

**Lee County Board Of County
Commissioners
Agenda Item Summary**

Blue Sheet No. 20050040

1. REQUESTED MOTION:

ACTION REQUESTED: Approve the Resolution of Necessity for the acquisition and condemnation of parcels required for the Corkscrew Road Curve Realignment Project.

WHY ACTION IS NECESSARY: The Board must formally approve the Resolution of Necessity prior to proceeding with condemnation of parcels necessary for the project.

WHAT ACTION ACCOMPLISHES: Allows the County to proceed with condemnation, if necessary, so parcels can be acquired for the Corkscrew Road Curve Realignment Project.

**2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #**

A12A

3. MEETING DATE:

02-01-2005

4. AGENDA:

CONSENT
 ADMINISTRATIVE
 APPEALS
 PUBLIC
 WALK ON
 TIME REQUIRED:

**5. REQUIREMENT/PURPOSE:
(Specify)**

STATUTE 73,74,125,127
 ORDINANCE
 ADMIN. CODE
 OTHER

6. REQUESTOR OF INFORMATION:

A. COMMISSIONER
B. DEPARTMENT County Attorney
C. DIVISION Litigation
BY: John Renner
Chief Assistant County Attorney

7. BACKGROUND:

The Corkscrew Road Curve Realignment will improve Corkscrew road, by realigning the curve located where Corkscrew Road intersects the East boundary of Lee County and turns North.

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

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
			<i>Colardo</i>		OA	OM	Risk	GC	
			<i>[Signature]</i>	<i>[Signature]</i>	<i>1/13/05</i>	<i>1/19/05</i>	<i>1/14/05</i>	<i>1/13/05</i>	<i>1-19-05</i>

10. COMMISSION ACTION:

APPROVED
 DENIED
 DEFERRED
 OTHER

CO. ATTY.
FORWARDED
TO CO. ADMIN.
1/13/05

S:\pool\corkscrew curve\BS- Resolution of Necessity.doc

Rec. by CoAtty
Date: *1/13/05*
Time: *10:50*
Forwarded To:

RECEIVED BY
COUNTY ADMIN: *[Signature]*
1/13/05
COUNTY ADMIN
FORWARDED TO: *[Signature]*

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

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:

The Capital Improvement Project provides for the construction of the Corkscrew Road Curve Realignment Project, at intersection of Corkscrew Road with the Easterly boundary of Lee County.

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" and a slope construction easement as described in Exhibit "B" are necessary for the Corkscrew Road Curve Realignment Project and are being acquired for the following specific public use or purpose:

To improve transportation safety, for public as well as private vehicles. Exhibit "A" consists of a single parcel and Exhibit "B" consists of a single parcel.

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" and Exhibit "B" for the above described public use or purpose.

Resolution of Necessity

Corkscrew Road Curve Realignment Project

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	_____
Douglas St. Cerny	_____
Ray Judah	_____
Tammy Hall	_____
John E. Albion	_____

DULY PASSED AND ADOPTED this _____ day 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

Ink Engineering

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LBFH, Inc.

CONSULTING CIVIL ENGINEERS,
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AGRICULTURAL
WATER RESOURCES
WATER & WASTEWATER
TRANSPORTATION
SURVEYING & MAPPING

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Value by Design*

1400 Colonial Boulevard
Ste. 31
Ft. Myers, FL 33907
(239) 931-0455
Fax: (239) 931-0456

Exhibit "A"

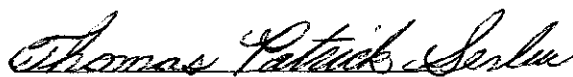
PARCEL "A"

A PARCEL OF LAND LYING IN SECTION 24, TOWNSHIP 46 SOUTH,
RANGE 27 EAST, LEE COUNTY, FLORIDA BEING DESCRIBED AS
FOLLOWS:

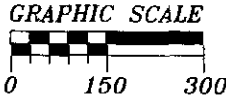
FROM THE SOUTHEAST CORNER OF SAID SECTION 24 RUN
N.89°49'12"W. ALONG THE SOUTH LINE OF SAID SECTION 24 FOR
1253.38 FEET; THENCE N.00°10'48"E. FOR 50.00 FEET TO THE NORTH
RIGHT-OF-WAY OF CORKSCREW ROAD AND THE POINT OF
BEGINNING. THENCE CONTINUE N.00°10'48"E. FOR 25.00 FEET TO A
POINT ON A CURVE; THENCE NORTHEASTERLY ALONG A CURVE TO
THE LEFT (RADIUS 1175.00 FEET, CENTRAL ANGLE = 90°09'17" CHORD
BEARING N.45°06'09"E.) FOR 1848.86 FEET; THENCE S.89°58'29"E. FOR
50.00 FEET TO THE WEST LINE OF CORKSCREW ROAD; THENCE
S.00°01'31"W. ALONG SAID WEST RIGHT-OF-WAY FOR 1203.31 FEET TO
THE NORTH RIGHT-OF-WAY LINE OF CORKSCREW ROAD; THENCE
N.89°49'12"W. ALONG SAID NORTH RIGHT-OF-WAY FOR 1228.24 FEET
TO THE POINT OF BEGINNING.

BEARINGS BASED ON THE SOUTH LINE OF SAID SECTION 24
BEARING N.89°49'12"W.

DESCRIBED PARCEL CONTAINS 8.90 ACRES MORE OR LESS.



Thomas Patrick Serbu,
For the Firm,
Professional Land Surveyor
LS# 0004744



CURVE TABLE

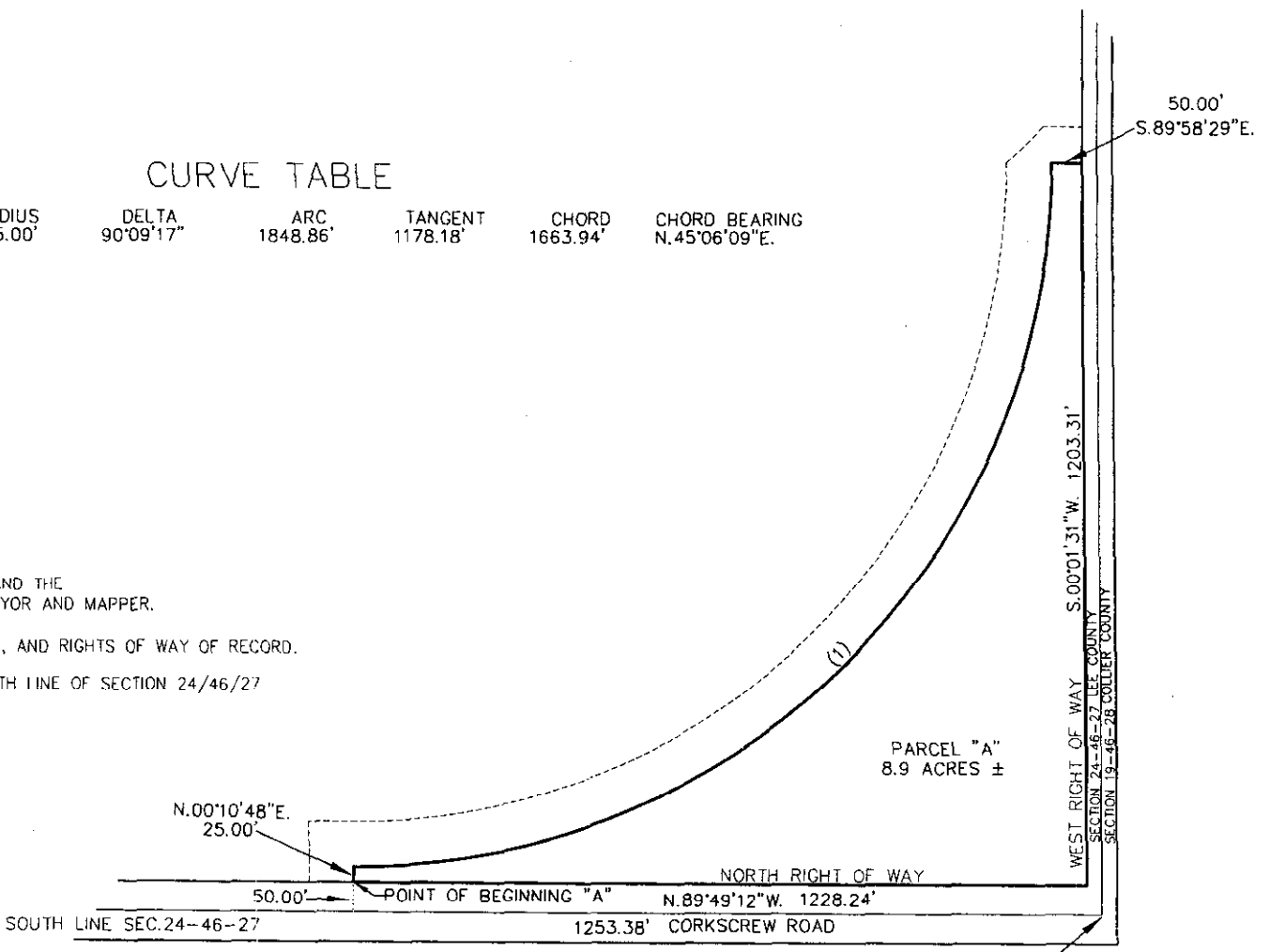
NO.	RADIUS	DELTA	ARC	TANGENT	CHORD	CHORD BEARING
1	1175.00'	90°09'17"	1848.86'	1178.18'	1663.94'	N.45°06'09"E.

REFER TO ATTACHED DESCRIPTION

THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

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

BEARINGS SHOWN HEREON ARE BASED UPON THE SOUTH LINE OF SECTION 24/46/27 BEARING N. 89 49 12 W..



POINT OF COMMENCEMENT
 FD. LEE COUNTY D.O.T.
 IRON ROD & CAP
 S.E. CORNER SECTION 24,
 TOWNSHIP 46 SOUTH,
 RANGE 27 EAST

Thomas Patrick Serbu
 THOMAS PATRICK SERBU,
 FOR THE FIRM,
 PROFESSIONAL LAND SURVEYOR
 LS #0004744

SHEET 2 OF 2

SKETCH (NOT A SURVEY)

PARCEL "A"
 A PARCEL OF LAND LYING IN
 SECTION 24, TOWNSHIP 46 SOUTH, RANGE 27 EAST
 LEE COUNTY, FLORIDA

DATE	01/27/04
SCALE	1" = 300'
DRAWN	T.P.S.
CHECK	T.P.S.
APPROVED	T.P.S.

Ink Engineering
 CONSULTING CIVIL ENGINEERS,
 SURVEYORS & MAPPERS
 "Partners For Results,
 Value By Design"
 A Division of LBFH, Inc.
 1400 Colonial Blvd., Suite 31, Fort Myers, Florida 33907
 (239) 931-0455 Fax: (239) 931-0456
 BPR & FBPE License No: 959 www.lbfh.com

FILE NO.
 JOB NO.:
01-7034

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Exhibit "B"

PARCEL "B" CONSTRUCTION EASEMENT

A PARCEL OF LAND IN SECTION 24, TOWNSHIP 46 SOUTH, RANGE 27
EAST, LEE COUNTY, FLORIDA BEING DESCRIBED AS FOLLOWS:

FROM THE SOUTHEAST CORNER OF SAID SECTION 24 RUN
N.89°49'12"W. ALONG THE SOUTH LINE OF SAID SECTION 24 FOR
1328.38 FEET; THENCE N.00°10'48"E. FOR 50.00 FEET TO THE NORTH
RIGHT-OF-WAY LINE OF CORKSCREW ROAD AND THE POINT OF
BEGINNING. FROM SAID POINT OF BEGINNING CONTINUE
N.00°10'48"E. FOR 100.00 FEET; THENCE S.89°49'12"E. PARALLEL WITH
THE SOUTH LINE OF SAID SECTION 24 FOR 75.00 FEET TO A POINT OF
CURVE; THENCE NORTHEASTERLY ALONG A CURVE TO THE LEFT
(RADIUS 1100.00 FEET, CENTRAL ANGLE 90°09'17", CHORD 1557.73
FEET, CHORD BEARING N.45°06'09"E.) FOR 1730.85 FEET; THENCE
N.45°00'00"E. FOR 86.95 FEET; THENCE S.89°58'29"E. FOR 63.55 FEET TO
THE WEST LINE OF CORKSCREW ROAD; THENCE S.00°01'31"W. ALONG
SAID WEST RIGHT-OF-WAY FOR 61.51 FEET; THENCE N.89°58'29"W.
FOR 50.00 FEET TO A POINT ON A CURVE; THENCE SOUTHWESTERLY
ALONG A CURVE TO THE RIGHT (RADIUS 1175.00 FEET, CENTRAL
ANGLE 90°09'17", CHORD 1663.94 FEET CHORD BEARING S.45°06'09"W.
FOR 1848.86 FEET; THENCE S.00°10'48"W. FOR 25.00 FEET TO THE
NORTH RIGHT-OF-WAY OF CORKSCREW ROAD; THENCE
N.89°49'12"W. ALONG SAID NORTH RIGHT-OF-WAY LINE FOR 75.00
FEET TO THE POINT OF BEGINNING.

BEARINGS BASED ON THE SOUTH LINE OF SAID SECTION 24
BEARING N.89°49'12"W.

DESCRIBED PARCEL CONTAINS 3.4 ACRES MORE OR LESS.



Thomas Patrick Serbu
For the Firm,
Professional Land Surveyor
LS# 0004744



CURVE TABLE

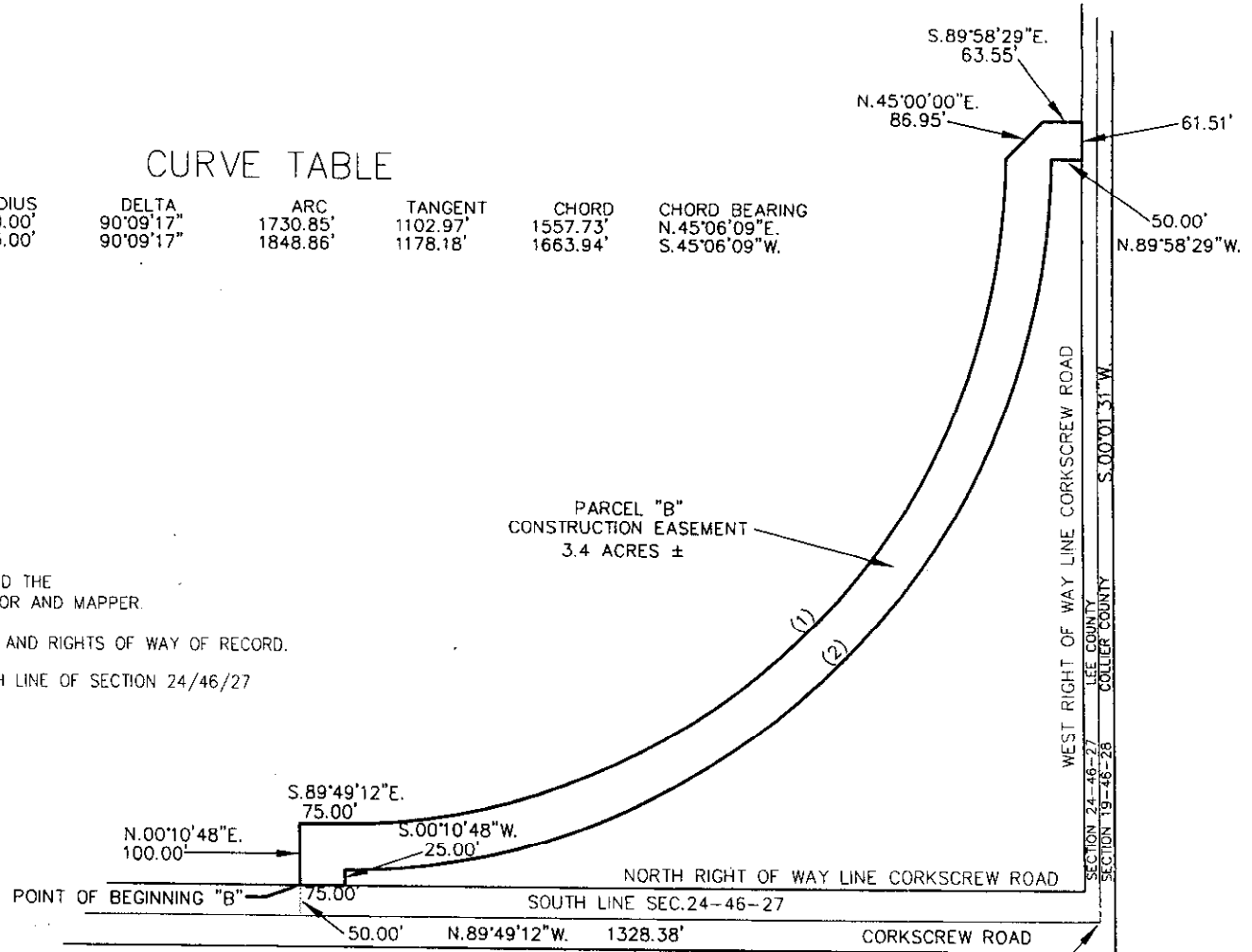
NO.	RADIUS	DELTA	ARC	TANGENT	CHORD	CHORD BEARING
1	1100.00'	90°09'17"	1730.85'	1102.97'	1557.73'	N.45°06'09"E.
2	1175.00'	90°09'17"	1848.86'	1178.18'	1663.94'	S.45°06'09"W.

REFER TO ATTACHED DESCRIPTION

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