

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date: November 22, 2016	<input checked="" type="checkbox"/>	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

I. EXECUTIVE BRIEF

Motion and Title: **Staff recommends motion to adopt:** a resolution declaring the acquisition of property designated as parcel 133 as fee simple road right-of-way, and adjacent parcels 233 and 333 as an embankment easement and a temporary construction easement; respectively for the widening of Northlake Boulevard from east of Hall Boulevard to Coconut Boulevard (Project).

SUMMARY: Adoption of this resolution will initiate eminent domain proceedings for the three parcels which have a total appraised value of \$43,650. The property owner has not accepted the offer to purchase made by Palm Beach County (County) and attempts to negotiate the purchase have been unsuccessful. Eminent domain proceedings are necessary to acquire the parcels at this time in order to expedite construction of the Project, which is funded in the current Five Year Road Program.

District 6 (PM)

Background and Justification: The County has made an offer to purchase parcel 133 as fee simple road right-of-way and adjacent parcels 233 and 333 as an embankment easement and a temporary construction easement; respectively. 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 owner has not accepted the offer to purchase made by the County and attempts to negotiate with the property owner 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" (3)

Recommended by:  10/31/16
Department Director **Date**

Approved By:  11/01/16
Assistant County Administrator **Date**

dpk

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2017	2018	2019	2020	2021
Capital Expenditures	<u>\$43,650</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>\$43,650</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 3503 Dept 361 Unit 0966 Object 6120

Recommended Sources of Funds/Summary of Fiscal Impact:

Road Impact Fee Fund - Zone 3
Northlake Blvd Seminole Pratt - Coconut

Embankment Easements 1
Fee Acquisitions 1
Temporary Construction Easements 1

Appraised Value

Parcel 133 \$38,850
Parcel 233 \$ 4,600
Parcel 333 \$ 200
 \$43,650

C. Departmental Fiscal Review: Aluikovalamen

III. REVIEW COMMENTS

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

J. H. C. 10/25
10/25/16 OFMB

J. J. J. 10/28/16
Contract Dev. and Control
10/28/16

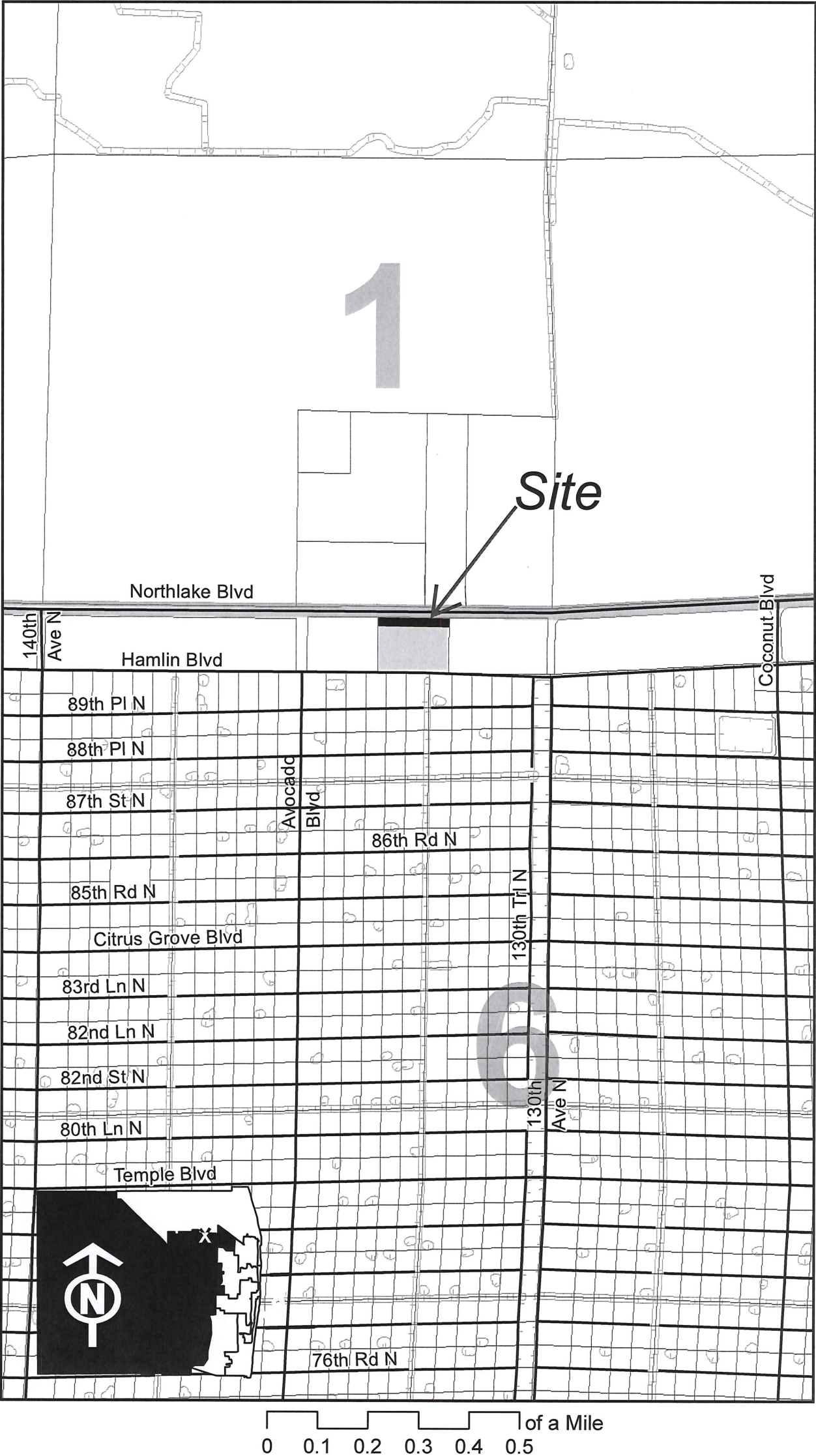
B. Approved as to Form and Legal Sufficiency:

M. H. H.
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 (BOARD) OF PALM BEACH COUNTY, FLORIDA, DECLARING THE ACQUISITION OF A PROPERTY DESIGNATED AS PARCEL 133 AS A FEE SIMPLE ROAD RIGHT-OF-WAY ACQUISITION NECESSARY FOR WIDENING NORTHLAKE BOULEVARD FROM EAST OF HALL BOULEVARD TO COCONUT BOULEVARD, TO BE FOR A PUBLIC USE AND PURPOSE, AUTHORIZING THE EMPLOYMENT OF APPRAISERS AND OTHER EXPERTS AND THE FILING OF EMINENT DOMAIN PROCEEDINGS.

WHEREAS, the County Engineer has recommended the acquisition of the parcel to the Board; and

WHEREAS, the parcel is necessary for the widening of Northlake Boulevard, from east of Hall Boulevard to Coconut Boulevard; and

WHEREAS, the funds are available for the acquisition of the property designated as Parcel 133 as a fee simple right-of-way acquisition, and

WHEREAS, the property owner has not accepted the offer to purchase made by Palm Beach County (County); and

WHEREAS, the Board is exercising its authority of Eminent Domain pursuant to Florida Statutes 73, 74, 127, and 337.27, as amended; and

WHEREAS, the 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, the Board has determined that the acquisition of the real property identified as Parcel 133, for a fee simple right-of-way acquisition, which is more fully described in Exhibit "A", is necessary for the widening of Northlake Boulevard, from east of Hall Boulevard to Coconut Boulevard, and is for a public use and purpose deemed to be in the best interest of the County; and

WHEREAS, the construction limits shall not extend beyond the limits as outlined in Exhibit "A"; and

WHEREAS, the property 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 133, 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. The 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, and 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.

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

BE IT FURTHER RESOLVED that the property described in **Exhibit "A"** is to be used for the following public use and purpose: a fee simple right-of-way acquisition necessary for widening Northlake Boulevard from east of Hall Boulevard to Coconut Boulevard.

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:

- | | | |
|-------------|------------------|-------|
| District 1: | _____ | _____ |
| District 2: | Paulette Burdick | _____ |
| District 3: | _____ | _____ |
| District 4: | Steven L. Abrams | _____ |
| District 5: | _____ | _____ |
| District 6: | Melissa McKinlay | _____ |
| District 7: | _____ | _____ |

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

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"

Right-of-Way Parcel 133
Sheet 1 of 2

LEGAL DESCRIPTION

A PARCEL OF LAND IN THE SOUTHEAST QUARTER OF SECTION 16,
TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA,
MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTH 20.00 FEET, OF THE SOUTH 587.82 FEET, OF THE EAST 741.05 FEET,
OF THE WEST 1594.80 FEET OF THE SAID SOUTHEAST QUARTER OF SECTION 16.

CONTAINING 14,821 SQUARE FEET, MORE OR LESS.


NOTES:

- 1) BASELINE STATIONING IS BASED ON A ROADWAY PLAN FOR NORTHLAKE BOULEVARD,
PREPARED BY METRIC ENGINEERING, PALM BEACH COUNTY PROJECT No.2003503A.
- 2) THIS DESCRIPTION IS BASED ON INFORMATION FURNISHED BY THE PALM BEACH COUNTY ROADWAY
PRODUCTION DEPARTMENT.
NO SEARCH OF THE PUBLIC RECORDS WAS PERFORMED BY BROWN & PHILLIPS, INC.
- 3) BEARING BASIS: S89°38'29"E (GRID) ALONG THE SOUTH LINE OF SECTION 16, TOWNSHIP 42 SOUTH,
RANGE 41 EAST, PER PALM BEACH COUNTY SURVEY DEPARTMENT SECTION DATA.
- 4) THE BREAKDOWN OF SECTION 16, TOWNSHIP 42 SOUTH, RANGE 41 EAST, IS BASED ON PALM BEACH
COUNTY SURVEY DEPARTMENT SECTION DATA.

THE DESCRIPTION SKETCH AND THE DESCRIPTION TEXT
COMPRISE THE COMPLETE LEGAL DESCRIPTION.
THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH
ACCOMPANY EACH OTHER.
REPRODUCTIONS OF THIS DOCUMENT ARE NOT VALID
WITHOUT THE ORIGINAL SIGNATURE AND THE ORIGINAL
RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND
MAPPER NOTED BELOW.

ABBREVIATIONS

R/W - RIGHT-OF-WAY
ORB - OFFICIAL RECORD BOOK
PBC - PALM BEACH COUNTY
R - DISTANCE RIGHT OF BASELINE
L - DISTANCE LEFT OF BASELINE
ITWCD - INDIAN TRAIL WATER CONTROL DISTRICT


ANTHONY BROWN
PROFESSIONAL LAND SURVEYOR
STATE OF FLORIDA No. 4977
DATE: 6/11/2016



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

LEGAL DESCRIPTION

DRAWN: MDB	PROJ. No. 04-032
CHECKED: TB	SCALE: NONE
DATE: 11/16/05	SHEET 1 OF 2

NORTHLAKE BOULEVARD
R/W PARCEL 133

REVISED 5/31/16 PER MAY 17, 2016 PBC COMMENTS MEMO

Right-of-Way Parcel 133
Sheet 2 of 2

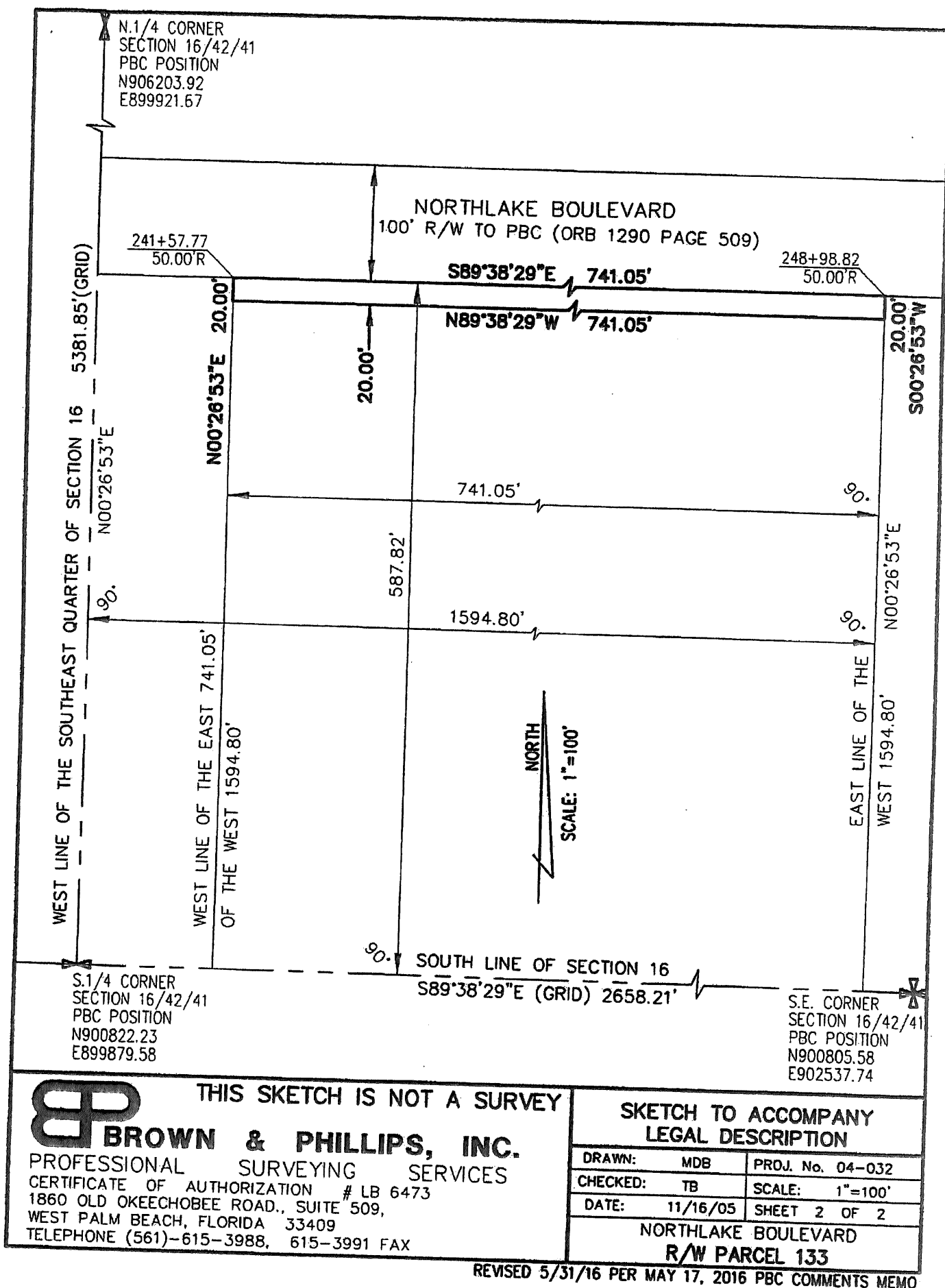


EXHIBIT “B”

NORTHLAKE BOULEVARD, EAST OF HALL BOULEVARD TO COCONUT BOULEVARD PALM BEACH COUNTY, PROJECT NO. 2003503B

SAFETY

Northlake Boulevard from east of Hall Boulevard to Coconut Boulevard is currently a two (2) lane rural roadway. The widening of Northlake Boulevard from east of Hall Boulevard to Coconut Boulevard to a four (4) lane divided roadway will improve the overall safety for all users of this roadway due to the construction of additional lanes and a raised landscaped median to separate vehicles traveling in opposite directions. The design of this 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.

COST

The cost of improving Northlake Boulevard from east of Hall Boulevard to Coconut Boulevard, from a two (2) lane to a four (4) lane divided roadway, 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 in fiscal years 2002 through 2016. During the design of the roadway, reasonable efforts were made to minimize the areas to be acquired through condemnation and to minimize the cost of the project.

After considering safety, alternate routes and methodologies, planning, and environmental factors, the cost of the acquisition of this parcel for this project fit into the planned funding for this project, and the acquisition of this parcel was necessary, in furtherance of this public project.

ALTERNATE ROUTES

Northlake Boulevard is a heavily traveled roadway, which provides one of the most direct routes for vehicles traveling in an east-west direction through the Acreage/Loxahatchee communities. The Palm Beach County Comprehensive Plan (Thoroughfare Right-of-Way Identification Map) has for many years defined this route as a route to be improved, to meet traffic demands at full development of the County. Palm Beach County's Comprehensive Plan has been prepared to meet the requirements of Chapter 163, Florida Statutes and Rule 9J-5, Florida Administrative Code, and to address the needs and interests of the County's residents and visitors.

Alternate routes were considered in lieu of improving Northlake Boulevard. Construction of an alternate route through the Acreage/Loxahatchee communities would have disrupted or displaced numerous residential properties, be more costly and result in unnecessary impacts to the environment.

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

Northlake Boulevard exists along an established roadway corridor and the proposed improvements will have minimal negative impacts to the environment. Some wetland mitigation will be required. This roadway improvement project is, or is expected to be permitted through the appropriate environmental regulatory agencies.

Following is a more detailed outline of the reasons for acquisition needed for the improvement of Northlake Boulevard, from east of Hall Boulevard to Coconut Boulevard:

In conformance to the 2040 Long Range Transportation Plan, Northlake Boulevard is to be reconstructed to provide four (4) lanes of an ultimate six (6) lane section. The Comprehensive Plan requires that 140 feet be available for construction, ultimately requiring an additional 40 feet of right-of-way.

An examination of existing conditions on Northlake Boulevard notes that the properties along the south side of Northlake Boulevard within this corridor have a considerably larger dimension in a north to south direction than those on the north side. A more fair and equitable approach would acquire 20 feet from the south side side, which is the method being followed for acquisition of parcels along this corridor.

ACQUISITION FOR FEE SIMPLE ADDITIONAL RIGHT OF WAY PARCEL 133

As in the above section, conformance to the 2040 Long Range Transportation Plan, requires Northlake Boulevard to be reconstructed to provide four (4) lanes of an ultimate six (6) lane section. The Comprehensive Plan requires that 140 feet be available for construction, ultimately requiring an additional 40 feet of right-of-way. A four (4) lane section is currently proposed to be constructed within a 120 foot right-of-way of the ultimate six (6) lane section 140 foot right-of-way.

An examination of existing conditions on Northlake Boulevard within this corridor shows large masses of properties with potential for future development. Twenty (20) feet of right-of-way on the south side of Northlake Boulevard was dedicated to Palm Beach County with the development of Pierce Hammock Elementary School at Grapeview Boulevard. There is also an existing 20 feet of right-of-way on the south side of Northlake Boulevard west of Coconut Boulevard. As such, the additional 20 feet of right-of-way will be acquired from the south side of Northlake Boulevard as required for the construction of the four (4) lane section. This method is being followed for acquisition of parcels along this corridor.

ACQUISITION FOR EMBANKMENT EASEMENT PARCEL 233

Areas where the finished sidewalk elevation will be two (2) feet or more above or below existing grade require acquisition of an embankment easement. This easement prevents the abutting owner from removing the underlying fill and thereby undermining the sidewalk.

ACQUISITION FOR TEMPORARY CONSTRUCTION EASEMENT PARCEL 333

Temporary Construction Easements (TCEs expire after construction) are required adjacent to the widened right of way (or the Permanent Easements if acquired) in order to give construction vehicles access to the outside edges of the work area. In some cases these TCEs are used to regrade the existing ground to match the adjacent property, and also to prevent ponding of surface water by directing water to a proper outfall.

RESOLUTION NO. R-2016 - _____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS (BOARD) OF PALM BEACH COUNTY, FLORIDA, DECLARING THE ACQUISITION OF A PROPERTY DESIGNATED AS PARCEL 233 AS AN EMBANKMENT EASEMENT NECESSARY FOR WIDENING NORTHLAKE BOULEVARD FROM EAST OF HALL BOULEVARD TO COCONUT BOULEVARD, TO BE FOR A PUBLIC USE AND PURPOSE, AUTHORIZING THE EMPLOYMENT OF APPRAISERS AND OTHER EXPERTS AND THE FILING OF EMINENT DOMAIN PROCEEDINGS.

WHEREAS, the County Engineer has recommended the acquisition of the parcel to the Board; and

WHEREAS, the parcel is necessary for the widening of Northlake Boulevard, from east of Hall Boulevard to Coconut Boulevard; and

WHEREAS, the funds are available for the acquisition of this property designated as Parcel 233 as an embankment easement; and

WHEREAS, the property owner has not accepted the offer to purchase made by Palm Beach County (County); and

WHEREAS, the Board is exercising its authority of Eminent Domain pursuant to Florida Statutes 73, 74, 127, and 337.27, as amended; and

WHEREAS, the 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, the Board has determined that the acquisition of the real property identified as Parcel 233 as an embankment easement, which is more fully described in Exhibit "A", is necessary for the widening of Northlake Boulevard, from east of Hall Boulevard to Coconut Boulevard, and is for a public use and purpose deemed to be in the best interest of the County; and

WHEREAS, the construction limits shall not extend beyond the limits as outlined in Exhibit "A"; and

WHEREAS, the property 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 233, 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. The 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, and 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.

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 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: an embankment easement necessary for widening Northlake Boulevard from east of Hall Boulevard to Coconut Boulevard.

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:

District 1:	_____	_____
District 2:	Paulette Burdick	_____
District 3:	_____	_____
District 4:	Steven L. Abrams	_____
District 5:	_____	_____
District 6:	Melissa McKinlay	_____
District 7:	_____	_____

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

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"

Embankment Easement Parcel 233
Sheet 1 of 2

LEGAL DESCRIPTION

A PARCEL OF LAND IN THE SOUTHEAST QUARTER OF SECTION 16,
TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA,
MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH 10.00 FEET, OF THE NORTH 30.00 FEET, OF THE SOUTH 587.82 FEET,
OF THE EAST 741.05 FEET, OF THE WEST 1594.80 FEET OF SAID SECTION 16.

CONTAINING 7411 SQUARE FEET, MORE OR LESS.


NOTES:

- 1) BASELINE STATIONING IS BASED ON A ROADWAY PLAN FOR NORTHLAKE BOULEVARD,
PREPARED BY METRIC ENGINEERING, PALM BEACH COUNTY PROJECT No.2003503A.
- 2) THIS DESCRIPTION IS BASED ON INFORMATION FURNISHED BY THE PALM BEACH COUNTY ROADWAY
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NO SEARCH OF THE PUBLIC RECORDS WAS PERFORMED BY BROWN & PHILLIPS, INC.
- 3) BEARING BASIS: S89°38'29"E (GRID) ALONG THE SOUTH LINE OF SECTION 16, TOWNSHIP 42 SOUTH,
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PBC - PALM BEACH COUNTY
R - DISTANCE RIGHT OF BASELINE
L - DISTANCE LEFT OF BASELINE
ITWCD - INDIAN TRAIL WATER CONTROL DISTRICT
EE - EMBANKMENT EASEMENT


ANTHONY BROWN
PROFESSIONAL LAND SURVEYOR
STATE OF FLORIDA No. 4977
DATE: 6/11/2016

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

LEGAL DESCRIPTION

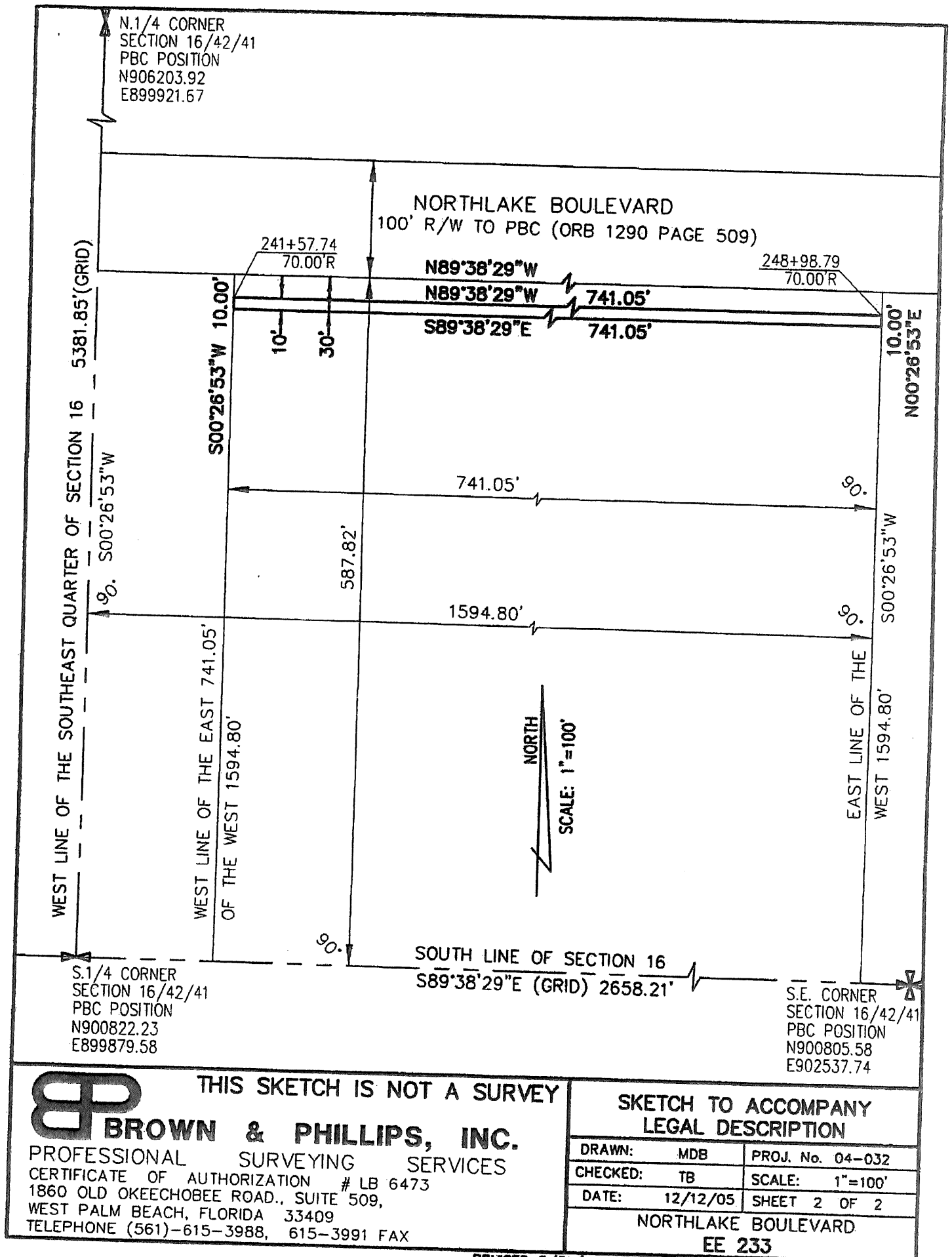
DRAWN:	MDB	PROJ. No. 04-032
CHECKED:	TB	SCALE: NONE
DATE:	12/12/05	SHEET 1 OF 2

NORTHLAKE BOULEVARD
EE 233

REVISED 5/31/16 PER MAY 17, 2016 PBC COMMENTS MEMO

Exhibit "A"

Embankment Easement Parcel 233
Sheet 2 of 2



REVISED 5/31/16 PER MAY 17, 2016 PBC COMMENTS MEMO

EXHIBIT “B”

NORTHLAKE BOULEVARD, EAST OF HALL BOULEVARD TO COCONUT BOULEVARD PALM BEACH COUNTY, PROJECT NO. 2003503B

SAFETY

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COST

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ALTERNATE ROUTES

Northlake Boulevard is a heavily traveled roadway, which provides one of the most direct routes for vehicles traveling in an east-west direction through the Acreage/Loxahatchee communities. The Palm Beach County Comprehensive Plan (Thoroughfare Right-of-Way Identification Map) has for many years defined this route as a route to be improved, to meet traffic demands at full development of the County. Palm Beach County's Comprehensive Plan has been prepared to meet the requirements of Chapter 163, Florida Statutes and Rule 9J-5, Florida Administrative Code, and to address the needs and interests of the County's residents and visitors.

Alternate routes were considered in lieu of improving Northlake Boulevard. Construction of an alternate route through the Acreage/Loxahatchee communities would have disrupted or displaced numerous residential properties, be more costly and result in unnecessary impacts to the environment.

LONG RANGE PLANNING

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ENVIRONMENTAL IMPACTS

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An examination of existing conditions on Northlake Boulevard notes that the properties along the south side of Northlake Boulevard within this corridor have a considerably larger dimension in a north to south direction than those on the north side. A more fair and equitable approach would acquire 20 feet from the south side side, which is the method being followed for acquisition of parcels along this corridor.

ACQUISITION FOR FEE SIMPLE ADDITIONAL RIGHT OF WAY PARCEL 133

As in the above section, conformance to the 2040 Long Range Transportation Plan, requires Northlake Boulevard to be reconstructed to provide four (4) lanes of an ultimate six (6) lane section. The Comprehensive Plan requires that 140 feet be available for construction, ultimately requiring an additional 40 feet of right-of-way. A four (4) lane section is currently proposed to be constructed within a 120 foot right-of-way of the ultimate six (6) lane section 140 foot right-of-way.

An examination of existing conditions on Northlake Boulevard within this corridor shows large masses of properties with potential for future development. Twenty (20) feet of right-of-way on the south side of Northlake Boulevard was dedicated to Palm Beach County with the development of Pierce Hammock Elementary School at Grapeview Boulevard. There is also an existing 20 feet of right-of-way on the south side of Northlake Boulevard west of Coconut Boulevard. As such, the additional 20 feet of right-of-way will be acquired from the south side of Northlake Boulevard as required for the construction of the four (4) lane section. This method is being followed for acquisition of parcels along this corridor.

ACQUISITION FOR EMBANKMENT EASEMENT PARCEL 233

Areas where the finished sidewalk elevation will be two (2) feet or more above or below existing grade require acquisition of an embankment easement. This easement prevents the abutting owner from removing the underlying fill and thereby undermining the sidewalk.

ACQUISITION FOR TEMPORARY CONSTRUCTION EASEMENT PARCEL 333

Temporary Construction Easements (TCEs expire after construction) are required adjacent to the widened right of way (or the Permanent Easements if acquired) in order to give construction vehicles access to the outside edges of the work area. In some cases these TCEs are used to regrade the existing ground to match the adjacent property, and also to prevent ponding of surface water by directing water to a proper outfall.

RESOLUTION NO. R-2016 - _____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS (BOARD) OF PALM BEACH COUNTY, FLORIDA, DECLARING THE ACQUISITION OF PROPERTY DESIGNATED AS PARCEL 333 AS A TEMPORARY CONSTRUCTION EASEMENT, NECESSARY FOR WIDENING NORTHLAKE BOULEVARD FROM EAST OF HALL BOULEVARD TO COCONUT BOULEVARD, TO BE FOR A PUBLIC USE AND PURPOSE, AUTHORIZING THE EMPLOYMENT OF APPRAISERS AND OTHER EXPERTS AND THE FILING OF EMINENT DOMAIN PROCEEDINGS.

WHEREAS, the County Engineer has recommended the acquisition of the parcel to the Board; and

WHEREAS, the parcel is necessary for the widening of Northlake Boulevard, from east of Hall Boulevard to Coconut Boulevard; and

WHEREAS, the funds are available for the acquisition of the property designated as Parcel 333 as a temporary construction easement; and

WHEREAS, the property owner has not accepted the offer to purchase made by Palm Beach County (County); and

WHEREAS, the Board is exercising its authority of Eminent Domain pursuant to Florida Statutes 73, 74, 127, and 337.27, as amended; and

WHEREAS, the 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, the Board has determined that the acquisition of the real property identified as Parcel 333 as a temporary construction easement, which is more fully described in Exhibit "A", is necessary for the widening of Northlake Boulevard, from east of Hall Boulevard to Coconut Boulevard, and is for a public use and purpose deemed to be in the best interest of the County; and

WHEREAS, the construction limits shall not extend beyond the limits as outlined in Exhibit "A"; and

WHEREAS, the property 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 333, 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. The 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, and 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.

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

BE IT FURTHER RESOLVED that the property described in **Exhibit "A"** is to be used for the following public use and purpose: a temporary construction easement necessary for widening Northlake Boulevard from east of Hall Boulevard to Coconut Boulevard.

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:

- | | | |
|-------------|------------------|-------|
| District 1: | _____ | _____ |
| District 2: | Paulette Burdick | _____ |
| District 3: | _____ | _____ |
| District 4: | Steven L. Abrams | _____ |
| District 5: | _____ | _____ |
| District 6: | Melissa McKinlay | _____ |
| District 7: | _____ | _____ |

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

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"

Temporary Construction Easement Parcel 333
Sheet 1 of 2

LEGAL DESCRIPTION

A PARCEL OF LAND IN THE SOUTHEAST QUARTER OF SECTION 16,
TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA,
MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF A LINE LYING 30.00 FEET SOUTH OF, AND
PARALLEL WITH, THE SOUTH RIGHT-OF-WAY OF NORTHLAKE BOULEVARD, RECORDED IN
OFFICIAL RECORD BOOK 1290, PAGE 509, OF THE PUBLIC RECORDS OF PALM BEACH
COUNTY, FLORIDA, WITH THE EAST LINE OF THE WEST 1594.80 FEET OF THE SAID
SOUTHEAST QUARTER;

THENCE ALONG SAID PARALLEL LINE, N89°38'29"W FOR 511.71 FEET TO THE POINT OF
BEGINNING;

THENCE CONTINUE N89°38'29"W FOR 38.00 FEET;

THENCE S00°21'31"W FOR 20.00 FEET;

THENCE S89°38'29"E FOR 38.00 FEET;

THENCE N00°21'31"E FOR 20.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 760 SQUARE FEET, MORE OR LESS.

NOTES:

- 1) BASELINE STATIONING IS BASED ON A ROADWAY PLAN FOR NORTHLAKE BOULEVARD,
PREPARED BY METRIC ENGINEERING, PALM BEACH COUNTY PROJECT No.2003503A.
- 2) THIS DESCRIPTION IS BASED ON INFORMATION FURNISHED BY THE PALM BEACH COUNTY ROADWAY
PRODUCTION DEPARTMENT.
NO SEARCH OF THE PUBLIC RECORDS WAS PERFORMED BY BROWN & PHILLIPS, INC.
- 3) BEARING BASIS: S89°38'29"E (GRID) ALONG THE SOUTH LINE OF SECTION 16, TOWNSHIP 42 SOUTH,
RANGE 41 EAST, PER PALM BEACH COUNTY SURVEY DEPARTMENT SECTION DATA.
- 4) THE BREAKDOWN OF SECTION 16, TOWNSHIP 42 SOUTH, RANGE 41 EAST, IS BASED ON PALM BEACH
COUNTY SURVEY DEPARTMENT SECTION DATA.

ABBREVIATIONS

POC - POINT OF COMMENCEMENT
POB - POINT OF BEGINNING
R/W - RIGHT-OF-WAY
ORB - OFFICIAL RECORD BOOK
PBC - PALM BEACH COUNTY
R - DISTANCE RIGHT OF BASELINE
L - DISTANCE LEFT OF BASELINE
ITWCD - INDIAN TRAIL WATER CONTROL DISTRICT
TCE - TEMPORARY CONSTRUCTION EASEMENT

THE DESCRIPTION SKETCH AND THE DESCRIPTION TEXT
COMPRISE THE COMPLETE LEGAL DESCRIPTION.
THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH
ACCOMPANY EACH OTHER.
REPRODUCTIONS OF THIS DOCUMENT ARE NOT VALID
WITHOUT THE ORIGINAL SIGNATURE AND THE ORIGINAL
RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND
MAPPER NOTED BELOW.


ANTHONY BROWN
PROFESSIONAL LAND SURVEYOR
STATE OF FLORIDA No. 4977
DATE: 6/10/2016



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

LEGAL DESCRIPTION

DRAWN: MDE	PROJ. No. 04-032
CHECKED: TB	SCALE: NONE
DATE: 2/10/06	SHEET 1 OF 2

NORTHLAKE BOULEVARD
TCE 333

Exhibit "A"

Temporary Construction Easement Parcel 333
Sheet 2 of 2

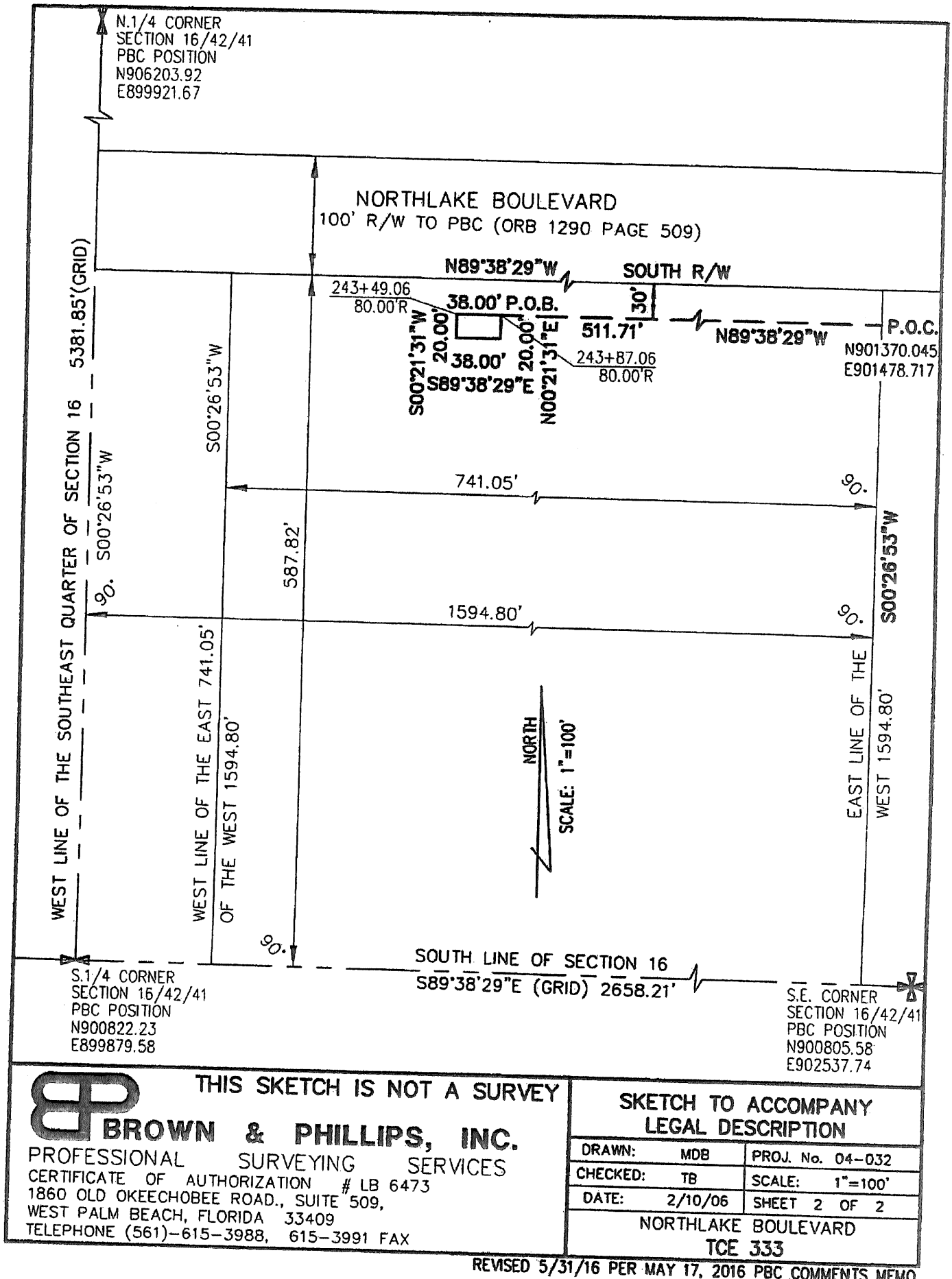


EXHIBIT “B”

NORTHLAKE BOULEVARD, EAST OF HALL BOULEVARD TO COCONUT BOULEVARD PALM BEACH COUNTY, PROJECT NO. 2003503B

SAFETY

Northlake Boulevard from east of Hall Boulevard to Coconut Boulevard is currently a two (2) lane rural roadway. The widening of Northlake Boulevard from east of Hall Boulevard to Coconut Boulevard to a four (4) lane divided roadway will improve the overall safety for all users of this roadway due to the construction of additional lanes and a raised landscaped median to separate vehicles traveling in opposite directions. The design of this 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.

COST

The cost of improving Northlake Boulevard from east of Hall Boulevard to Coconut Boulevard, from a two (2) lane to a four (4) lane divided roadway, 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 in fiscal years 2002 through 2016. During the design of the roadway, reasonable efforts were made to minimize the areas to be acquired through condemnation and to minimize the cost of the project.

After considering safety, alternate routes and methodologies, planning, and environmental factors, the cost of the acquisition of this parcel for this project fit into the planned funding for this project, and the acquisition of this parcel was necessary, in furtherance of this public project.

ALTERNATE ROUTES

Northlake Boulevard is a heavily traveled roadway, which provides one of the most direct routes for vehicles traveling in an east-west direction through the Acreage/Loxahatchee communities. The Palm Beach County Comprehensive Plan (Thoroughfare Right-of-Way Identification Map) has for many years defined this route as a route to be improved, to meet traffic demands at full development of the County. Palm Beach County's Comprehensive Plan has been prepared to meet the requirements of Chapter 163, Florida Statutes and Rule 9J-5, Florida Administrative Code, and to address the needs and interests of the County's residents and visitors.

Alternate routes were considered in lieu of improving Northlake Boulevard. Construction of an alternate route through the Acreage/Loxahatchee communities would have disrupted or displaced numerous residential properties, be more costly and result in unnecessary impacts to the environment.

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

Northlake Boulevard exists along an established roadway corridor and the proposed improvements will have minimal negative impacts to the environment. Some wetland mitigation will be required. This roadway improvement project is, or is expected to be permitted through the appropriate environmental regulatory agencies.

Following is a more detailed outline of the reasons for acquisition needed for the improvement of Northlake Boulevard, from east of Hall Boulevard to Coconut Boulevard:

In conformance to the 2040 Long Range Transportation Plan, Northlake Boulevard is to be reconstructed to provide four (4) lanes of an ultimate six (6) lane section. The Comprehensive Plan requires that 140 feet be available for construction, ultimately requiring an additional 40 feet of right-of-way.

An examination of existing conditions on Northlake Boulevard notes that the properties along the south side of Northlake Boulevard within this corridor have a considerably larger dimension in a north to south direction than those on the north side. A more fair and equitable approach would acquire 20 feet from the south side side, which is the method being followed for acquisition of parcels along this corridor.

ACQUISITION FOR FEE SIMPLE ADDITIONAL RIGHT OF WAY PARCEL 133

As in the above section, conformance to the 2040 Long Range Transportation Plan, requires Northlake Boulevard to be reconstructed to provide four (4) lanes of an ultimate six (6) lane section. The Comprehensive Plan requires that 140 feet be available for construction, ultimately requiring an additional 40 feet of right-of-way. A four (4) lane section is currently proposed to be constructed within a 120 foot right-of-way of the ultimate six (6) lane section 140 foot right-of-way.

An examination of existing conditions on Northlake Boulevard within this corridor shows large masses of properties with potential for future development. Twenty (20) feet of right-of-way on the south side of Northlake Boulevard was dedicated to Palm Beach County with the development of Pierce Hammock Elementary School at Grapeview Boulevard. There is also an existing 20 feet of right-of-way on the south side of Northlake Boulevard west of Coconut Boulevard. As such, the additional 20 feet of right-of-way will be acquired from the south side of Northlake Boulevard as required for the construction of the four (4) lane section. This method is being followed for acquisition of parcels along this corridor.

ACQUISITION FOR EMBANKMENT EASEMENT PARCEL 233

Areas where the finished sidewalk elevation will be two (2) feet or more above or below existing grade require acquisition of an embankment easement. This easement prevents the abutting owner from removing the underlying fill and thereby undermining the sidewalk.

ACQUISITION FOR TEMPORARY CONSTRUCTION EASEMENT PARCEL 333

Temporary Construction Easements (TCEs expire after construction) are required adjacent to the widened right of way (or the Permanent Easements if acquired) in order to give construction vehicles access to the outside edges of the work area. In some cases these TCEs are used to regrade the existing ground to match the adjacent property, and also to prevent ponding of surface water by directing water to a proper outfall.