

RESOLUTION R-13-015

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.

**FT. HAMER WATERLINE ROAD IMPROVEMENT PROJECT
PARCELS 800, 803, 804, 805 and 806
PROJECT NO. 6054770**

WHEREAS, the Board of County Commissioners has heretofore approved a Capital Improvement Project for the construction of the project for the installation of a subaqueous waterline to connect the area north of the Manatee River to the south side of the river to enhance the North County water service and to create a loop back-up system, concerning the Ft. Hamer Road waterline project identified as Parcels 800, 803, 804, 805, and 806; 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 **800, 803, 804, 805, and 806** 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 12 day of February, 2013.

BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA

By: Larry Bustle
Chairman

ATTEST: R. B. SHORE
CLERK OF THE CIRCUIT COURT
By: Wesley Jessner
Deputy Clerk



February 12, 2013, Regular Meeting
Agenda Item #30

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

Subject

Resolution R-13-015, Presuit Negotiations, Ft. Hamer waterline project

Briefings

None

Contact and/or Presenter Information

Paul Johnson, Property Management, Ext. 6284

Joaquin Servia, Division Manager, Property Management Ext. 3021

Action Requested

Adoption of Resolution R-13-015 authorizing Property Acquisition to conduct pre-suit negotiations and make written offers not to exceed the approved appraised value plus 20% to purchase Parcels 800, 803, 804, 805 and 806 required for the Ft. Hamer waterline 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-13-015 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 Ft. Hamer waterline 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

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

Instructions to Board Records

Please return copy of adopted Resolution to Paul Johnson, ext 6284, Property Acquisition, Property Management Department. Sent Via Email and County Attorney 2/15/13 (vj)

Cost and Funds Source Account Number and Name

N/A

Amount and Frequency of Recurring Costs

N/A

Attachment: [Location Map Ft. Hamer waterline project .pdf](#)

Attachment: [Ft. Hamer waterline ResolutionAuthorizingPreSuitOffers_13-020.pdf](#)

**Parcel #806
Utility Easement**

**Parcels #803,
804,805
Utility Easements**

**Parcel #800
Utility Easement**

**Ft. Hamer Waterline Project
Parcel #800: ID#543300008
Parcel #803: ID#505410359
Parcels #804 & #805: ID#508510054
Parcel #806: ID#508505104
Section8, Township 34S, Range 19E
Commissioner: Larry Bustle**

