

**RESOLUTION NO.: 25-\_\_\_\_\_**

**A RESOLUTION AUTHORIZING NEGOTIATIONS AND WRITTEN OFFERS TO BE MADE BY THE COUNTY REAL ESTATE SERVICES DIRECTOR AND HIS AGENTS PURSUANT TO § 73.015, FLORIDA STATUTES IN CONJUNCTION WITH NECESSARY RIGHT-OF-WAY ACQUISITIONS RELATING TO PROPOSED PUBLIC TRANSPORTATION AND DRAINAGE IMPROVEMENTS**

**WHEREAS**, Chapter 336, Florida Statutes, generally provides Polk County and the Board of County Commissioners with authority, superintendence and control over the establishment and repair of county roads; and

**WHEREAS**, Section 125.01(1)(j), Florida Statutes, generally provides Polk County and the Board of County Commissioners with authority to establish and administer programs for drainage and drainage projects provide for public safety, flood control and health improvements; and

**WHEREAS**, Chapter 127, Florida Statutes, delegates Polk County and the Board of County Commissioners the power to acquire property for any County purpose through eminent domain; and

**WHEREAS**, Chapters 73 and 74, Florida Statutes, setting out procedures for eminent domain acquisitions in Florida, apply to acquisitions by Counties; and

**WHEREAS**, Section 73.015, Florida Statutes, sets out procedures for pre-suit negotiations to be followed by all condemning authorities, including Counties; and

**WHEREAS**, the purpose for the pre-suit negotiations required by Section 73.015, Florida Statutes, is to encourage settlements without resort to litigation by requiring all condemning authorities, including Counties, to:

- (1) Attempt to negotiate in good faith with landowners in hopes of reaching a settlement;
- (2) Notify landowners of statutory rights under Chapter 73, Florida Statutes;
- (3) Make a written offer to the landowner based on the value of the property taken and any severance damages;
- (4) Provide the landowner with at least thirty (30) days in which to consider the offer before filing suit;
- (5) Provide the landowner with copies of maps and plans and other documents relating to the acquisition;
- (6) Make a good faith effort to notify business owners of the acquisition of property upon which they operate a business; and

**WHEREAS**, the Polk County Board of County Commissioners has previously taken official action approving the transportation and drainage capital improvements listed on the attached Exhibit "A", for the public purpose of making necessary transportation and drainage capital improvements, by adopting and approving a Roads

and Drainage Capital Improvements Plan (CIP) making it necessary to acquire interest in additional properties to make the necessary improvements; and

**WHEREAS**, Polk County has located and surveyed such land as is necessary to make the transportation and drainage capital improvements identified on Exhibit "A"; and

**WHEREAS**, it is necessary, in order for those capital improvements to be made, that additional parcels, in the form of fee simple title and/or easement interests, be acquired; and

**WHEREAS**, the procedures set out in Section 73.015, Florida Statutes must be complied with in conjunction with the necessary acquisition of the additional parcels and prior to the filing of any eminent domain, should negotiations fail;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Polk County, Florida, in regular session duly assembled, that, to facilitate the timely and orderly acquisition of the additional parcels necessary to complete the proposed public transportation and drainage capital improvements identified on Exhibit "A", the Real Estate Services Director for Polk County, and/or his designated agents, are hereby authorized, subject to the final approval by the Polk County Board of County Commissioners, to acquire the property for the identified capital improvements. Further, the Real Estate Services Director for Polk County, and/or his designated agents are directed, when applicable, to proceed with pre-suit negotiations as set out in Section 73.015, Florida Statutes, including, without limitation, providing required notice to landowners and to business owners; providing written offers, based on approved appraisals, to landowners; and engaging in good faith negotiations which may result in settlement agreements resolving issues of full compensation, which settlement agreements shall be subject to final approval by the Polk County Board of County Commissioners.

**STATE OF FLORIDA  
COUNTY OF POLK**

I, STACY M. BUTTERFIELD, Clerk to the Board of County Commissioners of Polk County, Florida, do hereby certify that the above Resolution is a true and correct copy of a resolution adopted by said Board on the 4th day of November, 2025.

**STACY M. BUTTERFIELD  
BOARD OF COUNTY COMMISSIONERS  
POLK COUNTY, FLORIDA**

**BY: \_\_\_\_\_  
Deputy Clerk**

## Exhibit “A”

### NEW TRANSPORTATION CAPITAL IMPROVEMENT PROJECTS

| PROJECT NAME                                         | TYPE OF PROJECT           |
|------------------------------------------------------|---------------------------|
| Thompson Nursery Road – Phase 2                      | Capacity                  |
| Kathleen Road Extention (Duff Rd to US Hwy 98)       | Capacity                  |
| Power Line Road – Phase 2                            | Capacity                  |
| FDC Grove Road/Northridge Trail Flyover              | Capacity                  |
|                                                      |                           |
| Cypress Parkway @ Lake Marion Creek Road             | Intersection Improvements |
| SR 37 @ Fitzgerald Road                              | Intersection Improvements |
| SR 659 (Combee Road) @ Saddlecreek Boulevard         | Intersection Improvements |
| CR 559 @ Lundy Road                                  | Intersection Improvements |
| US Highway 27 @ Bates Road                           | Intersection Improvements |
| US Highway 27 @ North Boulevard                      | Intersection Improvements |
| US Highway 27 @ Holly Hill Road                      | Intersection Improvements |
| 42nd Street @ Avenue G                               | Intersection Improvements |
| Masterpiece Road @ Timberlane Road                   | Intersection Improvements |
| Crystal Lake Drive N @ Longfellow Boulevard          | Intersection Improvements |
| Carter Road S. @ Eaglebrooke Blvd. @ Christina Blvd. | Intersection Improvements |
| CR 35A @ Campbell Road W.                            | Intersection Improvements |
| Ewell Road @ Old Highway 37                          | Intersection Improvements |
|                                                      |                           |
| Avon Park Cutoff Road Bridge (Bridge #164312)        | Bridge Replacement        |
| Rockridge Road Bridge (Bridge #164138)               | Bridge Replacement        |
| Rockridge Road Bridge (Bridge #164144)               | Bridge Replacement        |
| Kraft Road Bridge (Bridge #164121)                   | Bridge Replacement        |
|                                                      |                           |
| Davenport Drainage Project                           | Drainage Improvements     |
| Willow Ridge Subdivision Drainage Project            | Drainage Improvements     |
| Lake Seward Drainage Project                         | Drainage Improvements     |
| Medulla Road @ Hamilton Road Drainage Project        | Drainage Improvements     |
|                                                      |                           |