

ALACHUA COUNTY  
BOARD OF COUNTY COMMISSIONERS

RESOLUTION 16-

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, PERTAINING TO A ROAD CONSTRUCTION PROJECT IN AND AROUND S.W. 8<sup>TH</sup> AVENUE; AUTHORIZING THE ACQUISITION BY EMINENT DOMAIN OF THE REAL PROPERTY DESCRIBED HEREIN; ESTABLISHING THE USE FOR WHICH SAID PROPERTY IS TO BE ACQUIRED AND THAT THE PROPERTY IS NECESSARY FOR SUCH USE; PROVIDING AN ADEQUATE DESCRIPTION OF THE PROPERTY SOUGHT TO BE TAKEN; PROVIDING THE NATURE OF THE ESTATE OR INTEREST IN SAID PROPERTY WHICH THE BOARD OF COUNTY COMMISSIONERS INTENDS TO ACQUIRE; AUTHORIZING LEGAL ACTION IN CONDEMNATION; AUTHORIZING TAKING OF POSSESSION AND TITLE IN ADVANCE OF FINAL JUDGMENT; PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the Board of County Commissioners of Alachua County desires to accomplish and implement sound transportation planning and provide a sound transportation system in Alachua County for the benefit of the citizens of Alachua County; and

**WHEREAS**, the safe, efficient and uninterrupted transportation of people and property from place to place on the County road system of Alachua County is a matter of great concern to the people of the County and is necessary to ensure the smooth operation of commerce and other activities within Alachua County; and

**WHEREAS**, the constitutional home rule powers of Alachua County, the *Florida Transportation Code (Chapters 334-339 and other provisions of the Florida Statutes as established in Section 334.01, Florida Statutes)* and other applicable law including, but not limited to, *Chapter 125, Florida Statutes*, invests authority over the County road system of Alachua County in the County; and

**WHEREAS**, the elimination of safety hazards in existing and future transportation facilities within Alachua County is of utmost concern and encourages the full utilization of such facilities by the traveling public; and

**WHEREAS**, it is necessary, beneficial and desirable that vehicular traffic within any transportation facility in developed or developing areas of the County has an adequate right-of-way in order to accommodate the roadway and its appurtenant facilities to decrease the likelihood of accidents and to increase the safety of travel within and upon such facilities; and

**WHEREAS**, S.W. 8<sup>th</sup> Avenue is an existing roadway that traverses a developing area to the east of the proposed project; and

**WHEREAS**, the first phase of the extension of S.W. 8<sup>th</sup> Avenue is currently under construction and will terminate approximately 150 feet west of SW 137<sup>th</sup> Way; and

**WHEREAS**, the Board of County Commissioners of Alachua County, Florida has determined there is a need to continue the extension of S.W. 8<sup>th</sup> Avenue to S.W. 143<sup>rd</sup> Street for transportation mobility and to provide for the health, safety and welfare of its citizens ; and

**WHEREAS**, there is no existing right-of-way or the existing right-of-way along the proposed roadway is inadequate for proper utilization as required for the transportation corridor. A new roadway corridor, including drainage and multi-modal facilities, are necessary to maintain the adopted Areawide Level of Service of the Southwest Mobility District. The property hereinafter described is being acquired for use as right-of-way for new sections of roadway, additional traffic

lanes, multi-modal facilities, and drainage facilities of the S.W. 8<sup>th</sup> Avenue extension to be used by the public in general. Said property hereinafter described is necessary for roadways, rights-of-way, drainage facilities, and related facilities for the use of the general public including, but not limited to, rights-of-way, drainage facilities and other roadway improvements; and

**WHEREAS**, Alachua County has heretofore caused the roadway's area of construction to be located and surveyed and has caused a right-of-way map for the road hereinabove described to be prepared, based upon and incorporating the survey and location data; and

**WHEREAS**, legal descriptions of parcels needed for the said extension of the roadway, its drainage system and other appurtenant systems have been prepared based upon aforementioned survey and location data and the right-of-way map; and

**WHEREAS**, the Board of County Commissioners of Alachua County desires to utilize the provisions of Florida law to the fullest extent possible in order to accomplish the public purpose of acquiring necessary parcels of real property at prices that are both fair to property owners and prudent in terms of spending the tax revenues and other public funds which fund the transportation projects of the County; and

**WHEREAS**, the Board of County Commissioners of Alachua County hereby determines that the actions taken herein are consistent with the goals, policies and objectives of the Alachua County Comprehensive Plan;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA;**

**Section 1.** The above recitals are adopted as findings and incorporated into the text of this Resolution.

**Section 2.** The Board hereby determines that the property is necessary for construction of the S.W. 8<sup>TH</sup> Avenue Extension Project (the "Project"). The Project is to construct a paved two lane style road with multi-modal and drainage facilities, approximately at S.W. 8<sup>th</sup> Ave from S.W. 137<sup>th</sup> Way to S.W. 143<sup>rd</sup> St.

**Section 3.** It is necessary, serves a County and public purpose, and is in the best interests of the citizens of Alachua County and the traveling public to extend the road and improve the appurtenant drainage facilities on or relating to the Project in order to enhance public transportation within Alachua County, to alleviate traffic congestion and to maintain the Areawide Level of Service.

**Section 4.** That the acquisition of the property described in Exhibit "A" attached hereto consisting of 1 pages is hereby ratified and confirmed and found to be necessary for said improvements to the extent of the estate or interest set forth as a part of each parcel's description. The Board of County Commissioners of Alachua County hereby finds and determines that the acquisition of these parcels is necessary and serves a County and public purpose.

**Section 5.** The estates or interests sought to be condemned by these proceedings designated as a portion of Tax Parcel Number:

04342-000-000

are to be acquired, in part, in fee simple for road construction and related purposes all being associated with transportation improvements for the Project.

**Section 6.** The County Manager or his designee is hereby delegated the authority to amend the construction plans for the Project and is authorized to bind the County, within the limits set forth in the Alachua County Code, to construct the Project in accordance with the construction plans as amended from time to time. This authority shall encompass any change considered necessary in the discretion of the County Manager or his designee, but shall not include changes in the typical section or alignment approved by the Board of County Commissioners of Alachua County.

**Section 7.** That the County Attorney's Office is hereby authorized and directed to institute a suit or suits in the name of Alachua County and fully exercise Alachua County's power of eminent domain for the purpose of acquiring the parcels described in Exhibit "A" attached hereto to the extent of the estate or interest set forth as a part of each parcel's description and is further authorized and directed to do all things necessary to prosecute such suit or suits to final judgment by settlement or adjudication. In pursuit of such authorization and direction, the County Attorney's Office is specifically authorized to sign and file a Declaration of Taking so that Alachua County may avail itself of the provisions of *Chapter 74, Florida Statutes*, and is further authorized to accomplish the acquisition of each parcel by settlement and compromise at such terms that it may deem advisable under the circumstances of the litigation in those instances where same can be effected in accordance with any terms, conditions and limitations as established

from time to time by the Board of County Commissioners of Alachua County. The County Attorney's Office is authorized and directed to utilize and assert any and all constitutional and statutory authority of Alachua County and the Board of County Commissioners of Alachua County relative to the acquisition of the subject parcels including, but not limited to, the provisions of *Chapters 73, 74, 127, 332, Florida Statutes*, as well as the provisions of the *Florida Transportation Code* referred to in the recitals to this Resolution.

**Section 8.** Prior to the institution of any suits filed by the County Attorney's Office, the County Attorney or her designee is authorized to negotiate for the purchase and sale of any of the property described in Exhibit "A" at a value consistent with the authority granted by the Board of County Commissioners of Alachua County and to bring back to the Board for approval, the Agreement to consummate the sale to Alachua County.

**DULY ADOPTED** in regular session, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

ALACHUA COUNTY, FLORIDA

By: \_\_\_\_\_  
Robert Hutchinson, Chair  
Board of County Commissioners

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
J. K. Irby, Clerk  
(SEAL)

\_\_\_\_\_  
Alachua County Attorney

**EXHIBIT "A"**

**PREPARED FOR TAX PARCEL: 4342-000-000**

**PREPARED BY ALACHUA COUNTY BoCC**

**INTEREST: FEE**

BEING A PART OF THE SOUTH QUARTER OF FRACTIONAL SECTION 3, INSIDE THE ARREDONDO GRANT, TOWNSHIP 10 SOUTH, RANGE 18 EAST, ALACHUA COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A 4"X4" CONCRETE MONUMENT, STAMPED "PRM 2115", FOUND MARKING THE NORTHEAST CORNER OF THE SOUTH QUARTER OF FRACTIONAL SECTION 3, INSIDE THE ARREDONDO GRANT, TOWNSHIP 10 SOUTH, RANGE 18 EAST, ALACHUA COUNTY, FLORIDA; THENCE SOUTH 00°33'07" EAST, ALONG THE EASTERLY LINE OF SAID SOUTH QUARTER OF FRACTIONAL SECTION 3, A DISTANCE OF 994.48 FEET TO THE SOUTHERLY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4030, PAGE 2112 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE SOUTH 89°56'16" WEST, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 645.73 FEET TO THE **POINT OF BEGINNING**, SAID POINT BEING ON A CURVE TO THE RIGHT (NON TANGENT), HAVING A RADIUS OF 766.00 FEET; THENCE ALONG SAID CURVE, THROUGH AN ANGLE OF 07°34'59", AN ARC DISTANCE OF 101.38 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 66°20'59" EAST, 101.31 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 62°33'30" EAST, A DISTANCE OF 396.83 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 656.00 FEET; THENCE ALONG SAID CURVE, THROUGH AN ANGLE OF 18°46'58", AN ARC DISTANCE OF 215.05 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 71°56'59" EAST, 214.09 FEET TO THE AFORESAID EASTERLY LINE OF THE SOUTH QUARTER OF FRACTIONAL SECTION 3; THENCE SOUTH 00°33'07" EAST, ALONG SAID EASTERLY LINE, A DISTANCE OF 42.60 FEET TO THE SOUTHEASTERLY CORNER OF SAID FRACTIONAL SECTION 3; THENCE NORTH 89°53'26" WEST, ALONG THE SOUTHERLY LINE OF SAID FRACTIONAL SECTION 3, A DISTANCE OF 208.96 FEET TO A POINT ON A CURVE (NON TANGENT), TO THE RIGHT, HAVING A RADIUS OF 756.00 FEET; THENCE ALONG SAID CURVE, THROUGH AN ANGLE OF 03°27'25", AN ARC DISTANCE OF 45.61 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 64°17'12" WEST, 45.61 FEET TO THE POINT OF TANGENCY; THENCE NORTH 62°33'30" WEST, A DISTANCE OF 396.83 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 666.00 FEET; THENCE ALONG SAID CURVE, THROUGH AN ANGLE OF 15°35'13", AN ARC DISTANCE OF 181.18 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 70°21'06" WEST, 180.62 FEET TO THE POINT OF TANGENCY; THENCE NORTH 78°08'43" WEST, A DISTANCE OF 331.83 FEET TO THE AFORESAID SOUTHERLY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4030, PAGE 2112; THENCE NORTH 89°56'16" EAST, A DISTANCE OF 448.14 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 1.968 ACRES OF LAND, MORE OR LESS.