

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

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Meeting Date: July 22, 2014	<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Regular
	<input type="checkbox"/> Workshop	<input type="checkbox"/> 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:** A resolution to declare the acquisition of property designated as Parcel 201 as a right-of-way easement necessary for the construction and improvement of Penny Lane from Melaleuca Lane north to the dead end.

**SUMMARY:** Adoption of this resolution will initiate eminent domain proceedings against Parcel 201 having a total appraised value of \$6,700. Penny Lane is located off Melaleuca Lane and is part of the Municipal Service Taxing Unit (MSTU) program assessment. Additional easements are necessary for the MSTU paving and drainage improvement project on Penny Lane. All of the required easements have been donated to Palm Beach County (County) with the exception of Parcel 201. The property owner of Parcel 201 has not responded to the offer to purchase made by the County. It is therefore necessary to file eminent domain proceedings to acquire this parcel.

District 3 (PM)

**Background and Justification:** The acquisition of Parcel 201 is necessary for the paving and drainage improvement project on Penny Lane, which is part of the Municipal Service Taxing Unit (MSTU) program assessment. It is a requirement of the MSTU program that 90% of the property owners must dedicate the right-of-way necessary to construct the project. Parcel 201 is the only parcel that has not been donated and is within the allotted 10% to be purchased. The proposed construction will upgrade Penny Lane to a two lane paved County road, and will improve the overall safety for users by providing smooth pavement, graded shoulders, and an improved drainage system. The acquisition of this parcel 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"

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Recommended by:	<u>Orlando G. Fernandez</u>	<u>6/24/14</u>
	Division Director	Date
Approved by:	<u>Sgt. J. Webb</u>	<u>7/1/14</u>
	County Engineer	Date

## II. FISCAL IMPACT ANALYSIS

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

Fiscal Years	2014	2015	2016	2017	2018
Capital Expenditures	<u>\$6,700</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>\$6,700</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 3900    Dept 366    Unit X169    Object 6505

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

Capital Outlay

Penny Lane Paving & Drainage Improvements

Appraised Value - Right of Way Easement \$ 6,700.00

### C. Departmental Fiscal Review:

Alicia Kovalainen

## III. REVIEW COMMENTS

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

[Signature] 7/3/2014  
OFMB  
5/2/14

[Signature] 7/17/14  
Contract Dev. and Control  
7-7-14 [Signature]

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

[Signature]  
Assistant County Attorney

### C. Other Department Review:

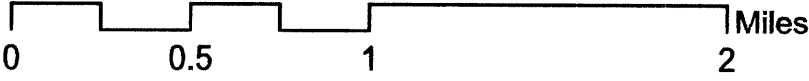
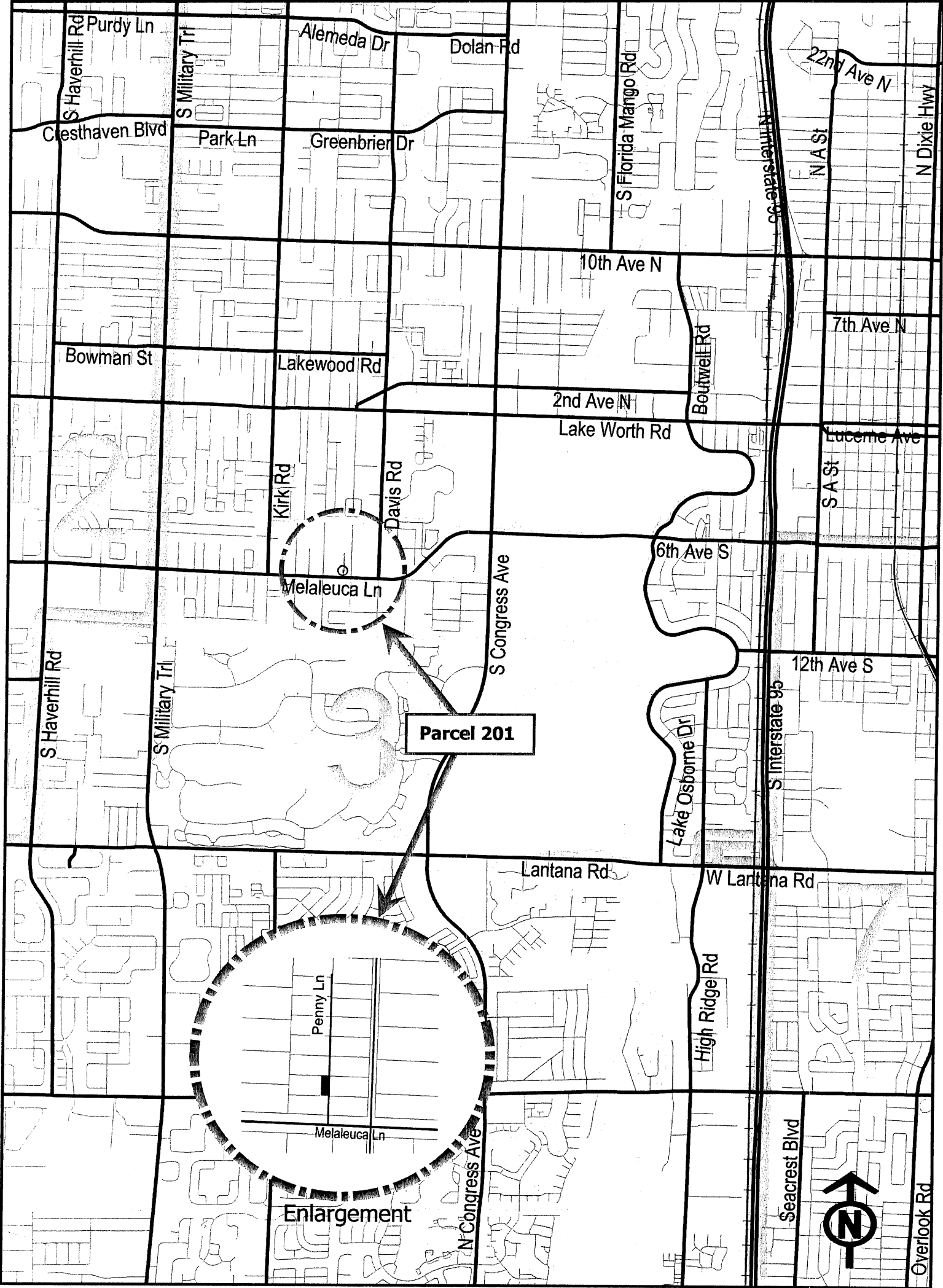
\_\_\_\_\_  
Department Director

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

Project Location

Penny Lane  
Parcel 201

Palm Beach County



Location Sketch

**RESOLUTION NO. R-2014-**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF  
PALM BEACH COUNTY, FLORIDA, DECLARING THE  
ACQUISITION OF A PARCEL OF LAND DESIGNATED AS PARCEL  
201, AS A RIGHT-OF-WAY EASEMENT ACQUISITION,  
NECESSARY FOR THE CONSTRUCTION AND IMPROVEMENT OF  
PENNY LANE FROM MELALEUCA LANE NORTH TO THE DEAD  
END 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 Parcel 201, which is more fully described in Exhibit "A", to the Board of County Commissioners of Palm Beach County (Board). Parcel 201 is necessary for the construction and improvement of Penny Lane from Melaleuca Lane north to the dead end, in Palm Beach County, Florida; and,

**WHEREAS**, the funds are available for the acquisition of the Parcel designated as Parcel 201 as a right-of-way easement acquisition; and,

**WHEREAS**, the property owner has not responded to the offer to purchase made by Palm Beach County; and,

**WHEREAS**, the Board 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 201 for a right-of-way easement acquisition, which is more fully described in Exhibit "A", is necessary for the following public use and purpose, to wit: the construction and improvement of Penny Lane from Melaleuca Lane north to the dead end 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 201 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 right-of-way easement necessary for the construction and improvement of Penny Lane from Melaleuca Lane north to the dead end.

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 Priscilla A. Taylor, Mayor	_____
Commissioner Paulette Burdick, Vice Mayor	_____
Commissioner Hal R. Valeche	_____
Commissioner Shelley Vana	_____
Commissioner Steven L. Abrams	_____
Commissioner Mary Lou Berger	_____
Commissioner Jess R. Santamaria	_____

The Mayor thereupon declared the Resolution duly passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

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

THE NORTH 80.00 FEET OF THE SOUTH 195.00 FEET OF THE WEST 159.00 FEET OF  
BLOCK 86, THE PALM BEACH FARMS CO., PLAT NO. 7, ACCORDING TO THE PLAT  
THEREOF, RECORDED IN PLAT BOOK 5, PAGE 72 OF THE PUBLIC RECORDS OF PALM  
BEACH COUNTY, FLORIDA.


BEARINGS ARE BASED ON A GRID (NAD 83/90) BEARING OF SOUTH 87°35'29" EAST  
ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SECTION 30, TOWNSHIP 44  
SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, AS SHOWN ON THIS  
DRAWING AND ALL OTHER BEARINGS ARE RELATIVE THERETO.

NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THE SIGNING SURVEYOR.

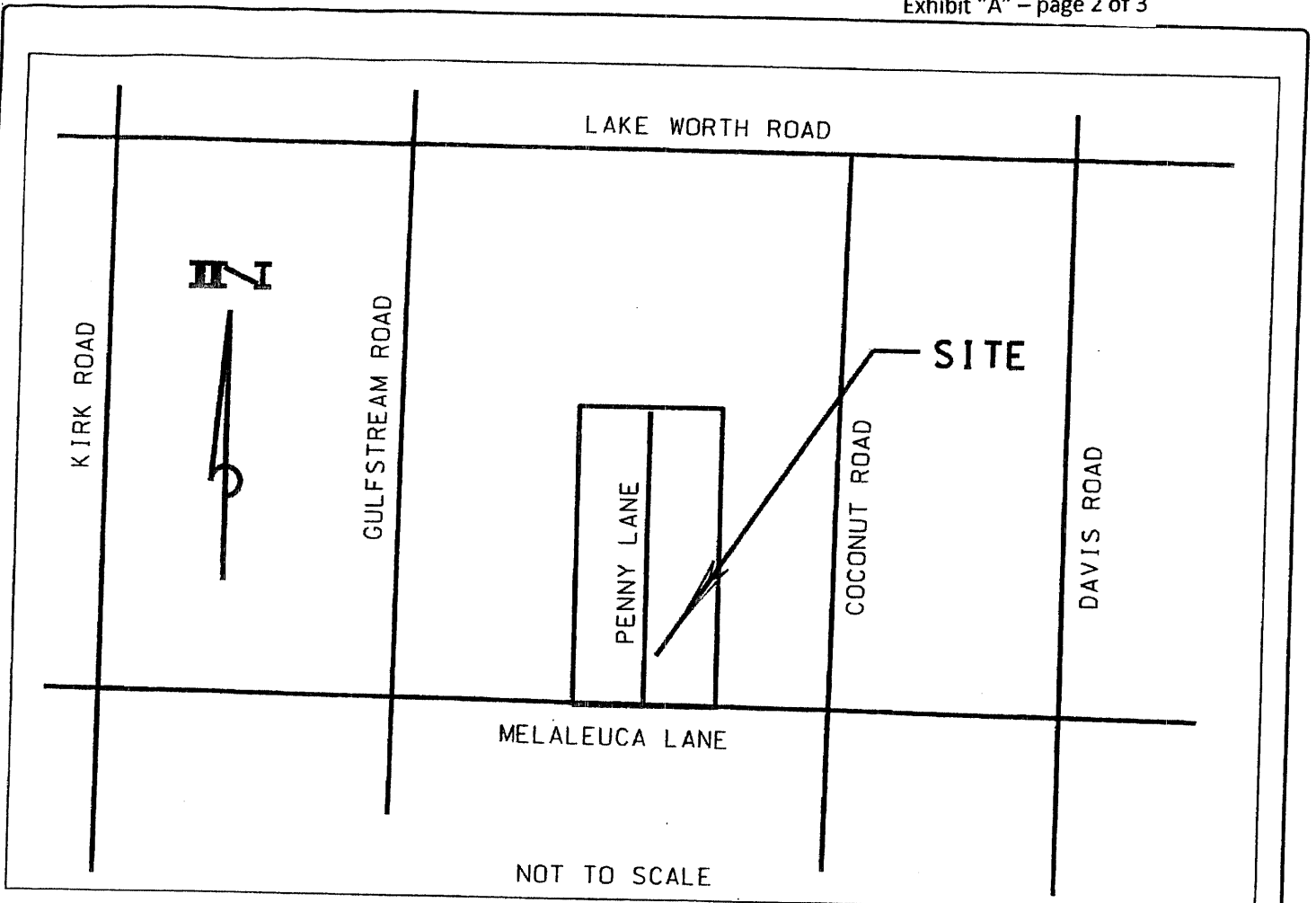
THIS IS NOT A SURVEY.

IT IS POSSIBLE THAT THERE ARE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS, OR OTHER INSTRUMENTS WHICH COULD AFFECT THE SUBJECT PROPERTY, WHICH ARE UNKNOWN TO THE SIGNING SURVEYOR.

THIS INSTRUMENT PREPARED BY CHARLIE R. BRECKEN, P.S.M., IN THE OFFICE OF  
THE COUNTY ENGINEER @ VISTA CENTER 2300 NORTH JOG ROAD, WEST PALM  
BEACH, FLORIDA 33411-2745.



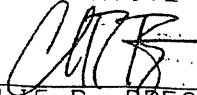
Seal of Palm Beach County, Florida



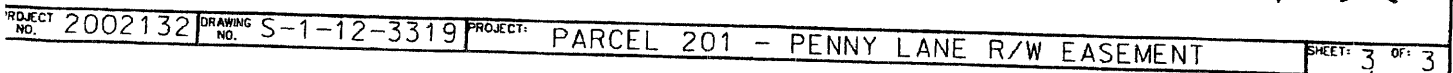
COORDINATES SHOWN ARE GRID  
 DATUM = NAD 83, 1990 ADJUSTMENT  
 ZONE = FLORIDA EAST  
 LINEAR UNITS = US SURVEY FOOT  
 COORDINATE SYSTEM 1983 STATE PLANE TRANSVERSE MERCATOR PROJECTION  
 ALL DISTANCES ARE GROUND.  
 PROJECT SCALE FACTOR = 1.00003993  
 GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE  
 ALL FEATURE SYMBOLS SHOWN ARE NOT TO SCALE.

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A  
 FLORIDA LICENSED SURVEYOR AND MAPPER.

I HEREBY CERTIFY THAT THE LEGAL DESCRIPTION AND SKETCH SHOWN HEREON  
 MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD  
 OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17.050-052, FLORIDA  
 ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

  
 CHARLIE R. BRECKEN, P.S.M. LS6763

10/23/2012  
 DATE



## EXHIBIT "B"

### **PENNY LANE, MELALEUCA LANE NORTH TO DEAD END PALM BEACH COUNTY, PROJECT NO. 2013131**

#### **SAFETY**

Penny Lane is currently an 18 foot privately owned dead end shell rock road running north 600 feet from Melaleuca Lane. The construction will upgrade Penny Lane to a two (2) lane paved County road and will improve the overall safety for users by providing smooth pavement, graded shoulders and improved drainage system.

#### **COST**

Penny Lane is a Municipal Service Taxing Unit (MSTU) project. Improvements to the road are at the request through petition of a majority of abutting residents. A portion of the funds for the project design, right-of-way acquisition and construction are being provided by the Office of Community Revitalization (OCR). The remaining portion will be assessed to the residents.

It is a requirement of the MSTU program that 90% of the property owners must dedicate the right-of-way necessary to construct the project. This parcel is the only parcel that has not been donated and is within the allotted 10% to be purchased.

After considering Safety, Alternate Routes and Methodologies, Planning, and Environmental factors, the cost of the acquisition of this parcel fits the requirements of the MSTU program policy and the acquisition of this parcel is necessary, in furtherance of this public project.

#### **ALTERNATE ROUTES**

The proposed road is the only feasible location to accommodate future and existing properties. There are no other feasible alternatives that would adequately accommodate the neighborhood's access to the thoroughfare road.

#### **LONG RANGE PLANNING**

The improvement of Penny Lane is at the request of the residents to improve the health, safety and welfare of their neighborhood.

#### **ENVIRONMENTAL IMPACTS**

Penny Lane exists along established roadway corridors, and the proposed improvements will have minimal negative impacts to the environment. This roadway improvement project is expected to be permitted through the appropriate environmental regulatory agencies.

#### **ACQUISITION OF RIGHT-OF-WAY EASEMENT (PARCEL 201)**

Currently Penny Lane is a private road. All adjacent properties have donated 30 feet of right-of-way easement for the improvements to Penny Lane except this parcel. The parcel to be acquired represents the minimum acquisition necessary to construct the required improvements.