

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

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Meeting Date: May 6, 2025	<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Regular
	<input type="checkbox"/> Workshop	<input type="checkbox"/> Public Hearing

Department: County Attorney

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I. EXECUTIVE BRIEF

Motion and Title: Staff Recommends Motion to approve:

A) a settlement, in the total amount of \$1,237,250, inclusive of attorney’s fees, expert fees, and costs, in the eminent domain action styled Palm Beach County v. Da-Boca Raton, LLC, et al., Case No.: 502024CA007448XXXMB; and

B) a Budget Transfer of \$1,237,250 in the Transportation Improvement Fund from Reserves-Road Program Sweeps and appropriate it to the Project.

SUMMARY: Under the proposed settlement in this pending eminent domain proceeding, compensation for Parcel 150 is \$1,100,000 in addition to statutory attorney's fees, experts' fees and costs of \$137,250, for a total amount of \$1,237,250. This settlement will completely resolve this eminent domain proceeding as it relates to parcel 150. Countywide (DO).

Background and Justification: The Board approved a Resolution for an eminent domain proceeding to acquire right of way designated as Parcel 150 for the purpose of the construction and improvement of Old Dixie Highway from Yamato Road to South of Linton Boulevard in Palm Beach County (the "Project"). The Project will add a center turn lane, curb and gutter, sidewalks, additional drainage, bridge replacement and signal work.

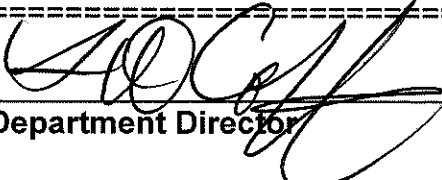
Parcel 150 will provide the additional right of way necessary for the roadway widening, shoulders, curb and gutter, sidewalks, and a water management area for drainage purposes. Parcel 150 constitutes the whole taking of the property on which a nursery/garden center currently operates.

(Continued on Page 3)

Attachments:

1. Budget Availability Statement.
2. Budget Transfer
3. Mediated Settlement Agreement with Stipulated Partial Final Judgment, Order of Apportionment, and Order Awarding Attorney's Fees, Experts' Fees and Costs as to Parcel 150 attached.
4. Roadway Plan
5. Location Map
6. Resolution for Parcel 150 with Exhibits "A" and Exhibit "B" (2)

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Recommended by:		
	Department Director	Date
Approved by:	N/A	
	County Administrator	Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2025	2026	2027	2028	2029
Capital Expenditures	\$1,237,250	-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	\$1,237,250	-0-	-0-	-0-	-0-
# ADDITIONAL FTE					
POSITIONS (Cumulative)	-0-	-0-	-0-	-0-	-0-

Is Item Included in Current Budget?

Yes ☐ No ☒

Is this item using Federal Funds?

Yes ☐ No ☒

Is this item using State Funds?

Yes ☐ No ☒

Budget Account No:

Fund 3500 Dept 361 Unit 1428 Object 6120

Recommended Sources of Funds/Summary of Fiscal Impact

Transportation Improvmt Fund/Old Dixie Hwy from Yamato Rd to Linton Blvd

Parcel No.	TYPE	PCN Number	Parcel Description	Asset Number	Total
150	Fee Simple	12-43-46-28-07-004-0310	Official Records Book/Page 27299 / 1751 DEL RATON PARK LTS 31 TO 36 INC & W 1/2 OF 80 FT ABNDED RD LYG E OF & ADJ THERETO BLK 4	M 10320 Reserved	\$1,237,250.00

A. D. New, Mayor, Del Rio
4/24/25

Fiscal Note: A Budget Transfer of \$1,237,250 in the Transportation Improvement Fund from Reserves -Road Program Sweeps and appropriate it to the Project.

C. Departmental Fiscal Review:

Danny Ramirez

III. REVIEW COMMENTS

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

Lara Mante 4/28/2025
OFMB
MD 4/28
OH 4/28
GS 4/28

Frank J. Mack 4/24/25
Contract Dev. and Control 29 7. 29. 25

B. Approved as to Form and Legal Sufficiency:

[Signature]
Assistant County Attorney

C. Other Department Review:

Department Director

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

The property owner's appraised value for the condemned Parcel is \$1,466,648. Because this is a taking of the entire property, there is no business damage claim.

The County's current appraised value for condemned Parcel is \$884,000.

The settlement amount for compensation is 24% over the County's valuation, but 40% less than the owner's valuation.

Additionally, pursuant to Sections 73.091 and 73.092, Florida Statutes the settlement includes statutory attorney's fees of \$103,250 and \$34,000 in expert fees and costs.

This settlement is cost-effective in light of the expense and risk of a jury trial in this matter. Accordingly, outside counsel, the County Attorney's Office, and the Engineering Department all recommend approval of this settlement.

ATTACHMENT 1



INTEROFFICE COMMUNICATION
PALM BEACH COUNTY ENGINEERING & PUBLIC WORKS DEPT
BUDGET AVAILABILITY STATEMENT

DATE: April 23,2025
TO: David R.F. Ottey
Chief Assistant County Attorney
Danny Ramlalsingh
FROM: Danny Ramlalsingh, Fiscal Manager 1 Engineering & Public Works
Palm Beach County v. Da-Boca Raton, LLC, et al.,
Case No.: 502024CA007448XXXMB/ Parcel 150
RE: Project #2014500 /Old Dixie Highway from Yamato Road to South of Linton Boulevard in Palm Beach County

FISCAL IMPACT ANALYSIS:

Budget Account Number:

Fund	Dept	Unit	Object	Total
3500	361	1428	6120	\$1,237,250

Recommended Sources of Fiscal Impact: Engineering Admin Services Capital Budget

25-0668

BOARD OF COUNTY COMMISSIONERS
PALM BEACH COUNTY, FLORIDA
EXPENDITURE BUDGET TRANSFER

BGEX 042325-1193

FUND 3500 Transportation Improvmt Fund

ACCOUNT NUMBER	ACCOUNT NAME	UNIT NAME	ORIGINAL BUDGET	CURRENT BUDGET	INCREASE	DECREASE	ADJUSTED BUDGET	EXPENDED/ ENCUMBERED as of 4/23/2025	REMAINING BALANCE
EXPENDITURES									
3500-361-1428-6120	Right Of Way *Sobj	Old Dixie Hwy from Yamato Rd to Linton Blvd	0	0	1,237,250	0	1,237,250	0	1,237,250
3500-361-9997-9908	Res-New Projects	Reserves - Road Program Sweeps	103,860,216	64,998,274	0	1,237,250	63,761,024	0	63,761,024
Total Expenditures					1,237,250	1,237,250			

SIGNATURES

Initiating Department/Division

Administration/Budget Department Approval

DATES

4/28/25

4/28/2025

OFMB Department - Posted

BY BOARD OF COUNTY COMMISSIONERS

At Meeting of: 5/6/2025

Deputy Clerk to the
Board of County Commissioners

IN THE CIRCUIT COURT OF THE
15TH JUDICIAL CIRCUIT IN AND FOR
PALM BEACH COUNTY, FLORIDA

CASE NO.: 502024CA007448
PARCELS 101/101B/401, 112, 148, 149A/149B,
150, 151, 152, and 153A/153B/153C

PALM BEACH COUNTY,

Petitioner,

v.

DA-BOCA RATON, LLC, ET AL.,

Defendants.

_____ /

**MEDIATED SETTLEMENT AGREEMENT
(CONTINGENT ON FURTHER APPROVAL)**

This Mediated Settlement Agreement (“Agreement”) is made and entered into by Petitioner, Palm Beach County (“County”), and Defendants, Steve A. McGirt and Macs Garden Center, Inc. (“Former Landowners”), pursuant to a mediation conference held on February 26, 2025.

The County’s representatives have agreed to recommend a settlement according to the terms set forth in the Stipulated Partial Final Judgment, Order of Apportionment, and Order Awarding Attorney’s Fees and Costs as to Parcel 150 (“Judgment”) attached hereto as Exhibit “1” and Former Landowners has agreed to settle this matter according to these terms.

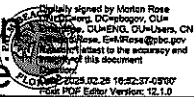
The recommended settlement must be approved by the Palm Beach County Board of County Commissioners. Accordingly, any settlement is contingent on this approval.

If and when the settlement is approved, County and Former Landowners shall jointly move for the entry of the Judgment.

PALM BEACH COUNTY

By: **Morton L. Rose**
Morton L. Rose, P.E. as Director of
the Roadway Production Division,
PBC Department of Engineering
and Public Works

Barry S. Balmuth
Barry S. Balmuth, B.C.S.
Counsel for County



Steve McGirt
Steve McGirt, individually, and as President of
Macs Garden Center, Inc.

Anthony Policastro, Esquire
Brent Simon, Esquire
Counsel for Former Landowners

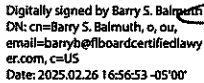


EXHIBIT 1

**IN THE CIRCUIT COURT OF THE
15TH JUDICIAL CIRCUIT IN AND FOR
PALM BEACH COUNTY, FLORIDA**

**CASE NO.: 502024CA007448
PARCEL 150**

PALM BEACH COUNTY,

Petitioner,

v.

DA-BOCA RATON, LLC, ET AL.,

Defendants.

**STIPULATED PARTIAL FINAL JUDGMENT, ORDER OF APPORTIONMENT,
AND ORDER AWARDING ATTORNEY'S FEES,
EXPERTS' FEES, AND COSTS AS TO PARCEL 150**

THIS CAUSE having come before the Court on the Joint Motion and Stipulation of the parties, Petitioner, Palm Beach County ("County"), and Defendants, Steve A. McGirt and Macs Garden Center, Inc. (collectively, "Former Landowners"), for the entry of this Stipulated Partial Final Judgment, Order of Apportionment, and Order Awarding Attorney's Fees, Experts' Fees, and Costs as to Parcel 150 ("Final Judgment") and the Court being fully advised in the premises, it is hereby:

ORDERED AND ADJUDGED as follows:

1. This is an eminent domain proceeding wherein, pursuant to that Stipulated Order of Taking as to Parcels 149A, 149B, and 150 entered on January 3, 2025 ("Order of Taking") and the deposit of monies thereunder, County acquired fee simple title to the property designated as Parcel 150. At the time of the acquisition of Parcel 150, Steve A. McGirt and Macs Garden Center, Inc. were its owner and lessee, respectively.

2. Former Landowners shall recover from County the sum of **ONE MILLION ONE HUNDRED THOUSAND DOLLARS AND NO CENTS (\$1,100,000.00)** for the taking of Parcel 150 and any improvements acquired, compensation for relocation/reconstitution/reestablishment, and any and all other compensation or damages which may be caused or have been caused by or related to the taking of Parcel 150 and the County's use of Parcel 150, any statutory interest, and for any other claims or counter claims which were brought or could have been brought by Former Landowners caused by or related to the taking of Parcel 150 exclusive of attorney's fees and costs.

3. The above recovery is inclusive of the amounts previously deposited pursuant to the Order of Taking, \$837,000.00 as to Parcel 150, which was previously disbursed to Former Landowners.

4. Former Landowners shall also recover from County the sum of \$103,250.00 as full and complete attorney's fees and \$34,000.00 as full and complete expert fees and costs.

5. Within thirty (30) days of its receipt of a certified copy of this Final Judgment, County shall pay the sum of **FOUR HUNDRED THOUSAND TWO HUNDRED FIFTY DOLLARS AND NO CENTS (\$400,250.00)** representing the difference between the amounts recovered under paragraph 2, above, and the amount previously deposited into the registry of the Court plus attorney's fees and expert fees and costs, by making a check for this amount payable to the Anthony Policastro, Esquire, Policastro Law Group, 1700 N. McMullen Booth Road, Suite C5, Clearwater, FL 33759 for further disbursement.

6. Former Landowners shall recover no further compensation for the taking of Parcel 150.

7. The Order of Taking, including its provisions regarding extended possession, is approved, ratified, and confirmed.

8. This Final Judgment shall not affect the compensation relating to any other parcels in this action.

9. The Court shall retain jurisdiction to enforce the terms of this Final Judgment.

DONE AND ORDERED in West Palm Beach, Palm Beach County, Florida, this ____ day of _____, 20__.

Copies to all parties on the attached service list

Parcels 101/101B/401

Suzanne Driscoll, Esquire
Shutts & Bowen
201 E. Los Olas Blvd., Suite 2200
Fort Lauderdale, FL 33301
sdriscoll@shutts.com
Attorneys for Da-Boca Raton, LLC

Parcel 112

Ivy Cadle, Esquire
Spencer Leach, Esquire
Baker Donelson et al
200 E. Broward Blvd, Suite 2000
Fort Lauderdale, FL 33301
icadle@bakerdonelson.com; sleach@bakerdonelson.com
Attorneys for Bellsouth

Parcel 148

Charles Stratton, Esquire
Joshua Stratton, Esquire
Berger Singerman
313 N. Monroe Street, Suite 301
Tallahassee, FL 32301
cstratton@bergersingerman.com
Attorneys for Steven Rawiszer, Trustee of the Steven Rawiszer Revocable Trust Agreement Dated the 5th day of February 2009 and Octagon Dome & Acoustical Ceiling Materials, Inc.

Parcels 149A/149B

Anthony V. PolICASTRO, Esquire
Eric RyDER, Esquire
1700 N. McMullen Booth Road, Suite C5
Clearwater, FL 33759
tony@policastralaw.com; eric@policastralaw.com
*Attorney for 3327 Old Dixie Highway LLC, a Florida Limited Liability Company and
ABR Delray Inc.*

Parcel 150

Anthony V. PolICASTRO, Esquire
Eric RyDER, Esquire
1700 N. McMullen Booth Road, Suite C5
Clearwater, FL 33759
tony@policastralaw.com; eric@policastralaw.com
Attorney for Steve A. McGirt and Macs Garden Center, Inc.

Parcel 151

Spencer M. Sax, Esquire
Leonard Wilder, Esquire
6111 Broken Sound Parkway NW, Suite 200
Boca Raton, 33487 ssax@ssclawfirm.com; ntitzer@ssclawfirm.com; eslone@ssclawfirm.com;
lwilder@ssclawfirm.com
Attorney for Delray Bay Properties, Inc. f/k/a Olen Communities, Inc.

Fannie Mae
Priscilla Almodovar, President and CEO
1100 15th Street, NW
Washington, DC 20005

Parcel 152

Anthony V. PolICASTRO, Esquire
Eric RyDER, Esquire
1700 N. McMullen Booth Road, Suite C5
Clearwater, FL 33759
tony@policastralaw.com; eric@policastralaw.com
Attorneys for Yasmin Lutafali Bhatia

Charles P. Gufford, Esquire
McCalla Raymer
225 E. Robinson St. Suite 155
Orlando, FL 32801
Charles.gufford@mccalla.com
Todd.latoski@mccalla.com
Attorneys for Mr. Cooper as servicer on behalf of MERS as nominee for Paramount Residential

Mortgage Group

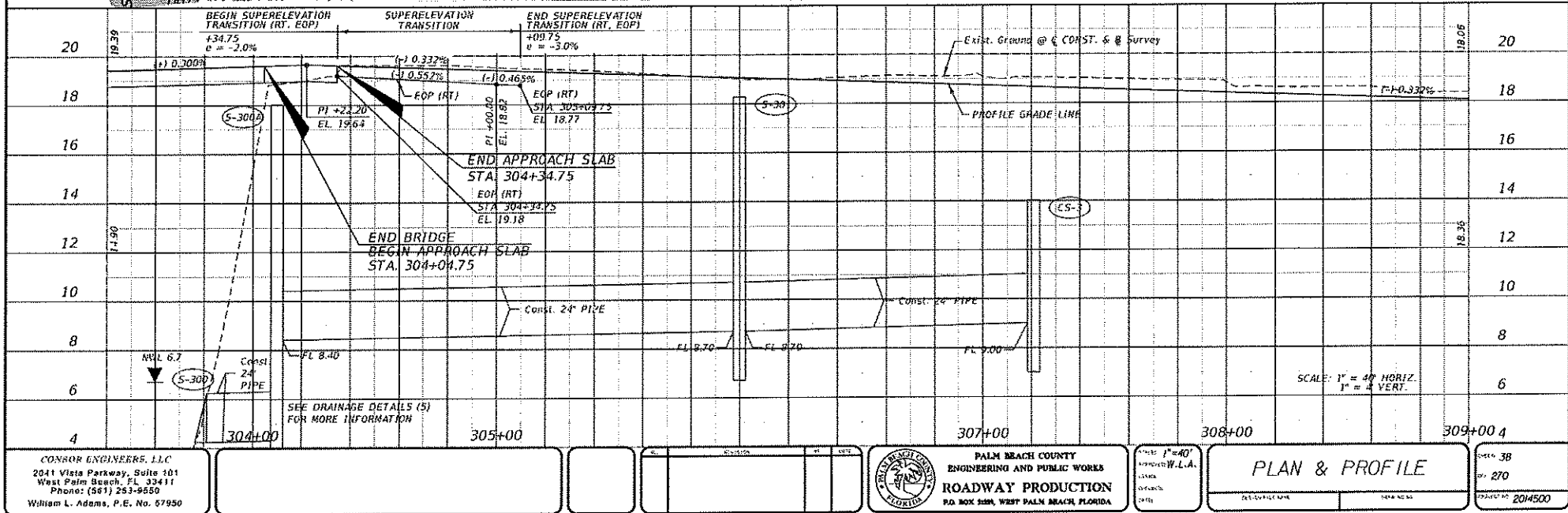
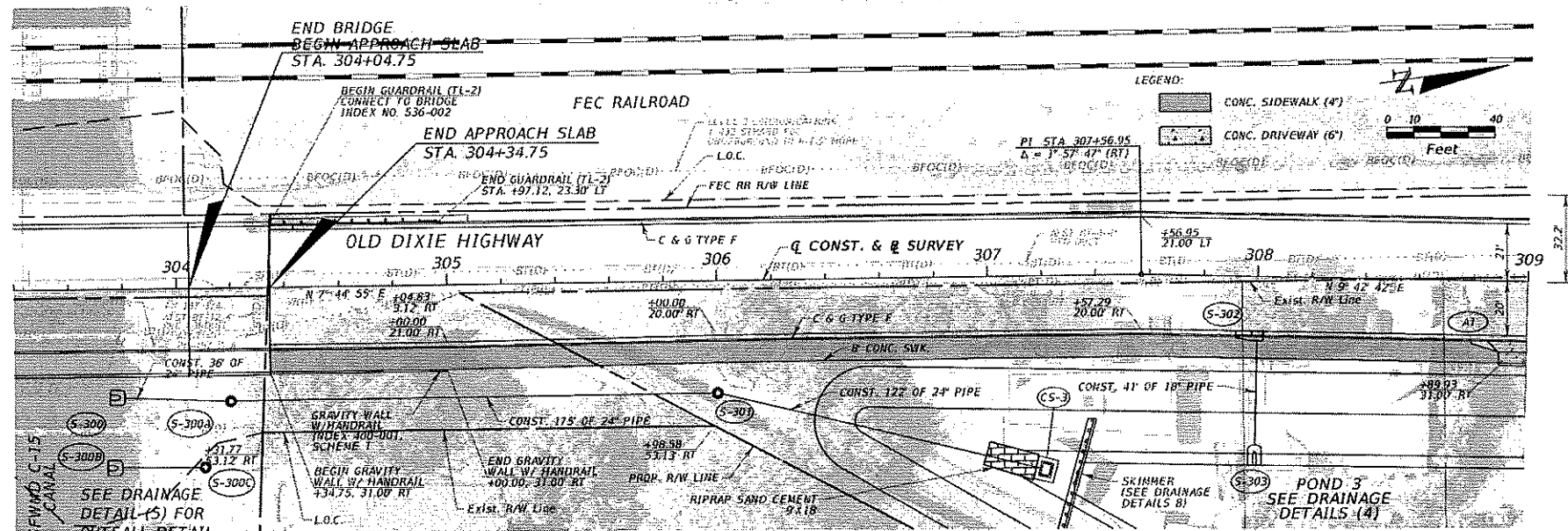
Parcels 153A/153B/153C

William F. Chamberlain
3027 Hidden Oaks Dr
Middleburg, Florida 32068

All Parcels:

Hampton Peterson, Esquire
Palm Beach County Tax Collector's Office
301 North Olive Avenue, 3rd Floor
West Palm Beach, Florida 33401
legalservices@pbctax.com; hpeterson@pbctax.com; jcrane@pbctax.com
Attorney for Anne M. Gannon, Constitutional Tax Collector for Palm Beach County

[illegible]



CONSOR ENGINEERS, LLC
2041 Vista Parkway, Suite 101
West Palm Beach, FL 33411
Phone: (561) 253-9550
William L. Adams, P.E. No. 57950

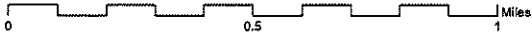
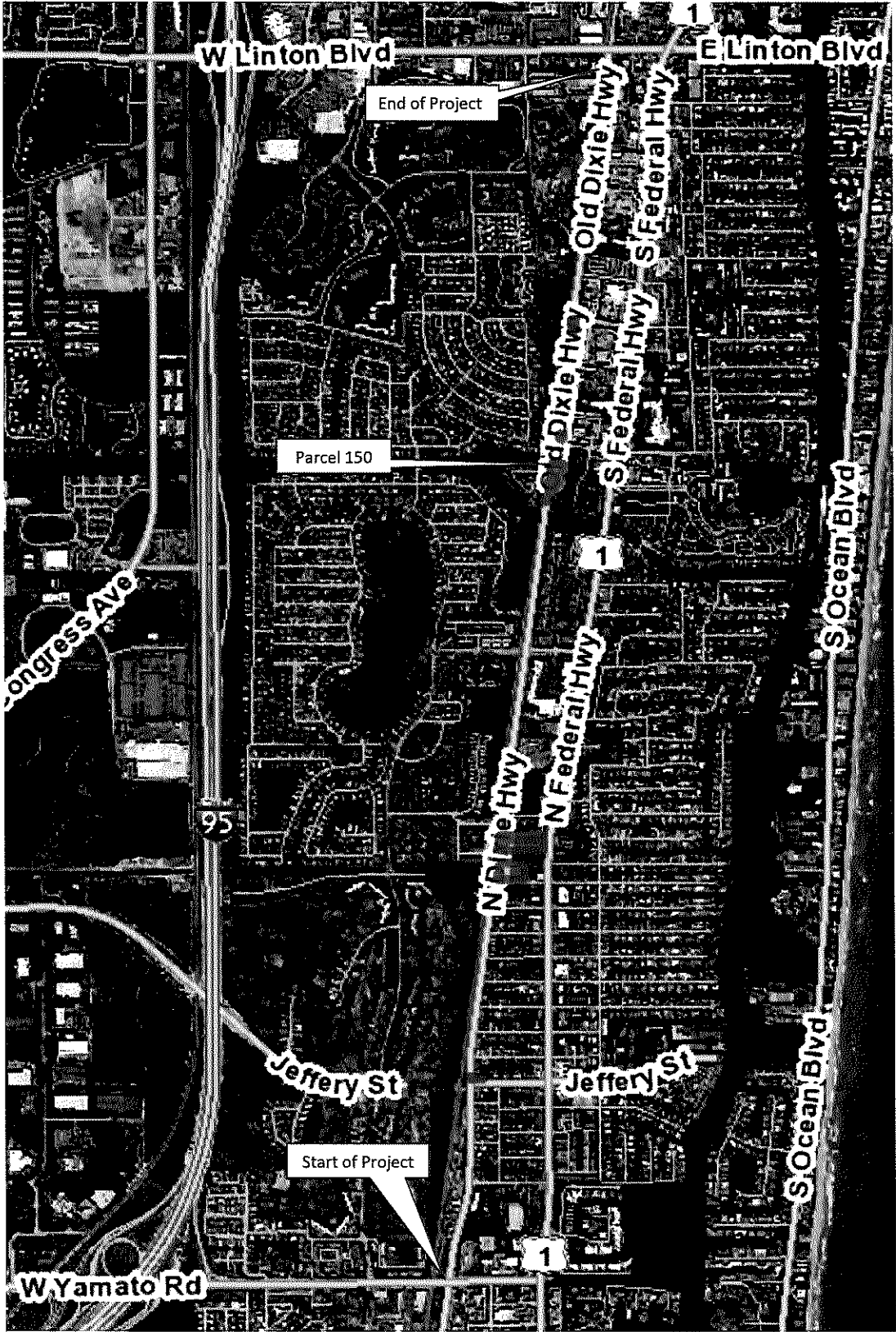


PALM BEACH COUNTY
ENGINEERING AND PUBLIC WORKS
ROADWAY PRODUCTION
P.O. BOX 1188, WEST PALM BEACH, FLORIDA

DATE: 1/20/07
DRAWN BY: W.L.A.
CHECKED BY: [blank]
DATE: [blank]

PLAN & PROFILE

SHEET 38
OF 270
DATE: 1/20/07



RESOLUTION NO. R-2024 - 0607

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, DECLARING THE ACQUISITION OF FEE SIMPLE RIGHT-OF-WAY DESIGNATED AS PARCEL 150, 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, designated as Parcel 150, on the property described in Exhibit "A", to the Board of County Commissioners (BCC); and

WHEREAS, the parcel is 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 designated as Parcel 150; 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 construction and improvement of the Project, and determining the Project's location, including Parcel 150, 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 fee simple right-of-way designated as Parcel 150 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 use and purpose of Parcel 150 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 on property described in Exhibit "A" to be acquired through Eminent Domain as authorized by this Resolution, is not being acquired for the purpose of abating or eliminating public nuisances, slum or blighted conditions, and is subject to any applicable conveyance restrictions pursuant to Florida law, to the extent they may apply; and

WHEREAS, in order to accomplish the acquisition of Parcel 150, 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 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 necessary for the construction and improvement of the Project.

The foregoing Resolution was offered by Commissioner Weiss who moved its adoption. The motion was seconded by Commissioner Marino and upon being put to a vote, the vote was as follows:

Commissioner Maria Sachs, Mayor	<u>Aye</u>
Commissioner Maria G. Marino, Vice Mayor	<u>Aye</u>
Commissioner Gregg K. Weiss	<u>Aye</u>
Commissioner Michael A. Barnett	<u>Aye</u>
Commissioner Marci Woodward	<u>Aye</u>
Commissioner Sara Baxter	<u>Aye</u>
Commissioner Mack Bernard	<u>Aye</u>

The Mayor thereupon declared the Resolution duly passed and adopted this 4th day of June, 2024

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

By:  _____
Assistant County Attorney

APPROVED AS TO TERMS
AND CONDITIONS

By:  _____
Division Director

JOSEPH ABRUZZO,
CLERK OF THE CIRCUIT COURT
& COMPTROLLER

By:  _____
Deputy Clerk



A PARCEL OF LAND FOR DRAINAGE PURPOSES IN THE NORTHEAST QUARTER (N.E.1/4) OF SECTION 32, AND PARTIALLY IN THE SOUTHEAST QUARTER (S.E.1/4) OF SECTION 29, TOWNSHIP 46 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING ALL OF A PARCEL RECORDED IN OFFICIAL RECORD BOOK 27299, PAGE 1751, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING:

LOTS 31 THROUGH 36, INCLUSIVE, BLOCK 4, DEL-RATON PARK, TOGETHER WITH THAT PORTION OF VACATED DIXIE BOULEVARD LYING EAST OF AND ADJACENT TO SAID LOTS, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 14, PAGE 9, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID LANDS SITUATE, LYING AND BEING LOCATED IN PALM BEACH COUNTY, FLORIDA.

PARCEL TAX I.D. #:12-43-46-28-07-004-0310.

CONTAINING 23,250 SQUARE FEET (0.534 ACRES), MORE OR LESS.

THIS LEGAL DESCRIPTION & SKETCH WAS CREATED WITH THE BENEFIT OF A PREVIOUSLY COMPLETED "SPECIFIC PURPOSE & TOPOGRAPHIC SURVEY" PREPARED BY THE UNDERSIGNED FLORIDA SURVEYOR & MAPPER DATED JULY 29, 2015, FOR THE PURPOSE OF SUPPORTING THE ROADWAY DESIGN PLANS PREPARED FOR THE PALM BEACH COUNTY ROADWAY PROJECT NUMBER 2014500.

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.

REVISIONS:

12/5/22: PBC COMMENTS 12/5/22
2/21/23: POND 3 SPLIT INTO PARCELS 148, 149, 150
4/11/23: PBC 4/5/23 COMMENTS
4/5/24: "POND 3" REMOVED FROM TITLE PER PBC



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

John E Phillips

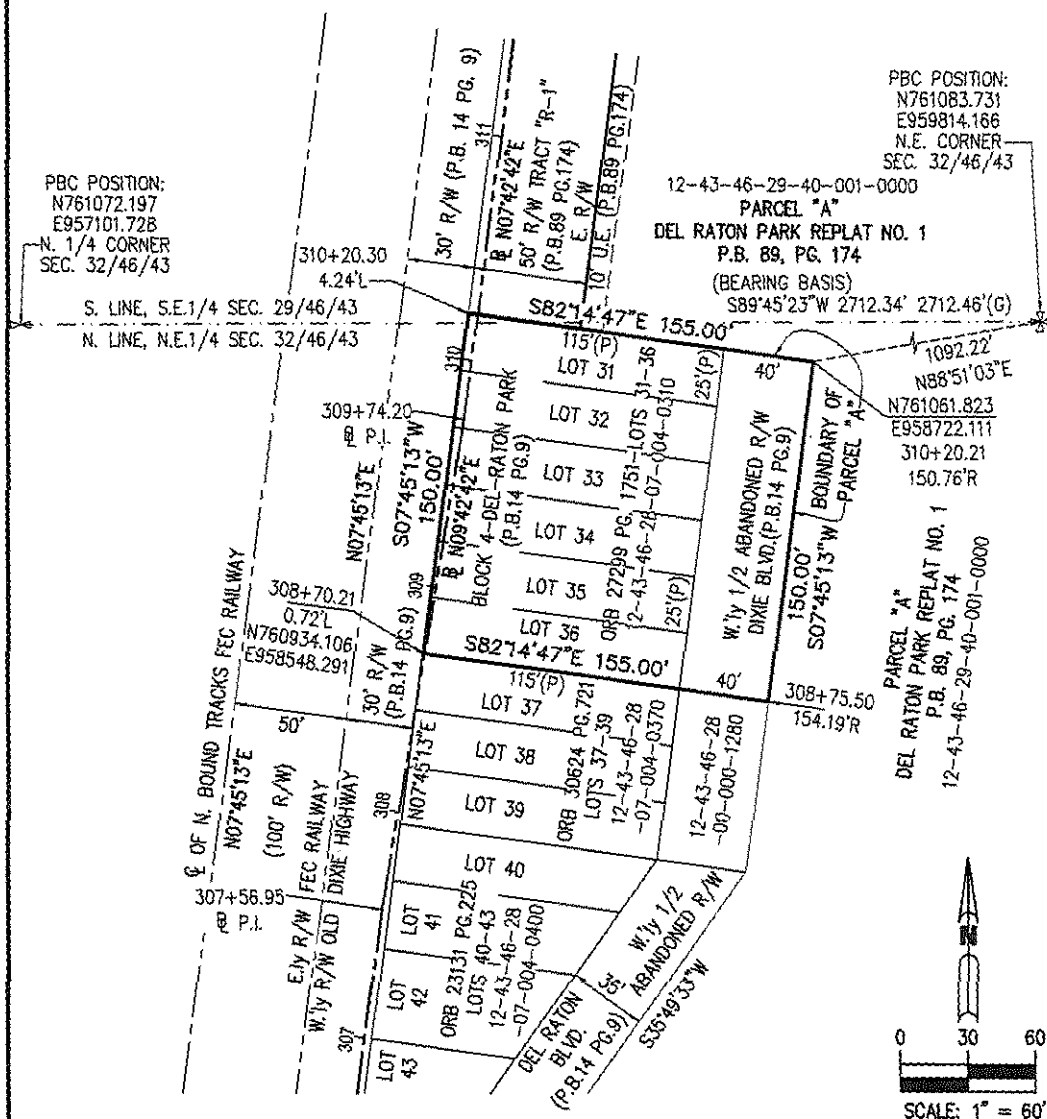
Digitally signed by John E Phillips
Date: 2024.04.05 14:33:51 -04'00'

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

OLD DIXIE HIGHWAY
PARCEL 150
(THIS IS NOT A SURVEY)

DRAWN: MDB	PROJ. No. 15-026
CHECKED: JEP	SCALE: NONE
LEGAL DESCRIPTION	DATE: 8/30/22
	SHEET 1 OF 3

EXHIBIT A
PBC PROJECT
NO.2014500



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, 815-3991 FAX

E-Mail: info@brown-phillips.com

**OLD DIXIE HIGHWAY
 PARCEL 150**
 (THIS SKETCH IS NOT A SURVEY)

DRAWN: MDB	PROJ. No. 15-026
CHECKED: JEP	SCALE: 1" = 60'
SKETCH TO ACCOMPANY LEGAL DESCRIPTION	DATE: 8/30/22
	SHEET 2 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/TCE'S/POND PARCELS 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.
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
B - BASELINE
CL - CENTERLINE
L - LEFT OF CENTERLINE OF CONSTRUCTION
R - RIGHT OF CENTERLINE OF CONSTRUCTION
(P) - PLAT DIMENSION
(C) - CALCULATED DIMENSION
(G) - GRID DISTANCE
U.E. - UTILITY EASEMENT
D.E. - DRAINAGE EASEMENT
TCE - TEMPORARY CONSTRUCTION EASEMENT
CMB - COMMISSIONER'S MINUTES BOOK
PBC - PALM BEACH COUNTY
FEC - FLORIDA EAST COAST
SFWMD - SOUTH FLORIDA WATER MANAGEMENT DISTRICT
32/46/42 - SECTION 32, TOWNSHIP 46 SOUTH, RANGE 43 EAST
- 6) BEARINGS ARE BASED ON S89°45'23"W (GRID, NAD '83, 1990 ADJUSTMENT) THE NORTH LINE OF THE N.E.1/4 OF SECTION 32/46/43.



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

OLD DIXIE HIGHWAY
PARCEL 150

(THIS IS NOT A SURVEY)

DRAWN: MDB	PROJ. No. 15-026
CHECKED: JEP	SCALE: NONE
DESCRIPTION NOTES	DATE: 8/30/22
	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 3 lane paved roadway running north and south. The Project to widen and pave the roadway for a total distance of 2.9 miles is located through a mix of residential and commercial areas. Construction of the Project 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 this parcel fits into the planned funding for this Project, and the acquisition of this parcel 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 (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 (Plan). The 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 and residential 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 150

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 a water management area for drainage purposes.