

Section 7.8

RIGHT OF WAY RESOLUTIONS

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Section 7.8

RIGHT OF WAY RESOLUTIONS

PURPOSE

This section establishes the forms and processes for preparing right of way resolutions.

AUTHORITY

Section 20.23(4)(a), Florida Statutes
Section 334.048(3), Florida Statutes

SCOPE

The Central and District Offices of Right of Way and the Office of the General Counsel will use this section.

REFERENCES

Section 373.023(3), Florida Statutes

TRAINING

None required.

FORMS

None required.

DEFINITIONS

Eminent Domain Parcel Resolution (Parcel Resolution): The official statement by the Florida Department of Transportation (Department) that parcels described in the resolution are necessary for the project and acquisition of the parcels by eminent domain is authorized.

Limited Access Project: A highway designed for through traffic to which access is fully controlled by the Department.

Project Resolution: The official statement by the Department approving the location and survey of a project, stating that acquisition of property and property rights is necessary for the project, and authorizing acquisition of necessary property and property rights.

7.8.1 Project Resolution

7.8.1.1 A **Project Resolution** must be executed after delivery of the approved Right of Way maps and prior to delivery of the first offer on the project. For non-limited access projects, the resolution shown as **Attachment A** must be used. For limited access projects, the resolution shown as **Attachment B** must be used. Each **Project Resolution** must be recorded in the public records of the county where the project is located.

7.8.1.2 When a **Project Resolution** is prepared for advance acquisition parcels or projects, prior to approved Right of Way maps being available, the resolutions shown as **Attachment C** (for non-limited access projects) or **Attachment D** (for limited access projects) must be used. When using **Attachment C** or **Attachment D**, the District must attach a map to the resolution showing, at a minimum, the centerline alignment of the project with adequate survey detail to identify the location and survey of the project. The resolution must be executed prior to offers being made. Each **Project Resolution** with attachments must be recorded in the public records of the county where the project is located.

Note: For those advance acquisition parcels or projects not under the threat of condemnation whereby a project resolution may not be prepared, written authorization from the District Secretary will be sufficient.

7.8.1.3 **Section 373.023(3), Florida Statutes**, requires the Department to notify the Florida Department of Environmental Protection or the governing board of any affected water management district prior to exercising the Department's condemnation authority. Notification may be accomplished by providing a copy of the executed **Project Resolution** prior to commencing right of way acquisition.

7.8.2 Eminent Domain Parcel Resolution

An ***Eminent Domain Parcel Resolution, Attachment E***, must be executed for each eminent domain lawsuit prior to the suit being filed.

7.8.3 Execution and Filing of Project and Parcel Resolutions

7.8.3.1 Each ***Project Resolution*** and ***Parcel Resolution*** must be executed by the District Secretary of the District in which the project is located, attested and imprinted with the Department's official seal. In the absence of the District Secretary, the resolution must be forwarded to Central Office for execution by the Secretary of Transportation. It is recommended that resolutions requiring execution by the Secretary of Transportation be sent to the Director, Office of Right of Way, for handling.

7.8.3.2 Original ***Project Resolutions*** and ***Eminent Domain Parcel Resolutions*** must be maintained in the official right of way project file.

7.8.4 Changes to Resolutions

Changes to ***Project Resolutions*** or to ***Eminent Domain Parcel Resolutions*** or the use of resolutions other than those attached to this procedure must be approved in writing by the Office of the General Counsel.

HISTORY

04/15/99, 10/13/00, 03/14/06, 06/19/06, 09/27/07, 04/29/09, 03/20/13

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
PROJECT RESOLUTION
FOR STATE HIGHWAY SYSTEM PROJECTS

WHEREAS, pursuant to Chapters 334 through 339 and Chapters 73 and 74, Florida Statutes, as amended, the State of Florida, Department of Transportation ("Department") has authority to locate and designate certain transportation facilities as a part of the State Highway System and construct and maintain the same with funds which are now or which may hereafter become available to the Department; and

WHEREAS, pursuant to Section 337.27, Florida Statutes, the Secretary of Transportation has delegated the authority to execute eminent domain resolutions to the chief administrative officer of the district in which the property is located; and

WHEREAS, the property to be acquired hereunder is located in District _____ of the Department; and

WHEREAS, _____ is the chief administrative officer of said district; and

WHEREAS, Right of Way maps have been prepared showing the location of Item/Segment Number _____.

NOW, THEREFORE, BE IT RESOLVED by the District Secretary that the part of _____ in _____ County, Florida is hereby located and designated as Item/Segment Number _____, and the line and location of said part of said facility are hereby designated as a part of the State Highway System; and the Right of Way maps prepared by the Department, as aforesaid, are hereby adopted as the official Right of Way maps for said Item/Segment Number; and

BE IT FURTHER RESOLVED, that it is the judgment of the Department that the construction of said portion of said Item/Segment Number is necessary, practical and in the best interest of the State; and that the acquisition of such property and property rights as are needed for said construction is necessary for the performance of its duties and for the construction, reconstruction, and maintenance of said state facility for the use of the general public; and that the Department is authorized to make such acquisition by gift, purchase, or condemnation.

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

By: _____
District Secretary

DATE: _____

ATTEST: _____
Executive Secretary

(SEAL)

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
PROJECT RESOLUTION
FOR STATE HIGHWAY SYSTEM PROJECTS

WHEREAS, pursuant to Chapters 334 through 339 and Chapters 73 and 74, Florida Statutes, as amended, the State of Florida, Department of Transportation ("Department") has authority to locate and designate certain transportation facilities as a part of the State Highway System and construct and maintain the same with funds which are now or which may hereafter become available to the Department; and

WHEREAS, pursuant to Chapters 334 through 339 and Chapters 73 and 74, Florida Statutes, as amended, the highway authorities of the state, counties, cities, towns, and villages, acting alone or in cooperation with each other or with any federal, state, or local agency of any other state having authority to participate in the construction and maintenance of transportation facilities, are authorized to designate, provide, and regulate limited access facilities; and

WHEREAS, pursuant to Section 337.27, Florida Statutes, the Secretary of Transportation has delegated the authority to execute eminent domain resolutions to the chief administrative officer of the district in which the property is located; and

WHEREAS, the property to be acquired hereunder is located in District _____ of the Department;
and

WHEREAS, _____ is the chief administrative officer of said district;
and

WHEREAS, Right of Way maps have been prepared showing the location of Item/Segment Number _____.

NOW, THEREFORE, BE IT RESOLVED by the District Secretary that the part of _____
in _____ County, Florida is hereby located and designated as Item/Segment Number _____,
and the line and location of said part of said facility are hereby designated as a part of the State Highway System; and the Right of Way maps prepared by the Department, as aforesaid, are hereby adopted as the official Right of Way maps for said Item/Segment Number; and

BE IT FURTHER RESOLVED, that the District Secretary, finding that traffic conditions, present or future, would justify said facility being designated as a limited access facility, hereby designates, or has designated the same as a limited access facility; and

BE IT FURTHER RESOLVED, that it is the judgment of the Department that the construction of said portion of said Item/Segment Number is necessary, practical and in the best interest of the State; and that the acquisition of such property and property rights as are needed for said construction is necessary for the performance of its duties and for the construction, reconstruction, and maintenance of said state facility for the use of the general public; and that the Department is authorized to make such acquisition by gift, purchase, or condemnation.

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

By: _____
District Secretary

DATE: _____

ATTEST: _____
Executive Secretary

(SEAL)

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
PROJECT RESOLUTION
FOR STATE HIGHWAY SYSTEM PROJECTS

WHEREAS, pursuant to Chapters 334 through 339 and Chapters 73 and 74, Florida Statutes, as amended, the State of Florida, Department of Transportation ("Department") has authority to locate and designate certain transportation facilities as a part of the State Highway System and construct and maintain the same with funds which are now or which may hereafter become available to the Department; and

WHEREAS, pursuant to Section 337.27, Florida Statutes, the Secretary of Transportation has delegated the authority to execute eminent domain resolutions to the chief administrative officer of the district in which the property is located; and

WHEREAS, the property to be acquired hereunder is located in District _____ of the Department; and

WHEREAS, _____ is the chief administrative officer of said district; and

WHEREAS, maps (attached hereto and made a part hereof) have been prepared showing the location of Item/Segment Number _____.

NOW, THEREFORE, BE IT RESOLVED by the District Secretary that the part of _____ in _____ County, Florida is hereby located and designated as Item/Segment Number _____, and the line and location of said part of said facility are hereby designated as a part of the State Highway System; and the maps prepared by the Department, as aforesaid accurately describe the location of said Item/Segment Number; and

BE IT FURTHER RESOLVED, that it is the judgment of the Department that the construction of said portion of said Item/Segment Number is necessary, practical and in the best interest of the State; and that the acquisition of such property and property rights as are needed for said construction is necessary for the performance of its duties and for the construction, reconstruction, and maintenance of said state facility for the use of the general public; and that the Department is authorized to make such acquisition by gift, purchase, or condemnation.

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

By: _____
District Secretary

DATE: _____

ATTEST: _____
Executive Secretary

(SEAL)

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
PROJECT RESOLUTION
FOR STATE HIGHWAY SYSTEM PROJECTS

WHEREAS, pursuant to Chapters 334 through 339 and Chapters 73 and 74, Florida Statutes, as amended, the State of Florida, Department of Transportation ("Department") has authority to locate and designate certain transportation facilities as a part of the State Highway System and construct and maintain the same with funds which are now or which may hereafter become available to the Department; and

WHEREAS, pursuant to Chapters 334 through 339 and Chapters 73 and 74, Florida Statutes, as amended, the highway authorities of the state, counties, cities, towns, and villages, acting alone or in cooperation with each other or with any federal, state, or local agency of any other state having authority to participate in the construction and maintenance of transportation facilities, are authorized to designate, provide, and regulate limited access facilities; and

WHEREAS, pursuant to Section 337.27, Florida Statutes, the Secretary of Transportation has delegated the authority to execute eminent domain resolutions to the chief administrative officer of the district in which the property is located; and

WHEREAS, the property to be acquired hereunder is located in District _____ of the Department;
and

WHEREAS, _____ is the chief administrative officer of said district;
and

WHEREAS, maps (attached hereto and made a part hereof) have been prepared showing the location of Item/Segment Number _____.

NOW, THEREFORE, BE IT RESOLVED by the District Secretary that the part of _____
in _____ County, Florida is hereby located and designated as Item/Segment Number _____,
and the line and location of said part of said facility are hereby designated as a part of the State Highway System; and the maps prepared by the Department, as aforesaid, accurately describe the location of said Item/Segment Number; and

BE IT FURTHER RESOLVED, that the District Secretary, finding that traffic conditions, present or future, would justify said facility being designated as a limited access facility, hereby designates, or has designated the same as a limited access facility; and

BE IT FURTHER RESOLVED, that it is the judgment of the Department that the construction of said portion of said Item/Segment Number is necessary, practical and in the best interest of the State; and that the acquisition of such property and property rights as are needed for said construction is necessary for the performance of its duties and for the construction, reconstruction, and maintenance of said state facility for the use of the general public; and that the Department is authorized to make such acquisition by gift, purchase, or condemnation.

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

By: _____
District Secretary

DATE: _____

ATTEST: _____
Executive Secretary

(SEAL)

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
EMINENT DOMAIN PARCEL RESOLUTION

WHEREAS, pursuant to Chapters 334 through 339 and Chapters 73 and 74, Florida Statutes, as amended, the State of Florida, Department of Transportation ("Department") has authority to locate and designate certain transportation facilities as a part of the State Highway System and construct and maintain the same with funds which are now or which may hereafter become available to the Department; and

WHEREAS, pursuant to Section 337.27, Florida Statutes, the Secretary of Transportation has delegated the authority to execute eminent domain resolutions to the chief administrative officer of the district in which the property is located; and

WHEREAS, the property to be acquired hereunder is located in District _____ of the Department; and

WHEREAS, _____ is the chief administrative officer of said district; and

WHEREAS, the District Secretary of Transportation by Resolution dated _____, _____, did locate and designate Item/Segment Number _____; and

WHEREAS, it is the finding of the District Secretary of Transportation, that the acquisition of the properties and property rights as described in the parcel descriptions under the Department Parcel Numbers:

copies of which descriptions are attached hereto and by reference made a part hereof, is necessary, to the extent of the estate or interest set forth in the respective parcel descriptions, for the performance of the duties of the Department and for the construction, reconstruction, and maintenance of said state facility.

NOW, THEREFORE, BE IT RESOLVED by the Department that said property descriptions are ratified and confirmed; and

BE IT FURTHER RESOLVED by the Department that the acquisition of the properties and property rights described in said parcel descriptions is necessary for the performance of its duties and for the construction, reconstruction, and maintenance of said state facility for the use of the general public, and that the Department is hereby authorized to acquire the same by gift, purchase, or condemnation.

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

By:

District Secretary

DATE: _____

ATTEST:

Executive Secretary

(SEAL)