

RESOLUTION R-11-053

A RESOLUTION OF NECESSITY AND FOR EMINENT DOMAIN PROCEEDINGS FOR THE PUBLIC USE AND PUBLIC PURPOSE OF CONSTRUCTING, WIDENING, OR IMPROVING A PUBLIC STREET, ROAD, OR HIGHWAY AS PART OF THE PUBLIC ROAD SYSTEM IN MANATEE COUNTY, FLORIDA.

**44TH AVENUE EAST ROAD IMPROVEMENT PROJECT
(US 41 /1ST STREET EAST TO 15TH STREET EAST)
PARCEL 137
PROJECT NO. 6001060**

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 44th Avenue East from US 41/1st Street East to 15th Street East must be improved to relieve congestion and to safely accommodate vehicular traffic and that additional land is needed for the construction, reconstruction, widening, repairing, and maintaining of the road, and for other right-of-way purposes, including, but not limited to, sidewalks, streetlights, drainage, retention and utility facilities, and drainage ditches; 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 road; and

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

WHEREAS, the construction of the project will be impeded unless the property is acquired by Manatee County.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, that the Manatee County Public

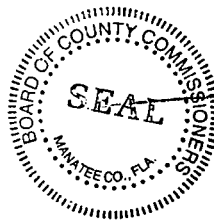
Works and Project Management Departments are authorized to employ the services of the County Attorney, or retained counsel assigned by the County Attorney, to commence and to prosecute eminent domain proceedings to acquire the necessary interest in the aforementioned property, which property is more particularly described in the Schedule 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>Interest to be Acquired</u>
1.	137	Fee Simple Title

ADOPTED with a quorum present and voting this 24th day of May, 2011.

BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA



By: [Signature]
Chairman

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

By: [Signature]
Deputy Clerk

Description and Sketch

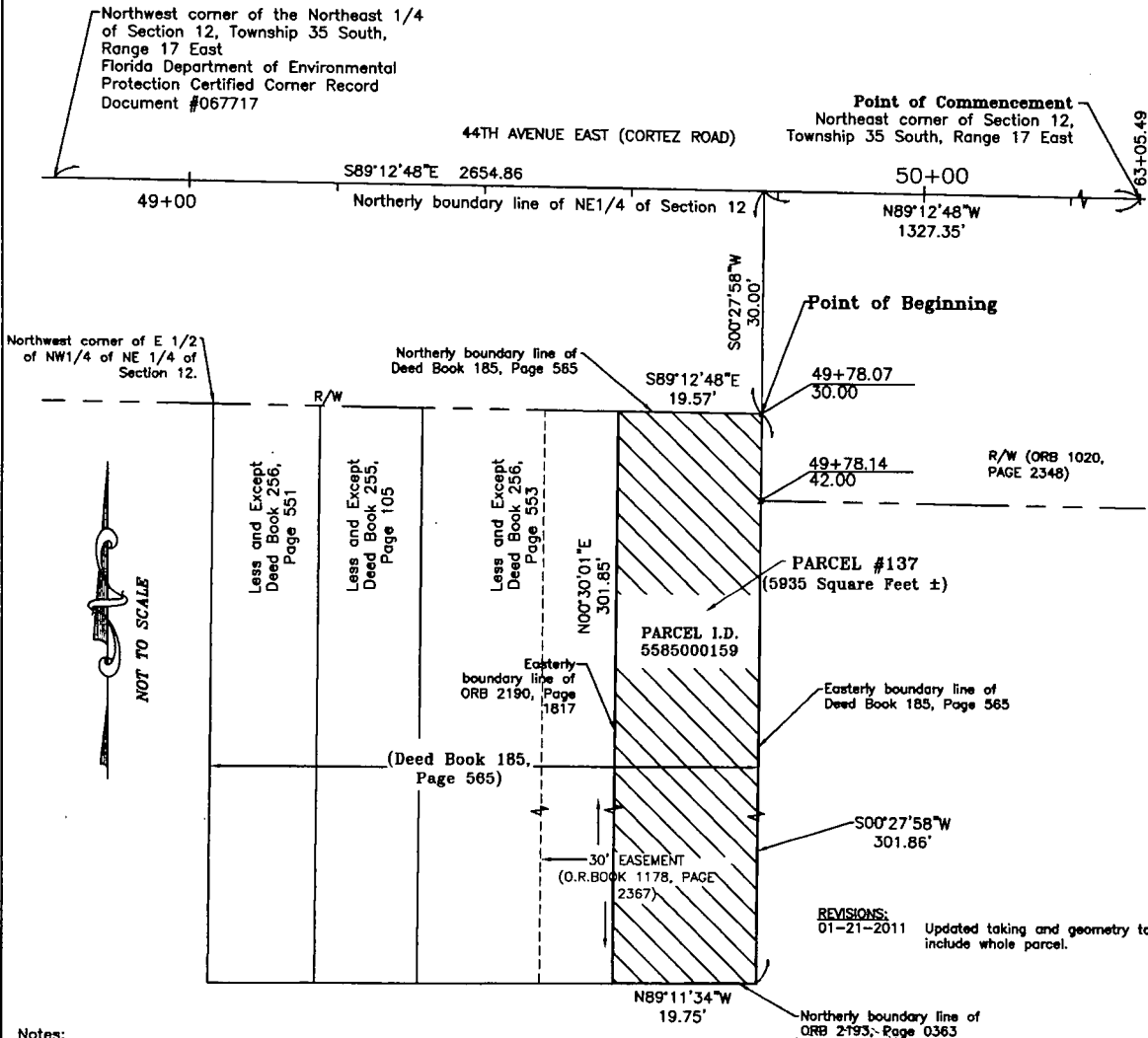
(NOT A SURVEY)

DESCRIPTION: PARCEL #137

The parcel described in Deed Book 185, Page 565, Less and Except Deed Book 255, page 105, Deed Book 256, page 551, and Deed Book 256, page 553 of the Public Records of Manatee County, Florida, being more specifically described as follows:

COMMENCE at the Northeast corner of Section 12, Township 35 South, Range 17 East, Manatee County, Florida; thence N89°12'48"W, 1327.35 feet along the northerly boundary line of the Northeast 1/4 of said Section 12; thence S00°27'58"W, 30.00 feet to the northerly boundary line of said parcel for the POINT OF BEGINNING; thence S00°27'58"W, 301.86 feet along the easterly boundary line of said parcel to the northerly boundary line of Official Records Book 2193, Page 0363 of the Public Records of said County; thence N89°11'34"W, 19.75 feet along said northerly boundary line to the easterly boundary line of the parcel described in Official Records Book 2190, Page 1817 of the Public Records of said County; thence N00°30'01"E, 301.85 feet along said easterly boundary line to the northerly boundary line of said parcel; thence S89°12'48"E, 19.57 feet along said northerly boundary line to the POINT OF BEGINNING.

Containing 5935 Square Feet more or less.



SCHEDULE 1

Notes:

1. This description and sketch does not certify or warranty: title, zoning, easements, or freedom of encumbrances.
2. Not valid without the signature and original raised seal of a Florida licensed surveyor & mapper. This is not a survey.
3. The basis of bearing is the northerly line of the Northeast 1/4 of Section 12, Township 35 South, Range 17 East (NAD83/90 Florida West Zone State Plane Coordinate System) which bears S89°12'48"E.

Todd E. Boyle, RSM
 FLORIDA REGISTERED SURVEYOR & MAPPER, 6047
 1-29-11

**FEE ACQUISITION
 PARCEL #137
 PROJECT# 3346001060**

LEGEND	
FCM	= FOUND CONCRETE MONUMENT (4 1/4")
FIRC	= FOUND CAPPED IRON ROD
I.D.	= IDENTIFICATION
LB	= LICENSED BUSINESS
NDF	= NAIL AND DISK FOUND (ID NOTED)
ORB	= OFFICIAL RECORDS BOOK
PSM	= PROFESSIONAL SURVEYOR & MAPPER
RSM	= REGISTERED SURVEYOR & MAPPER
R/W	= RIGHT OF WAY
Sec	= SECTION

Drawn By: JEB
 Checked By: JEB
 Date: 1-29-11
 Scale: NOT TO SCALE
 DWG: Parcel 137
 Sheet: 1 OF 1
 Section 12, Township 35 South, Range 17 East

MANATEE COUNTY
 PROPERTY MANAGEMENT
 SURVEY DIVISION



1112 MANATEE AVENUE WEST
 BRANDTOWN, FLORIDA, 34208
 (841) 748-6201

RESOLUTION R-11-054

**A RESOLUTION AUTHORIZING USE OF “QUICK-TAKING”
CONDEMNATION PROCEEDINGS FOR THE PUBLIC USE
AND PUBLIC PURPOSE OF CONSTRUCTING, WIDENING,
OR IMPROVING A PUBLIC STREET, ROAD, OR HIGHWAY
AS PART OF THE PUBLIC ROAD SYSTEM IN MANATEE
COUNTY, FLORIDA; PROVIDING AN EFFECTIVE DATE.**

**44TH AVENUE EAST ROAD IMPROVEMENT PROJECT
(US 41 /1ST STREET EAST TO 15TH STREET EAST)
PARCEL 137
PROJECT NO. 6001060**

WHEREAS, Manatee County, Florida, has made an effort to acquire certain property interests along or within the planned corridor of the 44th Avenue East from US 41/1st Street East to 15th Street East by purchase from the owners; and

WHEREAS, the Board of County Commissioners has heretofore authorized the institution of eminent domain proceedings to acquire said property, as described and set out in Resolution R-11-053; and

WHEREAS, the Board of County Commissioners wishes to utilize “quick-taking” condemnation proceedings.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, as follows 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 declares its intention to utilize such proceedings to acquire the necessary interest in the property hereinafter described.

2. Manatee County cannot proceed with the necessary improvements to 44th Avenue East from US 41/1st Street East to 15th Street East until it acquires title to the hereinafter-described property.

3. Delay in acquiring the necessary interest 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 the Schedule which is attached hereto and made a part hereof.

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

ADOPTED with a quorum present and voting this 24th day of May, 2011.

BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA



By: _____

Chairman

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

By: _____

Deputy Clerk

Description and Sketch

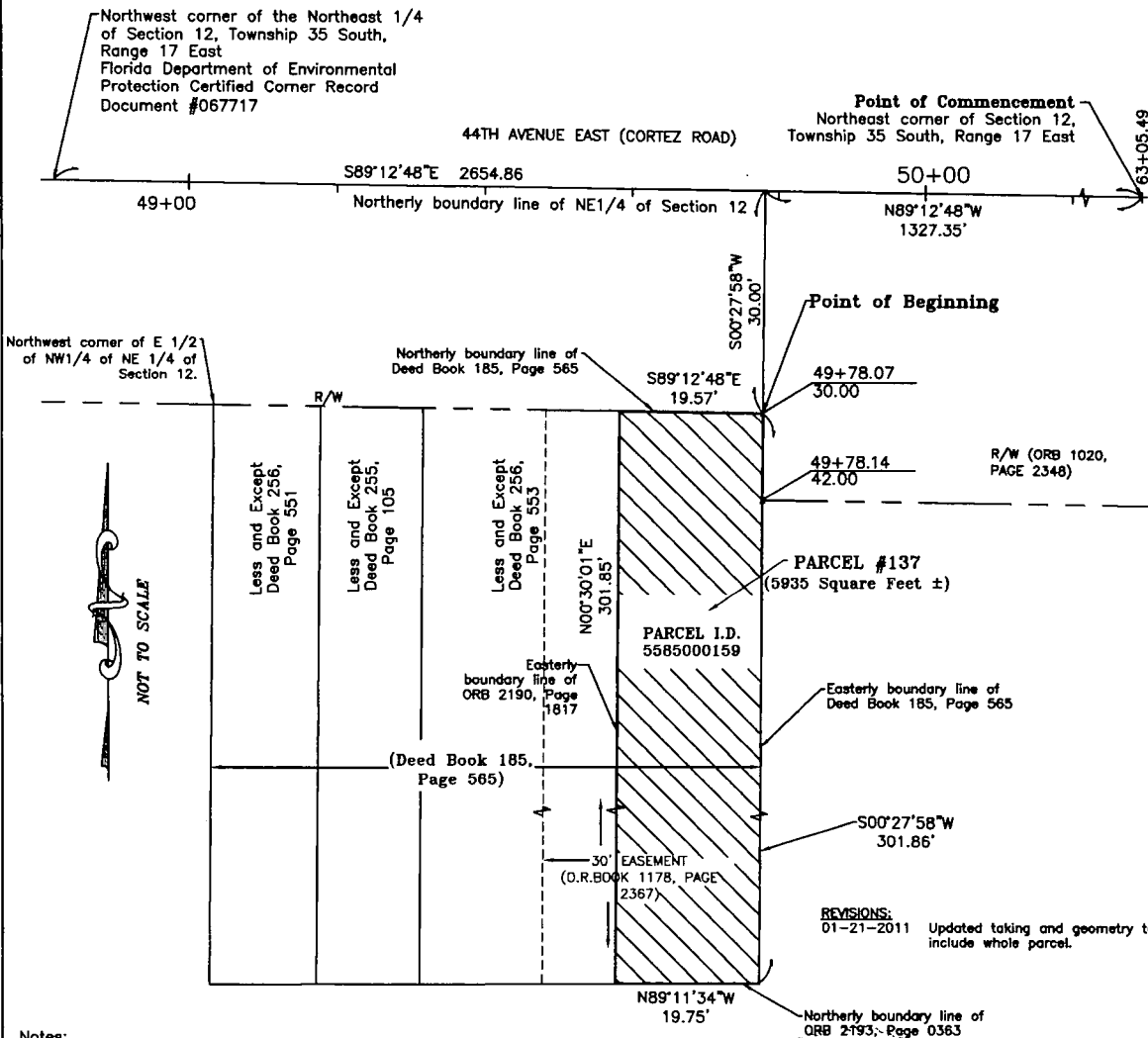
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Containing 5935 Square Feet more or less.



SCHEDULE 1

REVISIONS:
01-21-2011 Updated taking and geometry to include whole parcel.

- Notes:**
1. This description and sketch does not certify or warranty: title, zoning, easements, or freedom of encumbrances.
 2. Not valid without the signature and original raised seal of a Florida licensed surveyor & mapper. This is not a survey.
 3. The basis of bearing is the northerly line of the Northeast 1/4 of Section 12, Township 35 South, Range 17 East (NAD83/90 Florida West Zone State Plane Coordinate System) which bears S89°12'48"E.

Todd E. Boyle, RSM
 FLORIDA REGISTERED SURVEYOR & MAPPER, 6047

FEE ACQUISITION PARCEL #137 PROJECT# 3346001060	LEGEND	Drawn By: JRC Checked By: FEB Date: 1/24/11 Scale: NOT TO SCALE DWG.: Parcel 137 Sheet: 1 OF 1	 <small>MANATEE COUNTY PROPERTY MANAGEMENT SURVEY DIVISION</small> <small>1112 MANATEE AVENUE WEST BRADENTON, FLORIDA, 34202 (813) 746-4301</small>
	FCM = FOUND CONCRETE MONUMENT (4"x4") FIRG = FOUND CAPPED IRON ROD I.D. = IDENTIFICATION LB = LICENSED BUSINESS NDF = NAIL AND DISK FOUND (ID NOTED) ORB = OFFICIAL RECORDS BOOK PSM = PROFESSIONAL SURVEYOR & MAPPER RSM = REGISTERED SURVEYOR & MAPPER R/W = RIGHT OF WAY Sec = SECTION	Section 12, Township 35 South, Range 17 East	