

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

Blue Sheet No. 20050614

1. ACTION REQUESTED/PURPOSE: Approve the Resolution of Necessity for the acquisition and condemnation of parcel required for the San Carlos Bay/Bunche Beach Preserve Project. Approve a budget transfer from Regional Impact Fee reserves in the amount of \$618,887 and a budget transfer from Florida Forever project in the amount of \$481,113 to San Carlos Bay/Bunche Beach Preserve Project. Amend the FY 04-05/08-09 CIP accordingly.

2. WHAT ACTION ACCOMPLISHES: Allows the County to proceed with condemnation, if necessary, so parcel can be acquired for the San Carlos Bay/Bunche Beach Preserve Project, No. 202035.

3. MANAGEMENT RECOMMENDATION: Management recommends Board approve the action requested.

4. Departmental Category: 12

A12A

5. Meeting Date: *05-17-2005*

6. Agenda:

- Consent
- Administrative
- Appeals
- Public
- Walk-On

7. Requirement/Purpose: (specify)

- Statute *73,74,125,127*
- Ordinance
- Admin. Code
- Other

8. Request Initiated:

Commissioner _____
 Department County Attorney
 Division Litigation
 By: John Renner, Assistant County Attorney

pc 5-3-05

9. Background: The San Carlos Bay/Bunche Beach Preserve is a +/- 700 acre preserve acquired by the Conservation 20/20 program. The addition of the subject parcel, +/- 1.43 acres, will improve traffic flow, parking, public access and public safety to San Carlos Bay/Bunche Beach Preserve.

Approval of the Resolution of Necessity is required, should condemnation proceeding be necessary for the acquisition of the parcel required for the project.

Attachments: Resolution, Location Map

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services			County Manager/P.W. Director
			<i>Co. Lands</i>		Analyst	Risk	Grants	Mgr.
			<i>H/O</i>	<i>[Signature]</i>	<i>5/15/05</i>	<i>5/16/05</i>	<i>5/16/05</i>	<i>5/15/05</i>

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

Rec. by CoAtty
 Date: *5/17/05*
 Time: *11:56*
 Forwarded To:

CO. ATTY.
 FORWARDED
 TO CO. MGR.
5/17/05

RECEIVED BY
 COUNTY ADMIN: *[Signature]*
5-4-05 MP
2:25
 COUNTY ADMIN
 FORWARDED TO:
5/5/05
3 pm

REQUEST FOR TRANSFER OF FUNDS

FUND NAME: Cap Improvement Fund DATE: 5-5-05 BATCH NO.: _____

FISCAL YEAR: 04-05 FUND NO.: 30100 DOC. TYPE: YB LEDGER TYPE: BA

TO: Capital Projects Capital Projects
 (Division Name) (Program Name)

NOTE: Please list the account number below in the following order:
 Business Unit (dept/div, program, fund, subfund); Object Account; Subsidiary; Subledger
 (Example: BB 5120100100.503450)

<u>Account Number</u>	<u>Object Name</u>	<u>DEBIT</u>
20203530100.506110	Land and Court Reg Deposits	\$ 481,113

TOTAL TO: \$ 481,113

FROM: Capital Projects Capital Projects
 (Division Name) (Program Name)

<u>Account Number</u>	<u>Object Name</u>	<u>CREDIT</u>
20167330100.506540	Improvements Construction	\$ 481,113

TOTAL FROM: \$ 481,113

EXPLANATION: To move the budget from Florida Forever project to San Carlos Bunche Beach Preserve project.

 DIVISION DIRECTOR SIGNATURE/DATE

 DEPARTMENT HEAD SIGNATURE/DATE

DBO: APPROVAL DENIAL

Emma K. Wolf 5-5-05
 OPS. ANALYST SIGNATURE DATE

OPS. MGR.: APPROVAL DENIAL

Jim Long 5/5/05
 OPS. MGR. SIGNATURE DATE

CO. MGR.: APPROVAL DENIAL

W. W. ... 5/5/05
 CO. MANAGER SIGNATURE DATE

BCC APPROVAL DATE: _____

 BCC CHAIRMAN SIGNATURE

BA. NO. _____ AUTH CODE _____ TRANS DATE _____

REQUEST FOR TRANSFER OF FUNDS

FUND NAME: Impact Fees-Regional Parks DATE: 5-5-05 BATCH NO.: _____

FISCAL YEAR: 04-05 FUND NO.: 18700 DOC. TYPE: YB LEDGER TYPE: BA

TO:	Capital Projects (Division Name)		Capital Projects (Program Name)
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NOTE: Please list the account number below in the following order:
 Business Unit (dept/div, program, fund, subfund); Object Account; Subsidiary; Subledger
 (Example: BB 5120100100.503450)

<u>Account Number</u>	<u>Object Name</u>	<u>DEBIT</u>
20203518700.506110	Land and Court Reg Deposits	\$ 618,887

TOTAL TO: \$ 618,887

FROM:	Non-Departmental (Division Name)		Reserves (Program Name)
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<u>Account Number</u>	<u>Object Name</u>	<u>CREDIT</u>
GC5890118700.509930	Reserve-Future Capital Outlay	\$ 618,887

TOTAL FROM: \$ 618,887

EXPLANATION: To provide budget for the San Carlos Bunche Beach Preserve project.

 DIVISION DIRECTOR SIGNATURE/DATE

 DEPARTMENT HEAD SIGNATURE/DATE

DBO: APPROVAL DENIAL

Emma K. Wolf 5-5-05
 OPS. ANALYST SIGNATURE DATE

OPS. MGR.: APPROVAL DENIAL

Joe Lange 5/5/05
 OPS. MGR. SIGNATURE DATE

CO. MGR.: APPROVAL DENIAL

[Signature]
 CO. MANAGER SIGNATURE DATE

BCC APPROVAL DATE: _____

 BCC CHAIRMAN SIGNATURE

BA. NO. _____ AUTH CODE _____ TRANS DATE _____

**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:

The Capital Improvement Project provides for the construction of public access facilities, including a parking area, for the San Carlos Bay/Bunche Beach Preserve, a +/- 700 acre preserve acquired by the Conservation 20/20 Program, by acquiring the necessary real estate adjacent to the beach and preserve.

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 San Carlos Bay/Bunche Beach Preserve Project and is being acquired for the following specific public use or purpose:

To improve traffic flow, parking, public access and public safety to San Carlos Bay/Bunche Beach Preserve.

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.

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	_____
Tammy 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"

That portion of the North Half ($N\frac{1}{2}$) of the Southeast Quarter ($SE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) and the Southeast Quarter ($SE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) of Section 11, Township 46 South, Range 23 East, Lee County, Florida, lying South of Rock Creek.



SUMNER RD

BUNCH BEACH RD

SUBJECT

THIS IS NOT A SURVEY
THE COUNTY HAS REVIEWED THIS MAP FOR
GENERAL INFORMATION ONLY. DETAILS SHOWN MAY BE
UNOFFICIAL DETERMINATIONS AND MAY NOT BE ACCOMPANIED
BY A PROFESSIONAL SURVEYOR'S REPORT. PLEASE
EXERCISE CAUTION AND MAKE YOUR OWN VERIFICATION.
INDEPENDENT VERIFICATION MAY BE REQUIRED.

REVISED MAY 7, 2008

COUNTY OWNED LANDS

