

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

**Blue Sheet No. 20061533**

**1. ACTION REQUESTED/PURPOSE:** Approve the Amended Resolution of Necessity for the acquisition and condemnation of Parcels 63, 94 and 95 required for the Gladiolus Drive Widening Project, No. 4083.

**2. WHAT ACTION ACCOMPLISHES:** Allows the County to proceed with condemnation, if necessary, so parcels can be acquired for the Gladiolus Drive Widening Project, No. 4083.

**3. MANAGEMENT RECOMMENDATION:** Approve

<b>4. Departmental Category:</b> <u>12</u> <span style="font-size: 2em; margin-left: 50px;">A12A</span>		<b>5. Meeting Date:</b> <u>DEC 12 2006</u>
<b>6. Agenda:</b> <input type="checkbox"/> Consent <input checked="" type="checkbox"/> <b>Administrative</b> <input type="checkbox"/> Appeals <input type="checkbox"/> Public <input type="checkbox"/> Walk-On	<b>7. Requirement/Purpose: (specify)</b>	
	<input checked="" type="checkbox"/> Statute	<u>73,74,125,127</u>
	<input type="checkbox"/> Ordinance	
	<input type="checkbox"/> Admin. Code	
	<input checked="" type="checkbox"/> Other	<u>RSN 05-12-20</u> <u>Blue Sheet 20051712</u>
		<b>8. Request Initiated:</b> <b>Commissioner</b> _____ <b>Department</b> <u>County Attorney</u> <b>Division</b> <u>Litigation</u> <b>By:</b> <u>John Renner</u> <b>Chief Assistant County Attorney</b>

**9. Background:**

The Gladiolus Drive Widening Project will improve Gladiolus Drive from Winker Road to Pine Ridge Road, in Fort Myers, by constructing a four and six-lane divided roadway, with sidewalks, stormwater drainage and utilities.

Approval of the Amended Resolution of Necessity is required should condemnation proceedings be necessary for the acquisitions of parcels required for the project.

Attachments: Amended Resolution of Necessity

**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>RIK 11/22</i>	<i>JS 11/22</i>	<i>11/22/06</i>	<i>11/22/06</i>	<i>[Signature]</i>

**11. Commission Action:**

- Approved
- Deferred
- Denied
- Other

CO. ATTY.  
FORWARDED  
TO CO. ADMIN.  
11/22/06

RECEIVED BY  
COUNTY ADMIN:  
11/21/06 4:30 AM  
  
COUNTY ADMIN  
FORWARDED TO:  
11/22/06 4:50 AM  
to PR

Rec. by CoAtty  
Date: 11/21/06  
Time: 2:55pm  
Forwarded To: \_\_\_\_\_

**AMENDED 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 05-12-20 authorizing the exercise of the power of eminent domain to acquire the necessary property interests to construct the Gladiolus Drive Widening, Project Number 4083, and it is necessary to acquire 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 05-12-20 is amended to add Parcels 94 and 95 as described in the attached Exhibit "A" and correct the legal description for Parcel 63.

**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 Gladiolus Drive Widening Project and are being acquired for the following specific public use or purpose:

To improve traffic flow and transportation safety, increased traffic flow for public as well as private vehicles, improved evacuation routes, improve Gladiolus Drive to a four/six-lane divided roadway, with sidewalk, storm water drainage and utilities. Exhibit "A" consists of Parcels 63, 94 and 95.

**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 interest in the properties described in Exhibit "A" for the above described public use or purpose.

**Amended Resolution of Necessity**

**Gladiolus Drive Widening, Project No. 4083**

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 P. Janes	_____
Brian Bigelow	_____
Ray Judah	_____
Tammy Hall	_____
Frank Mann	_____

DULY PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

ATTEST:  
CHARLIE GREEN, CLERK

LEE COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS

By: \_\_\_\_\_  
Deputy Clerk

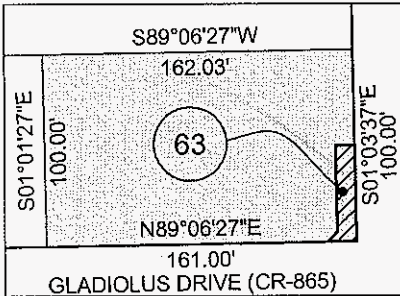
\_\_\_\_\_  
Chairman

APPROVED AS TO FORM:

\_\_\_\_\_  
Office of County Attorney

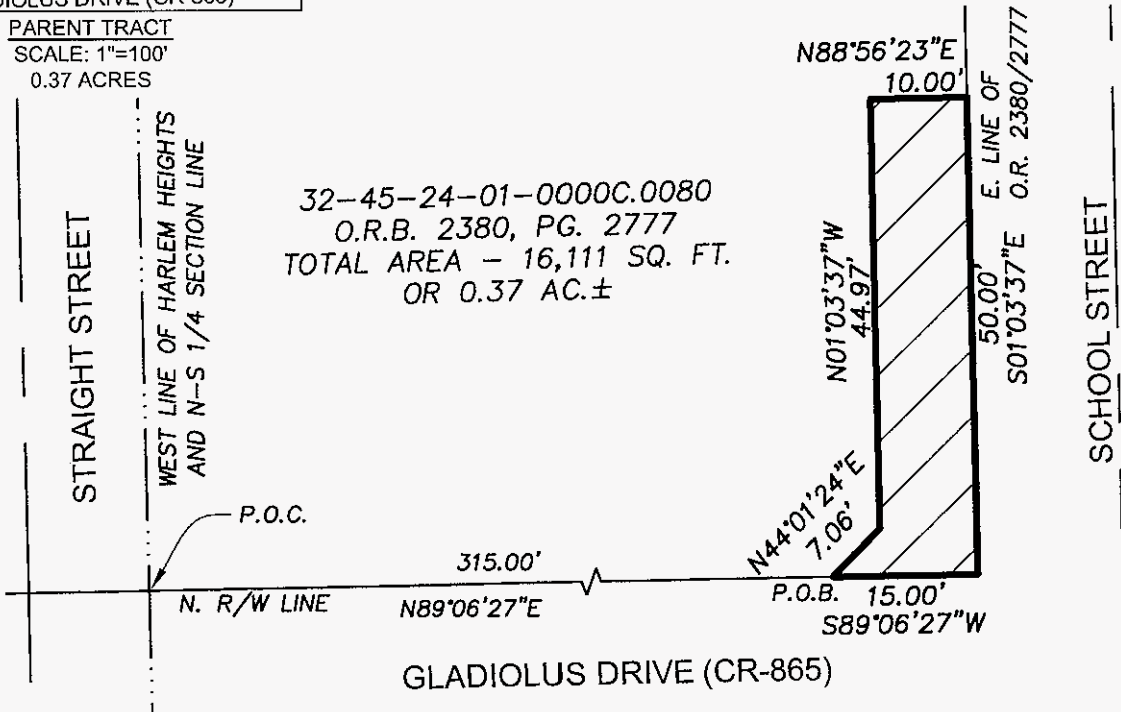
# SKETCH OF DESCRIPTION

OF A PARCEL LYING IN THE SW 1/4 OF THE NE 1/4 OF SECTION 32, TWP 45 S, RGE 24 E, LEE COUNTY, FLORIDA



LOT 12, BLOCK D, HARLEM HEIGHTS  
PLAT BOOK 8, PAGE 76

PARENT TRACT  
SCALE: 1"=100'  
0.37 ACRES



32-45-24-01-0000C.0080  
O.R.B. 2380, PG. 2777  
TOTAL AREA - 16,111 SQ. FT.  
OR 0.37 AC.±



1 inch = 20 ft.

- KEY:**  
 AC. - ACRES  
 PG. - PAGE  
 P.O.B. - POINT OF BEGINNING  
 P.O.C. - POINT OF COMMENCEMENT  
 O.R.B. - OFFICIAL RECORDS BOOK  
 SQ. FT. - SQUARE FEET

PARCEL NO.: 63  
 PROPERTY OWNER: JOE L. STEWART  
10511 GLADIOLUS DR.  
FT MYERS, FL 33908  
 REFERENCE: O.R.B. 2380 PG. 2777 21239/D  
 STRAP NO.: 32-45-24-01-0000C.0080  
 AREA OF TAKE: 512 SQ. FT. 0.01 AC. ±  
 AREA OF REMAINDER: 15,729 SQ. FT. OR 0.36 AC. ±

*[Signature]*  
 JEFFREY C. COONER  
 PROFESSIONAL LAND SURVEYOR  
 FLORIDA CERTIFICATE NO. 4052  
 (FOR THE FIRM - LB 6773)  
 SIGNED THIS 9<sup>TH</sup> DAY OF June, 2006

**THIS IS NOT A SURVEY**

**NOTE:**  
 SEE SHEET 2 OF 2  
 FOR DESCRIPTION

REV: 11/11/05

## COONER & ASSOCIATES, INC.

SURVEYING AND MAPPING  
 5670 ZIP DRIVE, FORT MYERS, FLORIDA 33905  
 TELEPHONE: 239.277.0722 FAX: 239.277.7179 EMAIL: WWW.COONER.COM

TAKE PARCEL 63 IN THE SW 1/4 OF  
 THE NE 1/4 OF SEC 32-45-24

COUNTY:	LEE	DWG DATE:	4/12/05
SEC.:	32-45-24	SURVEY DATE:	
PROJECT NO.:	020504	DRAWN BY:	JRF
DRAWING NO.:	0c_0080SKD	CHECKED BY:	J.C.C.

FOR:  
 LEE COUNTY D.O.T. ENGINEERING

# SKETCH OF DESCRIPTION

OF A PARCEL LYING IN THE SW 1/4 OF THE NE 1/4 OF SECTION 32, TWP 45 S, RGE 24 E, LEE COUNTY, FLORIDA

## DESCRIPTION:

DESCRIPTION OF A PARCEL OF LAND SITUATED IN LOT 12, BLOCK "D", HARLEM HEIGHTS, AS RECORDED IN PLAT BOOK 8, PAGE 76, IN SECTION 32, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, ALSO BEING A PART OF A PARCEL OF LAND RECORDED IN OFFICIAL RECORDS BOOK 2380, PAGE 2777, AND BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WEST LINE OF SAID HARLEM HEIGHTS, ALSO BEING THE NORTH-SOUTH 1/4 LINE OF SAID SECTION 32, AND THE NORTH RIGHT-OF-WAY LINE OF GLADIOLUS DRIVE (COUNTY ROAD 865), THENCE RUN N89°06'27"E, A DISTANCE OF 315.00 FEET ALONG SAID NORTH RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING; THENCE RUN N44°01'24"E, A DISTANCE OF 7.06 FEET TO A POINT ON A LINE RUNNING 10 FEET WEST OF AND PARALLEL TO THE EAST LINE OF SAID PARCEL AS RECORDED IN OFFICIAL RECORDS BOOK 2380, PAGE 2777; THENCE RUN N01°03'37"W, A DISTANCE OF 44.97 FEET ALONG SAID PARALLEL LINE; THENCE RUN N88°56'23"E, A DISTANCE OF 10.00 FEET TO SAID EAST LINE; THENCE RUN S01°03'37"E, A DISTANCE OF 50.00 FEET ALONG SAID EAST LINE; THENCE RUN S89°06'27"W, A DISTANCE OF 15.00 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF GLADIOLUS DRIVE TO THE POINT OF BEGINNING.

CONTAINING 512 SQUARE FEET OR 0.01 ACRES, MORE OR LESS.

**THIS IS NOT A SURVEY**

REV: 11/11/05

## COONER & ASSOCIATES, INC.

SURVEYING AND MAPPING

5670 ZIP DRIVE, FORT MYERS, FLORIDA 33905

TELEPHONE: 239.277.0722 FAX: 239.277.7179 EMAIL: WWW.COONER.COM

TAKE PARCEL 63 IN THE SW 1/4 OF  
THE NE 1/4 OF SEC 32-45-24

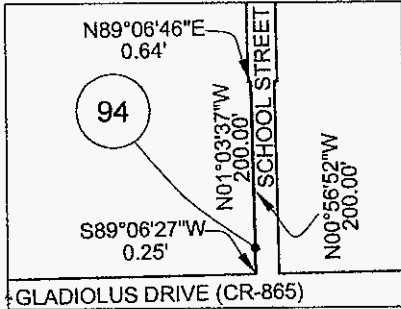
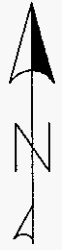
COUNTY:	LEE	DWG DATE:	4/12/05
SEC.:	32-45-24	SURVEY DATE:	
PROJECT NO.:	020504	DRAWN BY:	JRF
DRAWING NO.:	0c_0080SKD	CHECKED BY:	J.C.C.

FOR:  
LEE COUNTY D.O.T. ENGINEERING

2 OF 2

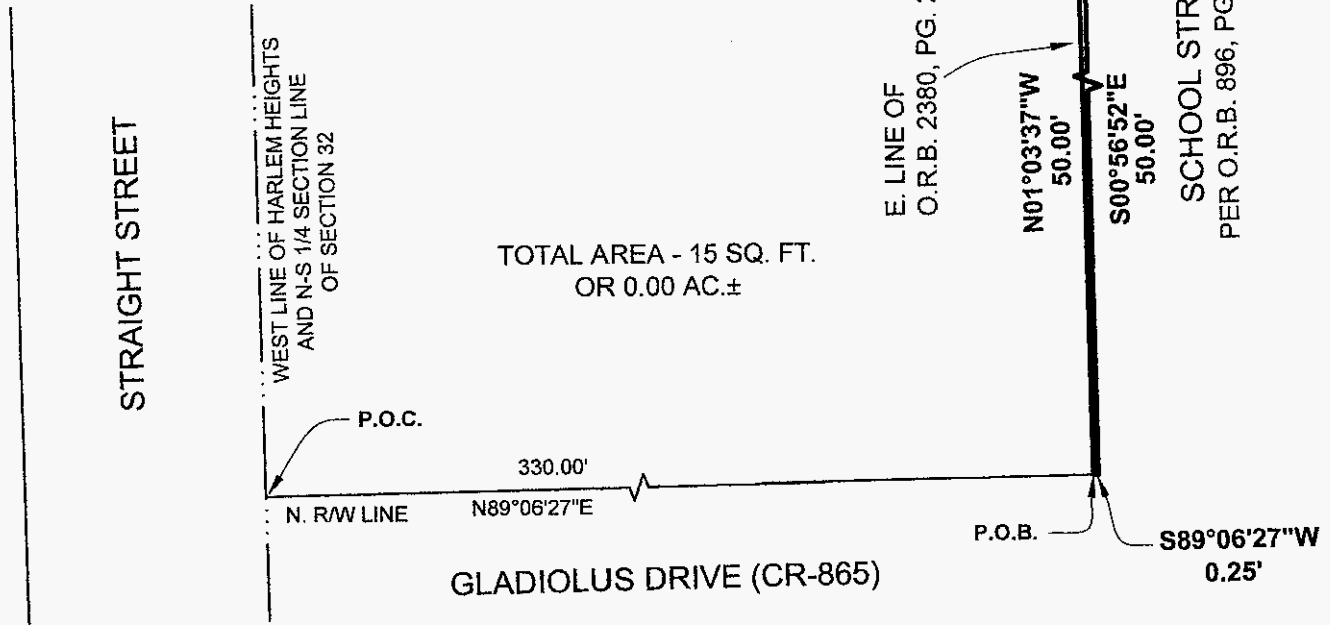
# SKETCH OF DESCRIPTION

OF A PARCEL LYING IN THE SW 1/4 OF THE NE 1/4 OF SECTION 32, TWP 45 S, RGE 24 E, LEE COUNTY, FLORIDA

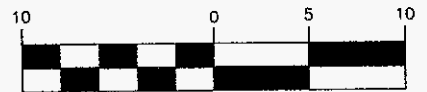


PARENT TRACT  
SCALE: 1"=200'  
89 SQ. FT.

LOT 12, BLOCK D, HARLEM HEIGHTS  
PLAT BOOK 8, PAGE 76



TOTAL AREA - 15 SQ. FT.  
OR 0.00 AC.±




1 inch = 10 ft.

- KEY:
- AC. - ACRES
  - PG. - PAGE
  - P.O.B. - POINT OF BEGINNING
  - P.O.C. - POINT OF COMMENCEMENT
  - O.R.B. - OFFICIAL RECORDS BOOK
  - SQ. FT. - SQUARE FEET

NOTE:  
SEE SHEET 2 OF 2  
FOR DESCRIPTION

PARCEL NO.: 94  
PROPERTY OWNER: MARGARET S. ATKINSON  
9221 W. BROWARD BLVD., APT. 2209  
PLANTATION, FL 33524  
REFERENCE: O.R.B. 1117, PAGE 1072  
STRAP NO.: NONE (HIATUS STRIP)  
AREA OF TAKE: 15 SQ. FT.  
AREA OF REMAINDER: 74 SQ. FT., 0.00 AC. ±

  
DARREN K. TOWNSEND  
PROFESSIONAL LAND SURVEYOR  
FLORIDA CERTIFICATE NO. 6476  
(FOR THE FIRM - LB 6773)  
SIGNED THIS 25<sup>th</sup> DAY OF Oct., 2006

**THIS IS NOT A SURVEY**

## COONER & ASSOCIATES, INC.

SURVEYING AND MAPPING  
5670 ZIP DRIVE, FORT MYERS, FLORIDA 33905  
TELEPHONE: 239.277.0722 FAX: 239.277.7179 EMAIL: WWW.COONER.COM

TAKE PARCEL 94 IN THE SW 1/4 OF THE NE 1/4 OF SEC 32-45-24

COUNTY:	LEE	DWG DATE:	10-23-06
SEC.:	32-45-24	SURVEY DATE:	
PROJECT NO.:	020504	DRAWN BY:	RJE
DRAWING NO.:	94-ESM-SKD	CHECKED BY:	D.K.T.

FOR:  
LEE COUNTY D.O.T. ENGINEERING

J:\2002\020504\dwg\Parcel\Take\32-45-24\94-ESM-SKD.dwg, 10/25/2006 3:04:06 PM EST

# SKETCH OF DESCRIPTION

OF A PARCEL LYING IN THE SW 1/4 OF THE NE 1/4 OF SECTION 32, TWP 45 S, RGE 24 E, LEE COUNTY, FLORIDA

## DESCRIPTION:

DESCRIPTION OF A PARCEL OF LAND SITUATED IN LOT 12, BLOCK "D", HARLEM HEIGHTS, AS RECORDED IN PLAT BOOK 8, PAGE 76, IN SECTION 32, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

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CONTAINING 15 SQUARE FEET OR 0.00 ACRES, MORE OR LESS.

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TAKE PARCEL 94 IN THE SW 1/4 OF  
THE NE 1/4 OF SEC 32-45-24

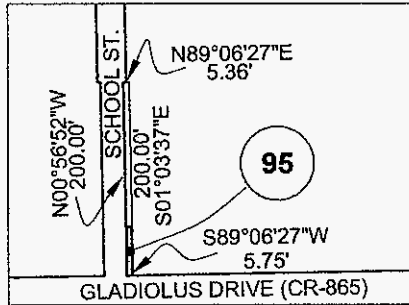
COUNTY:	LEE	DWG DATE:	10-23-06
SEC.:	32-45-24	SURVEY DATE:	
PROJECT NO.:	020504	DRAWN BY:	RJE
DRAWING NO.:	94-ESM-SKD	CHECKED BY:	D.K.T.

FOR:  
LEE COUNTY D.O.T. ENGINEERING

2 OF 2

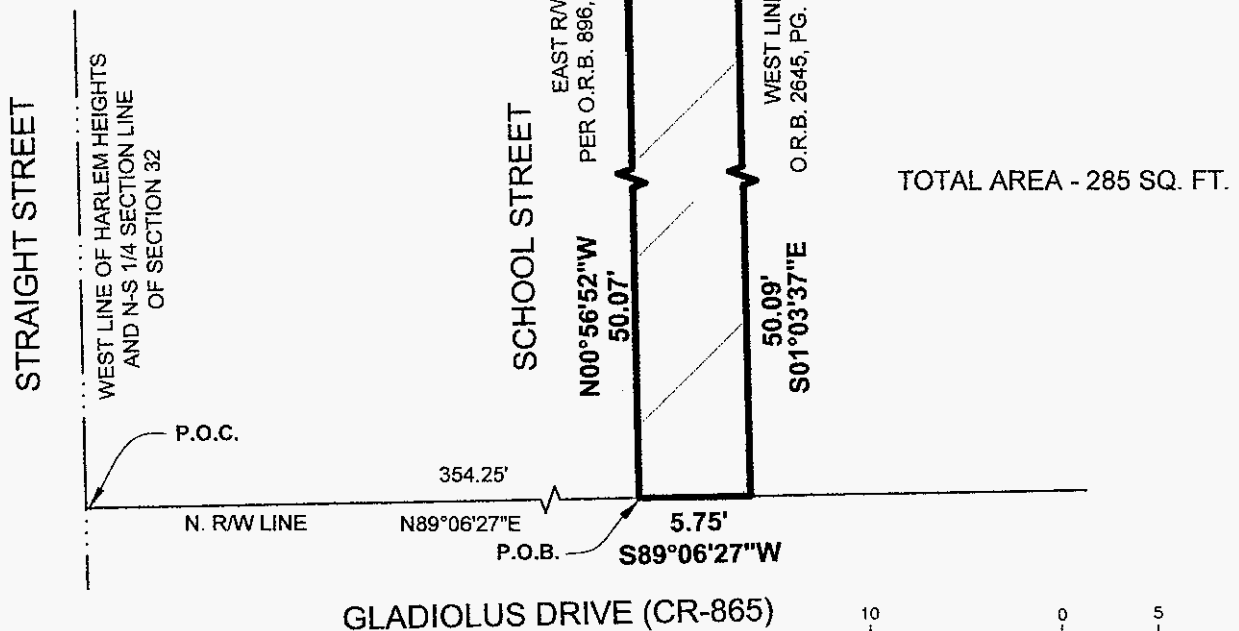
# SKETCH OF DESCRIPTION

OF A PARCEL LYING IN THE SW 1/4 OF THE NE 1/4 OF SECTION 32, TWP 45 S, RGE 24 E, LEE COUNTY, FLORIDA



LOT 13  
BLOCK D, HARLEM HEIGHTS  
PLAT BOOK 8, PAGE 76


PARENT TRACT  
SCALE: 1"=200'  
1,111 SQ. FT., 0.03 AC.±



1 inch = 10 ft.

PARCEL NO.: 95  
PROPERTY OWNER: MARGARET S. ATKINSON  
9221 W. BROWARD BLVD., APT. 2209  
PLANTATION, FL 33524  
REFERENCE: O.R.B. 1117, PAGE 1072  
STRAP NO.: NONE (HIATUS STRIP)  
AREA OF TAKE: 285 SQ. FT., 0.01 AC.±  
AREA OF REMAINDER: 826 SQ. FT., 0.02 AC.±

KEY:  
AC. - ACRES  
PG. - PAGE  
P.O.B. - POINT OF BEGINNING  
P.O.C. - POINT OF COMMENCEMENT  
O.R.B. - OFFICIAL RECORDS BOOK  
SQ. FT. - SQUARE FEET

  
DARREN K. TOWNSEND  
PROFESSIONAL LAND SURVEYOR  
FLORIDA CERTIFICATE NO. 6476  
(FOR THE FIRM - LB 6773)  
SIGNED THIS 25<sup>th</sup> DAY OF Oct., 2006

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NOTE:  
SEE SHEET 2 OF 2  
FOR DESCRIPTION

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TAKE PARCEL 95 IN THE SW 1/4 OF  
THE NE 1/4 OF SEC 32-45-24

COUNTY:	LEE	DWG DATE:	10-26-06
SEC.:	32-45-24	SURVEY DATE:	
PROJECT NO.:	020604	DRAWN BY:	RJE
DRAWING NO.:	95-ESM-SKD	CHECKED BY:	D.K.T.

FOR:  
LEE COUNTY D.O.T. ENGINEERING



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CONTAINING 285 SQUARE FEET.

NOTE:  
SEE SHEET 1 OF 2  
FOR SKETCH

**THIS IS NOT A SURVEY**

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SURVEYING AND MAPPING

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TAKE PARCEL 95 IN THE SW 1/4 OF  
THE NE 1/4 OF SEC 32-45-24

COUNTY:	LEE	DWG DATE:	10-25-06
SEC.:	32-45-24	SURVEY DATE:	
PROJECT NO.:	020604	DRAWN BY:	RJE
DRAWING NO.:	95-ESM-SKD	CHECKED BY:	D.K.T.

FOR:  
LEE COUNTY D.O.T. ENGINEERING

2 OF 2