

**RESOLUTION R-11-035**

**A RESOLUTION OF MANATEE COUNTY, FLORIDA DELEGATING THE AUTHORITY TO A MAKE PRE-SUIT OFFER IN AN EMINENT DOMAIN CASE FOR THE RIGHT-OF-WAY REQUIRED FOR THE 44<sup>th</sup> AVENUE EAST (US 41 TO 15<sup>TH</sup> STREET EAST) ROAD RIGHT OF WAY IMPROVEMENT PROJECT, 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, parcel identified as 137 for a fee take containing 5,935 square feet. Parcel is owned by William F. Benzel, deceased, located on the south side of 44<sup>th</sup> Avenue East, west of 12<sup>th</sup> Street Court East. The appraised value is \$9,000 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 parcels 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 parcels; and

**WHEREAS**, from time to time it is in the County's best interest to conduct such negotiation 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 negotiation and make written offer to purchase such parcel, subject to the Board of County Commissioners

approval; and

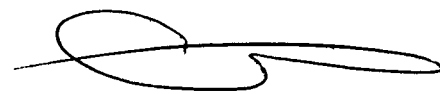
**WHEREAS**, the Board of County Commissioners finds that limiting such authority to make a written offer up to the amount specified in the appraisal, and requiring the concurrence of the County Attorney or his designee in the written offer, will provide adequate guidelines and safeguard Manatee County's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

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

1. The Manatee County Board of County Commissioners hereby delegates its authority to make pre-suit offer pursuant to Florida Statue 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. Parcel 137 is a 5,935 square foot parcel located on the south side of 44<sup>th</sup> Avenue East, west of 12<sup>th</sup> Street Court East, appraised in the amount of \$9,000. Said offer not to exceed the value determined for the respective parcels in the approved appraisal report.

**DULY ADOPTED** with a quorum present and voting this 15<sup>th</sup> day of March, 2011.

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

By:   
Chairman

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

