Lee County Board Of County Commissioners
Agenda Item Summary

Blue Sheet No. 20061329

1. ACTION REQUESTED/PURPOSE: Approve the Resolution of Necessity for the acquisition and condemnation of a parcel required for the proposed Transit Facility, Project No. 208735.

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

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

4. Departmental Category: 12 A12B	5. Meeting Date: OCT 2 4 2006

6. Agenda:		7. Requirement/Purpose: *(specify)*		8. Request Initiated:	
	Consent	X	Statute	73,74,125,127	Commissioner
X	Administrative		Ordinance		Department	County Attorney
	Appeals		Admin. Code		Division	Litigation
	Public		Other		By: John J. Renner
	Walk-On				Chief Assistant County Attorney

9. Background:

The Transit Facility Project No. 208735: LeeTran currently serves 2.9 million passengers per year and needs a new facility to accommodate a fleet of 228 fixed routes, paratransit van pool and support vehicles and more than 250 employees. LeeTran, with the assistances of Lee County Public Works and County Lands, is proposing the construction of a new maintenance and administration building to replace its existing facility at 6035 Landing View Road. The acquisition of this parcel will provide the necessary land to construct the facility upon, in an area central to the Lee Tran route network.

As a grantee of the Federal Transit Administration (FTA), Lee County Transit (LeeTran) prepared a Draft and Final Environmental Assessment (EA) in compliance with the National Environmental Policy Act of 1969 (NEPA). The EA document identified the potential socio-economic, environmental, and transportation impacts for the LeeTran Transit Facility Locally Preferred Alternative (LPA). The Federal Transit Administration (FTA) Region IV completed its review of the EA for the LeeTran Transit Facility and concurred that there are no significant impacts on the environment associated with the development of operation of this project. On August 31, 2006, the FTA approved a Finding of No Significant Impact (FONSI), allowing LeeTran to move forward with property acquisition, project planning, engineering, and development.

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	County Lands	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.	
J. Mynn 10/6/06	N/A	N/A	RC p 6-06		RK 10/10	10/11/06	10/11/06	10/11/06	

11. Commission Action:

_____ Approved
_____ Deferred
_____ Denied
_____ Other

REC'D by CO. ATTY. 10/10/06 8:24 am
CO. ATTY. FORWARDED TO: Admin. 10/10/06

RECEIVED BY COUNTY ADMIN: 10/10/06 10:45 mp
COUNTY ADMIN FORWARDED TO: 10/11/06 9:30pm

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

WHEREAS, after consideration of the availability of alternative parcels, 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 Transit Facility, Project No. 208735 for Lee County-Lee Tran.

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 Transit Facility Project and is being acquired for the following specific public use or purpose:

LeeTran currently serves 2.9 million passengers per year and needs a new facility to accommodate a fleet of 228 fixed routes, paratransit van pool and support vehicles and more than 250 employees.

The current LeeTran Administration and Maintenance Facility is operating beyond its capacity, and does not have the space required to provide or support any future transit service growth. Construction of a new facility would provide increased customer service capabilities, additional administrative square footage, and increased operation\maintenance space to support the needs of a larger bus fleet. LeeTran would need a new facility site of approximately 21 acres in order to provide the additional room required to relieve overcrowding and meet the growing transit needs of the region, projected to Year 2024.

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 the necessary interest in the properties 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:

Robert P. 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"

A parcel of land lying in East Stadler Farms as recorded in Plat Book 5, Page 5, Section 25, Township 44 South, Range 24 East, Lee County, Florida being described as follows:

Commencing at the Northwest corner of Lot 26, of said East Stadler Farms; thence North 89°01'10" East, along the North line of Lot 26 of said East Stadler Farms, and the northerly line of the FDOT taking Parcel 110.1, a distance of 47.74 feet to the Point of Beginning:

Thence along a curve concave southwesterly having a radius of 2602.48 feet, a delta of 10°43'01" and a chord bearing of South 06°18'39" East; an arc distance of 486.78 feet; thence South 00°57'09" East, a distance of 3.44 feet; thence South 89°02'57" West, a distance of 2.00 feet; thence South 00°57'09" East, a distance of 174.03 feet; thence South 89°01'25" East, a distance of 4.50 feet; thence South 00°57'09" East, a distance of 100.19 feet to the point of curvature of a curve concave northeasterly having a radius of 885.42 feet, a delta of 24°45'13" and a chord bearing South 13°19'45" East; thence along the arc of said curve an arc distance of 382.53 feet; thence North 89°01'21" East, a distance of 379.67 feet, thence South 65°44'16" East, a distance of 445.77 feet; thence North 00°57'03" West, a distance of 1322.53 feet; thence South 89°01'10" West, a distance of 912.25 feet to the Point of Beginning.

Parcel ID Number: 25-44-24-P3-02500.0380

Lee County Map

FOWLER STREET

EVANS AVENUE

POND

3 ACRE RETENTION SITE

5 ACRE EMS SITE

ADMINISTRATION

MAINTENANCE

TRANSPORTATION

KEY AREA MAP

N

Carter Burgess
Maintenance Design Group

lee tran   LEE TRAN TRANSIT, LEE COUNTY, FLORIDA

MAINTENANCE, OPERATIONS AND ADMINISTRATION FACILITY

SCALE:	DRAWING:	DATE:
1" = 100'	SITE 07 CONCEPT	12/19/2005

CONCEPTUAL SITE PLAN C4