

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date: February 7, 2012

Consent

Regular

Workshop

Public Hearing

Department:

Submitted By: Engineering and Public Works

Submitted For: Right-of-Way Acquisition Section

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to adopt: Five Resolutions to declare the acquisition of property designated as Parcel 100 as a Fee Simple acquisition and Parcels 302, 303, 304A and 304B as Temporary Construction Easements necessary for the construction and improvements at the intersection of Toney Penna Drive and Old Dixie Highway.

SUMMARY: The adoption of these Resolutions will initiate eminent domain proceedings against five parcels having a total appraised value of \$98,400.

District 1 (PM)

Background and Justification: The property owners of Parcel 100, a Fee Simple acquisition and Parcels 302, 303, 304A and 304B, Temporary Construction Easements, have not accepted the offers to purchase made by Palm Beach County (County). It is therefore necessary to file eminent domain proceedings to acquire these parcels. The acquisition of these parcels is required for the construction and improvements at the intersection of Toney Penna Drive and Old Dixie Highway. This intersection is included under the Countywide Intersection Program which is a part of the current Five-Year Road Program. The acquisition of these parcels is for a public purpose and necessity, which is deemed to be in the best interest of the County.

Attachments:

- 1. Location Map
- 2. Resolutions (5) with Exhibit "A" and Exhibit "B"

Recommended by:

D. Young
Division Director

12-28-11
Date

Approved by:

A. T. Webb
County Engineer

1/18/12
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2012	2013	2014	2015	2016
Capital Expenditures	\$98,400	-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	\$98,400	-0-	-0-	-0-	-0-
# ADDITIONAL FTE					
POSITIONS (Cumulative)					

Is Item Included in Current Budget? Yes X No

Budget Account No:

Fund 3501 Dept 361 Unit 1004 Object 6120

Recommended Sources of Funds/Summary of Fiscal Impact:

Road Impact Fee Fund - Zone 1
Toney Penna Dr. & Old Dixie Hwy.

Right of Way Property Acquisition \$98,400.00

C. Departmental Fiscal Review: *A. White* _____

III. REVIEW COMMENTS

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

 [Signature] 1/24/12 _____
OFMB
1/19/12
1/19/12
oc
1/19/12

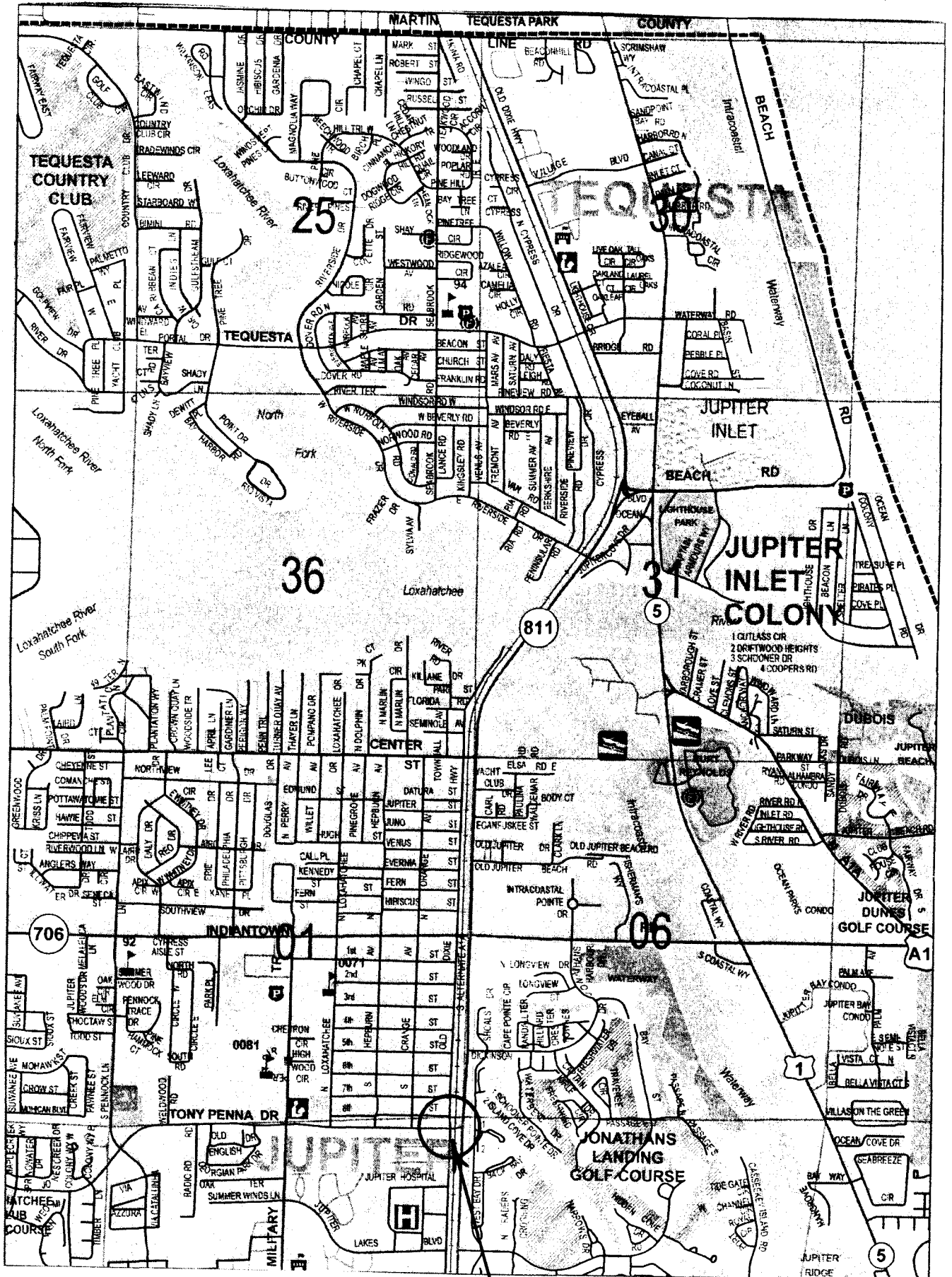
 [Signature] 1/27/12 _____
Contract Dev. and Control
1-26-12 *B. Wheeler*

B. Approved as to Form
and Legal Sufficiency:
 [Signature] _____
Assistant County Attorney

C. Other Department Review:

Department Director

LOCATION MAP



RESOLUTION NO. R-2012-

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, DECLARING THE ACQUISITION OF A PARCEL OF LAND DESIGNATED AS PARCEL 100 AS A FEE SIMPLE ACQUISITION, NECESSARY FOR THE WIDENING AND CONSTRUCTION OF IMPROVEMENTS FOR THE TONEY PENNA DRIVE AND OLD DIXIE HIGHWAY INTERSECTION PROJECT TO BE FOR A PUBLIC USE AND PURPOSE, 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, necessary for the widening and construction of improvements for the Toney Penna Drive and Old Dixie Highway Intersection project, in Palm Beach County, Florida; and,

WHEREAS, the funds are available for the acquisition of the Parcel designated as Parcel 100 as a Fee Simple acquisition; and,

WHEREAS, the property owner has not accepted the offer to purchase made by Palm Beach County; and,

WHEREAS, the Board of County Commissioners of Palm Beach County is exercising its authority of Eminent Domain pursuant to Florida Statutes 73, 74, 127 and 337.27, as amended; and,

WHEREAS, this Board has considered the required factors pursuant to Florida law including Safety, Costs, Alternate Routes or Methodologies, Long Range Plans and the Environment, as applicable to this parcel, as 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 100 for the necessary Fee Simple acquisition, described in Exhibit "A", is necessary for the following public use and purpose, to wit: the construction and improvements for the Toney Penna Drive and Old Dixie Highway Intersection project and as such, the acquisition of said property is for a public use and purpose deemed to be in the best interest of Palm Beach County; and,

WHEREAS, the Fee Simple acquisition designated as Parcel 100 is necessary for the installation of a mast arm traffic signal; and,

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

WHEREAS, in order to accomplish the acquisition of Parcel 100 the County Engineer and the County Attorney are authorized to take legal action, including the filing of Eminent Domain Proceedings, and to employ real estate appraisers and other experts deemed necessary to accomplish this purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, THAT:

- a. This Board adopts and ratifies those matters set forth in the foregoing recitals.
- b. The County Engineer and County Attorney are authorized and directed to proceed to take all necessary steps, including the hiring of accountants, appraisers, or other experts and witnesses, for Palm Beach County to acquire in its own name by donation, purchase or Eminent Domain Proceedings, the real property described in Exhibit "A", and prepare all papers, pleadings and other instruments required for that purpose, and to see that all Eminent Domain Proceedings are prosecuted to judgment.
- c. The County Engineer and County Attorney are hereby further 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 "A" that may be necessary to fully accomplish those purposes.

BE IT FURTHER RESOLVED that the property described in Exhibit "A" is to be used for the following public use and purpose; a Fee Simple acquisition necessary for the widening and construction of improvements for the Toney Penna Drive and Old Dixie Highway Intersection project.

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:

Commissioner Shelley Vana, Chair	_____
Commissioner Steven L. Abrams, Vice Chairman	_____
Commissioner Karen T. Marcus	_____
Commissioner Paulette Burdick	_____
Commissioner Burt Aaronson	_____
Commissioner Jess R. Santamaria	_____
Commissioner Priscilla A. Taylor	_____

The Chair thereupon declared the Resolution duly passed and adopted this _____ day of _____, 2012.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

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

Sharon R. Bock, Clerk & Comptroller

BY: _____
County Attorney

BY: _____
Deputy Clerk

DESCRIPTION & SKETCH PREPARED FOR: ARCADIS U.S., INC.	BENAIM SAMUEL TRUST PARCEL 100
CORNER CLIP	

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF THOSE LANDS DESCRIBED IN OFFICIAL RECORD BOOK 22423, PAGE 1566, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND LYING IN SECTION 12, TOWNSHIP 41 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, AND ALSO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 12; THENCE ALONG THE NORTH LINE OF SAID SECTION 12, SOUTH 87°24'17" WEST, A DISTANCE OF 213.61 FEET TO THE INTERSECTION THEREOF WITH THE WEST RIGHT OF WAY LINE OF OLD DIXIE HIGHWAY; THENCE ALONG SAID WEST RIGHT OF WAY LINE, SOUTH 01°21'17" WEST, A DISTANCE OF 217.06 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF TONEY PENNA DRIVE, AS DESCRIBED IN OFFICIAL RECORD BOOK 1378, PAGE 235, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID POINT ALSO BEING THE NORTHEAST CORNER OF SAID LANDS DESCRIBED IN OFFICIAL RECORD BOOK 22423, PAGE 1566 AND ALSO BEING THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL:

THENCE CONTINUE ALONG SAID WEST RIGHT OF WAY LINE OF OLD DIXIE HIGHWAY, SOUTH 01°21'17" WEST, A DISTANCE OF 25.00 FEET; THENCE DEPARTING SAID WEST RIGHT OF WAY LINE, NORTH 44°29'27" WEST, A DISTANCE OF 34.83 FEET TO A POINT ON THE AFOREMENTIONED SOUTH RIGHT OF WAY LINE FOR TONEY PENNA DRIVE; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE, NORTH 89°39'50" EAST, A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 312 SQUARE FEET, MORE OR LESS.

SURVEYOR'S NOTES:

1. THE LEGAL DESCRIPTION AND SKETCH, SHOWN HEREON IS NOT A SURVEY.
2. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THIS OFFICE.
3. LEGAL DESCRIPTION PREPARED BY LIDBERG LAND SURVEYING, INC.
4. THE LEGAL AND SKETCH SHOWN HEREON IS BASED ON THAT CERTAIN RIGHT OF WAY DEED FOR TONEY PENNA DRIVE, AS RECORDED IN OFFICIAL RECORD BOOK 1378, PAGE 235, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.
5. BEARINGS AND COORDINATES SHOWN HEREON ARE RELATIVE TO THE NATIONAL GEODETIC SURVEY, TRANSVERSE MERCATOR PROJECTION, FLORIDA EAST ZONE (1983 DATUM WITH 1990 ADJUSTMENT) AND ARE REFERENCED TO A BEARING OF SOUTH 87°24'17" WEST ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 41 SOUTH, RANGE 42 EAST.
6. THE DESCRIPTION SKETCH AND THE DESCRIPTION TEXT COMPRISE THE COMPLETE LEGAL DESCRIPTION. THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH ACCOMPANY EACH OTHER.
7. THIS LEGAL DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER EMPLOYED BY LIDBERG LAND SURVEYING, INC.
8. DATE OF LEGAL DESCRIPTION: MARCH 31, 2011

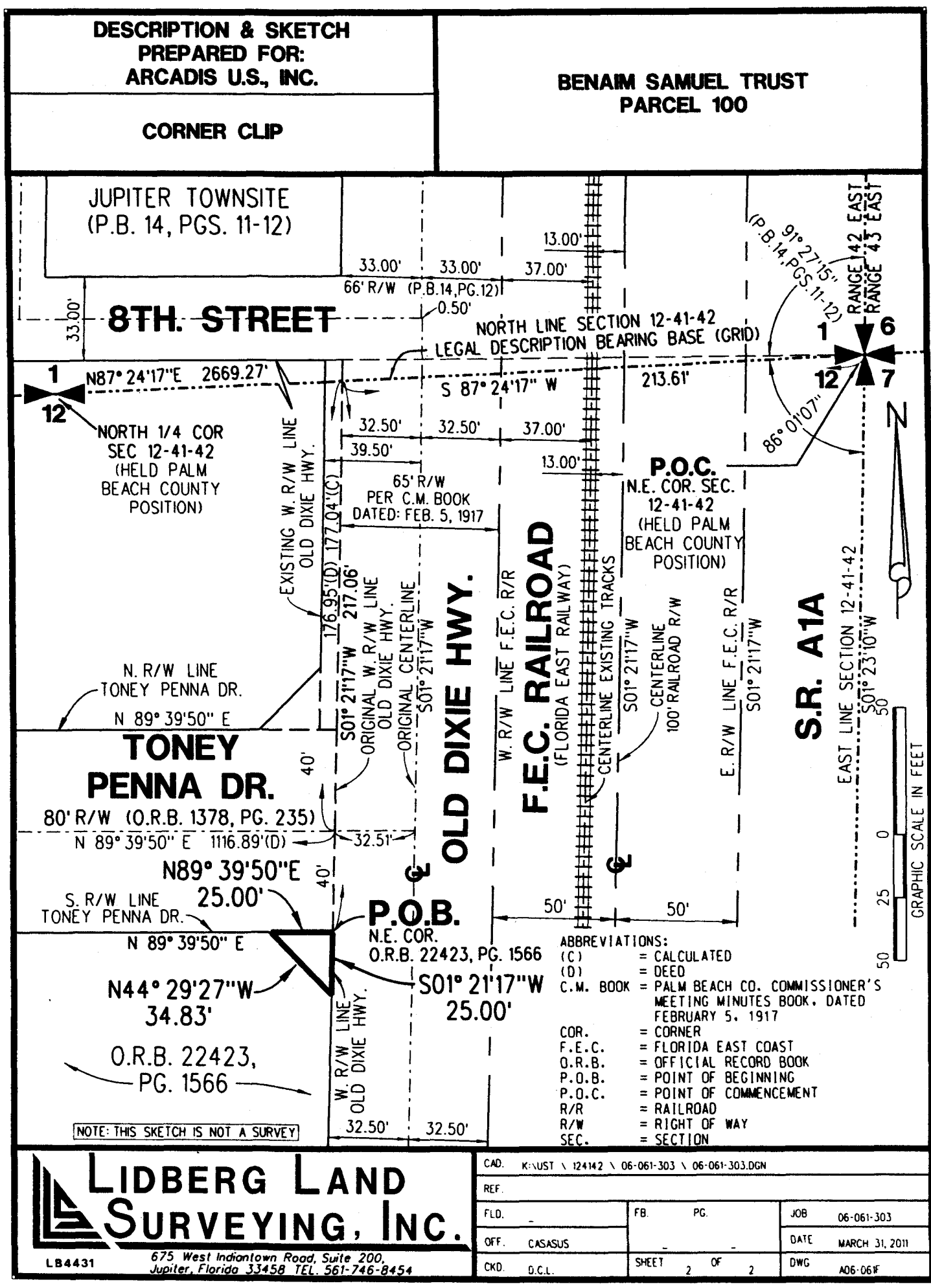
LIDBERG LAND SURVEYING, INC.

DAVID C. LIDBERG
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 3613



LB4431 675 West Indiantown Road, Suite 200,
Jupiter, Florida 33458 TEL. 561-746-8454

CAD. K:\UST \ 124142 \ 06-061-303 \ 06-061-303.DGN			
REF.			
FLD.	FB.	PG.	JOB 06-061-303
OFF. CASASUS			DATE MARCH 31, 2011
CKD. D.C.L.	SHEET 1	OF 2	DWG. A06-061F



LIDBERG LAND SURVEYING, INC.

LB4431 675 West Indiantown Road, Suite 200, Jupiter, Florida 33458 TEL. 561-746-8454

CAD. K:\JUST \ 124142 \ 06-061-303 \ 06-061-303.DGN			
REF.			
FLD.	FB.	PG.	JOB 06-061-303
OFF. CASASUS			DATE MARCH 31, 2011
CKD. D.C.L.	SHEET 2	OF 2	DWG A06-06F

**TONEY PENNA DRIVE & OLD DIXIE HIGHWAY
INTERSECTION IMPROVMENTS
PALM BEACH COUNTY, PROJECT #2002109**

SAFETY

The intersection of Toney Penna Drive and Old Dixie Highway is located within a highly developed commercial area in Jupiter, Florida. The intersection is located directly adjacent to both the Florida East Coast Railroad and SR 811/Alternate A1A. The combination of the high traffic volumes, the railroad crossing, and the close spacing of the intersections of Toney Penna Drive with Old Dixie Highway and Alternate A1A results in significant traffic delays and congestion. The widening of this intersection to provide for additional left and right turn lanes and the improvements of traffic channelization and signalization will improve the overall safety for users by providing additional turn lanes for smoother traffic flow. The design of this project has been done in accordance with the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (The Florida Greenbook), as adopted and approved by the Florida Department of Transportation (FDOT).

COST

The cost of improving the intersection of Toney Penna Drive and Old Dixie Highway had been estimated prior to beginning design. The appropriate funding for design, right-of-way acquisition and construction was budgeted in the County's Five Year Road program. During the design of the roadway, all reasonable efforts were 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 this parcel fit into the planned funding for this project, and the acquisition of this parcel was necessary, in furtherance of this public project.

ALTERNATE ROUTES

Toney Penna Drive and Old Dixie Highway are both heavily traveled roadways, and they provide the most direct route for vehicles traveling through commercial areas of the Town of Jupiter. The intersection is also located in close proximity to the Jupiter Medical Center. These roadways serve as access routes to this hospital for both the travelling public as well as emergency vehicles. The improvement of the intersection was required as a condition of the Abacoa Development of Regional Impact (DRI) approval.

Alternate routes were considered in lieu of improving this intersection. The town of Jupiter conducted a study analyzing alternatives to the improvement of the intersection, which included as an alternative, the relocation of the Toney Penna Drive railroad crossing. Upon completion of the study and review by the Town Council as well as the general public, it was determined that the construction of an alternate route through the community would negatively impact existing businesses, would result in negative impacts for vehicle access to the Jupiter Medical Center, be more costly and result in unnecessary impacts to the environment

LONG RANGE PLANNING

The development of this project is in conformance with Palm Beach County's 2030 Long Range Transportation Plan. The 2030 Long Range Transportation System Plan is a 25-year forecast based on projected regional needs identified through the process of forecasting travel demand, evaluating system alternatives and selecting those options which best meet the mobility, safety, and other needs of the County, considering financial, environmental and social constraints. The plan serves as the preliminary tool used for transportation planning in Palm Beach County.

ENVIRONMENTAL IMPACTS

Toney Penna Drive and Old Dixie Highway exist along established roadway corridors and the proposed improvements will have minimal negative impacts to the environment. This roadway improvement project is, or is expected to be, permitted through the appropriate environmental regulatory agencies.

Following is a more detailed outline of the reasons for acquisition needed for the improvement of Toney Penna Drive and Old Dixie Highway:

ACQUISITION FOR PARCEL 100,

This parcel is required for the construction of a traffic signal. The parcel is located at the south west corner of the intersection. Acquisition of this parcel will allow for the installation of the mast arm support for the traffic signal.

ACQUISITION FOR PARCEL 302

This parcel is required for a Temporary Construction Easement to allow for driveway reconstruction and to accommodate the construction of drainage improvements within the right of way. The parcel is located at the south west corner of the intersection. The parcel has two driveways fronting on Toney Penna Drive and Old Dixie Highway. Both driveways will be reconstructed to match the roadway elevations.

ACQUISITION FOR PARCEL 303

This parcel is required for a Temporary Construction Easement to allow for driveway reconstruction and to harmonize roadway work with the adjacent property. The parcel is located on the north side of the north right-of-way of Toney Penna Drive between S. Orange Avenue and Old Dixie Highway. The parcel has two driveways fronting on Toney Penna Drive. Both driveways will be reconstructed to match the roadway elevations.

ACQUISITION FOR PARCEL 304A

This parcel is required for a Temporary Construction Easement to allow for driveway reconstruction and to harmonize roadway work with the adjacent property. The parcel is located on the west side of Old Dixie Highway, approximately 260 feet south of Toney Penna Drive. The parcel has a driveway fronting on Old Dixie Highway. This driveway will be reconstructed to match the roadway elevations.

ACQUISITION FOR PARCEL 304B

This parcel is required for a Temporary Construction Easement to allow for driveway reconstruction and to accommodate the construction of drainage improvements within the right of way. The parcel is located on the west side of Old Dixie Highway, approximately 240 feet south of Toney Penna Drive. The parcel has a driveway fronting on Old Dixie Highway and the driveway will be reconstructed to match the roadway elevations.

RESOLUTION NO. R-2012-

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, DECLARING THE ACQUISITION OF A PARCEL OF LAND DESIGNATED AS PARCEL 302 AS A TEMPORARY CONSTRUCTION EASEMENT ACQUISITION, NECESSARY FOR THE WIDENING AND CONSTRUCTION OF IMPROVEMENTS FOR THE TONEY PENNA DRIVE AND OLD DIXIE HIGHWAY INTERSECTION PROJECT TO BE FOR A PUBLIC USE AND PURPOSE, 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, necessary for the widening and construction of improvements for the Toney Penna Drive and Old Dixie Highway Intersection project, in Palm Beach County, Florida; and,

WHEREAS, the funds are available for the acquisition of the Parcel designated as Parcel 302 as a Temporary Construction Easement acquisition; and,

WHEREAS, the property owner has not accepted the offer to purchase made by Palm Beach County; and,

WHEREAS, the Board of County Commissioners of Palm Beach County is exercising its authority of Eminent Domain pursuant to Florida Statutes 73, 74, 127 and 337.27, as amended; and,

WHEREAS, this Board has considered the required factors pursuant to Florida law including Safety, Costs, Alternate Routes or Methodologies, Long Range Plans and the Environment, as applicable to this parcel, as 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 302 for the necessary Temporary Construction Easement acquisition, described in Exhibit "A", is necessary for the following public use and purpose, to wit: the construction and improvements for the Toney Penna Drive and Old Dixie Highway Intersection project and as such, the acquisition of said property is for a public use and purpose deemed to be in the best interest of Palm Beach County; and,

WHEREAS, the Temporary Construction Easement designated as Parcel 302 is necessary for driveway reconstruction and to accommodate drainage improvements within the right-of-way as part of the construction and improvements to be undertaken by Palm Beach County for the before mentioned project; and,

WHEREAS, this Temporary Construction Easement provides that any necessary grading and/or sloping shall not extend beyond the limits as outlined in Exhibit "A" and that the Temporary Construction Easement shall expire three years from the date of acquisition or upon acceptance by the Board of County Commissioners of the completed construction, whichever is earlier; and,

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

WHEREAS, in order to accomplish the acquisition of Parcel 302 the County Engineer and the County Attorney are authorized to take legal action, including the filing of Eminent Domain Proceedings, and to employ real estate appraisers and other experts deemed necessary to accomplish this purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, THAT:

- a. This Board adopts and ratifies those matters set forth in the foregoing recitals.
- b. The County Engineer and County Attorney are authorized and directed to proceed to take all necessary steps, including the hiring of accountants, appraisers, or other experts and witnesses, for Palm Beach County to acquire in its own name by donation, purchase or Eminent Domain Proceedings, the real property described in Exhibit "A", and prepare all papers, pleadings and other instruments required for that purpose, and to see that all Eminent Domain Proceedings are prosecuted to judgment.
- c. The County Engineer and County Attorney are hereby further 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 "A" that may be necessary to fully accomplish those purposes.

BE IT FURTHER RESOLVED that the property described in Exhibit "A" is to be used for the following public use and purpose; a Temporary Construction Easement necessary for the widening and construction of improvements for the Toney Penna Drive and Old Dixie Highway Intersection project.

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:

Commissioner Shelley Vana, Chair	_____
Commissioner Steven L. Abrams, Vice Chairman	_____
Commissioner Karen T. Marcus	_____
Commissioner Paulette Burdick	_____
Commissioner Burt Aaronson	_____
Commissioner Jess R. Santamaria	_____
Commissioner Priscilla A. Taylor	_____

The Chair thereupon declared the Resolution duly passed and adopted this _____ day of _____, 2012.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

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

Sharon R. Bock, Clerk & Comptroller

BY: _____
County Attorney

BY: _____
Deputy Clerk

EXHIBIT "A"

DESCRIPTION & SKETCH PREPARED FOR: ARCADIS U.S., INC.	BENAIM SAMUEL TRUST PARCEL 302
TEMPORARY CONSTRUCTION EASEMENT	

LEGAL DESCRIPTION

A STRIP OF LAND, 5.00 FEET IN WIDTH BEING A PORTION OF THOSE LANDS DESCRIBED IN OFFICIAL RECORD BOOK 22423, PAGE 1566, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 12, TOWNSHIP 41 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, AND ALSO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 12; THENCE ALONG THE NORTH LINE OF SAID SECTION 12, SOUTH 87°24'17" WEST, A DISTANCE OF 213.61 FEET TO THE INTERSECTION THEREOF WITH THE WEST RIGHT OF WAY LINE OF OLD DIXIE HIGHWAY; THENCE ALONG SAID WEST RIGHT OF WAY LINE, SOUTH 01°21'17" WEST, A DISTANCE OF 217.06 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF TONEY PENNA DRIVE, AS DESCRIBED IN OFFICIAL RECORD BOOK 1378, PAGE 235, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID POINT ALSO BEING THE NORTHEAST CORNER OF SAID LANDS DESCRIBED IN OFFICIAL RECORD BOOK 22423, PAGE 1566; THENCE CONTINUE ALONG SAID WEST RIGHT OF WAY LINE, SOUTH 01°21'17" WEST, A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED STRIP OF LAND:

THENCE CONTINUE ALONG SAID WEST RIGHT OF WAY LINE OF OLD DIXIE HIGHWAY, SOUTH 01°21'17" WEST, A DISTANCE OF 162.26 FEET TO THE SOUTHEAST CORNER OF SAID OFFICIAL RECORD BOOK 22423, PAGE 1566, SAID CORNER ALSO BEING A POINT ON A LINE 260 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 12; THENCE WESTERLY ALONG SAID PARALLEL LINE AND ALONG THE SOUTH LINE OF SAID OFFICIAL RECORD BOOK 22423, PAGE 1566, SOUTH 87°17'01" WEST, A DISTANCE OF 5.01 FEET; THENCE DEPARTING SAID PARALLEL LINE, NORTH 01°21'17" EAST, A DISTANCE OF 160.51 FEET; THENCE NORTH 44°29'27" WEST, A DISTANCE OF 30.60 FEET; THENCE SOUTH 89°39'50" WEST, A DISTANCE OF 86.50 FEET TO A POINT ON THE WEST LINE OF SAID OFFICIAL RECORD BOOK 22423, PAGE 1566, AND A POINT ON THE EAST LINE OF THE WEST 1005 FEET OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 12; THENCE ALONG SAID WEST LINE OF OFFICIAL RECORD BOOK 22423, PAGE 1566, NORTH 01°22'44" EAST, A DISTANCE OF 5.00 FEET TO A POINT ON THE AFOREMENTIONED SOUTH RIGHT OF WAY LINE OF TONEY PENNA DRIVE; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE, NORTH 89°39'50" EAST, A DISTANCE OF 88.47 FEET; THENCE DEPARTING SAID SOUTH RIGHT OF WAY LINE, SOUTH 44°29'27" EAST, A DISTANCE OF 34.83 FEET TO THE POINT OF BEGINNING.

CONTAINING 1408 SQUARE FEET OR 0.032 ACRES, MORE OR LESS.

SURVEYOR'S NOTES:

1. THE LEGAL DESCRIPTION AND SKETCH, SHOWN HEREON IS NOT A SURVEY.
2. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THIS OFFICE.
3. LEGAL DESCRIPTION PREPARED BY LIDBERG LAND SURVEYING, INC.
4. THE LEGAL AND SKETCH SHOWN HEREON IS BASED ON THAT CERTAIN RIGHT OF WAY DEED FOR TONEY PENNA DRIVE, AS RECORDED IN OFFICIAL RECORD BOOK 1378, PAGE 235, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.
5. BEARINGS SHOWN HEREON ARE RELATIVE TO THE NATIONAL GEODETIC SURVEY, TRANSVERSE MERCATOR PROJECTION, FLORIDA EAST ZONE (1983 DATUM WITH 1990 ADJUSTMENT) AND ARE REFERENCED TO A BEARING OF NORTH 89°39'50" EAST, ALONG THE CENTERLINE OF TONEY PENNA DRIVE.
6. THE DESCRIPTION SKETCH AND THE DESCRIPTION TEXT COMPRISE THE COMPLETE LEGAL DESCRIPTION. THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH ACCOMPANY EACH OTHER.
7. THIS LEGAL DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER EMPLOYED BY LIDBERG LAND SURVEYING, INC.
8. DATE OF LEGAL DESCRIPTION: MAY 9, 2011

LIDBERG LAND SURVEYING, INC.

DAVID C. LIDBERG
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 3613



**LIDBERG LAND
SURVEYING, INC.**

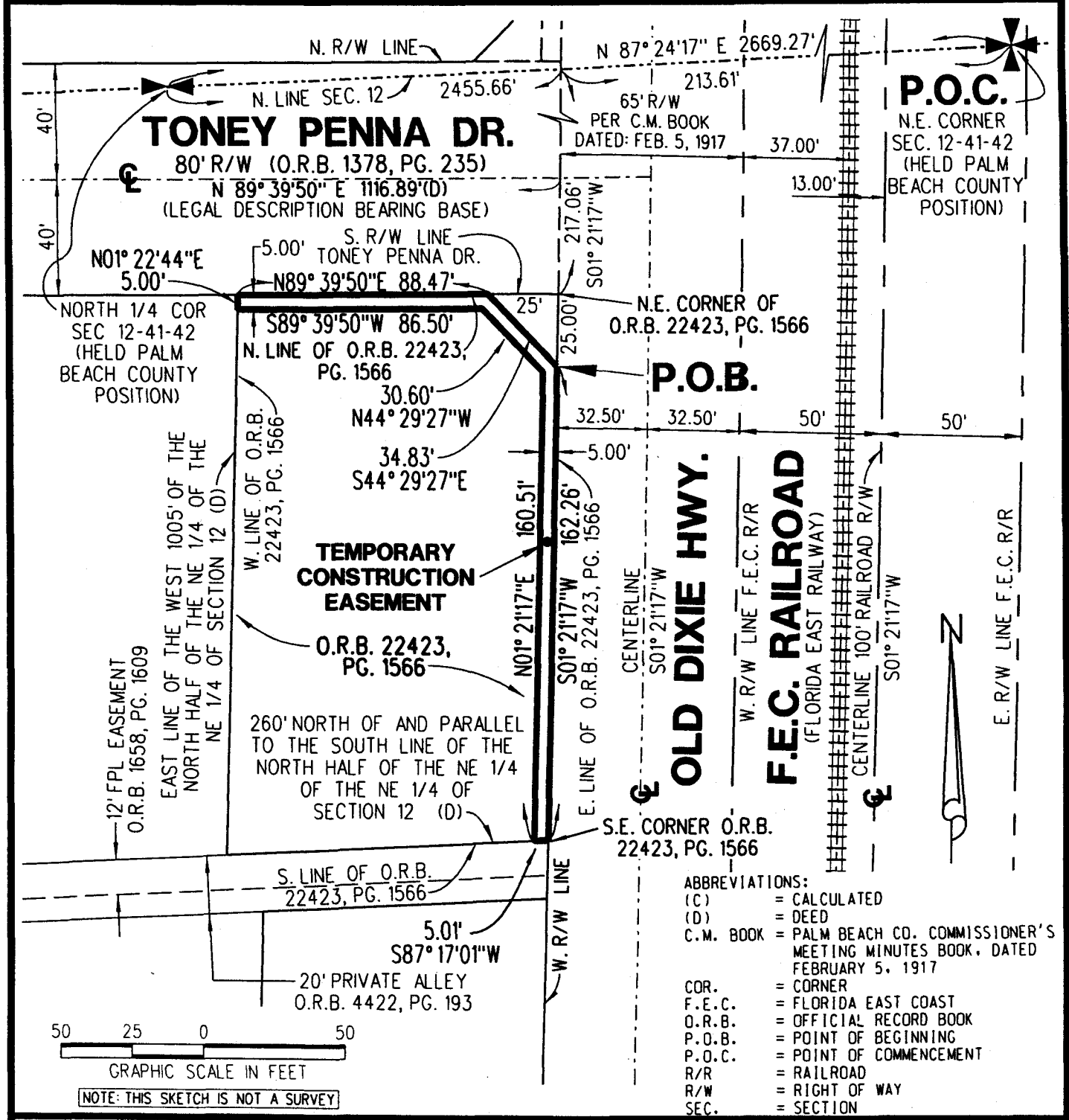
675 West Indiantown Road, Suite 200,
Jupiter, Florida 33458 TEL. 561-746-8454

LB4431

CAD. K:\UST \ 124142 \ 06-061-303 \ 06-061-303.DGN			
REF.			
FLD.	FB.	PG.	JOB 06-061-303
OFF. CASASUS			DATE MAY 9, 2011
CKD. D.C.L.	SHEET 1	OF 2	DWG. A06-061C

EXHIBIT "A"
PAGE 2 of 2

DESCRIPTION & SKETCH PREPARED FOR: ARCADIS U.S., INC.	BENAIM SAMUEL TRUST PARCEL 302
TEMPORARY CONSTRUCTION EASEMENT	



<p>LIDBERG LAND SURVEYING, INC.</p> <p>LB4431 675 West Indiantown Road, Suite 200, Jupiter, Florida 33458 TEL. 561-746-8454</p>	CAD. K:\UST \ 124142 \ 06-061-303 \ 06-061-303.DGN		
	REF.		
	FLD.	FB.	PG.
	OFF. CASASUS		
CKD. D.C.L.	SHEET 2 OF 2	JOB 06-061-303	
		DATE MAY 9, 2011	
		DWG. A06-061C	

**TONEY PENNA DRIVE & OLD DIXIE HIGHWAY
INTERSECTION IMPROVEMENTS
PALM BEACH COUNTY, PROJECT #2002109**

SAFETY

The intersection of Toney Penna Drive and Old Dixie Highway is located within a highly developed commercial area in Jupiter, Florida. The intersection is located directly adjacent to both the Florida East Coast Railroad and SR 811/Alternate A1A. The combination of the high traffic volumes, the railroad crossing, and the close spacing of the intersections of Toney Penna Drive with Old Dixie Highway and Alternate A1A results in significant traffic delays and congestion. The widening of this intersection to provide for additional left and right turn lanes and the improvements of traffic channelization and signalization will improve the overall safety for users by providing additional turn lanes for smoother traffic flow. The design of this project has been done in accordance with the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (The Florida Greenbook), as adopted and approved by the Florida Department of Transportation (FDOT).

COST

The cost of improving the intersection of Toney Penna Drive and Old Dixie Highway had been estimated prior to beginning design. The appropriate funding for design, right-of-way acquisition and construction was budgeted in the County's Five Year Road program. During the design of the roadway, all reasonable efforts were 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 this parcel fit into the planned funding for this project, and the acquisition of this parcel was necessary, in furtherance of this public project.

ALTERNATE ROUTES

Toney Penna Drive and Old Dixie Highway are both heavily traveled roadways, and they provide the most direct route for vehicles traveling through commercial areas of the Town of Jupiter. The intersection is also located in close proximity to the Jupiter Medical Center. These roadways serve as access routes to this hospital for both the travelling public as well as emergency vehicles. The improvement of the intersection was required as a condition of the Abacoa Development of Regional Impact (DRI) approval.

Alternate routes were considered in lieu of improving this intersection. The town of Jupiter conducted a study analyzing alternatives to the improvement of the intersection, which included as an alternative, the relocation of the Toney Penna Drive railroad crossing. Upon completion of the study and review by the Town Council as well as the general public, it was determined that the construction of an alternate route through the community would negatively impact existing businesses, would result in negative impacts for vehicle access to the Jupiter Medical Center, be more costly and result in unnecessary impacts to the environment

LONG RANGE PLANNING

The development of this project is in conformance with Palm Beach County's 2030 Long Range Transportation Plan. The 2030 Long Range Transportation System Plan is a 25-year forecast based on projected regional needs identified through the process of forecasting travel demand, evaluating system alternatives and selecting those options which best meet the mobility, safety, and other needs of the County, considering financial, environmental and social constraints. The plan serves as the preliminary tool used for transportation planning in Palm Beach County.

ENVIRONMENTAL IMPACTS

Toney Penna Drive and Old Dixie Highway exist along established roadway corridors and the proposed improvements will have minimal negative impacts to the environment. This roadway improvement project is, or is expected to be, permitted through the appropriate environmental regulatory agencies.

Following is a more detailed outline of the reasons for acquisition needed for the improvement of Toney Penna Drive and Old Dixie Highway:

ACQUISITION FOR PARCEL 100,

This parcel is required for the construction of a traffic signal. The parcel is located at the south west corner of the intersection. Acquisition of this parcel will allow for the installation of the mast arm support for the traffic signal.

ACQUISITION FOR PARCEL 302

This parcel is required for a Temporary Construction Easement to allow for driveway reconstruction and to accommodate the construction of drainage improvements within the right of way. The parcel is located at the south west corner of the intersection. The parcel has two driveways fronting on Toney Penna Drive and Old Dixie Highway. Both driveways will be reconstructed to match the roadway elevations.

ACQUISITION FOR PARCEL 303

This parcel is required for a Temporary Construction Easement to allow for driveway reconstruction and to harmonize roadway work with the adjacent property. The parcel is located on the north side of the north right-of-way of Toney Penna Drive between S. Orange Avenue and Old Dixie Highway. The parcel has two driveways fronting on Toney Penna Drive. Both driveways will be reconstructed to match the roadway elevations.

ACQUISITION FOR PARCEL 304A

This parcel is required for a Temporary Construction Easement to allow for driveway reconstruction and to harmonize roadway work with the adjacent property. The parcel is located on the west side of Old Dixie Highway, approximately 260 feet south of Toney Penna Drive. The parcel has a driveway fronting on Old Dixie Highway. This driveway will be reconstructed to match the roadway elevations.

ACQUISITION FOR PARCEL 304B

This parcel is required for a Temporary Construction Easement to allow for driveway reconstruction and to accommodate the construction of drainage improvements within the right of way. The parcel is located on the west side of Old Dixie Highway, approximately 240 feet south of Toney Penna Drive. The parcel has a driveway fronting on Old Dixie Highway and the driveway will be reconstructed to match the roadway elevations.

RESOLUTION NO. R-2012-

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, DECLARING THE ACQUISITION OF A PARCEL OF LAND DESIGNATED AS PARCEL 303 AS A TEMPORARY CONSTRUCTION EASEMENT ACQUISITION, NECESSARY FOR THE WIDENING AND CONSTRUCTION OF IMPROVEMENTS FOR THE TONEY PENNA DRIVE AND OLD DIXIE HIGHWAY INTERSECTION PROJECT TO BE FOR A PUBLIC USE AND PURPOSE, 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, necessary for the widening and construction of improvements for the Toney Penna Drive and Old Dixie Highway Intersection project, in Palm Beach County, Florida; and,

WHEREAS, the funds are available for the acquisition of the Parcel designated as Parcel 303 as a Temporary Construction Easement acquisition; and,

WHEREAS, the property owner has not accepted the offer to purchase made by Palm Beach County; and,

WHEREAS, the Board of County Commissioners of Palm Beach County is exercising its authority of Eminent Domain pursuant to Florida Statutes 73, 74, 127 and 337.27, as amended; and,

WHEREAS, this Board has considered the required factors pursuant to Florida law including Safety, Costs, Alternate Routes or Methodologies, Long Range Plans and the Environment, as applicable to this parcel, as 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 303 for the necessary Temporary Construction Easement acquisition, described in Exhibit "A", is necessary for the following public use and purpose, to wit: the construction and improvements for the Toney Penna Drive and Old Dixie Highway Intersection project and as such, the acquisition of said property is for a public use and purpose deemed to be in the best interest of Palm Beach County; and,

WHEREAS, the Temporary Construction Easement designated as Parcel 303 is necessary for driveway reconstruction and to accommodate drainage improvements within the right-of-way as part of the construction and improvements to be undertaken by Palm Beach County for the before mentioned project; and,

WHEREAS, this Temporary Construction Easement provides that any necessary grading and/or sloping shall not extend beyond the limits as outlined in Exhibit "A" and that the Temporary Construction Easement shall expire three years from the date of acquisition or upon acceptance by the Board of County Commissioners of the completed construction, whichever is earlier; and,

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

WHEREAS, in order to accomplish the acquisition of Parcel 303 the County Engineer and the County Attorney are authorized to take legal action, including the filing of Eminent Domain Proceedings, and to employ real estate appraisers and other experts deemed necessary to accomplish this purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, THAT:

- a. This Board adopts and ratifies those matters set forth in the foregoing recitals.
- b. The County Engineer and County Attorney are authorized and directed to proceed to take all necessary steps, including the hiring of accountants, appraisers, or other experts and witnesses, for Palm Beach County to acquire in its own name by donation, purchase or Eminent Domain Proceedings, the real property described in Exhibit "A", and prepare all papers, pleadings and other instruments required for that purpose, and to see that all Eminent Domain Proceedings are prosecuted to judgment.
- c. The County Engineer and County Attorney are hereby further 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 "A" that may be necessary to fully accomplish those purposes.

BE IT FURTHER RESOLVED that the property described in Exhibit "A" is to be used for the following public use and purpose; a Temporary Construction Easement necessary for the widening and construction of improvements for the Toney Penna Drive and Old Dixie Highway Intersection project.

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:

Commissioner Shelley Vana, Chair	_____
Commissioner Steven L. Abrams, Vice Chairman	_____
Commissioner Karen T. Marcus	_____
Commissioner Paulette Burdick	_____
Commissioner Burt Aaronson	_____
Commissioner Jess R. Santamaria	_____
Commissioner Priscilla A. Taylor	_____

The Chair thereupon declared the Resolution duly passed and adopted this _____ day of _____, 2012.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

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

Sharon R. Bock, Clerk & Comptroller

BY: _____
County Attorney

BY: _____
Deputy Clerk

EXHIBIT "A"
PAGE 1 of 3

DESCRIPTION & SKETCH PREPARED FOR: ARCADIS U.S., INC.	155 AMADEUS, LLC PARCEL 303
TEMPORARY CONSTRUCTION EASEMENT	

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF THOSE LANDS DESCRIBED IN OFFICIAL RECORD BOOK 14333, PAGE 536, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 12, TOWNSHIP 41 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, AND ALSO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 12; THENCE ALONG THE NORTH LINE OF SAID SECTION 12, SOUTH 87°24'17" WEST, A DISTANCE OF 220.63 FEET TO THE INTERSECTION THEREOF WITH THE EAST LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORD BOOK 14333, PAGE 536; THENCE DEPARTING SAID NORTH LINE OF SECTION 12, ALONG SAID EAST LINE OF OFFICIAL RECORD BOOK 14333, PAGE 536, SOUTH 01°21'17" WEST, A DISTANCE OF 112.58 FEET; THENCE CONTINUE ALONG THE SOUTHEASTERLY LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORD BOOK 14333, PAGE 536; SOUTH 45°44'57" WEST, A DISTANCE OF 27.62 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL OF LAND;

THENCE CONTINUE ALONG SAID SOUTHEASTERLY LINE, SOUTH 45°44'57" WEST, A DISTANCE OF 7.21 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF TONEY PENNA DRIVE, AS DESCRIBED IN OFFICIAL RECORD BOOK 1378, PAGE 235, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE ALONG SAID NORTH RIGHT OF WAY LINE, SOUTH 89°39'50" WEST, A DISTANCE OF 503.16 FEET TO THE SOUTHWEST CORNER OF SAID LANDS DESCRIBED IN OFFICIAL RECORD BOOK 14333, PAGE 536; THENCE ALONG THE WEST LINE OF SAID OFFICIAL RECORD BOOK 14333, PAGE 536 AND ALONG THE EAST RIGHT OF WAY LINE OF SOUTH ORANGE AVENUE, NORTH 01°07'02" EAST, A DISTANCE OF 5.00 FEET; THENCE DEPARTING SAID EAST RIGHT OF WAY LINE, NORTH 89°39'50" EAST, A DISTANCE OF 143.14 FEET; THENCE NORTH 16°39'50" EAST, A DISTANCE OF 20.39 FEET; THENCE NORTH 89°39'50" EAST, A DISTANCE OF 25.00 FEET; THENCE SOUTH 13°20'10" EAST, A DISTANCE OF 20.01 FEET; THENCE NORTH 89°39'50" EAST, A DISTANCE OF 168.06 FEET; THENCE NORTH 21°39'50" EAST, A DISTANCE OF 6.47 FEET; THENCE NORTH 89°39'50" EAST, A DISTANCE OF 30.00 FEET; THENCE SOUTH 22°20'10" EAST, A DISTANCE OF 6.47 FEET; THENCE NORTH 89°39'50" EAST, A DISTANCE OF 126.70 FEET TO THE POINT OF BEGINNING.


CONTAINING 3313 SQUARE FEET OR 0.076 ACRES MORE OR LESS.

SURVEYOR'S NOTES:

1. THE LEGAL DESCRIPTION AND SKETCH, SHOWN HEREON IS NOT A SURVEY.
2. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THIS OFFICE.
3. LEGAL DESCRIPTION PREPARED BY LIDBERG LAND SURVEYING, INC.
4. THE LEGAL AND SKETCH SHOWN HEREON IS BASED ON THAT CERTAIN RIGHT OF WAY DEED FOR TONEY PENNA DRIVE, AS RECORDED IN OFFICIAL RECORD BOOK 1378, PAGE 235, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.
5. BEARINGS SHOWN HEREON ARE RELATIVE TO THE NATIONAL GEODETTIC SURVEY, TRANSVERSE MERCATOR PROJECTION, FLORIDA EAST ZONE (1983 DATUM WITH 1990 ADJUSTMENT) AND ARE REFERENCED TO A BEARING OF SOUTH 87°24'17" WEST, ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 41 SOUTH, RANGE 42 EAST.
6. THE DESCRIPTION SKETCH AND THE DESCRIPTION TEXT COMPRISE THE COMPLETE LEGAL DESCRIPTION. THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH ACCOMPANY EACH OTHER.
7. THIS LEGAL DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER EMPLOYED BY LIDBERG LAND SURVEYING, INC.
8. DATE OF LEGAL DESCRIPTION: MAY 9, 2011

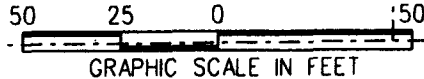
LIDBERG LAND SURVEYING, INC.

DAVID C. LIDBERG
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 3613

 LB4431 675 West Indiantown Road, Suite 200, Jupiter, Florida 33458 TEL. 561-746-8454	CAD. K:\UST \ 124142 \ 06-061-303 \ 06-061-303.DGN		
	REF.		
	FLD. -	FB. PG.	JOB 06-061-303
	OFF. CASASUS		DATE MAY 9, 2011
	CKD. D.C.L.	SHEET 1 OF 3	DWG. A06-061

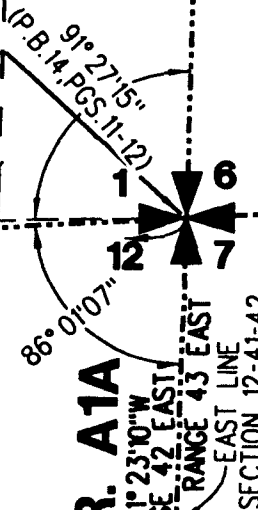
DESCRIPTION & SKETCH
PREPARED FOR:
ARCADIS U.S., INC.

JUPITER TOWNSITE
(P.B. 14, PGS. 11-12)



8TH STREET

P.O.C.
N.E. COR. SEC.
12-41-42
(HELD PALM
BEACH COUNTY
POSITION)



MATCHLINE SEE SHEET 3

TEMPORARY
CONSTRUCTION
EASEMENT

PARCEL 1
O.R.B. 14333 PG. 536

N89° 39' 50" E
30.00'

N21° 39' 50" E
6.47'

S22° 20' 10" E
6.47' S45° 44' 57" W
27.62'

SOUTHEASTERLY LINE
O.R.B. 14333, PG. 536
N89° 39' 50" E 126.70'

N. R/W LINE TONEY PENNA DR.
S89° 39' 50" W 503.16'

S.E. COR.
O.R.B. 14333,
PG. 536

TONEY PENNA DR.
80' R/W (O.R.B. 1378, PG. 235)
S. R/W LINE TONEY PENNA DR.
N 89° 39' 50" E 1116.89'(D) 7.21' S45° 44' 57" W

NOTE: THIS SKETCH IS NOT A SURVEY

N 89° 39' 50" E

P.O.B.

OLD DIXIE HWY.

F.E.C. RAILROAD
(FLORIDA EAST RAILWAY)

155 AMADEUS, LLC
PARCEL 303

LIDBERG LAND SURVEYING, INC.

LB4431

675 West Indiantown Road, Suite 200,
Jupiter, Florida 33458 TEL. 561-746-8454

CAD. K:\UST \ 124142 \ 06-061-303 \ 06-061-303.DGN

REF.

FLD.

FB.

PG.

JOB

06-061-303

OFF. CASASUS

DATE

MARCH 31, 2011

CKD. D.C.L.

SHEET 2 OF 3

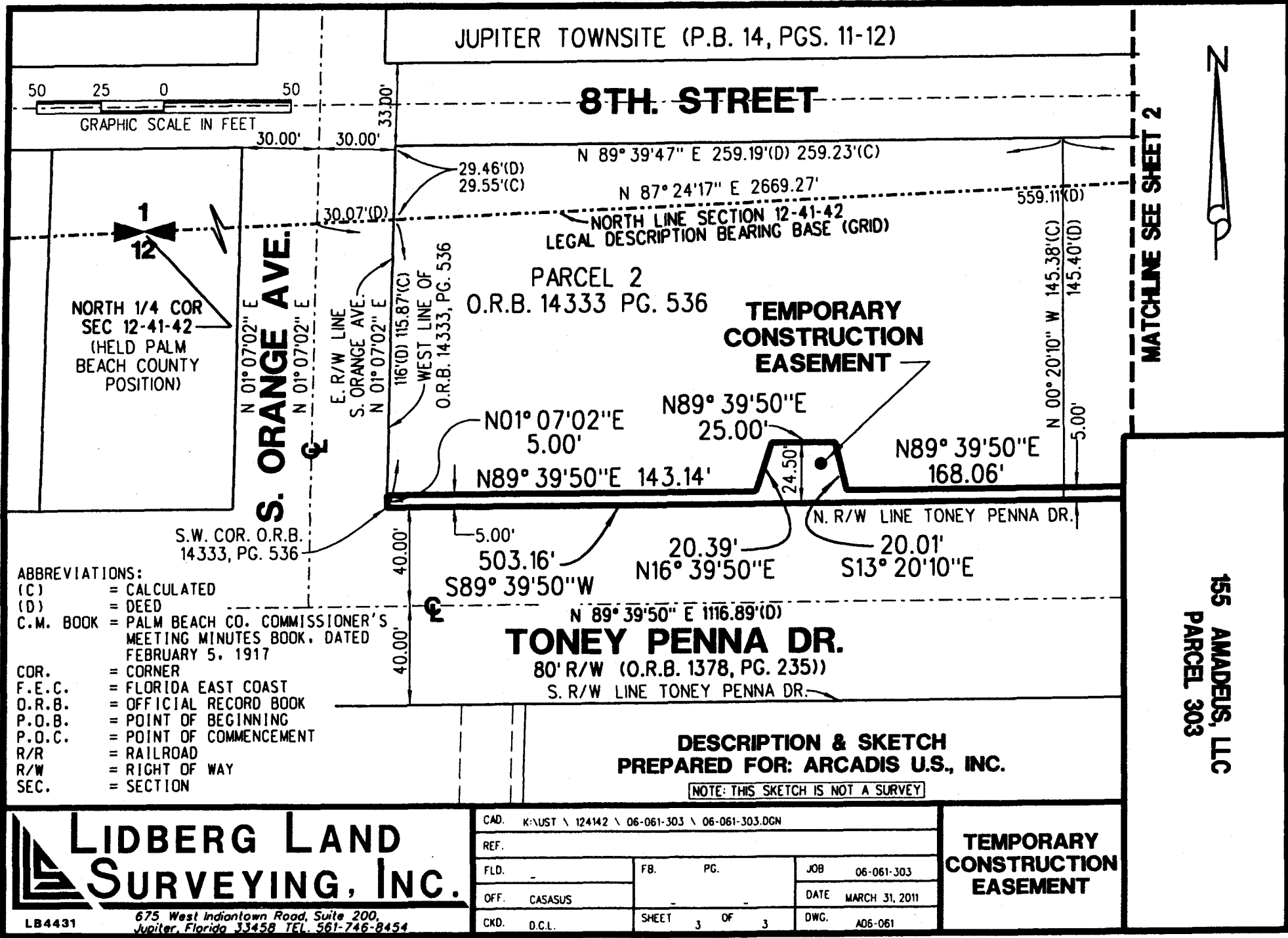
DWG.

A06-061

TEMPORARY
CONSTRUCTION
EASEMENT

EXHIBIT "A"
PAGE 2 of 3

EXHIBIT "A"
2 of 3



ABBREVIATIONS:
 (C) = CALCULATED
 (D) = DEED
 C.M. BOOK = PALM BEACH CO. COMMISSIONER'S MEETING MINUTES BOOK, DATED FEBRUARY 5, 1917
 COR. = CORNER
 F.E.C. = FLORIDA EAST COAST
 O.R.B. = OFFICIAL RECORD BOOK
 P.O.B. = POINT OF BEGINNING
 P.O.C. = POINT OF COMMENCEMENT
 R/R = RAILROAD
 R/W = RIGHT OF WAY
 SEC. = SECTION

LIDBERG LAND SURVEYING, INC.
 675 West Indiantown Road, Suite 200, Jupiter, Florida 33458 TEL. 561-746-8454
 LB4431

CAD. K:\UST \ 124142 \ 06-061-303 \ 06-061-303.DGN			
REF.			
FLD.	FB.	PG.	JOB 06-061-303
OFF. CASASUS			DATE MARCH 31, 2011
CKD. D.C.L.	SHEET 3	OF 3	DWG. A06-061

TEMPORARY CONSTRUCTION EASEMENT

**DESCRIPTION & SKETCH
 PREPARED FOR: ARCADIS U.S., INC.**

(NOTE: THIS SKETCH IS NOT A SURVEY)

EXHIBIT "A"
 PAGE 3 of 3

EXHIBIT "A"
 3 of 3

MATCHLINE SEE SHEET 2

155 AMADEUS, LLC
 PARCEL 303



**TONEY PENNA DRIVE & OLD DIXIE HIGHWAY
INTERSECTION IMPROVEMENTS
PALM BEACH COUNTY, PROJECT #2002109**

SAFETY

The intersection of Toney Penna Drive and Old Dixie Highway is located within a highly developed commercial area in Jupiter, Florida. The intersection is located directly adjacent to both the Florida East Coast Railroad and SR 811/Alternate A1A. The combination of the high traffic volumes, the railroad crossing, and the close spacing of the intersections of Toney Penna Drive with Old Dixie Highway and Alternate A1A results in significant traffic delays and congestion. The widening of this intersection to provide for additional left and right turn lanes and the improvements of traffic channelization and signalization will improve the overall safety for users by providing additional turn lanes for smoother traffic flow. The design of this project has been done in accordance with the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (The Florida Greenbook), as adopted and approved by the Florida Department of Transportation (FDOT).

COST

The cost of improving the intersection of Toney Penna Drive and Old Dixie Highway had been estimated prior to beginning design. The appropriate funding for design, right-of-way acquisition and construction was budgeted in the County's Five Year Road program. During the design of the roadway, all reasonable efforts were 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 this parcel fit into the planned funding for this project, and the acquisition of this parcel was necessary, in furtherance of this public project.

ALTERNATE ROUTES

Toney Penna Drive and Old Dixie Highway are both heavily traveled roadways, and they provide the most direct route for vehicles traveling through commercial areas of the Town of Jupiter. The intersection is also located in close proximity to the Jupiter Medical Center. These roadways serve as access routes to this hospital for both the travelling public as well as emergency vehicles. The improvement of the intersection was required as a condition of the Abacoa Development of Regional Impact (DRI) approval.

Alternate routes were considered in lieu of improving this intersection. The town of Jupiter conducted a study analyzing alternatives to the improvement of the intersection, which included as an alternative, the relocation of the Toney Penna Drive railroad crossing. Upon completion of the study and review by the Town Council as well as the general public, it was determined that the construction of an alternate route through the community would negatively impact existing businesses, would result in negative impacts for vehicle access to the Jupiter Medical Center, be more costly and result in unnecessary impacts to the environment.

LONG RANGE PLANNING

The development of this project is in conformance with Palm Beach County's 2030 Long Range Transportation Plan. The 2030 Long Range Transportation System Plan is a 25-year forecast based on projected regional needs identified through the process of forecasting travel demand, evaluating system alternatives and selecting those options which best meet the mobility, safety, and other needs of the County, considering financial, environmental and social constraints. The plan serves as the preliminary tool used for transportation planning in Palm Beach County.

ENVIRONMENTAL IMPACTS

Toney Penna Drive and Old Dixie Highway exist along established roadway corridors and the proposed improvements will have minimal negative impacts to the environment. This roadway improvement project is, or is expected to be, permitted through the appropriate environmental regulatory agencies.

Following is a more detailed outline of the reasons for acquisition needed for the improvement of Toney Penna Drive and Old Dixie Highway:

ACQUISITION FOR PARCEL 100,

This parcel is required for the construction of a traffic signal. The parcel is located at the south west corner of the intersection. Acquisition of this parcel will allow for the installation of the mast arm support for the traffic signal.

ACQUISITION FOR PARCEL 302

This parcel is required for a Temporary Construction Easement to allow for driveway reconstruction and to accommodate the construction of drainage improvements within the right of way. The parcel is located at the south west corner of the intersection. The parcel has two driveways fronting on Toney Penna Drive and Old Dixie Highway. Both driveways will be reconstructed to match the roadway elevations.

ACQUISITION FOR PARCEL 303

This parcel is required for a Temporary Construction Easement to allow for driveway reconstruction and to harmonize roadway work with the adjacent property. The parcel is located on the north side of the north right-of-way of Toney Penna Drive between S. Orange Avenue and Old Dixie Highway. The parcel has two driveways fronting on Toney Penna Drive. Both driveways will be reconstructed to match the roadway elevations.

ACQUISITION FOR PARCEL 304A

This parcel is required for a Temporary Construction Easement to allow for driveway reconstruction and to harmonize roadway work with the adjacent property. The parcel is located on the west side of Old Dixie Highway, approximately 260 feet south of Toney Penna Drive. The parcel has a driveway fronting on Old Dixie Highway. This driveway will be reconstructed to match the roadway elevations.

ACQUISITION FOR PARCEL 304B

This parcel is required for a Temporary Construction Easement to allow for driveway reconstruction and to accommodate the construction of drainage improvements within the right of way. The parcel is located on the west side of Old Dixie Highway, approximately 240 feet south of Toney Penna Drive. The parcel has a driveway fronting on Old Dixie Highway and the driveway will be reconstructed to match the roadway elevations.

RESOLUTION NO. R-2012-

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, DECLARING THE ACQUISITION OF A PARCEL OF LAND DESIGNATED AS PARCEL 304A AS A TEMPORARY CONSTRUCTION EASEMENT ACQUISITION, NECESSARY FOR THE WIDENING AND CONSTRUCTION OF IMPROVEMENTS FOR THE TONEY PENNA DRIVE AND OLD DIXIE HIGHWAY INTERSECTION PROJECT TO BE FOR A PUBLIC USE AND PURPOSE, 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, necessary for the widening and construction of improvements for the Toney Penna Drive and Old Dixie Highway Intersection project, in Palm Beach County, Florida; and,

WHEREAS, the funds are available for the acquisition of the Parcel designated as Parcel 304A as a Temporary Construction Easement acquisition; and,

WHEREAS, the property owner has not accepted the offer to purchase made by Palm Beach County; and,

WHEREAS, the Board of County Commissioners of Palm Beach County is exercising its authority of Eminent Domain pursuant to Florida Statutes 73, 74, 127 and 337.27, as amended; and,

WHEREAS, this Board has considered the required factors pursuant to Florida law including Safety, Costs, Alternate Routes or Methodologies, Long Range Plans and the Environment, as applicable to this parcel, as 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 304A for the necessary Temporary Construction Easement acquisition, described in Exhibit "A", is necessary for the following public use and purpose, to wit: the construction and improvements for the Toney Penna Drive and Old Dixie Highway Intersection project and as such, the acquisition of said property is for a public use and purpose deemed to be in the best interest of Palm Beach County; and,

WHEREAS, the Temporary Construction Easement designated as Parcel 304A is necessary for driveway reconstruction and to accommodate drainage improvements within the right-of-way as part of the construction and improvements to be undertaken by Palm Beach County for the before mentioned project; and,

WHEREAS, this Temporary Construction Easement provides that any necessary grading and/or sloping shall not extend beyond the limits as outlined in Exhibit "A" and that the Temporary Construction Easement shall expire three years from the date of acquisition or upon acceptance by the Board of County Commissioners of the completed construction, whichever is earlier; and,

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

WHEREAS, in order to accomplish the acquisition of Parcel 304A the County Engineer and the County Attorney are authorized to take legal action, including the filing of Eminent Domain Proceedings, and to employ real estate appraisers and other experts deemed necessary to accomplish this purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, THAT:

- a. This Board adopts and ratifies those matters set forth in the foregoing recitals.
- b. The County Engineer and County Attorney are authorized and directed to proceed to take all necessary steps, including the hiring of accountants, appraisers, or other experts and witnesses, for Palm Beach County to acquire in its own name by donation, purchase or Eminent Domain Proceedings, the real property described in Exhibit "A", and prepare all papers, pleadings and other instruments required for that purpose, and to see that all Eminent Domain Proceedings are prosecuted to judgment.
- c. The County Engineer and County Attorney are hereby further 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 "A" that may be necessary to fully accomplish those purposes.

BE IT FURTHER RESOLVED that the property described in Exhibit "A" is to be used for the following public use and purpose; a Temporary Construction Easement necessary for the widening and construction of improvements for the Toney Penna Drive and Old Dixie Highway Intersection project.

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:

Commissioner Shelley Vana, Chair	_____
Commissioner Steven L. Abrams, Vice Chairman	_____
Commissioner Karen T. Marcus	_____
Commissioner Paulette Burdick	_____
Commissioner Burt Aaronson	_____
Commissioner Jess R. Santamaria	_____
Commissioner Priscilla A. Taylor	_____

The Chair thereupon declared the Resolution duly passed and adopted this _____ day of _____, 2012.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

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

Sharon R. Bock, Clerk & Comptroller

BY: _____
County Attorney

BY: _____
Deputy Clerk

EXHIBIT "A"
PAGE 1 of 2

DESCRIPTION & SKETCH PREPARED FOR: ARCADIS U.S., INC.	MARLEX MANAGEMENT SERVICES PARCEL 304A
TEMPORARY CONSTRUCTION EASEMENT	

LEGAL DESCRIPTION

A STRIP OF LAND, 6.50 FEET IN WIDTH, BEING A PORTION OF THOSE LANDS DESCRIBED IN OFFICIAL RECORD BOOK 4784, PAGE 1612, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 12, TOWNSHIP 41 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, AND ALSO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF TONEY PENNA DRIVE, AS DESCRIBED IN OFFICIAL RECORD BOOK 1378, PAGE 235, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA WITH THE WEST RIGHT OF WAY LINE OF OLD DIXIE HIGHWAY; THENCE ALONG SAID WEST RIGHT OF WAY LINE, SOUTH 01°21'17" WEST, A DISTANCE OF 207.32 FEET TO THE NORTHEAST CORNER OF SAID OFFICIAL RECORD BOOK 4784, PAGE 1612, SAID CORNER ALSO BEING A POINT ON THE NORTH LINE OF THE SOUTH 240 FEET OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 12 AND THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL:

THENCE CONTINUE ALONG SAID WEST RIGHT OF WAY LINE, SOUTH 01°21'17" WEST, A DISTANCE OF 18.05 FEET; THENCE DEPARTING SAID WEST RIGHT OF WAY LINE, SOUTH 87°17'01" WEST, A DISTANCE OF 6.52 FEET; THENCE NORTH 01°21'17" EAST, A DISTANCE OF 18.05 FEET TO A POINT ON THE NORTH LINE OF SAID OFFICIAL RECORD BOOK 4784, PAGE 1612; THENCE ALONG SAID NORTH LINE, NORTH 87°17'01" EAST, A DISTANCE OF 6.52 FEET TO THE POINT OF BEGINNING.

CONTAINING 117 SQUARE FEET, MORE OR LESS.

SURVEYOR'S NOTES:

1. THE LEGAL DESCRIPTION AND SKETCH, SHOWN HEREON IS NOT A SURVEY.
2. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THIS OFFICE.
3. LEGAL DESCRIPTION PREPARED BY LIDBERG LAND SURVEYING, INC.
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6. THE DESCRIPTION SKETCH AND THE DESCRIPTION TEXT COMPRISE THE COMPLETE LEGAL DESCRIPTION. THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH ACCOMPANY EACH OTHER.
7. THIS LEGAL DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER EMPLOYED BY LIDBERG LAND SURVEYING, INC.
8. DATE OF LEGAL DESCRIPTION: MARCH 31, 2011

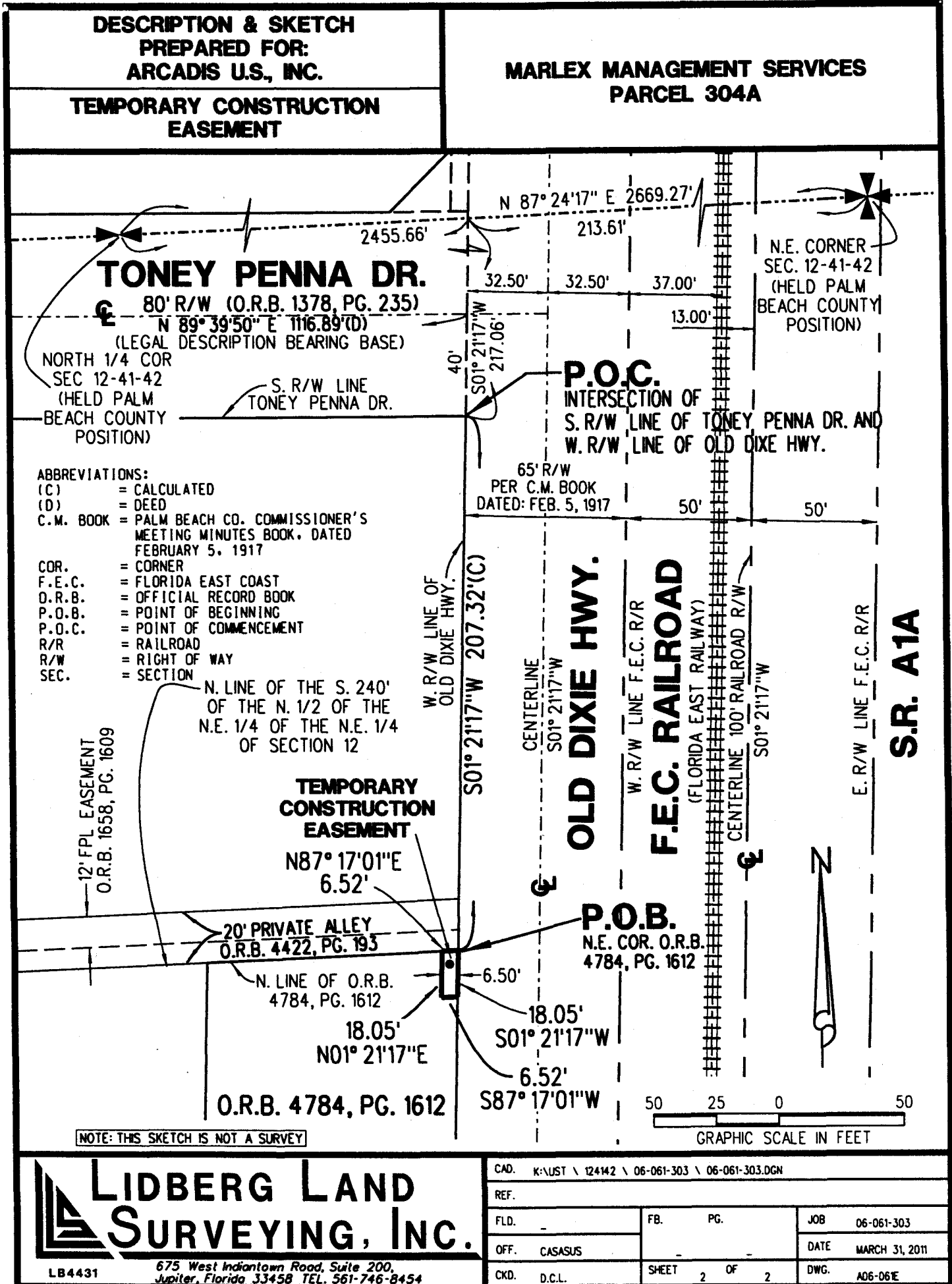
LIDBERG LAND SURVEYING, INC.

Dayle E. Lidberg
 DAYLE E. LIDBERG
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA CERTIFICATE NO. 3613



LB4431 675 West Indiantown Road, Suite 200,
 Jupiter, Florida 33458 TEL. 561-746-8454

CAD. K:\UST \ 124142 \ 06-061-303 \ 06-061-303.DGN			
REF.			
FLD.	FB.	PG.	JOB 06-061-303
OFF. CASASUS			DATE MARCH 31, 2011
CKD. D.C.L.	SHEET 1	OF 2	DWG. A06-06E



**DESCRIPTION & SKETCH
PREPARED FOR:
ARCADIS U.S., INC.**

**TEMPORARY CONSTRUCTION
EASEMENT**

**MARLEX MANAGEMENT SERVICES
PARCEL 304A**

- ABBREVIATIONS:
(C) = CALCULATED
(D) = DEED
C.M. BOOK = PALM BEACH CO. COMMISSIONER'S MEETING MINUTES BOOK, DATED FEBRUARY 5, 1917
COR. = CORNER
F.E.C. = FLORIDA EAST COAST
O.R.B. = OFFICIAL RECORD BOOK
P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
R/R = RAILROAD
R/W = RIGHT OF WAY
SEC. = SECTION

12' FPL EASEMENT
O.R.B. 1658, PG. 1609

N. LINE OF THE S. 240'
OF THE N. 1/2 OF THE
N.E. 1/4 OF THE N.E. 1/4
OF SECTION 12

**TEMPORARY
CONSTRUCTION
EASEMENT**

N87° 17' 01" E
6.52'

20' PRIVATE ALLEY
O.R.B. 4422, PG. 193

N. LINE OF O.R.B.
4784, PG. 1612

18.05'
N01° 21' 17" E

O.R.B. 4784, PG. 1612

NOTE: THIS SKETCH IS NOT A SURVEY

**LIDBERG LAND
SURVEYING, INC.**

LB4431 675 West Indiantown Road, Suite 200,
Jupiter, Florida 33458 TEL. 561-746-8454

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FLD.	FB.	PG.	JOB 06-061-303
OFF. CASASUS			DATE MARCH 31, 2011
CKD. D.C.L.	SHEET 2	OF 2	DWG. A06-061E

**TONY PENNA DRIVE & OLD DIXIE HIGHWAY
INTERSECTION IMPROVEMENTS
PALM BEACH COUNTY, PROJECT #2002109**

SAFETY

The intersection of Toney Penna Drive and Old Dixie Highway is located within a highly developed commercial area in Jupiter, Florida. The intersection is located directly adjacent to both the Florida East Coast Railroad and SR 811/Alternate A1A. The combination of the high traffic volumes, the railroad crossing, and the close spacing of the intersections of Toney Penna Drive with Old Dixie Highway and Alternate A1A results in significant traffic delays and congestion. The widening of this intersection to provide for additional left and right turn lanes and the improvements of traffic channelization and signalization will improve the overall safety for users by providing additional turn lanes for smoother traffic flow. The design of this project has been done in accordance with the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (The Florida Greenbook), as adopted and approved by the Florida Department of Transportation (FDOT).

COST

The cost of improving the intersection of Toney Penna Drive and Old Dixie Highway had been estimated prior to beginning design. The appropriate funding for design, right-of-way acquisition and construction was budgeted in the County's Five Year Road program. During the design of the roadway, all reasonable efforts were 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 this parcel fit into the planned funding for this project, and the acquisition of this parcel was necessary, in furtherance of this public project.

ALTERNATE ROUTES

Toney Penna Drive and Old Dixie Highway are both heavily traveled roadways, and they provide the most direct route for vehicles traveling through commercial areas of the Town of Jupiter. The intersection is also located in close proximity to the Jupiter Medical Center. These roadways serve as access routes to this hospital for both the travelling public as well as emergency vehicles. The improvement of the intersection was required as a condition of the Abacoa Development of Regional Impact (DRI) approval.

Alternate routes were considered in lieu of improving this intersection. The town of Jupiter conducted a study analyzing alternatives to the improvement of the intersection, which included as an alternative, the relocation of the Toney Penna Drive railroad crossing. Upon completion of the study and review by the Town Council as well as the general public, it was determined that the construction of an alternate route through the community would negatively impact existing businesses, would result in negative impacts for vehicle access to the Jupiter Medical Center, be more costly and result in unnecessary impacts to the environment

LONG RANGE PLANNING

The development of this project is in conformance with Palm Beach County's 2030 Long Range Transportation Plan. The 2030 Long Range Transportation System Plan is a 25-year forecast based on projected regional needs identified through the process of forecasting travel demand, evaluating system alternatives and selecting those options which best meet the mobility, safety, and other needs of the County, considering financial, environmental and social constraints. The plan serves as the preliminary tool used for transportation planning in Palm Beach County.

ENVIRONMENTAL IMPACTS

Toney Penna Drive and Old Dixie Highway exist along established roadway corridors and the proposed improvements will have minimal negative impacts to the environment. This roadway improvement project is, or is expected to be, permitted through the appropriate environmental regulatory agencies.

Following is a more detailed outline of the reasons for acquisition needed for the improvement of Toney Penna Drive and Old Dixie Highway:

ACQUISITION FOR PARCEL 100,

This parcel is required for the construction of a traffic signal. The parcel is located at the south west corner of the intersection. Acquisition of this parcel will allow for the installation of the mast arm support for the traffic signal.

ACQUISITION FOR PARCEL 302

This parcel is required for a Temporary Construction Easement to allow for driveway reconstruction and to accommodate the construction of drainage improvements within the right of way. The parcel is located at the south west corner of the intersection. The parcel has two driveways fronting on Toney Penna Drive and Old Dixie Highway. Both driveways will be reconstructed to match the roadway elevations.

ACQUISITION FOR PARCEL 303

This parcel is required for a Temporary Construction Easement to allow for driveway reconstruction and to harmonize roadway work with the adjacent property. The parcel is located on the north side of the north right-of-way of Toney Penna Drive between S. Orange Avenue and Old Dixie Highway. The parcel has two driveways fronting on Toney Penna Drive. Both driveways will be reconstructed to match the roadway elevations.

ACQUISITION FOR PARCEL 304A

This parcel is required for a Temporary Construction Easement to allow for driveway reconstruction and to harmonize roadway work with the adjacent property. The parcel is located on the west side of Old Dixie Highway, approximately 260 feet south of Toney Penna Drive. The parcel has a driveway fronting on Old Dixie Highway. This driveway will be reconstructed to match the roadway elevations.

ACQUISITION FOR PARCEL 304B

This parcel is required for a Temporary Construction Easement to allow for driveway reconstruction and to accommodate the construction of drainage improvements within the right of way. The parcel is located on the west side of Old Dixie Highway, approximately 240 feet south of Toney Penna Drive. The parcel has a driveway fronting on Old Dixie Highway and the driveway will be reconstructed to match the roadway elevations.

RESOLUTION NO. R-2012-

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, DECLARING THE ACQUISITION OF A PARCEL OF LAND DESIGNATED AS PARCEL 304B AS A TEMPORARY CONSTRUCTION EASEMENT ACQUISITION, NECESSARY FOR THE WIDENING AND CONSTRUCTION OF IMPROVEMENTS FOR THE TONEY PENNA DRIVE AND OLD DIXIE HIGHWAY INTERSECTION PROJECT TO BE FOR A PUBLIC USE AND PURPOSE, 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, necessary for the widening and construction of improvements for the Toney Penna Drive and Old Dixie Highway Intersection project, in Palm Beach County, Florida; and,

WHEREAS, the funds are available for the acquisition of the Parcel designated as Parcel 304B as a Temporary Construction Easement acquisition; and,

WHEREAS, the property owner has not accepted the offer to purchase made by Palm Beach County; and,

WHEREAS, the Board of County Commissioners of Palm Beach County is exercising its authority of Eminent Domain pursuant to Florida Statutes 73, 74, 127 and 337.27, as amended; and,

WHEREAS, this Board has considered the required factors pursuant to Florida law including Safety, Costs, Alternate Routes or Methodologies, Long Range Plans and the Environment, as applicable to this parcel, as 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 304B for the necessary Temporary Construction Easement acquisition, described in Exhibit "A", is necessary for the following public use and purpose, to wit: the construction and improvements for the Toney Penna Drive and Old Dixie Highway Intersection project and as such, the acquisition of said property is for a public use and purpose deemed to be in the best interest of Palm Beach County; and,

WHEREAS, the Temporary Construction Easement designated as Parcel 304B is necessary for driveway reconstruction and to accommodate drainage improvements within the right-of-way as part of the construction and improvements to be undertaken by Palm Beach County for the before mentioned project; and,

WHEREAS, this Temporary Construction Easement provides that any necessary grading and/or sloping shall not extend beyond the limits as outlined in Exhibit "A" and that the Temporary Construction Easement shall expire three years from the date of acquisition or upon acceptance by the Board of County Commissioners of the completed construction, whichever is earlier; and,

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

WHEREAS, in order to accomplish the acquisition of Parcel 304B the County Engineer and the County Attorney are authorized to take legal action, including the filing of Eminent Domain Proceedings, and to employ real estate appraisers and other experts deemed necessary to accomplish this purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, THAT:

- a. This Board adopts and ratifies those matters set forth in the foregoing recitals.
- b. The County Engineer and County Attorney are authorized and directed to proceed to take all necessary steps, including the hiring of accountants, appraisers, or other experts and witnesses, for Palm Beach County to acquire in its own name by donation, purchase or Eminent Domain Proceedings, the real property described in Exhibit "A", and prepare all papers, pleadings and other instruments required for that purpose, and to see that all Eminent Domain Proceedings are prosecuted to judgment.
- c. The County Engineer and County Attorney are hereby further 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 "A" that may be necessary to fully accomplish those purposes.

BE IT FURTHER RESOLVED that the property described in Exhibit "A" is to be used for the following public use and purpose; a Temporary Construction Easement necessary for the widening and construction of improvements for the Toney Penna Drive and Old Dixie Highway Intersection project.

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:

Commissioner Shelley Vana, Chair	_____
Commissioner Steven L. Abrams, Vice Chairman	_____
Commissioner Karen T. Marcus	_____
Commissioner Paulette Burdick	_____
Commissioner Burt Aaronson	_____
Commissioner Jess R. Santamaria	_____
Commissioner Priscilla A. Taylor	_____

The Chair thereupon declared the Resolution duly passed and adopted this _____ day of _____, 2012.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

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

Sharon R. Bock, Clerk & Comptroller

BY: _____
County Attorney

BY: _____
Deputy Clerk

EXHIBIT "A"
PAGE 1 of 2

DESCRIPTION & SKETCH PREPARED FOR: ARCADIS U.S., INC.	PRIVATE ALLEY PARCEL 304B
TEMPORARY CONSTRUCTION EASEMENT	

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF A 20 FOOT WIDE PRIVATE ALLEY, DESCRIBED IN OFFICIAL RECORD BOOK 4422, PAGE 193, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 12, TOWNSHIP 41 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, AND ALSO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF TONEY PENNA DRIVE, AS DESCRIBED IN OFFICIAL RECORD BOOK 1378, PAGE 235, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA WITH THE WEST RIGHT OF WAY LINE OF OLD DIXIE HIGHWAY; THENCE ALONG SAID WEST RIGHT OF WAY LINE, SOUTH 01°21'17" WEST, A DISTANCE OF 187.26 FEET TO THE NORTHEAST CORNER OF SAID OFFICIAL RECORD BOOK 4422, PAGE 193, SAID CORNER ALSO BEING A POINT ON A LINE 260 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 12 AND THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL:

THENCE CONTINUE ALONG SAID WEST RIGHT OF WAY LINE, SOUTH 01°21'17" WEST, A DISTANCE OF 20.05 FEET TO THE SOUTHEAST CORNER OF SAID OFFICIAL RECORD BOOK 4422, PAGE 193; THENCE ALONG THE SOUTH LINE OF SAID OFFICIAL RECORD BOOK 4422, PAGE 193, SOUTH 87°17'01" WEST, A DISTANCE OF 6.52 FEET; THENCE DEPARTING SAID SOUTH LINE, NORTH 07°14'42" WEST, A DISTANCE OF 20.06 FEET TO THE NORTH LINE OF SAID OFFICIAL RECORD BOOK 4422, PAGE 193; THENCE ALONG SAID NORTH LINE, NORTH 87°17'01" EAST, A DISTANCE OF 9.52 FEET TO THE POINT OF BEGINNING.

CONTAINING 160 SQUARE FEET, MORE OR LESS.

SURVEYOR'S NOTES:

1. THE LEGAL DESCRIPTION AND SKETCH, SHOWN HEREON IS NOT A SURVEY.
2. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THIS OFFICE.
3. LEGAL DESCRIPTION PREPARED BY LIDBERG LAND SURVEYING, INC.
4. THE LEGAL AND SKETCH SHOWN HEREON IS BASED ON THAT CERTAIN RIGHT OF WAY DEED FOR TONEY PENNA DRIVE, AS RECORDED IN OFFICIAL RECORD BOOK 1378, PAGE 235, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.
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8. DATE OF LEGAL DESCRIPTION: MARCH 31, 2011

LIDBERG LAND SURVEYING, INC.

DAVID C. LIDBERG
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 3613


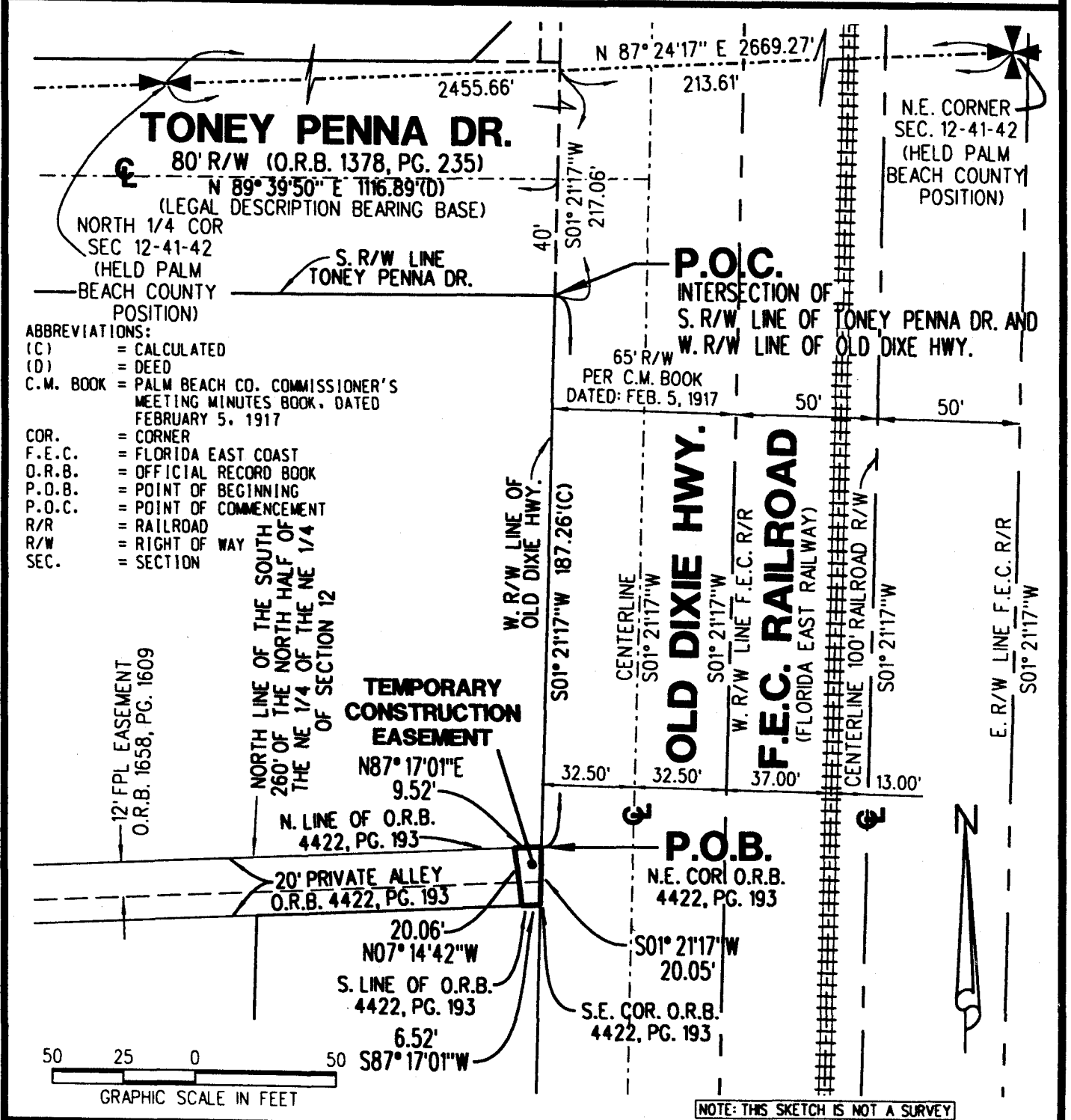
 LIDBERG LAND SURVEYING, INC. LB4431 675 West Indiantown Road, Suite 200, Jupiter, Florida 33458 TEL. 561-746-8454	CAD. k:\ust\124142\06-061-303\06-061-303.DGN		
	REF.		
	FLD. -	FB. PG.	JOB 06-061-303
	OFF. CASASUS		DATE MARCH 31, 2011
	CKD. D.C.L.	SHEET 1 OF 2	DWG. A06-061D

EXHIBIT "A"
PAGE 2 of 2

<p>DESCRIPTION & SKETCH PREPARED FOR: ARCADIS U.S., INC.</p>	<p>PRIVATE ALLEY PARCEL 304B</p>
<p>TEMPORARY CONSTRUCTION EASEMENT</p>	



<p>LIDBERG LAND SURVEYING, INC.</p> <p>LB4431 675 West Indiantown Road, Suite 200, Jupiter, Florida 33458 TEL. 561-746-8454</p>	CAD. K:\UST \ 124142 \ 06-061-303 \ 06-061-303.DGN		
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	OFF. CASASUS		DATE MARCH 31, 2011
CKD. D.C.L.	SHEET 2 OF 2	DWG. A06-0610	

**TONY PENNA DRIVE & OLD DIXIE HIGHWAY
INTERSECTION IMPROVEMENTS
PALM BEACH COUNTY, PROJECT #2002109**

SAFETY

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ACQUISITION FOR PARCEL 304A

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ACQUISITION FOR PARCEL 304B

This parcel is required for a Temporary Construction Easement to allow for driveway reconstruction and to accommodate the construction of drainage improvements within the right of way. The parcel is located on the west side of Old Dixie Highway, approximately 240 feet south of Toney Penna Drive. The parcel has a driveway fronting on Old Dixie Highway and the driveway will be reconstructed to match the roadway elevations.