

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: April 15, 2008

Consent       Regular  
 Workshop       Public Hearing

Department:

Submitted By: Engineering and Public Works

Submitted For: Right-of-Way Acquisition Section

Project No.: 1997511D

I. EXECUTIVE BRIEF

**Motion and Title: Staff recommends motion to adopt:** A Resolution declaring the acquisition of properties designated as Parcels 2A and 3B as Fee Simple whole take acquisitions for Water Management Areas necessary for the construction and improvements on the Seminole Pratt Whitney Road from Orange Boulevard to south of Northlake Boulevard project.

**Summary:** This action initiates Eminent Domain proceedings against two (2) parcels having a total appraised value of \$494,000.

**District:** 6 (PM)

**Background and Justification:** The property owners of Parcels 2A and 3B have not accepted the offers to purchase made by Palm Beach County. It now becomes necessary to file Eminent Domain proceedings to acquire these two parcels. The fee simple acquisition of the two parcels is required for the construction of Water Management Areas necessary for the improvements of the Seminole Pratt Whitney Road from Orange Boulevard to south of Northlake Boulevard project, which is shown on the current Five-Year Road Program. The acquisition of these two parcels is for a public purpose and necessity, which is deemed to be in the best interest of Palm Beach County.

**Attachments:**

- 1. Location Map
- 2. Resolutions (2) with Exhibit "A" and Exhibit "B"

Recommended by: *Ornelis A. Fernandez* 3/11/08  
Division Director      Date

Approved by: *Sy T. Wahl* 3/25/08  
County Engineer      Date

**II. FISCAL IMPACT ANALYSIS**

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

Fiscal Years	2008	2009	2010	2011	2012
Capital Expenditures	<u>\$494,150</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Operating Costs	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
External Revenues	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Program Income (County)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
In-Kind Match (County)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
<b>NET FISCAL IMPACT</b>	<b><u>\$494,150</u></b>	<b><u>-0-</u></b>	<b><u>-0-</u></b>	<b><u>-0-</u></b>	<b><u>-0-</u></b>

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

Is Item Included in Current Budget? Yes X No      
 Budget Acct No.: Fund 3503 Dept. 361 Unit 0728 Object 6120  
 Program

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

Road Impact Fee Fund - Zone 3  
 Seminole Pratt/Orange Blvd to S of Northlake

Appraised Value-Parcel 2A	\$257,400
-Parcel 3B	\$236,600
Clerk of Court Fee	\$ 150
Fiscal Impact	<u>\$494,150</u>

C. Departmental Fiscal Review:                     R.S. Ward 3/11/08                    

**III. REVIEW COMMENTS**

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

                    Jan Doh 3-28-08                      
 OFMB  
                    Dan J. Jacoby 3/31/08                      
 Contract Dev. and Control

*(Handwritten notes: 110, 3/28/08, 3/26/08, SN 3/27/08, 3/31/08)*

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

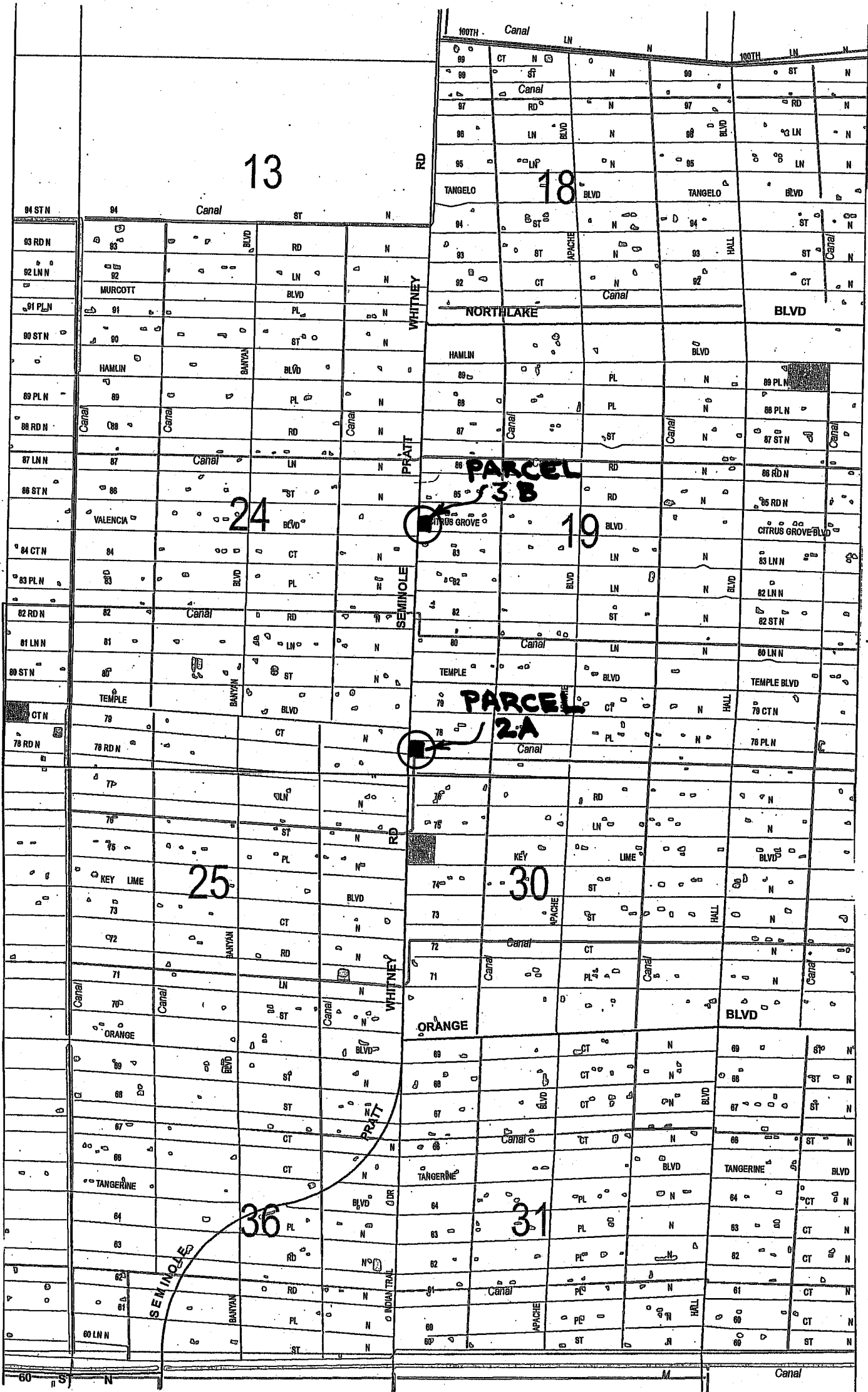
\_\_\_\_\_  
 Assistant County Attorney

**C. Other Department Review:**

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

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

# LOCATION MAP



RESOLUTION NO. R-2008-

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, DECLARING THE ACQUISITION OF A PARCEL OF LAND DESIGNATED AS PARCEL 2A AS A FEE SIMPLE WHOLE TAKE ACQUISITION FOR A WATER MANAGEMENT AREA, NECESSARY FOR THE CONSTRUCTION AND IMPROVEMENTS OF THE SEMINOLE PRATT WHITNEY ROAD FROM ORANGE BOULEVARD TO SOUTH OF NORTHLAKE BOULEVARD PROJECT 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 improvements of Seminole Pratt Whitney Road from Orange Boulevard to south of Northlake Boulevard, in Palm Beach County, Florida; and,

**WHEREAS**, the funds are available for the acquisition of the Parcel designated as Parcel 2A as a fee simple whole take acquisition for a water management area; and,

**WHEREAS**, the property owner has not accepted the offer to purchase made by Palm Beach County; 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, 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, this Board has determined that the acquisition of the real property identified as Parcel 2A for the necessary fee simple whole take acquisition for a water management area, which is more fully described in Exhibit "A", is necessary for the following public purpose, to wit: the construction and improvements of Seminole Pratt Whitney Road from Orange Boulevard to south of Northlake Boulevard, 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**, the construction limits shall not extend beyond the limits as outlined in Exhibit "A"; and,

**WHEREAS**, the property as 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 2A 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:**

- a. This Board adopts and ratifies those matters set forth in the foregoing recitals.
- b. The County Engineer and County Attorney are 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 "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.
- c. The County Engineer and County Attorney are hereby further 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 "A" 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 purpose; a fee simple whole take acquisition for a water management area necessary for the construction and improvements of Seminole Pratt Whitney Road from Orange Boulevard to south of Northlake Boulevard.

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 Chair thereupon declared the Resolution duly passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY,  
FLORIDA, BY ITS BOARD OF  
COUNTY COMMISSIONERS

Sharon R. Bock, Clerk & Comptroller

BY: \_\_\_\_\_  
County Attorney

BY: \_\_\_\_\_  
Deputy Clerk

THE SOUTH 269 FEET OF THE NORTH 1235 FEET LESS THE EAST 5047 FEET OF SECTION 30, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA; SUBJECT TO A ROAD RIGHT-OF-WAY EASEMENT TO PALM BEACH COUNTY OVER THE WEST 60 FEET, RECORDED IN OFFICIAL RECORD BOOK 7693, PAGE 1626, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND AN EASEMENT TO INDIAN TRAIL WATER CONTROL DISTRICT FOR ROAD AND DRAINAGE PURPOSES OVER THE NORTH 30 FEET AND THE SOUTH 30 FEET, RECORDED IN OFFICIAL RECORD BOOK 1810, PAGE 491, OF SAID PUBLIC RECORDS.

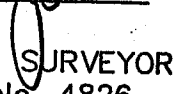
CONTAINING 1.98 ACRES, MORE OR LESS.

BEARING BASIS: S03°12'04"W ALONG THE EAST LINE OF SECTION 30.

THE DESCRIPTION SKETCH AND THE DESCRIPTION TEXT COMPRISE THE COMPLETE LEGAL DESCRIPTION. THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH ACCOMPANY EACH OTHER. REPRODUCTIONS OF THIS DOCUMENT ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER NOTED BELOW.

ABBREVIATIONS

- R/W - RIGHT-OF-WAY
- ORB - OFFICIAL RECORD BOOK
- R.D.E. - ROAD AND DRAINAGE EASEMENT
- ITWCD - INDIAN TRAIL WATER CONTROL DISTRICT
- L - LEFT OF BASELINE
- R - RIGHT OF BASELINE

  
\_\_\_\_\_  
JOHN E. PHILLIPS III  
PROFESSIONAL LAND SURVEYOR  
STATE OF FLORIDA No. 4826  
DATE: JUL 17 2007

 **BROWN & PHILLIPS, INC.**

PROFESSIONAL SURVEYING SERVICES  
CERTIFICATE OF AUTHORIZATION # LB 6473  
901 NORTHPOINT PKWY, SUITE 305, W.P.B. FLORIDA 33407  
(561) 615-3988, (561) 615-3986 FAX

SEMINOLE PRATT WHITNEY ROAD

**LEGAL DESCRIPTION**

PALM BEACH COUNTY PROJECT No.1997511D

DRAWN: MB	PROJ. No. 02-040
CHECKED: JEP	SCALE: NONE
<b>POND PARCEL 2A</b>	DATE: 7/13/07
	SHEET 1 OF 2



**EXHIBIT "B"**

**1 OF 3**

**SEMINOLE PRATT WHITNEY ROAD FROM ORANGE BOULEVARD TO  
SOUTH OF NORTHLAKE BOULEVARD**

**PALM BEACH COUNTY, PROJECT #97511D**

**SAFETY**

Seminole Pratt Whitney Road is currently a two (2) lane rural roadway. The widening of Seminole Pratt Whitney Road from Orange Boulevard to South of Northlake Boulevard as a four (4) lane (ultimate 6 lane) divided roadway will improve the overall safety for all users of this roadway, due to the construction of a raised and landscaped median to separate vehicles traveling in opposite directions. 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 Seminole Pratt Whitney Road from Orange Boulevard to South of Northlake Boulevard from a two (2) lane to a four (4) lane divided roadway had been estimated prior to beginning design. The appropriate funding for design and right-of-way acquisition was budgeted in the County's Five Year Road program in fiscal years 1997 through 2009. During the design of the roadway, reasonable efforts were made to minimize the areas to be acquired through condemnation.

After considering Safety, Alternate Routes and Methodologies, Planning and Environmental factors, the cost of acquisition of this parcel for this project fit into the planned funding for this project, and the acquisition of this parcel was necessary in furtherance of this public project.

**ALTERNATE ROUTES**

Seminole Pratt Whitney Road is a heavily traveled roadway, which provides the most direct route for vehicles traveling in a north-south direction through the heart of the Acreage/Loxahatchee communities. The Palm Beach County Comprehensive Plan (Thoroughfare Right of Way Identification Map) has for many years defined this route as a route to be improved 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, F.S. and Rule 9J-5, F.A.C., and to address the needs and interests of the county's residents and visitors.