

Agenda Item #: 3-C-12

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date: December 18, 2007

☒ Consent

☐ Regular

☐ Workshop

☐ Public Hearing

Department:

Submitted By: Engineering and Public Works

Submitted For: Right-of-Way Acquisition Section

Project No.: 97511D

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to:

- A) Accept a Warranty Deed for Parcel 1A on Seminole Pratt Whitney Road.
- B) Approve payment of a counter-offer in the amount of \$300,000 for Parcel 1A.

Summary: This action will accept a Warranty Deed for a parcel of land needed for a retention pond and approve a counter-offer in the amount of \$300,000 for the purchase of the parcel of land, known as Parcel 1A. This parcel is required for the construction of Seminole Pratt Whitney Road from Orange Boulevard to south of Northlake Boulevard.

District: 6 (PK)

Background and Justification: On January 9, 2007, the Palm Beach County Board of County Commissioners approved a request granting approval to appraise and acquire land, rights-of-way and easements for projects included in the approved Five-Year Road Program. An offer of \$ 287,300 was made to the owner of a parcel of land known as Parcel 1A. This parcel is to be utilized as a retention pond for the Seminole Pratt Whitney Road from Orange Boulevard to south of Northlake Boulevard project. The owner of Parcel 1A has not accepted the offer and has presented a counter-offer in the amount of \$300,000, a difference of \$12,700. This counter-offer is 4 percent above the appraised value. Staff has reviewed this counter-offer and recommends approval. The acceptance of this Warranty Deed and counter-offer will avoid lengthy and costly litigation, as well as additional professional fees associated with the Condemnation process.

Attachments:

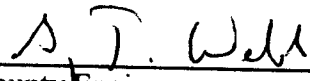
- 1. Location Map
- 2. Warranty Deed with Exhibit "A"
- 3. Certificate of Value
- 4. Counter-Offer Letter

Recommended by:


Division Director

11/13/07
Date

Approved by:


County Engineer

11/26/07
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2008	2009	2010	2011	2012
Capital Expenditures	<u>\$300,000</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Operating Costs	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
External Revenues	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Program Income (County)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
In-Kind Match (County)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
NET FISCAL IMPACT	<u>\$300,000</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 0728 Object 6120.
Program

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

Road Impact Fee Fund - Zone 3
Seminole Pratt/Orange Blvd to S of Northlake

C. Departmental Fiscal Review: R. S. W. and 11/13/07

III. REVIEW COMMENTS

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

[Signature] 11-29-07
OFMB [Initials] 11/29/07 [Initials] 11/26/07

[Signature] 11.130/07
Contract Dev. and Control
11/29/07

B. Approved as to Form and Legal Sufficiency:

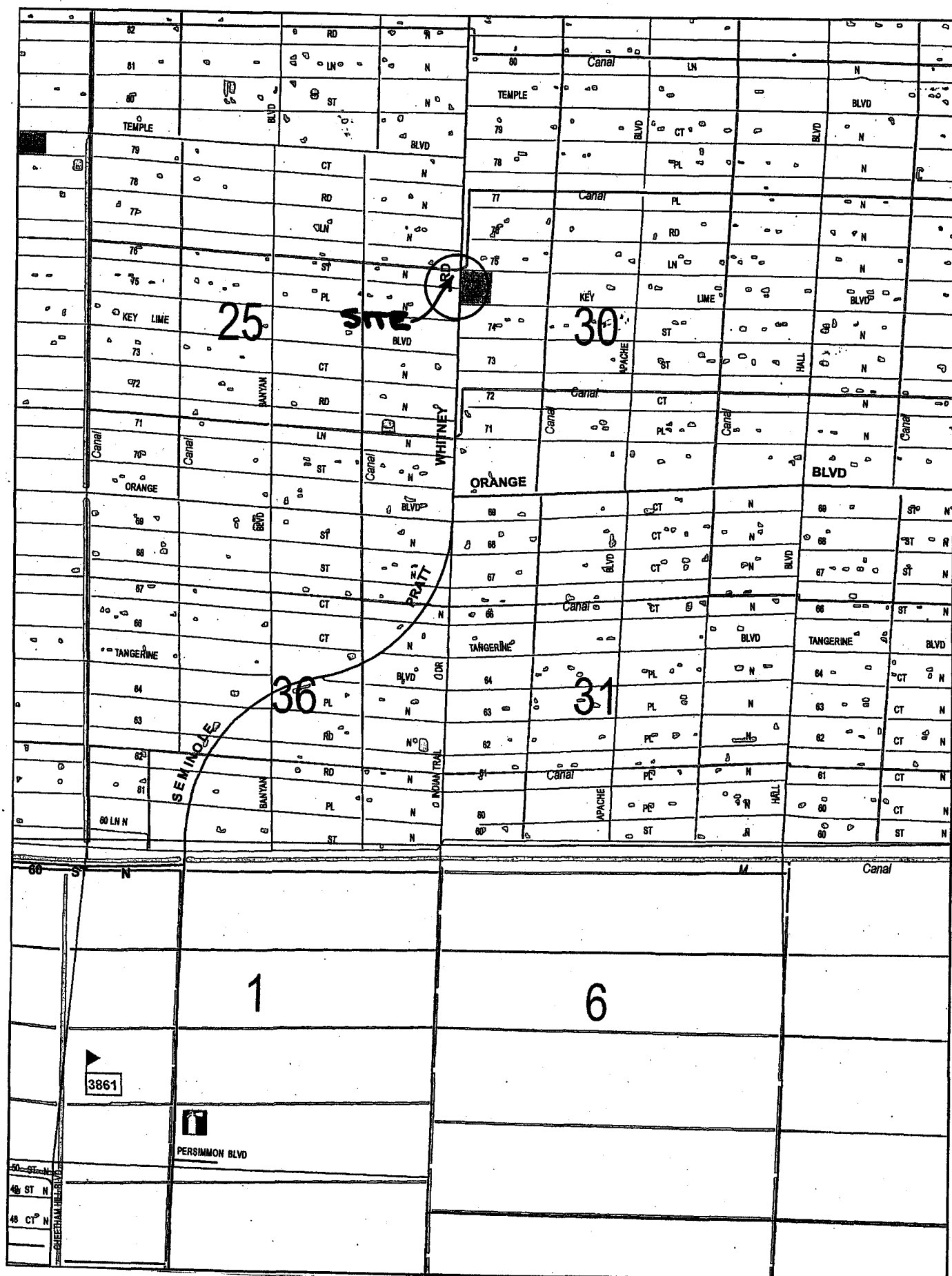
Paul F. J. 11/30/07
Assistant County Attorney

C. Other Department Review:

Department Director

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

LOCATION MAP



WARRANTY DEED
WITH EXHIBIT "A"

NOV-13-2007 10:27A FROM:

TO:15616844085

P.3

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

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

NOT TO BE RECORDED
WITHOUT BOARD OF COUNTY
COMMISSIONERS ACCEPTANCE DATE

PCN: 00-40-42-25-00-000-1960
(Individual/Partnership)

SPACE ABOVE THIS LINE FOR PROCESSING DATA

PROJECT NO. 1997511 D

ROAD NAME: SEMINOLE PRATT WHITNEY ROAD /
ORANGE BOULEVARD TO NORTHLAKE BOULEVARD
PARCEL NO. 1A

WARRANTY DEED

THIS WARRANTY DEED, made this 13th day of November, 2007, by MICHAEL C. PASSAFIUME, AN UNMARRIED PERSON, AND GREGG M. PASSAFIUME AND KAREN PASSAFIUME, HUSBAND AND WIFE, AS JOINT TENANTS WITH THE RIGHT OF SURVIVORSHIP, whose post office address is 3205 S. WASHINGTON AVENUE, UNIT 403B, TITUSVILLE, FL 32780, 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 free of all encumbrances, except taxes subsequent to December 31, 2006.

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)

Randall J. Marshall
WITNESS SIGNATURE (Required)

Randall J. Marshall
TYPED OR PRINTED NAME OF WITNESS

Judy L. Swisher
WITNESS SIGNATURE (Required)

Judy L. Swisher
TYPED OR PRINTED NAME OF WITNESS

MCP
SIGNATURE OF GRANTOR

MICHAEL C. PASSAFIUME

TYPED OR PRINTED NAME OF GRANTOR

3205 S. WASHINGTON AVENUE - UNIT 403B

TITUSVILLE, FL 32780

MAILING ADDRESS

Gregg M. Passafiume
SIGNATURE OF GRANTOR

GREGG M. PASSAFIUME

TYPED OR PRINTED NAME OF GRANTOR

Karen Passafiume
SIGNATURE OF GRANTOR

KAREN PASSAFIUME

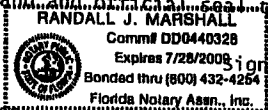
TYPED OR PRINTED NAME OF GRANTOR

STATE OF Florida

COUNTY OF Volusia

BEFORE ME, the undersigned authority, personally appeared Michael C. Passafiume, Gregg M. Passafiume & Karen Passafiume who is / are personally known to me or who has produced 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 13th day of November, 2007



Randall J. Marshall
Notary Public in and for
the County and State aforementioned

EXHIBIT "A"
1 of 2

EXHIBIT "A"
PAGE 1 OF 2

THE NORTH 243 FEET OF THE SOUTH 3472 FEET, LESS THE WEST 5173.9 FEET OF SECTION 25, TOWNSHIP 42 SOUTH, RANGE 40 EAST, SUBJECT TO A ROAD RIGHT-OF-WAY EASEMENT TO PALM BEACH COUNTY OVER THE EAST 60 FEET, RECORDED IN OFFICIAL RECORD BOOK 7693, PAGE 1626, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND AN EASEMENT TO INDIAN TRAIL WATER CONTROL DISTRICT FOR ROAD AND DRAINAGE PURPOSES OVER THE NORTH 30 FEET, RECORDED IN OFFICIAL RECORD BOOK 1687, PAGE 1749, OF SAID PUBLIC RECORDS

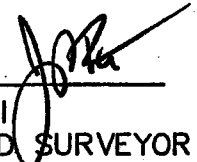
CONTAINING 2.21 ACRES, MORE OR LESS.

BEARING BASIS: N00°03'56"E ALONG THE WEST LINE OF SECTION 25.

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

ABBREVIATIONS

R/W - RIGHT-OF-WAY
ORB - OFFICIAL RECORD BOOK
R.D.E. - ROAD AND DRAINAGE EASEMENT
L - LEFT OF BASELINE
R - RIGHT OF BASELINE



JOHN E. PHILLIPS III
PROFESSIONAL LAND SURVEYOR
STATE OF FLORIDA No. 4826
DATE: JUL 17 2007



SEMINOLE PRATT WHITNEY ROAD

BROWN & PHILLIPS, INC.

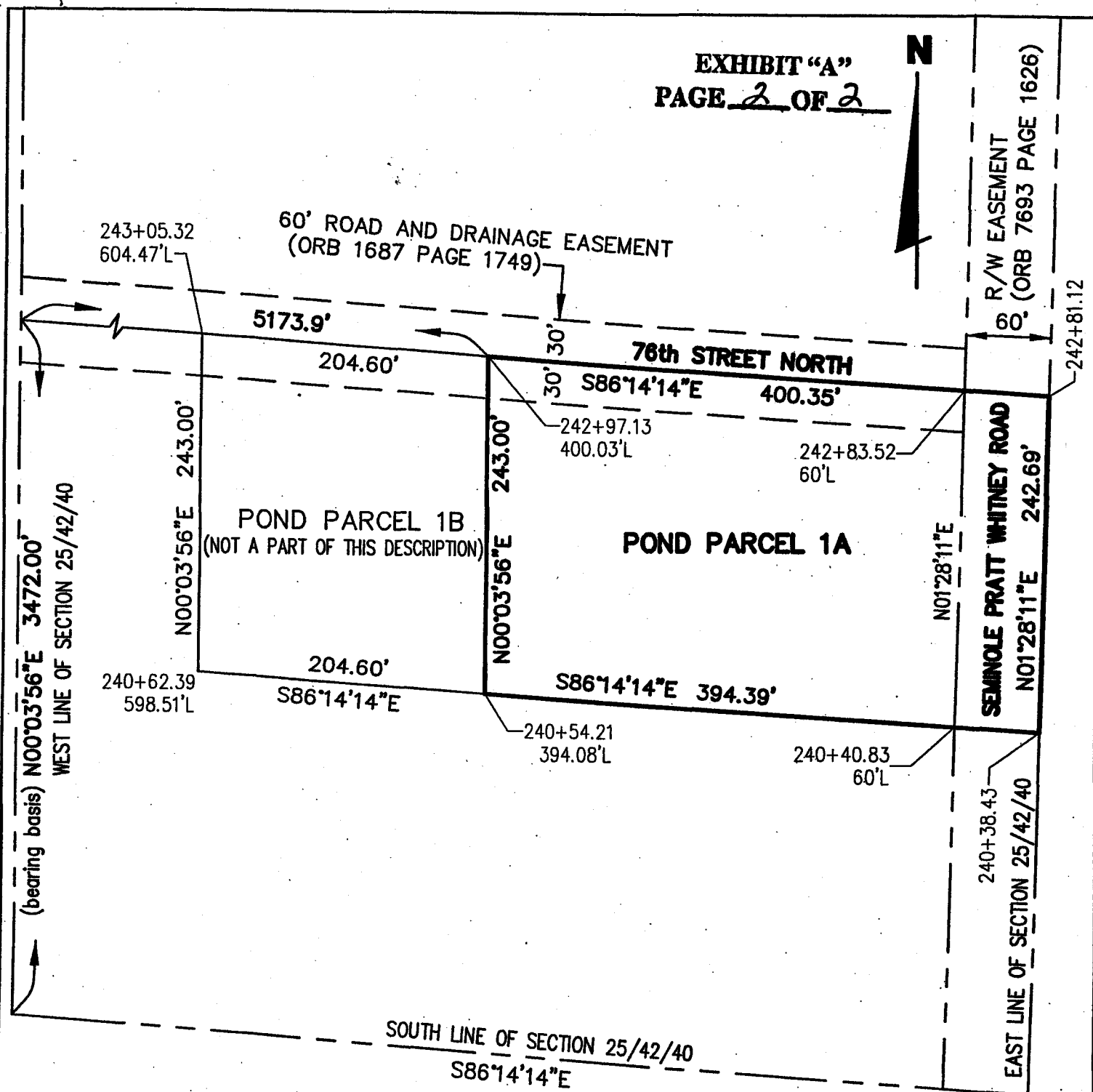
PROFESSIONAL SURVEYING SERVICES
CERTIFICATE OF AUTHORIZATION # LB 6473
901 NORTHPOINT PKWY, SUITE 305, W.P.B. FLORIDA 33407
(561) 615-3988, (561) 615-3986 FAX

LEGAL DESCRIPTION

PALM BEACH COUNTY PROJECT No.1997511D

DRAWN: MB	PROJ. No. 02-040
CHECKED: JEP	SCALE: NONE
POND PARCEL 1A	DATE: 7/13/07
	SHEET 1 OF 2

EXHIBIT "A"
2 of 2



SEMINOLE PRATT WHITNEY ROAD

BROWN & PHILLIPS, INC.

PROFESSIONAL SURVEYING SERVICES

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

SKETCH TO ACCOMPANY
LEGAL DESCRIPTION

THIS SKETCH IS NOT A SURVEY

DRAWN: MB

PROJ. No. 02-040

CHECKED: JEP

SCALE: 1" = 100'

POND PARCEL
1A

DATE: 7/13/07

SHEET 2 OF 2

CERTIFICATE of VALUE

Jenkins Appraisal Services, Inc.

5730 Corporate Way, Suite 120, West Palm Beach, FL 33407 Phone: (561)640-4059 Facsimile: (561)640-8183

September 24, 2007

L. Morton Rose, P.E.
Right-of-Way Acquisition Section Manager
Palm Beach County
Department of Engineering and Public Works
P.O. Box 21229
West Palm Beach, Florida 33416-1229

Re: Parcel: 1A
Project: Seminole Pratt Whitney Road
Project #: 1997511D

Dear Mr. Rose:

In accordance with your request, we have made an inspection, analysis and appraisal of the above referenced parcel. The date of inspection and the date of valuation was August 31, 2007. The date of transmittal of this report is indicated above.

Parcel 1A is the total taking of a 2.21 acre site which is currently vacant land. This parcel is located on the south side of 76th Street North, on the west side of Seminole Pratt Whitney Road.

This is a Complete Appraisal in a Summary Appraisal Report format. Additional information and data are contained within our appraisal files.

As a result of our investigation and analysis of the information outlined in this report, we hereby submit the following estimate of market value:

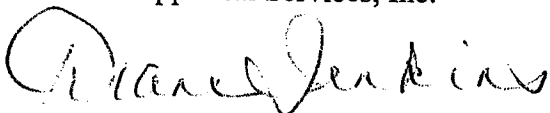
TWO HUNDRED EIGHTY SEVEN THOUSAND THREE HUNDRED DOLLARS

\$287,300

An explanation of the valuation procedures utilized is contained within this report. This letter is made part of and subject to the Certification and Assumptions and Limiting Conditions set forth within this report.

Respectfully submitted,

Jenkins Appraisal Services, Inc.



Diane Jenkins, MSA
State-Certified General Real Estate Appraiser #RZ1188

COUNTER-OFFER LETTER

NOV-13-2007 10:27A FROM:

TO: 15616844085

P.2

MARSHALL LAW OFFICE, P. A.

RANDALL J. MARSHALL

Attorney-At-Law

1019 Town Center Drive, Suite 101 • Orange City, Florida 32763

Legal Assistants:
Sandra L. Davis
Judy L. Swisher

Tel: (386) 775-0199
Fax: (386) 775-0460
marshalllaw@cfl.rr.com

November 7, 2007

Ed Handy, Right of Way Specialist
Palm Beach County Right of Way Acquisition Section
2300 N. Jog Road, 3rd Floor West
West Palm Beach, FL 33411

VIA FAX 561-684-4085

RE: Michael C. Passafiume, et. al.
Project No.: 1997511D / Seminole Pratt Whitney Road
Parcel No.: 1A

Dear Mr. Handy:

Per our telephone conversation, I represent Michael C. Passafiume, and Gregg M. and Karen Passafiume, who are the fee simple owners of the above referenced parcel. Attached hereto is the executed Representative Authorization.

We are in receipt of Palm Beach County's Notification and Offer Letter dated October 16, 2007, wherein an offer of \$287,300.00 was tendered. My clients and I have reviewed the contents of your letter and the package of documents sent with it. As I know you are aware, Mr. Passafiume paid \$423,000.00 for the parcel in July of 2005. Your appraised value, and our inquiries, have indicated that the present market value is, in all probability, well less than what was paid. My clients are desirous of putting this investment behind them and would prefer a negotiated settlement as opposed to any protracted litigation. Accordingly, I have been authorized to accept a net settlement to my clients of \$300,000.00. This counteroffer will remain in effect for thirty days from the date of this letter.

Sincerely,



Randall J. Marshall

RJM:jm

cc: Passafiumes