

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

Blue Sheet No. 20050120

1. REQUESTED MOTION:

ACTION REQUESTED: Approve the Resolution of Necessity for the acquisition and condemnation of parcels required for the Matlacha Park Expansion Project.

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 Matlacha Park Expansion Project.

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

A12B

3. MEETING DATE:

02-15-2005

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

7. BACKGROUND:

Matlacha Park amenities currently include a 2-slip boat ramp, playground facilities, community center, fishing pier, picnic pavilions and outdoor recreation areas. The Capital Improvement Project provides for the expansion of Matlacha Park to improve and enhance the park programs and services being provided.

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

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other County hands	E County Attorney	F Budget Services				G County Manager
			<i>Handwritten initials</i>	<i>Handwritten initials</i>	OA <i>Handwritten initials</i> 2/2/05	OM <i>Handwritten initials</i> 2/3/05	Risk <i>Handwritten initials</i> 2/3/05	GC <i>Handwritten initials</i> 2/3/05	<i>Handwritten initials</i> 2-3-05

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: <i>2/2/05</i>
Time: <i>10:00</i>
Forwarded To:

CO. ATTY.
FORWARDED TO CO. ADMIN
2/3/05

REC. COUNTY ADMIN. <i>on</i>
<i>2/2/05</i>
<i>3:40pm</i>
COUNTY ADMIN FORWARDED TO: <i>PR</i>
<i>2/3/05</i>
<i>4pm</i>

**RESOLUTION OF NECESSITY
OF THE BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA**

WHEREAS, after consideration of the availability of alternative properties, 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:

Matlacha Park amenities currently include a 2-slip boat ramp, playground facilities, community center, fishing pier, picnic pavilions and outdoor recreation areas. The Capital Improvement Project provides for the expansion of Matlacha Park to improve and enhance the park programs and services being provided.

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 is necessary for the Matlacha Park Expansion Project and is being acquired for the following specific public use or purpose:

Matlacha Park amenities currently include a 2-slip boat ramp, playground facilities, community center, fishing pier, picnic pavilions and outdoor recreation areas. The Capital Improvement Project provides for the expansion of Matlacha Park to improve and enhance the park programs and services being provided for public enjoyment and greenspace.

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.

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	_____
Tammy Hall	_____
John E. Albion	_____

DULY PASSED AND ADOPTED this ____ day of _____, 2005.

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 1

A tract or parcel of land lying on West Island in Section 24, Township 44 South, Range 22 East, which tract or parcel is described as follows: From the Southwest corner of said Section 24 run North 2° 14' West along the West line of said Section corner of said Section 24 run 1050.4 feet to the center line of State Road 78 (formerly 183), thence run North 37° 49' East for 344.97 feet; North 37° 29' East for 1976.01 feet and North 37° 49' East for 545.55 feet along the center line tangents of said road, according to a plat thereof recorded in Deed Book 145 at Page 139 of the Public Records of Lee County to a point on line of Block No. 2 of the Plat of the Pine Island Fill Subdivision, recorded in Plat Book 8 at page 86 of said public records as monumented, thence run South 52° 31' East for 150 feet to a point on the Southeasterly side of the easement right of way of said State Road 78; thence run South 37° 49' West along said right of way for 24.1 feet; thence run South 35° 1' East for 65 feet to the point of beginning of the lands hereby described from said point of beginning run South 54° 49' West for 100 feet; thence run South 35° 11' East for 75 feet; thence run North 54° 49' East for 100 feet; thence run North 35° 11' West for 75 feet to the point of beginning.

Parcel 2

A tract or parcel of land lying on West Island in Section 24, Township 44 South, Range 22 East, Lee County, Florida, which tract or parcel is described as follows: From the Southwest corner of Section 24 run N 2° 14' W along the West line of said section for 1050.4' to the centerline of State Road No. 78 (formerly 183); thence, run N 37° 49' E for 344.97'; N 37° 29' E for 1976.01' and N 37° 49' E for 545.55' along the centerline tangents of said road according to a plat recorded in Deed Book 145 at Page 139 of the Public Records of Lee County, to a point on line with the Northeasterly line of Block No. 2, of the plat of Pine Island Fill Subdivision, recorded in Plat Book 8 at Page 85 of the Public Records as monumented; thence run S 52° 31' E 150.00', S 37° 49' W 24.10' and S 35° 11' E 140.00' to the Point of Beginning; thence, S 54° 49' W (passing over a set iron rod at 42.00') 100.00' to a set iron rod; thence, S 35° 11' E 125.00' to a set iron rod thence N 54° 49' E (passing over a set iron rod at 58.00') 100.00'; thence N 35° 11' W 125.00' to the point of beginning.

Parcel 3

A tract or parcel of land lying on West Island in Section 24, Township 44 South, Range 22 East which tract or parcel is described as follows: From the SW corner of said Section 24 run N 21° 14' W along the West line of said Section 24 for 1,050.4 ft. to the center line of State Road 78 (formerly 183) thence run N 37° 49' E for 344.97 ft.; thence N 37° 29' E for 1976.01 ft. and North 37° 49' E for 545.55 ft. along the center line tangents of said road according to a plat recorded in Deed Book 145, Page 139 of the Public Records of Lee County to a point on line with the Northeasterly line of Block 2 of the plat of the Pine Island Fill Subdivision recorded in Plat Book 8, Page 86, of said Public Records as monumented; thence run S 52° 31' E for 150 ft. to a point on the southeasterly side of the easement right of way of said State Road 78; thence run S 37° 49' W along said right of way for 24.1 ft.; thence run S 35° 11' E for 213 ft. to the point of beginning of the lands hereby conveyed. From said point of beginning run S 54° 49' W for 100 feet, thence run S 35° 11' E for 142.61 ft.; thence run N 66° 20'20" E for 102.06 ft.; thence run N 35° 11' W for 163 feet to the point of beginning.

Excepting Therefrom: From said point of beginning run S 54° 49' W for 100 ft.; thence run S 35° 11' E for 50 ft.; thence run N 66° 20'20" E for 100 ft., more or less to the edge of the water, thence run N 35°11' W for 50 ft., more or less to the point of beginning.

