

RESOLUTION NO. R-2016-

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A COUNTY DEED TO CONVEY A PORTION OF A PALM BEACH COUNTY (COUNTY) OWNED RIGHT-OF-WAY, BEING MORE FULLY DESCRIBED IN EXHIBIT "A", TO THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT), WITHOUT CHARGE, AND WITHOUT MINERAL AND PETROLEUM RIGHTS RESERVATIONS, AND WITHOUT RIGHTS OF ENTRY AND EXPLORATION, PURSUANT TO FLORIDA STATUTES SECTION 270.11, FOR THE ROAD WIDENING OF SOUTH HAVERHILL ROAD, FROM SOUTH OF THE LAKE WORTH DRAINAGE DISTRICT LATERAL-14 CANAL TO LAKE WORTH ROAD (STATE ROAD 802).

WHEREAS, the County intends to widen South Haverhill Road from south of the Lake Worth Drainage District Lateral-14 Canal to Lake Worth Road (Project); and

WHEREAS, the County has acquired a 2,595 square foot (0.06 acre) right-of-way parcel located on the northwest corner of Lake Worth Road and South Haverhill Road for construction of the Project; and

WHEREAS, said section of Lake Worth Road, also known as State Road 802, is an FDOT maintained roadway; and

WHEREAS, the County is required to obtain an FDOT permit in order to construct this Project; and

WHEREAS, FDOT requires that the County donate a 1,183 square foot (0.03 acre) portion of the 2,595 square foot (0.06 acre) right-of-way parcel as a condition of the FDOT permit; and

WHEREAS, FDOT has agreed to accept the 1,183 square foot (0.03 acre) portion of the 2,595 square foot (0.06 acre) right-of-way parcel; and

WHEREAS, pursuant to Florida Statutes Section 270.11, FDOT has requested that such property be conveyed without reservation and without the rights of entry and exploration relating to phosphate, minerals, metals and petroleum rights because FDOT requires the property to be free and clear, without encumbrances which could impede the use of the property for roadway purposes; and

WHEREAS, the Board of County Commissioners has agreed to convey such property without reserving phosphate, minerals, metals and petroleum rights and releasing any and all rights of entry and exploration relating to such rights; and

WHEREAS, the Board of County Commissioners has determined execution of the County Deed is in the best interest of the citizens and residents of the County.

NOW THEREFORE be it resolved by the Board of County Commissioners of Palm Beach County, Florida, that the Mayor is hereby authorized to execute the County Deed.

1. The recitations set forth herein above are true, accurate and correct and are incorporated herein.

2. This Resolution will take effect upon its adoption.

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 Mary Lou Berger, Mayor	_____
Commissioner Hal R. Valeche, Vice Mayor	_____
Commissioner Paulette Burdick	_____
Commissioner Shelley Vana	_____
Commissioner Steven L. Abrams	_____
Commissioner Melissa McKinlay	_____
Commissioner Priscilla A. Taylor	_____

The Mayor thereupon declared the Resolution duly passed and adopted this _____ day of _____ 2016.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS

SHARON R. BOCK
CLERK AND COMPTROLLER

By: _____
Assistant County Attorney

By: _____
Deputy Clerk

Exhibit "A"

R/W PARCEL 107A

A PARCEL OF LAND FOR ROAD RIGHT-OF-WAY PURPOSES LYING IN THE SOUTHEAST QUARTER (S.E. 1/4) OF SECTION 23, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY FLORIDA, IN LOTS 1 AND 2, BLOCK 1, OF GREENACRES PLAT No.2, RECORDED IN PLAT BOOK 13, PAGE 3, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND BEING A PORTION OF PALM BEACH COUNTY ROAD RIGHT-OF-WAY PARCEL NO.107, RECORDED IN OFFICIAL RECORD BOOK 27260, PAGE 144, OF SAID PUBLIC RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 23;
 THENCE ALONG THE EAST LINE OF THE SOUTHEAST QUARTER (S.E.1/4) OF SAID SECTION 23, N01°44'26"E FOR 90.71 FEET;
 THENCE N88°15'34"W FOR 40.00 FEET TO THE WEST RIGHT-OF-WAY OF HAVERHILL ROAD, RECORDED IN OFFICIAL RECORD BOOK 2653 PAGE 289, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND THE POINT OF BEGINNING;
 THENCE ALONG SAID RIGHT-OF-WAY, S01°44'26"W FOR 14.85 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 25.00 FEET;
 THENCE SOUTHWESTERLY, ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 90°42'56" FOR 39.58 FEET TO A POINT OF REVERSE CURVATURE WITH A CURVE CONCAVE TO THE SOUTH, HAVING A RADIUS OF 43,021.80 FEET, LYING ON THE NORTH RIGHT-OF-WAY OF LAKE WORTH ROAD, RECORDED IN DEED BOOK 906, PAGE 30, OF SAID PUBLIC RECORDS;
 THENCE WESTERLY, ALONG SAID RIGHT-OF-WAY AND CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 00°02'13" FOR 27.69 FEET;
 THENCE N47°05'37"E FOR 56.22 FEET;
 THENCE S88°15'34"E FOR 13.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,183 SQUARE FEET, MORE OR LESS.

NOTES:


- 1) BASELINE STATIONING IS BASED ON A ROADWAY PLAN FOR HAVERHILL ROAD, PREPARED BY ARCADIS U.S., INC., PROJECT No.WF900145, DATED 1/17/12; PALM BEACH COUNTY JOB No.2010503.
- 2) STATE PLANE COORDINATES:

A. COORDINATES SHOWN ARE GRID	F. TRANSVERSE MERCATOR PROJECTION
B. DATUM - NAD 83, 1990 ADJUSTMENT	G. ALL DISTANCES ARE GROUND
C. ZONE - FLORIDA EAST	H. SCALE FACTOR - 1.000036
D. LINEAR UNIT - US SURVEY FOOT	I. GROUND DISTANCE X SCALE FACTOR= GRID DISTANCE
E. COORDINATE SYSTEM 1983 STATE PLANE	J. ROTATION EQUATION: NONE
- 3) THIS DESCRIPTION IS BASED ON INFORMATION FURNISHED BY THE PALM BEACH COUNTY ROADWAY PRODUCTION DEPARTMENT. NO SEARCH OF THE PUBLIC RECORDS WAS PERFORMED BY BROWN & PHILLIPS, INC.
- 4) BEARING BASIS: N01°44'26"E (GRID) ALONG THE EAST LINE OF THE S.E. 1/4 OF SECTION 23/44/42.
- 5) ABBREVIATIONS:

P.O.C. - POINT OF COMMENCEMENT	P.O.B. - POINT OF BEGINNING	R - RADIUS	Lt - LEFT
R/W - RIGHT-OF-WAY	RPB - ROAD PLAT BOOK	Δ - CENTRAL ANGLE	D.B. - DEED BOOK
ORB - OFFICIAL RECORD BOOK	SEC. - SECTION	A - ARC LENGTH	CENTERLINE
PBC - PALM BEACH COUNTY	(M) - MEASURED	(G) - GRID	

THE DESCRIPTION SKETCH AND THE DESCRIPTION TEXT COMPRISE THE COMPLETE LEGAL DESCRIPTION. THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH ACCOMPANY EACH OTHER. REPRODUCTIONS OF THIS DOCUMENT ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER NOTED HEREON.


 JOHN E. PHILLIPS, III
 PROFESSIONAL LAND SURVEYOR
 STATE OF FLORIDA NO. 4826
 DATE: 4/4/16

 BROWN & PHILLIPS, INC. PROFESSIONAL SURVEYING SERVICES CERTIFICATE OF AUTHORIZATION # LB 6473 1860 OLD OKEECHOBEE ROAD., SUITE 509, WEST PALM BEACH, FLORIDA 33409 TELEPHONE (561)-615-3988, 615-3991 FAX	E-Mail: info@brown-phillips.com		
	HAVERHILL ROAD R/W PARCEL 107A		
	PROJ. No. 11-007	DRAWN: MB	SCALE: 1"=30'
	LEGAL DESCRIPTION	DATE: 4/4/16	SHEET 1 OF 2

Return to:
Right-of-Way Acquisition Section
Palm Beach County, Engineering & Public Works Department
Post Office Box 21229
West Palm Beach, Florida 33416-1229
Attn.: David Kuzmenko, Right-of-Way Specialist
Acct. No.: 1010 **W/C BOX 1066**

This Instrument Prepared by:
Marlene R. Everitt, Senior Assistant County Attorney
Palm Beach County, County Attorney's Office
Post Office Box 21229
West Palm Beach, Florida 33416-1229

Property Control Number: No PCN
Portion of Section 23, Township 44 South, Range 42 East

Purchase Price: \$ 0
Closing Date: _____

SPACE ABOVE THIS LINE FOR PROCESSING DATA

PROJECT NO.: 2010503
ROAD NAME: Lake Worth Rd (State Road 802)
PARCEL NO.: 107A
FDOT SECTION: 93610-2101

COUNTY DEED

THIS DEED is made this ____ day of _____, 20____, by **PALM BEACH COUNTY**, a political subdivision of the State of Florida, whose post office address is Post Office Box 21229, West Palm Beach, Florida 33416-1229, (hereinafter called "County") to the **STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION**, whose post office address is 3400 West Commercial Boulevard, Fort Lauderdale, Florida 33309-3421, (hereinafter called "FDOT").

WITNESSETH: That County, for and in consideration of the sum of Ten (\$10.00) Dollars to it in hand paid by FDOT, receipt whereof is hereby acknowledged, has granted, bargained and sold to FDOT, its successors and assigns forever, the following described land lying and being in Palm Beach County, Florida, as follows:

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

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

ATTEST:

SHARON R. BOCK
CLERK AND COMPTROLLER

By: _____
Deputy Clerk

County:

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

By: _____
Mary Lou Berger, Mayor

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

By: _____
Assistant County Attorney

(Official Seal)

Exhibit "A"

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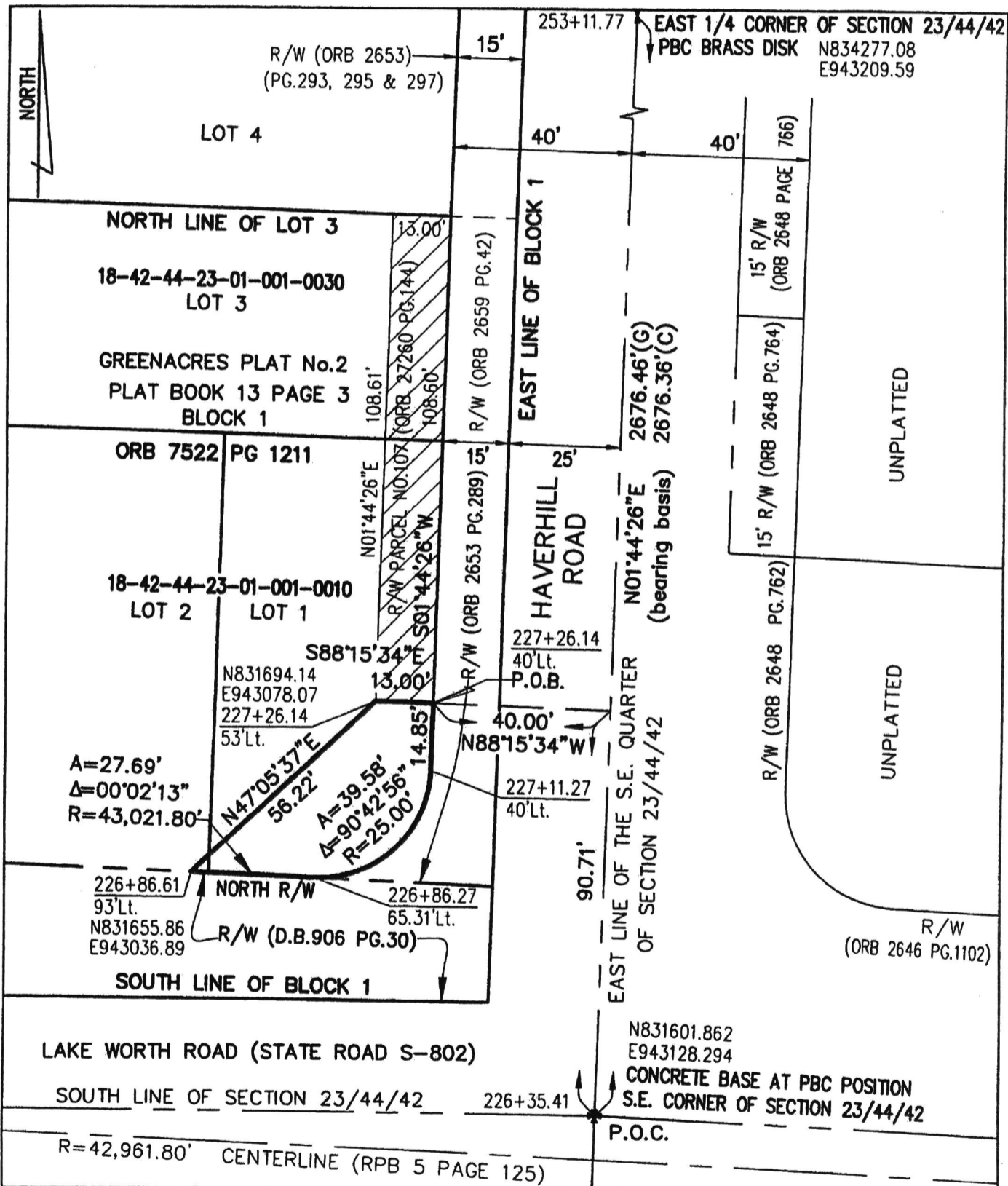
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JOHN E. PHILLIPS, III
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 CERTIFICATE OF AUTHORIZATION # LB 6473
 1860 OLD OKEECHOBEE ROAD., SUITE 509,
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R/W PARCEL 107A	
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	SHEET 1 OF 2



B
BROWN & PHILLIPS, INC.
PROFESSIONAL SURVEYING SERVICES
CERTIFICATE OF AUTHORIZATION # LB 6473
1860 OLD OKEECHOBEE ROAD., SUITE 509,
WEST PALM BEACH, FLORIDA 33409
TELEPHONE (561)-615-3988, 615-3991 FAX

HAVERHILL ROAD
R/W PARCEL 107A
THIS SKETCH IS NOT A SURVEY
PROJ. No. 11-007
DRAWN: MB
SCALE: 1"=30'
DATE: 4/4/16
SHEET 2 OF 2

RE: Permit # 12C-496-0009-93180 SR 802/Lake worth Road at Haverhill Intersection M... Page 1 of 14

RE: Permit # 12C-496-0009-93180 SR 802/Lake worth Road at Haverhill Intersection Modifications

Deibel, Hank [Hank.Deibel@arcadis.com]

Sent: Friday, September 04, 2015 1:56 PM

To: Kathleen Farrell; Serge Jerome; Tripp Cioci

Cc: David Kuzmenko

Kathleen – that last email from Jerry was the first time they said anything about the right of way on the SE corner. I do not know why any right of on the SE corner would be donated to FDOT. I think that and reference to the NE corner in Bill's email are typos a typo and he meant the NW corner. Good thing we are engineers and not mariners.

The right of way on the NW corner needs to be donated to FDOT. We have addressed all of the FDOT's comments so the permit should be issued once the right of way has been donated.

Hank

Henry Deibel, PE | Associate Vice President | hank.deibel@arcadis-us.com

ARCADIS U.S., Inc. | 2081 Vista Parkway, Suite 305 | West Palm Beach, FL 33411
T: 561 697 7075 | M: 561 718 0541
www.arcadis-us.com

ARCADIS, Imagine the result

From: Kathleen Farrell [mailto:KFarrell@pbcgov.org]

Sent: Thursday, September 03, 2015 1:10 PM

To: Deibel, Hank <Hank.Deibel@arcadis.com>; Serge Jerome <SJerome@pbcgov.org>; Tripp Cioci <TCioci@pbcgov.org>

Cc: David Kuzmenko <DKuzmenk@pbcgov.org>

Subject: FW: Permit # 12C-496-0009-93180 SR 802/Lake worth Road at Haverhill Intersection Modifications

Hank,

In the email chains below, Jerry refers to R/W at the SE quadrant that hasn't yet been donated (1/20/15 email). The R/W at the SE quadrant of Haverhill & Lake Worth (Parcel 106) is located entirely on Haverhill Road, and not on Lake Worth. Why would this R/W need to be dedicated to FDOT? Am I missing something?

Bill then talks about R/W at the NE corner being acquired to FDOT standards. We're not acquiring anything at the NE corner, so I'm not sure what it is that he is referring to.

We did acquire Parcel 107 at the NW corner, which included the corner clip and R/W on Haverhill Rd. Is this the R/W that FDOT wants/expects us to donate? Assuming that it is, and all that they need is the corner clip, let us know & we'll follow up to be sure that everything was done in accordance with the email attached to Morton's response.

What's the status of the rest of the permit responses?

FW: Permit # 12C-496-0009-93180 SR 802/Lake worth Road at Haverhill Intersection M... Page 2 of 11

Since the corner clips will be functioning as part of a state road, the clips must be donated to the Department and must be acquired in accordance with the Uniform Act.

The County can either hire an acquisition consultant prequalified by the Department or the Department can conduct the acquisition for the County under a Local Funding Agreement.

Thank you for your attention to these details.

Christopher J. Poisson

Florida Department of Transportation
Right of Way - Production and Management Services
3400 West Commercial Boulevard
Fort Lauderdale, FL 33309
Direct (954) 777-4270
Fax (954) 777-4261
chris.poisson@dot.state.fl.us

From: Deibel, Hank [<mailto:Hank.Deibel@arcadis-us.com>]
Sent: Tuesday, September 03, 2013 3:20 PM
To: Morton Rose; Poisson, Chris
Cc: William Sears
Subject: RE: Permit # 12C-496-0009-93180 SR 802/Lake worth Road at Haverhill Intersection Modifications

Morton & Bill – I spoke with Chris. He said that if the right of way ultimately gets donated to FDOT than it must be acquired in accordance with the Uniform Act. Chris said that since the corner clips will only have the traffic signal and sidewalk in them then it may be acceptable for the County to retain the right of way and not donate it to FDOT. In that event you would not have to follow the Uniform Act. Chris is going to double check on that with Susan Day and Jerry Dean and then he will get back to me on Thursday or Friday.

Henry Deibel, PE | Associate Vice President | hank.deibel@arcadis-us.com

ARCADIS U.S., Inc. | 2081 Vista Parkway, Suite 305 | West Palm Beach, FL 33411
T: 561 697 7075 | M: 561 718 0541
www.arcadis-us.com

ARCADIS, Imagine the result

From: Morton Rose [<mailto:MRose@pbcgov.org>]
Sent: Tuesday, September 03, 2013 3:01 PM
To: Poisson, Chris
Cc: Deibel, Hank; William Sears

Permit 2012C-496-0009-93180 SR 802/Lake worth Road at Haverhill Intersection Modifi... Page 1 of 1

**Permit 2012C-496-0009-93180 SR 802/Lake worth Road at Haverhill
Intersection Modifications**

Poisson, Chris [Chris.Poisson@dot.state.fl.us]

Sent: Friday, September 06, 2013 11:28 AM

To: Morton Rose

Cc: Day, Susan [Susan.Day@dot.state.fl.us]; Dean, Jerry [Jerry.Dean@dot.state.fl.us]

Morton,

Since there are no federal or state monies involved, the County may acquire right of way using its own processes without adherence to procedures required under the Uniform Act. However, the following conditions must be met before the Department will accept donations of the corner clips from the County (and the corner clips would need to be conveyed):

- 1) Please assemble and transmit to Jerry Dean the "Donation Package" as detailed in the attached *Permit Applicant Requirement and Responsibilities for Donation/Dedication of Right of Way*. Pay special attention to Section 9 and Attachment "A" regarding preparation of title work. It is very important that these guidelines are strictly followed in preparation of title, and so I suggest you provide them to whoever will be preparing your title work as it will need to be reviewed and accepted by the Department prior to any acquisition of property by the County. If you have any questions or concerns regarding title or other requirements, do not hesitate to contact me to discuss.
- 2) It cannot be represented to the public and/or affected property owners when the County is acquiring rights of way that the property is being acquired on behalf of the Florida Department of Transportation.

Thank you for your attention to these details.

Christopher J. Poisson

Florida Department of Transportation
Right of Way - Production and Mangement Services
3400 West Commercial Boulevard
Fort Lauderdale, FL 33309
Direct (954) 777-4270
Fax (954) 777-4261
chris.poisson@dot.state.fl.us

Location Map



Attachment No. 5

Tripp,

The reason the Department is requesting removal of the mineral rights language on the County Deed is that the Department requires property free and clear, without encumbrances which could impede the Department's use of the property for roadway purposes.

Thanks for your attention to this matter.

Christopher J. Poisson

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Right of Way - Production and Management Services
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