

**REVISED**

Agenda Item #: **3-C-10**

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**AGENDA ITEM SUMMARY**

**Meeting Date:** July 22, 2008

☒ **Consent**      ☐ **Regular**  
☐ **Workshop**      ☐ **Public Hearing**

**Department:**

**Submitted By:** Engineering and Public Works

**Submitted For:** Right-of-Way Acquisition Section

**Project No.:** 2003507

**I. EXECUTIVE BRIEF**

**Motion and Title:** Staff recommends motion to adopt: Six Resolutions declaring the acquisition of properties designated as Parcels 306, 307, 308, 309, 312, and 313 as temporary construction easements necessary for the widening and construction of improvements on Congress Avenue, from Lantana Road to south of Melaleuca Lane.

**SUMMARY:** This action will authorize the filing of eminent domain proceedings against six parcels which total appraised value is \$134,950.

District 3 (PM)

**Background and Justification:** Congress Avenue from Lantana Road to south of Melaleuca Lane is a Florida Department of Transportation (FDOT) owned and maintained roadway. The Palm Beach County (County) project to widen and construct improvements on Congress Avenue within these limits is utilizing federal funding, therefore the County is required to follow the Uniform Relocation Assistance and Real Property Acquisition Act.

The property owners of Parcels 306, 307, 308, 309, 312 and 313, which are temporary construction easements required for this project, have not accepted the offers to purchase made by the County. It is therefore necessary to file eminent domain proceedings to acquire these six parcels. This project is listed on the current Five-Year Road Program. The acquisition of these six parcels is for a public purpose and necessity, which is deemed to be in the best interest of the County.

**Attachments:**

1. Location Map
2. Resolutions (6) with Exhibit "A" and Exhibit "B"

**Recommended by:**

Division Director

Date

**Approved by:**

County Engineer

Date

*S. J. Webb*

*7/15/08*

## II. FISCAL IMPACT ANALYSIS

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

Fiscal Years	2008	2009	2010	2011	2012
Capital Expenditures	\$151,050	-0-	-0-	-0-	-0-
Operating Costs	-0-	-0-	-0-	-0-	-0-
External Revenues	-0-	-0-	-0-	-0-	-0-
Program Income (County)	-0-	-0-	-0-	-0-	-0-
In-Kind Match (County)	-0-	-0-	-0-	-0-	-0-
NET FISCAL IMPACT	\$151,050	-0-	-0-	-0-	-0-

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

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

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

Road Impact Fee Fund - Zone 4  
Congress Ave/Lantana Rd to Melaleuca Ln

Appraised Value - Parcel 306	\$ 13,200.00
- Parcel 307	\$ 6,600.00
- Parcel 308	\$ 6,600.00
- Parcel 309	\$ 17,600.00
- <del>Parcel 310</del>	<del>\$ 11,100.00</del>
- <del>Parcel 311</del>	<del>\$ 5,000.00</del>
- Parcel 312	\$ 52,300.00
- Parcel 313	\$ 38,500.00
Clerk of Court Fee	\$ 150.00
Fiscal Impact	\$151,050.00 134,950.00

C. Departmental Fiscal Review: RC. 2 Ward 6/24/08

## III. REVIEW COMMENTS

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

Atwillhite 7-9-08  
OFMB  
SW 7/18/08 CN 7/11/08

[Signature] 7/10/08  
Contract Dev. and Control

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

[Signature]  
Assistant County Attorney

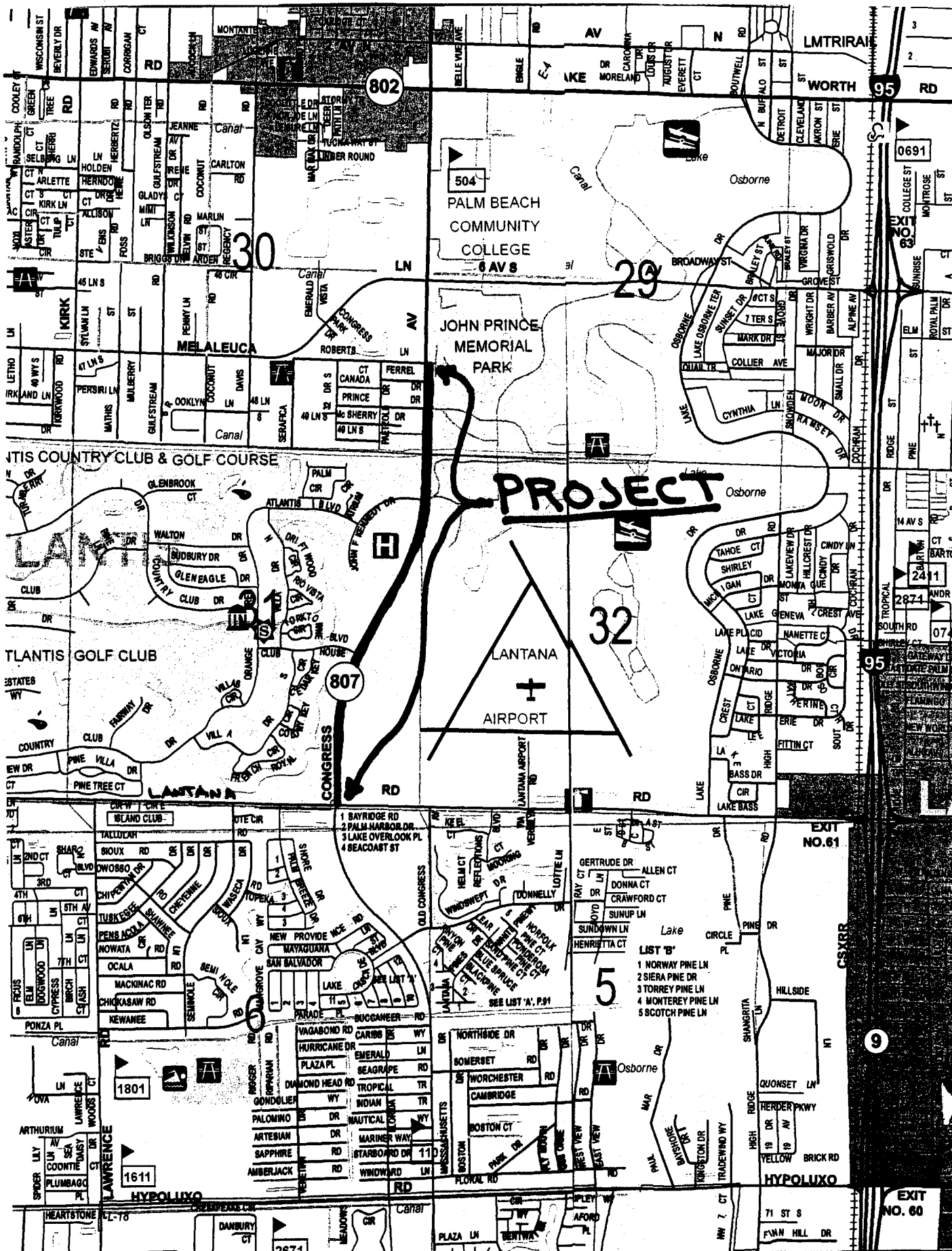
### C. Other Department Review:

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

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

I:\WPVAgendaPage2\Agnpgtwo2008\00378

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 306 AS A TEMPORARY CONSTRUCTION EASEMENT  
ACQUISITION NECESSARY FOR THE WIDENING AND  
CONSTRUCTION OF IMPROVEMENTS ON CONGRESS  
AVENUE, FROM LANTANA ROAD TO SOUTH OF MELALEUCA  
LANE 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 Congress Avenue, from Lantana Road to south of Melaleuca Lane 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 Congress Avenue, from Lantana Road to south of Melaleuca Lane 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 Congress Avenue, from Lantana Road to south of Melaleuca Lane.

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"

1 of 2

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 30, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

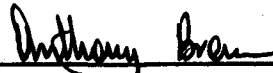
THE EAST 10.00 FEET OF LOT D AND E, BLOCK 128, PALM BEACH FARMS CO. PLAT NO. 7 AS RECORDED IN PLAT BOOK 5, PAGE 72 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THAT PART OF LOT E, BLOCK 128 AS CONVEYED TO THE LAKE WORTH DRAINAGE DISTRICT IN OFFICIAL RECORDS BOOK 12328, PAGE 48 OF SAID PUBLIC RECORDS.

CONTAINING 1766.18 SQUARE FEET, MORE OR LESS.

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

ABBREVIATIONS

P.O.B.- POINT OF BEGINNING  
R/W - RIGHT-OF-WAY  
P.B.- PLAT BOOK  
O.R.B.- OFFICIAL RECORDS BOOK  
CL - CENTERLINE  
LWDD- LAKE WORTH DRAINAGE DISTRICT



ANTHONY BROWN  
PROFESSIONAL LAND SURVEYOR  
STATE OF FLORIDA No. 4977  
DATE: 8/24/06



**BROWN & PHILLIPS, INC.**

PROFESSIONAL SURVEYING SERVICES

CERTIFICATE OF AUTHORIZATION # LB 6473

901 NORTHPOINT PKWY, SUITE 305, W.P.B. FLORIDA 33407  
(561) 615-3988, (561) 615-3986 FAX

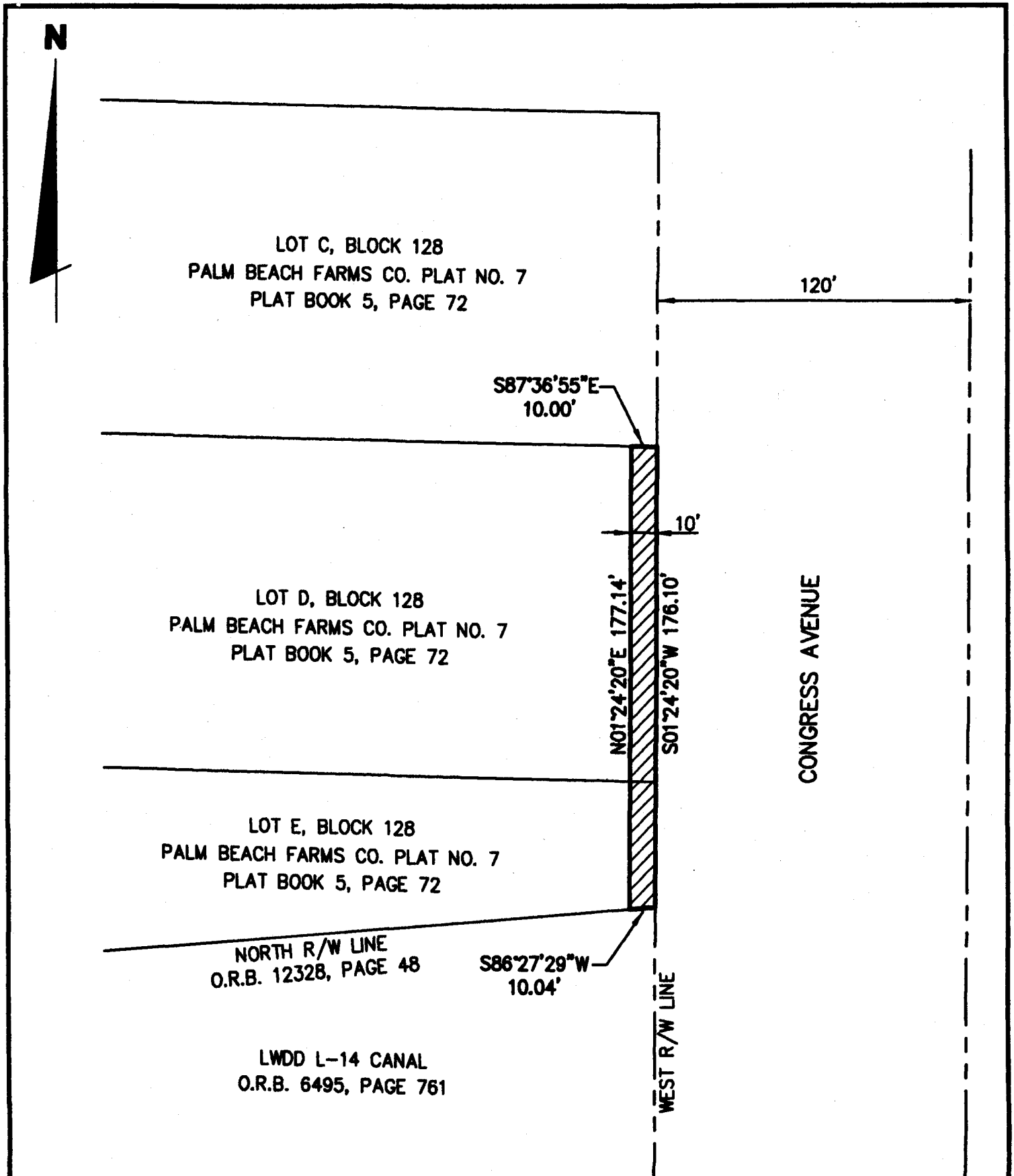
LEGAL DESCRIPTION

DRAWN:	DKN	PROJ. No. 05-016
CHECKED:	TB	SCALE: NONE
DATE:	AUGUST 2006	SHEET 1 OF 2

CONGRESS AVENUE  
TCE PARCEL 306

# EXHIBIT "A"

2 of 2



**BROWN & PHILLIPS, INC.**

PROFESSIONAL SURVEYING SERVICES

CERTIFICATE OF AUTHORIZATION # LB 6473

901 NORTHPOINT PKWY, SUITE 305, W.P.B. FLORIDA 33407  
(561) 615-3988, (561) 615-3986 FAX

THIS SKETCH IS NOT A SURVEY

SKETCH TO ACCOMPANY  
LEGAL DESCRIPTION

DRAWN: DKN	PROJ. No. 05-018
CHECKED: TB	SCALE: 1" = 50'
DATE: AUGUST 2008	SHEET 2 OF 2

CONGRESS AVENUE  
TCE PARCEL 306

## EXHIBIT "B"

### CONGRESS AVENUE FROM LANTANA ROAD TO SOUTH OF MELALEUCA LANE PALM BEACH COUNTY PROJECT #2003507

#### SAFETY

The design includes construction plans for a six-lane divided urban arterial from Lantana Road to south of Melaleuca Lane. The purpose of the project is to widen the existing four-lane roadway relieving congestion and improving drainage for the corridor. This segment will be constructed at approximately the same time as the project from south of Lantana Road to Lantana Road and is included for construction in Fiscal Year 2009.

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 Congress Avenue from Lantana Road to south of Melaleuca Lane to a six-lane divided urban arterial had been estimated prior to beginning design. The appropriate funding for design, easement and right-of-way acquisition, and construction was budgeted in the County's Roadway Program in fiscal years 2003 through 2009. Throughout the roadway design process, reasonable efforts have been made to minimize the areas to be acquired through condemnation.

After considering Safety, Alternate Routes and Methodologies, Planning, and Environmental factors, the cost of the acquisition of right-of-way parcels for this project fits into the planned funding for this project, and the acquisition of these parcels was necessary, in furtherance of this public project.

#### ALTERNATE ROUTES

Alternate routes were considered based on the Project Development and Environmental (PD&E) Study for Lanatna Road to south of Melaleuca Lane by FDOT. The Palm Beach County Comprehensive Plan (Thoroughfare Right-of-way Identification Map) has for many years, defined this route as necessary 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.

#### LONG RANGE PLANNING

The development of this project is in conformance with the Palm Beach County Comprehensive Plan (Thoroughfare Right-of-Way Identification Map). The Palm Beach County Comprehensive Plan (Thoroughfare Right-of-Way Identification Map) identifies this section of Congress Avenue as 110' right-of-way width. The 110' right-of-way width is designed to accommodate an ultimate six (6) lane divided roadway, which is required to meet traffic demands at full development of the County.

#### ENVIRONMENTAL IMPACTS

The alignment of the roadway is mainly within existing rights-of-way, minimizing the impacts to adjacent John Prince Park. This roadway improvement project will be permitted through all appropriate environmental regulatory agencies.



**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 307 AS A TEMPORARY CONSTRUCTION EASEMENT  
ACQUISITION NECESSARY FOR THE WIDENING AND  
CONSTRUCTION OF IMPROVEMENTS ON CONGRESS  
AVENUE, FROM LANTANA ROAD TO SOUTH OF MELALEUCA  
LANE 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 Congress Avenue, from Lantana Road to south of Melaleuca Lane in Palm Beach County, Florida; and,

**WHEREAS**, the funds are available for the acquisition of the Parcel designated as Parcel 307 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 307 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 Congress Avenue, from Lantana Road to south of Melaleuca Lane 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 307 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 Congress Avenue, from Lantana Road to south of Melaleuca Lane.

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"

1 of 2

LEGAL DESCRIPTION

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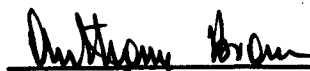
THE EAST 10.00 FEET OF LOT C, BLOCK 128, PALM BEACH FARMS CO. PLAT NO. 7 AS RECORDED IN PLAT BOOK 5, PAGE 72 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 1280.49 SQUARE FEET, MORE OR LESS.

ABBREVIATIONS

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R/W - RIGHT-OF-WAY  
P.B.- PLAT BOOK  
O.R.B.- OFFICIAL RECORDS BOOK  
CL - CENTERLINE  
R- RADIUS  
A- CENTRAL ANGLE  
L- ARC LENGTH

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ANTHONY BROWN  
PROFESSIONAL LAND SURVEYOR  
STATE OF FLORIDA No. 4977  
DATE: 8/24/06



**BROWN & PHILLIPS, INC.**  
PROFESSIONAL SURVEYING SERVICES  
CERTIFICATE OF AUTHORIZATION # LB 6473  
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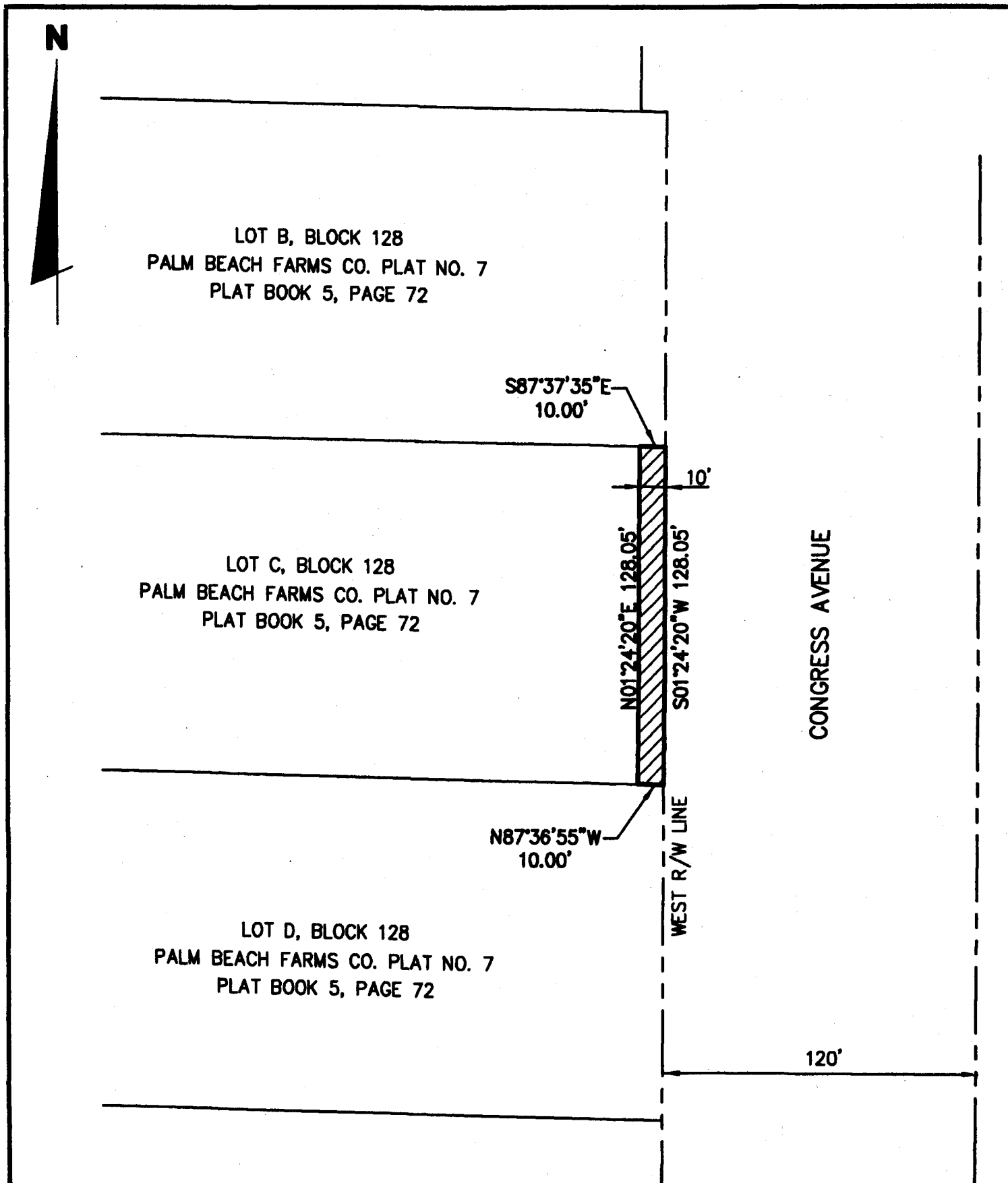
LEGAL DESCRIPTION

DRAWN:	DKN	PROJ. No. 05-016
CHECKED:	TB	SCALE: NONE
DATE:	AUGUST 2008	SHEET 1 OF 2

CONGRESS AVENUE  
TCE PARCEL 307

# EXHIBIT "A"

2092



**BROWN & PHILLIPS, INC.**

PROFESSIONAL SURVEYING SERVICES

CERTIFICATE OF AUTHORIZATION # LB 6473

901 NORTHPOINT PKWY, SUITE 305, W.P.B. FLORIDA 33407

(561) 615-3988, (561) 615-3986 FAX

THIS SKETCH IS NOT A SURVEY

SKETCH TO ACCOMPANY  
LEGAL DESCRIPTION

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CHECKED: TB	SCALE: 1" = 50'
DATE: AUGUST 2008	SHEET 2 OF 2

CONGRESS AVENUE  
TCE PARCEL 307

## EXHIBIT "B"

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#### SAFETY

The design includes construction plans for a six-lane divided urban arterial from Lantana Road to south of Melaleuca Lane. The purpose of the project is to widen the existing four-lane roadway relieving congestion and improving drainage for the corridor. This segment will be constructed at approximately the same time as the project from south of Lantana Road to Lantana Road and is included for construction in Fiscal Year 2009.

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 Congress Avenue from Lantana Road to south of Melaleuca Lane to a six-lane divided urban arterial had been estimated prior to beginning design. The appropriate funding for design, easement and right-of-way acquisition, and construction was budgeted in the County's Roadway Program in fiscal years 2003 through 2009. Throughout the roadway design process, reasonable efforts have been made to minimize the areas to be acquired through condemnation.

After considering Safety, Alternate Routes and Methodologies, Planning, and Environmental factors, the cost of the acquisition of right-of-way parcels for this project fits into the planned funding for this project, and the acquisition of these parcels was necessary, in furtherance of this public project.

#### ALTERNATE ROUTES

Alternate routes were considered based on the Project Development and Environmental (PD&E) Study for Lanatna Road to south of Melaleuca Lane by FDOT. The Palm Beach County Comprehensive Plan (Thoroughfare Right-of-way Identification Map) has for many years, defined this route as necessary 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.

#### LONG RANGE PLANNING

The development of this project is in conformance with the Palm Beach County Comprehensive Plan (Thoroughfare Right-of-Way Identification Map). The Palm Beach County Comprehensive Plan (Thoroughfare Right-of-Way Identification Map) identifies this section of Congress Avenue as 110' right-of-way width. The 110' right-of-way width is designed to accommodate an ultimate six (6) lane divided roadway, which is required to meet traffic demands at full development of the County.

#### ENVIRONMENTAL IMPACTS

The alignment of the roadway is mainly within existing rights-of-way, minimizing the impacts to adjacent John Prince Park. This roadway improvement project will be permitted through all appropriate environmental regulatory agencies.

**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 CONGRESS  
AVENUE, FROM LANTANA ROAD TO SOUTH OF MELALEUCA  
LANE 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 Congress Avenue, from Lantana Road to south of Melaleuca Lane 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 Congress Avenue, from Lantana Road to south of Melaleuca Lane 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.

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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"

1 of 2

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 30, TOWNSHIP 44 SOUTH, RANGE 43 EAST,  
PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

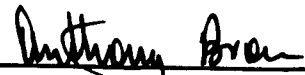
THE EAST 10.00 FEET OF LOT B, BLOCK 128, PALM BEACH FARMS CO. PLAT NO. 7  
AS RECORDED IN PLAT BOOK 5, PAGE 72 OF THE PUBLIC RECORDS OF PALM  
BEACH COUNTY, FLORIDA.

CONTAINING 1280.49 SQUARE FEET, MORE OR LESS.

ABBREVIATIONS

P.O.B.- POINT OF BEGINNING  
R/W - RIGHT-OF-WAY  
P.B.- PLAT BOOK  
O.R.B.- OFFICIAL RECORDS BOOK  
C - CENTERLINE  
R- RADIUS  
A- CENTRAL ANGLE  
L- ARC LENGTH

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



ANTHONY BROWN  
PROFESSIONAL LAND SURVEYOR  
STATE OF FLORIDA No. 4977  
DATE: AUG 21 2006



**BROWN & PHILLIPS, INC.**

PROFESSIONAL SURVEYING SERVICES

CERTIFICATE OF AUTHORIZATION # LB 6473

901 NORTHPOINT PKWY, SUITE 305, W.P.B. FLORIDA 33407

(561) 615-3988, (561) 615-3986 FAX

LEGAL DESCRIPTION

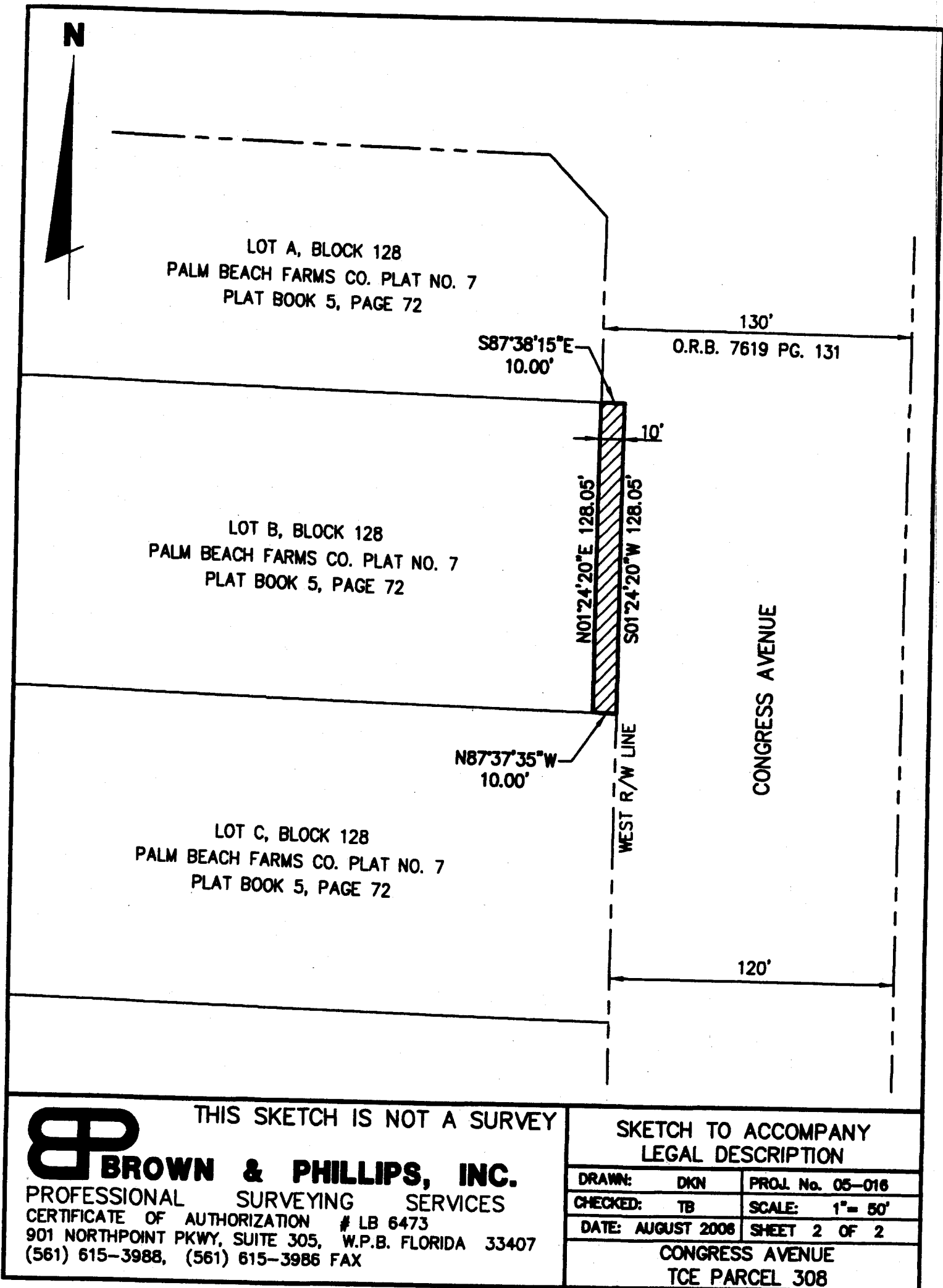
DRAWN:	DKN	PROJ. No. 05-018
CHECKED:	TB	SCALE: NONE
DATE:	AUGUST 2006	SHEET 1 OF 2

CONGRESS AVENUE  
TCE PARCEL 308



# EXHIBIT "A"

2 of 2



## EXHIBIT "B"

### CONGRESS AVENUE FROM LANTANA ROAD TO SOUTH OF MELALEUCA LANE PALM BEACH COUNTY PROJECT #2003507

#### SAFETY

The design includes construction plans for a six-lane divided urban arterial from Lantana Road to south of Melaleuca Lane. The purpose of the project is to widen the existing four-lane roadway relieving congestion and improving drainage for the corridor. This segment will be constructed at approximately the same time as the project from south of Lantana Road to Lantana Road and is included for construction in Fiscal Year 2009.

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 Congress Avenue from Lantana Road to south of Melaleuca Lane to a six-lane divided urban arterial had been estimated prior to beginning design. The appropriate funding for design, easement and right-of-way acquisition, and construction was budgeted in the County's Roadway Program in fiscal years 2003 through 2009. Throughout the roadway design process, reasonable efforts have been made to minimize the areas to be acquired through condemnation.

After considering Safety, Alternate Routes and Methodologies, Planning, and Environmental factors, the cost of the acquisition of right-of-way parcels for this project fits into the planned funding for this project, and the acquisition of these parcels was necessary, in furtherance of this public project.

#### ALTERNATE ROUTES

Alternate routes were considered based on the Project Development and Environmental (PD&E) Study for Lanatna Road to south of Melaleuca Lane by FDOT. The Palm Beach County Comprehensive Plan (Thoroughfare Right-of-way Identification Map) has for many years, defined this route as necessary 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.

#### LONG RANGE PLANNING

The development of this project is in conformance with the Palm Beach County Comprehensive Plan (Thoroughfare Right-of-Way Identification Map). The Palm Beach County Comprehensive Plan (Thoroughfare Right-of-Way Identification Map) identifies this section of Congress Avenue as 110' right-of-way width. The 110' right-of-way width is designed to accommodate an ultimate six (6) lane divided roadway, which is required to meet traffic demands at full development of the County.

#### ENVIRONMENTAL IMPACTS

The alignment of the roadway is mainly within existing rights-of-way, minimizing the impacts to adjacent John Prince Park. This roadway improvement project will be permitted through all appropriate environmental regulatory agencies.

**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 309 AS A TEMPORARY CONSTRUCTION EASEMENT  
ACQUISITION NECESSARY FOR THE WIDENING AND  
CONSTRUCTION OF IMPROVEMENTS ON CONGRESS  
AVENUE, FROM LANTANA ROAD TO SOUTH OF MELALEUCA  
LANE 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 Congress Avenue, from Lantana Road to south of Melaleuca Lane in Palm Beach County, Florida; and,

**WHEREAS**, the funds are available for the acquisition of the Parcel designated as Parcel 309 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 309 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 Congress Avenue, from Lantana Road to south of Melaleuca Lane 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 309 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 Congress Avenue, from Lantana Road to south of Melaleuca Lane.

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"

1093

## ABBREVIATIONS

CL - CENTERLINE  
 (C) - CALCULATED DIMENSION  
 (D) - DIMENSION PER RECORD DEED  
 LWDD - LAKE WORTH DRAINAGE DISTRICT  
 O.R.B. - OFFICIAL RECORD BOOK  
 P.B. - PLAT BOOK  
 P.O.B. - POINT OF BEGINNING  
 P.O.C. - POINT OF COMMENCEMENT  
 R/W - RIGHT-OF-WAY  
 STA - STATION  
 TCE - TEMPORARY CONSTRUCTION EASEMENT  
 'L - DISTANCE LEFT OF BASELINE  
 'R - DISTANCE RIGHT OF BASELINE  
 R= - RADIUS  
 = - CENTRAL ANGLE  
 L= - ARC LENGTH

## NOTES:

- 1) THE DESCRIPTION SKETCH AND THE DESCRIPTION TEXT COMPRISE THE COMPLETE LEGAL DESCRIPTION.  
THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH THE DESCRIPTIONS AND THE SKETCHES ACCOMPANY EACH OTHER.
- 2) REPRODUCTIONS OF THIS DOCUMENT ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER NOTED BELOW.
- 3) ALL DIMENSIONS SHOWN ON THE PROPOSED PARCELS ARE CALCULATED.  
DIMENSIONS SHOWN ON THE PARENT TRACT PARCELS ARE PER THE RECORD DEED, UNLESS NOTED OTHERWISE.

I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE ATTACHED LEGAL DESCRIPTIONS AND SKETCHES ARE TRUE, ACCURATE, AND WERE PREPARED UNDER MY DIRECTION.

I FURTHER CERTIFY THAT SAID LEGAL DESCRIPTIONS ARE IN COMPLIANCE WITH THE APPLICABLE PORTIONS OF THE MINIMUM TECHNICAL STANDARDS, CHAPTER 61G17-6.004, FLORIDA ADMINISTRATIVE CODE, AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

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



BROWN &amp; PHILLIPS, INC.

PROFESSIONAL SURVEYING SERVICES

CERTIFICATE OF AUTHORIZATION # LB 6473

 901 NORTHPOINT PKWY, SUITE 305, W.P.B. FLORIDA 33407  
 (561) 615-3988, (561) 615-3986 FAX

## LEGAL DESCRIPTION

DRAWN: DKN/MB

PROJ. No. 03-016

CHECKED: TB

SCALE: NONE

DATE: JULY 6, 2007

SHEET 1 OF 3

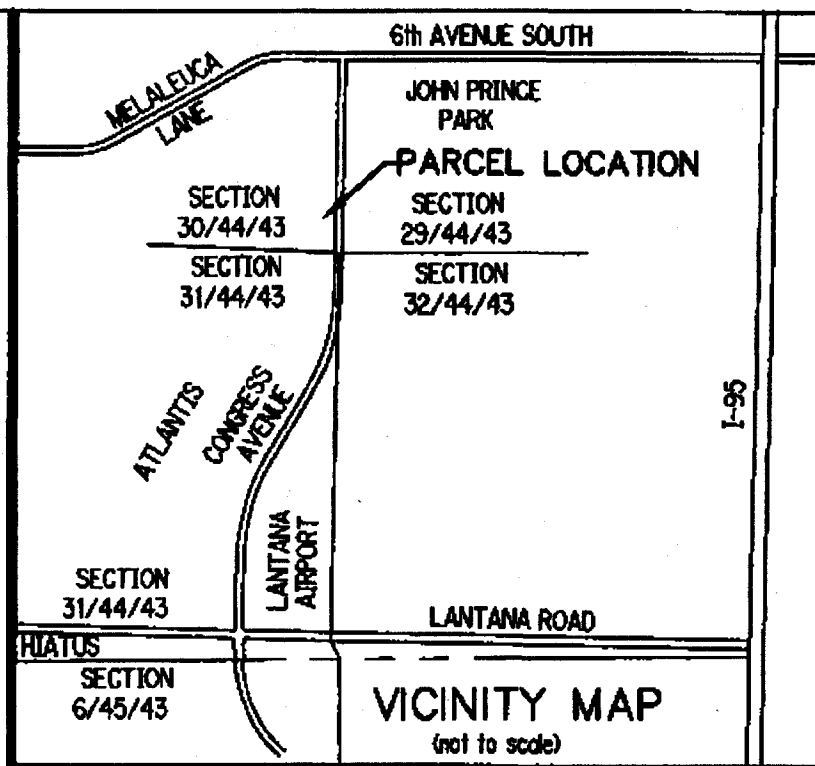
 CONGRESS AVENUE  
 TCE PARCEL 309


EXHIBIT "A"

2 of 3

TEMPORARY CONSTRUCTION EASEMENT  
PARCEL No.309

A PARCEL OF LAND LYING IN SECTION 30, TOWNSHIP 44 SOUTH, RANGE 43 EAST,  
PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE EAST 10.00 FEET OF LOT C , LOT D, AND LOT E. BLOCK 97, PALM BEACH FARMS  
CO. PLAT NO. 7 AS RECORDED IN PLAT BOOK 5, PAGE 72 OF THE PUBLIC RECORDS OF  
PALM BEACH COUNTY, FLORIDA, LESS THE NORTH 30 FEET OF LOT C AND THE SOUTH  
34 FEET OF LOT E FOR ROAD RIGHT-OF-WAY.

CONTAINING 3441 SQUARE FEET, MORE OR LESS.



**BROWN & PHILLIPS, INC.**

PROFESSIONAL SURVEYING SERVICES

CERTIFICATE OF AUTHORIZATION # LB 6473

901 NORTHPOINT PKWY, SUITE 305, W.P.B. FLORIDA 33407  
(561) 615-3988, (561) 615-3986 FAX

LEGAL DESCRIPTION

DRAWN: DKN PROJ. No. 05-018

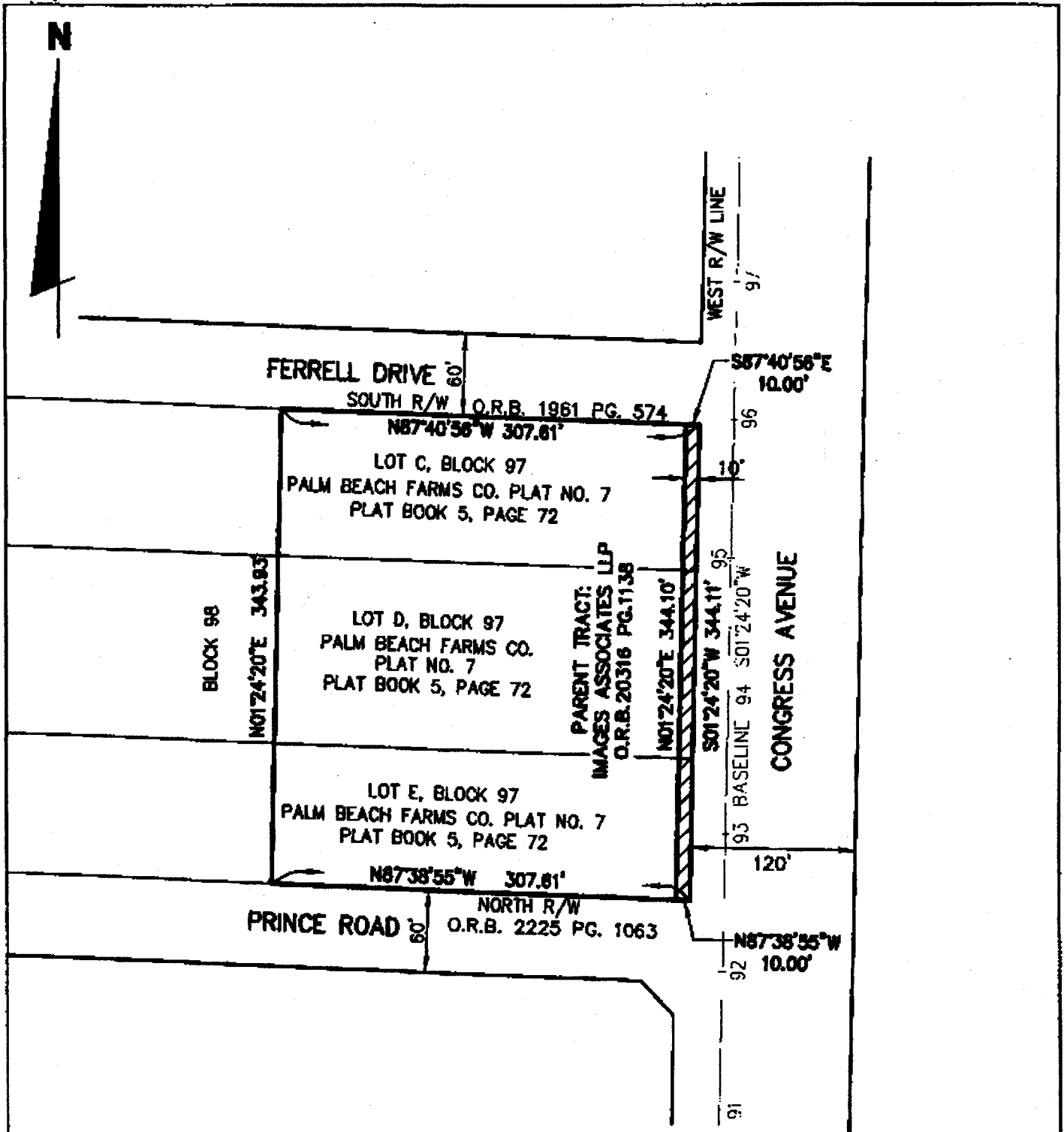
CHECKED: TB SCALE: NONE

DATE: 7/13/2007 SHEET 2 OF 3

CONGRESS AVENUE  
TCE PARCEL 309

# EXHIBIT "A"

## 3093



THIS SKETCH IS NOT A SURVEY

**BROWN & PHILLIPS, INC.**

PROFESSIONAL SURVEYING SERVICES

CERTIFICATE OF AUTHORIZATION # LB 6473

901 NORTHPOINT PKWY, SUITE 305, W.P.B. FLORIDA 33407

(561) 615-3988, (561) 615-3988 FAX

SKETCH TO ACCOMPANY  
LEGAL DESCRIPTION

DRAWN: DKN	PROJ. No. 05-016
CHECKED: TB	SCALE: 1"=100'
DATE: 7/13/2007	SHEET 3 OF 3

CONGRESS AVENUE  
TCE PARCEL 309

## EXHIBIT "B"

### CONGRESS AVENUE FROM LANTANA ROAD TO SOUTH OF MELALEUCA LANE PALM BEACH COUNTY PROJECT #2003507

#### SAFETY

The design includes construction plans for a six-lane divided urban arterial from Lantana Road to south of Melaleuca Lane. The purpose of the project is to widen the existing four-lane roadway relieving congestion and improving drainage for the corridor. This segment will be constructed at approximately the same time as the project from south of Lantana Road to Lantana Road and is included for construction in Fiscal Year 2009.

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 Congress Avenue from Lantana Road to south of Melaleuca Lane to a six-lane divided urban arterial had been estimated prior to beginning design. The appropriate funding for design, easement and right-of-way acquisition, and construction was budgeted in the County's Roadway Program in fiscal years 2003 through 2009. Throughout the roadway design process, reasonable efforts have been made to minimize the areas to be acquired through condemnation.

After considering Safety, Alternate Routes and Methodologies, Planning, and Environmental factors, the cost of the acquisition of right-of-way parcels for this project fits into the planned funding for this project, and the acquisition of these parcels was necessary, in furtherance of this public project.

#### ALTERNATE ROUTES

Alternate routes were considered based on the Project Development and Environmental (PD&E) Study for Lanatna Road to south of Melaleuca Lane by FDOT. The Palm Beach County Comprehensive Plan (Thoroughfare Right-of-way Identification Map) has for many years, defined this route as necessary 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.

#### LONG RANGE PLANNING

The development of this project is in conformance with the Palm Beach County Comprehensive Plan (Thoroughfare Right-of-Way Identification Map). The Palm Beach County Comprehensive Plan (Thoroughfare Right-of-Way Identification Map) identifies this section of Congress Avenue as 110' right-of-way width. The 110' right-of-way width is designed to accommodate an ultimate six (6) lane divided roadway, which is required to meet traffic demands at full development of the County.

#### ENVIRONMENTAL IMPACTS

The alignment of the roadway is mainly within existing rights-of-way, minimizing the impacts to adjacent John Prince Park. This roadway improvement project will be permitted through all appropriate environmental regulatory agencies.



**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 310 AS A TEMPORARY CONSTRUCTION EASEMENT  
ACQUISITION NECESSARY FOR THE WIDENING AND  
CONSTRUCTION OF IMPROVEMENTS ON CONGRESS  
AVENUE, FROM LANTANA ROAD TO SOUTH OF MELALEUCA  
LANE 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 Congress Avenue, from Lantana Road to south of Melaleuca Lane in Palm Beach County, Florida; and,

**WHEREAS**, the funds are available for the acquisition of the Parcel designated as Parcel 310 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 310 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 Congress Avenue, from Lantana Road to south of Melaleuca Lane 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 310 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 Congress Avenue, from Lantana Road to south of Melaleuca Lane.

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"

1 of 2

## LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 30, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE EAST 10.00 FEET OF LOT B, BLOCK 97, PALM BEACH FARMS CO. PLAT NO. 7 AS RECORDED IN PLAT BOOK 5, PAGE 72 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THE SOUTH 30 FEET FOR ROAD RIGHT-OF-WAY AS RECORDED IN OFFICIAL RECORDS BOOK 2607, PAGE 646 OF SAID PUBLIC RECORDS.

CONTAINING 1060.39 SQUARE FEET, MORE OR LESS.

## ABBREVIATIONS

P.O.B.- POINT OF BEGINNING  
R/W - RIGHT-OF-WAY  
P.B.- PLAT BOOK  
O.R.B.- OFFICIAL RECORDS BOOK  
CL - CENTERLINE  
R- RADIUS  
A- CENTRAL ANGLE  
L- ARC LENGTH

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

*Anthony Brown*

ANTHONY BROWN  
PROFESSIONAL LAND SURVEYOR  
STATE OF FLORIDA No. 4977  
DATE: 10/4/06



**BROWN & PHILLIPS, INC.**

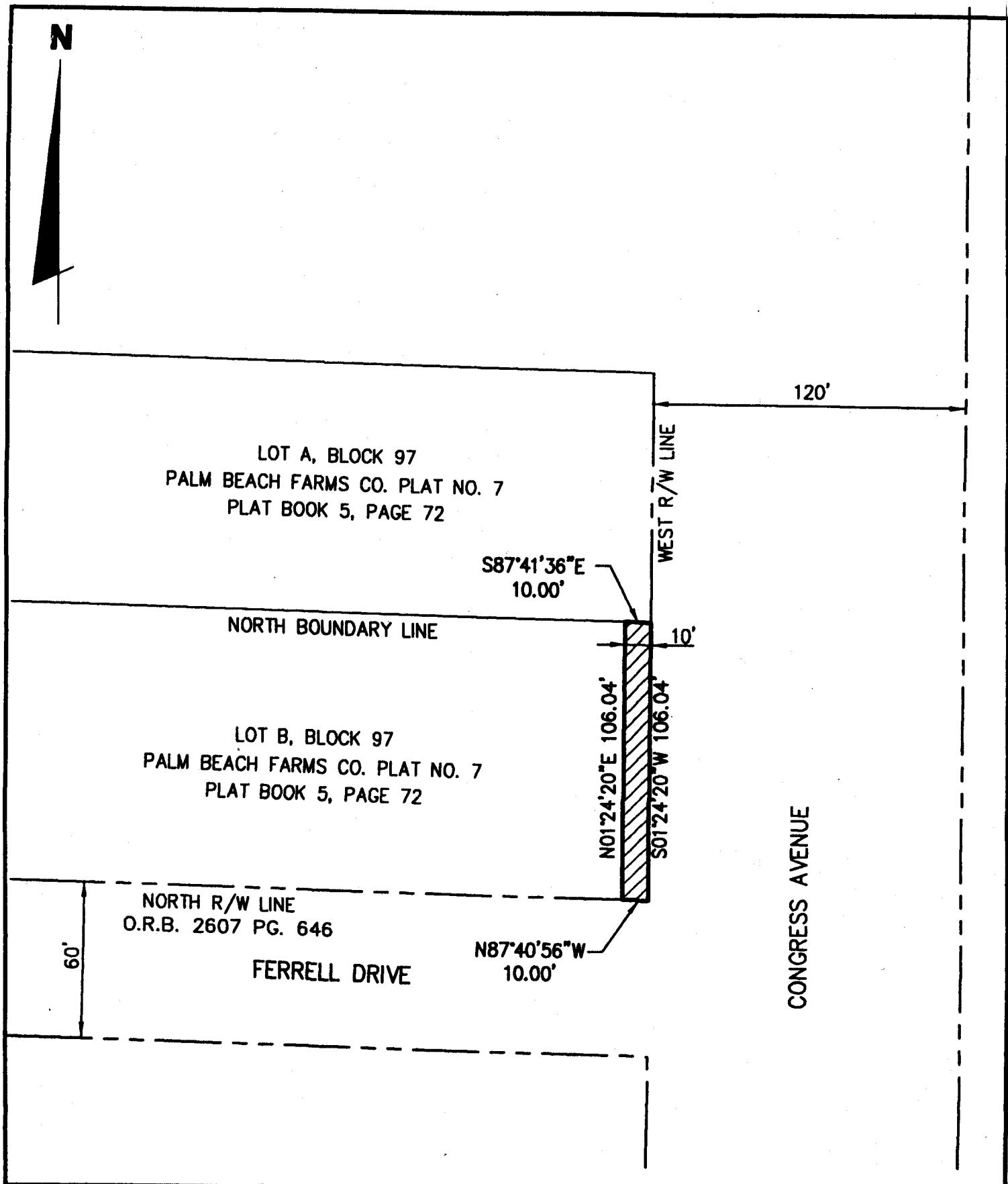
PROFESSIONAL SURVEYING SERVICES  
CERTIFICATE OF AUTHORIZATION # LB 6473  
901 NORTHPOINT PKWY, SUITE 305, W.P.B. FLORIDA 33407  
(561) 615-3988, (561) 615-3986 FAX

## LEGAL DESCRIPTION

DRAWN: DKN	PROJ. No. 05-016
CHECKED: TB	SCALE: NONE
DATE: AUGUST 2006	SHEET 1 OF 2
CONGRESS AVENUE TCE PARCEL 310	

# EXHIBIT "A"

2 of 2



THIS SKETCH IS NOT A SURVEY



**BROWN & PHILLIPS, INC.**

PROFESSIONAL SURVEYING SERVICES

CERTIFICATE OF AUTHORIZATION # LB 6473

901 NORTHPOINT PKWY, SUITE 305, W.P.B. FLORIDA 33407  
(561) 615-3988, (561) 615-3986 FAX

SKETCH TO ACCOMPANY  
LEGAL DESCRIPTION

DRAWN: DKN	PROJ. No. 05-016
CHECKED: TB	SCALE: 1" = 50'
DATE: AUGUST 2006	SHEET 2 OF 2

CONGRESS AVENUE  
TCE PARCEL 310

## EXHIBIT "B"

### CONGRESS AVENUE FROM LANTANA ROAD TO SOUTH OF MELALEUCA LANE PALM BEACH COUNTY PROJECT #2003507

#### SAFETY

The design includes construction plans for a six-lane divided urban arterial from Lantana Road to south of Melaleuca Lane. The purpose of the project is to widen the existing four-lane roadway relieving congestion and improving drainage for the corridor. This segment will be constructed at approximately the same time as the project from south of Lantana Road to Lantana Road and is included for construction in Fiscal Year 2009.

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 Congress Avenue from Lantana Road to south of Melaleuca Lane to a six-lane divided urban arterial had been estimated prior to beginning design. The appropriate funding for design, easement and right-of-way acquisition, and construction was budgeted in the County's Roadway Program in fiscal years 2003 through 2009. Throughout the roadway design process, reasonable efforts have been made to minimize the areas to be acquired through condemnation.

After considering Safety, Alternate Routes and Methodologies, Planning, and Environmental factors, the cost of the acquisition of right-of-way parcels for this project fits into the planned funding for this project, and the acquisition of these parcels was necessary, in furtherance of this public project.

#### ALTERNATE ROUTES

Alternate routes were considered based on the Project Development and Environmental (PD&E) Study for Lanatna Road to south of Melaleuca Lane by FDOT. The Palm Beach County Comprehensive Plan (Thoroughfare Right-of-way Identification Map) has for many years, defined this route as necessary 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.

#### LONG RANGE PLANNING

The development of this project is in conformance with the Palm Beach County Comprehensive Plan (Thoroughfare Right-of-Way Identification Map). The Palm Beach County Comprehensive Plan (Thoroughfare Right-of-Way Identification Map) identifies this section of Congress Avenue as 110' right-of-way width. The 110' right-of-way width is designed to accommodate an ultimate six (6) lane divided roadway, which is required to meet traffic demands at full development of the County.

#### ENVIRONMENTAL IMPACTS

The alignment of the roadway is mainly within existing rights-of-way, minimizing the impacts to adjacent John Prince Park. This roadway improvement project will be permitted through all appropriate environmental regulatory agencies.

**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 311 AS A TEMPORARY CONSTRUCTION EASEMENT  
ACQUISITION NECESSARY FOR THE WIDENING AND  
CONSTRUCTION OF IMPROVEMENTS ON CONGRESS  
AVENUE, FROM LANTANA ROAD TO SOUTH OF MELALEUCA  
LANE 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 Congress Avenue, from Lantana Road to south of Melaleuca Lane in Palm Beach County, Florida; and,

**WHEREAS**, the funds are available for the acquisition of the Parcel designated as Parcel 311 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 311 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 Congress Avenue, from Lantana Road to south of Melaleuca Lane 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 311 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 Congress Avenue, from Lantana Road to south of Melaleuca Lane.

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"

1 of 2

## LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 30, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

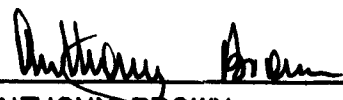
THE EAST 10.00 FEET OF LOT A, BLOCK 97, PALM BEACH FARMS CO. PLAT NO. 7 AS RECORDED IN PLAT BOOK 5, PAGE 72 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THE NORTH 40 FEET FOR ROAD RIGHT-OF-WAY.

CONTAINING 960.67 SQUARE FEET, MORE OR LESS.

## ABBREVIATIONS

P.O.B.- POINT OF BEGINNING  
R/W - RIGHT-OF-WAY  
P.B.- PLAT BOOK  
O.R.B.- OFFICIAL RECORDS BOOK  
CL - CENTERLINE  
R- RADIUS  
A- CENTRAL ANGLE  
L- ARC LENGTH

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

  
ANTHONY BROWN  
PROFESSIONAL LAND SURVEYOR  
STATE OF FLORIDA No. 4977  
DATE: AUG 21 2006



**BROWN & PHILLIPS, INC.**

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

## LEGAL DESCRIPTION

DRAWN: DKN	PROJ. No. 05-016
CHECKED: TB	SCALE: NONE
DATE: AUGUST 2006	SHEET 1 OF 2

CONGRESS AVENUE  
TCE PARCEL 311



2 of 2



# BROWN & PHILLIPS, INC.

SKETCH TO ACCOMPANY  
LEGAL DESCRIPTION

CHECKED: TB	SCALE: 1" = 50'
-------------	-----------------

DATE: AUGUST 2006 SHEET 2 OF 2

CONGRESS AVENUE  
TCE PARCEL 311

## EXHIBIT "B"

### CONGRESS AVENUE FROM LANTANA ROAD TO SOUTH OF MELALEUCA LANE PALM BEACH COUNTY PROJECT #2003507

#### SAFETY

The design includes construction plans for a six-lane divided urban arterial from Lantana Road to south of Melaleuca Lane. The purpose of the project is to widen the existing four-lane roadway relieving congestion and improving drainage for the corridor. This segment will be constructed at approximately the same time as the project from south of Lantana Road to Lantana Road and is included for construction in Fiscal Year 2009.

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 Congress Avenue from Lantana Road to south of Melaleuca Lane to a six-lane divided urban arterial had been estimated prior to beginning design. The appropriate funding for design, easement and right-of-way acquisition, and construction was budgeted in the County's Roadway Program in fiscal years 2003 through 2009. Throughout the roadway design process, reasonable efforts have been made to minimize the areas to be acquired through condemnation.

After considering Safety, Alternate Routes and Methodologies, Planning, and Environmental factors, the cost of the acquisition of right-of-way parcels for this project fits into the planned funding for this project, and the acquisition of these parcels was necessary, in furtherance of this public project.

#### ALTERNATE ROUTES

Alternate routes were considered based on the Project Development and Environmental (PD&E) Study for Lanatna Road to south of Melaleuca Lane by FDOT. The Palm Beach County Comprehensive Plan (Thoroughfare Right-of-way Identification Map) has for many years, defined this route as necessary 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.

#### LONG RANGE PLANNING

The development of this project is in conformance with the Palm Beach County Comprehensive Plan (Thoroughfare Right-of-Way Identification Map). The Palm Beach County Comprehensive Plan (Thoroughfare Right-of-Way Identification Map) identifies this section of Congress Avenue as 110' right-of-way width. The 110' right-of-way width is designed to accommodate an ultimate six (6) lane divided roadway, which is required to meet traffic demands at full development of the County.

#### ENVIRONMENTAL IMPACTS

The alignment of the roadway is mainly within existing rights-of-way, minimizing the impacts to adjacent John Prince Park. This roadway improvement project will be permitted through all appropriate environmental regulatory agencies.

**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 312 AS A TEMPORARY CONSTRUCTION EASEMENT  
ACQUISITION NECESSARY FOR THE WIDENING AND  
CONSTRUCTION OF IMPROVEMENTS ON CONGRESS  
AVENUE, FROM LANTANA ROAD TO SOUTH OF MELALEUCA  
LANE 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 Congress Avenue, from Lantana Road to south of Melaleuca Lane in Palm Beach County, Florida; and,

**WHEREAS**, the funds are available for the acquisition of the Parcel designated as Parcel 312 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 312 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 Congress Avenue, from Lantana Road to south of Melaleuca Lane 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 312 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 Congress Avenue, from Lantana Road to south of Melaleuca Lane.

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"

1 of 2

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 31, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF ATLANTIS COUNTRY CLUB AND GOLF COURSE (GOLF COURSE PARCEL 3) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2160 AT PAGE 884 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 12212, PAGE 451 OF SAID PUBLIC RECORDS AND A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF CONGRESS AVENUE;  
THENCE ALONG THE NORTHERLY BOUNDARY LINE OF SAID PARCEL, N88°58'24"W FOR 10.00 FEET TO A POINT ON A LINE 10 FEET WEST OF AND PARALLEL WITH THE SAID WESTERLY RIGHT-OF-WAY LINE OF CONGRESS AVENUE;  
THENCE ALONG SAID PARALLEL LINE, N01°02'01"E FOR 218.76 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 2924.95 FEET;  
THENCE NORTHEASTERLY ALONG SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 25°06'01" FOR 1281.37 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF CLUBHOUSE BOULEVARD AND A POINT ON A NON-TANGENT CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 25.00 FEET, WHERE THE RADIAL LINE BEARS S62°48'29"W;  
THENCE SOUTHEASTERLY ALONG SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 52°56'06" FOR 23.10 FEET TO THE SAID WESTERLY RIGHT-OF-WAY LINE OF CONGRESS AVENUE AND A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 2914.95 FEET;  
THENCE SOUTHWESTERLY ALONG SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 24°42'34" FOR 1257.10 FEET TO A POINT OF TANGENCY;  
THENCE CONTINUE ALONG SAID WESTERLY RIGHT-OF-WAY LINE, S01°02'01"W FOR 218.76 FEET TO THE POINT OF BEGINNING.

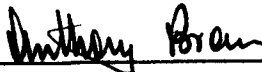
CONTAINING 14,920.71 SQUARE FEET (0.343 ACRES), MORE OR LESS.

BEARING BASIS: N88°58'24"W ALONG THE NORTHERLY BOUNDARY LINE OF THE PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 12212, PAGE 451.

ABBREVIATIONS

P.O.B.- POINT OF BEGINNING  
R/W - RIGHT-OF-WAY  
P.B.- PLAT BOOK  
O.R.B.- OFFICIAL RECORDS BOOK  
CL - CENTERLINE  
R- RADIUS  
A- CENTRAL ANGLE  
L- ARC LENGTH

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ANTHONY BROWN  
PROFESSIONAL LAND SURVEYOR  
STATE OF FLORIDA No. 4977  
DATE: 10/4/06



THIS SKETCH IS NOT A SURVEY  
**BROWN & PHILLIPS, INC.**  
PROFESSIONAL SURVEYING SERVICES  
CERTIFICATE OF AUTHORIZATION # LB 6473  
901 NORTHPOINT PKWY, SUITE 305, W.P.B. FLORIDA 33407  
(561) 615-3988, (561) 615-3986 FAX

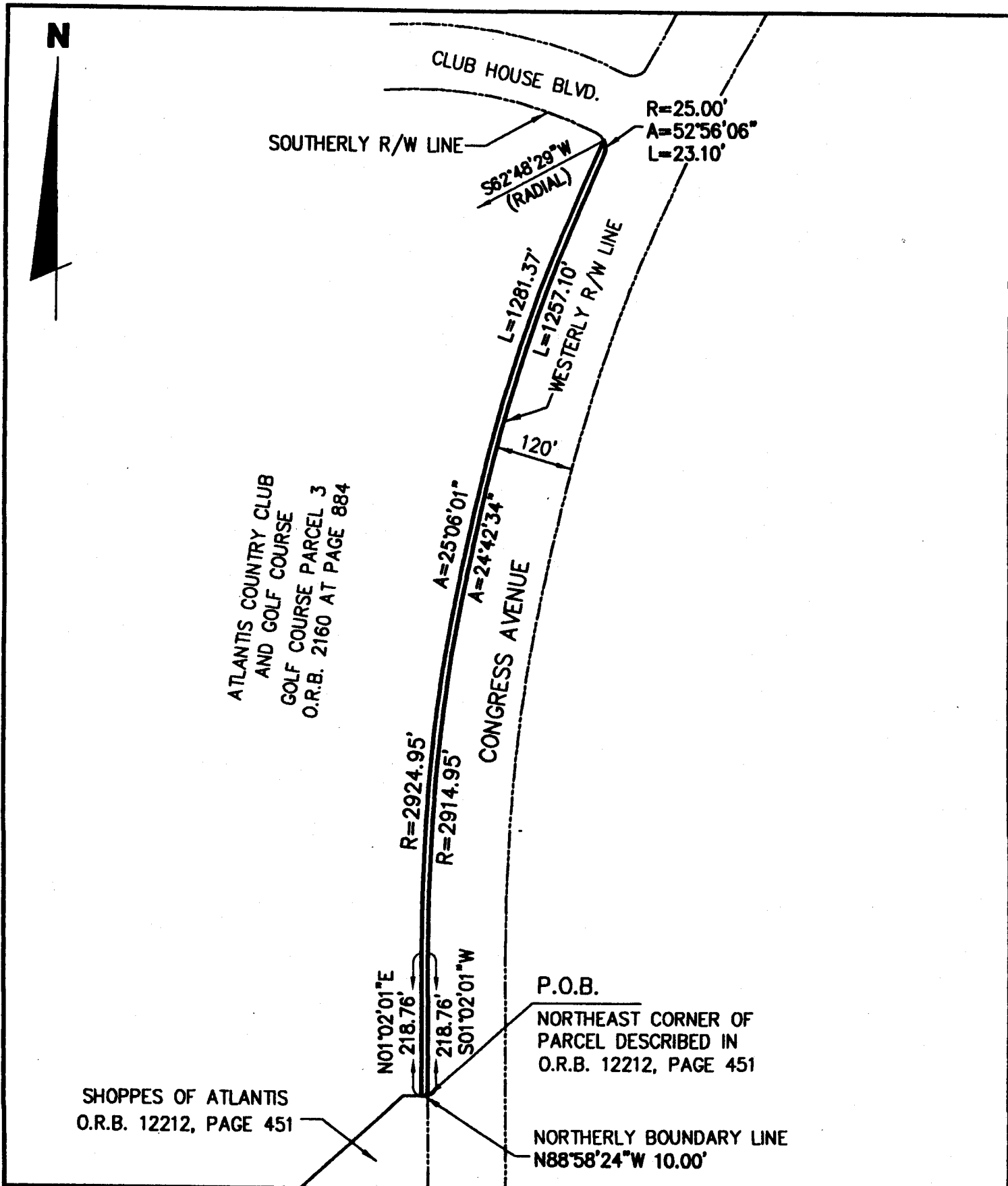
SKETCH TO ACCOMPANY  
LEGAL DESCRIPTION

DRAWN:	DKN	PROJ. No. 05-016
CHECKED:	TB	SCALE: NONE
DATE:	SEPT. 2006	SHEET 1 OF 2

CONGRESS AVENUE  
TCE PARCEL 312

# EXHIBIT "A"

2 of 2



THIS SKETCH IS NOT A SURVEY



**BROWN & PHILLIPS, INC.**

PROFESSIONAL SURVEYING SERVICES

CERTIFICATE OF AUTHORIZATION # LB 6473

901 NORTHPOINT PKWY, SUITE 305, W.P.B. FLORIDA 33407

(561) 615-3988, (561) 615-3986 FAX

SKETCH TO ACCOMPANY  
LEGAL DESCRIPTION

DRAWN:	DKN	PROJ. No.	05-016
CHECKED:	TB	SCALE:	1"=200'
DATE:	SEPT. 2006	SHEET	2 OF 2

CONGRESS AVENUE  
TCE PARCEL 312

## EXHIBIT "B"

### CONGRESS AVENUE FROM LANTANA ROAD TO SOUTH OF MELALEUCA LANE PALM BEACH COUNTY PROJECT #2003507

#### SAFETY

The design includes construction plans for a six-lane divided urban arterial from Lantana Road to south of Melaleuca Lane. The purpose of the project is to widen the existing four-lane roadway relieving congestion and improving drainage for the corridor. This segment will be constructed at approximately the same time as the project from south of Lantana Road to Lantana Road and is included for construction in Fiscal Year 2009.

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 Congress Avenue from Lantana Road to south of Melaleuca Lane to a six-lane divided urban arterial had been estimated prior to beginning design. The appropriate funding for design, easement and right-of-way acquisition, and construction was budgeted in the County's Roadway Program in fiscal years 2003 through 2009. Throughout the roadway design process, reasonable efforts have been made to minimize the areas to be acquired through condemnation.

After considering Safety, Alternate Routes and Methodologies, Planning, and Environmental factors, the cost of the acquisition of right-of-way parcels for this project fits into the planned funding for this project, and the acquisition of these parcels was necessary, in furtherance of this public project.

#### ALTERNATE ROUTES

Alternate routes were considered based on the Project Development and Environmental (PD&E) Study for Lanatna Road to south of Melaleuca Lane by FDOT. The Palm Beach County Comprehensive Plan (Thoroughfare Right-of-way Identification Map) has for many years, defined this route as necessary 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.

#### LONG RANGE PLANNING

The development of this project is in conformance with the Palm Beach County Comprehensive Plan (Thoroughfare Right-of-Way Identification Map). The Palm Beach County Comprehensive Plan (Thoroughfare Right-of-Way Identification Map) identifies this section of Congress Avenue as 110' right-of-way width. The 110' right-of-way width is designed to accommodate an ultimate six (6) lane divided roadway, which is required to meet traffic demands at full development of the County.

#### ENVIRONMENTAL IMPACTS

The alignment of the roadway is mainly within existing rights-of-way, minimizing the impacts to adjacent John Prince Park. This roadway improvement project will be permitted through all appropriate environmental regulatory agencies.

**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 313 AS A TEMPORARY CONSTRUCTION EASEMENT  
ACQUISITION NECESSARY FOR THE WIDENING AND  
CONSTRUCTION OF IMPROVEMENTS ON CONGRESS  
AVENUE, FROM LANTANA ROAD TO SOUTH OF MELALEUCA  
LANE 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 Congress Avenue, from Lantana Road to south of Melaleuca Lane in Palm Beach County, Florida; and,

**WHEREAS**, the funds are available for the acquisition of the Parcel designated as Parcel 313 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 313 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 Congress Avenue, from Lantana Road to south of Melaleuca Lane 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 313 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 Congress Avenue, from Lantana Road to south of Melaleuca Lane.

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"

1 of 2

## LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 31, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF THE PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 10364, PAGE 1730 AND A PORTION OF THE PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 10669, PAGE 1375 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 10364, PAGE 1730 AND A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF CONGRESS AVENUE;  
THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE, N30°32'16"E FOR 250.00 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 25.00 FEET;  
THENCE NORTHWESTERLY ALONG SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 53°07'48" FOR 23.18 FEET TO A POINT OF NON-TANGENCY AND A POINT ON A LINE 10 FEET WESTERLY OF AND PARALLEL WITH SAID WESTERLY RIGHT-OF-WAY LINE;  
THENCE ALONG SAID PARALLEL LINE, S30°32'16"W FOR 601.69 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 2924.93 FEET;  
THENCE SOUTHWESTERLY ALONG SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 02°15'44" FOR 115.48 FEET TO THE SOUTHERLY BOUNDARY LINE OF THE PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 10669, PAGE 1375 AND A NON-TANGENT CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 25.00 FEET, WHERE THE RADIAL LINE BEARS N08°23'55"W;  
THENCE NORTHEASTERLY ALONG SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 52°56'06" FOR 23.10 FEET TO SAID WESTERLY RIGHT-OF-WAY LINE OF CONGRESS AVENUE AND A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 2914.93 FEET;  
THENCE NORTHEASTERLY ALONG SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 01°52'17" FOR 95.21 FEET TO A POINT OF TANGENCY;  
THENCE CONTINUE ALONG SAID WESTERLY RIGHT-OF-WAY LINE, N30°32'16"E FOR 331.69 FEET TO THE POINT OF BEGINNING.

CONTAINING 7049.71 SQUARE FEET, MORE OR LESS.

BEARING BASIS: N30°32'16"E ALONG THE WESTERLY RIGHT-OF-WAY LINE OF CONGRESS AVENUE.

## ABBREVIATIONS

P.O.B.- POINT OF BEGINNING  
R/W - RIGHT-OF-WAY  
P.B.- PLAT BOOK  
O.R.B.- OFFICIAL RECORDS BOOK  
C - CENTERLINE  
R- RADIUS  
A- CENTRAL ANGLE  
L- ARC LENGTH

THE DESCRIPTION SKETCH AND THE DESCRIPTION TEXT COMPRISE THE COMPLETE LEGAL DESCRIPTION.

THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH ACCOMPANY EACH OTHER.

REPRODUCTIONS OF THIS DOCUMENT ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER NOTED BELOW.

*Anthony Brown*

ANTHONY BROWN  
PROFESSIONAL LAND SURVEYOR  
STATE OF FLORIDA No. 4977  
DATE: 10/23/06



THIS SKETCH IS NOT A SURVEY

**BROWN & PHILLIPS, INC.**

PROFESSIONAL SURVEYING SERVICES

CERTIFICATE OF AUTHORIZATION # LB 6473

901 NORTHPOINT PKWY, SUITE 305, W.P.B. FLORIDA 33407  
(561) 615-3988, (561) 615-3986 FAX

SKETCH TO ACCOMPANY  
LEGAL DESCRIPTION

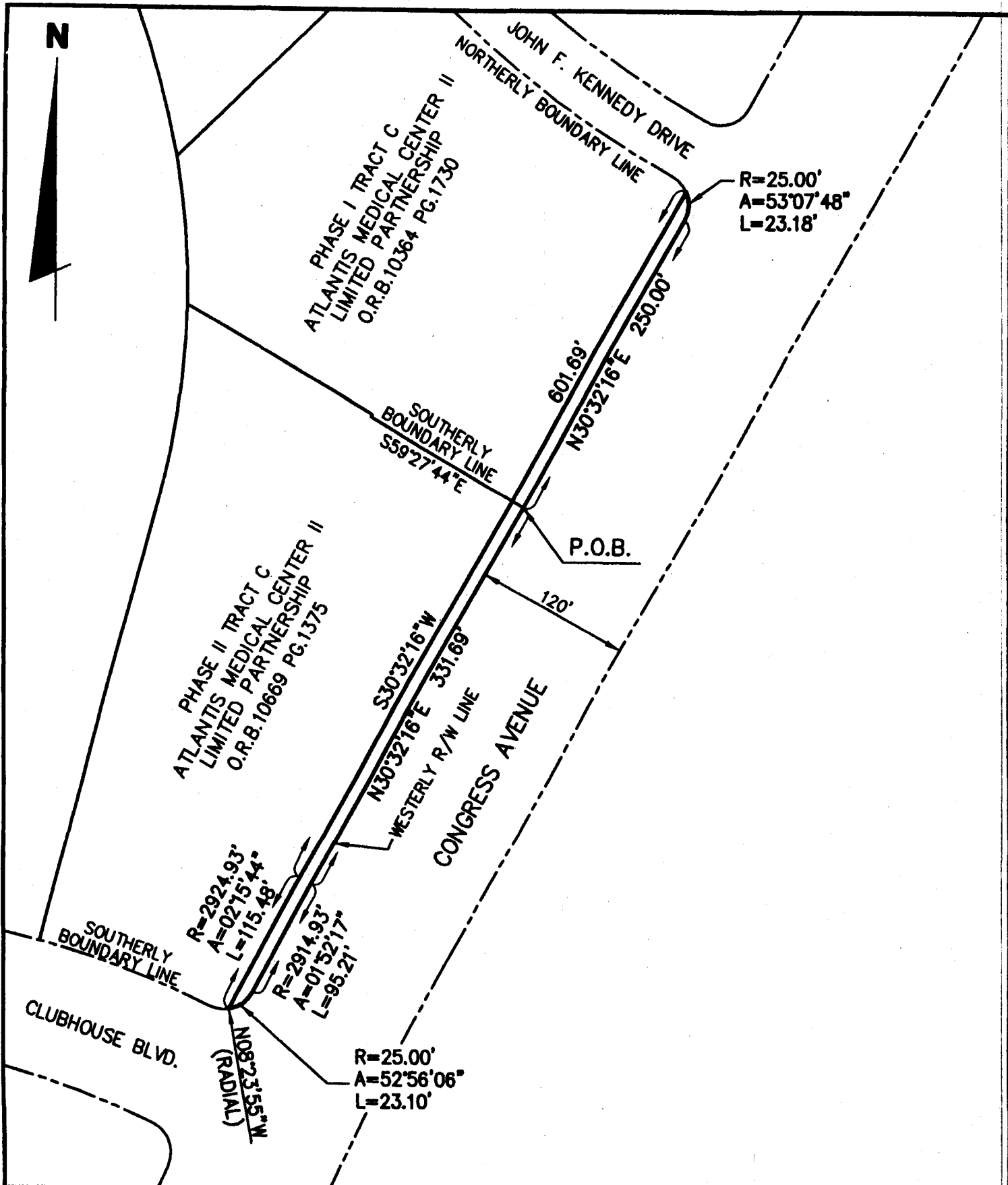
DRAWN:	DKN	PROJ. No. 05-016
CHECKED:	TB	SCALE: NONE
DATE:	SEPT. 2006	SHEET 1 OF 2

CONGRESS AVENUE  
TCE PARCEL 313

REVISION: REVISED PER PBC SURVEY COMMENTS. 10-20-06

# EXHIBIT "A"

2 of 2



THIS SKETCH IS NOT A SURVEY



**BROWN & PHILLIPS, INC.**

PROFESSIONAL SURVEYING SERVICES

CERTIFICATE OF AUTHORIZATION # LB 6473

901 NORTHPOINT PKWY, SUITE 305, W.P.B. FLORIDA 33407

(561) 615-3988, (561) 615-3986 FAX

SKETCH TO ACCOMPANY  
LEGAL DESCRIPTION

DRAWN: DKN PROJ. No. 05-016

CHECKED: TB SCALE: 1"=100'

DATE: SEPT. 2006 SHEET 2 OF 2

CONGRESS AVENUE  
TCE PARCEL 313

## EXHIBIT "B"

### CONGRESS AVENUE FROM LANTANA ROAD TO SOUTH OF MELALEUCA LANE PALM BEACH COUNTY PROJECT #2003507

#### SAFETY

The design includes construction plans for a six-lane divided urban arterial from Lantana Road to south of Melaleuca Lane. The purpose of the project is to widen the existing four-lane roadway relieving congestion and improving drainage for the corridor. This segment will be constructed at approximately the same time as the project from south of Lantana Road to Lantana Road and is included for construction in Fiscal Year 2009.

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 Congress Avenue from Lantana Road to south of Melaleuca Lane to a six-lane divided urban arterial had been estimated prior to beginning design. The appropriate funding for design, easement and right-of-way acquisition, and construction was budgeted in the County's Roadway Program in fiscal years 2003 through 2009. Throughout the roadway design process, reasonable efforts have been made to minimize the areas to be acquired through condemnation.

After considering Safety, Alternate Routes and Methodologies, Planning, and Environmental factors, the cost of the acquisition of right-of-way parcels for this project fits into the planned funding for this project, and the acquisition of these parcels was necessary, in furtherance of this public project.

#### ALTERNATE ROUTES

Alternate routes were considered based on the Project Development and Environmental (PD&E) Study for Lanatna Road to south of Melaleuca Lane by FDOT. The Palm Beach County Comprehensive Plan (Thoroughfare Right-of-way Identification Map) has for many years, defined this route as necessary 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.

#### LONG RANGE PLANNING

The development of this project is in conformance with the Palm Beach County Comprehensive Plan (Thoroughfare Right-of-Way Identification Map). The Palm Beach County Comprehensive Plan (Thoroughfare Right-of-Way Identification Map) identifies this section of Congress Avenue as 110' right-of-way width. The 110' right-of-way width is designed to accommodate an ultimate six (6) lane divided roadway, which is required to meet traffic demands at full development of the County.

#### ENVIRONMENTAL IMPACTS

The alignment of the roadway is mainly within existing rights-of-way, minimizing the impacts to adjacent John Prince Park. This roadway improvement project will be permitted through all appropriate environmental regulatory agencies.