

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

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Meeting Date: August 22, 2023	<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

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I. EXECUTIVE BRIEF

**Motion and Title:** Staff recommends motion to adopt: a Resolution declaring the acquisition of fee simple right-of-way designated as Parcel 103 and a temporary construction easement designated as Parcel 303 necessary for the construction of roadway improvements on Old Dixie Highway from Yamato Road to south of Linton Boulevard (Project).

**SUMMARY:** Adoption of this Resolution will initiate eminent domain proceedings pursuant to Chapters 73, 74, 127, and Section 337.27, Florida Statutes, as amended, against two parcels having a total appraised value of \$299,807. The parcels are necessary for the Project that will include the addition of curb and gutter, sidewalks, additional drainage, bridge replacement and traffic signals. 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. This Project is included in the Five Year Road Program. District 4 (DO)

**Background and Justification:** The acquisition of Parcels 103 and 303 is for a public purpose and necessity, which is deemed to be in the best interest of the County. The Engineering Department recommends adoption by the Board of County Commissioners.

**Attachments:**

1. Location Map
2. Resolution for Parcels 103 and 303 with Exhibit "A" and Exhibit "B" (2)

Recommended by: 

County Engineer

Date

7/20/2023

Approved by: 

Assistant County Administrator

Date

8/1/2023

## II. FISCAL IMPACT ANALYSIS

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

Fiscal Years	2023	2024	2025	2026	2027
Capital Expenditures	\$299,807	-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	\$ 299,807	-0-	-0-	-0-	-0-
# ADDITIONAL FTE POSITIONS (Cumulative)	-0-	-0-	-0-	-0-	-0-

Yes ☒ No ☐

Yes ☐ No ☒

**Budget Account No:**

Fund 3505 Dept 361 Unit 1428 Object 6120

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

Road Impact Fee Zone 5

Old Dixie Hwy from Yamato Rd to Linton Blvd

Number of Parcels Going Into Suit: 2

Right-of-Way : 1

Temporary Construction Easement: 1

**Parcels:**

ROW 103

TCE 303

Estimated Total Acquisition Cost	\$ 299,807.00
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### C. Departmental Fiscal Review:

### III. REVIEW COMMENTS

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

[Signature]  
 OFMB 94 7/24  
 MD 7/24/23

Comments:

Mrs. S. J. Arnold 7/26/23  
Contract Dev. and Control  
Rev 7/24/23

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

  
Assistant County Attorney

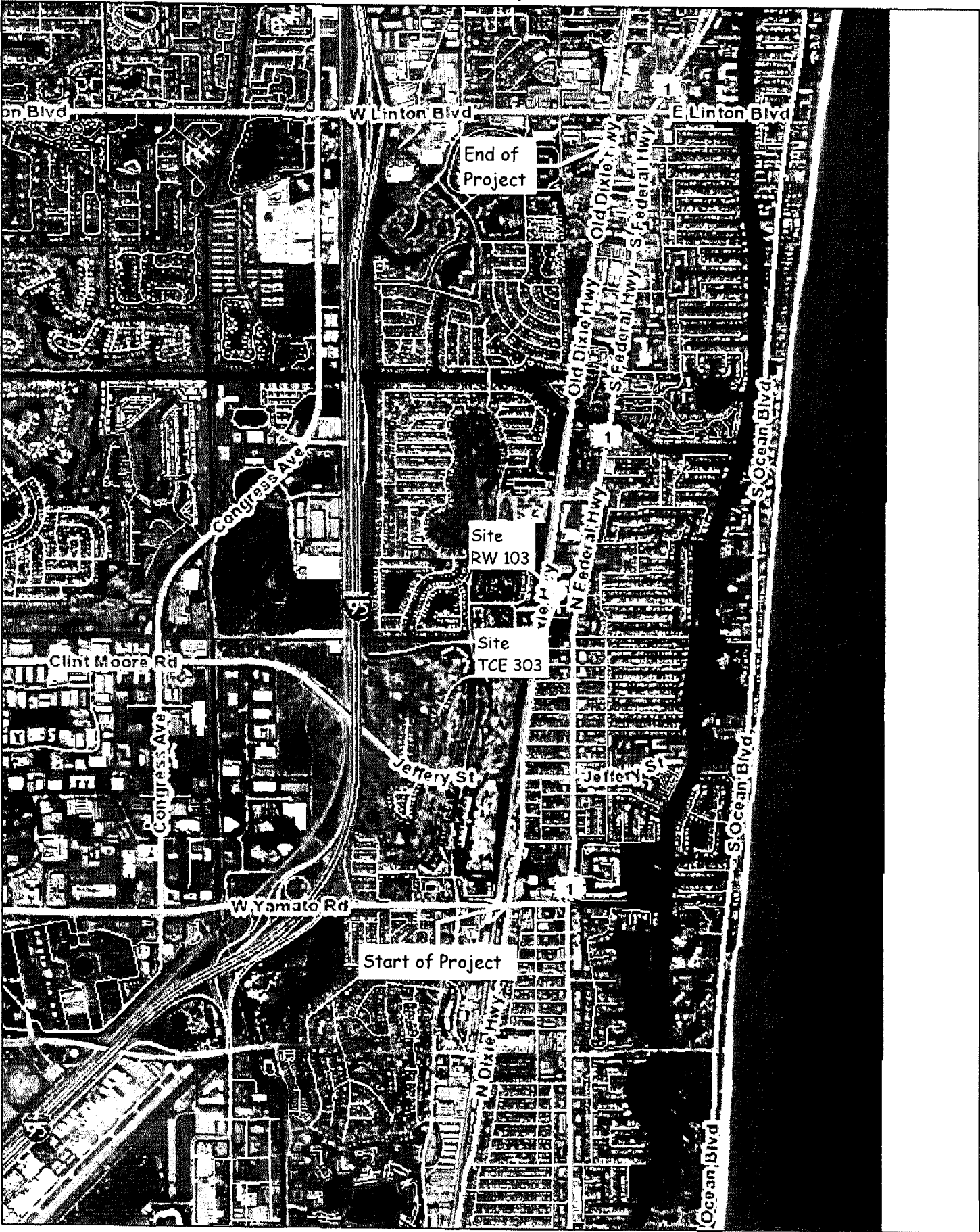
**C. Other Department Review:**

**Department Director**

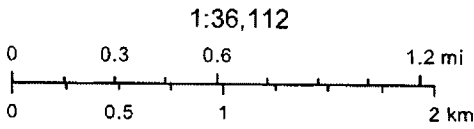
**This summary is not to be used as a basis for payment.**

Old Dixie Highway  
Project No. 2014500

Location Map



June 27, 2023



**RESOLUTION NO. R-2023 - \_\_\_\_\_**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, DECLARING THE ACQUISITION OF FEE SIMPLE RIGHT-OF-WAY AND A TEMPORARY CONSTRUCTION EASEMENT DESIGNATED AS PARCELS 103 AND 303, NECESSARY FOR THE CONSTRUCTION OF ROADWAY IMPROVEMENTS ON OLD DIXIE HIGHWAY FROM YAMATO ROAD TO SOUTH OF LINTON BOULEVARD, 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 Palm Beach County (County) Engineer has recommended the acquisition of fee simple right-of-way and a temporary construction easement, designated as Parcels 103 and 303, on the property described in Exhibit "A", to the Board of County Commissioners (BCC); and

**WHEREAS**, the parcels are necessary for the construction and improvement of Old Dixie Highway from Yamato Road to south of Linton Boulevard (Project); and

**WHEREAS**, the funds are available for the acquisition of fee simple right-of-way and a temporary construction easement designated as Parcels 103 and 303; and

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

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

**WHEREAS**, in determining to proceed with the construction and improvement of the Project, and determining the Project's location, including Parcels 103 and 303, 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 these parcels, more fully described in Exhibit "B"; and

**WHEREAS**, after considering the factors as set forth above, the BCC has determined that the acquisition of fee simple right-of-way and a temporary construction easement designated as Parcels 103 and 303 on property which is more fully described in Exhibit "A", is necessary for the construction and improvement of the Project, and is for a public use and purpose deemed to be in the best interest of the County; and

**WHEREAS**, the proposed construction uses and purposes of Parcels 103 and 303, and the duration of Parcel 303 are more fully described in Exhibit "B"; and

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

**WHEREAS**, the fee simple right-of-way and a temporary construction easement on property described in Exhibit "A" to be acquired through Eminent Domain as authorized by this Resolution, are not being acquired for the purpose of abating or eliminating public nuisances, slum or blighted conditions, and are 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 103 and 303, the County Engineer and the County Attorney, using outside counsel to the extent they deem appropriate, 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, using outside counsel to the extent they deem appropriate, are authorized and directed to proceed to take all necessary steps, including the hiring of accountants, appraisers, or other experts and witnesses, for the County to acquire in its own name by donation, purchase, or Eminent Domain Proceedings, the fee simple right-of-way and temporary construction easement on 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.

3. The County Engineer and County Attorney, using outside counsel to the extent they deem appropriate, are hereby further authorized and directed to take such further actions as are reasonably required to fully accomplish the purposes herein above directed, including correcting minor errors in the description of any real property described in Exhibit "A" so long as the property does not change, 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: fee simple right-of-way and a temporary construction easement necessary for the construction and improvement of the 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 Gregg K. Weiss, Mayor	_____
Commissioner Maria Sachs, Vice Mayor	_____
Commissioner Maria G. Marino	_____
Commissioner Michael A. Barnett	_____
Commissioner Marci Woodward	_____
Commissioner Sara Baxter	_____
Commissioner Mack Bernard	_____

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

PALM BEACH COUNTY, A POLITICAL  
SUBDIVISION OF THE STATE OF FLORIDA,  
BY AND THROUGH ITS BOARD OF COUNTY  
COMMISSIONERS

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

JOSEPH ABRUZZO,  
CLERK OF THE CIRCUIT COURT  
& COMPTROLLER

By: \_\_\_\_\_  
Assistant County Attorney

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

APPROVED AS TO TERMS  
AND CONDITIONS

By:   
Division Director

A PARCEL OF LAND FOR ROAD RIGHT-OF-WAY PURPOSES IN THE NORTHEAST QUARTER (N.E.1/4), OF THE SOUTHWEST QUARTER (S.W.1/4), OF THE SOUTHEAST QUARTER (S.E.1/4) OF SECTION 32, TOWNSHIP 46 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF LOT 6, SECTION 32, TOWNSHIP 46 SOUTH, RANGE 43 EAST, RECORDED IN PLAT BOOK 1, PAGE 4, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE EAST RIGHT-OF-WAY OF OLD DIXIE HIGHWAY, WITH THE THE NORTH LINE OF THE SOUTH 250.00 FEET (MEASURED PERPENDICULAR), OF THE SAID NORTHEAST QUARTER (N.E.1/4), OF THE SOUTHWEST QUARTER (S.W.1/4), OF THE SOUTHEAST QUARTER (S.E.1/4) OF SECTION 32;  
THENCE ALONG SAID NORTH LINE OF THE SOUTH 250.00 FEET, N89°29'26"E FOR 26.73 FEET;  
THENCE S07°44'55"W FOR 151.57 FEET TO THE NORTH LINE OF THE SOUTH 100.00 FEET OF THE SAID NORTHEAST QUARTER (N.E.1/4), OF THE SOUTHWEST QUARTER (S.W.1/4), OF THE SOUTHEAST QUARTER (S.E.1/4) OF SECTION 32;  
THENCE ALONG SAID NORTH LINE OF THE SOUTH 100.00 FEET, S89°29'26"W FOR 26.71 FEET TO THE SAID EAST RIGHT-OF-WAY;  
THENCE ALONG SAID EAST RIGHT-OF-WAY, N07°44'26"E FOR 151.57 FEET TO THE POINT OF BEGINNING.

CONTAINING 4,008 SQUARE FEET (0.092 ACRES), MORE OR LESS.

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 STAMP, OR A DIGITALLY VERIFIED ELECTRONIC SIGNATURE AND SEAL, OF A FLORIDA LICENSED SURVEYOR AND MAPPER EMPLOYED BY BROWN & PHILLIPS, INC.


John E  
Phillips

Digitally signed by  
John E Phillips  
Date: 2020.12.09  
11:34:14 -05'00'

JOHN E. PHILLIPS, III  
PROFESSIONAL LAND SURVEYOR  
STATE OF FLORIDA No. 4826  
DATE: \_\_\_\_\_

REVISIONS:

12/8/20: PBC 10/19/20 COMMENTS



E-Mail: info@brown-phillips.com

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

OLD DIXIE HIGHWAY  
R/W PARCEL 103  
(THIS IS NOT A SURVEY)

DRAWN: MDB	PROJ. No. 15-026
CHECKED: JEP	SCALE: NONE
LEGAL DESCRIPTION	DATE: 6/19/20
	SHEET 1 OF 3

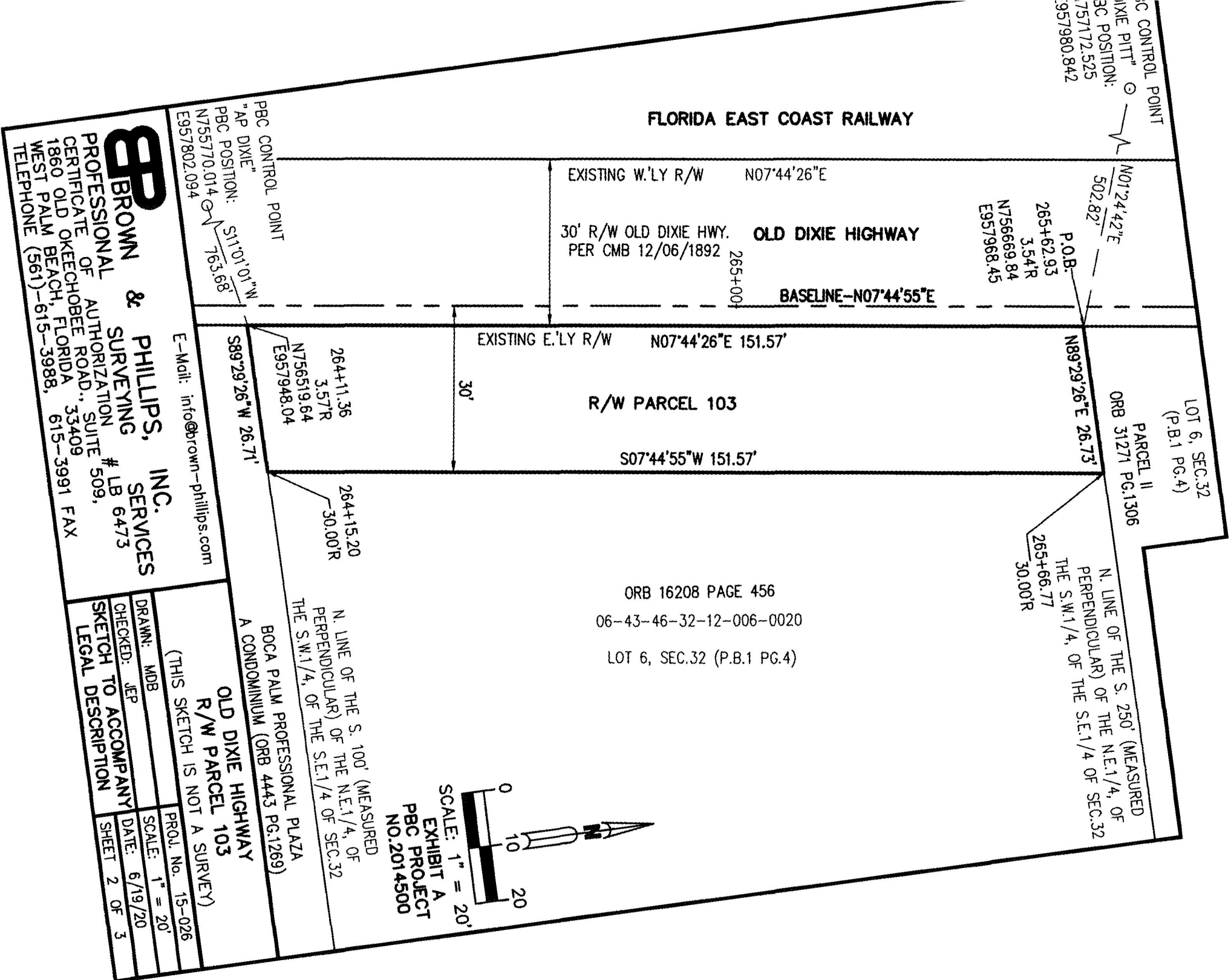
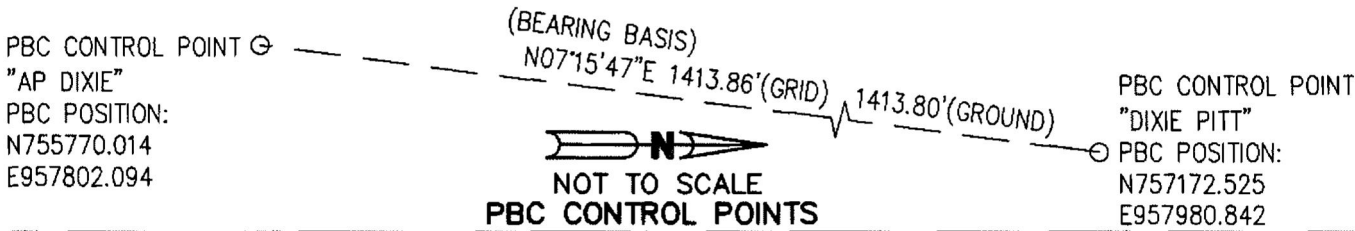


EXHIBIT A  
PBC PROJECT NO.2014500

NOTES:

- 1) BASELINE STATIONING IS BASED ON A ROADWAY PLAN FOR OLD DIXIE HIGHWAY, YAMATO ROAD TO LINTON BOULEVARD, PREPARED BY AMERICAN CONSULTING ENGINEERS OF FLORIDA, LLC, PALM BEACH COUNTY PROJECT No.2014-500.
- 2) STATE PLANE COORDINATES:
- |                                       |   |
|---------------------------------------|---|
| A. COORDINATES SHOWN ARE GRID         | F. TRANSVERSE MERCATOR PROJECTION                   |
| B. DATUM - NAD '83, 1990 ADJUSTMENT   | G. ALL DISTANCES ARE GROUND, UNLESS NOTED OTHERWISE |
| C. ZONE - FLORIDA EAST                | H. SCALE FACTOR - 1.0000458                         |
| 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) THESE R/W PARCELS OR TCE'S ARE BEING PREPARED IN ACCORDANCE WITH THE R/W MAP FOR OLD DIXIE HIGHWAY-FROM JEFFERY STREET TO NORTH OF THE C-15 CANAL, AS RECORDED IN ROAD PLAT BOOK 12, PAGES 119 THROUGH 134, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. THE EXISTING EAST AND WEST R/W LINES FOR THE ORIGINAL 30' R/W FROM CMB 12/06/1892 AS SHOWN HEREON, ARE AS ESTABLISHED ON SAID MAP. SEE SAID MAP FOR A DETAILED EXPLANATION OF THE METHODS AND PROCEDURES USED IN ITS PREPARATION.
- 4) THE RIGHT-OF-WAY INFORMATION PROVIDED BY PALM BEACH COUNTY ON AUGUST 13, 2015 AND UPDATED ON MAY 17, 2017, HAS BEEN REVIEWED BY THIS OFFICE. THIS OFFICE HAS FOUND NO GAPS, GORES, OVERLAPS, OR MISSING SEGMENTS IN THE RIGHT-OF-WAY CORRIDOR PROVIDED, AND THAT ALL ENCUMBRANCES THAT AFFECT THE PROPERTY ARE SHOWN OR NOTED HEREON, EXCEPT AS SHOWN ON THIS SKETCH. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN PERFORMED BY THIS OFFICE. IT IS POSSIBLE THAT THERE ARE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS, RESTRICTIONS OR OTHER INSTRUMENTS WHICH COULD AFFECT THE SUBJECT PROPERTY WHICH ARE UNKNOWN TO THE SIGNING SURVEYOR AND ARE NOT SHOWN ON THIS LEGAL DESCRIPTION AND SKETCH.
- 5) ABBREVIATIONS:
- |   |  |
|---|--|
| P.B. - PLAT BOOK  | 'L - LEFT OF CENTERLINE OF CONSTRUCTION  |
| ORB - OFFICIAL RECORD BOOK                              | 'R - RIGHT OF CENTERLINE OF CONSTRUCTION |
| PG. - PG.   | (P) - PLAT DIMENSION                     |
| DWG. - DRAWING  | (C) - CALCULATED DIMENSION               |
| SEC. - SECTION  | U.E. - UTILITY EASEMENT                  |
| 32/46/43 - SECTION 32, TOWNSHIP 46 SOUTH, RANGE 43 EAST | D.E. - DRAINAGE EASEMENT                 |
| HWY. - HIGHWAY  | L.A.E. - LIMITED ACCESS EASEMENT         |
| ⊖ - BASELINE  | TCE - TEMPORARY CONSTRUCTION EASEMENT    |
| ⊕ - CENTERLINE  | CMB - COMMISSIONER'S MINUTES BOOK        |
|   | PBC - PALM BEACH COUNTY                  |
- 6) BEARINGS ARE BASED ON N07°15'47"E (GRID, NAD '83, 1990 ADJUSTMENT) ALONG A LINE BETWEEN PALM BEACH COUNTY CONTROL POINTS "DIXIE PITT" AND "AP DIXIE".



**B** BROWN & PHILLIPS, INC.  
PROFESSIONAL SURVEYING SERVICES  
CERTIFICATE OF AUTHORIZATION # LB 6473  
1860 OLD OKEECHOBEE ROAD., SUITE 509,  
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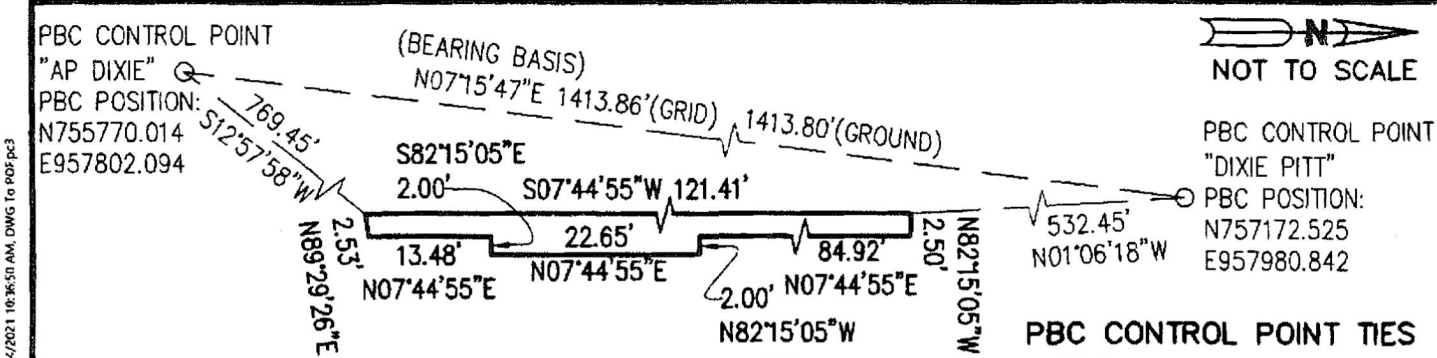
OLD DIXIE HIGHWAY  
R/W PARCEL 103  
(THIS IS NOT A SURVEY)

DRAWN: MDB	PROJ. No. 15-026
CHECKED: JEP	SCALE: NONE
DESCRIPTION NOTES	DATE: 6/19/20
	SHEET 3 OF 3

A PARCEL OF LAND FOR TEMPORARY CONSTRUCTION EASEMENT PURPOSES IN THE NORTHEAST QUARTER (N.E.1/4), OF THE SOUTHWEST QUARTER (S.W.1/4), OF THE SOUTHEAST QUARTER (S.E.1/4) OF SECTION 32, TOWNSHIP 46 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF LOT 6, SECTION 32, TOWNSHIP 46 SOUTH, RANGE 43 EAST, RECORDED IN PLAT BOOK 1, PAGE 4, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE EAST RIGHT-OF-WAY OF OLD DIXIE HIGHWAY, WITH THE THE NORTH LINE OF THE SOUTH 250.00 FEET (MEASURED PERPENDICULAR), OF THE SAID NORTHEAST QUARTER (N.E.1/4), OF THE SOUTHWEST QUARTER (S.W.1/4), OF THE SOUTHEAST QUARTER (S.E.1/4) OF SECTION 32;  
THENCE ALONG SAID NORTH LINE OF THE SOUTH 250.00 FEET, N89°29'26"E FOR 26.73 FEET;  
THENCE S07°44'55"W FOR 30.16 FEET TO THE POINT OF BEGINNING;  
THENCE CONTINUE S07°44'55"W FOR 121.41 FEET TO THE NORTH LINE OF THE SOUTH 100.00 FEET (MEASURED PERPENDICULAR), OF THE SAID NORTHEAST QUARTER (N.E.1/4), OF THE SOUTHWEST QUARTER (S.W.1/4), OF THE SOUTHEAST QUARTER (S.E.1/4) OF SECTION 32;  
THENCE ALONG SAID NORTH LINE OF THE SOUTH 100.00 FEET, N89°29'26"E FOR 2.53 FEET;  
THENCE N7°44'55"E FOR 13.48 FEET; THENCE S82°15'05"E FOR 2.00 FEET;  
THENCE N7°44'55"E FOR 22.65 FEET; THENCE N82°15'05"W FOR 2.00 FEET;  
THENCE N7°44'55"E FOR 84.92 FEET; THENCE N82°15'05"W FOR 2.50 FEET TO THE POINT OF BEGINNING.

CONTAINING 348 SQUARE FEET (0.008 ACRES), MORE OR LESS.



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John E  
Phillips

Digitally signed by John  
E Phillips  
Date: 2021.08.04  
10:40:27 -04'00'

JOHN E. PHILLIPS, III  
PROFESSIONAL LAND SURVEYOR  
STATE OF FLORIDA No. 4826  
DATE: \_\_\_\_\_

REVISIONS:

12/8/20: PBC 10/19/20 COMMENTS
7/15/21: TCE REVISED PER ROADWAY PLAN REVISION

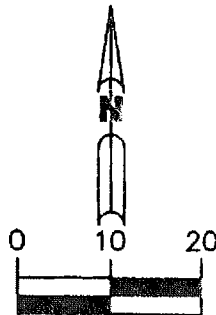
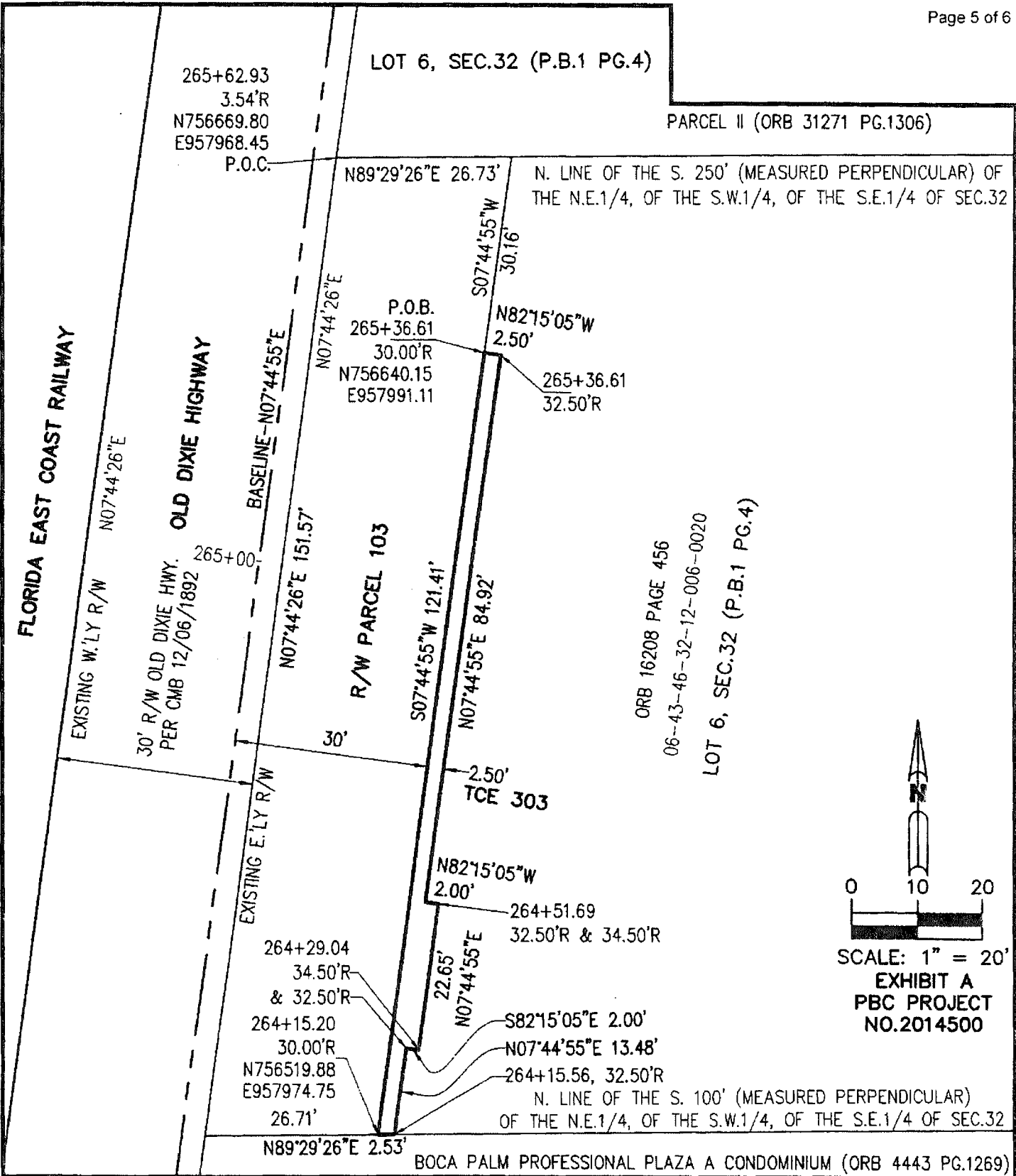


E-Mail: info@brown-phillips.com

**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

**OLD DIXIE HIGHWAY  
TCE 303**  
(THIS IS NOT A SURVEY)

DRAWN: MDB	PROJ. No. 15-026
CHECKED: JEP	SCALE: NONE
LEGAL DESCRIPTION	DATE: 6/19/20
	SHEET 1 OF 3



SCALE: 1" = 20'  
EXHIBIT A  
PBC PROJECT  
NO.2014500



E-Mail: info@brown-phillips.com

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**OLD DIXIE HIGHWAY  
TCE 303**

(THIS SKETCH IS NOT A SURVEY)

DRAWN: MDB	PROJ. No. 15-026
CHECKED: JEP	SCALE: 1" = 20'
SKETCH TO ACCOMPANY LEGAL DESCRIPTION	DATE: 6/19/20
	SHEET 2 OF 3




EXHIBIT A  
PBC PROJECT NO.2014500

NOTES:

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- 2) STATE PLANE COORDINATES:
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- 5) ABBREVIATIONS:
- |  |  |
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| ORB - OFFICIAL RECORD BOOK                                 | 'R - RIGHT OF CENTERLINE OF CONSTRUCTION |
| PG. - PG.  | (P) - PLAT DIMENSION                     |
| DWG. - DRAWING   | (C) - CALCULATED DIMENSION               |
| PBC - PALM BEACH COUNTY                                    | U.E. - UTILITY EASEMENT                  |
| SEC. - SECTION   | D.E. - DRAINAGE EASEMENT                 |
| 32/46/43 - SECTION 32, TOWNSHIP 46 SOUTH,<br>RANGE 43 EAST | L.A.E. - LIMITED ACCESS EASEMENT         |
| HWY. - HIGHWAY   | TCE - TEMPORARY CONSTRUCTION EASEMENT    |
| ℄ - BASELINE   | CMB - COMMISSIONER'S MINUTES BOOK        |
|  | ℄ - CENTERLINE                           |
- 6) BEARINGS ARE BASED ON N07°15'47"E (GRID, NAD '83, 1990 ADJUSTMENT) ALONG A LINE BETWEEN PALM BEACH COUNTY CONTROL POINTS "DIXIE PITT" AND "AP DIXIE".

S:\2015 drawing files\15-026 RW Procurement map and L5115-026 Old Dixie RW-TCE Legal Descriptions.dwg, 8/4/2021 10:37:55 AM, DWG To PDF.pc3

 <b>BROWN &amp; PHILLIPS, INC.</b> 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		<b>OLD DIXIE HIGHWAY TCE 303</b> (THIS IS NOT A SURVEY)	
	DRAWN: MDB		PROJ. No. 15-026	
	CHECKED: JEP		SCALE: NONE	
	DESCRIPTION NOTES		DATE: 6/19/20 SHEET 3 OF 3	

## **EXHIBIT "B"**

### **OLD DIXIE HIGHWAY, YAMATO ROAD TO SOUTH OF LINTON BOULEVARD, PALM BEACH COUNTY, PROJECT #2014500**

#### **SAFETY**

Old Dixie Highway from Yamato Road to south of Linton Boulevard (Project) is currently a 2 to 5 lane paved roadway running north and south. Construction for the widening and paving of the Project is for a total distance of 2.9 miles, and is located through a mix of residential and commercial areas. This construction will improve the link between Yamato Road and Linton Boulevard by adding a center turn lane, curb and gutter, sidewalks, additional drainage, bridge replacement and signal work. This Project will improve the overall safety for motorists, bicyclists and pedestrians, and will improve the operation of several intersections within the Project limits.

The design of the Project was 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 this portion of Old Dixie Highway was 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 Eminent Domain.

After considering Safety, Alternate Routes and Methodologies, Planning, and Environmental factors, the cost of the acquisition of these parcels fits into the planned funding for this Project, and the acquisition of these parcels is necessary, in furtherance of this public Project.

#### **ALTERNATE ROUTES**

Old Dixie Highway 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, Florida Statutes, and Rule 9J-5, F.A.C., and to address the needs and interests of the County's residents and visitors. This portion of Old Dixie Highway traverses the cities of Boca Raton and Delray Beach. Construction of an alternate north-south route through the cities would disrupt or displace numerous residential and commercial properties, 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 2045 Long Range Transportation System Plan. The 2045 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**

Old Dixie Highway is 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 will be permitted through the appropriate environmental regulatory agencies as applicable.

## EXHIBIT "B"

*Following is a more detailed outline of the reasons for acquisition needed for the improvement of Old Dixie Highway within the previously stated project limits:*

### **ACQUISITION FOR FEE SIMPLE RIGHT-OF-WAY PARCEL 103**

Currently, Palm Beach County owns a road right-of-way interest on Old Dixie Highway that varies in width from 30 feet to approximately 80 feet, from Yamato Road to south of Linton Boulevard. The parcel to be acquired abuts Old Dixie Highway, represents acquisition outside of the existing right-of-way, and is required to accommodate roadway widening, shoulders, curb and gutter, sidewalk, and drainage improvements.

### **ACQUISITION FOR TEMPORARY CONSTRUCTION EASEMENT PARCEL 303**

This Temporary Construction Easement is needed for access and all related construction activities reasonably required for driveway construction, sloping, tying, grading, and to harmonize the road construction with the adjacent property. These described works to be performed on Parcel 303 shall not extend beyond the limits outlined in the legal description of said property, as **EXHIBIT A**, attached to the Resolution relating to Parcel 303. This Temporary Construction Easement shall expire upon the earlier of the acceptance of the construction of the Project by the Palm Beach County Board of County Commissioners or three years from the date of its acquisition by virtue of the deposit of funds, pursuant to an Order of Taking.

**RESOLUTION NO. R-2023 - \_\_\_\_\_**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, DECLARING THE ACQUISITION OF FEE SIMPLE RIGHT-OF-WAY AND A TEMPORARY CONSTRUCTION EASEMENT DESIGNATED AS PARCELS 103 AND 303, NECESSARY FOR THE CONSTRUCTION OF ROADWAY IMPROVEMENTS ON OLD DIXIE HIGHWAY FROM YAMATO ROAD TO SOUTH OF LINTON BOULEVARD, 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 Palm Beach County (County) Engineer has recommended the acquisition of fee simple right-of-way and a temporary construction easement, designated as Parcels 103 and 303, on the property described in Exhibit "A", to the Board of County Commissioners (BCC); and

**WHEREAS**, the parcels are necessary for the construction and improvement of Old Dixie Highway from Yamato Road to south of Linton Boulevard (Project); and

**WHEREAS**, the funds are available for the acquisition of fee simple right-of-way and a temporary construction easement designated as Parcels 103 and 303; and

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

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

**WHEREAS**, in determining to proceed with the construction and improvement of the Project, and determining the Project's location, including Parcels 103 and 303, 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 these parcels, more fully described in Exhibit "B"; and

**WHEREAS**, after considering the factors as set forth above, the BCC has determined that the acquisition of fee simple right-of-way and a temporary construction easement designated as Parcels 103 and 303 on property which is more fully described in Exhibit "A", is necessary for the construction and improvement of the Project, and is for a public use and purpose deemed to be in the best interest of the County; and

**WHEREAS**, the proposed construction uses and purposes of Parcels 103 and 303, and the duration of Parcel 303 are more fully described in Exhibit "B"; and

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

**WHEREAS**, the fee simple right-of-way and a temporary construction easement on property described in Exhibit "A" to be acquired through Eminent Domain as authorized by this Resolution, are not being acquired for the purpose of abating or eliminating public nuisances, slum or blighted conditions, and are 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 103 and 303, the County Engineer and the County Attorney, using outside counsel to the extent they deem appropriate, 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, using outside counsel to the extent they deem appropriate, are authorized and directed to proceed to take all necessary steps, including the hiring of accountants, appraisers, or other experts and witnesses, for the County to acquire in its own name by donation, purchase, or Eminent Domain Proceedings, the fee simple right-of-way and temporary construction easement on 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.

3. The County Engineer and County Attorney, using outside counsel to the extent they deem appropriate, are hereby further authorized and directed to take such further actions as are reasonably required to fully accomplish the purposes herein above directed, including correcting minor errors in the description of any real property described in Exhibit "A" so long as the property does not change, 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: fee simple right-of-way and a temporary construction easement necessary for the construction and improvement of the 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 Gregg K. Weiss, Mayor	_____
Commissioner Maria Sachs, Vice Mayor	_____
Commissioner Maria G. Marino	_____
Commissioner Michael A. Barnett	_____
Commissioner Marci Woodward	_____
Commissioner Sara Baxter	_____
Commissioner Mack Bernard	_____

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

PALM BEACH COUNTY, A POLITICAL  
SUBDIVISION OF THE STATE OF FLORIDA,  
BY AND THROUGH ITS BOARD OF COUNTY  
COMMISSIONERS

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

JOSEPH ABRUZZO,  
CLERK OF THE CIRCUIT COURT  
& COMPTROLLER

By: \_\_\_\_\_  
Assistant County Attorney

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

APPROVED AS TO TERMS  
AND CONDITIONS

By:   
VF Division Director

A PARCEL OF LAND FOR ROAD RIGHT-OF-WAY PURPOSES IN THE NORTHEAST QUARTER (N.E.1/4), OF THE SOUTHWEST QUARTER (S.W.1/4), OF THE SOUTHEAST QUARTER (S.E.1/4) OF SECTION 32, TOWNSHIP 46 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF LOT 6, SECTION 32, TOWNSHIP 46 SOUTH, RANGE 43 EAST, RECORDED IN PLAT BOOK 1, PAGE 4, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE EAST RIGHT-OF-WAY OF OLD DIXIE HIGHWAY, WITH THE THE NORTH LINE OF THE SOUTH 250.00 FEET (MEASURED PERPENDICULAR), OF THE SAID NORTHEAST QUARTER (N.E.1/4), OF THE SOUTHWEST QUARTER (S.W.1/4), OF THE SOUTHEAST QUARTER (S.E.1/4) OF SECTION 32;  
THENCE ALONG SAID NORTH LINE OF THE SOUTH 250.00 FEET, N89°29'26"E FOR 26.73 FEET;  
THENCE S07°44'55"W FOR 151.57 FEET TO THE NORTH LINE OF THE SOUTH 100.00 FEET OF THE SAID NORTHEAST QUARTER (N.E.1/4), OF THE SOUTHWEST QUARTER (S.W.1/4), OF THE SOUTHEAST QUARTER (S.E.1/4) OF SECTION 32;  
THENCE ALONG SAID NORTH LINE OF THE SOUTH 100.00 FEET, S89°29'26"W FOR 26.71 FEET TO THE SAID EAST RIGHT-OF-WAY;  
THENCE ALONG SAID EAST RIGHT-OF-WAY, N07°44'26"E FOR 151.57 FEET TO THE POINT OF BEGINNING.

CONTAINING 4,008 SQUARE FEET (0.092 ACRES), MORE OR LESS.

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 STAMP, OR A DIGITALLY VERIFIED ELECTRONIC SIGNATURE AND SEAL, OF A FLORIDA LICENSED SURVEYOR AND MAPPER EMPLOYED BY BROWN & PHILLIPS, INC.

John E  
Phillips

Digitally signed by  
John E Phillips  
Date: 2020.12.09  
11:34:14 -05'00'

JOHN E. PHILLIPS, III  
PROFESSIONAL LAND SURVEYOR  
STATE OF FLORIDA No. 4826  
DATE: \_\_\_\_\_

REVISIONS:

12/8/20: PBC 10/19/20 COMMENTS



E-Mail: info@brown-phillips.com

**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

**OLD DIXIE HIGHWAY  
R/W PARCEL 103**  
(THIS IS NOT A SURVEY)

DRAWN: MDB	PROJ. No. 15-026
CHECKED: JEP	SCALE: NONE
LEGAL DESCRIPTION	DATE: 6/19/20
	SHEET 1 OF 3



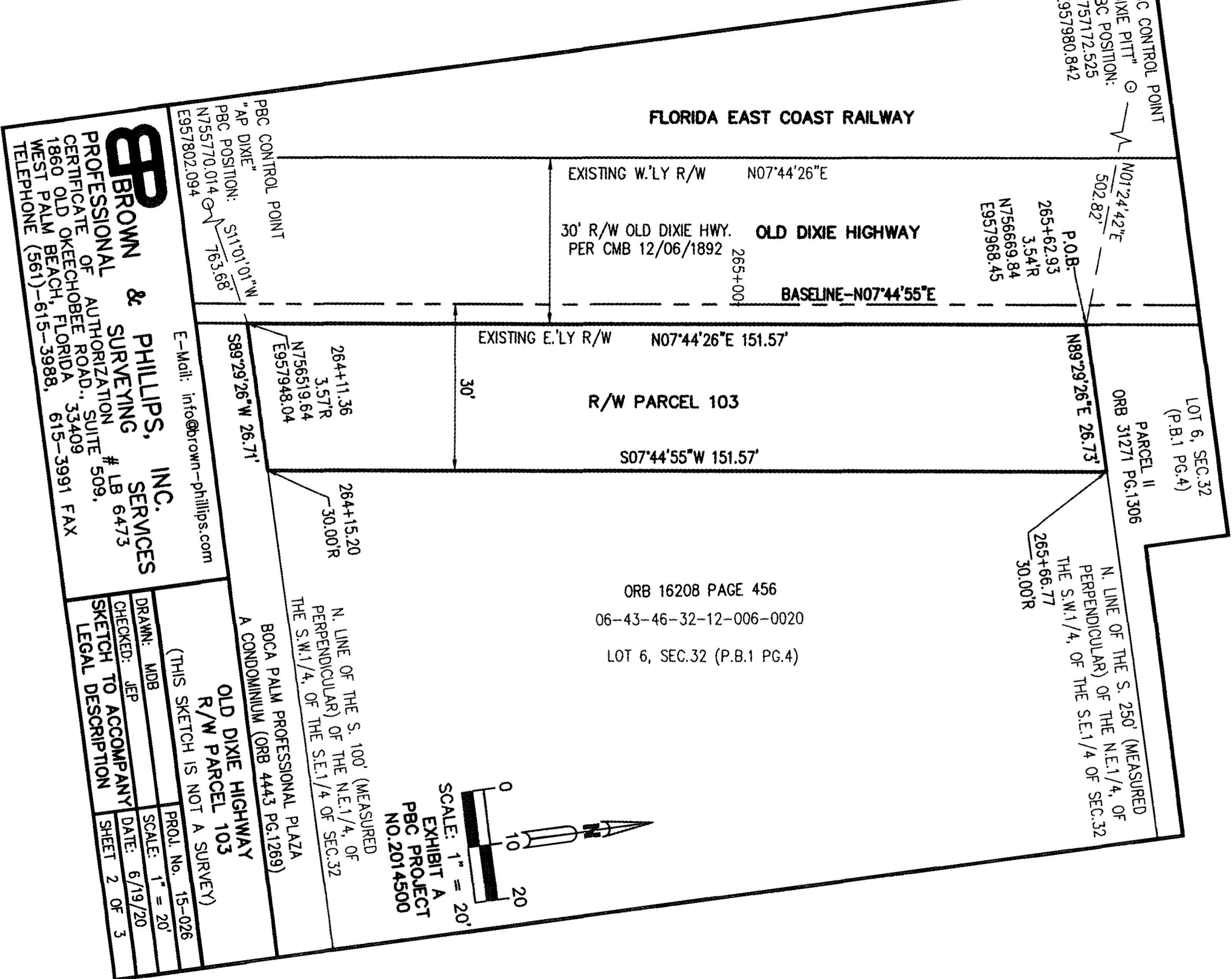
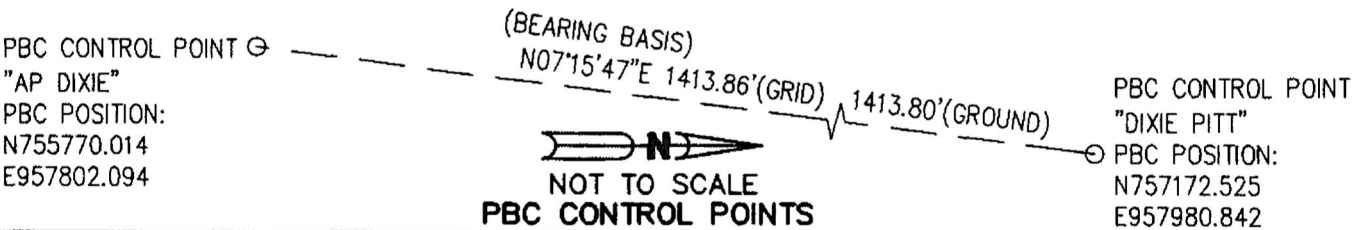



EXHIBIT A  
PBC PROJECT NO.2014500

NOTES:

- 1) BASELINE STATIONING IS BASED ON A ROADWAY PLAN FOR OLD DIXIE HIGHWAY, YAMATO ROAD TO LINTON BOULEVARD, PREPARED BY AMERICAN CONSULTING ENGINEERS OF FLORIDA, LLC, PALM BEACH COUNTY PROJECT No.2014-500.
- 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, UNLESS NOTED OTHERWISE  
H. SCALE FACTOR - 1.0000458  
I. GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE  
J. ROTATION EQUATION: NONE
- 3) THESE R/W PARCELS OR TCE'S ARE BEING PREPARED IN ACCORDANCE WITH THE R/W MAP FOR OLD DIXIE HIGHWAY-FROM JEFFERY STREET TO NORTH OF THE C-15 CANAL, AS RECORDED IN ROAD PLAT BOOK 12, PAGES 119 THROUGH 134, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. THE EXISTING EAST AND WEST R/W LINES FOR THE ORIGINAL 30' R/W FROM CMB 12/06/1892 AS SHOWN HEREON, ARE AS ESTABLISHED ON SAID MAP. SEE SAID MAP FOR A DETAILED EXPLANATION OF THE METHODS AND PROCEDURES USED IN ITS PREPARATION.
- 4) THE RIGHT-OF-WAY INFORMATION PROVIDED BY PALM BEACH COUNTY ON AUGUST 13, 2015 AND UPDATED ON MAY 17, 2017, HAS BEEN REVIEWED BY THIS OFFICE. THIS OFFICE HAS FOUND NO GAPS, GORES, OVERLAPS, OR MISSING SEGMENTS IN THE RIGHT-OF-WAY CORRIDOR PROVIDED, AND THAT ALL ENCUMBRANCES THAT AFFECT THE PROPERTY ARE SHOWN OR NOTED HEREON, EXCEPT AS SHOWN ON THIS SKETCH. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN PERFORMED BY THIS OFFICE. IT IS POSSIBLE THAT THERE ARE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS, RESTRICTIONS OR OTHER INSTRUMENTS WHICH COULD AFFECT THE SUBJECT PROPERTY WHICH ARE UNKNOWN TO THE SIGNING SURVEYOR AND ARE NOT SHOWN ON THIS LEGAL DESCRIPTION AND SKETCH.
- 5) ABBREVIATIONS:  
P.B. - PLAT BOOK  
ORB - OFFICIAL RECORD BOOK  
PG. - PG.  
DWG. - DRAWING  
SEC. - SECTION  
32/46/43 - SECTION 32, TOWNSHIP 46 SOUTH, RANGE 43 EAST  
HWY. - HIGHWAY  
℄ - BASELINE  
℄ - CENTERLINE  
'L - LEFT OF CENTERLINE OF CONSTRUCTION  
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(P) - PLAT DIMENSION  
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CMB - COMMISSIONER'S MINUTES BOOK  
PBC - PALM BEACH COUNTY
- 6) BEARINGS ARE BASED ON N07°15'47"E (GRID, NAD '83, 1990 ADJUSTMENT) ALONG A LINE BETWEEN PALM BEACH COUNTY CONTROL POINTS "DIXIE PITT" AND "AP DIXIE".

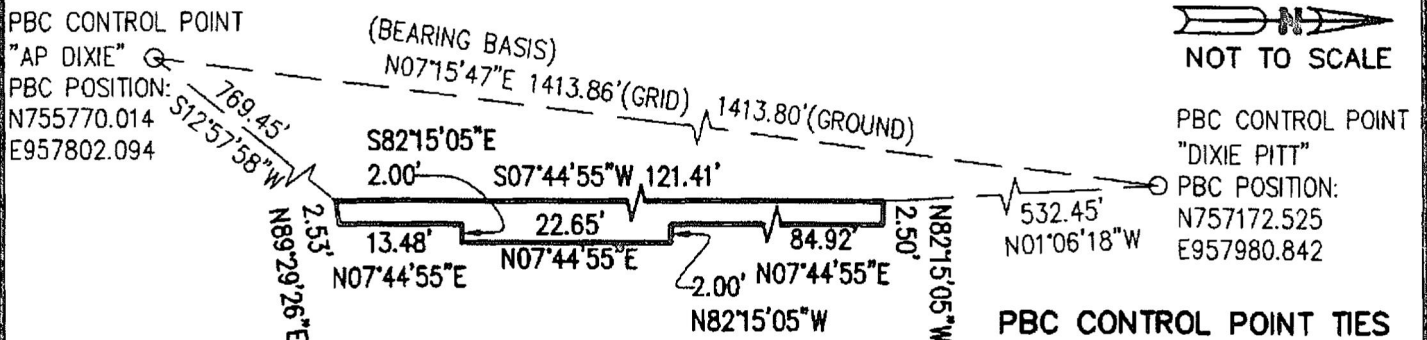


 <b>BROWN &amp; PHILLIPS, INC.</b> PROFESSIONAL SURVEYING SERVICES CERTIFICATE OF AUTHORIZATION # LB 6473 1860 OLD OKEECHOBEE ROAD., SUITE 509, WEST PALM BEACH, FLORIDA 33409 TELEPHONE (561)-615-3988, 615-3991 FAX E-Mail: info@brown-phillips.com	<b>OLD DIXIE HIGHWAY R/W PARCEL 103 (THIS IS NOT A SURVEY)</b>	
	DRAWN: MDB	PROJ. No. 15-026
	CHECKED: JEP	SCALE: NONE
	DESCRIPTION NOTES	DATE: 6/19/20 SHEET 3 OF 3

A PARCEL OF LAND FOR TEMPORARY CONSTRUCTION EASEMENT PURPOSES IN THE NORTHEAST QUARTER (N.E.1/4), OF THE SOUTHWEST QUARTER (S.W.1/4), OF THE SOUTHEAST QUARTER (S.E.1/4) OF SECTION 32, TOWNSHIP 46 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF LOT 6, SECTION 32, TOWNSHIP 46 SOUTH, RANGE 43 EAST, RECORDED IN PLAT BOOK 1, PAGE 4, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE EAST RIGHT-OF-WAY OF OLD DIXIE HIGHWAY, WITH THE THE NORTH LINE OF THE SOUTH 250.00 FEET (MEASURED PERPENDICULAR), OF THE SAID NORTHEAST QUARTER (N.E.1/4), OF THE SOUTHWEST QUARTER (S.W.1/4), OF THE SOUTHEAST QUARTER (S.E.1/4) OF SECTION 32;  
THENCE ALONG SAID NORTH LINE OF THE SOUTH 250.00 FEET, N89°29'26"E FOR 26.73 FEET;  
THENCE S07°44'55"W FOR 30.16 FEET TO THE POINT OF BEGINNING;  
THENCE CONTINUE S07°44'55"W FOR 121.41 FEET TO THE NORTH LINE OF THE SOUTH 100.00 FEET (MEASURED PERPENDICULAR), OF THE SAID NORTHEAST QUARTER (N.E.1/4), OF THE SOUTHWEST QUARTER (S.W.1/4), OF THE SOUTHEAST QUARTER (S.E.1/4) OF SECTION 32;  
THENCE ALONG SAID NORTH LINE OF THE SOUTH 100.00 FEET, N89°29'26"E FOR 2.53 FEET;  
THENCE N7°44'55"E FOR 13.48 FEET; THENCE S82°15'05"E FOR 2.00 FEET;  
THENCE N7°44'55"E FOR 22.65 FEET; THENCE N82°15'05"W FOR 2.00 FEET;  
THENCE N7°44'55"E FOR 84.92 FEET; THENCE N82°15'05"W FOR 2.50 FEET TO THE POINT OF BEGINNING.

CONTAINING 348 SQUARE FEET (0.008 ACRES), MORE OR LESS.



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John E  
Phillips

Digitally signed by John  
E Phillips  
Date: 2021.08.04  
10:40:27 -04'00'

JOHN E. PHILLIPS, III  
PROFESSIONAL LAND SURVEYOR  
STATE OF FLORIDA No. 4826  
DATE: \_\_\_\_\_

REVISIONS:

12/8/20: PBC 10/19/20 COMMENTS
7/15/21: TCE REVISED PER ROADWAY PLAN REVISION

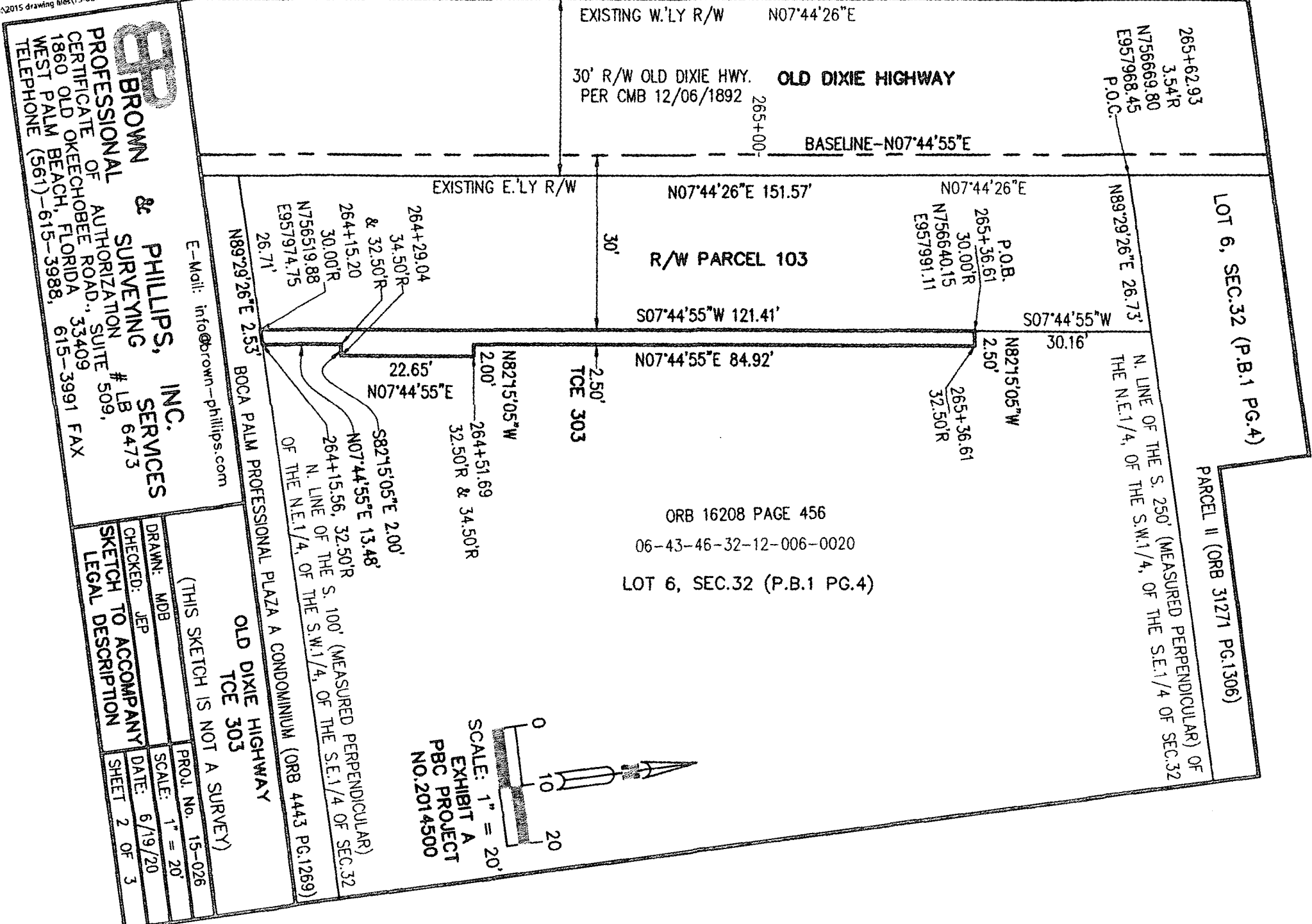
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**BROWN & PHILLIPS, INC.**  
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TELEPHONE (561)-615-3988, 615-3991 FAX

**OLD DIXIE HIGHWAY  
TCE 303**  
(THIS IS NOT A SURVEY)

DRAWN: MDB	PROJ. No. 15-026
CHECKED: JEP	SCALE: NONE
LEGAL DESCRIPTION	DATE: 6/19/20
	SHEET 1 OF 3

FLORIDA EAST COAST RAILWAY

S:\2015 drawing files\15-026 RW Procurement map and LSV15-026 Old Dixie RW-TCE Legal Descriptions.dwg, 8/4/2021 10:37:35 AM, DWG To PDF.pc3



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EXHIBIT A  
PBC PROJECT NO.2014500

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E-Mail: info@brown-phillips.com

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TELEPHONE (561)-615-3988, 615-3991 FAX

**OLD DIXIE HIGHWAY  
TCE 303**

(THIS IS NOT A SURVEY)

DRAWN: MDB	PROJ. No. 15-026
CHECKED: JEP	SCALE: NONE
DESCRIPTION NOTES	DATE: 6/19/20
	SHEET 3 OF 3



## **EXHIBIT "B"**

### **OLD DIXIE HIGHWAY, YAMATO ROAD TO SOUTH OF LINTON BOULEVARD, PALM BEACH COUNTY, PROJECT #2014500**

#### **SAFETY**

Old Dixie Highway from Yamato Road to south of Linton Boulevard (Project) is currently a 2 to 5 lane paved roadway running north and south. Construction for the widening and paving of the Project is for a total distance of 2.9 miles, and is located through a mix of residential and commercial areas. This construction will improve the link between Yamato Road and Linton Boulevard by adding a center turn lane, curb and gutter, sidewalks, additional drainage, bridge replacement and signal work. This Project will improve the overall safety for motorists, bicyclists and pedestrians, and will improve the operation of several intersections within the Project limits.

The design of the Project was 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 this portion of Old Dixie Highway was 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 Eminent Domain.

After considering Safety, Alternate Routes and Methodologies, Planning, and Environmental factors, the cost of the acquisition of these parcels fits into the planned funding for this Project, and the acquisition of these parcels is necessary, in furtherance of this public Project.

#### **ALTERNATE ROUTES**

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## EXHIBIT "B"

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Currently, Palm Beach County owns a road right-of-way interest on Old Dixie Highway that varies in width from 30 feet to approximately 80 feet, from Yamato Road to south of Linton Boulevard. The parcel to be acquired abuts Old Dixie Highway, represents acquisition outside of the existing right-of-way, and is required to accommodate roadway widening, shoulders, curb and gutter, sidewalk, and drainage improvements.

### **ACQUISITION FOR TEMPORARY CONSTRUCTION EASEMENT PARCEL 303**

This Temporary Construction Easement is needed for access and all related construction activities reasonably required for driveway construction, sloping, tying, grading, and to harmonize the road construction with the adjacent property. These described works to be performed on Parcel 303 shall not extend beyond the limits outlined in the legal description of said property, as **EXHIBIT A**, attached to the Resolution relating to Parcel 303. This Temporary Construction Easement shall expire upon the earlier of the acceptance of the construction of the Project by the Palm Beach County Board of County Commissioners or three years from the date of its acquisition by virtue of the deposit of funds, pursuant to an Order of Taking.