

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

Blue Sheet No. 20061400

1. ACTION REQUESTED/PURPOSE:

Approve the Resolution of Necessity for the acquisition and condemnation of a five acre parcel Strap No. 05-46-25-00-00002.0090, required for the Alico Road Widening Project No. 4030.

2. WHAT ACTION ACCOMPLISHES:

Allows the County to proceed with condemnation, if necessary, so the necessary parcel can be acquired to improve water quality and comply with required special conditions set forth in the Alico Road Project #4030 permit.

3. MANAGEMENT RECOMMENDATION: Approve

4. Departmental Category: 12 **A12C** **5. Meeting Date:** **OCT 31 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 type="checkbox"/> Other		By:	John Renner, Assistant County Attorney
<input type="checkbox"/> Walk-On					

9. Background:

The Alico Road Widening Project No.4030 was planned to provide a safer corridor (six lanes) to accommodate a significantly higher volume of traffic on Alico Road. Additional runoff was anticipated as a result of the road widening project. Therefore, special permitting conditions were set forth to manage the run off on Alico Road and the Briarcliff Ditch.

Staff has worked with two other adjacent parcel owners on voluntary purchases without success. Economically this is the best available site and it will satisfy the filter marsh requirements. The filter marsh is estimated to reduce 128.86 kg/ year of nitrogen from the Ten-Mile Canal Watershed.

Approval of the Resolution of Necessity is required should condemnation proceedings be necessary for the acquisition of the parcel to comply with the permitting special conditions.

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other <i>Co. Lands</i>	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.	
			<i>[Signature]</i>	<i>[Signature]</i>	<i>RK 10/18</i>	<i>10/18/06</i>	<i>10/18/06</i>	<i>[Signature]</i>	<i>10-19-06</i>

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

REC'D
by CO. ATTY
10/17/06
3:24 PM
CO. ATTY
FORWARDED TO:
Admin.
10/18/06

RECEIVED BY
COUNTY ADMIN:
10/18/06
10:50 AM
COUNTY ADMIN
FORWARDED TO:
10/19/06
10 AM

**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 Resolution of Necessity approves acquisition and condemnation of this parcel to Improve water quality and to comply with the required special conditions set forth in the Alico Road Project # 4030 and the Briarcliff Ditch permits.

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 is necessary for the Alico Road Widening Project and the Briarcliff Ditch Project and is being acquired for the following specific public use or purpose:

To enhance water quality via a filter marsh thus removing an estimated 126.86 kg/year of nitrogen from the Ten-Mile Canal watershed.

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 in fee simple the property described in Exhibit A for the above described public use or purpose.

Resolution of Necessity

Page 2

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 _____, 2005.

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"

Beginning at the NE corner of S ½ of N 2/3 of NW ¼ of Section 5, T46S, R25E; thence S 89°07'20"W, 330.0', alg the N line of said S ½ of N 2/3 of NW ¼ of said Section 5; thence S 0°36'00"E, 636.71'; parallel to the E line of said NW ¼, to the centerline of 60' road easement; thence N89°07'50"E, 330.0', alg the centerline of said road easement to the said E line of NW ¼; thence N 0°36'00"W, 636.76' alg said E line of said NW ¼ to the P.O.B.

Briscoe 05-46-25-00-00002.0090

