

**RESOLUTION R-13-153**

**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.**

**44<sup>th</sup> AVENUE EAST (19<sup>TH</sup> TO 30<sup>TH</sup> STREET EAST) ROAD PROJECT  
PARCELS 154, 157, 164/164A and 166/866  
PROJECT NO. 6045660**

**WHEREAS**, the Board of County Commissioners has heretofore approved a Capital Improvement Project for the construction, reconstruction, widening, repairing, and maintaining of 44<sup>th</sup> Avenue East (19<sup>th</sup> to 30<sup>th</sup> Street East), with necessary additional right of way identified as Parcels 154, 157, 164/164A and 166/866; 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 154, 157, 164/164A and 166/866 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 27 day of August, 2013.

BOARD OF COUNTY COMMISSIONERS  
MANATEE COUNTY, FLORIDA

By: Larry Busto  
Chairman

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

By: Wicki Jarratt  
Deputy Clerk



REVISED August 27, 2013 - Regular Meeting  
Agenda Item #23

**APPROVED IN OPEN SESSION** August 27, 2013  
**BOARD OF COUNTY COMMISSIONERS, MANATEE COUNTY**

Subject

Resolution R-13-153, Pre-suit Negotiations, 44th Avenue East (19th to 30th Street East) Road Project, Parcels 154, 157, 164/164A, and 166/866.

Briefings

None

Contact and/or Presenter Information

Paul Johnson, Property Management, Ext. 6284

Joaquin Servia, Division Manager, Property Management, Ext. 3021

Action Requested

ADOPT Resolution R-13-153;

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-13-153 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 (19th to 30th Street East) Road Project as 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 copy of adopted Resolution to Paul Johnson, Property Management,

[paul.johnson@mymanatee.org](mailto:paul.johnson@mymanatee.org). Sent via email 8/28/13 (vj)

Sent to Cty Atty 8/28/13 (vj)

Cost and Funds Source Account Number and Name

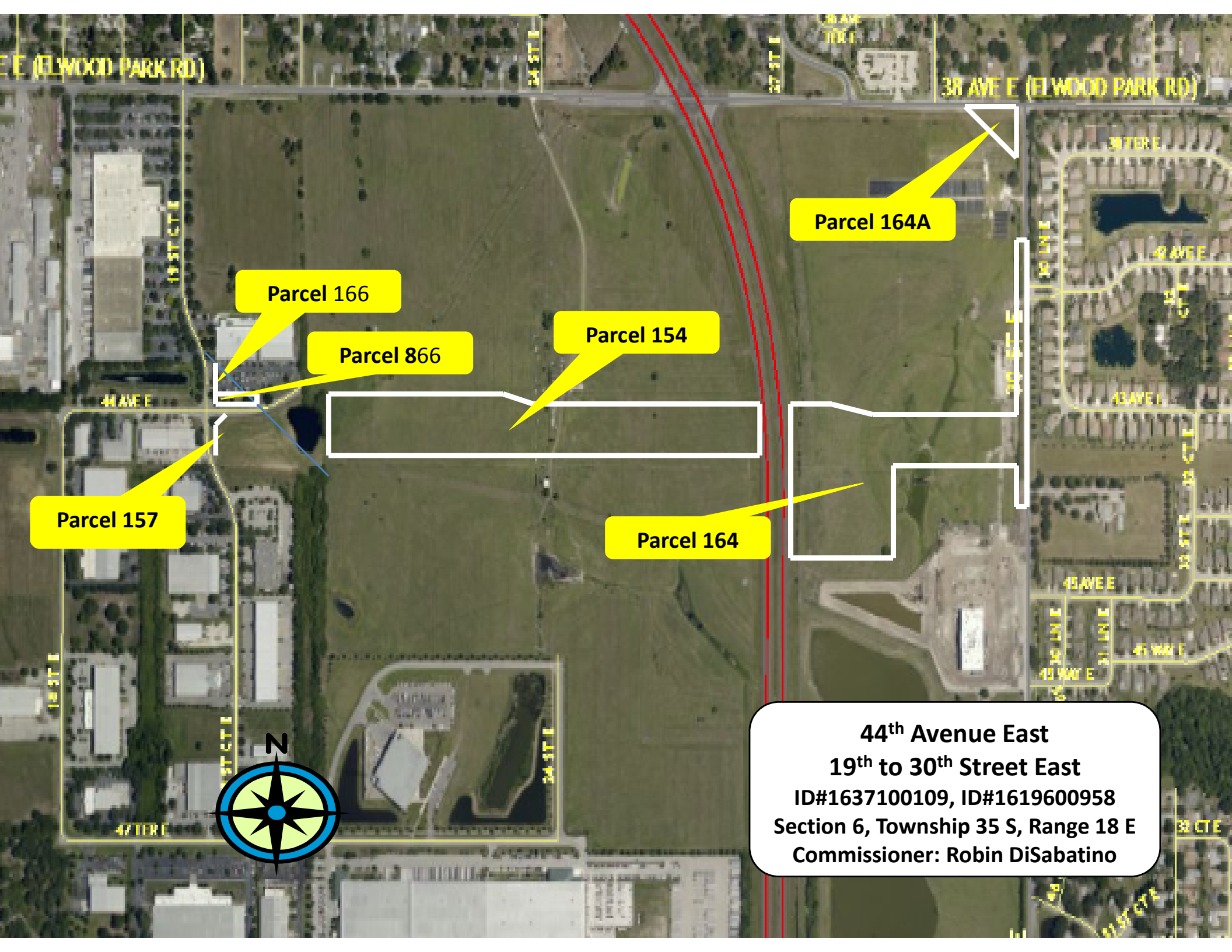
N/A

Amount and Frequency of Recurring Costs

N/A

Attachment: [44th Ave. E. Parcels 154, 157, 164, 164A, 166, and 866 Resolution Authorizing PreSuit Offers.pdf](#)

Attachment: [Map for 44TH Ave. E. 19th to 30th Parcels 154, 157, 164, 164A, 166, and 866 .pdf](#)



**Parcel 157**

**Parcel 166**

**Parcel 866**

**Parcel 154**

**Parcel 164A**

**Parcel 164**



**44<sup>th</sup> Avenue East**  
**19<sup>th</sup> to 30<sup>th</sup> Street East**  
**ID#1637100109, ID#1619600958**  
**Section 6, Township 35 S, Range 18 E**  
**Commissioner: Robin DiSabatino**