

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

Blue Sheet No. 20020721

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.0400 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

CLF

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 6-17-02*
- BY: *Karen L. W. Forsyth, Director*

KRW

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, Karen Lee Pappas, Daniel Lee Challeen, and William H. Challeen. 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	B	C	D	E	F				G
Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager
<i>K. Forsyth</i>	<i>N/A</i>	<i>N/A</i>	<i>MSB/BL</i>	<i>6-18-02</i>	OA	OM	RISK	GC	
					<i>6/19/02</i>	<i>6/19/02</i>	<i>6/19</i>	<i>6-19-02</i>	

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

RECEIVED BY COUNTY ADMIN. *D*
6/18 *450*
FORWARDED TO: *BL*
6/20/02 *10:52am*

REC'D. 6/18/02
by CO. ATTY.
2:00pm
CO. ATTY.
FORWARDED TO:
ADMIN
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.0400

THIS SPACE FOR RECORDING

**PERPETUAL STORMWATER
DRAINAGE EASEMENT**

This easement grant is made between Karen Lee Pappas, Daniel Lee Challeen, and William H. Challeen, joint tenants with rights of survivorship, Owner, whose address is 3123 Northern Valley Drive NE, Rochester, MN 55906-4904, (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.

Perpetual Stormwater Drainage Easement
Page 2 of 4

Dated: 4/15/02, 2002

[Signature]
1st Witness Signature

[Signature]
Karen Lee Pappas, Grantor

PAUL WOODSWORTH
Printed Name of 1st Witness

[Signature]
2nd Witness Signature

Deborah DeStano
Printed Name of 2nd Witness

STATE OF Minnesota
COUNTY OF Almsted

The foregoing instrument was acknowledged before me this 15th day of April, 2002, by Karen Lee Pappas who is personally known to me or who has produced _____ as identification.
(type of identification)

[Signature]
Signature of Notary Public

(Name typed, printed or stamped)
(Title or Rank)
(Serial Number, if any)

Perpetual Stormwater Drainage Easement
Page 3 of 4

Dated: 4/15/02, 2002

[Signature]
1st Witness Signature

[Signature]
Daniel Lee Challeen, Grantor

PAUL WOODWORTH
Printed Name of 1st Witness

[Signature]
2nd Witness Signature

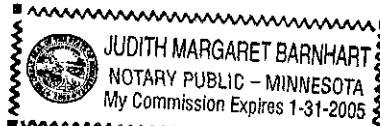
Deborah DeSteno
Printed Name of 2nd Witness

STATE OF MN

COUNTY OF Washington

The foregoing instrument was acknowledged before me this 15th day of April, 2002, by Daniel Lee Challeen, who is personally known to me or who has produced _____ as identification.

(type of identification)



Signature of Notary Public
Judith Margaret Barnhart
(Name typed, printed or stamped)
(Title or Rank)
(Serial Number, if any)

Perpetual Stormwater Drainage Easement
Page 4 of 4

Dated: 4/18/02, 2002

[Signature]
1st Witness Signature

PAUL WOODWORTH
Printed Name of 1st Witness

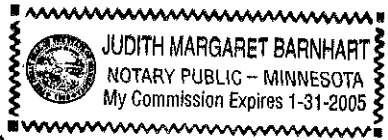
[Signature]
2nd Witness Signature

Deborah DESTINO
Printed Name of 2nd Witness

[Signature]
William H. Challeen, Grantor

STATE OF MN
COUNTY OF Winona

The foregoing instrument was acknowledged before me this 15th day of April, 2002, by William H. Challeen, who is personally known to me or who has produced _____ as identification.
(type of identification)



[Signature]
Signature of Notary Public
(Name typed, printed or stamped)
(Title or Rank)
(Serial Number, if any)

EXHIBIT "A"

Cherry/Blueberry Drainage Easements - MSTBU Project

Strap No.: 02-46-22-18-0000B.0400


The westerly six (6) feet of Lot 40, 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.

Department of Public Works
Division of County Lands

Page 1 of 1

Updated In House Title Search
Search No. 21130/C
Date: April 10, 2002
Parcel:
Project: Cherry/Blueberry Lane
Drainage Easements #CHBB

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

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

STRAP: 02-46-22-18-0000B.0400

An update has been requested of In House Title Search No. 21130/C which covers the period beginning April 16, 1969, at 8:00 a.m. and is now complete through March 24, 2002, at 5:00 p.m.

Subject Property: Lot 40, Block B, Cherry Estates unrecorded, according to the map or plat thereof on file and recorded in the Office of the Clerk of the Circuit Court in Official Book 497, Pages 4 & 5, Public Records of Lee County, Florida, less that 12.5 foot easement granted to Lee County on August 23, 1995 in that deed recorded in Official Record Book 2737, Page 4013, Public Records of Lee County, Florida.

Title to the subject property is vested in the following:

Karen Lee Pappas, Daniel Lee Challeen and William H. Challeen, as joint tenants with Rights of Survivorship.

by that certain instrument dated January 22, 2001, recorded January 24, 2001, in Official Record Book 3354, Page 4245, 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. Twelve and one-half foot (12.5') easement for roadway along the front lot line, as shown on recorded plat and as conveyed to Lee County by instrument recorded in Official Record Book 2737, Page 4013, Public Records of Lee County, Florida.
3. Five foot (5') Public Utility Easement along the front lot line, as shown on recorded plat.

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.