

Agenda Item is over 50 pages; may be  
viewed in the Minutes Department

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**AGENDA ITEM SUMMARY**

**Meeting Date:** September 9, 2014

☒ **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:** Eleven (11) Resolutions to declare the acquisition of properties designated as Parcels 101, 106, 108, and 109 as partial fee simple road Right-of-Way; Parcel 201 as a Permanent Easement; Parcels 202, 204, and 205 as Permanent Line-of-Sight Easements; Parcels 301 and 306 as Temporary Construction Easements and Parcel 1 as a partial fee simple acquisition for a Water Management Area, all necessary for the construction and improvement of Haverhill Road from south of the LWDD L-14 Canal to Lake Worth Road (Project).

**SUMMARY:** Adoption of these Resolutions will initiate eminent domain proceedings against 11 parcels having a total appraised value of \$377,614. The property owners have not accepted the offers to purchase made by Palm Beach County (County). It is therefore necessary to file eminent domain proceedings to acquire these parcels.

District 2 (PM)

**Background and Justification:** The County has made offers to purchase Parcels 101, 106, 108, and 109 as partial fee simple road Right-of-Way; Parcel 201 as a Permanent Easement; Parcels 202, 204 and 205 as Permanent Line-of-Sight Easements; Parcels 301 and 306 as Temporary Construction Easements; and Parcel 1 as a partial fee simple acquisition for a Water Management Area. The acquisition of these parcels is necessary for the construction and improvement of the Project which is shown on the current Five-Year Road Program. The Project also includes the widening of the bridge over the LWDD L-14 Canal and necessary pavement modifications on Melaleuca Lane and Lake Worth Road. The acquisition of these properties 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 with Exhibit "A" and Exhibit "B" (11)

**Recommended by:** Dee Young *For* Division Director

8-7-14 *[Signature]*  
Date

**Approved by:** Sy T. Webb County Engineer

8/18/14  
Date

SLW

## II. FISCAL IMPACT ANALYSIS

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

Fiscal Years	2014	2015	2016	2017	2018
Capital Expenditures	\$377,614	-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	\$377,614	-0-	-0-	-0-	-0-
# ADDITIONAL FTE					
POSITIONS (Cumulative)					

Is Item Included in Current Budget? Yes X No

#### Budget Account No:

Fund 3504 Dept 361 Unit 1325 Object 6120

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

Road Impact Fee Fund - Zone 4

Haverhill Rd/S of LWDD L-14 Canal to Lake Worth Rd

Right of Way (Partial Fee Simple)	4
Sight Line Easements	3
Permanent Easements	1
Temporary Construction Easements	2
Detention Area (Partial Fee Simple)	1
	<u>11</u>

Total appraised value of 11 Parcels In Taking \$377,614

### C. Departmental Fiscal Review:

## III. REVIEW COMMENTS

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

*[Signature]* 8/18/14  
OFMB  
8/18/14

*[Signature]*  
Contract Dev. and Control  
8-25-14

*A. DiPietro, Sr. Mgr. OFMB*  
Project exists in CWP  
(2010503/1325) • NO  
asset # assigned yet.  
8/20/14

### 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.

TWP 44

TWP 44

TWP 44

TWP 44

TWP 44

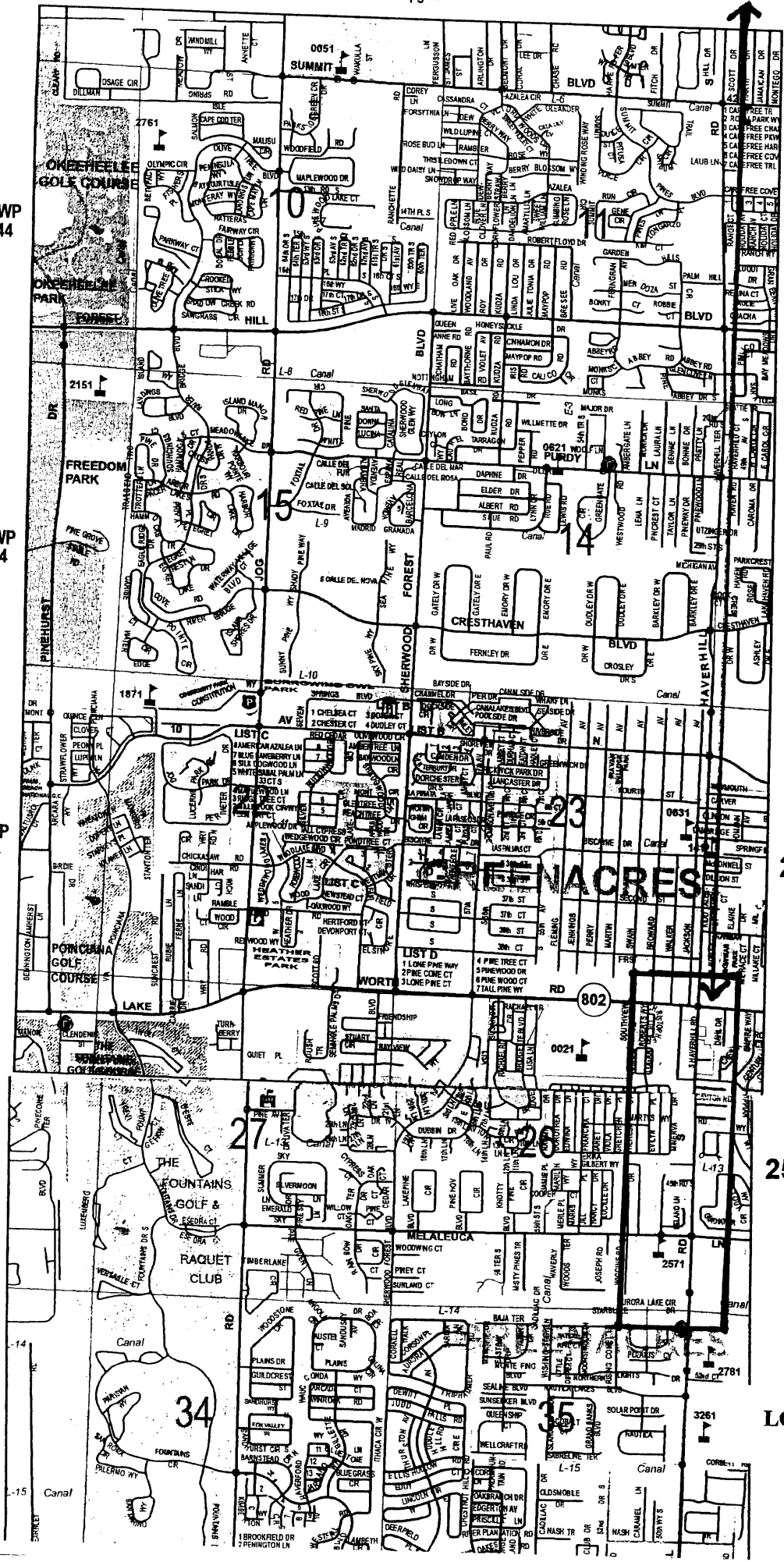
22

23

24

25

LOCATION MAP



**RESOLUTION NO. R-2014-**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA (BOARD), DECLARING THE ACQUISITION OF A PROPERTY DESIGNATED AS PARCEL 101, AS A PARTIAL FEE SIMPLE ROAD RIGHT-OF-WAY ACQUISITION, NECESSARY FOR THE CONSTRUCTION AND IMPROVEMENT OF HAVERHILL ROAD, FROM SOUTH OF THE LWDD L-14 CANAL TO LAKE WORTH ROAD 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, necessary for the construction and improvement of Haverhill Road, from south of the LWDD L-14 Canal to Lake Worth Road project, in Palm Beach County, Florida; and

**WHEREAS**, the funds are available for the acquisition of the property designated as Parcel 101 as a partial fee simple road right-of-way acquisition; and

**WHEREAS**, the property owner has not accepted the offer to purchase made by Palm Beach County (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 101, for a partial fee simple road right-of-way 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 Haverhill Road, from south of the LWDD L-14 Canal to Lake Worth Road, and as such, the acquisition of said property is for a public use and purpose deemed to be in the best interest of the 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 101 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 partial fee simple road right-of-way necessary for the construction and improvement of Haverhill Road, from south of the LWDD L-14 Canal to Lake Worth Road.

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 AND COMPTROLLER

By: \_\_\_\_\_  
County Attorney

By: \_\_\_\_\_  
Deputy Clerk

R/W PARCEL 101

A PARCEL OF LAND 25.00 FEET IN WIDTH FOR ROAD RIGHT-OF-WAY PURPOSES BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE EAST 25.00 FEET, OF THE WEST 50.00 FEET, OF THE SOUTHWEST QUARTER (SW 1/4), OF THE SOUTHWEST QUARTER (SW 1/4), OF THE SOUTHWEST QUARTER (SW 1/4), OF SECTION 25, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LESS THE SOUTH 100.32 FEET THEREOF.

CONTAINING 14,234 SQUARE FEET, MORE OR LESS.


BEARING BASIS: N01°19'17"E (GRID) ALONG THE WEST LINE OF THE S.W. 1/4, OF THE S.W. 1/4, OF THE S.W. 1/4, OF SECTION 25, TOWNSHIP 44 SOUTH, RANGE 42 EAST

NOTES:

- 1) BASELINE STATIONING IS BASED ON A ROADWAY PLAN FOR HAVERHILL ROAD, PREPARED BY ARCADIS U.S., INC., PROJECT No.WF900145, DATED 1/17/12; PALM BEACH COUNTY JOB No.2010503.
- 2) STATE PLANE COORDINATES:
  - A. COORDINATES SHOWN ARE GRID
  - B. DATUM - NAD 83, 1990 ADJUSTMENT
  - C. ZONE - FLORIDA EAST
  - D. LINEAR UNIT - US SURVEY FOOT
  - E. COORDINATE SYSTEM 1983 STATE PLANE
  - F. TRANSVERSE MERCATOR PROJECTION
  - G. ALL DISTANCES ARE GROUND
  - H. SCALE FACTOR - 1.000036
  - I. GROUND DISTANCE X SCALE FACTOR= GRID DISTANCE
  - 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.
- 4) ABBREVIATIONS:
  - P.O.C.- POINT OF COMMENCEMENT
  - R/W - RIGHT-OF-WAY
  - ORB - OFFICIAL RECORD BOOK
  - D.B. - DEED BOOK
  - (P) - PLAT DIMENSION
  - Rt - RIGHT
  - P.O.B. - POINT OF BEGINNING
  - P.B. - PLAT BOOK
  - SEC. - SECTION
  - PBC - PALM BEACH COUNTY
  - (G) - GRID
  - LWDD - LAKE WORTH DRAINAGE DISTRICT
  - R - RADIUS
  - Δ - CENTRAL ANGLE
  - A - ARC LENGTH
  - (M) - MEASURED
  - (C) - CALCULATED DIMENSION
  - B - BASELINE
  - C - CENTERLINE
- 5) SECTION 25/44/42 WAS BROKEN DOWN USING PALM BEACH COUNTY SURVEY SECTION DATA, NAD83/1990 ADJUSTMENT PUBLISHED COORDINATE VALUES.

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: 3/6/14

 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	
	HAVERHILL ROAD R/W PARCEL 101	
	PROJ. No. 11-007	DRAWN: MB
	LEGAL DESCRIPTION	SCALE: 1"=100' DATE: 3/4/14 SHEET 1 OF 2



**HAVERHILL ROAD, FROM SOUTH OF LWDD L-14 CANAL TO LAKE WORTH ROAD (WORK INCLUDES BRIDGE WIDENING OVER THE L-14 CANAL AND ASSOCIATED PAVEMENT WORK ON MELALEUCA LANE AND LAKE WORTH ROAD). PALM BEACH COUNTY, PROJECT #2010503**

**SAFETY**

Haverhill Road is currently a two (2) lane paved road running south-north from Hypoluxo Road to the Beeline Highway. More specifically, the limits of construction for this widening and paving of Haverhill Road go from just south of the LWDD L-14 Canal to just north of Lake Worth Road, approx. 1.2 miles, and the residentially populated corridor includes two schools as well as a Municipal Park. This construction will upgrade Haverhill Road to four (4) lanes and will improve the overall safety for users by providing additional lanes to lessen congestion and to better facilitate vehicles entering and exiting the stream of through traffic.

The design of the 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 this portion of Haverhill Road was 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 these parcels fit into the planned funding for this project, and the acquisition of these parcels was necessary, in furtherance of this public project.

**ALTERNATE ROUTES**

Haverhill Road is a heavily travelled roadway passing through a mostly residential area. The Palm Beach County Comprehensive Plan (Thoroughfare Right-of-Way-Identification Map) has for many years defined this roadway 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. As a 2-lane roadway currently exists, no Alternate Route was examined, rather the widening that is being constructed.

**LONG RANGE PLANNING**

The development of this project is in conformance with Palm Beach County's 2035 Long Range Transportation Plan. The 2035 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**

Haverhill Road exists along an established roadway corridor. The limits of the project are bordered by residential developments, 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.

*Following is a more detailed outline of the reasons for acquisition needed for the improvement of Haverhill Road within the previously stated project limits:*

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

This parcel to be acquired represents acquisitions outside of the 100 ft. mainline and is required to construct a water management area that is necessary for drainage for the construction of Haverhill Road.

**ACQUISITIONS FOR ROAD RIGHT-OF-WAY -  
PARCELS 101, 106, 108, and 109**

Currently, the County owns a 100 ft wide Road Right-of-Way interest south of Melaleuca Lane and an 80 ft Road Right-of-Way interest from Melaleuca Lane to north of Lake Worth Road. The parcels to be acquired represent acquisitions outside of the existing mainline Right-of-Way and are required to construct the new bridge and a properly functioning roadway (pavement, curb & gutter, sidewalk, etc.).

**ACQUISITION FOR PERMANENT EASEMENT -  
PARCEL 201**

Areas where permanent embankment fill and/or installation of drainage improvements and other roadway features are needed outside the right-of-way requires acquisition of a permanent easement. This easement allows the placement of embankment fill and/or drainage improvements such as swales within the permanent easement to maintain or provide adequate drainage management and embankment harmonizing with the adjacent property.

**ACQUISITIONS FOR TEMPORARY CONSTRUCTION EASEMENTS -  
PARCELS 301 AND 306**

Temporary Construction Easements (expiring after construction) are required adjacent to the Road Right-of-Way or Permanent Easements in order to construct driveways and re-grade the existing ground to match and harmonize with existing grades on adjacent properties.

**ACQUISITIONS FOR PERMANENT LINE-OF-SIGHT EASEMENTS -  
PARCELS 202, 204, AND 205**

Line-of-Sight Easements (permanent, to remain after construction) are required adjacent to the Road Right-of-Way, where necessary in order to prevent obstructions to drivers exiting a side street onto the highway. Unobstructed visibility between 30" and 8 ft above the roadway pavement elevation must be maintained within these areas, and vegetation must be trimmed so as not to extend into the required visibility area.