

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

Blue Sheet No. 20060929

1. ACTION REQUESTED/PURPOSE: Approve the Resolution of Necessity for the acquisition and condemnation of parcels required for the Gateway Wastewater Treatment Plant Expansion, Project No. 7000.

2. WHAT ACTION ACCOMPLISHES: The Resolution of Necessity allows the County to proceed with condemnation, if required, of the necessary parcels for expansion of the Gateway Wastewater Treatment Plant.

3. MANAGEMENT RECOMMENDATION: Approve.

4. Departmental Category: 12

A12H

5. Meeting Date: **08-01-2006**

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:

The Gateway Wastewater Treatment Plant Expansion, Project No. 7000, will provide additional facilities 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 parcels for the project.

Funds are available in Account No. 20700048713.506110

Attachments: Resolution of Necessity, Location Map

10. Review for Scheduling:

Utilities Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
			Co. Funds						
<i>[Signature]</i>	N/A	N/A	<i>[Signature]</i>	<i>[Signature]</i>	Analyst	Risk	Grants	Mgr.	<i>[Signature]</i>
					<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	7-17-06

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

[Stamp: RECEIVED BY COUNTY ADMIN 7/18/06 3:10 pm]

RECEIVED BY
COUNTY ADMIN:
7-18-06 4:00 pm

COUNTY ADMIN
FORWARDED TO:
7/19/06
4:30

[Stamp: 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 expansion of the existing Gateway Wastewater Treatment Plant, Project No. 7000, located in south Fort Myers, by acquiring the necessary real property interests for constructing additional wastewater facilities to provide for the future growth of Lee County.

SECTION ONE: USE, NECESSITY AND DESCRIPTION OF PROPERTY

The Board of County Commissioners finds that the perpetual utility easement rights in the property described in the attached Exhibit "A", and the temporary construction easement rights, for a duration of six months, in the property described in the attached Exhibit "B", are necessary for the Gateway Wastewater Treatment Plant Expansion, Project No. 7000, and are being acquired for the following specific public use or purpose:

To construct additional sewer transmission and collection system facilities, and associated appurtenances, to provide for the future growth of Lee County.

Exhibit "A" consists of project parcel 101UE; Exhibit "B" consists of project parcel 101TCE.

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

Resolution of Necessity

Page 2

proceedings necessary to acquire the perpetual utility easement rights in, and the temporary construction easement rights in the properties described in Exhibits "A", and "B", respectively, 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 _____
- Tammara 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

TAMMARA HALL, CHAIRWOMAN

APPROVED AS TO FORM:

Office of County Attorney

Exhibit "A"

Page 1 of 2

LEGAL DESCRIPTION

LEE COUNTY UTILITIES 20 FOOT WIDE UTILITY EASEMENT

A PARCEL OF LAND LOCATED IN THE NORTHWEST 1/4 OF SECTION 17, TOWNSHIP 45 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 17; THENCE RUN SOUTH 01°00'08" EAST ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 17, FOR A DISTANCE OF 33.34 FEET; THENCE RUN NORTH 37°57'04" WEST FOR A DISTANCE OF 42.03 FEET TO A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 17; THENCE RUN NORTH 89°34'10" EAST ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 17, FOR A DISTANCE OF 25.27 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; CONTAINING 0.010 ACRES, MORE OR LESS.

NOTES:

- 1.) BEARINGS SHOWN HEREON REFER TO EAST LINE OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 45 SOUTH, RANGE 26 EAST AS BEING S 01°00'08" E.
- 2.) SUBJECT TO EASEMENTS, RESERVATIONS AND/OR RESTRICTIONS OF RECORD.
- 3.) DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.

Eric V. Sandoval

8-23-05

SIGNATURE

DATE SIGNED:

ERIC V. SANDOVAL (FOR THE FIRM - LB-734)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5223

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

** THIS IS NOT A SURVEY **

DRAWN BY: J.P. JOB NO.: 03929.01 SHEET 1 OF 2

LEGAL DESCRIPTION

*LEE COUNTY UTILITIES
A 20 FOOT WIDE UTILITY EASEMENT
SECTION 17, TOWNSHIP 45 SOUTH, RANGE 26 EAST,
LEE COUNTY, FLORIDA*

DATE: AUGUST 2005

DRAWING: 03929GATEWAYFM



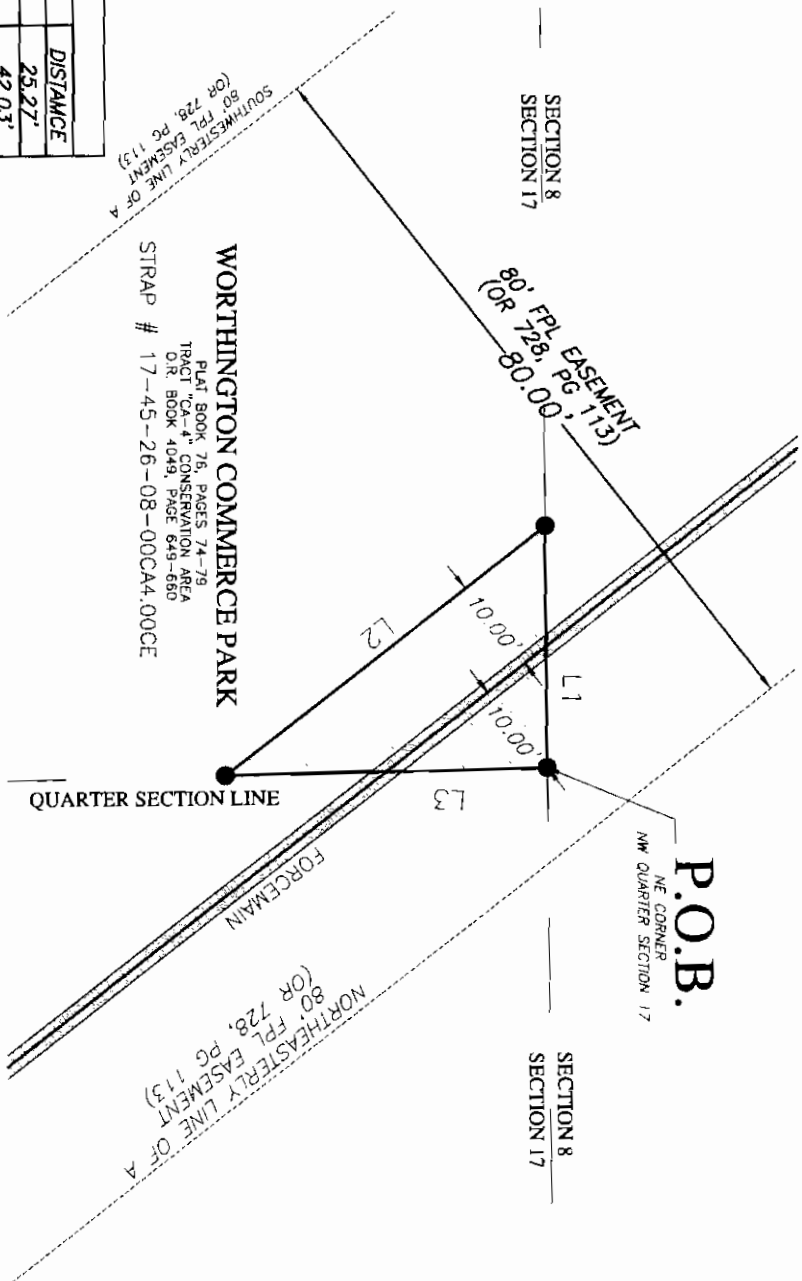


0' 10' 20'
SCALE: 1" = 20'

20 FOOT WIDE UTILITY EASEMENT

Exhibit "A"
Page 2 of 2

LINE	BEARING	DISTANCE
L1	N89°34'10"E	25.27'
L2	N37°57'04"W	42.03'
L3	S01°00'08"E	33.34'



WORTHINGTON COMMERCE PARK
 Plat Book 76, Pages 74-79
 Tract "C-A", CONSERVATION AREA
 O.R. BOOK 4049, PAGE 649-660
 STRAP # 17-45-26-08-00CA4,00CE

P.O.C. POINT OF COMMENCEMENT
 P.O.B. POINT OF BEGINNING
 O.R. OFFICIAL RECORD BOOK
 P.G. PAGE
 R.O.W. RIGHT OF WAY
 F.P.L. FLORIDA POWER AND LIGHT

CONSULTING ENGINEERS, INC.
 environmental * civil * structural * survey
 6621 Battleground Drive
 Fort Myers, Florida 33912
 (239) 278-1902 FAX (239) 278-0023
 E-MAIL: lkew@hkworthington.com
 Certification # 734

DRAWN BY: J.P.	JOB NO.: 03929.01	SHEET 2 OF 2
SKETCH TO ACCOMPANY LEGAL DESCRIPTION		
LEE COUNTY UTILITIES A PORTION OF SECTION 17, TOWNSHIP 45 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA		
DATE: AUGUST 2005	DRAWING: 03929GATEWAY.FPL	

* THIS IS NOT A SURVEY *

Exhibit "B"

Page 1 of 2

LEGAL DESCRIPTION

LEE COUNTY UTILITIES

10 FOOT TEMPORARY CONSTRUCTION EASEMENT

A PARCEL OF LAND LOCATED IN THE NORTHWEST 1/4 OF SECTION 17, TOWNSHIP 45 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 17; THENCE RUN SOUTH 01°00'08" EAST, ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 17, FOR A DISTANCE OF 33.34 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID EAST LINE, SOUTH 01°00'08" EAST FOR A DISTANCE OF 16.64 FEET; THENCE RUN NORTH 37°57'04" WEST FOR A DISTANCE OF 63.01 FEET TO A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 17; THENCE RUN NORTH 89°34'10" EAST, ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 17, FOR A DISTANCE OF 12.61 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; CONTAINING 0.012 ACRE, MORE OR LESS.

NOTES:

- 1.) BEARINGS SHOWN HEREON REFER TO EAST LINE OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 45 SOUTH, RANGE 26 EAST AS BEING S 01°00'08" E.
- 2.) SUBJECT TO EASEMENTS, RESERVATIONS AND/OR RESTRICTIONS OF RECORD.
- 3.) DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.

Eric V. Sandoval 11-21-05
SIGNATURE DATE SIGNED:

ERIC V. SANDOVAL (FOR THE FIRM - LB-734)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5223

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

*** THIS IS NOT A SURVEY ***

TKW
CONSULTING ENGINEERS, INC.
environmental * civil * structural * survey

5621 Banner Drive
Fort Myers, Florida 33912
(239) 278-1982 FAX (239) 278-0922
E-MAIL tkw@tkwonline.com
Certification # 734

DRAWN BY: J.P. | JOB NO.: 03929.01 | SHEET 1 OF 2

LEGAL DESCRIPTION

LEE COUNTY UTILITIES
A 10 FOOT TEMPORARY CONSTRUCTION EASEMENT
SECTION 17, TOWNSHIP 45 SOUTH, RANGE 26 EAST,
LEE COUNTY, FLORIDA

DATE: NOVEMBER 2005

DRAWING: 03929CATEWAYFM

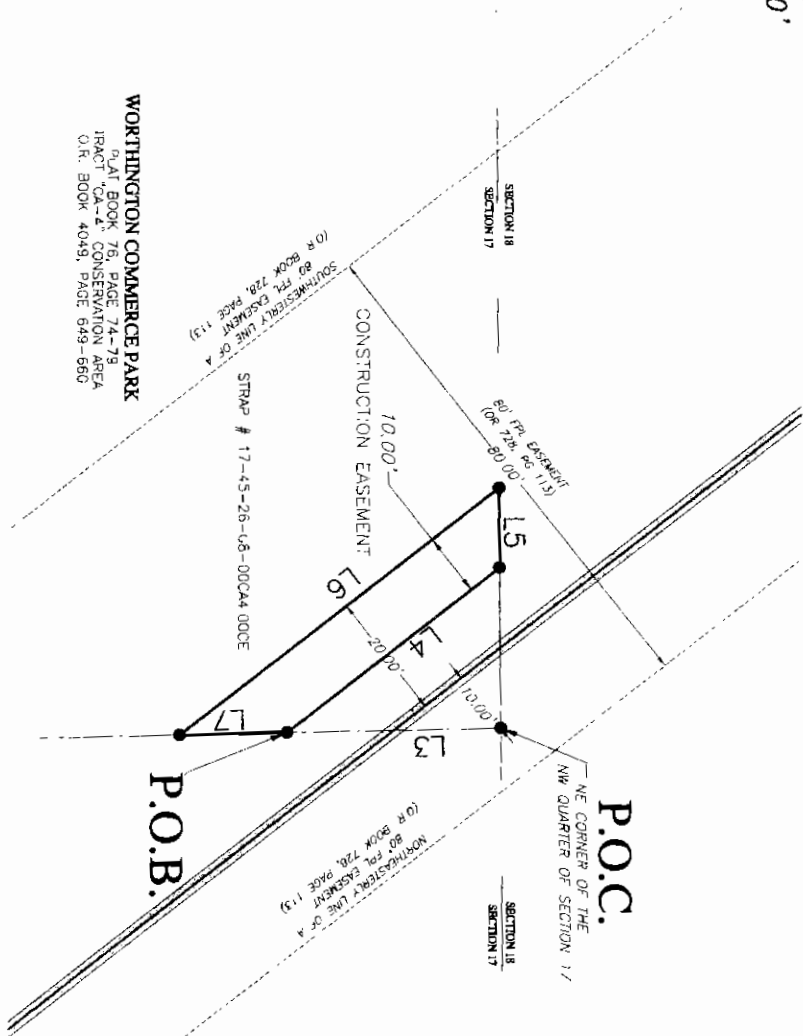


10 FOOT TEMPORARY CONSTRUCTION EASEMENT

0' 15' 30'
SCALE: 1" = 30'

Exhibit "B"

Page 2 of 2



WORKINGTON COMMERCE PARK
PLAT BOOK 76, PAGE 74-79
TRACT "A-2" CONSERVATION AREA
O.R. BOOK 4049, PAGE 649-660

LINE	LENGTH	BEARING
L3	33.34'	S01°00'08"E
L4	42.03'	S37°57'04"E
L5	12.61'	N89°34'10"E
L6	63.01'	N37°57'04"W
L7	16.64'	S01°00'08"E

* THIS IS NOT A SURVEY *

P.O.C. POINT OF COMMENCEMENT
P.O.B. POINT OF BEGINNING
O.R. OFFICIAL RECORD BOOK
Pg. PAGE
R.O.W. RIGHT OF WAY
F.P.L. FLORIDA POWER AND LIGHT

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environmental * civil * structural * survey

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DRAWN BY: J.P. JOB NO.: 03929.01 SHEET 2 OF 2
SKETCH TO ACCOMPANY LEGAL DESCRIPTION
LEE COUNTY UTILITIES
10 FOOT TEMPORARY CONSTRUCTION EASEMENT
SECTION 17, TOWNSHIP 45 SOUTH, RANGE 26 EAST,
LEE COUNTY, FLORIDA
DATE: NOVEMBER 2005 DRAWING: 03929CATWAYFM

Gateway WWTP Expansion, No. 7000



Tax Map Legend

Parcel Number Parcel

Parcel Number	Parcel	Map Currency Date	7/1/2006 4:26:11 PM
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