

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

Blue Sheet No. 20051425

**1. ACTION REQUESTED/PURPOSE:** Approve the Resolution of Necessity for the acquisition and condemnation of parcels required for the Schandler Park Expansion Project.

**2. WHAT ACTION ACCOMPLISHES:** Allows the County to proceed with condemnation, if necessary, so parcels can be acquired for the Schandler Park Expansion Project.

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

**4. Departmental Category:** 12

*A12A*

**5. Meeting Date:**

*10-18-2005*

**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 J. Renner  
 Chief Assistant County Attorney

**9. Background:**

Schandler Park amenities currently include playground facilities, community center, an open playing field, basketball pavilion, picnic areas, tennis courts, and other recreational areas. The Capital Improvement Project provides for the expansion of Schandler 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 acquisition of parcels required for the project.

Attachments: Resolution of Necessity and location map

**10. Review for Scheduling:**

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
			<i>Ce hands</i>		Analyst	Risk	Grants	Mgr.	
			<i>H. Forney</i>	<i>[Signature]</i>	<i>RK 10/3</i>	<i>10/20/05</i>	<i>10/21/05</i>	<i>10/18/05</i>	<i>[Signature]</i>

**11. Commission Action:**

- Approved
- Deferred
- Denied
- Other

CO. ATTY.  
FORWARDED  
TO CO. ADMIN.  
*9/30/05*

Rec. by CoAtty  
 Date: *9/30/05*  
 Time: *3:50pm*  
 Forwarded To:

RECEIVED BY  
 COUNTY ADMIN: *RK*  
*10-3-05*  
*10am*  
 COUNTY ADMIN  
 FORWARDED TO: *[Signature]*  
*10/18/05*  
*9am*

**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:**

Schandler Park amenities currently include playground facilities, community center, an open playing field, basketball pavilion, picnic areas, tennis courts, and other recreational areas. The Capital Improvement Project provides for the expansion of Schandler 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 Schandler Park Expansion Project and is being acquired for the following specific public use or purpose:

Expansion of Schandler Park to improve and enhance park programs and services.

**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

**Resolution of Necessity**

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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"

Project: Shandler Hall Park Improvements, No. 1758

STRAP Nos.: 04-44-25-17-0000A.0060 and 04-44-25-17-0000A.0070

Lot 6, the South 20 feet of Lot 5, and Lots 7 and 8, Block A, of that certain subdivision known as Boulevard Heights, according to the map or plat thereof on file and recorded in the Office of the Clerk of the Circuit Court of Lee County, Florida, in Plat Book 5, at Page 81.

**AND**

STRAP Nos.: 04-44-25-17-0000A.0090 and 04-44-25-17-0000A.0120

Lots 9, 10, 11, and 12, Block "A", of that certain subdivision known as Boulevard Heights, according to the map or plat thereof on file and recorded in the office of the Clerk of the Circuit Court of Lee County, Florida, in Plat Book 5, Page 81,

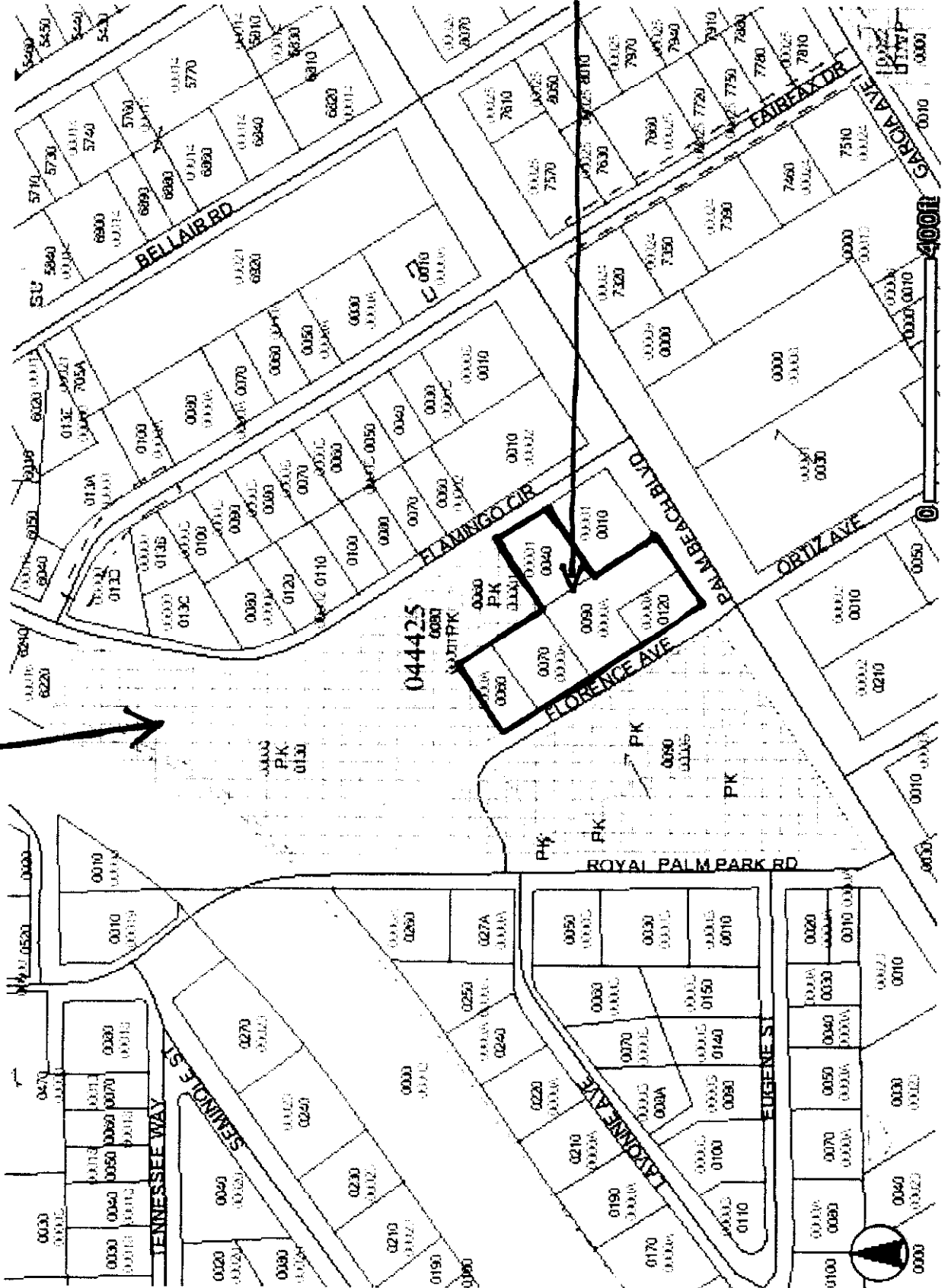
Less and except Deed Book 176, Page 125, and Deed Book 182, Page 9, to the State of Florida.

**AND**

STRAP No.: 04-44-25-18-00001.0040

Lots 4 and 5, Block 1, in that certain subdivision known as Merion Square, Plat Book 7, Page 11, Public Records of Lee County, Florida.

EXISTING PARK PROPERTY



REMAINING  
PARCELS  
TO BE  
ACQUIRED