

RESOLUTION R-04-240

A RESOLUTION OF MANATEE COUNTY, FLORIDA DELEGATING THE AUTHORITY TO MAKE A PRE-SUIT OFFER IN AN EMINENT DOMAIN CASE FOR THE 17TH STREET EAST(MEMPHIS ROAD) PROJECT FROM U.S. 41 EASTERLY TO 16TH AVENUE EAST(CANAL ROAD), PARCELS IDENTIFIED AS EXHIBIT "A", 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 in Exhibit "A" attached hereto 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 owners of the parcels to be acquired, as outlined in Exhibit "A", provide fee owners 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 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 offers to purchase such parcels, subject to the Board of County Commissioners approval; and

WHEREAS, the Board of County Commissioners finds that limiting such authority to make written offers 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 pre-suit offers pursuant to Florida Statute 73.015 to the County Administrator or his designee, subject to the approval of the Board of County Commissioners, for all parcels sought to be acquired as identified in Exhibit "A" attached hereto, said offers not to exceed the value determined for the respective parcels in the approved appraisal reports.

DULY ADOPTED with a quorum present and voting this 5th day of October, 2004.



BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

[Handwritten signature]

By: *[Handwritten signature]*

By: *[Handwritten signature]*

Chairman

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

EXHIBIT "A"
 17TH STREET EAST (MEMPHIS ROAD)
 PROJECT #6039660

*This parcel # is incorrect - the correct
 parcel # is on the front sheet of the
 agenda
 memorandum.*

PARCEL #'S	OWNER(S)	TAX I.D. #	APPRAISED VALUE
100 A	SCHOOL BOARD OF MANATEE COUNTY	25842.0000/6 25880.0000/6	\$28,605
100 B	SCHOOL BOARD OF MANATEE COUNTY	25878.0000/0	\$40,960
101/701	RACETRAC PETROLEUM, INC.	25570.1005/1	\$174,625
102	CITY OF PALMETTO	25835.0010/9 25837.0000/6 25835.0005/9	\$73,570
103	LILLIAN W. DAVIS, TRUSTEE	25507.0000/5	\$190,000
105/705	GARY BRETHAUER, INC.	25474.0010/7	\$3,320
108/708	SRP DEVELOPMENTS, LLC	25749.0000/3	\$38,745
110	LAURA BELL MITCHELL and JESSE MITCHELL	25761.0000/8	\$872,660
111/711 A & B	JMW PROPERTIES, INC.	25751.1001/6	\$112,175
112	L B & D PROPERTIES	25759.1000/1	\$74,685
713	WOODRUFF CORPORATION	25759.0000/2	\$100
114	WILLIAM G. LAMBRECHT, Trustee	25751.0005/8	\$8,780
115	FORRISTALL ENTERPRISES, INC.	25757.0000/6	\$12,170
116	WILLIAM G. LAMBRECHT, Trustee	25755.0000/0	\$11,070
117 A & B/717	LEATHER EXPRESS, INC.	25757.1000/5	\$15,790
119	ALBERT CUMMINGS ENTERPRISES, INC.	10055.0000/2	\$1,325
121	RUBY LEE JOHNSON	25568.0000/7	\$30,860