

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS**

Meeting Date: October 20, 2015      ☒ Consent      ☐ Regular  
    ☐ Workshop      ☐ Public Hearing

Department:  
 Submitted By:      Engineering & Public Works Department  
 Submitted For:      Roadway Production Division

**Motion and Title: Staff recommends motion to adopt:** two Resolutions declaring the acquisition of Parcels 102 and 104 in fee simple for the construction and improvement of a westbound right turn lane from Okeechobee Boulevard onto Ponce de Leon Street in the Village of Royal Palm Beach (Project) to be a public necessity, authorizing the employment of appraisers and other experts, and the filing of eminent domain proceedings.

District 6 (Pm.)

**Attachments:**

1. Location Map  
2. Resolutions with Exhibit "A" and Exhibit "B" (2)

Recommended by: Ornelis A. Fernandez 9/15/15 10  
Division Director Date

Approved by: B. T. Webb 9/28/15  
County Engineer Date

N:\R\_O\_W\Dave\2013 106\ Okeechobee Blvd @ Ponce de Leon St\Agenda Item.docx

## II. FISCAL IMPACT ANALYSIS

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

Fiscal Years	2016	2017	2018	2019	2020
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 3503 Dept. 361 Unit 1431 Object 6120  
Program

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

\*\*The cost for eminent domain proceedings is indeterminable at this time. Funding for the acquisition of these two parcels has been previously encumbered.

C. Departmental Fiscal Review: Aluikovalainen

## III. REVIEW COMMENTS

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

Sherry Brown  
ASD SC OFMB 9/29/2015

Dr. J. Jacobson 10/11/15  
Contract Dev. and Control  
b2 checked 9.30.15

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

Philip Meyer  
Assistant County Attorney

### C. Other Department Review:

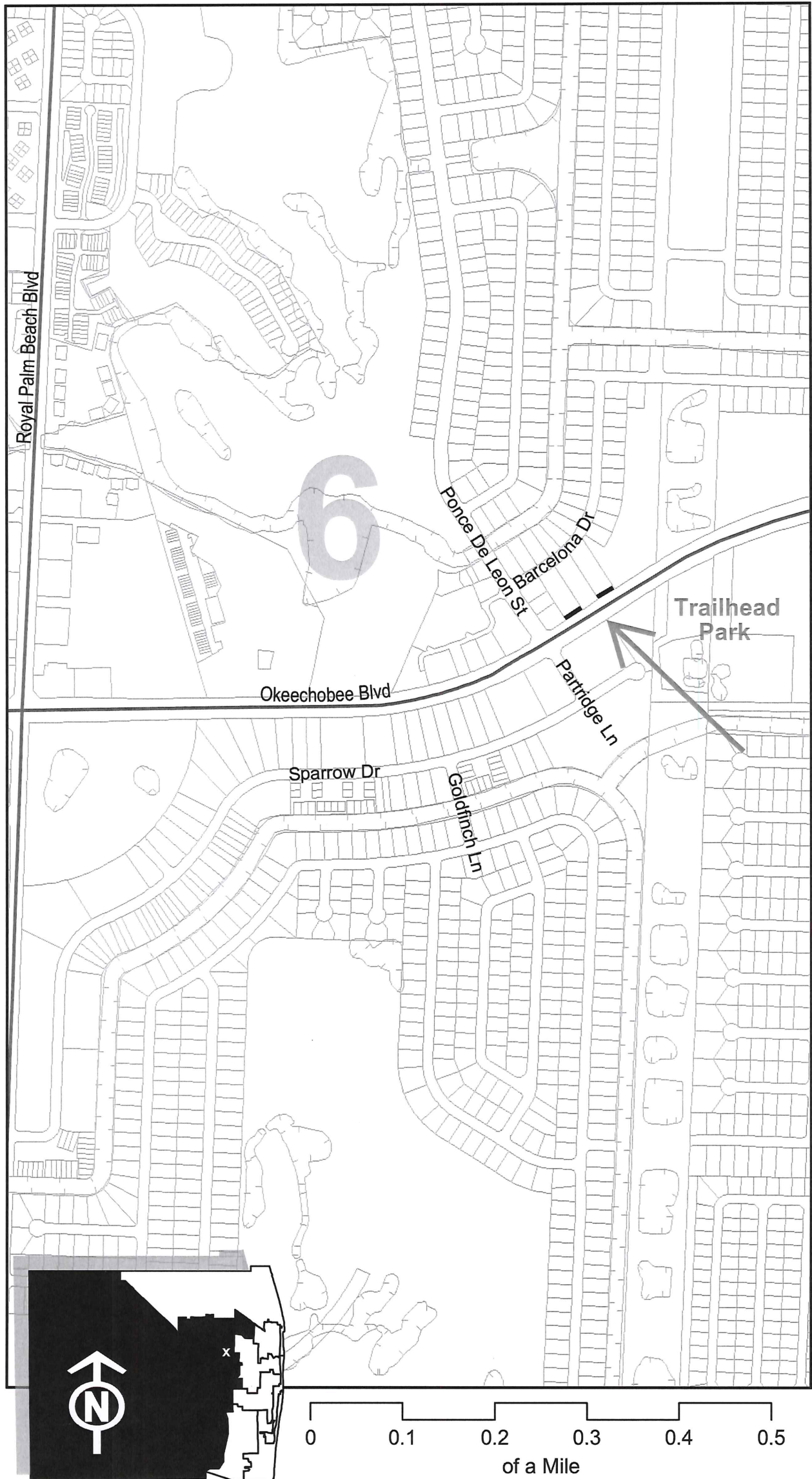
\_\_\_\_\_  
Department Director

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



# Location Map

Palm Beach County



**RESOLUTION NO. R2015-\_\_\_\_\_**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ADOPTING THIS RESOLUTION DECLARING THE ACQUISITION OF PROPERTY KNOWN AS PARCEL 102 IN FEE SIMPLE FOR THE CONSTRUCTION OF A WESTBOUND RIGHT TURN LANE FROM OKEECHOBEE BOULEVARD ONTO PONCE DE LEON STREET IN THE VILLAGE OF ROYAL PALM BEACH TO BE A PUBLIC NECESSITY, 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, as set forth in **Exhibit "A"** attached hereto and incorporated herein, to the Board of County Commissioners of Palm Beach County (Board) for the construction of a westbound right turn lane from Okeechobee Boulevard onto Ponce de Leon Street in the Village of Royal Palm Beach in Palm Beach County, Florida; and,

**WHEREAS**, the funds are available for the acquisition of this parcel; and,

**WHEREAS**, the property owner has accepted the offer to purchase made by Palm Beach County (County) but the County has not been able to secure a partial mortgage release from the property owner's financial institution; 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, Alternative Routes or Methodologies, Long Range Plans, and the Environment, as applicable to Parcel 102 prior to determining that the acquisition of said parcel is necessary; and,

**WHEREAS**, this Board has considered the required factors under Florida Law, as they apply to Parcel 102 which is 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 102 for the necessary Right-of-Way, which is more fully described in **Exhibit "A"**, is necessary for the following public use and purpose, to wit: the construction of a westbound right turn lane from Okeechobee Boulevard onto Ponce de Leon Street in the Village of Royal Palm Beach, and as such, the acquisition of said property is a public necessity deemed to be in the best interest of the County. The construction limits shall not extend beyond the limits outlined in **Exhibit "A"**; and,

**WHEREAS**, the property to be acquired through the use of Eminent Domain as authorized by this resolution is not being acquired for the purpose of abating or eliminating public nuisances, slum or blight conditions, and is subject to any applicable conveyance restrictions pursuant to Florida laws, to the extent they may apply; and,

**WHEREAS**, in order to accomplish the acquisition of this parcel, 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:**

1. This Board adopts and ratifies those matters set forth in the foregoing recitals.
2. The County Engineer and County Attorney are authorized and directed to employ real estate appraisers for the purpose of securing an appraisal of the value of the property described in **Exhibit "A"** for the purpose of acquiring said property through Eminent Domain.
3. The County Engineer and the County Attorney are hereby further authorized and directed to proceed to take all necessary steps, including the hiring of accountants, appraisers, or other experts and witnesses, for the 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.

4. The County Engineer and County Attorney 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 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: Fee Simple Right-of-Way.

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, Mayor	_____
Commissioner Mary Lou Berger, Vice Mayor	_____
Commissioner Hal R. Valeche	_____
Commissioner Paulette Burdick	_____
Commissioner Steven L. Abrams	_____
Commissioner Melissa McKinlay	_____
Commissioner Priscilla A. Taylor	_____

The Mayor thereupon declared the Resolution passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

**ATTEST:**

SHARON R. BOCK  
CLERK & COMPTROLLER  
Florida

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

**APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY**

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

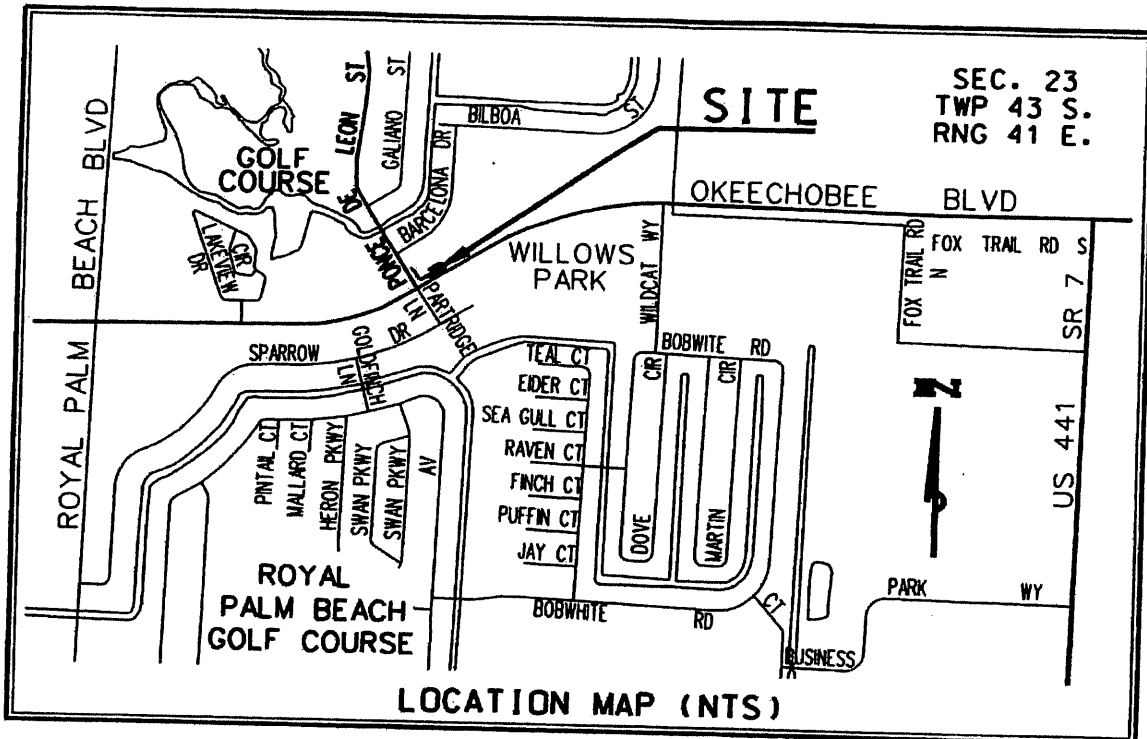
**County:**

**PALM BEACH COUNTY,**  
a political subdivision of the State of

By: \_\_\_\_\_  
Shelley Vana, Mayor

**(Official Seal)**

# EXHIBIT "A"



## LEGAL DESCRIPTION

### RIGHT-OF-WAY PARCEL 102

A 10 FOOT WIDE STRIP OF LAND FOR ROAD RIGHT-OF-WAY PURPOSES, SAID STRIP BEING A PORTION OF LOT 2, BLOCK A, ACCORDING TO THE PLAT OF LA MANCHA AS RECORDED IN PLAT BOOK 29, PAGE 165 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID LOT 2, BLOCK A; THENCE NORTH  $32^{\circ}33'19''$  WEST, ALONG THE WESTERLY LINE OF SAID LOT 2, A DISTANCE OF 7.00 FEET TO A POINT ON THE EXISTING NORTHWESTERLY RIGHT-OF-WAY LINE OF OKEECHOBEE BOULEVARD AS DESCRIBED IN OFFICIAL RECORD BOOK 6300, PAGE 1178 OF SAID PUBLIC RECORDS AND THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL:

THENCE CONTINUE NORTH  $32^{\circ}33'19''$  WEST, ALONG SAID WESTERLY LINE, A DISTANCE OF 10.00 FEET; THENCE NORTH  $57^{\circ}26'41''$  EAST, A DISTANCE OF 110.00 FEET; THENCE SOUTH  $32^{\circ}33'19''$  EAST ALONG THE EASTERLY LINE OF SAID LOT 2, A DISTANCE OF 10.00 FEET; THENCE SOUTH  $57^{\circ}26'41''$  WEST, ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 110.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.100 SQUARE FEET OR 0.025 ACRES, MORE OR LESS.

SHEET: 1  
OF: 3  
PROJECT NO: 2013106

PROJECT:  
**OKEECHOBEE BOULEVARD  
@ PONCE DE LEON STREET  
RIGHT-OF-WAY PARCEL 102**

DESIGN FILE NAME: S-1-13-3448.DGN  
DRAWING NO.: S-1-13-3448

NO.	REVISION	BY	DATE
1	SCALE: 1" = 30'		
2	APPROVED: W.L.F.		
3	DRAWN: E.A.O.		
4	CHECKED: G.W.M.		
5	DATE: 12/05/12		
6	FIELD BOOK NO.		

**PALM BEACH COUNTY  
ENGINEERING AND PUBLIC WORKS**

**ROADWAY PRODUCTION**

2300 NORTH JOG ROAD  
WEST PALM BEACH, FL 33411

### LEGEND

SEC 23/43/41 = SECTION 23, TOWNSHIP 43  
SOUTH, RANGE 41 EAST  
PC = POINT OF CURVATURE  
POC = POINT OF COMMENCEMENT  
POB = POINT OF BEGINNING  
ORB = OFFICIAL RECORD BOOK  
RPB = ROAD PLAT BOOK  
PB = PLAT BOOK  
R/W = RIGHT-OF-WAY  
PG = PAGE  
PBCO = PALM BEACH COUNTY  
CL = CENTERLINE

### SURVEYOR'S NOTES

1. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THE SIGNING SURVEYOR.
2. 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 = 1.0000165  
GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE
3. THIS IS NOT A BOUNDARY SURVEY.
4. BEARINGS ARE BASED ON A GRID (NAD 83, 1990 ADJUSTMENT) BEARING OF NORTH 57°26'41" EAST ALONG THE BASELINE OF SURVEY/CENTERLINE OF OKEECHOBEE BOULEVARD AS ESTABLISHED ON A TOPOGRAPHIC SURVEY PREPARED BY PALM BEACH COUNTY SURVEY SECTION UNDER DRAWING NUMBER S-3-13-3359, DATED 03/18/13. THE STATE PLANE COORDINATES SHOWN FOR SAID BASELINE/CENTERLINE ARE AS DEVELOPED FROM A FIELD TRAVERSE CONDUCTED FOR THE REFERENCED SURVEY USING PALM BEACH COUNTY HORIZONTAL CONTROL POINTS "H-VOLT", "N-VOLT" AND "IOWA".
5. THE STATIONING ALONG THE BASELINE OF SURVEY/CENTERLINE OF OKEECHOBEE BOULEVARD IS AS TAKEN FROM PLANS FOR OKEECHOBEE BOULEVARD FROM ROYAL PALM BEACH BOULEVARD TO SR 7, PALM BEACH COUNTY PROJECT NO 93500
6. 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.
7. THIS INSTRUMENT WAS PREPARED BY WAYNE LARRY FISH, P.S.M. IN THE OFFICE OF THE COUNTY ENGINEER, VISTA CENTER 2300 NORTH JOG ROAD, WEST PALM BEACH, FLORIDA 33411-2745.

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

### SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THIS LEGAL DESCRIPTION AND SKETCH SHOWN HEREON MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J17.050-.052, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

WAYNE LARRY FISH  
PROFESSIONAL SURVEYOR & MAPPER  
FLORIDA REGISTRATION NO. 3238

2/26/14  
DATE

SCALE: 1" = 30'

PLAT OF LA MANCHA  
PB 29, PG 165

LOT 2, BLOCK A,  
PCN 72-41-43-14-01-000-0020  
ORB 13914, PG 687

LOT 3, BLOCK A,  
PCN 72-41-43-14-01-001-0030  
ORB 6211, PG 616

A REPLAT OF BLOCK A,  
LOT 1 OF LA MANCHA  
PB 53, PG 29

LOT 1 "C"  
PCN 72-41-43-23-05-000-0013  
ORB 7185, PG 1758

20' DRAINAGE  
EASEMENT PER  
PB 59, PG 29

N32°33'19"W  
10.00'

N32°33'19"W  
7.00'

N863653.049  
E910912.069

PONCE DE LEON STREET

STA 303+01.70  
N863522.279  
E910805.730

OKEECHOBEE

BOULEVARD

N57°26'41"E 620.03'  
BASELINE OF SURVEY & CENTERLINE OF  
CONSTRUCTION FROM ROADWAY PLANS FOR  
OKEECHOBEE BLVD FROM ROYAL PALM BEACH  
BLVD TO STATE ROAD 7, PBCO PROJECT  
NO. 93500. (SEE NOTES 4 & 5)

(106' R/W PER RPB 4, PGS 22-23  
ORB 1478, PG 438-439)

R/W LINE PER  
ORB 25703, PG 390

20' DRAINAGE  
EASEMENT PER  
PB 29, PG 165

S32°33'19"E  
10.00'

PC OF CURVE  
STA 309+21.73  
N863855.926  
E911328.330

R/W LINE  
PER ORB 6300,  
PG 1178

R/W LINE PER  
PB 29, PG 165

POB  
SW CORNER  
OF LOT 2



## **EXHIBIT “B”**

### **OKEECHOBEE BOULEVARD AND PONCE DE LEON STREET INTERSECTION IMPROVEMENTS (WORK INCLUDES ADDITION OF A RIGHT TURN LANE EAST APPROACH ON OKEECHOBEE BOULEVARD AT PONCE DE LEON STREET) PALM BEACH COUNTY PROJECT # 2013 106**

#### **SAFETY**

This section of Okeechobee Boulevard is currently a divided six (6) lane paved road that connects major thoroughfares such as Royal Palm Beach Boulevard and North State Road 7 to the east. This project has been designed to add a westbound to northbound right turn lane on Okeechobee Boulevard at Ponce de Leon Street. The PM peak westbound to northbound right turn volume is currently 328 vehicles per hour. The PM peak westbound through volume is currently 1,720 vehicles per hour. The westbound traffic movements are the critical movements during the PM peak hours. This right turn lane will increase capacity of the east approach of the intersection, allowing a more efficient operation of the intersection. In addition, the overall intersection will be resurfaced, and all ramps will be reconstructed and brought to current standard to facilitate pedestrian crossing.

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 intersection of Okeechobee Boulevard and Ponce de Leon Street was estimated prior to beginning design and has been updated throughout the design process. 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**

This portion of Okeechobee Boulevard is a heavily travelled east-west thoroughfare that carries significant traffic to the Village of Royal Palm Beach and The Acreage. Alternate routes were considered; however, none would provide the same benefit while minimizing impacts. The construction of the right turn lane will provide relief for Okeechobee Boulevard at its intersection with Ponce de Leon Street, and the traffic will be maintained throughout construction of the right turn lane. The Palm Beach County Comprehensive Plan (Thoroughfare Right-of-Way-Identification Map) has for many years defined roadways 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, Florida Statutes and Rule 9J-5, Florida Administrative Code, and to address the needs and interests of the County's residents and visitors.

#### **LONG RANGE PLANNING**

The development of this project is in conformance with Palm Beach County's 2040 Long Range Transportation Plan. The 2040 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**

The intersection of Okeechobee Boulevard and Ponce de Leon Street is part of an established corridor, and the proposed improvement will not negatively impact the environment. The addition of the right turn lane is not required to be permitted through any environmental regulatory agencies.

*Following is a more detailed outline of the reasons for acquisition needed for the improvement of Okeechobee Boulevard at Ponce de Leon Street:*

### **ACQUISITIONS FOR ROAD RIGHT OF WAY PARCELS 102 and 104**

Currently, the County owns a 120 foot wide Road Right-of-Way on Okeechobee Boulevard. The parcels to be acquired represent acquisitions outside of the 120 foot mainline and are required to construct the new right turn lane including earthwork, asphalt pavement, curb and gutter, and sidewalk.

**RESOLUTION NO. R2015-\_\_\_\_\_**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ADOPTING THIS RESOLUTION DECLARING THE ACQUISITION OF PROPERTY KNOWN AS PARCEL 104 IN FEE SIMPLE FOR THE CONSTRUCTION OF A WESTBOUND RIGHT TURN LANE FROM OKEECHOBEE BOULEVARD ONTO PONCE DE LEON STREET IN THE VILLAGE OF ROYAL PALM BEACH TO BE A PUBLIC NECESSITY, 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, as set forth in **Exhibit "A"** attached hereto and incorporated herein, to the Board of County Commissioners of Palm Beach County (Board) for the construction of a westbound right turn lane from Okeechobee Boulevard onto Ponce de Leon Street in the Village of Royal Palm Beach in Palm Beach County, Florida; and,

**WHEREAS**, the funds are available for the acquisition of this parcel; and,

**WHEREAS**, the property owner has accepted the offer to purchase made by Palm Beach County (County) but the County has not been able to secure a partial mortgage release from the property owner's financial institution; 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, Alternative Routes or Methodologies, Long Range Plans, and the Environment, as applicable to Parcel 104 prior to determining that the acquisition of said parcel is necessary; and,

**WHEREAS**, this Board has considered the required factors under Florida Law, as they apply to Parcel 104 which is 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 104 for the necessary Right-of-Way, which is more fully described in **Exhibit "A"**, is necessary for the following public use and purpose, to wit: the construction of a westbound right turn lane from Okeechobee Boulevard onto Ponce de Leon Street in the Village of Royal Palm Beach, and as such, the acquisition of said property is a public necessity deemed to be in the best interest of the County. The construction limits shall not extend beyond the limits outlined in **Exhibit "A"**; and,

**WHEREAS**, the property to be acquired through the use of Eminent Domain as authorized by this resolution is not being acquired for the purpose of abating or eliminating public nuisances, slum or blight conditions, and is subject to any applicable conveyance restrictions pursuant to Florida laws, to the extent they may apply; and,

**WHEREAS**, in order to accomplish the acquisition of this parcel, 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:**

1. This Board adopts and ratifies those matters set forth in the foregoing recitals.
2. The County Engineer and County Attorney are authorized and directed to employ real estate appraisers for the purpose of securing an appraisal of the value of the property described in **Exhibit "A"** for the purpose of acquiring said property through Eminent Domain.
3. The County Engineer and the County Attorney are hereby further authorized and directed to proceed to take all necessary steps, including the hiring of accountants, appraisers, or other experts and witnesses, for the 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.

4. The County Engineer and County Attorney 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 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: Fee Simple Right-of-Way.

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, Mayor	_____
Commissioner Mary Lou Berger, Vice Mayor	_____
Commissioner Hal R. Valeche	_____
Commissioner Paulette Burdick	_____
Commissioner Steven L. Abrams	_____
Commissioner Melissa McKinlay	_____
Commissioner Priscilla A. Taylor	_____

The Mayor thereupon declared the Resolution passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

**ATTEST:**

SHARON R. BOCK  
CLERK & COMPTROLLER  
Florida

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

**APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY**

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

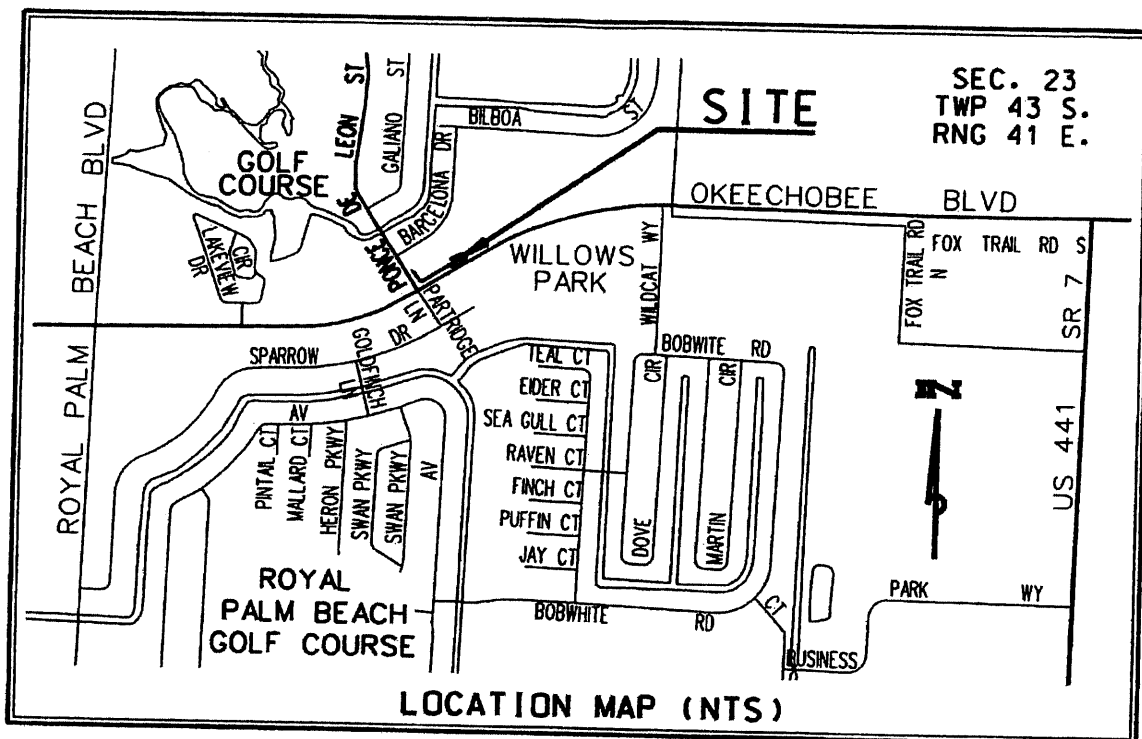
**County:**

**PALM BEACH COUNTY,**  
a political subdivision of the State of

By: \_\_\_\_\_  
Shelley Vana, Mayor

**(Official Seal)**

# EXHIBIT "A"



LOCATION MAP (NTS)

## LEGAL DESCRIPTION

### RIGHT-OF-WAY PARCEL 104

A 10 FOOT WIDE STRIP OF LAND FOR ROAD RIGHT-OF-WAY PURPOSES, SAID STRIP BEING A PORTION OF LOT 4, BLOCK A, ACCORDING TO THE PLAT OF LA MANCHA AS RECORDED IN PLAT BOOK 29, PAGE 165 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID LOT 4, BLOCK A; THENCE NORTH  $32^{\circ}33'19''$  WEST, ALONG THE WESTERLY LINE OF SAID LOT 4, A DISTANCE OF 7.00 FEET TO A POINT ON THE EXISTING NORTHWESTRLY RIGHT-OF-WAY OF OKEECHOBEE BOULEVARD AS DESCRIBED IN OFFICIAL RECORD BOOK 17886, PAGE 1355 OF SAID PUBLIC RECORDS AND THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL:

THENCE CONTINUE NORTH  $32^{\circ}33'19''$  WEST, ALONG SAID WESTERLY LINE, A DISTANCE OF 10.00 FEET; THENCE NORTH  $57^{\circ}26'41''$  EAST, A DISTANCE OF 57.00 FEET; THENCE NORTH  $68^{\circ}45'17''$  EAST, A DISTANCE OF 50.99 FEET; THENCE SOUTH  $57^{\circ}26'41''$  WEST, ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 107.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 820 SQUARE FEET OR 0.019 ACRES, MORE OR LESS.

SHEET 1  
OF 3  
PROJECT NO.  
2013106

PROJECT:  
**OKEECHOBEE BOULEVARD  
@ PONCE DE LEON STREET  
RIGHT-OF-WAY PARCEL 104**

DESIGN FILE NAME  
S-1-13-3452.DGN

DRAWING NO.  
S-1-13-3452

NO.	REVISION	BY	DATE
1	SCALE 1" = 30'		
2	APPROVED BY L.F.F.		
3	DRAWN BY E.A.O.		
4	CHECKED BY G.W.M.		
5	DATE 2/05/13		
6	FIELD BOOK NO.		
7	N/A		



PALM BEACH COUNTY  
ENGINEERING AND PUBLIC WORKS

ROADWAY PRODUCTION

2300 NORTH JOG ROAD  
WEST PALM BEACH, FL 33411



### LEGEND

SEC 23/43/41 = SECTION 23, TOWNSHIP 43  
SOUTH, RANGE 41 EAST  
PC = POINT OF CURVATURE  
POC = POINT OF COMMENCEMENT  
POB = POINT OF BEGINNING  
ORB = OFFICIAL RECORD BOOK  
RPB = ROAD PLAT BOOK  
PB = PLAT BOOK  
R/W = RIGHT-OF-WAY  
PG = PAGE  
PBCO = PALM BEACH COUNTY  
CL = CENTERLINE

### SURVEYOR'S NOTES

1. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THE SIGNING SURVEYOR.
2. 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 = 1.0000165  
GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE
3. THIS IS NOT A BOUNDARY SURVEY.
4. BEARINGS ARE BASED ON A GRID (NAD 83, 1990 ADJUSTMENT) BEARING OF NORTH 57°26'41" EAST ALONG THE BASELINE OF SURVEY/CENTERLINE OF OKEECHOBEE BOULEVARD AS ESTABLISHED ON A TOPOGRAPHIC SURVEY PREPARED BY PALM BEACH COUNTY SURVEY SECTION UNDER DRAWING NUMBER S-3-13-3359, DATED 03/18/13. THE STATE PLANE COORDINATES SHOWN FOR SAID BASELINE/CENTERLINE ARE AS DEVELOPED FROM A FIELD TRAVERSE CONDUCTED FOR THE REFERENCED SURVEY USING PALM BEACH COUNTY HORIZONTAL CONTROL POINTS "H-VOLT", "N-VOLT" AND "IOWA".
5. THE STATIONING ALONG THE BASELINE OF SURVEY/CENTERLINE OF OKEECHOBEE BOULEVARD IS AS TAKEN FROM PLANS FOR OKEECHOBEE BOULEVARD FROM ROYAL PALM BEACH BOULEVARD TO SR 7, PALM BEACH COUNTY PROJECT NO 93500
6. 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.
7. THIS INSTRUMENT WAS PREPARED BY WAYNE LARRY FISH, P.S.M. IN THE OFFICE OF THE COUNTY ENGINEER, VISTA CENTER 2300 NORTH JOG ROAD, WEST PALM BEACH, FLORIDA 33411-2745.

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

### SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THIS LEGAL DESCRIPTION AND SKETCH SHOWN HEREON MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J17.050-.052, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

WAYNE LARRY FISH  
PROFESSIONAL SURVEYOR & MAPPER  
FLORIDA REGISTRATION NO. 3238

2/26/14  
DATE



SCALE: 1" = 30'

PLAT OF LA MANCHA  
PB 29, PG 165

TRACT "A"  
PCN 72-41-43-14-01-017-0010  
VILLAGE OF ROYAL PALM BEACH

LOT 3, BLOCK A  
PCN 72-41-43-14-01-001-0030  
ORB 6211, PG 616

LOT 4, BLOCK A  
PCN 72-41-43-14-01-001-0040  
ORB 17886, PG 1355  
20' DRAINAGE  
EASEMENT PER  
PB 29, PG 165

PC OF CURVE  
STA 309+21.73  
N863855.926  
E911328.330

N32°33'19"W  
10.00'

N32°33'19"W  
7.00'

N863771.434  
E911097.502

N57°26'41"E  
57.00'

R/W PARCEL 104  
S57°26'41"W 107.00'

R/W LINE PER ORB  
17886, PG 1355

R/W LINE PER  
PB 29, PG 165

POB  
POC  
SW CORNER  
OF LOT 4

OKEECHOBEE BOULEVARD

BASELINE OF SURVEY & CENTERLINE OF  
CONSTRUCTION FROM ROADWAY PLANS FOR  
OKEECHOBEE BLVD FROM ROYAL PALM BEACH  
BLVD TO STATE ROAD 7, PBCO PROJECT  
NO. 93500. (SEE NOTES 4 & 5)  
(106' R/W PER RPB 4, PGS 22-23  
ORB 1478, PG 438-439)  
R/W LINE PER ORB  
19212, PG 4

STA 303+01.70  
N863522.279  
E910805.730

## **EXHIBIT “B”**

### **OKEECHOBEE BOULEVARD AND PONCE DE LEON STREET INTERSECTION IMPROVEMENTS (WORK INCLUDES ADDITION OF A RIGHT TURN LANE EAST APPROACH ON OKEECHOBEE BOULEVARD AT PONCE DE LEON STREET) PALM BEACH COUNTY PROJECT # 2013 106**

#### **SAFETY**

This section of Okeechobee Boulevard is currently a divided six (6) lane paved road that connects major thoroughfares such as Royal Palm Beach Boulevard and North State Road 7 to the east. This project has been designed to add a westbound to northbound right turn lane on Okeechobee Boulevard at Ponce de Leon Street. The PM peak westbound to northbound right turn volume is currently 328 vehicles per hour. The PM peak westbound through volume is currently 1,720 vehicles per hour. The westbound traffic movements are the critical movements during the PM peak hours. This right turn lane will increase capacity of the east approach of the intersection, allowing a more efficient operation of the intersection. In addition, the overall intersection will be resurfaced, and all ramps will be reconstructed and brought to current standard to facilitate pedestrian crossing.

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 intersection of Okeechobee Boulevard and Ponce de Leon Street was estimated prior to beginning design and has been updated throughout the design process. 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**

This portion of Okeechobee Boulevard is a heavily travelled east-west thoroughfare that carries significant traffic to the Village of Royal Palm Beach and The Acreage. Alternate routes were considered; however, none would provide the same benefit while minimizing impacts. The construction of the right turn lane will provide relief for Okeechobee Boulevard at its intersection with Ponce de Leon Street, and the traffic will be maintained throughout construction of the right turn lane. The Palm Beach County Comprehensive Plan (Thoroughfare Right-of-Way-Identification Map) has for many years defined roadways 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, Florida Statutes and Rule 9J-5, Florida Administrative Code, and to address the needs and interests of the County's residents and visitors.

#### **LONG RANGE PLANNING**

The development of this project is in conformance with Palm Beach County's 2040 Long Range Transportation Plan. The 2040 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**

The intersection of Okeechobee Boulevard and Ponce de Leon Street is part of an established corridor, and the proposed improvement will not negatively impact the environment. The addition of the right turn lane is not required to be permitted through any environmental regulatory agencies.

*Following is a more detailed outline of the reasons for acquisition needed for the improvement of Okeechobee Boulevard at Ponce de Leon Street:*

### **ACQUISITIONS FOR ROAD RIGHT OF WAY PARCELS 102 and 104**

Currently, the County owns a 120 foot wide Road Right-of-Way on Okeechobee Boulevard. The parcels to be acquired represent acquisitions outside of the 120 foot mainline and are required to construct the new right turn lane including earthwork, asphalt pavement, curb and gutter, and sidewalk.