

RESOLUTION R-13-022

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 W-280.2
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 owner of said land has 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 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 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. W-280.2	Permanent Easement

ADOPTED with a quorum present and voting this 12 day of February, 2013.

BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA

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

By: Larry Bustle
Chairman

By: Wabi Jessner
Deputy Clerk





ZNS ENGINEERING

ENGINEERS | PLANNERS | SURVEYORS | LANDSCAPE ARCHITECTS | ENVIRONMENTAL CONSULTANTS
EB 0027476 LS 0006982 LC 0000365

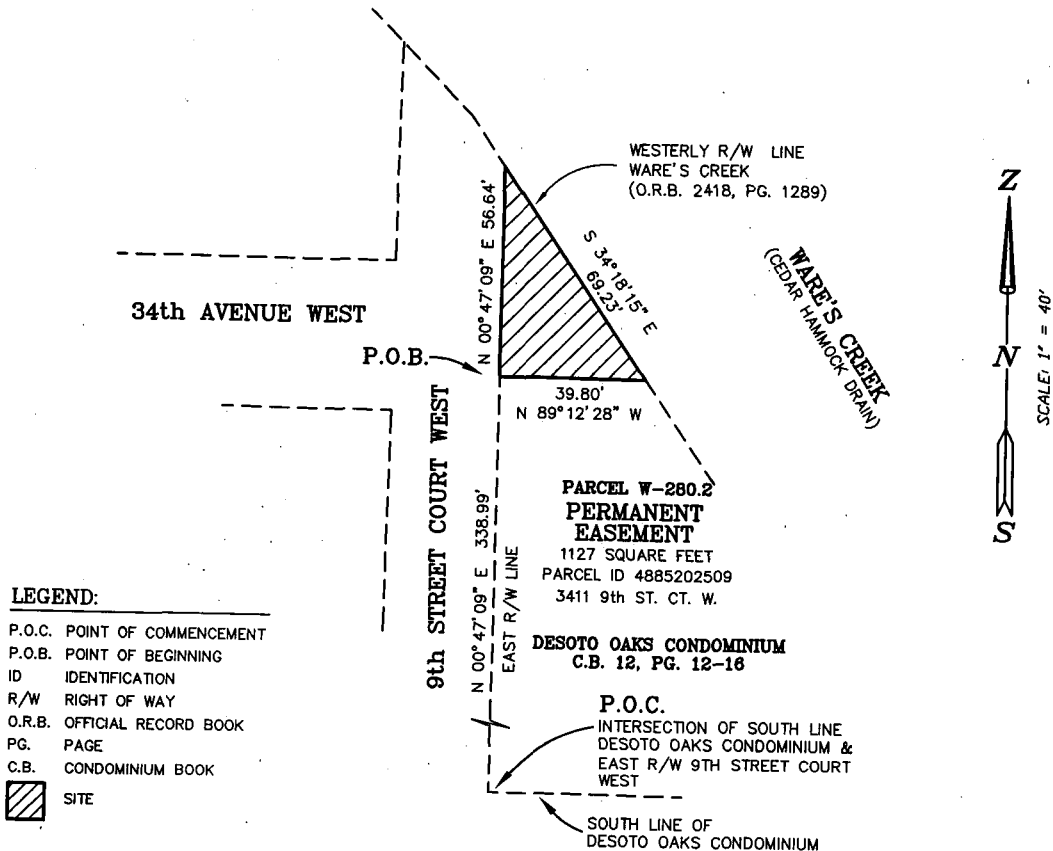
201 5th AVENUE DRIVE EAST
POST OFFICE BOX 9448
BRADENTON, FLORIDA 34206
(941) 748-8080
FAX (941) 748-3747

DESCRIPTION:

A PORTION OF DESOTO OAKS CONDOMINIUM IN SECTION 2, TOWNSHIP 35 SOUTH, RANGE 17 EAST, AS PER PLAT THEREOF RECORDED IN CONDOMINIUM BOOK 12, PAGE 12 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA. BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE SOUTH LINE OF SAID DESOTO OAKS CONDOMINIUM AND THE EAST RIGHT OF WAY LINE OF 9TH STREET COURT WEST; THENCE N 00°47'09" E, ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 338.99 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE, N 00°47'09" E, ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 56.64 FEET TO AN INTERSECTION WITH THE WESTERLY RIGHT OF WAY LINE FOR WARE'S CREEK AS RECORDED IN OFFICIAL RECORDS BOOK 2418, PAGE 1289 OF SAID PUBLIC RECORDS; THENCE S 34°18'15" E, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 69.23 FEET; THENCE N 89°12'28" W, A DISTANCE OF 39.80 FEET TO THE POINT OF BEGINNING.

CONTAINING 1127 SQUARE FEET, MORE OR LESS.



LEGEND:

- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING
- ID IDENTIFICATION
- R/W RIGHT OF WAY
- O.R.B. OFFICIAL RECORD BOOK
- PG. PAGE
- C.B. CONDOMINIUM BOOK
- SITE

NOTES:

1. BEARINGS ARE BASED ON THE WEST LINE OF DESOTO OAKS CONDOMINIUM, HAVING A BEARING OF N 00°17'09" E, AND DO NOT REFER TO THE TRUE MERIDIAN.
2. THIS DRAWING IS A SKETCH ONLY AND DOES NOT REPRESENT A FIELD SURVEY AS SUCH.

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PARCEL W-280.2
PERMANENT EASEMENT
PROJECT No. 465-6028801

PERMANENT EASEMENT LOCATED IN SECTION 2, TOWNSHIP 35 SOUTH, RANGE 17 EAST MANATEE COUNTY, FLORIDA

NOTE: NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

WE HEREBY CERTIFY THAT THIS SKETCH AND DESCRIPTION HAVE BEEN PREPARED UNDER OUR DIRECT SUPERVISION, THAT THEY ARE A TRUE REPRESENTATION OF THE LAND AS SHOWN AND DESCRIBED HEREON, THAT THEY ARE CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF AND THAT THEY MEET THE "MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING IN THE STATE OF FLORIDA", CHAPTER 5J-17-050, FLORIDA ADMINISTRATIVE CODE.

BY:
JAMES N. GALT, STATE OF FLORIDA
FLORIDA CERTIFICATE NO. LS 4295
DATE OF CERTIFICATION 08/24/12

SCHEDULE 1