

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: May 20, 2008

Consent       Regular  
 Workshop       Public Hearing

**Department:**

Submitted By: Engineering and Public Works

Submitted For: Right-of-Way Acquisition Section

Project No.: 1997511D

I. EXECUTIVE BRIEF

**Motion and Title: Staff recommends motion to:**

- A) Accept a Warranty Deed for Parcel 2A on Seminole Pratt Whitney Road; and
- B) Approve payment of a counter-offer in the amount of \$287,000.

**Summary:** This action will accept a Warranty Deed for a parcel of land needed for water management purposes and approve a counter-offer in the amount of \$287,000 for the purchase of the parcel of land, designated as Parcel 2A. This parcel is required for the construction of improvements on Seminole Pratt Whitney Road from Orange Boulevard to south of Northlake Boulevard.


**District:** 6 (PK)

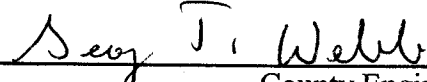
**Background and Justification:** On March 11, 2008, the Palm Beach County Board of County Commissioners approved a request granting approval to appraise and acquire land, rights-of-way and easements for projects included in the adopted Five-Year Road Program. Based on appraisals done by Palm Beach County, an offer of \$257,400 was made to the owner of a parcel of land designated as Parcel 2A. This parcel is to be utilized as a Water Management Area required for the construction of improvements on Seminole Pratt Whitney Road from Orange Boulevard to south of Northlake Boulevard. The owner of Parcel 2A did not accept the offer and presented a counter-offer in the amount of \$299,000. Staff rejected this counter-offer and negotiated a settlement of \$287,000, which is 11.5 percent above the appraised value. Staff has reviewed this counter-offer and recommends approval. The acceptance of this Warranty Deed and counter-offer will avoid lengthy and costly litigation, as well as other professional fees associated with the condemnation process.

**Attachments:**

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

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Recommended by:  Daniel A. Fernandez 4/21/08  
Division Director      Date

Approved by:  Doug T. Webb 4/20/08  
County Engineer      Date

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**II. FISCAL IMPACT ANALYSIS**

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

Fiscal Years	2008	2009	2010	2011	2012
Capital Expenditures	<u>\$287,000</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Operating Costs	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
External Revenues	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Program Income (County)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
In-Kind Match (County)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
<b>NET FISCAL IMPACT</b>	<u><b>\$287,000</b></u>	<u><b>-0-</b></u>	<u><b>-0-</b></u>	<u><b>-0-</b></u>	<u><b>-0-</b></u>

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

Is Item Included in Current Budget? Yes X No      
 Budget Acct No.: Fund 3503 Dept. 361 Unit 0728 Object 6120.  
 Program

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

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

Counter offer-Parcel 2A	\$287,000
Appraised Value	<\$257,400>
Fiscal Impact	\$ 29,600

C. Departmental Fiscal Review: R.D. Ward 4/16/08

**III. REVIEW COMMENTS**

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

atwillhite 4.30.08  
 OFMB SN 4/30/08 CN 4/30/08  
5/11/08 5/2/08  
Contract Dev. and Control

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

Paul F. [Signature] 5/5/08  
 Assistant County Attorney

**C. Other Department Review:**

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

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



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

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

NOT TO BE RECORDED  
WITHOUT BOARD OF COUNTY  
COMMISSIONERS ACCEPTANCE DATE

PCN: 00-41-42-30-00-000-3600 (Individual/Partnership) SPACE ABOVE THIS LINE FOR PROCESSING DATA  
PROJECT NO. 1997511D  
ROAD NAME: Seminole Pratt Whitney Rd.  
PARCEL NO. 2A

WARRANTY DEED

THIS WARRANTY DEED, made this 31 day of MARCH, 2008, by Yung Fu Liang, whose post office address is 10108 Randy Lane, Cupertino, CA 95014, hereinafter called grantor, to PALM BEACH COUNTY, a political subdivision of the State of Florida, hereinafter called grantee.

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

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

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

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

AND the grantor hereby covenants with said grantee that said grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes subsequent to December 31, 2007.

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

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

[Signature]  
WITNESS SIGNATURE (Required)

KIRTI I. PATEL  
TYPED OR PRINTED NAME OF WITNESS

[Signature]  
SIGNATURE OF GRANTOR  
Yung Fu Liang

TYPED OR PRINTED NAME OF GRANTOR  
10108 Randy Lane  
Cupertino, CA 95014  
MAILING ADDRESS

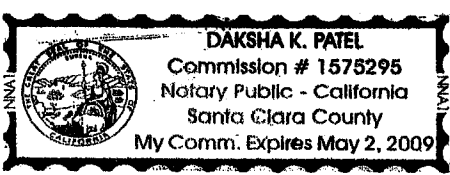
[Signature]  
WITNESS SIGNATURE (Required)

Lisa White  
TYPED OR PRINTED NAME OF WITNESS

STATE OF California  
COUNTY OF Santa Clara

BEFORE ME, Daksha K. Patel notary public, the undersigned authority, personally appeared YUNG FU LIANG who is personally known to me or who has produced CALIFORNIA DRIVERS LICENSE as identification and who did/did not take an oath, executed the foregoing instrument.

WITNESS my hand and official seal this 31 day of MARCH, 2008.



Signed: [Signature]  
Notary Public in and for  
the County and State aforementioned

THE SOUTH 269 FEET OF THE NORTH 1235 FEET LESS THE EAST 5047 FEET OF SECTION 30, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA; SUBJECT TO A ROAD RIGHT-OF-WAY EASEMENT TO PALM BEACH COUNTY OVER THE WEST 60 FEET, RECORDED IN OFFICIAL RECORD BOOK 7693, PAGE 1626, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND AN EASEMENT TO INDIAN TRAIL WATER CONTROL DISTRICT FOR ROAD AND DRAINAGE PURPOSES OVER THE NORTH 30 FEET AND THE SOUTH 30 FEET, RECORDED IN OFFICIAL RECORD BOOK 1810, PAGE 491, OF SAID PUBLIC RECORDS.

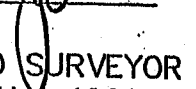
CONTAINING 1.98 ACRES; MORE OR LESS.

BEARING BASIS: S03°12'04"W ALONG THE EAST LINE OF SECTION 30.

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

ABBREVIATIONS

R/W - RIGHT-OF-WAY  
ORB - OFFICIAL RECORD BOOK  
R.D.E. - ROAD AND DRAINAGE EASEMENT  
ITWCD - INDIAN TRAIL WATER CONTROL DISTRICT  
L - LEFT OF BASELINE  
R - RIGHT OF BASELINE

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

SEMINOLE PRATT WHITNEY ROAD



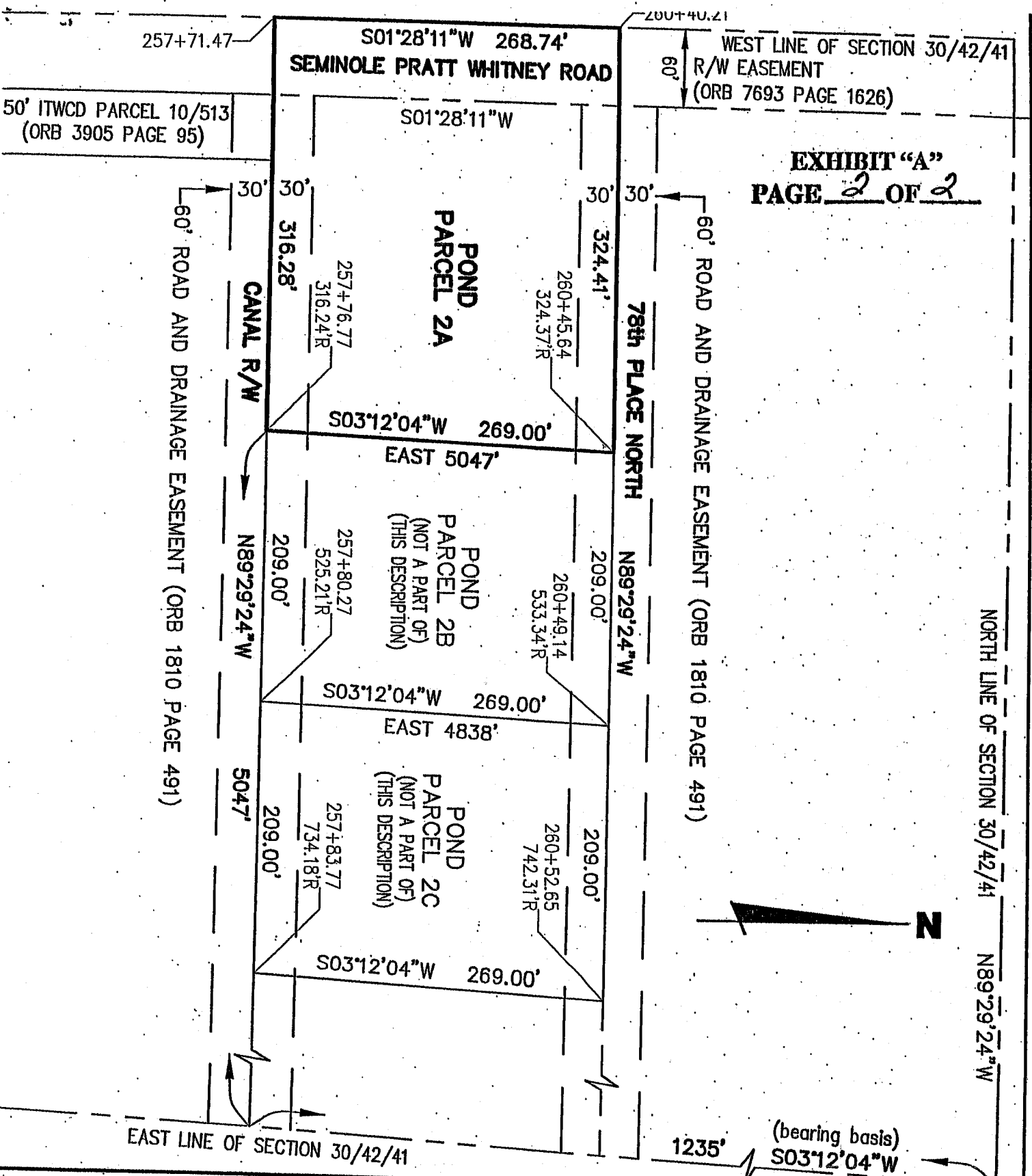
**BROWN & PHILLIPS, INC.**

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

LEGAL DESCRIPTION

PALM BEACH COUNTY PROJECT No.1997511D

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



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

SEMINOLE PRATT WHITNEY ROAD

SKETCH TO ACCOMPANY LEGAL DESCRIPTION  
 THIS SKETCH IS NOT A SURVEY

DRAWN: MB	PROJ. No.
CHECKED: JEP	SCALE: 1" = 100'
POND PARCEL 2A	DATE: 7/13/07
	SHEET 2 OF 2

## Jenkins Appraisal Services, Inc.

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

September 24, 2007

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

Re: Parcel: 2A  
Project: Seminole Pratt Whitney Road  
Project #: 1997511D

Dear Mr. Rose:

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

Parcel 2A is the total taking of a 1.98 acre site which is currently vacant land. This parcel is located on the south side of 78<sup>th</sup> Place North, on the east side of Seminole Pratt Whitney Road.

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

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

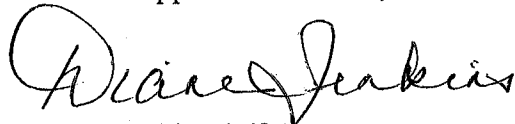
TWO HUNDRED FIFTY SEVEN THOUSAND FOUR HUNDRED DOLLARS

\$257,400

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

Respectfully submitted,

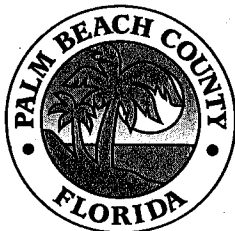
Jenkins Appraisal Services, Inc.



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

COUNTER-OFFER LETTER

1082



March 25, 2008

CERTIFIED MAIL

**Department of Engineering  
and Public Works**

P.O. Box 21229

West Palm Beach, FL 33416-1229

(561) 684-4000

www.pbcgov.com



**Palm Beach County  
Board of County  
Commissioners**

Addie L. Greene, Chairperson

Jeff Koons, Vice Chair

Karen T. Marcus

Robert J. Kanjian

Mary McCarty

Burt Aaronson

Jess R. Santamaria

**County Administrator**

Robert Weisman

Yung Fu Liang  
10108 Randy Lane  
Cupertino, CA 95014

RE: PROJECT NO.: 1997511D  
PROJECT: Seminole Pratt Whitney Rd.  
LIMITS: Orange Blvd. to South of Northlake Blvd.  
PARCEL NO: 2A (Fee Simple Whole Take)

Dear Mr. Liang:

This office has reviewed your counter-offer proposal of \$299,000 for the parcel referenced above.

We can not accept your counter-offer, but are willing to accept the total compensation amount of \$287,000.

If you are willing to accept this amount, please acknowledge said acceptance by signing on the line indicated below and return this letter with a copy of the executed Warranty Deed (enclosed) to this office.

**I hereby acknowledge and accept the counter-offer amount of \$287,000 for Parcel 2A, a Fee Simple Whole Take.**

A handwritten signature in black ink that reads "Yung Fu Liang".  
Yung Fu Liang

A handwritten date in black ink that reads "Mar 31, 2008".  
Date



COUNTER-OFFER LETTER

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Page 2

PROJECT NO.:1997511D  
PROJECT: Seminole Pratt Whitney Road  
LIMITS: Orange Blvd. to South of Northlake Blvd.  
PARCEL NO.: 2A / Fee Simple Whole Take

Ed Handy of this office will then process the necessary documents for acceptance by the County Commission and the issuance of the payment to you. Should you have any questions, please contact Mr. Handy at 561/684-4184.

Sincerely,

A handwritten signature in cursive script, appearing to read "L. Morton Rose", written over a horizontal line.

L. Morton Rose, P.E., Manager  
Five Year Road Program

LMR:EH

cc: Omelio Fernandez, P.E., Dir., Engineering & Public Works Operations  
William Sears, P.E., Project Engineer  
Ed Handy, Right-of-Way Specialist