

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY

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Meeting Date: July 8, 2025	<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Regular
Department: County Attorney	<input type="checkbox"/> Workshop	<input type="checkbox"/> Public Hearing

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I. EXECUTIVE BRIEF

**Motion and Title:** Staff recommends motion to approve: a settlement, in the total amount of \$115,969.25, inclusive of attorney's fees, expert fees, and costs, in the eminent domain action styled Palm Beach County v. Novalien, et al., Case No.: 502024CA008859.

**Summary:** Under the proposed settlement in this pending eminent domain proceeding, compensation for Parcel 207 is \$89,500, in addition to statutory attorney's fees, experts' fees and costs of \$26,469.25, for a total amount of \$115,969.25. This settlement will completely resolve this eminent domain proceeding as it relates to parcel 207. Countywide (DO)

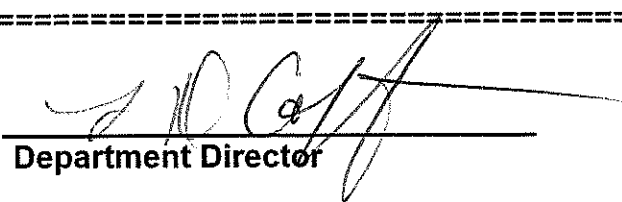
**Background and Justification:** The Board approved a Resolution for an eminent domain proceeding to a permanent easement designated as Parcel 207 for the purpose of the construction and improvement of Royal Palm Beach Boulevard from the M Canal to south of Orange Boulevard (the "Project"). Specifically, Royal Palm Beach Boulevard, within the limits of the Project described above, is a two-lane undivided rural roadway which will be rebuilt as a five-lane undivided roadway with new drainage. Four-foot-wide paved shoulders and six-foot-wide sidewalks will be constructed on both sides of the roadway.

Additionally, the settlement includes statutory attorney's fees of \$13,769.25, pursuant to Section 73.092, Florida Statutes, and \$12,700 in expert fees and costs, for a total amount of \$115,969.25. A deposit of \$56,770 was previously deposited into the Registry of the Court pursuant to a Stipulated Order of Taking entered on April 17, 2025, therefore, \$59,369.25 is outstanding.

This settlement is cost-effective in light of the fact that it resolves any objections by the owner to the entry of an order of taking and the expense and risk of a jury trial in this matter. Accordingly, outside counsel, the County Attorney's Office, and the Engineering Department all recommend approval of this settlement.

- Attachments:**
- 1. Budget Availability Statement.
  - 2. Mediated Settlement Agreement with Stipulated Order of Taking and Partial Final Judgment and Order Awarding Attorney's Fees and Costs attached.
  - 3. Roadway Plan
  - 4. Location Map
  - 5. Resolution for Parcel 207 with Exhibits "A" and Exhibit "B" (2)

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Recommended by:		<u>5/19/2025</u>
	Department Director	Date

Approved by:	<u>N/A</u>	<u></u>
	County Administrator	Date

## II. FISCAL IMPACT ANALYSIS

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

Fiscal Years	2025	2026	2027	2028	2029
Capital Expenditures	\$59,370	-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	\$59,370	-0-	-0-	-0-	-0-
# ADDITIONAL FTE POSITIONS (Cumulative)	-0-	-0-	-0-	-0-	-0-

Yes ☒ No ☐

Yes ☐ No ☒

Yes ☐ No ☒

**Budget Account No:**

Fund 3500 Dept 361 Unit 1427 Object 6120

### Recommended Sources of Funds/Summary of Fiscal Impact

Transportation Improvement Fund/Royal Palm Beach Blvd. from M-Canal to S. of Orange

Parcel No.	TYPE	PCN Number	Parcel Description	Asset Number	Total
207	Settlement	00-41-42-35-00-000-8050	Official Records Book/Page 35270 / 1127 Legal Desc 35-42-	M10322	\$89,500.00

**Angelo DiPierre**

Amount	Description
\$ 115,969.25	Settlement Cost
\$ (56,770.00)	Previously Disbursed
\$ 170.00	Clerk Fee
\$ 59,369.25	Remaining Fiscal Impact

### C. Departmental Fiscal Review:

### III. REVIEW COMMENTS

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

Comments: Brenda MacLe 5/20/25  
Contract Dev. and Control 2/29/25

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

  
Assistant County Attorney

**C. Other Department Review:**

**Department Director**


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



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

**DATE:** May 15, 2025

**TO:** David R.F. Ottey  
Chief Assistant County Attorney

**FROM:**   
Danny Ramlalsingh, Fiscal Manager 1,  
Engineering & Public Works

**RE:** Palm Beach County v. Elaine Novalien, et al.,  
Case No.: 502024CA008859XXXMB / Parcel 207  
Project #2014501 / Royal Palm Beach Boulevard from the M Canal to  
South of Orange Boulevard in Palm Beach County

**FISCAL IMPACT ANALYSIS:**

**Budget Account Number:**

Fund	Dept.	Unit	Object	Total
3500	361	1427	6120	\$59,370

**Recommended Sources of Fiscal Impact:** Engineering Admin Services Capital Budget

MEDIATED SETTLEMENT AGREEMENT  
(CONTINGENT ON FURTHER APPROVAL)


This Mediated Settlement Agreement (“Agreement”) is made and entered into by Petitioner, Palm Beach County (“County”), and Defendant, Jose Felipe Zambrano (“Zambrano”), pursuant to a mediation conference held on April 10, 2025.


The County’s representatives have agreed to recommend a settlement (“Settlement”) according to the terms set forth in the Stipulated Partial Final Judgment as to Parcel 207 (“Judgment”) attached hereto as Exhibit “1” and Zambrano has agreed to settle this matter according to these terms.

The recommended Settlement must be approved by the Palm Beach County Board of County Commissioners. Accordingly, the Settlement is contingent on this approval. County shall present a request for approval of the Settlement at the earliest practicable time.

If and when the Settlement is approved, County and Zambrano shall jointly move for the entry of the Judgment. Because there are other parties with interests in the property whose interest will be affected, the entry of the Judgment shall be at a properly noticed hearing.

Forthwith after this Agreement is fully executed, the parties shall jointly move for the entry of a Stipulated Order of Taking in the form attached hereto as Exhibit “2.”

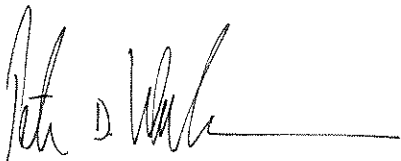
PALM BEACH COUNTY  
**Morton  
Rose**  
By:   
Morton L. Rose, P.E. as Director of  
the Roadway Production Division,  
PBC Department of Engineering  
and Public Works

Signed by:  
  
3A29B9D730054B2...  
Jose Felipe Zambrano

Barry Seth  
Balmuth

Digitally signed by Barry Seth Balmuth  
DN: cn=Barry Seth Balmuth, o=Barry S.  
Balmuth, P.A., ou,  
email=barryb@flboardcertifiedlawyer.c  
om, c=US  
Date: 2025.04.14 16:58:25 -04'00'

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



Peter D. Waldman, Esquire  
Counsel for Zephyrus  
Signal ID: 674208NP12...

**EXHIBIT 1**

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

**CASE NO.: 502024CA008859  
PARCEL 207**

**PALM BEACH COUNTY,**

**Petitioner,**

**v.**

**ELIANE NOVALIEN, et al.,**

**Defendants.**

\_\_\_\_\_ /

**STIPULATED PARTIAL FINAL JUDGMENT AS TO PARCEL 207**

**THIS CAUSE** came before the Court on the joint motion for entry of this Stipulated Partial Final Judgment as to Parcel 207 (“Order of Taking”) of Petitioner, Palm Beach County, and Defendant, Jose Felipe Zambrano (“Zambrano”), and the Court being fully advised in the premises, it is hereby:

**ORDERED AND ADJUDGED** as follows:

1. This is an eminent domain proceeding wherein, pursuant to that Stipulated Order of Taking as to Parcel 207 entered on \_\_\_\_\_ (“Order of Taking”) and the deposit of monies thereunder, County acquired a permanent easement designated as Parcel 207. Zambrano is the owner of the property subject to Parcel 207.
2. Subject to apportionment, Zambrano shall recover from County the sum of EIGHTY-NINE THOUSAND FIVE HUNDRED DOLLARS AND NO CENTS (\$89,500.00) for the taking of Parcel 207 and any landscaping and improvements acquired, damages to the remaining property including damages to improvements and trade fixtures caused by the taking, business damages, costs to cure any damages, relocation costs, and any and all other damages

which may be caused or have been caused by or related to the taking of Parcel 207 and the County's use of Parcel 207, any statutory interest, and for any other claims or counter claims which were brought or could have been brought by Zambrano caused by or related to the taking of Parcel 207 exclusive of attorney's fees and costs.

3. The above recovery is inclusive of the amounts previously deposited pursuant to the Order of Taking, FIFTY-SIX THOUSAND SIX HUNDRED DOLLARS AND NO CENTS (\$56,600.00).

4. Within thirty (30) days of the entry of this Judgment, County shall deposit the sum of THIRTY-TWO THOUSAND NINE HUNDRED DOLLARS AND NO CENTS, representing the recovery provided for in Paragraph 2, above, less the amount previously deposited pursuant to the Order of Taking, into the registry of the Court.

5. Zambrano shall also recover from County the sum of THIRTEEN THOUSAND SEVEN HUNDRED SIXTY-NINE DOLLARS AND TWENTY-FIVE CENTS (\$13,769.25), as full and complete attorney's fees, and TWELVE THOUSAND SEVEN HUNDRED DOLLARS AND NO CENTS (\$12,700.00), as full and complete expert fees and costs.

6. Within thirty (30) days of its receipt of a certified copy of this Final Judgment, County shall pay the sum of **TWENTY-SIX THOUSAND FOUR HUNDRED SIXTY-NINE DOLLARS AND TWENTY-FIVE CENTS (\$26,469.25)**, representing attorney's fees and expert fees and costs, by making a check for this amount payable to the Weiss Serota Trust Account and mailing same to Peter D. Waldman, Esquire, Weiss Serota, 2800 Ponce De Leon Boulevard, Ste. 1200, Coral Gables, Florida\_33134 for further disbursement.

7. County shall completely replace the earthwork and reconstruct the concrete pavement portions of the driveway impacted by the work within the area of Parcel 207.



8. Zambrano shall recover no further compensation for the taking of Parcel 207.
9. The Order of Taking is approved, ratified, and confirmed.
10. This Final Judgment shall not affect the compensation relating to any other parcels in this action.
11. The Court shall retain jurisdiction to enforce the terms of this Final Judgment.

**DONE AND ORDERED** this \_\_\_\_ day of \_\_\_\_\_, 2025, in West Palm Beach, Palm Beach County, Florida.

*Copies furnished to:*

Peter D. Waldman, Esquire, Weiss Serota, 2255 Glades Road, Suite 200E, Boca Raton, FL 33431;  
[pwaldman@wsh-law.com](mailto:pwaldman@wsh-law.com), [jmessa@wsh-law.com](mailto:jmess@wsh-law.com)  
*Counsel for Zambrano*

Barry S. Balmuth, Esquire, Barry S. Balmuth, P.A., 2505 Burns Road, Palm Beach Gardens, FL 33410; [barryb@flboardcertifiedlawyer.com](mailto:barryb@flboardcertifiedlawyer.com), [karenb@flboardcertifiedlawyer.com](mailto:karenb@flboardcertifiedlawyer.com)  
*Counsel for Petitioner*

*Counsel for Petitioner shall mail a copy to:*

Martina Velez, as its registered agent for A&D Mortgage LLC, 899 W. Cypress Creek Road, Fort Lauderdale, FL 33309

EXHIBIT 2

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

**CASE NO.: 502024CA008859  
PARCEL 207**

**PALM BEACH COUNTY,**

**Petitioner,**

**v.**

**ELIANE NOVALIEN, et al.,**

**Defendants.**

\_\_\_\_\_ /

**STIPULATED ORDER OF TAKING AS TO PARCEL 207**

**THIS CAUSE** came before the Court on Petitioner, Palm Beach County’s, Amended Petition for an Order of Taking and the stipulation and joint motion for entry of this Stipulated Order of Taking as to Parcel 207 (“Order of Taking”) of Petitioner and Defendant, Jose Felipe Zambrano (“Zambrano”). It appeared to the Court that Petitioner provided all persons having or claiming any equity lien, title, or other interest in or to Parcel 207 notice of this suit and that Petitioner would apply to this Court for an Order of Taking. The Court, being fully advised in the premises, it is thereupon:

**ORDERED AND ADJUDGED:**

1. The Court has jurisdiction over the subject matter of, and the parties to this cause.
2. The pleadings in this cause are sufficient, County is properly exercising its delegated authority in furtherance of the public purpose of the construction and improvement of Royal Palm Beach Boulevard from the M Canal to south of Orange Boulevard (the “Project”). Specifically, Royal Palm Beach Boulevard, within the limits of the Project described above, is a two-lane undivided rural roadway which will be rebuilt as a five-lane undivided roadway with new drainage. Four-foot-wide paved shoulders and six-foot-wide sidewalks will be constructed on both

sides of the roadway. The project will improve the overall safety for motorists, bicyclists, and pedestrians.

3. The Permanent Easement, designated as Parcel 207, hereby acquired by County, is reasonably necessary for this public purpose. Specifically, Parcel 207 is reasonably needed for grading and installation of yard drains to capture and convey historic storm water drainage from the adjacent property to the storm sewer system that discharges to the Indian Trail Improvement District canals. Additional work within the parcel includes sloping and grading as needed to harmonize the driveway and property with the roadway construction.

4. The sum of money, which represents Petitioner's good faith estimate of value for the Parcel to be taken, Parcel 207, is FIFTY-SIX THOUSAND SIX HUNDRED DOLLARS AND NO CENTS (\$56,600.00). This estimate of value was made in good faith and based upon a valid appraisal.

5. Therefore, Petitioner shall, within twenty (20) days after the entry of this Order of Taking, deposit the sum of FIFTY-SIX THOUSAND SIX HUNDRED DOLLARS AND NO CENTS (\$56,600.00), plus ONE HUNDRED SEVENTY DOLLARS (\$170.00) for the fee for the Clerk of the Court, for a total amount of FIFTY-SIX THOUSAND SEVEN HUNDRED SEVENTY DOLLARS AND NO CENTS (\$56,770.00) into the Registry of the Court. Upon making such deposit, Petitioner shall notify, in writing, all attorneys and, if not represented by counsel, parties of record that the deposit has been made and that upon deposit, the Petitioner shall be entitled to full use and possession of the subject Parcel.

6. Upon Petitioner's deposit into the Registry of the Court of the sum referenced above, the Permanent Right of Way Easement designated as Parcel 207 as identified and legally described in Composite **Exhibit A** attached hereto, along with the use and possession of the Parcel shall vest in the Petitioner.

7. The interests of Zambrano and Defendant, A&D Mortgage LLC ("Mortgagee"), and their heirs and successors and assigns, in Parcel 207 shall be subordinate and subject to Petitioner's title to the

easement.

8. Zambrano and Mortgagee and their heirs and successors and assigns', use of Parcel 207 shall not interfere with Petitioner's use of the Parcel 207. Zambrano and Mortgagee and their heirs and successors and assigns, shall be permanently prohibited from removing or modifying any swale, drainage structures, grading or harmonizing constructed by County in the area of Parcel 207. This provision shall be a covenant running with land.

9. Payment into the registry of the Court of the specified deposit will secure all persons lawfully entitled to full compensation and special damages, if any, as will be determined ultimately by Final Judgment of the Court. However, nothing herein waives Defendants' rights or entitlement to seek full compensation or right to have a jury determine the amount of full compensation, which may exceed the deposited amount with any difference, plus interest, to be assessed against the Petitioner. Any reference that this Order of Taking, or any part thereof, was agreed, consented to, or stipulated to by any party to this action, shall not be allowed at any subsequent compensation trial.

10. If Petitioner defaults in timely depositing of the aforesaid sum of money, this Order shall be void and have no further force or effect.

**DONE AND ORDERED** this \_\_\_\_ day of \_\_\_\_\_, 2025, in West Palm Beach, Palm Beach County, Florida.

*Copies furnished to:*

Peter D. Waldman, Esquire, Weiss Serota, 2255 Glades Road, Suite 200E, Boca Raton, FL 33431;  
[pwaldman@wsh-law.com](mailto:pwaldman@wsh-law.com), [jmessa@wsh-law.com](mailto:jmess@wsh-law.com)  
*Counsel for Zambrano*

Barry S. Balmuth, Esquire, Barry S. Balmuth, P.A., 2505 Burns Road, Palm Beach Gardens, FL  
33410; [barryb@flboardcertifiedlawyer.com](mailto:barryb@flboardcertifiedlawyer.com), [karenb@flboardcertifiedlawyer.com](mailto:karenb@flboardcertifiedlawyer.com)  
*Counsel for Petitioner*

*Counsel for Petitioner shall mail a copy to:*

Martina Velez, as its registered agent for A&D Mortgage LLC, 899 W. Cypress Creek Road, Fort  
Lauderdale, FL 33309

EXHIBIT "A"  
PAGE 1 OF 3

<div>ROYAL PALM BEACH BLVD. PERMANENT EASEMENT 207 A PORTION OF SECTION 35, TOWNSHIP 42 SOUTH, RANGE 41 EAST PALM BEACH COUNTY, FLORIDA</div>			
<div>LEGAL DESCRIPTION: A PARCEL OF LAND FOR PERMANENT EASEMENT PURPOSES IN THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA. ALSO KNOWN AS LOT 1594 AS SHOWN ON THE UNRECORDED PLAT OF ROYAL PALM BEACH COLONY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 35; THENCE SOUTH 88°52'15" WEST 1312.89 FEET, ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 35 TO THE INTERSECTION WITH THE EAST LINE OF THE WEST HALF OF THE NORTHWEST QUARTER OF SAID SECTION 35; THENCE SOUTH 02°42'18" WEST 2716.99 FEET, ALONG THE EAST LINE OF SAID WEST HALF OF THE NORTHWEST QUARTER OF SECTION 35; THENCE SOUTH 02°42'29" WEST 1188.29 FEET, ALONG THE EAST LINE OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 35; THENCE SOUTH 89°24'11" WEST 40.07 FEET, TO THE INTERSECTION WITH THE WEST LINE OF AN 80 FOOT ROAD RIGHT-OF-WAY EASEMENT FOR ROYAL PALM BEACH BOULEVARD AS RECORDED IN O.R.B. 7693, PAGE 1610, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, WITH THE NORTH LINE OF SAID LOT 1594, BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT;  THENCE SOUTH 02°42'29" WEST 139.69 FEET, ALONG THE WEST LINE OF SAID 80 FOOT ROAD RIGHT-OF-WAY EASEMENT FOR ROYAL PALM BEACH BOULEVARD; THENCE SOUTH 89°25'37" WEST 10.02 FEET, ALONG THE NORTH LINE OF A 60 FOOT ROAD EASEMENT FOR 62ND LANE NORTH AS RECORDED IN O.R.B. 1659, PAGE 1432; THENCE NORTH 02°42'29" EAST 139.69 FEET; THENCE NORTH 89°24'11" EAST 10.02 FEET, ALONG THE NORTH LINE OF SAID LOT 1594, TO THE POINT OF BEGINNING AND CONTAINING 1397 SQUARE FEET, OR 0.0321 ACRES MORE OR LESS.</div>			
<div>SURVEYOR'S CERTIFICATION: I HEREBY CERTIFY THAT THE SKETCH AND LEGAL DESCRIPTION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. ALSO, THIS SKETCH AND LEGAL COMPLIES WITH THE STANDARDS OF PRACTICE, AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN RULE 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472.027, FLORIDA STATUTES.</div>			
<div>David L. Standingerr DAVID LAWRENCE STANDINGER PROFESSIONAL SURVEYOR AND MAPPER LICENSE NUMBER LS7198 ERDMAN ANTHONY OF FLORIDA, INC. LICENSE BUSINESS NUMBER LB7334 STATE OF FLORIDA</div>			
<div>DATE</div>			
<div>PALM BEACH COUNTY ROYAL PALM BEACH BLVD. PALM BEACH CO. PROJ. # 2014501</div>		<div>ERDMAN ANTHONY 5405 OKEECHOBEE BLVD., SUITE 200 WEST PALM BEACH, FL 33417 © 2019 ERDMAN ANTHONY</div>	
<div>EXHIBIT "A" PERMANENT EASEMENT 207</div>		<div>60258.00 N/A 04/23/19 1 OF 3</div>	

EXHIBIT "A"  
PAGE 2 OF 3

ABBREVIATIONS:

- CL = CENTERLINE
- LT. = LEFT
- NAD = NORTH AMERICAN DATUM
- O.R.B. = OFFICIAL RECORD BOOK
- P.B.C. = PALM BEACH COUNTY
- P.B.C.R. = PALM BEACH COUNTY RECORDS
- P.C.N. = PARCEL CONTROL NUMBER
- PG. = PAGE
- P.I. = POINT OF INTERSECTION
- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCEMENT
- RGE. = RANGE
- RT. = RIGHT
- R/W = RIGHT-OF-WAY
- SEC. = SECTION
- STA. = STATION
- TWP. = TOWNSHIP

ENCUMBRANCES		
O.R.B.	PAGE	DISPOSITION
7693	1610	PLOTTED

SURVEYOR'S NOTES:

1. BEARINGS SHOWN HEREON ARE BASED ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 42 SOUTH, RANGE 41 EAST, HAVING A BEARING OF SOUTH 88°52'15" WEST (NAD83, 1990 ADJUSTMENT) BETWEEN PALM BEACH COUNTY POSITIONS AS PUBLISHED. ALL OTHER BEARINGS ARE RELATIVE THERETO.
2. BASELINE STATIONING IS BASED ON A ROADWAY PLAN FOR ROYAL PALM BEACH BLVD. FROM M CANAL TO SOUTH OF ORANGE BLVD., PREPARED BY K-F GROUP, INC., PROJECT NO. 2014501, DATED 2017.
3. THIS SKETCH IS NOT A SURVEY.
4. A TITLE ABSTRACT WAS PROVIDED BY PALM BEACH COUNTY ON 2/9/2015. ERDMAN ANTHONY DID NOT ABSTRACT THE PROPERTY FOR RECORD INSTRUMENTS THAT AFFECT, RESTRICT, OR OTHERWISE ENCUMBER THE SUBJECT TRACT. ALL SURVEY RELATED ENCUMBRANCES AFFECTING THE PROPERTY, IDENTIFIED IN SAID ABSTRACT, ARE SHOWN OR NOTED HEREON.
5. IT IS POSSIBLE THAT THERE ARE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS, OR OTHER INSTRUMENTS, THAT COULD AFFECT THE SUBJECT PROPERTY, WHICH ARE UNKNOWN TO THE SIGNING SURVEYOR.
6. STATE PLANE COORDINATES:
  - A. HORIZONTAL DATUM = NORTH AMERICAN DATUM 1983 (1990 ADJUSTMENT)
  - B. ZONE = FLORIDA EAST
  - C. PROJECTION = TRANSVERSE MERCATOR
  - D. COORDINATES = GRID
  - E. LINEAR UNITS = US SURVEY FEET
  - F. ALL DISTANCES ARE GROUND UNLESS OTHERWISE SHOWN
  - G. SCALE FACTOR = 1.00001430
  - H. GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE
  - I. ROTATION EQUATION: NONE
7. THIS MAP IS INTENDED TO BE DISPLAYED AT A SCALE OF 1"=30' OR SMALLER.
8. ADDITIONS OR DELETIONS TO THIS MAP AND REPORT BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
9. THIS MAP IS NEITHER FULL NOR COMPLETE WITHOUT ALL SHEETS OF THIS SET.

PALM BEACH COUNTY  
ROYAL PALM BEACH BLVD.  
PALM BEACH CO. PROJ. # 2014501

ERDMAN  
ANTHONY

5405 OKEECHOBEE BLVD., SUITE 200  
WEST PALM BEACH, FL 33417  
© 2019 ERDMAN ANTHONY

EXHIBIT "A"  
PERMANENT EASEMENT 207

60258.00	N/A	04/23/19	2 OF 3
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27 26 BEARING BASIS  
S 88°52'15" W  
1,312.89' (GROUND)  
34 35 1,312.91' (GRID)  
P.B.C. POSITION  
N=890,163.173  
E=907,414.899

NORTH LINE OF THE  
NW 1/4 OF SEC. 35  
N=890,189.046  
E=908,727.550  
S 02°42'18" W  
2717.03' (GRID)  
2716.99' (GROUND)

S 88°52'15" W  
1,312.89' (GROUND)  
1,312.91' (GRID)

NORTH 1/4 CORNER  
OF SEC. 35,  
TWP.42 SOUTH,  
RGE.41 EAST  
P.O.C.  
P.B.C. POSITION  
N=890,214.919  
E=910,040.202

0' 30'

EAST LINE W 1/2 SW 1/4  
SEC. 35  
N 89°24'11" E 10.02'  
S 89°24'11" W  
1188.31' (GRID)  
1188.29' (GROUND)

Sta. 135+35.06  
50.00' (LT)

40.07'

Sta. 135+37.95

NORTH LINE OF  
LOT 1594

ROYAL PALM BEACH COLONY  
UNRECORDED PLAT

LOT 1594  
P.C.N. 00-41-42-35-00-000-8050  
O.R.B. 29007, PG. 507 P.B.C.R.

10'

WEST LINE O.R.B. 7693 PG. 1610

N 02°42'29" E 139.69'

S 02°42'29" W 139.69'

P.O.B.  
Sta. 135+35.64  
40.00' (LT)  
N=886,287.64  
E=908,503.12

ROYAL PALM BEACH BLVD.  
80' ROAD RIGHT-OF-WAY EASEMENT  
O.R.B. 7693, PG. 1610 P.B.C.R.

135+00

40'

80'

40'

134+00

NORTH LINE OF  
O.R.B. 1659  
PG.1432

Sta. 133+95.37  
50.00' (LT)

S 89°25'37" W 10.02'

62ND LANE NORTH  
60' ROAD EASEMENT  
O.R.B. 1659, PG. 1432 P.B.C.R.

30'

NORTH LINE OF THE  
SE 1/4 OF THE  
SW 1/4 OF SECTION 35

30'

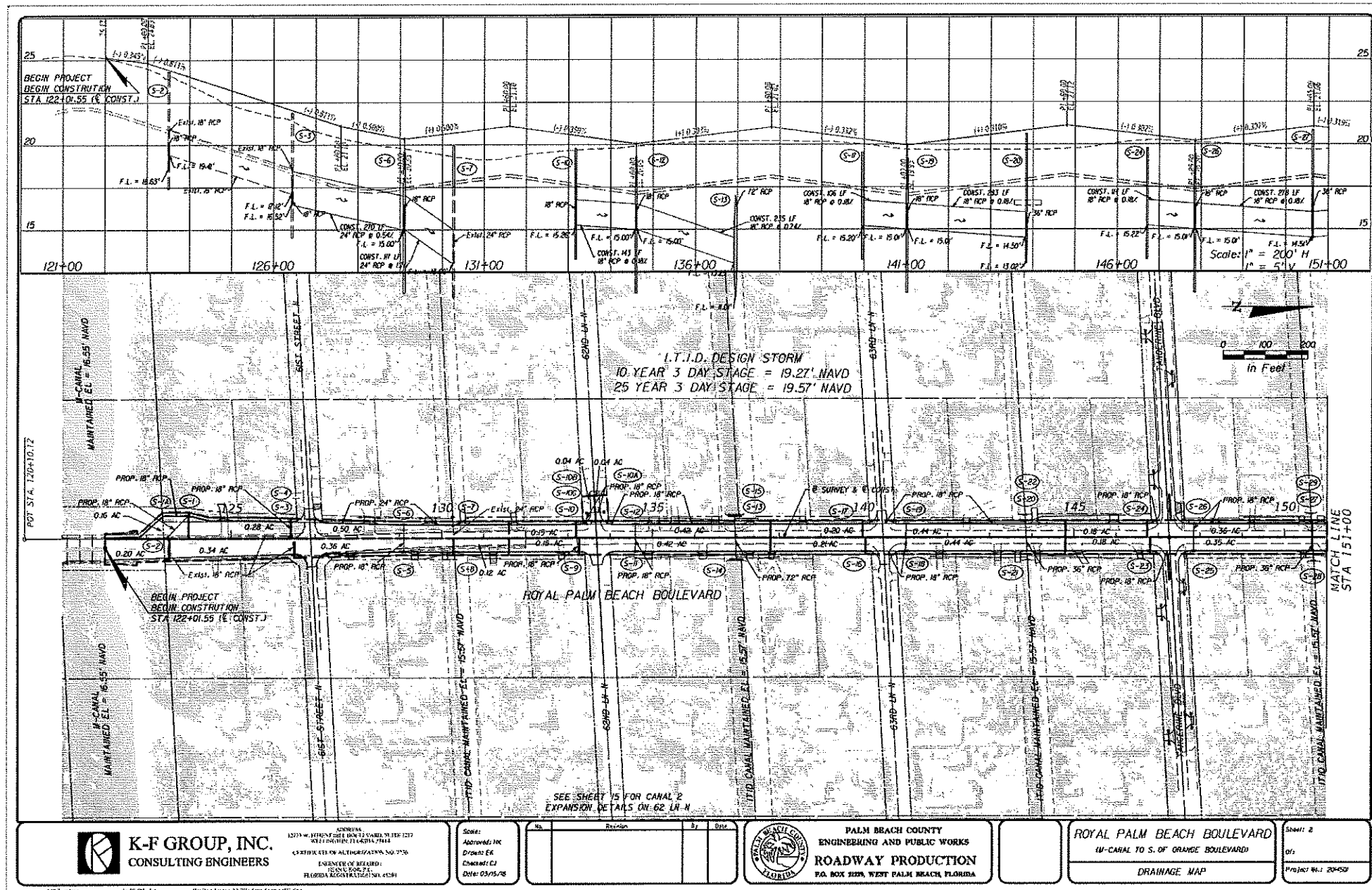
PALM BEACH COUNTY  
ROYAL PALM BEACH BLVD.  
PALM BEACH CO. PROJ. # 2014501

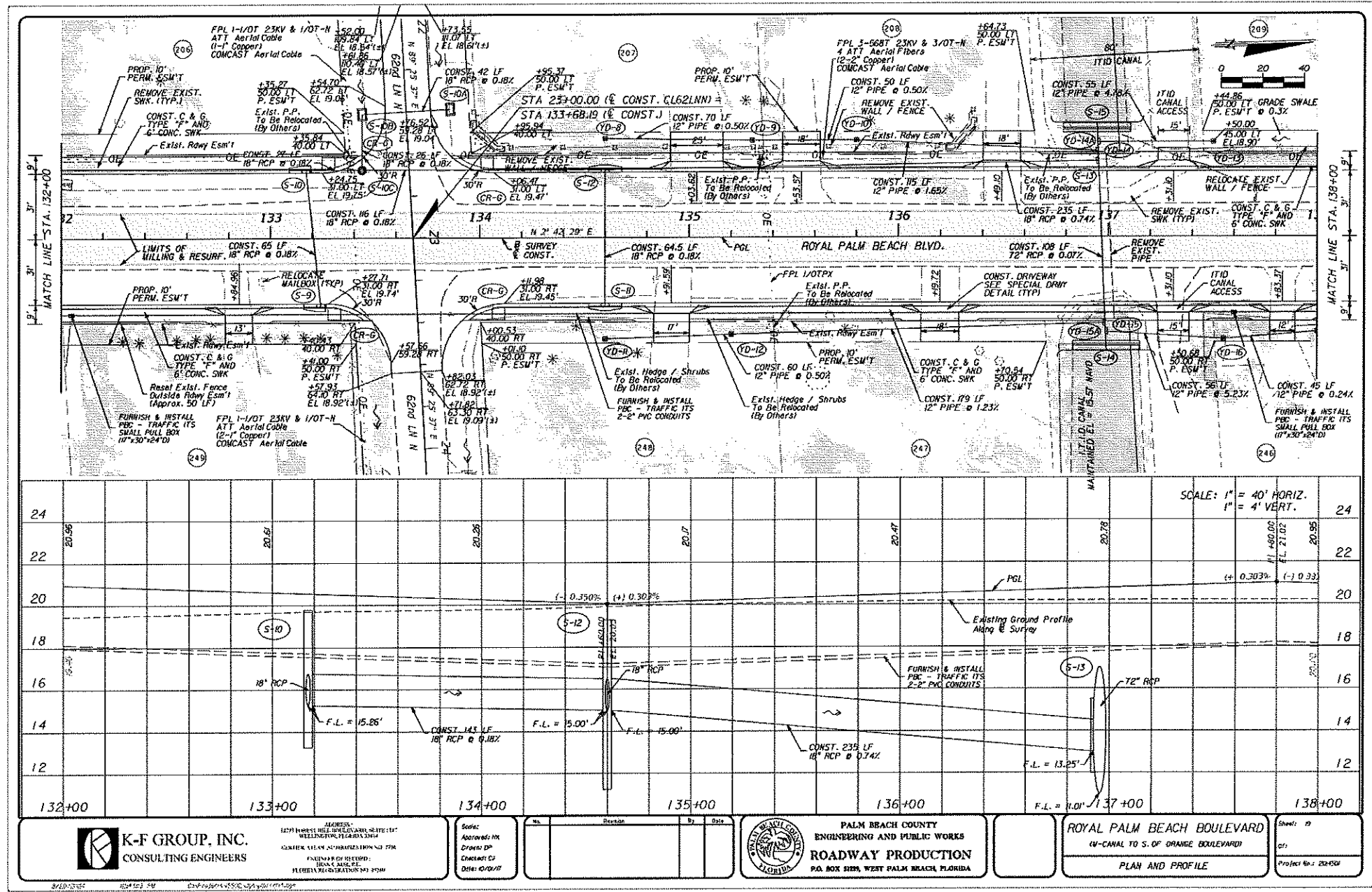
ERDMAN  
ANTHONY

5405 OKEECHOBEE BLVD., SUITE 200  
WEST PALM BEACH, FL 33417  
© 2019 ERDMAN ANTHONY

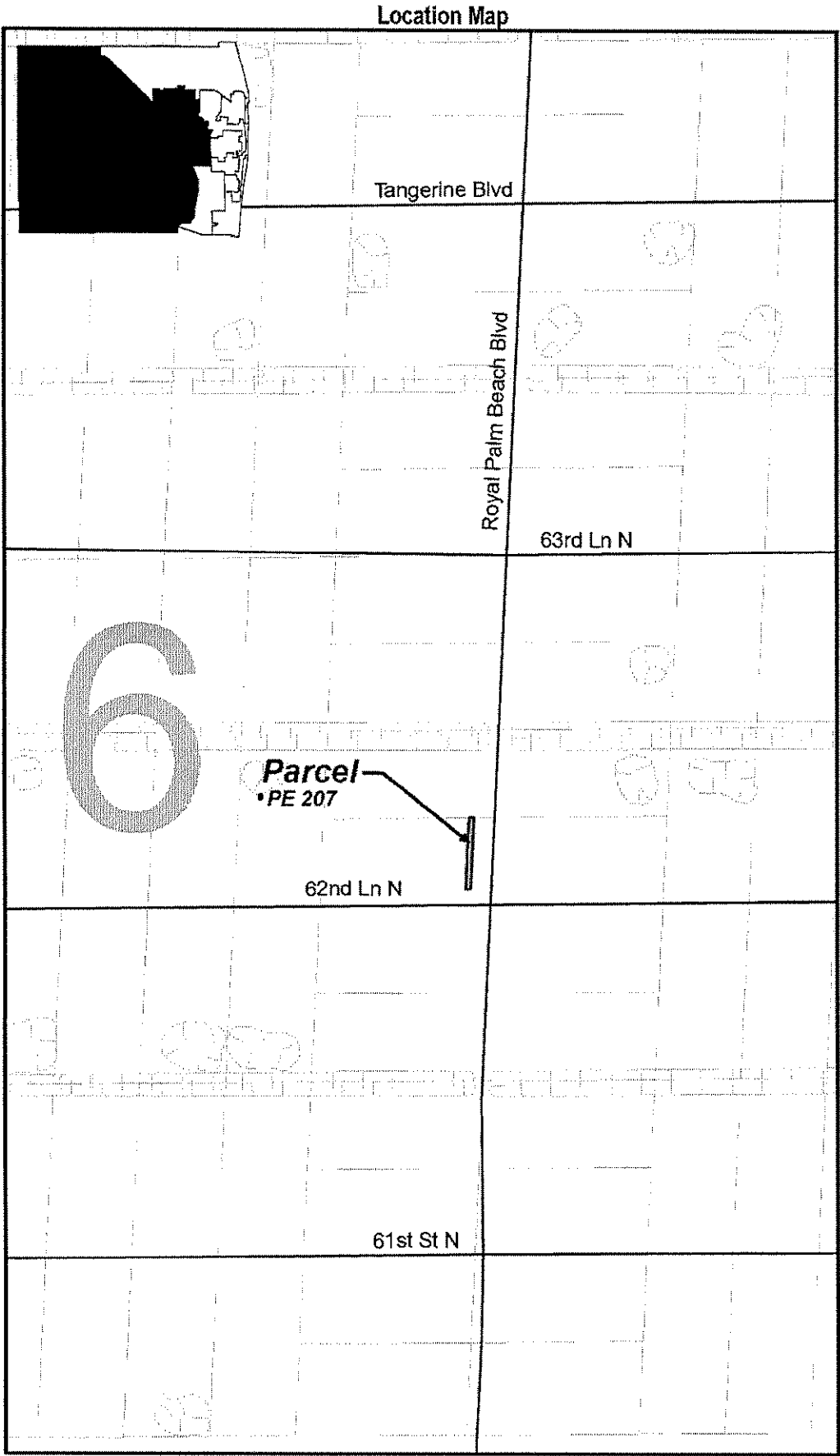
EXHIBIT "A"  
PERMANENT EASEMENT 207

60258.00 1" = 30' 04/23/19 3 OF 3

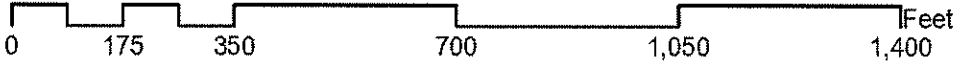








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RESOLUTION NO. R2021-1644

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, DECLARING THE ACQUISITION OF A PERMANENT EASEMENT, DESIGNATED AS PARCEL 207, NECESSARY FOR THE CONSTRUCTION OF ROADWAY IMPROVEMENTS ON ROYAL PALM BEACH 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 a permanent easement designated as Parcel 207 on the property described in Exhibit "A", to the Board of County Commissioners (BCC); and

**WHEREAS**, the parcel is necessary for the construction and improvement of Royal Palm Beach Boulevard from the M Canal to south of Orange Boulevard (Project); and

**WHEREAS**, the funds are available for the acquisition of a permanent easement designated as Parcel 207; and

**WHEREAS**, the property owner has not accepted the offer to purchase Parcel 207 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(1), Florida Statutes, as amended; and

**WHEREAS**, in determining to proceed with the Project, and determining the Project's location, including Parcel 207, the BCC has considered the required factors pursuant to Florida Law, including safety, costs, alternate routes or methodologies, long range plans, and the environment, as applicable to this parcel, more fully described in Exhibit "B"; and

**WHEREAS**, after considering the factors as set forth above, the BCC has determined that the acquisition of Parcel 207 is necessary for the construction and improvement of Royal Palm Beach Boulevard, and is for a public use and purpose deemed to be in the best interest of the County; and

**WHEREAS**, the proposed construction on and use of Parcel 207 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 permanent easement on property described in Exhibit "A" to be acquired through Eminent Domain as authorized by this Resolution, is not being acquired for the purpose of abating or eliminating public nuisances, slum or blighted conditions, and is subject to any applicable conveyance restrictions pursuant to Florida Law, to the extent they may apply; and

**WHEREAS**, in order to accomplish the acquisition of Parcel 207, the County Engineer and the County Attorney are authorized to take legal action, including the filing of Eminent Domain Proceedings, using outside counsel to the extent they deem appropriate, 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 are authorized and directed to proceed to take all necessary steps, using outside counsel to the extent they deem appropriate, including the hiring of accountants, appraisers, or other experts and witnesses, for the County to acquire in its own name by donation, purchase, or Eminent Domain Proceedings, the 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 are hereby further authorized and directed to take such further actions, using outside counsel to the extent they deem appropriate, as are reasonably required to fully accomplish the purposes herein above directed, including the making of minor changes in the description of any real property described in Exhibit "A" that may be necessary to fully accomplish those purposes.

**BE IT FURTHER RESOLVED** that the permanent easement, designated as Parcel 207, on property described in Exhibit "A" is to be used for the following public use and purpose: a permanent easement necessary for the construction and improvement of Royal Palm Beach Boulevard from the M Canal to south of Orange Boulevard.

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


Commissioner Dave Kerner, Mayor	<u>Aye</u>
Commissioner Robert S. Weinroth, Vice Mayor	<u>Aye</u>
Commissioner Maria G. Marino	<u>Absent</u>
Commissioner Gregg K. Weiss	<u>Aye</u>
Commissioner Maria Sachs	<u>Aye</u>
Commissioner Melissa McKinlay	<u>Aye</u>
Commissioner Mack Bernard	<u>Aye</u>

The Mayor thereupon declared the Resolution duly passed and adopted this 2nd day of November, 2021

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: [Signature]  
Assistant County Attorney

JOSEPH ABRUZZO,  
CLERK OF THE CIRCUIT COURT  
& COMPTROLLER  
By: [Signature]  
Deputy Clerk  


APPROVED AS TO TERMS  
AND CONDITIONS

By: [Signature]  
Division Director

EXHIBIT "A"  
PAGE 1 OF 3

<div>ROYAL PALM BEACH BLVD. PERMANENT EASEMENT 207 A PORTION OF SECTION 35, TOWNSHIP 42 SOUTH, RANGE 41 EAST PALM BEACH COUNTY, FLORIDA</div>			
<div>LEGAL DESCRIPTION: A PARCEL OF LAND FOR PERMANENT EASEMENT PURPOSES IN THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA. ALSO KNOWN AS LOT 1594 AS SHOWN ON THE UNRECORDED PLAT OF ROYAL PALM BEACH COLONY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 35; THENCE SOUTH 88°52'15" WEST 1312.89 FEET, ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 35 TO THE INTERSECTION WITH THE EAST LINE OF THE WEST HALF OF THE NORTHWEST QUARTER OF SAID SECTION 35; THENCE SOUTH 02°42'18" WEST 2716.99 FEET, ALONG THE EAST LINE OF SAID WEST HALF OF THE NORTHWEST QUARTER OF SECTION 35; THENCE SOUTH 02°42'29" WEST 1188.29 FEET, ALONG THE EAST LINE OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 35; THENCE SOUTH 89°24'11" WEST 40.07 FEET, TO THE INTERSECTION WITH THE WEST LINE OF AN 80 FOOT ROAD RIGHT-OF-WAY EASEMENT FOR ROYAL PALM BEACH BOULEVARD AS RECORDED IN O.R.B. 7693, PAGE 1610, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, WITH THE NORTH LINE OF SAID LOT 1594, BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT;  THENCE SOUTH 02°42'29" WEST 139.69 FEET, ALONG THE WEST LINE OF SAID 80 FOOT ROAD RIGHT-OF-WAY EASEMENT FOR ROYAL PALM BEACH BOULEVARD; THENCE SOUTH 89°25'37" WEST 10.02 FEET, ALONG THE NORTH LINE OF A 60 FOOT ROAD EASEMENT FOR 62ND LANE NORTH AS RECORDED IN O.R.B. 1659, PAGE 1432; THENCE NORTH 02°42'29" EAST 139.69 FEET; THENCE NORTH 89°24'11" EAST 10.02 FEET, ALONG THE NORTH LINE OF SAID LOT 1594, TO THE POINT OF BEGINNING AND CONTAINING 1397 SQUARE FEET, OR 0.0321 ACRES MORE OR LESS.</div>			
<div>SURVEYOR'S CERTIFICATION: I HEREBY CERTIFY THAT THE SKETCH AND LEGAL DESCRIPTION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. ALSO, THIS SKETCH AND LEGAL COMPLIES WITH THE STANDARDS OF PRACTICE, AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN RULE 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472.027, FLORIDA STATUTES.</div>			
<div>David L. Standinger DAVID LAWRENCE STANDINGER PROFESSIONAL SURVEYOR AND MAPPER LICENSE NUMBER LS7198 ERDMAN ANTHONY OF FLORIDA, INC. LICENSE BUSINESS NUMBER LB7334 STATE OF FLORIDA</div>			
<div>DATE</div>			
<div>PALM BEACH COUNTY ROYAL PALM BEACH BLVD. PALM BEACH CO. PROJ. # 2014501</div>		<div>ERDMAN ANTHONY 5405 OKEECHOBEE BLVD., SUITE 200 WEST PALM BEACH, FL 33417 © 2018 ERDMAN ANTHONY</div>	
		<div>EXHIBIT "A" PERMANENT EASEMENT 207</div>	
		<div>60258.00    N/A    04/23/19    1 OF 3</div>	



<b>ABBREVIATIONS:</b>		
CL	=	CENTERLINE
LT	=	LEFT
NAD	=	NORTH AMERICAN DATUM
O.R.B.	=	OFFICIAL RECORD BOOK
P.B.C.	=	PALM BEACH COUNTY
P.B.C.R.	=	PALM BEACH COUNTY RECORDS
P.C.N.	=	PARCEL CONTROL NUMBER
PG.	=	PAGE
P.I.	=	POINT OF INTERSECTION
P.O.B.	=	POINT OF BEGINNING
P.O.C.	=	POINT OF COMMENCEMENT
RGE.	=	RANGE
RT.	=	RIGHT
R/W	=	RIGHT-OF-WAY
SEC.	=	SECTION
STA.	=	STATION
TWP.	=	TOWNSHIP

<b>ENCUMBRANCES</b>		
O.R.B.	PAGE	DISPOSITION
7693	1610	PLOTTED

**SURVEYOR'S NOTES:**

1. BEARINGS SHOWN HEREON ARE BASED ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 42 SOUTH, RANGE 41 EAST, HAVING A BEARING OF SOUTH 88°52'15" WEST (NAD83, 1990 ADJUSTMENT) BETWEEN PALM BEACH COUNTY POSITIONS AS PUBLISHED. ALL OTHER BEARINGS ARE RELATIVE THERETO.
2. BASELINE STATIONING IS BASED ON A ROADWAY PLAN FOR ROYAL PALM BEACH BLVD. FROM M CANAL TO SOUTH OF ORANGE BLVD., PREPARED BY K-F GROUP, INC., PROJECT NO. 2014501, DATED 2017.
3. THIS SKETCH IS NOT A SURVEY.
4. A TITLE ABSTRACT WAS PROVIDED BY PALM BEACH COUNTY ON 2/9/2015. ERDMAN ANTHONY DID NOT ABSTRACT THE PROPERTY FOR RECORD INSTRUMENTS THAT AFFECT, RESTRICT, OR OTHERWISE ENCUMBER THE SUBJECT TRACT. ALL SURVEY RELATED ENCUMBRANCES AFFECTING THE PROPERTY, IDENTIFIED IN SAID ABSTRACT, ARE SHOWN OR NOTED HEREON.
5. IT IS POSSIBLE THAT THERE ARE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS, OR OTHER INSTRUMENTS, THAT COULD AFFECT THE SUBJECT PROPERTY, WHICH ARE UNKNOWN TO THE SIGNING SURVEYOR.
6. STATE PLANE COORDINATES:
  - A. HORIZONTAL DATUM = NORTH AMERICAN DATUM 1983 (1990 ADJUSTMENT)
  - B. ZONE = FLORIDA EAST
  - C. PROJECTION = TRANSVERSE MERCATOR
  - D. COORDINATES = GRID
  - E. LINEAR UNITS = US SURVEY FEET
  - F. ALL DISTANCES ARE GROUND UNLESS OTHERWISE SHOWN
  - G. SCALE FACTOR = 1.00001430
  - H. GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE
  - I. ROTATION EQUATION: NONE
7. THIS MAP IS INTENDED TO BE DISPLAYED AT A SCALE OF 1"=30' OR SMALLER.
8. ADDITIONS OR DELETIONS TO THIS MAP AND REPORT BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
9. THIS MAP IS NEITHER FULL NOR COMPLETE WITHOUT ALL SHEETS OF THIS SET.


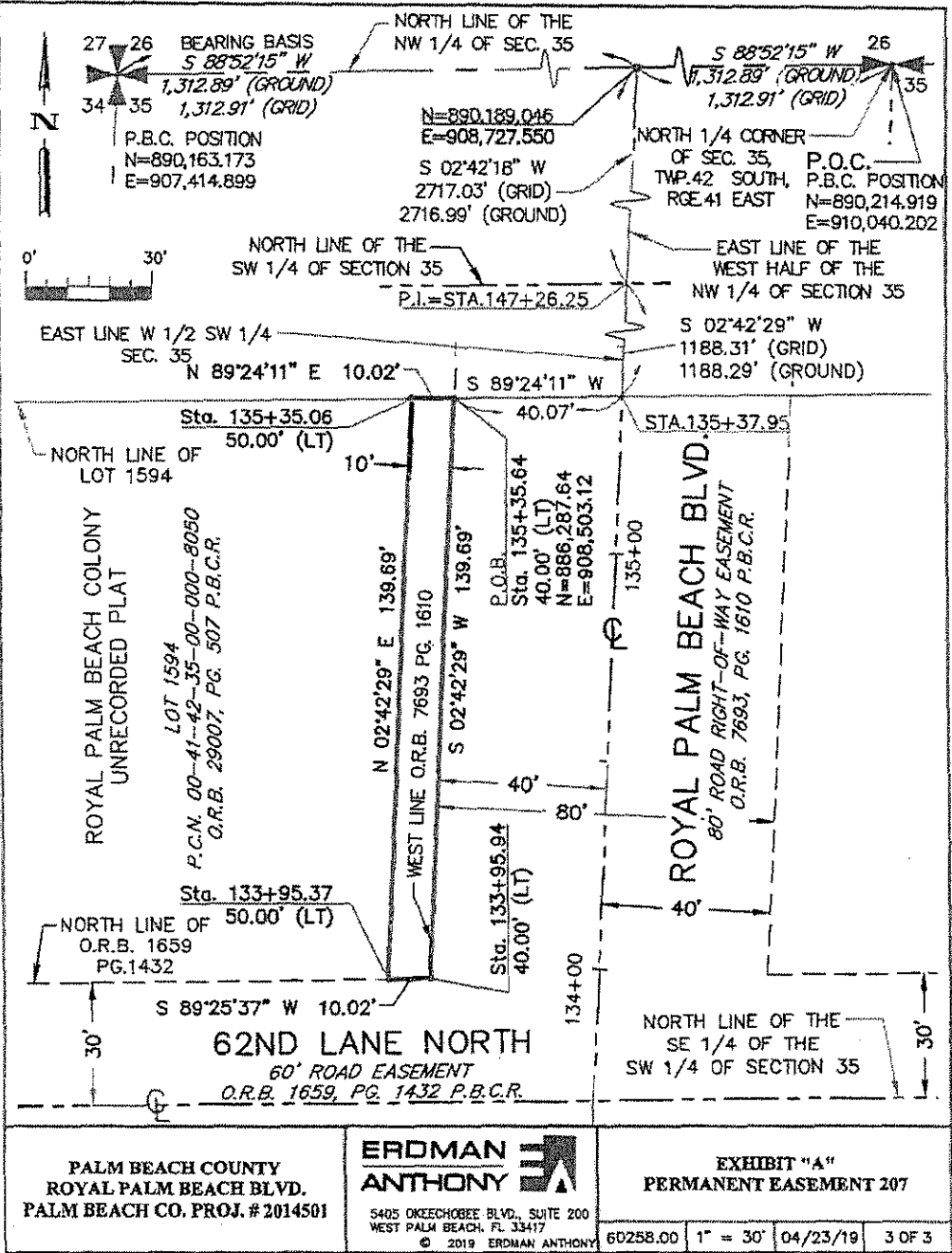
<b>PALM BEACH COUNTY</b> <b>ROYAL PALM BEACH BLVD.</b> <b>PALM BEACH CO. PROJ. # 2014501</b>	<b>ERDMAN</b> <b>ANTHONY</b>  <small>5405 OKEECHOBEE BLVD., SUITE 200 WEST PALM BEACH, FL 33417 © 2019 ERDMAN ANTHONY</small>	<b>EXHIBIT "A"</b> <b>PERMANENT EASEMENT 207</b>
	60258.00	N/A
	04/23/19	2 OF 3

EXHIBIT "A"  
PAGE 3 OF 3



**EXHIBIT "B"**  
**ROYAL PALM BEACH BOULEVARD**  
**M-CANAL TO SOUTH OF ORANGE BOULEVARD**  
**PALM BEACH COUNTY PROJECT # 2014501**

**SAFETY**

Royal Palm Beach Boulevard is currently a 2-lane undivided rural roadway. This project will reconstruct Royal Palm Beach Boulevard as a 5-lane undivided roadway with new drainage, 4-foot-wide paved shoulders, and 6-foot-wide sidewalks on both sides of the roadway. The widening of Royal Palm Beach Boulevard to a 5-lane roadway will improve its overall safety, providing additional capacity for vehicular traffic, and facilities for bicyclists and pedestrian users.

The design of the project was completed 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.

**COST**

The cost of improving this portion of Royal Palm Beach Boulevard was estimated prior to beginning design and was updated throughout the design process. The appropriate funding for design, right-of-way acquisition, and construction was budgeted in Palm Beach 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 condemnation.

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**

Royal Palm Beach Boulevard is a heavily traveled roadway, which provides a direct north-south route for vehicles traveling through the Acreage community. The Palm Beach County Comprehensive Plan (Thoroughfare Right-of-Way-Identification Map) has for many years defined this roadway as a route required to meet traffic demands at full development of the County. Palm Beach County's Comprehensive Plan has been prepared to meet the requirements of Chapter 163, Florida Statutes, and Rule 9J-5, Florida Administrative Code, and to address the needs and interests of the County's residents and visitors.

Alternate routes were considered in lieu of improving this project. Construction of an alternate route through the Acreage community would have disrupted or displaced numerous residential properties, would have been more costly, and would have resulted 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 Plan, which requires an 80 foot wide right-of-way for an ultimate 5-lane roadway. The 2045 Long Range Transportation System Plan is a 25-year forecast based on projected regional needs identified through the process of forecasting travel demand, evaluating system alternatives and selecting those options which best meet the mobility, safety, and other needs of the County, considering financial, environmental and social constraints. The plan serves as the preliminary tool used for transportation planning in Palm Beach County.

**ENVIRONMENTAL IMPACTS**

This portion of Royal Palm Beach Boulevard is part of an established corridor, and the proposed improvement will have minimal negative impacts to the environment. This roadway improvement project is expected to be permitted through the appropriate environmental regulatory agencies.

*Following is a more detailed outline of the reasons for acquisition needed for the improvement of Royal Palm Beach Boulevard, from the M-Canal to south of Orange Boulevard.*

**ACQUISITION FOR PERMANENT EASEMENT PARCEL 207**

The parcel to be acquired represents acquisition outside of the existing right-of-way. It is required to grade a swale and install drainage structures to capture and convey historic storm water drainage from the adjacent property to the storm sewer system that discharges to the Indian Trail Improvement District canals. Additional work within the parcel includes sloping and grading as needed to harmonize the driveway and property with the roadway construction. The described work to be performed within this permanent easement shall not extend beyond the limits outlined in the legal description of said property attached to the Resolution relating to Parcel 207 as **EXHIBIT A.**

STATE OF FLORIDA  
COUNTY OF PALM BEACH  
I, JOSEPH ABRILLO, Clerk of the Circuit Court &  
Comptroller certify this to be a true and correct copy  
of the original filed in my County  
on NOV 02 2021  
dated at West Palm Beach, FL on 11/10/2021  
By: [Signature]  
Deputy Clerk

N:\R\_O\_W\Dave\2014501\ Royal Palm Beach Blvd-M Canal to Orange Blvd\Eminent Domain\Resolutions\207 Exhibit B.docx