

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2018	2019	2020	2021	2022
Capital Expenditures	\$80,470	-0-	-0-	-0-	-0-
Operating Costs	-0-	-0-	-0-	-0-	-0-
External Revenues	-0-	-0-	-0-	-0-	-0-
Program Income (County)	-0-	-0-	-0-	-0-	-0-
In-Kind Match (County)	-0-	-0-	-0-	-0-	-0-
NET FISCAL IMPACT	\$80,470	-0-	-0-	-0-	-0-
# 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 3504 Dept 361 Unit 1435 Object 6120

Recommended Sources of Funds/Summary of Fiscal Impact:

Road Impact Fee Fund - Zone 4
 Gateway Blvd and Military Trail Intersection

Fee acquisitions 1
 Temporary Construction Easements 1

Appraisal Value Parcels in the Taking \$80,470.00
 Parcels 101 and 301

C. Departmental Fiscal Review: *Alicia Kovalainen*

III. REVIEW COMMENTS

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

Steve Ponz 8/17/16
 OFMB
 8/8/16
 8/10/16
 8/16
Ann J. Jambour
 Contract Dev. and Control
 8/2/16
 8/12/16

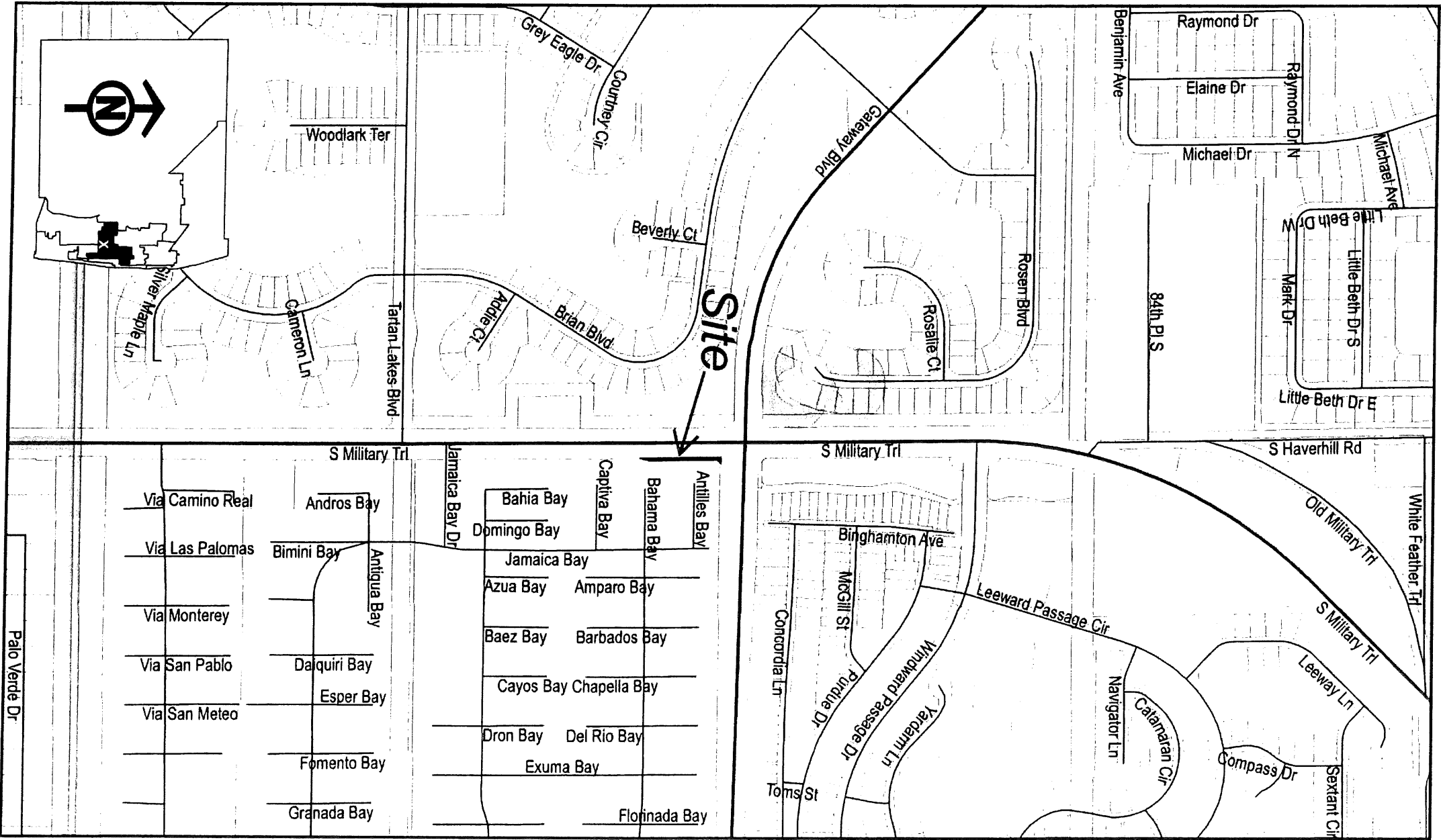
B. Approved as to Form and Legal Sufficiency:

Maayla
 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 PROPERTIES DESIGNATED AS PARCEL 101 AS FEE SIMPLE, AND PARCEL 301 AS A TEMPORARY CONSTRUCTION EASEMENT, NECESSARY FOR THE CONSTRUCTION OF ROADWAY IMPROVEMENTS ON SOUTH MILITARY TRAIL FROM SOUTH OF GATEWAY BOULEVARD NORTH THROUGH THE INTERSECTION, 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 these parcels to the Board of County Commissioners (BCC); and

WHEREAS, the parcels are necessary for the construction of roadway improvements on South Military Trail from south of Gateway Boulevard north through the intersection; and

WHEREAS, the funds are available for the acquisition of the properties designated as Parcel 101 as fee simple, and Parcel 301 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 these parcels, 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 properties identified as Parcel 101 for fee simple, and Parcel 301 as a temporary construction easement, which are more fully described in Exhibit "A", is necessary for the construction and improvement on South Military Trail south of Gateway Boulevard north through the intersection, 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 Parcels 101 and 301, 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, or other experts and witnesses, for the County to acquire in its own name by donation, purchase, or Eminent Domain Proceedings, the real property described in Exhibit "A", and prepare all papers, pleadings, and other instruments required for that purpose, and to see that all Eminent Domain Proceedings are prosecuted to judgment.

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: fee simple and temporary construction easement land necessary for the construction and improvement on South Military Trail from south of Gateway Boulevard north through the intersection.

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
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY,
BOARD OF COUNTY COMMISSIONERS

SHARON R. BOCK
CLERK & COMPTROLLER

By: _____
MaryAnn Braun,
Assistant County Attorney

By: _____
Deputy Clerk

EXHIBIT A - R/W PARCEL 101

A PARCEL OF LAND FOR ROAD RIGHT-OF-WAY PURPOSES, LYING IN THE SOUTH ONE-HALF (S.1/2), OF THE SOUTHWEST QUARTER (S.W.1/4), OF SECTION 13, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

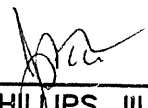
COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 13; THENCE ALONG THE WEST LINE OF THE SAID SOUTHWEST QUARTER (S.W.1/4) OF SECTION 13, N00°27'06"W FOR 1213.00 FEET TO THE SOUTH RIGHT-OF-WAY OF GATEWAY BOULEVARD, RECORDED IN OFFICIAL RECORD BOOK 1881, PAGE 1928, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA;
 THENCE ALONG SAID RIGHT-OF-WAY, N89°39'37"E FOR 60.00 FEET TO THE EAST RIGHT-OF-WAY OF MILITARY TRAIL, RECORDED IN OFFICIAL RECORD BOOK 1856, PAGE 86, OF SAID PUBLIC RECORDS, AND THE POINT OF BEGINNING;


THENCE ALONG SAID EAST RIGHT-OF-WAY, S00°27'06"E FOR 306.61 FEET; THENCE N12°59'52"E FOR 23.65 FEET TO A LINE LYING 5.50 FEET EAST OF, AND PARALLEL WITH, THE SAID EAST RIGHT-OF-WAY OF MILITARY TRAIL; THENCE ALONG SAID PARALLEL LINE N00°27'06"W FOR 229.32 FEET; THENCE N00°32'54"E FOR 41.05 FEET; THENCE N47°01'47"E FOR 19.55 FEET TO THE SAID SOUTH RIGHT-OF-WAY OF GATEWAY BOULEVARD;
 THENCE ALONG SAID SOUTH RIGHT-OF-WAY, S89°39'37"W FOR 20.63 FEET TO THE POINT OF BEGINNING.

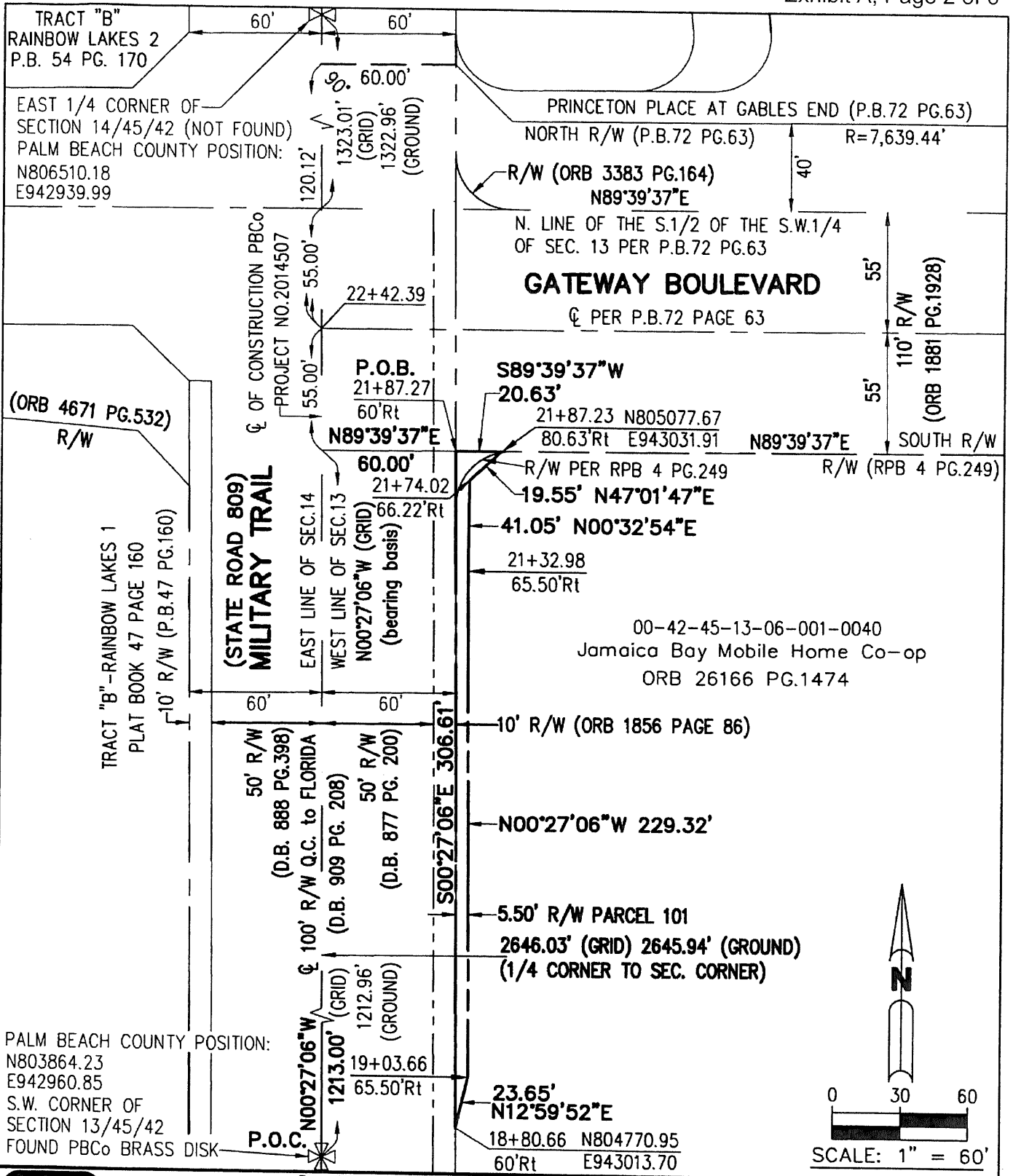
CONTAINING 1743 SQUARE FEET, MORE OR LESS.

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 HEREON.


 JOHN E. PHILLIPS, III
 PROFESSIONAL LAND SURVEYOR
 STATE OF FLORIDA NO. 4826
 DATE: 8/19/14

 BROWN & PHILLIPS, INC. PROFESSIONAL SURVEYING SERVICES CERTIFICATE OF AUTHORIZATION # LB 6473 1860 OLD OKEECHOBEE ROAD., SUITE 509, WEST PALM BEACH, FLORIDA 33409 TELEPHONE (561)-615-3988, 615-3991 FAX E-Mail: info@brown-phillips.com	PALM BEACH COUNTY PROJECT No.2014507S R/W PARCEL 101	
	PROJ. No. 15-038	DRAWN: MB
	LEGAL DESCRIPTION MILITARY TRAIL	SCALE: NONE
		DATE: 8/17/16
SHEET 1 OF 3		



B BROWN & PHILLIPS, INC.
 PROFESSIONAL SURVEYING SERVICES
 CERTIFICATE OF AUTHORIZATION # LB 6473
 1860 OLD OKEECHOBEE ROAD., SUITE 509,
 WEST PALM BEACH, FLORIDA 33409
 TELEPHONE (561)-615-3988, 615-3991 FAX

E-Mail: info@brown-phillips.com

PALM BEACH COUNTY PROJECT No. 2014507S
R/W PARCEL 101
 (This sketch is not a survey)

PROJ. No. 15-038	DRAWN: MB
SKETCH TO ACCOMPANY LEGAL DESCRIPTION MILITARY TRAIL	SCALE: 1"=60'
	DATE: 8/17/16
	SHEET 2 OF 3

NOTES:

- 1) BASELINE STATIONING IS BASED ON A ROADWAY PLAN FOR MILITARY TRAIL, PREPARED BY KIMLEY-HORN AND ASSOCIATES, INC., PALM BEACH COUNTY PROJECT No.2014507S, DATED APRIL 13, 2016.
- 2) STATE PLANE COORDINATES:
 - A. COORDINATES SHOWN ARE GRID
 - B. DATUM - NAD 83, 1990 ADJUSTMENT
 - C. ZONE - FLORIDA EAST
 - D. LINEAR UNIT - US SURVEY FOOT
 - E. COORDINATE SYSTEM 1983 STATE PLANE
 - F. TRANSVERSE MERCATOR PROJECTION
 - G. ALL DISTANCES ARE GROUND
 - H. SCALE FACTOR - 1.000035
 - I. GROUND DISTANCE X SCALE FACTOR =GRID DISTANCE
 - J. ROTATION EQUATION: NONE
- 3) THIS DESCRIPTION IS BASED ON A RIGHT OF WAY PACKAGE FURNISHED BY THE PALM BEACH COUNTY ROADWAY PRODUCTION DEPARTMENT TO KIMLEY-HORN & ASSOCIATES ON JULY 29, 2014.
NO IDENTIFIABLE EASEMENTS OR ENCUMBRANCES OVER R/W PARCEL 101 WERE NOTED.

NO SEARCH OF THE PUBLIC RECORDS WAS PERFORMED BY BROWN & PHILLIPS, INC.
- 4) ABBREVIATIONS:

P.O.C.- POINT OF COMMENCEMENT	R/W - RIGHT-OF-WAY
P.O.B. - POINT OF BEGINNING	CL - CENTERLINE
R - RADIUS	STA - STATION
Δ - CENTRAL ANGLE BOOK	Rt - RIGHT OF BASELINE
A - ARC LENGTH	RPB - ROAD PLAT BOOK
P.B. - PLAT BOOK	FDOT - FLORIDA DEPARTMENT OF TRANSPORTATION
ORB - OFFICIAL RECORD	PBCo - PALM BEACH COUNTY
PG. - PAGE	
SEC. - SECTION	
- 5) BEARING BASIS: N00°27'06"W (GRID) ALONG THE WEST LINE OF THE SOUTHWEST QUARTER (S.W.1/4) OF SECTION 13, TOWNSHIP 45 SOUTH, RANGE 42 EAST.
- 6) ABOVE GROUND IMPROVEMENTS FOR R/W PARCEL 101 HAVE BEEN SHOWN ON THE TOPOGRAPHIC SURVEY PREPARED BY BROWN & PHILLIPS, INC., PROJECT NO.15-038, DATED JULY 2015, PREPARED FOR FOR KIMLEY-HORN AND ASSOCIATES, INC.

PALM BEACH COUNTY PROJECT No.2014507S


 <p style="font-size: small;">E-Mail: info@brown-phillips.com</p> <p>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</p>	R/W PARCEL 101 DESCRIPTION NOTES	
	PROJ. No. 15-038	DRAWN: MB
	MILITARY TRAIL	SCALE: NONE
		DATE: 8/17/16
	SHEET 3 OF 3	

EXHIBIT A - TEMPORARY CONSTRUCTION EASEMENT 301


A PARCEL OF LAND FOR TEMPORARY CONSTRUCTION EASEMENT PURPOSES, LYING IN THE SOUTH ONE-HALF (S.1/2), OF THE SOUTHWEST QUARTER (S.W.1/4), OF SECTION 13, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:


COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 13;
 THENCE ALONG THE WEST LINE OF THE SAID SOUTHWEST QUARTER (S.W.1/4) OF SECTION 13, N00°27'06"W FOR 1213.00 FEET TO THE SOUTH RIGHT-OF-WAY OF GATEWAY BOULEVARD, RECORDED IN OFFICIAL RECORD BOOK 1881, PAGE 1928, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA;
 THENCE ALONG SAID RIGHT-OF-WAY, N89°39'37"E FOR 60.00 FEET TO THE EAST RIGHT-OF-WAY OF MILITARY TRAIL, RECORDED IN OFFICIAL RECORD BOOK 1856, PAGE 86, OF SAID PUBLIC RECORDS;
 THENCE ALONG SAID EAST RIGHT-OF-WAY, S00°27'06"E FOR 306.61 FEET TO THE POINT OF BEGINNING;
 THENCE N12°59'52"E FOR 23.65 FEET TO A LINE LYING 5.50 FEET EAST OF, AND PARALLEL WITH, THE SAID EAST RIGHT-OF-WAY OF MILITARY TRAIL;
 THENCE ALONG SAID PARALLEL LINE N00°27'06"W FOR 229.32 FEET;
 THENCE N00°32'54"E FOR 41.05 FEET;
 THENCE N89°32'54"E FOR 2.50 FEET;
 THENCE S00°32'54"W FOR 41.07 FEET TO A LINE LYING 8.00 FEET EAST OF, AND PARALLEL WITH, THE SAID EAST RIGHT OF WAY OF MILITARY TRAIL;
 THENCE ALONG SAID PARALLEL LINE S00°27'06"E FOR 229.59 FEET;
 THENCE S12°59'52"W FOR 34.40 FEET TO THE SAID EAST RIGHT-OF-WAY OF MILITARY TRAIL;
 THENCE ALONG SAID RIGHT-OF-WAY, N00°27'06"W FOR 10.75 FEET TO THE POINT OF BEGINNING.

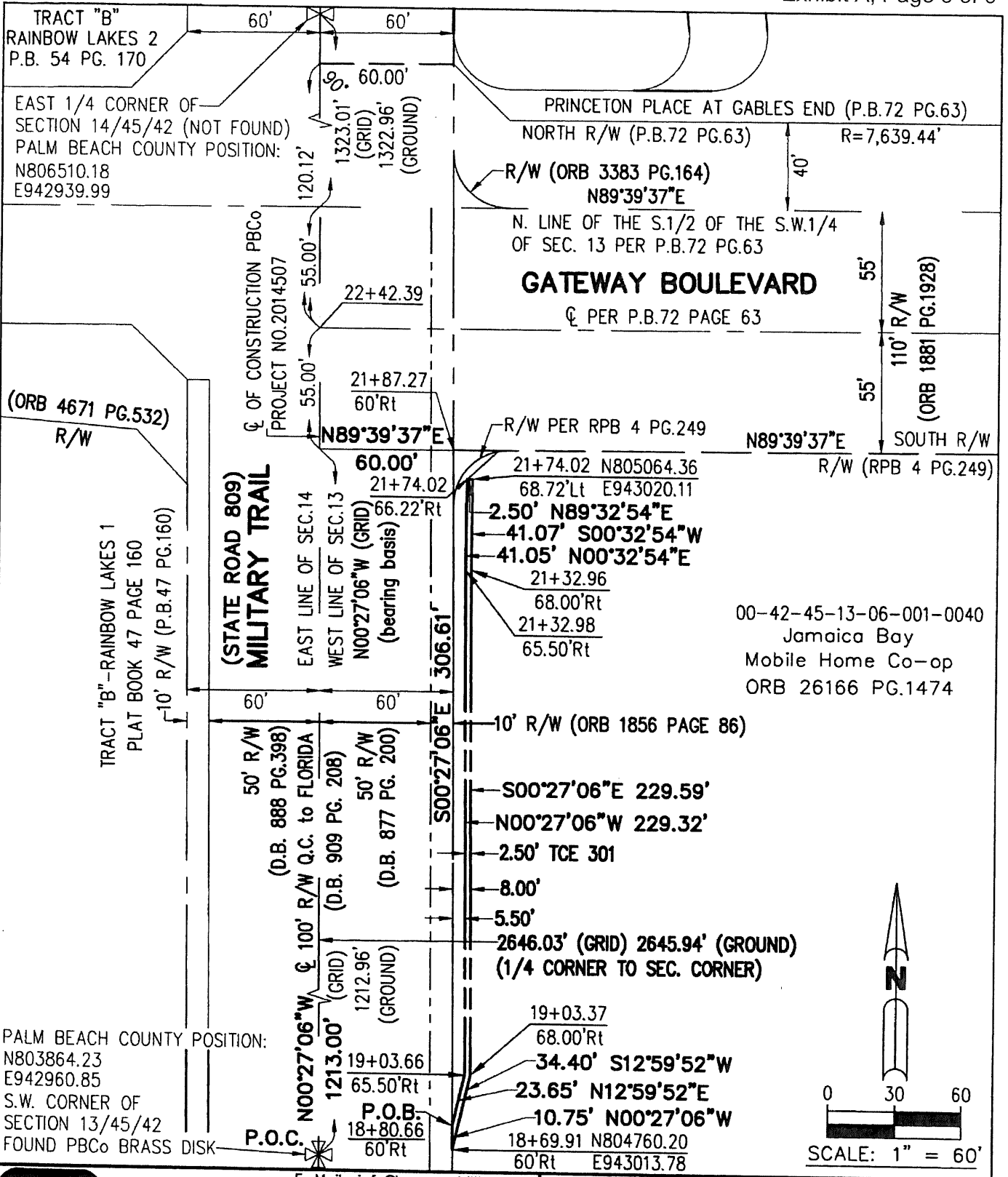
CONTAINING 749 SQUARE FEET, MORE OR LESS.

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 HEREON.


 JOHN E. PHILLIPS, III
 PROFESSIONAL LAND SURVEYOR
 STATE OF FLORIDA NO. 4826
 DATE: 8/19/16

 BROWN & PHILLIPS, INC. PROFESSIONAL SURVEYING SERVICES CERTIFICATE OF AUTHORIZATION # LB 6473 1860 OLD OKEECHOBEE ROAD., SUITE 509, WEST PALM BEACH, FLORIDA 33409 TELEPHONE (561)-615-3988, 615-3991 FAX E-Mail: info@brown-phillips.com	PALM BEACH COUNTY PROJECT No.2014507S TEMPORARY CONSTRUCTION EASEMENT 301	
	PROJ. No. 15-038	DRAWN: MB
	LEGAL DESCRIPTION MILITARY TRAIL	SCALE: NONE
		DATE: 8/17/16
SHEET 1 OF 3		



PALM BEACH COUNTY POSITION:
 N803864.23
 E942960.85
 S.W. CORNER OF
 SECTION 13/45/42
 FOUND PBCo BRASS DISK

00-42-45-13-06-001-0040
 Jamaica Bay
 Mobile Home Co-op
 ORB 26166 PG.1474

E-Mail: info@brown-phillips.com

BROWN & PHILLIPS, INC.
 PROFESSIONAL SURVEYING SERVICES
 CERTIFICATE OF AUTHORIZATION # LB 6473
 1860 OLD OKEECHOBEE ROAD., SUITE 509,
 WEST PALM BEACH, FLORIDA 33409
 TELEPHONE (561)-615-3988, 615-3991 FAX

PALM BEACH COUNTY PROJECT No.2014507S	
TEMPORARY CONSTRUCTION EASEMENT 301	
(This sketch is not a survey)	
PROJ. No. 15-038	DRAWN: MB
SKETCH TO ACCOMPANY	SCALE: 1"=60'
LEGAL DESCRIPTION	DATE: 8/17/16
MILITARY TRAIL	SHEET 2 OF 3

NOTES:

- 1) BASELINE STATIONING IS BASED ON A ROADWAY PLAN FOR MILITARY TRAIL, PREPARED BY KIMLEY-HORN AND ASSOCIATES, INC., PALM BEACH COUNTY PROJECT No.2014507S, DATED APRIL 13, 2016.
- 2) STATE PLANE COORDINATES:
 - A. COORDINATES SHOWN ARE GRID
 - B. DATUM – NAD 83, 1990 ADJUSTMENT
 - C. ZONE – FLORIDA EAST
 - D. LINEAR UNIT – US SURVEY FOOT
 - E. COORDINATE SYSTEM 1983 STATE PLANE
 - F. TRANSVERSE MERCATOR PROJECTION
 - G. ALL DISTANCES ARE GROUND
 - H. SCALE FACTOR – 1.000035
 - I. GROUND DISTANCE X SCALE FACTOR =GRID DISTANCE
 - J. ROTATION EQUATION: NONE
- 3) THIS DESCRIPTION IS BASED ON A RIGHT OF WAY PACKAGE FURNISHED BY THE PALM BEACH COUNTY ROADWAY PRODUCTION DEPARTMENT TO KIMLEY-HORN & ASSOCIATES ON JULY 29, 2014.
NO IDENTIFIABLE EASEMENTS OR ENCUMBRANCES OVER TCE 301 WERE NOTED.

NO SEARCH OF THE PUBLIC RECORDS WAS PERFORMED BY BROWN & PHILLIPS, INC.
- 4) ABBREVIATIONS:

P.O.C.– POINT OF COMMENCEMENT	R/W – RIGHT-OF-WAY
P.O.B. – POINT OF BEGINNING	☒ – CENTERLINE
R – RADIUS	STA – STATION
Δ – CENTRAL ANGLE BOOK	Rt – RIGHT OF BASELINE
A – ARC LENGTH	RPB – ROAD PLAT BOOK
P.B. – PLAT BOOK	FDOT – FLORIDA DEPARTMENT OF TRANSPORTATION
ORB – OFFICIAL RECORD	PBCo – PALM BEACH COUNTY
PG. – PAGE	TCE – TEMPORARY CONSTRUCTION EASEMENT
SEC. – SECTION	
- 5) BEARING BASIS: N00°27'06"W (GRID) ALONG THE WEST LINE OF THE SOUTHWEST QUARTER (S.W.1/4) OF SECTION 13, TOWNSHIP 45 SOUTH, RANGE 42 EAST.
- 6) ABOVE GROUND IMPROVEMENTS FOR TCE 301 HAVE BEEN SHOWN ON THE TOPOGRAPHIC SURVEY PREPARED BY BROWN & PHILLIPS, INC., PROJECT NO.15-038, DATED JULY 2015, PREPARED FOR FOR KIMLEY-HORN AND ASSOCIATES, INC.

PALM BEACH COUNTY PROJECT No.2014507S

B BROWN & PHILLIPS, INC.
 PROFESSIONAL SURVEYING SERVICES
 CERTIFICATE OF AUTHORIZATION # LB 6473
 1860 OLD OKEECHOBEE ROAD., SUITE 509,
 WEST PALM BEACH, FLORIDA 33409
 TELEPHONE (561)-615-3988, 615-3991 FAX

E-Mail: info@brown-phillips.com

TEMPORARY CONSTRUCTION EASEMENT 301 DESCRIPTION NOTES	
PROJ. No. 15-038	DRAWN: MB
MILITARY TRAIL	SCALE: NONE
	DATE: 8/17/16
	SHEET 3 OF 3

EXHIBIT "B"

GATEWAY BOULEVARD AND MILITARY TRAIL SOUTH SIDE OF INTERSECTION PALM BEACH COUNTY PROJECT NO. 2014507S

SAFETY

Military Trail is a north-south thoroughfare roadway that runs from the Broward County Line to Indiantown Road in Jupiter, Florida, and is maintained by Palm Beach County (County) except for some segments of this roadway that are maintained by the Florida Department of Transportation (FDOT). In the vicinity of the project, Military Trail is a 6 lane divided paved roadway. More specifically, the limits of construction for this widening and paving of Military Trail extend from approximately 550' south of Gateway Boulevard to 830' north of Gateway Boulevard and is within a residential area. Gateway Boulevard is currently a 2 to 6 lane paved Palm Beach County roadway running east-west from Hagen Ranch Road to Congress Avenue. Gateway Boulevard, from just east of Congress Avenue to Federal Highway (US 1), is maintained by the City of Boynton Beach. Construction will improve Military Trail by adding a northbound right turn lane at Gateway Boulevard, including curb and gutter, sidewalk, 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 FDOT.

COST

The cost of improving this portion of Military Trail was estimated prior to beginning design. The appropriate funding for design, right-of-way acquisition and construction was budgeted in the County's Five Year Road program. During the design of the roadway, all reasonable efforts were made to minimize the areas to be acquired through condemnation.

After considering Safety, Alternate Routes and Methodologies, Planning, and Environmental factors, the cost of the acquisition of these parcels fits into the planned funding for this project, and the acquisition of these parcels was necessary, in furtherance of this public project.

ALTERNATE ROUTES

Both Military Trail and Gateway Boulevard are heavily travelled roadways passing through residential as well as some commercial areas. The Palm Beach County Comprehensive Plan (Thoroughfare Right-of-Way-Identification Map) defines these roadways as routes 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. Alternate Routes were examined, but the improvements proposed are the only economically viable options to relieve the traffic congestion at this intersection.

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 the County.

ENVIRONMENTAL IMPACTS

Military Trail exists along an established roadway corridor. The limits of the project are bordered by existing residential 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 Gateway Boulevard and Military Trail:

ACQUISITION FOR FEE SIMPLE PARCEL 101

Currently, Palm Beach County owns a 120 foot wide road right-of-way interest north and south of Gateway Boulevard. The parcel to be acquired represents acquisition outside of the existing right-of-way and is required to construct roadway widening, curb and gutter, sidewalk, and additional drainage.

ACQUISITION FOR TEMPORARY CONSTRUCTION EASEMENT PARCEL 301

Temporary Construction Easement (expiring after construction but no later than 3 years from the date of deposit) for access and all related construction activities reasonably required for sloping, grading, and to harmonize the road construction with the adjacent property.

RESOLUTION NO. R-2018 - _____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, DECLARING THE ACQUISITION OF PROPERTIES DESIGNATED AS PARCEL 101 AS FEE SIMPLE, AND PARCEL 301 AS A TEMPORARY CONSTRUCTION EASEMENT, NECESSARY FOR THE CONSTRUCTION OF ROADWAY IMPROVEMENTS ON SOUTH MILITARY TRAIL FROM SOUTH OF GATEWAY BOULEVARD NORTH THROUGH THE INTERSECTION, 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 these parcels to the Board of County Commissioners (BCC); and

WHEREAS, the parcels are necessary for the construction of roadway improvements on South Military Trail from south of Gateway Boulevard north through the intersection; and

WHEREAS, the funds are available for the acquisition of the properties designated as Parcel 101 as fee simple, and Parcel 301 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 these parcels, 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 properties identified as Parcel 101 for fee simple, and Parcel 301 as a temporary construction easement, which are more fully described in Exhibit "A", is necessary for the construction and improvement on South Military Trail south of Gateway Boulevard north through the intersection, 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 Parcels 101 and 301, 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, or other experts and witnesses, for the County to acquire in its own name by donation, purchase, or Eminent Domain Proceedings, the real property described in Exhibit "A", and prepare all papers, pleadings, and other instruments required for that purpose, and to see that all Eminent Domain Proceedings are prosecuted to judgment.

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: fee simple and temporary construction easement land necessary for the construction and improvement on South Military Trail from south of Gateway Boulevard north through the intersection.

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
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY,
BOARD OF COUNTY COMMISSIONERS

SHARON R. BOCK
CLERK & COMPTROLLER

By: _____
MaryAnn Braun,
Assistant County Attorney

By: _____
Deputy Clerk

EXHIBIT A - R/W PARCEL 101

A PARCEL OF LAND FOR ROAD RIGHT-OF-WAY PURPOSES, LYING IN THE SOUTH ONE-HALF (S.1/2), OF THE SOUTHWEST QUARTER (S.W.1/4), OF SECTION 13, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 13; THENCE ALONG THE WEST LINE OF THE SAID SOUTHWEST QUARTER (S.W.1/4) OF SECTION 13, N00°27'06"W FOR 1213.00 FEET TO THE SOUTH RIGHT-OF-WAY OF GATEWAY BOULEVARD, RECORDED IN OFFICIAL RECORD BOOK 1881, PAGE 1928, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA;
 THENCE ALONG SAID RIGHT-OF-WAY, N89°39'37"E FOR 60.00 FEET TO THE EAST RIGHT-OF-WAY OF MILITARY TRAIL, RECORDED IN OFFICIAL RECORD BOOK 1856, PAGE 86, OF SAID PUBLIC RECORDS, AND THE POINT OF BEGINNING;

THENCE ALONG SAID EAST RIGHT-OF-WAY, S00°27'06"E FOR 306.61 FEET; THENCE N12°59'52"E FOR 23.65 FEET TO A LINE LYING 5.50 FEET EAST OF, AND PARALLEL WITH, THE SAID EAST RIGHT-OF-WAY OF MILITARY TRAIL; THENCE ALONG SAID PARALLEL LINE N00°27'06"W FOR 229.32 FEET; THENCE N00°32'54"E FOR 41.05 FEET; THENCE N47°01'47"E FOR 19.55 FEET TO THE SAID SOUTH RIGHT-OF-WAY OF GATEWAY BOULEVARD;
 THENCE ALONG SAID SOUTH RIGHT-OF-WAY, S89°39'37"W FOR 20.63 FEET TO THE POINT OF BEGINNING.

CONTAINING 1743 SQUARE FEET, MORE OR LESS.

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 HEREON.


 JOHN E. PHILLIPS, III
 PROFESSIONAL LAND SURVEYOR
 STATE OF FLORIDA NO. 4826
 DATE: 8/19/16

E-Mail: info@brown-phillips.com



BROWN & PHILLIPS, INC.

PROFESSIONAL SURVEYING SERVICES

CERTIFICATE OF AUTHORIZATION # LB 6473

1860 OLD OKEECHOBEE ROAD., SUITE 509,

WEST PALM BEACH, FLORIDA 33409

TELEPHONE (561)-615-3988, 615-3991 FAX

PALM BEACH COUNTY PROJECT No.2014507S
 R/W PARCEL 101

PROJ. No. 15-038

DRAWN: MB

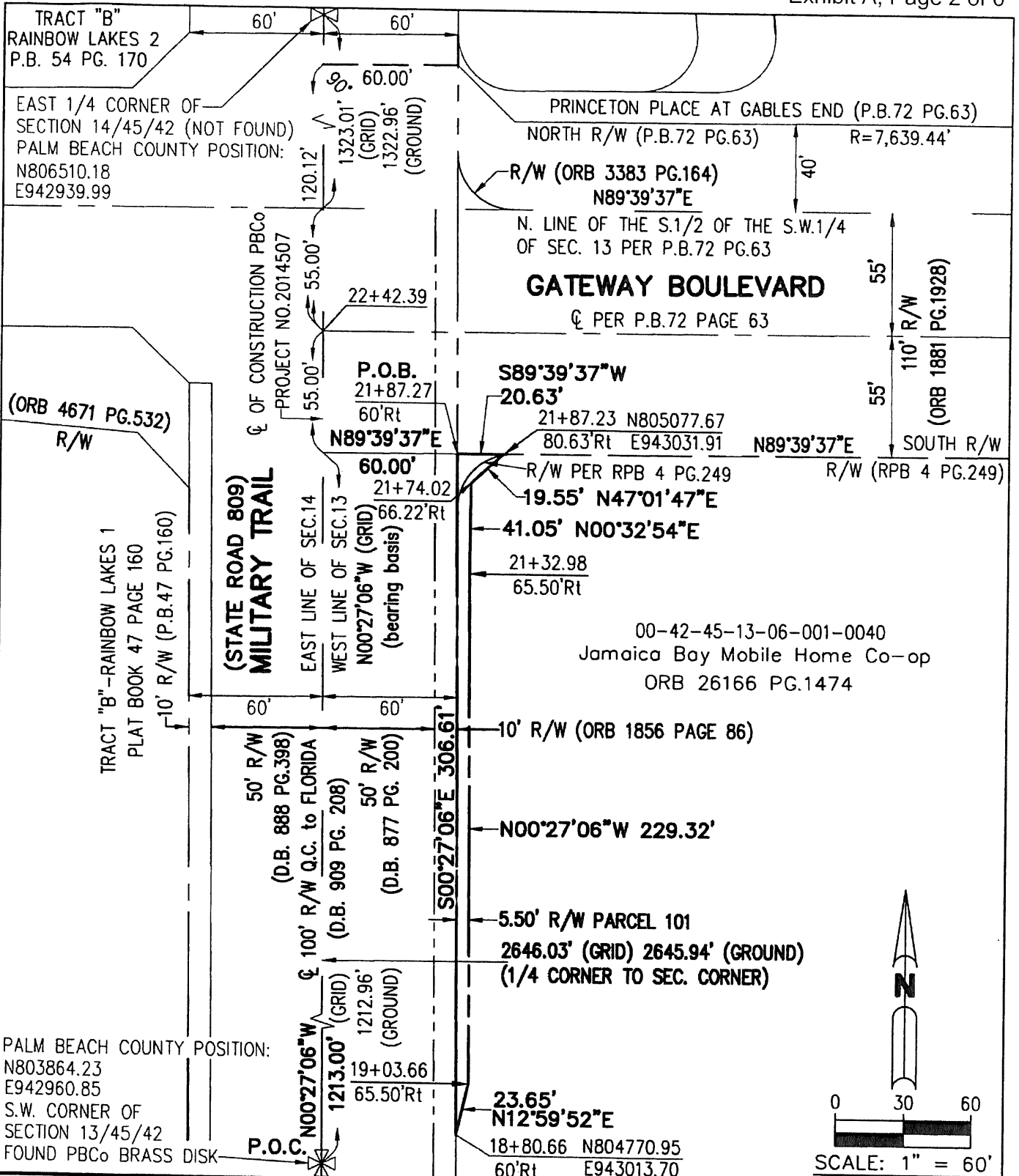
LEGAL DESCRIPTION

SCALE: NONE

MILITARY TRAIL

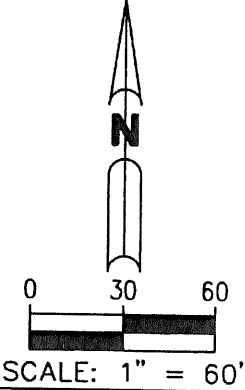
DATE: 8/17/16

SHEET 1 OF 3



PALM BEACH COUNTY POSITION:
 N803864.23
 E942960.85
 S.W. CORNER OF
 SECTION 13/45/42
 FOUND PBCo BRASS DISK

00-42-45-13-06-001-0040
 Jamaica Bay Mobile Home Co-op
 ORB 26166 PG.1474



E-Mail: info@brown-phillips.com

BROWN & PHILLIPS, INC.
 PROFESSIONAL SURVEYING SERVICES
 CERTIFICATE OF AUTHORIZATION # LB 6473
 1860 OLD OKEECHOBEE ROAD., SUITE 509,
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 TELEPHONE (561)-615-3988, 615-3991 FAX

PALM BEACH COUNTY PROJECT No.2014507S	
R/W PARCEL 101	
(This sketch is not a survey)	
PROJ. No. 15-038	DRAWN: MB
SKETCH TO ACCOMPANY LEGAL DESCRIPTION MILITARY TRAIL	SCALE: 1"=60'
	DATE: 8/17/16
	SHEET 2 OF 3

NOTES:

- 1) BASELINE STATIONING IS BASED ON A ROADWAY PLAN FOR MILITARY TRAIL, PREPARED BY KIMLEY-HORN AND ASSOCIATES, INC., PALM BEACH COUNTY PROJECT No.2014507S, DATED APRIL 13, 2016.
- 2) STATE PLANE COORDINATES:
 - A. COORDINATES SHOWN ARE GRID
 - B. DATUM - NAD 83, 1990 ADJUSTMENT
 - C. ZONE - FLORIDA EAST
 - D. LINEAR UNIT - US SURVEY FOOT
 - E. COORDINATE SYSTEM 1983 STATE PLANE
 - F. TRANSVERSE MERCATOR PROJECTION
 - G. ALL DISTANCES ARE GROUND
 - H. SCALE FACTOR - 1.000035
 - I. GROUND DISTANCE X SCALE FACTOR =GRID DISTANCE
 - J. ROTATION EQUATION: NONE
- 3) THIS DESCRIPTION IS BASED ON A RIGHT OF WAY PACKAGE FURNISHED BY THE PALM BEACH COUNTY ROADWAY PRODUCTION DEPARTMENT TO KIMLEY-HORN & ASSOCIATES ON JULY 29, 2014.
NO IDENTIFIABLE EASEMENTS OR ENCUMBRANCES OVER R/W PARCEL 101 WERE NOTED.

NO SEARCH OF THE PUBLIC RECORDS WAS PERFORMED BY BROWN & PHILLIPS, INC.
- 4) ABBREVIATIONS:

P.O.C.- POINT OF COMMENCEMENT	R/W - RIGHT-OF-WAY
P.O.B. - POINT OF BEGINNING	☉ - CENTERLINE
R - RADIUS	STA - STATION
Δ - CENTRAL ANGLE BOOK	Rt - RIGHT OF BASELINE
A - ARC LENGTH	RPB - ROAD PLAT BOOK
P.B. - PLAT BOOK	FDOT - FLORIDA DEPARTMENT OF TRANSPORTATION
ORB - OFFICIAL RECORD	PBCo - PALM BEACH COUNTY
PG. - PAGE	
SEC. - SECTION	
- 5) BEARING BASIS: N00°27'06"W (GRID) ALONG THE WEST LINE OF THE SOUTHWEST QUARTER (S.W.1/4) OF SECTION 13, TOWNSHIP 45 SOUTH, RANGE 42 EAST.
- 6) ABOVE GROUND IMPROVEMENTS FOR R/W PARCEL 101 HAVE BEEN SHOWN ON THE TOPOGRAPHIC SURVEY PREPARED BY BROWN & PHILLIPS, INC., PROJECT NO.15-038, DATED JULY 2015, PREPARED FOR FOR KIMLEY-HORN AND ASSOCIATES, INC.

PALM BEACH COUNTY PROJECT No.2014507S



E-Mail: info@brown-phillips.com

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 TELEPHONE (561)-615-3988, 615-3991 FAX

**R/W PARCEL 101
DESCRIPTION NOTES**

PROJ. No. 15-038	DRAWN: MB
MILITARY TRAIL	SCALE: NONE
	DATE: 8/17/16
	SHEET 3 OF 3

EXHIBIT A – TEMPORARY CONSTRUCTION EASEMENT 301

A PARCEL OF LAND FOR TEMPORARY CONSTRUCTION EASEMENT PURPOSES, LYING IN THE SOUTH ONE-HALF (S.1/2), OF THE SOUTHWEST QUARTER (S.W.1/4), OF SECTION 13, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 13; THENCE ALONG THE WEST LINE OF THE SAID SOUTHWEST QUARTER (S.W.1/4) OF SECTION 13, N00°27'06"W FOR 1213.00 FEET TO THE SOUTH RIGHT-OF-WAY OF GATEWAY BOULEVARD, RECORDED IN OFFICIAL RECORD BOOK 1881, PAGE 1928, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA;

THENCE ALONG SAID RIGHT-OF-WAY, N89°39'37"E FOR 60.00 FEET TO THE EAST RIGHT-OF-WAY OF MILITARY TRAIL, RECORDED IN OFFICIAL RECORD BOOK 1856, PAGE 86, OF SAID PUBLIC RECORDS;

THENCE ALONG SAID EAST RIGHT-OF-WAY, S00°27'06"E FOR 306.61 FEET TO THE POINT OF BEGINNING;

THENCE N12°59'52"E FOR 23.65 FEET TO A LINE LYING 5.50 FEET EAST OF, AND PARALLEL WITH, THE SAID EAST RIGHT-OF-WAY OF MILITARY TRAIL;

THENCE ALONG SAID PARALLEL LINE N00°27'06"W FOR 229.32 FEET;

THENCE N00°32'54"E FOR 41.05 FEET;

THENCE N89°32'54"E FOR 2.50 FEET;

THENCE S00°32'54"W FOR 41.07 FEET TO A LINE LYING 8.00 FEET EAST OF, AND PARALLEL WITH, THE SAID EAST RIGHT OF WAY OF MILITARY TRAIL;

THENCE ALONG SAID PARALLEL LINE S00°27'06"E FOR 229.59 FEET;

THENCE S12°59'52"W FOR 34.40 FEET TO THE SAID EAST RIGHT-OF-WAY OF MILITARY TRAIL;


THENCE ALONG SAID RIGHT-OF-WAY, N00°27'06"W FOR 10.75 FEET TO THE POINT OF BEGINNING.

CONTAINING 749 SQUARE FEET, MORE OR LESS.

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 HEREON.


 JOHN E. PHILLIPS, III
 PROFESSIONAL LAND SURVEYOR
 STATE OF FLORIDA NO. 4826
 DATE: 8/19/16

 BROWN & PHILLIPS, INC. PROFESSIONAL SURVEYING SERVICES CERTIFICATE OF AUTHORIZATION # LB 6473 1860 OLD OKEECHOBEE ROAD., SUITE 509, WEST PALM BEACH, FLORIDA 33409 TELEPHONE (561)-615-3988, 615-3991 FAX	E-Mail: info@brown-phillips.com		PALM BEACH COUNTY PROJECT No.2014507S	
	TEMPORARY CONSTRUCTION EASEMENT 301			
	PROJ. No. 15-038	DRAWN: MB		
	LEGAL DESCRIPTION	SCALE: NONE		
MILITARY TRAIL	DATE: 8/17/16			
	SHEET 1 OF 3			


NOTES:

- 1) BASELINE STATIONING IS BASED ON A ROADWAY PLAN FOR MILITARY TRAIL, PREPARED BY KIMLEY-HORN AND ASSOCIATES, INC., PALM BEACH COUNTY PROJECT No.2014507S, DATED APRIL 13, 2016.
- 2) STATE PLANE COORDINATES:
 - A. COORDINATES SHOWN ARE GRID
 - B. DATUM - NAD 83, 1990 ADJUSTMENT
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 - D. LINEAR UNIT - US SURVEY FOOT
 - E. COORDINATE SYSTEM 1983 STATE PLANE
 - F. TRANSVERSE MERCATOR PROJECTION
 - G. ALL DISTANCES ARE GROUND
 - H. SCALE FACTOR - 1.000035
 - I. GROUND DISTANCE X SCALE FACTOR =GRID DISTANCE
 - J. ROTATION EQUATION: NONE
- 3) THIS DESCRIPTION IS BASED ON A RIGHT OF WAY PACKAGE FURNISHED BY THE PALM BEACH COUNTY ROADWAY PRODUCTION DEPARTMENT TO KIMLEY-HORN & ASSOCIATES ON JULY 29, 2014.
NO IDENTIFIABLE EASEMENTS OR ENCUMBRANCES OVER TCE 301 WERE NOTED.

NO SEARCH OF THE PUBLIC RECORDS WAS PERFORMED BY BROWN & PHILLIPS, INC.
- 4) ABBREVIATIONS:

P.O.C.- POINT OF COMMENCEMENT	R/W - RIGHT-OF-WAY
P.O.B. - POINT OF BEGINNING	CL - CENTERLINE
R - RADIUS	STA - STATION
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ORB - OFFICIAL RECORD	PBCo - PALM BEACH COUNTY
PG. - PAGE	TCE - TEMPORARY CONSTRUCTION EASEMENT
SEC. - SECTION	
- 5) BEARING BASIS: N00°27'06"W (GRID) ALONG THE WEST LINE OF THE SOUTHWEST QUARTER (S.W.1/4) OF SECTION 13, TOWNSHIP 45 SOUTH, RANGE 42 EAST.
- 6) ABOVE GROUND IMPROVEMENTS FOR TCE 301 HAVE BEEN SHOWN ON THE TOPOGRAPHIC SURVEY PREPARED BY BROWN & PHILLIPS, INC., PROJECT NO.15-038, DATED JULY 2015, PREPARED FOR FOR KIMLEY-HORN AND ASSOCIATES, INC.

PALM BEACH COUNTY PROJECT No.2014507S



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 TELEPHONE (561)-615-3988, 615-3991 FAX

E-Mail: info@brown-phillips.com

TEMPORARY CONSTRUCTION EASEMENT 301	
DESCRIPTION NOTES	
PROJ. No. 15-038	DRAWN: MB
MILITARY TRAIL	SCALE: NONE
	DATE: 8/17/16
	SHEET 3 OF 3

EXHIBIT "B"

GATEWAY BOULEVARD AND MILITARY TRAIL SOUTH SIDE OF INTERSECTION PALM BEACH COUNTY PROJECT NO. 2014507S

SAFETY

Military Trail is a north-south thoroughfare roadway that runs from the Broward County Line to Indiantown Road in Jupiter, Florida, and is maintained by Palm Beach County (County) except for some segments of this roadway that are maintained by the Florida Department of Transportation (FDOT). In the vicinity of the project, Military Trail is a 6 lane divided paved roadway. More specifically, the limits of construction for this widening and paving of Military Trail extend from approximately 550' south of Gateway Boulevard to 830' north of Gateway Boulevard and is within a residential area. Gateway Boulevard is currently a 2 to 6 lane paved Palm Beach County roadway running east-west from Hagen Ranch Road to Congress Avenue. Gateway Boulevard, from just east of Congress Avenue to Federal Highway (US 1), is maintained by the City of Boynton Beach. Construction will improve Military Trail by adding a northbound right turn lane at Gateway Boulevard, including curb and gutter, sidewalk, 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 FDOT.

COST

The cost of improving this portion of Military Trail was estimated prior to beginning design. The appropriate funding for design, right-of-way acquisition and construction was budgeted in the County's Five Year Road program. During the design of the roadway, all reasonable efforts were made to minimize the areas to be acquired through condemnation.

After considering Safety, Alternate Routes and Methodologies, Planning, and Environmental factors, the cost of the acquisition of these parcels fits into the planned funding for this project, and the acquisition of these parcels was necessary, in furtherance of this public project.

ALTERNATE ROUTES

Both Military Trail and Gateway Boulevard are heavily travelled roadways passing through residential as well as some commercial areas. The Palm Beach County Comprehensive Plan (Thoroughfare Right-of-Way-Identification Map) defines these roadways as routes 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. Alternate Routes were examined, but the improvements proposed are the only economically viable options to relieve the traffic congestion at this intersection.

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 the County.

ENVIRONMENTAL IMPACTS

Military Trail exists along an established roadway corridor. The limits of the project are bordered by existing residential 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 Gateway Boulevard and Military Trail:

ACQUISITION FOR FEE SIMPLE PARCEL 101

Currently, Palm Beach County owns a 120 foot wide road right-of-way interest north and south of Gateway Boulevard. The parcel to be acquired represents acquisition outside of the existing right-of-way and is required to construct roadway widening, curb and gutter, sidewalk, and additional drainage.

ACQUISITION FOR TEMPORARY CONSTRUCTION EASEMENT PARCEL 301

Temporary Construction Easement (expiring after construction but no later than 3 years from the date of deposit) for access and all related construction activities reasonably required for sloping, grading, and to harmonize the road construction with the adjacent property.