

RESOLUTION NO. 10 - \_\_\_\_\_

**ACQUISITION OF PROPERTY BY EMINENT DOMAIN FOR**  
**BUCK LAKE ROAD WIDENING PROJECT**  
**FROM DAVIS DRIVE TO PEDRICK ROAD**  
**(Parcel 736)**

**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 736, 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 736.

Section 4) The Board also acknowledges that, in the course of implementing the Davis to Pedrick Project, the boundaries of Parcel 736 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 736 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 736 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

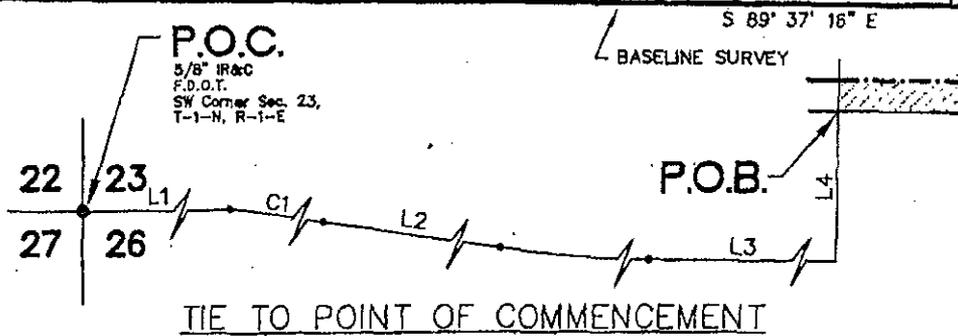
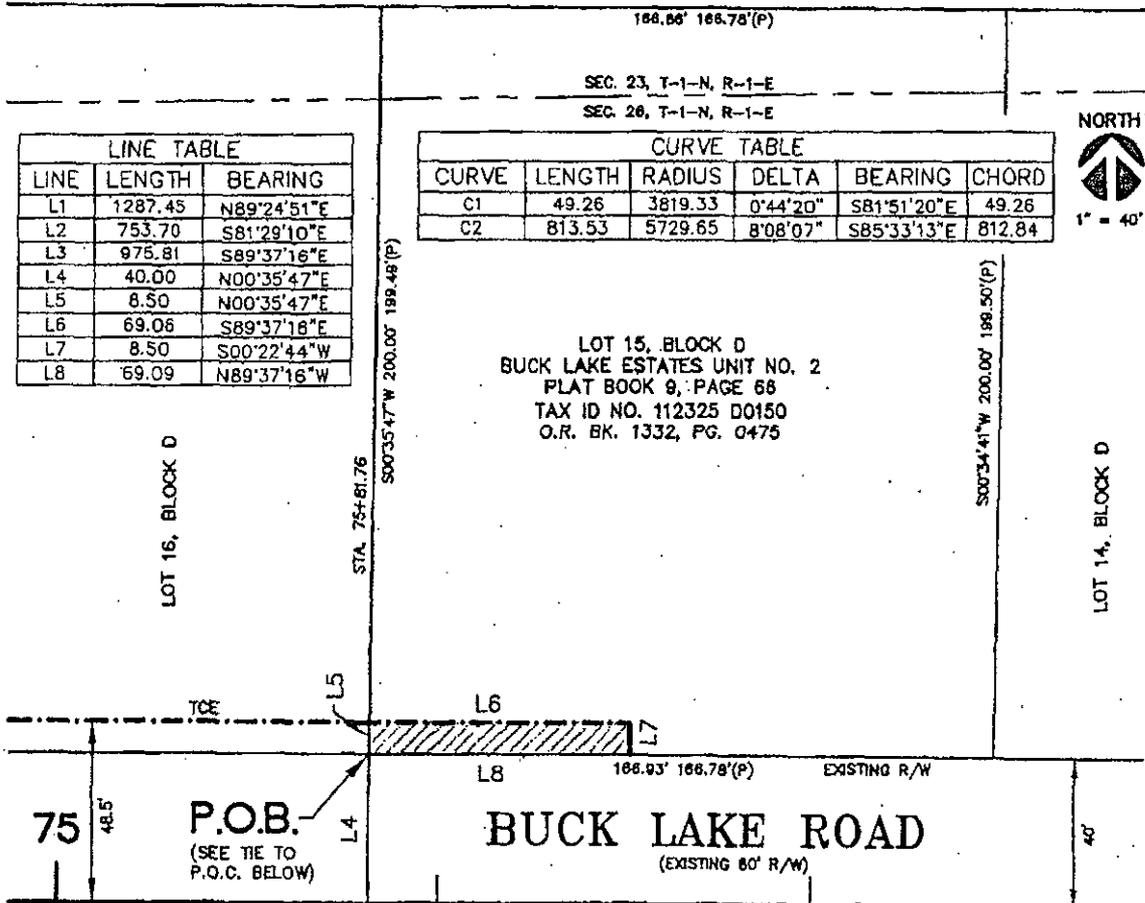


325 JOHN KNOX ROAD, BLDG. 200  
TALLAHASSEE, FLORIDA 32303 (850)858-1212  
BPSM CERTIFICATE OF AUTHORIZATION NO. LB 0340

# SKETCH OF DESCRIPTION PARCEL 736

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

Attachment #12  
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### GENERAL NOTES:

- BEARINGS ARE GRID, REFERENCED TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, LAMBERT PROJECTION, NORTH ZONE, (NAD 83/ADJUSTMENT OF 1990).
- 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.

— PROPOSED R/W  
- - - - - TEMPORARY CONSTRUCTION EASEMENT

### THIS IS NOT A SURVEY

TAX I.D. NO.: 112325 D0150

AREA TAKEN: N/A

EASEMENT AREA: 587 S.F.

REMAINDER: N/A

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

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Ex. A  
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LEON COUNTY PUBLIC WORKS

Attachment #12  
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## LEGAL DESCRIPTION BUCK LAKE ROAD IMPROVEMENTS PARCEL 736 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 Southwest corner of Lot 15, 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 departing said existing right-of-way, North 00°35'47" East along the West boundary of said Lot 15 a distance of 8.50 feet; thence departing said West boundary, South 89°37'16" East a distance of 69.06 feet; thence South 00°22'44" West a distance of 8.50 feet to a point on said existing right-of-way; thence North 89°37'16" West along said existing right-of-way a distance of 69.09 feet to the POINT OF BEGINNING.

Containing 587 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 61G17-8 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

BY:   
JEREMIAH SLAYMAKER  
FLORIDA REGISTRATION NO. 6387

9/1/09  
DATE

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

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Ex. A.  
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