

RESOLUTION 19-110

A RESOLUTION OF THE CITY OF PANAMA CITY BEACH FLORIDA RELATING TO THE CONDEMNATION OF THAT CERTAIN PROPERTY LOCATED AT 17138 and 17140 FRONT BEACH ROAD WITHIN THE CITY FOR RIGHT OF WAY AND DRAINAGE PURPOSES TO SUPPORT THE IMPROVEMENT OF THE INTERSECTION OF STATE ROAD 79 AND FRONT BEACH ROAD; MAKING FINDINGS OF FACT AND NECESSITY; AND AUTHORIZING THE APPROPRIATE OFFICERS OF THE CITY TO TAKE THE APPROPRIATE ACTIONS TO SECURE THE ACQUISITION OF THE PROPERTY BY EMINENT DOMAIN PROCEEDINGS.

WHEREAS, the CITY may acquire private or public property and property rights, including rights of access, air, view, and light, by gift, devise, purchase, or condemnation by eminent domain proceedings, as the City may deem necessary for any of the purpose of the Municipal Home Rule Powers Act, included, but not limited to, any lands reasonably necessary for expansion, construction, operation and maintenance of public streets and roads, and

WHEREAS, the CITY OF PANAMA CITY BEACH, (the "CITY") is authorized by Chapter 166, Florida Statutes to condemn all necessary lands and property for the purpose of securing and utilizing transportation rights-of-way, and

WHEREAS, State Road 79 is a key north-south connector and evacuation route providing access from Panama City Beach Parkway to Front Beach Road; and

WHEREAS, Front Beach Road is a key east-west connector providing access from State Road 79 to State Road 392A and US Highway 98; and

WHEREAS, the City finds that the expansion and improvement of the rights-of-way along State Road 79 (between Panama City Beach Parkway and Front Beach Road) and Front Beach Road (between State Road 79 and Lullwater Drive) and the realignment of the intersection of State Road 79 and Front Beach Road (the "Project") is necessary to improve the function and

appearance of those corridors, and to allow for the installation and construction of sidewalks and additional traffic lanes in a safe and acceptable manner; and

WHEREAS, the CITY has determined that it is necessary, in the public interest, and serves a public purpose to make certain improvements to portions of the State Road 79 and Front Beach Road rights-of-way, and the City has determined that to do so it is necessary, in the public interest, and serves a public purpose that the CITY obtain title to certain portions of land along and adjacent to both State Road 79 and Front Beach Road in certain parcels of land situate, lying and being in Bay County, Florida, the legal descriptions of each parcel whereof being attached hereto as composite *Exhibit A* (the "Property"), and

WHEREAS, the City finds that the Property is necessary and essential for the realignment, construction and expansion of the Project, in accordance with the permitting requirements of state and local agencies, and the City determines that acquiring the Property for this Project is necessary and in the best interests of the public, and serves a public purpose; and

WHEREAS, the City, in consultation with the Florida Department of Transportation, has considered alternative designs and routes, cost, safety, environmental factors, and long term area planning in concluding that acquiring said property is necessary and in the best interests of the public, and all other conditions precedent to acquiring said parcels have been met, including, but not limited to, notifying appropriate state and local agencies that governmental permits have been obtained or that there is a reasonable probability that such permits will be obtained; and

WHEREAS, the acquisition of the Property is consistent with the City's Near Term Work Plan adopted by the City Council on August 9, 2018 by Resolution 18-128, and funds have been budgeted for this purpose; and

WHEREAS, the City has been unsuccessful in negotiating the voluntary purchase of the Property.

NOW THEREFORE BE IT RESOLVED, for the purposes aforesaid, the City Council finds that:

1. The City Council hereby adopts as true and correct the foregoing

Whereas clauses, and incorporates them herein.


2. For the purposes aforesaid, it is necessary, practical, and in the best interest of the public and the CITY that the property necessary for the Panama City Beach Front Beach Road CRA Segment 3 – State Road 79 be acquired as fee simple right of way in the name of the CITY over and upon those certain parcels heretofore described in the attached composite Exhibit A. Once acquired, the Property shall be used as transportation right of way for the realignment, improvement and expansion of the intersection of State Road 79 and Front Beach Road, for required drainage facilities and water retention areas necessitated by the improvement and expansion of State Road 79, and other municipal purposes.
3. The CITY, its officers, employees and attorneys be and are hereby authorized and directed to proceed to take the necessary steps to institute and prosecute such necessary actions and proceedings as may be proper for the acquisition of the fee simple title in said land by eminent domain proceedings and otherwise and to prepare, sign, execute, serve, publish and file in the name of the CITY, all eminent domain papers, affidavits and pleadings and said attorneys are authorized to have prepared such other instruments and documents as may be necessary in connection herewith.

THIS RESOLUTION shall become effective immediately upon passage.

PASSED, APPROVED, AND ADOPTED this 11th day of July, 2019.

FLORIDA

CITY OF PANAMA CITY BEACH,

BY: 
Mike Thomas, Mayor

ATTEST:



Mary Jan Bossert, City Clerk

EXHIBIT A

17138 FRONT BEACH ROAD

BAY COUNTY PARCEL ID 32780-000-000

and

17140 FRONT BEACH ROAD

BAY COUNTY PARCEL ID 32779-000-000

Legal Description:

Begin at the intersection of the East line of the Southwest Quarter of the Southwest Quarter of Section 18, Township 3 South, Range 16 West, Bay County, Florida, and the Northerly right of way line of State Road No. 30 (U.S. No. 98); thence S61°07'41"E along said Northerly right of way line for 150.21 feet; thence S60°42'51"E along said Northerly right of way line for 162.14 feet to the Westerly right of way line of the East Leg of State Road No. 79; thence Northerly along said Westerly right of way line which is a curve concave to the East and having a radius of 638.36 feet for an arc distance of 286.55 feet to the intersection of said Westerly right of way line with the Southerly right of way line of the West Leg of said State Road No. 79; thence Westerly along said Southerly right of way line which is a curve concave to the North and having a radius of 446.20 feet and an arc distance of 225.65 feet to said East line of the Southwest Quarter of the Southwest Quarter of Section 18, Township 3 South, Range 16 West; thence S1°05'19"W along said East line for 17.89 feet to the Point of Beginning.