

RESOLUTION NO. 10 - _____

**ACQUISITION OF PROPERTY BY EMINENT DOMAIN FOR
KILLEARN LAKES STORMWATER CAPITAL IMPROVEMENT PROJECT**
(Property Located at 1613 Southbrook Lane)

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 STORMWATER MANAGEMENT IMPROVEMENTS WITHIN LEON COUNTY, KNOWN AS THE KILLEARN LAKES STORMWATER CAPITAL IMPROVEMENT PROJECT; AND DETERMINING THAT THE ACQUISITION OF A CERTAIN PROPERTY LOCATED AT 1613 SOUTHBROOK LANE, IN THE AREA ADJACENT TO AND SURROUNDING THE PROJECT, 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, in the aftermath of the 2008 Tropical Storm Fay, the Board conducted a workshop on January 29, 2009 regarding stormwater and transportation infrastructure improvements to address flooding issues (the "Stormwater Improvements Workshop"); and

WHEREAS, the Stormwater Improvements Workshop included a segment on "Project Specific Solutions" which presented to the Board a list of areas of known flooding during

Tropical Storm Fay and other prior storm events along with suggested solutions for consideration by the Board to mitigate or prevent reoccurrence of such flooding in future storm events; and

WHEREAS, the Board, at its February 12, 2009 regular meeting subsequently approved and ratified staff's recommendation from the Stormwater Improvements Workshop to proceed with \$6.5 million in capital stormwater improvement projects that would provide flooding relief to public subdivisions; and

WHEREAS, among the projects approved was the Killearn Lakes Stormwater Capital Improvements Project (the "Project") involving the creation of approximately 11 acres of flood storage area within the greenways north of Otter Creek Trail and Wildlife Trail; and

WHEREAS, it has been determined that the implementation of the Project will require the acquisition of two homes on Southbrook Lane which are unable to be protected from further flooding; and

WHEREAS, the Board has determined that the Killearn Lakes Stormwater Capital Improvements Project represents a valid county public purpose and, after consideration of long range planning factors, environmental factors, the costs associated with the Project, safety considerations, and availability of any alternate solutions to alleviate the flooding problems in that area, that the acquisition of the property located at 1613 Southbrook Lane is necessary in order to implement the Project in accordance with the recommendations presented to the Board at the Stormwater Improvements Workshop.

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

Section 1) The Board hereby determines that the Killearn Lakes Stormwater Capital Improvements Project (the "Project"), involving the creation of approximately 11 acres of flood

storage area within the greenways north of Otter Creek Trail and Wildlife Trail to mitigate or prevent reoccurrence of flooding in future storm events, represents a valid county public purpose.

Section 2) The Board hereby determines that the entire property located at 1613 Southbrook Lane, Tallahassee, Leon County, Florida, identified by the Leon County Property Appraiser as Parcel ID No. 140350 BI0230 and legally described as Lot 23, Block "BI", KILLEARN LAKES UNIT 3, as per map or plat thereof, recorded in Plat Book 6, Page 42, of the Public Records of Leon County, Florida (the "1613 Southbrook Lane Property"), is necessary for implementation of the Project. The 1613 Southbrook Lane Property is further depicted in the Tallahassee-Leon County GIS map attached hereto and made a part hereof as Exhibit A.

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 fee simple interest in the 1613 Southbrook Lane Property.

Section 4) The County Attorney is hereby authorized to institute eminent domain proceedings as necessary to complete the acquisition of the 1613 Southbrook Lane Property 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 5) This Resolution shall become effective immediately upon its adoption.

DONE, ADOPTED, AND PASSED by the Board of County Commissioners of Leon County, Florida, this 17th day of August 2010.

LEON COUNTY, FLORIDA

BY: _____
Bob Rackleff, 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

