

Agenda Item # : **3-C-1**

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

Meeting Date: March 11, 2008

☒ 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: Four Resolutions declaring the acquisition of property known as Parcels 818 and 819 as Exclusive Perpetual Easements, and Parcels 903 and 904 as Temporary Construction Easements for the construction of West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey Road and Lyons Road from West Atlantic Avenue north 400 feet.

**Summary:** This action will adopt four Resolutions to authorize the filing of Eminent Domain Proceedings against four parcels whose total estimated appraised value is \$205,300.

**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 Projects. This Agreement was amended on July 11, 2006 to include language about the Uniform Act requirements. The acquisition of these parcels is required for the construction of the Project. On December 18, 2006, 19 parcels were approved for Eminent Domain. Parcels 818, 819, 903 and 904 are new parcels, also necessary for the Projects. 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 these Projects, in accordance with the approved Agreement for Acquisition, as amended.

**Attachments:**

1. Location Map
2. Resolutions with Exhibit "A" and Exhibit "B" (12)

Recommended by:

Ormelis A. Fernandez  
Division Director

2/07/08  
Date

Approved by:

Ben T. White  
County Engineer

2/13/08  
Date

KAT/

## II. FISCAL IMPACT ANALYSIS

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

<b>Fiscal Years</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>
<b>Capital Expenditures</b>	<b><u>\$205,300</u></b>	<b><u>-0-</u></b>	<b><u>-0-</u></b>	<b><u>-0-</u></b>	<b><u>-0-</u></b>
<b>Operating Costs</b>	<b><u>-0-</u></b>	<b><u>-0-</u></b>	<b><u>-0-</u></b>	<b><u>-0-</u></b>	<b><u>-0-</u></b>
<b>External Revenues</b>	<b><u>&lt;\$205,300&gt;</u></b>	<b><u>-0-</u></b>	<b><u>-0-</u></b>	<b><u>-0-</u></b>	<b><u>-0-</u></b>
<b>Program Income (County)</b>	<b><u>-0-</u></b>	<b><u>-0-</u></b>	<b><u>-0-</u></b>	<b><u>-0-</u></b>	<b><u>-0-</u></b>
<b>In-Kind Match (County)</b>	<b><u>-0-</u></b>	<b><u>-0-</u></b>	<b><u>-0-</u></b>	<b><u>-0-</u></b>	<b><u>-0-</u></b>
<b>NET FISCAL IMPACT</b>	<b><u>\$ -0-</u></b>	<b><u>-0-</u></b>	<b><u>-0-</u></b>	<b><u>-0-</u></b>	<b><u>-0-</u></b>

### # ADDITIONAL FTE POSITIONS (Cumulative)

Is Item Included in Current Budget? Yes X No     
Budget Acct No.: Fund 3500 Dept. 361 Unit 1085 Object 6120  
Program

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

Transportation Improvement Fund  
W Atlantic Ave/W of Lyons to E of Fla Turnpike

Appraisals-4 Parcels (2 Perpet. Ease; 2 TCE's) \$205,300.00  
Funded by a Developer in FY 2006

This item has no additional fiscal impact.

C. Departmental Fiscal Review: R. J. Lane 1/17/08

### **III. REVIEW COMMENTS**


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

*Jan Orl* 2-20-08  
OFMB  
MD 52 2/15/08 2/13/08

Dr. J. Smith 2/22/08  
Contract Dev. and Control  
2/22/08

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

and Legal Sufficiency:

  
\_\_\_\_\_  
Assistant County Attorney

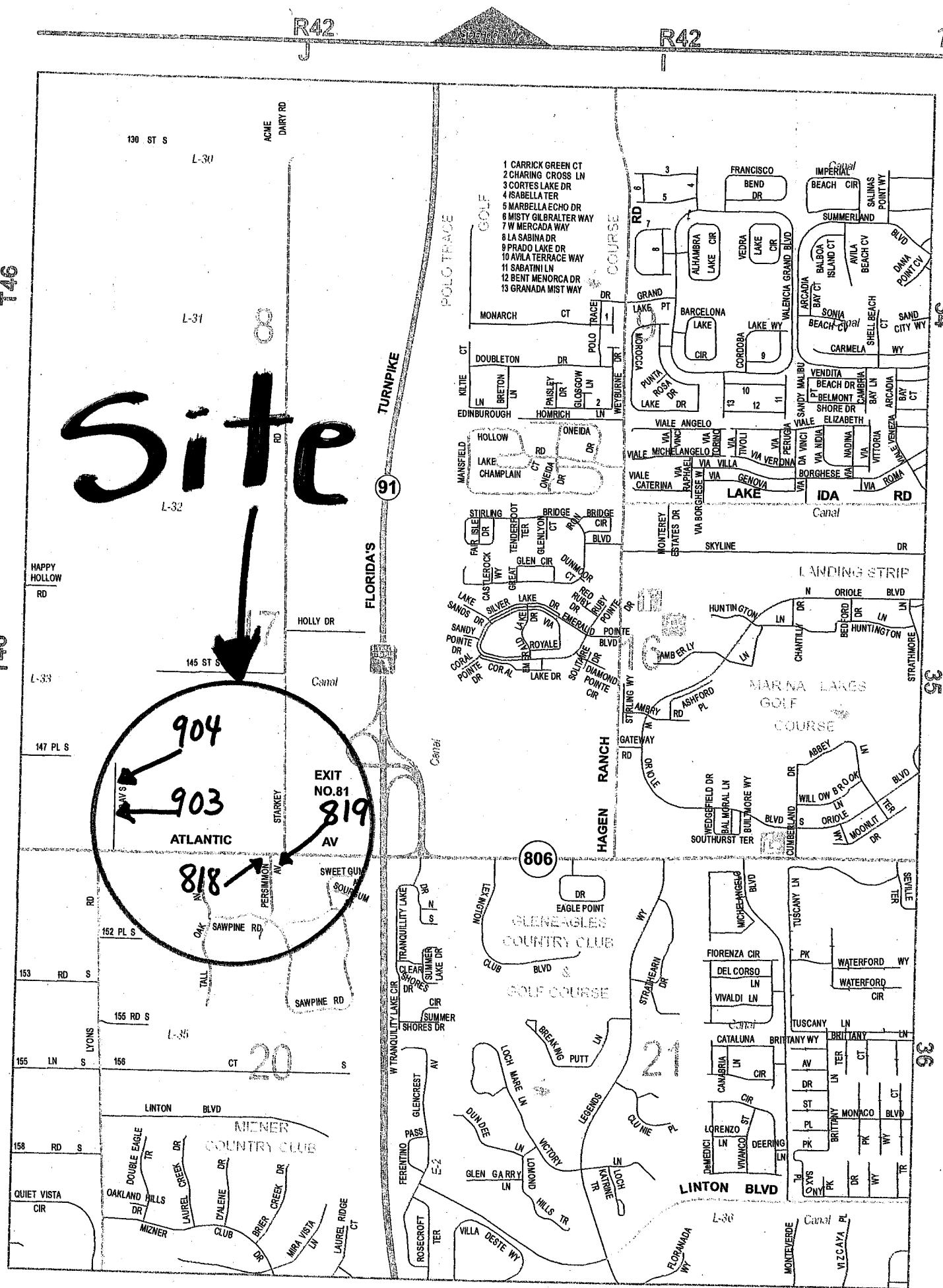
**This item complies with current County policies.**

**C. Other Department Review:**

**Department Director**

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

## Location Map



**RESOLUTION NO. R-2008**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ADOPTING THIS RESOLUTION DECLARING THE ACQUISITION OF PROPERTY KNOWN AS PARCEL 818 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 818 is necessary; and,

**WHEREAS**, this Board has considered the required factors under Florida Law, as they apply to Parcel 818, 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 818, 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 818 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

John F. Koons, Vice Chair

Karen T. Marcus

Robert J. Kanjian

Mary McCarty

Burt Aaronson

Jess R. Santamaria

The Chairperson thereupon declared the Resolution passed and adopted this \_\_\_\_\_ day  
of \_\_\_\_\_, 2008.

SHARON R. BOCK,  
Clerk and Comptroller

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

By: \_\_\_\_\_  
Deputy Clerk

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 818  
PERPETUAL EASEMENT  
ATLANTIC AVENUE (SR 806)  
PALM BEACH COUNTY, FLORIDA

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 20, TOWNSHIP 46 SOUTH, RANGE 42 EAST, BEING THE 73' CANAL R/W L.W.D.D.C. L-34 AND A PORTION OF PERSIMMON AVE. OF DELRAY LAKE ESTATES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 41, PAGES 200 THROUGH 201, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 20; THENCE NORTH 89°17'59" EAST, ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 20, A DISTANCE OF 46.53 FEET TO A POINT ON THE NORTHERLY EXTENSION OF THE EAST LINE OF DELRAY LAKE ESTATES; THENCE SOUTH 01°52'19" EAST, ALONG SAID EXTENSION OF THE EAST LINE OF DELRAY LAKE ESTATES, A DISTANCE OF 52.49 FEET; TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 01°52'19" EAST, ALONG SAID EAST LINE OF DELRAY LAKE ESTATES, A DISTANCE OF 50.53 FEET; THENCE SOUTH 89°17'59" WEST ALONG A LINE 103.00 FEET SOUTH OF THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 20, A DISTANCE OF 49.28 FEET; THENCE NORTH 89°58'57" WEST, ALONG A LINE 103.00 FEET SOUTH OF THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 20, A DISTANCE OF 117.48 FEET; THENCE NORTH 01°52'21" WEST, ALONG THE WEST LINE OF SAID 73' CANAL R/W L.W.D.D.C. L-34, A DISTANCE OF 50.55 FEET; THENCE SOUTH 89°58'57" EAST, ALONG A LINE 52.48 FEET SOUTH OF THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 20, A DISTANCE OF 118.83 FEET; THENCE NORTH 89°17'59" EAST, ALONG A LINE 52.48 FEET SOUTH OF THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 20, A DISTANCE OF 47.93 FEET; TO THE POINT OF BEGINNING.

CONTAINING 8,425 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 NORTH LINE OF THE NORTHWEST ONE-QUARTER OF SECTION 20, TOWNSHIP 46 SOUTH, RANGE 42 EAST, WHICH BEARS SOUTH 89°58'57" EAST.

WANTMAN GROUP, INC.

*Thomas R. Dittman*

THOMAS R. DITMAN  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA CERTIFICATE NUMBER No. 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\Dgn\Survey\Sketch & Legals\RWSP818.dgn

REFERENCE

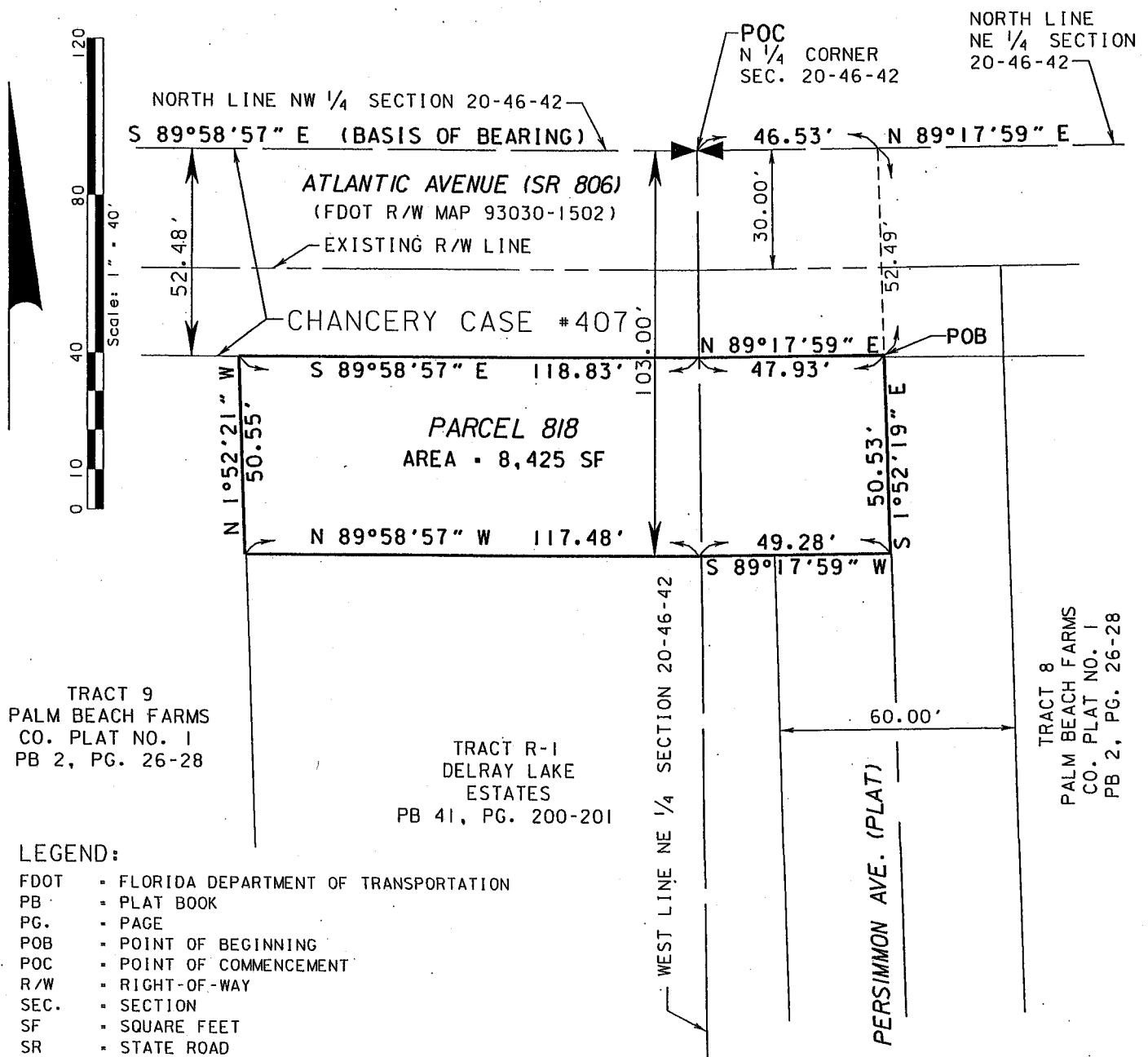
FIELD	N/A	JOB	204478.00
DRAWN BY	TOL	DATE	12/19/07
CHECKED BY	TRD	SHEET	1 OF 2



# DESCRIPTION & SKETCH

PREPARED FOR:  
PALM BEACH COUNTY, FLORIDA

PARCEL 818  
PERPETUAL EASEMENT  
ATLANTIC AVENUE (SR 806)  
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\Dgn\Survey\Sketch & Legals\RWSP818.dgn

## REFERENCE

FIELD	N/A	JOB	204478.00
DRAWN BY	TOL	DATE	12/19/07
CHECKED BY	TRD	SHEET	2 OF 2

**RESOLUTION NO. R-2008**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ADOPTING THIS RESOLUTION DECLARING THE ACQUISITION OF PROPERTY KNOWN AS PARCEL 819 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 819 is necessary; and,

**WHEREAS**, this Board has considered the required factors under Florida Law, as they apply to Parcel 819, 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 819, 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 819 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

John F. Koons, Vice Chair

Karen T. Marcus

Robert J. Kanjian

Mary McCarty

Burt Aaronson

Jess R. Santamaria

The Chairperson thereupon declared the Resolution passed and adopted this \_\_\_\_\_ day  
of \_\_\_\_\_, 2008.

SHARON R. BOCK,  
Clerk and Comptroller

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

By: \_\_\_\_\_  
Deputy Clerk

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 819  
PERPETUAL EASEMENT  
ATLANTIC AVENUE (SR 806)  
PALM BEACH COUNTY, FLORIDA

LEGAL DESCRIPTION

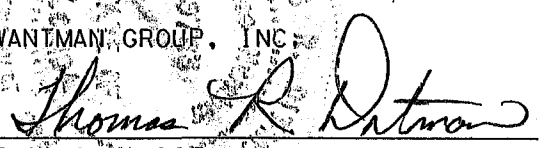
A PARCEL OF LAND LYING IN SECTION 20, TOWNSHIP 46 SOUTH, RANGE 42 EAST, BEING A PORTION OF TRACT 8, PALM BEACH FARMS COMPANY PLAT NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 26 THROUGH 28 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 20; THENCE NORTH 89°17'59" EAST, ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER OF SECTION 20, A DISTANCE OF 46.53 FEET TO A POINT ON THE NORTHERLY EXTENSION OF THE WEST LINE OF SAID TRACT 8; THENCE SOUTH 01°52'19" EAST, ALONG SAID NORTHERLY EXTENSION, A DISTANCE OF 55.15 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89°17'59" EAST ALONG A LINE 55.14 FEET SOUTH OF THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 20, A DISTANCE OF 291.70 FEET; THENCE SOUTH 0°42'01" EAST, A DISTANCE OF 47.86' FEET; THENCE SOUTH 89°17'59" WEST, ALONG A LINE 103.00 FEET SOUTH OF SAID NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 20, A DISTANCE OF 290.72 FEET; THENCE NORTH 01°52'19" WEST, ALONG SAID WEST LINE OF TRACT 8, A DISTANCE OF 47.87 FEET; TO THE POINT OF BEGINNING.

CONTAINING 13,937 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. THE BEARINGS SHOWN HEREON ARE BASED ON THE NORTH LINE OF THE NORTHEAST ONE-QUARTER OF SECTION 20, TOWNSHIP 46 SOUTH, RANGE 42 EAST, WHICH BEARS NORTH 89°17'59" EAST.

WANTMAN GROUP, INC.  
  
THOMAS R. DITTMAN  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA CERTIFICATE NUMBER No. 5763

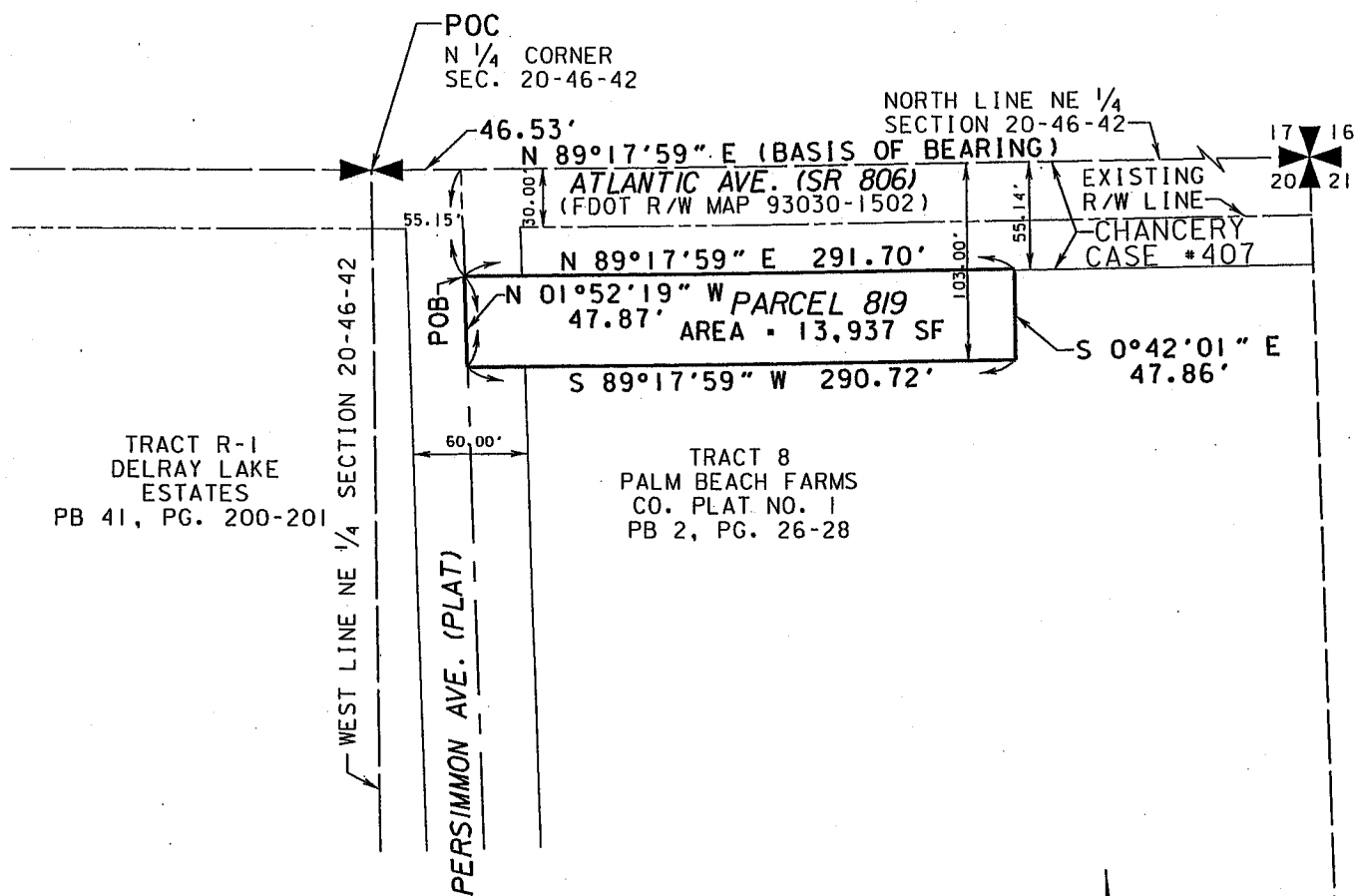


Wantman Group, Inc.  
Engineering ♦ Surveying ♦ Mapping  
2035 VISTA PARKWAY, SUITE 100  
WEST PALM BEACH, FL 33411  
(561) 687-2220 Phone  
(561) 687-1110 Fax  
CERTIFICATION NUMBER 6091  
LICENSED BUSINESS NUMBER 7055

CAD T:\478 Atlantic Ave\Dgn\Survey\Sketch & Legals\RWSPB18.dgn			
REFERENCE			
FIELD	N/A	JOB	204478.00
DRAWN BY	TOL	DATE	12/19/07
CHECKED BY	TRD	SHEET	1 OF 2

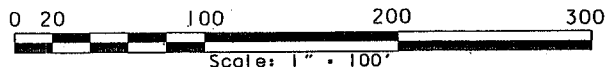
DESCRIPTION & SKETCH  
PREPARED FOR:  
PALM BEACH COUNTY, FLORIDA

PARCEL 819  
PERPETUAL 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

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\Dgn\Survey\Sketch & Legals\RWPSP89.dgn

REFERENCE

FIELD	N/A	JOB	204478.00
DRAWN BY	TOL	DATE	12/19/07
CHECKED BY	TRD	SHEET	2 OF 2

## **RESOLUTION NO. R-2008**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ADOPTING THIS RESOLUTION DECLARING THE ACQUISITION OF PROPERTY KNOWN AS PARCEL 903 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 AND LYONS ROAD FROM WEST ATLANTIC AVENUE NORTH 400 FEET, 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 and Lyons Road from West Atlantic Avenue north 400 feet, 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 903 is necessary; and,

**WHEREAS**, this Board has considered the required factors under Florida Law, as they apply to Parcel 903, 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 903 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 Lyons Road from West Atlantic Avenue north 400 feet, 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 903 is necessary for the purpose of constructing a gravity wall and grading to maintain positive drainage 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 and Lyons Road from West Atlantic Avenue north 400 feet, adjacent thereto. This Temporary Construction Easement is granted upon the condition that the construction of the gravity wall 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 and Lyons Road from West Atlantic Avenue north 400 feet; and,



**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

John F. Koons, Vice Chair

Karen T. Marcus

Robert J. Kanjian

Mary McCarty

Burt Aaronson

Jess R. Santamaria

The Chairperson thereupon declared the Resolution passed and adopted this \_\_\_\_\_ day  
of \_\_\_\_\_, 2008.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

SHARON R. BOCK  
Clerk and Comptroller

By: \_\_\_\_\_  
County Attorney  
Clerk and Comptroller

By: \_\_\_\_\_  
Deputy Clerk

## **EXHIBIT "A"**

ATLANTIC AVENUE (SR806) FROM 1,330 FEET WEST OF LYONS TO ROAD TO  
STARKEY ROAD AND LYONS ROAD FROM WEST ATLANTIC AVENUE NORTH 400  
FEET 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). The construction of Lyons Road will tie-in the new construction from the south and the future new construction to the north.

### **COST**

The costs of improving Atlantic Avenue from west of Lyons Road to Starkey Road, from a two (2) lane to a four (4) lane divided roadway, and Lyons Road were 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 the projects fits into the available escrow funds for the projects, and the acquisition of the parcels is necessary in furtherance of these public projects.

### **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.

This Lyons Road section will connect and tie-in with the new construction of Lyons Road to the south and the proposed future construction of Lyons Road to the north.

### **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 and Lyons Road exist along established corridors and the proposed improvements will have minimal negative impacts to the environment. These roadway improvement projects are, or are 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 and Lyons Road from West Atlantic Avenue north 400 feet.

### **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. Lyons Road will be constructed to tie-in with the extension of Lyons Road from the south and the future construction to the north.

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

### **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. Lyons Road will be constructed to tie-in with the extension of Lyons Road from the south and the future construction to the north.

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. Lyons Road will be constructed to tie-in with the extension of Lyons Road from the south and the future construction to the north.

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 903

TEMPORARY CONSTRUCTION EASEMENT

ATLANTIC AVENUE (SR 806)

PALM BEACH COUNTY, FLORIDA

LEGAL DESCRIPTION

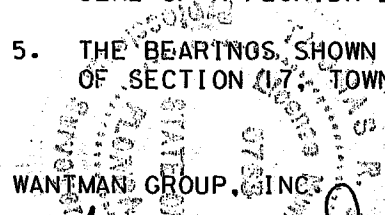
A PARCEL OF LAND LYING IN SECTION 17, TOWNSHIP 46 SOUTH, RANGE 42 EAST, BEING A PORTION OF THE WEST ONE-HALF OF TRACT 113, BLOCK 17 OF THE PALM BEACH FARMS COMPANY PLAT NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 26 THROUGH 28 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA,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

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 17; THENCE SOUTH 89°58'59" EAST, ALONG THE SOUTH LINE OF SAID SECTION 17, A DISTANCE OF 255.96 FEET TO A POINT ON A LINE 15' EAST OF THE SOUTHERLY EXTENSION OF THE WEST LINE OF THE SAID WEST ONE-HALF OF TRACT 113; THENCE NORTH 01°03'00" WEST, ALONG SAID SOUTHERLY EXTENSION, A DISTANCE OF 164.02 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ON SAID LINE 15' EAST OF THE WEST LINE OF THE WEST ONE-HALF OF TRACT 113, NORTH 01°03'00" WEST, A DISTANCE OF 385.49 FEET; THENCE NORTH 89°09'51" EAST, A DISTANCE OF 11.00' FEET; THENCE SOUTH 01°03'00" EAST, A DISTANCE OF 380.95 FEET; THENCE SOUTH 45°31'00" EAST, A DISTANCE OF 39.53 FEET; THENCE NORTH 89°58'59" WEST ALONG A LINE PARALLEL TO AND 141.00 FEET NORTH ON THE SOUTH LINE OF SAID SECTION 17, A DISTANCE OF 15.70 FEET; THENCE NORTH 45°31'00" WEST, A DISTANCE OF 32.82 FEET TO THE POINT OF BEGINNING.

CONTAINING 4613 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. 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°58'59" EAST.



WANTMAN GROUP, INC.

*Thomas R. Dittman*

THOMAS R. DITTMAN  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA CERTIFICATE NUMBER No. 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\Dgn\Survey\Sketch & Legals\RWSPSP903.dgn

REFERENCE

FIELD	N/A	JOB	204478.00
DRAWN BY	KJH	DATE	12/17/07
CHECKED BY	TRD	SHEET	1 OF 2

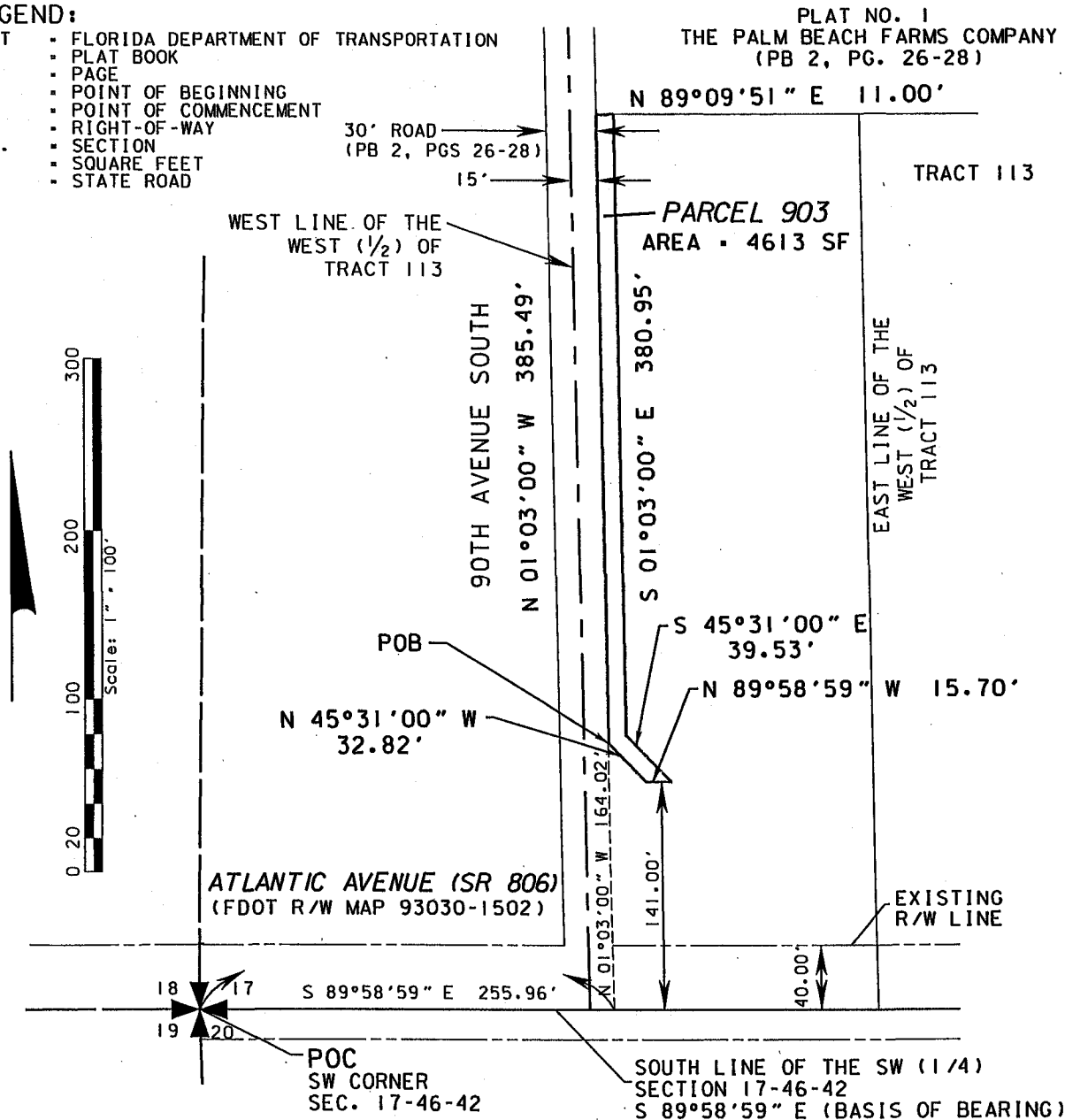
DESCRIPTION & SKETCH  
PREPARED FOR:  
PALM BEACH COUNTY, FLORIDA

PARCEL 903  
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

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



Wantman Group, Inc.

Engineering ♦ Surveying ♦ Mapping

2035 VISTA PARKWAY, SUITE 100

WEST PALM BEACH, FL 33411

(561) 687-2220 Phone

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CERTIFICATION NUMBER 6091

LICENSED BUSINESS NUMBER 7055

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REFERENCE

FIELD	N/A	JOB	204478.00
DRAWN BY	KJH	DATE	12/07/07
CHECKED BY	TRD	SHEET	2 OF 2

## **RESOLUTION NO. R-2008**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ADOPTING THIS RESOLUTION DECLARING THE ACQUISITION OF PROPERTY KNOWN AS PARCEL 904 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 AND LYONS ROAD FROM WEST ATLANTIC AVENUE NORTH 400 FEET, 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 and Lyons Road from West Atlantic Avenue north 400 feet, 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 904 is necessary; and,

**WHEREAS**, this Board has considered the required factors under Florida Law, as they apply to Parcel 904, 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 904 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 Lyons Road from West Atlantic Avenue north 400 feet, 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 904 is necessary for the purpose of constructing a gravity wall and grading to maintain positive drainage 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 and Lyons Road from West Atlantic Avenue north 400 feet, adjacent thereto. This Temporary Construction Easement is granted upon the condition that the construction of the gravity wall 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 and Lyons Road from West Atlantic Avenue north 400 feet; and,

**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

John F. Koons, Vice Chair

Karen T. Marcus

Robert J. Kanjian

Mary McCarty

Burt Aaronson

Jess R. Santamaria

The Chairperson thereupon declared the Resolution passed and adopted this \_\_\_\_\_ day  
of \_\_\_\_\_, 2008.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

SHARON R. BOCK  
Clerk and Comptroller

By: \_\_\_\_\_  
County Attorney

By: \_\_\_\_\_  
Deputy Clerk

## **EXHIBIT "A"**

ATLANTIC AVENUE (SR806) FROM 1,330 FEET WEST OF LYONS TO ROAD TO STARKEY ROAD AND LYONS ROAD FROM WEST ATLANTIC AVENUE NORTH 400 FEET 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). The construction of Lyons Road will tie-in the new construction from the south and the future new construction to the north.

### **COST**

The costs of improving Atlantic Avenue from west of Lyons Road to Starkey Road, from a two (2) lane to a four (4) lane divided roadway, and Lyons Road were 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 the projects fits into the available escrow funds for the projects, and the acquisition of the parcels is necessary in furtherance of these public projects.

### **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.

This Lyons Road section will connect and tie-in with the new construction of Lyons Road to the south and the proposed future construction of Lyons Road to the north.

### **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 and Lyons Road exist along established corridors and the proposed improvements will have minimal negative impacts to the environment. These roadway improvement projects are, or are 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 and Lyons Road from West Atlantic Avenue north 400 feet.

### **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. Lyons Road will be constructed to tie-in with the extension of Lyons Road from the south and the future construction to the north.

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

### **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. Lyons Road will be constructed to tie-in with the extension of Lyons Road from the south and the future construction to the north.

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. Lyons Road will be constructed to tie-in with the extension of Lyons Road from the south and the future construction to the north.

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 904  
TEMPORARY CONSTRUCTION EASEMENT  
ATLANTIC AVENUE (SR 806)  
PALM BEACH COUNTY, FLORIDA

LEGAL DESCRIPTION

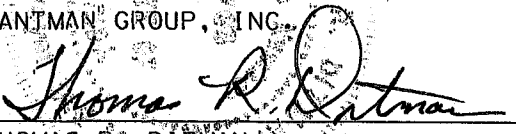
A PARCEL OF LAND LYING IN SECTION 17, TOWNSHIP 46 SOUTH, RANGE 42 EAST, BEING A PORTION OF THE WEST ONE-HALF OF TRACT 113, BLOCK 17 OF THE PALM BEACH FARMS COMPANY PLAT NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 26 THROUGH 28 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA,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

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 17; THENCE SOUTH 89°58'59" EAST, ALONG THE SOUTH LINE OF SAID SECTION 17, A DISTANCE OF 240.96 FEET TO A POINT ON THE WEST LINE OF THE SAID WEST ONE-HALF OF TRACT 113; THENCE NORTH 01°03'00" WEST, ALONG SAID WEST LINE, A DISTANCE OF 410.00 FEET; THENCE NORTH 88°57'00" EAST, A DISTANCE OF 26.00' FEET THE POINT OF BEGINNING; THENCE NORTH 01°03'00" WEST, A DISTANCE OF 54.00 FEET; THENCE SOUTH 78°37'12" EAST, A DISTANCE OF 51.20 FEET; THENCE SOUTH 01°03'00" EAST, A DISTANCE OF 34.00 FEET; THENCE SOUTH 78°46'08" WEST, A DISTANCE OF 50.80 FEET TO THE POINT OF BEGINNING.

CONTAINING 2,200 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. 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°58'59" EAST.

WANTMAN GROUP, INC.  
  
THOMAS R. DITTMAN  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA CERTIFICATE NUMBER No. 5763



Wantman Group, Inc.  
Engineering ♦ Surveying ♦ Mapping  
2035 VISTA PARKWAY, SUITE 100  
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(561) 687-2220 Phone  
(561) 687-1110 Fax  
CERTIFICATION NUMBER 6091  
LICENSED BUSINESS NUMBER 7055

CAD T:\478 Atlantic Ave\Dgn\Survey\Sketch & Legals\RWSPSP904.dgn		
REFERENCE		
FIELD	N/A	JOB 204478.00
DRAWN BY	TOL	DATE 12/20/07
CHECKED BY	TRD	SHEET 1 OF 2

DESCRIPTION & SKETCH

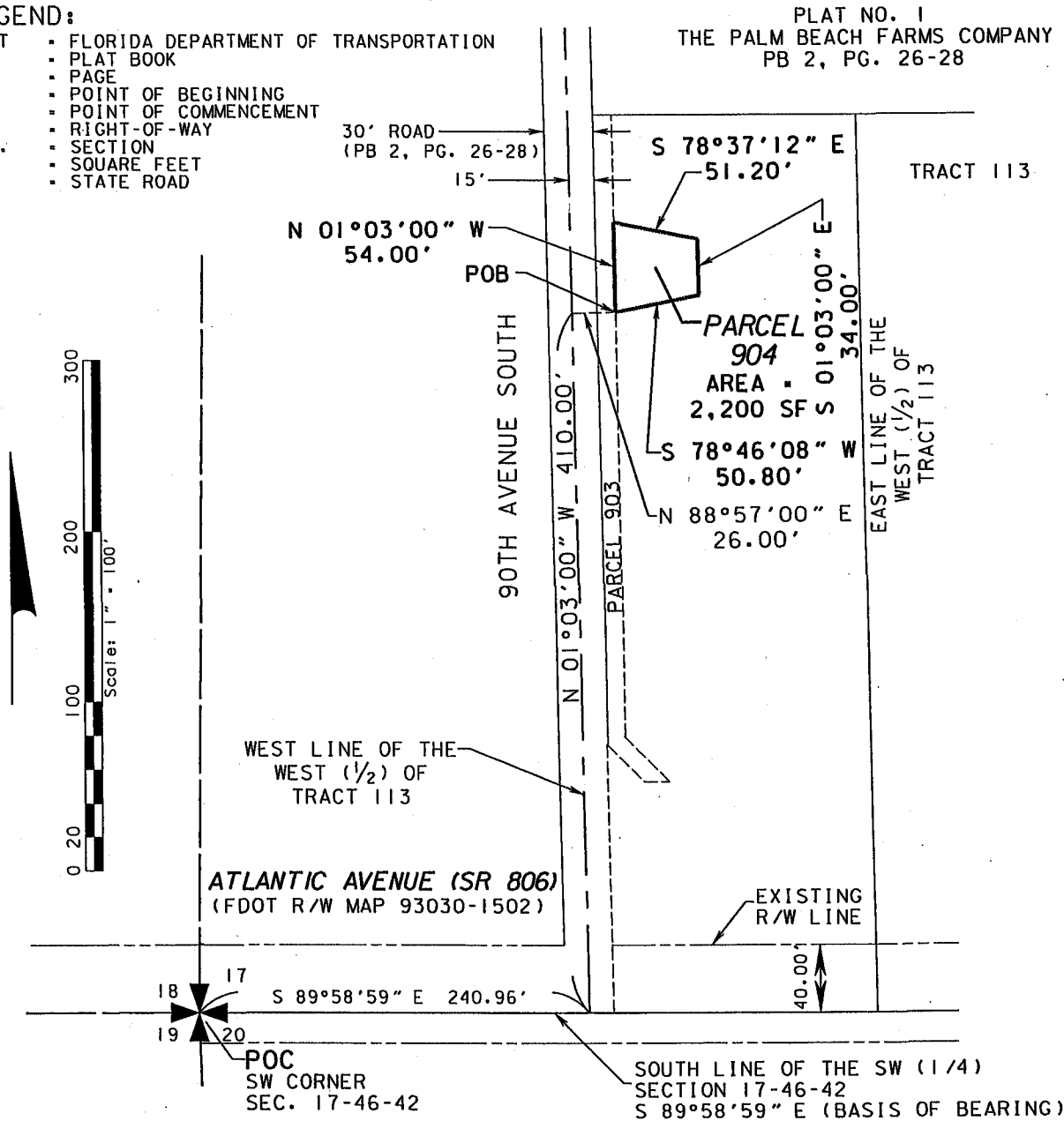
PREPARED FOR:  
PALM BEACH COUNTY, FLORIDA

PARCEL 904  
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

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



Wantman Group, Inc.

Engineering ♦ Surveying ♦ Mapping

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DRAWN BY	TOL	DATE	12/20/07
CHECKED BY	TRD	SHEET	2 OF 2