

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

Meeting Date: September 15, 2009 [X] Consent [] Regular
[] Public Hearing

Department

Submitted By: COUNTY ATTORNEY

Submitted For:

I. EXECUTIVE BRIEF

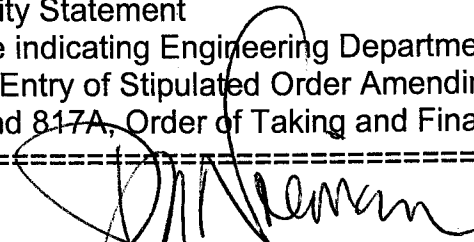
Motion and Title: Staff recommends motion to: approve a settlement as to Parcels 816, 816A, 817, and 817A in the amount of \$192,536.26, inclusive of attorney's fees, experts' fees and costs, and clerk's fees, in the eminent domain proceeding entitled Palm Beach County v. Raymudo Salazar, et al, Case No.: 502009CA004697XXXMB AO, for the improvement of West Atlantic Avenue, from west of Lyons Road to Starkey Road.

Summary: This action would authorize a settlement of the compensation for the acquisition of four permanent exclusive easements for the construction and improvement of West Atlantic Avenue, from west of Lyons Road to Starkey Road (Project No. 2004602), by paying \$192,536.26 for the four permanent exclusive easements acquired, any and all damages to the remaining property and costs to cure such damages, attorney's fees, experts' fees and costs, and \$170 fee to the clerk of the court. District 5 (PM).

Background and Justification: In the near future, Palm Beach County ("County"), under permit and a Joint Participation Agreement with the Florida Department of Transportation, will commence a project for the widening and improvement of West Atlantic Avenue, a state road, from 1,330 feet west of Lyons Road to Starkey Road (Project No. 2004602). The County serves as the condemning agency under this Agreement. The project is being funded by developers whose developments will be adding traffic to this road. The widening of West Atlantic Avenue will require the relocation of the Lake Worth Drainage District's L-34 Canal. The acquisition of the permanent exclusive easements identified as Parcels 816 and 817 are necessary for the relocation of the canal. Additionally, the owners of Parcels 816 and 817 claimed that they owned other land, identified as Parcels 816A and 817A, which will also be used for the relocated canal. There are conflicting opinions on whether the owners of Parcels 816 and 817 also own Parcels 816A and 817A or whether the property is publicly owned. The conflicting opinions are due to disagreements as to the location from where certain platted right-of-way is measured. The County's title agency for the project indicated that the property was privately owned. The settlement would, without acknowledging private ownership, include the taking of easements on Parcels 816A and 817A. **(Continued on page 3)**

Attachments:

1. Budget Availability Statement
2. Correspondence indicating Engineering Department's approval of settlement.
3. Joint Motion for Entry of Stipulated Order Amending Petition to Include Parcels 816A and 817A, Order of Taking and Final Judgment.

Recommended by:  Date 9/2/09

Approved by: N/A Date _____

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>
Capital Expenditures	<u>\$192,536.27</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Operating Cost	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
External Revenue	<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>\$192,536.27</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
# ADDITIONAL FTE	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
POSITIONS (Cumulative)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>

Is Item Included in Current Budget? Yes X No

Budget Account No.:

Fund 3500 Dept 361 Unit 1085 Object 6210

Program _____

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

Transportation Improvement Fund
W Atlantic Ave/W of Lyons to E of Fla Turnpike

Permanent Easements	\$134,400.00
Attorney's Fees	\$ 25,981.11
Expert Fees and Costs	\$ 31,985.16
Fees of the Clerk of the Court	\$ 170.00
Total Settlement / Net Fiscal Impact	\$192,536.27
Appraised Value per DOT	\$ 86,400.00

C. Departmental Fiscal Review: atwillhite

III. REVIEW COMMENTS

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

me slc 9/4/09 Jim J. Jaworski 9/4/09
OFMB ^{sd} 9/2/09 9/2/09 Contract Dev. and Control

B. Legal Sufficiency:

Miss Myranda
Assistant County Attorney

C. Other Department Review:

Department Director

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

Background and Justification (continued):

Appraisals were prepared for the County by Diane Jenkins of Jenkins Appraisal, Inc. ("Jenkins") and by a review appraiser approved by the Florida Department of Transportation, Robert Gallion of Gallion Wilson, LLC ("Gallion"). Jenkins' and Gallions' appraisals were in the amount of \$43,200 and \$18,000 per parcel, respectively, making for a total of \$86,400 and \$36,000 for Parcels 816 and 817, respectively, and \$172,800 and \$72,000, respectively, if all four (4) parcels, 816, 816A, 817, and 817A were to be acquired. These two appraisers agreed on the value of the underlying land, but disagreed on the portion of the value taken by the easements, with Jenkins finding that the permanent easements capture 80% of the value of the underlying land whereas Gallion opined that the easements represent an acquisition of 33% of the value of the underlying land.

John Underwood, of Appraisal & Acquisition Consultants, Inc. ("Underwood"), retained by the owners, opined that compensation for the four easements alone was \$168,408.42 plus \$38,000 to cure a limitation of access, and \$18,000 to cure an alleged limitation on drainage caused by the taking, for a total of \$218,408.

This Board action would authorize a settlement, by entry into a Stipulated Order of Taking and Final Judgment, of the compensation for the acquisition of Parcels 816, 816A, 817, and 817A in the amount of \$134,400 for the permanent easements acquired, damages to the remaining property, any other damages and costs to cure any damages, 25,981.11 in attorney's fees (fees calculated pursuant to applicable Florida law), and \$31,985.16 in experts' fees and costs, plus \$170 in fees to the clerk of the court. In addition to these settlement sums, under the Stipulated Order of Taking and Final Judgment, the County will relocate a (as yet unconstructed) driveway to cure the alleged limitation of access and install piping in the culvert to the driveway to address drainage.

This settlement is cost-effective in light of the significant savings of expenses which would be incurred if this matter were tried and avoids the potential of a larger judgment at trial (and greater attorney's fees to the owner). This recommendation is made after consultation with an experienced surveyor regarding the ownership issue referenced above.

**INTEROFFICE COMMUNICATION
PALM BEACH COUNTY
BUDGET AVAILABILITY STATEMENT**

DATE: August 13, 2009

TO: Barry S. Balmuth, P.A.
Outside Attorney

FROM: Alexis T. Willhite, Fiscal Manager *atw*
Administrative Services

RE: W Atlantic/1330' W of Lyons to Starkey
Project # 2004602
Eminent Domain Settlement
Parcels: 816, 816A, 817 and 817A \$192,536.27

BOARD MEETING DATE: September 1, 2009

FISCAL IMPACT LOCATION: F:\COMMON\WP\AgendaPage2\ 00357 ,

FUNDING STATUS: FULLY FUNDED

Is Item Included in Current Budget? Yes X No

Budget Account No:

Fund 3500 Dept 361 Unit 1085 Object 6120

Recommended Sources of Funds/Summary of Fiscal Impact:

Transportation Improvement Fund
W Atlantic Ave/W of Lyons to E of Fla Turnpike

Permanent Easements	\$134,400.00
Attorney's Fees	\$ 25,981.11
Expert Fees and Costs	\$ 31,985.16
Fees of the Clerk of the Court	\$ 170.00
Total Settlement	\$192,536.27
Appraised Value	<\$ 86,400.00>
Fiscal Impact	\$106,136.27

This BAS is valid for up to ninety days from its date of issuance.
F:\ADM_SER\WP50\BAS\bas09\00357.row.doc

Morton Rose

To: Barry S. Balmuth
Subject: RE: Salazar Settlement (Atlantic Ave)

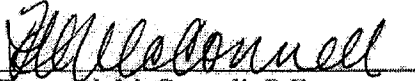
From: Barry S. Balmuth [mailto:balmuthlaw@alum.emory.edu]
Sent: Wednesday, August 12, 2009 5:07 PM
To: 'Morton Rose'
Cc: 'Philip Mugavero'
Subject: Salazar settlement

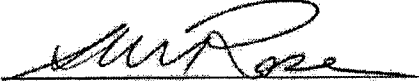
Morton:

Please indicate the Engineering Department's approval of a settlement as to Parcels 816, 816A, 817, and 817A in the amount of \$192,536.26, inclusive of attorney's fees, experts' fees and costs, and clerk's fees, in the eminent domain proceeding entitled Palm Beach County v. Raymudo Salazar, et al, Case No.: 502009CA004697XXXXMB(AO), for the improvement of West Atlantic Avenue, from west of Lyons Road to Starkey Road by signing below and having the Tanya sign same and returning this E-mail to me in pdf format or by faxing. The settlement is broken down as follows:

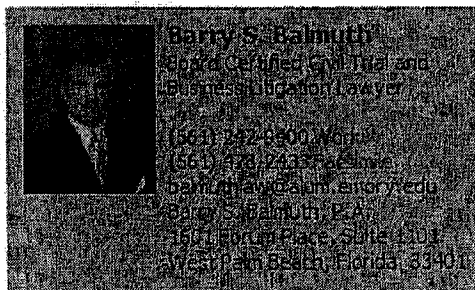
Easements, damages, and costs to cure	\$134,400.00
Attorney's fees	25,981.11
Expert Fees and Costs	31,985.16
Fees of Clerk of the Court	170.00
Total	\$192,536.26

Approved:


Tanya N. McConnell, P.E.
Deputy County Engineer


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

Thank you. Needless to say, please contact me if you have any questions or need further information.



Website: flboardcertifiedlawyer.com

AV rated and certified by the Florida Bar as a specialist in the trial and litigation of civil cases and business disputes. Concentrating in eminent domain, personal injury & wrongful death, and bankruptcy and business/commercial litigation.

IN THE CIRCUIT COURT OF THE
15TH JUDICIAL CIRCUIT IN AND FOR
PALM BEACH COUNTY, FLORIDA

PALM BEACH COUNTY, a political
subdivision of the State of Florida,

Petitioner,

v.

CASE NO.: 50 2009 CA 004697XXXXMB
Division: AO

RAYMUNDO SALAZAR,
BARTOLOMEO SALAZAR, DIONISIA
SALAZAR, ERIC ASH, as Administrator
Ad Litem, Guardian Ad Litem, and
Attorney Ad Litem, EPIFANIA
SALAZAR, CRISANTO V. SALAZAR,
MARIA DE LA LUZ PAREDES,
RICARDO SALAZAR, FLORIDA
DEPARTMENT OF FINANCIAL
SERVICES fka STATE OF FLORIDA,
OFFICE OF THE COMPTROLLER,
FLORIDA DEPARTMENT OF
REVENUE, and ANNE M. GANNON, as
Palm Beach County Tax Collector,

PARCELS 816 and 817

Defendants.

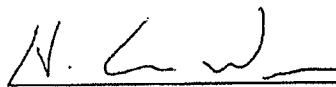
JOINT MOTION FOR ENTRY OF STIPULATED ORDER AMENDING PETITION TO
INCLUDE PARCELS 816A AND 817A, ORDER OF TAKING, AND FINAL JUDGMENT

Comes now the Petitioner, PALM BEACH COUNTY, and the Defendants,
RAYMUNDO SALAZAR, BARTOLOMEO SALAZAR, DIONISIA SALAZAR, EPIFANIA
SALAZAR, CRISANTO V. SALAZAR, RICARDO SALAZAR (collectively, "SALAZARS"),
and respectfully stipulate to the entry of the Stipulated Order Amending Petition to Include
Parcels 816A and 817A, Order of Taking, and Final Judgment attached hereto as Exhibit "A"
and move for its entry. By executing this motion, the undersigned counsel certify that they have
authority to enter into this stipulation on behalf of the parties.

BARRY S. BALMUTH, P.A.

JONES FOSTER JOHNSTON & STUBBS

BARRY S. BALMUTH, ESQUIRE
Florida Bar No. 0868991
Counsel for Palm Beach County
Centurion Tower, Eleventh Floor
1601 Forum Place, Suite 1101
West Palm Beach, Florida 33401
(561) 242-9400 Telephone
(561) 478-2433 Facsimile



H. ADAMS WEAVER, ESQUIRE
Florida Bar No. 125210
Counsel for Defendants, Salazar
505 South Flagler Drive, Suite 1100
West Palm Beach, Florida 33401
(561) 650-0486 Telephone
(561) 650-0422 Facsimile

Certificate of Service

I HEREBY CERTIFY, that this joint motion was served by U.S. mail upon all parties on the service list attached as Exhibit "1" to the Stipulated Order Amending Petition to Include Parcels 816A and 817A, Order of Taking, and Final Judgment attached hereto as Exhibit "A" U.S. Mail on this _____ day of _____, 2009.

BARRY S. BALMUTH, ESQUIRE

IN THE CIRCUIT COURT OF THE
15TH JUDICIAL CIRCUIT IN AND FOR
PALM BEACH COUNTY, FLORIDA

PALM BEACH COUNTY, a political
subdivision of the State of Florida,

Petitioner,

v.

CASE NO.: 50 2009 CA 004697XXXXMB
Division: AO

RAYMUNDO SALAZAR,
BARTOLOMEO SALAZAR, DIONISIA
SALAZAR, ERIC ASH, as Administrator
Ad Litem, Guardian Ad Litem, and
Attorney Ad Litem, EPIFANIA
SALAZAR, CRISANTO V. SALAZAR,
MARIA DE LA LUZ PAREDES,
RICARDO SALAZAR, FLORIDA
DEPARTMENT OF FINANCIAL
SERVICES fka STATE OF FLORIDA,
OFFICE OF THE COMPTROLLER,
FLORIDA DEPARTMENT OF
REVENUE, and ANNE M. GANNON, as
Palm Beach County Tax Collector,

PARCELS 816 and 817

Defendants.

**STIPULATED ORDER AMENDING PETITION TO INCLUDE PARCELS 816A AND
817A, ORDER OF TAKING, AND FINAL JUDGMENT**

THIS CAUSE having come on to be heard on the Joint Motion of the parties, Petitioner,
PALM BEACH COUNTY, and Defendants, RAYMUNDO SALAZAR, BARTOLOMEO
SALAZAR, , DIONISIA SALAZAR, EPIFANIA SALAZAR, CRISANTO V. SALAZAR,
RICARDO SALAZAR (collectively, "SALAZARS"), for the entry of this Stipulated Order of
Taking and Judgment, and the Court, was fully advised in the premises; thereupon the court

FINDS AS FOLLOWS:

1. It appears that proper notice was first given to Defendants and all persons having or claiming any equity, lien, title or other interest in or to the real property described in the Petition that the Petitioner would apply to this Court, for entry of this Order of Taking and Final Judgment.
2. This Court has jurisdiction of the subject matter of and the parties to this cause.
3. The pleadings in this cause are sufficient. Petitioner is properly exercising its delegated authority in furtherance of the public purpose of constructing and improving West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey Road, in Palm Beach County, Florida and the easements hereby acquired by Petitioner are reasonably necessary for this public purpose.
4. That the estimate of value filed in this cause by the Petitioner was made in good faith and is based upon a valid appraisal.
5. The compensation to be paid to the Defendants is full and just.
6. Petitioner sought to acquire exclusive perpetual easements on property identified in composite Exhibit "A" attached hereto as Parcels 816 and 817. The parties agree that RAYMUNDO SALAZAR and BARTOLOMEO SALAZAR are the fee owners of Parcel 816. The parties agree that BARTOLOMEO SALAZAR, DIONISIA SALAZAR, RICARDO SALAZAR, EPIFANIA SALAZAR, and CRISANTO V. SALAZAR, are the fee owners of Parcel 817. Additionally, SALAZARS claimed that, in order to construct the project, Petitioner also needed to acquire exclusive perpetual easements on other property they owned identified in

Composite Exhibit "B" attached hereto as Parcels 816A and 817A. Petitioner disputes the claim that SALAZARS own the property identified as Parcels 816A and 817A.

7. This Stipulated Order of Taking and Final Judgment includes the taking of Parcels 816A and 817A and the Petition is hereby amended to include the taking of Parcels 816A and 817A as the subject of this eminent domain proceeding. However, said amendment and the acquisitions of exclusive perpetual easements on Parcels 816A and 817A hereunder shall not constitute an admission by Petitioner that SALAZARS own Parcels 816A and 817A.

Thereupon, it is hereby

ORDERED AND ADJUDGED as follows:

8. Defendants, RAYMUNDO SALAZAR and BARTOLOMEO SALAZAR, shall have and recover from Petitioner, PALM BEACH COUNTY, the sum of Sixty-seven Thousand Two Hundred Dollars (\$67,200.00) as full compensation for the taking of the exclusive perpetual easements on the property identified and described as Parcels 816 and 816A, inclusive of improvements and severance damages including, but not limited to, damages to buildings and other improvements, business damages, relocation costs, and any and all other damages and costs to cure those damages (including, but not limited to, internal driveway work) and all other claims that were brought or that could have been brought, known and unknown, for, resulting from, and/or relating to the taking of Parcels 816 and 816A with the exception only of attorney's fees and costs and expert fees and costs.

9. Subject to apportionment, if any, to other defendants in this cause, BARTOLOMEO SALAZAR, DIONISIA SALAZAR, RICARDO SALAZAR, EPIFANIA SALAZAR, and CRISANTO V. SALAZAR, shall have and recover from Petitioner, PALM

BEACH COUNTY, the sum of Sixty-seven Thousand Two Hundred Dollars (\$67,200.00) as full compensation for the taking of the exclusive perpetual easements on property identified and described as Parcels 817 and 817A inclusive of improvements, severance damages including, but not limited to, damages to buildings and other improvements, business damages, relocation costs, and any and all other damages and costs to cure those damages (including, but not limited to, internal driveway work) and all other claims that were brought or that could have been brought, known and unknown, for, resulting from, and/or relating to the taking of Parcels 817 and 817A with the exception only of attorney's fees and costs and expert fees and costs.

10. Accordingly, within twenty (20) days of receipt of a certified copy of this judgment and without further order of this Court, Petitioner shall deposit the sum of ONE HUNDRED THIRTY FOUR THOUSAND FOUR HUNDRED DOLLARS AND NO CENTS (\$134,400.00) into the registry of the Court, representing the agreed to compensation referenced in the preceding paragraphs, plus \$170 for the fee for the Clerk of the Court for a total of ONE HUNDRED THIRTY FOUR THOUSAND FIVE HUNDRED SEVENTY DOLLARS AND NO CENTS (\$134,570.00) to be disbursed by the Clerk of Court. Upon making said deposit, Petitioner shall notify, in writing, all attorneys of record and those Defendants not represented by counsel that the deposit has been made and that upon deposit, Petitioner shall be entitled to possession of and title to the property described herein without further notice or Order of this Court.

11. Upon deposit by Petitioner of the sums referenced herein into the Registry of the Court, title to exclusive perpetual easements on property identified in Composite Exhibit "A" and "B" attached hereto as Parcels 816, 817, 816A, and 817A and possession of the properties,

shall vest in Petitioner, PALM BEACH COUNTY. The interests of all of the Defendants listed in Exhibit "C" attached shall be subject to the exclusive perpetual easements granted hereunder.

12. These exclusive perpetual easements on the property identified as Parcels 816, 817, 816A, and 817A are for the following uses: providing an unencumbered right-of-way for use as a canal and canal related purposes including, but not limited to, the use of same for ingress and egress purposes, excavation, removal of vegetation, irrigation, water control structures, berms and areas for maintenance and deposit of spoil, all quasi-utility type purposes, and for any such other purpose thereunto related, or in anywise appertaining: over, across, through and upon, under or within the parcel, as related to the construction and improvement to be undertaken by Palm Beach County as to West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey Road. The rights herein described shall not extend beyond the limits outlined in the legal description of said property in Composite Exhibits "A" and "B" attached hereto.

13. Upon Petitioner's deposit of the aforesaid funds into the Registry of this Court, the Clerk shall immediately and without further order of this Court, issue a check in the amount of \$67,200.00, less any sums due the Tax Collector, payable to Jones, Foster, Johnston & Stubbs, P.A., Trust Account, and mail said check to H. Adams Weaver, Esquire, Post Office Box 3475, West Palm Beach, Florida 33402-3475, for appropriate disbursement of the settlement relating to Parcels 816 and 816A to Defendants, RAYMUNDO SALAZAR and BARTOLOMEO SALAZAR.

14. The Clerk shall retain the \$67,200.00 deposit for Parcels 817 and 817A in the registry of the Court, pending motions for apportionment by BARTOLOMEO SALAZAR,

DIONISIA SALAZAR, RICARDO SALAZAR, EPIFANIA SALAZAR, and CRISANTO V. SALAZAR, and other Defendants, if any, and pending further order of the Court.

15. SALAZARS shall also have and recover from Petitioner, PALM BEACH COUNTY, full and complete attorney's fees and attorney's costs of TWENTY FIVE THOUSAND NINE HUNDRED EIGHTY ONE DOLLARS AND ELEVEN CENTS (\$25,981.11).

16. SALAZARS shall further have and recover from Petitioner, PALM BEACH COUNTY, full and complete expert fees and costs as follows:

A.	Gerald M. Ward, P.E.	\$ 3,583.45
B.	Cunningham & Durrance	23,451.71
C.	Appraisal & Acquisition Consultants, Inc.	4,950.00
<hr/>		
	TOTAL	\$31,985.16

(THIRTY-ONE THOUSAND NINE HUNDRED EIGHTY-FIVE DOLLARS AND SIXTEEN CENTS).

17. Accordingly, Petitioner shall, within thirty (30) days of receipt of a certified copy of this judgment and without further order of this Court, make a check in the amount of FIFTY-SEVEN THOUSAND NINE HUNDRED SIXTY-SIX DOLLARS AND TWENTY-SEVEN CENTS (\$57,966.27), representing the foregoing attorney's fees and costs and expert fees and costs, payable to the Jones, Foster, Johnston & Stubbs, P.A. Trust Account and mail same to H. Adams Weaver, Esquire, Jones, Foster Johnston & Stubbs, P.A., Post Office Box 3475, West Palm Beach, Florida 33402-3475 for further disbursement to the recipients and in the amounts described above without further order of this Court.

18. Petitioner shall amend the roadway construction plans prepared by the Wantman Group Inc., for Atlantic Avenue Reconstruction, PBC project #2004602, to relocate an existing driveway connection from its current location at 7th Street to a new location that will allow access to both parcels 816 and 817. The relocated driveway shall provide a 24 ft. wide driveway connection to Atlantic Avenue at approximately station 172+00. The amended plans will include the installation of a 72" reinforced concrete pipe culvert at the LWDD L-34 canal to accommodate the relocated driveway connection. The existing connection at parcel 817, located at 7th Street, shall be closed, thereby removing any access to or from Atlantic Avenue. Amendment to the plans shall also include a 24" Corrugated Metal Pipe connection from parcel 816 to provide a drainage outfall to the L-34 canal. Petitioner shall not be responsible for any internal driveway work that is required on the remaining property. SALAZARS shall be fully responsible for any such internal driveway work and have been compensated for same above.

19. Within twenty (20) days of receipt from Petitioner of the completed "Application(s) for Release of Mineral, Canal, and Road Reservations Reserved" for submittal to the South Florida Water Management District, BARTOLOMEO SALAZAR, as the common fee owner of Parcels 816, 816A, 817, and 817A and on behalf of the other SALAZARS, shall execute and deliver to counsel for PALM BEACH COUNTY the original application(s). Responsibility for fully completing, submitting, and processing the application(s) to the appropriate agency or agencies and payment of any and all fees relating thereto shall be the sole obligation of Petitioner.

20. SALAZARS shall seek no further monies in this cause.

21. The Court retains jurisdiction of this action to enforce the terms of this judgment and to apportion the award for Parcels 817 and 817A. As judicial labor has not ceased on this matter, the Clerk of the Court shall not at this time close this case file nor shall the Clerk of the Court require a fee for the filing of future pleadings.

DONE AND ORDERED in West Palm Beach, Palm Beach County, Florida, this ____
day of _____, 200_.

Thomas H. Barkdull, III
Circuit Judge

Copies furnished to all parties on the attached service list.

PALM BEACH COUNTY v RAYMUNDO SALAZAR, et. al.
Case No. : 50 2009 CA 004697XXXXMB (Division AO)
Exhibit C to Stipulated Order of Taking and Final Judgment

Page 1 of 2

PARCEL: 816

Defendant: RAYMUNDO SALAZAR and BARTOLOMEO SALAZAR
Interest: Fee owners
Serve: H. Adams Weaver, Esquire
505 South Flagler Drive
Suite 1100
West Palm Beach, Florida 33401

PARCEL: 817

Defendant: DIONISIA SALAZAR and BARTOLOMEO SALAZAR
Interest: Fee owners
Serve: H. Adams Weaver, Esquire
505 South Flagler Drive
Suite 1100
West Palm Beach, Florida 33401

Defendants: EPIFANIA, CRISANTO V. SALAZAR, RICARDO SALAZAR
Interest: Fee owners (proportion unknown), pursuant to Section 732.01 et. seq., F.S., as surviving spouse and sons, respectively, of former fee owner CRISANTO SALAZAR, deceased (1995) who died intestate
Serve: H. Adams Weaver, Esquire
505 South Flagler Drive
Suite 1100
West Palm Beach, Florida 33401

Defendants: MARIA DE LA LUZ PAREDES
Interest: Possible Fee owner based on marriage to CRISANTO V. SALAZAR from 1992-2003 and CRISANTO SALAZAR (father) having died in 1995
Serve: Maria D. Paredes
600 S.W. 68th Terrace
Pembroke Pines, Florida 33023-1178

Defendant: ERIC ASH, as Administrator Ad Litem, Guardian Ad Litem, and Attorney Ad Litem for the unadministered Estate of CRISANTO SALAZAR and for MARIA DE LA LUZ PAREDES and unknown heirs, devisees, legatees, or grantees of CRISANTO SALAZAR and for MARIA DE LA LUZ PAREDES, and all persons

PALM BEACH COUNTY v RAYMUNDO SALAZAR, et. al.

Case No. : 50 2009 CA 004697XXXXMB (Division AO)

Exhibit C to Stipulated Order of Taking and Final Judgment

Page 2 of 2

or parties claiming by, through, under, or against them; and all unknown persons or parties having or claiming any right, title, or interest in and to the premises that are the subject matter of this litigation and are identified as Parcel 817

Interest: Possible fee ownership
Serve: ERIC ASH, ESQUIRE
P.O. Box 3584
West Palm Beach, Florida 33402

Defendant: FLORIDA DEPARTMENT OF FINANCIAL SERVICES fka STATE OF FLORIDA, OFFICE OF THE COMPTROLLER

Interest: Holder of that Final Judgment for Fines, Costs, and Additional Charges (against RICARDO SALAZAR) recorded at Official Records Book 11929, Page 0378 of the Official Records of Palm Beach County

Serve: Alex Sink
Chief Financial Officer
Florida Department of Financial Services
200 E. Gaines Street
Tallahassee, Florida 32399-0300

Defendant: FLORIDA DEPARTMENT OF REVENUE

Interest: Tax Warrant (against CRISANTO SALAZAR) recorded at Official Records Book 12679, Page 0290 of the Official Records of Palm Beach County

Serve: Lisa Echeverri
Executive Director
Florida Department of Revenue
501 S. Calhoun Street
Suite 204
Tallahassee, Florida 323996548
Attention: General Counsel

All Parcels

Defendant : ANNE M. GANNON, as Palm Beach County Tax Collector

Interest : Taxes

Serve : Anne M. Gannon, Tax Collector
301 South Olive Avenue, 3rd Floor
West Palm Beach, Florida 33401

DESCRIPTION & SKETCH
 PREPARED FOR:
 PALM BEACH COUNTY, FLORIDA

LAKE WORTH DRAINAGE DISTRICT PARCEL 816
ATLANTIC AVENUE (SR 806) BETWEEN HALF MILE ROAD & LYONS ROAD
 PALM BEACH COUNTY, FLORIDA

LEGEND

DB	= DEED BOOK	POB	= POINT OF BEGINNING
ESMT.	= EASEMENT	POC	= POINT OF COMMENCEMENT
FDOT	= FLORIDA DEPARTMENT OF TRANSPORTATION	R/W	= RIGHT-OF-WAY
LWDD	= LAKE WORTH DRAINAGE DISTRICT	SEC.	= SECTION
ORB	= OFFICIAL RECORD BOOK	SF	= SQUARE FEET
PBC	= PALM BEACH COUNTY	SFWMD	= SOUTH FLORIDA WATER MANAGEMENT DISTRICT
PB	= PLAT BOOK	SR	= STATE ROAD
PG.	= PAGE		

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 19, TOWNSHIP 46 SOUTH, RANGE 42 EAST, BEING A PORTION OF ATLANTIC PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 14, PAGE 1 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 19; THENCE SOUTH 89°32'49" WEST, ALONG THE NORTH LINE OF SAID SECTION 19, A DISTANCE OF 893.95 FEET; THENCE SOUTH 01°49'32" EAST, ALONG THE PROLONGATION OF THE CENTERLINE OF 5TH STREET AS SHOWN ON SAID PLAT OF ATLANTIC PARK, A DISTANCE OF 119.04 FEET; THENCE SOUTH 89°32'49" WEST, ALONG A LINE PARALLEL TO AND 119.00 FEET SOUTH OF SAID NORTH LINE OF SECTION 19, A DISTANCE OF 15.00 FEET TO A POINT ON THE EAST LINE OF BLOCK 5 OF SAID ATLANTIC PARK, SAID POINT BEING THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89°32'49" WEST ALONG A LINE PARALLEL TO AND 119.00 FEET SOUTH OF SAID NORTH LINE OF SECTION 19, A DISTANCE OF 193.35 FEET TO A POINT ON THE WEST LINE OF SAID BLOCK 5; THENCE NORTH 01°49'32" WEST, ALONG SAID WEST LINE, A DISTANCE OF 54.22 FEET; THENCE NORTH 89°32'49" EAST, ALONG THE NORTH LINE OF SAID BLOCK 5, A DISTANCE OF 93.15 FEET, THENCE NORTH 01°49'32" WEST ALONG THE EAST LINE OF TRACT 4 OF THE PALM BEACH FARMS COMPANY PLAT NO. 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 26 THROUGH 28 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 0.22 FEET, THENCE NORTH 89°32'49" EAST, ALONG THE NORTH LINE OF SAID BLOCK 5, A DISTANCE OF 100.20 FEET TO A POINT ON THE EAST LINE OF SAID BLOCK 5; THENCE SOUTH 01°49'32" EAST, ALONG SAID EAST LINE, A DISTANCE OF 54.44 FEET TO THE POINT OF BEGINNING.

CONTAINING 10,502 SQUARE FEET OR 0.241 ACRES.

SURVEYOR'S NOTES

1. THIS DRAWING IS NOT A SURVEY.
2. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THIS OFFICE.
3. THE DESCRIPTION SKETCH AND THE DESCRIPTION TEXT COMPRISE THE COMPLETE LEGAL DESCRIPTION. THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH ACCOMPANY EACH OTHER.
4. THIS LEGAL DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER EMPLOYED BY WANTMAN GROUP, INC.
5. THE BEARINGS SHOWN HEREON ARE BASED ON THE NORTH LINE OF THE NORTHEAST ONE-QUARTER OF SECTION 19, TOWNSHIP 46 SOUTH, RANGE 42 EAST, WHICH BEARS SOUTH 89°32'49" WEST.

WANTMAN GROUP, INC.

THOMAS R. DITMAN
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA CERTIFICATE NUMBER 5763



Wantman Group, Inc.

Engineering ♦ Surveying ♦ Mapping

2035 VISTA PARKWAY, SUITE 100

WEST PALM BEACH, FL 33411

(561) 687-2220 phone

(561) 687-1110 fax

CERTIFICATION NUMBER 6091

LICENSED BUSINESS NUMBER 7055

CAD

T:\478 Atlantic Ave Design\Leg&Sketch\dwg\478SY816.dwg

REVIEWED BY : PERRY WHITE

FIELD

JOB 204478.00

DRAWN BY DPK

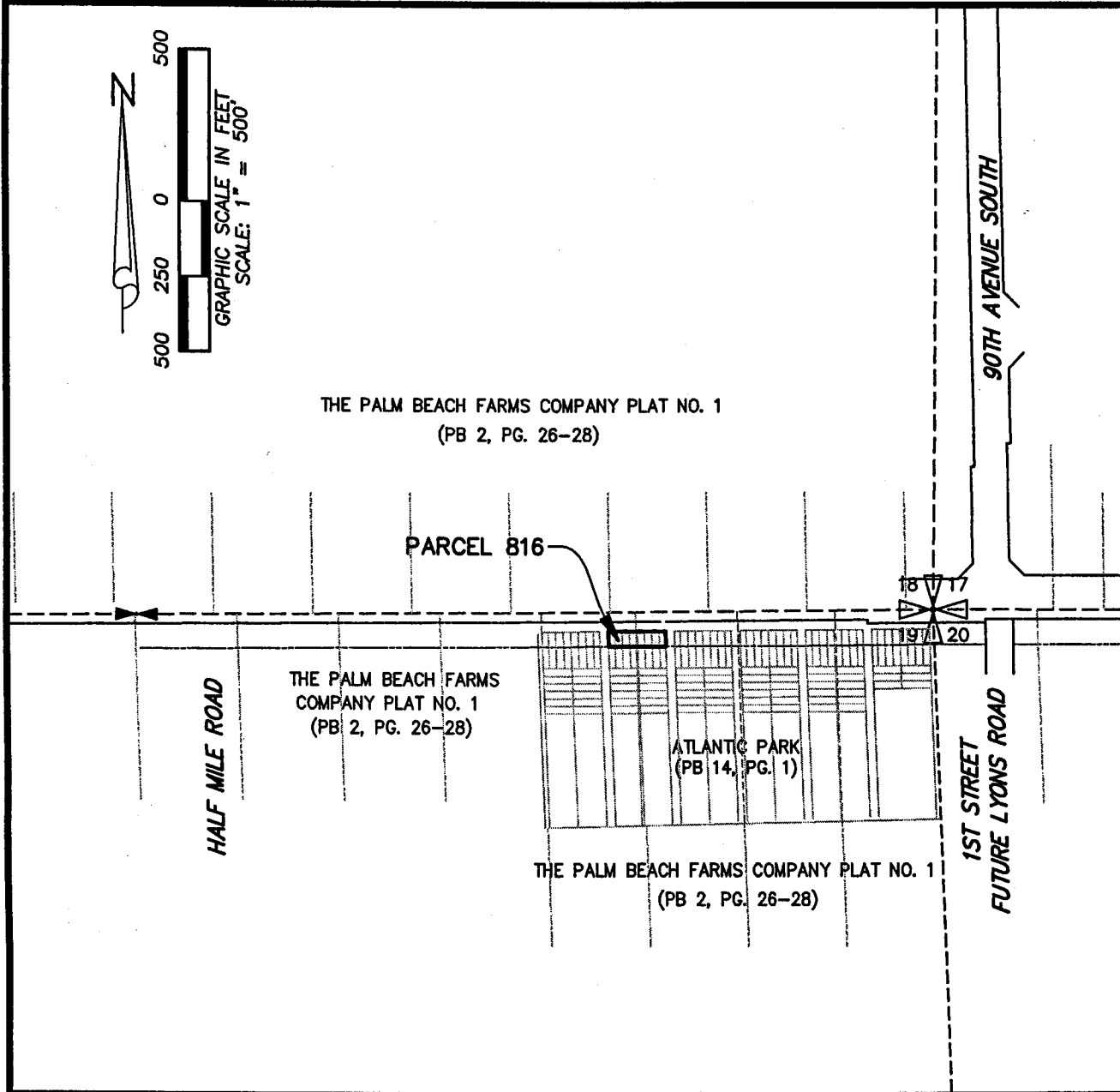
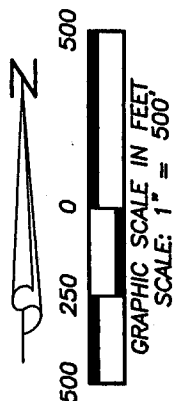
DATE 06/19/09

CHECKED BY TRD

SHEET 1 OF 3

DESCRIPTION & SKETCH
 PREPARED FOR:
 PALM BEACH COUNTY, FLORIDA

LAKE WORTH DRAINAGE DISTRICT PARCEL 816
 ATLANTIC AVENUE (SR 806) BETWEEN HALF MILE ROAD & LYONS ROAD
 PALM BEACH COUNTY, FLORIDA



Wantman Group, Inc.

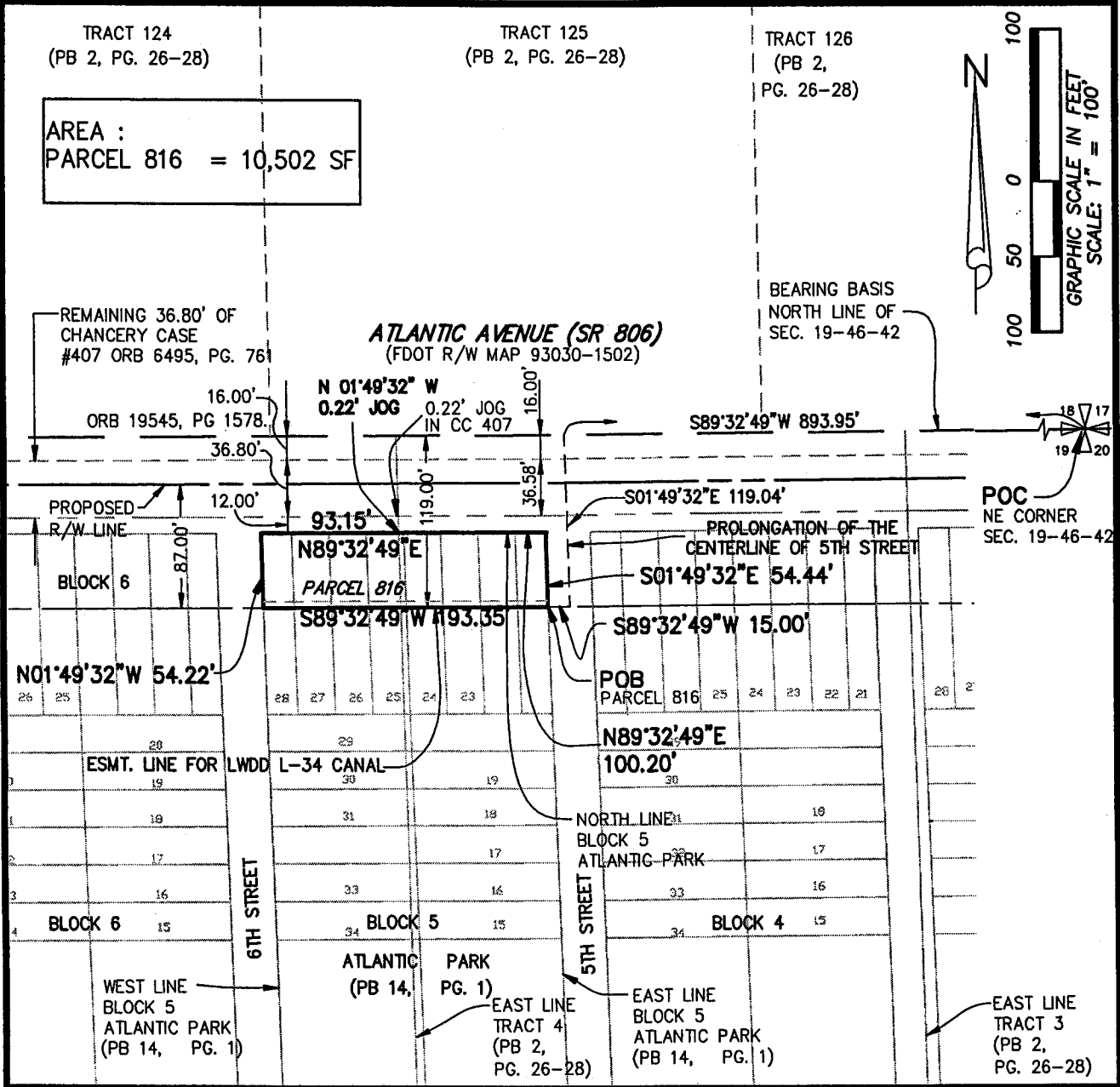
Engineering ♦ Surveying ♦ Mapping
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REVIEWED BY : PERRY WHITE	
FIELD	JOB 204478.00
DRAWN BY DPK	DATE 06/19/09
CHECKED BY TRD	SHEET 2 OF 3

DESCRIPTION & SKETCH
 PREPARED FOR:
 PALM BEACH COUNTY, FLORIDA

LAKE WORTH DRAINAGE DISTRICT PARCEL 816
ATLANTIC AVENUE (SR 806) BETWEEN HALF MILE ROAD & LYONS ROAD
 PALM BEACH COUNTY, FLORIDA



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REVIEWED BY : PERRY WHITE	
FIELD	JOB 204478.00
DRAWN BY DPK	DATE 11/18/08
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DESCRIPTION & SKETCH
 PREPARED FOR:
 PALM BEACH COUNTY, FLORIDA

LAKE WORTH DRAINAGE DISTRICT PARCEL 816A
ATLANTIC AVENUE (SR 806) BETWEEN HALF MILE ROAD & LYONS ROAD
 PALM BEACH COUNTY, FLORIDA

LEGEND

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PBC = PALM BEACH COUNTY	SFWM = SOUTH FLORIDA WATER MANAGEMENT DISTRICT
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LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 19, TOWNSHIP 46 SOUTH, RANGE 42 EAST, BEING A PORTION OF ATLANTIC PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 14, PAGE 1 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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CONTAINING 4309 SQUARE FEET OR 0.099 ACRES.

SURVEYOR'S NOTES

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2. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THIS OFFICE.
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5. THE BEARINGS SHOWN HEREON ARE BASED ON THE NORTH LINE OF THE NORTHEAST ONE-QUARTER OF SECTION 19, TOWNSHIP 46 SOUTH, RANGE 42 EAST, WHICH BEARS SOUTH 89°32'49" WEST.

THOMAS R. DITMAN
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA CERTIFICATE NUMBER 5763

WANTMAN GROUP, INC.



Wantman Group, Inc.

Engineering ♦ Surveying ♦ Mapping

2035 VISTA PARKWAY, SUITE 100

WEST PALM BEACH, FL 33411

(561) 687-2220 phone

(561) 687-1110 fax

CERTIFICATION NUMBER 6091

LICENSED BUSINESS NUMBER 7055

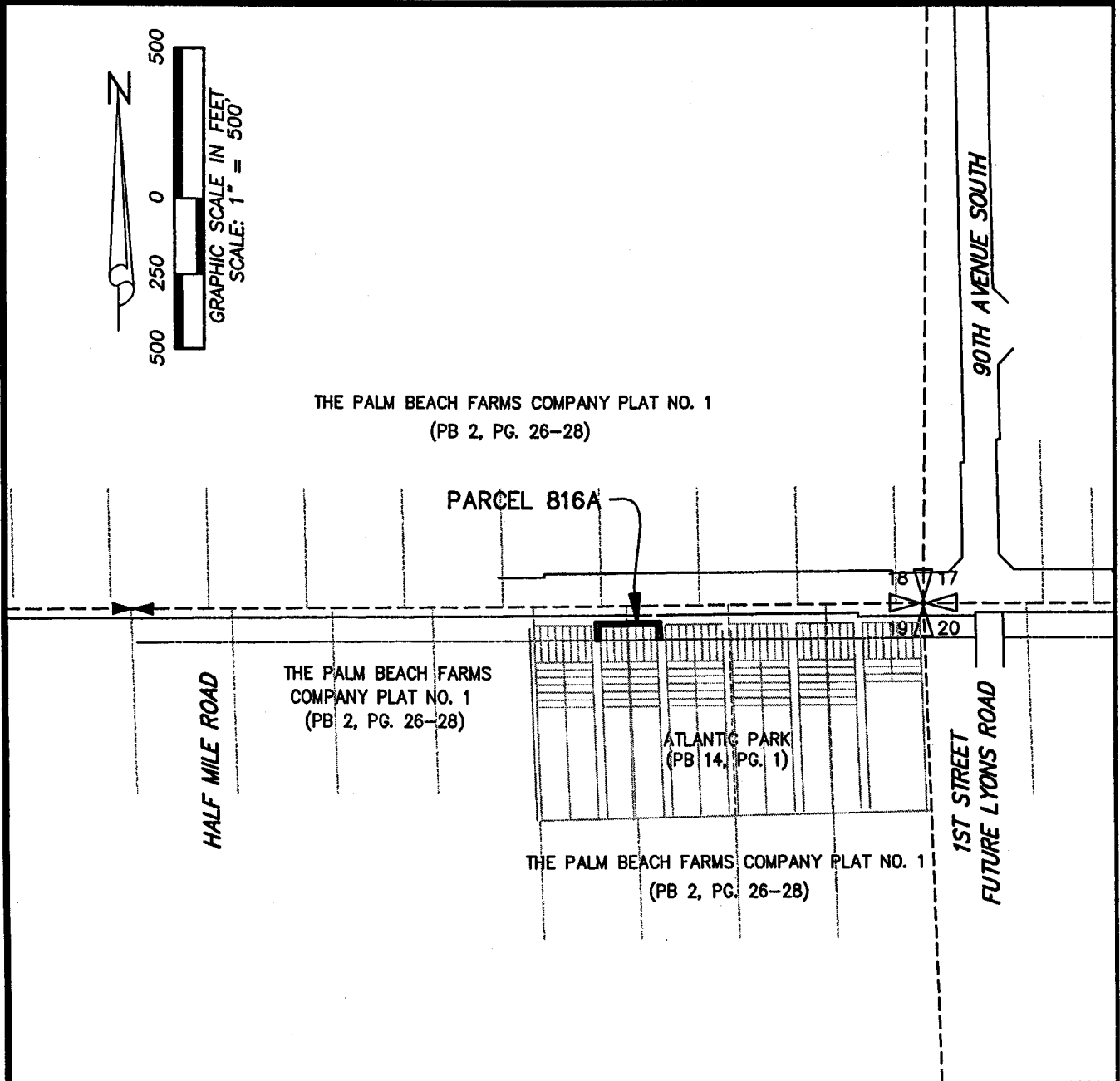
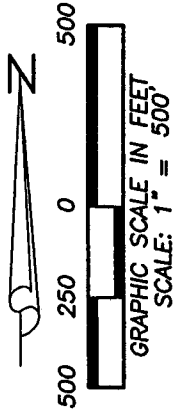
CAD
 T:\457 Tpike_Atlantic to PBC\lane closure\478 Atlantic Ave
 Design\Leg & Sketch\DWG\478SY816A.DWG

REVIEWED BY : PERRY WHITE

FIELD	JOB	204478.00
DRAWN BY	DPK	DATE 06/19/2009
CHECKED BY	TRD	SHEET 1 OF 3

DESCRIPTION & SKETCH
 PREPARED FOR:
 PALM BEACH COUNTY, FLORIDA

LAKE WORTH DRAINAGE DISTRICT PARCEL 816A
 ATLANTIC AVENUE (SR 806) BETWEEN HALF MILE ROAD & LYONS ROAD
 PALM BEACH COUNTY, FLORIDA



Wantman Group, Inc.

Engineering ♦ Surveying ♦ Mapping

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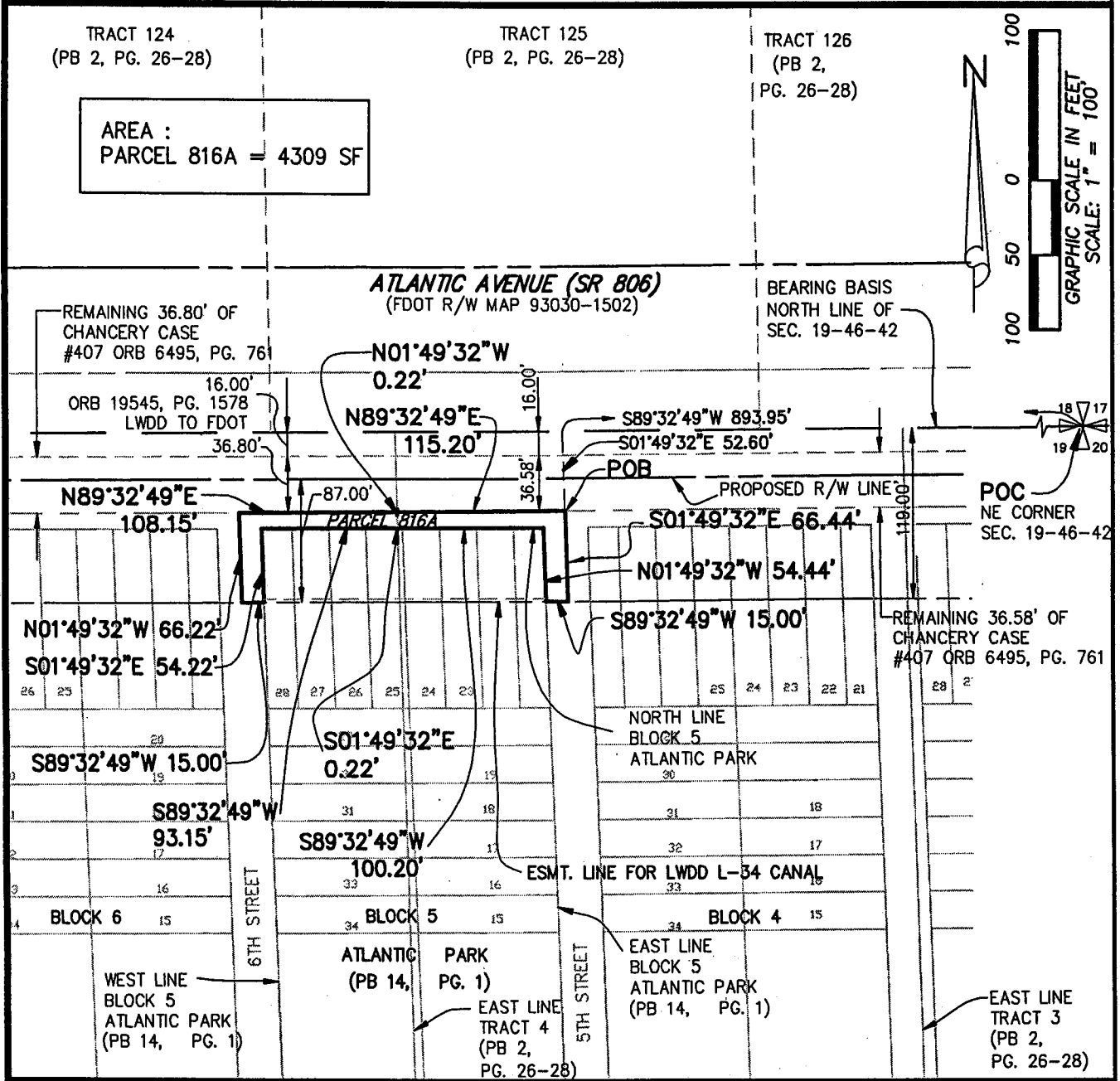
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REVIEWED BY : PERRY WHITE

FIELD	JOB	204478.00
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DESCRIPTION & SKETCH
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 PALM BEACH COUNTY, FLORIDA

LAKE WORTH DRAINAGE DISTRICT PARCEL 816A
ATLANTIC AVENUE (SR 806) BETWEEN HALF MILE ROAD & LYONS ROAD
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 Engineering ♦ Surveying ♦ Mapping
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REVIEWED BY : PERRY WHITE	
FIELD	JOB 204478.00
DRAWN BY DPK	DATE 06/19/2009
CHECKED BY TRD	SHEET 3 OF 3

DESCRIPTION & SKETCH
 PREPARED FOR:
 PALM BEACH COUNTY, FLORIDA

LAKE WORTH DRAINAGE DISTRICT PARCEL 817
 ATLANTIC AVENUE (SR 806) BETWEEN HALF MILE ROAD & LYONS ROAD
 PALM BEACH COUNTY, FLORIDA

LEGEND

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PBC = PALM BEACH COUNTY	SFWM = SOUTH FLORIDA WATER MANAGEMENT DISTRICT
PB = PLAT BOOK	SR = STATE ROAD
PG. = PAGE	

LEGAL DESCRIPTION

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CONTAINING 10,481 SQUARE FEET OR 0.241 ACRES.

SURVEYOR'S NOTES

1. THIS DRAWING IS NOT A SURVEY.
2. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THIS OFFICE.
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WANTMAN GROUP, INC.

THOMAS R. DITMAN
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA CERTIFICATE NUMBER 5763



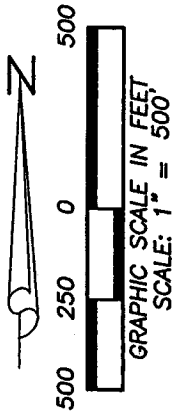
Wantman Group, Inc.
Engineering ♦ Surveying ♦ Mapping
 2035 VISTA PARKWAY, SUITE 100
 WEST PALM BEACH, FL 33411
 (561) 687-2220 phone
 (561) 687-1110 fax
 CERTIFICATION NUMBER 6091
 LICENSED BUSINESS NUMBER 7055

CAD
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 Design\Leg & Sketch\DWG\478-817SY.DWG
 REVIEWED BY: PERRY WHITE

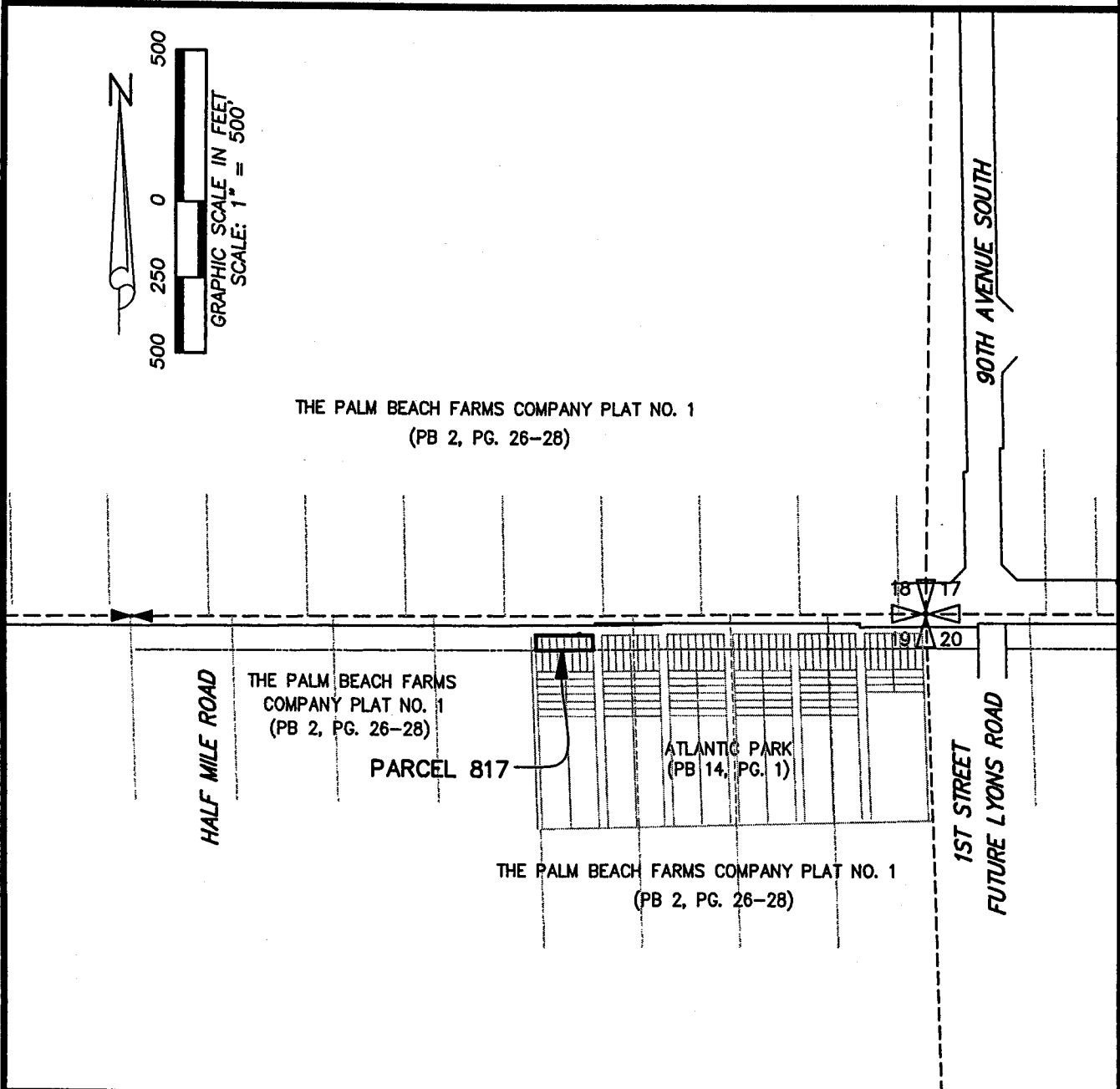
FIELD	JOB	204478.00
DRAWN BY	DPK	DATE 06/19/2009
CHECKED BY	TRD	SHEET 1 OF 3

DESCRIPTION & SKETCH
 PREPARED FOR:
 PALM BEACH COUNTY, FLORIDA

LAKE WORTH DRAINAGE DISTRICT PARCEL 817
 ATLANTIC AVENUE (SR 806) BETWEEN HALF MILE ROAD & LYONS ROAD
 PALM BEACH COUNTY, FLORIDA



THE PALM BEACH FARMS COMPANY PLAT NO. 1
 (PB 2, PG. 26-28)

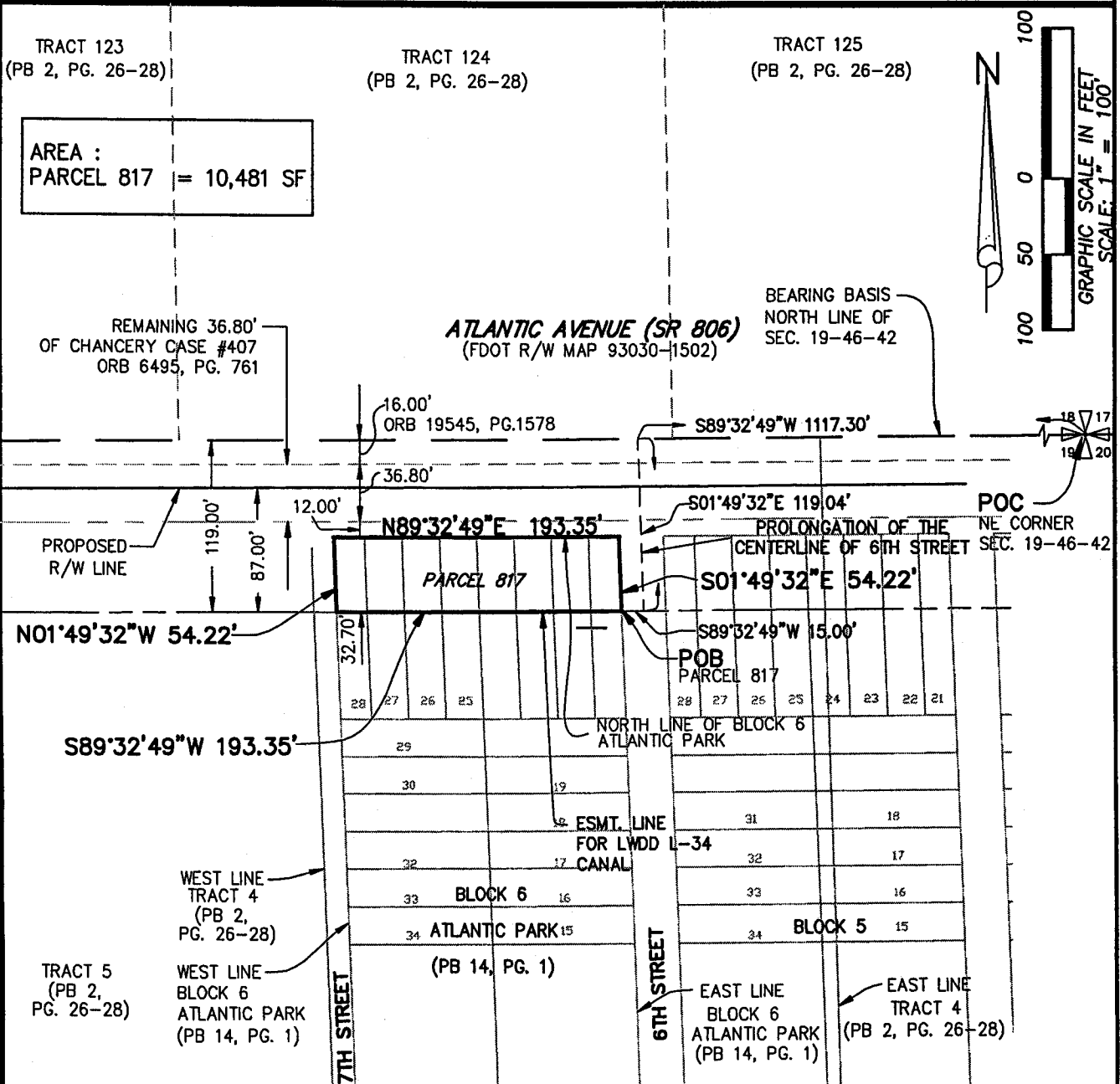


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 CERTIFICATION NUMBER 6091
 LICENSED BUSINESS NUMBER 7055

CAD T:\457 Tpike_Atlantic to PBC\lane closure\478 Atlantic Ave Design\Leg & Sketch\DWG\478-817SY.DWG REVIEWED BY : PERRY WHITE	
FIELD	JOB 204478.00
DRAWN BY DPK	DATE 06/19/2009
CHECKED BY TRD	SHEET 2 OF 3

DESCRIPTION & SKETCH
 PREPARED FOR:
 PALM BEACH COUNTY, FLORIDA

LAKE WORTH DRAINAGE DISTRICT PARCEL 817
ATLANTIC AVENUE (SR 806) BETWEEN HALF MILE ROAD & LYONS ROAD
 PALM BEACH COUNTY, FLORIDA



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FIELD	JOB	204478.00
DRAWN BY	DPK	DATE 06/19/2009
CHECKED BY	TRD	SHEET 3 OF 3

DESCRIPTION & SKETCH
 PREPARED FOR:
 PALM BEACH COUNTY, FLORIDA

LAKE WORTH DRAINAGE DISTRICT PARCEL 817A
ATLANTIC AVENUE (SR 806) BETWEEN HALF MILE ROAD & LYONS ROAD
 PALM BEACH COUNTY, FLORIDA

LEGEND

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LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 19, TOWNSHIP 46 SOUTH, RANGE 42 EAST, BEING A PORTION OF, ATLANTIC PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 14, PAGE 1 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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CONTAINING 4305 SQUARE FEET OR 0.099 ACRES.

SURVEYOR'S NOTES

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WANTMAN GROUP, INC.

Thomas R. Ditman

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 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA CERTIFICATE NUMBER 5763



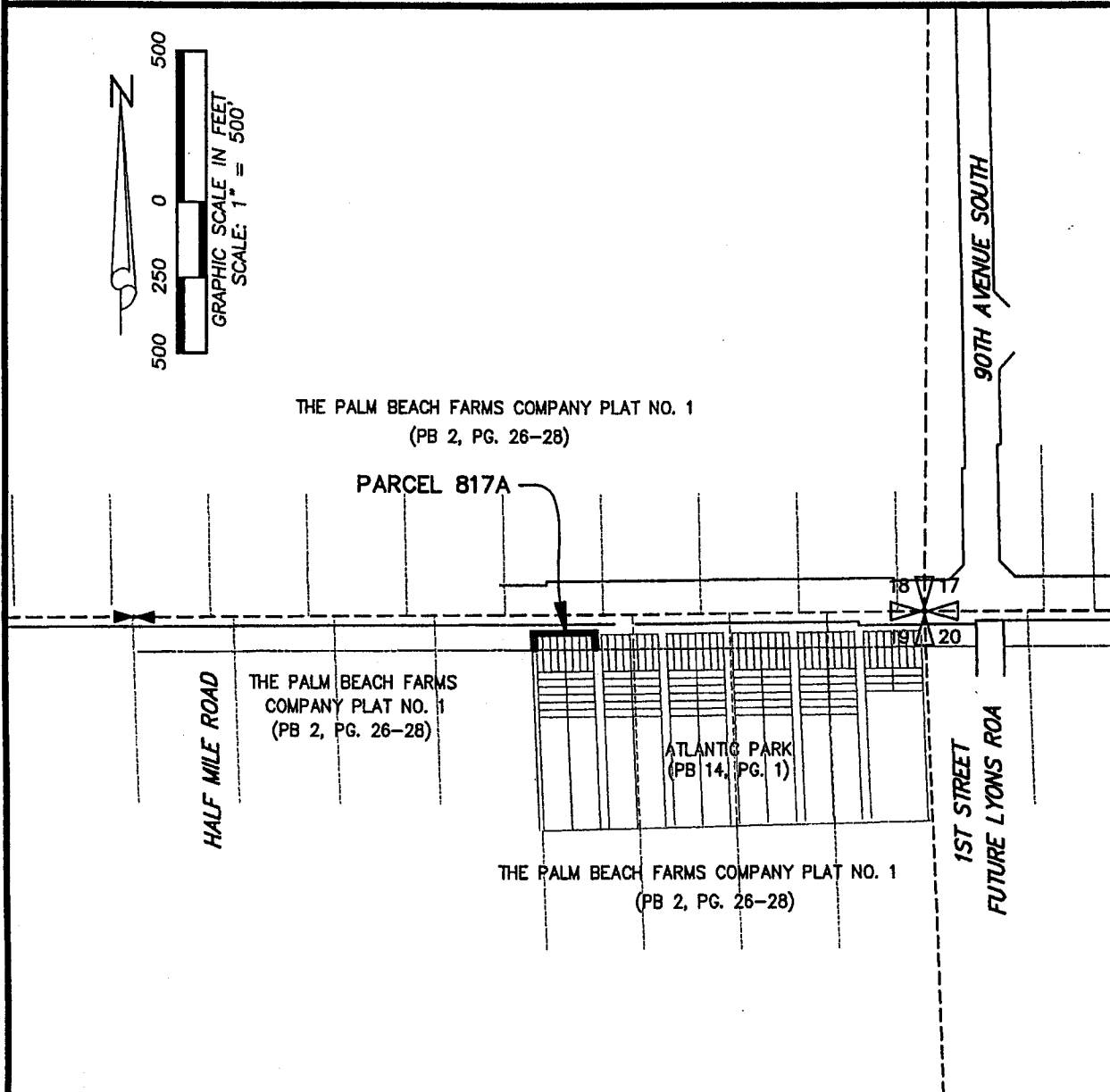
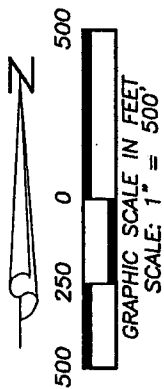
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REVIEWED BY : PERRY WHITE	
FIELD	JOB 204478.00
DRAWN BY DPK	DATE 06/19/2009
CHECKED BY TRD	SHEET 1 OF 3

LWDD · DAB · 7-15-09 94-118R.15

DESCRIPTION & SKETCH
 PREPARED FOR:
 PALM BEACH COUNTY, FLORIDA

LAKE WORTH DRAINAGE DISTRICT PARCEL 817A
 ATLANTIC AVENUE (SR 806) BETWEEN HALF MILE ROAD & LYONS ROAD
 PALM BEACH COUNTY, FLORIDA



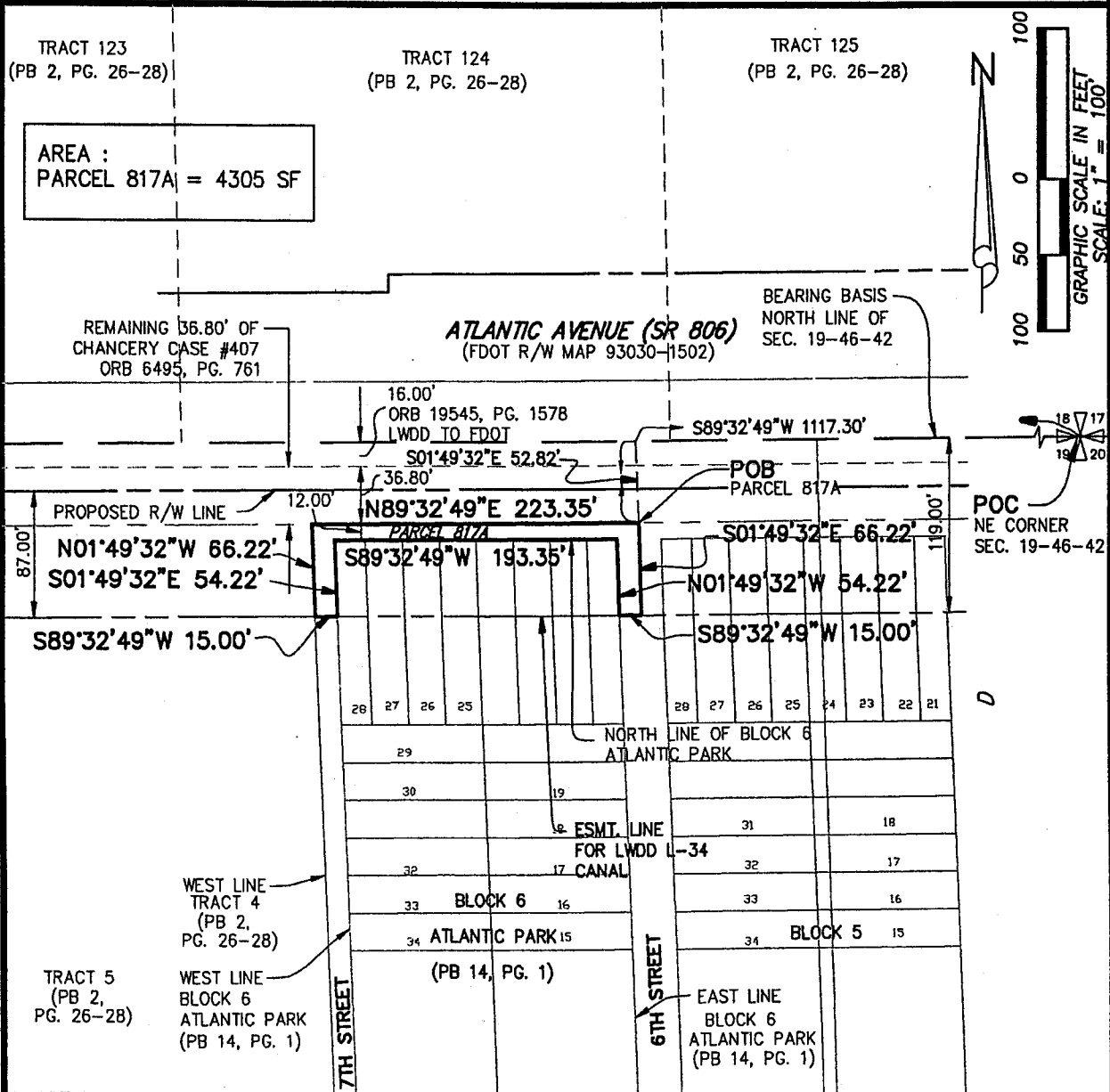
Wantman Group, Inc.
 Engineering ♦ Surveying ♦ Mapping
 2035 VISTA PARKWAY, SUITE 100
 WEST PALM BEACH, FL 33411
 (561) 687-2220 phone
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 CERTIFICATION NUMBER 6091
 LICENSED BUSINESS NUMBER 7055

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REVIEWED BY : PERRY WHITE	
FIELD	JOB 204478.00
DRAWN BY DPK	DATE 06/19/2009
CHECKED BY TRD	SHEET 2 OF 3

LWDD · DAB · 7-15-09

DESCRIPTION & SKETCH
 PREPARED FOR:
 PALM BEACH COUNTY, FLORIDA

LAKE WORTH DRAINAGE DISTRICT PARCEL 817A
ATLANTIC AVENUE (SR 806) BETWEEN HALF MILE ROAD & LYONS ROAD
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