

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

Blue Sheet No. 20040118

1. REQUESTED MOTION:

ACTION REQUESTED: Accept by Warranty Deed, approximately two (2) acres of land adjacent to the Six Mile Cypress Preserve being donated by William E. Maddox.

WHY ACTION IS NECESSARY: Board must approve all conveyances of real estate.

WHAT ACTION ACCOMPLISHES: Adds two acres of land to the existing Six Mile Cypress Preserve.

2. DEPARTMENTAL CATEGORY: 06
COMMISSION DISTRICT # 2 *C6B*

3. MEETING DATE: *02-17-2004*

4. AGENDA:
 CONSENT
 ADMINISTRATIVE
 APPEALS
 PUBLIC
 WALK ON
TIME REQUIRED:

5. REQUIREMENT/PURPOSE:
(Specify)
 STATUTE 125
 ORDINANCE
 ADMIN. CODE
 OTHER

6. REQUESTOR OF INFORMATION:
A. COMMISSIONER
B. DEPARTMENT Independent
C. DIVISION County Lands
BY: Karen L. W. Forsyth, Director *KLW*

7. BACKGROUND:

Negotiated for: Department of Parks & Recreation

Interest to Acquire: Fee simple

Property Details:

Owner: William E. Maddox, Trustee
STRAP No.: 29-45-25-00-00001.2000

Purchase Details:

Purchase Price: Donation
Costs to Close: \$15.20 for documentary stamps and recording fees; approximately \$60.00 for real estate taxes owing.

Staff Recommendation: Staff recommends Board accept Requested Motion.

Account: KH5722000100.504930
 Parks & Recreation/Parks & Recreation Operations/General Fund/Subfund/Deputy Clerk Fees

Attachments: Warranty Deed; Title Search; E-mail from Jamieson; Environmental Transaction Screening Report

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>K. Forsyth</i>				<i>John Maddox 1-30-04</i>	<i>OA 2/2/04</i>	<i>OM 2/2/04</i>	<i>Risk 2/2/04</i>	<i>GC 2/2/04</i>	<i>HS 2/3/04</i>

10. COMMISSION ACTION:

APPROVED
 DENIED
 DEFERRED
 OTHER

Rec. by CoAtty
 Date: *1/30/04*
 Time: *1:00*
 Forwarded To:
 Co. Adm.
1/30/04 1PM

RECEIVED BY
 COUNTY ADMIN: *EU*
1/30/04
2:40 pm SET
 COUNTY ADMIN: *EU*
 FORWARDED TO:
2/3/04
11:15 AM

This Instrument Prepared by:

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

Karen Forsyth/County Lands Division
Post Office Box 398
Fort Myers, Florida 33902-0398
Project: Six Mile Cypress Preserve Donation
STRAP Number: 29-45-25-00-00001.2000

This Space for Recording

**WARRANTY DEED
(Statutory)**

THIS INDENTURE, Made this 16th day of Jan, 2004, between William E. Maddox, Trustee of the Declaration of Trust dated October 15, 1981 whose address is P.O. Box 18389, Asheville, NC, GRANTOR, and **LEE COUNTY**, a political subdivision of the State of Florida whose address is P.O. Box 398, Ft. Myers, Florida, 33902-0398, GRANTEE;

WITNESSETH, That the GRANTOR, for and in consideration of the sum of \$ 1.00 Dollar, to them in hand paid by the GRANTEE, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the GRANTEE, their heirs and assigns forever, the following described land, to wit:

Exhibit A

The GRANTOR does hereby fully warrant the title to the land, and will defend the title against the lawful claims of all persons.

IN WITNESS WHEREOF, The GRANTOR has hereunto set their hands and seals on the date set forth above.

Signed, sealed and delivered in
presence of two separate witnesses:

Linda Deal
1st Witness Signature

William E. Maddox
William E. Maddox, individually and as Trustee

Linda Deal
Printed Name of 1st Witness

Natalie Johnson
2nd Witness Signature

Natalie Johnson
Printed Name of 2nd Witness

STATE OF North Carolina
COUNTY OF Buncombe

The foregoing instrument was acknowledged before me this 16th day of January, 2004
by William E. Maddox who is personally known to me or who has
(name of person acknowledged)
produced Keenan as identification.
(type of identification)

Theresa Carter - Comm.
(Signature of Notary Public) Expires 5-28-05
Theresa Carter
(Name typed, printed or stamped)
(Title or Rank)
(Serial Number, if any)

SEAL

Exhibit "A" page 1 of 2

Legal Description for Parcel 2945250000001.2000

Two parcels of land in the South $\frac{1}{2}$ of Northwest $\frac{1}{4}$ of Section 29, Township 45 S, Range 25 E, Lee County Florida;

Parcel 1 being that portion of property adjacent to and west of Lots 1 through 5, Block 1 of Eagle Ridge Unit One, recorded at Plat book 35, Page 83 and lying east of and adjacent to the easterly boundary of that portion of Six Mile Cypress Preserve, lying in Section 29, Township 45 S and Range 25 E, Lee County, Florida.

Parcel 2 being that portion of property adjacent to and west of Lots 9 through 15, Block 1 and a triangular parcel bounded by the south lot line of Lot 15, Block 1, Eagle Ridge Unit One and the westerly right of way line of Aeries Way Drive SE, Eagle Ridge Unit One, recorded at Plat book 35, pages 83 and 84 and lying east of and adjacent to the easterly boundary of that portion of Six Mile Cypress Preserve, lying in Section 29, Township 45 S and Range 25 E, Lee County, Florida.



29-45-25-00-00001.2000

31 +/- acres



EAGLE RIDGE SUBDIVISION

182 +/- acres



AERIES WAY DR

Informational Purposes only



MAJESTIC EAGLE CT

Exhibit "A" page 2 of 2

THE COUNTY LARAME DIVISION HAS PREPARED THIS MAP FOR INFORMATIONAL PURPOSES ONLY. CERTAIN SERVICES MAY BE AVAILABLE OR SUBMITTED. WHILE THE DIVISIONS MAKE EVERY EFFORT TO PROVIDE THE CORRECT INFORMATION, INDEPENDENT VERIFICATION MAY BE REQUIRED.

REVISED: JULY 5, 2005

Division of County Lands

Ownership and Easement Search

Search No. 29-45-25-00-00001.2000

Date: September 10, 2003

Parcel:

Project: Six Mile Cypress Preserve Donation

To: Karen L.W. Forsyth
Director

From: Kenneth Pitt *KAP*
Real Estate Title Examiner

STRAP: 29-45-25-00-00001.2000

Effective Date: August 9, 2003, at 5:00 p.m.

Subject Property: See attached Schedule "A"

Title to the subject property is vested in the following:

William E. Maddox as Trustee of the Declaration of Trust dated October 15, 1981

By that certain instrument dated October 15, 1981, recorded October 16, 1981, in Official Record Book 1552, Page 2355, and by that certain instrument dated October 15, 1981, recorded October 16, 1981 in Official Record Book 1552, Page 2355, Public Records of Lee County, Florida.

Easements:

None found of record.

NOTE(1): Subject property is not encumbered by a mortgage.

NOTE(2): Subject to Lee County Ordinance No. 86-14 relating to garbage and solid waste collection, recorded in Official Record Book 2189, Page 3281 and amended by Official Record Book 2189, Page 3334, Public Records of Lee County, Florida.

NOTE(3): Oil, Gas and Mineral Rights were reserved by L.W. Fields, Belle Fields, F.M. Ford and Bernice N. Ford in that certain deed recorded in Deed Book 205, Page 163, Public Records of Lee County, Florida. Interest in said rights were conveyed in Deed Book 208, Page 125; Official Record Book 470, Page 832; Official Record Book 474, Page 256; Official Record Book 534, Page 774; Official Record Book 1010, Page 1296 and Official Record Book 1175, Page 778, Public Records of Lee County, Florida.

Tax Status: \$23.57 paid on May 14, 2003 for tax year 2002.

(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.

Schedule "A"

Legal Description for Parcel 294525000001.2000

Two parcels of land in the South $\frac{1}{2}$ of Northwest $\frac{1}{4}$ of Section 29, Township 45 S, Range 25 E, Lee County Florida;

Parcel 1 being that portion of property adjacent to and west of Lots 1 through 5, Block 1 of Eagle Ridge Unit One, recorded at Plat book 35, Page 83 and lying east of and adjacent to the easterly boundary of that portion of Six Mile Cypress Preserve, lying in Section 29, Township 45 S and Range 25 E, Lee County, Florida.

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From: Sarah Jamieson
To: Forsyth, Karen
Date: 5/27/03 4:11PM
Subject: Six Mile Donation Parcel

Karen,

I completed a site visit on the donation information that you sent to me. The site contiguous with SMCSP and is heavily infested with exotic vegetation. It would be extremely helpful and timely to accept this donation due to the major restoration planned for this area of the slough. We could incorporate the exotic vegetation removal on the donated parcel with this project. If the parcel was not treated, it would provide an exotic vegetation seed source that could infest our project.

From a land stewardship position, I support the donation and look forward to incorporating the parcel into the boundary of SMCSP.

If you have any question, please contact me.

Sarah

Sarah B. Jamieson
Land Stewardship Coordinator
Six Mile Cypress Slough Preserve
Lee County Parks & Recreation
3410 Palm Beach Blvd
Fort Myers, FL 33916
Phone #: (239) 461-7454
Fax #: (239) 461-7460
sjamieson@leegov.com

TRANSACTION SCREENING PROCESS

OF

**TWO NON-ADJACENT PARCELS
LOCATED ON THE
WESTERN BOUNDARY OF EAGLE RIDGE
FORT MYERS, FLORIDA 33912**

Prepared For:

**Mr. Paul Ehrnfelt
Property Acquisition Assistant
Lee County Government
Division of County Lands
P.O. Box 398
Fort Myers, Florida 33902**

**RECEIVED
OCT 24 2003
COUNTY LANDS**

Prepared By:

**American Management
Resources Corporation
5230 Clayton Court
Fort Myers, Florida 33907**

**Report Number: 03-091228-ESA
Date: October 23, 2003**

I. PROPERTY DESCRIPTION

Two non-adjacent parcels located on the western boundary of Eagle Ridge
South Fort Myers, Florida
STRAP No. 29-45-25-00-00001.2000

The subject property is a densely vegetated, low lying, parcel of land. It is bordered on the west side by part of The Six Mile Cypress slough preserve and the east side is bordered by Eagle Ridge subdivision. Vegetation on the property consists mostly of non-indigenous species that includes Melaleuca trees and Brazilian Pepper trees.

II. REPORT PURPOSE

The purpose of this report is to perform an Environmental Screening Inspection to determine the need for a Phase I Environmental Site Assessment. The report is to be utilized by the Lee County Government, Division of County Lands for the purpose of assisting in the donation process of this land.

III. REPORT SCOPE

The Environmental Screening Inspection, ESI, is per the Lee County Government, Division of County Lands, signed proposal dated September 5, 2003. The Transaction Screen assessment used the ASTM standard E-1528 as a general guideline.

IV. METHODOLOGY

At the direction of Mr. Paul R. Ehrnfelt, Property Acquisition Assistant of the Lee County Government, Division of County Lands; Jack M. Snider, III, CSP, President of American Management Resources Corporation, developed an Environmental Screening Inspection plan utilizing the following methodology.

A client/owner interview was completed to obtain pertinent property and environmental data. Site visits were performed on October 13, 2003 and October 23, 2003.

The inspection process meets or exceeds requirements established by the Lee County Government, Division of County Lands and included a systematic inspection of the property, noting and photographing areas of interest and concern.

V. SITE LOCATION

The site is located in Section 29, Township 45 South, Range 25 East, which borders the backside of Aeries Way Drive, located in the Eagle Ridge Development.

A pattern was walked across the subject site to make observations for any obvious environmental concerns. Household waste was present on the east side of the subject site (see photo 2). Although this is undesirable no obvious environmental concerns were found. What appeared to be a groundwater monitoring well was found on the south east side of the subject site (see photo 3). A marking on the concrete pad indicated it was installed in September 5, 1984. It is in the right of way along Aeries Way Drive. It is most likely that this is part of routine groundwater monitoring for the area. Along the west border of the subject site it is possible that the vegetation was cleared sometime in the past (see photos 6 and 7). Standing water covered most all of the subject site with only a few high spots (see photos 5 and 8). The water was flowing from the north heading to the south.

VI. AERIAL REVIEW

Historical aerial photographs were available and reviewed for the years 1966, 1968, 1970, 1972, 1974, 1975, 1977, 1980, 1981, 1984, 1986, 1990, 1993, 1996, 1999 and 2003. The aerial photographs obtained from the Lee County Property Appraiser's office for the years 1975 and 2002 are included in the Appendix.

Analysis of the aerial photographs revealed the following sequence of development;

- 1966 The subject site and immediate area is undeveloped and farm land.
- 1968 The subject site and immediate area is undeveloped and farm land.
- 1970 The subject site and immediate area is undeveloped and farm land.
- 1972 The subject site and immediate area is undeveloped and farm land.
- 1974 To the north and east of the subject site there appears to be a excavation operation.
- 1975 The excavation operation is no longer present. The immediate areas surrounding the site is all undeveloped or farm land.
- 1977 The site and immediate areas surrounding to the north, west, and south are undeveloped. The land to the east is farm fields.

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- 1980 The site is overgrown. The immediate areas surrounding to the north, west, and south are undeveloped. The land to the east is farm fields.
- 1981 The area surrounding the site is all undeveloped. There are hay fields located to the east. Eagle Ridge Drive is being put in.
- 1984 Eagle Ridge is beginning to be developed. A small pond bordering the mid-east border was dug.
- 1986 The Eagle Ridge and the golf course development is almost complete. Subject site vegetation not as thick as the year 2002. There is some clearing occurring to the west of the subject property.
- 1990 There appears to be an unpaved trail to the west and north of the subject site. Eagle ridge is approximately 75 percent developed.
- 1993 Eagle Ridge is 90 percent developed with a few undeveloped lots. The unpaved trail to the west and north of the subject site is still present.
- 1996 To the north of the subject property is undeveloped. Aeries Way Drive is fully developed.
- 1999 There are some early stages of work to the north.
- 2002 The subject site vegetation is very thick. To the west and south of the subject site is Six Mile Cypress slough preserve. To the east of the subject site Eagle Ridge which is fully developed. To the north of the subject site a new development is almost complete.

VII. FEDERAL AND STATE ENVIRONMENTAL RECORDS REVIEW

A review of reasonable available on-line State and Federal databases was conducted to determine if recognized environmental conditions exist at any nearby facilities which may impact the subject property. The on-line databases were accessed through FirstSearch Technology Corporation, a regulatory database access firm. The database research results are presented in the Appendix.

The databases identify properties recognized by the Florida Department of Environmental Protection (FDEP) and the Environmental Protection Agency (EPA) as contaminated, potentially contaminated, or as generators of hazardous waste. FirstSearch Technology Corporation, regularly updates their information from EPA and FDEP databases.

The database records were reviewed for the subject property and properties within an Approximate Minimum Search Distance (AMSD) as defined by American Society of Testing Materials (ASTM) E-1528. The term AMSD is used in lieu of radius in order to include irregularly shaped properties. Brief descriptions of each database and corresponding research results are provided on the following pages.

The accuracy, completeness, and availability of record information varies among information sources, including governmental sources. Information that was "Practically Reviewable" as defined by ASTM E-1528 was researched during this investigation.

Based on the FirstSearch Technology Corporation report, there are no indicated environmental concerns within a half mile of the subject property.

VIII. RESULTS ANALYSIS

The subject site is located on the west side of Aeries Way Drive and approximately 1 mile south of Daniels Road.

North of the subject site is the Six Mile Cypress Slough Preserve and slightly to the north east is a new residential development. A review of the sites did not indicate any immediate environmental concerns.

Directly to the south of the subject site is the Six Mile Cypress Slough Preserve and slightly to the south west is the Eagle Ridge subdivision. A review of the sites did not indicate any immediate environmental concerns.

East of the subject site is the Eagle Ridge Subdivision. A review of the site did not indicate any immediate environmental concerns.

West of the subject site is the Six Mile Cypress Slough Preserve. A review of the area did not indicate any immediate environmental concerns.

IX. REPORT SUMMARY

No evidence of soil stains, distressed vegetation, or other evidence of contamination was observed at the subject property. No evidence was discovered during the site visit to indicate that any of the adjacent properties are sources of contamination to the subject property. No adjacent properties are considered to represent a potential source of contamination to the subject property. The only conclusive method to confirm or deny the presence of contamination on the subject property is intrusive testing (i.e., groundwater/soil sampling and laboratory analysis).

A careful evaluation of the inspection results indicate no apparent environmental hazards of significance. Based on the content of the inspection report it is felt that a full Phase I Environmental Assessment would probably not reveal additional significant concerns.

Respectfully submitted,

AMERICAN MANAGEMENT RESOURCES CORPORATION

Jack Snider III

Jack M. Snider, III, CSP
President