

RESOLUTION NO. _____

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, PURSUANT TO SECTION 190.011(11), FLORIDA STATUTES, APPROVING THE EXERCISE OF EMINENT DOMAIN BY THE BOGGY CREEK IMPROVEMENT DISTRICT FOR THE TAKING OF CERTAIN PROPERTY FOR CERTAIN DISTRICT ROAD NETWORK IMPROVEMENTS RELATED TO THE PROPOSED CONSTRUCTION OF THE INTERSECTION OF LAKE NONA BOULEVARD AND BOGGY CREEK ROAD; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Boggy Creek Improvement District (the "District") is a local unit of special-purpose government established pursuant to Chapter 190, *Florida Statutes*, for the purpose of providing, operating and maintaining infrastructure improvements, facilities and services to the lands within the District; and

WHEREAS, section 190.011(11), *Florida Statutes*, grants the District the power to exercise beyond the District the right and power of eminent domain pursuant to Chapter 73 and 74, *Florida Statutes*, to take property for District improvement projects, including District roads, with the prior approval by resolution of the governing body of the municipality if the taking will occur within a municipality; and

WHEREAS, the District has determined to undertake the construction of certain transportation, potable water, reclaimed water and sanitary sewer facilities within the District (the "District Road Network Improvements"), including, without limitation, planned construction of improvements related to the proposed intersection of Lake Nona Boulevard and Boggy Creek Road (the "Intersection Project"); and

WHEREAS, the District has adopted the District Resolution attached hereto as Attachment "A" and incorporated herein by reference, authorizing use of eminent domain for taking of certain property owned by Kenny Real Estate Company, LTD, a Florida limited partnership, for construction, operation, maintenance, repair and replacement from time to time of portions of the Intersection Project improvements, which taking would occur within the municipal boundaries of the City of Orlando, Florida; and

WHEREAS, the District has requested, pursuant to section 190.011(11), *Florida Statutes*, that the City Council of the City of Orlando consent to and approve such exercise of eminent domain and the taking of the aforesaid property and has advised the City Council that the taking of said property is necessary and construction of the Intersection Project improvements serves a valid purpose and is in the best interests of the District, its landowners and residents; and

NOW, THEREFORE, BE IT RESOLVED by the City Council for the City of Orlando, Florida, in regular session duly assembled, that said Council hereby finds that based on the foregoing representations and in accordance with Section 190.011(11), *Florida Statutes*, the

City Council of the City of Orlando consents to and approves the exercise of eminent domain by the District for the taking of the property described on Attachment "A".

DONE AND RESOLVED this ____ day of _____, 2014.

CITY OF ORLANDO, FLORIDA

By: _____
Mayor/Mayor Pro Tem

ATTEST:

City Clerk

APPROVED AS TO FORM AND LEGALITY
For the use and reliance by the City of Orlando,
Florida, only.

_____, 2014

Chief Assistant City Attorney
Orlando, Florida