



MEMORANDUM

Office of the City Attorney

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TO: Mayor and City Commission

DATE: September 24, 2001
RESOLUTION

FROM: City Attorney

SUBJECT: A Resolution repealing Resolution No. 001626 and determining the necessity and public purpose for the Depot Avenue Stormwater Park Project identified as project number 99-12-01; determining the necessity and public purpose for acquiring by eminent domain fee simple ownership of designated parcels of real property; authorizing the City Attorney to institute eminent domain proceedings to acquire certain real property for project number 99-12-01, which includes tax parcel numbers 15704-007-000 and 15706-001-000 as more particularly described in this Resolution; and providing an immediate effective date.

RECOMMENDATION: The City Commission adopt the proposed resolution.

On July 23, 2001, the City Commission adopted Resolution No. 001626 that approved the Depot Avenue Stormwater Project, and authorized the acquisition and use of the eminent domain powers to acquire the property necessary for the Project. The legal description of the property and attached to the Resolution contained technical errors that must be corrected. The size and depiction of the property to be acquired has not changed.

Additionally, the previously adopted Resolution made reference to the public purposes necessary for the acquisition of the property, including stormwater facilities, park and recreational purposes, community redevelopment purposes, and the expansion of public transit facilities. While the community redevelopment area has been expanded by the City Commission to include this property in addition to other properties, the proposed community redevelopment plan does not include any community redevelopment projects for this specific property. Therefore, it is not necessary to acquire this property for community redevelopment purposes, but for the other proper public purposes expressed above. The proposed Resolution eliminates the inapplicable references to community redevelopment purposes.

Prepared, Approved, and
Submitted by:


Marion J. Radson
City Attorney

MJR:js