

RESOLUTION NO. 23-207

A RESOLUTION OF THE CITY OF PANAMA CITY BEACH FLORIDA RELATING TO THE CONDEMNATION OF CERTAIN PROPERTY LOCATED ALONG FRONT BEACH ROAD WITHIN THE CITY FOR RIGHT OF WAY AND UTILITY PURPOSES TO SUPPORT THE IMPROVEMENT OF FRONT BEACH ROAD SEGMENT 4.3; 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, 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 (Hutchison Boulevard) and US Highway 98; and

WHEREAS, the City finds that the expansion and improvement of the rights-of-way along Front Beach Road (between State Road 392A and Richard Jackson Boulevard), and the realignment of the intersection of Front Beach Road and State Road 392A (the "Project") is necessary and serves a public purpose to improve the function and appearance of those corridors, to allow for the installation and construction of additional traffic lanes, stormwater drainage facilities, parking, sidewalks, landscaping and utilities 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 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 pre-suit 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 interests of the public and the CITY that the property necessary for the Front Beach Road CRA Segment 4.3 Project be acquired as fee simple right-of-way in the name of the CITY over and upon those certain parcels 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 and State Road 392A, for required drainage facilities and undergrounding of electrical facilities necessitated by the 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 Property 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, his 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 subject property being acquired, subject to any abutters' rights to a roadway or other improvements constructed thereon as allowed by law.

6. The City Manager or his designee is authorized to make offers for the voluntary purchase of the land described in **Exhibit A**, in accordance with City Resolution 19-111.

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 special session this 8th day of August, 2023.

CITY OF PANAMA CITY BEACH

By: 
Mark Sheldon, Mayor

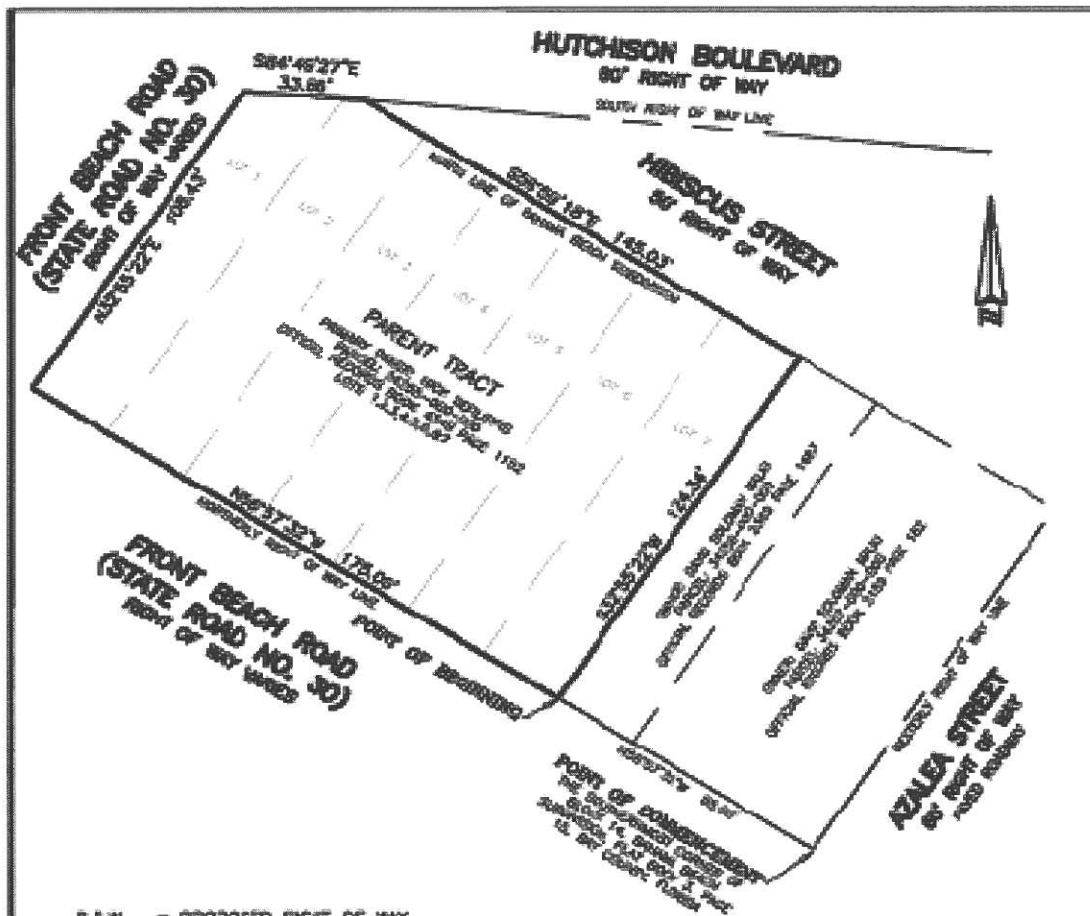
ATTEST:


Lynne Fasone, City Clerk

Resolution No. 23-207

Exhibit A

Project Parcel No	Nature of Interest	Bay County PROPERTY ID	Address
152	Fee Simple	34355-000-000	13512 Front Beach Road
153	Fee Simple	34356-000-000	13508 Front Beach Road
154	Fee Simple	34357-000-000	13500 Front Beach Road



P.R.W. = PROPOSED RIGHT OF WAY

DESCRIPTION: PROPOSED RIGHT OF WAY 182
13512 FRONT BEACH ROAD

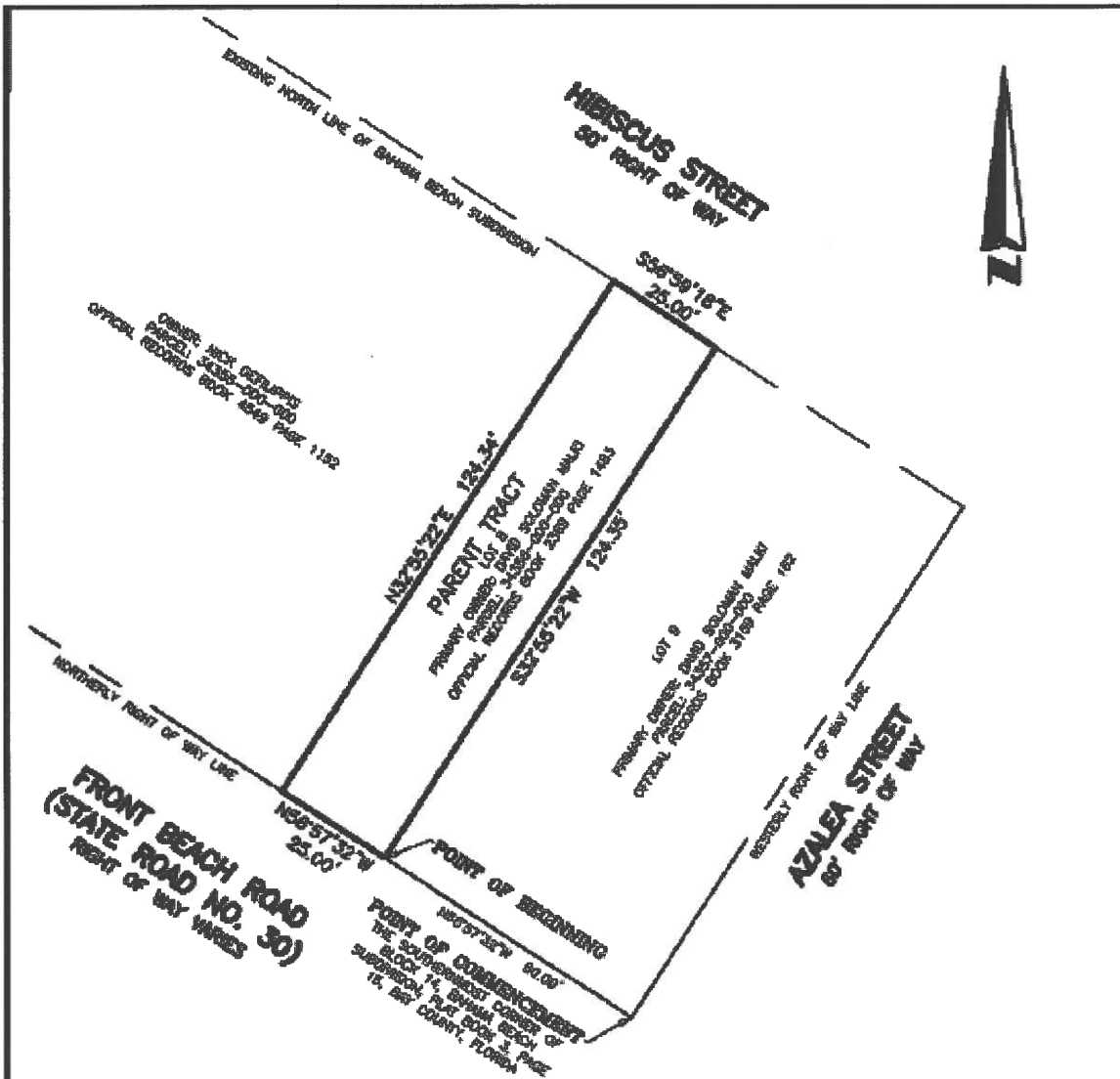
A PARCEL OF LAND LYING IN SECTION 27, TOWNSHIP 3 SOUTH, RANGE 16 WEST, BAY COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHERNMOST CORNER OF BLOCK 14, SANAMA BEACH SUBDIVISION, AS RECORDED IN PLAT BOOK 3, PAGE 15, OF THE PUBLIC RECORDS FOR BAY COUNTY, FLORIDA; THENCE N56°57'32"W ALONG THE SOUTH LINE OF SAID BLOCK 14 AND THE NORTHERLY RIGHT OF WAY LINE OF FRONT BEACH ROAD (STATE ROAD NO. 30) 86.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE 86°57'32"W ALONG SAID SOUTH LINE AND RIGHT OF WAY LINE 175.00 FEET TO THE SOUTHWEST CORNER OF SAID BLOCK 14; THENCE N32°55'22"E ALONG THE WEST LINE OF SAID BLOCK 14, AND THE EAST RIGHT OF WAY OF FRONT BEACH ROAD (STATE ROAD NO. 30) 108.43 FEET TO THE INTERSECTION OF SAID WEST LINE WITH THE SOUTH RIGHT OF WAY LINE OF HUTCHINSON BOULEVARD; THENCE S84°49'27"E ALONG SAID SOUTH RIGHT OF WAY LINE 33.88 FEET; THENCE DEPARTING SAID RIGHT OF WAY LINE S36°09'18"E, 145.03 FEET; THENCE S32°55'22"W, 124.34 FEET TO THE POINT OF BEGINNING, CONTAINING 21,513.88 SQUARE FEET OF 0.49 OF AN ACRE, MORE OR LESS.

SURVEYOR'S REPORT:

1. BEARINGS SHOWN HEREON ARE GRID, FLORIDA STATE PLANE NAD83/90.
2. I HEREBY CERTIFY THAT THE "SKETCH OF DESCRIPTION" OF THE ABOVE DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS RECENTLY DRAWN UNDER MY DIRECTION AND THAT IT MEETS THE STANDARDS OF PRACTICE FOR LAND SURVEYING CHAPTER 5J-17 REQUIREMENTS OF FLORIDA ADMINISTRATION CODE.

SKETCH & DESCRIPTION		Date: 4/11/2023	Scale: AS	Certification Number: L89108 68853-PSW 182
FOR		Job Number: 68853	Scale: 1" = 40'	<p>SSMC SUE • SURVEY • GIS SOUTHEASTERN SURVEYING AND MAPPING CORPORATION 224 West 4th Street Panama City, Florida 32402 (904) 916-6127 email: info@ssmcsurveying.com</p>
CITY OF PANAMA CITY BEACH VOLKERT INC		<p>Chapter 5J-17, Florida Administrative Code requires that a legal description drawing bear the notation that</p> <p>THIS IS NOT A SURVEY.</p> <p>REV</p>		
		SHEET 1 OF 1		
				<p>TONY G. STYPIST, PSM Professional Surveyor & Mapper Number 6843</p>



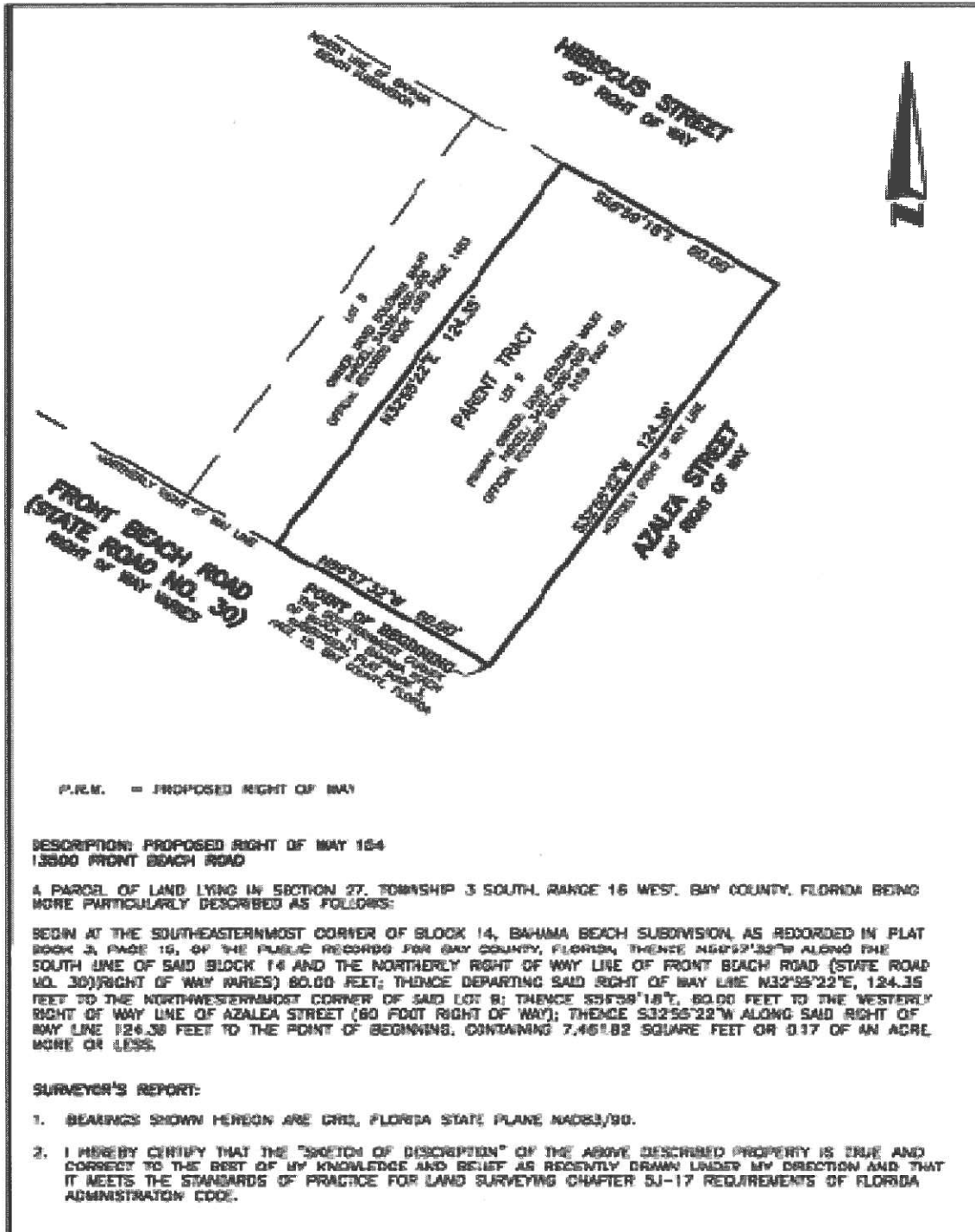
LEGAL DESCRIPTION: PROPOSED RIGHT OF WAY 153
13508 FRONT BEACH ROAD


A PARCEL OF LAND LYING IN SECTION 27, TOWNSHIP 3 SOUTH, RANGE 16 WEST, BAY COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEASTERMOST CORNER OF BLOCK 14, BAHAMA BEACH SUBDIVISION, AS RECORDED IN PLAT BOOK 3, PAGE 15, OF THE PUBLIC RECORDS FOR BAY COUNTY, FLORIDA; THENCE N56°57'32"W ALONG THE SOUTH LINE OF SAID BLOCK 14 AND THE NORTHERLY RIGHT OF WAY LINE OF FRONT BEACH ROAD (STATE ROAD NO. 30) 80.00 FEET TO THE SOUTHEAST CORNER OF LOT 8 AND THE POINT OF BEGINNING; THENCE CONTINUE N56°57'32"W, 25.00 FEET ALONG SAID RIGHT OF WAY LINE; THENCE DEPARTING SAID RIGHT OF WAY LINE N32°55'22"E, 124.34 FEET; THENCE S56°58'18"E, 25.00 FEET; THENCE S32°55'22"W, 124.35 FEET TO THE POINT OF BEGINNING, CONTAINING 3,108.55 SQUARE FEET OR 0.07 OF AN ACRE, MORE OR LESS.

SURVEYOR'S REPORT:

1. BEARINGS SHOWN HEREON ARE GRID, FLORIDA STATE PLANE NAD83/80.
2. I HEREBY CERTIFY THAT THE "SKETCH OF DESCRIPTION" OF THE ABOVE DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS RECENTLY DRAWN UNDER MY DIRECTION AND THAT IT MEETS THE STANDARDS OF PRACTICE FOR LAND SURVEYING CHAPTER SJ-17 REQUIREMENTS OF FLORIDA ADMINISTRATION CODE.



SKETCH & DESCRIPTION FOR CITY OF PANAMA CITY BEACH VOLBERT INC	Date: 4/17/2023 JS		Certification Number L89108 84653-PRV 134
	Job Number: 69855	Scale: 1" = 30'	 SSMC SUE • SURVEY • GIS REGISTERED SURVEYING AND MAPPING CORPORATION 451 West Hill Street Panama City, Florida, 32401 (904) 930-0187 email: ssmc@ssmcsurveying.com
	Chapter 5J-17, Florida Administrative Code requires that a legal description drawing bear the notation that THIS IS NOT A SURVEY. REV		
SHEET 1 OF 1		TONY G. SYFRETT, PSM Professional Surveyor & Mapper Number 6943	