

Agenda Item # : 3-C-8

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**AGENDA ITEM SUMMARY**

**Meeting Date:** July 11, 2006

**Consent**

**Regular**

**Workshop**

**Public Hearing**

**Department:**

**Submitted By:** Engineering and Public Works

**Submitted For:** Right-of-Way Acquisition Section

**Project No.:** 97511 B

**I. EXECUTIVE BRIEF**

**Motion and Title:** Staff recommends motion to:

A. Accept a Warranty Deed for Parcel 4A on Seminole Pratt Whitney Road.

B. Approve payment of a counter-offer in the amount of \$260,000 for Parcel 4A.

**Summary:** This action will accept a Warranty Deed needed for a retention pond and approve a counter-offer in the amount of \$260,000 for the purchase of the retention pond, known as Parcel 4A. This parcel is needed for the construction widening of Seminole Pratt Whitney Road from south of Okeechobee Boulevard to north of Sycamore Drive.

District: 6 (PK)

**Background and Justification:** On February 5, 2005, the Palm Beach County Board of County Commissioners approved a request granting approval to appraise and acquire rights-of-way for projects included in the Five-Year Road Program. On May 3, 2006, the County made an offer to acquire property needed for the construction widening of Seminole Pratt Whitney Road from south of Okeechobee Boulevard to north of Sycamore Drive. The property owner did not accept Palm Beach County's offer of \$244,633 as determined by a certified appraiser, but submitted a counter-offer of \$295,000. Through negotiations, the property owner agreed to accept payment in the amount of \$260,000. Staff has reviewed this counter-offer and recommends approval. The acceptance of this Warranty Deed and counter-offer will allow the County to meet the construction schedule as well as avoid the costs of litigation, including attorney, as well as other professional fees associated with the Condemnation process.

**Attachments:**

1. Location Map
2. Warranty Deed with Exhibit "A".
3. Certificate of Value
4. Counter-Offer Letter

**Recommended by:**

Ornelis A. Fernandez  
Division Director

5/26/06  
Date

**Approved by:**

Sy T. Well  
County Engineer

6/26/06  
Date

## II. FISCAL IMPACT ANALYSIS

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

Fiscal Years	2006	2007	2008	2009	2010
Capital Expenditures	<u>\$15,367</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Operating Costs	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
External Revenues	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Program Income (County)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
In-Kind Match (County)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
<b>NET FISCAL IMPACT</b>	<b><u>\$15,367</u></b>	<b><u>-0-</u></b>	<b><u>-0-</u></b>	<b><u>-0-</u></b>	<b><u>-0-</u></b>

# ADDITIONAL FTE  
POSITIONS (Cumulative) \_\_\_\_\_

Is Item Included in Current Budget? Yes X No \_\_\_\_\_  
Budget Acct No.: Fund 3503 Dept. 361 Unit 0699 Object 6120  
Program

### B. Recommended Sources of Funds/Summary of Fiscal Impact:

Road Impact Fee Fund - Zone 3  
Seminole Pratt/S of Okeechobee to N of Sycamore

Counter-Offer - Parcel 4A	\$260,000.00
Appraised Value	\$244,633.00
Fiscal Impact	<u>\$ 15,367.00</u>

C. Departmental Fiscal Review: R. D. Ward

## III. REVIEW COMMENTS

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

John D. ... 6-30-06  
OFMB

Jim J. ... 7/3/06  
Contract Dev. and Control

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

Paul F. ... 7/5/06  
Assistant County Attorney

### C. Other Department Review:

\_\_\_\_\_  
Department Director

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



Return to: Palm Beach County  
Name: R/W Acquisition Section  
Post Office Box 21229  
Address: West Palm Beach, Florida 33416  
Attn: Rita Davis-Ahlschwede  
Acct. No.: 1010 W/C BOX 1066

This Instrument Prepared by:  
Name: Paul F. King  
Assistant County Attorney  
Post Office Box 21229  
Address: West Palm Beach, Florida 33416

NOT TO BE RECORDED  
WITHOUT BOARD OF COUNTY  
COMMISSIONERS ACCEPTANCE DATE

PCN: 00404313000007490  
(Individual/Partnership)

SPACE ABOVE THIS LINE FOR PROCESSING DATA  
PROJECT NO. 1997511 B  
ROAD NAME: SEMINOLE PRATT WHITNEY ROAD, FRC  
SOUTH OF OKEECHOBEE BLVD. TO NORTH OF SYCAMORE  
DRIVE  
PARCEL NO. 4A

WARRANTY DEED

THIS WARRANTY DEED, made this 19<sup>th</sup> day of MAY, 2006, by LUXEME M. SELMOT whose post office address is 4635 Cole Street, West Palm Beach, Fl. 33417, hereinafter called grantor, to PALM BEACH COUNTY, a political subdivision of the State of Florida, hereinafter called grantee.

WITNESSETH: That the grantor, for and in consideration of the sum of TEN (\$10.00) dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain lands situate in Palm Beach County, Florida, viz:

Property more particularly described in Exhibit "A" attached hereto and made a part hereof TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the grantor hereby covenants with said grantee that said grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is subject to encumbrances of record, and taxes subsequent to December 31, 2005.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:  
(Signature of two witnesses required by Florida law)

Craig K Wessendorf  
WITNESS Signature (Required)

LUXEME M SELMOT  
SIGNATURE OF GRANTOR

CRAIG K WESSENDORF  
TYPED OR PRINTED NAME OF WITNESS

LUXEME M. SELMOT  
TYPED OR PRINTED NAME OF GRANTOR  
4635 COLE STREET  
WEST PALM BEACH, FL 33417  
MAILING ADDRESS

Richard A. Gallock  
WITNESS SIGNATURE (Required)

\_\_\_\_\_  
SIGNATURE OF GRANTOR

RICHARD A. GALLOCK  
TYPED OR PRINTED NAME OF WITNESS

\_\_\_\_\_  
TYPED OR PRINTED NAME OF GRANTOR

\_\_\_\_\_  
MAILING ADDRESS

STATE OF FLORIDA  
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, personally appeared LUXEME M. SELMOT who is / are personally known to me or who has produced DRIVERS LICENSE as identification and who did/did not take an oath, executed the foregoing instrument for the uses and purposes therein expressed.

WITNESS my hand and official seal this 19<sup>th</sup> day of MAY, 2006



Craig K. Wessendorf  
MY COMMISSION # DD167950 EXPIRES  
December 18, 2006  
BONDED THRU TROY FAIN INSURANCE, INC.

Signed: Craig K Wessendorf  
Notary Public in and for  
the County and State aforementioned

THE NORTH 278 FEET OF THE SOUTH 1548 FEET OF THE EAST 290 FEET OF THE WEST 1730 FEET OF SECTION 13, TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, LESS COUNTY ROAD RIGHT-OF-WAY (SEMINOLE-PRATT WHITNEY ROAD). SUBJECT TO AN EASEMENT FOR ROAD AND DRAINAGE PURPOSES TO INDIAN TRAIL WATER CONTROL DISTRICT OVER THE NORTH 30 FEET AND THE SOUTH 30 FEET.

CONTAINING 1.34 ACRES (58,246 SQUARE FEET), MORE OR LESS.

BEARING BASIS: N01°32'54"E ALONG THE WEST RIGHT-OF-WAY OF SEMINOLE PRATT WHITNEY ROAD.

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 THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER NOTED BELOW.

**ABBREVIATIONS**

- P.O.B.- POINT OF BEGINNING
- P.O.C.- POINT OF COMMENCEMENT
- R/W - RIGHT-OF-WAY
- R.P.B.- ROAD PLAT BOOK
- O.R.B.- OFFICIAL RECORD BOOK
- T.C.E. - TEMPORARY CONSTRUCTION EASEMENT
- ☉ - CENTERLINE
- ITWCD - INDIAN TRAIL WATER CONTROL DISTRICT
- L - DISTANCE LEFT OF BASELINE

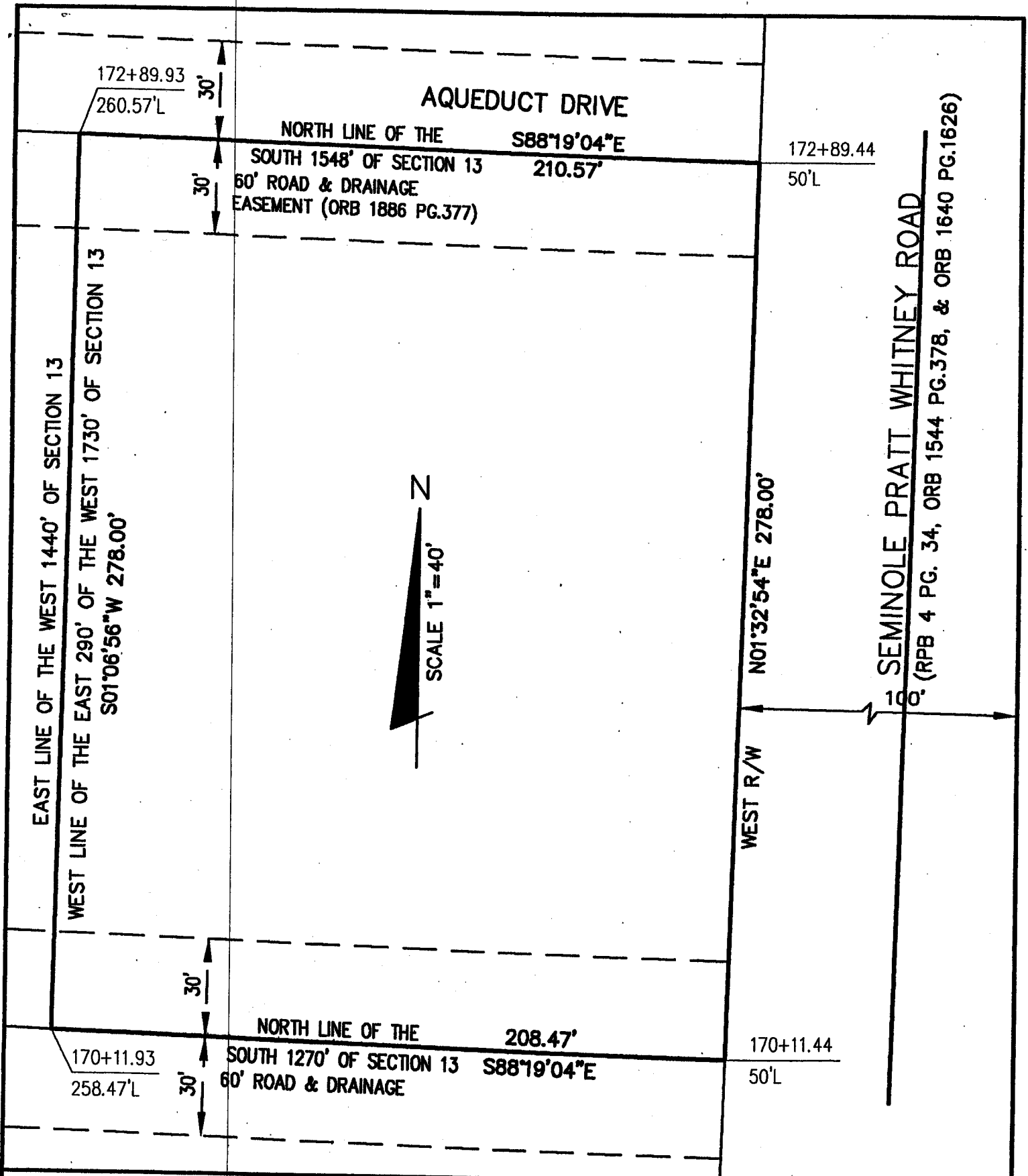
*John E. Phillips III*  
 JOHN E. PHILLIPS III  
 PROFESSIONAL LAND SURVEYOR  
 STATE OF FLORIDA No. 4826  
 DATE: MAR 23 2006

**LEGAL DESCRIPTION**

DRAWN:	MDB	PROJ. No. 99-083
CHECKED:	JEP	SCALE: NONE
DATE:	3/22/06	SHEET 1 OF 2

SEMINOLE PRATT WHITNEY ROAD  
 POND 4A

**B** BROWN & PHILLIPS, INC.  
 PROFESSIONAL SURVEYING SERVICES  
 CERTIFICATE OF AUTHORIZATION # LB 6473  
 901 NORTHPOINT PARKWAY, SUITE 305, W.P.B., FL 33407  
 (561) 615-3988, (561) 615-3986 FAX



**BROWN & PHILLIPS, INC.**  
 PROFESSIONAL SURVEYING SERVICES  
 CERTIFICATE OF AUTHORIZATION # LB 6473  
 901 NORTHPOINT PARKWAY, SUITE 305, W.P.B., FL 33407  
 (561) 615-3988, (561) 615-3986 FAX

THIS SKETCH IS NOT A SURVEY

SKETCH TO ACCOMPANY  
 LEGAL DESCRIPTION

DRAWN:	MDB	PROJ. No. 99-083
CHECKED:	JEP	SCALE: 1"=40'
DATE:	3/22/06	SHEET 2 OF 2

SEMINOLE PRATT WHITNEY ROAD  
 POND 4A



**Seminole Pratt Whitney Road, Project 97511B  
Palm Beach County Right of Way Acquisition**

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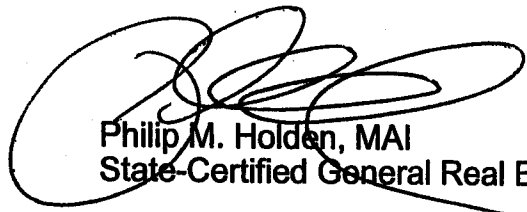
**CERTIFICATE OF VALUE (Continued)**

Parcel No.: 4A Date of Inspection: March 22, 2006  
Owner: Selmot Date of Valuation: March 22, 2006  
Project Number: 97511B  
Project Name: Seminole Pratt Whitney Road

Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute, which include the Uniform Standards of Professional Practice.

- 11. That we have not revealed the results of such appraisal to other than the proper officials of the Palm Beach County Right of Way Acquisition Section, Department of Engineering and Public Works, and will not do so until authorized by same, or until required by due process-of-law, or until release from this obligation by having publicly testified as to such results.
- 12. As of the date of this report, Philip M. Holden, MAI, has completed the continuing education program of the Appraisal Institute.
- 13. As of the date of this report, Philip M. Holden, MAI and Sharon L. Morgan have completed the requirements for the State of Florida continuing education program.
- 14. That our opinion of the market value of the property being appraised as of March 22, 2006, is as follows:

Market Value ..... \$244,633



Philip M. Holden, MAI  
State-Certified General Real Estate Appraiser RZ 1666



Sharon L. Morgan  
State-Certified General Real Estate Appraiser RZ 626

05-09-2006

To Palm beach County

I understand you want to purchase my land on Semimole Pratt Whitney Road, for a project you were send me an offer for

\$ 244,633 if Palm beach county Really want my land they have to pay \$ 295,900 for 1 acs.34

My phone (561) 686 4557

OR (561) 313 4650

Signe Lyene Selmot

LUXEWE SELMOT