED FOR:
PALM BEACH COUNTY, FLORIDA

LAKE WORTH DRAINAGE DISTRICT PARCEL 804
ATLANTIC AVENUE (SR 806) BETWEEN LYONS ROAD & STARKEY ROAD
PALM BEACH COUNTY, FLORIDA



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CERTIFICATION NUMBER 6091
LICENSED BUSINESS NUMBER 7055

CAD T:\478 Atlantic Ave Design\DGN\survey\478SY804.dwg	
REFERENCE	
FIELD	JOB 204478.00
DRAWN BY DPK	DATE 10/17/06
CHECKED BY TRD	SHEET 3 OF 3

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 806 AS AN EXCLUSIVE PERPETUAL EASEMENT, NECESSARY FOR THE CONSTRUCTION AND IMPROVEMENT OF WEST ATLANTIC AVENUE, FROM 1,330 FEET WEST OF LYONS ROAD TO STARKEY 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 West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey 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 806 is necessary; and,

WHEREAS, this Board has considered the required factors under Florida Law, as they apply to Parcel 806, 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 806, which is more fully described in Exhibit "B", is necessary for the following public purpose, to wit: the construction and improvement of West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey 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, an Exclusive Perpetual Easement on property identified as Parcel 806 is necessary for the following purposes and uses: providing an unencumbered right-of-way for use as a canal and canal related purposes including, but not limited to, the use of same for ingress and egress purposes, excavation, removal of vegetation, irrigation, water control structures, berms and areas for maintenance and deposit of spoil, all quasi-utility type purposes, and for any such other purpose thereunto related, or in anywise appertaining: over, across, through and upon, under or within the parcel, as related to the construction and improvement to be undertaken by Palm Beach County as to West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey Road, adjacent thereto. The rights herein described shall not extent 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 West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey 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: Exclusive Perpetual 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:

Addie L. Greene, Chairperson	_____
Jeff Koons, Vice Chair	_____
Karen T. Marcus	_____
Warren H. Newell	_____
Mary McCarty	_____
Jess R. Santamaria	_____
Burt Aaronson	_____

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

SHARON R. BOCK,
Clerk and Comptroller

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: _____
County Attorney

EXHIBIT "A"

ATLANTIC AVENUE (SR806) FROM 1,330 FEET WEST OF LYONS TO ROAD TO STARKEY ROAD PALM BEACH COUNTY PROJECT NO.: 2004602

SAFETY

Atlantic Avenue is currently a two (2) lane rural roadway. The widening/reconstruction of this facility from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway, will improve the overall safety for all users of this roadway due to the construction of a depressed median to separate vehicles traveling in opposite directions. The design of this project has been done in accordance with the Florida Department of Transportation Standards and the Plans Preparation Manual, as adopted and approved by the Florida Department of Transportation (FDOT).

COST

The cost of improving Atlantic Avenue from west of Lyons Road to Starkey Road, from a two (2) lane to a four (4) lane divided roadway, was estimated during the early stages of design. The appropriate funding for design, right-of-way acquisition, and construction has been funded by an agreement between a contingent of local developers and Palm Beach County, and is currently held in escrow. During the design of the roadway, reasonable efforts were made to minimize the areas to be acquired through condemnation.

After considering Safety, Alternative Routes and Methodologies, Long Range Planning, and Environmental factors, the cost of the acquisition of the parcels for this project fits into the available escrow funds for this project, and the acquisition of the parcels is necessary in furtherance of this public project.

ALTERNATIVE ROUTES

Atlantic Avenue is a heavily traveled roadway, which provides the most direct route for vehicles traveling in an east-west direction from State Road 7 to Florida's Turnpike through unincorporated Palm Beach County, west of Delray Beach, Florida. 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.

Alternative routes were not considered in lieu of improving Atlantic Avenue. Typical Section alternatives were developed by the FDOT to determine the most cost effective improvements which would result in the least amount of impact to local residents and businesses, while minimizing environmental impacts. Construction of an alternative route through this general area would most likely disrupt and displace numerous properties, resulting in significant damages and unnecessary environmental impacts.

LONG RANGE PLANNING

The development of this project is in conformance with Palm Beach County's 2030 Long Range Transportation System Plan. The 2030 Long Range Transportation System Plan is a 25-year forecast based on projected regional needs identified through the process of predicting 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 IMPACT

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

Below is a more detailed outline of the reasons for each type of acquisition needed for the improvement of Atlantic Avenue from 1,330 feet west of Lyons Road to Starkey Road.

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

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

The additional right-of-way is required to accommodate the roadway improvements for this project.

EASEMENT ACQUISITIONS FOR PERMANENT EASEMENTS

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

To accommodate the proposed roadway improvements, permanent easements are needed to accommodate roadway embankments which will occupy the adjacent property. The easements will grant access to the maintaining agency.

EASEMENT ACQUISITIONS FOR TEMPORARY CONSTRUCTION EASEMENTS

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

To accommodate the proposed roadway improvements, temporary construction easements are needed to allow reconstruction of existing points of ingress/egress to the adjacent property.

EASEMENT ACQUISITIONS FOR EXCLUSIVE PERPETUAL EASEMENTS

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

As a part of this project, the Lake Worth Drainage District (LWDD) has transferred certain property for the proposed roadway improvements. The L-34 canal, which is located south of the existing right-of-way of Atlantic Avenue, will be relocated further to the south to accommodate the proposed improvements. LWDD requires new easement areas to accommodate and maintain the relocated canal.

DESCRIPTION & SKETCH
PREPARED FOR:
PALM BEACH COUNTY, FLORIDA

LAKE WORTH DRAINAGE DISTRICT PARCEL 806
ATLANTIC AVENUE (SR 806) BETWEEN LYONS ROAD & STARKEY ROAD
PALM BEACH COUNTY, FLORIDA

LEGEND

CSFFCD = CENTRAL AND SOUTHERN FLORIDA FLOOD CONTROL DISTRICT	PG. = PAGE
ESMT. = EASEMENT	POB = POINT OF BEGINNING
DB = DEED BOOK	POC = POINT OF COMMENCEMENT
FDOT = FLORIDA DEPARTMENT OF TRANSPORTATION	R/W = RIGHT-OF-WAY
LWDD = LAKE WORTH DRAINAGE DISTRICT	SEC. = SECTION
ORB = OFFICIAL RECORD BOOK	SF = SQUARE FEET
PBC = PALM BEACH COUNTY	SFWM = SOUTH FLORIDA WATER MANAGEMENT DISTRICT
PB = PLAT BOOK	SR = STATE ROAD

LEGAL DESCRIPTION

A PORTION OF LAND LYING IN SECTION 20, TOWNSHIP 46 SOUTH, RANGE 42 EAST, BEING A PORTION OF TRACT 14 OF THE PALM BEACH FARMS COMPANY PLAT NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 26 THROUGH 28, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 20; THENCE SOUTH 89°58'57" EAST, ALONG THE NORTH LINE OF SAID SECTION 20, A DISTANCE OF 681.54 FEET TO A POINT ON THE WEST LINE OF SAID TRACT 14, THENCE SOUTH 01°43'32" EAST, ALONG SAID WEST LINE, A DISTANCE OF 52.50 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°58'57" EAST, A DISTANCE OF 308.10 FEET; THENCE SOUTH 01°46'14" EAST, A DISTANCE OF 66.55 FEET; THENCE NORTH 89°58'57" WEST, A DISTANCE OF 308.15 FEET TO A POINT ON THE WEST LINE OF SAID TRACT 14; THENCE NORTH 01°43'32" WEST, ALONG SAID WEST LINE, A DISTANCE OF 66.55 FEET TO THE POINT OF BEGINNING.

CONTAINING 20497 SQUARE FEET OR 0.471 ACRES, MORE OR LESS.

SURVEYOR'S NOTES

1. THIS DRAWING IS NOT A SURVEY.
2. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THIS OFFICE.
3. THE DESCRIPTION SKETCH AND THE DESCRIPTION TEXT COMPRISE THE COMPLETE LEGAL DESCRIPTION. THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH ACCOMPANY EACH OTHER.
4. THIS LEGAL DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER EMPLOYED BY WANTMAN GROUP, INC.
5. BEARINGS SHOWN HEREON ARE BASED ON THE NORTH LINE OF SECTION 20, TOWNSHIP 46 SOUTH, RANGE 42 EAST, WHICH BEARS SOUTH 89°58'57" EAST.

WANTMAN GROUP, INC.

Thomas R. Dittman
THOMAS R. DITTMAN
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NUMBER 5763

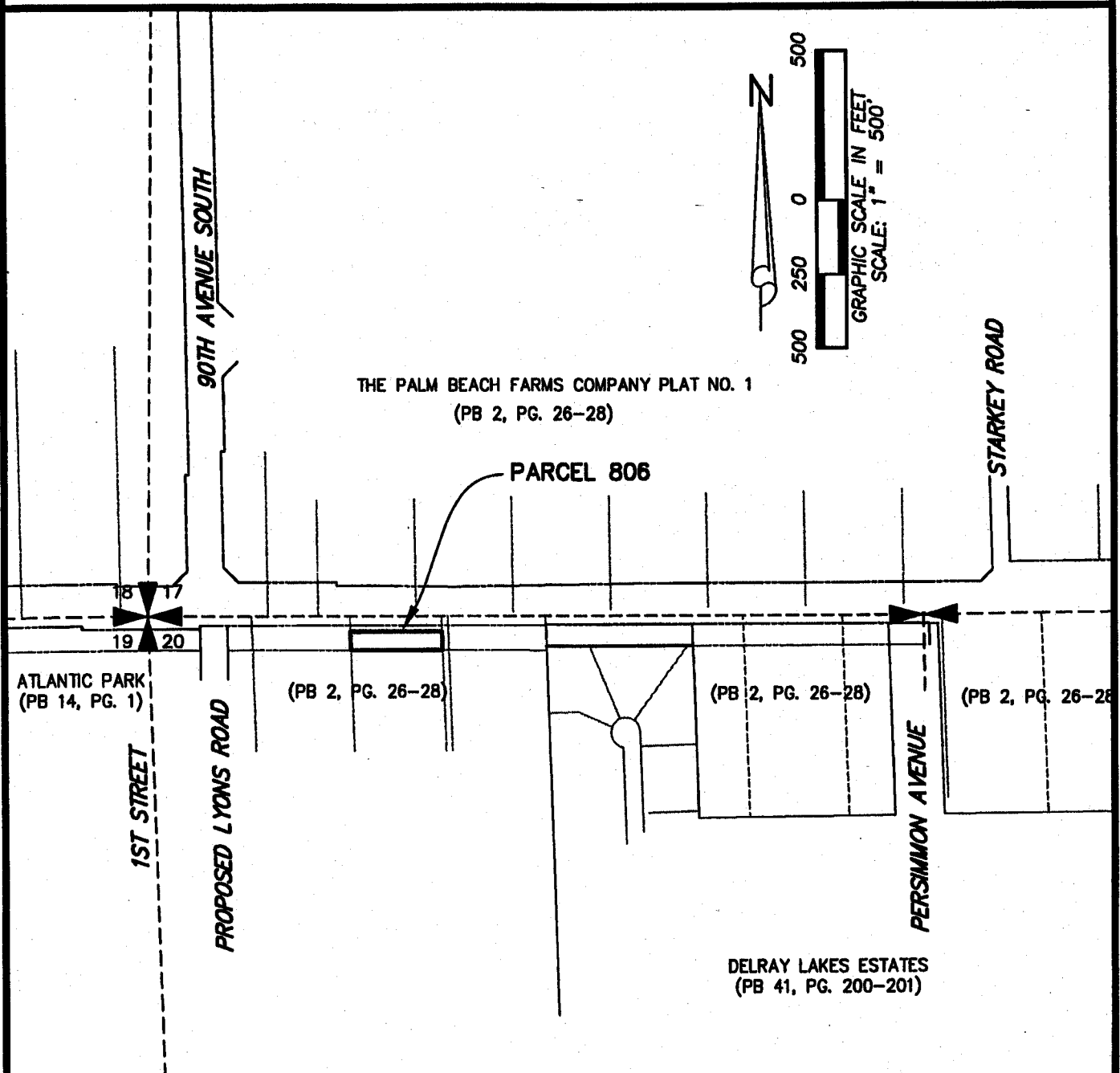


Wantman Group, Inc.
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2035 VISTA PARKWAY, SUITE 100
WEST PALM BEACH, FL 33411
(561) 687-2220 phone
(561) 687-1110 fax
CERTIFICATION NUMBER 6091
LICENSED BUSINESS NUMBER 7055

CAD T:\478 Atlantic Ave Design\DGN\survey\478SY806.dwg		
REFERENCE		
FIELD	JOB	204478.00
DRAWN BY	DPK	DATE 10/17/06
CHECKED BY	TRD	SHEET 1 OF 3

DESCRIPTION & SKETCH
PREPARED FOR:
PALM BEACH COUNTY, FLORIDA

LAKE WORTH DRAINAGE DISTRICT PARCEL 806
ATLANTIC AVENUE (SR 806) BETWEEN LYONS ROAD & STARKEY ROAD
PALM BEACH COUNTY, FLORIDA



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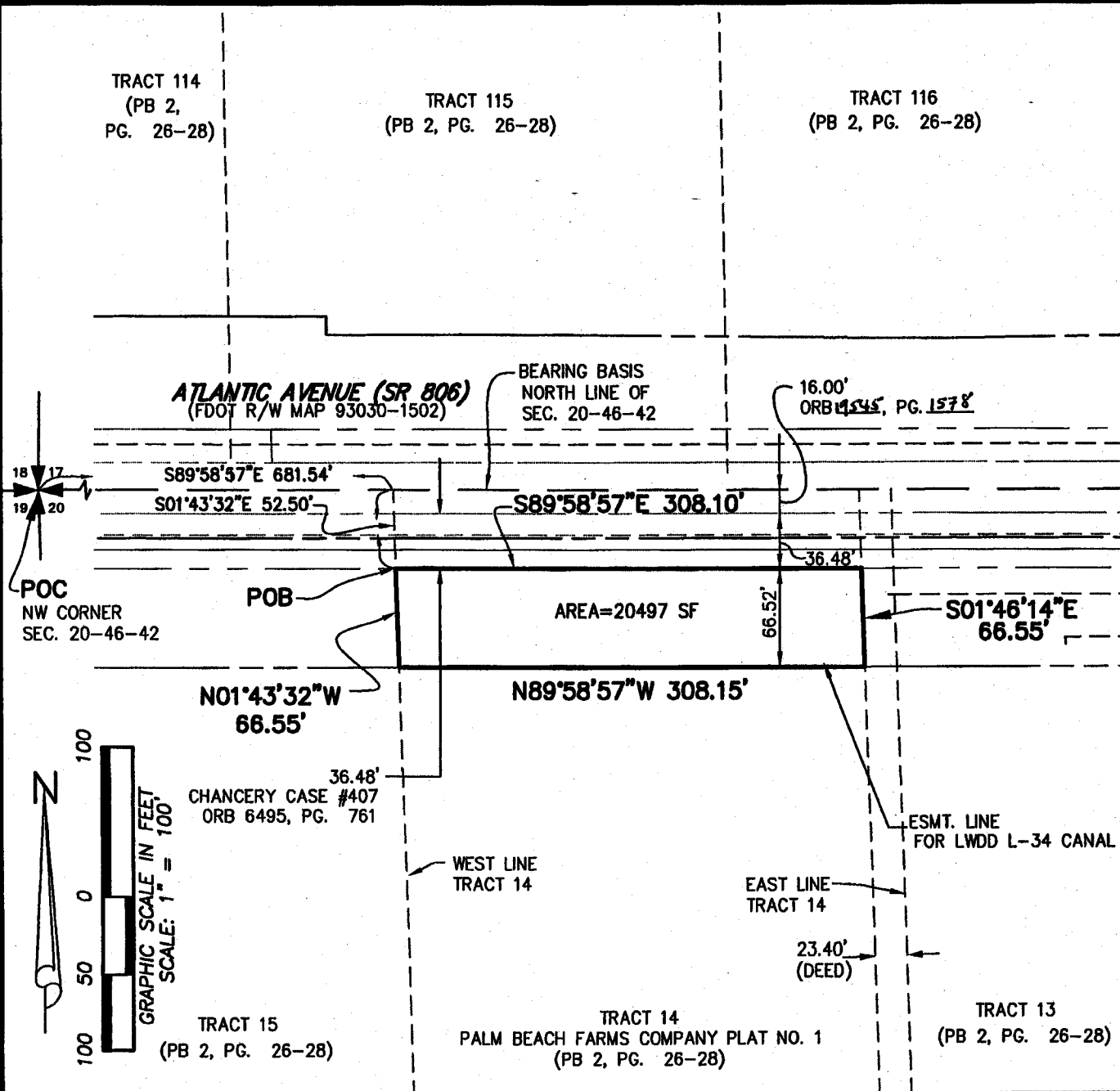
CAD
T:\478 Atlantic Ave Design\DGN\survey\478SY806.dwg
REFERENCE

FIELD	JOB	204478.00
DRAWN BY	DPK	DATE 10/17/06
CHECKED BY	TRD	SHEET 2 OF 3

Exhibit "B"
3 of 3

DESCRIPTION & SKETCH
PREPARED FOR:
PALM BEACH COUNTY, FLORIDA

LAKE WORTH DRAINAGE DISTRICT PARCEL 806
ATLANTIC AVENUE (SR 806) BETWEEN LYONS ROAD & STARKEY ROAD
PALM BEACH COUNTY, FLORIDA



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LICENSED BUSINESS NUMBER 7055

CAD
T:\478 Atlantic Ave Design\DGN\survey\478SY806.dwg
REFERENCE

FIELD	JOB	204478.00
DRAWN BY	DPK	DATE 10/17/06
CHECKED BY	TRD	SHEET 3 OF 3

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 808 AS AN EXCLUSIVE PERPETUAL EASEMENT, NECESSARY FOR THE CONSTRUCTION AND IMPROVEMENT OF WEST ATLANTIC AVENUE, FROM 1,330 FEET WEST OF LYONS ROAD TO STARKEY 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 West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey 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 808 is necessary; and,

WHEREAS, this Board has considered the required factors under Florida Law, as they apply to Parcel 808, 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 808, which is more fully described in Exhibit "B", is necessary for the following public purpose, to wit: the construction and improvement of West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey 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, an Exclusive Perpetual Easement on property identified as Parcel 808 is necessary for the following purposes and uses: providing an unencumbered right-of-way for use as a canal and canal related purposes including, but not limited to, the use of same for ingress and egress purposes, excavation, removal of vegetation, irrigation, water control structures, berms and areas for maintenance and deposit of spoil, all quasi-utility type purposes, and for any such other purpose thereunto related, or in anywise appertaining: over, across, through and upon, under or within the parcel, as related to the construction and improvement to be undertaken by Palm Beach County as to West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey Road, adjacent thereto. The rights herein described shall not extent 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 West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey 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: Exclusive Perpetual 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:

Addie L. Greene, Chairperson	_____
Jeff Koons, Vice Chair	_____
Karen T. Marcus	_____
Warren H. Newell	_____
Mary McCarty	_____
Jess R. Santamaria	_____
Burt Aaronson	_____

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

SHARON R. BOCK,
Clerk and Comptroller

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: _____
County Attorney

EXHIBIT "A"

ATLANTIC AVENUE (SR806) FROM 1,330 FEET WEST OF LYONS TO ROAD TO STARKEY ROAD PALM BEACH COUNTY PROJECT NO.: 2004602

SAFETY

Atlantic Avenue is currently a two (2) lane rural roadway. The widening/reconstruction of this facility from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway, will improve the overall safety for all users of this roadway due to the construction of a depressed median to separate vehicles traveling in opposite directions. The design of this project has been done in accordance with the Florida Department of Transportation Standards and the Plans Preparation Manual, as adopted and approved by the Florida Department of Transportation (FDOT).

COST

The cost of improving Atlantic Avenue from west of Lyons Road to Starkey Road, from a two (2) lane to a four (4) lane divided roadway, was estimated during the early stages of design. The appropriate funding for design, right-of-way acquisition, and construction has been funded by an agreement between a contingent of local developers and Palm Beach County, and is currently held in escrow. During the design of the roadway, reasonable efforts were made to minimize the areas to be acquired through condemnation.

After considering Safety, Alternative Routes and Methodologies, Long Range Planning, and Environmental factors, the cost of the acquisition of the parcels for this project fits into the available escrow funds for this project, and the acquisition of the parcels is necessary in furtherance of this public project.

ALTERNATIVE ROUTES

Atlantic Avenue is a heavily traveled roadway, which provides the most direct route for vehicles traveling in an east-west direction from State Road 7 to Florida's Turnpike through unincorporated Palm Beach County, west of Delray Beach, Florida. 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.

Alternative routes were not considered in lieu of improving Atlantic Avenue. Typical Section alternatives were developed by the FDOT to determine the most cost effective improvements which would result in the least amount of impact to local residents and businesses, while minimizing environmental impacts. Construction of an alternative route through this general area would most likely disrupt and displace numerous properties, resulting in significant damages and unnecessary environmental impacts.

LONG RANGE PLANNING

The development of this project is in conformance with Palm Beach County's 2030 Long Range Transportation System Plan. The 2030 Long Range Transportation System Plan is a 25-year forecast based on projected regional needs identified through the process of predicting 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 IMPACT

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

Below is a more detailed outline of the reasons for each type of acquisition needed for the improvement of Atlantic Avenue from 1,330 feet west of Lyons Road to Starkey Road.

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

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

The additional right-of-way is required to accommodate the roadway improvements for this project.

EASEMENT ACQUISITIONS FOR PERMANENT EASEMENTS

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

To accommodate the proposed roadway improvements, permanent easements are needed to accommodate roadway embankments which will occupy the adjacent property. The easements will grant access to the maintaining agency.

EASEMENT ACQUISITIONS FOR TEMPORARY CONSTRUCTION EASEMENTS

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

To accommodate the proposed roadway improvements, temporary construction easements are needed to allow reconstruction of existing points of ingress/egress to the adjacent property.

EASEMENT ACQUISITIONS FOR EXCLUSIVE PERPETUAL EASEMENTS

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

As a part of this project, the Lake Worth Drainage District (LWDD) has transferred certain property for the proposed roadway improvements. The L-34 canal, which is located south of the existing right-of-way of Atlantic Avenue, will be relocated further to the south to accommodate the proposed improvements. LWDD requires new easement areas to accommodate and maintain the relocated canal.

DESCRIPTION & SKETCH
PREPARED FOR:
PALM BEACH COUNTY, FLORIDA

LAKE WORTH DRAINAGE DISTRICT PARCEL 808
ATLANTIC AVENUE (SR 806) BETWEEN LYONS ROAD & STARKEY ROAD
PALM BEACH COUNTY, FLORIDA

LEGEND

CSFFCD = CENTRAL AND SOUTHERN FLORIDA FLOOD CONTROL DISTRICT	PG. = PAGE
ESMT. = EASEMENT	POB = POINT OF BEGINNING
DB = DEED BOOK	POC = POINT OF COMMENCEMENT
FDOT = FLORIDA DEPARTMENT OF TRANSPORTATION	R/W = RIGHT-OF-WAY
LWDD = LAKE WORTH DRAINAGE DISTRICT	SEC. = SECTION
ORB = OFFICIAL RECORD BOOK	SF = SQUARE FEET
PBC = PALM BEACH COUNTY	SFWD = SOUTH FLORIDA WATER MANAGEMENT DISTRICT
PB = PLAT BOOK	SR = STATE ROAD

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 20, TOWNSHIP 46 SOUTH, RANGE 42 EAST, BEING A PORTION OF TRACT 14 OF THE PALM BEACH FARMS COMPANY PLAT NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 26 THROUGH 28 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 20; THENCE SOUTH 89°58'57" EAST, ALONG THE NORTH LINE OF SAID SECTION 20, A DISTANCE OF 989.60 FEET; THENCE SOUTH 01°46'14" EAST, A DISTANCE OF 52.51 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°58'57" EAST, A DISTANCE OF 23.41 FEET TO A POINT ON THE EAST LINE OF SAID TRACT 14; THENCE SOUTH 01°46'14" EAST, ALONG SAID EAST LINE, A DISTANCE OF 66.55 FEET; THENCE NORTH 89°58'57" WEST, A DISTANCE OF 23.41 FEET; THENCE NORTH 01°46'14" WEST, A DISTANCE OF 66.55 FEET TO THE POINT OF BEGINNING.

CONTAINING 1557 SQUARE FEET OR 0.036 ACRES, MORE OR LESS.

SURVEYOR'S NOTES

1. THIS DRAWING IS NOT A SURVEY.
2. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THIS OFFICE.
3. THE DESCRIPTION SKETCH AND THE DESCRIPTION TEXT COMPRISE THE COMPLETE LEGAL DESCRIPTION. THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH ACCOMPANY EACH OTHER.
4. THIS LEGAL DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER EMPLOYED BY WANTMAN GROUP, INC.
5. BEARINGS SHOWN HEREON ARE BASED ON THE NORTH LINE OF SECTION 20, TOWNSHIP 46 SOUTH, RANGE 42 EAST, WHICH BEARS SOUTH 89°58'57" EAST.

WANTMAN GROUP, INC.

Thomas R. Ditman

THOMAS R. DITMAN
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NUMBER 5763

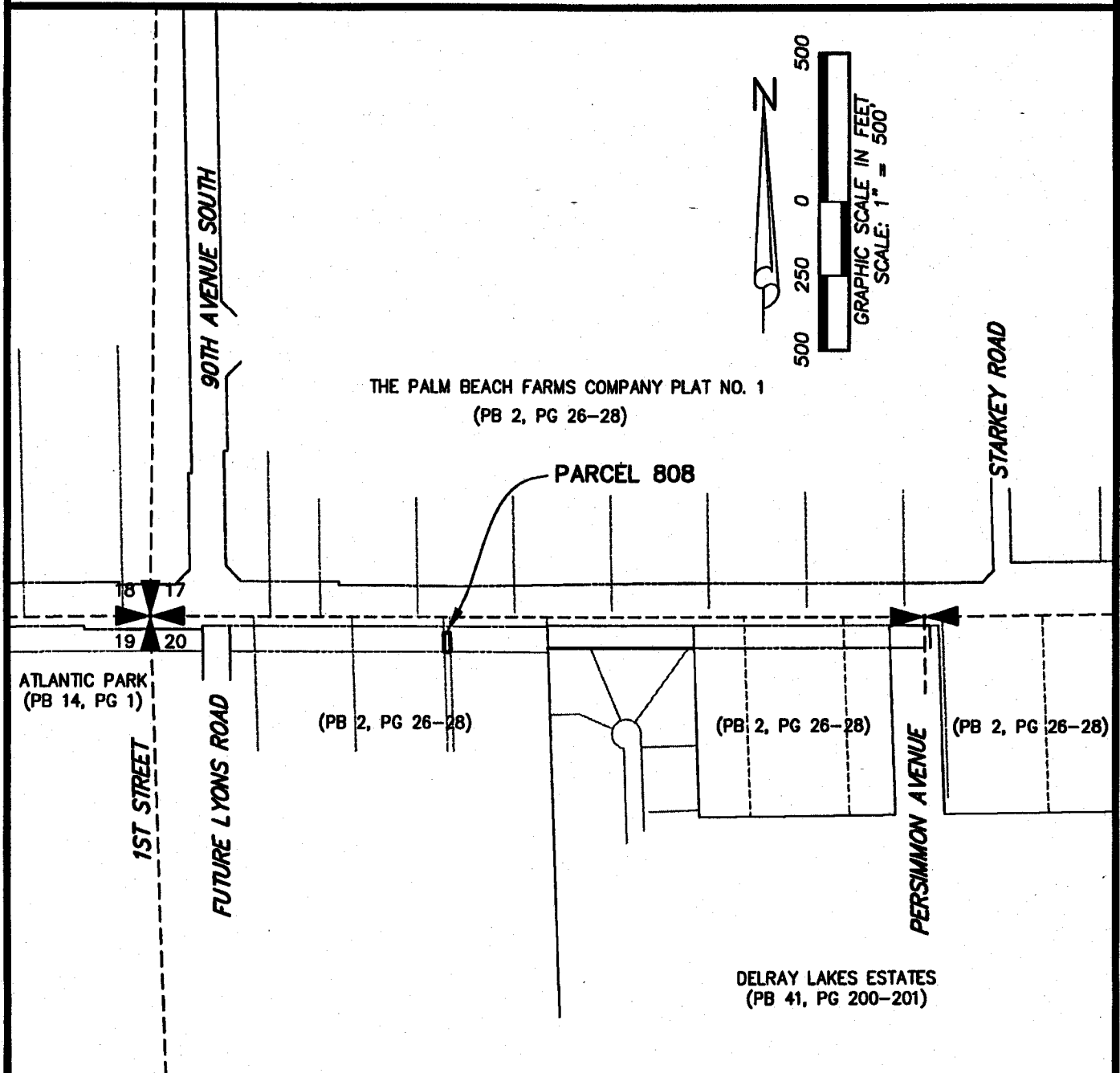


Wantman Group, Inc.
Engineering ♦ Surveying ♦ Mapping
2035 VISTA PARKWAY, SUITE 100
WEST PALM BEACH, FL 33411
(561) 687-2220 phone
(561) 687-1110 fax
CERTIFICATION NUMBER 6091
LICENSED BUSINESS NUMBER 7055

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REFERENCE	
FIELD	JOB 204478.00
DRAWN BY DPK	DATE 10/17/06
CHECKED BY TRD	SHEET 1 OF 3

DESCRIPTION & SKETCH
PREPARED FOR:
PALM BEACH COUNTY, FLORIDA

LAKE WORTH DRAINAGE DISTRICT PARCEL 808
ATLANTIC AVENUE (SR 806) BETWEEN LYONS ROAD & STARKEY ROAD
PALM BEACH COUNTY, FLORIDA



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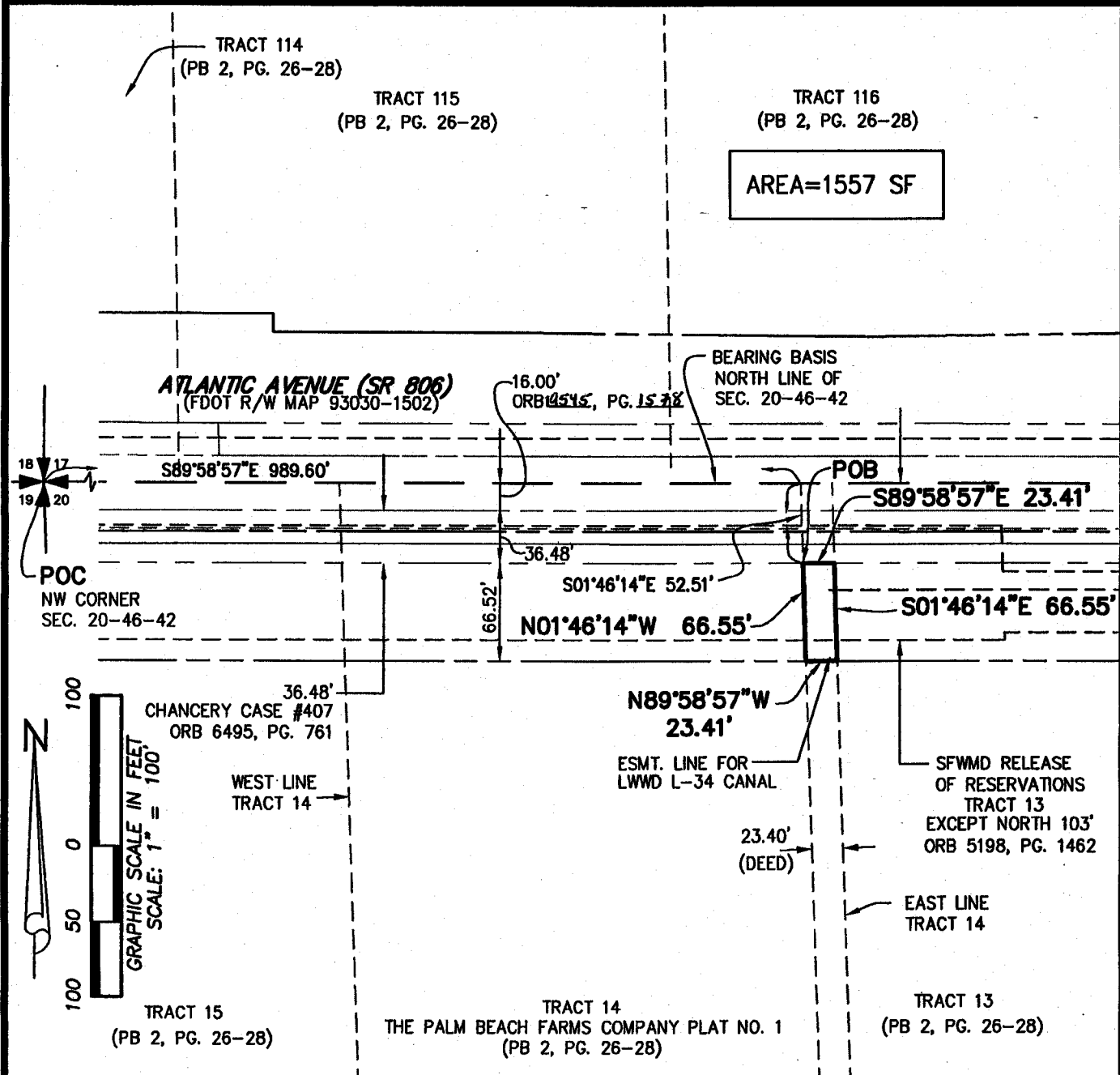
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REFERENCE

FIELD		JOB	204478.00
DRAWN BY		DATE	10/17/06
CHECKED BY		SHEET	2 OF 3

DESCRIPTION & SKETCH
PREPARED FOR:
PALM BEACH COUNTY, FLORIDA

LAKE WORTH DRAINAGE DISTRICT PARCEL 808
ATLANTIC AVENUE (SR 806) BETWEEN LYONS ROAD & STARKEY ROAD
PALM BEACH COUNTY, FLORIDA



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CAD T:\478 Atlantic Ave Design\DGN\survey\478SY808.dwg	
REFERENCE	
FIELD	JOB 204478.00
DRAWN BY DPK	DATE 10/17/06
CHECKED BY TRD	SHEET 3 OF 3

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 810 AS AN EXCLUSIVE PERPETUAL EASEMENT, NECESSARY FOR THE CONSTRUCTION AND IMPROVEMENT OF WEST ATLANTIC AVENUE, FROM 1,330 FEET WEST OF LYONS ROAD TO STARKEY 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 West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey 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 810 is necessary; and,

WHEREAS, this Board has considered the required factors under Florida Law, as they apply to Parcel 810, 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 810, which is more fully described in Exhibit "B", is necessary for the following public purpose, to wit: the construction and improvement of West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey 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, an Exclusive Perpetual Easement on property identified as Parcel 810 is necessary for the following purposes and uses: providing an unencumbered right-of-way for use as a canal and canal related purposes including, but not limited to, the use of same for ingress and egress purposes, excavation, removal of vegetation, irrigation, water control structures, berms and areas for maintenance and deposit of spoil, all quasi-utility type purposes, and for any such other purpose thereunto related, or in anywise appertaining: over, across, through and upon, under or within the parcel, as related to the construction and improvement to be undertaken by Palm Beach County as to West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey Road, adjacent thereto. The rights herein described shall not extent 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 West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey 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: Exclusive Perpetual 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:

Addie L. Greene, Chairperson	_____
Jeff Koons, Vice Chair	_____
Karen T. Marcus	_____
Warren H. Newell	_____
Mary McCarty	_____
Jess R. Santamaria	_____
Burt Aaronson	_____

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

SHARON R. BOCK,
Clerk and Comptroller

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: _____
County Attorney

EXHIBIT "A"

ATLANTIC AVENUE (SR806) FROM 1,330 FEET WEST OF LYONS TO ROAD TO STARKEY ROAD PALM BEACH COUNTY PROJECT NO.: 2004602

SAFETY

Atlantic Avenue is currently a two (2) lane rural roadway. The widening/reconstruction of this facility from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway, will improve the overall safety for all users of this roadway due to the construction of a depressed median to separate vehicles traveling in opposite directions. The design of this project has been done in accordance with the Florida Department of Transportation Standards and the Plans Preparation Manual, as adopted and approved by the Florida Department of Transportation (FDOT).

COST

The cost of improving Atlantic Avenue from west of Lyons Road to Starkey Road, from a two (2) lane to a four (4) lane divided roadway, was estimated during the early stages of design. The appropriate funding for design, right-of-way acquisition, and construction has been funded by an agreement between a contingent of local developers and Palm Beach County, and is currently held in escrow. During the design of the roadway, reasonable efforts were made to minimize the areas to be acquired through condemnation.

After considering Safety, Alternative Routes and Methodologies, Long Range Planning, and Environmental factors, the cost of the acquisition of the parcels for this project fits into the available escrow funds for this project, and the acquisition of the parcels is necessary in furtherance of this public project.

ALTERNATIVE ROUTES

Atlantic Avenue is a heavily traveled roadway, which provides the most direct route for vehicles traveling in an east-west direction from State Road 7 to Florida's Turnpike through unincorporated Palm Beach County, west of Delray Beach, Florida. 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.

Alternative routes were not considered in lieu of improving Atlantic Avenue. Typical Section alternatives were developed by the FDOT to determine the most cost effective improvements which would result in the least amount of impact to local residents and businesses, while minimizing environmental impacts. Construction of an alternative route through this general area would most likely disrupt and displace numerous properties, resulting in significant damages and unnecessary environmental impacts.

LONG RANGE PLANNING

The development of this project is in conformance with Palm Beach County's 2030 Long Range Transportation System Plan. The 2030 Long Range Transportation System Plan is a 25-year forecast based on projected regional needs identified through the process of predicting 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 IMPACT

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

Below is a more detailed outline of the reasons for each type of acquisition needed for the improvement of Atlantic Avenue from 1,330 feet west of Lyons Road to Starkey Road.

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

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

The additional right-of-way is required to accommodate the roadway improvements for this project.

EASEMENT ACQUISITIONS FOR PERMANENT EASEMENTS

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

To accommodate the proposed roadway improvements, permanent easements are needed to accommodate roadway embankments which will occupy the adjacent property. The easements will grant access to the maintaining agency.

EASEMENT ACQUISITIONS FOR TEMPORARY CONSTRUCTION EASEMENTS

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

To accommodate the proposed roadway improvements, temporary construction easements are need to allow reconstruction of existing points of ingress/egress to the adjacent property.

EASEMENT ACQUISITIONS FOR EXCLUSIVE PERPETUAL EASEMENTS

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

As a part of this project, the Lake Worth Drainage District (LWDD) has transferred certain property for the proposed roadway improvements. The L-34 canal, which is located south of the existing right-of-way of Atlantic Avenue, will be relocated further to the south to accommodate the proposed improvements. LWDD requires new easement areas to accommodate and maintain the relocated canal.

DESCRIPTION & SKETCH
PREPARED FOR:
PALM BEACH COUNTY, FLORIDA

LAKE WORTH DRAINAGE DISTRICT PARCEL 810
ATLANTIC AVENUE (SR 806) BETWEEN LYONS ROAD & STARKEY ROAD
PALM BEACH COUNTY, FLORIDA

LEGEND

CSFFCD = CENTRAL AND SOUTHERN FLORIDA FLOOD CONTROL DISTRICT	PG. = PAGE
ESMT. = EASEMENT	POB = POINT OF BEGINNING
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FDOT = FLORIDA DEPARTMENT OF TRANSPORTATION	R/W = RIGHT-OF-WAY
LWDD = LAKE WORTH DRAINAGE DISTRICT	SEC. = SECTION
ORB = OFFICIAL RECORD BOOK	SF = SQUARE FEET
PBC = PALM BEACH COUNTY	SFWD = SOUTH FLORIDA WATER MANAGEMENT DISTRICT
PB = PLAT BOOK	SR = STATE ROAD

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 20, TOWNSHIP 46 SOUTH, RANGE 42 EAST, BEING A PORTION OF TRACT 13 OF THE PALM BEACH FARMS COMPANY PLAT NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 26 THROUGH 28 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 20; THENCE SOUTH 89°58'57" EAST, ALONG THE NORTH LINE OF SAID SECTION 20, A DISTANCE OF 1013.01 FEET TO A POINT ON THE WEST LINE OF SAID TRACT 13, THENCE SOUTH 01°46'14" EAST, ALONG SAID WEST LINE, A DISTANCE OF 52.53 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°58'57" EAST, A DISTANCE OF 331.32 FEET TO A POINT ON THE EAST LINE OF SAID TRACT 13; THENCE SOUTH 01°48'54" EAST, ALONG SAID EAST LINE, A DISTANCE OF 66.53 FEET; THENCE NORTH 89°58'57" WEST, A DISTANCE OF 331.37 FEET TO A POINT ON THE WEST LINE OF SAID TRACT 13; THENCE NORTH 01°46'14" WEST, ALONG SAID WEST LINE, A DISTANCE OF 66.53 FEET TO THE POINT OF BEGINNING.

CONTAINING 22035 SQUARE FEET OR 0.506 ACRES, MORE OR LESS.

SURVEYOR'S NOTES

1. THIS DRAWING IS NOT A SURVEY.
2. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THIS OFFICE.
3. THE DESCRIPTION SKETCH AND THE DESCRIPTION TEXT COMPRISE THE COMPLETE LEGAL DESCRIPTION. THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH ACCOMPANY EACH OTHER.
4. THIS LEGAL DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER EMPLOYED BY WANTMAN GROUP, INC.
5. BEARINGS SHOWN HEREON ARE BASED ON THE NORTH LINE OF SECTION 20, TOWNSHIP 46 SOUTH, RANGE 42 EAST, WHICH BEARS SOUTH 89°58'57" EAST.

WANTMAN GROUP, INC.

THOMAS R. DITMAN
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NUMBER 5763



Wantman Group, Inc.
Engineering ♦ Surveying ♦ Mapping
2035 VISTA PARKWAY, SUITE 100
WEST PALM BEACH, FL 33411
(561) 687-2220 phone
(561) 687-1110 fax
CERTIFICATION NUMBER 6091
LICENSED BUSINESS NUMBER 7055

CAD
T:\478 Atlantic Ave Design\DGN\survey\478SY810.dwg

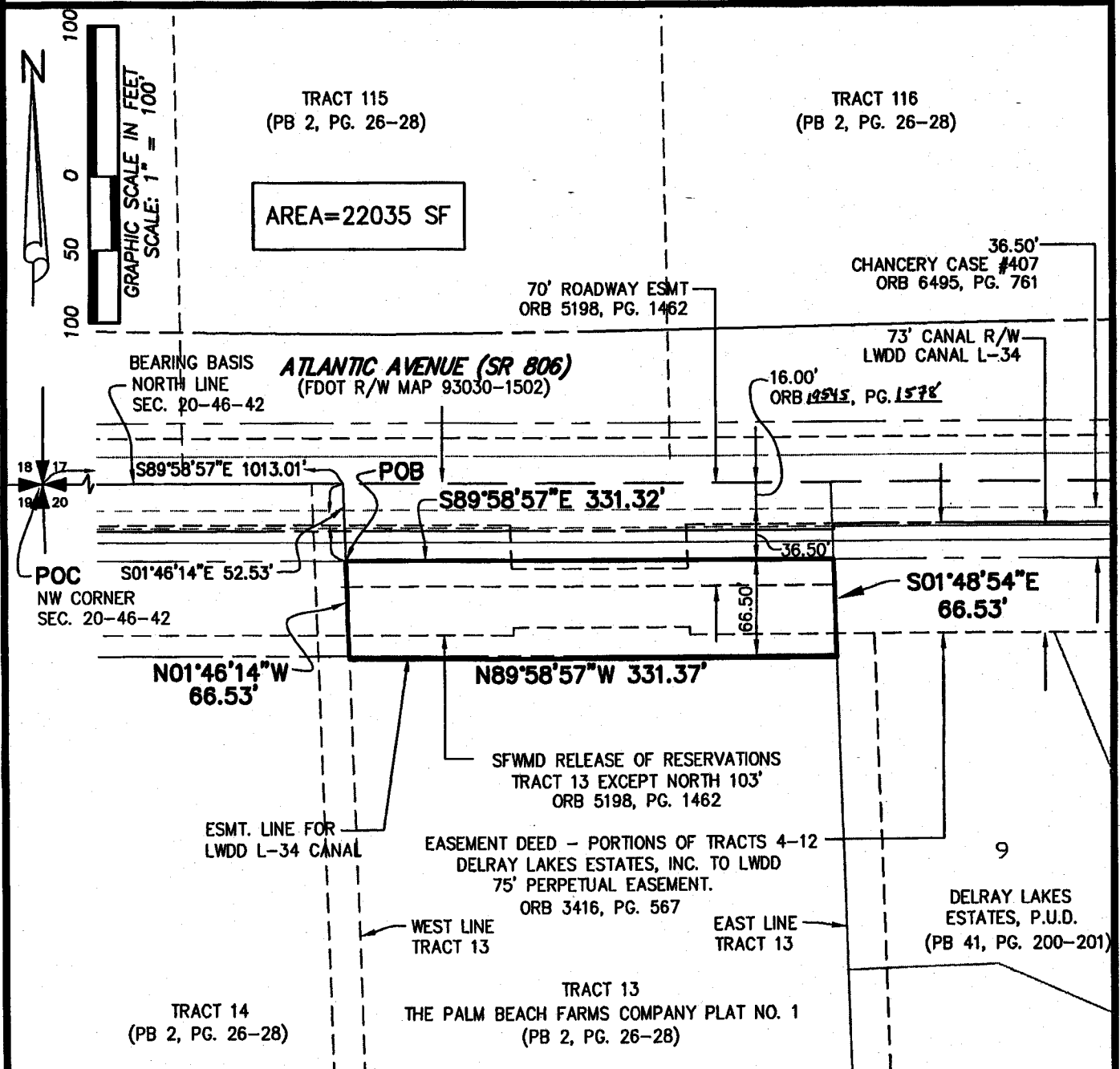
REFERENCE

FIELD	JOB	204478.00
DRAWN BY	DATE	10/17/06
CHECKED BY	SHEET	1 OF 3
DPK	TRD	

SHEET 2 OF 3

DESCRIPTION & SKETCH
PREPARED FOR:
PALM BEACH COUNTY, FLORIDA

LAKE WORTH DRAINAGE DISTRICT PARCEL 810
ATLANTIC AVENUE (SR 806) BETWEEN LYONS ROAD & STARKEY ROAD
PALM BEACH COUNTY, FLORIDA



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CERTIFICATION NUMBER 6091
LICENSED BUSINESS NUMBER 7055

CAD T:\478 Atlantic Ave Design\DGN\survey\478SY810.dwg	
REFERENCE	
FIELD	JOB 204478.00
DRAWN BY DPK	DATE 10/17/06
CHECKED BY TRD	SHEET 3 OF 3

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 814 AS AN EXCLUSIVE PERPETUAL EASEMENT, NECESSARY FOR THE CONSTRUCTION AND IMPROVEMENT OF WEST ATLANTIC AVENUE, FROM 1,330 FEET WEST OF LYONS ROAD TO STARKEY 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 West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey 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 814 is necessary; and,

WHEREAS, this Board has considered the required factors under Florida Law, as they apply to Parcel 814, 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 814, which is more fully described in Exhibit "B", is necessary for the following public purpose, to wit: the construction and improvement of West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey 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, an Exclusive Perpetual Easement on property identified as Parcel 814 is necessary for the following purposes and uses: providing an unencumbered right-of-way for use as a canal and canal related purposes including, but not limited to, the use of same for ingress and egress purposes, excavation, removal of vegetation, irrigation, water control structures, berms and areas for maintenance and deposit of spoil, all quasi-utility type purposes, and for any such other purpose thereunto related, or in anywise appertaining: over, across, through and upon, under or within the parcel, as related to the construction and improvement to be undertaken by Palm Beach County as to West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey Road, adjacent thereto. The rights herein described shall not extent 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 West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey 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: Exclusive Perpetual 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:

Addie L. Greene, Chairperson	_____
Jeff Koons, Vice Chair	_____
Karen T. Marcus	_____
Warren H. Newell	_____
Mary McCarty	_____
Jess R. Santamaria	_____
Burt Aaronson	_____

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

SHARON R. BOCK,
Clerk and Comptroller

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: _____
County Attorney

EXHIBIT "A"

ATLANTIC AVENUE (SR806) FROM 1,330 FEET WEST OF LYONS TO ROAD TO STARKEY ROAD PALM BEACH COUNTY PROJECT NO.: 2004602

SAFETY

Atlantic Avenue is currently a two (2) lane rural roadway. The widening/reconstruction of this facility from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway, will improve the overall safety for all users of this roadway due to the construction of a depressed median to separate vehicles traveling in opposite directions. The design of this project has been done in accordance with the Florida Department of Transportation Standards and the Plans Preparation Manual, as adopted and approved by the Florida Department of Transportation (FDOT).

COST

The cost of improving Atlantic Avenue from west of Lyons Road to Starkey Road, from a two (2) lane to a four (4) lane divided roadway, was estimated during the early stages of design. The appropriate funding for design, right-of-way acquisition, and construction has been funded by an agreement between a contingent of local developers and Palm Beach County, and is currently held in escrow. During the design of the roadway, reasonable efforts were made to minimize the areas to be acquired through condemnation.

After considering Safety, Alternative Routes and Methodologies, Long Range Planning, and Environmental factors, the cost of the acquisition of the parcels for this project fits into the available escrow funds for this project, and the acquisition of the parcels is necessary in furtherance of this public project.

ALTERNATIVE ROUTES

Atlantic Avenue is a heavily traveled roadway, which provides the most direct route for vehicles traveling in an east-west direction from State Road 7 to Florida's Turnpike through unincorporated Palm Beach County, west of Delray Beach, Florida. 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.

Alternative routes were not considered in lieu of improving Atlantic Avenue. Typical Section alternatives were developed by the FDOT to determine the most cost effective improvements which would result in the least amount of impact to local residents and businesses, while minimizing environmental impacts. Construction of an alternative route through this general area would most likely disrupt and displace numerous properties, resulting in significant damages and unnecessary environmental impacts.

LONG RANGE PLANNING

The development of this project is in conformance with Palm Beach County's 2030 Long Range Transportation System Plan. The 2030 Long Range Transportation System Plan is a 25-year forecast based on projected regional needs identified through the process of predicting 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 IMPACT

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

Below is a more detailed outline of the reasons for each type of acquisition needed for the improvement of Atlantic Avenue from 1,330 feet west of Lyons Road to Starkey Road.

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

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

The additional right-of-way is required to accommodate the roadway improvements for this project.

EASEMENT ACQUISITIONS FOR PERMANENT EASEMENTS

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

To accommodate the proposed roadway improvements, permanent easements are needed to accommodate roadway embankments which will occupy the adjacent property. The easements will grant access to the maintaining agency.

EASEMENT ACQUISITIONS FOR TEMPORARY CONSTRUCTION EASEMENTS

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

To accommodate the proposed roadway improvements, temporary construction easements are needed to allow reconstruction of existing points of ingress/egress to the adjacent property.

EASEMENT ACQUISITIONS FOR EXCLUSIVE PERPETUAL EASEMENTS

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

As a part of this project, the Lake Worth Drainage District (LWDD) has transferred certain property for the proposed roadway improvements. The L-34 canal, which is located south of the existing right-of-way of Atlantic Avenue, will be relocated further to the south to accommodate the proposed improvements. LWDD requires new easement areas to accommodate and maintain the relocated canal.

DESCRIPTION & SKETCH
PREPARED FOR:
PALM BEACH COUNTY, FLORIDA

LAKE WORTH DRAINAGE DISTRICT PARCEL 814
ATLANTIC AVENUE (SR 806) BETWEEN HALF MILE ROAD & LYONS ROAD
PALM BEACH COUNTY, FLORIDA

LEGEND

DB	= DEED BOOK	POB	= POINT OF BEGINNING
ESMT.	= EASEMENT	POC	= POINT OF COMMENCEMENT
FDOT	= FLORIDA DEPARTMENT OF TRANSPORTATION	R/W	= RIGHT-OF-WAY
LWDD	= LAKE WORTH DRAINAGE DISTRICT	SEC.	= SECTION
ORB	= OFFICIAL RECORD BOOK	SF	= SQUARE FEET
PBC	= PALM BEACH COUNTY	SFWM	= SOUTH FLORIDA WATER MANAGEMENT DISTRICT
PB	= PLAT BOOK	SR	= STATE ROAD
PG.	= PAGE		

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 19, TOWNSHIP 46 SOUTH, RANGE 42 EAST, BEING A PORTION OF ATLANTIC PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 14, PAGE 1 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 19; THENCE SOUTH 89°32'49" WEST, ALONG THE NORTH LINE OF SAID SECTION 19, A DISTANCE OF 416.45 FEET TO A POINT 13.43 FEET EAST OF THE PROLONGATION OF THE WEST LINE OF BLOCK 2 OF SAID ATLANTIC PARK; THENCE SOUTH 01°58'11" EAST, ALONG SAID LINE 13.43 FEET EAST OF THE WEST LINE OF BLOCK 2, A DISTANCE OF 86.33 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 01°58'11" EAST, A DISTANCE OF 32.71 FEET; THENCE SOUTH 89°32'49" WEST, A DISTANCE OF 455.82 FEET TO A POINT ON THE WEST LINE OF BLOCK 4 OF SAID ATLANTIC PARK; THENCE NORTH 01°58'11" WEST, ALONG SAID WEST LINE OF BLOCK 4, A DISTANCE OF 32.71 FEET; THENCE NORTH 89°32'49" EAST, A DISTANCE OF 455.82 FEET TO THE POINT OF BEGINNING.

CONTAINING 14905 SQUARE FEET OR 0.342 ACRES.

SURVEYOR'S NOTES

1. THIS DRAWING IS NOT A SURVEY.
2. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THIS OFFICE.
3. THE DESCRIPTION SKETCH AND THE DESCRIPTION TEXT COMPRISE THE COMPLETE LEGAL DESCRIPTION. THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH ACCOMPANY EACH OTHER.
4. THIS LEGAL DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER EMPLOYED BY WANTMAN GROUP, INC.
5. THE BEARINGS SHOWN HEREON ARE BASED ON THE NORTH LINE OF THE NORTHEAST ONE-QUARTER OF SECTION 19, TOWNSHIP 46 SOUTH, RANGE 42 EAST, WHICH BEARS SOUTH 89°32'49" WEST.

WANTMAN GROUP, INC.

Thomas R. Dittman
THOMAS R. DITTMAN
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NUMBER 5763



Wantman Group, Inc.
Engineering ♦ Surveying ♦ Mapping
2035 VISTA PARKWAY, SUITE 100
WEST PALM BEACH, FL 33411
(561) 687-2220 phone
(561) 687-1110 fax
CERTIFICATION NUMBER 6091
LICENSED BUSINESS NUMBER 7055

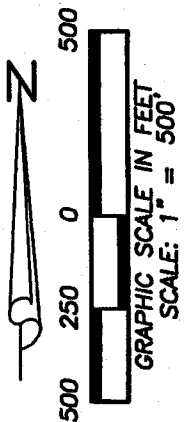
CAD
T:\478 Atlantic Ave Design\DGN\survey\478SY814.dwg

REFERENCE

FIELD	JOB	204478.00
DRAWN BY	DPK	DATE 10/17/06
CHECKED BY	TRD	SHEET 1 OF 3

DESCRIPTION & SKETCH
PREPARED FOR:
PALM BEACH COUNTY, FLORIDA

LAKE WORTH DRAINAGE DISTRICT PARCEL 814
ATLANTIC AVENUE (SR 806) BETWEEN HALF MILE ROAD & LYONS ROAD
PALM BEACH COUNTY, FLORIDA



THE PALM BEACH FARMS COMPANY PLAT NO. 1
(PB 2, PG. 26-28)

PARCEL 814

THE PALM BEACH FARMS
COMPANY PLAT NO. 1
(PB 2, PG. 26-28)

ATLANTIC PARK
(PB 14, PG. 1)

THE PALM BEACH FARMS COMPANY PLAT NO. 1
(PB 2, PG. 26-28)

HALF MILE ROAD

90TH AVENUE SOUTH

1ST STREET

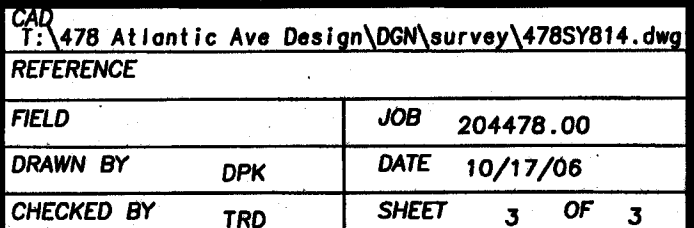
FUTURE LYONS ROAD



Wantman Group, Inc.
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2035 VISTA PARKWAY, SUITE 100
WEST PALM BEACH, FL 33411
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CAD
T:\478 Atlantic Ave Design\DGN\survey\478SY814.dwg
REFERENCE

FIELD	JOB	204478.00
DRAWN BY	DPK	DATE 10/17/06
CHECKED BY	TRD	SHEET 2 OF 3



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 814A AS AN EXCLUSIVE PERPETUAL EASEMENT, NECESSARY FOR THE CONSTRUCTION AND IMPROVEMENT OF WEST ATLANTIC AVENUE, FROM 1,330 FEET WEST OF LYONS ROAD TO STARKEY 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 West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey 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 814A is necessary; and,

WHEREAS, this Board has considered the required factors under Florida Law, as they apply to Parcel 814A, 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 814A, which is more fully described in Exhibit "B", is necessary for the following public purpose, to wit: the construction and improvement of West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey 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, an Exclusive Perpetual Easement on property identified as Parcel 814A is necessary for the following purposes and uses: providing an unencumbered right-of-way for use as a canal and canal related purposes including, but not limited to, the use of same for ingress and egress purposes, excavation, removal of vegetation, irrigation, water control structures, berms and areas for maintenance and deposit of spoil, all quasi-utility type purposes, and for any such other purpose thereunto related, or in anywise appertaining: over, across, through and upon, under or within the parcel, as related to the construction and improvement to be undertaken by Palm Beach County as to West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey Road, adjacent thereto. The rights herein described shall not extent 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 West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey 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: Exclusive Perpetual 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:

Addie L. Greene, Chairperson	_____
Jeff Koons, Vice Chair	_____
Karen T. Marcus	_____
Warren H. Newell	_____
Mary McCarty	_____
Jess R. Santamaria	_____
Burt Aaronson	_____

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

SHARON R. BOCK,
Clerk and Comptroller

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: _____
County Attorney

EXHIBIT "A"

ATLANTIC AVENUE (SR806) FROM 1,330 FEET WEST OF LYONS TO ROAD TO STARKEY ROAD PALM BEACH COUNTY PROJECT NO.: 2004602

SAFETY

Atlantic Avenue is currently a two (2) lane rural roadway. The widening/reconstruction of this facility from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway, will improve the overall safety for all users of this roadway due to the construction of a depressed median to separate vehicles traveling in opposite directions. The design of this project has been done in accordance with the Florida Department of Transportation Standards and the Plans Preparation Manual, as adopted and approved by the Florida Department of Transportation (FDOT).

COST

The cost of improving Atlantic Avenue from west of Lyons Road to Starkey Road, from a two (2) lane to a four (4) lane divided roadway, was estimated during the early stages of design. The appropriate funding for design, right-of-way acquisition, and construction has been funded by an agreement between a contingent of local developers and Palm Beach County, and is currently held in escrow. During the design of the roadway, reasonable efforts were made to minimize the areas to be acquired through condemnation.

After considering Safety, Alternative Routes and Methodologies, Long Range Planning, and Environmental factors, the cost of the acquisition of the parcels for this project fits into the available escrow funds for this project, and the acquisition of the parcels is necessary in furtherance of this public project.

ALTERATIVE ROUTES

Atlantic Avenue is a heavily traveled roadway, which provides the most direct route for vehicles traveling in an east-west direction from State Road 7 to Florida's Turnpike through unincorporated Palm Beach County, west of Delray Beach, Florida. 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.

Alternative routes were not considered in lieu of improving Atlantic Avenue. Typical Section alternatives were developed by the FDOT to determine the most cost effective improvements which would result in the least amount of impact to local residents and businesses, while minimizing environmental impacts. Construction of an alternative route through this general area would most likely disrupt and displace numerous properties, resulting in significant damages and unnecessary environmental impacts.

LONG RANGE PLANNING

The development of this project is in conformance with Palm Beach County's 2030 Long Range Transportation System Plan. The 2030 Long Range Transportation System Plan is a 25-year forecast based on projected regional needs identified through the process of predicting 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 IMPACT

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

Below is a more detailed outline of the reasons for each type of acquisition needed for the improvement of Atlantic Avenue from 1,330 feet west of Lyons Road to Starkey Road.

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

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

The additional right-of-way is required to accommodate the roadway improvements for this project.

EASEMENT ACQUISITIONS FOR PERMANENT EASEMENTS

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

To accommodate the proposed roadway improvements, permanent easements are needed to accommodate roadway embankments which will occupy the adjacent property. The easements will grant access to the maintaining agency.

EASEMENT ACQUISITIONS FOR TEMPORARY CONSTRUCTION EASEMENTS

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

To accommodate the proposed roadway improvements, temporary construction easements are needed to allow reconstruction of existing points of ingress/egress to the adjacent property.

EASEMENT ACQUISITIONS FOR EXCLUSIVE PERPETUAL EASEMENTS

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

As a part of this project, the Lake Worth Drainage District (LWDD) has transferred certain property for the proposed roadway improvements. The L-34 canal, which is located south of the existing right-of-way of Atlantic Avenue, will be relocated further to the south to accommodate the proposed improvements. LWDD requires new easement areas to accommodate and maintain the relocated canal.

DESCRIPTION & SKETCH
PREPARED FOR:
PALM BEACH COUNTY, FLORIDA

LAKE WORTH DRAINAGE DISTRICT PARCEL 814A
ATLANTIC AVENUE (SR 806) BETWEEN HALF MILE ROAD & LYONS ROAD
PALM BEACH COUNTY, FLORIDA

LEGEND

DB	= DEED BOOK	POB	= POINT OF BEGINNING
ESMT.	= EASEMENT	POC	= POINT OF COMMENCEMENT
FDOT	= FLORIDA DEPARTMENT OF TRANSPORTATION	R/W	= RIGHT-OF-WAY
LWDD	= LAKE WORTH DRAINAGE DISTRICT	SEC.	= SECTION
ORB	= OFFICIAL RECORD BOOK	SF	= SQUARE FEET
PBC	= PALM BEACH COUNTY	SFWMD	= SOUTH FLORIDA WATER MANAGEMENT DISTRICT
PB	= PLAT BOOK	SR	= STATE ROAD
PG.	= PAGE		

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 19, TOWNSHIP 46 SOUTH, RANGE 42 EAST, BEING A PORTION OF ATLANTIC PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 14, PAGE 1 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 19; THENCE SOUTH 89°32'49" WEST, ALONG THE NORTH LINE OF SAID SECTION 19, A DISTANCE OF 416.45 FEET TO A POINT 13.43 FEET EAST OF THE PROLONGATION OF THE WEST LINE OF BLOCK 2 OF SAID ATLANTIC PARK; THENCE SOUTH 01°58'11" EAST, ALONG SAID LINE 13.43 FEET EAST OF THE WEST LINE OF BLOCK 2, A DISTANCE OF 52.61 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 01°58'11" EAST, A DISTANCE OF 33.72 FEET; THENCE SOUTH 89°32'49" WEST, A DISTANCE OF 455.82 FEET TO A POINT ON THE WEST LINE OF BLOCK 4 OF SAID ATLANTIC PARK; THENCE SOUTH 01°58'11" EAST, ALONG SAID WEST LINE OF BLOCK 4, A DISTANCE OF 32.71 FEET; THENCE SOUTH 89°32'49" WEST, A DISTANCE OF 15.00 FEET; THENCE NORTH 01°58'11" WEST, A DISTANCE OF 66.44 FEET; THENCE NORTH 89°32'49" EAST, A DISTANCE OF 214.75 FEET; THENCE SOUTH 01°48'20" EAST, ALONG THE EAST LINE OF TRACT 3 OF THE PALM BEACH FARMS COMPANY PLAT NO. 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 26 THROUGH 28 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 0.01 FEET; THENCE NORTH 89°32'49" EAST, A DISTANCE OF 256.08 FEET TO THE POINT OF BEGINNING.

CONTAINING 16365 SQUARE FEET OR 0.376 ACRES.

SURVEYOR'S NOTES

1. THIS DRAWING IS NOT A SURVEY.
2. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THIS OFFICE.
3. THE DESCRIPTION SKETCH AND THE DESCRIPTION TEXT COMPRISE THE COMPLETE LEGAL DESCRIPTION. THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH ACCOMPANY EACH OTHER.
4. THIS LEGAL DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER EMPLOYED BY WANTMAN GROUP, INC.
5. THE BEARINGS SHOWN HEREON ARE BASED ON THE NORTH LINE OF THE NORTHEAST ONE-QUARTER OF SECTION 19, TOWNSHIP 46 SOUTH, RANGE 42 EAST, WHICH BEARS SOUTH 89°32'49" WEST.

WANTMAN GROUP, INC.

Thomas R. Ditman
THOMAS R. DITMAN
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NUMBER 5763



Wantman Group, Inc.

Engineering ♦ Surveying ♦ Mapping
2035 VISTA PARKWAY, SUITE 100
WEST PALM BEACH, FL 33411
(561) 687-2220 phone
(561) 687-1110 fax
CERTIFICATION NUMBER 6091
LICENSED BUSINESS NUMBER 7055

CAD

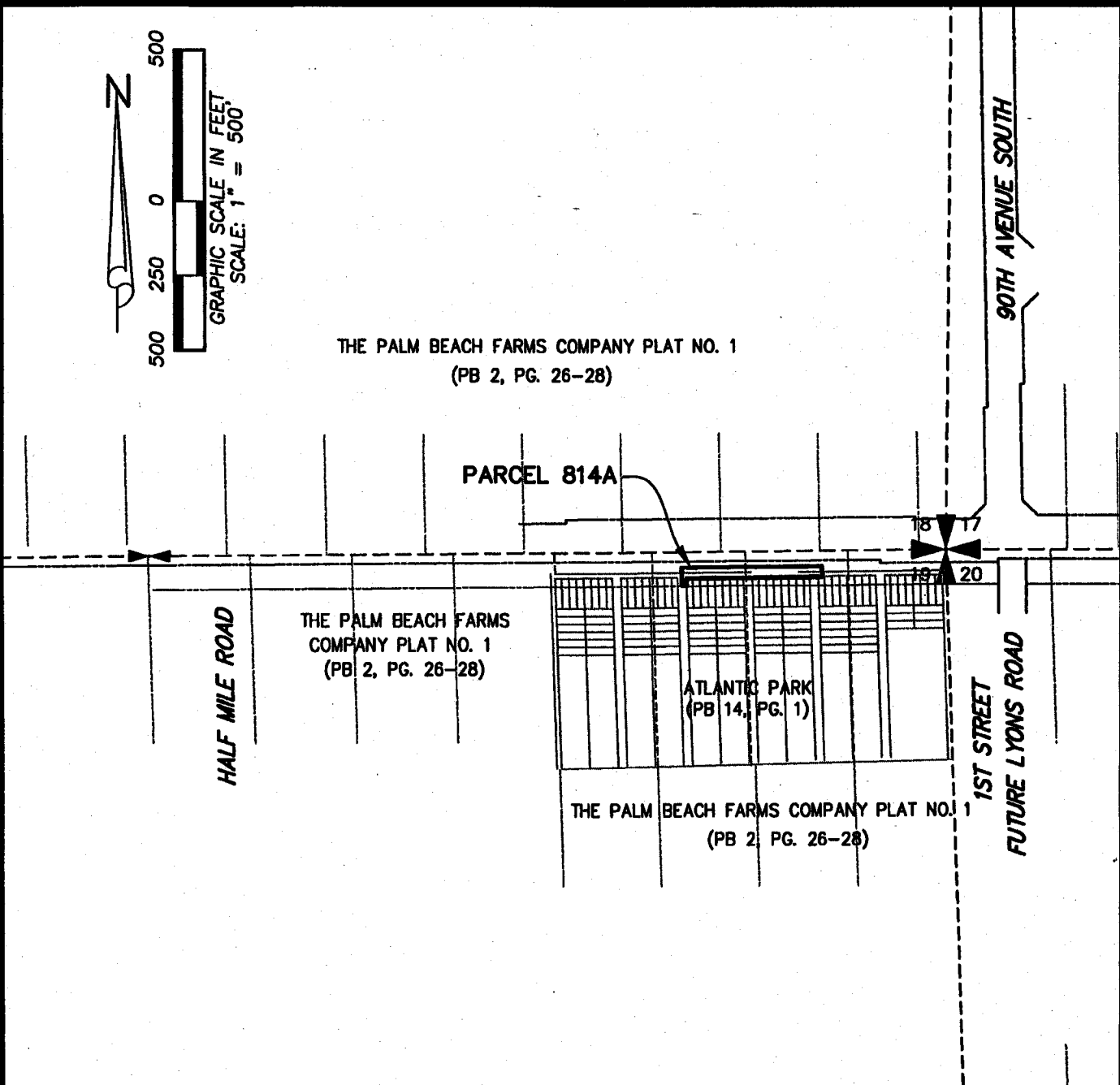
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REFERENCE

FIELD		JOB	204478.00
DRAWN BY	DPK	DATE	10/17/06
CHECKED BY	TRD	SHEET	1 OF 3

DESCRIPTION & SKETCH
PREPARED FOR:
PALM BEACH COUNTY, FLORIDA

LAKE WORTH DRAINAGE DISTRICT PARCEL 814A
ATLANTIC AVENUE (SR 806) BETWEEN HALF MILE ROAD & LYONS ROAD
PALM BEACH COUNTY, FLORIDA

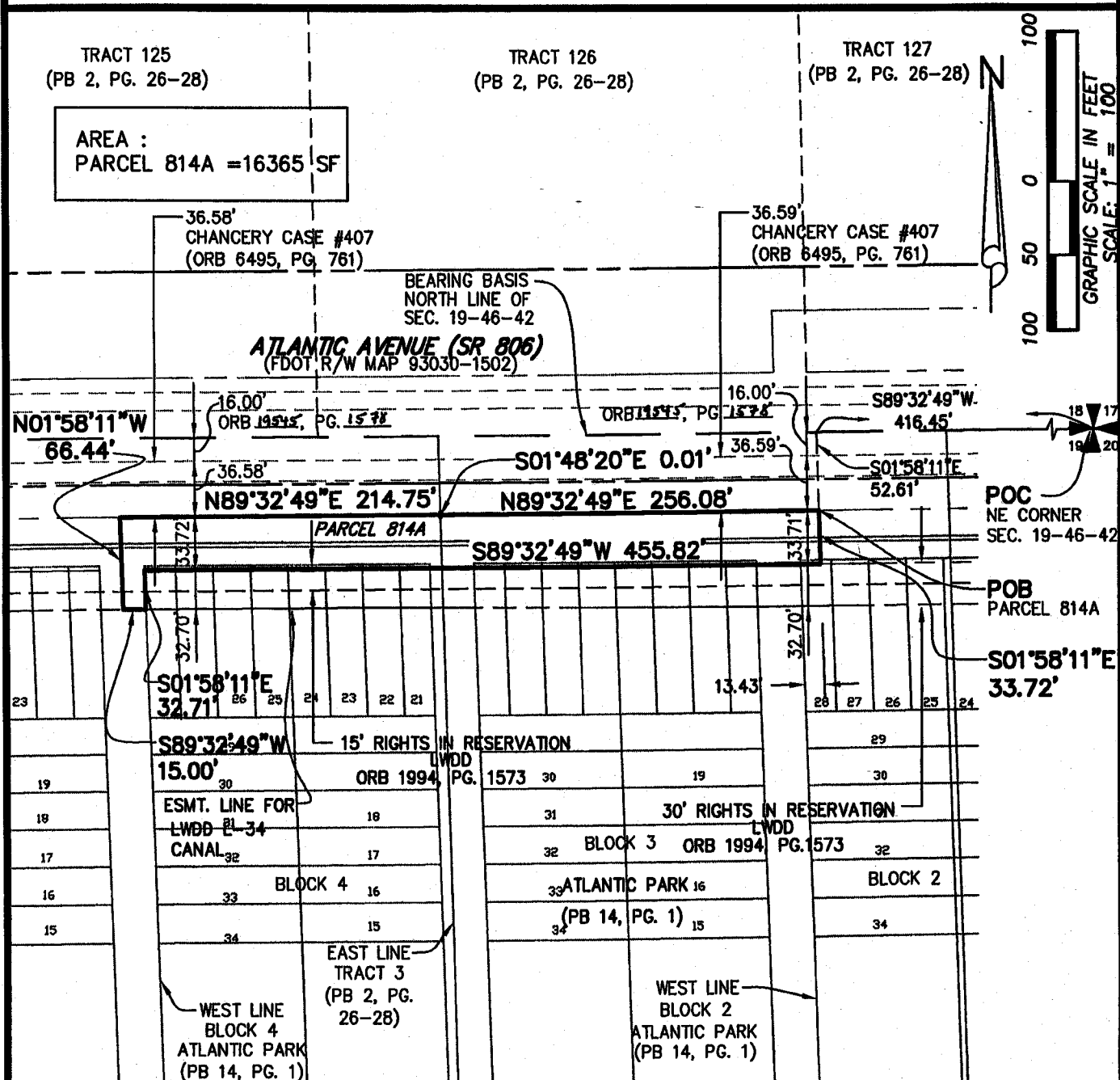


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REFERENCE	
FIELD	JOB 204478.00
DRAWN BY DPK	DATE 10/17/06
CHECKED BY TRD	SHEET 2 OF 3

DESCRIPTION & SKETCH
PREPARED FOR:
PALM BEACH COUNTY, FLORIDA

LAKE WORTH DRAINAGE DISTRICT PARCEL 814A
ATLANTIC AVENUE (SR 806) BETWEEN HALF MILE ROAD & LYONS ROAD
PALM BEACH COUNTY, FLORIDA



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CAD
T:\478 Atlantic Ave Design\DGN\survey\478SY814A.dwg
REFERENCE

FIELD		JOB 204478.00	
DRAWN BY	DPK	DATE	10/17/06
CHECKED BY	TRD	SHEET	3 OF 3

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 815 AS AN EXCLUSIVE PERPETUAL EASEMENT, NECESSARY FOR THE CONSTRUCTION AND IMPROVEMENT OF WEST ATLANTIC AVENUE, FROM 1,330 FEET WEST OF LYONS ROAD TO STARKEY 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 West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey 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 815 is necessary; and,

WHEREAS, this Board has considered the required factors under Florida Law, as they apply to Parcel 815, 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 815, which is more fully described in Exhibit "B", is necessary for the following public purpose, to wit: the construction and improvement of West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey 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, an Exclusive Perpetual Easement on property identified as Parcel 815 is necessary for the following purposes and uses: providing an unencumbered right-of-way for use as a canal and canal related purposes including, but not limited to, the use of same for ingress and egress purposes, excavation, removal of vegetation, irrigation, water control structures, berms and areas for maintenance and deposit of spoil, all quasi-utility type purposes, and for any such other purpose thereunto related, or in anywise appertaining: over, across, through and upon, under or within the parcel, as related to the construction and improvement to be undertaken by Palm Beach County as to West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey Road, adjacent thereto. The rights herein described shall not extent 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 West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey 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: Exclusive Perpetual 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:

Addie L. Greene, Chairperson	_____
Jeff Koons, Vice Chair	_____
Karen T. Marcus	_____
Warren H. Newell	_____
Mary McCarty	_____
Jess R. Santamaria	_____
Burt Aaronson	_____

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

SHARON R. BOCK,
Clerk and Comptroller

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: _____
County Attorney

EXHIBIT "A"

ATLANTIC AVENUE (SR806) FROM 1,330 FEET WEST OF LYONS TO ROAD TO STARKEY ROAD PALM BEACH COUNTY PROJECT NO.: 2004602

SAFETY

Atlantic Avenue is currently a two (2) lane rural roadway. The widening/reconstruction of this facility from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway, will improve the overall safety for all users of this roadway due to the construction of a depressed median to separate vehicles traveling in opposite directions. The design of this project has been done in accordance with the Florida Department of Transportation Standards and the Plans Preparation Manual, as adopted and approved by the Florida Department of Transportation (FDOT).

COST

The cost of improving Atlantic Avenue from west of Lyons Road to Starkey Road, from a two (2) lane to a four (4) lane divided roadway, was estimated during the early stages of design. The appropriate funding for design, right-of-way acquisition, and construction has been funded by an agreement between a contingent of local developers and Palm Beach County, and is currently held in escrow. During the design of the roadway, reasonable efforts were made to minimize the areas to be acquired through condemnation.

After considering Safety, Alternative Routes and Methodologies, Long Range Planning, and Environmental factors, the cost of the acquisition of the parcels for this project fits into the available escrow funds for this project, and the acquisition of the parcels is necessary in furtherance of this public project.

ALTERNATIVE ROUTES

Atlantic Avenue is a heavily traveled roadway, which provides the most direct route for vehicles traveling in an east-west direction from State Road 7 to Florida's Turnpike through unincorporated Palm Beach County, west of Delray Beach, Florida. 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.

Alternative routes were not considered in lieu of improving Atlantic Avenue. Typical Section alternatives were developed by the FDOT to determine the most cost effective improvements which would result in the least amount of impact to local residents and businesses, while minimizing environmental impacts. Construction of an alternative route through this general area would most likely disrupt and displace numerous properties, resulting in significant damages and unnecessary environmental impacts.

LONG RANGE PLANNING

The development of this project is in conformance with Palm Beach County's 2030 Long Range Transportation System Plan. The 2030 Long Range Transportation System Plan is a 25-year forecast based on projected regional needs identified through the process of predicting 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 IMPACT

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

Below is a more detailed outline of the reasons for each type of acquisition needed for the improvement of Atlantic Avenue from 1,330 feet west of Lyons Road to Starkey Road.

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

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

The additional right-of-way is required to accommodate the roadway improvements for this project.

EASEMENT ACQUISITIONS FOR PERMANENT EASEMENTS

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

To accommodate the proposed roadway improvements, permanent easements are needed to accommodate roadway embankments which will occupy the adjacent property. The easements will grant access to the maintaining agency.

EASEMENT ACQUISITIONS FOR TEMPORARY CONSTRUCTION EASEMENTS

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

To accommodate the proposed roadway improvements, temporary construction easements are needed to allow reconstruction of existing points of ingress/egress to the adjacent property.

EASEMENT ACQUISITIONS FOR EXCLUSIVE PERPETUAL EASEMENTS

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

As a part of this project, the Lake Worth Drainage District (LWDD) has transferred certain property for the proposed roadway improvements. The L-34 canal, which is located south of the existing right-of-way of Atlantic Avenue, will be relocated further to the south to accommodate the proposed improvements. LWDD requires new easement areas to accommodate and maintain the relocated canal.

DESCRIPTION & SKETCH
PREPARED FOR:
PALM BEACH COUNTY, FLORIDA

LAKE WORTH DRAINAGE DISTRICT PARCEL 815
ATLANTIC AVENUE (SR 806) BETWEEN HALF MILE ROAD & LYONS ROAD
PALM BEACH COUNTY, FLORIDA

LEGEND

DB	= DEED BOOK	PG.	= PAGE
EDD	= EVERGLADES DRAINAGE DISTRICT	POB	= POINT OF BEGINNING
ESMT.	= EASEMENT	POC	= POINT OF COMMENCEMENT
FDOT	= FLORIDA DEPARTMENT OF TRANSPORTATION	R/W	= RIGHT-OF-WAY
LWDD	= LAKE WORTH DRAINAGE DISTRICT	SEC.	= SECTION
ORB	= OFFICIAL RECORD BOOK	SF	= SQUARE FEET
PBC	= PALM BEACH COUNTY	SFMD	= SOUTH FLORIDA WATER MANAGEMENT DISTRICT
PB	= PLAT BOOK	SR	= STATE ROAD

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 19, TOWNSHIP 46 SOUTH, RANGE 42 EAST, BEING A PORTION OF, ATLANTIC PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 14, PAGE 1 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 19; THENCE SOUTH 01°52'16" EAST, ALONG THE EAST LINE OF SAID SECTION 19, A DISTANCE OF 119.04 FEET; THENCE SOUTH 89°32'49" WEST, A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89°32'49" WEST, A DISTANCE OF 401.24 FEET TO A POINT ON A LINE 13.43 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF BLOCK 2 OF SAID ATLANTIC PARK; THENCE NORTH 01°58'11" WEST, ALONG SAID PARALLEL LINE, A DISTANCE OF 32.71 FEET; THENCE NORTH 89°32'49" EAST, A DISTANCE OF 401.30 FEET; THENCE SOUTH 01°52'16" EAST, A DISTANCE OF 32.71 FEET TO THE POINT OF BEGINNING.

CONTAINING 13121 SQUARE FEET OR 0.301 ACRES.

SURVEYOR'S NOTES

1. THIS DRAWING IS NOT A SURVEY.
2. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THIS OFFICE.
3. THE DESCRIPTION SKETCH AND THE DESCRIPTION TEXT COMPRISE THE COMPLETE LEGAL DESCRIPTION. THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH ACCOMPANY EACH OTHER.
4. THIS LEGAL DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER EMPLOYED BY WANTMAN GROUP, INC.
5. THE BEARINGS SHOWN HEREON ARE BASED ON THE NORTH LINE OF THE NORTHEAST ONE-QUARTER OF SECTION 19, TOWNSHIP 46 SOUTH, RANGE 42 EAST, WHICH BEARS SOUTH 89°32'49" WEST.

WANTMAN GROUP, INC.

Thomas R. Dittman
THOMAS R. DITTMAN
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NUMBER 5763



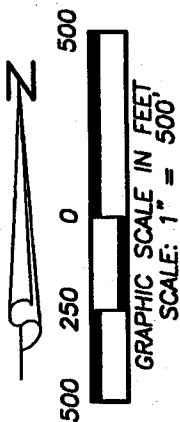
Wantman Group, Inc.
Engineering ♦ Surveying ♦ Mapping
2035 VISTA PARKWAY, SUITE 100
WEST PALM BEACH, FL 33411
(561) 687-2220 phone
(561) 687-1110 fax
CERTIFICATION NUMBER 8091
LICENSED BUSINESS NUMBER 7055

CAD
T:\478 Atlantic Ave Design\DGN\survey\478SY815.dwg
REFERENCE

FIELD	JOB	204478.00
DRAWN BY	DPK	DATE 10/17/06
CHECKED BY	TRD	SHEET 1 OF 3

DESCRIPTION & SKETCH
PREPARED FOR:
PALM BEACH COUNTY, FLORIDA

LAKE WORTH DRAINAGE DISTRICT PARCEL 815
ATLANTIC AVENUE (SR 806) BETWEEN HALF MILE ROAD & LYONS ROAD
PALM BEACH COUNTY, FLORIDA



THE PALM BEACH FARMS COMPANY PLAT NO. 1
(PB 2, PG. 26-28)

PARCEL 815

HALF MILE ROAD

THE PALM BEACH FARMS
COMPANY PLAT NO. 1
(PB 2, PG. 26-28)

ATLANTIC PARK
(PB 14, PG. 1)

THE PALM BEACH FARMS COMPANY PLAT NO. 1
(PB 2, PG. 26-28)

90TH AVENUE SOUTH

1ST STREET
FUTURE LYONS ROAD



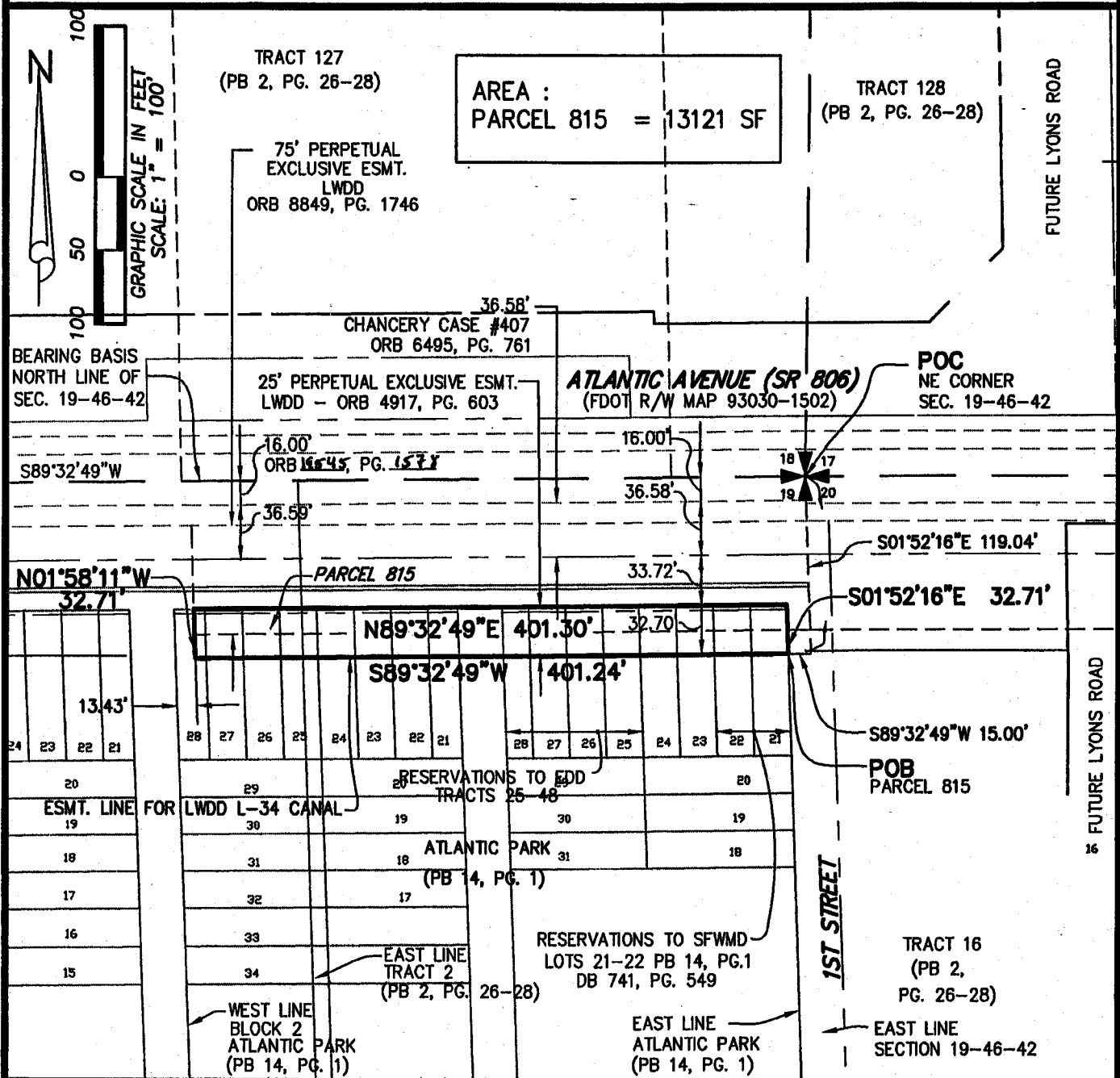
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REFERENCE

FIELD	JOB	204478.00
DRAWN BY	DPK	DATE 10/17/06
CHECKED BY	TRD	SHEET 2 OF 3

DESCRIPTION & SKETCH
PREPARED FOR:
PALM BEACH COUNTY, FLORIDA

LAKE WORTH DRAINAGE DISTRICT PARCEL 815
ATLANTIC AVENUE (SR 806) BETWEEN HALF MILE ROAD & LYONS ROAD
PALM BEACH COUNTY, FLORIDA



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REFERENCE

FIELD	JOB	204478.00
DRAWN BY	DPK	DATE 10/17/06
CHECKED BY	TRD	SHEET 3 OF 3

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 815A AS AN EXCLUSIVE PERPETUAL EASEMENT, NECESSARY FOR THE CONSTRUCTION AND IMPROVEMENT OF WEST ATLANTIC AVENUE, FROM 1,330 FEET WEST OF LYONS ROAD TO STARKEY 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 West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey 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 815A is necessary; and,

WHEREAS, this Board has considered the required factors under Florida Law, as they apply to Parcel 815A, 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 815A, which is more fully described in Exhibit "B", is necessary for the following public purpose, to wit: the construction and improvement of West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey 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, an Exclusive Perpetual Easement on property identified as Parcel 815A is necessary for the following purposes and uses: providing an unencumbered right-of-way for use as a canal and canal related purposes including, but not limited to, the use of same for ingress and egress purposes, excavation, removal of vegetation, irrigation, water control structures, berms and areas for maintenance and deposit of spoil, all quasi-utility type purposes, and for any such other purpose thereunto related, or in anywise appertaining: over, across, through and upon, under or within the parcel, as related to the construction and improvement to be undertaken by Palm Beach County as to West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey Road, adjacent thereto. The rights herein described shall not extent 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 West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey 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: Exclusive Perpetual 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:

Addie L. Greene, Chairperson	_____
Jeff Koons, Vice Chair	_____
Karen T. Marcus	_____
Warren H. Newell	_____
Mary McCarty	_____
Jess R. Santamaria	_____
Burt Aaronson	_____

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

SHARON R. BOCK,
Clerk and Comptroller

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: _____
County Attorney

EXHIBIT "A"

ATLANTIC AVENUE (SR806) FROM 1,330 FEET WEST OF LYONS TO ROAD TO STARKEY ROAD PALM BEACH COUNTY PROJECT NO.: 2004602

SAFETY

Atlantic Avenue is currently a two (2) lane rural roadway. The widening/reconstruction of this facility from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway, will improve the overall safety for all users of this roadway due to the construction of a depressed median to separate vehicles traveling in opposite directions. The design of this project has been done in accordance with the Florida Department of Transportation Standards and the Plans Preparation Manual, as adopted and approved by the Florida Department of Transportation (FDOT).

COST

The cost of improving Atlantic Avenue from west of Lyons Road to Starkey Road, from a two (2) lane to a four (4) lane divided roadway, was estimated during the early stages of design. The appropriate funding for design, right-of-way acquisition, and construction has been funded by an agreement between a contingent of local developers and Palm Beach County, and is currently held in escrow. During the design of the roadway, reasonable efforts were made to minimize the areas to be acquired through condemnation.

After considering Safety, Alternative Routes and Methodologies, Long Range Planning, and Environmental factors, the cost of the acquisition of the parcels for this project fits into the available escrow funds for this project, and the acquisition of the parcels is necessary in furtherance of this public project.

ALTERNATIVE ROUTES

Atlantic Avenue is a heavily traveled roadway, which provides the most direct route for vehicles traveling in an east-west direction from State Road 7 to Florida's Turnpike through unincorporated Palm Beach County, west of Delray Beach, Florida. 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.

Alternative routes were not considered in lieu of improving Atlantic Avenue. Typical Section alternatives were developed by the FDOT to determine the most cost effective improvements which would result in the least amount of impact to local residents and businesses, while minimizing environmental impacts. Construction of an alternative route through this general area would most likely disrupt and displace numerous properties, resulting in significant damages and unnecessary environmental impacts.

LONG RANGE PLANNING

The development of this project is in conformance with Palm Beach County's 2030 Long Range Transportation System Plan. The 2030 Long Range Transportation System Plan is a 25-year forecast based on projected regional needs identified through the process of predicting 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 IMPACT

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

Below is a more detailed outline of the reasons for each type of acquisition needed for the improvement of Atlantic Avenue from 1,330 feet west of Lyons Road to Starkey Road.

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

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

The additional right-of-way is required to accommodate the roadway improvements for this project.

EASEMENT ACQUISITIONS FOR PERMANENT EASEMENTS

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

To accommodate the proposed roadway improvements, permanent easements are needed to accommodate roadway embankments which will occupy the adjacent property. The easements will grant access to the maintaining agency.

EASEMENT ACQUISITIONS FOR TEMPORARY CONSTRUCTION EASEMENTS

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

To accommodate the proposed roadway improvements, temporary construction easements are needed to allow reconstruction of existing points of ingress/egress to the adjacent property.

EASEMENT ACQUISITIONS FOR EXCLUSIVE PERPETUAL EASEMENTS

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

As a part of this project, the Lake Worth Drainage District (LWDD) has transferred certain property for the proposed roadway improvements. The L-34 canal, which is located south of the existing right-of-way of Atlantic Avenue, will be relocated further to the south to accommodate the proposed improvements. LWDD requires new easement areas to accommodate and maintain the relocated canal.

DESCRIPTION & SKETCH
PREPARED FOR:
PALM BEACH COUNTY, FLORIDA

LAKE WORTH DRAINAGE DISTRICT PARCEL 815A
ATLANTIC AVENUE (SR 806) BETWEEN HALF MILE ROAD & LYONS ROAD
PALM BEACH COUNTY, FLORIDA

LEGEND

DB	= DEED BOOK	PG.	= PAGE
EDO	= EVERGLADES DRAINAGE DISTRICT	POB	= POINT OF BEGINNING
ESMT.	= EASEMENT	POC	= POINT OF COMMENCEMENT
FDOT	= FLORIDA DEPARTMENT OF TRANSPORTATION	R/W	= RIGHT-OF-WAY
LWDD	= LAKE WORTH DRAINAGE DISTRICT	SEC.	= SECTION
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PBC	= PALM BEACH COUNTY	SFWM	= SOUTH FLORIDA WATER MANAGEMENT DISTRICT
PB	= PLAT BOOK	SR	= STATE ROAD

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 19, TOWNSHIP 46 SOUTH, RANGE 42 EAST, BEING A PORTION OF, ATLANTIC PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 14, PAGE 1 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 19; THENCE SOUTH 01°52'16" EAST, ALONG THE EAST LINE OF SAID SECTION 19, A DISTANCE OF 52.60 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 01°52'16" EAST, ALONG SAID EAST LINE OF SECTION 19, A DISTANCE OF 66.44 FEET; THENCE SOUTH 89°32'49" WEST, A DISTANCE OF 15.00 FEET; THENCE NORTH 01°52'16" WEST, A DISTANCE OF 32.71 FEET; THENCE SOUTH 89°32'49" WEST, A DISTANCE OF 401.30 FEET TO A POINT ON A LINE 13.43 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF BLOCK 2 OF SAID ATLANTIC PARK; THENCE NORTH 01°58'11" WEST, ALONG SAID PARALLEL LINE, A DISTANCE OF 33.72 FEET; THENCE NORTH 89°32'49" EAST, A DISTANCE OF 72.68 FEET; THENCE NORTH 01°50'19" WEST ALONG THE EAST LINE OF TRACT 2 OF THE PALM BEACH FARMS COMPANY PLAT NO. 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 26 THROUGH 28 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 0.01 FEET; THENCE NORTH 89°32'49" EAST, A DISTANCE OF 343.67 FEET TO THE POINT OF BEGINNING.

CONTAINING 14528 SQUARE FEET OR 0.334 ACRES.

SURVEYOR'S NOTES

1. THIS DRAWING IS NOT A SURVEY.
2. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THIS OFFICE.
3. THE DESCRIPTION SKETCH AND THE DESCRIPTION TEXT COMPRISE THE COMPLETE LEGAL DESCRIPTION. THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH ACCOMPANY EACH OTHER.
4. THIS LEGAL DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER EMPLOYED BY WANTMAN GROUP, INC.
5. THE BEARINGS SHOWN HEREON ARE BASED ON THE NORTH LINE OF THE NORTHEAST ONE-QUARTER OF SECTION 19, TOWNSHIP 46 SOUTH, RANGE 42 EAST, WHICH BEARS SOUTH 89°32'49" WEST.

WANTMAN GROUP, INC.

Thomas R. Dittman
THOMAS R. DITTMAN
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NUMBER 5763

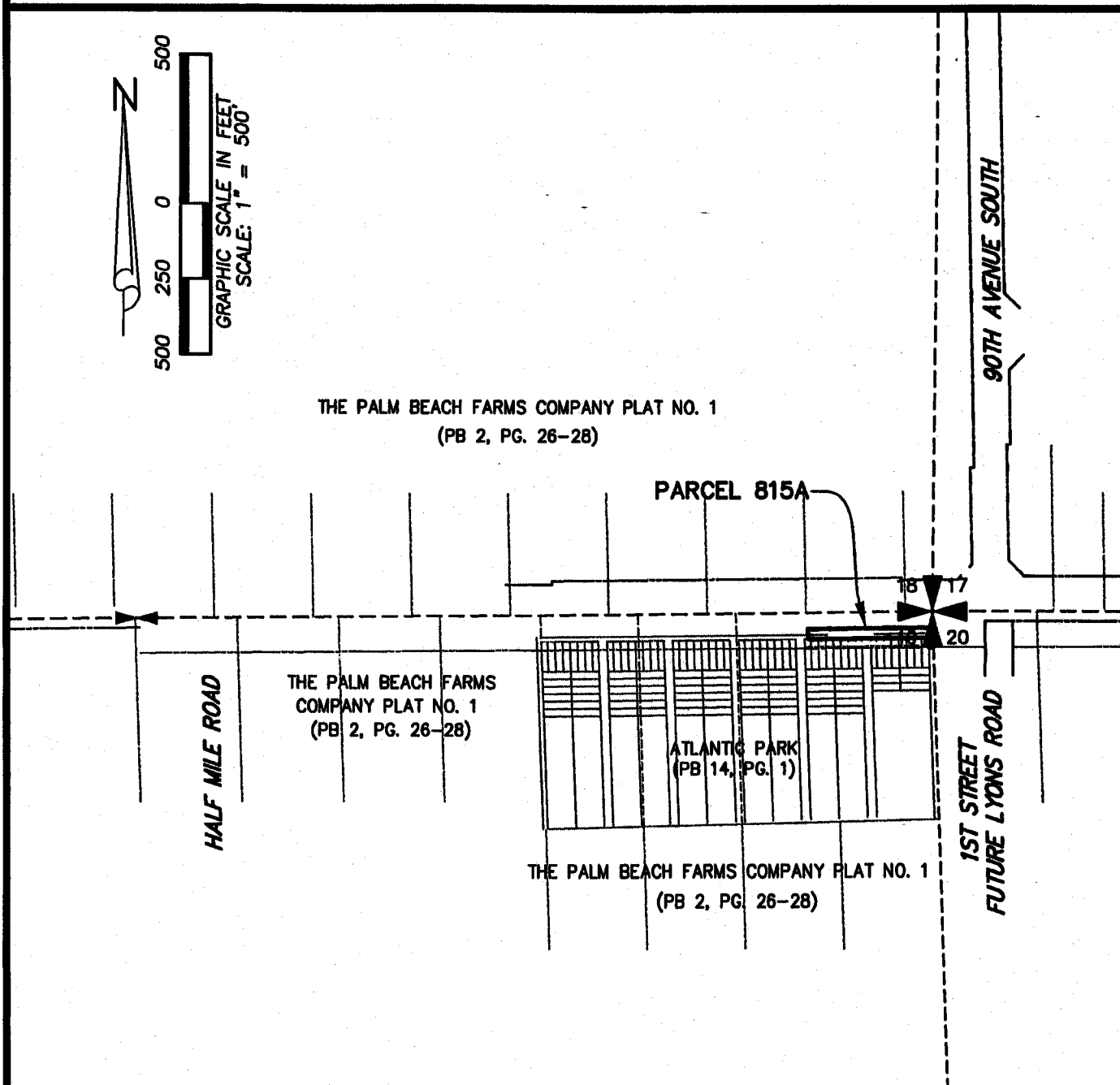


Wantman Group, Inc.
Engineering ♦ Surveying ♦ Mapping
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(561) 687-2220 phone
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CERTIFICATION NUMBER 8091
LICENSED BUSINESS NUMBER 7055

CAD T:\478 Atlantic Ave Design\DGN\survey\478SY815A.dwg	
REFERENCE	
FIELD	JOB 204478.00
DRAWN BY DPK	DATE 10/17/08
CHECKED BY TRD	SHEET 1 OF 3

DESCRIPTION & SKETCH
PREPARED FOR:
PALM BEACH COUNTY, FLORIDA

LAKE WORTH DRAINAGE DISTRICT PARCEL 815A
ATLANTIC AVENUE (SR 806) BETWEEN HALF MILE ROAD & LYONS ROAD
PALM BEACH COUNTY, FLORIDA

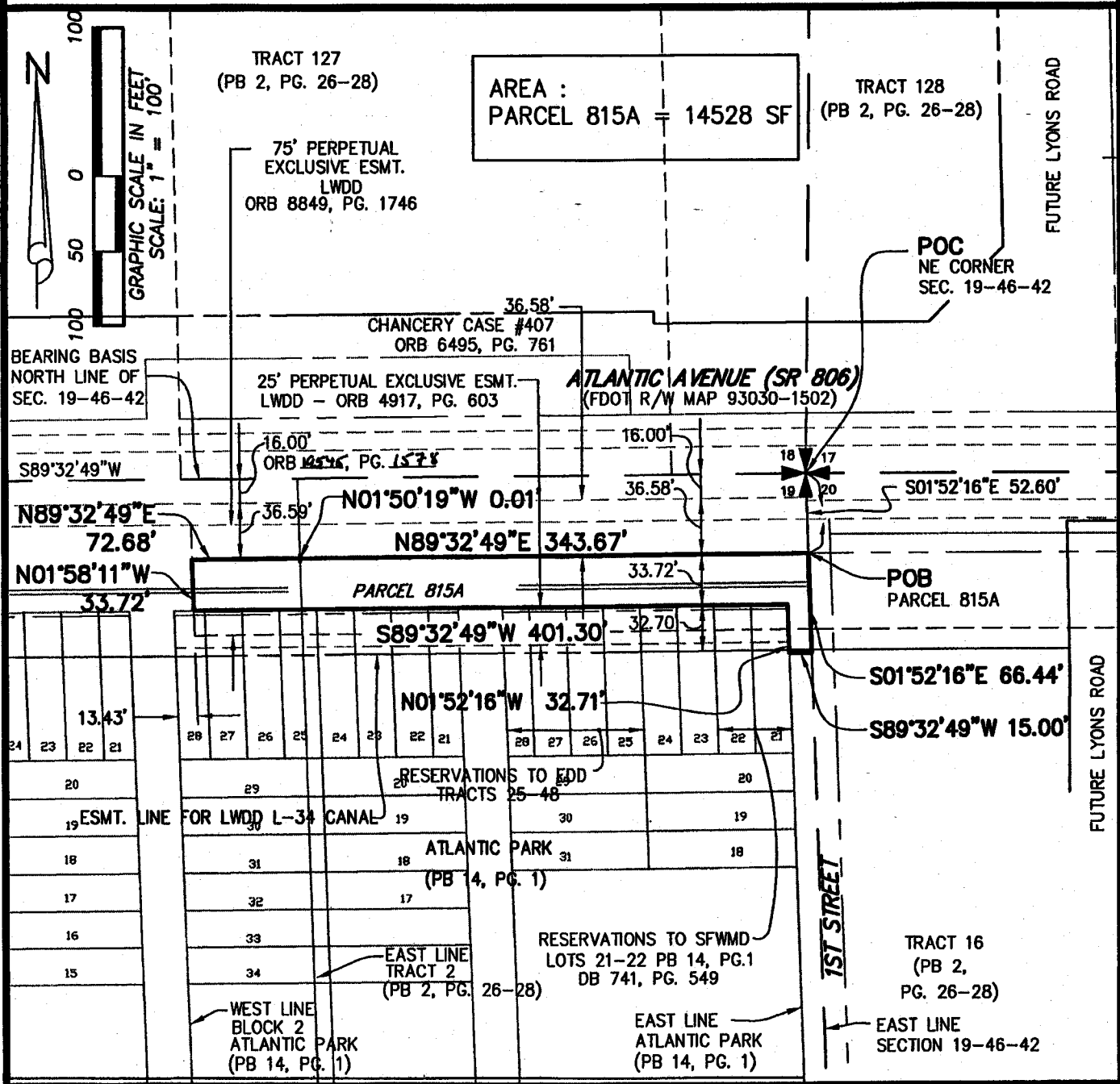


Wantman Group, Inc.
Engineering ♦ Surveying ♦ Mapping
2035 VISTA PARKWAY, SUITE 100
WEST PALM BEACH, FL 33411
(561) 687-2220 phone
(561) 687-1110 fax
CERTIFICATION NUMBER 6091
LICENSED BUSINESS NUMBER 7055

CAD T:\478 Atlantic Ave Design\DGN\survey\478SY815A.dwg	
REFERENCE	
FIELD	JOB 204478.00
DRAWN BY DPK	DATE 10/17/06
CHECKED BY TRD	SHEET 2 OF 3

DESCRIPTION & SKETCH
PREPARED FOR:
PALM BEACH COUNTY, FLORIDA

LAKE WORTH DRAINAGE DISTRICT PARCEL 815A
ATLANTIC AVENUE (SR 806) BETWEEN HALF MILE ROAD & LYONS ROAD
PALM BEACH COUNTY, FLORIDA



W Wantman Group, Inc.
Engineering ♦ Surveying ♦ Mapping
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WEST PALM BEACH, FL 33411
(561) 687-2220 phone
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REFERENCE	
FIELD	JOB 204478.00
DRAWN BY DPK	DATE 10/17/06
CHECKED BY TRD	SHEET 3 OF 3

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 816 AS AN EXCLUSIVE PERPETUAL EASEMENT, NECESSARY FOR THE CONSTRUCTION AND IMPROVEMENT OF WEST ATLANTIC AVENUE, FROM 1,330 FEET WEST OF LYONS ROAD TO STARKEY 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 West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey 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 816 is necessary; and,

WHEREAS, this Board has considered the required factors under Florida Law, as they apply to Parcel 816, 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 816, which is more fully described in Exhibit "B", is necessary for the following public purpose, to wit: the construction and improvement of West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey 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, an Exclusive Perpetual Easement on property identified as Parcel 816 is necessary for the following purposes and uses: providing an unencumbered right-of-way for use as a canal and canal related purposes including, but not limited to, the use of same for ingress and egress purposes, excavation, removal of vegetation, irrigation, water control structures, berms and areas for maintenance and deposit of spoil, all quasi-utility type purposes, and for any such other purpose thereunto related, or in anywise appertaining: over, across, through and upon, under or within the parcel, as related to the construction and improvement to be undertaken by Palm Beach County as to West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey Road, adjacent thereto. The rights herein described shall not extent 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 West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey 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: Exclusive Perpetual 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:

Addie L. Greene, Chairperson	_____
Jeff Koons, Vice Chair	_____
Karen T. Marcus	_____
Warren H. Newell	_____
Mary McCarty	_____
Jess R. Santamaria	_____
Burt Aaronson	_____

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

SHARON R. BOCK,
Clerk and Comptroller

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: _____
County Attorney

EXHIBIT "A"

ATLANTIC AVENUE (SR806) FROM 1,330 FEET WEST OF LYONS TO ROAD TO STARKEY ROAD PALM BEACH COUNTY PROJECT NO.: 2004602

SAFETY

Atlantic Avenue is currently a two (2) lane rural roadway. The widening/reconstruction of this facility from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway, will improve the overall safety for all users of this roadway due to the construction of a depressed median to separate vehicles traveling in opposite directions. The design of this project has been done in accordance with the Florida Department of Transportation Standards and the Plans Preparation Manual, as adopted and approved by the Florida Department of Transportation (FDOT).

COST

The cost of improving Atlantic Avenue from west of Lyons Road to Starkey Road, from a two (2) lane to a four (4) lane divided roadway, was estimated during the early stages of design. The appropriate funding for design, right-of-way acquisition, and construction has been funded by an agreement between a contingent of local developers and Palm Beach County, and is currently held in escrow. During the design of the roadway, reasonable efforts were made to minimize the areas to be acquired through condemnation.

After considering Safety, Alternative Routes and Methodologies, Long Range Planning, and Environmental factors, the cost of the acquisition of the parcels for this project fits into the available escrow funds for this project, and the acquisition of the parcels is necessary in furtherance of this public project.

ALTERNATIVE ROUTES

Atlantic Avenue is a heavily traveled roadway, which provides the most direct route for vehicles traveling in an east-west direction from State Road 7 to Florida's Turnpike through unincorporated Palm Beach County, west of Delray Beach, Florida. 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.

Alternative routes were not considered in lieu of improving Atlantic Avenue. Typical Section alternatives were developed by the FDOT to determine the most cost effective improvements which would result in the least amount of impact to local residents and businesses, while minimizing environmental impacts. Construction of an alternative route through this general area would most likely disrupt and displace numerous properties, resulting in significant damages and unnecessary environmental impacts.

LONG RANGE PLANNING

The development of this project is in conformance with Palm Beach County's 2030 Long Range Transportation System Plan. The 2030 Long Range Transportation System Plan is a 25-year forecast based on projected regional needs identified through the process of predicting 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 IMPACT

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

Below is a more detailed outline of the reasons for each type of acquisition needed for the improvement of Atlantic Avenue from 1,330 feet west of Lyons Road to Starkey Road.

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

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

The additional right-of-way is required to accommodate the roadway improvements for this project.

EASEMENT ACQUISITIONS FOR PERMANENT EASEMENTS

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

To accommodate the proposed roadway improvements, permanent easements are needed to accommodate roadway embankments which will occupy the adjacent property. The easements will grant access to the maintaining agency.

EASEMENT ACQUISITIONS FOR TEMPORARY CONSTRUCTION EASEMENTS

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

To accommodate the proposed roadway improvements, temporary construction easements are needed to allow reconstruction of existing points of ingress/egress to the adjacent property.

EASEMENT ACQUISITIONS FOR EXCLUSIVE PERPETUAL EASEMENTS

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

As a part of this project, the Lake Worth Drainage District (LWDD) has transferred certain property for the proposed roadway improvements. The L-34 canal, which is located south of the existing right-of-way of Atlantic Avenue, will be relocated further to the south to accommodate the proposed improvements. LWDD requires new easement areas to accommodate and maintain the relocated canal.

DESCRIPTION & SKETCH
PREPARED FOR:
PALM BEACH COUNTY, FLORIDA

LAKE WORTH DRAINAGE DISTRICT PARCEL 816
ATLANTIC AVENUE (SR 806) BETWEEN HALF MILE ROAD & LYONS ROAD
PALM BEACH COUNTY, FLORIDA

LEGEND

DB	= DEED BOOK	POB	= POINT OF BEGINNING
ESMT.	= EASEMENT	POC	= POINT OF COMMENCEMENT
FDOT	= FLORIDA DEPARTMENT OF TRANSPORTATION	R/W	= RIGHT-OF-WAY
LWDD	= LAKE WORTH DRAINAGE DISTRICT	SEC.	= SECTION
ORB	= OFFICIAL RECORD BOOK	SF	= SQUARE FEET
PBC	= PALM BEACH COUNTY	SFWMD	= SOUTH FLORIDA WATER MANAGEMENT DISTRICT
PB	= PLAT BOOK	SR	= STATE ROAD
PG.	= PAGE		

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 19, TOWNSHIP 46 SOUTH, RANGE 42 EAST, BEING A PORTION OF ATLANTIC PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 14, PAGE 1 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 19; THENCE SOUTH 89°32'49" WEST, ALONG THE NORTH LINE OF SAID SECTION 19, A DISTANCE OF 887.28 FEET; THENCE SOUTH 01°58'11" EAST, A DISTANCE OF 119.04 FEET; THENCE SOUTH 89°32'49" WEST, A DISTANCE OF 15.00 FEET TO A POINT ON THE EAST LINE OF BLOCK 5 OF SAID ATLANTIC PARK, SAID POINT BEING THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89°32'49" WEST, A DISTANCE OF 191.19 FEET TO A POINT ON THE WEST LINE OF SAID BLOCK 5; THENCE NORTH 01°58'11" WEST, ALONG SAID WEST LINE, A DISTANCE OF 32.71; THENCE NORTH 89°32'49" EAST, A DISTANCE OF 191.19 FEET TO A POINT ON THE EAST LINE OF SAID BLOCK 5; THENCE SOUTH 01°58'11" EAST, ALONG SAID EAST LINE, A DISTANCE OF 32.71 FEET TO THE POINT OF BEGINNING.

CONTAINING 6252 SQUARE FEET OR 0.144 ACRES.

SURVEYOR'S NOTES

1. THIS DRAWING IS NOT A SURVEY.
2. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THIS OFFICE.
3. THE DESCRIPTION SKETCH AND THE DESCRIPTION TEXT COMPRISE THE COMPLETE LEGAL DESCRIPTION. THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH ACCOMPANY EACH OTHER.
4. THIS LEGAL DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER EMPLOYED BY WANTMAN GROUP, INC.
5. THE BEARINGS SHOWN HEREON ARE BASED ON THE NORTH LINE OF THE NORTHEAST ONE-QUARTER OF SECTION 19, TOWNSHIP 46 SOUTH, RANGE 42 EAST, WHICH BEARS SOUTH 89°32'49" WEST.

WANTMAN GROUP, INC.

Thomas R. Deltman
THOMAS R. DELTMAN
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NUMBER 5763



Wantman Group, Inc.

Engineering ♦ Surveying ♦ Mapping
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CERTIFICATION NUMBER 6091
LICENSED BUSINESS NUMBER 7055

CAD

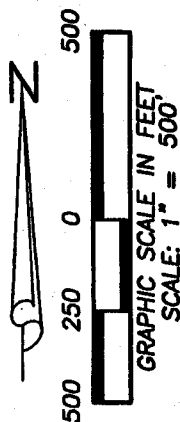
T:\478 Atlantic Ave Design\DGN\survey\478SY816.dwg

REFERENCE

FIELD	JOB	204478.00
DRAWN BY	DPK	DATE 10/17/06
CHECKED BY	TRD	SHEET 1 OF 3

DESCRIPTION & SKETCH
PREPARED FOR:
PALM BEACH COUNTY, FLORIDA

LAKE WORTH DRAINAGE DISTRICT PARCEL 816
ATLANTIC AVENUE (SR 806) BETWEEN HALF MILE ROAD & LYONS ROAD
PALM BEACH COUNTY, FLORIDA



THE PALM BEACH FARMS COMPANY PLAT NO. 1
(PB 2, PG. 26-28)

PARCEL 816

HALF MILE ROAD

THE PALM BEACH FARMS
COMPANY PLAT NO. 1
(PB 2, PG. 26-28)

ATLANTIC PARK
(PB 14, PG. 1)

THE PALM BEACH FARMS COMPANY PLAT NO. 1
(PB 2, PG. 26-28)

90TH AVENUE SOUTH
1ST STREET
FUTURE LYONS ROAD

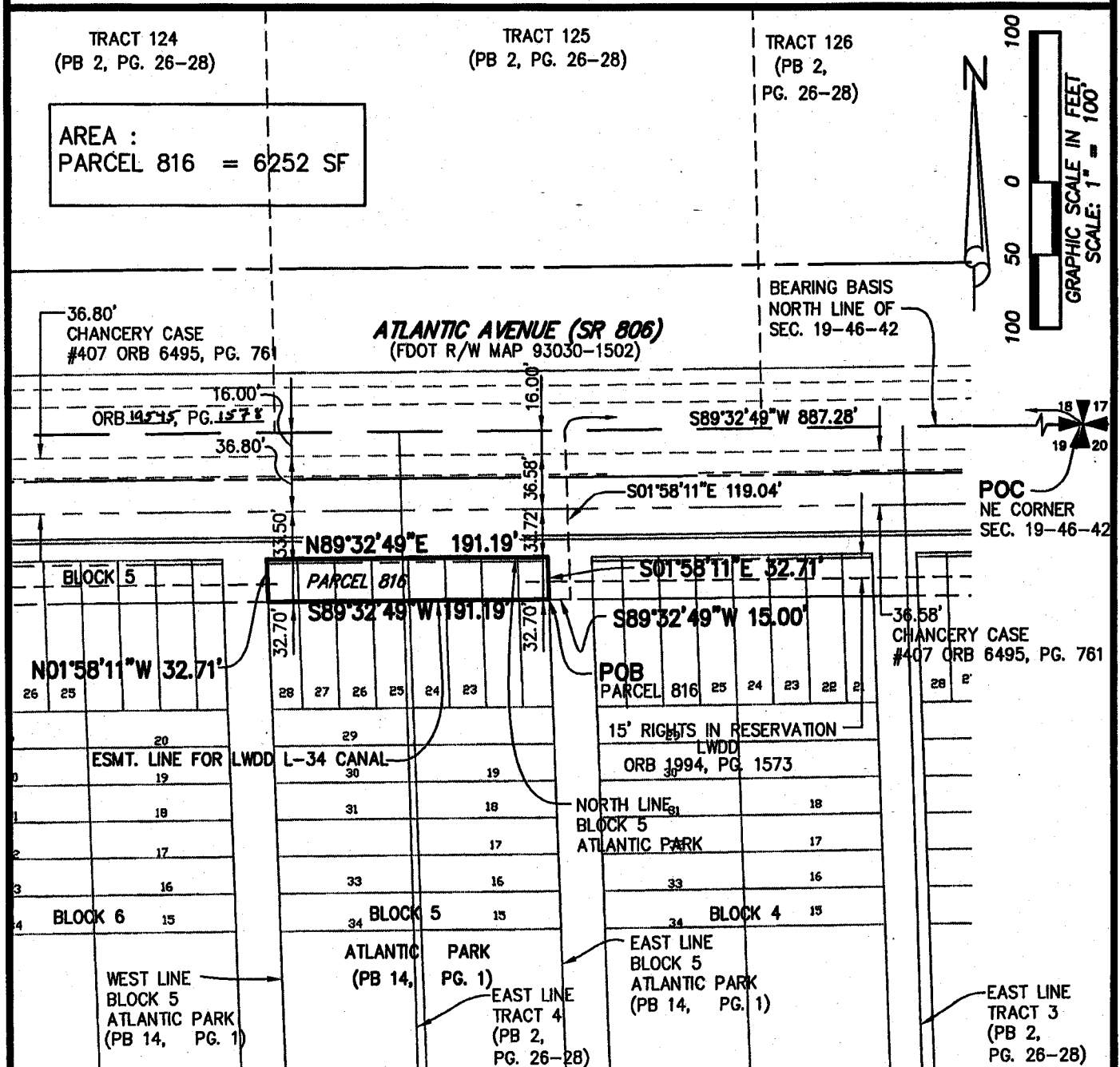


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CERTIFICATION NUMBER 6091
LICENSED BUSINESS NUMBER 7055

CAD T:\478 Atlantic Ave Design\DGN\survey\478SY816.dwg	
REFERENCE	
FIELD	JOB 204478.00
DRAWN BY DPK	DATE 10/17/06
CHECKED BY TRD	SHEET 2 OF 3

PREPARED FOR:

LAKE WORTH DRAINAGE DISTRICT PARCEL 816
ATLANTIC AVENUE (SR 806) BETWEEN HALF MILE ROAD & LYONS ROAD
PALM BEACH COUNTY, FLORIDA



REFERENCE

FIELD		JOB 204478.00	
DRAWN BY	DPK	DATE	10/17/08
CHECKED BY	TRD	SHEET	3 OF 3

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 816A AS AN EXCLUSIVE PERPETUAL EASEMENT, NECESSARY FOR THE CONSTRUCTION AND IMPROVEMENT OF WEST ATLANTIC AVENUE, FROM 1,330 FEET WEST OF LYONS ROAD TO STARKEY 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 West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey 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 816A is necessary; and,

WHEREAS, this Board has considered the required factors under Florida Law, as they apply to Parcel 816A, 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 816A, which is more fully described in Exhibit "B", is necessary for the following public purpose, to wit: the construction and improvement of West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey 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, an Exclusive Perpetual Easement on property identified as Parcel 816A is necessary for the following purposes and uses: providing an unencumbered right-of-way for use as a canal and canal related purposes including, but not limited to, the use of same for ingress and egress purposes, excavation, removal of vegetation, irrigation, water control structures, berms and areas for maintenance and deposit of spoil, all quasi-utility type purposes, and for any such other purpose thereunto related, or in anywise appertaining: over, across, through and upon, under or within the parcel, as related to the construction and improvement to be undertaken by Palm Beach County as to West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey Road, adjacent thereto. The rights herein described shall not extent 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 West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey 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: Exclusive Perpetual 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:

Addie L. Greene, Chairperson	_____
Jeff Koons, Vice Chair	_____
Karen T. Marcus	_____
Warren H. Newell	_____
Mary McCarty	_____
Jess R. Santamaria	_____
Burt Aaronson	_____

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

SHARON R. BOCK,
Clerk and Comptroller

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: _____
County Attorney

EXHIBIT "A"

ATLANTIC AVENUE (SR806) FROM 1,330 FEET WEST OF LYONS TO ROAD TO STARKEY ROAD PALM BEACH COUNTY PROJECT NO.: 2004602

SAFETY

Atlantic Avenue is currently a two (2) lane rural roadway. The widening/reconstruction of this facility from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway, will improve the overall safety for all users of this roadway due to the construction of a depressed median to separate vehicles traveling in opposite directions. The design of this project has been done in accordance with the Florida Department of Transportation Standards and the Plans Preparation Manual, as adopted and approved by the Florida Department of Transportation (FDOT).

COST

The cost of improving Atlantic Avenue from west of Lyons Road to Starkey Road, from a two (2) lane to a four (4) lane divided roadway, was estimated during the early stages of design. The appropriate funding for design, right-of-way acquisition, and construction has been funded by an agreement between a contingent of local developers and Palm Beach County, and is currently held in escrow. During the design of the roadway, reasonable efforts were made to minimize the areas to be acquired through condemnation.

After considering Safety, Alternative Routes and Methodologies, Long Range Planning, and Environmental factors, the cost of the acquisition of the parcels for this project fits into the available escrow funds for this project, and the acquisition of the parcels is necessary in furtherance of this public project.

ALTERNATIVE ROUTES

Atlantic Avenue is a heavily traveled roadway, which provides the most direct route for vehicles traveling in an east-west direction from State Road 7 to Florida's Turnpike through unincorporated Palm Beach County, west of Delray Beach, Florida. 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.

Alternative routes were not considered in lieu of improving Atlantic Avenue. Typical Section alternatives were developed by the FDOT to determine the most cost effective improvements which would result in the least amount of impact to local residents and businesses, while minimizing environmental impacts. Construction of an alternative route through this general area would most likely disrupt and displace numerous properties, resulting in significant damages and unnecessary environmental impacts.

LONG RANGE PLANNING

The development of this project is in conformance with Palm Beach County's 2030 Long Range Transportation System Plan. The 2030 Long Range Transportation System Plan is a 25-year forecast based on projected regional needs identified through the process of predicting 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 IMPACT

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

Below is a more detailed outline of the reasons for each type of acquisition needed for the improvement of Atlantic Avenue from 1,330 feet west of Lyons Road to Starkey Road.

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

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

The additional right-of-way is required to accommodate the roadway improvements for this project.

EASEMENT ACQUISITIONS FOR PERMANENT EASEMENTS

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

To accommodate the proposed roadway improvements, permanent easements are needed to accommodate roadway embankments which will occupy the adjacent property. The easements will grant access to the maintaining agency.

EASEMENT ACQUISITIONS FOR TEMPORARY CONSTRUCTION EASEMENTS

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

To accommodate the proposed roadway improvements, temporary construction easements are needed to allow reconstruction of existing points of ingress/egress to the adjacent property.

EASEMENT ACQUISITIONS FOR EXCLUSIVE PERPETUAL EASEMENTS

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

As a part of this project, the Lake Worth Drainage District (LWDD) has transferred certain property for the proposed roadway improvements. The L-34 canal, which is located south of the existing right-of-way of Atlantic Avenue, will be relocated further to the south to accommodate the proposed improvements. LWDD requires new easement areas to accommodate and maintain the relocated canal.

DESCRIPTION & SKETCH
PREPARED FOR:
PALM BEACH COUNTY, FLORIDA

LAKE WORTH DRAINAGE DISTRICT PARCEL 816A
ATLANTIC AVENUE (SR 806) BETWEEN HALF MILE ROAD & LYONS ROAD
PALM BEACH COUNTY, FLORIDA

LEGEND

DB	= DEED BOOK	POB	= POINT OF BEGINNING
ESMT.	= EASEMENT	POC	= POINT OF COMMENCEMENT
FDOT	= FLORIDA DEPARTMENT OF TRANSPORTATION	R/W	= RIGHT-OF-WAY
LWDD	= LAKE WORTH DRAINAGE DISTRICT	SEC.	= SECTION
ORB	= OFFICIAL RECORD BOOK	SF	= SQUARE FEET
PBC	= PALM BEACH COUNTY	SFWM	= SOUTH FLORIDA WATER MANAGEMENT DISTRICT
PB	= PLAT BOOK	SR	= STATE ROAD
PG.	= PAGE		

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 19, TOWNSHIP 46 SOUTH, RANGE 42 EAST, BEING A PORTION OF ATLANTIC PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 14, PAGE 1 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 19; THENCE SOUTH 89°32'49" WEST, ALONG THE NORTH LINE OF SAID SECTION 19, A DISTANCE OF 887.28 FEET; THENCE SOUTH 01°58'11" EAST, A DISTANCE OF 52.60 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 01°58'11" EAST, A DISTANCE OF 66.44 FEET; THENCE SOUTH 89°32'49" WEST, A DISTANCE OF 15.00 FEET TO A POINT ON THE EAST LINE OF BLOCK 5 OF SAID ATLANTIC PARK; THENCE NORTH 01°58'11" WEST, ALONG SAID EAST LINE, A DISTANCE OF 32.71 FEET; THENCE SOUTH 89°32'49" WEST, A DISTANCE OF 191.19 FEET TO A POINT ON THE WEST LINE OF SAID BLOCK 5; THENCE SOUTH 01°58'11" EAST, ALONG SAID WEST LINE, A DISTANCE OF 32.71 FEET; THENCE SOUTH 89°32'49" WEST, A DISTANCE OF 15.00 FEET; THENCE NORTH 01°58'11" WEST, A DISTANCE OF 66.22 FEET; THENCE NORTH 89°32'49" EAST, A DISTANCE OF 107.27 FEET; THENCE NORTH 01°46'36" WEST ALONG THE EAST LINE OF TRACT 4 OF THE PALM BEACH FARMS COMPANY PLAT NO. 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 26 THROUGH 28 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 0.22 FEET; THENCE NORTH 89°32'49" EAST A DISTANCE OF 113.93 FEET TO THE POINT OF BEGINNING.

CONTAINING 8417 SQUARE FEET OR 0.193 ACRES.

SURVEYOR'S NOTES

1. THIS DRAWING IS NOT A SURVEY.
2. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THIS OFFICE.
3. THE DESCRIPTION SKETCH AND THE DESCRIPTION TEXT COMPRISE THE COMPLETE LEGAL DESCRIPTION. THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH ACCOMPANY EACH OTHER.
4. THIS LEGAL DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER EMPLOYED BY WANTMAN GROUP, INC.
5. THE BEARINGS SHOWN HEREON ARE BASED ON THE NORTH LINE OF THE NORTHEAST ONE-QUARTER OF SECTION 19, TOWNSHIP 46 SOUTH, RANGE 42 EAST, WHICH BEARS SOUTH 89°32'49" WEST.

WANTMAN GROUP, INC.

Thomas R. Ditman

THOMAS R. DITMAN
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NUMBER 5763



Wantman Group, Inc.

Engineering ♦ Surveying ♦ Mapping

2035 VISTA PARKWAY, SUITE 100

WEST PALM BEACH, FL 33411

(561) 687-2220 phone

(561) 687-1110 fax

CERTIFICATION NUMBER 6091

LICENSED BUSINESS NUMBER 7055

CAD

T:\478 Atlantic Ave Design\DGN\survey\478SY816A.dwg

REFERENCE

FIELD

JOB

204478.00

DRAWN BY

DPK

DATE

10/17/06

CHECKED BY

TRD

SHEET

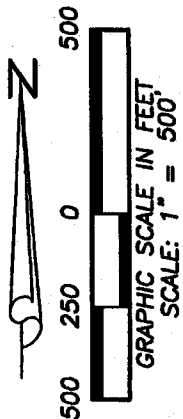
1

OF

3

DESCRIPTION & SKETCH
PREPARED FOR:
PALM BEACH COUNTY, FLORIDA

LAKE WORTH DRAINAGE DISTRICT PARCEL 816A
ATLANTIC AVENUE (SR 806) BETWEEN HALF MILE ROAD & LYONS ROAD
PALM BEACH COUNTY, FLORIDA



THE PALM BEACH FARMS COMPANY PLAT NO. 1
(PB 2, PG. 26-28)

PARCEL 816A

THE PALM BEACH FARMS
COMPANY PLAT NO. 1
(PB 2, PG. 26-28)

ATLANTIC PARK
(PB 14, PG. 1)

THE PALM BEACH FARMS COMPANY PLAT NO. 1
(PB 2, PG. 26-28)

90TH AVENUE SOUTH

1ST STREET
FUTURE LYONS ROAD



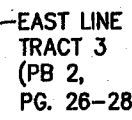
Wantman Group, Inc.
Engineering ♦ Surveying ♦ Mapping
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WEST PALM BEACH, FL 33411
(561) 687-2220 phone
(561) 687-1110 fax
CERTIFICATION NUMBER 6091
LICENSED BUSINESS NUMBER 7055

CAD T:\478 Atlantic Ave Design\DGN\survey\478SY816A.dwg	
REFERENCE	
FIELD	JOB 204478.00
DRAWN BY DPK	DATE 10/17/06
CHECKED BY TRD	SHEET 2 OF 3

3 of 3

PREPARED FOR:
PALM BEACH COUNTY, FLORIDA

PALM BEACH COUNTY, FLORIDA



SHEET 3 OF 3

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 817 AS AN EXCLUSIVE PERPETUAL EASEMENT, NECESSARY FOR THE CONSTRUCTION AND IMPROVEMENT OF WEST ATLANTIC AVENUE, FROM 1,330 FEET WEST OF LYONS ROAD TO STARKEY 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 West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey 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 817 is necessary; and,

WHEREAS, this Board has considered the required factors under Florida Law, as they apply to Parcel 817, 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 817, which is more fully described in Exhibit "B", is necessary for the following public purpose, to wit: the construction and improvement of West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey 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, an Exclusive Perpetual Easement on property identified as Parcel 817 is necessary for the following purposes and uses: providing an unencumbered right-of-way for use as a canal and canal related purposes including, but not limited to, the use of same for ingress and egress purposes, excavation, removal of vegetation, irrigation, water control structures, berms and areas for maintenance and deposit of spoil, all quasi-utility type purposes, and for any such other purpose thereunto related, or in anywise appertaining: over, across, through and upon, under or within the parcel, as related to the construction and improvement to be undertaken by Palm Beach County as to West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey Road, adjacent thereto. The rights herein described shall not extent 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 West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey 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: Exclusive Perpetual 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:

Addie L. Greene, Chairperson	_____
Jeff Koons, Vice Chair	_____
Karen T. Marcus	_____
Warren H. Newell	_____
Mary McCarty	_____
Jess R. Santamaria	_____
Burt Aaronson	_____

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

SHARON R. BOCK,
Clerk and Comptroller

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: _____
County Attorney

EXHIBIT "A"

ATLANTIC AVENUE (SR806) FROM 1,330 FEET WEST OF LYONS TO ROAD TO STARKEY ROAD PALM BEACH COUNTY PROJECT NO.: 2004602

SAFETY

Atlantic Avenue is currently a two (2) lane rural roadway. The widening/reconstruction of this facility from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway, will improve the overall safety for all users of this roadway due to the construction of a depressed median to separate vehicles traveling in opposite directions. The design of this project has been done in accordance with the Florida Department of Transportation Standards and the Plans Preparation Manual, as adopted and approved by the Florida Department of Transportation (FDOT).

COST

The cost of improving Atlantic Avenue from west of Lyons Road to Starkey Road, from a two (2) lane to a four (4) lane divided roadway, was estimated during the early stages of design. The appropriate funding for design, right-of-way acquisition, and construction has been funded by an agreement between a contingent of local developers and Palm Beach County, and is currently held in escrow. During the design of the roadway, reasonable efforts were made to minimize the areas to be acquired through condemnation.

After considering Safety, Alternative Routes and Methodologies, Long Range Planning, and Environmental factors, the cost of the acquisition of the parcels for this project fits into the available escrow funds for this project, and the acquisition of the parcels is necessary in furtherance of this public project.

ALTERNATIVE ROUTES

Atlantic Avenue is a heavily traveled roadway, which provides the most direct route for vehicles traveling in an east-west direction from State Road 7 to Florida's Turnpike through unincorporated Palm Beach County, west of Delray Beach, Florida. 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.

Alternative routes were not considered in lieu of improving Atlantic Avenue. Typical Section alternatives were developed by the FDOT to determine the most cost effective improvements which would result in the least amount of impact to local residents and businesses, while minimizing environmental impacts. Construction of an alternative route through this general area would most likely disrupt and displace numerous properties, resulting in significant damages and unnecessary environmental impacts.

LONG RANGE PLANNING

The development of this project is in conformance with Palm Beach County's 2030 Long Range Transportation System Plan. The 2030 Long Range Transportation System Plan is a 25-year forecast based on projected regional needs identified through the process of predicting 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 IMPACT

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

Below is a more detailed outline of the reasons for each type of acquisition needed for the improvement of Atlantic Avenue from 1,330 feet west of Lyons Road to Starkey Road.

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

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

The additional right-of-way is required to accommodate the roadway improvements for this project.

EASEMENT ACQUISITIONS FOR PERMANENT EASEMENTS

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

To accommodate the proposed roadway improvements, permanent easements are needed to accommodate roadway embankments which will occupy the adjacent property. The easements will grant access to the maintaining agency.

EASEMENT ACQUISITIONS FOR TEMPORARY CONSTRUCTION EASEMENTS

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

To accommodate the proposed roadway improvements, temporary construction easements are needed to allow reconstruction of existing points of ingress/egress to the adjacent property.

EASEMENT ACQUISITIONS FOR EXCLUSIVE PERPETUAL EASEMENTS

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

As a part of this project, the Lake Worth Drainage District (LWDD) has transferred certain property for the proposed roadway improvements. The L-34 canal, which is located south of the existing right-of-way of Atlantic Avenue, will be relocated further to the south to accommodate the proposed improvements. LWDD requires new easement areas to accommodate and maintain the relocated canal.

DESCRIPTION & SKETCH
PREPARED FOR:
PALM BEACH COUNTY, FLORIDA

LAKE WORTH DRAINAGE DISTRICT PARCEL 817
ATLANTIC AVENUE (SR 806) BETWEEN HALF MILE ROAD & LYONS ROAD
PALM BEACH COUNTY, FLORIDA

LEGEND

DB = DEED BOOK
ESMT. = EASEMENT
FDOT = FLORIDA DEPARTMENT OF TRANSPORTATION
LWDD = LAKE WORTH DRAINAGE DISTRICT
ORB = OFFICIAL RECORD BOOK
PBC = PALM BEACH COUNTY
PB = PLAT BOOK
PG. = PAGE

POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
R/W = RIGHT-OF-WAY
SEC. = SECTION
SF = SQUARE FEET
SFWMD = SOUTH FLORIDA WATER MANAGEMENT DISTRICT
SR = STATE ROAD

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 19, TOWNSHIP 46 SOUTH, RANGE 42 EAST, BEING A PORTION OF, ATLANTIC PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 14, PAGE 1 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 19; THENCE SOUTH 89°32'49" WEST, ALONG THE NORTH LINE OF SAID SECTION 19, A DISTANCE OF 1108.48 FEET; THENCE SOUTH 01°58'11" EAST, A DISTANCE OF 119.04 FEET; THENCE SOUTH 89°32'49" WEST, A DISTANCE OF 15.00 FEET TO A POINT ON THE EAST LINE OF BLOCK 6 OF ATLANTIC PARK, SAID POINT BEING THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89°32'49" WEST, A DISTANCE OF 191.19 FEET TO A POINT ON THE WEST LINE OF SAID BLOCK 6; THENCE NORTH 01°58'11" WEST, ALONG SAID WEST LINE, A DISTANCE OF 32.71; THENCE NORTH 89°32'49" EAST, A DISTANCE OF 191.19 FEET TO A POINT ON THE EAST LINE OF SAID BLOCK 6; THENCE SOUTH 01°58'11" EAST, ALONG SAID EAST LINE, A DISTANCE OF 32.71 FEET TO THE POINT OF BEGINNING.

CONTAINING 6252 SQUARE FEET OR 0.144 ACRES.

SURVEYOR'S NOTES

1. THIS DRAWING IS NOT A SURVEY.
2. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THIS OFFICE.
3. THE DESCRIPTION SKETCH AND THE DESCRIPTION TEXT COMPRISE THE COMPLETE LEGAL DESCRIPTION. THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH ACCOMPANY EACH OTHER.
4. THIS LEGAL DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER EMPLOYED BY WANTMAN GROUP, INC.
5. THE BEARINGS SHOWN HEREON ARE BASED ON THE NORTH LINE OF THE NORTHEAST ONE-QUARTER OF SECTION 19, TOWNSHIP 46 SOUTH, RANGE 42 EAST, WHICH BEARS SOUTH 89°32'49" WEST.

WANTMAN GROUP, INC.

Thomas R. Dittman
THOMAS R. DITTMAN
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NUMBER 5763



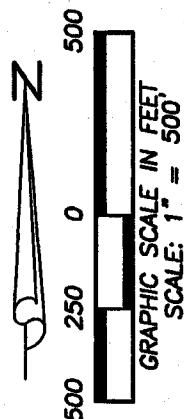
Wantman Group, Inc.
Engineering ♦ Surveying ♦ Mapping
2035 VISTA PARKWAY, SUITE 100
WEST PALM BEACH, FL 33411
(561) 687-2220 phone
(561) 687-1110 fax
CERTIFICATION NUMBER 6091
LICENSED BUSINESS NUMBER 7055

CAD
T:\478 Atlantic Ave Design\DGN\survey\478SY817.dwg
REFERENCE

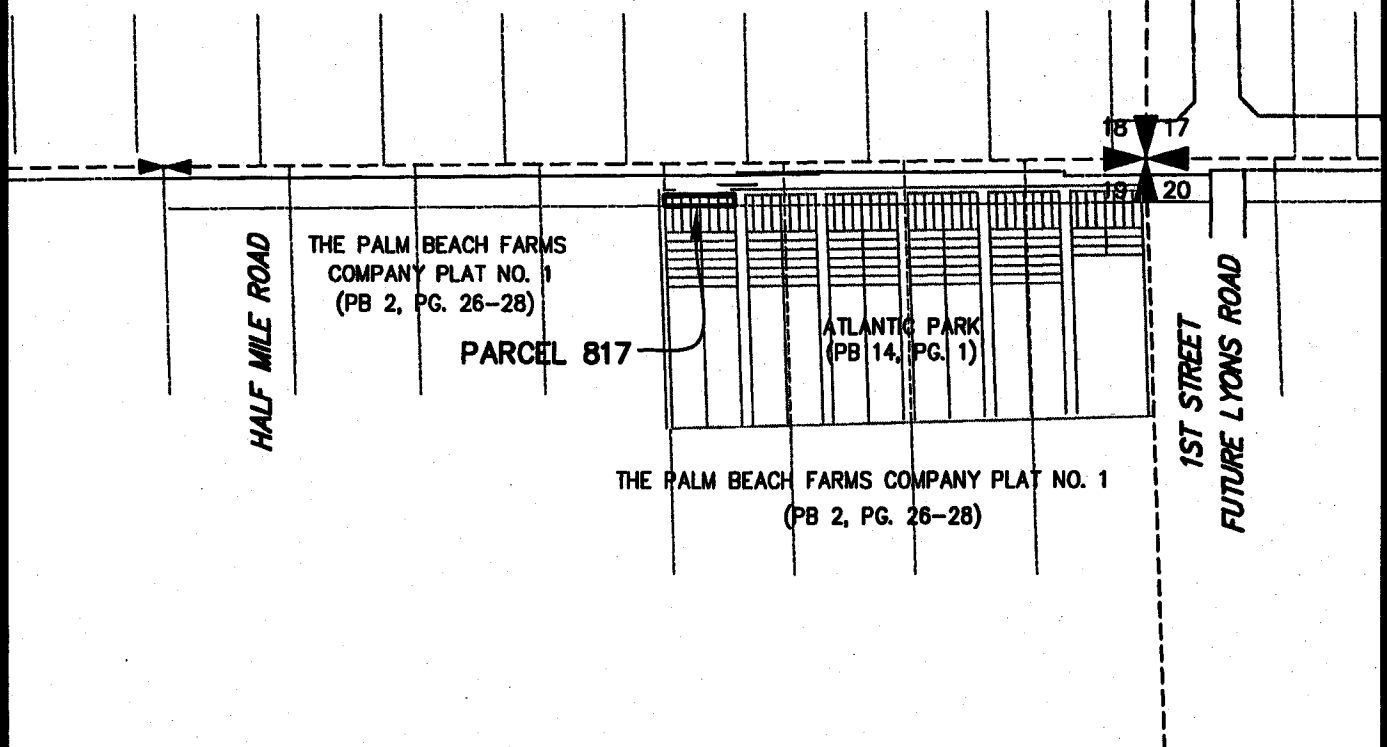
FIELD	JOB	204478.00
DRAWN BY	DPK	DATE 10/17/06
CHECKED BY	TRD	SHEET 1 OF 3

DESCRIPTION & SKETCH
PREPARED FOR:
PALM BEACH COUNTY, FLORIDA

LAKE WORTH DRAINAGE DISTRICT PARCEL 817
ATLANTIC AVENUE (SR 806) BETWEEN HALF MILE ROAD & LYONS ROAD
PALM BEACH COUNTY, FLORIDA



THE PALM BEACH FARMS COMPANY PLAT NO. 1
(PB 2, PG. 26-28)



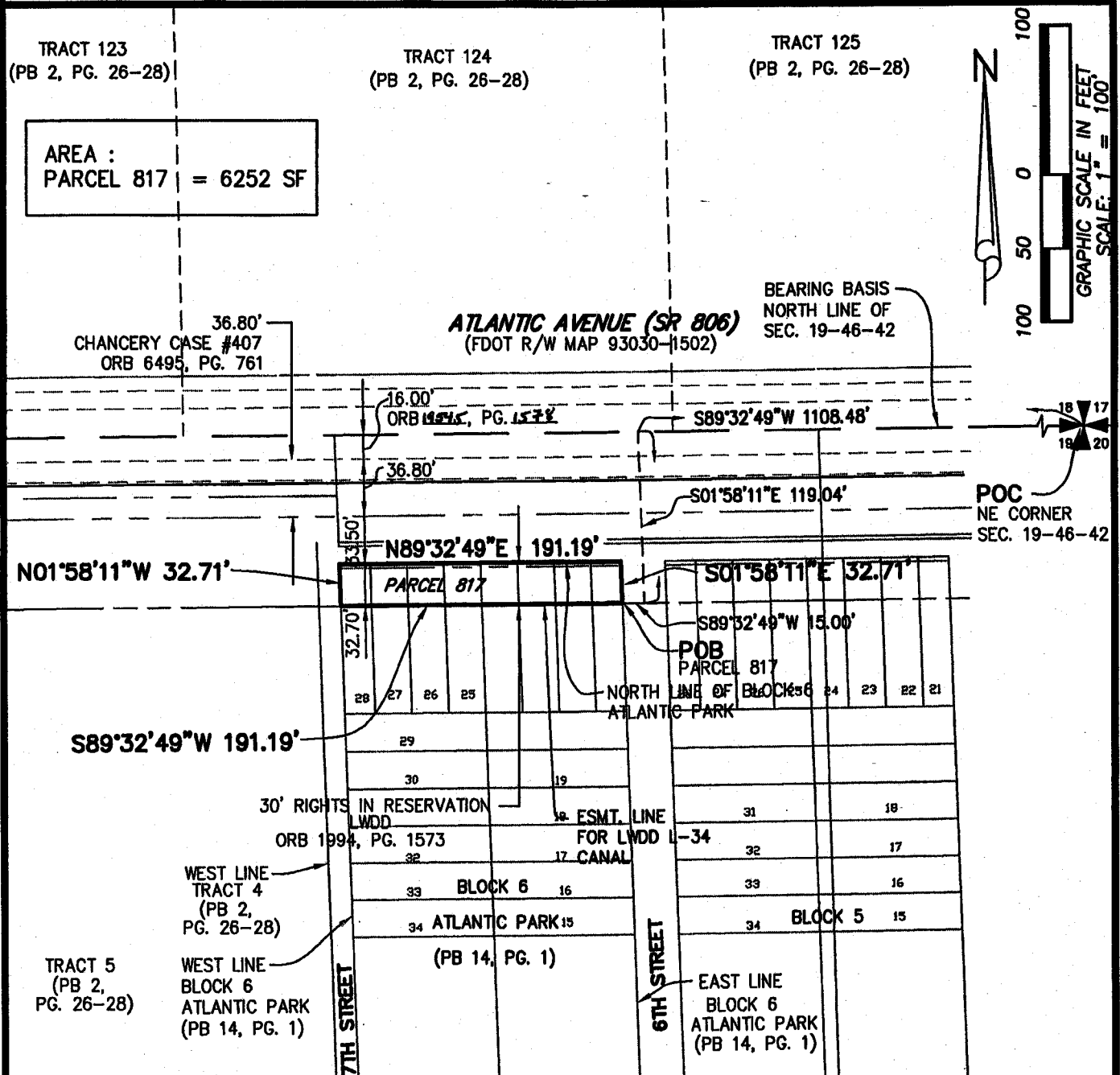
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CERTIFICATION NUMBER 6091
LICENSED BUSINESS NUMBER 7055

CAD T: 478 Atlantic Ave Design\DGN\survey\478SY817.dwg		
REFERENCE		
FIELD	JOB	204478.00
DRAWN BY DPK	DATE	10/17/06
CHECKED BY TRD	SHEET	2 OF 3

DESCRIPTION & SKETCH

PREPARED FOR:
PALM BEACH COUNTY, FLORIDA

LAKE WORTH DRAINAGE DISTRICT PARCEL 817
ATLANTIC AVENUE (SR 806) BETWEEN HALF MILE ROAD & LYONS ROAD
PALM BEACH COUNTY, FLORIDA



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Engineering ♦ Surveying ♦ Mapping
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CAD
T:\478 Atlantic Ave Design\DGN\survey\478SY817.dwg

REFERENCE

FIELD	JOB	204478.00
DRAWN BY	DPK	DATE 10/17/06
CHECKED BY	TRD	SHEET 3 OF 3

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 817A AS AN EXCLUSIVE PERPETUAL EASEMENT, NECESSARY FOR THE CONSTRUCTION AND IMPROVEMENT OF WEST ATLANTIC AVENUE, FROM 1,330 FEET WEST OF LYONS ROAD TO STARKEY 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 West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey 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 817A is necessary; and,

WHEREAS, this Board has considered the required factors under Florida Law, as they apply to Parcel 817A, 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 817A, which is more fully described in Exhibit "B", is necessary for the following public purpose, to wit: the construction and improvement of West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey 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, an Exclusive Perpetual Easement on property identified as Parcel 817A is necessary for the following purposes and uses: providing an unencumbered right-of-way for use as a canal and canal related purposes including, but not limited to, the use of same for ingress and egress purposes, excavation, removal of vegetation, irrigation, water control structures, berms and areas for maintenance and deposit of spoil, all quasi-utility type purposes, and for any such other purpose thereunto related, or in anywise appertaining: over, across, through and upon, under or within the parcel, as related to the construction and improvement to be undertaken by Palm Beach County as to West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey Road, adjacent thereto. The rights herein described shall not extent 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 West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey 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: Exclusive Perpetual 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:

Addie L. Greene, Chairperson	_____
Jeff Koons, Vice Chair	_____
Karen T. Marcus	_____
Warren H. Newell	_____
Mary McCarty	_____
Jess R. Santamaria	_____
Burt Aaronson	_____

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

SHARON R. BOCK,
Clerk and Comptroller

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: _____
County Attorney

EXHIBIT "A"

ATLANTIC AVENUE (SR806) FROM 1,330 FEET WEST OF LYONS TO ROAD TO STARKEY ROAD PALM BEACH COUNTY PROJECT NO.: 2004602

SAFETY

Atlantic Avenue is currently a two (2) lane rural roadway. The widening/reconstruction of this facility from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway, will improve the overall safety for all users of this roadway due to the construction of a depressed median to separate vehicles traveling in opposite directions. The design of this project has been done in accordance with the Florida Department of Transportation Standards and the Plans Preparation Manual, as adopted and approved by the Florida Department of Transportation (FDOT).

COST

The cost of improving Atlantic Avenue from west of Lyons Road to Starkey Road, from a two (2) lane to a four (4) lane divided roadway, was estimated during the early stages of design. The appropriate funding for design, right-of-way acquisition, and construction has been funded by an agreement between a contingent of local developers and Palm Beach County, and is currently held in escrow. During the design of the roadway, reasonable efforts were made to minimize the areas to be acquired through condemnation.

After considering Safety, Alternative Routes and Methodologies, Long Range Planning, and Environmental factors, the cost of the acquisition of the parcels for this project fits into the available escrow funds for this project, and the acquisition of the parcels is necessary in furtherance of this public project.

ALTERNATIVE ROUTES

Atlantic Avenue is a heavily traveled roadway, which provides the most direct route for vehicles traveling in an east-west direction from State Road 7 to Florida's Turnpike through unincorporated Palm Beach County, west of Delray Beach, Florida. 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.

Alternative routes were not considered in lieu of improving Atlantic Avenue. Typical Section alternatives were developed by the FDOT to determine the most cost effective improvements which would result in the least amount of impact to local residents and businesses, while minimizing environmental impacts. Construction of an alternative route through this general area would most likely disrupt and displace numerous properties, resulting in significant damages and unnecessary environmental impacts.

LONG RANGE PLANNING

The development of this project is in conformance with Palm Beach County's 2030 Long Range Transportation System Plan. The 2030 Long Range Transportation System Plan is a 25-year forecast based on projected regional needs identified through the process of predicting 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 IMPACT

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

Below is a more detailed outline of the reasons for each type of acquisition needed for the improvement of Atlantic Avenue from 1,330 feet west of Lyons Road to Starkey Road.

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

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

The additional right-of-way is required to accommodate the roadway improvements for this project.

EASEMENT ACQUISITIONS FOR PERMANENT EASEMENTS

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

To accommodate the proposed roadway improvements, permanent easements are needed to accommodate roadway embankments which will occupy the adjacent property. The easements will grant access to the maintaining agency.

EASEMENT ACQUISITIONS FOR TEMPORARY CONSTRUCTION EASEMENTS

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

To accommodate the proposed roadway improvements, temporary construction easements are needed to allow reconstruction of existing points of ingress/egress to the adjacent property.

EASEMENT ACQUISITIONS FOR EXCLUSIVE PERPETUAL EASEMENTS

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

As a part of this project, the Lake Worth Drainage District (LWDD) has transferred certain property for the proposed roadway improvements. The L-34 canal, which is located south of the existing right-of-way of Atlantic Avenue, will be relocated further to the south to accommodate the proposed improvements. LWDD requires new easement areas to accommodate and maintain the relocated canal.

DESCRIPTION & SKETCH
PREPARED FOR:
PALM BEACH COUNTY, FLORIDA

LAKE WORTH DRAINAGE DISTRICT PARCEL 817A
ATLANTIC AVENUE (SR 806) BETWEEN HALF MILE ROAD & LYONS ROAD

LEGEND

DB	= DEED BOOK	POB	= POINT OF BEGINNING
ESMT.	= EASEMENT	POC	= POINT OF COMMENCEMENT
FDOT	= FLORIDA DEPARTMENT OF TRANSPORTATION	R/W	= RIGHT-OF-WAY
LWDD	= LAKE WORTH DRAINAGE DISTRICT	SEC.	= SECTION
ORB	= OFFICIAL RECORD BOOK	SF	= SQUARE FEET
PBC	= PALM BEACH COUNTY	SFWD	= SOUTH FLORIDA WATER MANAGEMENT DISTRICT
PB	= PLAT BOOK	SR	= STATE ROAD
PG.	= PAGE		

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 19, TOWNSHIP 46 SOUTH, RANGE 42 EAST, BEING A PORTION OF, ATLANTIC PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 14, PAGE 1 OF THE PUBLIC RECORDS OF , BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 19; THENCE SOUTH 89°32'49" WEST, ALONG THE NORTH LINE OF SAID SECTION 19, A DISTANCE OF 1108.48 FEET; THENCE SOUTH 01°58'11" EAST, A DISTANCE OF 52.82 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 01°58'11" EAST, A DISTANCE OF 66.22 FEET; THENCE SOUTH 89°32'49" WEST, A DISTANCE OF 15.00 FEET TO A POINT ON THE EAST LINE OF BLOCK 6 OF SAID ATLANTIC PARK; THENCE NORTH 01°58'11" WEST, ALONG SAID EAST LINE, A DISTANCE OF 32.71; THENCE SOUTH 89°32'49" WEST, A DISTANCE OF 191.19 FEET TO A POINT ON THE WEST LINE OF SAID BLOCK 6; THENCE SOUTH 01°58'11" EAST, ALONG SAID WEST LINE, A DISTANCE OF 32.71 FEET; THENCE SOUTH 89°32'49" WEST, A DISTANCE OF 15.00 FEET; THENCE NORTH 01°58'11" WEST, A DISTANCE OF 66.22 FEET; THENCE NORTH 89°32'49" EAST, A DISTANCE OF 221.20 FEET TO THE POINT OF BEGINNING.

CONTAINING 8392 SQUARE FEET OR 0.193 ACRES.

SURVEYOR'S NOTES

1. THIS DRAWING IS NOT A SURVEY.
2. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THIS OFFICE.
3. THE DESCRIPTION SKETCH AND THE DESCRIPTION TEXT COMPRISE THE COMPLETE LEGAL DESCRIPTION. THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH ACCOMPANY EACH OTHER.
4. THIS LEGAL DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER EMPLOYED BY WANTMAN GROUP, INC.
5. THE BEARINGS SHOWN HEREON ARE BASED ON THE NORTH LINE OF THE NORTHEAST ONE-QUARTER OF SECTION 19, TOWNSHIP 46 SOUTH, RANGE 42 EAST, WHICH BEARS SOUTH 89°32'49" WEST.

WANTMAN GROUP, INC.

THOMAS R. DITMAN
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NUMBER 5763

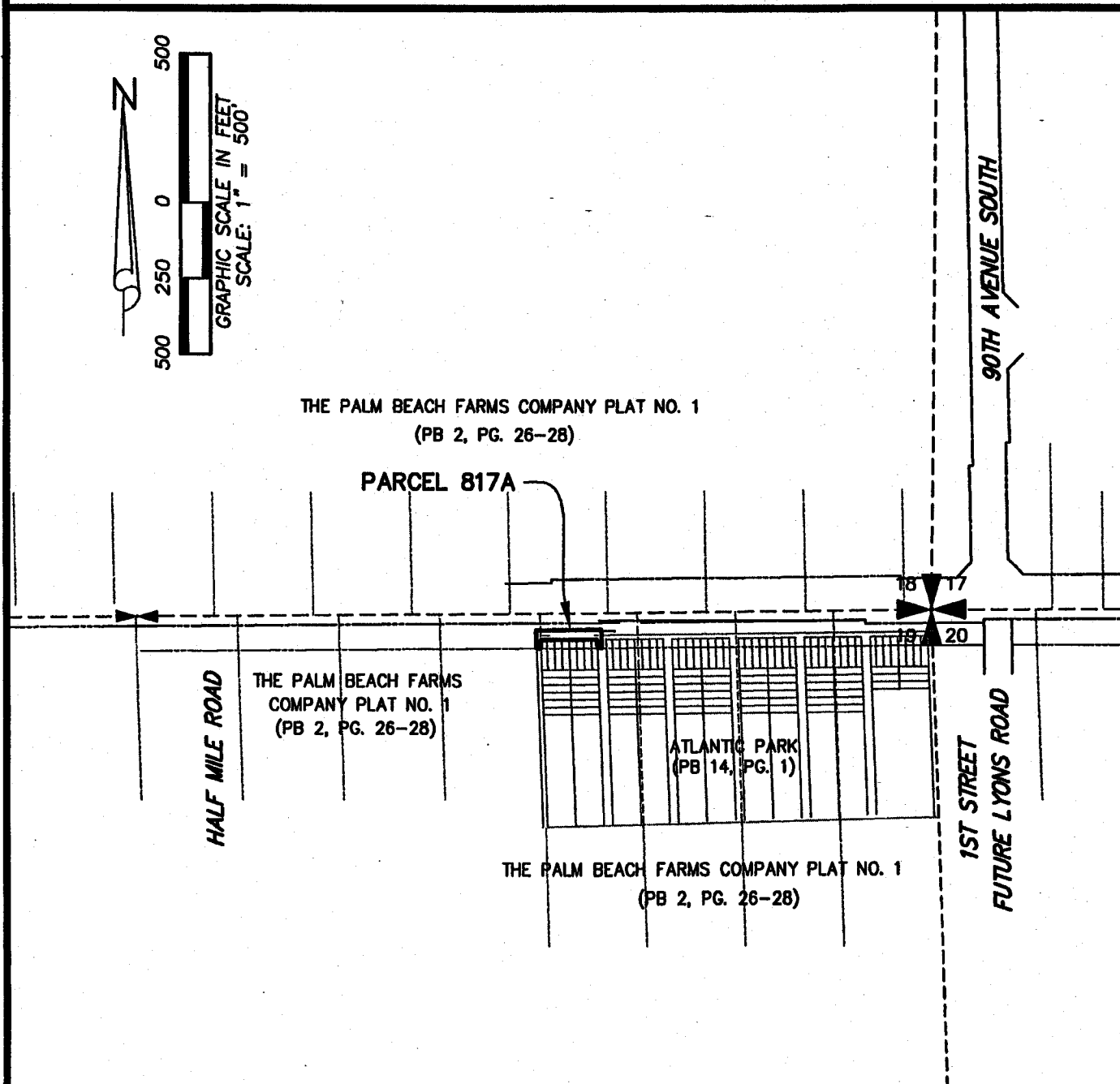


Wantman Group, Inc.
Engineering ♦ Surveying ♦ Mapping
2035 VISTA PARKWAY, SUITE 100
WEST PALM BEACH, FL 33411
(561) 687-2220 phone
(561) 687-1110 fax
CERTIFICATION NUMBER 6091
LICENSED BUSINESS NUMBER 7055

CAD T:\478 Atlantic Ave Design\DGN\survey\478SY817A.dwg	
REFERENCE	
FIELD	JOB 204478.00
DRAWN BY DPK	DATE 10/17/06
CHECKED BY TRD	SHEET 1 OF 3

DESCRIPTION & SKETCH
PREPARED FOR:
PALM BEACH COUNTY, FLORIDA

LAKE WORTH DRAINAGE DISTRICT PARCEL 817A
ATLANTIC AVENUE (SR 806) BETWEEN HALF MILE ROAD & LYONS ROAD

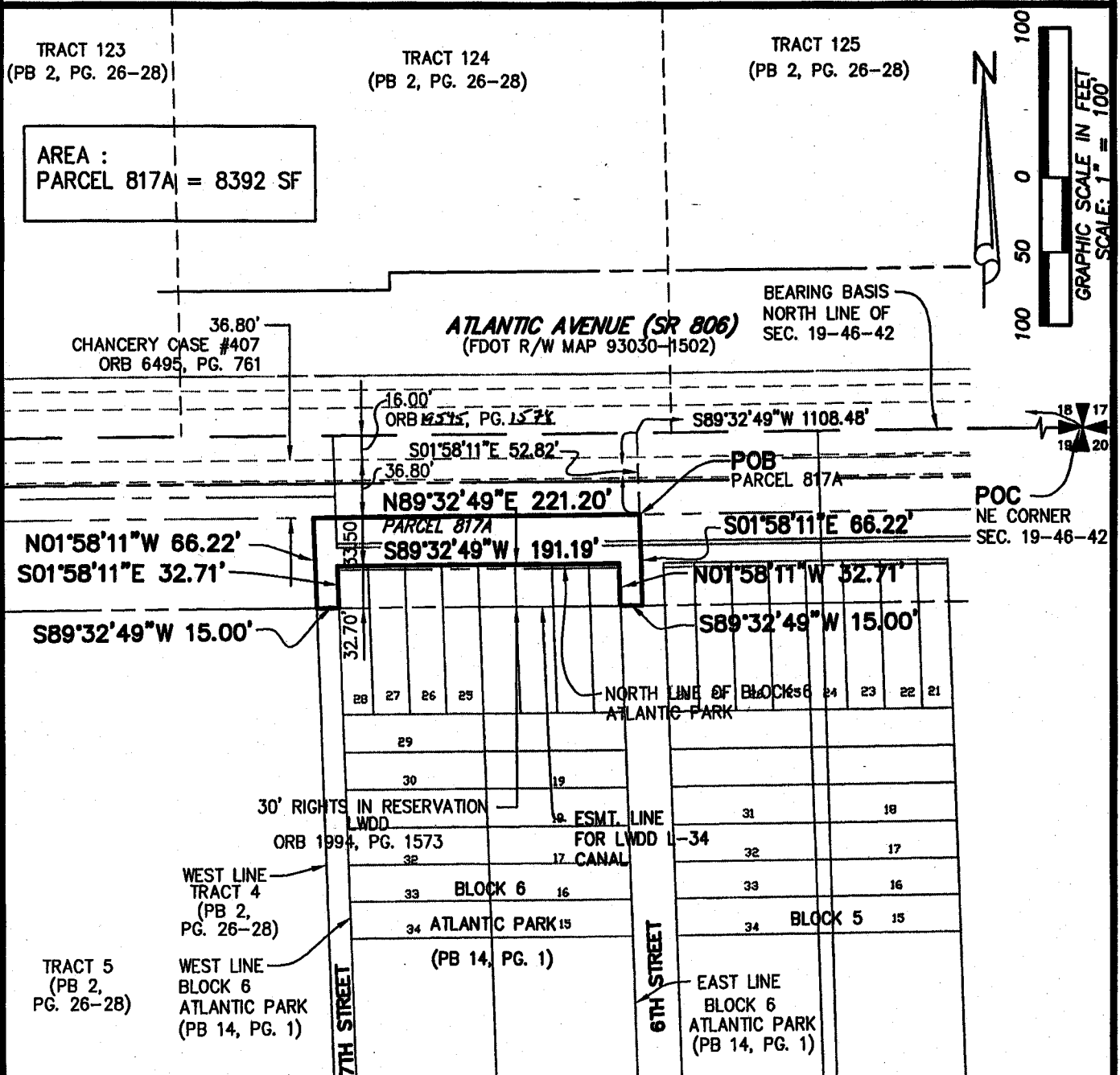


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CAD T:\478 Atlantic Ave Design\DGN\survey\478SY817A.dwg	
REFERENCE	
FIELD	JOB 204478.00
DRAWN BY DPK	DATE 10/17/06
CHECKED BY TRD	SHEET 2 OF 3

DESCRIPTION & SKETCH
PREPARED FOR:
PALM BEACH COUNTY, FLORIDA

LAKE WORTH DRAINAGE DISTRICT PARCEL 817A
ATLANTIC AVENUE (SR 806) BETWEEN HALF MILE ROAD & LYONS ROAD



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(561) 687-1110 fax
CERTIFICATION NUMBER 6091
LICENSED BUSINESS NUMBER 7055

CAD
T: 478 Atlantic Ave Design\GDN\survey\478SY817.dwg
REFERENCE

FIELD	JOB 204478.00
DRAWN BY DPK	DATE 10/17/06
CHECKED BY TRD	SHEET 3 OF 3

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 901 AS A TEMPORARY CONSTRUCTION EASEMENT, NECESSARY FOR THE CONSTRUCTION AND IMPROVEMENT OF WEST ATLANTIC AVENUE, FROM 1,330 FEET WEST OF LYONS ROAD TO STARKEY 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 West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey 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 901 is necessary; and,

WHEREAS, this Board has considered the required factors under Florida Law, as they apply to Parcel 901, 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 901 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 West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey 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 901 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 West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey 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 West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey 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:

Addie L. Greene, Chairperson	_____
Jeff Koons, Vice Chair	_____
Karen T. Marcus	_____
Warren H. Newell	_____
Mary McCarty	_____
Jess R. Santamaria	_____
Burt Aaronson	_____

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

SHARON R. BOCK,
Clerk and Comptroller

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: _____
County Attorney

EXHIBIT "A"

ATLANTIC AVENUE (SR806) FROM 1,330 FEET WEST OF LYONS TO ROAD TO STARKEY ROAD PALM BEACH COUNTY PROJECT NO.: 2004602

SAFETY

Atlantic Avenue is currently a two (2) lane rural roadway. The widening/reconstruction of this facility from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway, will improve the overall safety for all users of this roadway due to the construction of a depressed median to separate vehicles traveling in opposite directions. The design of this project has been done in accordance with the Florida Department of Transportation Standards and the Plans Preparation Manual, as adopted and approved by the Florida Department of Transportation (FDOT).

COST

The cost of improving Atlantic Avenue from west of Lyons Road to Starkey Road, from a two (2) lane to a four (4) lane divided roadway, was estimated during the early stages of design. The appropriate funding for design, right-of-way acquisition, and construction has been funded by an agreement between a contingent of local developers and Palm Beach County, and is currently held in escrow. During the design of the roadway, reasonable efforts were made to minimize the areas to be acquired through condemnation.

After considering Safety, Alternative Routes and Methodologies, Long Range Planning, and Environmental factors, the cost of the acquisition of the parcels for this project fits into the available escrow funds for this project, and the acquisition of the parcels is necessary in furtherance of this public project.

ALTERNATIVE ROUTES

Atlantic Avenue is a heavily traveled roadway, which provides the most direct route for vehicles traveling in an east-west direction from State Road 7 to Florida's Turnpike through unincorporated Palm Beach County, west of Delray Beach, Florida. 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.

Alternative routes were not considered in lieu of improving Atlantic Avenue. Typical Section alternatives were developed by the FDOT to determine the most cost effective improvements which would result in the least amount of impact to local residents and businesses, while minimizing environmental impacts. Construction of an alternative route through this general area would most likely disrupt and displace numerous properties, resulting in significant damages and unnecessary environmental impacts.

LONG RANGE PLANNING

The development of this project is in conformance with Palm Beach County's 2030 Long Range Transportation System Plan. The 2030 Long Range Transportation System Plan is a 25-year forecast based on projected regional needs identified through the process of predicting 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 IMPACT

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

Below is a more detailed outline of the reasons for each type of acquisition needed for the improvement of Atlantic Avenue from 1,330 feet west of Lyons Road to Starkey Road.

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

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

The additional right-of-way is required to accommodate the roadway improvements for this project.

EASEMENT ACQUISITIONS FOR PERMANENT EASEMENTS

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

To accommodate the proposed roadway improvements, permanent easements are needed to accommodate roadway embankments which will occupy the adjacent property. The easements will grant access to the maintaining agency.

EASEMENT ACQUISITIONS FOR TEMPORARY CONSTRUCTION EASEMENTS

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

To accommodate the proposed roadway improvements, temporary construction easements are needed to allow reconstruction of existing points of ingress/egress to the adjacent property.

EASEMENT ACQUISITIONS FOR EXCLUSIVE PERPETUAL EASEMENTS

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

As a part of this project, the Lake Worth Drainage District (LWDD) has transferred certain property for the proposed roadway improvements. The L-34 canal, which is located south of the existing right-of-way of Atlantic Avenue, will be relocated further to the south to accommodate the proposed improvements. LWDD requires new easement areas to accommodate and maintain the relocated canal.

Exhibit "B"
1 of 2

DESCRIPTION & SKETCH

PREPARED FOR:
PALM BEACH COUNTY, FLORIDA

PARCEL 901
TEMPORARY CONSTRUCTION EASEMENT
ATLANTIC AVENUE (SR 806)
PALM BEACH COUNTY, FLORIDA

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 17, TOWNSHIP 46 SOUTH, RANGE 42 EAST, BEING A PORTION OF TRACT 113 OF THE PALM BEACH FARMS COMPANY PLAT NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 26 THROUGH 28, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 17; THENCE SOUTH 89°58'57" EAST, ALONG THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 17, A DISTANCE OF 419.50 FEET; THENCE NORTH 01°01'59" WEST, ALONG THE EAST LINE OF THE WEST HALF OF TRACT 113, A DISTANCE OF 114.02 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89°58'57" WEST, ALONG A LINE PARALLEL TO AND 114.00 FEET NORTH OF THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 17, A DISTANCE OF 15.25 FEET; THENCE NORTH 01°01'59" WEST, A DISTANCE OF 25.00 FEET; THENCE SOUTH 89°58'57" EAST, ALONG A LINE PARALLEL TO AND 139.00 FEET NORTH OF THE SAID SOUTHWEST ONE-QUARTER LINE, A DISTANCE OF 15.25 FEET; THENCE SOUTH 01°01'59" EAST, ALONG SAID EAST LINE OF THE WEST HALF OF TRACT 113, A DISTANCE OF 25.00 FEET, TO THE POINT OF BEGINNING.

CONTAINING 381 SQUARE FEET, MORE OR LESS.

SURVEYOR'S NOTES

1. THIS DRAWING IS NOT A SURVEY.
2. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THIS OFFICE.
3. THE DESCRIPTION SKETCH AND THE DESCRIPTION TEXT COMPRISE THE COMPLETE LEGAL DESCRIPTION. THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH ACCOMPANY EACH OTHER.
4. THIS LEGAL DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER EMPLOYED BY WANTMAN GROUP, INC.
5. BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SECTION 17, TOWNSHIP 46 SOUTH, RANGE 42 EAST, WHICH BEARS SOUTH 89°58'57" EAST.

WANTMAN GROUP, INC.

Thomas R. Ditman

THOMAS R. DITMAN
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NUMBER 5783



Wantman Group, Inc.

Engineering ♦ Surveying ♦ Mapping

2035 VISTA PARKWAY, SUITE 100
WEST PALM BEACH, FL 33411
(561) 687-2220 phone
(561) 887-1110 fax
CERTIFICATION NUMBER 6091
LICENSED BUSINESS NUMBER 7055

CAD

T:\478 Atlantic Ave Design\DCN\survey\Parcel901.dwg

REFERENCE

FIELD	JOB	204478.00
DRAWN BY	DPK	DATE 1/18/06
CHECKED BY	TRD	SHEET 1 OF 2

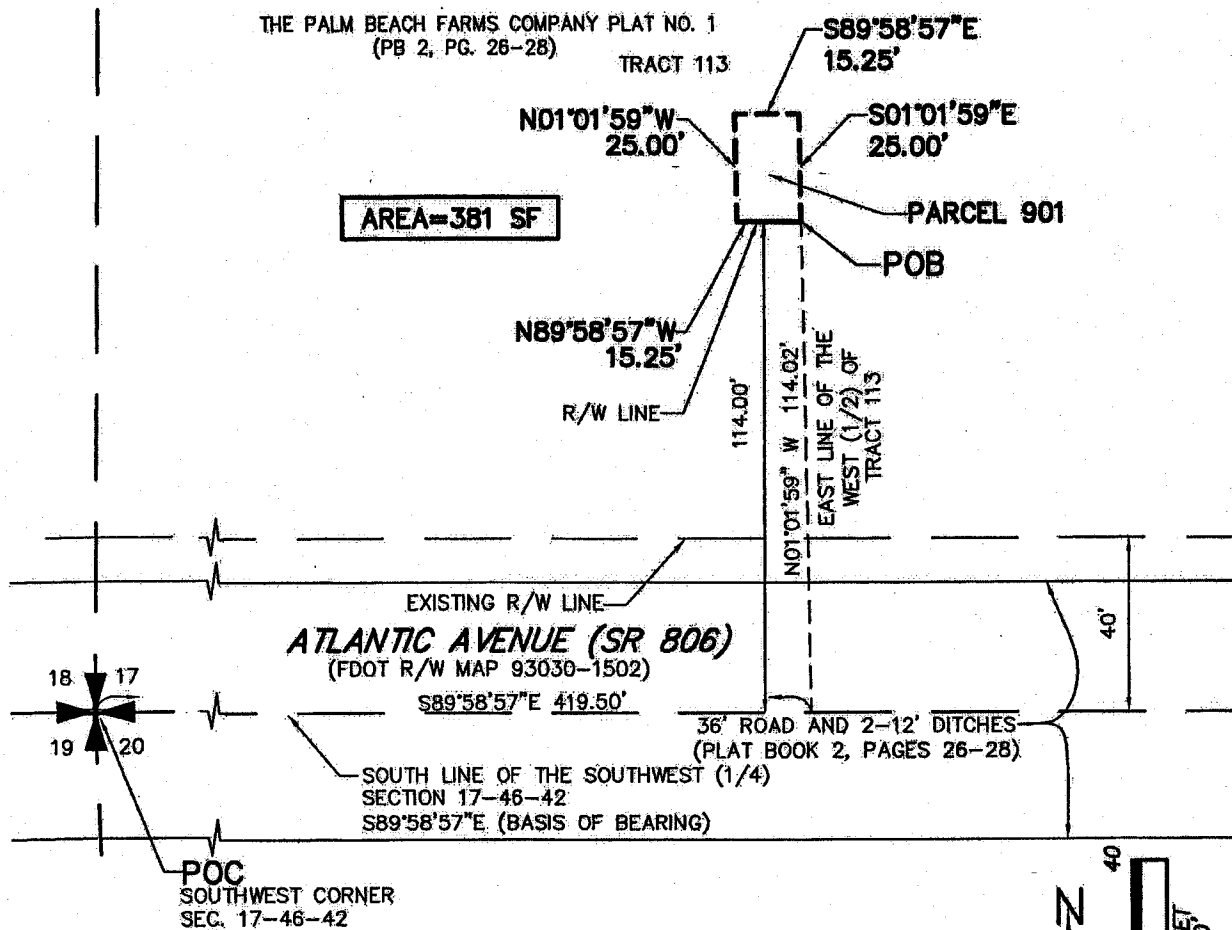
Exhibit "B"

2 of 2

DESCRIPTION & SKETCH

PREPARED FOR:
PALM BEACH COUNTY, FLORIDA

PARCEL 901
TEMPORARY CONSTRUCTION EASEMENT
ATLANTIC AVENUE (SR 806)
PALM BEACH COUNTY, FLORIDA



LEGEND:

FDOT = FLORIDA DEPARTMENT OF TRANSPORTATION
PB = PLAT BOOK
PG. = PAGE
POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
R/W = RIGHT-OF-WAY
SEC. = SECTION
SF = SQUARE FEET
SR = STATE ROAD



Wantman Group, Inc.

Engineering ♦ Surveying ♦ Mapping

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(561) 687-2220 phone
(561) 687-1110 fax
CERTIFICATION NUMBER 8091
LICENSED BUSINESS NUMBER 7055

CAD

T:\478 Atlantic Ave Design\DGN\survey\Parcel1901.dwg

REFERENCE

FIELD	JOB	204478.00
DRAWN BY	DPK	DATE 1/18/06
CHECKED BY	TRD	SHEET 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 902 AS A TEMPORARY CONSTRUCTION EASEMENT, NECESSARY FOR THE CONSTRUCTION AND IMPROVEMENT OF WEST ATLANTIC AVENUE, FROM 1,330 FEET WEST OF LYONS ROAD TO STARKEY 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 West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey 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 902 is necessary; and,

WHEREAS, this Board has considered the required factors under Florida Law, as they apply to Parcel 902, 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 902 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 West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey 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 902 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 West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey 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 West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey 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:

Addie L. Greene, Chairperson	_____
Jeff Koons, Vice Chair	_____
Karen T. Marcus	_____
Warren H. Newell	_____
Mary McCarty	_____
Jess R. Santamaria	_____
Burt Aaronson	_____

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

SHARON R. BOCK,
Clerk and Comptroller

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: _____
County Attorney

EXHIBIT "A"

ATLANTIC AVENUE (SR806) FROM 1,330 FEET WEST OF LYONS TO ROAD TO STARKEY ROAD PALM BEACH COUNTY PROJECT NO.: 2004602

SAFETY

Atlantic Avenue is currently a two (2) lane rural roadway. The widening/reconstruction of this facility from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway, will improve the overall safety for all users of this roadway due to the construction of a depressed median to separate vehicles traveling in opposite directions. The design of this project has been done in accordance with the Florida Department of Transportation Standards and the Plans Preparation Manual, as adopted and approved by the Florida Department of Transportation (FDOT).

COST

The cost of improving Atlantic Avenue from west of Lyons Road to Starkey Road, from a two (2) lane to a four (4) lane divided roadway, was estimated during the early stages of design. The appropriate funding for design, right-of-way acquisition, and construction has been funded by an agreement between a contingent of local developers and Palm Beach County, and is currently held in escrow. During the design of the roadway, reasonable efforts were made to minimize the areas to be acquired through condemnation.

After considering Safety, Alternative Routes and Methodologies, Long Range Planning, and Environmental factors, the cost of the acquisition of the parcels for this project fits into the available escrow funds for this project, and the acquisition of the parcels is necessary in furtherance of this public project.

ALTERNATIVE ROUTES

Atlantic Avenue is a heavily traveled roadway, which provides the most direct route for vehicles traveling in an east-west direction from State Road 7 to Florida's Turnpike through unincorporated Palm Beach County, west of Delray Beach, Florida. 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.

Alternative routes were not considered in lieu of improving Atlantic Avenue. Typical Section alternatives were developed by the FDOT to determine the most cost effective improvements which would result in the least amount of impact to local residents and businesses, while minimizing environmental impacts. Construction of an alternative route through this general area would most likely disrupt and displace numerous properties, resulting in significant damages and unnecessary environmental impacts.

LONG RANGE PLANNING

The development of this project is in conformance with Palm Beach County's 2030 Long Range Transportation System Plan. The 2030 Long Range Transportation System Plan is a 25-year forecast based on projected regional needs identified through the process of predicting 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 IMPACT

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

Below is a more detailed outline of the reasons for each type of acquisition needed for the improvement of Atlantic Avenue from 1,330 feet west of Lyons Road to Starkey Road.

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

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

The additional right-of-way is required to accommodate the roadway improvements for this project.

EASEMENT ACQUISITIONS FOR PERMANENT EASEMENTS

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

To accommodate the proposed roadway improvements, permanent easements are needed to accommodate roadway embankments which will occupy the adjacent property. The easements will grant access to the maintaining agency.

EASEMENT ACQUISITIONS FOR TEMPORARY CONSTRUCTION EASEMENTS

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

To accommodate the proposed roadway improvements, temporary construction easements are need to allow reconstruction of existing points of ingress/egress to the adjacent property.

EASEMENT ACQUISITIONS FOR EXCLUSIVE PERPETUAL EASEMENTS

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, Atlantic Avenue is to be widened/reconstructed from west of Lyons Road to Starkey Road as a four (4) lane divided roadway, with accommodations for a future six (6) lane divided roadway.

As a part of this project, the Lake Worth Drainage District (LWDD) has transferred certain property for the proposed roadway improvements. The L-34 canal, which is located south of the existing right-of-way of Atlantic Avenue, will be relocated further to the south to accommodate the proposed improvements. LWDD requires new easement areas to accommodate and maintain the relocated canal.

Exhibit "B"

1 of 2

DESCRIPTION & SKETCH

PREPARED FOR:
PALM BEACH COUNTY, FLORIDA

PARCEL 902
TEMPORARY CONSTRUCTION EASEMENT
ATLANTIC AVENUE (SR 806)
PALM BEACH COUNTY, FLORIDA

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 17, TOWNSHIP 46 SOUTH, RANGE 42 EAST, BEING A PORTION OF TRACT 113 OF THE PALM BEACH FARMS COMPANY PLAT NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 26 THROUGH 28, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 17; THENCE SOUTH 89°58'57" EAST, ALONG THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 17, A DISTANCE OF 419.50 FEET; THENCE NORTH 01°01'59" WEST, ALONG THE WEST LINE OF THE EAST HALF OF TRACT 113, A DISTANCE OF 114.02 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 01°01'59" WEST, ALONG SAID WEST LINE, A DISTANCE OF 25.00 FEET; THENCE SOUTH 89°58'57" EAST, ALONG A LINE PARALLEL TO AND 139.00 FEET NORTH OF THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 17, A DISTANCE OF 39.21 FEET; THENCE SOUTH 00°01'03" WEST, A DISTANCE OF 25.00 FEET; THENCE NORTH 89°58'57" WEST, ALONG A LINE PARALLEL TO AND 114.00 FEET NORTH OF THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 17, A DISTANCE OF 36.75 FEET, TO THE POINT OF BEGINNING.

CONTAINING 974 SQUARE FEET, MORE OR LESS.

SURVEYOR'S NOTES

1. THIS DRAWING IS NOT A SURVEY.
2. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THIS OFFICE.
3. THE DESCRIPTION SKETCH AND THE DESCRIPTION TEXT COMPRISE THE COMPLETE LEGAL DESCRIPTION. THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH ACCOMPANY EACH OTHER.
4. THIS LEGAL DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER EMPLOYED BY WANTMAN GROUP, INC.
5. BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SECTION 17, TOWNSHIP 46 SOUTH, RANGE 42 EAST, WHICH BEARS SOUTH 89°58'57" EAST.
6. BASELINE AND STATION BASED ON FDOT R/W MAP SR 806 SECTION 93030-1502.

WANTMAN GROUP, INC.

Thomas R. Ditman

THOMAS R. DITMAN
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NUMBER 5763



Wantman Group, Inc.

Engineering ♦ Surveying ♦ Mapping

2035 VISTA PARKWAY, SUITE 100
WEST PALM BEACH, FL 33411
(561) 687-2220 phone
(561) 687-1110 fax
CERTIFICATION NUMBER 6091
LICENSED BUSINESS NUMBER 7055

CAD

T:\478 Atlantic Ave Design\DWG\survey\Parcel902.dwg

REFERENCE

FIELD

JOB 204478.00

DRAWN BY

DPK

DATE 1/18/06

CHECKED BY

TRD

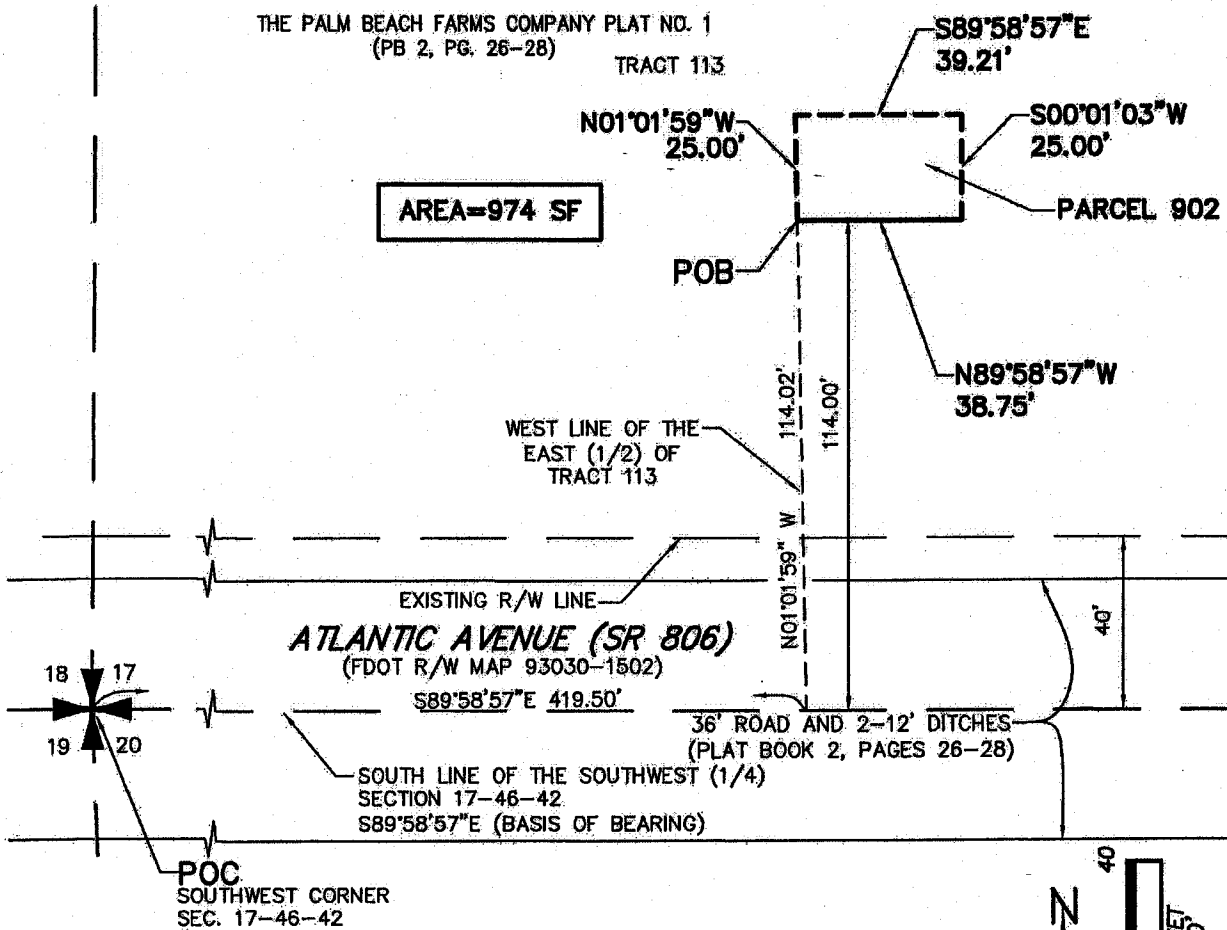
SHEET

1 OF 2

Exhibit "B"
2 of 2

DESCRIPTION & SKETCH
PREPARED FOR:
PALM BEACH COUNTY, FLORIDA

PARCEL 902
TEMPORARY CONSTRUCTION EASEMENT
ATLANTIC AVENUE (SR 806)
PALM BEACH COUNTY, FLORIDA



LEGEND:

FDOT = FLORIDA DEPARTMENT OF TRANSPORTATION
PB = PLAT BOOK
PG. = PAGE
POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
R/W = RIGHT-OF-WAY
SEC. = SECTION
SF = SQUARE FEET
SR = STATE ROAD



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DRAWN BY	DPK	DATE 1/18/06
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