## PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

# AGENDA ITEM SUMMARY

Meeting Date:	July 8, 2025	[X]	Consent Workshop	 Regular Public Hearing
Department:	<b>Engineering and Public Works</b>		-	8
Submitted By:	Engineering and Public Works			
-	<b>Roadway Production Division</b>			

## **I. EXECUTIVE BRIEF**

**Motion and Title: Staff recommends motion to adopt:** ten (10) Resolutions declaring the acquisition of fee simple right-of-way designated as Parcels 130, 131, 132, 133, 134, 135, 136, 137, 138, and 139, and temporary construction easements designated as Parcels 330, 331, 332, 333, 334, 335, 336, 337, 338, and 339 necessary for the construction of roadway improvements on Old Dixie Highway from Yamato Road to south of Linton Boulevard (Project).

**SUMMARY:** Adoption of these Resolutions will initiate eminent domain proceedings pursuant to Chapters 73, 74, 127, and Section 337.27, Florida Statutes, as amended, against 20 parcels having a total appraised value of \$269,900. The parcels are necessary to construct curb and gutter, sidewalks, and provide additional drainage. The property owners have not accepted the offers to purchase made by Palm Beach County (County) and attempts to negotiate the purchases have been unsuccessful. Eminent domain proceedings are necessary to acquire the parcels at this time in order to expedite construction of the Project. To date, eminent domain proceedings have been completed for 19 parcels from 15 property owners. After these 20 parcels from ten (10) property owners, acquisition of 68 remaining parcels from 34 property owners is necessary. This Project is included in the Five Year Road Program. District 4 (DO)

**Background and Justification:** The acquisition of Parcels 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 330, 331, 332, 333, 334, 335, 336, 337, 338, and 339 is for a public purpose and necessity, which is deemed to be in the best interest of the County. The Engineering and Public Works Department recommends adoption by the Board of County Commissioners.

## Attachments:

- 1. Location Map
- 2. Resolution for Parcels 130 and 330 with Exhibit "A" and Exhibit "B" (2)
- 3. Resolution for Parcels 131 and 331 with Exhibit "A" and Exhibit "B" (2)
- 4. Resolution for Parcels 132 and 332 with Exhibit "A" and Exhibit "B" (2)
- 5. Resolution for Parcels 133 and 333 with Exhibit "A" and Exhibit "B" (2)
- 6. Resolution for Parcels 134 and 334 with Exhibit "A" and Exhibit "B" (2)
- 7. Resolution for Parcels 135 and 335 with Exhibit "A" and Exhibit "B" (2)
- 8. Resolution for Parcels 136 and 336 with Exhibit "A" and Exhibit "B" (2)
- 9. Resolution for Parcels 137 and 337 with Exhibit "A" and Exhibit "B" (2)
- 10. Resolution for Parcels 138 and 338 with Exhibit "A" and Exhibit "B" (2)

11. Resolution for Parcels 139 and 339 with Exhibit "A" and Exhibit "B" (2)

Recommended by:	Scorel 7 high		25
Approved by:	County Engineer	Date 6(23/25	
	Deputy County Administrator	Date	

F:R\_O\_W\Brent\ROADWAY\2014500 Old Dixie Hwy - Yamato to Linton\PHASE 3\AJS\(022425) 3-C-(X)\022425AGENDA ITEM OLD DIXIE docx

## **II. FISCAL IMPACT ANALYSIS**

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

Fiscal Years	2025	2026	2027	2028	2029
Capital Expenditures _	\$269,900	-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	\$269,900	-0-	-0-	-0-	-0-
# ADDITIONAL FTE POSITIONS (Cumulative)	~0-	-0-	-0-	-0-	-0-

Is Item Included in Current Budget? Is this item using Federal Funds? Is this item using State Funds?

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

PHASE III Asset Number **Parcel Description** TIFE Total Parcel No. **PCN Number** M10324 RW 05-43-47-05-02-009-0010 6320 N DIXIE HWY 25,600.00 130 Ś M10325 131 06-43-47-05-02-009-0030 **5340 N DIXIE HWY** \$ 20,700.00 RW M10326 132 RW 06-43-47-05-02-009-0040 6350 N DIXIE HWY \$ 19,000.00 133 RW 06-43-47-05-02-009-0050 6380 N DIXIE HWY 32,900.00 M10327 \$ M10328 134 RW 06-43-47-05-02-010-0010 6410 N DIXIE HWY 20,200.00 Ś. M10329 RW 06-43-47-05-02-010-0020 6420 N DIXIE HWY 18,300.00 135 \$ 28,400.00 M10330 136 R₩ 05-43-47-05-02-010-0030 6440 N DIXIE HWY Ś 06-43-47-05-02-010-0040 6460 N DIXIE HWY 25,100.00 M10331 137 RW s 138 M10332 06-43-47-05-02-010-0050 6480 N DIXIE HWY 20,300.00 RW M10333 139 RW 06-43-47-05-02-010-0060 N DIXIE HWY & DOVER ST \$ 10,600.00 NA 330 06-43-47-05-02-009-0010 6320 N DIXIE HWY 3,600.00 TCE Ś NA 331 TCE 05-43-47-05-02-009-0030 6340 N DIXLE HWY Ś 3,200.00 NA 332 TCE 06-43-47-05-02-009-0040 6360 N DIXIE HWY Ś 3,300.00 NA 333 TCE 05-43-47-05-02-009-0050 6380 N DIXIE HWY Ś 9.700.00 6.800.00 NA 334 TCE 06-43-47-05-02-010-0010 6410 N DIXIE HWY Ś 8,300.00 NA 335 TCE 05-43-47-05-02-010-0020 6420 N DIXIE HWY ŝ 05-43-47-05-02-010-0030 **5440 N DIXIE HWY** 4,100.00 NA 336 TCE Ś NA 05-43-47-05-02-010-0040 6460 N DIXIE HWY 3,200.00 337 TCE \$ 06-43-47-05-02-010-0050 5480 N DIXIE HWY 3,800.00 NA 338 TCE Ś

Impact Fee Project Description: This Resolution to initiate eminent domain proceedings is necessary to undertake right-of-way acquisition for the widening of Old Dixie Highway, between Yamato Rd. and LintonBlvd. The widening will be from 2 lanes to 3 lanes which will provide additional roadway capacity needed to serve new development within Impact Fee Zone 5. Use of Impact Fees is in accordance with Article 13, Chapter A, Section 9 , W and Chapter H, Section 4 of the ULDC. Q.Di  $\mathbf{r}$ 

C. Departmental Fiscal Review:

NA

Da III. REVIEW COMMENTS

05-43-47-05-02-010-0060 N DIXIE HWY & DOVER ST

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

TCE

OFMB SAM 6/1/25 00/10

339

Contract Dev. and Control Z6 6

2,800.00

as, sfire B

lglas

\$269,900.00

S

No

Yes

Tes

Tes

Approved as to Form and Legal Sufficiency: R.

Assistant County Attorney

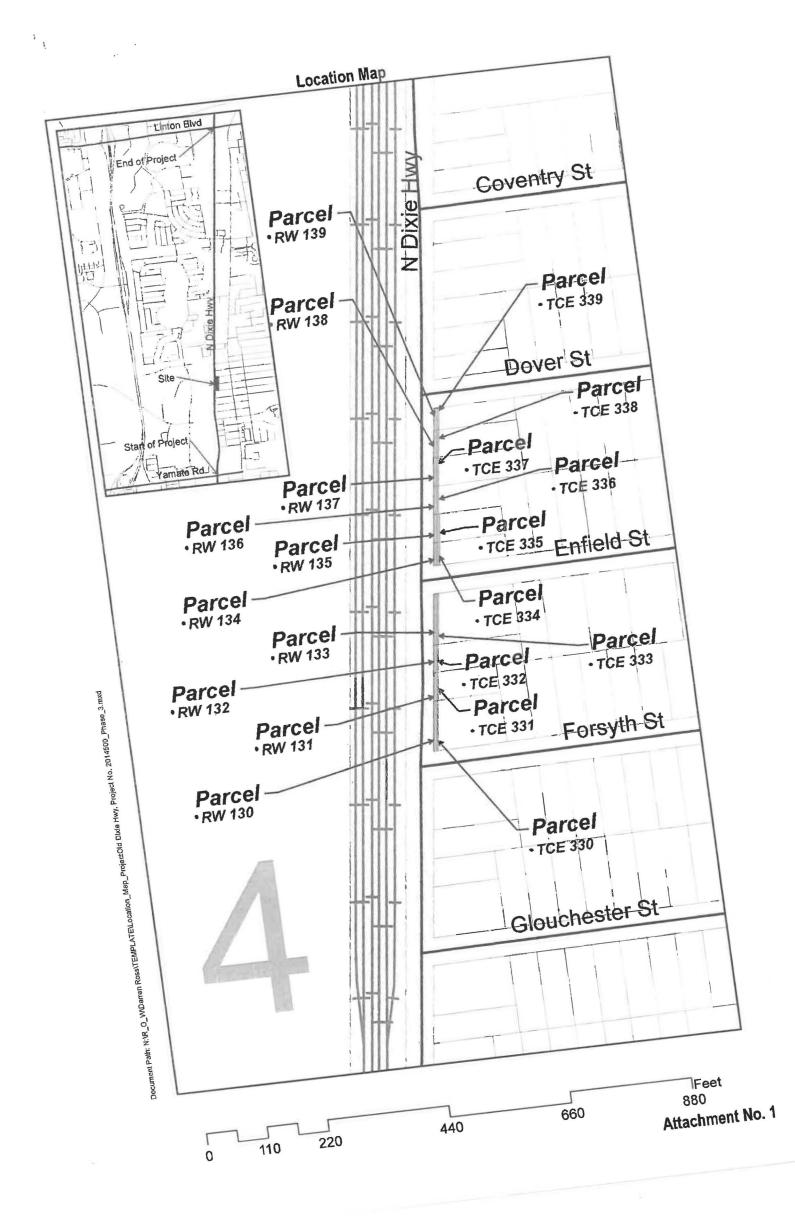
C. Other Department Review:

**Department Director** 

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

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## RESOLUTION NO. R-2025 -\_\_\_\_

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, DECLARING THE ACQUISITION OF FEE SIMPLE RIGHT-OF-WAY DESIGNATED AS <u>PARCEL 130</u>, AND A TEMPORARY CONSTRUCTION EASEMENT DESIGNATED AS <u>PARCEL 330</u>, 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 130 and a temporary construction easement, designated as Parcel 330, respectively, both described in <u>Exhibit "A"</u>, 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 designated as Parcel 130 and a temporary construction easement designated as Parcel 330; 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 130 and 330, 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 designated as Parcel 130 and a temporary construction easement, designated as Parcel 330, both of which are more fully described in <u>Exhibit "A"</u>, 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 Parcels 130 and 330 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 described in <u>Exhibit</u> <u>"A"</u>, 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 130 and 330, 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 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 <u>Exhibit "A"</u>, 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.

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The foregoing Resolution was offered by Commissioner		who moved
its adoption. The motion was seconded by Commissioner to a vote, the vote was as follows:		and upon being put
Commissioner Maria G. Marino, Mayor		
Commissioner Sara Baxter, Vice Mayor	1	
Commissioner Gregg K. Weiss		
Commissioner Joel G. Flores		
Commissioner Marci Woodward		
Commissioner Maria Sachs		
Commissioner Bobby Powell Jr.		

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:

By: \_

Assistant County Attorney

¢

Deputy Clerk

APPROVED AS TO TERMS AND CONDITIONS

TES MA

By: **Division Director** Vor

F:R\_O\_W\Brent\ROADWAY\2014500 Old Dixie Hwy - Yamato to Linton\PHASE 3\AIS\(022425) 3-C-(X)\Resolution 130 330.docx

Page 2 of 2

Page 1 of 6         A PARCEL OF LAND FOR ROAD RIGHT-OF-WAY PURPOSES IN THE NORTHEAST QUARTER (N.E.1/4), OF SECTION 5, TOWNSHIP 47 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF LOTS 1 AND 2, BLOCK 9, OF THE FLAT OF DELRAY MANORS, RECORDED IN PLAT BOOK 10, PAGE 25, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARIV DESCRIBED AS FOLLOWS:         BEGIN AT THE SOUTHWEST CORNER OF SAID LOT 1; THENCE ALONG THE WEST LINE OF SAID LOT 3; NAD 2, AND ALONG THE EAST RIGHT-OF-WAY OF 01.01 XIE HIGHWAY, AS SHOWN ON SAND PLAT, NOT'44'22'E FOR 91.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 2; THENCE ALONG THE NORTH LINE OF SAID LOT 1, NB91'3'21'E FOR 6.18 FEET; THENCE ALONG THE NORTH-WEST CORNER OF SAID LOT 2; THENCE ALONG STAND SOUTH LINE OF LOT 1, SB91'3'21'W FOR 6.18 FEET TO THE POINT OF BEGINNING.         CONTAINING 556 SQUARE FEET (0.013 ACRES), MORE OR LESS.         THE DESCRIPTION & SKETCH WAS CREATED WITH THE BENEFIT OF A PREVIOUSLY COMPLETED "SPECIFIC PURPOSE & TOPOGRAPHIC SURVEY PREPARED BY THE UNDERSIDED 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. IS NOT MALD WILESS BOTH ACCOMPANY EACH OTHER. REPRODUCTIONS OF THIS DOCUMENT ARE NOT VALID WITHOUT THE CONIN SIGNATURE AND SEAL, OF A FLORIDA LICENSED SURVEYOR AND MAPPER EMPLOYED BY BROWN & PHILLIPS, INC.         REVISIONS:       E-MGRI: Info@brownphillips.com       OLD DIXE HIGHWAY R/W PARCEL 130 (THIS IS NOT A SURVEY)         RECORDING SURVEY NOTE ADDED ON PG.1       E-MGRI: MORE MAD SEAL, OF A SURVEYOR STATE OF ROAD ASURVEY NOTE ADDED ON PG.1	EXHIBIT A PBC PROJECT NO.2014500				
Interstyle       County       Function       South       Record as follows         PLORIDA DEING A PORTION OF LOTS 1 AND 2, BLOCK 9, OF THE PLAT OF DELRAY MANORS, RECORDED IN PLAT BOOK 10, PAGE 25, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:       BEGIN AT THE SOUTHWEST CORNER OF SAID LOT 1;         THENCE ALONG THE WEST LINE OF SAID LOTS 1 AND 2, AND ALONG THE EAST RIGHT-OF-WAY OF OLD DIXIE HIGHWAY, AS SHOWN ON SAID PLAT, NO744'26'E FOR 91.00 FEET TO THE SOUTH LINE OF SAID LOT 2;       THENCE ALONG THE NORTH WEST CORNER OF SAID LOT 2;         THENCE ALONG THE NORTH LINE OF SAID LOT 2, N8913'21'E FOR 6.19 FEET;       THENCE ALONG SAID SOUTH LINE OF SAID LOT 2, N8913'21'E FOR 6.19 FEET;         THENCE ALONG SAID SOUTH LINE OF LOT 1, S8913'21'W FOR 6.18 FEET TO THE POINT OF BEGINNING.       CONTAINING 556 SQUARE FEET (0.013 ACRES), MORE OR LESS.         THIS LEGAL DESCRIPTION & SKETCH WAS CREATED WITH THE BENEFIT OF A PREVIOUSLY COMPLETED "SPECIFIC PURPOSE & TOPOGRAPHIC SURVEY" REPARED BY THE UNDERSIGNED FLORIDA SURVEYOR & MAPPE DATED JULY 20, 2015, FOR THE PURPOSE OF SUPPORTING THE ROADWAY DESIGN PLANS PREPARED FOR THE PURPOSE OF SUPPORTING THE ROADWAY DESIGN PLANS PREPARED 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 COMPLEX SIGNATURE AND STANK, OR A DIGITALLY VERIFIED THE CHIRAL SIGNATURE AND STANK, OR A DIGITALLY VERIFIED AND AND APPER EMPLOYED BY BROWN & PHILLIPS, INC.       John E PHILLIPS, INC.       John E PHILLIPS, INC PROFESSIONAL SURVEYING SERVICES ARE MAD STANK, OR A DIGITALLY VERIFIED EMPLOYED BY BROWN & PHILLIPS, INC.       DRO	Page 1 of 6				
THENCE ALONG THE WEST LINE OF SAD LOTS 1 AND 2, AND ALONG THE EAST         RIGHT-OF-WAY OF OLD DIXIE HIGHWAY, AS SHOWN ON SAD PLAT, N07'44'26"E         FOR 91:00 FEET TO THE NORTHWEST CORNER OF SAID LOT 2;         THENCE ALONG THE NORTH LINE OF SAID LOT 2,         THENCE ALONG SAD SOUTH LINE OF SAID LOT 1, N89'3'21"E FOR 6.19 FEET;         THENCE ALONG SAD SOUTH LINE OF LOT 1, S89'13'21"W FOR 6.18 FEET TO         THE POINT OF BEGINNING.         CONTAINING 556 SQUARE FEET (0.013 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.         THE LEGAL DESCRIPTION.         THE LORGINAL SIGNATURE AND STAL, OF A FLORIDA LICENSED SURVEYOR         AND MAPPER EMPLOYED BY BROWN & PHILLIPS, INC.         REVISIONS:         B/3/223: SUPPORTING SURVEY NOTE ADDED ON PG.1         VEMISIONS:         B/3/223: SUPPORTING SURVEY NOTE ADDED ON PG.1         E-MOII: Info@brown-phillips.com         RE-MOII: Info@brown-phillips.com         RE	(N.E.1/4), OF SECTION 5, TOWNSHIP 47 SOUTH, RAI FLORIDA, BEING A PORTION OF LOTS 1 AND 2, BLOG RECORDED IN PLAT BOOK 10, PAGE 25, OF THE PU	NGE 43 EAST, PALM BEAC CK 9, OF THE PLAT OF DI BLIC RECORDS OF PALM E	H COUNTY, ELRAY MANORS,		
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B/3/23: SUPPORTING SURVEY NOTE ADDED ON PG.1       STATE OF FLORIDA No. 4826         DATE:       DATE:         COLD DIXIE HIGHWAY       R/W PARCEL 130         R/W PARCEL 130       (THIS IS NOT A SURVEY)         PROFESSIONAL       SURVEYING         SURVEYING       SERVICES         CERTIFICATE OF AUTHORIZATION       # LB 6473         1860       OLD OKEECHOBEE ROAD., SUITE 509,         WEST PALM BEACH, FLORIDA 33409       DATE: 7/14/23	COMPLETE LEGAL DESCRIPTION. THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH ACCO OTHER. REPRODUCTIONS OF THIS DOCUMENT ARE NOT VAL THE ORIGINAL SIGNATURE AND STAMP, OR A DIGITALLY VER ELECTRONIC SIGNATURE AND SEAL, OF A FLORIDA LICENSE AND MAPPER EMPLOYED BY BROWN & PHILLIPS, INC.	MPANY EACH LID MITHOUT RIFIED D SURVEYOR JOHN E. PHI	LLIPS, III		
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 LEGAL DESCRIPTION DATE: 7/14/23		STATE OF F			
PROFESSIONAL       SURVEYING       SERVICES         CERTIFICATE       OF       AUTHORIZATION       # LB       6473         1860       OLD       OKEECHOBEE       ROAD., SUITE       509,         WEST       PALM       BEACH, FLORIDA       33409         VEST       PALM       BEACH, FLORIDA       33409	E-Mail: info@brown-phillips.com	R/W PARCE	EL 130		
CERTIFICATE       OF       AUTHORIZATION       # LB       6473         1860       OLD       OKEECHOBEE       ROAD., SUITE       509,         WEST       PALM       BEACH, FLORIDA       33409         VEST       DESCRIPTION       DATE: 7/14/23	PROFESSIONAL SURVEYING SERVICES	and the second s			
WEST PALM BEACH, FLORIDA 33409	1860 OLD OKEECHOBEE ROAD., SUITE 509.	CHECKED: JEP	SCALE: NONE		
	WEST PALM BEACH, FLORIDA 33409 TELEPHONE (561)-615-3988, 615-3991 FAX	LEGAL DESCRIPTION	DATE: 7/14/23 SHEET 1 OF 3		

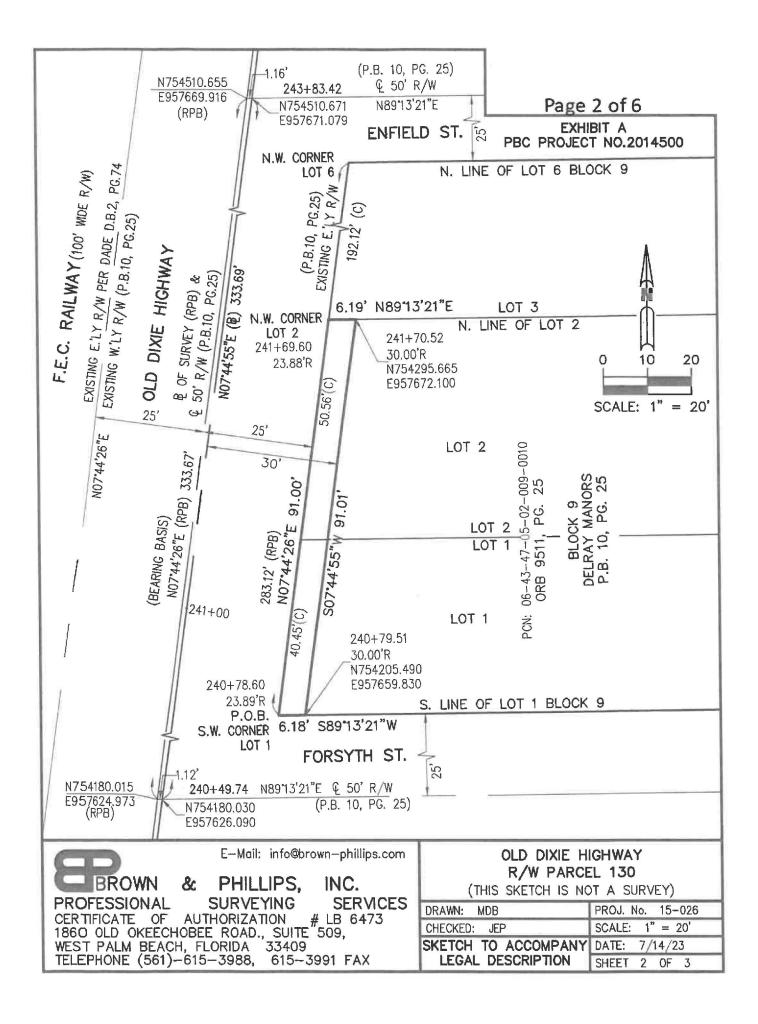


EXHIBIT A PBC PROJECT NO.2014500 Page 3 of 6 NOTES: 1) BASELINE STATIONING IS BASED ON A ROADWAY PLAN FOR OLD DIXIE HIGHWAY, YAMATO ROAD TO LINTON BOULEVARD, PREPARED BY AMERICAN CONSULTING ENGINEERS OF FLORIDA, LLC, PALM BEACH COUNTY PROJECT No.2014-500. 2) STATE PLANE COORDINATES: A. COORDINATES SHOWN ARE GRID F. TRANSVERSE MERCATOR PROJECTION B. DATUM - NAD '83, 1990 ADJUSTMENT G. ALL DISTANCES ARE GROUND, UNLESS NOTED OTHERWISE H. SCALE FACTOR - 1.0000458 I. GROUND DISTANCE X SCALE FACTOR =GRID DISTANCE C. ZONE - FLORIDA EAST D. LINEAR UNIT - US SURVEY FOOT J. ROTATION EQUATION: NONE E. COORDINATE SYSTEM 1983 STATE PLANE 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 RPB 12, PAGES 119 THROUGH 134, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. 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, EXCEPT AS SHOWN ON THIS SKETCH, 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. 'L - LEFT OF CENTERLINE OF CONSTRUCTION 5) ABBREVIATIONS: 'R - RIGHT OF CENTERLINE OF CONSTRUCTION P.B. - PLAT BOOK (P) - PLAT DIMENSION RPB - ROAD PLAT BOOK (C) - CALCULATED DIMENSION ORB - OFFICIAL RECORD BOOK PG. - PG. (RPB) - DIMENSION PER ROAD PLAT BOOK 12, DWG. - DRAWING **PAGE 119** U.E. - UTILITY EASEMENT SEC. - SECTION D.E. - DRAINAGE EASEMENT 5/47/43 - SECTION 5, TOWNSHIP 47 SOUTH, RANGE 43 EAST TCE - TEMPORARY CONSTRUCTION EASEMENT HWY. - HIGHWAY PBC - PALM BEACH COUNTY B - BASELINE PCN - PARCEL CONTROL NUMBER € - CENTERLINE 6) BEARINGS SHOWN ARE CONSISTENT WITH ROAD PLAT BOOK 12, PAGE 119, AND ARE BASED ON NO7'44'26"E (GRID, NAD '83, 1990 ADJUSTMENT) ALONG THE CENTERLINE OF OLD DIXIE HIGHWAY, ACCORDING TO SAID ROAD PLAT BOOK 12, PAGE 119. E-Mail: info@brown-phillips.com OLD DIXIE HIGHWAY R/W PARCEL 130 BROWN 38 PHILLIPS. INC. (THIS IS NOT A SURVEY) SURVEYING SERVICES PROFESSIONAL PROJ. No. 15-026 DRAWN: MDB CERTIFICATE OF AUTHORIZATION # LB 6473 1860 OLD OKEECHOBEE ROAD., SUITE 509, WEST PALM BEACH, FLORIDA 33409 TELEPHONE (561)-615-3988, 615-3991 FAX CHECKED: SCALE: NONE JEP DATE: 7/14/23 DESCRIPTION NOTES SHEET 3 OF 3

EXHIBIT A PBC PROJECT NO.2014500				
Page 4 of 6				
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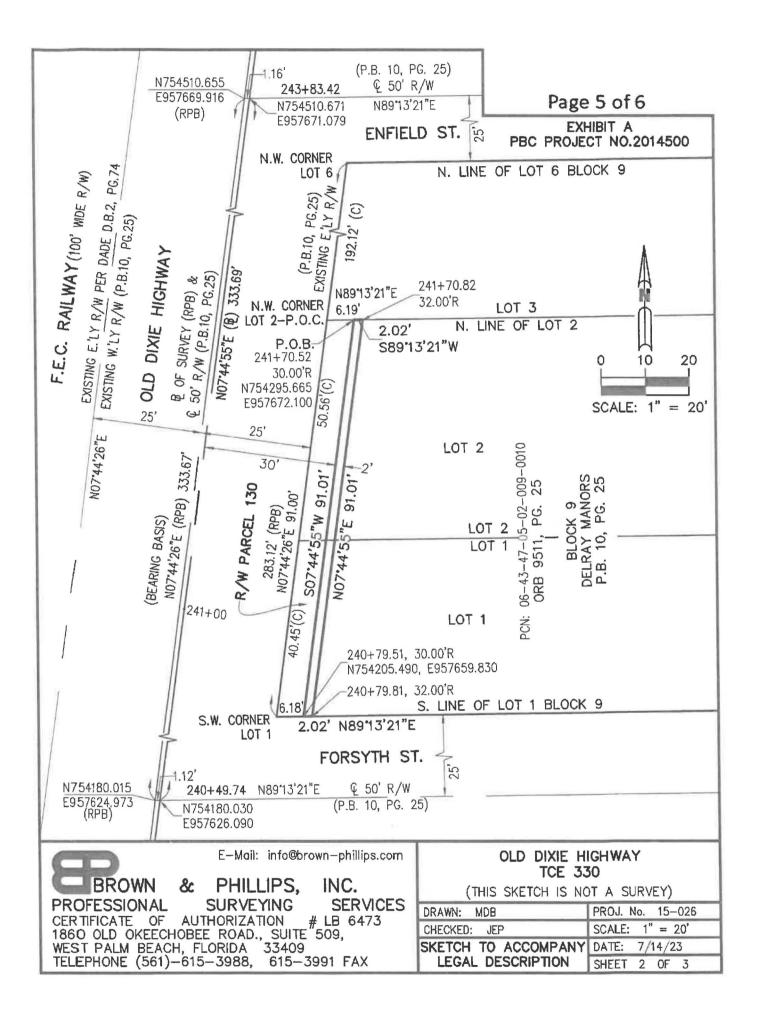


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## OLD DIXIE HIGHWAY, YAMATO ROAD TO SOUTH OF LINTON BOULEVARD, PALM BEACH COUNTY, PROJECT #2014500

# **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. 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 prepared 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) defines this roadway as a route required to meet traffic demand 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 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.

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 130

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. These described works to be performed on Parcel 130 shall not extend beyond the limits outlined in the legal description of said property, as **EXHIBIT A**, attached to the Resolution relating to Parcel 130.

### **ACQUISITION FOR TEMPORARY CONSTRUCTION EASEMENT PARCEL 330**

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 330 shall not extend beyond the limits outlined in the legal description of said property, as **EXHIBIT A**, attached to the Resolution relating to Parcel 330. 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 five (5) years from the date of its acquisition by virtue of the deposit of funds, pursuant to an Order of Taking.

The temporary construction easement Parcel 330 shall be non-exclusive. However, all interests in Parcel 330 shall be subordinate to Palm Beach County's interest in the parcel during the TCE period and all interested holders shall be prohibited from interfering with County's use of Parcel 330.

F:\R\_O\_W\Brent\ROADWAY\2014500 Old Dixie Hwy - Yamato to Linton\PHASE 3\AIS\3-C-(X)\SF 130 & 330.docx

Page 2 of 2

## RESOLUTION NO. R-2025 -\_\_\_\_

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, DECLARING THE ACQUISITION OF FEE SIMPLE RIGHT-OF-WAY DESIGNATED AS <u>PARCEL 131</u>, AND A TEMPORARY CONSTRUCTION EASEMENT DESIGNATED AS <u>PARCEL 331</u>, 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 131 and a temporary construction easement, designated as Parcel 331, respectively, both 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 designated as Parcel 131 and a temporary construction easement designated as Parcel 331; 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 131 and 331, 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 designated as Parcel 131 and a temporary construction easement, designated as Parcel 331, both of which are more fully described in <u>Exhibit "A"</u>, 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 Parcels 131 and 331 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 described in <u>Exhibit</u> <u>"A"</u>, 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 131 and 331, 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 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 <u>Exhibit "A"</u> 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 <u>**Exhibit**</u> "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 to a vote, the vote was as follows:	 and upon being put
Commissioner Maria G. Marino, Mayor	
Commissioner Sara Baxter, Vice Mayor	
Commissioner Gregg K. Weiss	
Commissioner Joel G. Flores	
Commissioner Marci Woodward	
Commissioner Maria Sachs	
Commissioner Bobby Powell Jr.	

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:

Ву:\_\_\_

Assistant County Attorney

Deputy Clerk

APPROVED AS TO TERMS AND CONDITIONS

M

6 MA

**Division Director** 

By:

F:\R\_0\_W\Brent\ROADWAY2014500 Old Dixie Hwy - Yamato to Linton\PHASE 3\AIS\(022425) 3-C-(X)\Resolution 131 331.docx

EXHIBIT A PBC PROJECT NO.2014500			
Page 1 of 6			
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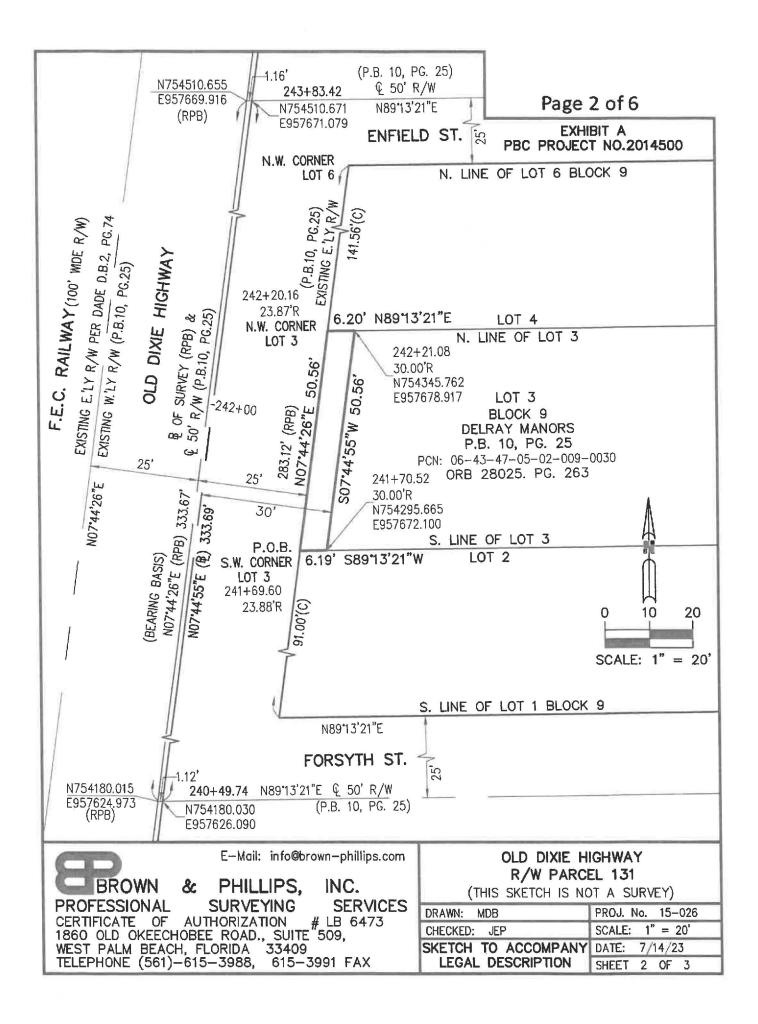


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CERTIFICATE OF AUTHORIZATION # LB 6473 1860 OLD OKEECHOBEE ROAD., SUITE 509,	CHECKED: JEP	SCALE: NONE
WEST PALM BEACH, FLORIDA 33409 TELEPHONE (561)-615-3988, 615-3991 FAX	LEGAL DESCRIPTION	DATE: 7/14/23 SHEET 1 OF 3

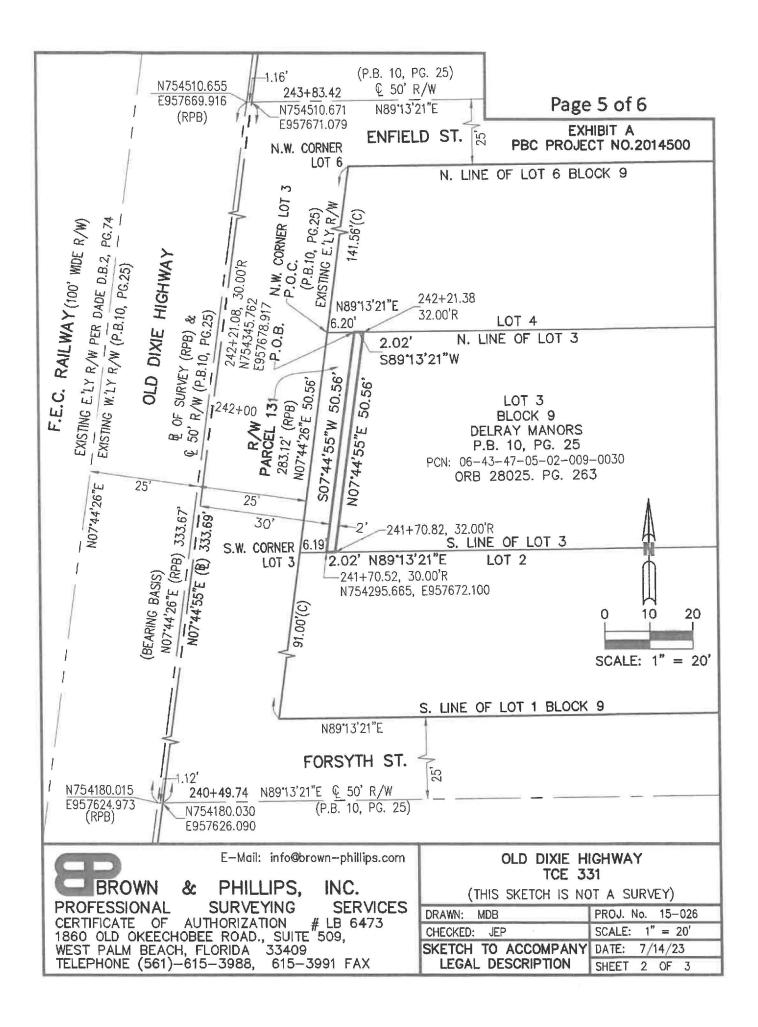


EXHIBIT A PBC PROJECT NO.2014500				
Page 6 of 6				
NOTES: 1) BASELINE STATIONING IS BASED ON A ROADWAY PLAN FOR OLD DIXIE HIGHWAY, YAMATO ROAD TO LINTON BOULEVARD, PREPARED BY AMERICAN CONSULTING ENGINEERS OF FLORIDA, LLC, PALM BEACH COUNTY PROJECT No.2014-500. 2) STATE PLANE COORDINATES:				
A. COORDINATES 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 D. COORDINATE SYSTEM 1983 STATE PLANE				
3) THESE R/W PARCELS OR TCE'S ARE BEING PREPARED IN ACCOR FROM JEFFERY STREET TO NORTH OF THE C-15 CANAL, AS REC OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.	CORDED IN RPB 12, PAGES 119	THROUGH 134,		
SEE SAID MAP FOR A DETAILED EXPLANATION OF THE METHODS	AND PROCEDURES USED IN IT	S 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, EXCEPT AS SHOWN ON THIS SKETCH, 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.				
<ul> <li>5) ABBREVIATIONS:</li> <li>P.B PLAT BOOK</li> <li>RPB - ROAD PLAT BOOK</li> <li>ORB - OFFICIAL RECORD BOOK</li> <li>PG PG.</li> <li>DWG DRAWING</li> <li>SEC SECTION</li> <li>5/47/43 - SECTION 5, TOWNSHIP 47 SOUTH, RANGE 43 EAST</li> <li>HWY HIGHWAY</li> <li>Q - BASELINE</li> <li>Q - CENTERLINE</li> </ul> <ul> <li>ABBREVIATIONS:</li> <li>'L - LEFT OF CENTERLINE OF CONSTRUCTION</li> <li>'R - RIGHT OF CENTERLINE</li> <li>'R - RIGHT OF CENTERLINE</li> <li>'R - RIGHT OF CENTERLINE OF CONSTRUCTION</li> <li>'R - RIGHT OF CENTERLINE</li> <li>'L - UTILITY EASEMENT</li> <li>'R - DEALM BEACH COUNTY</li> <li>'R - RIGHT OF CENTERLINE</li> </ul>				
6) BEARINGS SHOWN ARE CONSISTENT WITH ROAD PLAT BOOK 12, PAGE 119, AND ARE BASED ON NO7'44'26"E (GRID, NAD '83, 1990 ADJUSTMENT) ALONG THE CENTERLINE OF OLD DIXIE HIGHWAY, ACCORDING TO SAID ROAD PLAT BOOK 12, PAGE 119.				
E-Mail: info@brown-phillips.com	OLD DIXIE H TCE 3	Con all and and an and an and a second		
BROWN & PHILLIPS, INC.	(THIS IS NOT A			
PROFESSIONAL SURVEYING SERVICES CERTIFICATE OF AUTHORIZATION # LB 6473	DRAWN: MDB	PROJ. No. 15-026		
1860 OLD OKEECHOBEE ROAD., SUITE 509,	CHECKED: JEP	SCALE: NONE		
WEST PALM BEACH, FLORIDA 33409 TELEPHONE (561)-615-3988, 615-3991 FAX	DESCRIPTION NOTES	DATE: 7/14/23 SHEET 3 OF 3		

## 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. 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 prepared 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) defines this roadway as a route required to meet traffic demand 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 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.

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 131

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. These described works to be performed on Parcel 131 shall not extend beyond the limits outlined in the legal description of said property, as EXHIBIT A, attached to the Resolution relating to Parcel 131.

## ACQUISITION FOR TEMPORARY CONSTRUCTION EASEMENT PARCEL 331

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 331 shall not extend beyond the limits outlined in the legal description of said property, as **EXHIBIT A**, attached to the Resolution relating to Parcel 331. 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 five (5) years from the date of its acquisition by virtue of the deposit of funds, pursuant to an Order of Taking.

The temporary construction easement Parcel 331 shall be non-exclusive. However, all interests in Parcel 331 shall be subordinate to Palm Beach County's interest in the parcel during the TCE period and all interested holders shall be prohibited from interfering with County's use of Parcel 331.

F:\R\_O\_W\Brent\ROADWAY\2014500 Old Dixie Hwy - Yamato to Linton\PHASE 3\AIS\3-C-(X)\SF 131 & 331.docx

# RESOLUTION NO. R-2025 -\_\_\_\_

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, DECLARING THE ACQUISITION OF FEE SIMPLE RIGHT-OF-WAY DESIGNATED AS <u>PARCEL 132</u>, AND A TEMPORARY CONSTRUCTION EASEMENT DESIGNATED AS <u>PARCEL 332</u>, 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 132 and a temporary construction easement, designated as Parcel 332, respectively, both 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 designated as Parcel 132 and a temporary construction easement designated as Parcel 332; 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 132 and 332, 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 designated as Parcel 132 and a temporary construction easement, designated as Parcel 332, both of which are more fully described in <u>Exhibit "A"</u>, 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 Parcels 132 and 332 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 described in <u>Exhibit</u> <u>"A"</u>, 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 132 and 332, 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 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 <u>Exhibit "A"</u>, 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 Maria G. Marino, Mayor		
Commissioner Sara Baxter, Vice Mayor		
ý <b>v</b>		
Commissioner Gregg K. Weiss		
Commissioner Joel G. Flores		
Commissioner Merci Weedward		
Commissioner Marci Woodward		
Commissioner Maria Sachs	· · · · · · · · · · · · · · · · · · ·	
Commissioner Bobby Powell Jr.		
The Mayor thereupon declared the Resolution duly p	bassed 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: \_

By:

Kof

By: \_

Assistant County Attorney

Deputy Clerk

APPROVED AS TO TERMS AND CONDITIONS

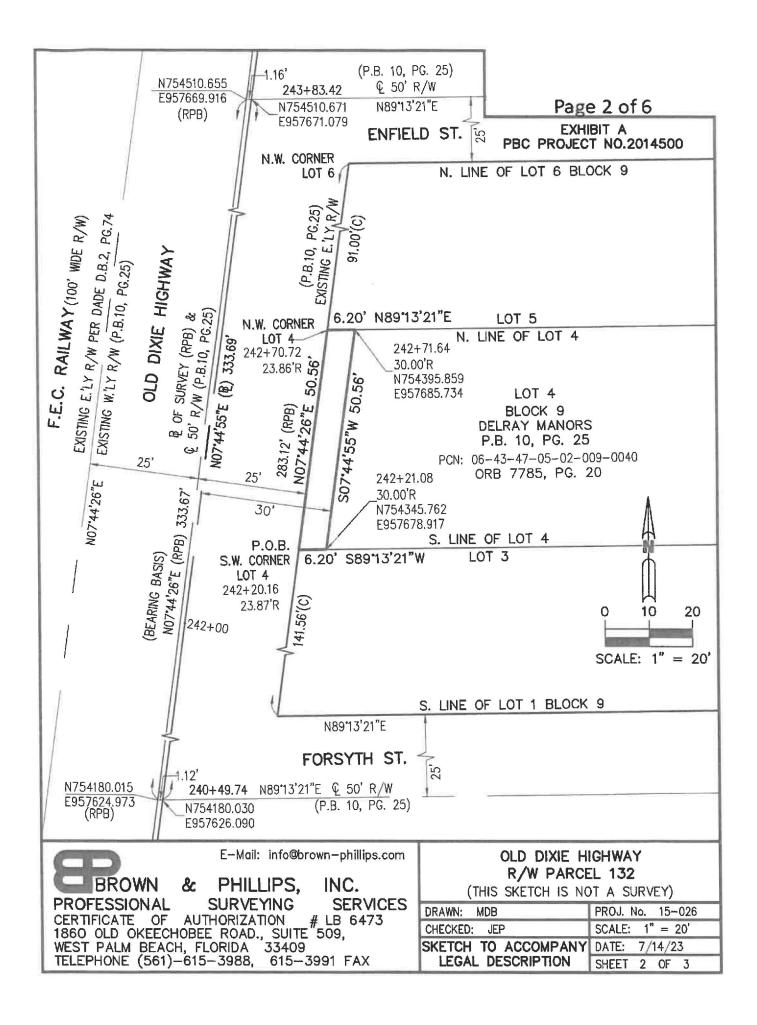
**Division Director** 

ros MM

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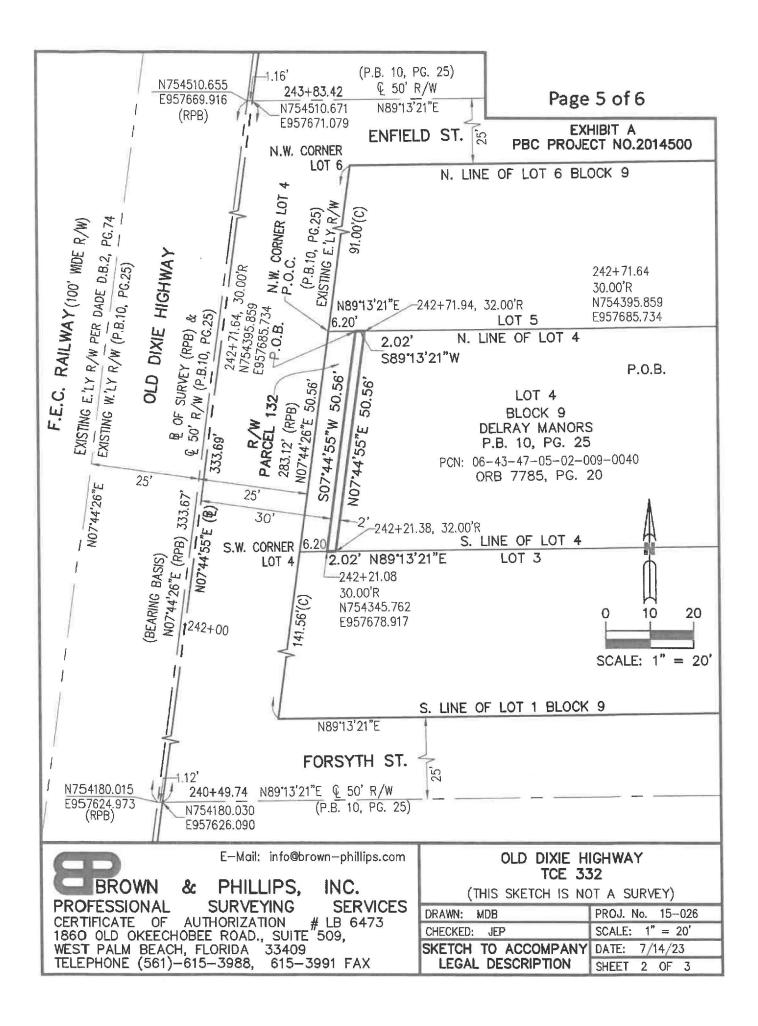
il

EXHIBIT A PBC PROJECT NO.2014500 Page 1 of 6 A PARCEL OF LAND FOR ROAD RIGHT-OF-WAY PURPOSES IN THE NORTHEAST QUARTER (N.E.1/4), OF SECTION 5, TOWNSHIP 47 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF LOT 4, BLOCK 9, OF THE PLAT OF DELRAY MANORS, RECORDED IN PLAT BOOK 10, PAGE 25, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE SOUTHWEST CORNER OF SAID LOT 4; THENCE ALONG THE WEST LINE OF SAID LOT 4, AND ALONG THE EAST RIGHT-OF-WAY OF OLD DIXIE HIGHWAY, AS SHOWN ON SAID PLAT, NO7'44'26"E FOR 50.56 FEET TO THE NORTHWEST CORNER OF SAID LOT 4; THENCE ALONG THE NORTH LINE OF SAID LOT 4, N8913'21"E FOR 6.20 FEET; THENCE S07 44'55"W FOR 50.56 FEET TO THE SOUTH LINE OF SAID LOT 4; THENCE ALONG SAID SOUTH LINE OF LOT 4, S89"13'21"W FOR 6.20 FEET TO THE POINT OF BEGINNING. CONTAINING 310 SQUARE FEET (0.007 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 John E Phillips Phillips Date: 2023.08.11 17:08:19 -04'00' AND MAPPER EMPLOYED BY BROWN & PHILLIPS, INC. JOHN E. PHILLIPS, III PROFESSIONAL LAND SURVEYOR **REVISIONS:** STATE OF FLORIDA No. 4826 DATE: 8/3/23: SUPPORTING SURVEY NOTE ADDED ON PG.1 E-Mail: info@brown-phillips.com OLD DIXIE HIGHWAY R/W PARCEL 132 BROWN PHILLIPS, INC. 38 (THIS IS NOT A SURVEY) SURVEYING SERVICES PROFESSIONAL DRAWN: PROJ. No. 15-026 MDB CERTIFICATE OF AUTHORIZATION # LB 6473 1860 OLD OKEECHOBEE ROAD., SUITE 509, WEST PALM BEACH, FLORIDA 33409 TELEPHONE (561)-615-3988, 615-3991 FAX SCALE:NONEDATE:7/14/23SHEET1OF3 CHECKED: JEP LEGAL DESCRIPTION



Page 3 of 6         NOTES:         1) BASELINE STATIONING IS BASED ON A ROADWAY PLAN FOR OLD DIXE HIGHWAY, YANATO ROAD TO LUTKON PREARED BY AURGEAN CONSULTING ENGINEERS OF FLORIDA, LLC, PALM BEACH COUNTY PROJECT No.2014–500.         2) STATE PLANE CORDINATES:         3) ADTUM - VAD '83, 1990 ADJUSTENT E. COORDINATES SHOWN ARE GRD D. LINEAR UNIT - US SURVEY FOOT I. GONNO DISTANCE X SCALE FACTOR - LODOGASB         2. 2016 - FLORIDA EAST C. 2016 - FLORIDA EAST D. LINEAR UNIT - US SURVEY FOOT I. GONNO DISTANCE X SCALE FACTOR - LODOGASB         3) THESE R/W PARCELS OR TCE'S ARE BEING PREPARED IN ACCORDANCE WITH THE R/W MAP FOR OLD DIXLE HIGHWAY FROM LETERY STREET TO NORTH OF THE C-15 CANAL, AS RECORDED IN RPB 12, PAGES 119 THROUGH 134, OF THE PUBLIC RECORDS OF FALM BEACH COUNTY, FLORIDA.         SEE SJD 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 ORVIDE, VECENT AS SHOWN ON THIS SKITCH, AND THAT ALL ENCUMBRANCES THAT AFFECT THE PROPERTY ARE SHOWN OR ORDED HEEDON.         10 SARCH OF THE VEBLIC RECORDS ANS BEEN PERFORMED BY THIS OFFICE.         11 IS PROSEL HAT THERE ARE DEEDS OF RECORD, UNRECORDED DEDUS, EASEMENTS, RESTRICTIONS OR OTHER INSTRUMENTS WHICH COULD AFFECT THE SUBJECT PROPERTY WHICH ARE UNKNOWN TO THE SKINNE SURVEYOR AND ARE ONSISTENT WITH ROAD PLAT BEOK (2) - CALCULATED DIMENSION (2) - CALCULATED DIMENSION NO SEARCH OF THE PUBLIC RECORDS HAS BEEN PERFORMED BY THIS OFFICE.         11 IS PROSEL HAT THERE ARE DEEDS OF RECORD, UNRECORDED DEDUS, EASEMENTS, RESTRICTIONS OR OTHER INSTRUMENTS WHICH COULD AFFECT THE SUBJECT PROPERTY WHICH ARE UNKNOWN TO THE SCANI	EXHIBIT A PBC PROJECT NO.2014500				
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ROFESSIONAL       SURVEYING       SERVICES         CERTIFICATE       OF       AUTHORIZATION       # LB       6473         1860       OLD       OKEECHOBEE       ROAD., SUITE       509,         WEST       PALM       BEACH,       FLORIDA       33409         DESCRIPTION       NOTES       DATE:       7/14/23	N07'44'26"E (GRID, NAD '83, 1990 ADJUSTMENT) ALONG THE CENTERLINE OF OLD DIXIE HIGHWAY,				
CERTIFICATEOFAUTHORIZATION# LB6473DRAWN:MDBPROJ. NO.13-0261860OLDOKEECHOBEEROAD.,SUITE509,CHECKED:JEPSCALE:NONEWESTPALMBEACH,FLORIDA33409DESCRIPTIONNOTESDATE:7/14/23	BROWN & PHILLIPS, INC.	R/W PARCEL 132			
1860 OLD OKEECHOBEE ROAD., SUITE 509,       CHECKED: JEP       SCALE: NONE         WEST PALM BEACH, FLORIDA 33409       DESCRIPTION NOTES       DATE: 7/14/23		DRAWN: MDB	PROJ. No. 15-026		
WEST PALM BEACH, FLORIDA 33409 DESCRIPTION NOTES DATE: 7/14/23	1860 OLD OKEECHOBEE ROAD., SUITE 509,	CHECKED: JEP			
	WEST PALM BEACH, FLORIDA 33409	DESCRIPTION NOT			

EXHIBIT A PBC PROJECT NO.2014500 Page 4 of 6 A PARCEL OF LAND FOR TEMPORARY CONSTRUCTION EASEMENT PURPOSES IN THE NORTHEAST QUARTER (N.E.1/4), OF SECTION 5, TOWNSHIP 47 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, LYING IN LOT 4, BLOCK 9, OF THE PLAT OF DELRAY MANORS, RECORDED IN PLAT BOOK 10, PAGE 25, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF SAID LOT 4; THENCE ALONG THE NORTH LINE OF SAID LOT 4, N89"3'21"E FOR 6.20 FEET TO THE POINT OF BEGINNING; THENCE S07'44'55"W FOR 50.56 FEET TO THE SOUTH LINE OF SAID LOT 4; THENCE ALONG SAID SOUTH LINE OF LOT 4, N8913'21"E FOR 2.02 FEET; THENCE N07'44'55"E FOR 50.56 FEET TO THE NORTH LINE OF SAID LOT 4; THENCE ALONG SAID NORTH LINE OF LOT 4, S89"13'21"W FOR 2.02 FEET TO THE POINT OF BEGINNING. CONTAINING 101 SQUARE FEET (0.002 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. John E Phillips Date: 2023.08.23 10:32:31 -04'00' JOHN E. PHILLIPS, III PROFESSIONAL LAND SURVEYOR **REVISIONS:** STATE OF FLORIDA No. 4826 8/17/23: PBC 8/14/23 COMMENTS DATE: 8/3/23: SUPPORTING SURVEY NOTE ADDED ON PG.1 OLD DIXIE HIGHWAY TCE 332 E-Mail: info@brown-phillips.com BROWN 38 PHILLIPS. INC. (THIS IS NOT A SURVEY) PROFESSIONAL SURVEYING SERVICES PROJ. No. 15-026 CERTIFICATE OF AUTHORIZATION # LB 6473 1860 OLD OKEECHOBEE ROAD., SUITE 509, WEST PALM BEACH, FLORIDA 33409 TELEPHONE (561)-615-3988, 615-3991 FAX DRAWN: MDB CHECKED: JEP SCALE: NONE DATE: 7/14/23 LEGAL DESCRIPTION SHEET 1 OF 3



FXHIBIT A PBC PROJECT NO.2014500 Page 6 of 6 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 I. GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE D. LINEAR UNIT - US SURVEY FOOT J. ROTATION EQUATION: NONE E. COORDINATE SYSTEM 1983 STATE PLANE 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 RPB 12, PAGES 119 THROUGH 134, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. 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, EXCEPT AS SHOWN ON THIS SKETCH, 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. 'L - LEFT OF CENTERLINE OF CONSTRUCTION 5) ABBREVIATIONS: P.B. - PLAT BOOK 'R - RIGHT OF CENTERLINE OF CONSTRUCTION RPB - ROAD PLAT BOOK (P) - PLAT DIMENSION (C) - CALCULATED DIMENSION ORB - OFFICIAL RECORD BOOK PG. – PG. (RPB) - DIMENSION PER ROAD PLAT BOOK 12, DWG. - DRAWING **PAGE 119** SEC. - SECTION U.E. - UTILITY EASEMENT D.E. - DRAINAGE EASEMENT 5/47/43 - SECTION 5, TOWNSHIP 47 SOUTH, RANGE 43 EAST TCE - TEMPORARY CONSTRUCTION EASEMENT HWY. - HIGHWAY PBC - PALM BEACH COUNTY B - BASELINEPCN - PARCEL CONTROL NUMBER € - CENTERLINE 6) BEARINGS SHOWN ARE CONSISTENT WITH ROAD PLAT BOOK 12, PAGE 119, AND ARE BASED ON N07'44'26"E (GRID, NAD '83, 1990 ADJUSTMENT) ALONG THE CENTERLINE OF OLD DIXIE HIGHWAY, ACCORDING TO SAID ROAD PLAT BOOK 12, PAGE 119. E-Mail: info@brown-phillips.com OLD DIXIE HIGHWAY TCE 332 BROWN INC. & PHILLIPS, (THIS IS NOT A SURVEY) PROFESSIONAL SURVEYING SERVICES PROJ. No. 15-026 DRAWN: MDB CERTIFICATE OF AUTHORIZATION # LB 1860 OLD OKEECHOBEE ROAD., SUITE 509, WEST PALM BEACH, FLORIDA 33409 TELEPHONE (561)-615-3988, 615-3991 # LB 6473 SCALE: NONE CHECKED: JEP DATE: 7/14/23 DESCRIPTION NOTES 615-3991 FAX SHEET 3 OF

## 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. 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 prepared 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) defines this roadway as a route required to meet traffic demand 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 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.

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 132**

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. These described works to be performed on Parcel 132 shall not extend beyond the limits outlined in the legal description of said property, as EXHIBIT A, attached to the Resolution relating to Parcel 132.

## **ACQUISITION FOR TEMPORARY CONSTRUCTION EASEMENT PARCEL 332**

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 332 shall not extend beyond the limits outlined in the legal description of said property, as **EXHIBIT A**, attached to the Resolution relating to Parcel 332. 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 five (5) years from the date of its acquisition by virtue of the deposit of funds, pursuant to an Order of Taking.

The temporary construction easement Parcel 332 shall be non-exclusive. However, all interests in Parcel 332 shall be subordinate to Palm Beach County's interest in the parcel during the TCE period and all interested holders shall be prohibited from interfering with County's use of Parcel 332.

## RESOLUTION NO. R-2025 -\_\_\_\_

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, DECLARING THE ACQUISITION OF FEE SIMPLE RIGHT-OF-WAY DESIGNATED AS <u>PARCEL 133</u> AND A TEMPORARY CONSTRUCTION EASEMENT DESIGNATED AS <u>PARCEL 333</u>, 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 133 and a temporary construction easement, designated as Parcel 333, respectively, both 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 designated as Parcel 133 and a temporary construction easement designated as Parcel 333; 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 133 and 333, 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 designated as Parcel 133 and a temporary construction easement, designated as Parcel 333, both of which are more fully described in <u>Exhibit "A"</u>, 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 Parcels 133 and 333 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 described in <u>Exhibit</u> <u>"A"</u>, 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 133 and 333, 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 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 to a vote, the vote was as follows:	and upon being put
Commissioner Maria G. Marino, Mayor	
Commissioner Sara Baxter, Vice Mayor	
Commissioner Gregg K. Weiss	
Commissioner Joel G. Flores	
Commissioner Marci Woodward	
Commissioner Maria Sachs	
Commissioner Bobby Powell Jr.	

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

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 July MA F:R\_0\_WBrentROADWAY2014500 Old Dixie Hwy - Yamato to Linten/PHASE 3VAIS(022425) 3-C-(X)/Resolution 133 333.docx

EXHIBIT A PBC PROJECT NO.2014500 Page 1 of 6 A PARCEL OF LAND FOR ROAD RIGHT-OF-WAY PURPOSES IN THE NORTHEAST QUARTER (N.E.1/4), OF SECTION 5, TOWNSHIP 47 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF LOTS 5 AND 6, BLOCK 9, OF THE PLAT OF DELRAY MANORS, RECORDED IN PLAT BOOK 10, PAGE 25, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE SOUTHWEST CORNER OF SAID LOT 5; THENCE ALONG THE WEST LINE OF SAID LOTS 5 AND 6, AND ALONG THE EAST RIGHT-OF-WAY OF OLD DIXIE HIGHWAY, AS SHOWN ON SAID PLAT, NO7'44'26"E FOR 91.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 6; THENCE ALONG THE NORTH LINE OF SAID LOT 6, N89"13'21"E FOR 6.22 FEET; THENCE S07'44'55"W FOR 91.00 FEET TO THE SOUTH LINE OF SAID LOT 5; THENCE ALONG SAID SOUTH LINE OF LOT 5. S89"13'21"W FOR 6.20 FEET TO THE POINT OF BEGINNING. CONTAINING 559 SQUARE FEET (0.013 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. John E Phillips Digitally signed by John E Phillips Date: 2023.08.11 17:09:04 -04'00' JOHN E. PHILLIPS, III PROFESSIONAL LAND SURVEYOR **REVISIONS:** STATE OF FLORIDA No. 4826 DATE: 8/3/23: SUPPORTING SURVEY NOTE ADDED ON PG.1 E-Mail: info@brown-phillips.com OLD DIXIE HIGHWAY R/W PARCEL 133 BROWN PHILLIPS, 28 INC. (THIS IS NOT A SURVEY) 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 DRAWN: MDB PROJ. No. 15-026 CHECKED: SCALE: NONE JEP DATE: 7/14/23 LEGAL DESCRIPTION SHEET 1 OF 3

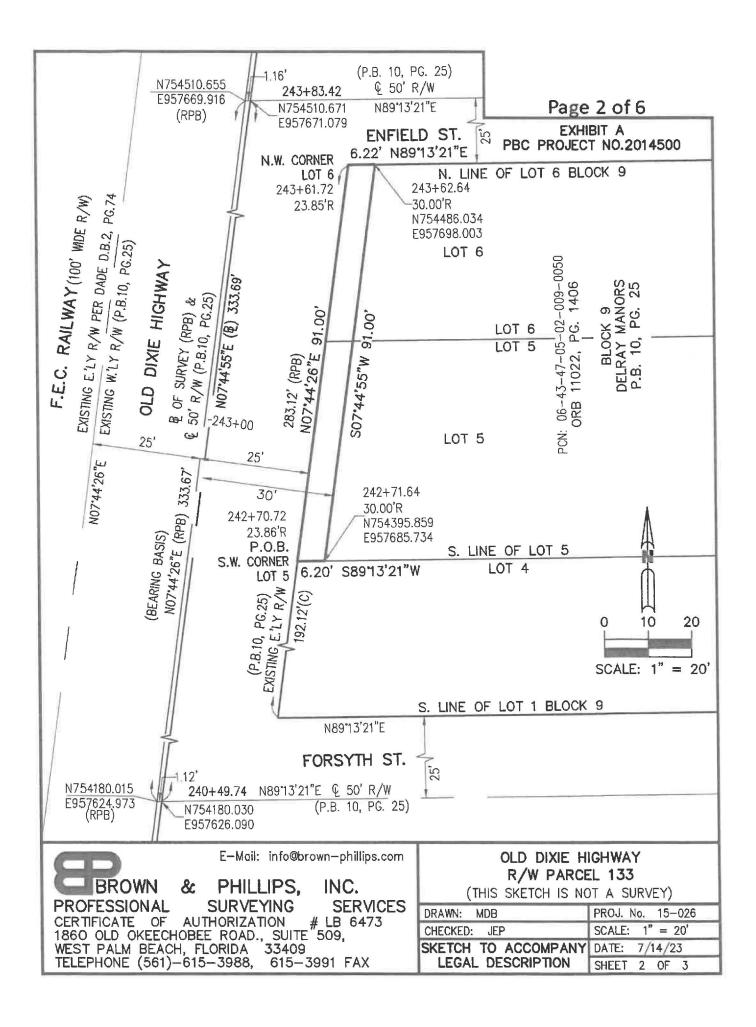


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E-Mail: info@brown-phillips.com BROWN & PHILLIPS, INC.	OLD DIXIE H R/W PARCE (THIS IS NOT A	EL 133
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8/17/23: PBC 8/14/23 COMMENTS 8/3/23: SUPPORTING SURVEY NOTE ADDED ON PG.1		DATE:	LORIDA NO. 4626
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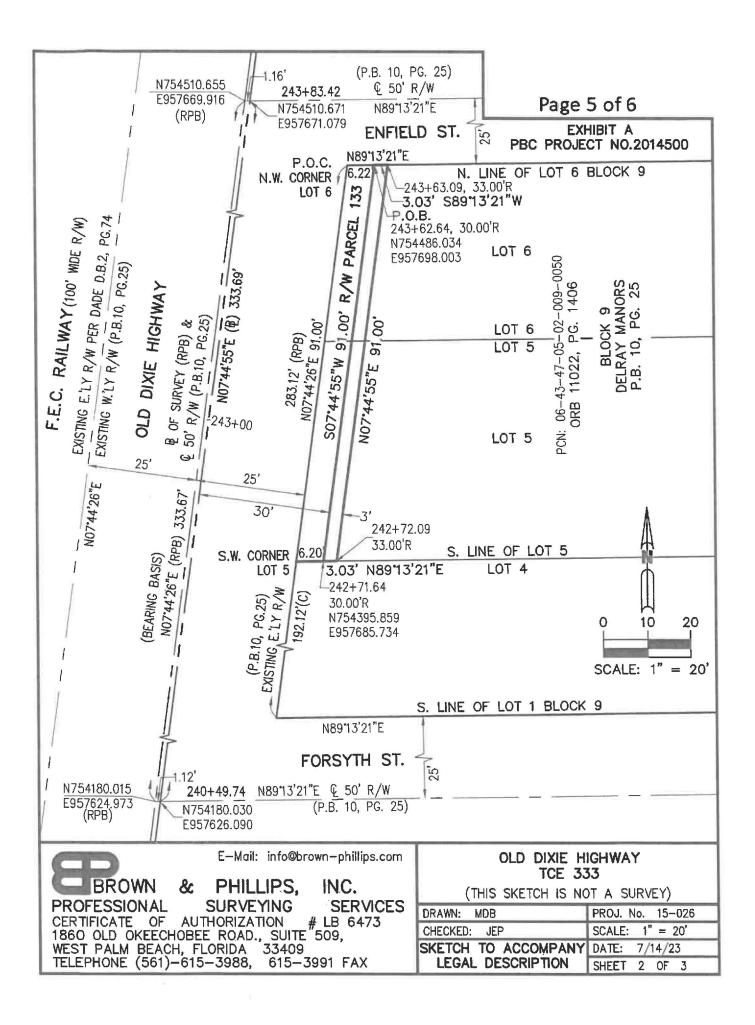


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TELEFTONE (JUL)-010-3800, 010-3881 FAX		SHEET 3 OF 3

## 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. 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 prepared 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) defines this roadway as a route required to meet traffic demand 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 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.

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 133

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. These described works to be performed on Parcel 133 shall not extend beyond the limits outlined in the legal description of said property, as EXHIBIT A, attached to the Resolution relating to Parcel 133.

### **ACQUISITION FOR TEMPORARY CONSTRUCTION EASEMENT PARCEL 333**

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 333 shall not extend beyond the limits outlined in the legal description of said property, as **EXHIBIT A**, attached to the Resolution relating to Parcel 333. 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 five (5) years from the date of its acquisition by virtue of the deposit of funds, pursuant to an Order of Taking.

The temporary construction easement Parcel 333 shall be non-exclusive. However, all interests in Parcel 333 shall be subordinate to Palm Beach County's interest in the parcel during the TCE period and all interested holders shall be prohibited from interfering with County's use of Parcel 333.

# RESOLUTION NO. R-2025 -\_\_\_\_

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, DECLARING THE ACQUISITION OF FEE SIMPLE RIGHT-OF-WAY DESIGNATED AS <u>PARCEL 134</u>, AND A TEMPORARY CONSTRUCTION EASEMENT DESIGNATED AS <u>PARCEL 334</u>, 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 134 and a temporary construction easement, designated as Parcel 334, respectively, both 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 designated as Parcel 134 and a temporary construction easement designated as Parcel 334; 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 134 and 334, 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 designated as Parcel 134 and a temporary construction easement, designated as Parcel 334, both of which are 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 Parcels 134 and 334 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 described in <u>Exhibit</u> <u>"A"</u>, 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 134 and 334, 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 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 <u>**Exhibit**</u> "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.

its adoption. The motion was seconded by Commissioner to a vote, the vote was as follows:		and upon being put
Commissioner Maria G. Marino, Mayor		
Commissioner Sara Baxter, Vice Mayor		
Commissioner Gregg K. Weiss		
Commissioner Joel G. Flores		
Commissioner Marci Woodward	·	
Commissioner Maria Sachs		
Commissioner Bobby Powell Jr.		

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

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 Au By: **Division Director** MA Tes

F:R\_O\_W\BrentROADWAY\2014500 Old Dixie Hwy - Yamato to Linton\PHASE 3\AlS\(022425) 3-C-(X)\Resolution 134 334.docx

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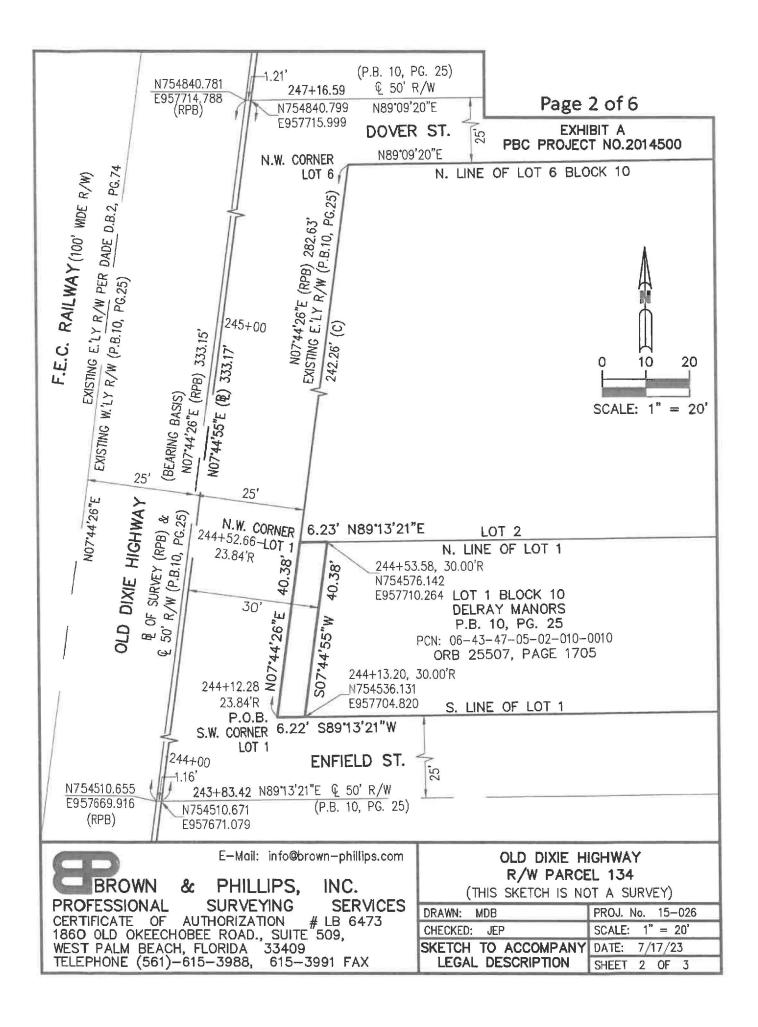


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PROFESSIONAL SURVEYING SERVICES CERTIFICATE OF AUTHORIZATION # LB 6473	DRAWN: MDB	PROJ. No. 15-026	
1860 OLD OKEECHOBEE ROAD., SUITE <sup>®</sup> 509, WEST PALM BEACH, FLORIDA 33409	CHECKED: JEP	SCALE: NONE DATE: 7/17/23	
TELEPHONE (561)-615-3988, 615-3991 FAX	DESCRIPTION NOTES	SHEET 3 OF 3	

EXHIBIT A PBC PROJECT NO.2014500 Page 4 of 6 A PARCEL OF LAND FOR TEMPORARY CONSTRUCTION EASEMENT PURPOSES IN THE NORTHEAST QUARTER (N.E.1/4), OF SECTION 5, TOWNSHIP 47 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, LYING IN LOT 1, BLOCK 10, OF THE PLAT OF DELRAY MANORS, RECORDED IN PLAT BOOK 10, PAGE 25, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF SAID LOT 1; THENCE ALONG THE NORTH LINE OF SAID LOT 1, N89'13'21"E FOR 6.23 FEET TO THE POINT OF BEGINNING. THENCE S07'44'55"W FOR 40.38 FEET TO THE SOUTH LINE OF SAID LOT 1; THENCE ALONG SAID SOUTH LINE OF LOT 1, N89"3'21"E FOR 5.06 FEET; THENCE NO7'44'55"E FOR 40.38 FEET TO THE SAID NORTH LINE OF LOT 1; THENCE ALONG SAID NORTH LINE OF LOT 1, S89"13'21"W FOR 5.06 FEET TO THE POINT OF BEGINNING. CONTAINING 202 SQUARE FEET (0.005 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 John E Phillips Digitally signed by John E Phillips Date: 2023.08.11 17:35:28-04'00' AND MAPPER EMPLOYED BY BROWN & PHILLIPS, INC. JOHN E. PHILLIPS, III PROFESSIONAL LAND SURVEYOR REVISIONS: STATE OF FLORIDA No. 4826 DATE: 8/3/23: SUPPORTING SURVEY NOTE ADDED ON PG.1 E-Mail: info@brown-phillips.com OLD DIXIE HIGHWAY **TCE 334** PHILLIPS, BROWN \$ INC. (THIS IS NOT A SURVEY) SURVEYING PROFESSIONAL SERVICES VERTIFICATE OF AUTHORIZATION # LB 6473 1860 OLD OKEECHOBEE ROAD., SUITE 509, WEST PALM BEACH, FLORIDA 33409 TELEPHONE (561)-615-3988, 615-3991 FAX DRAWN: MDB PROJ. No. 15-026 CHECKED: JEP SCALE: NONE DATE: 7/17/23 LEGAL DESCRIPTION SHEET 1 OF 3

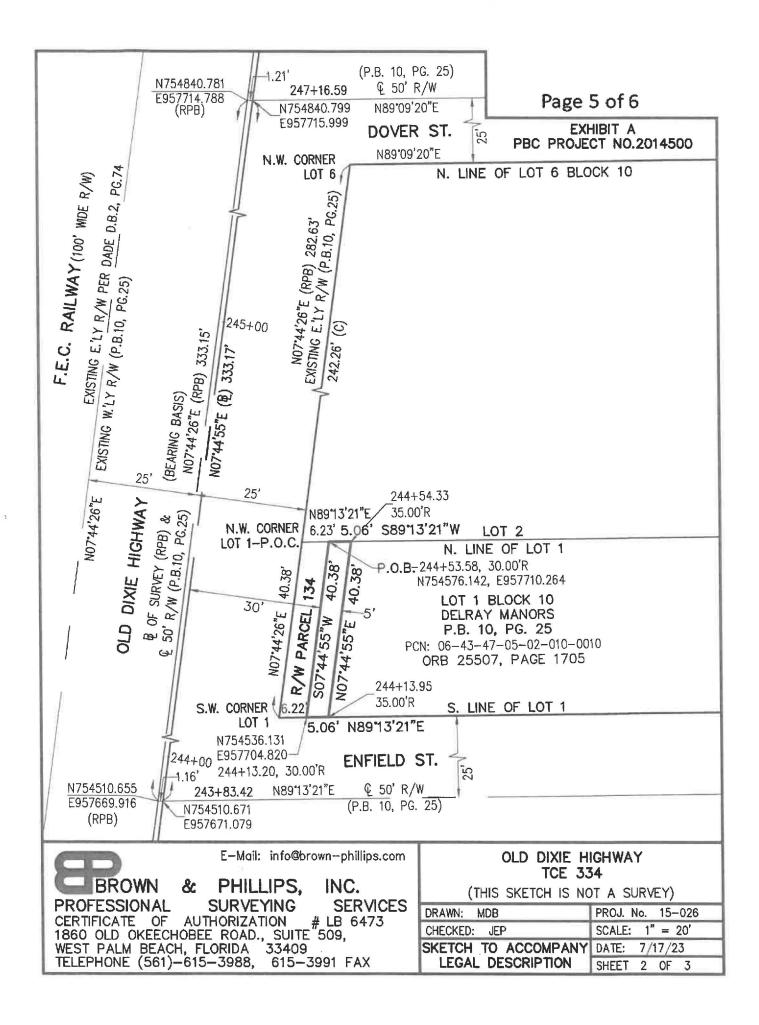


EXHIBIT A PBC PROJECT NO.2014500			
Page 6 of 6			
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E-Mail: info@brown-phillips.com	OLD DIXIE H TCE 33		
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PROFESSIONAL SURVEYING SERVICES CERTIFICATE OF AUTHORIZATION # LB 6473	DRAWN: MDB	PROJ. No. 15-026	
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# 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. 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 prepared 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).

## <u>COST</u>

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) defines this roadway as a route required to meet traffic demand 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 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.

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 134**

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. These described works to be performed on Parcel 134 shall not extend beyond the limits outlined in the legal description of said property, as EXHIBIT A, attached to the Resolution relating to Parcel 134

# **ACQUISITION FOR TEMPORARY CONSTRUCTION EASEMENT PARCEL 334**

This Temporary Construction Easement is needed for access and all related construction activities reasonably required for sloping, tying, grading, and to harmonize the road construction with the adjacent property. These described works to be performed on Parcel 334 shall not extend beyond the limits outlined in the legal description of said property, as **EXHIBIT A**, attached to the Resolution relating to Parcel 334. 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 five (5) years from the date of its acquisition by virtue of the deposit of funds, pursuant to an Order of Taking.

The temporary construction easement Parcel 334 shall be non-exclusive. However, all interests in Parcel 334 shall be subordinate to Palm Beach County's interest in the parcel during the TCE period and all interested holders shall be prohibited from interfering with County's use of Parcel 334.

## RESOLUTION NO. R-2025 -\_\_\_\_

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, DECLARING THE ACQUISITION OF FEE SIMPLE RIGHT-OF-WAY DESIGNATED AS <u>PARCEL 135</u>, AND A TEMPORARY CONSTRUCTION EASEMENT DESIGNATED AS <u>PARCEL 335</u>, 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 135 and a temporary construction easement, designated as Parcel 335, respectively, both 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 designated as Parcel 135 and a temporary construction easement designated as Parcel 335; 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 135 and 335, 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 designated as Parcel 135 and a temporary construction easement, designated as Parcel 335, both of which are more fully described in <u>Exhibit "A"</u>, 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 Parcels 135 and 335 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 described in <u>Exhibit</u> <u>"A"</u>, 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 135 and 335, 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 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 its adoption. The motion was seconded by Commissioner to a vote, the vote was as follows:	 who moved and upon being put
Commissioner Maria G. Marino, Mayor	
Commissioner Sara Baxter, Vice Mayor	
Commissioner Gregg K. Weiss	
Commissioner Joel G. Flores	
Commissioner Marci Woodward	
Commissioner Maria Sachs	
Commissioner Bobby Powell Jr.	

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: \_

By: \_\_\_\_

Assistant County Attorney

. ...

Deputy Clerk

APPROVED AS TO TERMS AND CONDITIONS

suig By: Division Director 18

ROADWAY2014500 Old Dixie Hwy - Yamato to Linton/PHASE 3\AIS(022425) 3-C-(X)\Resolution 135 335.docx

Ave

EXHIBIT A PBC PROJECT NO.2014500 Page 1 of 6 A PARCEL OF LAND FOR ROAD RIGHT-OF-WAY PURPOSES IN THE NORTHEAST QUARTER (N.E.1/4), OF SECTION 5, TOWNSHIP 47 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF LOT 2, BLOCK 10, OF THE PLAT OF DELRAY MANORS, RECORDED IN PLAT BOOK 10, PAGE 25, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE SOUTHWEST CORNER OF SAID LOT 2; THENCE ALONG THE WEST LINE OF SAID LOT 2, AND ALONG THE EAST RIGHT-OF-WAY OF OLD DIXIE HIGHWAY, AS SHOWN ON SAID PLAT, NO7'44'26"E FOR 50.47 FEET TO THE NORTHWEST CORNER OF SAID LOT 2; THENCE ALONG THE NORTH LINE OF SAID LOT 2, N89"13'21"E FOR 6.24 FEET; THENCE S07"44'55"W FOR 50.47 FEET TO THE SOUTH LINE OF SAID LOT 2; THENCE ALONG SAID SOUTH LINE OF LOT 2, S89"13'21"W FOR 6.23 FEET TO THE POINT OF BEGINNING. CONTAINING 311 SQUARE FEET (0.007 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. John E Phillips Digitally signed by John E Phillips Date: 2023.08.11 17:10:43 -04'00' JOHN E. PHILLIPS, III PROFESSIONAL LAND SURVEYOR **REVISIONS:** STATE OF FLORIDA No. 4826 DATE: 8/3/23: SUPPORTING SURVEY NOTE ADDED ON PG.1 E-Mail: info@brown-phillips.com OLD DIXIE HIGHWAY R/W PARCEL 135 BROWN 28 PHILLIPS. INC. (THIS IS NOT A SURVEY) SURVEYING PROFESSIONAL SERVICES PROJ. No. 15-026 DRAWN: MDB CERTIFICATE OF AUTHORIZATION # LB 6473 1860 OLD OKEECHOBEE ROAD., SUITE 509, WEST PALM BEACH, FLORIDA 33409 TELEPHONE (561)-615-3988, 615-3991 FAX SCALE: NONE CHECKED: JEP DATE: 7/17/23 LEGAL DESCRIPTION SHEET 1 OF 3

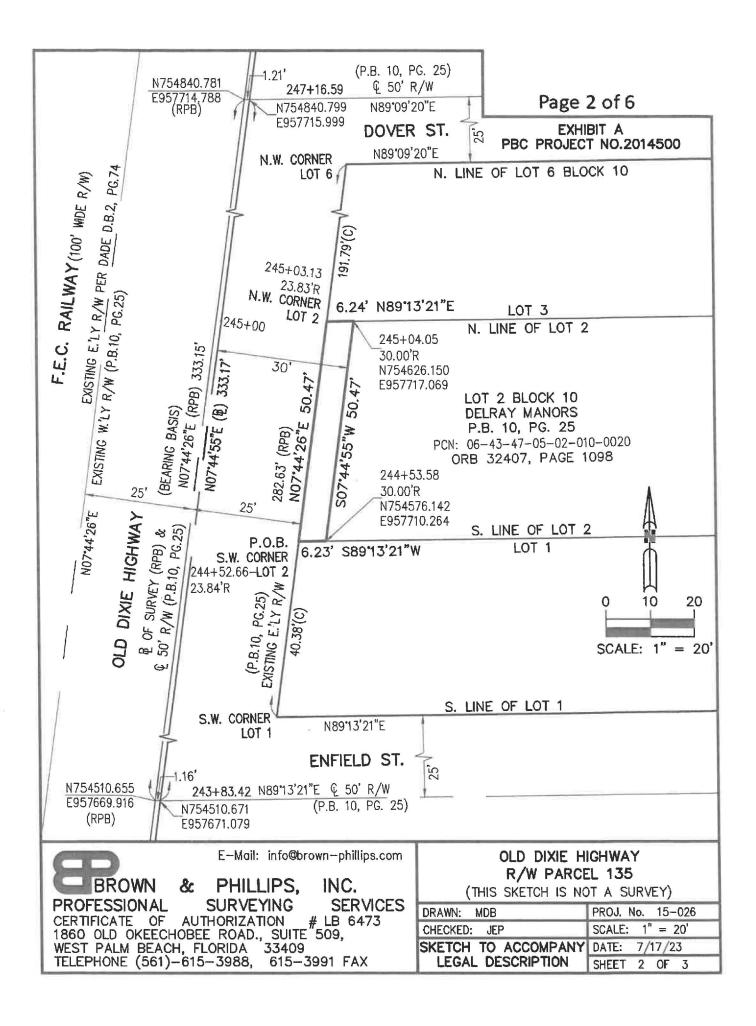


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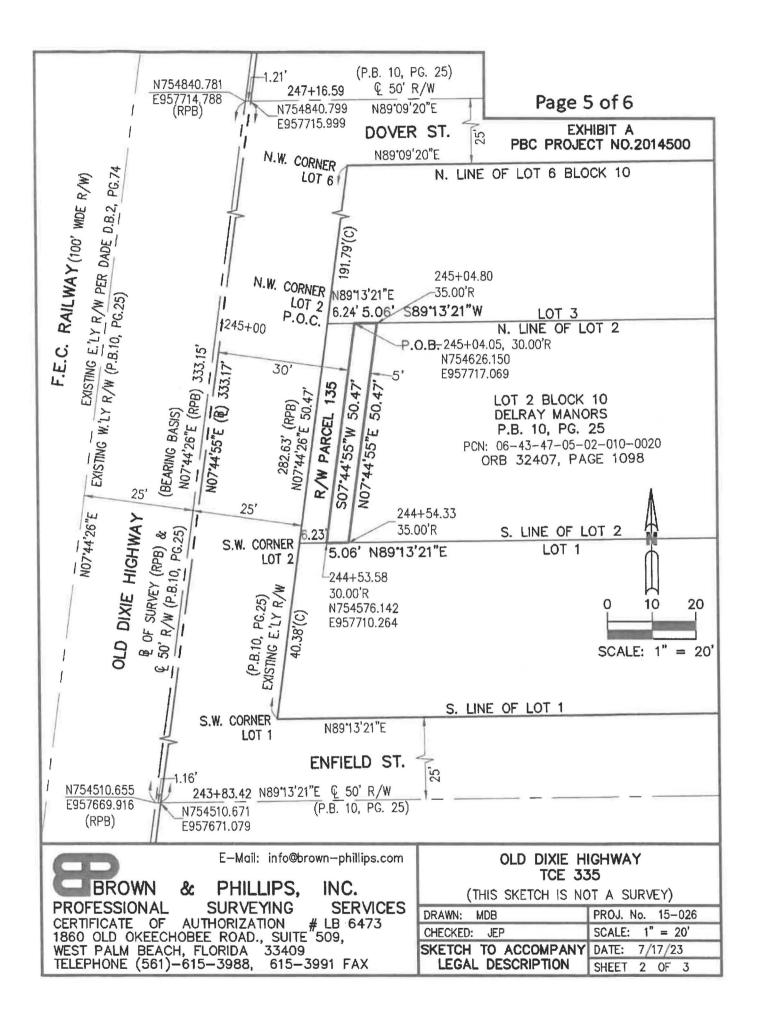


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E-Mail: info@brown-phillips.com	OLD DIXIE H TCE 33		
BROWN & PHILLIPS, INC.	(THIS IS NOT A	SURVEY)	
PROFESSIONAL SURVEYING SERVICES CERTIFICATE OF AUTHORIZATION # LB 6473	DRAWN: MDB	PROJ. No. 15-026	
1860 OLD OKEECHOBEE ROAD., SUITE 509,	CHECKED: JEP	SCALE: NONE	
WEST PALM BEACH, FLORIDA 33409	DESCRIPTION NOTES	DATE: 7/17/23	
TELEPHONE (561)-615-3988, 615-3991 FAX		SHEET 3 OF 3	

## 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. 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 prepared 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) defines this roadway as a route required to meet traffic demand 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 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.

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 135**

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. These described works to be performed on Parcel 135 shall not extend beyond the limits outlined in the legal description of said property, as EXHIBIT A, attached to the Resolution relating to Parcel 135.

# **ACQUISITION FOR TEMPORARY CONSTRUCTION EASEMENT PARCEL 335**

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 335 shall not extend beyond the limits outlined in the legal description of said property, as **EXHIBIT A**, attached to the Resolution relating to Parcel 335. 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 five (5) years from the date of its acquisition by virtue of the deposit of funds, pursuant to an Order of Taking.

The temporary construction easement Parcel 335 shall be non-exclusive. However, all interests in Parcel 335 shall be subordinate to Palm Beach County's interest in the parcel during the TCE period and all interested holders shall be prohibited from interfering with County's use of Parcel 335.

## RESOLUTION NO. R-2025 -\_\_\_\_

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, DECLARING THE ACQUISITION OF FEE SIMPLE RIGHT-OF-WAY DESIGNATED AS <u>PARCEL 136</u>, AND A TEMPORARY CONSTRUCTION EASEMENT DESIGNATED AS <u>PARCEL 336</u>, 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 136 and a temporary construction easement, designated as Parcel 336, respectively, both 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 designated as Parcel 136 and a temporary construction easement designated as Parcel 336; 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 136 and 336, 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 designated as Parcel 136 and a temporary construction easement, designated as Parcel 336, both of which are more fully described in <u>Exhibit "A"</u>, 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 Parcels 136 and 336 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 described in <u>Exhibit</u> <u>"A"</u>, 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 136 and 336, 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 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 <u>Exhibit "A"</u>, 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 <u>**Exhibit**</u> "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 _ to a vote, the vote was as follows:	and upon being put
Commissioner Maria G. Marino, Mayor	
Commissioner Sara Baxter, Vice Mayor	
Commissioner Gregg K. Weiss	
Commissioner Joel G. Flores	
Commissioner Marci Woodward	
Commissioner Maria Sachs	
Commissioner Bobby Powell Jr.	

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:

YOR

Ву: \_\_\_

Deputy Clerk

APPROVED AS TO TERMS AND CONDITIONS

IN

NA

**Division Director** 

F:\R\_O\_W\Brent\ROADWAY\2014500 Old Dixie Hwy - Yamato to Linton\PHASE 3\AIS\(022425) 3-C-(X)\Resolution 136 336.docx

Me

EXHIBIT A PBC PROJECT NO.2014500			
Page 1 of 6			
A PARCEL OF LAND FOR ROAD RIGHT-OF-WAY PUR (N.E.1/4), OF SECTION 5, TOWNSHIP 47 SOUTH, RAI FLORIDA, BEING A PORTION OF LOT 3, BLOCK 10, O RECORDED IN PLAT BOOK 10, PAGE 25, OF THE PU COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED	NGE 43 EAST, PALM BEAC F THE PLAT OF DELRAY M BLIC RECORDS OF PALM E	H COUNTY, MANORS,	
BEGIN AT THE SOUTHWEST CORNER OF SAID LOT 3; THENCE ALONG THE WEST LINE OF SAID LOT 3, AND ALONG THE EAST RIGHT-OF-WAY OF OLD DIXIE HIGHWAY, AS SHOWN ON SAID PLAT, N07'44'26"E FOR 50.47 FEET TO THE NORTHWEST CORNER OF SAID LOT 3; THENCE ALONG THE NORTH LINE OF SAID LOT 3, N89"13'21"E FOR 6.24 FEET; THENCE S07'44'55"W FOR 50.47 FEET TO THE SOUTH LINE OF SAID LOT 3; THENCE ALONG SAID SOUTH LINE OF LOT 3, S89"13'21"W FOR 6.24 FEET TO THE POINT OF BEGINNING.			
CONTAINING 311 SQUARE FEET (0.007 ACRES), MOR	E OR LESS.		
	а.		
THIS LEGAL DESCRIPTION & SKETCH WAS CREATED WITH "SPECIFIC PURPOSE & TOPOGRAPHIC SURVEY" PREPARED & MAPPER DATED JULY 29, 2015, FOR THE PURPOSE OF PREPARED FOR THE PALM BEACH COUNTY ROADWAY PRO	BY THE UNDERSIGNED FLOR SUPPORTING THE ROADWAY	IDA SURVEYOR	
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. Defusions:			
		LORIDA No. 4826	
8/3/23: SUPPORTING SURVEY NOTE ADDED ON PG.1 E-Mail: info@brown-phillips.com BROWN & PHILLIPS, INC.	OLD DIXIE H R/W PARCE (THIS IS NOT A	EL 136	
PROFESSIONAL SURVEYING SERVICES CERTIFICATE OF AUTHORIZATION # LB 6473	DRAWN: MDB	PROJ. No. 15-026	
1860 OLD OKEECHOBEE ROAD., SUITE <sup>®</sup> 509, WEST PALM BEACH, FLORIDA 33409	CHECKED: JEP LEGAL DESCRIPTION	SCALE: NONE DATE: 7/17/23	
TELEPHONE (561)-615-3988, 615-3991 FAX		SHEET 1 OF 3	

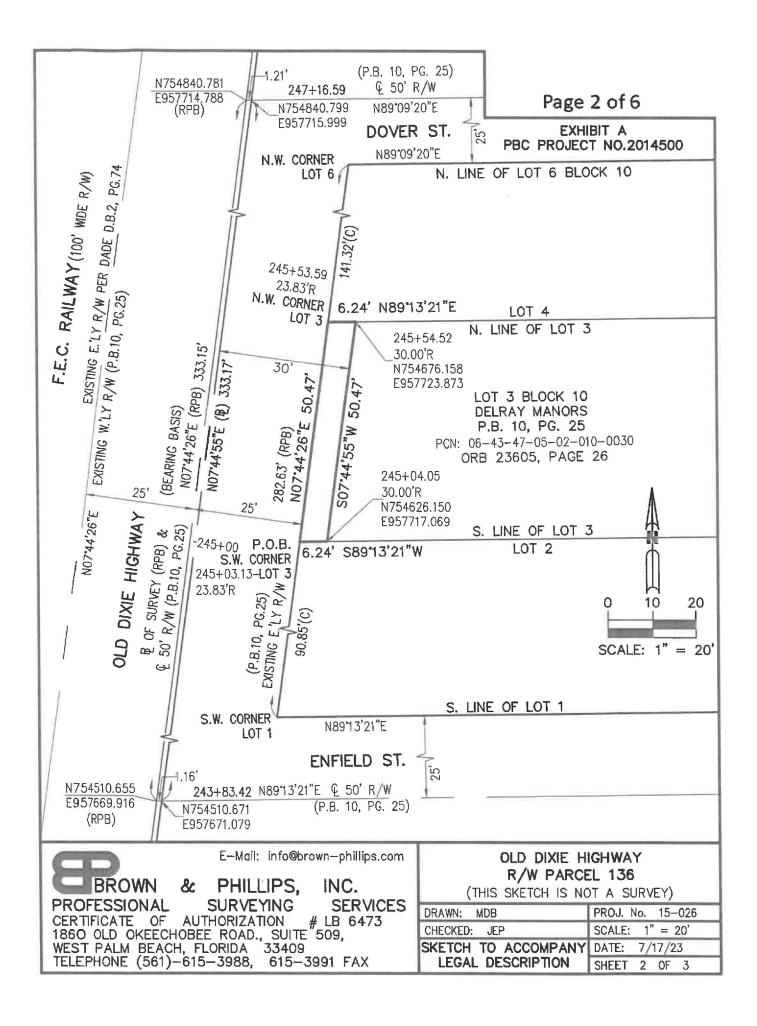


EXHIBIT A PBC PROJECT NO.2014500 Page 3 of 6 NOTES: 1) BASELINE STATIONING IS BASED ON A ROADWAY PLAN FOR OLD DIXIE HIGHWAY, YAMATO ROAD TO LINTON BOULEVARD, PREPARED BY AMERICAN CONSULTING ENGINEERS OF FLORIDA, LLC, PALM BEACH COUNTY PROJECT No.2014-500. 2) STATE PLANE COORDINATES: A. COORDINATES SHOWN 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 I. GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE D. LINEAR UNIT - US SURVEY FOOT J. ROTATION EQUATION: NONE E. COORDINATE SYSTEM 1983 STATE PLANE 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 RPB 12, PAGES 119 THROUGH 134, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. 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, EXCEPT AS SHOWN ON THIS SKETCH, 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: 'L - LEFT OF CENTERLINE OF CONSTRUCTION 'R - RIGHT OF CENTERLINE OF CONSTRUCTION P.B. - PLAT BOOK RPB - ROAD PLAT BOOK (P) - PLAT DIMENSION (C) - CALCULATED DIMENSION ORB - OFFICIAL RECORD BOOK (RPB) - DIMENSION PER ROAD PLAT BOOK 12, PG. - PG. DWG. - DRAWING PAGE 119 U.E. - UTILITY EASEMENT SEC. - SECTION D.E. - DRAINAGE EASEMENT 5/47/43 - SECTION 5, TOWNSHIP 47 SOUTH, RANGE 43 EAST TCE - TEMPORARY CONSTRUCTION EASEMENT HWY. - HIGHWAY PBC - PALM BEACH COUNTY B - BASELINE PCN - PARCEL CONTROL NUMBER ♀ – CENTERLINE 6) BEARINGS SHOWN ARE CONSISTENT WITH ROAD PLAT BOOK 12, PAGE 119, AND ARE BASED ON NO7'44'26"E (GRID, NAD '83, 1990 ADJUSTMENT) ALONG THE CENTERLINE OF OLD DIXIE HIGHWAY, ACCORDING TO SAID ROAD PLAT BOOK 12, PAGE 119. E-Mail: info@brown-phillips.com OLD DIXIE HIGHWAY R/W PARCEL 136 BROWN INC. \$ PHILLIPS, (THIS IS NOT A SURVEY) PROFESSIONAL SURVEYING SERVICES PROJ. No. 15-026 DRAWN: MDB CERTIFICATE OF AUTHORIZATION # LB 6473 1860 OLD OKEECHOBEE ROAD., SUITE 509, WEST PALM BEACH, FLORIDA 33409 TELEPHONE (561)-615-3988, 615-3991 FAX CHECKED: SCALE: NONE JEP DATE: 7/17/23 DESCRIPTION NOTES SHEET 3 OF 3

PBC PROJECT NO.2014500 Page 4 of 6 A PARCEL OF LAND FOR TEMPORARY CONSTRUCTION EASEMENT PURPOSES IN THE NORTHEAST QUARTER (N.E.1/4), OF SECTION 5, TOWNSHIP 47 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, LYING IN LOT 3, BLOCK 10, OF THE PLAT OF DELRAY MANORS, RECORDED IN PLAT BOOK 10, PAGE 25, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF SAID LOT 3; THENCE ALONG THE NORTH LINE OF SAID LOT 3, N8913'21"E FOR 6.24 FEET TO THE POINT OF BEGINNING; THENCE S07'44'55"W FOR 50.47 FEET TO THE SOUTH LINE OF SAID LOT 3; THENCE ALONG SAID SOUTH LINE OF LOT 3, N89"13'21"E FOR 3.03 FEET; THENCE N07'44'55"E FOR 50.47 FEET TO THE SAID NORTH LINE OF LOT 3; THENCE ALONG SAID NORTH LINE OF LOT 3, S89"13'21"W FOR 3.03 FEET TO THE POINT OF BEGINNING. CONTAINING 151 SQUARE FEET (0.003 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 Digitally signed by John E 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 Date: 2023.08.23 10:35:35 JOHN E. PHILLIPS, III PROFESSIONAL LAND SURVEYOR **REVISIONS:** STATE OF FLORIDA No. 4826 8/17/23: PBC 8/14/23 COMMENTS DATE: 8/3/23: SUPPORTING SURVEY NOTE ADDED ON PG.1 E-Mail: info@brown-phillips.com OLD DIXIE HIGHWAY TCE 336 BROWN PHILLIPS, 38 INC. (THIS IS NOT A SURVEY) SURVEYING SERVICES PROFESSIONAL VERTICATE OF AUTHORIZATION # LB 6473 1860 OLD OKEECHOBEE ROAD., SUITE 509, WEST PALM BEACH, FLORIDA 33409 TELEPHONE (561)-615-3988, 615-3991 FAX DRAWN: MDB PROJ. No. 15-026 CHECKED: SCALE: NONE JEP DATE: 7/17/23 LEGAL DESCRIPTION SHEET 1 OF 3

EXHIBIT A

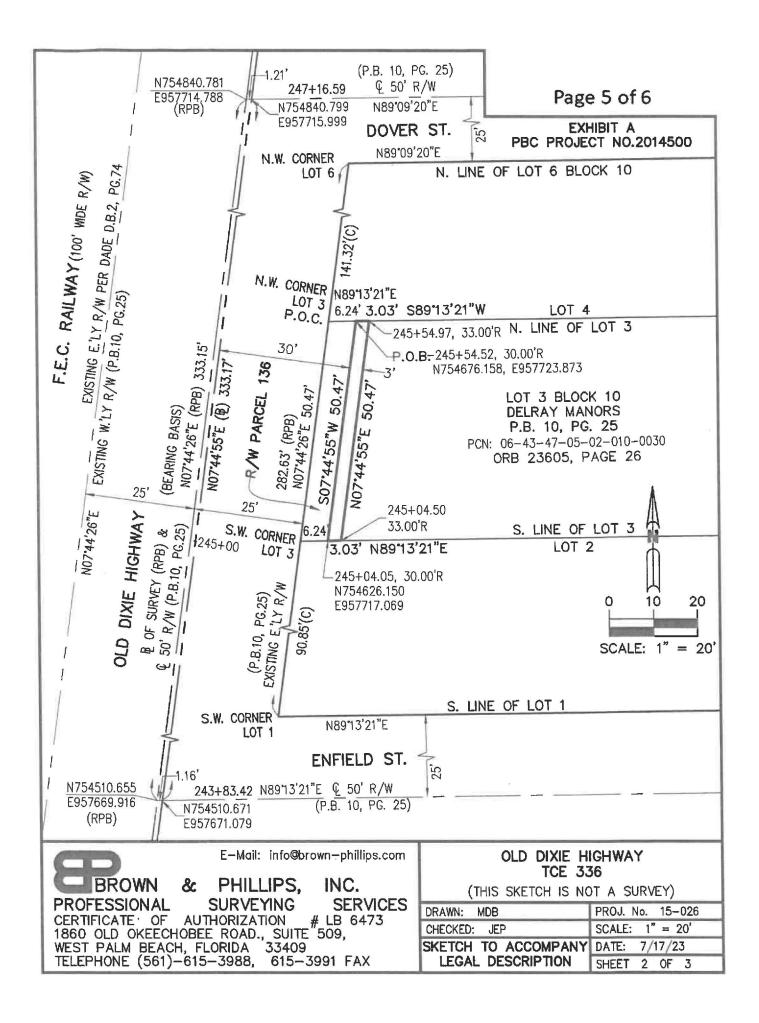


EXHIBIT A PBC PROJECT NO.2014500		
Page 6 of 6		
<ul> <li>NOTES:</li> <li>1) BASELINE STATIONING IS BASED ON A ROADWAY PLAN FOR OLD TO LINTON BOULEVARD, PREPARED BY AMERICAN CONSULTING E PALM BEACH COUNTY PROJECT No.2014-500.</li> <li>2) STATE PLANE COORDINATES: <ul> <li>A. COORDINATES SHOWN ARE GRID</li> <li>B. DATUM - NAD '83, 1990 ADJUSTMENT</li> <li>C. ZONE - FLORIDA EAST</li> <li>D. LINEAR UNIT - US SURVEY FOOT</li> <li>E. COORDINATE SYSTEM 1983 STATE PLANE</li> </ul> </li> <li>3) THESE R/W PARCELS OR TCE'S ARE BEING PREPARED IN ACCOR FROM JEFFERY STREET TO NORTH OF THE C-15 CANAL, AS REC OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. SEE SAID MAP FOR A DETAILED EXPLANATION OF THE METHODS</li> <li>4) THE RIGHT-OF-WAY INFORMATION PROVIDED BY PALM BEACH COUNTY</li> </ul>	MERCATOR PROJECTION S ARE GROUND, UNLESS NOTE R — 1.0000458 NCE X SCALE FACTOR =GRID I DATION: NONE DANCE WITH THE R/W MAP FO CORDED IN RPB 12, PAGES 119 AND PROCEDURES USED IN IT	D OTHERWISE DISTANCE DR OLD DIXIE HIGHWAY THROUGH 134, TS PREPARATION.
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## 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. 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 prepared 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) defines this roadway as a route required to meet traffic demand 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 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.

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 136**

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. These described works to be performed on Parcel 136 shall not extend beyond the limits outlined in the legal description of said property, as EXHIBIT A, attached to the Resolution relating to Parcel 136

## **ACQUISITION FOR TEMPORARY CONSTRUCTION EASEMENT PARCEL 336**

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 336 shall not extend beyond the limits outlined in the legal description of said property, as **EXHIBIT A**, attached to the Resolution relating to Parcel 336. 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 five (5) years from the date of its acquisition by virtue of the deposit of funds, pursuant to an Order of Taking.

The temporary construction easement Parcel 336 shall be non-exclusive. However, all interests in Parcel 336 shall be subordinate to Palm Beach County's interest in the parcel during the TCE period and all interested holders shall be prohibited from interfering with County's use of Parcel 336.

F:\R\_O\_W\Brent\ROADWAY\2014500 Old Dixie Hwy - Yamato to Linton\PHASE 3\AIS\3-C-(X)\SF 136 & 336.docx

Page 2 of 2

## RESOLUTION NO. R-2025 -\_\_\_\_

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, DECLARING THE ACQUISITION OF FEE SIMPLE RIGHT-OF-WAY DESIGNATED AS <u>PARCEL 137</u>, AND A TEMPORARY CONSTRUCTION EASEMENT DESIGNATED AS <u>PARCEL 337</u>, 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 137 and a temporary construction easement, designated as Parcel 337, respectively, both 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 designated as Parcel 137 and a temporary construction easement designated as Parcel 337; 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 137 and 337, 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 designated as Parcel 137 and a temporary construction easement, designated as Parcel 337, both of which are more fully described in <u>Exhibit "A"</u>, 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 Parcels 137 and 337 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 described in <u>Exhibit</u> <u>"A"</u>, 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 137 and 337, 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 County to acquire in its own name by donation, purchase, or Eminent Domain Proceedings, fee the 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 <u>Exhibit "A"</u> 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 its adoption. The motion was seconded by Commissioner to a vote, the vote was as follows:	who moved and upon being put
Commissioner Maria G. Marino, Mayor	
Commissioner Sara Baxter, Vice Mayor	
Commissioner Gregg K. Weiss	
Commissioner Joel G, Flores	
Commissioner Marci Woodward	
Commissioner Maria Sachs	
Commissioner Bobby Powell Jr.	

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

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: \_

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

Assistant County Attorney

APPROVED AS TO TERMS AND CONDITIONS

By: Division Director Division Director

F:R\_O\_W\Brent\ROADWAY\2014500 Old Dixie Hwy - Yamato to Linton\PHASE 3\AIS\(022425) 3-C-(X)\Resolution 137 337.docx

EXHIBIT A PBC PROJECT NO.2014500		
Page 1 of 6		
A PARCEL OF LAND FOR ROAD RIGHT-OF-WAY PU (N.E.1/4), OF SECTION 5, TOWNSHIP 47 SOUTH, RA FLORIDA, BEING A PORTION OF LOT 4, BLOCK 10, O RECORDED IN PLAT BOOK 10, PAGE 25, OF THE PU COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED	NGE 43 EAST, PALM BEACH OF THE PLAT OF DELRAY M JBLIC RECORDS OF PALM BE	I COUNTY, ANORS,
BEGIN AT THE SOUTHWEST CORNER OF SAID LOT 4 THENCE ALONG THE WEST LINE OF SAID LOT 4, AN OF OLD DIXIE HIGHWAY, AS SHOWN ON SAID PLAT, NORTHWEST CORNER OF SAID LOT 4; THENCE ALONG THE NORTH LINE OF SAID LOT 4, N THENCE SO7*44'55"W FOR 50.47 FEET TO THE SOU THENCE ALONG SAID SOUTH LINE OF LOT 4, S89". THE POINT OF BEGINNING.	D ALONG THE EAST RIGHT- N07*44'26"E FOR 50.47 FE 189*13'21"E FOR 6.25 FEET; TH LINE OF SAID LOT 4;	
CONTAINING 312 SQUARE FEET (0.007 ACRES), MO	RE OR LESS.	
THIS LEGAL DESCRIPTION & SKETCH WAS CREATED WITH	THE BENEFIT OF A PREVIOUS	Y COMPLETED
THIS LEGAL DESCRIPTION & SKETCH WAS CREATED WITH "SPECIFIC PURPOSE & TOPOGRAPHIC SURVEY" PREPAREI & MAPPER DATED JULY 29, 2015, FOR THE PURPOSE O PREPARED FOR THE PALM BEACH COUNTY ROADWAY PR	D BY THE UNDERSIGNED FLORIE F SUPPORTING THE ROADWAY	DA SURVEYOR
"SPECIFIC PURPOSE & TOPOGRAPHIC SURVEY" PREPAREI & MAPPER DATED JULY 29, 2015, FOR THE PURPOSE O PREPARED FOR THE PALM BEACH COUNTY ROADWAY PR	D BY THE UNDERSIGNED FLORIE F SUPPORTING THE ROADWAY OJECT NUMBER 2014500.	DA SURVEYOR
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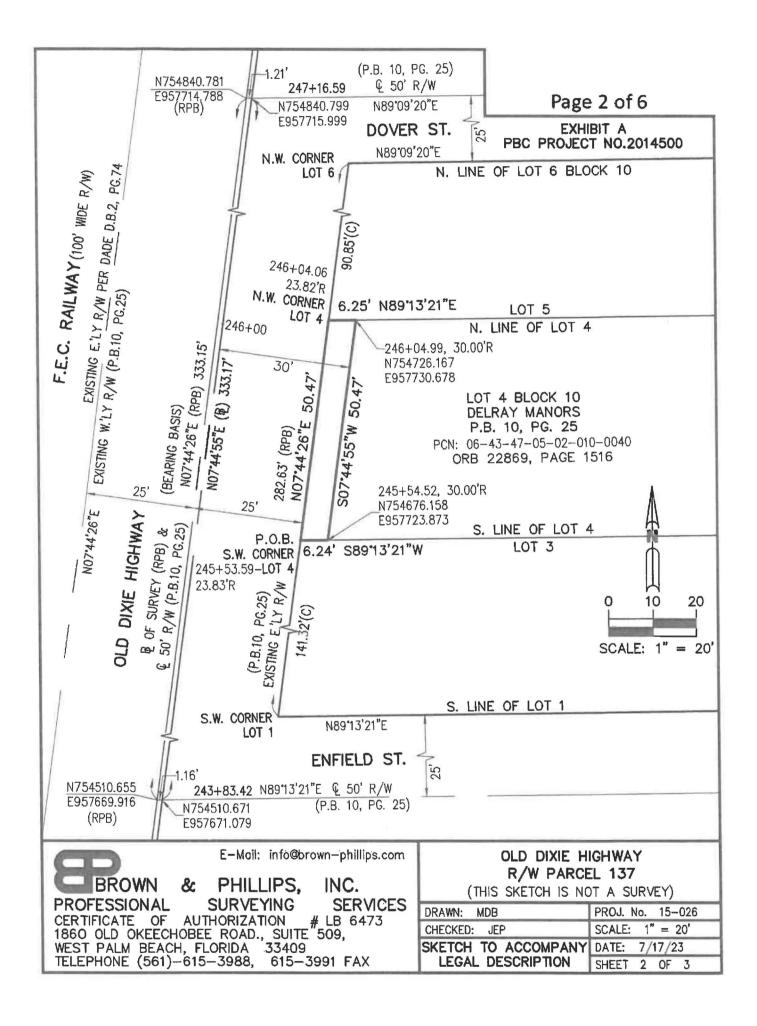


EXHIBIT A PBC PROJECT NO.2014500				
Page 3 of 6				
B. DATUM – NAD '83, 1990 ADJUSTMENT G. ALL DISTANCE C. ZONE – FLORIDA EAST H. SCALE FACTO	NGINEERS OF FLORIDA, LLC, MERCATOR PROJECTION S ARE GROUND, UNLESS NOTEL R - 1.0000458 NCE X SCALE FACTOR =GRID E	OTHERWISE		
3) THESE R/W PARCELS OR TCE'S ARE BEING PREPARED IN ACCOR FROM JEFFERY STREET TO NORTH OF THE C-15 CANAL, AS REA OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. SEE SAID MAP FOR A DETAILED EXPLANATION OF THE METHODS	CORDED IN RPB 12, PAGES 119	THROUGH 134,		
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, EXCEPT AS SHOWN ON THIS SKETCH, 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 RPB – ROAD PLAT BOOK ORB – OFFICIAL RECORD BOOK PG. – PG. DWG. – DRAWING SEC. – SECTION 5/47/43 – SECTION 5, TOWNSHIP 47 SOUTH, RANGE 43 EAST HWY. – HIGHWAY $B_{-}$ BASELINE $Q_{-}$ CENTERLINE	<sup>2</sup> L – LEFT OF CENTERLINE <sup>2</sup> R – RIGHT OF CENTERLIN (P) – PLAT DIMENSION (C) – CALCULATED DIMEN (RPB) – DIMENSION PER PAGE 119 U.E. – UTILITY EASEMENT D.E. – DRAINAGE EASEME TCE – TEMPORARY CONS <sup>2</sup> PBC – PALM BEACH COU PCN – PARCEL CONTROL	IE OF CONSTRUCTION ISION ROAD PLAT BOOK 12, NT TRUCTION EASEMENT NTY		
6) BEARINGS SHOWN ARE CONSISTENT WITH ROAD PLAT BOOK 12, N07'44'26"E (GRID, NAD '83, 1990 ADJUSTMENT) ALONG THE C ACCORDING TO SAID ROAD PLAT BOOK 12, PAGE 119.				
E-Mail: info@brown-phillips.com BROWN & PHILLIPS, INC. PROFESSIONAL SURVEYING SERVICES	OLD DIXIE H R/W PARCE (THIS IS NOT A	<b>EL 137</b> SURVEY)		
CERTIFICATE OF AUTHORIZATION # LB 6473	DRAWN: MDB	PROJ. No. 15-026		
1860 OLD OKEECHOBEE ROAD., SUITE 509,	CHECKED: JEP	SCALE: NONE		
WEST PALM BEACH, FLORIDA 33409 TELEPHONE (561)-615-3988, 615-3991 FAX	DESCRIPTION NOTES	DATE: 7/17/23		
LELITORE (301) -010-3800, 010-3881 TAX		SHEET 3 OF 3		

PBC PROJECT NO.2014500 Page 4 of 6 A PARCEL OF LAND FOR TEMPORARY CONSTRUCTION EASEMENT PURPOSES IN THE NORTHEAST QUARTER (N.E.1/4), OF SECTION 5, TOWNSHIP 47 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, LYING IN LOT 4, BLOCK 10, OF THE PLAT OF DELRAY MANORS, RECORDED IN PLAT BOOK 10, PAGE 25, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF SAID LOT 4; THENCE ALONG THE NORTH LINE OF SAID LOT 4, N8913'21"E FOR 6.25 FEET TO THE POINT OF BEGINNING; THENCE S07'44'55"W FOR 50.47 FEET TO THE SOUTH LINE OF SAID LOT 4; THENCE ALONG SAID SOUTH LINE OF LOT 4, N89"13'21"E FOR 3.03 FEET; THENCE NO7"44'55"E FOR 50.47 FEET TO THE SAID NORTH LINE OF LOT 4; THENCE ALONG SAID NORTH LINE OF LOT 4, S8913'21"W FOR 3.03 FEET TO THE POINT OF BEGINNING. CONTAINING 151 SQUARE FEET (0.003 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 REPRODUCTIONS OF THIS DOCUMENT ARE NOT VALID WITHOUT OTHER. 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: 2023.08.23 10:36:24 -04'00' JOHN E. PHILLIPS, III PROFESSIONAL LAND SURVEYOR **REVISIONS:** STATE OF FLORIDA No. 4826 8/17/23: PBC 8/14/23 COMMENTS 8/3/23: SUPPORTING SURVEY NOTE ADDED ON PG.1 DATE: E-Mail: info@brown-phillips.com OLD DIXIE HIGHWAY **TCE 337** BROWN 38 PHILLIPS, INC. (THIS IS NOT A SURVEY) SURVEYING SERVICES PROFESSIONAL DRAWN: MDB PROJ. No. 15-026 #\_LB 6473 AUTHORIZATION CERTIFICATE OF 1860 OLD OKEECHOBEE ROAD., SUITE 509, WEST PALM BEACH, FLORIDA 33409 TELEPHONE (561)-615-3988, 615-3991 SCALE: NONE CHECKED: JEP DATE: 7/17/23 LEGAL DESCRIPTION 615-3991 FAX SHEET 1 OF 3

EXHIBIT A

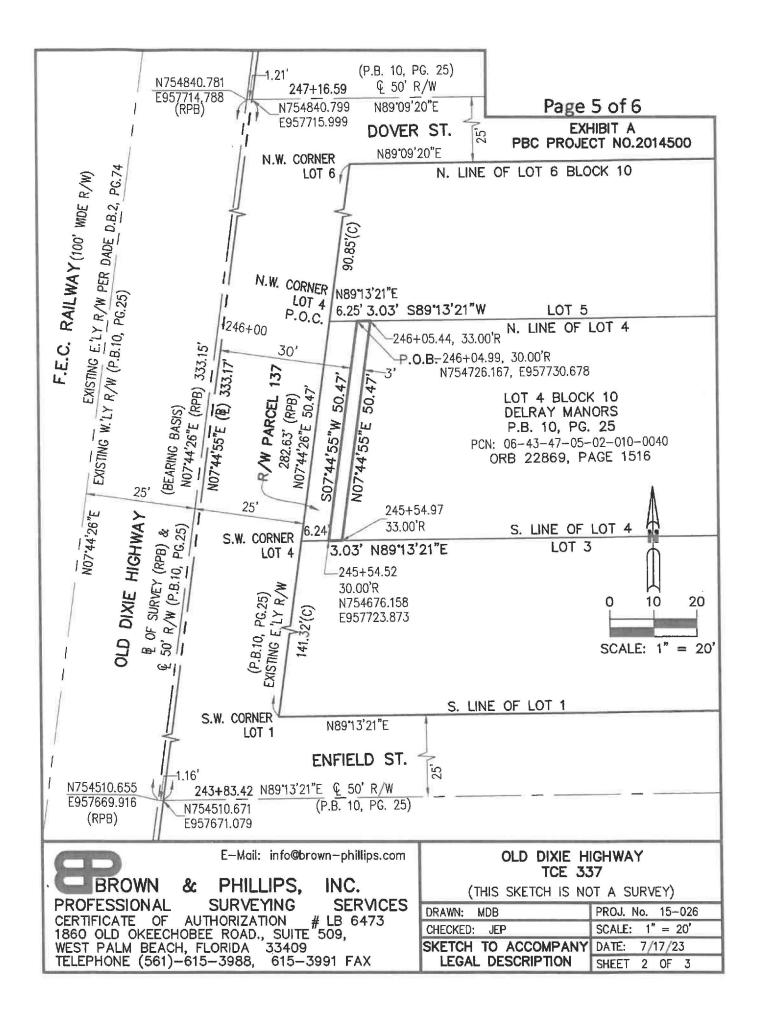


EXHIBIT A PBC PROJECT NO.2014500		
Page 6 of 6		
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6) BEARINGS SHOWN ARE CONSISTENT WITH ROAD PLAT BOOK 12, N07*44'26"E (GRID, NAD '83, 1990 ADJUSTMENT) ALONG THE C ACCORDING TO SAID ROAD PLAT BOOK 12, PAGE 119.		
E-Mail: info@brown-phillips.com	OLD DIXIE H	37
BROWN & PHILLIPS, INC. PROFESSIONAL SURVEYING SERVICES	(THIS IS NOT A	SURVEY)
CERTIFICATE OF AUTHORIZATION # LB 6473	DRAWN: MDB	PROJ. No. 15-026
1860 OLD OKEECHOBEE ROAD., SUITE 509,	CHECKED: JEP	SCALE: NONE
WEST PALM BEACH, FLORIDA 33409 TELEPHONE (561)-615-3988, 615-3991 FAX	DESCRIPTION NOTES	DATE: 7/17/23 SHEET 3 OF 3

## 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. 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 prepared 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) defines this roadway as a route required to meet traffic demand 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 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.

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 137

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. These described works to be performed on Parcel 137 shall not extend beyond the limits outlined in the legal description of said property, as EXHIBIT A, attached to the Resolution relating to Parcel 137.

## **ACQUISITION FOR TEMPORARY CONSTRUCTION EASEMENT PARCEL 337**

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 337 shall not extend beyond the limits outlined in the legal description of said property, as **EXHIBIT A**, attached to the Resolution relating to Parcel 337. 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 five (5) years from the date of its acquisition by virtue of the deposit of funds, pursuant to an Order of Taking.

The temporary construction easement Parcel 337 shall be non-exclusive. However, all interests in Parcel 337 shall be subordinate to Palm Beach County's interest in the parcel during the TCE period and all interested holders shall be prohibited from interfering with County's use of Parcel 337.

## RESOLUTION NO. R-2025 -\_\_\_\_

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, DECLARING THE ACQUISITION OF FEE SIMPLE RIGHT-OF-WAY DESIGNATED AS <u>PARCEL 138</u>, AND A TEMPORARY CONSTRUCTION EASEMENT DESIGNATED AS <u>PARCEL 338</u>, 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 138 and a temporary construction easement, designated as Parcel 338, respectively, both described in <u>Exhibit "A"</u>, 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 designated as Parcel 138 and a temporary construction easement designated as Parcel 338; 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 138 and 338, 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 designated as Parcel 138 and a temporary construction easement, designated as Parcel 338, both of which are more fully described in <u>Exhibit "A"</u>, 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 Parcels 138 and 338 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 described in <u>Exhibit</u> <u>"A"</u>, 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 138 and 338, 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 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 <u>Exhibit "A"</u>, 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 <u>Exhibit "A"</u> 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 to a vote, the vote was as follows:	and upon being put	
Commissioner Maria G. Marino, Mayor		
Commissioner Sara Baxter, Vice Mayor		
Commissioner Gregg K. Weiss		
Commissioner Joel G. Flores		
Commissioner Marci Woodward		
Commissioner Maria Sachs		
Commissioner Bobby Powell Jr.		

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

Deputy Clerk

By: \_\_\_\_

By: \_\_\_\_

Assistant County Attorney

APPROVED AS TO TERMS

By: Division Director KoF Division Director PAS MA F-NR\_O\_WUBFERTROADWAY12014500 Old Dixle Hwy - Yamato to Linten/PHASE 3VAIS(022425) 3-C-(X)/Resolution 138 338.docx

EXHIBIT A PBC PROJECT NO.2014500		
Page 1 of 6		
A PARCEL OF LAND FOR ROAD RIGHT-OF-WAY PUR (N.E.1/4), OF SECTION 5, TOWNSHIP 47 SOUTH, RAN FLORIDA, BEING A PORTION OF LOT 5, BLOCK 10, OF RECORDED IN PLAT BOOK 10, PAGE 25, OF THE PUR COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED	IGE 43 EAST, PALM BEAC F THE PLAT OF DELRAY M BLIC RECORDS OF PALM E	H COUNTY, MANORS,
BEGIN AT THE SOUTHWEST CORNER OF SAID LOT 5; THENCE ALONG THE WEST LINE OF SAID LOT 5, AND OF OLD DIXIE HIGHWAY, AS SHOWN ON SAID PLAT, I NORTHWEST CORNER OF SAID LOT 5; THENCE ALONG THE NORTH LINE OF SAID LOT 5, NE THENCE SO7'44'55"W FOR 50.47 FEET TO THE SOUT THENCE ALONG SAID SOUTH LINE OF LOT 5, S89"13" THE POINT OF BEGINNING.	N07'44'26"E FOR 50.47 F 39113'21"E FOR 6.26 FEET H LINE OF SAID LOT 5;	EET TO THE
CONTAINING 312 SQUARE FEET (0.007 ACRES), MOR	E OR LESS.	
THIS LEGAL DESCRIPTION & SKETCH WAS CREATED WITH "SPECIFIC PURPOSE & TOPOGRAPHIC SURVEY" PREPARED & MAPPER DATED JULY 29, 2015, FOR THE PURPOSE OF PREPARED FOR THE PALM BEACH COUNTY ROADWAY PRO	BY THE UNDERSIGNED FLOR SUPPORTING THE ROADWAY	IDA SURVEYOR
THE DECODIDITION OVERALL AND THE DECODIDITION TEXT COM		
THE DESCRIPTION SKETCH AND THE DESCRIPTION TEXT COM COMPLETE LEGAL DESCRIPTION. THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH ACCOUNT OTHER. REPRODUCTIONS OF THIS DOCUMENT ARE NOT VAL THE ORIGINAL SIGNATURE AND STAMP, OR A DIGITALLY VER ELECTRONIC SIGNATURE AND SEAL, OF A FLORIDA LICENSED	MPANY EACH ID WITHOUT IFIED John E Phill	Digitally signed by John E Phillips Date: 2023.08.11 17:13:28 -04'00'
AND MAPPER EMPLOYED BY BROWN & PHILLIPS, INC.	JOHN E. PH PROFESSION	ILLIPS, III AL LAND SURVEYOR
8/3/23: SUPPORTING SURVEY NOTE ADDED ON PG.1		LORIDA No. 4826
E-Mail: info@brown-phillips.com	OLD DIXIE H	IGHWAY
BROWN & PHILLIPS, INC.	<b>R/W PARCI</b> (THIS IS NOT A	
PROFESSIONAL SURVEYING SERVICES CERTIFICATE OF AUTHORIZATION # LB 6473	DRAWN: MDB	PROJ. No. 15-026
1860 OLD OKEECHOBEE ROAD., SUITE 509, WEST PALM BEACH, FLORIDA 33409	CHECKED: JEP	SCALE: NONE DATE: 7/17/23
TELEPHONE (561)-615-3988, 615-3991 FAX	LEGAL DESCRIPTION	SHEET 1 OF 3

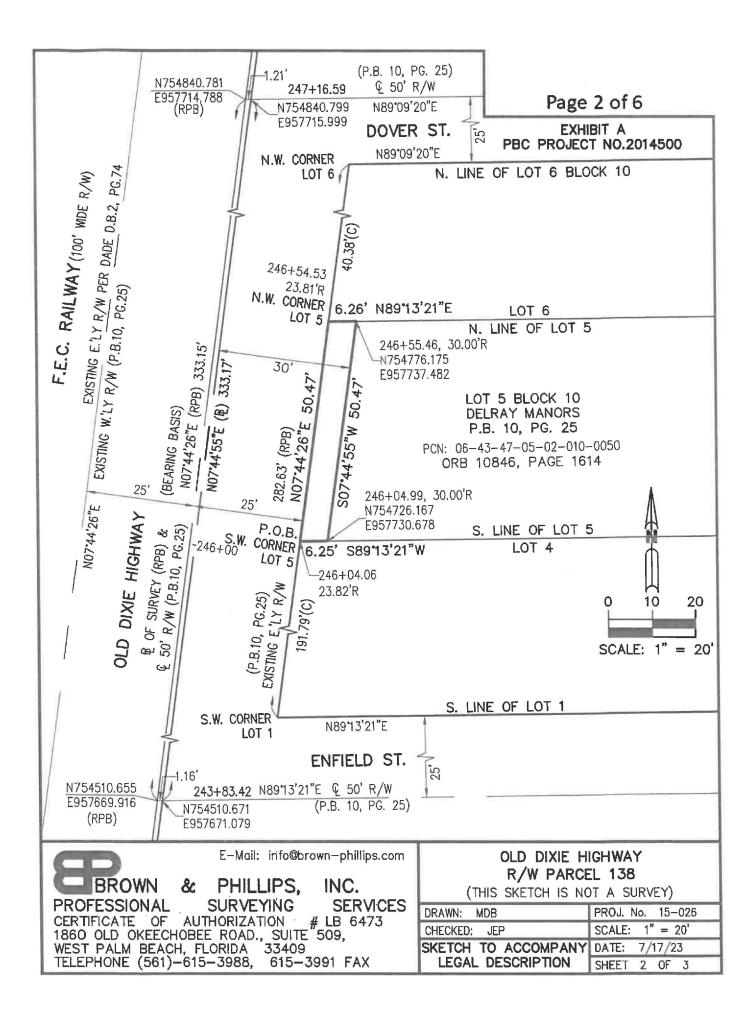


EXHIBIT A PBC PROJECT NO.2014500 Page 3 of 6 NOTES: 1) BASELINE STATIONING IS BASED ON A ROADWAY PLAN FOR OLD DIXIE HIGHWAY, YAMATO ROAD TO LINTON BOULEVARD, PREPARED BY AMERICAN CONSULTING ENGINEERS OF FLORIDA, LLC, PALM BEACH COUNTY PROJECT No.2014-500. 2) STATE PLANE COORDINATES: A. COORDINATES SHOWN 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 I. GROUND DISTANCE X SCALE FACTOR =GRID DISTANCE D. LINEAR UNIT - US SURVEY FOOT J. ROTATION EQUATION: NONE E. COORDINATE SYSTEM 1983 STATE PLANE 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 RPB 12, PAGES 119 THROUGH 134, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. 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, EXCEPT AS SHOWN ON THIS SKETCH, 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: L - LEFT OF CENTERLINE OF CONSTRUCTION 'R - RIGHT OF CENTERLINE OF CONSTRUCTION P.B. - PLAT BOOK RPB - ROAD PLAT BOOK (P) - PLAT DIMENSION ORB - OFFICIAL RECORD BOOK (C) - CALCULATED DIMENSION (RPB) - DIMENSION PER ROAD PLAT BOOK 12, PG. - PG. DWG. - DRAWING **PAGE 119** SEC. - SECTION U.E. - UTILITY EASEMENT D.E. - DRAINAGE EASEMENT 5/47/43 - SECTION 5, TOWNSHIP 47 SOUTH, RANGE 43 EAST TCE - TEMPORARY CONSTRUCTION EASEMENT HWY. - HIGHWAY PBC - PALM BEACH COUNTY  $\beta$  – BASELINE PCN - PARCEL CONTROL NUMBER ♀ – CENTERLINE 6) BEARINGS SHOWN ARE CONSISTENT WITH ROAD PLAT BOOK 12, PAGE 119, AND ARE BASED ON NO7'44'26"E (GRID, NAD '83, 1990 ADJUSTMENT) ALONG THE CENTERLINE OF OLD DIXIE HIGHWAY. ACCORDING TO SAID ROAD PLAT BOOK 12, PAGE 119. E-Mail: info@brown-phillips.com OLD DIXIE HIGHWAY R/W PARCEL 138 PHILLIPS, BROWN 38 INC. (THIS IS NOT A SURVEY) SURVEYING SERVICES PROFESSIONAL PROJ. No. 15-026 VICATE OF AUTHORIZATION # LB 6473 1860 OLD OKEECHOBEE ROAD., SUITE 509, WEST PALM BEACH, FLORIDA 33409 TELEPHONE (561)-615-3988, 615-3991 FAX DRAWN: MDB CHECKED: SCALE: NONE JEP 7/17/23 DATE: DESCRIPTION NOTES SHEET 3 OF 3

EXHIBIT A PBC PROJECT NO.2014500 Page 4 of 6 A PARCEL OF LAND FOR TEMPORARY CONSTRUCTION EASEMENT PURPOSES IN THE NORTHEAST QUARTER (N.E.1/4), OF SECTION 5, TOWNSHIP 47 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, LYING IN LOT 5, BLOCK 10, OF THE PLAT OF DELRAY MANORS, RECORDED IN PLAT BOOK 10, PAGE 25, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF SAID LOT 5; THENCE ALONG THE NORTH LINE OF SAID LOT 5, N8913'21"E FOR 6.26 FEET TO THE POINT OF BEGINNING; THENCE S07'44'55"W FOR 50.47 FEET TO THE SOUTH LINE OF SAID LOT 5: THENCE ALONG SAID SOUTH LINE OF LOT 5, N89"13'21"E FOR 3.54 FEET; THENCE NO7'44'55"E FOR 50.47 FEET TO THE SAID NORTH LINE OF LOT 5; THENCE ALONG SAID NORTH LINE OF LOT 5, S89"13'21"W FOR 3.54 FEET TO THE POINT OF BEGINNING. CONTAINING 177 SQUARE FEET (0.004 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. John E Phillips Date: 2023.08.23 10:37:06 -04'00' JOHN E. PHILLIPS, III PROFESSIONAL LAND SURVEYOR **REVISIONS:** STATE OF FLORIDA No. 4826 8/17/23: PBC 8/14/23 COMMENTS DATE: 8/3/23: SUPPORTING SURVEY NOTE ADDED ON PG.1 E-Mail: info@brown-phillips.com OLD DIXIE HIGHWAY TCE 338 BROWN \$ PHILLIPS, INC. (THIS IS NOT A SURVEY) PROFESSIONAL SURVEYING SERVICES PROJ. No. VERTICATE OF AUTHORIZATION # LB 6473 1860 OLD OKEECHOBEE ROAD., SUITE 509, WEST PALM BEACH, FLORIDA 33409 TELEPHONE (561)-615-3988, 615-3991 FAX DRAWN: MDB 15-026 SCALE: NONE DATE: 7/17/2 CHECKED: JEP 7/17/23 LEGAL DESCRIPTION SHEET 1 OF 3

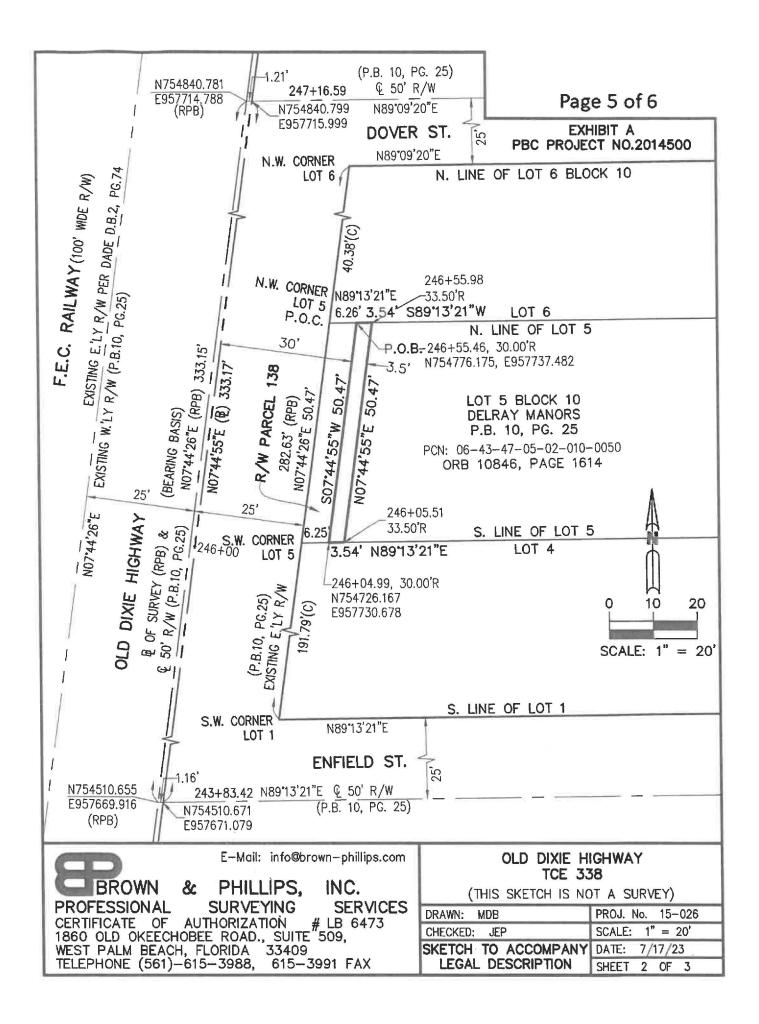


EXHIBIT A PBC PROJECT NO.2014500					
Page 6 of 6					
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5) ABBREVIATIONS: P.B PLAT BOOK RPB - ROAD PLAT BOOK ORB - OFFICIAL RECORD BOOK PG PG. DWG DRAWING SEC SECTION 5/47/43 - SECTION 5, TOWNSHIP 47 SOUTH, RANGE 43 EAST HWY HIGHWAY Q - BASELINE Q - CENTERLINE	'L — LEFT OF CENTERLINE 'R — RIGHT OF CENTERLINE (P) — PLAT DIMENSION (C) — CALCULATED DIMEN (RPB) — DIMENSION PER PAGE 119 U.E. — UTILITY EASEMENT D.E. — DRAINAGE EASEME TCE — TEMPORARY CONS PBC — PALM BEACH COU PCN — PARCEL CONTROL	IE OF CONSTRUCTION ISION ROAD PLAT BOOK 12, NT TRUCTION EASEMENT NTY			
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E-Mail: info@brown-phillips.com	OLD DIXIE H TCE 33				
BROWN & PHILLIPS, INC.	(THIS IS NOT A				
PROFESSIONAL SURVEYING SERVICES CERTIFICATE OF AUTHORIZATION # LB 6473	DRAWN: MDB	PROJ. No. 15-026			
1860 OLD OKEECHOBEE ROAD., SUITE 509,	CHECKED: JEP	SCALE: NONE			
WEST PALM BEACH, FLORIDA 33409 TELEPHONE (561)-615-3988, 615-3991 FAX	DESCRIPTION NOTES	DATE: 7/17/23 SHEET 3 OF 3			

## 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. 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 prepared 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) defines this roadway as a route required to meet traffic demand 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 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.

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 138**

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. These described works to be performed on Parcel 138 shall not extend beyond the limits outlined in the legal description of said property, as EXHIBIT A, attached to the Resolution relating to Parcel 138.

#### **ACQUISITION FOR TEMPORARY CONSTRUCTION EASEMENT PARCEL 338**

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 338 shall not extend beyond the limits outlined in the legal description of said property, as **EXHIBIT A**, attached to the Resolution relating to Parcel 338. 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 five (5) years from the date of its acquisition by virtue of the deposit of funds, pursuant to an Order of Taking.

The temporary construction easement Parcel 338 shall be non-exclusive. However, all interests in Parcel 338 shall be subordinate to Palm Beach County's interest in the parcel during the TCE period and all interested holders shall be prohibited from interfering with County's use of Parcel 338.

## RESOLUTION NO. R-2025 -\_\_\_\_

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, DECLARING THE ACQUISITION OF FEE SIMPLE RIGHT-OF-WAY DESIGNATED AS <u>PARCEL 139</u>, AND A TEMPORARY CONSTRUCTION EASEMENT DESIGNATED AS <u>PARCEL 339</u>, 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 139 and a temporary construction easement, designated as Parcel 339, respectively, both described in <u>Exhibit "A"</u>, 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 designated as Parcel 139 and a temporary construction easement designated as Parcel 339; 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 139 and 339, 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 designated as Parcel 139 and a temporary construction easement, designated as Parcel 339, both of which are 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 Parcels 139 and 339 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 described in <u>Exhibit</u> <u>"A"</u>, 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 139 and 339, 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 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 <u>Exhibit "A"</u> 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.

its adoption. The motion was seconded by Commissioner _ to a vote, the vote was as follows:	who moved and upon being put	
Commissioner Maria G. Marino, Mayor		
Commissioner Sara Baxter, Vice Mayor		
Commissioner Gregg K. Weiss		
Commissioner Joel G. Flores		
Commissioner Marci Woodward		
Commissioner Maria Sachs		
Commissioner Bobby Powell Jr.		

The	Mayor	thereupon	declared	the	Resolution	duly	passed	and	adopted	this	 day	of
			. 20	0								

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: \_\_\_\_\_

By:

Vax

Ву: \_\_\_\_

Assistant County Attorney

Deputy Clerk

APPROVED AS TO TERMS AND CONDITIONS

an

**Division Director** 

F-XR\_O\_WUBrent/ROADWAY2014500 Old Dixie Hwy - Yamato to Linton/PHASE 3VAIS(022425) 3-C-(X)/Resolution 139 339.doex

EXHIBIT A PBC PROJECT NO.2014500		
Page 1 of 6		
A PARCEL OF LAND FOR ROAD RIGHT-OF-WAY PUR (N.E.1/4), OF SECTION 5, TOWNSHIP 47 SOUTH, RAI FLORIDA, BEING A PORTION OF LOT 6, BLOCK 10, O RECORDED IN PLAT BOOK 10, PAGE 25, OF THE PU COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED	NGE 43 EAST, PALM BEAC F THE PLAT OF DELRAY N BLIC RECORDS OF PALM E	H COUNTY, MANORS.
BEGIN AT THE NORTHWEST CORNER OF SAID LOT 6; THENCE ALONG THE NORTH LINE OF SAID LOT 6, N. THENCE SO7*44'55"W FOR 40.39 FEET TO THE SOUT THENCE ALONG SAID SOUTH LINE OF LOT 6, S89*13 THE SOUTHWEST CORNER OF SAID LOT 6, AND TO OF OLD DIXIE HIGHWAY, AS SHOWN ON SAID PLAT; THENCE ALONG THE WEST LINE OF SAID LOT 6, ANI OLD DIXIE HIGHWAY, NO7*44'26"E FOR 40.38 FEET T	89°09'20"E FOR 6.26 FEET TH LINE OF SAID LOT 6; '21"W FOR 6.26 FEET TO THE EAST RIGHT—OF—WA D SAID EAST RIGHT—OF—WA	Y /AY OF
CONTAINING 250 SQUARE FEET (0.006 ACRES), MOR	RE OR LESS.	
THIS LEGAL DESCRIPTION & SKETCH WAS CREATED WITH "SPECIFIC PURPOSE & TOPOGRAPHIC SURVEY" PREPARED & MAPPER DATED JULY 29, 2015, FOR THE PURPOSE OF PREPARED FOR THE PALM BEACH COUNTY ROADWAY PRO	BY THE UNDERSIGNED FLOR SUPPORTING THE ROADWAY	IDA SURVEYOR
THE DESCRIPTION SKETCH AND THE DESCRIPTION TEXT COM COMPLETE LEGAL DESCRIPTION. THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH ACCO OTHER. REPRODUCTIONS OF THIS DOCUMENT ARE NOT VAL THE ORIGINAL SIGNATURE AND STAMP, OR A DIGITALLY VER ELECTRONIC SIGNATURE AND SEAL, OF A FLORIDA LICENSED AND MADDED ENDICIPED FOR DAY DOWNLAWS AND	DMPANY EACH LID WITHOUT RIFIED John E Phil D SURVEYOR	Digitally signed by John E Philips Date: 2023.08.23 10:30:08 -04'00'
AND MAPPER EMPLOYED BY BROWN & PHILLIPS, INC.	JOHN E. PH	ILLIPS, III AL LAND SURVEYOR
REVISIONS: 8/17/23: PBC 8/14/23 COMMENTS	STATE OF F	LORIDA No. 4826
8/3/23: SUPPORTING SURVEY NOTE ADDED ON PG.1	DATE:	
E-Mail: info@brown-phillips.com	OLD DIXIE H	
BROWN & PHILLIPS, INC.	(THIS IS NOT A	
PROFESSIONAL SURVEYING SERVICES	DRAWN: MDB	PROJ. No. 15-026
CERTIFICATE OF AUTHORIZATION # LB 6473 1860 OLD OKEECHOBEE ROAD., SUITE 509,	CHECKED: JEP	SCALE: NONE
WEST PALM BEACH, FLORIDA 33409	LEGAL DESCRIPTION	DATE: 7/17/23
TELEPHONE (561)-615-3988, 615-3991 FAX	1	SHEET 1 OF 3

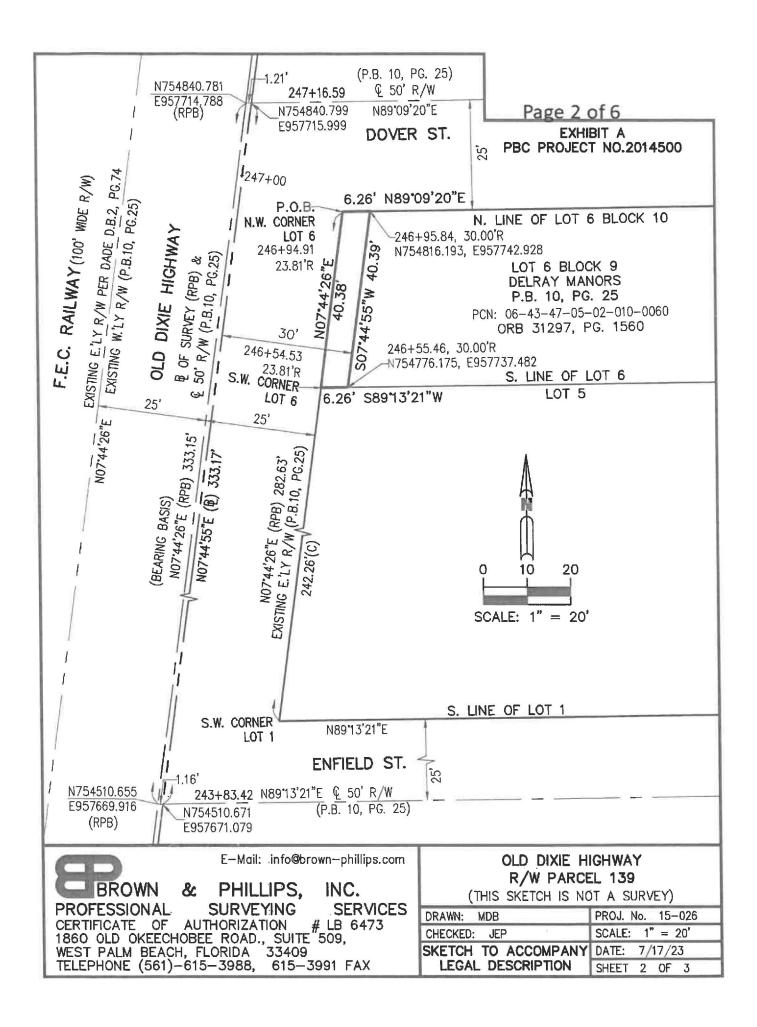


EXHIBIT A PBC PROJECT NO.2014500 Page 3 of 6 NOTES: 1) BASELINE STATIONING IS BASED ON A ROADWAY PLAN FOR OLD DIXIE HIGHWAY, YAMATO ROAD TO LINTON BOULEVARD, PREPARED BY AMERICAN CONSULTING ENGINEERS OF FLORIDA, LLC, PALM BEACH COUNTY PROJECT No.2014-500. 2) STATE PLANE COORDINATES: A. COORDINATES SHOWN ARE GRID F. TRANSVERSE MERCATOR PROJECTION G. ALL DISTANCES ARE GROUND, UNLESS NOTED OTHERWISE B. DATUM - NAD '83, 1990 ADJUSTMENT H. SCALE FACTOR - 1.0000458 I. GROUND DISTANCE X SCALE FACTOR =GRID DISTANCE C. ZONE - FLORIDA EAST D. LINEAR UNIT - US SURVEY FOOT J. ROTATION EQUATION: NONE E. COORDINATE SYSTEM 1983 STATE PLANE 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 RPB 12, PAGES 119 THROUGH 134, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. 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, EXCEPT AS SHOWN ON THIS SKETCH, 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. 'L - LEFT OF CENTERLINE OF CONSTRUCTION 5) ABBREVIATIONS: P.B. - PLAT BOOK 'R - RIGHT OF CENTERLINE OF CONSTRUCTION (P) - PLAT DIMENSION RPB - ROAD PLAT BOOK (C) - CALCULATED DIMENSION ORB - OFFICIAL RECORD BOOK (RPB) - DIMENSION PER ROAD PLAT BOOK 12, PG. - PG. DWG. - DRAWING **PAGE 119** SEC. - SECTION U.E. - UTILITY EASEMENT 5/47/43 - SECTION 5, TOWNSHIP 47 SOUTH, RANGE 43 EAST D.E. - DRAINAGE EASEMENT TCE - TEMPORARY CONSTRUCTION EASEMENT HWY. - HIGHWAY PBC - PALM BEACH COUNTY B - BASELINE PCN - PARCEL CONTROL NUMBER € - CENTERLINE 6) BEARINGS SHOWN ARE CONSISTENT WITH ROAD PLAT BOOK 12, PAGE 119, AND ARE BASED ON NO7'44'26"E (GRID, NAD '83, 1990 ADJUSTMENT) ALONG THE CENTERLINE OF OLD DIXIE HIGHWAY, ACCORDING TO SAID ROAD PLAT BOOK 12, PAGE 119. E-Mail: info@brown-phillips.com OLD DIXIE HIGHWAY R/W PARCEL 139 BROWN PHILLIPS. & INC. (THIS IS NOT A SURVEY) SURVEYING SERVICES PROFESSIONAL PROJ. No. 15-026 DRAWN: MDB CERTIFICATE AUTHORIZATION # LB 6473 OF SCALE: NONE CHECKED: JEP 1860 OLD OKEECHOBEE ROAD., SUITE 509, WEST PALM BEACH, FLORIDA 33409 TELEPHONE (561)-615-3988, 615-3991 FAX DATE: 7/17/23 DESCRIPTION NOTES SHEET 3 OF 3

EXHIBIT A PBC PROJECT NO.2014500			
Page 4 of 6			
A PARCEL OF LAND FOR TEMPORARY CONSTRUCT NORTHEAST QUARTER (N.E.1/4), OF SECTION 5, PALM BEACH COUNTY, FLORIDA, LYING IN LOT 6, DELRAY MANORS, RECORDED IN PLAT BOOK 10, F OF PALM BEACH COUNTY, FLORIDA, MORE PARTIC	TOWNSHIP BLOCK 10, PAGE 25, 0	47 SOUTH, RAN , OF THE PLAT OF THE PUBLIC	IGE 43 EAST, OF RECORDS
COMMENCE AT THE NORTHWEST CORNER OF SAID THENCE ALONG THE NORTH LINE OF SAID LOT 6, TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID NORTH LINE OF L THENCE S07'44'55"W FOR 40.39 FEET TO THE SC THENCE ALONG SAID SOUTH LINE OF LOT 6, S89 THENCE N07'44'55"E FOR 40.39 FEET TO THE PC	N89'09'20 OT 6, N89 OUTH LINE '13'21"W F(	"09'20"E FOR 3 OF SAID LOT 6 OR 3.54 FEET;	5.54 FEET;
CONTAINING 141 SQUARE FEET (0.003 ACRES), M	IORE OR LE	ESS	
THIS LEGAL DESCRIPTION & SKETCH WAS CREATED WITH "SPECIFIC PURPOSE & TOPOGRAPHIC SURVEY" PREPARED & MAPPER DATED JULY 29, 2015, FOR THE PURPOSE OF PREPARED FOR THE PALM BEACH COUNTY ROADWAY PRO	BY THE UN SUPPORTIN	DERSIGNED FLOR G THE ROADWAY	IDA SURVEYOR
THE DESCRIPTION SKETCH AND THE DESCRIPTION TEXT COM COMPLETE LEGAL DESCRIPTION. THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH ACCOUNT OTHER. REPRODUCTIONS OF THIS DOCUMENT ARE NOT VAL THE ORIGINAL SIGNATURE AND STAMP, OR A DIGITALLY VER ELECTRONIC SIGNATURE AND SEAL, OF A FLORIDA LICENSED AND MAPPER EMPLOYED BY BROWN & PHILLIPS, INC. REVISIONS: 8/3/23: SUPPORTING SURVEY NOTE ADDED ON PG.1	MPANY EACH ID WITHOUT	John E Philli John E. Phi Profession	IPS Digitally signed by John E Phillips Date: 2023.08.11 17:39:21-04'00' LLIPS, III AL LAND SURVEYOR LORIDA No. 4826
E-Mail: info@brown-phillips.com BROWN & PHILLIPS, INC.		OLD DIXIE HI TCE 33	59
PROFESSIONAL SURVEYING SERVICES		(THIS IS NOT A	
CERTIFICATE OF AUTHORIZATION # LB 6473	DRAWN: MD	B IEP	PROJ. No. 15-026 SCALE: NONE
1860 OLD OKEECHOBEE ROAD., SUITE <sup>7</sup> 509, WEST PALM BEACH, FLORIDA 33409			DATE: 7/17/23
TELEPHONE (561)-615-3988, 615-3991 FAX	LEGAL	DESCRIPTION	SHEET 1 OF 3

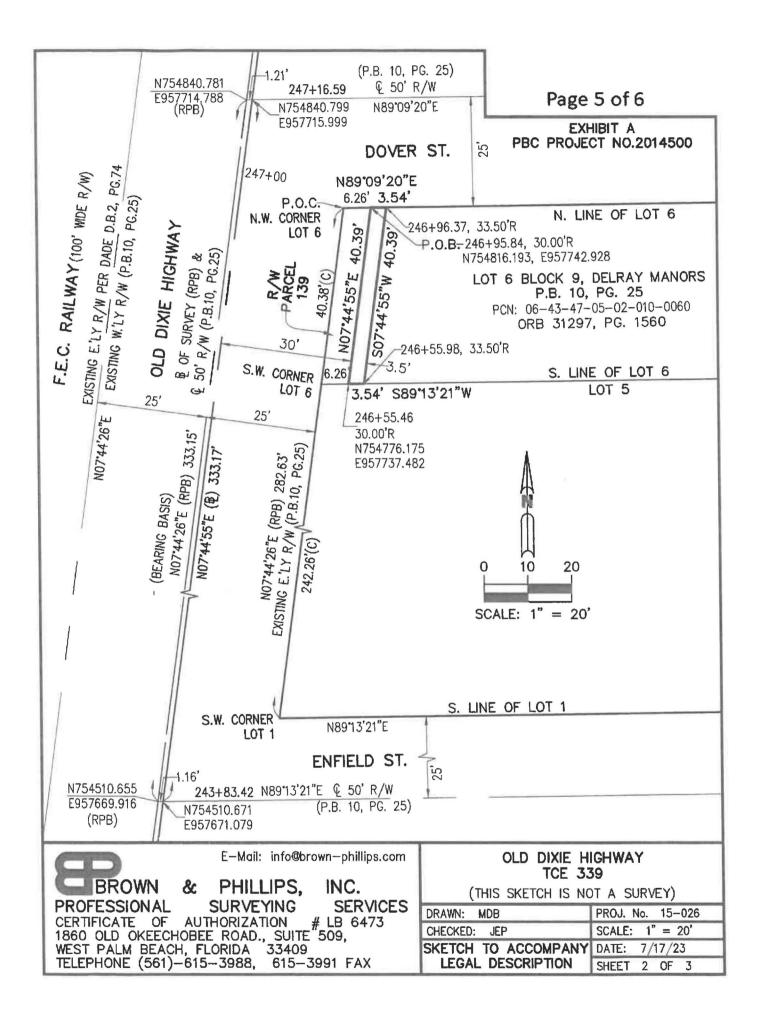


EXHIBIT A PBC PROJECT NO.2014500				
Page 6 of 6				
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PROFESSIONAL SURVEYING SERVICES	DRAWN: MDB	PROJ. No. 15-026		
CERTIFICATE OF AUTHORIZATION # LB 6473	CHECKED: JEP	SCALE: NONE		
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## OLD DIXIE HIGHWAY, 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. 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 prepared 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) defines this roadway as a route required to meet traffic demand 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 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.

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 139

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. These described works to be performed on Parcel 139 shall not extend beyond the limits outlined in the legal description of said property, as EXHIBIT A, attached to the Resolution relating to Parcel 139.

### **ACQUISITION FOR TEMPORARY CONSTRUCTION EASEMENT PARCEL 339**

This Temporary Construction Easement is needed for access and all related construction activities reasonably required for sloping, tying, grading, and to harmonize the road construction with the adjacent property. These described works to be performed on Parcel 339 shall not extend beyond the limits outlined in the legal description of said property, as **EXHIBIT A**, attached to the Resolution relating to Parcel 339. 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 five (5) years from the date of its acquisition by virtue of the deposit of funds, pursuant to an Order of Taking.

The temporary construction easement Parcel 339 shall be non-exclusive. However, all interests in Parcel 339 shall be subordinate to Palm Beach County's interest in the parcel during the TCE period and all interested holders shall be prohibited from interfering with County's use of Parcel 339.