Agenda Item #: **3-C-10**

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: Department:	• ,	[X]	Consent Workshop	[]	Regular Public Hearing
_	Engineering and Public Works Engineering and Public Works				
	Roadway Production Division				
	I. EXECUT	VE BR	<u>IEF</u>		
of properties designed and 202 as te	e: Staff recommends motion to gnated as parcels 101, 102, 103 a imporary construction easements Blue Heron Boulevard/SR708	ınd 104 a s as nece	as fee simple roa ssary for the co	ad right-c nstructio	of-way and parcels
mprovements at accepted the offer our chases have be at this time in order and Program. Description of the Background and public purpose a	Alue of \$22,394. The parcels at Blue Heron Boulevard and Cost to purchase made by Palm Beaten unsuccessful. Eminent domain to expedite construction of the istrict 7 (MAB) d Justification: The acquisition and necessity, which is deemed artment recommends the Board	ongress uch Cour ain proce e project a of parce d to be	Avenue. The party (County) and edings are neces, which is funded the less 101, 102, 10 in the best in	oroperty d attempt ssary to a sed in the 3, 104, 2 terest of	owners have not ts to negotiate the acquire the parcels current Five Year 01 and 202 is for a the County. The
3. Resolution for4. Resolution for	Parcels 101 and 201 with Exhi Parcels 102 and 202 with Exhi Parcels 103 with Exhibits "A-1 Parcels 104 with Exhibits "A-1	bits "A- " and E	1" & "A-2" and xhibit "B" (2)	l Exhibit)	: "B" (2) : "B" (2)
Recommended I		partment	Director		9/4/18 Date
Approved by:	pure	MI.	Dunty Administ	rator	4/11/18 Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2018	2019	2020	2021	2022
Capital Expenditures	<u>\$ -0-</u>			0	
Operating Costs	-0-	0-			
External Revenues	-0-	-0-			
Program Income (County)		-0-	-0-		
In-Kind Match (County)	-0-	0-	0-		
NET FISCAL IMPACT	\$ **				<u>-0-</u>
# ADDITIONAL FTE					
POSITIONS (Cumulative)					

Is Item Included in Current Budget? Yes X No Does this item include the use of federal funds? Yes No X

Budget Account No:

Fund 3501 Dept 361

Unit 1384

Object 6120

Recommended Sources of Funds/Summary of Fiscal Impact:

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

C.	Departmental Fiscal Review:	•	Mu	Kova	lainen
	•			7	

III. REVIEW COMMENTS

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

Ly	Pinds	3belis	
ABD 3/26/18	OFMB	803/20/1R	8P3/23

18 4/5/18 D

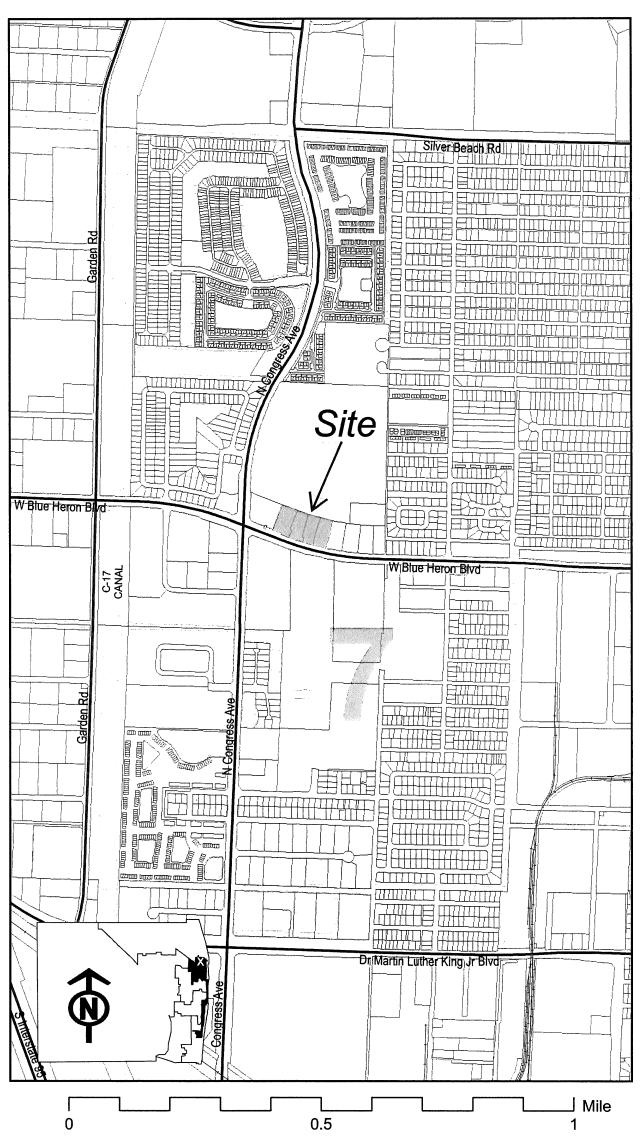
B. Approved as to Form and Legal Sufficiency:

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-2018-____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, DECLARING THE ACQUISITION OF A PROPERTY DESIGNATED AS PARCEL 101 AS A FEE SIMPLE ACQUISITION AND PARCEL 201 AS A TEMPORARY CONSTRUCTION EASEMENT, NECESSARY FOR THE CONSTRUCTION AND IMPROVEMENT OF BLUE HERON BOULEVARD AND CONGRESS 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 County Engineer has recommended the acquisition of this parcel to the Board of County Commissioners (BCC); and

WHEREAS, the parcels are necessary for the construction of a right turn lane at the intersection of Blue Heron Boulevard and Congress Avenue; and,

WHEREAS, the funds are available for the acquisition of the property designated as Parcel 101 as a fee simple acquisition and Parcel 201 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 BCC is exercising its authority of Eminent Domain pursuant to Chapters 73, 74, 127, and 337.27 Florida Statutes, as amended; and

WHEREAS, the BCC 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 BCC has determined that the acquisition of the real property identified as Parcel 101 for a fee simple acquisition and Parcel 201 for a temporary construction easement which are more fully described in <a href="Exhibit "A-1" and Exhibit "A-2", is necessary for the construction and improvement of Blue Heron Boulevard and Congress Avenue, 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 <u>Exhibit "A-1" and Exhibit "A-2"</u>; and

WHEREAS, the property described in <u>Exhibit "A-1" and Exhibit "A-2"</u>, 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 Parcels 101 and 201, 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 BCC 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-1" and Exhibit "A-2"**, 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-1" and Exhibit "A-2"** that may be necessary to fully accomplish those purposes.

BE IT FURTHER RESOLVED that the property described in **Exhibit "A-1" and Exhibit "A-2"** is to be used for the following public use and purpose: a fee simple acquisition necessary for the construction of a right turn lane at the intersection of Blue Heron Boulevard and Congress Avenue.

The foregoing Resolution was offered by Commi moved its adoption. The motion was seconded by upon being put to a vote, the vote was as follows:	ssioner who commissioner and
Commissioner, Melissa McKinlay, Mayor	
Commissioner, Mack Bernard, Vice Mayor	
Commissioner Hal R. Valeche	
Commissioner Paulette Burdick	
Commissioner Dave Kerner	
Commissioner Steven L. Abrams	
Commissioner Mary Lou Berger	
The Mayor thereupon declared the Resolution du	ly passed and adopted this day of
APPROVED AS TO FORM AND LEGAL SUFFICIENCY	PALM BEACH COUNTY, BOARD OF COUNTY COMMISSIONERS
	SHARON R. BOCK CLERK & COMPTROLLER
By: Yelizaveta B. Herman Assistant County Attorney	By: Deputy Clerk

EXHIBIT "A-1"

LEGAL DESCRIPTION: RIGHT-OF-WAY PARCEL 101

PORTION OF LOT 1, BLUE HERON SHOPPES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 99, PAGES 32 THROUGH 34 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING WITHIN SECTION 30, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 1; THENCE ALONG THE SOUTH LINE OF SAID LOT 1, SOUTH 68°44'31" EAST, A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING OF HEREIN DESCRIBED PARCEL OF LAND; THENCE NORTH 21°15'29" EAST, A DISTANCE OF 5.29 FEET; THENCE SOUTH 68°43'40" EAST, A DISTANCE OF 45.87 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTH, HAVING A RADIUS OF 2,806.43 FEET; THENCE EASTERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00°50'25", A DISTANCE OF 41.15 FEET; THENCE SOUTH 21°27'57" WEST, A DISTANCE OF 5.29 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF BLUE HERON BOULEVARD AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 93012-2502, DATED MAY 15, 2008 AND TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, CONCAVE TO THE NORTH, HAVING A RADIUS OF 2,811.93 FEET, THE RADIUS POINT OF SAID CURVE BEARS NORTH 20°25'58" EAST; THENCE WESTERLY, ALONG THE NORTH RIGHT-OF-WAY OF BLUE HERON BOULEVARD THROUGH THE FOLLOWING TWO (2) COURSES AND ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 00°49'31", A DISTANCE OF 40.50 FEET; THENCE NORTH 68°44'31" WEST, A DISTANCE OF 46.50 FEET TO THE POINT OF BEGINNING.

CONTAINING 461 SQUARE FEET OR 0.011 ACRES, MORE OR LESS

CERTIFICATION:

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

WILBUR F. DIVINE

PROFESSIONAL LAND SURVEYOR & MAPPER LICENSE NO. 4190, STATE OF FLORIDA

DATE: 01-24-14

REV. 04-30-14 JAF REV. 06-23-14 JAF REV. 08-15-17 JAF REV. 05-18-17 JAF REV. 07-06-16 JAF

PALM BEACH COUNTY PROJECT NO. 2013101

NOTE: THIS IS NOT A SKETCH OF SURVEY, BUT ONLY A **GRAPHIC** DEPICTION OF THE DESCRIPTION SHOWN HEREON. THERE HAS BEEN NO FIELD WORK, VIEWING OF THE SUBJECT PROPERY, OR MONUMENTS SET IN CONNECTION WITH THE PREPARATION OF THE INFORMATION SHOWN HEREON.

NOTE: REFERENCE TITLE SEARCH REPORT BY AMERICAN GOVERNMENT SERVICES CORPORATION, SEARCH NO. 26911-1, DATED: JUNE 18, 2015

ARCADIS U.S., Inc.

1500 Galeway Boulevard, Sult Boynton Beach, Florida 33426 Suite 200

Tel: (561) 697-7000 Fax: (561) 369-4731 www.arcadis.com

PROJECT MANAGER WFD DEPARTMENT MANAGER SCALE: CHECKED BY SHEET TITLE SKETCH AND DESCRIPTION DRAWN BY 01-24-14 PROJECT NUMBER DRAWING NUMBER 9 RIGHT-OF-WAY PARCEL WF056700.0002 WF057600-SD101 SHEET 1 OF 4

LEGEND:

CENTERLINE

© — CENTERLINE

C.A.E. — CROSS ACCESS EASEMENT

Δ — CENTRAL ANGLE

D.E. — DRAINAGE EASEMENT

FDOT — FLORIDA DEPARTMENT OF TRANSPORTATION

L — ARC LENGTH

O.R.B. — OFFICIAL RECORDS BOOK

(P.) — P.B. 99, PGS. 32−34

P.B. — PLAT BOOK

PGS. — PAGES

P.O.B. — POINT OF BEGINNING

P.O.C. — POINT OF COMMENCEMENT

R — RADIUS

- RADIUS

R/W - RIGHT-OF-WAY S.E. – SEWER EASEMENT STA. – STATION

U.E. - UTILITY EASEMENT

1) - LOT NUMBER

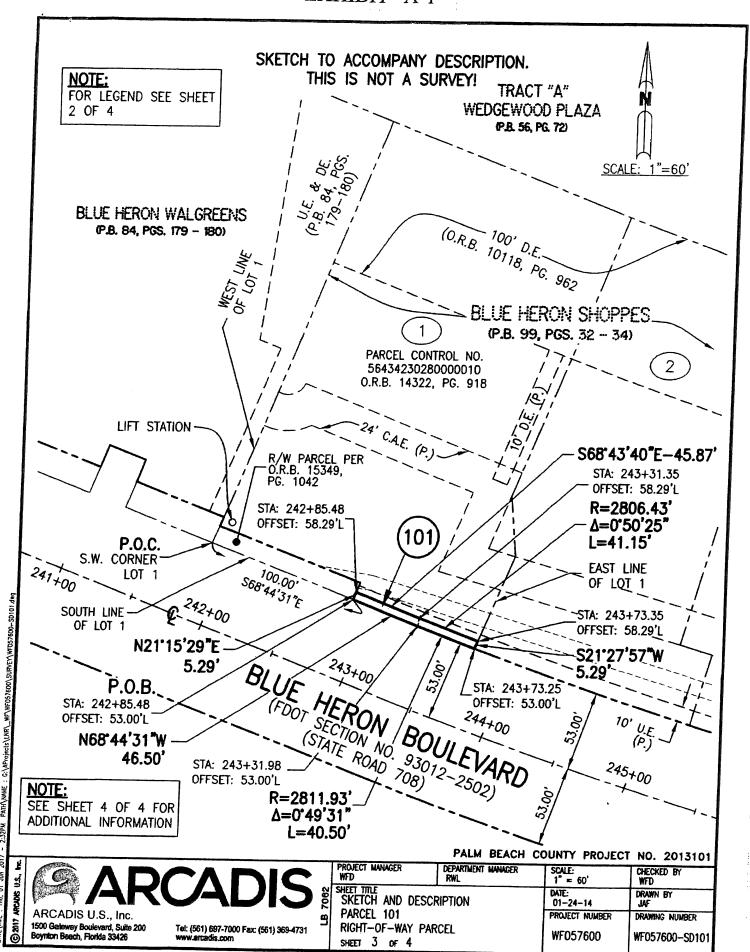
101 - RIGHT-OF-WAY PARCEL NUMBER

PALM BEACH COUNTY PROJECT NO. 2013101



Tel: (561) 697-7000 Fax: (561) 389-4731 www.arcadis.com

	PROJECT MANAGER WFD	DEPARTMENT MANAGER RWL	SCALE:	CHECKED BY WFD
SKET THE SKETCH AND DESCRIPTION PARCEL 101		DATE: 01-24-14	DRAWN BY JAF	
		PROJECT NUMBER	DRAWING NUMBER	
	RIGHT—OF—WAY PAR sheet 2 of 4	CEL	WF057600	WF057600-SD101



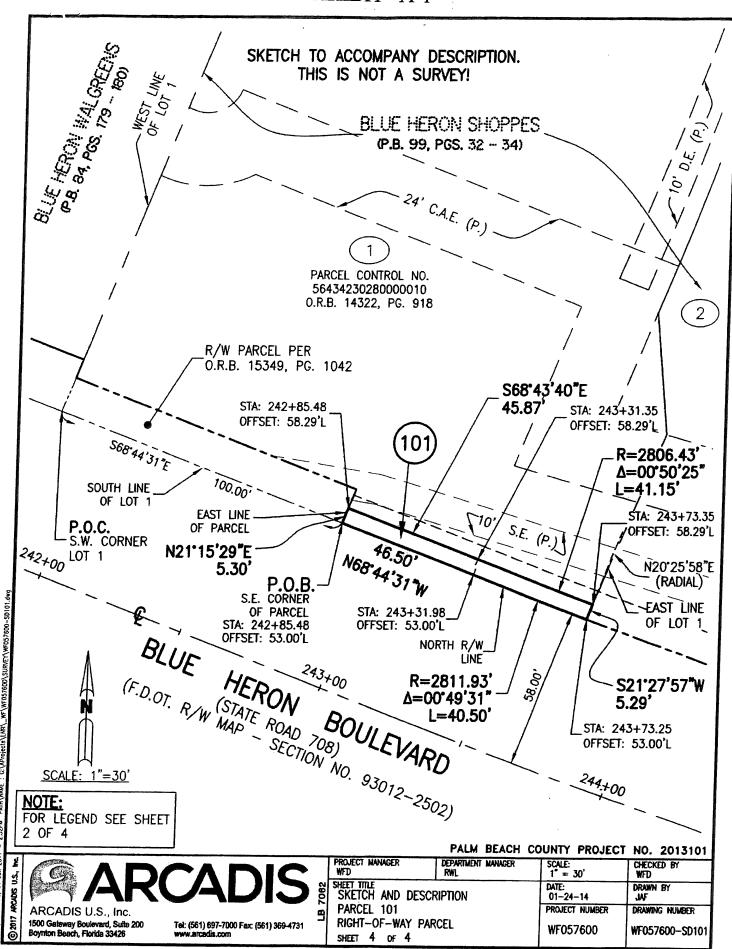


EXHIBIT "A-2"

LEGAL DESCRIPTION: PARCEL 201 - TEMPORARY CONSTRUCTION EASEMENT

PORTION OF LOT 1, BLUE HERON SHOPPES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 99, PAGES 32 THROUGH 34 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING WITHIN SECTION 30, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 1; THENCE ALONG THE EAST LINE OF SAID LOT 1, NORTH 21°27'57" EAST, A DISTANCE OF 5.29 FEET TO THE POINT OF BEGINNING OF HEREIN DESCRIBED PARCEL OF LAND; SAID POINT ALSO BEING ON A NON-TANGENT CURVE, CONCAVE TO THE NORTH, HAVING A RADIUS OF 2806.43 FEET, THE RADIUS POINT OF SAID CURVE BEARS NORTH 20°25'55" EAST; THENCE WESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 00°40'01", A DISTANCE OF 32.67 FEET; THENCE NORTH 21°05'57" EAST, A DISTANCE OF 10.00 FEET TO THE POINT OF INTERSECTION WITH A NON-TANGENT CURVE, CONCAVE TO THE NORTH, HAVING A RADIUS OF 2,796.43 FEET, THE RADIUS POINT OF SAID CURVE BEARS NORTH 21°05'57" EAST; THENCE EASTERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF , A DISTANCE OF 32.73 FEET TO A POINT ON THE EAST LINE OF SAID LOT 1; 00'40'14" THENCE ALONG SAID EAST LINE, SOUTH 21°27'57" WEST, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 327 SQUARE FEET OR 0.008 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RIGHTS-OF-WAY OF RECORD.

BEARINGS SHOWN HEREON ARE BASED ON THE EAST LINE OF SAID LOT 1, SAID LINE BEARING SOUTH 21°27'57" WEST AND ALL OTHER BEARINGS BEING RELATIVE THERETO.

CERTIFICATION:

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

WILBUR F. DIVINE

PROFESSIONAL LAND SURVEYOR & MAPPER LICENSE NO. 4190, STATE OF FLORIDA

DATE: 02-20-14

REV. 06-19-14 JAF

REV. 05-18-17 JAF

REV. 04-30-14 JAF

REV. 07-11-16 JAF REV. 07-17-14 JAF PALM BEACH COUNTY PROJECT NO. 2013101

NOTE: THIS IS NOT A SKETCH OF SURVEY, BUT ONLY A GRAPHIC DEPICTION OF THE DESCRIPTION SHOWN HEREON. THERE HAS BEEN NO FIELD WORK, VIEWING OF THE SUBJECT PROPERY, OR MONUMENTS SET IN CONNECTION WITH THE PREPARATION OF THE INFORMATION SHOWN HEREON.

NOTE: REFERENCE TITLE SEARCH REPORT BY AMERICAN GOVERNMENT SERVICES CORPORATION, SEARCH NO. 26911-1, DATED: JUNE 18, 2015

ARCADIS U.S., Inc. 1500 Gateway Boulevard, Suite 200 Boynton Beach, Florida 33426

Tel: (561) 697-7000 Fax: (561) 369-4731 www.arcadis.com

9

PROJECT MANAGER DEPARTMENT MANAGER SCALE: CHECKED BY SHEET TITLE SKETCH AND DESCRIPTION DATE: DRAWN BY 02 - 20 - 14PARCEL 201 PROJECT NUMBER DRAWING NUMBER TEMPORARY CONSTRUCTION EASEMENT WF056700.0002 | WF057600-SD201 SHEET 1 OF 3

ARCADIS

02017

LEGEND:

- CENTERLINE

C.A.E. - CROSS ACCESS EASEMENT

- CENTRAL ANGLE Δ

D.E. - DRAINAGE EASEMENT
FDOT - FLORIDA DEPARTMENT OF TRANSPORTATION

- ARC LENGTH

O.R.B. - OFFICIAL RECORDS BOOK (P.) - P.B. 99, PGS. 32-34

P.B. - PLAT BOOK PGS. - PAGES

P.O.B. - POINT OF BEGINNING

P.O.C. - POINT OF COMMENCEMENT

R - RADIUS

R/W - RIGHT-OF-WAY - SEWER EASEMENT S.E.

STA. - STATION

U.E. - UTILITY EASEMENT

1 - LOT NUMBER

201 - TEMPORARY CONSTRUCTION EASEMENT NUMBER

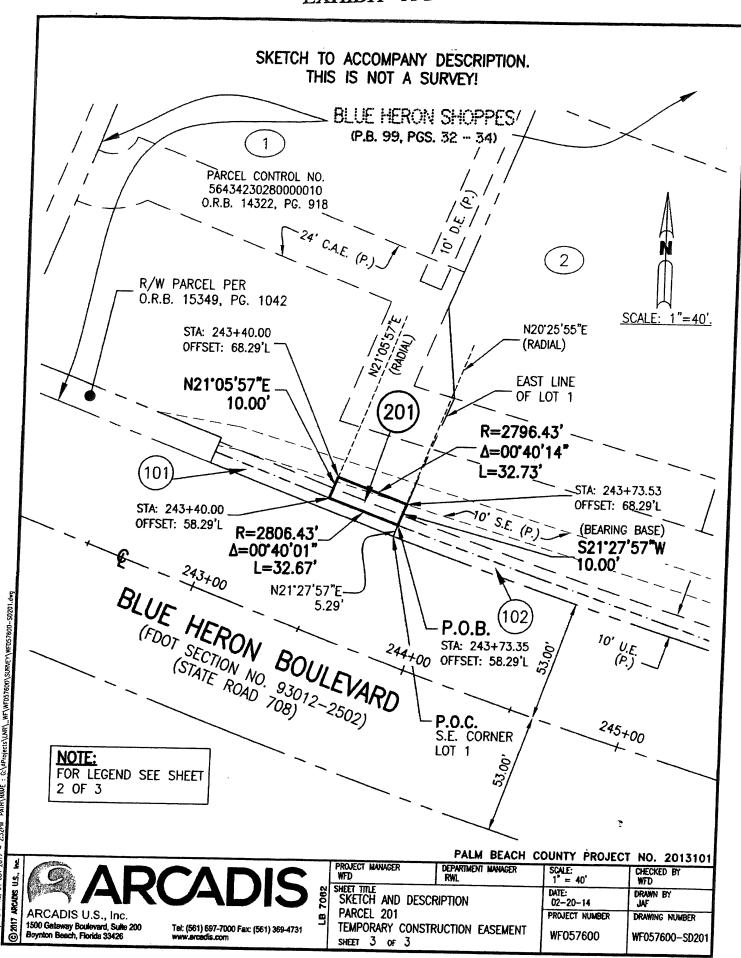
PALM BEACH COUNTY PROJECT NO. 2013101

ARCADIS U.S., Inc. 1500 Gateway Boulevard, Suite 200 Boynton Beach, Florida 33426

Tel: (561) 697-7000 Fax: (561) 369-4731 www.ercadis.com

PROJECT MANAGER WFD DEPARTMENT MANAGER SHEET TITLE SKETCH AND DESCRIPTION PARCEL 201 9 TEMPORARY CONSTRUCTION EASEMENT SHEET 2 OF 3

SCALE: CHECKED BY DATE-02-20-14 PROJECT NUMBER DRAWING NUMBER WF057600 WF057600-SD201



BLUE HERON BOULEVARD AND CONGRESS AVENUE, PALM BEACH COUNTY, PROJECT #2013101

SAFETY

Blue Heron Boulevard is currently a four to six lane paved Florida Department of Transportation roadway running east-west from Bee Line Highway to Ocean Avenue. More specifically, the limits of construction for this widening and paving of Blue Heron Boulevard extend from Congress Avenue to approximately 950 feet east of Congress Avenue, and is within a commercial area. This construction will improve Blue Heron Boulevard by adding a second westbound left turn lane at Congress Avenue, including curb and gutter, sidewalks and additional drainage. 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 providing this right turn lane improvement along this portion of Blue Heron Boulevard was estimated prior to beginning design of the project. 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 this parcel fits into the planned funding for this project, and the acquisition of this parcel was necessary, in furtherance of this public project.

ALTERNATE ROUTES

Blue Heron Boulevard is a heavily travelled roadway passing through residential and commercial areas. 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 6 lane roadway currently exists at the project location, alternate routes and methodologies were considered for addressing the traffic demands at the project intersection but this alternative was found to be the most economically feasible.

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

Blue Heron Boulevard 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.

Following is a more detailed outline of the reasons for acquisition needed for the improvement of Blue Heron Boulevard within the previously stated project limits:

ACQUISITIONS FOR ROAD RIGHT-OF-WAY - PARCEL 101

Currently, the Florida Department of Transportation owns a 100 foot wide Road Right-of-Way interest east of Congress Avenue that varies in width from approximately 106 foot to 125 foot. The parcels to be acquired represent acquisition outside of the existing mainline Right-of-Way and is required to construct roadway widening for a right turn lane, which includes curb and gutter, sidewalk, and additional drainage infrastructure.

ACQUISITIONS FOR TEMPORARY CONSTRUCTION EASEMENTS – PARCELS 201

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

RESOLUTION NO. R-2018-____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, DECLARING THE ACQUISITION OF A PROPERTY DESIGNATED AS PARCEL 102 AS A FEE SIMPLE ACQUISITION AND PARCEL 202 AS A TEMPORARY CONSTRUCTION EASEMENT, NECESSARY FOR THE CONSTRUCTION AND IMPROVEMENT OF BLUE HERON BOULEVARD AND CONGRESS 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 County Engineer has recommended the acquisition of this parcel to the Board of County Commissioners (BCC); and

WHEREAS, the parcels are necessary for the construction of a right turn lane at the intersection of Blue Heron Boulevard and Congress Avenue; and,

WHEREAS, the funds are available for the acquisition of the property designated as Parcel 102 as a fee simple acquisition and Parcel 202 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 BCC is exercising its authority of Eminent Domain pursuant to Chapters 73, 74, 127, and 337.27 Florida Statutes, as amended; and

WHEREAS, the BCC 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 BCC has determined that the acquisition of the real property identified as Parcel 102 for a fee simple acquisition and Parcel 202 for a temporary construction easement which are more fully described in **Exhibit "A-1" and Exhibit "A-2"**, is necessary for the construction and improvement of Blue Heron Boulevard and Congress Avenue, 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-1" and Exhibit "A-2"**; and

WHEREAS, the property described in <u>Exhibit "A-1" and Exhibit "A-2"</u>, 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 Parcels 102 and 202, 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 BCC 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-1" and Exhibit "A-2"**, and prepare all papers, pleadings, and other instruments required for that purpose, and to see that all eminent domain proceedings are prosecuted to judgment.

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-1" and Exhibit "A-2" that may be necessary to fully accomplish those purposes. BE IT FURTHER RESOLVED that the property described in Exhibit "A-1" and Exhibit "A-2" is to be used for the following public use and purpose: a fee simple acquisition necessary for the construction of a right turn lane at the intersection of Blue Heron Boulevard and Congress Avenue. The foregoing Resolution was offered by Commissioner 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, Melissa McKinlay, Mayor Commissioner, Mack Bernard, Vice Mayor Commissioner Hal R. Valeche Commissioner Paulette Burdick Commissioner Dave Kerner Commissioner Steven L. Abrams Commissioner Mary Lou Berger The Mayor thereupon declared the Resolution duly passed and adopted this _____ day of ______, 20_____ APPROVED AS TO FORM PALM BEACH COUNTY,

BOARD OF COUNTY COMMISSIONERS

Deputy Clerk

SHARON R. BOCK

CLERK & COMPTROLLER

AND LEGAL SUFFICIENCY

Yelizaveta B. Herman

Assistant County Attorney

EXHIBIT "A-1"

LEGAL DESCRIPTION: RIGHT-OF-WAY PARCEL 102

A PORTION OF LOT 2, BLUE HERON SHOPPES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 99, PAGES 32 THROUGH 34 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING WITHIN SECTION 30, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID LOT 2; THENCE ALONG THE WEST LINE OF SAID LOT 2, NORTH 21°27'57" EAST, A DISTANCE OF 5.29 FEET TO THE POINT OF INTERSECTION WITH A NON-TANGENT CURVE, CONCAVE TO THE NORTH, HAVING A RADIUS OF 2806.43 FEET, THE RADIUS POINT OF SAID CURVE BEARS NORTH 20°25'55" EAST; THENCE EASTERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 01°16'27", A DISTANCE OF 62.41 FEET; THENCE SOUTH THE NORTH HAVING A RADIUS OF 2389.23 FEET; THENCE EASTERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00°31'33"; A DISTANCE OF 21.93 FEET TO A POINT ON THE EAST LINE OF SAID LOT 2, SOUTH 16°13'25" WEST, A DISTANCE OF 4.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF BLUE HERON SECTION 93012-2502, DATED MAY 15, 2008 AND TO THE POINT OF INTERSECTION WITH A NON-TANGENT CURVE, CONCAVE TO THE NORTH, HAVING A RADIUS OF 2811.93 FEET, THE RADIUS POINT OF SAID CURVE BEARS NORTH 17°21'19" EAST; THENCE WESTERLY, ALONG THE NORTH THROUGH A CENTRAL ANGLE OF 03°04'39", A DISTANCE OF 151.04 FEET TO THE POINT OF BEGINNING.

CONTAINING 757 SQUARE FEET OR 0.017 ACRES, MORE OR LESS.

CERTIFICATION:

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

WILBUR F. DIVINE

PROFESSIONAL LAND SURVEYOR & MAPPER LICENSE NO. 4190, STATE OF FLORIDA

DATE: 01-27-14

REV. 04-30-14 JAF

PALM BEACH COUNTY PROJECT NO. 2013101

NOTE: THIS IS NOT A SKETCH OF SURVEY, BUT ONLY A GRAPHIC DEPICTION OF THE DESCRIPTION SHOWN HEREON. THERE HAS BEEN NO FIELD WORK, VIEWING OF THE SUBJECT PROPERY, OR MONUMENTS SET IN CONNECTION WITH THE PREPARATION OF THE INFORMATION SHOWN HEREON.

NOTE: LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RESTRICTIONS, RIGHTS-OF-WAY AND EASEMENTS OF RECORD.

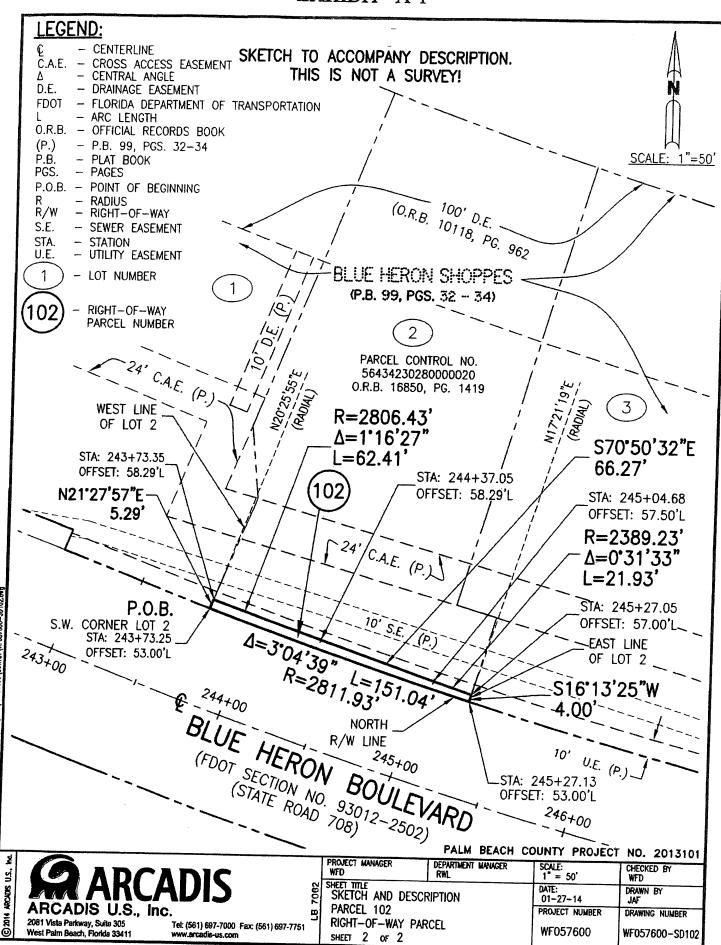
SARCADI.	ARC	ADIS
ARCADI	S Ū.S., ī	nc.

2081 Vista Parkway, Sulte 305 West Palm Beach, Florida 33411

Tel: (561) 697-7000 Fax: (561) 697-7751 www.arcadis-us.com

	PROJECT MANAGER WFD SHEET TITLE	DEPARTMENT MANAGER RWL	SCALE:	CHECKED BY WFD
	SKETCH AND DESCR PARCEL 102	RIPTION	DATE: 01-27-14	DRAWN BY JAF
3	RIGHT-OF-WAY PAR	CEL	PROJECT NUMBER	DRAWING NUMBER
	SHEET 1 OF 2		WF056700.0002	WF057600-SD102

-



11:06.W

EXHIBIT "A-2"

LEGAL DESCRIPTION: PARCEL 202 - TEMPORARY CONSTRUCTION EASEMENT

A PORTION OF LOT 2, BLUE HERON SHOPPES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 99, PAGES 32 THROUGH 34 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING WITHIN SECTION 30, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID LOT 2; THENCE ALONG THE WEST LINE OF SAID LOT 2, NORTH 21°27'57" EAST, A DISTANCE OF 5.29 FEET TO THE POINT OF BEGINNING OF HEREIN DESCRIBED PARCEL OF LAND; THENCE ALONG THE WEST LINE OF SAID LOT 2, NORTH 21°27'57" EAST, A DISTANCE OF 10.00 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, CONCAVE TO THE NORTH, HAVING A RADIUS OF 2,796.43 FEET, THE RADIUS POINT OF SAID CURVE BEARS NORTH 20°25'42" EAST; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 00°43'46", A DISTANCE OF 35.60 FEET; THENCE SOUTH 19°41'56" WEST, A DISTANCE OF 10.00 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, CONCAVE TO THE NORTH, HAVING A RADIUS OF 2,806.43 FEET, THE RADIUS POINT OF SAID CURVE BEARS NORTH 19°41'56" EAST; THENCE WESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 00°43'59", A DISTANCE OF 35.91 FEET TO THE POINT OF BEGINNING.

CONTAINGING 358 SQUARE FEET OR 0.008 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RIGHTS-OF-WAY OF RECORD.

BEARINGS SHOWN HEREON ARE BASED ON THE WEST LINE OF SAID LOT 2, SAID LINE BEARING NORTH 21°27'57" EAST AND ALL OTHER BEARINGS BEING RELATIVE THERETO.

CERTIFICATION:

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

WILBUR F. DIVINE

PROFESSIONAL LAND SURVEYOR & MAPPER LICENSE NO. 4190, STATE OF FLORIDA

DATE: 02-20-14

REV. 05-18-17 JAF REV. 07-11-16 JAF

REV. 06-19-14 JAF REV. 04-30-14 JAF

9

PALM BEACH COUNTY PROJECT NO. 2013101

NOTE: THIS IS NOT A SKETCH OF SURVEY, BUT ONLY A GRAPHIC DEPICTION OF THE DESCRIPTION SHOWN HEREON. THERE HAS BEEN NO FIELD WORK, VIEWING OF THE SUBJECT PROPERY, OR MONUMENTS SET IN CONNECTION WITH THE PREPARATION OF THE INFORMATION SHOWN HEREON.

NOTE: REFERENCE TITLE SEARCH REPORT BY AMERICAN GOVERNMENT SERVICES CORPORATION, SEARCH NO. 26911-1, DATED: JUNE 18, 2015



O Geteway Boulevard, Suite 200 Tel: (561) 697-7000 Fax: (561) 369-4731 www.ercadis.com

PROJECT MANAGER
WFD

SHEET TITLE
SKETCH AND DESCRIPTION
PARCEL 202
TEMPORARY CONSTRUCTION EASEMENT
SHEET 1 OF 3

DATE:
02-20-14
PROJECT NUMBER
DRAWN BY
JAF
PROJECT NUMBER
WF056700.0002
WF057600-SD202

ome : G:\AProjects\LNR_WF\WFO57600\SURV

LEGEND:

CENTERLINE

C.A.E. - CROSS ACCESS EASEMENT Δ - CENTRAL ANGLE D.E. - DRAINAGE EASEMENT

FDOT - FLORIDA DEPARTMENT OF TRANSPORTATION

- ARC LENGTH

O.R.B. - OFFICIAL RECORDS BOOK (P.) - P.B. 99, PGS. 32-34 P.B. - PLAT BOOK

PGS. - PAGES P.O.B. - POINT OF BEGINNING

P.O.C. - POINT OF COMMENCEMENT

- RADIUS

R/W - RIGHT-OF-WAY - SEWER EASEMENT S.E.

- STATION STA.

- UTILITY EASEMENT U.E.

1 - LOT NUMBER

202 - TEMPORARY CONSTRUCTION EASEMENT NUMBER

> PALM BEACH COUNTY PROJECT NO. 2013101 DEPARTMENT MANAGER RWL

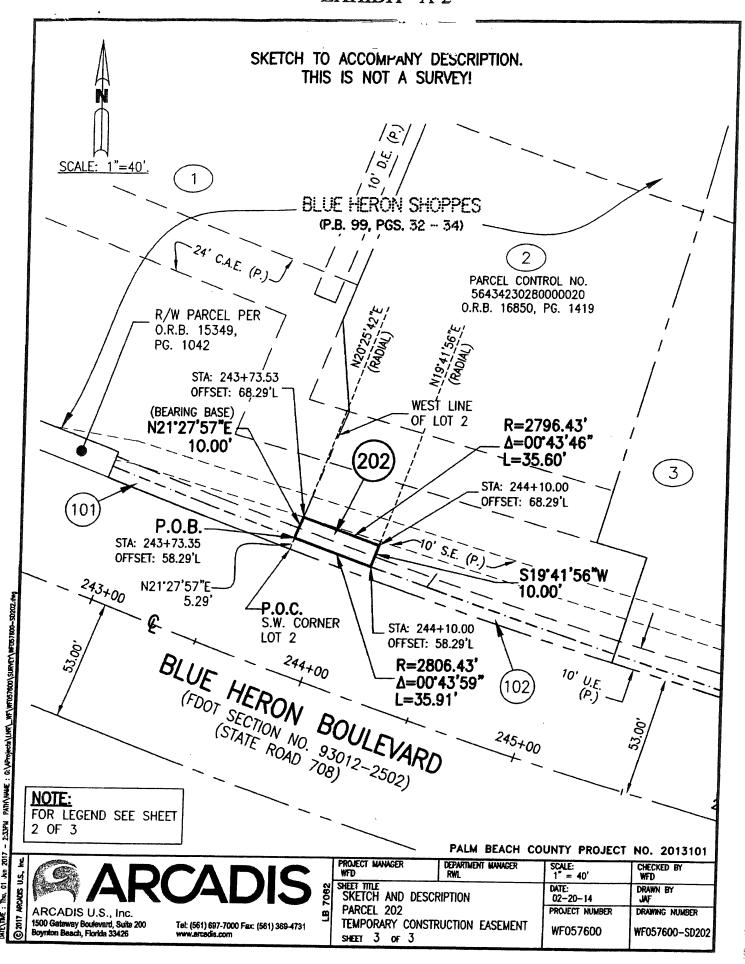
SCALE:



Tel: (561) 697-7000 Fax: (561) 369-4731 www.arcadis.com

SHEET TIME SKETCH AND DESCRIPTION PARCEL 202 TEMPORARY CONSTRUCTION EASEMENT SHEET 2 of 3

CHECKED BY WFD DRAWN BY JAF PROJECT NUMBER DRAWING NUMBER WF057600 WF057600-SD202



BLUE HERON BOULEVARD AND CONGRESS AVENUE, PALM BEACH COUNTY, PROJECT #2013101

SAFETY

Blue Heron Boulevard is currently a four to six lane paved Florida Department of Transportation roadway running east-west from Bee Line Highway to Ocean Avenue. More specifically, the limits of construction for this widening and paving of Blue Heron Boulevard extend from Congress Avenue to approximately 950 feet east of Congress Avenue, and is within a commercial area. This construction will improve Blue Heron Boulevard by adding a second westbound left turn lane at Congress Avenue, including curb and gutter, sidewalks and additional drainage. 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 providing this right turn lane improvement along this portion of Blue Heron Boulevard was estimated prior to beginning design of the project. 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 this parcel fits into the planned funding for this project, and the acquisition of this parcel was necessary, in furtherance of this public project.

ALTERNATE ROUTES

Blue Heron Boulevard is a heavily travelled roadway passing through residential and commercial areas. 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 6 lane roadway currently exists at the project location, alternate routes and methodologies were considered for addressing the traffic demands at the project intersection but this alternative was found to be the most economically feasible.

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

Blue Heron Boulevard 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.

Following is a more detailed outline of the reasons for acquisition needed for the improvement of Blue Heron Boulevard within the previously stated project limits:

ACQUISITIONS FOR ROAD RIGHT-OF-WAY - PARCEL 102

Currently, the Florida Department of Transportation owns a 100 foot wide Road Right-of-Way interest east of Congress Avenue that varies in width from approximately 106 foot to 125 foot. The parcels to be acquired represent acquisition outside of the existing mainline Right-of-Way and is required to construct roadway widening for a right turn lane which includes curb and gutter, sidewalk, and additional drainage infrastructure.

ACQUISITIONS FOR TEMPORARY CONSTRUCTION EASEMENTS - PARCELS 202

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

RESOLUTION NO. R-2018-

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, DECLARING THE ACQUISITION OF A PROPERTY DESIGNATED AS PARCEL 103 AS A FEE SIMPLE ACQUISITION, NECESSARY FOR THE CONSTRUCTION AND IMPROVEMENT OF BLUE HERON BOULEVARD AND CONGRESS 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 County Engineer has recommended the acquisition of this parcel to the Board of County Commissioners (BCC); and

WHEREAS, the parcel is necessary for the construction of a right turn lane at the intersection of Blue Heron Boulevard and Congress Avenue; and,

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

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

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

WHEREAS, the BCC 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 BCC has determined that the acquisition of the real property identified as Parcel 103 for a fee simple acquisition which is more fully described in **Exhibit "A-1"**, is necessary for the construction and improvement of Blue Heron Boulevard and Congress Avenue, 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-** 1"; and

WHEREAS, the property described in <u>Exhibit "A-1"</u>, 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:

- 1. The BCC 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-1"**, 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-1"** that may be necessary to fully accomplish those purposes.

BE IT FURTHER RESOLVED that the property described in **Exhibit "A-1"** is to be used for the following public use and purpose: a fee simple acquisition necessary for the construction of a right turn lane at the intersection of Blue Heron Boulevard and Congress Avenue.

The foregoing Resolution was offered by Commis	ssioner who
moved its adoption. The motion was seconded by upon being put to a vote, the vote was as follows:	Commissioner and
Commissioner, Melissa McKinlay, Mayor	
Commissioner, Mack Bernard, Vice Mayor	
Commissioner Hal R. Valeche	
Commissioner Paulette Burdick	
Commissioner Dave Kerner	
Commissioner Steven L. Abrams	
Commissioner Mary Lou Berger	
The Mayor thereupon declared the Resolution dul	ly passed and adopted this day of
APPROVED AS TO FORM AND LEGAL SUFFICIENCY	PALM BEACH COUNTY, BOARD OF COUNTY COMMISSIONERS
	SHARON R. BOCK CLERK & COMPTROLLER
By:	By:
Yelizaveta B. Herman Assistant County Attorney	By: Deputy Clerk

EXHIBIT "A-1"

LEGAL DESCRIPTION: RIGHT-OF-WAY PARCEL 103

A PORTION OF LOT 3, BLUE HERON SHOPPES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 99, PAGES 32 THROUGH 34 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING WITHIN SECTION 30, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID LOT 3; THENCE ALONG THE WEST LINE OF SAID LOT 3, NORTH 16°13'25" EAST, A DISTANCE OF 4.00 FEET TO THE POINT OF INTERSECTION WITH A NON-TANGENT CURVE, CONCAVE TO THE NORTH, HAVING A RADIUS OF 2389.23 FEET, THE RADIUS POINT OF SAID CURVE BEARS NORTH 18°37'56" EAST; THENCE EASTERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 02°38'19", A DISTANCE OF 110.02 FEET TO A POINT ON THE EAST LINE OF SAID LOT 3; THENCE SOUTH 16°13'25" WEST ALONG SAID EAST LINE, A DISTANCE OF 1.93 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF BLUE HERON BOULEVARD AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 93012-2502, DATED MAY 15, 2008 AND TO THE POINT OF INTERSECTION WITH A NON-TANGENT CURVE, CONCAVE TO THE NORTH, HAVING A RADIUS OF 2811.93 FEET, THE RADIUS POINT OF SAID CURVE BEARS NORTH 15°06'50" EAST; THENCE WESTERLY, ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID BLUE HERON BOULEVARD AND ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 02°14'29", A DISTANCE OF 110.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 319 SQUARE FEET OR 0.007 ACRES, MORE OR LESS.

CERTIFICATION:

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

WILBUR F. DIVINE

PROFESSIONAL LAND SURVEYOR & MAPPER LICENSE NO. 4190, STATE OF FLORIDA

DATE: 01-27-14

REV. 04-30-14 JAF REV. 06-23-14 JAF PALM BEACH COUNTY PROJECT NO. 2013101

NOTE: THIS IS NOT A SKETCH OF SURVEY, BUT ONLY A GRAPHIC DEPICTION OF THE DESCRIPTION SHOWN HEREON. THERE HAS BEEN NO FIELD WORK, VIEWING OF THE SUBJECT PROPERY, OR MONUMENTS SET IN CONNECTION WITH THE PREPARATION OF THE INFORMATION SHOWN HEREON.

NOTE: LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RESTRICTIONS, RIGHTS—OF—WAY AND EASEMENTS OF RECORD.

ARCADIS U.S., Inc.

2081 Vista Parkway, Suite 305 West Palm Beach, Florida 33411

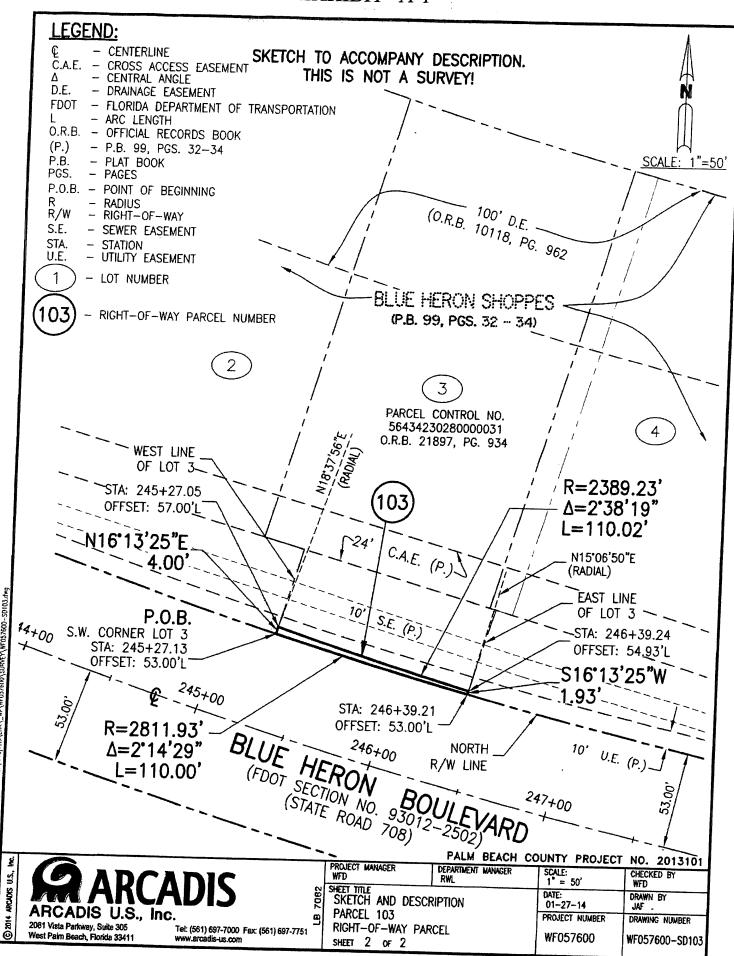
Tel: (561) 697-7000 Fax: (561) 697-7751 www.arcadis-us.com

PROJECT MANAGER DEPARTMENT MANAGER SCALE: CHECKED BY SHEET TITLE DATE: DRAWN B SKETCH AND DESCRIPTION 01-27-14 PARCEL 103 DRAWING NUMBER PROJECT NUMBER RIGHT-OF-WAY PARCEL WF056700.0002 WF057600-SD103 SHEET 1 OF 2

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#CADIS U.S., Inc.

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Page 1 of 2

EXHIBIT "B"

BLUE HERON BOULEVARD AND CONGRESS AVENUE, PALM BEACH COUNTY, PROJECT #2013101

SAFETY

Blue Heron Boulevard is currently a four to six lane paved Florida Department of Transportation roadway running east-west from Bee Line Highway to Ocean Avenue. More specifically, the limits of construction for this widening and paving of Blue Heron Boulevard extend from Congress Avenue to approximately 950 feet east of Congress Avenue, and is within a commercial area. This construction will improve Blue Heron Boulevard by adding a second westbound left turn lane at Congress Avenue, including curb and gutter, sidewalks and additional drainage. 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 providing this right turn lane improvement along this portion of Blue Heron Boulevard was estimated prior to beginning design of the project. 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 this parcel fits into the planned funding for this project, and the acquisition of this parcel was necessary, in furtherance of this public project.

ALTERNATE ROUTES

Blue Heron Boulevard is a heavily travelled roadway passing through residential and commercial areas. 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 6 lane roadway currently exists at the project location, alternate routes and methodologies were considered for addressing the traffic demands at the project intersection but this alternative was found to be the most economically feasible.

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

Blue Heron Boulevard 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.

Following is a more detailed outline of the reasons for acquisition needed for the improvement of Blue Heron Boulevard within the previously stated project limits:

ACQUISITIONS FOR ROAD RIGHT-OF-WAY - PARCEL 103

Currently, the Florida Department of Transportation owns a 100 foot wide Road Right-of-Way interest east of Congress Avenue that varies in width from approximately 106 foot to 125 foot. The parcels to be acquired represent acquisition outside of the existing mainline Right-of-Way and is required to construct roadway widening for a right turn lane, which includes curb and gutter, sidewalk, and additional drainage infrastructure.

RESOLUTION NO. R-2018-

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, DECLARING THE ACQUISITION OF A PROPERTY DESIGNATED AS PARCEL 104 AS A FEE SIMPLE ACQUISITION, NECESSARY FOR THE CONSTRUCTION AND IMPROVEMENT OF BLUE HERON BOULEVARD AND CONGRESS 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 County Engineer has recommended the acquisition of this parcel to the Board of County Commissioners (BCC); and

WHEREAS, the parcel is necessary for the construction of a right turn lane at the intersection of Blue Heron Boulevard and Congress Avenue; and,

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

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

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

WHEREAS, the BCC 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 BCC has determined that the acquisition of the real property identified as Parcel 104 for a fee simple acquisition which is more fully described in Exhibit "A-1", is necessary for the construction and improvement of Blue Heron Boulevard and Congress Avenue, 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-1"**; and

WHEREAS, the property described in <u>Exhibit "A-1"</u>, 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:

- 1. The BCC 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-1"**, 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-1"** that may be necessary to fully accomplish those purposes.

BE IT FURTHER RESOLVED that the property described in **Exhibit "A-1"** is to be used for the following public use and purpose: a fee simple acquisition necessary for the construction of a right turn lane at the intersection of Blue Heron Boulevard and Congress Avenue.

The foregoing Resolution was offered by Commi- moved its adoption. The motion was seconded by	ssioner who
moved its adoption. The motion was seconded by upon being put to a vote, the vote was as follows:	Commissioner and
Commissioner, Melissa McKinlay, Mayor	
Commissioner, Mack Bernard, Vice Mayor	
Commissioner Hal R. Valeche	·
Commissioner Paulette Burdick	
Commissioner Dave Kerner	
Commissioner Steven L. Abrams	
Commissioner Mary Lou Berger	
The Mayor thereupon declared the Resolution du	ly passed and adopted this day of
APPROVED AS TO FORM AND LEGAL SUFFICIENCY	PALM BEACH COUNTY, BOARD OF COUNTY COMMISSIONERS
	SHARON R. BOCK CLERK & COMPTROLLER
By:	By:
Yelizaveta B. Herman Assistant County Attorney	Deputy Clerk

EXHIBIT "A-1"

LEGAL DESCRIPTION: RIGHT-OF-WAY PARCEL 104

A PORTION OF LOTS 4 AND 5, BLUE HERON SHOPPES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 99, PAGES 32 THROUGH 34 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING WITHIN SECTION 30, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID LOT 4; THENCE ALONG THE WEST LINE OF SAID LOT 4, NORTH 16°13′25" EAST, A DISTANCE OF 1.93 FEET TO THE POINT OF INTERSECTION WITH A NON-TANGENT CURVE, CONCAVE TO THE NORTH, HAVING A RADIUS OF 2389.23 FEET, THE RADIUS POINT OF SAID CURVE BEARS NORTH 15°59′37" EAST; THENCE EASTERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 05°42′14", A DISTANCE OF 237.86 FEET; THENCE SOUTH 79°13′46" EAST, A DISTANCE OF 5.46 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF BLUE HERON BOULEVARD AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 93012-2502, DATED MAY 15, 2008 AND TO THE POINT OF INTERSECTION WITH A NON-TANGENT CURVE, CONCAVE TO THE NORTH, HAVING A RADIUS OF 2811.93 FEET, THE RADIUS POINT OF SAID CURVE BEARS NORTH 10°09′15" EAST; THENCE WESTERLY, ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID BLUE HERON BOULEVARD AND ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 04°57′35", A DISTANCE OF 243.41 FEET TO THE POINT OF BEGINNING.

CONTAINING 166 SQUARE FEET OR 0.004 ACRES, MORE OR LESS.

CERTIFICATION:

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

WILBUR F. DIVINE

PROFESSIONAL LAND SURVEYOR & MAPPER LICENSE NO. 4190, STATE OF FLORIDA

DATE: 01-27-14

REV. 04-30-14 JAF REV. 06-23-14 JAF PALM BEACH COUNTY PROJECT NO. 2013101

NOTE: THIS IS NOT A SKETCH OF SURVEY, BUT ONLY A GRAPHIC DEPICTION OF THE DESCRIPTION SHOWN HEREON. THERE HAS BEEN NO FIELD WORK, VIEWING OF THE SUBJECT PROPERY, OR MONUMENTS SET IN CONNECTION WITH THE PREPARATION OF THE INFORMATION SHOWN HEREON.

NOTE: LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RESTRICTIONS, RIGHTS-OF-WAY AND EASEMENTS OF RECORD.

ARCADIS U.S., Inc.

2081 Vista Parkway, Suite 305 West Palm Beach, Florida 33411

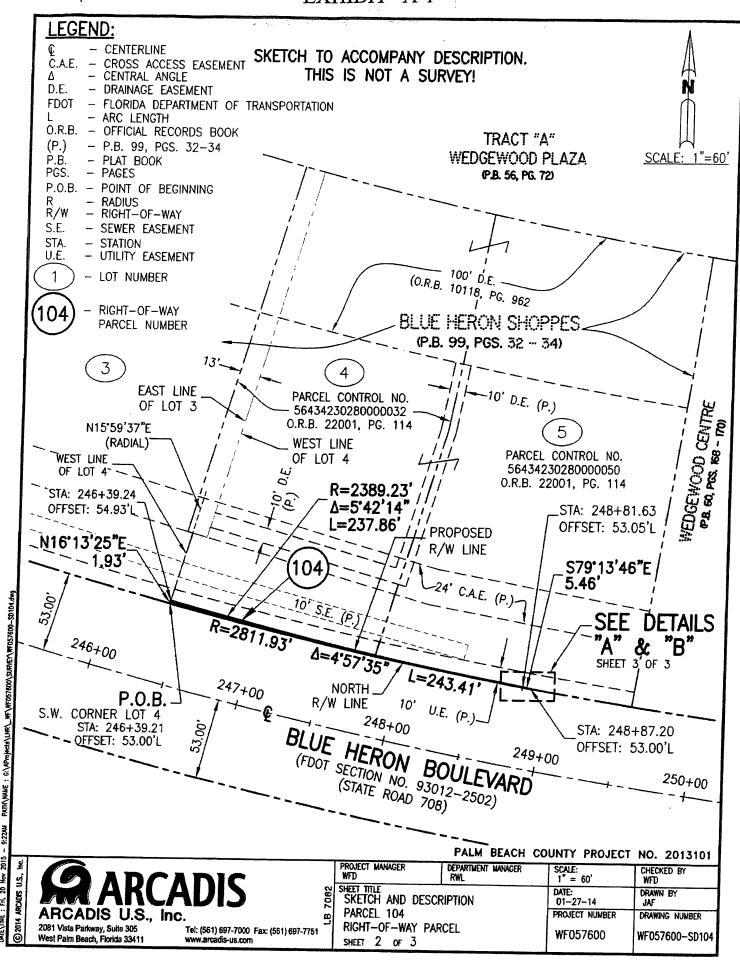
Tel: (561) 697-7000 Fax: (561) 697-7751 www.arcadis-us.com

PROJECT MANAGER DEPARTMENT MANAGER SCALF: CHECKED BY WFD SHEET DRAWN BY SKETCH AND DESCRIPTION 01-27-14 PARCEL 104 PROJECT NUMBER DRAWING NUMBER RIGHT-OF-WAY PARCEL WF056700.0002 WF057600-SD104 SHEET 1 OF 3

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ARCADIS

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- CENTRAL ANGLE

FDOT - FLORIDA DEPARTMENT OF TRANSPORTATION

- ARC LENGTH P.B. - PLAT BOOK

PGS. - PAGES

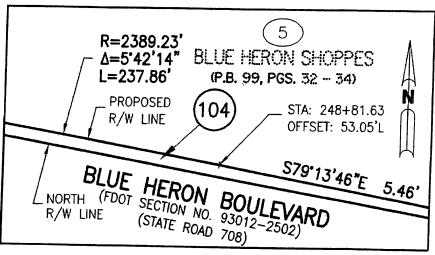
- RADIUS

R/W - RIGHT-OF-WAY

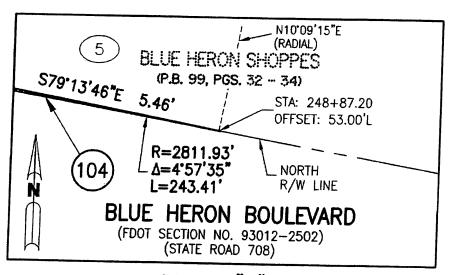
STA. - STATION

1 - LOT NUMBER

104 RIGHT-OF-WAY PARCEL NUMBER



DETAIL NOT TO SCALE



DETAIL "B"

NOT TO SCALE

PALM BEACH COUNTY PROJECT NO. 2013101



2081 Vista Parkway, Suite 305 West Palm Beach, Florida 33411

Tel: (561) 697-7000 Fax: (561) 697-7751 www.arcadis-us.com

DEPARTMENT MANAGER RWL PROJECT MANAGER WFD SCALE: NOT TO SCALE CHECKED BY WFD SHEET TITLE SKETCH AND DESCRIPTION DATE: 01-27-14 DRAWN B PARCEL 104 PROJECT NUMBER DRAWING NUMBER RIGHT-OF-WAY PARCEL WF057600 WF057600-SD104 SHEET 3 OF 3

ARCADES U.S. 0000

BLUE HERON BOULEVARD AND CONGRESS AVENUE, PALM BEACH COUNTY, PROJECT #2013101

SAFETY

Blue Heron Boulevard is currently a four to six lane paved Florida Department of Transportation roadway running east-west from Bee Line Highway to Ocean Avenue. More specifically, the limits of construction for this widening and paving of Blue Heron Boulevard extend from Congress Avenue to approximately 950 feet east of Congress Avenue, and is within a commercial area. This construction will improve Blue Heron Boulevard by adding a second westbound left turn lane at Congress Avenue, including curb and gutter, sidewalks and additional drainage. 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 providing this right turn lane improvement along this portion of Blue Heron Boulevard was estimated prior to beginning design of the project. 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 this parcel fits into the planned funding for this project, and the acquisition of this parcel was necessary, in furtherance of this public project.

ALTERNATE ROUTES

Blue Heron Boulevard is a heavily travelled roadway passing through residential and commercial areas. 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 6 lane roadway currently exists at the project location, alternate routes and methodologies were considered for addressing the traffic demands at the project intersection but this alternative was found to be the most economically feasible.

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

Blue Heron Boulevard 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.

Following is a more detailed outline of the reasons for acquisition needed for the improvement of Blue Heron Boulevard within the previously stated project limits:

ACQUISITIONS FOR ROAD RIGHT-OF-WAY - PARCEL 104

Currently, the Florida Department of Transportation owns a 100 foot wide Road Right-of-Way interest east of Congress Avenue that varies in width from approximately 106 foot to 125 foot. The parcels to be acquired represent acquisition outside of the existing mainline Right-of-Way and is required to construct roadway widening for a right turn lane, which includes curb and gutter, sidewalk, and additional drainage infrastructure.