

RESOLUTION 001626
PASSED July 23, 2001

A RESOLUTION DETERMINING THE NECESSITY AND PUBLIC PURPOSE FOR THE DEPOT AVENUE STORMWATER PARK PROJECT, PROJECT NUMBER 99-12, 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 99-12-01, WHICH IS A TOTAL OF TAX PARCEL NUMBERS 15704-007-000 AND 15706-001-000.

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, 163.330-163,362, and 337.27, Florida Statutes, the City of Gainesville has the right and power to exercise eminent domain to acquire property for the purposes set forth in those sections; and

WHEREAS, fee simple acquisition of parcel 99-12-01, which is a taking of the entire parcel, comprised of tax parcel numbers 15704-007-000 and 15706-001-000, is necessary for a stormwater park, which includes permitting, installing, constructing, reconstructing, operating, maintaining and upgrading stormwater facilities; for preservation, park, and recreational purposes; and for community redevelopment purposes, including rehabilitation, urban renewal, clearance and redevelopment of slum and blighted areas and for the necessary expansion of the public transit facilities including parking and ingress/egress; and

WHEREAS, the acquisition of parcel 99-12-01 is for a public purpose; and

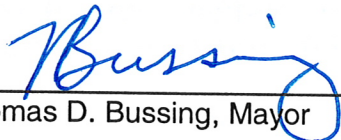
WHEREAS, the City Commission has previously approved the acquisition on April 26, 1999 (Legislative Number 981391) for the Central City District Facility PW3 in the 99-00 Budget; and

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

1. That the Depot Avenue Stormwater Park Project is necessary and for a public purpose;
2. That fee simple acquisition of parcel 99-12-01, is necessary for a stormwater park, which includes permitting, installing, constructing, reconstructing, operating, maintaining, and upgrading stormwater facilities; for preservation, park, and recreational purposes; and for community redevelopment purposes, including rehabilitation, urban renewal, clearance and redevelopment of slum and blighted areas and for the necessary expansion of public transit facilities including parking and ingress/egress;
3. That a map defining the boundaries of the project and the legal description of the property to be acquired is attached hereto and incorporated by reference.


4. That the City Attorney is authorized to initiate and pursue to final judgment eminent domain proceedings to acquire fee simple title to parcel 99-12-01, 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 23rd day of July, 2001.

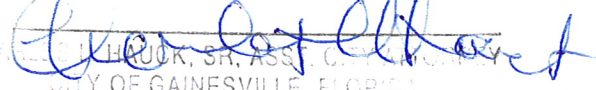


Thomas D. Bussing, Mayor

Attest:

By: 
(Kurt Lannon, Clerk of the Commission)

APPROVED AS TO FORM AND LEGALITY

BY: 
CHARLES H. HOOK, SR., ASS. CITY CLERK
CITY OF GAINESVILLE, FLORIDA

DATE: 7-25-01

EXHIBIT "A"

Legal Description

Tax Parcel #15704-7 and Tax Parcel #15706-1

Tax Parcel #15704-7

A parcel of land located in the northeast $\frac{1}{4}$ of Section 8, Township 10 South, Range 20 East, City of Gainesville, Alachua County, Florida, being more particularly described as follows:

Parcel I: For a point of reference commence at a concrete monument being the intersection of the southerly right of way line of the Seaboard Coastline Railroad and the east line of Section 8, Township 10 South, Range 20 East, Alachua County, Florida; Thence run North 01°28'03" East, along said east line a distance of 410.14 feet to a concrete monument; Thence run North 44°59'40" West, a distance of 97.95 feet to a nail and cap set in concrete (R.L.S. #2678); Thence run North 42°50'52" East, a distance of 81.53 feet to a concrete monument; Thence run North 26°12'11" West, a distance of 807.60 feet to a concrete monument being the Point of Beginning; Thence from said Point of Beginning run South 63°47'49" West, a distance of 342.30 feet to a concrete monument being a point on a curve, said curve being concave to the east, having a radius of 1401.01 feet and a radial bearing of North 81°45'08" East; Thence run northerly along said curve through a central angle of 05°11'15" along the arc a distance of 127.03 feet with a tangent length of 63.56 feet and a chord bearing and distance of North 05°39'10" West and 126.98 feet to a concrete monument having a radial bearing of North 86°56'234" East; Thence run North 09°45'52" East, a distance of 93.04 feet to a concrete monument being a point on a curve, said curve being concave to the east, having a radius of 527.86 feet and a radial bearing of South 82°48'07" East; Thence run northeasterly along said curve through a central angle of 34°36'54" along an arc a distance of 318.91 feet with a tangent of 154.49 feet and a chord bearing and distance of North 24°30'21" East and 314.08 feet to a concrete monument having a radial bearing of South 48°12'12" East; Thence run South 26°12'11" East, a distance of 393.10 feet to close on the Point of Beginning.

Parcel II: Commence at the northeast corner of said Section 8, Township 10 South, Range 20 East and run North 13°28'00" West 95.32 feet to the centerline of the Seaboard Coastline Railroad; Run thence South 78°27'00" west, along said centerline, 693.85 feet; Thence South 16°52'00" West, 34.11 feet to the point of intersection of the east right of way line of South Main Street with the south right of way line of the Seaboard Coastline Railroad and the Point of Beginning; From the Point of Beginning thus described run thence South 16°52'00" West, along said east right of way line of Main Street. 190.09 feet; Thence South 73°7'15" East, 75.13 feet to a point located 20 feet westerly as measured at right angles, from the center line of the Seaboard Coastline Railroad's spur track; Thence northeasterly, parallel with the center line of said spur track, the following chord bearings and distances: North 28°07'24" East 100 feet; North 38°16'24" East 100 feet and North 49°42'48" East 127.85 feet to the southerly right of way line of the Seaboard Coastline Railroad; Thence South 78°27'00" west along said southerly right of way line of the Seaboard Railroad, 227.96 feet to the Point of Beginning.

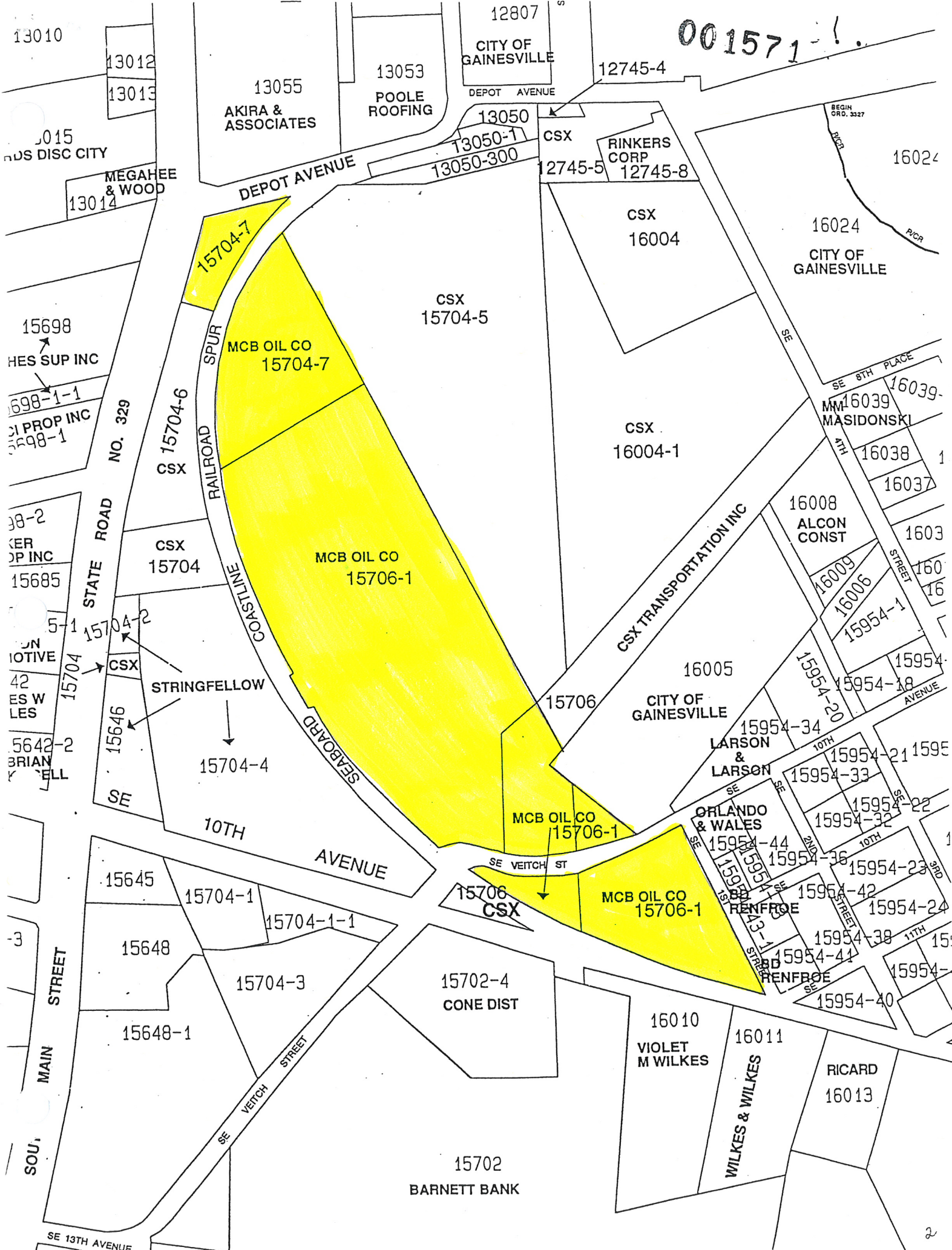
Tax Parcel #15706-1

Parcel III: A tract of located in the northwest $\frac{1}{4}$ of Section 9, Township 10 South, Range 20 East, and the northeast $\frac{1}{4}$ of Section 8, Township 10 South, Range 20 East, Alachua County, Florida, being more particularly described as follows:

For a point of reference commence at a concrete monument being the intersection of the southerly right of way line of the Seaboard Coastline Railroad and the west line of Section 9, Township 10 South, Range 20 East, Alachua County, Florida; Thence run North 01°28'03" East along said west line a distance of 410.14 feet to a concrete monument and the Point of Beginning; Thence from said

Point of Beginning run North 44°59'40" West a distance of 97.95 feet to a nail and cap set in concrete (R.L.S. #2678); Thence run North 42°50'52" East a distance of 81.53 feet to a concrete monument; Thence run North 26°12'11" West a distance of 807.60 feet to a concrete monument; Thence run South 63°47'49" West a distance of 342.30 feet to a concrete monument and a point on a curve, said curve being concave to the east, having a radius of 1,403.01 feet and a radial bearing of North 81°45'08" East; Thence run southerly along said curve through a central angle of 18°31'21" along an arc distance of 453.56 feet with a tangent length of 228.78 feet and a chord bearing and distance of South 17°30'32" East and 451.59 feet to a concrete monument; Thence run South 63°53'53" West a distance of 7.81 feet to a concrete monument; Thence run South 26°05'47" East a distance of 84.84 feet to a concrete monument; Thence run North 63°53'53" East a distance of 8.04 feet to a concrete monument and a point on a curve, said curve being concave to the northeast, having a radius of 1,412.68 feet and a radial bearing of North 59°26'13" East; Thence run southeasterly along said curve through a central angle of 41°25'28" along an arc a distance of 1,021.36 feet having a tangent of 534015 feet and a chord bearing and distance of South 51°16'31" East and 999.26 feet to a concrete monument and a point of tangency; Thence run South 71°59'15" East a distance of 124.36 feet to a concrete monument and the westerly right of way of Plant Street as per plat of "Vietch Addition to Gainesville" recorded in Plat Book "A", Page 90 of the Public Records of Alachua County, Florida; Thence run North 23°05'04" West along the said west right of way line a distance of 417.32 feet to a concrete monument and the northeast corner of Lot 45 and the southerly right of way line of 1st Avenue of said "Vietch Street Addition to Gainesville"; Thence run South 67°05'40" West along said southerly right of way line of 1st Avenue a distance of 111.56 feet to a concrete monument; Thence run North 44°59'40" West a distance of 180.08 feet to close on the Point of Beginning; and being shown on print of survey prepared by The Perry C. McGriff Co., Inc., Dated July 11, 1979.

001571-1



13010

13012

13013

13055

AKIRA & ASSOCIATES

13053

POOLE ROOFING

12807

CITY OF GAINESVILLE

DEPOT AVENUE

12745-4

13050

13050-1

13050-300

CSX

RINKERS CORP

12745-8

BEGIN ORD. 3327

16024

16024

CITY OF GAINESVILLE

CSX 15704-5

15704-7

MCB OIL CO 15704-7

CSX 15704-6

MCB OIL CO 15706-1

CSX 16004-1

MM 16039 MASIDONSKI

16039

16038

16037

1603

16008 ALCON CONST

16009

16006

15954-1

16016

16005

CITY OF GAINESVILLE

15706

LARSON & LARSON

15954-20

15954-18

15954

15954-34

15954-21

1595

15954-33

15954-22

1

15954-44

15954-32

15954-36

15954-23

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15954-42

15954-24

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15954-41

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15954-40

15954-40

15

16010

VIOLET M WILKES

16011

WILKES & WILKES

16013

RICARD

15702

BARNETT BANK

SE 13TH AVENUE