

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

**Blue Sheet No. 20041494**

**1. REQUESTED MOTION:**

**ACTION REQUESTED:**

Approve the Amended Resolution of Necessity for the acquisition and condemnation of Parcel 106, required for the Three Oaks Parkway Widening, Project 4081.

**WHY ACTION IS NECESSARY:** The Board must formally approve the Amended Resolution of Necessity prior to proceeding with condemnation of this parcel, which is necessary for the project.

**WHAT ACTION ACCOMPLISHES:** Allows the County to proceed with condemnation, if necessary, so parcels can be acquired for the Three Oaks Parkway Widening, Project 4081.

**2. DEPARTMENTAL CATEGORY:** 12  
**COMMISSION DISTRICT #5**

**A12B**

**3. MEETING DATE:** **11-30-2004**

**4. AGENDA:**

CONSENT  
 ADMINISTRATIVE  
 APPEALS  
 PUBLIC  
 WALK ON  
 TIME REQUIRED:

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

STATUTE 73, 74, 125, 127  
 ORDINANCE \_\_\_\_\_  
 ADMIN. CODE \_\_\_\_\_  
 OTHER  
Resolution 04-0906  
B/S 20041053

**6. REQUESTOR OF INFORMATION:**

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

**7. BACKGROUND:**

Negotiated for: Department of Transportation

Interest to Acquire: Fee Simple; as to Parcel 106

Project Details: Three Oaks Parkway Widening, Project 4081, from Corkscrew to Alico Road, will provide an urban arterial four-lane road with median for future expansion to six lanes, stormwater drainage, sidewalk/bikepath including landscaping, lighting and signalization. Approval of the Amended Resolution of Necessity is required should condemnation proceedings be necessary for the acquisition of Parcel 106, required for the project. The original Resolution of Necessity is being amended to include Parcel 106.

Staff Recommendation: County Staff recommends that the Board approve the requested motion.

Attachments: Resolution of Necessity

**8. MANAGEMENT RECOMMENDATIONS:**

**9. RECOMMENDED APPROVAL:**

A Department Director	B Purchasing or Contracts	C Human Resources	D Other Co. Lands	E County Attorney	F Budget Services				G County Manager
<i>[Signature]</i>			<i>[Signature]</i>	<i>[Signature]</i>	OA	OM	Risk	GC	
					<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	

**10. COMMISSION ACTION:**

\_\_\_\_\_ APPROVED  
\_\_\_\_\_ DENIED  
\_\_\_\_\_ DEFERRED  
\_\_\_\_\_ OTHER

Rec. by CoAtty  
Date: 11/16/04  
Time: 3:00P  
Forwarded To:

CO. ATTY  
FORWARDED  
TO CO. MANAGER  
11/17/04

NOV 18 2004  
RECEIVED BY  
COUNTY ADMIN: *[Signature]*  
11/17/04  
11:00 AM 2004  
COUNTY ADMIN  
FORWARDED TO: *[Signature]*  
11/17/04  
3:00P

**AMENDMENT TO 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 04-0906 authorizing the exercise of the power of eminent domain to acquire the necessary property interests to construct the Three Oaks Parkway Widening, Project Number 4081, and it is necessary to acquire additional 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 04-0906 is amended to include Parcel 106 as described in the attached Exhibit "A".

**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 Three Oaks Parkway 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 for an increased traffic flow for public as well as private vehicles, and improvement of evacuation routes. Provide a four lane arterial section road with median for future expansion to six lanes, stormwater drainage, sidewalk/bikepath, signalization and lighting, utilities, and core level landscaping. Provide a continuation of Three Oaks Parkway parallel to I-75 from Corkscrew Road to Alico Road in Lee County.

Exhibit A consists of Parcel 106.

**Resolution of Necessity**

Three Oaks Parkway Widening, Project No. 4081  
Page 2

**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" 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	_____
Andrew W. Coy	_____
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

# Exhibit "A"

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### PARCEL 106

A portion of the lands described in Official Record Book 3209, Page 3754, lying in Section 26, Township 46 South, Range 25 East, Lee County Florida, being more particularly described as follows:

COMMENCE at the southwest corner of said Section 26, Township 46 South, Range 25 East, said point being a 3"x 3" concrete monument; thence N 89°43'11" E along the south line of said Section 26, 70.65 feet to survey base line station 113+08.25 of Three Oaks Parkway per Lee County Project No. CN-02-06 (Three Oaks Parkway Project Right of Way Maps); thence continue N 89°43'11" E along the south line of said Section 26, 50.01 feet to the east right of way line of Three Oaks Parkway per Lee County Department of Transportation Corlico Parkway project 84-026; thence departing the south line of said Section 26, N 01°18'25" W, along said east right of way line 30.45 feet; thence N 03°18'25" W along said east right of way line 593.09 feet; thence N 01°18'46" W along said east right of way line 1802.51 feet to the south line of the lands described in Official Record Book 3209, page 3754, Public Records of Lee County, Florida said point being S 90°00'00" E, 50.01 feet right of survey base line station 137+34.55 said point also being the POINT OF BEGINNING; thence continue N 01°18'46" W along said east right of way line 224.93 feet; thence N 01°18'01" W along said east right of way line 1001.93 feet; thence N 88°41'59" E along said east right of way line 15.00 feet; thence N 01°18'01" W along said east right of way line 274.57 feet to a point on the north line of the lands described in Official Record Book 3209, Page 3754, Public Records of Lee County, Florida said point being S 89°59'59" W, 65.02 feet right of station 152+36.32; thence N 89°59'59" E along said north line 35.01 feet; thence departing said north line S 01°18'01" E 1275.70 feet; thence S 01°18'46" E 226.07 feet to the south line of the lands described in Official Record Book 3209, Page 3754, Public Records of Lee County, Florida; thence S 90°00'00" W along said south line 50.01 feet to the east right of way line of Three Oaks Parkway and the POINT OF BEGINNING.

Said lands contain 1.629 acres, more or less.

#### NOTE:

BEARINGS SHOWN HEREON ARE BASED UPON THE SURVEY BASE LINE OF THREE OAKS PARKWAY HAVING A BEARING OF N 01°18'46" W FROM P.I. STATION 119+30.02 BEING A SET PARKER-KALON NAIL AND DISK "LB 314" TO P.I. STATION 139+58.34 BEING A SET 5/8" IRON ROD WITH CAP "AIM ENG LB 314".

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

PREPARED BY:  
AIM ENGINEERING & SURVEYING, INC.

*[Signature]* 9/8/2003  
 BOB POWER, P.S.M.  
 PROFESSIONAL SURVEYOR AND MAPPER  
 FLORIDA CERTIFICATE NO. 5888

AIM Engineering & Surveying, Inc.



8300 LEE BLVD.  
 P.O. BOX 1286  
 LEHIGH ACRES  
 FLORIDA 33970  
 239/332-4669  
 FX:239/332-6734

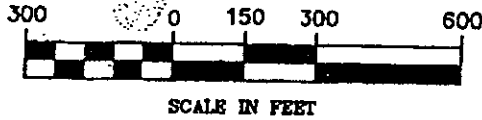
Licensed Business Number 3W4

THIS IS NOT A SURVEY SHEET 1 OF 2

PROJECT NUMBER: 02-8240	DESCRIPTION: THREE OAKS PARKWAY LEE COUNTY PROJECT NUMBER CN-02-06	LEGAL AND SKETCH PARCEL 106	
DRAWN BY: LWC	CLIENT: LEE COUNTY		
DATE: 8/8/2003	SEC-TWP-RGE: 25-46S-25E	FILE: 8240-106	COUNTY: LEE COUNTY

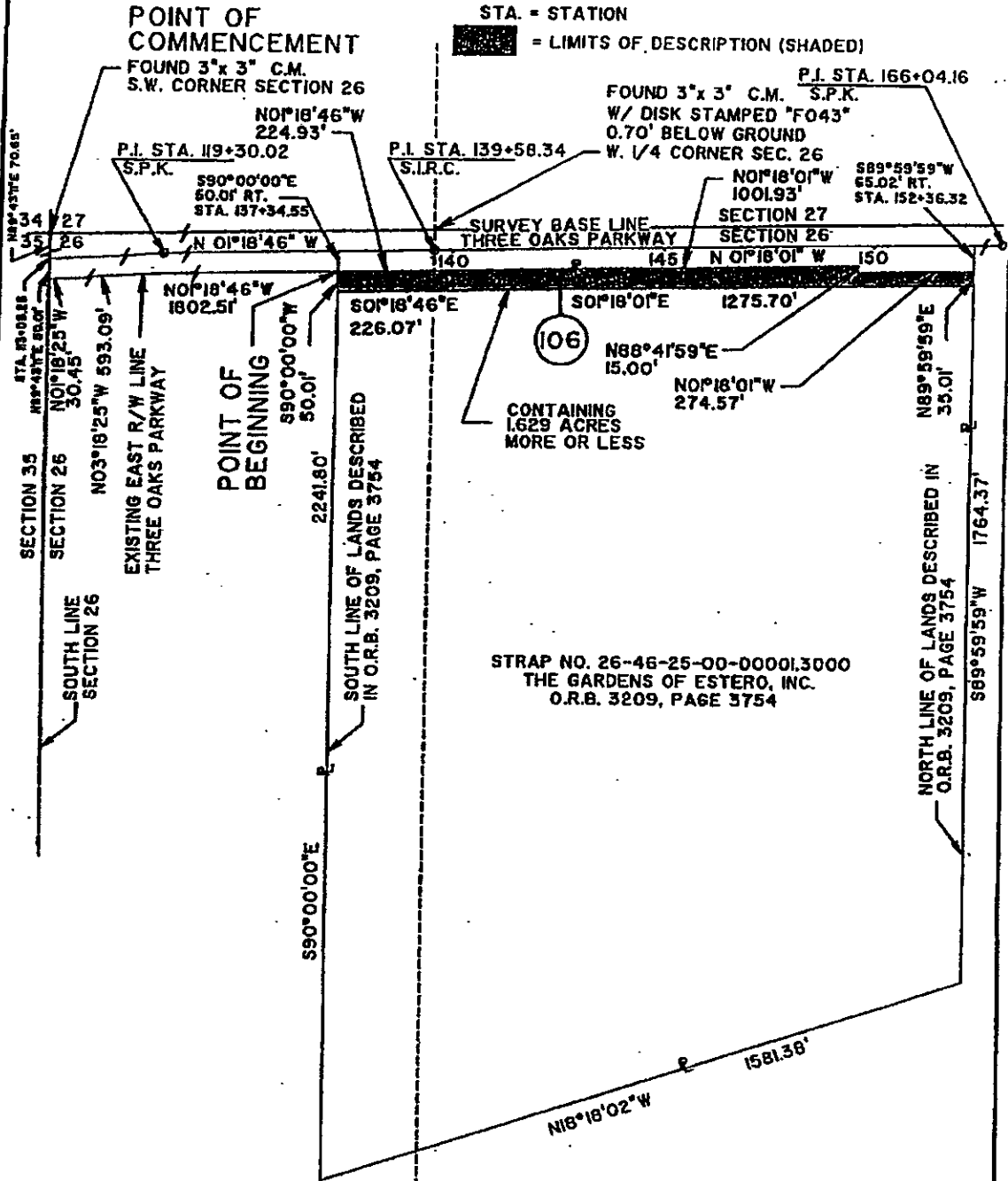
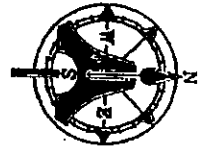
Exhibit "A"

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LEGEND

- C.M. = CONCRETE MONUMENT
- O.R.B. = OFFICIAL RECORD BOOK
- P.I. = POINT OF INTERSECTION
- P.K. = PARKER-KALON NAIL
- P. = PROPERTY LINE
- RT. = RIGHT
- R/W = RIGHT OF WAY
- S.I.R.C. = SET 5/8" IRON ROD WITH CAP "AIM ENG LB 3114"
- S.P.K. = SET P.K. AND DISK "LB 3114"
- STA. = STATION



AIM Engineering & Surveying, Inc.



5300 LEE BLVD.  
P.O. BOX 1235  
LEHIGH ACRES  
FLORIDA 33970  
239/332-4569  
FX-239/332-8734

Licensed Business Number 3114

THIS IS NOT A SURVEY

SHEET 2 OF 2

PROJECT NUMBER: 02-8240	DESCRIPTION: LEGAL AND SKETCH PARCEL 106 THREE OAKS PARKWAY LEE COUNTY PROJECT NUMBER CN-02-06
DRAWN BY: LWC	CLIENT: LEE COUNTY
DATE: 9/8/2003	REC-TYP-RSE: 26-46S-25E
FILE: 8240-106	COUNTY: LEE COUNTY