

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**AGENDA ITEM SUMMARY**

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Meeting Date: June 21, 2016	<input checked="" type="checkbox"/> [X]	Consent	<input type="checkbox"/> [ ]	Regular
	<input type="checkbox"/> [ ]	Ordinance	<input type="checkbox"/> [ ]	Public Hearing

Department:           Engineering and Public Works

Submitted By:        Roadway Production Division

Submitted For:       Right-of-Way Section

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**I. EXECUTIVE BRIEF**

**Motion and Title:** Staff recommends motion to adopt: six resolutions declaring the acquisition of properties designated as parcels 101, 102, and 103 as fee simple road right-of-way and adjacent parcels 301, 302, and 303 as temporary construction easements, necessary for the construction of a westbound right turn lane on Lantana Road and Edgecliff Avenue (Project).

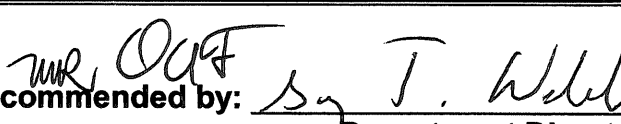


**SUMMARY:** Adoption of these resolutions will initiate eminent domain proceedings for the six parcels (three property owners) which have a total appraised value of \$40,750. The property owners have not accepted the offers to purchase made by Palm Beach County (County) and attempts to negotiate the purchases have been unsuccessful. Eminent domain proceedings are necessary to acquire the parcels at this time in order to expedite construction of the Project.

District 2 (PM )

**Background and Justification:** The County has made offers to purchase parcels 101, 102, and 103 as fee simple road right-of-way and adjacent parcels 301, 302, and 303 as temporary construction easements. The acquisition of these parcels is necessary for the construction of 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" (6)

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Recommended by:		5/27/16	
	Department Director	Date	
Approved By:		6/13/16	
	Assistant County Administrator	Date	

dpk

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2016	2017	2018	2019	2020
Capital Expenditures	\$40,750	-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	\$40,750	-0-	-0-	-0-	-0-
# ADDITIONAL FTE POSITIONS (Cumulative)					

Is Item Included in Current Budget? Yes X No

Budget Account No:  
Fund 3504 Dept 361 Unit 1426 Object 6120

Recommended Sources of Funds/Summary of Fiscal Impact:

Road Impact Fees - Zone 4 Fund  
Lantana Road @ Edgecliff Avenue-W Rt Turn Lane

Fee Acquisitions 3  
Temporary Construction Easement 3  
6

Total appraised value of all 6 Parcels in the taking \$40,750

C. Departmental Fiscal Review: . Alii Kovalanian

III. REVIEW COMMENTS

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

Sherry Br  
OFMB 5/31/16

Ann J. Jacobson 6/16/16  
Contract Dev. and Control

B. Approved as to Form and Legal Sufficiency:

Philip M. Hagan  
Assistant County Attorney

C. Other Department Review:

Department Director

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



Location Map

**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 A FEE SIMPLE ROAD RIGHT-OF-WAY ACQUISITION, NECESSARY FOR INTERSECTION IMPROVEMENTS ON LANTANA ROAD AT EDGECLIFF AVENUE, 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 a fee simple right-of-way acquisition, which is more fully described in **Exhibit "A"** to the Board, necessary for intersection improvements on Lantana Road at Edgecliff Avenue, 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 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: intersection improvements on Lantana Road at Edgecliff Avenue, and as such, the acquisition of said property is for a public use and purpose deemed to be 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:**

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 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 as 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.

3. 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 as described in **Exhibit "A"** that may be necessary to fully accomplish those purposes.

**BE IT FURTHER RESOLVED** that the property as described in **Exhibit "A"** is to be used for the following public use and purpose: a fee simple right-of-way acquisition necessary for intersection improvements on Lantana Road at Edgecliff Avenue.

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 \_\_\_\_\_, 20\_\_\_\_\_

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY,  
BOARD OF COUNTY COMMISSIONERS

SHARON R. BOCK  
CLERK & COMPTROLLER

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

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

# EXHIBIT "A"

## LEGAL DESCRIPTION

BEING A PARCEL OF LAND FOR RIGHT-OF-WAY PURPOSES LYING IN LOT 877, ACCORDING TO LANTANA HOMES PLAT 9, AS RECORDED IN PLAT BOOK 58, PAGES 80 & 81, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 35, TOWNSHIP 44 SOUTH, RANGE 42 EAST; THENCE SOUTH 88°26'33" EAST, ALONG THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 35, A DISTANCE OF 550.05 FEET TO THE POINT OF INTERSECTION WITH THE CENTERLINE OF EDGECLIFF AVENUE, AS SHOWN ON LANTANA HOMES PLAT 1, AS RECORDED IN PLAT BOOK 55, PAGES 167-169 OF SAID PUBLIC RECORDS; THENCE NORTH 01°27'35" EAST, ALONG THE SAID CENTERLINE, A DISTANCE OF 66.00 FEET; THENCE SOUTH 88°26'33" EAST, PARALLEL WITH AND 66.00 FEET NORTH OF, AS MEASURED AT RIGHT ANGLES, THE SAID SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SECTION 35, A DISTANCE OF 272.99 FEET TO THE WESTERLY LINE OF SAID LOT 877, AS SHOWN ON THE SAID LANTANA HOMES PLAT 9, AND BEING THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL:

THENCE CONTINUE SOUTH 88°26'33" EAST, ALONG LASTLY SAID LINE, A DISTANCE OF 26.62 FEET; THENCE SOUTH 76°02'03" EAST A DISTANCE OF 51.19 FEET TO THE EAST LINE OF SAID LOT 877; THENCE SOUTH 01°04'02" WEST, ALONG THE SAID EAST LINE OF LOT 877, A DISTANCE OF 1.00 FEET, TO THE SOUTHEAST CORNER OF AFORESAID LOT 877, BEING THE NORTH RIGHT-OF-WAY LINE OF LANTANA ROAD, ACCORDING TO THE AFORESAID LANTANA HOMES PLAT 9, LYING 54.00 FEET NORTH OF, AS MEASURED AT RIGHT ANGLES TO AND PARALLEL WITH THE SAID SOUTH LINE OF THE SOUTHWEST ONE QUARTER OF SECTION 35; THENCE NORTH 88°26'33" WEST, ALONG LASTLY SAID LINE, A DISTANCE OF 71.55 FEET, TO THE SOUTHWEST CORNER OF SAID LOT 877; THENCE NORTH 21°22'16" WEST, ALONG SAID WESTERLY LINE OF LOT 877, A DISTANCE OF 13.03 FEET THE POINT OF BEGINNING.

CONTAINING 614.0 SQUARE FEET, OR 0.014 ACRES, MORE OR LESS.


## LEGEND

LAE = LIMITED ACCESS EASEMENT  
PCN = PROPERTY CONTROL NUMBER  
ORB = OFFICIAL RECORD BOOK  
U.E. = UTILITY EASEMENT  
P = PROPERTY LINE  
R/W = RIGHT OF WAY  
C = CENTERLINE  
RB = ROAD BOOK  
PB = PLAT BOOK  
PG = PAGE  
FD = FOUND  
DB = DEED BOOK  
P.B.CO. = PALM BEACH COUNTY

PROJECT NO.	2013107
OF 1	3
SHEET	1

PROJECT: RIGHT-OF-WAY PARCEL 101 LANTANA ROAD & EDGECLIFF AVENUE	
DESIGN FILE NAME	DRAWING NO.
S-1-15-3643.DGN	S-1-15-3643

SCALE: 1" = 20'	ND.	REVISION	BY	DATE
APPROVED: R.W.B.				
DRAWN: E.A.D.				
CHECKED: W.L.F.				
DATE: 8/18/15				
FIELD BOOK NO.				

	PALM BEACH COUNTY	
	ENGINEERING AND PUBLIC WORKS	
	ROADWAY PRODUCTION	
	2300 NORTH JOG ROAD WEST PALM BEACH, FL 33411	




### SURVEYOR'S NOTES

1. THIS IS NOT A BOUNDARY SURVEY, BUT ONLY A GRAPHIC DEPICTION OF THE ATTACHED LEGAL DESCRIPTION. THERE HAS BEEN NO FIELD WORK, VIEWING OF THE SUBJECT PROPERTY, OR MONUMENTS SET IN CONJUNCTION WITH THE PREPARATION OF THE INFORMATION SHOWN HEREON.
  2. THE BEARINGS SHOWN HEREON ARE BASED ON A GRID BEARING (NAD 83, 90 ADJUSTMENT) OF S 88°26'33" E ALONG THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER SECTION 35, TOWNSHIP 44 SOUTH, RANGE 42 EAST, UTILIZING PUBLISHED PALM BEACH COUNTY POSITIONS FOR THE SOUTHWEST CORNER AND THE SOUTH QUARTER CORNER OF SECTION 35.
  3. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THE SIGNING SURVEYOR.
  4. 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.
  5. 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.  
STATIONING REFERENCES ARE GRID.  
PROJECT SCALE FACTOR = 1.000031838  
GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE  
BEARING ROTATION EQUATION: GRID BEARING APPLY A COUNTER-CLOCKWISE ANGLE OF 01°35'19" TO DETERMINE PLAT BEARINGS.
  6. THE INTENDED PLOT SCALE OF THIS DRAWING IS 1" = 30', ON AN 8.5" X 11.0"
- THIS INSTRUMENT PREPARED BY RICHARD W. BUSSELL, P.S.M., IN THE OFFICE OF THE COUNTY ENGINEER, VISTA CENTER 2300 NORTH JOG ROAD, WEST PALM BEACH, FLORIDA 33411-2745.

### SURVEYOR'S CERTIFICATION

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

I HEREBY CERTIFY THAT THE LEGAL DESCRIPTION AND SKETCH SHOWN HEREON WAS MADE UNDER MY RESPONSIBLE DIRECTION AND SUPERVISION AND MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN RULE 5J-17.050-.052, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472.027, OF THE FLORIDA STATUTES.

  
RICHARD W. BUSSELL, P.S.M.  
FLORIDA CERTIFICATE NO. 3858

8/21/15  
DATE

COY GLEN WAY



EDGECLIFF AVENUE (R/W VARIES)

108' R/W (BY LANTANA HOMES  
PLAT NO. 1, PB 55, PG 167-169)

LANTANA HOMES  
PLAT 9  
PB 58, PG 80-81

PCN 00-42-44-  
35-01-000-8780  
LOT 878

LANTANA HOMES  
PLAT 9  
PB 58, PG 80-81

PCN 00-42-44-  
35-01-000-8770  
LOT 877

25' LANDSCAPE BUFFER  
PB 58, PG 80-81

14' ADD. R/W  
S88°26'33"E PER ORB 5031,  
272.99' PG 32

R/W LINE PER  
PB 58, PG 80-81

R/W LINE PER  
DB 972, PG 262

10' U.E.  
PB 58, PG 80-81

WEST LINE  
LOT 877

POINT OF  
BEGINNING  
N 820908.807  
E 938231.304

EAST LINE  
LOT 877

S01°04'02"W  
1.00'

S88°26'33"E 26.62'  
S76°02'03"E 51.19'

RIGHT-OF-WAY  
PARCEL 101

N21°22'16"W  
13.03'

71.55'  
N88°26'33"W

5' LIMITED  
ACCESS EASEMENT  
PB 58, PG 80-81

SE CORNER  
55' LOT 877

POINT OF  
COMMENCEMENT

STATION  
126+95.36

N 820865.200  
E 937406.852

34 35  
3 2 550.05'  
2690.39'

S88°26'33"E 2140.34'

N 820850.249  
E 937956.716  
STATION 132+45.41  
LANTANA ROAD

135  
SOUTH LINE OF  
SECTION 35,  
T44S, R42E

LANTANA ROAD  
(R/W VARIES)

FD. P.B. CO. DISK S. QUARTER  
CORNER OF SECTION 35, TOWNSHIP  
44 SOUTH, RANGE 42 EAST  
STATION 153+85.75 LANTANA ROAD

N 820792.070  
E 940096.332

FD. P.B. CO. DISK S.W. CORNER  
OF SECTION 35, TOWNSHIP  
44 SOUTH, RANGE 42 EAST

IGLESIA HISPANA BIBLICA BAUTISTA  
PB 84, PGS 44 - 45

PCN 00-42-44-35-10-001-0000

R/W LINE PER O.R.B.  
9851, PAGE 1666 (1' ADDITIONAL  
R/W FOR 55' TOTAL ON NORTH SIDE)



## **EXHIBIT “B”**

### **LANTANA ROAD AND EDGECLIFF AVENUE INTERSECTION IMPROVEMENTS (WORK INCLUDES ADDITION OF A RIGHT TURN LANE EAST APPROACH ON LANTANA ROAD AT EDGECLIFF AVENUE) PALM BEACH COUNTY PROJECT # 2013107**

#### **SAFETY**

This section of Lantana Road is currently a six (6) lane divided paved road that connects major thoroughfares such as South Congress Avenue to the east and South Jog Road to the west. This project has been designed to add a westbound to northbound right turn lane on Lantana Road at Edgecliff Avenue. The PM peak westbound to northbound right turn volume is currently 204 vehicles per hour. The PM peak westbound through volume is currently 1,122 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 Lantana Road and Edgecliff Avenue 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 Lantana Road is a heavily travelled east-west thoroughfare that carries significant traffic to unincorporated neighborhoods west of Lake Worth. 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 Lantana Road at its intersection with Edgecliff Avenue, 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 Lantana Road and Edgecliff Avenue 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 Lantana Road at Edgecliff Avenue:*

### **ACQUISITIONS FOR ROAD RIGHT OF WAY PARCELS 101, 102, AND 103**

Currently, the County owns a 108 foot wide Road Right-of-Way on Lantana Road. The parcels to be acquired represent acquisitions outside of the 108 foot mainline and are required to construct the new right turn lane and will include earthwork, asphalt pavement, curb and gutter, sidewalk, and a traffic signal.

### **ACQUISITIONS FOR TEMPORARY CONSTRUCTION EASEMENT PARCELS 301, 302, AND 303**

Temporary Construction Easements (expiring after construction completion and acceptance) are required adjacent to the road Right-of-Way in order to re-grade the existing ground to match and harmonize with the existing grades of the abutting properties.