

RESOLUTION \_\_\_\_\_  
PASSED \_\_\_\_\_

**A RESOLUTION DETERMINING THE NECESSITY AND PUBLIC PURPOSE FOR THE NW 45<sup>th</sup> 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 NUMBER 95-28-01, WHICH IS THE REQUIRED PORTION OF PARCEL 7914.**

**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, which includes the Northwest 45<sup>th</sup> Avenue 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**, thirteen parcels of property have been acquired of the eighteen parcels needed to complete the project; and

**WHEREAS**, fee simple acquisition of parcel number 95-28-01, a portion of the parent parcel number 7914, 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 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 45<sup>th</sup> Avenue Reconstruction Project is necessary and for a public purpose;
2. That fee simple acquisition of parcel 95-28-01, a portion of the parent parcel number 7914, more fully described in the attached legal description, is necessary for the

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widening and improving of the adjacent roadway and stormwater drainage facilities as part of the Northwest 45<sup>th</sup> 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 parcel 95-28-01, a portion of the parent parcel number 7914, 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 \_\_\_\_\_ day of \_\_\_\_\_, 2000.

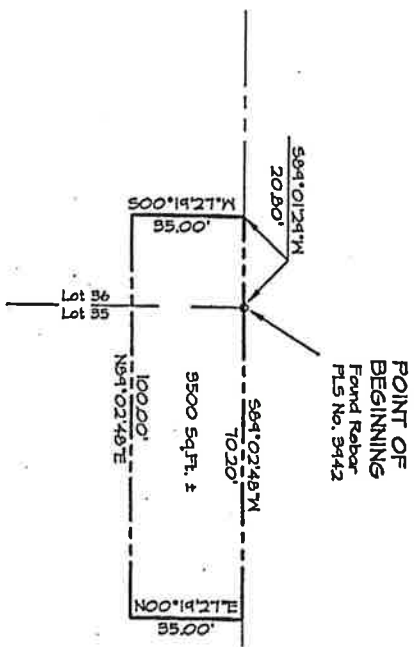
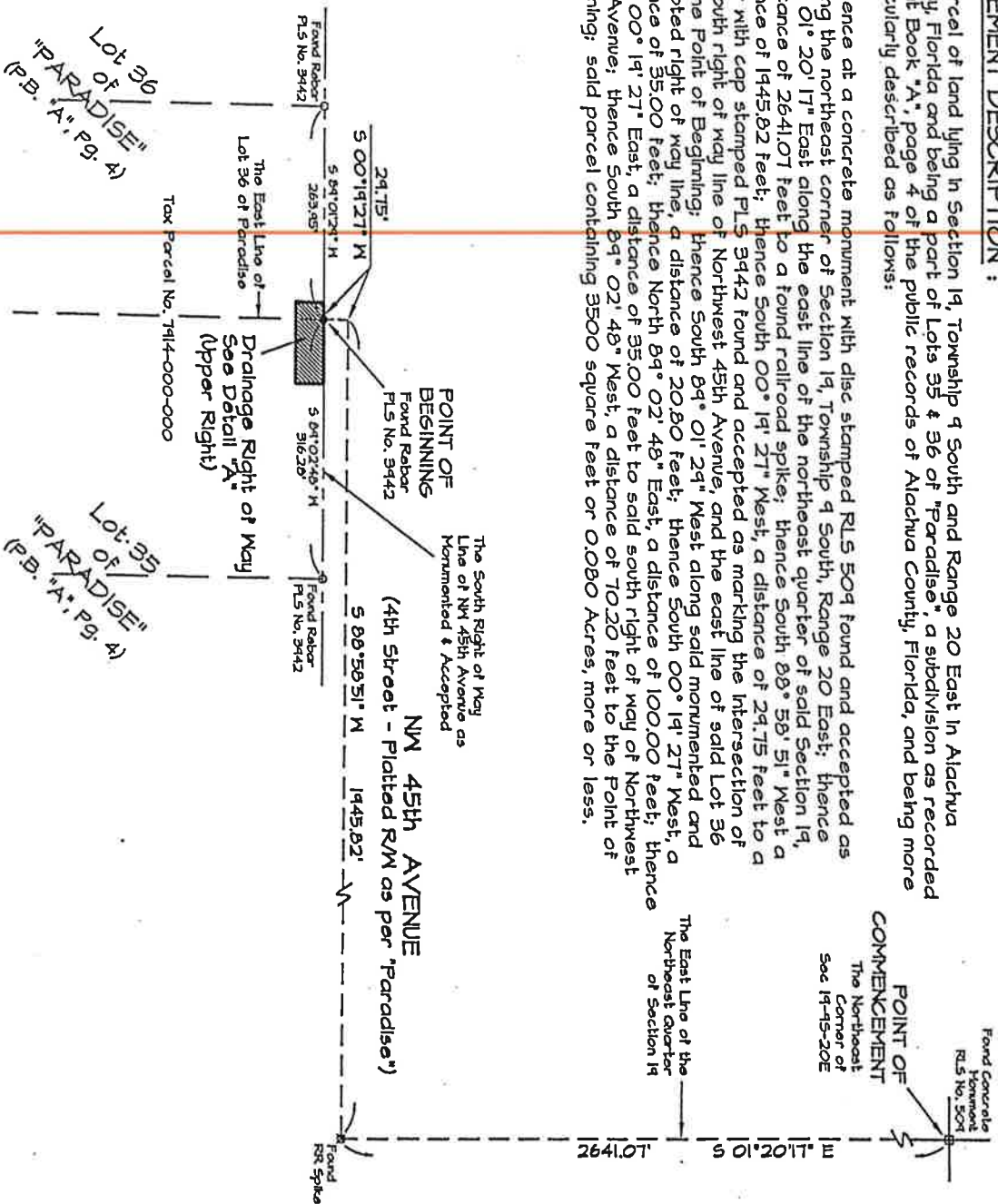
\_\_\_\_\_  
Paula M. DeLaney, Mayor

Attest:

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

A parcel of land lying in Section 19, Township 9 South and Range 20 East in Alachua County, Florida and being a part of Lots 35 & 36 of "Paradise", a subdivision as recorded in Plat Book "A", page 4 of the public records of Alachua County, Florida, and being more particularly described as follows:

Commence at a concrete monument with disc stamped RLS 504 found and accepted as marking the northeast corner of Section 14, Township 4 South, Range 20 East; thence South 01° 20' 17" East along the east line of the northeast quarter of said Section 14, a distance of 2641.07 feet to a found railroad spike; thence South 88° 58' 51" West a distance of 1445.82 feet; thence South 00° 14' 27" West, a distance of 24.75 feet to a rebar with cap stamped PLS 3442 found and accepted as marking the intersection of the south right of way line of Northwest 45th Avenue, and the east line of said Lot 36 and the Point of Beginning; thence South 84° 01' 24" West along said monumented and accepted right of way line, a distance of 2080 feet; thence South 00° 14' 27" West, a distance of 35.00 feet; thence North 84° 02' 48" East, a distance of 100.00 feet; thence North 00° 14' 27" East, a distance of 35.00 feet to said south right of way of Northwest 45th Avenue; thence South 84° 02' 48" West, a distance of 70.20 feet to the Point of Beginning; said parcel containing 3500 square feet or 0.080 Acres, more or less.

DRAINAGE RIGHT-OF-WAY

**DETAIL "A"**  
Scale : 1" = 40'



THIS IS NOT A SURVEY

Note : The Bearing Basis for this sketch is the East line of the Northeast Quarter of Section 19

Prepared by:

FRANK HOST, F .No. 3907



**CITY OF GAINESVILLE**  
**PUBI WORKS DEPARTMENT**  
P.O. Box 1, Mail Station 58, Gainesville, Florida 32602  
Telephone (352) 334-7051 FAX: (352) 334-1560

Temp	100°
Time	20 min

NW 45th AVENUE  
DRAINAGE EASEMENT TP#7914

