

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: April 1, 2025	<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Regular
	<input type="checkbox"/> Workshop	<input type="checkbox"/> 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 property designated as Parcel 301 as a temporary construction easement necessary for the construction of roadway improvements on Florida Mango Road over the Lake Worth Drainage District's (LWDD) L-5 Canal (Project).


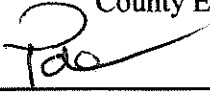
**SUMMARY:** Adoption of this Resolution will initiate eminent domain proceedings pursuant to Chapters 73, 74, 127, and 337.27, Florida Statutes, as amended, against one (1) parcel having a total appraised value of \$14,750. The parcel is necessary to replace the existing bridge over the LWDD's L-5 Canal. The property owner has not accepted the offer to purchase made by Palm Beach County (County) and attempts to negotiate the purchase have been unsuccessful. Eminent domain proceedings are necessary to acquire the parcel at this time in order to expedite construction of the Project. **This Project is included in the Five-Year Road Program. District 3 (DO)**

**Background and Justification:** The acquisition of Parcel 301 is for a public purpose and necessity, which is deemed to be in the best interest of the County. The Engineering and Public Works Department recommends adoption by the Board of County Commissioners (BCC).

**Attachments:**

- 1. Location Map
- 2. Resolution for Parcel 301 with Exhibit "A" and Exhibit "B" (2)

OK

Recommended by:		2/11/25
	County Engineer	Date
Approved by:		2/26/25
	Deputy County Administrator	Date

## **II. FISCAL IMPACT ANALYSIS**

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

<b>Fiscal Years</b>	<b>2025</b>	<b>2026</b>	<b>2027</b>	<b>2028</b>	<b>2029</b>
<b>Capital Expenditures</b>	<b>-\$14,750-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>
<b>Operating Costs</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>
<b>External Revenues</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>
<b>Program Income (County)</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>
<b>In-Kind Match (County)</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>
<b>NET FISCAL IMPACT</b>	<b>-\$14,750-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>
<b># ADDITIONAL FTE POSITIONS (Cumulative)</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

Is Item Included in Current Budget?  
Is this item using Federal Funds?  
Is this item using State Funds?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

**Budget Account No:**

Fund	Dept	Unit	Object
3500	361	1864	6120

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

Transportation Improvmt Fund  
Florida Mango Rd. over LWDD L-5 Canal, Bridge Replacement


Number of Parcels Going Into Suit:  
Temporary Construction Easement: 1  
Parcels: #301 - 00-43-44-05-06-025-0020

Estimated Total Acquisition Cost      \$ 14,750.00

### C. Departmental Fiscal Review:

### III. REVIEW COMMENTS

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


 2/18/2018  
 MD 2/18 OFMB JH 2/18

Comments: Brenda Smith 2/20/25  
Contract Dev. and Control  
26 2.19.25

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

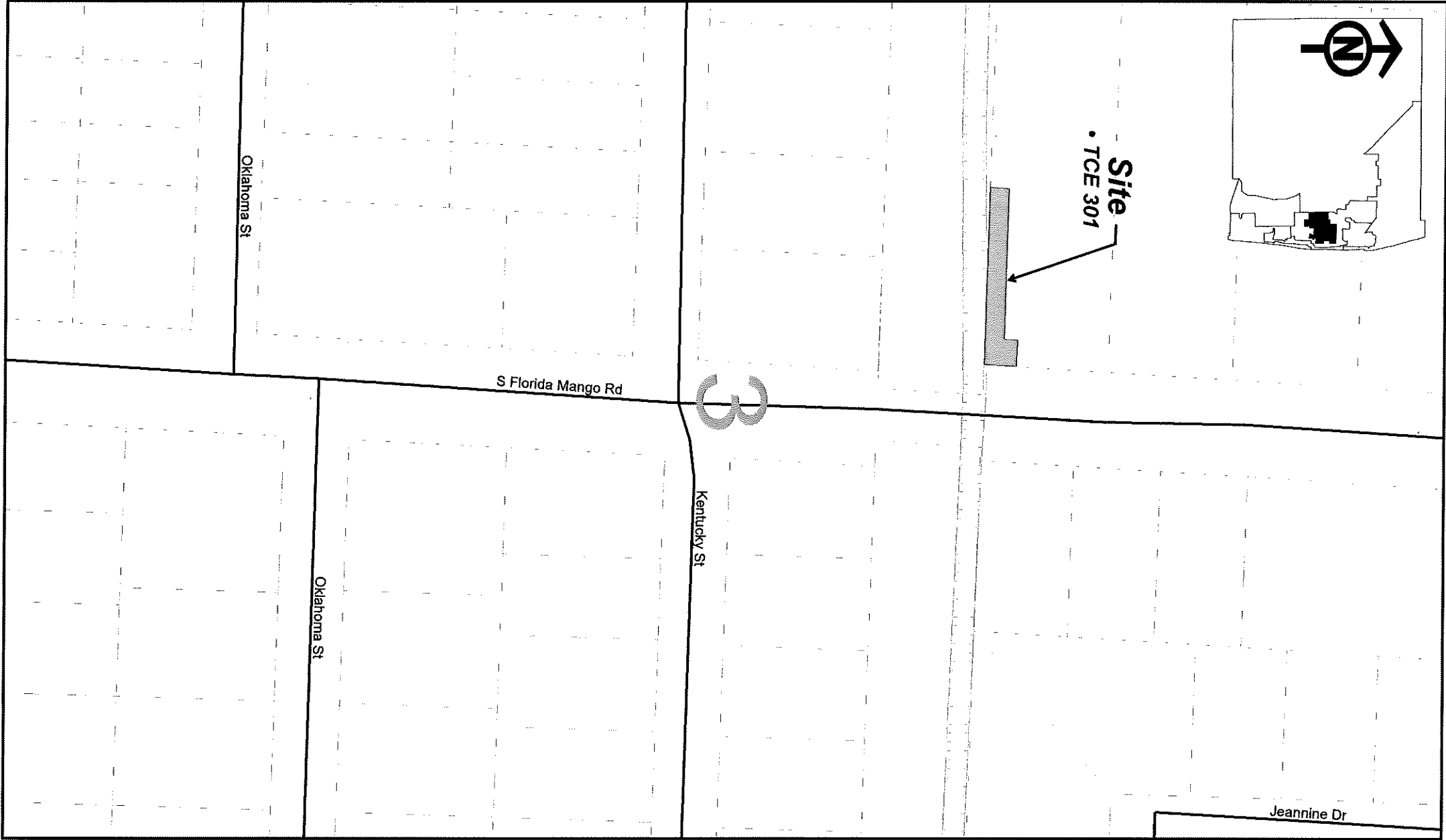
  
Assistant County Attorney

**C. Other Department Review:**

**Department Director**

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

Location Map



**RESOLUTION NO. R-2025 - \_\_\_\_\_**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, DECLARING THE ACQUISITION OF PROPERTY DESIGNATED AS PARCEL 301, AS A TEMPORARY CONSTRUCTION EASEMENT NECESSARY FOR THE CONSTRUCTION OF ROADWAY IMPROVEMENTS ON FLORIDA MANGO ROAD OVER THE LAKE WORTH DRAINAGE DISTRICT'S (LWDD) L-5 CANAL, 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 recommends the acquisition of a temporary construction easement, designated as Parcel 301, on the property described in Exhibit "A", to the Board of County Commissioners (BCC); and

**WHEREAS**, the parcel is necessary for the construction and improvement of Florida Mango Road over LWDD's L-5 Canal (Project); and

**WHEREAS**, the funds are available for the acquisition of the temporary construction easement designated as Parcel 301; 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 301, 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 301 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 301 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 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 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, a temporary construction easement 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: a temporary construction easement 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 Maria G. Marino, Mayor	_____
Commissioner Sara Baxter, Vice Mayor	_____
Commissioner Gregg K. Weiss	_____
Commissioner Joel G. Flores	_____
Commissioner Marci Woodward	_____
Commissioner Maria Sachs	_____
Commissioner Bobby Powell Jr.	_____

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

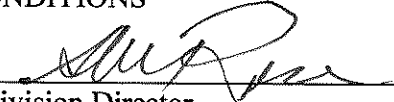


By:  \_\_\_\_\_  
 Division Director  


EXHIBIT "A"  
TEMPORARY CONSTRUCTION EASEMENT  
PARCEL 301

LEGAL DESCRIPTION:

A PARCEL OF LAND LYING WITHIN LOT 25, MORRISON SUBURBAN DEVELOPMENT, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 20, PAGE 40, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 25, MORRISON SUBURBAN DEVELOPMENT; THENCE NORTH 88°29'28" WEST, ALONG THE SOUTH LINE OF SAID LOT 25, A DISTANCE OF 135.06 FEET; THENCE NORTH 03°21'48" EAST, A DISTANCE OF 15.01 FEET; THENCE SOUTH 88°29'28" EAST, ALONG A LINE PARALLEL WITH AND 15' NORTH OF AS MEASURED AT RIGHT ANGLES TO THE SOUTH LINE OF SAID LOT 25, A DISTANCE OF 115.00 FEET; THENCE NORTH 03°10'48" EAST, ALONG A LINE PARALLEL WITH AND 20' WEST OF AS MEASURED AT RIGHT ANGLES TO THE EAST LINE OF SAID LOT 25, A DISTANCE OF 10.36 FEET; THENCE SOUTH 86°49'54" EAST, A DISTANCE OF 20.00 FEET TO THE EAST LINE OF SAID LOT 25; THENCE SOUTH 03°10'48" WEST, ALONG THE EAST LINE OF SAID LOT 25, SAID EAST LINE ALSO BEING THE WEST RIGHT-OF-WAY LINE OF FLORIDA MANGO ROAD, A DISTANCE OF 24.78 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA, AND CONTAIN 0.051 ACRES (2,227 SQUARE FEET), MORE OR LESS.

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: c=US, o=HSQ GROUP,  
ou=A01410D0000017299F83AD800006A75,  
cn=Daniel C Laak  
Date: 2021.07.16 07:37:05 -04'00'

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

PBCO PROJECT NO. 2015523



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

PROJECT:	FLA MANGO L-5
PROJECT NO.:	150323
DATE:	2/9/21
SHEET 1 OF 3	

## TEMPORARY CONSTRUCTION EASEMENT PARCEL 301

### NOTES:

1. THIS PRINTED DRAWING IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. THIS ELECTRONIC DRAWING IS VALID WITH A DIGITAL SEAL, BEING AN ELECTRONIC DIGITAL AUTHENTICATION PROCESS, ATTACHED BY A FLORIDA LICENSED SURVEYOR AND MAPPER, PURSUANT TO CHAPTER 5J-17.062 OF THE FLORIDA ADMINISTRATIVE CODE.
3. COORDINATES SHOWN ARE GRID. ALL DISTANCES ARE GROUND.  
 HORIZONTAL DATUM = NAD 83, 1990 ADJUSTMENT  
 ZONE = FLORIDA EAST ZONE  
 LINEAR UNITS = US SURVEY FOOT  
 COORDINATE SYSTEM = 1983 STATE PLANE TRANSVERSE MERCATOR PROJECTION  
 PROJECT SCALE FACTOR = 1.00004476  
 (GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE).
4. BEARINGS SHOWN HEREON ARE BASED ON THE CENTERLINE OF FLORIDA MANGO ROAD HAVING A GRID BEARING OF N03°10'48"E. ROTATION FROM GRID TO THE PLAT OF MORRISON SUBURBAN DEVELOPMENT (P.B. 20, PG. 40), IS CLOCKWISE 0°49'12". (ALL OTHER UNDERLYING PLATS SHOW ONLY ANGLES).
5. THIS IS NOT A SURVEY. IT IS A GRAPHIC DEPICTION OF THE DESCRIPTION SHOWN HEREON.
6. THE ADDRESS OF THE UNDERLYING PROPERTY IS: 483 SOUTH FLORIDA MANGO ROAD.
7. L.W.D.D. RIGHT-OF-WAY INFORMATION SHOWN HEREON HAS BEEN PROVIDED BY L.W.D.D. IN THAT CERTAIN MAP ENTITLED "CANAL REHABILITATION PROJECT L-5 CANAL RIGHT-OF-WAY CONGRESS AVE TO SFWMD C51 CANAL", DATED 10/1/2019.

### LEGEND AND ABBREVIATIONS:

BDIC	= BRASS DISC IN CONCRETE	P.O.C.	= POINT OF COMMENCEMENT
CL	= CENTERLINE	RGE.	= RANGE
D.B.	= DEED BOOK	R.P.B.	= ROAD PLAT BOOK
LT	= OFFSET LEFT	RT	= OFFSET RIGHT
L.W.D.D.	= LAKE WORTH DRAINAGE DISTRICT	RGE	= RANGE
O.R.B.	= OFFICIAL RECORDS BOOK	R/W	= RIGHT-OF-WAY
PCN	= PARCEL CONTROL NUMBER	SEC.	= SECTION
P.B.	= PLAT BOOK	STA	= STATION
PBCO	= PALM BEACH COUNTY	T.C.E.	= TEMPORARY CONSTRUCTION EASEMENT
PG.	= PAGE	TWP.	= TOWNSHIP
P.O.B.	= POINT OF BEGINNING	U.E.	= UTILITY EASEMENT

PBCO PROJECT NO. 2015523



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PROJECT: FLA MANGO L-5

PROJECT NO.: 150323

DATE: 2/9/21

SHEET 2 OF 3





## **EXHIBIT "B"**

### **FLORIDA MANGO ROAD OVER LAKE WORTH DRAINAGE DISTRICT'S (LWDD) L-5 CANAL BRIDGE REPLACEMENT PALM BEACH COUNTY PROJECT # 2015523**

#### **SAFETY**

Florida Mango Road over LWDD's L-5 Canal (Project), is currently a two-lane paved road with a short single-span bridge over the LWDD's L-5 Canal. This Project will replace the existing bridge, widen the road to provide a four (4) foot paved shoulder, reconstruct the sidewalks, and add a pedestrian handrail over the culvert at the back of the sidewalk for the safe commute of pedestrians.

The design of this Project is in accordance with the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (commonly known as "The Florida Greenbook"), as adopted and approved by the Florida Department of Transportation (FDOT).

#### **COST**

The cost of improving this roadway 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 Project, all reasonable efforts were made to minimize the areas to be acquired through Eminent Domain.

After considering safety, alternate routes, 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**

The existing bridge is the only access to the neighborhood north of the LWDD's L-5 Canal, east of Farmdale Road, and southwest of the West Palm Beach Canal (neighborhood). The Palm Beach County Comprehensive Plan (Thoroughfare Right-of-Way-Identification Map) defines this route as a route to be improved to meet traffic demand 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.

Since this bridge is the only route for access to the neighborhood, a temporary alternate route will be provided through the cul-de-sac of Homewood Road. Once the bridge is replaced with the new culvert construction, the temporary access will be closed and restored to its original condition.

#### **LONG RANGE PLANNING**

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

This portion of Florida Mango Road is part of an established corridor, and the proposed improvement will have minimal negative impacts to the environment. This Project has been permitted through the appropriate environmental regulatory agencies.

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

**ACQUISITION FOR TEMPORARY CONSTRUCTION EASEMENT (TCE) PARCEL 301**

Currently, the County owns a 70-foot wide right-of-way for Florida Mango Road north of the bridge over LWDD's L-5 Canal. The TCE is needed for access and all related construction activities reasonably required for driveway construction, sloping, tying, grading, and to harmonize the road construction and LWDD's L-5 Canal shaping and grading with the adjacent property. These described works to be performed on Parcel 301 shall not extend beyond the limits outlined in the legal description of said property, as "**Exhibit A**", attached to the Resolution relating to Parcel 301. The TCE 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 (3) years from the date of its acquisition by virtue of the deposit of funds, pursuant to an Order of Taking.

The temporary construction easement Parcel 301 shall be non-exclusive. However, all interests in Parcel 301 shall be subordinate to Palm Beach County's interest in the parcel during the TCE period and all interest holders shall be prohibited from interfering with County's use of Parcel 301.