

RESOLUTION 2020-\_\_\_\_\_

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA, DECLARING A REASONABLE NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY FOR THE PURPOSES OF IMPROVING AND RECONSTRUCTING 58<sup>TH</sup> AVENUE, INCLUDING SIDE STREET, INTERSECTION, SIDEWALK AND WATER RETENTION POND IMPROVEMENTS; AUTHORIZING THE COUNTY ATTORNEY TO ACQUIRE THE ATTACHED PROPERTY BY THE INSTITUTION OF PROCEEDINGS IN EMINENT DOMAIN, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Indian River County continues to grow and expand its population to the west within the Urban Service Area along 58<sup>th</sup> Avenue; and

WHEREAS the continued growth along the 58<sup>th</sup> Avenue corridor with the addition of subdivisions such as Arabella Reserve, Waterway Village, Vero Lago and others has greatly increased the vehicular traffic within the County roadway network; and

WHEREAS the increased traffic has greatly impacted the traffic flow on north/south arterial roadways within the County's roadway network; and

WHEREAS there is a great need to relieve congestion on U.S. Highway 1 and other arterial north/south roadways within the transportation network in Indian River County by widening and reconstructing 58<sup>th</sup> Avenue.

WHEREAS the Board of County Commissioners of Indian River County, having considered information provided by the County Public Works Director has determined that it is necessary and in the public interest to acquire fee simple title in the real property identified as the Brown Parcel and more particularly described in Composite Exhibit "A" for the improvement and the reconstruction of 58<sup>th</sup> Avenue; and

WHEREAS the Board of County Commissioners of Indian River County, Florida is authorized pursuant to Chapter 127, Florida Statutes, to acquire property by eminent domain for County purposes; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY as follows:

SECTION 1. The Board of County Commissioners adopts and ratifies those matters identified and set forth in the foregoing recitals.

SECTION 2. Indian River County finds it necessary and in the public interest to acquire the real property described in Composite Exhibit "A", attached hereto and incorporated herein by reference, for the purpose of improving and reconstructing 58<sup>th</sup> Avenue, including side street, intersection, sidewalk and water retention pond improvements in order to provide for the health, safety and welfare of the growing population of Indian River County.

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SECTION 3. The County Administrator, County Attorney and outside eminent domain counsel are hereby authorized and directed to immediately proceed to take the necessary steps for Indian River County to acquire in the County’s name, by donation, purchase or eminent domain proceedings, the real property described in Composite Exhibit “A”, in the estate or interest as identified therein, and to have prepared in the name of Indian River County, all papers, pleadings, and other instruments required for this purpose, to file a Declaration of Taking upon the filing of any such eminent domain action and to ensure any eminent domain proceedings which may be filed pursuant to Florida Statutes Chapters 73, 74, and 127 are prosecuted through Final Judgment.

SECTION 4. The Board of County Commissioners of Indian River County, through the power of eminent domain conferred by Chapters 73, 74 and 127, Florida Statutes and all other statutory or common law granting the County the power to institute and proceed to acquire property utilizing the power of eminent domain, further hereby authorizes and directs the County Attorney for Indian River County, outside eminent domain counsel, and any other County employees or agents to take such further actions as are reasonably required to accomplish the purposes identified herein.

SECTION 6. This resolution shall take effect immediately upon its adoption.

This resolution was moved for adoption by Commissioner \_\_\_\_\_, and the motion was seconded by Commissioner \_\_\_\_\_ and, upon being put to a vote, the vote was as follows:

Chairman Susan Adams	_____
Vice Chairman Joseph E. Flescher	_____
Commissioner Peter D. O’Bryan	_____
Commissioner Bob Solari	_____
Commissioner Tim Zorc	_____

The Chairman thereupon declared the resolution duly passed and adopted this 14th day of January, 2020.

BOARD OF COUNTY COMMISSIONERS  
INDIAN RIVER COUNTY, FLORIDA

By: \_\_\_\_\_  
Susan Adams, Chairman

Attest: Jeffrey R. Smith, Clerk of  
Court and Comptroller

By: \_\_\_\_\_  
Deputy Clerk

Approved as to form and legal sufficiency:

By: \_\_\_\_\_  
William K. DeBaal  
Deputy County Attorney