

RESOLUTION 2006-01

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
POLK CITY, FLORIDA, DETERMINING THE NECESSITY
TO CONSTRUCT AN ACCESS ROAD TO THE TEMPORARY
PACKAGE PLANT AND DIRECTING THE
CONDEMNATION OF THE NECESSARY PROPERTY**

WHEREAS, the City Council of the City of Polk City, Florida is empowered under section 166.021(9), Florida Statutes to expend public funds for developing or improving local infrastructure; and

WHEREAS, the City is in the process of constructing a new temporary wastewater treatment package plant which will collect and treat sewerage from existing and proposed residential development properties; and

WHEREAS, the City Council has determined that the temporary wastewater treatment package plant is of great public importance to the residents of Polk City; and

WHEREAS, the City Council has determined that the acquisition of certain property and property right is necessary so that the City may construct a road to access the temporary wastewater treatment package plant for service, maintenance and monitoring of the same; and

WHEREAS, the City Council is empowered under Chapters 73, 74 and 166, Florida Statutes, to exercise the power of eminent domain and acquire such property ; and

WHEREAS, a survey of the property, showing the area of the construction is attached hereto as Exhibit A; and

WHEREAS, it is therefore necessary to exercise the power of eminent domain for the public purpose of constructing the access road to the temporary package plant.

WHEREAS, the City Council of the City of Polk City has adopted this Resolution unanimously, satisfying all requirements that are or could constitute a conditional precedent to

the measures authorized herein.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Polk City, Florida, duly assembled this 14th day of FEBRUARY 2006 that the Council finds it necessary and in the public interest to construct an access road to the temporary wastewater treatment package plant.

BE IT FURTHER RESOLVED that the Council authorizes the City Manager or her designee to commit the City as the construction plans for the project.

BE IT FURTHER RESOLVED that the City Council commits itself to the taking and use of the parcel described herein for the purposes herein stated.

BE IT FURTHER RESOLVED that the City Council finds it necessary to acquire the fee simple interest in the parcel described herein in order to control the property and construct the project in accordance with its plans.

BE IT FURTHER RESOLVED that the City Council finds it necessary to acquire fee simple interest in the following described parcel:

THE CENTER SIXTY FEET, LESS THE EAST THIRTY FEET
AND LESS THE WEST THIRTY FEET OF DEER TRAILS
NORTH PB 92 PG 9 LOT 24, PARCEL NUMBER
252630295370000240, PUBLIC RECORDS OF POLK COUNTY,
FLORIDA

in order to construct the access road in accordance with the approved plans.

BE IT FURTHER RESOLVED that the City Attorney is hereby authorized and directed to acquire the parcel described herein for the City by condemnation, for the purposes aforesaid.

BE IT FURTHER RESOLVED that it is necessary to take that parcel prior to entry of final judgment in the eminent domain proceedings herein authorized.

DULY PASSED AND ADOPTED this 14th Day of FEBRUARY 2006.

CITY OF POLK CITY, FLORIDA

DONALD PENTON, Mayor

ATTEST:

Paula Roddenberry, City Clerk

APPROVED AS TO FORM AND CONTENT:

Jeffrey Sullivan, City Attorney