Lee County Board Of County Commissioners Agenda Item Summary

Blue Sheet No. 20051362

- 1. ACTION REQUESTED/PURPOSE: Approve the Resolution of Necessity for the acquisition and condemnation of a parcel required for the North Lee County Water Treatment Plant, Project No. 7084.
- **2. WHAT ACTION ACCOMPLISHES:** The Resolution of Necessity allows the County proceed with condemnation, if necessary, so a parcel can be acquired for the expansion of the North Lee County Water Treatment Plant in North Fort Myers.

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

| 4. Departmental Category: 12 | Alas | 7 | 5. Meeting Date: | 10-11-2005 |
|------------------------------|------------------------|---------------------|---------------------|----------------------------------|
| 6. Agenda: | 7. Requirement/Purpose | e: (specify) | 8. Request Initiate | d: |
| Consent | X Statute | 73, 74, 125, 127 | Commissioner | |
| X Administrative | Ordinance | | Department | County Attorney |
| Appeals | Admin. Code | | Division | Litigation |
| Public | Other | | By: John R | enner, Assistant County Attorney |
| Walk-On | | | | |

9. Background:

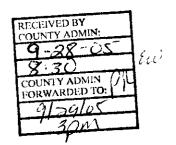
The North Lee County Water Treatment Plant Expansion, Project No. 7084, will provide additional potable water well sites to Lee County Utilities, and ensure adequate and required services as the population of Lee County grows in the future.

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

Funds are available in Account No. 20708448730.506110.30

| Attachments: R | tesolu | tion of | 1 | lecess11 | У, | Location I | M | ap |
|----------------|--------|---------|---|----------|----|------------|---|----|
|----------------|--------|---------|---|----------|----|------------|---|----|

| Department Director | Purchasing or Contracts | Human Resources | Other Co. Lands | County Attorney | Budget Services | County Manager/P.W. O. Director |
|------------------------|---|--------------------|---|--------------------|--------------------------|----------------------------------|
| 11. Comm | nission Action: | | Ho | 1/2 | Analyst Risk Grants Mgr. | Q-19-65 |
| | _Approved _Deferred _Denied _Other | • | 00. ATT 10 mass 10 mass 10 mass 10 mass 17/2 | Σ/ Σ0 Σ/23 | (| |



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 expansion of the existing North Lee County Water Treatment Plant, located on Durrance Road in North Fort Myers, Project No. 7084, by constructing additional facilities and well sites to provide potable water for future growth.

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 North Lee County Water Treatment Plant Expansion Project and is being acquired for the following specific public use or purpose:

The parcel described in Exhibit "A" is necessary and being acquired in fee simple interest.

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

Resolution of Necessity

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| County | Attorney's | Office | to | comm | ence | and | pro | secute | any | and | all | pro | ceedi | ngs |
|---------|---------------|----------|------|-------|------|-------|-----|---------|-------|------|-------|-----|-------|-----|
| necessa | ry to acqui | ce in fe | e si | mple | the | prope | rty | describ | oed i | n Ex | hibit | "A" | for | the |
| above d | lescribed pub | lic use | or | purpo | se. | | | | | | | | | |

| The foregoing Resolu | ution was offered by Co | ommissioner | , who |
|-------------------------|-------------------------|--|----------|
| moved its adoption. The | motion was seconded by | y 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 | thisday of | | |
| | | | |
| ATTEST: | | LEE COLDEN DIODER | T |
| CHARLIE GREEN, CLERK | | LEE COUNTY, FLORIDA, BY BOARD OF COUNTY COMMISSI | |
| | | | |
| Ву: | | | |
| Deput | y Clerk | Chairman | |
| | | APPROVED AS TO FORM: | |
| | | | |
| | | Office of County Attorne | у |

Project: NLCWTP, No. 7084 Parcel: 100/Hoke & Murray

STRAP No.: 14-43-25-00-00011.0000

Exhibit "A"

A parcel of land located in North Fort Myers, Florida, and being more particularly described as The Northeast 1/4 of the Southwest 1/4 of Section 14, Township 43 South, Range 25 East, Lee County, Florida.

NEIGHBORHOOD AREA MAP:

