

Agenda Item #: 3-C-13

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: January 9, 2007

☒ Consent

☐ Regular

☐ Workshop

☐ Public Hearing

Department:

Submitted By: Engineering and Public Works

Submitted For: Right-of-Way Acquisition Section

Project No.: 1997511 B

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to:

A. Accept a Warranty Deed for Parcel 158, Permanent Easement for Parcel 258, and Temporary Construction Easement for Parcel 358.

B. Approve payment of a counter-offer in the amount of \$67,000 for Parcels 158, 258, and 358.

**Summary:** This action will accept a Warranty Deed, Permanent Easement, and Temporary Construction Easement needed for the construction widening of Seminole Pratt Whitney Road from south of Okeechobee Boulevard to north of Sycamore Drive and approve a counter-offer in the amount of \$67,000 for the purchase of Parcels 158, 258 and 358.

District: 6 (PK)

**Background and Justification:** The property owner did not accept Palm Beach County's offer of \$42,383 as determined by a certified appraiser, but submitted a counter-offer of \$150,000. Through negotiations, the property owner has agreed to accept payment in the amount of \$67,000. Staff has reviewed this counter-offer and recommends approval. The acceptance of the Warranty Deed, Permanent Easement and Temporary Construction Easement and counter-offer will allow the County to meet the construction schedule as well as avoid the costs of litigation, including attorney as well as other professional fees associated with the Condemnation process.

**Attachments:**

1. Location Map
2. Warranty Deed with Exhibit "A".
3. Permanent Construction Easement with Exhibit "A"
4. Temporary Construction Easement with Exhibit "A"
5. Certificate of Value
6. Counter-Offer Letter

Recommended by:

*Donna A. Fernandez*  
Division Director

11/29/06  
Date

Approved by:

*Don T. Wable*  
County Engineer

12/8/06  
Date

## II. FISCAL IMPACT ANALYSIS

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

Fiscal Years	2007	2008	2009	2010	2011
Capital Expenditures	<u>\$24,617</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>\$24,617</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 3503 Dept. 361 Unit 0699 Object 6120.  
Program

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

Road Impact Fee Fund - Zone 3  
Seminole Pratt/S of Okeechobee to N of Sycamore

Counter Offer-Parcel 158, 258 & 358	\$67,000.00
Appraisal	\$42,383.00
Fiscal Impact	\$24,617.00

C. Departmental Fiscal Review: R. D. Ward 11/28/06

## III. REVIEW COMMENTS

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

<u>Jim Bink</u> 12.12.06 OFMB 12.12.06 12/11/06	<u>Jim J. Janssen</u> 12/18/06 Contract Dev. and Control 12/14/06
----------------------------------------------------------	-------------------------------------------------------------------------

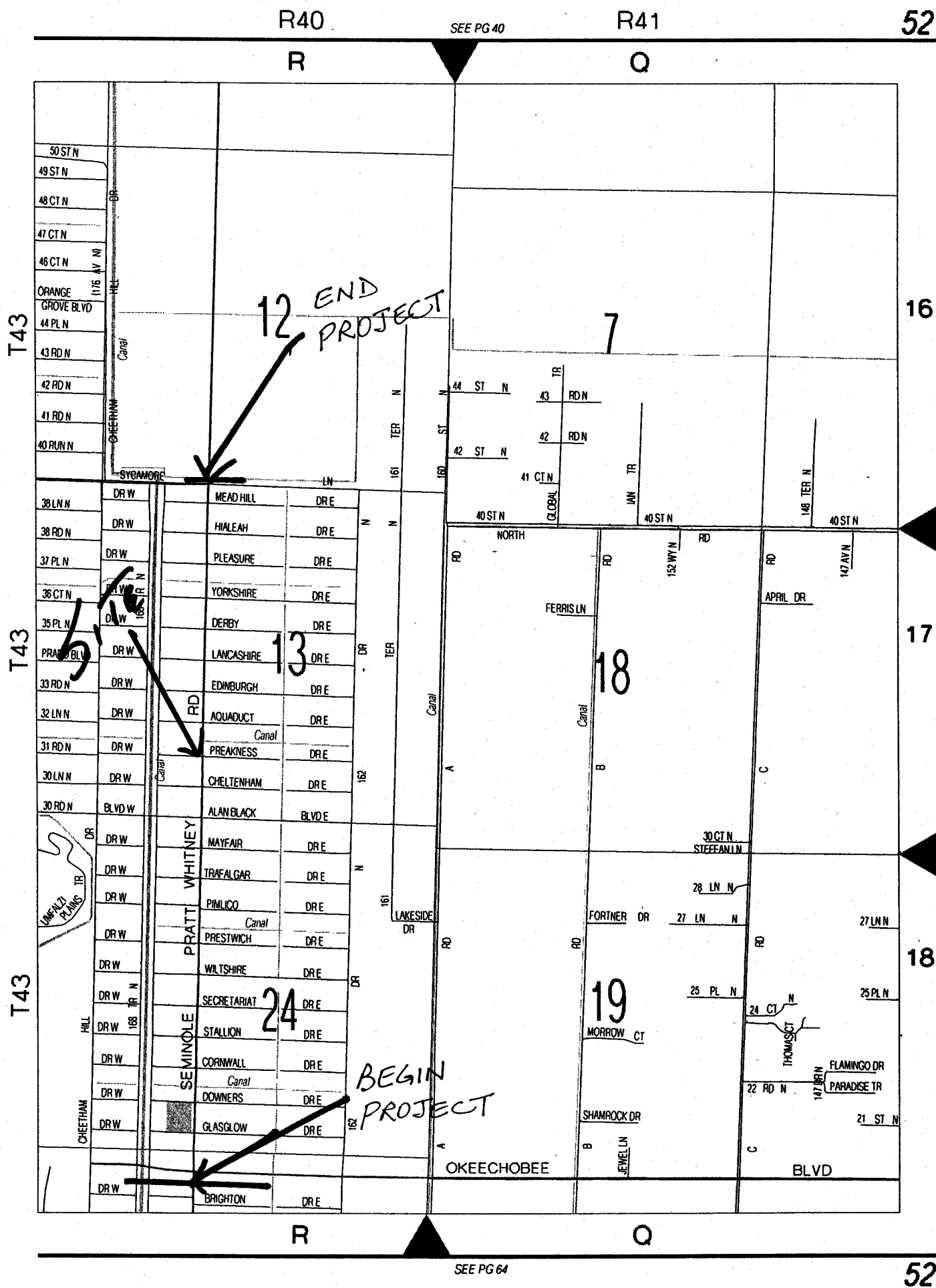
### B. Approved as to Form and Legal Sufficiency:

Paul F. J. 12/18/06  
Assistant County Attorney

### C. Other Department Review:

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

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



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

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

NOT TO BE RECORDED  
WITHOUT BOARD OF COUNTY  
COMMISSIONERS ACCEPTANCE DATE

PCN:00404313000007710  
(Individual/Partnership)

SPACE ABOVE THIS LINE FOR PROCESSING DATA

PROJECT NO. 97511 B

ROAD NAME: SEMINOLE PRATT WHITNEY ROAD, FROM  
SOUTH OF OKEECHOBEE BLVD. TO NORTH OF SYCAMORE  
DRIVE  
PARCEL NO. 158

### WARRANTY DEED

THIS WARRANTY DEED, made this 17<sup>TH</sup> day of NOVEMBER, 2006, by WILLIAM J. WAYLETT whose post office address is 16700 Preakness Dr. W. Loxahatchee, FL. 33470, hereinafter called grantor, to PALM BEACH COUNTY, a political subdivision of the State of Florida, hereinafter called grantee.

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

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

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

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

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

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

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

Michael J Sadowski  
WITNESS SIGNATURE (Required)

MICHAEL J SADOWSKI  
TYPED OR PRINTED NAME OF WITNESS

Craig K Wessendorf  
WITNESS SIGNATURE (Required)

CRAIG K WESSENDORF  
TYPED OR PRINTED NAME OF WITNESS

William J. Waylett  
SIGNATURE OF GRANTOR  
William J. Waylett

TYPED OR PRINTED NAME OF GRANTOR

16700 Preakness Dr. W. Loxahatchee, FL. 33470  
MAILING ADDRESS

SIGNATURE OF GRANTOR

TYPED OR PRINTED NAME OF GRANTOR

MAILING ADDRESS

STATE OF FLORIDA  
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, personally appeared William J. Waylett who is / are personally known to me or who has produced FL. DR. LICENSE as identification and who did/did not take an oath, executed the foregoing instrument for the uses and purposes therein expressed.

WITNESS my hand and official seal this 17<sup>TH</sup> day of NOVEMBER, 2006



Craig K. Wessendorf  
MY COMMISSION # DD167950 EXPIRES  
December 18, 2006  
BONDED THRU TROY FAIR INSURANCE, INC.

Signed: Craig K Wessendorf  
Notary Public in and for  
the County and State aforementioned

FEE PARCEL 158  
PROJECT # 97511B

EXHIBIT "A"  
PAGE 1 OF 2

A PARCEL OF LAND IN SECTION 13, TOWNSHIP 43 SOUTH,  
RANGE 40 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY OF  
SEMINOLE PRATT WHITNEY ROAD, RECORDED IN ROAD PLAT  
BOOK 4, PAGE 34 OF THE PUBLIC RECORDS OF PALM BEACH  
COUNTY, FLORIDA, WITH THE NORTH LINE OF THE SOUTH 744.00  
FEET OF SAID SECTION 13;  
THENCE ALONG SAID WEST RIGHT-OF-WAY, N01°32'54"E FOR  
248.00 FEET TO THE NORTH LINE OF THE SOUTH 992.00 FEET OF  
SAID SECTION 13;  
THENCE ALONG SAID NORTH LINE, N88°19'04"W FOR 35.00 FEET;  
THENCE S01°32'54"W FOR 30.00 FEET;  
THENCE S43°27'06"E FOR 35.36 FEET;  
THENCE S01°32'54"W FOR 193.05 FEET TO THE SAID NORTH LINE  
OF THE SOUTH 744.00 FEET OF SECTION 13;  
THENCE ALONG SAID NORTH LINE, S88°19'04"E FOR 10.00 FEET  
TO THE POINT OF BEGINNING.

CONTAINING 3542 SQUARE FEET, MORE OR LESS.

BEARING BASIS: N01°32'54"E ALONG THE WEST RIGHT-OF-WAY  
OF SEMINOLE PRATT WHITNEY ROAD.

**ABBREVIATIONS**

P.O.B. - POINT OF BEGINNING  
P.O.C. - POINT OF COMMENCEMENT  
R/W - RIGHT-OF-WAY  
R.P.B. - ROAD PLAT BOOK  
O.R.B. - OFFICIAL RECORD BOOK  
T.C.E. - TEMPORARY CONSTRUCTION EASEMENT  
C - CENTERLINE  
ITWCD - INDIAN TRAIL WATER CONTROL DISTRICT  
(D) - DEED DIMENSION

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

*John E. Phillips III*  
JOHN E. PHILLIPS III  
PROFESSIONAL LAND SURVEYOR  
STATE OF FLORIDA No. 4826  
DATE: JUL 12 2005

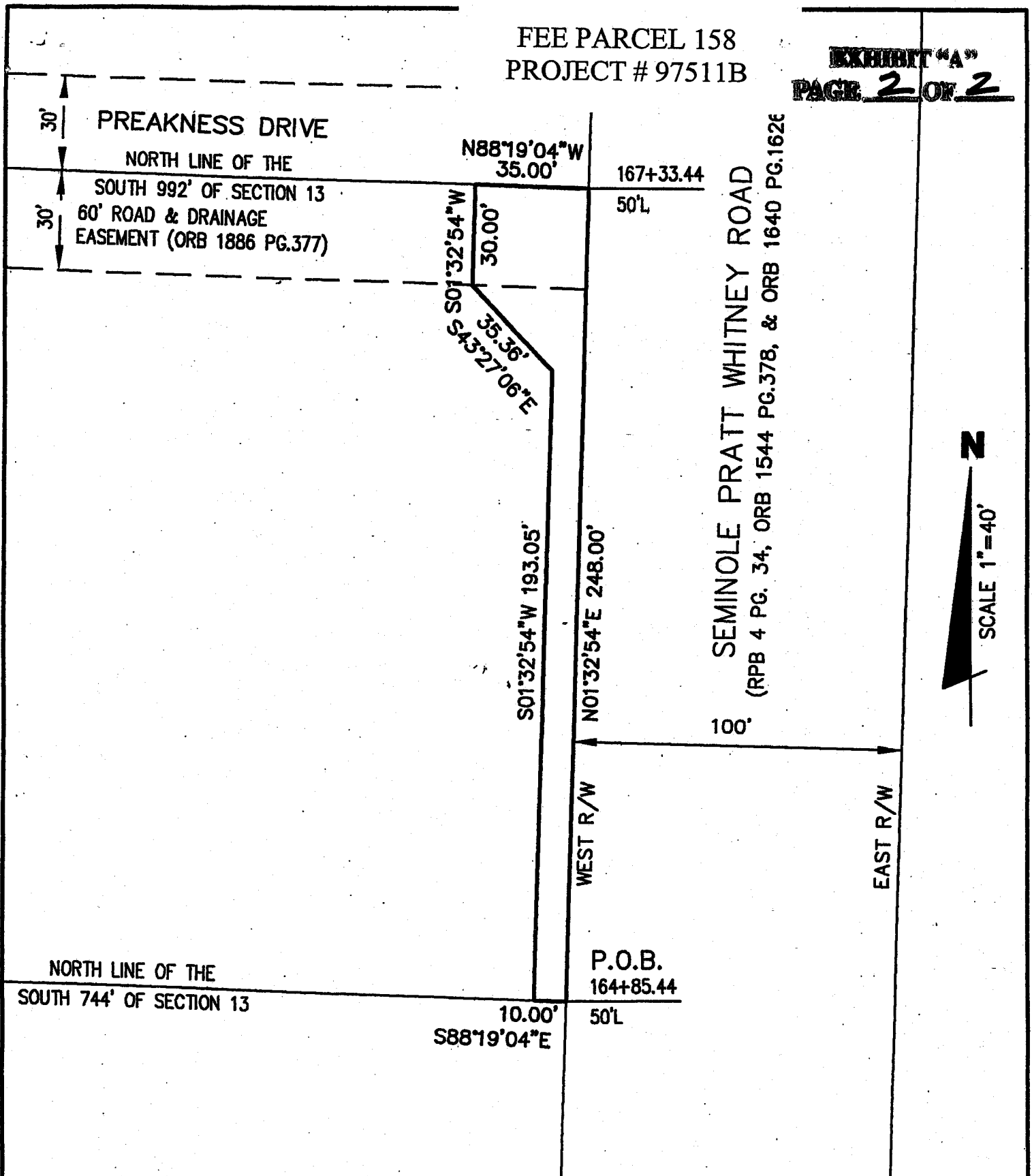
**BROWN & PHILLIPS, INC.**  
PROFESSIONAL SURVEYING SERVICES  
CERTIFICATE OF AUTHORIZATION # LB 6473  
901 NORTHPOINT PARKWAY, SUITE 305, W.P.B., FL 33407  
(561) 615-3988, (561) 615-3986 FAX

**LEGAL DESCRIPTION**

DRAWN: MDB	PROJ. No. 99-083
CHECKED: JEP	SCALE: NONE
DATE: 7/8/05	SHEET 1 OF 2
SEMINOLE PRATT WHITNEY ROAD PARCEL 158	

FEE PARCEL 158  
PROJECT # 97511B

EXHIBIT "A"  
PAGE 2 OF 2



THIS SKETCH IS NOT A SURVEY

Project Number 1997511 B

**BROWN & PHILLIPS, INC.**

PROFESSIONAL SURVEYING SERVICES

CERTIFICATE OF AUTHORIZATION # LB 6473

901 NORTHPOINT PARKWAY, SUITE 305, W.P.B., FL 33407

(561) 615-3988, (561) 615-3986 FAX

SKETCH TO ACCOMPANY  
LEGAL DESCRIPTION

DRAWN:	MDB	PROJ. No. 99-083
CHECKED:	JEP	SCALE: 1"=40'
DATE:	7/8/05	SHEET 2 OF 2

SEMINOLE PRATT WHITNEY ROAD  
PARCEL 158

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

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

NOT TO BE RECORDED  
WITHOUT BOARD OF COUNTY  
COMMISSIONERS ACCEPTANCE DATE

PCN:00404313000007710

SPACE ABOVE THIS LINE FOR PROCESSING DATA

(Individual/Partnership)

PROJECT NO.97511 B  
ROAD NAME: Seminole Pratt Whitney  
PARCEL NO. 258

PERMANENT EASEMENT

THIS EASEMENT, made this 17<sup>th</sup> day of NOVEMBER, 2006, between WILLIAM J. WAYLETT, as the party(ies) of the first part, and PALM BEACH COUNTY, a political subdivision of the State of Florida, as the party of the second part.

WITNESSETH: That the party(ies) of the first part, for and in consideration of the sum of ONE (\$1.00) dollar and other valuable considerations, receipt whereof is hereby acknowledge, hereby grant(s) unto the party of the second part, its successors and assigns, for the purpose of a permanent easement, over, upon, under, through and across the following described land, situate in Palm Beach County, Florida, to-wit:

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

This permanent easement shall be used to permanently install and maintain an earth embankment for purposes including, but not limited to supporting the side slopes of the roadway, and when necessary, facilities for transporting storm water runoff, both above ground (swales) and buried (pipes and structures) to, and or from, water retention areas. This permanent easement shall be non-exclusive, provided, however, that the party(ies) of the first part and their successors and assigns, shall be permanently prohibited from removing or interfering with the operation, functioning, maintenance, when necessary, or repair of any of the drainage facilities or embankment installed by the party of the second part, in the permanent easement area. To the extent that the party(ies) of the first part and their successors and assigns hinder or obstruct the operation, functioning, maintenance, or repair of the embankment or any drainage facilities installed in the permanent easement area, the party of the second part shall not be liable or responsible for the cost of removal of the obstruction. The embankment construction or installation of the drainage facilities shall not extend beyond the limits outlined in the attached legal description.

The party of the second part shall have the right, but not the obligation, to remove and use any or all of the soil and/or subsoil, in accordance with current and future construction plans, within the easement area.  
TO HAVE AND TO HOLD THE SAME unto the party of the second part, its successors and assigns forever.

IN WITNESS WHEREOF, the said party(ies) has (have) hereto set their hand(s) and seal(s) the day and year first above written.

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

Michael J Sadowski  
WITNESS SIGNATURE (Required)

MICHAEL J SADOWSKI  
TYPED OR PRINTED NAME OF WITNESS

William J Waylett  
SIGNATURE OF GRANTOR  
William J. Waylett

TYPED OR PRINTED NAME OF GRANTOR

16700 Preakness Dr. W., Loxahatchee, FL 33470  
MAILING ADDRESS

Craig K Wessendorf  
WITNESS SIGNATURE (Required)

CRAIG K WESSENDORF  
TYPED OR PRINTED NAME OF WITNESS

TYPED OR PRINTED NAME OF GRANTOR

MAILING ADDRESS

STATE OF FLORIDA  
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, personally appeared William J. Waylett who is / are personally known to me or who has produced FL DR. LICENSE as identification and who did/did not take an oath, executed the foregoing instrument as such officer(s) on behalf of the said Company for the uses and purposes therein expressed.

WITNESS my hand and official seal this 17<sup>th</sup> day of NOVEMBER, 2006



Craig K. Wessendorf  
MY COMMISSION # DD167950 EXPIRES  
December 18, 2006  
BONDED THRU TROY FAIN INSURANCE, INC.

Signed: Craig K Wessendorf  
Notary Public in and for  
the County and State aforementioned

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TO THE POINT OF BEGINNING;  
THENCE CONTINUE N88°19'04"W FOR 10.00 FEET;  
THENCE PARALLEL WITH THE SAID WEST RIGHT-OF-WAY, N01°32'54"E  
FOR 203.03 FEET;  
THENCE S43°27'06"E FOR 14.14 FEET;  
THENCE S01°32'54"W FOR 193.05 FEET TO THE POINT OF BEGINNING.

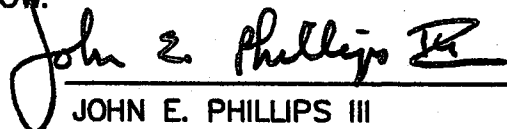
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**ABBREVIATIONS**

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RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND  
MAPPER NOTED BELOW.

  
JOHN E. PHILLIPS III  
PROFESSIONAL LAND SURVEYOR  
STATE OF FLORIDA No. 4826  
DATE: APR 05 2006

PBC PROJECT #97511B



**BROWN & PHILLIPS, INC.**

PROFESSIONAL SURVEYING SERVICES

CERTIFICATE OF AUTHORIZATION # LB 6473

901 NORTHPOINT PARKWAY, SUITE 305, W.P.B., FL 33407

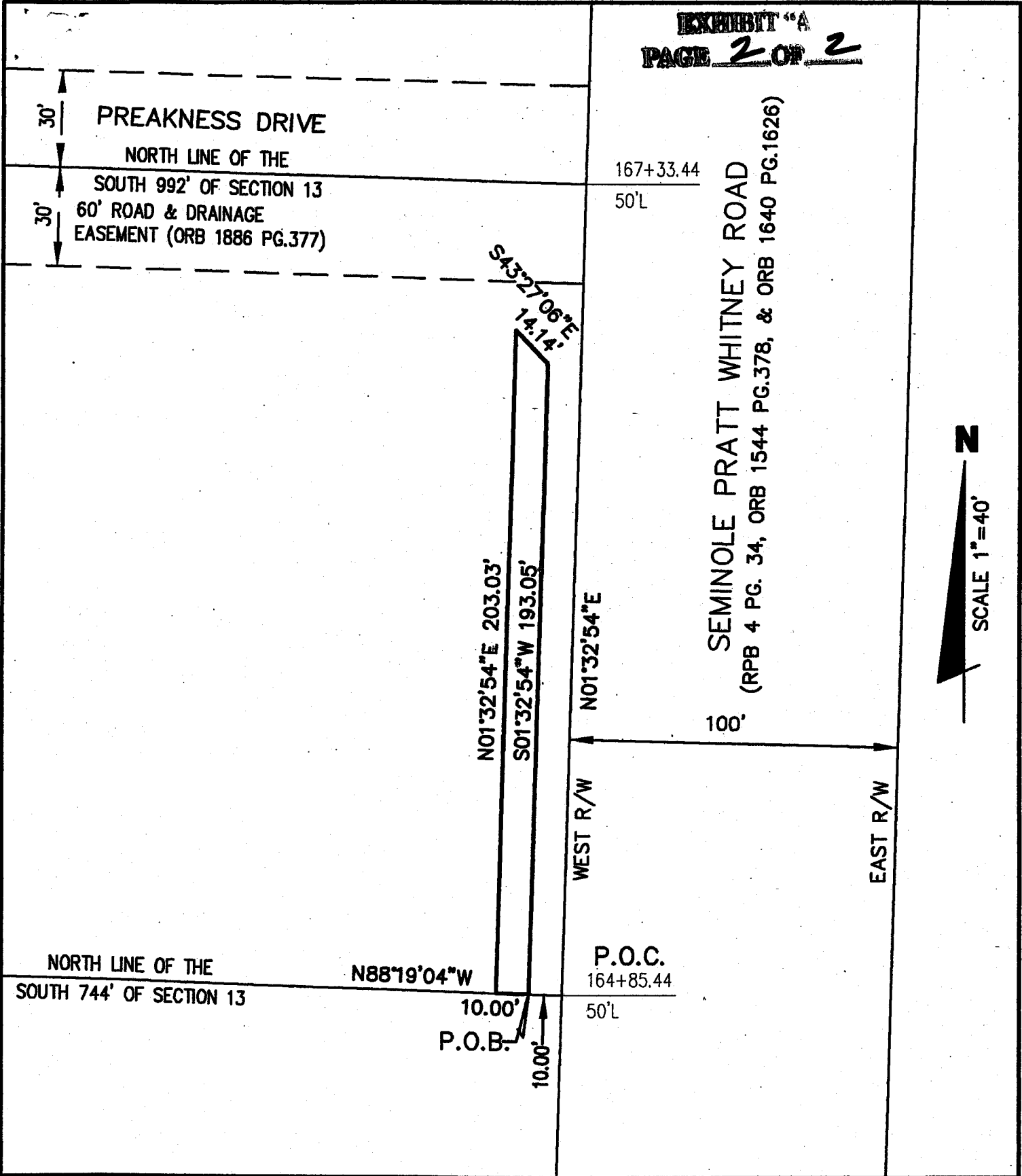
(561) 615-3988, (561) 615-3986 FAX

**LEGAL DESCRIPTION**

DRAWN: MDB	PROJ. No. 99-083
CHECKED: JEP	SCALE: NONE
DATE: 7/8/05	SHEET 1 OF 2

SEMINOLE PRATT WHITNEY ROAD  
EASEMENT 258





THIS SKETCH IS NOT A SURVEY

**BROWN & PHILLIPS, INC.**  
PROFESSIONAL SURVEYING SERVICES  
CERTIFICATE OF AUTHORIZATION # LB 6473  
901 NORTHPOINT PARKWAY, SUITE 305, W.P.B., FL 33407  
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LEGAL DESCRIPTION

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DATE: 7/8/05	SHEET 2 OF 2
SEMINOLE PRATT WHITNEY ROAD EASEMENT 258	

Return to:  
Palm Beach County  
Name: Right-of-Way Acquisition Section  
Post Office Box 21229  
Address: West Palm Beach, Florida 33416  
Attn: Rita Davis- Ahlischwede  
Acct. No.: 1010

This Instrument Prepared by:

Name: Paul F. King, Assistant County Attorney  
Palm Beach County  
Address: Post Office Box 21229  
West Palm Beach, FL 33416

NOT TO BE RECORDED  
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COMMISSIONERS ACCEPTANCE DATE

PCN:00404313000007710  
(Individual/Partnership)

SPACE ABOVE THIS LINE FOR PROCESSING DATA

PROJECT NO. 97511 B  
ROAD NAME: Seminole Pratt Whitney Road  
PARCEL NO. 358

TEMPORARY CONSTRUCTION EASEMENT

THIS EASEMENT, made this 17<sup>th</sup> day of NOVEMBER, 2006, between WILLIAM J. WAYLETT, the party of the first part, and PALM BEACH COUNTY, a political subdivision of the State of Florida, as the party of the second part.

WITNESSETH: That the party of the first part, for and in consideration of the sum of ONE (\$1.00) dollar and other valuable considerations, receipt whereof is hereby acknowledge, hereby grant(s) unto the party of the second part, its successors and assigns, a TEMPORARY CONSTRUCTION easement, over, upon, under, through and across the following described land, situate in Palm Beach County, Florida, to-wit:

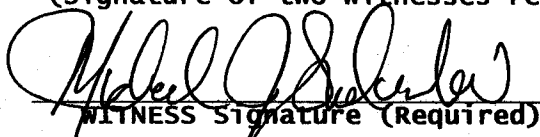
Property more particularly described in Exhibit "A" attached hereto and made a part hereof.

THIS EASEMENT as described herein is to be used for the purpose of tying in, harmonizing, constructing, grading, improving, reconstructing and inspecting of the road project as shown on the initial or final plans. This Temporary Construction Easement shall be for duration of two years or until the road and/or construction project is accepted by the Palm Beach County Board of County Commissioners, and includes the right of ingress and egress over and through the described real estate.

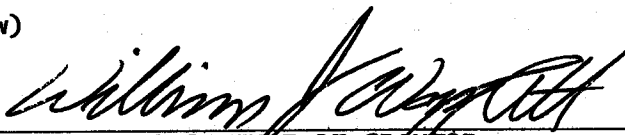
TO HAVE AND TO HOLD THE SAME unto the party of the second part, its successors and assigns.

IN WITNESS WHEREOF, the said party(ies) have hereto set their hand(s) and seal(s) the day and year first above written.

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

  
WITNESS SIGNATURE (Required)

MICHAEL J SADOWSKI  
TYPED OR PRINTED NAME OF WITNESS

  
SIGNATURE OF GRANTOR

William J. Waylett

TYPED OR PRINTED NAME OF GRANTOR

16700 Preakness Dr. W. Loxahatchee, FL 33470  
MAILING ADDRESS

  
WITNESS SIGNATURE (Required)

CRAIG K WESSENDORF  
TYPED OR PRINTED NAME OF WITNESS

SIGNATURE OF GRANTOR

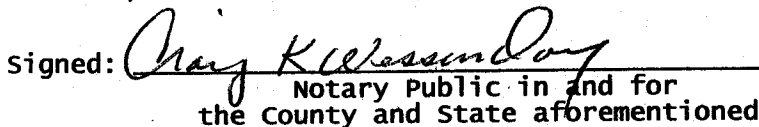
TYPED OR PRINTED NAME OF GRANTOR

MAILING ADDRESS

STATE OF FLORIDA  
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, personally appeared William J. Waylett who is / are personally known to me or who has produced FL DR. LICENSE as identification and who did/did not take an oath, executed the foregoing instrument as such officer(s) on behalf of the said Company for the uses and purposes therein expressed.

WITNESS my hand and official seal this 17<sup>th</sup> day of NOVEMBER, 2006

Signed:   
Notary Public in and for  
the County and State aforementioned



Craig K. Wessendorf  
MY COMMISSION # DD167950 EXPIRES  
December 18, 2006  
BONDED THRU TROY FAIR INSURANCE, INC.

NOTARIAL SEAL

TCE 358  
PROJECT # 97511B

EXHIBIT "A"  
PAGE 1 OF 2

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RANGE 40 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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JOHN E. PHILLIPS III  
PROFESSIONAL LAND SURVEYOR  
STATE OF FLORIDA No. 4826  
DATE: JAN 11 2006



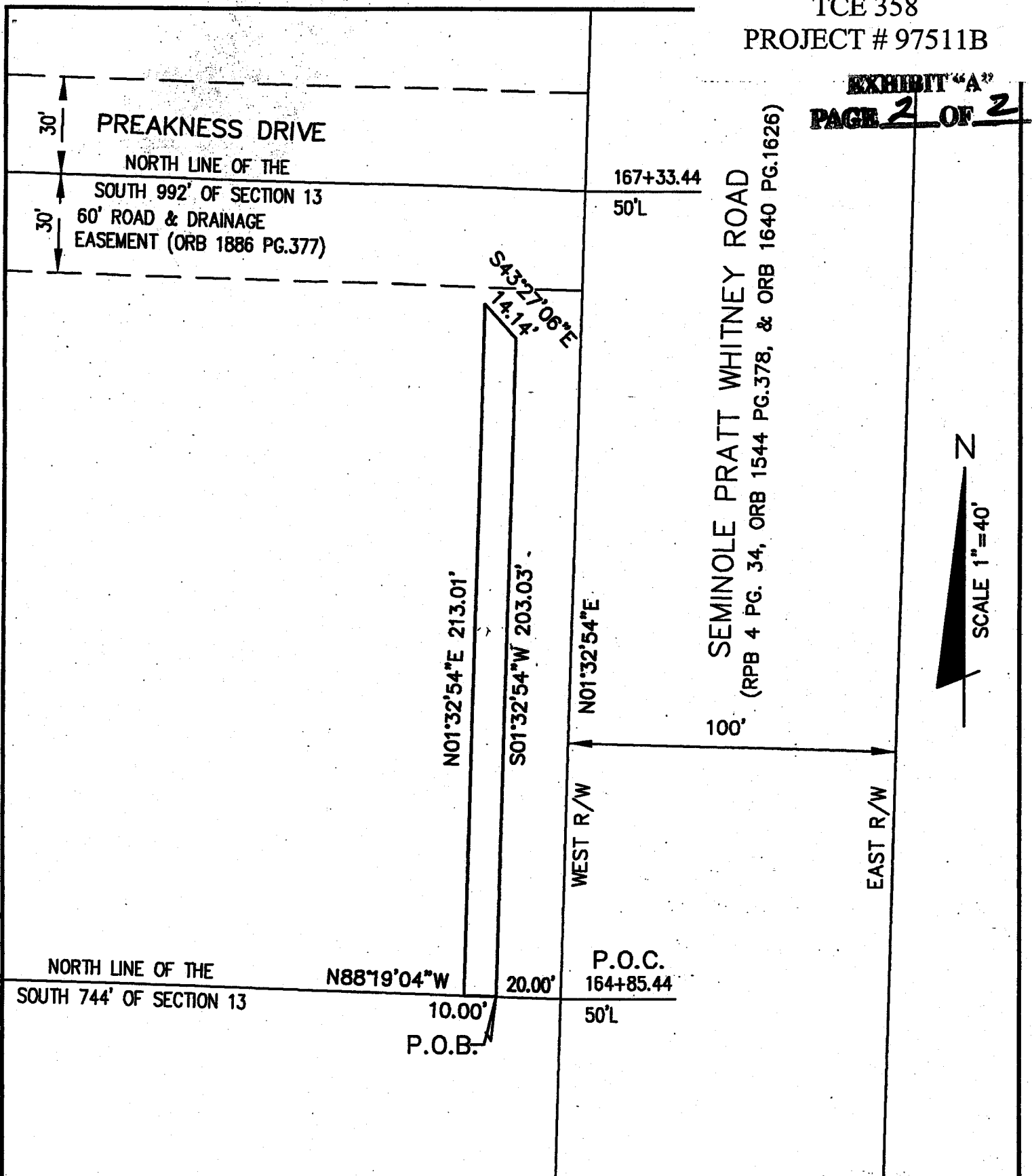
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LEGAL DESCRIPTION

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CHECKED: JEP	SCALE: NONE
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SEMINOLE PRATT WHITNEY ROAD T.C.E. 358	

TCE 358  
PROJECT # 97511B

EXHIBIT "A"  
PAGE 2 OF 2



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CERTIFICATE OF AUTHORIZATION # LB 6473  
901 NORTHPOINT PARKWAY, SUITE 305, W.P.B., FL 33407  
(561) 615-3988, (561) 615-3986 FAX

SKETCH TO ACCOMPANY  
LEGAL DESCRIPTION

DRAWN:	MDB	PROJ. No. 99-083
CHECKED:	JEP	SCALE: 1"=40'
DATE:	7/8/05	SHEET 2 OF 2

SEMINOLE PRATT WHITNEY ROAD  
T.C.E. 358

Seminole Pratt Whitney Road, Project 97511B  
Palm Beach County Right of Way Acquisition

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### **CERTIFICATE OF VALUE**

Parcel No.: 158/258/358      Date of Inspection: March 22, 2006  
Owner: Waylett      Date of Valuation: March 22, 2006  
Project Number: 97511B  
Project Name: Seminole Pratt Whitney Road

We certify that, to the best of our knowledge and belief:

1. The statements of fact contained in this report are true and correct.
2. The reported analyses, opinions and conclusions are limited only by the reported assumptions, limiting conditions, and legal instructions, and our personal, impartial, and unbiased professional analyses, opinions and conclusions.
3. We have no present or prospective interest in, or no bias with respect to, the property that is the subject of this report, and we have no personal interest or bias with respect to the parties involved.
4. Our engagement in this assignment was not contingent upon developing or reporting predetermined results.
5. Our compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
6. We have made a personal inspection of the property that is the subject of this report, and the property owner, and his/her designated representative, was given the opportunity to accompany the appraiser on the property inspection.
7. No one provided significant professional assistance to the person signing this report.
8. The use of this report is subject to the requirements of the State of Florida relating to review by the Florida Real Estate Appraisal Board.
9. The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
10. The reported analyses, opinions and conclusion were developed, and this report was prepared, in conformity with the requirements of the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute, which include the Uniform Standards of Professional Appraisal Practice.

Seminole Pratt Whitney Road, Project 97511B  
Palm Beach County Right of Way Acquisition

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**CERTIFICATE OF VALUE (Continued)**

Parcel No.: 158/258/358 Date of Inspection: March 22, 2006  
Owner: Waylett Date of Valuation: March 22, 2006  
Project Number: 97511B  
Project Name: Seminole Pratt Whitney Road

11. That we have not revealed the results of such appraisal to other than the proper officials of the Palm Beach County Right of Way Acquisition Section, Department of Engineering and Public Works, and will not do so until authorized by same, or until required by due process-of-law, or until release from this obligation by having publicly testified as to such results.
12. As of the date of this report, Philip M. Holden, MAI, has completed the continuing education program of the Appraisal Institute.
13. As of the date of this report, Philip M. Holden, MAI and Sharon L. Morgan have completed the requirements for the State of Florida continuing education program.
14. That our opinion of the market value of the property being appraised as of March 22, 2006, is as follows:

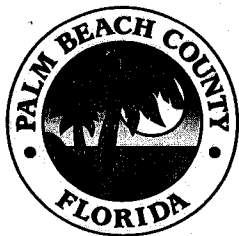
Market Value.....\$42,383



Philip M. Holden, MAI  
State-Certified General Real Estate Appraiser RZ 1666



Sharon L. Morgan  
State-Certified General Real Estate Appraiser RZ 626



**Department of Engineering  
and Public Works**

P.O. Box 21229  
West Palm Beach, FL 33416-1229  
(561) 684-4000  
www.pbcgov.com

**Palm Beach County  
Board of County  
Commissioners**

Tony Masilotti, Chairman

Addie L. Greene, Vice Chairperson

Karen T. Marcus

Jeff Koons

Warren H. Newell

Mary McCarty

Burt Aaronson

**County Administrator**

Robert Weisman

*"An Equal Opportunity  
Affirmative Action Employer"*



October 19, 2006

William & Deborah Waylett  
16700 W. Preakness Drive  
Loxahatchee, FL 33470

**RE: Seminole Pratt Whitney Road  
South of Okeechobee Blvd. to North of Sycamore Drive  
Parcels 158, 258, & 358  
Palm Beach County Project # 1997511B**

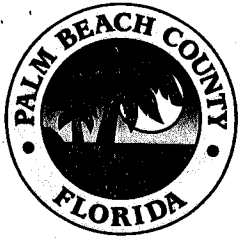
Dear Mr. and Mrs. Waylett,

Thank you for meeting with Bill Sears, Craig Wessendorf, and myself yesterday, as well as for your letter of October 3, 2006.

As stated before, the County is appreciative of your efforts to resolve this eminent domain action outside of the courts, and my September 22, pre-litigation notice is in no way intended to "bully" you into accepting our counter offer. This is a procedure the County has to go through whenever we have been unable to come to an agreement with property owners within 30 days of our initial offers. However, this notice does not prevent both parties from continuing to negotiate a settlement.

With respect to your concerns about the FPL poles, the poles may be closer to your property, but their location and aesthetics are accepted standards in this, and most communities. The community depends on the services provided by the placement of the utility poles and the location is not unique to your property. All properties along the west side of the roadway will have utility poles adjacent to them. You can not be compensated for perceived danger or aesthetics, due to the FPL poles.

The purpose of the embankment easement area (parcel 258) is not to drain the roadway. This easement is a permanent easement required for placing embankment fill which is needed to support the sidewalk. This embankment will be sloped down 4:1 from the right-of-way. Your letter refers to this area as a drainage ditch. It is not. You may be confusing parcel 258 with parcel 358. Parcel 358 is a Temporary Construction Easement, and this area is being graded to accommodate the drainage on your property, not provide drainage for the roadway. Surface water on this area will be picked up by a back-of-sidewalk inlet at station 164 + 80, taken into a piped drainage system, and carried away. After our meeting, it was decided to add another back-of-sidewalk inlet at



station 166 + 60. This will improve the ability to remove water from your property into the road drainage system.

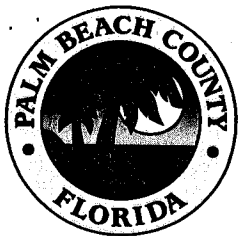
With respect to the proximity of your driveway to parcel 358, the appraisal addressed the relocation of a portion of your driveway, including the replacement of fencing, lighted posts, a gate and two trees for a compensation of \$12,660. You have provided your own cost estimates in the amount of \$25,000 for tree removal & relocation of 100 ft. of your driveway. We will increase our offer for this work from \$12,660 to \$26,000.

In response to your request to be compensated for "noise and danger", this request is difficult to justify. The improvement of Seminole Pratt Whitney Road is intended to improve the safety of the motoring public and we do not agree that the roadway improvement is a danger to you, for which the County is obligated to compensate you. Also you currently live next to a busy two-lane roadway, which is already subjected to noise from the traffic, however in response to your request to be compensated for noise, note that the appraisal acknowledged you have a natural buffer, which will be removed during the roadway construction. You are being compensated to replace this natural buffer by the inclusion of \$5,200 to construct a 2 ft. berm with 8 trees 10 ft. to 12 ft. high. We will increase this offer from \$5,200 to \$11,000. The County will not construct or provide compensation for walls. This is a long standing policy upheld by the Board of County Commissioners in June, 2004. A copy of this document is included for your information.

We note you have received correspondence from the Army Corp of Engineers. They are reviewing the County's plans as a normal part of the permitting process that will include provisions, with which the County must comply. All roadway projects receive permits through various regulating agencies. You've stated in your letter that the "County has no drainage plans except my yard", I'm not sure what you mean by this, but the pond at the SW corner of Aqueduct Drive is just one of seven ponds being constructed as part of this roadway project. We note from your letter, and our visit to the property, that you've always had drainage problems on your property. The work being shown in parcel 358, along with the ability to direct some of the run-offs from adjacent properties (such as yours) to these ponds and adjacent canals will help to alleviate this problem.

Please note that we have carefully reviewed your counter-offers and considered the concerns and issues you raised. In an effort to settle the acquisition of parcels 158, 258 and 358, we are willing to increase the previous counter-offer from \$53,000 to \$67,000. This is an increase of 58% on the original offer of \$42,383.





The revised offer breakdown is as follows.

Parcel 158 (Fee)	from	\$14,876	to	\$17,000
Parcel 258 (P.E.)	from	\$7,900	to	\$10,000
Parcel 358 (T.C.E.)	from	\$1,747	to	\$ 3,000
Cost to Cure	from	\$17,860	to	\$37,000
<b>TOTAL</b>				<b>\$67,000</b>

We are not in agreement with the claims raised in your counter-offer letters, and although we have tried to, we have been unable to justify your claim of \$150,000. If you wish to reiterate your position, you are invited to come in and meet with County staff at your convenience. Maybe we can clarify some of the misunderstandings in the design of the roadway, and it will give you the opportunity to more clearly explain your concerns.

If you would like to accept this revised offer of \$67,000, please acknowledge this by signing below.

Sincerely,

L. Morton Rose, P.E.  
Right-of-Way Acquisition Manager

Ec. Steve Carrier, P.E., Five Year Road Program Manager  
Bill Sears, P.E., Project Engineer  
Craig Wessendorf, Right-of-Way Specialist

I will accept \$67,000 for payment of right-of-way and easement parcels identified as parcels 158, 258, and 358.

  
William Waylett  
11/14/06  
Date  
Deborah Waylett  
11/7/06  
Date