

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

**DATE CRITICAL
Blue Sheet No. 20031178**

1. REQUESTED MOTION:

ACTION REQUESTED: Approve an exchange of real property interests (under §125.37, F.S.) in a portion of the road right-of-way for Orange River Loop Road in exchange for portions of property abutting Williamson Road and Orange River Loop Road, and authorize the Chairman to sign the necessary documents to complete the exchange of real property interests. Also approve (under §270.11, F.S.) the release of the County's interest in any phosphate, mineral, metal and petroleum rights in the portion of Orange River Loop Road, to the extent that the County may possess such rights.

WHY ACTION IS NECESSARY: An exchange of County-owned property under §125.37, F.S., requires approval by the Board of County Commissioners. When requested, §270.11, F.S., also requires Board approval for a release of phosphate, mineral, metal and petroleum rights.

WHAT ACTION ACCOMPLISHES: Authorizes an exchange of County-owned property under §125.37, F.S., and the release of any phosphate, mineral, metal and petroleum rights under §270.11, F.S., in the small portion of Orange River Loop Road being exchanged.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT # 5

A12A

3. MEETING DATE:

10-28-2003

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:**
5 Minutes

5. REQUIREMENT/PURPOSE:
(Specify)

- STATUTE §125.37
- ORDINANCE
- ADMIN. CODE
- OTHER

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER**
- B. DEPARTMENT** County Attorney
- C. DIVISION** Land Use
- BY:** *John J. Fredyma*
John J. Fredyma, Asst. County Atty

7. BACKGROUND:

The County has received a request from Resource Conservation Properties, Inc., the owners of property abutting both Williamson Road and Orange River Loop Road in Section 6, Township 45 South, Range 26 East, and Section 31, Township 43 South, Range 26 East, Lee County, Florida, to exchange a portion of the County's interest in the unused part of the right-of-way of Orange River Loop Road in exchange for portions of property abutting Williamson Road and Orange River Loop Road.

Resource Conservation Properties, Inc., desires to confirm the boundaries of its property. Portions of Williamson Road were established in County Commission Minutes Book (CCMB) 5, Page 441; and portions of Orange River Loop Road were established in CCMB 5, Page 555 and CCMB 5, Page 182; and by subsequent construction and maintenance of the roads themselves. Portions of both roads have been constructed and maintained both inside and outside of their respective original CCMB layouts.

(Continued on Page 2)

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
N/A	N/A	N/A	N/A	<i>Timothy</i>	OA	OM	RISK	GG	<i>10-9-03</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

CO. ATTY.
FORWARDED
TO CO. ADMIN.
10/9/03 JAH

RECEIVED BY COUNTY ADMIN: <i>[Signature]</i>
10/9 900
COUNTY ADMIN FORWARDED TO: <i>[Signature]</i>
10/9 3000

The exchange of property is the entire consideration for this transaction. The property owner will be responsible for all costs of required publication and (if approved) all costs of document recording necessary to effect the exchange. No funding is required.

The conveyance by the County will be by statutory County Deed (Quitclaim Deed). Conveyance to the County will be by Warranty Deed.

The proposed exchange has been reviewed and approved by the Lee County Department of Transportation.

Additionally, Resource Conservation Properties, Inc., has requested the County to release any phosphate, mineral, metal and petroleum rights it might have the small portion of Orange River Loop Road that is part of the above exchange. The request has been made pursuant to §270.11, F.S.

- Attachments: (1) Resolution Approving Exchange of Property
(2) Sketch of properties to be exchanged.

RESOLUTION NO. 03-____

RESOLUTION APPROVING EXCHANGE OF PROPERTY

WHEREAS, Lee County, a political subdivision of the State of Florida (Lee County), is desirous of confirming the boundaries of portions of Williamson Road and Orange River Loop Road located in Section 6, Township 44 South, Range 26 East and Section 31, Township 43 South, Range 26 East, Lee County, Florida; and

WHEREAS, Resource Conservation Properties, Inc., desires to confirm the boundaries of its property located in Section 6, Township 44 South, Range 26 East and Section 31, Township 43 South, Range 26 East, Lee County, Florida; and

WHEREAS, portions of Williamson Road were established in County Commission Minutes Book (CCMB) 5, Page 441; and portions of Orange River Loop Road were established in CCMB 5, Page 555 and CCMB 5, Page 182; and by subsequent construction and maintenance of the roads themselves; and

WHEREAS, portions of both roads have been constructed and maintained both inside and outside of their respective original CCMB layouts; and

WHEREAS, each of the parties will exchange their respective interests in the real property described herein; and

WHEREAS, the Board believes it is in the best interest of the public to exchange the real property interests described herein.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Lee County, Florida, that, in consideration of the mutual covenants and commitments contained herein, the parties hereby agree to the following as the operative provision to effect a property exchange addressing each of the above referenced concerns:

Lee County will convey by statutory County Deed that portion of the road right-of-way for Orange River Loop Road described in attached Exhibit "A" not used for the road.

~~Resource Conservation Properties, Inc., a Florida Corporation, will convey to Lee County by Warranty Deed, its interest in the fee ownership of those portions of real property abutting Williamson Road and Orange River Loop Road described in attached Exhibit "B" (consisting of three parcels).~~

The Chairman, on behalf of the Board of County Commissioners, is hereby authorized to execute the Quitclaim Deed necessary to convey to Resource Conservation Properties, Inc., the real property interest described in attached Exhibit "A"; to accept the conveyance of the real property interests from Resource Conservation Properties, Inc., described in attached Exhibit "B"; and to do those things necessary and appropriate to complete the exchange of real property interests under §125.37, Florida Statutes.

This exchange has been duly noticed and complies with §125.37, Florida Statutes (2003).

The foregoing resolution was offered by Commissioner _____ to move its adoption. The motion was seconded by Commissioner _____, and being put to a vote, the vote was as follows:

Robert P. Janes _____
Douglas R. St. Cerny _____
Ray Judah _____
Andrew W. Coy _____
John E. Albion _____

Duly passed and adopted this 28th day of October, 2003.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Deputy Clerk

BY: _____
Chairman

Approved as to form by:

County Attorney's Office

Attachments: Exhibit "A" - Portion of Williamson Road to be conveyed
by Lee County to Resource Conservation Properties, Inc.
Exhibit "B" - Portions of Williamson Road and Orange River Loop
Road to be conveyed by Resource Conservation
Properties, Inc., to Lee County.

EXHIBIT "A"

Resolution No. 03-____
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Parcel One

A parcel of land lying in Section 6, Township 44 South, Range 26 East, Lee County, Florida, being more particularly described as follows:

Beginning at the north ¼ corner of said Section 6; thence South 89° 20' 50" West along the north line of said Section 6 a distance of 25.00 feet to the westerly right-of-way line of Orange River Loop Road (County Commission Minutes Book 5, Page 555); thence leaving the aforesaid northerly line South 01° 25' 06" East along said westerly line a distance of 761.86 feet to an intersection with the maintained right-of-way line of said Orange River Loop Road; thence leaving the aforesaid westerly right-of-way line North 00° 49' 03" West along said maintained right-of-way line a distance of 757.18 feet; thence continuing along said maintained right-of-way line North 74° 07' 40" East a distance of 17.61 feet to the Point of Beginning of the parcel herein described.

Containing 0.071 of an acre of land, more or less.

Bearings are based on the Florida State Plane Coordinate System, West Zone.

EXHIBIT "B"

Resolution No. 03-_____

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Parcel One

A parcel of land lying in Section 6, Township 44 South, Range 26 East, Lee County, Florida, being more particularly described as follows:

Commencing at the northwest corner of Section 6, Township 44 South, Range 26 East; thence North 89° 20' 50" East along the northerly line of said Section 6 a distance of 25.00 feet to an intersection with the easterly right-of-way line of Williamson Road (County Commission Minutes Book 5, Page 441) and the Point of Beginning of the parcel herein described; thence leaving the aforesaid northerly line South 00° 36' 59" East along said easterly right-of-way line a distance of 2,643.90 feet to an intersection with the north line of the Southwest ¼ of said Section 6; thence continuing along said easterly right-of-way line South 01° 08' 05" East a distance of 643.66 feet to an intersection with the northerly right-of-way line of Orange River Boulevard; thence leaving the aforesaid easterly right-of-way line South 79° 56' 14" East along said northerly right-of-way line a distance of 7.98 feet to an intersection with the maintained right-of-way of Williamson Road; thence leaving the aforesaid northerly right-of-way line North 00° 59' 28" West along said maintained right-of-way line a distance of 645.01 feet to an intersection with the aforementioned north line of the southwest ¼ of Section 6; thence continuing along said maintained right-of-way line North 00° 59' 28" West a distance of 400.02 feet; thence continuing along said maintained right-of-way line North 00° 36' 59" West a distance of 2,243.89 feet to an intersection with the aforementioned northerly line of Section 6; thence leaving the aforesaid maintained right-of-way line South 89° 20' 50" West along said northerly line a distance of 6.82 feet to the Point of Beginning of the parcel herein described.

Containing 0.554 of an acre of land, more or less.

Bearings are based on the Florida State Plane Coordinate System, West Zone.

Parcel Two

A parcel of land lying in Section 6, Township 44 South, Range 26 East, Lee County, Florida, being more particularly described as follows:

Commencing at the northeast corner of the southwest ¼ of said Section 6; thence South 89° 11' 43" West along the north line of said southwest ¼ a distance of 25.00 feet to the westerly right-of-way line of Orange River Loop Road (County Commission Minutes Book 5, Page 555) and the Point of Beginning of the parcel herein being described; thence leaving the aforesaid northerly line North 01° 25' 06" West along said westerly line a

EXHIBIT "B"

Resolution No. 03-_____

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distance of 1,875.57 feet to an intersection with the maintained right-of-way line of said Orange River Loop Road; thence leaving the aforesaid westerly right-of-way line South 00° 49' 03" East along said maintained right-of-way line a distance of 2,809.38 feet; thence continuing along said maintained right-of-way line South 13° 01' 15" West a distance of 152.00 feet; thence continuing along said maintained right-of-way line South 30° 36' 03" West a distance of 39.95 feet to an intersection with the northerly right-of-way line of Orange River Boulevard; thence leaving the aforesaid maintained right-of-way line South 79° 56' 14" East along said northerly right-of-way line a distance of 90.46 feet to an intersection with the aforementioned westerly right-of-way line of Orange River Loop Road (CCMB 5, Page 555); thence leaving the aforesaid northerly right-of-way line North 01° 25' 24" West along said westerly right-of-way line a distance of 1,132.73 feet to the Point of Beginning of the parcel herein described.

Containing 1.194 acres of land, more or less.

Bearings are based on the Florida State Plane Coordinate System, West Zone.

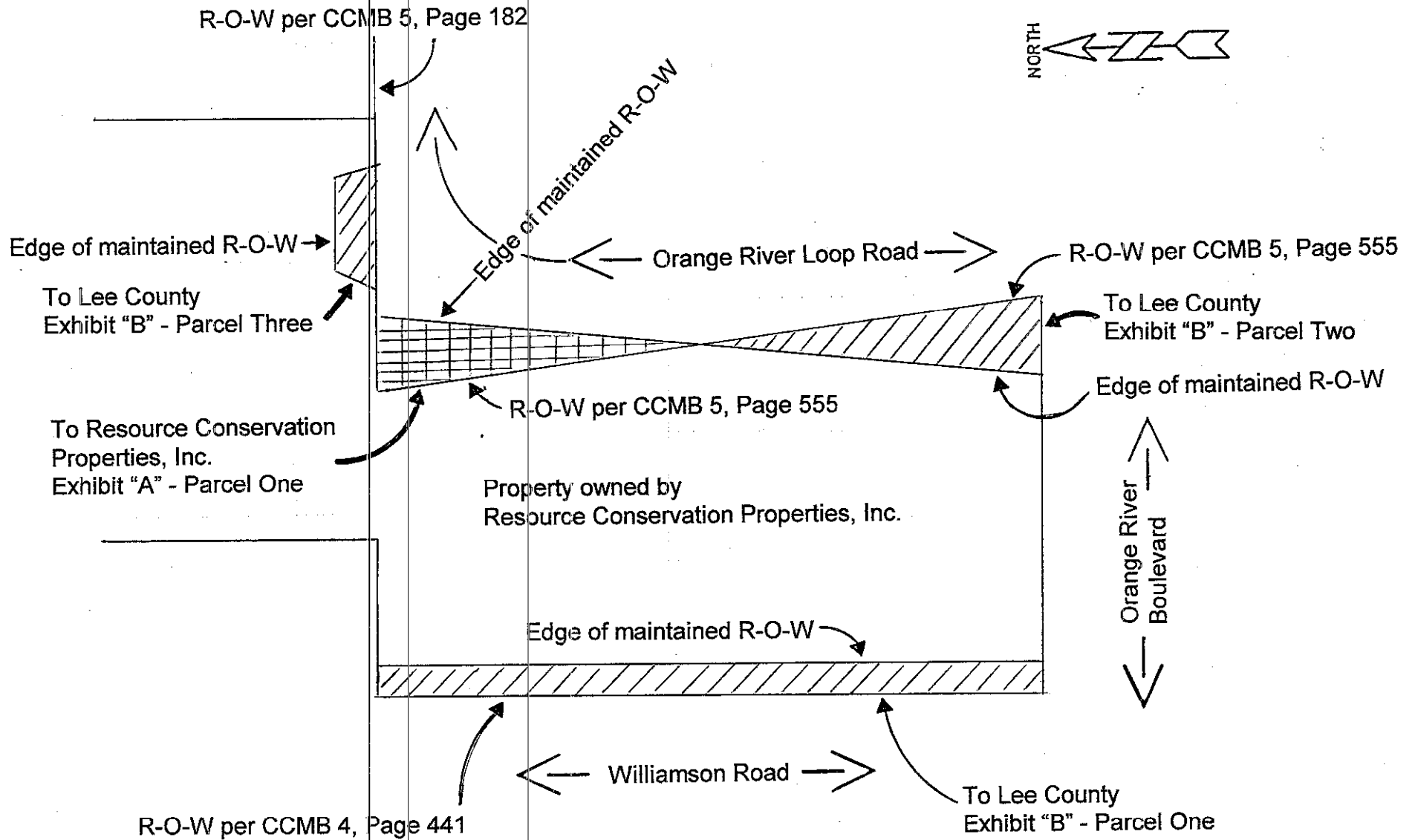
Parcel Three

A parcel of land lying in Section 31, Township 43 South, Range 26 East, Lee County, Florida, being more particularly described as follows:

Commencing at the north ¼ corner of Section 6, Township 44 South, Range 26 East; thence North 89° 20' 50" East along the northerly line of said Section 6 a distance of 15.47 feet; thence leaving said northerly line North 00° 39' 10" West a distance of 20.00 feet to the northerly right-of-way line of Orange River Loop Road (County Commission Minutes Book 5, Page 182) and the Point of Beginning of the parcel herein being described; thence North 89° 20' 50" East along said northerly right-of-way line a distance of 55.98 feet to an intersection with the maintained right-of-way line of said Orange River Loop Road; thence leaving the aforesaid northerly right-of-way line North 00° 44' 23" East along said maintained right-of-way line a distance of 12.74 feet; thence continuing along said maintained right-of-way line South 84° 52' 55" West a distance of 49.22 feet; thence continuing along said maintained right-of-way line South 37° 04' 13" West a distance of 11.27 feet to an intersection with the aforementioned northerly line of Section 6 and the Point of Beginning of the parcel herein described.

Containing 0.013 of an acre of land, more or less.

Bearings are based on the Florida State Plane Coordinate System, West Zone.



Not to Scale