

RESOLUTION NO. 160525

PASSED June 1, 2017

A RESOLUTION OF THE CITY OF GAINESVILLE, FLORIDA, DETERMINING THE NECESSITY AND PUBLIC PURPOSE FOR ACQUIRING BY EMINENT DOMAIN FEE SIMPLE OWNERSHIP OF CERTAIN PORTIONS OF TAX PARCEL NUMBERS 16038-000-000 AND 16037-000-000, AS FURTHER DESCRIBED IN THIS RESOLUTION, ASSOCIATED WITH THE SOUTHEAST 4TH STREET RENOVATION PROJECT, AND AUTHORIZING THE CITY ATTORNEY TO INSTITUTE EMINENT DOMAIN PROCEEDINGS TO ACQUIRE SAID REAL PROPERTY.

WHEREAS, the Florida Constitution, in Article 8, Section 2 and Article 10, Section 6, permits municipalities to acquire private property by eminent domain for a public purpose upon payment of full compensation; and

WHEREAS, pursuant to Sections 166.401, 166.411, 163.330-163.463, and 337.27, Florida Statutes, the City of Gainesville has the right and power to exercise eminent domain to acquire property for the uses or purposes set forth in those sections; and

WHEREAS, the City Commission on August 21, 2014, approved the Southeast 4th Street Renovation Project (Legislative Number 140184), which includes permitting, installing, constructing, reconstructing, operating, maintaining, and upgrading facilities for public rights-of-way, utility, and community redevelopment purposes; and

WHEREAS, fee simple acquisition of the real property described in this resolution is necessary for the public purpose of completing the Southeast 4th Street Renovation Project.

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

1. The Southeast 4th Street Renovation Project, which is described in Legislative Number 140184 and was approved by the City Commission on August 21, 2014, is necessary and for a public purpose.
2. The fee simple acquisition by eminent domain of the real property that includes certain portions of Alachua County Tax Parcels 16038-000-000 and 16037-000-000, as described below, is a reasonable necessity for the public purpose of completing the Southeast 4th Street Renovation Project:

See legal descriptions attached as **Exhibit A** and made a part here as if set forth in full. The location of the properties is shown on **Exhibit B** for visual reference. In the event of conflict or inconsistency, **Exhibit A** shall prevail over **Exhibit B**.

3. The City Attorney is authorized to initiate and pursue to final judgment eminent domain proceedings to acquire fee simple title to the real property described in this resolution, 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 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 1st day of June, 2017.



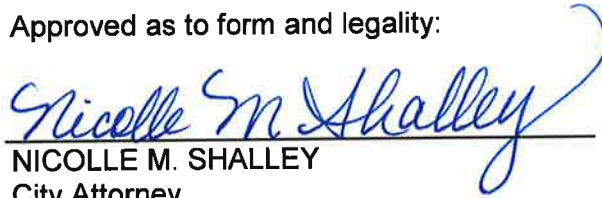
LAUREN POE
Mayor

Attest:



KURT M. LANNON
Clerk of the Commission

Approved as to form and legality:



NICOLLE M. SHALLEY
City Attorney

PARCEL NO. 16038-000-000
 BOBBY J. POWELL SR.
 ALACHUA COUNTY, FLORIDA

BEING LOCATED IN SECTION 9, TOWNSHIP 10 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA,
 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWESTERLY CORNER OF LOT 18 OF VEITCH'S ADDITION TO SOUTH GAINESVILLE AS RECORDED IN PLAT BOOK "A", PAGE 90 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE NORTH 64°22'32" EAST ALONG THE SOUTHERLY LINE OF SAID LOT 18 AND THE SOUTHERLY LINE OF LOT 2 OF SAID PLAT AND EXTENSION THEREOF, A DISTANCE OF 223.18 FEET TO THE SURVEY BASELINE OF SE 4th STREET AS PER SPECIFIC PURPOSE SURVEY FOR CITY OF GAINESVILLE PUBLIC WORKS DEPARTMENT, GAINESVILLE, FLORIDA PREPARED BY DRMP, INC., DATED MAY, 2010; THENCE NORTH 25°16'17" WEST, ALONG SAID SURVEY BASELINE, A DISTANCE OF 552.28 FEET; THENCE NORTH 68°21'25" EAST, A DISTANCE OF 23.48 FEET TO THE **POINT OF BEGINNING**; THEN NORTH 68°21'25" EAST, A DISTANCE OF 8.41 FEET; THENCE SOUTH 25°28'52" EAST, A DISTANCE OF 28.09 FEET; THENCE SOUTH 24°59'29" EAST, A DISTANCE OF 50.53 FEET; THENCE SOUTH 68°21'25" WEST, A DISTANCE OF 9.33 FEET; THENCE NORTH 24°29'53" WEST, A DISTANCE OF 78.57 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 702 SQUARE FEET, MORE OR LESS.

			PREPARED FOR: THE CITY OF GAINESVILLE, FLORIDA		
			SKETCH AND DESCRIPTION - NOT A SURVEY		
			SOUTHEAST 4TH STREET, GAINESVILLE		ALACHUA COUNTY, FLORIDA
	BY	DATE	PREPARED BY:	DRMP, INC. 8001 BELFORT PARKWAY, SUITE 200 JACKSONVILLE, FL 32256 1-904-641-0123 LB#2648	DRMP PROJECT No.: 08-0897.001
	DRAWN	K.SCHMISEK	10-21-15		SCALE: N/A
	CHECKED	J.ANDERBERG	10-21-15	ALACHUA COUNTY PARCEL No.: 16038-000-000	
REVISION	BY	DATE			SHEET 5 OF 6

TOGETHER WITH THE FOLLOWING TEMPORARY CONSTRUCTION EASEMENT:

BEING LOCATED IN SECTION 9, TOWNSHIP 10 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWESTERLY CORNER OF LOT 18 OF VEITCH'S ADDITION TO SOUTH GAINESVILLE AS RECORDED IN PLAT BOOK "A", PAGE 90 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE NORTH 64°22'32" EAST ALONG THE SOUTHERLY LINE OF SAID LOT 18 AND THE SOUTHERLY LINE OF LOT 2 OF SAID PLAT AND EXTENSION THEREOF, A DISTANCE OF 223.18 FEET TO THE SURVEY BASELINE OF SE 4th STREET AS PER SPECIFIC PURPOSE SURVEY FOR CITY OF GAINESVILLE PUBLIC WORKS DEPARTMENT, GAINESVILLE, FLORIDA PREPARED BY DRMP, INC., DATED MAY, 2010; THENCE NORTH 25°16'17" WEST, ALONG SAID SURVEY BASELINE, A DISTANCE OF 552.28 FEET; THENCE NORTH 68°21'25" EAST, A DISTANCE OF 31.89; THENCE SOUTH 25°28'52" EAST, A DISTANCE OF 28.09 FEET; THENCE SOUTH 24°59'29" EAST, A DISTANCE OF 27.54 FEET TO THE **POINT OF BEGINNING**; THENCE NORTH 65°00'33" EAST, A DISTANCE OF 10.00 FEET; THENCE SOUTH 24°59'27" EAST, A DISTANCE OF 22.00 FEET; THENCE SOUTH 65°00'33" WEST, A DISTANCE OF 10.00 FEET; THENCE NORTH 24°59'27" WEST, A DISTANCE OF 22.00 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 220 SQUARE FEET, MORE OR LESS.

SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY TO THE CITY OF GAINESVILLE, FLORIDA THAT THIS SKETCH AND DESCRIPTION, CONSISTING OF SHEETS 1 THROUGH 6, TO THE BEST OF MY KNOWLEDGE AND BELIEF, MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS, PURSUANT TO CHAPTER 472.027 FLORIDA STATUTES.

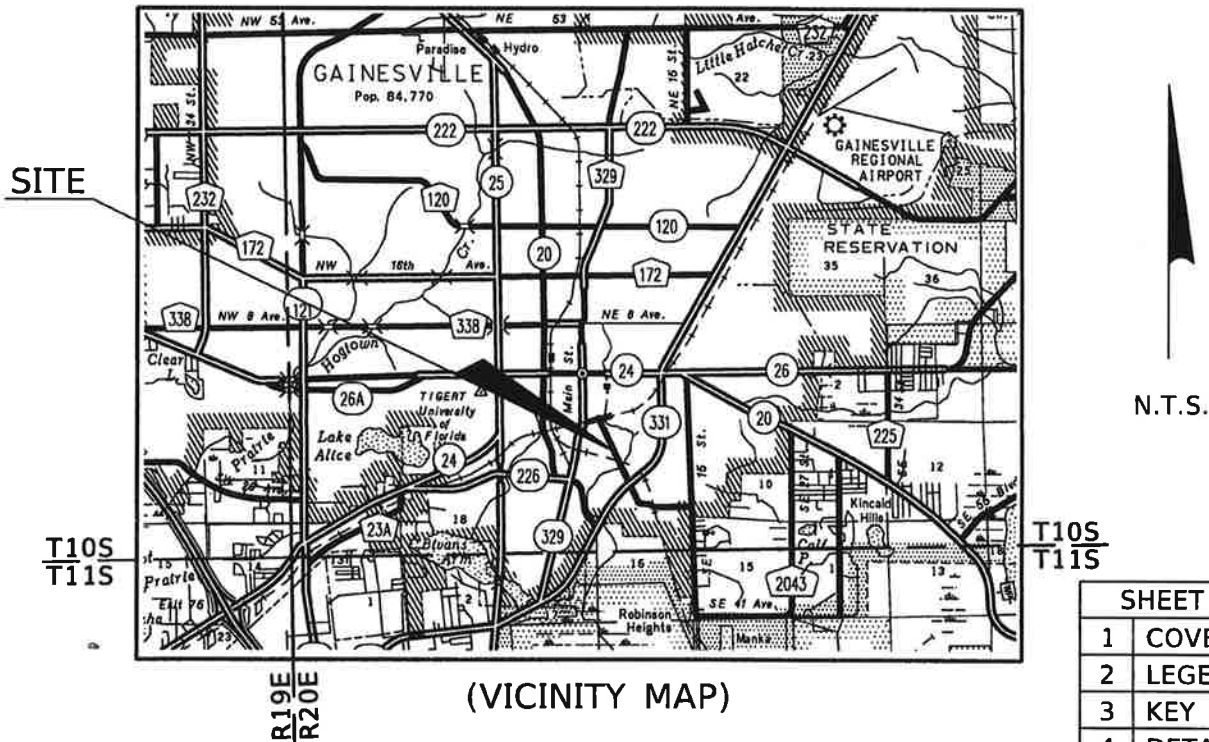
 JOHN A. ANDERBERG, P.S.M. DATE
 FLORIDA PROFESSIONAL LAND SURVEYOR AND MAPPER No. 5881

THIS SKETCH AND DESCRIPTION AND COPIES THEREOF ARE NOT VALID WITHOUT THE SURVEYOR'S SIGNATURE AND ORIGINAL RAISED SEAL.

		PREPARED FOR: THE CITY OF GAINESVILLE, FLORIDA	
		SKETCH AND DESCRIPTION - NOT A SURVEY	
		SOUTHEAST 4TH STREET, GAINESVILLE	
		ALACHUA COUNTY, FLORIDA	
	BY	DATE	PREPARED BY: DRMP, INC. 8001 BELFORT PARKWAY, SUITE 200 JACKSONVILLE, FL 32256 1-904-641-0123 LB#2648
	DRAWN	K.SCHMISEK	10-21-15
	CHECKED	J.ANDERBERG	10-21-15
REVISION	BY	DATE	DRMP PROJECT No.: 08-0897.001 SCALE: N/A ALACHUA COUNTY PARCEL No.: 16038-000-000
			SHEET 6 OF 6

**CITY OF GAINESVILLE, FLORIDA
SE 4TH STREET
LAWRENCE J. HAMILTON
SKETCH AND DESCRIPTION FOR
FEE SIMPLE RIGHT OF WAY AND
TEMPORARY CONSTRUCTION EASEMENT**

**TAX PARCEL # 16037-000-000
ALACHUA COUNTY, FLORIDA
SECTION 9, TOWNSHIP 10 SOUTH, RANGE 20 EAST**



(VICINITY MAP)

1. THIS SKETCH IS NOT A FIELD OR BOUNDARY SURVEY.
2. THE SOLE PURPOSE OF THIS SKETCH IS TO GRAPHICALLY ILLUSTRATE THE PARCELS TO BE ACQUIRED BY THE CITY OF GAINESVILLE, FLORIDA FOR RIGHT OF WAY AND EASEMENT.
3. THIS SKETCH IS BASED ON A SPECIFIC PURPOSE SURVEY BY DRMP, INC. DATED MAY, 2010, PREPARED FOR THE CITY OF GAINESVILLE PUBLIC WORKS DEPARTMENT. THAT SURVEY IS BASED ON FLORIDA STATE PLANE COORDINATES, NORTH ZONE, (NAD83-1990) AND IS REFERENCED TO NATIONAL GEODETIC SURVEY (NGS) MONUMENTS "I75 73 B41" (PID ARO418) AND "TIGERT RESET" (PID AR1389)
4. THE BEARINGS SHOWN HEREON ARE BASED ON THE SURVEY DESCRIBED ABOVE IN NOTE 3. DERIVING A BEARING OF N25°16'17"W ALONG THE SURVEY BASELINE OF SE 4TH STREET BETWEEN THE POINT OF INTERSECTION STATION 24+79.55 AND THE POINT OF INTERSECTION AT STATION 30+84.68.
5. TOPOGRAPHIC DATA IS SHOWN PER THIS PROJECT'S DESIGN SURVEY OF 2011 BY DRMP, INC. FOR THE CITY OF GAINESVILLE.

SHEET INDEX	
1	COVER SHEET
2	LEGEND SHEET
3	KEY SHEET
4	DETAIL SHEET
5-6	DESCRIPTION & CERTIFICATION

**PREPARED FOR: THE CITY OF GAINESVILLE, FLORIDA
SKETCH AND DESCRIPTION - NOT A SURVEY**

SOUTHEAST 4TH STREET, GAINESVILLE ALACHUA COUNTY, FLORIDA

BY	DATE	PREPARED BY:	DRMP, INC. 8001 BELFORT PARKWAY, SUITE 200 JACKSONVILLE, FL 32256 1-904-641-0123 LB#2648	DRMP PROJECT No.:	08-0897.001
DRAWN	K.SCHMISEK	10-23-15		SCALE:	N/A

CHECKED	J.ANDERBERG	10-23-15	ALACHUA COUNTY PARCEL No.:	16037-000-000	SHEET 1 OF 6
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REVISION	BY	DATE

LEGEND

A.P. = ASPHALT PAVEMENT
 & = AND
 B = BASELINE
 (C) = CALCULATED
 C1 = CURVE DATA
 C.B. = CHORD BEARING
 C.D. = CHORD DISTANCE
 CLF = CHAIN LINK FENCE
 C.M. = CONCRETE MONUMENT
 COR. = CORNER
 C.R. = COUNTY ROAD
 Δ = DELTA
 E.O.P. = EDGE OF PAVEMENT
 ESMT. = EASEMENT
 EXIST. = EXISTING
 (F) = FIELD DATA
 FKA = FORMERLY KNOWN AS
 FND. = FOUND
 GOV. = GOVERNMENT
 INC. = INCORPORATED
 ID. = IDENTIFICATION
 I.R.&C. = IRON ROD & CAP
 L.B. = LICENSED (SURVEY) BUSINESS
 L = ARC DISTANCE
 OE -----X = OVERHEAD UTILITIES
 -----X = FENCE

LT. = LEFT
 N.A.D. = NORTH AMERICAN DATUM
 N.T.S. = NOT TO SCALE
 NO. = NUMBER
 O.R.B. = OFFICIAL RECORD BOOK
 P.E. = PERPETUAL EASEMENT
 (P) = PLAT
 P.B. = PLAT BOOK
 P.C. = POINT OF CURVATURE
 PG. = PAGE
 P.I. = POINT OF INTERSECTION
 P.K. = "PARKER-KALON" BRAND
 P = PROPERTY LINE
 P.O.B. = POINT OF BEGINNING
 P.O.C. = POINT OF COMMENCEMENT
 P.S.M. = PROFESSIONAL SURVEYOR
 AND MAPPER
 P.T. = POINT OF TANGENCY
 R = RANGE/RADIUS
 R/W = RIGHT OF WAY
 RT. = RIGHT
 SEC. = SECTION
 S.R. = STATE ROAD
 STA. = STATION
 T.C.E. = TEMPORARY CONSTRUCTION
 EASEMENT
 T = TOWNSHIP
 W/ = WITH

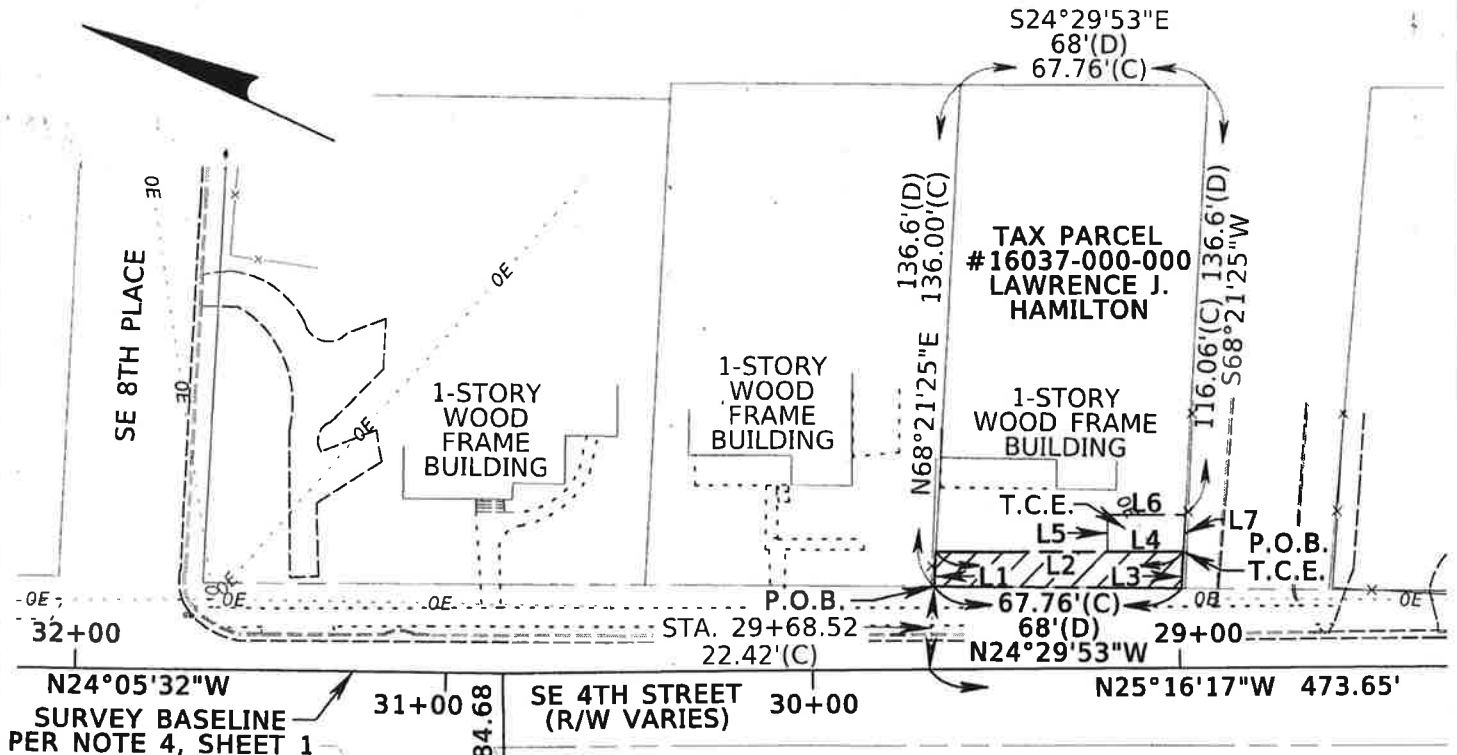
		PREPARED FOR: THE CITY OF GAINESVILLE, FLORIDA	
		SKETCH AND DESCRIPTION - NOT A SURVEY	
		SOUTHEAST 4TH STREET, GAINESVILLE	ALACHUA COUNTY, FLORIDA
	BY	DATE	PREPARED BY: DRMP, INC. 8001 BELFORT PARKWAY, SUITE 200 JACKSONVILLE, FL 32256 1-904-641-0123 LB#2648
	DRAWN	K.SCHMISEK	10-22-15
	CHECKED	J.ANDERBERG	10-23-15
REVISION	BY	DATE	DRMP PROJECT No.: 08-0897.001 SCALE: N/A ALACHUA COUNTY PARCEL No.: 16037-000-000
			SHEET 2 OF 6

0 25 50 100



Scale: 1" = 50'

TAX PARCEL #16037-000-000
SECTION 9, TOWNSHIP 10 SOUTH, RANGE 20 EAST



LINE DATA		
L1	N68°21'25"E	9.33'(C)
L2	S24°59'29"E	67.79'(C)
L3	S68°21'25"W	9.92'(C)
L4	N24°59'29"W	20.78'(C)
L5	N65°00'33"E	10.00'(C)
L6	S24°59'27"E	21.37'(C)
L7	S68°21'25"W	10.02'(C)

PREPARED FOR: THE CITY OF GAINESVILLE, FLORIDA
SKETCH AND DESCRIPTION - NOT A SURVEY

SOUTHEAST 4TH STREET, GAINESVILLE			ALACHUA COUNTY, FLORIDA		
BY	DATE	PREPARED BY:	DRMP, INC. 8001 BELFORT PARKWAY, SUITE 200 JACKSONVILLE, FL 32256 1-904-641-0123 LB#2648		DRMP PROJECT No.: 08-0897.001
DRAWN	K.SCHMISEK	10-22-15	SCALE: 1" = 50'		
CHECKED	J.ANDERBERG	10-23-15	ALACHUA COUNTY PARCEL No.: 16037-000-000		SHEET 4 OF 6

REVISION	BY	DATE

PARCEL NO. 16037-000-000
 LAWRENCE J. HAMILTON
 OFFICIAL RECORDS BOOK 1597, PAGE 2116
 ALACHUA COUNTY, FLORIDA

BEING LOCATED IN SECTION 9, TOWNSHIP 10 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA,
 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWESTERLY CORNER OF LOT 18 OF VEITCH'S ADDITION TO SOUTH GAINESVILLE AS RECORDED IN PLAT BOOK "A", PAGE 90 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE NORTH 64°22'32" EAST ALONG THE SOUTHERLY LINE OF SAID LOT 18 AND THE SOUTHERLY LINE OF LOT 2 OF SAID PLAT AND EXTENSION THEREOF, A DISTANCE OF 223.18 FEET TO THE SURVEY BASELINE OF SE 4th STREET AS PER SPECIFIC PURPOSE SURVEY FOR CITY OF GAINESVILLE PUBLIC WORKS DEPARTMENT, GAINESVILLE, FLORIDA PREPARED BY DRMP, INC., DATED MAY, 2010; THENCE NORTH 25°16'17" WEST, ALONG SAID SURVEY BASELINE, A DISTANCE OF 473.65 FEET; THENCE NORTH 68°21'25" EAST, A DISTANCE OF 22.42 FEET TO THE **POINT OF BEGINNING**; THENCE NORTH 68°21'25" EAST, A DISTANCE OF 9.33 FEET; THENCE SOUTH 24°59'29" EAST, A DISTANCE OF 67.79 FEET; THENCE SOUTH 68°21'25" WEST, A DISTANCE OF 9.92 FEET; THENCE NORTH 24°29'53" WEST, A DISTANCE OF 67.76 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 651 SQUARE FEET, MORE OR LESS.

			PREPARED FOR: THE CITY OF GAINESVILLE, FLORIDA		
			SKETCH AND DESCRIPTION - NOT A SURVEY		
			SOUTHEAST 4TH STREET, GAINESVILLE		ALACHUA COUNTY, FLORIDA
			PREPARED BY: DRMP, INC. 8001 BELFORT PARKWAY, SUITE 200 JACKSONVILLE, FL 32256 1-904-641-0123 18#2648		DRMP PROJECT No.: 08-0897.001
			DRAWN K.SCHMISEK 10-22-15	BY DATE 10-22-15	SCALE: N/A
			CHECKED J.ANDERBERG 10-23-15	ALACHUA COUNTY PARCEL No.: 16037-000-000	
REVISION	BY	DATE			SHEET 5 OF 6

TOGETHER WITH THE FOLLOWING TEMPORARY CONSTRUCTION EASEMENT:

BEING LOCATED IN SECTION 9, TOWNSHIP 10 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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CONTAINING 211 SQUARE FEET, MORE OR LESS.

SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY TO THE CITY OF GAINESVILLE, FLORIDA THAT THIS SKETCH AND DESCRIPTION, CONSISTING OF SHEETS 1 THROUGH 6, TO THE BEST OF MY KNOWLEDGE AND BELIEF, MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS, PURSUANT TO CHAPTER 472.027 FLORIDA STATUTES.

 JOHN A. ANDERBERG, P.S.M. DATE
 FLORIDA PROFESSIONAL LAND SURVEYOR AND MAPPER No. 5881

THIS SKETCH AND DESCRIPTION AND COPIES THEREOF ARE NOT VALID WITHOUT THE SURVEYOR'S SIGNATURE AND ORIGINAL RAISED SEAL.

			PREPARED FOR: THE CITY OF GAINESVILLE, FLORIDA		
			SKETCH AND DESCRIPTION - NOT A SURVEY		
			SOUTHEAST 4TH STREET, GAINESVILLE		ALACHUA COUNTY, FLORIDA
			BY	DATE	PREPARED BY: DRMP, INC. 8003 BELFORT PARKWAY, SUITE 200 JACKSONVILLE, FL 32256 1-904-641-0123 LB#2648
			DRAWN	K.SCHMISEK	10-22-15
			CHECKED	J.ANDERBERG	10-23-15
REVISION	BY	DATE	ALACHUA COUNTY PARCEL No.: 16037-000-000		DRMP PROJECT No.: 08-0897.001 SCALE: N/A
					SHEET 6 OF 6

