

RESOLUTION NO: 2024-
RESOLUTION OF NECESSITY
CR54 at HERITAGE PASS IMPROVEMENTS
PROJECT # 5400192
PARCEL: 100

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 road, designated as the CR54 at Heritage Pass Intersection Improvement Project (Project # 5400192); 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 CR54 at Heritage Pass Intersection Improvement Project as part of the Capital Improvement Program (CIP) within the

boundaries of the proposed alignment which is depicted in the attached "Exhibit A" for such improvements; and

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

WHEREAS, this Board, after proper consideration, makes the following findings for the alignment depicted in "Exhibit A":

A. ALTERNATIVE ROUTES: Due to the fact that this is a project to signalize and otherwise improve an established intersection primarily within existing rights-of-way, no alternative alignments were considered.

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 adding signalization to the intersection. The identified parcel is 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 CR54 at Westside Boulevard Intersection Improvement Project that property be acquired by Polk County; to wit, fee simple title in the property designated as Parcel 100, which property is more fully described in the attached Composite "Exhibit B"; 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 100 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, finds that the above stated recitals are true and correct and are incorporated herein. The Board of County Commissioners of Polk County, Florida hereby approves the alignment attached hereto as Exhibit "A". The Board of County Commissioners of Polk County, Florida further finds that it is necessary that fee simple title in Parcel 100, as more fully described in the attached Composite "Exhibit B", be acquired for a county use or purpose, to-wit: right-of-way needed to allow the construction of transportation facility improvements to the CR54 at Heritage Pass Intersection Improvement Project (Project #5400192). The Board of County Commissioners of Polk County hereby authorize the acquisition of property described in the attached Composite "Exhibit B" 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 B", by eminent domain proceedings, and that said interest in Parcel 100 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.

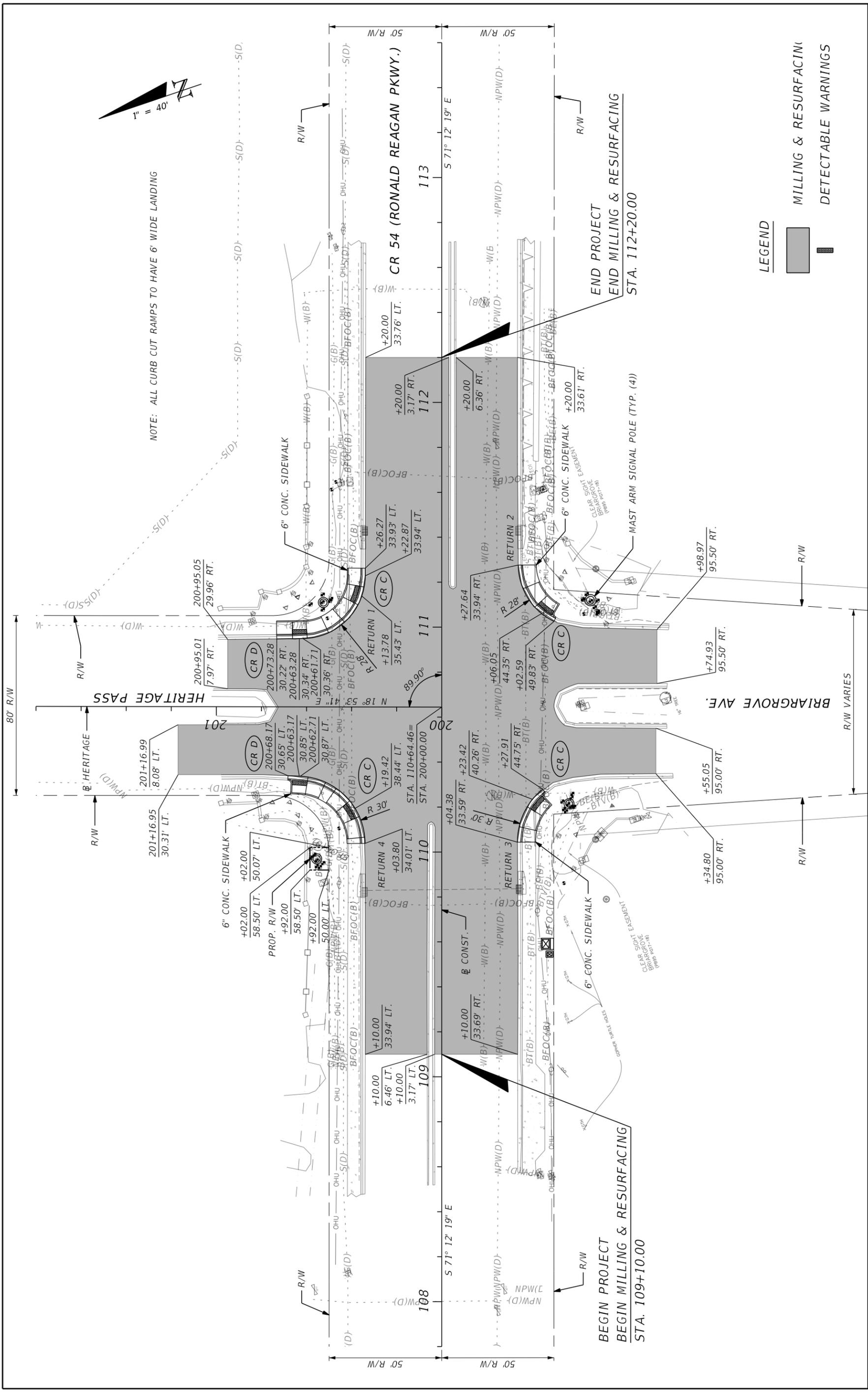
PASSED AND CERTIFIED AS TO PASSAGE this 16th day of April 2024.

POLK COUNTY
BOARD OF COUNTY COMMISSIONERS

BY: _____
W. C. Braswell, Chairman

Exhibit "A"

THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G15-23.004, F.A.C.



LEGEND

- MILLING & RESURFACING
- DETECTABLE WARNINGS

		POLK COUNTY ROADS AND DRAINAGE DIVISION 3000 SHEFFIELD ROAD WINTER HAVEN, FL 33880	CR 54 AT HERITAGE PASS INTERSECTIONS IMPROVEMENTS ROADWAY PLAN	COUNTY PROJECT NO. 5400192	SHEET NO. 6																				
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">NO.</th> <th style="width: 80%;">DATE</th> <th style="width: 10%;">DESCRIPTION</th> <th style="width: 10%;">APPROVED</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>		NO.	DATE	DESCRIPTION	APPROVED																			Kent L. McWaters, P.E. P.E. License Number: 45443 HDR Engineering, Inc. 4850 W. Kennedy Blvd., Suite 400 Tampa, FL 33609-2546	
NO.	DATE	DESCRIPTION	APPROVED																						

EXHIBIT "B"

ROAD: CR 54 @ HERITAGE PASS

POLK COUNTY

DESCRIPTION

PARCEL: 100

ESTATE: FEE SIMPLE

PURPOSE: ROAD RIGHT-OF-WAY

Parcel Number: 100

Project Name: CR54 @ HERITAGE PASS

Tax Folio Number: 27-26-04-701107-002840

Road Number: 660102

Project Number: 6704E23-1

DESCRIPTION

A parcel of land being a portion of Tract S, Windwood Bay Phase Two, a subdivision as recorded in Plat Book 121, Pages 9 and 10, Public Records of Polk County, Florida being described as follows:

Commence at the point of intersection of the North right-of-way line of County Road S-54 (Ronald Reagan Parkway), according to Florida Department of Transportation Right-of-Way Map Section 1673-150 and the West right-of-way line of Heritage Pass, as shown on the plat of Windwood Bay Phase One, a subdivision as recorded in Plat Book 118, Pages 40-43, Public Records of Polk County, Florida for a **Point of Beginning**, said point being the point of curvature of a curve to the left having a radius of 25.00 feet, a central angle of 4°15'52", a chord bearing of South 73°19'53" East, and a chord distance of 1.86 feet; thence along the arc of said curve and said West right-of-way line, 1.86 feet; thence North 18°47'41" East, 8.43 feet; thence North 71°12'19" West, 10.00 feet, thence South 18°47'41" West, 8.50 feet to said North right-of-way line; thence South 71°12'19" East, along said North right-of-way line, 8.14 feet to the **Point of Beginning**.

Containing 85 square feet, more or less.

SHEET 1 OF 2

FOR SKETCH SEE SHEET 2 OF 2

REVISION	DATE	BY
SHIFTED LINE "L2" SOUTHERLY	10/19/23	BCZ
CHANGED PARCEL NUMBER	02/05/24	BCZ

THIS IS NOT A SURVEY

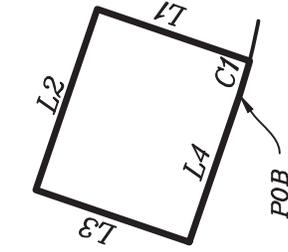
WINDWOOD BAY PHASE TWO
P.B.121 PG.9-10

Line Table		
LINE #	DIRECTION (C)	LENGTH (C)
L1	N 18°47'41" E	8.43'
L2	N 71°12'19" W	10.00'
L3	S 18°47'41" W	8.50'
L4	S 71°12'19" E	8.14'

TRACT S
RETENTION & LANDSCAPE AREA
SUBJECT TO DRAINAGE EASEMENT
DEDICATED TO POLK COUNTY

SCALE
1" = 10 feet

HERITAGE PASS



F.D.O.T. R/W LINE PER
R/W MAP SECTION 1673-150

RONALD REAGAN PARKWAY
(COUNTY ROAD S-54)

Curve Table				
CURVE #	RADIUS (C)	CENTRAL ANGLE (C)	CHORD BEARING (C)	CHORD (C) LENGTH (C)
C1	25.00'	4°15'52"	S 73°19'53" E	1.86'

LEGEND

- (C) = CALCULATED
- (P) = PLAT
- COR. = CORNER
- F.D.O.T. = FLORIDA DEPARTMENT OF TRANSPORTATION
- ORB = OFFICIAL RECORDS BOOK
- P.B. = PLAT BOOK
- PG(S). = PAGE(S)
- POB = POINT OF BEGINNING

- POC = POINT OF COMMENCEMENT
- P.S.M. = PROFESSIONAL SURVEYOR AND MAPPER
- R = RANGE
- R/W = RIGHT-OF-WAY
- SEC = SECTION
- T = TOWNSHIP

SURVEYOR'S NOTES

BEARINGS AND DISTANCES ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, FLORIDA WEST ZONE, NORTH AMERICAN DATUM OF 1983, ADJUSTMENT OF 2011.
SEE SHEET 1 OF 2 FOR DESCRIPTION.



Digitally signed by
Bryan Zelenenki
Date: 2024.02.05
15:12:14 -05'00'

BRYAN C. ZELENENKI, P.S.M.
FLORIDA REGISTRATION #71140
SURVEYING AND MAPPING SECTION



DESCRIPTION SKETCH
LOCATED IN SECTION 04,
TOWNSHIP 26 SOUTH, RANGE 27 EAST,
POLK COUNTY, FLORIDA.

REVISION	DATE	BY
SHIFTED LINE "L2" SOUTHERLY CHANGED PARCEL NUMBER	10/19/23	BCZ
	02/05/24	BCZ

POLK COUNTY ROADS AND DRAINAGE			
3000 SHEFFIELD ROAD, WINTER HAVEN, FL 33880			
PHONE: (863) 535-2200	FAX: (863) 519-8117		
Sheet No. 2 of 2	Drawn by: BCZ	Checked by: JRN	Check Date: 07/31/23
Parcel Number: 100	PREPARED FOR: REAL ESTATE SERVICES	Job Number: 6704E23-1	

THIS DESCRIPTION AND SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL SEAL OF A LICENSED SURVEYOR AND MAPPER.