

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: June 10, 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 property designated as Parcel 114 as fee simple right-of-way and a temporary construction easement designated as Parcel 314, necessary for the construction of roadway improvements to extend Congress Avenue from Northlake Boulevard to Alternate A1A (Project).

SUMMARY: Adoption of the Resolution will initiate eminent domain proceedings pursuant to Chapters 73, 74, 127, and Section 337.27, Florida Statutes, as amended, against two (2) parcels having a total appraised value of \$28,000. The parcels are necessary to construct a new three (3) lane roadway with shoulders, a center turn lane, curb and gutter, sidewalks, a roundabout, and drainage for the Project. 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 parcels at this time in order to expedite construction of the Project. **This Project is included in the Five-Year Road Program. District 1 (DO)**

Background and Justification: The acquisition of Parcels 114 and 314 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 Parcels 114 and 314 with Exhibit "A" and Exhibit "B" (2)

Recommended by:	<u>V. Connell/Kell FOR</u>	<u>05/16/2025</u>
	County Engineer =	Date
Approved by:	<u>Pao</u>	<u>5/22/25</u>
	Deputy County Administrator	Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2025	2026	2027	2028	2029
Capital Expenditures	\$28,000	-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	\$28,000	-0-	-0-	-0-	-0-
# ADDITIONAL FTE POSITIONS (Cumulative)	-0-	-0-	-0-	-0-	-0-

Is Item Included in Current Budget?

Yes ☒ No ☐

Is this item using Federal Funds?

Yes	No	✓
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Is this item using State 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

Parcel No.	TYPE	PCN Number	Total
114	ROW	00-43-42-17-00-000-7030	\$24,900.00
314	TCE	00-43-42-17-00-000-7030	\$ 3,100.00
			\$28,000.00

Agg ~~et~~
M10321
w/A
R. D. Jones,
ingr., Falmouth,
ORMB
5/15/25

Property Control Number: 00-43-42-17-00-000-7030

Impact Fee Project Description:

This Resolution to initiate eminent domain proceedings is necessary to undertake right-of-way acquisition to extend Congress Avenue northward from Northlake Blvd to Alternate A1A. The project includes the new construction of three (3) roadway lanes and a roundabout which will provide additional roadway capacity needed to serve new development within Impact Fee Zone 1. Use of Impact Fees is in accordance with Article 13, Chapter H, Section 4 of the ULDC.

C. Departmental Fiscal Review:


III. REVIEW COMMENTS

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

Disenroll 5/26/2005
OFMB 5/15/05 A-500

Comments: Grant Grant 6/5/20/25
Contract Dev. and Control 268720/125

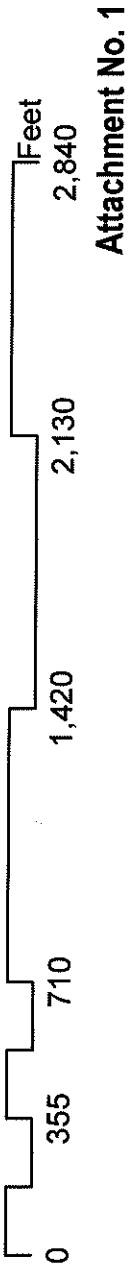
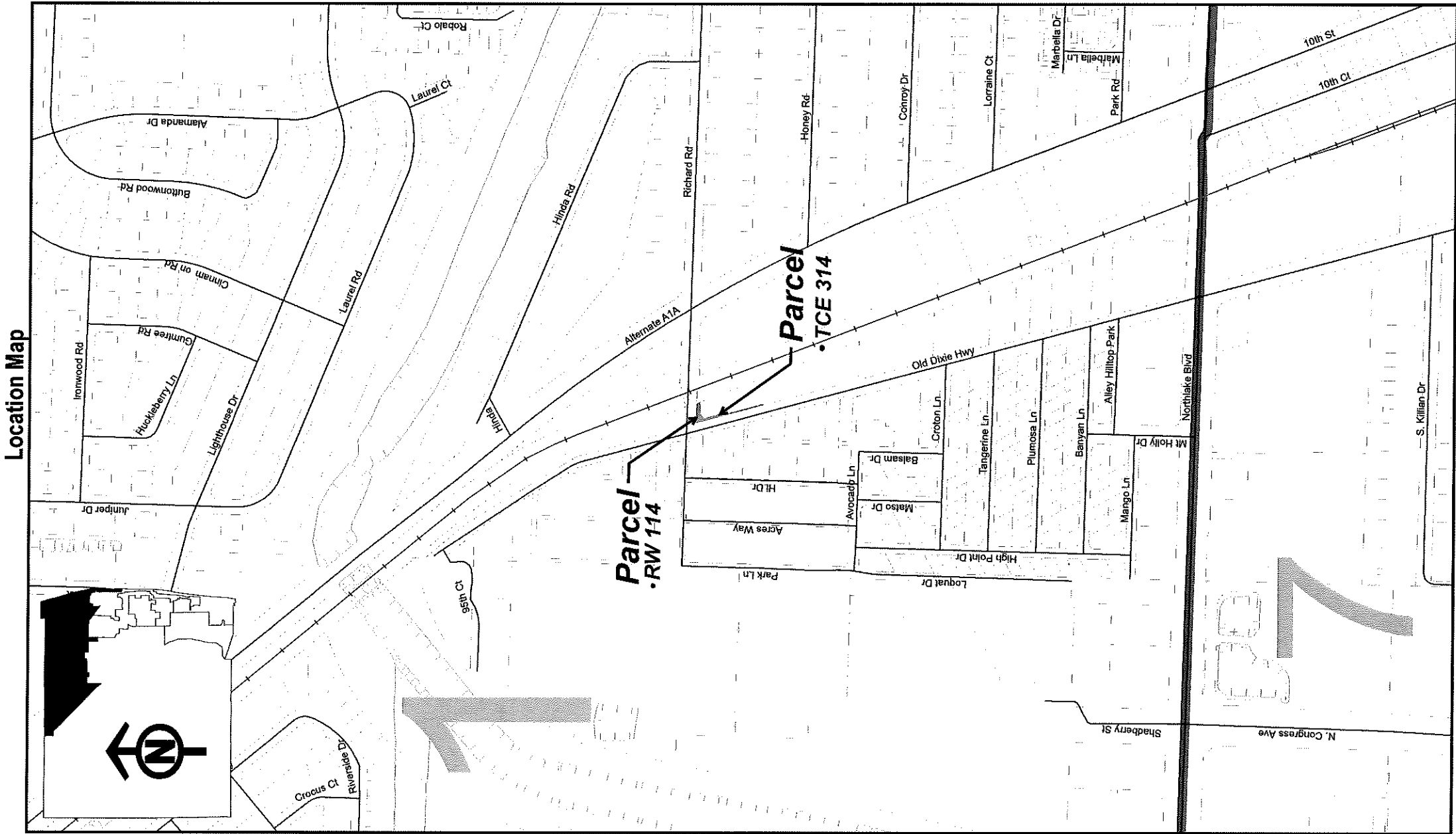
**B. Approved as to Form
and Legal Sufficiency:**


Assistant County Attorney

C. Other Department Review:

Department Director

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



RESOLUTION NO. R-2025 - _____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, DECLARING THE ACQUISITION OF PROPERTY DESIGNATED AS PARCEL 114 AS FEE SIMPLE RIGHT-OF-WAY AND PROPERTY DESIGNATED AS PARCEL 314 AS A TEMPORARY CONSTRUCTION EASEMENT, NECESSARY FOR THE CONSTRUCTION OF ROADWAY IMPROVEMENTS TO EXTEND 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 recommends the acquisition of fee simple right-of-way and a temporary construction easement, designated as Parcels 114 and 314, respectively, 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 a temporary construction easement designated as Parcels 114 and 314, respectively; 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 114 and 314, 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 a temporary construction easement, designated as Parcels 114 and 314, respectively, 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 use and purpose of Parcels 114 and 314, and the duration of Parcel 314 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 a 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 114 and 314, 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 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: fee simple right-of-way and 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

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, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY OF RICHARD ROAD, AS SHOWN ON OLD DIXIE HWY. & RICHARD ROAD MAINTENANCE MAP, PALM BEACH COUNTY DRAWING NO.S-3-14-3587, WITH THE WEST RIGHT-OF-WAY OF THE FLORIDA EAST COAST RAILWAY; THENCE ALONG SAID SOUTH RIGHT-OF-WAY, N88°17'46"W FOR 80.00 FEET TO THE EAST LINE OF A PALM BEACH COUNTY ROAD RIGHT-OF-WAY EASEMENT RECORDED IN OFFICIAL RECORD 5487, PAGE 757, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE ALONG THE EAST LINE OF SAID EASEMENT, S14°56'00"E FOR 58.88 FEET TO A NON-TANGENT CURVE, CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 31.63 FEET, WHERE A RADIAL LINE BEARS N77°51'08"E; THENCE NORTHEASTERLY, ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 104°36'35" FOR 57.75 FEET TO A POINT OF NON-TANGENCY; THENCE N89°40'35"E FOR 21.26 FEET; THENCE N87°39'56"E FOR 17.17 FEET TO THE SAID WEST RAILWAY RIGHT-OF-WAY; THENCE ALONG SAID WEST RIGHT-OF-WAY, N20°56'10"E FOR 16.52 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,773 SQUARE FEET (0.041 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

Digitally signed by
John E Phillips
Date: 2021.03.26
11:01:52 -04'00'

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

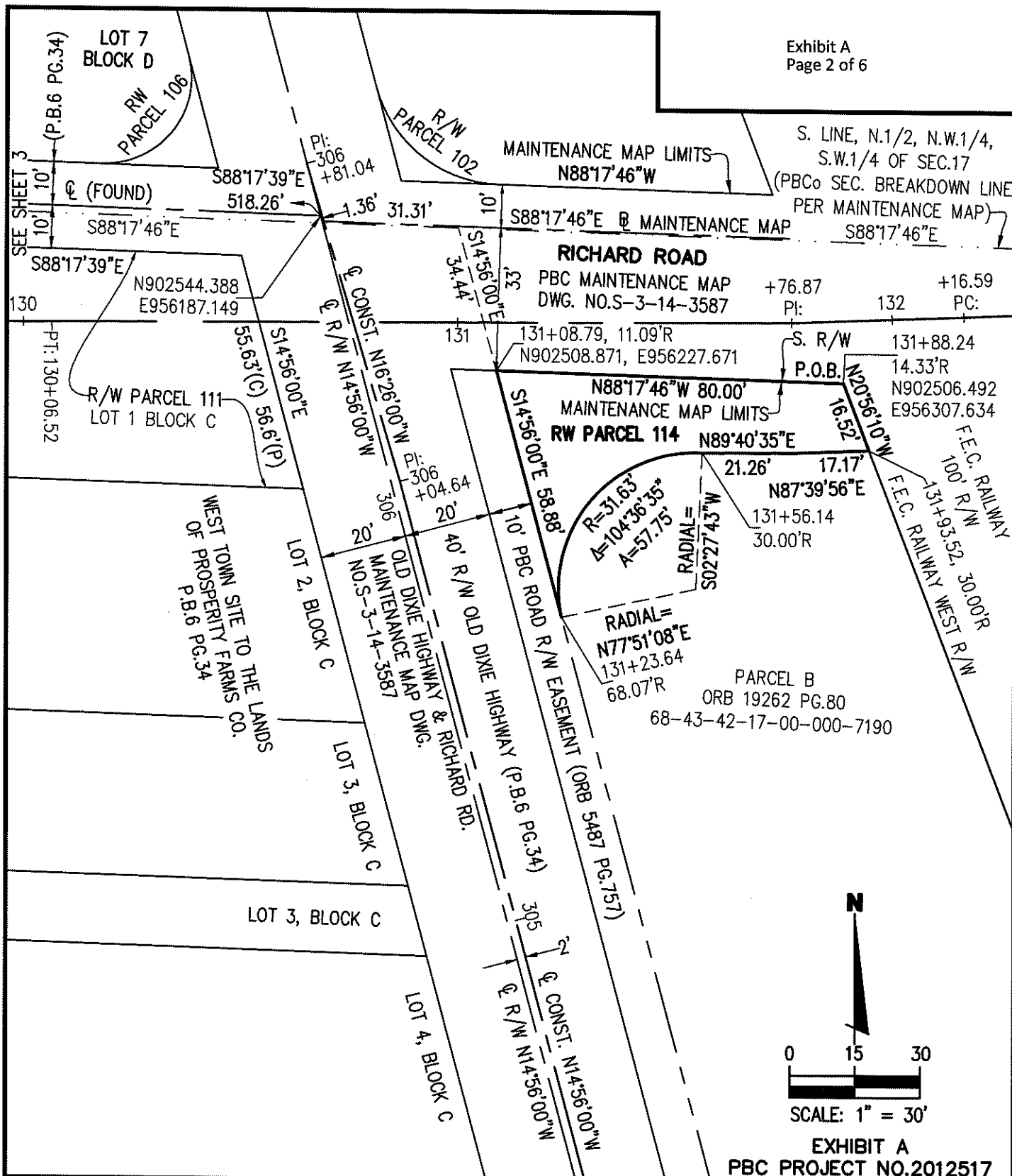


E-Mail: info@brown-phillips.com

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 114	DATE: 3/25/21
	SHEET 1 OF 3



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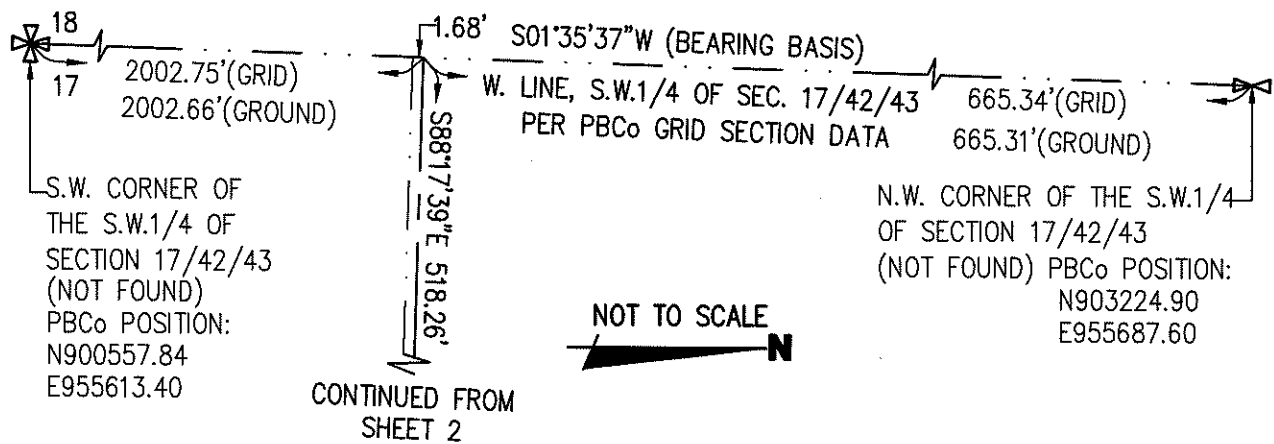
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**SKETCH TO ACCOMPANY
LEGAL DESCRIPTION**
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CHECKED: JEP	SCALE: 1" = 30'
RW PARCEL 114	DATE: 3/25/21
	SHEET 2 OF 3

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:
- | | | |
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| P.B. – PLAT BOOK | B – BASELINE | R= RADIUS |
| ORB – OFFICIAL RECORD BOOK | C – CENTERLINE | Δ= CENTRAL ANGLE |
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| DWG. – DRAWING | 'R – RIGHT OF CENTERLINE OF CONSTRUCTION | CONST. – CONSTRUCTION |
| PBCo – PALM BEACH COUNTY | (P) – PLAT DIMENSION | F.E.C. – FLORIDA EAST COAST |
| 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.



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R/W PARCEL 114	DATE: 3/25/21
	SHEET 3 OF 3

A PARCEL 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, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY OF RICHARD ROAD, AS SHOWN ON OLD DIXIE HWY. & RICHARD ROAD MAINTENANCE MAP, PALM BEACH COUNTY DRAWING NO.S-3-14-3587, WITH THE WEST RIGHT-OF-WAY OF THE FLORIDA EAST COAST RAILWAY;
THENCE ALONG SAID SOUTH RIGHT-OF-WAY, N88°17'46"W FOR 80.00 FEET TO THE EAST LINE OF A PALM BEACH COUNTY ROAD RIGHT-OF-WAY EASEMENT RECORDED IN OFFICIAL RECORD 5487, PAGE 757, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA;
THENCE ALONG THE EAST LINE OF SAID EASEMENT, S14°56'00"E FOR 58.88 FEET TO THE POINT OF BEGINNING;
THENCE CONTINUE ALONG THE EAST LINE OF SAID EASEMENT, S14°56'00"E FOR 215.73 FEET;
THENCE N75°04'00"E FOR 5.00 FEET;
THENCE N14°56'00"W FOR 150.80 FEET;
THENCE N75°04'00"E FOR 5.00 FEET;
THENCE N14°56'00"W FOR 150.80 FEET TO A NON-TANGENT CURVE, CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 31.63 FEET, WHERE A RADIAL LINE BEARS S57°59'31"E;
THENCE SOUTHWESTERLY, ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 44°09'21" FOR 24.37 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,548 SQUARE FEET (0.036 ACRES), MORE OR LESS.

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John E
Phillips

Digitally signed by
John E Phillips
Date: 2021.03.26
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JOHN E. PHILLIPS, III
PROFESSIONAL LAND SURVEYOR
STATE OF FLORIDA No. 4826
DATE: _____

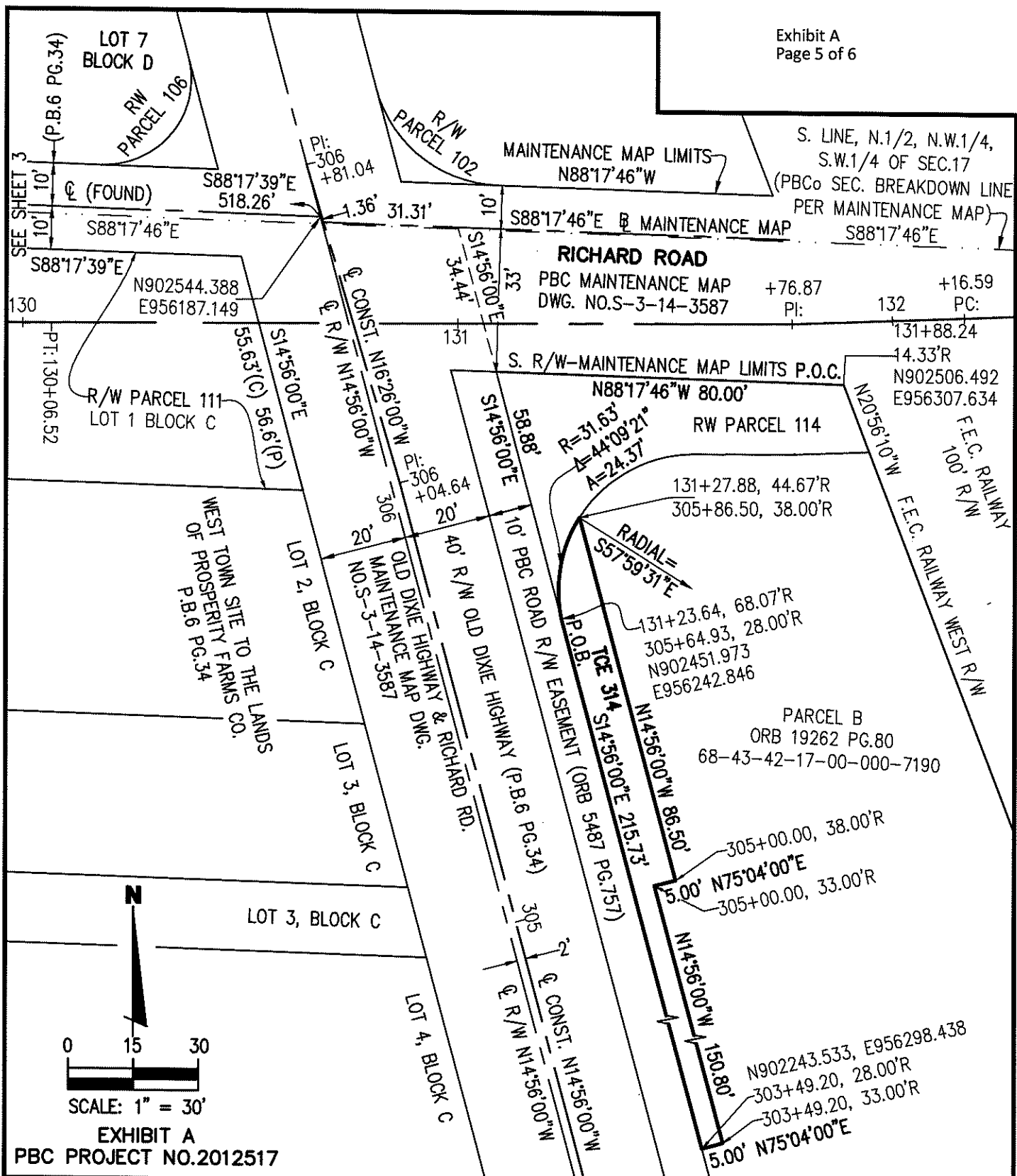


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LEGAL DESCRIPTION
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TCE 314	DATE: 3/25/21
	SHEET 1 OF 3



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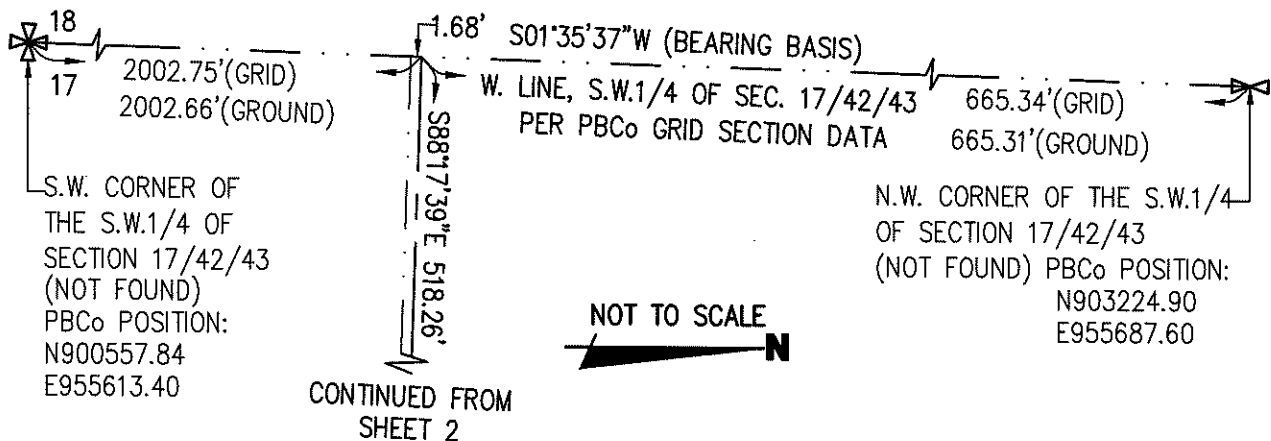
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	SHEET 2 OF 3

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- | | |
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| DWG. - DRAWING | R - RIGHT OF CENTERLINE OF CONSTRUCTION | CONST. - CONSTRUCTION |
| PBCo - PALM BEACH COUNTY | (P) - PLAT DIMENSION | TCE- TEMPORARY |
| SEC. - SECTION | (C) - CALCULATED DIMENSION | CONSTRUCTION EASEMENT |
| | | F.E.C. - FLORIDA EAST COAST |
- 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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	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 construct a new three lane roadway with shoulders, a center turn lane, curb and gutter, sidewalks, a roundabout, and drainage, and is located through a mix of residential and commercial areas. The 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 constructing 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 the Project, and the acquisition of these parcels is necessary, in furtherance of this public project.

ALTERNATE ROUTES

The segment of Congress Avenue that extends from Belvedere Road to Northlake Boulevard is a heavily traveled north/south roadway that passes through residential and commercial areas. The Palm Beach County Comprehensive Plan (Thoroughfare Right-of-Way-Identification Map) defines this roadway as a route required 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. 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 the 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

Congress Avenue 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 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 114

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, represents acquisition outside of the existing right-of-way, and is required to construct a new three lane roadway with shoulders, a center turn lane, curb and gutter, sidewalks, a roundabout and drainage improvements.

ACQUISITION FOR TEMPORARY CONSTRUCTION EASEMENT PARCEL 314

The temporary construction easement is needed for access and all related construction activities reasonably required for driveway reconstruction, sloping, tying, grading, and to harmonize the road construction with the adjacent property. The described works to be performed on Parcel 314 shall not extend beyond the limits outlined in the legal description of said property, as "**Exhibit A**", attached to the Resolution relating to Parcel 314. The 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 for three 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 314 shall be non-exclusive. However, all interests in Parcel 314 shall be subordinate to Palm Beach County's interest in the parcel during the Temporary Construction Easement period and all interest holders shall be prohibited from interfering with the County's use of Parcel 314.