

RESOLUTION NO. 76

A RESOLUTION AUTHORIZING CONDEMNATION  
ACTIONS TO OBTAIN FEE SIMPLE TITLE TO  
CERTAIN REAL PROPERTY IN BAY COUNTY,  
FLORIDA

WHEREAS, the City of Parker has entered into an inter-local agreement with Bay County and the Cities of Springfield and Callaway and the Town of Cedar Grove, all in Bay County, Florida, dated August 12, 1980 to finance, construct and operate a regional waste water treatment or sewer plant facility, interceptor lines and collection lines capable of collecting and treating waste waters or sewer from the municipalities, hereinafter called the sewer "project," and

WHEREAS, Bay County has qualified for and secured certain loans and grants from Environmental Protection Agency and Farmers Home Administration in the amount of approximately \$20,000,000.00 and has validated Bay County Sewer System Revenue Bonds not exceeding \$7,000,000.00 to construct said sewer project, and

WHEREAS, the consulting engineers, J. B. Converse & Co., Inc., designed to place most of the entire sewer project in existing public rights-of-way, but there exists certain areas where sewer lines or pumping stations must be placed on private property, and

WHEREAS, the construction of the sewer project necessitates the acquisition of certain easements and real property from private property owners, and the policy of Bay County and the City of Parker is to make every reasonable effort to acquire real property or easements expeditiously by gift or negotiation, and

WHEREAS, Bay County, as of this date has not acquired real property easements over or fee simple title to the following parcels in Bay County, Florida:

Fee simple title to File Numbers:

B-1257 - Commence at the Southeast corner of Lot 95, Map of Parker, according to the plat recorded in Plat Book 5, page 2 in the public records of Bay County, Florida. Thence North along the East line of said Lot 95 for 81.94 feet to the Point of Beginning. Thence continue North along said East line for 50 feet; thence West at a right angle for 50 feet; thence South at a right angle for 50 feet; thence East for 50 feet to the Point of Beginning.

all of which has been surveyed and located by or at the direction of the consulting engineers as shown by the maps on file in the office of the Clerk of the Circuit Court of Bay County, and in the office of the consulting engineer, and

WHEREAS, Bay County will not begin construction of the sewer project on said areas until fee simple title or an easement to said areas has been conveyed to or is vested in Bay County, Florida, and

WHEREAS, the Board of County Commissioners of Bay County has authorized its attorney, by Resolution, to initiate and litigate condemnation actions to acquire the necessary easements or real property where such cannot be obtained through gift or negotiation, and

WHEREAS, the policy of the City of Parker is to cooperate with Bay County in obtaining all necessary easements or real property.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF PARKER, FLORIDA, the following:

1. That the acquisition of a fee simple title to the above-described parcels referenced by file numbers above and incorporated herein by reference is necessary to promote and protect the health, safety and welfare of the citizens of the City of Parker in that said parcels are necessary for the construction and completion of the Bay County sewer project as locations for sewer lines, pumping stations or other facilities designed to transfer waste water, and

2. That although the policy of the City of Parker is to make every reasonable effort to acquire real property or easements expeditiously by gift or negotiation, the City shall exercise its power of eminent domain to obtain such easements or real property by condemnation when negotiations fail to.

3. That the City Attorney is hereby authorized to cooperate with the County Attorney in initiating and litigating condemnation proceedings to acquire such necessary easements or real property to facilitate the construction and completion of the Bay County sewer project.

4. The City of Parker shall join the Board of County Commissioners of Bay County as a party in any condemnation action involving property within the boundaries of the City of Parker, and the City Attorney is hereby authorized to make such appearance on behalf of the City of Parker.

DATED THIS 11<sup>th</sup> day of May, 1981.

Carl Gilbert  
MAYOR

ATTEST:

Bruce Anderson  
CITY CLERK

