

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: June 16, 2020 [X] 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 a portion of a residential property designated as parcel 102 (Parcel) as fee simple road right-of-way necessary for the construction of roadway improvements at the intersection of West Linton Boulevard and South Military Trail (Project).

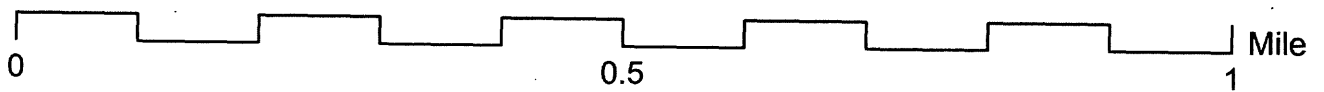
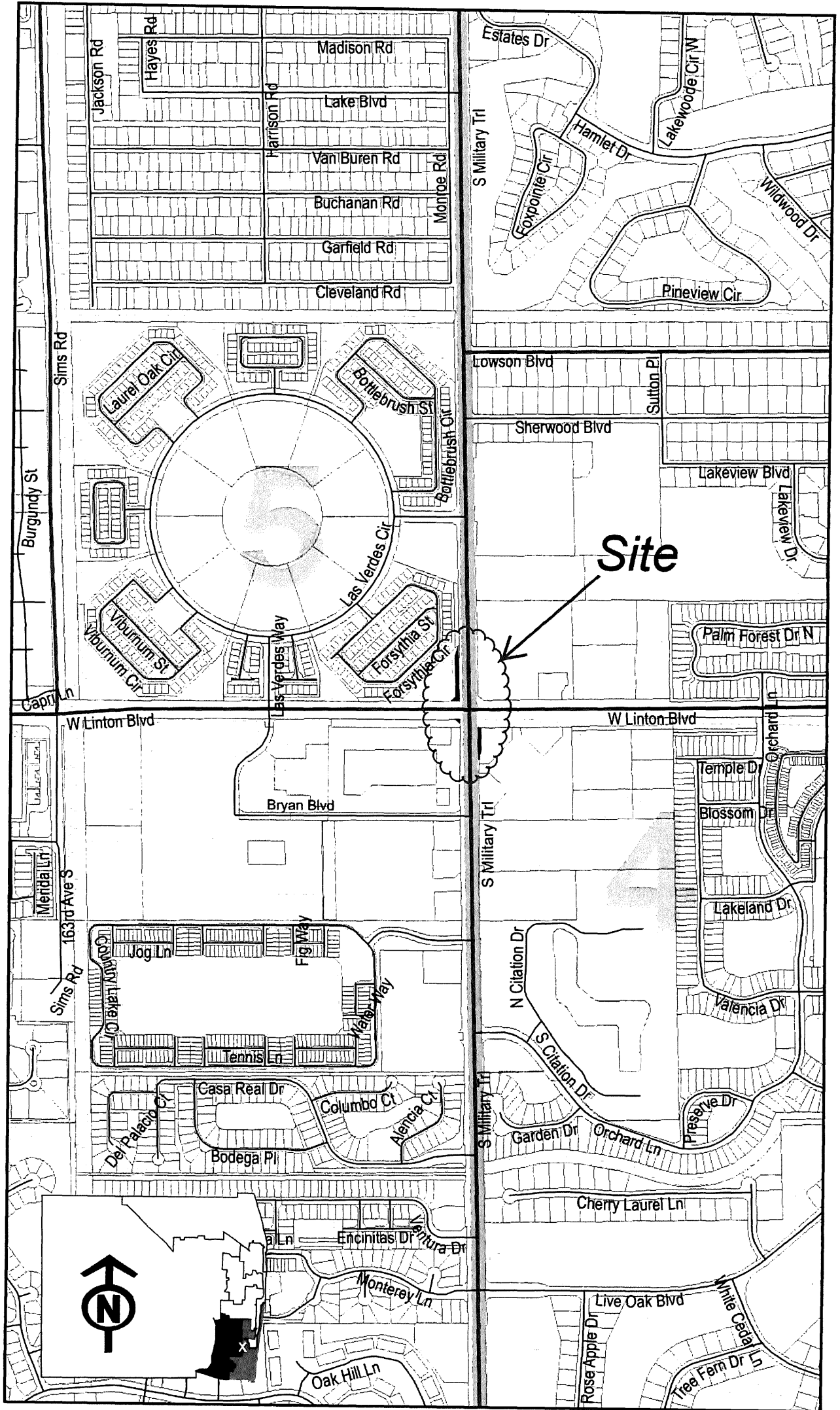
SUMMARY: Adoption of this resolution will initiate eminent domain proceedings pursuant to Chapters 73, 74, 127, and Section 337.27, Florida Statutes as amended, against a portion of a residential parcel having an appraised value of \$121,174. Eminent domain proceedings for the parcel were originally initiated on December 4, 2018 (R2018-1845). Since that time, the parcel size was modified and the property owner accepted both the modification and the negotiated settlement made by Palm Beach County (County), but was unable to clear existing encumbrances. Modification to the size of the parcel requires an updated resolution for eminent domain purposes. The parcel is necessary for the construction of a southbound right turn lane at the intersection of West Linton Boulevard and South Military Trail. Eminent domain proceedings are necessary to acquire the parcel free and clear in order to expedite construction of the project, which is funded in the current Five Year Road Program. District 5 (DO)

Background and Justification: The project includes resurfacing of the intersection, the installation of drainage, sidewalks, and updated traffic signals at the intersection of West Linton Boulevard and South Military Trail. The acquisition of the parcel 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 Parcel 102 with Exhibits "A" and "B"

Handwritten initials: DP, WMR

Recommended by: David F. Kelly, County Engineer, Date: 5/18/2020
Approved by: [Signature], Assistant County Administrator, Date: 5/27/20



Location Map

RESOLUTION NO. R-2020 - _____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, DECLARING THE ACQUISITION OF PROPERTY DESIGNATED AS PARCEL 102 AS A FEE SIMPLE ACQUISITION NECESSARY FOR THE CONSTRUCTION OF ROADWAY IMPROVEMENTS ON 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 County Engineer recommends the acquisition of Parcel 102 to the Board of County Commissioners (BCC); and

WHEREAS, Parcel 102 is 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 property designated as Parcel 102 as a fee simple acquisition; and

WHEREAS, Eminent Domain proceedings for Parcel 102 were originally initiated on December 4, 2018 (R2018-1845); and

WHEREAS, modifications to increase the size of Parcel 102 were made; and

WHEREAS, the property owner accepted the negotiated settlement but was not able to clear existing encumbrances on Parcel 102; 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, which is 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 Parcel 102, 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 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 Dave Kerner, Mayor _____
- Commissioner Robert S. Weinroth, Vice Mayor _____
- Commissioner Hal R. Valeche _____
- Commissioner Gregg K. Weiss _____
- Commissioner Mary Lou Berger _____
- Commissioner Melissa McKinlay _____
- Commissioner Mack Bernard _____

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: _____ David Ottey, Chief Assistant County Attorney

By: _____ Deputy Clerk

**EXHIBIT A
R/W PARCEL 102**

LEGAL DESCRIPTION

A PARCEL OF LAND FOR ROAD RIGHT-OF-WAY PURPOSES IN THE SOUTHEAST QUARTER (S.E.1/4) OF SECTION 23, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF TRACT "A-2" OF KINGS POINT PLAT NO. THIRTEEN, RECORDED IN PLAT BOOK 50, PAGE 101, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SAID TRACT "A-2"; THENCE ALONG THE EAST LINE OF SAID TRACT "A-2", N01°27'42"W FOR 365.14 FEET; THENCE S88°32'18"W FOR 4.82 FEET; THENCE S15°12'09"W FOR 65.16 FEET TO A LINE LYING 23.50 FEET WEST OF, AND PARALLEL WITH, THE SAID EAST LINE OF TRACT "A-2"; THENCE ALONG SAID PARALLEL LINE, S01°27'42"E FOR 272.27 FEET; THENCE S44°05'55"W FOR 42.01 FEET TO THE SOUTH LINE OF SAID TRACT "A-2"; THENCE ALONG SAID SOUTH LINE, N89°38'48"E FOR 53.51 FEET TO THE POINT OF BEGINNING.

CONTAINING 8,444 SQUARE FEET OR 0.1938 ACRES, MORE OR LESS.

NOTES:

- 1) BASELINE STATIONING IS BASED ON A ROADWAY PLAN FOR LINTON BOULEVARD & MILITARY TRAIL INTERSECTION, PREPARED BY ARCADIS U.S.. INC., PALM BEACH COUNTY PROJECT No.2013500.
- 2) THIS DESCRIPTION IS BASED ON INFORMATION FURNISHED BY ARCADIS U.S.. INC. RECORD INFORMATION SHOWN IS BASED ON TITLE INFORMATION FURNISHED BY THE PALM BEACH COUNTY ROADWAY PRODUCTION DIVISION TO ARCADIS U.S.. INC. NO ENCUMBRANCES OF RECORD WERE NOTED EXCEPT AS SHOWN ON THE ATTACHED SKETCH. NO SEARCH OF THE PUBLIC RECORDS WAS PERFORMED BY THIS OFFICE.
- 3) BEARINGS ARE BASED ON N01°27'42"W (GRID NAD 83/90) ALONG THE EAST LINE OF SECTION 23, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PER PALM BEACH COUNTY SURVEY DEPARTMENT SECTION DATA.

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 PLS
FLORIDA CERTIFICATE NO. 5304

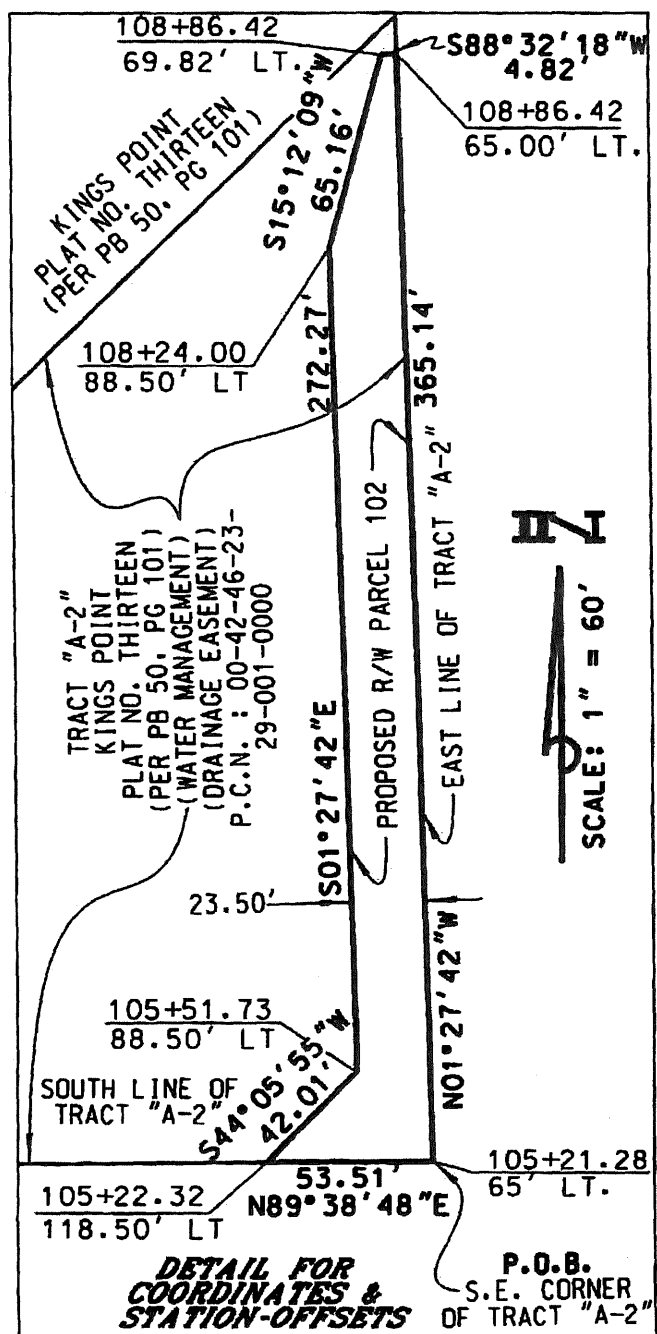
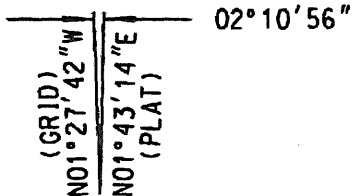
7/15/19
DATE

PROJECT NO. 2013500	SHEET 1 OF 3	PROJECT RIGHT-OF-WAY PARCEL 102 W. LINTON BLVD & S. MILITARY TRAIL DESIGN FILE NAME: S-1-19-3992.DGN GRADING NO.: S-1-19-3992	SCALE: 1" = 60' 0" DRAWN BY: S.T.A. CHECKED BY: G.W.M. DATE: 07/10/19	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th>NO.</th> <th>REVISION</th> <th>BY</th> <th>DATE</th> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	REVISION	BY	DATE					 <p>PALM BEACH COUNTY ENGINEERING AND PUBLIC WORKS ROADWAY PRODUCTION 2300 NORTH JOG ROAD WEST PALM BEACH, FL 33411</p>
NO.	REVISION	BY	DATE										

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
- Ⓢ - BASELINE
- LF. - LEFT OF BASELINE
- RT. - RIGHT OF BASELINE
- SEC. - SECTION
- PBC - PALM BEACH COUNTY
- NAD - NORTH AMERICAN DATUM
- EE - EMBANKMENT EASEMENT
- LWDD - LAKE WORTH DRAINAGE DISTRICT
- P.C.N. - PARCEL CONTROL NUMBER

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: 02° 10' 56" CLOCKWISE,
 GRID TO PLAT



**DETAIL FOR
 COORDINATES &
 STATION-OFFSETS**

P.O.B.
 S.E. CORNER
 OF TRACT "A-2"

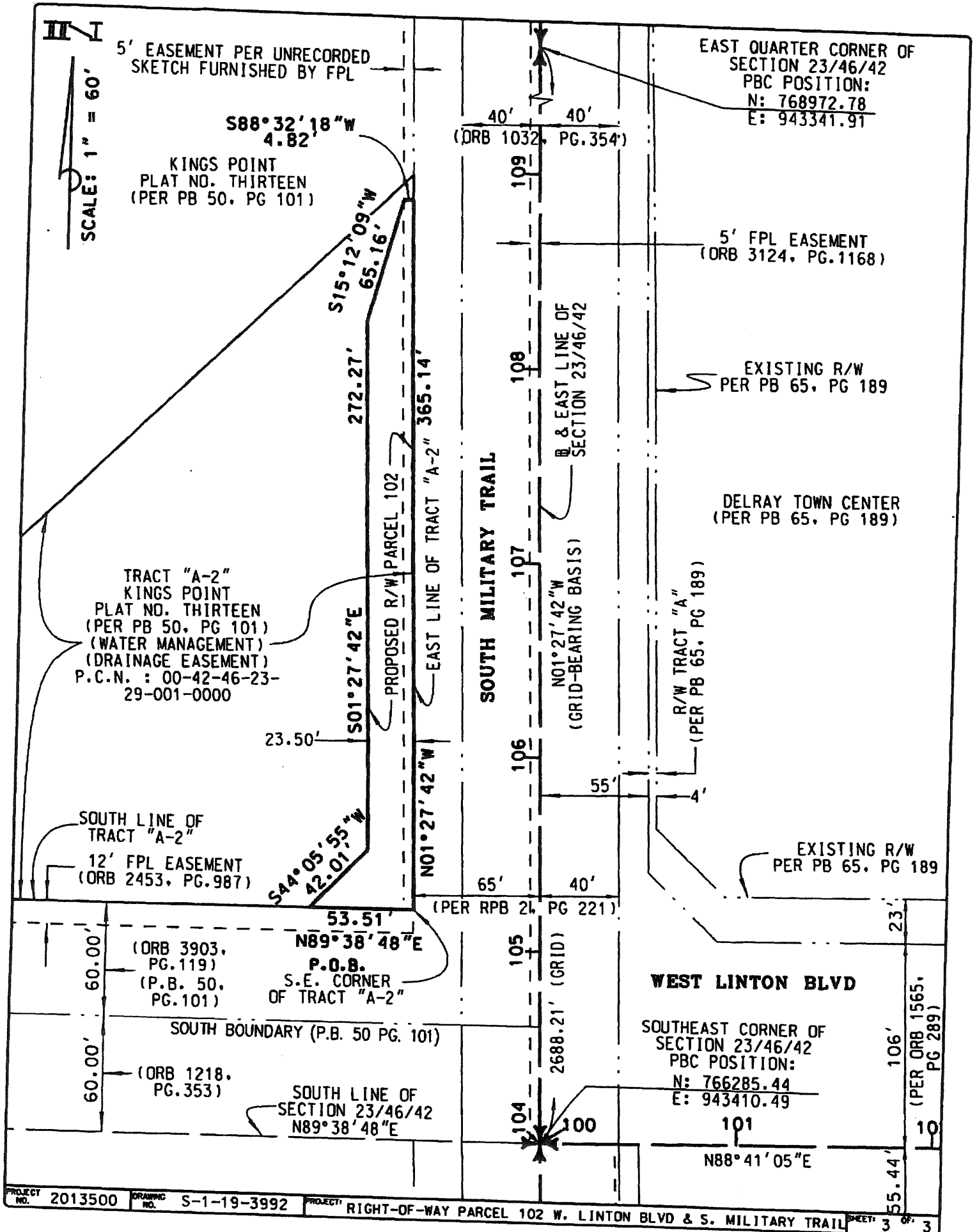


EXHIBIT "B"

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 this parcel fits into the planned funding for this project, and the acquisition of this parcel 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 102

Currently, the County owns a 124 foot wide road right-of-way on South Military Trail north of West Linton Boulevard. The parcel to be acquired represents acquisition outside of the 124 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.