

Agenda Item Summary

1. **ACTION REQUESTED/PURPOSE:** Approve the Amended Resolution of Necessity for the acquisition and condemnation of parcels required for the Plantation Road Extension Project, No. 4065.

2. **FUNDING SOURCE:** No funds required.

3. **WHAT ACTION ACCOMPLISHES:** Allows the County to proceed with condemnation, if necessary, so parcels can be acquired for the Plantation Road Extension Project, No. 4065.

4. **MANAGEMENT RECOMMENDATION:** Approve

5. **Departmental Category:** A12A 6. **Meeting Date:** MAY 22 2007

7. Agenda: <input type="checkbox"/> Consent <input checked="" type="checkbox"/> Administrative <input type="checkbox"/> Appeals <input type="checkbox"/> Public <input type="checkbox"/> Walk-On	8. Requirement/Purpose: (specify)		9. Request Initiated: Commissioner Department <u>County Attorney</u> Division <u>Litigation</u> By: <u>John Turner</u> Assistant County Attorney
	<input checked="" type="checkbox"/> Statute	<u>73,74,125,127</u>	
	<input type="checkbox"/> Ordinance		
	<input type="checkbox"/> Admin. Code		
	<input checked="" type="checkbox"/> Other	<u>RSN 06-10-34</u>	
	BS 20061315		

10. **Background:**

The Plantation Road Extension Project will connect Plantation Road to Colonial Blvd. and Veronica S. Shoemaker Blvd., in Fort Myers, by constructing a four lane divided roadway, with sidewalks, stormwater drainage and utilities.

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

Attachments: Amended Resolution of Necessity

11. **Review for Scheduling:**

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
			<u>Colandrea</u>		Analyst	Risk	Grants	Mgr.	
					<u>RK519</u>	<u>MP 5/10/07</u>	<u>5/10/07</u>	<u>5/10/07</u>	<u>5-10-07</u>

12. **Commission Action:**

Approved
 Deferred
 Denied
 Other

CO. ATTY.
FORWARDED
TO CO. ADMIN.
5/9/07

Rec. by CoAtty
 Date 5/9/07
 Time: 11:00 AM
 Forwarded To:

RECEIVED BY
 COUNTY ADMIN:
5/9 2:30 PM
 to RK
 COUNTY ADMIN
 FORWARDED TO: MC
5/11/07
JAM

**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 06-10-34 authorizing the exercise of the power of eminent domain to acquire the necessary property interests to construct the Plantation Road Extension, Project Number 4065, and it is necessary to acquire property for this purpose, and

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 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 06-10-34 is amended to revise the legal description for Parcel 110.

SECTION ONE: USE, NECESSITY AND DESCRIPTION OF PROPERTY

The Board of County Commissioners finds that the fee simple rights to property described in the attached Exhibit "A" are necessary for the Plantation Road Extension Project and are being acquired for the following specific public use or purpose:

To improve traffic flow and transportation safety, increased traffic flow for public as well as private vehicles, improve evacuation routes, and connect Plantation Road directly to Colonial Blvd. with a four-lane divided roadway, including sidewalk, stormwater drainage and utilities. Exhibit "A" consists of Parcel 110.

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 the fee simple interest in the properties described in Exhibit "A" for the above described public use or purpose.

Amended Resolution of Necessity

Gladiolus Drive Widening, Project No. 4083

The foregoing Resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____, and upon being put to a vote was as follows:

Robert P. Janes	_____
Brian Bigelow	_____
Ray Judah	_____
Tammara A. Hall	_____
Franklin Mann	_____

DULY PASSED AND ADOPTED this _____ day of _____, 2007.

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

Banks Engineering

Exhibit "A"

Professional Engineers, Planners & Land Surveyors
FORT MYERS ♦ NAPLES ♦ SARASOTA ♦ PORT CHARLOTTE

DESCRIPTION
OF
A PARCEL OF LAND
LYING IN
SECTION 6, TOWNSHIP 45 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

(PARCEL 110)

THE EAST 150 FEET OF THE SOUTH HALF (S ½) OF THE SOUTH HALF (S ½) OF THE SOUTHWEST QUARTER (SW ¼) OF SECTION 6, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, LESS THE SOUTH 60.00 FEET, ALSO BEING DESCRIBED AS:

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 6, TOWNSHIP 45 SOUTH, RANGE 25 EAST, OF SAID LEE COUNTY, FLORIDA, BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

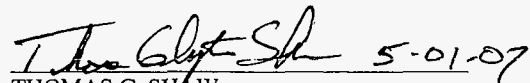
COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 6; THENCE S 00°51'33" E ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION FOR 125.00 FEET TO AN INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF COLONIAL BOULEVARD, STATE ROAD S-82-B (250.00 FEET WIDE); THENCE S 88°56'23" W ALONG SAID SOUTH LINE FOR 527.87 FEET TO AN INTERSECTION WITH THE SURVEY BASELINE OF THE PROPOSED PLANTATION ROAD EXTENSION, STATION 68+45.38; THENCE S 00°51'33" E ALONG SAID BASELINE FOR 151.77 FEET TO STATION 66+93.61 AND THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 799.95 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE AND SAID BASELINE THROUGH A CENTRAL ANGLE OF 55°10'38" FOR 770.38 FEET TO STATION 59+23.23; THENCE S 54°19'05" W ALONG SAID BASELINE FOR 1,741.53 FEET TO STATION 41+81.70 AND THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 799.95 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE AND SAID BASELINE THROUGH A CENTRAL ANGLE OF 55°09'44" FOR 770.17 FEET TO STATION 34+11.53; THENCE S 00°50'39" E ALONG SAID BASELINE FOR 69.70 FEET TO STATION 33+41.84, THE CENTER OF SAID SECTION AND THE NORTHWEST CORNER OF FLORIMOND MANOR, AS RECORDED IN PLAT BOOK 7, AT PAGE 6 OF THE PUBLIC RECORDS OF SAID LEE COUNTY; THENCE S 00°49'38" E ALONG SAID BASELINE AND THE WESTERLY LINE OF SAID FLORIMOND MANOR FOR 1,981.38 FEET TO STATION 13+60.46 AND THE NORTH LINE OF THE SOUTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION AND TO THE POINT OF BEGINNING; THENCE CONTINUE S 00°49'38" E ALONG SAID BASELINE AND SAID WESTERLY LINE FOR 600.46 FEET TO STATION 7+60.00 AND THE NORTHERLY RIGHT-OF-WAY LINE OF IDLEWILD STREET (60.00 FEET WIDE); THENCE S 88°50'09" W ALONG SAID NORTHERLY RIGHT-OF-WAY FOR 150.00 FEET; THENCE N 00°49'38" W FOR 600.45 FEET TO THE NORTHERLY LINE OF SAID FRACTION OF SECTION; THENCE N 88°49'57" E ALONG THE NORTHERLY LINE OF SAID FRACTION OF SECTION FOR 150.00 FEET TO THE POINT OF BEGINNING.

PARCEL 110 CONTAINS 2.07 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

BEARINGS AND DISTANCES ARE BASED ON THE "STATE PLANE COORDINATE SYSTEM" WEST ZONE 1983/90 ADJUSTMENT. WHERE THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 45 SOUTH, RANGE 25 EAST BEARS S 00°51'33" E. THE AVERAGE SCALE FACTOR IS 0.999943727.

DESCRIPTION PREPARED 03-29-07, REVISED 05-01-07.

 5-01-07

THOMAS C. SHAW,
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATION NO. 4672
DATE SIGNED 05-01-07

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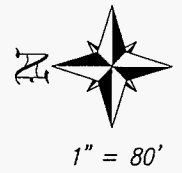
SHEET 1 OF 2

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Exhibit "A"

SKETCH OF DESCRIPTION

OF
A TRACT OR PARCEL OF LAND LYING IN
SECTION 6, TOWNSHIP 45 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA
(PARCEL 110)



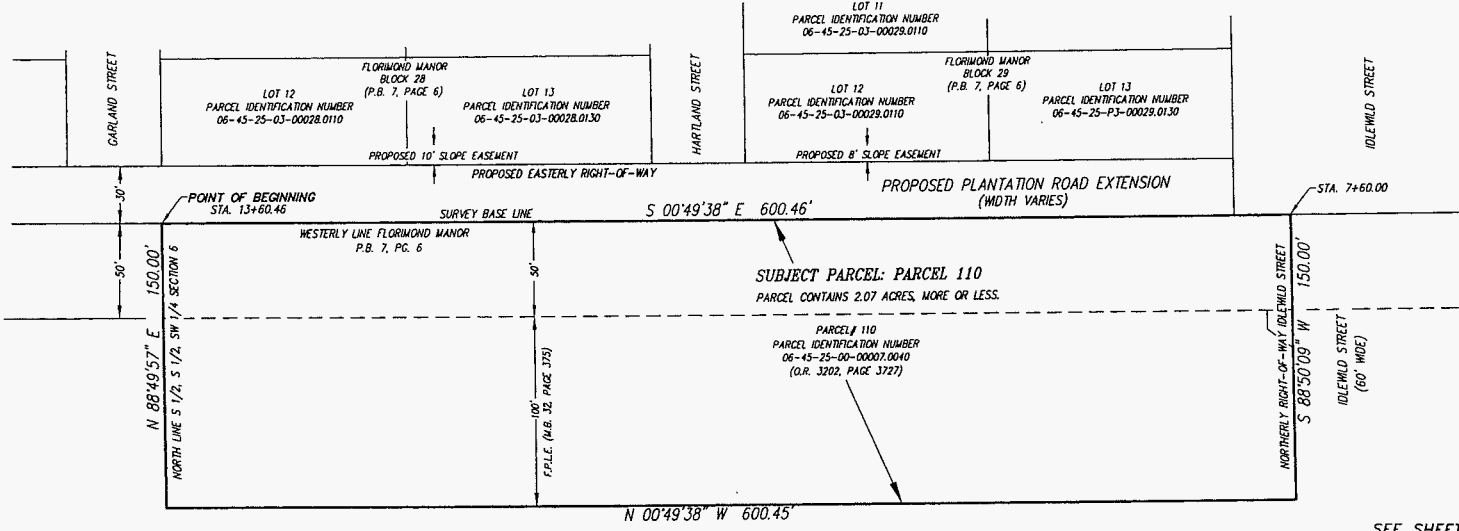
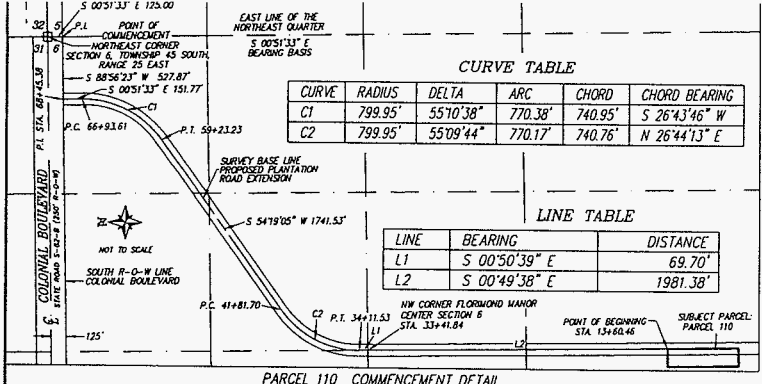
- NOTES:
- SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
 - BEARINGS AND DISTANCES ARE BASED ON "THE STATE PLANE COORDINATES SYSTEM" WEST ZONE 1983/90 ADJUSTMENT. WHEREIN THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 45 SOUTH, RANGE 25 EAST BEARS S 00°51'33" E. THE AVERAGE SCALE FACTOR IS 0.999943727.

LEGEND:

- P.G. INDICATES PAGE
- P.B. INDICATES PLAT BOOK
- € INDICATES CENTERLINE
- R-O-W INDICATES RIGHT-OF-WAY
- L1 INDICATES LINE 1 FROM TABLE
- P.T. INDICATES POINT OF TANGENCY
- P.C. INDICATES POINT OF CURVATURE
- M.B. INDICATES MISCELLANEOUS BOOK
- C1 INDICATES CURVE 1 FROM TABLE
- P.I. INDICATES POINT OF INTERSECTION
- O.R. INDICATES OFFICIAL RECORDS BOOK
- STA. INDICATES SURVEY BASELINE STATION
- F.P.L.E. INDICATES FLORIDA POWER AND LIGHT EASEMENT

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	799.95'	55°10'38"	770.38'	740.95'	S 26°43'46" W
C2	799.95'	55°09'44"	770.17'	740.76'	N 26°44'13" E

LINE	BEARING	DISTANCE
L1	S 00°50'39" E	69.70'
L2	S 00°49'38" E	1981.38'



Wanks Engineering
PROFESSIONAL ENGINEERS, LAND SURVEYORS & PLANNERS
FLORIDA BUSINESS CERTIFICATION NUMBER LB 6890
10511 SIX MILE CYPRESS PARKWAY - SUITE 101
FORT MYERS, FLORIDA 33968
(239) 639-5480

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PREPARED 03-29-07
REVISED 05-01-07
SHEET 2 OF 2

SEE SHEET 1 OF 2 FOR COMPLETE METES AND BOUNDS DESCRIPTION.
THIS SKETCH OF DESCRIPTION IS NOT A BOUNDARY SURVEY
Thomas C. Shaw 5-01-07
THOMAS C. SHAW
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATION NO. 4672
- DATE SIGNED: 03-30-07, REVISED 5-01-07
- THIS SKETCH OF DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.