

RESOLUTION NO: 2024-
RESOLUTION OF NECESSITY
THOMPSON NURSERY ROAD
PHASE 1; SEGMENT 1
PROJECT # 5400203
PARCEL: 121

WHEREAS, Polk County has been granted the power of eminent domain to appropriate property for any County purpose pursuant to § 127.01, Fla. Stat.; and

WHEREAS, before exercising the power of eminent domain the Board of County Commissioners is required to adopt a resolution authorizing the acquisition of property for any county use or purpose subject to limitations set forth in §§ 73.013 and 73.014, Fla. Stat.; and

WHEREAS, Polk County has located and surveyed such land as is necessary to make transportation facility improvements to a collector road designated as the Thompson Nursery Road Phase 1; Segment 1 Project (Project # 5400203); and

WHEREAS, the construction of the proposed transportation facility improvements constitutes a valid county use or purpose in carrying out Polk County's general superintendence and control over county roads and structure including the powers of establishing, changing and maintaining such roads in good repair; and

WHEREAS, absent a relinquishment of the property pursuant to § 73.013(4), Fla. Stat. land to be acquired will not be conveyed to natural persons or to private entities and the land is not being acquired to abate or eliminate a public nuisance or to prevent or eliminate slum or blight; and

WHEREAS, Polk County intends in good faith to construct the planned transportation facilities on, under or over the described property; and

WHEREAS, this Board, after being fully informed on the matter and upon proper consideration, has previously authorized improvements for the Thompson Nursery Road Phase

1; Segment 1 Project as part of the Capital Improvement Program otherwise known as the Community Investment Program(CIP), and has approved the proposed alignment which is depicted in the attached “Exhibit A” for such improvements; and

WHEREAS, deviations of the proposed alignment are necessary to reduce the costs of the project, and/or to address engineering or construction issues; and

WHEREAS, this Board has reviewed and upon considering alternative routes, environmental factors, costs, long range planning and safety, approves the deviations from the previously approved alignment as depicted in the attached “Exhibit B”;

WHEREAS, the approved alignment makes it necessary to acquire additional rights-of-way for the construction of those improvements; and

WHEREAS, prior to this Board approving the alignment depicted in “Exhibit A” along with the deviations provided in “Exhibit B,” this Board considered several factors including, without limitation, alternative routes, environmental impact, costs, long range planning, and safety; and

WHEREAS, this Board, after proper consideration, makes the following findings for the alignment depicted in “Exhibit A” along with the deviations provided in “Exhibit B”:

A. ALTERNATIVE ROUTES: The Board of County Commissioners considered various alignments, the costs thereof, and projected improvements to the levels of service before approving a new alignment for the Thompson Nursery Road Phase 1; Segment 1 Project which provides a “best fit” alignment for the proposed roadway.

B. ENVIRONMENTAL FACTORS: Necessary permits are being reviewed or have been approved by permitting agencies. The project has been designed to minimize adverse impacts to the environment and it is anticipated that no adverse environmental impacts will result from this project.

C. COSTS: The project is cost effective within the required designed criteria.

D. LONG RANGE PLANNING: This project is consistent with the long range plan for Polk County and is part of the Capital Improvement

Programs previously adopted by the BoCC, and it complements prior improvements made by Polk County;

E. Safety Considerations: One purpose of this project is to improve the traffic safety by constructing travel lanes, drainage, curbs, gutters, and bike lanes for a new corridor to alleviate traffic on existing corridors. The identified parcels are necessary to provide sufficient right of way to construct the recommended improvements; and

WHEREAS, it is necessary, in order to make transportation facility improvements to the Thompson Nursery Road Phase 1; Segment 1 Project that property be acquired by Polk County; to wit, fee simple title in the property designated as Parcel 121, which property is more fully described in the attached Composite "Exhibit C"; and

WHEREAS, a copy of this proposed Resolution, along with parcel sketches and surveys of the project and the parcels to be acquired, including Parcel 121 are available for public inspection at the office of the Real Estate Services Administrator, 515 E. Boulevard Street, Bartow, Florida 33830 during regular business hours.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Polk County, Florida, in regular session duly assembled, find that the above stated recitals are true and correct and are incorporated herein. The Board of County Commissioners of Polk County, Florida further find that it is necessary that fee simple title in Parcel 121, as more fully described in the attached Composite "Exhibit C", be acquired for a county use or purpose, to-wit: right-of-way needed to allow the construction of transportation facility improvements to the Thompson Nursery Road Phase 1; Segment 1 Project (Project #5400203). The Board of County Commissioners of Polk County hereby authorize the acquisition of property described in the attached Composite "Exhibit C" by eminent domain for the purpose stated herein and that the attorneys for this Board shall, as necessary, institute proceedings to acquire the interest in said land and property as indicated herein and described in attached "Exhibit C", by eminent domain proceedings, and that said interest in Parcel 121 be acquired, prior to trial, by the filing of

a Declaration of Taking and by deposit, into the Registry of the Court, of the good faith estimate of value as ordered by the Court upon entry of an Order of Taking.

This Resolution shall be effective upon adoption.

PASSED AND CERTIFIED AS TO PASSAGE this 2nd day of July, 2024.

POLK COUNTY
BOARD OF COUNTY COMMISSIONERS

BY: _____
W.C. Braswell, Chairman

Exhibit "A"





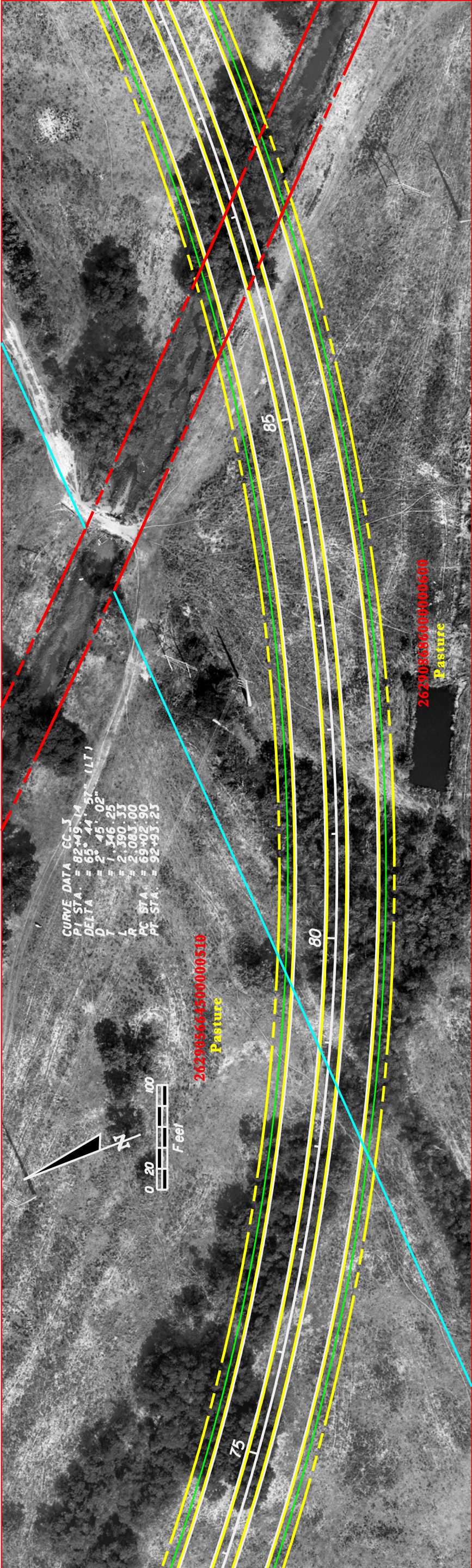
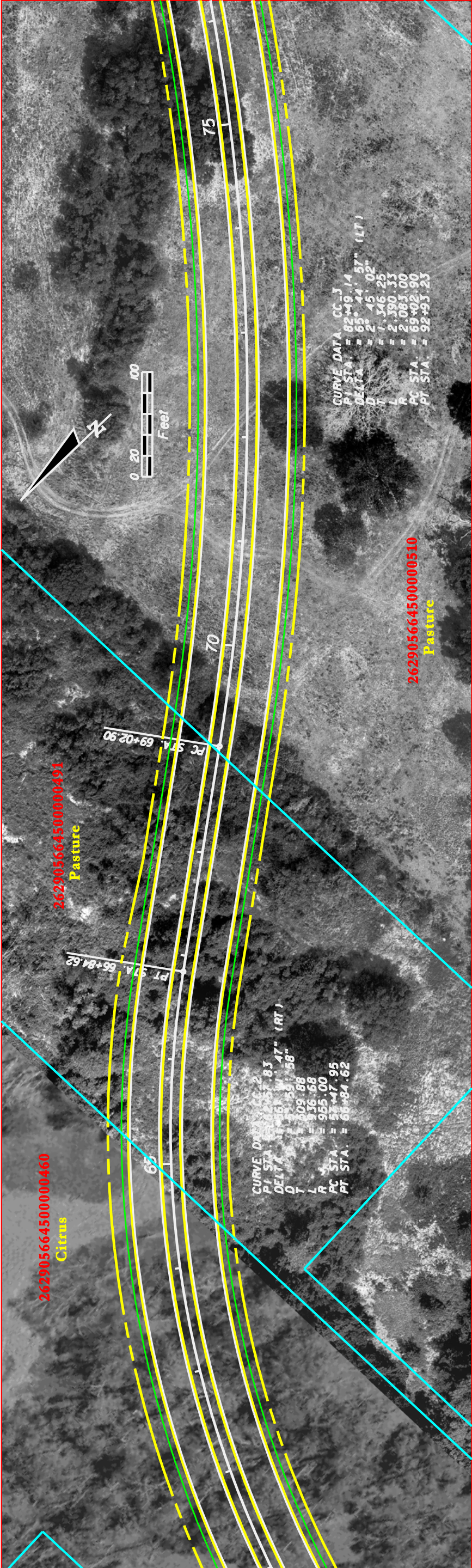
POLK COUNTY
 PUBLIC WORKS DEPARTMENT
 TRANSPORTATION ENGINEERING
 330 WEST CHURCH STREET
 P.O. BOX 9005, DRAWER TS02
 BARTOW, FLORIDA 33831-9005
 (863) 534-6700

DIVISION



PITMAN-HARTENSTEIN & ASSOC., INC.
ENGINEERS
 6889 E. FOWLER AVENUE TAMPA, FLORIDA 33611 EBN 4464
 THOMAS J. HARTENSTEIN, P.E., M.D., 33008

AERIAL FLIGHT DATE: AUGUST 2006	THOMPSON NURSERY ROAD ALIGNMENT STUDY RECOMMENDED ALTERNATIVE C-1	FIGURE NO.	SHEET NO.
CSA NO. 00-20-11		8-1	2
COUNTY PROJECT NO. P-06-6038			





POLK COUNTY
PUBLIC WORKS DEPARTMENT
TRANSPORTATION ENGINEERING DIVISION
330 WEST CHURCH STREET
P.O. BOX 9005, DRAWER TS02
BARTON, FLORIDA 33831-9005
(863) 534-6700



WGA
PITMAN HARTENSTEIN & ASSOC., INC.
ENGINEERS
6800 E. FORLER AVENUE TAMPA, FLORIDA 33634-4641
THOMAS J. MONTGOMERY P.E., NO. 38008

LEGEND:

PROPOSED ALIGNMENT CORRIDOR RIGHT OF WAY

EXISTING ROADWAY RIGHT OF WAY

PARCEL LINE

£ CONST.

AERIAL FLIGHT DATE:
AUGUST 2006

CSA NO. 00-20-II

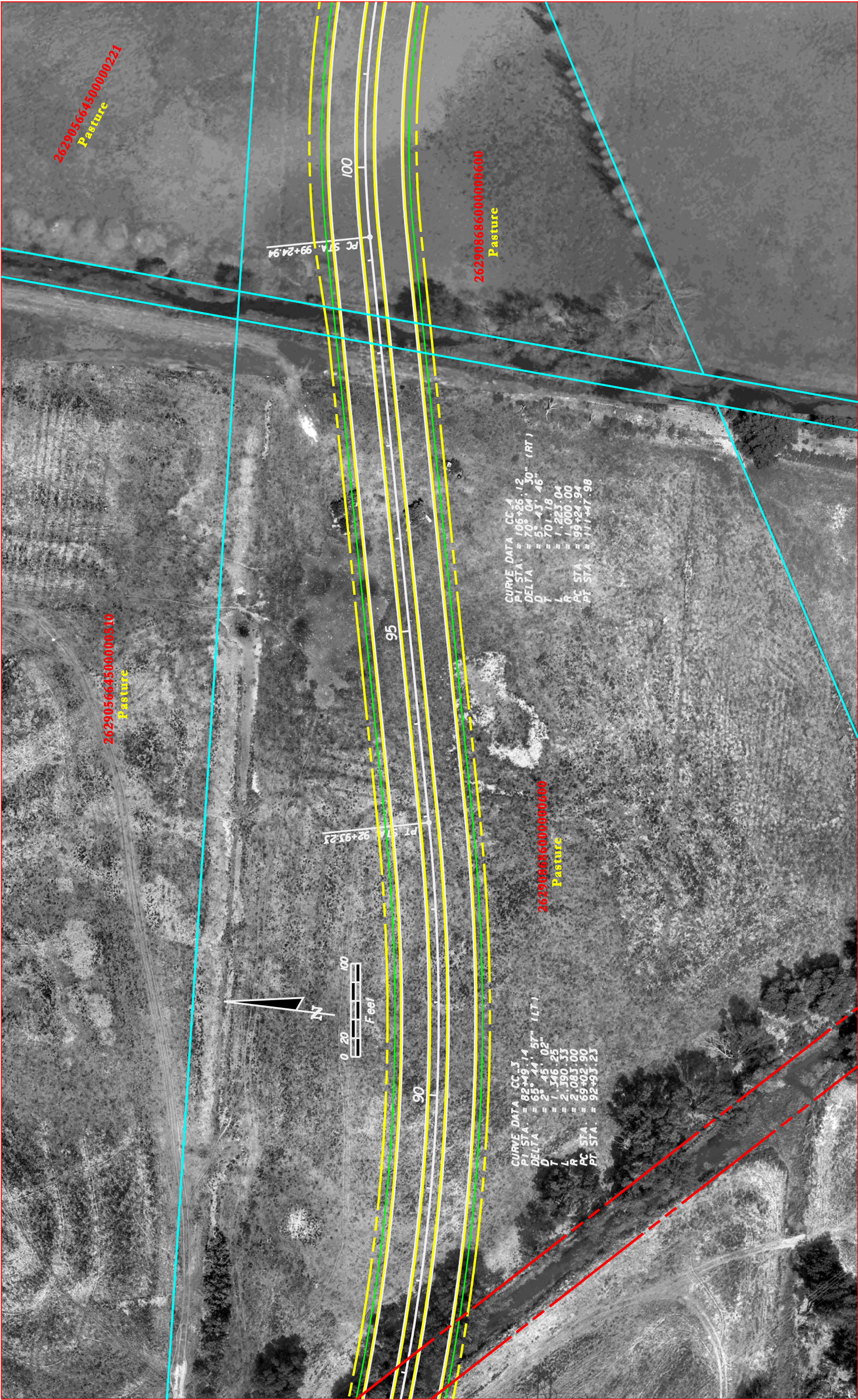
COUNTY PROJECT NO.
P-06-6038

THOMPSON NURSERY ROAD
ALIGNMENT STUDY
RECOMMENDED ALTERNATIVE C-1

FIGURE NO.
8-1

SHEET NO.
3

8/9/2007 4:55:38 PM Q:\2006\100_Thompson Nursery Roadway\exhibits\Recommended_C-1\exhibit_C-1.dgn \$USER\$



CURVE DATA CC 3
PI STA. = 82+49.14
DELTA = 65° 44' 57" (LT)
D = 2° 45' 02"
T = 1.346.25
L = 2.390.33
R = 2.083.00
PC STA. = 69+02.90
PT STA. = 92+93.23

CURVE DATA CC 4
PI STA. = 106+26.12
DELTA = 70° 04' 30" (RT)
D = 5° 43' 46"
T = 701.18
L = 1.223.04
R = 1.000.00
PC STA. = 99+24.94
PT STA. = 111+47.98



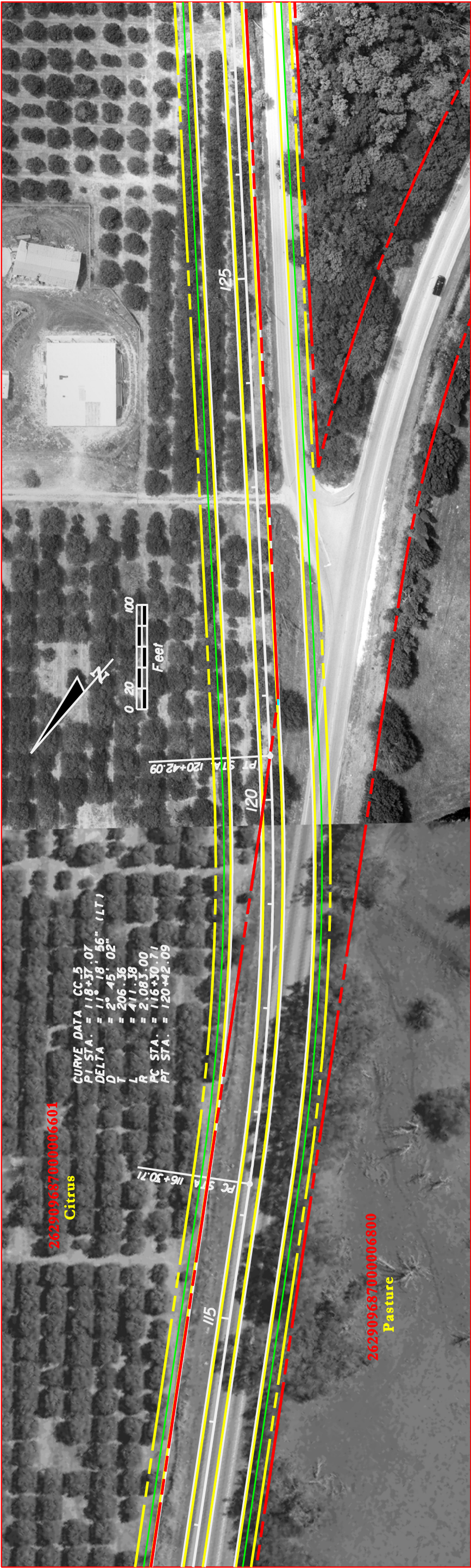
POLK COUNTY
PUBLIC WORKS DEPARTMENT
TRANSPORTATION ENGINEERING DIVISION
330 WEST CHURCH STREET
P.O. BOX 9005, DRAWER TS02
BARTON, FLORIDA 33831-9005
(863) 534-6700



LEGEND:
--- PROPOSED ALIGNMENT CORRIDOR RIGHT OF WAY
--- EXISTING ROADWAY RIGHT OF WAY
--- PARCEL LINE
--- CONST.

AERIAL FLIGHT DATE:
AUGUST 2006
CSA NO. 00-20-II
COUNTY PROJECT NO. P-06-6038

**THOMPSON NURSERY ROAD
ALIGNMENT STUDY
RECOMMENDED ALTERNATIVE C-1**
FIGURE NO. 8-1
SHEET NO. 4



POLK COUNTY
PUBLIC WORKS DEPARTMENT
TRANSPORTATION ENGINEERING DIVISION
330 WEST CHURCH STREET
P.O. BOX 9005, DRAWER 1502
BARTON, FLORIDA 33831-9005
(863) 534-6700



LEGEND:
--- PROPOSED ALIGNMENT CORRIDOR RIGHT OF WAY
--- EXISTING ROADWAY RIGHT OF WAY
--- PARCEL LINE
--- CONST.

AERIAL FLIGHT DATE:
AUGUST 2006
CSA NO. 00-20-II
COUNTY PROJECT NO. P-06-6038

**THOMPSON NURSERY ROAD
ALIGNMENT STUDY
RECOMMENDED ALTERNATIVE C-1**

FIGURE NO. 8-1
SHEET NO. 6

Exhibit "B"



EXHIBIT "C"

ROAD: THOMPSON NURSERY
RD PHASE 1; SEG 1

POLK COUNTY

DESCRIPTION

PARCEL: 121

ESTATE: FEE SIMPLE

PURPOSE: ROAD RIGHT-OF-WAY

Parcel 121
Thompson Nursery Road
County Job No. 5400037
Tax folio #: 092926687000006800

DESCRIPTION:

A portion of the following described lands:

That parcel lying within Lot 68, Lot 87, and Lot 91 of Wahneta Farms as recorded in Plat Book 1-C, Pages 82-A and 82-B, Public Records of Polk County, Florida, being a part of the Northwest 1/4 of Section 9, Township 29 South, Range 26 East, Polk County, Florida.

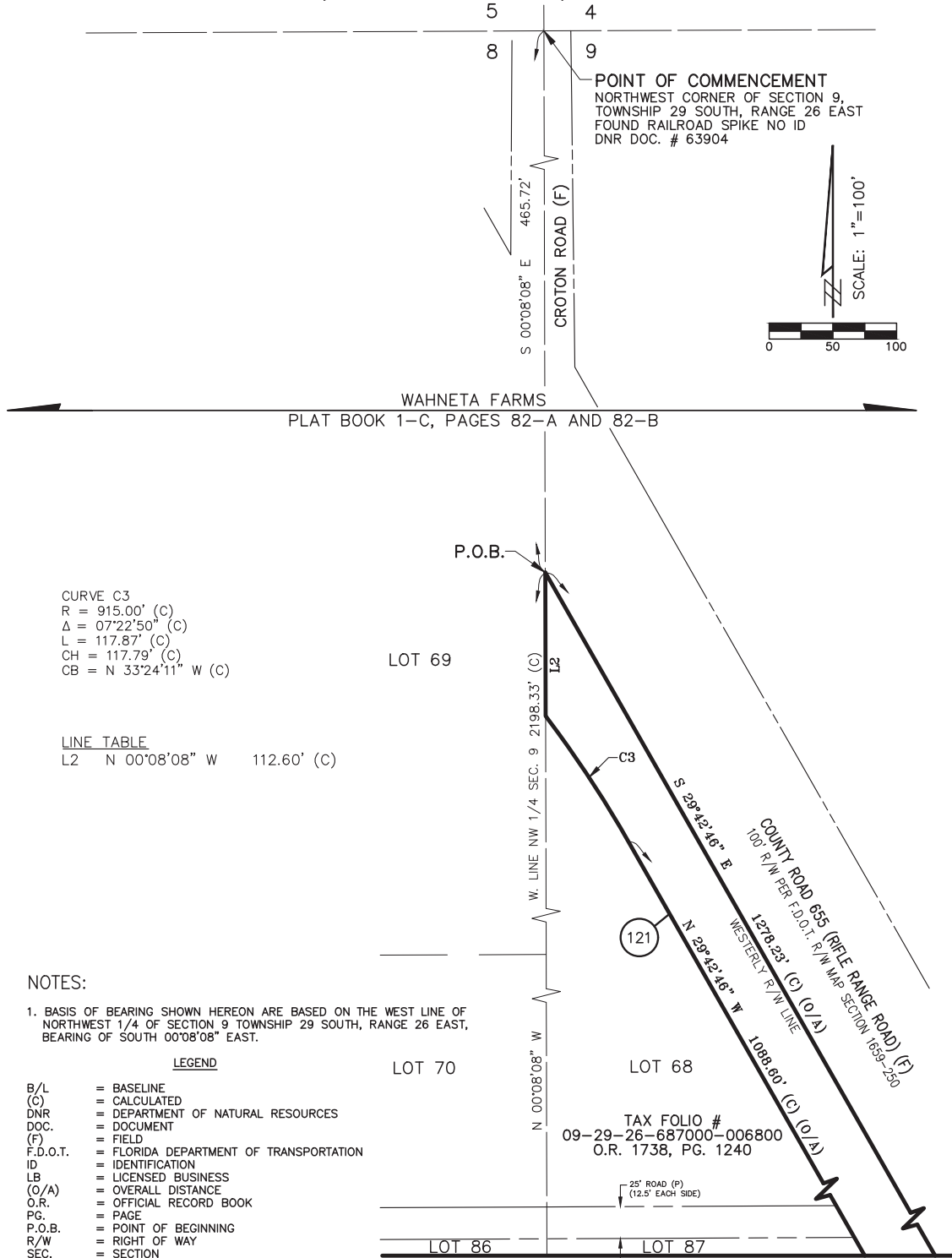
Being more particularly described as follows:

COMMENCE at the Northwest corner of Section 9, Township 29 South, Range 26 East; thence along the west line of the Northwest Quarter of said Section 9, South 00°08'08" East 465.72 feet to a point on the southwesterly right of way line of County Road 655 (Rifle Range Road) per Florida Department of Transportation Right of Way Map Section 1659-250, and the **POINT OF BEGINNING**; thence South 29°42'46" East, along said southwesterly right of way line, 1278.23 feet to the point of curvature of a curve to the right having a radius of 1382.40 feet, a central angle of 46°29'04", a chord bearing of South 06°28'14" East, and a chord distance of 1091.04 feet; thence southerly along the arc of said curve and the westerly right-of-way line of said County Road 655, a distance of 1121.55 feet to the south line of said Northwest 1/4; thence South 89°41'25" West, along said south line, 36.95 feet to a point on a non-tangent curve to the left having a radius of 1315.00 feet, a central angle of 46°47'42", a chord bearing of North 06°18'55" West, a chord distance of 1044.40 feet; thence northerly along the arc of said curve 1074.00 feet to the point of tangency; thence North 29°42'46" West, 1088.60 feet to the point of curvature of a curve to the left having a radius of 915.00 feet, a central angle of 07°22'50", a chord bearing of North 33°24'11" West, and a chord distance of 117.79 feet; thence northwesterly along the arc of said curve 117.87 feet to a point on said West line of the Northwest Quarter of said Section 9; thence North 00°08'08" West, along said west line 112.60 feet to the **POINT OF BEGINNING**.

Less and except existing rights-of-ways, if any.

Herein described parcel containing 104338.3 square feet, more or less.

THIS IS NOT
A SURVEY
SECTION 9, TOWNSHIP 29 SOUTH, RANGE 26 EAST



NOTES:

1. BASIS OF BEARING SHOWN HEREON ARE BASED ON THE WEST LINE OF NORTHWEST 1/4 OF SECTION 9 TOWNSHIP 29 SOUTH, RANGE 26 EAST, BEARING OF SOUTH 00°08'08\"/>

LEGEND

B/L	=	BASELINE
(C)	=	CALCULATED
DNR	=	DEPARTMENT OF NATURAL RESOURCES
DOC.	=	DOCUMENT
(F)	=	FIELD
F.D.O.T.	=	FLORIDA DEPARTMENT OF TRANSPORTATION
ID	=	IDENTIFICATION
LB	=	LICENSED BUSINESS
(O/A)	=	OVERALL DISTANCE
O.R.	=	OFFICIAL RECORD BOOK
P.G.	=	PAGE
P.O.B.	=	POINT OF BEGINNING
R/W	=	RIGHT OF WAY
SEC.	=	SECTION


(100) = PARCEL NUMBER

MATCHLINE "A" SEE SHEET 3 OF 3

DATE
04/09/2024

Digitally signed by
John Richard Noland Jr.
Date: 2024.04.17
17:14:31 -04'00'
JOHN RICHARD NOLAND, JR. P.S.M.
FLORIDA REGISTRATION #5923
SURVEYING & MAPPING MANAGER
SURVEYING AND MAPPING SECTION

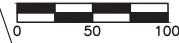
SEE SHEET 1 OF 3 FOR DESCRIPTION.

THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL SEAL OF A LICENSED SURVEYOR AND MAPPER.	DESCRIPTION SKETCH LOCATED IN SECTION 09, TOWNSHIP 29 SOUTH, RANGE 26 EAST, POLK COUNTY, FLORIDA.		POLK COUNTY ROADS AND DRAINAGE 3000 SHEFFIELD ROAD, WINTER HAVEN, FL 33880 PHONE: (863) 535-2200 FAX: (863) 519-8117		 POLK COUNTY
	REVISION		Sheet No. 2 of 3		
	DATE 04/04/24 BY JRN		Drawn by: JRN/EEA Checked by: JRN Check Date: 04/09/2024		
	#1: REVISED LIMITS		PREPARED FOR: REAL ESTATE SERVICES File Name: PARCEL 121		

THIS IS NOT
A SURVEY
SECTION 9, TOWNSHIP 29 SOUTH, RANGE 26 EAST

MATCHLINE "A" SEE SHEET 2 OF 3

SCALE: 1"=100'



100' R/W PER F.D.O.T. R/W MAP SECTION 1659-250
COUNTY ROAD 655 (RIFLE RANGE ROAD) (F)

LOT 87

LOT 91

LOT 91

W. LINE NW 1/4 SEC. 9

2198.33' (C)

N 00°08'08" W

TAX FOLIO # 09-29-26-687000-006800
O.R. 1738, PG. 1240

CURVE C2
R = 1315.00' (C)
Δ = 46°47'42" (C)
L = 1074.00' (C)
CH = 1044.40' (C)
CB = N 06°18'55" W (C)

CURVE C1
R = 1382.40' (C)
Δ = 46°29'04" (C)
L = 1121.55' (C)
CH = 1091.04' (C)
CB = S 06°28'14" E (C)

LINE TABLE

L1 S 89°41'25" W 36.95' (C)

NOTES:

1. BASIS OF BEARING SHOWN HEREON ARE BASED ON THE WEST LINE OF NORTHWEST 1/4 OF SECTION 9 TOWNSHIP 29 SOUTH, RANGE 26 EAST, BEARING OF SOUTH 00°08'08" EAST.


LEGEND

B/L = BASELINE
(C) = CALCULATED
DNR = DEPARTMENT OF NATURAL RESOURCES
DOC. = DOCUMENT
(F) = FIELD
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PG. = PAGE
P.O.B. = POINT OF BEGINNING
R/W = RIGHT OF WAY
SEC. = SECTION

(100) = PARCEL NUMBER

664.33' (C) 50.04' (C) L1
S 89°41'25" W
25' ROAD (P)
(12.5' EACH SIDE)
S. LINE NW 1/4 SEC. 9

SEE SHEET 1 OF 3 FOR DESCRIPTION.

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	Sheet No. 3 of 3		Drawn by: JRN/EAA		Checked by: JRN		Check Date: 04/08/2024		
	Parcel Number: 121		PREPARED FOR: REAL ESTATE SERVICES				File Name: PARCEL 121		
	REVISION		DATE		BY				
#1: REVISED LIMITS		04/04/24		JRN					