

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

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

I. EXECUTIVE BRIEF

**Motion and Title:** Staff recommends motion to adopt: 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: David Z. Reis 4 JUN 25  
County Engineer Date  
Approved by: PW 6/23/25  
Deputy County Administrator Date

## 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?

Yes ☒ No ☐

Is this item using Federal Funds?

Yes ☐ No ☒

Is this item using State Funds?

Yes ☐ No ☒

Budget Account No: Fund 3505 Dept 361 Unit 1428 Object 6120

Recommended Sources of Funds/Summary of Fiscal Impact:

Road Impact Fee Zone 5/Old Dixie Hwy from Yamato Rd to Linton Blvd

PHASE III					
Asset Number	Parcel No.	TYPE	PCN Number	Parcel Description	Total
M10324	130	RW	06-43-47-05-02-009-0010	6320 N DIXIE HWY	\$ 25,600.00
M10325	131	RW	06-43-47-05-02-009-0030	6340 N DIXIE HWY	\$ 20,700.00
M10326	132	RW	06-43-47-05-02-009-0040	6360 N DIXIE HWY	\$ 19,800.00
M10327	133	RW	06-43-47-05-02-009-0050	6380 N DIXIE HWY	\$ 32,900.00
M10328	134	RW	06-43-47-05-02-010-0010	6410 N DIXIE HWY	\$ 20,200.00
M10329	135	RW	06-43-47-05-02-010-0020	6420 N DIXIE HWY	\$ 18,300.00
M10330	136	RW	06-43-47-05-02-010-0030	6440 N DIXIE HWY	\$ 28,400.00
M10331	137	RW	06-43-47-05-02-010-0040	6460 N DIXIE HWY	\$ 25,100.00
M10332	138	RW	06-43-47-05-02-010-0050	6480 N DIXIE HWY	\$ 20,300.00
M10333	139	RW	06-43-47-05-02-010-0060	N DIXIE HWY & DOVER ST	\$ 10,600.00
NA	330	TCE	06-43-47-05-02-009-0010	6320 N DIXIE HWY	\$ 3,600.00
NA	331	TCE	06-43-47-05-02-009-0030	6340 N DIXIE HWY	\$ 3,200.00
NA	332	TCE	06-43-47-05-02-009-0040	6360 N DIXIE HWY	\$ 3,300.00
NA	333	TCE	06-43-47-05-02-009-0050	6380 N DIXIE HWY	\$ 9,700.00
NA	334	TCE	06-43-47-05-02-010-0010	6410 N DIXIE HWY	\$ 6,800.00
NA	335	TCE	06-43-47-05-02-010-0020	6420 N DIXIE HWY	\$ 8,300.00
NA	336	TCE	06-43-47-05-02-010-0030	6440 N DIXIE HWY	\$ 4,100.00
NA	337	TCE	06-43-47-05-02-010-0040	6460 N DIXIE HWY	\$ 3,200.00
NA	338	TCE	06-43-47-05-02-010-0050	6480 N DIXIE HWY	\$ 3,800.00
NA	339	TCE	06-43-47-05-02-010-0060	N DIXIE HWY & DOVER ST	\$ 2,800.00
					\$269,900.00

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 Linton Blvd. 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 and Chapter B, Section 4 of the ULDC.

### C. Departmental Fiscal Review:

### III. REVIEW COMMENTS

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

*Sum Math* 6/9/2025  
OFMB SAM 6/9/25 MD 6/9

*Brande Mack* 6/10/25  
Contract Dev. and Control 206/10/25

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

*[Signature]*  
Assistant County Attorney

### C. Other Department Review:

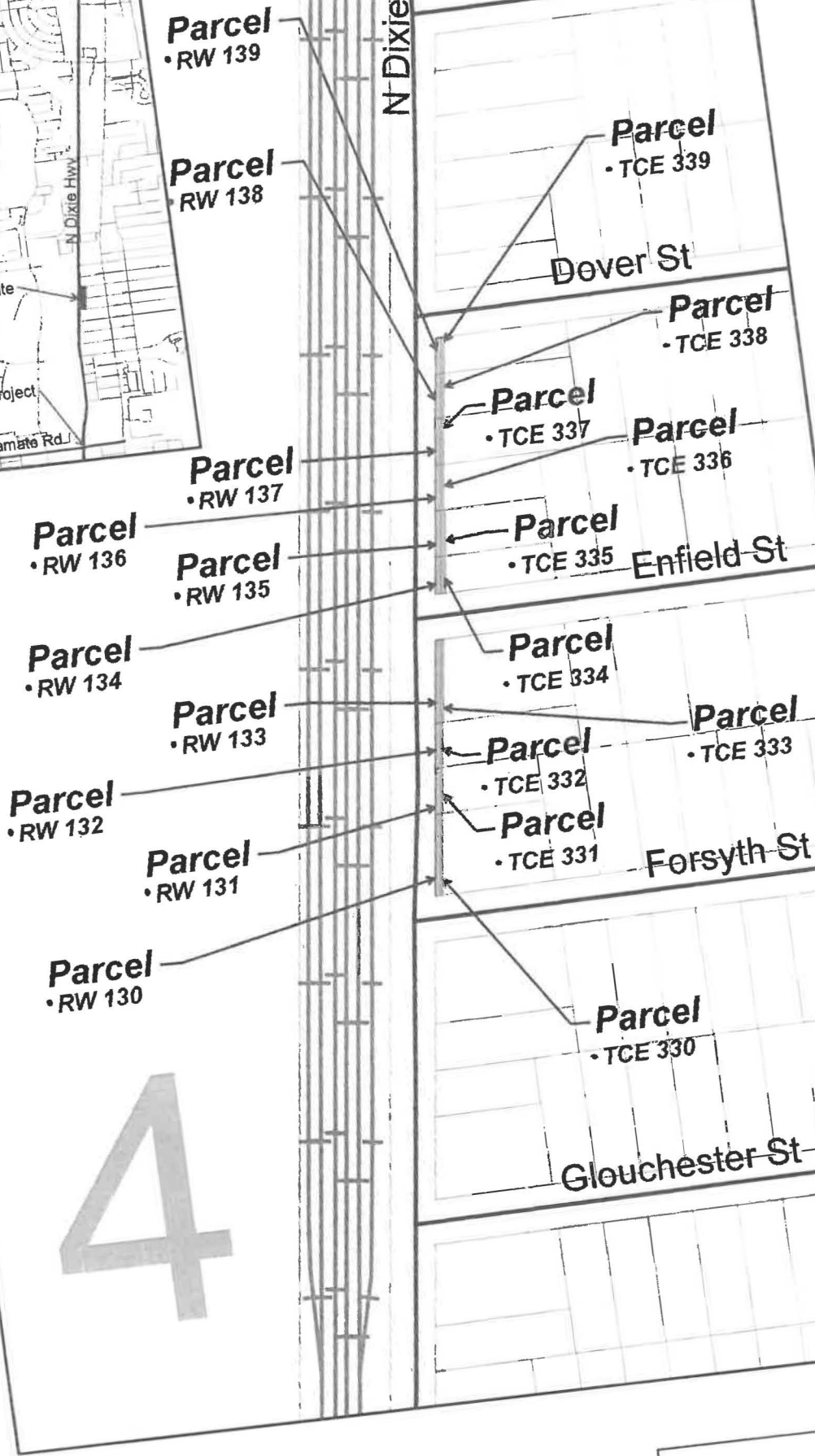
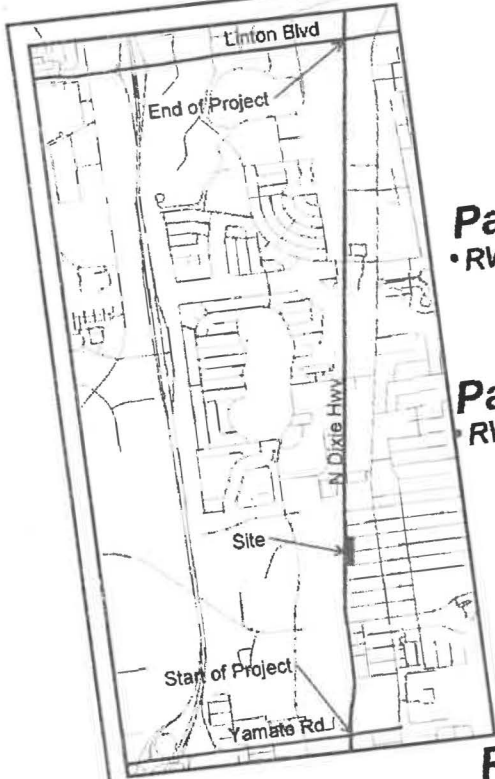
Department Director

This summary is not to be used as a basis for payment. 2

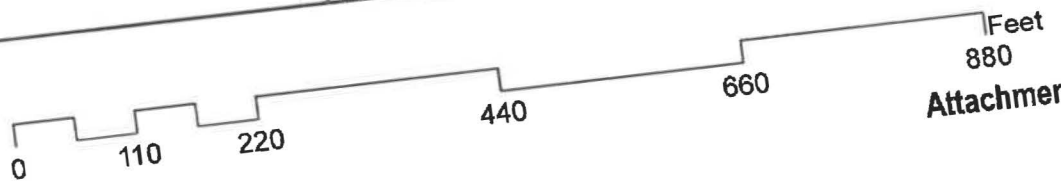
F:\ADM\_SER\Fiscal\AgendaPage2 25 25.105.phase3.eminent.domain.pg2.2014500.3505.1428.6120



Location Map



Document Path: N:\R\_O\_W\Darren Ross\TEMPLATE\Location\_Map\_ProjectOld Dixie Hwy, Project No. 2014500\_Phase\_3.mxd



**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 PARCEL 130, AND A TEMPORARY CONSTRUCTION EASEMENT DESIGNATED AS PARCEL 330, 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 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 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 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 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 Exhibit "A", to be acquired through Eminent Domain as authorized by this Resolution, are not being acquired for the purpose of abating or eliminating public nuisances, slum or blighted conditions, and are subject to any applicable conveyance restrictions pursuant to Florida law, to the extent they may apply; and

**WHEREAS**, in order to accomplish the acquisition of Parcels 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 Exhibit "A", and prepare all papers, pleadings, and other

instruments required for that purpose, and to see that all Eminent Domain Proceedings are prosecuted to judgment.

3. The County Engineer and County Attorney, using outside counsel to the extent they deem appropriate, are hereby further authorized and directed to take such further actions as are reasonably required to fully accomplish the purposes herein above directed, including correcting minor errors in the description of any real property described in Exhibit "A" so long as the property does not change, that may be necessary to fully accomplish those purposes.

**BE IT FURTHER RESOLVED** that the property described in Exhibit "A" is to be used for the following public use and purpose: fee simple right-of-way and a temporary construction easement necessary for the construction and improvement of the Project.

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

Commissioner 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

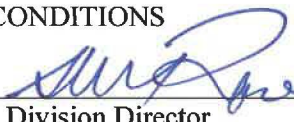
APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

JOSEPH ABRUZZO,  
CLERK OF THE CIRCUIT COURT  
& COMPTROLLER

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

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

APPROVED AS TO TERMS  
AND CONDITIONS

By:   
KOF Division Director  
TMS MA

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 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, 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, N89°13'21"E FOR 6.19 FEET;  
THENCE S07°44'55"W FOR 91.01 FEET TO THE SOUTH LINE OF SAID LOT 1;  
THENCE ALONG SAID 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 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 17:06:28 -04'00'

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

REVISIONS:

8/3/23: SUPPORTING SURVEY NOTE ADDED ON PG.1



E-Mail: info@brown-phillips.com

**BROWN & PHILLIPS, INC.**  
PROFESSIONAL SURVEYING SERVICES  
CERTIFICATE OF AUTHORIZATION # LB 6473  
1860 OLD OKEECHOBEE ROAD., SUITE 509,  
WEST PALM BEACH, FLORIDA 33409  
TELEPHONE (561)-615-3988, 615-3991 FAX

**OLD DIXIE HIGHWAY  
R/W PARCEL 130**  
(THIS IS NOT A SURVEY)

DRAWN: MDB

PROJ. No. 15-026

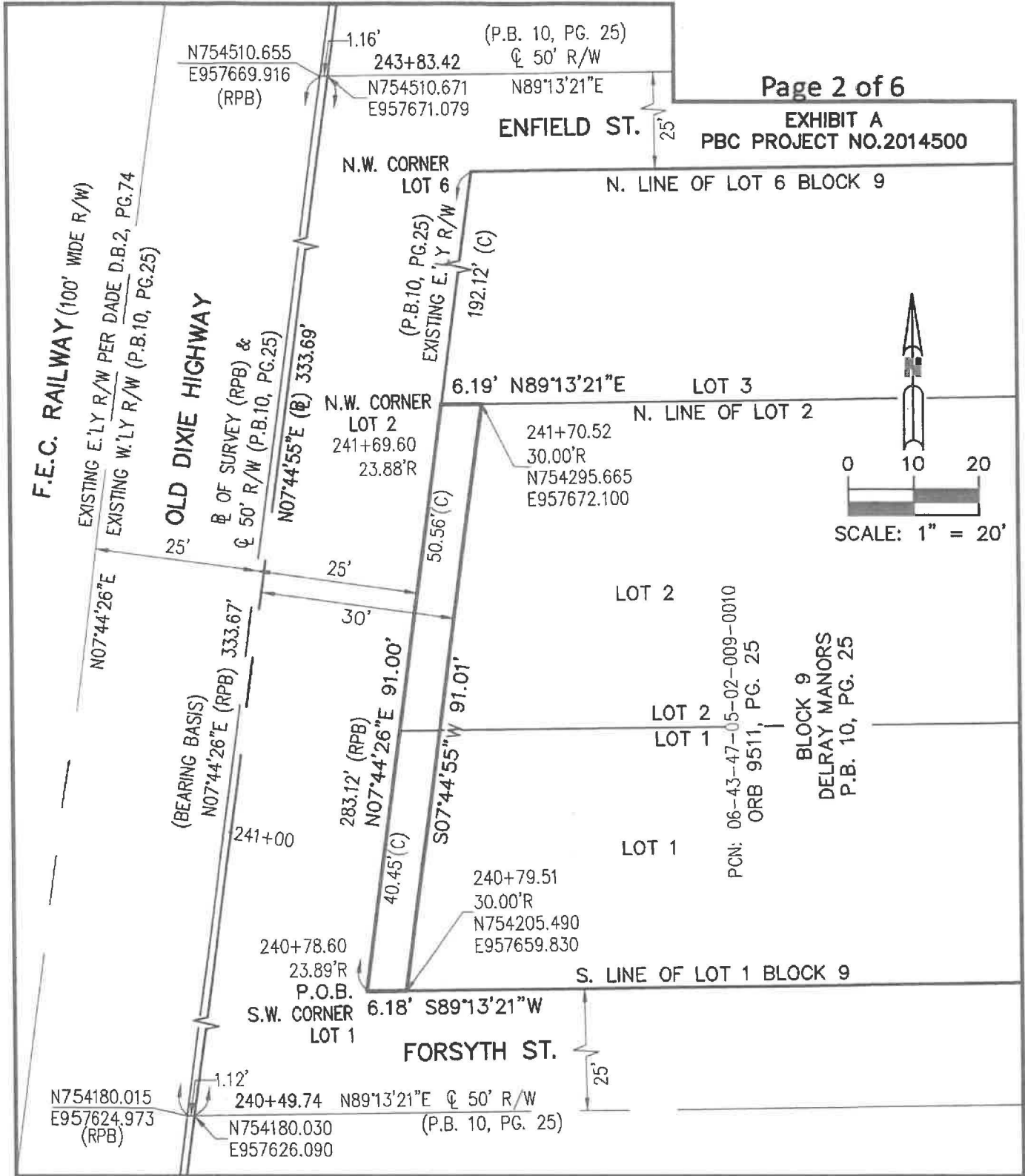
CHECKED: JEP

SCALE: NONE

**LEGAL DESCRIPTION**

DATE: 7/14/23

SHEET 1 OF 3



**BROWN & PHILLIPS, INC.**  
PROFESSIONAL SURVEYING SERVICES  
CERTIFICATE OF AUTHORIZATION # LB 6473  
1860 OLD OKEECHOBEE ROAD, SUITE 509,  
WEST PALM BEACH, FLORIDA 33409  
TELEPHONE (561)-615-3988, 615-3991 FAX

E-Mail: info@brown-phillips.com

**OLD DIXIE HIGHWAY  
R/W PARCEL 130**  
(THIS SKETCH IS NOT A SURVEY)

DRAWN: MDB	PROJ. No. 15-026
CHECKED: JEP	SCALE: 1" = 20'
SKETCH TO ACCOMPANY LEGAL DESCRIPTION	DATE: 7/14/23
	SHEET 2 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
  - B. DATUM - NAD '83, 1990 ADJUSTMENT
  - C. ZONE - FLORIDA EAST
  - D. LINEAR UNIT - US SURVEY FOOT
  - E. COORDINATE SYSTEM 1983 STATE PLANE
  - F. TRANSVERSE MERCATOR PROJECTION
  - G. ALL DISTANCES ARE GROUND, UNLESS NOTED OTHERWISE
  - H. SCALE FACTOR - 1.0000458
  - I. GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE
  - J. ROTATION EQUATION: NONE
- 3) THESE R/W PARCELS OR TCE'S ARE BEING PREPARED IN ACCORDANCE WITH THE R/W MAP FOR OLD DIXIE HIGHWAY FROM JEFFERY STREET TO NORTH OF THE C-15 CANAL, AS RECORDED IN 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:
  - 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
  - BL - BASELINE
  - CL - CENTERLINE
  - 'L - LEFT OF CENTERLINE OF CONSTRUCTION
  - 'R - RIGHT OF CENTERLINE OF CONSTRUCTION
  - (P) - PLAT DIMENSION
  - (C) - CALCULATED DIMENSION
  - (RPB) - DIMENSION PER ROAD PLAT BOOK 12, PAGE 119
  - U.E. - UTILITY EASEMENT
  - D.E. - DRAINAGE EASEMENT
  - TCE - TEMPORARY CONSTRUCTION EASEMENT
  - PBC - PALM BEACH COUNTY
  - PCN - PARCEL CONTROL NUMBER
- 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.



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**OLD DIXIE HIGHWAY  
R/W PARCEL 130**  
(THIS IS NOT A SURVEY)

DRAWN: MDB	PROJ. No. 15-026
CHECKED: JEP	SCALE: NONE
DESCRIPTION NOTES	DATE: 7/14/23
	SHEET 3 OF 3

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 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:

COMMENCE AT THE NORTHWEST CORNER OF SAID LOT 2;  
THENCE ALONG THE NORTH LINE OF SAID LOT 2, N89°13'21"E FOR 6.19 FEET TO THE POINT OF BEGINNING.  
THENCE S07°44'55"W FOR 91.01 FEET TO THE SOUTH LINE OF SAID LOT 1;  
THENCE ALONG SAID SOUTH LINE OF LOT 1, N89°13'21"E FOR 2.02 FEET;  
THENCE N07°44'55"E FOR 91.01 FEET TO THE SAID NORTH LINE OF LOT 2;  
THENCE ALONG SAID NORTH LINE OF LOT 2, S89°13'21"W FOR 2.02 FEET TO THE POINT OF BEGINNING.

CONTAINING 182 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.

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John E Phillips Digitally signed by John E Phillips  
Date: 2023.08.11 17:32:21 -04'00'

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

REVISIONS:

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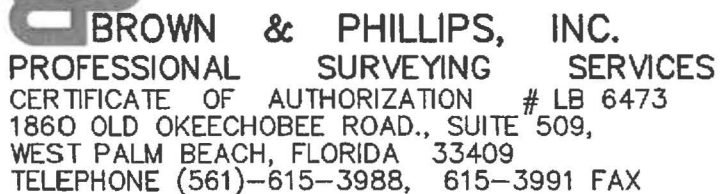
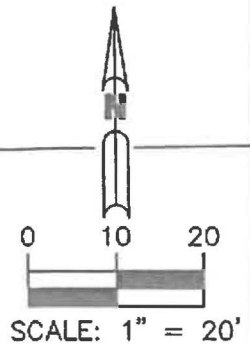


E-Mail: [info@brown-phillips.com](mailto:info@brown-phillips.com)

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

**OLD DIXIE HIGHWAY  
TCE 330**  
(THIS IS NOT A SURVEY)

DRAWN: MDB	PROJ. No. 15-026
CHECKED: JEP	SCALE: NONE
LEGAL DESCRIPTION	DATE: 7/14/23
	SHEET 1 OF 3



OLD DIXIE HIGHWAY  
TCE 330

DRAWN: MDB	PROJ. No. 15-026
CHECKED: JEP	SCALE: 1" = 20'
SKETCH TO ACCOMPANY LEGAL DESCRIPTION	DATE: 7/14/23
	SHEET 2 OF 3



EXHIBIT A  
PBC PROJECT NO.2014500

Page 6 of 6

NOTES:

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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
  - ℄ - BASELINE
  - ℄ - CENTERLINE
  - 'L - LEFT OF CENTERLINE OF CONSTRUCTION
  - 'R - RIGHT OF CENTERLINE OF CONSTRUCTION
  - (P) - PLAT DIMENSION
  - (C) - CALCULATED DIMENSION
  - (RPB) - DIMENSION PER ROAD PLAT BOOK 12, PAGE 119
  - U.E. - UTILITY EASEMENT
  - D.E. - DRAINAGE EASEMENT
  - TCE - TEMPORARY CONSTRUCTION EASEMENT
  - PBC - PALM BEACH COUNTY
  - PCN - PARCEL CONTROL NUMBER
- 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

**BROWN & PHILLIPS, INC.**  
**PROFESSIONAL SURVEYING SERVICES**  
CERTIFICATE OF AUTHORIZATION # LB 6473  
1860 OLD OKEECHOBEE ROAD., SUITE 509,  
WEST PALM BEACH, FLORIDA 33409  
TELEPHONE (561)-615-3988, 615-3991 FAX

**OLD DIXIE HIGHWAY  
TCE 330**

(THIS IS NOT A SURVEY)

DRAWN: MDB

PROJ. No. 15-026

CHECKED: JEP

SCALE: NONE

**DESCRIPTION NOTES**

DATE: 7/14/23

SHEET 3 OF 3

## **EXHIBIT “B”**

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

#### **SAFETY**

Old Dixie Highway from Yamato Road to south of Linton Boulevard (Project) is currently a 2 to 3 lane paved roadway running north and south. 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.

## EXHIBIT "B"

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

### ACQUISITION FOR FEE SIMPLE RIGHT-OF-WAY PARCEL 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.

**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 PARCEL 131, AND A TEMPORARY CONSTRUCTION EASEMENT DESIGNATED AS PARCEL 331, 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 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 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 Exhibit “A”, to be acquired through Eminent Domain as authorized by this Resolution, are not being acquired for the purpose of abating or eliminating public nuisances, slum or blighted conditions, and are subject to any applicable conveyance restrictions pursuant to Florida law, to the extent they may apply; and

**WHEREAS**, in order to accomplish the acquisition of Parcels 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 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	_____
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: \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO TERMS  
AND CONDITIONS

By:   
KOF Division Director  
JES MA



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 3, 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 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 50.56 FEET TO THE NORTHWEST CORNER OF SAID LOT 3;  
THENCE ALONG THE NORTH LINE OF SAID LOT 3, N89°13'21"E FOR 6.20 FEET;  
THENCE S07°44'55"W FOR 50.56 FEET TO THE SOUTH LINE OF SAID LOT 3;  
THENCE ALONG SAID SOUTH LINE OF LOT 3, S89°13'21"W FOR 6.19 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 AND MAPPER EMPLOYED BY BROWN & PHILLIPS, INC.

John E Phillips Digitally signed by John E Phillips  
Date: 2023.08.11 17:07:14 -04'00'  
JOHN E. PHILLIPS, III  
PROFESSIONAL LAND SURVEYOR  
STATE OF FLORIDA No. 4826  
DATE: \_\_\_\_\_

REVISIONS:

8/3/23: SUPPORTING SURVEY NOTE ADDED ON PG.1



E-Mail: info@brown-phillips.com

**BROWN & PHILLIPS, INC.**  
PROFESSIONAL SURVEYING SERVICES  
CERTIFICATE OF AUTHORIZATION # LB 6473  
1860 OLD OKEECHOBEE ROAD., SUITE 509,  
WEST PALM BEACH, FLORIDA 33409  
TELEPHONE (561)-615-3988, 615-3991 FAX

**OLD DIXIE HIGHWAY  
R/W PARCEL 131  
(THIS IS NOT A SURVEY)**

DRAWN: MDB

CHECKED: JEP

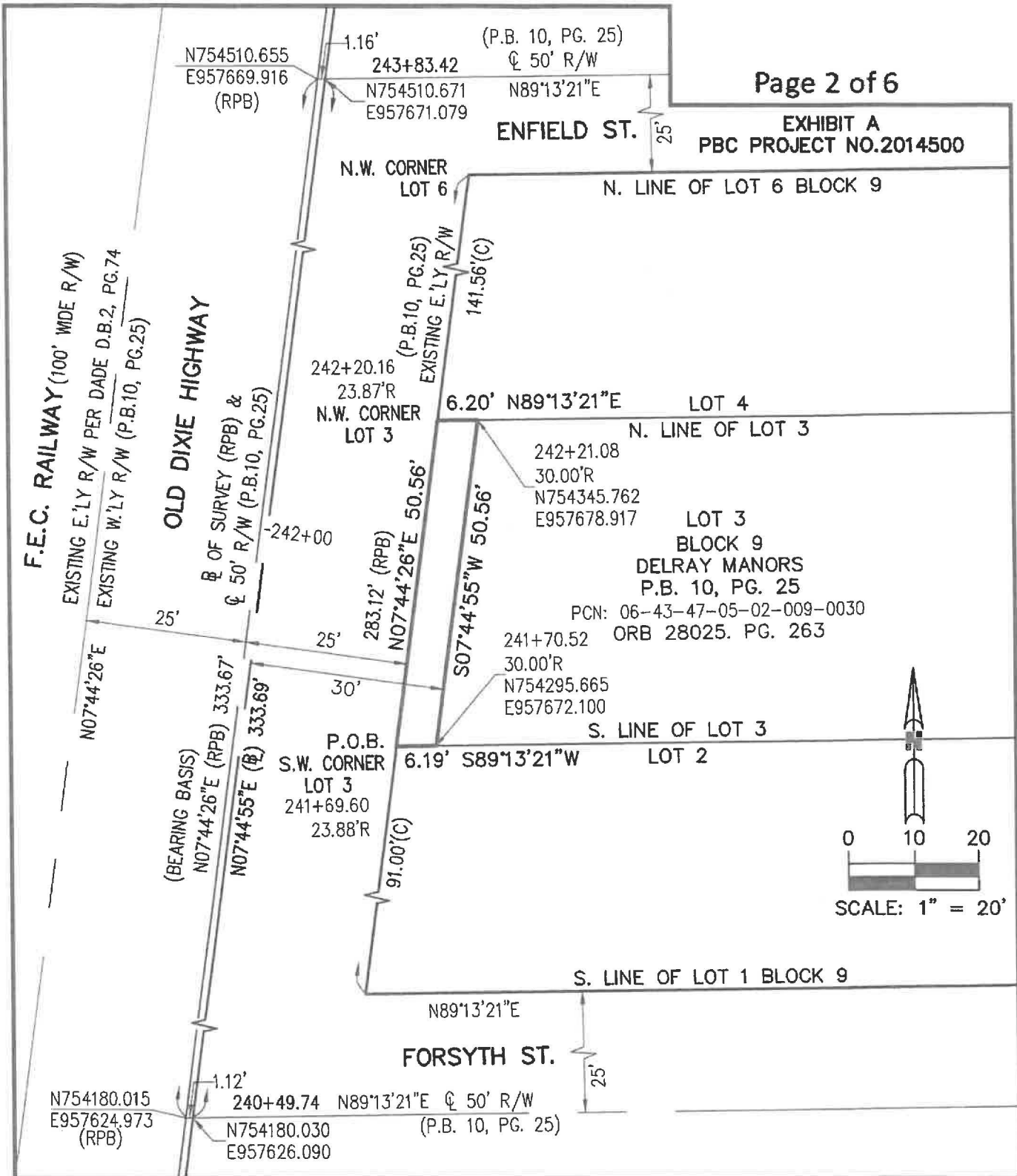
**LEGAL DESCRIPTION**

PROJ. No. 15-026

SCALE: NONE

DATE: 7/14/23

SHEET 1 OF 3



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**OLD DIXIE HIGHWAY  
R/W PARCEL 131**  
(THIS SKETCH IS NOT A SURVEY)

DRAWN: MDB	PROJ. No. 15-026
CHECKED: JEP	SCALE: 1" = 20'
SKETCH TO ACCOMPANY LEGAL DESCRIPTION	DATE: 7/14/23
	SHEET 2 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
  - B. DATUM - NAD '83, 1990 ADJUSTMENT
  - C. ZONE - FLORIDA EAST
  - D. LINEAR UNIT - US SURVEY FOOT
  - E. COORDINATE SYSTEM 1983 STATE PLANE
  - F. TRANSVERSE MERCATOR PROJECTION
  - G. ALL DISTANCES ARE GROUND, UNLESS NOTED OTHERWISE
  - H. SCALE FACTOR - 1.0000458
  - I. GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE
  - J. ROTATION EQUATION: NONE
- 3) THESE R/W PARCELS OR TCE'S ARE BEING PREPARED IN ACCORDANCE WITH THE R/W MAP FOR OLD DIXIE HIGHWAY FROM JEFFERY STREET TO NORTH OF THE C-15 CANAL, AS RECORDED IN 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.  
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**OLD DIXIE HIGHWAY**  
**R/W PARCEL 131**  
(THIS IS NOT A SURVEY)

DRAWN: MDB	PROJ. No. 15-026
CHECKED: JEP	SCALE: NONE
DESCRIPTION NOTES	DATE: 7/14/23
	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 3, 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 3;  
THENCE ALONG THE NORTH LINE OF SAID LOT 3, N89°13'21"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 3;  
THENCE ALONG SAID SOUTH LINE OF LOT 3, N89°13'21"E FOR 2.02 FEET;  
THENCE N07°44'55"E FOR 50.56 FEET TO THE SAID NORTH LINE OF LOT 3;  
THENCE ALONG SAID NORTH LINE OF LOT 3, S89°13'21"W FOR 2.02 FEET TO THE POINT OF BEGINNING.

CONTAINING 101 SQUARE FEET (0.002 ACRES), MORE OR LESS.

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John E Phillips  
Digitally signed by John E Phillips  
Date: 2023.08.23 10:31:30 -04'00'

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

REVISIONS:

8/17/23: PBC 8/14/23 COMMENTS

8/3/23: SUPPORTING SURVEY NOTE ADDED ON PG.1



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**OLD DIXIE HIGHWAY  
TCE 331**

(THIS IS NOT A SURVEY)

DRAWN: MDB

PROJ. No. 15-026

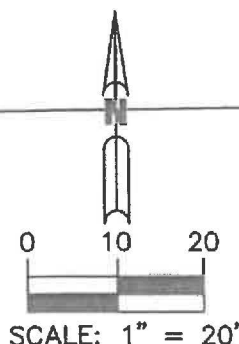
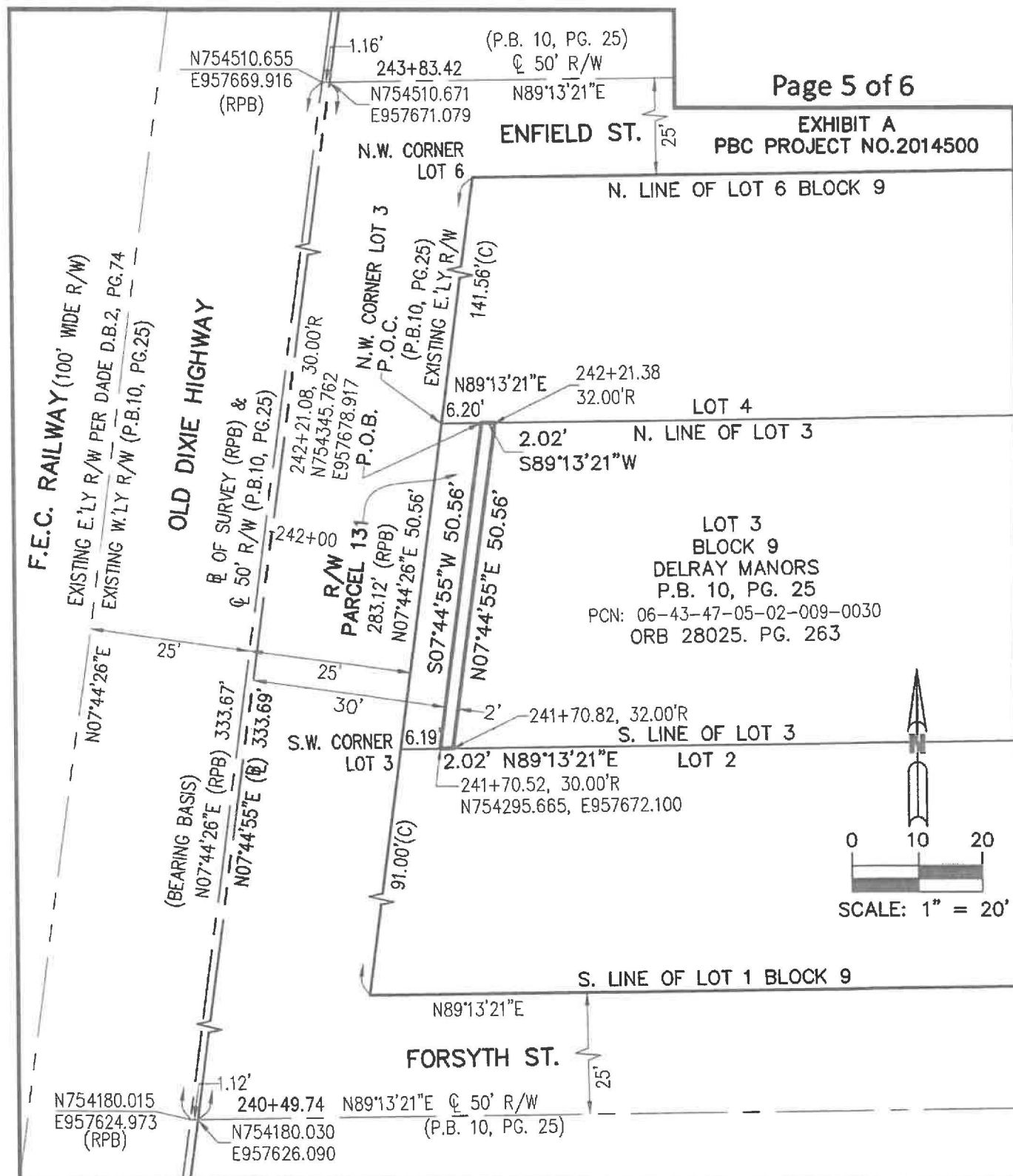
CHECKED: JEP

SCALE: NONE

**LEGAL DESCRIPTION**

DATE: 7/14/23

SHEET 1 OF 3



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**OLD DIXIE HIGHWAY  
TCE 331**

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DRAWN: MDB	PROJ. No. 15-026
CHECKED: JEP	SCALE: 1" = 20'
SKETCH TO ACCOMPANY LEGAL DESCRIPTION	DATE: 7/14/23
	SHEET 2 OF 3

EXHIBIT A  
PBC PROJECT NO.2014500

Page 6 of 6

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WEST PALM BEACH, FLORIDA 33409  
TELEPHONE (561)-615-3988, 615-3991 FAX

**OLD DIXIE HIGHWAY  
TCE 331**

(THIS IS NOT A SURVEY)

DRAWN: MDB

PROJ. No. 15-026

CHECKED: JEP

SCALE: NONE

DESCRIPTION NOTES

DATE: 7/14/23

SHEET 3 OF 3

## **EXHIBIT "B"**

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

#### **SAFETY**

Old Dixie Highway from Yamato Road to south of Linton Boulevard (Project) is currently a 2 to 3 lane paved roadway running north and south. 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.

## EXHIBIT "B"

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

### ACQUISITION FOR FEE SIMPLE RIGHT-OF-WAY PARCEL 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.

**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 PARCEL 132, AND A TEMPORARY CONSTRUCTION EASEMENT DESIGNATED AS PARCEL 332, 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 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 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 Exhibit "A", to be acquired through Eminent Domain as authorized by this Resolution, are not being acquired for the purpose of abating or eliminating public nuisances, slum or blighted conditions, and are subject to any applicable conveyance restrictions pursuant to Florida law, to the extent they may apply; and

**WHEREAS**, in order to accomplish the acquisition of Parcels 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 **Exhibit "A"**, and prepare all papers, pleadings, and other instruments required for that purpose, and to see that all Eminent Domain Proceedings are prosecuted to judgment.

3. The County Engineer and County Attorney, using outside counsel to the extent they deem appropriate, are hereby further authorized and directed to take such further actions as are reasonably required to fully accomplish the purposes herein above directed, including correcting minor errors in the description of any real property described in **Exhibit "A"** so long as the property does not change, that may be necessary to fully accomplish those purposes.

**BE IT FURTHER RESOLVED** that the property described in **Exhibit "A"** is to be used for the following public use and purpose: fee simple right-of-way and a temporary construction easement necessary for the construction and improvement of the Project.

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

Commissioner 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

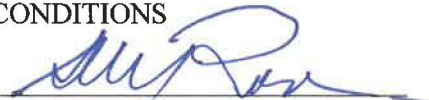
APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

JOSEPH ABRUZZO,  
CLERK OF THE CIRCUIT COURT  
& COMPTROLLER

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

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

APPROVED AS TO TERMS  
AND CONDITIONS

By:   
Kof Division Director  
per MA

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, N07°44'26"E FOR 50.56 FEET TO THE NORTHWEST CORNER OF SAID LOT 4;  
THENCE ALONG THE NORTH LINE OF SAID LOT 4, N89°13'21"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 AND MAPPER EMPLOYED BY BROWN & PHILLIPS, INC.

John E Phillips  
Digitally signed by John E Phillips  
Date: 2023.08.11 17:08:19 -04'00'  
JOHN E. PHILLIPS, III  
PROFESSIONAL LAND SURVEYOR  
STATE OF FLORIDA No. 4826  
DATE: \_\_\_\_\_

REVISIONS:

8/3/23: SUPPORTING SURVEY NOTE ADDED ON PG.1



E-Mail: info@brown-phillips.com

**BROWN & PHILLIPS, INC.**  
PROFESSIONAL SURVEYING SERVICES  
CERTIFICATE OF AUTHORIZATION # LB 6473  
1860 OLD OKEECHOBEE ROAD., SUITE 509,  
WEST PALM BEACH, FLORIDA 33409  
TELEPHONE (561)-615-3988, 615-3991 FAX

**OLD DIXIE HIGHWAY  
R/W PARCEL 132**  
(THIS IS NOT A SURVEY)

DRAWN: MDB

PROJ. No. 15-026

CHECKED: JEP

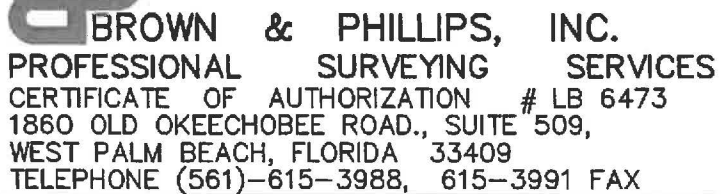
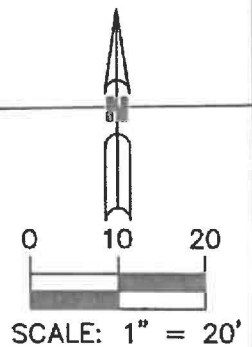
SCALE: NONE

LEGAL DESCRIPTION

DATE: 7/14/23

SHEET 1 OF 3





OLD DIXIE HIGHWAY  
R/W PARCEL 132  
(THIS SKETCH IS NOT A SURVEY)

DRAWN: MDB	PROJ. No. 15-026
CHECKED: JEP	SCALE: 1" = 20'
SKETCH TO ACCOMPANY LEGAL DESCRIPTION	DATE: 7/14/23
	SHEET 2 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
  - B. DATUM - NAD '83, 1990 ADJUSTMENT
  - C. ZONE - FLORIDA EAST
  - D. LINEAR UNIT - US SURVEY FOOT
  - E. COORDINATE SYSTEM 1983 STATE PLANE
  - F. TRANSVERSE MERCATOR PROJECTION
  - G. ALL DISTANCES ARE GROUND, UNLESS NOTED OTHERWISE
  - H. SCALE FACTOR - 1.0000458
  - I. GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE
  - J. ROTATION EQUATION: NONE
- 3) THESE R/W PARCELS OR TCE'S ARE BEING PREPARED IN ACCORDANCE WITH THE R/W MAP FOR OLD DIXIE HIGHWAY FROM JEFFERY STREET TO NORTH OF THE C-15 CANAL, AS RECORDED IN 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:
  - 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
  - ℄ - BASELINE
  - ℄ - CENTERLINE
  - 'L - LEFT OF CENTERLINE OF CONSTRUCTION
  - 'R - RIGHT OF CENTERLINE OF CONSTRUCTION
  - (P) - PLAT DIMENSION
  - (C) - CALCULATED DIMENSION
  - (RPB) - DIMENSION PER ROAD PLAT BOOK 12, PAGE 119
  - U.E. - UTILITY EASEMENT
  - D.E. - DRAINAGE EASEMENT
  - TCE - TEMPORARY CONSTRUCTION EASEMENT
  - PBC - PALM BEACH COUNTY
  - PCN - PARCEL CONTROL NUMBER
- 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

**BROWN & PHILLIPS, INC.**  
PROFESSIONAL SURVEYING SERVICES  
CERTIFICATE OF AUTHORIZATION # LB 6473  
1860 OLD OKEECHOBEE ROAD., SUITE 509,  
WEST PALM BEACH, FLORIDA 33409  
TELEPHONE (561)-615-3988, 615-3991 FAX

**OLD DIXIE HIGHWAY  
R/W PARCEL 132**  
(THIS IS NOT A SURVEY)

DRAWN: MDB	PROJ. No. 15-026
CHECKED: JEP	SCALE: NONE
DESCRIPTION NOTES	DATE: 7/14/23
	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 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°13'21"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, N89°13'21"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.

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Digitally signed by John E Phillips  
Date: 2023.08.23 10:32:31 -04'00'

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

REVISIONS:

8/17/23: PBC 8/14/23 COMMENTS

8/3/23: SUPPORTING SURVEY NOTE ADDED ON PG.1



E-Mail: info@brown-phillips.com

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

**OLD DIXIE HIGHWAY  
TCE 332**  
(THIS IS NOT A SURVEY)

DRAWN: MDB

PROJ. No. 15-026

CHECKED: JEP

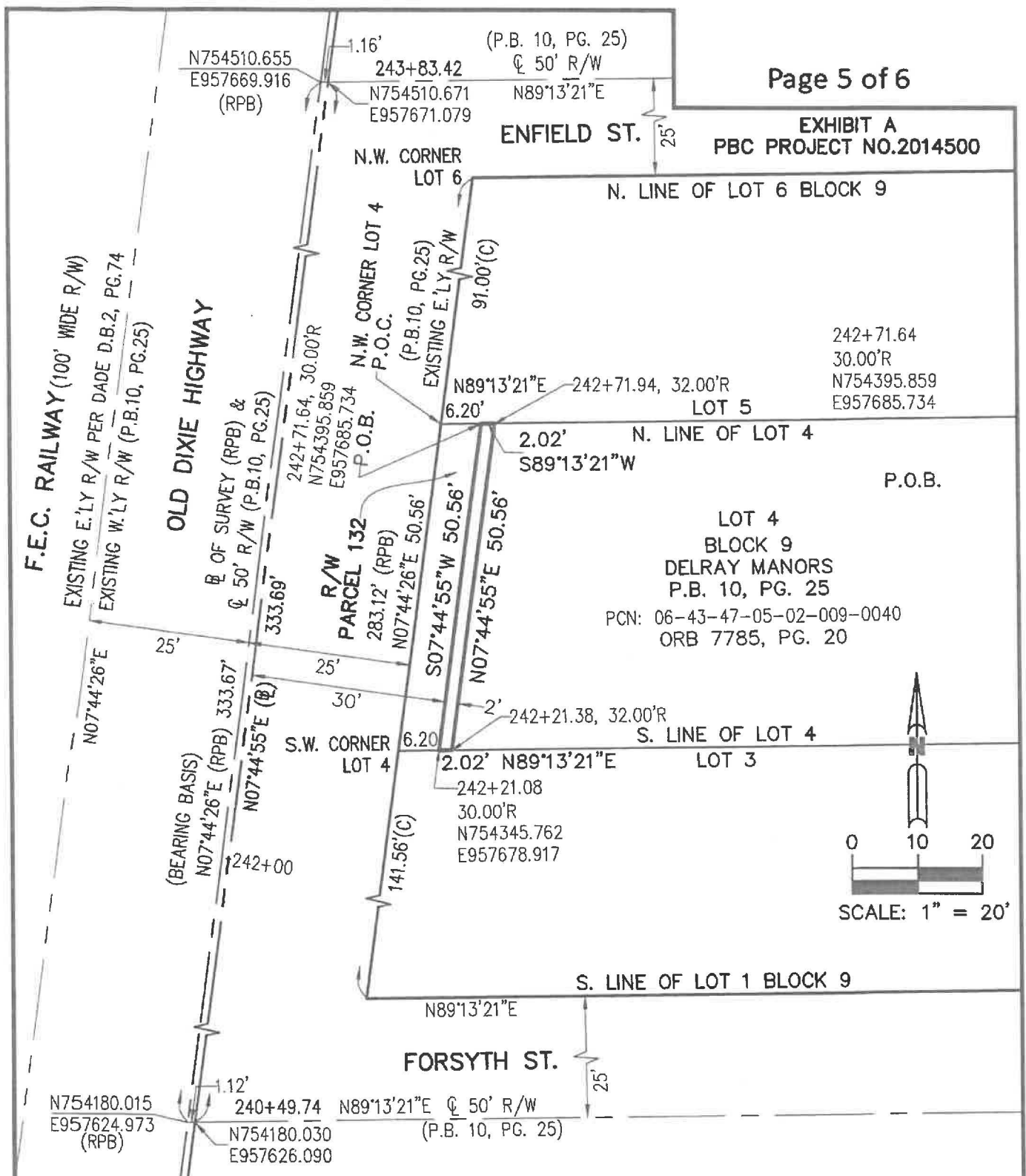
SCALE: NONE

**LEGAL DESCRIPTION**

DATE: 7/14/23

SHEET 1 OF 3

EXHIBIT A  
PBC PROJECT NO.2014500



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**OLD DIXIE HIGHWAY  
TCE 332**

(THIS SKETCH IS NOT A SURVEY)

DRAWN: MDB	PROJ. No. 15-026
CHECKED: JEP	SCALE: 1" = 20'
SKETCH TO ACCOMPANY LEGAL DESCRIPTION	DATE: 7/14/23
	SHEET 2 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         | F. TRANSVERSE MERCATOR PROJECTION                   |
| B. DATUM - NAD '83, 1990 ADJUSTMENT   | G. ALL DISTANCES ARE GROUND, UNLESS NOTED OTHERWISE |
| C. ZONE - FLORIDA EAST                | H. SCALE FACTOR - 1.0000458                         |
| D. LINEAR UNIT - US SURVEY FOOT       | I. GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE   |
| E. COORDINATE SYSTEM 1983 STATE PLANE | J. ROTATION EQUATION: NONE                          |
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- SEE SAID MAP FOR A DETAILED EXPLANATION OF THE METHODS AND PROCEDURES USED IN ITS PREPARATION.
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- 5) ABBREVIATIONS:
- |                                                       |                                                   |
|-------------------------------------------------------|---------------------------------------------------|
| P.B. - PLAT BOOK                                      | 'L - LEFT OF CENTERLINE OF CONSTRUCTION           |
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| PG. - PG.                                             | (C) - CALCULATED DIMENSION                        |
| DWG. - DRAWING                                        | (RPB) - DIMENSION PER ROAD PLAT BOOK 12, PAGE 119 |
| SEC. - SECTION                                        | U.E. - UTILITY EASEMENT                           |
| 5/47/43 - SECTION 5, TOWNSHIP 47 SOUTH, RANGE 43 EAST | D.E. - DRAINAGE EASEMENT                          |
| HWY. - HIGHWAY                                        | TCE - TEMPORARY CONSTRUCTION EASEMENT             |
| ℓ - BASELINE                                          | PBC - PALM BEACH COUNTY                           |
| ℄ - CENTERLINE                                        | PCN - PARCEL CONTROL NUMBER                       |
- 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.



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**OLD DIXIE HIGHWAY  
TCE 332**

(THIS IS NOT A SURVEY)

DRAWN: MDB

PROJ. No. 15-026

CHECKED: JEP

SCALE: NONE

DESCRIPTION NOTES

DATE: 7/14/23

SHEET 3 OF 3

## **EXHIBIT "B"**

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

#### **SAFETY**

Old Dixie Highway from Yamato Road to south of Linton Boulevard (Project) is currently a 2 to 3 lane paved roadway running north and south. 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.

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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.



## EXHIBIT "B"

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

### **ACQUISITION FOR FEE SIMPLE RIGHT-OF-WAY PARCEL 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 PARCEL 133 AND A TEMPORARY CONSTRUCTION EASEMENT DESIGNATED AS PARCEL 333, 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 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 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 Exhibit "A", to be acquired through Eminent Domain as authorized by this Resolution, are not being acquired for the purpose of abating or eliminating public nuisances, slum or blighted conditions, and are subject to any applicable conveyance restrictions pursuant to Florida law, to the extent they may apply; and

**WHEREAS**, in order to accomplish the acquisition of Parcels 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 \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

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

APPROVED AS TO TERMS  
AND CONDITIONS

By:   
KAF Division Director  
7/24 MA

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, N07°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  
STATE OF FLORIDA No. 4826  
DATE: \_\_\_\_\_

REVISIONS:

8/3/23: SUPPORTING SURVEY NOTE ADDED ON PG.1

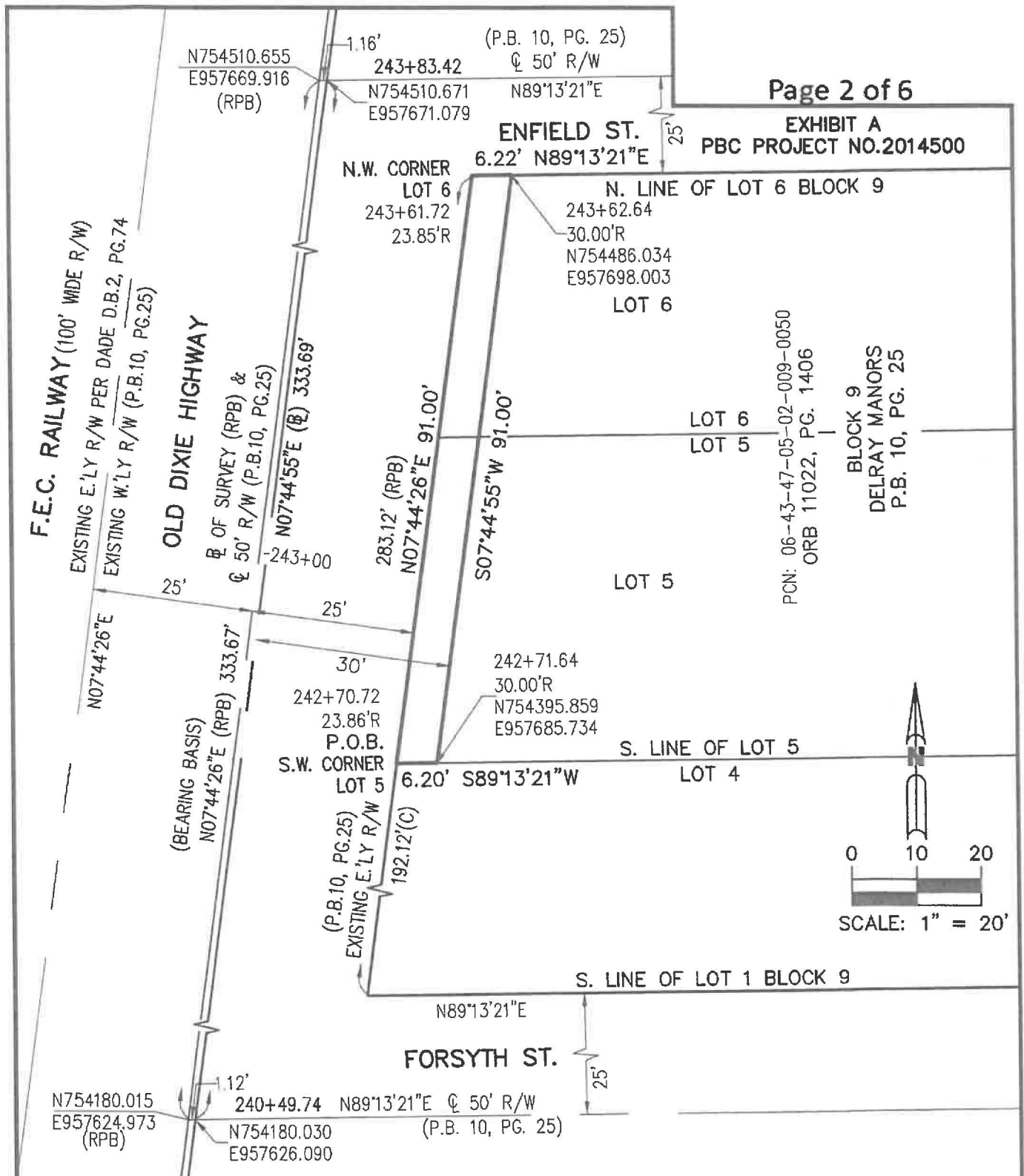


E-Mail: info@brown-phillips.com

**BROWN & PHILLIPS, INC.**  
PROFESSIONAL SURVEYING SERVICES  
CERTIFICATE OF AUTHORIZATION # LB 6473  
1860 OLD OKEECHOBEE ROAD., SUITE 509,  
WEST PALM BEACH, FLORIDA 33409  
TELEPHONE (561)-615-3988, 615-3991 FAX

**OLD DIXIE HIGHWAY  
R/W PARCEL 133**  
(THIS IS NOT A SURVEY)

DRAWN: MDB	PROJ. No. 15-026
CHECKED: JEP	SCALE: NONE
LEGAL DESCRIPTION	DATE: 7/14/23
	SHEET 1 OF 3



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

**OLD DIXIE HIGHWAY**  
**R/W PARCEL 133**  
 (THIS SKETCH IS NOT A SURVEY)

DRAWN: MDB	PROJ. No. 15-026
CHECKED: JEP	SCALE: 1" = 20'
SKETCH TO ACCOMPANY LEGAL DESCRIPTION	DATE: 7/14/23
	SHEET 2 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                         |
| D. LINEAR UNIT - US SURVEY FOOT       | I. GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE   |
| E. COORDINATE SYSTEM 1983 STATE PLANE | J. ROTATION EQUATION: NONE                          |
- 3) THESE R/W PARCELS OR TCE'S ARE BEING PREPARED IN ACCORDANCE WITH THE R/W MAP FOR OLD DIXIE HIGHWAY FROM JEFFERY STREET TO NORTH OF THE C-15 CANAL, AS RECORDED IN 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:
- |                                                       |                                                   |
|-------------------------------------------------------|---------------------------------------------------|
| P.B. - PLAT BOOK                                      | 'L - LEFT OF CENTERLINE OF CONSTRUCTION           |
| RPB - ROAD PLAT BOOK                                  | 'R - RIGHT OF CENTERLINE OF CONSTRUCTION          |
| ORB - OFFICIAL RECORD BOOK                            | (P) - PLAT DIMENSION                              |
| PG. - PG.                                             | (C) - CALCULATED DIMENSION                        |
| DWG. - DRAWING                                        | (RPB) - DIMENSION PER ROAD PLAT BOOK 12, PAGE 119 |
| SEC. - SECTION                                        | U.E. - UTILITY EASEMENT                           |
| 5/47/43 - SECTION 5, TOWNSHIP 47 SOUTH, RANGE 43 EAST | D.E. - DRAINAGE EASEMENT                          |
| HWY. - HIGHWAY                                        | TCE - TEMPORARY CONSTRUCTION EASEMENT             |
| BL - BASELINE                                         | PBC - PALM BEACH COUNTY                           |
| CL - CENTERLINE                                       | PCN - PARCEL CONTROL NUMBER                       |
- 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

**BROWN & PHILLIPS, INC.**  
PROFESSIONAL SURVEYING SERVICES  
CERTIFICATE OF AUTHORIZATION # LB 6473  
1860 OLD OKEECHOBEE ROAD., SUITE 509,  
WEST PALM BEACH, FLORIDA 33409  
TELEPHONE (561)-615-3988, 615-3991 FAX

**OLD DIXIE HIGHWAY  
R/W PARCEL 133**  
(THIS IS NOT A SURVEY)

DRAWN: MDB

CHECKED: JEP

**DESCRIPTION NOTES**

PROJ. No. 15-026

SCALE: NONE

DATE: 7/14/23

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 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:

COMMENCE AT THE NORTHWEST CORNER OF SAID LOT 6;  
THENCE ALONG THE NORTH LINE OF SAID LOT 6, N89°13'21"E FOR 6.22 FEET TO THE POINT OF BEGINNING;  
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, N89°13'21"E FOR 3.03 FEET;  
THENCE N07°44'55"E FOR 91.00 FEET TO THE NORTH LINE OF SAID LOT 6;  
THENCE ALONG SAID NORTH LINE OF LOT 6, S89°13'21"W FOR 3.03 FEET TO THE POINT OF BEGINNING.

CONTAINING 273 SQUARE FEET (0.006 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.

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John E Phillips

Digitally signed by John E Phillips  
Date: 2023.08.23 10:34:09 -04'00'

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

REVISIONS:

8/17/23: PBC 8/14/23 COMMENTS

8/3/23: SUPPORTING SURVEY NOTE ADDED ON PG.1



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

**OLD DIXIE HIGHWAY  
TCE 333**

(THIS IS NOT A SURVEY)

DRAWN: MDB

PROJ. No. 15-026

CHECKED: JEP

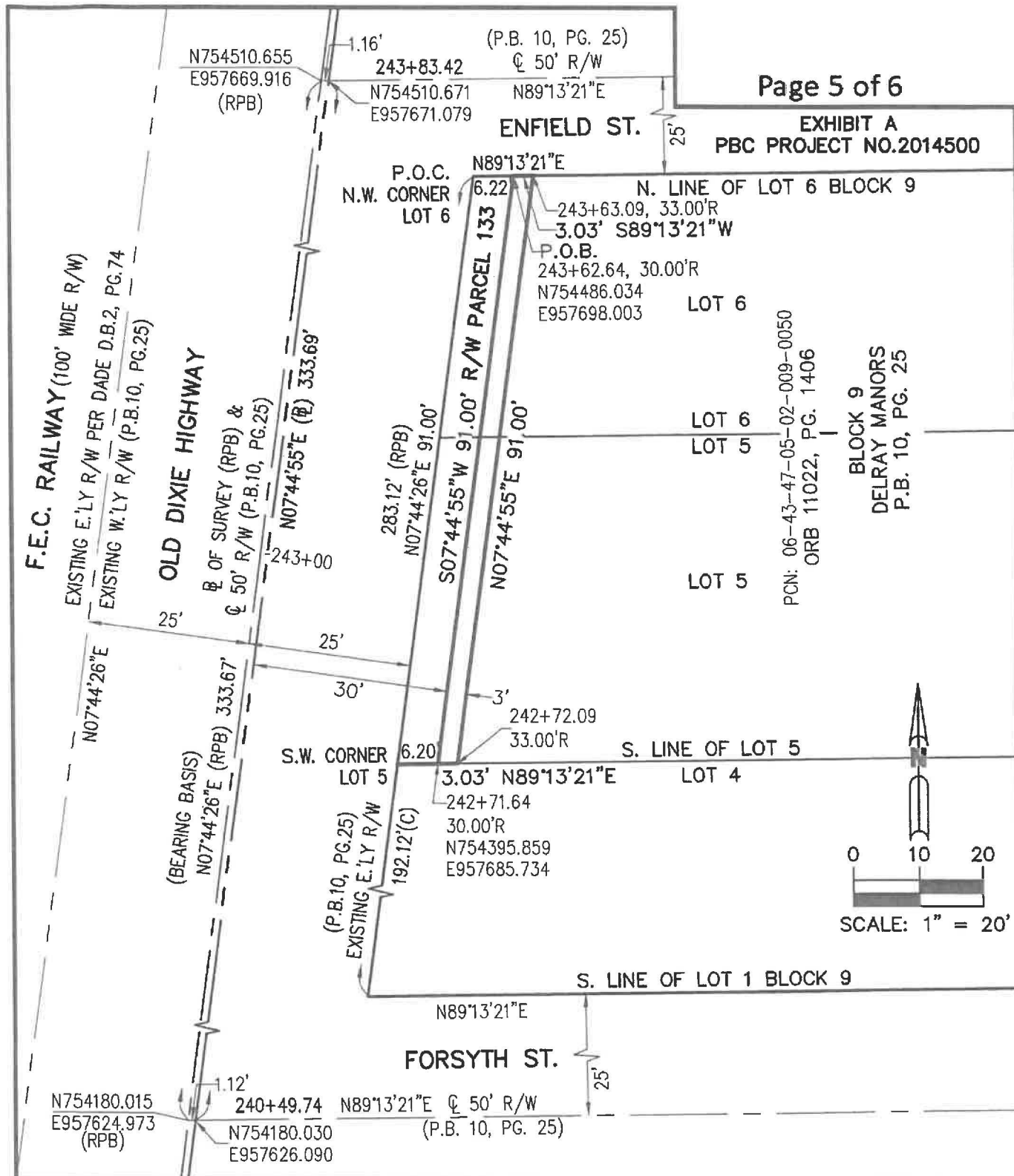
SCALE: NONE

**LEGAL DESCRIPTION**

DATE: 7/14/23

SHEET 1 OF 3

EXHIBIT A  
PBC PROJECT NO.2014500



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**OLD DIXIE HIGHWAY  
TCE 333**

(THIS SKETCH IS NOT A SURVEY)

DRAWN: MOB	PROJ. No. 15-026
CHECKED: JEP	SCALE: 1" = 20'
SKETCH TO ACCOMPANY LEGAL DESCRIPTION	DATE: 7/14/23
	SHEET 2 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:
- |                                       |                                                     |
|---------------------------------------|-----------------------------------------------------|
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| B. DATUM - NAD '83, 1990 ADJUSTMENT   | G. ALL DISTANCES ARE GROUND, UNLESS NOTED OTHERWISE |
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| D. LINEAR UNIT - US SURVEY FOOT       | I. GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE   |
| E. COORDINATE SYSTEM 1983 STATE PLANE | J. ROTATION EQUATION: NONE                          |
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- 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.
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- 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.
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| DWG. - DRAWING                                        | (RPB) - DIMENSION PER ROAD PLAT BOOK 12, PAGE 119 |
| SEC. - SECTION                                        | U.E. - UTILITY EASEMENT                           |
| 5/47/43 - SECTION 5, TOWNSHIP 47 SOUTH, RANGE 43 EAST | D.E. - DRAINAGE EASEMENT                          |
| HWY. - HIGHWAY                                        | TCE - TEMPORARY CONSTRUCTION EASEMENT             |
| BL - BASELINE                                         | PBC - PALM BEACH COUNTY                           |
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- 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.



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**OLD DIXIE HIGHWAY  
TCE 333**

(THIS IS NOT A SURVEY)

DRAWN: MDB	PROJ. No. 15-026
CHECKED: JEP	SCALE: NONE
DESCRIPTION NOTES	DATE: 7/14/23
	SHEET 3 OF 3

## **EXHIBIT "B"**

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

#### **SAFETY**

Old Dixie Highway from Yamato Road to south of Linton Boulevard (Project) is currently a 2 to 3 lane paved roadway running north and south. 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.

## EXHIBIT "B"

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

### **ACQUISITION FOR FEE SIMPLE RIGHT-OF-WAY PARCEL 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 PARCEL 134, AND A TEMPORARY CONSTRUCTION EASEMENT DESIGNATED AS PARCEL 334, 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 Exhibit “A”, to be acquired through Eminent Domain as authorized by this Resolution, are not being acquired for the purpose of abating or eliminating public nuisances, slum or blighted conditions, and are subject to any applicable conveyance restrictions pursuant to Florida law, to the extent they may apply; and

**WHEREAS**, in order to accomplish the acquisition of Parcels 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 **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	_____
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: \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO TERMS  
AND CONDITIONS

By:   
KOF Division Director  
M/A TCS



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 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:

BEGIN AT THE SOUTHWEST CORNER OF SAID LOT 1;  
THENCE ALONG THE WEST LINE OF SAID LOT 1, AND ALONG THE EAST RIGHT-OF-WAY OF OLD DIXIE HIGHWAY, AS SHOWN ON SAID PLAT, N07°44'26"E FOR 40.38 FEET TO THE NORTHWEST CORNER OF SAID LOT 1;  
THENCE ALONG THE NORTH LINE OF SAID LOT 1, N89°13'21"E FOR 6.23 FEET;  
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, S89°13'21"W FOR 6.22 FEET TO THE POINT OF BEGINNING.

CONTAINING 249 SQUARE FEET (0.006 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 17:09:52 -04'00'

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

REVISIONS:

8/3/23: SUPPORTING SURVEY NOTE ADDED ON PG.1



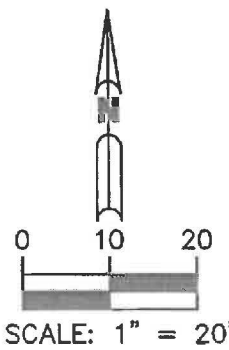
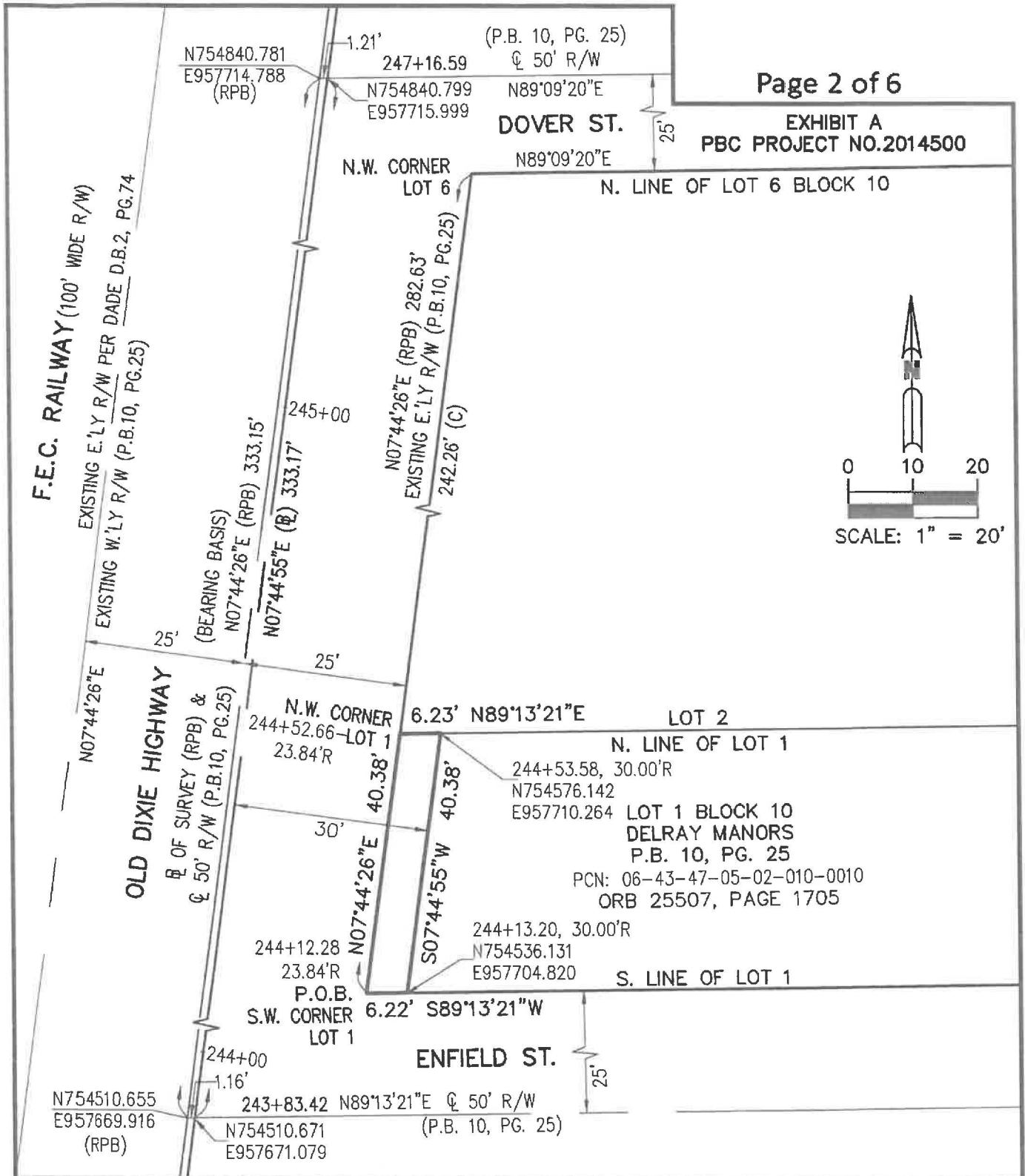
E-Mail: info@brown-phillips.com

**BROWN & PHILLIPS, INC.**  
PROFESSIONAL SURVEYING SERVICES  
CERTIFICATE OF AUTHORIZATION # LB 6473  
1860 OLD OKEECHOBEE ROAD., SUITE 509,  
WEST PALM BEACH, FLORIDA 33409  
TELEPHONE (561)-615-3988, 615-3991 FAX

**OLD DIXIE HIGHWAY  
R/W PARCEL 134**  
(THIS IS NOT A SURVEY)

DRAWN: MDB	PROJ. No. 15-026
CHECKED: JEP	SCALE: NONE
LEGAL DESCRIPTION	DATE: 7/17/23
	SHEET 1 OF 3





**B** BROWN & PHILLIPS, INC.  
PROFESSIONAL SURVEYING SERVICES  
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TELEPHONE (561)-615-3988, 615-3991 FAX  
E-Mail: info@brown-phillips.com

OLD DIXIE HIGHWAY R/W PARCEL 134 (THIS SKETCH IS NOT A SURVEY)	
DRAWN: MDB	PROJ. No. 15-026
CHECKED: JEP	SCALE: 1" = 20'
SKETCH TO ACCOMPANY LEGAL DESCRIPTION	DATE: 7/17/23 SHEET 2 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
  - B. DATUM - NAD '83, 1990 ADJUSTMENT
  - C. ZONE - FLORIDA EAST
  - D. LINEAR UNIT - US SURVEY FOOT
  - E. COORDINATE SYSTEM 1983 STATE PLANE
  - F. TRANSVERSE MERCATOR PROJECTION
  - G. ALL DISTANCES ARE GROUND, UNLESS NOTED OTHERWISE
  - H. SCALE FACTOR - 1.0000458
  - I. GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE
  - J. ROTATION EQUATION: NONE
- 3) THESE R/W PARCELS OR TCE'S ARE BEING PREPARED IN ACCORDANCE WITH THE R/W MAP FOR OLD DIXIE HIGHWAY FROM JEFFERY STREET TO NORTH OF THE C-15 CANAL, AS RECORDED IN 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:

P.B. - PLAT BOOK	'L - LEFT OF CENTERLINE OF CONSTRUCTION
RPB - ROAD PLAT BOOK	'R - RIGHT OF CENTERLINE OF CONSTRUCTION
ORB - OFFICIAL RECORD BOOK	(P) - PLAT DIMENSION
PG. - PG.	(C) - CALCULATED DIMENSION
DWG. - DRAWING	(RPB) - DIMENSION PER ROAD PLAT BOOK 12, PAGE 119
SEC. - SECTION	U.E. - UTILITY EASEMENT
5/47/43 - SECTION 5, TOWNSHIP 47 SOUTH, RANGE 43 EAST	D.E. - DRAINAGE EASEMENT
HWY. - HIGHWAY	TCE - TEMPORARY CONSTRUCTION EASEMENT
BL - BASELINE	PBC - PALM BEACH COUNTY
CL - CENTERLINE	PCN - PARCEL CONTROL NUMBER
- 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

**BROWN & PHILLIPS, INC.**  
PROFESSIONAL SURVEYING SERVICES  
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WEST PALM BEACH, FLORIDA 33409  
TELEPHONE (561)-615-3988, 615-3991 FAX

**OLD DIXIE HIGHWAY  
R/W PARCEL 134**  
(THIS IS NOT A SURVEY)

DRAWN: MDB	PROJ. No. 15-026
CHECKED: JEP	SCALE: NONE
DESCRIPTION NOTES	DATE: 7/17/23
	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°13'21"E FOR 5.06 FEET;  
THENCE N07°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.  
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John E Phillips Digitally signed by John E Phillips  
Date: 2023.08.11 17:35:28 -04'00'

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

REVISIONS:

8/3/23: SUPPORTING SURVEY NOTE ADDED ON PG.1



E-Mail: info@brown-phillips.com

**BROWN & PHILLIPS, INC.**  
PROFESSIONAL SURVEYING SERVICES  
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WEST PALM BEACH, FLORIDA 33409  
TELEPHONE (561)-615-3988, 615-3991 FAX

**OLD DIXIE HIGHWAY  
TCE 334**  
(THIS IS NOT A SURVEY)

DRAWN: MDB

PROJ. No. 15-026

CHECKED: JEP

SCALE: NONE

LEGAL DESCRIPTION

DATE: 7/17/23

SHEET 1 OF 3

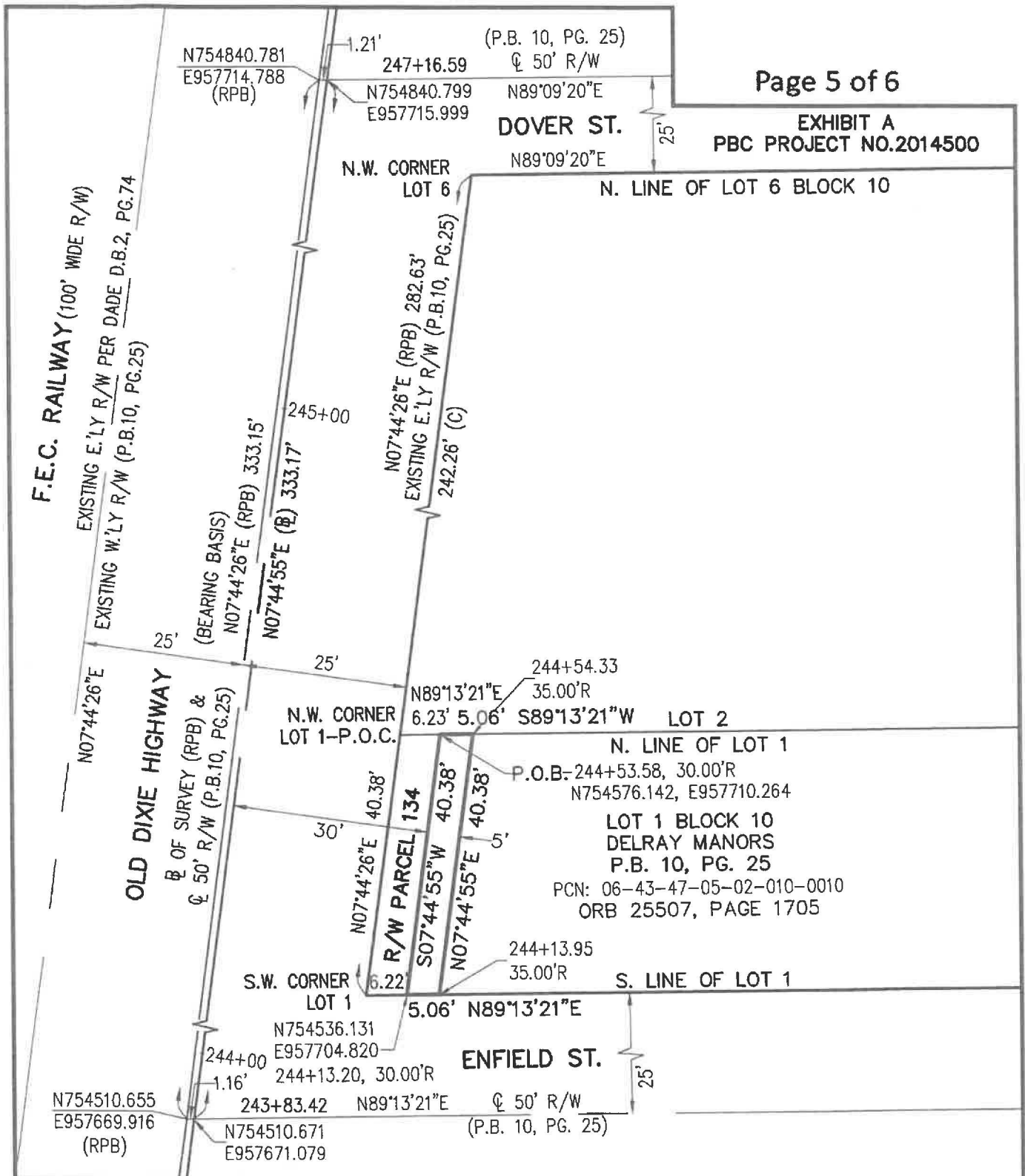


EXHIBIT A  
PBC PROJECT NO.2014500

**B** BROWN & PHILLIPS, INC.  
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OLD DIXIE HIGHWAY TCE 334 (THIS SKETCH IS NOT A SURVEY)	
DRAWN: MDB	PROJ. No. 15-026
CHECKED: JEP	SCALE: 1" = 20'
SKETCH TO ACCOMPANY LEGAL DESCRIPTION	DATE: 7/17/23
	SHEET 2 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
  - F. TRANSVERSE MERCATOR PROJECTION
  - G. ALL DISTANCES ARE GROUND, UNLESS NOTED OTHERWISE
  - H. SCALE FACTOR - 1.0000458
  - I. GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE
  - J. ROTATION EQUATION: NONE
- 3) THESE R/W PARCELS OR TCE'S ARE BEING PREPARED IN ACCORDANCE WITH THE R/W MAP FOR OLD DIXIE HIGHWAY FROM JEFFERY STREET TO NORTH OF THE C-15 CANAL, AS RECORDED IN 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:
  - 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
  - ℄ - BASELINE
  - ℄ - CENTERLINE
  - 'L - LEFT OF CENTERLINE OF CONSTRUCTION
  - 'R - RIGHT OF CENTERLINE OF CONSTRUCTION
  - (P) - PLAT DIMENSION
  - (C) - CALCULATED DIMENSION
  - (RPB) - DIMENSION PER ROAD PLAT BOOK 12, PAGE 119
  - U.E. - UTILITY EASEMENT
  - D.E. - DRAINAGE EASEMENT
  - TCE - TEMPORARY CONSTRUCTION EASEMENT
  - PBC - PALM BEACH COUNTY
  - PCN - PARCEL CONTROL NUMBER
- 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.



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WEST PALM BEACH, FLORIDA 33409  
TELEPHONE (561)-615-3988, 615-3991 FAX

**OLD DIXIE HIGHWAY  
TCE 334**

(THIS IS NOT A SURVEY)

DRAWN: MDB	PROJ. No. 15-026
CHECKED: JEP	SCALE: NONE
DESCRIPTION NOTES	DATE: 7/17/23
	SHEET 3 OF 3

## **EXHIBIT “B”**

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

#### **SAFETY**

Old Dixie Highway from Yamato Road to south of Linton Boulevard (Project) is currently a 2 to 3 lane paved roadway running north and south. 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.



## EXHIBIT "B"

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

### **ACQUISITION FOR FEE SIMPLE RIGHT-OF-WAY PARCEL 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 PARCEL 135, AND A TEMPORARY CONSTRUCTION EASEMENT DESIGNATED AS PARCEL 335, 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 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 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 Exhibit "A", to be acquired through Eminent Domain as authorized by this Resolution, are not being acquired for the purpose of abating or eliminating public nuisances, slum or blighted conditions, and are subject to any applicable conveyance restrictions pursuant to Florida law, to the extent they may apply; and

**WHEREAS**, in order to accomplish the acquisition of Parcels 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 \_\_\_\_\_ 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	_____
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: \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO TERMS  
AND CONDITIONS

By:   
Division Director  


F:\R\_O\_W\Brent\ROADWAY\2014500 Old Dixie Hwy - Yamalo to Linton\PHASE 3\AIS\022425\3-C-(X)\Resolution 135 335.docx

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, N07°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.

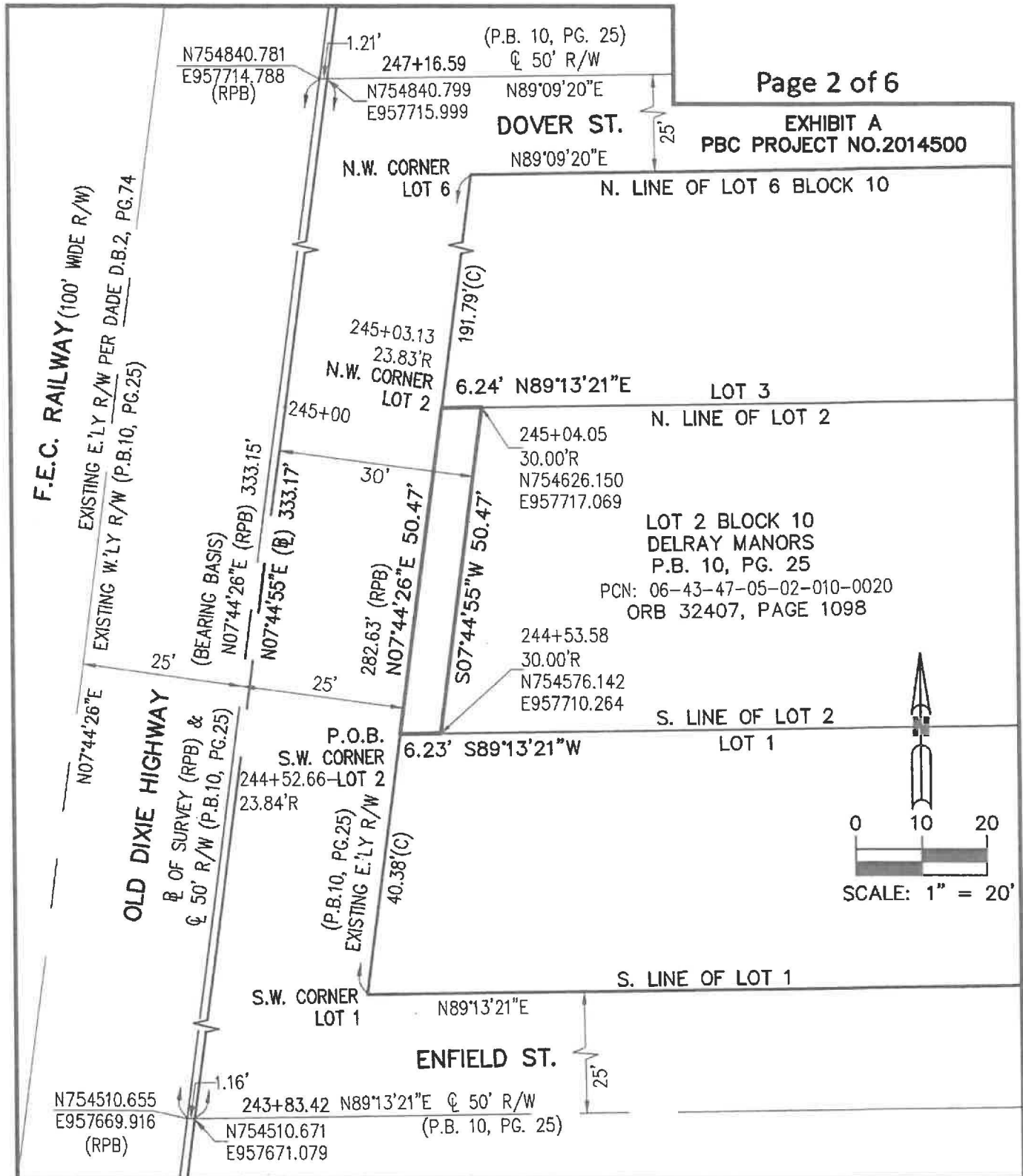
CONTAINING 311 SQUARE FEET (0.007 ACRES), MORE OR LESS.

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  
STATE OF FLORIDA No. 4826  
DATE: \_\_\_\_\_

REVISIONS:		
8/3/23: SUPPORTING SURVEY NOTE ADDED ON PG.1		
 <b>BROWN &amp; PHILLIPS, INC.</b> PROFESSIONAL SURVEYING SERVICES CERTIFICATE OF AUTHORIZATION # LB 6473 1860 OLD OKEECHOBEE ROAD., SUITE 509, WEST PALM BEACH, FLORIDA 33409 TELEPHONE (561)-615-3988, 615-3991 FAX  E-Mail: info@brown-phillips.com	<b>OLD DIXIE HIGHWAY R/W PARCEL 135 (THIS IS NOT A SURVEY)</b>	
	DRAWN: MDB	PROJ. No. 15-026
	CHECKED: JEP	SCALE: NONE
	LEGAL DESCRIPTION	DATE: 7/17/23 SHEET 1 OF 3



**BROWN & PHILLIPS, INC.**  
PROFESSIONAL SURVEYING SERVICES  
CERTIFICATE OF AUTHORIZATION # LB 6473  
1860 OLD OKEECHOBEE ROAD., SUITE 509,  
WEST PALM BEACH, FLORIDA 33409  
TELEPHONE (561)-615-3988, 615-3991 FAX

E-Mail: info@brown-phillips.com

**OLD DIXIE HIGHWAY**  
**R/W PARCEL 135**  
(THIS SKETCH IS NOT A SURVEY)

DRAWN: MDB

PROJ. No. 15-026

CHECKED: JEP

SCALE: 1" = 20'

**SKETCH TO ACCOMPANY  
LEGAL DESCRIPTION**

DATE: 7/17/23

SHEET 2 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
  - B. DATUM - NAD '83, 1990 ADJUSTMENT
  - C. ZONE - FLORIDA EAST
  - D. LINEAR UNIT - US SURVEY FOOT
  - E. COORDINATE SYSTEM 1983 STATE PLANE
  - F. TRANSVERSE MERCATOR PROJECTION
  - G. ALL DISTANCES ARE GROUND, UNLESS NOTED OTHERWISE
  - H. SCALE FACTOR - 1.0000458
  - I. GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE
  - J. ROTATION EQUATION: NONE
- 3) THESE R/W PARCELS OR TCE'S ARE BEING PREPARED IN ACCORDANCE WITH THE R/W MAP FOR OLD DIXIE HIGHWAY FROM JEFFERY STREET TO NORTH OF THE C-15 CANAL, AS RECORDED IN 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:
  - 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
  - ℓ - BASELINE
  - ℄ - CENTERLINE
  - ℓ - LEFT OF CENTERLINE OF CONSTRUCTION
  - ℄ - RIGHT OF CENTERLINE OF CONSTRUCTION
  - (P) - PLAT DIMENSION
  - (C) - CALCULATED DIMENSION
  - (RPB) - DIMENSION PER ROAD PLAT BOOK 12, PAGE 119
  - U.E. - UTILITY EASEMENT
  - D.E. - DRAINAGE EASEMENT
  - TCE - TEMPORARY CONSTRUCTION EASEMENT
  - PBC - PALM BEACH COUNTY
  - PCN - PARCEL CONTROL NUMBER
- 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

**BROWN & PHILLIPS, INC.**  
**PROFESSIONAL SURVEYING SERVICES**  
CERTIFICATE OF AUTHORIZATION # LB 6473  
1860 OLD OKEECHOBEE ROAD., SUITE 509,  
WEST PALM BEACH, FLORIDA 33409  
TELEPHONE (561)-615-3988, 615-3991 FAX

**OLD DIXIE HIGHWAY**  
**R/W PARCEL 135**  
(THIS IS NOT A SURVEY)

DRAWN: MDB

CHECKED: JEP

**DESCRIPTION NOTES**

PROJ. No. 15-026

SCALE: NONE

DATE: 7/17/23

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 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:

COMMENCE AT THE NORTHWEST CORNER OF SAID LOT 2;  
THENCE ALONG THE NORTH LINE OF SAID LOT 2, N89°13'21"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 2;  
THENCE ALONG SAID SOUTH LINE OF LOT 2, N89°13'21"E FOR 5.06 FEET;  
THENCE N07°44'55"E FOR 50.47 FEET TO THE SAID NORTH LINE OF LOT 2;  
THENCE ALONG SAID NORTH LINE OF LOT 2, S89°13'21"W FOR 5.06 FEET TO THE POINT OF BEGINNING.

CONTAINING 252 SQUARE FEET (0.006 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.

Digitally signed by John E Phillips  
Date: 2023.08.23 10:34:55 -04'00'

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

REVISIONS:

8/17/23: PBC 8/14/23 COMMENTS

8/3/23: SUPPORTING SURVEY NOTE ADDED ON PG.1



E-Mail: info@brown-phillips.com

**BROWN & PHILLIPS, INC.**  
**PROFESSIONAL SURVEYING SERVICES**  
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1860 OLD OKEECHOBEE ROAD., SUITE 509,  
WEST PALM BEACH, FLORIDA 33409  
TELEPHONE (561)-615-3988, 615-3991 FAX

**OLD DIXIE HIGHWAY  
TCE 335**  
(THIS IS NOT A SURVEY)

DRAWN: MDB

PROJ. No. 15-026

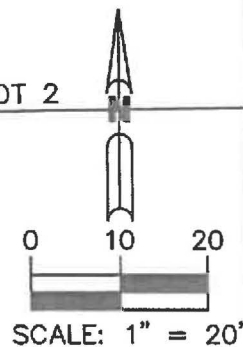
CHECKED: JEP

SCALE: NONE

**LEGAL DESCRIPTION**

DATE: 7/17/23

SHEET 1 OF 3



SHEET 2 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
  - F. TRANSVERSE MERCATOR PROJECTION
  - G. ALL DISTANCES ARE GROUND, UNLESS NOTED OTHERWISE
  - H. SCALE FACTOR - 1.0000458
  - I. GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE
  - J. ROTATION EQUATION: NONE
- 3) THESE R/W PARCELS OR TCE'S ARE BEING PREPARED IN ACCORDANCE WITH THE R/W MAP FOR OLD DIXIE HIGHWAY FROM JEFFERY STREET TO NORTH OF THE C-15 CANAL, AS RECORDED IN 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.
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  - ORB - OFFICIAL RECORD BOOK
  - PG. - PG.
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  - 5/47/43 - SECTION 5, TOWNSHIP 47 SOUTH, RANGE 43 EAST
  - HWY. - HIGHWAY
  - ℄ - BASELINE
  - ℄ - CENTERLINE
  - 'L - LEFT OF CENTERLINE OF CONSTRUCTION
  - 'R - RIGHT OF CENTERLINE OF CONSTRUCTION
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  - (RPB) - DIMENSION PER ROAD PLAT BOOK 12, PAGE 119
  - U.E. - UTILITY EASEMENT
  - D.E. - DRAINAGE EASEMENT
  - TCE - TEMPORARY CONSTRUCTION EASEMENT
  - PBC - PALM BEACH COUNTY
  - PCN - PARCEL CONTROL NUMBER
- 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.



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**BROWN & PHILLIPS, INC.**  
**PROFESSIONAL SURVEYING SERVICES**  
CERTIFICATE OF AUTHORIZATION # LB 6473  
1860 OLD OKEECHOBEE ROAD., SUITE 509,  
WEST PALM BEACH, FLORIDA 33409  
TELEPHONE (561)-615-3988, 615-3991 FAX

**OLD DIXIE HIGHWAY  
TCE 335**

(THIS IS NOT A SURVEY)

DRAWN: MDB	PROJ. No. 15-026
CHECKED: JEP	SCALE: NONE
DESCRIPTION NOTES	DATE: 7/17/23
	SHEET 3 OF 3

## **EXHIBIT "B"**

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

#### **SAFETY**

Old Dixie Highway from Yamato Road to south of Linton Boulevard (Project) is currently a 2 to 3 lane paved roadway running north and south. 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.

## EXHIBIT "B"

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

### **ACQUISITION FOR FEE SIMPLE RIGHT-OF-WAY PARCEL 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 PARCEL 136, AND A TEMPORARY CONSTRUCTION EASEMENT DESIGNATED AS PARCEL 336, 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 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 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 Exhibit "A", to be acquired through Eminent Domain as authorized by this Resolution, are not being acquired for the purpose of abating or eliminating public nuisances, slum or blighted conditions, and are subject to any applicable conveyance restrictions pursuant to Florida law, to the extent they may apply; and

**WHEREAS**, in order to accomplish the acquisition of Parcels 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 Exhibit "A", and prepare all papers, pleadings, and other



instruments required for that purpose, and to see that all Eminent Domain Proceedings are prosecuted to judgment.

3. The County Engineer and County Attorney, using outside counsel to the extent they deem appropriate, are hereby further authorized and directed to take such further actions as are reasonably required to fully accomplish the purposes herein above directed, including correcting minor errors in the description of any real property described in Exhibit "A" so long as the property does not change, that may be necessary to fully accomplish those purposes.

**BE IT FURTHER RESOLVED** that the property described in Exhibit "A" is to be used for the following public use and purpose: fee simple right-of-way and a temporary construction easement necessary for the construction and improvement of the Project.

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

Commissioner 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

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

JOSEPH ABRUZZO,  
CLERK OF THE CIRCUIT COURT  
& COMPTROLLER

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

APPROVED AS TO TERMS  
AND CONDITIONS

By:   
KAC Division Director  
JES HA

F:\R\_O\_W\Brent\ROADWAY\2014590 Old Dixie Hwy - Yamato to Linton\PHASE 3\AIS\022425\3-C-(X)\Resolution 136 336.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 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:

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), 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.

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John E Phillips Digitally signed by John E Phillips  
Date: 2023.08.11 17:11:38 -04'00'

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

REVISIONS:

8/3/23: SUPPORTING SURVEY NOTE ADDED ON PG.1



E-Mail: info@brown-phillips.com

**BROWN & PHILLIPS, INC.**  
PROFESSIONAL SURVEYING SERVICES  
CERTIFICATE OF AUTHORIZATION # LB 6473  
1860 OLD OKEECHOBEE ROAD., SUITE 509,  
WEST PALM BEACH, FLORIDA 33409  
TELEPHONE (561)-615-3988, 615-3991 FAX

**OLD DIXIE HIGHWAY  
R/W PARCEL 136**  
(THIS IS NOT A SURVEY)

DRAWN: MDB

PROJ. No. 15-026

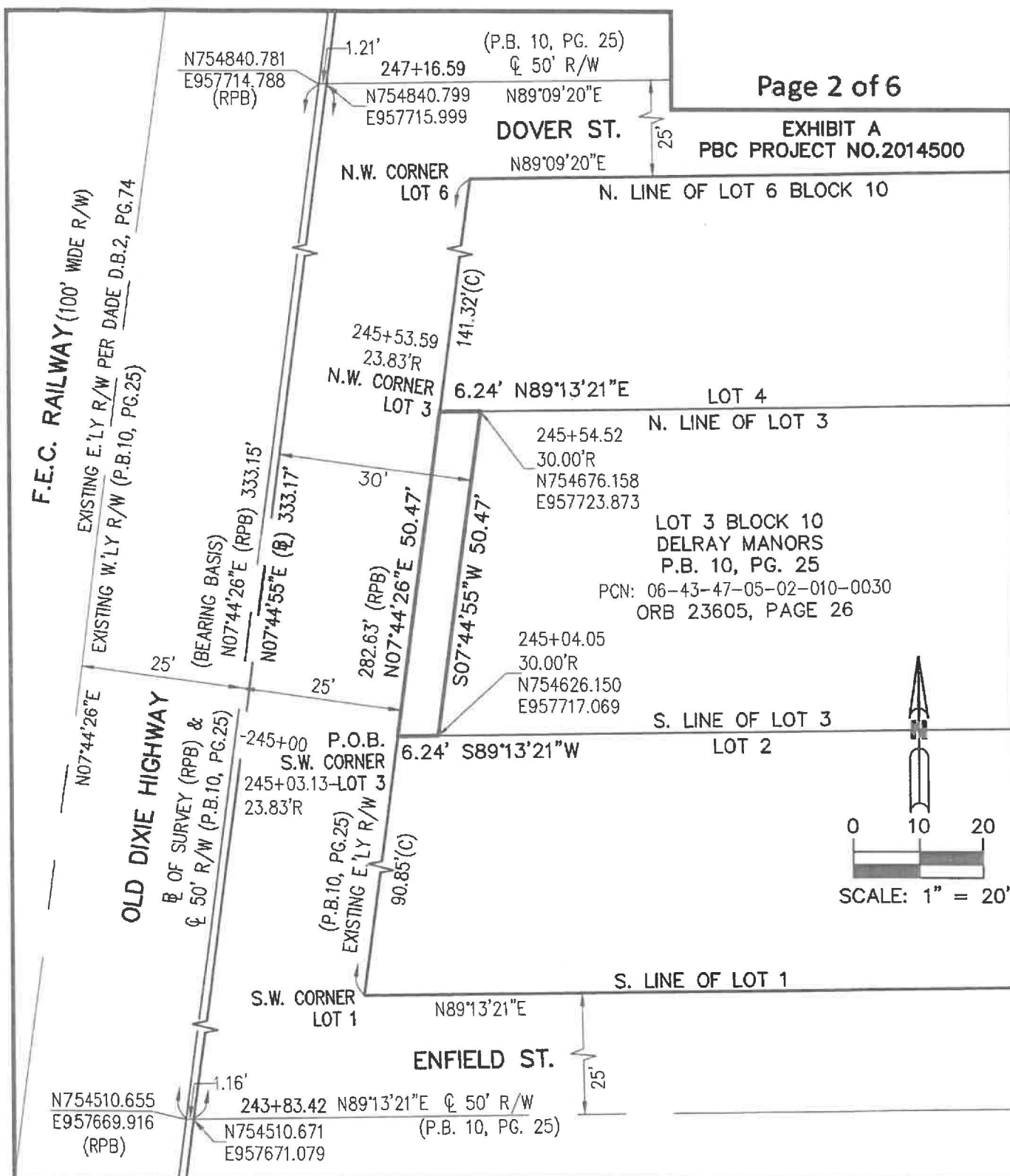
CHECKED: JEP

SCALE: NONE

**LEGAL DESCRIPTION**

DATE: 7/17/23

SHEET 1 OF 3



E-Mail: info@brown-phillips.com

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(THIS SKETCH IS NOT A SURVEY)

DRAWN: MDB

PROJ. No. 15-026

CHECKED: JEP

SCALE: 1" = 20'

**SKETCH TO ACCOMPANY  
LEGAL DESCRIPTION**

DATE: 7/17/23


SHEET 2 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                         |
| D. LINEAR UNIT - US SURVEY FOOT       | I. GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE   |
| E. COORDINATE SYSTEM 1983 STATE PLANE | J. ROTATION EQUATION: NONE                          |
- 3) THESE R/W PARCELS OR TCE'S ARE BEING PREPARED IN ACCORDANCE WITH THE R/W MAP FOR OLD DIXIE HIGHWAY FROM JEFFERY STREET TO NORTH OF THE C-15 CANAL, AS RECORDED IN 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:
- |                                                       |                                                   |
|-------------------------------------------------------|---------------------------------------------------|
| P.B. - PLAT BOOK                                      | 'L - LEFT OF CENTERLINE OF CONSTRUCTION           |
| RPB - ROAD PLAT BOOK                                  | 'R - RIGHT OF CENTERLINE OF CONSTRUCTION          |
| ORB - OFFICIAL RECORD BOOK                            | (P) - PLAT DIMENSION                              |
| PG. - PG.                                             | (C) - CALCULATED DIMENSION                        |
| DWG. - DRAWING                                        | (RPB) - DIMENSION PER ROAD PLAT BOOK 12, PAGE 119 |
| SEC. - SECTION                                        | U.E. - UTILITY EASEMENT                           |
| 5/47/43 - SECTION 5, TOWNSHIP 47 SOUTH, RANGE 43 EAST | D.E. - DRAINAGE EASEMENT                          |
| HWY. - HIGHWAY                                        | TCE - TEMPORARY CONSTRUCTION EASEMENT             |
| BL - BASELINE                                         | PBC - PALM BEACH COUNTY                           |
| CL - CENTERLINE                                       | PCN - PARCEL CONTROL NUMBER                       |
- 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.

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

**OLD DIXIE HIGHWAY  
R/W PARCEL 136  
(THIS IS NOT A SURVEY)**

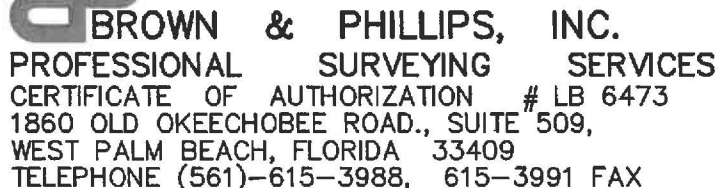
DRAWN: MDB	PROJ. No. 15-026
CHECKED: JEP	SCALE: NONE
DESCRIPTION NOTES	DATE: 7/17/23
	SHEET 3 OF 3

## Page 4 of 6

CONTAINING 151 SQUARE FEET (0.003 ACRES), MORE OR LESS..

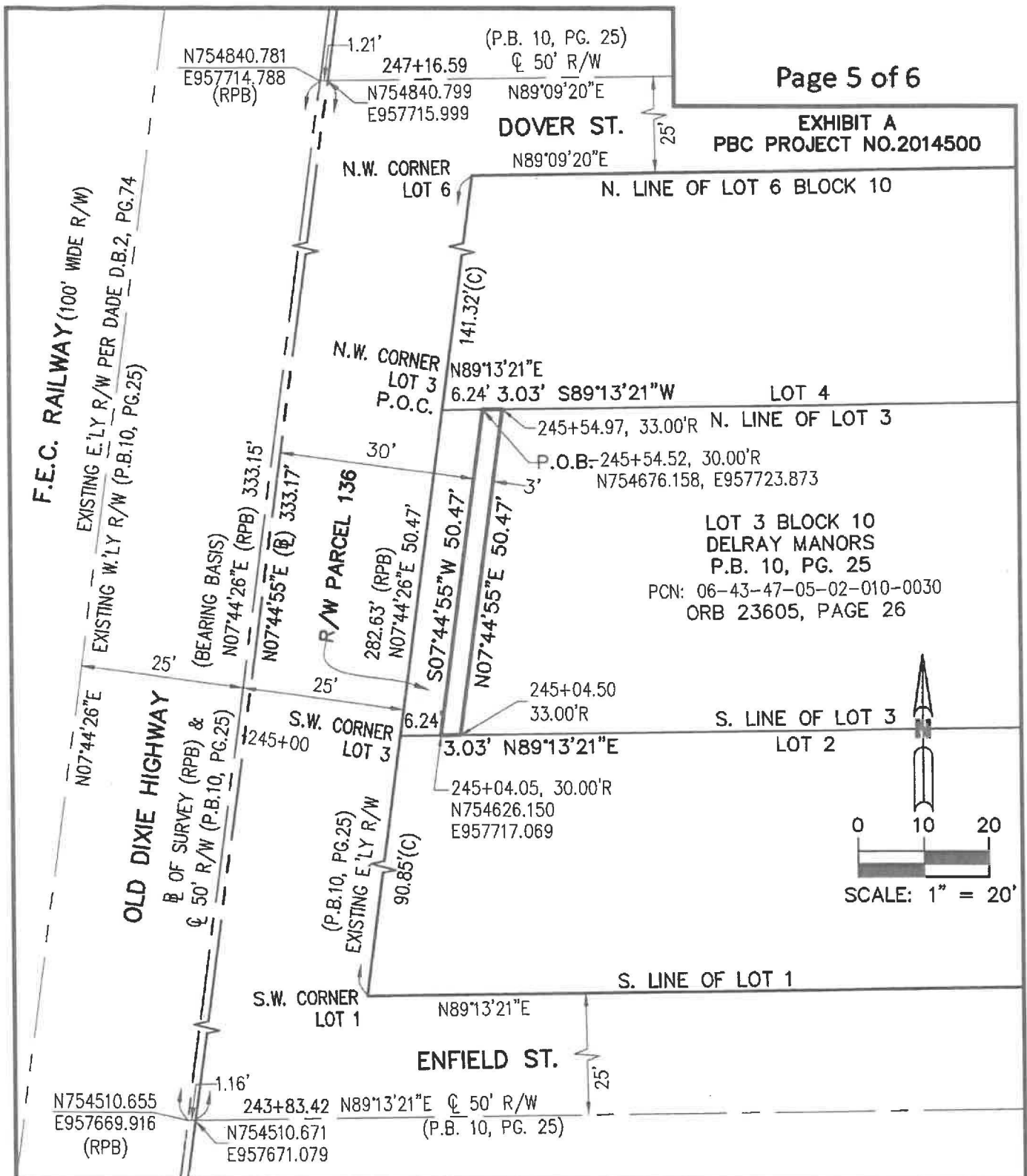
JOHN E. PHILLIPS, III  
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STATE OF FLORIDA No. 4826  
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LEGAL DESCRIPTION	DATE: 7/17/23
	SHEET 1 OF 3

EXHIBIT A  
PBC PROJECT NO.2014500



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**OLD DIXIE HIGHWAY  
TCE 336**

(THIS SKETCH IS NOT A SURVEY)

DRAWN: MDB	PROJ. No. 15-026
CHECKED: JEP	SCALE: 1" = 20'
SKETCH TO ACCOMPANY LEGAL DESCRIPTION	DATE: 7/17/23
	SHEET 2 OF 3



EXHIBIT A  
PBC PROJECT NO.2014500

Page 6 of 6

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**OLD DIXIE HIGHWAY  
TCE 336**

(THIS IS NOT A SURVEY)

DRAWN: MDB	PROJ. No. 15-026
CHECKED: JEP	SCALE: NONE
DESCRIPTION NOTES	DATE: 7/17/23
	SHEET 3 OF 3

## **EXHIBIT "B"**

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

#### **SAFETY**

Old Dixie Highway from Yamato Road to south of Linton Boulevard (Project) is currently a 2 to 3 lane paved roadway running north and south. 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.

## EXHIBIT "B"

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

### ACQUISITION FOR FEE SIMPLE RIGHT-OF-WAY PARCEL 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.

**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 PARCEL 137, AND A TEMPORARY CONSTRUCTION EASEMENT DESIGNATED AS PARCEL 337, 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 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 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 Exhibit "A", to be acquired through Eminent Domain as authorized by this Resolution, are not being acquired for the purpose of abating or eliminating public nuisances, slum or blighted conditions, and are subject to any applicable conveyance restrictions pursuant to Florida law, to the extent they may apply; and

**WHEREAS**, in order to accomplish the acquisition of Parcels 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 **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	_____
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: \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO TERMS  
AND CONDITIONS

By: \_\_\_\_\_  
Division Director  
*KOF*  
*RES M/A*



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 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:

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CONTAINING 312 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.

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John E Phillips  
Digitally signed by John E Phillips  
Date: 2023.08.11 17:12:41 -04'00'

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

REVISIONS:

8/3/23: SUPPORTING SURVEY NOTE ADDED ON PG.1



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

**OLD DIXIE HIGHWAY  
R/W PARCEL 137**  
(THIS IS NOT A SURVEY)

DRAWN: MDB

PROJ. No. 15-026

CHECKED: JEP

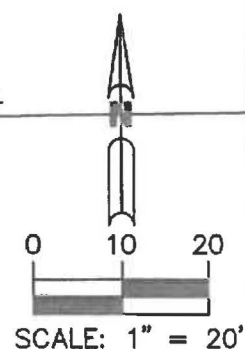
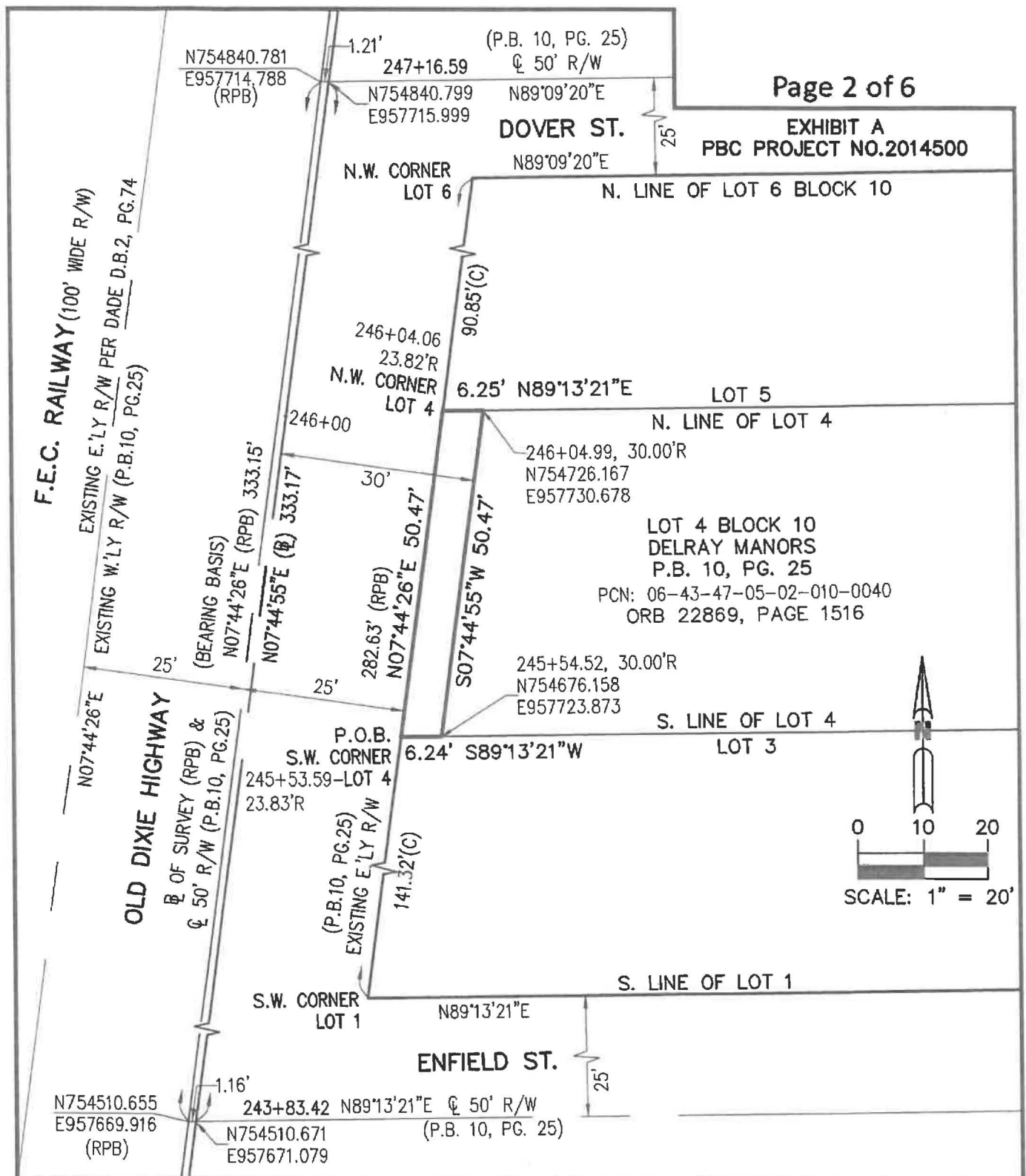
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**LEGAL DESCRIPTION**

DATE: 7/17/23

SHEET 1 OF 3





**BROWN & PHILLIPS, INC.**  
PROFESSIONAL SURVEYING SERVICES  
CERTIFICATE OF AUTHORIZATION # LB 6473  
1860 OLD OKEECHOBEE ROAD., SUITE 509,  
WEST PALM BEACH, FLORIDA 33409  
TELEPHONE (561)-615-3988, 615-3991 FAX

E-Mail: info@brown-phillips.com

**OLD DIXIE HIGHWAY**  
**R/W PARCEL 137**  
(THIS SKETCH IS NOT A SURVEY)


DRAWN: MDB	PROJ. No. 15-026
CHECKED: JEP	SCALE: 1" = 20'
SKETCH TO ACCOMPANY LEGAL DESCRIPTION	DATE: 7/17/23
	SHEET 2 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                         |
| D. LINEAR UNIT – US SURVEY FOOT       | I. GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE   |
| E. COORDINATE SYSTEM 1983 STATE PLANE | J. ROTATION EQUATION: NONE                          |
- 3) THESE R/W PARCELS OR TCE'S ARE BEING PREPARED IN ACCORDANCE WITH THE R/W MAP FOR OLD DIXIE HIGHWAY FROM JEFFERY STREET TO NORTH OF THE C-15 CANAL, AS RECORDED IN 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:
- |                                                       |                                                   |
|-------------------------------------------------------|---------------------------------------------------|
| P.B. – PLAT BOOK                                      | 'L – LEFT OF CENTERLINE OF CONSTRUCTION           |
| RPB – ROAD PLAT BOOK                                  | 'R – RIGHT OF CENTERLINE OF CONSTRUCTION          |
| ORB – OFFICIAL RECORD BOOK                            | (P) – PLAT DIMENSION                              |
| PG. – PG.                                             | (C) – CALCULATED DIMENSION                        |
| DWG. – DRAWING                                        | (RPB) – DIMENSION PER ROAD PLAT BOOK 12, PAGE 119 |
| SEC. – SECTION                                        | U.E. – UTILITY EASEMENT                           |
| 5/47/43 – SECTION 5, TOWNSHIP 47 SOUTH, RANGE 43 EAST | D.E. – DRAINAGE EASEMENT                          |
| HWY. – HIGHWAY                                        | TCE – TEMPORARY CONSTRUCTION EASEMENT             |
| BL – BASELINE                                         | PBC – PALM BEACH COUNTY                           |
| CL – CENTERLINE                                       | PCN – PARCEL CONTROL NUMBER                       |
- 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.

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	SHEET 3 OF 3

EXHIBIT A  
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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, N89°13'21"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 N07°44'55"E FOR 50.47 FEET TO THE SAID NORTH LINE OF LOT 4;  
THENCE ALONG SAID NORTH LINE OF LOT 4, 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 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 10:56:24 -04'00'

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

REVISIONS:

8/17/23: PBC 8/14/23 COMMENTS

8/3/23: SUPPORTING SURVEY NOTE ADDED ON PG.1



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**OLD DIXIE HIGHWAY  
TCE 337**  
(THIS IS NOT A SURVEY)

DRAWN: MDB

PROJ. No. 15-026

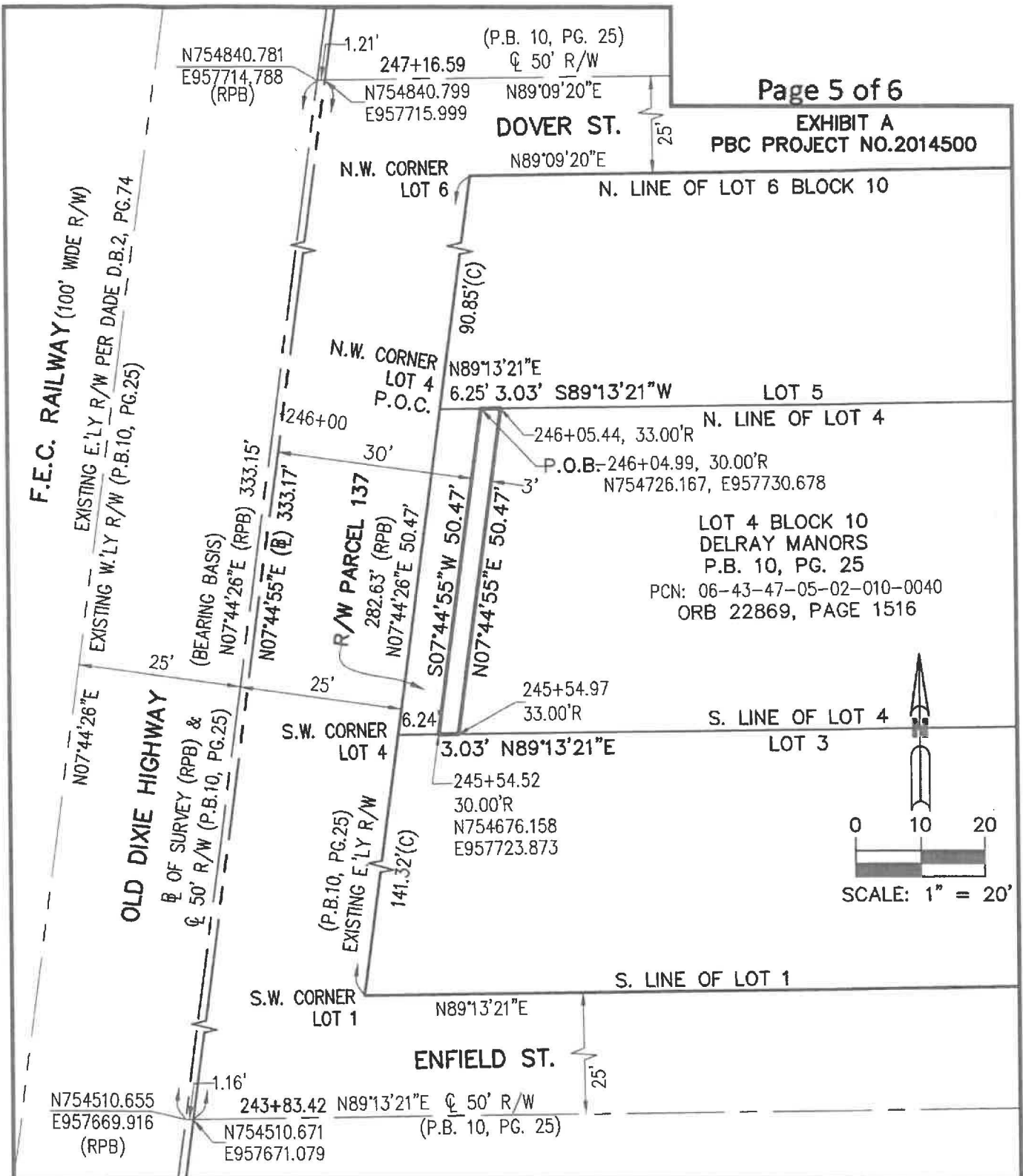
CHECKED: JEP

SCALE: NONE

**LEGAL DESCRIPTION**

DATE: 7/17/23

SHEET 1 OF 3





E-Mail: [info@brown-phillips.com](mailto:info@brown-phillips.com)

**BROWN & PHILLIPS, INC.**

PROFESSIONAL SURVEYING SERVICES

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**OLD DIXIE HIGHWAY**

**TCE 337**

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EXHIBIT A  
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ℙ - BASELINE	PBC - PALM BEACH COUNTY
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TCE 337**

(THIS IS NOT A SURVEY)

DRAWN: MDB

PROJ. No. 15-026

CHECKED: JEP

SCALE: NONE

DESCRIPTION NOTES

DATE: 7/17/23

SHEET 3 OF 3

## **EXHIBIT “B”**

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

#### **SAFETY**

Old Dixie Highway from Yamato Road to south of Linton Boulevard (Project) is currently a 2 to 3 lane paved roadway running north and south. 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.



## EXHIBIT "B"

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

### ACQUISITION FOR FEE SIMPLE RIGHT-OF-WAY PARCEL 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 PARCEL 138, AND A TEMPORARY CONSTRUCTION EASEMENT DESIGNATED AS PARCEL 338, 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 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 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 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 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 Exhibit "A", to be acquired through Eminent Domain as authorized by this Resolution, are not being acquired for the purpose of abating or eliminating public nuisances, slum or blighted conditions, and are subject to any applicable conveyance restrictions pursuant to Florida law, to the extent they may apply; and

**WHEREAS**, in order to accomplish the acquisition of Parcels 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 Exhibit "A", and prepare all papers, pleadings, and other

instruments required for that purpose, and to see that all Eminent Domain Proceedings are prosecuted to judgment.

3. The County Engineer and County Attorney, using outside counsel to the extent they deem appropriate, are hereby further authorized and directed to take such further actions as are reasonably required to fully accomplish the purposes herein above directed, including correcting minor errors in the description of any real property described in Exhibit "A" so long as the property does not change, that may be necessary to fully accomplish those purposes.

**BE IT FURTHER RESOLVED** that the property described in Exhibit "A" is to be used for the following public use and purpose: fee simple right-of-way and a temporary construction easement necessary for the construction and improvement of the Project.

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

Commissioner 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

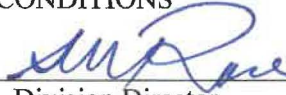
APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

JOSEPH ABRUZZO,  
CLERK OF THE CIRCUIT COURT  
& COMPTROLLER

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

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

APPROVED AS TO TERMS  
AND CONDITIONS

By:  \_\_\_\_\_  
KOF Division Director  
pas M.A.

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 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:

BEGIN AT THE SOUTHWEST CORNER OF SAID LOT 5;  
THENCE ALONG THE WEST LINE OF SAID LOT 5, 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 5;  
THENCE ALONG THE NORTH LINE OF SAID LOT 5, N89°13'21"E FOR 6.26 FEET;  
THENCE S07°44'55"W FOR 50.47 FEET TO THE SOUTH LINE OF SAID LOT 5;  
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John E Phillips Digitally signed by John E Phillips  
Date: 2023.08.11 17:13:28 -04'00'

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

REVISIONS:

8/3/23: SUPPORTING SURVEY NOTE ADDED ON PG.1

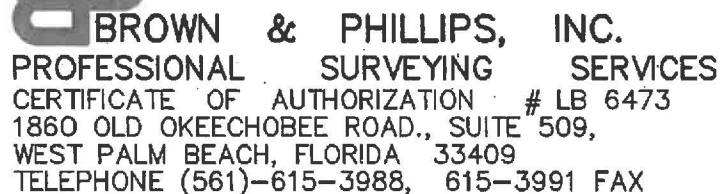
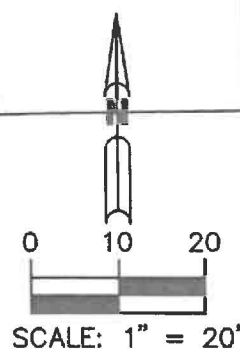


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THIS OFFICE HAS FOUND NO GAPS, GORES, OVERLAPS, OR MISSING SEGMENTS IN THE RIGHT-OF-WAY CORRIDOR PROVIDED, EXCEPT AS SHOWN ON THIS SKETCH, AND THAT ALL ENCUMBRANCES THAT AFFECT THE PROPERTY ARE SHOWN OR NOTED HEREON.  
  
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  - ORB - OFFICIAL RECORD BOOK
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  - DWG. - DRAWING
  - SEC. - SECTION
  - 5/47/43 - SECTION 5, TOWNSHIP 47 SOUTH, RANGE 43 EAST
  - HWY. - HIGHWAY
  - ℄ - BASELINE
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  - TCE - TEMPORARY CONSTRUCTION EASEMENT
  - PBC - PALM BEACH COUNTY
  - PCN - PARCEL CONTROL NUMBER
- 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

**BROWN & PHILLIPS, INC.**  
**PROFESSIONAL SURVEYING SERVICES**  
CERTIFICATE OF AUTHORIZATION # LB 6473  
1860 OLD OKEECHOBEE ROAD., SUITE 509,  
WEST PALM BEACH, FLORIDA 33409  
TELEPHONE (561)-615-3988, 615-3991 FAX

**OLD DIXIE HIGHWAY  
R/W PARCEL 138  
(THIS IS NOT A SURVEY)**

DRAWN: MDB	PROJ. No. 15-026
CHECKED: JEP	SCALE: NONE
DESCRIPTION NOTES	DATE: 7/17/23
	SHEET 3 OF 3



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, N89°13'21"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 N07°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  
JOHN E. PHILLIPS, III  
PROFESSIONAL LAND SURVEYOR  
STATE OF FLORIDA No. 4826  
DATE:

Digitally signed by John E Phillips  
Date: 2023.08.23 10:37:06 -04'00'

REVISIONS:

8/17/23: PBC 8/14/23 COMMENTS

8/3/23: SUPPORTING SURVEY NOTE ADDED ON PG.1



BROWN & PHILLIPS, INC.

PROFESSIONAL SURVEYING SERVICES

CERTIFICATE OF AUTHORIZATION # LB 6473

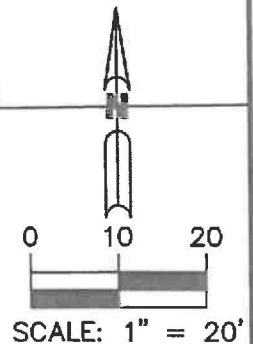
1860 OLD OKEECHOBEE ROAD., SUITE 509,


WEST PALM BEACH, FLORIDA 33409

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

E-Mail: info@brown-phillips.com

OLD DIXIE HIGHWAY TCE 338 (THIS IS NOT A SURVEY)	
DRAWN: MDB	PROJ. No. 15-026
CHECKED: JEP	SCALE: NONE
LEGAL DESCRIPTION	DATE: 7/17/23
	SHEET 1 OF 3



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OLD DIXIE HIGHWAY  
TCE 338

(THIS SKETCH IS NOT A SURVEY)

DRAWN: MDB	PROJ. No. 15-026
CHECKED: JEP	SCALE: 1" = 20'
SKETCH TO ACCOMPANY LEGAL DESCRIPTION	DATE: 7/17/23
	SHEET 2 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
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  - E. COORDINATE SYSTEM 1983 STATE PLANE
  - F. TRANSVERSE MERCATOR PROJECTION
  - G. ALL DISTANCES ARE GROUND, UNLESS NOTED OTHERWISE
  - H. SCALE FACTOR - 1.0000458
  - I. GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE
  - J. ROTATION EQUATION: NONE
- 3) THESE R/W PARCELS OR TCE'S ARE BEING PREPARED IN ACCORDANCE WITH THE R/W MAP FOR OLD DIXIE HIGHWAY FROM JEFFERY STREET TO NORTH OF THE C-15 CANAL, AS RECORDED IN RPB 12, PAGES 119 THROUGH 134, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.  
  
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(THIS IS NOT A SURVEY)

DRAWN: MDB	PROJ. No. 15-026
CHECKED: JEP	SCALE: NONE
DESCRIPTION NOTES	DATE: 7/17/23
	SHEET 3 OF 3

## **EXHIBIT “B”**

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

#### **SAFETY**

Old Dixie Highway from Yamato Road to south of Linton Boulevard (Project) is currently a 2 to 3 lane paved roadway running north and south. 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.

## EXHIBIT "B"

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

### **ACQUISITION FOR FEE SIMPLE RIGHT-OF-WAY PARCEL 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 PARCEL 139, AND A TEMPORARY CONSTRUCTION EASEMENT DESIGNATED AS PARCEL 339, 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 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 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 Exhibit "A", to be acquired through Eminent Domain as authorized by this Resolution, are not being acquired for the purpose of abating or eliminating public nuisances, slum or blighted conditions, and are subject to any applicable conveyance restrictions pursuant to Florida law, to the extent they may apply; and

**WHEREAS**, in order to accomplish the acquisition of Parcels 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 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	_____
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


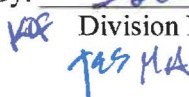
APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

JOSEPH ABRUZZO,  
CLERK OF THE CIRCUIT COURT  
& COMPTROLLER

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

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

APPROVED AS TO TERMS  
AND CONDITIONS

By:   
Division Director  


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 6, 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 NORTHWEST CORNER OF SAID LOT 6;  
THENCE ALONG THE NORTH LINE OF SAID LOT 6, N89°09'20"E FOR 6.26 FEET;  
THENCE S07°44'55"W FOR 40.39 FEET TO THE SOUTH LINE OF SAID LOT 6;  
THENCE ALONG SAID SOUTH LINE OF LOT 6, S89°13'21"W FOR 6.26 FEET TO THE SOUTHWEST CORNER OF SAID LOT 6, AND TO THE EAST RIGHT-OF-WAY OF OLD DIXIE HIGHWAY, AS SHOWN ON SAID PLAT;  
THENCE ALONG THE WEST LINE OF SAID LOT 6, AND SAID EAST RIGHT-OF-WAY OF OLD DIXIE HIGHWAY, N07°44'26"E FOR 40.38 FEET TO THE POINT OF BEGINNING.

CONTAINING 250 SQUARE FEET (0.006 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.

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Digitally signed by John E Phillips  
Date: 2023.08.23 10:30:08 -04'00'

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

REVISIONS:

8/17/23: PBC 8/14/23 COMMENTS
8/3/23: SUPPORTING SURVEY NOTE ADDED ON PG.1

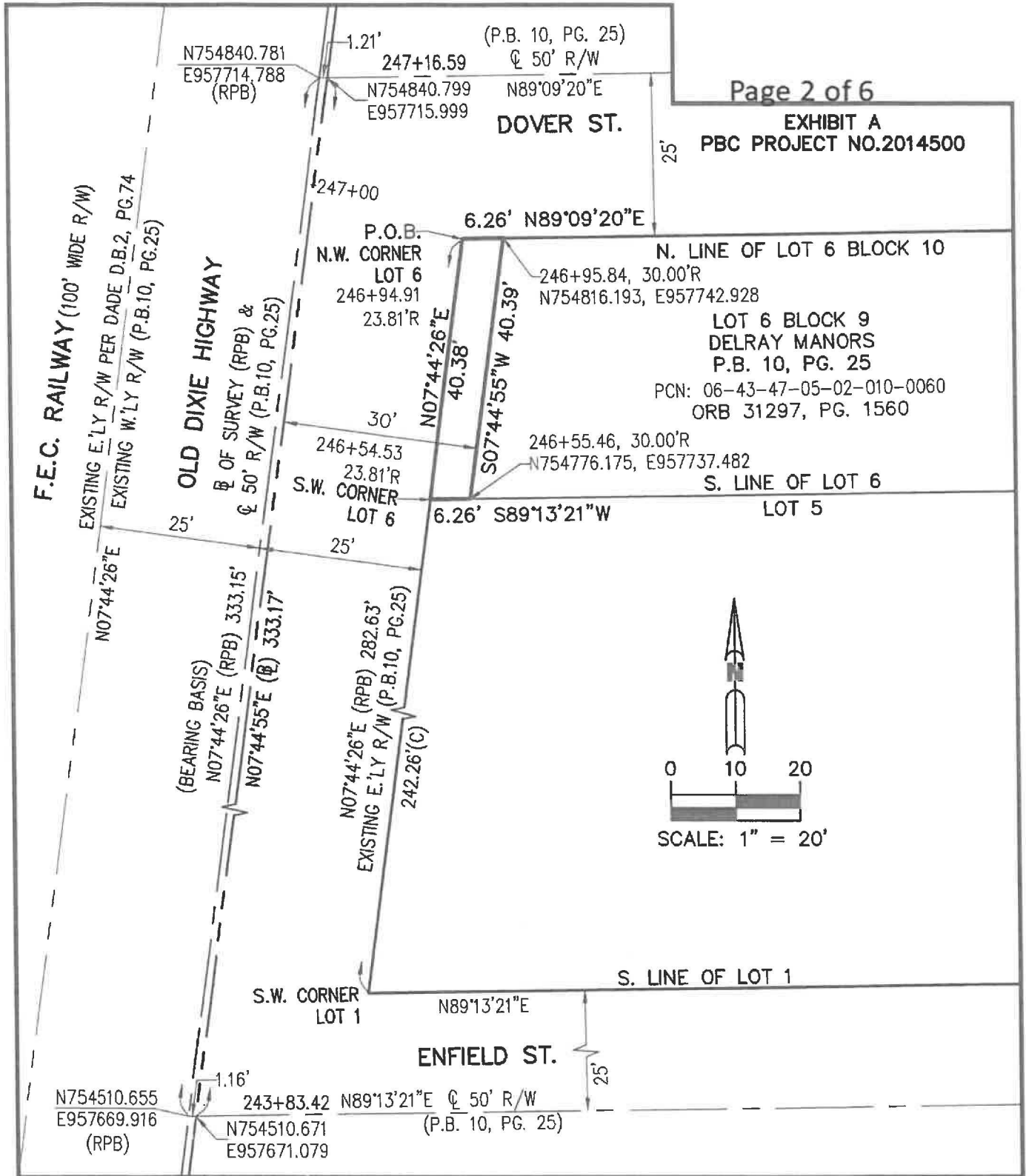


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TELEPHONE (561)-615-3988, 615-3991 FAX

**OLD DIXIE HIGHWAY  
R/W PARCEL 139**  
(THIS IS NOT A SURVEY)

DRAWN: MDB	PROJ. No. 15-026
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	SHEET 1 OF 3



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| BL - BASELINE                                         | PBC - PALM BEACH COUNTY                           |
| CL - CENTERLINE                                       | PCN - PARCEL CONTROL NUMBER                       |
- 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  
**BROWN & PHILLIPS, INC.**  
PROFESSIONAL SURVEYING SERVICES  
CERTIFICATE OF AUTHORIZATION # LB 6473  
1860 OLD OKEECHOBEE ROAD., SUITE 509,  
WEST PALM BEACH, FLORIDA 33409  
TELEPHONE (561)-615-3988, 615-3991 FAX

**OLD DIXIE HIGHWAY  
R/W PARCEL 139  
(THIS IS NOT A SURVEY)**

DRAWN: MDB	PROJ. No. 15-026
CHECKED: JEP	SCALE: NONE
DESCRIPTION NOTES	DATE: 7/17/23
	SHEET 3 OF 3

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 6, 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 6;  
THENCE ALONG THE NORTH LINE OF SAID LOT 6, N89°09'20"E FOR 6.26 FEET TO THE POINT OF BEGINNING;  
THENCE CONTINUE ALONG SAID NORTH LINE OF LOT 6, N89°09'20"E FOR 3.54 FEET;  
THENCE S07°44'55"W FOR 40.39 FEET TO THE SOUTH LINE OF SAID LOT 6;  
THENCE ALONG SAID SOUTH LINE OF LOT 6, S89°13'21"W FOR 3.54 FEET;  
THENCE N07°44'55"E FOR 40.39 FEET TO THE POINT OF BEGINNING.

CONTAINING 141 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 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 17:39:21 -04'00'

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

REVISIONS:

8/3/23: SUPPORTING SURVEY NOTE ADDED ON PG.1



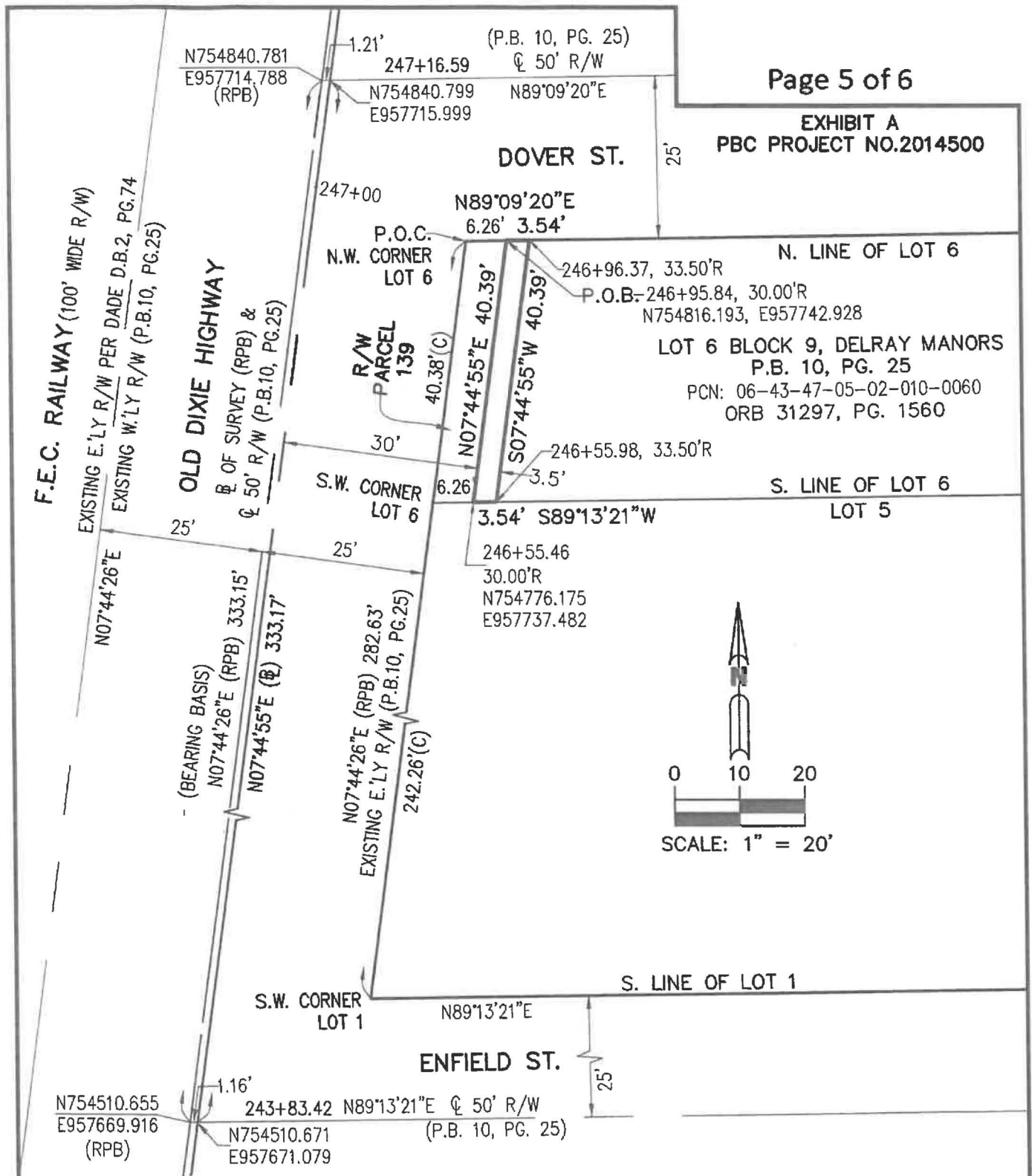
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**OLD DIXIE HIGHWAY  
TCE 339**  
(THIS IS NOT A SURVEY)

DRAWN: MDB	PROJ. No. 15-026
CHECKED: JEP	SCALE: NONE
LEGAL DESCRIPTION	DATE: 7/17/23
	SHEET 1 OF 3

EXHIBIT A  
PBC PROJECT NO.2014500



**B** BROWN & PHILLIPS, INC.  
PROFESSIONAL SURVEYING SERVICES  
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OLD DIXIE HIGHWAY  
TCE 339

(THIS SKETCH IS NOT A SURVEY)

DRAWN: MDB	PROJ. No. 15-026
CHECKED: JEP	SCALE: 1" = 20'
SKETCH TO ACCOMPANY LEGAL DESCRIPTION	DATE: 7/17/23
	SHEET 2 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         | F. TRANSVERSE MERCATOR PROJECTION                   |
| B. DATUM - NAD '83, 1990 ADJUSTMENT   | G. ALL DISTANCES ARE GROUND, UNLESS NOTED OTHERWISE |
| C. ZONE - FLORIDA EAST                | H. SCALE FACTOR - 1.0000458                         |
| D. LINEAR UNIT - US SURVEY FOOT       | I. GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE   |
| E. COORDINATE SYSTEM 1983 STATE PLANE | J. ROTATION EQUATION: NONE                          |
- 3) THESE R/W PARCELS OR TCE'S ARE BEING PREPARED IN ACCORDANCE WITH THE R/W MAP FOR OLD DIXIE HIGHWAY FROM JEFFERY STREET TO NORTH OF THE C-15 CANAL, AS RECORDED IN 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:
- |                                                       |                                                   |
|-------------------------------------------------------|---------------------------------------------------|
| P.B. - PLAT BOOK                                      | 'L - LEFT OF CENTERLINE OF CONSTRUCTION           |
| RPB - ROAD PLAT BOOK                                  | 'R - RIGHT OF CENTERLINE OF CONSTRUCTION          |
| ORB - OFFICIAL RECORD BOOK                            | (P) - PLAT DIMENSION                              |
| PG. - PG.                                             | (C) - CALCULATED DIMENSION                        |
| DWG. - DRAWING                                        | (RPB) - DIMENSION PER ROAD PLAT BOOK 12, PAGE 119 |
| SEC. - SECTION                                        | U.E. - UTILITY EASEMENT                           |
| 5/47/43 - SECTION 5, TOWNSHIP 47 SOUTH, RANGE 43 EAST | D.E. - DRAINAGE EASEMENT                          |
| HWY. - HIGHWAY                                        | TCE - TEMPORARY CONSTRUCTION EASEMENT             |
| ℄ - BASELINE                                          | PBC - PALM BEACH COUNTY                           |
| ℄ - CENTERLINE                                        | PCN - PARCEL CONTROL NUMBER                       |
- 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.



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**PROFESSIONAL SURVEYING SERVICES**

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OLD DIXIE HIGHWAY TCE 339 (THIS IS NOT A SURVEY)	
DRAWN: MDB	PROJ. No. 15-026
CHECKED: JEP	SCALE: NONE
DESCRIPTION NOTES	DATE: 7/17/23
	SHEET 3 OF 3

## **EXHIBIT "B"**

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

#### **SAFETY**

Old Dixie Highway from Yamato Road to south of Linton Boulevard (Project) is currently a 2 to 3 lane paved roadway running north and south. 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.

## EXHIBIT "B"

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

### ACQUISITION FOR FEE SIMPLE RIGHT-OF-WAY PARCEL 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.