

RESOLUTION 2014-02

A RESOLUTION OF THE CITY OF LAKE WALES, FLORIDA, RELATING TO EMINENT DOMAIN; AUTHORIZING EMINENT DOMAIN PROCEEDINGS TO ACQUIRE CERTAIN INTERESTS IN REAL PROPERTY LOCATED IN THAT AREA OF THE CITY IN THE GENERAL VICINITY OF "C" STREET, SOUTH OF FLORIDA AVENUE, WEST OF THE SEABOARD COAST LINE RAILWAY LINE, NORTH OF THE EAST-WEST SPUR OF THE SEABOARD COAST LINE RAILWAY LINE AND EAST OF "G" STREET FOR THE PURPOSE OF CONSTRUCTING AND MAINTAINING IMPROVEMENTS RELATED TO THE REPLACEMENT OF SEWER LINES AND A LIFT STATION; AUTHORIZING CONDEMNATION OF THE PROPERTY DESCRIBED HEREIN; AUTHORIZING THE INSTITUTION OF EMINENT DOMAIN PROCEEDINGS; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Lake Wales, Florida has identified the need for the replacement of sewer lines and a lift station (i.e. "L.S. 16") that serve properties within the City in the general vicinity of "C" Street, South of Florida Avenue, West of the Seaboard Coast Line Railway Line, North of the Seaboard Coast Line East-West Spur Railway Line and East of "G" Street (the "C" Street - L.S. 16 Area); and

WHEREAS, The City Commission of the City of Lake Wales, Florida, has reviewed the "C" - L.S. 16 Area Sewer Replacement Project Route Analysis and Memorandum prepared by Tom Moran, Director, City of Lake Wales Public Works Department (the Route Analysis and Memorandum are attached as composite Exhibit "1"), and has determined that it is necessary for the general welfare and in the best interests of the City of Lake Wales and those persons served by the City of Lake Wales that replacement sewer lines, a replacement lift station, and other improvements related thereto, as recommended in the Route analysis and memorandum,

be constructed in the "C" Street – L.S. 16 Area, and that certain properties and interests in real estate be acquired for that public purpose; and

WHEREAS, the City Commission of the City of Lake Wales has determined that such properties and interests in real estate cannot be obtained by purchase, gift or conveyance; and

WHEREAS, the City Commission of the City of Lake Wales has considered and weighed many factors, including but not limited to the availability of an alternate route, costs, environmental factors, long-range area planning, and safety considerations; and

WHEREAS, the City Commission of the City of Lake Wales, through the City of Lake Wales Public Works Department, has either obtained or in all reasonable probability will obtain all necessary approvals for this project from the appropriate government entities, including those charged with protecting the natural resources;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LAKE WALES, FLORIDA:

SECTION 1. The foregoing findings are incorporated herein by reference and made a part hereof.

SECTION 2. The City Commission of the City of Lake Wales does hereby determine that it is in the best interest of the citizens of the City of Lake Wales to acquire easement interests in and to the properties described in Composite Exhibit "2" attached hereto and made a part hereof, which sets forth the land to be acquired, the interests to be acquired, the parcel number associated with the property described, and the record title holder of the parcel, for the purpose of constructing replacement sewer lines and related facilities in the "C" Street – L.S. 16 Area.

SECTION 3. The City of Commission of the City of Lake Wales having determined that it is the best interest of the health, safety and welfare of the citizens of the City of Lake Wales to use said properties for lawful public purposes, does hereby further determine that it is necessary to acquire by eminent domain, easement interest in and to the properties described in Composite Exhibit "2" attached hereto which set forth the land to be acquired, parcel number and the record title holder of the parcel.

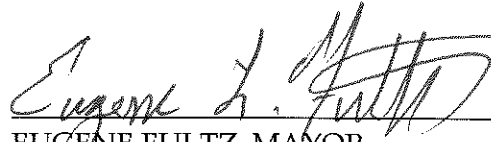
SECTION 4. The City Commission of the City of Lake Wales does further find that the City of Lake Wales has authority to acquire easement interests in and to the properties described in Composite Exhibit "2" which sets for the legal description of land to be acquired, the interest in the land to be acquired, the parcel number of the land to be acquired, and the record title holder to said lands, pursuant to the provisions of Chapter 166, F.S. and other applicable provisions of law.


SECTION 5. The City Commission of the City of Lake Wales does hereby specifically determine and find that the acquisition of easement interests in and to the properties described in Composite Exhibit "2" which set forth the land to be acquired, the interest to be acquired, the parcel number of the land to be acquired and the record title holder of same, cannot be accomplished by gift, purchase or conveyance.

SECTION 6. The City Attorney or his designee is hereby authorized to initiate and complete eminent domain proceedings to acquire various interests in and to the properties described in Composite Exhibit "2" attached hereto and to utilize Chapters 73 and 74 F.S. and such other applicable provisions of Florida law as may be appropriate.

SECTION 7. This resolution shall take effect immediately upon its passage

PASSED AND CERTIFIED AS TO PASSAGE this 18th day of February, 2014 A.D.


EUGENE FULTZ, MAYOR

ATTEST: 
CLARA VANBLARGAN
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS:


ALBERT C. GALLOWAY, JR.
CITY ATTORNEY