

Agenda Item Summary

1. ACTION REQUESTED/PURPOSE: Approve the Resolution of Necessity for the acquisition and condemnation of parcels required for the Church Road Extension, Project No. 0919, for the segment of the project from Sections 17 and 20, Township 45 South, Range 29 East, in Hendry County, east to State Road 29.

2. FUNDING SOURCE: No funds required.

3. WHAT ACTION ACCOMPLISHES: Allows the County to proceed with condemnation, if necessary, so these parcels can be acquired for the Church Road Extension Project.

4. MANAGEMENT RECOMMENDATION: Approve

5. Departmental Category: 12

A12B

6. Meeting Date:

FEB 20 2007

7. Agenda:

- Consent
- Administrative
- Appeals
- Public
- Walk-On

8. Requirement/Purpose: (specify)

- Statute 73,74,125,127
- Ordinance
- Admin. Code
- Other

9. Request Initiated:

Commissioner _____
Department County Attorney
Division Litigation
By: John J. Renner
 Chief Assistant County Attorney

10. Background:

The Church Road Extension Project No. 0919, will improve/extend approximately six miles of Church Road from South Church Road easterly to State Road 29 in Hendry County, Florida.

This segment of the project provides for improving/extending approximately one mile of Church Road, from Sections 17 and 20, Township 45 South, Range 29 East, in Hendry County, east to State Road 29.

The improvement/extension of Church Road is part of an agreement with Hendry County, associated with the Lee/Hendry Landfill.

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

11. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other Co. Hands	County Attorney	Budget Services				County Manager/P. W. Director
					Analyst	Risk	Grants	Mgr.	
			KF	[Signature]	RK2/7	ME 2/8/07	2/7/07	2/8/07	2-8-07

12. Commission Action:

- Approved
- Deferred
- Denied
- Other

CO. ATTY.
FORWARDED TO CO. ADMIN.
2/7/07

RECEIVED BY
COUNTY ADMIN: [Signature]
2/7 11:00 AM [Signature]
COUNTY ADMIN
FORWARDED TO:
2/8 4pm

**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, and its interlocal obligations to Hendry County, 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 Church Road Extension, Project No. 0919, by improving/extending approximately six miles of Church Road, from South Church Road east to State Road 29, in Hendry County, Florida.

SECTION ONE: USE, NECESSITY AND DESCRIPTION OF PROPERTY

The Board of County Commissioners finds that the fee simple properties described in the attached Exhibit "A" are necessary for the Church Road Extension Project, and are being acquired for the specific public use or purpose of constructing a public road and related drainage, to promote public safety and convenience. This segment of the project provides for improving/extending approximately one mile of Church Road, from Sections 17 and 20, Township 45 South, Range 29 East, in Hendry County, east to State Road 29. Parcels 113, 114, 115, 115-A, 117, and 120, are necessary to the project, and being acquired in fee simple interest.

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 Lee County Attorney's Office to commence and prosecute any and all proceedings necessary to acquire in fee simple the properties 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:

- Robert P. Janes
- Brian Bigelow
- Ray Judah
- Tammara A. Hall
- Franklin Mann

DULY PASSED AND ADOPTED this _____ day of _____, 2007.

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"

Church Road Extension, Project No. 0919
Parcel 113

The South 20 feet of the following described parcel:

The South $\frac{2}{5}$ of the East $\frac{1}{2}$ of the East $\frac{1}{2}$ of the East $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 17, Township 45 South, Range 29 East, less the South 25 feet thereof for road right-of-way, Hendry County, Florida.

SECTION 17, TOWNSHIP 45 SOUTH, RANGE 29 EAST,
HENDRY COUNTY, FLORIDA

SE 1/4 OF
SECTION 17

SHIRLEE SLOVENSKI SHAEFER
AND EDWIN V. SHAEFER
ORB 418, PG.932
TAKE ACREAGE = 0.08 ACRES±
(SEE DETAIL)

ORB 72, PG.591

EAST LINE
SEC. 17

(NOT TO SCALE)

10' PRIVATE
ROAD ESMT.

ORB 494,
PG.609

ORB 163, PG.406
R/W ESMT.
LEE CO. ELECTRIC
CO-OPERATIVE

LEE COUNTY ELECTRICAL
CO-OPERATIVE ESMT.
ORB 305, PG.173

ORB 559, PG.1107

ORB 143, PG.14

12 FOOT
BLANKET ESMT.

ORB 418, PG.932

ORB 415, PG.810

ORB 72,
PG.591

ORB 185, PG.237
ORB 77, PG.6651
ORB 245, PG.38

PROPOSED NORTHERLY
RIGHT OF WAY LINE

S.E. CORNER
SECTION 17

ORB 159,
PG.431

25' R/W
ORB 160,
PG.141

20.00'
(R/W TAKE)

25' R/W
ORB 155, PG.471

ORB 159, PG.472
S. 25' FOR ROAD R/W
ORB 163, PG.407
6 FOOT LEE COUNTY
ELECTRIC EASEMENT

NORTH LINE
SEC. 20

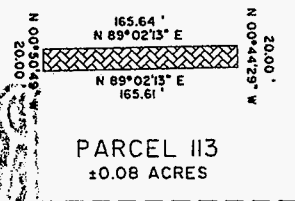
PROPOSED SOUTHERLY
RIGHT OF WAY LINE

25 FOOT R/W ESMT.
ORB 559, PG.1107

NE 1/4 OF
SECTION 20

113

DETAIL
(NOT TO SCALE)



PARCEL 113
±0.08 ACRES

LEGEND:

- R/W = RIGHT OF WAY
- ORB = OFFICIAL RECORD BOOK
- PG. = PAGE
- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCEMENT
- (O/A) = OVERALL DISTANCE
- SEC. = SECTION
- ESMT. = EASEMENT

PREPARED BY:
AIM ENGINEERING & SURVEYING, INC.

J.R. Brandenburg
J.R. BRANDENBURG
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATE NO. 2995

THIS IS NOT A SURVEY
NOT VALID WITHOUT THE SIGNATURE AND
THE ORIGINAL RAISED SEAL OF A FLORIDA
LICENSED SURVEYOR AND MAPPER
AIM Engineering & Surveying, Inc.

LEGAL DESCRIPTION AND SKETCH: SHEET 1 OF 2



5300 LEE BLVD.
P.O. BOX 1235
LEHIGH ACRES
FLORIDA 33970
941/332-4569
FX:941/332-8734

PROJECT NUMBER: 98-7276	DESCRIPTION: PARCEL 113 RIGHT OF WAY TAKE-- CHURCH ROAD
DRAWN BY: JDY/MJZ	CLIENT: LEE COUNTY DEPARTMENT OF SOLID WASTE
DATE: 6/10/99	SEC-TWP-RGE SEC-17-T45S-R29E
	COUNTY: HENDRY

SECTION 17, TOWNSHIP 45 SOUTH, RANGE 29 EAST,
HENDRY COUNTY, FLORIDA

PARCEL 114

A PARCEL OF LAND LYING IN SECTION 17, TOWNSHIP 45 SOUTH, RANGE 29 EAST, HENDRY COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH 20 FEET OF SAID SECTION 17, LYING WITHIN THE FOLLOWING DESCRIBED LANDS: THOSE LANDS DESCRIBED IN OFFICIAL RECORD BOOK 662, PAGE 336, LESS AND EXCEPT THOSE LANDS DESCRIBED IN OFFICIAL RECORD BOOK 155, PAGE 471, ALL BEING RECORDED IN THE PUBLIC RECORDS OF HENDRY COUNTY, FLORIDA.

SAID LANDS CONTAINING 0.07 ACRES, MORE OR LESS

Exhibit "A"

Page 3 of 12

SECTION 17, TOWNSHIP 45 SOUTH, RANGE 29 EAST,
HENDRY COUNTY, FLORIDA

SE 1/4 OF
SECTION 17

GUADELUPE GONZALEZ
AND EVA GONZALEZ
ORB 559, PG.1107
TAKE ACREAGE= 0.07 ACRES±
(SEE DETAIL)

ORB 72, PG.591

10' PRIVATE
ROAD ESMT.

(NOT TO SCALE)



EAST LINE
SEC. 17

ORB494,
PG.609

LEE COUNTY ELECTRICAL
CO-OPERATIVE ESMT.
ORB-305, PG. 173

25' R/W
ORB 155,
PG.471

ORB 159,
PG.431

25' R/W
ORB 160,
PG.141

PROPOSED SOUTHERLY
RIGHT OF WAY LINE

ORB 559 PG.1107

ORB 450, PG.153

ORB 143, PG.14

ORB 506, PG.143

ORB 418, PG.932
ORB 415, PG.810
12 FOOT
BLANKET ESMT.

ORB-72,
PG.591

NORTH LINE
SEC. 20

20.00'
(R/W TAKE)

NE 1/4 OF
SECTION 20

ORB 163, PG.406
R/W ESMT.
LEE CO. ELECTRIC
CO-OPERATIVE

ORB 185, PG.237
ORB 77, PG.6651
ORB 245, PG.38

PROPOSED NORTHERLY
RIGHT OF WAY LINE

S.E. CORNER
SECTION 17

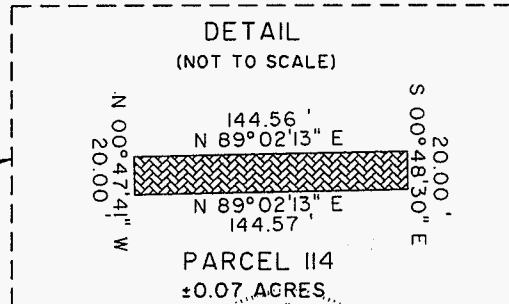
ORB 159, PG.472
S. 25' FOR ROAD R/W

ORB 163, PG.407
6 FOOT LEE COUNTY
ELECTRIC EASEMENT

114

LEGEND:

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- (O/A) = OVERALL DISTANCE
- SEC. = SECTION



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LICENSED SURVEYOR AND MAPPER

AIM Engineering & Surveying, Inc.



5300 LEE BLVD.
P.O. BOX 1235
LEHIGH ACRES
FLORIDA 33970
941/332-4569
FX:941/332-8734

PREPARED BY
AIM ENGINEERING & SURVEYING, INC.



LEGAL DESCRIPTION AND SKETCH: SHEET 1 OF 2

PROJECT NUMBER: 98-7276	DESCRIPTION: PARCEL 114 RIGHT OF WAY TAKE- CHURCH ROAD
DRAWN BY: JDY/MJZ	CLIENT: LEE COUNTY DEPARTMENT OF SOLID WASTE
DATE: 6/10/99	SEC-TWP-RGE SEC-17-T45S-R29E
	COUNTY: HENDRY

Church Road Extension, Project No. 0919
Parcel 115

The South 20 feet of the following described parcel:

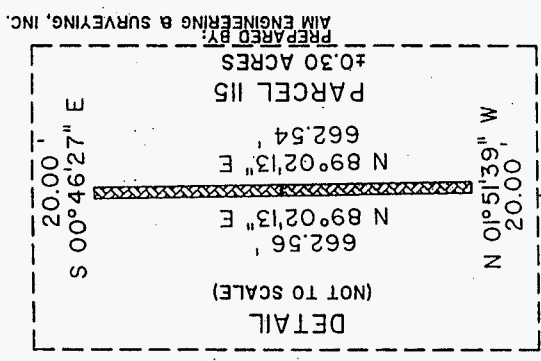
The West $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 17, Township 45 South, Range 29 East, less the South 25 feet thereof, Hendry County, Florida.



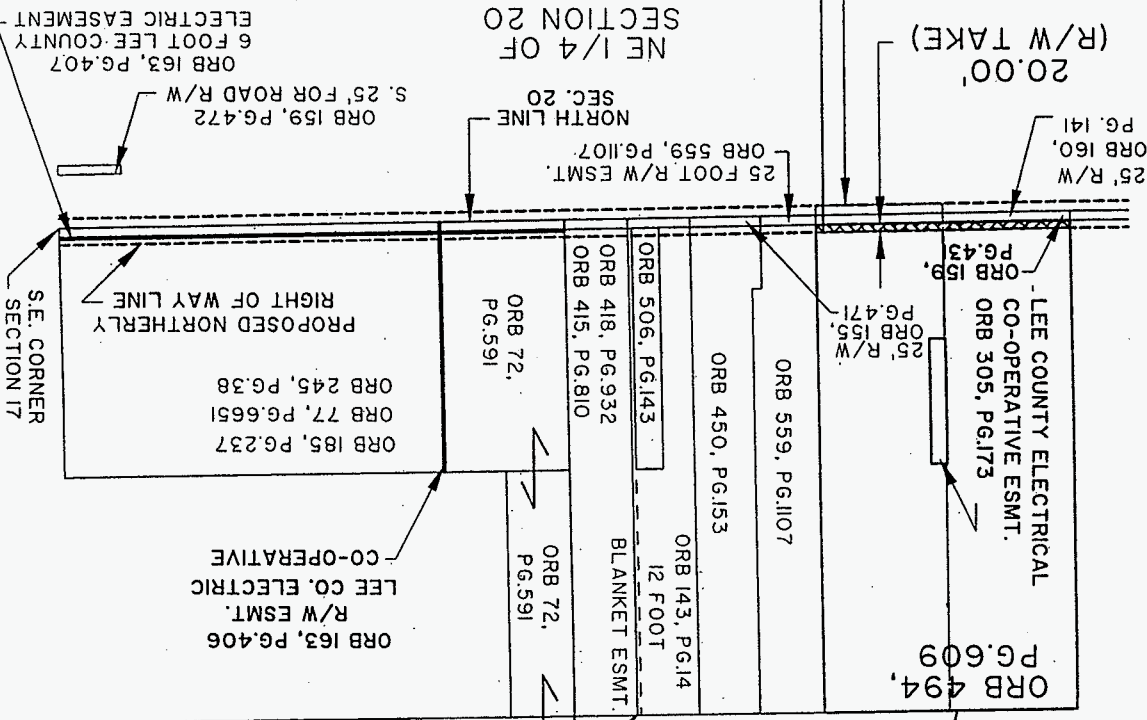
FX:941/332-8734
 941/332-4569
 FLORIDA 33970
 LEHIGH ACRES
 P.O. BOX 1235
 5300 LEE BLVD.

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER
 AIM Engineering & Surveying, Inc.

DATE: 10/5/08
 SEC-TWP-RGE: SEC-17-TARC-070C
 COUNTY: COUNTY:
 PROJECT NUMBER: DESCRIPTION: PARCEL 115
 DRAWN BY: JDY
 CLIENT: LEE COUNTY DEPARTMENT OF SOLID WASTE
 LEGAL DESCRIPTION AND SKETCH: SHEET 1 OF 2



LEGEND:
 R/W = RIGHT OF WAY
 ORB = OFFICIAL RECORD BOOK
 PG. = PAGE
 P.O.B. = POINT OF BEGINNING
 P.O.C. = POINT OF COMMENCEMENT
 (O/A) = OVERALL DISTANCE
 SEC. = SECTION
 ESMT. = EASEMENT



NORMAN E. TAYLOR AND
 KAY F. TAYLOR
 ORB 494, PG.609
 TAKE ACREAGE = 0.30 ACRES ±
 (SEE DETAIL)

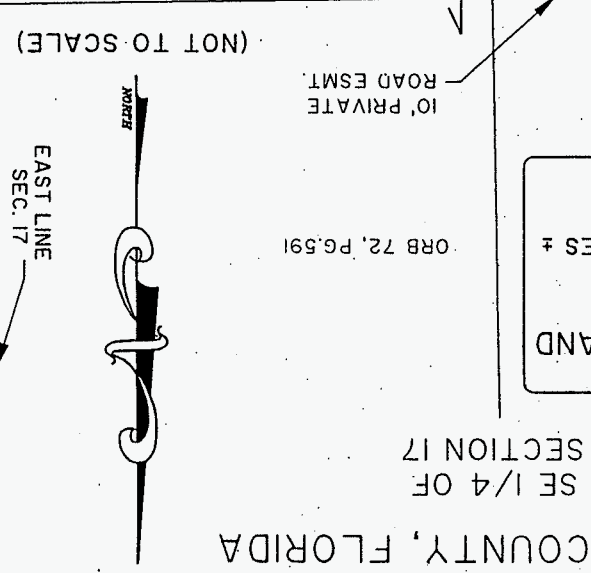


Exhibit "A"
 Page 6 of 12

SECTION 17, TOWNSHIP 45 SOUTH, RANGE 29 EAST, HENDRY COUNTY, FLORIDA

EXHIBIT "A"

Page 7 of 12

Church Road Extension, Project No. 0919
Parcel 115-A

The South 20 feet of the following described parcel:

The East $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 17, Township 45 South, Range 29 East, less the South 25 feet thereof, Hendry County, Florida.

SECTION 17, TOWNSHIP 45 SOUTH, RANGE 29 EAST,
HENDRY COUNTY, FLORIDA

SE 1/4 OF SECTION 17

NORMAN E. TAYLOR AND
KAY F. TAYLOR
ORB 494, PG.609
TAKE ACREAGE = 0.30 ACRES ±
(SEE DETAIL)

ORB 72, PG.591

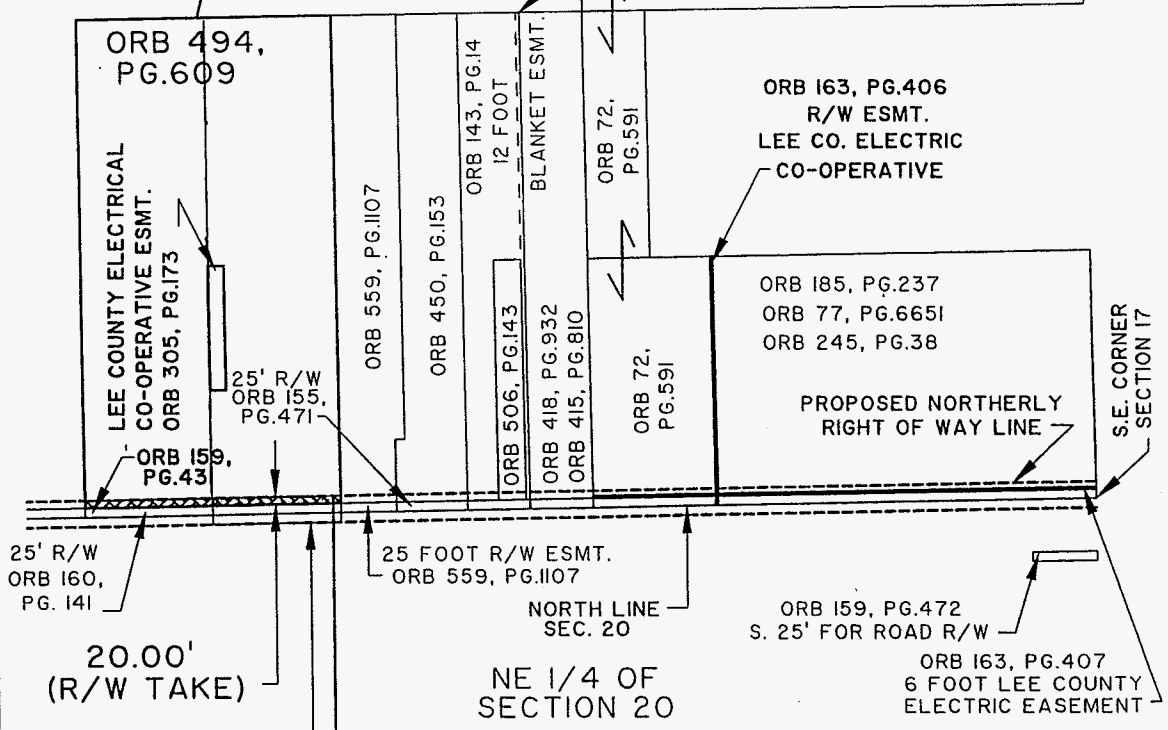
10' PRIVATE ROAD ESMT.

(NOT TO SCALE)



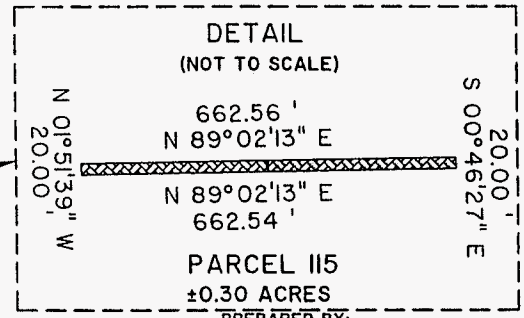
EAST LINE
SEC. 17

Exhibit "A" Page 8 of 12



PROPOSED SOUTHERLY RIGHT OF WAY LINE

LEGEND:
R/W = RIGHT OF WAY
ORB = OFFICIAL RECORD BOOK
PG. = PAGE
P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
(O/A) = OVERALL DISTANCE
SEC. = SECTION
ESMT. = EASEMENT



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AIM Engineering & Surveying, Inc.

J.R. Brandenburg
J.R. BRANDENBURG
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATE NO. 2995



5300 LEE BLVD.
P.O. BOX 1235
LEHIGH ACRES
FLORIDA 33970
941/332-4569
FX:941/332-8734

LEGAL DESCRIPTION AND SKETCH: SHEET 1 OF 2

PROJECT NUMBER: 98-7276	DESCRIPTION: PARCEL 115 RIGHT OF WAY TAKE- CHURCH ROAD
DRAWN BY: JDY	CLIENT: LEE COUNTY DEPARTMENT OF SOLID WASTE
DATE: 10/5/98	SEC-TWP-RGE: SEC-17--T45S--R29E
	COUNTY: HENDRY

SECTION 17, TOWNSHIP 45 SOUTH, RANGE 29 EAST,
HENDRY COUNTY, FLORIDA

PARCEL 117

A PARCEL OF LAND LYING IN SECTION 17, TOWNSHIP 45 SOUTH, RANGE 29 EAST,
HENDRY COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH 20 FEET OF SAID SECTION 17, LYING WITHIN THOSE LANDS DESCRIBED
IN OFFICIAL RECORD BOOK 506, PAGE 143, PUBLIC RECORDS OF HENDRY
COUNTY FLORIDA.

SAID LANDS CONTAINING 0.08 ACRES, MORE OR LESS.

Page 9 of 12

Exhibit "A"

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SEE SHEET 1

J.R. BRANDENBURG
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATE NO. 2995

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AIM Engineering & Surveying, Inc.



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LEHIGH ACRES
FLORIDA 33970
941/332-4569
FX:941/332-8734

LEGAL DESCRIPTION AND SKETCH: SHEET 2 OF 2

PROJECT NUMBER: 98-7276	DESCRIPTION: PARCEL 117 RIGHT OF WAY TAKE- CHURCH ROAD
DRAWN BY: JDY	CLIENT: LEE COUNTY DEPARTMENT OF SOLID WASTE
DATE: 10/27/98	SEC-TWP-RGE SEC-17-T45S-R29E
	COUNTY: HENDRY

SECTION 17, TOWNSHIP 45 SOUTH, RANGE 29 EAST,
HENDRY COUNTY, FLORIDA

SE 1/4 OF SECTION 17

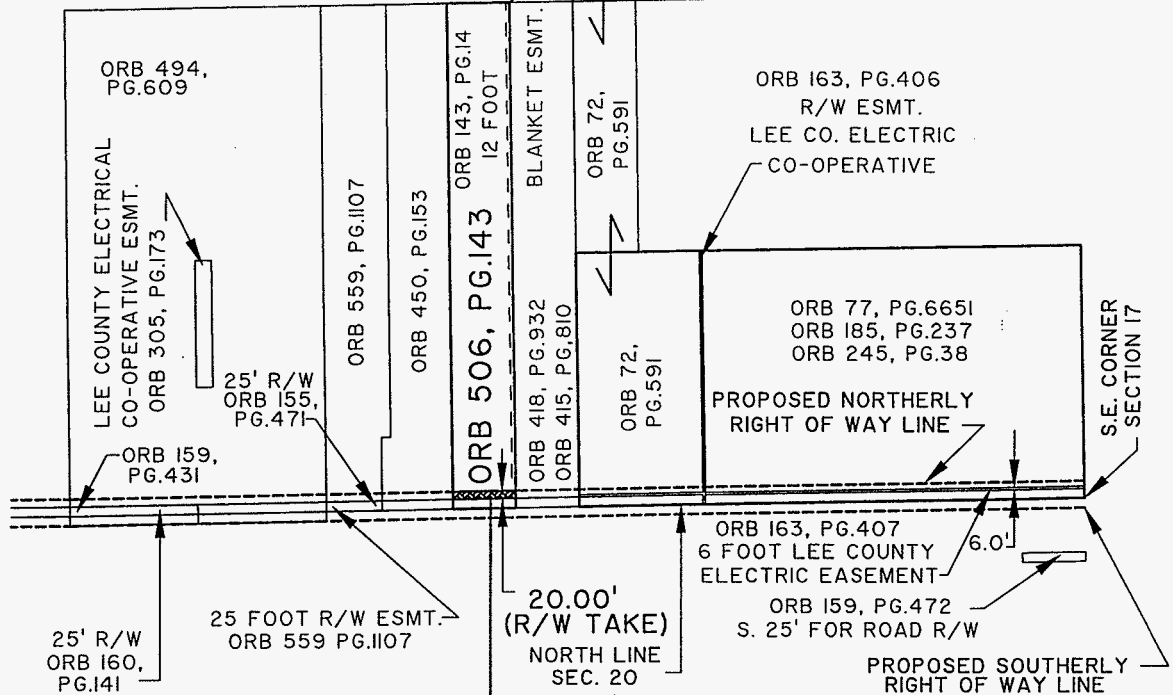
MARSHALL F. SLOVENSKI
AND
BETTY J. SLOVENSKI
ORB 506, PG.143
TAKE ACREAGE = 0.08 ACRES ±
117 (SEE DETAIL)

ORB 72, PG.591

EAST LINE
SEC. 17

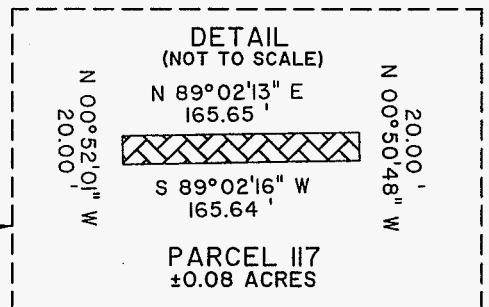
10' PRIVATE
ROAD ESMT.

(NOT TO SCALE)



NE 1/4 OF SECTION 20

117



LEGEND:

- R/W = RIGHT OF WAY
- ORB = OFFICIAL RECORD BOOK
- PG. = PAGE
- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCEMENT
- (O/A) = OVERALL DISTANCE
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PREPARED BY:
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J.R. Brandenburg
J.R. BRANDENBURG
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FLORIDA CERTIFICATE NO. 2995

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FLORIDA 33970
941/332-4569
FX:941/332-8734

LEGAL DESCRIPTION AND SKETCH: SHEET 1 OF 2

PROJECT NUMBER: 98-7276	DESCRIPTION: PARCEL 117 RIGHT OF WAY TAKE- CHURCH ROAD
DRAWN BY: JDY	CLIENT: LEE COUNTY DEPARTMENT OF SOLID WASTE
DATE: 10/27/98	SEC-TWP-RGE SEC-17-T45S-R29E
	COUNTY: HENDRY

Page 10 of 12

Exhibit "A"

SECTION 20, TOWNSHIP 45 SOUTH, RANGE 29 EAST,
HENDRY COUNTY, FLORIDA

PARCEL 120

A PARCEL OF LAND LYING IN SECTION 20, TOWNSHIP 45 SOUTH, RANGE 29 EAST,
HENDRY COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF THOSE LANDS DESCRIBED IN OFFICIAL RECORD BOOK 507,
PAGE 324, HENDRY COUNTY, FLORIDA; COMMENCE AT THE NORTHWEST
CORNER OF SECTION 20; THENCE RUN SOUTHERLY ALONG THE WEST LINE OF SAID
SECTION 20, A DISTANCE OF 25.09 FEET TO A POINT LYING 25 FEET SOUTH OF,
AS MEASURED PERPENDICULAR, TO THE NORTH LINE OF SAID SECTION 20, SAID
POINT BEING THE POINT OF BEGINNING; THENCE RUN EASTERLY AND PARALLEL
WITH SAID NORTH LINE OF SECTION 20, A DISTANCE OF 226.01 FEET; THENCE
RUN SOUTHWESTERLY TO A POINT LYING ON THE WEST LINE OF SAID SECTION 20,
SAID POINT LYING 29.03 FEET SOUTH OF SAID NORTHWEST CORNER OF SECTION 20;
THENCE RUN NORTHERLY ALONG SAID WEST LINE OF SECTION 20, A DISTANCE OF
3.94 FEET TO THE POINT OF BEGINNING.

SAID LANDS CONTAINING 0.01 ACRES, MORE OR LESS.

Exhibit "A" Page 11 of 12

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LICENSED SURVEYOR AND MAPPER
AIM Engineering & Surveying, Inc.



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941/332-4569
FX:941/332-8734

J.R. BRANDENBURG
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATE NO. 2995

LEGAL DESCRIPTION AND SKETCH: SHEET 1 OF 2

PROJECT NUMBER: 98-7276	DESCRIPTION: PARCEL 120 RIGHT OF WAY TAKE- CHURCH ROAD
DRAWN BY: JDY	CLIENT: LEE COUNTY DEPARTMENT OF SOLID WASTE
DATE: 11/02/98	SEC-TWP-RGE SEC-20-T45S-R29E
	COUNTY: HENDRY

SECTION 20, TOWNSHIP 45 SOUTH, RANGE 29 EAST,
HENDRY COUNTY, FLORIDA



(NOT TO SCALE)

SECTION 18

K.T. JOHN
ORB 507, PG. 324
PARCEL 120
SEE DETAIL
TAKE ACREAGE = 0.01 ACRES±

ORB 477,
PG.1354

120

SECTION 17

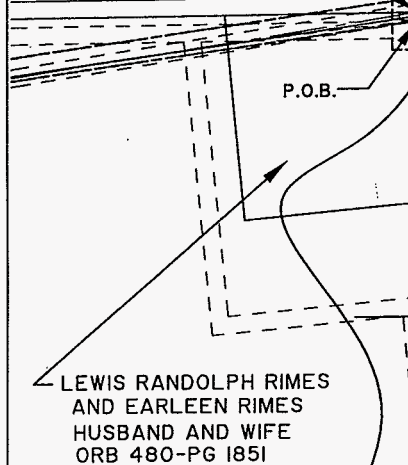
25' R/W
ORB-159, PG. 473

ORB-160, PG. 347
LEE CO. CO-OPERATIVE
ELECTRICAL EASEMENT

ORB-250, PG. 436
GUY AND ANCHOR
EASEMENT

P.O.C.

R/W TAKE
PARCEL 120



P.O.B.

ORB-507, PG. 324
25' R/W

ORB-172, PG.312
DRAINAGE ESMT.
E. 15 FEET

ORB-507
PG-324

WEST LINE
SECTION 20

ORB-182, PG.244
ELECT.-CO-OP. ESMT.
W. 12 FEET

SECTION 20

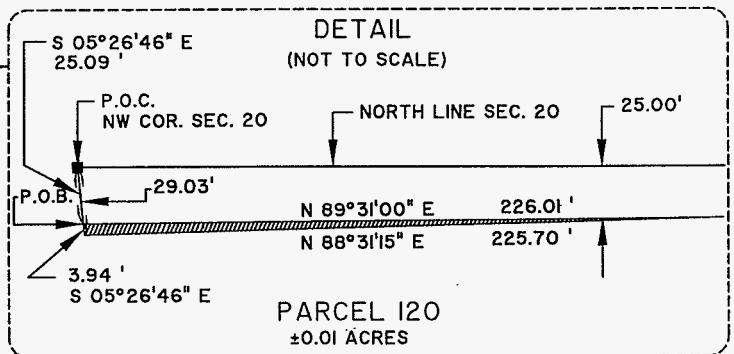
LEWIS RANDOLPH RIMES
AND EARLEEN RIMES
HUSBAND AND WIFE
ORB 480-PG 1851

TOWNSEND CANAL EASEMENT
ORB 558, PG.1120; COW SLOUGH INC.
SECTION 19

SECTION 19

LEGEND:

- R/W = RIGHT OF WAY
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- P.O.C. = POINT OF COMMENCEMENT
- (O/A) = OVERALL DISTANCE
- SEC. = SECTION
- ESMT. = EASEMENT



PREPARED BY:
AIM ENGINEERING & SURVEYING, INC.

J. R. Brandenburg
JR. BRANDENBURG
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATE NO. 2995

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LICENSED SURVEYOR AND MAPPER

AIM Engineering & Surveying, Inc.



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941/332-4569
FX:941/332-8734

LEGAL DESCRIPTION AND SKETCH: SHEET 1 OF 2

PROJECT NUMBER: 98-7276	DESCRIPTION: PARCEL 120 RIGHT OF WAY TAKE- CHURCH ROAD
DRAWN BY: JDY	CLIENT: LEE COUNTY DEPARTMENT OF SOLID WASTE
DATE: 11/2/98	SEC-TWP-RGE SEC-20-T45S-R29E
	COUNTY: HENDRY

Page 12 of 12

Exhibit "A"