

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

Blue Sheet No. 20030045

1. REQUESTED MOTION:

ACTION REQUESTED: Approve the Resolution of Necessity for the acquisition and condemnation of parcels required for the Charlee Road Special Improvements Municipal Services Benefit Unit, Project No. 4082.

WHY ACTION IS NECESSARY: The Board must formally approve the Resolution of Necessity prior to proceeding with condemnation of parcels necessary for the project.

WHAT ACTION ACCOMPLISHES: Allows the County to proceed with condemnation, if necessary, so parcels can be acquired for the Charlee Road Special Improvements MSBU project.

2. DEPARTMENTAL CATEGORY:

COMMISSION DISTRICT #:

A12B

3. MEETING DATE:

02-11-2003

4. AGENDA:

- CONSENT ADMINISTRATIVE
 - APPEALS
 - PUBLIC
 - WALK ON
- TIME REQUIRED:

5. REQUIREMENT/PURPOSE:

- (Specify)
- STATUTE 73, 74, 125, 127
 - ORDINANCE
 - ADMIN.
 - OTHER Resolution No. 02-02-29

6. REQUESTOR OF INFORMATION

- A. COMMISSIONER
- B. DEPARTMENT County Attorney
- C. DIVISION Litigation
- BY: John Turner, Assistant County Attorney

7. BACKGROUND:

The Board of County Commissioners of Lee County adopted Resolution No. 02-02-29, which created and established the Charlee Road Special Improvements Municipal Services Benefit Unit, Project Number 4082. This project provides for the construction of road paving and road drainage improvements to Charlee Road in the unrecorded subdivision of Char-Lee Ranchettes in the Northwest area of Lee County.

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

Funds will be made available in Account No. 80408235280.503150

Staff recommends Board approve the Requested Motion.

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services <i>with 1/29/03</i>				G County Manager
		N/A		<i>[Signature]</i>	OA	OM	RISK	GC	<i>[Signature]</i>
					<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: *1/28/03*
Time: *3:00 pm*
Forwarded To:

CO. ATTY.
FORWARDED
TO CO. ADMIN.

RECEIVED BY
COUNTY ADMIN. RK
1-28-03
4:15
COUNTY ADMIN.
FORWARDED TO: BH
1/30 12:00

**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:

Resolution Number 02-02-29 created and established boundaries of the Charlee Road Special Improvements Municipal Service Benefit Unit, Project No. 4082, providing for the acquisition, construction and maintenance of road paving and drainage and levying of special assessments to finance the project; establish estimated cost and method of assessment for project .

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 the Charlee Road Special Improvements Municipal Service Benefit Unit, Project No. 4082 and is being acquired for the following specific public use or purpose:

Construction of road improvements for public safety, emergency services convenience and drainage improvements of Charlee Road, within Section 6, T43S, R23E, Lee County, Florida.

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

Page 2

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	_____

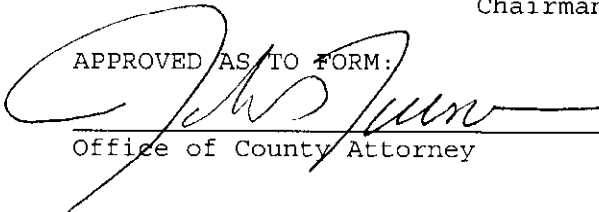
DULY PASSED AND ADOPTED this _____ day of _____, 2003.

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

Parcel 11

Exhibit "A"

APRIL 9, 2002
JOB NO. 01-7001
01-7001SK12A.doc

SHEET 1 OF 2

A 30 FOOT WIDE PARCEL OF LAND LYING IN SECTION 6, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA.

DESCRIPTION OF PARCEL

A 30 FOOT WIDE PARCEL OF LAND LYING IN SECTION 6, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTH 30.00 FEET OF THE FOLLOWING DESCRIBED PARCEL OF LAND:

O.R. 2218, PAGE 3090, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. THE EASTERLY 2.1558 ACRES OF LOT 12, OF CHAR-LEE RANCHETTES, UNRECORDED LOCATED IN SECTION 6, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

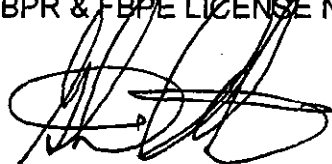
FROM THE SOUTHEAST CORNER OF SAID SECTION 6, RUN N.0°41'43"E., ALONG THE EAST LINE OF SAID SECTION 6, A DISTANCE OF 830.68 FEET; THENCE S.88°22'18"W., PARALLEL TO THE SOUTH LINE OF SAID SECTION 6, 1340.47 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S.88°22'18"W., 226.28 FEET; THENCE N.0°42'25"E., 415.35 FEET; THENCE N.88°22'18"E., 226.28 FEET; THENCE S.0°42'25"W., 415.35 FEET TO THE POINT OF BEGINNING.

SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD.

CONTAINING 6788 SQUARE FEET MORE OR LESS.

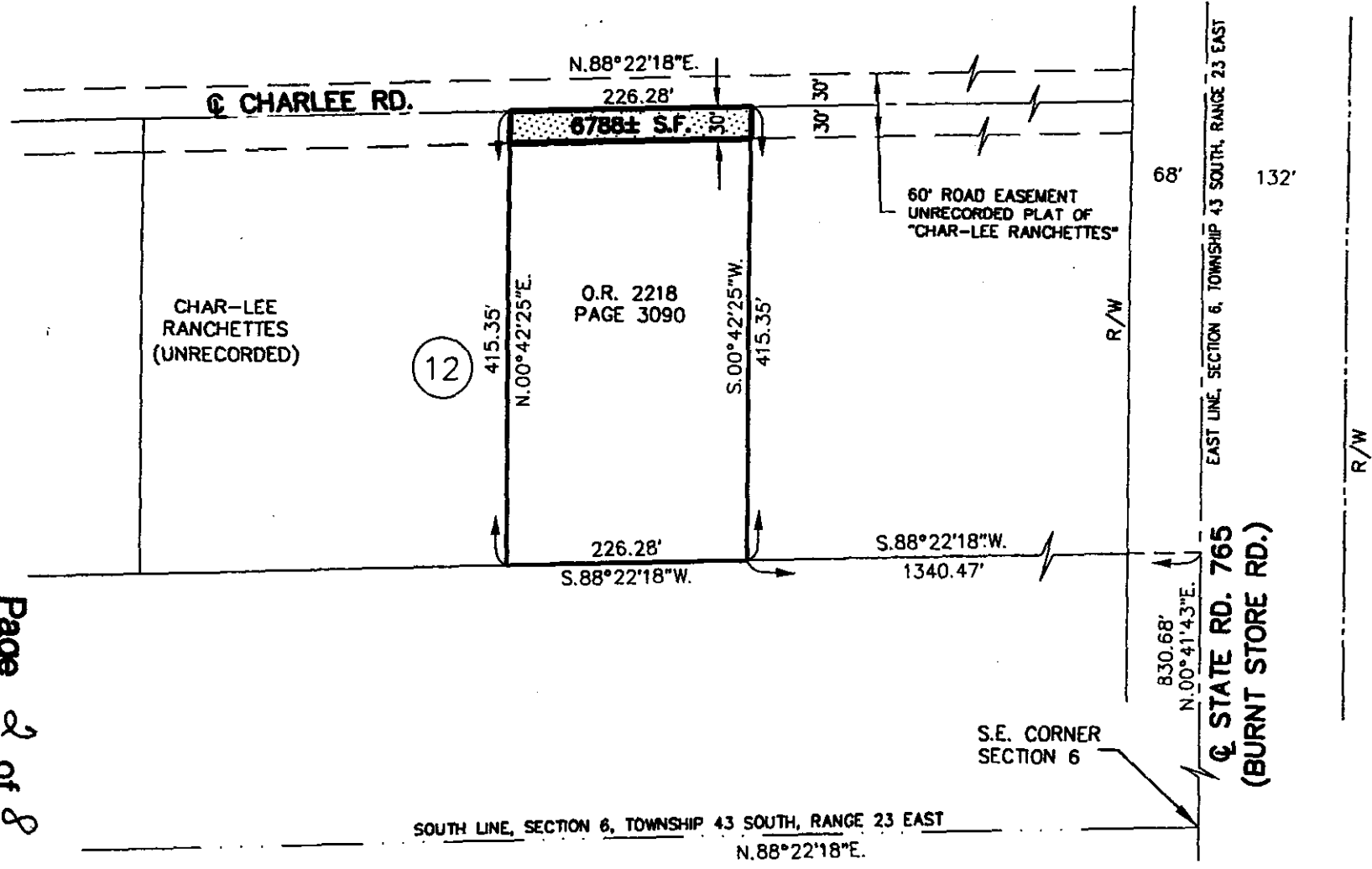
REFER TO 8 ½" X 11" SKETCH. (SHEET 2 OF 2)

INK ENGINEERING, A DIVISION OF LBFH INC.
BPR & FBPE LICENSE NO. 959



GLENN C. ADAMS, FOR THE FIRM
PROFESSIONAL LAND SURVEYOR
FL. CERT. NO. 6062

Page 2 of 8




LEGEND	
O.R.	OFFICIAL RECORD
S.F.	SQUARE FEET

REFER TO ATTACHED DESCRIPTION

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

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, AND RIGHTS OF WAY OF RECORD.

BEARINGS (IF SHOWN HEREON) ARE BASED UPON THE CENTERLINE OF CHARLEE ROAD BEING N.88°22'18"E.


 GLENN C. ADAMS, FOR THE FIRM
 PROFESSIONAL LAND SURVEYOR
 FLA. CERTIFICATE NO. 6062

SHEET 2 OF 2

SKETCH (NOT A SURVEY)

A 30' WIDE PARCEL OF LAND

LYING IN
 SECTION 6, TOWNSHIP 43 SOUTH, RANGE 23 EAST
 LEE COUNTY, FLORIDA

DATE	4/09/02
SCALE	1"=150'
DRAWN	G.C.A.
CHECK	
APPROVED	

Ink Engineering
 CONSULTING CIVIL ENGINEERS,
 SURVEYORS & MAPPERS
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 A Division of LBFF, Inc.
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 (941) 931-0455 Fax: (941) 931-0456
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FILE: 01-7001SK12A

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01-7001

Exhibit "A"

Parcel 16

APRIL 9, 2002
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01-7001SK10A.doc

SHEET 1 OF 2

A 30 FOOT WIDE PARCEL OF LAND LYING IN SECTION 6, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA.

DESCRIPTION OF PARCEL

A 30 FOOT WIDE PARCEL OF LAND LYING IN SECTION 6, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTH 30.00 FEET OF THE FOLLOWING DESCRIBED PARCEL OF LAND:

O.R. 3553, PAGE 1100, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. A PARCEL OF LAND BEING PART OF LOT 10, PARCEL "B", CHARLEE RANCHETTES, (UNRECORDED) LYING IN SECTION 6, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 6; THENCE ON THE EAST LINE THEREOF, NORTH 0°41'43" EAST, 860.70 FEET; THENCE SOUTH 88°22'18" WEST, 68.06 FEET TO THE WEST RIGHT-OF-WAY LINE OF BURNT STORE ROAD (S.R. 765) AND THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 88°22'18" WEST, 270.00 FEET; THENCE NORTH 0°42'25" EAST, 385.33 FEET TO THE CENTERLINE OF A 60-FOOT WIDE ROADWAY EASEMENT; THENCE ON SAID CENTERLINE, NORTH 88°22'18" EAST, 269.93 FEET TO THE WEST RIGHT-OF-WAY LINE OF BURNT STORE ROAD; THENCE ON SAID RIGHT-OF-WAY LINE SOUTH 0°41'43" WEST, 385.32 FEET TO THE POINT OF BEGINNING.

SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD.

CONTAINING 8098 SQUARE FEET MORE OR LESS.

REFER TO 8 1/2" X 11" SKETCH. (SHEET 2 OF 2)

INK ENGINEERING, A DIVISION OF LBFH INC.
BPR & FBPE LICENSE NO. 959


GLENN C. ADAMS, FOR THE FIRM
PROFESSIONAL LAND SURVEYOR
FL. CERT. NO. 6062

APRIL 9, 2002
JOB NO. 01-7001
01-7001SK3.doc

A 30 FOOT WIDE PARCEL OF LAND LYING IN SECTION 6, TOWNSHIP
43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA.

DESCRIPTION OF PARCEL

A 30 FOOT WIDE PARCEL OF LAND LYING IN SECTION 6, TOWNSHIP
43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, BEING MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH 30.00 FEET OF THE FOLLOWING DESCRIBED PARCEL
OF LAND:

O.R. 2285, PAGE 3101, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.
TRACT A-2: THE NORTH 415.00 FEET OF THE EAST 565.71 FEET OF
THE WEST 1697.13 FEET OF THE NORTH 830.00 FEET OF THE SOUTH
1660.00 FEET OF SECTION 6, TOWNSHIP 43 SOUTH, RANGE 23 EAST,
LEE COUNTY, FLORIDA.

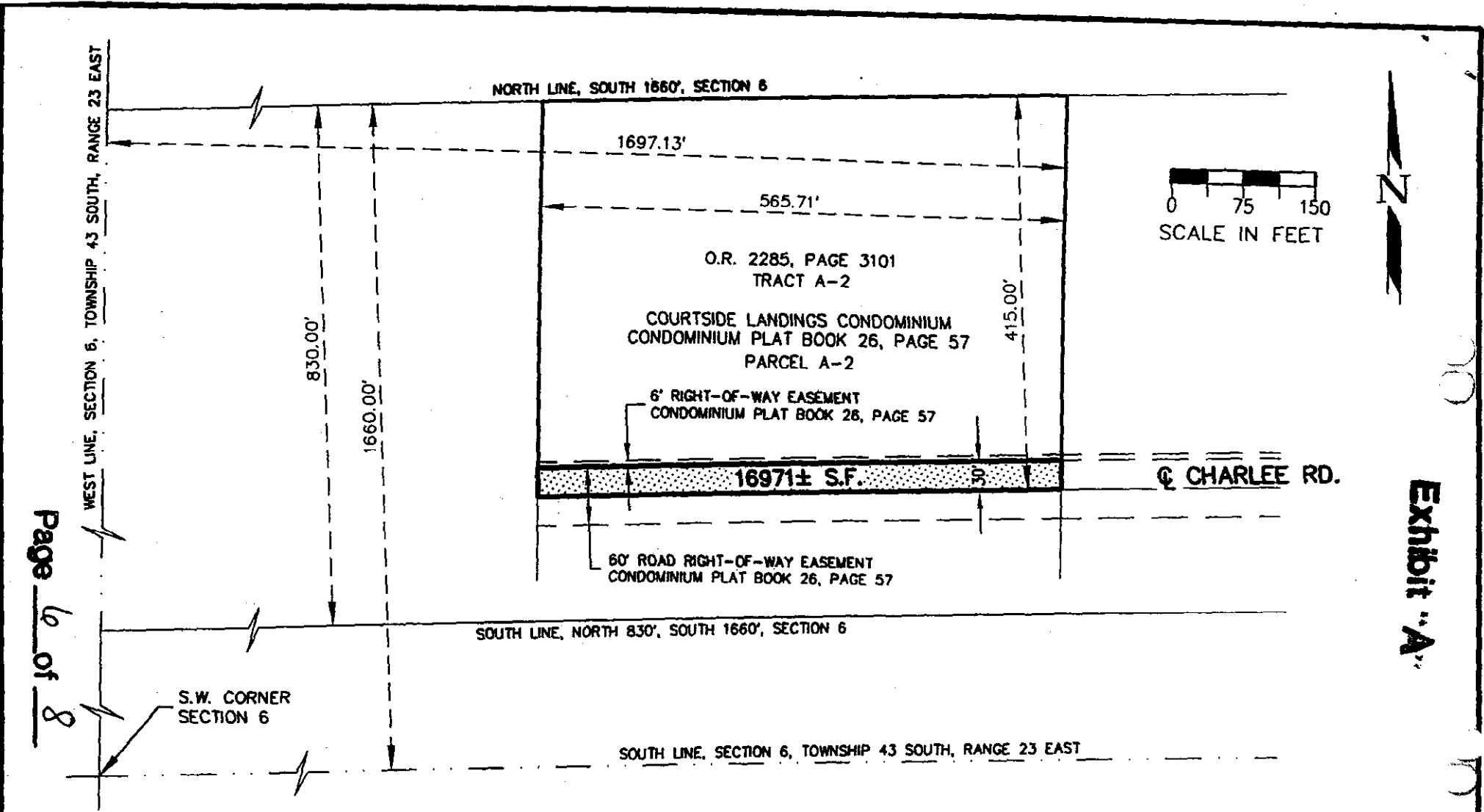
SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS AND
RIGHTS OF WAY OF RECORD.

CONTAINING 16971 SQUARE FEET MORE OR LESS.

REFER TO 8 1/2" X 11" SKETCH. (SHEET 2 OF 4)

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Page 6 of 8

Exhibit "A"

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LEGEND	
O.R.	OFFICIAL RECORD
S.F.	SQUARE FEET

GLENN C. ADAMS, FOR THE FIRM
PROFESSIONAL LAND SURVEYOR
FLA. CERTIFICATE NO. 6062

SHEET 2 OF 4

SKETCH (NOT A SURVEY)

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LEE COUNTY, FLORIDA

DATE	4/09/02
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DRAWN	G.C.A.
CHECK	
APPROVED	

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FILE: 01-7001SK3

JOB NO.:

01-7001

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AGRICULTURAL
WATER RESOURCES
WATER & WASTEWATER
TRANSPORTATION
SURVEYING & MAPPING
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Parcel 20

Exhibit "A"

SHEET 3 OF 4

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THE WEST 2262.84 FEET OF THE NORTH 830.00 FEET OF THE SOUTH
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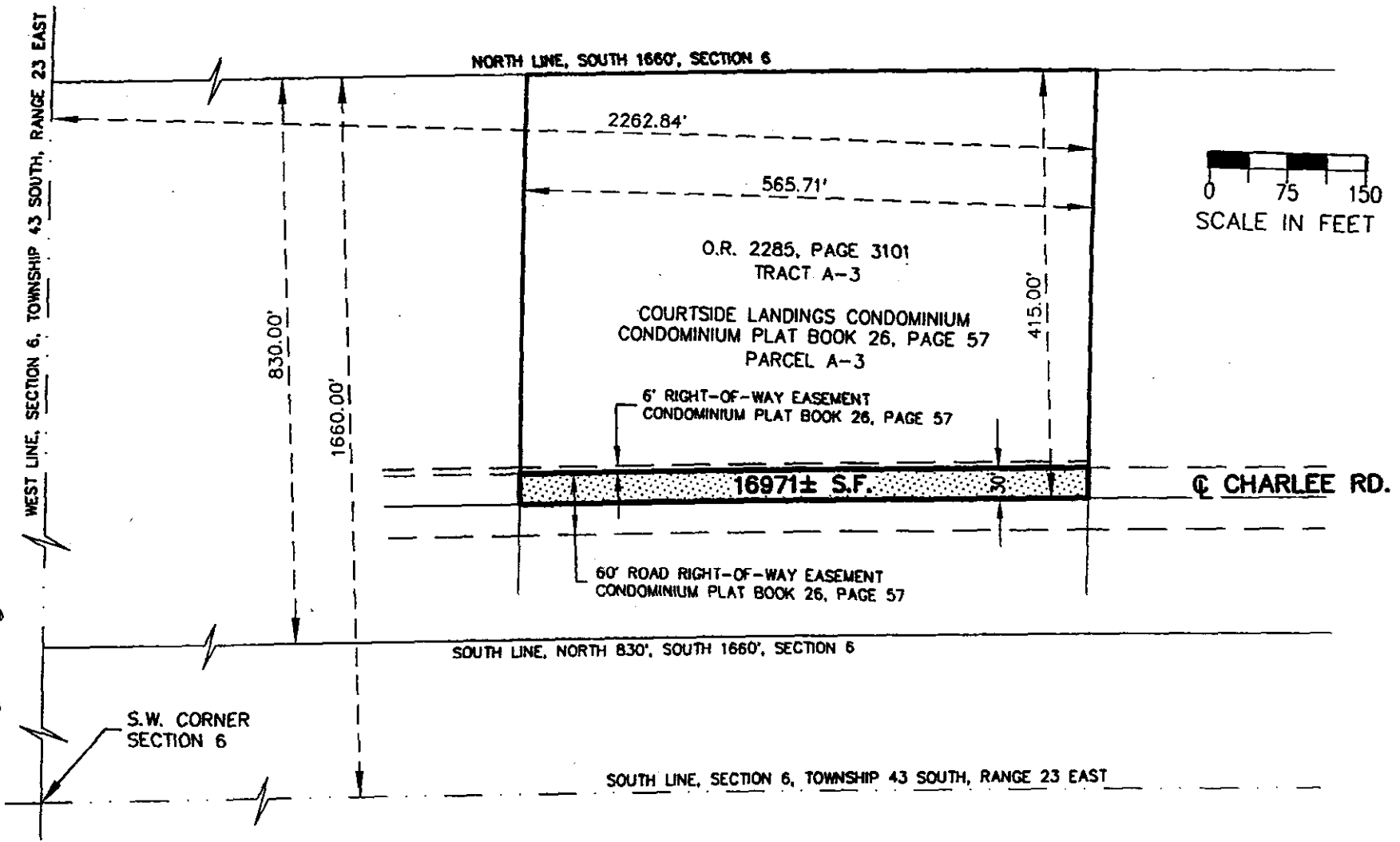
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APPROVED	

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