



## City of North Port

### RESOLUTION NO. 2018-R-29

**A RESOLUTION OF THE CITY COMMISSION OF NORTH PORT, FLORIDA, AUTHORIZING AND DIRECTING THE ACQUISITION BY ANY LEGAL MEANS OF CERTAIN 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 consultant services to design the widening of Price Boulevard from an existing two-lane undivided arterial road to a five-lane undivided arterial road from Sumter Boulevard to Toledo Blade Boulevard (the "Project") with final design plans expected to be completed in 2019; and

**WHEREAS**, City 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**, on September 27, 2016, the City Commission adopted Resolution No. 2016-R-26, authorizing the City Manager to acquire certain parcels for stormwater use, and on January 9, 2018, the City Commission directed to add two (2) parcels to the acquisition; and

**WHEREAS**, subject to that direction, the City purchased six (6) parcels, but was unable to reach an agreement with the other parcel owners; and

**WHEREAS**, City staff have identified certain real property interests on eleven (11) parcels that are necessary for pond sites for stormwater management facilities to serve the Project; and

**WHEREAS**, ten (10) of the parcels are vacant and undeveloped, and one (1) parcel is undeveloped and combined with an adjacent developed parcel; and

**WHEREAS**, Chapters 73, 74, and 166 of the Florida Statutes govern the City's exercise of the power of eminent domain; and

**WHEREAS**, in compliance with Florida Statutes Section 73.015, the City “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 CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA 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 City Commission further finds that providing pond sites for stormwater management facilities to serve the Project is necessary, serves a public purpose, and is in the best interests of the City of North Port and the public.
- 1.03 The City Commission further finds that it is necessary to acquire in fee simple the property identified 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 parcels set forth herein, the City Commission weighed and considered the following factors:
  - a. The stormwater management requirements for each basin.
  - b. The pond sites’ ability to provide the required stormwater storage capacity.
  - c. The pond sites’ estimated stormwater 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 City Commission hereby authorizes the City Manager or his designee to perform all actions delegable to him by law that are necessary to acquire the following parcels by voluntary purchase, donation, or the use of eminent domain:

	Parcel ID	Location	Pond Site	Subdivision	Plat Book	Page	Block	Lot	Instrument
1	0979-03-6901	Price Blvd	1D	10th Addition to Port Charlotte	12	22	22	369	2003036369
2	0980-03-6908	Price Blvd	1E	10th Addition to Port Charlotte	12	22	22	369	2999 p. 701
3	0980-03-9203	Price Blvd	2E	10th Addition to Port Charlotte	12	22	22	392	2003116274
4	0980-03-9202	Price Blvd	2B	10th Addition to Port Charlotte	12	22	22	392	2003116274
5	0980-04-1543	Moravia Ave	2M	9th Addition to Port Charlotte	12	21	415	43	1130 p.1424
6	0982-04-4403	Altoona Ave	3B	9th Addition to Port Charlotte	12	21	444	3	2004192911
7	0982-04-4524	Price Blvd	3J	9th Addition to Port Charlotte	12	21	445	Tract B	2011106855
8	0981-04-4520	Gaucha Terr	3I	9th Addition to Port Charlotte	12	21	445	20	2011106854
9	0984-04-8544	Price Blvd	4B	8th Addition to Port Charlotte	12	20	485	Tract K	2012058968
10	0984-04-8611	W Price Blvd	4C1	8th Addition to Port Charlotte	12	20	486	11	2003001079
11	0984-04-8612	W Price Blvd	4C2	8th Addition to Port Charlotte	12	20	486	12	2015129133

2.02 This authorization includes, but is not limited to:

- a. Authorization to negotiate, enter into, consummate, and pay for the acquisition of the property identified herein 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 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 City Commission and the City that are necessary to complete the acquisition of the property identified herein; and
  - e. Direction to maintain records and documentation on the transactions.
- 2.03 In case an agreement for the property identified herein cannot be reached, the City Commission hereby authorizes and directs the City Attorney or her 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 City of North Port, Florida, 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 her 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 166, Florida Statutes, and to accomplish the acquisition in accordance with the terms, limitations, and conditions established by the City Commission. 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 City. 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 City acquire the property or determine that such action is no longer required.

**SECTION 3 – SEVERABILITY:**

- 3.01 If any section, subsection, sentence, clause, phrase, or provision 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 or portions thereof, 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 by the City Commission of the City of North Port, Florida.

PASSED and ADOPTED by the City Commission of the City of North Port in public session this \_\_\_\_\_ day of \_\_\_\_\_ 2019.

CITY OF NORTH PORT, FLORIDA

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CHRISTOPHER HANKS  
MAYOR

ATTEST:

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KATHRYN WONG  
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS:

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AMBER SLAYTON  
CITY ATTORNEY