

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

Blue Sheet No. 20060274

1. ACTION REQUESTED/PURPOSE:

Approve the 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: Approve.

4. Departmental Category: 12 **AL2A** **5. Meeting Date:** 03-28-2006

6. Agenda: <input 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, & 05-11-06	

9. Background:

Interest to Acquire: Perpetual Easement Interest; as to Parcels 201 and 202, for the Department of Transportation.

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 Resolution of Necessity is required should condemnation proceedings be necessary for the acquisition of easement interests in Parcels 201 and 202. A prior resolution authorized acquisition of fee simple interests in Parcels 210 and 202. The Resolution of Necessity supersedes the prior resolution of necessity to authorize acquisition of easement interests rather than fee simple interests in Parcels 201 and 202.

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
			Co. Lands		Analyst	Risk	Grants	Mgr.	
					RK 3/15	3/16/06	3/16/06	3/15/06	3-16-06

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

CO. ATTY.
FORWARDED
TO COUNTY
3/14/06

RECEIVED BY
COUNTY ADMIN: LP
3-14-06
1:40
COUNTY ADMIN
FORWARDED TO: PFC
3/14/06
JRM

**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

SECTION ONE: USE, NECESSITY AND DESCRIPTION OF PROPERTY

The Board of County Commissioners finds that perpetual stormwater drainage easement interest in 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.

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 a perpetual easement interest in the property described in Exhibit "A" for the above described public use or purpose.

Resolution of Necessity

Three Oaks Parkway Widening, Project No. 4081

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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

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 (Koreshan 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 (Koreshan 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.

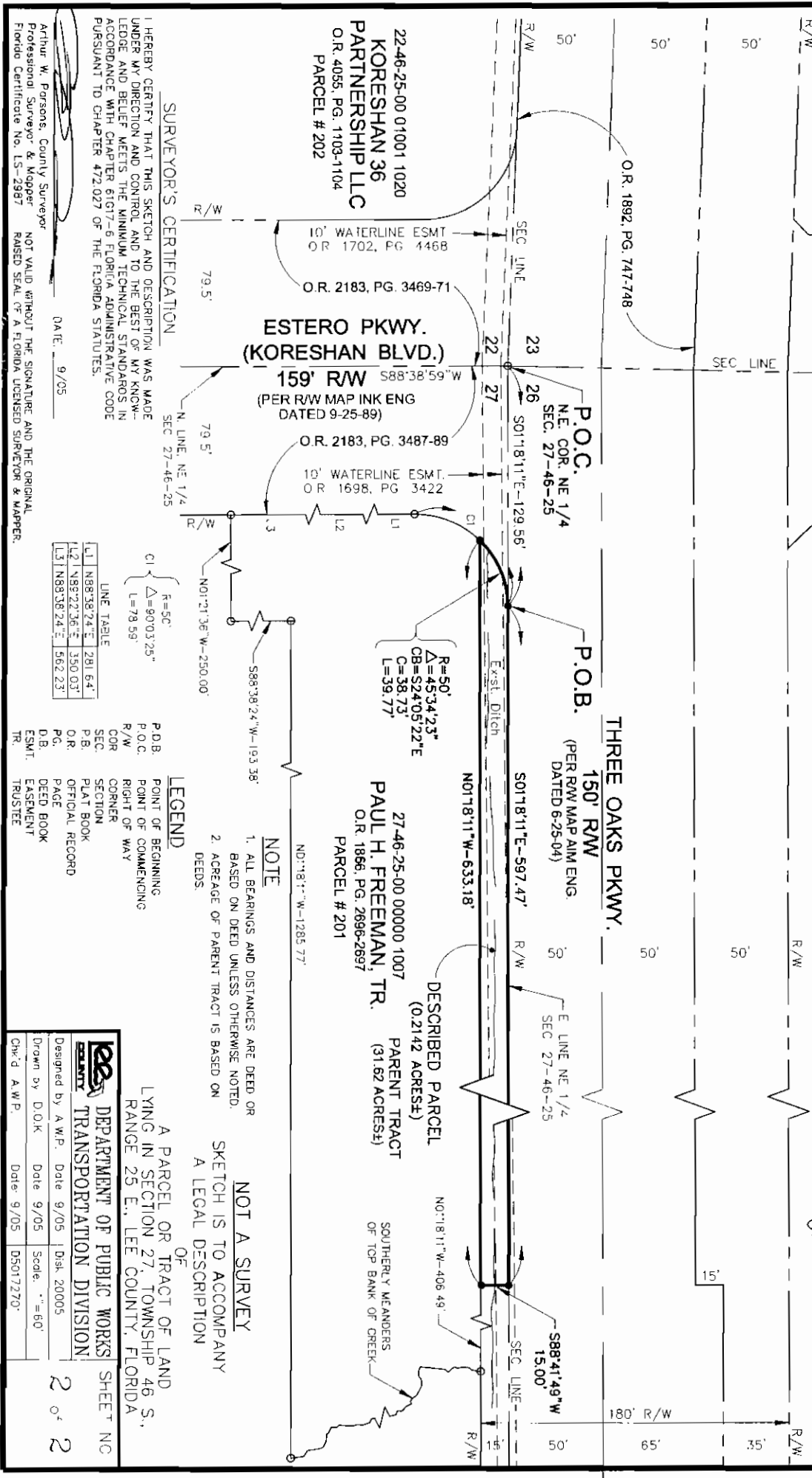

Arthur W. Parsons, County Surveyor
Professional Surveyor and Mapper
Florida Certificate No. LS-2987

PARCEL #201

EXHIBIT A

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

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



22-46-25-00 01001 1020
KORESHAN 36
PARTNERSHIP LLC
O.R. 4055, PG. 1103-1104
PARCEL # 202

ESTERO PKWY.
(KORESHAN BLVD.)
159' RW
(PER R/W MAP INK ENG
DATED 9-25-89)

THREE OAKS PKWY.
150' RW
(PER R/W MAP AIM ENG
DATED 6-25-04)

27-46-25-00 00000 1007
PAUL H. FREEMAN, TR.
O.R. 1866, PG. 2696-2697
PARCEL # 201

DESCRIBED PARCEL
(0.2142 ACRES±)
PARENT TRACT
(31.62 ACRES±)

SURVEYOR'S CERTIFICATION

I 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 61017-6 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 RAISED SEAL OF A FLORIDA LICENSED SURVEYOR & MAPPER.

LINE	TABLE
L1	N88°38'24"E 281.64'
L2	N88°23'36"E 350.03'
L3	N88°38'24"E 562.23'

Curve Data:
R=50'
Δ=45°34'23"
CB=S24°05'22"E
C=38.73'
L=39.77'

LEGEND

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

NOTE

- ALL BEARINGS AND DISTANCES ARE DEED OR BASED ON DEED UNLESS OTHERWISE NOTED.
- ACREAGE OF PARENT TRACT IS BASED ON DEEDS.

NOT A SURVEY

SKETCH IS TO ACCOMPANY A LEGAL DESCRIPTION OF

A PARCEL OR TRACT OF LAND LYING IN SECTION 27, TOWNSHIP 46 S., RANGE 25 E., LEE COUNTY, FLORIDA

DEPARTMENT OF PUBLIC WORKS
TRANSPORTATION DIVISION

Designed by	A.W.P.	Date	9/05	Dist.	20005
Drawn by	D.O.K.	Date	9/05	Scale	"=60'
Checked	A.W.P.	Date	9/05		05017270'

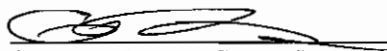
EXHIBIT **A**

DESCRIPTION
OF

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 (Koreshan 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 (Koreshan 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

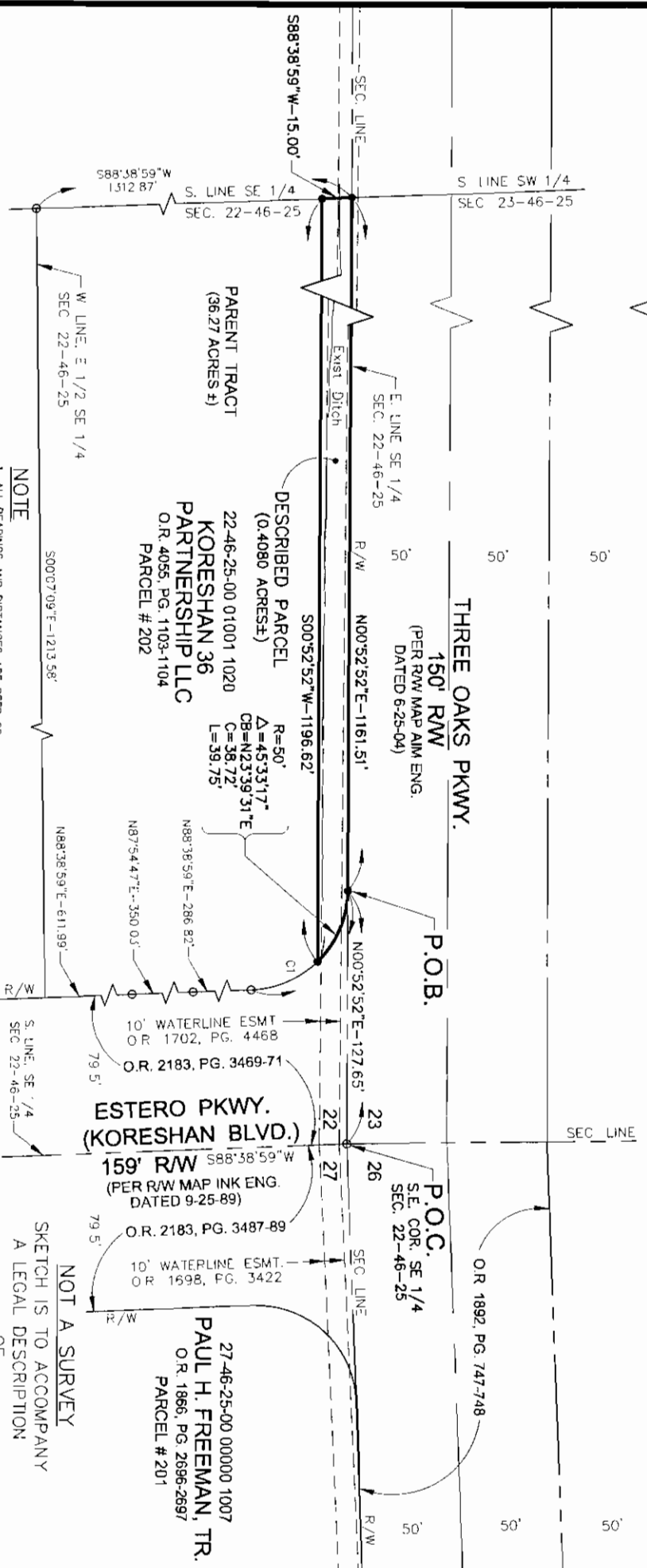
PARCEL #202

EXHIBIT A

Sheet 1 of 2

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

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



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DATE: 9/05
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR & MAPPER

NOTE

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

LEGEND

- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCING
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- P.E. PLAT BOOK
- O.R. OFFICIAL RECORD
- P.C. PAGE
- D.B. DEED BOOK
- ESMT. EASEMENT
- TR. TRUSTEE

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 QSG: 72702

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

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

EXHIBIT A