

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>
Capital Expenditures	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Operating Costs	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
External Revenues	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Program Income (County)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
In-Kind Match (County)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
NET FISCAL IMPACT	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
ADDITIONAL FTE POSITIONS (Cumulative)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>

Is Item Included In Current Budget? Yes _____ No x
 Budget Account No.: Fund _____ Dept. _____ Org. _____ Object _____
 Program _____

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

NOTE: This item has no fiscal impact.

C. Departmental Fiscal Review: R. D. Wood 3/14/08

III. REVIEW COMMENTS

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

OFMB Jan Omb 3-28-08 Contract Dev. and Control J. J. J. 3/31/08

B. Legal Sufficiency: Phil Magarino
 Assistant County Attorney

C. Other Department Review:

 Department Director

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

RESOLUTION NO. R-2008-

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, DECLARING THE ACQUISITION OF PROPERTY KNOWN AS PARCEL 25 AS A PARTIAL TAKE IN FEE SIMPLE FOR RIGHT-OF-WAY, NECESSARY FOR THE CONSTRUCTION AND IMPROVEMENT OF WEST ATLANTIC AVENUE, FROM 1,330 FEET WEST OF LYONS ROAD TO STARKEY ROAD AND LYONS ROAD FROM WEST ATLANTIC AVENUE TO 900 FEET NORTH OF WEST ATLANTIC 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 West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey Road and Lyons Road from West Atlantic Avenue to 900 feet north of West Atlantic Avenue, in Palm Beach County, Florida; and,

WHEREAS, this Resolution supersedes Resolution R-2006-2688; 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 25 is necessary; and,

WHEREAS, this Board has considered the required factors under Florida Law, as they apply to Parcel 25, 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 25 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 West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey Road and Lyons Road from West Atlantic Avenue to 900 feet north of West Atlantic 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 25 is necessary for right-of-way, thereon with the construction to be undertaken by Palm Beach County as to West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey Road and Lyons Road from West Atlantic Avenue to 900 feet north of West Atlantic 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 West Atlantic Avenue, from 1,330 feet west of Lyons Road to Starkey Road and Lyons Road from West Atlantic Avenue to 900 feet north of West Atlantic Avenue; and,

WHEREAS, in order to accomplish the acquisition of this parcel, the County Engineer and the County Attorney and/or counsel retained to represent Palm Beach County 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 and/or counsel retained to represent Palm Beach County 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 and/or counsel retained to represent Palm Beach County 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 and/or counsel retained to represent Palm Beach County 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

Robert J. Kanjian

Mary McCarty

Burt Aaronson

Jess R. Santamaria

The Chairperson thereupon declared the Resolution passed and adopted this _____ day of _____, 2008.

SHARON R. BOCK,
Clerk and Comptroller

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: _____
County Attorney