

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

Blue Sheet No. 20031205

1. REQUESTED MOTION:

ACTION REQUESTED: Accept easement grant from V.H.W. Inc. for the Joel Boulevard Sidewalk Project No. 6002. Authorize payment of recording fees and Division of County Lands to handle all documentation necessary to complete transaction.

WHY ACTION IS NECESSARY: The Board must accept all Real Estate conveyances to Lee County.

WHAT ACTION ACCOMPLISHES: This will provide for the construction of a sidewalk.

<p>2. DEPARTMENTAL CATEGORY: 06 COMMISSION DISTRICT # 5 CLA</p>	<p>3. MEETING DATE: 11-04-2003</p>
<p>4. AGENDA:</p> <p><input checked="" type="checkbox"/> CONSENT <input type="checkbox"/> ADMINISTRATIVE <input type="checkbox"/> APPEALS <input type="checkbox"/> PUBLIC <input type="checkbox"/> WALK ON <input type="checkbox"/> TIME REQUIRED:</p>	<p>5. REQUIREMENT/PURPOSE: (Specify)</p> <p><input checked="" type="checkbox"/> STATUTE F.S.125 <input type="checkbox"/> ORDINANCE <input type="checkbox"/> ADMIN. CODE <input type="checkbox"/> OTHER</p>
<p>6. REQUESTOR OF INFORMATION:</p> <p>A. COMMISSIONER B. DEPARTMENT Independent C. DIVISION County Lands <i>[Signature]</i> BY: Karen L. W. Forsyth, Director <i>[Signature]</i></p>	

7. BACKGROUND:

Negotiated for: Lee County Department of Transportation

Interest to Acquire: Grant of Perpetual, Non-Exclusive Right-of-Way Easement for Bikepath/Sidewalk

Property Details: Owner: V.H.W., Inc., a Florida corporation
 Address: 510 Joel Boulevard, Lehigh Acres
 STRAP No.: 26-44-27-13-00050.0060

Purchase Details: The owner has agreed to donate the necessary easement to Lee County. The recording costs for this acquisition are estimated at \$25.

Staff Recommendation: Staff recommends Board approve requested motion.

Account: 20600230700.506110.30
 C.I.P., Countywide Bike Facility, Transportation, Capital Improvements, Land and Court Registry, Construction

Attachments: Copy of Grant of Perpetual, Non-Exclusive Right-of-Way Easement for Bikepath/Sidewalk
 Title Information
 Location Map

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
					<i>Admin 10/23/03</i>				
					OA	OM	Risk	GC	
<i>K. Forsyth</i>			<i>[Signature]</i>	<i>[Signature]</i> 10-22-03	<i>[Signature]</i> 10-23-03	<i>[Signature]</i> 10/23/03	<i>[Signature]</i> 10/23/03	<i>[Signature]</i> 10/23/03	<i>HS 10/23/03</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty

Date: 10/22/03

Time: 4:05 pm

Forwarded To: Co. Admin

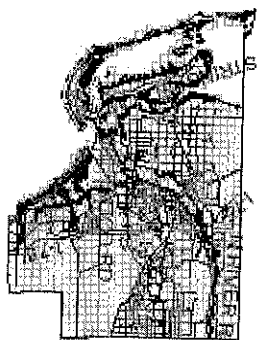
RECEIVED BY
COUNTY ADMIN:

10/25/03

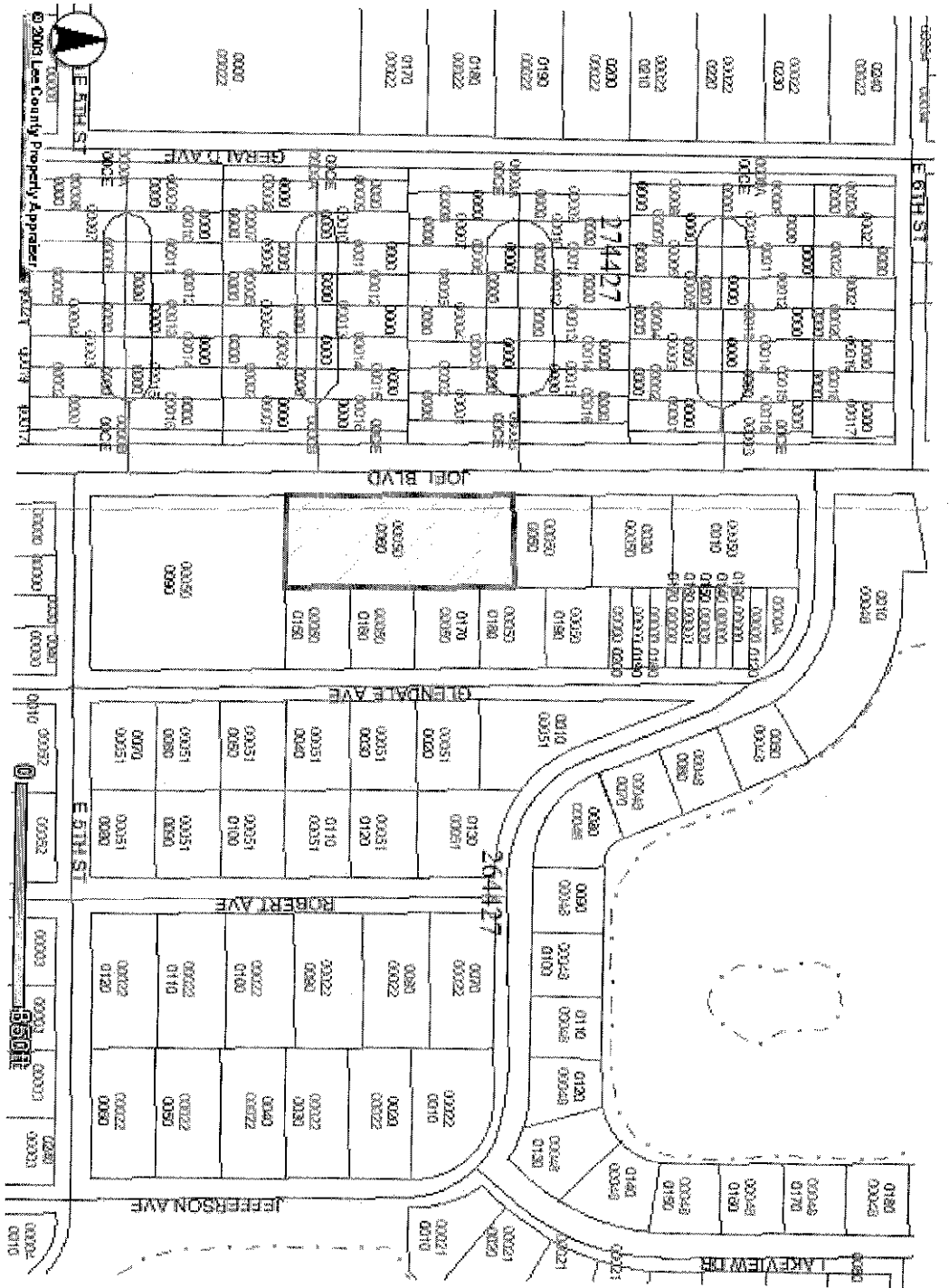
10/25/03 SET

COUNTY ADMIN
FORWARDED TO: *[Signature]*

10/23/03



- Legend**
- Selected Features
 - Block
 - Lel
 - Parcel
 - Parcel Hooks
 - Hydro Features
 - Road Center Line
 - Section Lines
 - City Limits
 - Santa Saveria
 - Cape Coral
 - Fort Myers
 - Sarasota
 - Town of Fort Myers Beach



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THIS INSTRUMENT PREPARED BY:

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

Parcel: VHW, Inc.
Project: Joel Blvd Sidewalk/6002
Strap No.: 26-44-27-13-00050.0060

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

**GRANT OF PERPETUAL
NON EXCLUSIVE RIGHT-OF-WAY EASEMENT
FOR BIKEPATH/SIDEWALK**

This INDENTURE, made and entered into this ____ day of _____, 20__, between V.H.W., INC., a Florida corporation, whose address is 25 N Homestead Road, Unit 37, Lehigh Acres, Florida 33936-6600, hereinafter referred to as "Grantor", and LEE COUNTY, a political subdivision of the State of Florida, whose address is Post Office Box 398, Fort Myers, Florida 33902-0398, hereinafter referred to as "County":

WITNESSETH:

1. For good and valuable consideration, which is hereby acknowledged and accepted, Grantor hereby transfers to the County a perpetual non-exclusive public right-of-way easement for a bikepath/sidewalk situated in Lee County, Florida, located and described as set forth in Exhibit "A" attached hereto.
2. The County is hereby granted the right to construct, replace, renew, extend and maintain a public bikepath/sidewalk and appurtenant drainage system.
3. This right-of-way easement does not limit the construction of the bikepath/sidewalk or drainage system to a particular type, style, material or design.
4. Title to the improvements constructed hereunder will remain in the County.
5. The County will be responsible for maintenance of the bikepath/sidewalk facility.
6. Grantor covenants that it is lawfully seized and possessed of the property described in Exhibit "A", and have lawful right to convey this non-exclusive easement subject to existing easements for public highways or roads, railroads, laterals, ditches, pipelines and electrical transmission or distribution lines and telephone and

Grant of Perpetual Right-of-Way Easement
for Bikepath/Sidewalk
Page 2

cable television lines. Grantor will not place any interfering landscape material in the easement. Also, the Grantor will not obstruct or impede the public's use of the easement.

7. The County will have a reasonable right of access for the purposes of reaching the described easement on either paved or unpaved surfaces. Any damage to Grantor's property or permitted improvements thereon as the result of such access to the described easement or the construction, maintenance, or repairs located within that easement will be restored by the County to the condition in which it existed prior to the damage.

8. The conveyance of this easement will not require the Grantor to modify any previously approved site development plans or permits associated with this property as currently developed.

9. THIS AGREEMENT will be binding upon the parties hereto, their successors and assigns.

10. Grantor, by signing this easement grant, and Grantee, by accepting this easement grant, agree to abide by the terms and conditions contained herein.

IN WITNESS WHEREOF, V.H.W., Inc., a Florida corporation, Grantor has caused this document to be signed on the date first above written.

TWO SEPARATE WITNESSES:

V.H.W., Inc., a Florida
corporation

BY: Jackson L. Vealey
Jackson L. Vealey, Its President

Jennifer M. Glasser
1st Witness Signature

Jennifer M. Glasser
Printed name of 1st Witness

Joseph Keith Gomez
2nd Witness Signature

Joseph Keith Gomez
Printed name of 2nd Witness

STATE OF FLORIDA)
COUNTY OF LEE)

SWORN TO AND SUBSCRIBED before me this 8th day of April,

2003 by Jackson L. Kealey, President
(name of officer or agent, title of officer or agent)

of V.H.W., Inc., a Florida corporation, on behalf of the
corporation. ~~He/She is personally known to me or has produced~~

a Florida Driver License as identification.
(type of identification)



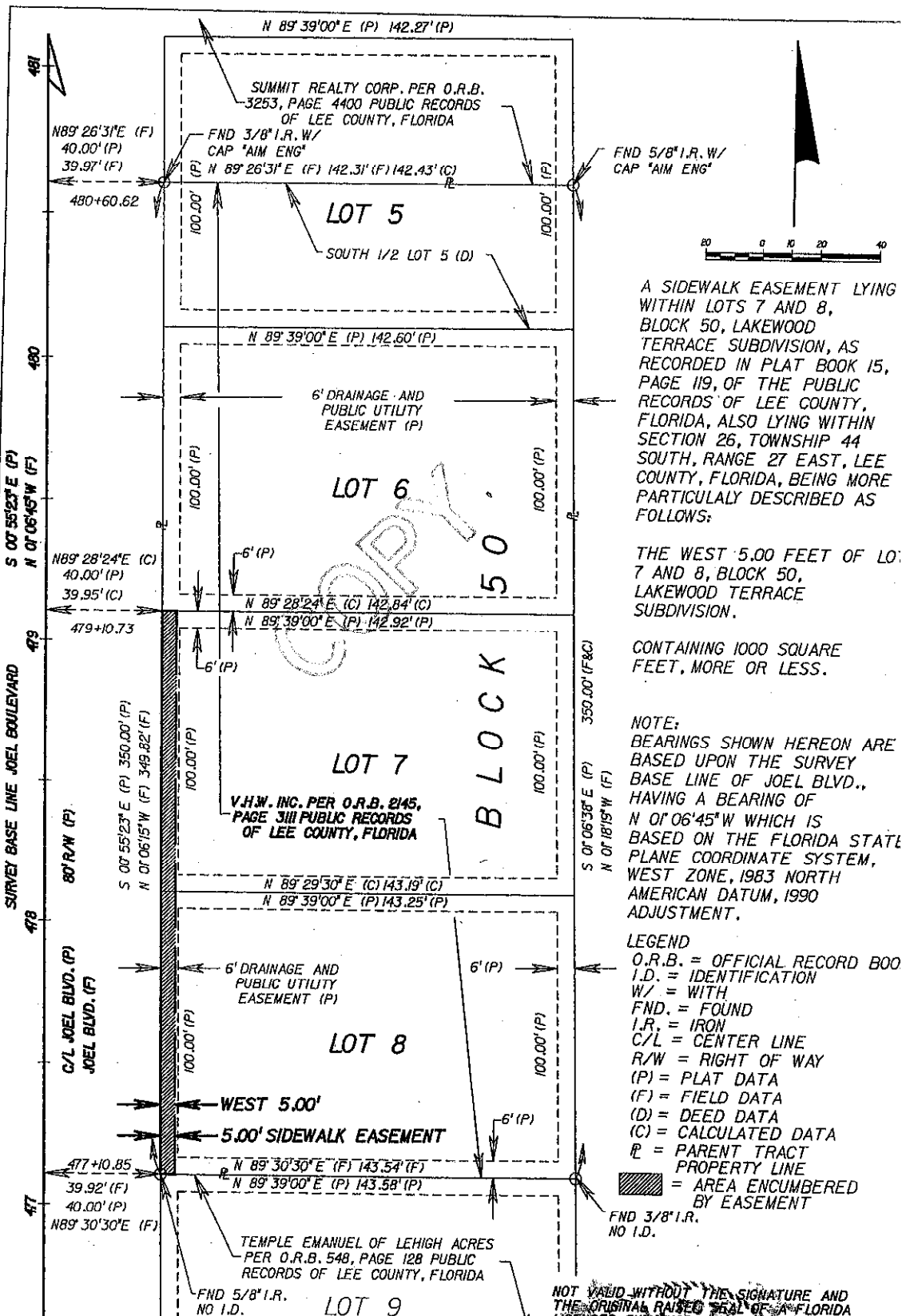
Joseph Keith Gomez
Commission # CC 924702
Expires April 3, 2004
Bonded Thru
Atlantic Bonding Co., Inc.

Joseph Keith Gomez
(Signature of Notary Public)

Joseph Keith Gomez
(Name typed, printed or stamped)
(Title or Rank)
(Serial Number, if any)

COPIES

Exhibit "A"



AIM Engineering & Surveying, Inc.
5300 LEE BLVD.
P.O. BOX 1235
LEHIGH ACRES
FLORIDA 33970
1-800-226-4569

**THIS IS NOT A
BOUNDARY SURVEY**

PROJECT NUMBER: 02-8232	DESCRIPTION: SIDEWALK EASEMENT
DRAWN BY: B.GREEN	CLIENT: WILSONMILLER, INC.

Division of County Lands

Ownership and Easement Search

Search No. 22376

Date: December 19, 2002

Parcel:

Project: Misc. Engineering Design
Services Joel Blvd. Sidewalk Project
JOELSIDE

To: Karen L.W. Forsyth
Director

From: Shelia A. Bedwell, CLS
Real Estate Title Examiner *Shelia A. Bedwell*

STRAP: 26-44-27-13-00050.0060

Effective Date: December 8, 2002, at 5:00 p.m.

Subject Property: South one-half of Lot 5, and Lots 6, 7 and 8, Lakewood Terrace, Section 26, Township 44 South, Range 27 East, Lehigh Acres, according to the map or plat thereof on file and recorded among the Public Records of Lee County, Florida in Plat Book 15, Page 116.

Title to the subject property is vested in the following:

V.H.W., Inc., a Florida corporation

by that certain instrument dated April 27, 1990, recorded April 30, 1990, in Official Record Book 2145, Page 3111, Public Records of Lee County, Florida.

Easements:

1. Easement to Lee County Electric Cooperative, Inc., recorded in Official Record Book 2169, Page 371, Public Records of Lee County, Florida. *Does not cross - this easement encumbers lot 5, Block 50*
2. Plat recorded in Plat Book 15, Page 116, Public Records of Lee County, Florida, shows all lots are subject to a six foot drainage and utility easement both sides, front and back. Said easement was partially vacated by Resolution recorded in Official Record Book 2203, Page 2948, Public Records of Lee County, Florida. *unpaired to and to, Lee County will vacated a portion*

NOTE (1): Declaration of Restrictions for Lakewood Terrace recorded in Official Record Book 234, Page 597, as amended in Official Record Book 274, Page 558, Public Records of Lee County, Florida. *see tabs*

NOTE (2): Notice of Development Order, recorded in Official Record Book 2277, Page 1119, Public Records of Lee County, Florida.

Division of County Lands

Ownership and Easement Search
Search No. 22376
Date: December 19, 2002
Parcel:
Project: Misc. Engineering Design
Services Joel Blvd. Sidewalk Project
JOELSIDE

NOTE (3): Developer's Agreement between Lehigh Corporation, Cliffside Properties, Inc., and Lehigh Utilities, Inc., recorded in Official Record Book 2357, Page 2973, Public Records of Lee County, Florida. *ok*

NOTE (4): Mortgage executed by V.H.W., Inc., a Florida corporation in favor of Barnett Bank of Lee County, N.A., dated November 30, 1993, recorded December 1, 1993, in Official Record Book 2448 Page 123, Public Records of Lee County, Florida.

NOTE (5): Collateral Assignment of Rents, Leases, Profits and Contracts between V.H.W., Inc., a Florida corporation and Barnett Bank of Lee County, N.A., recorded December 1, 1993 in Official Record Book 2448, Page 128, Public Records of Lee County, Florida.

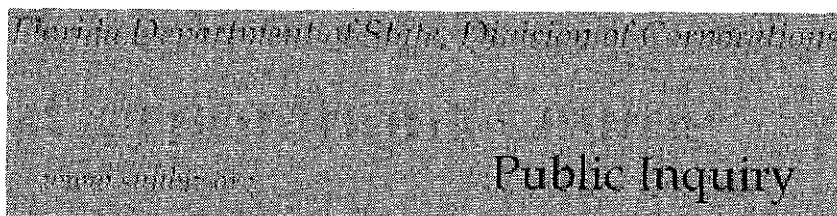
NOTE (6): Collateral Assignment of Agreements Affecting Real Estate between V.H.W., Inc. a Florida corporation and Barnett Bank of Lee County, N.A., recorded December 1, 1993 in Official Record Book 2448, Page 134, Public Records of Lee County, Florida.

NOTE (7): U.C.C. between V.H.W., Inc., a Florida corporation and Barnett Bank of Lee County, N.A., recorded December 1, 1993, in Official Record Book 2448, Page 139, Public Records of Lee County, Florida.

Tax Status: 2002 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.



Florida Profit

V.H.W. INC.

PRINCIPAL ADDRESS
 25N HOMESTEAD ROAD
 UNIT #37
 LEHIGH ACRES FL 33936-6600 US
 Changed 09/23/1999

MAILING ADDRESS
 25N HOMESTEAD ROAD
 UNIT #37
 LEHIGH ACRES FL 33936-6600 US
 Changed 09/23/1999

Document Number F00482	FEI Number 592048828	Date Filed 10/06/1980
State FL	Status ACTIVE	Effective Date NONE
Last Event AMENDMENT	Event Date Filed 03/06/1989	Event Effective Date NONE

Registered Agent

Name & Address
VEALEY, JACKSON L 311 LAKE AVE LEHIGH ACRES FL 33972-5138
Name Changed: 03/05/2001
Address Changed: 05/15/2002

Officer/Director Detail

Name & Address	Title
VEALEY, JACKSON 311 LAKE AVE LEHIGH ACRES FL 33972	PD

VEALEY, JR, JACKSON L 2116 HAMILTON AVENUE ALVA FL 33920	VP
GLASSER, JENNIFER M 342 COLUMBUS BOULEVARD LEHIGH ACRES FL 33936	VP
MATHNEY, JASON R 120 MALA BAR STREET LEHIGH ACRES FL 33972	VP

Annual Reports

Report Year	Filed Date
2001	03/05/2001
2002	05/15/2002
2003	03/03/2003

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No Name History Information

Document Images

Listed below are the images available for this filing.

03/03/2003 -- ANN REP/UNIFORM BUS REP
05/15/2002 -- COR - ANN REP/UNIFORM BUS REP
03/05/2001 -- ANN REP/UNIFORM BUS REP
03/07/2000 -- ANN REP/UNIFORM BUS REP
04/01/1999 -- ANNUAL REPORT
03/04/1998 -- ANNUAL REPORT
03/19/1997 -- ANNUAL REPORT
05/01/1996 -- 1996 ANNUAL REPORT

THIS IS NOT OFFICIAL RECORD; SEE DOCUMENTS IF QUESTION OR CONFLICT

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