

**RESOLUTION 991131**  
**PASSED February 28, 2000**

**A RESOLUTION DETERMINING THE NECESSITY AND PUBLIC PURPOSE FOR THE NW 19<sup>TH</sup> STREET SOUTH ROADWAY RECONSTRUCTION PROJECT, PROJECT NUMBER 95-37, DETERMINING THE NECESSITY AND PUBLIC PURPOSE FOR ACQUIRING BY EMINENT DOMAIN FEE SIMPLE OWNERSHIP OF DESIGNATED PARCELS OF REAL PROPERTY, AND AUTHORIZING THE CITY ATTORNEY TO INSTITUTE EMINENT DOMAIN PROCEEDINGS TO ACQUIRE CITY DESIGNATED PARCEL NUMBER 95-37-02, WHICH IS THE REQUIRED PORTION OF PARCEL 8985-001.**

**WHEREAS**, the Florida Constitution permits the acquisition of private property for a public purpose upon payment of full compensation; and

**WHEREAS**, pursuant to sections 166.401, 166.411 and 337.27, Florida Statutes, the City of Gainesville has the right and power to exercise eminent domain to acquire property for purposes of streets, lanes, alleys, and ways, and for existing, proposed, or anticipated transportation facilities; and

**WHEREAS**, the City Commission has previously approved the Northwest 19<sup>th</sup> Street Reconstruction Project with the 94/95 Budget Approval, in September of 1994; and

**WHEREAS**, the City has caused its line of construction to be located and has caused descriptions of the properties needed for its construction to be prepared; and

**WHEREAS**, acquisition of private parcels of property is necessary to complete the reconstruction project; and

**WHEREAS**, six parcels of property have been acquired of the seven parcels needed to complete the project; and

**WHEREAS**, fee simple acquisition of parcel number 95-37-02, a portion of the parent parcel number 8985-001, whose legal description is attached hereto and incorporated by reference, is necessary for the completion of the above-referenced project, specifically, in order to complete the widening and improving of the roadway adjacent to the parcel;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA:**

1. That the Northwest 19<sup>th</sup> Street Reconstruction Project is necessary and for a public purpose;
2. That fee simple acquisition of parcel 95-37-02, a portion of the parent parcel number 8985-001, more fully described in the attached legal description, is necessary for the widening and improving of the adjacent roadway as part of the Northwest 19<sup>th</sup> Street Reconstruction Project;

3. That the City Attorney is authorized to initiate and pursue to final judgement eminent domain proceedings to acquire fee simple title to parcel 95-37-02, a portion of the parent parcel number 8985-001, and to take any other necessary legal action associated with or arising out of such condemnation proceedings. The City Attorney is further authorized to accomplish the acquisition of said parcel by settlement and comprise if same can be effected in accordance with the terms, conditions, and limitations established from time to time by the City Commission.

Passed and adopted this 28th day of February, 2000.

  
\_\_\_\_\_  
Paula M. DeLaney, Mayor

Attest:

  
By: \_\_\_\_\_  
Kurt Lannon, Clerk of the Commission

**APPROVED AS TO FORM AND LEGALITY**  
BY:   
\_\_\_\_\_  
**MARION J. RADSON, CITY ATTORNEY**  
CITY OF GAINESVILLE, FLORIDA

**FEB 29 2000**

RIGHT OF WAY FROM TAX PARCEL NO. 8985-1

DESCRIPTION :

That part of the north 200 feet of the west 202 feet of northwest one-quarter of the northeast one-quarter of section 30, Township 9 South, Range 20 East, Alachua County, Florida, being more particularly described as follows:

Commence at the northwest corner of the northeast one-quarter of said section 30 and run S 00°44'57" E along the west line of said northeast one-quarter a distance of 60.48 feet to the south right of way line of State Road No. 222 (NW 39<sup>th</sup> Avenue), a 100 foot right of way; thence continue S 00°44'57" E a distance of 20.03 feet to the south line of that additional right of way taken for NW 39<sup>th</sup> Avenue and described in Official Record Book 1615, page 1908; thence run N 88°50'41" E along the south line of said additional right of way a distance of 10.00 feet to the east line of that right of way for NW 19<sup>th</sup> Street claimed by the Usage Certificate filed in Official Record Book 820, page 955 and the Point of Beginning; thence continue N 88°50'41" E a distance of 11.35 feet; thence run S 00°44'57" E a distance of 119.54 feet to the south line of said north 200 feet of the west 202 feet of the northeast one-quarter; thence run S 89°04'20" W a distance of 11.35 feet to the said east line of the right of way described in said Usage Certificate; thence run N 00°44'57" W along said right of way line a distance of 119.49 feet to the Point of Beginning; said parcel containing 0.031 acres more or less.

Prepared by:

*Frank Host*

Frank Host, PSM No. 3907  
City of Gainesville



