

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: February 23, 2010

Consent Regular
 Workshop Public Hearing

Department:

Submitted By: Engineering and Public Works

Submitted For: Right-of-Way Acquisition Section

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to adopt: A Resolution declaring the acquisition of a parcel of land designated as Parcel 1, to be utilized as a Water Management Area, necessary for the widening and construction of improvements to the Seminole Pratt Whitney Road from the M Canal to south of Orange Boulevard.

SUMMARY: Adoption of this Resolution will authorize the filing of eminent domain proceedings against one parcel whose total appraised value is \$100,000.

District 6 (PM)

Background and Justification: The property owner of Parcel 1 has not accepted the offer to purchase made by Palm Beach County. It is therefore necessary to file eminent domain proceedings to acquire this parcel of land. This 2.41 acre parcel is required as a Water Management Area necessary for the widening and construction of improvements to Seminole Pratt Whitney Road from the M Canal to south of Orange Boulevard, which is shown on the current Five-Year-Road Program. The acquisition of Parcel 1 is required as a fee simple acquisition and is for a public use and purpose 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: *[Signature]* *Ornelis A Fernandez* *1/20/10* *[Signature]*
Division Director Date

Approved by: *[Signature]* *S. J. Wells* *1/26/10*
County Engineer Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2010	2011	2012	2013	2014
Capital Expenditures	<u>\$100,000</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>\$100,000</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 Account No:

Fund 3500 Dept 361 Unit 0727 Object 6120

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

Transportation Improvement Fund
Seminole Pratt Whitney/M Canal to South of Orange Blvd

Parcel 1: Updated Appraised Value-Whole Take \$100,000

C. Departmental Fiscal Review: A. White

III. REVIEW COMMENTS

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

 John D. White
OFMB
1/28/10
1-27-10
1/27/10

 Don J. Sawbro
Contract Dev. and Control 1/24/10

B. Approved as to Form and Legal Sufficiency:

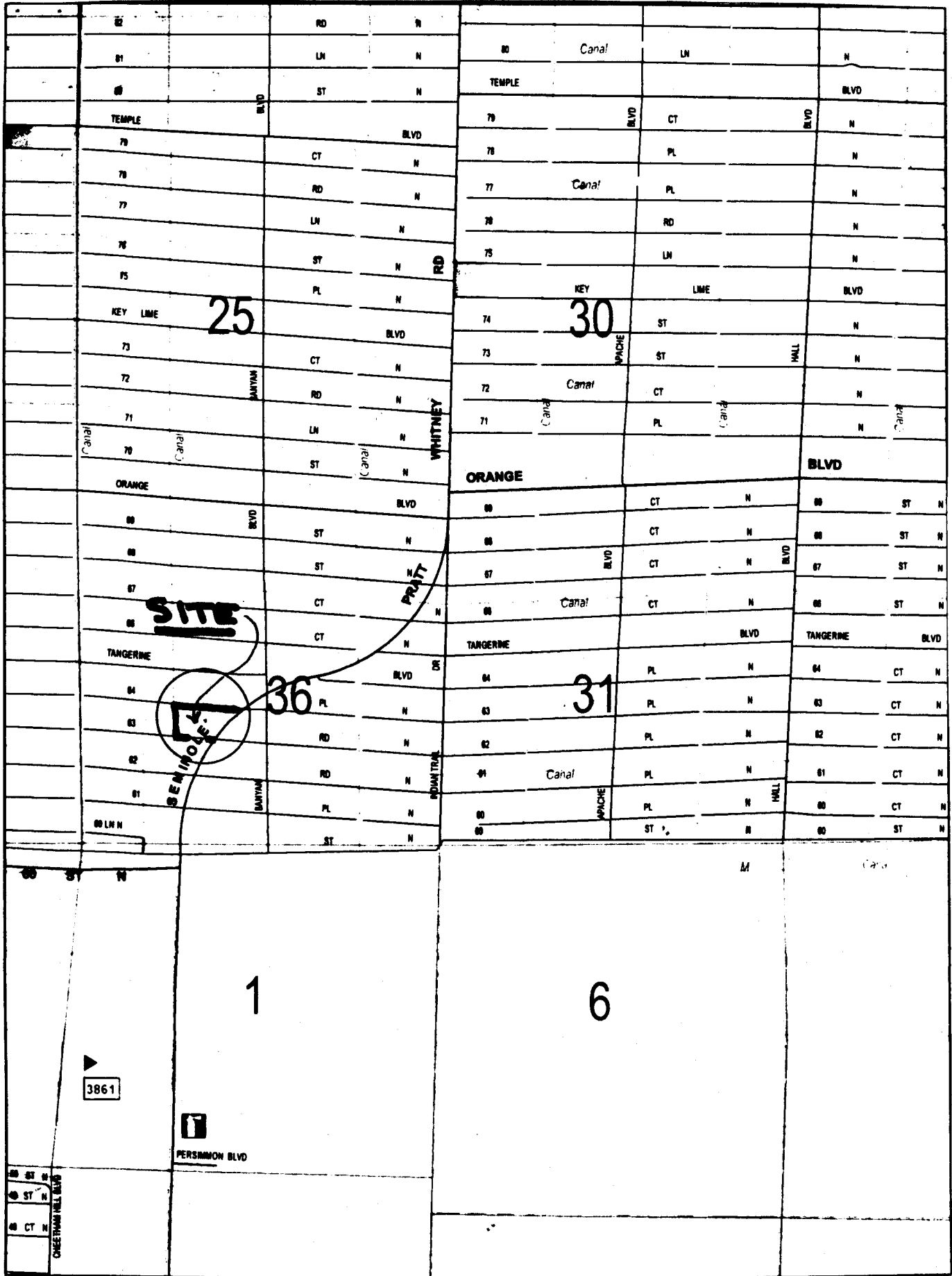
 Philip J. Hyman
Assistant County Attorney

C. Other Department Review:

Department Director

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

LOCATION MAP



RESOLUTION NO. R-2010-

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, DECLARING THE ACQUISITION OF A PARCEL OF LAND DESIGNATED AS PARCEL 1, TO BE UTILIZED AS A WATER MANAGEMENT AREA NECESSARY FOR THE WIDENING AND CONSTRUCTION OF IMPROVEMENTS FOR THE SEMINOLE PRATT WHITNEY ROAD FROM THE M CANAL TO SOUTH OF ORANGE BOULEVARD PROJECT TO BE FOR A PUBLIC USE AND PURPOSE, 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, necessary for the widening and construction of improvements for the Seminole Pratt Whitney Road from the M Canal to south of Orange Boulevard project in Palm Beach County, Florida; and,

WHEREAS, the funds are available for the acquisition of the Parcel designated as Parcel 1 as a fee simple acquisition to be utilized as 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 1, a fee simple acquisition, which is more fully described in Exhibit "A", is necessary for the following public use and purpose, to wit: the widening and construction of improvements for Seminole Pratt Whitney Road from the M Canal to south of Orange Boulevard and as such, the acquisition of said property is for a public use and purpose 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 1 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 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 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 use and purpose; a water management area necessary for the widening and construction of improvements for Seminole Pratt Whitney Road from the M Canal to south of Orange 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:

Burt Aaronson, Chair	_____
Karen T. Marcus, Vice Chair	_____
Jeff Koons	_____
Shelley Vana	_____
Steven L. Abrams	_____
Jess R. Santamaria	_____
Priscilla A. Taylor	_____

The Chair thereupon declared the Resolution duly passed and adopted this _____ day of _____, 2010.

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"

Commencing at the Northwest corner of Section 36, Township 42 South, Range 40 East, Palm Beach County, Florida, proceed easterly along the north section line 1850.9 feet to a point; thence proceed southerly parallel to the west section line 2984.8 feet to a point; said point being the Point of Beginning; from the Point of Beginning proceed easterly parallel to the north section line to the centerline of a curve concave to the southeast having a central angle of 77 degrees 46 minutes 34 seconds and a radius of 2420.23 feet, said curve being the centerline of a 120 foot dedicated road easement; thence proceed southwesterly along said centerline to a point which is 3227.7 feet south of the north section line as measured parallel to the west section line; thence proceed westerly parallel to the north section line to a point, said point being 1850.9 feet east of the west section line as measured parallel to the north section line; thence proceed northerly 242.9 feet parallel to the west section line to the Point of Beginning; Subject to an easement to the Indian Trail Water Control for road and drainage purposes over the north 30 feet and the easterly 60 feet.

Also Known As Tract M-255.

**SEMINOLE PRATT WHITNEY ROAD
FROM THE M CANAL TO SOUTH OF ORANGE BOULEVARD
PALM BEACH COUNTY, PROJECT #1997511C2B**

SAFETY

Seminole Pratt Whitney Road is currently a two (2) lane rural highway running north from SR 80 to Northlake Blvd, including the segment described above, and is subject to heavy truck traffic. The widening of this segment of roadway to four (4) lanes will improve the overall safety for users by providing an additional lane in each direction for smoother traffic flow, as well as allowing turning vehicles to separate from the stream of through traffic. 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 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. During the design of the roadway, all 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 this parcel 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, and provides the most direct route for vehicles traveling 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.

Alternate routes were considered in lieu of improving Seminole Pratt Whitney Road. Construction of an alternate route through the Acreage/Loxahatchee communities 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 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

Seminole Pratt Whitney Road exists along established roadway corridor and the proposed improvements will have minimal negative impacts to the environment. This roadway improvement project is, or is expected to be, permitted through the appropriate environmental regulatory agencies.

Following is a more detailed outline of the reasons for acquisition needed for the improvement of Seminole Pratt Whitney Road from the M Canal to south of Orange Blvd:

**ACQUISITION FOR PARCEL 1,
WATER MANAGEMENT AREA**

This parcel is required for the construction of a Stormwater Management Pond, one of five (5) such ponds required within the limits of the project, and the only one remaining of the five to be acquired. The parcel is centered within the drainage basin, and is encumbered by an easement for the existing Seminole Pratt Whitney Road as well as for 64 Pl North. Acquisition of this parcel will complete requirements for the project Stormwater Management System.