

Agenda Item #: **3-C-1**

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

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Meeting Date: July 7, 2009 Consent Regular
 Workshop Public Hearing

Department:
Submitted By: Engineering and Public Works
Submitted For: Right-of-Way Acquisition Section

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I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to adopt: Three Resolutions declaring the acquisition of property known as Parcels 200 and 201 as permanent drainage easements and Parcel 300 as a temporary construction easement for drainage and construction of Grove Street outfall improvements.

SUMMARY: Approval of this action will adopt three Resolutions authorizing the filing of eminent domain proceedings against three parcels whose estimated total value is \$66,000.

District 6 (PM)

Background and Justification: The acquisition of these three parcels is required to construct and install drainage improvements to improve the water quality and uncontrolled water drainage of the area known as the Grove Street Drainage Area. The acquisition of these three 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 (3) with Exhibits "A" and "B"
- =====

Recommended by: *MR* [Signature] 6/03/09 *MWB*

CWR Division Director Date

Approved by: [Signature] 6/15/09

County Engineer Date

Jda
RAG?

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2009	2010	2011	2012	2013
Capital Expenditures	\$ -0-	-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	\$ *	-0-	-0-	-0-	-0-

ADDITIONAL FTE POSITIONS (Cumulative) _____

Is Item Included in Current Budget? Yes _____ No _____

Budget Acct No.: Fund _____ Dept. _____ Unit _____ Object _____
Program _____

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

* This item has no immediate fiscal impact. There are sufficient funds in the account (3500-361-1124) to cover the acquisition of parcels once proceedings are ready for negotiations.

C. Departmental Fiscal Review: atwillwhite

III. REVIEW COMMENTS

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

 MSL 6/24/09 OFMB
 D. Jacob 6/24/09 Contract Dev. and Control
 (Handwritten notes: 6/17/09, 6/16/09, 5/26/10/09)

B. Approved as to Form and Legal Sufficiency:

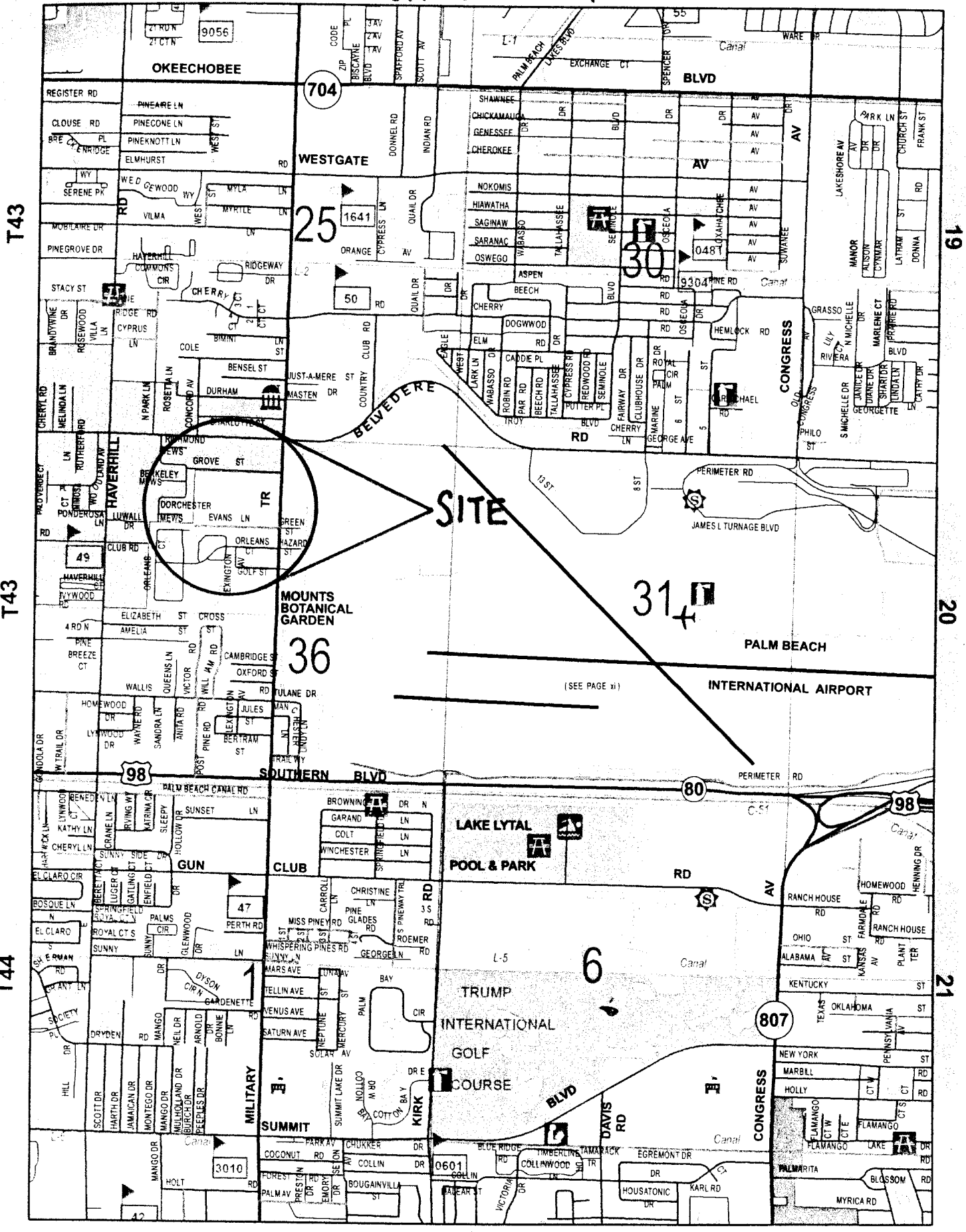
 [Signature]
Assistant County Attorney

C. Other Department Review:

Department Director

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

F LOCATION MAP E



T43

T43

T44

704

25

36

30

31+

(SEE PAGE XI)

6

RESOLUTION NO. R-2009

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, DECLARING THE ACQUISITION OF A PROPERTY KNOWN AS PARCEL 200 AS A PERMANENT DRAINAGE EASEMENT FOR DRAINAGE AND OUTFALL PURPOSES, NECESSARY FOR THE CONSTRUCTION AND IMPROVEMENTS OF THE GROVE STREET OUTFALL, TO BE A PUBLIC NECESSITY; AUTHORIZING THE EMPLOYMENT OF APPRAISERS AND THE FILING OF EMINENT DOMAIN PROCEEDINGS.

Whereas, the County Engineer has recommended the acquisition of this parcel for the construction and improvements for water management to be accomplished by the Grove Street Outfall project, Palm Beach County, Florida; and,

Whereas, the funds are available for the acquisition of this parcel designated as parcel 200 as a permanent drainage easement; 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, 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, after considering the factors as set forth above this Board has determined that the acquisition of the property identified as Parcel 200, as a drainage easement, as described in Exhibit "A" is necessary for the following public purpose: the construction and improvements of the Grove Street Outfall, in Palm Beach County, Florida to provide improved water management as well as those items set forth in Exhibit "B". The acquisition of this property is necessary for said public purpose, to wit, the construction and improvements of the Grove Street Outfall, as well as the matters set forth in Exhibit "B", and Palm Beach County; as such has determined the acquisition of such property as a public necessity deemed to be in the best interest of Palm Beach County; and

Whereas, the acquisition of parcel 200 is necessary for the construction and improvements of the Grove Street Drainage Area, authorizing the selection of appraisers and the filing of Eminent Domain Proceedings; and,

Whereas, in order to accomplish the acquisition of this parcel, it is necessary for the County Engineer and the County Attorney to take legal action and to employ real estate appraisers and other experts deemed necessary.

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 is authorized and directed to employ real estate appraisers for the purpose of securing appraisals of value of the property described in Exhibit "A" for the purpose of acquiring said property.
3. The County Attorney is hereby authorized and directed to proceed to take all necessary steps, including the hiring of accountants, and appraisers, 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 in the name of Palm Beach County 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 Attorney and the County Engineer 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 descriptions of any of the real properties in Exhibit "A" that may be necessary to fully accomplish these purposes.

BE IT FURTHER RESOLVED that the property described in Exhibit "A" is to be used for the following public purpose; Drainage.

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:

Jeff Koons, Chairman	_____
Burt Aaronson, Vice Chairman	_____
Karen T. Marcus	_____
Shelley Vana	_____
Steven L. Abrams	_____
Jess R. Santamaria	_____
District 7	_____

The Chairman thereupon declared the Resolution duly passed and adopted this _____ day of _____ 2009.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS
BOARD OF COUNTY COMMISSIONERS

SHARON R. BOCK, CLERK

BY: _____
County Attorney

Deputy Clerk

LEGAL DESCRIPTION: DRAINAGE EASEMENT

A PARCEL OF LAND SITUATE IN SECTION 36, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF LOT 15, **FLEMING PARK**, AS RECORDED IN PLAT BOOK 18, PAGE 70, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. AND SAID DRAINAGE EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID LOT 15, **FLEMING PARK**; THENCE SOUTH 88°34'13" EAST, ALONG THE SOUTH LINE OF SAID **FLEMING PARK**, A DISTANCE OF 20.00 FEET; THENCE NORTH 01°30'41" EAST, A DISTANCE OF 160.02 FEET; THENCE NORTH 89°01'13" WEST, A DISTANCE OF 1.50 FEET; THENCE NORTH 01°30'41" EAST, A DISTANCE OF 28.66 FEET; THENCE SOUTH 89°01'13" EAST, A DISTANCE OF 1.50 FEET; THENCE NORTH 01°30'41" EAST, A DISTANCE OF 145.86 FEET, TO A POINT ON THE NORTH LINE OF SAID **FLEMING PARK**, THENCE NORTH 88°34'23" WEST, ALONG SAID NORTH LINE, A DISTANCE OF 20.00 FEET, TO THE NORTHWEST CORNER OF SAID **FLEMING PARK**; THENCE SOUTH 01°30'41" WEST, ALONG THE WEST LINE OF SAID LOT 15, A DISTANCE OF 334.54 FEET, TO THE **POINT OF BEGINNING**.

CONTAINING 6648 SQUARE FEET OR 0.1526 ACRES, MORE OR LESS

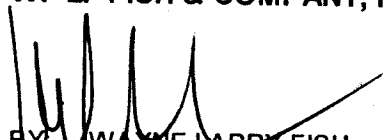
SURVEYOR'S NOTES:

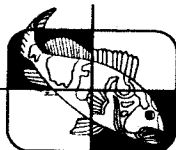
- 1) NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- 2) NO ABSTRACT OF THE PUBLIC RECORDS FOR EASEMENTS OR RIGHTS-OF-WAY WAS PROVIDED TO OR CONDUCTED BY THIS OFFICE.
- 3) THIS DESCRIPTION AND SKETCH CONSISTS OF 2 PAGES AND IS NOT COMPLETE WITHOUT ALL PAGES.
- 4) THIS IS NOT A SURVEY.
- 5) BEARINGS SHOWN AND DESCRIBED HEREON ARE BASED ON THE WEST LINE OF SAID LOT 15, HAVING AN ASSUMED BEARING OF SOUTH 01°30'41" WEST, ALONG THE WEST LINE OF SAID FLEMING PARK.

CERTIFICATION:

I HEREBY CERTIFY THAT THIS DESCRIPTION AND SKETCH MEETS THE MINIMUM TECHNICAL STANDARDS FOR SURVEYING IN THE STATE OF FLORIDA, AS APPLICABLE TO LEGAL DESCRIPTIONS, SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 61G17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027 FLORIDA STATUTES.

W. L. FISH & COMPANY, INC.


BY: **WAYNE LARRY FISH**
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA STATE REG. NO. 3238



W.L.FISH & COMPANY, INC.

PROFESSIONAL SURVEYORS & MAPPERS

5730 CORPORATE WAY, UNIT 100,
WEST PALM BEACH, FLORIDA 33407

(561)615-9266 L.B. 6216 Fax: (561)615-9270

E-mail: mappers@wlfish.com

EXHIBIT 'A'
DRAINAGE EASEMENT
LOT 15 FLEMING PARK

DRAWN: W.B.H. DATE: 04/28/09 SHEET

NO. 1 OF 2

Parcel 200

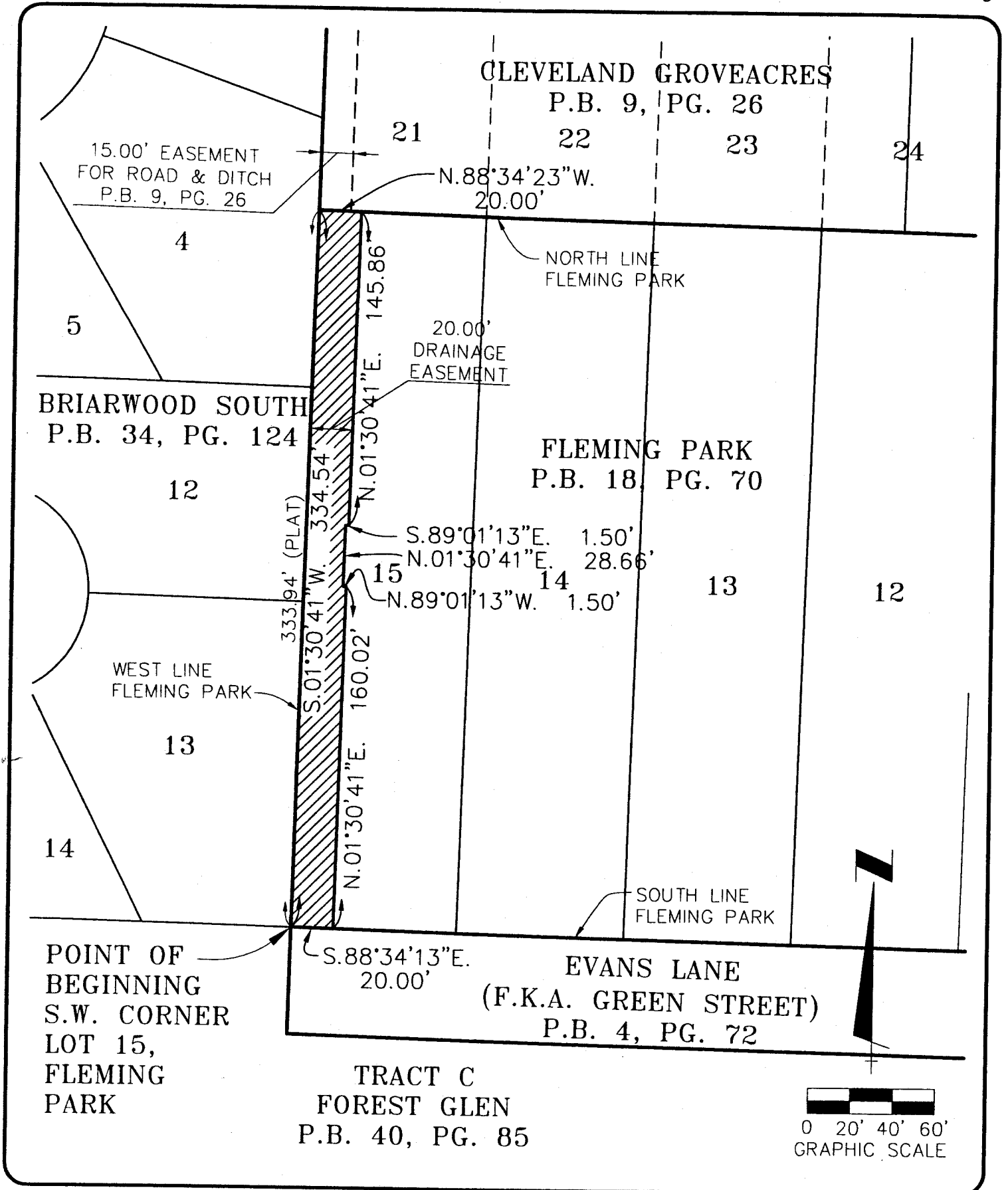
ED: W.L. FISH

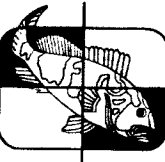
JOB#

2007-096A

NO.

1 OF 2



 <p>W.L.FISH & COMPANY PROFESSIONAL SURVEYORS & MAPPERS 5730 CORPORATE WAY, UNIT 100, WEST PALM BEACH, FLORIDA 33407 (561)615-9266 L.B. 6216 Fax: (561)615-9270 E-mail: mappers@wlfish.com</p>	<p>EXHIBIT 'A' DRAINAGE EASEMENT LOT 15 FLEMING PARK</p>		
	<p>DRAWN: W.B.H. DATE: 04/28/09 SHEET</p> <p>CHECKED: W.L. FISH JOB# 2007-096A NO. 2 OF 2</p>		

**GROVE STREET OUTFALL IMPROVEMENTS
PALM BEACH COUNTY PROJECT #2008909****SAFETY**

The Grove Street Outfall Improvements project will provide paving and drainage improvements to Grove Street, Evans Lane, Orleans Court, Golf Street and Lexington Avenue. These improvements will relieve flooding along these streets and over adjacent properties and reduce currently uncontrolled excess runoff into the adjacent Briarwood Subdivision. Relieving flooding along these streets will enhance safety throughout the neighborhood by improving access for residents and emergency responders. The design of this project was performed in accordance with the South Florida Water Management District, (SFWMD), rules and regulations and the Florida Department of Transportation, (FDOT), standards and specifications.

COST

The cost of constructing paving and drainage improvements for the Grove Street Outfall Improvements project were estimated as part of a comprehensive study prior to beginning design. Funding for design, right-of-way acquisition and construction has been budgeted in coordination with other projects aimed at reducing flooding in this and the surrounding area. During the design of the drainage improvements, reasonable efforts were made to minimize areas requiring acquisition through condemnation.

After considering safety, alternate routes and methodologies, planning and environmental factors, the cost of acquiring parcels for this project fit into the planned funding for the overall project, and acquisition of these three easement parcels is necessary, in furtherance of this public project.

ALTERNATE ROUTES

Alternate routes for the proposed drainage system were evaluated during the study phase of the project. The selected route results in the least impact to properties and minimal cost to the overall project and as much as practicable adjoins existing easements along property lines.

LONG RANGE PLANNING

Construction of the paving and drainage improvements do not conflict 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.

ENVIRONMENTAL IMPACTS

With the exception of minor private drainage facilities serving commercial properties along Military Trail, the area to be improved has no controlled drainage facilities. Currently, the area is served by grassed swales with no positive outfall. The new drainage facilities provide both water quality treatment and runoff attenuation via inlets, exfiltration trench and wet detention. These proposed improvements occur mainly within existing rights-of-way and drainage easements, thus minimizing negative impacts to the surrounding environment. This paving and drainage improvement project has been permitted through the appropriate environmental regulatory agencies.

EXHIBIT "B"

Exhibit "B"
Page 2 of 2

**GROVE STREET OUTFALL IMPROVEMENTS
PALM BEACH COUNTY PROJECT #2008909**

Below is a more detailed outline of reasons for the acquisition of parcels needed for the Grove Street Outfall Improvements project.

EASEMENT ACQUISITIONS FOR PERMANENT DRAINAGE FACILITIES – LEXINGTON AVENUE AND FLEMING PARK DRAINAGE EASEMENTS

To improve drainage and reduce flooding in the Grove Street, Evans Lane, Orleans Court, Golf Street and Lexington Avenue area and to prevent uncontrolled discharge to neighboring Briarwood Subdivision, drainage facilities consisting of inlets, pipes, exfiltration trench and wet detention are required. The nearest feasible outfall location is the Lake Worth Drainage District (LWDD), L-4 Canal. During the study phase of the project it was determined that no feasible alternate route exists for the drainage system that entirely avoids the need for additional/expanded drainage right-of-way/easements. Alternate routes for the downstream outfall portion along Military Trail were evaluated and found to be of higher comparative cost. The selected downstream route makes use of existing county owned property, (Mounts Botanical Garden), resulting in a cost savings. Alternate routes for the upstream portion were also deemed of higher comparative cost. The selected upstream route runs adjacent to the eastern boundary of Briarwood Subdivision which requires minor embankment construction to redirect previously uncontrolled runoff.

RESOLUTION NO. R-2009

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, DECLARING THE ACQUISITION OF A PROPERTY KNOWN AS PARCEL 201 AS A PERMANENT DRAINAGE EASEMENT FOR DRAINAGE AND OUTFALL PURPOSES, NECESSARY FOR THE CONSTRUCTION AND IMPROVEMENTS OF THE GROVE STREET OUTFALL, TO BE A PUBLIC NECESSITY; AUTHORIZING THE EMPLOYMENT OF APPRAISERS AND THE FILING OF EMINENT DOMAIN PROCEEDINGS.

Whereas, the County Engineer has recommended the acquisition of this parcel 201, as more fully described in Exhibit "A", for the construction and improvements to be accomplished by the Grove Street Outfall project, Palm Beach County, Florida; and,

Whereas, the funds are available for the acquisition of this parcel designated as parcel 201 as a permanent drainage easement ; 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, 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, after considering the factors as set forth above this Board has determined that the acquisition of the property identified as Parcel 201, as a drainage easement, as described in Exhibit "A" is necessary for the following public purpose: the construction and improvements of the Grove Street Outfall, in Palm Beach County, Florida to provide improved water management as well as those items set forth in Exhibit "B". The acquisition of this property is necessary for said public purpose, to wit, the construction and improvements of the Grove Street Outfall as well as the matters set forth in Exhibit "B", and Palm Beach County; as such constitutes the acquisition of such property as a public necessity deemed to be in the best interest of Palm Beach County; and

Whereas, the acquisition of this parcel is necessary for the construction and improvements of the Grove Street Drainage Area, authorizing the selection of appraisers and the filing of Eminent Domain Proceedings; and,

Whereas, in order to accomplish the acquisition of this parcel, it is necessary for the County Engineer and the County Attorney to take legal action and to employ real estate appraisers and other experts deemed necessary.

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 is authorized and directed to employ real estate appraisers for the purpose of securing appraisals of value of the property described in Exhibit "A" for the purpose of acquiring said property.
3. The County Attorney is hereby authorized and directed to proceed to take all necessary steps, including the hiring of accountants, and appraisers, 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 in the name of Palm Beach County 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 Attorney and the County Engineer 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 descriptions of any of the real properties in Exhibit "A" that may be necessary to fully accomplish these purposes.

BE IT FURTHER RESOLVED that the property described in Exhibit "A" is to be used for the following public purpose; Drainage.

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:

Jeff Koons, Chairman	_____
Burt Aaronson, Vice Chairman	_____
Karen T. Marcus	_____
Shelley Vana	_____
Steven L Abrams	_____
Jess R. Santamaria	_____
District 7	_____

The Chairman thereupon declared the Resolution duly passed and adopted this _____ day of _____ 2009.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS
BOARD OF COUNTY COMMISSIONERS

SHARON R. BOCK, CLERK

BY: _____
County Attorney

Deputy Clerk

LEGAL DESCRIPTION: 20' DRAINAGE EASEMENT

A PARCEL OF LAND SITUATE IN SECTION 36, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING THE WEST 20 FEET OF THE ABANDONED LEXINGTON AVENUE, BOUNDED ON THE NORTH BY THE SOUTH RIGHT-OF-WAY LINE OF EVANS LANE (FORMERLY KNOWN AS GREEN STREET) AND BOUNDED ON THE SOUTH BY THE NORTH RIGHT-OF-WAY LINE OF ORLEANS COURT (FORMERLY KNOWN AS HAZARD STREET), ALL ACCORDING TO THE PLAT OF **WESTOVER, PLAT BOOK 4, PAGE 72**, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 5079 SQUARE FEET OR 0.1166 ACRES, MORE OR LESS

SURVEYOR'S NOTES:

- 1) NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- 2) NO ABSTRACT OF THE PUBLIC RECORDS FOR EASEMENTS OR RIGHTS-OF-WAY WAS PROVIDED TO OR CONDUCTED BY THIS OFFICE.
- 3) THIS DESCRIPTION AND SKETCH CONSISTS OF 2 PAGES AND IS NOT COMPLETE WITHOUT ALL PAGES.
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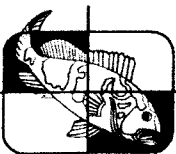
CERTIFICATION:

I HEREBY CERTIFY THAT THIS DESCRIPTION AND SKETCH MEETS THE MINIMUM TECHNICAL STANDARDS FOR SURVEYING IN THE STATE OF FLORIDA, AS APPLICABLE TO LEGAL DESCRIPTIONS, SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 61G17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027 FLORIDA STATUTES.

W. L. FISH & COMPANY, INC.



BY WAYNE LARRY FISH
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA STATE REG. NO. 3238



W.L.FISH & COMPANY, INC.
PROFESSIONAL SURVEYORS & MAPPERS
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WEST PALM BEACH, FLORIDA 33407
(561)615-9266 L.B. 6216 Fax: (561)615-9270
E-mail: mappers@wlfish.com

EXHIBIT 'A'
20 DRAINAGE EASEMENT
LEXINGTON AVENUE

DRAWN:	W.B.H.	DATE:	04/28/09	SHEET	
NO.	1	OF	2		

parcel 201 KED: W.L. FISH JOB# 2007-096A

EVANS LANE (F.K.A. GREEN STREET)
P.B. 4, PG. 72

20.00'
DRAINAGE
EASEMENT

60.00'

TRACT C
FOREST GLEN
P.B. 40, PG. 85

253.96' (PLAT)

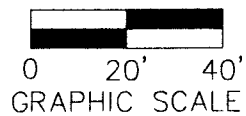
LEXINGTON AVENUE

P.B. 4, PG. 72

(ABANDONED IN

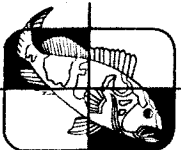
O.R.B. 3470, PG. 608)

REPLAT OF
WESTOVER
P.B. 18, PG. 23



ORLEANS COURT
P.B. 40, PG. 85

ORLEANS COURT
(F.K.A. HAZARD STREET)
P.B. 4, PG. 72



W.L. FISH & COMPANY^{INC.}

PROFESSIONAL SURVEYORS & MAPPERS

5730 CORPORATE WAY, UNIT 100,

WEST PALM BEACH, FLORIDA 33407

(561)615-9266 L.B. 6216 Fax: (561)615-9270

E-mail: mappers@wlfish.com

EXHIBIT 'A'
20' DRAINAGE EASEMENT
LEXINGTON AVENUE

DRAWN:	W.B.H.	DATE:	04/28/09	SHEET
CHECKED:	W.L. FISH	JOB#	2007-096A	NO. 2 OF 2

**GROVE STREET OUTFALL IMPROVEMENTS
PALM BEACH COUNTY PROJECT #2008909****SAFETY**

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COST

The cost of constructing paving and drainage improvements for the Grove Street Outfall Improvements project were estimated as part of a comprehensive study prior to beginning design. Funding for design, right-of-way acquisition and construction has been budgeted in coordination with other projects aimed at reducing flooding in this and the surrounding area. During the design of the drainage improvements, reasonable efforts were made to minimize areas requiring acquisition through condemnation.

After considering safety, alternate routes and methodologies, planning and environmental factors, the cost of acquiring parcels for this project fit into the planned funding for the overall project, and acquisition of these three easement parcels is necessary, in furtherance of this public project.

ALTERNATE ROUTES

Alternate routes for the proposed drainage system were evaluated during the study phase of the project. The selected route results in the least impact to properties and minimal cost to the overall project and as much as practicable adjoins existing easements along property lines.

LONG RANGE PLANNING

Construction of the paving and drainage improvements do not conflict 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.

ENVIRONMENTAL IMPACTS

With the exception of minor private drainage facilities serving commercial properties along Military Trail, the area to be improved has no controlled drainage facilities. Currently, the area is served by grassed swales with no positive outfall. The new drainage facilities provide both water quality treatment and runoff attenuation via inlets, exfiltration trench and wet detention. These proposed improvements occur mainly within existing rights-of-way and drainage easements, thus minimizing negative impacts to the surrounding environment. This paving and drainage improvement project has been permitted through the appropriate environmental regulatory agencies.

**GROVE STREET OUTFALL IMPROVEMENTS
PALM BEACH COUNTY PROJECT #2008909**

Below is a more detailed outline of reasons for the acquisition of parcels needed for the Grove Street Outfall Improvements project.

EASEMENT ACQUISITIONS FOR PERMANENT DRAINAGE FACILITIES – LEXINGTON AVENUE AND FLEMING PARK DRAINAGE EASEMENTS

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RESOLUTION NO. R-2009

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, DECLARING THE ACQUISITION OF A PROPERTY KNOWN AS PARCEL 300 AS A TEMPORARY CONSTRUCTION EASEMENT FOR DRAINAGE AND OUTFALL PURPOSES, NECESSARY FOR THE CONSTRUCTION AND IMPROVEMENTS OF THE GROVE STREET OUTFALL, TO BE A PUBLIC NECESSITY; AUTHORIZING THE EMPLOYMENT OF APPRAISERS AND THE FILING OF EMINENT DOMAIN PROCEEDINGS.

Whereas, the County Engineer has recommended the acquisition of this parcel 300, as more fully described in Exhibit "A," for the construction and improvements for water management to be accomplished by the Grove Street Outfall Project, Palm Beach County, Florida; and,

Whereas, the funds are available for the acquisition of this parcel designated as parcel 300. as more fully described in Exhibit "A," as a temporary construction easement; 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, 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, after considering the factors as set forth above, this Board has determined that the acquisition of the property identified as Parcel 300, as a temporary construction easement, as described in Exhibit "A" is necessary for the following public purpose: the construction and improvements of the Grove Street Outfall, in Palm Beach County, Florida to provide improved water management as well as those items set forth in Exhibit "B". The acquisition of this property is necessary for said public purpose, to wit, the construction and improvements of the Grove Street Outfall as well as the matters set forth in Exhibit "B", and Palm Beach County; as such constitutes the acquisition of such property as a public necessity deemed to be in the best interest of Palm Beach County; and

Whereas, the acquisition of this parcel is necessary for the construction and improvements of the Grove Street Outfall, authorizing the selection of appraisers and the filing of Eminent Domain Proceedings; and,

Whereas, in order to accomplish the acquisition of this parcel, it is necessary for the County Engineer and the County Attorney to take legal action and to employ real estate appraisers and other experts deemed necessary.

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 is authorized and directed to employ real estate appraisers for the purpose of securing appraisals of value of the property described in Exhibit "A" for the purpose of acquiring said property.
3. The County Attorney is hereby authorized and directed to proceed to take all necessary steps, including the hiring of accountants, and appraisers, 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;" prepare in the name of Palm Beach County 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 Attorney and the County Engineer 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 descriptions of any of the real properties in Exhibit "A" that may be necessary to fully accomplish these purposes.

BE IT FURTHER RESOLVED that the property described in Exhibit "A" is to be used for the following public purpose; construction of drainage improvements.

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:

Jeff Koons, Chairman	_____
Burt Aaronson, Vice Chairman	_____
Karen T. Marcus	_____
Shelley Vana	_____
Steven L. Abrams	_____
Jess R. Santamaria	_____
District 7	_____

The Chairman thereupon declared the Resolution duly passed and adopted this _____ day of _____ 2009.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS
BOARD OF COUNTY COMMISSIONERS

SHARON R. BOCK, CLERK

BY: _____
County Attorney

Deputy Clerk

LEGAL DESCRIPTION: TEMPORARY CONSTRUCTION EASEMENT

A PARCEL OF LAND SITUATE IN SECTION 36, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF THE WEST 20 FEET OF LOT 21, **CLEVELAND GROVEACRES**, AS RECORDED IN PLAT BOOK 9, PAGE 26, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID **CLEVELAND GROVEACRES**; THENCE SOUTH 88°34'23" EAST, ALONG THE SOUTH LINE OF SAID **CLEVELAND GROVEACRES**, A DISTANCE OF 20.00 FEET TO THE **POINT OF BEGINNING** OF THE FOLLOWING DESCRIBED TEMPORARY CONSTRUCTION EASEMENT;

THENCE NORTH 01°26'21" EAST, A DISTANCE OF 159.86 FEET; THENCE NORTH 89°04'14" WEST, A DISTANCE OF 1.54 FEET; THENCE NORTH 01°29'35" EAST, A DISTANCE OF 174.83 FEET; THENCE SOUTH 89°04'14" EAST, A DISTANCE OF 1.38 FEET; THENCE NORTH 01°26'21" EAST, A DISTANCE OF 141.44 FEET TO A POINT ON THE NORTH LINE OF SAID **CLEVELAND GROVEACRES**; THENCE NORTH 88°33'04" WEST, ALONG SAID NORTH LINE, A DISTANCE OF 5.00 FEET; THENCE SOUTH 01°26'21" WEST, A DISTANCE OF 476.14 FEET TO A POINT ON THE SOUTH LINE OF SAID **CLEVELAND GROVEACRES**; THENCE SOUTH 88°34'23" EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 5.00 FEET, TO THE **POINT OF BEGINNING**.

CONTAINING 2125 SQUARE FEET OR 0.0488 ACRES, MORE OR LESS


SURVEYOR'S NOTES:

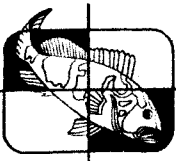
- 1) NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- 2) NO ABSTRACT OF THE PUBLIC RECORDS FOR EASEMENTS OR RIGHTS-OF-WAY WAS PROVIDED TO OR CONDUCTED BY THIS OFFICE.
- 3) THIS DESCRIPTION AND SKETCH CONSISTS OF 2 PAGES AND IS NOT COMPLETE WITHOUT ALL PAGES.
- 4) THIS IS NOT A SURVEY.
- 5) BEARINGS SHOWN AND DESCRIBED HEREON ARE BASED ON THE WEST LINE OF SAID **CLEVELAND GROVEACRES**, HAVING AN ASSUMED BEARING OF SOUTH 01°26'21" WEST.

CERTIFICATION:

I HEREBY CERTIFY THAT THIS DESCRIPTION AND SKETCH MEETS THE MINIMUM TECHNICAL STANDARDS FOR SURVEYING IN THE STATE OF FLORIDA, AS APPLICABLE TO LEGAL DESCRIPTIONS, SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 61G17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027 FLORIDA STATUTES.

W. L. FISH & COMPANY, INC.

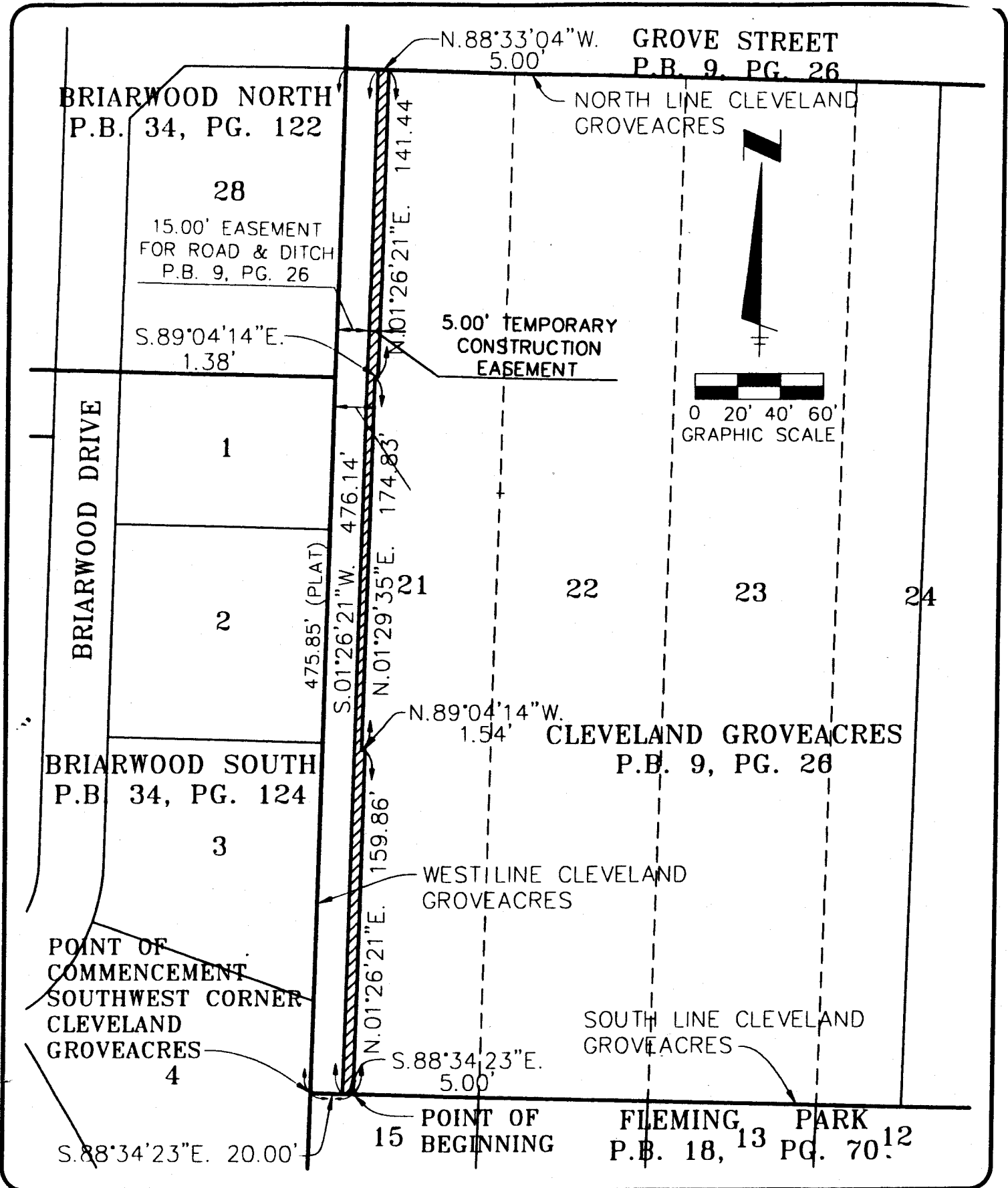

BY: WAYNE LARRY FISH
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA STATE REG. NO. 3238



W.L.FISH & COMPANY, INC.
PROFESSIONAL SURVEYORS & MAPPERS
5730 CORPORATE WAY, UNIT 100,
WEST PALM BEACH, FLORIDA 33407
(561)615-9266 L.B. 6216 Fax: (561)615-9270
E-mail: mappers@wlfish.com

EXHIBIT 'A'
TEMPORARY CONSTRUCTION EASEMENT
LOT 21 CLEVELAND GROVEACRES

DRAWN: W.B.H.	DATE: 04/30/09	SHEET
CHECKED: W.L. FISH	JOB# 2007-096A	NO. 1 OF 2




W.L. FISH & COMPANY
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EXHIBIT 'A'
TEMPORARY CONSTRUCTION EASEMENT
LOT 21 CLEVELAND GROVEACRES

DRAWN:	W.B.H.	DATE:	04/30/09	SHEET
CHECKED:	W.L. FISH	JOB#	2007-096A	NO. 2 OF 2

EXHIBIT "B"

**GROVE STREET OUTFALL IMPROVEMENTS
PALM BEACH COUNTY PROJECT #2008909**

SAFETY

The Grove Street Outfall Improvements project will provide paving and drainage improvements to Grove Street, Evans Lane, Orleans Court, Golf Street and Lexington Avenue. These improvements will relieve flooding along these streets and over adjacent properties and reduce currently uncontrolled excess runoff into the adjacent Briarwood Subdivision. Relieving flooding along these streets will enhance safety throughout the neighborhood by improving access for residents and emergency responders. The design of this project was performed in accordance with the South Florida Water Management District, (SFWMD), rules and regulations and the Florida Department of Transportation, (FDOT), standards and specifications.

COST

The cost of constructing paving and drainage improvements for the Grove Street Outfall Improvements project were estimated as part of a comprehensive study prior to beginning design. Funding for design, right-of-way acquisition and construction has been budgeted in coordination with other projects aimed at reducing flooding in this and the surrounding area. During the design of the drainage improvements, reasonable efforts were made to minimize areas requiring acquisition through condemnation. After considering safety, alternate routes and methodologies, planning and environmental factors, the cost of acquiring parcels for this project fit into the planned funding for the overall project, and acquisition of these parcels is necessary, in furtherance of this public project.

ALTERNATE ROUTES

Alternate routes for the proposed drainage system were evaluated during the study phase of the project. The selected route results in the least impact to properties and minimal cost to the overall project and as much as practicable adjoins existing easements along property lines.

LONG RANGE PLANNING

Construction of the paving and drainage improvements do not conflict 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.

ENVIRONMENTAL IMPACTS

With the exception of minor private drainage facilities serving commercial properties along Military Trail, the area to be improved has no controlled drainage facilities. Currently, the area is served by grassed swales with no positive outfall. The new drainage facilities provide both water quality treatment and runoff attenuation via inlets, exfiltration trench and wet detention. These proposed improvements occur mainly within existing rights-of-way and drainage easements, thus minimizing negative impacts to the surrounding environment. This paving and drainage improvement project has been permitted through the appropriate environmental regulatory agencies.

EXHIBIT "B"

**GROVE STREET OUTFALL IMPROVEMENTS
PALM BEACH COUNTY PROJECT #2008909**

Below is a more detailed outline of reasons for the temporary acquisition of parcels needed for the Grove Street Outfall Improvements project.

EASEMENT ACQUISITIONS FOR PERMANENT DRAINAGE FACILITIES – CLEVELAND GROVE ACRES TEMPORARY CONSTRUCTION EASEMENT

To improve drainage and reduce flooding in the Grove Street, Evans Lane, Orleans Court, Golf Street and Lexington Avenue area and to prevent uncontrolled discharge to neighboring Briarwood Subdivision, drainage facilities consisting of inlets, pipes, exfiltration trench and wet detention are required. The nearest feasible outfall location is the Lake Worth Drainage District (LWDD), L-4 Canal. During the study phase of the project it was determined that no feasible alternate route exists for the drainage system that entirely avoids the need for additional/expanded drainage right-of-way/easements. Alternate routes for the downstream outfall portion along Military Trail were evaluated and found to be of higher comparative cost. The selected downstream route makes use of existing county owned property, (Mounts Botanical Garden), resulting in a cost savings. Alternate routes for the upstream portion were also deemed of higher comparative cost. The selected upstream route runs adjacent to the eastern boundary of Briarwood Subdivision which requires minor embankment construction to redirect previously uncontrolled runoff.