

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

Blue Sheet No. 20051760

1. ACTION REQUESTED/PURPOSE: Approve the Amended Resolution of Necessity for the acquisition and condemnation of Parcels 264A-SE and 266A-SE, which are required for the Three Oaks Parkway South Extension Project (East Terry Street north to within the Brooks Subdivision), No. 4043.

2. WHAT ACTION ACCOMPLISHES: Allows the County to proceed with condemnation, if necessary, so the parcels can be acquired for the Three Oaks Parkway South Extension Project (East Terry Street north to within the Brooks Subdivision), No. 4043.

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

4. Departmental Category: 12

A12A

5. Meeting Date: **12-20-2005**

6. Agenda:

<input type="checkbox"/>	Consent
<input checked="" type="checkbox"/>	Administrative
<input type="checkbox"/>	Appeals
<input type="checkbox"/>	Public
<input type="checkbox"/>	Walk-On

7. Requirement/Purpose: (specify)

<input checked="" type="checkbox"/>	Statute	73,74,125,127
<input type="checkbox"/>	Ordinance	
<input type="checkbox"/>	Admin. Code	
<input checked="" type="checkbox"/>	Other	Res. 05-04-47 BS 20050468

8. Request Initiated:
Commissioner _____
Department County Attorney
Division Litigation
By: John Renner, Assistant County Attorney

9. Background:

The Three Oaks Parkway South Extension Project, No. 4043 provides for the construction of a six-lane roadway, from East Terry Street north to a connection point within The Brooks Subdivision, with sidewalks, bike paths, stormwater drainage, and utilities.

In accordance with Resolution of Necessity, No. 05-04-47, the Board of County Commissioners authorized condemnation of Parcels 264A-SE and 266A-SE as only slope easements. The County's acquisition of adjacent property, however, will sever access to these parcels and result in uneconomic remainders. Therefore, staff recommends the Board authorize condemnation of Parcels 264A-SE and 266A-SE in fee simple.

Approval of the Amended Resolution of Necessity is required, should condemnation proceedings be necessary for the acquisition of the fee-simple interest in Parcels 264A-SE and 266A-SE, which are required for the project.

Attachments: Amended Resolution, Location Map

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other Co. Lands	County Attorney	Budget Services				County Manager/P.W. Director
			<i>[Signature]</i>	<i>[Signature]</i>	Analyst	Risk	Grants	Mgr.	<i>[Signature]</i>
					<i>[Signature]</i> 12/18/05	<i>[Signature]</i> 12/18/05	<i>[Signature]</i> 12/18/05	<i>[Signature]</i> 12/18/05	

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY	<i>[Signature]</i>
COUNTY ADMIN:	<i>[Signature]</i>
DATE:	12-18-05
COUNTY ADMIN	<i>[Signature]</i>
FORWARDED TO:	<i>[Signature]</i>
DATE:	12/18/05
BY:	<i>[Signature]</i>

CO. ATTY.
FORWARDED TO CO. ADMIN.
12/18/05

Rec. by CoAtty	<i>[Signature]</i>
Date:	12/18/05
Time:	9:10 AM
Forwarded To:	

**AMENDED 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 **Three Oaks Parkway South Extension, Project No. 4043**, by acquiring the necessary right-of-way for construction of an arterial roadway from East Terry Street in Bonita Springs, north to the existing Three Oaks Parkway connection within The Brooks subdivision.

SECTION ONE: USE, NECESSITY AND DESCRIPTION OF PROPERTY

The Board of County Commissioners finds that the fee simple rights in the property described in attached Exhibit "A" are necessary for the **Three Oaks Parkway South Extension Project, Phase III**, and is being acquired for the following specific public use or purpose:

To improve traffic flow and transportation safety by providing right-of-way for an increased traffic flow for public as well as private vehicles, and improvement of evacuation routes. Provides for an additional north/south corridor from East Terry Street in Bonita Springs to a point of connection with the existing Three Oaks Parkway within The Brooks Subdivision. Three Oaks Parkway will be an arterial roadway with sidewalk, bike path, stormwater drainage, and utilities. Exhibit "A" consists of Parcels 264A-SE and 266A-SE;

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

Amended Resolution of Necessity

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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 property described in Exhibits "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

Tammara Hall, Chairwoman

APPROVED AS TO FORM:

Office of County Attorney



March 4, 2005

THREE OAKS PARKWAY

PARCEL 264 A-SE

**A PARCEL LYING IN
SECTION 23, TOWNSHIP 47 SOUTH, RANGE 25 EAST
CITY OF BONITA SPRINGS
LEE COUNTY, FLORIDA**

A parcel or tract of land lying in the Northeast Quarter (NE-1/4) of Section 23, Township 47 South, Range 23 East, City of Bonita Springs, Lee County Florida, being more particularly described as follows:

Commence at the northeast corner of the Northeast Quarter (NE-1/4) of said Section 23; thence run S 02° 52' 09" E along the east line of said Northeast Quarter (NE-1/4) for 1,205.47 feet to the Point of Beginning.

From said Point of Beginning; thence continue S 02° 52' 09" E along said east line for 27.71 feet to an intersection with a non-tangent curve to the right; thence run northerly along the arc of said curve, having a radius of 5,857.66 feet, (delta 12° 32' 23") (chord bearing N 17° 53' 09" W) (chord 1,279.45 feet) for 1,282.00 feet to an intersection with the east line of lands described and recorded in Official Records Book 4602 at Page 2365 of the Public Records of Lee County, Florida; thence run N 02° 33' 32" W along said east line for 7.55 feet to the northeast corner of said lands; thence run N 88° 52' 49" E along the north line of said Northeast Quarter (NE-1/4) for 8.97 feet to an intersection with a non-tangent curve to the left; thence run southerly along the arc of said curve having a radius of 5,847.58 feet, (delta 12° 20' 38") (chord bearing S 17° 43' 52" E) (chord 1,257.38 feet) for 1,259.82 feet to the Point of Beginning.

Containing 12,745.48 square feet or 0.29 acres, more or less.

Bearings hereinabove mentioned are State Plane Coordinate for the West Zone of Florida (NAD 83/90 Adjustment) and are based on the east line of the Northeast Quarter (NE-1/4) of Section 23, Township 47 South, Range 25 East to bear S 02° 52' 09" E.

Exhibit "A"

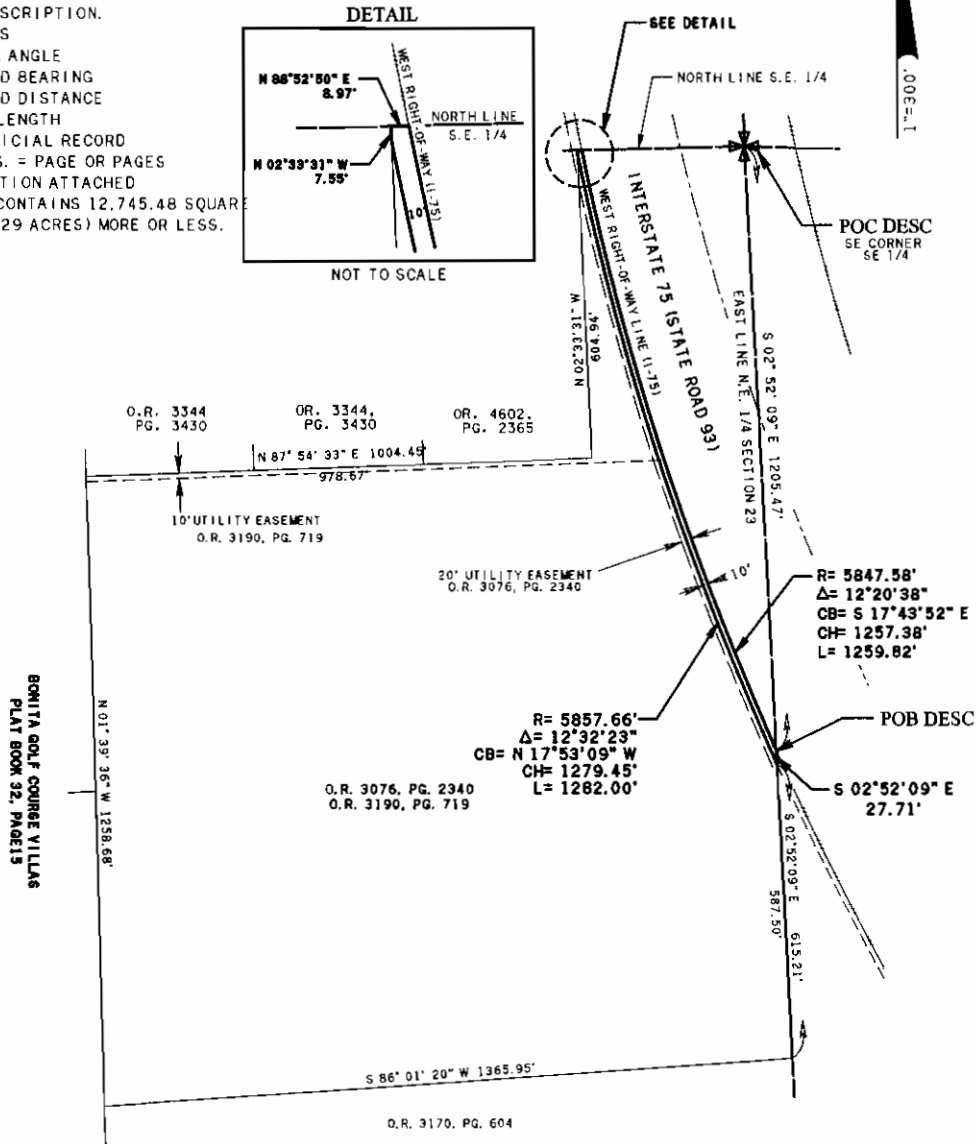
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20013033 Parcel 264 A-SE 030405

SECTION 23, TOWNSHIP 47 SOUTH, RANGE 25 EAST

NOTES:

1. BEARINGS SHOWN HEREON ARE STATE PLANE COORDINATE FOR THE WEST ZONE OF FLORIDA (NAD 83/90 ADJUSTMENT) AND BASED ON THE EAST LINE OF THE N.E. 1/4 OF SECTION 23, TOWNSHIP 47 SOUTH, RANGE 25 EAST TO BEAR S 02°52' 09" E.
2. THIS SKETCH DOES NOT MAKE ANY REPRESENTATION AS TO ZONING OR DEVELOPMENT RESTRICTIONS ON SUBJECT PARCEL.
3. POC = POINT OF COMMENCEMENT,
4. POB = POINT OF BEGINNING.
5. DESC = DESCRIPTION.
6. R = RADIUS
7. Δ = DELTA ANGLE
8. CB = CHORD BEARING
9. CH = CHORD DISTANCE
10. L = ARC LENGTH
11. OR = OFFICIAL RECORD
12. PG. / PGS. = PAGE OR PAGES
13. DESCRIPTION ATTACHED
14. PARCEL CONTAINS 12,745.48 SQUARE FEET (0.29 ACRES) MORE OR LESS.



THIS IS NOT A SURVEY

Mark G. Wentzel
 MARK G. WENTZEL (FOR THE FIRM LB 642)
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA CERTIFICATE NUMBER 5247

DATE SIGNED: 3/4/05
 NOT VALID WITHOUT THE SIGNATURE AND
 THE ORIGINAL RAISED SEAL OF A FLORIDA
 SURVEYOR AND MAPPER

PARCEL 264A-SE - THREE OAKS PARKWAY

AREA TABLE		
OWNER	ROBERT B. & JILL E. SWEJA	
STRAP NO.	23-47-25-B2-00002.0000	
AREA	SQUARE FEET	ACRES
PARENT TRACT	1,651,954.95	37.92
TAKEN AREA	12,745.48	0.29

PARCEL IN
 SECTION 23, TOWNSHIP 47 SOUTH,
 RANGE 25 EAST
 CITY OF BONITA SPRINGS
 LEE COUNTY, FLORIDA

Exhibit "A"

Page 2 of 4

JOHNSON
ENGINEERING

2158 JOHNSON STREET
 P.O. BOX 1550
 FORT MYERS, FLORIDA 33902-1550
 PHONE (239) 334-0046
 FAX (239) 334-3661
 E.B. *642 & L.B. *642

SKETCH TO ACCOMPANY DESCRIPTION

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
02-28-05	20013033	23-47-25	1"=300'	1 OF 2



November 04, 2004

THREE OAKS PARKWAY

PARCEL 266A SE

**LYING IN SECTION 14, TOWNSHIP 47 SOUTH, RANGE 25 EAST
CITY OF BONITA SPRINGS
LEE COUNTY, FLORIDA**

A tract or parcel of land lying in Section 14, Township 47 South, Range 25 East, City of Bonita Springs, Lee County Florida, being more particularly described as follows:

From the northeast corner of the Southeast Quarter (SE-1/4) of said Section 14 run S 88° 48' 21" W along the north line of said Southeast Quarter (SE-1/4) for 432.24 feet to the westerly right-of-way line of Interstate 75 (State Road 93)(road width varies) and the Point of Beginning.

From said Point of Beginning run the following two (2) courses along said west right-of-line of Interstate 75 (State Road 93) S 01° 34' 01" E for 1545.46 feet to a point of curvature; southeasterly along the arc of said curve to the left, having a radius of 5847.58 feet (delta 09° 59' 32")(chord bearing S 06° 33' 47" E)(chord 1018.50 feet) for 1019.80 feet; thence run S 88° 52' 50" W for 10.17 feet to an intersection with a non-tangent curve; thence run northwesterly along the arc of said curve to the right, having a radius of 5857.66 feet (delta 09° 58' 26")(chord bearing N 06° 33' 14" W)(chord 1018.41 feet) for 1019.40 feet to a point of tangency; thence run N 01° 34' 01" W for 1545.52 feet to an intersection with the north line of said Southeast Quarter (SE-1/4); thence run along said north line N 88° 48' 21" E for 10.00 feet to the Point of Beginning. ↓

Containing 25,655.13 square feet or 0.59 acres, more or less.

Bearings hereinabove mentioned are State Plane Coordinate for the West Zone of Florida (NAD 83/90 Adjustment) and are based on the north line of the Southeast Quarter (SE-1/4) of Section 14, Township 47 South, Range 25 East to bear S 88° 48' 21" W.

Exhibit "A"

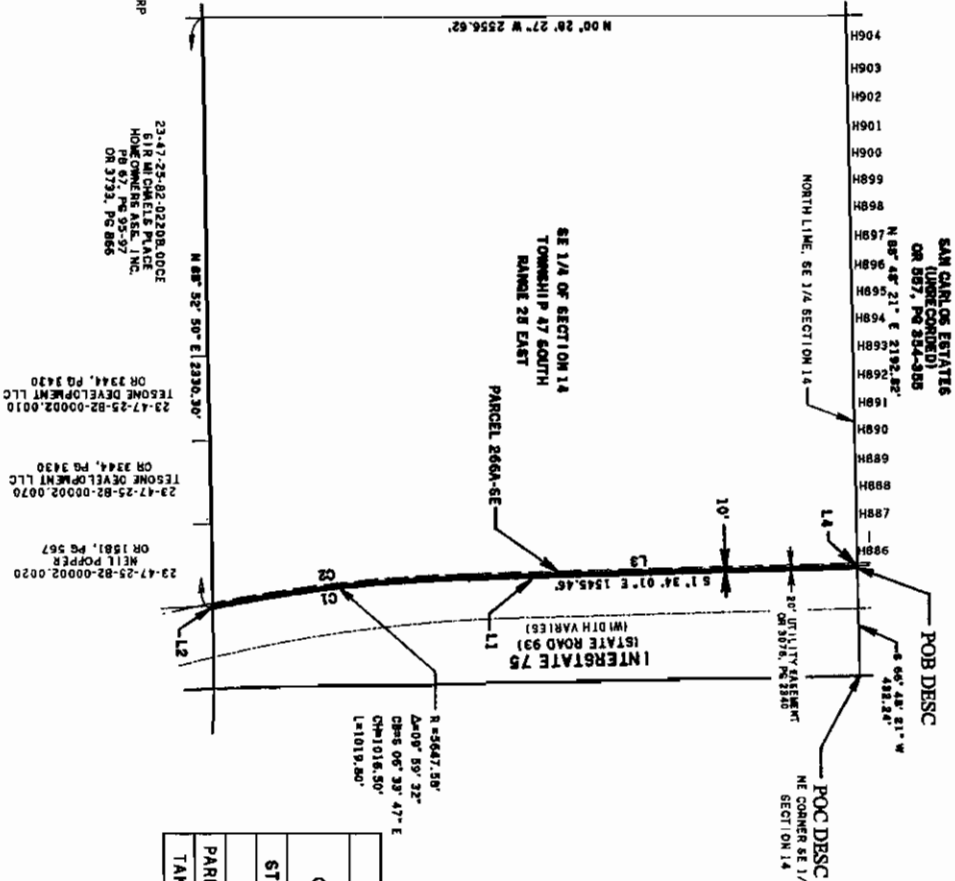
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20013033/Parcel 266A SE

NOTES:

1. BEARINGS SHOWN HEREON ARE STATE PLANE COORDINATE FOR THE WEST ZONE OF FLORIDA (NAD 83/90 ADJUSTMENT) AND BASED ON THE NORTH LINE OF THE SE 1/4 OF SECTION 14, TOWNSHIP 47 SOUTH, RANGE 25 EAST TO BEAR S 88° 48' 21" W.
2. THIS SKETCH DOES NOT MAKE ANY REPRESENTATION AS TO ZONING OR DEVELOPMENT RESTRICTIONS ON SUBJECT PARCEL.
3. POC = POINT OF COMMENCEMENT.
4. POB = POINT OF BEGINNING.
5. DESC = DESCRIPTION.
6. R = RADIUS.
7. Δ = DELTA ANGLE.
8. CH = CHORD BEARING.
9. CH = CHORD DISTANCE.
10. L = ARC LENGTH.
11. OR = OFFICIAL RECORD.
12. PG. / PGS. = PAGE OR PAGES.
13. DESCRIPTION ATTACHED.
14. PARCEL CONTAINS 25,655 SQUARE FEET (0.59 ACRES) MORE OR LESS.
15. NE / N.E. = NORTHEAST
16. SE / S.E. = SOUTHEAST
17. NW / N.W. = NORTHWEST
18. SW / S.W. = SOUTHWEST

SECTION 14, TOWNSHIP 47 SOUTH, RANGE 25 EAST



AREA TABLE	
OWNER	ROBERT B & JILL E SWEJA
STRAP NO.	14-47-25-83-00001.0010
AREA	SQUARE FEET
PARENT TRACT	5,701,255.16
TAKEN AREA	25,655.13
	ACRES
	130.88
	0.59

PARCEL IN
SECTION 14, TOWNSHIP 47 SOUTH,
RANGE 25 EAST
CITY OF BONITA SPRINGS
LEE COUNTY, FLORIDA

THIS IS NOT A SURVEY
Mark G. Wentzel

MARK G. WENTZEL, F.O.R. THE F.I.R.M. (LB 642)
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA CERTIFICATE NUMBER 5247
 DATE SIGNED: 11/11/04
 NOT VALID WITHOUT THE SIGNATURE AND
 THE ORIGINAL BRAISED SEAL OF A FLORIDA
 SURVEYOR AND MAPPER.

23-47-25-81-0050A.0000
 TRACT A
 PLATTING COAST FINANCIAL CORP
 OR 2587, PG 930

23-47-25-82-0230B.0000
 HOMEOWNERS ASSOCIATION
 OR 3793, PG 866

23-47-25-82-00002.0010
 TEGON DEVELOPMENT LLC
 OR 3344, PG 3430

23-47-25-82-00002.0070
 TEGON DEVELOPMENT LLC
 OR 3344, PG 3430

23-47-25-82-00002.0020
 NIEL POPPER
 OR 1581, PG 567

JOHNSON
ENGINEERING

2158 JOHNSON STREET
 P.O. BOX 1950
 FORT MEADE, FLORIDA 33902-1950
 FAX (829) 334-3651
 E.N. #462 E.L.N. #642

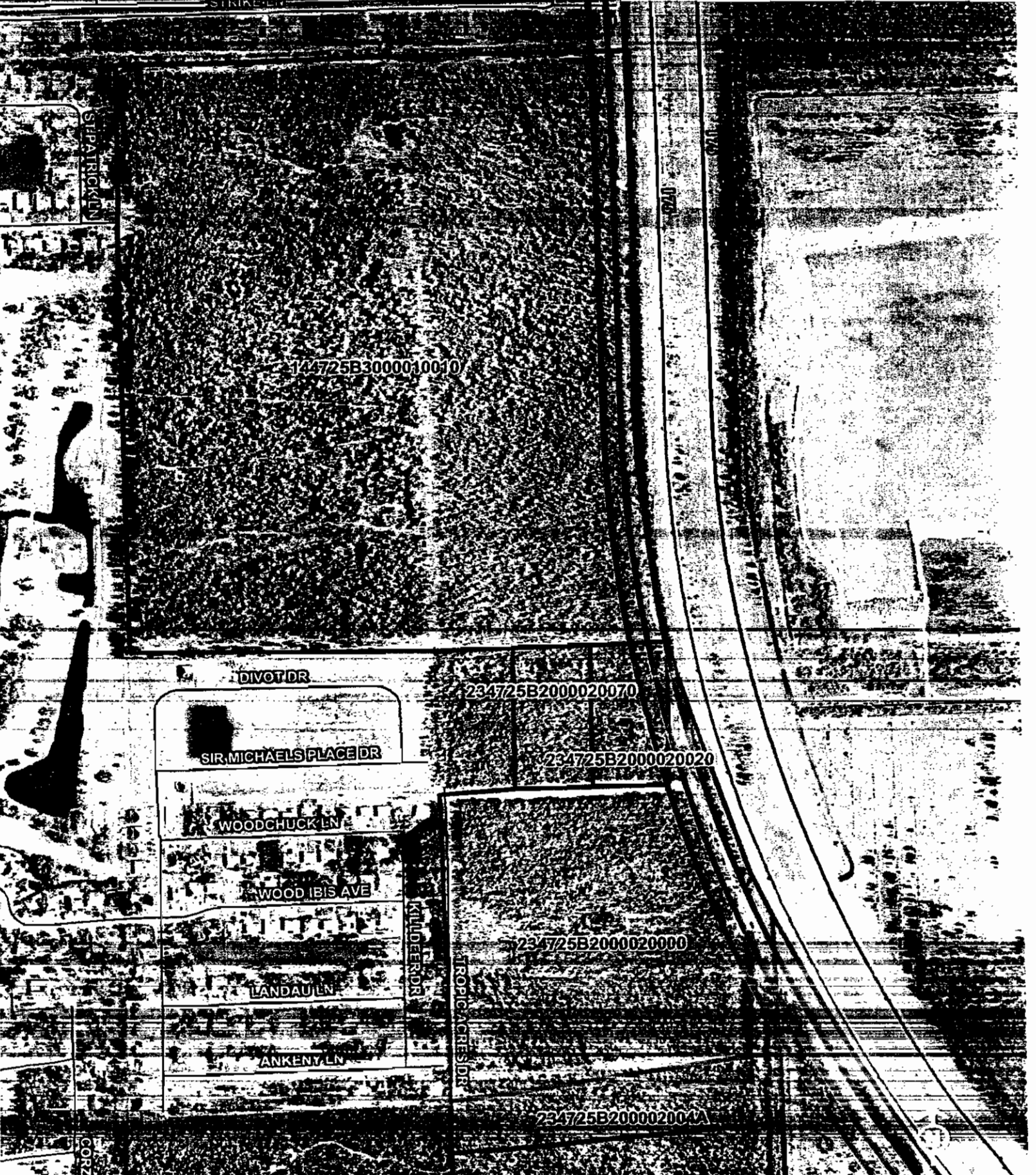
SKETCH TO ACCOMPANY DESCRIPTION

DATE	11-10-04
PROJECT NO.	20013033
FILE NO.	14-47-25
SCALE	1"=600'
SHEET	1 OF 2

Exhibit "A"

Page 1 of 1

**THREE OAKS PARKWAY PROJECT #4043
ACQUISITION AREA PHASE III**



144725B3000010010

DIVOT DR

234725B2000020070

SIR MICHAELS PLACE DR

234725B2000020020

WOODCHUCK LN

WOOD IBIS AVE

234725B2000020000

LANDAUL LN

ANKENY LN

KILDEER DR

TROPIC ACRES DR

234725B200002004A