

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY

=====

Meeting Date: March 11, 2025	[X] Consent	[ ] Regular
	[ ] Workshop	[ ] Public Hearing

Department: County Attorney

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I. EXECUTIVE BRIEF

**Motion and Title: Staff recommends a motion to approve:** a Settlement, in the total amount of \$458,313.64, inclusive of attorney's fees, in the eminent domain action styled Palm Beach County v. Swordfish Properties Corp., et al., Case No.: 502024CA005450XXXMB.

**Summary:** Under the proposed settlement in this pending eminent domain proceeding, compensation for Parcel 105 is \$400,000, for the purpose of the construction and improvement of Old Dixie Highway from Yamato Road to South of Linton Boulevard in Palm Beach County. The owner's compensation for the parcel is 9% above the County's appraised value of \$366,597.00, which was previously deposited into the registry of the 15<sup>th</sup> Judicial Circuit Court, pursuant to the court's grant of an Order of Taking. Additionally, the former owner is entitled to statutory attorney's fees of \$58,313.64, for a total settlement amount of \$458,313.64, of which \$91,716.64 is outstanding. There are no expert fees or costs. This settlement will completely resolve this eminent domain proceeding as it relates to Parcel 105. District 4 (DO).

**Background and Justification:** The Board approved a Resolution for an eminent domain proceeding to acquire a right of way designated as Parcel 105, 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, Parcel 105 is 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.

The settlement is 9% above the County's appraised value of \$366,597.00, which sum was previously disbursed to Parcel 105 Landowners pursuant to the Order of Taking, and is cost-effective in light of the expense and risk should the owner obtain a jury verdict in excess of 9% above the County's appraised value, in addition to attorneys' fees and costs and experts' fees and costs. Accordingly, outside counsel, the County Attorney's Office, and the Engineering Department all recommend approval of this settlement.

**Attachments:**

1. Budget Availability Statement.
2. Stipulated Partial Final Judgment, Order of Apportionment, and Awarding Attorney's Fees as to Parcel 105
3. Roadway Plan
4. Location Map
5. Resolution for 105 with Exhibit "A" and Exhibit "B"

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Recommended by:	<u>2/27/2025</u>
 _____ County Attorney	Date

Approved by:	_____
 _____ County Administrator	Date

**II. FISCAL IMPACT ANALYSIS**

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

Fiscal Years	2025	2026	2027	2028	2029
Capital Expenditures	\$91,717	-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-
<b>NET FISCAL IMPACT</b>	<b>\$91,717</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>
# 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	Total
105	RW	06-43-46-32-12-006-0090	7171 N FEDERAL HWY/SUB 32-46-43 N 100 FT OF S 600 FT OF LTS 6 & 14 LYG BET DIXIE HWY & US 1	M10301 reserved	\$91,716.64

*land ROW @ Old Dixie, Mgr.,  
FARO, OFMB  
2/24/25*

Note:

Amount	Description
\$ 458,313.64	Settlement Cost
\$ (366,597.00)	Previously Disbursed
\$ (91,716.64)	Remaining Fiscal Impact

Impact Fee Project Description

This Resolution to settle 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 H, Section 4 of the ULDC.

C. Departmental Fiscal Review: *Danny Pennington*

**III. REVIEW COMMENTS**

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

*Liam Mout 2/27/25*  
 MD 2/26 OFMB *JM 2/25* OB 2/26

*Theresa Tracht 2/27/25*  
 Contract Dev. and Control  
 Feb 2, 27, 25

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

*[Signature]*  
 Assistant County Attorney

**C. Other Department Review:**

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

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



INTEROFFICE COMMUNICATION  
PALM BEACH COUNTY ENGINEERING & PUBLIC WORKS DEPT

BUDGET AVAILABILITY STATEMENT

**DATE:** February 21, 2025  
**TO:** David R.F. Ottey,  
Chief Assistant County Attorney  
**FROM:** Danny Ramlalsingh, Fiscal Manager 1 Engineering & Public  
Works *Danny Ramlalsingh*  
**RE:** Eminent Domain Settlement BCC Agenda Item  
Project# 2014500-Parcel 105  
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	\$91,716.64

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

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

**CASE NO.: 502024CA005450  
PARCELS 105**

**PALM BEACH COUNTY,**

**Petitioner,**

v.

**SWORDFISH PROPERTIES CORP., ET  
AL.,**

**Defendants.**

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**STIPULATED PARTIAL FINAL JUDGMENT, ORDER OF APPORTIONMENT,  
AND AWARDING ATTORNEY'S FEES AS TO PARCEL 105**

**THIS CAUSE** having come before the Court on the Joint Motion and Stipulation of the parties, Petitioner, Palm Beach County ("County"), and Defendants, Federal Eagle Real Estate, LLC and GED Lawyers, LLP (collectively, "Parcel 105 Landowners"), for the entry of this Stipulated Partial Final Judgment, Order of Apportionment, and Awarding Attorney's Fees, Experts' Fees, and Costs as to Parcel 105 ("Final Judgment") 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 Uncontested/Stipulated Order of Taking ("Order of Taking") entered on December 17, 2024 and the deposit of monies thereunder, County acquired fee simple title to the property designated as Parcel 105. At the time of the acquisition of Parcels, Federal Eagle Real Estate, LLC was the owner of the property and GED Lawyers, LLP was the lessee.

2. Subject to apportionment, Parcel 105 Landowners shall recover from County the sum of **FOUR HUNDRED THOUSAND DOLLARS AND NO CENTS (\$400,000.00)** for the taking of Parcel 105 and any improvements acquired, damages to the remaining property including damages to improvements and trade fixtures caused by the taking, costs to cure any damages, business 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 105 and the County's use of Parcel 105, any statutory interest, and for any other claims or counter claims which were brought or could have been brought by Parcel 105 Landowners caused by or related to the taking of Parcel 105 exclusive of attorney's fees and costs. This sum is finally apportioned to The Palm Beach County Tax Collector, to the extent of pro-rated taxes due as to Parcel 105, and Defendant, United Community Bank, as mortgage holder on the property, to the extent the amount of its mortgage loan, within any balance apportioned to Parcel 105 Landowners.

3. The above recovery is inclusive of the amounts previously deposited pursuant to the Order of Taking, \$366,597.00, which sum was previously disbursed to Parcel 105 Landowners.

4. **PARCEL 105 LANDOWNERS** shall also recover from County the sum of **FIFTY EIGHT THOUSAND THREE HUNDRED THIRTEEN DOLLARS AND SIXTY FOUR CENTS (\$58,313.64)**, as full and complete attorney's fees.

5. There are no expert fees or costs.

6. Within thirty (30) days of its receipt of a certified copy of this Final Judgment, **County** shall pay the sum of **NINETY ONE THOUSAND SEVEN HUNDRED SIXTEEN DOLLARS AND SIXTY FOUR CENTS (\$91,716.64)** representing the difference between the amounts recovered under paragraph 2, above, and the amount previously deposited into the registry of the Court plus full and complete attorney's fees, by making a check for this amount payable to

the Trust Account of Sweetapple, Broeker & Varkas, P.L. and mailing same to Robert Sweetapple, Esquire, 4800 N. Federal Highway, Suite D306, Boca Raton, FL 33431-3413 for further disbursement. Thereafter counsel for Parcel 105 Landowners shall pay these sums to Defendant, United Community Bank, as mortgage holder on the property up until the point that the mortgage is paid in full. Once the United Community Bank mortgage is paid in full, Parcel 105 Landowners will retain any balance.

7. There shall be no further compensation for or relating to the taking of Parcel 105.
8. The Order of Taking is approved, ratified, and confirmed.
9. This Final Judgment shall not affect the compensation relating to any other parcels in this action.
10. The Court shall retain jurisdiction to enforce the terms of this Final Judgment.

**DONE AND ORDERED** in West Palm Beach, Palm Beach County, Florida, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Copies to all parties on the attached service list

**Via Electronic Mail:**

Hampton Peterson, Esquire  
Palm Beach County Tax Collector's Office  
301 North Olive Avenue, 3rd Floor  
West Palm Beach, Florida 33401  
[legalservices@pbctax.com](mailto:legalservices@pbctax.com); [hpeterson@pbctax.com](mailto:hpeterson@pbctax.com); [jcrane@pbctax.com](mailto:jcrane@pbctax.com)

John W. Little, III, Esquire  
Juan Muniz, Esquire  
Gunster, Yoakley & Stewart, P.A.  
777 S. Flagler Drive, Suite 500 East  
West Palm Beach, FL 33401  
[jlittle@gunster.com](mailto:jlittle@gunster.com), [jmuniz@gunster.com](mailto:jmuniz@gunster.com)  
*Counsel for Swordfish Properties Corp. and Old Dixie Seafood, Inc.*

Robert Sweetapple, Esquire  
4800 N. Federal Highway, Suite D306  
Boca Raton, FL FL 33431-3413  
[rsweetapple@sweetapplelaw.com](mailto:rsweetapple@sweetapplelaw.com); [cmiller@sweetapplaw.com](mailto:cmiller@sweetapplaw.com)  
*Counsel for Federal Eagle Real Estate, LLC and GED Lawyers LLP*

**Counsel for Petitioner to mail copies to:**

Truist Bank  
Corporation Service Company, as its registered agent  
1201 Hays Street  
Tallahassee, FL 32301

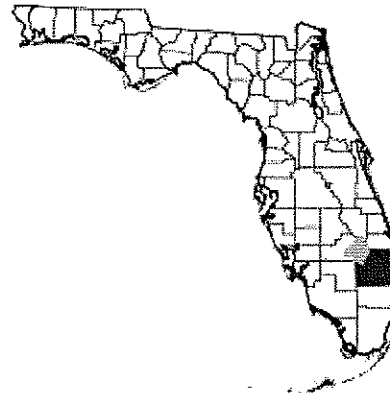
JPMorgan Chase Bank, N.A.  
CT Corporation System, as its registered agent  
1200 S. Pine Island Road  
Plantation, FL 33324

United Community Bank  
CT Corporation System, as its registered agent  
1200 S. Pine Island Road  
Plantation, FL 33324

THIS CONTRACT PLAN INCLUDES:  
 ROADWAY CONSTRUCTION PLANS  
 SIGNING AND PAVEMENT MARKINGS PLANS  
 SIGNALIZATION PLANS  
 BRIDGE PLANS

# COUNTY OF PALM BEACH STATE OF FLORIDA

## CONSTRUCTION PLANS FOR OLD DIXIE HIGHWAY



FROM YAMATO RD. TO LINTON BLVD.  
 BOARD OF COUNTY COMMISSIONERS  
 PROJECT NO. 2014500

INDEX OF ROADWAY PLANS

SHEET NO.	DESCRIPTION
1	KEY SHEET
2	SIGNATURE SHEET
3	SUMMARY OF QUANTITIES AND PAY ITEM FOOTNOTES
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11	EXISTING DRAINAGE STRUCTURES
12 THRU 17	TYPICAL SECTION
18	GENERAL NOTES
19 THRU 49	PLAN & PROFILE
50 THRU 53	SIDE STREET PROFILES
54 THRU 156	DRAINAGE STRUCTURES
157 THRU 164	DRAINAGE DETAILS
165 THRU 171	BACK OF SIDEWALK PROFILES
172 THRU 240	CROSS SECTIONS
241 THRU 268	DRIVEWAY HALF-SECTIONS
269 THRU 270	STORMWATER POLLUTION PREVENTION PLAN
50-1 THRU 50-23	SUMMARY OF QUANTITIES
SR-1	ROADWAY SOIL SURVEY
T-14	PALM BEACH COUNTY'S TRAFFIC DIVISION ITS COMMUNICATIONS DETAIL
CTL-1 THRU CTL-17	REFERENCE TIES

MARIA G. MARINO  
 DISTRICT 1

GREG K. WEISS  
 DISTRICT 2  
 (VICE MAYOR)

DAVE KERNER  
 DISTRICT 3

ROBERT S. WEINROTH  
 DISTRICT 4  
 (MAYOR)

MARIA SACHS  
 DISTRICT 5

MELISSA MCKINLAY  
 DISTRICT 6

MACK BERNARD  
 DISTRICT 7



JANUARY 2025

ELEVATIONS AS SHOWN HEREON ARE RELATIVE TO NORTH AMERICAN VERTICAL DATUM IN A.D. 1929 OF 1988 COORDINATES AS SHOWN HEREON ARE RELATIVE TO NORTH AMERICAN DATUM IN A.D. 1983 USING ADJUSTMENT, FLORIDA EAST ZONE.

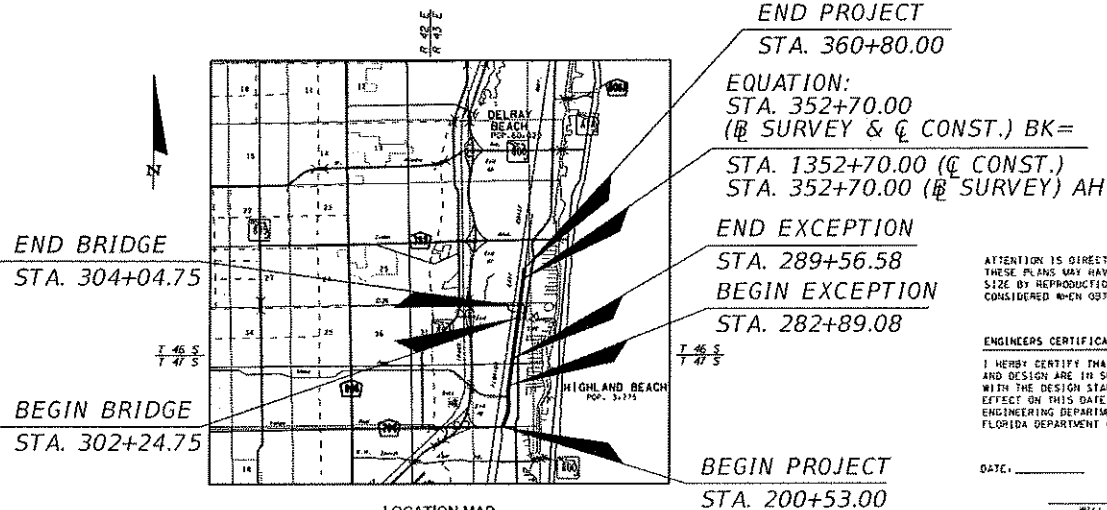
THESE PLANS HAVE BEEN PREPARED IN ACCORDANCE WITH AND ARE GOVERNED BY THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION DESIGN STANDARDS FY 2022-23.

PLANS PREPARED BY:

GUNSHOR ENGINEERS, LLC  
 2041 Vista Parkway, Suite 101  
 West Palm Beach, FL 33411  
 Phone: (561) 253-9550

PROJECT LENGTH IS BASED ON C CONST. & B SURVEY LINE

LENGTH OF PROJECT	FEET	MILES
ROADWAY	15547.62	3.001
BRIDGES	180.00	0.034
NET LENGTH OF PROJECT	16027.62	3.036
EXCEPTIONS	667.50	0.126
GROSS LENGTH OF PROJECT	15360.12	2.909



ATTENTION IS DIRECTED TO THE FACT THAT THESE PLANS MAY HAVE BEEN ALTERED IN SIZE BY REPRODUCTION. THIS MUST BE CONSIDERED WHEN OBTAINING SCALED DATA

ENGINEERS CERTIFICATION

I HEREBY CERTIFY THAT THE ATTACHED PLANS AND DESIGN ARE IN SUBSTANTIAL COMPLIANCE WITH THE DESIGN STANDARDS AND CRITERIA IN EFFECT ON THIS DATE FOR PALM BEACH COUNTY ENGINEERING DEPARTMENT AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION.

DATE: \_\_\_\_\_ PROFESSIONAL ENGINEER # 57950

WILLIAM L. ADAMS, P.E.

PALM BEACH COUNTY  
 ENGINEERING AND PUBLIC WORKS  
 ROADWAY PRODUCTION  
 P. O. BOX 2189, WEST PALM BEACH, FLORIDA



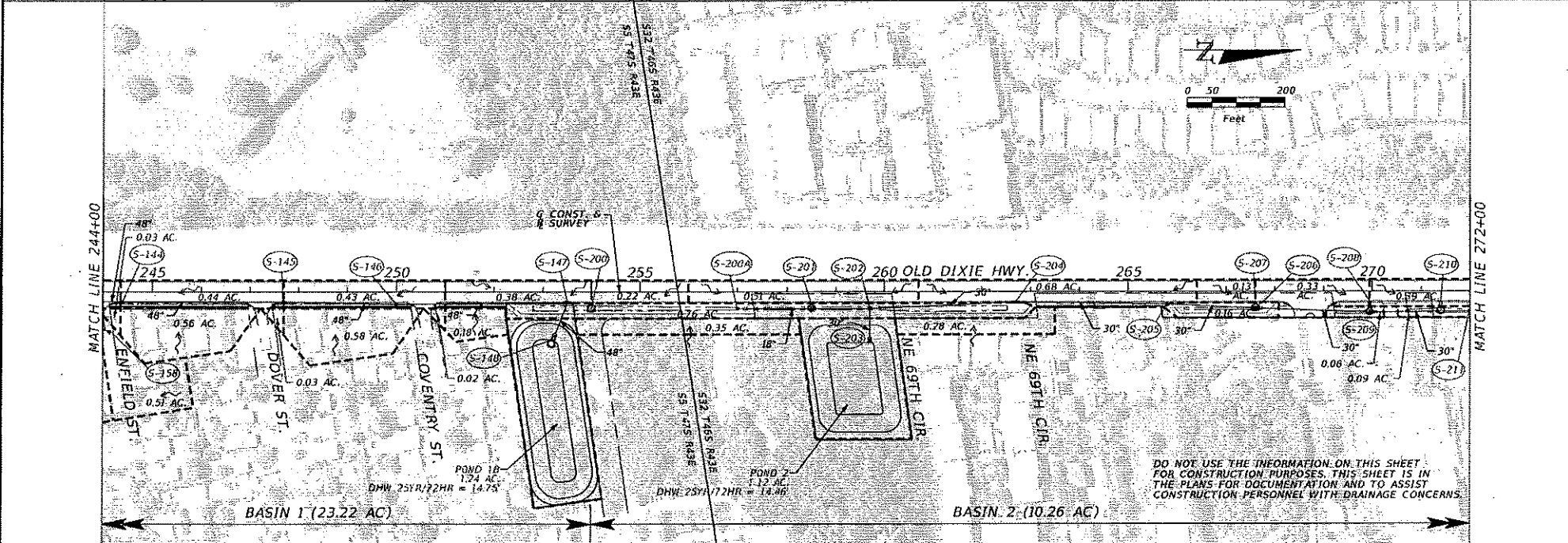
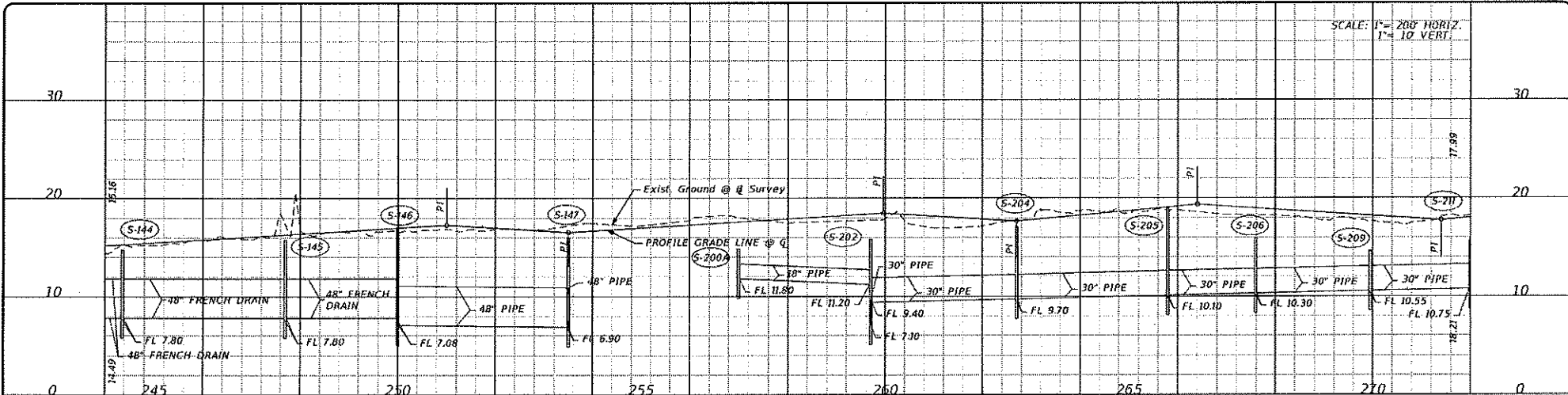
NO.	DATE	BY	REVISION



PROJECT  
 OLD DIXIE HWY  
 FROM YAMATO RD.  
 TO  
 LINTON BLVD.  
 CONTRACT NO.  
 2014500

SHEET 1
OF 270
PROJECT NO. 2014500





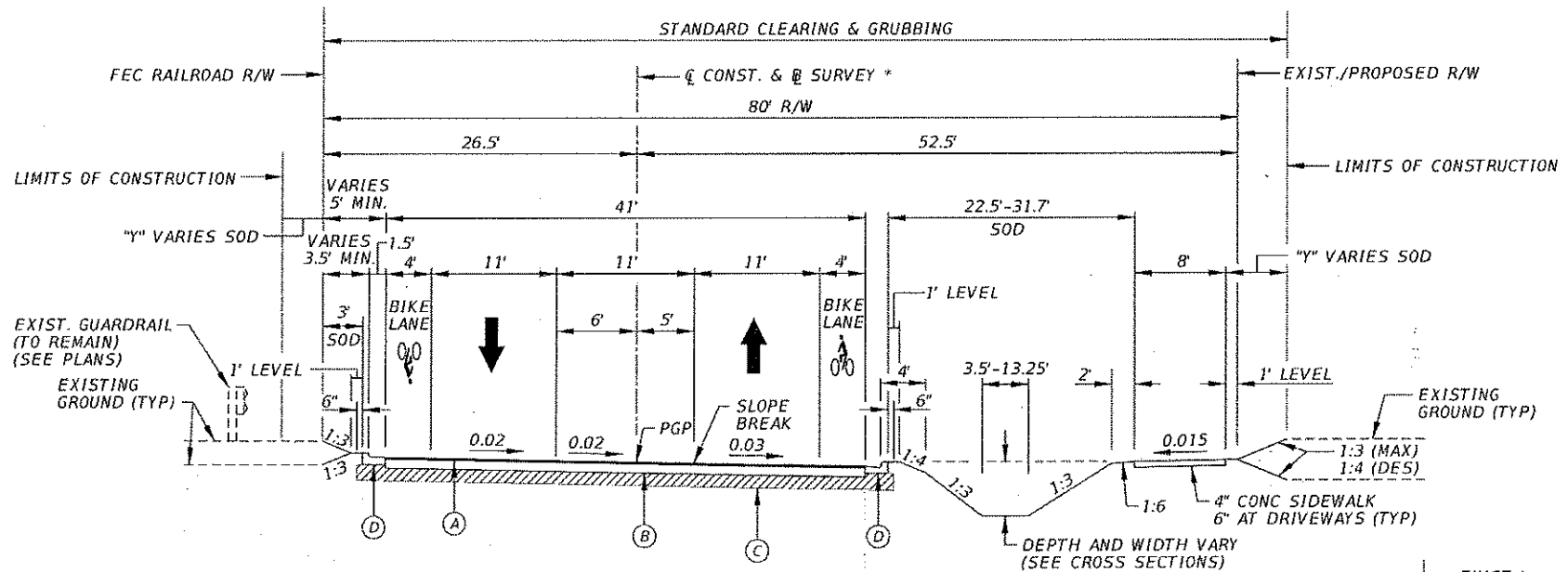
DO NOT USE THE INFORMATION ON THIS SHEET FOR CONSTRUCTION PURPOSES. THIS SHEET IS IN THE PLANS FOR DOCUMENTATION AND TO ASSIST CONSTRUCTION PERSONNEL WITH DRAINAGE CONCERNS.

CONSON ENGINEERS, LLC  
2041 Vista Parkway, Suite 101  
West Palm Beach, FL 33411  
Phone: (561) 253-9550  
William L. Adams, P.E. No. 87950

PALM BEACH COUNTY  
ENGINEERING AND PUBLIC WORKS  
ROADWAY PRODUCTION  
P.O. BOX 1104, WEST PALM BEACH, FLORIDA

DRAINAGE MAP (3)

SHEET 6  
OF 270  
PROJECT NO. 2014500



"Y" THE AREA DISTURBED BY CONSTRUCTION VARIES.

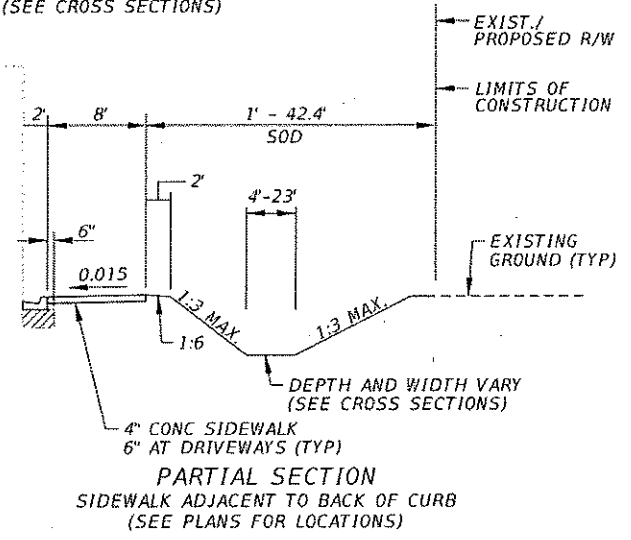
\*  $\bar{C}$  CONST. & PGL SHIFTS FROM  $\bar{B}$  SURVEY AT STA. 353+00.00 TO END OF PROJECT STA. 360+80.00 (SEE PLAN & PROFILE; CROSS SECTION SHEETS).

\*\* 4' IS FROM FACE OF CURB TO 1:4 SLOPE BREAK, AND INCLUDES 1' LEVEL AT BACK OF CURB

**TYPICAL SECTION NO. 5  
OLD DIXIE HIGHWAY  
80 FT. RIGHT-OF-WAY  
STA. 252+24.01 TO STA. 282+89.08  
(EXCEPTION = STA. 282+89.08 TO STA. 289+56.58)  
STA. 289+56.58 TO STA. 301+94.75  
STA. 304+34.75 TO STA. 1360+80.62**

DESIGN SPEED = 40 MPH  
POSTED SPEED = 40 MPH

- NEW CONSTRUCTION**
- (A) 1" FRICTION COURSE FC-9.5
  - (B) OPTIONAL BASE GROUP 13 WITH 1½" TYPE SP STRUCTURAL COURSE (TRAFFIC C)
  - (C) 12" STABILIZED SUBBASE LBR 40 (TYPE B)
  - (D) CURB & GUTTER TYPE "F" (STD.) LOW SIDE/(MOD.) HIGH SIDE



CONSOF ENGINEERS, LLC  
2041 Vista Parkway, Suite 101  
West Palm Beach, FL 33411  
Phone: (561) 253-9650  
William L. Adams, P.E. No. 57950

PALM BEACH COUNTY  
ENGINEERING AND PUBLIC WORKS  
ROADWAY PRODUCTION  
P.O. BOX 3388, WEST PALM BEACH, FLORIDA

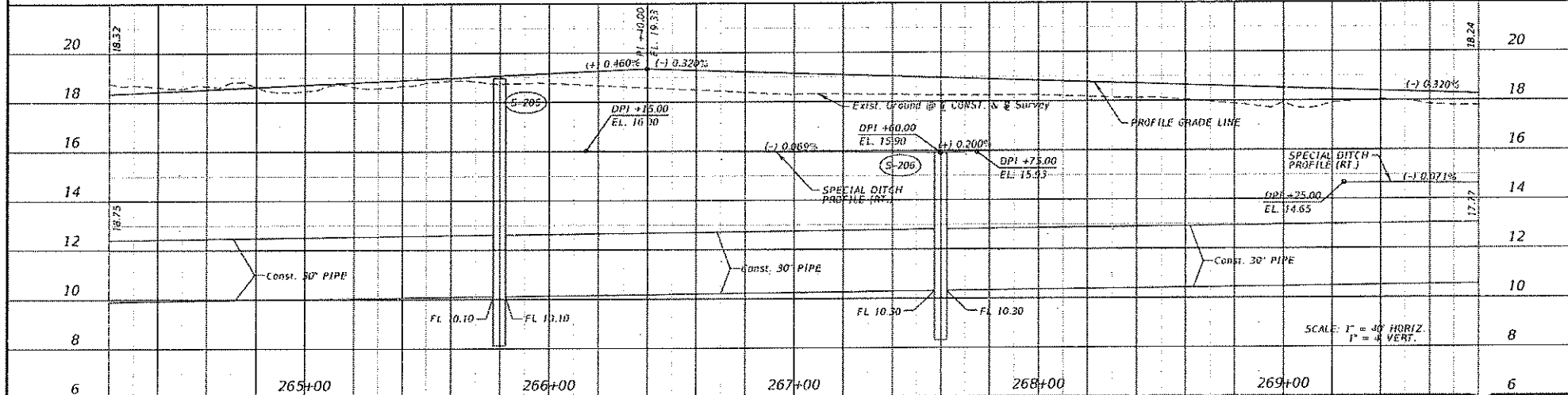
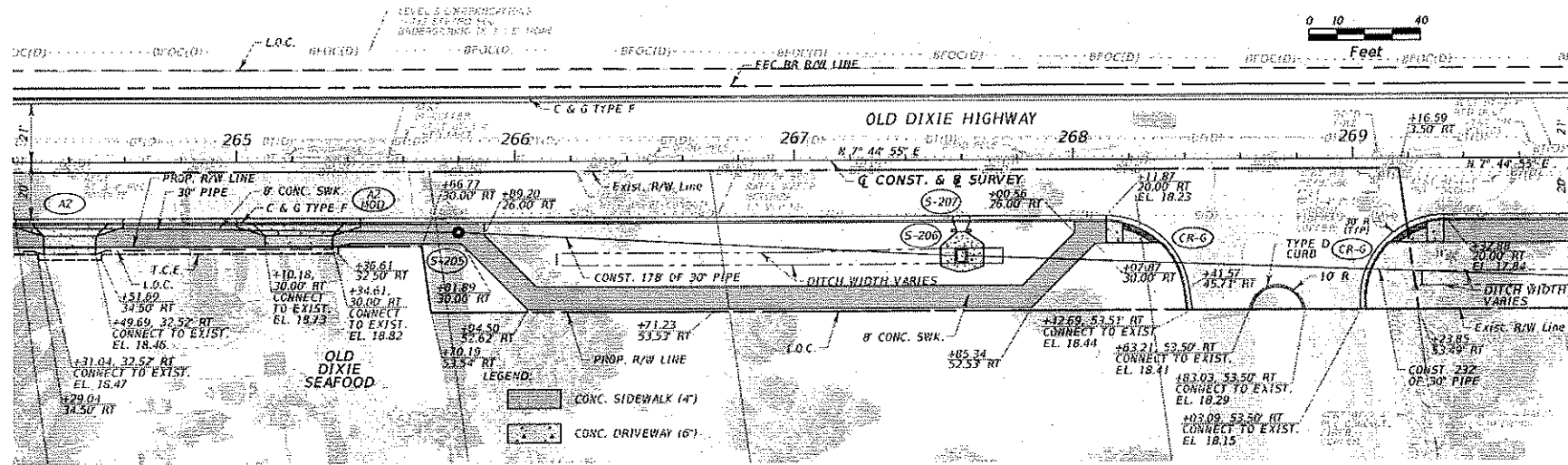
**TYPICAL SECTION**

DATE: 10/15  
BY: W.L.A.  
SCALE: AS SHOWN  
PROJECT: 2014500

FEC RAILROAD



0 10 40  
Feet



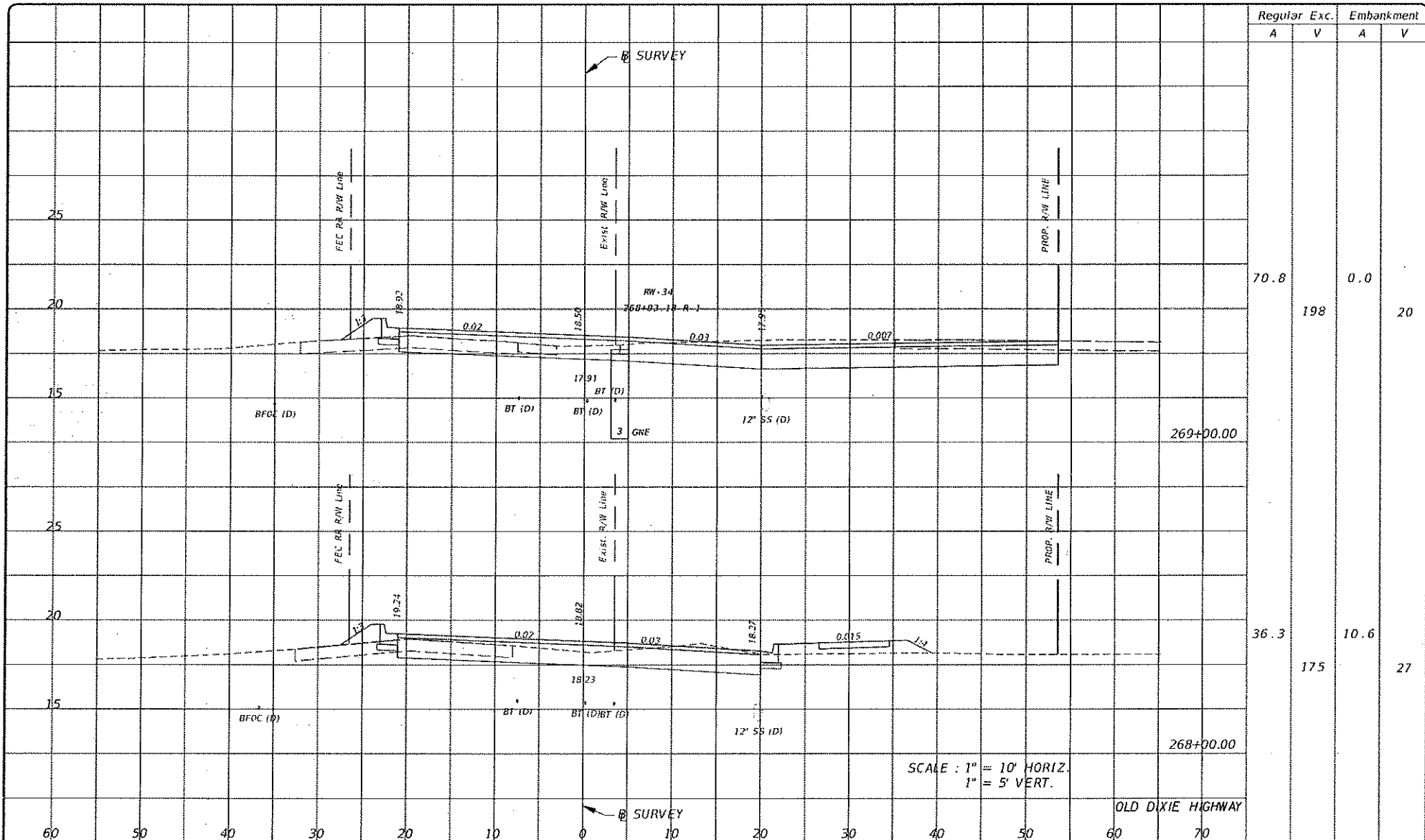
CONOR ENGINEERS, LLC  
 2041 Vista Parkway, Suite 101  
 West Palm Beach, FL 33411  
 Phone: (561) 293-8880  
 William L. Adams, P.E. No. 57950

PALM BEACH COUNTY  
 ENGINEERING AND PUBLIC WORKS  
 ROADWAY PRODUCTION  
 P.O. BOX 2029, WEST PALM BEACH, FLORIDA

Scale: 1"=40'  
 W.L.A.  
 DATE  
 SHEET

PLAN & PROFILE

Sheet 31  
 of 270  
 2014500



Regular		Exc.		Embankment	
A	V	A	V	A	V
70.8	198	0.0	20		
36.3	175	10.6	27		

SCALE : 1" = 10' HORIZ.  
1" = 5' VERT.

OLD DIXIE HIGHWAY

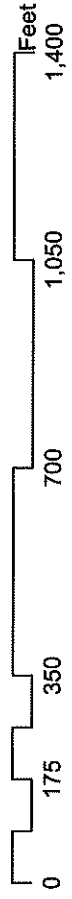
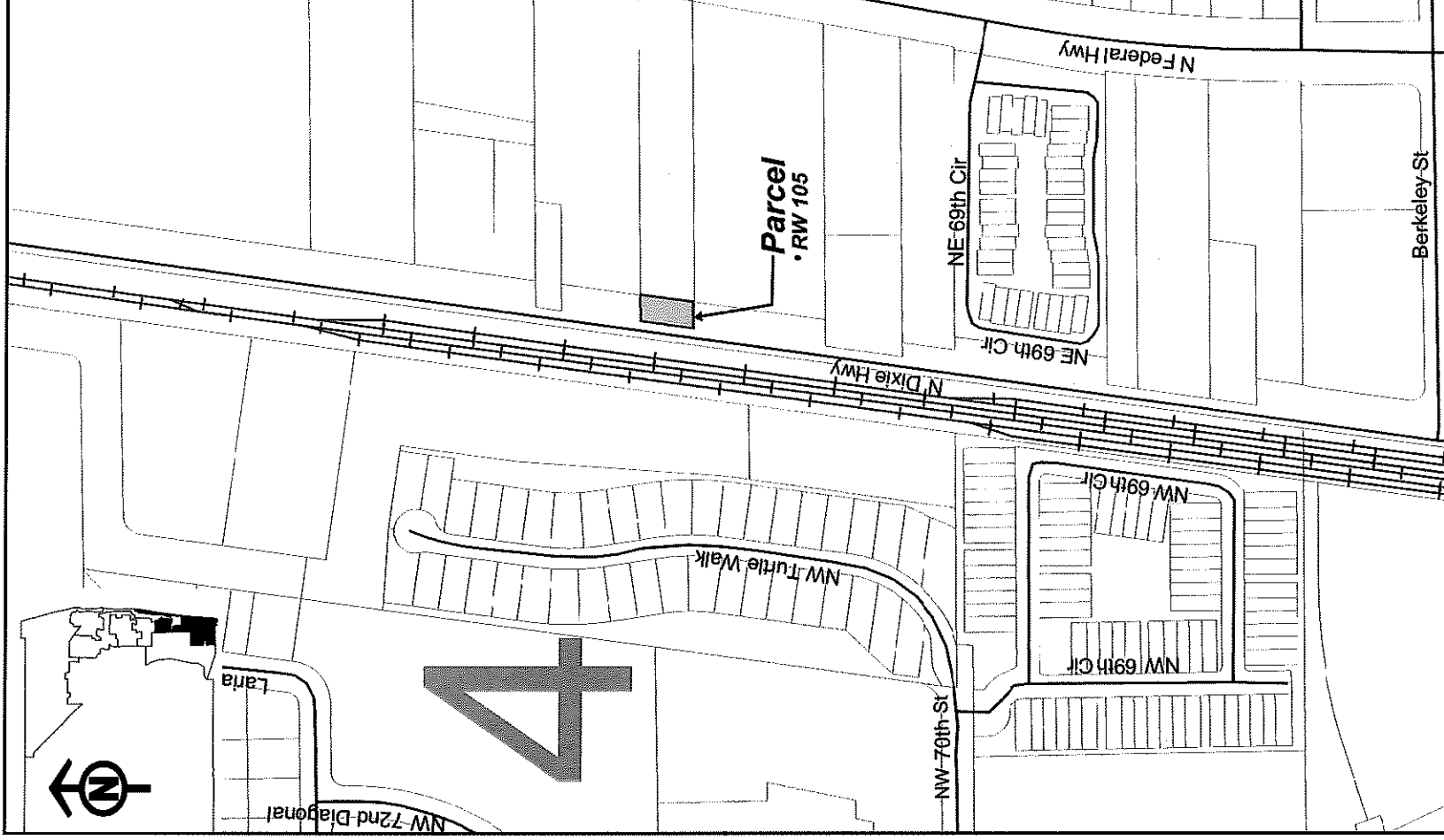
CONSOR ENGINEERS, LLC  
2041 Vista Parkway, Suite 101  
West Palm Beach, FL 33411  
Phone: (561) 253-9550  
William L. Adams, P.E. No. 57950

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

CROSS SECTIONS

DATE: 2/04  
BY: JTB  
PROJECT: 20/4500

Location Map



RESOLUTION NO. R-2023 - ~~11425~~

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, DECLARING THE ACQUISITION OF FEE SIMPLE RIGHT-OF-WAY DESIGNATED AS PARCEL 105, NECESSARY FOR THE CONSTRUCTION OF ROADWAY IMPROVEMENTS ON OLD DIXIE HIGHWAY FROM YAMATO ROAD TO SOUTH OF LINTON BOULEVARD, TO BE FOR A PUBLIC USE AND PURPOSE, AUTHORIZING THE EMPLOYMENT OF APPRAISERS AND OTHER EXPERTS AND THE FILING OF EMINENT DOMAIN PROCEEDINGS.**

**WHEREAS**, the Palm Beach County (County) Engineer has recommended the acquisition of fee simple right-of-way, designated as Parcel 105, 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 Old Dixie Highway from Yamato Road to south of Linton Boulevard (Project); and

**WHEREAS**, the funds are available for the acquisition of fee simple right-of-way designated as Parcel 105; 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 Project, and determining the Project's location, including Parcel 105, 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 fee simple right-of-way designated as Parcel 105 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 use and purpose of Parcel 105 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 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 105, 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 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 necessary for the construction of the Project.

The foregoing Resolution was offered by Commissioner Marino who moved its adoption. The motion was seconded by Commissioner Baxter 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 3rd day of October, 2023

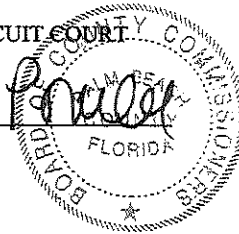
PALM BEACH COUNTY, A POLITICAL  
SUBDIVISION OF THE STATE OF FLORIDA,  
BY AND THROUGH ITS BOARD OF COUNTY  
COMMISSIONERS

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

**EXHIBIT A  
PBC PROJECT NO.2014500**

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 600.00 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 600.00 FEET, N89°29'26"E FOR 50.52 FEET TO A LINE LYING 50.00 FEET EAST OF (MEASURED PERPENDICULAR), AND PARALLEL WITH, THE SAID EAST RIGHT-OF-WAY;  
 THENCE ALONG SAID PARALLEL LINE, S07°44'26"W FOR 101.05 FEET TO THE NORTH LINE OF THE SOUTH 500.00 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 500.00 FEET, S89°29'26"W FOR 50.52 FEET TO THE SAID EAST RIGHT-OF-WAY;  
 THENCE ALONG SAID EAST RIGHT-OF-WAY, N07°44'26"E FOR 101.05 FEET TO THE POINT OF BEGINNING.

CONTAINING 5,052 SQUARE FEET (0.116 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 11:34:41 -05'00'

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

**REVISIONS:**

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



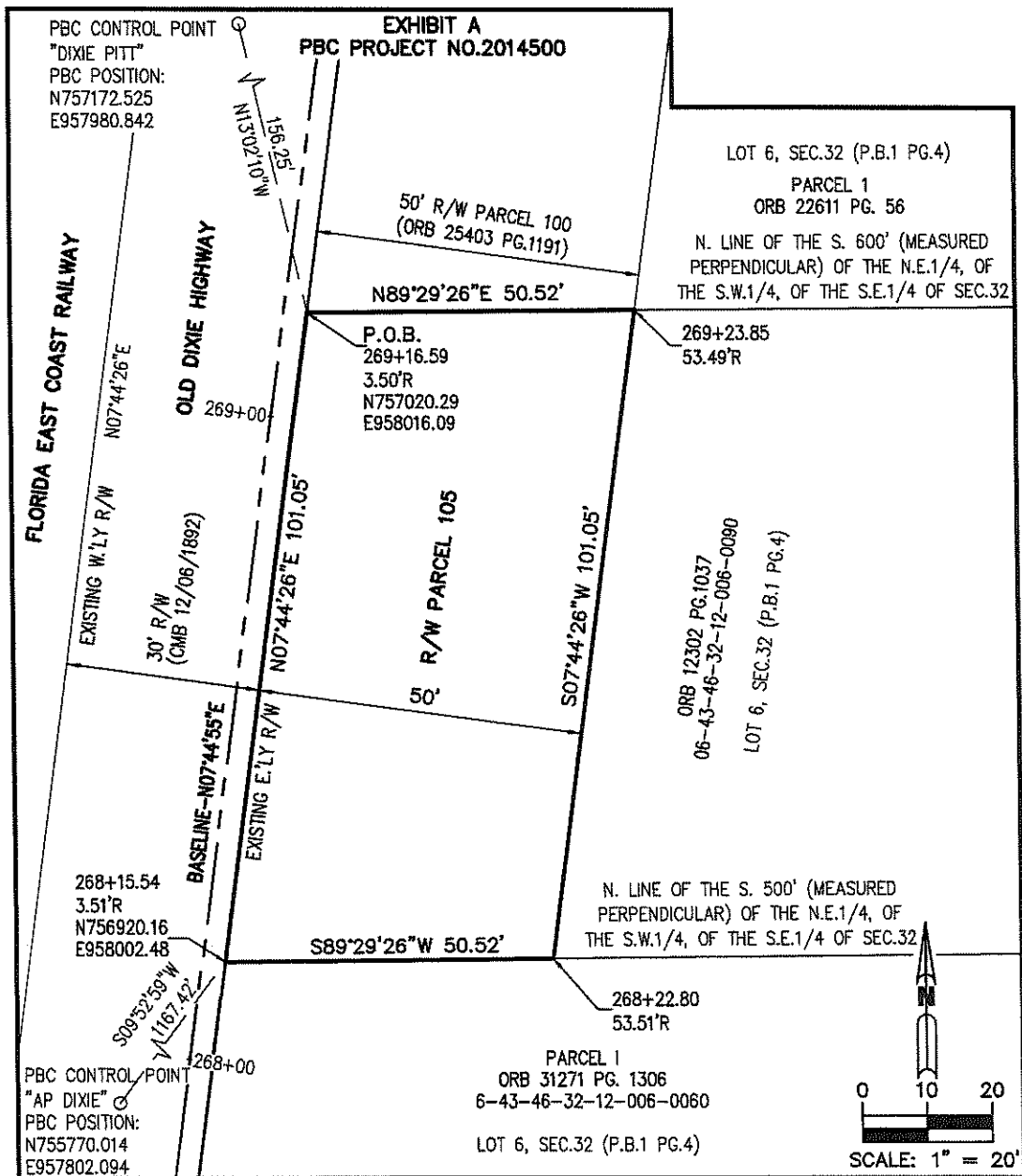
E-Mail: info@brown-phillips.com

**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 105  
 (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





**B** **BROWN & PHILLIPS, INC.**  
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<b>OLD DIXIE HIGHWAY</b> <b>R/W PARCEL 105</b> (THIS SKETCH IS NOT A SURVEY)	
<b>DRAWN:</b> MDB	<b>PROJ. No.</b> 15-026
<b>CHECKED:</b> JEP	<b>SCALE:</b> 1" = 20'
<b>SKETCH TO ACCOMPANY</b> <b>LEGAL DESCRIPTION</b>	<b>DATE:</b> 6/19/20 <b>SHEET 2 OF 3</b>

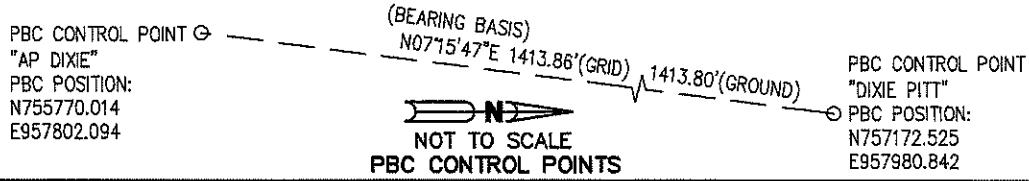
**EXHIBIT A  
PBC PROJECT NO.2014500**

**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".



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<b>OLD DIXIE HIGHWAY R/W PARCEL 105 (THIS IS NOT A SURVEY)</b>	
DRAWN: MDB	PROJ. No. 15-026
CHECKED: JEP	SCALE: NONE
<b>DESCRIPTION NOTES</b>	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 this parcel fits into the planned funding for this Project, and the acquisition of this parcel 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 (Plan). The Plan is a 25-year forecast based on projected regional needs identified through the process of forecasting travel demand, evaluating system alternatives and selecting those options which best meet the mobility, safety, and other needs of the County, considering financial, environmental and social constraints. The Plan serves as the preliminary tool used for transportation planning in Palm Beach County.

#### ENVIRONMENTAL IMPACTS

Old Dixie Highway is an established roadway corridor. The limits of the Project are bordered by existing commercial developments, and the proposed improvements will have minimal negative impacts to the environment. This roadway improvement project will be permitted through the appropriate environmental regulatory agencies as applicable.

**EXHIBIT "B"**

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

**ACQUISITION FOR FEE SIMPLE RIGHT-OF-WAY PARCEL 105**

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.