

RESOLUTION NO. 92-24

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO NOTIFY THE OWNERS OF PROPERTY OF THE CITY'S NEED FOR EASEMENTS THEREON, PROVIDE A WRITTEN OFFER OF COMPENSATION IN THE AMOUNT OF \$139,750, ENGAGE IN PRESUIT NEGOTIATIONS, AND OTHERWISE COMPLY WITH SECTION 73.015 OF THE FLORIDA STATUTES IN AN EFFORT TO ACQUIRE A PERMANENT EASEMENT ON PROPERTY HAVING AN ADDRESS OF 202 SEABREEZE AVENUE, DELRAY BEACH, THAT IS REQUIRED TO CONSTRUCT AND INSTALL A NEW EXPANDED STORMWATER PUMP STATION FACILITY WITHIN THE THOMAS STREET RIGHT-OF-WAY LYING WEST OF SEABREEZE AVENUE; AUTHORIZING THE CITY MANAGER TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Delray Beach (the "City") provides stormwater management services for the residents of Delray Beach; and

WHEREAS, the City has an existing stormwater pump station facility located in the Thomas Street right-of-way lying west of Seabreeze Avenue, that abuts the southern boundary of the property located at 202 Seabreeze Avenue (the "Property"); and

WHEREAS, the City intends to construct and install a new expanded stormwater pump station facility in the same location as the existing pump station (the "Project"); and

WHEREAS, in order to complete the Project, the City requires the acquisition of a permanent easement on the property described in Exhibit "A" (the "Easement"), attached hereto and incorporated herein; and

WHEREAS, if the Easement cannot be acquired through presuit negotiation, the City intends to exercise its authority of Eminent Domain pursuant to Chapters 73 and 74, and Sections 166.401 and 166.411, Florida Statutes, as amended, to acquire the Easement; and

WHEREAS, prior to exercising its authority of Eminent Domain, the City is required to notify the owners of the Property of the City's need for the Easement, provide the owners of the Property a written offer of compensation to purchase the Easements, fulfill the other requirements of Section 73.015, Florida Statutes, and attempt to reach an agreement regarding the amount of compensation to be paid for the Easement; and

WHEREAS, the owner must be given at least 30 days after either receipt of the notice of the date the notice is returned as undeliverable by the postal authorities to respond to the offer, before the City files a condemnation proceeding for the Easement identified in the offer; and

WHEREAS, the City Commission desires to authorize the City Manager to notify the owners of the Property of the City's need for the Easement, provide the owners of the Property a written offer of compensation up to \$139,750 to purchase the Easement, fulfill the other requirements of Section 73.015, Florida Statutes, and attempt to reach an agreement regarding the amount of compensation to be paid for the Easement; and

WHEREAS, the City Commission deems approval of this Resolution to be in the best interest of the health, safety, and welfare of the residents and citizens of the City of Delray Beach and the public at large.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. The foregoing recitals are hereby affirmed and ratified.

Section 2. The City Commission of the City of Delray Beach authorizes the City Manager to notify the owners of the Property of the City's need for the Easement, provide the owners of the Property a written offer of compensation up to \$139,750 to purchase the Easement, fulfill the other requirements of Section 73.015, Florida Statutes, and attempt to reach an agreement regarding the amount of compensation to be paid for the Easement and to acquire the Easement required to complete the Project.

Section 3. The City Commission authorizes the City Manager to take all actions necessary to effectuate this Resolution.

Section 4. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED in regular session on the ____ day of _____, 2024.

ATTEST:

Katerri Johnson, City Clerk

Mayor

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney