

RESOLUTION NO. 79

A RESOLUTION AUTHORIZING CONDEMNATION ACTIONS  
TO OBTAIN AN EASEMENT OVER CERTAIN REAL PROP-  
ERTY IN BAY COUNTY, FLORIDA

WHEREAS, the City of Parker has entered into an inter-local agreement with Bay County and the Cities of Springfield, 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 in an amount 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 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 an easement interest over portions of or all of the following proposed easement in Bay County, Florida:

1) Easement interest to File #E-287

Commence at the intersection of the North line of Section 25, Township 4 South, Range 14 West, Bay County, Florida and the Southeasterly right of way line of U. S. Highway No. 98. Thence North 39°11'51" East along said right of way line for 1015.22 feet to the point of beginning. Thence South 56°28'09" East for 423.12 feet; thence South 37°43'21" West for 298.45 feet; thence South 41°37'45" East for 123.62 feet;

thence South 58°44'49" West for 343.02 feet;  
thence South 47°09'22" West for 576.21 feet;  
thence South 43°54'22" West for 272.40 feet;  
thence South 40°38'22" West for 182.49 feet;  
thence South 38°46'20" West for 318.27 feet;  
thence South 36°44'00" West for 324.54 feet;  
thence South 33°31'28" West for 322.49 feet;  
thence South 32°29'43" West for 329.94 feet;  
thence South 26°49'30" West for 342.42 feet  
to terminate on the center line of Cooper  
Drive.

2) Construction easement interest to File #E-287

A temporary easement fifteen (15) feet in width on each side of the easement described above. The construction easement terminates at the completion of the construction of a regional sewer plant facility and a collection system to collect sewer or waste water from cooperating areas in the Eastern portion of Bay County, or within two (2) calendar years from the date of this easement, whichever occurs first in time.

3) Construction easement interest to File #B-1316

A temporary easement twenty-five (25) feet in width on the Westerly boundary of the following described parcel:

Begin at the Southeast corner of Lot 65, 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 65 for 50.00 feet; thence East at a right angle for 25.00 feet to the half section line of Section 24, Township 4 South, Range 14 West; thence South at a right angle along said half section line for 50.00 feet; thence West at a right angle for 25.00 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 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 in connection with the sewer system.



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

1) That the acquisition of an easement interest 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, 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 by condemnation when negotiations fail to facilitate the construction and completion of the Bay County sewer project.

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 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 3<sup>rd</sup> day of NOVEMBER, 1981.



ATTEST:

Bruce Anderson  
CITY CLERK

Earl Gilhult  
MAYOR