

RESOLUTION R-13-199

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.

**MORGAN JOHNSON SIDEWALK PROJECT
PARCEL 809
PROJECT NO. 6049761**

WHEREAS, the Board of County Commissioners has heretofore approved a Capital Improvement Project for the construction of the project to construct sidewalks to connect existing sections, concerning the Morgan Johnson Road sidewalk project, identified as Parcel **809**; 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 property sought to be acquired: Parcel **809**, 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.

DULY ADOPTED with a quorum present and voting this 22nd day of October, 2013.

**BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA**



By: Larry Busto
Chairperson

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

By: Rubin Liberty, D.C.
Deputy Clerk

Manatee County Government Administrative Center
Commission Chambers, First Floor
9:00 a.m. - October 22, 2013

October 22, 2013 - Regular Meeting
Agenda Item #28

Approved in Open Session 10/22/13,
Manatee Board of County Commissioners

Subject

Resolution R-13-199, Presuit Negotiations, Morgan Johnson Road Sidewalk Project #6049761

Briefings

None

Contact and/or Presenter Information

Paul Johnson, Property Acquisition Division, Manatee County Property Management, Ext. 6284.

Property Acquisition Division, Manatee County Property Management Department, Ext 6286.

Action Requested

ADOPT Resolution R-13-199.

Enabling/Regulating Authority

Section 73.015, Florida Statutes.

Background Discussion

Section 73.05, 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-13-199 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 property sought to be acquired for the Morgan Johnson Road sidewalk 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 (paul.johnson@mymanatee.org), Ext. 6284,
Property Acquisition, Property Management.

Emailed, 10/22/13, RLL
cc: D. Bassett & N. Coezette, CAO

Cost and Funds Source Account Number and Name

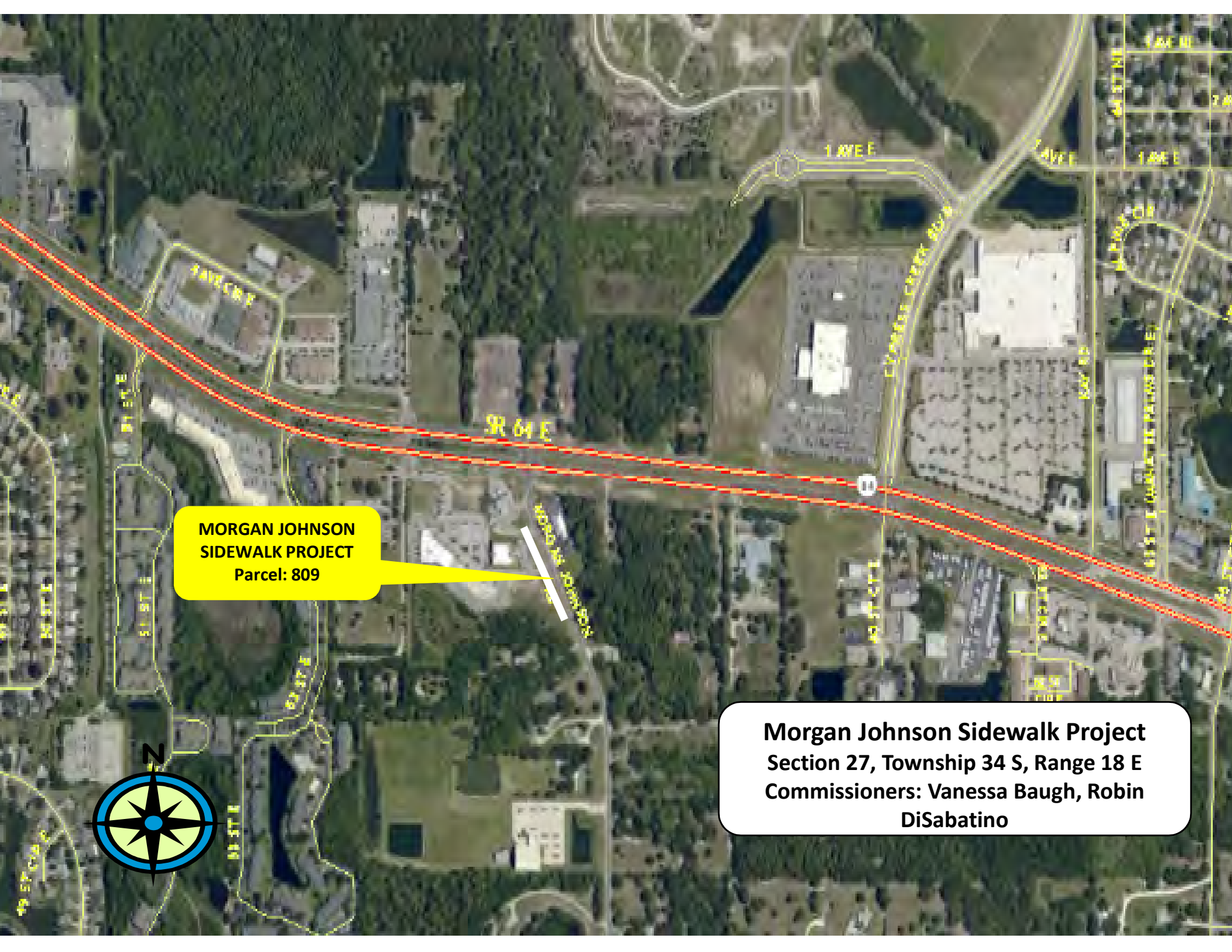
N/A

Amount and Frequency of Recurring Costs

N/A

Attachment: [Morgan Johnson Road Resolution R-13-199 Authorizing PreSuit Offers.pdf](#)

Attachment: [Morgan Johnson Project Map Parcel #809 .pdf](#)



**MORGAN JOHNSON
SIDEWALK PROJECT**
Parcel: 809



Morgan Johnson Sidewalk Project
Section 27, Township 34 S, Range 18 E
Commissioners: Vanessa Baugh, Robin
DiSabatino