

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

**Blue Sheet No. 20020994**

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Approve purchase of Parcel 125, Lee Boulevard Four Laning, Project No. 4057, pursuant to the terms and conditions as set forth in the Easement Purchase Agreement; authorize the Chairman on behalf of the Board of County Commissioners to sign the Easement Purchase Agreement; authorize payment of necessary fees and costs to close, authorize the Division of County Lands to handle and accept all documentation necessary to complete this transaction.

**WHY ACTION IS NECESSARY:** The Board must formally accept all real estate conveyances to Lee County.

**WHAT ACTION ACCOMPLISHES:** Acquires permanent right of access to construct and maintain stormwater drainage facilities, including the installation of pipe.

**2. DEPARTMENTAL CATEGORY:** 06

**3. MEETING DATE:**

**COMMISSION DISTRICT #:** 5

*C6B*

*10-08-2002*

**4. AGENDA:**

**5. REQUIREMENT/PURPOSE:**

**6. REQUESTOR OF INFORMATION**

- CONSENT ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON

- (Specify)
- STATUTE FS 125
  - ORDINANCE
  - ADMIN.
  - OTHER

- A. COMMISSIONER
- B. DEPARTMENT Independent
- C. DIVISION County Lands
- BY: Karen L. W. Forsyth, Director

TIME REQUIRED:

**7. BACKGROUND:** The Division of County Lands has been requested by the Department of Transportation to acquire a Perpetual Stormwater Drainage Easement for the Lee Boulevard Four Laning (Homestead to Leeland Heights) Project No. 4057.

The parent tract identified as STRAP No. 32-44-27-04-00028.0110, contains approximately 9,800 square feet of commercial land zoned CS-2 and the owners are currently in for a Development Order #2002-0053 for a 1,500 square foot office building. This acquisition consists of a Perpetual Easement interest in 1,625 square feet of the parent tract.

The County has been pursuing obtaining this required easement for several months. It is the only permanent easement necessary to complete construction of the project. All of the other acquisitions in the form of Temporary Construction Easements have been acquired. Time is of the essence due to the project currently being under construction. The owners of Parcel 125, Robert M. and Patricia B. Still, husband and wife, donated two Temporary Construction Easements but refused to donate the perpetual easement; however they have agreed to allow immediate possession of the parcel and sell a perpetual easement for \$5,550. Lee County is to pay closing costs of approximately \$600.

Considering the time and cost it would take to acquire the easement through condemnation proceedings, estimated to be between \$5,000 and \$10,000 excluding the land, staff recommends the Board approve the requested motion.

Funds are available in Account 20405718803.506110  
 20 - Capital Improvement Projects  
 4057 - Lee Blvd. Four Laning  
 18803 - Impact Fees - East  
 506110 - Land Purchase

Attachments: Purchase Agreement  
 In-house Title Search

**8. MANAGEMENT RECOMMENDATIONS:**

**9. RECOMMENDED APPROVAL:**

A Department Director	B Purchasing or Contracts	C Human Resources	D Other DOT	E County Attorney	F Budget Services				G County Manager
<i>K. Forsyth</i>	N/A	N/A	<i>BAD 9/13 RW</i>	<i>Reviewed 9/13/02</i>	QA <i>ebw 9-23-02</i>	ADM. <i>9/23/02</i>	RISK <i>9/23/02</i>	GC <i>9/23/02</i>	<i>[Signature]</i>

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

*FOR CMG 9/17*

REC'D.  
by CO. ATTY.  
*9/19/02*  
1155 PM  
CO. ATTY.  
FORWARDED TO:  
*ADM. L.*  
*9-19-02 4:00*

RECEIVED BY  
COUNTY ADMIN. *EW*  
*9/20 8 AM*  
COUNTY ADMIN.  
FORWARDED TO: *BT*  
*9/26 9:00*

**EASEMENT PURCHASE AGREEMENT**

This Agreement made and entered into this 23<sup>rd</sup> day of August, 2002, by and between **Robert M. Still and Patricia B. Still, husband and wife**, whose address is 111 Lee Boulevard, Lehigh Acres, Florida 33936, hereinafter referred to as Owner, and **LEE COUNTY**, a political subdivision of the State of Florida, for the use and benefit of said County, hereinafter referred to as Purchaser.

Whereas, Purchaser requires a perpetual, nonexclusive utility easement located and described as set forth in Exhibit "A", attached hereto and made a part hereof by reference, for the construction and maintenance of a Stormwater Drainage Facility.

- a) Owner will grant said easement to Purchaser for the sum of \$ 5,550.00. Purchaser to pay recording costs, documentary stamps and title insurance.
- b) Owner agrees that said easement will be granted to Purchaser by execution of a perpetual easement in form and substance set forth in Exhibit "B" attached hereto and made a part hereof by reference.
- c) Purchaser will pay Owner the amount agreed upon in item (a) of this agreement by County Warrant within 60 days of the execution and acceptance of this Easement Purchase Agreement and the Perpetual Easement instrument by Purchaser.
- d) Owner agrees that upon Owner's execution of this agreement, the Purchaser, his successors and assigns will be allowed to use said perpetual easement area as specified in the Perpetual Easement instrument.
- e) Purchaser agrees to complete construction within the easement area in a timely manner.
- f) Owner agrees to obtain a Subordination to the Easement from any encumbrance holder, supplier and supplier and/or contractor and subcontractor that may have lien rights from Notice of Commencement recorded in Official Record Book 3409, Page 1984, Public Records of Lee County, Florida.
- g) The Purchaser, at its option, may obtain a title commitment on the subject parcel within 30 days of the execution of this agreement. If this title commitment indicates that title is vested in an entity or individual other than the Seller, this agreement will be deemed void and Purchaser will have no further obligation under this agreement.

IN WITNESS WHEREOF, the parties have caused these presents to be executed in their respective names on the date first above written.

**SIGNED, SEALED AND DELIVERED  
IN THE PRESENCE OF:**

William Conklin  
1st Witness Signature

Robert M. Still  
Robert M. Still Owner

Nicole C. Maxey  
2nd Witness Signature

William Conklin  
1st Witness Signature

Patricia B. Still  
Patricia B. Still Owner

Nicole C. Maxey  
2nd Witness Signature

**ATTEST:**

CHARLIE GREEN, CLERK

LEE COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS

By: \_\_\_\_\_  
Deputy Clerk

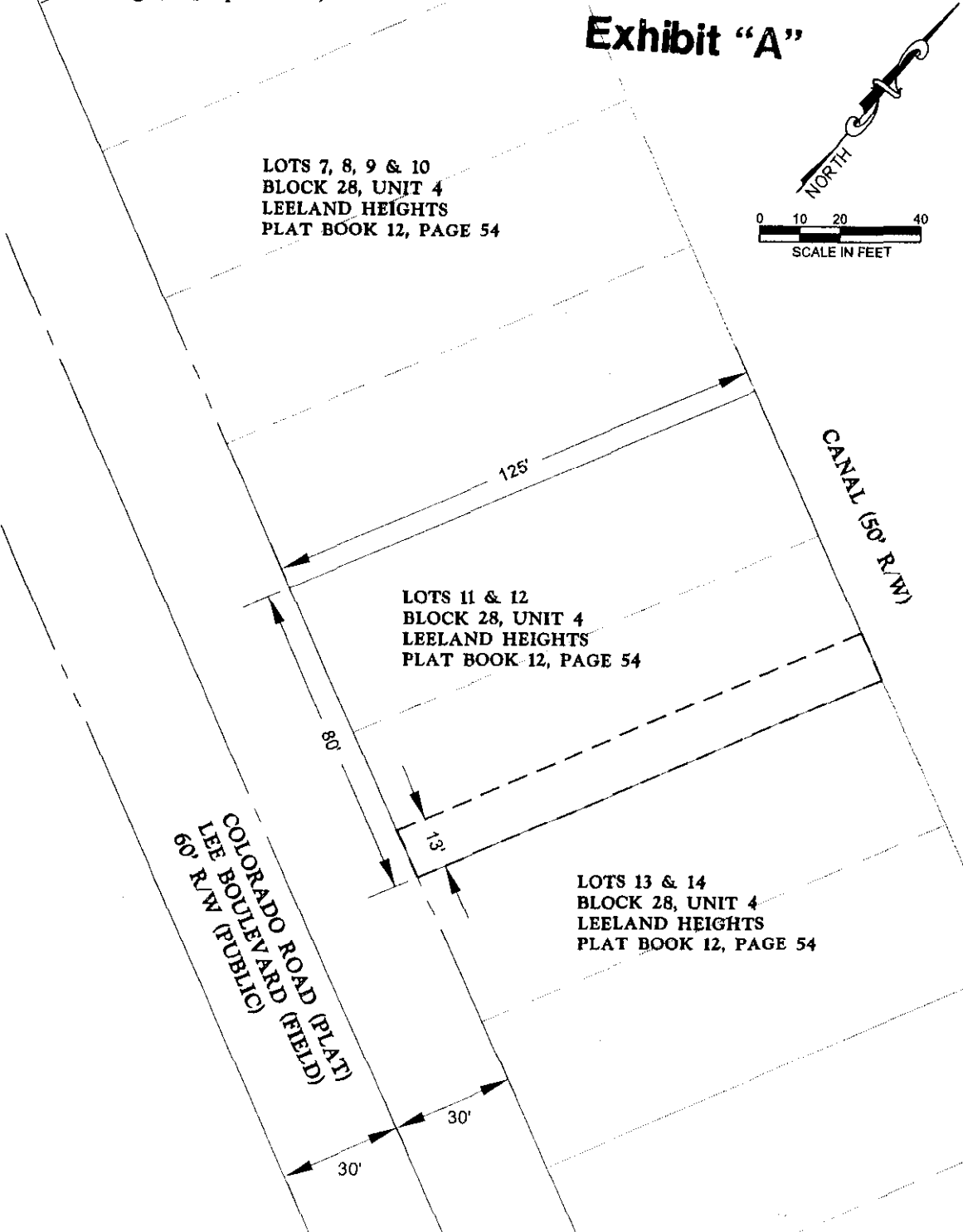
By: \_\_\_\_\_  
Chairman or Vice-Chairman

APPROVED AS TO LEGAL FORM

\_\_\_\_\_  
Office of County Attorney

A tract or parcel of land lying in Section 32, Township 44 S, Range 27 E,  
 Lee County Florida, which tract or parcel is described as follows:  
 The southerly 13 feet of lot 12 as shown in Plat Book 12, Page 54 of the  
 Official Records of Lee County, Florida.  
 Containing 1,625 square feet, more or less.

**Exhibit "A"**



**Barraco**  
 and Associates, Inc.  
 CIVIL ENGINEERS, SURVEYORS AND  
 LAND DEVELOPMENT CONSULTANTS  
 www.barraco.net  
 2121 WEST FIRST STREET, SUITE 4  
 POST OFFICE DRAWER 2800  
 FORT MYERS, FLORIDA 33902-2800  
 PHONE (941) 461-3170  
 FAX (941) 461-3169  
 FLORIDA CERTIFICATES OF AUTHORIZATION  
 ENGINEERING 7995 - SURVEYING LB-6940

PREPARED FOR  
  
 DEPARTMENT OF  
 TRANSPORTATION  
 1500 MONROE STREET  
 FORT MYERS, FLORIDA 33902  
 PHONE (941) 479-8580  
 FAX (941) 479-8520

PROJECT DESCRIPTION  
**LEE  
 BOULEVARD  
 PHASE IV**  
 HOMESTEAD ROAD  
 TO  
 LEELAND HEIGHTS BOULEVARD  
 PART OF SECTIONS 29, 30 AND 32  
 TOWNSHIP 44 SOUTH  
 RANGE 27 EAST  
 LEHIGH ACRES, LEE COUNTY, FLORIDA  
**STORM WATER  
 UTILITY  
 EASEMENT  
 FOR  
 ROADWAY  
 OUTFALL**

FILE NAME	21347501.DWG
LAYOUT	LAYOUT1
LOCATION	J:\21347\DWG1
PLOT DATE	WED, 8-1-2001 - 10:53 AM
PLOT BY	CHESTER YOUNG

**NOTES**

- Easement contains ±1625 Sq. Ft.
- Not valid without the signature and the original raised seal of a Florida Surveyor and Mapper.

**THIS IS NOT A SURVEY**

John R. Avery III (For The Firm)  
 Professional Surveyor and Mapper  
 Florida Certificate No. 5298



This Instrument Prepared by:  
COUNTY LANDS DIVISION  
P.O. Box 398  
Fort Myers, FL 33902-0398  
Parcel: 125  
Project: Lee Boulevard Widening to Leeland Heights, No. 4057

**Exhibit "B"**

Page 1 of 3

Strap No.: Part of 32-44-27-04-00028.0110

THIS SPACE FOR RECORDING

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PERPETUAL STORMWATER  
DRAINAGE EASEMENT

This easement grant is made between Robert M. and Patricia B. Still, husband and wife, owners whose address is 111 Lee Boulevard, Lehigh Acres, Florida 33936-6146 (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. In consideration of the sum of one dollar and other 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 2

Parcel: 125

Project: Lee Boulevard Widening to Leeland Heights, No. 4057

Strap No.: Part of 32-44-27-04-00028.0110

Lillian Conklin

1st Witness Signature

LILLIAN CONKLIN

Printed Name of 1st Witness

Nicole C. Maxey

2nd Witness Signature

Nicole C. Maxey

Printed Name of 2nd Witness

Lillian Conklin

1st Witness Signature

LILLIAN CONKLIN

Printed Name of 1st Witness

Nicole C. Maxey

2nd Witness Signature

Nicole C. Maxey

Printed Name of 2nd Witness

Robert M. Still

Robert M. Still

(Date)

Patricia B. Still

Patricia B. Still

(Date)

STATE OF Florida

COUNTY OF Lee

The foregoing instrument was acknowledged before me this 23rd day of August, 2002 by Robert M. Still & Patricia B. Still  
(name of person acknowledged)

who is personally known to me or who has produced \_\_\_\_\_  
(type of identification)  
as identification.



Karleen A. Behrens  
Signature of Notary Public

Karleen A. Behrens  
(Name typed, printed or stamped)  
(Title or Rank)  
(Serial Number, if any)

# Barraco

and Associates, Inc.  
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LAND DEVELOPMENT CONSULTANTS

www.barraco.net

2121 WEST FIRST STREET, SUITE 4  
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PHONE (841) 461-3170  
FAX (841) 461-3169

FLORIDA CERTIFICATES OF AUTHORIZATION  
ENGINEERING 7995 - SURVEYING LB-6640

PREPARED FOR



DEPARTMENT OF  
TRANSPORTATION

1500 MONROE STREET  
FORT MYERS, FLORIDA 33902  
PHONE (841) 479-8580  
FAX (841) 479-8520

PROJECT DESCRIPTION

## LEE BOULEVARD PHASE IV

HOMESTEAD ROAD  
TO  
LEELAND HEIGHTS BOULEVARD

PART OF SECTIONS 29, 30 AND 32  
TOWNSHIP 44 SOUTH  
RANGE 27 EAST  
LEHIGH ACRES, LEE COUNTY, FLORIDA

## STORM WATER UTILITY EASEMENT FOR ROADWAY OUTFALL

FILE NAME	21347891.DWG
LAYOUT	LAYOUT1
LOCATION	J21347DWG1
PLOT DATE	WED, 8-1-2001 - 10:53 AM
PLOT BY	CHESTER YOUNG

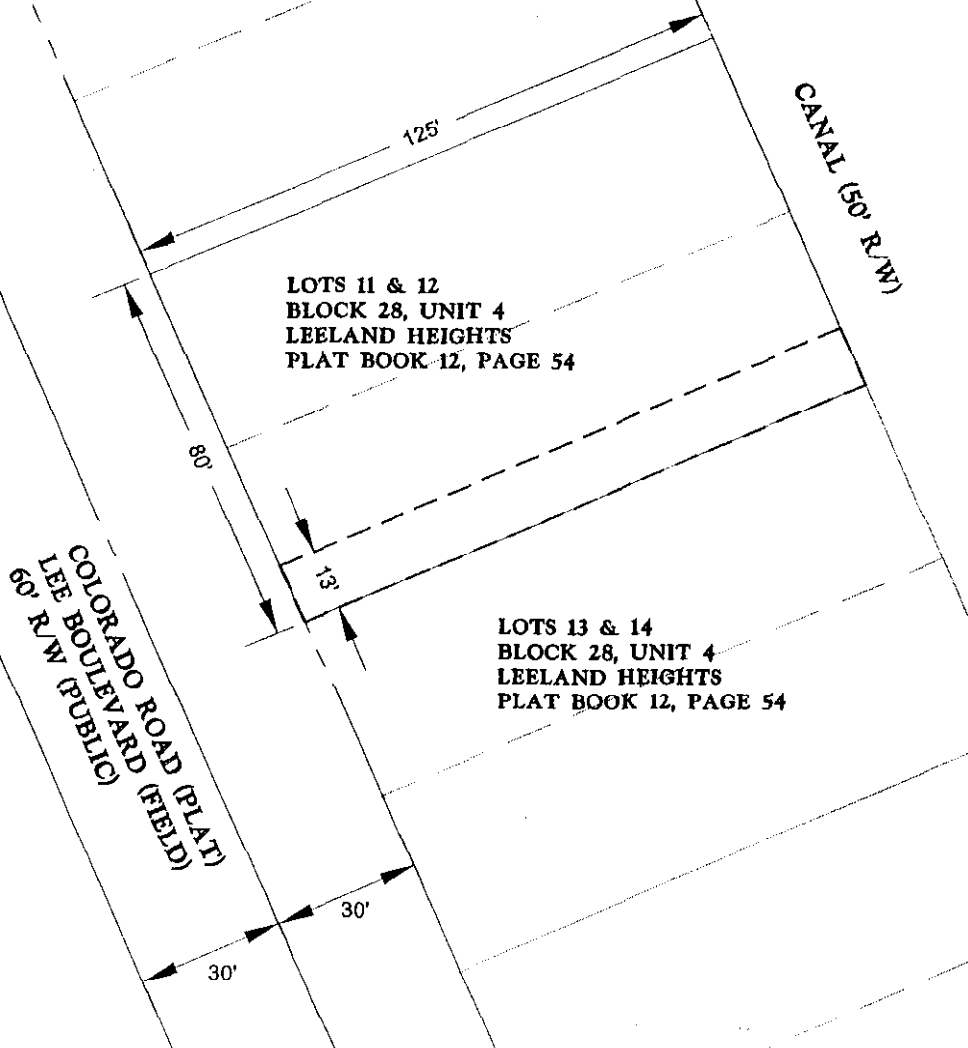
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Containing 1,625 square feet, more or less.

### Exhibit "A"

LOTS 7, 8, 9 & 10  
BLOCK 28, UNIT 4  
LEELAND HEIGHTS  
PLAT BOOK 12, PAGE 54



Page 3 of 3



LOTS 11 & 12  
BLOCK 28, UNIT 4  
LEELAND HEIGHTS  
PLAT BOOK 12, PAGE 54

LOTS 13 & 14  
BLOCK 28, UNIT 4  
LEELAND HEIGHTS  
PLAT BOOK 12, PAGE 54

COLORADO ROAD (PLAT)  
LEE BOULEVARD (FIELD)  
60' R/W (PUBLIC)

#### NOTES

- Easement contains ±1625 Sq. Ft.
- Not valid without the signature and the original raised seal of a Florida Surveyor and Mapper.

**THIS IS NOT A SURVEY**

*John R. Avery III*  
John R. Avery III (For The Firm)  
Professional Surveyor and Mapper  
Florida Certificate No. 5298



**Updated In House Title Search**

Search No. 21910/D

Date: August 27, 2002

Parcel: 125

Project: Lee Boulevard Widening To

Leeland Heights Blvd. Project #4057

To: Michael J. O'Hare  
Property Acquisition Agent

From: Linda K. Fleming, CLS SRWA *AKJ*  
Real Estate Title Examiner

STRAP: 32-44-27-04-00028.0110

This search covers the period of time from January 1, 1940, at 8:00 a.m. to August 21, 2002, at 5:00 p.m.

**Subject Property:** The Southerly 13 feet of Lot 12, Block 28, Unit 4, Leeland Heights, Section 32, Township 44 South, Range 27 East Lehigh Acres, as recorded in Plat Book 12, Page 54, Public Records of Lee County Florida.

Title to the subject property is vested in the following:

**Robert M. Still and Patricia B. Still, husband and wife**

by that certain instrument dated December 15, 2000, recorded January 9, 2001, in Official Record Book 3348, Page 1497, 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. Notice of Commencement recorded in Official Record Book 3469, Page 1984, Public Records of Lee County, Florida. *1 YR UR 8 17-02*
3. Developer's Agreement recorded in Official Record Book 2357, Page 2973, and modified in Official Record Book 2551, Page 833, Public Records of Lee County, Florida. General Assignment recorded in Official Record Book 3632, Page 1562 and in Official Record Book 3632, Page 1699, both in the Public Records of Lee County, Florida.
4. Stipulated Final Judgement in reference to Lee County Comprehensive Land Plan and the Lee County Concurrency Management Ordinance No. 89-33 which sets forth regulations as to the construction and development of various residential property (Case No. 91-2482-CA), as recorded in Official Record Book 2319, Page 1488, and as re-recorded in Official Record Book 2332, Page 148 and amended in Official Record Book 2385, Page 857, Public Records of Lee County, Florida. This must be addressed and resolved by the Title Company or Attorney that handles the transfer to the County.

Updated In House Title Search  
Search No. 21910/D  
Date: August 27, 2002  
Parcel: 125  
Project: Lee Boulevard Widening To  
Leeland Heights Blvd. Project #4057

5. Final Judgement Validating in reference to the assessment of benefit taxes to be levied and collected from various lands for the purpose of water management (Case No. 90-5836 CATSR), as recorded in Official Record Book 2173, Page 469, Public Records of Lee County Florida. This must be addressed and resolved by the Title Company or Attorney that handles the transfer to the County.
6. Property lies within the boundaries of the East County Water Control District and is subject to any acts and/or assessments thereof.
7. Sewer and Water Convents and Restrictions recorded May 24, 1960 in Official Record Book 10, Page 695, and as amended by instruments recorded December 19, 1960 in Official Record Book 41, Page 264, Public Records of Lee County, Florida.
8. Agreement between Lee County Land and Title Company and Lehigh Utilities, Inc. as recorded in Official Record Book 327, Page 119, Public Records of Lee County, Florida.
9. Lots subject to a 5' (5 foot) Utility Easement as recited on recorded plat.

**Tax Status:** 2001 Ad Valorem Taxes are 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.**