

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

Blue Sheet No. 20021181

1. REQUESTED MOTION:

ACTION REQUESTED: Accept by donation, Parcels 13 and 14 for right-of-way necessary for the Charlee Road Special Improvements MSBU for paving and maintenance of the existing road; authorize the Division of County Lands to handle and accept all documentation necessary; authorize payment of recording fees.

WHY ACTION IS NECESSARY: Charlee Road is currently a privately owned road and the County cannot initiate paving and maintenance without a fee interest.

WHAT ACTION ACCOMPLISHES: Acquisition of right-of-way via Quit-Claim Deed by donation from benefitted property owner.

2. DEPARTMENTAL CATEGORY: 06

3. MEETING DATE:

COMMISSION DISTRICT #: 4

C6C

11-5-02

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON

5. REQUIREMENT/PURPOSE:

- (Specify)
- STATUTE 125
 - ORDINANCE 98-25
 - ADMIN.
 - OTHER RSN 02-02-29

6. REQUESTOR OF INFORMATION

- A. COMMISSIONER
- B. DEPARTMENT Independent
- C. DIVISION County Lands *10-10-02*
- BY: *Karen L. W. Forsyth, Director*

TIME REQUIRED:

7. BACKGROUND:

The Board of County Commissioners created the Charlee Road Special Improvement MSBU on February 12, 2002, when it adopted Resolution Number 02-02-29. The principal purpose of the project is paving and maintenance of the currently existing roadway for Charlee Road in North Cape Coral, the cost of which will be assessed proportionately against benefitted property owners. A requirement for maintenance to be accepted by the County is to obtain Quit-Claim deeds from all benefitted property owners.

The attached is a copy of the deed received from the benefitted owner, Margarita Berrios, Trustee of the Margarita Berrios Declaration of Trust dated February 4, 1998. The original document is in the files of County Lands and will be recorded upon approval by the Board of County Commissioners.

There remains 7 more properties for which deed conveyances to the County are required.

Funds are available in Account Number: 80408235280.503150

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	E County Attorney	F Budget Services				G County Manager
					OA	OM	RISK	GC	
<i>K. Forsyth</i>	N/A	N/A	<i>[Signature]</i>	<i>[Signature]</i>	<i>10/23/02</i>	<i>10/24/02</i>	<i>10/24/02</i>	<i>10/23/02</i>	<i>[Signature]</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by Comty
Date: *10/23/02*
Time: *8:54 PM*
9 PM
Forwarded To: *ADMIN*
10-23-02 10:30

RECEIVED BY
COUNTY ADMIN. *EW*
10/23 11:25 A
COUNTY ADMIN.
FORWARDED TO: *B*
10/24 3:00

This Instrument Prepared by:
County Lands Division
Post Office Box 398
Fort Myers, Florida 33902-0398
Project: Charlee Road MSBU
STRAP No.: 06-43-23-00-00004.0110; 012A
Parcel No: 13 & 14

This Space for Recording

QUIT-CLAIM DEED

THIS Quit-Claim Deed, executed this ___ day of _____, A.D. 20___, by **MARGARITA BERRIOS, AS TRUSTEE OF THE MARGARITA BERRIOS DECLARATION OF TRUST dated February 4, 1998** whose address is 1771 Jamaica Way, Punta Gorda, FL 33950, Grantor, to **LEE COUNTY**, a political subdivision of the State of Florida, whose post office address is Post Office Box 398, Fort Myers, FL 33902-0398, Grantee:

(The terms "Grantor" and "Grantee" include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations.)

WITNESSETH, That the Grantor, for and in consideration of the sum of \$1.00 in hand paid by the Grantee, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim to the Grantee, all the right, title interest, claim and demand which the Grantor has in and to the following described parcel of land, located in Lee County Florida.

See Schedule "A" attached hereto

TO HAVE and to HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title interest, lien, equity and claim of the Grantor, either in law or equity, to the only proper use, benefit and behoof of the Grantee forever.

IN WITNESS WHEREOF, The Grantor has signed and sealed these presents the day and year first above written.

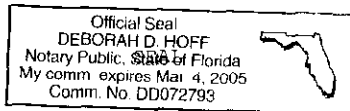
Signed, sealed and delivered in presence of two separate witnesses:

Sandi Leone
1st Witness Signature
Sandi Leone
Printed Name of 1st Witness
[Signature]
2nd Witness Signature
Sona Roman
Printed Name of 2nd Witness

Margarita Berrios
Margarita Berrios, Trustee Grantor

STATE OF Florida)
COUNTY OF Charlotte)

The foregoing instrument was acknowledged before me this 17 day of October, 2002 by Margarita Berrios, Trustee. She is personally known to me or who has produced ___ as identification.
(type of identification)



Deborah D. Hoff
(Signature of Notary Public)
Deborah D. Hoff
(Name typed, printed or stamped)
(Title or Rank)
(Serial Number, if any)

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

Ink Engineering

A Division of
LBFH, Inc.

CIVIL
AGRICULTURAL
WATER RESOURCES
WATER & WASTEWATER
TRANSPORTATION
SURVEYING & MAPPING
GIS

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1400 Colonial Blvd., Suite 31
Fort Myers, FL 33907
(941) 931-0455
Fax: (941) 931-0456
www.lbfh.com

Schedule A

APRIL 9, 2002
JOB NO. 01-7001
01-7001SK11A.doc

SHEET 1 OF 4

Parcel 13

A 30 FOOT WIDE PARCEL OF LAND LYING IN SECTION 6, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA.

DESCRIPTION OF PARCEL

A 30 FOOT WIDE PARCEL OF LAND LYING IN SECTION 6, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTH 30.00 FEET OF THE FOLLOWING DESCRIBED PARCEL OF LAND:

O.R. 1807, PAGE 2347, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.
THE EAST 1/2 OF LOT 11, CHAR-LEE RANCHETTES, UNRECORDED
LOCATED IN SECTION 6, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
FROM THE SOUTHEAST CORNER OF SAID SECTION 6, RUN N.0°41'43"E.,
ALONG THE EAST LINE OF SAID SECTION 6, A DISTANCE OF 830.68 FEET;
THENCE S.88°22'18"W., 774.76 FEET TO THE POINT OF BEGINNING;
THENCE CONTINUE S.88°22'18"W., 282.86 FEET; THENCE N.0°42'25"E.,
415.35 FEET; THENCE N.88°22'18"E., 282.86 FEET; THENCE S.0°42'25"W.,
415.35 FEET TO THE POINT OF BEGINNING.

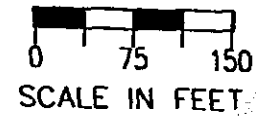
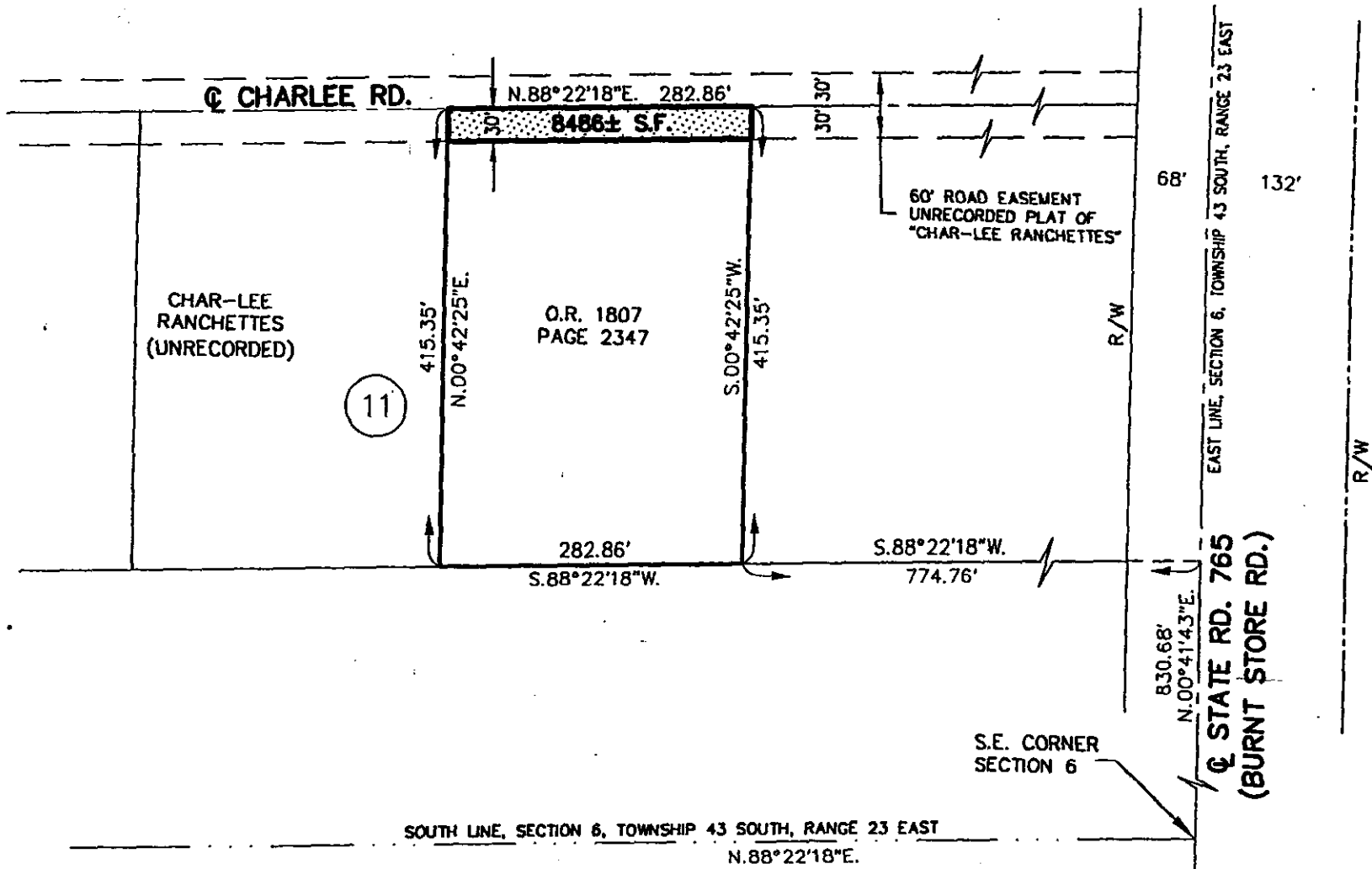
SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD.

CONTAINING 8486 SQUARE FEET MORE OR LESS.

REFER TO 8 1/2" X 11" SKETCH. (SHEET 2 OF 2)

INK ENGINEERING, A DIVISION OF LBFH INC.
BPR & FBPE LICENSE NO. 959


GLENN C. ADAMS, FOR THE FIRM
PROFESSIONAL LAND SURVEYOR
FL. CERT. NO. 6062



LEGEND	
O.R.	OFFICIAL RECORD
S.F.	SQUARE FEET

REFER TO ATTACHED DESCRIPTION

THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, AND RIGHTS OF WAY OF RECORD.

BEARINGS (IF SHOWN HEREON) ARE BASED UPON THE CENTERLINE OF CHARLEE ROAD BEING N.88°22'18"E.

GLENN C. ADAMS, FOR THE FIRM
 PROFESSIONAL LAND SURVEYOR
 FLA. CERTIFICATE NO. 6062

SHEET 2 OF 4

SKETCH (NOT A SURVEY)

A 30' WIDE PARCEL OF LAND
 LYING IN
 SECTION 6, TOWNSHIP 43 SOUTH, RANGE 23 EAST
 LEE COUNTY, FLORIDA

DATE	4/09/02
SCALE	1"=150'
DRAWN	G.C.A.
CHECK	
APPROVED	

Ink Engineering
 CONSULTING CIVIL ENGINEERS,
 SURVEYORS & MAPPERS
 A Division of LBFH, Inc. "Partners For Results,
 Value By Design"
 1400 Colonial Blvd., Suite 31, Fort Myers, Florida 33907
 (941) 931-0455 Fax: (941) 931-0456
 BPR & FBPE License No: 959 www.lbfh.com

FILE: 01-7001SK11A

JOB NO.:

01-7001

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Parcel 14

APRIL 9, 2002
JOB NO. 01-7001
01-7001SK10C.doc

Schedule A

SHEET 3 OF 4

A 30 FOOT WIDE PARCEL OF LAND LYING IN SECTION 6, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA.

DESCRIPTION OF PARCEL

A 30 FOOT WIDE PARCEL OF LAND LYING IN SECTION 6, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTH 30.00 FEET OF THE FOLLOWING DESCRIBED PARCEL OF LAND:

O.R. 1600, PAGE 1076, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.
THE WEST 183.0 FEET OF LOT 10, CHAR-LEE RANCHETTES, UNRECORDED LOCATED IN SECTION 6, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
FROM THE SOUTHEAST CORNER OF SAID SECTION 6, RUN N.0°41'43"E., ALONG THE EAST LINE OF SAID SECTION 6, A DISTANCE OF 830.68 FEET; THENCE S.88°22'18"W., 591.61 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S.88°22'18"W., 183.15 FEET; THENCE N.0°42'25"E., 415.35 FEET; THENCE N.88°22'18"E., 183.15 FEET; THENCE S.0°42'25"W., 415.35 FEET TO THE POINT OF BEGINNING.

SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD.

CONTAINING 5495 SQUARE FEET MORE OR LESS.

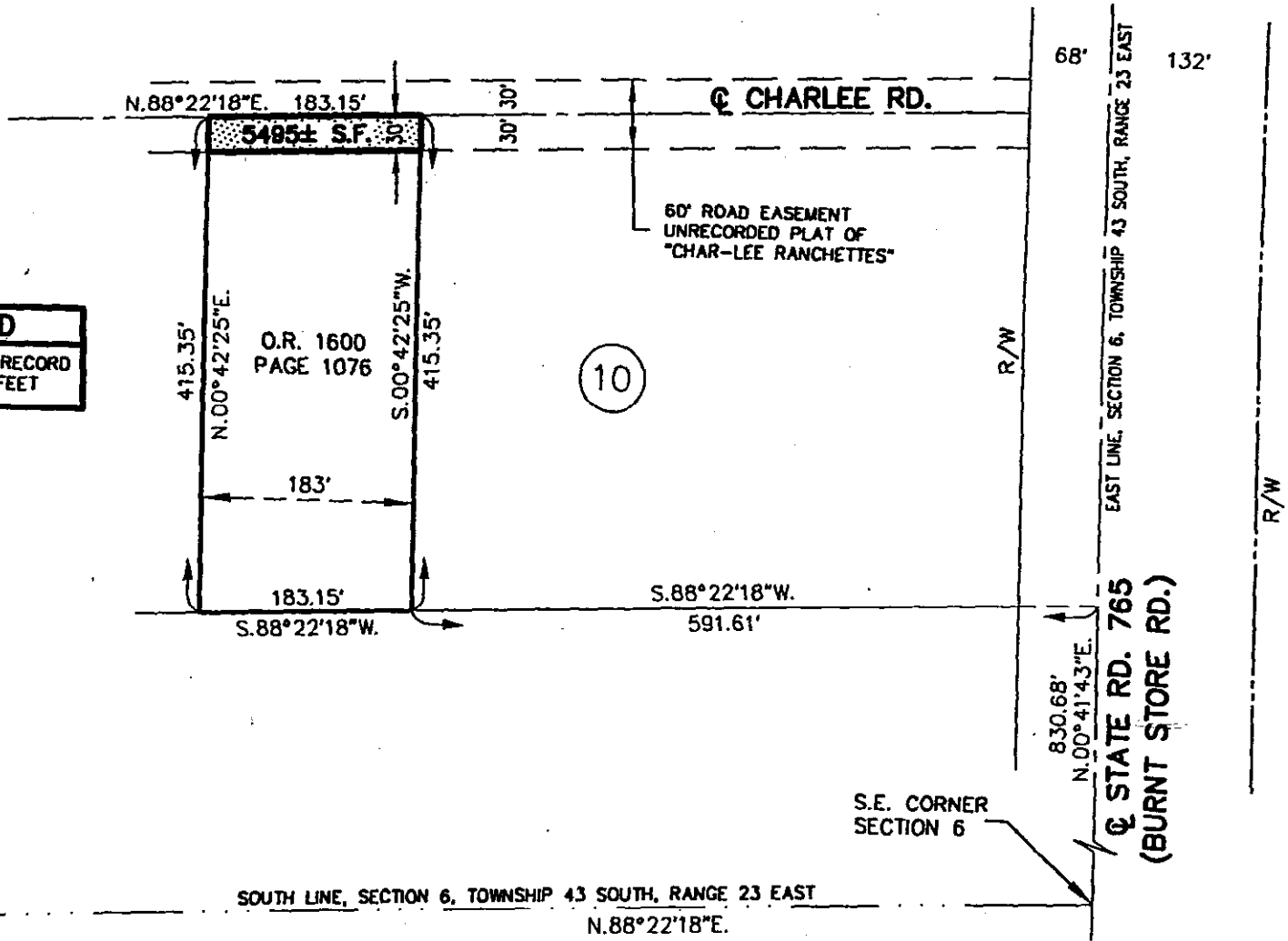
REFER TO 8 1/2" X 11" SKETCH. (SHEET 2 OF 2)

INK ENGINEERING, A DIVISION OF LBFH INC.
BPR & FBPE LICENSE NO. 959



GLENN C. ADAMS, FOR THE FIRM
PROFESSIONAL LAND SURVEYOR
FL. CERT. NO. 6062

LEGEND	
O.R.	OFFICIAL RECORD
S.F.	SQUARE FEET



REFER TO ATTACHED DESCRIPTION

THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, AND RIGHTS OF WAY OF RECORD.

BEARINGS (IF SHOWN HEREON) ARE BASED UPON THE CENTERLINE OF CHARLEE ROAD BEING N.88°22'18"E.

GLENN C. ADAMS, FOR THE FIRM
 PROFESSIONAL LAND SURVEYOR
 FLA. CERTIFICATE NO. 6062

SHEET 4 OF 4

SKETCH (NOT A SURVEY)

A 30' WIDE PARCEL OF LAND

LYING IN

SECTION 6, TOWNSHIP 43 SOUTH, RANGE 23 EAST
 LEE COUNTY, FLORIDA

DATE	4/09/02
SCALE	1"=150'
DRAWN	G.C.A.
CHECK	
APPROVED	

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ILE: 01-7001SK10C

JOB NO.:

01-7001

Executive Title Insurance Services, Inc.

13

1136 NE Pine Island Road
Cape Coral, Florida 33909

As of 10/8/02

[Handwritten Signature]

File No.: LTP-1310

OWNERSHIP AND ENCUMBRANCE REPORT

THIS CERTIFIES, that according to the records in the Office of the Clerk of the Circuit Court Lee County, State of Florida, effective date **March 3, 2002 at 5:00 PM.**, ~~Luis Berrios and Margarita Berrios, Husband and Wife, Trustee~~ is/are the apparent record owner(s) of the following described land (hereinafter referred to as the "Property"), situate, lying and being in the County of Lee, State of Florida, to-wit:

LEGAL DESCRIPTION:

*of the Margarita Berrios
Declaration of Trust dtd 2-4-*

The East ½ of Lot 11, Char-lee Ranchettes, unrecorded, located in Section 6, Township 43 South, Range 23 East, Lee County, Florida, more particularly described as follows: From the Southeast corner of said Section 6, run North 0 degrees 41 minutes 43 seconds East, along the East line of said Section 6, a distance of 830.68 Feet; thence South 88 degrees 22 minutes 18 seconds West, 774.76 Feet to the Point of Beginning; thence continue South 88 degrees 22 minutes 18 seconds West, 282.86 Feet; thence North 0 degrees 42 minutes 25 seconds East, 415.35 Feet; thence North 88 degrees 22 minutes 18 seconds East, 282.86 Feet; thence South 0 degrees 42 minutes 25 seconds West, 415.35 Feet to the Point of Beginning. Subject to a Road Easement over and across the North 30.0 Feet thereof.

SUBJECT TO THE FOLLOWING:

(The items shown herein are the only pertinent instruments affecting the above land, for the period stated above)

1. Certificate of Title recorded in Official Record Book 1807, Page 2347.

THIS COMPANY, in issuing this O & E Report (hereinafter referred to as the "Report"), assumes no liability on account of any instrument or proceedings, in the chain of title to the Property, which may contain defects that would render such instrument or proceedings null and void or defective. All instruments in the chain of title to the Property are assumed to be good and valid.

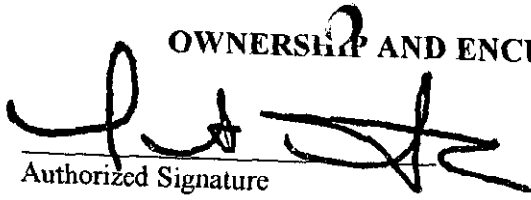
The Company's liability for this Report is limited to \$1,000 and extends only to the Customer who placed the order with the Company. No one else may rely upon this Report. Customer, by accepting this Report, agrees to indemnify and hold Company harmless from any claims or losses in excess of the limited amount stated above. This Report contains no expressed or implied opinion, warranty, guarantee, insurance or other similar assurance as to the status of title to real property. This report should only be relied upon for title information and, therefore, should be verified by a commitment for title insurance.

Date: March 12, 2002.

Executive Title Insurance Services, Inc.

OWNERSHIP AND ENCUMBRANCE REPORT (continued)

BY:


Authorized Signature

Executive Title Insurance Services, Inc.

14

1136 NE Pine Island Road
Cape Coral, Florida 33909

As of 10/8/02



File No.: LTP-1314

OWNERSHIP AND ENCUMBRANCE REPORT

THIS CERTIFIES, that according to the records in the Office of the Clerk of the Circuit Court Lee County, State of Florida, Effective Date: **March 3, 2002 at 5:00 PM.**, ~~Luis D. Berrios-Villaverde and Margarita U. Berrios, as Trustee~~ ~~Husband and Wife~~, is/are the apparent record owner(s) of the following described land (hereinafter referred to as the "Property"), situate, lying and being in the County of Lee, State of Florida, to-wit:

LEGAL DESCRIPTION:

of the Margarita Berrio
Declaration of Trust dtd

The West 183.0 Feet of Lot 10, Char-Lee Ranchettes, unrecorded, located in Section 6, Township 43 South, Range 23 East, Lee County, Florida; more particularly described as follows: From the Southeast corner of said Section 6, run North 0 degrees 41 minutes 43 seconds East, along the East line of said Section 6, a distance of 830.68 Feet; thence South 88 degrees 22 minutes 18 seconds West, 591.61 Feet to the Point of Beginning; thence continue South 88 degrees 22 minutes 18 seconds West, 183.15 Feet; thence North 0 degrees 42 minutes 25 seconds East, 415.35 Feet; thence North 88 degrees 22 minutes 18 seconds East, 183.15 Feet; thence South 0 degrees 42 minutes 25 seconds West, 415.35 Feet to the Point of Beginning. Subject to a Road Easement over and across the North 30.0 Feet thereof, described in Official Record Book 1384, Page 624, of the Public Records of Lee County, Florida.

2-4-98

SUBJECT TO THE FOLLOWING:

(The items shown herein are the only pertinent instruments affecting the above land, for the period stated above)

1. Warranty Deed recorded in Official Record Book 1600, Page 1076.
2. Mortgage recorded in Official Record Book 3527, Page 1987.

THIS COMPANY, in issuing this O & E Report (hereinafter referred to as the "Report"), assumes no liability on account of any instrument or proceedings, in the chain of title to the Property, which may contain defects that would render such instrument or proceedings null and void or defective. All instruments in the chain of title to the Property are assumed to be good and valid.

The Company's liability for this Report is limited to \$1,000 and extends only to the Customer who placed the order with the Company. No one else may rely upon this Report. Customer, by accepting this Report, agrees to indemnify and hold Company harmless from any claims or losses in excess of the limited amount stated above. This Report contains no expressed or implied opinion, warranty, guarantee, insurance or other similar assurance as to the status of title to real property. This report should only be relied upon for title information and, therefore, should be verified by a commitment for title insurance.

Date: March 12, 2002.

Executive Title Insurance Services, Inc.

OWNERSHIP AND ENCUMBRANCE REPORT (continued)

Executive Title Insurance Services, Inc.

BY:


Authorized Signature