

**Lee County Board of County Commissioners**

**Agenda Item Summary**

**Blue Sheet No. 20030480**

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Approve the donation of a subordination of easement agreement (Parcel 136) to the Florida Department of Transportation (FDOT) for the Metro Extension Project, F.P. No. 1957191, authorize the Chairman on behalf of the Board of County Commissioners to execute subordination documents and authorize the Division of County Lands to handle and sign closing forms and documents required by the Federal Highway Administration for FDOT acquisition protocol.

**WHY ACTION IS NECESSARY:** The Board must approve all conveyances of County owned real estate.

**WHAT ACTION ACCOMPLISHES:** Gives FDOT the right to construct or install roadway and drainage improvements within and/or upon County owned property for the Metro Extension Project.

**2. DEPARTMENTAL CATEGORY:** 06  
**COMMISSION DISTRICT #:** 3 & 5 *C6D*

**3. MEETING DATE:** *05-20-2003*

<b>4. AGENDA:</b> <input checked="" type="checkbox"/> CONSENT <input type="checkbox"/> ADMINISTRATIVE <input type="checkbox"/> APPEALS <input type="checkbox"/> PUBLIC <input type="checkbox"/> WALK ON TIME REQUIRED:	<b>5. REQUIREMENT/PURPOSE:</b> (Specify) STATUTE <u>FS 125</u> ORDINANCE _____ ADMIN. _____ OTHER _____	<b>6. REQUESTOR OF INFORMATION</b> A. COMMISSIONER _____ B. DEPARTMENT <u>Independent</u> C. DIVISION <u>County Lands</u> BY: <u>Karen L. W. Forsyth, Director</u> <i>KLW</i>
	<i>PC 4-22-03</i>	

**7. BACKGROUND:**

The FDOT has requested Lee County's subordination of a drainage easement for the extension of Metro Parkway. The general location of the subject is the northwest portion of Section 31, Township 45, Range 25, where Briarcliff Road makes a 90° curve and heads easterly. The subordination area is +/- 25,744 square feet.

Staff recommends Board approval.

No funds are required for this transaction.

**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>				<i>John J. Redden 5-5-03</i>	<i>26W 5/6/03</i>	<i>5/6/03</i>	<i>5/10/03</i>	<i>5/6/03</i>	<i>5/6/03</i>

**10. COMMISSION ACTION:**

APPROVED  
 DENIED  
 DEFERRED  
 OTHER

*DOT [Signature]*  
*MC [Signature]*

**Rec. by CoAtty**  
 Date: *5/7/03*  
 Time: *3:57 PM*  
 Forwarded To:  
 Co. ADM.  
*5/6/03 9:44*

**RECEIVED BY COUNTY ADMIN.** *EW*  
*5-6-03*  
*9:00*  
 COUNTY ADMIN.  
 FORWARDED TO: *HS*  
*5/8 9:10*

Instrument Prepared by:  
Lee County - County Lands  
for Florida Department of Transportation  
PO Box 398  
Fort Myers, Florida 33902  
Parcel: 136  
Section:  
State Road: 739 (Metro)  
County : Lee

### SUBORDINATION AGREEMENT

THIS AGREEMENT, made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between LEE COUNTY, a political subdivision of the State of Florida, hereinafter called the "County", and the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, whose post office address is Post Office Box 1249, Bartow, Florida 33831-1249, hereinafter called the "Department".

WITNESSETH:

WHEREAS, the County is the holder of an easement for drainage, recorded in Official Record Book 1488, Page 1929 of the Public Records of Lee County, Florida, hereinafter called the "Easement;" and

WHEREAS, the Department is the owner of real property described in attached Exhibit "A"; and

WHEREAS, that real property is required by the Department for public transportation purposes;

NOW THEREFORE, for and in consideration of the sum of One Dollar (\$1.00) an other good and valuable consideration paid, the receipt and sufficiency of which is hereby acknowledged, the County hereby agrees, covenants, and consents with the Department that the aforesaid Easement is and shall continue to be subject and subordinate to the property rights of the Department insofar as said Easement affects the real property described in Exhibit "A", **subject to the condition** that Grantee will not diminish the current or future flow capacity of the existing drainage Easement.

This subordination agreement shall be binding upon and subject to the benefit of the respective heirs, legal representatives, successors and assigns of the parties hereto.

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

(OFFICIAL SEAL)

ATTEST:  
CHARLIE GREEN, CLERK

LEE COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS

By: \_\_\_\_\_

\_\_\_\_\_  
Chairman

Grantor(s) Mailing Address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

APPROVED AS TO LEGAL FORM:

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

EXHIBIT "A"

FP NO. 1957191

SECTION 12014-2504                      STATE ROAD 739                      LEE COUNTY                      DESCRIPTION

PARCEL 136

That portion of the southwest  $\frac{1}{4}$  of Section 31, Township 45 South, Range 25 East, Lee County Florida.

Being described as follows:

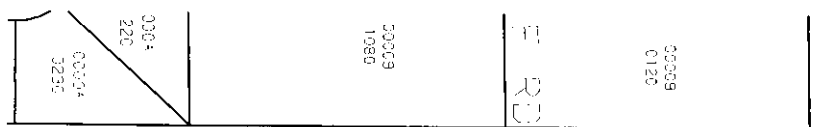
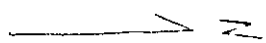
Commence at the northwest corner of Lot 13, Briarcliff Unit No. 3 per Official Records Book 728, Page 685 and per Unrecorded Plat Book 1, Page 31, Public Records of Lee County, Florida; thence along the north line of said Lot 13, South 87°14'34" East a distance of 192.69 feet for a POINT OF BEGINNING; thence North 00°53'04" West a distance of 373.54 feet to the north line of said southwest  $\frac{1}{4}$ ; thence along said north line, North 88°59'24" East a distance of 59.43 feet; thence South 00°36'34" East a distance of 330.12 feet; thence South 80°30'19" East a distance of 61.84 feet to the beginning of a curve concave northwesterly and having a radius of 60.00 feet; thence along the arc of said curve to the left a distance of 106.78 feet through a central angle of 101°57'52" with a chord bearing North 48°34'37" East to the end of said curve; thence South 00°48'06" East a distance of 75.00 feet; thence North 87°14'34" West a distance of 85.75 feet; thence South 00°36'25" East a distance of 30.05 feet to the north line of said Lot 13; thence along said north line, North 87°14'34" West a distance of 103.91 feet to the POINT OF BEGINNING.

Containing 25,744 square feet.

CO CT

S

KILBERRY CT

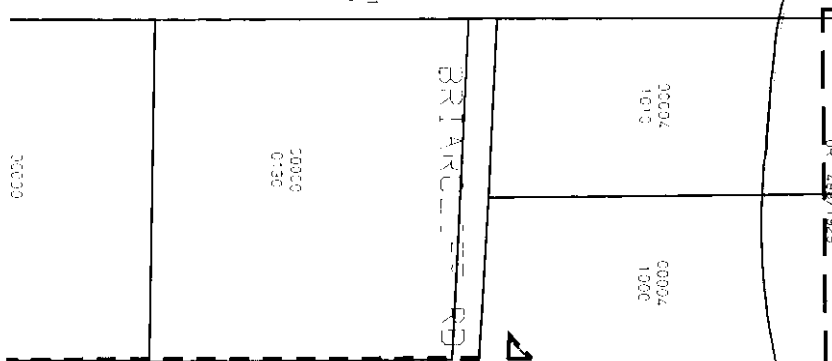
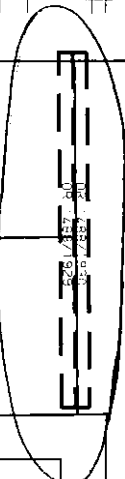


1.18'

1.26' A

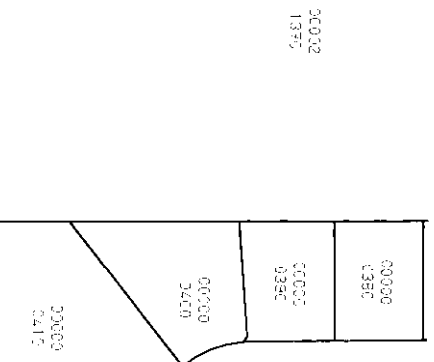
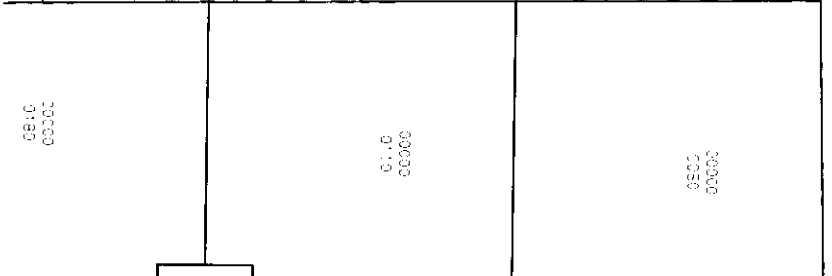
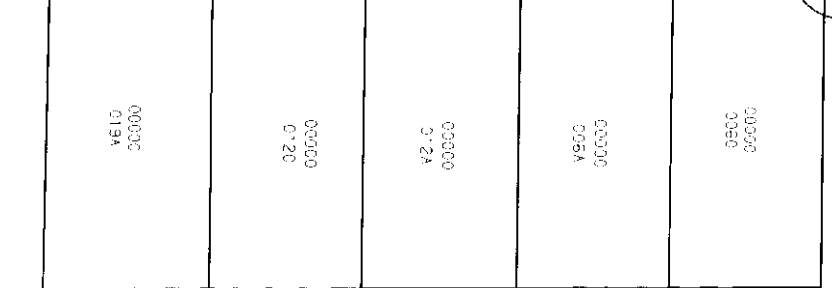
SEARCH #204/3/A

*Subject Area*



BRIARCLIFF RD

BRIARCLIFF RD



*Parcel 136*

**Owner and Encumbrances**

OWNED BY: Elizabeth Ann Francis a/k/a Ann Francis a/k/a Ann T. Francis and Diane L. Jensen, Trustee in Bankruptcy of James T. Francis

SUBJECT TO: EASEMENT recorded in OR Book 1488 at Page 1929 in favor of Lee County, a political subdivision of the State of Florida

**DRAINAGE  
EASEMENT**

1438-1929

This Easement made the 27th day of November, 1980, by Arthur L. Francis and Arline D. Francis hereinafter called the grantor, to LEE COUNTY, a political subdivision of the State of Florida, whose Post Office address is P. O. Box 398, Fort Myers, Florida, 33902, hereinafter called the grantee:

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**WITNESSETH**

That the grantors for good and valuable considerations, the receipt thereof is hereby acknowledged, hereby grant, bargain, sell and transfer to the grantee a perpetual easement for drainage purposes only

to wit:

A 15 foot wide drainage easement situated in Section 31, Township 45 South, Range 25 East, Lee County, Fla. Said easement more particularly described as follows:

Commencing at the Northwest corner of the Southwest quarter of said Section 31, thence N 88° 57' 30" E along the quarter section line for distance of 259.0 feet to the point of beginning. From said point of beginning continue N 88° 57' 30" E for distance of 381.13 feet; Thence S 0° 52' 30" E for distance of 15.0 feet; Thence S 88° 57' 30" W for distance of 381.21 feet; Thence N 0° 19' 25" W for distance of 15.001 feet to the point of beginning.



FEB 13 1981

IN WITNESS WHEREOF, the grantor has caused these presents to be signed this day and year first above written.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF:

Witness Ray J. Coe  
Witness R. J. Lampert

Grantor Arthur L. Francis  
Grantor Arline D. Francis

RECORD VERIFIED - SAJ CHIEF CLERK BY D. HENNINGSON D.C.

STATE OF Florida )  
COUNTY OF Lee ) ss:

I hereby certify that this day before me, an officer duly qualified to take acknowledgments, personally appeared Arthur L. Francis and Arline D. Francis to me know to be the person (s) described in and who executed the foregoing instrument and they acknowledged before me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 27th day of November, 1980.

My Commission Expires: 8/18/82

Douglas E. Austin  
Notary Public (SEAL)

This instrument prepared by:

Douglas E. Austin  
County Courthouse  
P.O. Box 398  
Ft. Myers, Fl 33902