

**RESOLUTION R-11-235**

**A RESOLUTION OF NECESSITY AND FOR EMINENT DOMAIN PROCEEDINGS FOR THE PUBLIC USE AND PUBLIC PURPOSE OF CONSTRUCTION ACTIVITIES, WIDENING, DEEPENING, DREDGING, CLEARING AND SNAGGING OF THE BANKS, OR OTHERWISE IMPROVING THE WARE'S CREEK FLOODWAY AND STORM WATER IMPROVEMENT AREA AS PART OF THE WARE'S CREEK STORM WATER FLOOD CONTROL PUBLIC PROJECT IN MANATEE COUNTY, FLORIDA.**

**WARE'S CREEK - CANAL DREDGING  
PARCEL E-138.2  
PROJECT NO. 6028801**

**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 Ware's Creek must be improved to relieve periodic flooding and to safely accommodate the hydrologic flow of surface waters within the flood plain and that land is needed for the construction, reconstruction, widening, deepening, dredging, clearing and snagging, repairing, and maintaining of the creek and surrounding storm water improvement project area, and for other right-of-way purposes, including, but not limited to, construction activities, drainage, retention, construction staging areas, utility facilities, and depositing of spoil; 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 storm water improvement area; and

**WHEREAS**, the owners 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 properties are 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 Property 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 interests in the aforementioned properties, 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 properties, hereby finds and determines that the acquisition of the following interests are necessary as to the real property described in the attached Schedule:

**Schedule No./Parcel**


**Interest to be Acquired**

1 E-138.2

Permanent Access and  
Maintenance Easement

**ADOPTED** with a quorum present and voting this 8 day of November, 2011.

BOARD OF COUNTY COMMISSIONERS  
MANATEE COUNTY, FLORIDA

By: 

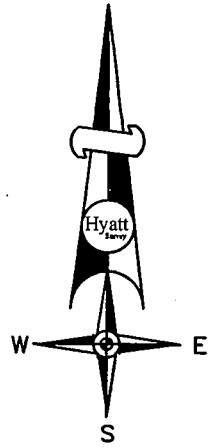
Chairman

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

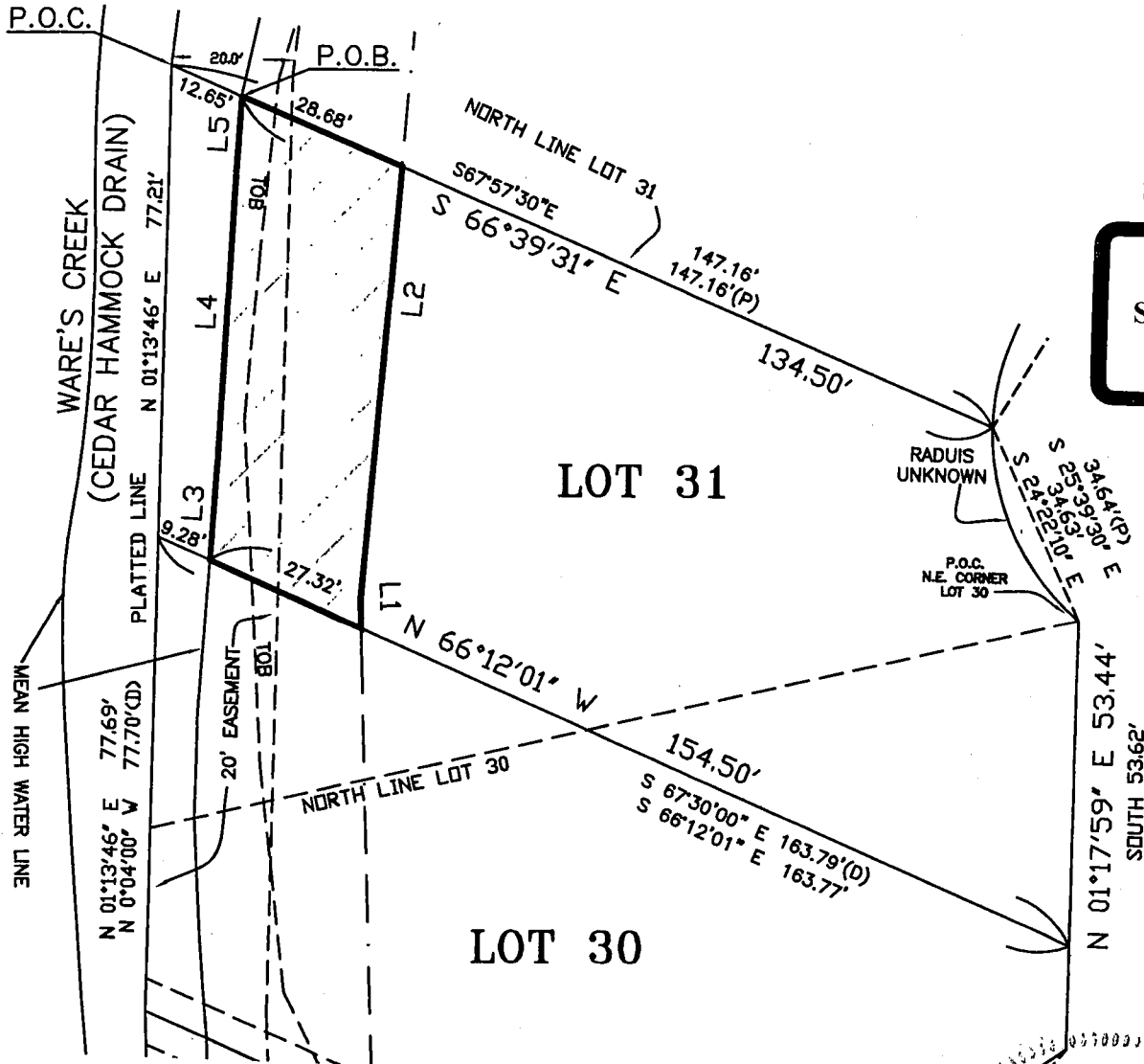
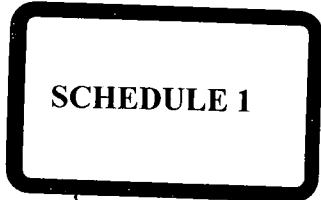
By:   
Deputy Clerk



LINE TABLE		
LINE	LENGTH	BEARING
L1	5.05	N01°36'30"W
L2	70.82	N05°04'07"E
L3	17.31	N04°07'36"E
L4	46.40	N03°21'49"E
L5	12.36	N03°47'25"E



Scale: 1" = 30'



WARES CIRCLE  
R/W WIDTH VARIES

**NOTE:**  
FOR DESCRIPTIVE PURPOSE ONLY.  
THIS IS NOT A SURVEY.

RUSSELL P. HYATT, P.S.M.  
Florida Surveyor's Reg'n. No. LS 5303  
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

REVISED: 6/20/11 LEGAL CORRECTED  
REVISED: 2/6/06 TITLE BLOCK CHANGED P.H.  
REVISION: 1/15/05

FOR: MANATEE COUNTY

**TITLE**  
**ACCESS AND MAINTENANCE EASEMENT**  
**E-138.2 PARCEL 40784.00001**  
**STATION 67+93 TO 68+69**

**Hyatt Survey Services, Inc.**  
LB No.: 7203 Geographic Data Specialists  
11007 8th Avenue East Bradenton, Florida 34212  
Phone (941) 748-4693 Fax (941) 744-1643

JOB NUMBER 03-1073	SECTION 34	TOWNSHIP 34 SOUTH	RANGE 17 EAST	SCALE 1" = 30'	DATE 12/29/04	DRAWN BY PAH	FILE NAME 40784-00001	SHEET 1 OF 2
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THAT PART OF LOT 31, SEMINOLE HEIGHTS SUBDIVISION, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 10, PAGE 24 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID LOT 31 FOR A POINT OF COMMENCEMENT; THENCE S 66°39'31" E, ALONG THE NORTH LINE OF SAID LOT 31, A DISTANCE OF 12.65 FEET TO THE INTERSECTION WITH THE MEAN HIGH WATER LINE FOR A POINT OF BEGINNING;

THENCE CONTINUE S 66°39'31" E, ALONG THE NORTH LINE OF SAID LOT 31, A DISTANCE OF 28.68 FEET; THENCE S 05°04'07" W, A DISTANCE OF 70.82 FEET; THENCE S 01°36'30" E, A DISTANCE OF 5.05 FEET; THENCE N 66°12'01" W, A DISTANCE OF 27.32 FEET TO THE MEAN HIGH WATER LINE; THENCE NORTHERLY ALONG SAID MEAN HIGH WATER LINE THE FOLLOWING THREE (3) COURSES: N 04°07'36" E, A DISTANCE OF 17.31 FEET; THENCE N 03°21'49" E, A DISTANCE OF 46.40 FEET; THENCE N 03°47'25" E, A DISTANCE OF 12.36 FEET TO THE INTERSECTION WITH THE NORTH LINE OF SAID LOT 31 AND THE POINT OF BEGINNING.

CONTAINING 1981 SQUARE FEET.

REVISED: 6/20/11 LEGAL CORRECTED  
 REVISED: 2/6/06 TITLE BLOCK CHANGED P.H.  
 REVISION: 3/28/05  
 REVISION: 1/15/05

FOR: MANATEE COUNTY

**TITLE**  
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JOB NUMBER 03-1073	SECTION 34	TOWNSHIP 34 SOUTH	RANGE 17 EAST	SCALE ----	DATE 12/29/04	DRAWN BY PAH	FILE NAME 40784-00001	SHEET 2 OF 2
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**RESOLUTION R-11-236**

**A RESOLUTION AUTHORIZING USE OF “QUICK TAKING” CONDEMNATION PROCEEDINGS FOR THE PUBLIC USE AND PUBLIC PURPOSE OF CONSTRUCTION ACTIVITIES, WIDENING, DEEPENING, DREDGING, CLEARING AND SNAGGING OF THE BANKS, OR OTHERWISE IMPROVING THE WARE’S CREEK FLOODWAY AND STORM WATER IMPROVEMENT AREA AS PART OF THE WARE’S CREEK STORM WATER FLOOD CONTROL PUBLIC PROJECT IN MANATEE COUNTY, FLORIDA; PROVIDING AN EFFECTIVE DATE.**

**WARE’S CREEK - CANAL DREDGING  
PARCEL E-138.2  
PROJECT NO. 6028801**

**WHEREAS**, Manatee County, Florida, has made an effort to acquire certain property interests along or within the planned corridor of the Ware’s Creek – Canal Dredging Project by purchase from the owners; and

**WHEREAS**, the Board of County Commissioners has heretofore authorized the institution of eminent domain proceedings to acquire said properties, all as described and set out in Resolution R-11-235; 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 interests in the property hereinafter described.

2. Manatee County cannot proceed with the necessary improvements to Ware's Creek – Canal Dredging Project until it acquires title to the hereinafter-described property.

3. Delay in acquiring the necessary interests 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 Schedule 1 which is attached hereto and made a part hereof.

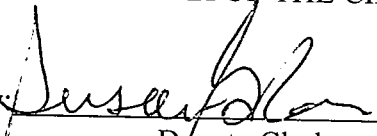
6. This Resolution shall take effect immediately upon its passage.

ADOPTED with a quorum present and voting this 8 day of November, 2011.

BOARD OF COUNTY COMMISSIONERS  
MANATEE COUNTY, FLORIDA

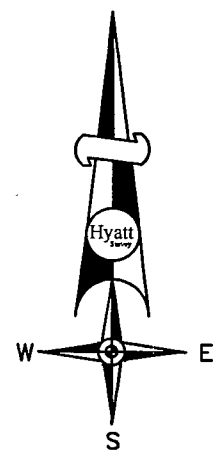
By:   
Chairman

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

By:   
Deputy Clerk

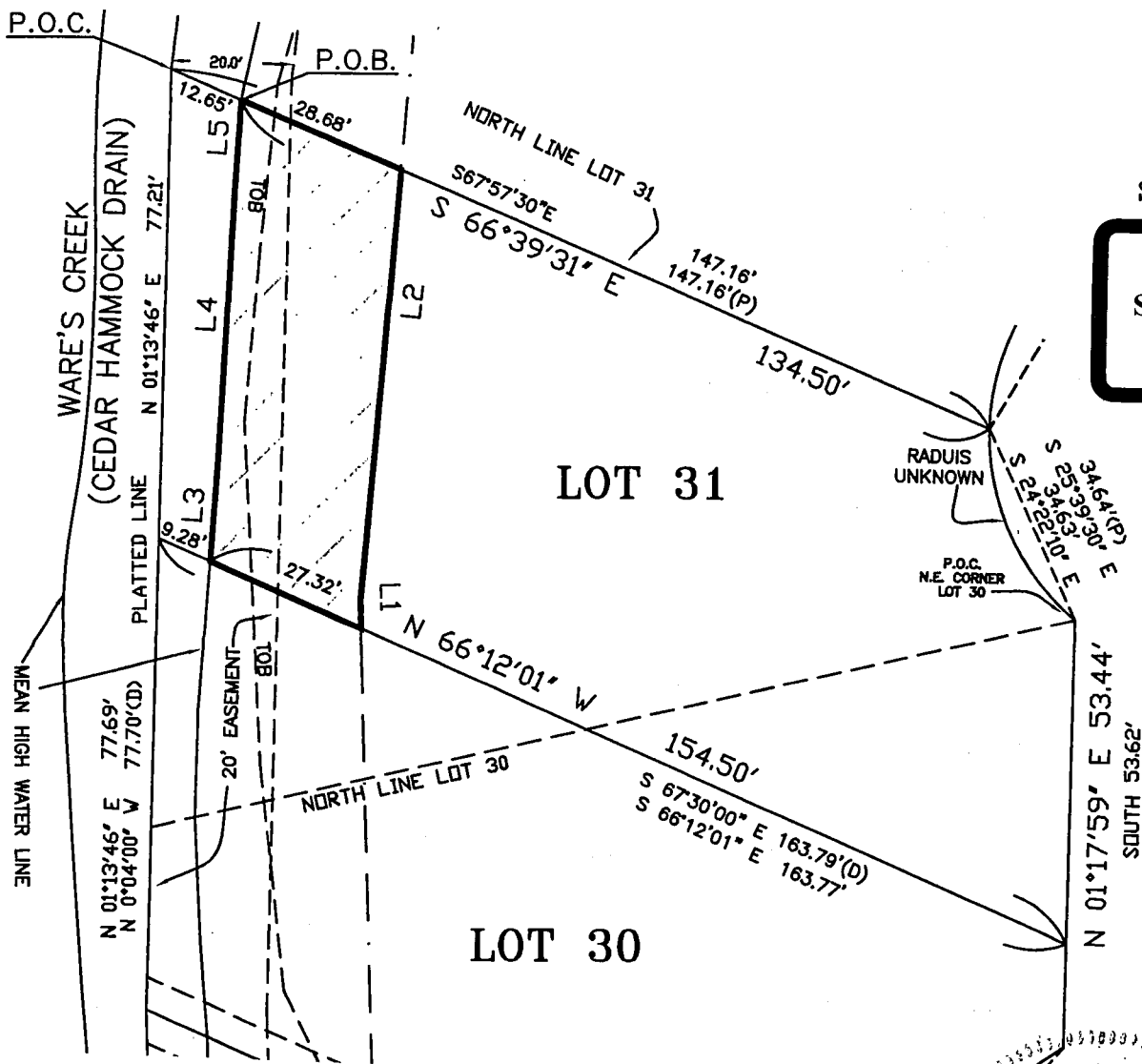


LINE TABLE		
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L3	17.31	N04°07'36"E
L4	46.40	N03°21'49"E
L5	12.36	N03°47'25"E



Scale: 1" = 30'

**SCHEDULE 1**



**NOTE:**  
FOR DESCRIPTIVE PURPOSE ONLY,  
THIS IS NOT A SURVEY.

**RUSSELL P. HYATT, P.S.M.**  
Florida Surveyor's Reg'n. No. LS 5303  
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

REVISED: 6/20/11 LEGAL CORRECTED  
REVISED: 2/8/06 TITLE BLOCK CHANGED P.H.  
REVISION: 1/15/05

FOR: MANATEE COUNTY

**TITLE**  
**ACCESS AND MAINTENANCE EASEMENT**  
**E-138.2 PARCEL 40784.00001**  
**STATION 67+93 TO 68+69**

**Hyatt Survey Services, Inc.**  
LB No.: 7203 Geographic Data Specialists  
11007 8th Avenue East Bradenton, Florida 34212  
Phone (941) 748-4693 Fax (941) 744-1643

JOB NUMBER 03-1073	SECTION 34	TOWNSHIP 34 SOUTH	RANGE 17 EAST	SCALE 1" = 30'	DATE 12/29/04	DRAWN BY PAH	FILE NAME 40784-00001	SHEET 1 OF 2
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THAT PART OF LOT 31, SEMINOLE HEIGHTS SUBDIVISION, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 10, PAGE 24 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID LOT 31 FOR A POINT OF COMMENCEMENT; THENCE S 66°39'31" E, ALONG THE NORTH LINE OF SAID LOT 31, A DISTANCE OF 12.65 FEET TO THE INTERSECTION WITH THE MEAN HIGH WATER LINE FOR A POINT OF BEGINNING;

THENCE CONTINUE S 66°39'31" E, ALONG THE NORTH LINE OF SAID LOT 31, A DISTANCE OF 28.68 FEET; THENCE S 05°04'07" W, A DISTANCE OF 70.82 FEET; THENCE S 01°36'30" E, A DISTANCE OF 5.05 FEET; THENCE N 66°12'01" W, A DISTANCE OF 27.32 FEET TO THE MEAN HIGH WATER LINE; THENCE NORTHERLY ALONG SAID MEAN HIGH WATER LINE THE FOLLOWING THREE (3) COURSES: N 04°07'36" E, A DISTANCE OF 17.31 FEET; THENCE N 03°21'49" E, A DISTANCE OF 46.40 FEET; THENCE N 03°47'25" E, A DISTANCE OF 12.36 FEET TO THE INTERSECTION WITH THE NORTH LINE OF SAID LOT 31 AND THE POINT OF BEGINNING.

CONTAINING 1981 SQUARE FEET.

REVISED: 6/20/11 LEGAL CORRECTED  
 REVISED: 2/6/06 TITLE BLOCK CHANGED P.H.  
 REVISION: 3/28/05  
 REVISION: 1/15/05

FOR: MANATEE COUNTY

**TITLE**  
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JOB NUMBER 03-1073	SECTION 34	TOWNSHIP 34 SOUTH	RANGE 17 EAST	SCALE ----	DATE 12/29/04	DRAWN BY PAH	FILE NAME 40784-00001	SHEET 2 OF 2
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**RESOLUTION R-11-237**

**A RESOLUTION OF NECESSITY AND FOR EMINENT DOMAIN PROCEEDINGS FOR THE PUBLIC USE AND PUBLIC PURPOSE OF CONSTRUCTION ACTIVITIES, WIDENING, DEEPENING, DREDGING, CLEARING AND SNAGGING OF THE BANKS, OR OTHERWISE IMPROVING THE WARE'S CREEK FLOODWAY AND STORM WATER IMPROVEMENT AREA AS PART OF THE WARE'S CREEK STORM WATER FLOOD CONTROL PUBLIC PROJECT IN MANATEE COUNTY, FLORIDA.**

**WARE'S CREEK - CANAL DREDGING  
PARCEL E-142.2  
PROJECT NO. 6028801**

**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 Ware's Creek must be improved to relieve periodic flooding and to safely accommodate the hydrologic flow of surface waters within the flood plain and that land is needed for the construction, reconstruction, widening, deepening, dredging, clearing and snagging, repairing, and maintaining of the creek and surrounding storm water improvement project area, and for other right-of-way purposes, including, but not limited to, construction activities, drainage, retention, construction staging areas, utility facilities, and depositing of spoil; 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 storm water improvement area; and

**WHEREAS**, the owners 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 properties are 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 Property Management Departments are authorized to employ the services of the County

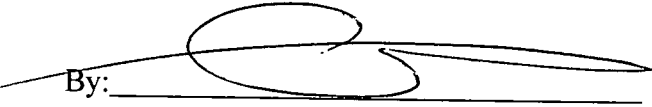
Attorney, or retained counsel assigned by the County Attorney, to commence and to prosecute eminent domain proceedings to acquire the necessary interests in the aforementioned properties, which property is more particularly described in the Schedule which is attached hereto and made a part hereof.

**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 properties, hereby finds and determines that the acquisition of the following interests are necessary as to the real property described in the attached Schedule:


<u>Schedule No./Parcel</u>	<u>Interest to be Acquired</u>
1      E-142.2	Permanent Access and Maintenance Easement

**ADOPTED** with a quorum present and voting this 8 day of November, 2011.

BOARD OF COUNTY COMMISSIONERS  
MANATEE COUNTY, FLORIDA

By:   
Chairman

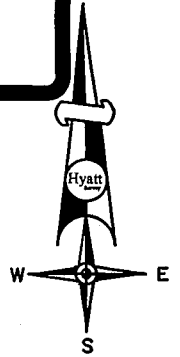
ATTEST: R. B. SHORE  
CLERK OF THE CIRCUIT COURT

By:   
Deputy Clerk

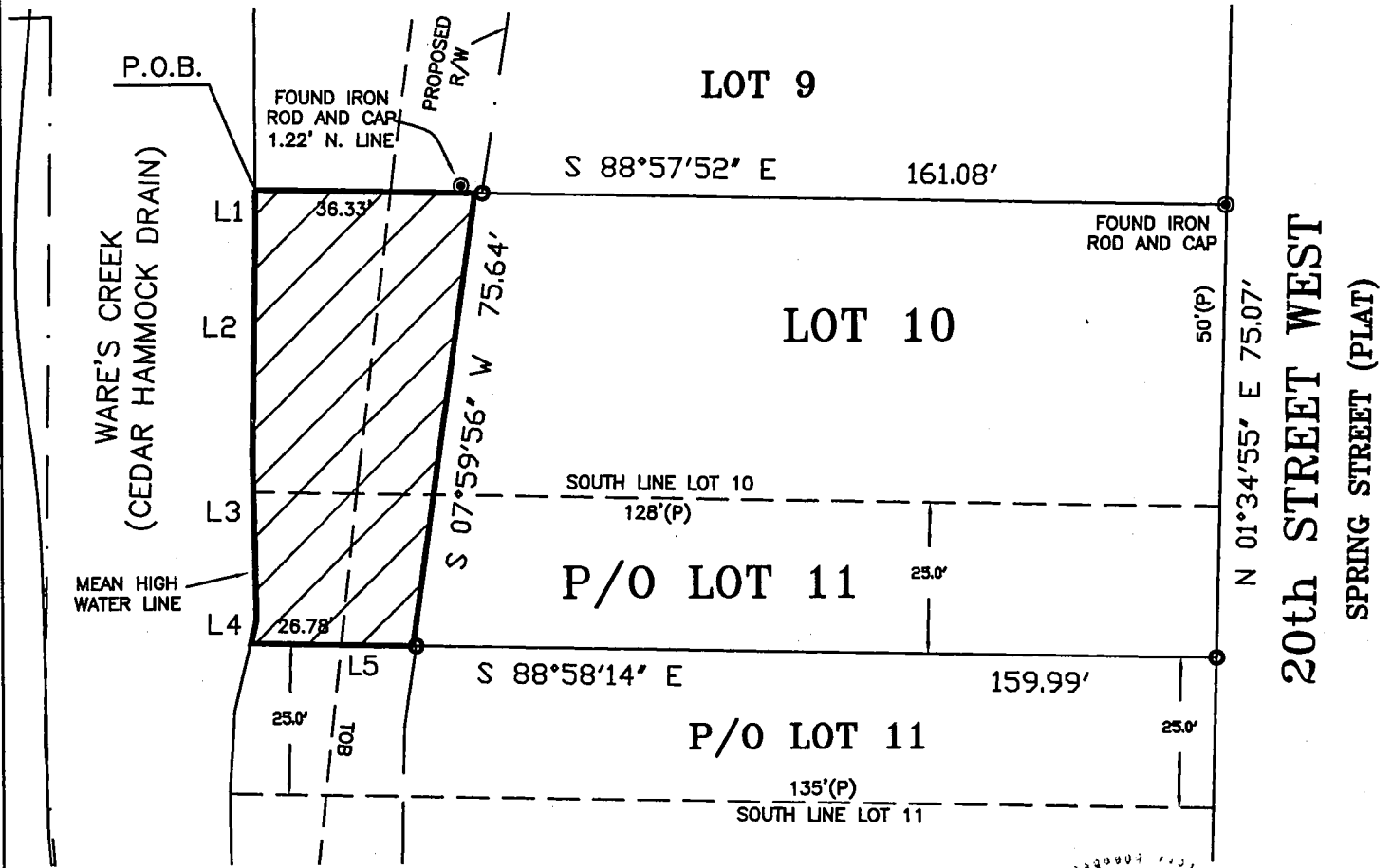


**SCHEDULE 1**

LINE TABLE		
LINE	LENGTH	BEARING
L1	4.95	N00°04'23"W
L2	38.07	N00°51'27"E
L3	28.04	N01°07'15"W
L4	4.14	N13°30'56"E
L5	27.35	N88°58'14"W



Scale: 1" = 30'



**NOTE:**  
FOR DESCRIPTIVE PURPOSE ONLY,  
THIS IS NOT A SURVEY.

REVISED: 6/20/08 REVISED EASEMENT  
REVISED: 2/8/06 TITLE BLOCK CHANGED P.H.  
REVISED: 1/15/05

FOR: MANATEE COUNTY

**RUSSELL P. HYATT, P.S.M.**  
Florida Surveyor's Reg'n. No. LS: 5303  
NOT VALID WITHOUT THE SIGNATURE AND THE  
ORIGINAL RAISED SEAL OF A FLORIDA LICENSED  
SURVEYOR AND MAPPER.

**TITLE**  
**ACCESS AND MAINTENANCE EASEMENT**  
**E-142.2 PARCEL 40842.00007**  
**STATION 63+95 TO 64+70**

**Hyatt Survey Services, Inc.**  
LB No.: 7203 Geographic Data Specialists  
11007 8th Avenue East Bradenton, Florida 34212  
Phone (941) 748-4693 Fax (941) 744-1643

JOB NUMBER 03-1073	SECTION 34	TOWNSHIP 34 SOUTH	RANGE 17 EAST	SCALE 1" = 30'	DATE 12/29/04	DRAWN BY PAH	FILE NAME 40842-00007	SHEET 1 OF 2
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THAT PART OF LOTS 10 AND 11, REVISED PLAT OF TERRACEDALE, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 5, PAGE 31 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID LOT 10 FOR A POINT OF BEGINNING;

THENCE S 88°57'52" E, ALONG THE NORTH LINE OF SAID LOT 10, A DISTANCE OF 36.33 FEET; THENCE S 07°59'56" W, A DISTANCE OF 75.64 FEET; THENCE N 88°58'14" W, A DISTANCE OF 26.78 FEET TO THE INTERSECTION WITH THE MEAN HIGH WATER LINE; THENCE NORTHERLY, ALONG SAID MEAN HIGH WATER LINE, THE FOLLOWING FOUR (4) COURSES: N 13°30'56" E, A DISTANCE OF 4.14 FEET; THENCE N 01°07'15" W, A DISTANCE OF 28.04 FEET; THENCE N 00°51'27" E, A DISTANCE OF 38.07 FEET; THENCE N 00°04'23" W, A DISTANCE OF 4.95 FEET TO THE NORTHWEST CORNER OF SAID LOT 11 AND THE POINT OF BEGINNING.

CONTAINING 2353 SQUARE FEET.

REVISED: 6/20/08 REVISED EASEMENT  
 REVISED: 2/6/06 TITLE BLOCK CHANGED P.H.  
 REVISED: 1/15/05

FOR: MANATEE COUNTY

<b>TITLE</b> <b>ACCESS AND MAINTENANCE EASEMENT</b> <b>E-142.2 PARCEL 40842.00007</b> <b>STATION 63+95 TO 64+70</b>					<b>Hyatt Survey Services, Inc.</b> LB No.: 7203 Geographic Data Specialists 11007 8th Avenue East Bradenton, Florida 34212 Phone (941) 748-4693 Fax (941) 744-1643				
JOB NUMBER 03-1073	SECTION 34	TOWNSHIP 34 SOUTH	RANGE 17 EAST	SCALE ----	DATE 12/29/04	DRAWN BY PAH	FILE NAME 40842-00007	SHEET 2 OF 2	

**RESOLUTION R-11-238**

**A RESOLUTION AUTHORIZING USE OF “QUICK TAKING” CONDEMNATION PROCEEDINGS FOR THE PUBLIC USE AND PUBLIC PURPOSE OF CONSTRUCTION ACTIVITIES, WIDENING, DEEPENING, DREDGING, CLEARING AND SNAGGING OF THE BANKS, OR OTHERWISE IMPROVING THE WARE’S CREEK FLOODWAY AND STORM WATER IMPROVEMENT AREA AS PART OF THE WARE’S CREEK STORM WATER FLOOD CONTROL PUBLIC PROJECT IN MANATEE COUNTY, FLORIDA; PROVIDING AN EFFECTIVE DATE.**

**WARE’S CREEK - CANAL DREDGING  
PARCEL E-142.2  
PROJECT NO. 6028801**

**WHEREAS**, Manatee County, Florida, has made an effort to acquire certain property interests along or within the planned corridor of the Ware’s Creek – Canal Dredging Project by purchase from the owners; and

**WHEREAS**, the Board of County Commissioners has heretofore authorized the institution of eminent domain proceedings to acquire said properties, all as described and set out in Resolution R-11-237; 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 interests in the property hereinafter described.

2. Manatee County cannot proceed with the necessary improvements to Ware's Creek – Canal Dredging Project until it acquires title to the hereinafter-described property.

3. Delay in acquiring the necessary interests 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 Schedule 1 which is attached hereto and made a part hereof.

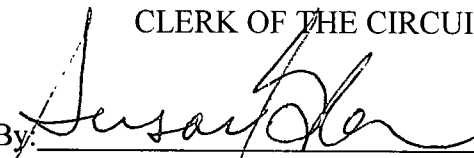
6. This Resolution shall take effect immediately upon its passage.

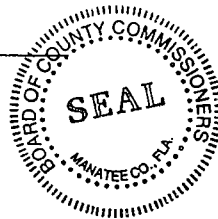
ADOPTED with a quorum present and voting this 8 day of November, 2011.

BOARD OF COUNTY COMMISSIONERS  
MANATEE COUNTY, FLORIDA

By:   
Chairman

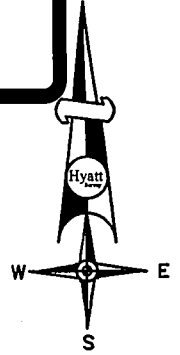
ATTEST: R. B. SHORE  
CLERK OF THE CIRCUIT COURT

By:   
Deputy Clerk

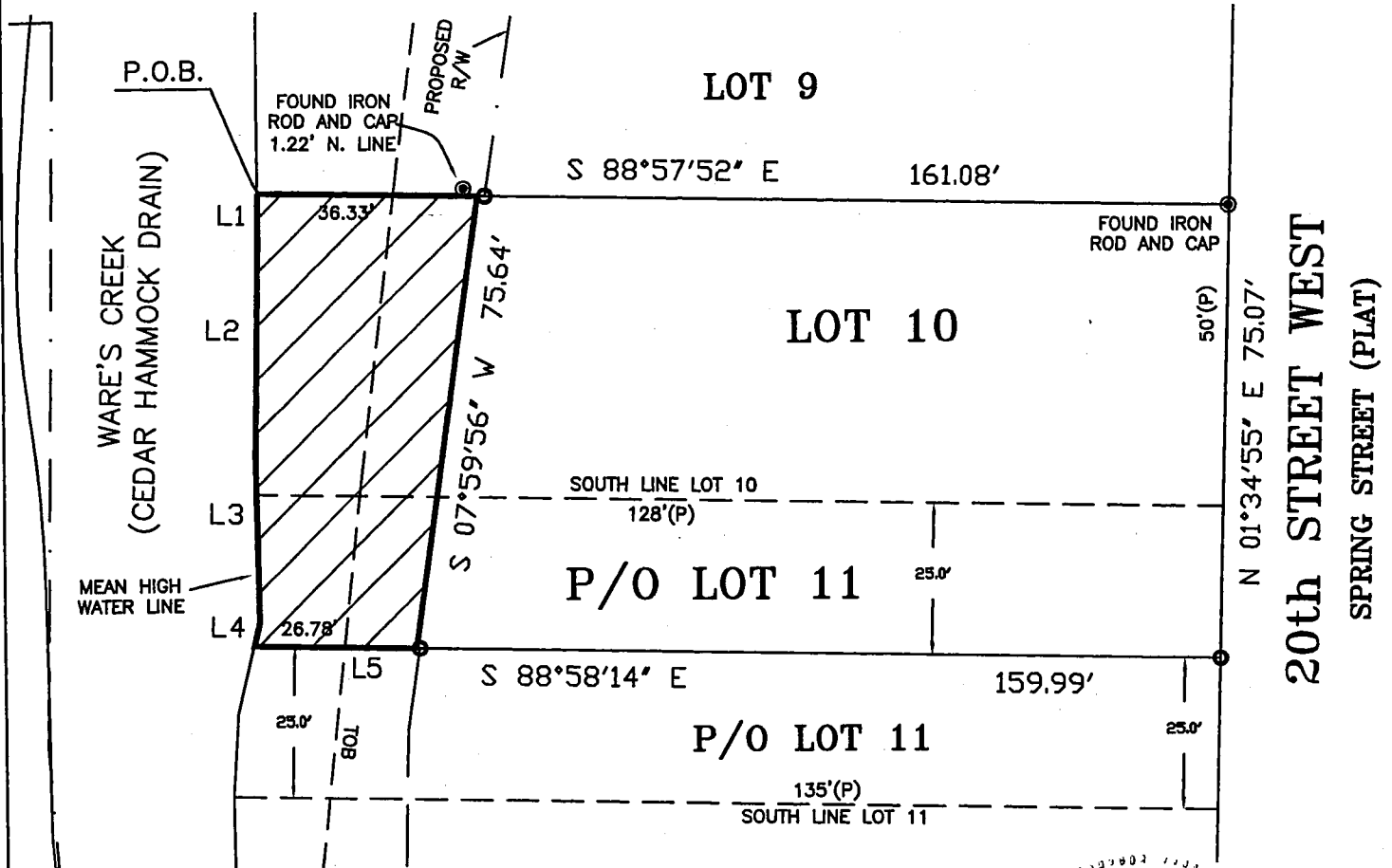


**SCHEDULE 1**

LINE TABLE		
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Scale: 1" = 30'



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REVISED: 6/20/08 REVISED EASEMENT  
REVISED: 2/6/06 TITLE BLOCK CHANGED P.H.  
REVISED: 1/15/05

FOR: MANATEE COUNTY

*(Signature)*  
RUSSELL P. HYATT, P.S.M.  
Florida Surveyor's Reg'n. No. LS: 5303  
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

**TITLE**  
ACCESS AND MAINTENANCE EASEMENT  
E-142.2 PARCEL 40842.00007  
STATION 63+95 TO 64+70

**Hyatt Survey Services, Inc.**

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THAT PART OF LOTS 10 AND 11, REVISED PLAT OF TERRACEDALE, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 5, PAGE 31 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

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CONTAINING 2353 SQUARE FEET.

REVISED: 6/20/08 REVISED EASEMENT  
 REVISED: 2/6/06 TITLE BLOCK CHANGED P.H.  
 REVISED: 1/15/05

FOR: MANATEE COUNTY

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Phone (941) 748-4693 Fax (941) 744-1643

JOB NUMBER 03-1073	SECTION 34	TOWNSHIP 34 SOUTH	RANGE 17 EAST	SCALE ----	DATE 12/29/04	DRAWN BY PAH	FILE NAME 40842-00007	SHEET 2 OF 2
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