

RESOLUTION R-04-192

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, INITIATING CONFLICT RESOLUTION PROCEDURES AS PROVIDED BY CHAPTER 164, FLORIDA STATUTES, IN *MANATEE COUNTY v. CITY OF BRADENTON*, CASE NO. 2004-CA-3759 AND CASE NO. 2004-CA-3760 (“PERICO PROJECT”)

WHEREAS, the BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, has authorized the initiation of an action challenging the quasi-judicial land use decision rendered by the CITY OF BRADENTON on June 9, 2004, and memorialized in a letter of approval dated June 16, 2004, in Case No. 2004-CA-3759 and Case No. 2004-CA-3760, now pending in the Circuit Court for the 12th Judicial Circuit in and for Manatee County, Florida; and

WHEREAS, the litigation has been abated as required by Section 164.1041(1), Florida Statutes; and

WHEREAS, it is the purpose and intent of the Florida Governmental Conflict Resolution Act (Chapter 164, Florida Statutes (2003)) to promote, protect, and improve the public health, safety, and welfare, and to enhance intergovernmental coordination efforts by the creation of a governmental conflict resolution procedure that can provide an equitable, expeditious, effective, and inexpensive method for resolution of conflicts between and among local and regional governmental entities; and

WHEREAS, the action described above is a conflict between Manatee County and the City of Bradenton, both of which are defined as “local governmental entities”; and

WHEREAS, the action described above is one which falls under the provision of Chapter 164, Florida Statutes; and

WHEREAS, the Board concurs with the intent of the Florida Governmental Conflict Resolution Act and seeks a just and meritorious resolution of its conflict with the City of Bradenton without the need for expensive and protracted litigation; and

WHEREAS, the act requires the Board to initiate the conflict resolution procedures through passage of an appropriate resolution;

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Manatee County, Florida, as follows:

1. Manatee County hereby initiates the conflict resolution procedure provided by the Florida Governmental Conflict Resolution Act (Chapter 164, Florida Statutes).

2. Manatee County challenges the quasi-judicial land use decision rendered by the CITY OF BRADENTON on June 9, 2004, and memorialized in a letter of approval dated June 16, 2004, and this challenge raises the following issues:


- a. Whether there is competent and substantial evidence to support the decision of the City Council to grant preliminary approval of the project;
- b. Whether the decision to approve the project fails to comply with the essential requirements of the law; and
- c. Whether the approval of the project is inconsistent with the City's Comprehensive Plan.

3. Manatee County's conflict is with the City of Bradenton. Manatee County believes there are other local governmental entities that may be involved in this conflict and who may seek to participate in the conflict resolution process. Manatee County believes that the Cities of Anna Maria, Bradenton Beach, and Holmes Beach are governmental entities that may be involved in this conflict.

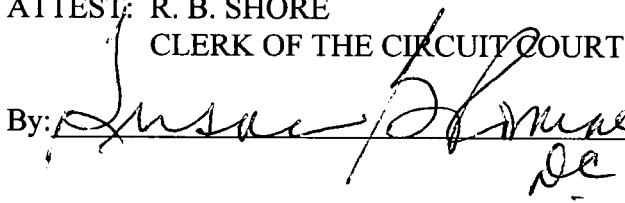
4. Manatee County requests that the conflict resolution process described in Chapter 164, Florida Statutes, be satisfied before prosecuting its action under Section 163.3215, Florida Statutes, in the case of *Manatee County v. City of Bradenton*, Case No. 2004-CA-3759, and in resolving its certiorari petition in the case of *Manatee County v. City of Bradenton*, Case No. 2004-CA-3760.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Manatee County, Florida, with a quorum present and voting this 27th day of July, 2004.

BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA

By: 
Chairman

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

By: 
R.B. Shore

