



## Legislation Text

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**File #:** 001326, **Version:** 1

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### Eminent Domain - Northwest 45th Avenue Reconstruction Project (B)

City staff has made numerous attempts to obtain the land rights needed from Mr. Michael S. Hartman, Trustee, representing Mrs. J. F. Hartman, Ann H. Trubey, Jane H. Shank, and Frank W. Hartman, Trustee, to complete the roadway reconstruction of Northwest 45th Avenue. Negotiations commenced on November 18, 1997 with Mr. Hartman. Rezoning of the property for development and pending sales to land developers have been the major issues for the delays. As Trustee, Mr. Hartman has refused to negotiate.

The City needs approximately 5.13 total acres, consisting of:

1. Parcel 7883-A, a 45'x70' triangular public right of way, consisting of 0.036 acres
2. Parcel 7883-B, a creek and wetland area consisting of 4.98 acres to be used as drainage and construction right of way
3. Parcel 7883-C, a 60'x30' drainage easement on an adjacent creek, consisting of 0.041 acres
4. Parcel 7883-D, a 80'x40' temporary construction easement including and surrounding the drainage easement, consisting of 0.073 acres

The funding needed for the acquisition is available in the Northwest 45th Avenue Reconstruction Capital Project Account.

The City Commission: 1) approve the resolution authorizing condemnation of 5.13 acres of property located in the 1700 block of Northwest 45th Avenue referred to as parcels 7883-A, 7883-B, 7883-C, and 7883-D, portions of the parent parcel number 7883; and, 2) authorize the appropriate City officials to execute any applications, agreements, or any other related documents and take any other actions necessary to complete the Eminent Domain process.