

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: August 20, 2019

Consent       Regular  
 Workshop       Public Hearing

Department: Engineering and Public Works

Submitted By: Engineering and Public Works

Submitted For: Roadway Production Division

I. EXECUTIVE BRIEF

**Motion and Title: Staff recommends motion to adopt:** a Resolution declaring the acquisition of properties designated as parcel 101, a fee simple road right-of-way, and parcel 301, a temporary construction easement, as necessary for the construction of a northbound right turn lane on South Military Trail at West Linton Boulevard (Project).

**SUMMARY:** Adoption of this resolution will initiate eminent domain proceedings pursuant to Chapters 73, 74, 127, and Section 337.27, Florida Statutes as amended, against parcels 101 and 301 having a total appraised value of \$195,194. Although the property owner has cooperated with Palm Beach County (County) and agreed to a negotiated settlement in lieu of contesting the condemnation of the parcels, eminent domain proceedings are necessary to clear existing encumbrances on parcels 101 and 301. This action is necessary to expedite construction of the Project, which is funded in the current Five Year Road Program. The Project includes resurfacing the intersection, installing drainage, sidewalks, and updating a traffic signal at the intersection of West Linton Boulevard and South Military Trail. District 4 (MAB)

**Background and Justification:** Although 7 Eleven, Inc. has agreed to the negotiated settlement, there are still easements that are clouding the clear title. The adoption of the Resolution will enable the removal of any title encumbrances to allow 7 Eleven, Inc. to convey clean title to the County. The acquisition of parcels 101, and 301, is for a public purpose and necessity, which is deemed to be in the best interest of the County. The Engineering Department recommends the Board of County Commissioners' approval.

**Attachments:**

- 1. Location Map
- 2. Resolution for Parcels 101 and 301 with Exhibit "A" and Exhibit "B"

*WMA* *(B)* *Stume*  
Recommended by: David L. Led 6/20/19  
County Engineer Date

Approved by: Pee 7/2/19  
Assistant County Administrator Date

**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

Fiscal Years	2019	2020	2021	2022	2023
Capital Expenditures	<u>\$195,194</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Operating Costs	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
External Revenues	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Program Income (County)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
In-Kind Match (County)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
<b>NET FISCAL IMPACT</b>	<b><u>\$195,194</u></b>	<b><u>-0-</u></b>	<b><u>-0-</u></b>	<b><u>-0-</u></b>	<b><u>-0-</u></b>
# ADDITIONAL FTE					
POSITIONS (Cumulative)					

Is Item Included in Current Budget? Yes  No

Does this item include the use of federal funds? Yes No

**Budget Account No:**

Fund 3505 Dept 361 Unit 1383 Object 6120

**Recommended Sources of Funds/Summary of Fiscal Impact:**

Road Impact Fee Fund - Zone 5  
Linton Blvd. & Military Trail Intersection

Parcels 101 and 301  
Appraised Costs \$195,194.00

Right of Way: 1  
Temporary Construction Easement: 1

C. Departmental Fiscal Review: Alicia Koralaunen

**III. REVIEW COMMENTS**

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

[Signature] 6/27/19  
OFMB 6/26 9/26

[Signature] 6/27/19  
Contract Dev and Control 6/27/19 TW

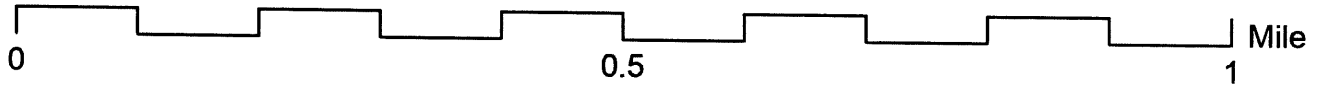
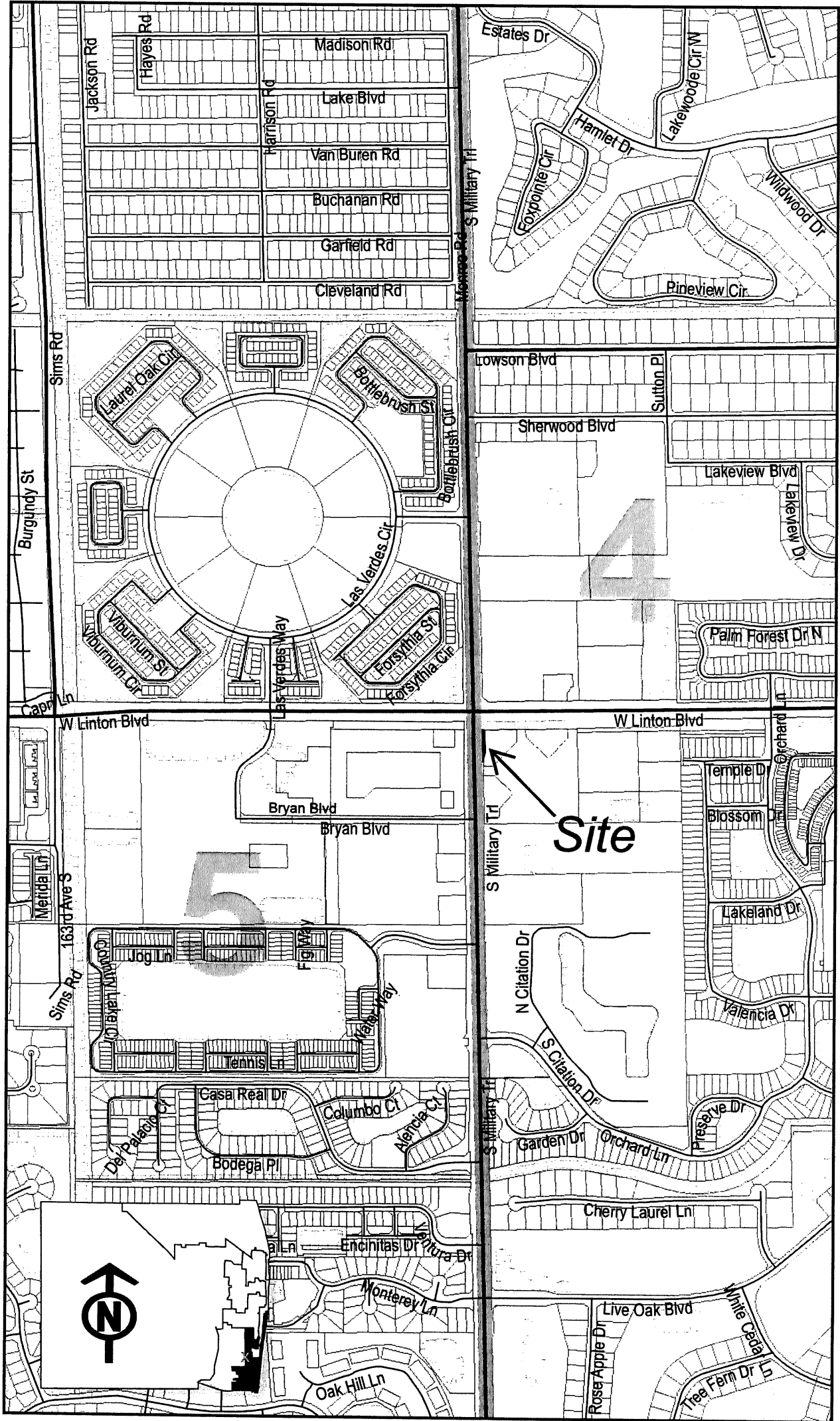
**B. Approved as to Form and Legal Sufficiency:**

[Signature]  
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-2019 - \_\_\_\_\_

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, DECLARING THE ACQUISITION OF PROPERTIES DESIGNATED AS PARCEL 101 AS A FEE SIMPLE ACQUISITION, AND PARCEL 301 AS A TEMPORARY CONSTRUCTION EASEMENT, NECESSARY FOR THE CONSTRUCTION OF INTERSECTION IMPROVEMENTS AT WEST LINTON BOULEVARD AND SOUTH MILITARY TRAIL, TO BE FOR A PUBLIC USE AND PURPOSE, AUTHORIZING THE EMPLOYMENT OF APPRAISERS AND OTHER EXPERTS AND THE FILING OF EMINENT DOMAIN PROCEEDINGS.**

**WHEREAS**, the Palm Beach County (County) Engineer has recommended the acquisition of these parcels to the Board of County Commissioners (BCC); and

**WHEREAS**, the parcels are necessary for the construction and improvement of West Linton Boulevard and South Military Trail; and

**WHEREAS**, the funds are available for the acquisition of the properties designated as Parcel 101 as a fee simple acquisition, and Parcel 301 as a temporary construction easement (expiring no later than three years from the date of deposit) for access and all related construction activities reasonably required for driveway construction, sloping, grading and to harmonize the road construction with the adjacent property; and

**WHEREAS**, the property owner was not able to clear existing encumbrances on Parcels 101 and 301; 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 property identified as Parcel 101 for a fee simple acquisition, and Parcel 301 as a temporary construction easement, which are more fully described in **Exhibit "A"**, is necessary for the construction and improvement of West Linton Boulevard and South Military Trail, 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 of West Linton Boulevard and South Military Trail.

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 Mack Bernard, Mayor

Commissioner Dave Kerner, Vice Mayor

Commissioner Hal R. Valeche

Commissioner Gregg K. Weiss

Commissioner Robert S. Weinroth

Commissioner Mary Lou Berger

Commissioner Melissa McKinlay

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**

**LEGAL DESCRIPTION**

A PARCEL OF LAND FOR ROAD RIGHT-OF-WAY PURPOSES IN THE NORTHWEST QUARTER (N.W.1/4) OF SECTION 25, TOWNSHIP 46 SOUTH, RANGE 42 EAST, CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF TRACT "C" THE PLAT OF LINTON OAKS SQUARE, RECORDED IN PLAT BOOK 51, PAGE 118, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID TRACT "C"; THENCE ALONG THE WEST LINE OF SAID TRACT "C", S01°22'37"E FOR 213.60 FEET; THENCE N15°39'18"E FOR 40.97 FEET TO A LINE LYING 12.00 FEET EAST OF, AND PARALLEL WITH, THE SAID WEST LINE OF TRACT "C"; THENCE ALONG SAID PARALLEL LINE, N01°22'37"W FOR 174.41 FEET TO THE SAID NORTH LINE OF TRACT "C"; THENCE ALONG SAID NORTH LINE, S88°41'05"W FOR 12.00 FEET, TO THE POINT OF BEGINNING.

CONTAINING 2.328 SQUARE FEET OR 0.0534 ACRES, MORE OR LESS.

**SURVEYOR'S REPORT:**

BEARINGS ARE BASED ON S01°22'37"E (GRID) ALONG THE WEST LINE OF SECTION 25, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PER PALM BEACH COUNTY SURVEY DEPARTMENT SECTION DATA.

I HAVE REVIEWED THE ROADWAY PRODUCTION TITLE REPORT, PROJECT NO: 2013500, WITH AN EFFECTIVE DATE OF MARCH 19, 2018 AND UPDATED MARCH 16, 2019 AND ALL SURVEY RELATED ENCUMBRANCES IDENTIFIED IN THE REPORT ON PART B-2 ARE SHOWN AND/OR ARE NOTED BELOW.

1. EASEMENTS, DEDICATIONS AND CONDITIONS AS SET FORTH ON THE PLAT OF LINTON OAKS SQUARE IN PLAT BOOK 51, PAGE 118, RECORDED JULY 18, 1985 (PLOTTED)


THIS INSTRUMENT PREPARED BY GLENN W. MARK, P.L.S. IN THE OFFICE OF THE COUNTY ENGINEER, VISTA CENTER 2300 NORTH JOG ROAD, WEST PALM BEACH, FLORIDA 33411-2745.

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

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

  
 GLENN W. MARK P.E.  
 FLORIDA CERTIFICATE NO. 5304

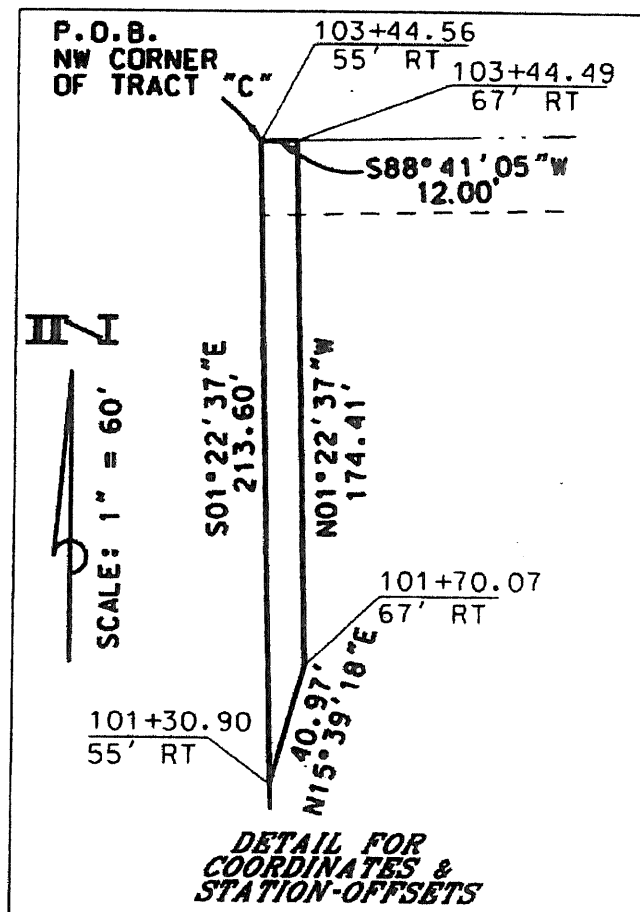
4/10/19  
 DATE

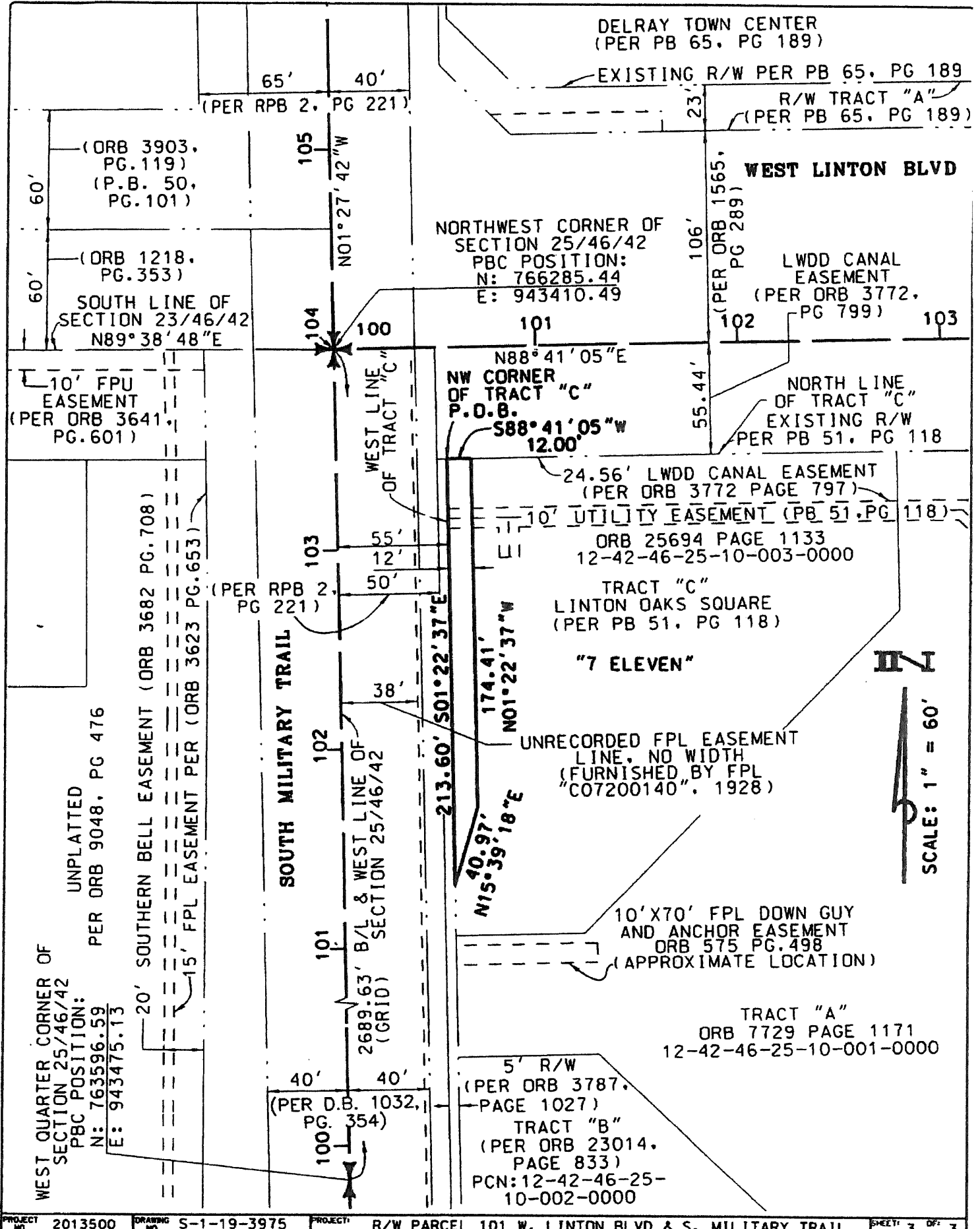
PROJECT NO. 2013500 SHEET NO. 3	PROJECT: RIGHT OF WAY LAND PARCEL 101 LINTON BLVD & S. MILITARY TRAIL	SCALE: 1" = 50' DRAWN: G.W.M. CHECKED: G.W.M. DATE: 04/08/19 FIELD BOOK NO.	NO.	REVISION	BY	DATE
	DESIGN FILE NAME S-1-19-3975.DGN		DRAWING NO. S-1-19-3975			
 <b>PALM BEACH COUNTY</b> <b>ENGINEERING AND PUBLIC WORKS</b> <b>ROADWAY PRODUCTION</b> 2300 NORTH JOG ROAD WEST PALM BEACH, FL 33411						

**ABBREVIATIONS:**

- P.O.C. - POINT OF COMMENCEMENT
- P.O.B. - POINT OF BEGINNING
- P.B. - PLAT BOOK
- ORB - OFFICIAL RECORD BOOK
- D.B. - DEED BOOK
- PG. - PAGE
- R/W - RIGHT-OF-WAY
- C/L - CENTERLINE
- B/L - BASELINE
- LF. - LEFT OF BASELINE
- RT. - RIGHT OF BASELINE
- SEC. - SECTION
- PBCo - PALM BEACH COUNTY
- NAD - NORTH AMERICAN DATUM
- EE - EMBANKMENT EASEMENT
- LWDD - LAKE WORTH DRAINAGE DISTRICT

COORDINATES SHOWN ARE GRID  
 DATUM - NAD 83, 1990 ADJUSTMENT  
 ZONE - FLORIDA EAST  
 LINEAR UNIT - US SURVEY FOOT  
 COORDINATE SYSTEM 1983 STATE PLANE  
 TRANSVERSE MERCATOR PROJECTION  
 ALL DISTANCES ARE GROUND  
 SCALE FACTOR - 1.000036  
 GROUND DISTANCE x SCALE FACTOR  
 = GRID DISTANCE  
 ROTATION EQUATION: NONE







**EXHIBIT A**  
**TCE 301**

**LEGAL DESCRIPTION**

A PARCEL OF LAND FOR TEMPORARY CONSTRUCTION EASEMENT PURPOSES IN THE NORTHWEST QUARTER (N.W.1/4) OF SECTION 25, TOWNSHIP 46 SOUTH, RANGE 42 EAST, CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA, LYING IN TRACT "C" OF THE PLAT OF LINTON OAKS SQUARE, RECORDED IN PLAT BOOK 51, PAGE 118, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID TRACT "C"; THENCE ALONG THE WEST LINE OF SAID TRACT "C", S01°22'37"E FOR 213.60 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S01°22'37"E FOR 25.40 FEET TO THE SOUTH LINE OF SAID TRACT "C"; THENCE ALONG SAID SOUTH LINE, N88°37'23"E FOR 10.00 FEET; THENCE PARALLEL WITH THE SAID WEST LINE OF TRACT "C", N01°22'37"W FOR 23.90 FEET; THENCE N15°39'18"E FOR 40.97 FEET; THENCE PARALLEL WITH THE SAID WEST LINE OF TRACT "C", N01°22'37"W FOR 175.90 FEET TO THE NORTH LINE OF TRACT "C" SHOWN ON SAID PLAT; THENCE ALONG SAID NORTH LINE, S88°41'05"W FOR 10.00 FEET TO A LINE LYING 12.00 FEET EAST OF, AND PARALLEL WITH THE SAID WEST LINE OF TRACT "C"; THENCE ALONG SAID PARALLEL LINE, S01°22'37"E FOR 174.41 FEET; THENCE S15°39'18"W FOR 40.97 FEET TO THE THE POINT OF BEGINNING.

CONTAINING 2.408 SQUARE FEET OR 0.0553 ACRES, MORE OR LESS.

**SURVEYOR'S REPORT:**

BEARINGS ARE BASED ON S01°22'37"E (GRID) ALONG THE WEST LINE OF SECTION 25, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PER PALM BEACH COUNTY SURVEY DEPARTMENT SECTION DATA.

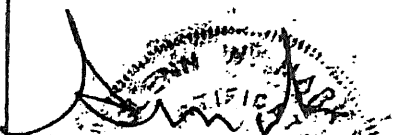
I HAVE REVIEWED THE ROADWAY PRODUCTION TITLE REPORT, PROJECT NO: 2013500, WITH AN EFFECTIVE DATE OF MARCH 19, 2018 AND UPDATED MARCH 16, 2019 AND ALL SURVEY RELATED ENCUMBRANCES IDENTIFIED IN THE REPORT ON PART B-2 ARE SHOWN AND/OR ARE NOTED BELOW.

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GLENN W. MARK, P.L.S.  
 FLORIDA CERTIFICATE NO. 5304

4/10/19  
 DATE

PROJECT NO. 2013500	1	PROJECT: TEMPORARY CONSTRUCTION EASEMENT 301 LINTON BLVD & S. MILITARY TRAIL DESIGN FILE NAME: S-1-19-3978.DGN DRAWING NO.: S-1-19-3978	STATE # = 60 APPROVED: G.W.M. DRAWN: W.D.S. CHECKED: G.W.M. DATE: 04/08/19 FIELD BOOK NO.	REVISION	BY	DATE
	3					

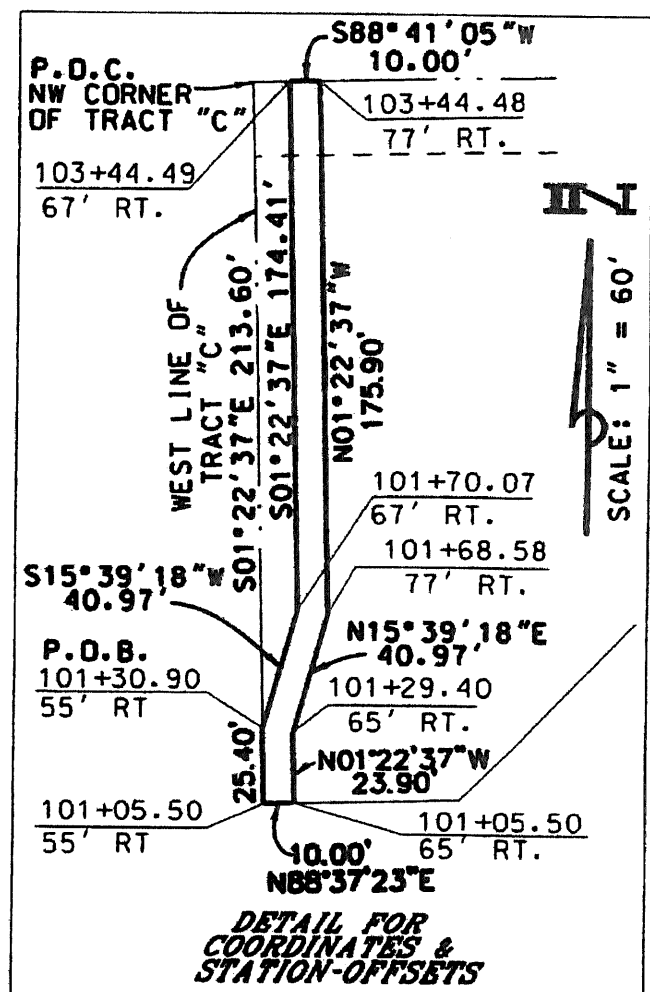


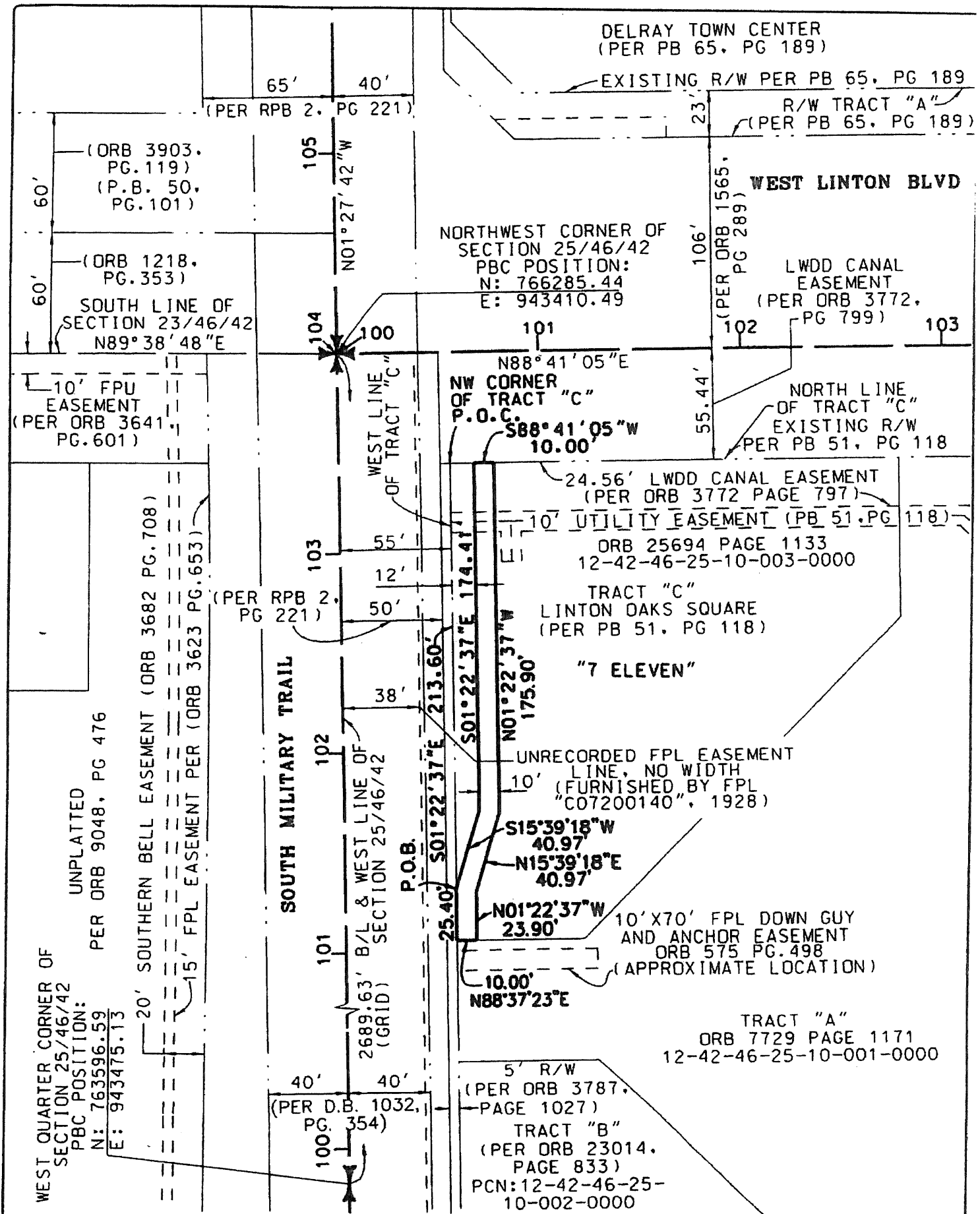
**PALM BEACH COUNTY**  
**ENGINEERING AND PUBLIC WORKS**  
**ROADWAY PRODUCTION**  
 2300 NORTH JOG ROAD  
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COORDINATES SHOWN ARE GRID  
 DATUM - NAD 83, 1990 ADJUSTMENT  
 ZONE - FLORIDA EAST  
 LINEAR UNIT - US SURVEY FOOT  
 COORDINATE SYSTEM 1983 STATE PLANE  
 TRANSVERSE MERCATOR PROJECTION  
 ALL DISTANCES ARE GROUND  
 SCALE FACTOR - 1.000036  
 GROUND DISTANCE x SCALE FACTOR  
 = GRID DISTANCE  
 ROTATION EQUATION: NONE





## **EXHIBIT "B"**

### **WEST LINTON BOULEVARD AND SOUTH MILITARY TRAIL INTERSECTION IMPROVEMENTS (WORK INCLUDES ADDITION OF RIGHT TURN LANES FOR THE SOUTH AND NORTH APPROACHES ON SOUTH MILITARY TRAIL) PALM BEACH COUNTY PROJECT # 2013500**

#### **SAFETY**

This section of South Military Trail is currently a 6-lane divided paved road that intersects with major thoroughfare West Linton Boulevard and connects major thoroughfares Clint Moore Road to the south and West Atlantic Avenue (State Road 806) to the north. This project has been designed to add a southbound to westbound right turn lane on the north approach of South Military Trail and a northbound to eastbound right turn lane on the south approach of South Military Trail at West Linton Boulevard. The AM peak southbound to westbound right turn movement is currently 216 vehicles per hour. The AM peak southbound through volume is currently 1,747 vehicles per hour. The AM peak northbound to eastbound right turn movement is currently 232 vehicles per hour. The PM peak northbound through volume is currently 1,466 vehicles per hour. Both the southbound and northbound traffic movements are the critical movements during the AM and PM peak hours. These right turn lanes will increase capacity of the south and north approaches of the intersection, allowing a more efficient operation of the intersection. In addition, the overall intersection will be resurfaced, and all pedestrian ramps will be reconstructed and brought to current standard to facilitate pedestrian crossing.

The design of the project was done in accordance with the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (The Florida Greenbook), as adopted and approved by the Florida Department of Transportation (FDOT).

#### **COST**

The cost of improving the intersection of West Linton Boulevard and South Military Trail was estimated prior to beginning design and was updated throughout the design process. The appropriate funding for design, right-of-way acquisition and construction was budgeted in the County's Five Year Road program. During the design of the roadway, all reasonable efforts 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 is necessary in furtherance of this public project.

#### **ALTERNATE ROUTES**

This portion of South Military Trail is a heavily travelled south-north thoroughfare that carries significant traffic to unincorporated neighborhoods and the commercial areas west of Delray Beach. Alternate routes were considered; however, none would provide the same benefit while minimizing impacts. The construction of the right turn lanes will provide relief for South Military Trail at its intersection with West Linton Boulevard, and traffic will be maintained throughout construction. The Palm Beach County (County) Comprehensive Plan (Thoroughfare Right-of-Way-Identification Map) identifies roadways to be improved to meet traffic demand at full development of the County. It has been prepared to meet the requirements of Chapter 163 Florida Statutes and Rule 9J-5 Florida Administrative Code, and to address the needs and interests of the County's residents and visitors.

#### **LONG RANGE PLANNING**

The development of this project is in conformance with Palm Beach County's 2040 Long Range Transportation Plan. The 2040 Long Range Transportation System Plan is a 25-year forecast based on projected regional needs identified through the process of forecasting travel demand, evaluating system alternatives and selecting those options which best meet the mobility, safety, and other needs of the County, considering financial, environmental and social constraints. The plan serves as the preliminary tool used for transportation planning in Palm Beach County.

### **ENVIRONMENTAL IMPACTS**

The intersection of South Military Trail and West Linton Boulevard is part of an established corridor, and the proposed improvement will not negatively impact the environment. The addition of the right turn lanes is not required to be permitted through any environmental regulatory agencies.

*Following is a more detailed outline of the reasons for acquisition needed for the improvement of South Military Trail at West Linton Boulevard:*

### **ACQUISITION FOR FEE SIMPLE PARCEL 101**

Currently, the County owns a 120 foot wide road right-of-way on South Military Trail south of West Linton Boulevard. The parcel to be acquired represents acquisition outside of the 120 foot mainline, and is required to construct a new right turn lane that will include earthwork, asphalt pavement, curb and gutter, sidewalk, and a traffic signal.

### **ACQUISITION FOR TEMPORARY CONSTRUCTION EASEMENT PARCEL 301**

This Easement (expiring no later than three 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.