

**RESOLUTION R-13-207**

**A RESOLUTION OF NECESSITY AND FOR EMINENT DOMAIN PROCEEDINGS FOR THE PUBLIC USE AND PUBLIC PURPOSE OF CONSTRUCTING, INSTALLING, IMPROVING, AND MAINTAINING THE PUBLIC POTABLE WATER TRANSMISSION MAIN PIPELINE SYSTEM IN MANATEE COUNTY, FLORIDA; AND RESCINDING AND REPLACING RESOLUTION R-13-202.**

**FORT HAMER ROAD WATER MAIN CROSSING PROJECT  
PARCEL 803  
(PROJECT NO. 6054770)**

**WHEREAS**, Manatee County is a political subdivision of the State of Florida and is authorized under Chapters 73, 74, and 127, Florida Statutes, to acquire interests in privately owned lands which are necessary for the public use; and

**WHEREAS**, Manatee County has determined that the Fort Hamer Road Water Main Crossing Project must be constructed for the purpose of the transmission of potable water in and about Manatee County by means of a potable water transmission main, on the surface or below the surface of the ground, and that additional land is needed for the construction, reconstruction, repair, and maintenance of a potable water main crossing from Fort Hamer Road to Upper Manatee River Road, providing Manatee County a second water main supply line to North County; and

**WHEREAS**, Manatee County has determined that it is necessary to acquire or utilize portions of property adjacent to or within the planned corridor of the above-described water transmission main; and

**WHEREAS**, the owners of said land have been or may be unwilling or unable to sell the real property needed by Manatee County;

**WHEREAS**, the construction of the project will be impeded unless the properties are acquired by Manatee County; and

**WHEREAS**, on October 22, 2013, the Board of County Commissioners of Manatee County, Florida, previously adopted Resolution R-13-202 determining the necessity and public purpose for and authorizing the County Attorney to commence and to prosecute eminent domain proceedings to acquire the necessary interests of a certain parcel of privately owned realty necessary for the Fort Hamer Road Water Main Crossing Project; and

**WHEREAS**, Manatee County has determined the need to make minor corrections to the legal description and/or sketch.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, that the Manatee County Public Works and Property Management Departments are authorized to employ the services of the County Attorney, or retained counsel assigned by the County Attorney, to commence and to prosecute eminent domain proceedings to acquire the necessary interests in the aforementioned property, which property is more particularly described in Schedule 1 which is attached hereto and made a part hereof.

BE IT FURTHER RESOLVED that the Board of County Commissioners of Manatee County, Florida, after having considered safety of the public, cost of acquiring the right-of-way, alignment, long-term planning, and environmental factors in acquiring and utilizing the property, hereby finds and determines that the acquisition of the following interest is necessary as to the real property described in the attached Schedule:

<u>Schedule No.</u>	<u>Parcel No.</u>	<u>Interests to be Acquired</u>
1.	803	Permanent Utility Easement

BE IT FURTHER RESOLVED that Resolution R-13-202 is hereby rescinded in its entirety.

DULY ADOPTED with a quorum present and voting this 5<sup>th</sup> day of November, 2013.

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA



By: Larry Bustle  
Chairperson

ATTEST: R. B. SHORE  
CLERK OF THE CIRCUIT COURT  
By: [Signature]  
Deputy Clerk





# ZNS ENGINEERING

ENGINEERS | PLANNERS | SURVEYORS | LANDSCAPE ARCHITECTS | ENVIRONMENTAL CONSULTANTS  
EB 002748 LS 000992 LC 000326

CERTIFICATE OF AUTHORIZATION # LB 6982  
201 5th AVENUE DRIVE EAST  
POST OFFICE BOX 9448  
BRADENTON, FLORIDA 34206  
(941) 748-8080  
FAX (941) 748-3747

## DESCRIPTION:


THE WESTERLY 20 FOOT OF A PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORD BOOK 2095, PAGE 3155 IN SECTION 8, TOWNSHIP 34 SOUTH, RANGE 19 EAST, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA. BEING DESCRIBED AS FOLLOWS:

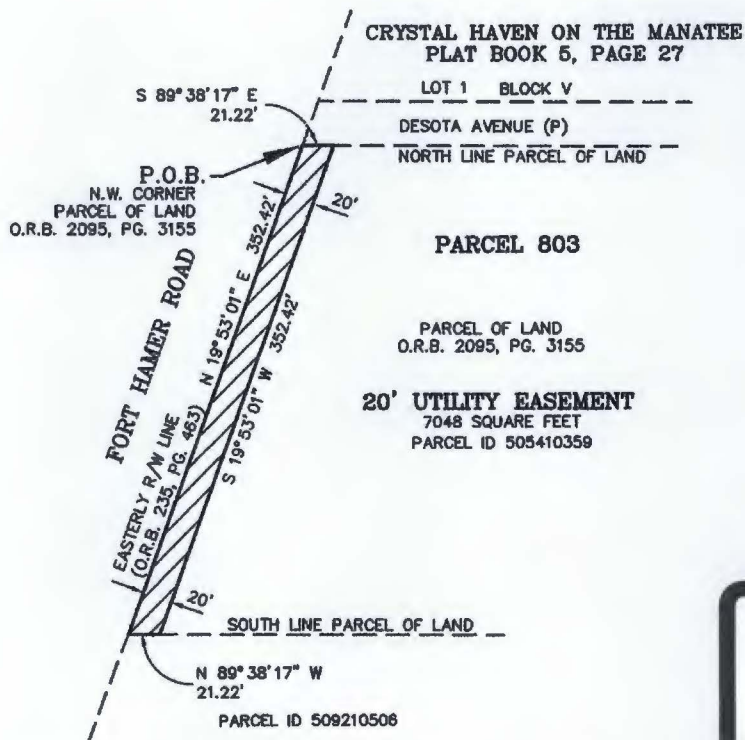
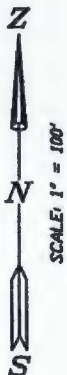
BEGIN AT THE NORTHWEST CORNER OF SAID PARCEL OF LAND; THENCE S 89°38'17" E, ALONG THE NORTH LINE OF SAID PARCEL, A DISTANCE OF 21.22 FEET; THENCE S 19°53'01" W, A DISTANCE OF 352.42 FEET TO AN INTERSECTION OF THE SOUTH LINE OF SAID PARCEL; THENCE N 89°38'17" W, ALONG SAID SOUTH LINE, A DISTANCE OF 21.22 FEET TO AN INTERSECTION WITH THE EASTERLY RIGHT OF WAY LINE OF FORT HAMER ROAD AS RECORDED IN OFFICIAL RECORD BOOK 235, PAGE 463 OF SAID PUBLIC RECORDS; THENCE N 19°53'01" E, ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 352.42 FEET TO THE POINT OF BEGINNING.

CONTAINING 7048 SQUARE FEET, MORE OR LESS.

PARCEL NUMBER ADDED 11/5/12 JG  
REVISE AREA 10/13 JG

## LEGEND:

- P.O.B. POINT OF BEGINNING
- R/W RIGHT OF WAY
- ID IDENTIFICATION
- No. NUMBER
- O.R.B. OFFICIAL RECORD BOOK
- PG. PAGE
- (P) PLAT DATA
-  SITE



## NOTES:

1. BEARINGS ARE BASED ON THE EASTERLY RIGHT OF WAY LINE OF FT. HAMER ROAD, HAVING A BEARING OF N 19°53'01" E, AND BASED ON FLORIDA STATE PLANE COORDINATE SYSTEM (WEST ZONE) NAD 83/83 DERIVED FROM MANATEE COUNTY GIS CONTROL SURVEY (1988) MONUMENTATION.
2. THIS DRAWING IS A SKETCH ONLY AND DOES NOT REPRESENT A FIELD SURVEY AS SUCH.

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## PARCEL 803 PERMANENT UTILITY EASEMENT

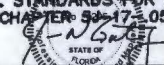
PROJECT No. 6054770

## PARCEL 803 PERMANENT UTILITY EASEMENT FORT HAMER ROAD

LOCATED IN  
SECTION 8, TOWNSHIP 34 SOUTH, RANGE 19 EAST  
MANATEE COUNTY, FLORIDA

NOTE: NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

WE HEREBY CERTIFY THAT THIS SKETCH AND DESCRIPTION HAVE BEEN PREPARED UNDER OUR DIRECT SUPERVISION, THAT THEY ARE A TRUE REPRESENTATION OF THE LAND AS SHOWN AND DESCRIBED HEREON, THAT THEY ARE CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF AND THAT THEY MEET THE "MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING IN THE STATE OF FLORIDA", CHAPTER 92-17.050, FLORIDA ADMINISTRATIVE CODE.

BY:   
JAMES N. GATCH, P.S.M.  
FLORIDA CERTIFICATE NO. LS 4295  
DATE OF CERTIFICATION: 05/08/12

SCHEDULE 1

**RESOLUTION R-13-208**

**A RESOLUTION AUTHORIZING USE OF "QUICK TAKING" CONDEMNATION PROCEEDINGS FOR THE PUBLIC USE AND PUBLIC PURPOSE OF CONSTRUCTING, INSTALLING, IMPROVING, AND MAINTAINING THE PUBLIC POTABLE WATER TRANSMISSION MAIN PIPELINE SYSTEM IN MANATEE COUNTY, FLORIDA; RESCINDING AND REPLACING RESOLUTION R-13-203; PROVIDING AN EFFECTIVE DATE.**

**FORT HAMER ROAD WATER MAIN CROSSING PROJECT  
PARCEL 803  
(PROJECT NO. 6054770)**

**WHEREAS**, Manatee County, Florida, has made an effort to acquire certain property interests along or within the planned corridor of the Fort Hamer Road Water Main Crossing Project by purchase from the owners; and

**WHEREAS**, the Board of County Commissioners of Manatee County, Florida, has heretofore authorized the institution of eminent domain proceedings to acquire said property, all as described and set out in Resolution R-13-207; and

**WHEREAS**, the Board of County Commissioners of Manatee County, Florida, wishes to utilize "quick taking" condemnation proceedings; and

**WHEREAS**, on October 22, 2013, the Board of County Commissioners of Manatee County, Florida, previously adopted Resolution R-13-203 authorizing use of "quick taking" condemnation proceedings for the acquisition of a certain parcel of privately owned realty necessary for the Fort Hamer Road Water Main Crossing Project; and

**WHEREAS**, Manatee County has determined the need to make minor corrections to the legal description and/or sketch.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA**, that:

1. Manatee County is authorized to utilize "quick taking" eminent domain proceedings under Chapter 74, Florida Statutes, and all other applicable statutes, and that the Board of County Commissioners of Manatee County, Florida, declares its intention to utilize such proceedings to acquire the necessary interests in the property hereinafter described.

2. Manatee County cannot proceed with the necessary improvements to the Fort Hamer Road Water Main Crossing Project until it acquires title to the hereinafter-described property.



3. The delay in acquiring the necessary interests and the resultant delay in construction will adversely affect the project.

4. Manatee County will diligently pursue and prosecute the eminent domain proceedings.

5. The property to be taken is more particularly described in Schedule 1 which is attached hereto and made a part hereof.

6. Resolution R-13-203 is hereby rescinded in its entirety.

7. This Resolution shall take effect immediately upon its passage.

**DULY ADOPTED** with a quorum present and voting this 5<sup>th</sup> day of November, 2013.

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



By: Larry Bustle  
Chairperson

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

By: R. B. Shore  
Deputy Clerk



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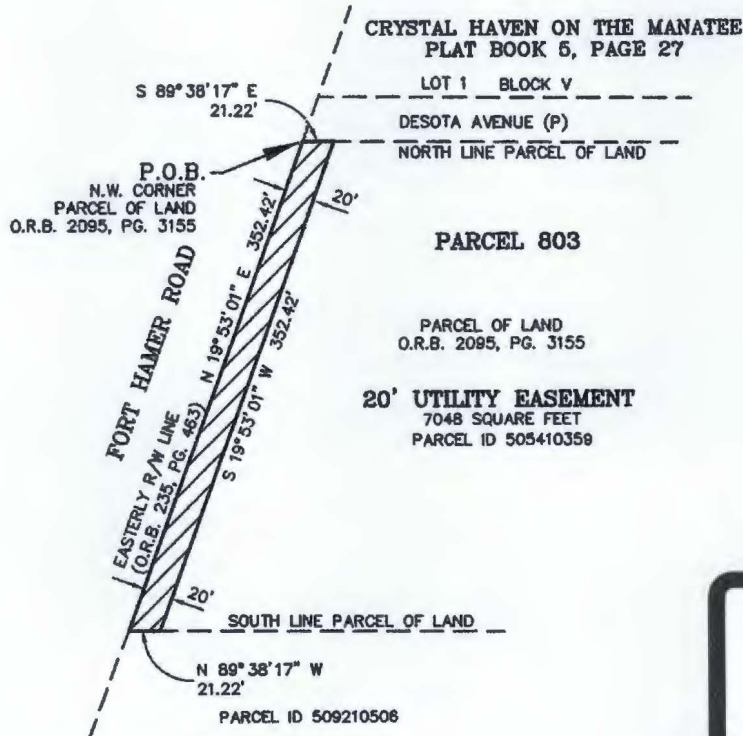
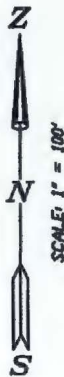
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## PARCEL 803 PERMANENT UTILITY EASEMENT

PROJECT No. 6054770

## PARCEL 803 PERMANENT UTILITY EASEMENT FORT HAMER ROAD LOCATED IN SECTION 8, TOWNSHIP 34 SOUTH, RANGE 19 EAST MANATEE COUNTY, FLORIDA

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BY:  JAMES N. GAMMETER, P.S.M.

FLORIDA CERTIFICATE NO. LS 4295  
DATE OF CERTIFICATION : 05/08/12

SCHEDULE 1

November 5, 2013 - Regular Meeting  
Agenda Item #12

Subject

Fort Hamer Road Water Main Crossing Project / Parcel 803

Briefings

None

Contact and/or Presenter Information

Andrea A. Adibe, Assistant County Attorney/Sandi Murphy  
Ext. 3750

Action Requested

FORM OF MOTIONS:

Adoption of Resolution R-13-207, determining public purpose and necessity for the acquisition of a certain parcel of privately owned realty, as related to the potable water transmission main for the Fort Hamer Road Water Main Crossing Project, rescinding and replacing Resolution R-13-202.

Adoption of Resolution R-13-208, authorizing the use of eminent domain "quick take" proceedings in the acquisition of a certain parcel of privately owned realty, as related to the potable water transmission main for the Fort Hamer Road Water Main Crossing Project, rescinding and replacing Resolution R-13-203.

Enabling/Regulating Authority

Chapters 73, 74, and 127, Florida Statutes

Background Discussion

Manatee County proposes to construct a potable water main crossing the Manatee River from Fort Hamer Road to Upper Manatee River Road. This new water main crossing will provide Manatee County with a second water main supply line to North County. This project is a CIP-approved project.

On October 22, 2013, the Board of County Commissioners of Manatee County, Florida, duly adopted Resolutions R-13-202 and R-13-203 for the purpose of acquiring Parcel 803 for the Fort Hamer Road Water Main Crossing Project. After a review, the County Attorney's Office and the County's expert consultant determined the need to make minor corrections to the legal description and/or sketch.

The parcel of land affected by the previously adopted resolutions is as follows:

Parcel 803:

Owners: Aaron W. Guthrie and Diana Valencia, husband and wife

Interest to Be Acquired: Permanent Utility Easement (Revisions made to legal description and/or sketch.)

Copies to:

**APPROVED** in Open Session

Manatee County Board of County  
Commissioners

Manatee County Government Administrative Center  
Commission Chambers, First Floor  
9:00 a.m. - November 5, 2013

Ron Schulhofer, Director, Public Works Department  
Sia Mollanazar, P.E., Deputy Director, Engineering Services, Public Works Dept.  
Jeff Streitmatter, Manager, Project Management Division, Public Works Dept.  
Kent Bontrager, Project Engineer, Project Management Division, Public Works Dept.  
Charlie H. Bishop, PMP, Director, Property Management Department  
Margaret Daniell, Interim Manager, Property Acquisition Division, Property Management Dept.  
Paul Johnson, Real Property Specialist, Property Acquisition Division, Property Management Dept.

County Attorney Review

Other (Requires explanation in field below)

Explanation of Other

This is a County Attorney item.

Reviewing Attorney

N/A

Instructions to Board Records

Forward three (3) certified copies of each Resolution with attachments to Assistant County Attorney Andrea A. Adibe.

Forward one (1) approved copy of this Agenda Memo to Sandi Murphy ([sandra.murphy@mymanatee.org](mailto:sandra.murphy@mymanatee.org)). - Snt  
3 cert cpys to AA via interoffice, emailed cpy of memo to SM, added Res to M drive and emailed NC/DB res cpys. - 11/6 SS

Cost and Funds Source Account Number and Name

The eventual cost to Manatee County of condemning this land is unknown. / 404-6054770-531000/6054770-0001, Utility Rates

Amount and Frequency of Recurring Costs

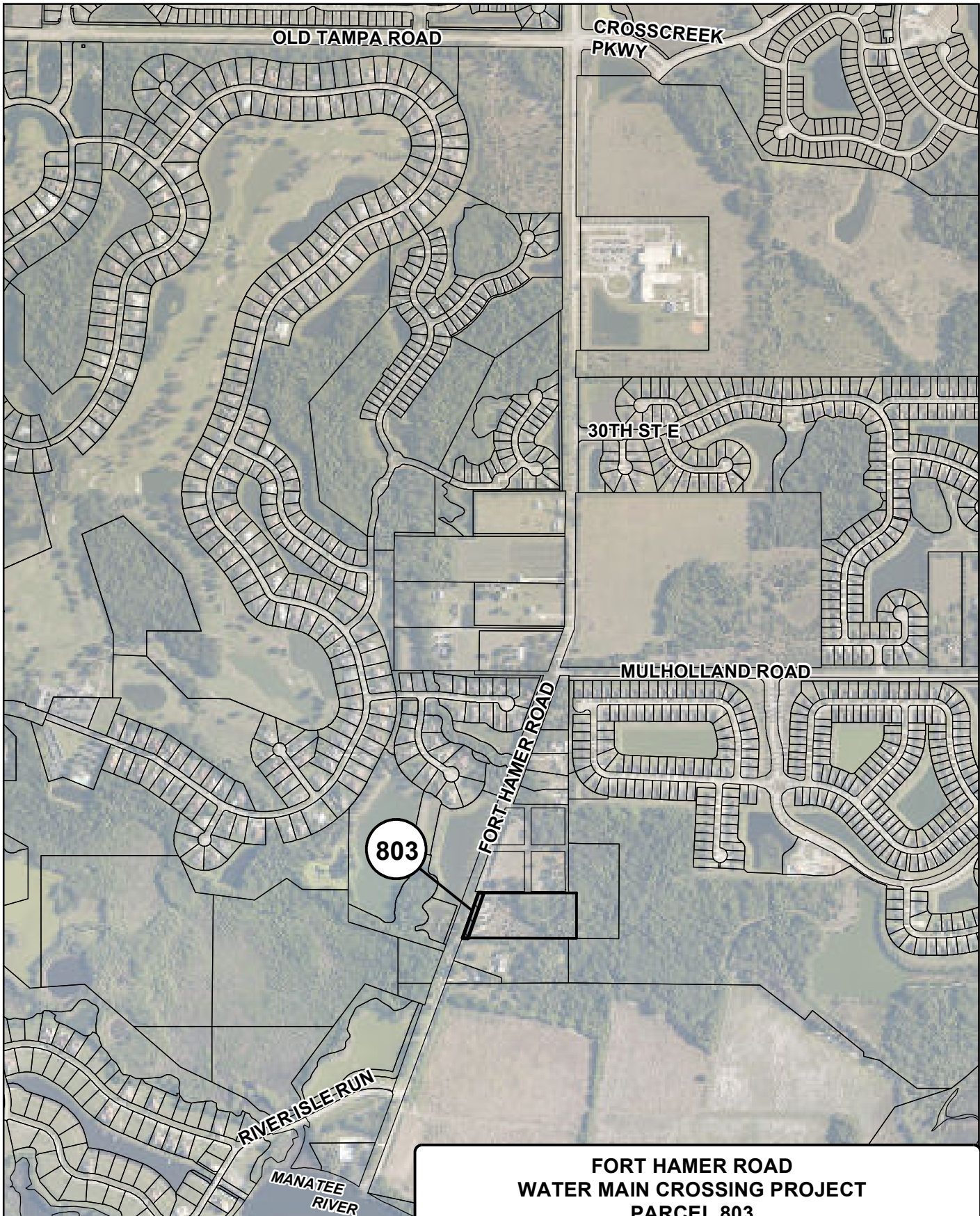
N/A

Attachment: [Fort Hamer Waterline PUE 803- Loc Map.pdf](#)

Attachment: [Resolution\\_R-13-207.pdf](#)

Attachment: [Resolution\\_R-13-208.pdf](#)

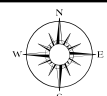




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**FORT HAMER ROAD  
WATER MAIN CROSSING PROJECT  
PARCEL 803  
(Aaron W. Guthrie and Diana Valencia)**

**District 1  
COMMISSIONER LARRY BUSTLE**



1 inch equals 1,000 feet

