Lee County Board Of County Commissioners Agenda Item Summary

Blue Sheet No. 20051031

- 1. ACTION REQUESTED/PURPOSE: Approve the Amended Resolution of Necessity for the acquisition and condemnation of parcels required for the Ten Mile Linear Park Project, No. 2001 Phase 2 4.
- 2. WHAT ACTION ACCOMPLISHES: Allows the County to proceed with condemnation, if necessary, so parcels can be acquired for the Ten Mile Linear Park Project, No. 2001 Phase 2 4.
- 3. MANAGEMENT RECOMMENDATION: Management recommends Board approve the Action Requested

4. Dej	partmental Category:	06	5. Meeting Date:	08-02-2005			
6. Agenda:		7. Requirement/Purpose: (specify)			8. Request Initiated:		
	Consent	X	Statute	73,74,125,127	Commissioner		
X	Administrative		Ordinance		Department	County Attorney	
	Appeals		Admin. Code		Division	Litigation	
	Public	X	Other	RSN 04-09-69	By: John Ti	ırner	
	Walk-On				Assistant	County Attorney	

9. Background:

Ten Mile Linear Park Project is being constructed to improve and enhance the County-wide bikeway and sidewalk system, utilized for public recreation, with pedestrian and bicycle paths meandering through a landscaped greenway. The multi-use paths will meander along and cross over the Ten Mile Canal, and include wildlife observation areas, rest pavilions, canoe launches, and trail-head parking. The initial phase will extend from Daniels Parkway South to Ben C. Pratt/Six Mile Cypress Parkway. Upon completion of all phases, it will provide a north-south pedestrian and bicycle route from the North Colonial Linear Park (East and West) to Mulloch Creek in South Fort Myers and connect communities to other recreational venues, and other resource-based park facilities.

Lee County Resolution of Necessity RSN#04-09-69 is being amended to renumber parcels and revise the legal description for what was Parcel 211.

Approval of the Amended Resolution of Necessity is required should condemnation proceedings be necessary for the acquisitions of parcels required for the project.

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services			County Manager/P.W. Director	
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11. Com	mission Act Approve Deferred Denied Other	d	•			6 10 10 10 10 10 10 10 10 10 10 10 10 10	7	•	

RECEIVED BY COUNTY ADMIN: 1

Resolution No).		

AMENDED RESOLUTION OF NECESSITY OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA

WHEREAS, the Board of County Commissioners of Lee County, Florida, has adopted Resolution of Necessity RSN# 04-09-69 authorizing the exercise of the power of eminent domain to acquire the necessary property interests to construct the Ten Mile Linear Park, Project 2001, and it is necessary to acquire property for this purpose, and use.

WHEREAS, after consideration of the availability of alternative routes, the costs of the project, environmental factors, long range area planning, and safety concerns, The Board of County Commissioners of Lee County, Florida, desires to exercise its right to condemn property for a public use or purpose and that the property to be condemned is necessary for that use.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY FLORIDA, that:

Lee County Resolution of Necessity RSN# 04-09-69 is amended to renumber the parcels as described in Exhibit "A" and revise the legal description for what was Parcel 211.

<u>SECTION ONE:</u> USE, NECESSITY AND DESCRIPTION OF PROPERTY

The Board of County Commissioners finds that the fee simple rights to property described in the attached Exhibit X are necessary for the Ten Mile Linear Park Project and are being acquired for the following specific public use or purpose:

To improve and enhance the County-wide bikeway and sidewalk system, utilized for public recreation, with pedestrian and bicycle paths meandering through a landscaped greenway. No other facility exists in the vicinity and there is a public demand for such facilities. The multi-use paths will meander along and cross over the Ten Mile Canal, and include wildlife observation areas, rest pavilions, canoe launches, and trail-head parking. Phases 2 through 4 will extend from Daniels Parkway North to Colonial Boulevard. Upon completion of all phases, it will provide a north-south pedestrian and bicycle route from the

North Colonial Linear Park (East and West) to Mulloch Creek in South Fort Myers and connect communities to other recreational venues, and other resource-based park facilities.

SECTION TWO: AUTHORITY AND ESTATE

By virtue of the authority granted to the Board of County Commissioners of Lee County by Chapters 73, 74, 125 and 127, Florida Statutes, and all other statutory or common law which grant to the Board of County Commissioners the power to institute and proceed with acquiring property under the exercise of the power of eminent domain, the Board of County Commissioners hereby authorizes and directs the County Attorney's Office to commence and prosecute any and all proceedings necessary to acquire in fee simple the property described in Exhibit A for the above described public use or purpose.

The foregoing Resolution was offered by Commis	ssioner, who moved		
its adoption. The motion was seconded by Commissioner	, and upon being put to		
a vote was as follows:			
Bob Janes Douglas St. Cerny Ray Judah Tammy Hall John E. Albion			
DULY PASSED AND ADOPTED thisday of_	, 2005.		
ATTEST: CHARLIE GREEN, CLERK	LEE COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS		
By: Deputy Clerk	Chairman APPROVED AS TO FORM:		
	Office of County Attorney		

Exhibit "A"



Bean, Whitaker, Lutz & Kareh, Inc.

13041 McGregor Boulevard Fort Myers, Florida 33919-5910 email – fmoffice@bwlk.net (Ph) 239-481-1331 (Fax) 239-481-1073

LEGAL DESCRIPTION Ten Mile Linear Park Parcel 211A

A parcel of land in Section 7, Township 45 South, Range 25 East, Lee County, Florida, being that portion of the north half of the north half of the north half of the north west quarter of said Section 7 lying west of the Fort Myers Southern Railroad, more particularly described as follows:

Begin at the northwest corner of Section 7, Township 45 South, Range 25 East, thence N.88°05'17"E. along the north line of the northwest quarter of said Section 7 for 90.00 feet to an intersection with the westerly right of way line of the Fort Myers Southern Railroad as described in Deed Book 71 at Page 212 of the public records of Lee County, Florida; thence S.00°48'32"E. along said right of way line for 330.06 feet to an intersection with the south line of the north half of the north half of the north half of the northwest quarter of said Section 7; thence S.88°50'51"W. along said south line for 90.25 feet to an intersection with the west line of the northwest quarter of said Section 7; thence N.00°45'56"W. along said west line for 330.05 feet to the point of beginning.

Date: 15 Jone 05

Bean, Whitaker, Lutz & Kareh, Inc.

Certificate Of Authorization Number LB0004919

James R. Coleman

Registered Land Surveyor

Florida Certificate Number 3205

BWLK34377 Parcel 211A.doc

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JAMES R. COLEMAN, PSM

RUDOLF A. NORMAN, PE.

ASSOCIATES:

Exhibit "A"



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LEGAL DESCRIPTION Ten Mile Linear Park Parcel 211B

A parcel of land in Section 7, Township 45 South, Range 25 East, Lee County, Florida, being that portion of the south half of the north half of the north half of the northwest quarter of said Section 7 lying west of the Fort Myers Southern Railroad, together with a portion of that portion of the north half of the south half of the north half of the northwest quarter of said Section 7 lying west of the Fort Myers Southern Railroad, more particularly described as follows:

Commence at the northwest corner of Section 7, Township 45 South, Range 25 East, thence S.00°45'56"E. along the west line of the northwest quarter of said Section 7 for 330.05 feet to an intersection with the north line of the south half of the north half of the north half of the northwest quarter of said Section 7 and the point of beginning of the herein described parcel of land; thence continue S.00°45'56"E. along said west line for 610.10 feet to an intersection with the north line of that certain parcel of land described in Official Record Book 2628 at page 1896 of the public records of Lee County, Florida; thence N.88°51'59'E. along said north line for 90,71 feet to an intersection with the westerly right of way line of the Fort Myers Southern Railroad as described in Deed Book 71 at Page 212 of the public records of Lee County, Florida; thence N.00°48'32"W. along said right of way line for 610.12 feet to an intersection with the aforementioned north line of the south half of the north half of the north west quarter of said Section 7; thence S.88°50'51"W, along said north line for 90.25 feet to the point of beginning.

Date: 15/10005

Bean, Whitaker, Lutz & Kareh, Inc.

Certificate Of Authorization Number LB0004919

James R. Coleman

Registered Land Surveyor

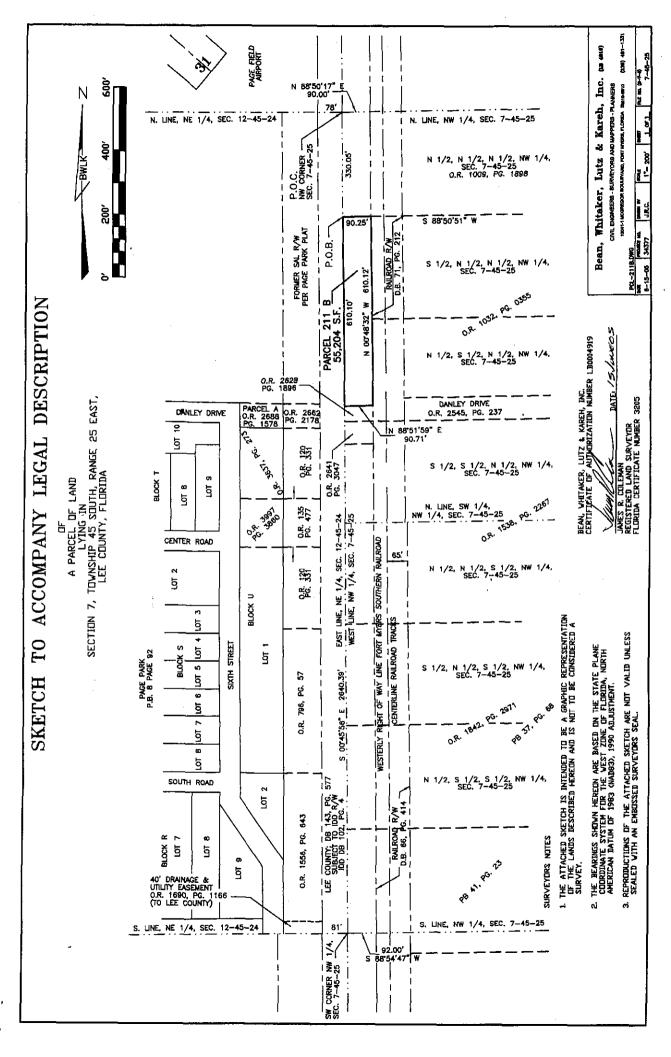
Florida Certificate Number 3205

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TRACY N BEAN AICP CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS

RUDOLF A. NORMAN, PÉ

ASSOCIATES:



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LEGAL DESCRIPTION Ten Mile Linear Park Parcel 211C

A parcel of land in Section 7, Township 45 South, Range 25 East, Lee County, Florida, being that portion of the north half of the north half of the south half of the northwest quarter of said Section 7 lying west of the Fort Myers Southern Railroad, together with a portion of that portion of the south half of the south half of the north half of the northwest guarter of said Section 7 lying west of the Fort Myers Southern Railroad, more particularly described as follows:

Commence at the southwest corner of the northwest quarter of Section 7, Township 45 South, Range 25 East, thence N.00°45'56"W. along the west line of the northwest quarter of said Section 7 for 990.15 feet to an intersection with the south line of the north half of the north half of the south half of the northwest quarter of said Section 7 and the point of beginning of the herein described parcel of land; thence continue N.00°45'56"W. along said west line for 585.10 feet to an intersection with the south line of that certain parcel of land described in Official Record Book 2641 at Page 3047 of the public records of Lee County, Florida; thence N.88°51'59"E. along said south line for 90.81 feet to an intersection with the westerly right of way line of the Fort Myers Southern Railroad as described in Deed Book 71 at Page 212 and Deed Book 66 at Page 414 of the public records of Lee County, Florida; thence S.00°48'32"E. along said right of way line for 585.12 feet to an intersection with the aforementioned south line of the north half of the north half of the south half of the northwest quarter of said Section 7; thence S.88°53'06"W, along said south line for 91.25 feet to the point of beginning.

Bean, Whitaker, Lutz & Kareh, Inc.

Certificate Of Authorization Number LB0004919

James R. Coleman

Registered Land Surveyor

Florida Certificate Number 3205

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Date: 15/00005

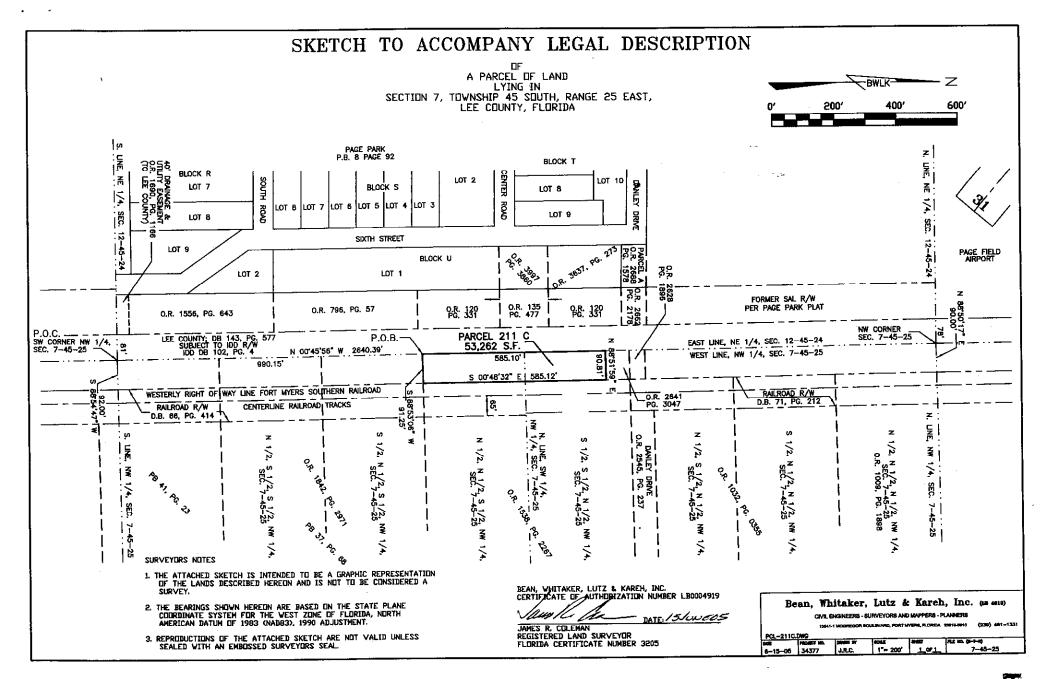
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JAMES A. HESSLER, PSM JAMES R. COLEMAN, PSM RUDOLF A. NORMAN, PE

PRINCIPALS: WILLIAM E. BEAN, PSM, CHAIRMAN SCOTT C. WHITAKER, PSM, PRESIDENT JOSEPH L. LUTZ, PSM AHMAD R. KAREH, PE, MSCE, VICE PRESIDENT

CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS





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LEGAL DESCRIPTION Ten Mile Linear Park Parcel 211D

A parcel of land in Section 7, Township 45 South, Range 25 East, Lee County, Florida, being that portion of the south half of the north half of the south half of the northwest quarter of said Section 7 lying west of the Fort Myers Southern Railroad, together with that portion of the north half of the south half of the south half of the northwest quarter of said Section 7 lying west of the Fort Myers Southern Railroad, more particularly described as follows:

Commence at the southwest corner of the northwest quarter of Section 7, Township 45 South, Range 25 East, thence N.00°45'56"W. along the west line of the northwest quarter of said Section 7 for 330.05 feet to an intersection with the south line of the north half of the south half of the south half of the northwest quarter of said Section 7 and the point of beginning of the herein described parcel of land; thence continue N.00°45'56"W. along said west line for 660.10 feet to an intersection with the north line of the south half of the north half of the south half of the northwest quarter of said Section 7; thence N.88°53'06"E. along said north line for 91.25 feet to an intersection with the westerly right of way line of the Fort Myers Southern Railroad as described in Deed Book 66 at Page 414 of the public records of Lee County, Florida; thence S.00°48'32"E. along said right of way line for 660.14 feet to an intersection with the aforementioned south line of the north half of the south half of the south half of the northwest quarter of said Section 7; thence S.88°54'49"W. along said south line for 91.75 feet to the point of beginning.

Date: 15/10005

Bean, Whitaker, Lutz & Kareh, Inc.

Certificate Of Authorization Number LB0004919

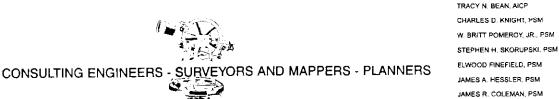
James R. Coleman

Registered Land Surveyor

Florida Certificate Number 3205

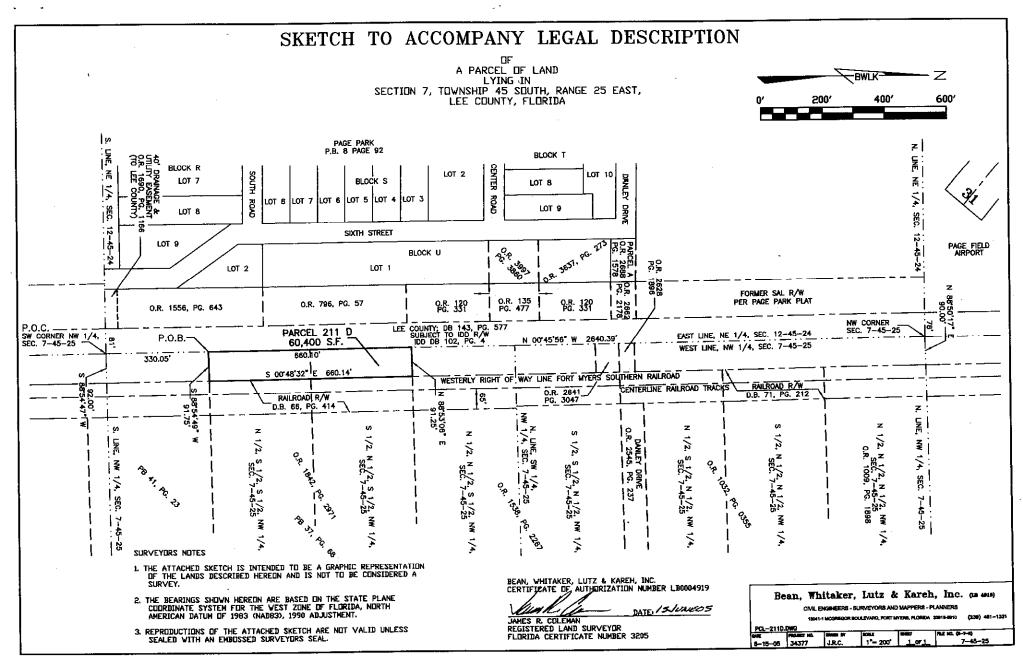
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LEGAL DESCRIPTION Ten Mile Linear Park Parcel 21 TE

A parcel of land in Section 7, Township 45 South, Range 25 East, Lee County, Florida, being that portion of the south half of the south half of the south half of the northwest quarter of said Section 7 lying west of the Fort Myers Southern Railroad, more particularly described as follows:

Begin at the southwest corner of the northwest quarter of Section 7, Township 45 South, Range 25 East, thence N.00°45'56"W. along the west line of the northwest quarter of said Section 7 for 330.05 feet to an intersection with the north line of the south half of the south half of the northwest quarter of said Section 7; thence N.88°54'49"E. along said north line for 91.75 feet to an intersection with the westerly right of way line of the Fort Myers Southern Railroad as described in Deed Book 66 at Page 414 of the public records of Lee County, Florida; thence S.00°48'32"E. along said right of way line for 330.05 feet to an intersection with the south line of the northwest quarter of said Section 7; thence S.88°54'47"W. along said south line for 92.00 feet to the point of beginning.

Date: 15/11/1905

CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS

Bean, Whitaker, Lutz & Kareh, Inc.

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James R. Coleman

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