



## City of North Port

### RESOLUTION NO. 2016-R-26

A RESOLUTION OF THE CITY COMMISSION OF NORTH PORT, FLORIDA, 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, 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, City 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, 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 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 Commission 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 Commission 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 Commission 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 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 Commission and the City 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.

## 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.

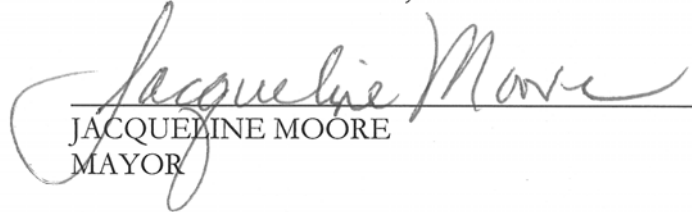
## SECTION 5. EFFECTIVE DATE.

- 5.01 This Resolution shall take effect immediately upon adoption.


READ BY TITLE ONLY in public session this 27<sup>th</sup> day of September, 2016.

PASSED and ADOPTED on second and final reading in public session this 27<sup>th</sup> day of September, 2016.


CITY OF NORTH PORT, FLORIDA

  
JACQUELINE MOORE  
MAYOR

ATTEST:

  
PATSY ADKINS, MMC  
CITY CLERK

APPROVED AS TO FORM AND  
CORRECTNESS:

  
MARK MORIARTY  
CITY ATTORNEY