

**Lee County Board of County Commissioners**

**Agenda Item Summary**

**Blue Sheet No. 20040062**

**1. REQUESTED MOTION:**

Authorize: (1) approval of Resolution expressing an interest in accepting a donation of surplus land owned by the Florida Department of Transportation consisting of approximately two acres of land in Section 30, Township 43 South, Range 27 East, out of Strap No. 30-43-27-00-00001.0050, to be added to Hickey Creek Mitigation Park; (2) payment of costs and fees to close; (3) Division of County Lands to handle and accept all documentation necessary to complete this transaction.

**WHY ACTION IS NECESSARY:** The Board must formally accept all real estate conveyances to Lee County.

**WHAT ACTION ACCOMPLISHES:** Declares Lee County's intention to accept donation of FDOT owned lands and authorizes staff to complete the transaction.

**2. DEPARTMENTAL CATEGORY: 06**

**COMMISSION DISTRICT #: 5**

*CL6A*

**3. MEETING DATE:**

*02-10-2004*

**4. AGENDA:**

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON

TIME REQUIRED:

**5. REQUIREMENT/PURPOSE:**

- (Specify)
- STATUTE 125
  - ORDINANCE \_\_\_\_\_
  - ADMIN. \_\_\_\_\_
  - OTHER \_\_\_\_\_

**6. REQUESTOR OF INFORMATION**

- A. COMMISSIONER \_\_\_\_\_
- B. DEPARTMENT Independent
- C. DIVISION County Lands
- BY: Karen L. W. Forsyth, Director

**7. BACKGROUND:**

The Florida Department of Transportation (FDOT) currently owns a 4 acre parcel adjacent to Hickey Creek Mitigation Park in East Lee County originally acquired for a pond site for the widening of SR 80. The USCOE and SFWMD permits stipulate that FDOT transfer the two unused acres of a presently occupied Scrub Jay habitat to Lee County (Hickey Creek Mitigation Park).

An Environmental Site Screen Process Inspection was performed in November 1995 and did not indicate any areas of concern. Parks and Recreation Staff is very familiar with the site as they have been helping FDOT manage the site and do not indicate any environmental concerns. Conveyance of the property is to be without another environmental assessment and title insurance.

The property adjoins the park and is located just southeast of the entrance. Parks and Recreation have identified uses for the property as part of the Hickey Creek Mitigation Park and support acceptance of the donation by FDOT.

Necessary costs to close will be approximately \$300.00  
Funds will be available in Account No. KH5722000100.506199

Staff Recommends Board approve the Requested Motion.

**8. MANAGEMENT RECOMMENDATIONS:**

*Cern*

**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>K. Forsyth</i>			<i>John 1-26-04</i>	<i>John 1-26-04</i>	<i>OA 1/27/04</i>	<i>OM 1/27/04</i>	<i>RISK 1/27/04</i>	<i>GC 1/27/04</i>	<i>MS 1/27/04</i>

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

RECEIVED BY  
COUNTY ADMIN: *EW*  
*1/27/04*  
*10:40 AM*

COUNTY ADMIN  
FORWARDED TO: *PL*  
*1-28-04*  
*9 AM*

Rec. by CoAtty

Date: *1-26-04*  
Time: *4:45*

Forwarded To:  
*Co. Admin.*  
*1/27/04 9AM*

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS, LEE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, EXPRESSING AN INTEREST IN ACCEPTING A DONATION OF SURPLUS LANDS OWNED BY THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION, LOCATED IN SECTION 30, TOWNSHIP 43 S, RANGE 27 E, LEE COUNTY, FLORIDA, FOR PUBLIC PURPOSE AND USE.**

**WHEREAS**, the purpose of this Resolution is for Lee County to express an interest in accepting a donation of surplus land owned by the Florida Department of Transportation (FDOT) consisting of approximately two acres; and

**WHEREAS**, pursuant to Department of The Army Permit No. 200206725 (IP - MN), the Permittee (FDOT) will provide proof, within 60 days of the execution of this resolution, that 2.0 acres of occupied Scrub Jay habitat on the project site has been transferred to Lee County, a political subdivision of the State of Florida, specifically for use in the Lee County Hickey Creek Mitigation Park; and

**WHEREAS**, pursuant to §337.25, F.S., the State of Florida may offer any land declared to be surplus to the county in which the surplus land lies, to be used for a specific public purpose and the receiving county, at its option, may elect to acquire the lands so offered without monetary payment; and

**WHEREAS**, the Board of County Commissioners has determined that the property is appropriate for public purpose and use by the County, and that by virtue of conveyance to Lee County, the property will be added to the Hickey Creek Mitigation Park and will benefit the public and community interest and welfare and will be held in public ownership.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA**, that Lee County will accept, if offered, the conveyance, via a Quit Claim Deed, in accordance with the terms of the Declaration of Surplus approved by District Secretary, District One, Florida Department of Transportation, on December 9, 2003, the land described in attached Exhibit "A", without payment of any consideration, and further the described lands will be used by Lee County to serve a valid public purpose.

The foregoing Resolution was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_, and upon being put to a vote, the vote was as follows:

BOB JANES \_\_\_\_\_  
DOUGLAS ST. CERNY \_\_\_\_\_  
RAY JUDAH \_\_\_\_\_  
ANDREW W. COY \_\_\_\_\_  
JOHN E. ALBION \_\_\_\_\_

THIS RESOLUTION WAS DULY PASSED AND ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2004.

ATTEST:  
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Chairman or Vice-Chairman

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Office of County Attorney

LEGAL AND SKETCH LYING IN  
SECTION 30, TOWNSHIP 43 SOUTH, RANGE 27 EAST

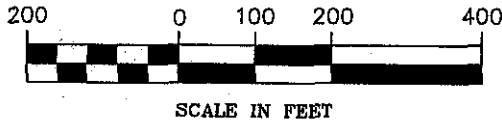
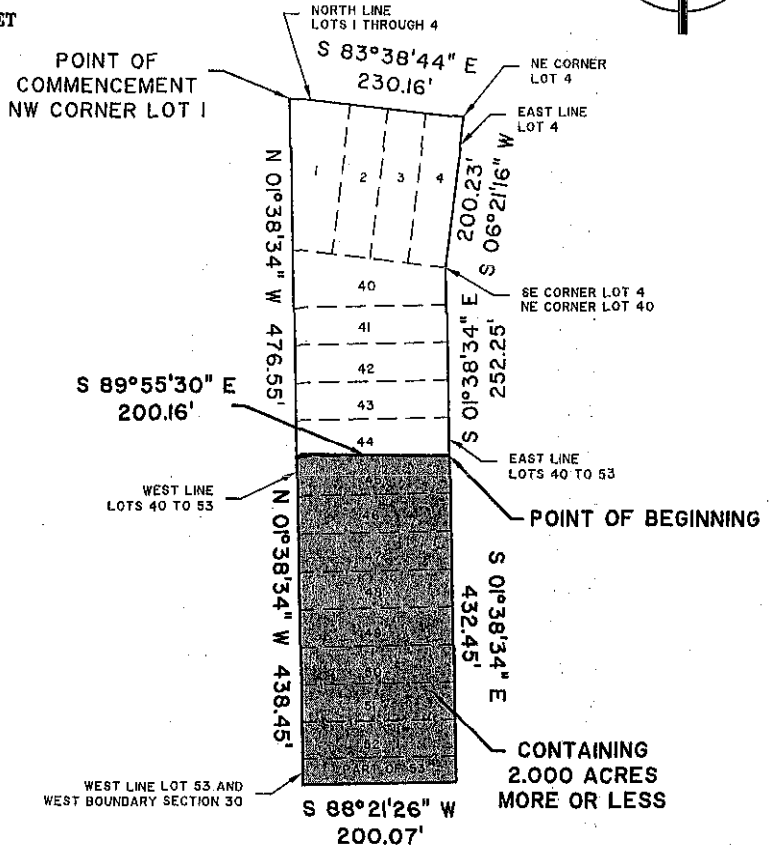


Exhibit "A"



A PORTION OF THE LANDS DESCRIBED IN OFFICIAL RECORD BOOK 2876 PAGE 989 BEING IN THE NORTHWEST 1/4 OF SECTION 30, TOWNSHIP 43 SOUTH, RANGE 27 EAST, FORMALLY KNOWN AS LOTS 1 THROUGH 4, UNIT NO. 1 PINE CREEK ACRES, A SUBDIVISION, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 10, PAGE 13, ALSO LOTS 40 THROUGH 52 AND A PORTION OF LOT 53, UNIT NO. 2 PINE CREEK ACRES, A SUBDIVISION, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 10, PAGE 74, ALL OF SAID LOTS BEING VACATED PER COUNTY COMMISSION MINUTE BOOK 19, PAGE 22, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 1; THENCE ALONG THE NORTH LINE OF SAID LOTS 1 THROUGH 4, SOUTH 89°38'44" EAST, 230.16 FEET TO THE NORTHEAST CORNER OF SAID LOT 4; THENCE ALONG THE EAST LINE OF SAID LOT 4, SOUTH 06°21'16" WEST, 200.23 FEET TO THE SOUTHEAST CORNER OF SAID LOT 4, ALSO BEING THE NORTHEAST CORNER OF SAID LOT 40; THENCE ALONG THE EAST LINE OF SAID LOTS 40 TO 53 INCLUSIVE, SOUTH 01°38'34" EAST, 252.25 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID EAST LINE OF SAID LOTS 40 TO 53 INCLUSIVE, SOUTH 01°38'34" EAST, 432.45 FEET; THENCE SOUTH 88°21'26" WEST, 200.07 FEET TO THE WEST LINE OF SAID LOT 53, ALSO BEING THE WEST OF BOUNDARY OF SAID SECTION 30; THENCE ALONG SAID WEST BOUNDARY OF SECTION 30 AND THE WEST LINE OF SAID LOT 1 AND LOTS 40 TO 53 INCLUSIVE, NORTH 01°38'34" WEST, 438.45 FEET; THENCE SOUTH 89°55'30" EAST, 200.16 FEET TO THE POINT OF BEGINNING.

CONTAINING 2.000 ACRES MORE OR LESS

PREPARED BY:  
AIM ENGINEERING & SURVEYING, INC.

*Robert Tad Simpson* 9-30-03  
 ROBERT TAD SIMPSON, P.S.M. DATE  
 PROFESSIONAL SURVEYOR AND MAPPER  
 FLORIDA CERTIFICATE NO. 6558

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

AIM Engineering & Surveying, Inc.



5300 LEE BLVD.  
 P.O. BOX 1235  
 LEHIGH ACRES  
 FLORIDA 33970  
 239/332-4569  
 FX:239/332-8734

Licensed Business Number 3114

THIS IS NOT A SURVEY

SHEET 1 OF 1

PROJECT NUMBER:		DESCRIPTION:	
DRAWN BY: RTS		CLIENT:	
DATE: 9/26/03	SEC-TWP-RGE 30-43S-27E	FILE: POND 81	COUNTY: LEE COUNTY

**FLORIDA DEPARTMENT OF TRANSPORTATION  
DISTRICT SECRETARY'S INFORMATION  
FOR DETERMINATION OF DECLARATION OF SURPLUS PROPERTY**

FM#	: 1956091	COUNTY	: Lee
SECTION/JOB #	: 12020-2543	STATE ROAD #	: 80
FAP #	: N/A	PARCEL #	: 130(part)

**PURPOSE:** Per an E-mail from Sarah Clarke, SWAO Project Manager the attached USCOE and SFWMD permits for the SR 80 design build project stipulate that FDOT transfer the two (2) unused acres of a presently occupied Scrub Jay habitat that is a portion of a four (4) acre site, as referenced above, to Lee County Government (Hickey Creek Mitigation Park). See attachments for maps and legal description of the property to be transferred.

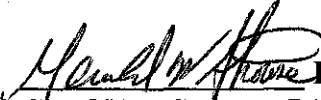
**PROPOSED CONVEYANCE:   Quit Claim Deed**

Federal funds were not involved in acquisition. The parcel is not part of, or related, to the Florida Turnpike System. The parcel is deemed unnecessary for future development or maintenance of the adjacent transportation corridor. The subject lands are to be offered to the local governmental agencies as per Right of Way Procedures Manual, Section 10.5.1.10.


This is to certify that procedures set by the Department have been followed in the preparation of this recommendation

Property Management recommends the property be deemed Surplus and requests the District Secretary to declare the property surplus and to {} release or {  } reserve all the FDOT's rights, if any, in the phosphate, minerals, metals, and petroleum, in the property to be conveyed.


**REVIEWED AND APPROVED:**

 Date: 12/3/03  
Gerald W. Strouse, District Administrator  
Property Management, District One

**APPROVED:**

  
Ricky A. Langley, P.E.,  
District Secretary, District One

Date: 12/9/03

 Date: 12-3-03  
Thomas E. Small, District Right of Way  
Manager, District One

(12-03-03)

Prepared by: Brian L. Toune, Property Management

**PROPERTY DATA FOR PARCEL 30-43-27-00-00001.0050  
TAX YEAR 2003**

Parcel data is available for the following tax years:  
[ [2001](#) | [2002](#) | [2003](#) ]

[ [Next Lower Parcel Number](#) | [Next Higher Parcel Number](#) | [Display Tax Bills on this Parcel](#) ]

OWNERSHIP, LEGAL, SALES AND DISTRICT DATA ARE FROM THE CURRENT DATABASE.  
LAND, BUILDING, VALUE AND EXEMPTION DATA ARE FROM THE 2003 ROLL.

**PROPERTY DETAILS**

**OWNER OF RECORD**

FLORIDA DEPT OF TRANSPORTATION  
P O BOX 1249  
BARTOW FL 33831

**SITE ADDRESS**

18000 PALM BEACH BLVD  
ALVA FL 33920

**LEGAL DESCRIPTION**

PARL LOC IN NW 1/4  
AS DESC IN  
OR 2876 PG 989

[ [VIEWER](#) ] [TAX MAP](#) [ [PRINT](#) ]



**TAXING DISTRICT**

060 - LEHIGH ACRES FIRE/LIGHT

**DOR CODE**

87 - STATE-OTHER

**PROPERTY VALUES**

JUST	35,700	HOMESTEAD
ASSESSED	35,700	AGRICULTURAL
ASSESSED SOH	35,700	WIDOW
TAXABLE	0	WIDOWER
BUILDING	0	DISABILITY
LAND	35,700	WHOLLY
BUILDING FEATURES	0	SOH DIFFERENCE
LAND FEATURES	0	

**EXEMPTIONS**

0	UNITS OF MEASURE	AC
0	NUMBER OF UNITS	4.20
0	FRONTAGE	0
0	DEPTH	0
0	BEDROOMS	
35,700	BATHROOMS	
0	TOTAL BUILDING SQFT	
	YEAR IMPROVED	

**SALES TRANSACTIONS**

SALE PRICE	DATE	OR BOOK / PAGE	TYPE	TRANSACTION DETAILS		VACANT / IMPROVED
				DESCRIPTION		
100	9/30/1997	<u>2876/989</u>	03	Disqualified (Interest Sales / Court Docs / Government)		V
100	9/16/1997	<u>2876/995</u>	03	Disqualified (Interest Sales / Court Docs / Government)		V
603,000	9/1/1994	<u>2536/3232</u>	01	Disqualified (Doc Stamp .70 / SP less th \$100 / Other DisQ)		V
248,710	8/1/1964	<u>273/307</u>				

## PARCEL RENUMBERING HISTORY

PRIOR STRAP	RENUMBER REASON	RENUMBER DATE
30-43-27-00-00001.0010	Split (From another Parcel)	Wednesday, October 15, 1997

## ELEVATION INFORMATION

STORM SURGE CATEGORY	RATE CODE	FLOOD INSURANCE (FIRM)			DATE
		COMMUNITY	PANEL	VERSION	
	B	125124	0250	B	091984

[ [Show](#) ]

## APPRAISAL DETAILS

TRIM (*proposed tax*) Notices are available for the following tax years:  
 [ [1998](#) | [1999](#) | [2000](#) | [2001](#) | [2002](#) | [2003](#) ]

[ [Next Lower Parcel Number](#) | [Next Higher Parcel Number](#) ]

[ [New Query](#) | [Parcel Queries Page](#) | [Lee PA Home](#) ]

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 Page was last modified on Friday, January 16, 2004 3:11:25 PM.

NO INDICATION

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PARCEL ID NO., NAME: Pond B-1  
TAX ID#: S25-T43-R26, 00010-0010  
S30-T43-R27, 00005-0010  
*30-43-27-00-00001, 0050 CURRENT STRAP*  
OWNER: Lehigh Acres Development Corporation  
LAND USE CURRENT: Vacant/Undeveloped  
LAND USE PAST: Vacant/Undeveloped

AUGER BORING OVA SCREENINGS: n/a  
COMPLIANCE/MONITORING WELL OVA SCREENINGS: n/a

EXISTING TANK DATA

NO. OF TANKS: none  
SIZE, TYPE & CONSTRUCTION:  
CONTENTS:  
YEAR INSTALLED:  
REGISTRATION NO.:

DISPENSER(S)/PUMPS(S): none

AGENCY DATA: none

ROW ACQUISITION: (See Figure 4-B)

FIELD OBSERVATIONS: Vacant with thick vegetation and trees

ODORS: none  
DRUMS/CONTAINERS: none  
COMPLIANCE/MONITOR WELLS: none  
DRAINAGE: Relatively flat. Surface water appears to flow north.

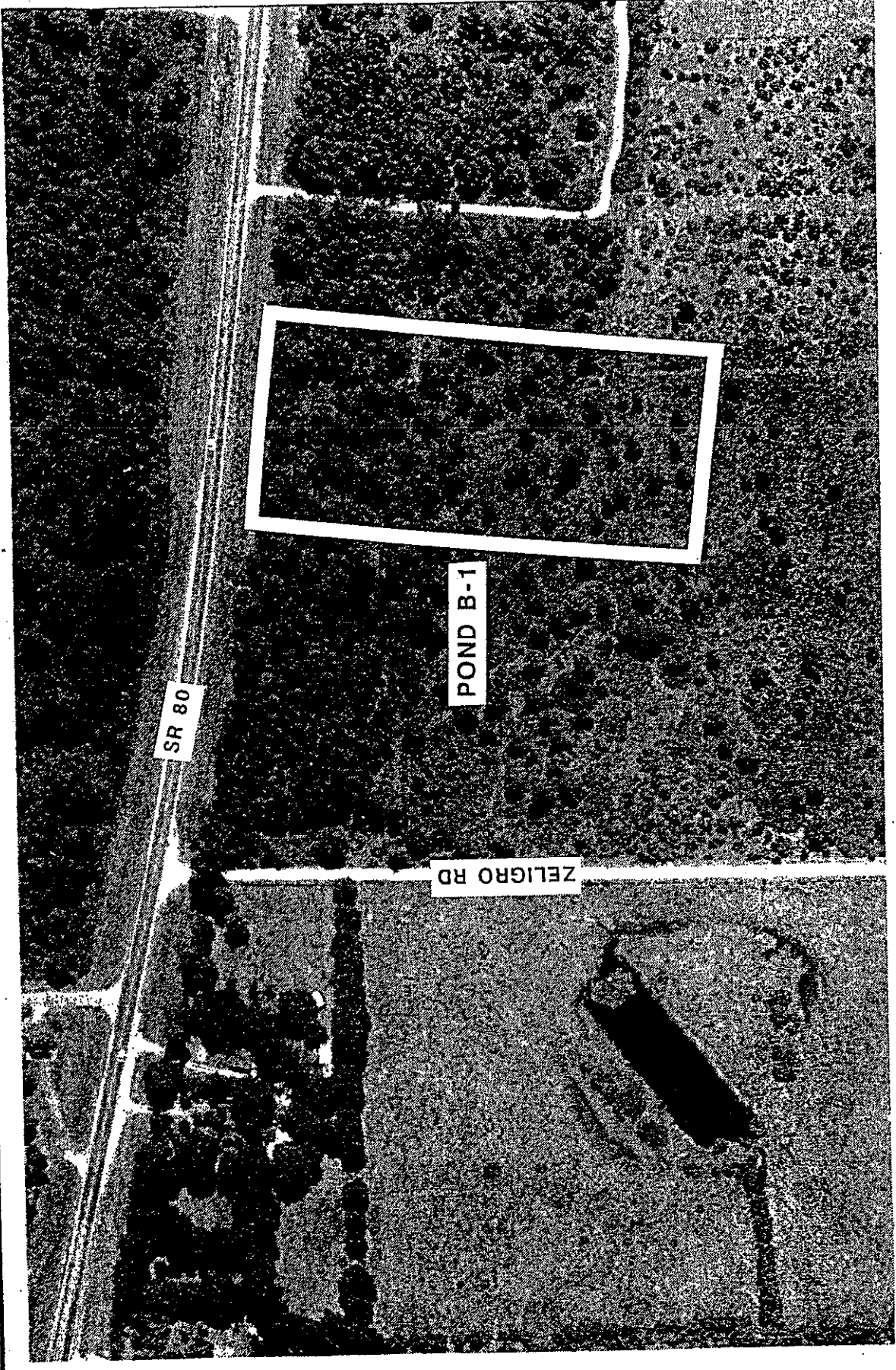
OFF-SITE CONCERNS: none

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Potential Pond Site B-1 is currently vacant with thick vegetation and trees. No evidence of past or present development or use of this site for agricultural purposes was noted.

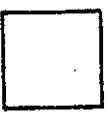
**THIS SITE WAS ASSIGNED A RANKING OF NO INDICATION based on:**

- Lack of observable or documented contamination concerns on this property.
- Lack of significant evidence of past or present site development.
- Lack of evidence of past or present agricultural use, minimizing concern for pesticide/herbicide contaminants.



**LEGEND**

APPROXIMATE POND BOUNDARIES



1" = 200'

**Proposed Pond Locations**  
**FIGURE 4-B**



## Section 8 SUMMARY

An evaluation of 32 proposed pond/mitigation locations was conducted along the SR 80 project corridor for identification of potential impacts from HM/HW or petroleum products. The overall evaluation consisted of field reviews, land use and historical tenancy evaluations, and regulatory agency research. Based on this review, the following conclusions and recommendations were made:

1. Eleven proposed pond/mitigation sites (A-1, A-2, B-1, E-1, E-2, G-1, H-1, K-1, L-3, M-1 and Mitigation Site 2) received **No Indication** rankings based on the lack of evidence of past or present site development, agricultural land use or on-site petroleum and/or HM/HW activities.
2. Sixteen proposed pond sites (C-1, C-2, D-1, F-1, F-2, I-3, J-1, J-2, K-2, L-2, M-2, N-1, N-2, and Mitigation Sites 1, 3 and 4) were assigned a low ranking based on:
  - Historical aerial research has indicated the past and/or present use of 12 of these sites was for agricultural purposes. The potential for past pesticide use is present; however, FDEP Pesticide Data Listings do not identify Lee County as a documented area of widespread pesticide contamination.
  - Four sites (C-1, C-2, I-3, and J-2) were also assigned a low ranking due to their proximity (greater than 275 feet) to a retail gasoline facility with FDEP documented contamination.
  - Proposed pond J-1 is immediately adjacent to Alva Garage which has documented contamination discovered in December, 1988. Groundwater sampling conducted during a CAR by Missimer & Associates in August/September 1991 revealed the apparent petroleum groundwater contaminant plume was confined to the Alva Garage site's boundaries and located approximately 110 feet west of proposed pond site J-1. The CAR was approved by the FDEP for "monitoring only" on August 14, 1992. Concern is also noted for potential pesticide contamination associated with former agricultural uses on this proposed pond site.
  - One proposed site (F-2) was assigned a low ranking due to an apparent grease trap formerly associated with a restaurant within pond limits.

### FDOT 2 Acre Donation - Hivhey Creek Mitigation Park

