

RESOLUTION R-09-115

A RESOLUTION OF MANATEE COUNTY, FLORIDA DELEGATING THE AUTHORITY TO MAKE A PRE-SUIT OFFER IN EMINENT DOMAIN CASE FOR THE RIGHT-OF-WAY REQUIRED FOR THE WARES CREEK STORMWATER IMPROVEMENT PROJECT, PARCEL IDENTIFIED AS DEWATERING SITE, TO THE COUNTY ADMINISTRATOR OR HIS DESIGNEE, SUBJECT TO APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS, FOR THE AMOUNT UP TO THE APPROVED APPRAISED VALUE OF THE PROPERTY SOUGHT TO BE ACQUIRED.

WHEREAS, the Board of County Commissioners, has heretofore approved the scope and construction of the project, parcel owned by Old City Hall Associates, LLLP, parcel identified as ID # 3354500109, and identified in the Capital Improvement Project; and

WHEREAS, under Florida Statute 73.015, effective July 1, 2000, before bringing an eminent domain proceeding, the condemning authority must attempt to negotiate in good faith with the fee owner of the parcel to be acquired, provide fee owner with a written offer, and, if requested, a copy of the appraisal report upon which the offer is based, and attempt to reach an agreement regarding the amount of compensation to be paid for the parcel; and

WHEREAS, from time to time it is in the County's best interest to conduct such negotiations and make such written offer prior to the time that the Board of County Commissioners is scheduled to meet; and

WHEREAS, the Board of County Commissioners finds that in such cases it is appropriate to delegate to the County Administrator, or his designee, within guidelines, the authority to conduct negotiations and make a written offer to purchase such parcel, subject to the Board of County Commissioners approval; and

WHEREAS, the Board of County Commissioners finds that limiting such authority to make a written offer up to the amount specified in the appraisal, and requiring the concurrence of the County Attorney or his designee in the written offer, will provide adequate guidelines and safeguard Manatee County's interest.

NOW, THEREFORE, be it resolved as follows:

1. The Manatee County Board of County Commissioners hereby delegates its authority to make a pre-suit offer pursuant to Florida Statue 73.015 to the County Administrator or his designee, subject to the approval of the Board of County Commissioners, for the parcel sought to be acquired in the amount of \$4,434,000. Said offer not to exceed the value determined for the respective parcel in the approved appraisal reports.

DULY ADOPTED with a quorum present and voting this 5th day of May, 2009.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

By: Dr. Mwendolyn Brown
Chairman

ATTEST: R.B. SHORE
Clerk of the Circuit Court

BY: Susan Romine

