

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

**Meeting Date: December 16, 2008**

☒ Consent  
☐ Workshop

☐ Regular  
☐ Public Hearing

**Department:**

**Submitted By: Engineering and Public Works**

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

**I. EXECUTIVE BRIEF**

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

- A) Approve a County Deed in favor of Boynton Beach Associates, XXII, LLLP (Boynton Associates) to convey un-used right-of-way originally intended for a right turn lane on Boynton Beach Boulevard; and
- B) Accept a Warranty Deed from Boynton Associates donating property for a new right turn lane on Boynton Beach Boulevard.

**SUMMARY:** Approval of this item will convey un-used right-of-way originally intended for a right turn lane and accept right-of-way for a new right turn lane along Boynton Beach Boulevard.

District 5 (PK)


**Background and Justification:** Palm Beach County (County) received a deed at no cost, for property which was to be used to construct a future right turn lane along Boynton Beach Boulevard. The right turn lane has never been constructed.


Boynton Associates is developing the property adjacent to this area of Boynton Beach Boulevard. Their plans call for the right-turn lane to be constructed west of the originally intended location. Boynton Beach Boulevard is a Florida Department of Transportation (FDOT) road. FDOT has reviewed the request to shift the proposed right turn lane to the new location and has no objections. Review by County staff produced no objections.

Therefore, it is recommended that the Board of County Commissioners approve the County Deed to convey un-used right-of-way and accept the Warranty Deed for the right-of-way needed to construct the proposed right turn lane on Boynton Beach Boulevard.

**Attachments:**

- 1. Location Map
- 2. County Deed with Exhibit "A"
- 3. Copy of Warranty Deed with Exhibit "A"

**Recommended by:**  11/14/08  
Division Director Date

**Approved by:**  12/2/08  
County Engineer Date

KAT 

## II. FISCAL IMPACT ANALYSIS

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

Fiscal Years	2009	2010	2011	2012	2013
Capital Expenditures	-0-	-0-	-0-	-0-	-0-
Operating Cost	-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	-0-				

### # ADDITIONAL FTE POSITIONS (Cumulative)

Is Item Included in Current Budget? Yes \_\_\_ No \_\_\_  
Budget Account No.: Fund \_\_\_ Agency \_\_\_ Org. \_\_\_ Object \_\_\_  
Reporting Category

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

This item has no fiscal impact.

C. Departmental Fiscal Review: *[Signature]*

## III. REVIEW COMMENTS

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

No fiscal impact.

*[Signature]* 12-5-08  
OFMB  
(110) SN 12/14/08 ON 12/02/08

*[Signature]* 12/5/08  
Contract Dev. and Control

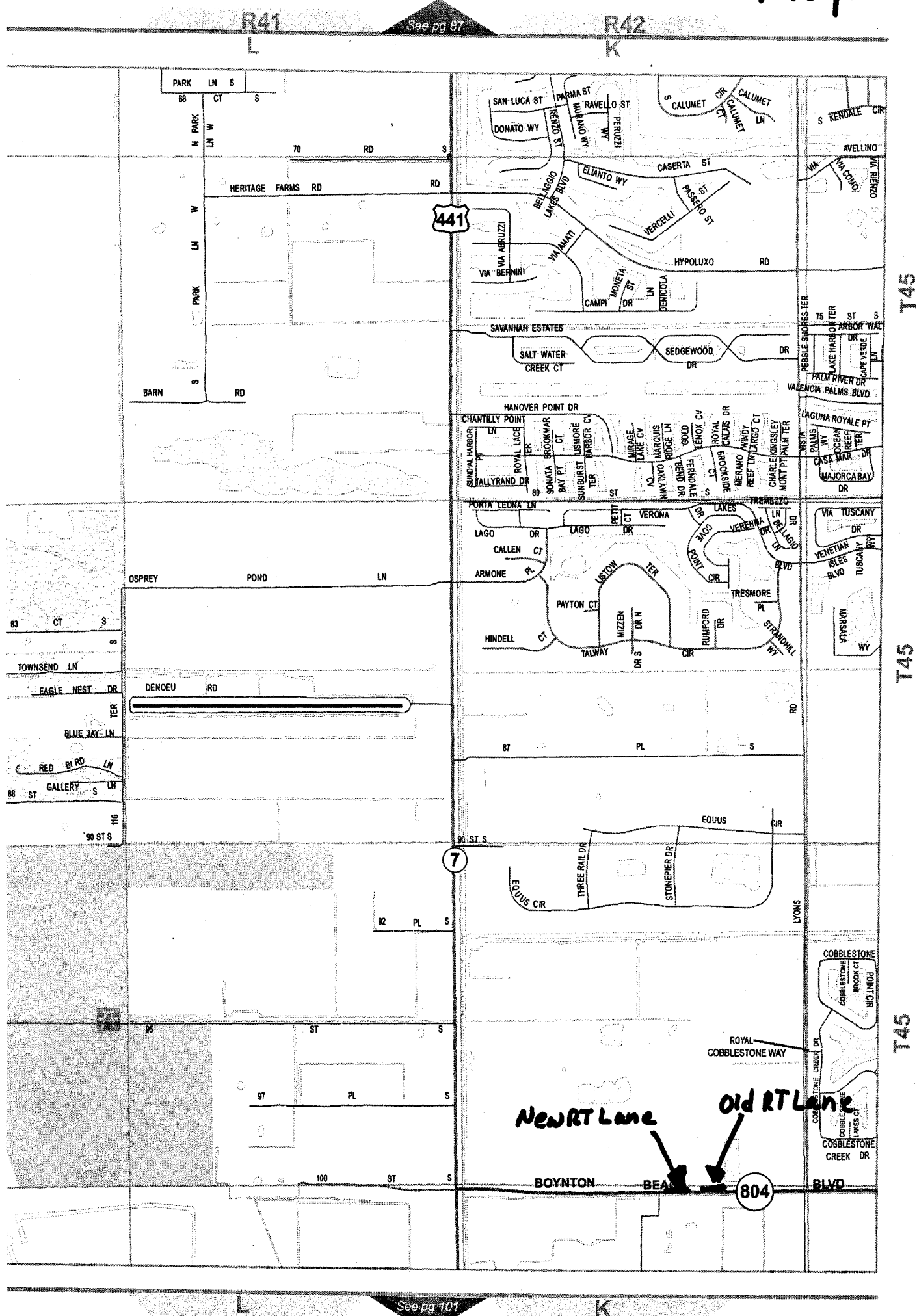
### B. Legal Sufficiency:

*[Signature]* 12/8/08  
Assistant County Attorney

### C. Other Department Review:

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

# Location map



RETURN TO:

PALM BEACH COUNTY  
NAME: R/W ACQUISITION SECTION  
POST OFFICE BOX 21229  
ADDRESS: WEST PALM BEACH, FLORIDA 33416  
ATTN: KAT  
ACCT. NO.: 1010 W/C BOX 1066

## C O U N T Y D E E D

THIS DEED, made this \_\_\_\_\_ by PALM BEACH COUNTY, a political subdivision of the State of Florida, party of the first part, and BOYNTON BEACH ASSOCIATES XXII, LLLP, a Florida limited liability limited partnership, whose post office address is 1600 Sawgrass Corporate Parkway, Suite 230, Sunrise, Florida 33323, party of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of Ten (\$10.00) Dollars to it in hand paid by the parties of the second part, receipt whereof is hereby acknowledged, has granted, bargained and sold to the parties of the second part, their heirs and assigns forever, the following described land lying and being in Palm Beach County, Florida:

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

IN WITNESS WHEREOF the said party of the first part has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chair or Vice Chair of said Board, the day and year aforesaid.

ATTEST:  
SHARON R. BOCK, Clerk & Comptroller

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

BY: \_\_\_\_\_  
Clerk (or Deputy Clerk)

BY: \_\_\_\_\_, Chair

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

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

This instrument prepared by:  
Paul King, Assistant County Attorney  
Palm Beach County  
P.O. Box 21229  
West Palm Beach, FL 33416

STATE OF FLORIDA  
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_ by \_\_\_\_\_, Chair, Board of County Commissioners, who is personally known to me or who has produced \_\_\_\_\_ as identification and who did not take an oath.

\_\_\_\_\_  
Typed name of Acknowledger  
Deputy Clerk

**EXHIBIT "A"**

SKETCH TO ACCOMPANY DESCRIPTION.  
THIS IS NOT A SURVEY!

**LEGAL DESCRIPTION:**

A 12.00 FOOT STRIP OF LAND BEING THE NORTH 12.00 FEET OF THE SOUTH 103.00 FEET LESS THE WEST 44.65 FEET OF TRACT 109, BLOCK 51, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 45 THROUGH 54, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.

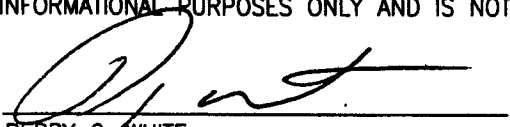
CONTAINING 0.08 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RIGHTS-OF-WAY OF RECORD.


BEARINGS ARE BASED ON THE SOUTH LINE OF TRACT 109, WHICH BEARS NORTH 89°02'44" EAST WITH ALL OTHER BEARINGS, AS SHOWN HEREON, BEING RELATIVE THERETO.

**CERTIFICATION:**

I HEREBY CERTIFY THAT THE DESCRIPTION AND ATTACHED SKETCH OF DESCRIPTION WERE PREPARED IN ACCORDANCE WITH THE SURVEYING STANDARDS, CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS & MAPPERS, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, THIS LEGAL DESCRIPTION AND SKETCH IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.

  
PERRY C. WHITE  
PROFESSIONAL LAND SURVEYOR AND MAPPER  
LICENSE NO. 4213, STATE OF FLORIDA  
DATE: 7/23/08

NOTE: THIS IS NOT A SKETCH OF SURVEY, BUT ONLY A GRAPHIC DEPICTION OF THE DESCRIPTION SHOWN HEREON. THERE HAS BEEN NO FIELD WORK, VIEWING OF THE SUBJECT PROPERTY, OR MONUMENTS SET IN CONNECTION WITH THE PREPARATION OF THE INFORMATION SHOWN HEREON. NOTE: LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RESTRICTIONS, RIGHTS-OF-WAY AND EASEMENTS OF RECORD.

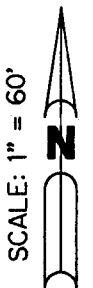
© 2008 ARCADIS U.S., Inc.	 <b>ARCADIS U.S., Inc.</b> 2081 Vista Parkway West Palm Beach, Florida 33411 Tel: (561) 697-7000 Fax: (561) 697-7751 www.arcadis-us.com	LB 7062	PROJECT MANAGER	DEPARTMENT MANAGER	SCALE:	CHECKED BY
			PCW	PCW	1" = 60'	PCW
			SHEET TITLE		DATE:	DRAWN BY
			RELEASED		7/23/08	BEJ
ROAD R/W		PROJECT NUMBER	DRAWING NUMBER			
SHEET 1 OF 2		WP00A883	A883SD11			

# EXHIBIT "A"

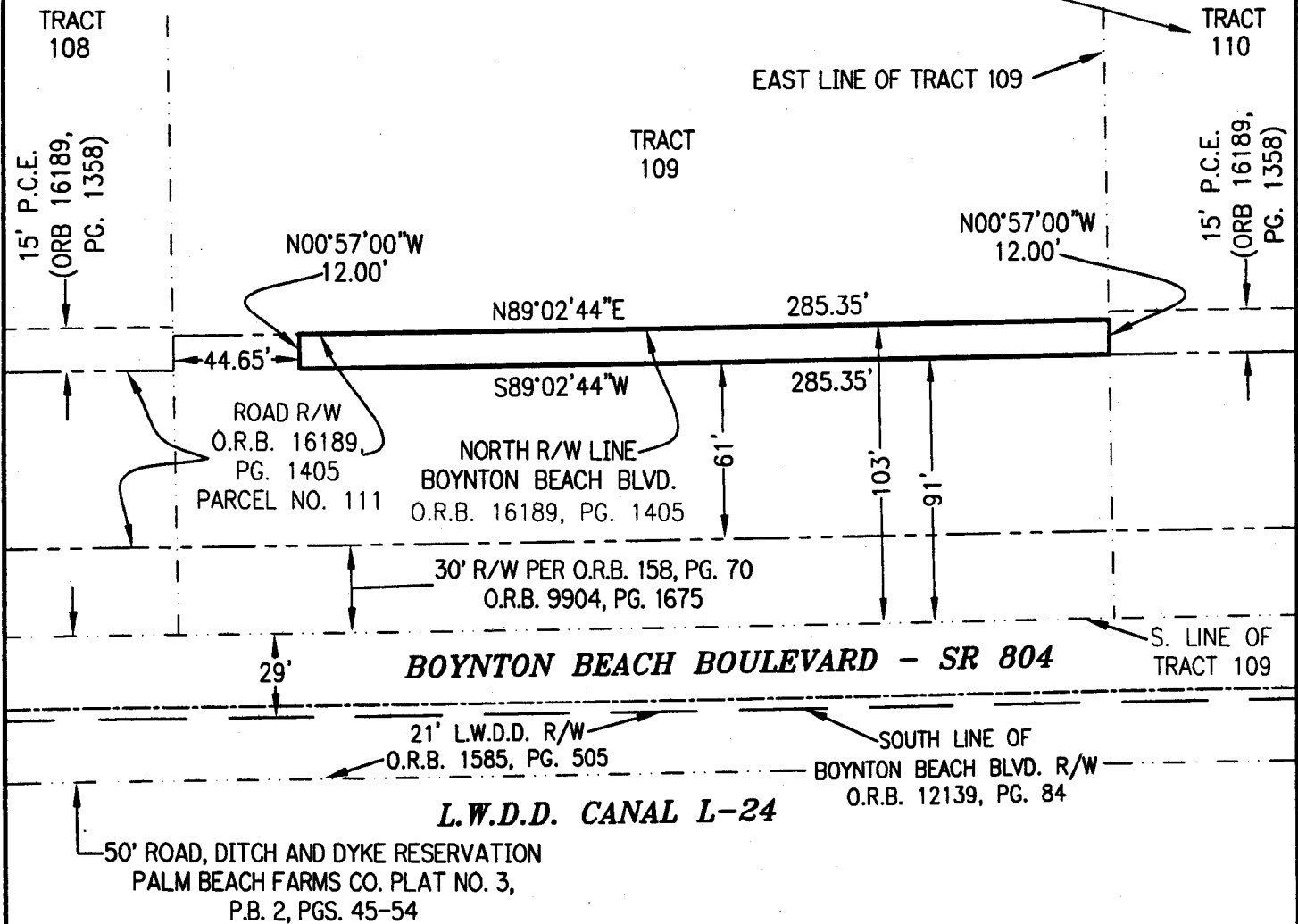
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## LEGEND:

L.W.D.D. = LAKE WORTH DRAINAGE DISTRICT  
O.R.B. = OFFICIAL RECORD BOOK  
PG(S). = PAGE(S)  
P.B. = PLAT BOOK  
R/W = RIGHT-OF-WAY  
SR = STATE ROAD  
P.C.E. = PERMANENT CONSTRUCTION EASEMENT



BLOCK 51  
PALM BEACH FARMS CO. PLAT NO. 3  
P.B. 2, PGS. 45-54



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West Palm Beach, Florida 33411

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LB 7062

PROJECT MANAGER PCW	DEPARTMENT MANAGER PCW	SCALE: 1" = 60'	CHECKED BY PCW
SHEET TITLE RELEASED ROAD R/W	DATE: 7/23/08	PROJECT NUMBER WP00A883	DRAWN BY BEJ
SHEET 2 OF 2			DRAWING NUMBER A883SD11

Return to:

Palm Beach County  
R/W Acquisition Section  
Post Office Box 21229  
West Palm Beach, Florida 33416  
Attn: \_\_\_\_\_  
Acct. No.: 1010 W/C BOX 1066

This Instrument Prepared by:

Paul F. King  
Assistant County Attorney  
Post Office Box 21229  
West Palm Beach, Florida 33416

PCN: 00-42-43-27-05-051-038-0

NOT TO BE RECORDED WITHOUT BOARD OF  
COUNTY COMMISSIONERS ACCEPTANCE DATE

PROJECT NO. 1993901  
ROAD NAME: Boynton Beach Blvd  
PARCEL NO. 249

### WARRANTY DEED

THIS WARRANTY DEED, made this 14<sup>th</sup> day of October, 20008, by **BOYNTON BEACH ASSOCIATES XXII, LLLP**, a Florida limited liability limited partnership, whose post office address is 1600 Sawgrass Corporate Parkway, Suite 230, Sunrise, Florida 33323, hereinafter called grantor, to **PALM BEACH COUNTY**, a political subdivision of the State of Florida, whose post office address is P.O. Box 21229, West Palm Beach, Florida 33416, 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:

See Exhibit "A" attached hereto and made a part hereof.

SUBJECT TO: (a) taxes and assessments for the year 2008 and subsequent years not yet due or payable; (b) all laws, ordinances, regulations, restrictions, prohibitions and other requirements imposed by governmental authority, including, but not limited to, all applicable building, zoning, land use and environmental ordinances and regulations; and (c) conditions, restrictions, limitations, easements and other matters of record, if any, but this reference shall not operate to reimpose any of the same.

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 the grantee that the 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, subject to the matters set forth above, 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 liens and mortgages as of the date hereof.

[signatures and notary acknowledgment follow on next page]

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

Signed, sealed and delivered  
in the presence of:

GRANTOR:

BOYNTON BEACH ASSOCIATES XXII, LLLP, a Florida  
limited liability limited partnership

By: Boynton Beach XXII Corporation, a Florida  
corporation, its general partner

By: N. Maria Menendez  
N. Maria Menendez, Vice President

Michael Sheitelman  
Print Name: MICHAEL SHEITELMAN

Shardlyn Webb  
Print Name: SHARDLYN WEBB

Michael Sheitelman  
Print Name: MICHAEL SHEITELMAN

Shardlyn Webb  
Print Name: SHARDLYN WEBB

ATTEST:

By: Paul Corban  
Paul Corban, Secretary

STATE OF FLORIDA )  
COUNTY OF BROWARD )

The foregoing instrument was acknowledged before me this 14 day of October, 2008 by N. Maria Menendez, as Vice President, and Paul Corban, as Secretary, of Boynton Beach XXII Corporation, a Florida corporation, the general partner of BOYNTON BEACH ASSOCIATES XXII, LLLP, a Florida limited liability limited partnership, on behalf of said corporation and limited liability limited partnership. They are both personally known to me.

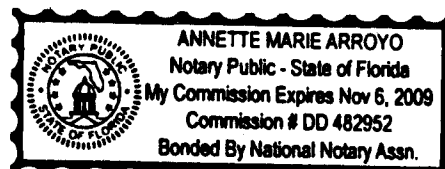
WITNESS my hand and official seal in the County and State last aforesaid this 14 day of October, 2008.

My Commission Expires:

11/6/09

Annette Arroyo  
Notary Public

Annette Arroyo  
Typed, Printed or Stamped name of Notary Public



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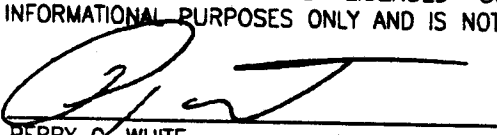
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PROFESSIONAL LAND SURVEYOR AND MAPPER  
LICENSE NO. 4213, STATE OF FLORIDA  
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 <b>ARCADIS U.S., Inc.</b> 2081 Vista Parkway West Palm Beach, Florida 33411 Tel: (561) 697-7000 Fax: (561) 697-7751 www.arcadis-us.com	PROJECT MANAGER PCW	DEPARTMENT MANAGER PCW	SCALE: 1" = 60'	CHECKED BY PCW
	SHEET TITLE ADDITIONAL ROAD R/W		DATE: 7/23/08	DRAWN BY BEJ
			PROJECT NUMBER WP00A883	DRAWING NUMBER A883SD12
	SHEET 1 OF 2			

# EXHIBIT "A"

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O.R.B. = OFFICIAL RECORD BOOK  
PG(S). = PAGE(S)  
P.B. = PLAT BOOK  
R/W = RIGHT-OF-WAY  
SR = STATE ROAD  
P.C.E. = PERMANENT CONSTRUCTION EASEMENT



SCALE: 1" = 60'

TRACT 107

TRACT 108

TRACT 109

BLOCK 51  
PALM BEACH FARMS CO. PLAT NO. 3  
P.B. 2, PGS. 45-54

EAST LINE OF TRACT 108

15' P.C.E.  
(ORB 16189,  
PG. 1358)

S00°57'00"E  
12.00'

N00°57'00"W  
12.00'

NB9°02'44"E

285.35'

44.65'

S89°02'44"W

285.35'

ROAD R/W  
O.R.B. 16189,  
PG. 1405  
PARCEL NO. 111

NORTH R/W LINE  
BOYNTON BEACH BLVD.  
O.R.B. 16189,  
PG. 1405

30' R/W PER O.R.B. 158, PG. 70  
O.R.B. 9904, PG. 1675

BOYNTON BEACH BOULEVARD - SR 804

S. LINE OF  
TRACT 108

21' L.W.D.D. R/W  
O.R.B. 1585, PG. 505

SOUTH LINE OF  
BOYNTON BEACH BLVD. R/W  
O.R.B. 12139, PG. 84

L.W.D.D. CANAL L-24

50' ROAD, DITCH AND DYKE RESERVATION  
PALM BEACH FARMS CO. PLAT NO. 3,  
P.B. 2, PGS. 45-54

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ARCADIS U.S., Inc.

2081 Vista Parkway  
West Palm Beach, Florida 33411

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www.arcadis-us.com

PROJECT MANAGER  
PCW

DEPARTMENT MANAGER  
PCW

SCALE:  
1" = 60'

CHECKED BY  
PCW

SHEET TITLE  
ADDITIONAL  
ROAD R/W

DATE:  
7/23/08

DRAWN BY  
BEJ

PROJECT NUMBER

DRAWING NUMBER

WP00A883

A883SD12

SHEET 2 OF 2