

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: October 8, 2019	<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Regular
	<input type="checkbox"/> Workshop	<input type="checkbox"/> Public Hearing

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

I. EXECUTIVE BRIEF

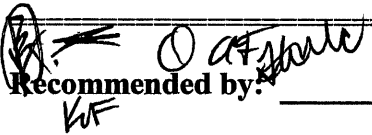

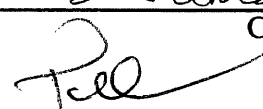
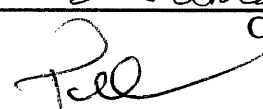
Motion and Title: Staff recommends motion to:

- A) accept a warranty deed for property designated as parcel 101 for fee simple road right-of- way, and a permanent easement for property designated as parcel 301 necessary for the construction of intersection improvements on South Military Trail at West Linton Boulevard (Project); and
- B) approve the negotiated payment of \$282,179 for parcels 101 and 301 necessary for the construction of the Project.

SUMMARY: Approval of the negotiated amount will allow Palm Beach County (County) to acquire parcel 101, a fee simple road right-of-way, and parcel 301, a permanent easement needed to construct the Project. The Project will construct a northbound right turn lane and includes resurfacing, the installation of drainage infrastructure, sidewalks, and an updated traffic signal at the intersection of West Linton Boulevard and South Military Trail. An appraisal was obtained with a fair market value of \$195,194. The property owner’s original counter-offer was \$481,749, inclusive of business damages, attorney’s fees and expert costs. The Engineering Department and the County Attorney’s Office negotiated a purchase amount of \$282,179 inclusive of the property owner’s attorney fees, engineering fees, and appraisal costs. Parcel 301 was originally proposed to be a temporary construction easement, but the property owner offered to convert the temporary construction easement to a permanent easement, which will allow the County to access parcel 301 in perpetuity. After fees and costs are subtracted, the purchase represents approximately a 28% increase over the appraised amount. Although, the figure represents a 28% increase over the appraised amount, this negotiated settlement will avoid the expenses of condemnation including fees and costs. Districts 4 and 5 (MAB)

Background and Justification: The acquisition of parcels 101 and 301 will allow the construction of a northbound right turn lane on South Military Trail at West Linton Boulevard. This right turn lane will increase capacity of the intersection, allowing more efficient operation. This action is necessary to expedite construction of the Project, which is funded in the current Five Year Road Program. The acquisition of parcels 101 and 301, 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. Warranty Deed for Parcel 101 with Exhibit “A”
 - 3. Permanent Easement for Parcel 301 with Exhibit “A”

Recommended by: 		9/10/2019
	County Engineer	Date
Approved by: 		9/25/19
	Assistant County Administrator	Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2019	2020	2021	2022	2023
Capital Expenditures	<u>\$282,179</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Operating Costs	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
External Revenues	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Program Income (County)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
In-Kind Match (County)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
NET FISCAL IMPACT	<u>\$282,179</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
# 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 3505 Dept 361 Unit 1383 Object 6120

Recommended Sources of Funds/Summary of Fiscal Impact:

Road Impact Fee Fund - Zone 5
Linton Blvd. & Military Trail Intersection

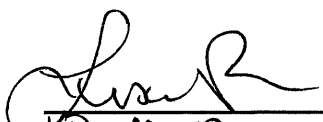
Parcels 101 and 301
Negotiated Settlement \$282,179.00


Right of Way: 1
Permanent Easement: 1

C. Departmental Fiscal Review:

III. REVIEW COMMENTS

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


KP 8/13 8/13 8/15 OFMB


Contract Dev. and Control 9/17/19

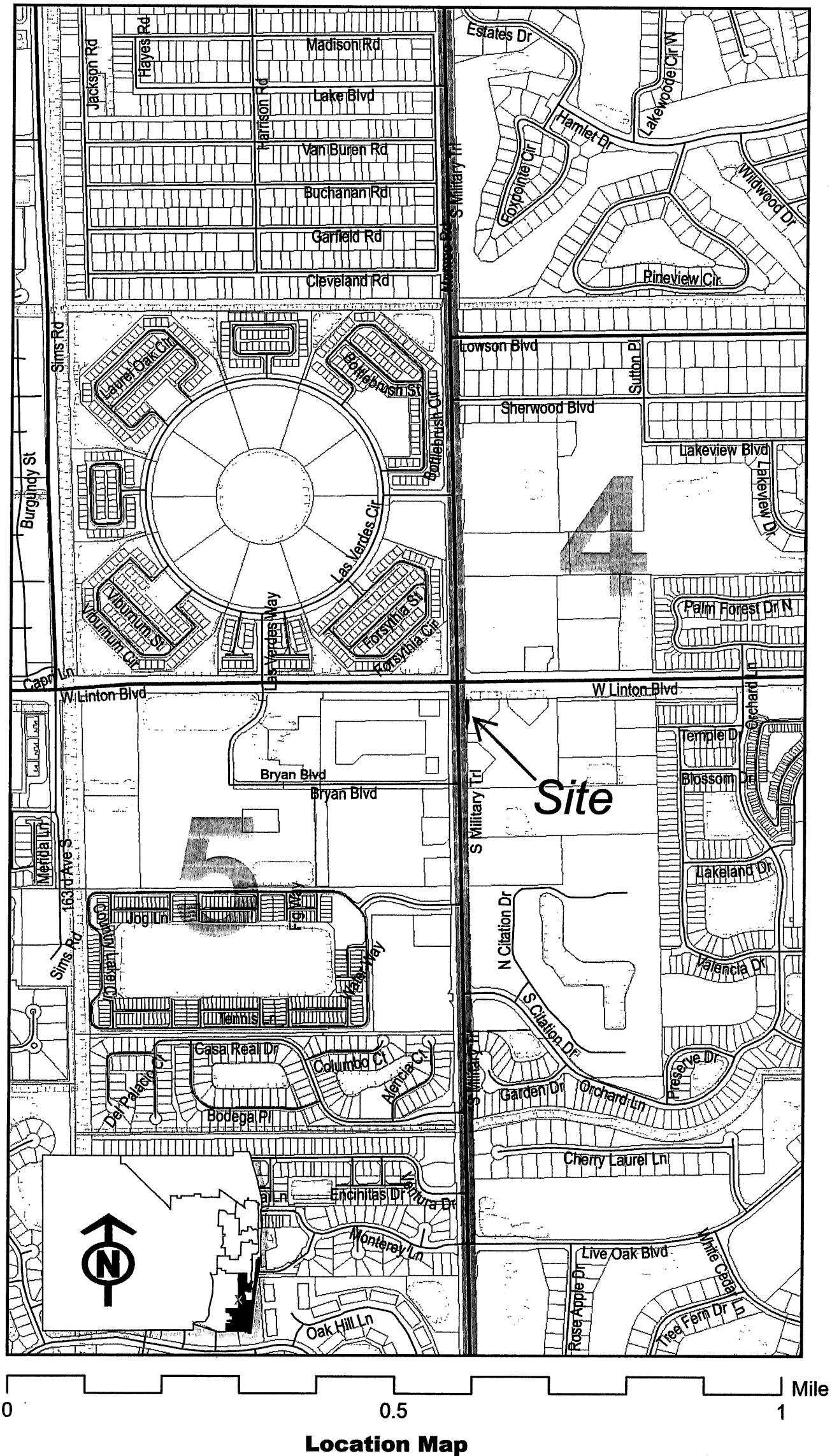
B. Approved as to Form and Legal Sufficiency:


Assistant County Attorney

C. Other Department Review:

Department Director

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



Return via Palm Beach County interoffice mail to:
Brent Enck, Right-of-Way Specialist
Palm Beach County, Engineering & Public Works Department
Roadway Production Division
2300 North Jog Road, 3rd Floor West
West Palm Beach, Florida 33411-2750

Escrow Account Number: 1010

This Instrument Prepared by:
Yelizaveta B. Herman, Assistant County Attorney
Palm Beach County Attorney's Office
Post Office Box 21229
West Palm Beach, Florida 33416-1229

Property Control Number: 12-42-46-25-10-003-0000

Not subject to documentary stamp tax per Florida Administrative Code Rule 12B-4.014(13)

Purchase Price: \$ 195,194

Closing Date: _____

NOT TO BE RECORDED WITHOUT BOARD OF COUNTY COMMISSIONERS ACCEPTANCE DATE

SPACE ABOVE THIS LINE FOR PROCESSING DATA

PROJECT NO.: 2013500

ROAD NAME: W Linton Blvd @ S Military Trail

PARCEL NO.: 101

WARRANTY DEED

THIS DEED is made this 28th day of August, 2019, by 7-ELEVEN, INC., a Texas corporation, whose post office address is 3200 Hackberry Road, Irving, Texas, 75063-0131, ("Grantor"), to **PALM BEACH COUNTY**, a political subdivision of the State of Florida, by and through its Board of County Commissioners, whose post office address is Post Office Box 21229, West Palm Beach, Florida 33416-1229, ("Grantee").

WITNESSETH: That Grantor, for and in consideration of the sum of TEN (\$10.00) dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto Grantee, all that certain land situate in Palm Beach County, Florida: Property more particularly described in Exhibit "A" attached hereto and made a part hereof.

TOGETHER with all the tenements, hereditaments, and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the same in fee simple forever.

AND Grantor hereby covenants with said Grantee that said Grantor is lawfully seized of said land in fee simple; that Grantor has good right and lawful authority to sell and convey said land; that Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, including but not limited to mortgages, all liens, and special assessments, except taxes subsequent to the closing date.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the date first above written.

Signed, sealed and delivered in the presence of:

(Signature of two witnesses
required by Florida law)

Braeden Powell
Witness Signature (Required)

Braeden Powell
Witness Name Printed or Typed

Sandra Y. Valladares
Witness Signature (Required)

Sandra Y. Valladares
Witness Name Printed or Typed

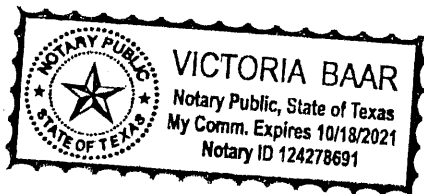
STATE OF TEXAS

COUNTY OF DALLAS

Before me personally appeared Ian C. Williams, who is (choose one) personally known to me, or has produced _____ as identification, and who executed the foregoing instrument as Vice President of 7-Eleven, Inc., a Texas corporation, and severally acknowledged to and before me that they executed such instrument as such officer of said company, and that said instrument is the free act and deed of said company.

Witness my hand and official seal this 28TH day of August, 2019.

(Stamp/Seal)



Grantor:

7-ELEVEN, INC.,
a Texas corporation

By: Ian C. Williams

Print Name: Ian C. Williams

Title: Vice President

(CORPORATE SEAL)

ATTEST:

K. H. M.
Assistant Secretary

Victoria Baar
Notary Signature

Notary Public, State of TEXAS

Victoria Baar
Print Notary Name

124278691
Commission Number

My Commission Expires: 10-18-2021

EXHIBIT A
R/W PARCEL 101

LEGAL DESCRIPTION

A PARCEL OF LAND FOR ROAD RIGHT-OF-WAY PURPOSES IN THE NORTHWEST QUARTER (N.W.1/4) OF SECTION 25, TOWNSHIP 46 SOUTH, RANGE 42 EAST, CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF TRACT "C" THE PLAT OF LINTON OAKS SQUARE, RECORDED IN PLAT BOOK 51, PAGE 118, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID TRACT "C"; THENCE ALONG THE WEST LINE OF SAID TRACT "C", S01°22'37"E FOR 213.60 FEET; THENCE N15°39'18"E FOR 40.97 FEET TO A LINE LYING 12.00 FEET EAST OF, AND PARALLEL WITH, THE SAID WEST LINE OF TRACT "C"; THENCE ALONG SAID PARALLEL LINE, N01°22'37"W FOR 174.41 FEET TO THE SAID NORTH LINE OF TRACT "C"; THENCE ALONG SAID NORTH LINE, S88°41'05"W FOR 12.00 FEET, TO THE POINT OF BEGINNING.

CONTAINING 2,328 SQUARE FEET OR 0.0534 ACRES, MORE OR LESS.

SURVEYOR'S REPORT:

BEARINGS ARE BASED ON S01°22'37"E (GRID) ALONG THE WEST LINE OF SECTION 25, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PER PALM BEACH COUNTY SURVEY DEPARTMENT SECTION DATA.

I HAVE REVIEWED THE ROADWAY PRODUCTION TITLE REPORT, PROJECT NO: 2013500, WITH AN EFFECTIVE DATE OF MARCH 19, 2018 AND UPDATED MARCH 16, 2019 AND ALL SURVEY RELATED ENCUMBRANCES IDENTIFIED IN THE REPORT ON PART B-2 ARE SHOWN AND/OR ARE NOTED BELOW.

1. EASEMENTS, DEDICATIONS AND CONDITIONS AS SET FORTH ON THE PLAT OF LINTON OAKS SQUARE IN PLAT BOOK 51, PAGE 118, RECORDED JULY 18, 1985 (PLOTTED)


THIS INSTRUMENT PREPARED BY GLENN W. MARK, P.L.S., IN THE OFFICE OF THE COUNTY ENGINEER, VISTA CENTER 2300 NORTH JOG ROAD, WEST PALM BEACH, FLORIDA 33411-2745.

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

I HEREBY CERTIFY THAT THE LEGAL DESCRIPTION & SKETCH SHOWN HEREON MEETS THE FLORIDA STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN RULE 5J-17.050-.052, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472.027, FLORIDA STATUTES.

4/10/19
DATE

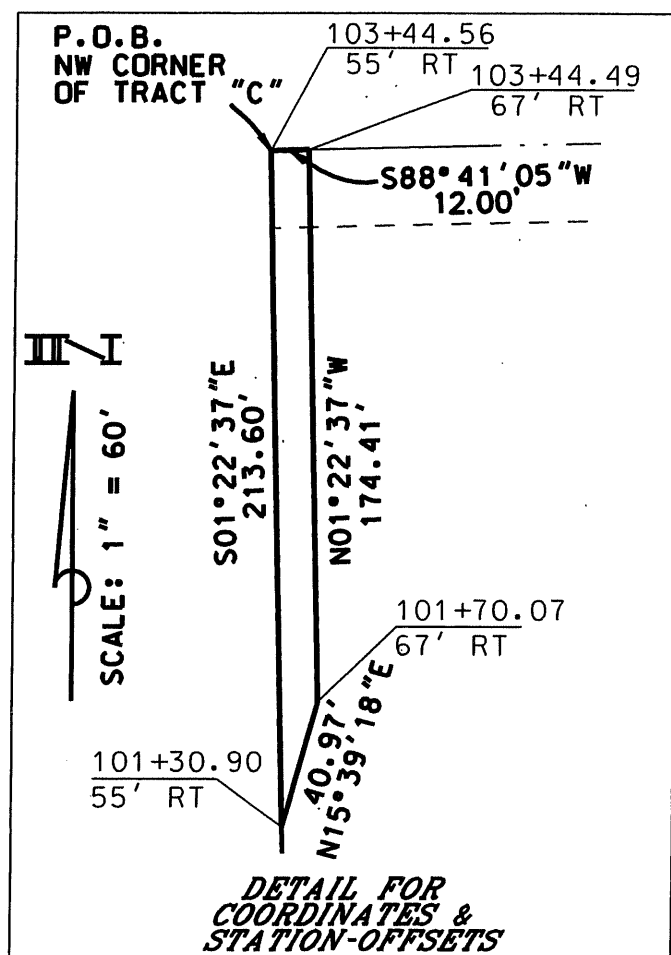
GLENN W. MARK P.L.S.
FLORIDA CERTIFICATE NO. 5304

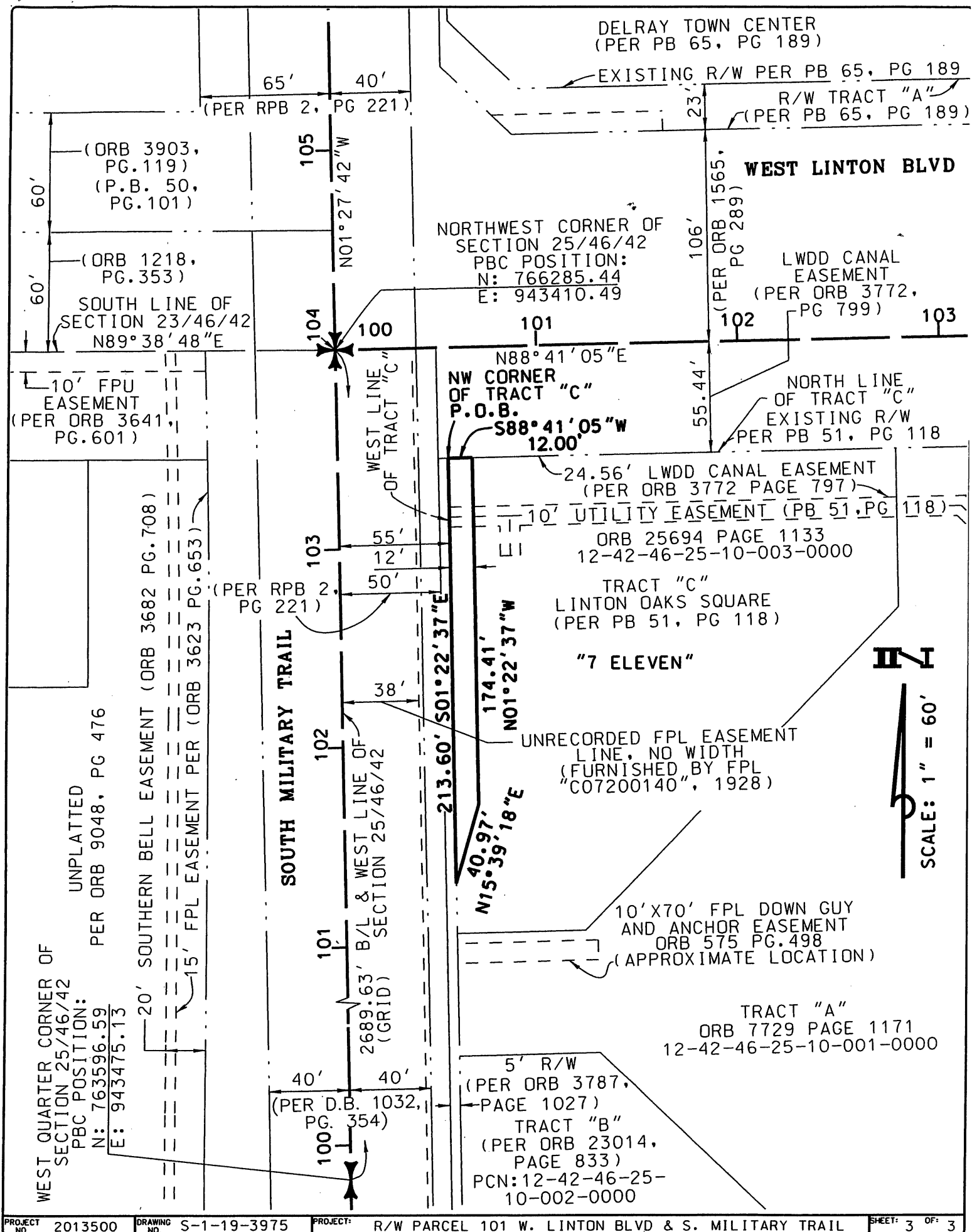
PROJECT NO. 2013500	SHEET 3	RIGHT OF WAY LAND PARCEL 101 LINTON BLVD & S. MILITARY TRAIL		DATE 04/08/19	SCALE 1" = 60'	NO.	REVISION	BY	DATE		PALM BEACH COUNTY ENGINEERING AND PUBLIC WORKS ROADWAY PRODUCTION 2300 NORTH JOG ROAD WEST PALM BEACH, FL 33411
		DESIGN FILE NAME S-1-19-3975.DGN	DRAWING NO. S-1-19-3975								

ABBREVIATIONS:

P.O.C. - POINT OF COMMENCEMENT
P.O.B. - POINT OF BEGINNING
P.B. - PLAT BOOK
ORB - OFFICIAL RECORD BOOK
D.B. - DEED BOOK
PG. - PAGE
R/W - RIGHT-OF-WAY
C/L - CENTERLINE
B/L - BASELINE
LF. - LEFT OF BASELINE
RT. - RIGHT OF BASELINE
SEC. - SECTION
PBCo - PALM BEACH COUNTY
NAD - NORTH AMERICAN DATUM
EE - EMBANKMENT EASEMENT
LWDD - LAKE WORTH DRAINAGE DISTRICT

COORDINATES SHOWN ARE GRID
DATUM - NAD 83, 1990 ADJUSTMENT
ZONE - FLORIDA EAST
LINEAR UNIT - US SURVEY FOOT
COORDINATE SYSTEM 1983 STATE PLANE
TRANSVERSE MERCATOR PROJECTION
ALL DISTANCES ARE GROUND
SCALE FACTOR - 1.000036
GROUND DISTANCE x SCALE FACTOR
= GRID DISTANCE
ROTATION EQUATION: NONE





Return via Palm Beach County interoffice mail to:
Brent Enck, Right-of-Way Specialist
Palm Beach County, Engineering & Public Works Department
Roadway Production Division
2300 North Jog Road, 3rd Floor West
West Palm Beach, Florida 33411-2750

Escrow Account Number: 1010

This Instrument Prepared by:
Paul D. Bain, Esquire
Trenam Law
101 East Kennedy Boulevard, Suite 2700
Tampa, Florida 33602-5150

Property Control Number: Portion of 12-42-46-25-10-003-0000

Not subject to documentary stamp tax per Florida Administrative Code Rule 12B-4.014(13)

NOT TO BE RECORDED WITHOUT BOARD OF COUNTY COMMISSIONERS ACCEPTANCE DATE

SPACE ABOVE THIS LINE FOR PROCESSING DATA

PROJECT NO.: 2013500

ROAD NAME: W Linton Blvd @ S Military Trail

PARCEL NO.: 301

PERMANENT EASEMENT

THIS PERMANENT EASEMENT ("Easement") is made this 28th day of August, 2019, by **7-ELEVEN, INC.**, a Texas corporation, whose post office address is 3200 Hackberry Road, Irving, Texas, 75063-0131, ("Grantor"), to **PALM BEACH COUNTY**, a political subdivision of the State of Florida, by and through its Board of County Commissioners, whose post office address is Post Office Box 21229, West Palm Beach, Florida 33416-1229, ("Grantee").

WITNESSETH: That Grantor, for and in consideration of the sum of ONE (\$1.00) dollar and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, and conveys unto Grantee, its successors and assigns, upon the conditions set forth herein, for a permanent easement over, upon, under, through and across the following described land, situate in Palm Beach County, Florida: Property more particularly described in **Exhibit "A"** attached hereto and made a part hereof ("Easement Premises").

This Easement shall be used to permanently construct, install, operate, and maintain, (collectively "Perform Work") with regard to roadway facilities and related facilities in the Easement Premises (collectively "Facilities"). Facilities shall include earth embankment fill.

This Easement shall be non-exclusive, provided, however, that Grantor, its successors and assigns, shall be permitted to use the area for its existing use and for landscaping and landscape buffer.

The installation of Facilities shall not extend beyond the limits of the Easement Premises.

Grantee, its agents, successors and assigns, shall have the right, but not the obligation, to Perform Work on the Facilities and/or to remove and use any or all of the soil and/or subsoil within the Easement Premises.

Any amendment or modification to this Easement shall be effective if the same is in writing, signed, and recorded in the public records of Palm Beach County.

TO HAVE AND TO HOLD THE SAME unto Grantee, its successors and assigns forever.

Remainder of page intentionally left blank.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the date first above written.

Signed, sealed and delivered in the presence of:

(Signature of two witnesses
required by Florida law)

Braeden Powell
Witness Signature (Required)

Braeden Powell
Witness Name Printed or Typed

Sandra Y. Valladares
Witness Signature (Required)

Sandra Y. Valladares
Witness Name Printed or Typed

STATE OF TEXAS

COUNTY OF DALLAS

Grantor:

7-Eleven, Inc.,
a Texas corporation

By: [Signature]

Print Name: Ian C. Williams

Title: Vice President

(CORPORATE SEAL)

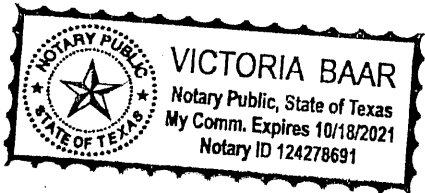
ATTEST:

[Signature]
Assistant Secretary

Before me personally appeared Ian C. Williams, who is (choose one) personally known to me, or has produced _____ as identification, and who executed the foregoing instrument as Vice President of 7-Eleven, Inc., a Texas corporation, and severally acknowledged to and before me that they executed such instrument as such officer of said company, and that said instrument is the free act and deed of said company.

Witness my hand and official seal this 28th day of AUGUST, 2019.

(Stamp/Seal)



[Signature]
Notary Signature
Notary Public, State of TEXAS

Victoria Baar
Print Notary Name
124278691

Commission Number
My Commission Expires: 10-18-2021

EXHIBIT A
EASEMENT 301

LEGAL DESCRIPTION

A PARCEL OF LAND FOR PERMANENT EASEMENT PURPOSES IN THE NORTHWEST QUARTER (N.W.1/4) OF SECTION 25, TOWNSHIP 46 SOUTH, RANGE 42 EAST, CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA, LYING IN TRACT "C" OF THE PLAT OF LINTON OAKS SQUARE, RECORDED IN PLAT BOOK 51, PAGE 118, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID TRACT "C"; THENCE ALONG THE WEST LINE OF SAID TRACT "C", S01°22'37"E FOR 213.60 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S01°22'37"E FOR 25.40 FEET TO THE SOUTH LINE OF SAID TRACT "C"; THENCE ALONG SAID SOUTH LINE, N88°37'23"E FOR 10.00 FEET; THENCE PARALLEL WITH THE SAID WEST LINE OF TRACT "C", N01°22'37"W FOR 23.90 FEET; THENCE N15°39'18"E FOR 40.97 FEET; THENCE PARALLEL WITH THE SAID WEST LINE OF TRACT "C", N01°22'37"W FOR 175.90 FEET TO THE NORTH LINE OF TRACT "C" SHOWN ON SAID PLAT; THENCE ALONG SAID NORTH LINE, S88°41'05"W FOR 10.00 FEET TO A LINE LYING 12.00 FEET EAST OF, AND PARALLEL WITH THE SAID WEST LINE OF TRACT "C"; THENCE ALONG SAID PARALLEL LINE, S01°22'37"E FOR 174.41 FEET; THENCE S15°39'18"W FOR 40.97 FEET TO THE THE POINT OF BEGINNING.

CONTAINING 2,408 SQUARE FEET OR 0.0553 ACRES, MORE OR LESS.

SURVEYOR'S REPORT:

BEARINGS ARE BASED ON S01°22'37"E (GRID) ALONG THE WEST LINE OF SECTION 25, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PER PALM BEACH COUNTY SURVEY DEPARTMENT SECTION DATA.

I HAVE REVIEWED THE ROADWAY PRODUCTION TITLE REPORT, PROJECT NO: 2013500, WITH AN EFFECTIVE DATE OF MARCH 19, 2018 AND UPDATED MARCH 16, 2019 AND ALL SURVEY RELATED ENCUMBRANCES IDENTIFIED IN THE REPORT ON PART B-2 ARE SHOWN AND/OR ARE NOTED BELOW.

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

I HEREBY CERTIFY THAT THE LEGAL DESCRIPTION & SKETCH SHOWN HEREON MEETS THE FLORIDA STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN RULE 5J-17.050-.052, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472.027, FLORIDA STATUTES.



GLENN W. MARK, PLS
FLORIDA CERTIFICATE NO. 5304

6/24/19
DATE

PROJECT NO. 2013500	SHEET 1 OF 3	PROJECT: PERMANENT EASEMENT 301 W. LINTON BLVD & S. MILITARY TRAIL		SCALE: 1" = 60' APPROVED: G. W. M. DRAWN: W. D. S. CHECKED: G. W. M. DATE: 04/08/19	NO.	REVISION	BY	DATE		PALM BEACH COUNTY ENGINEERING AND PUBLIC WORKS ROADWAY PRODUCTION 2300 NORTH JOG ROAD WEST PALM BEACH, FL 33411
		DESIGN FILE NAME S-1-19-3978.DGN	DRAWING NO. S-1-19-3978							

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GROUND DISTANCE x SCALE FACTOR
= GRID DISTANCE
ROTATION EQUATION: NONE

