

RESOLUTION 22-148

A RESOLUTION OF THE CITY OF PANAMA CITY BEACH FLORIDA RELATING TO THE CONDEMNATION OF THAT CERTAIN PROPERTY LOCATED AT 17114 FRONT BEACH ROAD WITHIN THE CITY FOR RIGHT OF WAY AND UTILITY PURPOSES TO SUPPORT THE IMPROVEMENT OF FRONT BEACH ROAD SEGMENT 3; 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.

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 State Raod 79 and Front Beach Road Segment 3 (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 Front Beach Road CRA Segment 3 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 State Road 79 and Front Beach Road, for undergrounding electrical facilities necessitated by the improvement and expansion of State Road 79, 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 "permanent easement" is used in this Resolution, said term shall mean a perpetual easement in and the right to lay, bury, construct, operate, maintain, dig up and repair an underground electrical distribution system and necessary related above ground facilities, with all necessary conductors, ducts, conduit, transformers, connection boxes, facilities and equipment, necessary or convenient in connection therewith from time to time (collectively, the "Electrical Facilities"), including the rights of ingress and egress thereto and therefrom.

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.

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:

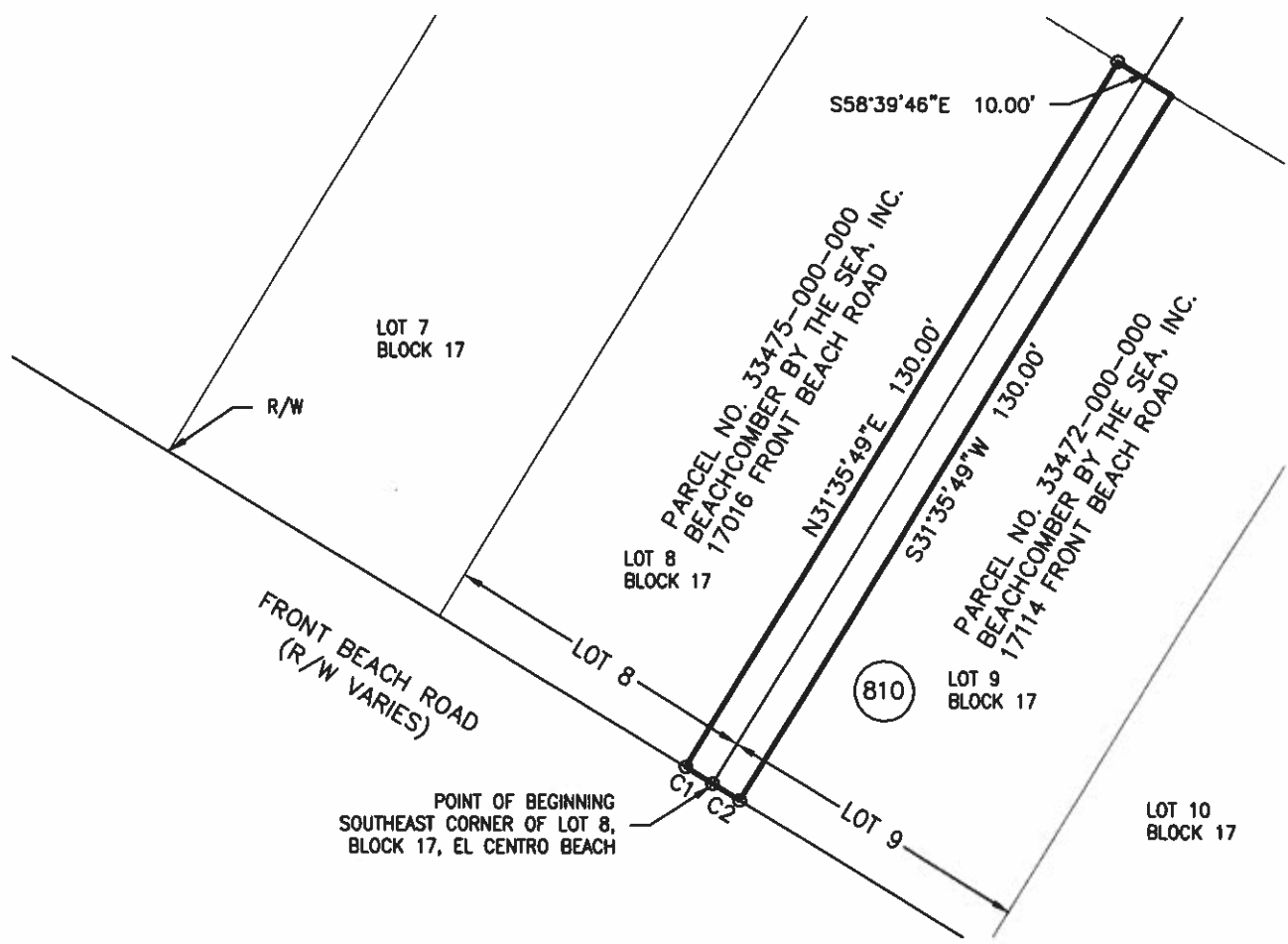

Lynne Fasone, City Clerk

EXHIBIT A

Parcel Number	Interest Sought	Owner	Property Tax ID	Area (SF)	Total Offer Amount (Including Incentive)
810	Permanent easement	Beachcomber By The Sea, Inc.	33475-000-000 33472-000-000	1,300	\$11,700

LEGAL DESCRIPTION GULF POWER COMPANY PERPETUAL EASEMENT 810

BEGIN AT A POINT MARKING THE SOUTHEAST CORNER OF LOT 8, BLOCK 17, EL CENTRO BEACH, A SUBDIVISION AS PER PLAT THEREOF RECORDED IN PLAT BOOK 9, PAGE 8 OF THE PUBLIC RECORDS OF BAY COUNTY, FLORIDA, POINT ALSO BEING ON THE NORTHERLY RIGHT OF WAY LINE OF FRONT BEACH ROAD, SAID POINT BEING ON A CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 17,238.78 FEET, THROUGH A CENTRAL ANGLE OF 00 DEGREES 01 MINUTE 00 SECONDS; THENCE PROCEED NORTHWESTERLY ALONG SAID RIGHT OF WAY LINE AND CURVE FOR AN ARC DISTANCE OF 5.00 FEET, (CHORD BEARING AND DISTANCE = NORTH 58 DEGREES 40 MINUTES 16 SECONDS WEST, FOR A DISTANCE OF 5.00 FEET); THENCE LEAVING SAID RIGHT OF WAY LINE PROCEED NORTH 31 DEGREES 35 MINUTES 49 SECONDS EAST, FOR A DISTANCE OF 130.00 FEET; THENCE SOUTH 58 DEGREES 39 MINUTES 48 SECONDS EAST, FOR A DISTANCE OF 10.00 FEET; THENCE SOUTH 31 DEGREES 35 MINUTES 49 SECONDS WEST, FOR A DISTANCE OF 130.00 FEET TO A POINT ON THE AFORESAID NORTHERLY RIGHT OF WAY LINE, POINT BEING ON A CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 17,238.78 FEET, THROUGH A CENTRAL ANGLE OF 00 DEGREES 01 MINUTE 00 SECONDS; THENCE PROCEED NORTHWESTERLY ALONG SAID RIGHT OF WAY LINE AND CURVE FOR AN ARC DISTANCE OF 5.00 FEET, (CHORD BEARING AND DISTANCE = NORTH 58 DEGREES 39 MINUTES 16 SECONDS WEST, FOR A DISTANCE OF 5.00 FEET) TO THE POINT OF BEGINNING.
CONTAINING 1,300.00 SQUARE FEET OR 0.030 ACRES, MORE OR LESS.



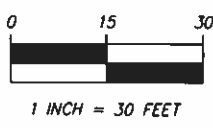
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CONTAINING 1,300.00 SQUARE FEET OR 0.030 ACRES, MORE OR LESS.

Curve Table					
Curve #	Length	Radius	Delta	Chord Bearing	Chord Length
C1	5.00	17238.78	0°01'00"	N58°40'16"W	5.00
C2	5.00	17238.78	0°01'00"	N58°39'16"W	5.00

LEGEND:
R/W = RIGHT OF WAY
NO. = NUMBER
P.O.B. = POINT OF BEGINNING

1. THE UNDERSIGNED SURVEYOR HAS NOT BEEN PROVIDED A CURRENT TITLE OPINION OR ABSTRACT OF MATTERS AFFECTING TITLE OR BOUNDARY TO THE SUBJECT PROPERTY. IT IS POSSIBLE THERE ARE RECORDED DEEDS, UNRECORDED DEEDS, EASEMENTS, RESTRICTIONS, SETBACKS OR OTHER INSTRUMENTS AND GOVERNMENT REGULATIONS WHICH COULD AFFECT THE BOUNDARIES AND/OR USE OF THE PROPERTY.
2. THIS SKETCH IS FOR INFORMATIONAL PURPOSES ONLY AND DOES NOT DEPICT THE RESULTS OF A FIELD SURVEY.



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: 850.522.0644 FAX: 850.522.1011
WWW.DEWBERRY.COM
CERTIFICATE OF AUTHORIZATION NO. LB 8011

SKETCH OF DESCRIPTION			DRAWING DATE:	PROJECT NO.
GPC PERPETUAL EASEMENT 810 17016 & 17114 FRONT BEACH ROAD CITY OF PANAMA CITY BEACH BAY COUNTY, FLORIDA			11/10/2021	50104120
BY:			DJB	S ¹ 239
APPROVED BY:			JHG	
FB/PG: N.A.	FLD DATE: N.A.	SCALE: 1"=30'		