



City of North Port

NORTH PORT ROAD AND DRAINAGE DISTRICT

RESOLUTION NO. 2016-R-26

A RESOLUTION OF THE CITY COMMISSION OF NORTH PORT, FLORIDA, AS THE GOVERNING BODY OF THE NORTH PORT ROAD AND DRAINAGE DISTRICT, AUTHORIZING AND DIRECTING THE ACQUISITION BY ANY LEGAL MEANS OF SIXTEEN (16) PARCELS THAT ARE REQUIRED FOR STORMWATER RETENTION PONDS AS PART OF THE PRICE BOULEVARD WIDENING PROJECT FROM SUMTER BOULEVARD TO TOLEDO BLADE BOULEVARD; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of North Port has retained consultants and undertaken preliminary steps in the planning and design for widening Price Boulevard from an existing two-lane undivided arterial to a four-lane divided arterial from Sumter Boulevard to Toledo Blade Boulevard (the "Project"); and

WHEREAS, North Port Road and Drainage District ("District") Staff have evaluated the necessity of providing stormwater management facilities to meet City of North Port development requirements, as well as Southwest Florida Water Management District Environmental Resource Permit Criteria for the Project; and

WHEREAS, District Staff have identified certain real property interests on sixteen (16) parcels which are necessary for pond sites for stormwater management facilities to serve the Project, said real property interests being identified on Exhibit A; and

WHEREAS, fifteen (15) of those parcels on Exhibit A are vacant and undeveloped, and one (1) of those parcels is undeveloped and combined with an adjacent developed parcel; and

WHEREAS, Chapter 66, Article III, Section 66-52(e) of the Code of the City of North Port grants to the City Commission, acting in its capacity as the Governing Body of the District (the "Board"), the power to condemn real property or real property rights as may be necessary for the

purposes of the District, including any real property as may be necessary, desirable or convenient for providing road and drainage service within the District; and

WHEREAS, said subsection also stipulates that the Board shall exercise its power of eminent domain in accordance with the provisions of Chapters 73, 74, and 166, Florida Statutes; and

WHEREAS, in compliance with Florida Statutes Section 73.015, the District “must attempt to negotiate in good faith with the fee owner...must provide the fee owner with a written offer and, if requested, a copy of the appraisal upon which the offer is based, and must attempt to reach an agreement regarding the amount of compensation to be paid for the parcel.”

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF THE NORTH PORT ROAD AND DRAINAGE DISTRICT THAT:

SECTION 1. FINDINGS.

- 1.01 The recitals outlined above are incorporated by reference as findings of fact as if expressly set forth herein.
- 1.02 The Board further finds that providing pond sites for stormwater management facilities to serve the Project is necessary, serves a District public purpose, and is in the best interests of the District, the City of North Port, and the public.
- 1.03 The Board further finds that it is necessary to acquire in fee simple the parcels (“Property”) identified in Exhibit A, attached hereto and incorporated herein, to protect and maintain the integrity of drainage facilities and water sources by acting as pond sites for stormwater management facilities to serve the Project.
- 1.04 Before deciding to exercise its discretion to acquire the Property, the Board weighed and considered the following factors:
 - a. The stormwater management requirements for each basin;
 - b. The pond sites’ ability to provide the required storage capacity;
 - c. The pond sites’ estimated storage capacity as compared with the total estimated required storage;
 - d. Geotechnical and environmental investigation and evaluation;
 - e. Long-range area planning;
 - f. The costs associated with providing pond sites for stormwater management facilities to serve the Project;
 - g. Safety considerations associated with providing pond sites for stormwater management facilities to serve the Project.

SECTION 2. AUTHORIZATION.

2.01 The Board hereby authorizes the City Manager or his designee to perform all actions delegable to him by law that are necessary to acquire the Property described in Exhibit A by voluntary purchase, donation, or the use of eminent domain. This authorization includes but is not limited to:

- a. Authorization to negotiate, enter into, consummate, and pay for the acquisition of the Property identified in Exhibit A by any legal means;
- b. Authorization to contract and pay for title work, appraisal services, surveying services, usual and customary closing costs, the City's and District's legal expenses and any other costs deemed prudent for the acquisition;
- c. Authorization to request funds for payment to the Clerk of the Circuit Court of Sarasota County and to close pending transactions;
- d. Authorization to execute all documents on behalf of the Board and the District that are necessary to complete the acquisition of the property identified in Exhibit A; and
- e. Direction to maintain records and documentation on the transactions.

2.02 In case an agreement for the Property cannot be reached, the Board hereby authorizes and directs the City Attorney, or his designee, with the advice and consent of the City Manager or his designee, to institute a suit in accordance with Chapters 73, 74, and 166, Florida Statutes in the name of the North Port Road and Drainage District in the exercise of its power of eminent domain for the acquisition of said Property and to do all things necessary to prosecute such suit to final judgment, whether by trial or settlement. The City Attorney or his designee is further authorized to sign and file a Declaration of Taking so that the City may utilize the procedures of Chapters 73, 74, and 66, Florida Statutes, and to accomplish the acquisition in accordance with the terms, limitations, and conditions established by the Board. The City Manager or his designee has final approval over any settlement of a suit and is authorized to sign any settlement agreement, which shall be binding on the District. The City Attorney, with the advice and consent of the City Manager, may dismiss the suit or any portion of the suit authorized by this Resolution should the District acquire the Property identified in this Resolution or determine that such action is no longer required.

SECTION 3. SEVERABILITY.

3.01 If any section, subsection or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4. CONFLICTS.

4.01 In the event of any conflicts between the provisions of this Resolution and any other Resolution, the provisions of this Resolution shall prevail to the extent of such conflict.

SECTION 5. EFFECTIVE DATE.

5.01 This Resolution shall take effect immediately upon adoption.

READ BY TITLE ONLY in public session this _____ day of _____, 2016.

PASSED and ADOPTED on second and final reading in public session this _____ day of _____, 2016.

NORTH PORT ROAD AND DRAINAGE DISTRICT

JACQUELINE MOORE
MAYOR

ATTEST:

PATSY ADKINS, MMC
CITY CLERK

APPROVED AS TO FORM AND
CORRECTNESS:

MARK MORIARTY
CITY ATTORNEY