

RESOLUTION R-13-013

A RESOLUTION OF MANATEE COUNTY, FLORIDA, DELEGATING THE AUTHORITY TO MAKE WRITTEN PRE-SUIT OFFERS IN EMINENT DOMAIN PROCEEDINGS TO THE COUNTY ADMINISTRATOR OR HIS DESIGNEE.

**44TH AVENUE EAST ROAD IMPROVEMENT PROJECT
(30TH STREET EAST TO 45TH STREET EAST)
PARCELS 107, 108 A/B/C, 109 A/B, 109 C, and 121
PROJECT NO. 6071160**

WHEREAS, the Board of County Commissioners has heretofore approved a Capital Improvement Project for the construction, reconstruction, widening, repairing, and maintaining of 44th Avenue East (30th Street East to 45th Street East), with necessary additional right-of-way identified as Parcels **107, 108 A/B/C, 109 A/B, 109 C, and 121**; and

WHEREAS, under Florida Statutes § 73.015, effective July 1, 2000, before an eminent domain proceeding is brought, the condemning authority must attempt to negotiate in good faith with the fee owner of the parcel to be acquired, must provide the fee owner with a written offer and, if requested, a copy of the appraisal upon which the offer is based, and must 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 pre-suit offers 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 written pre-suit offers to purchase such parcels; and

WHEREAS, the Board of County Commissioners finds that providing such authority to make written pre-suit offers of purchase in an amount not to exceed the approved appraised value plus 20% and requiring the concurrence of the County Attorney, or his designee, in the negotiated offer, will provide adequate guidelines and will safeguard Manatee County's interests.

NOW, THEREFORE, be it resolved as follows:

The Manatee County Board of County Commissioners hereby delegates its authority to make written pre-suit offers of purchase pursuant to Florida Statutes § 73.015 to the County Administrator, or his designee, for the following properties sought to be acquired: **Parcels 107, 108 A/B/C, 109 A/B, 109 C, and 121**, with said written offers not to exceed the approved appraised value plus 20% and requiring the concurrence of the County Attorney, or his designee, in the offer. The authority granted herein shall be discretionary, but if exercised, the monetary aspect of all such pre-suit offers shall serve to bind the Board of County Commissioners.

ADOPTED with a quorum present and voting this 12th day of February, 2013.

BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA

By: Larry Burt
Chairman

ATTEST: R. B. SHORE
CLERK OF THE CIRCUIT COURT

By: Debi Jessman
Deputy Clerk



Manatee County Government Administrative Center
Commission Chambers, First Floor
9:00 a.m. - February 12, 2013

February 12, 2013, Regular Meeting
Agenda Item #29

APPROVED IN OPEN SESSION February 12, 2013
BOARD OF COUNTY COMMISSIONERS, MANATEE COUNTY

Subject

Resolution R-13-013, Presuit Negotiations, 44th Avenue East (30th-45th Street East) Road Right of Way Improvement Project

Briefings

None

Contact and/or Presenter Information

Lynn Willis, Property Management, x6287

Joaquin Servia, Division Manager, Property Acquisition, x3021

Action Requested

Adoption of Resolution R-13-013 authorizing Property Acquisition to conduct pre-suit negotiations and make written offers not to exceed the approved appraised value plus 20% to purchase Parcels 107, 108 A/B/C, 109 A/B, 109 C, and 121 required for the 44th Avenue East (30th - 45th Street East) Road Right of Way Improvement Project.

Enabling/Regulating Authority

Section 73.015, Florida Statutes

Background Discussion

Section 73.015, Florida Statutes, requires negotiations with the property owner, a written offer of purchase, and notice to owner of their statutory rights prior to any eminent domain action.

Resolution R-13-013 requests authorization delegating authority to make a pre-suit offer in eminent domain cases not to exceed the approved appraised value plus 20% of the properties sought to be acquired for the 44th Avenue East (30th-45th Street East) Road Right of Way Improvement Project, as identified in the attached resolution.

County Attorney Review

Other (Requires explanation in field below)

Explanation of Other

Drafted by Rodney C. Wade, reviewed and approved by Mitchell O. Palmer, County Attorney

Reviewing Attorney

N/A

Instructions to Board Records

Please return copy of adopted Resolution to Lynn Willis. SEnt via Email 2/15/13 (vj)

Cost and Funds Source Account Number and Name

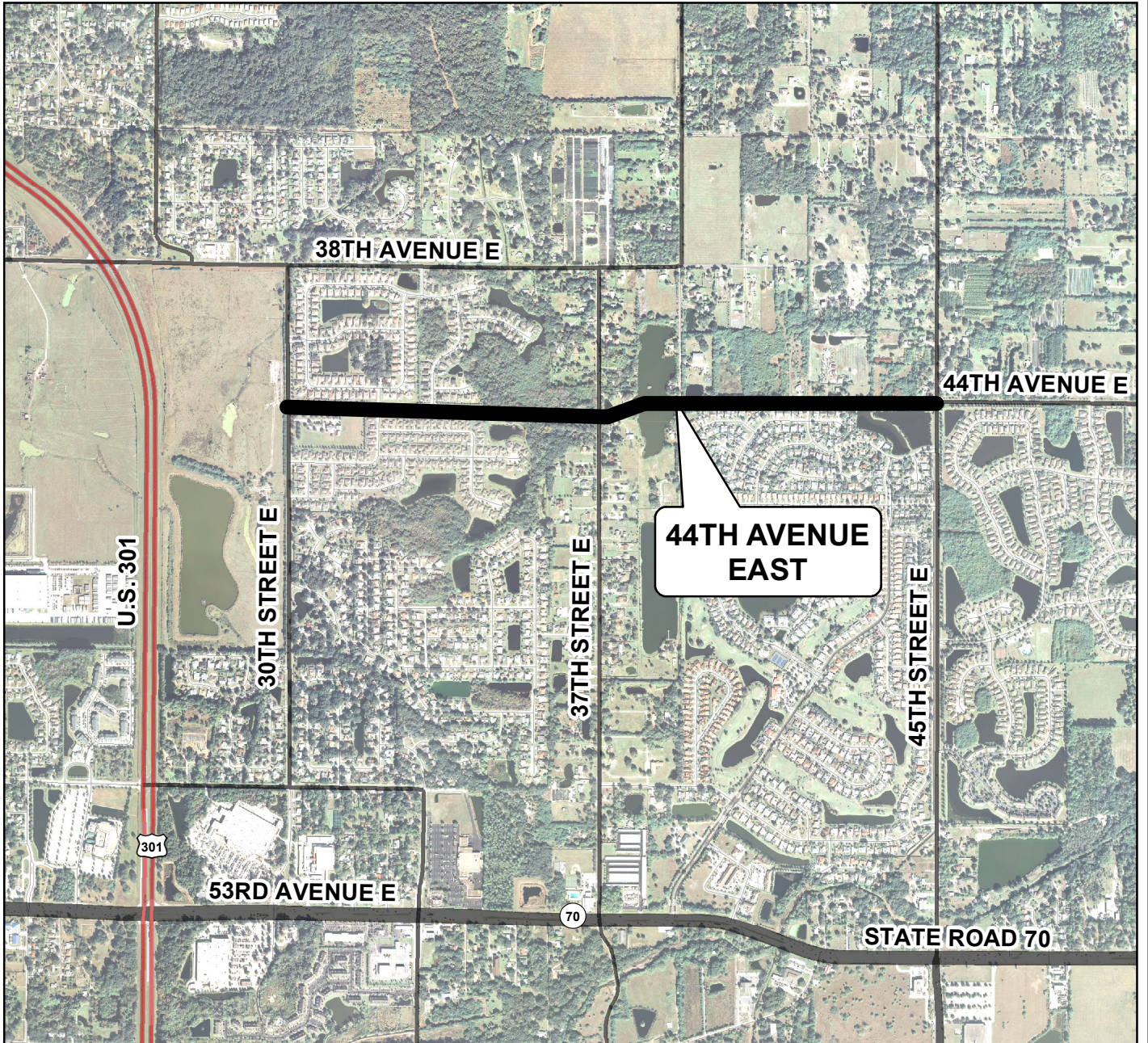
N/A

Amount and Frequency of Recurring Costs

N/A

Attachment: [44th Ave E 30th-45th St Loc Map.pdf](#)

Attachment: [ProposedResolutionAuthorizingPreSuitOffers44th 30 45 21213 13-020.pdf](#)



44TH AVENUE EAST

**44TH AVENUE EAST
RIGHT-OF-WAY**
From 30th Street East to 45th Street East

Site Location:
North of 53rd Avenue East, State Road 70
East of U.S. 301

Sections 4&5/35/18

**District 4
COMMISSIONER ROBIN DISABATINO
and
District 5
COMMISSIONER VANESSA BAUGH**

Legend: 44th Avenue East Right-of-way

1 inch equals 0.3 miles