

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

Blue Sheet No. 20020371

1. REQUESTED MOTION:

ACTION REQUESTED: Accept by donation, Perpetual Beach Storm Damage Reduction Easements, for the Estero Island Beach Restoration Project No. 3022; authorize the Division of County Lands to handle and accept all documentation necessary; authorize necessary fees and costs to close.

WHY ACTION IS NECESSARY: To secure permanent easements along Fort Myers Beach on Estero Island for the proposed beach renourishment project.

WHAT ACTION ACCOMPLISHES: Acquisition of necessary permanent easements from benefitted property owners along Fort Myers Beach and securing Federal Funding for the project.

2. DEPARTMENTAL CATEGORY: 06
COMMISSION DISTRICT #: 3 *C6A*

3. MEETING DATE:
05-21-2002

4. AGENDA:
 CONSENT
 ADMINISTRATIVE
 APPEALS
 PUBLIC
 WALK ON
TIME REQUIRED:

5. REQUIREMENT/PURPOSE:
(Specify)
 STATUTE 125
 ORDINANCE
 ADMIN.
 OTHER

6. REQUESTOR OF INFORMATION
A. COMMISSIONER
B. DEPARTMENT Independent
C. DIVISION County Lands TLM 4-30-02
BY: Karen L. W. Forsyth, Director *KLF*

7. BACKGROUND: The County Lands Division is acquiring Perpetual Beach Storm Damage Reduction Easements for the Division of Natural Resources for the Estero Island Beach Restoration Project No. 3022. The principal purpose of the project is the renourishment and restoration of Fort Myers Beach on Estero Island. The cost of the project is being borne primarily by the federal government and the State of Florida, with lesser contributions by both Lee County and the Town of Fort Myers Beach.

A requirement for the federal funding is to obtain approximately 235 permanent easements pursuant to the form as stipulated by the U.S. Army Corps of Engineers. Without these easements, the federal funding will not be available and will have to be borne by Lee County and/or the Town of Fort Myers Beach.

Attached is a list of six (6) benefitted property owners who have executed the required easements to Lee County. The original documents are in the files of County Lands and will be recorded upon approval by the Board of County Commissioners. The estimated costs for recording are \$100.00.

Funds are available in Account Number 20302230100.506110.10

- 20 - Capital Improvement Projects
- 3022 - Estero Island Beach Restoration
- 301 - Natural Resources
- 00 - N/A
- 506110 - Land and Court Registry
- 10 - Planning

Staff recommends the Board approve the requested motion.

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
<i>K. Forsyth</i>	N/A	N/A	<i>Natural Resources</i>	<i>Admin 3022</i>	OA <i>5-6-02</i>	COM <i>5/6/02</i>	RISK <i>5/7</i>	GC <i>5/6/02</i>	<i>B. Loncks</i> Date:

10. COMMISSION ACTION:
 APPROVED
 DENIED
 DEFERRED
 OTHER

RECEIVED BY
COUNTY ADMIN. *PMC*
5/3/02
4:15pm
COUNTY ADMIN.
FORWARDED TO:
5/1 12:00

REC'D
by CO. ATTY.
11:25am
CO. ATTY.
FORWARDED TO:
5-3-02 8:30

ESTERO ISLAND BEACH RESTORATION PROJECT NO. 3022

EXHIBIT TO BLUE SHEET NO. 20020371

Parcel No.	Property Owner	Strap Number
83	Betsy Smith Furtney and Suzanne Wheeler Steinhagen, Trustees	19-46-24-W4-00444.0000
116	James B. and Elaine K. Moses, h/w	30-46-24-W2-003M0.0070
203	Kahlua Owner's Association, Inc.	28-46-24-W4-02400.000A
213	John G. and Mary Jane Burns, h/w	33-46-24-W1-00206.0300
233	Artis D. Chester	33-46-24-W2-0030A.2000
232	Wilfred Paul Lawrence and Artis Diane Chester, t/c	33-46-24-W2-00205.0410

This instrument prepared by:
Lee County
Public Works/County Lands Division
P.O. Box 398
Fort Myers, Florida 33902-0398
Project: Estero Island Beach Renourishment, Project #3022
Parcel No.: 83
Strap No.: 19-46-24-W4-00444.0000

ORIGINAL DOCUMENTS RETAINED IN
COUNTY LANDS FILES FOR HANDLING
UPON BOARD ACCEPTANCE.

(This space is for recording)

PERPETUAL BEACH STORM DAMAGE REDUCTION EASEMENT

Know all by these presents that on this 11 day of December, 2000, Betsy Smith Furtney, and Suzanne Wheeler Steinhagen Trustees, whose mailing address is 192 Wright Road, Collinsville, CT 06022, hereinafter referred to as "GRANTOR," in consideration of the mutual benefits to be derived from the Estero Island Beach Restoration Project (the "Lee County Shore Protection Project") and other good and valuable consideration, hereby grants, bargains and conveys to Lee County, a political subdivision of the State of Florida, whose mailing address is Post Office Box 398, Fort Myers, Florida, 33902-0398, hereinafter "GRANTEE," a Perpetual Beach Storm Damage Reduction easement (the "EASEMENT") over and in the following described property (the "EASEMENT PROPERTY"):

See Attached Schedule A

Perpetual Beach Storm Damage Reduction Easement: A perpetual and assignable easement and right-of-way in, on, over and across the land described in Schedule A (STRAP No. 19-46-24-W4-00444.0000), for use by the Grantee, its representatives, agents, contractors and assigns, to construct; preserve; patrol; operate; maintain; repair; rehabilitate; and replace; a public beach and other erosion control and storm damage reduction measures together with appurtenances thereto, including the right to deposit sand; to accomplish any alterations of contours on said land; to construct berms; to nourish and renourish periodically; to move, store and remove equipment and supplies; to erect and remove temporary structures; and to perform any other work necessary and incident to the construction, periodic renourishment and maintenance of the Lee County Shore Protection Project, together with the right of public use and access; to trim, cut, fell, and remove from said land all trees, underbrush, debris, obstructions, and any other vegetation, structures and obstacles within the limits of the easement; reserving to the grantor(s), (his) (her) (its) (their) heirs, successors and assigns, all such rights and privileges as may be used and enjoyed without interfering with or abridging the rights and easements hereby acquired; subject however to existing easements for public roads and highways, public utilities, railroads and pipelines.

This is a Nonexclusive Easement with the Grantor reserving the right to the continued free use of the Easement Property in a manner not materially inconsistent with the rights granted herein to Grantee for Grantee's use.

IN WITNESS HEREOF, Grantor has caused these presents to be executed on the date first above written.

Signed, sealed and delivered in the presence of:

Grantor:

Yvonne M. Lucas
Witness
Yvonne M. Lucas
(Print Name)

By: *Betsy Smith Furtney*
Betsy Smith Furtney, Individually and as Trustee

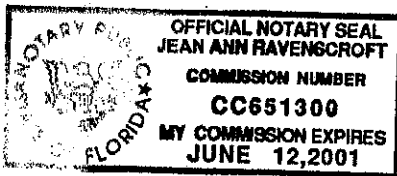
Vicke A. Cook
Witness
Vicke A. Cook
(Print Name)

STATE OF FLORIDA
COUNTY OF *Lee*

The foregoing instrument was acknowledged before me this *12-11-00*
(date)

By *Betsy Smith Furtney*, who is personally known to me or who has
(Name of personal acknowledging)

Produced *Personally Known* as identification.
(type of identification)



Jean Ann Ravenscroft
(Signature of person taking acknowledgment)

JEAN ANN Ravenscroft
(Name typed, printed or stamped)

(Title or rank)

(Serial Number, if any)

IN WITNESS HEREOF, Grantor has caused these presents to be executed on the date first above written.

Signed, sealed and delivered in the presence of:

Grantor:

Vronne M. Lucas
Witness
Vronne M. Lucas
(Print Name)

By: *Suzanne Wheeler Steinhagen*
Suzanne Wheeler Steinhagen,
Individually and as Trustee

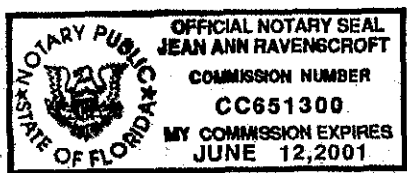
Vicki A. Cook
Witness
Vicki A. Cook
(Print Name)

STATE OF FLORIDA
COUNTY OF *Lee*

The foregoing instrument was acknowledged before me this *12-11-00*
(date)

By Suzanne Wheeler Steinhagen, who is personally known to me or who has
(Name of personal acknowledging)

Produced *Personally known* as identification.
(type of identification)



Jean Ann Ravenscroft
(Signature of person taking acknowledgment)

JEAN ANN RAVENSCROFT
(Name typed, printed or stamped)

(Title or rank)

(Serial Number, if any)

Parcel No(s): 83
STRAP No(s): 19-46-24-W4-00444.0000

SCHEDULE A

That portion of the following described parcel lying seaward of the +4.1 NGVD contour line:
A parcel of land being a portion of Lot 20, T.P. Hill's Subdivision, as recorded in Plat Book 3, Page 84, Lee County, Florida, more particularly described as follows:

Beginning at a point of 228 feet South and 50 feet East of the NW corner of Lot 20 of T.P. Hill's Subdivision; thence East 50 feet; thence South to the Gulf of Mexico; thence Westerly along the Gulf of Mexico to point due South to the point of beginning; thence North to point of beginning; together with free rights to water from an Artesian Well on an adjacent property, as set forth in instrument recorded in Deed Book 157, page 545, Public Records of Lee County, Florida.

This line has been surveyed by Coastal Planning and Engineering, Inc., and is reflected on survey sketches dated September 21, 2000, and filed in the Public Records of Lee County, Florida.

Division of County Lands

Updated In House Title Search

Search No. 21752/A

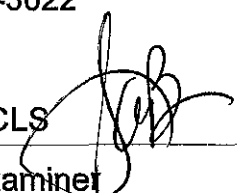
Date: April 17, 2002

Parcel: 83

Project: Estero Island Beach

Renourishment #3022

To: Teresa L. Mann, SR/WA
Property Acquisition Agent

From: Shelia A. Bedwell, CLS
Real Estate Title Examiner 

STRAP: 19-46-24-W4-00444.0000

An update has been requested of In House Title Search No. 21752/A which covers the period beginning January 1, 1940, at 8:00 a.m. and is now complete through March 26, 2002, at 5:00 p.m.

Subject Property: See attached Schedule "X".

Title to the subject property is vested in the following:

Betsy Smith Furtney and Suzanne Wheeler Steinhagen, Trustees of the Dorothy W. Smith Revocable Trust, dated May 12, 1999

by that certain instrument dated October 6, 1999, recorded November 23, 1999, in Official Record Book 3191, Page 2955, Public Records of Lee County, Florida.

Subject to:

1. Title to oil, gas and mineral rights and leases on subject property is specifically omitted from this report.
2. Utility Easement, 20 feet in width, lying across the Northerly portion of subject parcel granted to Lee County for the installation and maintenance of underground sewer mains, pipes and facilities, as set forth in easement document recorded in Official Record Book 1155, Page 974, Public Records of Lee County, Florida.

NOTE: We are unable to verify the legal owners of the subject property due to gaps in the chain of title; the public records show the owner in 1945 as being William W. Meyer (Deed Book 157, Page 545); following that deed, there is an easement given by A. S. Terhune (Official Record Book 1155, Page 974); the subsequent conveyances are from Russell J. Smith and Dorothy W. Smith to the current owners (Official Record Book 1771, Page 4663 and Official Record Book 3177, Page 3867 and Official Record Book 3191, Page 2955). We find no instruments in between these mentioned that renders a cohesive chain of title. This must be addressed and resolved by the Title Company or Attorney that handles the transfer to the County.

Division of County Lands

Updated In House Title Search
Search No. 21752/A
Date: April 17, 2002
Parcel: 83
Project: Estero Island Beach
Renourishment #3022

- a) Access to subject property is by way of easements reserved for ingress/egress purposes across adjoining property, as set forth in deeds recorded in Deed Book 129, Page 408 and in Deed Book 170, Page 445, all being in the Public Records of Lee County, Florida.
- b) A survey of the coastal construction line in Lee County can be found in Plat Book 31, Page 1, as updated in Plat Book 31-A, Page 1 and as revised in Plat Book 48, Page 15 thru 34, all in the Public Records of Lee County, Florida.
- c) There was a temporary construction easement granted to Lee County for a prior beach renourishment project as recorded in Official Record Book 2724, Page 2441, Public Records of Lee County, Florida.
- d) Deed recorded in Official Record Book 3177, Page 3867, and Official Record Book 3191, Page 2955, all being in the Public Records of Lee County, Florida, do not contain marital status of the grantor(s), joinder by spouse, or statement regarding homestead status of subject property. This must be addressed and resolved by the Title Company or Attorney that handles the transfer to the County.

Tax Status: 2001 taxes have been paid in full.

(The end user of this report is responsible for verifying tax and/or assessment information.)

The Division of County Lands has made a diligent search of the Public Record. However, this report contains no guarantees nor warranty as to its accuracy.

Schedule X

Parcel 83

Project: Estero Island Beach Renourishment, Project #3022

Search No. 21752/A

A parcel of land being a portion of Lot 20, T.P. Hill's Subdivision, as recorded in Plat Book 3, Page 84, Lee County, Florida, more particularly described as follows:

Beginning at a point of 228 feet South and 50 feet East of the northwest corner of Lot 20 of T.P. Hill's Subdivision; thence East 50 feet; thence South to the Gulf of Mexico; thence Westerly along the Gulf of Mexico to point due South to the point of beginning; thence North to point of beginning; together with free rights to water from an Artesian Well on an adjacent property, as set forth in instrument recorded in Deed Book 157, Page 545, Public Records of Lee County, Florida.

This instrument prepared by:
Lee County
Public Works/County Lands Division
P.O. Box 398
Fort Myers, Florida 33902-0398
Project: Estero Island Beach Renourishment, Project #3022
Parcel No.: 116
Strap No.: 30-46-24-W2-003M0.0070

ORIGINAL DOCUMENTS RETAINED IN
COUNTY LANDS FILES FOR HANDLING
UPON BOARD ACCEPTANCE.

(This space is for recording)

PERPETUAL BEACH STORM DAMAGE REDUCTION EASEMENT

~~2000~~ ²⁰⁰² Know all by these presents that on this 18 day of January,
~~2000~~, James B. Moses and Elaine K. Moses, husband and wife, whose mailing address
is 790 Washington Street - Apt. 1504, Denver CO 80203, hereinafter referred to as
"GRANTOR," in consideration of the mutual benefits to be derived from the Estero Island
Beach Restoration Project (the "Lee County Shore Protection Project") and other good and
valuable consideration, hereby grants, bargains and conveys to Lee County, a political
subdivision of the State of Florida, whose mailing address is Post Office Box 398, Fort
Myers, Florida, 33902-0398, hereinafter "GRANTEE," a Perpetual Beach Storm Damage
Reduction easement (the "EASEMENT") over and in the following described property (the
"EASEMENT PROPERTY"):

See Attached Schedule A

Perpetual Beach Storm Damage Reduction Easement: A perpetual and assignable
easement and right-of-way in, on, over and across the land described in Schedule A
(STRAP No. 30-46-24-W2-003M0.0070), for use by the Grantee, its representatives,
agents, contractors and assigns, to construct; preserve; patrol; operate; maintain; repair;
rehabilitate; and replace; a public beach and other erosion control and storm damage
reduction measures together with appurtenances thereto, including the right to deposit
sand; to accomplish any alterations of contours on said land; to construct berms; to nourish
and renourish periodically; to move, store and remove equipment and supplies; to erect
and remove temporary structures; and to perform any other work necessary and incident
to the construction, periodic renourishment and maintenance of the Lee County Shore
Protection Project, together with the right of public use and access; to trim, cut, fell, and
remove from said land all trees, underbrush, debris, obstructions, and any other vegetation,
structures and obstacles within the limits of the easement; reserving to the grantor(s), their
heirs, successors and assigns, all such rights and privileges as may be used and enjoyed
without interfering with or abridging the rights and easements hereby acquired; subject
however to existing easements for public roads and highways, public utilities, railroads and
pipelines.

This is a Nonexclusive Easement with the Grantor reserving the right to the continued free
use of the Easement Property in a manner not materially inconsistent with the rights
granted herein to Grantee for Grantee's use.

Parcel No(s): 116
STRAP No(s): 30-46-24-W2-003M0.0070

IN WITNESS HEREOF, Grantor has caused these presents to be executed on the date first above written.

Signed, sealed and delivered in the presence of:

Grantor:

Mark John

James B. Moses
James B. Moses

Witness

MARTIN TOBIN

(Print Name)

W. Ross Van Voorhees

Witness

W. Ross Van Voorhees

(Print Name)

Mark John

Elaine K. Moses
Elaine K. Moses

Witness

MARTIN TOBIN

(Print Name)

W. Ross Van Voorhees

Witness

W. Ross Van Voorhees

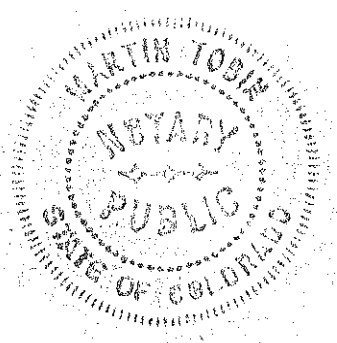
(Print Name)

STATE OF ~~FLORIDA~~ COLORADO
COUNTY OF DENVER

The foregoing instrument was acknowledged before me this 1-18-02
(date)

by James B. Moses and Elaine K. Moses, who are personally known to me or who have
(Name of persons acknowledging)

Produced Driver's License as identification.
(type of identification)



Mark John - notary
(Signature of person taking acknowledgment)

MARTIN TOBIN
(Name typed, printed or stamped)

NOTARY
(Title or rank)

(Serial Number, if any)

Parcel No(s): 116
STRAP No(s): 30-46-24-W2-003M0.0070

SCHEDULE A

That portion of Lot 7, Block M, Winkler's Second Division, according to the map or plat thereof filed and recorded in the Office of the Clerk of the Circuit Court, in Plat Book 8, Page 49, Public Records of Lee County, Florida, lying seaward of the +4.1 NGVD contour line. This line has been surveyed by Coastal Planning and Engineering, Inc., and is reflected on survey sketches dated September 21, 2000, and filed in the Public Records of Lee County, Florida.

Division of County Lands

Updated In House Title Search

Search No. 21759/A

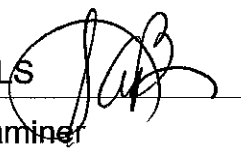
Date: April 16, 2002

Parcel: 116

Project: Estero Island Beach

Renourishment #3022

To: Teresa L. Mann, SR/WA
Property Acquisition Agent

From: Shelia A. Bedwell, CLS
Real Estate Title Examiner 

STRAP: 30-46-24-W2-003M0.0070

An update has been requested of In House Title Search No. 21759/A which covers the period beginning January 1, 1940, at 8:00 a.m. and is now complete through March 26, 2002, at 5:00 p.m.

Subject Property: Lot 7, Block M, Winkler's Second Division, according to the map or plat thereof filed and recorded in the Office of the Clerk of the Circuit Court, in Plat Book 8, Page 49, Public Records of Lee County, Florida.

Title to the subject property is vested in the following:

James B. Moses and Elaine K. Moses, husband and wife

by that certain instrument dated April 2, 1997, recorded April 3, 1997, in Official Record Book 2808, Page 2454, Public Records of Lee County, Florida.

Subject to:

1. Title to oil, gas and mineral rights and leases on subject property is specifically omitted from this report.
2. Easement Agreement for cable services granted to South Florida Cable Television Corp, as set forth in Easement document recorded in Official Record Book 1611, Page 266; as thereafter assigned to South Florida Cablevision, Inc. by document recorded in Official Record Book 1801, Page 2475; and as further assigned to Providence Journal Company by document recorded in Official Record Book 2347, Page 3538, all being in the Public Records of Lee County, Florida. Said Easement runs throughout the premises and is not specifically located.

NOTES FOR INFORMATION:

- a) Access to subject property via Seaview Street, which is not County maintained according to DOT records.

Division of County Lands

Updated In House Title Search

Search No. 21759/A

Date: April 16, 2002

Parcel: 116

Project: Estero Island Beach

Renourishment #3022

- b) A survey of the coastal construction line in Lee County can be found in Plat Book 31, Page 1, as updated in Plat Book 31-A, Page 1 and as revised in Plat Book 48, Page 15 thru 34, all being in the Public Records of Lee County, Florida.

Tax Status: 2001 taxes have been paid in full.

(The end user of this report is responsible for verifying tax and/or assessment information.)

The Division of County Lands has made a diligent search of the Public Record. However, this report contains no guarantees nor warranty as to its accuracy.

This instrument prepared by:
Lee County
Public Works/County Lands Division
P.O. Box 398
Fort Myers, Florida 33902-0398
Project: Estero Island Beach Renourishment, Project #3022
Parcel No.: 203
Strap No.: 28-46-24-W4-02400.000A

ORIGINAL DOCUMENTS RETAINED IN
COUNTY LANDS FILES FOR HANDLING
UPON BOARD ACCEPTANCE.

(This space is for recording)

PERPETUAL BEACH STORM DAMAGE REDUCTION EASEMENT

Know all by these presents that on this 5th day of JANUARY, 2008, Kahlua Owner's Association, Inc., a non-profit corporation existing under the laws of the State of Florida, whose mailing address is 4950 Estero Boulevard, Fort Myers Beach, FL 33931, hereinafter referred to as "GRANTOR," in consideration of the mutual benefits to be derived from the Estero Island Beach Restoration Project (the "Lee County Shore Protection Project") and other good and valuable consideration, hereby grants, bargains and conveys to Lee County, a political subdivision of the State of Florida, whose mailing address is Post Office Box 398, Fort Myers, Florida, 33902-0398, hereinafter "GRANTEE," a Perpetual Beach Storm Damage Reduction easement (the "EASEMENT") over and in the following described property (the "EASEMENT PROPERTY"):

See Attached Schedule A

Perpetual Beach Storm Damage Reduction Easement: A perpetual and assignable easement and right-of-way in, on, over and across the land described in Schedule A (STRAP No. 28-46-24-W4-02400.000A), for use by the Grantee, its representatives, agents, contractors and assigns, to construct; preserve; patrol; operate; maintain; repair; rehabilitate; and replace; a public beach and other erosion control and storm damage reduction measures together with appurtenances thereto, including the right to deposit sand; to accomplish any alterations of contours on said land; to construct berms; to nourish and renourish periodically; to move, store and remove equipment and supplies; to erect and remove temporary structures; and to perform any other work necessary and incident to the construction, periodic renourishment and maintenance of the Lee County Shore Protection Project, together with the right of public use and access; to trim, cut, fell, and remove from said land all trees, underbrush, debris, obstructions, and any other vegetation, structures and obstacles within the limits of the easement; reserving to the grantor(s), its heirs, successors and assigns, all such rights and privileges as may be used and enjoyed without interfering with or abridging the rights and easements hereby acquired; subject however to existing easements for public roads and highways, public utilities, railroads and pipelines.

This is a Nonexclusive Easement with the Grantor reserving the right to the continued free use of the Easement Property in a manner not materially inconsistent with the rights granted herein to Grantee for Grantee's use.

Parcel No(s): 203
STRAP No(s): 28-46-24-W4-02400.000A

IN WITNESS HEREOF, Grantor has caused these presents to be executed on the date first above written.

Signed, sealed and delivered in the presence of:

Lisa D. Skaggs
Witness:

Lisa D. Skaggs
(Print Name)

F. Poff
Witness:

FRIED POFFENBERGER
(Print Name)

Grantor:
Kahlua Owner's Association, Inc.

By: Donald R. Enderby
Name

PRESIDENT
Title

STATE OF FLORIDA

COUNTY OF LEE

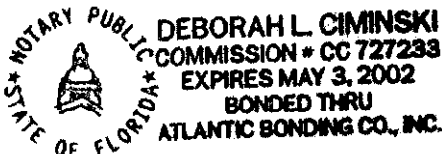
The foregoing instrument was acknowledged before me this JANUARY 5th 2002
(date)

DONALD ENDERBY, PRESIDENT of Kahlua Owner's Association, Inc.
(name of officer or agent, title of officer or agent) (Name of corporation acknowledging)

a Florida non-profit Corporation, on behalf of the corporation. He/she is
(state or place of incorporation)

personally known to me or ~~has produced~~ _____
(type of identification)

as identification.



Deborah L. Ciminski
(Signature of person taking acknowledgment)

DEBORAH L. CIMINSKI
(Name typed, printed or stamped)

(Title or rank)

(Serial Number, if any)

Parcel No(s): 203
STRAP No(s): 28-46-24-W4-02400.000A

SCHEDULE A

That portion of the following described parcel lying seaward of the +4.1 NGVD contour line:

From the Southeast corner of the fractional Southwest quarter (SW 1/4) of Section 28, Township 46 South, Range 24 East, run Westerly along the South line of said Section 28 for 1643.70 feet to the Northwestern corner of Lot 20 in Block 6 of Gulf Heights Subdivision, according to the map or plat thereof recorded in Plat Book 6 at Page 39 of the Public Records of Lee County; thence run Northwesterly at an angle of 139 degrees 39' East to Northwest for 736.27 feet; thence run Northeasterly at an angle of 92 degrees 00' Southwesterly to Northwesterly with the last mentioned course along the Northwesterly line of the lands conveyed by deed recorded in Deed Book 212 at Page 490 of said Public Records for 256 feet, more or less, to the centerline of Estero Boulevard (State Road No. 865), which is the point of beginning of the lands hereby conveyed. From said point of beginning, run Northwesterly along said centerline for 135.64 feet; thence run Southwesterly at an angle of 91 degrees 38' Northwest to Southwest with said centerline to the waters of the Gulf of Mexico. Thence run Southeasterly along said waters to an intersection with a line passing through the point of beginning at an angle of 88 degrees 22' Southeast to Southwest with said centerline of Estero Boulevard; thence run Northeasterly along said line to the point of beginning.

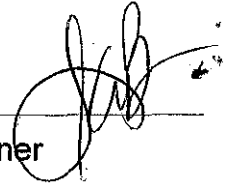
This line has been surveyed by Coastal Planning and Engineering, Inc., and is reflected on survey sketches dated September 21, 2000, and filed in the Public Records of Lee County, Florida.

Division of County Lands

Updated In House Title Search
Search No. 21777/D
Date: April 16, 2002
Parcel: 203
Project: Estero Island Beach
Renourishment #3022

To: Teresa L. Mann, SR/WA
Property Acquisition Agent

From: Shelia A. Bedwell, CLS
Real Estate Title Examiner



STRAP: 28-46-24-W4-02400.000A

An update has been requested of In House Title Search No. 21777/D which covers the period beginning January 1, 1940, at 8:00 a.m. and is now complete through April 3, 2002, at 5:00 p.m.

Subject Property: See attached Schedule "X"

Title to the subject property is vested in the following:

Kahlua Owners Association, Inc., a Florida non-profit corporation

by that certain instrument dated April 24, 1978, recorded May 3, 1978, in Official Record Book 1270, Page 330, Public Records of Lee County, Florida.

Subject to:

1. Title to oil, gas and mineral rights and leases on subject property is specifically omitted from this report.
2. Declaration of Condominium as recorded in Official Record Book 1270, Page 330, Public Records of Lee county, Florida. We cannot determine if the easements affect the project area.
3. Standard Easement Agreement in favor of South Florida Cable Television Corporation, a Florida corporation as recorded in Official Record Book 1648, Page 3798, Public Records of Lee County, Florida. Said easement is now held by South Florida Cablevision, Inc., a Delaware corporation as recorded in Official Record Book 1801, Page 2475, Public Records of Lee County, Florida. We cannot determine if the easement affects the project area.
4. Resolution 01-06-11 establishing an erosion control line of the Gulf of Mexico shoreline on Estero Island, recorded in Official Record Book 3556, Page 2917, Public Records of Lee County, Florida.

Division of County Lands

Updated In House Title Search

Search No: 21777/D

Date: April 16, 2002

Parcel: 203

Project: Estero Island Beach

Renourishment #3022

5. Resolution of the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida regarding the adoption of the Estero Island and Lovers Key Erosion Control Line, recorded in Official Record Book 3585, Page 346, Public Records of Lee County, Florida.

NOTE: A survey of the Coastal Construction Set Back Line in Lee County can be found in Plat Book 31, Page 1, as updated in Plat Book 31-1, Page 1 and as revised in Plat Book 48, Pages 15 thru 34, all in the Public Records of Lee County, Florida.

Tax Status: *No taxes are assessed to this parcel.*

(The end user of this report is responsible for verifying tax and/or assessment information.)

The Division of County Lands has made a diligent search of the Public Record. However, this report contains no guarantees nor warranty as to its accuracy.

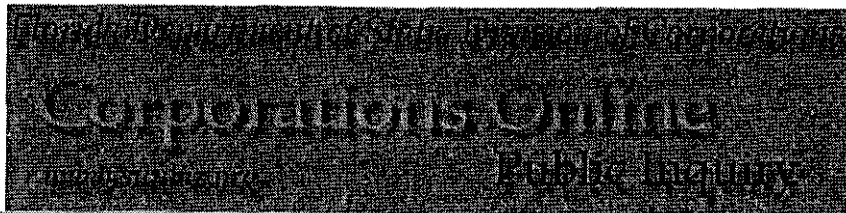
Schedule X

Parcel: 203

Estero Island Beach Renourishment, Project No. 3022

Search No. 21777/D

From the Southeast corner of the fractional Southwest quarter (SW 1/4) of Section 28, Township 46 South, Range 24 East, run Westerly along the South line of said Section 28 for 1643.70 feet to the Northwestern corner of Lot 20 in Block 6 of Gulf Heights Subdivision, according to the map or plat thereof recorded in Plat Book 6 at Page 39 of the Public Records of Lee County; thence run Northwesternly at an angle of $139^{\circ} 39'$ East to Northwest for 736.27 feet; thence run Northeasterly at an angle of $92^{\circ} 00'$ Southwesterly to Northwesternly with the last mentioned course along the Northwesternly line of the lands conveyed by deed recorded in Deed Book 212 at Page 490 of said Public Records for 256 feet, more or less, to the centerline of Estero Boulevard (State Road No. 865), which is the point of beginning of the lands hereby conveyed. From said point of beginning, run Northwesternly along said centerline for 135.64 feet; thence run Southwesterly at an angle of $91^{\circ} 38'$ Northwest to Southwest with said centerline to the waters of the Gulf of Mexico. Thence run Southeasterly along said waters to an intersection with a line passing through the point of beginning at an angle of $88^{\circ} 22'$ Southeast to Southwest with said centerline of Estero Boulevard; thence run Northeasterly along said line to the point of beginning.



Florida Non Profit

KAHLUA OWNERS' ASSOCIATION, INC.

PRINCIPAL ADDRESS
 KAHLUA BEACH CLUB
 FT MYERS BCH FL 33931
 Changed 03/26/1999

MAILING ADDRESS
 4950 ESTERO BOULEVARD
 FT MYERS BCH FL 33931
 Changed 06/15/1988

Document Number
742101

FBI Number
591972324

Date Filed
03/29/1978

State
FL

Status
ACTIVE

Effective Date
NONE

Registered Agent

Name & Address
CIMINSKI, DEBORAH L 4950 ESTERO BLVD. FT. MYERS FL 33931
Name Changed: 05/08/1998
Address Changed: 05/08/1998

Officer/Director Detail

Name & Address	Title
ENDERBY, DONALD 65 SOUTH VERNON ST MIDDLEPORT NY 14105	P
BOLDAK, DAVID 27274 JOLLY RODGER LANE BONITA SPRINGS FL 34135	ST
JASTER, EUGENE 1037 MILLER LANE LAKE SHORE MN 56468	VP
ENDERBY, DONALD 65 SOUTH VERNON STREET MIDDLEPORT NY 14105	V
WEAVER, GEORGE 4347 S PACIFIC CIR FORT MYERS FL 33903	D
WALLACE, JAMES 6670 CRESTRIDGE LOOP #1616 FORT MYERS FL 33912	D

This instrument prepared by:
Lee County
Public Works/County Lands Division
P.O. Box 398
Fort Myers, Florida 33902-0398
Project: Estero Island Beach Renourishment, Project #3022
Parcel No.: 213
Strap No.: 33-46-24-W1-00206.0300

ORIGINAL DOCUMENTS RETAINED IN
COUNTY LANDS FILES FOR HANDLING
UPON BOARD ACCEPTANCE.

(This space is for recording)

PERPETUAL BEACH STORM DAMAGE REDUCTION EASEMENT

5256 ESERO DIV Ft. Myers, Fla. FL 33981
2001 Know all by these presents that on this 26th day of FEBRUARY,
2000, John G. Burns and Mary Jane Burns, husband and wife, whose mailing address is
~~2181 Vernon, Trenton, MI 48183~~, hereinafter referred to as "GRANTOR," in consideration
of the mutual benefits to be derived from the Estero Island Beach Restoration Project (the
"Lee County Shore Protection Project") and other good and valuable consideration, hereby
grants, bargains and conveys to Lee County, a political subdivision of the State of Florida,
whose mailing address is Post Office Box 398, Fort Myers, Florida, 33902-0398,
hereinafter "GRANTEE," a Perpetual Beach Storm Damage Reduction easement (the
"EASEMENT") over and in the following described property (the "EASEMENT
PROPERTY"):

See Attached Schedule A

Perpetual Beach Storm Damage Reduction Easement: A perpetual and assignable easement and right-of-way in, on, over and across the land described in Schedule A (STRAP No. 33-46-24-W1-00206.0300), for use by the Grantee, its representatives, agents, contractors and assigns, to construct; preserve; patrol; operate; maintain; repair; rehabilitate; and replace; a public beach and other erosion control and storm damage reduction measures together with appurtenances thereto, including the right to deposit sand; to accomplish any alterations of contours on said land; to construct berms; to nourish and renourish periodically; to move, store and remove equipment and supplies; to erect and remove temporary structures; and to perform any other work necessary and incident to the construction, periodic renourishment and maintenance of the Lee County Shore Protection Project, together with the right of public use and access; to trim, cut, fell, and remove from said land all trees, underbrush, debris, obstructions, and any other vegetation, structures and obstacles within the limits of the easement; reserving to the grantor(s), their heirs, successors and assigns, all such rights and privileges as may be used and enjoyed without interfering with or abridging the rights and easements hereby acquired; subject however to existing easements for public roads and highways, public utilities, railroads and pipelines.

This is a Nonexclusive Easement with the Grantor reserving the right to the continued free use of the Easement Property in a manner not materially inconsistent with the rights granted herein to Grantee for Grantee's use.

Parcel No.: 213
Strap No.: 33-46-24-W1-00206.0300

IN WITNESS HEREOF, Grantor has caused these presents to be executed on the date first above written.

Signed, sealed and delivered in the presence of:

Grantor:

Witness

(Print Name)

Witness

(Print Name)

Witness

(Print Name)

Witness

(Print Name)

STATE OF Florida
COUNTY OF Lee

The foregoing instrument was acknowledged before me this 26th of February, 2001 (date)

By John G. Burns and Mary Jane Burns, who are personally known to me or who have (Name of persons acknowledging)

produced DRIVERS LIC. as identification. (type of identification)

Kathryn Ascher Mackes
(Signature of person taking acknowledgment)

KATHRYN ASCHER MACKES
(Name typed, printed or stamped)

(Title or rank)

(Serial Number, if any)



Kathryn Ascher Mackes
Commission # CC 953705
Expires Aug. 18, 2004
Bonded Through
Atlantic Bonding Co., Inc.

Parcel No(s): 213
STRAP No(s): 33-46-24-W1-00206.0300

SCHEDULE A

That portion of Lot 30, Block 6, Gulf Heights, according to the map or plat thereof filed and recorded in the Office of the Clerk of the Circuit Court, in Plat Book 6, Page 39, Public Records of Lee County, Florida, lying seaward of the +4.1 NGVD contour line. This line has been surveyed by Coastal Planning and Engineering, Inc., and is reflected on survey sketches dated September 21, 2000, and filed in the Public Records of Lee County, Florida.

Division of County Lands

Updated In House Title Search

Search No. 21780/A

Date: April 11, 2002

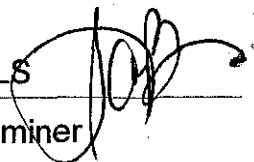
Parcel: 213

Project: Estero Island Beach

Renourishment Project #3022

To: Michael J. O'Hare
Property Acquisition Agent

From: Shelia A. Bedwell, CLS
Real Estate Title Examiner



STRAP: 33-46-24-W1-00206.0300

An update has been requested of In House Title Search No. 21780/A which covers the period beginning January 1, 1940, at 8:00 a.m. and is now complete through March 24, 2002, at 5:00 p.m.

Subject Property: Lot 30, Block 6, Gulf Heights, according to the map or plat thereof filed and recorded in the Office of the Clerk of the Circuit Court, in Plat Book 6, Page 39, Public Records of Lee County, Florida.

Title to the subject property is vested in the following:

John G. Burns and Mary Jane Burns, Husband and Wife

by that certain instrument dated January 13, 1997, recorded January 21, 1997, in Official Record Book 2783, Page 2408, Public Records of Lee County, Florida.

Subject to:

1. Title to oil, gas and mineral rights and leases on subject property is specifically omitted from this report.
2. Walkway easement over and across the Westerly 5 feet of Lot 30 as recited in Official Record Book 2028, Page 4356, Public Records of Lee County, Florida.
3. Ten foot easement for walk, driveway and utility purposes across the East 10 feet of Lot 30, as recorded in Official Record book 2071, Page 4374, Public Records of Lee County, Florida.
4. Mortgage executed by John G. Burns and Mary Jane Burns, Husband and Wife, to Home Savings of America, FSB, dated January 8, 1997, recorded January 21, 1997, in Official Record Book 2783, Page 2409, Public Records of Lee County, Florida.

Department of Public Works
Division of County Lands

Page 2 of 2

Updated In House Title Search
Search No. 21780/A
Date: April 11, 2002
Parcel: 213
Project: Estero Island Beach
Renourishment Project #3022

NOTE: A survey of the coastal construction line in Lee County can be found in Plat Book 31, Page 1, as updated in Plat Book 31-A, Page 1 and as revised in Plat Book 48, Pages 15 thru 34, all in the Public Records of Lee County, Florida.

NOTE: The Plat of Gulf Heights describes an area between the Southwesterly lot lines of subject property and the Gulf of Mexico as Gulf Boulevard.

Tax Status: 2001 taxes have been paid in full.

(The end user of this report is responsible for verifying tax and/or assessment information.)

The Division of County Lands has made a diligent search of the Public Record. However, this report contains no guarantees nor warranty as to its accuracy.

This instrument prepared by:

Lee County

Public Works/County Lands Division

P.O. Box 398

Fort Myers, Florida 33902-0398

Project: Estero Island Beach Renourishment, Project #3022

Parcel No.: 233

Strap No.: 33-46-24-W2-0030A.2000

ORIGINAL DOCUMENTS RETAINED IN
COUNTY LANDS FILES FOR HANDLING
UPON BOARD ACCEPTANCE.

(This space is for recording)

PERPETUAL BEACH STORM DAMAGE REDUCTION EASEMENT

Know all by these presents that on this 29th day of December, 2000, Artis D. Chester, surviving spouse of Tilton Lamar Chester, Jr., deceased, whose mailing address is 5690 Estero Boulevard, Fort Myers Beach, FL 33931, hereinafter referred to as "GRANTOR," in consideration of the mutual benefits to be derived from the Estero Island Beach Restoration Project (the "Lee County Shore Protection Project") and other good and valuable consideration, hereby grants, bargains and conveys to Lee County, a political subdivision of the State of Florida, whose mailing address is Post Office Box 398, Fort Myers, Florida, 33902-0398, hereinafter "GRANTEE," a Perpetual Beach Storm Damage Reduction easement (the "EASEMENT") over and in the following described property (the "EASEMENT PROPERTY"):

See Attached Schedule A

Perpetual Beach Storm Damage Reduction Easement: A perpetual and assignable easement and right-of-way in, on, over and across the land described in Schedule A (STRAP No. 33-46-24-W2-0030A.2000), for use by the Grantee, its representatives, agents, contractors and assigns, to construct; preserve; patrol; operate; maintain; repair; rehabilitate; and replace; a public beach and other erosion control and storm damage reduction measures together with appurtenances thereto, including the right to deposit sand; to accomplish any alterations of contours on said land; to construct berms; to nourish and renourish periodically; to move, store and remove equipment and supplies; to erect and remove temporary structures; and to perform any other work necessary and incident to the construction, periodic renourishment and maintenance of the Lee County Shore Protection Project, together with the right of public use and access; to trim, cut, fell, and remove from said land all trees, underbrush, debris, obstructions, and any other vegetation, structures and obstacles within the limits of the easement; reserving to the grantor(s), their heirs, successors and assigns, all such rights and privileges as may be used and enjoyed without interfering with or abridging the rights and easements hereby acquired; subject however to existing easements for public roads and highways, public utilities, railroads and pipelines.

This is a Nonexclusive Easement with the Grantor reserving the right to the continued free use of the Easement Property in a manner not materially inconsistent with the rights granted herein to Grantee for Grantee's use.

Parcel No.: 233
Strap No.: 33-46-24-W2-0030A.2000

IN WITNESS HEREOF, Grantor has caused these presents to be executed on the date first above written.

Signed, sealed and delivered in the presence of:

Grantor:

Patricia Anne Gregg
Witness
PATRICIA ANNE GREGG
(Print Name)

Artis D. Chester
Artis D. Chester

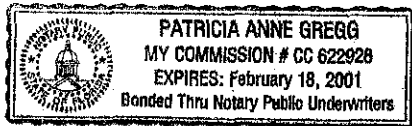
Jana Jones
Witness
Jana Jones
(Print Name)

STATE OF FL
COUNTY OF Lee

The foregoing instrument was acknowledged before me this 29th Dec 2000
(date)

By Artis D. Chester, who is personally known to me or who has
(Name of persons acknowledging)

Produced FL DB C236-004-45-705 as identification.
(type of identification)



Patricia Anne Gregg
(Signature of person taking acknowledgment)
PATRICIA ANNE GREGG
(Name typed, printed or stamped)

(Title or rank)

(Serial Number, if any)

Parcel No(s): 233
STRAP No(s): 33-46-24-W2-0030A.2000

SCHEDULE A

That portion of West 45 feet of Lot 42, Block 5, Gulf Heights, according to the map or plat thereof filed and recorded in the Office of the Clerk of the Circuit Court, in Plat Book 6, Page 39, Public Records of Lee County, Florida, lying seaward of the +4.1 NGVD contour line. This line has been surveyed by Coastal Planning and Engineering, Inc., and is reflected on survey sketches dated September 21, 2000, and filed in the Public Records of Lee County, Florida.

Division of County Lands

Updated In House Title Search

Search No. 21784/D

Date: April 11, 2002

Parcel: 233

Project: Estero Island Beach

Renourishment Project #3022

To: Michael J. O'Hare
Property Acquisition Agent

From: Shelia A. Bedwell, CLS 
Real Estate Title Examiner

STRAP: 33-46-24-W2-0030A.2000

An update has been requested of In House Title Search No. 21784/D which covers the period beginning January 1, 1940, at 8:00 a.m. and is now complete through March 24, 2002, at 5:00 p.m.

Subject Property: West 45 feet of Lot 42, Block 5, Gulf Heights, according to the map or plat thereof filed and recorded in the Office of the Clerk of the Circuit Court, in Plat Book 6, Page 39, Public Records of Lee County, Florida.

Title to the subject property is vested in the following:

Artis D. Chester, surviving spouse of Tilton Lamar Chester, Jr., deceased

by that certain instrument dated February 22, 1984, recorded February 24, 1984, in Official Record Book 1713, Page 2408, Public Records of Lee County, Florida.

Subject to:

1. Title to oil, gas and mineral rights and leases on subject property is specifically omitted from this report.

NOTE: A survey of the coastal construction set back line in Lee County can be found in Plat Book 31, Page 1, as updated in Plat Book 31-1, Page 1 and as revised in Plat Book 48, pages 15 thru 34, all in the Public Records of Lee County, Florida.

NOTE: The Plat of Gulf Heights describes an area between the Southwesterly lot lines of subject property and the Gulf of Mexico as Gulf Boulevard.

NOTE: The death certificate for Tilton Lamar Chester, Jr. is recorded in Official Record Book 1948, Page 2128, Public Records of Lee County, Florida.

Tax Status: 2001 taxes have been paid in full.

(The end user of this report is responsible for verifying tax and/or assessment information.)

The Division of County Lands has made a diligent search of the Public Record. However, this report contains no guarantees nor warranty as to its accuracy.

1948/2128

2352569

RECORD VERIFIED - CHARLIE GREEN, CLERK
BY G. SHERWOOD, D.C.

10

STATE OF GEORGIA
CERTIFICATE OF DEATH - STATE OF GEORGIA

WILSON LAMAR CHESTER JR.
 Male / June 20, 1985
 English / Dec. 28, 1938 / 46
 W/2 Ga. Medical Center / 611 3 PMA
 USA / Married / Artis Diane Lawrence / No
 Eastern Airlines Pilot / 226 / Transportation / 421
 White / 5'11" / Cleveland / Rt. 2 / No

William Lamar Chester
 Washington, D.C. / Son

CREMATION 6-26-85
 Atlanta Crematory / Rablston, Ga. 30059 / Cobb
 370 / P.O. Box 216 / 2817 / Cleveland, Ga. 30528

Massive Blunt Injuries to Head, Chest & Abdomen
 8415

Accident
 No / 2 / Near Residence / 788980x
 0:30 P.M.
 7-2-85 / 7:20 P.M.
 June 20, 1985 / 9:07 P.M.

Jerry C. Ward / Coroner / 3 / P.O. Box 216 / Cleveland, GA 30528
Mavis M. Ward

DATE OF DEATH June 20, 1985
DATE OF CERTIFICATE July 2, 1985

Oct 20 9 21 AM '87

This is to certify that this is a true and correct copy of the certificate filed with the Vital Records Service, Georgia Department of Human Resources. This certified copy is issued under the authority of Chapter 31-10, Vital Records, Code of Georgia.

Mildred R. Zawie
State Vital Records
Registrar and Custodian
Director, Vital Records
Service

County: *Jamieson*
Custodian: *Janice Baker*

Issued By: *Jandra McGee*

Date: *1-15-1987*

This instrument prepared by:
Lee County
Public Works/County Lands Division
P.O. Box 398
Fort Myers, Florida 33902-0398
Project: Estero Island Beach Renourishment, Project #3022
Parcel No.: 232
Strap No.: 33-46-24-W2-00205.0410

ORIGINAL DOCUMENTS RETAINED IN
COUNTY LANDS FILES FOR HANDLING
UPON BOARD ACCEPTANCE.

(This space is for recording)

PERPETUAL BEACH STORM DAMAGE REDUCTION EASEMENT

Know all by these presents that on this 29th day of December, 2000, Wilfred Paul Lawrence and Artis Diane Chester, as tenants in common, whose mailing address is 928 Wigwam Drive, Danville, VA 24540, hereinafter referred to as "GRANTOR," in consideration of the mutual benefits to be derived from the Estero Island Beach Restoration Project (the "Lee County Shore Protection Project") and other good and valuable consideration, hereby grants, bargains and conveys to Lee County, a political subdivision of the State of Florida, whose mailing address is Post Office Box 398, Fort Myers, Florida, 33902-0398, hereinafter "GRANTEE," a Perpetual Beach Storm Damage Reduction easement (the "EASEMENT") over and in the following described property (the "EASEMENT PROPERTY"):

See Attached Schedule A

Perpetual Beach Storm Damage Reduction Easement: A perpetual and assignable easement and right-of-way in, on, over and across the land described in Schedule A (STRAP No. 33-46-24-W2-00205.0410), for use by the Grantee, its representatives, agents, contractors and assigns, to construct; preserve; patrol; operate; maintain; repair; rehabilitate; and replace; a public beach and other erosion control and storm damage reduction measures together with appurtenances thereto, including the right to deposit sand; to accomplish any alterations of contours on said land; to construct berms; to nourish and renourish periodically; to move, store and remove equipment and supplies; to erect and remove temporary structures; and to perform any other work necessary and incident to the construction, periodic renourishment and maintenance of the Lee County Shore Protection Project, together with the right of public use and access; to trim, cut, fell, and remove from said land all trees, underbrush, debris, obstructions, and any other vegetation, structures and obstacles within the limits of the easement; reserving to the grantor(s), their heirs, successors and assigns, all such rights and privileges as may be used and enjoyed without interfering with or abridging the rights and easements hereby acquired; subject however to existing easements for public roads and highways, public utilities, railroads and pipelines.

This is a Nonexclusive Easement with the Grantor reserving the right to the continued free use of the Easement Property in a manner not materially inconsistent with the rights granted herein to Grantee for Grantee's use.

Parcel No.: 232
Strap No.: 33-46-24-W2-00205.0410

IN WITNESS HEREOF, Grantor has caused these presents to be executed on the date first above written.

Signed, sealed and delivered in the presence of:

Patricia Anne Gregg
Witness
PATRICIA ANNE GREGG
(Print Name)

Grantor:

Wilfred Paul Lawrence
Wilfred Paul Lawrence

Jan Jones
Witness
Jan Jones
(Print Name)

STATE OF *Fl*
COUNTY OF *Lee*

The foregoing instrument was acknowledged before me this *29th Dec 2000*
(date)

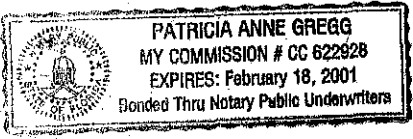
By Wilfred Paul Lawrence, who is personally known to me or who has
(Name of persons acknowledging)

Produced *Pa DL 267-68-9856* as identification.
(type of identification)

Patricia Anne Gregg
(Signature of person taking acknowledgment)
PATRICIA ANNE GREGG
(Name typed, printed or stamped)

(Title or rank)

(Serial Number, if any)



Parcel No.: 232
Strap No.: 33-46-24-W2-00205.0410

IN WITNESS HEREOF, Grantor has caused these presents to be executed on the date first above written.

Signed, sealed and delivered in the presence of:

Grantor:

Patricia Anne Gregg
Witness
PATRICIA ANNE GREGG
(Print Name)

Artis Diane Chester
Artis Diane Chester

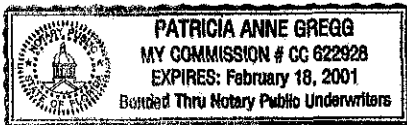
Jana Jones
Witness
Jana Jones
(Print Name)

STATE OF FLORIDA
COUNTY OF Lee

The foregoing instrument was acknowledged before me this 29th Dec 2000
(date)

By Artis Diane Chester, who is personally known to me or who has
(Name of persons acknowledging)

Produced FLIDL C 236-004-45-705 as identification.
(type of identification)



Patricia Anne Gregg
(Signature of person taking acknowledgment)
PATRICIA ANNE GREGG
(Name typed, printed or stamped)

(Title or rank)

(Serial Number, if any)

Parcel No(s): 232
STRAP No(s): 33-46-24-W2-00205.0410

SCHEDULE A

That portion of Lot 41, Block 5, Gulf Heights, according to the map or plat thereof filed and recorded in the Office of the Clerk of the Circuit Court, in Plat Book 6, Page 39, Public Records of Lee County, Florida, lying seaward of the +4.1 NGVD contour line. This line has been surveyed by Coastal Planning and Engineering, Inc., and is reflected on survey sketches dated September 21, 2000, and filed in the Public Records of Lee County, Florida.

