

Agenda Item Summary

1. ACTION REQUESTED/PURPOSE: Approve the Resolution of Necessity for the acquisition and condemnation of a parcel required for the Fiesta Village Sewer Collection System Improvement, Project No. 7293.

2. FUNDING SOURCE: Fund: Enterprise Fund; Program: Capital Projects; Project: Fiesta Village Sewer Collection System Improvement

3. WHAT ACTION ACCOMPLISHES: The Resolution of Necessity allows the County to proceed with condemnation, if required, of the necessary parcel for expansion of the Fiesta Village Sewer Collection System.

4. MANAGEMENT RECOMMENDATION: Approve

5. Departmental Category:

AIZA

6. Meeting Date:

MAY 08 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 Fiesta Village Sewer Collection System Improvement, Project No. 7293, will provide additional facilities 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 for the project.

Funds are available in Account No. 20729348713.506110

Attachments: Resolution of Necessity, Location Map

11. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.	
			Co. Lords H	[Signature]	4-25-07	4/26/07	4/26/07	[Signature]	[Signature]

12. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY COUNTY ADMIN: [Signature]
 4/26/07 @ 3:21 mp.
 COUNTY ADMIN FORWARDED TO: [Signature]
 4/26/07
 3pm

**RESOLUTION OF NECESSITY
OF THE BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA**

WHEREAS, after consideration of the availability of alternative sites, 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 expansion and improvement of the existing Fiesta Village Sewer Collection System, Project No. 7293, located in south Fort Myers, by acquiring the necessary real property interests for constructing an additional master pump station facility to provide for the future growth of Lee County.

SECTION ONE: USE, NECESSITY AND DESCRIPTION OF PROPERTY

The Board of County Commissioners finds that the perpetual utility easement rights in the property described in the attached Exhibit "A", are necessary for the Fiesta Village Sewer Collection System Improvement, Project No. 7293, and are being acquired for the following specific public use or purpose:

To construct additional sewer transmission and collection system facilities, and associated appurtenances, to provide for the future growth of Lee County.

Exhibit "A" consists of project parcel 100.

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

Resolution of Necessity

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proceedings necessary to acquire the perpetual utility easement rights 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 _____
- Brian Bigelow _____
- Ray Judah _____
- Tammara A. Hall _____
- Franklin Mann _____

DULY PASSED AND ADOPTED this ___ day of _____, 20__.

ATTEST:
CHARLIE GREEN, CLERK

LEE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

By: _____
Deputy Clerk

BOB JANES, CHAIRMAN

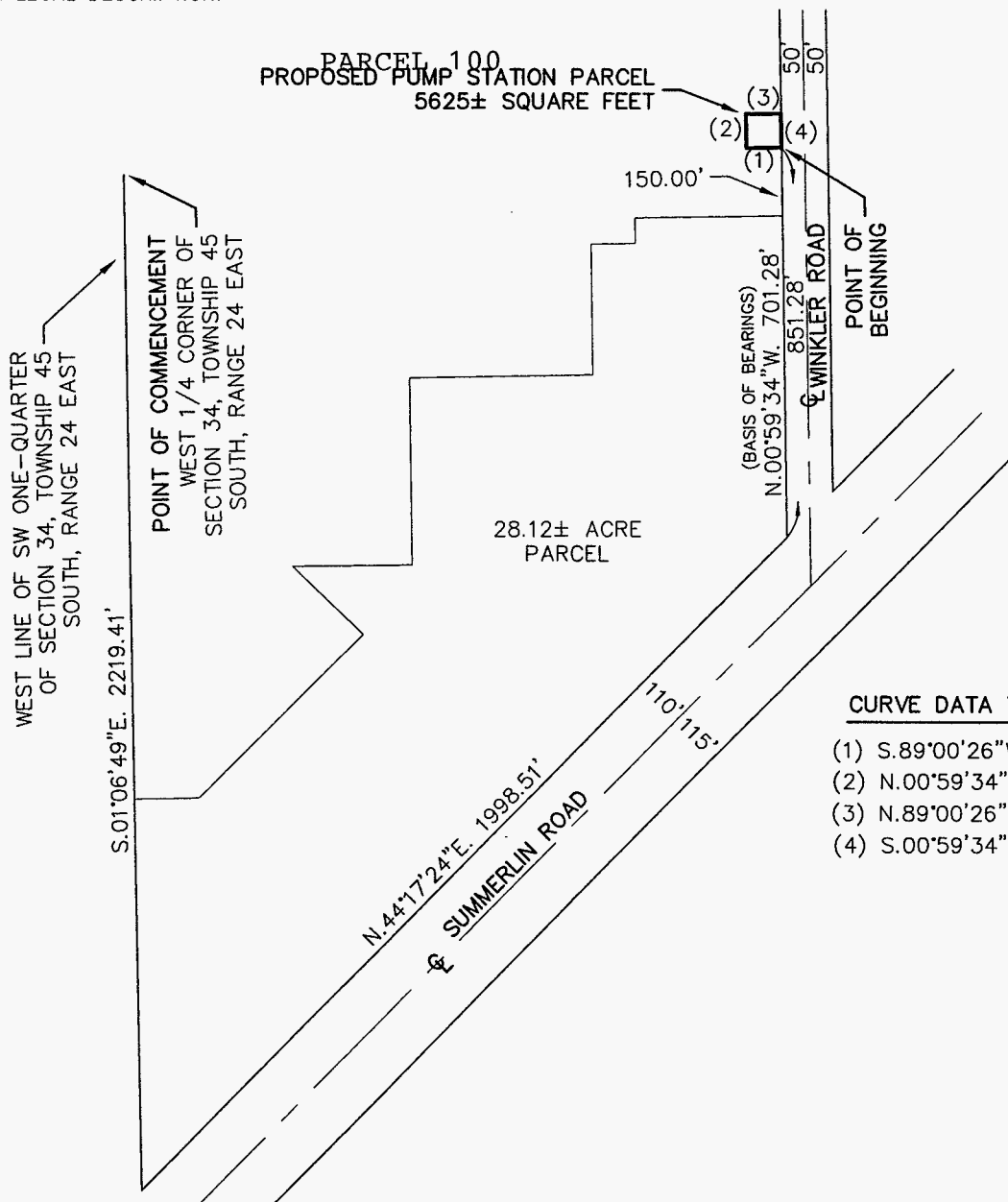
APPROVED AS TO FORM:

Office of County Attorney

Exhibit "A"

NOTES:

1. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR ZONING, EASEMENTS, RIGHTS-OF-WAY, OWNERSHIP, RESTRICTIONS OR SETBACKS.
2. BASIS OF BEARINGS IS AS SHOWN. DISTANCES ARE IN FEET AND DECIMALS THEREOF.
3. THIS SKETCH IS NOT A BOUNDARY SURVEY.
4. SEE ATTACHED FOR LEGAL DESCRIPTION.



CURVE DATA TABLE

- (1) S.89°00'26"W. 75.00'
- (2) N.00°59'34"W. 75.00'
- (3) N.89°00'26"E. 75.00'
- (4) S.00°59'34"E. 75.00'

THIS IS A SKETCH OF A PARCEL OF LAND FOR A PROPOSED PUMP STATION SITE (SEE ATTACHED FOR LEGAL DESCRIPTION) LOCATED IN SECTION 34, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA. THIS SKETCH WAS PREPARED FOR THE BENEFIT OF THE LEE COUNTY PUBLIC WORKS DEPARTMENT.

PREPARED BY: *Elizabeth F. Gaines* 6-1-06
 ELIZABETH F. GAINES, PSM FL LICENSE NO. LS 4576

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF THE ABOVE NAMED FLORIDA PROFESSIONAL SURVEYOR AND MAPPER.

E.F. Gaines Surveying Services, Inc.

1342 Colonial Boulevard Suite E-34B

Fort Myers, Florida 33907

Phone: 239-418-0126 Fax: 239-418-0127

CLIENT: LEE COUNTY

DATE OF FIELD WORK: N/A

SCALE: 1"=400'

PROJECT NO. = 0285

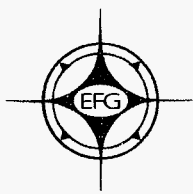
DRAWING FILE: 0285-001

REVISIONS/DATE:

MOVED NORTH 150' / 6-1-06

SHEET 1 OF 1

Exhibit "A"



E.F. Gaines Surveying Services, Inc.

PARCEL 100

Part of Section 34, Township 45 South, Range 24 East, Lee County, Florida

A 75'x75' Parcel for Winkler Master Pump Station

All that part of Section 34, Township 45 South, Range 24 East, Lee County, Florida being more particularly described as follows;

COMMENCING at the west one-quarter corner of said Section 34;
Thence along the west line of the southwest one-quarter of said Section 34 S.01°06'49"E. for 2219.41 feet to the north right-of-way line of Summerlin Road;
Thence along said north right-of-way line N.44°17'24"E. for 1998.51 feet to the west right-of-way line of Winkler Road;
Thence along said west right-of-way line N.00°59'34"W. for 701.28 feet to the north line of a 28.12 acre parcel of land;
Thence continue along said west right-of-way line N.00°59'34"W. for 150.00 feet to the POINT OF BEGINNING of the Parcel herein described;
Thence leaving said west right-of-way line S.89°00'26"W. for 75.00 feet;
Thence N.00°59'34"W. for 75.00 feet;
Thence N.89°00'26"e. for 75.00 feet to the aforementioned west right-of-way line of said Winkler Road;
Thence along said west right-of-way line S. 00°59'34"E. for 75.00 feet to the Point of Beginning of the Parcel herein described;

Bearings are based on the west right-of-way line of Winkler Road being N.00°59'34"W.;;
Parcel contains 5625 square feet, more or less;
Subject to easements, restrictions and reservations of record;

Prepared by:

E. F. Gaines Surveying Services, Inc.

Elizabeth F. Gaines, P.S.M.
Florida License No. 4576

Not valid unless signed and embossed the surveyor's seal.

Ref. EFGaines drawing No. 0285-001
(Revised 6/1/2006 – Moved Parcel North 150 feet.)

1342 Colonial Boulevard, Suite E-34B, Fort Myers, Florida 33907
Phone: 239-418-0126 • Fax: 239-418-0127 • E-mail: Survey@EFGaines.com

Location Map

