

RESOLUTION NO.: 2025-_____
**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 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, 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 capital improvements listed on the attached Exhibit "A", for the public purpose of making necessary transportation capital improvements, by adopting and approving a Roads and Drainage Capital Improvements Plan (CIP) making it necessary to acquire interest in additional property to make the necessary improvements; and

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

WHEREAS, it is necessary, in order for those capital improvements to be made, that additional parcel(s), 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 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 2nd day of September, 2025.

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

BY: _____
Deputy Clerk

Exhibit “A”

NEW TRANSPORTATION CAPITAL IMPROVEMENT PROJECT

PROJECT NAME	TYPE OF PROJECT
Vaughn Road	Roadway Improvements