

Agenda Item #: 3-C-4

**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.:** 1997511C2

**I. EXECUTIVE BRIEF**

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

A) Accept a Warranty Deed for Parcel 2 on Seminole Pratt Whitney Road; and

B) Approve payment of a counter-offer in the amount of \$312,900.

**SUMMARY:** This action will accept a Warranty Deed for a parcel of land needed for water management purposes and approve a counter-offer in the amount of \$312,900 for the purchase of the parcel of land, designated as Parcel 2. This parcel is required for the construction of improvements on Seminole Pratt Whitney Road from Seminole Ridge High School to Orange Boulevard.

**District 6 (PK)**

**Background and Justification:** On March 11, 2008, the Palm Beach County Board of County Commissioners approved a request to appraise and acquire land, rights-of-way and easements for projects included in the adopted Five-Year Road Program. Based on appraisals done for Palm Beach County, an offer of \$299,000 was made to the owner of a parcel of land designated as Parcel 2. This parcel is to be utilized as a Water Management Area required for the construction of improvements on Seminole Pratt Whitney Road, from the High School to Orange Boulevard. The owner of Parcel 2 did not accept the offer and presented a counter-offer in the amount of \$340,000. Staff rejected this counter-offer and negotiated a settlement of \$312,900, which is 4.6 percent above the appraised value. Staff has reviewed this counter-offer and recommends approval. The acceptance of this Warranty Deed and counter-offer will avoid lengthy and costly litigation, as well as other professional fees associated with the condemnation process.

**Attachments:**

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

**Recommended by:**

*[Signature]*  
Division Director

*6/16/08*  
Date

**Approved by:**

*[Signature]*  
County Engineer

*7/1/08*  
Date

## II. FISCAL IMPACT ANALYSIS

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

Fiscal Years	2008	2009	2010	2011	2012
Capital Expenditures	<u>\$13,900</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Operating Costs	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
External Revenues	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Program Income (County)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
In-Kind Match (County)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
NET FISCAL IMPACT	<u>\$13,900</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>

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

Is Item Included in Current Budget? Yes X No \_\_\_\_  
Budget Acct No.: Fund 3500 Dept. 361 Unit 0727 Object 6120  
Program

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

Transportation Improvement Fund  
Seminole Pratt/High School to Orange Blvd

Counter-Offer - Parcel 2	\$312,900.00
Appraised Value	\$299,000.00
Fiscal Impact	<u>\$ 13,900.00</u>

C. Departmental Fiscal Review: R.D. Ward 6/3/08

## III. REVIEW COMMENTS

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

Atwillhite 7.8.08  
OFMB  
SN 7/8/08 CW 7/8/08

J. J. Jowett 7/9/08  
Contract Dev. and Control  
EJow 7/9/08

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

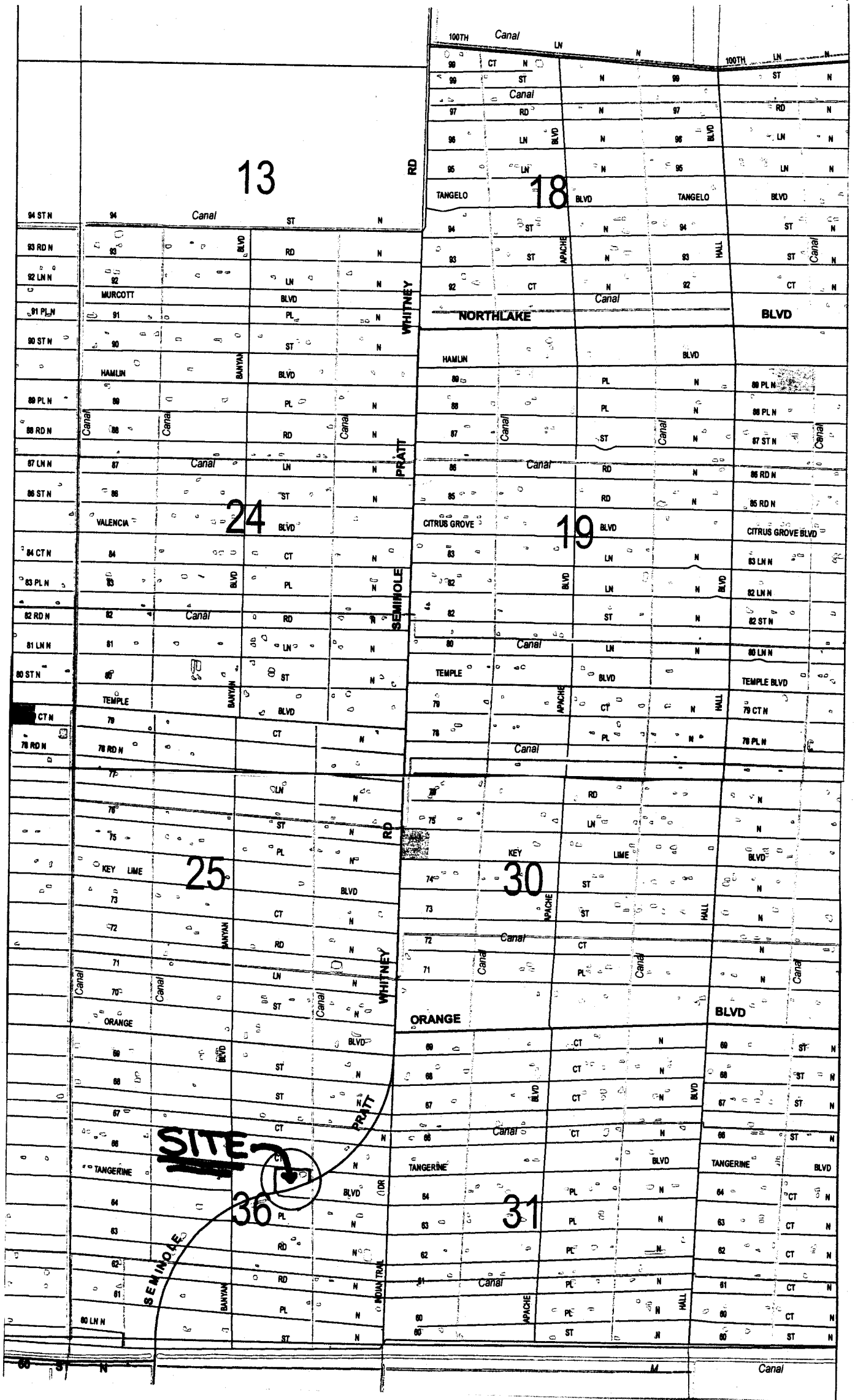
Paul F. 7/10/08  
Assistant County Attorney

### C. Other Department Review:

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

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

# LOCATION MAP



WARRANTY DEED  
WITH EXHIBIT "A"  
1.42

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CHARLES REALTY

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

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

NOT TO BE RECORDED  
WITHOUT BOARD OF COUNTY  
COMMISSIONERS ACCEPTANCE DATE

FCN: 00-40-42-36-00-000-2110  
(Individual/Partnership)

SPACE ABOVE THIS LINE FOR PROCESSING DATA

PROJECT NO. 1997511A

ROAD NAME: Seminole P/W Rd.

LIMITS: High School to Orange Blvd.

PARCEL NO. 2

WARRANTY DEED

THIS WARRANTY DEED, made this 20th day of MAY, 2008, by Ali Munju, whose post office address is 7700 N.W. 23rd Street, Hollywood, FL 33024-3680, hereinafter called grantor, to PALM BEACH COUNTY, a political subdivision of the State of Florida, hereinafter called grantee.

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

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

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

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

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

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

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

MOHAMMAD MAMUN  
WITNESS Signature (Required)

MOHAMMAD MAMUN  
TYPED OR PRINTED NAME OF WITNESS

AKITAR GUDARO  
WITNESS SIGNATURE (Required)

AKITAR GUDARO  
TYPED OR PRINTED NAME OF WITNESS

SIGNATURE OF GRANTOR

Ali Munju

TYPED OR PRINTED NAME OF GRANTOR

7700 N.W. 23rd Street

Hollywood, FL 33024-3680

MAILING ADDRESS

SIGNATURE OF GRANTOR

TYPED OR PRINTED NAME OF GRANTOR

MAILING ADDRESS

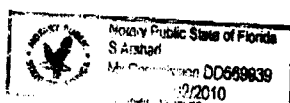
STATE OF FLORIDA  
COUNTY OF MIAMI-DADE

BEFORE ME, the undersigned authority, personally appeared ALI MUNJU  
who is / are

personally known to me or who has produced DRIVER LIC as  
identification and who did not take an oath, executed the foregoing instrument.

WITNESS my hand and official seal this 20th day of MAY, 2008.

Signed: SHARON ARSHAD SHARON ARSHAD  
Notary Public in and for  
the county and state aforementioned



WARRANTY DEED  
with EXHIBIT "A"  
2 of 2

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CHARLES REALTY

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**EXHIBIT "A"**

Commencing at the Northwest corner of Section 36, Township 42 South, Range 40 East, proceed Easterly along the north section line 3425.7 feet to a point; thence proceed southerly parallel to the west section line to a point on the centerline of a curve which is concave to the southeast having a central angle of 77 degrees 46 minutes 34 seconds and a radius of 2420.23 feet, said curve being the centerline of a 120 foot dedicated road easement and said point being the Point of Beginning; from the Point of Beginning, proceed southwesterly along the aforescribed curve to a point lying 3016.5 feet east of the west section line, as measured parallel to the north section line; thence proceed northerly parallel to the west section line to a point 2256.1 feet south of the north section line; thence proceed northerly parallel to the west section line to a point 2256.1 feet south of the north section line as measured parallel to the west section line; thence proceed easterly parallel to the north section line 409.2 feet; thence proceed southerly to an easement to Indian Trail Water Control District for road and drainage purposes over the southerly 60 feet.

# CERTIFICATE of VALUE

## Jenkins Appraisal Services, Inc.

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

April 23, 2008

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

Re: Parcel: 2  
Project: Seminole Pratt Whitney Road  
Project #: 97511C2

Dear Mr. Rose:

In accordance with your request, we have made an inspection, analysis and appraisal of the above referenced parcel. The date of the last inspection and the date of valuation was April 1, 2008. The date of transmittal of this report is indicated above.

Parcel 2 is the total taking of a 2.49 acre site which is currently vacant land. This parcel is located on the northwest corner of Seminole Pratt Whitney Road and Tangerine Boulevard.

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

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

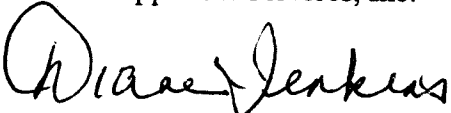
TWO HUNDRED NINETY NINE THOUSAND DOLLARS

\$299,000

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

Respectfully submitted,

Jenkins Appraisal Services, Inc.



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

COUNTER-OFFER  
LETTER  
1.42

05/22/2008 13:46

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CHARLES REALTY

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May 14, 2008

CERTIFIED MAIL

Department of Engineering  
and Public Works

P.O. Box 21229

West Palm Beach, FL 33416-1229

(561) 684-4000

www.pbcgov.com

Palm Beach County  
Board of County  
Commissioners

Addie L. Greene, Chairperson

Jeff Koons, Vice Chair

Karen T. Marcus

Robert J. Kanjian

Mary McCarty

Burt Aaronson

Jess R. Santamaria

County Administrator

Robert Weisman

Mr. Ali Munju  
7700 N.W. 23<sup>rd</sup> Street  
Hollywood, FL 33024-3680

RE: PROJECT NO.: 1997511C2

PROJECT: Seminole Pratt Whitney Rd.

LIMITS: High School - Orange Blvd.

PARCEL NO: 2 (Fee Simple Whole Take)

Dear Mr. Munju:

This office has reviewed your counter-offer proposal of \$340,000 for the parcel referenced above.

We can not accept your counter-offer, but are willing to accept the total compensation amount of \$310,000. Included in this amount is the cancellation fee that you referenced. The County will pay all costs pertaining to the documentary stamps and recording costs since we will do the recording ourselves.

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

I hereby acknowledge and accept the counter-offer amount of <sup>312,900</sup>~~\$310,000~~ for Parcel 2, a Fee Simple Whole Take.

Ali  
Ali Munju

5/20/08  
Date

Page 1 of 2

"An Equal Opportunity  
Affirmative Action Employer"

printed on recycled paper

Addendum: As per our telephone conversation with Mr. Ed Handay the total compensation amount is \$ 312,900 that included the cancellation fee of \$ 2900. - AP 5/20/08

COUNTER-OFFER  
LETTER  
2042

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CHARLES REALTY

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PROJECT NO.: 1997511C2  
PROJECT: Seminole Pratt Whitney Road  
LIMITS: High School to Orange Blvd.  
PARCEL NO.: 2 / Fee Simple Whole Take

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

Sincerely,

A handwritten signature in black ink, appearing to read "L. Morton Rose", is written over a horizontal line.

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

LMR:EH

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