

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

Blue Sheet No. 20031271

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Approve the Resolution of Necessity for the acquisition and condemnation of parcels required for the Summerlin Road Six-Laning Project (Pine Ridge Road to Gladiolus Drive), No. 4067.

**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 Summerlin Road Six-Laning Project (Pine Ridge Road to Gladiolus Drive), No. 4067.

**2. DEPARTMENTAL CATEGORY:** 12  
**COMMISSION DISTRICT #:** *A12A*

**3. MEETING DATE:**  
*11-18-2003*

**4. AGENDA:**

- CONSENT ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON

TIME REQUIRED:

**5. REQUIREMENT/PURPOSE:**

- (Specify)*
- STATUTE *73.74.125.127*
  - ORDINANCE
  - ADMIN. CODE
  - OTHER

**6. REQUESTOR OF INFORMATION**

- A. \_\_\_\_\_
- B. DEPARTMENT *County Attorney*
- C. DIVISION *Litigation*
- BY *John Renner, Assistant County Attorney* *KRF*

**7. BACKGROUND: 312**

The Summerlin Road Six-Laning Project No. 4067 provides for construction of flyover intersection improvements at Gladiolus Drive, and widening the segment of Summerlin Road from Pine Ridge Road to Gladiolus Drive, in Fort Myers, to a six-lane roadway, with sidewalks, bike paths, stormwater drainage, and utilities.

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

**8. MANAGEMENT RECOMMENDATIONS:**

**9. RECOMMENDED APPROVAL:**

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
<i>K. Toland</i> <i>K. Torrey</i>				<i>[Signature]</i>	OA <i>[Signature]</i> <i>10/27/03</i>	OM <i>[Signature]</i> <i>10/27/03</i>	RISK <i>[Signature]</i> <i>10/27/03</i>	GC <i>[Signature]</i> <i>10/27/03</i>	<i>[Signature]</i> <i>10-28-03</i>

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty  
Date: *10/27/03*  
Time: *10:40 AM*  
Forwarded To:

CO. ATTY.  
FORWARDED  
TO CO. ADMIN.  
*10/27/03*

RECEIVED BY  
COUNTY ADMIN: *RK*  
*10/27/03*  
*1:15 pm*  
COUNTY ADMIN  
FORWARDED TO: *[Signature]*  
*10/29 11:00*

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:

The Capital Improvement Project provides for the construction of the Summerlin Road Six Laning, Project No. 4067, by expanding the existing right-of-way for construction of flyover intersection improvements at Gladiolus Drive and the widening of Summerlin Road (designated a controlled access road per Resolution No. 93-11-112) from Pine Ridge Road to Gladiolus Drive.

**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 Summerlin Road Six Laning Project, and are being acquired for the following specific public use or purpose:

To improve traffic flow and transportation safety by providing right-of-way for an increased traffic flow for public as well as private vehicles, and improvement of evacuation routes. Provides for flyover intersection improvements at Gladiolus Drive, and widening this segment of Summerlin Road (designated a controlled access road per Resolution No. 93-11-112) to a six-lane roadway with sidewalk, bike path, stormwater drainage, and utilities. Exhibit "A" consists of Parcels 100, 102, 103, and 104.

**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 fee simple interest in the properties 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 \_\_\_\_\_, 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"**  
**PARCEL DESCRIPTION AND SKETCH**  
**Road Right-of-Way Taking, Parcel No. 100**  
 (This is not a Field Survey)

**LEGAL DESCRIPTION**

A parcel of land lying in Section 34, Township 45 South, Range 24 East, Lee County, Florida, being more particularly described as follows:

Commence at the southeast corner of the Northeast Quarter (NE 1/4) of said section 34; thence N 00°56'29" W along the east line of the Northeast Quarter (NE 1/4) of said section 34 for 1252.11 feet to an intersection with the existing south right-of-way line of Gladiolus Drive; thence S 89°41'25" W along said south line for 103.53 feet to the northwest corner of Parcel No. 35, Road Right-of-Way Taking as described in Official Records Book 2512, Page 3041, of the Public Records of Lee County, Florida, and the Point of Beginning; thence continue S 89°41'25" W for 1113.83 feet to an intersection with the southeasterly right-of-way line of Summerlin Road; thence S 44°18'37" W along said southeasterly right-of-way line for 91.72 feet to a non-tangent point of curvature; thence northeasterly leaving said southeasterly right-of-way line along the arc of a curve concave to the southeast, having a radius of 488.00 feet, a central angle of 12°52'22", a chord bearing and distance of N 68°05'10"E, 109.41 feet, for 109.64 to a non-tangent intersection with a line parallel to and 25.00 feet south of, as measured at right angles from, the aforesaid south right-of-way line of Gladiolus Drive; thence N 89°41'25" E along said parallel line for 1101.66 feet to an intersection with the southwest line of aforesaid Parcel No. 35; thence N 45°27'29" W along said southwest line for 35.45 feet to the Point of Beginning. Containing 29,492 square feet (0.677 acres), more or less.

Basis of bearings based on the Florida State Plane Coordinate System, West Zone, NAD 83,90 being N 00°56'29" W for the east line of the Northeast Quarter (NE 1/4) of Section 34, Township 45 South, Range 24 East, Lee County, Florida.

SHEET 1 OF 2

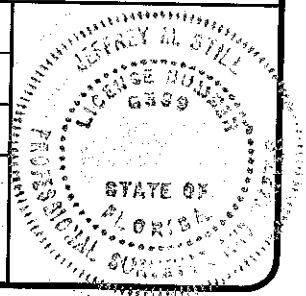
LEGAL DESCRIPTION AND SKETCH PREPARED BY DENI ASSOCIATES, INC.  
 SURVEYING AND MAPPING BUSINESS, STATE OF FLORIDA CERTIFICATE  
 OF AUTHORIZATION No. LB 3542.

*Jeffrey M. Still*  
 \_\_\_\_\_  
 JEFFREY M. STILL - PROFESSIONAL SURVEYOR AND MAPPER  
 STATE OF FLORIDA REGISTRATION LICENSE No. LB 6388

CLIENT: LEE CO. / T.Y. LIN

PROJECT: 20020202-G

DATE: MAY 9, 2009

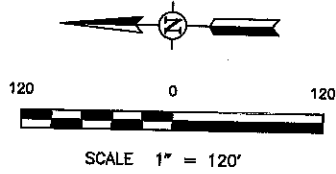


**Deni Associates, Inc.**

6241 ARC WAY • FORT MYERS, FLORIDA 33912 • (239) 275-8875

PROFESSIONAL SURVEYORS AND MAPPERS

**EXHIBIT "A"**  
**PARCEL DESCRIPTION AND SKETCH**  
 Road Right-of-Way Taking, Parcel No. 100  
 (This is not a Field Survey)



EAST LINE OF NE 1/4 OF SECTION 34  
 N 45°27'29" W N00°56'29"W 1252.11'  
 35.45' HERITAGE FARMS RD.

PARCEL No. 35  
 O.R. BOOK 2512  
 PAGE 3041

P.O.C.  
 SE CORNER OF THE  
 NE QUARTER OF  
 SECTION 34-45-24

S 89°41'25" W  
 103.53'  
 S00°18'35"E  
 42+25.99  
 50.00'

P.O.B.

RIGHT-OF-WAY LINE

100  
 STEVEN H. PALETSKY, TRUSTEE UNDER THE  
 SUMMERLIN - GLADIOLUS - PALETSKY LAND TRUST  
 OFFICIAL RECORDS BOOK 2912, PAGE 0339  
 34-45-24-00-00003.0000  
 34-45-24-00-00006.0010  
 34-45-24-00-00007.0000  
 29,492± SQUARE FEET  
 51.43± ACRES

GLADIOLUS DRIVE

29,492±  
 SQUARE  
 FEET

O.R. BOOK 2912  
 PAGE 339

SURVEY BASE LINE N 44°26'08" E  
 SUMMERLIN ROAD  
 S00°18'35"E  
 31+12.23  
 50.00'  
 S 44°18'37" W  
 91.72'

SURVEY BASE LINE N 89°41'25" E  
 S 89°41'25" W 1113.83'  
 N 89°41'25" E 1101.66'

100

- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCEMENT
- R = RADIUS
- Δ = ANGLE
- L = LENGHT
- Ch = CHORD
- CB = CHORD BEARING
- O.R. = OFFICIAL RECORDS

R = 488.00'  
 Δ = 12°52'22"  
 L = 109.64'  
 Ch = 109.41'  
 CB = N68°05'10"E

EQUATION  
 P.I. STA. 349+49.76 SUMMERLIN RD. =  
 P.I. STA. 30+00.00 GLADIOLUS DRIVE

S45°41'23"E  
 349+01.28  
 115.00'  
 N44°18'37"E

SHEET 2 OF 2



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PROFESSIONAL SURVEYORS AND MAPPERS

CLIENT: LEE CO. / T.Y. LIN

PROJECT: 20020202-G

DATE: MAY 9, 2003

**EXHIBIT "A"**  
**PARCEL DESCRIPTION AND SKETCH**  
 Road Right-of-Way Taking, Parcel No. 102  
 (This is not a Field Survey)

**LAND DESCRIPTION**

A parcel of land lying in Section 34, Township 45 South, Range 24 East, Lee County, Florida, being more particularly described as follows:

Commence at the northeast corner of said Section 34; thence N 89°46'47" W along the north line of the Northeast Quarter (NE 1/4) of said Section 34 for 1388.25 feet to an intersection with the east line of Lakewood Boulevard as described in Official Records Book 1443, Page 541, of the Public Records of Lee County, Florida; thence S 00°58'46" E along said east line for 1065.28 feet to a point of curvature; thence continue S 00°58'46" E leaving said east line for 117.21 feet to the Point of Beginning; thence continue S 00°58'46" E for 7.60 feet to the northwest corner of Parcel No. 72, Road Right-of-Way Taking as described in Official Records Book 2519, Page 2416, of the said Public Records of Lee County, said corner also being on the existing north right-of-way line of Gladiolus Drive; thence N 89°41'27" E along the north line of said parcel and along said north right-of-way line for 57.85 feet to the intersection with the northwesterly right-of-way line of Summerlin Road (75.00 feet from center line); thence N 44°26'08" E along said northwesterly right-of-way line for 125.05 feet to a point of cusp; thence leaving said northwesterly line and in a southwesterly direction along the arc of a curve concave to the northwest, having a radius of 300.00 feet, a central angle of 32°19'45", a chord bearing and distance of S 60°36'01" W, 167.04 feet, for 169.28 feet to the Point of Beginning. Containing 1801 square feet, more or less.

Basis of bearings based on the Florida State Plane Coordinate System, West Zone, NAD 83/90 being N 89°46'47" W for the north line of the Northeast Quarter (NE 1/4) of Section 34, Township 45 South, Range 24 East, Lee County, Florida.

SHEET 1 OF 2

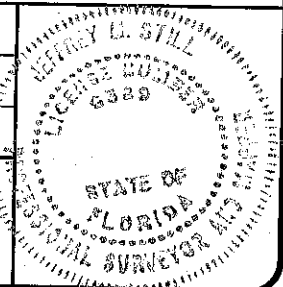
LEGAL DESCRIPTION AND SKETCH PREPARED BY DENI ASSOCIATES, INC.  
 SURVEYING AND MAPPING BUSINESS, STATE OF FLORIDA CERTIFICATE  
 OF AUTHORIZATION No. LB 3542.

*Jeffrey M. Still*  
 JEFFREY M. STILL - PROFESSIONAL SURVEYOR AND MAPPER  
 STATE OF FLORIDA REGISTRATION LICENSE No. LS 8389

CLIENT: LEE CO. / T.Y. LIN

PROJECT: 20020202-D

DATE: SEPTEMBER 3, 2003

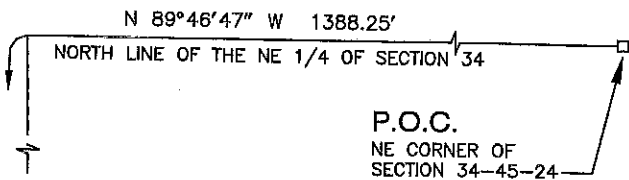
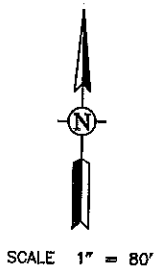


**Deni Associates, Inc.**

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PROFESSIONAL SURVEYORS AND MAPPERS

EXHIBIT "A"  
 PARCEL DESCRIPTION AND SKETCH  
 Road Right-of-Way Taking, Parcel No. 102  
 (This is not a Field Survey)



P.O.C.

NE CORNER OF SECTION 34-45-24

LAKWOOD BOULEVARD

O.R. 1443, PAGE 541

PARCEL No. 102  
 PROPERTY OWNER: RZD, INC., A DISSOLVED FLORIDA CORPORATION  
 REFERENCE: O. R. BOOK 1483, PAGE 499  
 STRAP No. 34-45-24-07-00000.00CE  
 AREA OF TAKE: 1,801± SQUARE FEET  
 AREA OF REMAINDER: 0.922± ACRE

1801± SQUARE FEET

GLADIOLUS GARDENS CONDOMINIUM SECTION XIII  
 O.R. 1483, PAGE 499

R = 300.00'  
 Δ = 32°19'45"  
 L = 169.28'  
 Ch = 167.04'  
 CB = S60°36'01"W

P.O.B.

NORTH RIGHT-OF-WAY LINE

S 00°58'46" E 7.60'

N 89°41'27" E 57.85'

N 88°56'49" E

GLADIOLUS DRIVE

N 44°18'37" E

EQUATION

P.I. STA. 349+49.76 SUMMERLIN RD. =  
 P.I. STA. 30+00.00 GLADIOLUS DRIVE

P.O.B. = POINT OF BEGINNING  
 P.O.C. = POINT OF COMMENCEMENT

R = RADIUS  
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L = ARC LENGTH  
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OR = OFFICIAL RECORDS  
 CB = CHORD BEARING

SHEET 2 OF 2



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PROFESSIONAL SURVEYORS AND MAPPERS

CLIENT: LEE CO. / T.Y. LIN

PROJECT: 20020202-D

DATE: SEPTEMBER 3, 2003

**EXHIBIT "A"**  
**PARCEL DESCRIPTION AND SKETCH**  
**Road Right-of-Way Taking, Parcel No. 103**  
**(This is not a Field Survey)**

**LEGAL DESCRIPTION**

A parcel of land lying in Section 34, Township 45 South, Range 24 East, Lee County, Florida, also being a part of Lot 1, Summerlin Center subdivision as shown in Plat Book 49, Pages 48-49 of the Public Records of Lee County, Florida, being more particularly described as follows:

Commence at the southeast corner of said Lot 1; thence N 00°56'29" W along the east line of said Lot 1 and parallel with the east line of the Northeast Quarter (NE 1/4) of said Section 34 for 127.53 feet to the northeast corner of Parcel No. 38b, Road Right-of-Way Taking as described in Official Records Book 2476, Page 920, of the said public records of Lee County and to a non-tangent point of curvature on the existing north right-of-way line of Gladiolus Drive; thence along the north line of said parcel and along the said north right-of-way line in a westerly direction along the arc of a curve concave to the north, having a radius of 7976.32 feet, a central angle of 00°08'57", a chord bearing and distance of S 89°36'57" W, 20.75 feet, for 20.75 feet to a point of tangency with a line parallel to and 127.50 feet north of, as measured at right angles from, the south line of said Lot 1; thence S 89°41'25" W along said parallel line for 382.37 feet to the Point of Beginning; thence continue S 89°41'25" W for 31.46 feet to the intersection with the southeasterly right-of-way line of Summerlin Road (75.00 feet from center line); thence N 44°26'08" E along said southeasterly right-of-way line for 451.86 feet to the intersection with the southerly right-of-way line of Summerlin Center Drive, according to aforesaid plat, and a point of curvature; thence along said southerly right-of-way line in an easterly direction along the arc of a curve concave to the south, having a radius of 30.00 feet, a central angle of 90°00'00", a chord bearing and distance of N 89°26'08" E, 42.43 feet, for 47.12 feet to a point of tangency; thence S 45°33'52" E for 10.21 feet to a non-tangent point of curvature; thence leaving said southerly right-of-way line and in a westerly direction along the arc of a curve concave to the south, having a radius of 40.00 feet, a central angle of 68°18'10", a chord bearing and distance of S 78°35'13" W, 44.91 feet, for 47.68 feet to a point of tangency with a line parallel to and 15.00 feet southeasterly of, as measured at right angles from, the aforesaid southeasterly right-of-way line of Summerlin Road; thence S 44°26'08" W along said parallel line for 396.45 feet to a point of curvature; thence southwestward along the arc of a curve concave to the southeast, having a radius of 50.00 feet, a central angle of 31°26'52", a chord bearing and distance of S 28°42'42" W, 27.10 feet, for 27.44 feet to the intersection with the aforesaid existing north right-of-way line of Gladiolus Drive and the Point of Beginning. Containing 7,270 square feet (0.167 acres), more or less.

Basis of bearings based on the Florida State Plane Coordinate System, West Zone, NAD 83/90 being N 00°56'29" W for the east line of the Northeast Quarter (NE 1/4) of Section 34, Township 45 South, Range 24 East, Lee County, Florida.

SHEET 1 OF 2

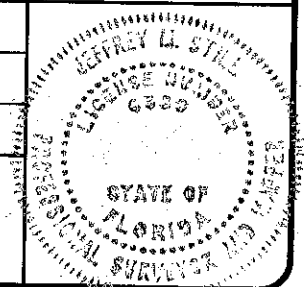
LEGAL DESCRIPTION AND SKETCH PREPARED BY DENI ASSOCIATES, INC.  
 SURVEYING AND MAPPING BUSINESS, STATE OF FLORIDA CERTIFICATE  
 OF AUTHORIZATION No. LB 3542.

*Jeffrey M. Still*  
 JEFFREY M. STILL - PROFESSIONAL SURVEYOR AND MAPPER  
 STATE OF FLORIDA REGISTRATION LICENSE No. LS 6388

CLIENT: LEE CO. / T.Y. LIN

PROJECT: 20020202-H

DATE: APRIL 24, 2003



**Deni Associates, Inc.**

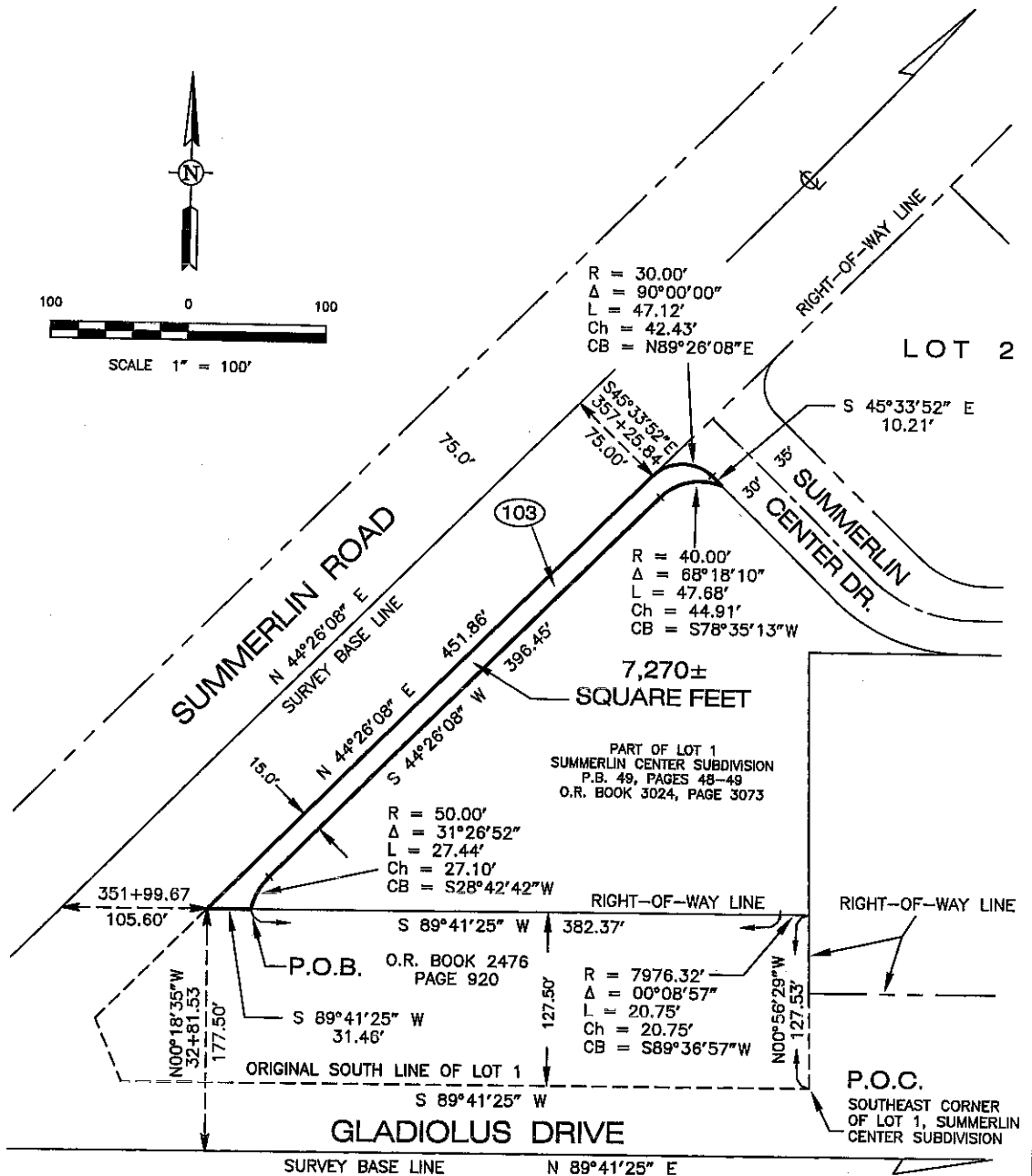
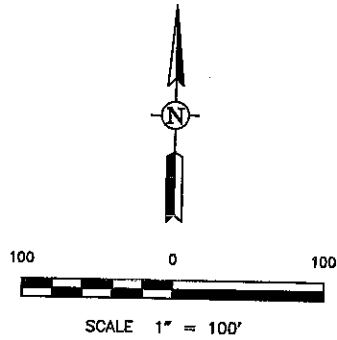
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PROFESSIONAL SURVEYORS AND MAPPERS



EXHIBIT "A"  
 PARCEL DESCRIPTION AND SKETCH  
 Road Right-of-Way Taking, Parcel No. 103  
 (This is not a Field Survey)

PARCEL No. 103  
 PROPERTY OWNER: MOTIVA ENTERPRISES LLC  
 REFERENCE: OFFICIAL RECORDS BOOK 3024, PAGE 3073  
 STRAP No. 34-45-24-16-00000.0010  
 AREA OF TAKE: 7,270± SQUARE FEET  
 AREA OF REMAINDER: 1.846± ACRES



P.B. = PLAT BOOK  
 P.O.B. = POINT OF BEGINNING  
 P.O.C. = POINT OF COMMENCEMENT

R = RADIUS  
 Δ = ANGLE  
 L = ARC LENGTH  
 Ch = CHORD

OR = OFFICIAL RECORDS  
 CB = CHORD BEARING

SHEET 2 OF 2



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PROFESSIONAL SURVEYORS AND MAPPERS

CLIENT: LEE CO. / T.Y. LIN

PROJECT: 20020202-H

DATE: APRIL 24, 2003

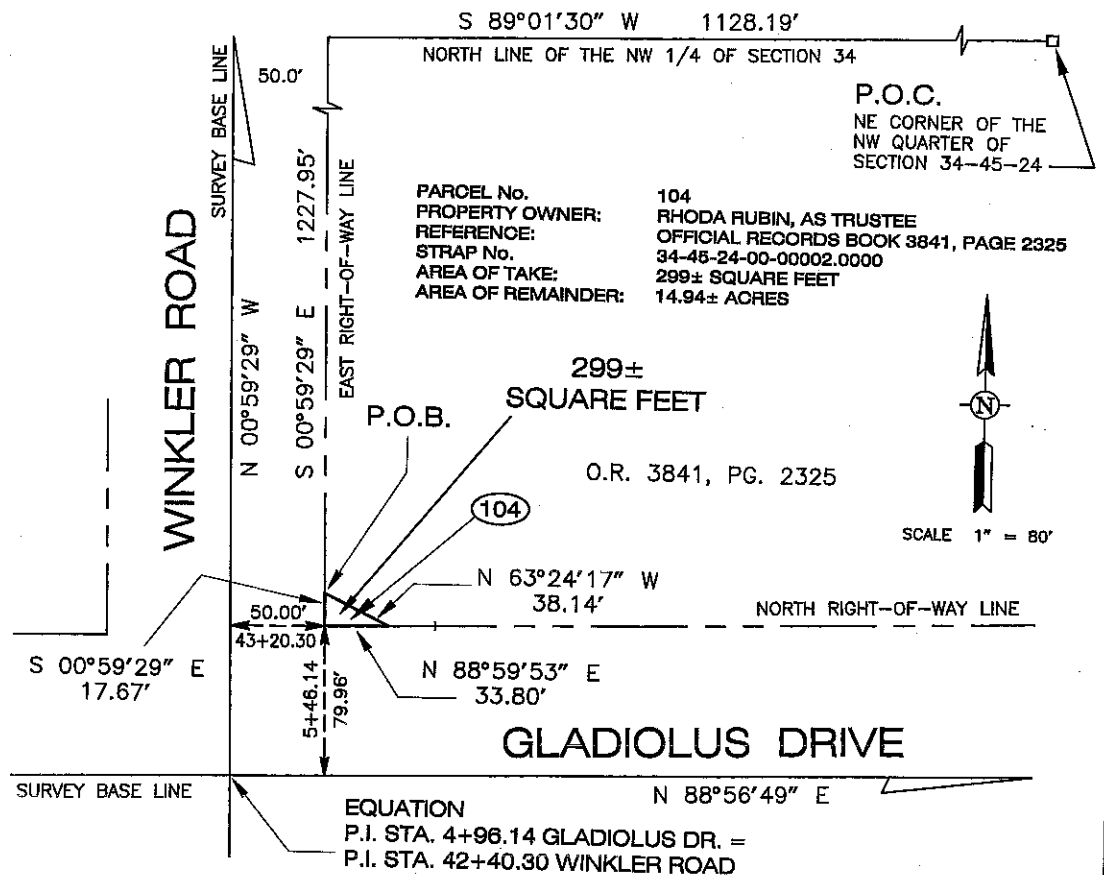
**EXHIBIT "A"**  
**PARCEL DESCRIPTION AND SKETCH**  
 Road Right-of-Way Taking, Parcel No. 104  
 (This is not a Field Survey)

**LEGAL DESCRIPTION**

A parcel of land lying in Section 34, Township 45 South, Range 24 East, Lee County, Florida, being more particularly described as follows:

Commence at the northeast corner of the Northwest Quarter (NW 1/4) of said Section 34; thence S 89°01'30" W along the north line of the Northwest Quarter (NW 1/4) of said Section 34 for 1128.19 feet to an intersection with the east right-of-way line of Winkler Road (50.00 feet from center line); thence S 00°59'29" E along said east line for 1227.95 feet to the Point of Beginning; thence continue S 00°59'29" E for 17.67 feet to the northwest corner of Parcel No. 26, Road Right-of-Way Taking as described in Official Records Book 2512, Page 2995, of the Public Records of Lee County, Florida and an intersection with the existing north right-of-way line of Gladiolus Drive; thence N 88°59'53" E along the north line of said parcel and along said north right-of-way line for 33.80 feet; thence N 63°24'17" W, leaving said north lines, for 38.14 feet to the Point of Beginning. Containing 299 square feet, more or less.

Basis of bearings based on the Florida State Plane Coordinate System, West Zone, NAD 83/90 being S 89°01'30" W for the north line of the Northwest Quarter (NW 1/4) of Section 34, Township 45 South, Range 24 East, Lee County, Florida.



P.O.B. = POINT OF BEGINNING  
 P.O.C. = POINT OF COMMENCEMENT  
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**SHEET 1 OF 1**

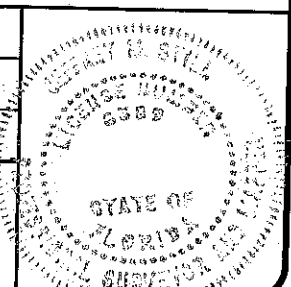
LEGAL DESCRIPTION AND SKETCH PREPARED BY DENI ASSOCIATES, INC.  
 SURVEYING AND MAPPING BUSINESS, STATE OF FLORIDA CERTIFICATE  
 OF AUTHORIZATION No. LB 3542.

CLIENT: LEE CO. / T.Y. LIN

PROJECT: 20020202-F

DATE: JUNE 3, 2003

*Jeffrey M. Still*  
 JEFFREY M. STILL - PROFESSIONAL SURVEYOR AND MAPPER  
 STATE OF FLORIDA REGISTRATION LICENSE No. LS 6389



**Deni Associates, Inc.**

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