

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**AGENDA ITEM SUMMARY**

**Meeting Date:** May 1, 2018       Consent     Regular  
    Ordinance     Public Hearing

**Department:**      Engineering and Public Works  
**Submitted By:**    Engineering and Public Works  
**Submitted For:**    Roadway Production Division

**I. EXECUTIVE BRIEF**

**Motion and Title:** Staff recommends motion to adopt: a resolution declaring the acquisition of properties designated as parcel 101 as fee simple road right-of-way and parcel 701 as a temporary construction easement that are necessary for the construction of an eastbound right turn lane on Blue Heron Boulevard/SR 708 at Australian Avenue (Project).

**SUMMARY:** Adoption of this resolution will initiate eminent domain proceedings pursuant to Florida Statutes 73, 74, 127, and Section 337.27, Florida Statutes, as amended, for two parcels that have a total appraised value of \$86,497. The parcels are necessary to construct an eastbound right turn lane on Blue Heron Boulevard at Australian Avenue. The property owner has not accepted the offer to purchase made by Palm Beach County (County) and attempts to negotiate the purchase have been unsuccessful. Eminent domain proceedings are necessary to acquire the parcels at this time in order to expedite construction of the project, which is funded in the current Five Year Road Program. District 7 (MAB)

**Background and Justification:** The acquisition of parcels 101 and 701 is for a public purpose and necessity, which is deemed to be in the best interest of the County. The Engineering Department recommends the Board of County Commissioners' approval.

**Attachments:**

- 1. Location Map
- 2. Resolution with Exhibits "A-1", "A-2" and Exhibit "B" (2)

Recommended by: *David Z. Keel*      4/21/18  
   Department Director      Date

Approved By: *Maurell Johnson*      4/11/18  
   Assistant County Administrator      Date

**II. FISCAL IMPACT ANALYSIS**

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

Fiscal Years	2018	2019	2020	2021	2022
Capital Expenditures	\$ -0-	-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	\$ **	-0-	-0-	-0-	-0-
# ADDITIONAL FTE POSITIONS (Cumulative)					

Is Item Included in Current Budget? Yes  No  
 Does this item include the use of federal funds? Yes No

Budget Account No:  
 Fund 3501 Dept 361 Unit 1386 Object 6120

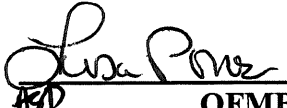
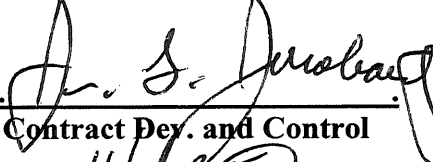
**Recommended Sources of Funds/Summary of Fiscal Impact:**

\*\*The cost for eminent domain proceedings is indeterminable at this time. Funding for the acquisition of these two parcels has been previously encumbered.

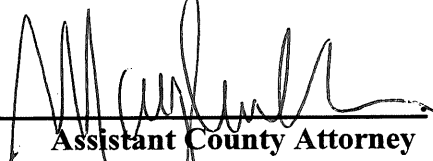
C. Departmental Fiscal Review: *Ahikovalainen*

**III. REVIEW COMMENTS**

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

 Lisa Povez 3/27/18 OFMB (PA) 3/27/18	 Contract Dev. and Control (4/5/18)
3/27	4/5/18

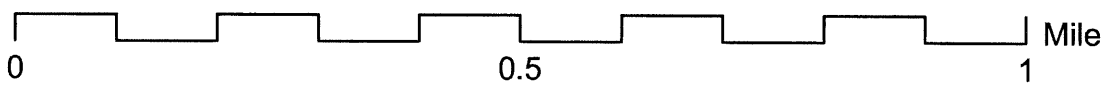
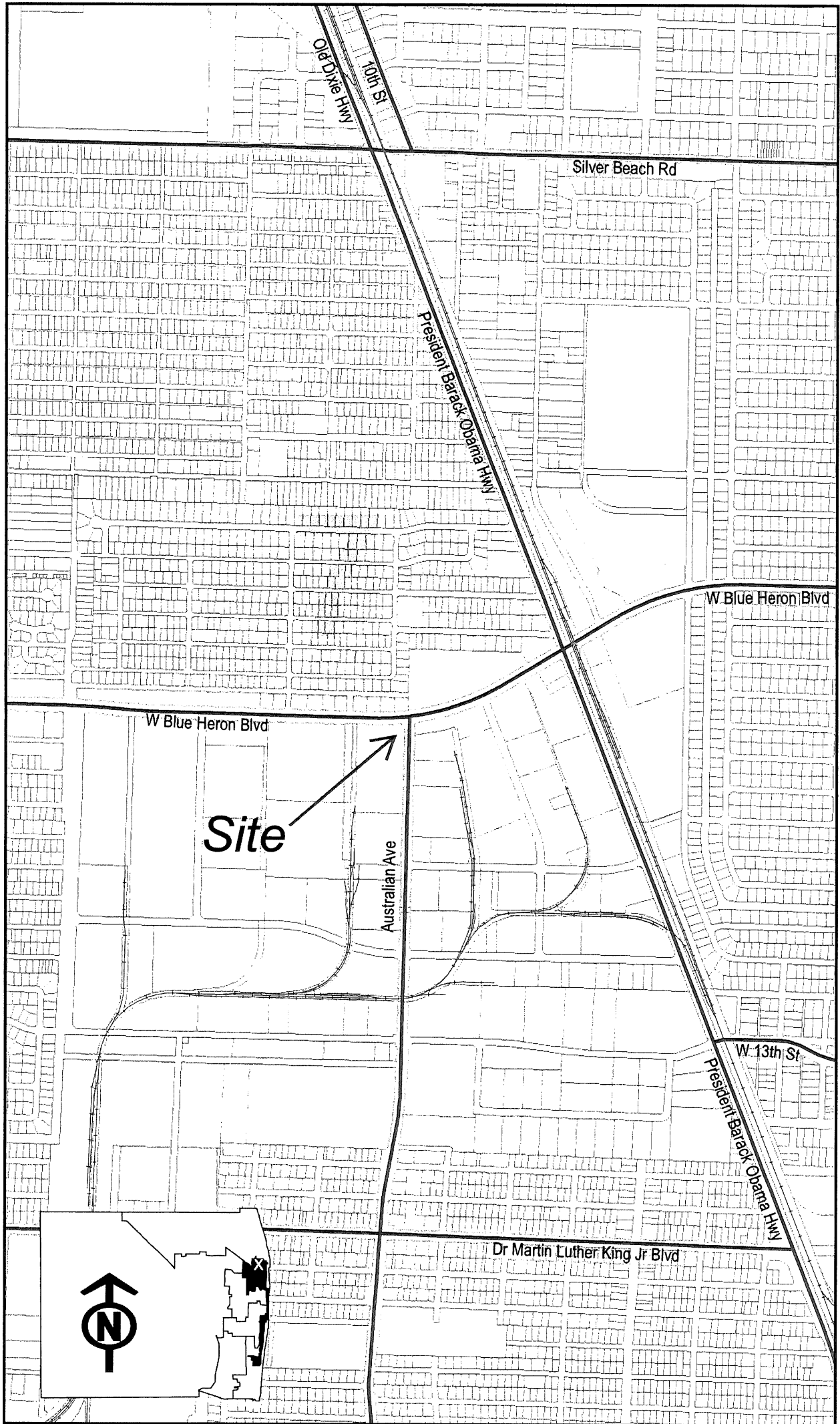
**B. Approved as to Form and Legal Sufficiency:**

  
 Assistant County Attorney

**C. Other Department Review:**

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

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



**Location Map**

RESOLUTION NO. R-2018 - \_\_\_\_\_

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, DECLARING THE ACQUISITION OF PROPERTY DESIGNATED AS PARCEL 101 AS A FEE SIMPLE ACQUISITION AND PARCEL 701 AS A TEMPORARY CONSTRUCTION EASEMENT, NECESSARY FOR THE CONSTRUCTION AND IMPROVEMENT OF BLUE HERON BOULEVARD AND AUSTRALIAN AVENUE, 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 (BCC); and

**WHEREAS**, the parcels are necessary for the construction of a right turn lane at the intersection of Blue Heron Boulevard and Australian Avenue; and,

**WHEREAS**, the funds are available for the acquisition of the property designated as Parcel 101 as a fee simple acquisition and Parcel 701 as a temporary construction easement; and

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

**WHEREAS**, the BCC is exercising its authority of Eminent Domain pursuant to Chapters 73, 74, 127, and 337.27 Florida Statutes, as amended; and

**WHEREAS**, the BCC 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, more fully described in Exhibit "B"; and

**WHEREAS**, after considering the factors as set forth above, the BCC has determined that the acquisition of the real property identified as Parcel 101, for a fee simple acquisition and Parcel 701, for a temporary construction easement, which are more fully described in Exhibit "A-1" and Exhibit "A-2", is necessary for the construction and improvement of Blue Heron Boulevard and Australian Avenue, and is for a public use and purpose deemed to be in the best interest of the County; and

**WHEREAS**, the construction limits shall not extend beyond the limits as outlined in Exhibit "A-1" and Exhibit "A-2"; and

**WHEREAS**, the property described in Exhibit "A-1" and Exhibit "A-2", 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 Parcels 101 and 701, the County Engineer and the County Attorney are authorized to take legal action, including the filing of Eminent Domain Proceedings, and to employ real estate appraisers and other experts deemed necessary to accomplish this purpose.

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

1. The BCC adopts and ratifies those matters set forth in the foregoing recitals.
2. The County Engineer and County Attorney are authorized and directed to proceed to take all necessary steps, including the hiring of accountants, appraisers, and other experts and witnesses, for the County to acquire in its own name by donation, purchase, or eminent domain proceedings, the real property described in Exhibit "A-1" and Exhibit "A-2", and prepare all papers, pleadings, and other instruments required for that purpose, and to see that all eminent domain proceedings are prosecuted to judgment.

3. 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-1" and Exhibit "A-2" that may be necessary to fully accomplish those purposes.

**BE IT FURTHER RESOLVED** that the property described in Exhibit "A-1" and Exhibit "A-2" is to be used for the following public use and purpose: a fee simple acquisition and temporary construction easement acquisition necessary for the construction of a right turn lane at the intersection of Blue Heron Boulevard and Australian Avenue.

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, Melissa McKinlay, Mayor \_\_\_\_\_

Commissioner, Mack Bernard, Vice Mayor \_\_\_\_\_

Commissioner Hal R. Valeche \_\_\_\_\_

Commissioner Paulette Burdick \_\_\_\_\_

Commissioner Dave Kerner \_\_\_\_\_

Commissioner Steven L. Abrams \_\_\_\_\_

Commissioner Mary Lou Berger \_\_\_\_\_

The Mayor thereupon declared the Resolution duly passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY,  
BOARD OF COUNTY COMMISSIONERS

SHARON R. BOCK  
CLERK & COMPTROLLER

By: \_\_\_\_\_  
Yelizaveta B. Herman  
Assistant County Attorney

By: \_\_\_\_\_  
Deputy Clerk

EXHIBIT "A-1" - R/W PARCEL 101

A PARCEL OF LAND IN SECTION 29, TOWNSHIP 42 SOUTH, RANGE 43 EAST, CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF LOT 20, PLAT NO.2-A LEWIS TERMINALS, RECORDED IN PLAT BOOK 31, PAGE 155 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF SAID LOT 20;  
THENCE ALONG THE BOUNDARY OF SAID LOT 20 FOR THE FOLLOWING FOUR (4) COURSES:

- 1) THENCE S88°27'26"E FOR 118.87 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTH, HAVING A RADIUS OF 1960.08 FEET;
- 2) THENCE EASTERLY, ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 06°22'32" FOR 218.11 FEET;
- 3) THENCE S46°46'34"E FOR 37.19 FEET;
- 4) THENCE S01°16'51"W FOR 30.85 FEET;


THENCE DEPARTING SAID BOUNDARY, N47°03'04"W FOR 61.70 FEET TO A CURVE CONCENTRIC WITH THE LAST-DESCRIBED CURVE, AND HAVING A RADIUS OF 1972.83 FEET;  
THENCE WESTERLY, ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 5°47'53" FOR 199.64 FEET TO A POINT OF TANGENCY;  
THENCE N88°27'26"W FOR 97.94 FEET;  
THENCE N74°54'49"W FOR 21.53 FEET TO THE WEST BOUNDARY OF SAID LOT 20;  
THENCE ALONG SAID WEST BOUNDARY, N01°32'34"E FOR 7.71 FEET TO THE POINT OF BEGINNING.

CONTAINING 5,269 SQUARE FEET, MORE OR LESS.

I HEREBY CERTIFY THAT THIS SKETCH AND LEGAL DESCRIPTION WAS PREPARED UNDER MY DIRECTION AND IS IN COMPLIANCE WITH THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17.052, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

  
JOHN E. PHILLIPS, III  
PROFESSIONAL LAND SURVEYOR  
STATE OF FLORIDA NO. 4826  
DATE: 7/21/16

NOT VALID UNLESS SIGNED AND SEALED.

 **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

R/W PARCEL 101

PROJ. No. 13-009

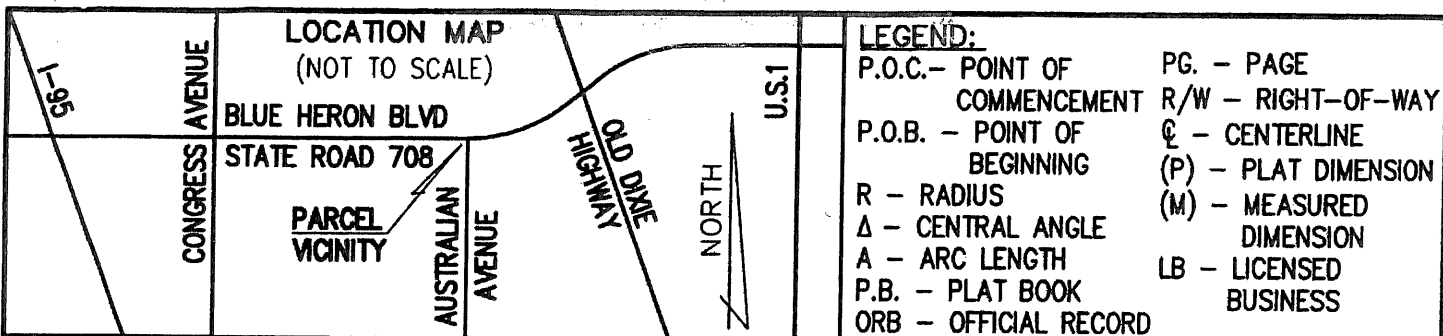
DRAWN: MB

LEGAL DESCRIPTION  
BLUE HERON BLVD.

SCALE: NONE

DATE: 7/21/16

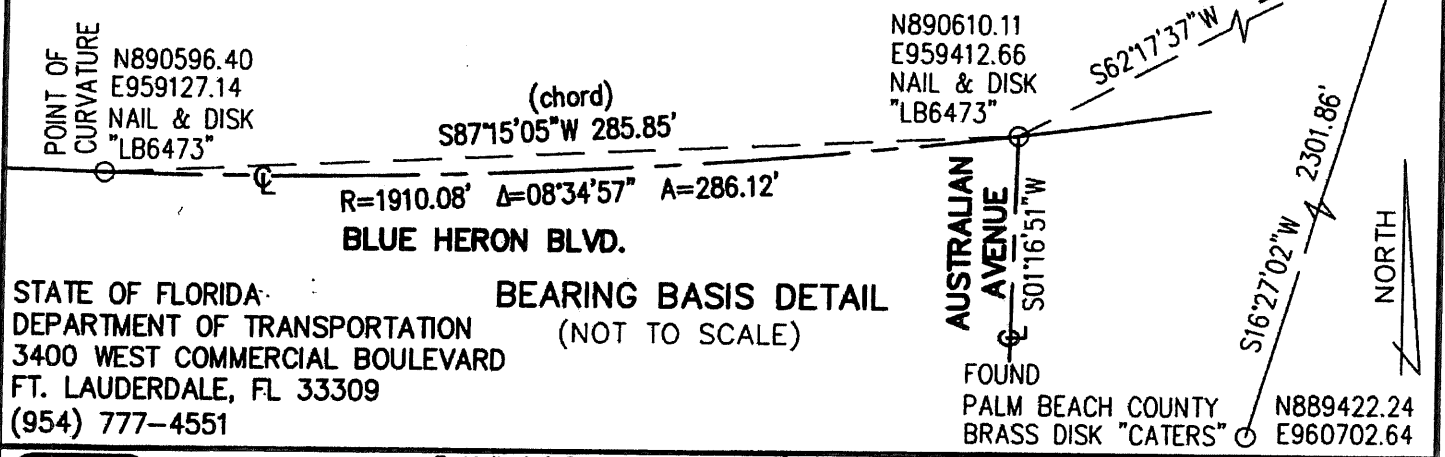
SHEET 1 OF 4



**NOTES:**

- 1) BEARINGS AND COORDINATES SHOWN HEREON ARE RELATIVE TO STATE PLANE COORDINATES, FLORIDA EAST ZONE, NORTH AMERICAN DATUM OF 1983/90 ADJUSTMENT. BEARINGS ARE BASED ON S16°27'02"W, ALONG A LINE BETWEEN PALM BEACH COUNTY CONTROL MONUMENTS "RIVIERA COMPLEX" AND "CATERS", BRASS DISKS IN CONCRETE.
- 2) STATE PLANE COORDINATES:  
 A. COORDINATES SHOWN ARE GRID  
 B. DATUM - NAD 83, 1990 ADJUSTMENT  
 C. ZONE - FLORIDA EAST  
 D. LINEAR UNIT - US SURVEY FOOT  
 E. COORDINATE SYSTEM 1983 STATE PLANE  
 F. TRANSVERSE MERCATOR PROJECTION  
 G. ALL DISTANCES ARE GROUND  
 H. SCALE FACTOR - 1.000046  
 I. GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE  
 J. ROTATION EQUATION: NONE
- 3) BASELINE STATIONING IS BASED ON A ROADWAY PLAN FOR BLUE HERON BLVD., PREPARED BY KIMLEY-HORN AND ASSOCIATES, INC., PALM BEACH COUNTY PROJECT No.20013102, DATED 7/1/2014.
- 4) TITLE INFORMATION SHOWN HEREON WAS FURNISHED PER A TITLE SEARCH REPORT PREPARED BY AMERICAN GOVERNMENT SERVICES CORPORATION, SEARCH NO.27032-1, PREPARED FOR BROWN & PHILLIPS, INC., AND CERTIFIED TO DEPARTMENT OF TRANSPORTATION OF THE STATE OF FLORIDA, DISTRICT FOUR, DATED 10/11/15.
- 5) THIS SKETCH EXISTS SOLELY FOR THE PURPOSE OF ILLUSTRATING THE LEGAL DESCRIPTION TO WHICH IT IS ATTACHED.
- 6) ALL BEARINGS AND DISTANCES ARE CALCULATED, UNLESS NOTED OTHERWISE.
- 7) ALL LOT, RIGHT-OF-WAY, AND EASEMENT INFORMATION SHOWN IS PER PLAT NO.2-A LEWIS TERMINALS PLAT BOOK 31 PAGE 155, AND PLAT NO.2 LEWIS TERMINALS PLAT BOOK 27 PAGE 42.
- 8) PARCEL 101:  
 OWNER: RIVIERA DOLPHIN 1, LLC  
 PARENT TRACT AREA = 255,638 SQUARE FEET (5.87 ACRES)  
 PARCEL 101 TAKE AREA = 5,269 SQUARE FEET

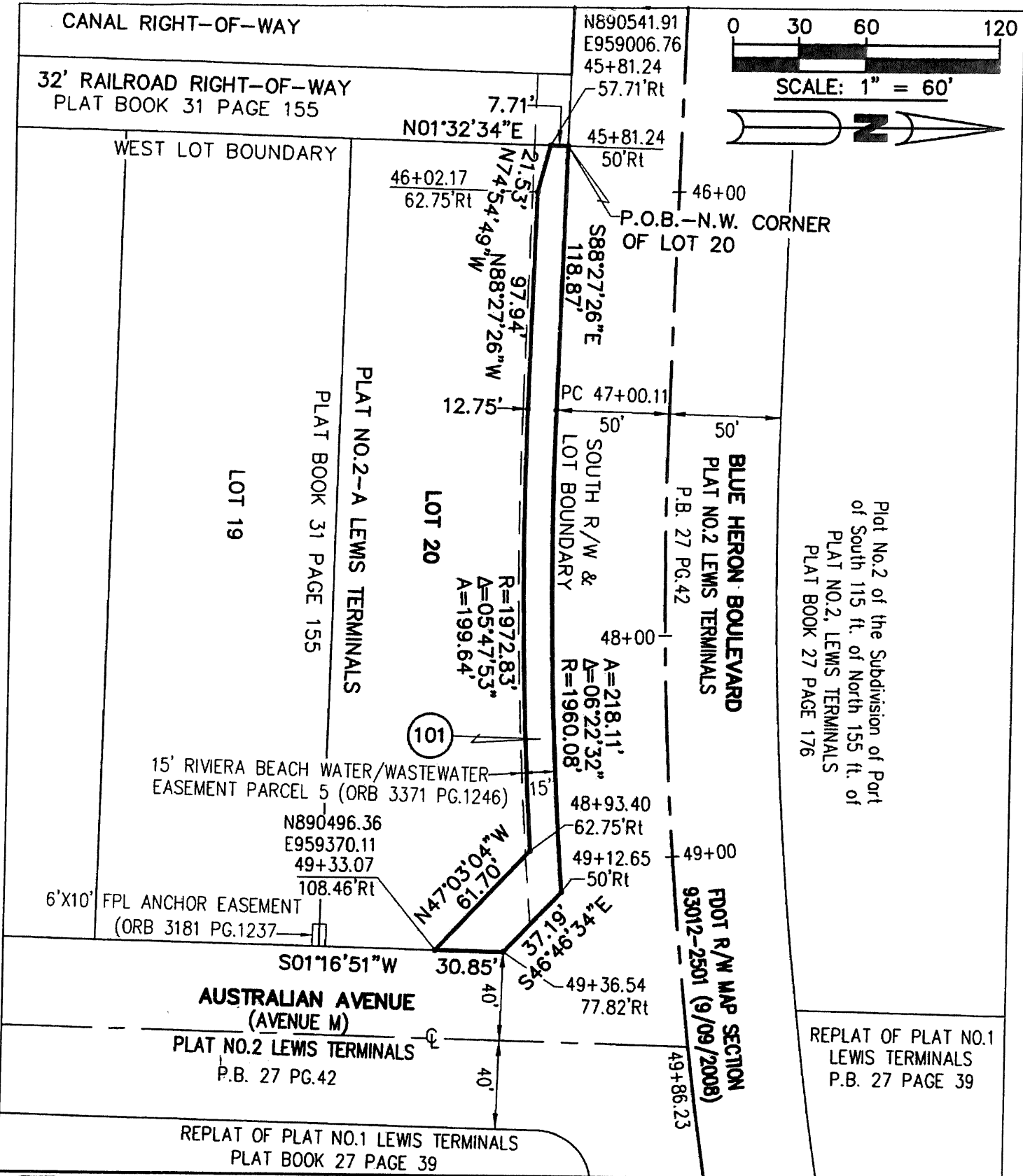
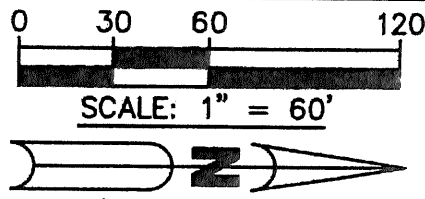
N891629.87  
 FOUND PALM BEACH COUNTY BRASS DISK "RIVIERA COMPLEX"



**B BROWN & PHILLIPS, INC.**  
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E-Mail: info@brown-phillips.com

R/W PARCEL 101 DESCRIPTION NOTES	
PROJ. No. 13-009	DRAWN: MB
BLUE HERON BLVD.	SCALE: NONE
	DATE: 7/21/16
	SHEET 2 OF 4



**B BROWN & PHILLIPS, INC.**  
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<b>R/W PARCEL 101</b>	
(This sketch is not a survey)	
PROJ. No. 13-009	DRAWN: MB
<b>SKETCH TO ACCOMPANY LEGAL DESCRIPTION BLUE HERON BLVD.</b>	SCALE: 1"=60'
	DATE: 7/21/16
	SHEET 3 OF 4

E-Mail: info@brown-phillips.com



PLAT NO.2 LEWIS TERMINALS P.B. 27 PG.42

BLUE HERON BOULEVARD

S88°27'26"E

A=218.11'

Δ=06°22'32"

R=1960.08'(P)

118.87'(P)

S46°46'34"E  
37.19'(P)

15' RIVIERA BEACH WATER/WASTEWATER  
EASEMENT PARCEL 5 (ORB 3371 PG.1246)

LOT 20

364.69'(P)

6'X10' FPL ANCHOR EASEMENT  
(ORB 3181 PG.1237)

LOT 19

365.15'(P)

LOT 18

PLAT NO.2-A LEWIS TERMINALS

PLAT BOOK 31 PAGE 155

LOT 17

RIVIERA DOLPHIN I, LLC  
ORB 17992 PAGE 47

(LOTS 14-20)

56-43-42-29-43-000-0140

LOT 16

366.52'(P)

LOT 15

366.98'(P)

LOT 14

N88°43'09"W 367.43'(P)

LOT 13

N01°32'34"E 697.23'

32' RAILROAD R/W (P.B. 31 PG. 155)

AUSTRALIAN AVENUE S01°16'51"W 682.95'

72' (C DISTANCE VARIES PER ORB 376 pg.289)

EAST R/W

Q. OF 8' EASEMENT IN ORB 376 PG.289 RECORDED IN 1959 FOR  
"THE INITIAL CONSTRUCTION THE PIPELINE AND SHALL NOT APPLY  
FOR ANY FUTURE CONSTRUCTION OR TESTING OF SUCH PIPELINE."



0 30 60 120  
SCALE: 1"=100'

LOT 1  
BLOCK 0

LOT 17 BLOCK 0

LOT 16 BLOCK 0

REPLAT OF PLAT NO.1 LEWIS TERMINALS  
PLAT BOOK 27 PAGE 39

LOT 15 BLOCK 0

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PARENT TRACT  
R/W PARCEL 101

PROJ. No. 13-009

DRAWN: MB

LEGAL DESCRIPTION  
BLUE HERON BLVD.

SCALE: 1"=100'

DATE: 7/21/16

SHEET 4 OF 4

EXHIBIT "A-2"

TEMPORARY EASEMENT 701


A PARCEL OF LAND IN SECTION 29, TOWNSHIP 42 SOUTH, RANGE 43 EAST, CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF LOT 20, PLAT NO.2-A LEWIS TERMINALS, RECORDED IN PLAT BOOK 31, PAGE 155 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID LOT 20;  
 THENCE ALONG THE WEST BOUNDARY OF SAID LOT 20,  
 S01°32'34"W FOR 7.71 FEET TO THE POINT OF BEGINNING;


THENCE CONTINUE ALONG SAID WEST BOUNDARY, S01°32'34"W FOR 5.14 FEET;  
 THENCE S74°54'49"E FOR 20.92 FEET;  
 THENCE PARALLEL WITH THE NORTH BOUNDARY OF SAID LOT 20,  
 S88°27'26"E FOR 98.53 FEET TO THE POINT OF CURVATURE OF A CURVE  
 CONCENTRIC WITH THE SAID NORTH BOUNDARY OF LOT 20, AND HAVING A  
 RADIUS OF 1977.83 FEET;  
 THENCE EASTERLY, ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL  
 ANGLE OF 5°44'05" FOR 197.96 FEET;  
 THENCE S47°03'04"E FOR 63.96 FEET TO THE EAST BOUNDARY OF SAID LOT 20;  
 THENCE ALONG SAID EAST BOUNDARY, N01°16'51"E FOR 6.69 FEET;  
 THENCE DEPARTING SAID BOUNDARY, N47°03'04"W FOR 61.70 FEET TO A  
 CURVE CONCENTRIC WITH THE SAID NORTH BOUNDARY OF LOT 20, AND  
 HAVING A RADIUS OF 1972.83 FEET;  
 THENCE WESTERLY, ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL  
 ANGLE OF 5°47'53" FOR 199.64 FEET TO A POINT OF TANGENCY;  
 THENCE N88°27'26"W FOR 97.94 FEET;  
 THENCE N74°54'49"W FOR 21.53 FEET TO POINT OF BEGINNING.

CONTAINING 1,905 SQUARE FEET, MORE OR LESS.

I HEREBY CERTIFY THAT THIS SKETCH AND LEGAL DESCRIPTION WAS PREPARED UNDER MY DIRECTION AND IS IN COMPLIANCE WITH THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17.052, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

  
 JOHN E. PHILLIPS, III  
 PROFESSIONAL LAND SURVEYOR  
 STATE OF FLORIDA NO. 4826  
 DATE: 7/21/16

NOT VALID UNLESS SIGNED AND SEALED.

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E-Mail: info@brown-phillips.com

TEMPORARY EASEMENT 701

PROJ. No. 13-009

DRAWN: MB

LEGAL DESCRIPTION

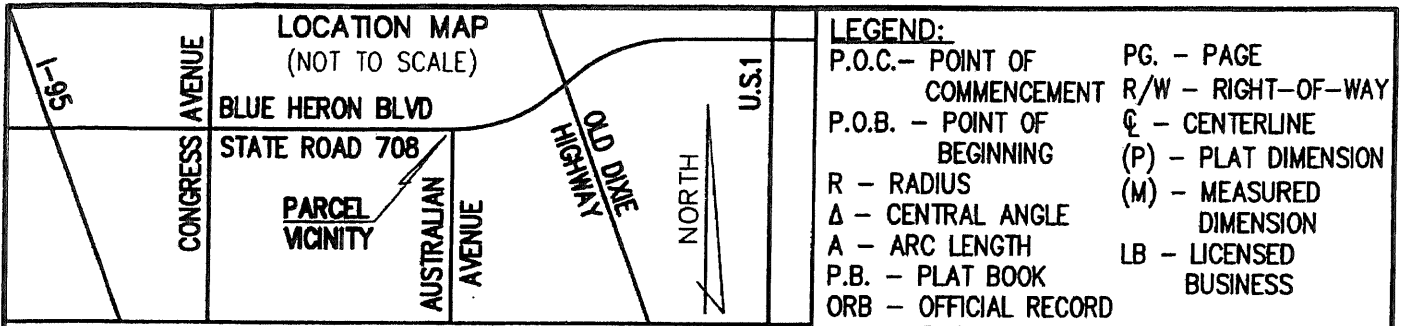
SCALE: NONE

BLUE HERON BLVD.

DATE: 7/21/16

SHEET 1 OF 4

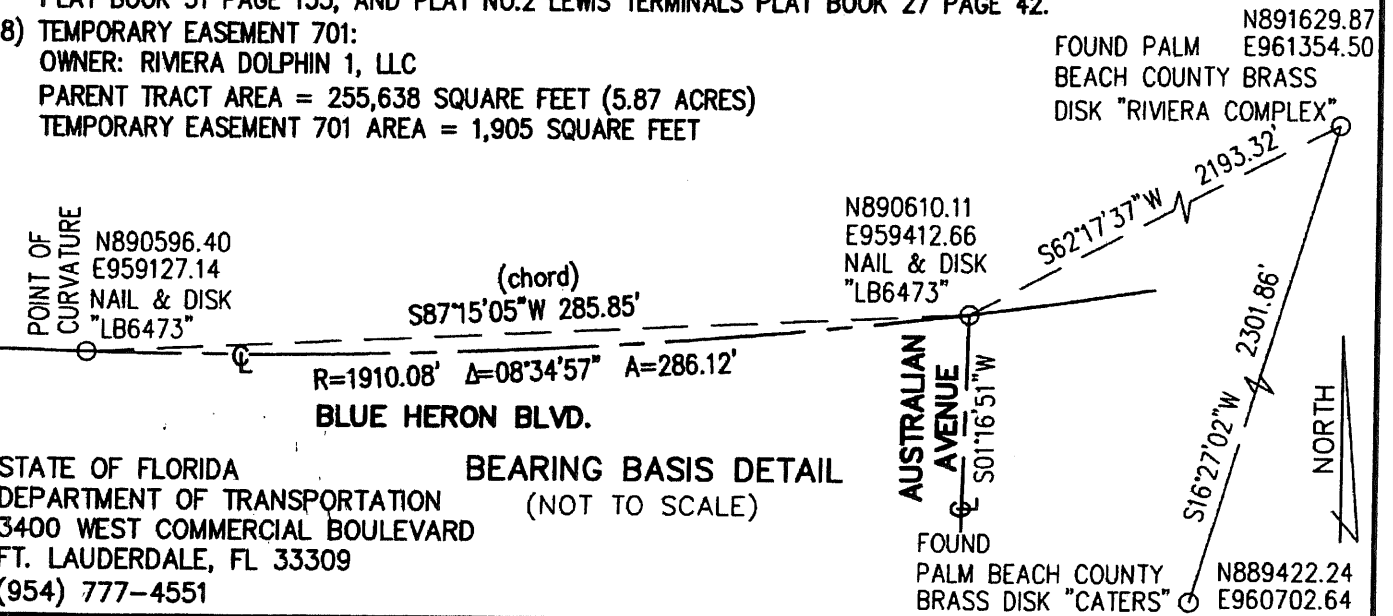
EXHIBIT "A-2"



**NOTES:**

- 1) BEARINGS AND COORDINATES SHOWN HEREON ARE RELATIVE TO STATE PLANE COORDINATES, FLORIDA EAST ZONE, NORTH AMERICAN DATUM OF 1983/90 ADJUSTMENT. BEARINGS ARE BASED ON S16°27'02"W, ALONG A LINE BETWEEN PALM BEACH COUNTY CONTROL MONUMENTS "RIVIERA COMPLEX" AND "CATERS", BRASS DISKS IN CONCRETE.
- 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 - 1.000046
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) BASELINE STATIONING IS BASED ON A ROADWAY PLAN FOR BLUE HERON BLVD., PREPARED BY KIMLEY-HORN AND ASSOCIATES, INC., PALM BEACH COUNTY PROJECT No.20013102, DATED 7/1/2014.
- 4) TITLE INFORMATION SHOWN HEREON WAS FURNISHED PER A TITLE SEARCH REPORT PREPARED BY AMERICAN GOVERNMENT SERVICES CORPORATION, SEARCH NO.27032-1, PREPARED FOR BROWN & PHILLIPS, INC., AND CERTIFIED TO DEPARTMENT OF TRANSPORTATION OF THE STATE OF FLORIDA, DISTRICT FOUR, DATED 10/11/15.
- 5) THIS SKETCH EXISTS SOLELY FOR THE PURPOSE OF ILLUSTRATING THE LEGAL DESCRIPTION TO WHICH IT IS ATTACHED.
- 6) ALL BEARINGS AND DISTANCES ARE CALCULATED, UNLESS NOTED OTHERWISE.
- 7) ALL LOT, RIGHT-OF-WAY, AND EASEMENT INFORMATION SHOWN IS PER PLAT NO.2-A LEWIS TERMINALS PLAT BOOK 31 PAGE 155, AND PLAT NO.2 LEWIS TERMINALS PLAT BOOK 27 PAGE 42.
- 8) TEMPORARY EASEMENT 701:  
 OWNER: RIVIERA DOLPHIN 1, LLC  
 PARENT TRACT AREA = 255,638 SQUARE FEET (5.87 ACRES)  
 TEMPORARY EASEMENT 701 AREA = 1,905 SQUARE FEET

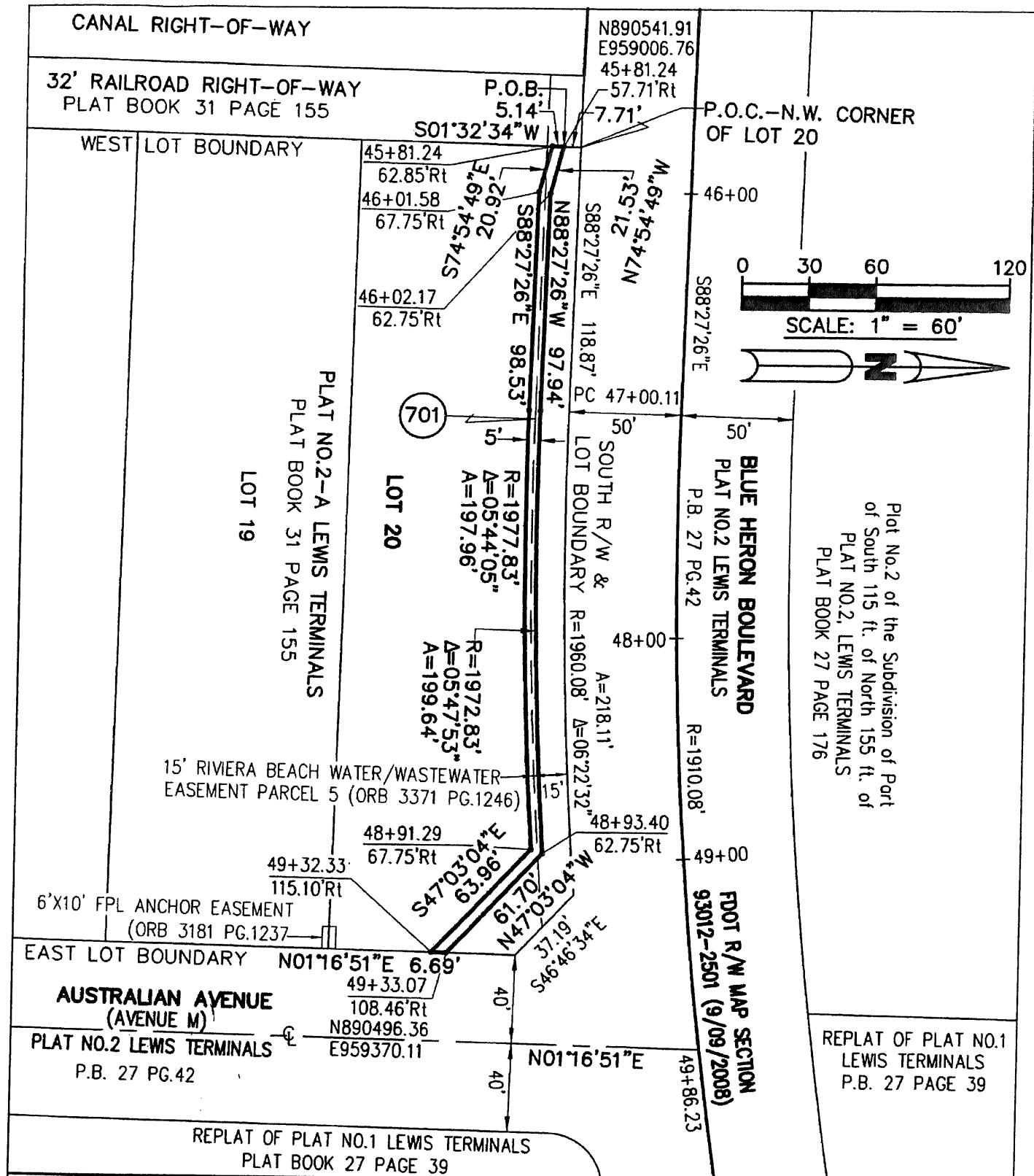


**B** BROWN & PHILLIPS, INC.  
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TEMPORARY EASEMENT 701 DESCRIPTION NOTES	
PROJ. No. 13-009	DRAWN: MB
BLUE HERON BLVD.	SCALE: NONE
	DATE: 7/21/16
	SHEET 2 OF 4

E-Mail: info@brown-phillips.com

EXHIBIT "A-2"

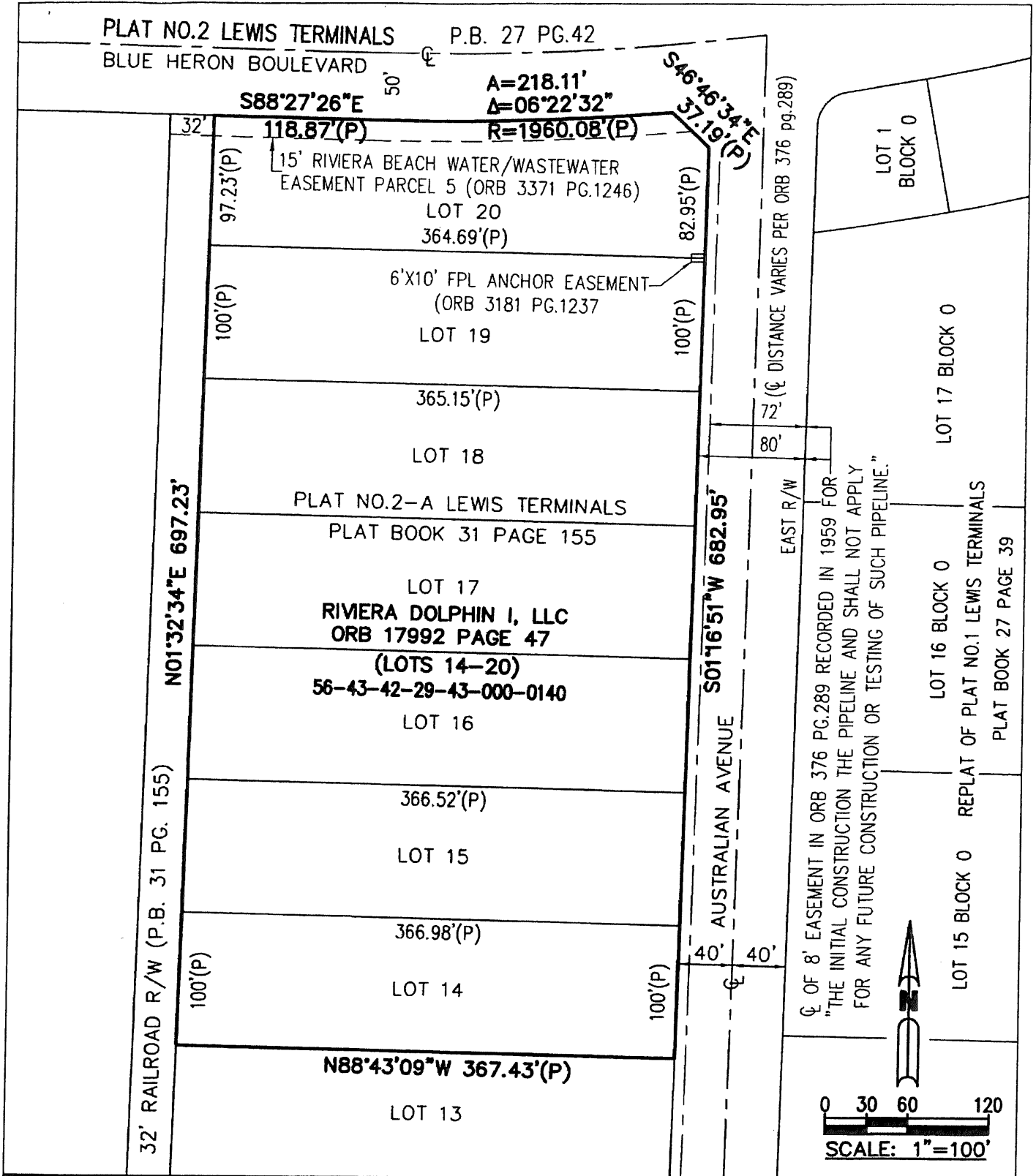


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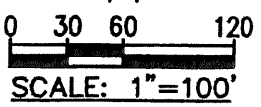
E-Mail: info@brown-phillips.com

<b>TEMPORARY EASEMENT 701</b>	
(This sketch is not a survey)	
PROJ. No. 13-009	DRAWN: MB
SKETCH TO ACCOMPANY	SCALE: 1"=60'
LEGAL DESCRIPTION	DATE: 7/21/16
BLUE HERON BLVD.	SHEET 3 OF 4

EXHIBIT "A-2"



OF 8' EASEMENT IN ORB 376 PG.289 RECORDED IN 1959 FOR THE INITIAL CONSTRUCTION THE PIPELINE AND SHALL NOT APPLY FOR ANY FUTURE CONSTRUCTION OR TESTING OF SUCH PIPELINE.



**B** BROWN & PHILLIPS, INC.  
 PROFESSIONAL SURVEYING SERVICES  
 CERTIFICATE OF AUTHORIZATION # LB 6473  
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PARENT TRACT TEMPORARY EASEMENT 701	
PROJ. No. 13-009	DRAWN: MB
LEGAL DESCRIPTION BLUE HERON BLVD.	SCALE: 1"=100'
	DATE: 7/21/16
	SHEET 4 OF 4

EXHIBIT "B"

**BLUE HERON BOULEVARD AND AUSTRALIAN AVENUE, PALM BEACH COUNTY,  
PROJECT #2013102**

**SAFETY**

Blue Heron Boulevard is currently a four to six lane paved Florida Department of Transportation roadway running east-west from Bee Line Highway to Ocean Avenue. More specifically, the limits of construction for this widening and paving of Blue Heron Boulevard extend from approximately 380 feet west of Australian Avenue to Australian Avenue, and is within a commercial area. This construction will improve Blue Heron Boulevard by adding an eastbound right turn lane at Australian Avenue, including curb and gutter, sidewalks and additional drainage. This project will improve the overall safety for motorists, bicyclists and pedestrians.

The design of the 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 providing this right turn lane improvement along this portion of Blue Heron Boulevard was estimated prior to beginning design of the project. 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 have been made to minimize the areas to be acquired through condemnation.

After considering Safety, Alternate Routes and Methodologies, Planning, and Environmental factors, the cost of the acquisition of this parcel fits into the planned funding for this project, and the acquisition of this parcel was necessary, in furtherance of this public project.

**ALTERNATE ROUTES**

Blue Heron Boulevard is a heavily travelled roadway passing through residential and commercial areas. The Palm Beach County Comprehensive Plan (Thoroughfare Right-of-Way-Identification Map) has for many years defined this roadway as a route required to meet traffic demands at full development of the County. Palm Beach County's Comprehensive Plan has been prepared to meet the requirements of Chapter 163, F. S. and Rule 9J-5, F.A.C., and to address the needs and interests of the County's residents and visitors. As a 6 lane roadway currently exists at the project location, alternate routes and methodologies were considered for addressing the traffic demands at the project intersection but this alternative was found to be the most economically feasible.

**LONG RANGE PLANNING**

The development of this project is in conformance with Palm Beach County's 2040 Long Range Transportation System Plan. The 2040 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**

Blue Heron Boulevard exists along an established roadway corridor. The limits of the project are bordered by existing commercial developments, and the proposed improvements will have minimal negative impacts to the environment. This roadway improvement project is expected to be permitted through the appropriate environmental regulatory agencies.

EXHIBIT "B"

*Following is a more detailed outline of the reasons for acquisition needed for the improvement of Blue Heron Boulevard within the previously stated project limits:*

**ACQUISITIONS FOR ROAD RIGHT-OF-WAY - PARCEL 101**

Currently, the Florida Department of Transportation owns a 100 foot wide Road Right-of-Way interest east of Congress Avenue that varies in width from approximately 106 foot to 125 foot. The parcels to be acquired represent acquisition outside of the existing mainline Right-of-Way and is required to construct roadway widening for a right turn lane, which includes curb and gutter, sidewalk, and additional drainage infrastructure.

**ACQUISITIONS FOR TEMPORARY CONSTRUCTION EASEMENTS – PARCEL 701**

Temporary Construction Easements (expiring after construction) are required adjacent to the Road Right-of-Way in order to construct driveways and re-grade the existing ground to match and harmonize with existing grades on adjacent properties.