

RESOLUTION NO. 23-19

A RESOLUTION OF THE CITY OF PANAMA CITY BEACH FLORIDA RELATING TO THE ACQUISITION OF THAT CERTAIN PROPERTY LOCATED ALONG FRONT BEACH ROAD BETWEEN LULLWATER DRIVE AND POWELL ADAMS ROAD IN THE CITY FOR THE FRONT BEACH ROAD SEGMENT 4.1 RIGHT OF WAY IMPROVEMENT PROJECT; MAKING FINDINGS OF FACT, PUBLIC PURPOSE AND NECESSITY; AND AUTHORIZING THE APPROPRIATE OFFICERS OF THE CITY TO TAKE THE APPROPRIATE ACTIONS TO SECURE THE ACQUISITION OF THE PROPERTY, IF NECESSARY, 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, including, 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 (between Lullwater Drive and Powell Adams Road) (the "Project") is necessary and serves a public purpose to improve the function and appearance of that corridor, 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 right-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 4.1 Right of Way Improvement Project be acquired as fee simple right of way or temporary construction easements, or both, 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 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 the property by the 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 hereto, until completion of the transportation project,

7. The CRA 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 13th day of October, 2022.

CITY OF PANAMA CITY BEACH

BY: _____


Mark Sheldon, Mayor

ATTEST:


Lynne Fasone, City Clerk

EXHIBIT A

Parcel 108:

15328 FRONT BEACH ROAD – REQUIRED RIGHT OF WAY

BEGIN AT THE INTERSECTION OF THE EASTERLY RIGHT OF WAY LINE OF HILLS ROAD (FIFTH STREET PLAT) AND THE NORTHERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 98 AND PROCEED NORTH 31 DEGREES 41 MINUTES 30 SECONDS EAST ALONG THE EASTERLY RIGHT OF WAY LINE OF HILLS ROAD, FOR A DISTANCE OF 24.90 FEET; THENCE LEAVING SAID EASTERLY RIGHT OF WAY LINE PROCEED SOUTH 03 DEGREES 25 MINUTES 04 SECONDS EAST, FOR A DISTANCE OF 30.57 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF SAID U.S. HIGHWAY 98; THENCE NORTH 57 DEGREES 56 MINUTES 34 SECONDS WEST, ALONG SAID NORTHERLY RIGHT OF WAY LINE, FOR A DISTANCE OF 17.59 FEET TO THE POINT OF BEGINNING. CONTAINING 218.928 SQUARE FEET.

Parcel 109:

15400 FRONT BEACH ROAD – REQUIRED RIGHT OF WAY

BEGIN AT THE INTERSECTION OF THE WESTERLY RIGHT OF WAY LINE OF HILLS ROAD (FIFTH STREET PLAT) AND THE NORTHERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 98 AND PROCEED NORTH 57 DEGREES 56 MINUTES 34 SECONDS WEST ALONG THE SAID NORTHERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 98, FOR A DISTANCE OF 17.81 FEET; THENCE LEAVING SAID RIGHT OF WAY LINE PROCEED NORTH 62 DEGREES 35 MINUTES 34 SECONDS EAST, FOR A DISTANCE OF 34.67 FEET TO A POINT ON THE SAID WESTERLY RIGHT OF WAY LINE OF HILLS ROAD; THENCE SOUTH 31 DEGREES 41 MINUTES 24 SECONDS WEST, ALONG SAID WESTERLY RIGHT OF WAY LINE, FOR A DISTANCE OF 29.86 FEET TO THE POINT OF BEGINNING. CONTAINING 265.843 SQUARE FEET.

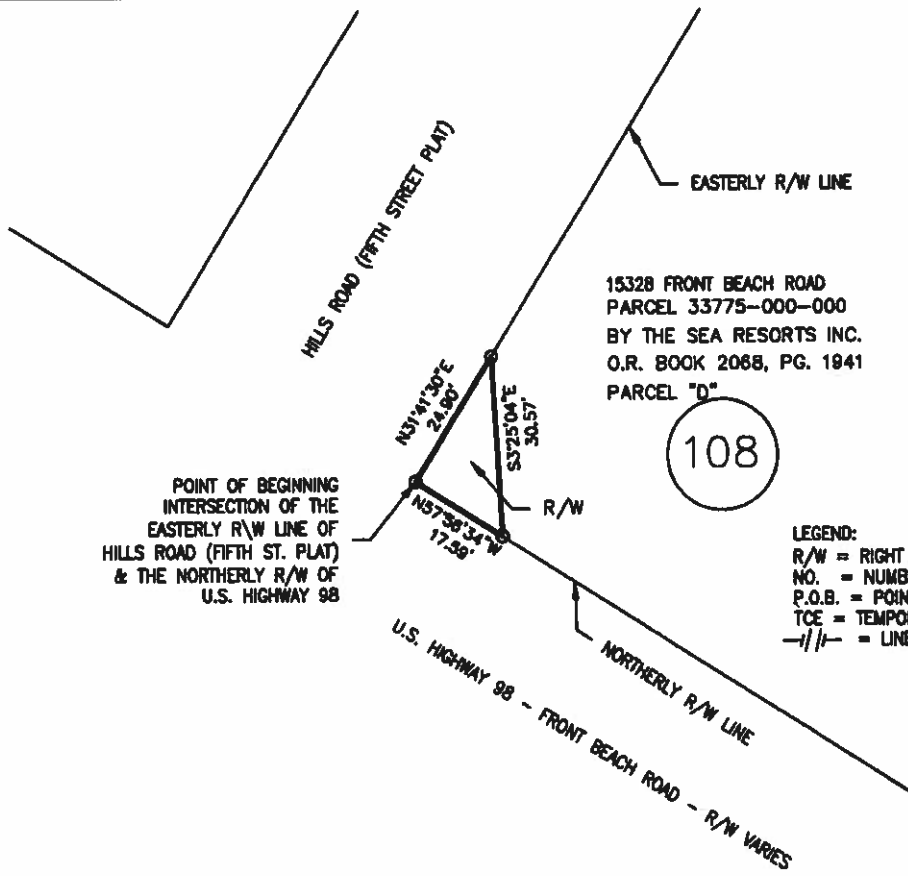
**15405 & 15325 FRONT BEACH ROAD – TEMPORARY CONSTRUCTION EASEMENT
(WEST PARCEL) (704)**

COMMENCE AT THE SOUTHEASTERLY CORNER OF LOT 8, BLOCK "D", EDGEWATER BEACH, A SUBDIVISION AS PER PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 7 OF THE PUBLIC RECORDS OF BAY COUNTY, FLORIDA; THENCE SOUTH 32 DEGREES 03 MINUTES 26 SECONDS WEST, FOR A DISTANCE OF 100.00 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 98 FOR THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 32 DEGREES 03 MINUTES 26 SECONDS WEST, FOR A DISTANCE OF 34.10 FEET; THENCE NORTH 57 DEGREES 56 MINUTES 34 SECONDS WEST, FOR A DISTANCE OF 6.70 FEET; THENCE NORTH 32 DEGREES 03 MINUTES 16 SECONDS EAST, FOR A DISTANCE OF 34.10 FEET TO THE AFORESAID SOUTHERLY RIGHT OF WAY LINE OF HIGHWAY 98; THENCE SOUTH 57 DEGREES 56 MINUTES 34 SECONDS EAST, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, FOR A DISTANCE OF 6.70 FEET TO THE POINT OF BEGINNING; CONTAINING 228.629 SQUARE FEET.

(EAST PARCEL) (703)

COMMENCE AT THE SOUTHEASTERLY CORNER OF LOT 8, BLOCK "D", EDGEWATER BEACH, A SUBDIVISION AS PER PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 7 OF THE PUBLIC RECORDS OF BAY COUNTY, FLORIDA; THENCE SOUTH 32 DEGREES 03 MINUTES 26 SECONDS WEST, FOR A DISTANCE OF 100.00 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 98; THENCE SOUTH 57 DEGREES 56 MINUTES 34 SECONDS EAST, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, FOR A DISTANCE OF 40.64 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 57 DEGREES 56 MINUTES 34 SECONDS EAST, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, FOR A DISTANCE OF 7.09 FEET; THENCE LEAVING SAID SOUTHERLY RIGHT OF WAY LINE PROCEED SOUTH 32 DEGREES 03 MINUTES 16 SECONDS WEST, FOR A DISTANCE OF 34.10 FEET; THENCE NORTH 57 DEGREES 56 MINUTES 34 SECONDS WEST, FOR A DISTANCE OF 6.87 FEET; THENCE NORTH 31 DEGREES 41 MINUTES 30 SECONDS EAST, FOR A DISTANCE OF 34.10 FEET TO THE POINT OF BEGINNING; CONTAINING 238.095 SQUARE FEET.

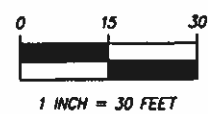
Drawing name: M:\50104121_PCB_CRA Phase 4.1\Survey.dwg\TCE\50104121_TCE.dwg 15328 May 17, 2021 1:16pm by: mbhurst



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

15328 FRONT BEACH ROAD - REQUIRED RIGHT OF WAY

BEGIN AT THE INTERSECTION OF THE EASTERLY RIGHT OF WAY LINE OF HILLS ROAD (FIFTH STREET PLAT) AND THE NORTHERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 98 AND PROCEED NORTH 31 DEGREES 41 MINUTES 30 SECONDS EAST ALONG THE EASTERLY RIGHT OF WAY LINE OF HILLS ROAD, FOR A DISTANCE OF 24.90 FEET; THENCE LEAVING SAID EASTERLY RIGHT OF WAY LINE PROCEED SOUTH 03 DEGREES 25 MINUTES 04 SECONDS EAST, FOR A DISTANCE OF 30.57 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF SAID U.S. HIGHWAY 98; THENCE NORTH 57 DEGREES 56 MINUTES 34 SECONDS WEST, ALONG SAID NORTHERLY RIGHT OF WAY LINE, FOR A DISTANCE OF 17.59 FEET TO THE POINT OF BEGINNING. CONTAINING 218.928 SQUARE FEET.



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.

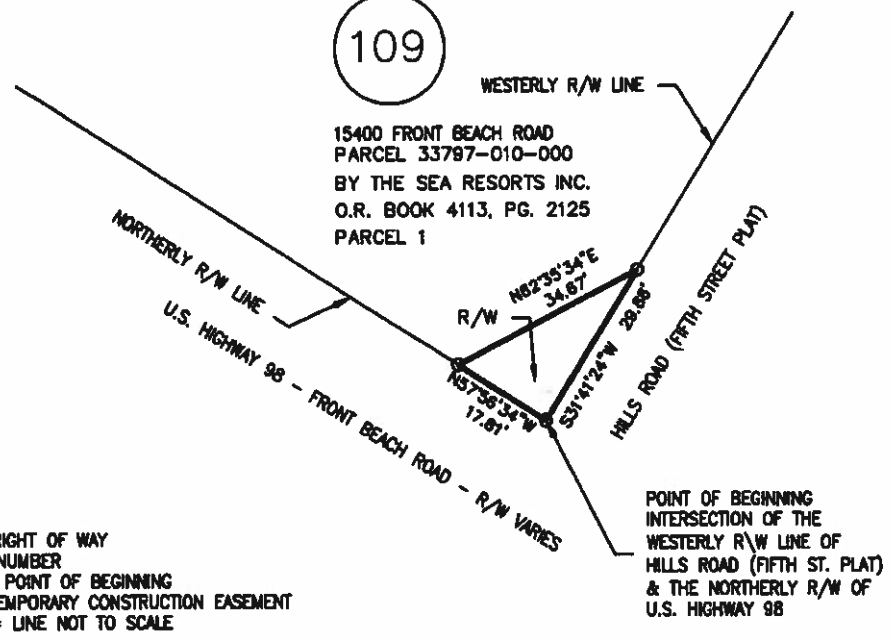
DAVID JON BARTLETT, P.S.M. DATE SIGNED
 PROFESSIONAL SURVEYOR & MAPPER No. LS4018

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 0011

SKETCH OF DESCRIPTION		DRAWING DATE:	PROJECT NO.
REQUIRED R/W		08/18/2020	50104121
15328 FRONT BEACH ROAD		BY:	
CITY OF PANAMA CITY BEACH		DJB	
BAY COUNTY, FLORIDA		APPROVED BY:	S1
FB/PG: NA.	FLD DATE: NA	SCALE: 1"=30'	JG

Drawing name: M:\50104121_PCB_CRA Phase 4.1\Survey.dwg TCE\50104121_TCE.dwg 15400 May 17, 2021 1:17pm by mhurst

109



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

POINT OF BEGINNING
 INTERSECTION OF THE
 WESTERLY R/W LINE OF
 HILLS ROAD (FIFTH ST. PLAT)
 & THE NORTHERLY R/W OF
 U.S. HIGHWAY 98

15400 FRONT BEACH ROAD – REQUIRED RIGHT OF WAY

BEGIN AT THE INTERSECTION OF THE WESTERLY RIGHT OF WAY LINE OF HILLS ROAD (FIFTH STREET PLAT) AND THE NORTHERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 98 AND PROCEED NORTH 57 DEGREES 56 MINUTES 34 SECONDS WEST ALONG THE SAID NORTHERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 98, FOR A DISTANCE OF 17.81 FEET; THENCE LEAVING SAID RIGHT OF WAY LINE PROCEED NORTH 62 DEGREES 35 MINUTES 34 SECONDS EAST, FOR A DISTANCE OF 34.67 FEET TO A POINT ON THE SAID WESTERLY RIGHT OF WAY LINE OF HILLS ROAD; THENCE SOUTH 31 DEGREES 41 MINUTES 24 SECONDS WEST, ALONG SAID WESTERLY RIGHT OF WAY LINE, FOR A DISTANCE OF 29.86 FEE TO THE POINT OF BEGINNING. CONTAINING 265.843 SQUARE FEET.



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.

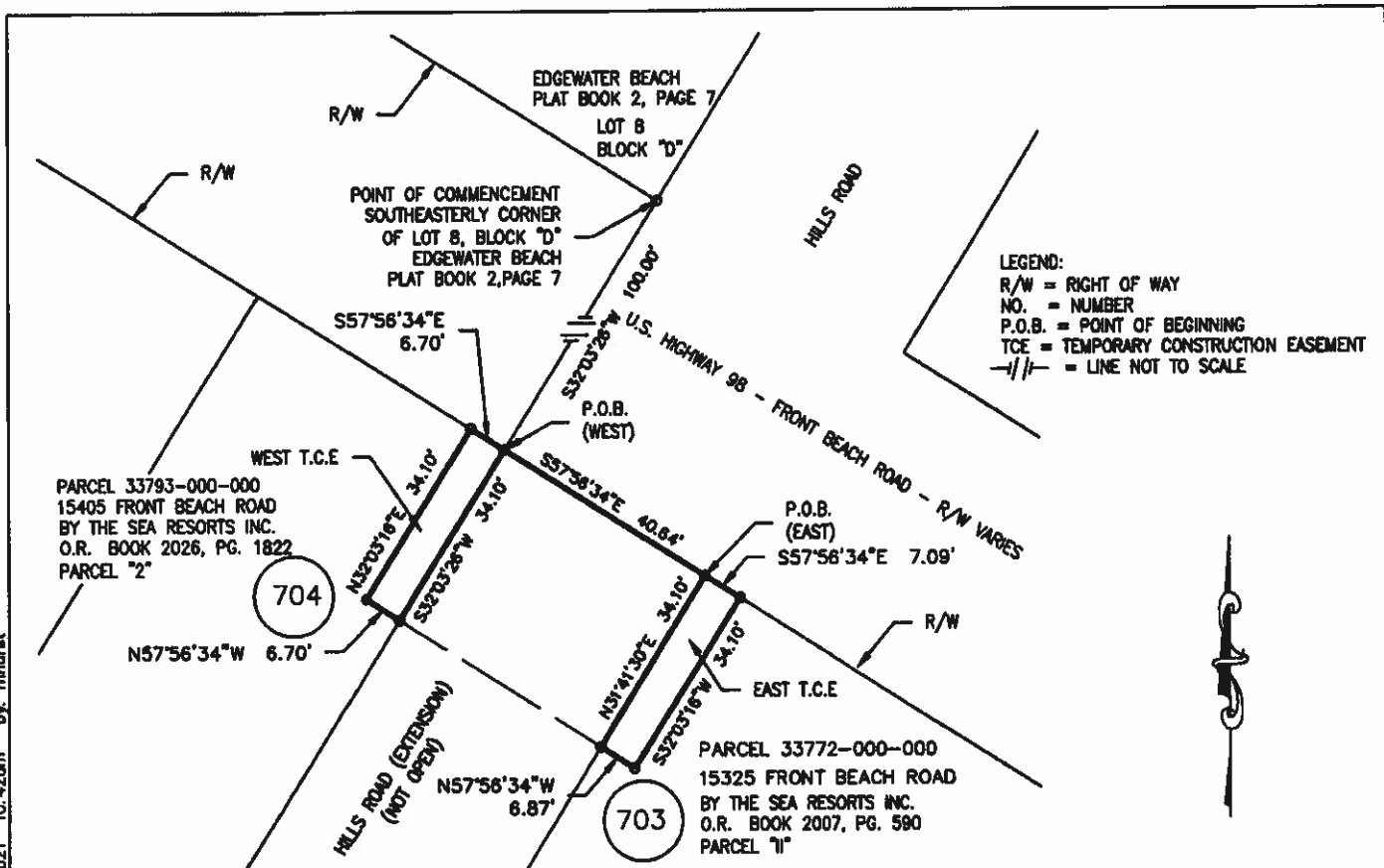
DAVID JON BARTLETT, P.S.M. DATE SIGNED
 PROFESSIONAL SURVEYOR & MAPPER No. LS4018

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.
REQUIRED R/W 15400 FRONT BEACH ROAD CITY OF PANAMA CITY BEACH BAY COUNTY, FLORIDA		08/18/2020	50104121
		BY:	
		DJB	
		APPROVED BY:	S1
FB/PG. NA.	FLD DATE: NA	SCALE: 1"=30'	JG

Drawing name: M:\50104121_PCB_CRA Phase 4.1\Survey.dwg TCE\50104121_TCE.dwg 15325-15405 Jun 09, 2021 10:42am by: mhuret



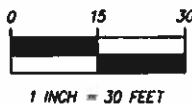
15405 & 15325 FRONT BEACH ROAD - TEMPORARY CONSTRUCTION EASEMENT (WEST PARCEL) (704)

COMMENCE AT THE SOUTHEASTERLY CORNER OF LOT 8, BLOCK 'D', EDGEWATER BEACH, A SUBDIVISION AS PER PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 7 OF THE PUBLIC RECORDS OF BAY COUNTY, FLORIDA; THENCE SOUTH 32 DEGREES 03 MINUTES 26 SECONDS WEST, FOR A DISTANCE OF 100.00 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 98 FOR THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 32 DEGREES 03 MINUTES 26 SECONDS WEST, FOR A DISTANCE OF 34.10 FEET; THENCE NORTH 57 DEGREES 56 MINUTES 34 SECONDS WEST, FOR A DISTANCE OF 6.70 FEET; THENCE NORTH 32 DEGREES 03 MINUTES 16 SECONDS EAST, FOR A DISTANCE OF 34.10 FEET TO THE AFORESAID SOUTHERLY RIGHT OF WAY LINE OF HIGHWAY 98; THENCE SOUTH 57 DEGREES 56 MINUTES 34 SECONDS EAST, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, FOR A DISTANCE OF 6.70 FEET TO THE POINT OF BEGINNING; CONTAINING 228.629 SQUARE FEET.

(EAST PARCEL) (703)

COMMENCE AT THE SOUTHEASTERLY CORNER OF LOT 8, BLOCK 'D', EDGEWATER BEACH, A SUBDIVISION AS PER PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 7 OF THE PUBLIC RECORDS OF BAY COUNTY, FLORIDA; THENCE SOUTH 32 DEGREES 03 MINUTES 26 SECONDS WEST, FOR A DISTANCE OF 100.00 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 98; THENCE SOUTH 57 DEGREES 56 MINUTES 34 SECONDS EAST, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, FOR A DISTANCE OF 40.64 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 57 DEGREES 56 MINUTES 34 SECONDS EAST, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, FOR A DISTANCE OF 7.09 FEET; THENCE LEAVING SAID SOUTHERLY RIGHT OF WAY LINE PROCEED SOUTH 32 DEGREES 03 MINUTES 16 SECONDS WEST, FOR A DISTANCE OF 34.10 FEET; THENCE NORTH 57 DEGREES 56 MINUTES 34 SECONDS WEST, FOR A DISTANCE OF 6.87 FEET; THENCE NORTH 31 DEGREES 41 MINUTES 30 SECONDS EAST, FOR A DISTANCE OF 34.10 FEET TO THE POINT OF BEGINNING; CONTAINING 238.095 SQUARE FEET.

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: 850.822.0644 FAX: 850.822.1011
 WWW.DEWBERRY.COM
 CERTIFICATE OF AUTHORIZATION NO. 18 0011

SKETCH OF DESCRIPTION		DRAWING DATE:	PROJECT NO.
TEMPORARY CONSTRUCTION EASEMENT		06/18/2020	50104121
15325 & 15405 FRONT BEACH ROAD		BY:	
CITY OF PANAMA CITY BEACH		DJB	
BAY COUNTY, FLORIDA		APPROVED BY:	S1
FB/PG. NA.	FLD DATE: NA	SCALE: 1"=30'	JG