



MEMORANDUM TO VENICE CITY COUNCIL

THROUGH CHARTER OFFICER: Edward Lavalley, City Manager **E-SIGN:**
FROM: Kelly Fernandez, City Attorney, and R. David Jackson, Assistant City Attorney
DEPARTMENT: City Attorney
DATE: November 8, 2024 **MEETING DATE:** Tuesday, November 19, 2024

SUBJECT / TOPIC: Resolution Approving Exercise of Eminent Domain by Rustic Oaks Community Development District for Ranch Road and Rustic Road Parcels

BACKGROUND INFORMATION: On July 13, 2021, the City approved the establishment of the Rustic Oaks Community Development District (the "CDD") under Ordinance 2021-20, for a project now known as Magnolia Bay. Part of the planned CDD infrastructure referenced in the Ordinance included the Rustic Road and Ranch Road improvements and the Cow Pen Bridge replacement (the "Project") that have now been permitted and fully constructed in accordance with construction plans approved by Sarasota County. While the CDD was attempting to establish the Project as public right-of-way with Sarasota County (the "County"), title evidence revealed that there are small gaps in the Project shown in Exhibit A-1 attached hereto (the "Property") that prevent the County from obtaining clear title to the entire right-of-way. Clear title to the entire right-of-way is necessary to both establish the right-of-way on Sarasota County's Right-of-Way Map and fully open the right-of-way to the public. As the Property is within the City limits, but outside of the CDD boundaries, City Council's consent is required by resolution, under Section 190.011(11), Florida Statutes, to allow the CDD to acquire the Property through the power of eminent domain.

STAFF RECOMMENDATION: The proposed resolution from the City is a requirement under Florida law for the CDD to pursue an eminent domain proceeding for property outside of the CDD boundaries, but within the jurisdictional boundaries of the City. The City's consent to allowing the CDD to pursue an eminent domain proceeding is merely a prerequisite to the proposed acquisition of the subject property through this process. The CDD will ultimately be required to acquire the subject property in accordance with the provisions of Chapters 73 and 74, Florida Statutes.

The CDD's proposed acquisition of the subject property through eminent domain proceedings is for a valid public purpose and will have no impact, financial or otherwise, to the City. Accordingly, the resolution is provided for approval by the City Council and execution by the Mayor.

SUPPORTS STRATEGIC PLAN: Goal Six: Preserve the Venice Quality of Life through Proper Planning

COUNCIL ACTION REQUESTED: For Council Adoption by Consent Motion

Original(s) attached: Exhibit A-1
Resolution 2024- with exhibits

Cc: Kelly Michaels, City Clerk
James Clinch, Assistant City Manager

EXHIBIT A-1

