



Cover Memorandum/Staff Report

File #: 24-932

Agenda Date: 7/9/2024

Item #: 6.C.

TO: Mayor and Commissioners
FROM: Lynn Gelin, City Attorney
DATE: July 9, 2024

RESOLUTION NO. 147-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, DECLARING THE ACQUISITION OF A PERMANENT EASEMENT AND A TEMPORARY EASEMENT, DESIGNATED AS PARCELS 2A AND 2B, NECESSARY FOR THE CONSTRUCTION OF A NEW EXPANDED STORMWATER PUMP STATION FACILITY WITHIN THE THOMAS STREET RIGHT-OF-WAY LYING WEST OF SEABREEZE AVENUE, TO BE FOR A PUBLIC USE AND PURPOSE; AUTHORIZING THE EMPLOYMENT OF APPRAISERS AND OTHER EXPERTS; AUTHORIZING THE FILING OF EMINENT DOMAIN PROCEEDINGS IN THE EVENT PRESUIT NEGOTIATIONS ARE UNSUCCESSFUL; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 148-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, DECLARING THE ACQUISITION OF A PERMANENT EASEMENT, DESIGNATED AS PARCEL 1, NECESSARY FOR THE CONSTRUCTION OF A NEW EXPANDED STORMWATER PUMP STATION FACILITY WITHIN THE THOMAS STREET RIGHT-OF-WAY LYING WEST OF SEABREEZE AVENUE, TO BE FOR A PUBLIC USE AND PURPOSE; AUTHORIZING THE EMPLOYMENT OF APPRAISERS AND OTHER EXPERTS; AUTHORIZING THE FILING OF EMINENT DOMAIN PROCEEDINGS IN THE EVENT PRESUIT NEGOTIATIONS ARE UNSUCCESSFUL; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Recommended Action:

Review and Approve Resolutions 147-24 and 148-24.

Background:

The City of Delray Beach (the "City") owns and operates the Thomas Street Pump Station located at 1101 Thomas Street in Delray Beach, Florida. This pump station currently provides stormwater pumping for the 50-acre drainage basin including Thomas Street, Vista Del Mar Drive, and part of Andrews Avenue and Lowry Street. The City of Delray Beach Stormwater Master Plan, completed by ADA Engineering in February 2019, proposed capacity increases and other major infrastructure improvements to meet South Florida Water Management District and Level of Service criteria for both current and 30-year Sea Level Rise tidal conditions.

The Thomas Street Pump Station is a vital lifeline for approximately 800 residents living in the 50-acre drainage basin. The original pump station was built in the 1970s and has reached the end of its designed useful life. The original pump capacity was designed for a 25-year, 3-day storm event at the time it was designed, which was 18,000 gallons per minute (GPM). A higher pump capacity is required to meet current South Florida Water Management District Level of Service criteria for both current and 30-year Sea Level Rise and tidal conditions. The existing pump station has no backup

generator, and its sole power source comes from overhead powerlines, which can render the pump station out of service during outages in peak hurricane season. Finally, the existing pump station does not provide any water quality improvements to the stormwater prior to discharge to the Intracoastal Waterway.

A new 85,000 GPM stormwater pump station will be constructed with an upgraded drainage network, backup generator, diesel fuel tank, buried underground powerlines and onsite water treatment facility. The City intends to construct and install the new expanded stormwater pump station in the same location as the existing pump station (the "Project"). In order to complete the Project, the City requires the acquisition of a permanent easement and a temporary easement on the property located at 142 Seabreeze Avenue, and a permanent easement on the property located at 202 Seabreeze Avenue (collectively referred to as the "Easements" and the "Property"). Since July 2021, City staff have attempted to acquire the Easements from the Property owners without success.

On May 7, 2024, the City Commission approved Resolutions 91-24 and 93-24, authorizing the City to exercise its eminent domain authority pursuant to Chapters 73 and 74, and Sections 166.401 and 166.411, Florida Statutes, to acquire the Easements in the event negotiations were unsuccessful. Negotiations were unsuccessful and now staff recommends the City Commission adopt Resolutions 147-24 and 148-24 to ensure complete resolutions with associated exhibits are executed.