

RESOLUTION R-14-008

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; AND RESCINDING AND REPLACING RESOLUTION R-13-179.

**44TH AVENUE EAST ROAD IMPROVEMENT PROJECT
(30TH STREET EAST TO 45TH STREET EAST)
PARCEL 800
PROJECT NO. 6071160**

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 30th Street East to 45th 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, bike lanes, 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 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; and

WHEREAS, on September 24, 2013, the Board of County Commissioners of Manatee County, Florida, previously adopted Resolution R-13-179 determining the necessity and public purpose for and authorizing the County Attorney to commence and to prosecute eminent domain proceedings to acquire the necessary interests of a certain parcel of privately owned realty necessary for the 44th Avenue East Road Improvement Project from 30th Street East to 45th Street East; and

WHEREAS, Manatee County has determined the need to make minor corrections to the legal description and/or sketch.

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 Schedule 1 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>Interests to be Acquired</u>
1.	800	Permanent Easement

BE IT FURTHER RESOLVED that Resolution R-13-179 is hereby rescinded in its entirety.

DULY ADOPTED with a quorum present and voting this 7th day of January, 2014.

**BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA**



By: Larry Burtles
Chairperson

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

By: [Signature]
Deputy Clerk

LEGAL DESCRIPTION AND SKETCH

PERMANENT EASEMENT

Parcel 800

A parcel of land lying in Section 5, Township 35 South, Range 18 East described as follows:

COMMENCE at the southeast corner said Section 5, thence along the east line of said Section 5, N 00°04' 41" W a distance of 815.27 feet; thence departing said east line, S 89°37'29" W a distance of 289.55 feet to the **POINT OF BEGINNING**; thence S 00°00'00" W a distance of 44.20 feet; thence N 89°54'15" W a distance of 20.00 feet; thence N 00°00'00" E a distance of 44.03 feet; thence N 89°37'29" E a distance of 20.00 feet to the **POINT OF BEGINNING**.

Containing 882 square feet, more or less.

This legal description and sketch prepared by:



RICHARD C. ABERNATHY DATE: **12-18-13**
 PROFESSIONAL SURVEYOR AND MAPPER
 STATE OF FLORIDA
 LICENSE NUMBER LS 6563

Note: Not Valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.

SCHEDULE 1



**MANATEE COUNTY
PUBLIC WORKS**

PREPARED BY:

MCKIM & CREED
 378 INTERSTATE COURT
 SARASOTA, FL 34240
 941-379-3404 LB 7917

PARCEL SKETCH - THIS IS NOT A SURVEY

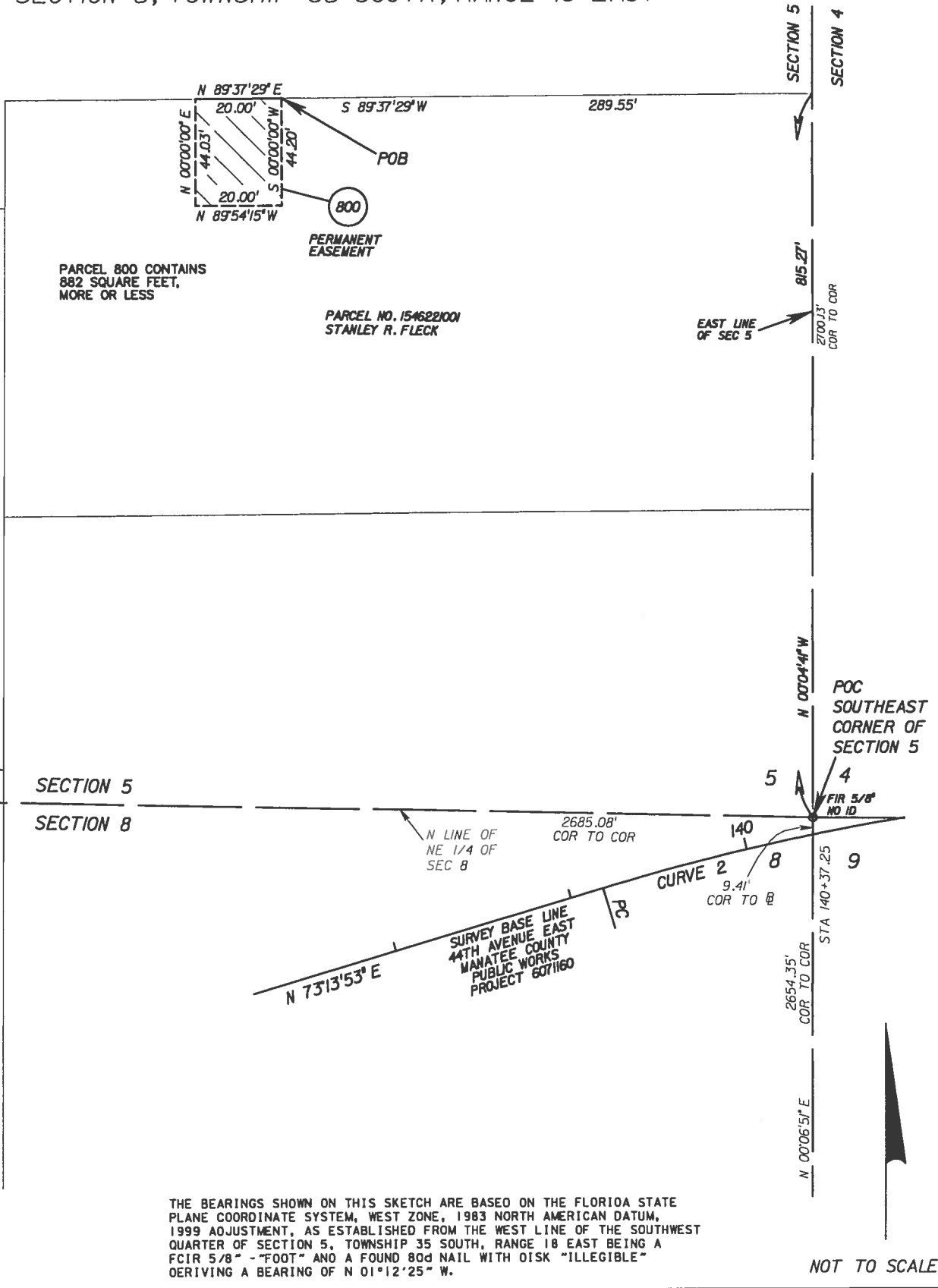
REVISED DESCRIPTION	GJ	12/18/13
CHANGED FROM PERPETUAL TO PERMANENT EASEMENT	RA	05/02/13
REVISION	BY	DATE

BY	A
DRAWN	G. JONES 6/05/12
CHECKED	R ABERNATHY 6/05/12

Parcel Number 800

Project Number: 6071160 44th Avenue East SHEET 1 OF 2

SECTION 5, TOWNSHIP 35 SOUTH, RANGE 18 EAST



LAZY B RANCHES
 PB 15, PG 82

SECTION 5
 SECTION 8
 S 88°48'32" E

ABBREVIATIONS
 B - BASE LINE
 CD - CHORD DISTANCE
 CB - CHORD BEARING
 COR - CORNER
 D - DEGREE OF CURVATURE
 FCIR - FOUND CAPPED IRON ROD
 FCM - FOUND CONCRETE MONUMENT
 FIR - FOUND IRON ROD
 FND - FOUND
 L - LENGTH OF CURVE
 LT - LEFT
 ID - IDENTIFICATION
 NO. - NUMBER
 O/S - OFFSET
 ORB - OFFICIAL RECORD BOOK
 (P) - PLAT
 PB - PLAT BOOK
 PC - POINT OF CURVATURE
 PG - PAGE
 PI - POINT OF INTERSECTION
 POB - POINT OF BEGINNING
 POC - POINT OF COMMENCEMENT
 PT - POINT OF TANGENCY
 R - RADIUS OF CURVE
 RR - RAILROAD
 RT - RIGHT
 RW - RIGHT OF WAY
 SEC - SECTION
 STA - STATION
 T - TANGENT

This legal description and sketch is incomplete without the signed and sealed legal description.

MANATEE COUNTY PUBLIC WORKS

PREPARED BY: **MFKIM & CREED**
 378 INTERSTATE COURT
 SARASOTA, FL 34240
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PARCEL SKETCH - THIS IS NOT A SURVEY

REVISED DESCRIPTION	GJ	12/18/13	BY		DATE	Parcel Number 800
CHANGED FROM PERPETUAL TO PERMANENT EASEMENT	RA	05/02/13	DRAWN	G. JONES	6/05/12	
REVISION	BY	DATE	CHECKED	R ABERNATHY	6/05/12	Project Number: 6071160 44th Avenue East SHEET 2 OF 2