

**RESOLUTION R-13-053**

**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.**

**SUBURBAN WATER LINE REPLACEMENT PROJECT  
PARCELS 812, 813, 814, 815, 816 and 817  
PROJECT NO. 6074770**

**WHEREAS**, the Board of County Commissioners has heretofore approved a Capital Improvement Project for the construction, reconstruction, widening, repairing, and maintaining of SUBURBAN WATER LINE REPLACEMENT PROJECT, with necessary additional right-of-way identified as Parcels 812, 813, 814, 815, 816, and 817.

**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 812, 813, 814, 815, 816, and 817, 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 March, 2013.

BOARD OF COUNTY COMMISSIONERS  
MANATEE COUNTY, FLORIDA

By: Larry Bustle  
Chairman

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

By: Clara Jessner  
Deputy Clerk



March 12, 2013 - Regular Meeting  
Agenda Item #21

Subject

Resolution R-13-053 authorizing pre-suit negotiations Suburban Water Line Replacement Project

Briefings

None

**APPROVED** in Open Session  
Manatee County Board of County Commissioners

Contact and/or Presenter Information

Bill Pearce / Extension 6281

Joaquin Servia / Extension 3021

Action Requested

Adoption of Resolution R-13-053 authorizing Property Acquisition to conduct pre-suit negotiations and to make written offers to purchase utility easements over certain parcels referenced in the Resolution.

Enabling/Regulating Authority

Florida Statute 73.015

Background Discussion

- Section 73.015, Florida Statutes, requires negotiations with the property owner, a written offer of purchase, and a notice to owner of their statutory rights prior to any eminent domain action.
- Resolution R-13-053 requests authorization delegating authority to make pre-suit offers in eminent domain cases for the amount up to the approved appraised value of the property sought to be acquired for the Suburban Water Line Replacement Project, #413-6074770.
- Parcels sought to be acquired are identified in the attached Resolution.

County Attorney Review

Not Reviewed (Utilizes exact document or procedure approved within the last 18 months)

Explanation of Other

Reviewing Attorney

N/A

Instructions to Board Records

Please return a copy of the Resolution to Bill Pearce, Property Acquisition, Property Management  
([bill.pearce@mymanatee.org](mailto:bill.pearce@mymanatee.org))

SEE EMAIL BELOW 3/15/13/PK

Cost and Funds Source Account Number and Name

N/A

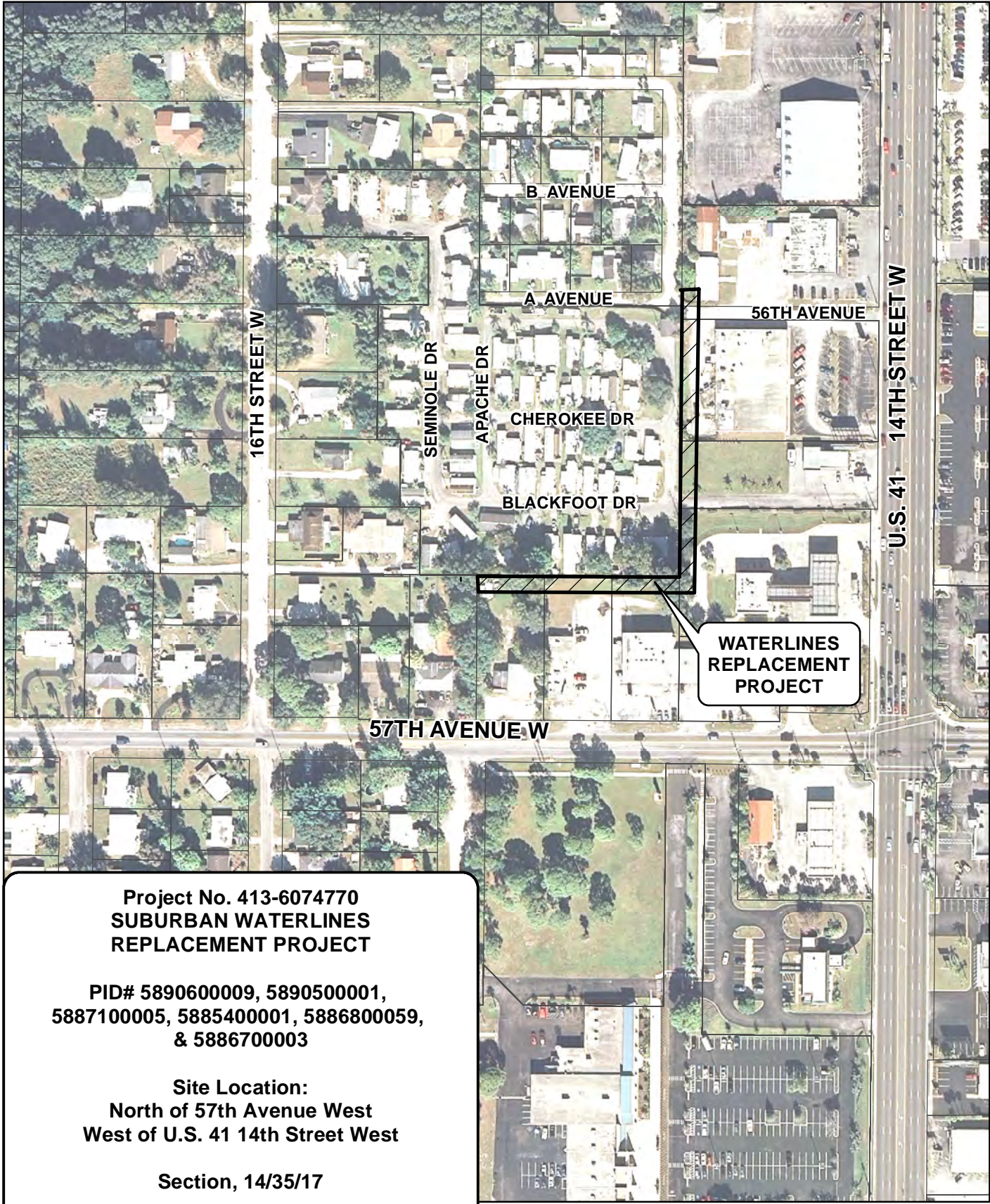
Amount and Frequency of Recurring Costs

N/A

Attachment: [Suburban Water Line Replace - Loc Map.pdf](#)

Attachment: [Resolution R-13-053.pdf](#)





**WATERLINES  
REPLACEMENT  
PROJECT**

**Project No. 413-6074770  
SUBURBAN WATERLINES  
REPLACEMENT PROJECT**

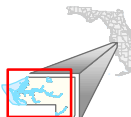
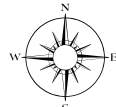
**PID# 5890600009, 5890500001,  
5887100005, 5885400001, 5886800059,  
& 5886700003**

**Site Location:  
North of 57th Avenue West  
West of U.S. 41 14th Street West**


**Section, 14/35/17**

**District 4  
COMMISSIONER ROBIN DISABATINO**

**Legend: Waterline Replacement Project**

1 inch equals 200 feet





**From:** [Pati Kopke](mailto:Pati.Kopke@manatee.org)  
**To:** ["bill.pearce@mymanatee.org"](mailto:bill.pearce@mymanatee.org)  
**Cc:** ["nicolette.coetzee@mymanatee.org"](mailto:nicolette.coetzee@mymanatee.org); ["debbie.bassett@mymanatee.org"](mailto:debbie.bassett@mymanatee.org)  
**Subject:** R 13-053  
**Date:** Friday, March 15, 2013 9:47:00 AM  
**Attachments:** [BC20130312DOCA021.pdf](#)  
[image004.png](#)

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Good Morning:

Attached please find the above referenced resolution that was adopted at the 3/12/13 Board meeting.

Please note that everybody is Irish on St. Patrick's Day 🍀

*It's a beautiful day, go out and enjoy it :)*

Pati Kopke  
Board Records  
For R.B. "Chips" Shore  
Manatee County Clerk of the Circuit Court & Comptroller  
[www.ManateeClerk.com](http://www.ManateeClerk.com)  
[Pati.Kopke@ManateeClerk.com](mailto:Pati.Kopke@ManateeClerk.com)  
941-749-1800 Ext. 4162  
"Pride in Service with a Vision to the Future"

# Replaced

## RESOLUTION R-13-053

**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, FOR THE AMOUNT UP TO THE APPROVED APPRAISED VALUE OF THE PROPERTIES SOUGHT TO BE ACQUIRED AND TO SUBSEQUENTLY ENGAGE IN GOOD FAITH NEGOTIATIONS WITH THE LANDOWNERS OR THEIR REPRESENTATIVE IN COMPLIANCE WITH FLORIDA STATUTES § 73.015 IN AN AMOUNT NOT TO EXCEED 20 PERCENT OF THE APPROVED APPRAISED VALUE AND REQUIRING THE CONCURRENCE OF THE COUNTY ATTORNEY, OR HIS DESIGNEE, IN THE NEGOTIATED OFFER.**

**SUBURBAN WATER LINE REPLACEMENT PROJECT  
PARCELS 812, 813, 814, 815, 816 and 817  
PROJECT NO. 6074770**

**WHEREAS**, the Board of County Commissioners has heretofore approved the scope and to install new water main, install new services, and abandon and grout the old water mains in the Suburban Subdivision concerning the Suburban Water Line Replacement Project, parcels identified as parcel numbers **812, 813, 814, 815, 816, and 817** and identified in the Capital Improvement Project; and

**WHEREAS**, under Florida Statutes § 73.015, effective July 1, 2000, before an eminent domain proceeding is brought under this chapter or chapter 74, 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 limiting such authority to make written pre-suit offers up to the amount specified in the approved appraisal report and to subsequently engage in good faith negotiations with the landowners or their representative in compliance with Florida Statutes § 73.015 in an amount not to exceed 20 percent of the approved appraised value, and requiring the concurrence of the County Attorney, or his designee, in the negotiated offer, will provide adequate guidelines and safeguard Manatee County’s interest.

**NOW, THEREFORE**, be it resolved as follows:

The Manatee County Board of County Commissioners hereby delegates its authority to make written pre-suit offers pursuant to Florida Statutes § 73.015 to the County Administrator, or his designee, for the following properties sought to be acquired:

<b><u>Parcel No.</u></b>	<b><u>Interest to be Acquired</u></b>	<b><u>Square Footage</u></b>	<b><u>Approved Appraised Value</u></b>
812	Utility Easement	400	\$2,300
813	Utility Easement	1,000	\$7,000
814	Utility Easement	1,000	\$7,800
815	Utility Easement	1,000	\$7,500
816	Utility Easement	300	\$3,200
817	Utility Easement	250	\$2,800



said written pre-suit offers not to exceed the value specified for the respective parcels in the approved appraisal report and to subsequently engage in good faith negotiations with the landowners or their representative in compliance with Florida Statutes § 73.015 in an amount not to exceed 20 percent of the approved appraised value, and requiring the concurrence of the County Attorney, or his designee, in the negotiated offer.

**ADOPTED** with a quorum present and voting this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

BOARD OF COUNTY COMMISSIONERS  
MANATEE COUNTY, FLORIDA

By: \_\_\_\_\_  
Chairman

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

By: \_\_\_\_\_  
Deputy Clerk