

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: June 17, 2008

Consent       Regular  
 Workshop       Public Hearing

Department:

Submitted By: Engineering and Public Works

Submitted For: Right-of-Way Acquisition Section

Project No.: 2001504

I. EXECUTIVE BRIEF

**Motion and Title: Staff recommends motion to adopt:** Eight Resolutions declaring the acquisition of properties designated as Parcels 101, 104, 106 and 108 as partial fee simple acquisitions for road right-of-way, Parcel 204 as an embankment easement and Parcels 301, 306 and 308 as temporary construction easements necessary for the widening and construction of improvements on Boca Rio Road, from Palmetto Park Road to Glades Road.

**SUMMARY:** This action will adopt eight Resolutions to authorize the filing of eminent domain proceedings against eight parcels whose total appraised value is \$333,000.

District 5 (PM)

**Background and Justification:** The property owners of Parcels 101, 104, 106, 108, 204, 301, 306 and 308 have not accepted the offers to purchase made by Palm Beach County. It is therefore necessary to file eminent domain proceedings to acquire these eight parcels. The acquisition of Parcels 101, 104, 106 and 108 is required for partial fee simple road right-of-way, Parcel 204 as an embankment easement and Parcels 301, 306 and 308 as temporary construction easements. These parcels are required for the widening and construction of improvements on Boca Rio Road, from Palmetto Park Road to Glades Road, which is shown on the current Five-Year Road Program. The acquisition of these eight parcels is for a public purpose and necessity, which is deemed to be in the best interest of Palm Beach County.

**Attachments:**

- 1. Location Map
- 2. Resolutions (8) with Exhibit "A" and Exhibit "B"

Recommended by: *Donna G. Fernandez*      5/15/09 *[Signature]*  
Division Director      Date

Approved by: *D. T. Welch*      5/23/09  
County Engineer      Date

**II. FISCAL IMPACT ANALYSIS**

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

Fiscal Years	2008	2009	2010	2011	2012
Capital Expenditures	<u>\$333,150</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>	<b><u>\$333,150</u></b>	<b><u>-0-</u></b>	<b><u>-0-</u></b>	<b><u>-0-</u></b>	<b><u>-0-</u></b>

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

Is Item Included in Current Budget? Yes X No \_\_\_\_\_  
 Budget Acct No.: Fund 3505 Dept. 361 Unit 0765 Object 6120.  
 Program

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

Road Impact Fee Fund - Zone 5  
 Boca Rio Rd/Palmetto Pk Rd to Glades Rd

Appraised Value-Parcels 101 & 301	\$143,400.00
Appraised Value-Parcels 104 & 204	\$ 53,100.00
Appraised Value-Parcels 106 & 306	\$ 90,900.00
Appraised Value-Parcels 108 & 308	\$ 45,600.00
Clerks Fee	\$ 150.00
Fiscal Impact	<u>\$333,150.00</u>

C. Departmental Fiscal Review: Re. D. Ward 5/2/08

**III. REVIEW COMMENTS**

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

Atwillwhite 5.28.08  
 OFMB *SN 5/29/08 CM 5/27/08*

J. J. Javett 5/29/08  
 Contract Dev. and Control *5/28/08*

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

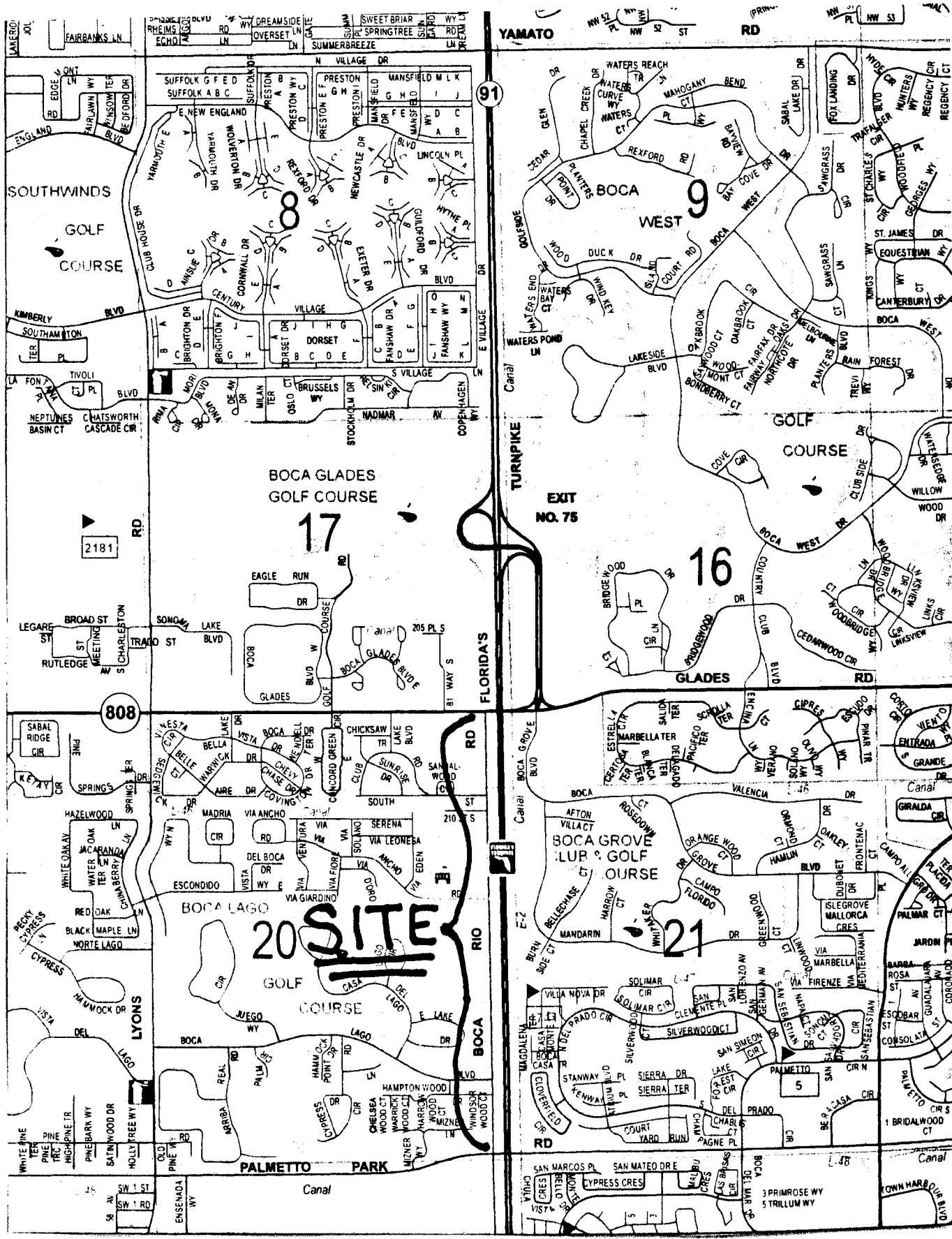
Philip Magano  
 Assistant County Attorney

**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 A PARCEL OF LAND DESIGNATED AS PARCEL 101 AS A PARTIAL FEE SIMPLE ACQUISITION FOR ROAD RIGHT-OF-WAY, NECESSARY FOR THE WIDENING AND CONSTRUCTION OF IMPROVEMENTS ON BOCA RIO ROAD, FROM PALMETTO PARK ROAD TO GLADES 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 widening and construction of improvements on Boca Rio Road, from Palmetto Park Road to Glades Road in Palm Beach County, Florida; and,

**WHEREAS**, the funds are available for the acquisition of the Parcel designated as Parcel 101 as a partial fee simple acquisition for road right-of-way; and,

**WHEREAS**, the property owner has not accepted the offer to purchase made by Palm Beach County; 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, Alternate Routes or Methodologies, Long Range Plans and the Environment, as applicable to this parcel, 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 101 for the necessary partial fee simple acquisition for road right-of-way, which is more fully described in Exhibit "A", is necessary for the following public purpose, to wit: the widening and construction of improvements on Boca Rio Road, from Palmetto Park Road to Glades 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**, the construction limits shall not extend beyond the limits as outlined in Exhibit "A"; and,

**WHEREAS**, the property as described in Exhibit "A" to be acquired through Eminent Domain as authorized by this resolution is not being acquired for the purpose of abating or eliminating public nuisances, slum or blighted conditions, and is subject to any applicable conveyance restrictions pursuant to Florida law, to the extent they may apply; and,

**WHEREAS**, in order to accomplish the acquisition of Parcel 101 the County Engineer and the County Attorney are authorized to take legal action, including the filing of Eminent Domain Proceedings, and to employ real estate appraisers and other experts deemed necessary to accomplish this purpose.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, THAT:**

- a. This Board adopts and ratifies those matters set forth in the foregoing recitals.
- b. The County Engineer and County Attorney are 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 "A", and prepare all papers, pleadings and other instruments required for that purpose, and to see that all Eminent Domain Proceedings are prosecuted to judgment.
- c. The County Engineer and County Attorney are hereby further 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 "A" that may be necessary to fully accomplish those purposes.

**BE IT FURTHER RESOLVED** that the property described in Exhibit "A" is to be used for the following public purpose; a partial fee simple acquisition for road right-of-way necessary for the widening and construction of improvements on Boca Rio Road, from Palmetto Park Road to Glades Road.

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 Chair thereupon declared the Resolution duly passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY,  
FLORIDA, BY ITS BOARD OF  
COUNTY COMMISSIONERS

Sharon R. Bock, Clerk & Comptroller

BY: \_\_\_\_\_  
County Attorney

BY: \_\_\_\_\_  
Deputy Clerk

## EXHIBIT "A"

### LEGAL DESCRIPTION BOCA RIO ROAD RIGHT-OF-WAY ACQUISITION PARCEL 101

Being a portion of the Replat of BOCA LAGO, as recorded in Plat Book 31, Page 62, Public Records of Palm Beach County, Florida, said portion being more particularly described as follows:

BEGINNING at the northeast corner of Recreation Tract "K" according to said Replat of BOCA LAGO; thence South  $01^{\circ}05'04''$  East along a line that is 60.00 feet west of and parallel with the west right-of-way line of the Sunshine State Parkway and east line of Recreation Tract "K", 1117.13 feet to the southeast corner of Recreation Tract "K"; thence South  $44^{\circ}15'52''$  West along the southeast line of Recreation Tract "K", 14.06 feet to a point on a line that is 70.00 feet west of and parallel with the west right-of-way line of the Sunshine State Parkway; thence North  $01^{\circ}05'04''$  West along said parallel line, 139.05 feet; thence North  $88^{\circ}54'56''$  East perpendicular to the previous course, 3.50 feet to a point on a line that is 66.50 feet west of and parallel with the west right-of-way line of the Sunshine State Parkway; thence North  $01^{\circ}05'04''$  West along said parallel line, 935.00 feet; thence South  $88^{\circ}54'56''$  West, perpendicular to the previous course, 3.50 feet to a point on a line that is 70.00 feet west of and parallel with the west right-of-way line of the Sunshine State Parkway; thence North  $01^{\circ}05'04''$  West along said parallel line, 53.09 feet to the north line of said Recreation Tract "K"; thence North  $89^{\circ}36'53''$  East along said north line, 10.00 feet to the POINT OF BEGINNING.

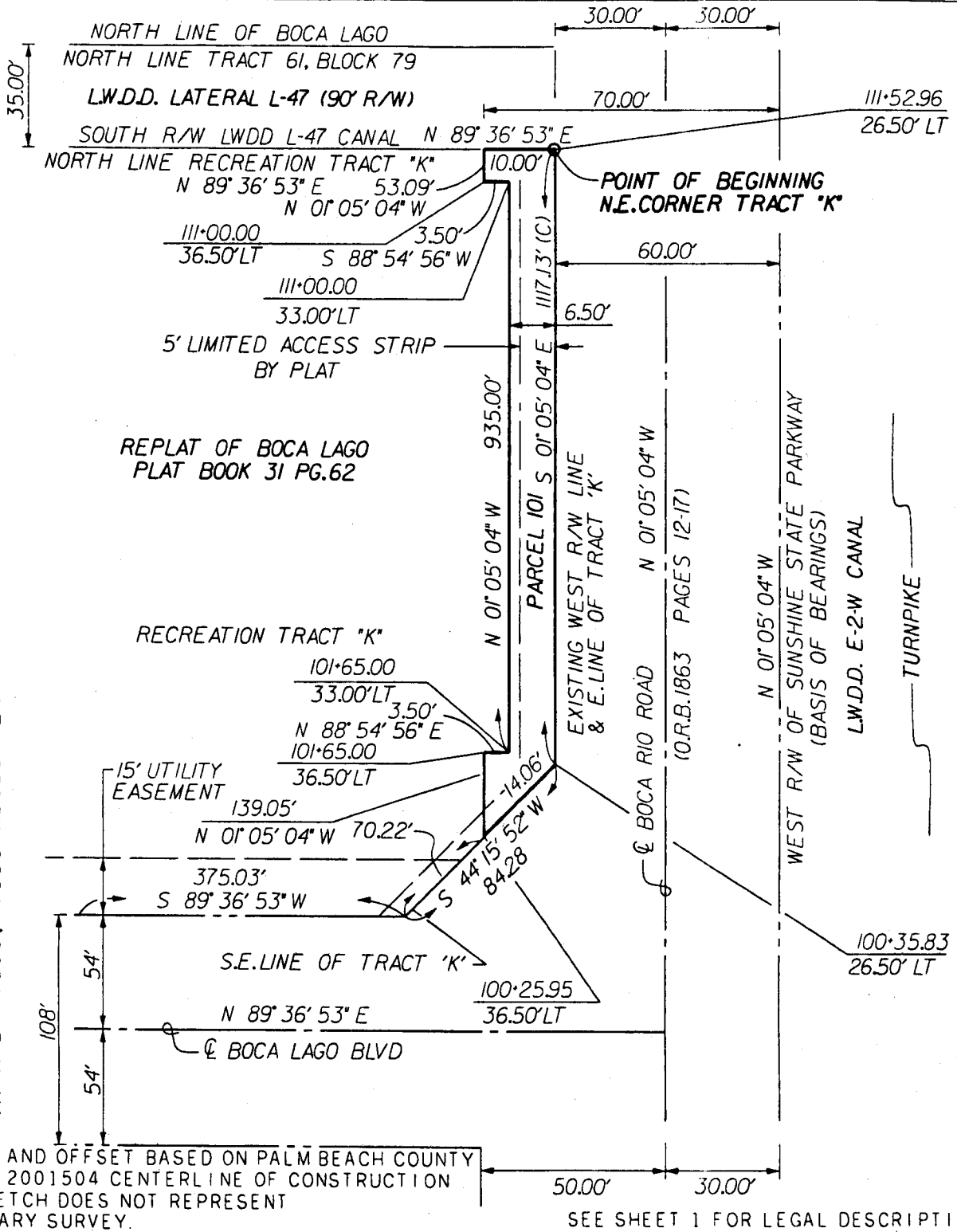
Containing 7949 square feet, or 0.182 acres, more or less.

Bearings refer to the State Plane Grid Datum, N.A.D. 1983, 1990 Adjustment; the west line of the Sunshine State Parkway bearing: North  $01^{\circ}05'04''$  West.

**SHEET 1 of 2**  
**LS 6995-101**

EXHIBIT "A"

THE BEARINGS, AS SHOWN HEREON, REFER TO THE STATE PLANE GRID DATUM; THE WEST RIGHT-OF-WAY LINE OF SUNSHINE STATE PARKWAY, BEING N 01° 05' 04" W (N.A.D. 1983, 1990 ADJUSTMENT.)



STATION AND OFFSET BASED ON PALM BEACH COUNTY PROJECT 2001504 CENTERLINE OF CONSTRUCTION THIS SKETCH DOES NOT REPRESENT A BOUNDARY SURVEY.

SEE SHEET 1 FOR LEGAL DESCRIPTION

THE UNDERSIGNED HEREBY CERTIFIES THAT THIS LEGAL DESCRIPTION AND SKETCH MEETS THE TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS PURSUANT TO SECTION 472.029, FLORIDA STATUTES.

BY: *[Signature]* FOR THE FIRM  
 DENNIS PAINTER  
 REGISTERED LAND SURVEYOR, FLORIDA CERTIFICATE NO. 3542

REGISTERED LAND SURVEYOR, FLORIDA CERTIFICATE NO. 3542



**ADAIR & BRADY, INC.**  
 CONSULTING ENGINEERS • LAND SURVEYORS  
 3461 FAIRLANE FARMS ROAD  
 WELLINGTON, FL 33414  
 15611 383-7480 15611 383-7485 FAX

NOT VALID WITHOUT EMBOSSED SURVEYOR'S SEAL AFFIXED.

SHEET 2 OF 2

SKETCH OF LEGAL DESCRIPTION PARCEL 101 BOCA RIO ROAD		
DRAWN: FH	DATE	W.O. 00065
FIELD:	02-01-05	LS 6995-101
F.B.	SCALE	
PG.	NONE	

P: N00065\_BRR\_LEGAL\_PARCEL\_101.DGN  
 8/15/2005 9:00:25 AM \$USERS  
 SEC 20 1P 47 PG 42

## EXHIBIT "B"

### **BOCA RIO ROAD PALMETTO PARK ROAD TO GLADES ROAD PALM BEACH COUNTY, PROJECT # 2001504**

#### SAFETY

Boca Rio Road is currently a Two (2) lane undivided urban roadway within an existing 60 ft. to 80 ft. varying width right-of-way. The widening of Boca Rio Road from Palmetto Park Road to Glades Road as a four (4) lane divided roadway with a curb and gutter sodded island will improve the traffic performance of this segment of road due to the extra travel lane added in each direction. The design of this project has been done in accordance with the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (The Florida Greenbook), as adopted and approved by the Florida Department of Transportation (FDOT).

#### COST

The cost of improving Boca Rio Road from Palmetto Park Road to Glades Road, from a two (2) (4) lane undivided roadway to a four (4) lane divided roadway, had been estimated prior to beginning design. The appropriate funding for design, right-of-way acquisition and construction was budgeted in the County's Five Year Road program in fiscal years 2001 through 2009. During the design of the roadway, reasonable efforts were made to minimize the areas to be acquired through condemnation.

#### ALTERNATE ROUTES

Boca Rio Road from Palmetto Park Road to Glades Road is a heavily traveled roadway, which provides one of the most direct route for vehicles traveling in a north-south direction through the unincorporated area of Boca Raton. 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.

Alternate routes were considered in lieu of improving Boca Rio Road, however, since this section of roadway is existing and most of the existing ultimate right-of-way is in place it was concluded that an alternate route was not feasible. In addition, construction of an alternate route through this very busy community would have disrupted or displaced numerous residential and business properties, be more costly and result in unnecessary impacts to the environment.

#### LONG RANGE PLANNING

The development of this project is in conformance with Palm Beach County's 2030 Long Range Transportation Plan. The 2030 Long Range Transportation System Plan is a 25-year forecast based on projected regional needs identified through the process of forecasting 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 IMPACTS**

Boca Rio Road exists along an established roadway corridor and the proposed improvements will have minimal impacts to the environment. This roadway improvement project is expected to be permitted through the appropriate environmental regulatory agencies.

Below is a more detailed outline of the reasons for each type of acquisition needed for the improvement of Boca Rio Road, from Palmetto Park road to Glades Road.

## **PARTIAL TAKE IN FEE SIMPLE FOR ADDITIONAL RIGHT OF WAY**

As stated above the existing right-of-way is mostly 60 ft. through the corridor with the exception of the southernmost 800 ft. and the northernmost 1000 ft. of Boca Rio Road which is 80 ft. wide. In order to reduce right-of-way acquisition in this very busy segment the Typical Section was modified to fit the proposed widening within 70 ft. which reduced the need for additional right-of-way from 20 ft. to 10 ft wide. This resulted in a significant reduction in the need for Embankment Easements and Temporary Construction Easements.

## **EASEMENT ACQUISITIONS FOR PERMANENT EASEMENTS**

Areas where the finished sidewalk elevation will be 2 ft or more above the existing grade, require acquisition of a permanent easement. This easement prevents the abutting owner from removing the underlying fill and thereby undermining the sidewalk. In cases where surface water ponding could occur on the adjacent property, it might require the placement of drainage structures within the permanent easements to convey that ponding water into the roadway drainage system or to adjacent canals.

## **EASEMENT ACQUISITIONS FOR TEMPORARY ACCESS, SLOPING & GRADING**

Temporary Construction Easements are required (expiring after construction) adjacent to the widened right of way (or the Permanent Easements if acquired) in order to give construction vehicles and workers, access to the outside edges of the work area. In some cases these TCEs are also used to regrade the existing ground to prevent ponding of surface water and to direct it to a proper outfall. TCEs are also used to grade and harmonize the adjacent properties with the road right-of-way.

**RESOLUTION NO. R-2008-**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, DECLARING THE ACQUISITION OF A PARCEL OF LAND DESIGNATED AS PARCEL 104 AS A PARTIAL FEE SIMPLE ACQUISITION FOR ROAD RIGHT-OF-WAY, NECESSARY FOR THE WIDENING AND CONSTRUCTION OF IMPROVEMENTS ON BOCA RIO ROAD, FROM PALMETTO PARK ROAD TO GLADES 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 widening and construction of improvements on Boca Rio Road, from Palmetto Park Road to Glades Road in Palm Beach County, Florida; and,

**WHEREAS**, the funds are available for the acquisition of the Parcel designated as Parcel 104 as a partial fee simple acquisition for road right-of-way; and,

**WHEREAS**, the property owner has not accepted the offer to purchase made by Palm Beach County; 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, Alternate Routes or Methodologies, Long Range Plans and the Environment, as applicable to this parcel, 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 104 for the necessary partial fee simple acquisition for road right-of-way, which is more fully described in Exhibit "A", is necessary for the following public purpose, to wit: the widening and construction of improvements on Boca Rio Road, from Palmetto Park Road to Glades 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**, the construction limits shall not extend beyond the limits as outlined in Exhibit "A"; and,

**WHEREAS**, the property as described in Exhibit "A" to be acquired through Eminent Domain as authorized by this resolution is not being acquired for the purpose of abating or eliminating public nuisances, slum or blighted conditions, and is subject to any applicable conveyance restrictions pursuant to Florida law, to the extent they may apply; and,

**WHEREAS**, in order to accomplish the acquisition of Parcel 104 the County Engineer and the County Attorney are authorized to take legal action, including the filing of Eminent Domain Proceedings, and to employ real estate appraisers and other experts deemed necessary to accomplish this purpose.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, THAT:**

- a. This Board adopts and ratifies those matters set forth in the foregoing recitals.
- b. The County Engineer and County Attorney are 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 "A", and prepare all papers, pleadings and other instruments required for that purpose, and to see that all Eminent Domain Proceedings are prosecuted to judgment.
- c. The County Engineer and County Attorney are hereby further 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 "A" that may be necessary to fully accomplish those purposes.

**BE IT FURTHER RESOLVED** that the property described in Exhibit "A" is to be used for the following public purpose; a partial fee simple acquisition for road right-of-way necessary for the widening and construction of improvements on Boca Rio Road, from Palmetto Park Road to Glades Road.

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 Chair thereupon declared the Resolution duly passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY,  
FLORIDA, BY ITS BOARD OF  
COUNTY COMMISSIONERS

Sharon R. Bock, Clerk & Comptroller

BY: \_\_\_\_\_  
County Attorney

BY: \_\_\_\_\_  
Deputy Clerk

EXHIBIT "A"

LEGAL DESCRIPTION  
BOCA RIO ROAD  
RIGHT-OF-WAY ACQUISITION  
PARCEL 104

Being a portion of Tract 30, Block 79, PALM BEACH FARMS COMPANY PLAT NO. 3, as recorded in Plat Book 2, Page 45, also being a portion of that parcel described in Official Records Book 3549, Page 1089, Public Records of Palm Beach County, Florida, said portion being more particularly described as follows:

Commencing at the southeast corner of Tract 28, Block 79; thence North 89°37'48" East along the south line of Tract 29, a distance of 170.94 feet; thence North 00°43'39" West, 30.00 feet; thence North 89°37'48" East along a line this is 30.00 feet north of and parallel with the south line of Tracts 29 and 30, a distance of 255.74 feet to the southwest corner of that parcel described in Official Records Book 3549, Page 1089; thence continue North 89°37'48" East along said south line, 154.63 feet to the southwest corner of that parcel described in Official Records Book 10154, page 1352; thence North 44°16'22" East along the northwest line of said parcel described in Official Records Book 10154, page 1352, a distance of 28.64 feet to a line that is 70 feet west of and parallel with the west right-of-way line of the Sunshine Parkway, and to the POINT OF BEGINNING; thence continue North 44°16'22" East along said northwest line, a distance of 14.06 feet to a point on a line that is 60.00 feet west of and parallel with the west right-of-way line of the Sunshine State Parkway; thence North 01°05'04" West along a line that is 60.00 feet west of and parallel with said west right-of-way line, 84.82 feet to the north line of that parcel described in Official Records Book 3549, Page 1089; thence South 89°37'48" West along said north line, 10.00 feet; thence South 01°05'04" East along a line that is 70.00 feet west of and parallel with the west right-of-way line of the Sunshine State Parkway, 94.82 feet to the POINT OF BEGINNING.

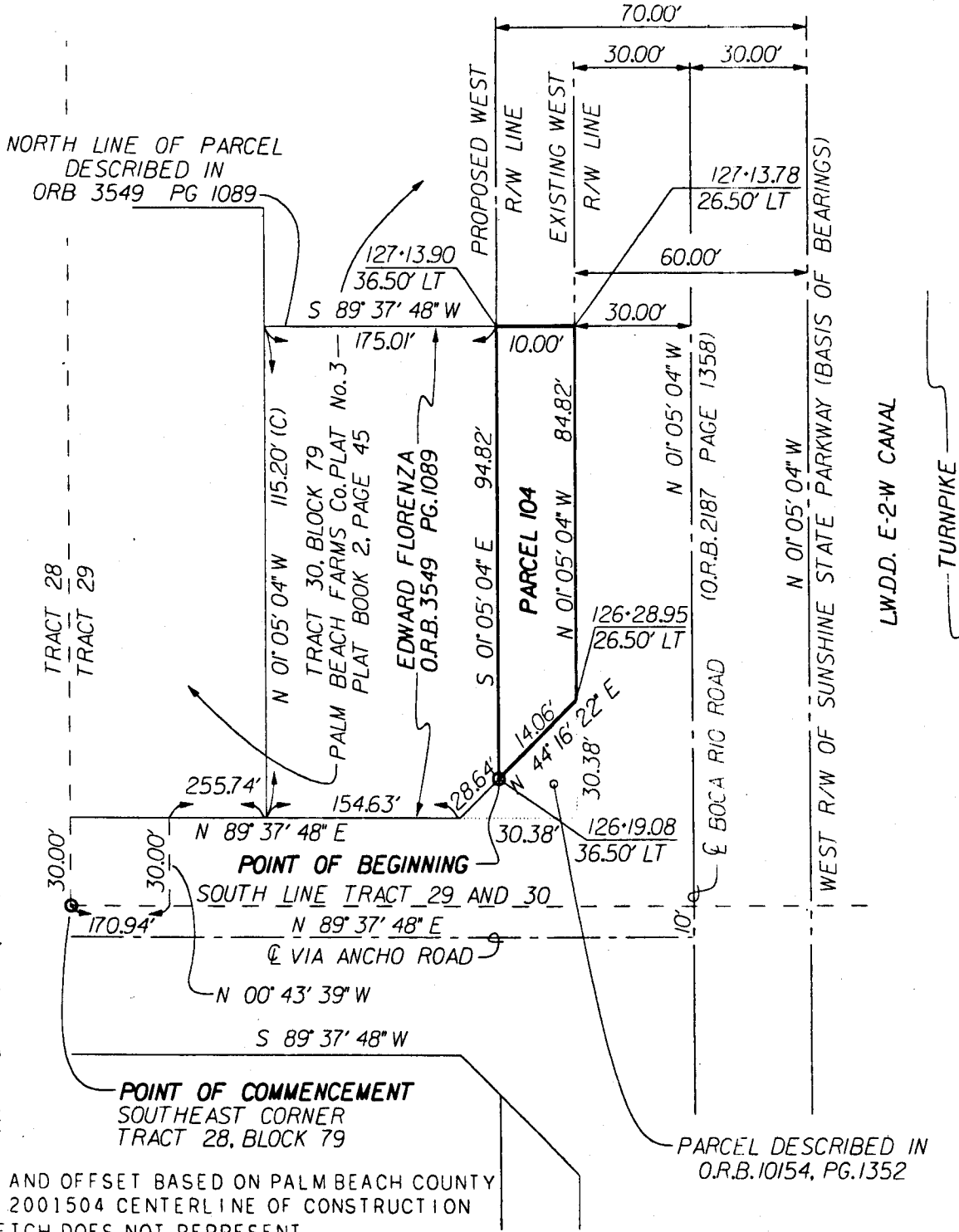
Containing 898 square feet or 0.021 acres, more or less.

Bearings refer to the State Plane Grid Datum, N.A.D. 1983, 1990 Adjustment; the west line of the Sunshine State Parkway bearing: North 01°05'04" West.

**SHEET 1 of 2**  
**LS 6995-104**

EXHIBIT "A"

THE BEARINGS, AS SHOWN HEREON, REFER TO THE STATE PLANE GRID DATUM; THE WEST RIGHT-OF-WAY LINE OF SUNSHINE STATE PARKWAY, BEING N 01° 05' 04" W (N.A.D. 1983, 1990 ADJUSTMENT.)



STATION AND OFFSET BASED ON PALM BEACH COUNTY PROJECT 2001504 CENTERLINE OF CONSTRUCTION  
THIS SKETCH DOES NOT REPRESENT A BOUNDARY SURVEY.

SEE SHEET 1 FOR LEGAL DESCRIPTION

THE UNDERSIGNED HEREBY CERTIFIES THAT THIS LEGAL DESCRIPTION AND SKETCH MEETS THE TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS PURSUANT TO SECTION 472.029, FLORIDA STATUTES.

ADAIR & BRADY, INC.  
A-604

BY: *[Signature]* FOR THE FIRM  
DENNIS PAINTER  
REGISTERED LAND SURVEYOR, FLORIDA CERTIFICATE NO. 3542



**ADAIR & BRADY, INC.**

CONSULTING ENGINEERS • LAND SURVEYORS  
3461 FAIRLANE FARMS ROAD  
WELLINGTON, FL 33414  
(561) 383-7480 (561) 383-7485 FAX

NOT VALID WITHOUT EMBOSSED SURVEYOR'S SEAL AFFIXED.

SHEET 2 OF 2

SKETCH OF  
LEGAL DESCRIPTION PARCEL 104  
BOCA RIO ROAD

DRAWN: FH	DATE	W.O. 00065
FIELD:	02-01-05	
F.B.	SCALE	LS 6995-104
PG.	NONE	

24 20 21 01 02 335 8:36:34 AM 2/3/2006 5USERS \NADAIR\PROJECTS\00065\_BRR\LEGAL\_PARCEL\_104.DWG

## **EXHIBIT "B"**

### **BOCA RIO ROAD PALMETTO PARK ROAD TO GLADES ROAD PALM BEACH COUNTY, PROJECT # 2001504**

#### **SAFETY**

Boca Rio Road is currently a Two (2) lane undivided urban roadway within an existing 60 ft. to 80 ft. varying width right-of-way. The widening of Boca Rio Road from Palmetto Park Road to Glades Road as a four (4) lane divided roadway with a curb and gutter sodded island will improve the traffic performance of this segment of road due to the extra travel lane added in each direction. The design of this project has been done in accordance with the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (The Florida Greenbook), as adopted and approved by the Florida Department of Transportation (FDOT).

#### **COST**

The cost of improving Boca Rio Road from Palmetto Park Road to Glades Road, from a two (2) (4) lane undivided roadway to a four (4) lane divided roadway, had been estimated prior to beginning design. The appropriate funding for design, right-of-way acquisition and construction was budgeted in the County's Five Year Road program in fiscal years 2001 through 2009. During the design of the roadway, reasonable efforts were made to minimize the areas to be acquired through condemnation.

#### **ALTERNATE ROUTES**

Boca Rio Road from Palmetto Park Road to Glades Road is a heavily traveled roadway, which provides one of the most direct route for vehicles traveling in a north-south direction through the unincorporated area of Boca Raton. 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.

Alternate routes were considered in lieu of improving Boca Rio Road, however, since this section of roadway is existing and most of the existing ultimate right-of-way is in place it was concluded that an alternate route was not feasible. In addition, construction of an alternate route through this very busy community would have disrupted or displaced numerous residential and business properties, be more costly and result in unnecessary impacts to the environment.

#### **LONG RANGE PLANNING**

The development of this project is in conformance with Palm Beach County's 2030 Long Range Transportation Plan. The 2030 Long Range Transportation System Plan is a 25-year forecast based on projected regional needs identified through the process of forecasting 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 IMPACTS**

Boca Rio Road exists along an established roadway corridor and the proposed improvements will have minimal impacts to the environment. This roadway improvement project is expected to be permitted through the appropriate environmental regulatory agencies.

Below is a more detailed outline of the reasons for each type of acquisition needed for the improvement of Boca Rio Road, from Palmetto Park road to Glades Road.

### **PARTIAL TAKE IN FEE SIMPLE FOR ADDITIONAL RIGHT OF WAY**

As stated above the existing right-of-way is mostly 60 ft. through the corridor with the exception of the southernmost 800 ft. and the northernmost 1000 ft. of Boca Rio Road which is 80 ft. wide. In order to reduce right-of-way acquisition in this very busy segment the Typical Section was modified to fit the proposed widening within 70 ft. which reduced the need for additional right-of-way from 20 ft. to 10 ft wide. This resulted in a significant reduction in the need for Embankment Easements and Temporary Construction Easements.

### **EASEMENT ACQUISITIONS FOR PERMANENT EASEMENTS**

Areas where the finished sidewalk elevation will be 2 ft or more above the existing grade, require acquisition of a permanent easement. This easement prevents the abutting owner from removing the underlying fill and thereby undermining the sidewalk. In cases where surface water ponding could occur on the adjacent property, it might require the placement of drainage structures within the permanent easements to convey that ponding water into the roadway drainage system or to adjacent canals.

### **EASEMENT ACQUISITIONS FOR TEMPORARY ACCESS, SLOPING & GRADING**

Temporary Construction Easements are required (expiring after construction) adjacent to the widened right of way (or the Permanent Easements if acquired) in order to give construction vehicles and workers, access to the outside edges of the work area. In some cases these TCEs are also used to regrade the existing ground to prevent ponding of surface water and to direct it to a proper outfall. TCEs are also used to grade and harmonize the adjacent properties with the road right-of-way.

**RESOLUTION NO. R-2008-**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, DECLARING THE ACQUISITION OF A PARCEL OF LAND DESIGNATED AS PARCEL 106 AS A PARTIAL FEE SIMPLE ACQUISITION FOR ROAD RIGHT-OF-WAY, NECESSARY FOR THE WIDENING AND CONSTRUCTION OF IMPROVEMENTS ON BOCA RIO ROAD, FROM PALMETTO PARK ROAD TO GLADES 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 widening and construction of improvements on Boca Rio Road, from Palmetto Park Road to Glades Road in Palm Beach County, Florida; and,

**WHEREAS**, the funds are available for the acquisition of the Parcel designated as Parcel 106 as a partial fee simple acquisition for road right-of-way; and,

**WHEREAS**, the property owner has not accepted the offer to purchase made by Palm Beach County; 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, Alternate Routes or Methodologies, Long Range Plans and the Environment, as applicable to this parcel, 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 106 for the necessary partial fee simple acquisition for road right-of-way, which is more fully described in Exhibit "A", is necessary for the following public purpose, to wit: the widening and construction of improvements on Boca Rio Road, from Palmetto Park Road to Glades 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**, the construction limits shall not extend beyond the limits as outlined in Exhibit "A"; and,

**WHEREAS**, the property as described in Exhibit "A" to be acquired through Eminent Domain as authorized by this resolution is not being acquired for the purpose of abating or eliminating public nuisances, slum or blighted conditions, and is subject to any applicable conveyance restrictions pursuant to Florida law, to the extent they may apply; and,

**WHEREAS**, in order to accomplish the acquisition of Parcel 106 the County Engineer and the County Attorney are authorized to take legal action, including the filing of Eminent Domain Proceedings, and to employ real estate appraisers and other experts deemed necessary to accomplish this purpose.



**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, THAT:**

- a. This Board adopts and ratifies those matters set forth in the foregoing recitals.
- b. The County Engineer and County Attorney are 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 "A", and prepare all papers, pleadings and other instruments required for that purpose, and to see that all Eminent Domain Proceedings are prosecuted to judgment.
- c. The County Engineer and County Attorney are hereby further 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 "A" that may be necessary to fully accomplish those purposes.

**BE IT FURTHER RESOLVED** that the property described in Exhibit "A" is to be used for the following public purpose; a partial fee simple acquisition for road right-of-way necessary for the widening and construction of improvements on Boca Rio Road, from Palmetto Park Road to Glades Road.

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 Chair thereupon declared the Resolution duly passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY,  
FLORIDA, BY ITS BOARD OF  
COUNTY COMMISSIONERS

Sharon R. Bock, Clerk & Comptroller

BY: \_\_\_\_\_  
County Attorney

BY: \_\_\_\_\_  
Deputy Clerk

EXHIBIT "A"

LEGAL DESCRIPTION  
BOCA RIO ROAD  
RIGHT-OF-WAY ACQUISITION  
PARCEL 106

Being a portion of Tract 30, Block 79, PALM BEACH FARMS COMPANY PLAT NO. 3, as recorded in Plat Book 2, Page 45, also being a portion of that parcel described in Official Records Book 7591, Page 1749, Public Records of Palm Beach County, Florida, said portion being more particularly described as follows:

BEGINNING at a point on a line that is 60.00 feet west of and parallel with the west right-of-way line of the Sunshine State Parkway, said point being on the north line of Tract 30, Block 79; thence South  $01^{\circ}05'04''$  East along a line that is 60.00 feet west of and parallel with said west right-of-way line, 230.40 feet to a point on the south line of that parcel described in Official Records Book 7591, Page 1749; thence South  $89^{\circ}37'48''$  West along said south line, 10.00 feet; thence North  $01^{\circ}05'04''$  West along a line that is 70.00 feet west of and parallel with said west right-of-way line, 230.40 feet to the north line of Tract 30; thence North  $89^{\circ}37'48''$  East along said north line, 10.00 feet to the POINT OF BEGINNING.

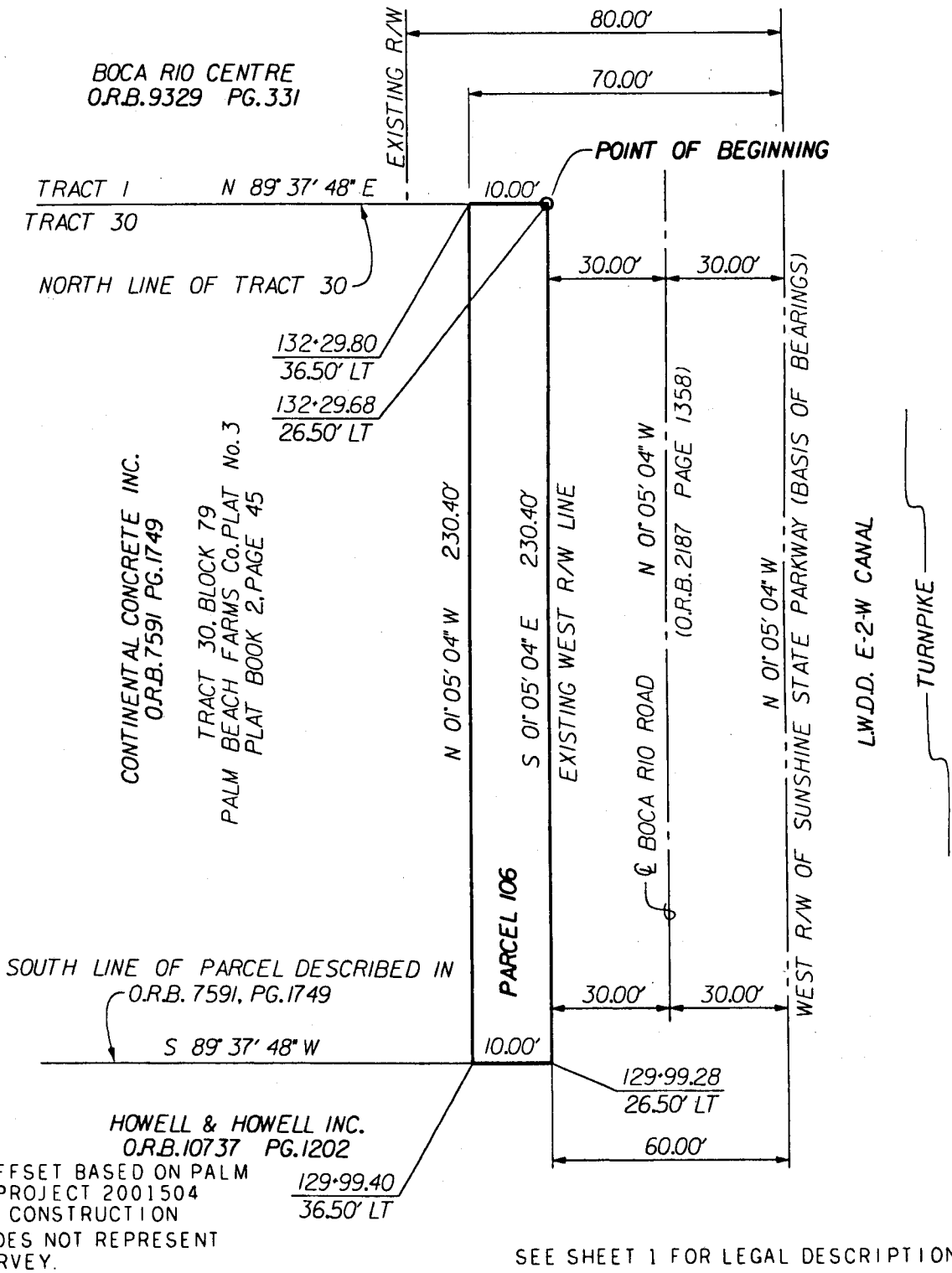
Containing 2304 square feet or 0.053 acres, more or less.

Bearings refer to the State Plane Grid Datum, N.A.D. 1983, 1990 Adjustment; the west line of the Sunshine State Parkway bearing: North  $01^{\circ}05'04''$  West.

SHEET 1 of 2  
LS 6995-106

EXHIBIT "A"

THE BEARINGS, AS SHOWN HEREON, REFER TO THE STATE PLANE GRID DATUM; THE WEST RIGHT-OF-WAY LINE OF SUNSHINE STATE PARKWAY, BEING N 01° 05' 04" W (N.A.D. 1983, 1990 ADJUSTMENT.)



STATION AND OFFSET BASED ON PALM BEACH COUNTY PROJECT 2001504 CENTERLINE OF CONSTRUCTION  
 THIS SKETCH DOES NOT REPRESENT A BOUNDARY SURVEY.

SEE SHEET 1 FOR LEGAL DESCRIPTION

THE UNDERSIGNED HEREBY CERTIFIES THAT THIS LEGAL DESCRIPTION AND SKETCH MEETS THE TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS PURSUANT TO SECTION 472.029, FLORIDA STATUTES.

ADAIR & BRADY, INC.  
 LB-604

BY: *[Signature]* FOR THE FIRM  
 DENNIS PAINTER  
 REGISTERED LAND SURVEYOR, FLORIDA CERTIFICATE NO. 3542

**ADAIR & BRADY, INC.**  
 CONSULTING ENGINEERS • LAND SURVEYORS  
 3461 FAIRLANE FARMS ROAD  
 WELLINGTON, FL 33414  
 (561) 383-7480 (561) 383-7485 FAX

NOT VALID WITHOUT EMBOSSED SURVEYOR'S SEAL AFFIXED.

SHEET 2 OF 2

SKETCH OF  
 LEGAL DESCRIPTION PARCEL 106  
 BOCA RIO ROAD

DRAWN: FH	DATE	W.O. 00065
FIELD:	02-01-05	
F.B.	SCALE	LS 6995-106
PG.	NONE	

8:43:59 AM 2/3/2006 SUSERS \\ADATR\PROJECTS\00065\_BRR\LEGAL\_PARCEL\_106.D

## **EXHIBIT "B"**

### **BOCA RIO ROAD PALMETTO PARK ROAD TO GLADES ROAD PALM BEACH COUNTY, PROJECT # 2001504**

#### **SAFETY**

Boca Rio Road is currently a Two (2) lane undivided urban roadway within an existing 60 ft. to 80 ft. varying width right-of-way. The widening of Boca Rio Road from Palmetto Park Road to Glades Road as a four (4) lane divided roadway with a curb and gutter sodded island will improve the traffic performance of this segment of road due to the extra travel lane added in each direction. The design of this project has been done in accordance with the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (The Florida Greenbook), as adopted and approved by the Florida Department of Transportation (FDOT).

#### **COST**

The cost of improving Boca Rio Road from Palmetto Park Road to Glades Road, from a two (2) (4) lane undivided roadway to a four (4) lane divided roadway, had been estimated prior to beginning design. The appropriate funding for design, right-of-way acquisition and construction was budgeted in the County's Five Year Road program in fiscal years 2001 through 2009. During the design of the roadway, reasonable efforts were made to minimize the areas to be acquired through condemnation.

#### **ALTERNATE ROUTES**

Boca Rio Road from Palmetto Park Road to Glades Road is a heavily traveled roadway, which provides one of the most direct route for vehicles traveling in a north-south direction through the unincorporated area of Boca Raton. 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.

Alternate routes were considered in lieu of improving Boca Rio Road, however, since this section of roadway is existing and most of the existing ultimate right-of-way is in place it was concluded that an alternate route was not feasible. In addition, construction of an alternate route through this very busy community would have disrupted or displaced numerous residential and business properties, be more costly and result in unnecessary impacts to the environment.

#### **LONG RANGE PLANNING**

The development of this project is in conformance with Palm Beach County's 2030 Long Range Transportation Plan. The 2030 Long Range Transportation System Plan is a 25-year forecast based on projected regional needs identified through the process of forecasting 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 IMPACTS**

Boca Rio Road exists along an established roadway corridor and the proposed improvements will have minimal impacts to the environment. This roadway improvement project is expected to be permitted through the appropriate environmental regulatory agencies.

Below is a more detailed outline of the reasons for each type of acquisition needed for the improvement of Boca Rio Road, from Palmetto Park road to Glades Road.

### **PARTIAL TAKE IN FEE SIMPLE FOR ADDITIONAL RIGHT OF WAY**

As stated above the existing right-of-way is mostly 60 ft. through the corridor with the exception of the southernmost 800 ft. and the northernmost 1000 ft. of Boca Rio Road which is 80 ft. wide. In order to reduce right-of-way acquisition in this very busy segment the Typical Section was modified to fit the proposed widening within 70 ft. which reduced the need for additional right-of-way from 20 ft. to 10 ft wide. This resulted in a significant reduction in the need for Embankment Easements and Temporary Construction Easements.

### **EASEMENT ACQUISITIONS FOR PERMANENT EASEMENTS**

Areas where the finished sidewalk elevation will be 2 ft or more above the existing grade, require acquisition of a permanent easement. This easement prevents the abutting owner from removing the underlying fill and thereby undermining the sidewalk. In cases where surface water ponding could occur on the adjacent property, it might require the placement of drainage structures within the permanent easements to convey that ponding water into the roadway drainage system or to adjacent canals.

### **EASEMENT ACQUISITIONS FOR TEMPORARY ACCESS, SLOPING & GRADING**

Temporary Construction Easements are required (expiring after construction) adjacent to the widened right of way (or the Permanent Easements if acquired) in order to give construction vehicles and workers, access to the outside edges of the work area. In some cases these TCEs are also used to regrade the existing ground to prevent ponding of surface water and to direct it to a proper outfall. TCEs are also used to grade and harmonize the adjacent properties with the road right-of-way.

**RESOLUTION NO. R-2008-**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, DECLARING THE ACQUISITION OF A PARCEL OF LAND DESIGNATED AS PARCEL 108 AS A PARTIAL FEE SIMPLE ACQUISITION FOR ROAD RIGHT-OF-WAY, NECESSARY FOR THE WIDENING AND CONSTRUCTION OF IMPROVEMENTS ON BOCA RIO ROAD, FROM PALMETTO PARK ROAD TO GLADES 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 widening and construction of improvements on Boca Rio Road, from Palmetto Park Road to Glades Road in Palm Beach County, Florida; and,

**WHEREAS**, the funds are available for the acquisition of the Parcel designated as Parcel 108 as a partial fee simple acquisition for road right-of-way; and,

**WHEREAS**, the property owner has not accepted the offer to purchase made by Palm Beach County; 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, Alternate Routes or Methodologies, Long Range Plans and the Environment, as applicable to this parcel, 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 108 for the necessary partial fee simple acquisition for road right-of-way, which is more fully described in Exhibit "A", is necessary for the following public purpose, to wit: the widening and construction of improvements on Boca Rio Road, from Palmetto Park Road to Glades 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**, the construction limits shall not extend beyond the limits as outlined in Exhibit "A"; and,

**WHEREAS**, the property as described in Exhibit "A" to be acquired through Eminent Domain as authorized by this resolution is not being acquired for the purpose of abating or eliminating public nuisances, slum or blighted conditions, and is subject to any applicable conveyance restrictions pursuant to Florida law, to the extent they may apply; and,

**WHEREAS**, in order to accomplish the acquisition of Parcel 108 the County Engineer and the County Attorney are authorized to take legal action, including the filing of Eminent Domain Proceedings, and to employ real estate appraisers and other experts deemed necessary to accomplish this purpose.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, THAT:**

- a. This Board adopts and ratifies those matters set forth in the foregoing recitals.
- b. The County Engineer and County Attorney are 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 "A", and prepare all papers, pleadings and other instruments required for that purpose, and to see that all Eminent Domain Proceedings are prosecuted to judgment.
- c. The County Engineer and County Attorney are hereby further 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 "A" that may be necessary to fully accomplish those purposes.

**BE IT FURTHER RESOLVED** that the property described in Exhibit "A" is to be used for the following public purpose; a partial fee simple acquisition for road right-of-way necessary for the widening and construction of improvements on Boca Rio Road, from Palmetto Park Road to Glades Road.

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 Chair thereupon declared the Resolution duly passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY,  
FLORIDA, BY ITS BOARD OF  
COUNTY COMMISSIONERS

Sharon R. Bock, Clerk & Comptroller

BY: \_\_\_\_\_  
County Attorney

BY: \_\_\_\_\_  
Deputy Clerk

EXHIBIT "A"

LEGAL DESCRIPTION  
BOCA RIO ROAD  
RIGHT-OF-WAY ACQUISITION  
PARCEL 108

Being a portion of Tract 96, Block 76, PALM BEACH FARMS COMPANY PLAT NO. 3, as recorded in Plat Book 2, Page 45, also being a portion of that parcel described in Official Records Book 2318, Page 1301, Public Records of Palm Beach County, Florida, said portion being more particularly described as follows:

BEGINNING at a point on a line that is 60.00 feet west of and parallel with the west right-of-way line of the Sunshine State Parkway, said point being on the south line of Tract 96; thence South  $89^{\circ}37'48''$  West along said south line, 10.00 feet; thence North  $01^{\circ}05'04''$  West along a line that is 70.00 feet west of and parallel with the west right-of-way line of the Sunshine State Parkway, 220.01 feet to a point on the north line of that parcel described in Official Records Book 2318, Page 1301; thence North  $89^{\circ}37'56''$  East along said north line, 10.00 feet to a point on a line that is 60.00 feet west of and parallel with the west right-of-way line of the Sunshine State Parkway; thence South  $01^{\circ}05'04''$  East along said parallel line, 220.01 feet to the POINT OF BEGINNING.

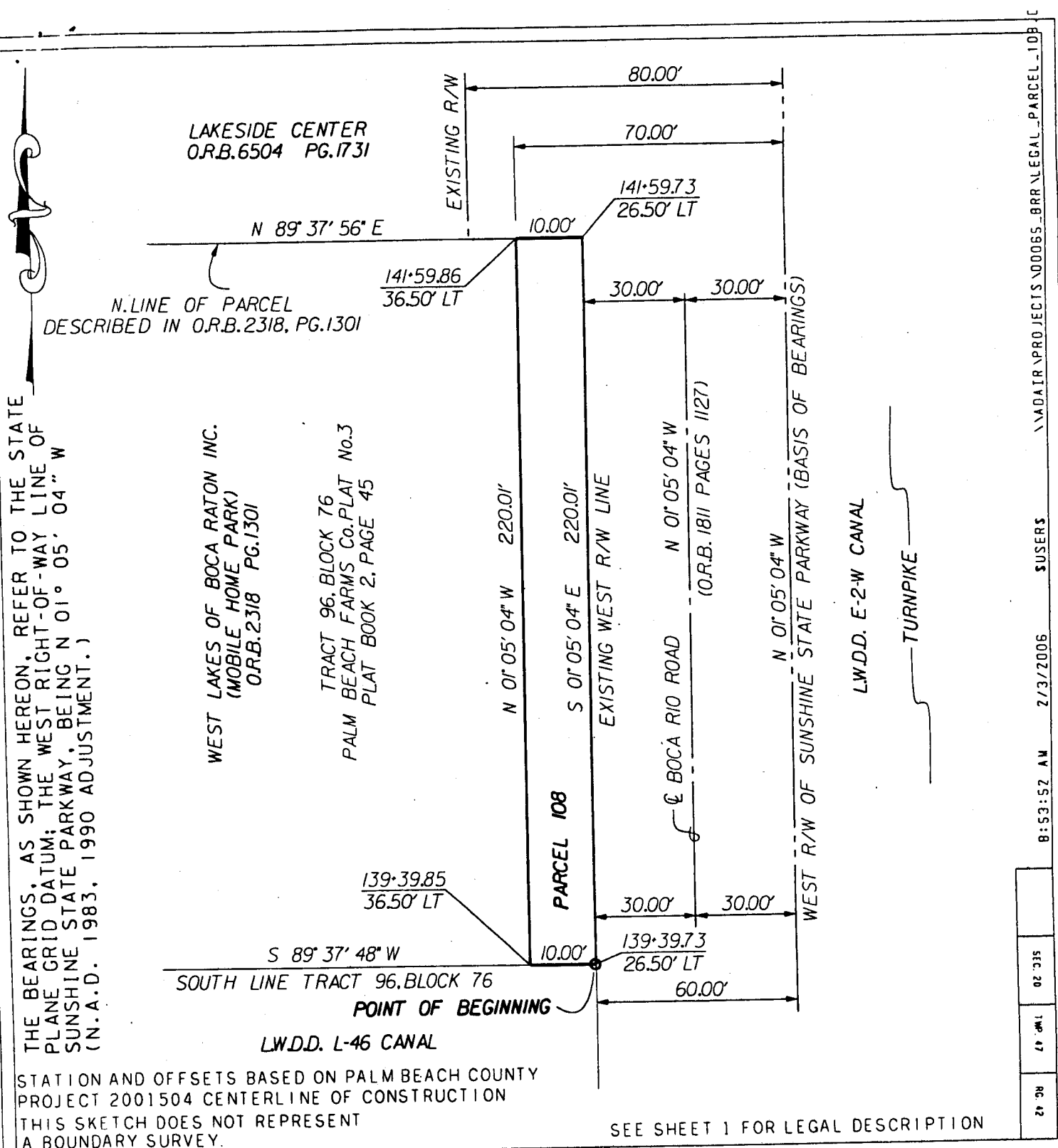
Containing 2,200 square feet or 0.051 acres, more or less.

Bearings refer to the State Plane Grid Datum, N.A.D. 1983, 1990 Adjustment; the west line of the Sunshine State Parkway bearing: North  $01^{\circ}05'04''$  West.

**SHEET 1 of 2**  
**LS 6995-108**



EXHIBIT "A"



STATION AND OFFSETS BASED ON PALM BEACH COUNTY PROJECT 2001504 CENTERLINE OF CONSTRUCTION  
 THIS SKETCH DOES NOT REPRESENT A BOUNDARY SURVEY.

SEE SHEET 1 FOR LEGAL DESCRIPTION

THE UNDERSIGNED HEREBY CERTIFIES THAT THIS LEGAL DESCRIPTION AND SKETCH MEETS THE TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS PURSUANT TO SECTION 472.029, FLORIDA STATUTES.

BY: *[Signature]* FOR THE FIRM  
 DENNIS PAINTER  
 REGISTERED LAND SURVEYOR, FLORIDA CERTIFICATE NO. 3542

**ADAIR & BRADY, INC.**  
 CONSULTING ENGINEERS • LAND SURVEYORS  
 3461 FAIRLANE FARMS ROAD  
 WELLINGTON, FL 33414  
 (561) 383-7480 (561) 383-7485 FAX

NOT VALID WITHOUT EMBOSSED SURVEYOR'S SEAL AFFIXED.

SHEET 2 OF 2

SKETCH OF LEGAL DESCRIPTION PARCEL 108 BOCA RIO ROAD

DRAWN: FH	DATE: 02-01-05	W.O. 00065
FIELD:	SCALE: NONE	LS 6995-108
F.B.		
PG.		

B:53:52 AM 2/3/2006 \$USERS \\NADAIR\PROJECTS\00065\_BRR\LEGAL\_PARCEL\_108.DWG

## EXHIBIT "B"

### **BOCA RIO ROAD PALMETTO PARK ROAD TO GLADES ROAD PALM BEACH COUNTY, PROJECT # 2001504**

#### SAFETY

Boca Rio Road is currently a Two (2) lane undivided urban roadway within an existing 60 ft. to 80 ft. varying width right-of-way. The widening of Boca Rio Road from Palmetto Park Road to Glades Road as a four (4) lane divided roadway with a curb and gutter sodded island will improve the traffic performance of this segment of road due to the extra travel lane added in each direction. The design of this project has been done in accordance with the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (The Florida Greenbook), as adopted and approved by the Florida Department of Transportation (FDOT).

#### COST

The cost of improving Boca Rio Road from Palmetto Park Road to Glades Road, from a two (2) (4) lane undivided roadway to a four (4) lane divided roadway, had been estimated prior to beginning design. The appropriate funding for design, right-of-way acquisition and construction was budgeted in the County's Five Year Road program in fiscal years 2001 through 2009. During the design of the roadway, reasonable efforts were made to minimize the areas to be acquired through condemnation.

#### ALTERNATE ROUTES

Boca Rio Road from Palmetto Park Road to Glades Road is a heavily traveled roadway, which provides one of the most direct route for vehicles traveling in a north-south direction through the unincorporated area of Boca Raton. 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.

Alternate routes were considered in lieu of improving Boca Rio Road, however, since this section of roadway is existing and most of the existing ultimate right-of-way is in place it was concluded that an alternate route was not feasible. In addition, construction of an alternate route through this very busy community would have disrupted or displaced numerous residential and business properties, be more costly and result in unnecessary impacts to the environment.

#### LONG RANGE PLANNING

The development of this project is in conformance with Palm Beach County's 2030 Long Range Transportation Plan. The 2030 Long Range Transportation System Plan is a 25-year forecast based on projected regional needs identified through the process of forecasting 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 IMPACTS**

Boca Rio Road exists along an established roadway corridor and the proposed improvements will have minimal impacts to the environment. This roadway improvement project is expected to be permitted through the appropriate environmental regulatory agencies.

Below is a more detailed outline of the reasons for each type of acquisition needed for the improvement of Boca Rio Road, from Palmetto Park road to Glades Road.

### **PARTIAL TAKE IN FEE SIMPLE FOR ADDITIONAL RIGHT OF WAY**

As stated above the existing right-of-way is mostly 60 ft. through the corridor with the exception of the southernmost 800 ft. and the northernmost 1000 ft. of Boca Rio Road which is 80 ft. wide. In order to reduce right-of-way acquisition in this very busy segment the Typical Section was modified to fit the proposed widening within 70 ft. which reduced the need for additional right-of-way from 20 ft. to 10 ft wide. This resulted in a significant reduction in the need for Embankment Easements and Temporary Construction Easements.

### **EASEMENT ACQUISITIONS FOR PERMANENT EASEMENTS**

Areas where the finished sidewalk elevation will be 2 ft or more above the existing grade, require acquisition of a permanent easement. This easement prevents the abutting owner from removing the underlying fill and thereby undermining the sidewalk. In cases where surface water ponding could occur on the adjacent property, it might require the placement of drainage structures within the permanent easements to convey that ponding water into the roadway drainage system or to adjacent canals.

### **EASEMENT ACQUISITIONS FOR TEMPORARY ACCESS, SLOPING & GRADING**

Temporary Construction Easements are required (expiring after construction) adjacent to the widened right of way (or the Permanent Easements if acquired) in order to give construction vehicles and workers, access to the outside edges of the work area. In some cases these TCEs are also used to regrade the existing ground to prevent ponding of surface water and to direct it to a proper outfall. TCEs are also used to grade and harmonize the adjacent properties with the road right-of-way.

**RESOLUTION NO. R-2008-**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, DECLARING THE ACQUISITION OF A PARCEL OF LAND DESIGNATED AS PARCEL 204 AS AN EMBANKMENT EASEMENT ACQUISITION NECESSARY FOR THE WIDENING AND CONSTRUCTION OF IMPROVEMENTS ON BOCA RIO ROAD, FROM PALMETTO PARK ROAD TO GLADES 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 widening and construction of improvements on Boca Rio Road, from Palmetto Park Road to Glades Road in Palm Beach County, Florida; and,

**WHEREAS**, the funds are available for the acquisition of the Parcel designated as Parcel 204 as an Embankment Easement; and,

**WHEREAS**, the property owner has not accepted the offer to purchase made by Palm Beach County; 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, Alternate Routes or Methodologies, Long Range Plans and the Environment, as applicable to this parcel, 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 204 for the necessary Embankment Easement acquisition, which is more fully described in Exhibit "A", is necessary for the following public purpose, to wit: the widening and construction of improvements on Boca Rio Road, from Palmetto Park Road to Glades 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**, the construction limits shall not extend beyond the limits as outlined in Exhibit "A"; and,

**WHEREAS**, the property as described in Exhibit "A" to be acquired through Eminent Domain as authorized by this resolution is not being acquired for the purpose of abating or eliminating public nuisances, slum or blighted conditions, and is subject to any applicable conveyance restrictions pursuant to Florida law, to the extent they may apply; and,

**WHEREAS**, in order to accomplish the acquisition of Parcel 204 the County Engineer and the County Attorney are authorized to take legal action, including the filing of Eminent Domain Proceedings, and to employ real estate appraisers and other experts deemed necessary to accomplish this purpose.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, THAT:**

- a. This Board adopts and ratifies those matters set forth in the foregoing recitals.
- b. The County Engineer and County Attorney are 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 "A", and prepare all papers, pleadings and other instruments required for that purpose, and to see that all Eminent Domain Proceedings are prosecuted to judgment.
- c. The County Engineer and County Attorney are hereby further 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 "A" that may be necessary to fully accomplish those purposes.

**BE IT FURTHER RESOLVED** that the property described in Exhibit "A" is to be used for the following public purpose; an Embankment Easement acquisition, necessary for the widening and construction of improvements on Boca Rio Road, from Palmetto Park Road to Glades Road.

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 Chair thereupon declared the Resolution duly passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY,  
FLORIDA, BY ITS BOARD OF  
COUNTY COMMISSIONERS

Sharon R. Bock, Clerk & Comptroller

BY: \_\_\_\_\_  
County Attorney

BY: \_\_\_\_\_  
Deputy Clerk

EXHIBIT "A"

LEGAL DESCRIPTION  
BOCA RIO ROAD  
EMBANKMENT EASEMENT  
PARCEL 204

Being a portion of Tract 30, Block 79, PALM BEACH FARMS COMPANY PLAT NO. 3, as recorded in Plat Book 2, Page 45, also being a portion of that parcel described in Official Records Book 3549, Page 1089, Public Records of Palm Beach County, Florida, said portion being more particularly described as follows:

Commencing at the southeast corner of Tract 28, Block 79; thence North 89°37'48" East along the south line of Tract 29, a distance of 170.94 feet; thence North 00°43'39" West, 30.00 feet; thence North 89°37'48" East along a line this is 30.00 feet north of and parallel with the south line of Tracts 29 and 30, a distance of 255.74 feet to the southwest corner of that parcel described in Official Records Book 3549, Page 1089; thence continue North 89°37'48" East along said south line, 154.63 feet to the southwest corner of that parcel described in Official Records Book 10154, page 1352; thence North 44°16'22" East along the northwest line of said parcel described in Official Records Book 10154, page 1352, a distance of 28.64 feet to a line that is 70.00 feet west of and parallel with the west right-of-way line of the Sunshine State Parkway, and to the POINT OF BEGINNING; thence North 01°05'04" West along a line that is 70.00 feet west of and parallel with said west right-of-way line, 94.82 feet to the north line of that parcel described in Official Records Book 3549, Page 1089; thence South 89°37'48" West along said north line, 8.90 feet; thence South 01°05'04" East along a line that is 78.90 feet west of and parallel with the west right-of-way line of the Sunshine State Parkway, 14.01 feet; thence South 01°46'08" West, 94.47 feet to the northwest line of said parcel described in Official Records Book 10154, page 1352; thence North 44°16'22" East along the northwest line of said parcel, 19.11 feet to the POINT OF BEGINNING.

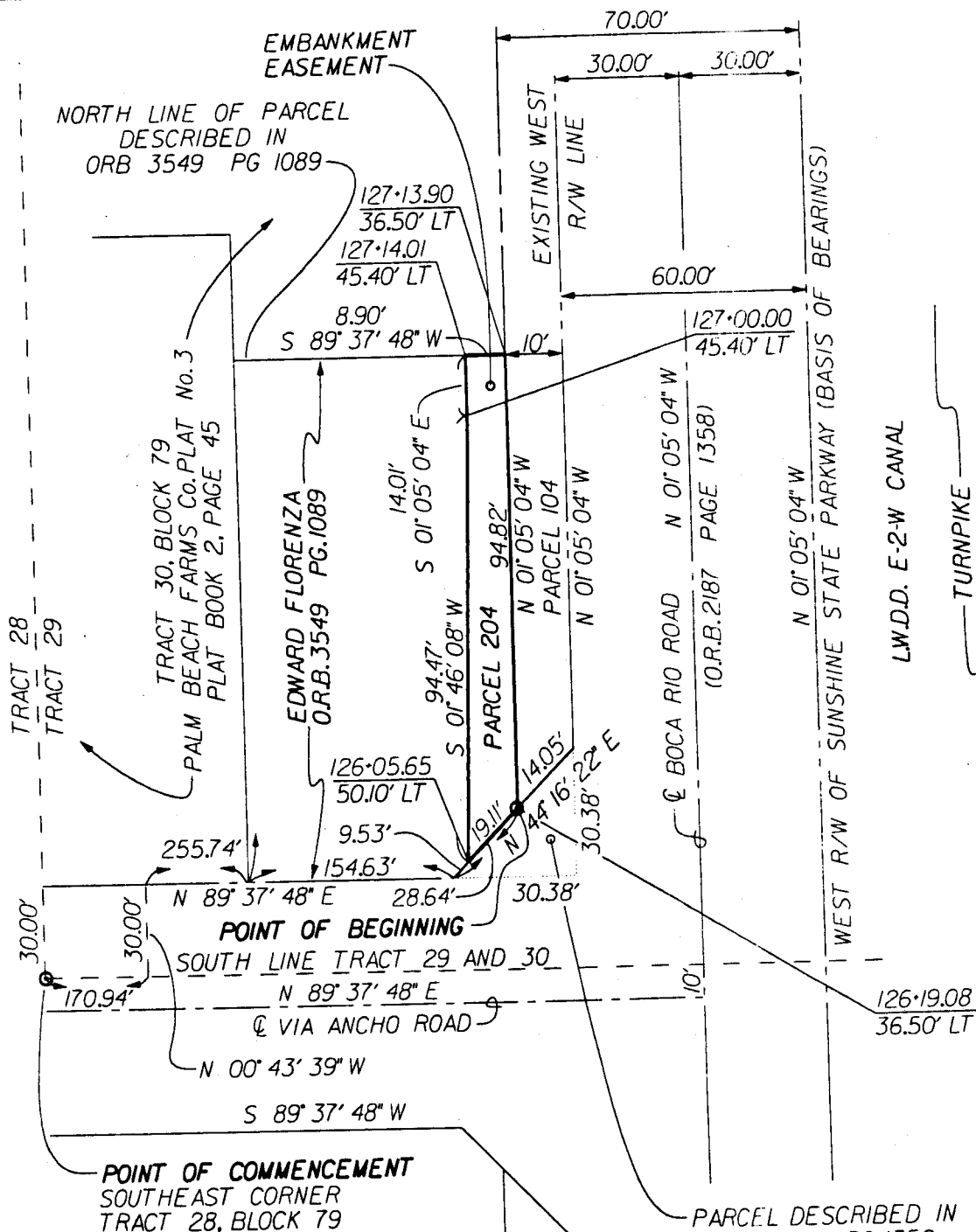
Containing 1,094 square feet or 0.025 acres, more or less.

Bearings refer to the State Plane Grid Datum, N.A.D. 1983, 1990 Adjustment; the west line of the Sunshine State Parkway bearing: North 01°05'04" West.

**SHEET 1 of 2**  
**LS 6995-204**

EXHIBIT "A"

THE BEARINGS, AS SHOWN HEREON, REFER TO THE STATE PLANE GRID DATUM; THE WEST RIGHT-OF-WAY LINE OF SUNSHINE STATE PARKWAY, BEING N 01° 05' 04" W (N.A.D. 1983, 1990 ADJUSTMENT.)



STATION AND OFFSETS BASED ON PALM BEACH COUNTY PROJECT 2001504 CENTERLINE OF CONSTRUCTION  
 THIS SKETCH DOES NOT REPRESENT A BOUNDARY SURVEY.

SEE SHEET 1 FOR LEGAL DESCRIPTION

THE UNDERSIGNED HEREBY CERTIFIES THAT THIS LEGAL DESCRIPTION AND SKETCH MEETS THE TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS PURSUANT TO SECTION 472.029, FLORIDA STATUTES.

ADAIR & BRADY, INC.  
 LB-604

BY: *[Signature]* FOR THE FIRM  
 DENNIS PAINTER  
 REGISTERED LAND SURVEYOR, FLORIDA CERTIFICATE NO. 3542



**ADAIR & BRADY, INC.**  
 CONSULTING ENGINEERS • LAND SURVEYORS  
 3461 FAIRLANE FARMS ROAD  
 WELLINGTON, FL 33414  
 (561) 383-7480 (561) 383-7485 FAX

NOT VALID WITHOUT EMBOSSED SURVEYOR'S SEAL AFFIXED.

SHEET 2 OF 2

SKETCH OF  
 LEGAL DESCRIPTION PARCEL 204  
 BOCA RIO ROAD

DRAWN: FH	DATE	W.O. 00065
FIELD:	02-01-05	
F.B.	SCALE	LS 6995-204
PG.	NONE	

\ \ ADAIR \ PROJECTS \ 00065 \ BRR \ LEGAL \ PARCEL \ 204 \ 00  
 8:38:00 AM 2/3/2006 SUSERS  
 02 03 17 21  
 RC 42

## EXHIBIT "B"

### **BOCA RIO ROAD PALMETTO PARK ROAD TO GLADES ROAD PALM BEACH COUNTY, PROJECT # 2001504**

#### SAFETY

Boca Rio Road is currently a Two (2) lane undivided urban roadway within an existing 60 ft. to 80 ft. varying width right-of-way. The widening of Boca Rio Road from Palmetto Park Road to Glades Road as a four (4) lane divided roadway with a curb and gutter sodded island will improve the traffic performance of this segment of road due to the extra travel lane added in each direction. The design of this project has been done in accordance with the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (The Florida Greenbook), as adopted and approved by the Florida Department of Transportation (FDOT).

#### COST

The cost of improving Boca Rio Road from Palmetto Park Road to Glades Road, from a two (2) (4) lane undivided roadway to a four (4) lane divided roadway, had been estimated prior to beginning design. The appropriate funding for design, right-of-way acquisition and construction was budgeted in the County's Five Year Road program in fiscal years 2001 through 2009. During the design of the roadway, reasonable efforts were made to minimize the areas to be acquired through condemnation.

#### ALTERNATE ROUTES

Boca Rio Road from Palmetto Park Road to Glades Road is a heavily traveled roadway, which provides one of the most direct route for vehicles traveling in a north-south direction through the unincorporated area of Boca Raton. 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.

Alternate routes were considered in lieu of improving Boca Rio Road, however, since this section of roadway is existing and most of the existing ultimate right-of-way is in place it was concluded that an alternate route was not feasible. In addition, construction of an alternate route through this very busy community would have disrupted or displaced numerous residential and business properties, be more costly and result in unnecessary impacts to the environment.

#### LONG RANGE PLANNING

The development of this project is in conformance with Palm Beach County's 2030 Long Range Transportation Plan. The 2030 Long Range Transportation System Plan is a 25-year forecast based on projected regional needs identified through the process of forecasting 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 IMPACTS**

Boca Rio Road exists along an established roadway corridor and the proposed improvements will have minimal impacts to the environment. This roadway improvement project is expected to be permitted through the appropriate environmental regulatory agencies.

Below is a more detailed outline of the reasons for each type of acquisition needed for the improvement of Boca Rio Road, from Palmetto Park road to Glades Road.

## **PARTIAL TAKE IN FEE SIMPLE FOR ADDITIONAL RIGHT OF WAY**

As stated above the existing right-of-way is mostly 60 ft. through the corridor with the exception of the southernmost 800 ft. and the northernmost 1000 ft. of Boca Rio Road which is 80 ft. wide. In order to reduce right-of-way acquisition in this very busy segment the Typical Section was modified to fit the proposed widening within 70 ft. which reduced the need for additional right-of-way from 20 ft. to 10 ft wide. This resulted in a significant reduction in the need for Embankment Easements and Temporary Construction Easements.

## **EASEMENT ACQUISITIONS FOR PERMANENT EASEMENTS**

Areas where the finished sidewalk elevation will be 2 ft or more above the existing grade, require acquisition of a permanent easement. This easement prevents the abutting owner from removing the underlying fill and thereby undermining the sidewalk. In cases where surface water ponding could occur on the adjacent property, it might require the placement of drainage structures within the permanent easements to convey that ponding water into the roadway drainage system or to adjacent canals.

## **EASEMENT ACQUISITIONS FOR TEMPORARY ACCESS, SLOPING & GRADING**

Temporary Construction Easements are required (expiring after construction) adjacent to the widened right of way (or the Permanent Easements if acquired) in order to give construction vehicles and workers, access to the outside edges of the work area. In some cases these TCEs are also used to regrade the existing ground to prevent ponding of surface water and to direct it to a proper outfall. TCEs are also used to grade and harmonize the adjacent properties with the road right-of-way.

**RESOLUTION NO. R-2008-**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, DECLARING THE ACQUISITION OF A PARCEL OF LAND DESIGNATED AS PARCEL 301 AS A TEMPORARY CONSTRUCTION EASEMENT ACQUISITION NECESSARY FOR THE WIDENING AND CONSTRUCTION OF IMPROVEMENTS ON BOCA RIO ROAD, FROM PALMETTO PARK ROAD TO GLADES 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 widening and construction of improvements on Boca Rio Road, from Palmetto Park Road to Glades Road in Palm Beach County, Florida; and,

**WHEREAS**, the funds are available for the acquisition of the Parcel designated as Parcel 301 as a Temporary Construction Easement; and,

**WHEREAS**, the property owner has not accepted the offer to purchase made by Palm Beach County; 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, Alternate Routes or Methodologies, Long Range Plans and the Environment, as applicable to this parcel, 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 301 for the necessary Temporary Construction Easement acquisition, which is more fully described in Exhibit "A", is necessary for the following public purpose, to wit: the widening and construction of improvements on Boca Rio Road, from Palmetto Park Road to Glades 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**, the construction limits shall not extend beyond the limits as outlined in Exhibit "A"; and,

**WHEREAS**, the property as described in Exhibit "A" to be acquired through Eminent Domain as authorized by this resolution is not being acquired for the purpose of abating or eliminating public nuisances, slum or blighted conditions, and is subject to any applicable conveyance restrictions pursuant to Florida law, to the extent they may apply; and,

**WHEREAS**, in order to accomplish the acquisition of Parcel 301 the County Engineer and the County Attorney are authorized to take legal action, including the filing of Eminent Domain Proceedings, and to employ real estate appraisers and other experts deemed necessary to accomplish this purpose.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, THAT:**

- a. This Board adopts and ratifies those matters set forth in the foregoing recitals.
- b. The County Engineer and County Attorney are 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 "A", and prepare all papers, pleadings and other instruments required for that purpose, and to see that all Eminent Domain Proceedings are prosecuted to judgment.
- c. The County Engineer and County Attorney are hereby further 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 "A" that may be necessary to fully accomplish those purposes.

**BE IT FURTHER RESOLVED** that the property described in Exhibit "A" is to be used for the following public purpose; a Temporary Construction Easement acquisition, necessary for the widening and construction of improvements on Boca Rio Road, from Palmetto Park Road to Glades Road.

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 Chair thereupon declared the Resolution duly passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY,  
FLORIDA, BY ITS BOARD OF  
COUNTY COMMISSIONERS

Sharon R. Bock, Clerk & Comptroller

BY: \_\_\_\_\_  
County Attorney

BY: \_\_\_\_\_  
Deputy Clerk

EXHIBIT "A"

LEGAL DESCRIPTION  
BOCA RIO ROAD  
TEMPORARY CONSTRUCTION EASEMENT  
PARCEL 301

Being a portion of the Replat of BOCA LAGO, as recorded in Plat Book 31, Page 62, Public Records of Palm Beach County, Florida, said portion being more particularly described as follows:

Commencing at the northeast corner of Recreation Tract "K" according to said Replat of BOCA LAGO; thence South 89°36'53" West along the north line of said Recreation Tract "K", 6.50 feet to a point on a line that is 66.50 feet west of and parallel with the west right-of-way line of the Sunshine State Parkway; thence South 01°05'04" East along said parallel line, 563.23 feet to the POINT OF BEGINNING; thence continue South 01°05'04" East along said parallel line, 191.35 feet; thence South 88°54'56" West perpendicular to the previous course, 9.00 feet to a point on a line that is 75.50 feet west of and parallel with the west right-of-way line of the Sunshine State Parkway; thence North 01°05'04" West along said parallel line, 110.00 feet; thence South 88°54'56" West perpendicular to the previous course, 16.33 feet; thence North 01°05'04" West, 61.00 feet; thence North 88°54'56" East, 12.61 feet to a point on a line that is 79.22 feet west of and parallel with the west right-of-way line of the Sunshine State Parkway; thence North 01°05'04" West along said parallel line, 20.35 feet; thence North 88°54'56" East perpendicular to the previous course, 12.72 feet to the POINT OF BEGINNING.

Containing 2794 square feet, or 0.064 acres, more or less.

Bearings refer to the State Plane Grid Datum, N.A.D. 1983, 1990 Adjustment; the west line of the Sunshine State Parkway bearing: North 01°05'04" West.

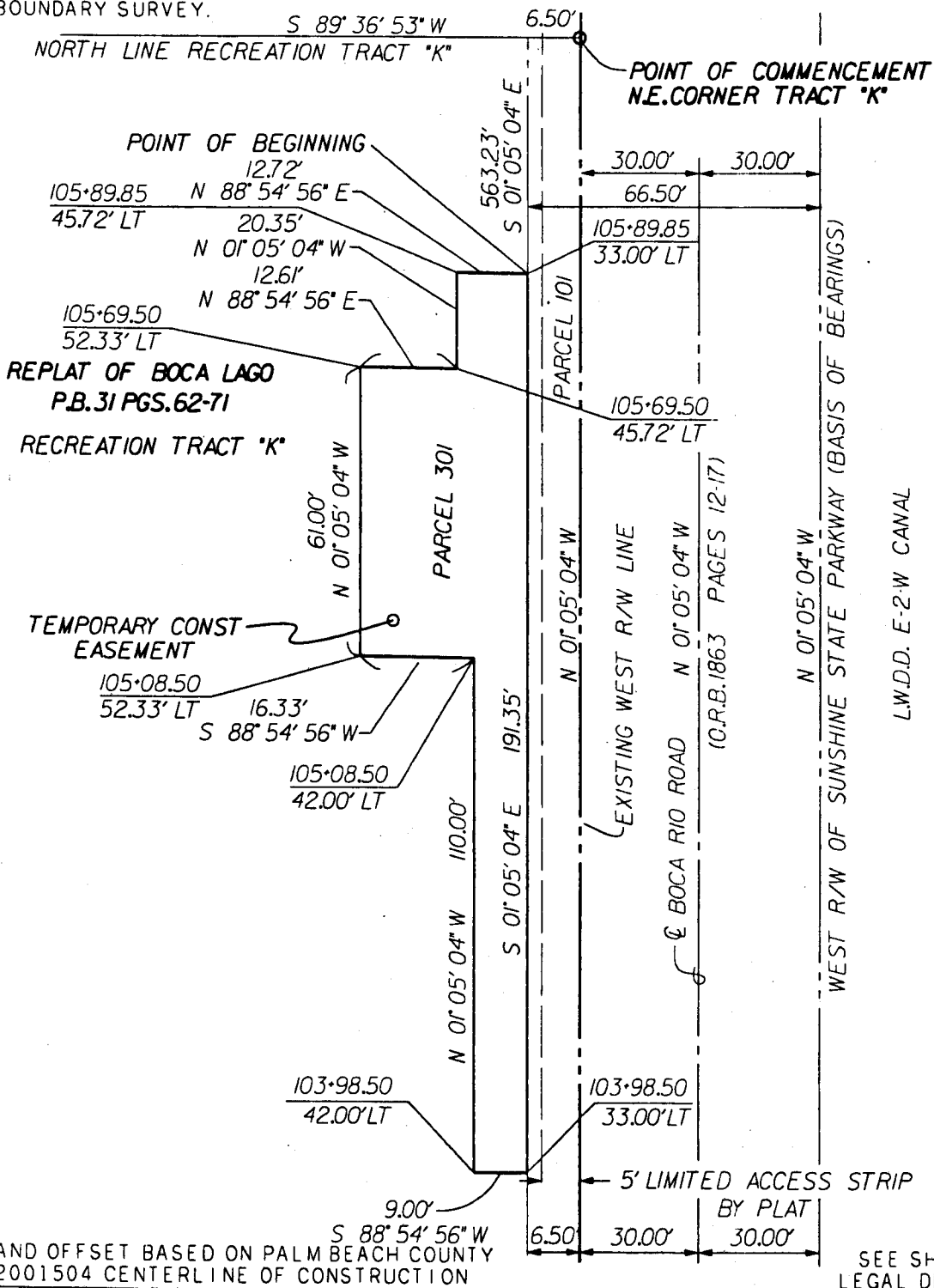
**SHEET 1 of 2**  
**LS 6995-301**

EXHIBIT "A"

THIS SKETCH DOES NOT REPRESENT A BOUNDARY SURVEY.

\*PRM - PERMANENT REFERENCE MONUMENT

THE BEARINGS, AS SHOWN HEREON, REFER TO THE STATE PLANE GRID DATUM; THE WEST RIGHT-OF-WAY LINE OF SUNSHINE STATE PARKWAY, BEING N 01° 05' 04" W (N.A.D. 1983, 1990 ADJUSTMENT.)



STATION AND OFFSET BASED ON PALM BEACH COUNTY PROJECT 2001504 CENTERLINE OF CONSTRUCTION

SEE SHEET 1 FOR LEGAL DESCRIPTION

THE UNDERSIGNED HEREBY CERTIFIES THAT THIS LEGAL DESCRIPTION AND SKETCH MEETS THE TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS PURSUANT TO SECTION 472.029 FLORIDA STATUTES.

ADAIR & BRADY, INC.  
 LB-604

BY: *Dennis Painter* FOR THE FIRM  
 DENNIS PAINTER  
 REGISTERED LAND SURVEYOR, FLORIDA CERTIFICATE NO. 3542



**ADAIR & BRADY, INC.**  
 CONSULTING ENGINEERS • LAND SURVEYORS  
 3461 FAIRLANE FARMS ROAD  
 WELLINGTON, FL 33414  
 (561) 383-7480 (561) 383-7485 FAX

NOT VALID WITHOUT EMBOSSED SURVEYOR'S SEAL AFFIXED.

SHEET 2 OF 2

SKETCH OF  
 LEGAL DESCRIPTION PARCEL 301  
 BOCA RIO ROAD

DRAWN: FH	DATE	W.O. 00065
FIELD:	02-02-05	
F.B.	SCALE	LS 6995-301
PG.	NONE	

## EXHIBIT "B"

### **BOCA RIO ROAD PALMETTO PARK ROAD TO GLADES ROAD PALM BEACH COUNTY, PROJECT # 2001504**

#### SAFETY

Boca Rio Road is currently a Two (2) lane undivided urban roadway within an existing 60 ft. to 80 ft. varying width right-of-way. The widening of Boca Rio Road from Palmetto Park Road to Glades Road as a four (4) lane divided roadway with a curb and gutter sodded island will improve the traffic performance of this segment of road due to the extra travel lane added in each direction. The design of this project has been done in accordance with the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (The Florida Greenbook), as adopted and approved by the Florida Department of Transportation (FDOT).

#### COST

The cost of improving Boca Rio Road from Palmetto Park Road to Glades Road, from a two (2) (4) lane undivided roadway to a four (4) lane divided roadway, had been estimated prior to beginning design. The appropriate funding for design, right-of-way acquisition and construction was budgeted in the County's Five Year Road program in fiscal years 2001 through 2009. During the design of the roadway, reasonable efforts were made to minimize the areas to be acquired through condemnation.

#### ALTERNATE ROUTES

Boca Rio Road from Palmetto Park Road to Glades Road is a heavily traveled roadway, which provides one of the most direct route for vehicles traveling in a north-south direction through the unincorporated area of Boca Raton. 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.

Alternate routes were considered in lieu of improving Boca Rio Road, however, since this section of roadway is existing and most of the existing ultimate right-of-way is in place it was concluded that an alternate route was not feasible. In addition, construction of an alternate route through this very busy community would have disrupted or displaced numerous residential and business properties, be more costly and result in unnecessary impacts to the environment.

#### LONG RANGE PLANNING

The development of this project is in conformance with Palm Beach County's 2030 Long Range Transportation Plan. The 2030 Long Range Transportation System Plan is a 25-year forecast based on projected regional needs identified through the process of forecasting 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 IMPACTS**

Boca Rio Road exists along an established roadway corridor and the proposed improvements will have minimal impacts to the environment. This roadway improvement project is expected to be permitted through the appropriate environmental regulatory agencies.

Below is a more detailed outline of the reasons for each type of acquisition needed for the improvement of Boca Rio Road, from Palmetto Park road to Glades Road.

### **PARTIAL TAKE IN FEE SIMPLE FOR ADDITIONAL RIGHT OF WAY**

As stated above the existing right-of-way is mostly 60 ft. through the corridor with the exception of the southernmost 800 ft. and the northernmost 1000 ft. of Boca Rio Road which is 80 ft. wide. In order to reduce right-of-way acquisition in this very busy segment the Typical Section was modified to fit the proposed widening within 70 ft. which reduced the need for additional right-of-way from 20 ft. to 10 ft wide. This resulted in a significant reduction in the need for Embankment Easements and Temporary Construction Easements.

### **EASEMENT ACQUISITIONS FOR PERMANENT EASEMENTS**

Areas where the finished sidewalk elevation will be 2 ft or more above the existing grade, require acquisition of a permanent easement. This easement prevents the abutting owner from removing the underlying fill and thereby undermining the sidewalk. In cases where surface water ponding could occur on the adjacent property, it might require the placement of drainage structures within the permanent easements to convey that ponding water into the roadway drainage system or to adjacent canals.

### **EASEMENT ACQUISITIONS FOR TEMPORARY ACCESS, SLOPING & GRADING**

Temporary Construction Easements are required (expiring after construction) adjacent to the widened right of way (or the Permanent Easements if acquired) in order to give construction vehicles and workers, access to the outside edges of the work area. In some cases these TCEs are also used to regrade the existing ground to prevent ponding of surface water and to direct it to a proper outfall. TCEs are also used to grade and harmonize the adjacent properties with the road right-of-way.

**RESOLUTION NO. R-2008-**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, DECLARING THE ACQUISITION OF A PARCEL OF LAND DESIGNATED AS PARCEL 306 AS A TEMPORARY CONSTRUCTION EASEMENT ACQUISITION NECESSARY FOR THE WIDENING AND CONSTRUCTION OF IMPROVEMENTS ON BOCA RIO ROAD, FROM PALMETTO PARK ROAD TO GLADES 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 widening and construction of improvements on Boca Rio Road, from Palmetto Park Road to Glades Road in Palm Beach County, Florida; and,

**WHEREAS**, the funds are available for the acquisition of the Parcel designated as Parcel 306 as a Temporary Construction Easement; and,

**WHEREAS**, the property owner has not accepted the offer to purchase made by Palm Beach County; 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, Alternate Routes or Methodologies, Long Range Plans and the Environment, as applicable to this parcel, 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 306 for the necessary Temporary Construction Easement acquisition, which is more fully described in Exhibit "A", is necessary for the following public purpose, to wit: the widening and construction of improvements on Boca Rio Road, from Palmetto Park Road to Glades 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**, the construction limits shall not extend beyond the limits as outlined in Exhibit "A"; and,

**WHEREAS**, the property as described in Exhibit "A" to be acquired through Eminent Domain as authorized by this resolution is not being acquired for the purpose of abating or eliminating public nuisances, slum or blighted conditions, and is subject to any applicable conveyance restrictions pursuant to Florida law, to the extent they may apply; and,

**WHEREAS**, in order to accomplish the acquisition of Parcel 306 the County Engineer and the County Attorney are authorized to take legal action, including the filing of Eminent Domain Proceedings, and to employ real estate appraisers and other experts deemed necessary to accomplish this purpose.



**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, THAT:**

- a. This Board adopts and ratifies those matters set forth in the foregoing recitals.
- b. The County Engineer and County Attorney are 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 "A", and prepare all papers, pleadings and other instruments required for that purpose, and to see that all Eminent Domain Proceedings are prosecuted to judgment.
- c. The County Engineer and County Attorney are hereby further 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 "A" that may be necessary to fully accomplish those purposes.

**BE IT FURTHER RESOLVED** that the property described in Exhibit "A" is to be used for the following public purpose; a Temporary Construction Easement acquisition, necessary for the widening and construction of improvements on Boca Rio Road, from Palmetto Park Road to Glades Road.

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 Chair thereupon declared the Resolution duly passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY,  
FLORIDA, BY ITS BOARD OF  
COUNTY COMMISSIONERS

Sharon R. Bock, Clerk & Comptroller

BY: \_\_\_\_\_  
County Attorney

BY: \_\_\_\_\_  
Deputy Clerk

EXHIBIT "A"

LEGAL DESCRIPTION  
BOCA RIO ROAD  
TEMPORARY CONSTRUCTION EASEMENT  
PARCEL 306

Being a portion of Tract 30, Block 79, PALM BEACH FARMS COMPANY PLAT NO. 3, as recorded in Plat Book 2, Page 45, also being a portion of that parcel described in Official Records Book 7591, Page 1749, Public Records of Palm Beach County, Florida, said portion being more particularly described as follows:

BEGINNING at a point on a line that is 70.00 feet west of and parallel with the west right-of-way line of the Sunshine State Parkway, said point being on the north line of Tract 30, Block 79; thence South  $01^{\circ}05'04''$  East along a line that is 70.00 feet west of and parallel with said west right-of-way line, 230.40 feet to a point on the south line of that parcel described in Official Records Book 7591, Page 1749, Public Records of Palm Beach County, Florida; thence South  $89^{\circ}37'48''$  West along said south line, 5.00 feet to a point on a line that is 75.00 feet west of and parallel with the west right-of-way line of the Sunshine State Parkway; thence North  $01^{\circ}05'04''$  West along a line that is 75.00 feet west of and parallel with said west right-of-way line, 119.65 feet; thence South  $88^{\circ}54'56''$  West perpendicular to the previous course, 28.00 feet to a point on a line that is 103.00 feet west of and parallel with the west right-of-way line of the Sunshine State Parkway; thence North  $01^{\circ}05'04''$  West along said parallel line, 34.00 feet; thence North  $88^{\circ}54'56''$  East perpendicular to the previous course, 28.00 feet; thence North  $01^{\circ}05'04''$  West along a line that is 75.00 feet west of and parallel with said west right-of-way line, 76.75 feet to the north line of Tract 30, Block 79; thence North  $89^{\circ}37'48''$  East along said north line, 5.00 feet to the POINT OF BEGINNING.

Containing 2104 square feet or 0.048 acres, more or less.

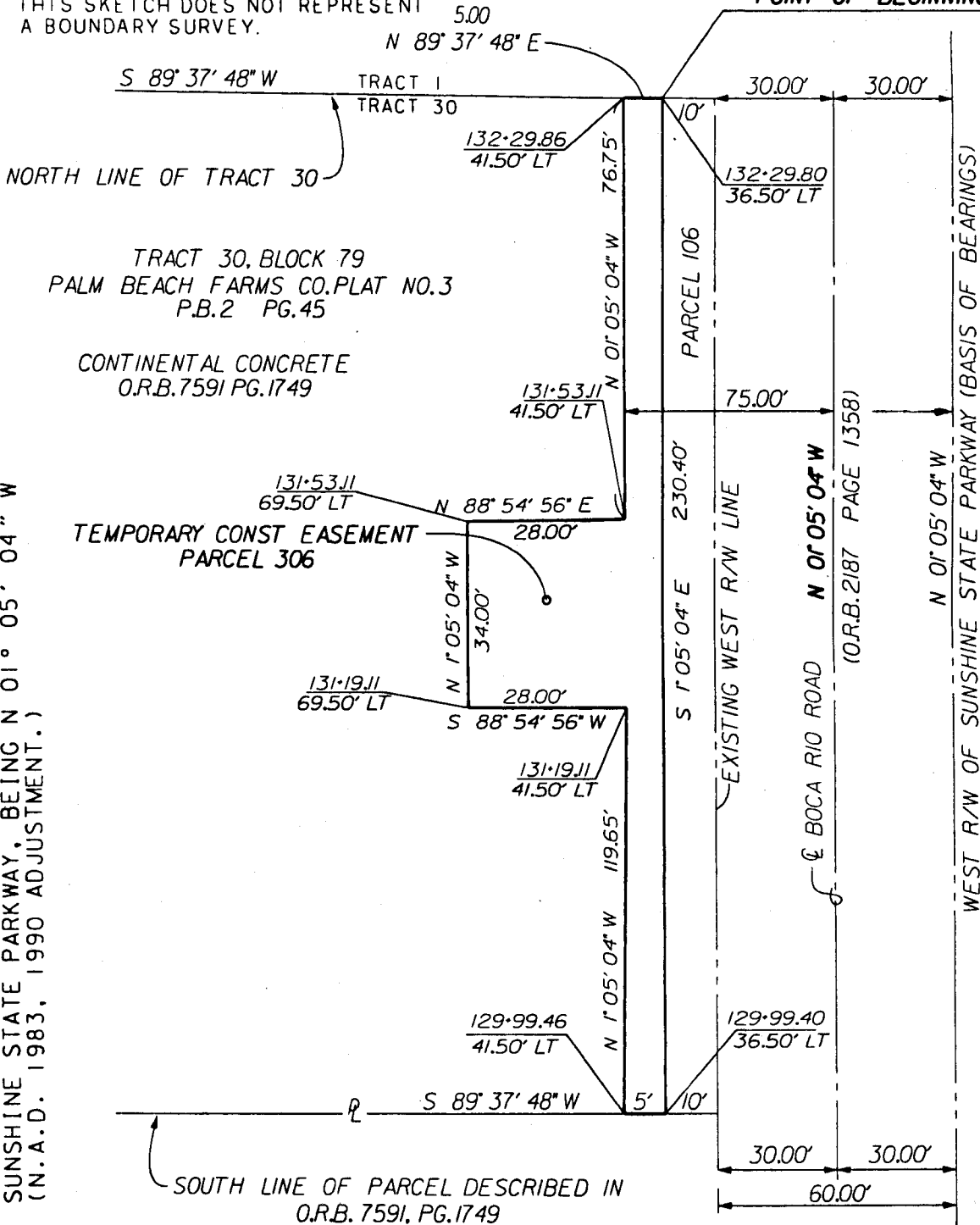
Bearings refer to the State Plane Grid Datum, N.A.D. 1983, 1990 Adjustment; the west line of the Sunshine State Parkway bearing: North  $01^{\circ}05'04''$  West.

**SHEET 1 of 2**  
**LS 6995-306**

EXHIBIT "A"

THIS SKETCH DOES NOT REPRESENT A BOUNDARY SURVEY.

POINT OF BEGINNING



THE BEARINGS, AS SHOWN HEREON, REFER TO THE STATE PLANE GRID DATUM; THE WEST RIGHT-OF-WAY LINE OF SUNSHINE STATE PARKWAY, BEING N 01° 05' 04\" W (N.A.D. 1983, 1990 ADJUSTMENT.)

TRACT 30, BLOCK 79  
PALM BEACH FARMS CO. PLAT NO. 3  
P.B. 2 PG. 45

CONTINENTAL CONCRETE  
O.R.B. 7591 PG. 1749

TEMPORARY CONST EASEMENT  
PARCEL 306

STATION AND OFFSET BASED ON PALM BEACH COUNTY PROJECT 2001504 CENTERLINE OF CONSTRUCTION

SEE SHEET 1 FOR LEGAL DESCRIPTION

THE UNDERSIGNED HEREBY CERTIFIES THAT THIS LEGAL DESCRIPTION AND SKETCH MEETS THE TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS PURSUANT TO SECTION 472.029 FLORIDA STATUTES.

ADAIR & BRADY, INC.  
LB-604

BY: *[Signature]* FOR THE FIRM  
DENNIS PAINTER  
REGISTERED LAND SURVEYOR, FLORIDA CERTIFICATE NO. 3542



**ADAIR & BRADY, INC.**  
CONSULTING ENGINEERS • LAND SURVEYORS  
3461 FAIRLANE FARMS ROAD  
WELLINGTON, FL 33414  
15611 383-7480 (561) 383-7485 FAX

NOT VALID WITHOUT EMBOSSED SURVEYOR'S SEAL AFFIXED.

SHEET 2 OF 2

SKETCH OF  
LEGAL DESCRIPTION PARCEL TCE 306  
BOCA RIO ROAD

DRAWN: FH	DATE	W.O. 00065
FIELD:	2-2-05	
F.B.	SCALE	LS 6995-306
PG.	NONE	

\\ADAIR\PROJECTS\00065-BRR\LEGAL\_PARCEL\_306.D

SUSERS

12:07:43 PM 2/6/2006

SHEET 20

PAGE 47

PAGE 48

TURNPIKE

L.W.D.D. E-2-W CANAL

WEST R/W OF SUNSHINE STATE PARKWAY (BASIS OF BEARINGS)

EXISTING WEST R/W LINE

BOCA RIO ROAD

PARCEL 106

## EXHIBIT "B"

### **BOCA RIO ROAD PALMETTO PARK ROAD TO GLADES ROAD PALM BEACH COUNTY, PROJECT # 2001504**

#### SAFETY

Boca Rio Road is currently a Two (2) lane undivided urban roadway within an existing 60 ft. to 80 ft. varying width right-of-way. The widening of Boca Rio Road from Palmetto Park Road to Glades Road as a four (4) lane divided roadway with a curb and gutter sodded island will improve the traffic performance of this segment of road due to the extra travel lane added in each direction. The design of this project has been done in accordance with the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (The Florida Greenbook), as adopted and approved by the Florida Department of Transportation (FDOT).

#### COST

The cost of improving Boca Rio Road from Palmetto Park Road to Glades Road, from a two (2) (4) lane undivided roadway to a four (4) lane divided roadway, had been estimated prior to beginning design. The appropriate funding for design, right-of-way acquisition and construction was budgeted in the County's Five Year Road program in fiscal years 2001 through 2009. During the design of the roadway, reasonable efforts were made to minimize the areas to be acquired through condemnation.

#### ALTERNATE ROUTES

Boca Rio Road from Palmetto Park Road to Glades Road is a heavily traveled roadway, which provides one of the most direct route for vehicles traveling in a north-south direction through the unincorporated area of Boca Raton. 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.

Alternate routes were considered in lieu of improving Boca Rio Road, however, since this section of roadway is existing and most of the existing ultimate right-of-way is in place it was concluded that an alternate route was not feasible. In addition, construction of an alternate route through this very busy community would have disrupted or displaced numerous residential and business properties, be more costly and result in unnecessary impacts to the environment.

#### LONG RANGE PLANNING

The development of this project is in conformance with Palm Beach County's 2030 Long Range Transportation Plan. The 2030 Long Range Transportation System Plan is a 25-year forecast based on projected regional needs identified through the process of forecasting 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 IMPACTS**

Boca Rio Road exists along an established roadway corridor and the proposed improvements will have minimal impacts to the environment. This roadway improvement project is expected to be permitted through the appropriate environmental regulatory agencies.

Below is a more detailed outline of the reasons for each type of acquisition needed for the improvement of Boca Rio Road, from Palmetto Park road to Glades Road.

## **PARTIAL TAKE IN FEE SIMPLE FOR ADDITIONAL RIGHT OF WAY**

As stated above the existing right-of-way is mostly 60 ft. through the corridor with the exception of the southernmost 800 ft. and the northernmost 1000 ft. of Boca Rio Road which is 80 ft. wide. In order to reduce right-of-way acquisition in this very busy segment the Typical Section was modified to fit the proposed widening within 70 ft. which reduced the need for additional right-of-way from 20 ft. to 10 ft wide. This resulted in a significant reduction in the need for Embankment Easements and Temporary Construction Easements.

## **EASEMENT ACQUISITIONS FOR PERMANENT EASEMENTS**

Areas where the finished sidewalk elevation will be 2 ft or more above the existing grade, require acquisition of a permanent easement. This easement prevents the abutting owner from removing the underlying fill and thereby undermining the sidewalk. In cases where surface water ponding could occur on the adjacent property, it might require the placement of drainage structures within the permanent easements to convey that ponding water into the roadway drainage system or to adjacent canals.

## **EASEMENT ACQUISITIONS FOR TEMPORARY ACCESS, SLOPING & GRADING**

Temporary Construction Easements are required (expiring after construction) adjacent to the widened right of way (or the Permanent Easements if acquired) in order to give construction vehicles and workers, access to the outside edges of the work area. In some cases these TCEs are also used to regrade the existing ground to prevent ponding of surface water and to direct it to a proper outfall. TCEs are also used to grade and harmonize the adjacent properties with the road right-of-way.

**RESOLUTION NO. R-2008-**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, DECLARING THE ACQUISITION OF A PARCEL OF LAND DESIGNATED AS PARCEL 308 AS A TEMPORARY CONSTRUCTION EASEMENT ACQUISITION NECESSARY FOR THE WIDENING AND CONSTRUCTION OF IMPROVEMENTS ON BOCA RIO ROAD, FROM PALMETTO PARK ROAD TO GLADES 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 widening and construction of improvements on Boca Rio Road, from Palmetto Park Road to Glades Road in Palm Beach County, Florida; and,

**WHEREAS**, the funds are available for the acquisition of the Parcel designated as Parcel 308 as a Temporary Construction Easement; and,

**WHEREAS**, the property owner has not accepted the offer to purchase made by Palm Beach County; 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, Alternate Routes or Methodologies, Long Range Plans and the Environment, as applicable to this parcel, 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 308 for the necessary Temporary Construction Easement acquisition, which is more fully described in Exhibit "A", is necessary for the following public purpose, to wit: the widening and construction of improvements on Boca Rio Road, from Palmetto Park Road to Glades 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**, the construction limits shall not extend beyond the limits as outlined in Exhibit "A"; and,

**WHEREAS**, the property as described in Exhibit "A" to be acquired through Eminent Domain as authorized by this resolution is not being acquired for the purpose of abating or eliminating public nuisances, slum or blighted conditions, and is subject to any applicable conveyance restrictions pursuant to Florida law, to the extent they may apply; and,

**WHEREAS**, in order to accomplish the acquisition of Parcel 308 the County Engineer and the County Attorney are authorized to take legal action, including the filing of Eminent Domain Proceedings, and to employ real estate appraisers and other experts deemed necessary to accomplish this purpose.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, THAT:**

- a. This Board adopts and ratifies those matters set forth in the foregoing recitals.
- b. The County Engineer and County Attorney are 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 "A", and prepare all papers, pleadings and other instruments required for that purpose, and to see that all Eminent Domain Proceedings are prosecuted to judgment.
- c. The County Engineer and County Attorney are hereby further 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 "A" that may be necessary to fully accomplish those purposes.

**BE IT FURTHER RESOLVED** that the property described in Exhibit "A" is to be used for the following public purpose; a Temporary Construction Easement acquisition, necessary for the widening and construction of improvements on Boca Rio Road, from Palmetto Park Road to Glades Road.

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 Chair thereupon declared the Resolution duly passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY,  
FLORIDA, BY ITS BOARD OF  
COUNTY COMMISSIONERS

Sharon R. Bock, Clerk & Comptroller

BY: \_\_\_\_\_  
County Attorney

BY: \_\_\_\_\_  
Deputy Clerk

EXHIBIT "A"

LEGAL DESCRIPTION  
BOCA RIO ROAD  
TEMPORARY CONSTRUCTION EASEMENT  
PARCEL 308

Being a portion of Tract 96, Block 76, PALM BEACH FARMS COMPANY PLAT NO. 3, as recorded in Plat Book 2, Page 45, also being a portion of that parcel described in Official Records Book 2318, Page 1301, Public Records of Palm Beach County, Florida, said portion being more particularly described as follows:

BEGINNING at a point on a line that is 70.00 feet west of and parallel with the west right-of-way line of the Sunshine State Parkway, said point being on the south line of Tract 96; thence South  $89^{\circ}37'48''$  West along said south line, 6.00 feet; thence North  $01^{\circ}05'04''$  West along a line that is 76.00 feet west of and parallel with the west right-of-way line of the Sunshine State Parkway, 103.19 feet; thence South  $88^{\circ}54'56''$  West perpendicular to the previous course, 32.90 feet; thence North  $01^{\circ}05'04''$  West along a line that is 108.90 feet west of and parallel with the west right-of-way line of the Sunshine State Parkway, 34.00 feet; thence North  $88^{\circ}54'56''$  East perpendicular to the previous course, 32.90 feet to a point on a line that is 76.00 feet west of and parallel with the west right-of-way line of the Sunshine State Parkway; thence North  $01^{\circ}05'04''$  West along said parallel line, 82.82 feet to a point on the north line of that parcel described in Official Records Book 2318, Page 1301; thence North  $89^{\circ}37'56''$  East along said north line, 6.00 feet to a point on a line that is 70.00 feet west of and parallel with the west right-of-way line of the Sunshine State Parkway; thence South  $01^{\circ}05'04''$  East along said parallel line, 220.01 feet to the south line of Tract 96 and the POINT OF BEGINNING.

Containing 2,439 square feet or 0.056 acres, more or less.

Bearings refer to the State Plane Grid Datum, N.A.D. 1983, 1990 Adjustment; the west line of the Sunshine State Parkway bearing: North  $01^{\circ}05'04''$  West.

**SHEET 1 of 2**  
**LS6995-308**



EXHIBIT "A"

THE BEARINGS, AS SHOWN HEREON, REFER TO THE STATE PLANE GRID DATUM; THE WEST RIGHT-OF-WAY LINE OF SUNSHINE STATE PARKWAY, BEING N 01° 05' 04" W (N.A.D. 1983, 1990 ADJUSTMENT.)

STATION AND OFFSETS BASED ON PALM BEACH COUNTY PROJECT 2001504 CENTERLINE OF CONSTRUCTION

THIS SKETCH DOES NOT REPRESENT A BOUNDARY SURVEY.

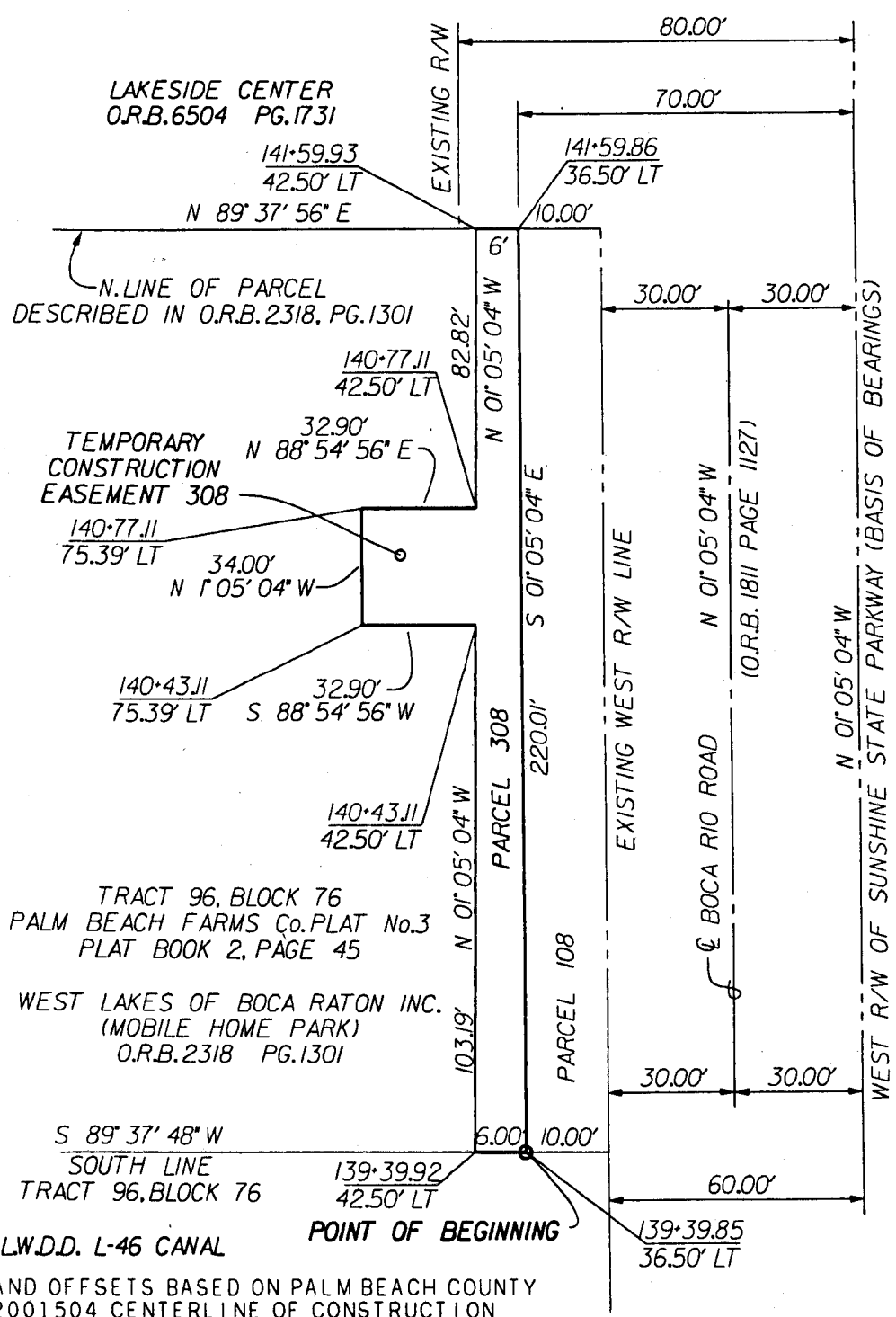
SEE SHEET 1 FOR LEGAL DESCRIPTION

THE UNDERSIGNED HEREBY CERTIFIES THAT THIS LEGAL DESCRIPTION AND SKETCH MEETS THE TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS PURSUANT TO SECTION 472.029, FLORIDA STATUTES.

BY: *Dennis Painter* FOR THE FIRM  
 DENNIS PAINTER  
 REGISTERED LAND SURVEYOR, FLORIDA CERTIFICATE NO. 3542

**ADAIR & BRADY, INC.**  
 CONSULTING ENGINEERS • LAND SURVEYORS  
 3461 FAIRLANE FARMS ROAD  
 WELLINGTON, FL 33414  
 (561) 383-7480 (561) 383-7485 FAX

NOT VALID WITHOUT EMBOSSED SURVEYOR'S SEAL AFFIXED.



SHEET 2 OF 2

SKETCH OF LEGAL DESCRIPTION PARCEL 308 BOCA RIO ROAD		
DRAWN: FH	DATE	W.O. 00065
FIELD:	02-01-05	LS 6995-308
F.B.	SCALE	
PG.	NONE	

27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100  
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 18 48  
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 B: 56:11 AM 2/3/2006 SUSERS \\ADAIR\PROJECTS\00065\_BRR\LEGAL\_PARCEL\_308.D

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