

RESOLUTION: _____

PASSED: _____

A RESOLUTION DETERMINING THE NECESSITY AND PUBLIC PURPOSE FOR THE NORTHWEST 45TH AVENUE ROADWAY RECONSTRUCTION PROJECT, PROJECT NUMBER 95-28, 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 NUMBERS 7883-A, 7883-B, 7883-C, AND 7883-D, WHICH ARE THE REQUIRED PORTIONS OF PARCEL 7883-000-000.

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 45th Avenue Reconstruction Project, which includes the Northwest 19th Street Phase, 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, sixteen parcels of property have been acquired of the eighteen parcels needed to complete the project; and

WHEREAS, fee simple acquisition of parcel numbers 7883-A, 7883-B, 7883-C, and 7883-D, portions of the parent parcel number 7883, whose legal descriptions are attached hereto and incorporated by reference, are necessary for the completion of the above-referenced project, specifically, in order to complete the widening and improving of the roadway and stormwater drainage facilities adjacent to the parcel;

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

1. That the Northwest 45th Avenue Reconstruction Project is necessary and for a public purpose;
2. That fee simple acquisition of parcels 7883-A, 7883-B, 7883-C, and 7883-D, portions of the parent parcel number 7883-000-000, more fully described in the

attached legal descriptions, are necessary for the widening and improving of the adjacent roadway and stormwater drainage facilities as part of the Northwest 45th Avenue 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 parcels 7883-A, 7883-B, 7883-C, and 7883-D, portions of the parent parcel number 7883-000-000, 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 parcels by settlement and compromise 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 _____ day of _____, 2001.

Paula M. DeLaney, Mayor

Attest:

By: _____
Kurt Lannon, Clerk of the Commission