

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date: January 26, 2016 ☒ Consent ☐ Regular
 ☐ Workshop ☐ Public Hearing

Department:
Submitted By: Engineering and Public Works
Submitted For: Right-of-Way Acquisition Section

I. EXECUTIVE BRIEF

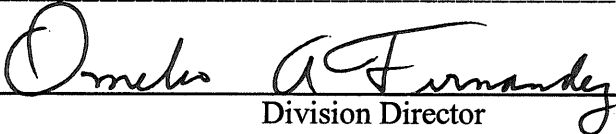

Motion and Title: Staff recommends motion to adopt: Five resolutions to declare the acquisition of properties designated as parcels 101, 102, 103 and 104 as fee simple road right-of-way and parcel 304 as a temporary construction easement, all necessary for the improvement of the intersection of Australian Avenue and 13th Street, Riviera Beach (Project).

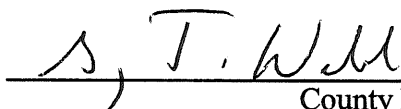
SUMMARY: Adoption of these resolutions will initiate eminent domain proceedings against five parcels having a total appraised value of \$82,174. To date, the property owners have not accepted the offers to purchase made by Palm Beach County (County) and attempts to negotiate the purchases have been unsuccessful. It is therefore necessary for the County to file eminent domain proceedings to acquire these parcels for the Project.

District 7 (PM)

Background and Justification: The County has made offers to purchase parcels 101, 102, 103 and 104 as fee simple road right-of-way and parcel 304 as a temporary construction easement. The acquisition of these parcels is necessary for the Project, which is shown on the current Five Year Road Program. The property owners have not accepted the offers to purchase made by the County and attempts to negotiate with these property owners have been unsuccessful to date. It is therefore necessary to file eminent domain proceedings to acquire these parcels at this time, in order to expedite construction of the Project. 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" (5)

Recommended by:  12/17/15 
Division Director Date

Approved by:  12/28/15
County Engineer Date

KW

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2016	2017	2018	2019	2020
Capital Expenditures	<u>\$82,174</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>\$82,174</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 3501 Dept 361 Unit 1379 Object 6120

Recommended Sources of Funds/Summary of Fiscal Impact:

Road Impact Fee Zone 1

Australian Ave, W 10th St to N. of W 13th St RB

C. Departmental Fiscal Review:

III. REVIEW COMMENTS

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

Sherry Br

12/29 12/29 OFMB

Dr. J. Jambou 1/4/16
Contract Dev. and Control
B Wheeler 1-4-16

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

for MRE Philip Nguyen
Assistant County Attorney

C. Other Department Review:

Department Director

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



RESOLUTION NO. R-2016-

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF
PALM BEACH COUNTY, FLORIDA (BOARD), DECLARING THE
ACQUISITION OF A PROPERTY DESIGNATED AS PARCEL 101, AS
FEE SIMPLE ROAD RIGHT-OF-WAY ACQUISITION, NECESSARY
FOR THE CONSTRUCTION AND IMPROVEMENT OF THE
INTERSECTION AT AUSTRALIAN AVENUE AND 13TH STREET,
RIVIERA BEACH, 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 Palm Beach County (County) Engineer has recommended the acquisition of the real property identified as Parcel 101, for fee simple road right-of-way acquisition, which is more fully described in Exhibit "A" to the Board, necessary for the construction and improvement the intersection at Australian Avenue and 13th Street, Riviera Beach, in Palm Beach County, Florida; and

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

WHEREAS, the property owner has not accepted the offer to purchase made by the 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 Parcel 101, is necessary for the following public use and purpose, to wit: the construction and improvement of the intersection at Australian Avenue and 13th Street, Riviera Beach, and as such, the acquisition of said property is for 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" and 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 fee simple road right-of-way necessary for the construction and improvement of the intersection at Australian Avenue and 13th Street, Riviera Beach.

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

The Mayor thereupon declared the Resolution duly passed and adopted this day of _____, 2016.

PALM BEACH COUNTY, FLORIDA BY
ITS BOARD OF COUNTY COMMISSIONERS

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

SHARON R. BOCK
CLERK AND COMPTROLLER

By: _____
County Attorney

By: _____
Deputy Clerk


EXHIBIT A – R/W PARCEL No.101

A PARCEL OF LAND FOR ROAD RIGHT-OF-WAY PURPOSES, IN SECTION 32, TOWNSHIP 42 SOUTH, RANGE 43 EAST, CITY OF RIVIERA BEACH, FLORIDA, BEING A PORTION OF BLOCK 2, PLAT No.3 LEWIS TERMINALS, RECORDED IN PLAT BOOK 27, PAGE 201, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:


COMMENCE AT THE NORTHEAST CORNER OF SAID BLOCK 2;
THENCE ALONG THE EAST LINE OF SAID BLOCK 2, S01°15'00"W FOR 247.20 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 25.00 FEET;
THENCE SOUTHWESTERLY, ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 09°28'55" FOR 4.14 FEET TO THE POINT OF BEGINNING;
THENCE CONTINUE SOUTHWESTERLY, ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 80°31'05" FOR 35.13 FEET TO A POINT OF TANGENCY ON THE NORTH RIGHT-OF-WAY OF 13th STREET;
THENCE ALONG SAID NORTH RIGHT-OF-WAY, N88°45'00"W FOR 6.12 FEET;
THENCE N01°15'00"E FOR 15.00 FEET;
THENCE S88°45'00"E FOR 22.11 FEET;
THENCE N57°05'39"E FOR 10.48 FEET TO THE POINT OF BEGINNING.

CONTAINING 361 SQUARE FEET, MORE OR LESS.

THE DESCRIPTION TEXT AND THE DESCRIPTION SKETCH 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: 8/17/15

 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		PALM BEACH COUNTY PROJECT NO.2012101 R/W PARCEL No.101	
	PROJ. No. 12-066		DRAWN: MB	
	LEGAL DESCRIPTION AUSTRALIAN AVENUE		SCALE: NONE	
			DATE: 8/14/15	
				SHEET 1 OF 3

NOTES:

- 1) BASELINE STATIONING IS BASED ON A ROADWAY PLAN FOR AUSTRALIAN AVENUE,
PREPARED BY KIMLEY-HORN, INC., PALM BEACH COUNTY PROJECT No.2012101, DATED 2015.
- 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 - 1.000046
I. GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE
J. ROTATION EQUATION: NONE
- 3) THIS DESCRIPTION IS BASED ON TITLE INFORMATION FURNISHED BY THE PALM BEACH COUNTY ROADWAY
PRODUCTION DEPARTMENT TO KIMLEY-HORN AND ASSOCIATES, INC., OCTOBER 19, 2012..
NO ENCUMBRANCES OF RECORD WERE NOTED EXCEPT AS SHOWN ON THE ATTACHED SKETCH.
NO SEARCH OF THE PUBLIC RECORDS WAS PERFORMED BY BROWN & PHILLIPS, INC.

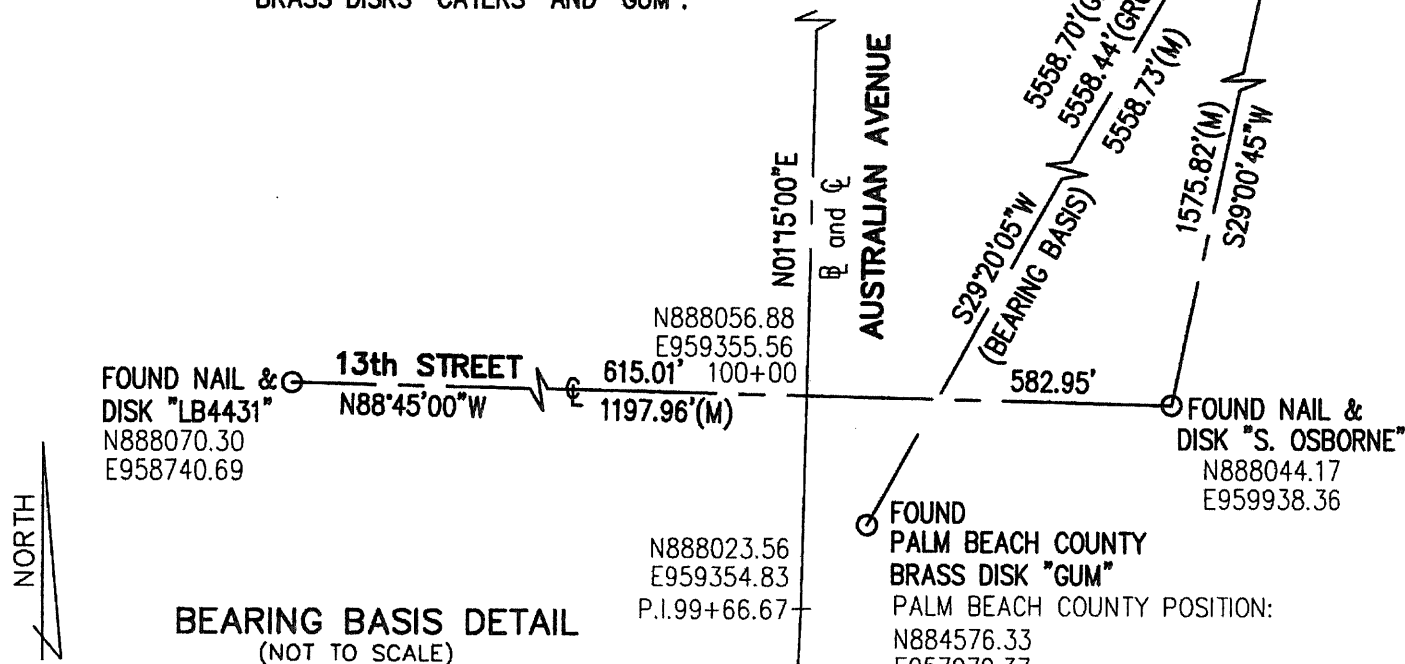
4) ABBREVIATIONS:

P.O.C.- POINT OF COMMENCEMENT
P.O.B. - POINT OF BEGINNING
R - RADIUS
A - ARC LENGTH
Δ - CENTRAL ANGLE
(M) - MEASURED DIMENSION
(P) - PLAT DIMENSION
(C) - CALCULATED DIMENSION
P.C. - POINT OF CURVATURE
TCE - TEMPORARY CONSTRUCTION EASEMENT

P.B. - PLAT BOOK
ORB - OFFICIAL RECORD
PG. - PAGE
SEC. - SECTION
R/W - RIGHT-OF-WAY
CL - CENTERLINE
STA - STATION
Rt - RIGHT
Lt - LEFT

PALM BEACH
COUNTY POSITION:
N889422.24
E960702.64
PALM BEACH COUNTY
BRASS DISK "CATERS"
FOUND

- 5) BEARING BASIS: S29°20'05"W (GRID) BETWEEN PALM BEACH COUNTY
BRASS DISKS "CATERS" AND "GUM".



E-Mail: info@brown-phillips.com

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

PALM BEACH COUNTY PROJECT NO.2012101
R/W PARCEL No.101
DESCRIPTION NOTES

PROJ. No. 12-066

DRAWN: MB

AUSTRALIAN AVENUE

SCALE: NONE

DATE: 8/14/15

SHEET 3 OF 3

EXHIBIT "B"

**AUSTRALIAN AVENUE FROM W 10TH STREET TO 330' N OF W 13TH STREET,
RIVIERA BEACH, PALM BEACH COUNTY, PROJECT #2012101**

SAFETY

Australian Avenue is currently a four (4) lane to six (6) lane median divided paved roadway running south-north from Southern Boulevard to Blue Heron Boulevard. More specifically, the limits of construction for this widening and paving of Australian Avenue extend from W 10th Street to 330' north of W 13th Street in Riviera Beach, approx. 0.24 miles, and is within a commercial area. This construction will improve Australian Avenue by constructing a northbound right turn lane and a mast arm signal system at the intersection of W 13th Street, and by milling and resurfacing the existing roadway. This project will improve the overall safety for motorists, bicyclists and pedestrians.

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 Australian Avenue 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

Australian Avenue is a heavily travelled roadway passing through a commercial area. The Palm Beach County Comprehensive Plan (Thoroughfare Right-of-Way-Identification Map) has for many years defined this roadway as a route required 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 four lane roadway currently exists, no Alternate Route was examined.

LONG RANGE PLANNING

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

Australian Avenue exists along an established roadway corridor. The limits of the project are bordered by existing commercial 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.

EXHIBIT “B”

Following is a more detailed outline of the reasons for acquisition needed for the improvement of Australian Avenue within the previously stated project limits:

**ACQUISITIONS FOR ROAD RIGHT-OF-WAY -
PARCELS 101, 102, 103 and 104**

Currently, the County owns a 80 foot wide Road Right-of-Way interest. The parcels to be acquired represent acquisitions outside of the existing mainline Right-of-Way and are required to construct pavement widening, curb and gutter, sidewalk, gravity wall and a traffic signal.

ACQUISITIONS FOR TEMPORARY CONSTRUCTION EASEMENT – PARCEL 304

Temporary Construction Easement (expiring after construction) is required adjacent to the Road Right-of-Way in order to construct a gravity wall and re-grade the existing ground to match and harmonize with existing grades on the adjacent property.

RESOLUTION NO. R-2016-

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA (BOARD), DECLARING THE ACQUISITION OF A PROPERTY DESIGNATED AS PARCEL 102, AS FEE SIMPLE ROAD RIGHT-OF-WAY ACQUISITION, NECESSARY FOR THE CONSTRUCTION AND IMPROVEMENT OF THE INTERSECTION AT AUSTRALIAN AVENUE AND 13TH STREET, RIVIERA BEACH, 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 Palm Beach County (County) Engineer has recommended the acquisition of the real property identified as Parcel 102, for fee simple road right-of-way acquisition, which is more fully described in Exhibit "A" to the Board, necessary for the construction and improvement of the intersection at Australian Avenue and 13th Street, Riviera Beach, in Palm Beach County, Florida; and

WHEREAS, the funds are available for the acquisition of the property designated as Parcel 102 as a fee simple road right-of-way acquisition; and

WHEREAS, the property owner has not accepted the offer to purchase made by the 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 Parcel 102, is necessary for the following public use and purpose, to wit: the construction and improvement of the intersection at Australian Avenue and 13th Street, Riviera Beach, and as such, the acquisition of said property is for 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 102 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" and 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 fee simple road right-of-way necessary for the construction and improvement of the intersection at Australian Avenue and 13th Street, Riviera Beach.

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

The Mayor thereupon declared the Resolution duly passed and adopted this day of _____, 2016.

PALM BEACH COUNTY, FLORIDA BY
ITS BOARD OF COUNTY COMMISSIONERS

APPROVED AS TO FORM AND LEGAL SUFFICIENCY	SHARON R. BOCK CLERK AND COMPTROLLER
--	---

By: _____ County Attorney	By: _____ Deputy Clerk
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EXHIBIT A – R/W PARCEL No.102


A PARCEL OF LAND FOR ROAD RIGHT-OF-WAY PURPOSES, IN SECTION 32, TOWNSHIP 42 SOUTH, RANGE 43 EAST, CITY OF RIVIERA BEACH, FLORIDA, BEING A PORTION OF PARCEL 1 OF THE PLAT OF TRACT R-2, RECORDED IN PLAT BOOK 39, PAGE 6, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID PARCEL 1, LYING ON THE NORTH RIGHT-OF-WAY OF 13th STREET;
THENCE ALONG THE BOUNDARY OF SAID PARCEL 1, N43°45'00"W FOR 35.36 FEET;
THENCE CONTINUE ALONG THE BOUNDARY OF SAID PARCEL 1, N01°15'00"E FOR 4.24 TO A LINE LYING 3.00 FEET NORTHEAST OF, AND PARALLEL WITH, THE FIRST-DESCRIBED LINE;
THENCE ALONG SAID PARALLEL LINE, S43°45'00"E FOR 41.36 TO THE SOUTH LINE OF SAID PARCEL 1;
THENCE ALONG SAID SOUTH LINE, N88°45'00"W FOR 4.24 FEET TO THE POINT OF BEGINNING.

CONTAINING 115 SQUARE FEET, MORE OR LESS.

THE DESCRIPTION TEXT AND THE DESCRIPTION SKETCH 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: 3/12/15

 **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

PALM BEACH COUNTY PROJECT NO.2012101
R/W PARCEL No.102

PROJ. No. 12-066

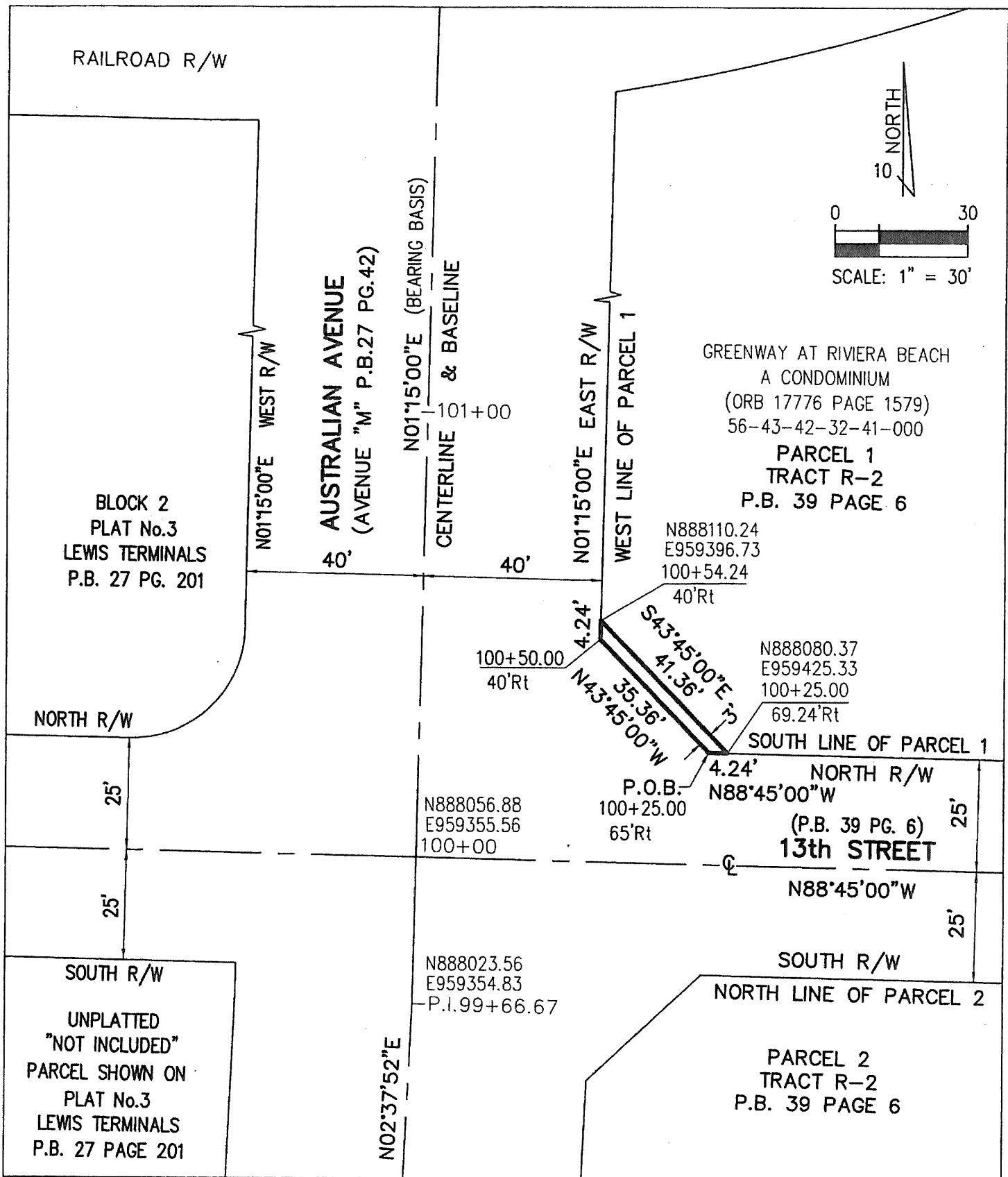
DRAWN: MB

LEGAL DESCRIPTION
AUSTRALIAN AVENUE

SCALE: NONE

DATE: 2/25/15

SHEET 1 OF 3

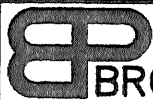
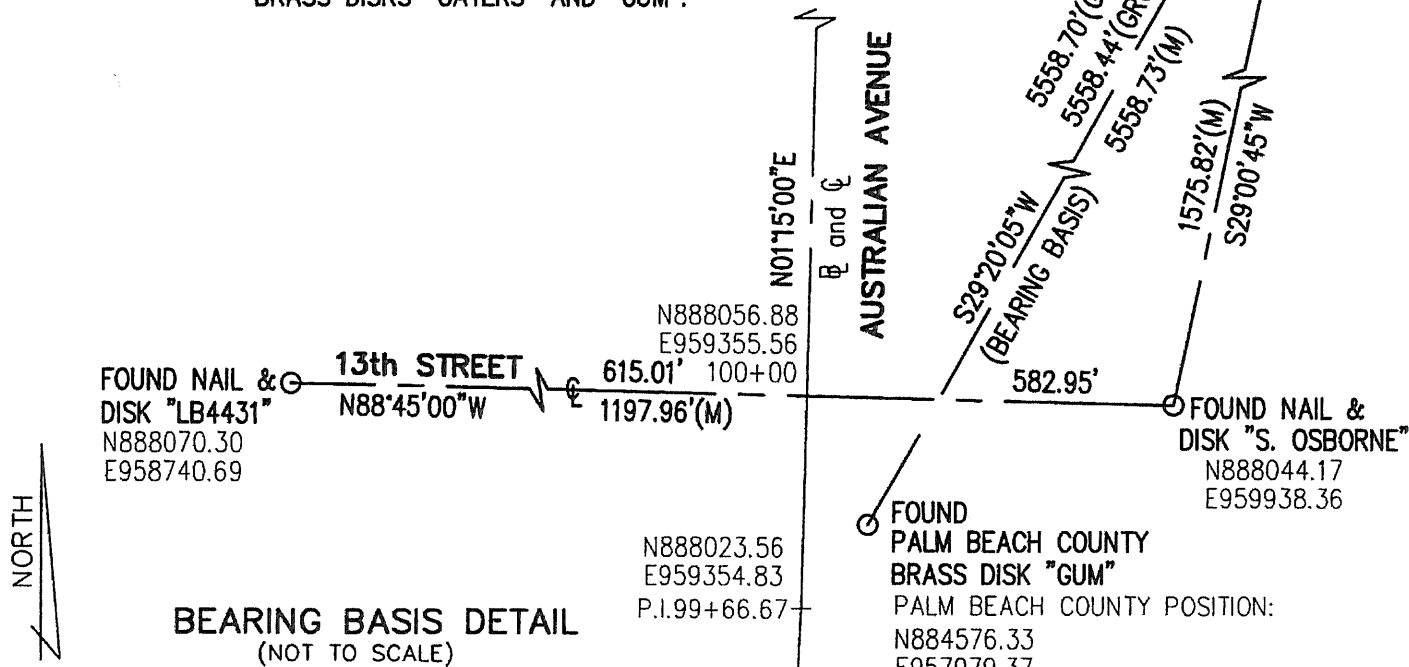


B BROWN & PHILLIPS, INC.
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E-Mail: info@brown-phillips.com

PALM BEACH COUNTY PROJECT NO.2012101 R/W PARCEL No.102 (This sketch is not a survey)	
PROJ. No. 12-066	DRAWN: MB
SKETCH TO ACCOMPANY LEGAL DESCRIPTION AUSTRALIAN AVENUE	SCALE: 1"=30'
	DATE: 2/25/15
SHEET 2 OF 3	

NOTES:

- 1) BASELINE STATIONING IS BASED ON A ROADWAY PLAN FOR AUSTRALIAN AVENUE,
PREPARED BY KIMLEY-HORN, INC., PALM BEACH COUNTY PROJECT No.2012101, DATED 2015.
- 2) STATE PLANE COORDINATES:
A. COORDINATES SHOWN ARE GRID
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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 - 1.000046
I. GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE
J. ROTATION EQUATION: NONE
- 3) THIS DESCRIPTION IS BASED ON TITLE INFORMATION FURNISHED BY THE PALM BEACH COUNTY ROADWAY
PRODUCTION DEPARTMENT TO KIMLEY-HORN AND ASSOCIATES, INC., OCTOBER 19, 2012..
NO ENCUMBRANCES OF RECORD WERE NOTED EXCEPT AS SHOWN ON THE ATTACHED SKETCH.
NO SEARCH OF THE PUBLIC RECORDS WAS PERFORMED BY BROWN & PHILLIPS, INC.
- 4) ABBREVIATIONS:
P.O.C.- POINT OF COMMENCEMENT
P.O.B. - POINT OF BEGINNING
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CL - CENTERLINE
STA - STATION
Rt - RIGHT
Lt - LEFT
- 5) BEARING BASIS: S29°20'05"W (GRID) BETWEEN PALM BEACH COUNTY
BRASS DISKS "CATERS" AND "GUM".



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BROWN & PHILLIPS, INC.
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WEST PALM BEACH, FLORIDA 33409
TELEPHONE (561)-615-3988, 615-3991 FAX

PALM BEACH COUNTY PROJECT NO.2012101
R/W PARCEL No.102
DESCRIPTION NOTES

PROJ. No. 12-066

DRAWN: MB

AUSTRALIAN AVENUE

SCALE: NONE

DATE: 2/25/15

SHEET 3 OF 3

EXHIBIT "B"

**AUSTRALIAN AVENUE FROM W 10TH STREET TO 330' N OF W 13TH STREET,
RIVIERA BEACH, PALM BEACH COUNTY, PROJECT #2012101**

SAFETY

Australian Avenue is currently a four (4) lane to six (6) lane median divided paved roadway running south-north from Southern Boulevard to Blue Heron Boulevard. More specifically, the limits of construction for this widening and paving of Australian Avenue extend from W 10th Street to 330' north of W 13th Street in Riviera Beach, approx. 0.24 miles, and is within a commercial area. This construction will improve Australian Avenue by constructing a northbound right turn lane and a mast arm signal system at the intersection of W 13th Street, and by milling and resurfacing the existing roadway. This project will improve the overall safety for motorists, bicyclists and pedestrians.

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 Australian Avenue 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

Australian Avenue is a heavily travelled roadway passing through a commercial area. The Palm Beach County Comprehensive Plan (Thoroughfare Right-of-Way-Identification Map) has for many years defined this roadway as a route required 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 four lane roadway currently exists, no Alternate Route was examined.

LONG RANGE PLANNING

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

Australian Avenue exists along an established roadway corridor. The limits of the project are bordered by existing commercial 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.

EXHIBIT “B”

Following is a more detailed outline of the reasons for acquisition needed for the improvement of Australian Avenue within the previously stated project limits:

**ACQUISITIONS FOR ROAD RIGHT-OF-WAY -
PARCELS 101, 102, 103 and 104**

Currently, the County owns a 80 foot wide Road Right-of-Way interest. The parcels to be acquired represent acquisitions outside of the existing mainline Right-of-Way and are required to construct pavement widening, curb and gutter, sidewalk, gravity wall and a traffic signal.

ACQUISITIONS FOR TEMPORARY CONSTRUCTION EASEMENT – PARCEL 304

Temporary Construction Easement (expiring after construction) is required adjacent to the Road Right-of-Way in order to construct a gravity wall and re-grade the existing ground to match and harmonize with existing grades on the adjacent property.

RESOLUTION NO. R-2016-

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA (BOARD), DECLARING THE ACQUISITION OF A PROPERTY DESIGNATED AS PARCEL 103, AS FEE SIMPLE ROAD RIGHT-OF-WAY ACQUISITION, NECESSARY FOR THE CONSTRUCTION AND IMPROVEMENT OF THE INTERSECTION AT AUSTRALIAN AVENUE AND 13TH STREET, RIVIERA BEACH, 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 Palm Beach County (County) Engineer has recommended the acquisition of the real property identified as Parcel 103, for fee simple road right-of-way acquisition, which is more fully described in Exhibit "A" to the Board, necessary for the construction and improvement of the intersection at Australian Avenue and 13th Street, Riviera Beach, in Palm Beach County, Florida; and

WHEREAS, the funds are available for the acquisition of the property designated as Parcel 103 as a fee simple road right-of-way acquisition; and

WHEREAS, the property owner has not accepted the offer to purchase made by the 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 Parcel 103, is necessary for the following public use and purpose, to wit: the construction and improvement of the intersection at Australian Avenue and 13th Street, Riviera Beach, and as such, the acquisition of said property is for 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 103 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" and 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 fee simple road right-of-way necessary for the construction and improvement of the intersection at Australian Avenue and 13th Street, Riviera Beach.

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

The Mayor thereupon declared the Resolution duly passed and adopted this day of _____, 2016.

PALM BEACH COUNTY, FLORIDA BY
ITS BOARD OF COUNTY COMMISSIONERS

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

SHARON R. BOCK
CLERK AND COMPTROLLER

By: _____
County Attorney

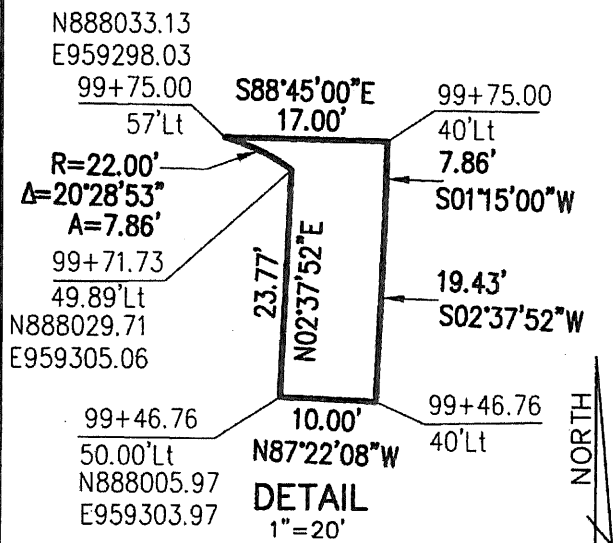
By: _____
Deputy Clerk

EXHIBIT A - R/W PARCEL No.103

A PARCEL OF LAND FOR ROAD RIGHT-OF-WAY PURPOSES, IN SECTION 32, TOWNSHIP 42 SOUTH, RANGE 43 EAST, CITY OF RIVIERA BEACH, FLORIDA, BEING A PORTION OF THE NOT INCLUDED PARCEL LYING EAST OF BLOCK 4, PLAT No.3 LEWIS TERMINALS, RECORDED IN PLAT BOOK 27, PAGE 201, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID BLOCK 4;
THENCE ALONG THE SOUTH RIGHT-OF-WAY OF 13th STREET, AS SHOWN ON SAID PLAT S88°45'00"E FOR 37.81 FEET TO THE POINT OF BEGINNING;
THENCE CONTINUE S88°45'00"E FOR 17.00 FEET TO THE WEST RIGHT-OF-WAY OF AVENUE "M" (AUSTRALIAN AVENUE) AS SHOWN ON SAID PLAT;
THENCE ALONG SAID WEST RIGHT-OF-WAY, S01°15'00"W FOR 7.86 FEET;
THENCE CONTINUE ALONG SAID WEST RIGHT-OF-WAY, S02°37'52"W FOR 19.43 FEET;
THENCE N87°22'08"W FOR 10.00 FEET;
THENCE PARALLEL WITH THE SAID WEST RIGHT-OF-WAY, N02°37'52"E FOR 23.77 FEET TO A NON-TANGENT CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 22.00 FEET, WHERE A RADIAL LINE BEARS S36°10'34"W;
THENCE NORTHWESTERLY, ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 20°28'53" FOR 7.86 FEET TO THE POINT OF BEGINNING.

CONTAINING 281 SQUARE FEET, MORE OR LESS.



THE DESCRIPTION TEXT AND THE DESCRIPTION SKETCH 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: 8/12/15

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

PALM BEACH COUNTY PROJECT NO.2012101
R/W PARCEL No.103

PROJ. No. 12-066

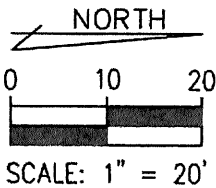
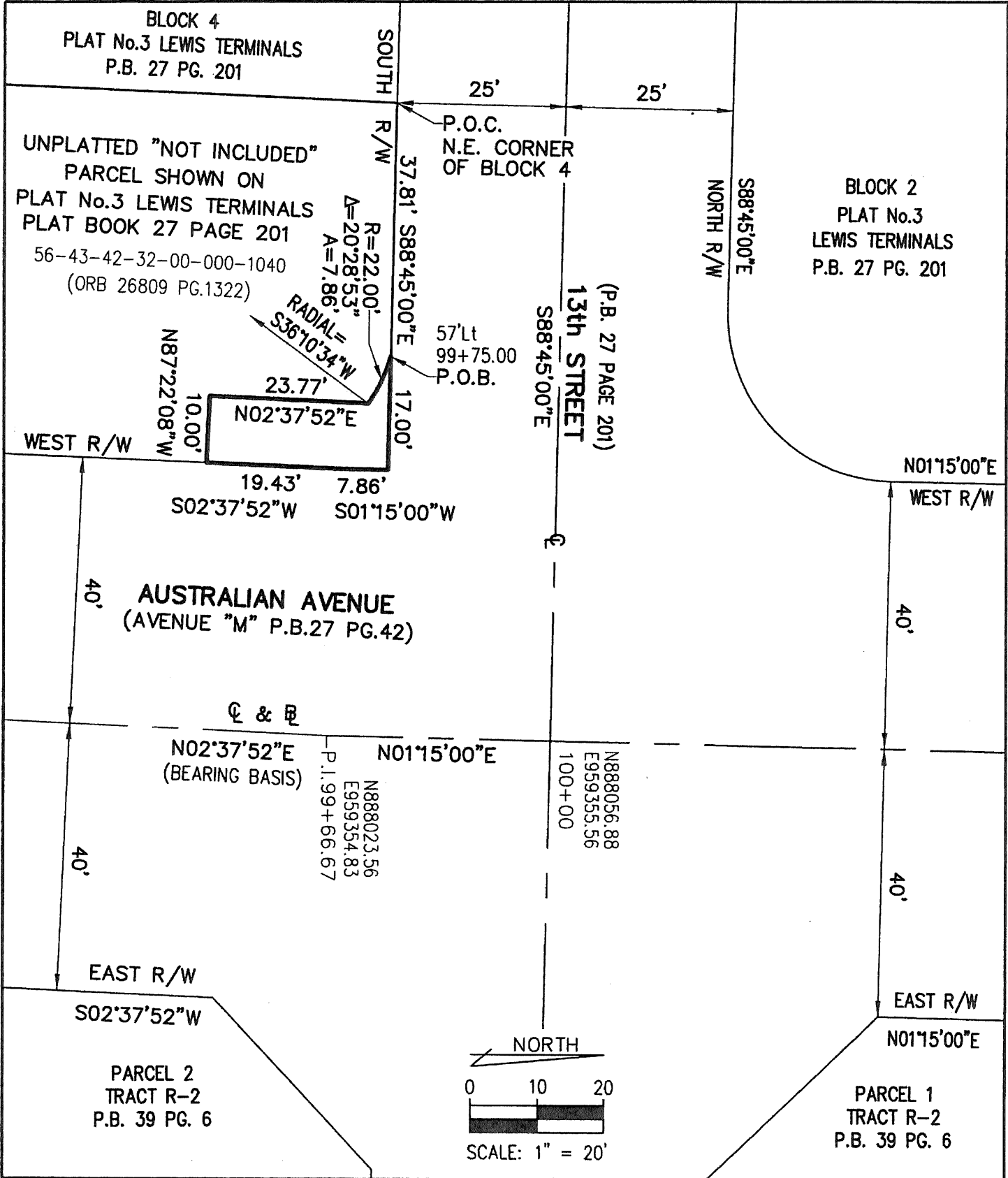
DRAWN: MB

LEGAL DESCRIPTION
AUSTRALIAN AVENUE

SCALE: 1"=20'

DATE: 6/18/15

SHEET 1 OF 3



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

PALM BEACH COUNTY PROJECT NO.2012101
R/W PARCEL No.103
(This sketch is not a survey)

PROJ. No. 12-066

DRAWN: MB

SKETCH TO ACCOMPANY
LEGAL DESCRIPTION
AUSTRALIAN AVENUE

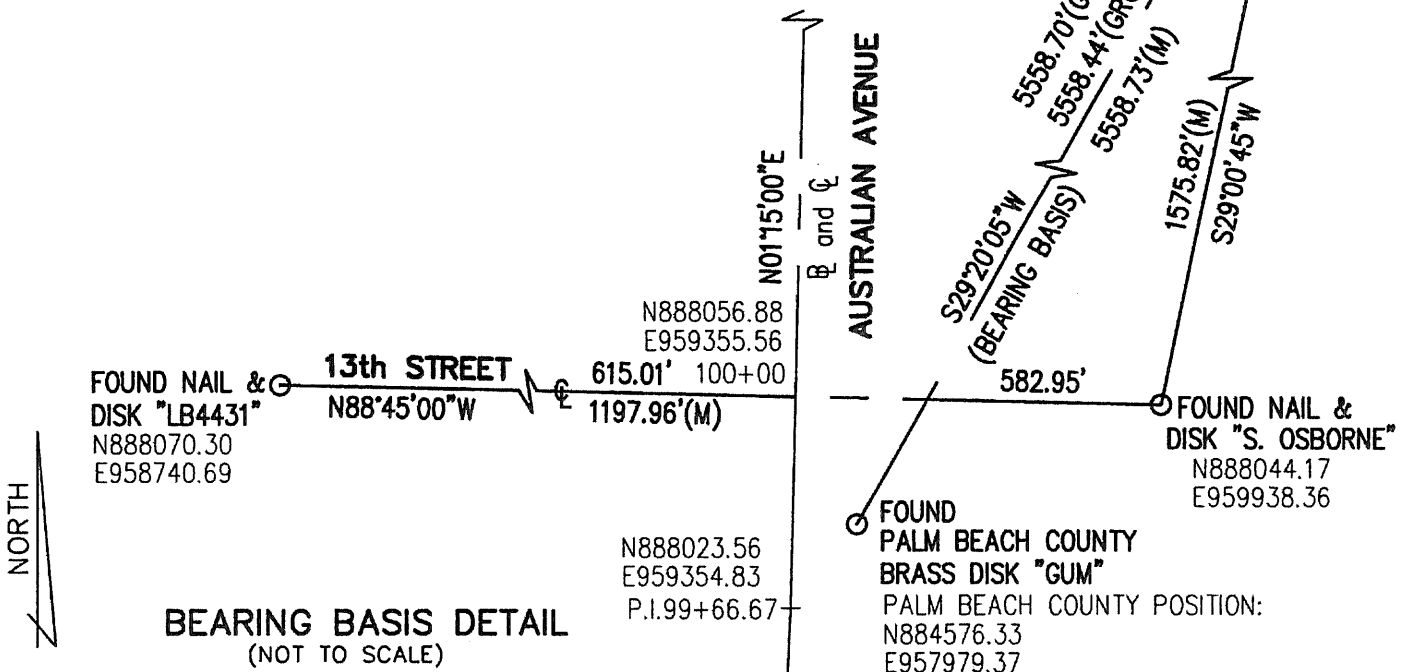
SCALE: 1"=20'

DATE: 6/18/15

SHEET 2 OF 3

NOTES:

- 1) BASELINE STATIONING IS BASED ON A ROADWAY PLAN FOR AUSTRALIAN AVENUE,
PREPARED BY KIMLEY-HORN, INC., PALM BEACH COUNTY PROJECT No.2012101, DATED 2015.
- 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 - 1.000046
I. GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE
J. ROTATION EQUATION: NONE
- 3) THIS DESCRIPTION IS BASED ON TITLE INFORMATION FURNISHED BY THE PALM BEACH COUNTY ROADWAY
PRODUCTION DEPARTMENT TO KIMLEY-HORN AND ASSOCIATES, INC., OCTOBER 19, 2012..
NO ENCUMBRANCES OF RECORD WERE NOTED EXCEPT AS SHOWN ON THE ATTACHED SKETCH.
NO SEARCH OF THE PUBLIC RECORDS WAS PERFORMED BY BROWN & PHILLIPS, INC.
- 4) ABBREVIATIONS:
P.O.C.- POINT OF COMMENCEMENT
P.O.B. - POINT OF BEGINNING
R - RADIUS
A - ARC LENGTH
Δ - CENTRAL ANGLE
(M) - MEASURED DIMENSION
(P) - PLAT DIMENSION
(C) - CALCULATED DIMENSION
P.C. - POINT OF CURVATURE
TCE - TEMPORARY CONSTRUCTION EASEMENT
P.B. - PLAT BOOK
ORB - OFFICIAL RECORD
PG. - PAGE
SEC. - SECTION
R/W - RIGHT-OF-WAY
CL - CENTERLINE
STA - STATION
Rt - RIGHT
Lt - LEFT
- 5) BEARING BASIS: S29°20'05"W (GRID) BETWEEN PALM BEACH COUNTY
BRASS DISKS "CATERS" AND "GUM".




 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		PALM BEACH COUNTY PROJECT NO.2012101 R/W PARCEL No.103 DESCRIPTION NOTES		
	PROJ. No. 12-066		DRAWN: MB		
	AUSTRALIAN AVENUE		SCALE: NONE		
			DATE: 6/18/15		
				SHEET 3 OF 3	

EXHIBIT "B"

**AUSTRALIAN AVENUE FROM W 10TH STREET TO 330' N OF W 13TH STREET,
RIVIERA BEACH, PALM BEACH COUNTY, PROJECT #2012101**

SAFETY

Australian Avenue is currently a four (4) lane to six (6) lane median divided paved roadway running south-north from Southern Boulevard to Blue Heron Boulevard. More specifically, the limits of construction for this widening and paving of Australian Avenue extend from W 10th Street to 330' north of W 13th Street in Riviera Beach, approx. 0.24 miles, and is within a commercial area. This construction will improve Australian Avenue by constructing a northbound right turn lane and a mast arm signal system at the intersection of W 13th Street, and by milling and resurfacing the existing roadway. This project will improve the overall safety for motorists, bicyclists and pedestrians.

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 Australian Avenue 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

Australian Avenue is a heavily travelled roadway passing through a commercial area. The Palm Beach County Comprehensive Plan (Thoroughfare Right-of-Way-Identification Map) has for many years defined this roadway as a route required 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 four lane roadway currently exists, no Alternate Route was examined.

LONG RANGE PLANNING

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

Australian Avenue exists along an established roadway corridor. The limits of the project are bordered by existing commercial 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.

EXHIBIT “B”

Following is a more detailed outline of the reasons for acquisition needed for the improvement of Australian Avenue within the previously stated project limits:

**ACQUISITIONS FOR ROAD RIGHT-OF-WAY -
PARCELS 101, 102, 103 and 104**

Currently, the County owns a 80 foot wide Road Right-of-Way interest. The parcels to be acquired represent acquisitions outside of the existing mainline Right-of-Way and are required to construct pavement widening, curb and gutter, sidewalk, gravity wall and a traffic signal.

ACQUISITIONS FOR TEMPORARY CONSTRUCTION EASEMENT – PARCEL 304

Temporary Construction Easement (expiring after construction) is required adjacent to the Road Right-of-Way in order to construct a gravity wall and re-grade the existing ground to match and harmonize with existing grades on the adjacent property.

RESOLUTION NO. R-2016-

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA (BOARD), DECLARING THE ACQUISITION OF A PROPERTY DESIGNATED AS PARCEL 104, AS FEE SIMPLE ROAD RIGHT-OF-WAY ACQUISITION, NECESSARY FOR THE CONSTRUCTION AND IMPROVEMENT OF THE INTERSECTION AT AUSTRALIAN AVENUE AND 13TH STREET, RIVIERA BEACH, 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 Palm Beach County (County) Engineer has recommended the acquisition of the real property identified as Parcel 104, for fee simple road right-of-way acquisition, which is more fully described in Exhibit "A" to the Board, necessary for the construction and improvement of the intersection at Australian Avenue and 13th Street, Riviera Beach, in Palm Beach County, Florida; and

WHEREAS, the funds are available for the acquisition of the property designated as Parcel 104 as a fee simple road right-of-way acquisition; and

WHEREAS, the property owner has not accepted the offer to purchase made by the 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 Parcel 104, is necessary for the following public use and purpose, to wit: the construction and improvement of the intersection at Australian Avenue and 13th Street, Riviera Beach, and as such, the acquisition of said property is for 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 104 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" and 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 fee simple road right-of-way necessary for the construction and improvement of the intersection at Australian Avenue and 13th Street, Riviera Beach.

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

The Mayor thereupon declared the Resolution duly passed and adopted this day of _____, 2016.

PALM BEACH COUNTY, FLORIDA BY
ITS BOARD OF COUNTY COMMISSIONERS

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

SHARON R. BOCK
CLERK AND COMPTROLLER

By: _____
County Attorney

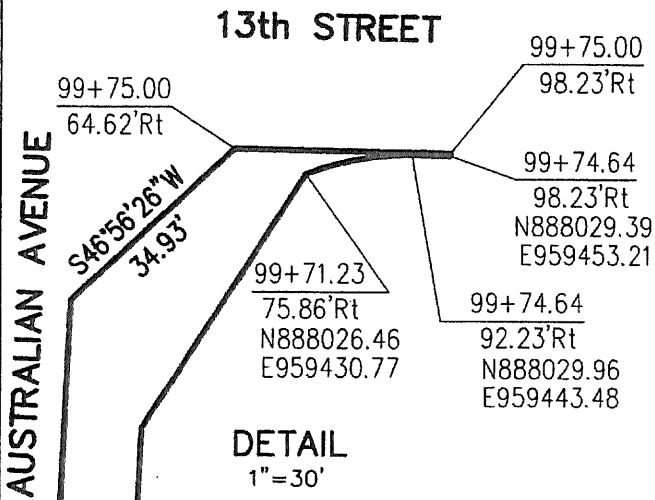
By: _____
Deputy Clerk

EXHIBIT A - R/W PARCEL No.104

A PARCEL OF LAND FOR ROAD RIGHT-OF-WAY PURPOSES, IN SECTION 32, TOWNSHIP 42 SOUTH, RANGE 43 EAST, CITY OF RIVIERA BEACH, FLORIDA, BEING A PORTION OF PARCELS 2 AND 3, OF THE PLAT OF TRACT R-2, RECORDED IN PLAT BOOK 39, PAGE 6, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

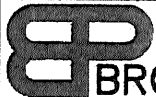
COMMENCE AT THE NORTHWEST CORNER OF SAID PARCEL 2, LYING ON THE EAST RIGHT-OF-WAY OF AUSTRALIAN AVENUE;
THENCE ALONG THE WEST LINE OF SAID PARCELS 2 AND 3, S02°37'52"W FOR 315.96 FEET;
THENCE N15°20'39"E FOR 54.53 FEET TO A LINE LYING 12.00 FEET EAST OF, AND PARALLEL WITH, THE SAID WEST LINE OF PARCELS 2 AND 3;
THENCE ALONG SAID PARALLEL LINE, N02°37'52"E FOR 243.20 FEET;
THENCE N32°38'59"E FOR 47.43 FEET TO A NON-TANGENT CURVE, CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 41.00 FEET, WHERE A RADIAL LINE BEARS S22°16'56"E;
THENCE NORTHEASTERLY, ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 23°31'56" FOR 16.84 FEET TO A POINT OF TANGENCY;
THENCE S88°45'00"E FOR 6.00 FEET;
THENCE N01°15'00"E FOR 0.36 FEET TO THE NORTH LINE OF SAID PARCEL 2;
THENCE ALONG SAID NORTH LINE, N88°45'00"W FOR 33.61 FEET;
THENCE CONTINUE ALONG SAID NORTH LINE, S46°56'26"W FOR 34.93 FEET TO THE POINT OF BEGINNING.

CONTAINING 4,058 SQUARE FEET, MORE OR LESS.



THE DESCRIPTION TEXT AND THE DESCRIPTION
SKETCH 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: 3/12/15



E-Mail: info@brown-phillips.com

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

PALM BEACH COUNTY PROJECT NO.2012101
R/W PARCEL No.104

PROJ. No. 12-066

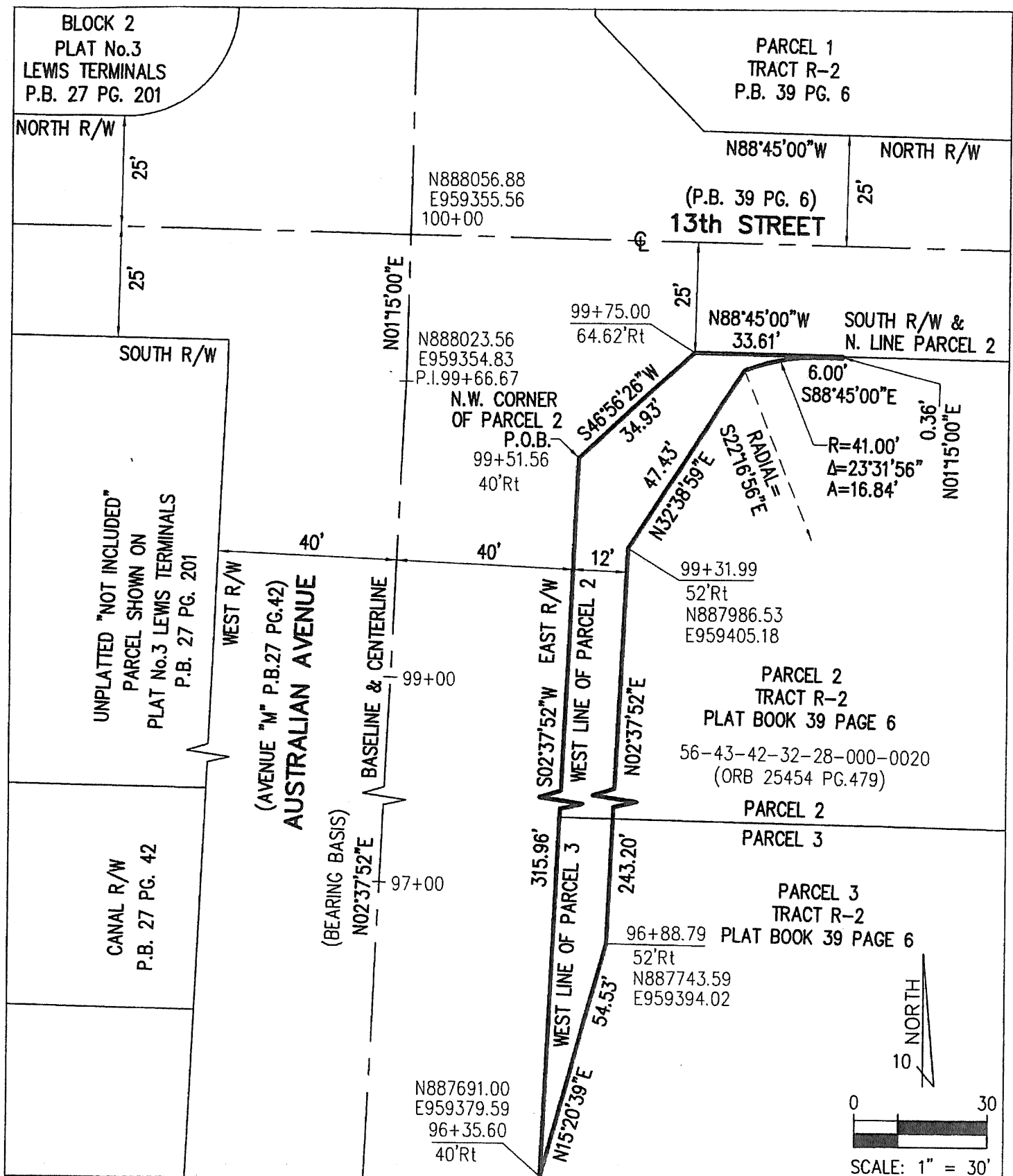
DRAWN: MB

LEGAL DESCRIPTION
AUSTRALIAN AVENUE

SCALE: 1"=30'

DATE: 2/25/15

SHEET 1 OF 3



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

PALM BEACH COUNTY PROJECT NO.2012101

R/W PARCEL No.104

(This sketch is not a survey)

PROJ. No. 12-066

DRAWN: MB

SKETCH TO ACCOMPANY
LEGAL DESCRIPTION
AUSTRALIAN AVENUE

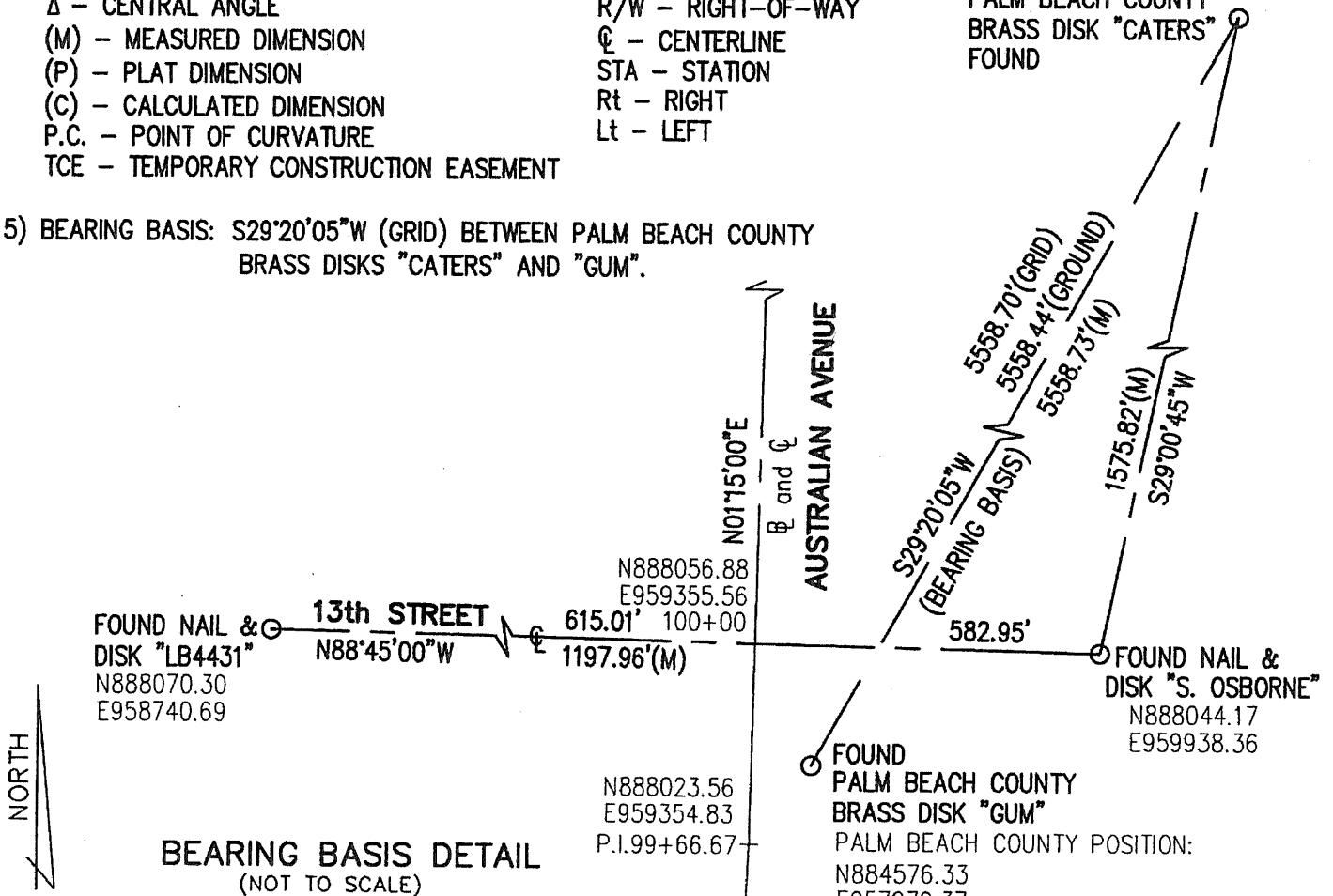
SCALE: 1"=30'

DATE: 2/25/15

SHEET 2 OF 3

NOTES:

- 1) BASELINE STATIONING IS BASED ON A ROADWAY PLAN FOR AUSTRALIAN AVENUE,
PREPARED BY KIMLEY-HORN, INC., PALM BEACH COUNTY PROJECT No.2012101, DATED 2015.
- 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 - 1.000046 |
| 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 TITLE INFORMATION FURNISHED BY THE PALM BEACH COUNTY ROADWAY PRODUCTION DEPARTMENT TO KIMLEY-HORN AND ASSOCIATES, INC., OCTOBER 19, 2012..
NO ENCUMBRANCES OF RECORD WERE NOTED EXCEPT AS SHOWN ON THE ATTACHED SKETCH.
NO SEARCH OF THE PUBLIC RECORDS WAS PERFORMED BY BROWN & PHILLIPS, INC.
- 4) ABBREVIATIONS:
- | | | |
|---------------------------------------|-----------------------|-----------------------------|
| P.O.C.- POINT OF COMMENCEMENT | P.B. - PLAT BOOK | PALM BEACH COUNTY POSITION: |
| P.O.B. - POINT OF BEGINNING | ORB - OFFICIAL RECORD | N889422.24 |
| R - RADIUS | PG. - PAGE | E960702.64 |
| A - ARC LENGTH | SEC. - SECTION | PALM BEACH COUNTY |
| Δ - CENTRAL ANGLE | R/W - RIGHT-OF-WAY | BRASS DISK "CATERS" FOUND |
| (M) - MEASURED DIMENSION | ℄ - CENTERLINE | |
| (P) - PLAT DIMENSION | STA - STATION | |
| (C) - CALCULATED DIMENSION | Rt - RIGHT | |
| P.C. - POINT OF CURVATURE | Lt - LEFT | |
| TCE - TEMPORARY CONSTRUCTION EASEMENT | | |
- 5) BEARING BASIS: S29°20'05"W (GRID) BETWEEN PALM BEACH COUNTY BRASS DISKS "CATERS" AND "GUM".



E-Mail: info@brown-phillips.com

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

PALM BEACH COUNTY PROJECT NO.2012101
R/W PARCEL No.104
DESCRIPTION NOTES

PROJ. No. 12-066

DRAWN: MB

AUSTRALIAN AVENUE

SCALE: NONE

DATE: 2/25/15

SHEET 3 OF 3

EXHIBIT "B"

**AUSTRALIAN AVENUE FROM W 10TH STREET TO 330' N OF W 13TH STREET,
RIVIERA BEACH, PALM BEACH COUNTY, PROJECT #2012101**

SAFETY

Australian Avenue is currently a four (4) lane to six (6) lane median divided paved roadway running south-north from Southern Boulevard to Blue Heron Boulevard. More specifically, the limits of construction for this widening and paving of Australian Avenue extend from W 10th Street to 330' north of W 13th Street in Riviera Beach, approx. 0.24 miles, and is within a commercial area. This construction will improve Australian Avenue by constructing a northbound right turn lane and a mast arm signal system at the intersection of W 13th Street, and by milling and resurfacing the existing roadway. This project will improve the overall safety for motorists, bicyclists and pedestrians.

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 Australian Avenue 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

Australian Avenue is a heavily travelled roadway passing through a commercial area. The Palm Beach County Comprehensive Plan (Thoroughfare Right-of-Way-Identification Map) has for many years defined this roadway as a route required 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 four lane roadway currently exists, no Alternate Route was examined.

LONG RANGE PLANNING

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

Australian Avenue exists along an established roadway corridor. The limits of the project are bordered by existing commercial 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.

EXHIBIT “B”

Following is a more detailed outline of the reasons for acquisition needed for the improvement of Australian Avenue within the previously stated project limits:

**ACQUISITIONS FOR ROAD RIGHT-OF-WAY -
PARCELS 101, 102, 103 and 104**

Currently, the County owns a 80 foot wide Road Right-of-Way interest. The parcels to be acquired represent acquisitions outside of the existing mainline Right-of-Way and are required to construct pavement widening, curb and gutter, sidewalk, gravity wall and a traffic signal.

ACQUISITIONS FOR TEMPORARY CONSTRUCTION EASEMENT – PARCEL 304

Temporary Construction Easement (expiring after construction) is required adjacent to the Road Right-of-Way in order to construct a gravity wall and re-grade the existing ground to match and harmonize with existing grades on the adjacent property.

RESOLUTION NO. R-2016-

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA (BOARD), DECLARING THE ACQUISITION OF A PROPERTY DESIGNATED AS PARCEL 304, AS A TEMPORARY CONSTRUCTION EASEMENT, NECESSARY FOR THE CONSTRUCTION AND IMPROVEMENT OF THE INTERSECTION AT AUSTRALIAN AVENUE AND 13TH STREET, RIVIERA BEACH, 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 Palm Beach County (County) Engineer has recommended the acquisition of the real property identified as Parcel 304, for a temporary construction easement, which is more fully described in Exhibit "A" to the Board, necessary for the construction and improvement of the intersection at Australian Avenue and 13th Street, Riviera Beach, in Palm Beach County, Florida; and

WHEREAS, the funds are available for the acquisition of the property designated as Parcel 304 as a temporary construction easement acquisition; and

WHEREAS, the property owner has not accepted the offer to purchase made by the 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 Parcel 304, is necessary for the following public use and purpose, to wit: the construction and improvement of the intersection at Australian Avenue and 13th Street, Riviera Beach, and as such, the acquisition of said property is for 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 304 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" and 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 construction and improvement of the intersection at Australian Avenue and 13th Street, Riviera Beach.

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

The Mayor thereupon declared the Resolution duly passed and adopted this day of _____, 2016.

PALM BEACH COUNTY, FLORIDA BY
ITS BOARD OF COUNTY COMMISSIONERS

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

SHARON R. BOCK
CLERK AND COMPTROLLER

By: _____
County Attorney

By: _____
Deputy Clerk

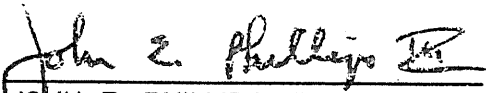
EXHIBIT A – TCE No.304

A PARCEL OF LAND FOR TEMPORARY CONSTRUCTION EASEMENT PURPOSES, IN SECTION 32, TOWNSHIP 42 SOUTH, RANGE 43 EAST, CITY OF RIVIERA BEACH, FLORIDA, BEING A PORTION OF PARCELS 2 AND 3, OF THE PLAT OF TRACT R-2, RECORDED IN PLAT BOOK 39, PAGE 6, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID PARCEL 2, LYING ON THE EAST RIGHT-OF-WAY OF AUSTRALIAN AVENUE;
THENCE ALONG THE WEST LINE OF SAID PARCELS 2 AND 3, S02°37'52"W FOR 315.96 FEET TO THE POINT OF BEGINNING;
THENCE N15°20'39"E FOR 54.53 FEET TO A LINE LYING 12.00 FEET EAST OF, AND PARALLEL WITH, THE SAID WEST LINE OF PARCELS 2 AND 3;
THENCE ALONG SAID PARALLEL LINE, N02°37'52"E FOR 243.20 FEET;
THENCE N32°38'59"E FOR 15.99 FEET A LINE LYING 20.00 FEET EAST OF, AND PARALLEL WITH, THE SAID WEST LINE OF PARCELS 2 AND 3;
THENCE ALONG SAID PARALLEL LINE, S02°37'52"W FOR 310.23 FEET;
THENCE N87°22'08"W FOR 20.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 2,746 SQUARE FEET, MORE OR LESS.

THE DESCRIPTION TEXT AND THE DESCRIPTION SKETCH 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.

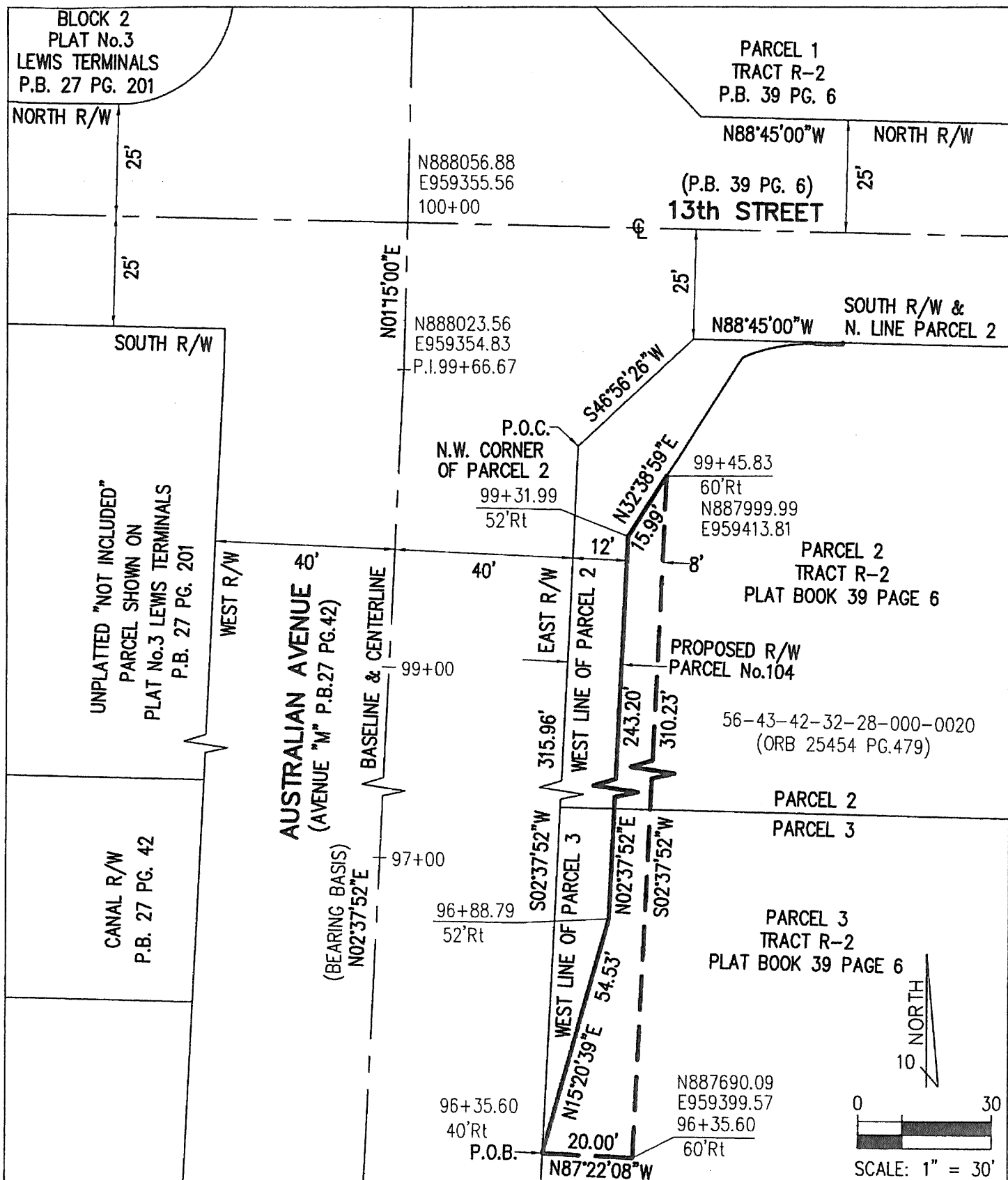

JOHN E. PHILLIPS, III
PROFESSIONAL LAND SURVEYOR
STATE OF FLORIDA NO. 4826
DATE: 3/12/15




BROWN & PHILLIPS, INC.
PROFESSIONAL SURVEYING SERVICES
CERTIFICATE OF AUTHORIZATION # LB 6473
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E-Mail: info@brown-phillips.com

PALM BEACH COUNTY PROJECT NO.2012101 TEMPORARY CONSTRUCTION EASEMENT No.304	
PROJ. No. 12-066	DRAWN: MB
LEGAL DESCRIPTION AUSTRALIAN AVENUE	SCALE: NONE
	DATE: 2/25/15
	SHEET 1 OF 3



E-Mail: info@brown-phillips.com		PALM BEACH COUNTY PROJECT NO.2012101	
 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		TCE No.304 (This sketch is not a survey)	
		PROJ. No. 12-066	DRAWN: MB
		SKETCH TO ACCOMPANY LEGAL DESCRIPTION AUSTRALIAN AVENUE	SCALE: 1"=30'
			DATE: 2/25/15
		SHEET 2 OF 3	

NOTES:

- 1) BASELINE STATIONING IS BASED ON A ROADWAY PLAN FOR AUSTRALIAN AVENUE,
PREPARED BY KIMLEY-HORN, INC., PALM BEACH COUNTY PROJECT No.2012101, DATED 2015.
- 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 - 1.000046
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 TITLE INFORMATION FURNISHED BY THE PALM BEACH COUNTY ROADWAY PRODUCTION DEPARTMENT TO KIMLEY-HORN AND ASSOCIATES, INC., OCTOBER 19, 2012.
NO ENCUMBRANCES OF RECORD WERE NOTED EXCEPT AS SHOWN ON THE ATTACHED SKETCH.
NO SEARCH OF THE PUBLIC RECORDS WAS PERFORMED BY BROWN & PHILLIPS, INC.

4) ABBREVIATIONS:

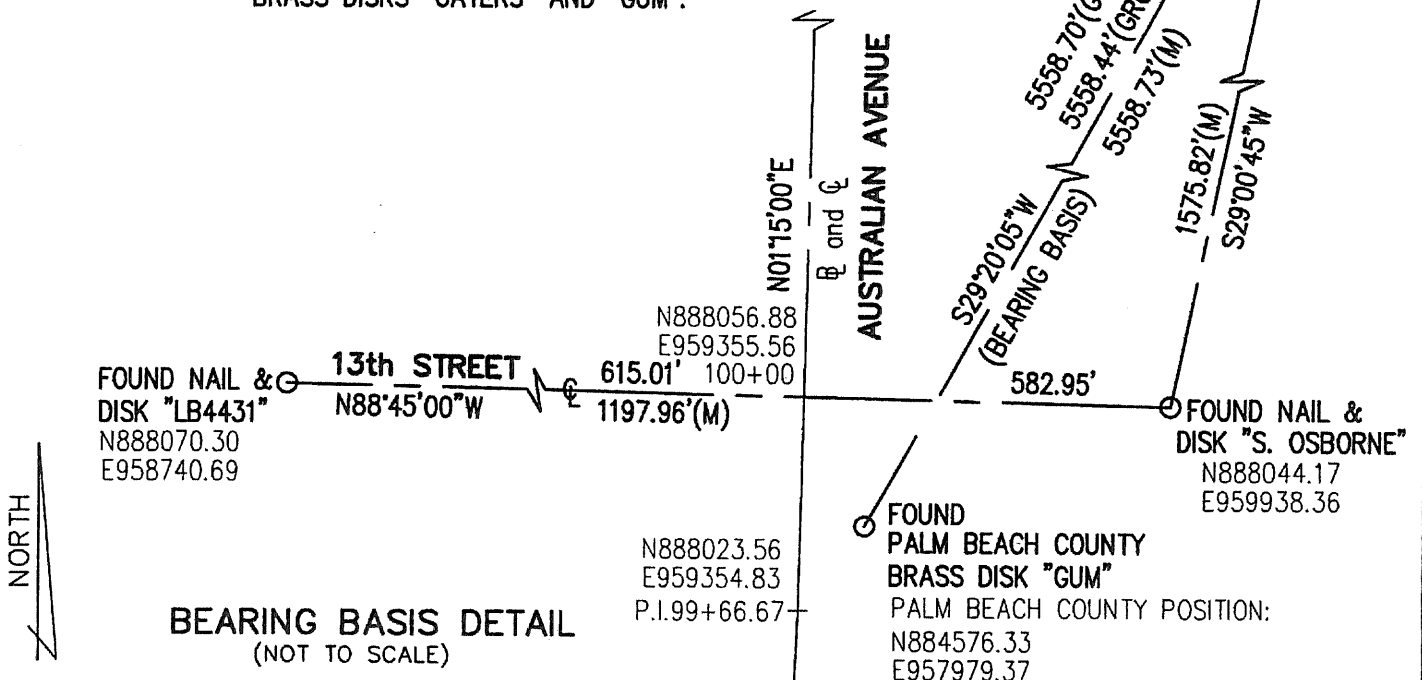
P.O.C. - POINT OF COMMENCEMENT
P.O.B. - POINT OF BEGINNING
R - RADIUS
A - ARC LENGTH
Δ - CENTRAL ANGLE
(M) - MEASURED DIMENSION
(P) - PLAT DIMENSION
(C) - CALCULATED DIMENSION
P.C. - POINT OF CURVATURE
TCE - TEMPORARY CONSTRUCTION EASEMENT

P.B. - PLAT BOOK
ORB - OFFICIAL RECORD
PG. - PAGE
SEC. - SECTION
R/W - RIGHT-OF-WAY
CL - CENTERLINE
STA - STATION
Rt - RIGHT
Lt - LEFT

PALM BEACH
COUNTY POSITION:
N889422.24
E960702.64

PALM BEACH COUNTY
BRASS DISK "CATERS"
FOUND

- 5) BEARING BASIS: S29°20'05"W (GRID) BETWEEN PALM BEACH COUNTY BRASS DISKS "CATERS" AND "GUM".



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TCE No.304
DESCRIPTION NOTES

PROJ. No. 12-066

DRAWN: MB

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SCALE: NONE

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SHEET 3 OF 3

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