RESOLUTION NO. 10 - ____

ACQUISITION OF PROPERTY BY EMINENT DOMAIN FOR BUCK LAKE ROAD WIDENING PROJECT FROM DAVIS DRIVE TO PEDRICK ROAD
(Parcel 734)

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, RECOGNIZING AND ESTABLISHING THAT A VALID PUBLIC PURPOSE IS SERVED BY THE IMPROVEMENT, CONSTRUCTION, AND MAINTENANCE OF CERTAIN PROPERTY WITHIN LEON COUNTY, LOCATED ON OR ADJACENT TO BUCK LAKE ROAD BETWEEN DAVIS DRIVE AND PEDRICK ROAD, KNOWN AS THE BUCK LAKE ROAD DAVIS TO PEDRICK PROJECT; AND DETERMINING THAT THE ACQUISITION OF CERTAIN PROPERTY IN THE AREA ADJACENT TO AND SURROUNDING BUCK LAKE ROAD, IDENTIFIED AS PARCEL 734, IS NECESSARY FOR THE IMPLEMENTATION OF THE PROJECT; AND AUTHORIZING PUBLIC WORKS AND THE COUNTY ATTORNEY TO ACQUIRE SAID PROPERTY BY GIFT, PURCHASE, OR THE EXERCISE OF EMINENT DOMAIN PROCEEDINGS.

WHEREAS, the Board of County Commissioners (the Board) of Leon County, Florida (the County), is delegated the authority pursuant to Chapters 125, 127, and 337 of the Florida Statutes to appropriate property for any county use or purpose, subject to the limitations of Sections 73.013 and 73.014 therein, by gift, by purchase, or by exercising the right and power of eminent domain; and

WHEREAS, planning studies for the years 2010 and 2020 have projected that Buck Lake Road (County Road Number 1568), in its existing configuration from Davis Drive to Pedrick Road, will be unable to properly serve projected traffic loads; and

WHEREAS, in November 1993, in order to assist in the planning and decision-making involved in designing the improvements proposed for Buck Lake Road, the Board unanimously

approved the establishment of the Buck Lake Road Corridor Study Project team which would consist in part of a Board-appointed citizens advisory committee; and

WHEREAS, on September 7, 1995, the Board approved a Memorandum of Understanding (MOU) entered into between the Leon County Department of Public Works (Public Works), on behalf of the Board, and the Buck Lake Road Corridor Study Project Team, and further directed that the design concepts contained in the MOU be implemented in the final design of the improvements proposed for Buck Lake Road; and

WHEREAS, in December 1996, the Board retained Baskerville Donovan, Inc. (BDI) to design the Buck Lake Road Widening Project from Mahan Drive to Pedrick Road (the Original Project), giving consideration to the concepts contained in the MOU, and BDI identified the properties necessary for implementation of the Original Project, as directed; and

WHEREAS, on July 23, 2002, with the adoption of Resolution R02-17, the Board recognized that the Original Project represented a valid county public purpose and that the acquisition of the property identified by BDI was necessary in order to implement the Original Project with the design concepts contained in the MOU; and

WHEREAS, on August 26, 2003, after convening a public hearing for the purpose of enabling the public to express its views and participate in the decision-making process for the design of the Original Project, the Board accepted and approved BDI's final design plans for the Original Project, and directed County staff to proceed with the acquisition of the property needed for the Original Project; and

WHEREAS, on December 14, 2004, the Board, in order to shift funds to other capital improvement projects, reduced the scope of the Original Project to include only the reconstruction of the Buck Lake Road intersections at Mahan Drive and Pedrick Road, thereby

delaying the acquisition of those parcels of property identified in the plans for the Original Project, but not needed for the Mahan Drive and Pedrick Road intersections, until such time as an additional funding source could be identified; and

WHEREAS, on December 12, 2005, the Board entered into a development agreement with AIG Baker Tallahassee, LLC (AIG Baker) pursuant to Chapter 163 of the Florida Statutes (the 163 Development Agreement), for the development of the Fallschase property adjoining Buck Lake Road at the intersection of Mahan Drive; and

WHEREAS, on March 28, 2006, the Board approved a joint project agreement with AIG Baker which allowed for AIG Baker and the County to combine their resources and work together in making improvements to Buck Lake Road between Mahan Drive and Davis Drive (the Mahan to Davis Project), thereby providing the additional funding source necessary to construct that portion of the Original Project, including the Mahan Drive intersection improvements; and

WHEREAS, on October 24, 2006 the Board adopted Resolution R06-65, which recognized that the Mahan to Davis Project represented a valid county public purpose and that the acquisition of the property identified therein by BDI was necessary in order to implement the Mahan to Davis Project, and which further replaced and superseded Resolution R02-17 and authorized the use of eminent domain proceedings as necessary to complete the acquisitions; and

WHEREAS, the construction of the Mahan to Davis Project was completed in 2008; and

WHEREAS, on June 13, 2006, the Board approved the design and construction of additional Buck Lake Road intersection improvements, located beyond the boundaries of the Mahan to Davis Project, to address traffic capacity issues on Buck Lake Road resulting from Senate Bill 360; and

WHEREAS, in addition to the continuation of the Pedrick Road intersection improvements, funding was provided for improvements at the intersections of Buck Lake Road and Charlais Street, Highland Drive, Walden Road, and Nabb Road, (collectively, the Intersections Project); and

WHEREAS, in early 2009, upon the passage of the American Recovery and Reinvestment Act (ARRA), the remaining unfunded portion of the Original Project was included in the County's federal stimulus funding request; and

WHEREAS, upon the denial of the County's ARRA funding request, the Board thereafter considered other options for completing the Original Project as part of its own local economic stimulus program, and on May 12, 2009, while the Intersections Project was in the permitting and acquisition phase, the Board authorized the utilization of existing budgeted funds to proceed with the acquisition of property necessary to complete the remaining portion of the Original Project between Davis Drive and Pedrick Road (the Davis to Pedrick Project), which would include the improvements planned in the Intersections Project; and

WHEREAS, on June 9, 2009, the Board ratified the action taken at its budget workshop earlier that day wherein it made provisions for the funding to complete the construction of the Davis to Pedrick Project; and

WHEREAS, the property necessary for implementation of the Davis to Pedrick Project has been identified by BDI; and

WHEREAS, the implementation of the Davis to Pedrick Project, with the design concepts in substantial conformance to those contained in the MOU, necessitates the acquisition of property for use as road rights-of-way, storm water management facilities, drainage and utility

structures, and tying in and harmonizing the new road improvements with the adjoining properties; and

WHEREAS, the Board has determined that the Davis to Pedrick Project represents a valid county public purpose and, after consideration of long range planning factors, environmental factors, the costs associated with the Davis to Pedrick Project, safety considerations, and availability of any alternate routes for the Davis to Pedrick Project, that the acquisition of the property identified by BDI is necessary in order to implement the Davis to Pedrick Project with the design concepts contained in the MOU; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, that:

Section 1) The Board hereby determines that the construction of improvements to Buck Lake Road between Davis Drive and Pedrick Road (the Davis to Pedrick Project), comprising road rights-of-way, storm water management facilities, drainage and utility structures, and tying in and harmonizing the new road improvements with the adjoining properties represents a valid county public purpose.

Section 2) The Board hereby approves the map of location and survey identifying the property necessary for implementation of the Davis to Pedrick Project as the official Right-Of-Way Map for the Davis to Pedrick Project, copies of which have been placed on record with the Clerk of the Circuit Court and with the Ex-Officio Clerk of the Board, and which are on file and available at the Leon County Department of Public Works, Division of Engineering Services, and determines that the right-of-way and easements as depicted and described therein, including the property depicted and identified on Exhibit A attached hereto, are necessary for implementation of the Davis to Pedrick Project.

Section 3) The Board hereby authorizes, empowers, and directs Public Works and the County Attorney to acquire by gift, by purchase for monetary and/or nonmonetary consideration, or by exercise of the powers of eminent domain a temporary construction easement interest in the property identified on Exhibit A as Parcel 734.

Section 4) The Board also acknowledges that, in the course of implementing the Davis to Pedrick Project, the boundaries of Parcel 734 may differ from those of the property actually acquired because of engineering design changes, negotiated changes resulting in savings in the cost of acquisition, or other such changes made in the best interest of the County, and the Board agrees that the authority granted by this Resolution shall apply to Parcel 734 regardless of the final configuration of its boundaries.

Section 5) The County Attorney is hereby authorized to institute eminent domain proceedings as necessary to complete the acquisition of Parcel 734 by the earliest possible date, which authority shall include signing of the Declaration of Taking and utilization of any and all statutes of the State of Florida applicable thereto, and to assure that the interested parties are fully compensated as required by law.

Section 6) This Resolution shall become effective immediately upon its adoption.

DONE, ADOPTED, AND PASSED by the Board of County Commissioners of Leon County, Florida, this _____ day of _____ 2010.

LEON COUNTY, FLORIDA

BY:_____
Bryan Desloge, Chairman
Board of County Commissioners

ATTEST:
Bob Inzer, Clerk of the Court
Leon County, Florida

BY:_____

Approved as to Form:
Leon County Attorney's Office

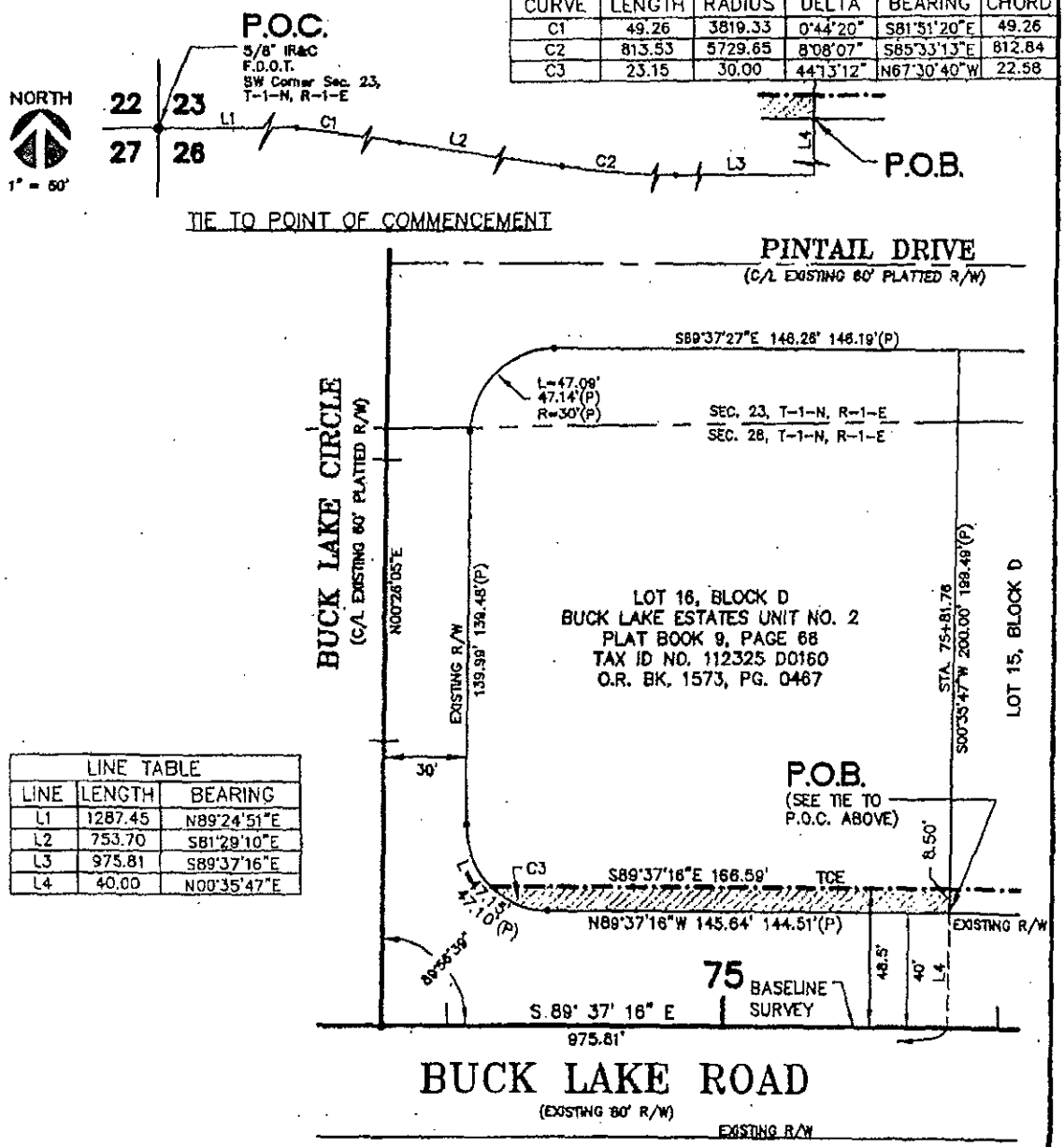
BY:_____
Herbert W.A. Thiele, Esq.
County Attorney

BASKERVILLE-DONOVAN, INC.
325 JOHN KNOX ROAD, BLDG. 200
TALLAHASSEE, FLORIDA 32303 (850)656-1212
BPSM CERTIFICATE OF AUTHORIZATION NO. LB 0340

SKETCH OF DESCRIPTION
PARCEL 734

BUCK LAKE ROAD IMPROVEMENT PROJECT
LEON COUNTY FLORIDA
LEON COUNTY PUBLIC WORKS

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	BEARING	CHORD
C1	49.26	3819.33	0°44'20"	S81°51'20"E	49.26
C2	813.53	5729.65	8°08'07"	S85°33'13"E	812.84
C3	23.15	30.00	44°13'12"	N67°30'40"W	22.58



LINE TABLE		
LINE	LENGTH	BEARING
L1	1287.45	N89°24'51"E
L2	753.70	S81°29'10"E
L3	975.81	S89°37'16"E
L4	40.00	N00°35'47"E

GENERAL NOTES:

1. BEARINGS ARE GRID, REFERENCED TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, LAMBERT PROJECTION, NORTH ZONE, (NAD 83/ADJUSTMENT OF 1990).
2. THIS SKETCH AND DESCRIPTION IS BASED ON A RIGHT-OF-WAY MAP (BUCK LAKE ROAD) PREPARED BY BASKERVILLE-DONOVAN, INC., FILED ON RECORD WITH LEON COUNTY PUBLIC WORKS DEPARTMENT.

= TALLAHASSEE CITY LIMITS
= PROPOSED R/W
= TEMPORARY CONSTRUCTION EASEMENT
= PERPETUAL EASEMENT

THIS IS NOT A SURVEY

TAX I.D. NO.: 112325 D0160
AREA TAKEN: N/A
EASEMENT AREA: 1360 S.F.
REMAINDER: N/A

AC.	=	ACRES	I.P.	=	IRON PIPE	PK&D	=	PARKER KAYLON NAIL & DISK	R	=	RADIUS
B/L	=	BASELINE	I.R.	=	IRON ROD				RGE.	=	RANGE
C.B.	=	CHORD BEARING	IR&C	=	IRON ROD & CAP	PRM	=	PERMANENT REFERNECE MONUMENT	RT. (RT)	=	RIGHT
C/L	=	CENTERLINE	LT. (LT)	=	LEFT				R/W	=	RIGHT OF WAY
CONST.	=	CONSTRUCTION	LS	=	LAND SURVEYOR	P.B.	=	PLAT BOOK	SEC.	=	SECTION
C.M.	=	CONCRETE MONUMENT	L	=	LENGTH OF CURVE	(P)	=	PLAT DATA	S	=	SOUTH
COR.	=	CORNER	LB	=	LICENSED BUSINESS	P.C.	=	POINT OF CURVATURE	S.F.	=	SQUARE FEET
D.B.	=	DEED BOOK	N	=	NORTH	P.C.C.	=	POINT OF COMPOUND CURVATURE	SQ.	=	SQUARE
(D)	=	DEED DATA	NAD	=	NORTH AMERICAN DATUM				S.R.	=	STATE ROAD
D	=	DEGREE OF CURVATURE				P.O.B.	=	POINT OF BEGINNING	S.R.D.	=	STATE ROAD DEPARTMENT
Δ	=	DELTA	N/A	=	NOT APPLICABLE	P.O.C.	=	POINT OF COMMENCEMENT	STA.	=	STATION
E	=	EAST	N/D	=	NAIL AND DISK	P.R.C.	=	POINT OF REVERSE CURVATURE	T	=	TOWNSHIP
(F)	=	FIELD DATA	N.T.S.	=	NOT TO SCALE	P.I.	=	POINT OF INTERSECTION	TCE	=	TEMPORARY CONSTRUCTION EASEMENT
F.D.O.T.	=	FLORIDA DEPARTMENT OF TRANSPORATION	O/A	=	OVERALL	P.T.	=	POINT OF TANGENCY			
			O.R.	=	OFFICIAL RECORDS LEON COUNTY	P.S.M.	=	PROFESSIONAL SURVEYOR AND MAPPER	TWP.	=	TOWNSHIP
FND.	=	FOUND							W	=	WEST
ID	=	IDENTIFICATION	P.K.	=	PARKER KAYLON	℄	=	PROPERTY LINE	/w	=	WITH

FILE:	SCALE:	DRAWN BY:	CHECKED:	DATE:	REVISED:	
734.DWG	1" = 50'	M.E.O.	M.W.O.	10/28/01	7-6-09 9-23-03 (800)	SHEET 1 OF 2

BASKERVILLE-DONOVAN, INC.
325 JOHN KNOX ROAD, BLDG. 200
TALLAHASSEE, FLORIDA 32303 (850)656-1212
BPSM CERTIFICATE OF AUTHORIZATION NO. LB 0340

SKETCH OF DESCRIPTION
PARCEL 734

BUCK LAKE ROAD IMPROVEMENT PROJECT
LEON COUNTY FLORIDA
LEON COUNTY PUBLIC WORKS

LEGAL DESCRIPTION
BUCK LAKE ROAD IMPROVEMENTS
PARCEL 734
TEMPORARY CONSTRUCTION EASEMENT

Commence at a 5/8" iron rod and cap stamped "F.D.O.T." marking the Southwest corner of Section 23, Township 1 North, Range 1 East, Leon County, Florida; thence North 89°24'51" East along the South boundary of said Section a distance of 1287.45 feet to a point of intersection with the existing centerline of Buck Lake Road, said point being on a curve concave Southerly; thence Easterly along said centerline a distance of 49.26 feet along the arc of said curve having a radius of 3819.33 feet, a central angle of 00°44'20", and a chord of South 81°51'20" East, 49.26 feet to a point of tangency; thence continue along said centerline, South 81°29'10" East a distance of 753.70 feet to a point of curvature of a curve concave Northerly; thence continue along said centerline, Easterly a distance of 813.53 feet along the arc of said curve having a radius of 5729.65 feet, a central angle of 08°08'07", and a chord of South 85°33'13" East, 812.84 feet to a point of tangency; thence continue along said centerline, South 89°37'16" East a distance of 975.81 feet; thence departing said centerline, North 00°35'47" East a distance of 40.00 feet to a point on the existing North right-of-way of Buck Lake Road (80 foot right-of-way) at the Southeast corner of Lot 16, Block "D", Buck Lake Estates Unit No. 2, as per plat recorded in Plat Book 9, Page 66 of the Public Records of Leon County, Florida and the POINT OF BEGINNING; thence North 89°37'16" West along said existing North right-of-way a distance of 145.64 feet to a point on the existing Easterly platted right-of-way of Buck Lake Circle as per said plat, said point being a point of curvature of a curve concave Northeasterly; thence departing said existing North right-of-way, Northwesterly along said Easterly platted right-of-way a distance of 23.15 feet along the arc of said curve having a radius of 30.00 feet, a central angle of 44°13'12", and a chord of North 67°30'40" West, 22.58 feet; thence departing said Easterly platted right-of-way, South 89°37'16" East a distance of 166.59 feet to a point on the East boundary of said Lot 16; thence South 00°35'47" West along said East boundary a distance of 8.50 feet to the POINT OF BEGINNING.

Containing 1360 square feet, more or less.

THE SKETCH SHOWN HEREON WAS PREPARED IN COMPLIANCE WITH THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 61G17-6 FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027 FLORIDA STATUTES TO THE BEST OF MY KNOWLEDGE AND BELIEF.

FOR: BASKERVILLE-DONOVAN INC.
CORP. NO. 0340

NOT VALID WITHOUT THE SIGNATURE AND THE RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

BY: _____ 9/1/09
JEREMIAH SLAYMAKER — DATE
FLORIDA REGISTRATION NO. 6387

FILE:	SCALE:	DRAWN BY:	CHECKED:	DATE:	REVISED:	
734.DWG	N/A	M.E.O.	M.W.O.	10/28/01	7-9-09 9-23-03 (800)	SHEET 2 OF 2