

RESOLUTION NO. 160525

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:

Approved as to form and legality:

KURT M. LANNON
Clerk of the Commission

NICOLLE M. SHALLEY
City Attorney