

Lee County Board of County Commissioners

Agenda Item Summary

Blue Sheet No. 20020720

1. REQUESTED MOTION:

ACTION REQUESTED: Accept the donation of a Perpetual Stormwater Drainage Easement covering a portion of Strap No. 02-46-22-18-0000B.0390 for the Cherry/Blueberry Lanes Special Improvement MSBU; authorize the Division of County Lands to handle and accept all documentation necessary; authorize payment of recording fees.

WHY ACTION IS NECESSARY: All real estate acquisitions must be approved by the Board of County Commissioners pursuant to Florida Statute.

WHAT ACTION ACCOMPLISHES: Acquires a permanent easement needed for the Cherry/Blueberry Lanes Special Improvement MSBU.

2. DEPARTMENTAL CATEGORY: 06

COMMISSION DISTRICT #: 1

C6E

3. MEETING DATE:

07-02-2002

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON

TIME REQUIRED:

5. REQUIREMENT/PURPOSE:

(Specify)

- STATUTE 125
- ORDINANCE 96-07
- ADMIN.
- OTHER RSN 96-04-160;96-04-161

6. REQUESTOR OF INFORMATION

- A. COMMISSIONER _____
- B. DEPARTMENT Independent
- C. DIVISION County Lands *TLM 6-14-02*
- BY: Karen L. W. Forsyth, Director *KLF*

7. BACKGROUND:

The Board of County Commissioners created the Cherry/Blueberry Lanes Special Improvement MSBU on April 3, 1996, when it adopted Resolutions Numbers 96-04-160 and 96-04-161. The principal purpose of the project is maintenance of the currently existing roadways and street lighting for Cherry and Blueberry Lanes in St. James City, the cost of which is assessed proportionately against benefitted property owners.

A drainage easement is needed to facilitate stormwater runoff along Cherry Lane. Attached is a copy of the Perpetual Stormwater Drainage Easement granted by the property owners, Willard G. Smith, Jr. and Lois Smith, husband and wife. The original document is in the files of County Lands and will be recorded upon approval by the Board of County Commissioners.

Recording fees will be approximately \$20.00.

Funds are available in Account Number GD5411810417.504120

Staff Recommends Board approve the Requested Motion.

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other <i>MSB/BU</i>	E County Attorney	F Budget Services <i>APM 6/19</i>				G County Manager
					OA	OM	RISK	GC	
<i>K. Forsyth</i>	<i>N/A</i>	<i>N/A</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>6/19/02</i>	<i>6/19/02</i>	<i>6/19/02</i>	<i>6/19/02</i>	<i>[Signature]</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

RECEIVED BY
COUNTY ADMIN. *TJ*
6/18 4:30
COUNTY ADMIN. *BL*
6/20/02
10:15am

REC'D
by CO. ATTY.
6/18/02
2:00pm
CO. ATTY.
FORWARDED TO:
[Signature]
6-18-02 4:00

This Instrument Prepared by:
DIVISION OF COUNTY LANDS
P.O. Box 398
Fort Myers, FL 33902-0398

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

Project: Cherry/Blueberry Drainage
Easements - MSTBU Project

Strap No.: 02-46-22-18-0000B.0390

THIS SPACE FOR RECORDING

**PERPETUAL STORMWATER
DRAINAGE EASEMENT**

This easement grant is made between Willard G. Smith, Jr. and Lois H. Smith, husband and wife, Owner, whose address is 71 Cemetery Road, RFD 1, East Harwich, MA 02645-2126, (Grantor) and LEE COUNTY, a political subdivision of the State of Florida, whose address is P.O. Box 398, Fort Myers, Florida 33902-0398 (Grantee) as follows:

1. For good and valuable consideration, receipt of which is hereby acknowledged, Grantor grants to Grantee, its successors and assigns, a drainage easement in, over and across that portion of Grantor's property legally described in Exhibit "A".
2. Grantee has the right and authority to construct and maintain stormwater drainage facilities, including the installation of pipe, within the easement area in accordance with appropriate permits issued for construction and maintenance.
3. Grantee also has the right and authority to remove or trim any roots, trees or other vegetation or structures, including fencing, within the easement area in order to properly install the stormwater drainage facilities.
4. Grantor may use the easement area for landscaping (except trees), walkway, drainage or similar uses, provided no structures, such as sheds, carports, garages or other buildings, are constructed within the easement area.
5. Title to any drainage facilities constructed in the easement area will remain in the Grantee, its successors or assigns.
6. Grantor warrants that subject to any existing public roadway or utility easements, Grantor is in lawful possession of the subject property free and clear of all liens and encumbrances, except those recorded in the public records, and has the right and power to convey this easement.
7. This easement runs with the land and is binding on Grantor and Grantor's successors and assigns.

Dated: May 14, 2002

[Signature]
1st Witness Signature

[Signature]
Willard G. Smith, Jr., Grantor

Shelby A. Trant
Printed Name of 1st Witness

[Signature]
2nd Witness Signature

Nanette M. Haarman
Printed Name of 2nd Witness

[Signature]
1st Witness Signature

[Signature]
Lois H. Smith, Grantor

Shelby A. Trant
Printed Name of 1st Witness

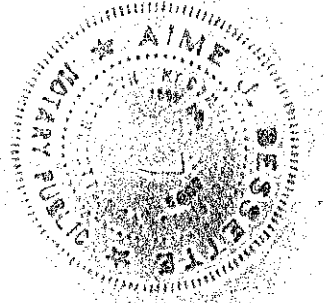
[Signature]
2nd Witness Signature

Nanette M. Haarman
Printed Name of 2nd Witness

STATE OF Massachusetts

COUNTY OF Barnstable

The foregoing instrument was acknowledged before me this 14th day of May, 2002, by Willard G. Smith, Jr. and Lois H. Smith, husband and wife, who is personally known to me or who has produced Mass. drivers licenses (type of identification) as identification.



[Signature]
Signature of Notary Public
Aime J. Bessette
(Name typed, printed or stamped)
(Title or Rank) Manager
(Serial Number) if any
Commission Expiration 5/20/2005

EXHIBIT "A"

Cherry/Blueberry Drainage Easements - MSTBU Project

Strap No.: 02-46-22-18-0000B.0390

The easterly six (6) feet of Lot 39, Block B, Cherry Estates Subdivision, (unrecorded) lying in Section 2, Township 46 South, Range 22 East, Lee County, Florida, as shown upon the Plat recorded in Official Record Book 497, at Page 4 and 5, Lee County, Florida.

Division of County Lands

Ownership and Easement Search

Search No. 21175/A

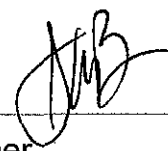
Date: January 28, 2002

Parcel: 10417

Project: Cherry/Blueberry MSBU

To: Karen L.W. Forsyth
Director

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



STRAP: 02-46-22-18-0000B.0390

Effective Date: January 16, 2002, at 5:00 p.m.

Subject Property: Lot 39, Block B, Cherry Estates Subdivision, (unrecorded) lying in Section 2, Township 46 South, Range 22 East, Lee County, Florida, as shown upon the Plat recorded in Official Record Book 497, at Page 4 and 5, Lee County, Florida.

Title to the subject property is vested in the following:

Willard G. Smith, Jr. and Lois H. Smith, husband and wife

by that certain instrument dated March 1, 1994, recorded March 2, 1994 in Official Records Book 2476, Page 3647, Public Records of Lee County, Florida.

Easements:

Twelve and one-half foot (12 ½') easement for roadway to Lee County along the Northerly (front) lot line, as recorded in Official Record Book 2737, Page 4011, Public Records of Lee County, Florida.

Tax Status: NOTE: Tax and assessment information is not indicated on this report. It will be provided at a later date, if determined as being necessary by the end user of this report.
(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.