

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

**Blue Sheet No. 20050643**

**1. ACTION REQUESTED/PURPOSE:** Approve the Amended Resolution of Necessity for the acquisition and condemnation of Parcel 240, which is required for the Three Oaks Parkway South Extension Project (East Terry Street north to within the Brooks Subdivision), No. 4043.

**2. WHAT ACTION ACCOMPLISHES:** Allows the County to proceed with condemnation, if necessary, so Parcel can be acquired for the Three Oaks Parkway South Extension Project (East Terry Street north to within the Brooks Subdivision), No. 4043.

**3. MANAGEMENT RECOMMENDATION:** Management recommends Board approve the Action Requested

4. Departmental Category: 12

*A 12 A*

5. Meeting Date: *05-24-2005*

6. Agenda:

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

7. Requirement/Purpose: (specify)

- Statute 73,74,125,127
- Ordinance
- Admin. Code
- Other Res. 05-01-10  
BS 20041560

8. Request Initiated:

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

9. 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 Amended Resolution of Necessity is required, should condemnation proceedings be necessary for the acquisition of Parcel 240, which is required for the project.

Attachments: Amended 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>						
			<i>KP</i>	<i>[Signature]</i>	Analyst	Risk	Grants	Mgr.	
					<i>RK 5/12</i>	<i>5/12</i>	<i>5/12/05</i>	<i>5/12/05</i>	<i>[Signature]</i>

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

Rec. by CoAtty  
 Date: *5/12/05*  
 Time: *11:00*  
 Forwarded To:

FORWARDED TO CO. ADMIN.  
*5/12/05*

RECEIVED BY COUNTY ADMIN: *JK*  
*5/12/05*  
*1:35pm*  
 COUNTY ADMIN FORWARDED TO: *JK*  
*5/12/05*  
*5pm*

**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 **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 the property described in attached Exhibit "A" are necessary for the **Three Oaks Parkway South Extension Project, Phase I**, and is 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. Exhibit "A" consists of Parcel 240;

**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

**Amended Resolution of Necessity**

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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 property described in Exhibits "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 \_\_\_\_\_, 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

Project: Three Oaks Parkway South Extension Project No. 4043  
Parcel No. 240  
Owner: Juan Carlos Velasco-Lopez  
STRAP No. 25-47-25-B4-00208.0030

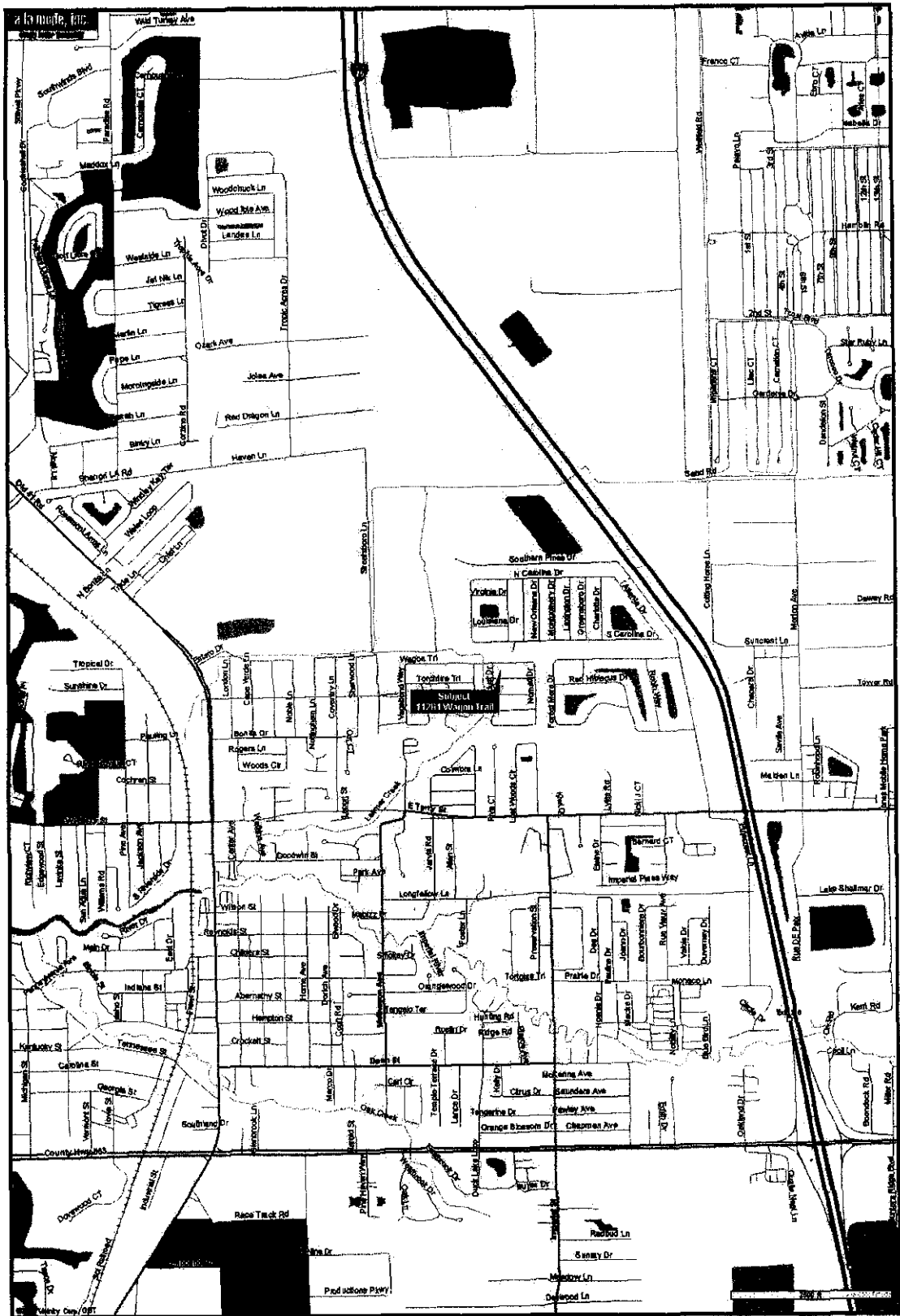
A tract or parcel of land located in the City of Bonita Springs, Lee County, Florida, and being described as:

Lot 3, Block 8, Leitner Creek Manor Unit 2, according to the plat thereof, recorded in Plat Book 30, Pages 79 and 80, Public Records of Lee County, Florida.

**Exhibit "A"**

### Location Map

Borrower/Client <b>VELASCO-LOPEZ, Juan C.</b>			
Property Address <b>11214 Wagon Trail</b>			
City <b>Bonita Springs</b>	County <b>Lee</b>	State <b>FL</b>	Zip Code <b>34135-5344</b>
Lender <b>Lee County - County Lands</b>			



Plat Map

Borrower/Client	VELASCO-LOPEZ, Juan C.
Property Address	11201 Wagon Trail
City	Bonita Springs
County	Lee
State	FL
Zip Code	34135-5344
Lender	Lee County - County Lands

