

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

Blue Sheet No. 20051362

**1. ACTION REQUESTED/PURPOSE:** Approve the Resolution of Necessity for the acquisition and condemnation of a parcel required for the North Lee County Water Treatment Plant, Project No. 7084.

**2. WHAT ACTION ACCOMPLISHES:** The Resolution of Necessity allows the County proceed with condemnation, if necessary, so a parcel can be acquired for the expansion of the North Lee County Water Treatment Plant in North Fort Myers.

**3. MANAGEMENT RECOMMENDATION:** Management recommends Board approve the Action Requested.

<b>4. Departmental Category:</b> 12 <span style="float:right; font-size: 1.5em;"><i>A12 BS</i></span>		<b>5. Meeting Date:</b> <span style="font-size: 1.5em;"><i>10-11-2005</i></span>
<b>6. Agenda:</b>	<b>7. Requirement/Purpose: (specify)</b>	<b>8. Request Initiated:</b>
<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Statute 73, 74, 125, 127	<b>Commissioner</b>
<input checked="" type="checkbox"/> Administrative	<input type="checkbox"/> Ordinance	<b>Department</b> <u>County Attorney</u>
<input type="checkbox"/> Appeals	<input type="checkbox"/> Admin. Code	<b>Division</b> <u>Litigation</u>
<input type="checkbox"/> Public	<input type="checkbox"/> Other	<b>By:</b> <u>John Renner, Assistant County Attorney</u>
<input type="checkbox"/> Walk-On		

**9. Background:**

The North Lee County Water Treatment Plant Expansion, Project No. 7084, will provide additional potable water well sites to Lee County Utilities, and ensure adequate and required services as the population of Lee County grows in the future.

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

Funds are available in Account No. 20708448730.506110.30

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

**10. Review for Scheduling:**

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
			<i>Co. Lands</i>		<i>Analyst</i>	<i>Risk</i>	<i>Grants</i>	<i>Mgr.</i>	
			<i>[Signature]</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

CO. ATTY.  
FORWARDED  
TO CO. ADMIN.  
*9/27/05*

RECEIVED BY  
COUNTY ADMIN:  
*9-28-05*  
*8:30*  
COUNTY ADMIN  
FORWARDED TO: *[Signature]*  
*9/29/05*  
*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:

The Capital Improvement Project provides for the expansion of the existing North Lee County Water Treatment Plant, located on Durrance Road in North Fort Myers, Project No. 7084, by constructing additional facilities and well sites to provide potable water for future growth.

**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" is necessary for the North Lee County Water Treatment Plant Expansion Project and is being acquired for the following specific public use or purpose:

The parcel described in Exhibit "A" is necessary and being acquired in fee simple interest.

**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

**Resolution of Necessity**

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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 Commissioner \_\_\_\_\_, 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** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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

Project: NLCWTP, No. 7084  
Parcel: 100/Hoke & Murray  
STRAP No.: 14-43-25-00-00011.0000

## **Exhibit "A"**

A parcel of land located in North Fort Myers, Florida, and being more particularly described as The Northeast 1/4 of the Southwest 1/4 of Section 14, Township 43 South, Range 25 East, Lee County, Florida.

**NEIGHBORHOOD AREA MAP:**

