

RESOLUTION 2012-17

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 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" Street – 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 hereto 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 governmental 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 Commission of the City of Lake Wales, having determined that it

is in 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 interests 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 forth 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.

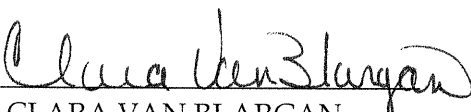
SECTION 6. The City Attorney or his designee is hereby authorized to initiate and complete eminent domain proceedings to acquire various interests in and to the properties described in Composite Exhibit "2" attached hereto and to utilize Chapters 73 and 74 F.S. and such other applicable provisions of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

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

PASSED AND CERTIFIED AS TO PASSAGE this 2nd day of October A. D. 2012.



MICHAEL CARTER, MAYOR

ATTEST: 
CLARA VAN BLARGAN
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS:



ALBERT C. GALLOWAY, JR.
CITY ATTORNEY

EXHIBIT "1"

"C" STREET – L.S. 16 AREA SEWER REPLACEMENT ROUTE ANALYSIS AND MEMORANDUM

TO: MAYOR AND CITY COMMISSION

FROM: TOM MORAN P.E., DIRECTOR
CITY OF LAKE WALES PUBLIC WORKS DEPARTMENT

DATE:

RE: REPLACEMENT SEWER LINES IN "C" STREET NEIGHBORHOOD

The following information is submitted for consideration by the City of Lake Wales City Commission concerning the approval of a resolution for property acquisition associated with the need for the replacement of sewer lines and a lift station (i.e. "L.S. 16") serving 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 (the "C" Street – L.S. 16 Area). In approving the resolution, there are five factors that must be considered. The five factors are enumerated below.

A. Alternative Alignments

There is little flexibility in establishing alternative alignments for replacement sewer lines which are intended to serve an established, or substantially built-out area such as the "C" Street – L.S. 16 Area. This is because the replacement lines must be located close to connection points for the feeder lines that presently extend to the properties being served. There are two alternative routes which are offered for your consideration.

1. Route A – This route as shown on the drawing attached hereto as Schedule "1," is the present right of way. Located in the present right of way is the existing out dated sewer lines. Because there is not much (if any) usable space available, utilization of this route could only occur if the City chose to remove the existing lines prior to construction and installation of the replacement lines. This choice would prevent the existing lines from continuing to provide service to the "C" Street – L.S. 16 Area while the replacement lines are under construction.
2. Route B – This route, as shown in the drawing attached hereto as Schedule "2," requires acquisition of easements across many of the properties being served. This route facilitates ease of connection to pre-existing feeder lines.

B. Long Range Planning

Long range planning considerations were made for each route. Because the replacement lines are intended only for service to the "C" Street L.S. 16 Area, neither route is expected to provide service to new areas. Accordingly, from a long range planning perspective neither route has an advantage. Both are evaluated "average" for long range planning purposes.

C. Safety Considerations

Safety, other than construction safety, is usually not a major concern for pipe line installations. However, any time that a pipe line is constructed in the right of way or close to the roadway there may be a need for road closure and a work safety zone that could put workers or the public at some risk. The same is true with regard to future repairs.

1. Route A – This route is designated as poor for safety because of the amount of construction within the public right of way, the limited amount of usable space in the right of way, and its proximity to the street. Construction here also provides a greater risk to damaging the existing sewer line.
2. Route B – This route is considered excellent for safety because construction will be substantially performed through easement locations that are further distant from existing streets and roadways and therefore away from the general public.

D. Environmental Consideration

The routes considered are through previously disturbed property and the presence of wetlands was considered. A full wetland assessment however is not required for either route and no wetlands permitting is required.

1. Route A – This route is considered excellent for environmental considerations. This route is considered excellent because no wetlands would be impacted by the utilization of this route.
2. Route B – This route is considered excellent for environmental considerations. This route is considered excellent because no wetlands would be impacted by the utilization of this route.

E. Cost Considerations

OPINION OF PROBABLE CONSTRUCTION COSTS
ROUTE A
(Roadways)

ITEM	DESCRIPTION	QTY	UNIT	COST	TOTAL
GENERAL					
1	MOBILIZATION/DEMObILIZATION	1	LS	\$ 90,000.00	\$ 90,000
2	CONSTRUCTION STAKING/LAYOUT	1	LS	\$ 15,000.00	\$ 15,000
3	MAINTENANCE OF TRAFFIC	1	LS	\$ 15,000.00	\$ 15,000
EARTHWORK					
4	CLEARING & GRUBBING	1	LS	\$ 10,000.00	\$ 10,000
SANITARY SEWER					
5	8" PVC - AT DEPTHS ~ 8'	18607	FT	\$ 32.00	\$ 595,424
6	8" PVC - AT DEPTHS > 8'	3284	FT	\$ 44.00	\$ 144,496
7	18" PVC - AT DEPTHS ~ 8'	484	FT	\$ 72.00	\$ 34,848
8	18" PVC - AT DEPTHS > 8'	1936	FT	\$ 99.00	\$ 191,664
9	SANITARY SEWER MANHOLE	70	EA	\$ 3,000.00	\$ 210,000
10	SANITARY SEWER MANHOLE > 8'	20	EA	\$ 5,000.00	\$ 100,000
11	GRAVITY SERVICES (DOUBLE)	260	EA	\$ 1,000.00	\$ 260,000
12	REDIRECT SERVICE LATERAL	145	EA	\$ 1,500.00	\$ 217,500
13	RECONSTR. L.S. NO. 16 WET WELL	1	LS	\$ 125,000.00	\$ 125,000
RESTORATION					
14	ROADWAY RESTORATION	44605	SY	\$ 19.45	\$ 867,567
15	ROADWAY STRIPING	8000	LF	\$ 1.00	\$ 8,000
16	ALLEY RESTORATION	6262	SY	\$ 18.00	\$ 112,716
17	MISC (MAILBOX, FENCE, ETC.)	1	LS	\$ 75,000.00	\$ 75,000
				ENGINEERING & CEI (15%)	\$ 460,832
				CONTINGENCY (15%)	\$ 460,832
				TOTAL	\$ 3,993,880

NOTES:

1. The opinion of probable construction costs is based on the experience and qualifications of ENVISORS' staff and its familiarity with the construction industry.
2. ENVISORS has no control over the cost of labor, materials, equipment or services furnished by others.
3. ENVISORS does not guarantee that proposals, bids or actual total construction costs will not vary from the opinion of probable construction cost.
4. OPC does not include costs associated with obtaining utility easements over private property.

OPINION OF PROBABLE CONSTRUCTION COSTS
ROUTE B
(Easements and Alleys)

ITEM	DESCRIPTION	QTY	UNIT	COST	TOTAL
GENERAL					
1	MOBILIZATION/DEMOBILIZATION	1	LS	\$ 70,000.00	\$ 70,000
2	CONSTRUCTION STAKING/LAYOUT	1	LS	\$ 10,000.00	\$ 10,000
3	MAINTENANCE OF TRAFFIC	1	LS	\$ 10,000.00	\$ 10,000
EARTHWORK					
4	CLEARING & GRUBBING	2.65	AC	\$ 50,000.00	\$ 132,500
SANITARY SEWER					
5	8" PVC - AT DEPTHS ~ 8'	17563	FT	\$ 32.00	\$ 562,016
6	8" PVC - AT DEPTHS > 8'	3099	FT	\$ 44.00	\$ 136,356
7	18" PVC - AT DEPTHS ~ 8'	484	FT	\$ 72.00	\$ 34,848
8	18" PVC - AT DEPTHS > 8'	1936	FT	\$ 99.00	\$ 191,664
9	SANITARY SEWER MANHOLE	70	EA	\$ 3,000.00	\$ 210,000
10	SANITARY SEWER MANHOLE > 8'	20	EA	\$ 5,000.00	\$ 100,000
11	GRAVITY SERVICES (DOUBLE)	260	EA	\$ 1,000.00	\$ 260,000
12	REDIRECT SERVICE LATERAL	79	EA	\$ 1,500.00	\$ 118,500
13	RECONSTR. L.S. NO. 16 WET WELL	1	LS	\$ 125,000.00	\$ 125,000
WATER MAIN					
14	REPLACE 2" PVC WATER MAIN	2500	FT	\$ 12.00	\$ 30,000
RESTORATION					
15	ROADWAY RESTORATION	4258	SY	\$ 19.45	\$ 82,818
16	ROADWAY CURB	6083	LF	\$ 12.00	\$ 72,996
17	ROADWAY STRIPING	8000	LF	\$ 1.00	\$ 8,000
18	ALLEY RESTORATION	8605	SY	\$ 18.00	\$ 154,890
19	MISC (MAILBOX, FENCE, ETC.)	1	LS	\$ 75,000.00	\$ 75,000
				ENGINEERING & CEI (15%)	\$ 357,688
				CONTINGENCY (15%)	\$ 357,688
				TOTAL	\$ 3,099,965

NOTES:

1. The opinion of probable construction costs is based on the experience and qualifications of ENVISORS' staff and its familiarity with the construction industry.
2. ENVISORS has no control over the cost of labor, materials, equipment or services furnished by others.
3. ENVISORS does not guarantee that proposals, bids or actual total construction costs will not vary from the opinion of probable construction cost.
4. OPC does not include costs associated with obtaining utility easements over private property.

RECOMMENDATION:

After reviewing the relevant factors set forth above, the ranking of the alternatives for this proposed project is Route B first, Route A second. It is the Public Works staffs' recommendation that Route B be selected. Presented for your approval is a resolution and authorization of staff to proceed with the necessary easement acquisition through the City's power of eminent domain.

COMPOSITE EXHIBIT "2"

Parcel: 1178

Title Holder of Record: Willie C. Jenkins, deceased
c/o Jacqueline D. Robinson

Interest to be Acquired: Perpetual Waste Water Easement

A perpetual waste water easement for the construction, reconstruction, installation, operation and maintenance of waste water (sewer) pipeline improvements and related facilities of the property described as follows:

The Northerly 15 feet of Lot 5, Block 1, TILLMAN SUBDIVISION, a subdivision according to the plat thereof recorded at Plat Book 19, Page 25, in the Public Records of Polk County, Florida.

Parcel: 1180

Title Holder of Record: Simon G. Roberson, aka Simon G. Robinson deceased
and Sean K. Roberson and Donzel Roberson as their
interests may appear

Interest to be Acquired: Perpetual Waste Water Easement

A perpetual waste water easement for the construction, reconstruction, installation, operation and maintenance of waste water (sewer) pipeline improvements and related facilities of the property described as follows:

The Northerly 15 feet of Lot 3, Block 1, TILLMAN SUBDIVISION, a subdivision according to the plat thereof recorded at Plat Book 19, Page 25, in the Public Records of Polk County, Florida.

Parcel: 1187

Title Holder of Record: Loretta Thomas Dix and James Lofton

Interest to be Acquired: Perpetual Waste Water Easement

A perpetual waste water easement for the construction, reconstruction, installation, operation and maintenance of waste water (sewer) pipeline improvements and related facilities of the property described as follows:

The Northerly 15 feet of Lot 2, Block 13, MAP OF THULLBERY'S SECOND SUBDIVISION, a subdivision according to the plat thereof recorded at Plat Book 24, Page 21, in the Public Records of Polk County, Florida.

Parcel: 1188

Title Holder of Record: Loretta Thomas Dix and L. C. Rumlin

Interest to be Acquired: Perpetual Waste Water Easement

A perpetual waste water easement for the construction, reconstruction, installation, operation and maintenance of waste water (sewer) pipeline improvements and related facilities of the property described as follows:

The Northerly 15 feet of Lot 1, Block 13, MAP OF THULLBERY'S SECOND SUBDIVISION, a subdivision according to the plat thereof recorded at Plat Book 24, Page 21, in the Public Records of Polk County, Florida.

Parcel: 1189

Title Holder of Record: Joe Peterson aka Joe Petterson
c/o Annie A. Peterson

Interest to be Acquired: Perpetual Waste Water Easement

A perpetual waste water easement for the construction, reconstruction, installation, operation and maintenance of waste water (sewer) pipeline improvements and related facilities of the property described as follows:

The Northerly 15 feet of Lot 6, Block 12, MAP OF THULLBERY'S SECOND SUBDIVISION, a subdivision according to the plat thereof recorded at Plat Book 24, Page 21, in the Public Records of Polk County, Florida.

Parcel: 1190

Title Holder of Record: B & S Land Development, LLC
c/o Steven Parker, Manager

Interest to be Acquired: Perpetual Waste Water Easement

A perpetual waste water easement for the construction, reconstruction, installation, operation and maintenance of waste water (sewer) pipeline improvements and related facilities of the property described as follows:

The Northerly 15 feet of Lot 5, Block 12, MAP OF THULLBERY'S SECOND SUBDIVISION, a subdivision according to the plat thereof recorded at Plat Book 24, Page 21, in the Public Records of Polk County, Florida.

Parcel: 1195

Title Holder of Record: Gwendolyn E. Smith and Paulette D. Smith and
Virgie Dean, as Trustee for Esker Eric Smith and
Conchita L. Jackson and Tonchita R. Smith

Interest to be Acquired: Perpetual Waste Water Easement

A perpetual waste water easement for the construction, reconstruction, installation, operation and maintenance of waste water (sewer) pipeline improvements and related facilities of the property described as follows:

The Northerly 15 feet of Lot 8, Block 11, MAP OF THULLBERY'S SECOND SUBDIVISION, a subdivision according to the plat thereof recorded at Plat Book 24, Page 21, in the Public Records of Polk County, Florida.

Parcel: 1196

Title Holder of Record: Willie Wells

Interest to be Acquired: Perpetual Waste Water Easement

A perpetual waste water easement for the construction, reconstruction, installation, operation and maintenance of waste water (sewer) pipeline improvements and related facilities of the property described as follows:

The Northerly 15 feet of Lot 7, Block 11, MAP OF THULLBERY'S SECOND SUBDIVISION, a subdivision according to the plat thereof recorded at Plat Book 24, Page 21, in the Public Records of Polk County, Florida.

Parcel: 1198

Title Holder of Record: LLJ Property Management, LLC and MTAG Cust
for Ross Management, LLC and Solutions Realty, LLC
and Lloyd A. McLeggan and Cynthia L. McLeggan

Interest to be Acquired: Perpetual Waste Water Easement

A perpetual waste water easement for the construction, reconstruction, installation, operation and maintenance of waste water (sewer) pipeline improvements and related facilities of the property described as follows:

The Northerly 15 feet of Lot 4, Block 11, MAP OF THULLBERY'S SECOND SUBDIVISION, a subdivision according to the plat thereof recorded at Plat Book 24, Page 21, in the Public Records of Polk County, Florida.

Parcel: 1199

Title Holder of Record: Willie Wells

Interest to be Acquired: Perpetual Waste Water Easement

A perpetual waste water easement for the construction, reconstruction, installation, operation and maintenance of waste water (sewer) pipeline improvements and related facilities of the property described as follows:

The Northerly 15 feet of Lot 3, Block 11, MAP OF THULLBERY'S SECOND SUBDIVISION, a subdivision according to the plat thereof recorded at Plat Book 24, Page 21, in the Public Records of Polk County, Florida.

Parcel: 1200

Title Holder of Record: Isac Leeks, deceased
c/o Estate of Isac Leeks

Interest to be Acquired: Perpetual Waste Water Easement

A perpetual waste water easement for the construction, reconstruction, installation, operation and maintenance of waste water (sewer) pipeline improvements and related facilities of the property described as follows:

The Northerly 15 feet of Lots 1 and 2, Block 11, MAP OF THULLBERY'S SECOND SUBDIVISION, a subdivision according to the plat thereof recorded at Plat Book 24, Page 21, in the Public Records of Polk County, Florida.