

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**AGENDA ITEM SUMMARY**

**Meeting Date: September 11, 2012**

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

**Department:**

**Submitted By:** Engineering and Public Works

**Submitted For:** Roadway Production Division

**I. EXECUTIVE BRIEF**

**Motion and Title: Staff recommends motion to adopt;** a Resolution to declare the acquisition of property designated as Parcel 301, a Temporary Construction Easement (Easement) necessary for the widening and construction of improvements at the northeast corner of the intersection of Belvedere Road and Haverhill Road.

**SUMMARY:** The adoption of this Resolution will initiate eminent domain proceedings against one parcel having a total appraised value of \$3,800.

District 7 (PM)

**Background and Justification:** The property owners of the Easement have not accepted the offer to purchase made by Palm Beach County (County). It is therefore necessary to file eminent domain proceedings to acquire the Easement. The acquisition of the Easement is required for the widening and construction of improvements at the northeast corner of the intersection of Belvedere Road and Haverhill Road. This intersection is included in the current Five-Year Road Program. The acquisition of the Easement is for a public purpose and necessity, which is deemed to be in the best interest of the County.

**Attachments:**

- 1. Location Map
- 2. Resolution with Exhibit "A" and Exhibit "B"

**Recommended by:** *Ornelis A. Fernandez* *7/24/12*  
Division Director      Date

**Approved by:** *S. J. Webb* *9/10/12*  
County Engineer      Date

**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

Fiscal Years	2012	2013	2014	2015	2016
Capital Expenditures	<u>\$3,800</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>\$3,800</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    3502    Dept    361            Unit    1113            Object    6120

**Recommended Sources of Funds/Summary of Fiscal Impact:**

Road Impact Fee Fund - Zone 2  
Belvedere Rd/E of Jog to Military

Temporary Construction Easement  
Parcel #301 Appraised Value \$3,800.00

C. Departmental Fiscal Review:                     *Apollite*                      \_\_\_\_\_

**III. REVIEW COMMENTS**

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

                    *[Signature]*                      8/14/2012  
OFMB

*8/14/12*  
*8/15/12*

                    *Barbara Wheeler*                      8-17-12  
for Contract Dev. and Control

**B. Approved as to Form and Legal Sufficiency:**

                    *[Signature]*                      \_\_\_\_\_  
Assistant County Attorney

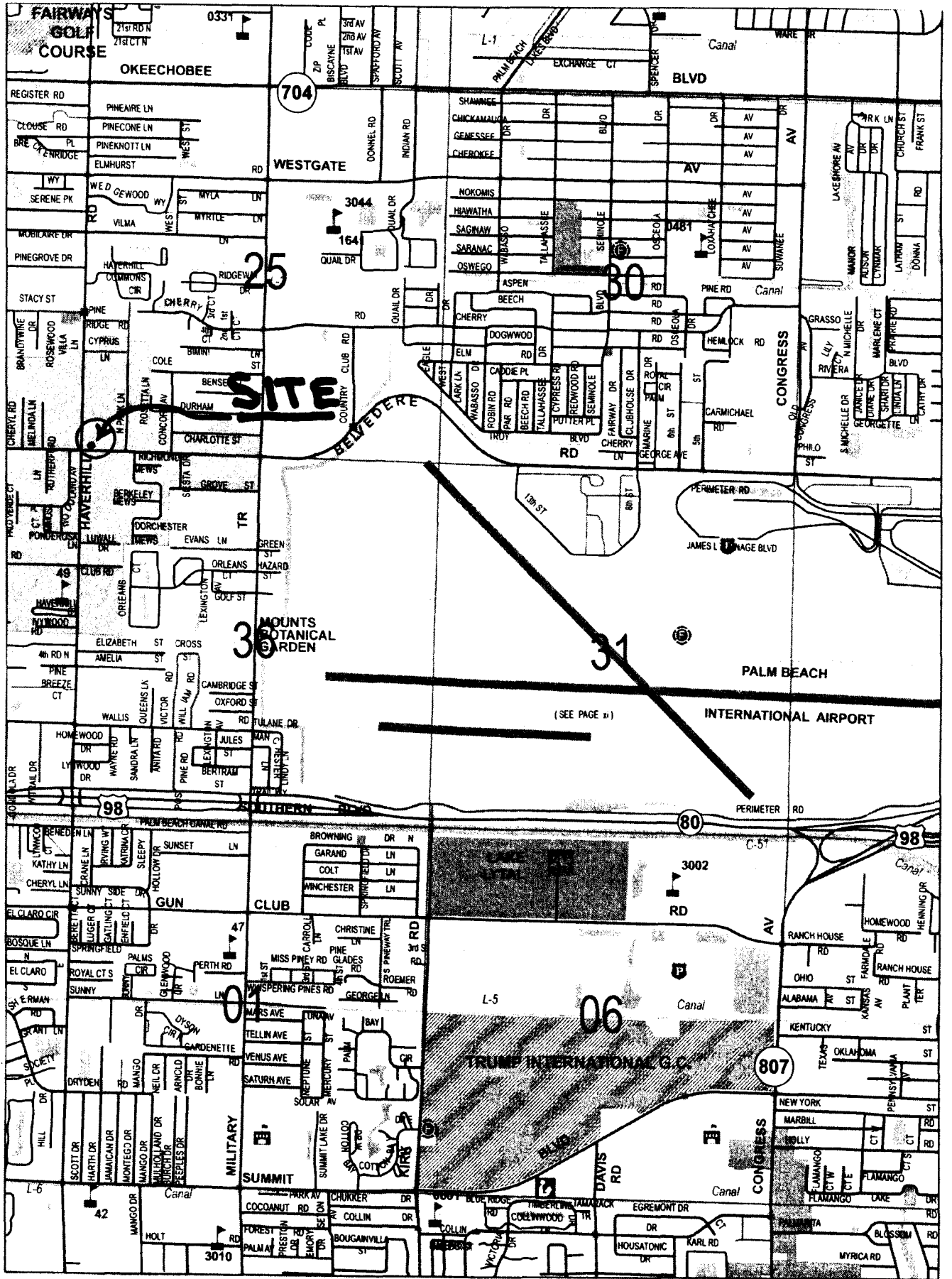
This item complies with current County policies.

**C. Other Department Review:**

                    \_\_\_\_\_  
Department Director

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

ATTACHMENT 1  
LOCATION MAP



RESOLUTION NO. R-2012-

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, DECLARING THE ACQUISITION OF A PARCEL OF LAND DESIGNATED AS PARCEL 301 AS A TEMPORARY CONSTRUCTION EASEMENT NECESSARY FOR THE WIDENING AND CONSTRUCTION OF IMPROVEMENTS AT THE NORTHEAST CORNER OF THE INTERSECTION OF BELVEDERE ROAD AND HAVERHILL ROAD 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 at the northeast corner of the intersection of Belvedere Road and Haverhill Road, in Palm Beach County, Florida; and,

**WHEREAS**, the funds are available for the acquisition of the Parcel designated as Parcel 301 a Temporary Construction Easement acquisition; and,

**WHEREAS**, the property owners have 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, as 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 301 for the necessary Temporary Construction Easement acquisition, described in Exhibit "A", is necessary for the following public use and purpose, to wit: the widening and the construction of improvements at the northeast corner of Belvedere Road and Haverhill Road 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 Temporary Construction Easement designated as Parcel 301 is necessary for driveway reconstruction as part of the construction of improvements to be undertaken by Palm Beach County for the before mentioned project; and,

**WHEREAS**, this Temporary Construction Easement provides that any necessary grading and/or sloping shall not extend beyond the limits as outlined in Exhibit "A" and that the Temporary Construction Easement shall expire three years from the date of acquisition or upon acceptance by the Board of County Commissioners of the completed construction, whichever is earlier; 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 301 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 Temporary Construction Easement necessary for the widening and construction of improvements for the Belvedere Road and Haverhill Road Intersection 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:

Commissioner Shelley Vana, Chair	_____
Commissioner Steven L. Abrams, Vice Chairman	_____
Commissioner Karen T. Marcus	_____
Commissioner Paulette Burdick	_____
Commissioner Burt Aaronson	_____
Commissioner Jess R. Santamaria	_____
Commissioner Priscilla A. Taylor	_____

The Chair thereupon declared the Resolution duly passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

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" - TCE 301**

TWO (2) TEMPORARY CONSTRUCTION EASEMENTS IN SECTION 25, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 25;  
 THENCE ALONG THE SOUTH LINE OF SAID SECTION 25, S88°31'45"E FOR 143.99 FEET;  
 THENCE N01°28'15"E FOR 51.50 FEET TO NORTH RIGHT-OF-WAY OF BELVEDERE ROAD, RECORDED IN OFFICIAL RECORD BOOK 10869, PAGE 1238, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND THE POINT OF BEGINNING;  
 THENCE CONTINUE N01°28'15"E FOR 10.00 FEET; THENCE S88°31'45"E FOR 60.00 FEET;  
 THENCE S01°28'15"W FOR 10.00 FEET TO THE NORTH RIGHT-OF-WAY RECORDED IN OFFICIAL RECORD BOOK 11397, PAGE 924, OF SAID PUBLIC RECORDS;  
 THENCE ALONG SAID RIGHT-OF-WAY, N88°31'45"W FOR 60.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 600 SQUARE FEET, MORE OR LESS.

AND

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 25;  
 THENCE ALONG THE SOUTH LINE OF SAID SECTION 25, S88°31'45"E FOR 243.99 FEET;  
 THENCE N01°28'15"E FOR 51.50 FEET TO NORTH RIGHT-OF-WAY OF BELVEDERE ROAD, RECORDED IN OFFICIAL RECORD BOOK 11397, PAGE 924, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND THE POINT OF BEGINNING;  
 THENCE CONTINUE N01°28'15"E FOR 10.00 FEET; THENCE S88°31'45"E FOR 32.00 FEET;  
 THENCE S01°28'15"W FOR 10.00 FEET TO SAID RIGHT-OF-WAY; THENCE ALONG SAID RIGHT-OF-WAY, N88°31'45"W FOR 32.00 FEET TO THE POINT OF BEGINNING.

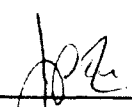
CONTAINING 320 SQUARE FEET, MORE OR LESS.

NOTES:

- 1) BASELINE STATIONING IS BASED ON A ROADWAY PLAN FOR BELVEDERE ROAD, PREPARED BY KIMLEY-HORN and ASSOCIATES, INC., PROJECT No.2004516A.
- 2) STATE PLANE COORDINATES:
 

A. COORDINATES SHOWN ARE GRID	F. TRANSVERSE MERCATOR PROJECTION
B. DATUM - NAD 83, 1990 ADJUSTMENT	G. ALL DISTANCES ARE GROUND
C. ZONE - FLORIDA EAST	H. SCALE FACTOR - 1.000036
D. LINEAR UNIT - US SURVEY FOOT	I. GROUND DISTANCE X SCALE FACTOR= GRID DISTANCE
E. COORDINATE SYSTEM 1983 STATE PLANE	J. ROTATION EQUATION: NONE
- 3) THIS DESCRIPTION IS BASED ON INFORMATION FURNISHED BY THE PALM BEACH COUNTY ROADWAY PRODUCTION DEPARTMENT. NO SEARCH OF THE PUBLIC RECORDS WAS PERFORMED BY BROWN & PHILLIPS, INC.

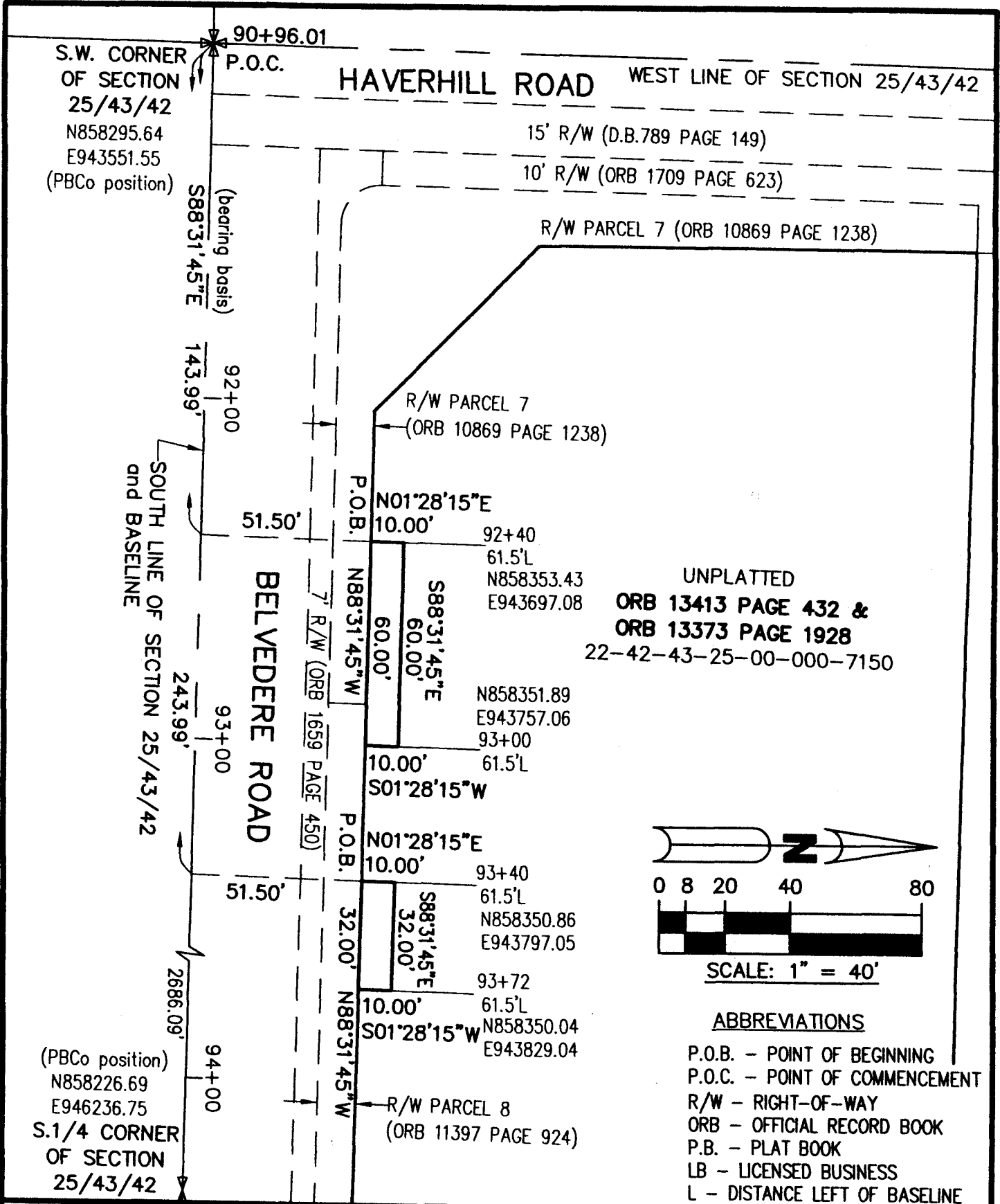
THE DESCRIPTION SKETCH AND THE DESCRIPTION TEXT COMPRISE THE COMPLETE LEGAL DESCRIPTION. THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH ACCOMPANY EACH OTHER. REPRODUCTIONS OF THIS DOCUMENT ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER NOTED HEREON.

  
 JOHN E. PHILLIPS, III  
 PROFESSIONAL LAND SURVEYOR  
 STATE OF FLORIDA NO. 4826  
 DATE: 6/1/12

E-Mail: info@brown-phillips.com

**B** BROWN & PHILLIPS, INC.  
 PROFESSIONAL SURVEYING SERVICES  
 CERTIFICATE OF AUTHORIZATION # LB 6473  
 1860 OLD OKEECHOBEE ROAD., SUITE 509,  
 WEST PALM BEACH, FLORIDA 33409  
 TELEPHONE (561)-615-3988, 615-3991 FAX

<b>TEMPORARY CONSTRUCTION EASEMENT</b>	
No.301	
BELVEDERE ROAD	
PROJ. No. 11-024	DRAWN: MB
LEGAL DESCRIPTION	SCALE: 1"=40'
	DATE: 6/1/12
	SHEET 1 OF 2



**B** BROWN & PHILLIPS, INC.  
PROFESSIONAL SURVEYING SERVICES  
CERTIFICATE OF AUTHORIZATION # LB 6473  
1860 OLD OKEECHOBEE ROAD., SUITE 509,  
WEST PALM BEACH, FLORIDA 33409  
TELEPHONE (561)-615-3988, 615-3991 FAX

E-Mail: info@brown-phillips.com

TEMPORARY CONSTRUCTION EASEMENT No.301 BELVEDERE ROAD	
PROJ. No. 11-024	DRAWN: MB
SKETCH TO ACCOMPANY LEGAL DESCRIPTION (this sketch is not a survey)	SCALE: 1"=40' DATE: 6/1/12 SHEET 2 OF 2

**BELVEDERE ROAD & HAVERHILL ROAD  
INTERSECTION IMPROVEMENTS  
PALM BEACH COUNTY, PROJECT #2004516A**

**SAFETY**

The intersection of Belvedere Road and Haverhill Road is located within a predominantly residential area in the Town of Haverhill, Florida. Belvedere Road and Haverhill Road are both heavily traveled roadways. Also, Belvedere Road serves as an access route to Palm Beach International Airport. The northeast corner of this intersection is proposed to be widened to accommodate a westbound to northbound right turn lane. The addition of the right turn lane will improve right turn movement, providing a smoother traffic flow, and overall safety for users of the intersection. 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 the intersection of Belvedere Road and Haverhill Road had been estimated prior to beginning design. The appropriate funding for design, easement acquisition and construction was budgeted in the County's Five Year Road program. During the design of the roadway, all reasonable efforts were made to minimize the easement areas to be acquired through condemnation.

After considering Safety, Design, Planning, and Environmental factors, the cost of the acquisition of this easement fit into the planned funding for this project, and the acquisition of this easement was necessary, in furtherance of this public project.

**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**

Belvedere Road and Haverhill Road exist along established roadway corridors and the proposed improvements will have minimal negative impacts to the environment. This roadway improvement project is permitted through the appropriate environmental regulatory agencies.

**ACQUISITION FOR TCE PARCEL 301,**

This proposed improvement necessitates a temporary construction easement at the northeast corner of the intersection, herein referred to as Parcel 301. Parcel 301 contains a total of 920 square feet. The impacted area is located at the two existing driveways onto the parent tract. The part impacted at the east driveway is 10 feet deep by 32 feet wide, for a total size of 320 square feet. The part impacted at the west driveway is 10 feet deep by 60 feet wide, for a total size of 600 square feet. The temporary easements are to allow adjustments of the driveway elevations to match the elevation of the proposed turn lane.