

Agenda Item # : **3-C-5**

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

Meeting Date: July 21, 2009

☒ Consent ☐ Regular
☐ Workshop ☐ Public Hearing

Department:

Submitted By: Engineering and Public Works

Submitted For: Engineering Services Division/Right-of-Way Acquisition Section

EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to adopt: Four Resolutions declaring the acquisition of property known as Parcels 104 and 106 as partial takes in fee simple for right-of-way, and Parcels 704 and 706 as temporary construction easements, for the improvement and construction of Lyons Road from north of West Atlantic Avenue to south of Boynton Beach Boulevard, being Palm Beach County Project No. 2005503.

SUMMARY: Approval of this action will adopt four Resolutions to authorize the filing of eminent domain proceedings against four parcels whose estimated total value is \$691,000.

District 5 (PM)

Background and Justification: The four parcels are required for the widening and construction of improvements to Lyons Road from north of West Atlantic Avenue to south of Boynton Beach Boulevard. These acquisitions are for a public purpose and necessity, which is deemed to be in the best interest of Palm Beach County.

Attachments:

1. Location Maps (2)
2. Resolutions with Exhibit "A" and Exhibit "B" (12)

Recommended by: *[Signature]* 6/05/09
Division Director Date

Approved by: *[Signature]* 6/29/09
County Engineer Date

KAT

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2009	2010	2011	2012	2013
Capital Expenditures	\$691,000	-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	\$691,000	-0-	-0-	-0-	-0-

ADDITIONAL FTE

POSITIONS (Cumulative) _____

Is Item Included in Current Budget? Yes X No

Budget Acct No.: Fund 3505 Dept. 361 Unit 1153 Object 6120
Program

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

Road Impact Fees - Zone 5

Lyons Rd/N of West Atlantic to S of Boynton Beach

Estimated Value of Parcels

Fee Acquisitions and Temporary Construction Easements

Parcel 104	\$215,000
Parcel 704	\$ 6,000
Parcel 106	\$466,200
Parcel 706	\$ 3,800
Total	\$691,000

C. Departmental Fiscal Review: Shrellite

III. REVIEW COMMENTS

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

 [Signature] 7/8/09
OFMB [Signature] 6/29/09

 [Signature] 7/9/09
Contract Dev. and Control [Signature] 7/9/09

B. Approved as to Form and Legal Sufficiency:

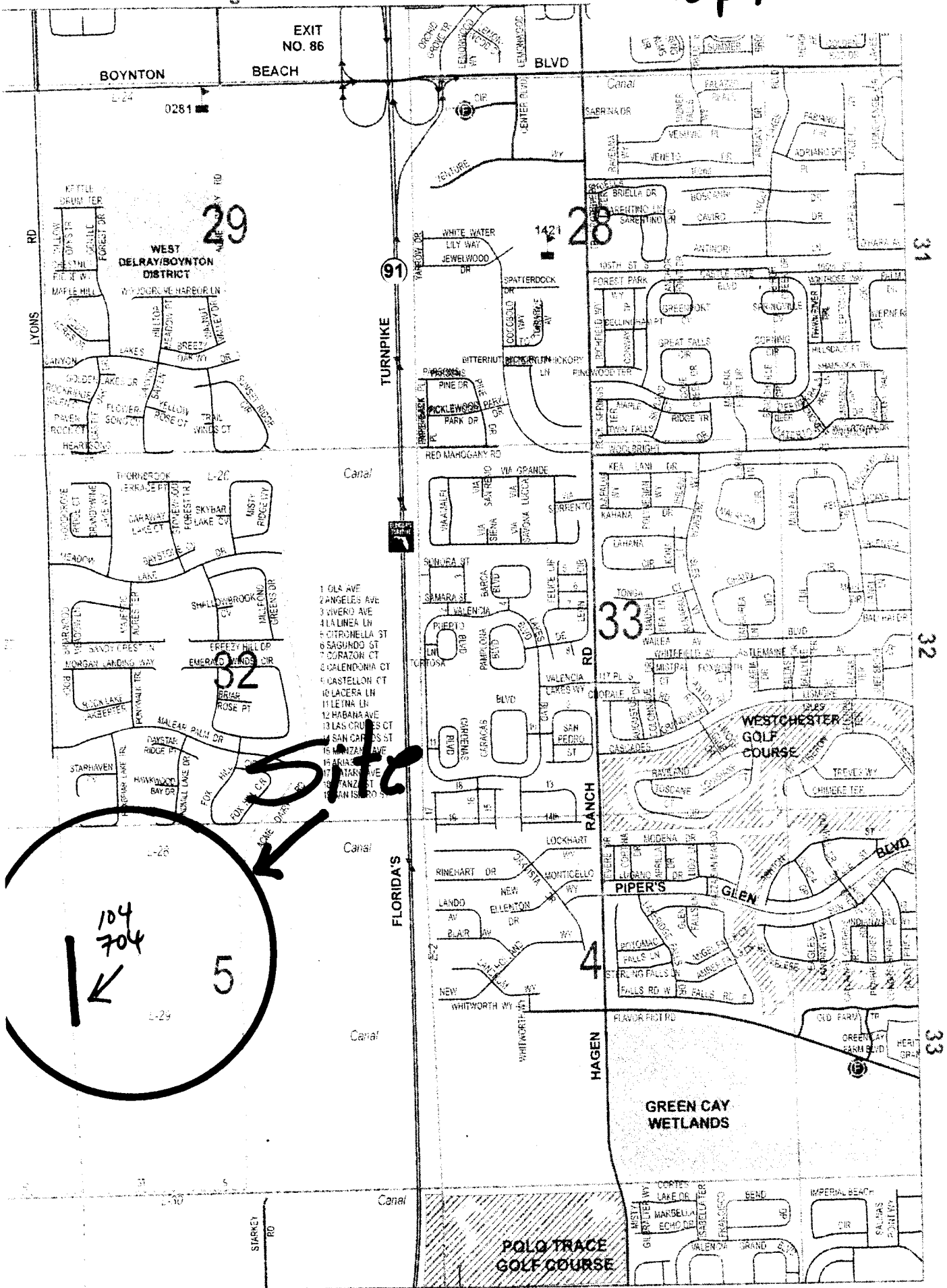
 [Signature]
Assistant County Attorney

C. Other Department Review:

Department Director

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

Location Map 1

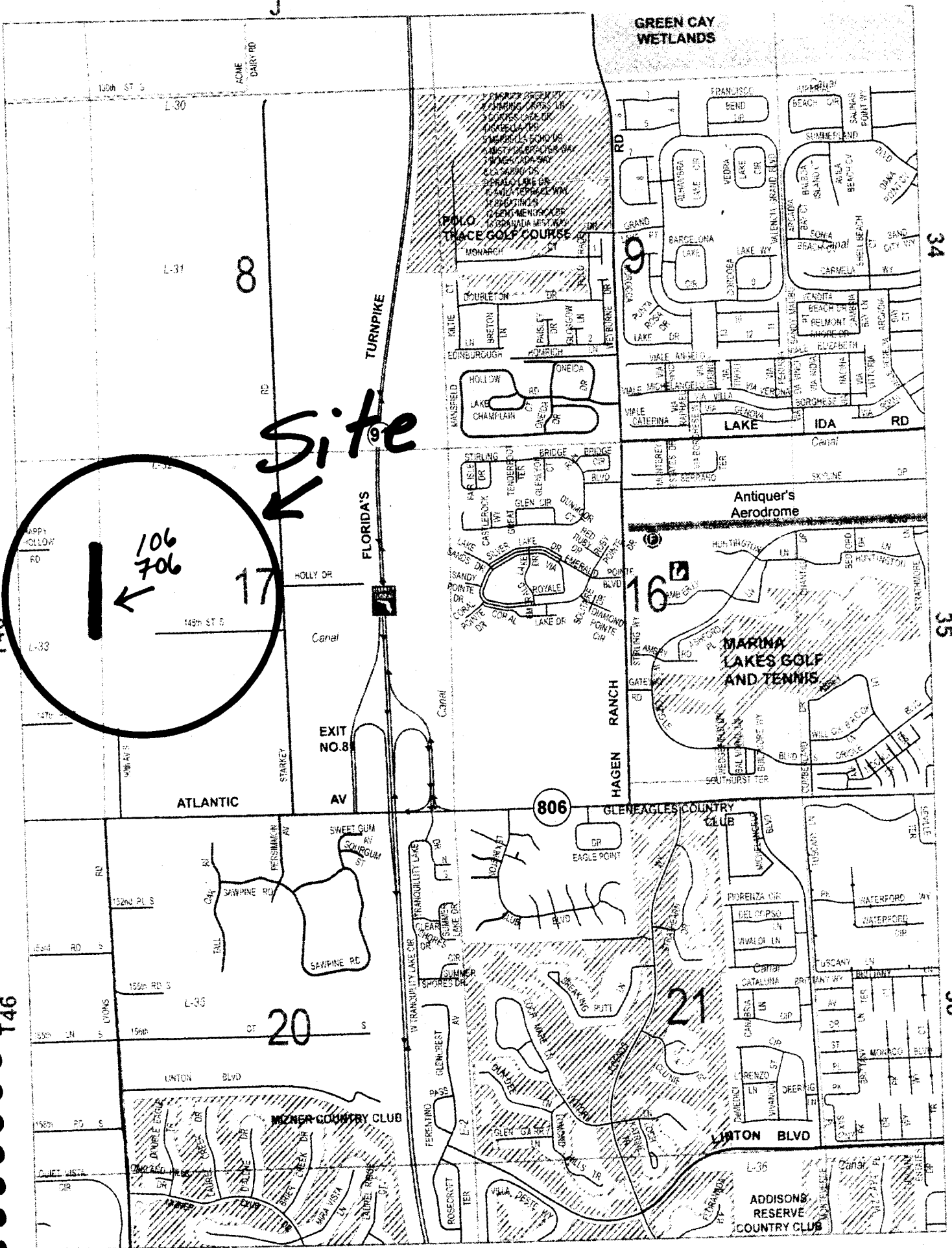


Location Map 2

108

R42

See pg 102



See pg 115

108

RESOLUTION NO. R2009

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ADOPTING THIS RESOLUTION DECLARING THE ACQUISITION OF PROPERTY KNOWN AS PARCEL 104 AS A PARTIAL TAKE IN FEE SIMPLE FOR RIGHT-OF-WAY, NECESSARY FOR THE CONSTRUCTION AND IMPROVEMENT OF LYONS ROAD FROM NORTH OF WEST ATLANTIC AVENUE TO SOUTH OF BOYNTON BEACH BOULEVARD, 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 construction and improvement of Lyons Road from north of West Atlantic Avenue to south of Boynton Beach Boulevard, in Palm Beach County, Florida; and,

WHEREAS, the funds are available for the acquisition of this parcel; 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, Alternative Routes or Methodologies, Long Range Plans, and the Environment, as applicable to this parcel and as set forth in Exhibit "A", attached hereto and incorporated herein, prior to determining that the acquisition of Parcel 104 is necessary; and,

WHEREAS, this Board has considered the required factors under Florida Law, as they apply to Parcel 104, which is more fully described in Exhibit "B"; and,

WHEREAS, after considering the factors as set forth above, this Board has determined that the acquisition of the real property identified as Parcel 104 for the necessary Partial Take in Fee Simple for Right-of-Way, which is more fully described in Exhibit "B", is necessary for the following public purpose, to wit: the construction and improvement of Lyons Road from north of West Atlantic Avenue to south of Boynton Beach Boulevard, 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, a Partial Take in Fee Simple of the property identified as Parcel 104 is necessary for right-of-way, thereon with the construction to be undertaken by Palm Beach County as to Lyons Road from north of West Atlantic Avenue to south of Boynton Beach Boulevard, thereon and adjacent thereto. The right-of-way Partial Take in Fee Simple of the parcel is granted upon the condition that the construction limits shall not extend beyond the limits outlined in the legal description of said property; and,

WHEREAS, the property to be acquired through the use of Eminent Domain as authorized by this resolution is not being acquired for the purpose of abating or eliminating public nuisances, slum or blight conditions, and is subject to any applicable conveyance restrictions pursuant to Florida laws, to the extent they may apply; and,

WHEREAS, the acquisition of this parcel is necessary for the construction and improvement of Lyons Road from north of West Atlantic Avenue to south of Boynton Beach Boulevard; and,

WHEREAS, in order to accomplish the acquisition of this parcel, 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:

1. This Board adopts and ratifies those matters set forth in the foregoing recitals.
2. The County Engineer and County Attorney are authorized and directed to employ real estate appraisers for the purpose of securing an appraisal of the value of the property described in Exhibit "B" for the purpose of acquiring said property through Eminent Domain.
3. The County Engineer and the County Attorney are hereby further 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 "B", and prepare all papers, pleadings, and other instruments required for that purpose, and to see that all Eminent Domain proceedings are prosecuted to judgment.
4. The County Engineer and County Attorney are hereby authorized 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 "B" that may be necessary to fully accomplish those purposes.

BE IT FURTHER RESOLVED that the property described in Exhibit "B" is to be used for the following public purpose: Partial Take in Fee Simple for Right-of-Way.

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:

John F. Koons, Chairman	_____
Burt Aaronson, Vice Chairman	_____
Karen T. Marcus	_____
Shelley Vana	_____
Steven L. Abrams	_____
Jess R. Santamaria	_____
District 7	_____

The Chairman thereupon declared the Resolution passed and adopted this _____ day of _____, 2009.

SHARON R. BOCK,
Clerk and Comptroller

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: _____
County Attorney

EXHIBIT "A"

LYONS ROAD FROM NORTH OF ATLANTIC AVENUE TO SOUTH OF BOYNTON BEACH BOULEVARD PALM BEACH COUNTY PROJECT #2005503

SAFETY

The design includes construction plans for a two-lane undivided rural arterial from north of Atlantic Avenue to south of Boynton Beach Boulevard. The purpose of the project is to construct one of the final missing links in the Lyons Road corridor thereby relieving congestion on nearby roadways and improving traffic flow within the area. This segment is included for construction in calendar year 2010.

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 constructing Lyons Road from north of Atlantic Avenue to south of Boynton Beach Boulevard as a two-lane undivided rural 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 2005 through 2008. 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 Lyons Road Alignment Studies performed for the County as project numbers 2003603S and 2004610S. In both cases, the Central Alignment options were chosen as the preferred alignment. 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 Lyons Road 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 agricultural areas. This roadway project will be permitted through all appropriate environmental regulatory agencies.

Below is a more detailed outline of the reasons acquisition needed for the construction of Lyons Road.

FEE ACQUISITION OF ADDITIONAL RIGHT-OF-WAY FOR ROADWAY IMPROVEMENTS

There is minimal and sporadic existing rights-of-way along this corridor. While existing rights-of-way are being utilized whenever possible, acquisition of additional right-of-way is unavoidable.

TEMPORARY CONSTRUCTION EASEMENTS FOR ROADWAY

There is minimal and sporadic existing rights-of-way along this corridor. While existing rights-of-way are being utilized whenever possible, acquisition of additional right-of-way is unavoidable. Temporary construction easements will only be required to tie-in to existing grades and harmonize and restore.

Exhibit "B" to
Resolution 1 of 2

A PORTION OF TRACTS 48 AND 49, BLOCK 63, OF THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SECTION 6, TOWNSHIP 46 SOUTH, RANGE 42 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE WEST 30.00 FEET OF SAID TRACT 48, BLOCK 63;
AND

THE WEST 30.00 FEET OF SAID TRACT 49, BLOCK 63.
AND

THE SOUTH 15.00 FEET OF THE WEST 30.00 FEET OF THE EXISTING 30.00 FOOT ROAD, DYKE AND DITCH RESERVATION IN BLOCK 63 LYING BETWEEN SAID TRACT 48 AND TRACT "Z" AS SHOWN ON THE PLAT OF CANYON LAKES PRESERVE AREA NO. 5, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 101, PAGES 173 THROUGH 175, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID PARCEL CONTAINS 40,008 SQUARE FEET OR 0.9185 ACRES MORE OR LESS.

BEING SUBJECT TO ANY/ALL EASEMENTS, RESERVATIONS, DEDICATIONS OR RESTRICTIONS.

LEGEND

D.B. = DEED BOOK

LWDD = LAKE WORTH

DRAINAGE DISTRICT

O.R.B. = OFFICIAL RECORDS BOOK

P.B. = PLAT BOOK

PG. = PAGE

PKWY = PARKWAY

RDDR = ROAD, DYKE & DITCH RESERVATION

R/W = RIGHT OF WAY


STA = STATION

BEARING BASE;

BEARINGS SHOWN HEREON ARE REFERENCED TO STATE PLANE COORDINATES, NORTH AMERICAN DATUM OF 1983/1990 ADJUSTED, FLORIDA EAST ZONE, REFERENCE A BEARING OF SOUTH 00°23'30" EAST ALONG THE EAST RIGHT OF WAY LINE OF LYONS ROAD, SAID LINE ALSO BEING THE EAST LINE OF TRACT "Z", REFERENCE THE PLAT OF CANYON LAKES PRESERVE AREA NO. 5, PLAT BOOK 101, PAGES 173-175, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

NO SEARCH OF THE PUBLIC RECORDS WAS MADE BY THE SIGNING SURVEYOR.

THIS INSTRUMENT WAS PREPARED BY DAVID JOSEPH WICHSER, P.S.M., IN THE OFFICE OF BETSY LINDSAY INC., SURVEYING & MAPPING, 7997 S.W. JACK JAMES DRIVE, STUART, FLORIDA, 34997.


DAVID JOSEPH WICHSER, P.S.M.
FLORIDA CERTIFICATE NO. 5565

11-10-08
DATE

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

PROJECT PARCEL 104 LYONS ROAD ADDITIONAL ROAD RIGHT OF WAY	DESIGN FEE NAME Parcel 104 Lyons Rd	DRAWING NO Parcel 104
	DATE 12/21/07	

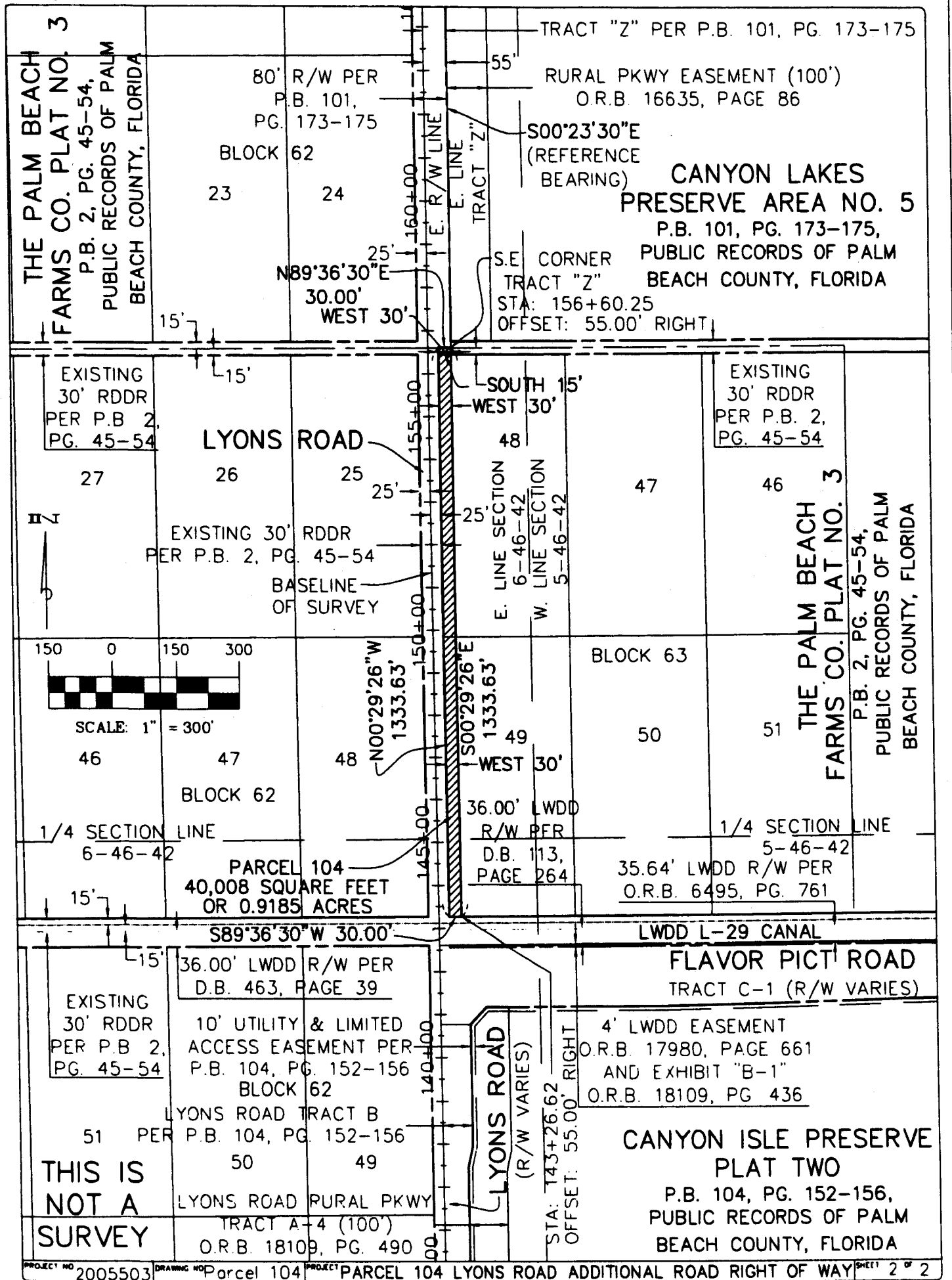
NO	REVISION	BY	DATE
1	REVISED S. TRACT LINES TRACTS 48 & 49	D.B.	08/22/08
2	ADDED DEED BOOK DATA AT L-29 CANAL	D.B.	11/03/08

SCALE NO. SCALE	APPROVED D.J.W.	DRAWN D.B.	CHECKED D.J.W.	DATE 12/21/07	FIELD BOOK NO.
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B BETSY LINDSAY, INC. SURVEYING AND MAPPING 7997 S.W. JACK JAMES DRIVE STUART, FLORIDA 34997 (772)286-5783 (772)286-5833 FAX LICENSED BUSINESS NO. 6862
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Exhibit "B" to
Resolution 2 of 2

S:\06PROJECTS\06-50 LYONS ROAD\dwg\SL-RWEXRD01-REV-2.dwg, PARCEL 104, 11/7/2008 10:50:43 AM



RESOLUTION NO. R2009

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ADOPTING THIS RESOLUTION DECLARING THE ACQUISITION OF PROPERTY KNOWN AS PARCEL 106 AS A PARTIAL TAKE IN FEE SIMPLE FOR RIGHT-OF-WAY, NECESSARY FOR THE CONSTRUCTION AND IMPROVEMENT OF LYONS ROAD FROM NORTH OF WEST ATLANTIC AVENUE TO SOUTH OF BOYNTON BEACH BOULEVARD, 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 construction and improvement of Lyons Road from north of West Atlantic Avenue to south of Boynton Beach Boulevard, in Palm Beach County, Florida; and,

WHEREAS, the funds are available for the acquisition of this parcel; 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, Alternative Routes or Methodologies, Long Range Plans, and the Environment, as applicable to this parcel and as set forth in Exhibit "A", attached hereto and incorporated herein, prior to determining that the acquisition of Parcel 106 is necessary; and,

WHEREAS, this Board has considered the required factors under Florida Law, as they apply to Parcel 106, which is more fully described in Exhibit "B"; and,

WHEREAS, after considering the factors as set forth above, this Board has determined that the acquisition of the real property identified as Parcel 106 for the necessary Partial Take in Fee Simple for Right-of-Way, which is more fully described in Exhibit "B", is necessary for the following public purpose, to wit: the construction and improvement of Lyons Road from north of West Atlantic Avenue to south of Boynton Beach Boulevard, 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, a Partial Take in Fee Simple of the property identified as Parcel 106 is necessary for right-of-way, thereon with the construction to be undertaken by Palm Beach County as to Lyons Road from north of West Atlantic Avenue to south of Boynton Beach Boulevard, thereon and adjacent thereto. The right-of-way Partial Take in Fee Simple of the parcel is granted upon the condition that the construction limits shall not extend beyond the limits outlined in the legal description of said property; and,

WHEREAS, the property to be acquired through the use of Eminent Domain as authorized by this resolution is not being acquired for the purpose of abating or eliminating public nuisances, slum or blight conditions, and is subject to any applicable conveyance restrictions pursuant to Florida laws, to the extent they may apply; and,

WHEREAS, the acquisition of this parcel is necessary for the construction and improvement of Lyons Road from north of West Atlantic Avenue to south of Boynton Beach Boulevard; and,

WHEREAS, in order to accomplish the acquisition of this parcel, 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:

1. This Board adopts and ratifies those matters set forth in the foregoing recitals.
2. The County Engineer and County Attorney are authorized and directed to employ real estate appraisers for the purpose of securing an appraisal of the value of the property described in Exhibit "B" for the purpose of acquiring said property through Eminent Domain.
3. The County Engineer and the County Attorney are hereby further 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 "B", and prepare all papers, pleadings, and other instruments required for that purpose, and to see that all Eminent Domain proceedings are prosecuted to judgment.
4. The County Engineer and County Attorney are hereby authorized 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 "B" that may be necessary to fully accomplish those purposes.

BE IT FURTHER RESOLVED that the property described in Exhibit "B" is to be used for the following public purpose: Partial Take in Fee Simple for Right-of-Way.

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:

John F. Koons, Chairman	_____
Burt Aaronson, Vice Chairman	_____
Karen T. Marcus	_____
Shelley Vana	_____
Steven L. Abrams	_____
Jess R. Santamaria	_____
District 7	_____

The Chairman thereupon declared the Resolution passed and adopted this _____ day of _____, 2009.

SHARON R. BOCK,
Clerk and Comptroller

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: _____
County Attorney

EXHIBIT "A"

LYONS ROAD FROM NORTH OF ATLANTIC AVENUE TO SOUTH OF BOYNTON BEACH BOULEVARD PALM BEACH COUNTY PROJECT #2005503

SAFETY

The design includes construction plans for a two-lane undivided rural arterial from north of Atlantic Avenue to south of Boynton Beach Boulevard. The purpose of the project is to construct one of the final missing links in the Lyons Road corridor thereby relieving congestion on nearby roadways and improving traffic flow within the area. This segment is included for construction in calendar year 2010.

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 constructing Lyons Road from north of Atlantic Avenue to south of Boynton Beach Boulevard as a two-lane undivided rural 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 2005 through 2008. 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 Lyons Road Alignment Studies performed for the County as project numbers 2003603S and 2004610S. In both cases, the Central Alignment options were chosen as the preferred alignment. 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 Lyons Road 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 agricultural areas. This roadway project will be permitted through all appropriate environmental regulatory agencies.

Below is a more detailed outline of the reasons acquisition needed for the construction of Lyons Road.

FEE ACQUISITION OF ADDITIONAL RIGHT-OF-WAY FOR ROADWAY IMPROVEMENTS

There is minimal and sporadic existing rights-of-way along this corridor. While existing rights-of-way are being utilized whenever possible, acquisition of additional right-of-way is unavoidable.

TEMPORARY CONSTRUCTION EASEMENTS FOR ROADWAY

There is minimal and sporadic existing rights-of-way along this corridor. While existing rights-of-way are being utilized whenever possible, acquisition of additional right-of-way is unavoidable. Temporary construction easements will only be required to tie-in to existing grades and harmonize and restore.

Exhibit "B" to
Resolution 1 of 3

A PORTION OF TRACTS 33 AND 64, BLOCK 18, OF THE PALM BEACH FARMS CO. PLAT NO. 1, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGES 26 THROUGH 28, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SECTION 17 AND SECTION 18, TOWNSHIP 46 SOUTH, RANGE 42 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE EAST 95.00 FEET OF SAID TRACT 33, BLOCK 18; AND

THE EAST 95.00 FEET OF SAID TRACT 64, BLOCK 18.

SAID PARCEL CONTAINS 127,622 SQUARE FEET OR 2.9298 ACRES MORE OR LESS.

BEING SUBJECT TO ANY/ALL EASEMENTS, RESERVATIONS, DEDICATIONS OR RESTRICTIONS.

LEGEND

LWDD = LAKE WORTH
DRAINAGE DISTRICT
O.R.B. = OFFICIAL RECORDS BOOK
R/W = RIGHT OF WAY
PB = PLAT BOOK
PBC = PALM BEACH COUNTY
PC = POINT OF CURVATURE
PG = PAGE
PRC = POINT OF REVERSE CURVATURE
PT = POINT OF TANGENCY
STA = STATION

BEARING BASE;

BEARINGS SHOWN HEREON ARE REFERENCED TO STATE PLANE COORDINATES, NORTH AMERICAN DATUM OF 1983/1990 ADJUSTED, FLORIDA EAST ZONE, REFERENCE A BEARING OF SOUTH 89°00'54" WEST ALONG THE SOUTH LIMITS OF THE PLAT OF CANYON ISLES PRESERVE PLAT TWO, PLAT BOOK 104, PAGES 152-156, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

NO SEARCH OF THE PUBLIC RECORDS WAS MADE BY THE SIGNING SURVEYOR.

THIS INSTRUMENT WAS PREPARED BY DAVID JOSEPH WICHSER, P.S.M., IN THE OFFICE OF BETSY LINDSAY INC., SURVEYING & MAPPING, 7997 S.W. JACK JAMES DRIVE, STUART, FLORIDA, 34997.

DAVID JOSEPH WICHSER, P.S.M.
FLORIDA CERTIFICATE NO. 5565

5/27/09
DATE

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

PROJECT NO.	106
SHEET NO.	1

PROJECT PARCEL 106 LYONS ROAD ADDITIONAL ROAD RIGHT OF WAY	
DESIGN FILE NAME Parcel 106 Lyons Rd.	DRAWING NO. Parcel 106

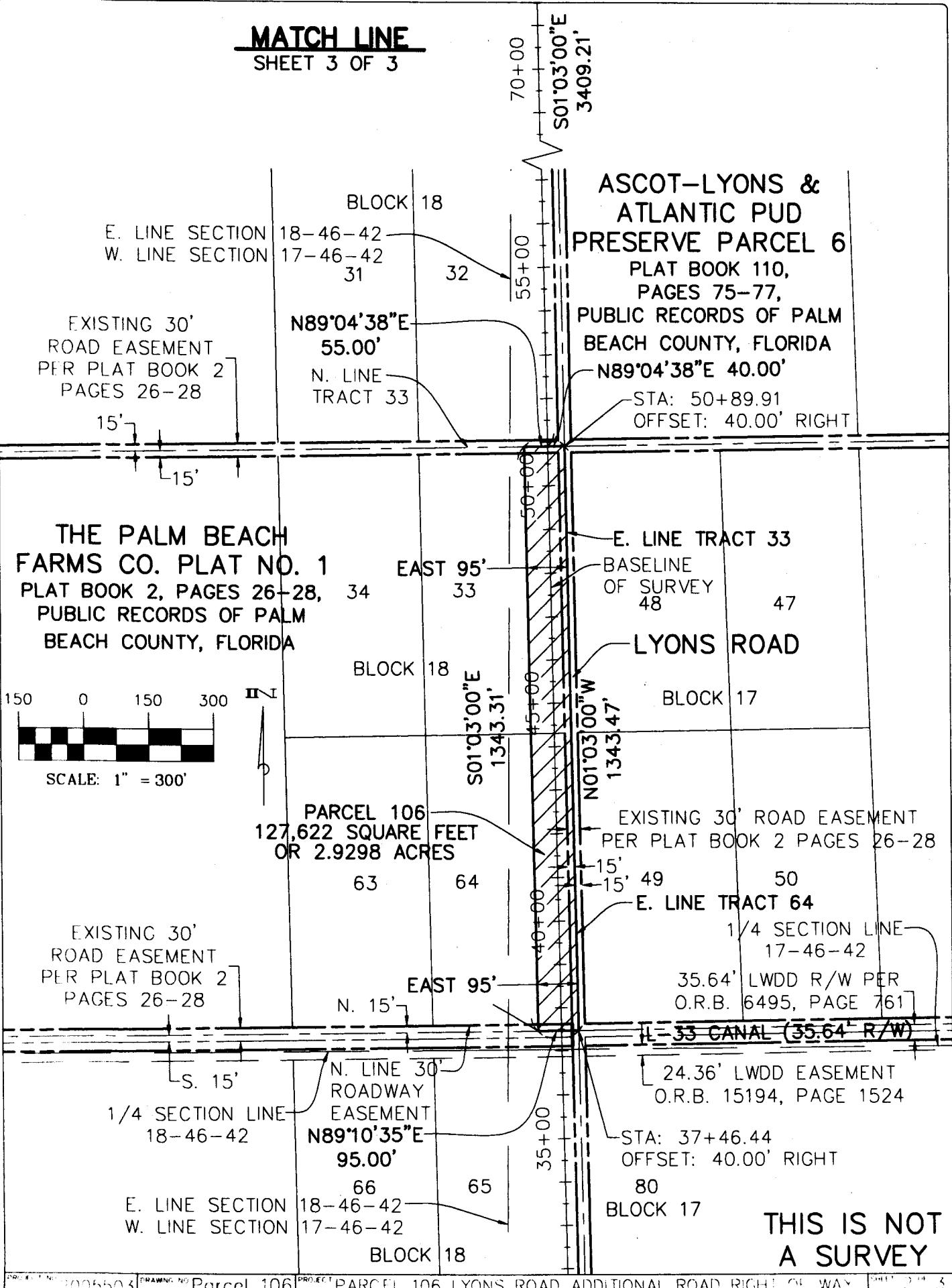
NO.	REVISION	BY	DATE
1	EDIT PER PBC	D.B.	02/13/08
2	EDIT PER PBC	D.B.	05/16/08
3	EDIT PER PBC	C.R.	06/12/08
4	SHOW NEW PLAT DATA PER PBC REQUEST, PER PBC EDIT PER PBC	D.B.	11/03/08
5	EDIT SKETCH & PER CLIENT	D.B.	05/13/09
6	EDIT PER PBC	P.F.	05/27/09

DATE 5/27/09	DRAWN D.B.	CHECKED C.R.	APPROVED D.B.
FIELD BOOK NO.			

B BETSY LINDSAY, INC. SURVEYING AND MAPPING
7997 S.W. JACK JAMES DRIVE STUART, FLORIDA 34997 (772)286-5753 (772)286-5833 FAX LICENSED BUSINESS NO. 6852

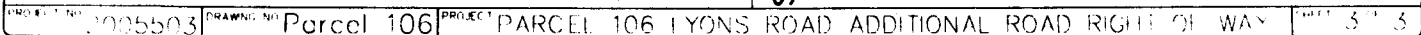
Exhibit "B" to Resolution 2 of 3

MATCH LINE
SHEET 3 OF 3



S:\06PROJECTS\06-50 LYONS ROAD\dwg\SL-RWEXRD01-REV-2-106-109&110.dwg, PARCEL 106, 5/27/2009 12:01:49 PM, b120, hp color LaserJet 5500

S:\06PROJECTS\06-50 LYONS ROAD\dwg\SL-RWEXRD01-REV-2-106-109&110.dwg, PARCEL 106, 5/27/2009 12:02:03 PM, b120, hp color LaserJet 5500



RESOLUTION NO. R2009

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ADOPTING THIS RESOLUTION DECLARING THE ACQUISITION OF PROPERTY KNOWN AS PARCEL 704 AS A TEMPORARY CONSTRUCTION EASEMENT, NECESSARY FOR THE CONSTRUCTION AND IMPROVEMENT OF LYONS ROAD FROM NORTH OF WEST ATLANTIC AVENUE TO SOUTH OF BOYNTON BEACH BOULEVARD, 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 construction and improvement of Lyons Road from north of West Atlantic Avenue to south of Boynton Beach Boulevard, in Palm Beach County, Florida; and,

WHEREAS, the funds are available for the acquisition of this parcel; 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, Alternative Routes or Methodologies, Long Range Plans, and the Environment, as applicable to this parcel and as set forth in Exhibit "A", attached hereto and incorporated herein, prior to determining that the acquisition of Parcel 704 is necessary; and,

WHEREAS, this Board has considered the required factors under Florida Law, as they apply to Parcel 704, which is 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 704 for the necessary Temporary Construction Easement, which is more fully described in Exhibit "B", is necessary for the following public purpose, to wit: the construction and improvement of Lyons Road from north of West Atlantic Avenue to south of Boynton Beach Boulevard, 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, a Temporary Construction Easement on property identified as Parcel 704 is necessary for the purpose of tying in and harmonizing said property and driveways, walkways, etc., thereon with the construction and improvement to be undertaken by Palm Beach County as to Lyons Road from north of West Atlantic Avenue to south of Boynton Beach Boulevard, adjacent thereto. This Temporary Construction Easement is granted upon the condition that the sloping and/or grading upon and above said land shall not extent beyond the limits outlined in the legal description of said property. This Temporary Construction Easement shall expire two years from the date of acquisition or upon the acceptance of the completed construction by the Palm Beach County Board of County Commissioners, whichever is earlier; and,

WHEREAS, the property to be acquired through the use of Eminent Domain as authorized by this resolution is not being acquired for the purpose of abating or eliminating public nuisances, slum or blight conditions, and is subject to any applicable conveyance restrictions pursuant to Florida laws, to the extent they may apply; and,

WHEREAS, the acquisition of this parcel is necessary for the construction and improvement of Lyons Road from north of West Atlantic Avenue to south of Boynton Beach Boulevard; and,

WHEREAS, in order to accomplish the acquisition of this parcel, 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:

1. This Board adopts and ratifies those matters set forth in the foregoing recitals.
2. The County Engineer and County Attorney are authorized and directed to employ real estate appraisers for the purpose of securing an appraisal of the value of the property described in Exhibit "B" for the purpose of acquiring said property through Eminent Domain.
3. The County Engineer and the County Attorney are hereby further 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 "B", and prepare all papers, pleadings, and other instruments required for that purpose, and to see that all Eminent Domain proceedings are prosecuted to judgment.
4. The County Engineer and County Attorney are hereby authorized 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 "B" that may be necessary to fully accomplish those purposes.

BE IT FURTHER RESOLVED that the property described in Exhibit "B" is to be used for the following public purpose: Temporary Construction Easement.

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:

John F. Koons, Chairman	_____
Burt Aaronson, Vice Chairman	_____
Karen T. Marcus	_____
Shelley Vana	_____
Steven L. Abrams	_____
Jess R. Santamaria	_____
District 7	_____

The Chairperson thereupon declared the Resolution passed and adopted this _____ day of _____, 2009.

SHARON R. BOCK,
Clerk and Comptroller

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: _____
County Attorney

EXHIBIT "A"

LYONS ROAD FROM NORTH OF ATLANTIC AVENUE TO SOUTH OF BOYNTON BEACH BOULEVARD PALM BEACH COUNTY PROJECT #2005503

SAFETY

The design includes construction plans for a two-lane undivided rural arterial from north of Atlantic Avenue to south of Boynton Beach Boulevard. The purpose of the project is to construct one of the final missing links in the Lyons Road corridor thereby relieving congestion on nearby roadways and improving traffic flow within the area. This segment is included for construction in calendar year 2010.

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 constructing Lyons Road from north of Atlantic Avenue to south of Boynton Beach Boulevard as a two-lane undivided rural 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 2005 through 2008. 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 Lyons Road Alignment Studies performed for the County as project numbers 2003603S and 2004610S. In both cases, the Central Alignment options were chosen as the preferred alignment. 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 Lyons Road 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 agricultural areas. This roadway project will be permitted through all appropriate environmental regulatory agencies.

Below is a more detailed outline of the reasons acquisition needed for the construction of Lyons Road.

FEE ACQUISITION OF ADDITIONAL RIGHT-OF-WAY FOR ROADWAY IMPROVEMENTS

There is minimal and sporadic existing rights-of-way along this corridor. While existing rights-of-way are being utilized whenever possible, acquisition of additional right-of-way is unavoidable.

TEMPORARY CONSTRUCTION EASEMENTS FOR ROADWAY

There is minimal and sporadic existing rights-of-way along this corridor. While existing rights-of-way are being utilized whenever possible, acquisition of additional right-of-way is unavoidable. Temporary construction easements will only be required to tie-in to existing grades and harmonize and restore.

Exhibit "B" to
Resolution 1 of 2

A PORTION OF TRACTS 48 AND 49, BLOCK 63, OF THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SECTION 6, TOWNSHIP 46 SOUTH, RANGE 42 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE EAST 5.31 FEET OF THE WEST 35.31 FEET OF SAID TRACT 48, BLOCK 63;

AND

THE NORTH 5.00 FEET OF THE EAST 42.46 FEET OF THE WEST 77.77 FEET OF SAID TRACT 48, BLOCK 63;

AND

THE SOUTH 15.00 FEET OF THE EAST 42.46 FEET OF THE WEST 77.77 FEET OF THE 30.00 FOOT EXISTING ROAD, DYKE AND DITCH EASEMENT ADJOINING SAID TRACT 48, BLOCK 63;

AND

THE EAST 5.31 FEET OF THE WEST 35.31 FEET OF SAID TRACT 49, BLOCK 63.

AND

THE SOUTH 73.44 FEET OF THE EAST 30.38 FEET OF THE WEST 65.69 FEET OF SAID TRACT 49, BLOCK 63.

SAID PARCEL CONTAINS 10,162 SQUARE FEET OR 0.2333 ACRES MORE OR LESS.

BEING SUBJECT TO ANY/ALL EASEMENTS, RESERVATIONS, DEDICATIONS OR RESTRICTIONS.

LEGEND

D.B. = DEED BOOK
LWDD = LAKE WORTH DRAINAGE DISTRICT
O.R.B. = OFFICIAL RECORDS BOOK
P.B. = PLAT BOOK
PG. = PAGE

PKWY = PARKWAY
RDDR = ROAD, DYKE & DITCH RESERVATION
R/W = RIGHT OF WAY
STA = STATION

BEARING BASE;

BEARINGS SHOWN HEREON ARE REFERENCED TO STATE PLANE COORDINATES, NORTH AMERICAN DATUM OF 1983/1990 ADJUSTED, FLORIDA EAST ZONE, REFERENCE A BEARING OF SOUTH 00°23'30" EAST ALONG THE EAST RIGHT OF WAY LINE OF LYONS ROAD, SAID LINE ALSO BEING THE EAST LINE OF TRACT "Z", REFERENCE THE PLAT OF CANYON LAKES PRESERVE AREA NO. 5, PLAT BOOK 101, PAGES 173-175, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

NO SEARCH OF THE PUBLIC RECORDS WAS MADE BY THE SIGNING SURVEYOR.

THIS INSTRUMENT WAS PREPARED BY DAVID JOSEPH WICHSER, P.S.M., IN THE OFFICE OF BETSY LINDSAY INC., SURVEYING & MAPPING, 7997 S.W. JACK JAMES DRIVE, STUART, FLORIDA, 34997.

David Joseph Wichser

DAVID JOSEPH WICHSER, P.S.M.
FLORIDA CERTIFICATE NO. 5565

11-19-08

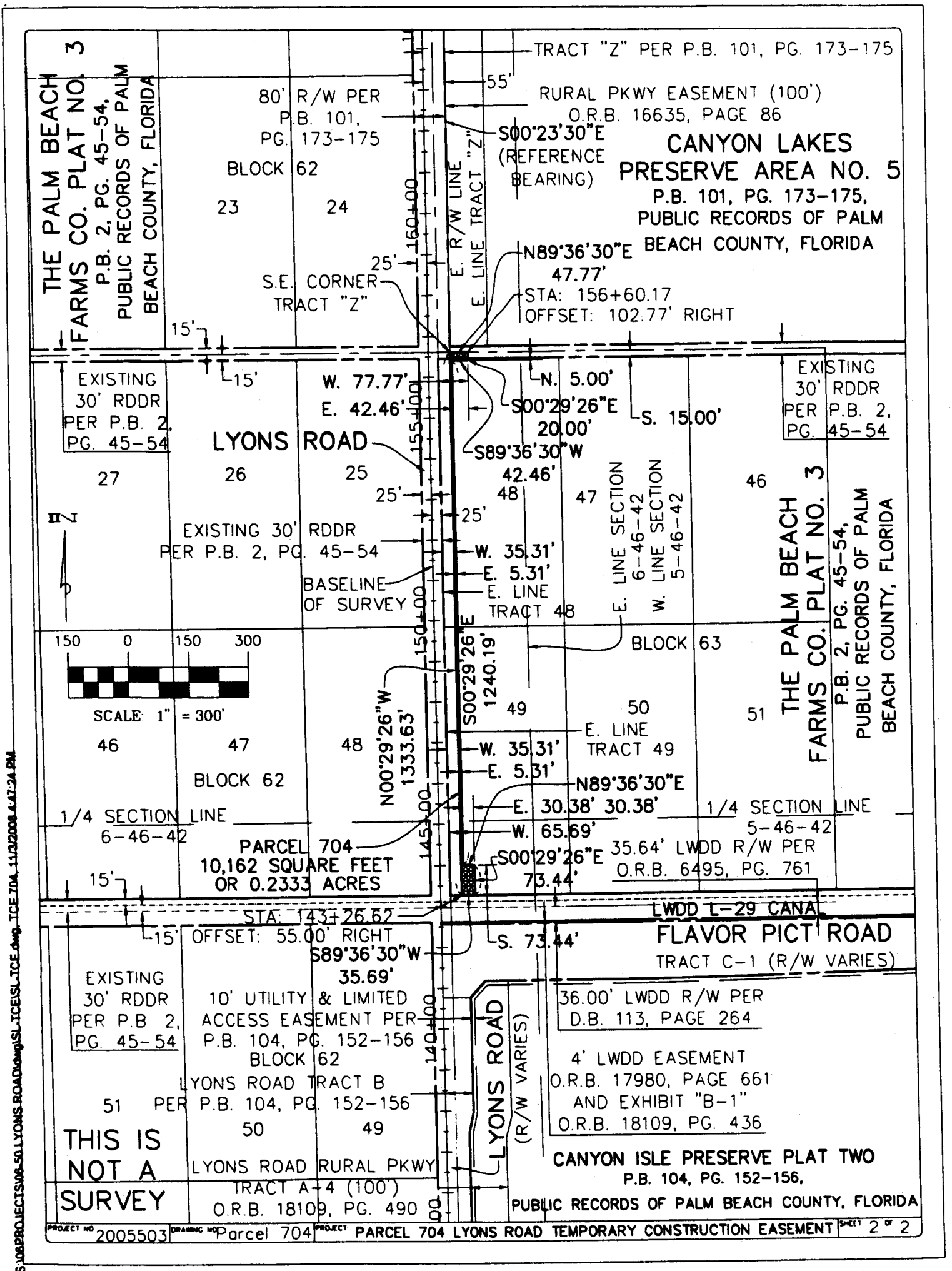
DATE

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

PROJECT 2005503	SHEET 2	PROJECT PARCEL 704 LYONS ROAD TEMPORARY CONSTRUCTION EASEMENT	DESIGN FILE NAME Parcel 704 Lyons Rd	DRAWING NO Parcel 704	SCALE NO SCALE APPROVED D.J.W. DRAWN D.B. CHECKED D.J.W. DATE 08/10/08 FIELD BOOK NO	REVISION	BY	DATE
						1. REVISED 5' TRACT LINE ON TRACTS 48 & 49	D.B.	08/22/08
						2. EXTENDED NORTH TO CENTERLINE OF TRACT 48 PER PALM BEACH COUNTY REQUEST	D.B.	11/03/08

B **BETSY LINDSAY, INC.**
SURVEYING AND MAPPING
7997 S.W. JACK JAMES DRIVE STUART, FLORIDA 34997
(772)288-5753 (772)288-5833 FAX
LICENSED BUSINESS NO. 6862

Exhibit "B" to
Resolution 2 of 2



RESOLUTION NO. R2009

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ADOPTING THIS RESOLUTION DECLARING THE ACQUISITION OF PROPERTY KNOWN AS PARCEL 706 AS A TEMPORARY CONSTRUCTION EASEMENT, NECESSARY FOR THE CONSTRUCTION AND IMPROVEMENT OF LYONS ROAD FROM NORTH OF WEST ATLANTIC AVENUE TO SOUTH OF BOYNTON BEACH BOULEVARD, 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 construction and improvement of Lyons Road from north of West Atlantic Avenue to south of Boynton Beach Boulevard, in Palm Beach County, Florida; and,

WHEREAS, the funds are available for the acquisition of this parcel; 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, Alternative Routes or Methodologies, Long Range Plans, and the Environment, as applicable to this parcel and as set forth in Exhibit "A", attached hereto and incorporated herein, prior to determining that the acquisition of Parcel 706 is necessary; and,

WHEREAS, this Board has considered the required factors under Florida Law, as they apply to Parcel 706, which is 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 706 for the necessary Temporary Construction Easement, which is more fully described in Exhibit "B", is necessary for the following public purpose, to wit: the construction and improvement of Lyons Road from north of West Atlantic Avenue to south of Boynton Beach Boulevard, 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, a Temporary Construction Easement on property identified as Parcel 706 is necessary for the purpose of tying in and harmonizing said property and driveways, walkways, etc., thereon with the construction and improvement to be undertaken by Palm Beach County as to Lyons Road from north of West Atlantic Avenue to south of Boynton Beach Boulevard, adjacent thereto. This Temporary Construction Easement is granted upon the condition that the sloping and/or grading upon and above said land shall not extent beyond the limits outlined in the legal description of said property. This Temporary Construction Easement shall expire two years from the date of acquisition or upon the acceptance of the completed construction by the Palm Beach County Board of County Commissioners, whichever is earlier; and,

WHEREAS, the property to be acquired through the use of Eminent Domain as authorized by this resolution is not being acquired for the purpose of abating or eliminating public nuisances, slum or blight conditions, and is subject to any applicable conveyance restrictions pursuant to Florida laws, to the extent they may apply; and,

WHEREAS, the acquisition of this parcel is necessary for the construction and improvement of Lyons Road from north of West Atlantic Avenue to south of Boynton Beach Boulevard; and,

WHEREAS, in order to accomplish the acquisition of this parcel, 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:

1. This Board adopts and ratifies those matters set forth in the foregoing recitals.
2. The County Engineer and County Attorney are authorized and directed to employ real estate appraisers for the purpose of securing an appraisal of the value of the property described in Exhibit "B" for the purpose of acquiring said property through Eminent Domain.
3. The County Engineer and the County Attorney are hereby further 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 "B", and prepare all papers, pleadings, and other instruments required for that purpose, and to see that all Eminent Domain proceedings are prosecuted to judgment.
4. The County Engineer and County Attorney are hereby authorized 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 "B" that may be necessary to fully accomplish those purposes.

BE IT FURTHER RESOLVED that the property described in Exhibit "B" is to be used for the following public purpose: Temporary Construction Easement.

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:

John F. Koons, Chairman	_____
Burt Aaronson, Vice Chairman	_____
Karen T. Marcus	_____
Shelley Vana	_____
Steven L. Abrams	_____
Jess R. Santamaria	_____
District 7	_____

The Chairperson thereupon declared the Resolution passed and adopted this _____ day of _____, 2009.

SHARON R. BOCK,
Clerk and Comptroller

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: _____
County Attorney

EXHIBIT "A"

LYONS ROAD FROM NORTH OF ATLANTIC AVENUE TO SOUTH OF BOYNTON BEACH BOULEVARD PALM BEACH COUNTY PROJECT #2005503

SAFETY

The design includes construction plans for a two-lane undivided rural arterial from north of Atlantic Avenue to south of Boynton Beach Boulevard. The purpose of the project is to construct one of the final missing links in the Lyons Road corridor thereby relieving congestion on nearby roadways and improving traffic flow within the area. This segment is included for construction in calendar year 2010.

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 constructing Lyons Road from north of Atlantic Avenue to south of Boynton Beach Boulevard as a two-lane undivided rural 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 2005 through 2008. 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 Lyons Road Alignment Studies performed for the County as project numbers 2003603S and 2004610S. In both cases, the Central Alignment options were chosen as the preferred alignment. 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 Lyons Road 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 agricultural areas. This roadway project will be permitted through all appropriate environmental regulatory agencies.

Below is a more detailed outline of the reasons acquisition needed for the construction of Lyons Road.

FEE ACQUISITION OF ADDITIONAL RIGHT-OF-WAY FOR ROADWAY IMPROVEMENTS

There is minimal and sporadic existing rights-of-way along this corridor. While existing rights-of-way are being utilized whenever possible, acquisition of additional right-of-way is unavoidable.

TEMPORARY CONSTRUCTION EASEMENTS FOR ROADWAY

There is minimal and sporadic existing rights-of-way along this corridor. While existing rights-of-way are being utilized whenever possible, acquisition of additional right-of-way is unavoidable. Temporary construction easements will only be required to tie-in to existing grades and harmonize and restore.

Exhibit "B" to
Resolution 1084

LEGEND

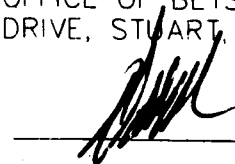
- LWDD = LAKE WORTH DRAINAGE DISTRICT
- O.R.B. = OFFICIAL RECORDS BOOK
- PC = POINT OF CURVATURE
- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCEMENT
- PRC = POINT OF REVERSE CURVATURE
- PT = POINT OF TANGENCY
- R/W = RIGHT OF WAY
- STA = STATION

BEARING BASE;

BEARINGS SHOWN HEREON ARE REFERENCED TO STATE PLANE COORDINATES, NORTH AMERICAN DATUM OF 1983/1990 ADJUSTED, FLORIDA EAST ZONE, REFERENCE A BEARING OF SOUTH 89°00'54" WEST ALONG THE SOUTH LIMITS OF THE PLAT OF CANYON ISLES PRESERVE PLAT TWO, PLAT BOOK 104, PAGES 152-156, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

NO SEARCH OF THE PUBLIC RECORDS WAS MADE BY THE SIGNING SURVEYOR.

THIS INSTRUMENT WAS PREPARED BY DAVID JOSEPH WICHSER, P.S.M., IN THE OFFICE OF BETSY LINDSAY INC., SURVEYING & MAPPING, 7997 S.W. JACK JAMES DRIVE, STUART, FLORIDA, 34997.



DAVID JOSEPH WICHSER, P.S.M.
FLORIDA CERTIFICATE NO. 5565

DATE

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

PROJECT NO. 2005503	SHEET 1 4	PROJECT PARCEL 706 LYONS ROAD TEMPORARY CONSTRUCTION EASEMENT		DATE 06/10/08	SCALE NO. 1 SCALE 1" = 40'	NO. 1	REVISION EDIT TEXT PER PALM BEACH COUNTY MARKUP & SHOW NEW PLAT DATA (PLAT BOOK 110, PAGES 75-77)	BY D.B.	DATE 11/03/08	B BETSY LINDSAY, INC. SURVEYING AND MAPPING 7997 S.W. JACK JAMES DRIVE STUART, FLORIDA 34997 (772)286-5753 (772)286-5833 FAX LICENSED BUSINESS NO. 6852
		DESIGN FILE NAME Parcel 706 Lyons Rd.	DRAWING NO. Parcel 706							

Exhibit "B" to Resolution 2 of 4

A PARCEL OF LAND BEING A PORTION OF TRACTS 33 AND 64, BLOCK 18 OF THE PLAT OF PALM BEACH FARMS CO. PLAT NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 26 THROUGH 28, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SECTION 17, TOWNSHIP 46 SOUTH, RANGE 42 EAST AND SECTION 18, TOWNSHIP 46 SOUTH, RANGE 42 EAST. SAID PARCEL BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF TRACT B OF THE PLAT OF CANYON ISLE PRESERVE PLAT TWO, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 104, PAGES 152 THROUGH 156, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE ALONG THE BASELINE OF SURVEY FOR THE FOLLOWING COURSES AND DISTANCES; (1) S00°23'30"E, A DISTANCE OF 261.55 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 11,523.20 FEET AND A CENTRAL ANGLE OF 08°10'36"; (2) SOUTHERLY ALONG THE ARC A DISTANCE OF 1,644.45 FEET TO A POINT OF REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 11,523.17 FEET AND A CENTRAL ANGLE OF 07°31'06"; (3) SOUTHERLY ALONG THE ARC, A DISTANCE OF 1,512.05 FEET; (4) S01°03'00"E, A DISTANCE OF 3,409.21 FEET TO AN INTERSECTION WITH THE NORTH LINE OF SAID TRACT 33; THENCE S89°04'38"W ALONG SAID NORTH LINE, A DISTANCE OF 55.00 FEET TO AN INTERSECTION WITH A LINE BEING 95.00 FEET WESTERLY OF, AS MEASURED AT RIGHT ANGLES AND PARALLEL WITH THE EAST LINE OF SAID TRACTS 33 AND 64, AND THE POINT OF BEGINNING; THENCE S01°03'00"E ALONG SAID PARALLEL LINE, A DISTANCE OF 1,328.31 FEET TO AN INTERSECTION WITH A LINE BEING 15.00 FEET NORTHERLY OF, AS MEASURED AT RIGHT ANGLES AND PARALLEL WITH THE SOUTH LINE OF SAID TRACT 64; THENCE S89°10'35"W ALONG SAID PARALLEL LINE, A DISTANCE OF 25.00 FEET TO AN INTERSECTION WITH A LINE BEING 120.00 FEET WESTERLY OF, AS MEASURED AT RIGHT ANGLES AND PARALLEL WITH THE EAST LINE OF SAID TRACT 64; THENCE N01°03'00"W ALONG SAID PARALLEL LINE, A DISTANCE OF 30.00 FEET TO AN INTERSECTION WITH A LINE BEING 45.00 FEET NORTHERLY OF, AS MEASURED AT RIGHT ANGLES AND PARALLEL WITH THE SOUTH LINE OF SAID TRACT 64; THENCE N89°10'35"E ALONG SAID PARALLEL LINE, A DISTANCE OF 21.00 FEET TO AN INTERSECTION WITH A LINE BEING 99.00 FEET WESTERLY OF, AS MEASURED AT RIGHT ANGLES AND PARALLEL WITH THE EAST LINE OF SAID TRACTS 33 AND 64; THENCE N01°03'00"W ALONG SAID PARALLEL LINE, A DISTANCE OF 1,247.11 FEET; THENCE S89°10'35"W, A DISTANCE OF 21.00 FEET TO AN INTERSECTION WITH A LINE BEING 120.00 FEET WESTERLY OF, AS MEASURED AT RIGHT ANGLES AND PARALLEL WITH THE EAST LINE OF SAID TRACT 33; THENCE N01°03'00"W ALONG SAID PARALLEL LINE, A DISTANCE OF 30.00 FEET; THENCE N89°10'35"E, A DISTANCE OF 21.00 FEET TO AN INTERSECTION WITH A LINE BEING 99.00 FEET WESTERLY OF, AS MEASURED AT RIGHT ANGLES AND PARALLEL WITH THE EAST LINE OF SAID TRACT 33; THENCE N01°03'00"W ALONG SAID PARALLEL LINE, A DISTANCE OF 21.19 FEET TO AN INTERSECTION WITH THE NORTH LINE OF SAID TRACT 33; THENCE N89°04'38"E ALONG SAID NORTH LINE, A DISTANCE OF 4.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 6,574 SQUARE FEET OR 0.1509 ACRES, MORE OR LESS.

BEING SUBJECT TO ANY/ALL EASEMENTS, RESERVATIONS, DEDICATIONS OR RESTRICTIONS.

S:\06PROJECTS\06-50 LYONS ROAD\dwg\SL-TCE\SL-TCE.dwg, TCE 706, 5/19/2009 4:45:34 PM

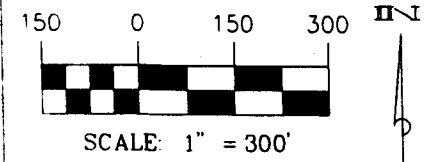
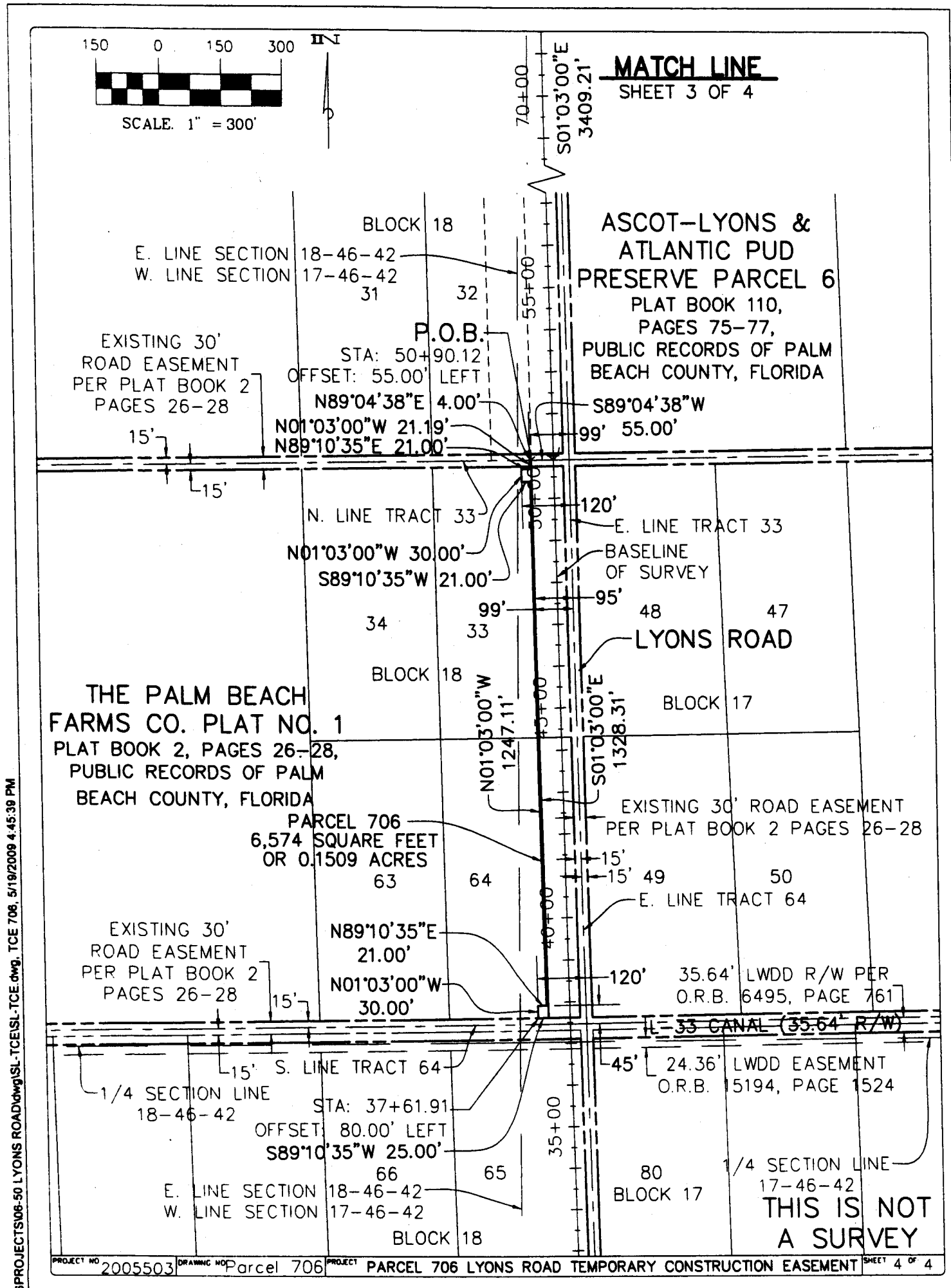


Exhibit "B" to
Resolution 4 of 4



S:\06PROJECTS\06-50 LYONS ROAD\dwg\SL-TCE\SL-TCE.dwg, TCE 706, 5/19/2009 4:45:39 PM