

**PARCEL 2**

**RESOLUTION BY THE CITY OF BONITA SPRINGS, FLORIDA**

**RESOLUTION NO. 12 - 11**

**RESOLUTION BY THE CITY OF BONITA SPRINGS, FLORIDA; DIRECTING THE ACQUISITION OF CERTAIN PROPERTY NECESSARY FOR THE CIP PROJECT: THE SHANGRI-LA ROAD REGIONAL DRAINAGE IMPROVEMENTS; DIRECTING THE CITY ATTORNEY OR HER DESIGNEE TO MAKE BINDING OFFERS TO ACQUIRE SAID PROPERTY BY VOLUNTARY TRANSFER; SETTING FORTH THE USE, NECESSITY AND DESCRIPTION OF SAID PROPERTY; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, after consideration of the availability of alternatives, including alternative routes, the costs of the project, environmental factors, long range area planning, and safety concerns, the City of Bonita Springs has determined it is in the public interest to construct the Shangri-La Road Regional Drainage Improvements and has determined the property necessary for that use;

WHEREAS, the City of Bonita Springs therefore desires to acquire such property necessary for that use by negotiation, contract, condemnation or otherwise;

WHEREAS, the City of Bonita Springs has caused the property necessary for the Shangri-La Road Regional Drainage Improvements to be located and surveyed; and

WHEREAS, the City of Bonita Springs has caused appraisals to be prepared of the property necessary for the Shangri-La Road Regional Drainage Improvements; and

WHEREAS, based on the aforementioned appraisals, the City of Bonita Springs has determined a good faith estimate of value upon which to base a written offer of compensation to the fee owner as to the value of the property sought to be acquired and, where less than the entire property is sought to be acquired, any damages to the remainder caused by the acquisition; and

WHEREAS, the City of Bonita Springs has appropriated revenue for the Shangri-La Road Regional Drainage Improvements and for the property to be acquired.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BONITA SPRINGS, LEE COUNTY, FLORIDA, that:**

## **SECTION ONE: GENERAL PROJECT DESCRIPTION**

The Capital Improvement Project provides for the construction of the Shangri-La Road Regional Drainage Improvements, beginning in the frontage of the property owned by Bonita Lakes, LLC, continuing southwesterly across Old 41 Road along the westerly boundary of the Florida Power and Light parcel to the CSX railroad right of way, southerly along the CSX right of way approximately 2,100 feet to Bonita Drive.

## **SECTION TWO: USE, NECESSITY AND DESCRIPTION OF PROPERTY**

City Council finds that the easement rights to property described in the attached Schedule I and Schedule II (collectively, "Parcel 2") are necessary for the Shangri-La Road Regional Drainage Improvements and are being acquired for the following specific public use or purpose:

Improve public safety, increase drainage capacity and manage stormwater collection, re-distribution and temporary storage of stormwater to reduce flash flooding, costly erosion and water damage to public and private property.

## **SECTION THREE: AUTHORITY**

By virtue of the authority granted to the City of Bonita Springs by Chapters 73, 74, and 166, Florida Statutes, and by all other statutory or common law which grant to the City Council the power to proceed with acquiring property for a public use or purpose, the City Council hereby authorizes and directs the City Attorney or her designee to acquire Parcel 2 by negotiation, contract, or other voluntary means, for the above-described public use or purposes necessary for the completion of the Shangri-La Road Regional Drainage Improvements.

City Council hereby authorizes and directs the City Attorney or her designee to make pre-suit offers pursuant to section 73.015, Florida Statutes, for Parcel 2, which parcel is sought to be acquired by the City. Having previously obtained an appraisal of Parcel 2, which appraisal also includes a good faith estimate upon which to base a written offer of compensation to the fee owner as to the value of the property sought to be acquired and, where less than the entire property is sought to be acquired, any damages to the remainder caused by the acquisition, the City Council hereby directs the

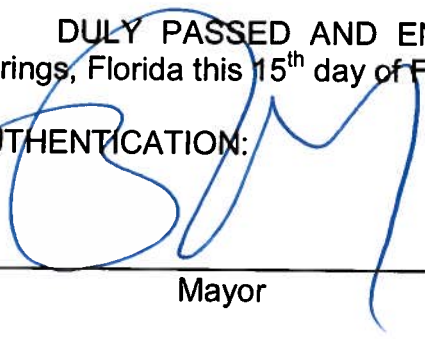
City Attorney or her designee to negotiate in good faith with the fee owner(s) of Parcel 2, and to provide the fee owner(s) a written offer binding on the City of Bonita Springs in the amount of One Hundred Three Thousand Eight Hundred Forty Dollars (\$103,840). The writing containing the offer binding on the City of Bonita Springs shall include a statement that the binding offer shall be valid for 35 days after either receipt of the offer or the date the offer is returned as undeliverable by the postal authorities.

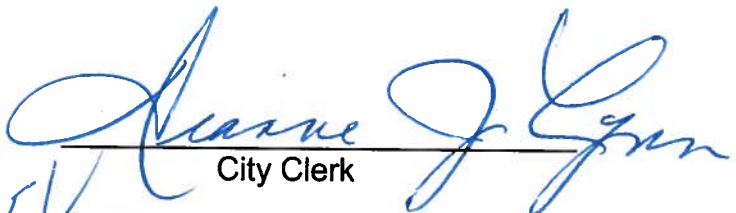
**SECTION FOUR: EFFECTIVE DATE**


This Resolution is effective immediately.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Florida this 15<sup>th</sup> day of February, 2012.

AUTHENTICATION:

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
City Clerk

  
\_\_\_\_\_  
City Attorney

APPROVED AS TO FORM:

Vote:

Lonkart	Aye	Simmons	Aye
Martin	Absent	Simons	Aye
McIntosh	Aye	Slachta	Aye
Nelson	Aye		

Date Filed With City Clerk: 2-21-12

## Schedule I

### **TERM SHEET OF INTERESTS AND RIGHTS ACQUIRED AND OBLIGATIONS FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF THE SHANGRI-LA ROAD REGIONAL DRAINAGE IMPROVEMENTS**

The following summarizes the easement interests and rights the City of Bonita Springs (hereinafter "City") shall acquire from the property owners/interest holders (hereinafter "Owner(s)") of certain real property and described in the legal description and sketch ("Schedule II") and the obligations the City has agreed to comply with in connection with such easement interests and rights:

1. The area of the easement interests and rights, to be acquired by the City are described and depicted herein and on Schedule II.

2. Schedule II describes and depicts a Drainage, Maintenance and Access Easement area. The rights acquired to such Drainage, Maintenance and Access Easement area shall be as follows:

- a. The City shall have an exclusive and perpetual easement for drainage, maintenance and access purposes, with full authority to enter upon, to excavate, to construct and to maintain, as the City and its assigns may deem necessary, a drainage system consisting of pipes, ditches, detention areas, percolation areas, disposal areas, or any combination thereof, together with appurtenant drainage facilities, over, under, upon, and through the lands described in Schedule II.
- b. The City shall have permanent and perpetual access over and upon the drainage and maintenance easement area described in Schedule II sufficient only to accomplish the purposes of such easement.
- c. The City shall have the right to use the drainage, maintenance and access easement area described in Schedule II to access other lands over which the City has a drainage, maintenance and access easement.
- d. The City may periodically repair, grade, and maintain the easement area described in Schedule II.
- e. The City and its employees, agents and assigns will have the perpetual right to clear, keep clear, and remove from said easement area all trees, undergrowth, and other obstructions that may interfere with the location,

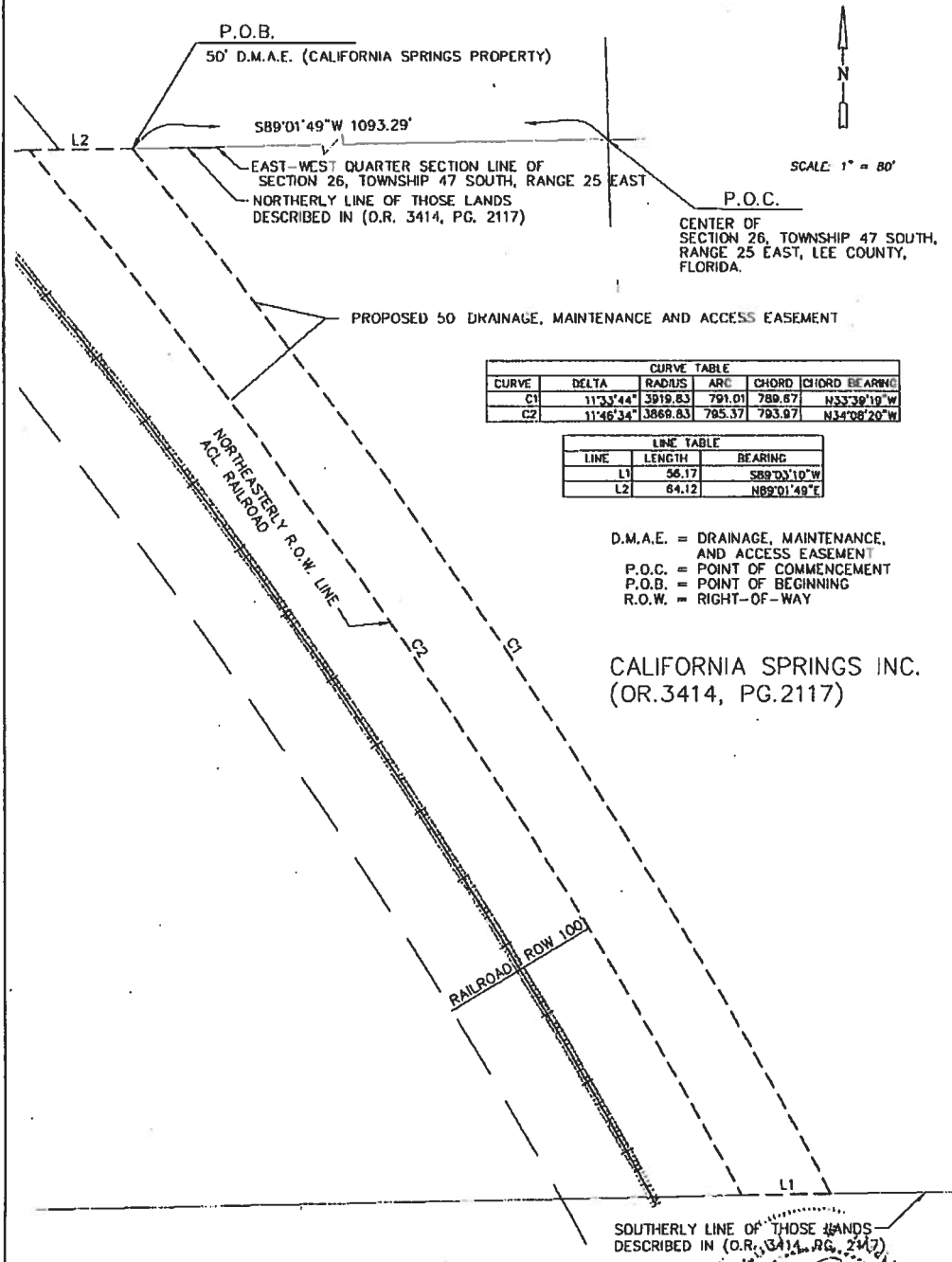
excavation, operation or maintenance of the drainage system, drainage facilities or any structures installed thereon by the City or its assigns.

- f. The City shall have the right and authority to remove and dispose of dirt, rocks and vegetation within the Drainage, Maintenance and Access Easement area.

3. Owner(s), their heirs, successors and assigns may continue to use the Drainage, Maintenance and Access Easement area for any lawful purposes that do not directly interfere with the City's acquired rights; provided, however, that Owner(s), their heirs, successors and assigns shall not construct nor permit to be constructed any building, structure, excavation or other improvement or obstruction, on, over, under, above, across, within or through the Drainage, Maintenance and Access Easement or which may interfere with the location, excavation, operation or maintenance of the drainage system, drainage facilities or any structures installed thereon or would otherwise directly interfere with the exercise by the City of its acquired easement rights, including ingress to and egress from the Drainage, Maintenance and Access Easement.

**PARCEL 2  
SCHEDULE II  
Page 1 of 2**

SECTION 26, TOWNSHIP 47 SOUTH, RANGE 25 EAST  
LEE COUNTY, FLORIDA



CURVE TABLE					
CURVE	DELTA	RADIUS	ARC	CHORD	CHORD BEARING
C1	11°33'44"	3919.83	791.01	789.67	N33°39'19"W
C2	11°46'34"	3869.83	795.37	793.97	N34°08'20"W

LINE TABLE		
LINE	LENGTH	BEARING
L1	56.17	S89°01'49"W
L2	64.12	N89°01'49"E

D.M.A.E. = DRAINAGE, MAINTENANCE, AND ACCESS EASEMENT  
P.O.C. = POINT OF COMMENCEMENT  
P.O.B. = POINT OF BEGINNING  
R.O.W. = RIGHT-OF-WAY

CALIFORNIA SPRINGS INC.  
(OR.3414, PG.2117)

**LEGAL DESCRIPTION AND SKETCH SHEET 1 OF 2**

THIS LEGAL DESCRIPTION AND SKETCH IS NOT A SURVEY AND IS PREPARED BY:

**AGNOLI**  
**BARBER &**  
**BRUNDAGE, INC.**  
Professional engineers, planners, & land surveyors  
Callar County: Suite 200, 7400 Tamiami Trail, North Naples, FL 34108 (239) 697-0111  
Certificate of Authorization Nos. LB 3894 and LB 3894

DESCRIPTION: 50' D.M.A.E. (CALIFORNIA SPRINGS PROPERTY)

CLIENT: CITY OF BONITA SPRINGS, FLORIDA

REVISION: 30 JAN. 2012  
CHANGED D.E. TO D.M.A.E.

BY: WAYNE D. AGNOLI, R.S.M. NO. 5335

SCALE: 1" = 80' DATE: 22 AUG. 2011  
DRAWN BY: VA PROJECT NO.: D7-0028-011M  
ACAD NO.: 10606 SD-4 FILE NO.: 10606

**PARCEL 2  
SCHEDULE II  
Page 2 of 2**

SECTION 26, TOWNSHIP 47 SOUTH, RANGE 25 EAST  
LEE COUNTY, FLORIDA

LEGAL DESCRIPTION OF A DRAINAGE, MAINTENANCE AND ACCESS EASEMENT

A DRAINAGE, MAINTENANCE AND ACCESS EASEMENT OVER, UNDER AND ACROSS ALL THAT PART OF A PARCEL OF LAND LYING IN SECTION 26, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER OF SAID SECTION 26; THENCE SOUTH 89°01'49" WEST ALONG THE EAST-WEST QUARTER SECTION LINE OF SAID SECTION 26, ALSO BEING THE NORTHERLY LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORD BOOK 3414, PAGE 2117, AS RECORDED IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, FOR A DISTANCE OF 1093.29 FEET TO A NON-TANGENT INTERSECTION WITH THE ARC OF A CURVE CONCAVE SOUTHWESTERLY WHOSE RADIUS POINT BEARS SOUTH 50°33'49" WEST 3919.83 FEET, SAID POINT ALSO BEING THE POINT OF BEGINNING OF THE DRAINAGE EASEMENT HEREIN BEING DESCRIBED;

THENCE SOUTHEASTERLY ALONG SAID ARC, THROUGH A CENTRAL ANGLE OF 11°33'44" FOR A DISTANCE OF 791.01 FEET TO AN INTERSECTION WITH THE SOUTHERLY LINE OF SAID LANDS DESCRIBED IN O.R. 3414, PAGE 2117;

THENCE SOUTH 89°03'10" WEST ALONG SAID SOUTHERLY LINE FOR A DISTANCE OF 56.17 FEET TO AN INTERSECTION WITH THE NORTHEASTERLY RIGHT-OF-WAY LINE OF THE A.C.L. RAILROAD AND A NON-TANGENT INTERSECTION WITH THE ARC OF A CURVE CONCAVE SOUTHWESTERLY WHOSE RADIUS POINT BEARS SOUTH 61°44'57" WEST 3869.83 FEET;

THENCE NORTHEASTERLY ALONG SAID ARC, THROUGH A CENTRAL ANGLE OF 11°46'34" FOR A DISTANCE OF 795.37 FEET TO AN INTERSECTION WITH THE EAST-WEST QUARTER SECTION LINE OF SAID SECTION 26;

THENCE NORTH 89°01'49" EAST ALONG SAID EAST-WEST QUARTER SECTION LINE OF SECTION 26 FOR A DISTANCE OF 64.12 FEET TO THE POINT OF BEGINNING OF THE DRAINAGE EASEMENT HEREIN DESCRIBED;

CONTAINING 39,659 SQUARE FEET OF LAND MORE OR LESS;

LEGAL DESCRIPTION AND SKETCH SHEET 2 OF 2

THIS LEGAL DESCRIPTION AND SKETCH IS NOT A SURVEY AND IS PREPARED BY:



Professional engineers, planners, & land surveyors Fax: (239)208-2200  
Collier County: Suite 200, 7400 Tamiami Trail, North Naples, FL 34108 (239)997-8111  
Certificate of Authorization No. 12 3884 and 12 3884

DESCRIPTION: 50' D.M.A.E. (CALIFORNIA SPRINGS PROPERTY)

CLIENT: CITY OF BONITA SPRINGS, FLORIDA

REVISION:  
30 JAN, 2012  
CHANGED D.E. TO  
D.M.A.E.

BY: WAYNE D. AGNOLI, R.S.M. NO. 5335

SCALE: 1" = 80' DATE: 22AUG. 2011

DRAWN BY: VA PROJECT NO.: 07-0021-WM

ACAD NO.: 10606 SD-4 FILE NO.: 10606