

**RESOLUTION R-04-239**

**A RESOLUTION OF MANATEE COUNTY, FLORIDA DELEGATING THE AUTHORITY TO MAKE PRE-SUIT OFFER IN EMINENT DOMAIN CASES FOR THE 17<sup>TH</sup> STREET EAST ROAD IMPROVEMENT PROJECT PHASE II, FROM US41 TO BUSINESS 41, PARCEL IDENTIFIED AS #24384.1000/9, TO THE COUNTY ADMINISTRATOR OR HIS DESIGNEE, SUBJECT TO APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS, FOR THE AMOUNT UP TO THE APPROVED APPRAISED VALUE OF THE PROPERTY SOUGHT TO BE ACQUIRED.**

**WHEREAS**, the Board of County Commissioners, has heretofore approved the scope and construction of the project described as Parcel #24384.1000/9, owner, Bible Baptist Church of Palmetto, and identified in the Capital Improvement Project; and

**WHEREAS**, under Florida Statute 73.015, effective July 1, 2000, before bringing an eminent domain proceeding, the condemning authority must attempt to negotiate in good faith with the fee owner of the parcel to be acquired, provide fee owner with a written offer, and, if requested, a copy of the appraisal report upon which the offer is based, and 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 offer 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 a written offer to purchase such parcel, subject to the Board of County Commissioners approval; and

**WHEREAS**, the Board of County Commissioners finds that limiting such authority to make a written offer up to the amount specified in the appraisal, and requiring the concurrence of the County Attorney or his designee in the written offer, will provide adequate guidelines and safeguard Manatee County's interest.

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

1. The Manatee County Board of County Commissioners hereby delegates its authority to make a pre-suit offer pursuant to Florida Statute 73.015 to the County Administrator or his designee, subject to the approval of the Board of County Commissioners, for the parcel sought to be acquired in the amount of \$400,000. Said offer not to exceed the value determined for the respective parcel in the approved appraisal report.

**DULY ADOPTED** with a quorum present and voting this 14<sup>th</sup> day of September 2004.

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA



By: *Steve W. Holmes*  
Chairman

ATTEST: R.B. SHORE  
Clerk of the Circuit Court

By: *August P. Romine*  
AC

**MANATEE COUNTY GOVERNMENT  
AGENDA MEMORANDUM**

<b>SUBJECT</b>	Resolution R-04-239 Pre-Suit Negotiations 17 <sup>th</sup> Street East Project Phase II	<b>TYPE AGENDA ITEM</b>	Consent
<b>DATE REQUESTED</b>	September 14, 2004	<b>DATE SUBMITTED/REVISED</b>	August 30, 2004
<b>BRIEFINGS? Who?</b>	N/A	<b>CONSEQUENCES IF DEFERRED</b>	N/A
<b>DEPARTMENT/DIVISION</b>	Transportation Land Acquisition	<b>AUTHORIZED BY TITLE</b>	Larry R. Mau, P.E. Director of Transportation Department
<b>CONTACT PERSON TELEPHONE/EXTENSION</b>	Jim Staples 7489	<b>PRESENTER/TITLE TELEPHONE/EXTENSION</b>	Jim Staples, Manager, Land Acquisition 7489
<b>ADMINISTRATIVE APPROVAL</b>			

**ACTION DESIRED**  
INDICATE WHETHER 1) REPORT; 2) DISCUSSION; 3) FORM OF MOTION; OR 4) OTHER ACTION REQUIRED

Adoption of Resolution R-04-239 authorizing Land Acquisition to conduct pre-suit negotiations and to make a written offer to purchase property owned by the Bible Baptist Church, as required for the 17<sup>th</sup> Street East road improvement project.

**ENABLING/REGULATING AUTHORITY**

Federal/State law(s), administrative ruling(s), Manatee County Comp Plan/Land Development Code, ordinances, resolutions, policy  
Florida Statute 73.015

**BACKGROUND/DISCUSSION**

- Effective July 1, 2000, pursuant to Section 73.015, Florida Statutes, Florida counties can no longer file an eminent domain action without having first negotiated with the landowner for a sale and purchase and without having provided to the landowner a specific written offer of purchase and a written advisory of the landowner's statutory rights.
- Resolution R-04-239 requests authorization for delegating the 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 road improvement project of 17<sup>th</sup> Street East Phase II, from US41 to Business 41, Project No. 333-6035261.
- The parcel sought to be acquired is located at the northeast corner of 17<sup>th</sup> Street East and Bayshore Road in Palmetto. The site is improved with a one story church building on approximately 4.5 acres of land. The property is designated as a pond site and will be purchased in its entirety. The appraised amount of this parcel is \$400,000. The owner is willing to sell and has requested an early acquisition of his property by the County for this project.

**HAS COUNTY ATTORNEY REVIEW BEEN REQUESTED?** Indicate "NO" or "YES" at right NO  
If "NO", proceed to #1 below; and if "YES", proceed to #2 below.

1) IF "NO" TO ABOVE,  
A) PLEASE EXPLAIN BELOW: (see also following section 1B) re: contract, agreement, lease, etc.  
Procedure previously approved by CAO.

B) IF A CONTRACT, AGREEMENT, LEASE OR OTHER DOCUMENT WAS PREVIOUSLY APPROVED, STATE YEAR OF LAST USE AT RIGHT. N/A

2) IF "YES" TO FIRST QUESTION IN THIS SECTION,  
A) HAS ENTIRE MATTER, OR ONLY A PORTION, BEEN REVIEWED? IF ONLY A PORTION, WHICH PORTION?

B) HAVE ALL COMMENTS/SUGGESTIONS RAISED BY THE COUNTY ATTORNEY BEEN ADDRESSED/INCORPORATED?  
IF NOT, PLEASE EXPLAIN. A COPY OF FINAL COUNTY ATTORNEY MEMO RE THIS MATTER MUST BE ATTACHED.  
(If comments were verbal, so indicate INCLUDING name of reviewing attorney.)

<b>ATTACHMENTS:</b> (List in order as attached)	<b>INSTRUCTIONS TO BOARD RECORDS:</b>
1) Resolution R-04-239 2) Florida Statute 73.015	Please send Land Acquisition a stamped, approved copy of the Agenda Memorandum
<b>COST:</b> N/A	<b>SOURCE (ACCT &amp; NAME):</b> N/A
<b>COMMENTS:</b> N/A	<b>AMT./FREQ. OF RECURRING COSTS: (ATTACH FISCAL IMPACT STATEMENT)</b> N/A

APPROVED IN OPEN SESSION

SEP 14 2004