

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

**Blue Sheet No. 20051441**

**1. ACTION REQUESTED/PURPOSE:**

Approve the Amendment to Resolution of Necessity for the acquisition and condemnation of Parcels 201 and 202, required for the Three Oaks Parkway Widening, Project 4081.

**2. WHAT ACTION ACCOMPLISHES:** Allows the County to proceed with condemnation, if necessary, so parcels can be acquired for the Three Oaks Parkway Widening, Project 4081.

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

4. Departmental Category: *62* **A12A** 5. Meeting Date: **10-25-2005**

6. Agenda:  <input checked="" type="checkbox"/> Consent <input checked="" type="checkbox"/> Administrative <input type="checkbox"/> Appeals <input type="checkbox"/> Public <input type="checkbox"/> Walk-On	7. Requirement/Purpose: (specify)		8. Request Initiated: Commissioner _____ Department _____ County Attorney Division _____ Litigation By: John Renner Chief Assistant County Attorney
	<input checked="" type="checkbox"/> Statute	73,74,125,127	
	<input type="checkbox"/> Ordinance		
	<input type="checkbox"/> Admin. Code		
	<input checked="" type="checkbox"/> Other	Resolution 04-09-06 & 04-11-57	

**9. Background:**  
Negotiated for: Department of Transportation

Interest to Acquire: Fee Simple; as to Parcels 201 and 202

Property Details: Three Oaks Parkway Widening, Project 4081, from Corkscrew to Alico Road, will provide an urban arterial four-lane road with median for future expansion to six lanes, stormwater drainage, sidewalk/bikepath including landscaping, lighting and signalization. Approval of the Amendment to Resolution of Necessity is required should condemnation proceedings be necessary for the acquisition of Parcels 201 and 201, required for the project. The original Resolution of Necessity is being amended to include Parcels 201 and 202.

Staff Recommendation: Staff recommends the Board approve the action requested.

Attachments: Resolution of Necessity No. 04-09-06 and 04-11-57

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other Co. Lands	County Attorney	Budget Services				County Manager/P.W. Director
			<i>HC</i>	<i>JR</i>	Analyst	Risk	Grants	Mgr.	
			<i>1307</i>		<i>RK 10/10</i>	<i>CR 10/10/05</i>	<i>19 10/10/05</i>	<i>10/10/05</i>	<i>10/10/05</i>

11. Commission Action:  
 Approved  
 Deferred  
 Denied  
 Other

REC'D  
by CO. ATTY:  
**10-7-05**  
**11:20 AM**  
CO. ATTY.  
FORWARDED TO:

CO. ATTY.  
FORWARDED  
BY: \_\_\_\_\_  
DATE: **10/10/05**

RECEIVED BY  
COUNTY ADMIN:  
**10-10-05**  
**11:25**  
COUNTY ADMIN  
FORWARDED TO:

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

**WHEREAS**, The Board of County Commissioners of Lee County, Florida, has adopted Resolution of Necessity 04-0906 and Amendment to Resolution of Necessity 04-11-57 authorizing the exercise of the power of eminent domain to acquire the necessary property interests to construct the Three Oaks Parkway Widening, Project Number 4081, and it is necessary to acquire additional property for this purpose, and

**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:**

Lee County Resolution of Necessity 04-0906 and Amendment to Resolution of Necessity 04-11-57 are amended to reflect the addition of Parcels 201 and 202 as described in the attached Exhibit "A".

**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" are necessary for Three Oaks Parkway Widening Project 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. Provide a four lane arterial section road with median for future expansion to six lanes, stormwater drainage, sidewalk/bikepath, signalization and lighting, utilities, and core level landscaping. Provide a continuation of Three Oaks Parkway parallel to I-75 from Corkscrew Road to Alico Road in Lee County.

Exhibit A consists of Parcels 201 and 202.

**Resolution of Necessity**

Three Oaks Parkway Widening, Project No. 4081

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**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 \_\_\_\_\_, 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"

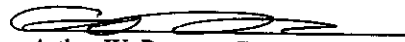
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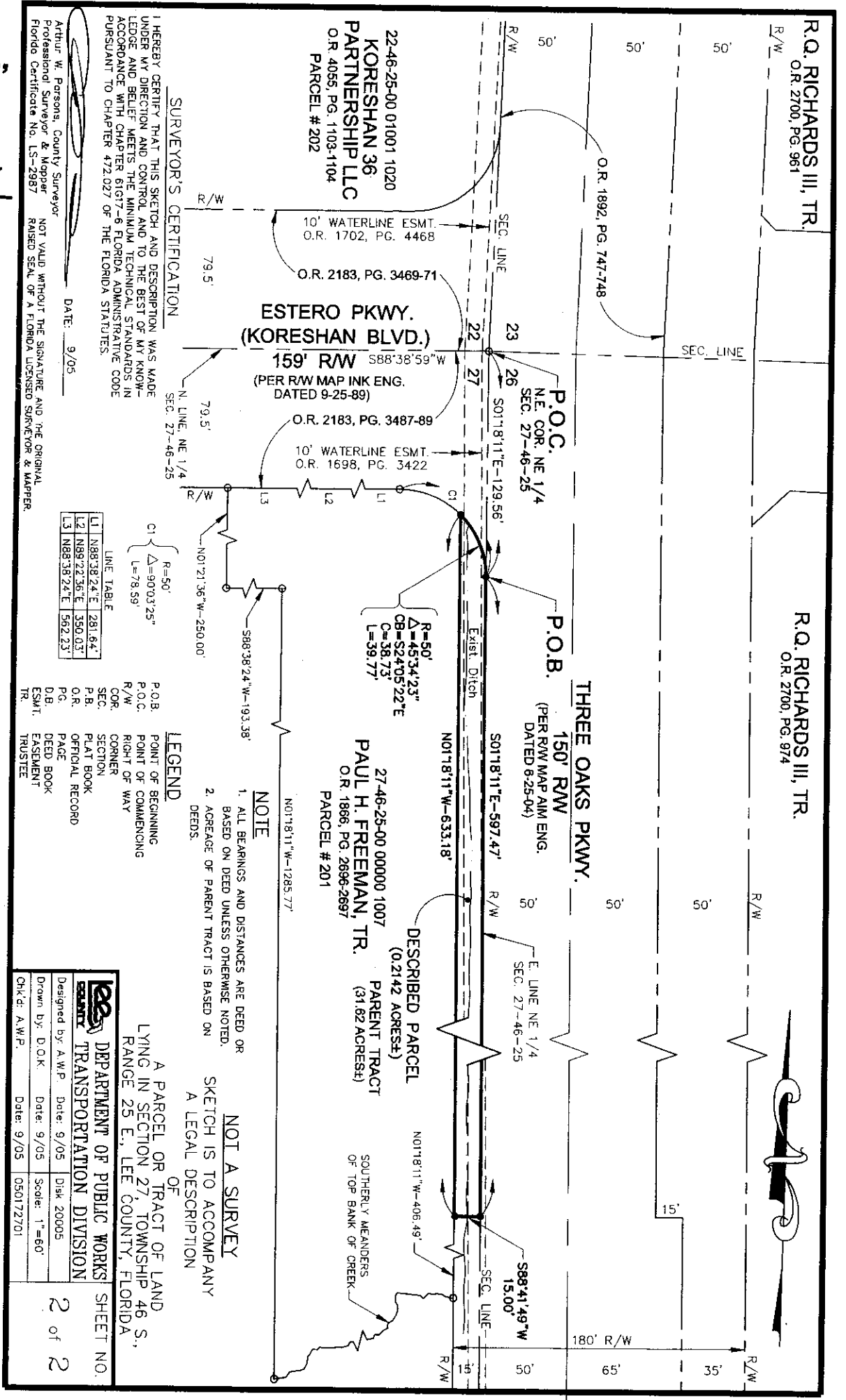
## DESCRIPTION OF

A parcel or tract of land 15.00 feet in width (as measured on a perpendicular) being a portion of the easterly 15.00 feet of a parcel of land recorded in Official Record Book 1866, Pages 2696-2697, Public Records of Lee County and lying in the northeast quarter (NE ¼) of Section 27, Township 46 South, Range 25 East, Lee County, Florida, said parcel or tract being more particularly as follows:

Commencing at the northeast corner of the northeast (NE ¼) of Section 27, Township 46 South, Range 25 East, Lee County, Florida and also being the point of commencement of the aforesaid parcel of land recorded in Official Record Book 1866, Pages 2696-2697 Public Records of Lee County, Florida and also at the point of intersection of Estero Parkway (Koreschan Boulevard) and the westerly right of way line of Three Oaks Parkway (right of way width varies); thence run S 01° 18' 11" E along the east line of the northeast quarter (NE ¼) of said section 27 and the westerly right of way line of Three Oaks Parkway for a distance of 129.56 feet to the Point of Beginning of the parcel or tract described herein; thence continue S 01° 18' 11" E along the east line of the northeast quarter (NE ¼) of said section 27 and the westerly right of way line of Three Oaks Parkway for a distance of 597.47 feet to the northeast corner of a parcel of land recorded in Official Record Book 1892, Pages 745-746 said public records; thence run S 88° 41' 49" W along the northerly boundary line of said parcel of land for a distance 15.00 feet to the northwest corner of said parcel of land; thence run N 01° 18' 11" W along a line 15.00 feet westerly of (as measured on a perpendicular) the east line of the northeast quarter (NE ¼) of said section 27 and the westerly right of way line of Three Oaks Parkway for a distance of 633.18 feet to southeasterly right of way line of Estero Parkway (Koreschan Boulevard) and at a point on a non-tangential curve to which a radial line bears N 43° 07' 26" E; thence run southeasterly and southerly along the arc of a curve to the right of radius 50.00 feet, having for its elements a central angle of 45° 34' 23", chord bearing of S 24° 05' 22" E, chord distance of 38.73 feet for a distance of 39.77 feet to a point of tangency and the point of beginning, containing 9331.47 square feet (0.2142 acres) more or less.

Bearings mentioned hereinabove are based on Rookery Pointe Subdivision, Plat Book 69, Pages 9-16 and Official Record Book Pages 2696-2697" showing the east line of the of the northeast quarter (NE ¼) of Section 27, Township 46 South, Range 25 East, Lee County, Florida as bearing N 01° 18' 11" E.

  
Arthur W. Parsons, County Surveyor  
Professional Surveyor and Mapper  
Florida Certificate No. LS-2987



DESCRIPTION  
OF


**Exhibit "A"**

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A parcel or tract of land 15.00 feet in width (as measured on a perpendicular) being the easterly 15 feet of a parcel of land recorded in Official Record Book 4055, Pages 1103-1104, Public Records of Lee County and lying in the southeast quarter (SE ¼) of Section 22, Township 46 South, Range 25 East, Lee County, Florida, said parcel or tract being more particularly as follows:

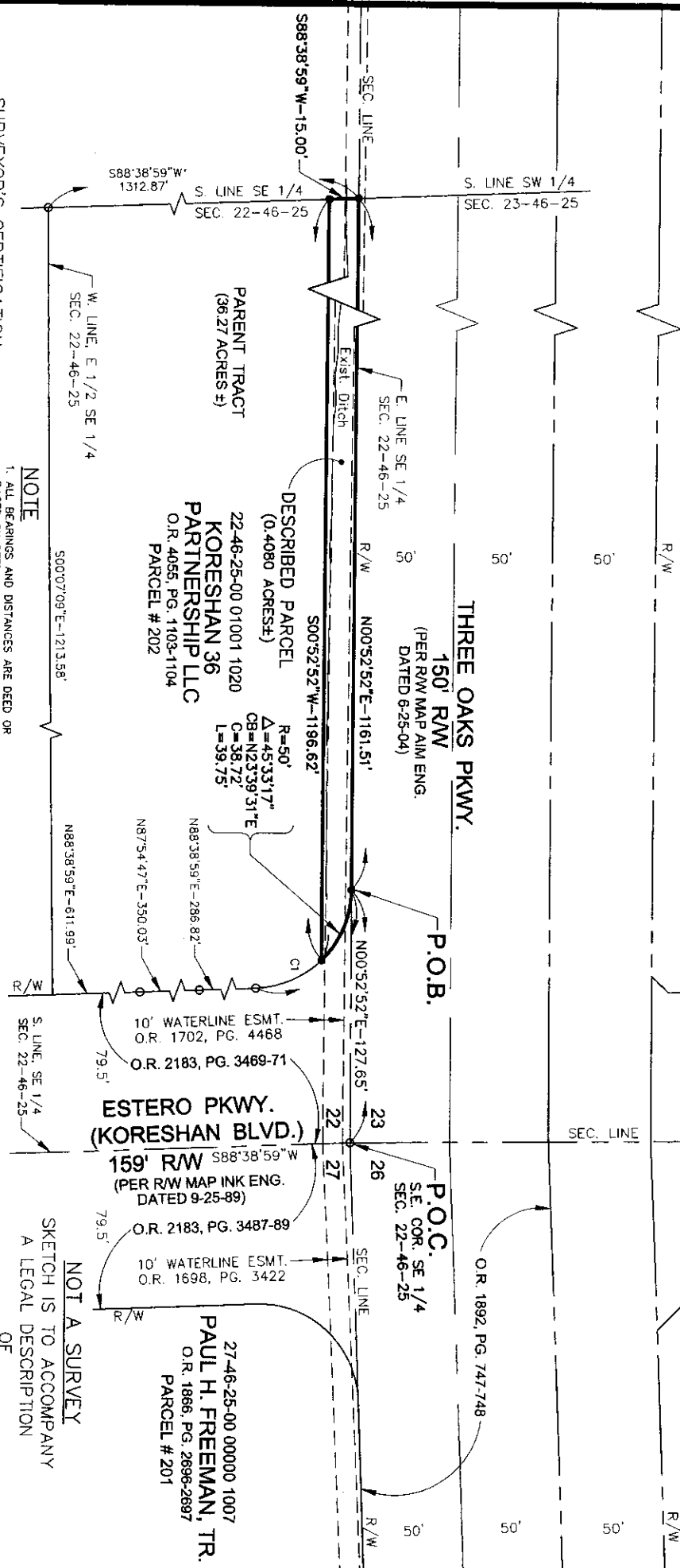
Commencing at the southeast corner of the southeast (SE ¼) of Section 22, Township 46 South, Range 25 East, Lee County, Florida and also being the point of commencement of the aforesaid parcel of land recorded in Official Record Book 4055, Pages 1103-1104, Public Records of Lee County, Florida and also at the point of intersection of Estero Parkway (Koreschan Boulevard) and the westerly right of way line of Three Oaks Parkway; thence run N 00° 52' 52" E along the east line of the southeast quarter of said section 22 and the westerly right of way line of Three Oaks Parkway for a distance of 127.65 feet to the Point of Beginning of the parcel or tract described herein; thence continue N 00° 52' 52" E along the east line of the southeast quarter of said section 22 and the westerly right of way line of Three Oaks Parkway for a distance of 1161.51 feet; thence (departing said easterly right of way line) run S 88° 38' 59" W along a line parallel with the south line of the southeast quarter (SE¼) of said section 22 for a distance of 15.00 feet; thence run S 00° 52' 52" W along a line 15.00 feet westerly of (as measured on a perpendicular) the east line of the southeast quarter of said section 22 and the westerly right of way line of Three Oaks Parkway for a distance of 1196.62 feet to the northeasterly right of way line of Estero Parkway (Koreschan Boulevard) and at a point on a non-tangential curve to which a radial line bears S 43° 33' 51" E; thence run northeasterly and northerly along the arc of a curve to the left of radius 50.00 feet, having for its elements a central angle of 45° 33' 17", chord bearing of N 23° 39' 31" E, chord distance of 38.72 feet for a distance of 39.75 feet to a point of tangency and the point of beginning, containing 17,774.00 square feet (0.4080 acres) more or less.

Bearings mentioned hereinabove are based on the east line of the of the southeast quarter (SE ¼) of Section 22, Township 46 South, Range 25 East, Lee County, Florida as bearing N 00° 52' 52"E.

  
Arthur W. Parsons, County Surveyor  
Professional Surveyor and Mapper  
Florida Certificate No. LS-2987

R.Q. RICHARDS III, TR.  
O.R. 2700, PG. 961

R.Q. RICHARDS III, TR.  
O.R. 2700, PG. 974



**SURVEYOR'S CERTIFICATION**

HEREBY CERTIFY THAT THIS SKETCH AND DESCRIPTION WAS MADE UNDER MY DIRECTION AND CONTROL, AND TO THE BEST OF MY KNOWLEDGE AND BELIEF MEETS THE MINIMUM TECHNICAL STANDARDS IN ACCORDANCE WITH CHAPTER 61G17-6 FLORIDA ADMINISTRATIVE CODE PURSUANT TO CHAPTER 472.027 OF THE FLORIDA STATUTES.

Arthur W. Parsons, County Surveyor  
Professional Surveyor & Mapper  
Florida Certificate No. LS-2987  
DATE: 9/05  
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL PROFESSIONAL SEAL OF A FLORIDA LICENSED SURVEYOR & MAPPER.

**NOTE**  
1. ALL BEARINGS AND DISTANCES ARE DEED OR BASED ON DEED UNLESS OTHERWISE NOTED.  
2. AREA OF PARENT TRACT IS BASED ON DEEDS.

**LEGEND**

- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCING
- R/W RIGHT OF WAY
- COR. CORNER
- SEC. SECTION
- P.B. PLAT BOOK
- P.R. PLAT RECORD
- P.G. PAGE
- O.R. DEED BOOK
- D.B. EASEMENT
- TR. TRUSTEE

**NOT A SURVEY**

SKETCH IS TO ACCOMPANY A LEGAL DESCRIPTION OF

A PARCEL OR TRACT OF LAND LYING IN SECTION 22, TOWNSHIP 46 S., RANGE 25 E., LEE COUNTY, FLORIDA

DESIGNED BY A.W.P. DATE: 9/05 DISK 20005

DRAWN BY: D.O.K. DATE: 9/05 SCALE: 1"=60'

CHK'D: A.W.P. DATE: 9/05 050172702

DEPARTMENT OF PUBLIC WORKS TRANSPORTATION DIVISION SHEET NO. 2 OF 2