

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

ORIGINAL

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 Capital Improvement Project provides for the construction of the **Three Oaks Parkway North, Project No. 4053**, extending from Fiddlesticks Canal (a/k/a Airport Canal) to Daniels Parkway, by acquiring the necessary real property interests to construct a four-lane extension of Three Oaks Parkway, with sidewalks, bike lanes, stormwater drainage, and utilities.

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 Three Oaks Parkway North, Project No. 4053, and are being acquired for the following specific public use or purpose:

To improve traffic flow and transportation safety by providing right-of-way for an increased traffic flow for public as well as private vehicles, improvement of evacuation routes, through the construction of Three Oaks Parkway North with a four-lane divided roadway, sidewalks, bike lanes, stormwater drainage and utilities. **Exhibit "A" consists of Parcel 518.**

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 property described in attached 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:

John E. Manning
Cecil L Pendergrass
Vacant
Brian Hamman
Franklin Mann

DULY PASSED AND ADOPTED this _____ day of _____, 2019.

ATTEST:
LINDA DOGGETT, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Deputy Clerk

[Type or print name]
Deputy Clerk

BY: _____
[Signature]

Chair/Vice Chair

Approved as to form for the
Reliance of Lee County only:

John J. Fredyma, Esq.
Senior Assistant County Attorney
Lee County Attorney's Office

Keymap

POINT OF COMMENCEMENT
NORTHWEST CORNER OF
SECTION 34

FOUND
CONCRETE
MONUMENT

AREA TABLE

| | |
|------------------|--------------------|
| PARENT PARCEL | 3,471,260 SQ.FT. ± |
| TAKING PARCEL | 843,050 SQ.FT. ± |
| REMAINDER PARCEL | 2,628,210 SQ.FT. ± |

Exhibit "A"

Page 1 of 4

WEST 1/2
SECTION 34

SCALE
1" = 1,000'

FND 6"x8" FMDD CONC. MON.
SECTION CORNER COMMON TO
SECTIONS 33, 34, 3 & 4

SOUTH LINE OF THE
WEST 1/2 OF THE EAST
1/2 OF SECTION 34

THE OLDE HICKORY GOLF
AND COUNTRY CLUB
P.B. 48, PG. 86-1148

PART OF SE1/4, SECTION 27
O.R. 2135, PG. 534

POINT OF BEGINNING
N89°34'38"E
741.83'
NORTHWEST
CORNER OF THE
W1/2 OF THE E1/2
OF SECTION 34

E1/2, W1/2,
SECTION 34
INST #
2013000180364
JEFFREY B.
FREEMAN
TRUST

SHEET 2 OF 4

W1/2, E1/2,
SECTION 34
O.R. 3072,
PG. 352
FREEMAN
LAW FIRM
PA

W1/2, E1/2,
SECTION 34
O.R. 3072,
PG. 352
FREEMAN
LAW FIRM
PA

SHEET 3 OF 4

E1/2, W1/2,
SECTION 34
INST #
2013000180364
JEFFREY B.
FREEMAN
TRUST

E1/2, W1/2,
SECTION 34
INST #
2013000180364
JEFFREY B.
FREEMAN
TRUST

PARCEL 518
843,050± Sq Ft
OR
19.35± ACRES
STATE OF
FLORIDA
DEPT OF
TRANSPORTATION
INST
#2008000302387

WEST RIGHT OF WAY
INTERSTATE 75

WEST RIGHT OF WAY
INTERSTATE 75

SURVEY NOTES:

1. BEARING BASED ON THE NORTH LINE OF SECTION 34 AS N89°34'38"E (FLORIDA WEST STATE PLANE COORDINATE SYSTEM).
2. MEASUREMENTS SHOWN ARE IN FEET AND DECIMALS THEREOF.
3. THIS IS NOT A SURVEY
4. ADDITIONS TO OR DELETIONS OTHER THAN THE SIGNING SURVEYOR AND MAPPER ARE PROHIBITED BY LAW WITHOUT THE EXPRESS WRITTEN CONSENT OF THE SIGNING SURVEYOR AND MAPPER. COPYRIGHT 2018, KING ENGINEERING ASSOCIATES, INC., ALL RIGHTS RESERVED.
5. DO NOT COPY WITHOUT THE WRITTEN CONSENT OF KING ENGINEERING, INC.
6. NOT VALID WITHOUT SHEET 2 OF 2.
7. INFORMATION SHOWN BASED ON LEE COUNTY PROPERTY APPRAISER AND TITLE INFORMATION FROM LEE COUNTY DEPARTMENT OF TRANSPORTATION.

LEGEND:

- P.B. = PLAT BOOK
O.R. = OFFICIAL RECORDS BOOK
PG. = PAGE
SQ. FT. = SQUARE FEET

Keymap to Accompany Description

Parcel 518

A PORTION OF THE WEST 1/2 OF THE EAST
1/2 OF SECTION 34, TOWNSHIP 45 SOUTH,
RANGE 25 EAST, LEE COUNTY, FLORIDA

SHEET 1 OF 4

JOB # 17-0384 PREPARED FOR: Avalon Engineering

SECTION 34, TOWNSHIP 45S, RANGE 25E

THIS IS NOT A SURVEY

STOUTEN CRAMER
A KING ENGINEERING COMPANY

King
ENGINEERING ASSOCIATES, INC.

CERTIFICATE OF AUTHORIZATION: LB2610
324 Nicholas Parkway West, Suite A, Cape Coral, FL 33991
Phone: (239) 673-9541 Fax: (239) 424-8181
www.kingengineering.com

I hereby certify that, to the best of my knowledge and belief, the sketch and description represented herein, made under my direction on July 23, 2018, are in accordance with the standards of the Florida Board of Professional Surveyors & Mappers in Civil Engineering, pursuant to Section 217 Florida Statutes.

LS 3839

STATE OF
FLORIDA

Professional Surveyor and Mapper
DONALD D. STOUTEN, P.E. (FOR THE FIRM)
FLORIDA PROFESSIONAL SURVEYOR LICENSE NO. 9330
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISE / SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

Digitally signed by
Donald D. Stouten

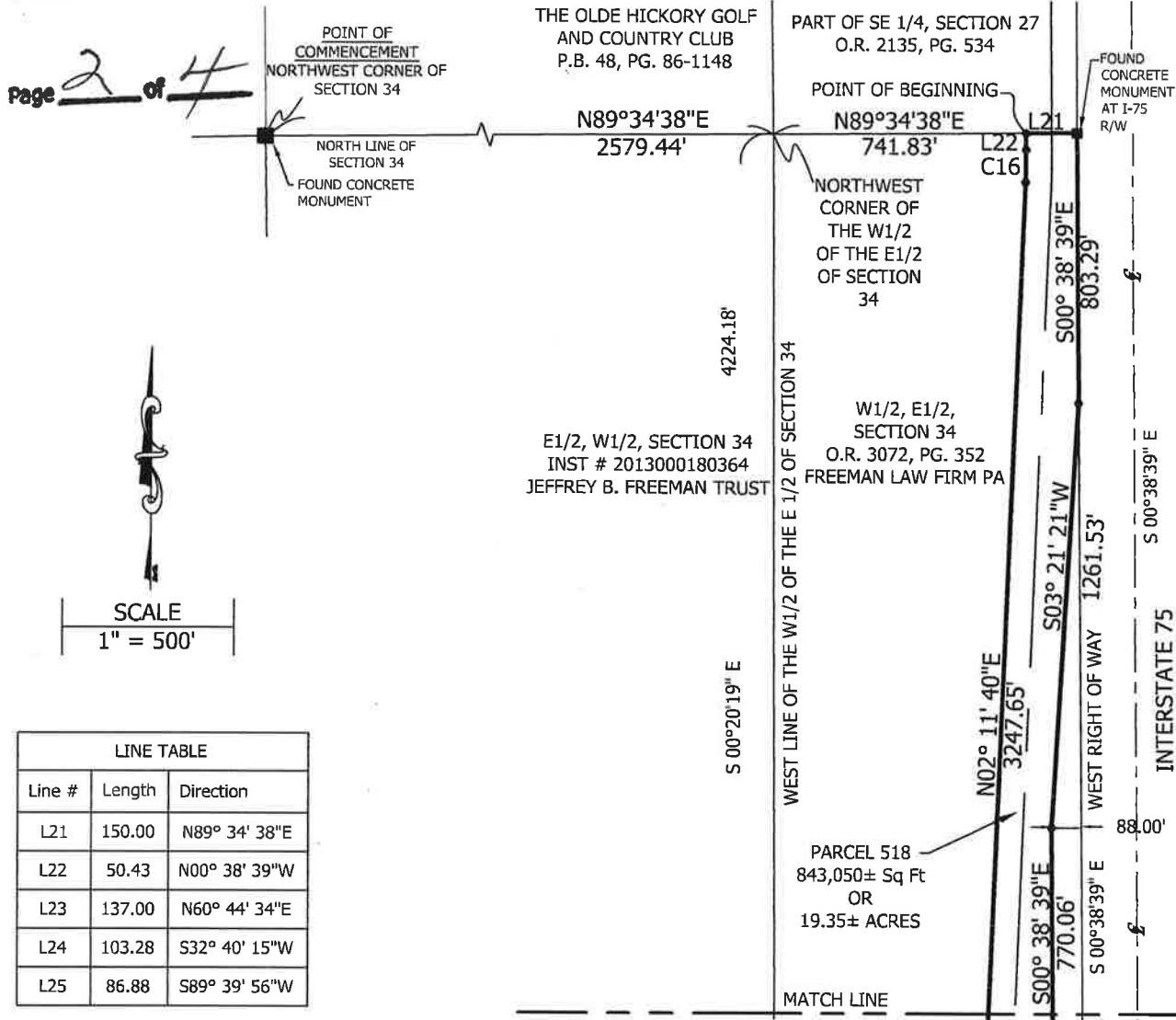
DN: cn=Donald D.
Stouten

o=Stouten
Cramer, Inc., ou,
email=don@scisur
vey.com, c=US

Date: 2018.07.23 10:05:29
+0000

Exhibit "A"

Sketch



LINE TABLE

| Line # | Length | Direction |
|--------|--------|---------------|
| L21 | 150.00 | N89° 34' 38"E |
| L22 | 50.43 | N00° 38' 39"W |
| L23 | 137.00 | N60° 44' 34"E |
| L24 | 103.28 | S32° 40' 15"W |
| L25 | 86.88 | S89° 39' 56"W |

CURVE TABLE

| Curve # | Length | Radius | Delta | Tangent | CH. Bearing | CH. Length |
|---------|--------|---------|-----------|---------|---------------|------------|
| C15 | 945.22 | 925.00 | 58°32'54" | 518.54 | N31° 28' 07"E | 904.63 |
| C16 | 95.37 | 1925.00 | 02°50'19" | 47.69 | N00° 46' 30"E | 95.36 |
| C18 | 571.22 | 780.51 | 41°55'55" | 299.08 | S23° 49' 19"W | 558.55 |
| C19 | 80.60 | 465.00 | 09°55'53" | 40.40 | S39° 49' 22"W | 80.50 |

LEGEND:

P.B. = PLAT BOOK
O.R. = OFFICIAL RECORDS BOOK
PG. = PAGE
SQ. FT. = SQUARE FEET

Not Valid without Sheets 1, 3 & 4 of 4

Sketch to Accompany Description

Parcel 518

A PORTION OF THE WEST 1/2 OF THE EAST 1/2 OF SECTION 34, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA

THIS IS NOT A SURVEY

STOUTENCRAMER
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I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on July 23, 2018 is in accordance with Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.

See Sheet 1 of 4 for Signature and Seal

DONALD D. STOUTEN (FOR THE FIRM)
FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 3839
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

SHEET 2 OF 4

JOB # 17-0384 PREPARED FOR: Avalon Engineering

SECTION 34, TOWNSHIP 45S, RANGE 25E

Exhibit "A"

Sketch

Page 3 of 4



SCALE
1" = 500'

| LINE TABLE | | |
|------------|--------|---------------|
| Line # | Length | Direction |
| L21 | 150.00 | N89° 34' 38"E |
| L22 | 50.43 | N00° 38' 39"W |
| L23 | 137.00 | N60° 44' 34"E |
| L24 | 103.28 | S32° 40' 15"W |
| L25 | 86.88 | S89° 39' 56"W |

| CURVE TABLE | | | | | | |
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| C18 | 571.22 | 780.51 | 41°55'55" | 299.08 | S23° 49' 19"W | 558.55 |
| C19 | 80.60 | 465.00 | 09°55'53" | 40.40 | S39° 49' 22"W | 80.50 |

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Not Valid without Sheets 1, 2 & 4 of 4

Sketch to Accompany Description

Parcel 518

A PORTION OF THE WEST 1/2 OF THE EAST 1/2 OF SECTION 34, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA

THIS IS NOT A SURVEY

STOUTENCRAMER
A KING ENGINEERING COMPANY

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324 Nicholas Parkway West, Suite A, Cape Coral, FL 33991
Phone: (239) 673-9541 Fax: (239) 424-8181
www.kingengineering.com

I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on July 23, 2018 is in accordance with Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 51-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.

See Sheet 1 of 4 for Signature and Seal

DONALD D. STOUTEN (FOR THE FIRM)
FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 3839
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

SHEET 3 OF 4

JOB # 17-0384 PREPARED FOR: Avalon Engineering

SECTION 34, TOWNSHIP 45S, RANGE 25E

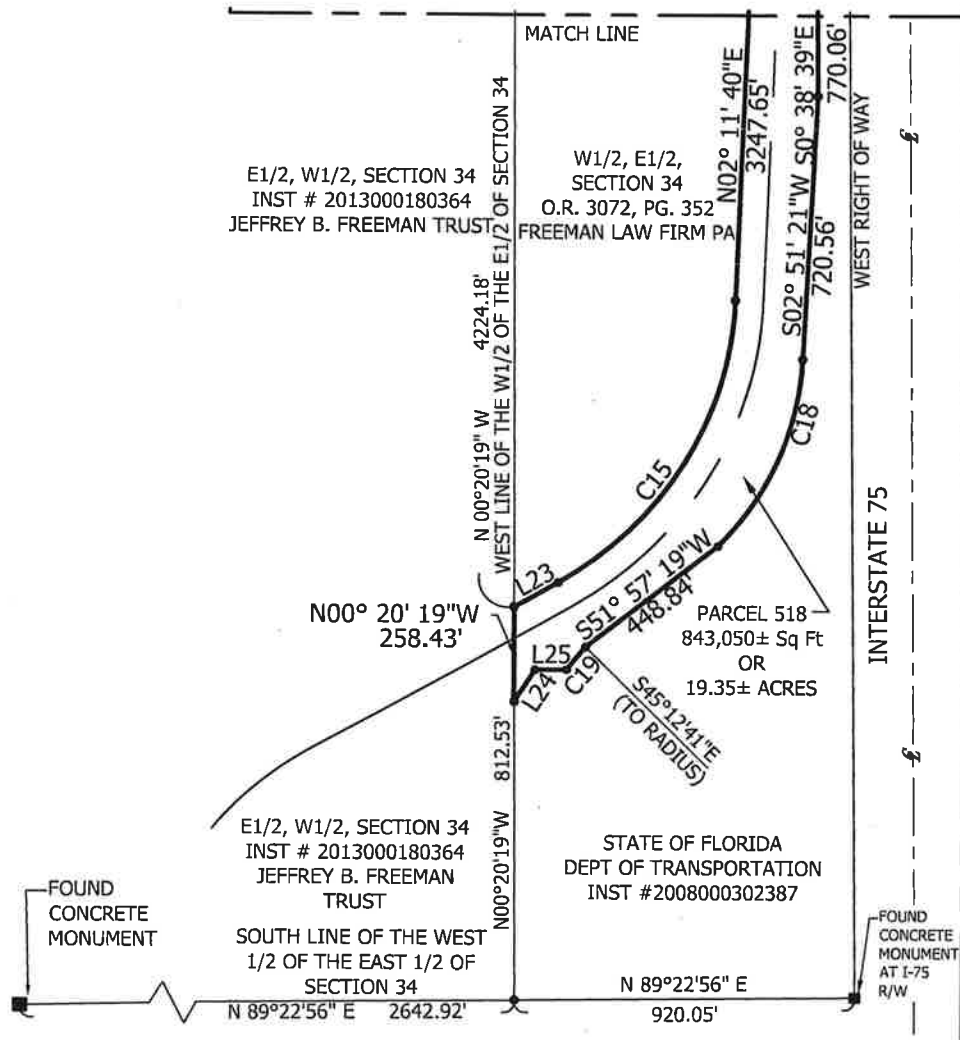


Exhibit "A"

Description

Page 4 of 4

PARCEL 518 DESCRIPTION:

A PORTION OF THE WEST 1/2 OF THE EAST 1/2 OF SECTION 34, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA COMMENCING AT THE NORTHWEST CORNER OF SECTION 34, N89°34'38"E FOR 2579.44 FEET TO THE NORTHWEST CORNER OF THE WEST 1/2 OF THE EAST 1/2 OF SECTION 34; THENCE CONTINUE N89°34'38"E FOR 741.83 FEET TO THE POINT OF BEGINNING. FROM SAID POINT OF BEGINNING RUN ALONG THE NORTH LINE OF THE WEST 1/2 OF THE EAST 1/2 OF SECTION 34, N89°34'38"E FOR 150.00 FEET TO AN INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE INTERSTATE 75; THENCE RUN ALONG SAID WEST RIGHT-OF-WAY LINE S00°38'39"E FOR 803.29 FEET; THENCE RUN S03°21'21"W FOR 1261.53 FEET; THENCE RUN S00°38'39"E FOR 770.06 FEET; THENCE RUN S02°51'21"W FOR 720.56 FEET TO THE POINT OF CURVATURE OF A 780.51 FEET RADIUS CURVE CONCAVE TO THE NORTHWEST, SAID CURVE HAVING A CENTRAL ANGLE OF 41°55'55", A CHORD BEARING AND CHORD OF S23°49'19"W FOR 558.55 FEET, THENCE RUN ALONG THE ARC OF SAID CURVE FOR 571.22 FEET; THENCE RUN S51°57'19"W FOR 448.84 FEET TO A NON-TANGENT 465.00 FOOT RADIUS CURVE CONCAVE TO THE EAST, TO WHICH A RADIAL LINE BEARS S45°12'41"E SAID CURVE HAVING A CENTRAL ANGLE OF 09°55'53", A CHORD BEARING AND CHORD OF S39°49'22"W FOR 80.50 FEET, RUN ALONG THE ARC OF SAID CURVE FOR 80.60 FEET TO THE END OF SAID CURVE; THENCE RUN S 89°39'56"W FOR 86.88 FEET; THENCE RUN S 32°40'15"W FOR 103.28 FEET; THENCE RUN N00°20'19"W FOR 258.43 FEET; THENCE RUN N60°44'34"E FOR 137.00 FEET TO A POINT OF CURVATURE OF A 925.00 FEET RADIUS CURVE CONCAVE TO THE NORTHWEST, SAID CURVE HAVING A CENTRAL ANGLE OF 58°32'54", A CHORD BEARING AND CHORD OF N31°28'07"E FOR 904.63 FEET, RUN ALONG THE ARC OF SAID CURVE FOR 945.22 FEET TO THE END OF SAID CURVE; THENCE RUN N02°11'40"E FOR 3247.65 FEET TO THE POINT OF CURVATURE OF A 1925.00 FEET RADIUS CURVE CONCAVE TO THE WEST, SAID CURVE HAVING A CENTRAL ANGLE OF 02°50'19", A CHORD BEARING AND CHORD OF N00°46'30"E FOR 95.36 FEET, RUN ALONG THE ARC OF SAID CURVE 95.37 FEET TO THE END OF SAID CURVE; THENCE RUN N00°38'39"W FOR 50.43 FEET TO AN INTERSECTION WITH THE NORTH LINE OF THE WEST 1/2 OF THE EAST 1/2 OF SECTION 34 AND THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 843,050± SQ FT OR 19.35± ACRES MORE OR LESS.

| | | |
|-----------------------------|---|--|
| THIS IS NOT A SURVEY | Description to Accompany Sketch Parcel 518 A PORTION OF THE WEST 1/2 OF THE EAST 1/2 OF SECTION 34, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA | <i>Not Valid without Sheets 1, 2 & 3 of 4</i> |
| <i>Sheet 4 of 4</i> | STOUTENCRAMER A KING ENGINEERING COMPANY King ENGINEERING ASSOCIATES, INC. CERTIFICATE OF AUTHORIZATION: LB2610 324 Nicholas Parkway West, Suite A, Cape Coral, FL 33991 Phone: (239) 673-9541 Fax: (239) 424-8181 www.kingengineering.com | I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on July 23, 2018 is in accordance with Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes. <i>See Sheet 1 of 4 for Signature and Seal</i> DONALD D. STOUTEN (FOR THE FIRM) FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 3839 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER |