



**II. FISCAL IMPACT ANALYSIS**

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

Fiscal Years	2023	2024	2025	2026	2027
Capital Expenditures	\$170,500	-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	\$ 170,500	-0-	-0-	-0-	-0-
# ADDITIONAL FTE POSITIONS (Cumulative)	-0-	-0-	-0-	-0-	-0-

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

Budget Account No:

Fund 3501 Dept 361 Unit 1369 Object 6120

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

Road Impact Fee Zone 1  
 Congress Ave/Northlake to Alt. A1A

Number of Parcels Going Into Suit: 4  
 Right-of-Way : 1  
 Temporary Construction Easement: 3

**Parcels:**

ROW 106  
 TCE 306A, 306B & 308

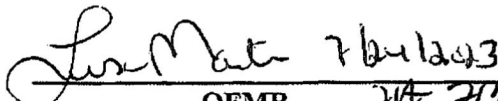
Estimated Total Acquisition Cost \$ 170,500.00

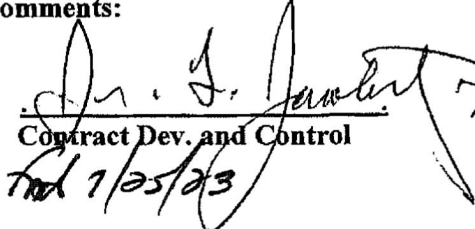


C. Departmental Fiscal Review: \_\_\_\_\_

**III. REVIEW COMMENTS**

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

  
 OFMB *JH 7/24 MD 7/24*

  
 Contract Dev. and Control  
*Trud 7/25/23*

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

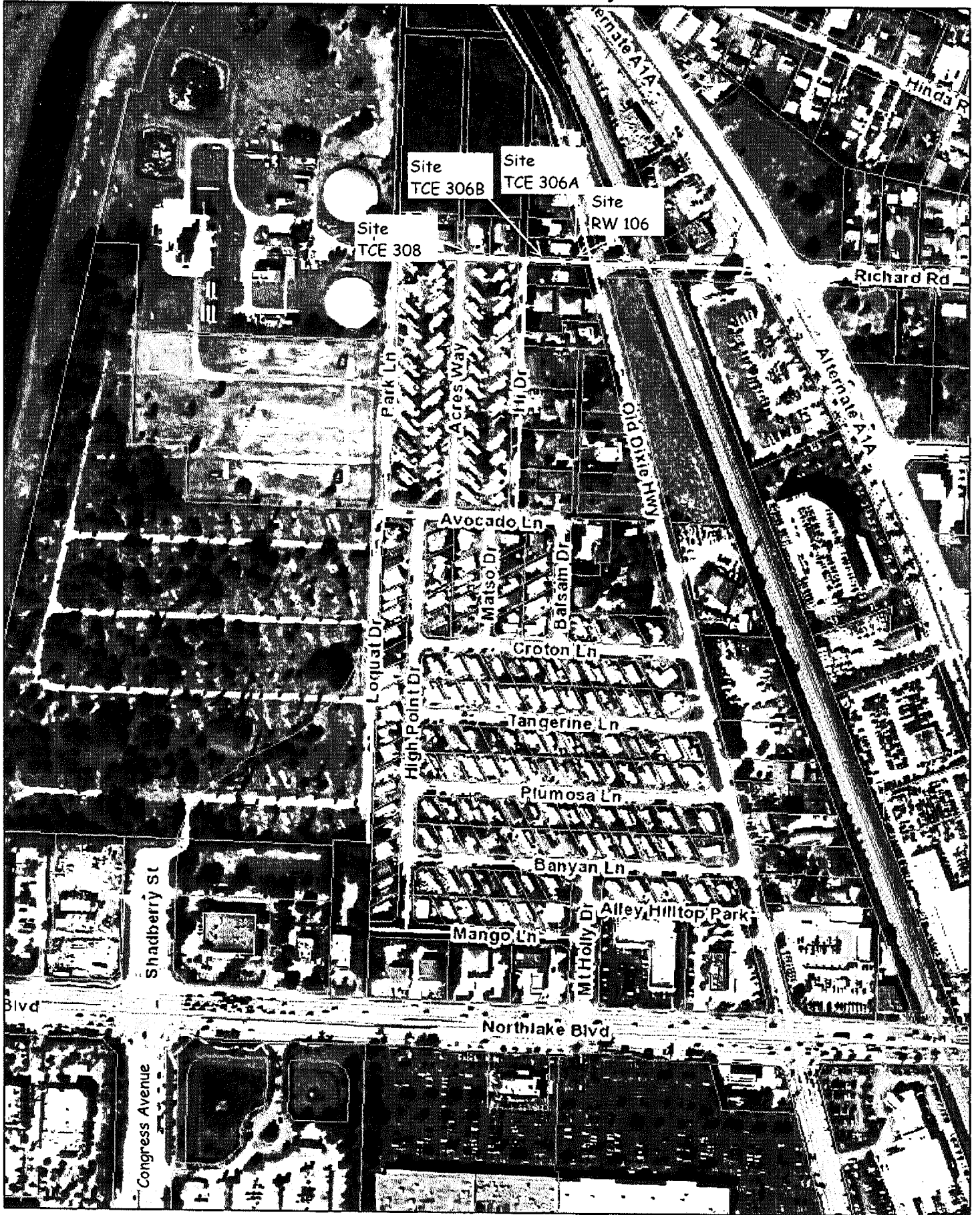
  
 Assistant County Attorney

**C. Other Department Review:**

\_\_\_\_\_  
 Department Director

This summary is not to be used as a basis for payment.

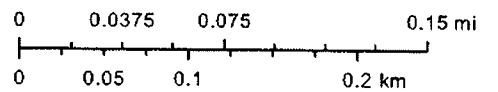
# Congress Avenue Extension - Project No. 2012517



June 27, 2023

### Location Map

1:4,514



RESOLUTION NO. R-2023 - \_\_\_\_\_

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, DECLARING THE ACQUISITION OF FEE SIMPLE RIGHT-OF-WAY AND TEMPORARY CONSTRUCTION EASEMENTS DESIGNATED AS PARCELS 106, 306A AND 306B NECESSARY FOR THE CONSTRUCTION OF ROADWAY IMPROVEMENTS ON CONGRESS AVENUE FROM NORTHLAKE BOULEVARD TO ALTERNATE A1A, 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 fee simple right-of-way and temporary construction easements, designated as Parcels 106, 306A and 306B, on the property described in Exhibit "A", to the Board of County Commissioners (BCC); and

**WHEREAS**, the parcels are necessary for the construction to extend Congress Avenue from Northlake Boulevard to Alternate A1A (Project); and

**WHEREAS**, the funds are available for the acquisition of fee simple right-of-way and temporary construction easements designated as Parcels 106, 306A and 306B; and

**WHEREAS**, the property owner has not accepted the offer to purchase made by the County; and

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

**WHEREAS**, in determining to proceed with the construction and improvement of the Project, and determining the Project's location, including Parcels 106, 306A and 306B, 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 fee simple right-of-way and temporary construction easements designated as Parcels 106, 306A and 306B on property which is more fully described in Exhibit "A", is necessary for the construction and improvement of the Project, and is for a public use and purpose deemed to be in the best interest of the County; and

**WHEREAS**, the proposed construction uses and purposes of Parcels 106, 306A and 306B, and the duration of Parcels 306A and 306B are more fully described in Exhibit "B"; and

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

**WHEREAS**, the fee simple right-of-way and the temporary construction easements on property described in Exhibit "A" to be acquired through Eminent Domain as authorized by this Resolution, are not being acquired for the purpose of abating or eliminating public nuisances, slum or blighted conditions, and are 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 106, 306A and 306B, the County Engineer and the County Attorney, using outside counsel to the extent they deem appropriate, 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, using outside counsel to the extent they deem appropriate, 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 fee simple right-of-way and temporary construction



easements on 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, using outside counsel to the extent they deem appropriate, are hereby further authorized and directed to take such further actions as are reasonably required to fully accomplish the purposes herein above directed, including correcting minor errors in the description of any real property described in Exhibit "A" so long as the property does not change, 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 right-of-way and a temporary construction easements necessary for the construction and improvement of the Project.

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 Gregg K. Weiss, Mayor	_____
Commissioner Maria Sachs, Vice Mayor	_____
Commissioner Maria G. Marino	_____
Commissioner Michael A. Barnett	_____
Commissioner Marci Woodward	_____
Commissioner Sara Baxter	_____
Commissioner Mack Bernard	_____

The Mayor thereupon declared the Resolution duly passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

PALM BEACH COUNTY, A POLITICAL  
SUBDIVISION OF THE STATE OF FLORIDA,  
BY AND THROUGH ITS BOARD OF COUNTY  
COMMISSIONERS

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

By: \_\_\_\_\_  
Assistant County Attorney

JOSEPH ABRUZZO,  
CLERK OF THE CIRCUIT COURT  
& COMPTROLLER

By: \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO TERMS  
AND CONDITIONS

By:   
Division Director

A PARCEL OF LAND FOR ROAD RIGHT-OF-WAY PURPOSES IN THE NORTHWEST QUARTER (N.W.1/4) OF THE SOUTHWEST QUARTER (S.W.1/4) OF SECTION 17, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF LOT 7, BLOCK D, PLAT OF WEST TOWN SITE TO THE LANDS OF PROSPERITY FARMS CO., RECORDED IN PLAT BOOK 6, PAGE 34, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SAID LOT 7;  
THENCE ALONG THE EAST LINE OF SAID LOT 7, N14°56'00"W FOR 26.85 FEET TO A POINT OF TANGENT CUSP WITH A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 20.00 FEET;  
THENCE SOUTHWESTERLY, ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 106°38'21" FOR 37.22 FEET TO A POINT OF TANGENT CUSP ON THE SOUTH LINE OF SAID LOT 7;  
THENCE ALONG SAID SOUTH LINE, S88°17'39"E FOR 26.85 FEET TO THE POINT OF BEGINNING.

CONTAINING 165 SQUARE FEET (0.004 ACRES), 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: \_\_\_\_\_

REVISIONS: 4/19/21-PBC 3/29/21 COMMENTS

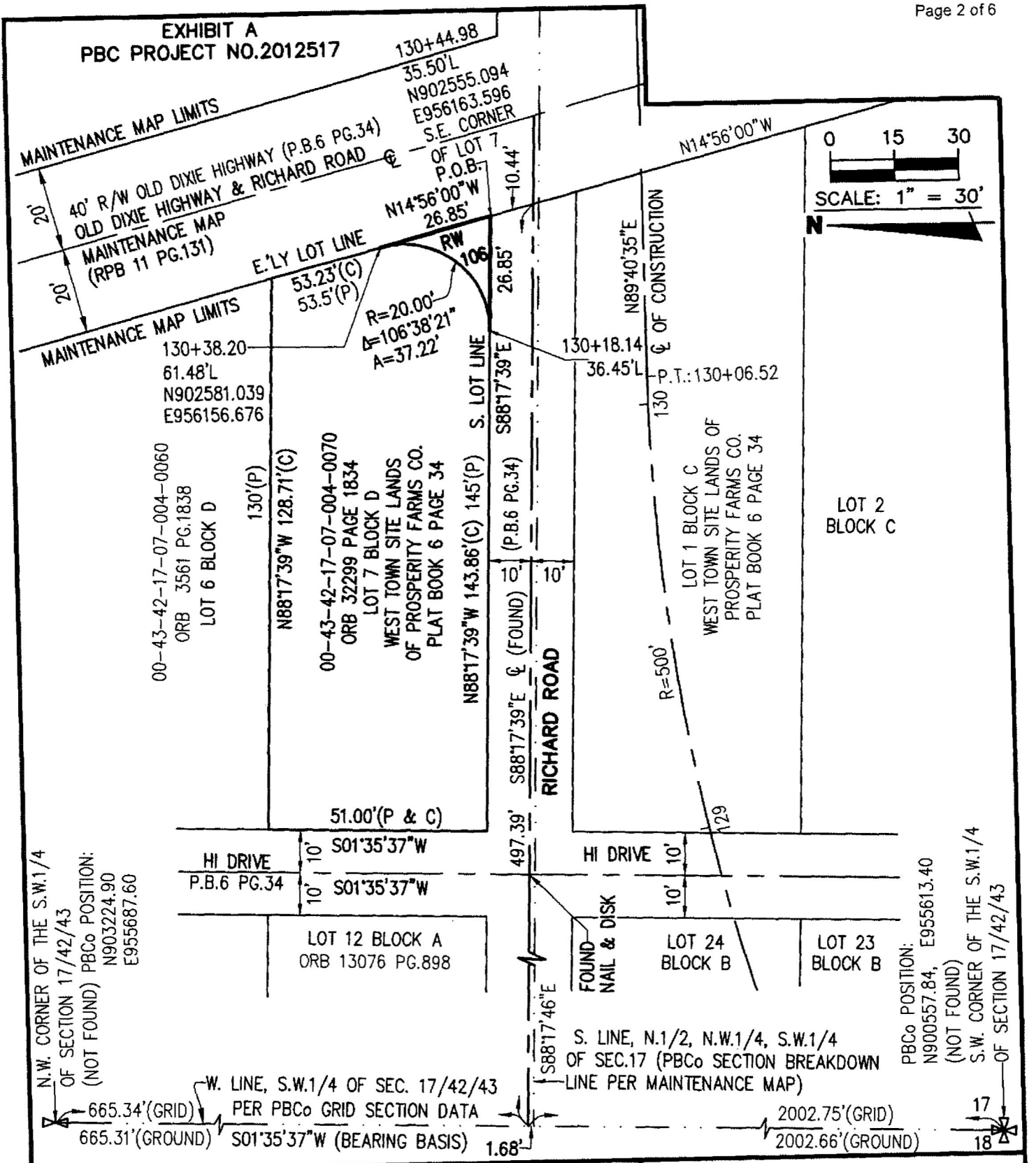
11/9/21-PBC 9/28/21 COMMENTS

E-Mail: info@brown-phillips.com

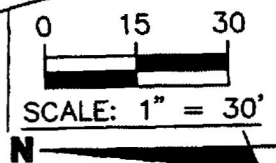
 **BROWN & PHILLIPS, INC.**  
PROFESSIONAL SURVEYING SERVICES  
CERTIFICATE OF AUTHORIZATION # LB 6473  
1860 OLD OKEECHOBEE ROAD., SUITE 509,  
WEST PALM BEACH, FLORIDA 33409  
TELEPHONE (561)-615-3988, 615-3991 FAX

**LEGAL DESCRIPTION**  
**CONGRESS AVENUE EXTENSION**  
(THIS IS NOT A SURVEY)

DRAWN: MDB	PROJ. No. 20-098
CHECKED: JEP	SCALE: NONE
R/W PARCEL 106	DATE: 3/25/21
	SHEET 1 OF 3



**EXHIBIT A  
PBC PROJECT NO.2012517**



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

**SKETCH TO ACCOMPANY  
LEGAL DESCRIPTION**  
(THIS SKETCH IS NOT A SURVEY)

DRAWN: MDB	PROJ. No. 20-098
CHECKED: JEP	SCALE: 1" = 30'
R/W PARCEL 106	DATE: 3/25/21
	SHEET 2 OF 3

**NOTES:**

- 1) BASELINE STATIONING IS BASED ON A ROADWAY PLAN FOR CONGRESS AVENUE EXTENSION, RICHARD ROAD PORTION, PREPARED BY KIMLEY-HORN INC., PALM BEACH COUNTY PROJECT No.2012517.
- 2) STATE PLANE COORDINATES:
 

A. COORDINATES SHOWN ARE GRID	F. TRANSVERSE MERCATOR PROJECTION
B. DATUM - NAD 83, 1990 ADJUSTMENT	G. ALL DISTANCES ARE GROUND EXCEPT WHERE SHOWN AS GRID
C. ZONE - FLORIDA EAST	H. SCALE FACTOR - 1.0000440
D. LINEAR UNIT - US SURVEY FOOT	I. GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE
E. COORDINATE SYSTEM 1983 STATE PLANE	J. ROTATION EQUATION: NONE
- 3) THE RIGHT-OF-WAY INFORMATION PROVIDED BY PALM BEACH COUNTY ON MARCH 7, 2013 AND JANUARY 10, 2014, HAS BEEN REVIEWED BY THIS OFFICE. THIS OFFICE HAS FOUND NO GAPS, GORES, OVERLAPS, OR MISSING SEGMENTS IN THE RIGHT-OF-WAY CORRIDOR PROVIDED.  
NO SEARCH OF THE PUBLIC RECORDS HAS BEEN PERFORMED BY THIS OFFICE.  
IT IS POSSIBLE THAT THERE ARE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS, RESTRICTIONS OR OTHER INSTRUMENTS WHICH COULD AFFECT THE SUBJECT PROPERTY WHICH ARE UNKNOWN TO THE SIGNING SURVEYOR AND ARE NOT SHOWN ON THIS LEGAL DESCRIPTION AND SKETCH.
- 4) ABBREVIATIONS:
 

P.B. - PLAT BOOK	B - BASELINE	R= RADIUS
ORB - OFFICIAL RECORD BOOK	C - CENTERLINE	Δ= CENTRAL ANGLE
PG. - PG.	L - LEFT OF CENTERLINE OF CONSTRUCTION	A= ARC LENGTH
DWG. - DRAWING	R - RIGHT OF CENTERLINE OF CONSTRUCTION	
PBCo - PALM BEACH COUNTY	(P) - PLAT DIMENSION	
SEC. - SECTION	(C) - CALCULATED DIMENSION	
- 5) BEARINGS ARE BASED ON S01°35'37"W (GRID, NAD '83, 1990 ADJUSTMENT) ALONG THE WEST LINE OF THE S.W.1/4 OF SECTION 17, TOWNSHIP 42 SOUTH, RANGE 43 EAST.



E-Mail: info@brown-phillips.com

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**DESCRIPTION NOTES**  
(THIS IS NOT A SURVEY)

DRAWN: MDB	PROJ. No. 20-098
CHECKED: JEP	SCALE: 1" = 30'
<b>R/W PARCEL 106</b>	DATE: 3/25/21
	SHEET 3 OF 3

TWO (2) PARCELS OF LAND FOR TEMPORARY CONSTRUCTION EASEMENT PURPOSES IN THE NORTHWEST QUARTER (N.W.1/4) OF THE SOUTHWEST QUARTER (S.W.1/4) OF SECTION 17, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, LYING IN LOT 7, BLOCK D, PLAT OF WEST TOWN SITE TO THE LANDS OF PROSPERITY FARMS CO., RECORDED IN PLAT BOOK 6, PAGE 34, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TCE 306A:

COMMENCE AT THE SOUTHEAST CORNER OF SAID LOT 7;  
THENCE ALONG THE EAST LINE OF SAID LOT 7, N14°56'00"W FOR 26.85 FEET TO A POINT OF TANGENT CUSP WITH A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 20.00 FEET, AND THE POINT OF BEGINNING;  
THENCE SOUTHWESTERLY, ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 60°00'00" FOR 20.94 FEET;  
THENCE N14°56'00"W FOR 36.11 FEET;  
THENCE N88°13'48"W FOR 10.44 FEET;  
THENCE N14°56'00"W FOR 10.57 FEET TO THE NORTH LINE OF SAID LOT 7;  
THENCE ALONG SAID NORTH LINE, S88°17'39"E FOR 20.87 FEET TO THE NORTHEAST CORNER OF SAID LOT 7;  
THENCE ALONG SAID EAST LINE OF LOT 7, S14°56'00"E FOR 26.38 FEET TO THE POINT OF BEGINNING.

CONTAINING 507 SQUARE FEET (0.012 ACRES), MORE OR LESS.

TCE 306B:

COMMENCE AT THE SOUTHEAST CORNER OF SAID LOT 7;  
THENCE ALONG THE SOUTH LINE OF SAID LOT 7, N88°17'39"W FOR 73.45 FEET TO THE POINT OF BEGINNING;  
THENCE CONTINUE ALONG SAID SOUTH LINE, N88°17'39"W FOR 22.04 FEET;  
THENCE N00°29'23"E FOR 2.00 FEET;  
THENCE S88°17'39"E FOR 22.04 FEET;  
THENCE S00°24'52"W FOR 2.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 44 SQUARE FEET (0.001 ACRES), MORE OR LESS.

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JOHN E. PHILLIPS, III  
PROFESSIONAL LAND SURVEYOR  
STATE OF FLORIDA No. 4826  
DATE: \_\_\_\_\_

REVISIONS: 11/9/21-PBC 9/28/21 COMMENTS

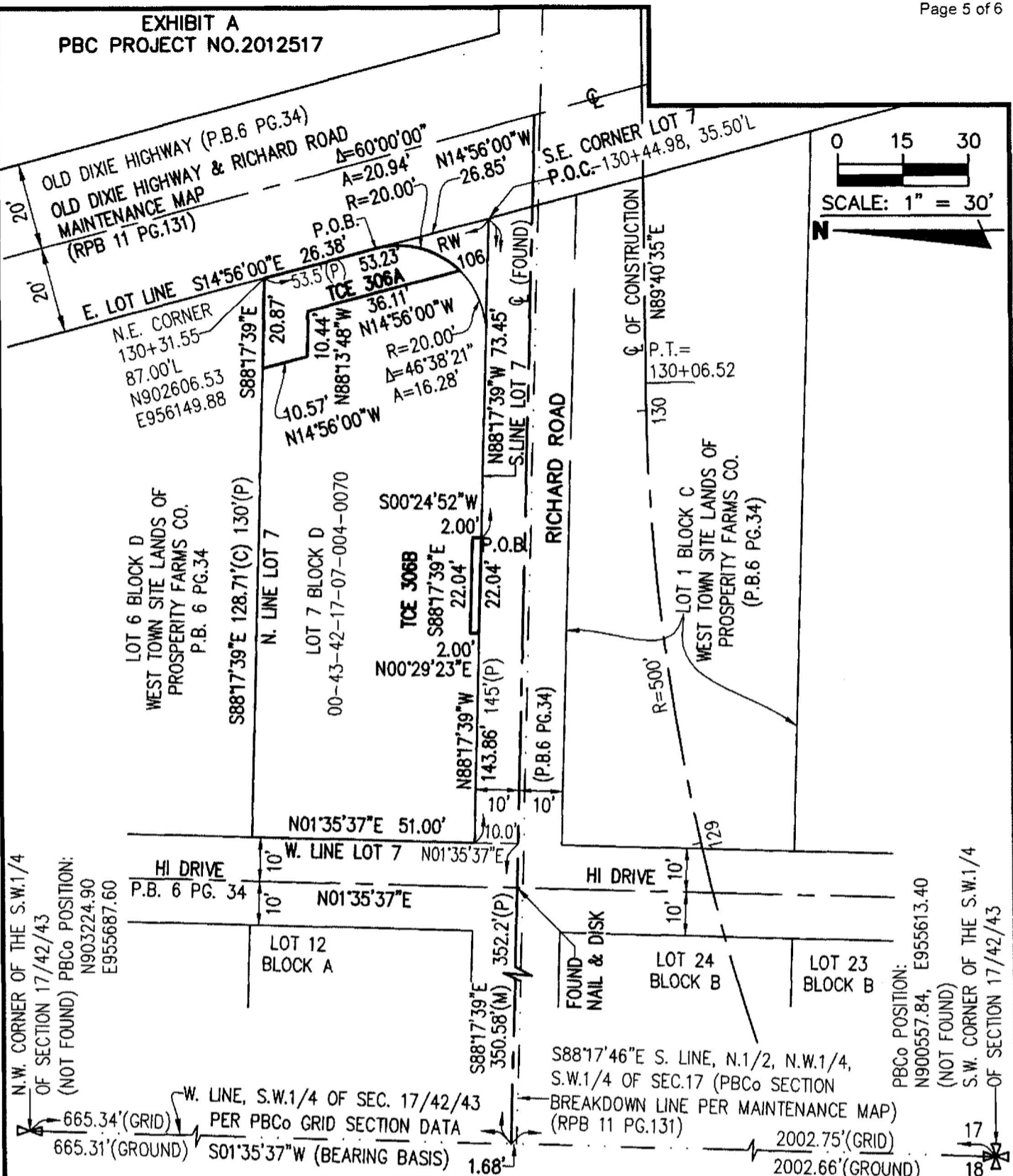
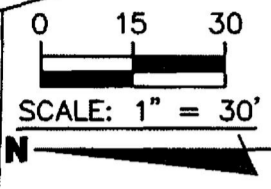
E-Mail: info@brown-phillips.com

**BP**  
**BROWN & PHILLIPS, INC.**  
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**LEGAL DESCRIPTION**  
**CONGRESS AVENUE EXTENSION**  
(THIS IS NOT A SURVEY)

DRAWN: MDB	PROJ. No. 20-098
CHECKED: JEP	SCALE: NONE
TCE 306A & B	DATE: 3/25/21
	SHEET 1 OF 3

**EXHIBIT A**  
**PBC PROJECT NO.2012517**



N.W. CORNER OF THE S.W.1/4  
OF SECTION 17/42/43  
(NOT FOUND) PBCo POSITION:  
N903224.90  
E955687.60

PBCo POSITION:  
N900557.84, E955613.40  
(NOT FOUND)  
S.W. CORNER OF THE S.W.1/4  
OF SECTION 17/42/43

**BROWN & PHILLIPS, INC.**  
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**SKETCH TO ACCOMPANY  
LEGAL DESCRIPTION**  
(THIS SKETCH IS NOT A SURVEY)

DRAWN: MDB	PROJ. No. 20-098
CHECKED: JEP	SCALE: 1" = 30'
TCE 306A & B	DATE: 3/25/21
	SHEET 2 OF 3



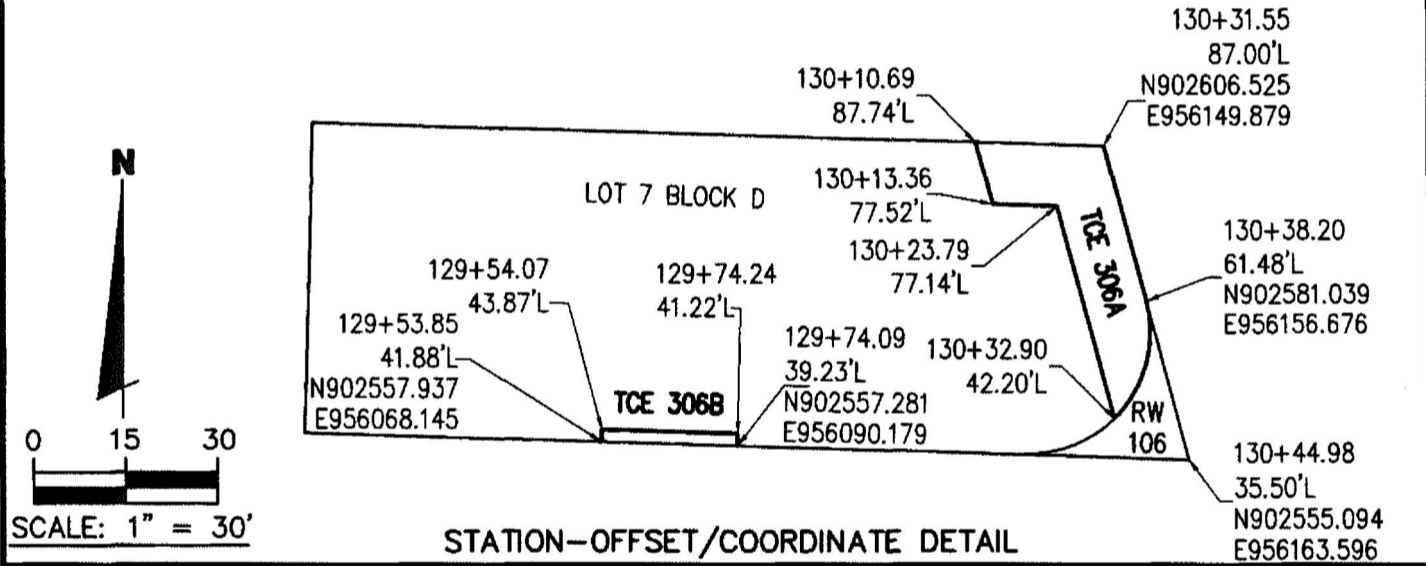
**EXHIBIT A  
PBC PROJECT NO.2012517**

**NOTES:**

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- 2) STATE PLANE COORDINATES:
 

A. COORDINATES SHOWN ARE GRID	F. TRANSVERSE MERCATOR PROJECTION
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D. LINEAR UNIT - US SURVEY FOOT	I. GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE
E. COORDINATE SYSTEM 1983 STATE PLANE	J. ROTATION EQUATION: NONE
- 3) THE RIGHT-OF-WAY INFORMATION PROVIDED BY PALM BEACH COUNTY ON MARCH 7, 2013 AND JANUARY 10, 2014, HAS BEEN REVIEWED BY THIS OFFICE. THIS OFFICE HAS FOUND NO GAPS, GORES, OVERLAPS, OR MISSING SEGMENTS IN THE RIGHT-OF-WAY CORRIDOR PROVIDED.  
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DWG. - DRAWING	(P) - PLAT DIMENSION	P.O.B. - POINT OF BEGINNING
PBCo - PALM BEACH COUNTY	(C) - CALCULATED DIMENSION	P.O.C. - POINT OF COMMENCEMENT
SEC. - SECTION	TCE - TEMPORARY CONSTRUCTION EASEMENT	
- 5) BEARINGS ARE BASED ON S01°35'37"W (GRID, NAD '83, 1990 ADJUSTMENT) ALONG THE WEST LINE OF THE S.W.1/4 OF SECTION 17, TOWNSHIP 42 SOUTH, RANGE 43 EAST.



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DESCRIPTION NOTES (THIS IS NOT A SURVEY)	
DRAWN: MDB	PROJ. No. 20-098
CHECKED: JEP	SCALE: 1" = 30'
TCE 306A & B	DATE: 3/25/21
	SHEET 3 OF 3

## EXHIBIT "B"

### **CONGRESS AVENUE EXTENSION, NORTHLAKE BOULEVARD TO ALTERNATE A1A PALM BEACH COUNTY, PROJECT #2012517**

#### SAFETY

Congress Avenue from Northlake Boulevard to Alternate A1A (Project) will be constructed as a new three lane roadway link. This 0.5 mile Project will add a center turn lane, curb and gutter, sidewalks, a roundabout and drainage, and is located through a mix of residential and commercial areas. This Project will improve the overall safety for motorists, bicyclists and pedestrians, and will improve the operation of intersections in the area.

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 this portion of Congress Avenue 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 Eminent Domain.

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

Congress Avenue is a heavily traveled north/south roadway that extends from Belvedere Road to Northlake Boulevard, 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, Florida Statutes, and Rule 9J-5, F.A.C., and to address the needs and interests of the County's residents and visitors. This portion of Congress Avenue will traverse both the City of Palm Beach Gardens and the Village of North Palm Beach. Construction of an alternate north-south route through this area would disrupt or displace numerous residential and commercial properties, be more costly, and result in unnecessary impacts to the environment.

#### LONG RANGE PLANNING

The development of this Project is in conformance with Palm Beach County's 2045 Long Range Transportation System Plan. The 2045 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

Congress Avenue is an established roadway corridor. The limits of the Project are bordered by existing residential and commercial areas, and the proposed improvements will have minimal negative impacts to the environment. This roadway improvement project will be permitted through the appropriate environmental regulatory agencies as applicable.

## **EXHIBIT "B"**

*Following is a more detailed outline of the reasons for acquisition needed for the improvement of Congress Avenue within the previously stated project limits:*

### **ACQUISITION FOR FEE SIMPLE RIGHT-OF-WAY PARCEL 106**

Currently, Palm Beach County owns a road right-of-way interest on Richard Road that varies in width from approximately 20 feet to 70 feet, from Park Lane to Alternate A1A. The parcel to be acquired abuts Richard Road and Old Dixie Highway, and represents acquisition outside of the existing right-of-way, and is required to construct a new three lane roadway with shoulders, curb and gutter, sidewalks, a roundabout and drainage improvements.

### **ACQUISITION FOR TEMPORARY CONSTRUCTION EASEMENTS PARCELS 306A AND 306B**

This temporary construction easement is needed for access and all related construction activities reasonably required for sloping, tying, grading, and to harmonize the road construction with the adjacent property. These described works to be performed on Parcels 306A and 306B shall not extend beyond the limits outlined in the legal descriptions of said property, as "**Exhibit A**", attached to the Resolution relating to Parcels 306A and 306B. This temporary construction easement shall expire upon the earlier of the acceptance of the construction of the Project by the Palm Beach County Board of County Commissioners or three years from the date of its acquisition by virtue of the deposit of funds, pursuant to an Order of Taking.

RESOLUTION NO. R-2023 - \_\_\_\_\_

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, DECLARING THE ACQUISITION OF A TEMPORARY CONSTRUCTION EASEMENT DESIGNATED AS PARCEL 308, NECESSARY FOR THE CONSTRUCTION OF ROADWAY IMPROVEMENTS ON CONGRESS AVENUE FROM NORTHLAKE BOULEVARD TO ALTERNATE A1A, 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 a temporary construction easement, designated as Parcel 308, on the property described in Exhibit "A", to the Board of County Commissioners (BCC); and

**WHEREAS**, the parcel is necessary for the construction to extend Congress Avenue from Northlake Boulevard to Alternate A1A (Project); and

**WHEREAS**, the funds are available for the acquisition of the temporary construction easement designated as Parcel 308; and

**WHEREAS**, the property owner has not accepted the offer to purchase made by the County; and

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

**WHEREAS**, in determining to proceed with the construction and improvement of the Project, and determining the Project's location, including Parcel 308, 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 a temporary construction easement designated as Parcel 308 on property which is more fully described in Exhibit "A", is necessary for the Project, and is for a public use and purpose deemed to be in the best interest of the County; and

**WHEREAS**, the proposed construction uses and purposes of Parcel 308 and the duration of Parcel 308 are more fully described in Exhibit "B"; and

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

**WHEREAS**, the temporary construction easement on 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 308, the County Engineer and the County Attorney, using outside counsel to the extent they deem appropriate, 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, using outside counsel to the extent they deem appropriate, 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 temporary construction easement on 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, using outside counsel to the extent they deem appropriate, are hereby further authorized and directed to take such further actions as are reasonably required to fully accomplish the purposes herein above directed, including correcting minor errors in the description of any real property described in Exhibit "A" so long as the property does not change, 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: the temporary construction easement necessary for the Project.

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 Gregg K. Weiss, Mayor	_____
Commissioner Maria Sachs, Vice Mayor	_____
Commissioner Maria G. Marino	_____
Commissioner Michael A. Barnett	_____
Commissioner Marci Woodward	_____
Commissioner Sara Baxter	_____
Commissioner Mack Bernard	_____

The Mayor thereupon declared the Resolution duly passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

PALM BEACH COUNTY, A POLITICAL  
SUBDIVISION OF THE STATE OF FLORIDA,  
BY AND THROUGH ITS BOARD OF COUNTY  
COMMISSIONERS

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

JOSEPH ABRUZZO,  
CLERK OF THE CIRCUIT COURT  
& COMPTROLLER

By: \_\_\_\_\_  
Assistant County Attorney

By: \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO TERMS  
AND CONDITIONS

By:   
Division Director

EXHIBIT A – PBC PROJECT NO.2012517

A PARCEL OF LAND FOR TEMPORARY CONSTRUCTION EASEMENT PURPOSES IN THE NORTHWEST QUARTER (N.W.1/4) OF THE NORTHWEST QUARTER (N.W.1/4) OF THE SOUTHWEST QUARTER (S.W.1/4) OF SECTION 17, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING:

THE SOUTH 5.00 FEET OF THE WEST ONE-HALF (W.1/2) OF LOT 12, BLOCK A, OF WEST TOWN SITE TO THE LANDS OF PROSPERITY FARMS CO., RECORDED IN PLAT BOOK 6, PAGE 34, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. CONTAINING 381 SQUARE FEET (0.009 ACRES), MORE OR LESS.

NOTES:

- 1) BASELINE STATIONING IS BASED ON A ROADWAY PLAN FOR CONGRESS AVENUE EXTENSION, RICHARD ROAD PORTION, PREPARED BY KIMLEY-HORN INC., PALM BEACH COUNTY PROJECT No.2012517.
- 2) STATE PLANE COORDINATES:
 

A. COORDINATES SHOWN ARE GRID	F. TRANSVERSE MERCATOR PROJECTION
B. DATUM – NAD 83, 1990 ADJUSTMENT	G. ALL DISTANCES ARE GROUND EXCEPT WHERE SHOWN AS GRID
C. ZONE – FLORIDA EAST	H. SCALE FACTOR – 1.0000440
D. LINEAR UNIT – US SURVEY FOOT	I. GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE
E. COORDINATE SYSTEM 1983 STATE PLANE	J. ROTATION EQUATION: NONE
- 3) THE RIGHT-OF-WAY INFORMATION PROVIDED BY PALM BEACH COUNTY ON MARCH 7, 2013 AND JANUARY 10, 2014, HAS BEEN REVIEWED BY THIS OFFICE. THIS OFFICE HAS FOUND NO GAPS, GORES, OVERLAPS, OR MISSING SEGMENTS IN THE RIGHT-OF-WAY CORRIDOR PROVIDED.  
NO SEARCH OF THE PUBLIC RECORDS HAS BEEN PERFORMED BY THIS OFFICE.  
IT IS POSSIBLE THAT THERE ARE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS, RESTRICTIONS OR OTHER INSTRUMENTS WHICH COULD AFFECT THE SUBJECT PROPERTY WHICH ARE UNKNOWN TO THE SIGNING SURVEYOR AND ARE NOT SHOWN ON THIS LEGAL DESCRIPTION AND SKETCH.
- 4) ABBREVIATIONS:
 


P.B. – PLAT BOOK	B – BASELINE	R= RADIUS
ORB – OFFICIAL RECORD BOOK	C – CENTERLINE	Δ= CENTRAL ANGLE
PG. – PG.	L – LEFT OF CENTERLINE OF CONSTRUCTION	A= ARC LENGTH
DWG. – DRAWING	(P) – PLAT DIMENSION	P.O.B. – POINT OF BEGINNING
PBCo – PALM BEACH COUNTY	(C) – CALCULATED DIMENSION	P.O.C. – POINT OF COMMENCEMENT
SEC. – SECTION	TCE – TEMPORARY CONSTRUCTION EASEMENT	
- 5) BEARINGS ARE BASED ON S01°35'37"W (GRID, NAD '83, 1990 ADJUSTMENT) ALONG THE WEST LINE OF THE S.W.1/4 OF SECTION 17, TOWNSHIP 42 SOUTH, RANGE 43 EAST.

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 STAMP, OR A DIGITALLY VERIFIED ELECTRONIC SIGNATURE AND SEAL, OF A FLORIDA LICENSED SURVEYOR AND MAPPER EMPLOYED BY BROWN & PHILLIPS, INC.

JOHN E. PHILLIPS, III  
PROFESSIONAL LAND SURVEYOR  
STATE OF FLORIDA No. 4826  
DATE: \_\_\_\_\_

REVISIONS: 4/19/21: PBC 3/29/21 COMMENTS; 8/26/21: STATIONS  
REVISED TO RICHARD ROAD C; 11/9/21-PBC 9/28/21 COMMENTS

E-Mail: info@brown-phillips.com



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

LEGAL DESCRIPTION CONGRESS AVENUE EXTENSION (THIS IS NOT A SURVEY)	
DRAWN: MDB	PROJ. No. 20-098
CHECKED: JEP	SCALE: NONE
<b>TCE 308</b>	DATE: 12/10/19
	SHEET 1 OF 2



**EXHIBIT A - PBC PROJECT NO.2012517**

☐ OF CONSTRUCTION  
PROJECT NO.2012517

W. LINE, S.W.1/4 OF SECTION 17/42/43  
PER PBCo GRID SECTION DATA

2002.75'(GRID) 2002.66'(GROUND)

1.60' 1.68'

S01°35'37"W (BEARING BASIS)

665.34'(GRID) 665.31'(GROUND)

S.E. CORNER OF THE  
S.E.1/4 OF SEC.18/42/43  
(NOT FOUND)  
PBCo POSITION:  
N900557.84  
E955613.40

LOT 1, BLOCK B  
WEST TOWN SITE TO  
THE LANDS OF  
PROSPERITY FARMS CO.  
P.B. 6 PG. 34

LOT 11, BLOCK A  
WEST TOWN SITE TO  
THE LANDS OF  
PROSPERITY FARMS CO.  
P.B. 6 PG.34

N.W. CORNER OF THE  
S.W.1/4 OF SEC.17/42/43  
(NOT FOUND)  
PBCo POSITION:  
N903224.90  
E955687.60

ACRES WAY

15'(P)

15'(P)

ACRES WAY

N01°35'37"E

S88°17'46"E S. LINE, N.W.1/4, N.W.1/4,  
S.W.1/4 OF SECTION 17/42/43 PER  
PBCo GRID SECTION DATA

$\Delta=41'17.37"$   
 $R=500.00'$   
 $A=360.35'$   
128'

703+19.21  
14.05'L

703+19.18  
19.05'L  
N902569.500  
E955847.819

10.00' RICHARD ROAD

WEST TOWN SITE TO THE LANDS  
OF PROSPERITY FARMS CO.  
P.B. 6 PG. 34  
ORB 4527 PG.1138

W.1/2 LOT 13, BLOCK A

703+95.31  
14.37'L

5.00'

5.00'

5' TCE

N01°35'37"E

LOT 24, BLOCK B  
WEST TOWN SITE TO  
THE LANDS OF  
PROSPERITY FARMS CO.  
P.B. 6 PG. 34

E. LINE, W.1/2 OF LOT 12  
703+95.28  
19.37'L  
N902567.235  
E955923.885  
P.B. 6 PG. 34  
ORB 13076  
PG.898

E.1/2 LOT 13, BLOCK A

☐ OF CONSTRUCTION

704' ☐ OF CONSTRUCTION

(P.B. 6 PG.34) BEST FIT ☐ THROUGH POINTS FOUND

S88°17'39"E

HI DRIVE

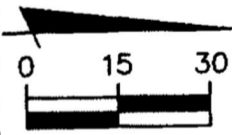
10' P.B.6 PG.34

N01°35'37"E  
HI DRIVE

10' P.B.6 PG.34

LOT 1, BLOCK C  
P.B. 6 PG. 34

LOT 7 BLOCK D  
P.B. 6 PG. 34



SCALE: 1" = 30'

E-Mail: info@brown-phillips.com

**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

SKETCH TO ACCOMPANY  
LEGAL DESCRIPTION  
(THIS SKETCH IS NOT A SURVEY)

DRAWN: MDB	PROJ. No. 20-098
CHECKED: JEP	SCALE: 1" = 30'
TCE 308	DATE: 12/10/19
	SHEET 2 OF 2

## EXHIBIT "B"

### **CONGRESS AVENUE EXTENSION, NORTHLAKE BOULEVARD TO ALTERNATE A1A PALM BEACH COUNTY, PROJECT #2012517**

#### SAFETY

Congress Avenue from Northlake Boulevard to Alternate A1A (Project) will be constructed as a new three lane roadway link. This 0.5 mile Project will add a center turn lane, curb and gutter, sidewalks, a roundabout and drainage, and is located through a mix of residential and commercial areas. This Project will improve the overall safety for motorists, bicyclists and pedestrians, and will improve the operation of intersections in the area.

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 this portion of Congress Avenue 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 Eminent Domain.

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

Congress Avenue is a heavily traveled north/south roadway that extends from Belvedere Road to Northlake Boulevard, 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, Florida Statutes, and Rule 9J-5, F.A.C., and to address the needs and interests of the County's residents and visitors. This portion of Congress Avenue will traverse both the City of Palm Beach Gardens and the Village of North Palm Beach. Construction of an alternate north-south route through this area would disrupt or displace numerous residential and commercial properties, be more costly, and result in unnecessary impacts to the environment.

#### LONG RANGE PLANNING

The development of this Project is in conformance with Palm Beach County's 2045 Long Range Transportation System Plan. The 2045 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

Congress Avenue is an established roadway corridor. The limits of the Project are bordered by existing residential and commercial areas, and the proposed improvements will have minimal negative impacts to the environment. This roadway improvement project will be permitted through the appropriate environmental regulatory agencies as applicable.

**EXHIBIT "B"**

*Following is a more detailed outline of the reasons for acquisition needed for the improvement of Congress Avenue within the previously stated project limits:*

**ACQUISITION FOR TEMPORARY CONSTRUCTION EASEMENT PARCEL 308**

The temporary construction easement is needed for access and all related construction activities reasonably required for driveway harmonization, sloping, tying, grading, and to harmonize the road construction with the adjacent property. These described works to be performed on Parcel 308 shall not extend beyond the limits outlined in the legal descriptions of said property, as "**Exhibit A**", attached to the Resolution relating to Parcel 308. This temporary construction easement shall expire upon the earlier of the acceptance of the construction of the Project by the Pam Beach County Board of County Commissioners or three years from the date of its acquisition by virtue of the deposit of funds, pursuant to an Order of Taking.