

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: May 20, 2008

Consent Regular
 Workshop Public Hearing

Department:

Submitted By: Engineering and Public Works

Submitted For: Right-of-Way Acquisition Section

Project No.: 2004502

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to adopt: A Resolution declaring the acquisition of a parcel of land, designated as Parcel 201, as a Line of Sight Easement necessary for the construction and improvements on the Forest Hill Boulevard from Wellington Trace to State Road 80 project.

Summary: This action initiates Eminent Domain proceedings against one parcel having a total appraised value of \$10,100.

District: 6 (PM)

Background and Justification: The acquisition of Parcel 201 is required for a Line of Sight Easement. This easement is to be used for the purpose of maintaining an unobstructed line of sight for traffic movement from Quercus Lane onto Forest Hill Boulevard. It shall be a permanent easement and will provide Palm Beach County or its agents the right of ingress and egress over and through said easement for maintenance purposes. The acquisition of this parcel 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. Resolution with Exhibit "A" and Exhibit "B"
-
-

Recommended by: *WA*

Donel A Fernandez 4/16/08 *Paula*

Division Director

Date

Approved by:

Sgt. T. Webb 4/20/08

County Engineer

Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2008	2009	2010	2011	2012
Capital Expenditures	<u>\$10,250</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>\$10,250</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>

ADDITIONAL FTE POSITIONS (Cumulative) _____

Is Item Included in Current Budget? Yes X No _____
 Budget Acct No.: Fund 3503 Dept. 361 Unit 1111 Object 6120
 Program _____

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

Road Impact Fee Fund - Zone 3
 Forest Hill Blvd/Wellington Tr to SR 80

Appraised Value - Parcel 201	\$10,100.00
Filing Fee	\$ 150.00
Fiscal Impact	<u>\$10,250.00</u>

C. Departmental Fiscal Review: R. D. Ward 3/4/08

III. REVIEW COMMENTS

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

adwillhite 4-30-08
 OFMB
 SR 4/29/08 CN 4/30/08
J. Jacoby 5/12/08
 Contract Dev. and Control
 3/1/08

B. Approved as to Form and Legal Sufficiency:

M. J. [Signature]
 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 201 AS A LINE OF SIGHT EASEMENT ACQUISITION, NECESSARY FOR THE CONSTRUCTION AND IMPROVEMENTS ON THE FOREST HILL BOULEVARD FROM WELLINGTON TRACE TO STATE ROAD 80 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 on Forest Hill Boulevard from Wellington Trace to State Road 80 in Palm Beach County, Florida; and,

WHEREAS, the funds are available for the acquisition of the Parcel designated as Parcel 201 as a Line of Sight Easement acquisition; 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 201 for the necessary Line of Sight Easement, which is more fully described in Exhibit "A", is necessary for the following public purpose, to wit: the construction and improvements of Forest Hill Boulevard from Wellington Trace to State Road 80, 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 201 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 Line of Sight Easement necessary for the construction and improvements on the Forest Hill Boulevard from Wellington Trace to State Road 80 project.

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

EXHIBIT "A"

1.042

EXHIBIT "A"

LEGAL DESCRIPTION

A PARCEL OF LAND FOR A SAFE SIGHT EASEMENT BEING A PORTION OF LOT 59, BLOCK 1, PINWOOD EAST OF WELLINGTON ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 32, PAGE 96, PUBLIC RECORDS OF PALM BEACH COUNTY, IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 41 EAST, VILLAGE OF WELLINGTON, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 59, BLOCK 1; THENCE NORTH 88°47'38" EAST ALONG THE NORTH LINE OF SAID LOT 59, A DISTANCE OF 16.11 FEET; THENCE SOUTH 26°32'07" WEST ALONG THE EASTERLY LINE OF SAID SAFE SIGHT EASEMENT, A DISTANCE OF 118.11 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF FOREST HILL BOULEVARD ACCORDING TO THE PLAT OF PINWOOD OF WELLINGTON RECORDED IN PLAT BOOK 31, PAGE 170, SAID PUBLIC RECORDS AND A POINT ON A NON-TANGENT CURVE CONCAVE SOUTHEAST AND THE WEST LINE OF SAID LOT 59, HAVING A RADIUS OF 722.73 FEET AND A RADIAL BEARING OF SOUTH 75°14'05" EAST; THENCE NORTHERLY ALONG THE ARC AND SAID RIGHT OF WAY AND WEST LINE OF SAID LOT 59 THROUGH A CENTRAL ANGLE OF 8°51'02", A DISTANCE OF 111.64 FEET TO THE POINT OF BEGINNING.

EASEMENT CONTAINS 1.002 SQUARE FEET.

NOTES:

ASSUMED BEARING BASE WITH THE CENTERLINE OF FOREST HILL BOULEVARD HAVING A BEARING OF NORTH 29°41'15" EAST AT QUERCUS LANE.

NO SEARCH OF THE PUBLIC RECORDS WAS MADE BY THE SIGNING SURVEYOR.

THIS INSTRUMENT WAS PREPARED BY NORMAN J. HOWARD, P.S.M., IN THE OFFICE OF THE COUNTY ENGINEER, 2300 NORTH JOG ROAD, WEST PALM BEACH, FLORIDA, 33406.

N. Howard
NORMAN J. HOWARD, P.S.M.
FLORIDA CERTIFICATE NO. 5776

4-2-08
DATE

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

PROJECT NO. 2004502
SHEET 1 OF 2

PROJECT: PARCEL 201
FOREST HILL BOULEVARD
WELLINGTON TRACE
TO S.R. 80
DESIGN FILE NAME: S-1-06-2548-2551.DGN
DRAWING NO.: S-1-06-2548

NO.	REVISION	BY	DATE

SCALE: 1" = 30'
APPROVED: N.J.H.
DRAWN: E.A.O.
CHECKED: N.J.H.
DATE: 1/09/06
FIELD BOOK NO.: N/A

PALM BEACH COUNTY
ENGINEERING AND PUBLIC WORKS
ENGINEERING SERVICES
2500 NORTH JOG ROAD
WEST PALM BEACH, FL 33411


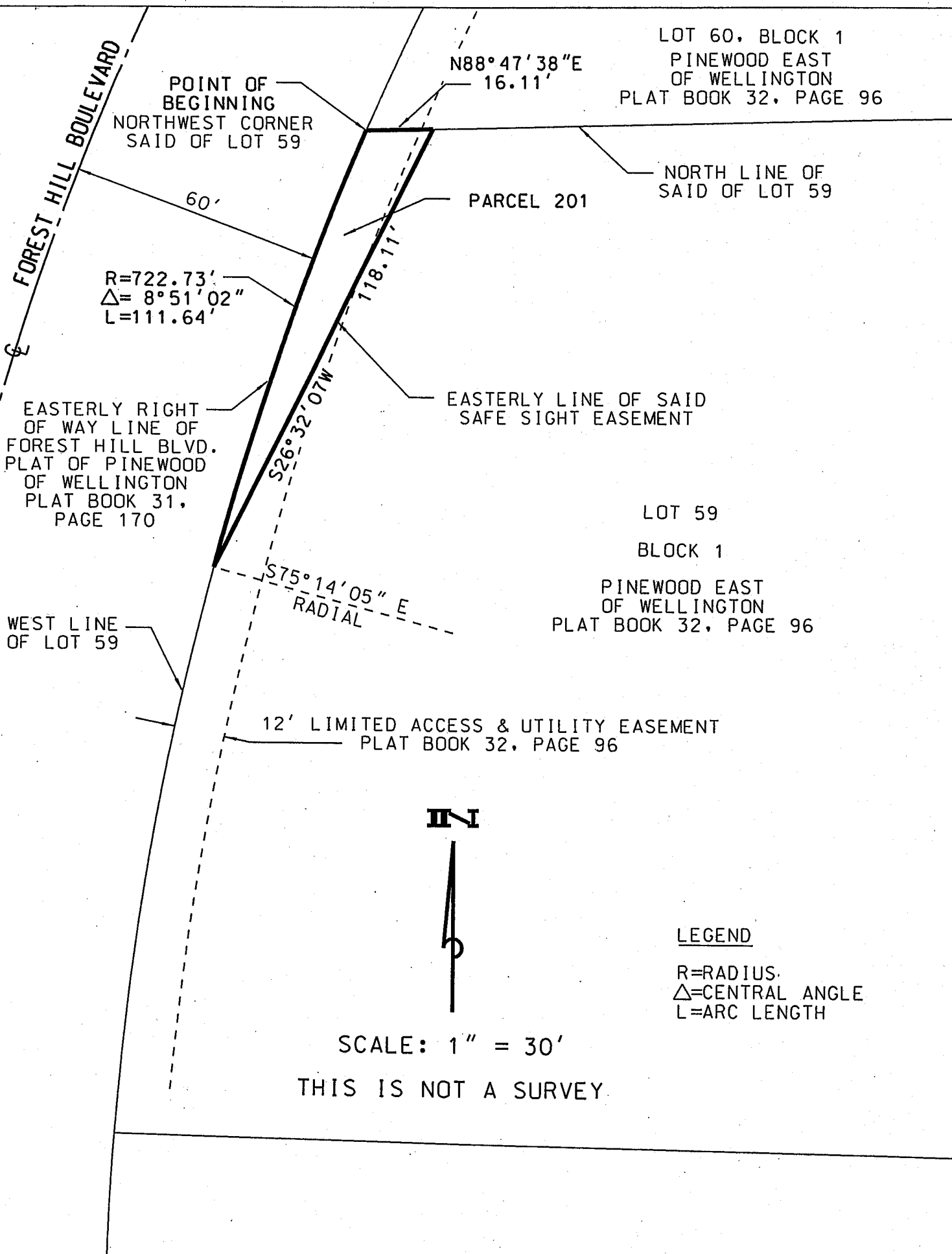


EXHIBIT "A"

2 of 2



LEGEND
R=RADIUS.
Δ=CENTRAL ANGLE
L=ARC LENGTH

SCALE: 1" = 30'
THIS IS NOT A SURVEY

EXHIBIT "B"

FOREST HILL BOULEVARD FROM WELLINGTON TRACE TO SR 80
PALM BEACH COUNTY PROJECT #2004502

SAFETY

Forest Hill Boulevard is currently a four (4) lane divided roadway from Wellington Trace to Quercus Lane / Quercus Court and a six (6) lane divided roadway from Quercus Lane / Quercus Court to SR 80. The widening of the section between Wellington Trace and Quercus Lane / Quercus Court to a six (6) lane divided section will increase capacity and decrease congestion for the motoring public. The portion of Forest Hill Boulevard from Quercus Lane / Quercus Court to SR 80 will be modified to revise nonconforming pavement striping and signing. 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 Forest Hill Boulevard from Wellington Trace to SR 80 to a six (6) lane divided roadway had been estimated prior to beginning design. The appropriate funding for design, easement acquisition, and construction was budgeted in the County's Roadway Program in fiscal years 2004 through 2009. Throughout the roadway design process, reasonable efforts have been made to minimize the areas to be acquired through condemnation.

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

ALTERNATE ROUTES

Forest Hill Boulevard is a heavily traveled roadway, which provides the most direct route for vehicles traveling through the heart of the Village of Wellington. The Palm Beach County Comprehensive Plan (Thoroughfare Right-of-Way Identification Map), has for many years, defined this 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.

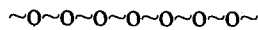
Alternate routes were considered not feasible since this corridor existed as a developed roadway, and adjacent areas are heavily developed. Construction of an alternate route through the Village of Wellington would have disrupted or displaced numerous residential properties, be more costly, and result in unnecessary impacts to the environment.

LONG RANGE PLANNING

The development of this project is in conformance with the Palm Beach County Comprehensive Plan (Thoroughfare Right of Way Identification Map). The Palm Beach County Comprehensive Plan (Thoroughfare Right of Way Identification Map) identifies this section of Forest Hill Boulevard as a 120' right of way width. The 120' right of way width is designed to accommodate an ultimate six (6) lane divided roadway, which is required to meet traffic demands at full development of the County. The most current traffic data from Metropolitan Planning Organization is for year 2004. The traffic counts for this section of roadway are 38,342 trips per day for peak season (data collected 2-9-04) and 34,887 trips per day for off-peak season (data collected 6-28-04). Level of Service E for a four (4) lane divided roadway has a maximum of 34,500 trips per day. This section of Forest Hill Boulevard is over capacity for Level of Service E. Several development projects have contributed funds towards the widening of this section of Forest Hill Boulevard to a six (6) lane divided roadway in order to help alleviate the traffic congestion.

ENVIRONMENTAL IMPACTS

Forest Hill Boulevard exists along an established roadway corridor and the proposed improvements will have minimal negative impacts to the environment. This roadway improvement project has been permitted through the appropriate environmental regulatory agencies.



Below is a more detailed outline of the reasons for the acquisition needed for the improvement of Forest Hill Boulevard, from Wellington Trace to SR 80.

EASEMENT ACQUISITION FOR LINE OF SIGHT EASEMENT

The Line of Sight Easement will provide drivers of vehicles exiting Quercus Lane a clear view of the oncoming traffic on Forest Hill Boulevard so they may enter the roadway safely while avoiding through traffic. The line of sight that will be provided by acquisition of the easement will be in accordance with the requirements of the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (Greenbook) as prepared by the Florida Department of Transportation.