

DRAFT

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, STATING AFFIRMATIVELY THAT THE CITY INTENDS TO USE THE POWER OF EMINENT DOMAIN ONLY FOR THOSE PURPOSES SET OUT IN STATE LAW AS AMENDED FROM TIME TO TIME; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on May 10, 2006, the City Council entered into an agreement with Viking Inlet Harbor Properties, LLC ("Viking"), which set forth specific terms for moving forward with the Inlet Harbor Properties' project for the acquisition of certain parcels including the use of eminent domain, if necessary; and

WHEREAS, the City, Community Redevelopment Agency ("CRA"), and Viking were to continue working on a development and disposition agreement embodying more complete terms which were to be approved within thirty days of the above referenced agreement; and

WHEREAS, the parties, to date, have not completed a development and disposition agreement and there has been no movement by the parties toward using eminent domain; and

WHEREAS, on May 11, 2006, Governor Bush signed into law legislation which restricted the use of eminent domain in community redevelopment areas; and

WHEREAS, since then, the CRA, Viking, and the City have all informally stated that they do not intend to use eminent domain in violation of the new legislation;

WHEREAS, the City Council deems it in the best interest of the City and its residents to formally and affirmatively state that it intends to use the power of eminent domain only for those purposes set out in state law.

NOW, THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, as follows:

SECTION 1. That the City Council affirmatively states that it intends to use the power of eminent domain only for those purposes set out in section 73.013, Florida Statutes (2006), et seq., as amended from time to time.

Item No. 08A

SECTION 2. This resolution shall take effect immediately upon its passage and approval by the City Council.

PASSED and APPROVED this ____ day of _____, 2006.