

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

Blue Sheet No. 20021204

1. REQUESTED MOTION:

ACTION REQUESTED: Approve reconveyance of a property originally donated for a perpetual utility easement located in Section 19, Township 45 South, Range 25 East; authorize Chairman on behalf of the Board of County Commissioners to execute County Deed; authorize County Lands Division to handle and complete all documentation necessary to finalize this transaction.

WHY ACTION IS NECESSARY: The current property owners have requested the return of this easement in accordance with F.S. 255.22. Board execution of the county deed is necessary to transfer a county interest in the property.

WHAT ACTION ACCOMPLISHES: Extinguishes the county's easement in property.

2. DEPARTMENTAL CATEGORY: 06

COMMISSION DISTRICT #: 2

C6A

3. MEETING DATE:

12-10-2002

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON

TIME REQUIRED:

5. REQUIREMENT/PURPOSE:

- (Specify)
- STATUTE 255.22
 - ORDINANCE
 - ADMIN.
 - OTHER

6. REQUESTOR OF INFORMATION

- A. COMMISSIONER
 - B. DEPARTMENT Independent
 - C. DIVISION County Lands
 - BY: Karen L. W. Forsyth, Director *KLF*
- 11-21-02*

7. BACKGROUND:

In September 1995, a public utility easement for wastewater collection and/or water distribution system and necessary appurtenances was granted to Lee County by Richard G. Couch, Trustee. The easement was recorded in the Public Records at Official Record Book 2640, Page 1785 and is part of the parcel identified by STRAP No. 19-45-25-21-00000.0030. The current owner, McGregor Properties Partnership, is requesting this easement be reconveyed.

Florida Statute 255.22 authorizes the County to reconvey property donated for a specific purpose if a request is received from an adjoining owner, and the County has not used the property for such purpose for a period of sixty (60) consecutive months. County Staff have reviewed this request and determined the easement has not been used, nor are there plans to use this property. Therefore, the statutory requirements for reconveyance have been met and it is appropriate to relinquish the public interest in the easement to the current property owner.

Staff recommends the Board approved 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 <i>11/25</i>				G County Manager
<i>D. Couch for Karen Forsyth</i>	N/A	N/A	<i>R. Diaz 11/22/02</i>	<i>ebw 11-25-02</i>	<i>QA 11/25/02</i>	<i>OM 11/25/02</i>	<i>RISK 11/25/02</i>	<i>GC 11-25-02</i>	<i>11-25-02</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

RECEIVED BY
COUNTY ADMIN. *EW*
11/24/02
COUNTY ADMIN.
FORWARDED TO: *DS*
11/25/02

This Instrument Prepared by:

Lee County Division of County Lands
Post Office Box 398
Fort Myers, Florida 33902-0398

STRAP No. 19-45-25-21-00000.0030

THIS SPACE FOR RECORDING

COUNTY DEED

THIS DEED, executed this __ day of _____, 20__, by LEE COUNTY, FLORIDA, a political subdivision of the State of Florida, whose address is Post Office Box 398, Fort Myers, Florida 33902-0398, Grantor, to MCGREGOR PROPERTIES PARTNERSHIP, a Florida General Partnership, whose address is 12670 New Brittany Boulevard, Suite 203, Fort Myers, Florida 33907, Grantee.

Grantor, for and in consideration of the sum of Ten (\$10.00) Dollars to it in hand paid by the Grantee, receipt whereof is hereby acknowledged, has granted, bargained and sold to the Grantee, its heirs and assigns forever, the following described land, lying and being in Lee County, Florida:

SEE ATTACHED EXHIBITS "A" and "B"

This transfer expressly includes any right or interest the county may hold under FS. 270.11 with respect to petroleum, phosphate, metal or minerals in, on or under the subject parcel.

This grant conveys only the interest of the County and its Board of County Commissioners in the property herein described by virtue of the Perpetual Utility Easement Grant and Indemnity Agreement recorded in OR 2640, Page 1785 and is not deemed to warrant the title or represent any state of facts concerning the title.

IN WITNESS WHEREOF the Grantor has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chair or Vice Chair of said Board, the day and year above.

ATTEST:
CHARLIE GREEN, CLERK

LEE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Chairman

APPROVED AS TO LEGAL FORM:

Office of County Attorney

Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors
FORT MYERS ♦ NAPLES ♦ SARASOTA

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 19, TOWNSHIP 45 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

(UTILITY EASEMENT)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 19, TOWNSHIP 45 SOUTH, RANGE 25 EAST, BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT NORTHWEST CORNER OF TRACT "A2" DANIELS PARK COMMERCE CENTER AS RECORDED IN PLAT BOOK 69, AT PAGES 62 AND 63 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, THE SAME BEING A POINT ON THE NORTHERLY LINE OF A PUBLIC UTILITY EASEMENT RECORDED IN PLAT BOOK 2640, AT PAGE 1785 OF THE PUBLIC RECORDS OF SAID LEE COUNTY; THENCE S.89°06'59"W. ALONG SAID NORTHERLY LINE FOR 15.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S.89°06'59"W. ALONG SAID NORTHERLY LINE FOR 35.24 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF SAID PUBLIC UTILITY EASEMENT; THENCE S.01°00'08"E. ALONG SAID WESTERLY LINE FOR 64.33 FEET; THENCE N.88°59'52"E. FOR 0.24 FEET TO A POINT PARALLEL WITH AND 15.00 FEET WEST (AS MEASURED AT RIGHT ANGLES) OF THE WESTERLY LINE OF SAID TRACT "A2" AND THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 35.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE AND SAID PARALLEL LINE THROUGH A CENTRAL ANGLE OF 90°00'00" FOR 54.98 FEET; THENCE N.01°00'08"W. ALONG SAID PARALLEL LINE FOR 29.26 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 2,002.8 SQUARE FEET, MORE OR LESS.

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

SUBJECT TO FACTS THAT MAY BE REVEALED BY AN ACCURATE BOUNDARY SURVEY.

BEARINGS ARE BASED ON THE WESTERLY LINE OF TRACT "A2" OF DANIELS PARK COMMERCE CENTER AS RECORDED IN PLAT BOOK 69, AT PAGES 62 AND 63 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AS BEARING N.01°00'08"W.

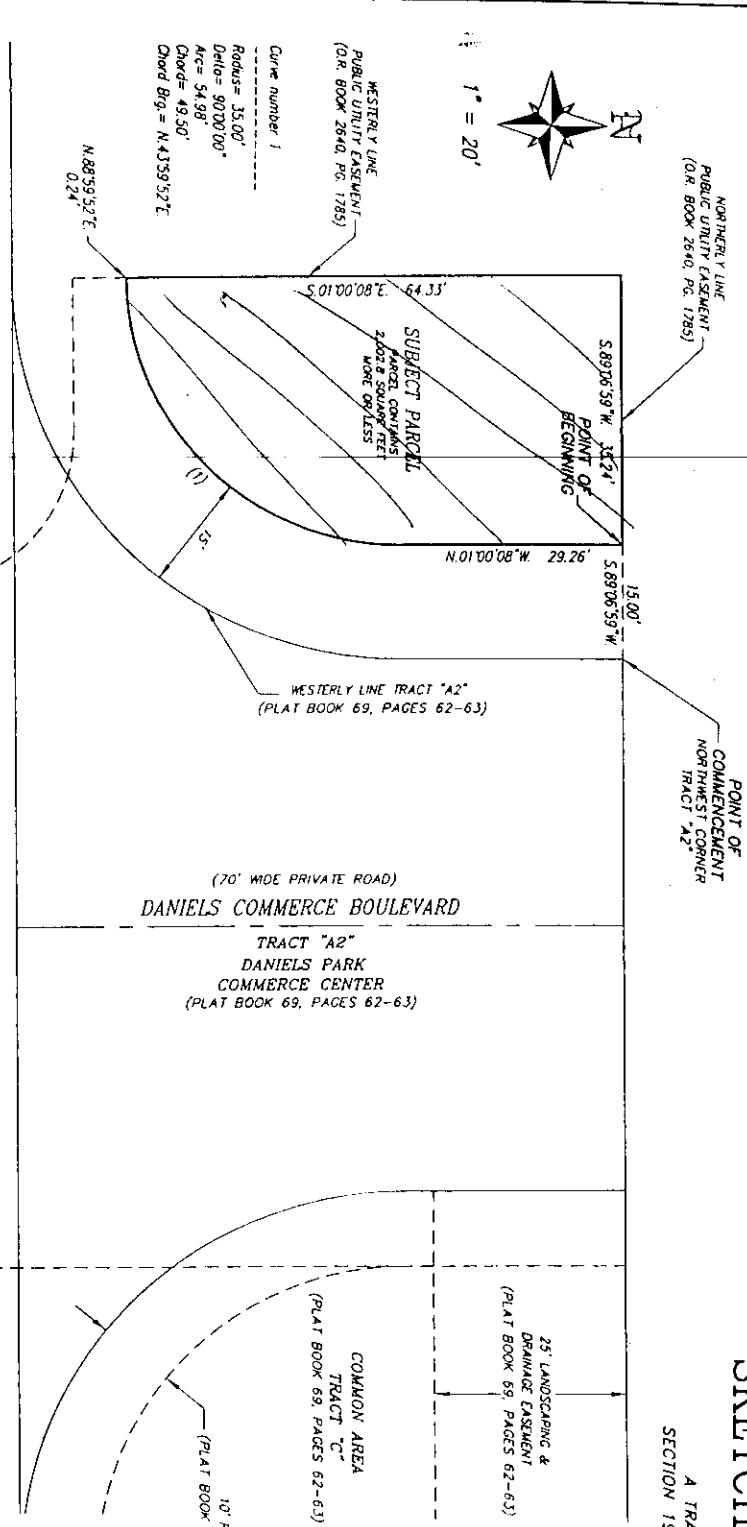
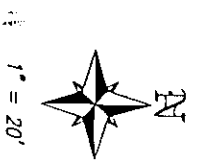
DESCRIPTION PREPARED JANUARY 21, 2002

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Exhibit A

SHEET OF DEEDS

A TRACT OR PARCEL OF LAND LYING IN
SECTION 19, TOWNSHIP 45 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA
(UTILITY EASEMENT)



- LEGEND:**
- (1) INDICATES CURVE 1 FROM DATA SETS
 - O.R. INDICATES OFFICIAL RECORDS BOOK
 - Pg. INDICATES PAGE
 - ⊕ INDICATES CENTERLINE

- NOTES:**
- 1.) SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
 - 2.) BEARINGS ARE BASED ON THE WESTERLY LINE OF TRACT "A2" AS BEARING N 01°00'08" W.

5 100821128V11139 SURVEYING DESCRIPTIONS 11139 AC. SECTION 19, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA

PREPARED 01-21-02
SHEET 2 OF 2

SEE SHEET 1 FOR COMPLETE METES AND BOUNDS DESCRIPTION.
THIS SKETCH OF DESCRIPTION IS NOT A BOUNDARY SURVEY

Thomas R. Lehner, Jr.
THOMAS R. LEHNER, JR. P.S.M.
FLORIDA CERTIFICATION NO. 5541
1/21/02

- THIS SKETCH OF DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL, BASED SEAL OF A FLORIDA LICENSED SURVEYOR AND MEASURER

Exhibit B