Lee County Board Of County Commissioners Agenda Item Summary

Blue Sheet No. 20060068

- 1. ACTION REQUESTED/PURPOSE: Approve the Resolution of Necessity for the acquisition and condemnation of the access rights to Parcels 13, 17, 18, 21, 22, and 32 required for the Gladiolus Drive Widening Project, No. 4083.
- **2. WHAT ACTION ACCOMPLISHES:** Allows the County to proceed with condemnation, if necessary, so access rights to parcels can be acquired for the Gladiolus Drive Widening Project, No. 4083.
- 3. MANAGEMENT RECOMMENDATION: Management recommends Board approve the Action Requested.

4. Departmental Category: 12	AlaA		5. Meeting Date: 02 -07-2006		
6. Agenda:	7. Requirement/Purpose: (specify)	8. Request Initiated:		
Consent	X Statute	73,74,125,127	Commissioner		
X Administrative	Ordinance		Department	County Attorney	
Appeals	Admin. Code		Division	Litigation	
Public	Other		By: John Re	nner	
Walk-On			Chief Assis	tant County Attorney	

9. Background:

The Gladiolus Drive Widening Project will improve Gladiolus Drive from Winker Road to Pine Ridge Road, in Fort Myers, by constructing a four and six-lane divided roadway, with sidewalks, stormwater drainage and utilities.

Approval of the Resolution of Necessity is required should condemnation proceedings be necessary for the acquisition of access rights to parcels along Gladiolus Drive.

10. Review f	for Scheduling	; :							
Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney		Budget	Services		County Manager/P.W. Director
			KF	12_	Analyst	Risk	Grants	Mgr.	offerd,
11. Comm	nission Action: _Approved _Deferred _Denied _Other	:		Town See to			D PV A	77	
_						RECEIV COUNT	Y ADMIN		

-25-06

FORWARDED TO:

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 Gladiolus Drive Widening, Project No. 4083, extending from Winkler Road to Pine Ridge Road in Fort Myers.

SECTION ONE: USE, NECESSITY AND DESCRIPTION OF PROPERTY

The Board of County Commissioners finds that as a result of the improvement of Gladiolus Drive to a four/six-lane divided roadway, vehicular ingress and egress to and from the properties described on Exhibit "A" will become dangerous. To protect the safety of the traveling public as well as persons attempting to enter and leave the properties described on Exhibit "A", the access rights to the property described in the attached Exhibit "A" are necessary for the Gladiolus Drive Widening Project and are being acquired to improve traffic flow and transportation safety, increased traffic flow for public as well as private vehicles. Exhibit "A" consists of Parcel 13, 17, 18, 21, 22, and 32.

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 the access rights of the properties described in Exhibit AA@ to and from Gladiolus Drive for the above described public use or purpose.

Resolution of Necessity

Gladiolus Drive Widening, Project No. 4083

The foregoing	Commissioner, who moved its							
adoption. The m	otion was seconded by Commi	ssioner, and upon being put to a						
vote was as foll	ows:							
	Robert P. Janes							
	Douglas St. Cerny							
	Ray Judah	·						
	Tammy Hall							
	John E. Albion							
DULY PASSED AND A	ADOPTED thisday of	LEE COUNTY, FLORIDA, BY ITS						
CHARLIE GREEN, CLERK		BOARD OF COUNTY COMMISSIONERS						
Ву:								
Deputy Clerk		Chairwoman or Vice-Chairman						
		APPROVED AS TO FORM:						
		Office of County Attorney						

Exhibit "A"

Parcel 13

Lot 11, Block A, Little Harlem Park, a subdivision according to the plat thereof recorded in Plat Book 9, page 18, Public Records of Lee County, Florida.

Parcel 17

Lot 6, Block A, Little Harlem Park, a subdivision according to the plat thereof recorded in Plat Book 9, page 18, Public Records of Lee County, Florida.

Parcel 18

Lot 5, Block A, Little Harlem Park, a subdivision according to the plat thereof recorded in Plat Book 9, page 18, Public Records of Lee County, Florida.

Parcel 21

The West 42 feet of Lot 1, Block A, Little Harlem Park, a subdivision according to the plat thereof recorded in Plat Book 9, page 18, Public Records of Lee County, Florida.

Parcel 22

Lot 1, less the West 42 feet, Block A, Little Harlem Park, a subdivision according to the plat thereof recorded in Plat Book 9, page 18, Public Records of Lee County, Florida.

Parcel 32

Lot 2, Block E, Harlem Heights, a subdivision according to the plat thereof recorded in Plat Book 8, page 76, Public Records of Lee County, Florida.











