

Agenda Item # : **3-C-5**

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

Meeting Date: April 15, 2008

[X] Consent [] Regular
[] Workshop [] Public Hearing

Department:

Submitted By: Engineering and Public Works

Submitted For: Right-of-Way Acquisition Section

Project No. 2004602 & 2005603

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to adopt: Six Resolutions, superseding Resolutions R-2006-2688, R-2006-2689, R-2006-2690, R-2006-2691, R-2006-2704, and R-2006-2705, declaring the acquisition of property known as Parcels 25 and 26 in fee simple, 801 and 802 as Permanent Easements, and Parcels 901 and 902 as Temporary Construction Easements for the improvement of West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey Road and Lyons Road from West Atlantic Avenue to 900 feet north of West Atlantic Avenue (Projects).

Summary: This action will adopt six Resolutions to authorize the filing of Eminent Domain Proceedings against six parcels.

District: 5 (PM)

Background and Justification: On December 18, 2006, The Board of County Commissioners approved 19 Resolutions for Eminent Domain for parcels needed for the improvement of West Atlantic Avenue.

Six of these resolutions are being revised for the following reasons: The entrances to two of the properties have been modified, and the legal descriptions of the Permanent Easements, Parcels 801 and 802, and the Temporary Construction Easements, Parcels 901 and 902, have been changed. Additional language is also needed in the Resolution for Parcel 25 to clarify that the acquisition of Parcel 25 is necessary for the improvement of the Projects. A minor error was found in the legal descriptions of Parcels 25 and 26 and has been corrected. This action will revise six of the Resolutions as needed for the Projects, superseding Resolutions R-2006-2688, R-2006-2689, R-2006-2690, R-2006-2691, R-2006-2704, and R-2006-2705.

Attachments:

1. Location Map
2. Resolutions with Exhibit "A" and Exhibit "B" (18)

Recommended by:


Division Director


Date

Approved by:


County Engineer

3/25/08
Date

KAT

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>
Capital Expenditures	<u>-0-</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>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
ADDITIONAL FTE POSITIONS (Cumulative)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>

Is Item Included In Current Budget? Yes _____ No x
Budget Account No.: Fund _____ Dept. _____ Org. _____ Object _____.
Program _____.

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

NOTE: This item has no fiscal impact.

C. Departmental Fiscal Review: R. D. Wilson 3/14/08.

III. REVIEW COMMENTS

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

OFMB Jan Onk 3-28-08 Contract Dev. and Control J. J. 3/31/08

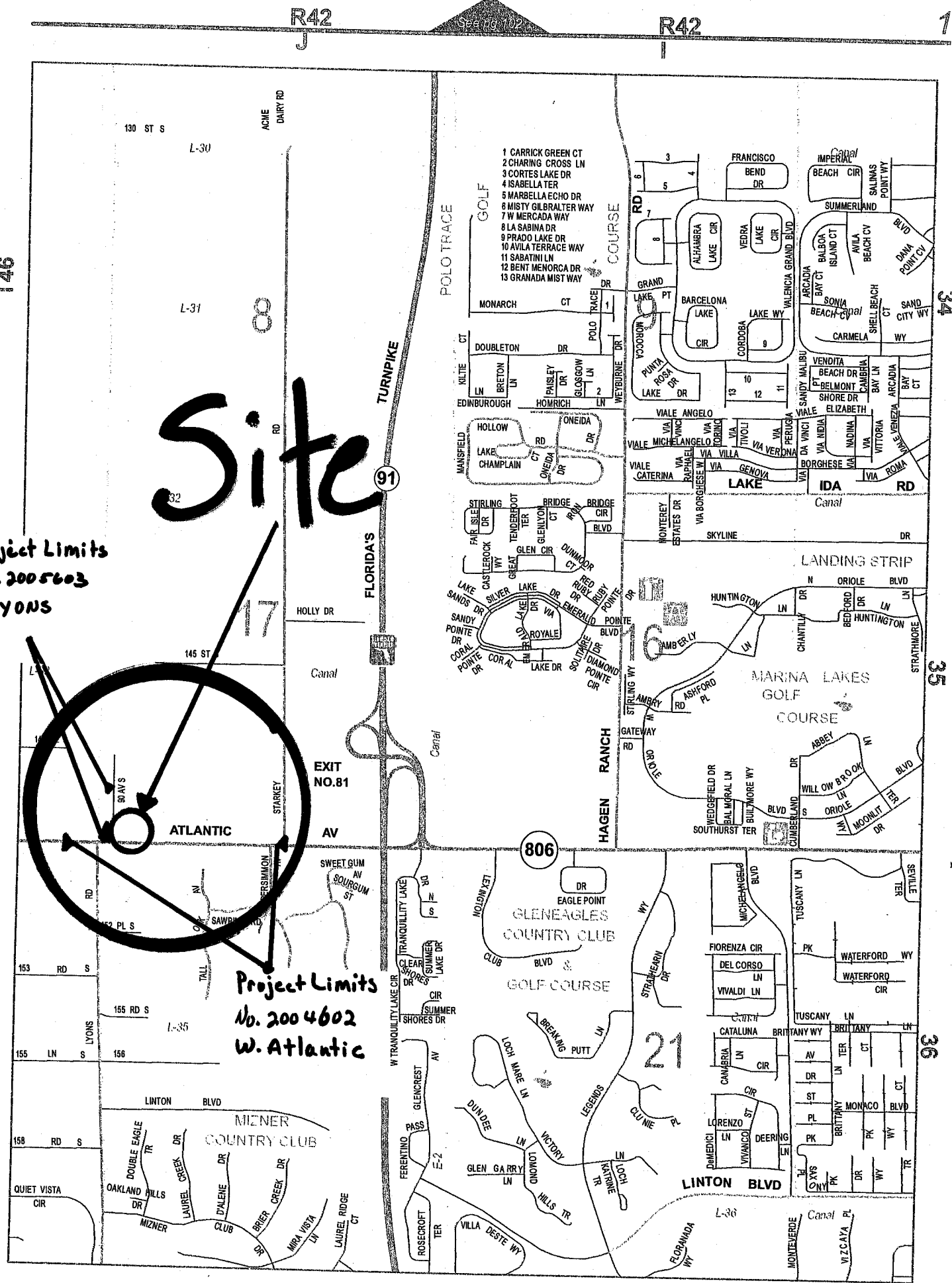
B. Legal Sufficiency: Phil Magarino
Assistant County Attorney

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, DECLARING THE ACQUISITION OF PROPERTY KNOWN AS PARCEL 25 AS A PARTIAL TAKE IN FEE SIMPLE FOR RIGHT-OF-WAY, NECESSARY FOR THE CONSTRUCTION AND IMPROVEMENT OF WEST ATLANTIC AVENUE, FROM 1,330 FEET WEST OF LYONS ROAD TO STARKEY ROAD AND LYONS ROAD FROM WEST ATLANTIC AVENUE TO 900 FEET NORTH OF WEST ATLANTIC AVENUE, 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 to 900 feet north of West Atlantic Avenue, in Palm Beach County, Florida; and,

WHEREAS, this Resolution supersedes Resolution R-2006-2688; and,

WHEREAS, the funds are available for the acquisition of this parcel; and,

WHEREAS, the Board of County Commissioners of Palm Beach County is exercising its authority of Eminent Domain pursuant to Florida Statutes 73, 74, 127, and 337.27, as amended; and,

WHEREAS, this Board has considered the required factors pursuant to Florida law including Safety, Costs, Alternative Routes or Methodologies, Long Range Plans, and the Environment, as applicable to this parcel and as set forth in Exhibit "A", attached hereto and incorporated herein, prior to determining that the acquisition of Parcel 25 is necessary; and,

WHEREAS, this Board has considered the required factors under Florida Law, as they apply to Parcel 25, which is more fully described in Exhibit "B"; and,

WHEREAS, after considering the factors as set forth above, this Board has determined that the acquisition of the real property identified as Parcel 25 for the necessary Partial Take in Fee Simple for Right-of-Way, which is more fully described in Exhibit "B", is necessary for the following public purpose, to wit: the construction and improvement of West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey Road and Lyons Road from West Atlantic Avenue to 900 feet north of West Atlantic Avenue, and as such, the acquisition of said property is a public necessity deemed to be in the best interest of Palm Beach County; and,

WHEREAS, a Partial Take in Fee Simple of the property identified as Parcel 25 is necessary for right-of-way, thereon with the construction to be undertaken by Palm Beach County as to West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey Road and Lyons Road from West Atlantic Avenue to 900 feet north of West Atlantic Avenue, thereon and adjacent thereto. The right-of-way Partial Take in Fee Simple of the parcel is granted upon the condition that the construction limits shall not extend beyond the limits outlined in the legal description of said property; and,

WHEREAS, the property to be acquired through the use of Eminent Domain as authorized by this resolution is not being acquired for the purpose of abating or eliminating public nuisances, slum or blight conditions, and is subject to any applicable conveyance restrictions pursuant to Florida laws, to the extent they may apply; and,

WHEREAS, the acquisition of this parcel is necessary for the construction and improvement of West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey Road and Lyons Road from West Atlantic Avenue to 900 feet north of West Atlantic Avenue; and,

WHEREAS, in order to accomplish the acquisition of this parcel, the County Engineer and the County Attorney and/or counsel retained to represent Palm Beach County 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 and/or counsel retained to represent Palm Beach County 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 and/or counsel retained to represent Palm Beach County 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 and/or counsel retained to represent Palm Beach County are hereby authorized and directed to take such further actions as are reasonably required to fully accomplish the purposes herein above directed, including the making of minor changes in the description of any real property described in Exhibit "B" that may be necessary to fully accomplish those purposes.

BE IT FURTHER RESOLVED that the property described in Exhibit "B" is to be used for the following public purpose: Partial Take in Fee Simple for Right-of-Way.

The foregoing Resolution was offered by Commissioner _____,

who moved its adoption. The motion was seconded by Commissioner _____,

and upon being put to a vote, the vote was as follows:

Addie L. Greene, Chairperson

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

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: _____
County Attorney

EXHIBIT "A"

WEST ATLANTIC AVENUE (SR806) FROM 1,330 FEET WEST OF LYONS TO ROAD TO STARKEY ROAD, PROJECT NO.: 2004602 AND LYONS ROAD FROM WEST ATLANTIC AVENUE TO 900 FEET NORTH OF WEST ATLANTIC AVENUE, PROJECT NO.: 20056023, PALM BEACH COUNTY

SAFETY

West 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 proposed to the north.

COST

The costs of improving West 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

West 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 West 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 these projects 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

West 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 West Atlantic Avenue from 1,330 feet west of Lyons Road to Starkey Road and Lyons Road from West Atlantic Avenue to 900 feet north of West Atlantic Avenue.

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

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, West 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, West 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, West 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 and a retaining wall needed for the proposed infrastructure.

EASEMENT ACQUISITIONS FOR EXCLUSIVE PERPETUAL EASEMENTS

In order to provide the necessary roadway improvements in accordance with the Comprehensive Plan, West 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 West 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

Exhibit "B" 1 of 3

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

LEGEND

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

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

LEGAL DESCRIPTION

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

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 17; THENCE SOUTH 89°58'59" EAST, ALONG THE SOUTH LINE OF SAID SECTION 17, A DISTANCE OF 411.98 FEET TO THE SOUTHEAST CORNER OF THE WEST ONE-HALF OF SAID TRACT 113; THENCE NORTH 01°02'02" WEST ALONG THE EAST LINE OF THE WEST ONE-HALF OF SAID TRACT 113, A DISTANCE OF 40.01 FEET TO THE NORTH LINE OF THE SOUTH 40 FEET OF SAID TRACT 113 AND THE POINT OF BEGINNING; THENCE NORTH 89°58'59" WEST ALONG SAID NORTH LINE OF THE SOUTH 40 FEET, A DISTANCE OF 171.03 FEET TO THE WEST LINE OF SAID TRACT 113; THENCE NORTH 01°03'00" WEST ALONG SAID WEST LINE, A DISTANCE OF 509.28 FEET TO THE SOUTH LINE OF THE NORTH 240 FEET OF SAID TRACT 113; THENCE NORTH 89°09'51" EAST ALONG SAID SOUTH LINE, A DISTANCE OF 15.00 FEET TO THE EAST LINE OF A 30 FOOT ROAD EASEMENT AS SHOWN ON THE AFOREMENTIONED PLAT OF PALM BEACH FARMS COMPANY PLAT NO. 1; THENCE SOUTH 01°03'00" EAST ALONG THE EAST LINE OF SAID EASEMENT, A DISTANCE OF 385.49 FEET; THENCE DEPARTING SAID EAST LINE, SOUTH 45°31'00" EAST A DISTANCE OF 71.37 FEET; THENCE SOUTH 89°58'59" EAST, A DISTANCE OF 106.05 FEET TO A POINT ON THE EAST LINE OF THE WEST ONE-HALF OF SAID TRACT 113; THENCE SOUTH 01°02'02" EAST ALONG SAID EAST LINE, A DISTANCE OF 74.01 FEET TO THE POINT OF BEGINNING.

CONTAINING 20,437 SQUARE FEET OR 0.469 ACRES, MORE OR LESS.

SURVEYOR'S NOTES

1. THIS DRAWING IS NOT A SURVEY.
2. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THIS OFFICE.
3. THE DESCRIPTION SKETCH AND THE DESCRIPTION TEXT COMPRISE THE COMPLETE LEGAL DESCRIPTION. THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH ACCOMPANY EACH OTHER.
4. THIS LEGAL DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER EMPLOYED BY WANTMAN GROUP, INC.
5. THE BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SECTION 17, TOWNSHIP 46 SOUTH, RANGE 42 EAST, WHICH BEARS SOUTH 89°58'59" EAST.

WANTMAN GROUP, INC.

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



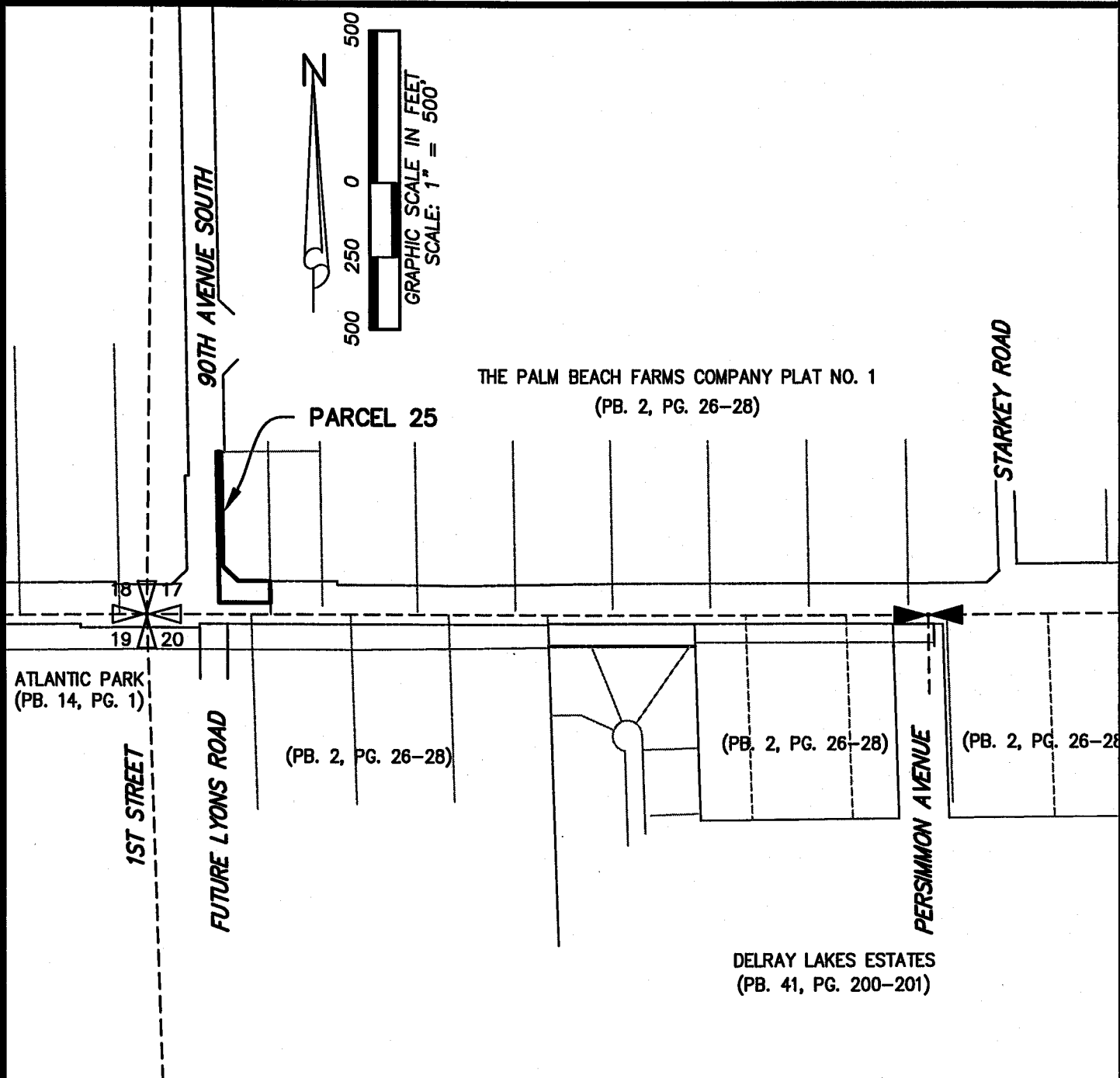
Wantman Group, Inc.
Engineering ♦ Surveying ♦ Mapping
2035 VISTA PARKWAY, SUITE 100
WEST PALM BEACH, FL 33411
(561) 687-2220 phone
(561) 687-1110 fax
CERTIFICATION NUMBER 6091
LICENSED BUSINESS NUMBER 7055

CAD T:\478 Atlantic Ave Design\Leg&Sketch\dwg\478-25SY1.dwg		
REFERENCE		
FIELD	JOB	204478.00
DRAWN BY	DPK/CPM	DATE 12/17/2007
CHECKED BY	TRD	SHEET 1 OF 3

DESCRIPTION & SKETCH
PREPARED FOR:
PALM BEACH COUNTY, FLORIDA

Exhibit "B"
2 of 3

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



Wantman Group, Inc.

Engineering ♦ Surveying ♦ Mapping

2035 VISTA PARKWAY, SUITE 100

WEST PALM BEACH, FL 33411

(561) 687-2220 phone

(561) 687-1110 fax

CERTIFICATION NUMBER 6091

LICENSED BUSINESS NUMBER 7055

CAD

T:\478 Atlantic Ave Design\Leg&Sketch\dwg\478-25SY1.dwg

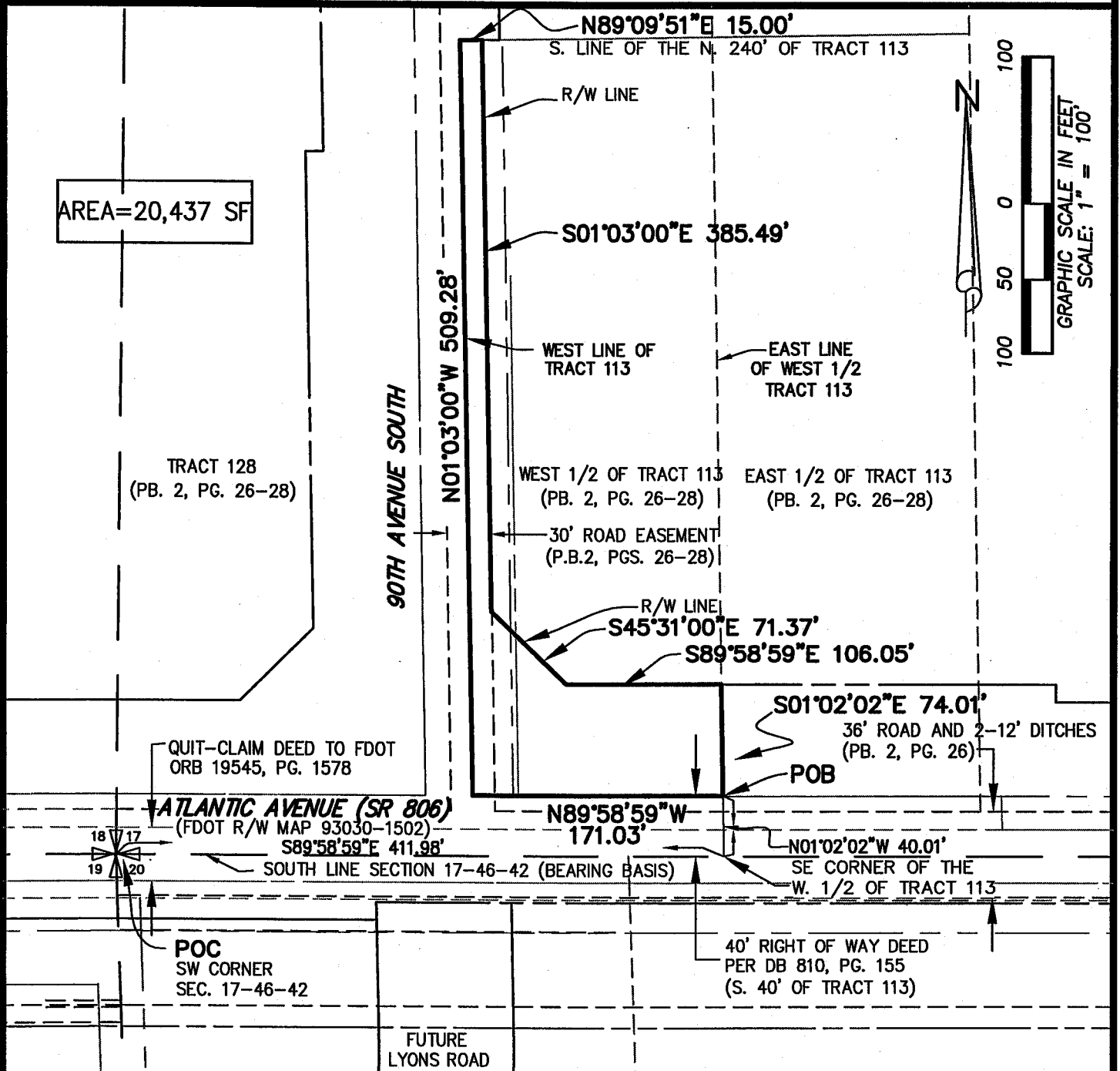
REFERENCE

FIELD	JOB	204478.00
DRAWN BY	DPK/CPM	DATE 12/17/2007
CHECKED BY	TRD	SHEET 2 OF 3

DESCRIPTION & SKETCH
PREPARED FOR:
PALM BEACH COUNTY, FLORIDA

Exhibit "B"
3 of 3

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



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

CAD

T:\478 Atlantic Ave Design\Leg&Sketch\dwg\478-25SY1.dwg

REFERENCE

FIELD	JOB	204478.00
DRAWN BY	DPK/CPM	DATE 12/17/2007
CHECKED BY	TRD	SHEET 3 OF 3

RESOLUTION NO. R-2008-

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, DECLARING THE ACQUISITION OF PROPERTY KNOWN AS PARCEL 26 AS A PARTIAL TAKE IN FEE SIMPLE FOR RIGHT-OF-WAY, NECESSARY FOR THE CONSTRUCTION AND IMPROVEMENT OF WEST ATLANTIC AVENUE, FROM 1,330 FEET WEST OF LYONS ROAD TO STARKEY ROAD, TO BE A PUBLIC NECESSITY, AUTHORIZING THE EMPLOYMENT OF APPRAISERS AND OTHER EXPERTS, AND THE FILING OF EMINENT DOMAIN PROCEEDINGS.

WHEREAS, the County Engineer has recommended the acquisition of this parcel to the Board of County Commissioners of Palm Beach County, for the construction and improvement of West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey Road, in Palm Beach County, Florida; and,

WHEREAS, this Resolution supersedes Resolution R-2006-2689; and,

WHEREAS, the funds are available for the acquisition of this parcel; and,

WHEREAS, the Board of County Commissioners of Palm Beach County is exercising its authority of Eminent Domain pursuant to Florida Statutes 73, 74, 127, and 337.27, as amended; and,

WHEREAS, this Board has considered the required factors pursuant to Florida law including Safety, Costs, Alternative Routes or Methodologies, Long Range Plans, and the Environment, as applicable to this parcel and as set forth in Exhibit "A", attached hereto and incorporated herein, prior to determining that the acquisition of Parcel 26 is necessary; and,

WHEREAS, this Board has considered the required factors under Florida Law, as they apply to Parcel 26, which is more fully described in Exhibit "B"; and,

WHEREAS, after considering the factors as set forth above, this Board has determined that the acquisition of the real property identified as Parcel 26 for the necessary Partial Take in Fee Simple for Right-of-Way, which is more fully described in Exhibit "B", is necessary for the following public purpose, to wit: the construction and improvement of West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey Road, and as such, the acquisition of said property is a public necessity deemed to be in the best interest of Palm Beach County; and,

WHEREAS, a Partial Take in Fee Simple of the property identified as Parcel 26 is necessary for right-of-way, thereon with the construction to be undertaken by Palm Beach County as to West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey Road, thereon and adjacent thereto. The right-of-way Partial Take in Fee Simple of the parcel is granted upon the condition that the construction limits shall not extend beyond the limits outlined in the legal description of said property; and,

WHEREAS, the property to be acquired through the use of Eminent Domain as authorized by this resolution is not being acquired for the purpose of abating or eliminating public nuisances, slum or blight conditions, and is subject to any applicable conveyance restrictions pursuant to Florida laws, to the extent they may apply; and,

WHEREAS, the acquisition of this parcel is necessary for the construction and improvement of West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey Road,

WHEREAS, in order to accomplish the acquisition of this parcel, the County Engineer and the County Attorney and/or counsel retained to represent Palm Beach County 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 and/or counsel retained to represent Palm Beach County 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 and/or counsel retained to represent Palm Beach County 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 and/or counsel retained to represent Palm Beach County are hereby authorized and directed to take such further actions as are reasonably required to fully accomplish the purposes herein above directed, including the making of minor changes in the description of any real property described in Exhibit "B" that may be necessary to fully accomplish those purposes.

BE IT FURTHER RESOLVED that the property described in Exhibit "B" is to be used for the following public purpose: Partial Take in Fee Simple for Right-of-Way.

The foregoing Resolution was offered by Commissioner _____,

who moved its adoption. The motion was seconded by Commissioner _____,

and upon being put to a vote, the vote was as follows:

Addie L. Greene, Chairperson

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

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: _____
County Attorney

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

SAFETY

West 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 West 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

West 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 West 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

West 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 West 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, West 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, West 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, West 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, West 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 West 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

Exhibit "B"
1 of 3

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

LEGEND

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

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

LEGAL DESCRIPTION:

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

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 17; THENCE SOUTH 89°58'59" EAST, ALONG THE SOUTH LINE OF SAID SECTION 17, A DISTANCE OF 411.98 FEET TO THE SOUTHWEST CORNER OF THE EAST ONE-HALF OF SAID TRACT 113; THENCE NORTH 01°02'02" WEST ALONG THE WEST LINE OF THE EAST ONE-HALF OF SAID TRACT 113, A DISTANCE OF 40.01 FEET TO THE NORTH LINE OF THE SOUTH 40 FEET OF SAID TRACT 113 AND THE POINT OF BEGINNING; THENCE CONTINUE NORTH 01°02'02" WEST, ALONG THE WEST LINE OF THE EAST ONE-HALF OF SAID TRACT 113, A DISTANCE OF 74.01 FEET; THENCE SOUTH 89°58'59" EAST, A DISTANCE OF 171.05 FEET TO THE EAST LINE OF SAID TRACT 113; THENCE SOUTH 01°01'05" EAST, ALONG SAID EAST LINE, A DISTANCE OF 74.01 FEET TO THE SAID NORTH LINE OF THE SOUTH 40 FEET; THENCE NORTH 89°58'59" WEST, A DISTANCE OF 171.03 FEET TO THE POINT OF BEGINNING.

CONTAINING 12,657 SQUARE FEET OR 0.291 ACRES, MORE OF LESS.

SURVEYOR'S NOTES

1. THIS DRAWING IS NOT A SURVEY.
2. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THIS OFFICE.
3. THE DESCRIPTION SKETCH AND THE DESCRIPTION TEXT COMPRISE THE COMPLETE LEGAL DESCRIPTION. THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH ACCOMPANY EACH OTHER.
4. THIS LEGAL DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER EMPLOYED BY WANTMAN GROUP, INC.
5. THE BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SECTION 17, TOWNSHIP 46 SOUTH, RANGE 42 EAST, WHICH BEARS SOUTH 89°58'59" EAST.

WANTMAN GROUP, INC.

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



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

CAD

T:\478 Atlantic Ave Design\Leg&Sketch\dwg\478-26SY1.dwg

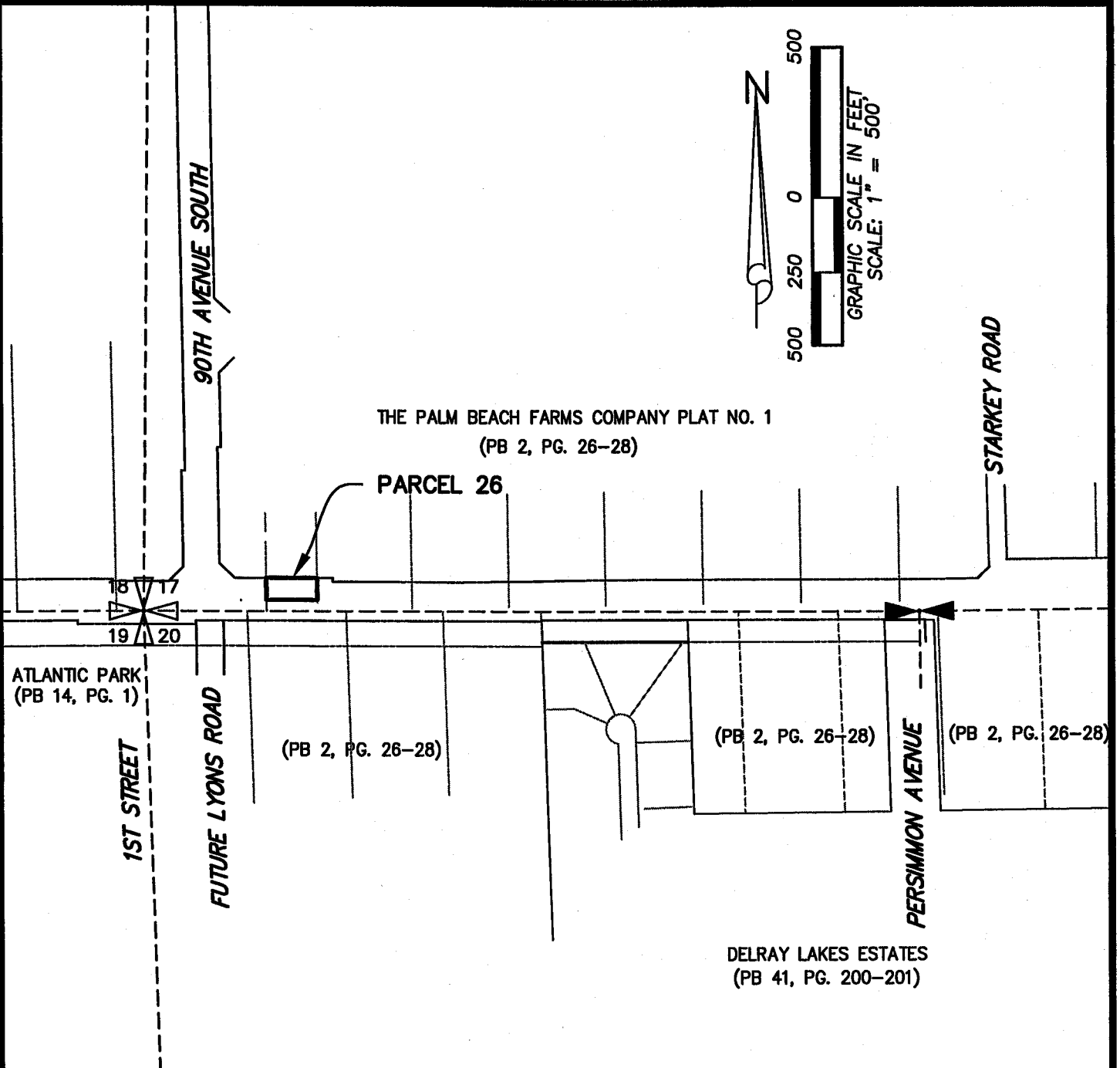
REFERENCE

FIELD	JOB	204478.00
DRAWN BY	DPK/CPM	DATE 12/17/2007
CHECKED BY	TRD	SHEET 1 OF 3

DESCRIPTION & SKETCH
PREPARED FOR:
PALM BEACH COUNTY, FLORIDA

Exhibit "B"
2 of 3

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



Wantman Group, Inc.

Engineering ♦ Surveying ♦ Mapping

2035 VISTA PARKWAY, SUITE 100
WEST PALM BEACH, FL 33411

(561) 687-2220 phone

(561) 687-1110 fax

CERTIFICATION NUMBER 6091

LICENSED BUSINESS NUMBER 7055

CAD

T:\478 Atlantic Ave Design\Leg&Sketch\dwg\478SY26.dwg

REFERENCE

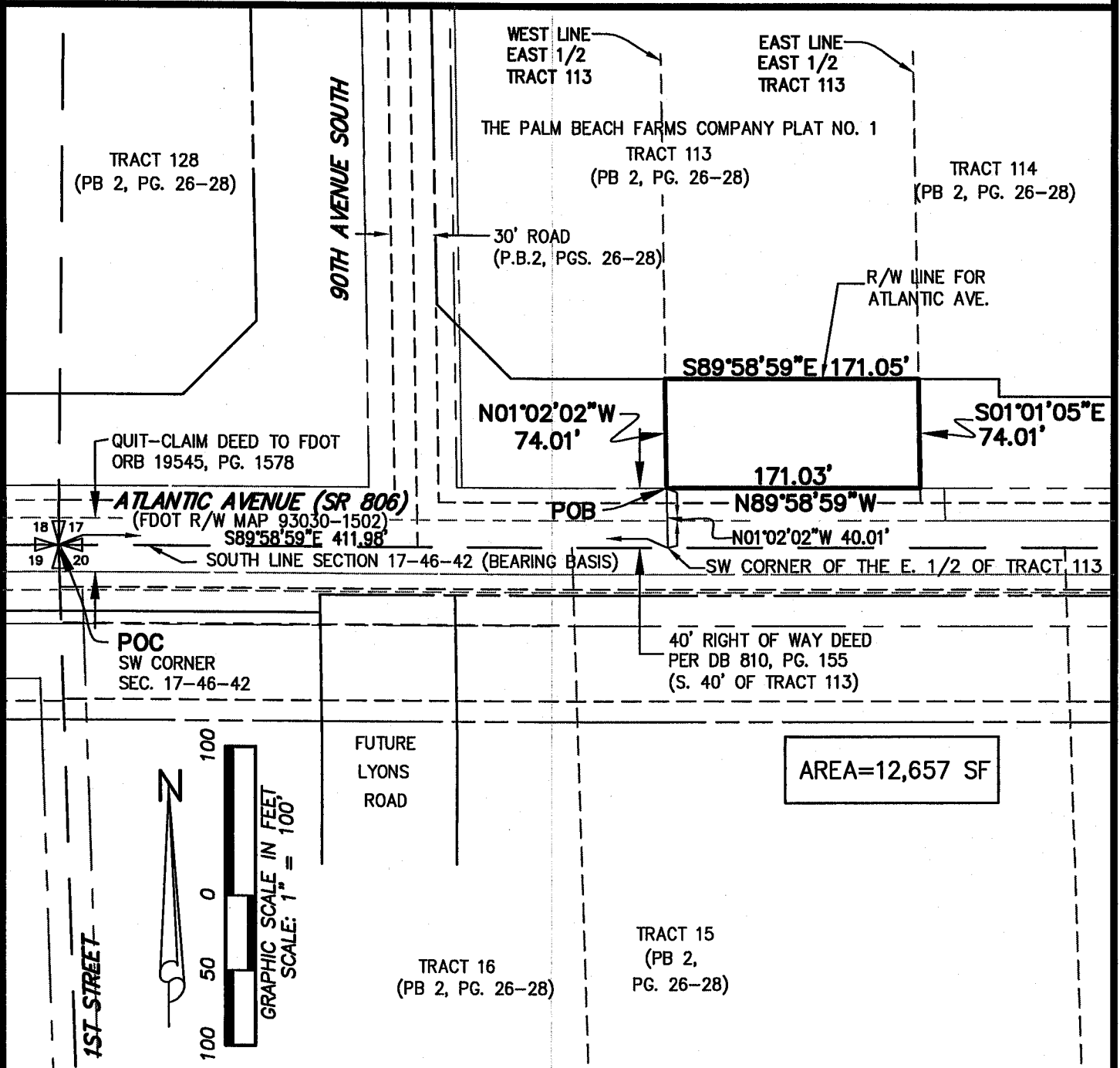
FIELD	JOB	204478.00
DRAWN BY	DPK/CPM	DATE 12/17/2007
CHECKED BY	TRD	SHEET 2 OF 3

DESCRIPTION & SKETCH
PREPARED FOR:
PALM BEACH COUNTY, FLORIDA

Exhibit "B"

3 of 3

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



Wantman Group, Inc.

Engineering ♦ Surveying ♦ Mapping

2035 VISTA PARKWAY, SUITE 100

WEST PALM BEACH, FL 33411

(561) 687-2220 phone

(561) 687-1110 fax

CERTIFICATION NUMBER 6091

LICENSED BUSINESS NUMBER 7055

CAD

T:\478 Atlantic Ave Design\Leg&Sketch\dwg\478SY26.dwg

REFERENCE

FIELD

JOB

204478.00

DRAWN BY

DPK/CPM

DATE

12/17/2007

CHECKED BY

TRD

SHEET

3

OF

3

RESOLUTION NO. R-2008-

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, DECLARING THE ACQUISITION OF PROPERTY KNOWN AS PARCEL 801 AS A PERMANENT EASEMENT, NECESSARY FOR THE CONSTRUCTION AND IMPROVEMENT OF WEST ATLANTIC AVENUE, FROM 1,330 FEET WEST OF LYONS ROAD TO STARKEY ROAD, TO BE A PUBLIC NECESSITY, AUTHORIZING THE EMPLOYMENT OF APPRAISERS AND OTHER EXPERTS, AND THE FILING OF EMINENT DOMAIN PROCEEDINGS.

WHEREAS, the County Engineer has recommended the acquisition of this parcel to the Board of County Commissioners of Palm Beach County, for the construction and improvement of West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey Road, in Palm Beach County, Florida; and,

WHEREAS, this Resolution supersedes Resolution R-2006-2690; and,

WHEREAS, the funds are available for the acquisition of this parcel; and,

WHEREAS, the Board of County Commissioners of Palm Beach County is exercising its authority of Eminent Domain pursuant to Florida Statutes 73, 74, 127, and 337.27, as amended; and,

WHEREAS, this Board has considered the required factors pursuant to Florida law including Safety, Costs, Alternative Routes or Methodologies, Long Range Plans, and the Environment, as applicable to this parcel and as set forth in Exhibit "A", attached hereto and incorporated herein, prior to determining that the acquisition of Parcel 801 is necessary; and,

WHEREAS, this Board has considered the required factors under Florida Law, as they apply to Parcel 801, which is more fully described in Exhibit "B"; and,

WHEREAS, after considering the factors as set forth above, this Board has determined that the acquisition of a Permanent Easement on the real property identified as Parcel 801, which is more fully described in Exhibit "B", is necessary for the following public purpose, to wit: the construction and improvement of West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey Road, and as such, the acquisition of said property is a public necessity deemed to be in the best interest of Palm Beach County; and,

WHEREAS, a Permanent Easement on property identified as Parcel 801 is necessary for the following purposes and uses: constructing and permanently maintaining an embankment to secure and preserve the structural integrity of the construction and improvement to be undertaken by Palm Beach County as to West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey Road, adjacent thereto. The filling, sloping, and/or grading upon and above the parcel shall not extent beyond the limits outlined in the legal description of said property; and,

WHEREAS, the property to be acquired through the use of Eminent Domain as authorized by this resolution is not being acquired for the purpose of abating or eliminating public nuisances, slum or blight conditions, and is subject to any applicable conveyance restrictions pursuant to Florida laws, to the extent they may apply; and,

WHEREAS, the acquisition of this parcel is necessary for the construction and improvement of West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey Road,

WHEREAS, in order to accomplish the acquisition of this parcel, the County Engineer and the County Attorney and/or counsel retained to represent Palm Beach County 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 and/or counsel retained to represent Palm Beach County 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 and/or counsel retained to represent Palm Beach County 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 and/or counsel retained to represent Palm Beach County are hereby authorized and directed to take such further actions as are reasonably required to fully accomplish the purposes herein above directed, including the making of minor changes in the description of any real property described in Exhibit "B" that may be necessary to fully accomplish those purposes.

BE IT FURTHER RESOLVED that the property described in Exhibit "B" is to be used for the following public purpose: Permanent Easement.

The foregoing Resolution was offered by Commissioner _____,
who moved its adoption. The motion was seconded by Commissioner _____,
and upon being put to a vote, the vote was as follows:

Addie L. Greene, Chairperson

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

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: _____
County Attorney

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

SAFETY

West 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 West 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

West 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 West 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

West 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 West 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, West 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, West 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, West 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, West 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 West 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

Exhibit "B"
10+2

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

LEGAL DESCRIPTION

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

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 17; THENCE SOUTH 89°58'59" EAST, ALONG THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 17, A DISTANCE OF 411.98 FEET; THENCE NORTH 01°02'02" WEST, ALONG THE EAST LINE OF THE WEST HALF OF TRACT 113, A DISTANCE OF 114.02 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89°58'59" WEST, ALONG A LINE PARALLEL TO AND 114.00 FEET NORTH OF SAID SOUTHWEST ONE-QUARTER LINE, A DISTANCE OF 106.05 FEET, THENCE NORTH 45°30'59" WEST, A DISTANCE OF 38.54 FEET; THENCE SOUTH 89°58'59" EAST, ALONG A LINE PARALLEL TO AND 141.00 FEET NORTH OF SAID SOUTHWEST ONE-QUARTER LINE, A DISTANCE OF 37.00 FEET; THENCE SOUTH 0°01'01" WEST, A DISTANCE OF 17.00 FEET; THENCE SOUTH 89°58'59" EAST, ALONG A LINE PARALLEL TO AND 124.00 FEET NORTH OF SAID SOUTHWEST ONE-QUARTER LINE, A DISTANCE OF 96.37 FEET; THENCE SOUTH 01°02'02" EAST, A DISTANCE OF 10.00 FEET, TO THE POINT OF BEGINNING.

CONTAINING 1592 SQUARE FEET, MORE OR LESS.

SURVEYOR'S NOTES

- 1. THIS DRAWING IS NOT A SURVEY.
- 2. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THIS OFFICE.
- 3. THE DESCRIPTION SKETCH AND THE DESCRIPTION TEXT COMPRISE THE COMPLETE LEGAL DESCRIPTION. THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH ACCOMPANY EACH OTHER.
- 4. THIS LEGAL DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER EMPLOYED BY WANTMAN GROUP, INC.
- 5. BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SECTION 17, TOWNSHIP 46 SOUTH, RANGE 42 EAST, WHICH BEARS SOUTH 89°58'59" EAST.

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



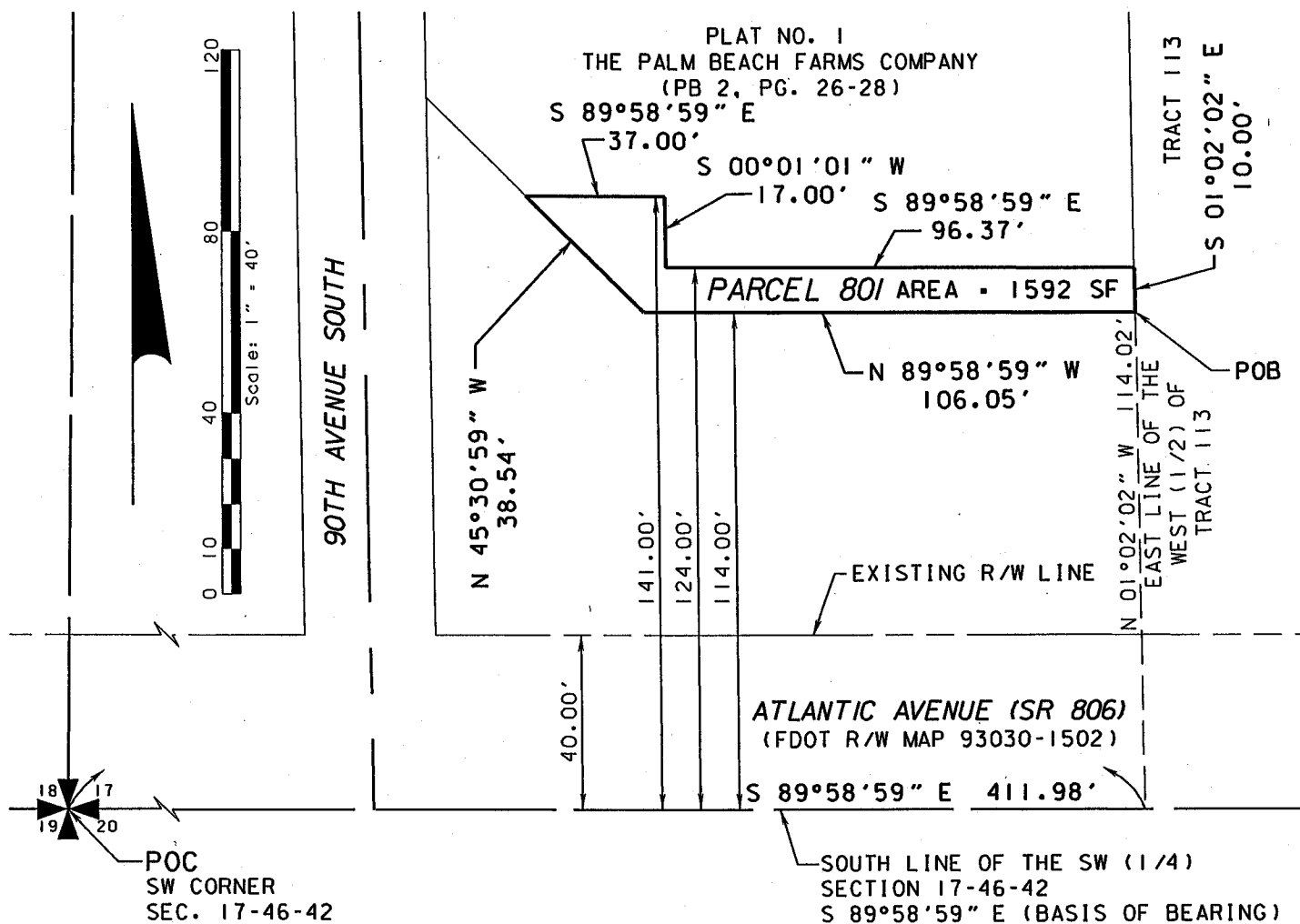
Wantman Group, Inc.
Engineering ♦ Surveying ♦ Mapping
2035 VISTA PARKWAY, SUITE 100
WEST PALM BEACH, FL 33411
(561) 687-2220 Phone
(561) 687-1110 Fax
CERTIFICATION NUMBER 6091
LICENSED BUSINESS NUMBER 7055

CAD T:\478 Atlantic Ave\Dgn\Survey\Sketch & Legals\RWSP801.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

Exhibit "B"
2 of 2

PARCEL 801
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\LEG&SKETCH\DGN\RWSP801.dgn

REFERENCE

FIELD	N/A	JOB	204478.00
DRAWN BY	KJH	DATE	11/08/07
CHECKED BY	TRD	SHEET	2 OF 2

RESOLUTION NO. R-2008-

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, DECLARING THE ACQUISITION OF PROPERTY KNOWN AS PARCEL 802 AS A PERMANENT EASEMENT, NECESSARY FOR THE CONSTRUCTION AND IMPROVEMENT OF WEST ATLANTIC AVENUE, FROM 1,330 FEET WEST OF LYONS ROAD TO STARKEY ROAD, TO BE A PUBLIC NECESSITY, AUTHORIZING THE EMPLOYMENT OF APPRAISERS AND OTHER EXPERTS, AND THE FILING OF EMINENT DOMAIN PROCEEDINGS.

WHEREAS, the County Engineer has recommended the acquisition of this parcel to the Board of County Commissioners of Palm Beach County, for the construction and improvement of West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey Road, in Palm Beach County, Florida; and,

WHEREAS, this Resolution supersedes Resolution R-2006-2691; and,

WHEREAS, the funds are available for the acquisition of this parcel; and,

WHEREAS, the Board of County Commissioners of Palm Beach County is exercising its authority of Eminent Domain pursuant to Florida Statutes 73, 74, 127, and 337.27, as amended; and,

WHEREAS, this Board has considered the required factors pursuant to Florida law including Safety, Costs, Alternative Routes or Methodologies, Long Range Plans, and the Environment, as applicable to this parcel and as set forth in Exhibit "A", attached hereto and incorporated herein, prior to determining that the acquisition of Parcel 802 is necessary; and,

WHEREAS, this Board has considered the required factors under Florida Law, as they apply to Parcel 802, which is more fully described in Exhibit "B"; and,

WHEREAS, after considering the factors as set forth above, this Board has determined that the acquisition of a Permanent Easement on the real property identified as Parcel 802, which is more fully described in Exhibit "B", is necessary for the following public purpose, to wit: the construction and improvement of West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey Road, and as such, the acquisition of said property is a public necessity deemed to be in the best interest of Palm Beach County; and,

WHEREAS, a Permanent Easement on property identified as Parcel 802 is necessary for the following purposes and uses: constructing and permanently maintaining an embankment to secure and preserve the structural integrity of the construction and improvement to be undertaken by Palm Beach County as to West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey Road, adjacent thereto. The filling, sloping, and/or grading upon and above the parcel shall not extent beyond the limits outlined in the legal description of said property; and,

WHEREAS, the property to be acquired through the use of Eminent Domain as authorized by this resolution is not being acquired for the purpose of abating or eliminating public nuisances, slum or blight conditions, and is subject to any applicable conveyance restrictions pursuant to Florida laws, to the extent they may apply; and,

WHEREAS, the acquisition of this parcel is necessary for the construction and improvement of West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey Road,

WHEREAS, in order to accomplish the acquisition of this parcel, the County Engineer and the County Attorney and/or counsel retained to represent Palm Beach County 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 and/or counsel retained to represent Palm Beach County 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 and/or counsel retained to represent Palm Beach County 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 and/or counsel retained to represent Palm Beach County are hereby authorized and directed to take such further actions as are reasonably required to fully accomplish the purposes herein above directed, including the making of minor changes in the description of any real property described in Exhibit "B" that may be necessary to fully accomplish those purposes.

BE IT FURTHER RESOLVED that the property described in Exhibit "B" is to be used for the following public purpose: Permanent Easement.

The foregoing Resolution was offered by Commissioner _____,

who moved its adoption. The motion was seconded by Commissioner _____,

and upon being put to a vote, the vote was as follows:

Addie L. Greene, Chairperson

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

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: _____
County Attorney

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

SAFETY

West 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 West 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

West 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 West 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

West 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 West 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, West 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, West 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, West 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, West 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 West 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

Exhibit "B"
1 of 2

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

LEGAL DESCRIPTION

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

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 17; THENCE SOUTH 89°58'59" EAST, ALONG THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 17, A DISTANCE OF 583.00 FEET TO A POINT ON THE EXTENSION OF THE EAST LINE OF TRACT 113; THENCE NORTH 01°01'05" WEST, ALONG SAID EXTENSION OF THE EAST LINE OF TRACT 113, A DISTANCE OF 114.02 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89°58'59" WEST, ALONG A LINE PARALLEL TO AND 114.00 FEET NORTH OF THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 17, A DISTANCE OF 171.05 FEET; THENCE NORTH 01°02'02" WEST A DISTANCE OF 10.00 FEET; THENCE SOUTH 89°58'59" EAST, ALONG A LINE PARALLEL TO AND 124.00 FEET NORTH OF THE SAID SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SECTION 17, A DISTANCE OF 29.52 FEET; THENCE NORTH 0°01'01" EAST, A DISTANCE OF 8.00 FEET; THENCE SOUTH 89°58'59" EAST, ALONG A LINE PARALLEL TO AND 132.00 FEET NORTH OF SAID SOUTHWEST ONE-QUARTER LINE OF SECTION 17, A DISTANCE OF 26.00 FEET; THENCE SOUTH 0°01'01" WEST, A DISTANCE OF 8.00 FEET; THENCE SOUTH 89°58'59" EAST, ALONG A LINE 124.00 FEET NORTH OF AND PARALLEL TO SAID SOUTHWEST ONE-QUARTER LINE OF SECTION 17, A DISTANCE OF 72.00 FEET; THENCE NORTH 0°01'01" EAST, A DISTANCE OF 10.00 FEET; THENCE SOUTH 89°58'59" EAST, ALONG A LINE PARALLEL TO AND 134.00 FEET NORTH OF SAID SOUTHWEST ONE-QUARTER LINE OF SECTION 17, A DISTANCE OF 26.00 FEET; THENCE SOUTH 0°01'01" WEST, A DISTANCE OF 10.00 FEET; THENCE SOUTH 89°58'59" EAST ALONG A LINE PARALLEL TO AND 124.00 FEET NORTH OF SAID SOUTHWEST ONE-QUARTER LINE OF SECTION 17, A DISTANCE OF 17.53 FEET TO A POINT ON THE EAST LINE OF TRACT 113; THENCE SOUTH 01°01'01" EAST, ALONG SAID EAST TRACT LINE, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 2179 SQUARE FEET, MORE OR LESS.

SURVEYOR'S NOTES

1. THIS DRAWING IS NOT A SURVEY.
2. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THIS OFFICE.
3. THE DESCRIPTION SKETCH AND THE DESCRIPTION TEXT COMPRISE THE COMPLETE LEGAL DESCRIPTION. THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH ACCOMPANY EACH OTHER.
4. THIS LEGAL DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER EMPLOYED BY WANTMAN GROUP, INC.
5. BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SECTION 17, TOWNSHIP 46 SOUTH, RANGE 42 EAST, WHICH BEARS SOUTH 89°58'59" EAST.

WANTMAN GROUP, INC.


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\RWPSP802.dgn

REFERENCE

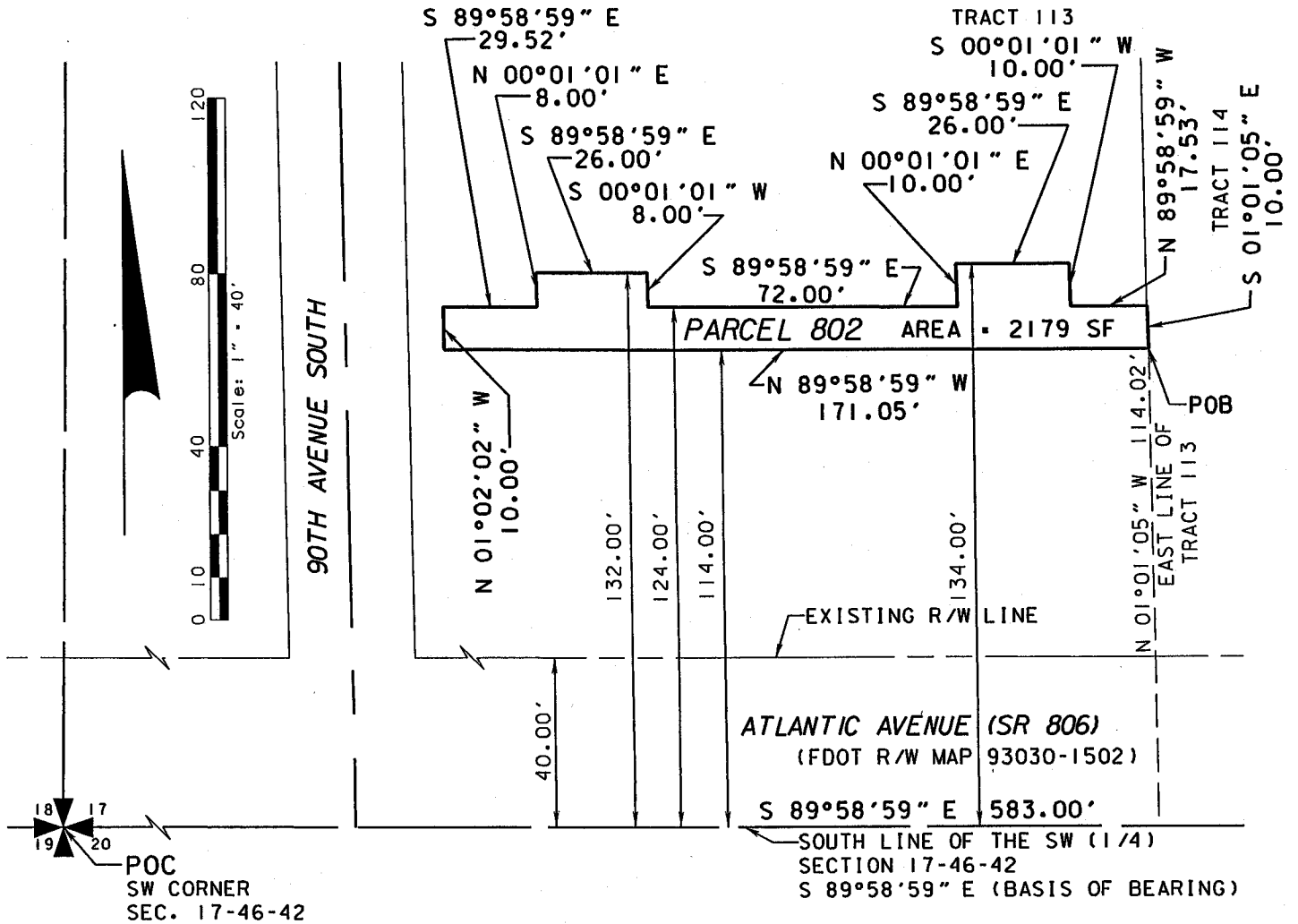
FIELD	N/A	JOB	204478.00
DRAWN BY	KJH	DATE	12/17/07
CHECKED BY	TRD	SHEET	1 OF 2

DESCRIPTION & SKETCH
PREPARED FOR:
PALM BEACH COUNTY, FLORIDA

Exhibit "B" 2 of 2

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

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



LEGEND:

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



Wantman Group, Inc.

Engineering ♦ Surveying ♦ Mapping

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LICENSED BUSINESS NUMBER 7055

CAD T:\478 Atlantic Ave\Dgn\Survey\Sketch & Legals\RWSP802.dgn

REFERENCE

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

RESOLUTION NO. R-2008-

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, DECLARING THE ACQUISITION OF PROPERTY KNOWN AS PARCEL 901 AS A TEMPORARY CONSTRUCTION EASEMENT, NECESSARY FOR THE CONSTRUCTION AND IMPROVEMENT OF WEST ATLANTIC AVENUE, FROM 1,330 FEET WEST OF LYONS ROAD TO STARKEY ROAD, TO BE A PUBLIC NECESSITY, AUTHORIZING THE EMPLOYMENT OF APPRAISERS AND OTHER EXPERTS, AND THE FILING OF EMINENT DOMAIN PROCEEDINGS.

WHEREAS, the County Engineer has recommended the acquisition of this parcel to the Board of County Commissioners of Palm Beach County, for the construction and improvement of West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey Road, in Palm Beach County, Florida; and,

WHEREAS, Resolution supersedes Resolution R-2006-2704; and,

WHEREAS, the funds are available for the acquisition of this parcel; and,

WHEREAS, the Board of County Commissioners of Palm Beach County is exercising its authority of Eminent Domain pursuant to Florida Statutes 73, 74, 127, and 337.27, as amended; and,

WHEREAS, this Board has considered the required factors pursuant to Florida law including Safety, Costs, Alternative Routes or Methodologies, Long Range Plans, and the Environment, as applicable to this parcel and as set forth in Exhibit "A", attached hereto and incorporated herein, prior to determining that the acquisition of Parcel 901 is necessary; and,

WHEREAS, this Board has considered the required factors under Florida Law, as they apply to Parcel 901, which is more fully described in Exhibit "B"; and,

WHEREAS, after considering the factors as set forth above, this Board has determined that the acquisition of a Temporary Construction Easement on the real property identified as Parcel 901, which is more fully described in Exhibit "B", is necessary for the following public purpose, to wit: the construction and improvement of West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey Road, and as such, the acquisition of said property is a public necessity deemed to be in the best interest of Palm Beach County; and,

WHEREAS, a Temporary Construction Easement on property identified as Parcel 901 is necessary for the purpose of 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, 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,

WHEREAS, in order to accomplish the acquisition of this parcel, the County Engineer and the County Attorney and/or counsel retained to represent Palm Beach County 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 and/or counsel retained to represent Palm Beach County 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 and/or counsel retained to represent Palm Beach County 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 and/or counsel retained to represent Palm Beach County 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

By: _____
County Attorney

SHARON R. BOCK,
Clerk and Comptroller

By: _____
Deputy Clerk

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

SAFETY

West 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 West 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

West 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 West 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

West 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 West 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, West 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, West 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, West 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, West 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 West 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

Exhibit "B" 1 of 2

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

LEGAL DESCRIPTION

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

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 17; THENCE SOUTH 89°58'59" EAST, ALONG THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 17, A DISTANCE OF 411.98 FEET; THENCE NORTH 01°02'02" WEST, ALONG THE EAST LINE OF THE WEST HALF OF TRACT 113, A DISTANCE OF 124.02 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89°58'59" WEST, ALONG A LINE PARALLEL TO AND 124.00 FEET NORTH OF SAID SOUTHWEST ONE-QUARTER LINE, A DISTANCE OF 49.00 FEET; THENCE NORTH 0°01'01" EAST, A DISTANCE OF 21.00 FEET; THENCE SOUTH 89°58'59" EAST, ALONG A LINE PARALLEL TO AND 145.00 FEET NORTH OF SAID SOUTHWEST ONE-QUARTER LINE OF SECTION 17, A DISTANCE OF 48.61 FEET; THENCE SOUTH 01°02'02" EAST, ALONG THE EAST LINE OF THE WEST HALF OF TRACT 113, A DISTANCE OF 21.00 FEET, TO THE POINT OF BEGINNING.

CONTAINING 1025 SQUARE FEET, MORE OR LESS.

SURVEYOR'S NOTES

1. THIS DRAWING IS NOT A SURVEY.
2. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THIS OFFICE.
3. THE DESCRIPTION SKETCH AND THE DESCRIPTION TEXT COMPRISE THE COMPLETE LEGAL DESCRIPTION. THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH ACCOMPANY EACH OTHER.
4. THIS LEGAL DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER EMPLOYED BY WANTMAN GROUP, INC.
5. BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SECTION 17, TOWNSHIP 46 SOUTH, RANGE 42 EAST, WHICH BEARS SOUTH 89°58'59" EAST.

WANTMAN GROUP, INC.

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\RWSPSP901.dgn

REFERENCE

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

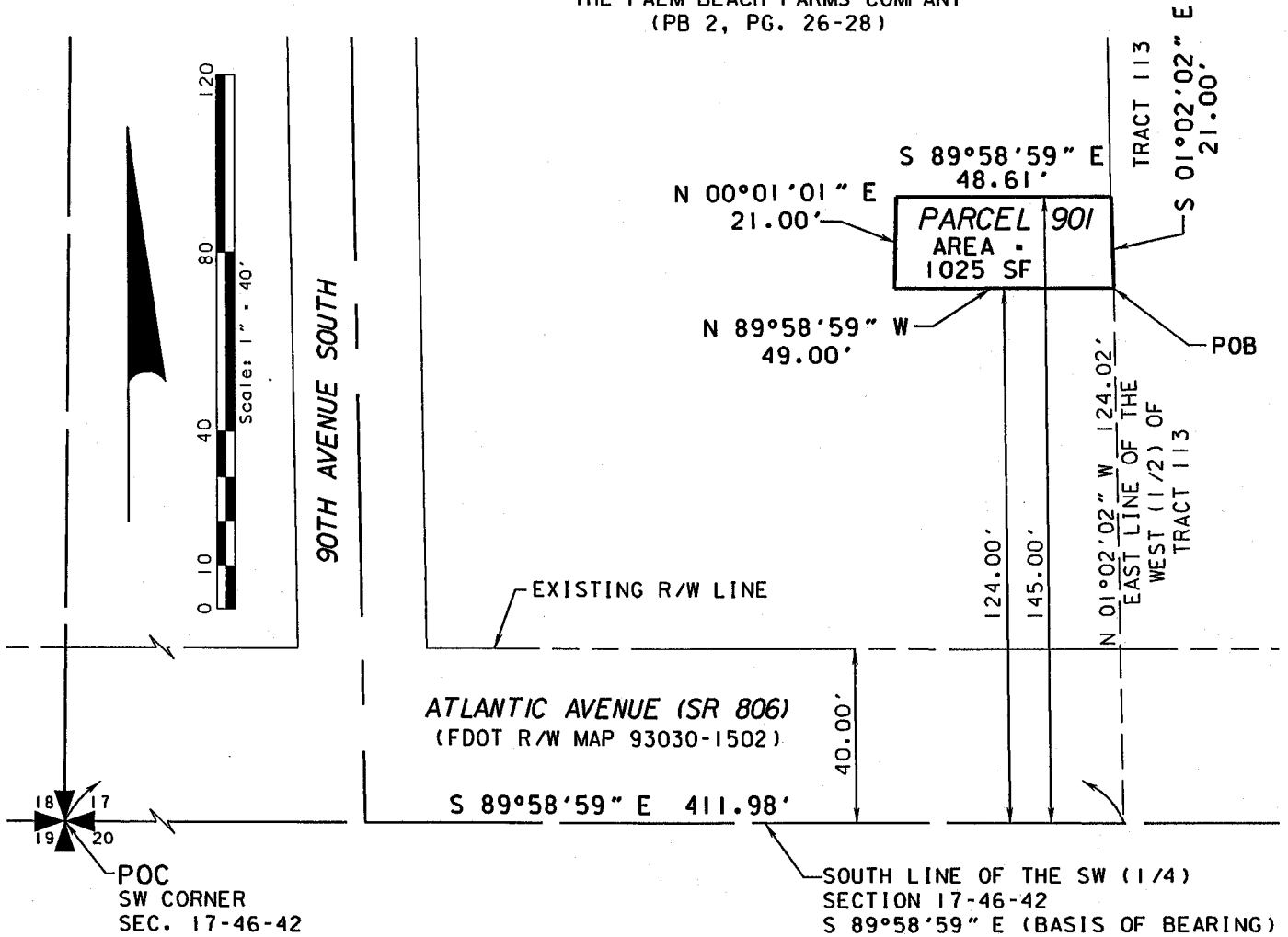
DESCRIPTION & SKETCH

PREPARED FOR:
PALM BEACH COUNTY, FLORIDA

Exhibit "B" 2 of 2

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

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



LEGEND:

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



Wantman Group, Inc.
Engineering ♦ Surveying ♦ Mapping

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CERTIFICATION NUMBER 6091
LICENSED BUSINESS NUMBER 7055

CAD T:\478 Atlantic Ave\Dgn\Survey\Sketch & Legals\RWSP901.dgn

REFERENCE

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

RESOLUTION NO. R-2008-

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, DECLARING THE ACQUISITION OF PROPERTY KNOWN AS PARCEL 902 AS A TEMPORARY CONSTRUCTION EASEMENT, NECESSARY FOR THE CONSTRUCTION AND IMPROVEMENT OF WEST ATLANTIC AVENUE, FROM 1,330 FEET WEST OF LYONS ROAD TO STARKEY ROAD, TO BE A PUBLIC NECESSITY, AUTHORIZING THE EMPLOYMENT OF APPRAISERS AND OTHER EXPERTS, AND THE FILING OF EMINENT DOMAIN PROCEEDINGS.

WHEREAS, the County Engineer has recommended the acquisition of this parcel to the Board of County Commissioners of Palm Beach County, for the construction and improvement of West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey Road, in Palm Beach County, Florida; and,

WHEREAS, this Resolution supersedes Resolution R-2006-2705; and,

WHEREAS, the funds are available for the acquisition of this parcel; and,

WHEREAS, the Board of County Commissioners of Palm Beach County is exercising its authority of Eminent Domain pursuant to Florida Statutes 73, 74, 127, and 337.27, as amended; and,

WHEREAS, this Board has considered the required factors pursuant to Florida law including Safety, Costs, Alternative Routes or Methodologies, Long Range Plans, and the Environment, as applicable to this parcel and as set forth in Exhibit "A", attached hereto and incorporated herein, prior to determining that the acquisition of Parcel 902 is necessary; and,

WHEREAS, this Board has considered the required factors under Florida Law, as they apply to Parcel 902, which is more fully described in Exhibit "B"; and,

WHEREAS, after considering the factors as set forth above, this Board has determined that the acquisition of a Temporary Construction Easement on the real property identified as Parcel 902, which is more fully described in Exhibit "B", is necessary for the following public purpose, to wit: the construction and improvement of West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey Road, and as such, the acquisition of said property is a public necessity deemed to be in the best interest of Palm Beach County; and,

WHEREAS, a Temporary Construction Easement on property identified as Parcel 902 is necessary for the purpose of 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, 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,

WHEREAS, in order to accomplish the acquisition of this parcel, the County Engineer and the County Attorney and/or counsel retained to represent Palm Beach County 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 and/or counsel retained to represent Palm Beach County 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 and/or counsel retained to represent Palm Beach County 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 and/or counsel retained to represent Palm Beach County 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

By: _____
County Attorney

SHARON R. BOCK,
Clerk and Comptroller

By: _____
Deputy Clerk

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

SAFETY

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

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

ALTERATIVE ROUTES

West 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 West 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

West 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 West 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, West 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, West 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, West 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, West 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 West 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

Exhibit "B" 1 of 2

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

LEGAL DESCRIPTION

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

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 17; THENCE SOUTH 89°58'59" EAST, ALONG THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 17, A DISTANCE OF 583.00 FEET TO A POINT ON THE EXTENSION OF THE EAST LINE OF TRACT 113; THENCE NORTH 01°01'01" WEST, ALONG SAID EXTENSION OF THE EAST LINE OF TRACT 113, A DISTANCE OF 124.02 FEET; THENCE NORTH 89°58'59" WEST, A DISTANCE OF 43.53 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89°58'59" WEST, ALONG A LINE PARALLEL TO AND 124.00 FEET NORTH OF THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 17, A DISTANCE OF 38.00 FEET; THENCE NORTH 0°01'01" EAST A DISTANCE OF 21.00 FEET; THENCE SOUTH 89°58'59" EAST, ALONG A LINE PARALLEL TO AND 145.00 FEET NORTH OF THE SAID SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SECTION 17, A DISTANCE OF 44.00 FEET; THENCE SOUTH 0°01'01" WEST, A DISTANCE OF 11.00 FEET; THENCE NORTH 89°58'59" WEST, ALONG A LINE PARALLEL TO AND 134.00 FEET NORTH OF SAID SOUTHWEST ONE-QUARTER LINE OF SECTION 17, A DISTANCE OF 6.00 FEET; THENCE SOUTH 0°01'01" WEST, A DISTANCE OF 10.00 FEET; TO THE POINT OF BEGINNING.

CONTAINING 864 SQUARE FEET, MORE OR LESS.

SURVEYOR'S NOTES

1. THIS DRAWING IS NOT A SURVEY.
2. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THIS OFFICE.
3. THE DESCRIPTION SKETCH AND THE DESCRIPTION TEXT COMPRISE THE COMPLETE LEGAL DESCRIPTION. THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH ACCOMPANY EACH OTHER.
4. THIS LEGAL DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER EMPLOYED BY WANTMAN GROUP, INC.
5. BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SECTION 17, TOWNSHIP 46 SOUTH, RANGE 42 EAST, WHICH BEARS SOUTH 89°58'59" EAST.

WANTMAN GROUP, INC.



THOMAS R. DITTMAN
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NUMBER No. 5763



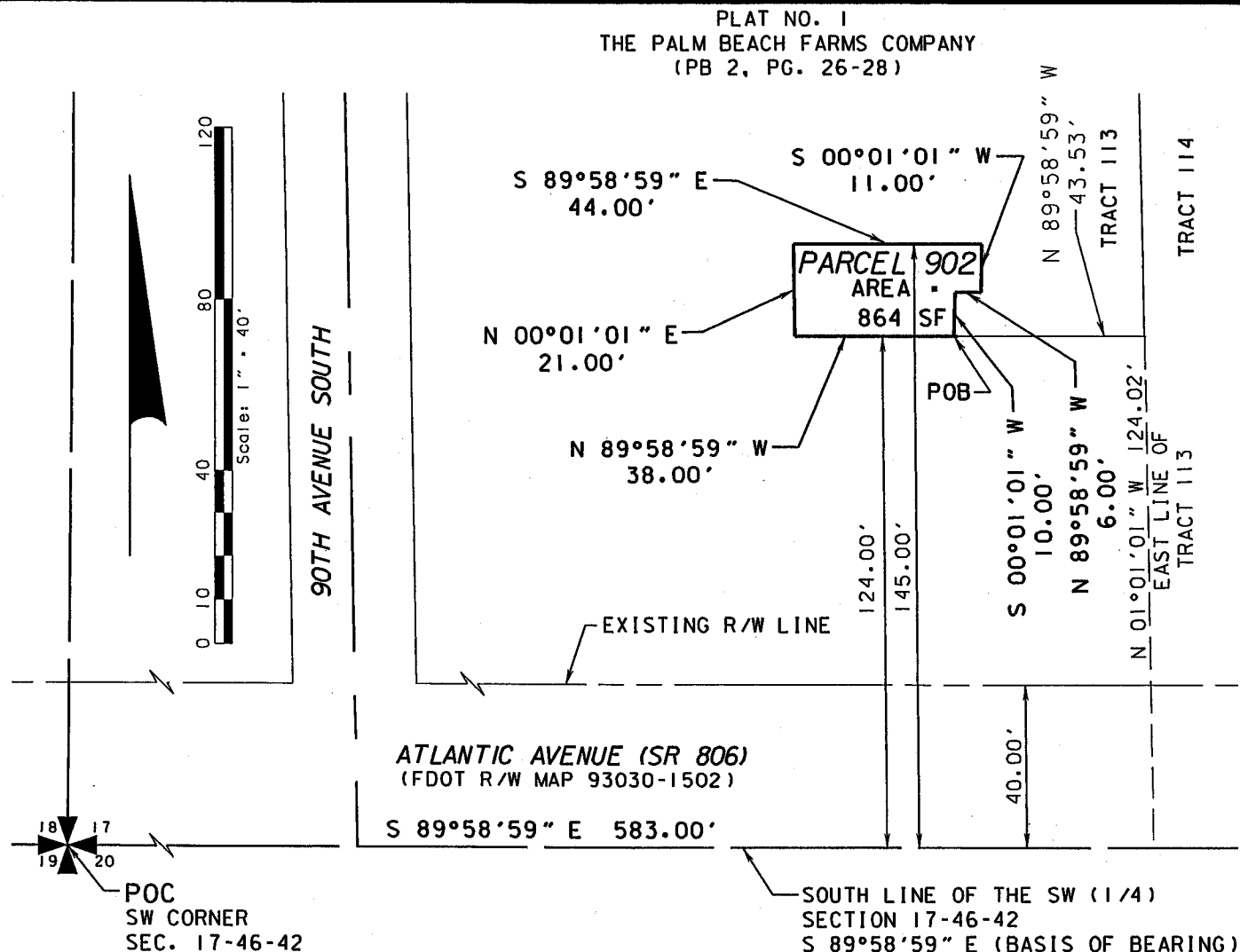
Wantman Group, Inc.
Engineering ♦ Surveying ♦ Mapping
2035 VISTA PARKWAY, SUITE 100
WEST PALM BEACH, FL 33411
(561) 687-2220 Phone
(561) 687-1110 Fax
CERTIFICATION NUMBER 6091
LICENSED BUSINESS NUMBER 7055

CAD T:\478 Atlantic Ave\Dgn\Survey\Sketch & Legals\RWSP902.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

Exhibit "B"
2 of 2

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



LEGEND:

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



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