

RESOLUTION NO. 22-147

A RESOLUTION OF THE CITY OF PANAMA CITY BEACH FLORIDA RELATING TO THE CONDEMNATION OF THAT CERTAIN PROPERTY LOCATED AT 16300 FRONT BEACH ROAD WITHIN THE CITY FOR RIGHT OF WAY AND UTILITY PURPOSES TO SUPPORT THE IMPROVEMENT OF FRONT BEACH ROAD SEGMENT 4.1; MAKING FINDINGS OF FACT PUBLIC PURPOSE AND NECESSITY; AUTHORIZING THE APPROPRIATE OFFICERS OF THE CITY TO TAKE THE APPROPRIATE ACTIONS TO SECURE THE ACQUISITION OF THE PROPERTY BY EMINENT DOMAIN PROCEEDINGS; AND APPROVING AN OFFER FOR THE PURCHASE OF THE NECESSARY PROPERTY IN THE AMOUNT OF \$124,000.

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, 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, 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 Front Beach Road Segment 4.1 between Lullwater Drive and Powell Adams Road (the "Project") is necessary and serves a public purpose 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 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 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 September 9, 2021, by Resolution 21-216, and funds have been budgeted for this purpose; and

WHEREAS, the City will pursue the voluntary purchase of the Property, and further has complied, or will have complied before filing a condemnation action, with the provisions of Section 73.015, Florida Statutes regarding presuit negotiation.

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 as findings 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 Powell Adams Road and Front Beach Road CRA Segment 4.1 Project be acquired 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 Front Beach Road, for undergrounding electrical facilities necessitated by the improvement of Front Beach Road, and other municipal purposes.

3. The City, its officers, employees and attorneys, including designated outside counsel, 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 right of way, in said land by eminent domain proceedings pursuant to Chapters 73 and 74, Florida Statutes, 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.
4. The City finds and determines that the property identified in Exhibit A is necessary for the public purpose of construction of the roadway project. The City authorizes the acquisition of the property identified and described in Exhibit A attached hereto, and by this reference made a part thereof. The City further authorizes the City Attorney, her staff or designated outside counsel to correct minor errors or scrivener's errors to said descriptions, if any, with regard to the condemnation proceeding without further action of this Council.
5. The City has determined for the purpose of defining the interest in property sought, that at any time whenever the term "fee simple right-of-way" is used in this Resolution, said term shall mean all rights to the subject property being acquired, subject to any abutters' rights to a roadway or other improvements constructed thereon as allowed by law.
6. The City has determined for the purpose of defining the interest in property sought, that at any time whenever the term "temporary construction easement" is used in this Resolution, said term shall mean

the occupation and use of land by City, its agents and assigns, solely for sloping, grading, tying in, harmonizing and reconnecting existing features of the Owner's property with the highway improvements which are to be constructed together with incidental purposes related thereto, until completion of the transportation project.

7. The City Manager or his designee is authorized to have the construction plans updated, revised or corrected, and to utilize such plans in the condemnation action, including committing to said plans, updates, revisions or corrections, without further action of this Council.
8. The City Manager or his designee is directed to tender an offer to the owner of the property in the amount of One Hundred Twenty-Four Thousand Dollars (\$124,000), calculated pursuant to the City approved incentive schedule adopted by Resolutions 06-02 and 19-111.

THIS RESOLUTION shall become effective immediately upon passage.

PASSED in regular session this 28th day of April, 2022.

CITY OF PANAMA CITY BEACH

BY: _____

Mark Sheldon, Mayor

ATTEST:

Lyrne Fasone
Lyrne Fasone, City Clerk

EXHIBIT A

Parcel Number	Interest Sought	Owner	Property Tax ID	Area (SF)	Approved Appraisal Amount	Incentive Amount	Total Offer Amount (including Incentive)
104	Fee	16300 FBR LLC	33673-000-000	704.23	\$78,000.00	\$29,480.00	\$107,480.00
722	TCE	16300 FBR LLC	33673-000-000	1,060.39	\$10,100.00	\$6,420.00	\$16,520.00

16300 FRONT BEACH ROAD ~ RIGHT OF WAY TAKEN

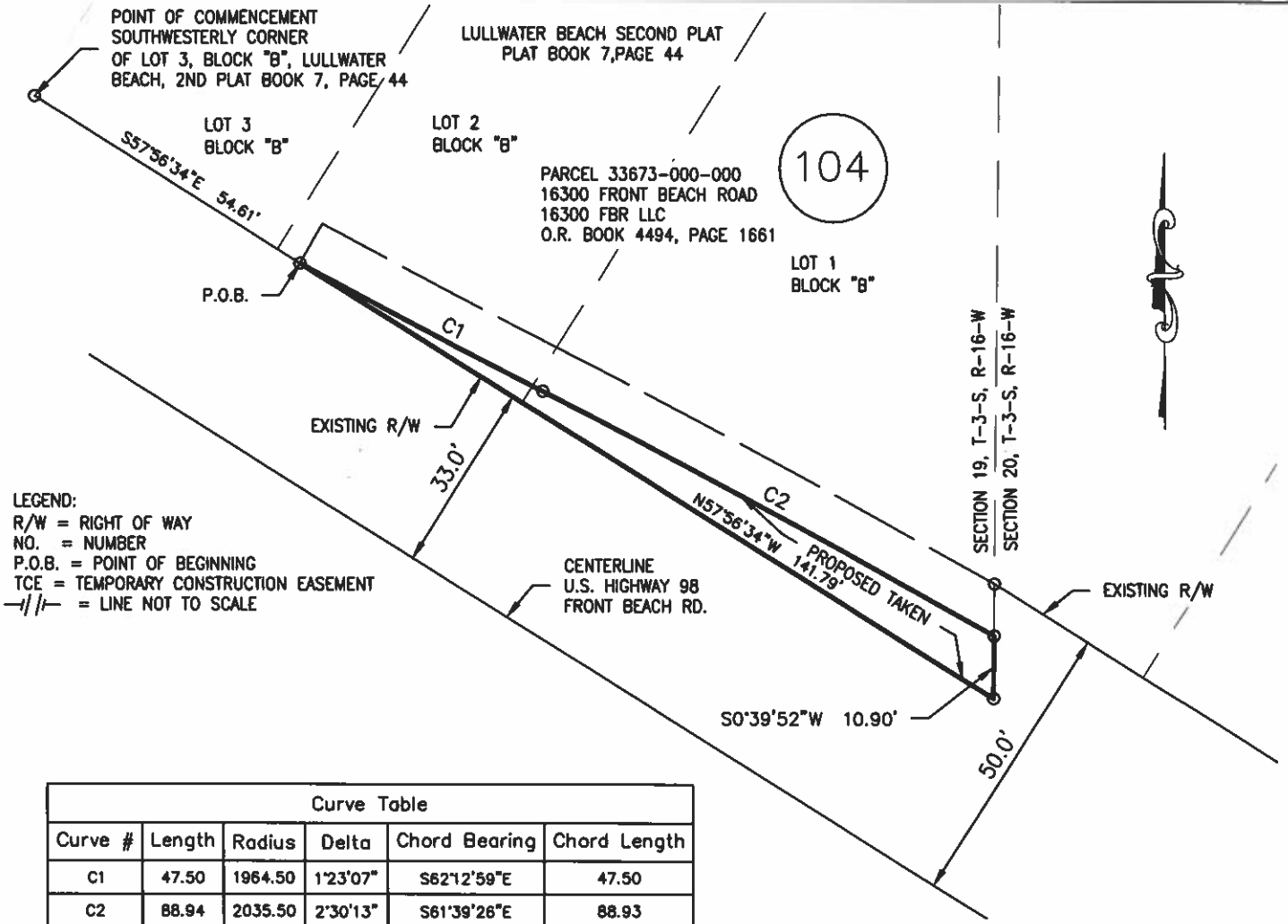
A PARCEL OF LAND LYING AND BEING IN SECTION 19, TOWNSHIP 3 SOUTH, RANGE 16 WEST, BAY COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A POINT MARKING THE SOUTHWESTERLY CORNER OF LOT 3, BLOCK 'B', LULLWATER BEACH SECOND PLAT, A SUBDIVISION AS PER PLAT THEREOF RECORDED IN PLAT BOOK 7, PAGE 44 OF THE PUBLIC RECORDS OF BAY COUNTY, FLORIDA (POINT BEING ON THE NORTHERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 98) AND PROCEED SOUTH 57 DEGREES 56 MINUTES 34 SECONDS EAST, ALONG SAID NORTHERLY RIGHT OF WAY LINE, FOR A DISTANCE OF 54.61 FEET TO THE POINT OF BEGINNING; SAID POINT BEING A POINT ON A CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 1,964.50 FEET, THROUGH A CENTRAL ANGLE OF 01 DEGREE 23 MINUTES 07 SECONDS; THENCE LEAVING SAID NORTHERLY RIGHT OF WAY LINE PROCEED SOUTHEASTERLY ALONG SAID CURVE FOR AN ARC DISTANCE OF 47.50 FEET, (CHORD BEARING AND DISTANCE = SOUTH 62 DEGREES 12 MINUTES 59 SECONDS EAST, FOR A DISTANCE OF 47.50 FEET) TO A POINT OF REVERSE CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 2,035.50 FEET, THROUGH A CENTRAL ANGLE OF 02 DEGREES 30 MINUTES 13 SECONDS; THENCE PROCEED SOUTHEASTERLY ALONG SAID CURVE FOR AN ARC DISTANCE OF 88.94 FEET, (CHORD BEARING AND DISTANCE = SOUTH 61 DEGREES 39 MINUTES 26 SECONDS EAST, FOR A DISTANCE OF 88.93 FEET) TO A POINT ON THE EAST BOUNDARY LINE OF LOT 1, BLOCK 'B' OF SAID SUBDIVISION; THENCE SOUTH 00 DEGREES 39 MINUTES 52 SECONDS WEST, ALONG SAID EAST BOUNDARY LINE, FOR A DISTANCE OF 10.90 FEET TO A POINT ON THE SAID NORTHERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 98; THENCE NORTH 57 DEGREES 56 MINUTES 34 SECONDS WEST, ALONG SAID NORTHERLY RIGHT OF WAY LINE, FOR A DISTANCE OF 141.79 FEET TO THE POINT OF BEGINNING. CONTAINING 704.23 SQUARE FEET.

16300 FRONT BEACH ROAD ~ TEMPORARY CONSTRUCTION EASEMENT

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LEGEND:
 R/W = RIGHT OF WAY
 NO. = NUMBER
 P.O.B. = POINT OF BEGINNING
 TCE = TEMPORARY CONSTRUCTION EASEMENT
 -||- = LINE NOT TO SCALE

Curve Table					
Curve #	Length	Radius	Delta	Chord Bearing	Chord Length
C1	47.50	1964.50	1°23'07"	S62°12'59"E	47.50
C2	88.94	2035.50	2°30'13"	S61°39'26"E	88.93

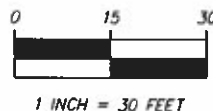
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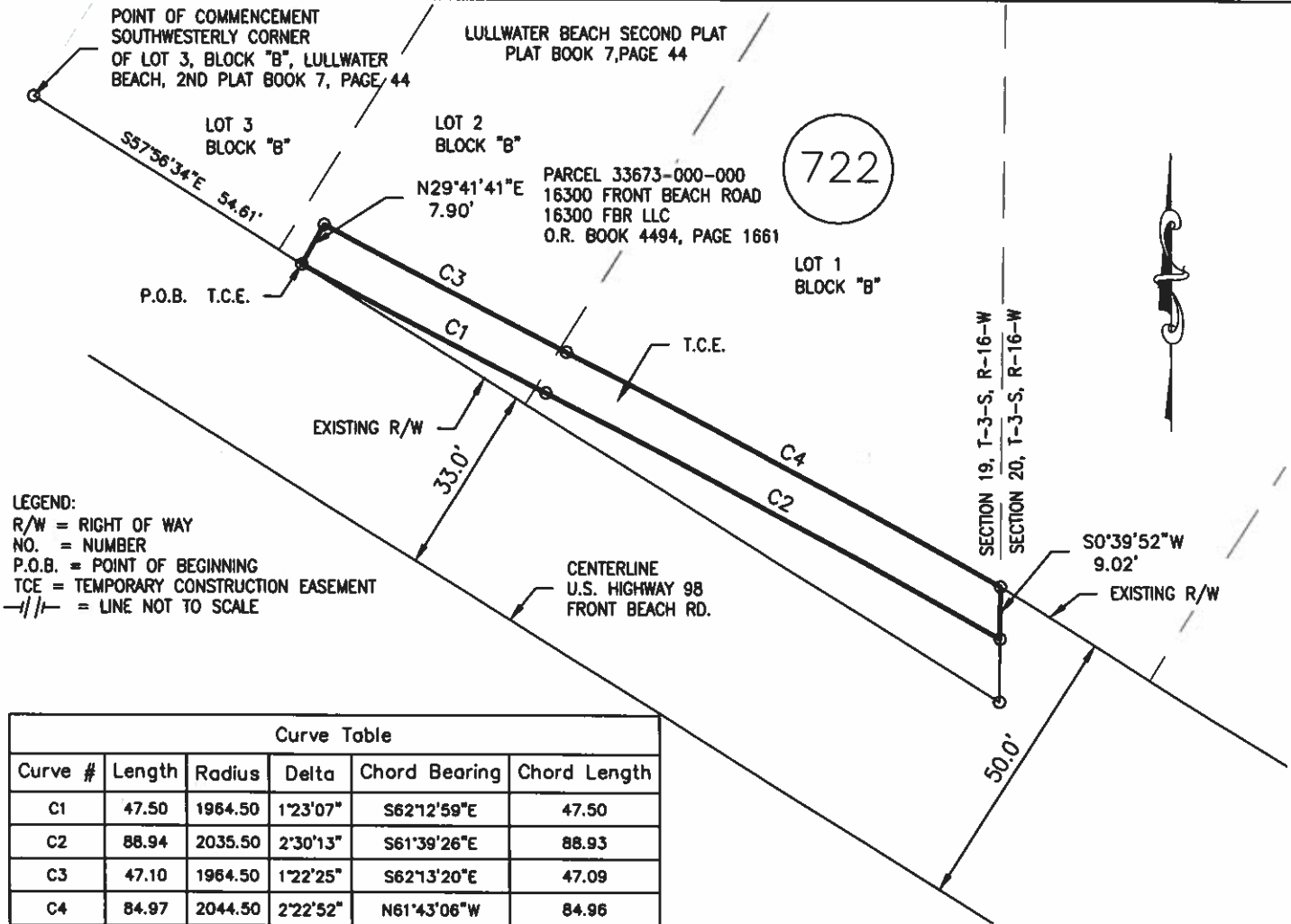
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DAVID JON BARTLETT, P.S.M. DATE SIGNED
 PROFESSIONAL SURVEYOR & MAPPER No. LS4018

Dewberry
 DEWBERRY ENGINEERS INC.
 203 ABERDEEN PARKWAY
 PANAMA CITY, FLORIDA 32405
 PHONE: 850.522.0844 FAX: 850.522.1011
 WWW.DEWBERRY.COM
 CERTIFICATE OF AUTHORIZATION NO. LB 8011

SKETCH OF DESCRIPTION		DRAWING DATE:	PROJECT NO.
RIGHT OF WAY TAKEN		08/26/2020	50104121
16300 FRONT BEACH ROAD		BY:	
CRA SEGMENT 4.1		DJB	S ¹ 231
CITY OF PANAMA CITY BEACH, FLORIDA		APPROVED BY:	
FB/PG: NA.	FLD DATE: NA	SCALE: 1"=30'	JG



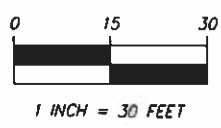
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S' 232