

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

**Blue Sheet No. 20050538**

1. **ACTION REQUESTED/PURPOSE:** Authorize the Director of County Lands to approve increases to previously approved binding offers by the Board for the Gunnery Road Widening Project No. 4055. The increases may not be greater than \$3,000 above the original appraised values. Also, authorize Chairman, on behalf of the Board, to sign the Purchase Agreements; and authorize the Division of County Lands to handle and accept all documentation necessary to complete transactions and grant an extension to close, if necessary.
2. **WHAT ACTION ACCOMPLISHES:** Allows the County to proceed with the project without resorting to Eminent Domain proceedings, and saves Board and staff time in finalizing settlements and closings.
3. **MANAGEMENT RECOMMENDATION:** Management recommends Board approve the Action Requested.

4. **Departmental Category:** 6 *CLA*      5. **Meeting Date:** *05-17-2005*

<b>6. Agenda:</b> <input checked="" type="checkbox"/> <b>Consent</b> <input type="checkbox"/> <b>Administrative</b> <input type="checkbox"/> <b>Appeals</b> <input type="checkbox"/> <b>Public</b> <input type="checkbox"/> <b>Walk-On</b>	<b>7. Requirement/Purpose: (specify)</b> <input checked="" type="checkbox"/> <b>Statute</b> <i>73 &amp; 125</i> <input type="checkbox"/> <b>Ordinance</b> <input type="checkbox"/> <b>Admin. Code</b> <input checked="" type="checkbox"/> <b>Other</b> Blue Sheet 20050023	<b>8. Request Initiated:</b> <b>Commissioner</b> _____ <b>Department</b> <u>Independent</u> <b>Division</b> <u>County Lands</u> <b>By:</b> <u>Karen L.W. Forsyth, Director</u>
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**9. Background:**

Negotiated for: Department of Transportation

Interest to Acquire: Perpetual Easement and Fee Simple

Staff Recommendation: Staff is of the opinion that the purchase price increases, not exceeding \$3,000 above the appraised value, can be justified considering the costs associated with condemnation proceedings, estimated to be up to \$3,000 plus escalating property values.

Account: 20405518803.506110

Attachments: Blue Sheet 20050023, Resolution 05-02-10

**10. Review for Scheduling:**

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.	
<i>K. Forsyth</i>			<i>SAO 4/20/05</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>

**11. Commission Action:**

**Approved**  
 **Deferred**  
 **Denied**  
 **Other**

Rec. by CoAtty \_\_\_\_\_

Date: *5/3/05*

Time: *11:30*

Forwarded To: \_\_\_\_\_

RECEIVED BY COUNTY ADMIN: *[Signature]*

*5-3-05 1:40p*

COUNTY ADMIN FORWARDED TO: *[Signature]*

*5/3/05 3:20m*

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

Blue Sheet No. 20050023

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Authorize: (1) approval of the Resolution of Necessity for the acquisition and condemnation of the Fee and/or Easement parcels for the Gunnery Road Widening, Project Number 4055; (2) the Chairman, on behalf of the Board of County Commissioners, to execute the Resolution.

**WHY ACTION IS NECESSARY:** Statutorily required.

**WHAT ACTION ACCOMPLISHES:** The Resolution of Necessity allows the County to proceed with condemnation, if necessary, so parcels can be obtained for the Gunnery Road Widening, Project Number 4055.

**2. DEPARTMENTAL CATEGORY: 06  
COMMISSION DISTRICT #5**

*C12A*

**3. MEETING DATE:** *02-01-2005*

**4. AGENDA:**

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:

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

- STATUTE 73,24,125,127
- ORDINANCE
- ADMIN. CODE
- OTHER

**6. REQUESTOR OF INFORMATION:**

- A. COMMISSIONER
- B. DEPARTMENT County Attorney
- C. DIVISION Litigation
- BY: John Turner  
Assistant County Attorney

**7. BACKGROUND:**

**Interest to Acquire:** Fee Interest for road right of way, perpetual easements for drainage, slope, utilities and sidewalk as set forth in the Resolution of Necessity.

**Project Details:** The Gunnery Road Widening, Project Number 4055, provides a four lane arterial section road with median for future expansion to six lanes with sidewalks, stormwater drainage, utilities, signalization, and core level landscaping of Gunnery Road from Lee Boulevard to SR 82.

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

**Attachments:** Resolution of Necessity, Location Map

**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>Colomb</i>						
			<i>[Signature]</i>	<i>[Signature]</i>	OA	OM	Risk	GC	<i>[Signature]</i>
					<i>RK/1/05</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>1-19-05</i>

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

**Rec. by CoAtty**  
 Date: *1/14/05*  
 Time: *3:20*  
 Forwarded To:

COUNTY  
 APPROVED  
 TO CO. ADMIN.  
*1/14/05*

**RECEIVED BY**  
**COUNTY ADMIN**  
*1-14-05*  
*4:30*  
**COUNTY ADMIN**  
**FORWARDED TO:**  
*1-19-05*  
*3pm*

**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: Gunnery Road Widening, Project Number 4055, provides an expansion of Gunnery Road from Lee Boulevard to SR 82.

**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 perpetual utility, sidewalk, drainage, and slope easements described in the attached Exhibit "B" are necessary for Gunnery Road Widening Project and is being acquired for the following specific public use or purpose:

To improve traffic flow and transportation safety by providing right of way and easements for an increased traffic flow for public as well as private vehicles, emergency vehicles and improvement of evacuation routes and access to Southwest Regional International Airport and South Lee County from Lehigh Acres. Provide a four lane arterial section road with median for future expansion to six lanes, stormwater drainage, sidewalk/bikepath, signalization, utilities, and core level landscaping.

Fee Simple Interest: Parcels 100A, 108A, 109A, 110A, 111A, 120A, 128A, 135A, 137A, 169A, 171A, 190A 191A, 192A, 193A, 204A, and 205A for right-of-way.

Easement Interest: Perpetual utility easement for Parcels 100B, 102B, 108B, 109B, 110B, 111B, 120B, 128B, 135B, 137B, 169B, 171B, 190B, 191B, 192B, and 193B.

Perpetual easements for sidewalk, drainage, and slope for Parcels 100C, 102C, 108C, 109C, 110C, and 111C.

Perpetual slope easement for Parcels 105C, 106C, 107C, 112C, 113C, 116C, 117C, 118C, 120C, 121C, 122C, 124C, 126C, 127C, 128C, 129C, 130C, 131C, 132C, 133C, 134C, 137C, 140C, 145C, 146C, 147C, 148C,

**Resolution of Necessity**

Gunnery Road Widening Project #4055

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150C, 151C, 152C, 153C, 155C, 156C, 158C, 164C, 165C, 172C, 174C, 176C, 177C, 178C, 180C, 182C, 184C, 185C, 186C, 189C, 190C, 191C, 192C, 193C, 206C, 210C, and 211C.

Perpetual drainage easement for Parcel 207C.

**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" and a perpetual easement interest in the property described in Exhibit "B" for the above described public use or purpose.

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

Bob Janes	<u>Aye</u>
Douglas St. Cerny	<u>Aye</u>
Ray Judah	<u>Aye</u>
Tammy Hall	<u>Aye</u>
John E. Albion	<u>Aye</u>

**DULY PASSED AND ADOPTED** this 1st day of February, 2005.

ATTEST:  
CHARLIE GREEN, CLERK

LEE COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS

By: Michelle B. Cooper  
Deputy Clerk

[Signature]  
Chairman

APPROVED AS TO FORM:

[Signature]  
Office of County Attorney

