

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: June 17, 2008

Consent Regular
 Workshop Public Hearing

Department:

Submitted By: Engineering and Public Works

Submitted For: Right-of-Way Acquisition Section

Project No.: 2001504

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to adopt: Eight Resolutions declaring the acquisition of properties designated as Parcels 101, 104, 106 and 108 as partial fee simple acquisitions for road right-of-way, Parcel 204 as an embankment easement and Parcels 301, 306 and 308 as temporary construction easements necessary for the widening and construction of improvements on Boca Rio Road, from Palmetto Park Road to Glades Road.

SUMMARY: This action will adopt eight Resolutions to authorize the filing of eminent domain proceedings against eight parcels whose total appraised value is \$333,000.

District 5 (PM)

Background and Justification: The property owners of Parcels 101, 104, 106, 108, 204, 301, 306 and 308 have not accepted the offers to purchase made by Palm Beach County. It is therefore necessary to file eminent domain proceedings to acquire these eight parcels. The acquisition of Parcels 101, 104, 106 and 108 is required for partial fee simple road right-of-way, Parcel 204 as an embankment easement and Parcels 301, 306 and 308 as temporary construction easements. These parcels are required for the widening and construction of improvements on Boca Rio Road, from Palmetto Park Road to Glades Road, which is shown on the current Five-Year Road Program. The acquisition of these eight parcels is for a public purpose and necessity, which is deemed to be in the best interest of Palm Beach County.

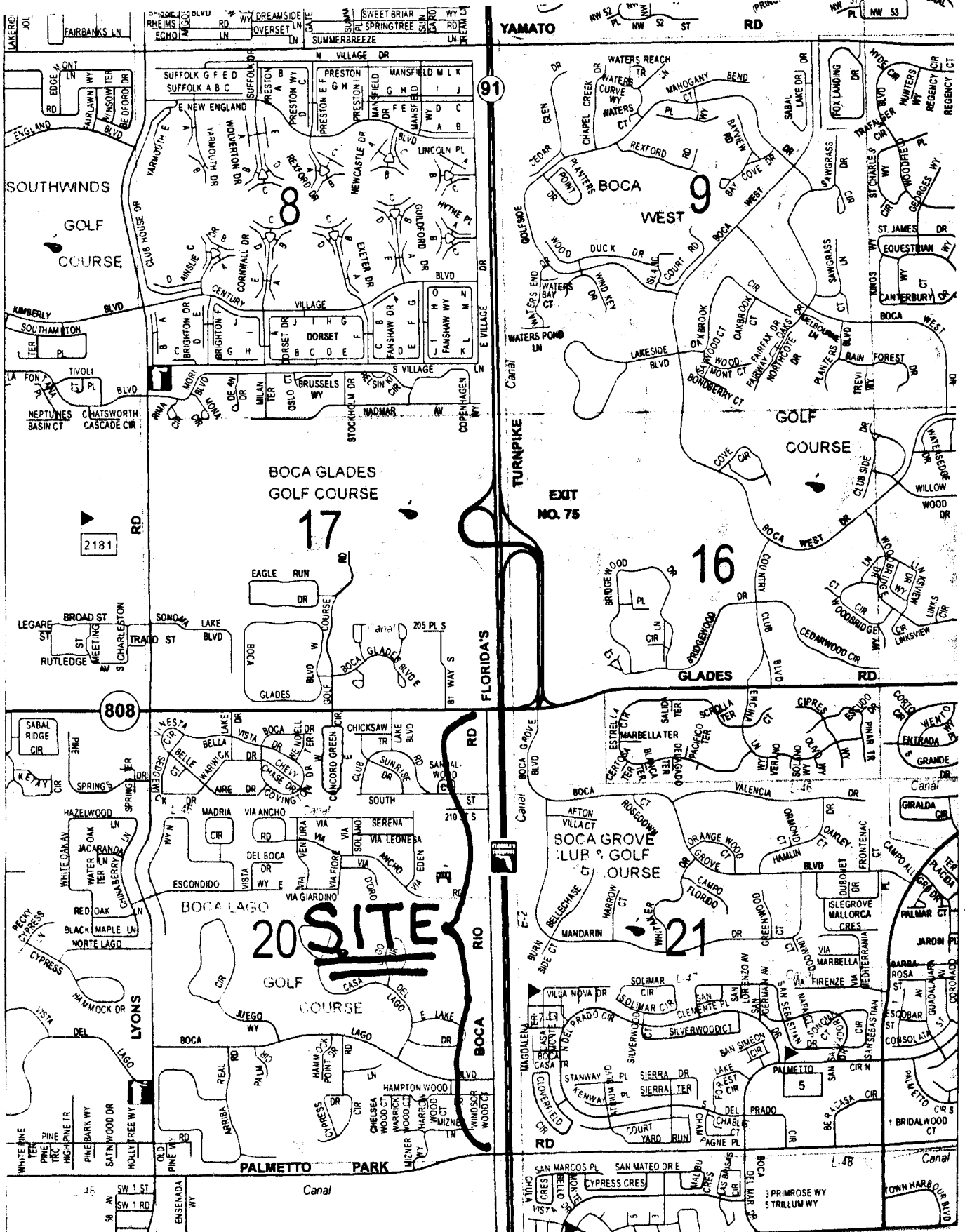
Attachments:

- 1. Location Map
- 2. Resolutions (8) with Exhibit "A" and Exhibit "B"

Recommended by: *Donna G. Fernandez* 5/15/09 *[Signature]*
Division Director Date

Approved by: *D. T. Welch* 5/23/09
County Engineer Date

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 101 AS A PARTIAL FEE SIMPLE ACQUISITION FOR ROAD RIGHT-OF-WAY, NECESSARY FOR THE WIDENING AND CONSTRUCTION OF IMPROVEMENTS ON BOCA RIO ROAD, FROM PALMETTO PARK ROAD TO GLADES ROAD 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 widening and construction of improvements on Boca Rio Road, from Palmetto Park Road to Glades Road in Palm Beach County, Florida; and,

WHEREAS, the funds are available for the acquisition of the Parcel designated as Parcel 101 as a partial fee simple acquisition for road right-of-way; 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 101 for the necessary partial fee simple acquisition for road right-of-way, which is more fully described in Exhibit "A", is necessary for the following public purpose, to wit: the widening and construction of improvements on Boca Rio Road, from Palmetto Park Road to Glades Road 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 101 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 partial fee simple acquisition for road right-of-way necessary for the widening and construction of improvements on Boca Rio Road, from Palmetto Park Road to Glades Road.

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"

LEGAL DESCRIPTION BOCA RIO ROAD RIGHT-OF-WAY ACQUISITION PARCEL 101

Being a portion of the Replat of BOCA LAGO, as recorded in Plat Book 31, Page 62, Public Records of Palm Beach County, Florida, said portion being more particularly described as follows:

BEGINNING at the northeast corner of Recreation Tract "K" according to said Replat of BOCA LAGO; thence South $01^{\circ}05'04''$ East along a line that is 60.00 feet west of and parallel with the west right-of-way line of the Sunshine State Parkway and east line of Recreation Tract "K", 1117.13 feet to the southeast corner of Recreation Tract "K"; thence South $44^{\circ}15'52''$ West along the southeast line of Recreation Tract "K", 14.06 feet to a point on a line that is 70.00 feet west of and parallel with the west right-of-way line of the Sunshine State Parkway; thence North $01^{\circ}05'04''$ West along said parallel line, 139.05 feet; thence North $88^{\circ}54'56''$ East perpendicular to the previous course, 3.50 feet to a point on a line that is 66.50 feet west of and parallel with the west right-of-way line of the Sunshine State Parkway; thence North $01^{\circ}05'04''$ West along said parallel line, 935.00 feet; thence South $88^{\circ}54'56''$ West, perpendicular to the previous course, 3.50 feet to a point on a line that is 70.00 feet west of and parallel with the west right-of-way line of the Sunshine State Parkway; thence North $01^{\circ}05'04''$ West along said parallel line, 53.09 feet to the north line of said Recreation Tract "K"; thence North $89^{\circ}36'53''$ East along said north line, 10.00 feet to the POINT OF BEGINNING.

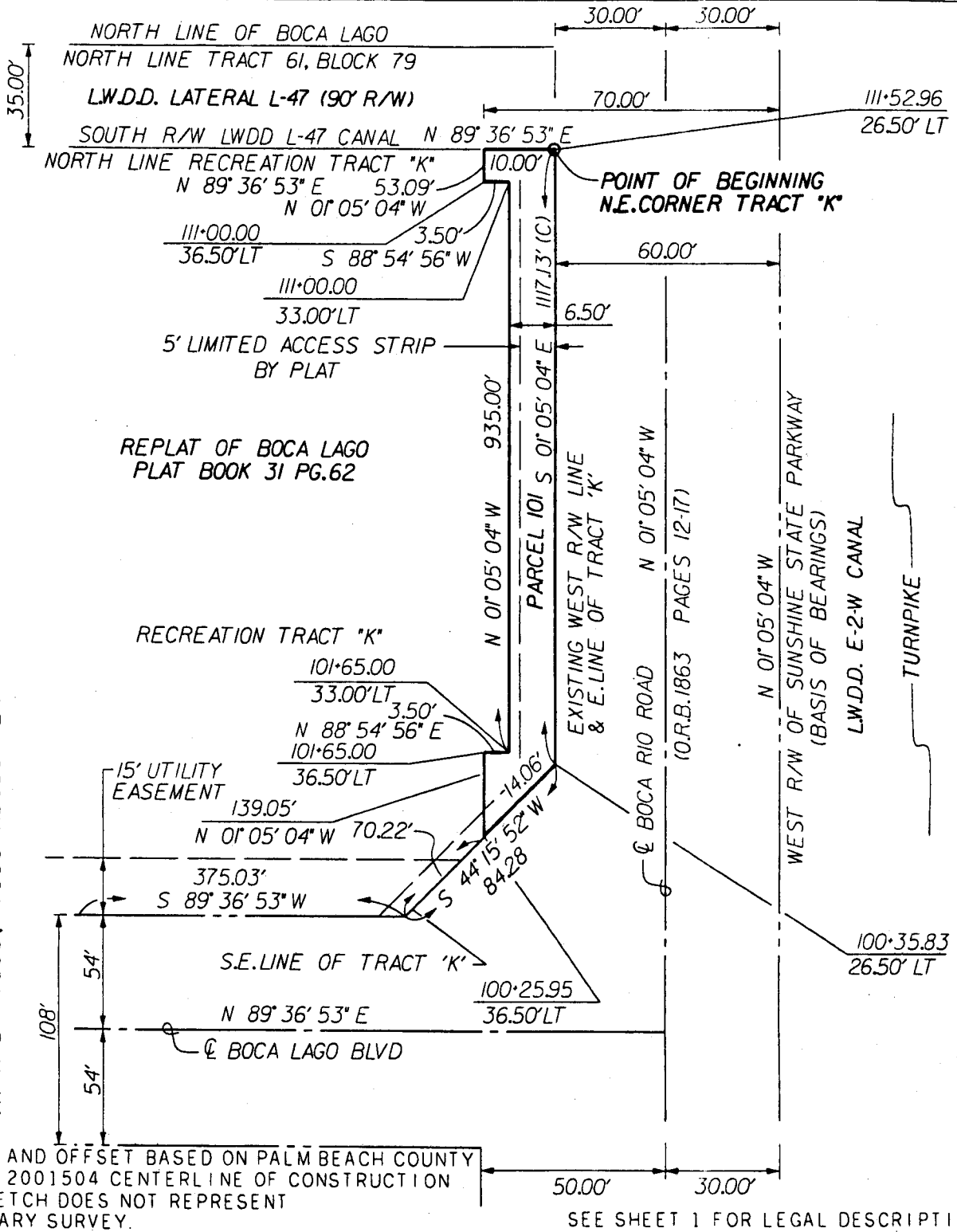
Containing 7949 square feet, or 0.182 acres, more or less.

Bearings refer to the State Plane Grid Datum, N.A.D. 1983, 1990 Adjustment; the west line of the Sunshine State Parkway bearing: North $01^{\circ}05'04''$ West.

SHEET 1 of 2
LS 6995-101

EXHIBIT "A"

THE BEARINGS, AS SHOWN HEREON, REFER TO THE STATE PLANE GRID DATUM; THE WEST RIGHT-OF-WAY LINE OF SUNSHINE STATE PARKWAY, BEING N 01° 05' 04" W (N.A.D. 1983, 1990 ADJUSTMENT.)



STATION AND OFFSET BASED ON PALM BEACH COUNTY PROJECT 2001504 CENTERLINE OF CONSTRUCTION THIS SKETCH DOES NOT REPRESENT A BOUNDARY SURVEY.

SEE SHEET 1 FOR LEGAL DESCRIPTION

THE UNDERSIGNED HEREBY CERTIFIES THAT THIS LEGAL DESCRIPTION AND SKETCH MEETS THE TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS PURSUANT TO SECTION 472.029, FLORIDA STATUTES.

BY: *[Signature]* FOR THE FIRM
DENNIS PAINTER
REGISTERED LAND SURVEYOR, FLORIDA CERTIFICATE NO. 3542

REGISTERED LAND SURVEYOR, FLORIDA CERTIFICATE NO. 3542



ADAIR & BRADY, INC.
CONSULTING ENGINEERS • LAND SURVEYORS
3461 FAIRLANE FARMS ROAD
WELLINGTON, FL 33414
15611 383-7480 15611 383-7485 FAX

NOT VALID WITHOUT EMBOSSED SURVEYOR'S SEAL AFFIXED.

SHEET 2 OF 2

SKETCH OF
LEGAL DESCRIPTION PARCEL 101
BOCA RIO ROAD

DRAWN: FH	DATE	W.O. 00065
FIELD:	02-01-05	LS 6995-101
F.B.	SCALE	
PG.	NONE	

P: \DD0065_BRR\LEGAL_PARCEL_101.DGN

\$USERS

8/15/2005

9:00:25 AM

SEC 20
1/4 47
RC 42

EXHIBIT "B"

BOCA RIO ROAD PALMETTO PARK ROAD TO GLADES ROAD PALM BEACH COUNTY, PROJECT # 2001504

SAFETY

Boca Rio Road is currently a Two (2) lane undivided urban roadway within an existing 60 ft. to 80 ft. varying width right-of-way. The widening of Boca Rio Road from Palmetto Park Road to Glades Road as a four (4) lane divided roadway with a curb and gutter sodded island will improve the traffic performance of this segment of road due to the extra travel lane added in each direction. 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 Boca Rio Road from Palmetto Park Road to Glades Road, from a two (2) (4) lane undivided roadway to a four (4) lane divided roadway, had been 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 in fiscal years 2001 through 2009. During the design of the roadway, reasonable efforts were made to minimize the areas to be acquired through condemnation.

ALTERNATE ROUTES

Boca Rio Road from Palmetto Park Road to Glades Road is a heavily traveled roadway, which provides one of the most direct route for vehicles traveling in a north-south direction through the unincorporated area of Boca Raton. 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.

Alternate routes were considered in lieu of improving Boca Rio Road, however, since this section of roadway is existing and most of the existing ultimate right-of-way is in place it was concluded that an alternate route was not feasible. In addition, construction of an alternate route through this very busy community would have disrupted or displaced numerous residential and business 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 2030 Long Range Transportation Plan. The 2030 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.