

RESOLUTION R-14-029

A RESOLUTION AMENDING MANATEE COUNTY RESOLUTION R-12-107 *NUNC PRO TUNC*, DETERMINING 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
PARCELS W-261.1, W-261A.1, W-262.1, AND W-262.6
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, on May 8, 2012, the Board of County Commissioners of Manatee County duly adopted Resolution R-12-107 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 certain parcels of privately owned realty necessary for the Ware's Creek – Canal Dredging Project ("Project") and rescinding and replacing Resolution R-12-024; and

WHEREAS, as a result of an error in the examination of title work, the legal description and sketch for Parcel W-261A.1 did not capture the entirety of the real estate needed to be acquired for the Project; and

WHEREAS, Manatee County has determined the need to revise the legal description and sketch of the area of acquisition for Parcel W-261A.1 to increase the land area needed for improvements; 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.

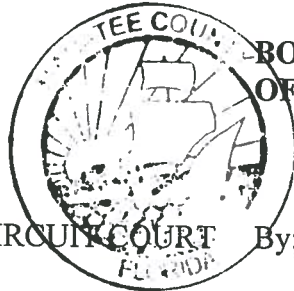
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, that the Board of County Commissioners of Manatee County, Florida, hereby finds and determines that it is necessary in the public interest to acquire the real property as described on Schedule No. 2, attached hereto and incorporated herein by this reference, for the purpose of 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 for the Project.

BE IT FURTHER RESOLVED that Resolution R-12-107 is hereby amended to replace Schedule No. 2 thereto (Parcel W-261A.1 – Fee Simple Title) with the legal description and sketch attached hereto as Schedule No. 2 (Amended Parcel W-261A.1 – Fee Simple Title), reflecting the revised legal description and sketch of the area of acquisition needed for improvements, and including and incorporating the property described in Schedule No. 2 hereto together with all references to Schedule No. 2 in Resolution R-12-107.

BE IT FURTHER RESOLVED that Resolution R-12-107 be otherwise unaltered and remain in full force and effect, as amended hereby.

BE IT FURTHER RESOLVED, *nunc pro tunc*, that the Board of County Commissioners of Manatee County, Florida, hereby adopts the aforementioned amendments effective as of May 8, 2012, the date of adoption of Resolution R-12-107.

DULY ADOPTED with a quorum present and voting this 11th day of March, 2014.



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

ATTEST: R. B. SHORE

CLERK OF THE CIRCUIT COURT

By: [Signature]
Deputy Clerk

By: [Signature]

Chairperson

A CERTAIN PARCEL OF LAND LYING IN SECTION 35, TOWNSHIP 34 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA, SAID PARCEL BEING DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF LOT 8, BLOCK "E" AS SHOWN AND DESIGNATED ON A PLAT ENTITLED "SHARP & TURNER'S ADDITION TO BRADENTON", RECORDED AMONG THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA IN PLAT BOOK 1, PAGE 296; THENCE ALONG THE SOUTH LINE OF SAID LOT 8, S 89°23'45" E, A DISTANCE OF 60.83 FEET; THENCE DEPARTING SAID SOUTH LINE, S 22°44'55" E, A DISTANCE OF 38.25 FEET; THENCE S 00°26'09" E, A DISTANCE OF 386.78 FEET TO A POINT ON THE NORTHERN RIGHT-OF-WAY OF 21ST AVENUE WEST; THENCE N 89°01'58" W, A DISTANCE OF 110.39 FEET; THENCE N 07°48'42" E, A DISTANCE OF 43.33 FEET; THENCE N 01°13'46" W, A DISTANCE OF 185.04 FEET; THENCE N 02°16'26" E, A DISTANCE OF 47.23 FEET; THENCE N 00°19'48" W, A DISTANCE OF 50.35 FEET; THENCE N 00°17'02" E, A DISTANCE OF 34.47 FEET; THENCE N 15°29'12" W, A DISTANCE OF 63.67 FEET; THENCE S 89°23'45" E, A DISTANCE OF 45.14 FEET TO THE POINT OF BEGINNING.

CONTAINING A DESCRIBED AREA OF 44,596 SQUARE FEET OR 1.02 ACRES MORE OR LESS.

SCHEDULE 2

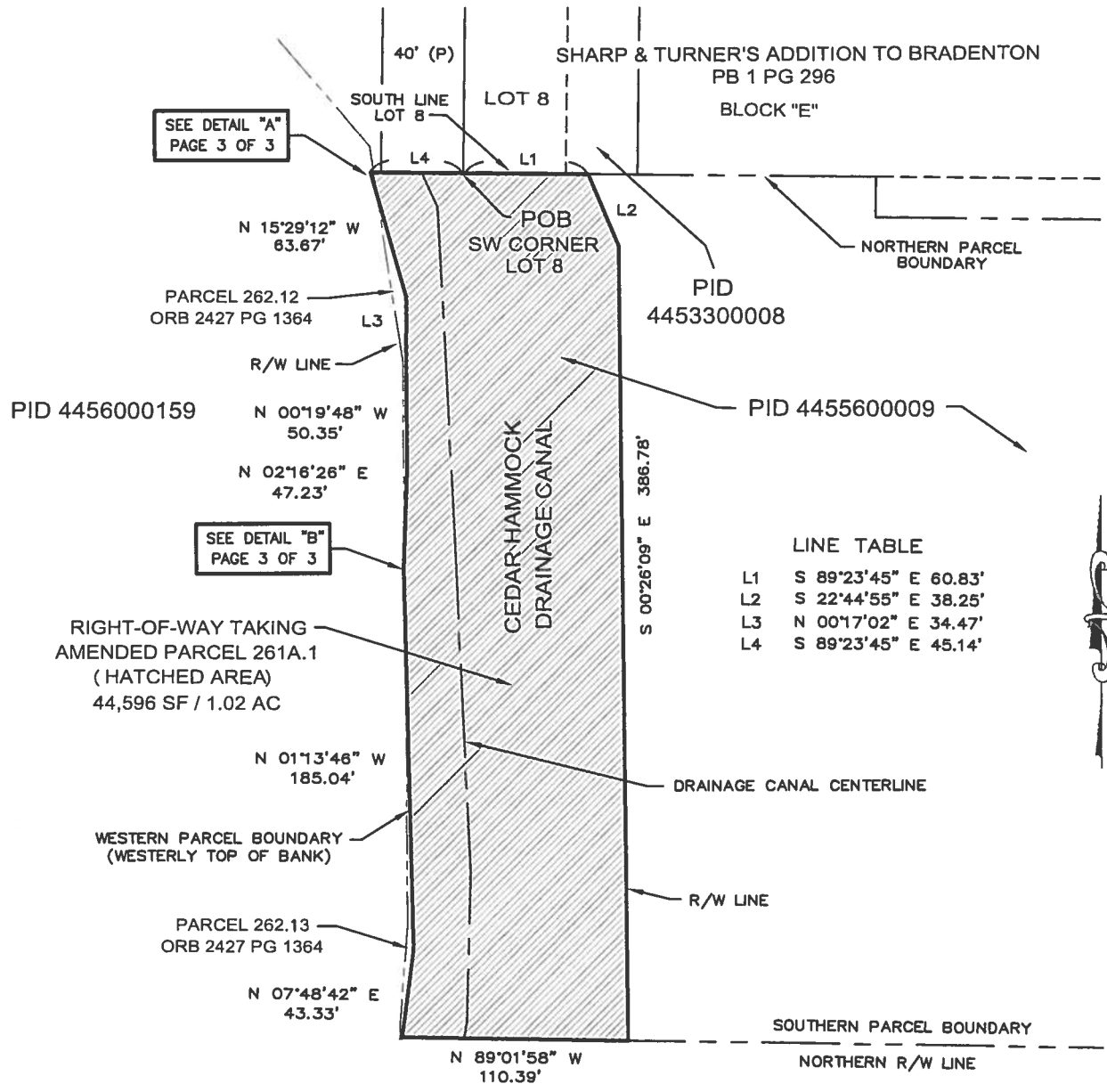
RUSSELL P. HYATT, P.S.M.
 Florida Surveyor's Reg'n. No.
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

FOR: MANATEE COUNTY

THIS IS NOT A BOUNDARY SURVEY.

<p>DESCRIPTION RIGHT-OF-WAY TAKING AMENDED PARCEL 261A.1 PID 4455600009</p>	<p>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</p>
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JOB NUMBER 03-1073		SECTION 35	TOWNSHIP 34 SOUTH	RANGE 17 EAST	SCALE ----	DATE 3/5/14	DRAWN BY JM	FILE NAME 261A.1	SHEET 1 OF 3
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SEE DETAIL "A"
PAGE 3 OF 3

SEE DETAIL "B"
PAGE 3 OF 3

LINE TABLE

L1	S 89°23'45" E 60.83'
L2	S 22°44'55" E 38.25'
L3	N 00°17'02" E 34.47'
L4	S 89°23'45" E 45.14'

PID 4456000159

PID 4453300008

PID 4455600009

RIGHT-OF-WAY TAKING
AMENDED PARCEL 261A.1
(HATCHED AREA)
44,596 SF / 1.02 AC

21ST AVENUE WEST
ORB 1608 PG 6636

- ABBREVIATIONS**
- POB POINT OF BEGINNING
 - PB PLAT BOOK
 - ORB OFFICIAL RECORD BOOK
 - PG PAGE
 - PID PARCEL IDENTIFICATION
 - (P) PLAT
 - R/W RIGHT-OF-WAY
 - SF SQUARE FEET
 - AC ACRES

BEARINGS ARE BASED ON THE SOUTH
LINE OF LOT 8 BEING N 89°23'45" W.
THIS IS NOT A BOUNDARY SURVEY.

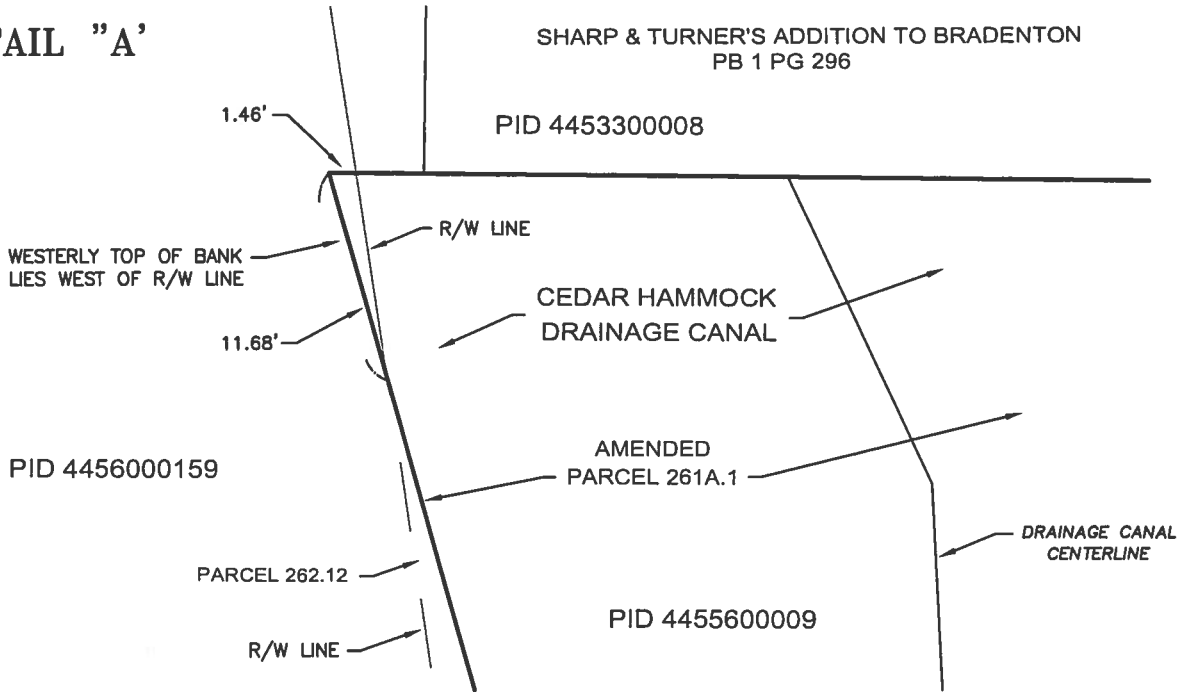
FOR: MANATEE COUNTY

**SKETCH OF DESCRIPTION
RIGHT-OF-WAY TAKING
AMENDED PARCEL 261A.1
PID 445600009**

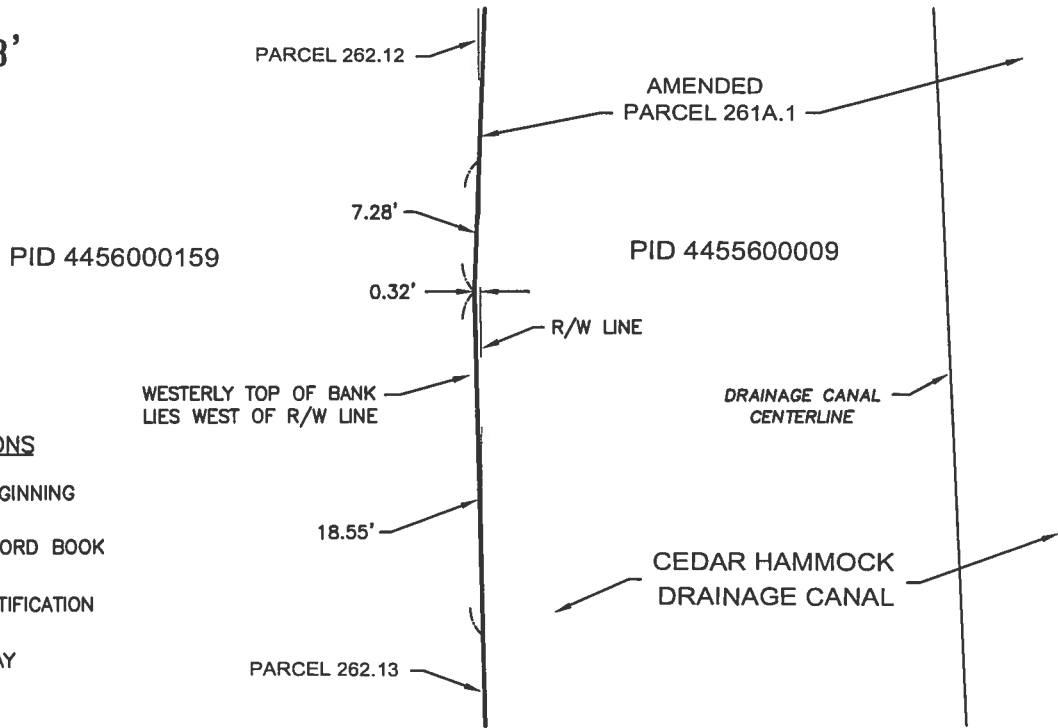
Hyatt Survey Services, Inc.
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Phone (941) 748-4693 Fax (941) 744-1643

JOB NUMBER 03-1073	SECTION 35	TOWNSHIP 34 SOUTH	RANGE 17 EAST	SCALE 1" = 80'	DATE 3/5/14	DRAWN BY JM	FILE NAME 261A.1	PAGE 2 OF 3
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DETAIL "A"



DETAIL "B"



ABBREVIATIONS

- POB POINT OF BEGINNING
- PB PLAT BOOK
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FOR: MANATEE COUNTY

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**SKETCH OF DESCRIPTION
RIGHT-OF-WAY TAKING
AMENDED PARCEL 261A.1
PID 4455600009**

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