

REVISED

Agenda Item #: **3-C-10**

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date: July 22, 2008

Consent **Regular**
 Workshop **Public Hearing**

Department:

Submitted By: Engineering and Public Works

Submitted For: Right-of-Way Acquisition Section

Project No.: 2003507

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to adopt: Six Resolutions declaring the acquisition of properties designated as Parcels 306, 307, 308, 309, 312, and 313 as temporary construction easements necessary for the widening and construction of improvements on Congress Avenue, from Lantana Road to south of Melaleuca Lane.

SUMMARY: This action will authorize the filing of eminent domain proceedings against six parcels which total appraised value is \$134,950.

District 3 (PM)

Background and Justification: Congress Avenue from Lantana Road to south of Melaleuca Lane is a Florida Department of Transportation (FDOT) owned and maintained roadway. The Palm Beach County (County) project to widen and construct improvements on Congress Avenue within these limits is utilizing federal funding, therefore the County is required to follow the Uniform Relocation Assistance and Real Property Acquisition Act.

The property owners of Parcels 306, 307, 308, 309, 312 and 313, which are temporary construction easements required for this project, have not accepted the offers to purchase made by the County. It is therefore necessary to file eminent domain proceedings to acquire these six parcels. This project is listed on the current Five-Year Road Program. The acquisition of these six parcels is for a public purpose and necessity, which is deemed to be in the best interest of the County.

Attachments:

1. Location Map
2. Resolutions (6) with Exhibit "A" and Exhibit "B"

Recommended by:

Division Director

Date

Approved by:

S. J. Webb

County Engineer

7/15/08

Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2008	2009	2010	2011	2012
Capital Expenditures	\$151,050	-0-	-0-	-0-	-0-
Operating Costs	-0-	-0-	-0-	-0-	-0-
External Revenues	-0-	-0-	-0-	-0-	-0-
Program Income (County)	-0-	-0-	-0-	-0-	-0-
In-Kind Match (County)	-0-	-0-	-0-	-0-	-0-
NET FISCAL IMPACT	\$151,050	-0-	-0-	-0-	-0-

ADDITIONAL FTE POSITIONS (Cumulative) _____

Is Item Included in Current Budget? Yes X No _____
 Budget Acct No.: Fund 3504 Dept. 361 Unit 0951 Object 6120.
 Program

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

Road Impact Fee Fund - Zone 4
 Congress Ave/Lantana Rd to Melaleuca Ln

Appraised Value - Parcel 306	\$ 13,200.00	
- Parcel 307	\$ 6,600.00	
- Parcel 308	\$ 6,600.00	
- Parcel 309	\$ 17,600.00	
- Parcel 310	\$ 11,100.00	
- Parcel 311	\$ 5,000.00	
- Parcel 312	\$ 52,300.00	
- Parcel 313	\$ 38,500.00	
Clerk of Court Fee	\$ 150.00	
Fiscal Impact	\$151,050.00	137,950.00

C. Departmental Fiscal Review: RC Ward 6/24/08

III. REVIEW COMMENTS

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

Atwillhite 7-9-08
 OFMB
 SW 7/18/08 CN 7/1/08

[Signature] 7/10/08
 Contract Dev. and Control

B. Approved as to Form and Legal Sufficiency:

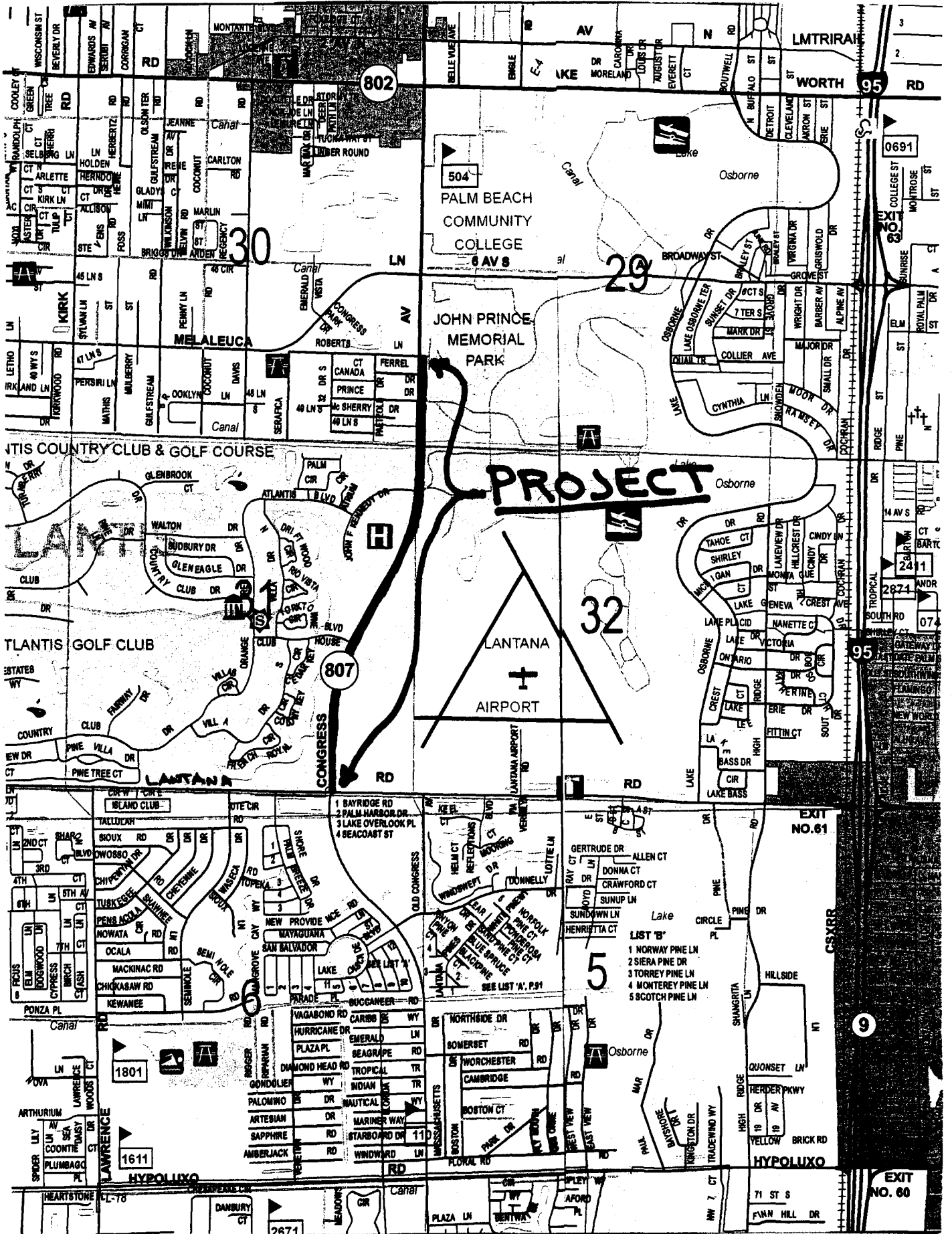
[Signature]
 Assistant County Attorney

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 306 AS A TEMPORARY CONSTRUCTION EASEMENT ACQUISITION NECESSARY FOR THE WIDENING AND CONSTRUCTION OF IMPROVEMENTS ON CONGRESS AVENUE, FROM LANTANA ROAD TO SOUTH OF MELALEUCA LANE 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 Congress Avenue, from Lantana Road to south of Melaleuca Lane in Palm Beach County, Florida; and,

WHEREAS, the funds are available for the acquisition of the Parcel designated as Parcel 306 as a Temporary Construction Easement; 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 306 for the necessary Temporary Construction Easement acquisition, which is more fully described in Exhibit "A", is necessary for the following public purpose, to wit: the widening and construction of improvements on Congress Avenue, from Lantana Road to south of Melaleuca Lane 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 306 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 Temporary Construction easement acquisition, necessary for the widening and Construction of improvements on Congress Avenue, from Lantana Road to south of Melaleuca Lane.

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 of 2

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 30, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE EAST 10.00 FEET OF LOT D AND E, BLOCK 128, PALM BEACH FARMS CO. PLAT NO. 7 AS RECORDED IN PLAT BOOK 5, PAGE 72 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THAT PART OF LOT E, BLOCK 128 AS CONVEYED TO THE LAKE WORTH DRAINAGE DISTRICT IN OFFICIAL RECORDS BOOK 12328, PAGE 48 OF SAID PUBLIC RECORDS.

CONTAINING 1766.18 SQUARE FEET, MORE OR LESS.

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

- P.O.B.- POINT OF BEGINNING
- R/W - RIGHT-OF-WAY
- P.B.- PLAT BOOK
- O.R.B.- OFFICIAL RECORDS BOOK
- CL - CENTERLINE
- LWDD- LAKE WORTH DRAINAGE DISTRICT

Anthony Brown

ANTHONY BROWN
PROFESSIONAL LAND SURVEYOR
STATE OF FLORIDA No. 4977
DATE: 8/24/06



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

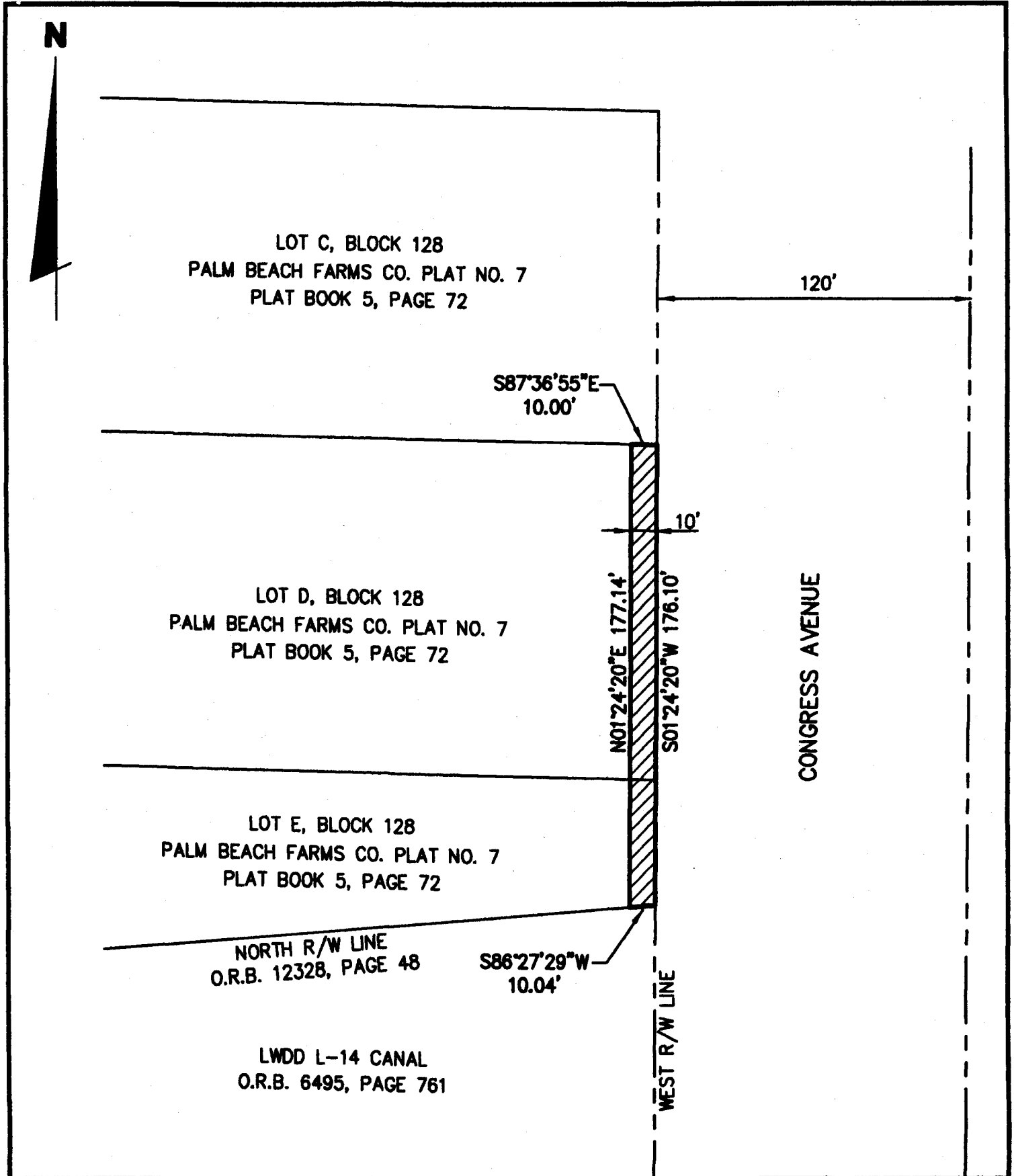
LEGAL DESCRIPTION

DRAWN: DKN	PROJ. No. 05-016
CHECKED: TB	SCALE: NONE
DATE: AUGUST 2006	SHEET 1 OF 2

CONGRESS AVENUE
TCE PARCEL 306

EXHIBIT "A"

2 of 2



THIS SKETCH IS NOT A SURVEY

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

SKETCH TO ACCOMPANY
 LEGAL DESCRIPTION

DRAWN: DKN	PROJ. No. 05-018
CHECKED: TB	SCALE: 1" = 50'
DATE: AUGUST 2008	SHEET 2 OF 2

CONGRESS AVENUE
 TCE PARCEL 306