

Agenda Item Summary

1. **ACTION REQUESTED/PURPOSE:** Approve the Resolution of Necessity for the acquisition and condemnation of parcels required for the proposed Elderberry Lane Extension Project No. 4067.

2. **WHAT ACTION ACCOMPLISHES:** Allows the County to proceed with condemnation, if necessary, so these parcels can be acquired for the Elderberry Lane Extension Project.

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

4. Departmental Category: 12 **AIAL** 5. Meeting Date: **08-01-2006**

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

9. **Background:**
 The Elderberry Lane Extension Project No. 4067, provides for construction of a connector roadway which will allow traffic to travel back and forth through the Summerlin Center Subdivision and Reflection Key Subdivision to Summerlin Road. It will also eliminate a temporary access point along Summerlin Road.

Approval of the Resolution of Necessity is required should condemnation proceedings be necessary for the acquisition of a parcel required for the project.

Attachments: Resolution of Necessity and legal description/sketch.

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services <i>7/20</i>			County Manager/P.W. Director
<i>Rep. Clavin for South Side</i>				<i>[Signature]</i>	Analyst <i>RK 7/20</i>	Risk <i>[Signature]</i>	Grants <i>[Signature]</i>	<i>Mgr. 7/20/06</i>

11. **Commission Action:**
 Approved
 Deferred
 Denied
 Other

CO. ATTY.
FORWARDED
TO CO. ADMIN.
7/19/06

RECEIVED BY
COUNTY ADMIN
7-19-06 4:00 PM
COUNTY ADMIN
FORWARDED TO
[Signature]
3:00 PM

REC. BY COUNTY
Date: 7/19/06
Time: 11:30 AM
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 Elderberry Lane Extension, Project Number 4067, by acquiring the necessary land for construction of a connector roadway which will allow traffic to travel back and forth through the Summerlin Center Subdivision and Reflection Key Subdivision to Summerlin Road.

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 the **Elderberry Lane Extension Project**, and are 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 elimination of a temporary access point along Summerlin Road. This project provides for construction of a roadway with stormwater drainage connecting Elderberry Lane and Whitney Way which will allow traffic to travel back and forth through the Summerlin Center Subdivision and Reflection Key Subdivision to Summerlin Road. Elderberry Lane will connect to the southern end of Whitney Way. Exhibit "A" consists of Parcels 105 and 106.

Resolution of Necessity

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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 the fee simple interests rights to the properties 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:

- Robert Janes
- Douglas St. Cerny
- Ray Judah
- Tammara Hall
- John E. Albion

DULY PASSED AND ADOPTED this _____ day of _____, 2006.

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'
PARCEL DESCRIPTION AND SKETCH
 Road Right-of-Way Taking, Parcel No. 106
 (This is not a Field Survey)

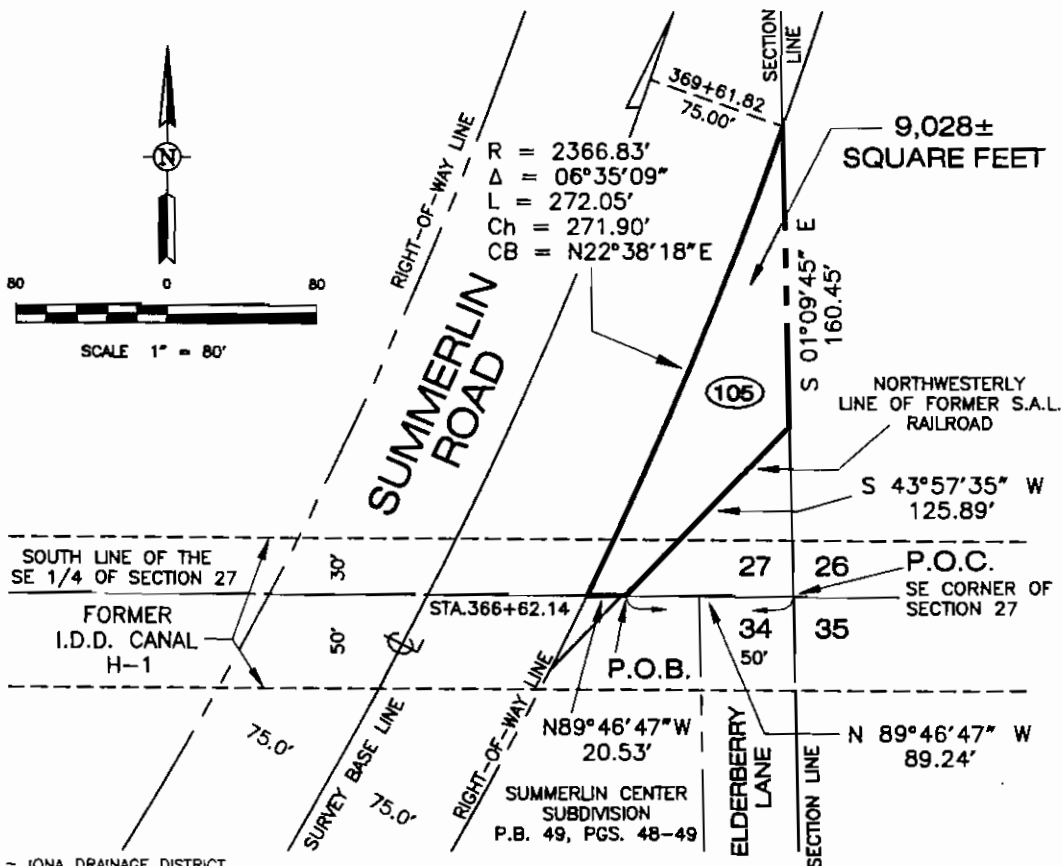
PARCEL No. 106
 PROPERTY OWNER:
 REFERENCE: OFFICIAL RECORDS BOOK 881, PAGE 461
 STRAP No. 27-46-24-00-00004.0000
 AREA OF TAKE: 9,028± SQUARE FEET
 AREA OF REMAINDER: 0.00 ACRE

LEGAL DESCRIPTION

A parcel of land lying in Section 27, Township 45 South, Range 24 East, Lee County, Florida, being more particularly described as follows:

Commence at the southeast corner of said Section 27; thence N 89°46'47" W along the south line of the Southeast Quarter (SE 1/4) of said Section 27 for 89.24 feet to the northwesterly right-of-way line of the former S.A.L Railroad and the Point of Beginning; thence continue N 89°46'47" W for 20.53 feet to the easterly right-of-way line of Summerlin Road (75.00 feet from center line) and a non-tangent point of curvature; thence along said easterly line in a northeasterly direction along the arc of a curve concave to the northwest, having a radius of 2366.83 feet, a central angle of 06°35'09", a chord bearing and distance of N 22°38'18" E, 271.90 feet, for 272.05 feet to a non-tangent point of intersection with the east line of the Southeast Quarter (SE 1/4) of said section 27; thence S 01°09'45" E along said east line for 160.45 feet to the aforesaid northwesterly line of the former S.A.L Railroad; thence S 43°57'35" W along said northwesterly line for 125.89 feet to the Point of Beginning. Containing 9,028 square feet, more or less.
 Subject to the south 30 feet for the former Iona Drainage District Canal H-1.

Basis of bearings based on the Florida State Plane Coordinate System, West Zone, NAD 83/90 being N 89°46'47" W for the south line of the Southeast Quarter (SE 1/4) of Section 27, Township 45 South, Range 24 East, Lee County, Florida.



I.D.D. = IONA DRAINAGE DISTRICT
 P.O.B. = POINT OF BEGINNING
 P.O.C. = POINT OF CURVATURE
 R = RADIUS
 Δ = ANGLE
 L = ARC LENGTH
 Ch = CHORD
 P.B. = PLAT BOOK
 CB = CHORD BEARING

SHEET 1 OF 1

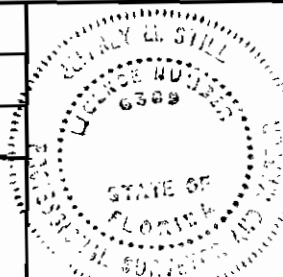
LEGAL DESCRIPTION AND SKETCH PREPARED BY DENI ASSOCIATES, INC.
 SURVEYING AND MAPPING BUSINESS, STATE OF FLORIDA CERTIFICATE
 OF AUTHORIZATION No. LB 3542.

CLIENT: LEE CO. / T.Y. LIN

PROJECT: 20020202-B

DATE: SEPTEMBER 3, 2003

Jeffrey M. Still
 JEFFREY M. STILL - PROFESSIONAL SURVEYOR AND MAPPER
 STATE OF FLORIDA REGISTRATION LICENSE No. LS 6389



Deni Associates, Inc.

6241 ARC WAY • FORT MYERS, FLORIDA 33912 • (239) 275-8876

PROFESSIONAL SURVEYORS AND MAPPERS

EXHIBIT 'A'
PARCEL DESCRIPTION AND SKETCH
 Road Right-of-Way Taking, Parcel No. 106
 (This is not a Field Survey)

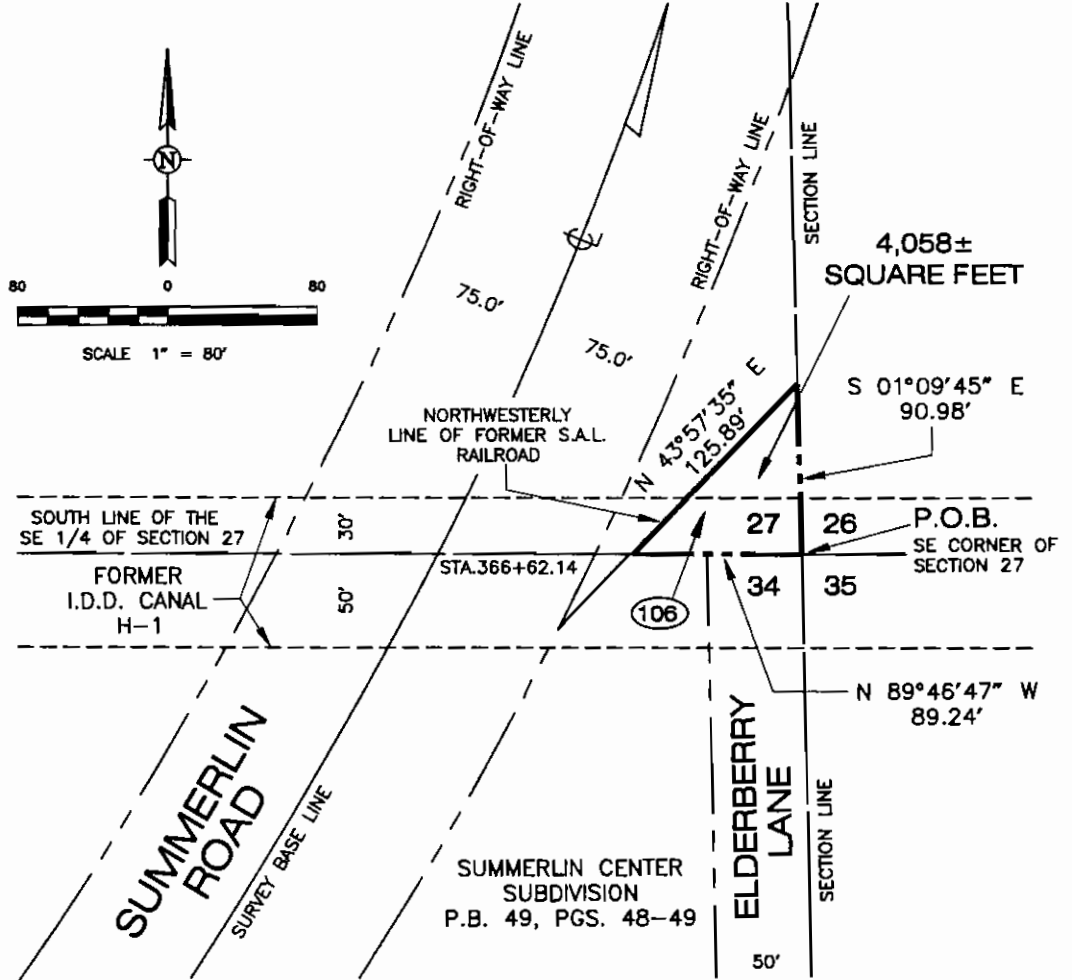
PARCEL No. 106
 PROPERTY OWNER: FORT MYERS SOUTHERN RAILROAD COMP., A DISSOLVED FLORIDA CORPORATION
 DEED BOOK 280, PAGE 108
 REFERENCE: STRAP No. 27-45-24-00-00004.0000
 AREA OF TAKE: 4,058± SQUARE FEET
 AREA OF REMAINDER: 0.00 ACRE

LEGAL DESCRIPTION

A parcel of land lying in Section 27, Township 45 South, Range 24 East, Lee County, Florida, being more particularly described as follows:

Beginning at the southeast corner of said Section 27; thence N 89°46'47" W along the south line of the Southeast Quarter (SE 1/4) of said Section 27 for 89.24 feet to the northwesterly right of way line of the former S.A.L. Railroad; thence N 43°57'35" E along said northwesterly line for 125.89 feet to the east line of the Southeast Quarter (SE 1/4) of said section 27; thence S 01°09'45" E along said east line for 90.98 feet to the Point of Beginning. Containing 4,058 square feet, more or less. Subject to the south 30 feet for the former land Drainage District Canal H-1.

Basis of bearings based on the Florida State Plane Coordinate System, West Zone, NAD 83/90 being N 89°46'47" W for the south line of the Southeast Quarter (SE 1/4) of Section 27, Township 45 South, Range 24 East, Lee County, Florida.



P.O.B. = POINT OF BEGINNING I.D.D. = IONA DRAINAGE DISTRICT P.B. = PLAT BOOK

SHEET 1 OF 1

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