

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: December 10, 2024 [X] Consent [] Regular
[] Workshop [] Public Hearing

Department: Engineering
Submitted By: County Attorney

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends a motion to approve a settlement, in the total amount of \$952,054.25, inclusive of attorney's fees, expert fees, and costs, in the eminent domain action styled Palm Beach County v Swordfish Properties Corp., et al., Case No.: 502024CA005450XXXMB.

Summary: Under the proposed Settlement Agreement in this pending eminent domain proceeding, Palm Beach County (County) will acquire Parcel 103, a permanent taking, and Parcel 303, a temporary construction easement, for the widening of Old Dixie Highway from Yamato Road to South of Linton Boulevard. Compensation for these parcels is \$783,200, which includes business damages, in addition to statutory attorney's fees, experts' fees and costs of \$168,854.25, for a total amount of \$952,054.25. This settlement will resolve the condemnation proceedings as it relates to parcels 103 and 303. District 4 (DO).

Background and Justification: The Board approved a Resolution for an eminent domain proceeding to acquire a right of way and temporary construction easement, designated as Parcels 103 and 303 respectively, for the purpose of the construction and improvement of Old Dixie Highway from Yamato Road to South of Linton Boulevard in Palm Beach County.

Specifically, these parcels are necessary as part of the project to improve Old Dixie Highway by adding a center turn lane, curb and gutter, sidewalks, additional drainage, bridge replacement and signal work.

(Continued on Page 3)

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
- 3. Roadway Plan
- 4. Location Map
- 5. Resolution for Parcels 103 and 303 with Exhibits "A" and Exhibit "B" (2)

Recommended By: [Signature] 11.02.24
County Attorney Date

Approved By: N/A
County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

| Fiscal Years | 2025 | 2026 | 2027 | 2028 | 2029 |
|---|------------------|------------|------------|------------|------------|
| Capital Expenditures | \$952,055 | -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 | \$952,055 | -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

| Parcel No. | Type | PCN Number | Parcel Description | Asset Number |
|------------|------|-------------------------|--|--------------|
| 103 | ROW | 06-43-46-32-12-006-0020 | SUB 32-46-43 N 150 FT OF S 250 FT OF W 232.2 FT /AS MEASURED ALONG S LINE OF PARCEL/ OF TH PT OF LT 6 LYG E OF DIXIE HWY IN DB1011P37 & OR48P358 | H10021 |
| 303 | TCE | 06-43-46-32-12-006-0020 | SUB 32-46-43 N 150 FT OF S 250 FT OF W 232.2 FT /AS MEASURED ALONG S LINE OF PARCEL/ OF TH PT OF LT 6 LYG E OF DIXIE HWY IN DB1011P37 & OR48P358 | n/a |

*A. D. Kiew, Mayor, F.A.M.O.
 OFMB 11/19/24*

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 E, Section 4 of the ULDC.

C. Departmental Fiscal Review: Fanny Ramdalsingh

III. REVIEW COMMENTS

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

ASDCAC 11/22/24
MD 11/22
OFMB 11/19/24
Contract Dev. and Control 11/27/24

B. Approved as to Form and Legal Sufficiency:

[Signature]
 Assistant County Attorney

C. Other Department Review:

David *[Signature]*
 Department

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

The property owner's appraised value for the condemned parcels is \$705,300, in addition to a business damages claim of \$363,630 for the lessee/business, which consists of a seafood restaurant and a boat storage located on the property, for a total of \$1,068,930.

The County's appraised value for condemned parcels is \$538,362. After consultation with a CPA who reviewed the lessee's business tax returns, the County made a counteroffer of \$125,000 on the business damages claim that was accepted by the lessee, for a total of \$663,362 as compensation for the property and the business damages claim.

The settlement amount for compensation of the property and the business damage claim is 18% over the County's valuation, but 27% less than the owner's valuation.

Additionally, the settlement includes statutory attorney's fees of \$108,798.25, pursuant to Section 73.092, Florida Statutes, and \$59,000 in expert fees and costs.

Although, a partial demolition and a cut and reface of a building on the property was originally contemplated (resulting in a building with virtually no utility), in accordance with to the proposed settlement agreement, the property owner and lessee will grant to the County a right to enter the remaining property to demolish the building. This represents a significant savings to County as a complete demolition of a building is materially less expensive than a cut and reface. The settlement also provides for a temporary construction easement lasting 5 years rather than 3 years as originally appraised.

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



INTEROFFICE COMMUNICATION
PALM BEACH COUNTY ENGINEERING & PUBLIC WORKS DEPT

BUDGET AVAILABILITY STATEMENT

DATE: November 19,2024

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

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

RE: Eminent Domain Settlement BCC Agenda Item
Project# 2014500
Unit 1428 Old Dixie Hwy from Yamato Rd to Linton Blvd

FISCAL IMPACT ANALYSIS:

Budget Account Number:

| Fund | Dept | Unit | Object | Total |
|------|------|------|--------|--------------|
| 3505 | 361 | 1428 | 6120 | \$952,054.25 |

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 PALM BEACH COUNTY ("County"), and SWORDFISH PROPERTIES, CORP. and OLD DIXIE SEAFOOD, INC., pursuant to a mediation conference held on April 1, 2024.

The County's representatives have agreed to recommend a settlement according to the terms set forth in the Stipulated Order of Taking and Partial Final Judgment and Order Awarding Attorney's Fees and Costs ("Judgment") attached hereto as Exhibit "1" and SWORDFISH PROPERTIES, CORP. and OLD DIXIE SEAFOOD, INC. have agreed to settle this matter according to these terms.

SWORDFISH PROPERTIES, CORP. and OLD DIXIE SEAFOOD, INC. and County shall jointly move for the entry of the Judgment, because there are other parties with interests in the property, the entry of the Judgment shall be at a properly noticed hearing.

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

PALM BEACH COUNTY

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

**Barry Seth
Balmuth**

Digitally signed by Barry Seth Balmuth
DN: cn=Barry Seth Balmuth, o=Barry S. Balmuth, P.A., ou,
email=barryb@fboardcertifiedlawyer.com, c=US
Date: 2024.09.13 13:09:16 -04'00'

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

Kerry Siemsen
Kerry Siemsen, as President of both
Swordfish Properties, Corp. and
Old Dixie Seafood, Inc.

Larry Siemsen
Larry Siemsen, as Vice President of both
Swordfish Properties, Corp. and
Old Dixie Seafood, Inc.

Juan Muniz
for Juan Muniz, Esquire
Counsel for Swordfish Properties, Corp. and
Old Dixie Seafood, Inc.

EXHIBIT 1

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

Case No.:
Parcel Nos.: 103 and 303

PALM BEACH COUNTY,

Petitioner,

v.

SWORDFISH PROPERTIES, CORP., ET AL.

Defendants,

**STIPULATED ORDER OF TAKING AND PARTIAL FINAL JUDGMENT,
AND ORDER AWARDING ATTORNEY'S FEES AND COSTS**

THIS CAUSE came before the Court on Petitioner, Palm Beach County's, Petition for an Order of Taking and the stipulation and joint motion for entry of this Stipulated Order of Taking and Partial Final Judgment and Order Awarding Attorney's Fees and Costs ("Judgment") of Petitioner and Defendants, SWORDFISH PROPERTIES CORP. and OLD DIXIE SEAFOOD, INC (collectively, "DEFENDANT-LANDOWNERS"). It appeared to the Court that Petitioner provided all persons having or claiming any equity lien, title, or other interest in or to Parcels 103 and 303 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 as follows:

1. This Court has jurisdiction of the subject matter and the parties to this cause.
2. The pleadings in this cause are sufficient, Petitioner is properly exercising its delegated authority in furtherance of the public purpose of the construction and improvement of

Old Dixie Highway from Yamato Road to south of Linton Boulevard (the "Project"), and the property and easement hereby acquired by Petitioner is reasonably necessary for this public purpose.

3. The estimates of value for Parcels 103 and 303 by Petitioner, were made in good faith and based upon valid appraisals.

4. Subject to apportionment, DEFENDANT-LANDOWNERS shall recover from Petitioner the sum of **SEVEN HUNDRED EIGHTY THREE THOUSAND TWO HUNDRED DOLLARS AND NO CENTS (\$783,200.00)** as full compensation for the taking of Parcels 103 and 303, and the right to enter agreement described herein and any improvements thereon, damages to the remaining property including damages to improvements and trade fixtures on the remaining property and costs to cure any damages, relocation costs, business damages, and any and all other damages which have been caused or may have been caused by or related to the taking and use of Parcels 103 and 303 whether directly or indirectly and for all claims that were brought or could have been brought in this matter exclusive of reasonable attorney's fees, expert fees, and costs.

5. Within twenty (20) days after the entry of this Judgment, Petitioner shall deposit the sum of **SEVEN HUNDRED EIGHTY THREE THOUSAND TWO HUNDRED DOLLARS AND NO CENTS (\$783,200.00)**, representing the compensation awarded under the preceding paragraph, plus \$170 for the fee for the Clerk of the Courts, for a total amount of **SEVEN HUNDRED EIGHTY THREE THOUSAND THREE HUNDRED SEVENTY DOLLARS AND NO CENTS (\$783,370.00)**, into the registry of this Court. Upon making such deposit, Petitioner shall notify, in writing, all attorneys of record and those Defendants not represented by counsel that the deposit has been made and that upon deposit, Petitioner shall be entitled to

possession of and title to the Parcels 103 and 303 described herein without further notice or Order of this Court.

6. Upon deposit by Petitioner of the sums referenced herein into the Registry of the Court, the fee simple title to Parcel 103 and a temporary construction easement designated as Parcel 303 identified in composite Exhibit "A" attached hereto and possession of this property and temporary construction easement shall vest in Petitioner, Palm Beach County.

7. Petitioner shall take title to Parcel 103 free and clear of the interests of DEFENDANT-LANDOWNERS, BRANCH BANKING & TRUST COMPANY, and JP MORGAN CHASE BANK, N.A. The interests of these Defendants in the property subject to Parcel 303 shall be subordinate to the Petitioner's interest in the property subject to Parcel 303 during the term of the temporary construction easement.

8. DEFENDANT-LANDOWNERS shall not interfere with the construction activities of Petitioner in or on Parcel 303.

9. DEFENDANT-LANDOWNERS' vehicular (including boat trailers, etc.) and pedestrian access to its remainder parcel shall be maintained by Petitioner at all times across Parcels 103 and 303, including during the construction of its project.

10. The Temporary Construction Easement designated as Parcel 303 shall be used 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 303 shall not extend beyond the limits outlined in the legal description of said temporary construction easement. Parcel 303 shall not be used for staging or storage of equipment or materials, except as is necessary for construction activities to take place within the boundaries of Parcel 303. 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 this Judgment.

11. DEFENDANT-LANDOWNERS, shall also recover from Petitioner attorney's fees and costs of ONE HUNDRED NINE THOUSAND EIGHT HUNDRED FIFTY FOUR DOLLARS AND TWENTY FIVE CENTS (\$109,854.25) and expert fees and costs FIFTY NINE THOUSAND DOLLARS AND NO CENTS (\$59,000.00). Within thirty (30) days of its receipt of a certified copy of this Judgment, Petitioner shall mail a check in the amount of **ONE HUNDRED SIXTY EIGHT THOUSAND EIGHT HUNDRED FIFTY FOUR DOLLARS AND TWENTY FIVE CENTS (\$168,854.25)**, representing the fees and costs awarded above, payable to the Gunster, Yoakley & Stewart, P. A. Trust Account to John W. Little, III, Esq., Gunster, Yoakley & Stewart, P. A., 777 South Flagler Drive, Suite 500 East, West Palm Beach, FL 33401. This payment shall be in full satisfaction of all attorneys' fees, expert fees and costs taxable against Petitioner in this matter, except those reasonable fees and costs incurred as a result of apportionment claims and proceedings, if any. There shall be no apportionment proceedings as between DEFENDANT-LANDOWNERS and/or the principals of DEFENDANT-LANDOWNERS.

12. In addition to the compensation set forth herein, Petitioner shall be responsible for the demolition and removal of the 988 square foot commercial building ("Commercial Building") identified and described in the right of entry agreement attached hereto as Exhibit "B" (Right of Entry") at its sole cost and expense. Within twenty (20) days of the entry of this Judgment, Defendants, SWORDFISH PROPERTIES, CORP. and OLD DIXIE SEAFOOD, INC., shall execute and deliver to Petitioner, the executed Right of Entry so that Petitioner can demolish and remove the Commercial Building.

13. DEFENDANT-LANDOWNERS shall have extended possession of Parcels 103 and 303 until thirty (30) days after receiving Petitioner's notice to vacate, at which time they shall vacate the Commercial Building. The Commercial Building shall be demolished and cleared by Petitioner within one hundred twenty (120) days of it being vacated by DEFENDANT-LANDOWNERS.

14. DEFENDANT-LANDOWNERS shall be responsible to maintain the building in reasonable condition during this period of extended possession and shall maintain a policy of liability insurance in an amount no less than ONE MILLION DOLLARS AND NO CENTS (\$1,000,000.00) and name Petitioner as an additional insured on said policy. The policy shall be purchased (if not already purchased) and the Petitioner shall be named an additional insured on the policy within twenty (20) days of the entry of this Judgment and the policy shall be maintained until the Commercial Building is demolished and cleared.

15. During the period of DEFENDANT-LANDOWNERS' extended possession, DEFENDANT-LANDOWNERS shall allow Petitioner access to the Commercial Building for the purpose of examining and testing it for asbestos etc.

16. If the supply of electricity to the Commercial Building is not separated from the supply of electricity to the remaining property, DEFENDANT-LANDOWNERS shall separate the supply of electricity to the Commercial Building from the remaining property within forty five (45) days of the entry of this judgment.

17. The provisions of paragraphs 12 through 16, above, shall be covenants running with the land which shall obligate and benefit, as applicable, the successors and assigns of DEFENDANT-LANDOWNERS. This Judgment is premised on the project construction plans attached hereto as Exhibit C ("Project Plans"). Petitioner intends to construct its project in

substantial conformance with the Project Plans. If the project is not constructed in substantial conformance with the Project Plans, Respondent shall have the same remedies as would have been afforded to it had the case been resolved by jury verdict with said plans and specifications having been made a part of the record at trial. *see: Central & Southern Florida Flood Control District v. Wye River Farms, Inc.*, 297 So.2d 323 (Fla. 4th DCA 1974); cert. denied 310 So.2d 745 (Fla. 1975).

18. There shall be no further compensation for the taking of Parcels 103 and 303 except for any reasonable attorney's fees and costs relating to apportionment.

19. The Court retains jurisdiction to enforce this Judgment and over any apportionment proceeding and for the determination of entitlement and amount of any attorney's fees and costs relating thereto.

DONE AND ORDERED in West Palm Beach, Palm Beach County, Florida, this
____ day of _____, 202_.

BRADLEY HARPER
Circuit Judge

Copies Furnished To:

Barry S. Balmuth, B.C.S.
Barry S. Balmuth, P.A.
2505 Burns Road
Palm Beach Gardens, Florida 33410
Email: barryb@flboardcertifiedlawyer.com; karenb@flboardcertifiedlawyer.com
Counsel for Petitioner

John W. Little, III, Esq.
Juan Muniz, Esq.
Gunster, Yoakley & Stewart, P. A.
777 South Flagler Drive, Suite 500 East
West Palm Beach, FL 33401
Email: jlittle@gunster.com; jmuniz@gunster.com
Counsel for Swordfish Properties and Old Dixie Seafood

EXHIBIT A

A PARCEL OF LAND FOR ROAD RIGHT-OF-WAY PURPOSES IN THE NORTHEAST QUARTER (N.E.1/4), OF THE SOUTHWEST QUARTER (S.W.1/4), OF THE SOUTHEAST QUARTER (S.E.1/4) OF SECTION 32, TOWNSHIP 46 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF LOT 6, SECTION 32, TOWNSHIP 46 SOUTH, RANGE 43 EAST, RECORDED IN PLAT BOOK 1, PAGE 4, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE EAST RIGHT-OF-WAY OF OLD DIXIE HIGHWAY, WITH THE THE NORTH LINE OF THE SOUTH 250.00 FEET (MEASURED PERPENDICULAR), OF THE SAID NORTHEAST QUARTER (N.E.1/4), OF THE SOUTHWEST QUARTER (S.W.1/4), OF THE SOUTHEAST QUARTER (S.E.1/4) OF SECTION 32;
 THENCE ALONG SAID NORTH LINE OF THE SOUTH 250.00 FEET, N89°29'26"E FOR 26.73 FEET;
 THENCE S07°44'55"W FOR 151.57 FEET TO THE NORTH LINE OF THE SOUTH 100.00 FEET OF THE SAID NORTHEAST QUARTER (N.E.1/4), OF THE SOUTHWEST QUARTER (S.W.1/4), OF THE SOUTHEAST QUARTER (S.E.1/4) OF SECTION 32;
 THENCE ALONG SAID NORTH LINE OF THE SOUTH 100.00 FEET, S89°29'26"W FOR 26.71 FEET TO THE SAID EAST RIGHT-OF-WAY;
 THENCE ALONG SAID EAST RIGHT-OF-WAY, N07°44'26"E FOR 151.57 FEET TO THE POINT OF BEGINNING.

CONTAINING 4,008 SQUARE FEET (0.092 ACRES), MORE OR LESS.

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: 2020.12.09
11:34:14 -05'00'

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

DATE: _____

REVISIONS:

12/8/20: PBC 10/19/20 COMMENTS

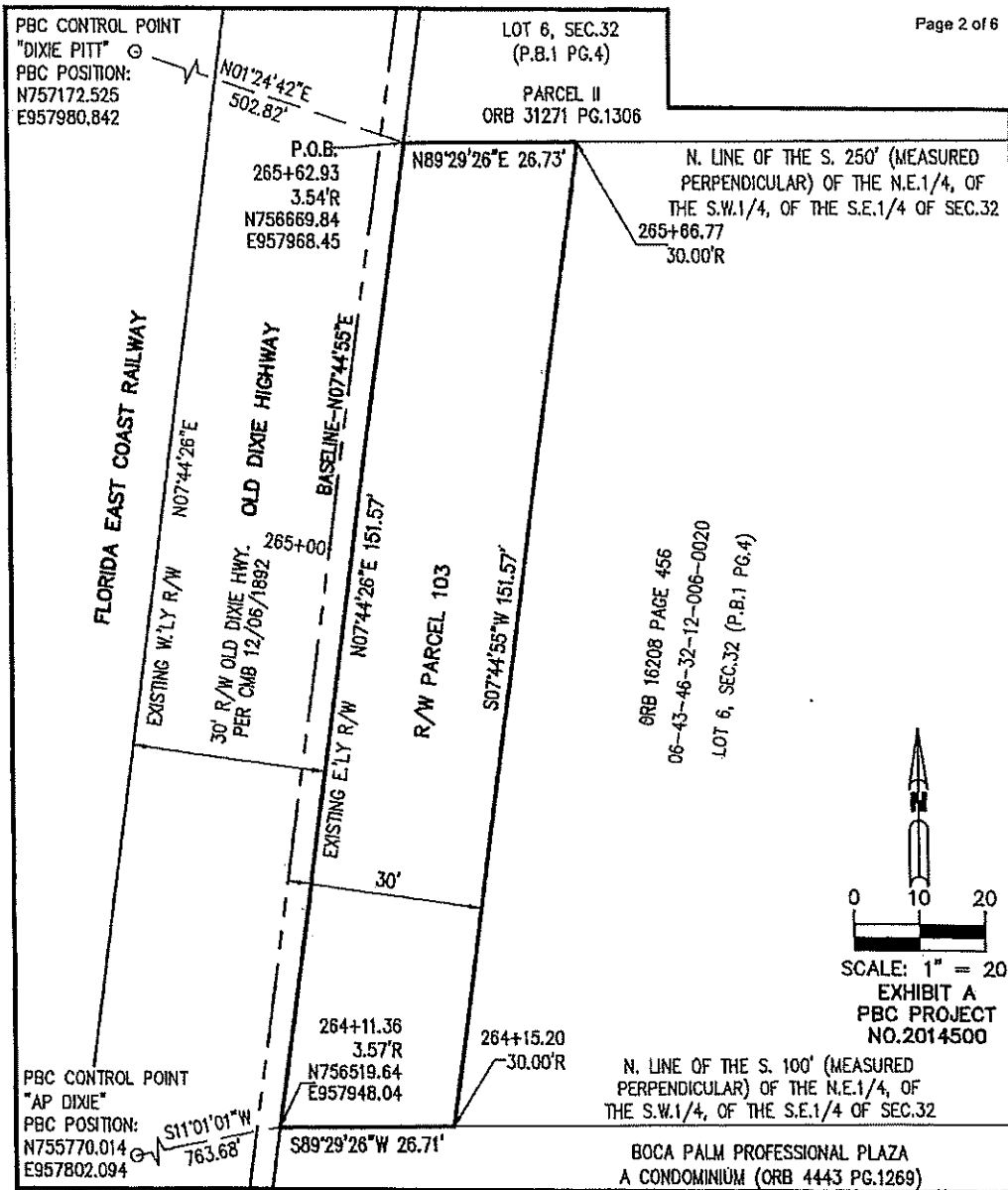



E-Mail: info@brown-phillips.com

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 103
(THIS IS NOT A SURVEY)

| | |
|-------------------|------------------|
| DRAWN: MOB | PROJ. No. 15-026 |
| CHECKED: JEP | SCALE: NONE |
| LEGAL DESCRIPTION | DATE: 6/19/20 |
| | 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 103 (THIS SKETCH IS NOT A SURVEY) | |
| | DRAWN: MDB | PROJ. No. 15-026 |
| | CHECKED: JEP | SCALE: 1" = 20' |
| | SKETCH TO ACCOMPANY LEGAL DESCRIPTION | DATE: 6/19/20 SHEET 2 OF 3 |

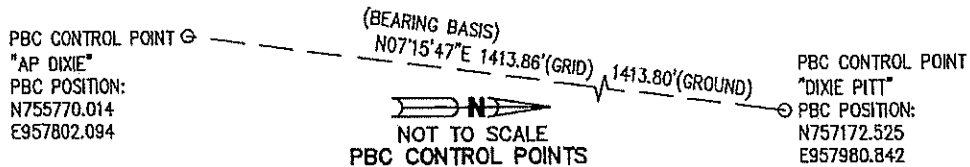
**EXHIBIT A
PBC PROJECT NO.2014500**

NOTES:

- 1) BASELINE STATIONING IS BASED ON A ROADWAY PLAN FOR OLD DIXIE HIGHWAY, YAMATO ROAD TO LINTON BOULEVARD, PREPARED BY AMERICAN CONSULTING ENGINEERS OF FLORIDA, LLC, PALM BEACH COUNTY PROJECT No.2014-500.
- 2) STATE PLANE COORDINATES:

| | |
|---------------------------------------|---|
| A. COORDINATES SHOWN ARE GRID | 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 ROAD PLAT BOOK 12, PAGES 119 THROUGH 134, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. THE EXISTING EAST AND WEST R/W LINES FOR THE ORIGINAL 30' R/W FROM CMB 12/06/1892 AS SHOWN HEREON, ARE AS ESTABLISHED ON SAID MAP. SEE SAID MAP FOR A DETAILED EXPLANATION OF THE METHODS AND PROCEDURES USED IN ITS PREPARATION.
- 4) THE RIGHT-OF-WAY INFORMATION PROVIDED BY PALM BEACH COUNTY ON AUGUST 13, 2015 AND UPDATED ON MAY 17, 2017, HAS BEEN REVIEWED BY THIS OFFICE. THIS OFFICE HAS FOUND NO GAPS, GORES, OVERLAPS, OR MISSING SEGMENTS IN THE RIGHT-OF-WAY CORRIDOR PROVIDED, AND THAT ALL ENCUMBRANCES THAT AFFECT THE PROPERTY ARE SHOWN OR NOTED HEREON, EXCEPT AS SHOWN ON THIS SKETCH. 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 |
| ORB - OFFICIAL RECORD BOOK | 'R - RIGHT OF CENTERLINE OF CONSTRUCTION |
| PG. - PG. | (P) - PLAT DIMENSION |
| DWG. - DRAWING | (C) - CALCULATED DIMENSION |
| SEC. - SECTION | U.E. - UTILITY EASEMENT |
| 32/46/43 - SECTION 32, TOWNSHIP 46 SOUTH, RANGE 43 EAST | D.E. - DRAINAGE EASEMENT |
| HWY. - HIGHWAY | L.A.E. - LIMITED ACCESS EASEMENT |
| ⊖ - BASELINE | TCE - TEMPORARY CONSTRUCTION EASEMENT |
| ⊕ - CENTERLINE | CMB - COMMISSIONER'S MINUTES BOOK |
| | PBC - PALM BEACH COUNTY |
- 6) BEARINGS ARE BASED ON N07°15'47"E (GRID, NAD '83, 1990 ADJUSTMENT) ALONG A LINE BETWEEN PALM BEACH COUNTY CONTROL POINTS "DIXIE PITT" AND "AP DIXIE".



BP
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 103
(THIS IS NOT A SURVEY)**

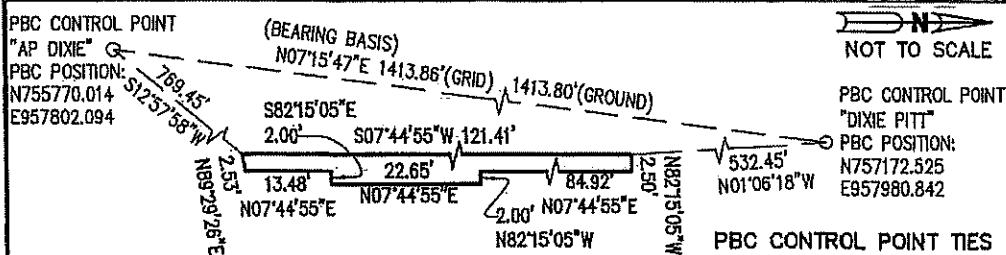
| | |
|-------------------|------------------|
| DRAWN: MDB | PROJ. No. 15-026 |
| CHECKED: JEP | SCALE: NONE |
| DESCRIPTION NOTES | DATE: 6/19/20 |
| | SHEET 3 OF 3 |

EXHIBIT A
PBC PROJECT NO.2014500

A PARCEL OF LAND FOR TEMPORARY CONSTRUCTION EASEMENT PURPOSES IN THE NORTHEAST QUARTER (N.E.1/4), OF THE SOUTHWEST QUARTER (S.W.1/4), OF THE SOUTHEAST QUARTER (S.E.1/4) OF SECTION 32, TOWNSHIP 46 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF LOT 6, SECTION 32, TOWNSHIP 46 SOUTH, RANGE 43 EAST, RECORDED IN PLAT BOOK 1, PAGE 4, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE EAST RIGHT-OF-WAY OF OLD DIXIE HIGHWAY, WITH THE NORTH LINE OF THE SOUTH 250.00 FEET (MEASURED PERPENDICULAR), OF THE SAID NORTHEAST QUARTER (N.E.1/4), OF THE SOUTHWEST QUARTER (S.W.1/4), OF THE SOUTHEAST QUARTER (S.E.1/4) OF SECTION 32;
 THENCE ALONG SAID NORTH LINE OF THE SOUTH 250.00 FEET, N89°29'26"E FOR 26.73 FEET;
 THENCE S07°44'55"W FOR 30.16 FEET TO THE POINT OF BEGINNING;
 THENCE CONTINUE S07°44'55"W FOR 121.41 FEET TO THE NORTH LINE OF THE SOUTH 100.00 FEET (MEASURED PERPENDICULAR), OF THE SAID NORTHEAST QUARTER (N.E.1/4), OF THE SOUTHWEST QUARTER (S.W.1/4), OF THE SOUTHEAST QUARTER (S.E.1/4) OF SECTION 32;
 THENCE ALONG SAID NORTH LINE OF THE SOUTH 100.00 FEET, N89°29'26"E FOR 2.53 FEET;
 THENCE N7°44'55"E FOR 13.48 FEET; THENCE S82°15'05"E FOR 2.00 FEET;
 THENCE N7°44'55"E FOR 22.65 FEET; THENCE N82°15'05"W FOR 2.00 FEET;
 THENCE N7°44'55"E FOR 84.92 FEET; THENCE N82°15'05"W FOR 2.50 FEET TO THE POINT OF BEGINNING.

CONTAINING 348 SQUARE FEET (0.008 ACRES), MORE OR LESS.



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: 2021.08.04
10:40:27 -04'00'

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

REVISIONS:

| |
|--|
| 12/8/20: PBC 10/19/20 COMMENTS |
| 7/15/21: TCE REVISED PER ROADWAY PLAN REVISION |

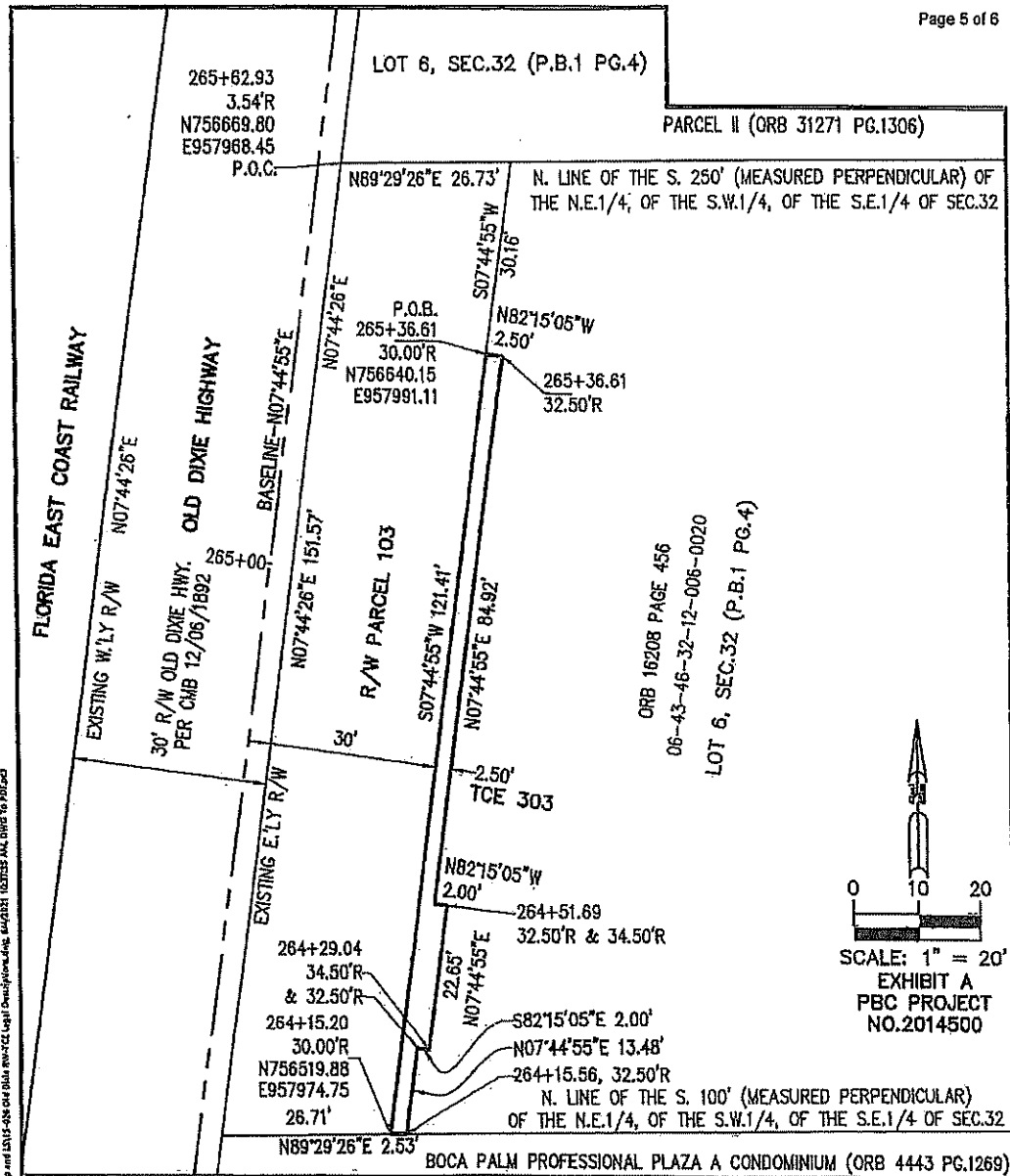
B
BROWN & PHILLIPS, INC.
PROFESSIONAL SURVEYING SERVICES
CERTIFICATE OF AUTHORIZATION # LB 6473
1860 OLD OKEECHOBEE ROAD., SUITE 509,
WEST PALM BEACH, FLORIDA 33409
TELEPHONE (561)-615-3988, 615-3991 FAX

E-Mail: info@brown-phillips.com


OLD DIXIE HIGHWAY
TCE 303
(THIS IS NOT A SURVEY)

| | |
|-------------------|------------------|
| DRAWN: MDB | PROJ. No. 15-026 |
| CHECKED: JEP | SCALE: NONE |
| LEGAL DESCRIPTION | DATE: 6/19/20 |
| | SHEET 1 OF 3 |

S:\2015-Drawing\Browns\2015-08-04\Browns\TCE\Legal Description.dwg, 8/4/2021 10:40:27 AM, DWG to PDF



150015 Drawing Sheet (1) - Old R/W Preclosure map and L&I-43-46-32-12-006-0020 LEGAL DESCRIPTION, 06/19/2015 10:23:55 AM, DIV 10, PBC


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

E-Mail: info@brown-phillips.com

| | |
|---|-------------------------------|
| OLD DIXIE HIGHWAY TCE 303 (THIS SKETCH IS NOT A SURVEY) | |
| DRAWN: MDB | PROJ. No: 15-026 |
| CHECKED: JEP | SCALE: 1" = 20' |
| SKETCH TO ACCOMPANY LEGAL DESCRIPTION | DATE: 6/19/20 SHEET 2 OF 3 |

**EXHIBIT A
PBC PROJECT NO.2014500**

NOTES:

- 1) BASELINE STATIONING IS BASED ON A ROADWAY PLAN FOR OLD DIXIE HIGHWAY, YAMATO ROAD TO LINTON BOULEVARD, PREPARED BY AMERICAN CONSULTING ENGINEERS OF FLORIDA, LLC, PALM BEACH COUNTY PROJECT No.2014-500.
- 2) STATE PLANE COORDINATES:

| | |
|---------------------------------------|---|
| A. COORDINATES SHOWN ARE GRID | 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 ROAD PLAT BOOK 12, PAGES 119 THROUGH 134, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. THE EXISTING EAST AND WEST R/W LINES FOR THE ORIGINAL 30' R/W FROM CMB 12/06/1892 AS SHOWN HEREON, ARE AS ESTABLISHED ON SAID MAP. SEE SAID MAP FOR A DETAILED EXPLANATION OF THE METHODS AND PROCEDURES USED IN ITS PREPARATION.
- 4) THE RIGHT-OF-WAY INFORMATION PROVIDED BY PALM BEACH COUNTY ON AUGUST 13, 2015 AND UPDATED ON MAY 17, 2017, HAS BEEN REVIEWED BY THIS OFFICE. THIS OFFICE HAS FOUND NO GAPS, GORES, OVERLAPS, OR MISSING SEGMENTS IN THE RIGHT-OF-WAY CORRIDOR PROVIDED, AND THAT ALL ENCUMBRANCES THAT AFFECT THE PROPERTY ARE SHOWN OR NOTED HEREON. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN PERFORMED BY THIS OFFICE. IT IS POSSIBLE THAT THERE ARE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS, RESTRICTIONS OR OTHER INSTRUMENTS WHICH COULD AFFECT THE SUBJECT PROPERTY WHICH ARE UNKNOWN TO THE SIGNING SURVEYOR AND ARE NOT SHOWN ON THIS LEGAL DESCRIPTION AND SKETCH.
- 5) ABBREVIATIONS:

| | |
|--|--|
| P.B. - PLAT BOOK | 'L - LEFT OF CENTERLINE OF CONSTRUCTION |
| ORB - OFFICIAL RECORD BOOK | 'R - RIGHT OF CENTERLINE OF CONSTRUCTION |
| PG. - PG. | (P) - PLAT DIMENSION |
| DWG. - DRAWING | (C) - CALCULATED DIMENSION |
| PBC - PALM BEACH COUNTY | U.E. - UTILITY EASEMENT |
| SEC. - SECTION | D.E. - DRAINAGE EASEMENT |
| 32/46/43 - SECTION 32, TOWNSHIP 46 SOUTH, RANGE 43 EAST | L.A.E. - LIMITED ACCESS EASEMENT |
| HWY. - HIGHWAY | TCE - TEMPORARY CONSTRUCTION EASEMENT |
| ℄ - BASELINE | CMB - COMMISSIONER'S MINUTES BOOK |
| | ℄ - CENTERLINE |
- 6) BEARINGS ARE BASED ON N07°15'47"E (GRID, NAD '83, 1990 ADJUSTMENT) ALONG A LINE BETWEEN PALM BEACH COUNTY CONTROL POINTS "DIXIE PITT" AND "AP DIXIE".

332075 Drawing Rev 11-03-05 RW Procurement exp and 12-11-05 Old Dixie HWY TCE Legal Description Aug 13 2015 and May 17 2017

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)-815-3988, 615-3991 FAX

| | |
|---|------------------|
| OLD DIXIE HIGHWAY TCE 303 (THIS IS NOT A SURVEY) | |
| DRAWN: MDB | PROJ. No. 15-026 |
| CHECKED: JEP | SCALE: NONE |
| DESCRIPTION NOTES | DATE: 6/19/20 |
| | SHEET 3 OF 3 |

EXHIBIT B

RIGHT TO ENTER, DEMOLISH, REMOVE DEBRIS, AND REGRADE

PROJECT NO.: 2014500
PROJECT NAME: Old Dixie Hwy
JOB LIMITS: Yamato Rd to Linton Blvd
OWNER: Swordfish Properties Corp.
LESSEE: Old Dixie Seafood, Inc.
PROPERTY ADDRESS: 7000 N Dixie Hwy
PROPERTY CONTROL NO.: 06-43-46-32-12-006-0020

SWORDFISH PROPERTIES CORP. ("Owner") and **OLD DIXIE SEAFOOD, INC.** ("Lessee"), on behalf of themselves and their successors and assigns, **HEREBY GIVE PERMISSION** to **PALM BEACH COUNTY** (County), and County's employees, agents, contractors, sub-contractors and/or assigns to enter onto the Owner and Lessees' property at the above address having the above PCN ("Property"), demolish a building, remove debris, and regrade disturbed property.

County is seeking to acquire from Owner and Lessee Parcel 103 in fee simple and a temporary construction easement designated as Parcel 303. Parcel 103 is approximately 30 feet in width and includes a portion of a building on the Property. In order for Parcel 103 and 303 to be used for their designated road widening purposes, the building will be demolished, in part, and refaced.

Owner, Lessee, and County all desire that the entirety of the existing building be demolished, that building debris be removed, and that the area where the building existed be regraded to harmonize with the remainder of the Property.

NOW, THEREFORE, WITNESSETH, the Owner and Lessee or the Owner's and Lessee's undersigned and authorized agent(s), on behalf of themselves and their successors and assigns, hereby grant unto the County and the County's employees, agents, contractors, sub-contractors and/or assigns, the irrevocable permission and right to enter upon a distance of 67.5 feet beyond the eastern limit of Parcel 303/100 feet beyond the existing right of way to demolish the existing building on the Property, remove debris, and regrade disturbed property.

This right to enter to demolish the existing building on the Property, remove debris, and regrade disturbed property is given to County as part of a settlement between County, Owner, and Lessee and a portion of the settlement proceeds constitutes consideration for this agreement. This agreement is conditioned on County's contractor which will be demolishing the existing building securing a policy of liability insurance in the minimum amount of **TWO MILLION DOLLARS AND NO CENTS (\$2,000,000.00)** with the Owner and Lessee named as an additional insured and with proof of insurance to be provided to Owner and Lessee prior to commencement of demolition activities on the Property.

IT IS FURTHER UNDERSTOOD AND AGREED to by the Owner and Lessee that the right to enter, demolish, remove debris, and regrade granted herein is irrevocable and shall cease upon the completion and acceptance of Project 2014500 by the County.

(The remainder of this page is intentionally left blank.)

Witness Kerry Siemsen, as President of both Date
Swordfish Properties, Corp. and
Old Dixie Seafood, Inc.

Print Name of Witness

Witness

Print Name of Witness

Witness Larry Siemsen, as Vice President of both Date
Swordfish Properties, Corp. and
Old Dixie Seafood, Inc.

Print Name of Witness

Witness

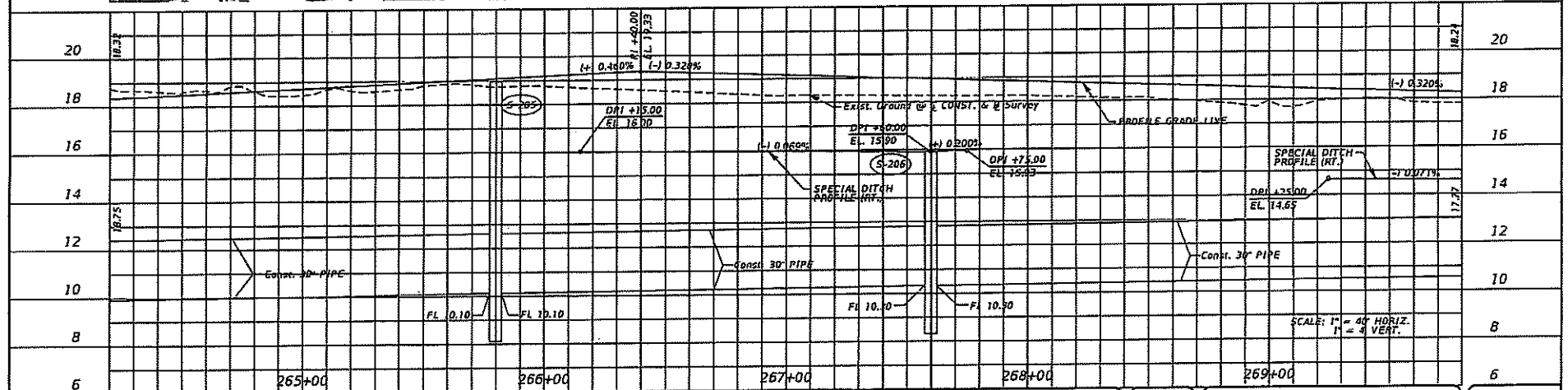
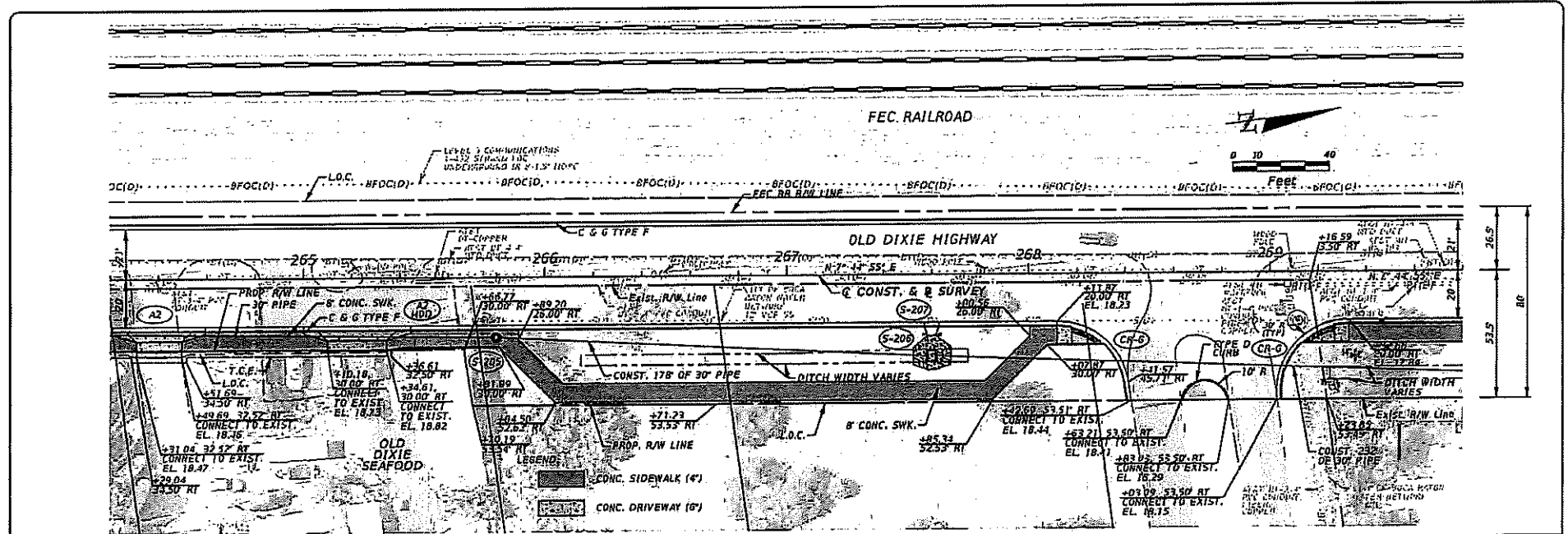
Print Name of Witness

Name and Telephone Number of Contact Person on site:

Print Name

Phone

EXHIBIT C



CONNOR ENGINEERS, LLC
 2041 Vista Parkway, Suite 101
 West Palm Beach, FL 33411
 Phone: (561) 253-8550
 William L. Adams, P.E., No. 87890

PALM BEACH COUNTY
 ENGINEERING AND PUBLIC WORKS
 ROADWAY PRODUCTION
 P.O. BOX 3000, WEST PALM BEACH, FLORIDA

PLAN & PROFILE

SHEET 31
 OF 270
 PROJECT NO. 2014500

GOSNOR ENGINEERS, LTD.
 25th FLOOR, 1001 WEST PALM BEACH
 PALM BEACH, FL 33411
 PHONE: (561) 233-8550
 WILLIAM L. ADAMS, P.E., NO. 57290

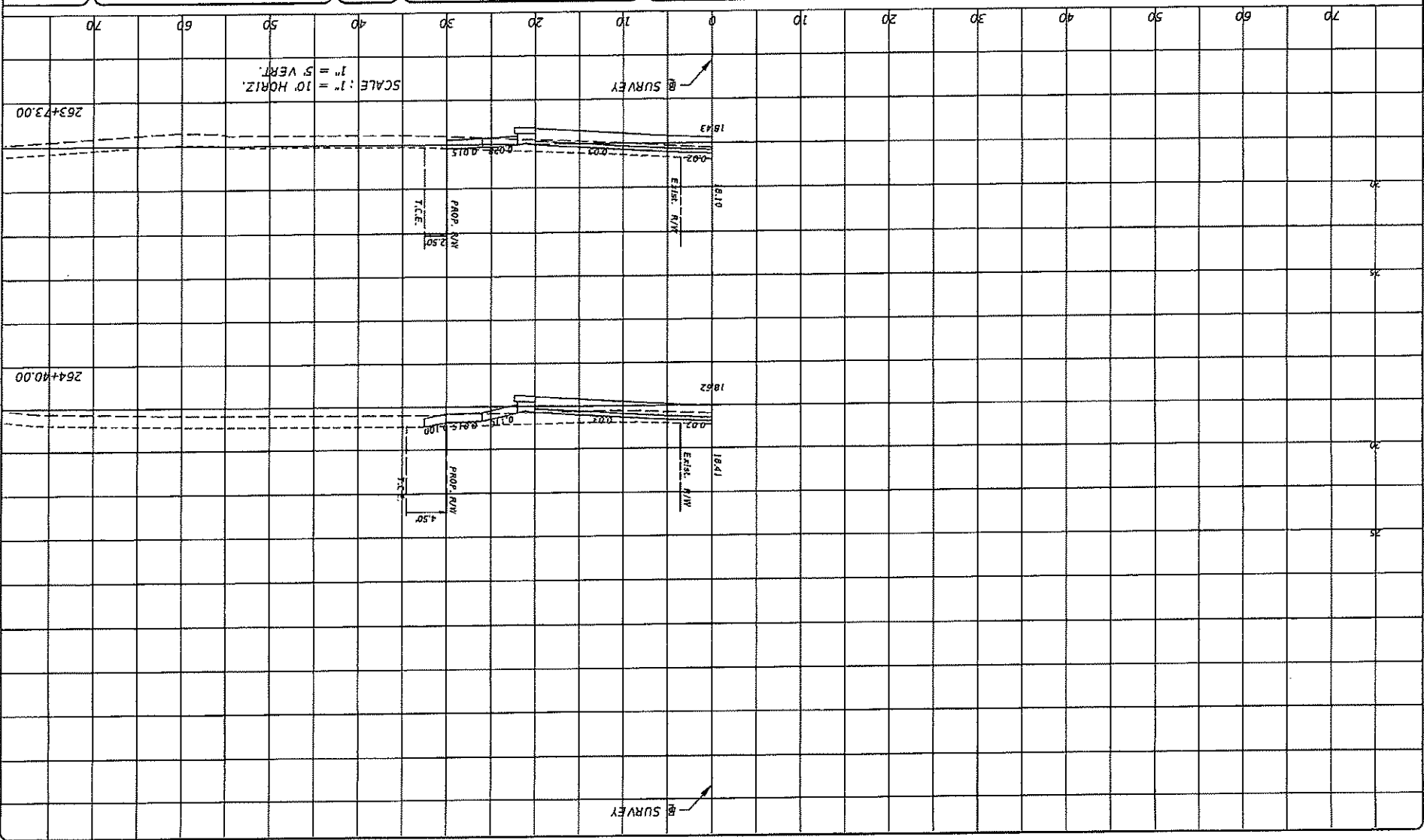
| | |
|---------|--|
| DATE | |
| BY | |
| CHECKED | |

PALM BEACH COUNTY
 ENGINEERING AND PUBLIC WORKS
 ROADWAY PRODUCTION
 774 BOX 2008 WEST PALM BEACH, FLORIDA

LARRY SHAW
 LICENSE NO. 11,141

DRIVEWAY HALF-SECTIONS

SHEET 259
 OF 270
 PROJECT NO. 2041500



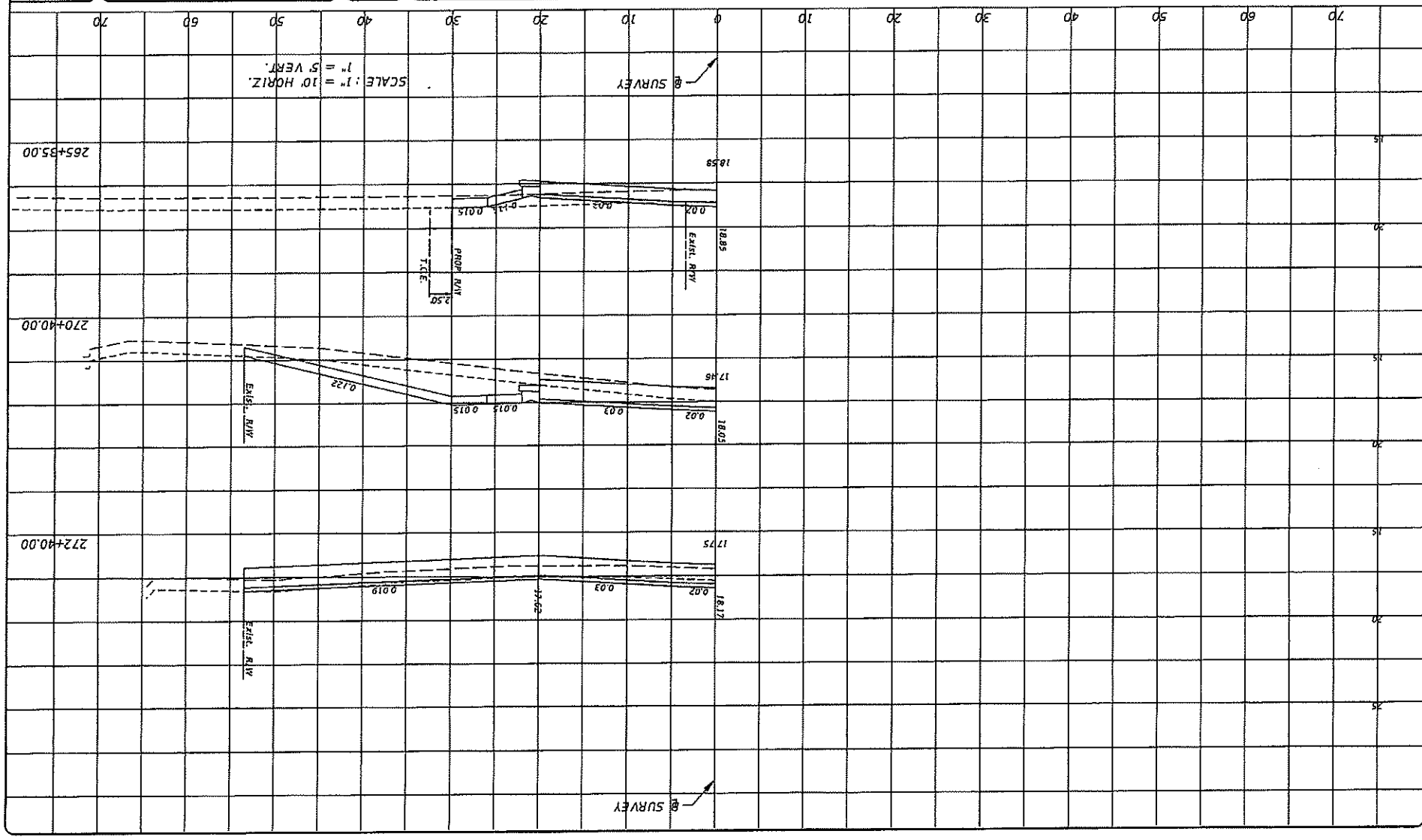
CONFOR ENGINEERS, LLC
 2041 Viera Parkway, Suite 101
 West Palm Beach, FL 33411
 Phone: (561) 255-9550
 William L. Adams, P.E. No. 07590

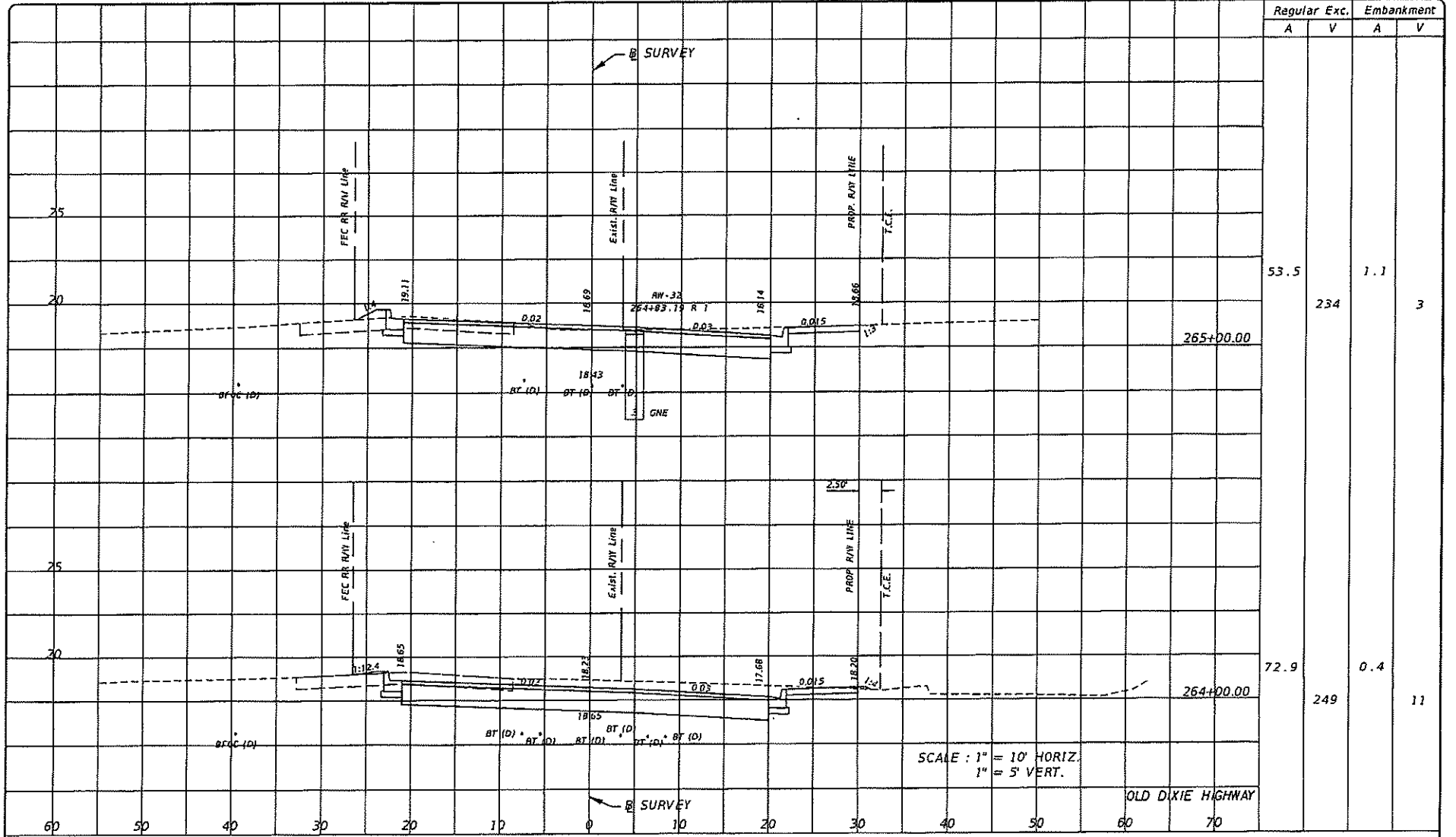



ROADWAY PRODUCTION
 ENGINEERING AND PUBLIC WORKS
 PALM BEACH COUNTY
 P.O. BOX 3118 WEST PALM BEACH, FLORIDA

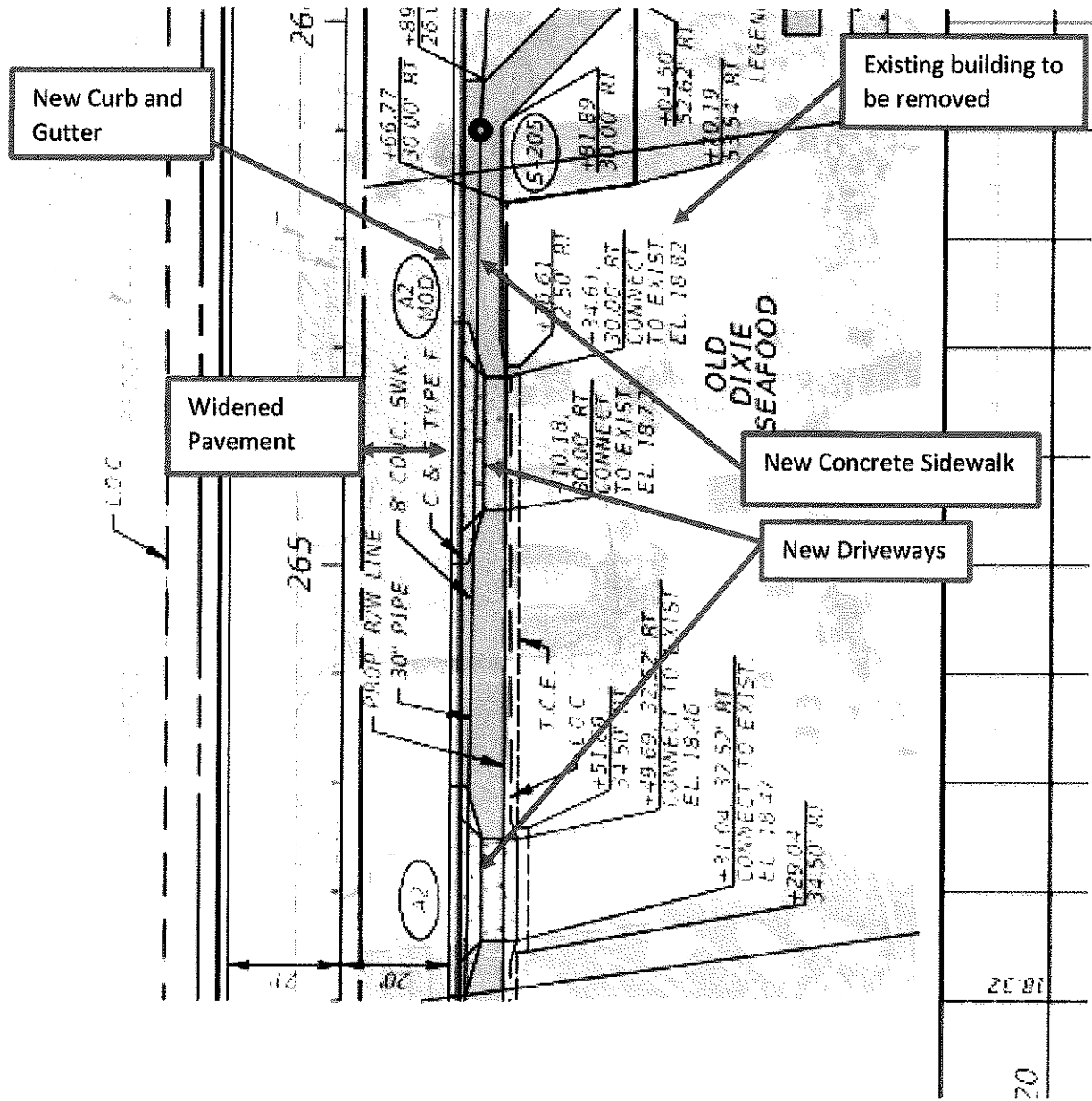
ROADWAY PRODUCTION, L.L.C.
 2041 Viera Parkway, Suite 101
 West Palm Beach, FL 33411
 Phone: (561) 255-9550

DRIVEWAY HALF-SECTIONS
 SHEET 260
 OF 270
 PROJECT NO. 2014500





| | | | | |
|--|--|--|--|--|
| CONSOR ENGINEERS, LLC 2043 Viate Parkway, Suite 101 West Palm Beach, FL 33411 Phone: (561) 353-8550 William L. Adams, P.E. No. 57950 | | |  PALM BEACH COUNTY ENGINEERING AND PUBLIC WORKS ROADWAY PRODUCTION P.O. BOX 1259, WEST PALM BEACH, FLORIDA | CROSS SECTIONS SHEET NO. 202 OF 270 DRAWING NO. 2014500 |
|--|--|--|--|--|



ROADWAY PLAN

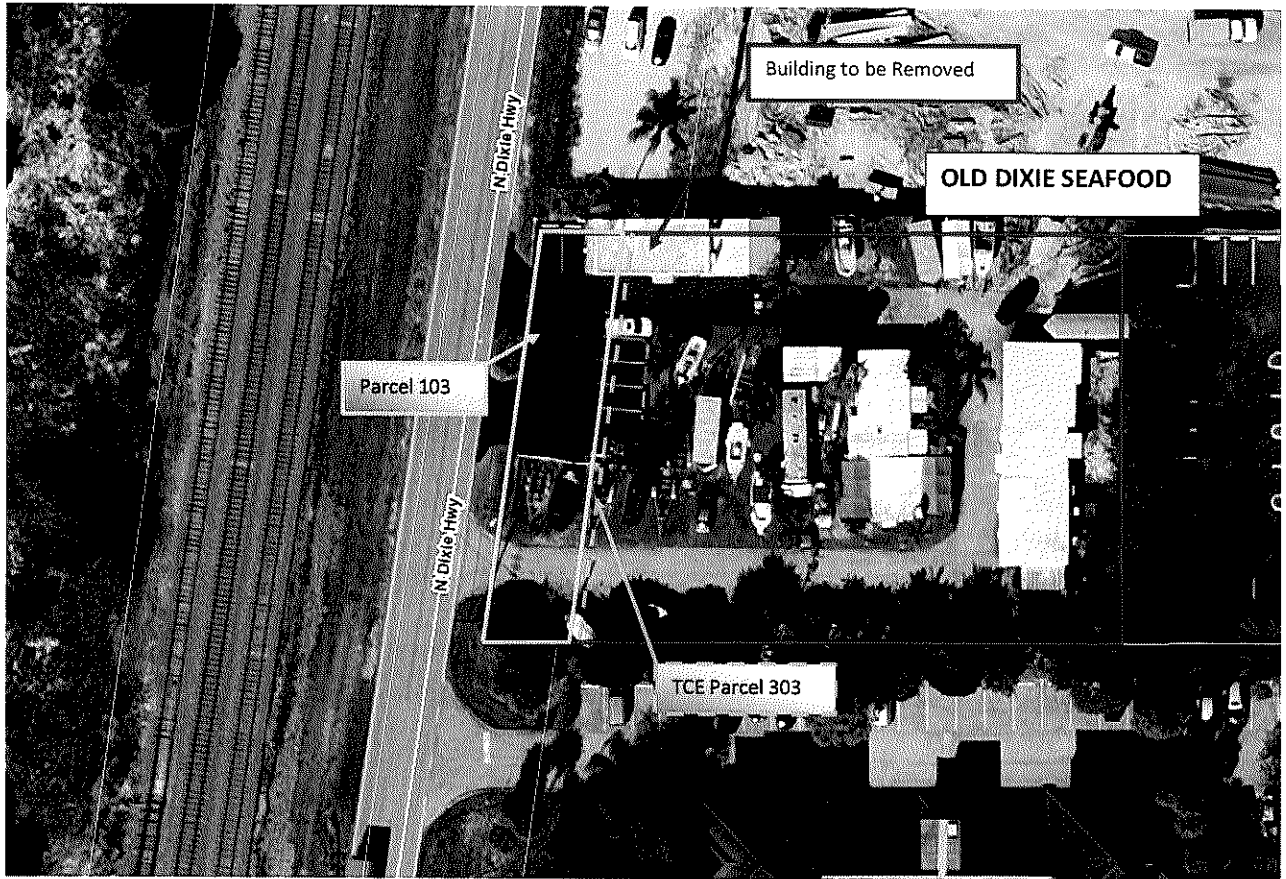
Improvements to be constructed in Parcel 103:

- Widened pavement
- Curb and Gutter
- 6' Concrete Sidewalk
- 2 New Driveway Connections
- Building to be removed

Improvements to be constructed in Parcel 303 (Temporary Construction Easement)

- Harmonize and grade to match existing ground

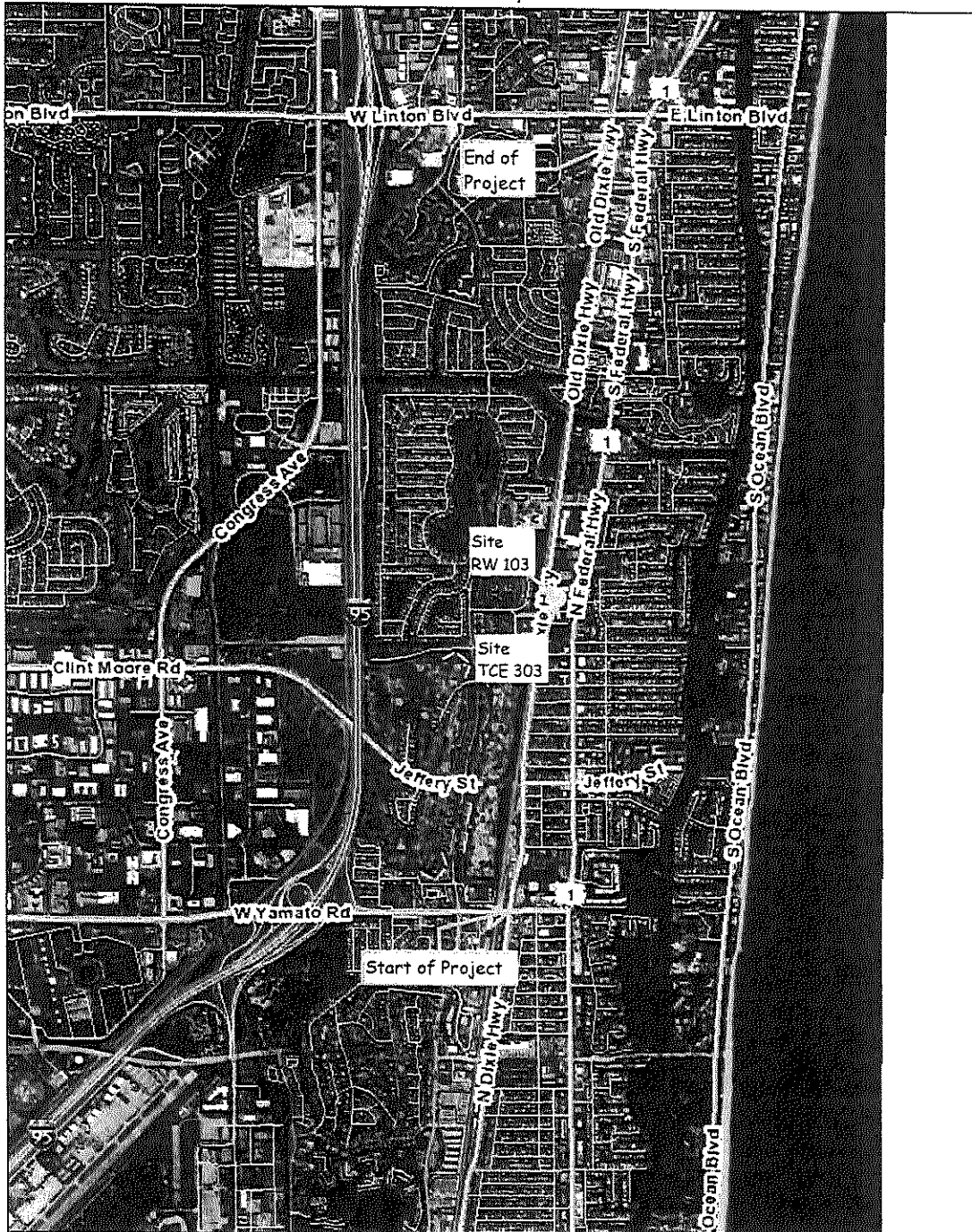
Parcel 103 – Fee Simple Acquisition
 Parcel 303 – Temporary Construction Easement



Parcel 103 – Fee Simple Acquisition
Parcel 303 – Temporary Construction Easement

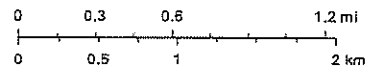
Old Dixie Highway Project No. 2014500

Location Map



June 27, 2023

1:36,112



RESOLUTION NO. R-2023 - 1042

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, DECLARING THE ACQUISITION OF FEE SIMPLE RIGHT-OF-WAY AND A TEMPORARY CONSTRUCTION EASEMENT DESIGNATED AS PARCELS 103 AND 303, 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 and a temporary construction easement, designated as Parcels 103 and 303, on the property 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 and a temporary construction easement designated as Parcels 103 and 303; 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 103 and 303, 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 and a temporary construction easement designated as Parcels 103 and 303 on property which is more fully described in Exhibit "A", is necessary for the construction and improvement of the Project, and is for a public use and purpose deemed to be in the best interest of the County; and

WHEREAS, the proposed construction uses and purposes of Parcels 103 and 303, and the duration of Parcel 303 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 on property 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 103 and 303, the County Engineer and the County Attorney, using outside counsel to the extent they deem appropriate, are authorized to take legal action, including the filing of Eminent Domain Proceedings, and to employ real estate appraisers and other experts deemed necessary to accomplish this purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, THAT:

1. The BCC adopts and ratifies those matters set forth in the foregoing recitals.
2. The County Engineer and County Attorney, using outside counsel to the extent they deem appropriate, are authorized and directed to proceed to take all necessary steps, including the hiring of accountants, appraisers, or other experts and witnesses, for the County to acquire in its own name by donation, purchase, or Eminent Domain Proceedings, the fee simple right-of-way 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 Barnett who moved its adoption. The motion was seconded by Commissioner Marino and upon being put to a vote, the vote was as follows:

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

The Mayor thereupon declared the Resolution duly passed and adopted this 22nd day of August, 2023

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

A PARCEL OF LAND FOR ROAD RIGHT-OF-WAY PURPOSES IN THE NORTHEAST QUARTER (N.E.1/4), OF THE SOUTHWEST QUARTER (S.W.1/4), OF THE SOUTHEAST QUARTER (S.E.1/4) OF SECTION 32, TOWNSHIP 46 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF LOT 6, SECTION 32, TOWNSHIP 46 SOUTH, RANGE 43 EAST, RECORDED IN PLAT BOOK 1, PAGE 4, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE EAST RIGHT-OF-WAY OF OLD DIXIE HIGHWAY, WITH THE THE NORTH LINE OF THE SOUTH 250.00 FEET (MEASURED PERPENDICULAR), OF THE SAID NORTHEAST QUARTER (N.E.1/4), OF THE SOUTHWEST QUARTER (S.W.1/4), OF THE SOUTHEAST QUARTER (S.E.1/4) OF SECTION 32;
 THENCE ALONG SAID NORTH LINE OF THE SOUTH 250.00 FEET, N89°29'26"E FOR 26.73 FEET;
 THENCE S07°44'55"W FOR 151.57 FEET TO THE NORTH LINE OF THE SOUTH 100.00 FEET OF THE SAID NORTHEAST QUARTER (N.E.1/4), OF THE SOUTHWEST QUARTER (S.W.1/4), OF THE SOUTHEAST QUARTER (S.E.1/4) OF SECTION 32;
 THENCE ALONG SAID NORTH LINE OF THE SOUTH 100.00 FEET, S89°29'26"W FOR 26.71 FEET TO THE SAID EAST RIGHT-OF-WAY;
 THENCE ALONG SAID EAST RIGHT-OF-WAY, N07°44'26"E FOR 151.57 FEET TO THE POINT OF BEGINNING.

CONTAINING 4,008 SQUARE FEET (0.092 ACRES), MORE OR LESS.

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: 2020.12.09
11:34:14 -05'00'

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

REVISIONS:

| |
|--------------------------------|
| 12/8/20: PBC 10/19/20 COMMENTS |
|--------------------------------|

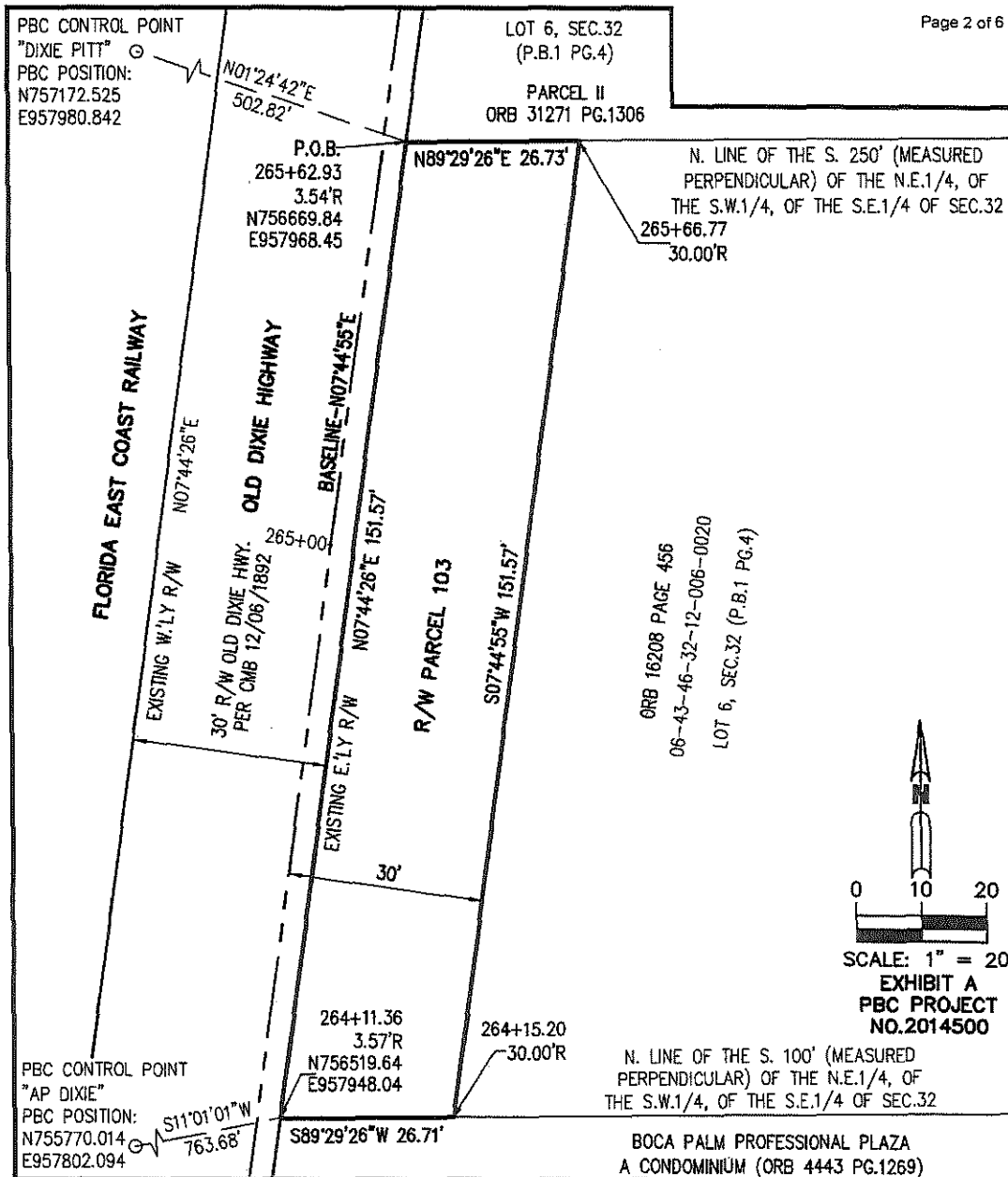


E-Mail: info@brown-phillips.com

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 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
R/W PARCEL 103
(THIS IS NOT A SURVEY)**

| | |
|-------------------|------------------|
| DRAWN: MOB | PROJ. No. 15-026 |
| CHECKED: JEP | SCALE: NONE |
| LEGAL DESCRIPTION | DATE: 6/19/20 |
| | SHEET 1 OF 3 |



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 103
 (THIS SKETCH IS NOT A SURVEY)

| | |
|--|------------------|
| DRAWN: MDB | PROJ. No. 15-026 |
| CHECKED: JEP | SCALE: 1" = 20' |
| SKETCH TO ACCOMPANY LEGAL DESCRIPTION | DATE: 6/19/20 |
| | SHEET 2 OF 3 |

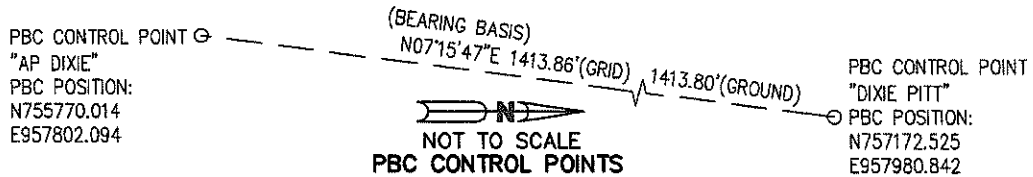
**EXHIBIT A
PBC PROJECT NO.2014500**

NOTES:

- 1) BASELINE STATIONING IS BASED ON A ROADWAY PLAN FOR OLD DIXIE HIGHWAY, YAMATO ROAD TO LINTON BOULEVARD, PREPARED BY AMERICAN CONSULTING ENGINEERS OF FLORIDA, LLC, PALM BEACH COUNTY PROJECT No.2014-500.
- 2) STATE PLANE COORDINATES:

| | |
|---------------------------------------|---|
| A. COORDINATES SHOWN ARE GRID | 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 ROAD PLAT BOOK 12, PAGES 119 THROUGH 134, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. THE EXISTING EAST AND WEST R/W LINES FOR THE ORIGINAL 30' R/W FROM CMB 12/06/1892 AS SHOWN HEREON, ARE AS ESTABLISHED ON SAID MAP. SEE SAID MAP FOR A DETAILED EXPLANATION OF THE METHODS AND PROCEDURES USED IN ITS PREPARATION.
- 4) THE RIGHT-OF-WAY INFORMATION PROVIDED BY PALM BEACH COUNTY ON AUGUST 13, 2015 AND UPDATED ON MAY 17, 2017, HAS BEEN REVIEWED BY THIS OFFICE. THIS OFFICE HAS FOUND NO GAPS, GORES, OVERLAPS, OR MISSING SEGMENTS IN THE RIGHT-OF-WAY CORRIDOR PROVIDED, AND THAT ALL ENCUMBRANCES THAT AFFECT THE PROPERTY ARE SHOWN OR NOTED HEREON, EXCEPT AS SHOWN ON THIS SKETCH. 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 |
| ORB - OFFICIAL RECORD BOOK | 'R - RIGHT OF CENTERLINE OF CONSTRUCTION |
| PG. - PG. | (P) - PLAT DIMENSION |
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| SEC. - SECTION | U.E. - UTILITY EASEMENT |
| 32/46/43 - SECTION 32, TOWNSHIP 46 SOUTH, RANGE 43 EAST | D.E. - DRAINAGE EASEMENT |
| HWY. - HIGHWAY | L.A.E. - LIMITED ACCESS EASEMENT |
| Ⓚ - BASELINE | TCE - TEMPORARY CONSTRUCTION EASEMENT |
| Ⓢ - CENTERLINE | CMB - COMMISSIONER'S MINUTES BOOK |
| | PBC - PALM BEACH COUNTY |
- 6) BEARINGS ARE BASED ON N07°15'47"E (GRID, NAD '83, 1990 ADJUSTMENT) ALONG A LINE BETWEEN PALM BEACH COUNTY CONTROL POINTS "DIXIE PITT" AND "AP DIXIE".



E-Mail: info@brown-philips.com

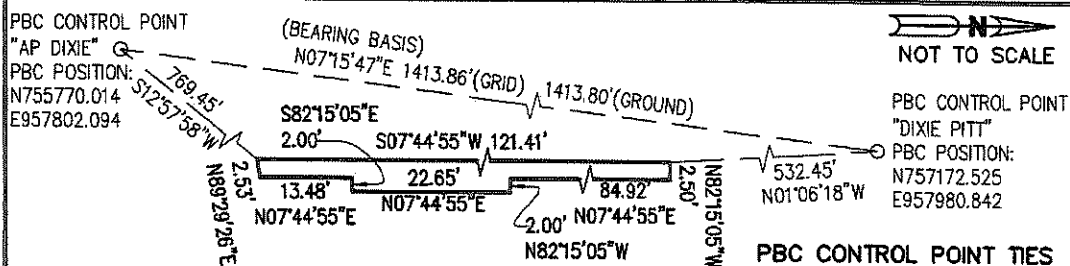
BROWN & PHILLIPS, INC.
PROFESSIONAL SURVEYING SERVICES
 CERTIFICATE OF AUTHORIZATION # LB 6473
 1860 OLD OKEECHOBEE ROAD., SUITE 509,
 WEST PALM BEACH, FLORIDA 33409
 TELEPHONE (561)-615-3988, 615-3991 FAX

| | |
|--|------------------|
| OLD DIXIE HIGHWAY R/W PARCEL 103 (THIS IS NOT A SURVEY) | |
| DRAWN: MDB | PROJ. No. 15-026 |
| CHECKED: JEP | SCALE: NONE |
| DESCRIPTION NOTES | DATE: 6/19/20 |
| | SHEET 3 OF 3 |

A PARCEL OF LAND FOR TEMPORARY CONSTRUCTION EASEMENT PURPOSES IN THE NORTHEAST QUARTER (N.E.1/4), OF THE SOUTHWEST QUARTER (S.W.1/4), OF THE SOUTHEAST QUARTER (S.E.1/4) OF SECTION 32, TOWNSHIP 46 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF LOT 6, SECTION 32, TOWNSHIP 46 SOUTH, RANGE 43 EAST, RECORDED IN PLAT BOOK 1, PAGE 4, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE EAST RIGHT-OF-WAY OF OLD DIXIE HIGHWAY, WITH THE THE NORTH LINE OF THE SOUTH 250.00 FEET (MEASURED PERPENDICULAR), OF THE SAID NORTHEAST QUARTER (N.E.1/4), OF THE SOUTHWEST QUARTER (S.W.1/4), OF THE SOUTHEAST QUARTER (S.E.1/4) OF SECTION 32;
 THENCE ALONG SAID NORTH LINE OF THE SOUTH 250.00 FEET, N89°29'26"E FOR 26.73 FEET;
 THENCE S07°44'55"W FOR 30.16 FEET TO THE POINT OF BEGINNING;
 THENCE CONTINUE S07°44'55"W FOR 121.41 FEET TO THE NORTH LINE OF THE SOUTH 100.00 FEET (MEASURED PERPENDICULAR), OF THE SAID NORTHEAST QUARTER (N.E.1/4), OF THE SOUTHWEST QUARTER (S.W.1/4), OF THE SOUTHEAST QUARTER (S.E.1/4) OF SECTION 32;
 THENCE ALONG SAID NORTH LINE OF THE SOUTH 100.00 FEET, N89°29'26"E FOR 2.53 FEET;
 THENCE N7°44'55"E FOR 13.48 FEET; THENCE S82°15'05"E FOR 2.00 FEET;
 THENCE N7°44'55"E FOR 22.65 FEET; THENCE N82°15'05"W FOR 2.00 FEET;
 THENCE N7°44'55"E FOR 84.92 FEET; THENCE N82°15'05"W FOR 2.50 FEET TO THE POINT OF BEGINNING.

CONTAINING 348 SQUARE FEET (0.008 ACRES), MORE OR LESS.



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: 2021.08.04
10:40:27 -04'00'

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

REVISIONS:

| |
|---|
| 12/8/20: PBC 10/19/20 COMMENTS |
| 7/15/21: TCE REMSED PER ROADWAY PLAN REVISION |

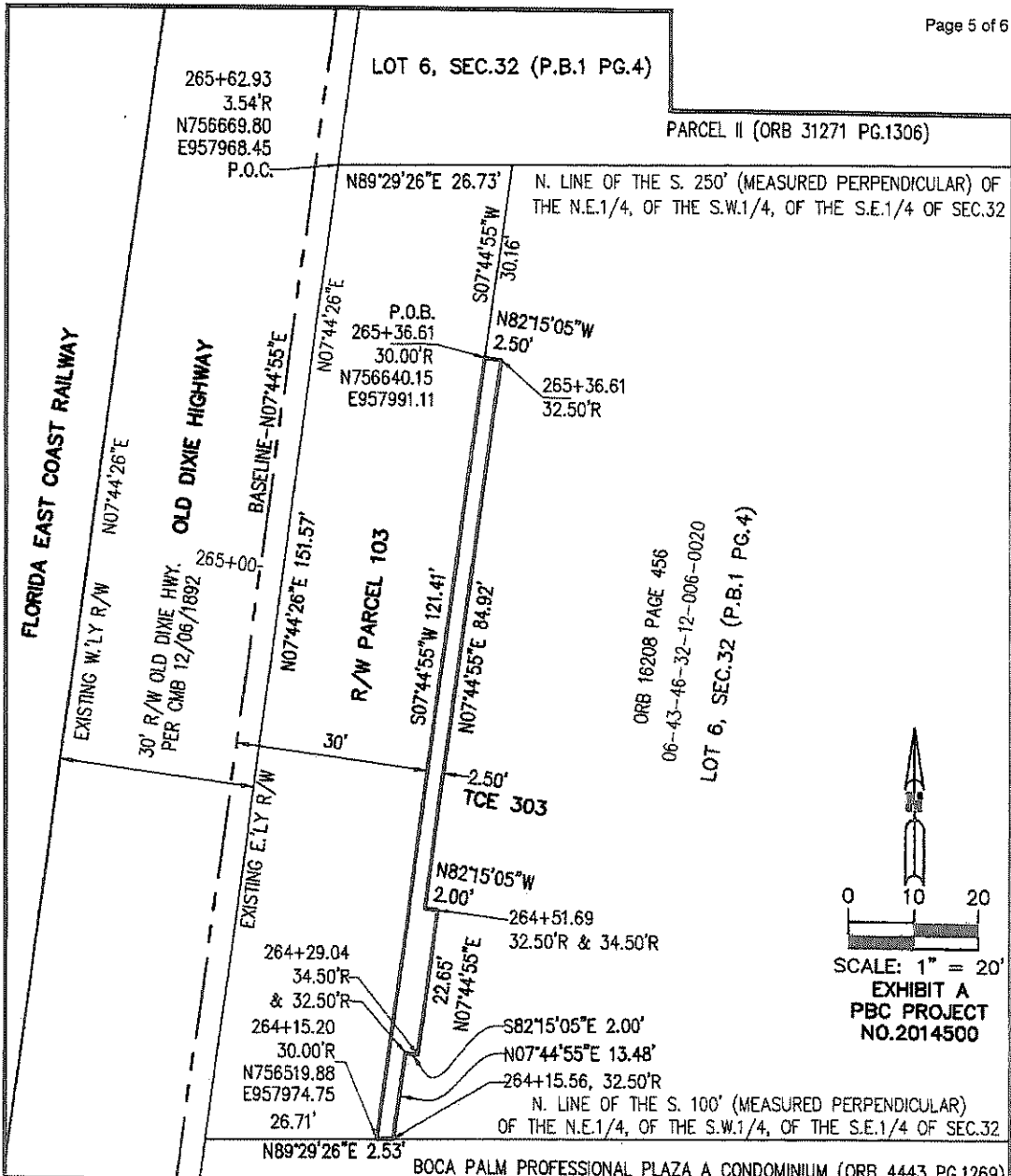
B
BROWN & PHILLIPS, INC.
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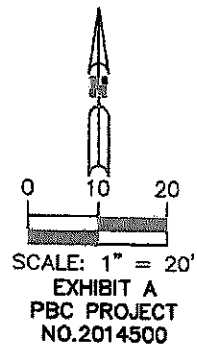
OLD DIXIE HIGHWAY
TCE 303
 (THIS IS NOT A SURVEY)

| | |
|-------------------|------------------|
| DRAWN: MDB | PROJ. No. 15-026 |
| CHECKED: JEP | SCALE: NONE |
| LEGAL DESCRIPTION | |
| DATE: 6/19/20 | |
| SHEET 1 OF 3 | |

S:\2015 drawing files\15-026 RW Proccurement and L&L\15-026 Old Dixie HW TCE Legal Descriptions.dwg, 6/20/21 10:36:59 AM DWG to PDF.plt



ORB 16208 PAGE 456
06-43-46-32-12-006-0020
LOT 6, SEC.32 (P.B.1 PG.4)



S:\2015 drawing files\15-026 RW Procurement map and US15-026 Old Dixie HW-TCE Legal Description.dwg, 6/4/2011 10:37:35 AM, DWG to PDF.pc3

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|---|--|------------------|
| <p>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</p> | E-Mail: info@brown-phillips.com | |
| | <p>OLD DIXIE HIGHWAY TCE 303 (THIS SKETCH IS NOT A SURVEY)</p> | |
| | DRAWN: MDB | PROJ. No. 15-026 |
| | CHECKED: JEP | SCALE: 1" = 20' |
| SKETCH TO ACCOMPANY LEGAL DESCRIPTION | | DATE: 6/19/20 |
| | | SHEET 2 OF 3 |

**EXHIBIT A
PBC PROJECT NO.2014500**

NOTES:

- 1) BASELINE STATIONING IS BASED ON A ROADWAY PLAN FOR OLD DIXIE HIGHWAY, YAMATO ROAD TO LINTON BOULEVARD, PREPARED BY AMERICAN CONSULTING ENGINEERS OF FLORIDA, LLC, PALM BEACH COUNTY PROJECT No.2014-500.
- 2) STATE PLANE COORDINATES:

| | |
|---------------------------------------|---|
| A. COORDINATES SHOWN ARE GRID | 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 ROAD PLAT BOOK 12, PAGES 119 THROUGH 134, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. THE EXISTING EAST AND WEST R/W LINES FOR THE ORIGINAL 30' R/W FROM CMB 12/06/1892 AS SHOWN HEREON, ARE AS ESTABLISHED ON SAID MAP. SEE SAID MAP FOR A DETAILED EXPLANATION OF THE METHODS AND PROCEDURES USED IN ITS PREPARATION.
- 4) THE RIGHT-OF-WAY INFORMATION PROVIDED BY PALM BEACH COUNTY ON AUGUST 13, 2015 AND UPDATED ON MAY 17, 2017, HAS BEEN REVIEWED BY THIS OFFICE. THIS OFFICE HAS FOUND NO GAPS, GORES, OVERLAPS, OR MISSING SEGMENTS IN THE RIGHT-OF-WAY CORRIDOR PROVIDED, AND THAT ALL ENCUMBRANCES THAT AFFECT THE PROPERTY ARE SHOWN OR NOTED HEREON. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN PERFORMED BY THIS OFFICE. IT IS POSSIBLE THAT THERE ARE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS, RESTRICTIONS OR OTHER INSTRUMENTS WHICH COULD AFFECT THE SUBJECT PROPERTY WHICH ARE UNKNOWN TO THE SIGNING SURVEYOR AND ARE NOT SHOWN ON THIS LEGAL DESCRIPTION AND SKETCH.
- 5) ABBREVIATIONS:

| | |
|--|--|
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| | ℄ - CENTERLINE |
- 6) BEARINGS ARE BASED ON N07°15'47"E (GRID, NAD '83, 1990 ADJUSTMENT) ALONG A LINE BETWEEN PALM BEACH COUNTY CONTROL POINTS "DIXIE PITT" AND "AP DIXIE".

S:\2015 drawing\Exp15-025 RW\Procurement.mxd and LS15-026 Old Dixie HWY TCE Legal Description.dwg, 8/4/2021 10:37:58 AM DWG To PDF.plt


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|---|--|------------------|
|  <p align="center">E-Mail: info@brown-phillips.com</p> <p>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</p> | OLD DIXIE HIGHWAY TCE 303 (THIS IS NOT A SURVEY) | |
| | DRAWN: MDB | PROJ. No. 15-026 |
| | CHECKED: JEP | SCALE: NONE |
| | DESCRIPTION NOTES | DATE: 6/19/20 |
| 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 5 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 done in accordance with the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (The Florida Greenbook), as adopted and approved by the Florida Department of Transportation (FDOT).

COST

The cost of improving this portion of Old Dixie Highway was estimated prior to beginning design. The appropriate funding for design, right-of-way acquisition and construction was budgeted in the County's Five Year Road Program. During the design of the roadway, all reasonable efforts were made to minimize the areas to be acquired through Eminent Domain.

After considering Safety, Alternate Routes and Methodologies, Planning, and Environmental factors, the cost of the acquisition of 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) has for many years defined this roadway as a route required to meet traffic demands at full development of the County. Palm Beach County's Comprehensive Plan has been prepared to meet the requirements of Chapter 163, Florida Statutes, and Rule 9J-5, F.A.C., and to address the needs and interests of the County's residents and visitors. This portion of Old Dixie Highway traverses the cities of Boca Raton and Delray Beach. Construction of an alternate north-south route through the cities would disrupt or displace numerous residential and commercial properties, be more costly, and result in unnecessary impacts to the environment.

LONG RANGE PLANNING

The development of this Project is in conformance with Palm Beach County's 2045 Long Range Transportation System Plan. 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

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 103

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.

ACQUISITION FOR TEMPORARY CONSTRUCTION EASEMENT PARCEL 303

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 303 shall not extend beyond the limits outlined in the legal description of said property, as **EXHIBIT A**, attached to the Resolution relating to Parcel 303. 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 three years from the date of its acquisition by virtue of the deposit of funds, pursuant to an Order of Taking.