

RESOLUTION NO. 212-24

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AUTHORIZING JASON KAUFMAN, P.E., ENGINEERING DIVISION MANAGER OF THE DEPARTMENT OF PUBLIC WORKS TO BIND THE CITY OF DELRAY BEACH IN EMINENT DOMAIN PROCEEDINGS BEFORE THE COURT IN THE 15TH JUDICIAL CIRCUIT; 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, lying between the property located at 202 Seabreeze Avenue and 142 Seabreeze Avenue; 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 permanent and temporary easements designated as Parcels 1 and 2A and 2B (the “Easements”) to construct the project; and

WHEREAS, negotiations to acquire the Easements were unsuccessful and the City initiated a lawsuit 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 Easements; and

WHEREAS, Jason Kaufman, P.E. Engineering Division Manager of the Department of Public Works of the City of Delray Beach will present testimony on behalf of the City at a hearing on the City’s Petition for an Order of Taking for the acquisition of the Easements for the Project; and

WHEREAS, the City Commission of the City of Delray Beach desires to authorize Jason Kaufman, P.E. Engineering Division Manager of the Department of Public Works of the City of Delray Beach to bind the City on those issues regarding design and construction of the Project, including the use of the property to be taken, and related issues; 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 Jason Kaufman, P.E. Engineering Division Manager of the Department of Public Works of the City of Delray Beach to bind the City of Delray Beach on those issues regarding design and construction of the Project, including the use of the property to be taken, and related issues as testified to before the Court in the 15th Judicial Circuit.

Section 3. This Resolution shall become effective immediately upon adoption.

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

ATTEST:

Alexis Givings, Interim City Clerk

Thomas F. Carney, Jr., Mayor

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney