

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: April 15, 2008

Consent       Regular  
 Workshop       Public Hearing

Department:

Submitted By: Engineering and Public Works

Submitted For: Right-of-Way Acquisition Section

Project No.: 2003507A

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to:

- A) Accept a Warranty Deed for Parcel 101 on Congress Avenue.
- B) Approve payment of a counter-offer in the amount of \$257,160, which is inclusive of attorney fees for Parcel 101.

**Summary:** This action will accept a Warranty Deed for a parcel of land needed for right-of-way purposes and approve a counter-offer in the amount of \$257,160 for the purchase of the parcel of land, designated as Parcel 101. This parcel is required for the construction of improvements on the Congress Avenue south of Lantana Road to Lantana Road project.

District: 3 (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 adopted Five-Year Road Program. Based on appraisals done by Palm Beach County, an offer of \$188,000 was made to the owner of a parcel of land designated as Parcel 101. This parcel is to be utilized as road right-of-way required for the Congress Avenue, south of Lantana Road to Lantana Road project. The owner of Parcel 101 did not accept the offer and presented a counter-offer in the amount of \$375,901. Staff rejected this counter-offer and negotiated a settlement of \$257,160. This counter-offer amount includes the property owner's attorney fees in the amount of \$17,160. 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: *Ornela A. Fernandez* 3/14/08  
 Division Director Date

Approved by: *S. J. Welch* 3/24/08  
 County Engineer Date

**II. FISCAL IMPACT ANALYSIS**

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

Fiscal Years	2008	2009	2010	2011	2012
Capital Expenditures	\$257,160	-0-	-0-	-0-	-0-
Operating Costs	-0-	-0-	-0-	-0-	-0-
External Revenues	-0-	-0-	-0-	-0-	-0-
Program Income (County)	-0-	-0-	-0-	-0-	-0-
In-Kind Match (County)	-0-	-0-	-0-	-0-	-0-
<b>NET FISCAL IMPACT</b>	<b>\$257,160</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

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

Is Item Included in Current Budget? Yes X No \_\_\_\_\_  
 Budget Acct No.: Fund 3504 Dept. 361 Unit 0951 Object 6120  
 Program

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

Road Impact Fee Fund - Zone 4  
 Congress Ave/S of Lantana Rd to Lantana Rd

Counter Offer - Parcel 101	\$257,160.00
Appraised Value	<\$188,000.00>
	\$ 69,160.00

C. Departmental Fiscal Review: R. Ward 3/13/08

**III. REVIEW COMMENTS**

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

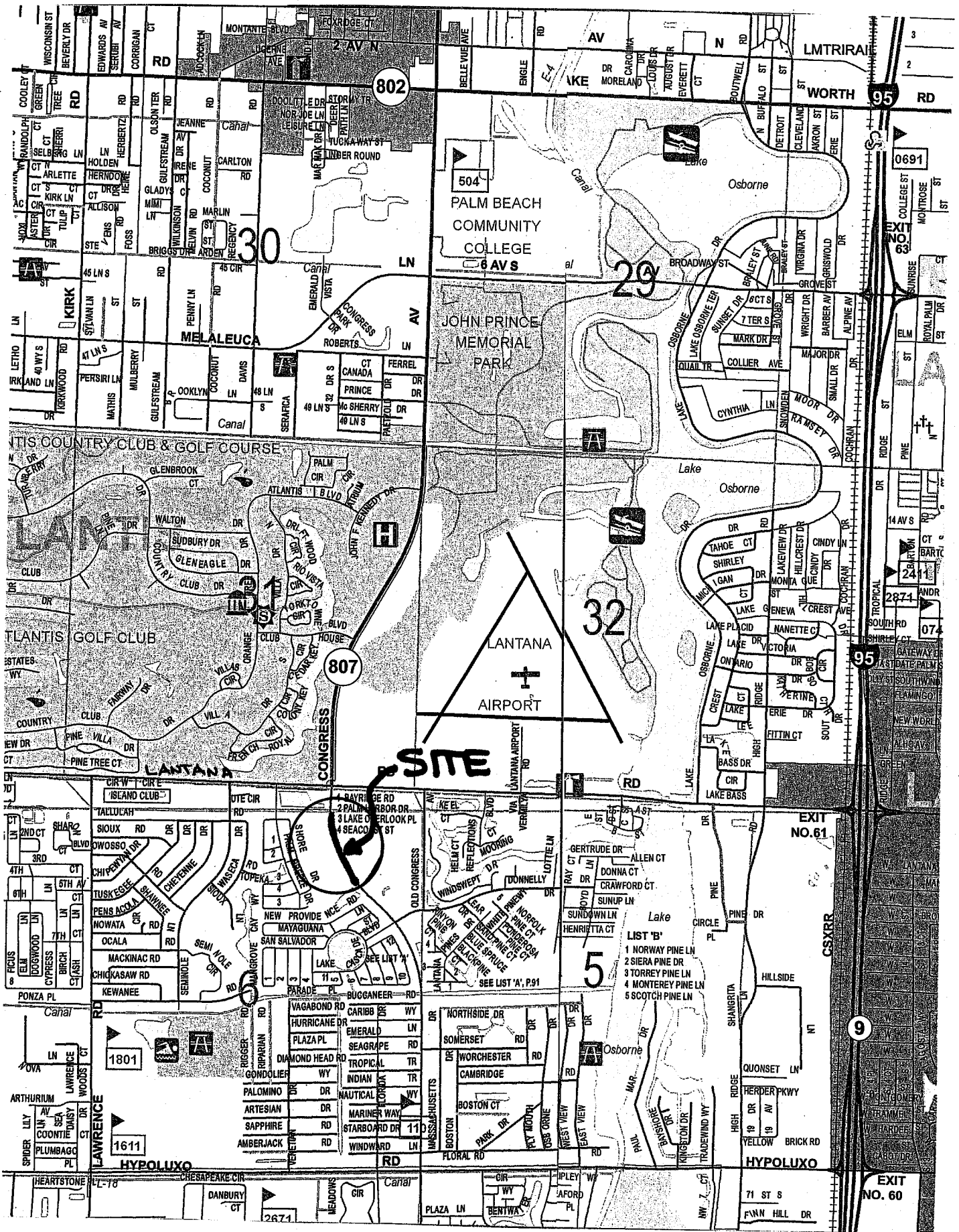
OFMB [Signature] 3/21/08  
 Contract Dev. and Control [Signature] 3/28/08

B. Approved as to Form and Legal Sufficiency:  
Paul F. [Signature] 3/31/08  
 Assistant County Attorney

C. Other Department Review:  
 \_\_\_\_\_  
 Department Director

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

# LOCATION MAP



Return to: Palm Beach County  
Name: R/W Acquisition Section  
Post Office Box 21229  
Address: West Palm Beach, Florida 33416  
Attn: Ed Handy  
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: 00-43-45-06-00-000-1040 SPACE ABOVE THIS LINE FOR PROCESSING DATA  
(Individual/Partnership) PROJECT NO. 2003507A  
PROJECT: Congress Ave./So. of Lantana-Lantana  
PARCEL NO. 101

WARRANTY DEED

THIS WARRANTY DEED, made this 6<sup>th</sup> day of MARCH, 2008, by W.G. Lassiter, Jr. & Aneice R. Lassiter, husband & wife (as to an undivided 1/3 interest), Richard S. Johnson (as to an undivided 1/3 interest), and Laceo, Inc., a Florida Corporation (as to an undivided 1/3 interest) by virtue of Deed recorded in O.R.B. 3608, Pg. 1383 And Deed recorded in O.R.B. 7631, Pg. 1961, Public records of Palm Beach County, Florida, hereinafter called grantors, 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 grantors hereby covenants with said grantee that said grantors are lawfully seized of said land in fee simple; that the grantors have good right and lawful authority to sell and convey said land; that the grantors 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~~ 2007, ca

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)

Lisa Lynn  
WITNESS SIGNATURE (Required)

Lisa Lynn  
TYPED OR PRINTED NAME OF WITNESS

Martha Owens  
WITNESS SIGNATURE (Required)

MARTHA OWENS  
TYPED OR PRINTED NAME OF WITNESS

W.G. Lassiter, Jr.  
SIGNATURE OF GRANTOR  
W.G. Lassiter, Jr.

TYPED OR PRINTED NAME OF GRANTOR  
505 South Flagler Drive, #1010  
West Palm Beach, FL 33401  
MAILING ADDRESS


Aneice R. Lassiter  
SIGNATURE OF GRANTOR  
Aneice R. Lassiter

TYPED OR PRINTED NAME OF GRANTOR  
505 South Flagler Drive, #1010  
West Palm Beach, FL 33401  
MAILING ADDRESS

STATE OF FLORIDA  
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, personally appeared W.G. Lassiter, Jr and Aneice R. Lassiter who is / are personally known to me or who has / have produced \_\_\_\_\_ as identification and who did / ~~did not~~ take an oath.

WITNESS my hand and official seal this 6<sup>th</sup> day of MARCH, 2008.

NOTARY PUBLIC-STATE OF FLORIDA  
 Martha Owens  
Commission # DD541642  
Expires: MAY 29, 2010  
Bonded Thru Atlantic Bonding Co., Inc.

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