

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

Blue Sheet No. 20040483

1. REQUESTED MOTION:

ACTION REQUESTED: Approve the Resolution of Resolution for the acquisition and condemnation of parcels required for the Three Oaks Parkway South Extension Project (East Terry Street north to within The Brooks Subdivision), No. 4043.

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 Three Oaks Parkway South Extension Project (East Terry Street north to within The Brooks), No. 4043.

2. DEPARTMENTAL CATEGORY: 12
COMMISSION DISTRICT #: 3

A12A

3. MEETING DATE:
04-27-2004

<p>4. AGENDA:</p> <p><input checked="" type="checkbox"/> CONSENT ADMINISTRATIVE</p> <p><input type="checkbox"/> APPEALS</p> <p><input type="checkbox"/> PUBLIC</p> <p><input type="checkbox"/> WALK ON</p> <p>TIME REQUIRED:</p>	<p>5. REQUIREMENT/PURPOSE:</p> <p>(Specify)</p> <p><input checked="" type="checkbox"/> STATUTE <u>73, 74, 125, 127</u></p> <p><input type="checkbox"/> ORDINANCE _____</p> <p><input type="checkbox"/> ADMIN. _____</p> <p><input type="checkbox"/> OTHER _____</p>	<p>6. REQUESTOR OF INFORMATION</p> <p>A. COMMISSIONER _____</p> <p>B. DEPARTMENT <u>County Attorney</u></p> <p>C. DIVISION <u>Litigation</u></p> <p>BY: <u>John Renner, Assistant County Attorney</u></p>
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7. BACKGROUND: The Three Oaks Parkway South Extension Project, No. 4043 provides for the construction of a six-lane roadway, from East Terry Street north to a connection point within The Brooks Subdivision, 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
					OA	OM	RISK	GC	
				<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>

10. COMMISSION ACTION:

APPROVED

DENIED

DEFERRED

OTHER

CO. ATTY.
FORWARDED
TO CO. ADMIN.
4/19/04

RECEIVED BY COUNTY ADMIN: <i>[Signature]</i>
<i>4/14/04</i>
<i>3:50 pm sec DS</i>
COUNTY ADMIN FORWARDED TO:
<i>4/15/04</i>
<i>4pm</i>

DS

**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 Three Oaks Parkway South Extension, Project No. 4043, by acquiring the necessary right-of-way for construction of an arterial roadway from East Terry Street in Bonita Springs, north to the existing Three Oaks Parkway connection within The Brooks subdivision.

SECTION ONE: USE, NECESSITY AND DESCRIPTION OF PROPERTY

The Board of County Commissioners finds that the fee simple rights in, and slope easement rights to the property described in the attached Exhibits "A" and "B", respectively, are necessary for the Three Oaks Parkway South Extension 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 an additional north/south corridor from East Terry Street in Bonita Springs to a point of connection with the existing Three Oaks Parkway within The Brooks Subdivision. Three Oaks Parkway will be an arterial roadway with sidewalk, bike path, stormwater drainage, and utilities. Exhibits "A" and "B" consist of Parcels 102, and 102-SE, respectively.

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, and the slope easement rights to the properties described in Exhibits "A" and "B", respectively, for the above described public use or purpose.

Resolution of Necessity

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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	_____
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



December 19, 2003

DESCRIPTION

**THREE OAKS PARKWAY
PARCEL 102
PARCEL IN SECTION 25, TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA**

A tract or parcel of land for right-of-way purposes lying in Section 25, Township 47 South, Range 25 East, Lee County, Florida being more particularly described as follows:

Commencing at the northwest corner of the Southwest Quarter (SW-1/4) of the Southeast Quarter (SE-1/4) of Section 25, thence run along the west line of said Southeast Quarter (SE-1/4) S 01° 04' 09" E for 25.00 feet to the Point of Beginning.

From said Point of Beginning run N 89° 10' 12" E for 131.91 feet to a point of curvature of a tangent curve; thence southerly along an arc of said curve to the right having a radius of 6,075.00 feet, a delta of 04° 25' 22", a chord bearing of S 03° 16' 50" E, a chord of 468.82 feet for 468.94 feet to a point of tangency; thence S 01° 04' 09" E for 169.28 feet; thence S 89° 07' 46" W for 150.00 feet to the west line of said Southeast Quarter (SE-1/4) of Section 25; thence along said line N 01° 04' 09" W for 637.79 feet to the Point of Beginning.

Containing 92,837 square feet (2.13 acres), more or less.

Bearings hereinabove mentioned are State Plane Coordinate for the West Zone of Florida (N.A.D. 83/90 ADJ.) and based on the west line of the Southeast Quarter (SE-1/4) of Section 25 to bear N 01° 04' 09" W.

Mark G. Wentzel

Mark G. Wentzel (For The Firm LB-642)
Professional Surveyor and Mapper
Florida Certificate No. 5242

Date Signed: 12/19/03

20013033/Parcel 102 121903



December 19, 2003

DESCRIPTION

**THREE OAKS PARKWAY
PARCEL 102-SE (15' SLOPE EASEMENT)
PARCEL IN SECTION 25, TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA**

A tract or parcel of land for lying in Section 25, Township 47 South, Range 25 East, Lee County, Florida being more particularly described as follows:

Commencing at the northwest corner of the Southwest Quarter (SW-1/4) of the Southeast Quarter (SE-1/4) of Section 25, thence run along the north line of said Southwest Quarter (SW-1/4) of the Southeast Quarter (SE-1/4) N 89° 10' 12" E for 131.91 feet to the Point of Beginning.

From said Point of Beginning continue along said north line N 89° 10' 12" E a distance of 15.05 feet to a point of curvature of a tangent curve; thence southerly along an arc of said curve to the right having a radius of 6,090.00 feet (delta 04° 24' 41") (chord bearing S 03° 16' 30" E) (chord 468.76 feet) for 468.88 feet to a point of tangency; thence run S 01° 04' 09" E for 169.34 feet; thence run S 89° 07' 46" W for 15.00 feet; thence run N 01° 04' 09" W for 169.28 feet to a point of curvature of a tangent curve; thence northerly along an arc of said curve to the left having a radius of 6,075.00 feet (delta 04° 25' 22") (chord bearing N 03° 16' 50" W) (chord 468.82 feet) for 468.94 feet to the Point of Beginning.

Containing 9,572.87 square feet (0.22 acres), more or less.

Bearings hereinabove mentioned are State Plane Coordinate for the West Zone of Florida (N.A.D. 83/90 ADJ.) based on the west line of the Southeast Quarter (SE-1/4) of Section 25 to bear N 01° 04' 09" W.

Mark G. Wentzel

Mark G. Wentzel (For The Firm LB-642)
Professional Surveyor and Mapper
Florida Certificate No. 5242

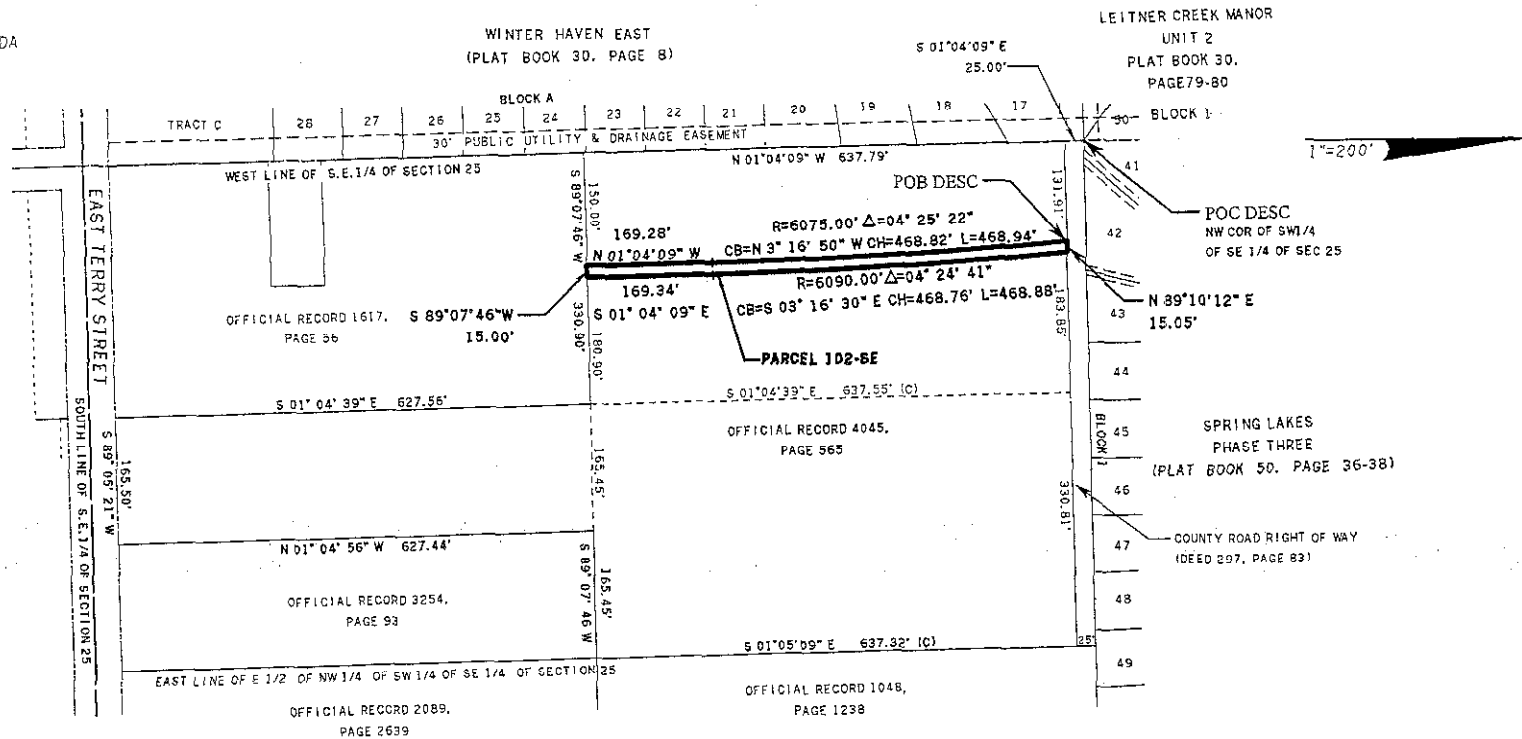
Date Signed: 12/19/03

20013033/15' Slope Easement 121903

NOTES:

1. BEARINGS SHOWN HEREON ARE STATE PLANE COORDINATE FOR THE WEST ZONE OF FLORIDA (NAD 83/90 ADJUSTMENT) AND BASED ON THE WEST LINE OF THE SE 1/4 OF SECTION 25, TOWNSHIP, 47 SOUTH, RANGE 25 EAST TO BEAR N 01°04'09"W
2. THIS SKETCH DOES NOT MAKE ANY REPRESENTATION AS TO ZONING OR DEVELOPMENT RESTRICTIONS ON SUBJECT PARCEL.
3. POC = POINT OF COMMENCEMENT.
4. POB = POINT OF BEGINNING
5. DESC. = DESCRIPTION
6. DESCRIPTION ATTACHED.
7. R = RADIUS
8. Δ = DELTA ANGLE
9. CB = CHORD BEARING
10. CH = CHORD LENGTH
11. L = ARC LENGTH
12. PARCEL CONTAINS 9572.87 SQUARE FEET (0.22 ACRES) MORE OR LESS.

SECTION 25, TOWNSHIP 47 SOUTH, RANGE 25 EAST



THIS IS NOT A SURVEY

Mark G. Wentzel
 MARK G. WENTZEL (FOR THE FIRM LB-642)
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA CERTIFICATE NO. 5247

DATE SIGNED: 12/19/03
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

AREA TABLE		
AREA	SQUARE FEET	ACRES
PARENT TRACT	525,715.79	12.07
TAKEN AREA	9,572.87	0.22
REMAINDER	516,142.92	11.84

PARCEL IN
 SECTION 25, TOWNSHIP 47 SOUTH,
 RANGE 25 EAST
 CITY OF BONITA SPRINGS
 LEE COUNTY, FLORIDA

**PARCEL 102 SE - THREE OAKS PARKWAY
 15' SLOPE EASEMENT**

**JOHNSON
 ENGINEERING**

2158 JOHNSON STREET
 P.O. BOX 1550
 FORT MYERS, FLORIDA 33902-1550
 PHONE (239) 334-0046
 FAX (239) 334-3661
 E.B. #642 & L.B. #642

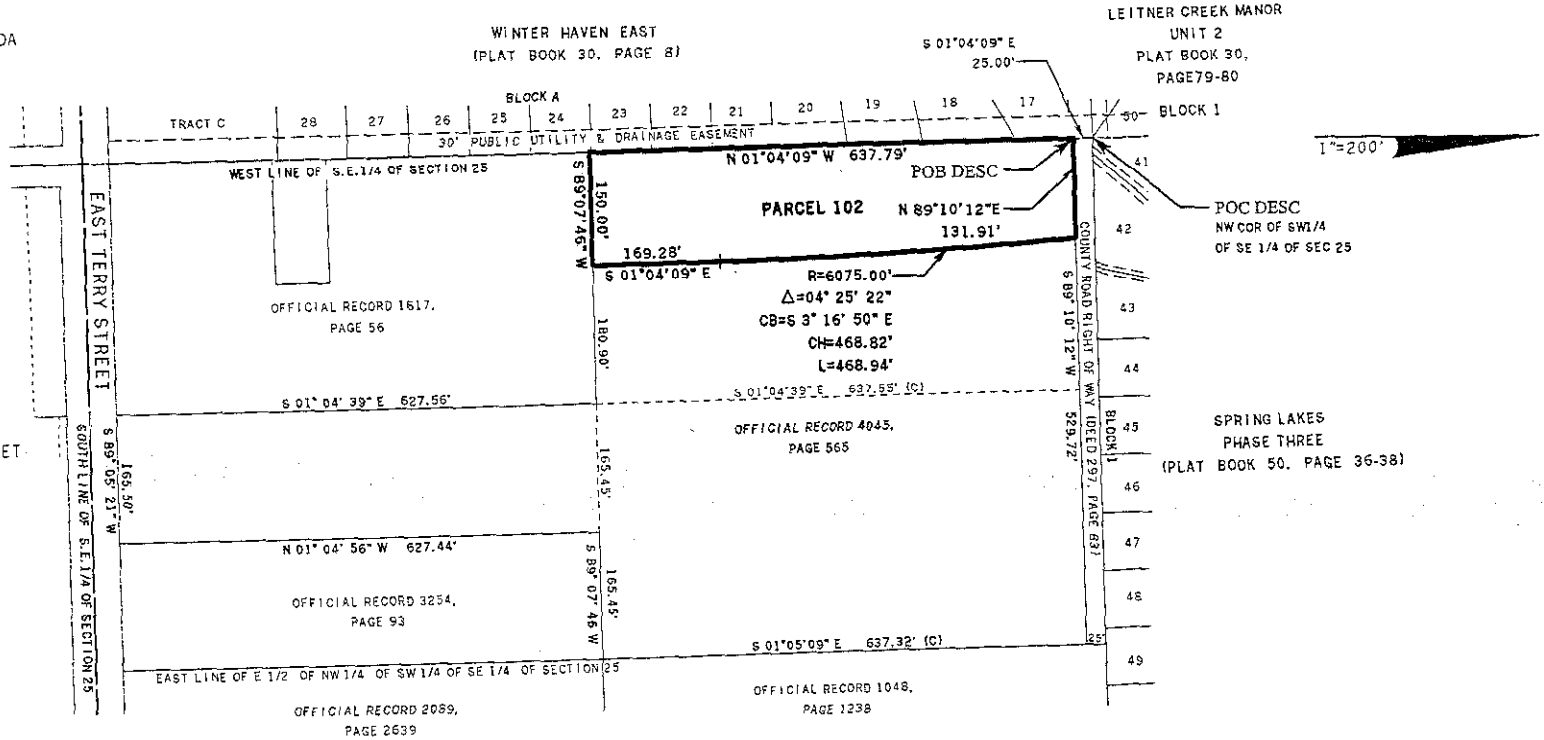
SKETCH TO ACCOMPANY DESCRIPTION

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
05/19/03	20013033	25-47-25	1"=200'	1

NOTES:

1. BEARINGS SHOWN HEREON ARE STATE PLANE COORDINATE FOR THE WEST ZONE OF FLORIDA (NAD 83/90 ADJUSTMENT) AND BASED ON THE WEST LINE OF THE SE 1/4 OF SECTION 25, TOWNSHIP 47 SOUTH, RANGE 25 EAST TO BEAR N 01°04'09"W
2. THIS SKETCH DOES NOT MAKE ANY REPRESENTATION AS TO ZONING OR DEVELOPMENT RESTRICTIONS ON SUBJECT PARCEL.
3. POC = POINT OF COMMENCEMENT.
4. POB = POINT OF BEGINNING
5. DESC. = DESCRIPTION
6. DESCRIPTION ATTACHED.
7. R = RADIUS
8. Δ = DELTA ANGLE
9. CB = CHORD BEARING
10. CH = CHORD LENGTH
11. L = ARC LENGTH
12. PARCEL CONTAINS 92,836.98 SQUARE FEET (2.13 ACRES) MORE OR LESS.

SECTION 25, TOWNSHIP 47 SOUTH, RANGE 25 EAST



THIS IS NOT A SURVEY

Mark G. Wentzel
 MARK G. WENTZEL (FOR THE FIRM #642)
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA CERTIFICATE NO. 5247

DATE SIGNED: 12/19/03
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

AREA TABLE		
AREA	SQUARE FEET	ACRES
PARENT TRACT	525,715.79	12.07
TAKEN AREA	92,836.98	2.13
REMAINDER	432,878.81	9.93

PARCEL IN
 SECTION 25, TOWNSHIP 47 SOUTH,
 RANGE 25 EAST
 CITY OF BONITA SPRINGS
 LEE COUNTY, FLORIDA

PARCEL 102 - THREE OAKS PARKWAY

JOHNSON
 ENGINEERING

2358 JOHNSON STREET
 P.O. BOX 1550
 FORT MYERS, FLORIDA 33902-1550
 PHONE (239) 334-0046
 FAX (239) 334-3661
 E.B. #642 & L.B. #642

SKETCH TO ACCOMPANY DESCRIPTION

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
05/19/03	20013033	25-47-25	1"=200'	1