

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

Blue Sheet No. 20060537

1. ACTION REQUESTED/PURPOSE: Approve the Resolution of Necessity for the acquisition and condemnation of a parcel required for the proposed Gator Slough Channel Improvement Project No. 8533.

2. WHAT ACTION ACCOMPLISHES: Allows the County to proceed with condemnation, if necessary, so this parcel can be acquired for the Gator Slough Channel Improvement Project.

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

4. Departmental Category: 12

A12B

5. Meeting Date:

05-16-2006

6. Agenda:

- Consent
- Administrative
- Appeals
- Public
- Walk-On

7. Requirement/Purpose: (specify)

- Statute 73,74,125,127
- Ordinance
- Admiu. Code
- Other

8. Request Initiated:

Commissioner _____
 Department County Attorney
 Division Litigation
 By: John J. Renner
 Chief Assistant County Attorney

9. Background:

The Gator Slough Channel Improvement, Project No. 8533 will improve the manageability of surface water flows from the Charlotte County area into and out of the Gator Slough and Powell Creek watersheds via their respective conveyance facilities.

This portion of the project will include construction of an interconnection channel (flowway) from the current terminus of the channelized portion adjacent to the Tara Woods Development to the east to the abandoned railroad grade in order to provide for the improved manageability of surface water flows within the Gator Slough and Powell Creek watersheds.

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

Attachments: Resolution of Necessity and legal description/sketch.

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other <i>Land</i>	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.	
			<i>[Signature]</i>	<i>[Signature]</i>	<i>AK 5/2</i>	<i>5/2/06</i>	<i>5/2/06</i>	<i>5/2/06</i>	<i>[Signature]</i>

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

CL. ATTY.
FORWARDED
TO CO. ADMIN.
5/1/06

RECEIVED BY
COUNTY ADMIN
5-1-06
4353
COUNTY ADMIN
FORWARDED TO
5/3/06
[Signature]

Rec. by COAtty
Date: 5/1/06
Time: 4:00pm
Forwarded To:

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

WHEREAS, after consideration of the availability of alternative properties, 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 construction and maintenance of surface water management improvements through the Gator Slough Channel Improvements, Project No. 8533, by improving the manageability of surface water flows from the Charlotte County area into and out of the Gator Slough and Powell Creek watersheds via their respective conveyance facilities.

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 Gator Slough Channel Improvements, Project No. 8533, and is being acquired for the following specific public use or purpose:

Construction of an interconnection channel (flowway) from the current terminus of the channelized portion adjacent to the Tara Woods Development to the east to the abandoned railroad grade in order to provide for the improved manageability of surface water flows within the Gator Slough and Powell Creek watersheds.

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.

Resolution of Necessity

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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	_____
Tammara Hall	_____
John E. Albion	_____

DULY PASSED AND ADOPTED this _____ day of _____, 2006.

ATTEST:
CHARLIE GREEN, CLERK

LEE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

By: _____
Deputy Clerk

Chairwoman

APPROVED AS TO FORM:

Office of County Attorney



Exhibit "A"

Page 1 of 2

PARCEL "B"

A TRACT OR PARCEL OF LAND LYING IN SECTION 10, TOWNSHIP 43 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE SOUTHERLY LINE OF SECTION 11, TOWNSHIP 43 SOUTH, RANGE 24 EAST AND THE WESTERLY LINE OF THE FORMER SAL RAILROAD RIGHT-OF-WAY RECORDED IN DEED BOOK 98 AT PAGES 542-543; THENCE RUN N.11°10'41"W. ALONG SAID WESTERLY RIGHT-OF-WAY FOR 1939.30 FEET; THENCE RUN N.89°56'08"W. FOR 1450 FEET TO THE EAST LINE OF SECTION 10, TOWNSHIP 43 SOUTH, RANGE 24 EAST; THENCE CONTINUE N.89°56'08"W. FOR 2043.30 FEET TO A POINT 6473.41 FEET EAST OF THE EASTERLY RIGHT-OF-WAY OF U.S. 41 (TAMIAMI TRAIL) AND THE POINT OF BEGINNING.

FROM SAID POINT OF BEGINNING CONTINUE N.89°56'08"W. FOR 1728.58 FEET; THENCE N.0°03'52"E. FOR 130.00 FEET; THENCE RUN S.89°56'08"E. FOR 1728.58 FEET; THENCE RUN S.0°03'52"W. FOR 130.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 224,715 SQUARE FEET OR 5.16 ACRES.

SUBJECT TO ANY EASEMENTS, RESTRICTIONS, RESERVATIONS OR RIGHTS-OF-WAY OF RECORD.

BEARINGS USED HEREIN ARE BASED ON THE SOUTHERLY LINE OF THE 125 FOOT ROADWAY TO BE N.89°56'08"W.

METRON SURVEYING & MAPPING, LLC
FLORIDA CERTIFICATE OF AUTHORIZATION LB# 7071

TIMOTHY LEE MANN
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5838

SHEET 1 OF 2

SKETCH TO ACCOMPANY DESCRIPTION

NALLE GRADE EXTENSION
AS RECORDED IN O.R. BOOK 1096, PG. 1762-1791
S.89°56'08"E. 1728.58'

O.R. BOOK 2425, PG. 0846

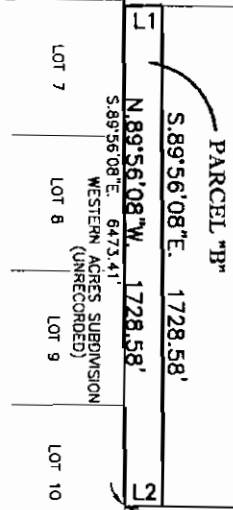
LINE TABLE

L1	N.00°03'52"E.	130.00'
L2	S.00°03'52"W.	130.00'

N.00°03'52"E. 1948.14'

S.00°03'52"W. 1948.14

EASTERLY RIGHT-OF-WAY OF U.S. 41



P.O.B.

EAST LINE OF SECTION 10
TWP. 43 SOUTH, RING. 24 EAST

* SEE SHEET 1 OF 2 FOR LEGAL DESCRIPTION *

SOUTHERLY LINE OF SECTION 11
TWP. 43 SOUTH, RING. 24 EAST

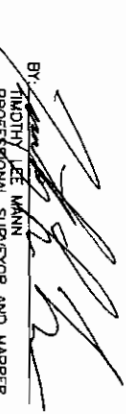
P.O.C.

WESTERLY LINE OF FORMER
SAL RIGHT-OF-WAY
N.11°10'41"W. 1939.30'

LEGEND:

- P.O.B. = POINT OF BEGINNING
- R/W = RIGHT-OF-WAY
- O.R. = OFFICIAL RECORD BOOK
- PG. = PAGE
- FND. = FOUND
- P.O.C. = POINT OF COMMENCEMENT

*** THIS IS NOT A SURVEY ***

BY: 
TIMOTHY LEE MANN
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. LS# 5838
DATE SIGNED: MAR 15, 04

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

SKETCH OF DESCRIPTION



METRON
SURVEYING & MAPPING, LLC
LAND SURVEYORS & PLANNERS
IB# 7071

3245 RAUSTY WAY, SUITE 42
FORT MYERS, FLORIDA 33607
PHONE: (239) 275-8579
FAX: (239) 275-8457
www.metronfl.com

FILE NAME:	5253a1b.dwg	REG. BOOK/PAGE:	N/A	PROJECT NO.:	5253	SHEET:	2 OF 2
SKETCH DATE:	02-23-2004	DRAWN BY:	JSM	SCALE:	1" = 500'	CHECKED BY:	TLM
							10-43-24