

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

Blue Sheet No. 20060767

**1. ACTION REQUESTED/PURPOSE:**

Approve the Resolution of Necessity for the acquisition and condemnation of Parcel 100, required for the Alico Road Water Main Relocation/Metro Project 7143.

**2. WHAT ACTION ACCOMPLISHES:** Allows the County to proceed with condemnation, if necessary, so parcels can be acquired for the Project.

**3. MANAGEMENT RECOMMENDATION:** Approve.

<b>4. Departmental Category:</b> <u>12</u> <b>A 12 C</b>		<b>5. Meeting Date:</b> <b>06-27-2006</b>	
<b>6. Agenda:</b>		<b>7. Requirement/Purpose: (specify)</b>	
<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Statute	73,74,125,127	
<input checked="" type="checkbox"/> Administrative	<input type="checkbox"/> Ordinance		
<input type="checkbox"/> Appeals	<input type="checkbox"/> Admin. Code		
<input type="checkbox"/> Public	<input checked="" type="checkbox"/> Other		
<input type="checkbox"/> Walk-On			
		<b>8. Request Initiated.</b>	
		Commissioner _____	
		Department _____ County Attorney	
		Division _____ Litigation	
		By: John Renner	
		Chief Assistant County Attorney	

**9. Background:**

**Interest to Acquire:** Perpetual Easement Interest; for the Lee County Utilities Department.

**Property Details:** Alico Road Water Main Relocation/Metro Project 7143, consists of installation of a new water main along the west end of Alico Road and US 41. Approval of the Resolution of Necessity is required should condemnation proceedings be necessary for the acquisition of easement interests in Parcel 100.

**10. Review for Scheduling:**

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.	
				<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>
					6/14/06	6/14/06	6/14/06	6/14/06	6-15-06

**11. Commission Action:**

- Approved
- Deferred
- Denied
- Other

CC. ATTY.  
FORWARDED  
TO CO. ADMIN.  
**6/8/06**

RECEIVED BY  
COUNTY ADMIN: *[Signature]*  
**6/8/06 4:45**

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COUNTY ADMIN  
FORWARDED TO: *[Signature]*  
**6/15/06**  
**CFM**

**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:**

Alico Road Water Main Relocation/Metro, Project Number 7143, provides an installation of a new water main extension along the west end of Alico Road and US 41.

**SECTION ONE: USE, NECESSITY AND DESCRIPTION OF PROPERTY**

The Board of County Commissioners finds that perpetual utility easement rights to the property described in the attached Exhibit "A" is necessary for the Alico Road Water Main Relocation/Metro Project and is being acquired for the following specific public use or purpose:

To improve Lee County's utility distribution system by constructing and maintaining a new water main extension for public health and welfare.

Easement Interest: Parcel 100 for a perpetual utility easement.

**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 a perpetual easement interest in the property described in Exhibit "A" for the above described public use or purpose.

**Resolution of Necessity**

Alico Road Water Main Relocation/Metro, Project No. 7143

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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 \_\_\_\_\_, 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"

## LEGAL DESCRIPTION 10 FOOT UTILITY EASEMENT

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST CORNER OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST RUN N89°20'55"E ALONG THE SOUTH LINE OF THE SE 1/4 FOR 139.88 FEET; THENCE N45°02'00"W ALONG THE NORTHEASTERLY RIGHT OF WAY LINE OF S.R. 45 / U.S. 41 FOR 74.17 FEET TO THE POINT OF BEGINNING OF PART "A" EASEMENT; THENCE CONTINUE ALONG SAID RIGHT OF WAY N45°02'00"W FOR 1409.89 FEET TO THE SOUTH RIGHT OF WAY LINE OF FUTURE ROADWAY FOR ALICO INTERCHANGE; THENCE N44°58'00"E ALONG THE SOUTH RIGHT OF WAY OF ALICO INTERCHANGE FOR 10.00 FEET; THENCE S45°02'00"E FOR 1405.58 FEET; THENCE S89°43'15"E FOR 37.39 FEET; THENCE S00°16'45"W FOR 2.34 FEET; THENCE N89°20'55"E FOR 233.17 FEET TO THE WESTERLY RIGHT OF WAY LINE OF OLD U.S. 41; THENCE ALONG SAID RIGHT OF WAY LINE S23°25'04"E FOR 10.84 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF ALICO ROAD; THENCE ALONG SAID RIGHT OF WAY LINE S89°20'55"W FOR 247.53 FEET; THENCE N00°16'45"E FOR 2.50 FEET; THENCE N89°43'15"W FOR 31.50 FEET TO THE POINT OF BEGINNING OF PART "A" EASEMENT.

ALSO THE PART "B" EASEMENT DESCRIBED AS FOLLOW:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST CORNER OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST RUN N89°20'55"E ALONG THE SOUTH LINE OF THE SE 1/4 FOR 139.88 FEET; THENCE N45°02'00"W ALONG THE NORTHEASTERLY RIGHT OF WAY LINE OF S.R. 45 / U.S. 41 FOR 1564.89 FEET TO THE POINT OF BEGINNING OF THE PART "B" EASEMENT, ALSO BEING THE NORTH RIGHT OF WAY LINE OF FUTURE ROADWAY FOR ALICO INTERCHANGE; THENCE CONTINUE ALONG THE RIGHT OF WAY LINE OF S.R. 45 / U.S. 41, N45°02'00"W FOR 503.11 FEET; THENCE N44°58'00"E FOR 10.00 FEET; THENCE S45°02'00"E FOR 503.11 FEET TO THE NORTH RIGHT OF WAY LINE OF FUTURE ROADWAY ALICO INTERCHANGE; THENCE ALONG SAID RIGHT OF WAY LINE S44°58'00"W FOR 10.00 FEET TO THE POINT OF BEGINNING OF THE PART "B" EASEMENT.

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

PREPARED BY:  
AIM ENGINEERING & SURVEYING, INC.

*[Signature]* 03/27/06  
BOB L. POTTER, P.S.M. DATE  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA CERTIFICATE NO. 5688

AIM Engineering & Surveying, Inc.



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

THIS IS NOT A SURVEY SHEET 1 OF 4

PROJECT NUMBER: 06-8052	DESCRIPTION: 10 FOOT UTILITY EASEMENT
DRAWN BY: AJR	CLIENT:
DATE:	REC-TWP-R&E
FILE:	TOWN:

Exhibit "A"



**EASEMENT TRACT "B"**  
 5,031 SQ. FT.  
 0.12 ACRE

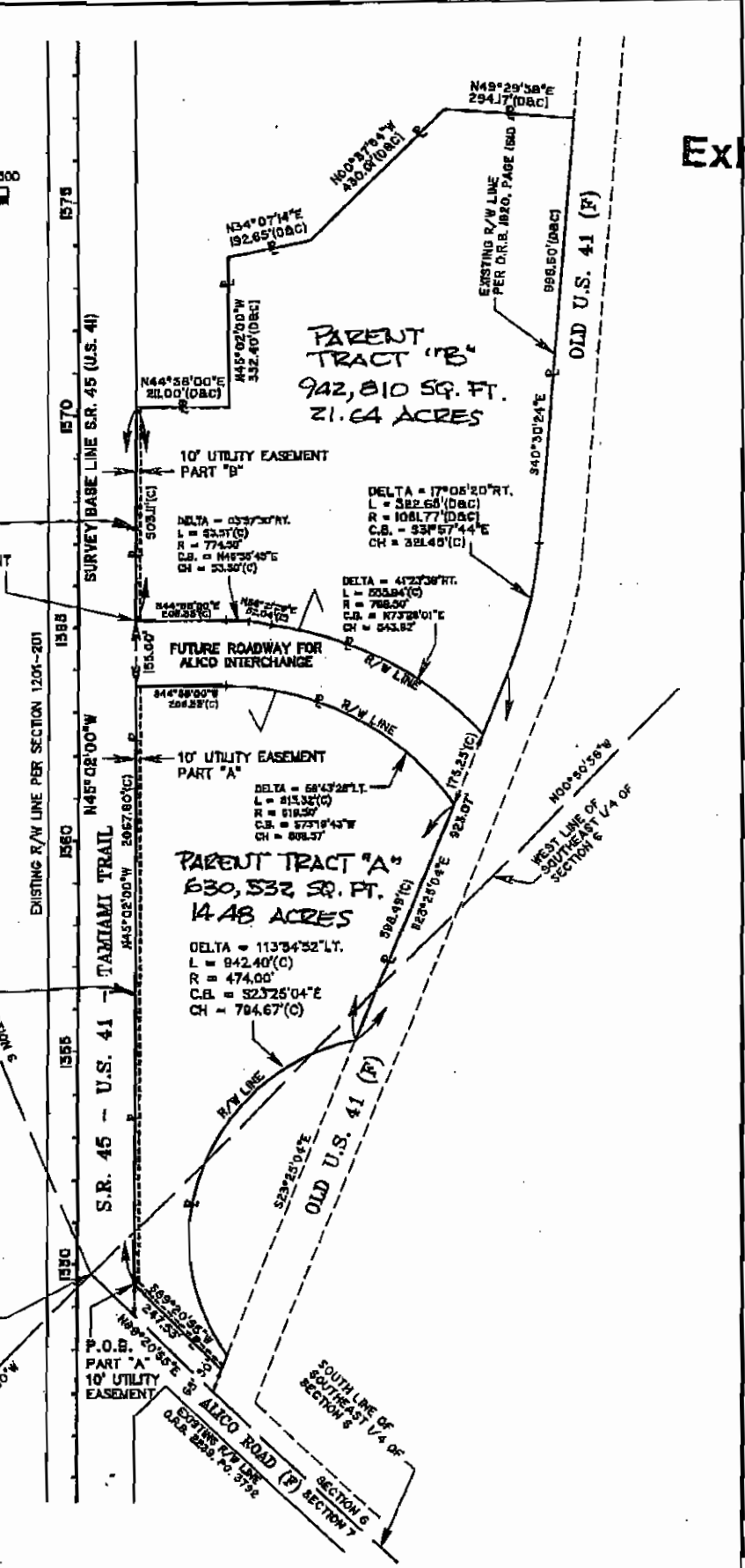
**EASEMENT TRACT "A"**  
 16,849 SQ. FT.  
 0.39 ACRE

**PARENT TRACT "B"**  
 942,810 SQ. FT.  
 21.64 ACRES

**PARENT TRACT "A"**  
 630,532 SQ. FT.  
 14.48 ACRES

**P.O.C.**  
 PART "A" & "B"  
 EASEMENT  
 SE CORNER OF THE  
 SW QUARTER OF  
 SECTION 8-46-25  
 FOUND NAIL IN CUT-HOLE  
 IN PAVEMENT NO  
 IDENTIFICATION

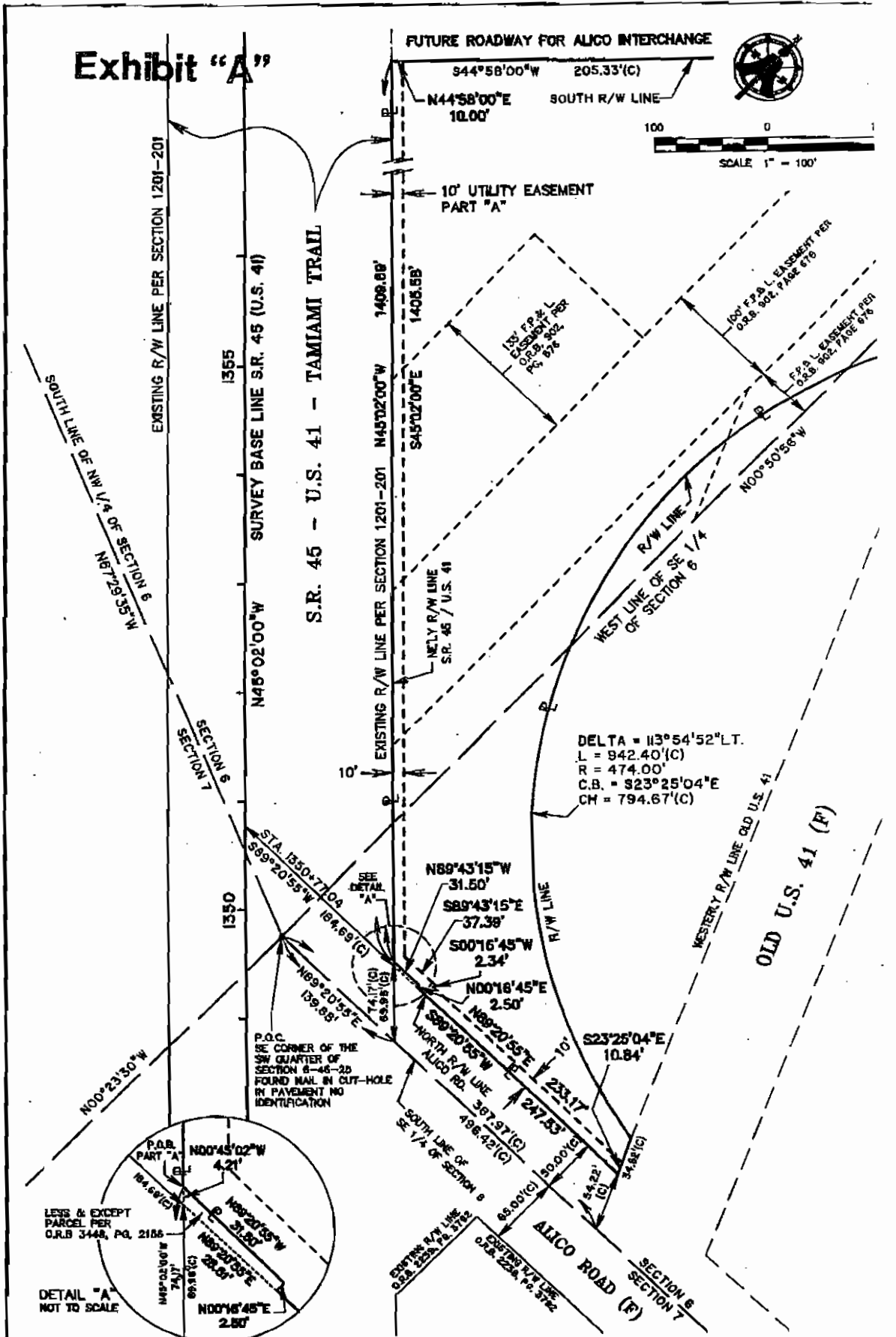
**ADM Engineering & Surveying, Inc.**  
 5500 LEE BLVD.  
 P.O. BOX 1235  
 LEHIGH ACRES  
 FLORIDA 33970  
 239/332-4569  
 FX:239/332-8734  
 Licensed Business Number 3114



THIS IS NOT A SURVEY SHEET 2 OF 4

PROJECT NUMBER: 06-9052	DESCRIPTION: 10 FOOT UTILITY EASEMENT
DRAWN BY: A/R	CLIENT:
DATE: 03-22-06	SEC-TWP-RGE: 06-46-25
FILE: 06-5092	COUNTY: LEE COUNTY

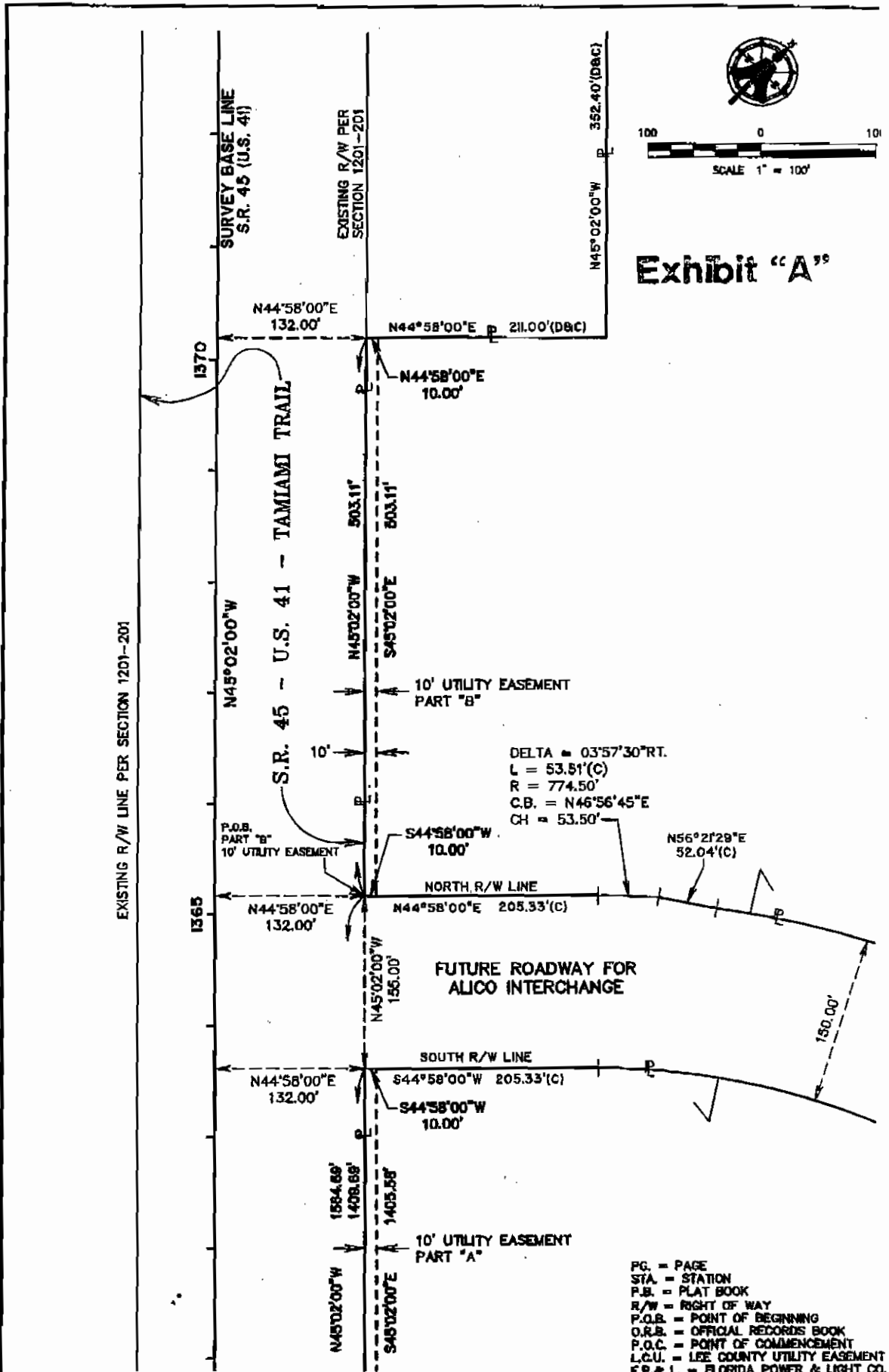
# Exhibit "A"



**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 3 OF 4

PROJECT NUMBER: 06-9052	DESCRIPTION: 10 FOOT UTILITY EASEMENT
DRAWN BY: A.R.	CLIENT:
DATE: 03-22-06	SEC-TWP-RGE: 06-46-25
FILE: 06-5092	COUNTY: LEE COUNT



ATM Engineering & Surveying, Inc.



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

Licensed Business Number 314

THIS IS NOT A SURVEY

SHEET 4 OF 4

PROJECT NUMBER:	DESCRIPTION:	FILE:	COUNTY:
06-9052	10 FOOT UTILITY EASEMENT	06-5092	LEE COUNT
DRAWN BY:	CLIENT:		
AJR			
DATE:	SEC-TWP-RGE		
03-22-06	06-48-25		