

RESOLUTION 2020-_____

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA, DECLARING A REASONABLE NECESSITY TO ACQUIRE A CERTAIN TEMPORARY CONSTRUCTION EASEMENT INTEREST IN REAL PROPERTY FOR THE PURPOSES OF IMPROVING AND RECONSTRUCTING 66TH AVENUE, INCLUDING SIDE STREET, INTERSECTION, SIDEWALK AND WATER RETENTION POND IMPROVEMENTS; AUTHORIZING THE COUNTY ATTORNEY TO ACQUIRE THE ATTACHED PROPERTIES BY THE INSTITUTION OF PROCEEDINGS IN EMINENT DOMAIN, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS the continued growth in Indian River County 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 66th Avenue; and

WHEREAS the Indian River County Long Range Transportation Plan includes the planned construction of 66th Avenue as a major north/south arterial roadway; and

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 a temporary construction easement interest in the real property identified as Parcel 105 TCE and more particularly described in Composite Exhibit "A" for the improvement and the reconstruction of 66th 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,

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.

RESOLUTION 2020-_____

SECTION 2. Indian River County finds it necessary and in the public interest to acquire a temporary construction easement interest in the real property described in Composite Exhibit “A”, attached hereto and incorporated herein by reference, for the purpose of improving and reconstructing 66th 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.

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 its own 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 15th day of September, 2020.

RESOLUTION 2020-_____

Attest: Jeffrey Smith, Clerk of the
Court and Comptroller

INDIAN RIVER COUNTY, FLORIDA
By its Board of County Commissioners

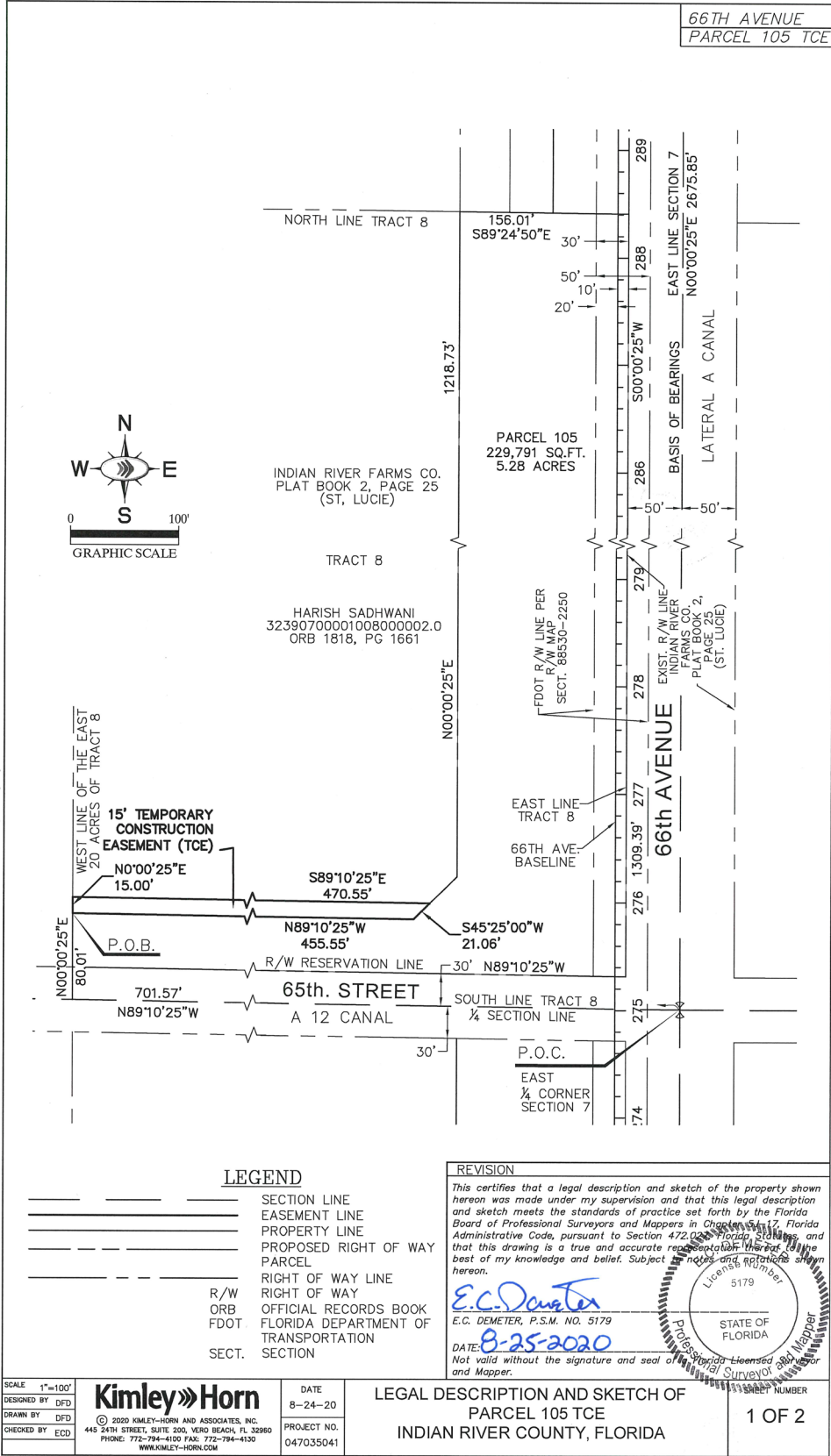
By _____
Deputy Clerk

By _____
Susan Adams, Chairman

BCC Approved: _____

Approved as to form and legal Sufficiency:

William K. DeBaal
Deputy County Attorney



RESOLUTION 2020-_____

66TH AVENUE
 PARCEL 105 TCE

LEGAL DESCRIPTION: TEMPORARY CONSTRUCTION EASEMENT (TCE)

ALL THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND SITUATE, LYING AND BEING A PORTION OF TRACT 8, SECTION 7, TOWNSHIP 32 SOUTH, RANGE 39 EAST, ACCORDING TO THE LAST GENERAL PLAT OF LANDS OF THE INDIAN RIVER FARMS COMPANY AS RECORDED IN PLAT BOOK 2, PAGE 25 OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA, NOW LYING AND BEING IN INDIAN RIVER COUNTY, FLORIDA; SAID LANDS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT;

COMMENCING FOR REFERENCE AT THE EAST 1/4 CORNER OF SAID SECTION 7;

THENCE, BEARING NORTH 89°10'25" WEST, ALONG THE SOUTH LINE OF SAID TRACT 8, A DISTANCE OF 701.57 FEET TO A POINT ON THE WEST LINE OF THE EAST 20 ACRES OF SAID TRACT 8;

THENCE, LEAVING SAID SOUTH LINE, BEARING NORTH 00°00'25" EAST, ALONG SAID WEST LINE OF THE EAST 20 ACRES OF TRACT 8, A DISTANCE OF 80.01 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL;

THENCE CONTINUING ALONG SAID WEST LINE, BEARING NORTH 00°00'25" EAST, A DISTANCE OF 15.00 FEET TO A POINT;

THENCE LEAVING SAID WEST LINE, BEARING SOUTH 89°10'25" EAST, A DISTANCE OF 470.55 FEET TO A POINT;

THENCE, BEARING SOUTH 45°25'00" WEST, A DISTANCE OF 21.06 FEET TO A POINT;


THENCE, BEARING NORTH 89°10'25" WEST, A DISTANCE OF 455.55 FEET TO THE POINT OF BEGINNING.

CONTAINING 6,946 SQUARE FEET OR 0.16 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS, CONDITIONS AND RESTRICTIONS AS CONTAINED WITHIN THE CHAIN OF TITLE.

SURVEYORS NOTES

- 1) THIS IS A SKETCH OF LEGAL DESCRIPTION ONLY, NOT A BOUNDARY RETRACEMENT SURVEY.
- 2) THE BEARING BASE FOR THIS SURVEY, IS THE EAST LINE OF SECTION 7. SAID LINE BEARS NORTH 00°00'25" EAST.
- 3) THE SCALE OF THIS DRAWING MAY HAVE BEEN DISTORTED DURING REPRODUCTION PROCESSES.
- 4) THIS LEGAL DESCRIPTION AND SKETCH IS BASED ON THE PRELIMINARY RIGHT OF WAY MAP FOR 66TH AVENUE PREPARED BY BURDETTE AND ASSOCIATES, DATED 10-10-06, AS DIRECTED BY INDIAN RIVER COUNTY, FLORIDA.

Drawing name: K:\VRL_Survey\INDIAN RIVER CO\66TH AVENUE\2017-0112 - Revised Per IRC\PARCEL 105 TCE.dwg 105 (2) Aug 25, 2020 10:41am by Ryan.Schulz

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|-------------|-----|--|---------|---|--------------------------|--------|
| SCALE | N/A |  <p>© 2020 KIMLEY-HORN AND ASSOCIATES, INC. 445 24TH STREET, SUITE 200, VERO BEACH, FL 32960 PHONE: 772-794-4100 FAX: 772-794-4130 WWW.KIMLEY-HORN.COM</p> | DATE | LEGAL DESCRIPTION AND SKETCH OF PARCEL 105 TCE INDIAN RIVER COUNTY, FLORIDA | SHEET NUMBER | |
| DESIGNED BY | DFD | | 8-24-20 | | PROJECT NO. 047035041 | 2 OF 2 |
| DRAWN BY | DFD | | | | | |
| CHECKED BY | ECD | | | | | |