

Lee County Board Of County Commissioners
Agenda Item Summary

Blue Sheet No. 20061310

1. ACTION REQUESTED/PURPOSE: Approve the Amendment to Resolution of Necessity for the acquisition and condemnation of Parcel 106-UE required for the Corkscrew Road Water Treatment Plant Expansion, Project No. 7097.

2. WHAT ACTION ACCOMPLISHES: Allows the County to proceed with condemnation, if necessary, so the necessary parcels can be acquired for the expansion of the Corkscrew Road Water Treatment Plant Wellfield.

3. MANAGEMENT RECOMMENDATION: Approve.

4. Departmental Category: 12 **A12B** **5. Meeting Date:** **OCT 17 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	County Attorney
<input type="checkbox"/> Appeals		<input type="checkbox"/> Admin. Code		Division	Litigation
<input type="checkbox"/> Public		<input checked="" type="checkbox"/> Other		By: John Renner, Assistant County Attorney	
<input type="checkbox"/> Walk-On			BS 20060009, Reso. 06-02-03		

9. Background:

The Corkscrew Road Water Treatment Plant Expansion, Project No. 7097, will provide additional potable water well sites 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 the parcel required for the project. The original Resolution of Necessity is being amended to reflect the change in property boundaries and legal description for Parcel 106-UE and the deletion of Parcels 106 and 106-WPE.

Attachment: Amendment to Resolution of Necessity

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	Mgt.	
			[Signature]	[Signature]	RK [Signature] 10/4	[Signature] 10/4	[Signature] 10/4/06	[Signature] 10/4/06	[Signature]

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

CO. ATTY.
FORWARDED
TO CO. ADMIN.
10/4/06

RECEIVED BY
COUNTY ADMIN: [Signature]
10/4/06
12:20pm
COUNTY ADMIN
FORWARDED TO: [Signature]
10/5/06
[Signature]

**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 06-02-03 authorizing the exercise of the power of eminent domain to acquire the necessary property interests to construct the Corkscrew Road Water Treatment Plant Wellfield Expansion, Project No. 7097, and it is necessary to acquire the subject 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 06-02-03 is amended to reflect the change in property boundaries and legal description of Parcel 106-UE, and to delete Parcels 106 and 106-WPE.

SECTION ONE: USE, NECESSITY AND DESCRIPTION OF PROPERTY

The Board of County Commissioners finds that the utility easement rights to property described in the attached Exhibit "A" are necessary for the Corkscrew Road Water Treatment Plant Wellfield Expansion Project, and are being acquired for the following specific public use or purpose:

To construct additional facilities and well sites to provide potable water for the future growth of Lee County. Exhibit "A" consists of Parcel 106-UE.

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

Amendment to Resolution of Necessity

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 utility easement interest in 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	_____
Tammara Hall	_____
John E. Albion	_____

DULY PASSED AND ADOPTED this _____ day of _____, 2004.

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

Parcel 19 (106-UE)

A parcel of land lying in Section 19, Township 46 South, Range 27 East, Lee County, Florida, and being more particularly described as follows:
 Commence at the Southeast corner of said Section 19 and run S89°01'52"W, along the South line of said section 19, a distance of 2960.97 feet; Thence N00°58'08"W a distance of 72.47 feet to the North right-of-way line of Corkscrew Road and the Southeast corner of a parcel of land described in Official Records Book 3463, Page 4882, Public Records of Lee County, Florida and the Point of Beginning of the parcel of land herein described; Thence S89°27'58"W, along said North right-of-way line, a distance of 1320.01 feet to the Southwest corner of said Official Records Book 3463 page 4882; Thence N00°46'45"W, along the West line of said Official Records Book 3463 page 4882, a distance of 15.00 feet; Thence N89°27'58"E, parallel with said North right-of-way line, a distance of 1320.01 feet to the East line of said Official Records Book 3463 page 4882; Thence S00°46'45"E, along the East line of said Official Records Book 3463 page 4882, a distance of 15.00 feet to the Point of Beginning.
 Containing 0.45 acres more or less.
 Subject to easements, reservations, restrictions, and rights-of-way of record.

Exhibit "A"
 Page 1 of 2

NOTES:

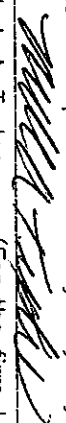
THIS IS NOT A BOUNDARY SURVEY, NOR IS IT INTENDED TO BE USED AS ONE.

Bearing Reference: Bearing of S89°28'40"W on the South line of the Southeast one-quarter of Section 23, Township 46 South, Range 26 East. State Plane Coordinate, Florida West Zone, NAD 83(90).

This Description is only for the benefit of:

Lee County Utilities

No other person or Entity may rely on this Description.


 Mark A. Texter (For the firm LB-642)
 Professional Surveyor and Mapper
 Florida Certificate No. 6392

Date signed: 03-02-06
 Not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper.

In my professional opinion, as a Licensed Florida Professional Surveyor and Mapper this Description is a true and correct representation of a recent survey made and plotted under my direction, made in accordance with Chapter 472.027, Florida Statutes.

This Description is not valid without sheet 2 of 2

Lee County Utilities
 Sec. 19, Twp. 46 S., Rge. 27 E.
 Lee County, Florida

JOHNSON
ENGINEERING

251 HICKPOCHEE AVENUE
 LABELLE, FLORIDA 33935
 PHONE (863) 612-0594
 FAX (863) 612-0341
 E.B. #642 & L.B. #642

DATE	PROJECT NO.	P/F NO.	SCALE	SHEET
03/02/06	20033735	19--A--27	As Shown	1 of 2

Description
 Parcel 19 (106-UE)

Exhibit "A"

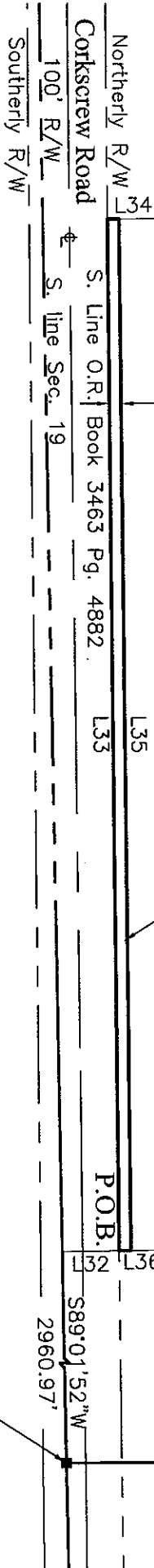
Page 2 of 2

W. Line O.R. Book
3463 Pg. 4882

E. Line O.R. Book
3463 Pg. 4882

LINE	LENGTH	BEARING
L32	72.47	N00°58'08"W
L33	1320.01	S89°27'58"W
L34	15.00	N00°46'45"W
L35	1320.01	N89°27'58"E
L36	15.00	S00°46'45"E

O.R. Book 3463 Page 4882



PARCEL 19
(106-44)

P.O.C.
S.E. Cor. Sec. 19,
Twp. 46S., Rge. 27E.

This Sketch of Description is not valid without sheet 1 of 2



- Legend:
- Sec. = Section
 - Twp. = Township
 - Rge. = Range
 - LB = Licensed Business
 - R/W = Right-of-Way
 - O.R. = Official Records
 - P.O.C. = Point of Commencement
 - P.O.B. = Point of Beginning
 - R = Radius
 - A = Arc length
 - D = Delta angle
 - CHB = Chord Bearing
 - CH = Chord length
 - Pg = Page
 - Cor = Corner

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Sketch of Description

Parcel 19 (106-44)

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
03/02/06	20033735	19-46-27	As Shown	2 of 2

Gomez, Keith

From: Gomez, Keith
Sent: Thursday, September 28, 2006 9:45 AM
To: Renner, John J.
Subject: Corkscrew Road WTP 7097 - Amend Reso
Attachments: 20060928092913.tif; BS Amendment Resolution of Necessity.dot

John,
Please review the amendment to the resolution and blue sheet.
In the "Now, Therefore..." clause, I referenced the deletion of Parcels 106 and 106 WPE. Is any additional reference or comments under Section One required with regard to the deletion?

In the blue sheet, do we need any additional language in the Action Requested pertaining to the deletion?
Thanks.

J. Keith Gomez
Property Acquisition Agent
County Lands Division
Lee County Government, Florida
P.O. Box 398
Fort Myers, FL 33902-0398
Phone (239) 479-8505
Fax (239) 479-8391

Please note: Florida has a very broad public records law. Most written communications to or from County officials regarding County business are public records available to the public and media upon request. Your email communications may be subject to public disclosure.