



**II. FISCAL IMPACT ANALYSIS**

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

Fiscal Years	2024	2025	2026	2027	2028
Capital Expenditures	\$245,600	-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 #	\$245,600	-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 3502 Dept 361 Unit 1499 Object 6120

Recommended Sources of Funds/Summary of Fiscal Impact:  
 Road Impact Fee Zone 2  
 45th Street/E of Haverhill to W of Military Trail

**Impact Fee Project Description**

This Resolution to initiate eminent domain proceedings is necessary to undertake right-of-way acquisition required to widen 45<sup>th</sup> Street from east of Haverhill Road to east of Military Trail. The project includes widening the road from 2 lanes to 3 lanes, a westbound right turn lane, adding new curbs & gutters, sidewalks, drainage and traffic signal improvements. This will provide additional roadway capacity needed to serve new development within Impact Fee Zone 2. This use of Impact Fees is in accordance with Article 13, Chapter A, Section 9 and Chapter H, Section 4 of the ULDC.

Number of Parcels Going Into Suit: 4

Right of Way : 2  
 Temporary Construction Easement: 2

Pending BCC Approval the new asset number for Parcel 101 & 301 will be: I08095\*  
 \$74,700

Parcels:  
 ROW 101 & 102  
 TCE 301 & 302

Pending BCC Approval the new asset number for Parcel 102 & 302 will be: I08096\*  
 \$170,900

Estimated Total Appraisal Cost \$ 245,600

C. Departmental Fiscal Review: Denny Rouds

**III. REVIEW COMMENTS**

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

*A. D. ...  
 RAND, O FMB  
 9/25/23*

*Lisa Mante 9/27/23  
 OFMB 9/16/23*

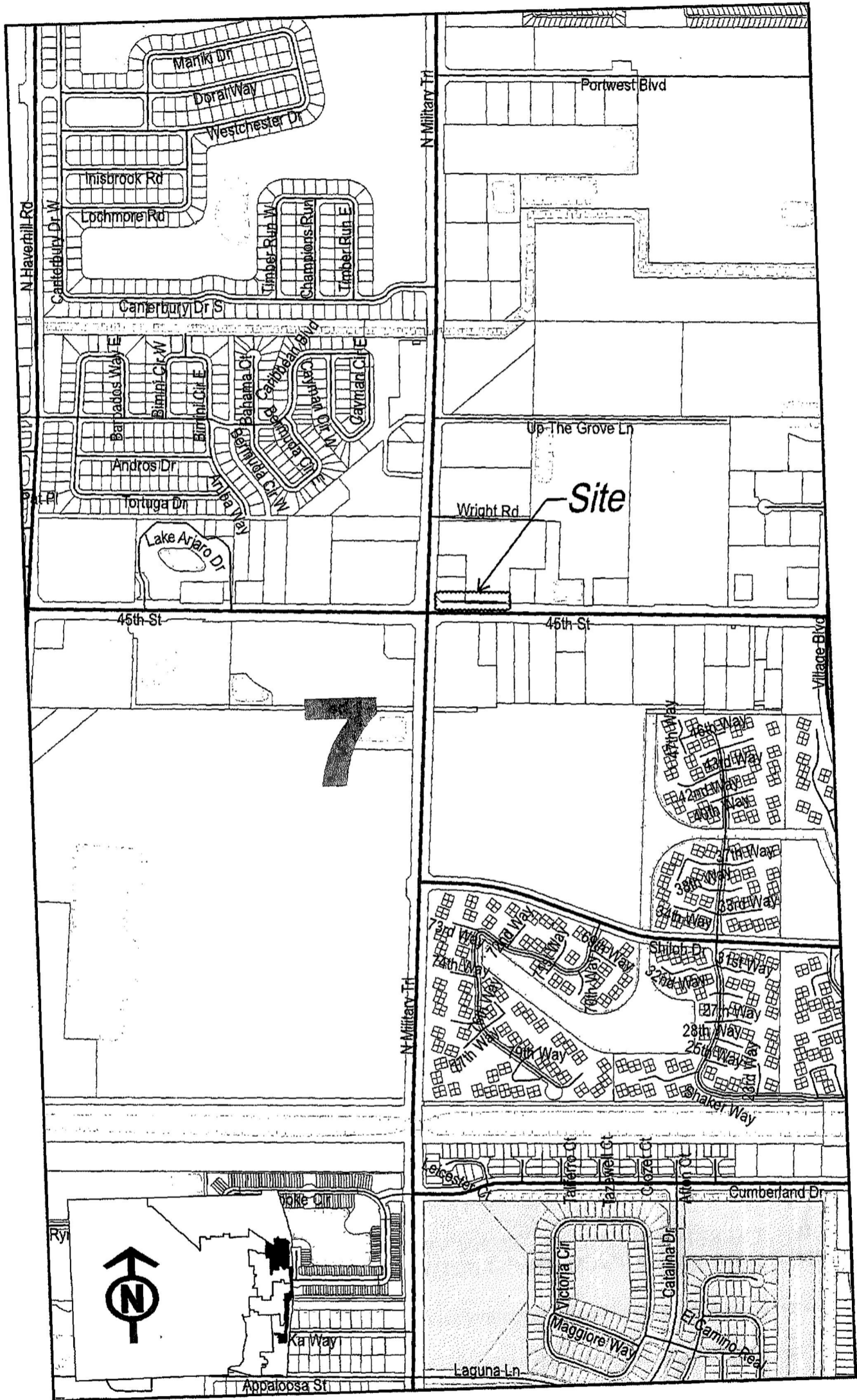
*Ar. J. Jacobson  
 Contract Dev. and Control 10/2/23*

**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.



0 0.5 1 Mile  
Location Map

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 DESIGNATED AS PARCEL 101, AND A TEMPORARY CONSTRUCTION EASEMENT DESIGNATED AS PARCEL 301 NECESSARY FOR THE CONSTRUCTION OF ROADWAY IMPROVEMENTS ON 45<sup>th</sup> STREET, FROM EAST OF HAVERHILL ROAD TO EAST OF 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 has recommended the acquisition of fee simple right-of-way designated as Parcel 101, and a temporary construction easement designated as Parcel 301, on the property described on Exhibit "A", to the Board of County Commissioners (BCC); and

**WHEREAS**, the parcels are necessary for the construction and improvement of 45<sup>th</sup> Street, from east of Haverhill Road to east of Military Trail; and

**WHEREAS**, the funds are available for the acquisition of fee simple right-of-way designated as Parcel 101, and a temporary construction easement designated as Parcel 301; 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 fee simple right-of-way designated as Parcel 101, and a temporary construction easement designated as Parcel 301, on property which is more fully described in Exhibit "A", is necessary for the construction and improvement of 45<sup>th</sup> Street, and is for a public use and purpose deemed to be in the best interest of the County; and

**WHEREAS**, the proposed construction use and purpose of Parcel 101, and the duration of Parcel 301 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 temporary construction easement 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 101 and 301, 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 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: fee simple right-of-way and temporary construction easement necessary for the construction and improvement of 45<sup>th</sup> Street, east of Haverhill Road to east of Military Trail.

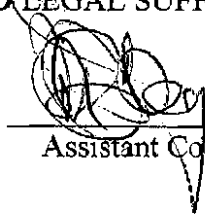
The foregoing Resolution was offered by Commissioner \_\_\_\_\_ who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Gregg Weiss, Mayor	_____
Maria Sachs, Vice Mayor	_____
Maria G. Marino	_____
Michael Barnett	_____
Marci Woodward	_____
Sara Baxter	_____
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 CONDITION

BY:  \_\_\_\_\_  
KRF Division Director

**RIGHT-OF-WAY PARCEL 101  
AT MILITARY TRAIL AND 45TH STREET  
IN PARCEL NO. 74-42-43-01-00-000-1220**

**LEGAL DESCRIPTION**

A PARCEL OF LAND IN THE NORTHWEST ONE-QUARTER (NW 1/4) OF THE SOUTHWEST ONE-QUARTER (SW 1/4 OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 1, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHEAST ONE-QUARTER OF SECTION 1; THENCE SOUTH 03°41'13" WEST, ALONG THE WEST LINE OF SAID NORTHEAST ONE-QUARTER (NE 1/4), A DISTANCE OF 1872.16 FEET; THENCE SOUTH 86°18'47" EAST, A DISTANCE OF 53.52 FEET TO A POINT ON THE NORTHEASTERLY LINE OF THE RIGHT-OF WAY PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 27324, PAGE 1692, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 41°33'22" EAST, ALONG SAID NORTHEASTERLY LINE, A DISTANCE OF 50.52 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 87°48'15" EAST, A DISTANCE OF 160.58 FEET; THENCE SOUTH 03°41'13" WEST, ALONG A LINE 249.93 FEET EAST OF AS MEASURED AT RIGHT ANGLES TO SAID WEST LINE OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 1, A DISTANCE OF 3.50 FEET TO THE NORTH RIGHT-OF-WAY LINE OF 45TH STREET PER OFFICIAL RECORDS BOOK 12378, PAGE 1777, OF SAID PUBLIC RECORDS; THENCE NORTH 87°48'15" WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 157.14 FEET TO A POINT ON SAID NORTHEASTERLY LINE; THENCE NORTH 41°33'22" WEST, ALONG SAID NORTHEASTERLY LINE, A DISTANCE OF 4.85 FEET TO THE POINT OF BEGINNING.**

SAID LANDS SITUATE IN THE CITY OF WEST PALM BEACH, PALM BEACH COUNTY, FLORIDA, AND CONTAINING 0.0127 ACRES (556 SQUARE FEET), MORE OR LESS.

**NOTES:**

1. THIS DRAWING IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. THERE HAS BEEN A REVIEW OF THE TITLE POLICY PROVIDED BY PALM BEACH COUNTY RIGHT-OF-WAY ACQUISITION DATED 11-21-2016 AND THAT ALL ENCUMBRANCES THAT EFFECT THE PROPERTY ARE SHOWN OR NOTED HEREON. 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 GRAPHIC DEPICTION OF THE DESCRIPTION.
3. RECORDING INFORMATION REFERS TO PALM BEACH COUNTY PUBLIC RECORDS UNLESS OTHERWISE INDICATED.
4. THIS IS NOT A SURVEY. IT IS A GRAPHIC DEPICTION OF THE DESCRIPTION SHOWN HEREON.
5. BEARINGS SHOWN HEREON ARE BASED ON THE NORTH-SOUTH QUARTER SECTION LINE OF SECTION 1, TOWNSHIP 43 SOUTH, RANGE 42 EAST, HAVING A GRID BEARING OF SOUTH 03°41'13" EAST.
6. THIS LEGAL DESCRIPTION & SKETCH WAS CREATED USING DATA FROM A PREVIOUSLY COMPLETED "SPECIFIC PURPOSE SURVEY" PREPARED BY THE UNDERSIGNED FLORIDA SURVEYOR & MAPPER DATED 6/7/2018, FOR THE PURPOSE OF SUPPORTING THE ROADWAY DESIGN PLAN PREPARED FOR THE PALM BEACH COUNTY ROADWAY PROJECT NUMBER 2016501.

**SURVEYOR'S CERTIFICATION:**

I HEREBY CERTIFY THAT THE DESCRIPTION AND SKETCH SHOWN HEREON MEETS THE STANDARDS OF PRACTICE CONTAINED IN RULE 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE PURSUANT TO CHAPTER 472.027, FLORIDA STATUTES.

**Daniel C Laak**  
Digitally signed by Daniel C Laak  
 DN: cn=Daniel C Laak, o=US  
 0003914A, email=Daniel.C.Laak@us  
 Date: 2022.10.28 08:28:04 -0400

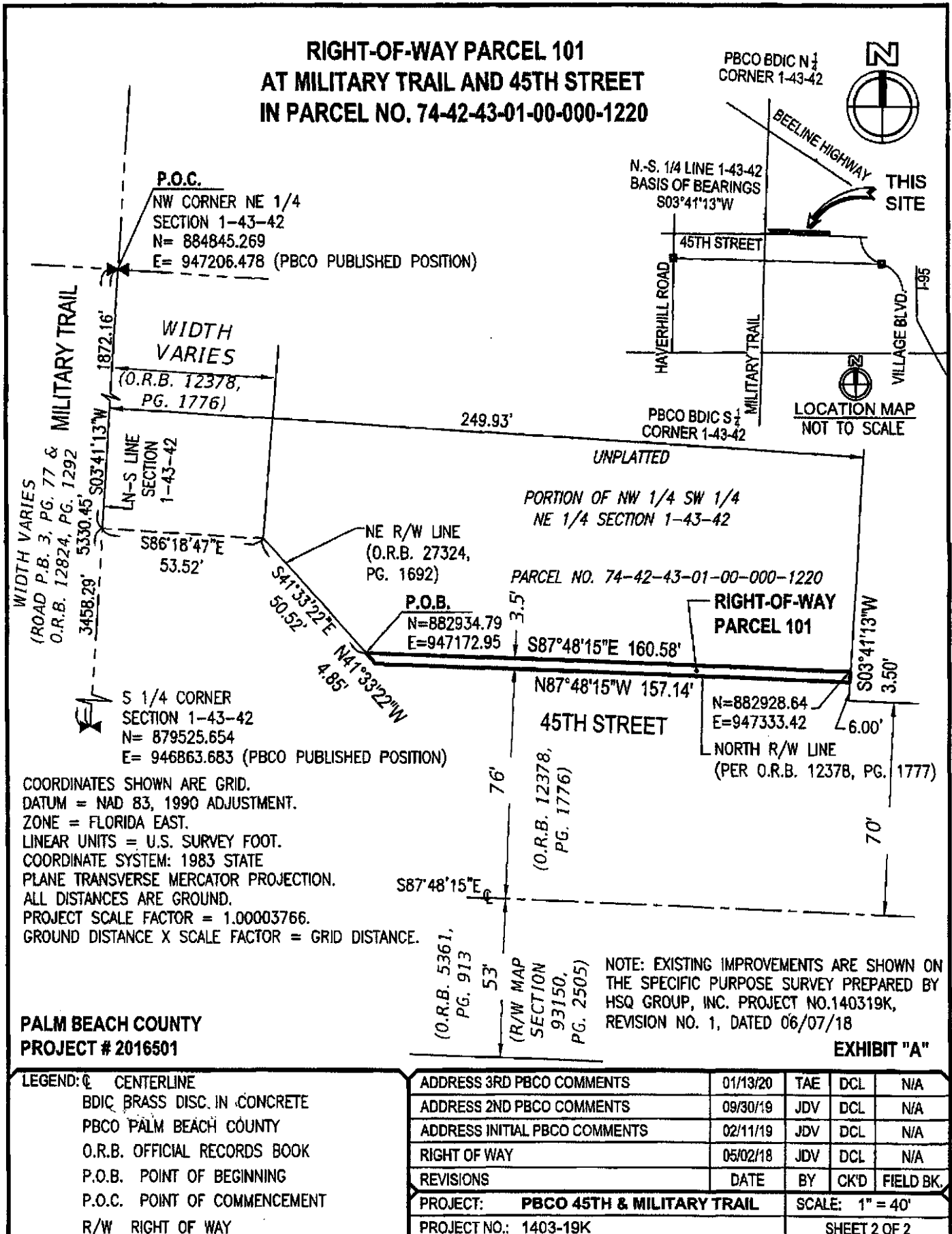
DANIEL C. LAAK  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA REGISTRATION NO. LS5118

Revised per County Request 10/28/2022  
Palm Beach County Project # 2016501 EXHIBIT A"



**HSQ GROUP, INC.**  
Engineers • Planners • Surveyors  
1001 Yamato Rd., Suite 105  
Boca Raton, Florida 33431 • 561.392.0221  
CA26258 • LB7924

PROJECT: PBCO MILITARY & 45TH STREET
PROJECT NO.: 1403-19K
DATE: 06/04/18
SHEET 1 OF 2



COORDINATES SHOWN ARE GRID.  
DATUM = NAD 83, 1990 ADJUSTMENT.  
ZONE = FLORIDA EAST.  
LINEAR UNITS = U.S. SURVEY FOOT.  
COORDINATE SYSTEM: 1983 STATE  
PLANE TRANSVERSE MERCATOR PROJECTION.  
ALL DISTANCES ARE GROUND.  
PROJECT SCALE FACTOR = 1.00003766.  
GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE.

**PALM BEACH COUNTY**  
**PROJECT # 2016501**

NOTE: EXISTING IMPROVEMENTS ARE SHOWN ON THE SPECIFIC PURPOSE SURVEY PREPARED BY HSQ GROUP, INC. PROJECT NO.140319K, REVISION NO. 1, DATED 06/07/18

**EXHIBIT "A"**

**TEMPORARY CONSTRUCTION EASEMENT PARCEL 301  
AT MILITARY TRAIL AND 45TH STREET  
IN PARCEL NO. 74-42-43-01-00-000-1220**

**LEGAL DESCRIPTION**

A PARCEL OF LAND IN THE NORTHWEST ONE-QUARTER (NW 1/4) OF THE SOUTHWEST ONE-QUARTER (SW 1/4 OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 1, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHEAST ONE-QUARTER OF SECTION 1; THENCE SOUTH 03°41'13" WEST, ALONG THE WEST LINE OF SAID NORTHEAST ONE-QUARTER (NE 1/4), A DISTANCE OF 1872.16 FEET; THENCE SOUTH 86°18'47" EAST, A DISTANCE OF 53.52 FEET TO A POINT ON THE NORTHEASTERLY LINE OF THE RIGHT-OF WAY PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 27324, PAGE 1692, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 41°33'22" EAST, ALONG SAID NORTHEASTERLY LINE, A DISTANCE OF 40.83 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 87°48'15" EAST, A DISTANCE OF 167.47 FEET; THENCE SOUTH 03°41'13" WEST, ALONG A LINE 249.93 FEET EAST OF AS MEASURED AT RIGHT ANGLES TO SAID WEST LINE OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 1, A DISTANCE OF 7.00 FEET; THENCE NORTH 87°48'15" WEST, A DISTANCE OF 160.58 FEET TO A POINT ON SAID NORTHEASTERLY LINE; THENCE NORTH 41°33'22" WEST, ALONG SAID NORTHEASTERLY LINE, A DISTANCE OF 9.69 FEET TO THE POINT OF BEGINNING.**

SAID LANDS SITUATE IN THE CITY OF WEST PALM BEACH, PALM BEACH COUNTY, FLORIDA, AND CONTAINING 0.0264 ACRES (1148 SQUARE FEET), MORE OR LESS.

**NOTES:**

1. THIS DRAWING IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. THERE HAS BEEN A REVIEW OF THE TITLE POLICY PROVIDED BY PALM BEACH COUNTY RIGHT-OF-WAY ACQUISITION DATED 11-21-2016 AND THAT ALL ENCUMBRANCES THAT EFFECT THE PROPERTY ARE SHOWN OR NOTED HEREON. 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 GRAPHIC DEPICTION OF THE DESCRIPTION.
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6. THIS LEGAL DESCRIPTION & SKETCH WAS CREATED USING DATA FROM A PREVIOUSLY COMPLETED "SPECIFIC PURPOSE SURVEY" PREPARED BY THE UNDERSIGNED FLORIDA SURVEYOR & MAPPER DATED 6/7/2018, FOR THE PURPOSE OF SUPPORTING THE ROADWAY DESIGN PLAN PREPARED FOR THE PALM BEACH COUNTY ROADWAY PROJECT NUMBER 2016501.

**SURVEYOR'S CERTIFICATION:**

I HEREBY CERTIFY THAT THE DESCRIPTION AND SKETCH SHOWN HEREON MEETS THE STANDARDS OF PRACTICE CONTAINED IN RULE 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE PURSUANT TO CHAPTER 472.027, FLORIDA STATUTES.

**Daniel C Laak**

Digitally signed by Daniel C Laak  
DN: 0.9.2342.19200300.100.1.1=A01410D00000181866342800003914A,  
cn=Daniel C Laak, c=US  
Date: 2022.10.28 08:31:52 -04'00'

DANIEL C. LAAK  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA REGISTRATION NO. LS5118

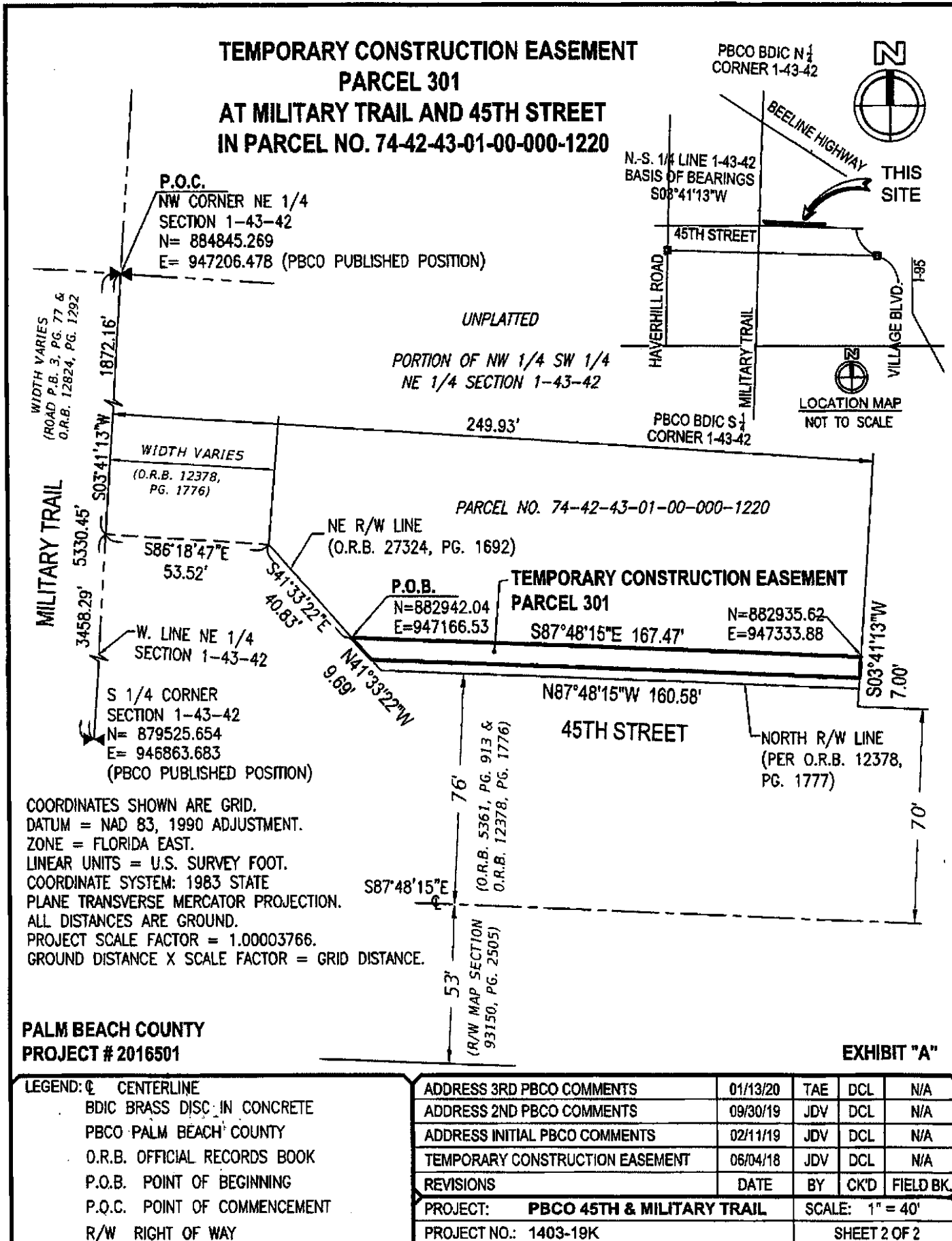
Revised per County Request 10/28/2022  
Palm Beach County Project # 2016501 EXHIBIT A"



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PROJECT: PBCO MILITARY & 45TH STREET
PROJECT NO.: 1403-19K
DATE: 06/04/18
SHEET 1 OF 2





**EXHIBIT "B"**

**45<sup>th</sup> STREET & MILITARY TRAIL, PALM BEACH COUNTY, PROJECT #2016501**

**SAFETY**

45<sup>th</sup> Street is currently a 2 to 6 lane paved roadway running west to east from west of Florida's Turnpike to N. Flagler Drive. More specifically, the limits of construction for this widening and paving of 45<sup>th</sup> Street extends from approximately 2300' west of Military Trail to 700' east of Military Trail (Project) and is within a commercial area. This construction will improve the intersection of 45<sup>th</sup> Street and Military Trail by adding a third westbound through lane and a westbound right turn lane, and includes new curb and gutter, sidewalks, additional drainage and traffic signal improvements. This Project will improve the overall safety for motorists, bicyclists and pedestrians, and will improve the operation of the intersection.

The Project was designed 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 45<sup>th</sup> Street 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**

45<sup>th</sup> Street is a heavily travelled east-west roadway passing through residential and commercial areas of unincorporated Palm Beach County and the City of West Palm Beach. The Palm Beach County Comprehensive Plan (Thoroughfare Right-of-Way-Identification Map) has defined this route 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.

Alternate routes were considered in lieu of improving 45<sup>th</sup> Street. Construction of an alternate east-west route through unincorporated Palm Beach County or the City of West Palm 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**

45<sup>th</sup> Street is an established roadway corridor. The limits of the Project are bordered by existing residential and commercial developments, and the proposed improvements will have minimal negative impacts to the environment. This roadway improvement project is expected to be permitted through the appropriate environmental regulatory agencies as applicable.

*Following is a more detailed outline of the reasons for acquisition needed for the improvement of 45<sup>th</sup> Street within the previously stated project limits:*

**ACQUISITION FOR FEE SIMPLE RIGHT-OF-WAY - PARCEL 101**

Currently, Palm Beach County owns a road right-of-way interest on 45<sup>th</sup> Street that varies in width from 120 feet to approximately 127 feet, east of Military Trail. The parcel to be acquired represents an acquisition outside of the existing right-of-way, and is required to construct curb and gutter, sidewalk, and additional drainage.

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

This temporary construction easement is needed for access and all related construction activities reasonably required for sloping, tying, grading, to harmonize the road construction with the adjacent property, and for a driveway connection. These described works to be performed on Parcel 301 shall not extend beyond the limits outlined in the legal descriptions of said property attached to the Resolution relating to Parcel 301 as **EXHIBIT A**. 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 through the Department of Engineering and Public Works 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 FEE SIMPLE RIGHT-OF-WAY DESIGNATED AS PARCEL 102, AND A TEMPORARY CONSTRUCTION EASEMENT DESIGNATED AS PARCEL 302 NECESSARY FOR THE CONSTRUCTION OF ROADWAY IMPROVEMENTS ON 45<sup>th</sup> STREET, FROM EAST OF HAVERHILL ROAD TO EAST OF 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 has recommended the acquisition of fee simple right-of-way designated as Parcel 102, and a temporary construction easement designated as Parcel 302, on the property described on Exhibit "A", to the Board of County Commissioners (BCC); and

**WHEREAS**, the parcels are necessary for the construction and improvement of 45<sup>th</sup> Street, from east of Haverhill Road to east of Military Trail; and

**WHEREAS**, the funds are available for the acquisition of fee simple right-of-way designated as Parcel 102 and a temporary construction easement designated as Parcel 302; 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 fee simple right-of-way designated as Parcel 102, and a temporary construction easement designated as Parcel 302, on property which is more fully described in Exhibit "A", is necessary for the construction and improvement of 45<sup>th</sup> Street, and is for a public use and purpose deemed to be in the best interest of the County; and

**WHEREAS**, the proposed construction use and purpose of Parcel 102, and the duration of Parcel 302 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 temporary construction easement 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 102 and 302, 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 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: fee simple right-of-way and temporary construction easement necessary for the construction and improvement of 45<sup>th</sup> Street, east of Haverhill Road to east of 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:

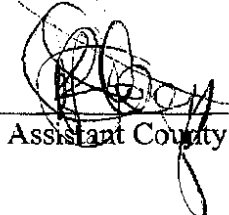
Gregg Weiss, Mayor \_\_\_\_\_  
Maria Sachs, Vice Mayor \_\_\_\_\_  
Maria G. Marino \_\_\_\_\_  
Michael Barnett \_\_\_\_\_  
Marci Woodward \_\_\_\_\_  
Sara Baxter \_\_\_\_\_  
Mack Bernard \_\_\_\_\_

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 CONDITION

BY:  \_\_\_\_\_  
Division Director

**RIGHT-OF-WAY PARCEL 102  
AT MILITARY TRAIL AND 45TH STREET  
IN PARCEL NO. 74-42-43-01-00-000-1100**

**LEGAL DESCRIPTION**

A PARCEL OF LAND IN THE NORTHWEST ONE-QUARTER (NW 1/4) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 1, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE NORTHWEST CORNER OF SAID NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 1; THENCE SOUTH 03°41'13" WEST, ALONG THE WEST LINE OF SAID NORTHEAST ONE-QUARTER (NE 1/4), A DISTANCE OF 1872.16 FEET; THENCE SOUTH 86°18'47" EAST, A DISTANCE OF 53.52 FEET TO A POINT ON THE NORTHEASTERLY LINE OF THE RIGHT-OF WAY PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 27324, PAGE 1692, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 41°33'22" EAST, ALONG SAID NORTHEASTERLY LINE, A DISTANCE OF 50.52 FEET; THENCE SOUTH 87°48'15" EAST, A DISTANCE OF 160.58 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE SOUTH 87°48'15" EAST, A DISTANCE OF 246.74 FEET; THENCE SOUTH 86°48'15" EAST, A DISTANCE OF 26.14 FEET; THENCE SOUTH 03°25'25" WEST, A DISTANCE OF 9.05 FEET TO THE NORTH RIGHT-OF WAY LINE OF 45TH STREET AS DESCRIBED IN OFFICIAL RECORDS BOOK 5403, PAGE 1016, OF SAID PUBLIC RECORDS; THENCE NORTH 87°48'15" WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 272.93 FEET; THENCE NORTH 03°41'13" EAST, ALONG A LINE 249.93 FEET EAST OF AS MEASURED AT RIGHT ANGLES TO SAID WEST LINE OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 1, A DISTANCE OF 9.50 FEET TO THE **POINT OF BEGINNING**.

SAID LANDS SITUATE IN THE CITY OF WEST PALM BEACH, PALM BEACH COUNTY, FLORIDA, AND CONTAINING 0.0594 ACRES (2,585 SQUARE FEET), MORE OR LESS.

**NOTES:**

1. THIS DRAWING IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. THERE HAS BEEN A REVIEW OF THE TITLE POLICY PROVIDED BY PALM BEACH COUNTY RIGHT-OF-WAY ACQUISITION DATED 11-21-2016 AND THAT ALL ENCUMBRANCES THAT EFFECT THE PROPERTY ARE SHOWN OR NOTED HEREON. 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 GRAPHIC DEPICTION OF THE DESCRIPTION.
3. RECORDING INFORMATION REFERS TO PALM BEACH COUNTY PUBLIC RECORDS UNLESS OTHERWISE INDICATED.
4. THIS IS NOT A SURVEY. IT IS A GRAPHIC DEPICTION OF THE DESCRIPTION SHOWN HEREON.
5. BEARINGS SHOWN HEREON ARE BASED ON THE NORTH-SOUTH QUARTER SECTION LINE OF SECTION 1, TOWNSHIP 43 SOUTH, RANGE 42 EAST, HAVING A GRID BEARING OF SOUTH 03°41'13" EAST.
6. THIS LEGAL DESCRIPTION & SKETCH WAS CREATED USING DATA FROM A PREVIOUSLY COMPLETED "SPECIFIC PURPOSE SURVEY" PREPARED BY THE UNDERSIGNED FLORIDA SURVEYOR & MAPPER DATED 6/7/2018, FOR THE PURPOSE OF SUPPORTING THE ROADWAY DESIGN PLAN PREPARED FOR THE PALM BEACH COUNTY ROADWAY PROJECT NUMBER 2016501.

**SURVEYOR'S CERTIFICATION:**

I HEREBY CERTIFY THAT THE DESCRIPTION AND SKETCH SHOWN HEREON MEETS THE STANDARDS OF PRACTICE CONTAINED IN RULE 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE PURSUANT TO CHAPTER 472.027, FLORIDA STATUTES.

**Daniel C Laak**

Digitally signed by Daniel C Laak  
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o=Daniel C Laak, cn=US  
Date: 2022.10.28 08:28:59 -04'00'

DANIEL C. LAAK  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA REGISTRATION NO. LS5118

Revised per County Request 10/28/2022  
Palm Beach County Project # 2016501 EXHIBIT A"



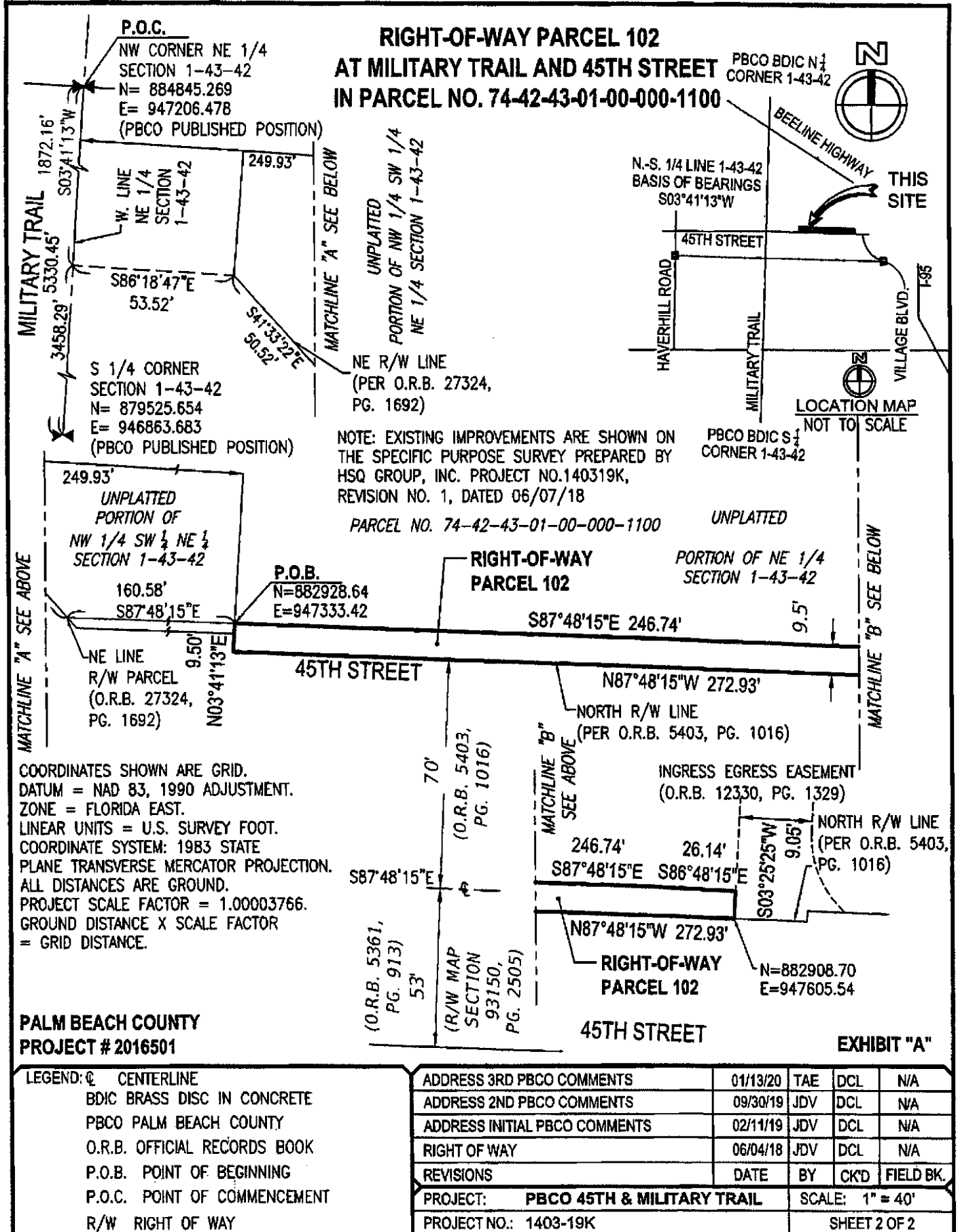
**HSQ GROUP, INC.**  
Engineers • Planners • Surveyors  
1001 Yamato Rd., Suite 105  
Boca Raton, Florida 33431 • 561.392.0221  
CA26258 • LB7924

PROJECT: **PBCO MILITARY & 45TH STREET**

PROJECT NO.: 1403-19K

DATE: 06/04/18

SHEET 1 OF 2



**TEMPORARY CONSTRUCTION EASEMENT PARCEL 302  
AT MILITARY TRAIL AND 45TH STREET  
IN PARCEL NO. 74-42-43-01-00-000-1100**

**LEGAL DESCRIPTION**

A PARCEL OF LAND IN THE NORTHWEST ONE-QUARTER (NW 1/4) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 1, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 1; THENCE SOUTH 03°41'13" WEST, ALONG THE WEST LINE OF SAID NORTHEAST ONE-QUARTER (NE 1/4), A DISTANCE OF 1872.16 FEET; THENCE SOUTH 86°18'47" EAST, A DISTANCE OF 53.52 FEET TO A POINT ON THE NORTHEASTERLY LINE OF THE RIGHT-OF WAY PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 27324, PAGE 1692, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 41°33'22" EAST, ALONG SAID NORTHEASTERLY LINE, A DISTANCE OF 50.52 FEET; THENCE SOUTH 87°48'15" EAST, A DISTANCE OF 160.58 FEET TO THE POINT OF BEGINNING; THENCE NORTH 03°41'13" EAST, ALONG A LINE 249.93 FEET EAST OF AS MEASURED AT RIGHT ANGLES TO SAID WEST LINE OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 1, A DISTANCE OF 7.00 FEET; THENCE SOUTH 87°48'15" EAST, A DISTANCE OF 217.73 FEET; THENCE SOUTH 02°11'45" WEST, A DISTANCE OF 7.00 FEET; THENCE NORTH 87°48'15" WEST, A DISTANCE OF 217.92 FEET; TO THE POINT OF BEGINNING.**

SAID LANDS SITUATE IN THE CITY OF WEST PALM BEACH, PALM BEACH COUNTY, FLORIDA, AND CONTAINING 0.035 ACRES (1,525 SQUARE FEET), MORE OR LESS.

**NOTES:**

1. THIS DRAWING IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. THERE HAS BEEN A REVIEW OF THE TITLE POLICY PROVIDED BY PALM BEACH COUNTY RIGHT-OF-WAY ACQUISITION DATED 11-21-2016 AND THAT ALL ENCUMBRANCES THAT EFFECT THE PROPERTY ARE SHOWN OR NOTED HEREON. 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 GRAPHIC DEPICTION OF THE DESCRIPTION.
3. RECORDING INFORMATION REFERS TO PALM BEACH COUNTY PUBLIC RECORDS UNLESS OTHERWISE INDICATED.
4. THIS IS NOT A SURVEY. IT IS A GRAPHIC DEPICTION OF THE DESCRIPTION SHOWN HEREON.
5. BEARINGS SHOWN HEREON ARE BASED ON THE NORTH-SOUTH QUARTER SECTION LINE OF SECTION 1, TOWNSHIP 43 SOUTH, RANGE 42 EAST, HAVING A GRID BEARING OF SOUTH 03°41'13" EAST.
6. THIS LEGAL DESCRIPTION & SKETCH WAS CREATED USING DATA FROM A PREVIOUSLY COMPLETED "SPECIFIC PURPOSE SURVEY" PREPARED BY THE UNDERSIGNED FLORIDA SURVEYOR & MAPPER DATED 6/7/2018, FOR THE PURPOSE OF SUPPORTING THE ROADWAY DESIGN PLAN PREPARED FOR THE PALM BEACH COUNTY ROADWAY PROJECT NUMBER 2016501.

**SURVEYOR'S CERTIFICATION:**

I HEREBY CERTIFY THAT THE DESCRIPTION AND SKETCH SHOWN HEREON MEETS THE STANDARDS OF PRACTICE CONTAINED IN RULE 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE PURSUANT TO CHAPTER 472.027, FLORIDA STATUTES.

**Daniel C Laak**

Digitally signed by Daniel C Laak  
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ou=Daniel C Laak, ccUS  
Date: 2022.10.28 08:39:37 -0400

DANIEL C. LAAK  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA REGISTRATION NO. LS5118

Revised per County Request 10/28/2022  
Palm Beach County Project # 2016501 EXHIBIT A<sup>9</sup>



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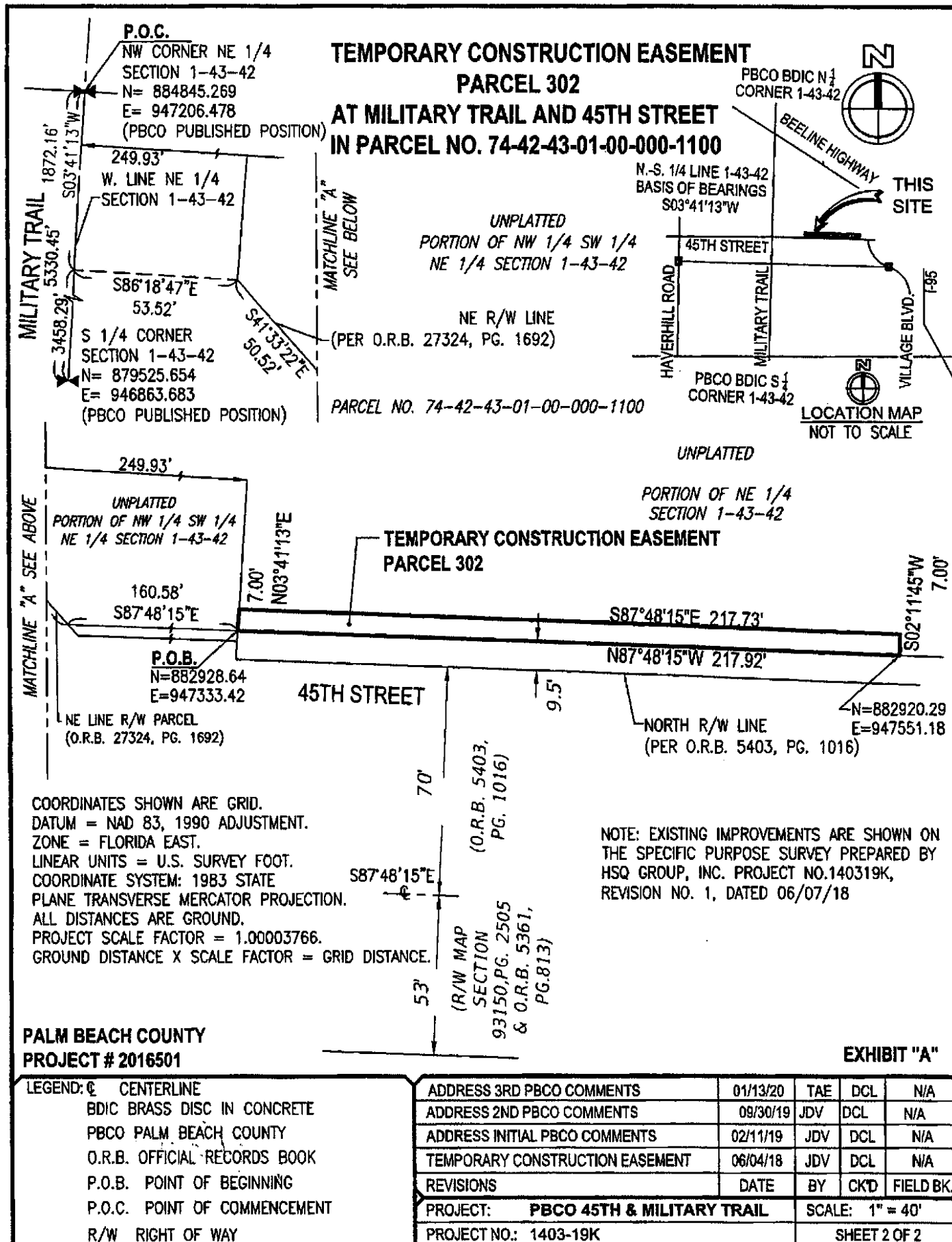
PROJECT: PBCO MILITARY & 45TH STREET

PROJECT NO.: 1403-19K

DATE: 06/04/18

SHEET 1 OF 2





**EXHIBIT "B"**

**45<sup>th</sup> STREET & MILITARY TRAIL, PALM BEACH COUNTY, PROJECT #2016501**

**SAFETY**

45<sup>th</sup> Street is currently a 2 to 6 lane paved roadway running west to east from west of Florida's Turnpike to N. Flagler Drive. More specifically, the limits of construction for this widening and paving of 45<sup>th</sup> Street extends from approximately 2300' west of Military Trail to 700' east of Military Trail (Project) and is within a commercial area. This construction will improve the intersection of 45<sup>th</sup> Street and Military Trail by adding a third westbound through lane and a westbound right turn lane, and includes new curb and gutter, sidewalks, additional drainage and traffic signal improvements. This Project will improve the overall safety for motorists, bicyclists and pedestrians, and will improve the operation of the intersection.

The Project was designed 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 45<sup>th</sup> Street 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**

45<sup>th</sup> Street is a heavily travelled east-west roadway passing through residential and commercial areas of unincorporated Palm Beach County and the City of West Palm Beach. The Palm Beach County Comprehensive Plan (Thoroughfare Right-of-Way-Identification Map) has defined this route 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.

Alternate routes were considered in lieu of improving 45<sup>th</sup> Street. Construction of an alternate east-west route through unincorporated Palm Beach County or the City of West Palm 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**

45<sup>th</sup> Street is an established roadway corridor. The limits of the Project are bordered by existing residential and commercial developments, and the proposed improvements will have minimal negative impacts to the environment. This roadway improvement project is expected to be permitted through the appropriate environmental regulatory agencies as applicable.

*Following is a more detailed outline of the reasons for acquisition needed for the improvement of 45<sup>th</sup> Street within the previously stated project limits:*

**ACQUISITION FOR FEE SIMPLE RIGHT-OF-WAY - PARCEL 102**

Currently, Palm Beach County owns a road right-of-way interest on 45<sup>th</sup> Street that varies in width from 120 feet to approximately 127 feet, east of Military Trail. The parcel to be acquired represents an acquisition outside of the existing right-of-way, and is required to construct curb and gutter, sidewalk, and additional drainage.

**ACQUISITION FOR TEMPORARY CONSTRUCTION EASEMENT – PARCEL 302**

This temporary construction easement is needed for access and all related construction activities reasonably required for sloping, tying, grading, to harmonize the road construction with the adjacent property, and for a driveway connection. These described works to be performed on Parcel 302 shall not extend beyond the limits outlined in the legal descriptions of said property attached to the Resolution relating to Parcel 302 as **EXHIBIT A**. 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 through the Department of Engineering and Public Works or three years from the date of its acquisition by virtue of the deposit of funds pursuant to an Order of Taking.