



**II. FISCAL IMPACT ANALYSIS**

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

| Fiscal Years             | 2006          | 2007       | 2008       | 2009       | 2010       |
|--------------------------|---------------|------------|------------|------------|------------|
| Capital Expenditures     | \$7,000       | -0-        | -0-        | -0-        | -0-        |
| Operating Costs          | -0-           | -0-        | -0-        | -0-        | -0-        |
| External Revenues        | <\$7,000>     | -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>\$ -0-</b> | <b>-0-</b> | <b>-0-</b> | <b>-0-</b> | <b>-0-</b> |

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

Is Item Included in Current Budget? Yes X No \_\_\_\_\_  
Budget Acct No.: Fund 3500 Dept. 361 Unit 1164 Object 6120  
Program

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

Transportation Improvement Fund  
Gateway & Congress Intersection Imp.

Eminent Domain Value - 1 Parcel \$7,000.00

C. Departmental Fiscal Review: R.D. Ward 2/23/07

**III. REVIEW COMMENTS**

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

James Bush 3-15-07  
OFMB  
CN 3-15-07  
CN 03/14/07

John S. Jewell 3/15/07  
Contract Dev. and Control  
3/15/07

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

Assistant County Attorney

**C. Other Department Review:**

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

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



**RESOLUTION NO. R-2007**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ADOPTING THIS RESOLUTION DECLARING THE ACQUISITION OF PROPERTY KNOWN AS PARCEL GW-01 AS A PARTIAL TAKE IN FEE SIMPLE FOR RIGHT-OF-WAY, NECESSARY FOR THE CONSTRUCTION AND IMPROVEMENT OF THE INTERSECTION OF GATEWAY BOULEVARD AND CONGRESS AVENUE, TO BE A PUBLIC NECESSITY, AUTHORIZING THE EMPLOYMENT OF APPRAISERS AND OTHER EXPERTS, AND THE FILING OF EMINENT DOMAIN PROCEEDINGS.**

**WHEREAS**, the County Engineer has recommended the acquisition of this parcel to the Board of County Commissioners of Palm Beach County, for the construction and improvement of the intersection of Gateway Boulevard and Congress Avenue, in Palm Beach County, Florida; and,

**WHEREAS**, the funds are available for the acquisition of this parcel; and,

**WHEREAS**, the Board of County Commissioners of Palm Beach County is exercising its authority of Eminent Domain pursuant to Florida Statutes 73, 74, 127, and 337.27, as amended; and,

**WHEREAS**, this Board has considered the required factors pursuant to Florida law including Safety, Costs, Alternative Routes or Methodologies, Long Range Plans, and the Environment, as applicable to this parcel and as set forth in Exhibit "A", attached hereto and incorporated herein, prior to determining that the acquisition of Parcel GW-01 is necessary; and,

**WHEREAS**, this Board has considered the required factors under Florida Law, as they apply to Parcel GW-01, which is more fully described in Exhibit "B"; and,

**WHEREAS**, after considering the factors as set forth above, this Board has determined that the acquisition of the real property identified as Parcel GW-01 for the necessary Partial Take in Fee Simple for Right-of-Way, which is more fully described in Exhibit "B", is necessary for the following public purpose, to wit: the construction and improvement of the intersection of Gateway Boulevard and Congress Avenue, and as such, the acquisition of said property is a public necessity deemed to be in the best interest of Palm Beach County; and,

**WHEREAS**, a Partial Take in Fee Simple of the property identified as Parcel GW-01 is necessary for right-of-way, thereon with the construction to be undertaken by Palm Beach County as to the intersection of Gateway Boulevard and Congress Avenue, thereon and adjacent thereto. The right-of-way Partial Take in Fee Simple of the parcel is granted upon the condition that the construction limits shall not extend beyond the limits outlined in the legal description of said property; and,

**WHEREAS**, the property to be acquired through the use of Eminent Domain as authorized by this resolution is not being acquired for the purpose of abating or eliminating public nuisances, slum or blight conditions, and is subject to any applicable conveyance restrictions pursuant to Florida laws, to the extent they may apply; and,

**WHEREAS**, the acquisition of this parcel is necessary for the construction and improvement of the intersection of Gateway Boulevard and Congress Avenue; and,

**WHEREAS**, in order to accomplish the acquisition of this parcel, the County Engineer and the County Attorney 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. This Board adopts and ratifies those matters set forth in the foregoing recitals.
2. The County Engineer and County Attorney are authorized and directed to employ real estate appraisers for the purpose of securing an appraisal of the value of the property described in Exhibit "B" for the purpose of acquiring said property through Eminent Domain.
3. The County Engineer and the County Attorney are hereby further authorized and directed to proceed to take all necessary steps, including the hiring of accountants, appraisers, or other experts and witnesses, for Palm Beach County to acquire, in its own name, by donation, purchase, or Eminent Domain proceedings, the real property described in Exhibit "B", and prepare all papers, pleadings, and other instruments required for that purpose, and to see that all Eminent Domain proceedings are prosecuted to judgment.
4. The County Engineer and County Attorney are hereby authorized and directed to take such further actions as are reasonably required to fully accomplish the purposes herein above directed, including the making of minor changes in the description of any real property described in Exhibit "B" that may be necessary to fully accomplish those purposes.

**BE IT FURTHER RESOLVED** that the property described in Exhibit "B" is to be used for the following public purpose: Partial Take in Fee Simple for Right-of-Way.

The foregoing Resolution was offered by Commissioner \_\_\_\_\_,

who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_,

and upon being put to a vote, the vote was as follows:

|                              |       |
|------------------------------|-------|
| Addie L. Greene, Chairperson | _____ |
| John F. Koons, Vice Chair    | _____ |
| Karen T. Marcus              | _____ |
| Warren H. Newell             | _____ |
| Mary McCarty                 | _____ |
| Burt Aaronson                | _____ |
| Jess R. Santamaria           | _____ |

The Chairperson thereupon declared the Resolution passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

SHARON R. BOCK,  
Clerk and Comptroller

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

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

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

2 of 2

## **EXHIBIT "A"**

### **GATEWAY BLVD AT CONGRESS AVE PROJECT # 2004609**

#### **SAFETY**

Gateway Blvd is currently is a six lane divided urban roadway west of Congress Avenue and four lanes east of Congress Avenue. The existing right-of-way (ROW) width varies from 108' to 125.5'. The ROW widens near Congress Avenue due to the expanded intersection. The widening east of Congress Avenue includes the addition of a through lane in each direction to match the number of lanes to the west. Currently the outside eastbound through lane becomes a drop right turn lane. This lane will now become a continuation of the through lane and a separate dedicated right turn lane will be added.

The roadway widening and the additional through lanes and dedicated right turn lane will improve the traffic performance of this segment. The design of this project has been 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 of the improvements was estimated and has been confirmed by a contractor's bid. During the design of the roadway, reasonable efforts were made to minimize the areas to be acquired through condemnation.

#### **ALTERNATE ROUTES**

Palm Beach County's 2025 Long Range Transportation Plan has for many years, identified the segment of Gateway Blvd east of Congress Ave for widening from four to six lanes. Palm Beach County's Long Range Transportation Plan has been prepared address the needs and interests of the County's residents and visitors.

Since the intersection exists and the six lane widening had been constructed to the west, there is no alternate improvement that can provide the additional capacity without disrupting the community and business. An alternate improvement would be more costly and result in unnecessary impacts to the environment.

The proposed road widening to the south minimizes disruptions to existing businesses, especially since the property at the southeast corner is undergoing redevelopment and the owners are willing to allow the widening on their property.

#### **LONG RANGE PLANNING**

The development of this project is in conformance with Palm Beach County's 2025 Long Range Transportation Plan and the 2020 Cost Feasible Plan. The 2025 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**

Gateway Blvd is an existing roadway corridor and the proposed improvements will have minimal negative impacts to the environment. This roadway improvement project is expected to be permitted through the appropriate environmental regulatory agencies.

Below is a more detailed outline of the reason for the acquisition needed for the improvement of Gateway Blvd.

#### **PARTIAL TAKE IN FEE SIMPLE FOR ADDITIONAL RIGHT OF WAY**

The proposed additional through lanes and dedicated right turn lanes along Gateway Blvd as part of the expanded intersection require a wider ROW foot print than the standard roadway segment. Therefore, additional ROW is required from the properties along the south side of Gateway Blvd to fit the expanded intersection pursuant to Palm Beach County roadway design standards for expanded intersections.

**WSP Consultants, Inc.**

**SURVEYORS & MAPPERS**

18815 ANNELIS DRIVE, LUTZ, FL 33548

PHONE (813) 264-7540 FAX (813) 964-8760

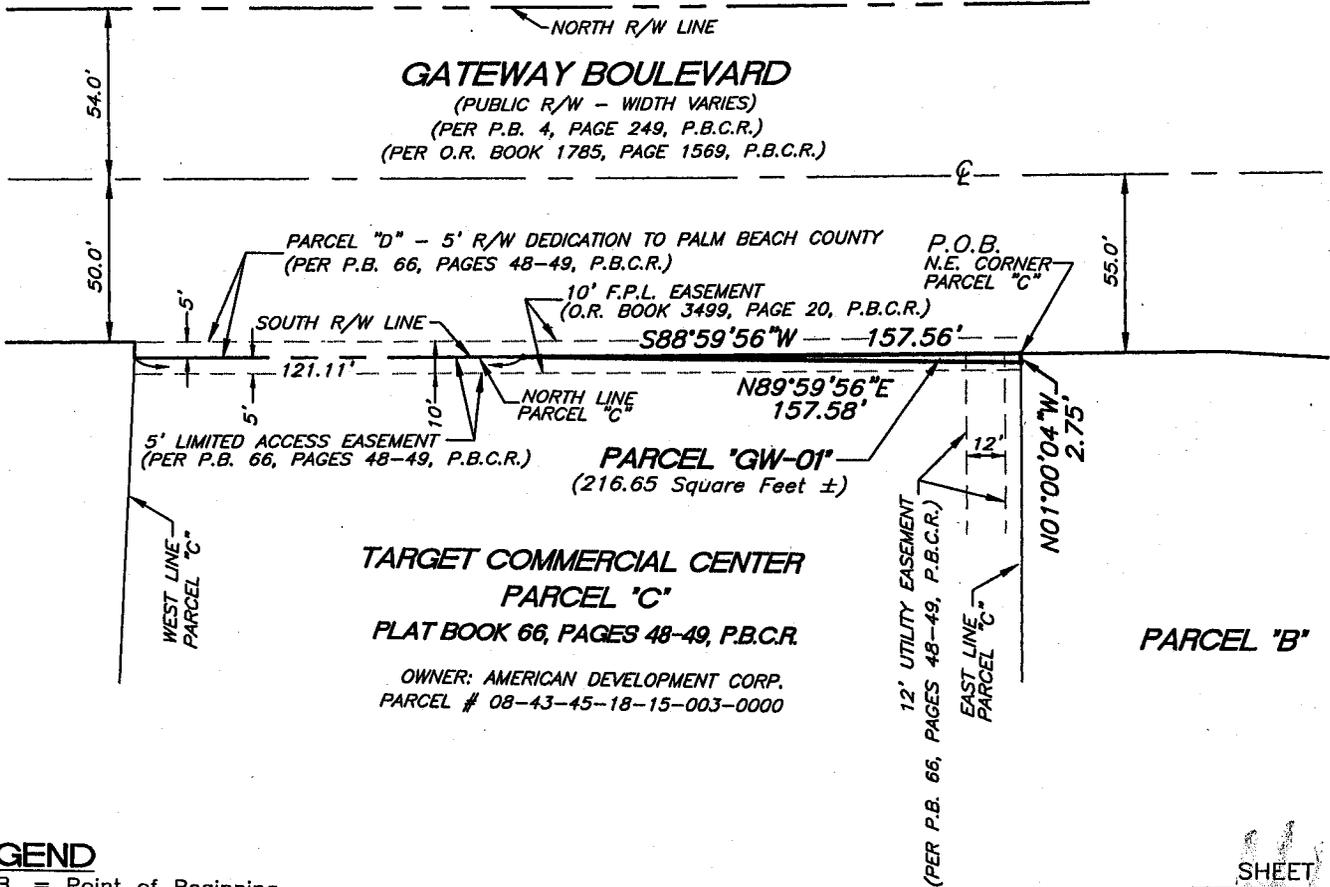
PROFESSIONAL SURVEYING & MAPPING CERTIFICATE OF AUTHORIZATION:  
LB 7188, STATE OF FLORIDA

**SKETCH AND DESCRIPTION  
RIGHT-OF-WAY ACQUISITION - PARCEL GW-01**

**SECTION 18 - TOWNSHIP 45 SOUTH - RANGE 43 EAST**



**SCALE: 1" = 60'**  
BEARINGS ARE PLAT



**LEGEND**

- P.O.B. = Point of Beginning
- P.B.C.R. = Palm Beach County Records
- P.B. = Plat Book
- ⊕ = Centerline
- R/W = Right-of-Way
- F.P.L. = Florida Power & Light

**BEARING NOTE**

THE BEARINGS SHOWN HEREON ARE PLAT AND ARE REFERENCED TO THE NORTH LINE OF TARGET COMMERCIAL CENTER

**THIS SKETCH IS NOT A SURVEY**

SHEET 1 OF 2

**SEAL**

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

**CERTIFICATE**

THIS IS TO CERTIFY THAT THE SKETCH SHOWN HEREON AND THE ATTACHED DESCRIPTION IS ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND DOES NOT REPRESENT A FIELD SURVEY. I FURTHER CERTIFY THAT THIS SKETCH AND DESCRIPTION MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH UNDER RULE 61G17-6 OF THE FLORIDA ADMINISTRATIVE CODE PURSUANT TO CHAPTER 472.027, FLORIDA STATUTES.

*WSP* 3/29/04

| REVISIONS                             | DATE     | BY  |
|---------------------------------------|----------|-----|
| UPDATE PER CLIENT REQUEST             | 03/14/06 | WSP |
| UPDATE PER TARGET COMMENTS            | 11/28/05 | WSP |
| UPDATE PER PALM BEACH COUNTY COMMENTS | 10/07/05 | WSP |

|   |          |            |            |
|---|----------|------------|------------|
| PROFESSIONAL SURVEYOR AND MAPPER #LS 5685, STATE OF FLORIDA |          |            |            |
| WILLIAM S. PAYNE  |          |            |            |
| DATE OF SKETCH  | DRAWN BY | CHECKED BY | FILE NAME  |
| 11/01/04  | WSP      | WSP        | BTC-RW-GW1 |

**WSP Consultants, Inc.**

**SURVEYORS & MAPPERS**

18815 ANNELIS DRIVE, LUTZ, FL 33548

PHONE (813) 264-7540 FAX (813) 964-8760

PROFESSIONAL SURVEYING & MAPPING CERTIFICATE OF AUTHORIZATION:  
LB 7188, STATE OF FLORIDA

**SKETCH AND DESCRIPTION  
RIGHT-OF-WAY ACQUISITION - PARCEL GW-01**

**SECTION 18 - TOWNSHIP 45 SOUTH - RANGE 43 EAST**

**DESCRIPTION**

*A parcel of land being a portion of Parcel "C", TARGET COMMERCIAL CENTER, as recorded in Plat Book 66, Pages 48-49 of the Public Records of Palm Beach County, Florida, said parcel being more particularly described as follows:*

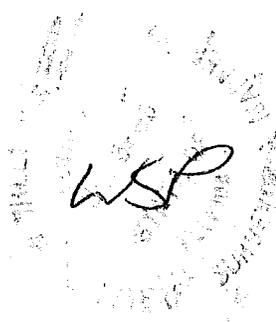
*BEGIN at the Northeast corner of said Parcel "C";*

*THENCE on a plat bearing of S88°59'56"W along the North line of said Parcel "C" a distance of 157.56 feet;*

*THENCE N89°59'56"E a distance of 157.58 feet to a point on the East line of said Parcel "C";*

*THENCE N01°00'04"W along said East line a distance of 2.75 feet to the POINT OF BEGINNING;*

*Said parcel of land situate within the City of Boynton Beach, Palm Beach County, Florida, containing 216.65 square feet, more or less.*



| REVISIONS                             | DATE     | BY  | DATE OF SKETCH | DRAWN BY | CHECKED BY | FILE NAME  |
|---------------------------------------|----------|-----|----------------|----------|------------|------------|
| UPDATE PER CLIENT REQUEST             | 03/14/06 | WSP | 11/01/04       | WSP      | WSP        | BTC-RW-GW1 |
| UPDATE PER TARGET COMMENTS            | 11/28/05 | WSP |                |          |            |            |
| UPDATE PER PALM BEACH COUNTY COMMENTS | 10/07/05 | WSP |                |          |            |            |