

**STATE BOARD OF EDUCATION**  
**April 2004**

**SUBJECT:** Condemnation of Private Property Adjacent to the Campus of Florida State University.

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**Proposed Board Action**

Approval to exercise the right of eminent domain by the Board of Trustees of Florida State University to acquire fee simple title in the Board of Trustees of the Internal Improvement Trust Fund of all properties described in Exhibit I and, to give authority to the Board of Trustees of Florida State University to accomplish the acquisition as described herein through condemnation, including authority to prepare and execute all necessary parcel-specific condemnation resolutions.

**AUTHORITY FOR STATE BOARD ACTION**

Pursuant to Section 1001.74(30), Florida Statutes, each board of trustees may exercise the right of eminent domain. Pursuant to Section 1013.25 and s. 7 Art IX of the State Constitution, the board of trustees may exercise the power of eminent domain after receiving approval therefore from the State Board of Education and the State Board of Governors.

**BACKGROUND INFORMATION**

The properties noted in Exhibit I are needed for the construction of stormwater facilities and road improvements necessary for the new Medical School Facility being constructed nearby. The City of Tallahassee allowed Florida State University to construct buildings with the promise that Florida State University would construct the necessary stormwater facility and make improvements on Call Street. The first letters regarding the University's need for the property were sent to landowners in January and June of 2003. Appraisals were completed and first offers were made in June and September 2003. Negotiations continued until they reached impasse.

Because acquisition of these properties through negotiation has reached impasse, they will have to be acquired using the right of eminent domain to meet the University's responsibilities to the City of Tallahassee. Each property is improved with a single-family residence. Rental tenants, most believed to be students, occupy the residences. Where possible, tenants will not be required to move until the end of their current lease. The University will assist those required to move earlier. Attorneys represent all of the landowners and have not taken a position on an eminent domain lawsuit.

On March 18, 2004, the Board of Governors approved the exercise of eminent domain by the Board of Trustees of Florida State University.

**Supporting Documents Included:**

- Exhibit 1: Property Map of Site Location
- Exhibit 2: Parcel I.D.'s Address and Description
- Exhibit 3: Parcels with building size and negotiation history

**Facilitators/Presenters**

John Carnaghi, Senior V.P. for Finance and Administration – FSU.