

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

Blue Sheet No. 20021113

1. REQUESTED MOTION:

ACTION REQUESTED: Approve the Amended Resolution of Necessity for the acquisition and condemnation of parcels required for the Alico Road Six Laning, Project No. 4030.

WHY ACTION IS NECESSARY: To acquire parcels that are necessary for the Alico Road Six Laning Project.

WHAT ACTION ACCOMPLISHES: The Amended Resolution of Necessity allows the County to proceed with condemnation, if necessary, so parcels can be acquired for the Alico Road Six Laning Project, from east of Old U.S. 41 to Interstate 75.

2. DEPARTMENTAL CATEGORY: 12

COMMISSION DISTRICT #: 3 & 5 *A12A*

3. MEETING DATE:

10-22-2002

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON

TIME REQUIRED:

5. REQUIREMENT/PURPOSE:

- (Specify)
- STATUTE 73, 74, 125, 127
 - ORDINANCE
 - ADMIN.
 - OTHER

6. REQUESTOR OF INFORMATION

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

7. BACKGROUND:

The Alico Road Six Laning Project No. 4030, will improve the roadway between Old U.S. 41 and Interstate 75.

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

The Resolution is being amended to reflect the revised legal descriptions and sketches for Parcels 102 and 102-A and to change the acquisition interest in Parcel 102 from a fee interest to an utility waterline easement interest.

Funds will be available in Account No. 20403018804.506110.30

- 20 - Capital Projects
- 4030 - Alico Road 4 Laning
- 188 - Impact Fees-Roads
- 04 - Road Impact Fees SFM/Iona/BC
- 506110 - Land and Court Registry
- 30 - Construction

Staff recommends the Board approve the Requested Motion.

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A	B	C	D	E	F				G
Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager
					OA	OM	RISK	GC	
<i>H. Loyalk</i>				<i>[Signature]</i>	<i>elaw 10-2-02</i>	<i>[Signature] 10/3/02</i>	<i>[Signature] 10/3</i>	<i>[Signature] 10.3.02</i>	<i>[Signature] 10-3-02</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

CO. ATTY.
FORWARDED
TO CO. ADMIN.
10-2-02
S. P.

Rec. by Comity
Date: *10/1/02*
Time: *4:03 PM*
Forwarded To:

RECEIVED BY COUNTY ADMIN. *EW*
10/2/02
COUNTY ADMIN. FORWARDED TO: *DS*
10/3

**AMENDED 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:

The Capital Improvement Project provides for the construction of the Alico Road Six Laning, Project No. 4030, by improving/widening Alico Road, from east of Old U.S. 41 to Interstate 75.

SECTION ONE: USE, NECESSITY AND DESCRIPTION OF PROPERTY

The Board of County Commissioners finds that an easement interest in the properties described in the attached Exhibit "A" are necessary for the Alico Road Six Laning Project, and are being acquired for the specific public use or purpose of constructing within the related drainage easement and waterline utility easement associated with the construction of a public road, to promote public safety. Parcels 102 and 102-A, are necessary to the project, and being acquired in easement interest. Parcel 102-A is necessary to the project, and being acquired as a drainage easement. Parcel 102 is necessary to the project and being acquired as a waterline easement. The waterline easement is necessary to provide potable water service to South Lee County from the Corkscrew Water Treatment Plant.

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 properties described in Exhibit "A" for the above described public use or purpose.

Amended Resolution of Necessity

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Provided further, that should the compensation resulting from the condemnation of any parcel of land hereinabove identified be equal to or greater than the compensation necessary to acquire the entire tract of which such parcel forms a part, then the County Attorney is authorized and directed to amend, supplement, or institute proceedings to condemn the entire parent tract of any such parcel.

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	_____
Andrew W. Coy	_____
John E. Albion	_____

DULY PASSED AND ADOPTED this _____ day of _____, 2002.

ATTEST:
CHARLIE GREEN, CLERK

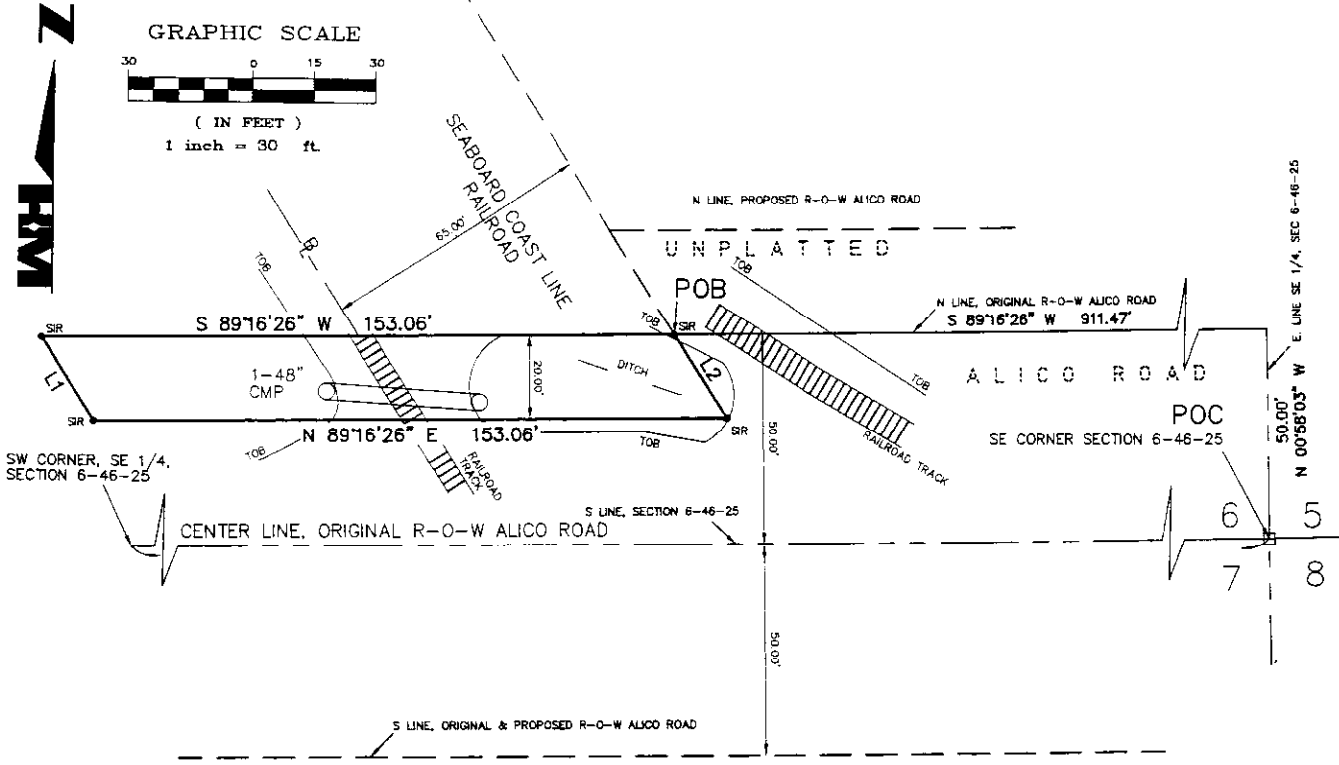
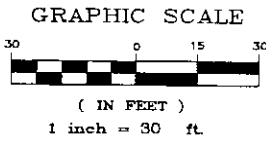
LEE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

By: _____
Deputy Clerk

Chairman

APPROVED AS TO FORM:

Office of County Attorney



LINE TABLE		
LINE	DIRECTION	DISTANCE
L1	S 32°35'11" E	23.55'
L2	N 32°35'11" W	23.55'

LEGAL DESCRIPTION

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN N.00° 58'03"W., ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 6, FOR A DISTANCE OF 50.00 FEET TO A POINT ON THE ORIGINAL NORTHERLY RIGHT-OF-WAY LINE OF ALICO ROAD, A RIGHT OF WAY OF VARIABLE WIDTH; THENCE RUN S.89°16'26"W., ALONG SAID ORIGINAL NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 911.47 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S.89°16'26"W., ALONG SAID ORIGINAL NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 153.06 FEET; THENCE RUN S.32°35'11"E. FOR A DISTANCE OF 23.55 FEET TO A POINT 20.00 FEET SOUTHERLY OF, AS MEASURED AT RIGHT ANGLES TO, SAID ORIGINAL NORTHERLY RIGHT-OF-WAY LINE; THENCE RUN N.89°16'26"E. FOR A DISTANCE OF 153.06 FEET; THENCE RUN N.32°35'11"W. FOR A DISTANCE OF 23.55 FEET TO THE POINT OF BEGINNING; CONTAINING 3061.2 SQUARE FEET, MORE OR LESS.

NOTES:

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

BEARINGS REFER TO THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AS BEING N.00°58'03"W.

THE RAILROAD TRACKS AND DRAINAGE PIPE ARE LOCATED ON THIS PROPERTY AS SHOWN.

PROPERTY AREA: 3061.2 SQUARE FEET, MORE OR LESS

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

CERTIFIED TO: LEE COUNTY DEPARTMENT OF TRANSPORTATION

I HEREBY CERTIFY THAT THIS SKETCH OF THE HEREON DESCRIBED PROPERTY WAS SURVEYED UNDER MY DIRECTION ON 9/27/02. I FURTHER CERTIFY THAT THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING IN THE STATE OF FLORIDA PURSUANT TO CHAPTER 81G17-6, F.A.C.

HOLE MONTES, INC.
CERTIFICATION OF AUTHORIZATION LB #1772

BY Thomas J. Garris P.L.S. #3741
THOMAS J. GARRIS STATE OF FLORIDA

LEGEND

- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- SIR SET IRON ROD W CAP LB 1772
- CMP CORRUGATED METAL PIPE



950 Encore Way
Naples, Florida 34110
Phone: (941) 254-2000
Florida Certificate of
Authorization No.1772

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

BOUNDARY SURVEY

OF A PORTION OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST

LEE COUNTY FLORIDA

REVISION No.	DESCRIPTION	DATE
REVISIONS		
DRAWN BY:	DATE	SECTION
BEN	9/02	6
CHECKED BY:	P.L.	TOWNSHIP
TJG	837	46
	PAGE	RANGE
	25-41	25
	REFERENCE	PROJECT No.
	PNO2NU	97.051
		DRAWING No.
		B-3414-1

Exhibit "A"
102

LEGEND

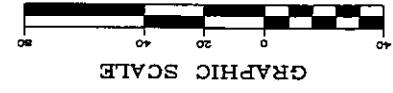
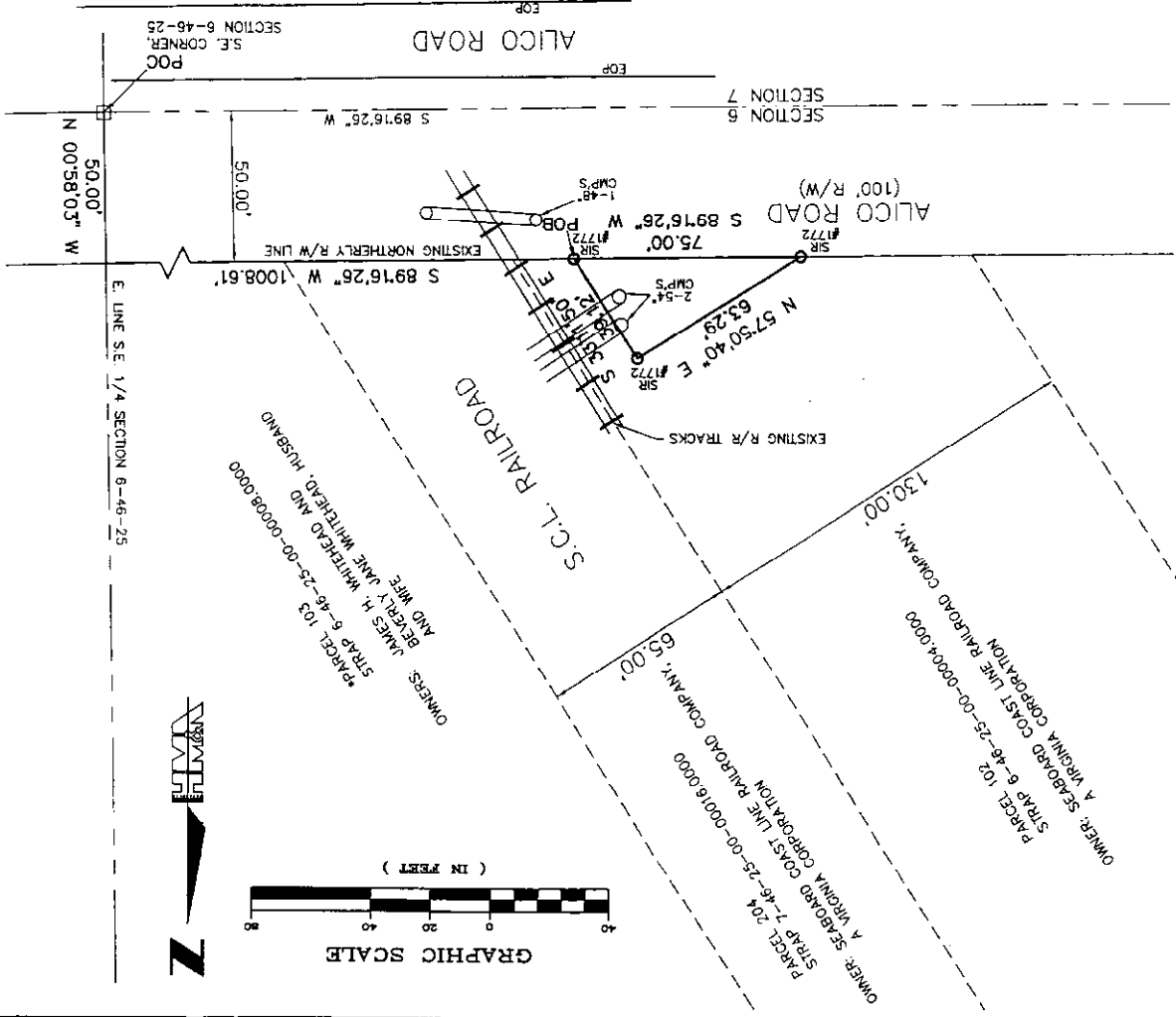
- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- SIR SET IRON ROD W/CAP LB 1772
- OMP CORRUGATED METAL PIPES
- EOP EDGE OF PAVEMENT



950 Encore Way
Naples, Florida 34110
Phone: (941) 254-2000
Florida Certificate of
Authorization No. 1772

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

FLORIDA		LEE COUNTY	
BOUNDARY SURVEY OF A PORTION OF SOUTHEAST 1/4 SECTION 6, TWP. 46 S., RGE. 25 E.			
REVISION NO.	DESCRIPTION	DATE	
6	REVISIONS	09/01	
PROJECT NO.	SECTION	TOWNSHIP	RANGE
1997051	6	46	25
DRAWN BY:	BA	F.B.	
CHECKED BY:	JJG	REFERENCE	9751DE1SUR
DRAWING NO.		B-3413	



LEGAL DESCRIPTION

A PORTION OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, THENCE RUN N.00°58'03"W, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 6, FOR A DISTANCE OF 50.00 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF ALICO ROAD, A 100.00 FOOT RIGHT-OF-WAY, THENCE RUN S.89°16'26"W, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 100.81 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED, THENCE CONTINUE S.89°16'26"W, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 75.00 FEET; S.89°16'26"W, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 75.00 FEET; THENCE RUN N.57°50'40"E, FOR A DISTANCE OF 63.29 FEET, THENCE RUN S.33°11'50"E, FOR A DISTANCE OF 39.12 FEET TO THE POINT OF BEGINNING, CONTAINING 1,237.5 SQUARE FEET, MORE OR LESS.

NOTES:

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

THE CORRUGATED METAL PIPES ARE LOCATED ON THIS PROPERTY AS SHOWN. THIS PROPERTY WAS OTHERWISE VACANT ON 9/18/01.

BEARINGS REFER TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AS BEING S.89°16'26"W.

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

I HEREBY CERTIFY THAT THIS SKETCH OF THE HEREON DESCRIBED PROPERTY WAS SURVEYED UNDER MY DIRECTION ON 9/18/01. I FURTHER CERTIFY THAT THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING IN THE STATE OF FLORIDA PURSUANT TO CHAPTER 61G17-6, F.A.C.

HOLE MONTES & ASSOCIATES, INC.
CERTIFICATE OF AUTHORIZATION LB #1772

PLS. #5741
STATE OF FLORIDA

By: *Thomas J. Garris*
THOMAS J. GARRIS

Exhibit "A"
102-A