



Legislation Text

File #: 001472, **Version:** 2

Eminent Domain - MCB Oil Property (B)

Beginning in 1999, City staff has attempted to negotiate the acquisition of the MCB Oil property. The City needs the entirety of tax parcels 15704-007-000 (2.62 acres) and 15706-001-000 (11.1 acres), referred to as parcel number 99-12-01 collectively. On July 9, 2001, the City Commission directed staff to continue negotiations with MCB Oil and report back at its next regular meeting, where the issue of eminent domain would be discussed if these negotiations were unsuccessful.

The funding needed for the acquisition and eminent domain process is available in the Depot Avenue Stormwater Basin Capital Project Account and RTS Capital Grants Fund. If eminent domain is used to acquire the property, the City will be prohibited from receiving reimbursement from Florida Communities Trust (FCT) for costs and purchase amounts incurred in this process. If the acquisition is negotiated prior to a court hearing, the City will only be reimbursed from FCT for the portion of the purchase amount not exceeding the FCT maximum approved purchase price, which is usually the highest appraised value.

The City Commission: 1) approve the resolution authorizing condemnation of 13.69 acres of property located in the East Depot Avenue area and referred to as parcel number 99-12-01, a total of tax parcel numbers 15704-007-000 and 15706-001-000; 2) authorize the City Manager or designee to execute any applications, agreements, or other related documents and take any action necessary to complete the eminent domain process; and 3) authorize the City Attorney to initiate and pursue eminent domain proceedings to acquire title to parcel 99-12-01 and take any other necessary legal action associated with or arising out of eminent domain proceedings, including authorization to accomplish the acquisition by settlement and compromise.