

RESOLUTION #2015-R-38

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EDGEWATER, FLORIDA DECLARING THE PUBLIC NECESSITY FOR ACQUIRING FEE SIMPLE TITLE THROUGH CONDEMNATION BY RIGHT OF EMINENT DOMAIN IN CERTAIN LAND FOR WIDENING AND EXTENDING INDIAN RIVER BOULEVARD WEST OF I-95 INTERCHANGE AND INSTALLING UTILITIES ALONG THE EXTENSION; DIRECTING THE CITY ATTORNEY TO INSTITUTE APPROPRIATE CONDEMNATION PROCEEDINGS AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Edgewater (the “City”) is authorized to construct and maintain public right-of-ways and is vested by law with the power of eminent domain to acquire fee simple title in land for that purpose.

WHEREAS, after consideration of the availability of alternative routes, long range area planning, environmental factors, costs, and safety considerations, the City has determined that it is necessary to exercise its right to condemn property for public use.

WHEREAS, the proposed roadway improvements are necessary to carry out the City’s general superintendence and control over City roads, including establishing, improving and maintaining such roads.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY OF EDGEWATER, FLORIDA, AS FOLLOWS:

Section 1. DECLARATION OF NECESSITY. The City hereby declares the public necessity for acquiring through condemnation by right of eminent domain, fee simple title in the land described in Exhibit “A” and depicted as Parcel 1 on the survey, Exhibit “B,” (the “Property”) for the purpose of extending Indian River Boulevard and widening Indian River Boulevard to six lanes, West of the I-95 Interchange, and installing utilities along the extension (the “Project”). The City has determined the necessity and public purpose of the Project, and the

City hereby finds that the Property to be acquired through eminent domain is reasonably necessary for the construction of the Project which serves a public purpose in improving traffic flow and transportation safety.

Section 2. ACQUISITION OF FEE SIMPLE TITLE. The City shall acquire by eminent domain fee simple title in the land described in Exhibit “A” and depicted on the survey as Parcel 1 in Exhibit “B” from the present owners and all persons claiming interest therein.

Section 3. INSTITUTION OF LEGAL PROCEEDINGS. The City Attorney is hereby authorized and directed to institute the appropriate legal proceedings to acquire, through the exercise of the power of eminent domain, fee simple title for the purpose described in this resolution, and that said interest in the Property be acquired, prior to trial, by the filing of a Declaration of Taking and by deposit into the Registry of the Court the good faith estimate of value as ordered by the court upon entry of an Order of Taking.

Section 14. This resolution shall take effect upon adoption.

After Motion by _____ with Second by _____, the vote on this resolution on November 16, 2015 was as follows:

	<u>AYE</u>	<u>NAY</u>
Mayor Mike Ignasiak	_____	_____
Councilwoman Christine Power	_____	_____
Councilwoman Gigi Bennington	_____	_____
Councilman Dan Blazi	_____	_____
Councilman Gary Conroy	_____	_____

PASSED AND DULY ADOPTED this 16th day of November, 2015.

ATTEST:

**CITY COUNCIL OF THE
CITY OF EDGEWATER, FLORIDA**

Robin L. Matusick
Interim City Clerk/Paralegal

By:_____
Mike Ignasiak
Mayor

For the use and reliance only by the City of Edgewater, Florida. Approved as to form and legality by: Aaron R. Wolfe, Esquire
City Attorney
Doran, Sims, Wolfe, & Ciochetti

Approved by the City Council of the City of Edgewater at a meeting held on this 16th day of November, 2015 under Agenda Item No. 8____.

EXHIBIT A

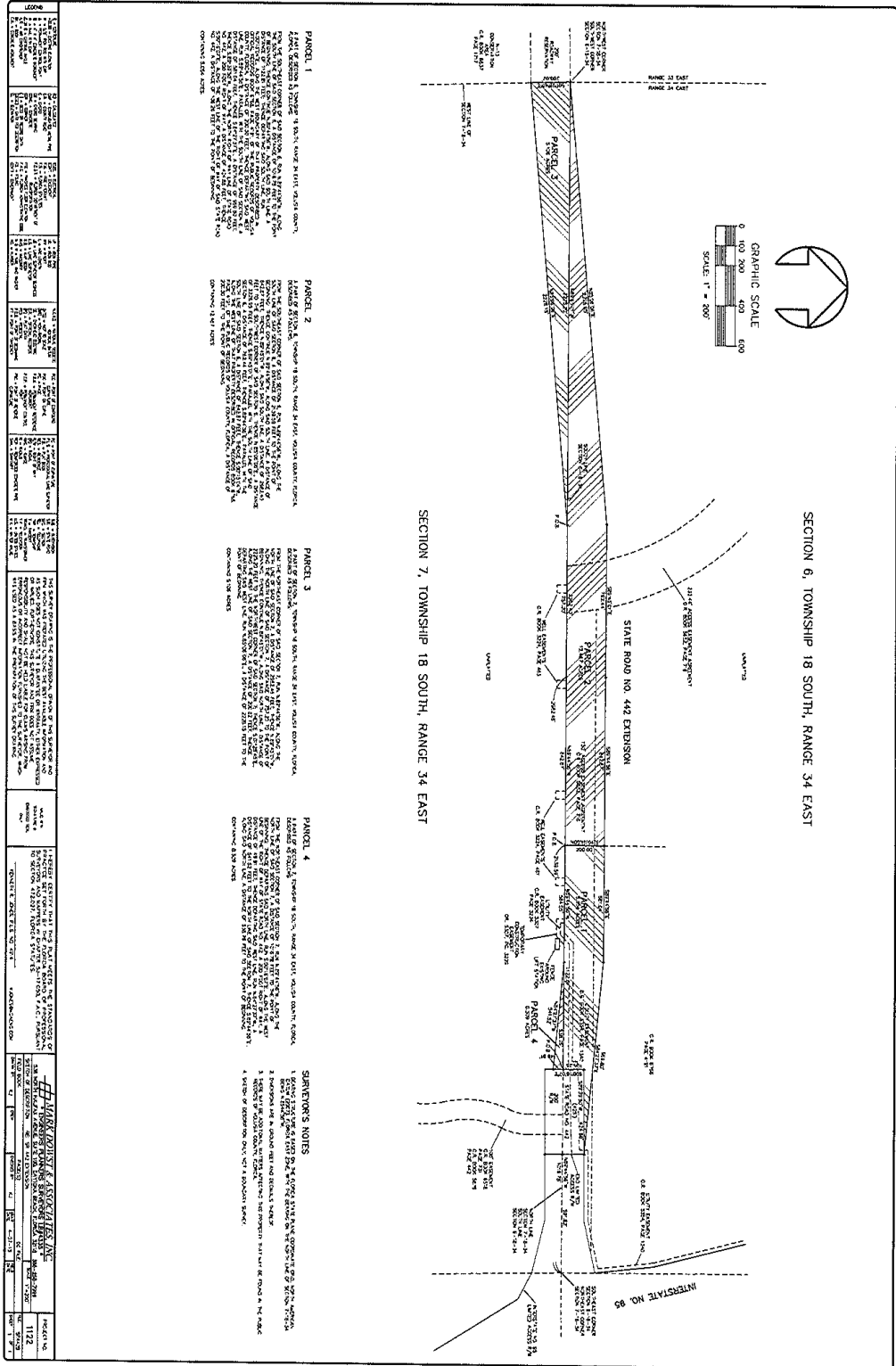
A PART OF SECTION 6, TOWNSHIP 18 SOUTH, RANGE 34 EAST, VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

FROM THE SOUTHEAST CORNER OF SAID SECTION 6, RUN N.89°44'56"W., ALONG THE SOUTH LINE OF SAID SECTION 6, A DISTANCE OF 1016.78 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N.89°44'56"W., ALONG SAID SOUTH LINE, A DISTANCE OF 1122.81 FEET; THENCE DEPARTING SAID SOUTH LINE, RUN N.00°15'04"E., ALONG THE WEST BOUNDARY OF THAT PROPERTY DESCRIBED IN OFFICIAL RECORDS BOOK 6768, PAGE 4191, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, A DISTANCE OF 200.00 FEET; THENCE DEPARTING SAID WEST LINE, RUN S.89°44'56"E., PARALLEL WITH THE SOUTH LINE OF SAID SECTION 6, A DISTANCE OF 581.04 FEET; THENCE S.84°27'37"E., A DISTANCE OF 969.80 FEET; THENCE S.89°39'50"W., ALONG THE NORTH RIGHT OF WAY LINE OF STATE ROAD NO. 442, A 200 FOOT RIGHT OF WAY, A DISTANCE OF 424.88 FEET; THENCE S.00°16'07"E., ALONG THE WEST LINE OF THE RIGHT OF WAY OF SAID STATE ROAD NO. 442, A DISTANCE OF 106.26 FEET TO THE POINT OF BEGINNING.

CONTAINING 5.054 ACRES.

EXHIBIT B

EXHIBIT B



PARCEL 1
 1. PART OF SECTION 6, TOWNSHIP 18 SOUTH, RANGE 34 EAST, COUNTY OF...
 2. PART OF SECTION 6, TOWNSHIP 18 SOUTH, RANGE 34 EAST, COUNTY OF...
 3. PART OF SECTION 6, TOWNSHIP 18 SOUTH, RANGE 34 EAST, COUNTY OF...
 4. PART OF SECTION 6, TOWNSHIP 18 SOUTH, RANGE 34 EAST, COUNTY OF...

PARCEL 2
 1. PART OF SECTION 6, TOWNSHIP 18 SOUTH, RANGE 34 EAST, COUNTY OF...
 2. PART OF SECTION 6, TOWNSHIP 18 SOUTH, RANGE 34 EAST, COUNTY OF...
 3. PART OF SECTION 6, TOWNSHIP 18 SOUTH, RANGE 34 EAST, COUNTY OF...
 4. PART OF SECTION 6, TOWNSHIP 18 SOUTH, RANGE 34 EAST, COUNTY OF...

PARCEL 3
 1. PART OF SECTION 6, TOWNSHIP 18 SOUTH, RANGE 34 EAST, COUNTY OF...
 2. PART OF SECTION 6, TOWNSHIP 18 SOUTH, RANGE 34 EAST, COUNTY OF...
 3. PART OF SECTION 6, TOWNSHIP 18 SOUTH, RANGE 34 EAST, COUNTY OF...
 4. PART OF SECTION 6, TOWNSHIP 18 SOUTH, RANGE 34 EAST, COUNTY OF...

PARCEL 4
 1. PART OF SECTION 6, TOWNSHIP 18 SOUTH, RANGE 34 EAST, COUNTY OF...
 2. PART OF SECTION 6, TOWNSHIP 18 SOUTH, RANGE 34 EAST, COUNTY OF...
 3. PART OF SECTION 6, TOWNSHIP 18 SOUTH, RANGE 34 EAST, COUNTY OF...
 4. PART OF SECTION 6, TOWNSHIP 18 SOUTH, RANGE 34 EAST, COUNTY OF...

SHARITON'S NOTES
 1. BEARING AND DISTANCE OF THE CENTER LINE OF THE EXTENSION OF STATE ROAD NO. 442...
 2. BEARING AND DISTANCE OF THE CENTER LINE OF THE EXTENSION OF STATE ROAD NO. 442...
 3. BEARING AND DISTANCE OF THE CENTER LINE OF THE EXTENSION OF STATE ROAD NO. 442...
 4. BEARING AND DISTANCE OF THE CENTER LINE OF THE EXTENSION OF STATE ROAD NO. 442...

SECTION	TOWNSHIP	RANGE	COUNTY	ACRES	OWNER	DATE
6	18 SOUTH	34 EAST