

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

Blue Sheet No. 20040172

1. REQUESTED MOTION:

ACTION REQUESTED: Accept easement grant from Richard Renney and Ann M. Renney for the Business U.S. 41 Four-Laning (SR 78 to Littleton Road), Project No. 4020. 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 and maintenance of stormwater drainage facilities.

2. DEPARTMENTAL CATEGORY: 06 COMMISSION DISTRICT # 4		<i>C6B</i>	3. MEETING DATE: 03-09-2004
4. AGENDA:	5. REQUIREMENT/PURPOSE: (Specify)		6. REQUESTOR OF INFORMATION:
	<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:	<input checked="" type="checkbox"/> STATUTE F.S.125 <input type="checkbox"/> ORDINANCE <input type="checkbox"/> ADMIN. CODE <input type="checkbox"/> OTHER	

7. BACKGROUND:

Negotiated for: Lee County Department of Transportation

Interest to Acquire: Perpetual Stormwater Drainage Easement

Property Details: **Owner:** Richard Renney and Ann M. Renney, husband and wife
Address: 89 Crescent Lake Drive, North Fort Myers
STRAP No.: 02-44-24-01-00024.0010

Purchase Details: The owners have agreed to donate the necessary easement to Lee County. The recording costs for this acquisition is estimated at \$25.

Staff Recommendation: Staff recommends Board approve requested motion.

Account: 20402018802.506110
 C.I.P., Business US 41 Four-Laning (SR78 to Littleton Road), Impact Fees NFM, Land and Recording Fees

Attachments: Copy of Perpetual Stormwater Drainage Easement, Title Report, and 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
					OA	OM	Risk	GC	
<i>K. Forsyth</i>			<i>APR 2/10/04 LW 2/10/04</i>	<i>Richard Renney 2-16-04</i>	<i>2/16/04</i>	<i>2/17/04</i>	<i>2/16/04</i>	<i>2/16/04</i>	<i>HS 2-17-04</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty

Date: 2/10/04

Time: 4:00 PM

Forwarded To:
Co. Adm.
2/10/04 HAM

RECEIVED BY
COUNTY ADMIN:

2/16/04

10:00 AM

COUNTY ADMIN
FORWARDED TO:

2/19/04

8:30 AM

HS

This Instrument Prepared by:
COUNTY LANDS DIVISION
P.O. Box 398
Fort Myers, FL 33902-0398

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

Project: Crescent Lake Drive, Project No. 4020
Strap No.: 02-44-24-01-00024.0010

THIS SPACE FOR RECORDING

PERPETUAL STORMWATER DRAINAGE EASEMENT

This easement grant is made between RICHARD RENNEY and ANN M. RENNEY, husband and wife, Owner, whose address is 89 Crescent Lake Drive, North Fort Myers, FL 33917, (**Grantor**), and LEE COUNTY, a political subdivision of the State of Florida, whose address is P.O. Box 398, Fort Myers, Florida 33902-0398 (**Grantee**) as follows:

1. In consideration of the sum of one dollar and other good and valuable consideration, receipt of which is hereby acknowledged, **Grantor** hereby grants to **Grantee**, its successors and assigns, a perpetual drainage easement in, over, and across that portion of **Grantor's** property described in Exhibit "A" attached.
2. **Grantee** has the right and authority to construct and maintain stormwater drainage facilities, including the installation of pipe, within the easement area in accordance with appropriate permits issued for construction and maintenance.
3. **Grantee** has the right and authority to remove, replace, repair said system, and to trim and remove roots, trees, or vegetation or structures, including fencing, within the easement area, in order to properly install the drainage facilities.
4. **Grantee** will replace the existing chain link fence outside the easement area at its sole expense, and replace any vegetation or shrubbery that is removed during construction.
5. **Grantor** may use the easement area for landscaping (except trees), walkway, drainage or similar uses, provided no structures, such as sheds, carports, garages or other buildings, are constructed within the easement area.
6. Title to any drainage facilities constructed in the easement area will remain in the **Grantee**, its successors or assigns.
7. **Grantor** warrants that subject to any existing public roadway or utility easements, **Grantor** is in lawful possession of the subject property free and clear of all liens and encumbrances, except those recorded in the public records, and has the right and power to convey this easement.
8. **Grantee** will have a reasonable right of access across **Grantor's** property for the purposes of reaching the described easement (Exhibit "A") 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 the above-described easement will be restored by the **Grantee**, at its sole expense and cost, to the condition in which it existed prior to the damage.
9. This easement runs with the land and is binding on **Grantor** and **Grantor's** successors and assigns.

Dated: January 21, ²⁰⁰⁴ ~~2003~~.

[Signature]
1st Witness Signature
Mark Renney
Printed Name of 1st Witness

[Signature]
2nd Witness Signature
Donald Frisco
Printed Name of 2nd Witness

[Signature]
1st Witness Signature
Mark Renney
Printed Name of 1st Witness

[Signature]
2nd Witness Signature
Donald Frisco
Printed Name of 2nd Witness

[Signature]
Richard Renney Grantor

[Signature]
Ann M. Renney Grantor

STATE OF Florida

COUNTY OF Lee

The foregoing instrument was acknowledged before me this 21st day of January, 2004, by Richard Renney and Ann M. Renney, husband and wife,
(name of person acknowledged)
who are personally known to me or who have produced _____
(type of identification)
_____ as identification.

[Signature]
Signature of Notary Public

Brandie M. Mize
(Name typed, printed or stamped)
(Title or Rank)
(Serial Number, if any)

SEAL



Exhibit "A"

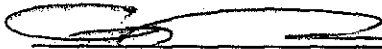
DESCRIPTION

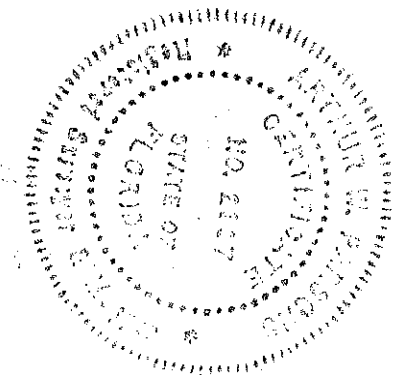
OF

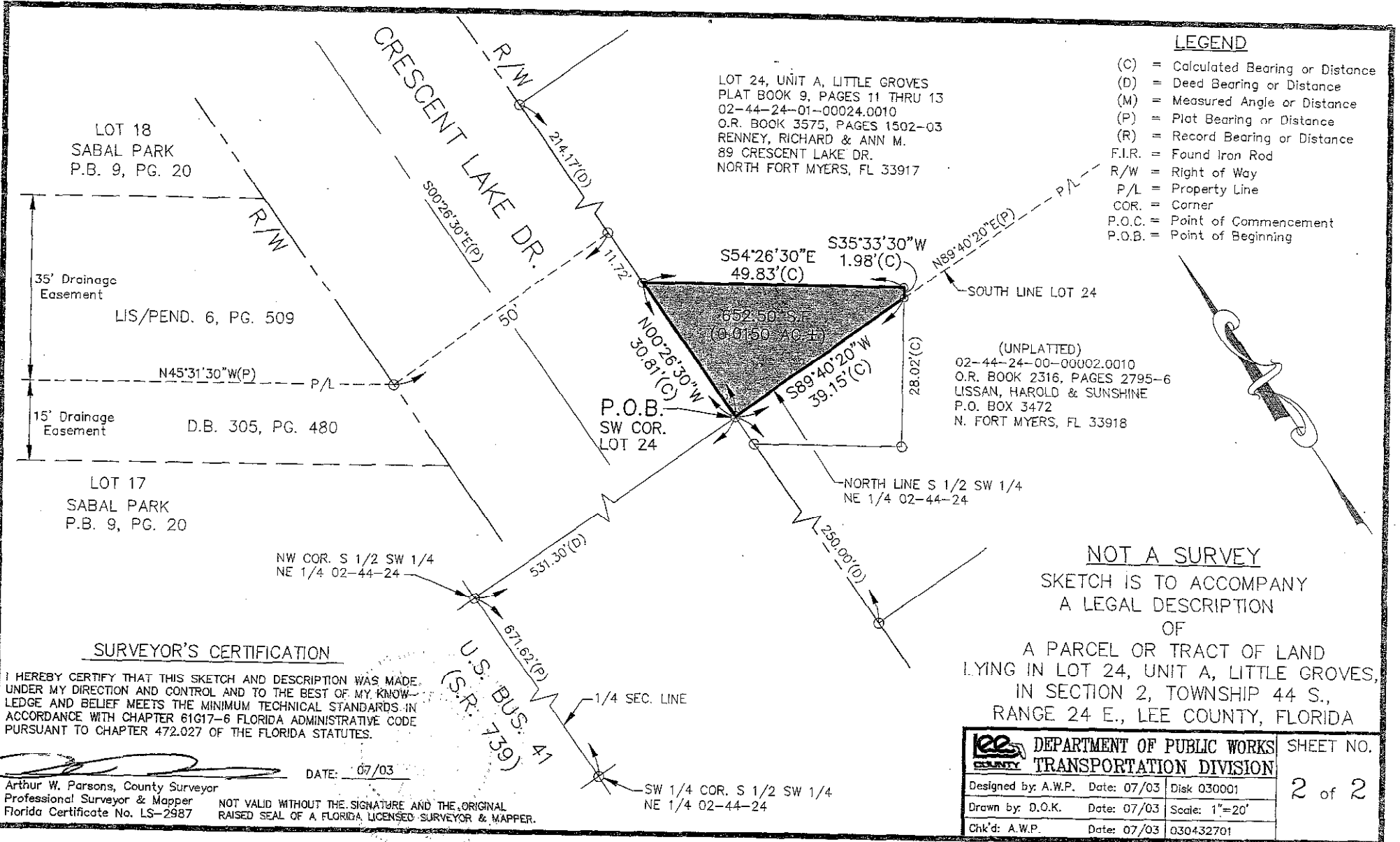
A parcel or tract of land lying in Lot 24, Unit A, Littlegroves a Subdivision in Section 35, Township 43 South, Range 24 East and Sections 2 and 3, Township 44 South, Range 24 East, according to a map or plat thereof recorded in Plat Book 9, Pages 11 through 13, inclusive, of the Public Records of Lee County, Florida, said parcel or tract being described as follows:

Commencing at the southwest corner of Lot 24, Unit A, Littlegroves, according to a map or plat thereof recorded in Plat Book 9, Pages 11 through 13, inclusive, of the public records of Lee County, Florida, said southwest corner of Lot 24 being the Point of Beginning of the parcel or tract described herein; thence run $N00^{\circ}26'30''W$ along the west line of said Lot 24 and the east right of way line of Crescent Lake Drive (50.00 feet wide) for a distance of 30.81 feet; thence (departing the west line of said lot 24 and the east right of way line of Crescent Lake Drive) run $S54^{\circ}26'30''E$ for a distance of 49.83 feet; thence run $S35^{\circ}33'30''W$ for a distance of 1.98 feet to a point on the south line of said Lot 24; thence run $S 89^{\circ}40'20''W$ along the south line of said Lot 24 for a distance of 39.15 feet to the Point of Beginning, containing 652.50 square feet (0.0150 acres) more or less.

Bearings mentioned hereinabove are based on the plat of Littlegroves, Unit A, according to a map or plat thereof recorded in Plat Book 9, Pages 11 through 13, inclusive, of the Public Records of Lee County, Florida, showing the east right-of-way line of Crescent Lake Drive as bearing $N00^{\circ}26'30''W$.


Arthur W. Parsons, County Surveyor
Professional Surveyor and Mapper
Florida Certificate No. LS-2987





LEGEND

- (C) = Calculated Bearing or Distance
- (D) = Deed Bearing or Distance
- (M) = Measured Angle or Distance
- (P) = Plat Bearing or Distance
- (R) = Record Bearing or Distance
- F.I.R. = Found Iron Rod
- R/W = Right of Way
- P/L = Property Line
- COR. = Corner
- P.O.C. = Point of Commencement
- P.O.B. = Point of Beginning

LOT 24, UNIT A, LITTLE GROVES
 PLAT BOOK 9, PAGES 11 THRU 13
 02-44-24-01-00024.0010
 O.R. BOOK 3575, PAGES 1502-03
 RENNEY, RICHARD & ANN M.
 89 CRESCENT LAKE DR.
 NORTH FORT MYERS, FL 33917

(UNPLATTED)
 02-44-24-00-00002.0010
 O.R. BOOK 2316, PAGES 2795-6
 LISSAN, HAROLD & SUNSHINE
 P.O. BOX 3472
 N. FORT MYERS, FL 33918

NOT A SURVEY
 SKETCH IS TO ACCOMPANY
 A LEGAL DESCRIPTION
 OF
 A PARCEL OR TRACT OF LAND
 LYING IN LOT 24, UNIT A, LITTLE GROVES
 IN SECTION 2, TOWNSHIP 44 S.,
 RANGE 24 E., LEE COUNTY, FLORIDA

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THIS SKETCH AND DESCRIPTION WAS MADE UNDER MY DIRECTION AND CONTROL AND TO THE BEST OF MY KNOWLEDGE AND BELIEF MEETS THE MINIMUM TECHNICAL STANDARDS IN ACCORDANCE WITH CHAPTER 61G17-6 FLORIDA ADMINISTRATIVE CODE PURSUANT TO CHAPTER 472.027 OF THE FLORIDA STATUTES.

DATE: 07/03

Arthur W. Parsons, County Surveyor
 Professional Surveyor & Mapper
 Florida Certificate No. LS-2987

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

DEPARTMENT OF PUBLIC WORKS TRANSPORTATION DIVISION		SHEET NO.
Designed by: A.W.P.	Date: 07/03	Disk 030001
Drawn by: D.O.K.	Date: 07/03	Scale: 1"=20'
Chk'd: A.W.P.	Date: 07/03	030432701

2 of 2

Division of County Lands

Updated Ownership and Easement Search

Search No.02-44-24-01-00024.0010

Date: February 10, 2004

Parcel:

Project: Crescent Lake Drive Project #4020

To: Teresa L. Mann, SR/WA
Property Acquisition Agent

From: Kenneth Pitt
Real Estate Title Examiner

STRAP: 02-44-24-01-00024.0010

Effective Date: January 16, 2004, at 5:00 p.m.

Subject Property: See attached Schedule "X"

Title to the subject property is vested in the following:

Richard Renney and Ann M. Renney, husband and wife.

By that certain instrument dated January 28, 2002, recorded February 7, 2002, in Official Record Book 3575, Page 1502, Public Records of Lee County, Florida.

Easements:

1. Subject to reservations contained in that certain deed recorded in Deed Book 218, Page 484, Public Records of Lee County, Florida.

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): Subject to a Judgment vs. Richard Renney in the sum of \$4,194.80, recorded in Official Record Book 1902, Page 1597, Public Records of Lee County, Florida.

NOTE(4): Subject to a Judgment vs. Richard Renney in the sum of \$1,182.26, recorded in Official Record Book 2071, Page 338, Public Records of Lee County, Florida.

NOTE(5): Subject to a Judgment vs. Richard T. Renney in the sum of \$1,850.61, recorded in Official Record Book 2315, Page 3640, Public Records of Lee County, Florida.

NOTE(6): Subject to a Judgment vs. Richard T. Renney in the sum of \$578.50, recorded in Official Record Book 2338, Page 554, Public Records of Lee County, Florida.

Division of County Lands**Updated Ownership and Easement Search**

Search No.02-44-24-01-00024.0010

Date: February 10, 2004

Parcel:

Project: Crescent Lake Drive Project #4020

NOTE(7): Subject to a Judgment vs. Rich Renney in the sum of \$306.50, recorded in Official Record Book 2586, Page 1078, and re-recorded in Official Record Book 2610, Page 1335, Public Records of Lee County, Florida.

NOTE(8): Subject to a Judgment vs. Richard Renney in the sum of \$8,037.79, recorded in Official Record Book 2752, Page 3516, and re-recorded in Official Record Book 2754, Page 3248 and Official Record Book 2761, Page 2981, Public Records of Lee County, Florida.

NOTE(9): Subject to a Judgment vs. Ann Renney in the sum of \$3,500.00, recorded in Official Record Book 3853, Page 535, Public Records of Lee County, Florida.

NOTE(10): Subject to a Federal Tax Lien vs. Richard T. and Ann Renney in the sum of \$3,064.04, recorded in Official Record Book 1959, Page 3222, Public Records of Lee County, Florida.

NOTE(11): Subject to a Federal Tax Lien vs. Richard T. Renney and Ann M. Renney in the sum of \$29,354.17, recorded in Official Record Book 1961, Page 1088 and corrected by Official Record Book 2422, Page 849, Public Records of Lee County, Florida.

NOTE(12): Subject to a Federal Tax Lien vs. Richard T. Renney in the sum of \$2,978.55, recorded in Official Record Book 1979, Page 2458, Public Records of Lee County, Florida.

NOTE(13): Subject to a Federal Tax Lien vs. Richard T. Renney in the sum of \$5,623.93, recorded in Official Record Book 1995, Page 4433 and corrected by Official Record Book 2478, Page 1097, Public Records of Lee County, Florida.

NOTE(14): Subject to a State of Florida Notice of Tax Lien vs. Richard T. Renney, in the sum of \$647.10 recorded in Official Record Book 1999, Page 1910, Public Records of Lee County, Florida.

NOTE(15): Subject to a State of Florida Notice of Tax Lien vs. Richard T. Renney, in the sum of \$418.46 recorded in Official Record Book 1999, Page 1911, Public Records of Lee County, Florida.

NOTE(16): Subject to a State of Florida Notice of Tax Lien vs. Richard T. Renney, in the sum of \$154.90 recorded in Official Record Book 2021, Page 1093, Public Records of Lee County, Florida.

NOTE(17): Subject to a State of Florida Notice of Tax Lien vs. Richard T. Renney, in the sum of \$139.13 recorded in Official Record Book 2029, Page 1717, Public Records of Lee County, Florida.

NOTE(18): Subject to a Federal Tax Lien vs. Richard T. Renney and Ann Renney in the sum of \$943.11 recorded in Official Record Book 2575, Page 760, Public Records of Lee County, Florida.

Division of County Lands

Updated Ownership and Easement Search

Search No.02-44-24-01-00024.0010

Date: February 10, 2004

Parcel:

Project: Crescent Lake Drive Project #4020

NOTE(19): Subject to a Federal Tax Lien vs. Richard T. Renney and Ann Renney in the sum of \$1,050.02 recorded in Official Record Book 2629, Page 1318, Public Records of Lee County, Florida.

NOTE(20): Subject to a Judgment vs. Ann Renney in favor of Capital One Bank in the sum of \$2,535.41 plus attorneys fees in the sum of \$439.59, recorded in Official Record Book 4144 Page 1244 and re-recorded in 4158 Page 4011, Public Records of Lee County, Florida.

NOTE(21): Subject to a Judgment vs. Ann M. Renney in favor of Providian National Bank in the sum of \$1,830.10, recorded in Official Record Book 4162 Page 2958, Public Records of Lee County, Florida.

Tax Status: \$206.89 paid on 12/17/03 for Tax Year 2003.

(The end user of this report is responsible for verifying tax and/or assessment information.)

Division of County Lands**Updated Ownership and Easement Search**

Search No.02-44-24-01-00024.0010

Date: February 10, 2004

Parcel:

Project: Crescent Lake Drive Project #4020

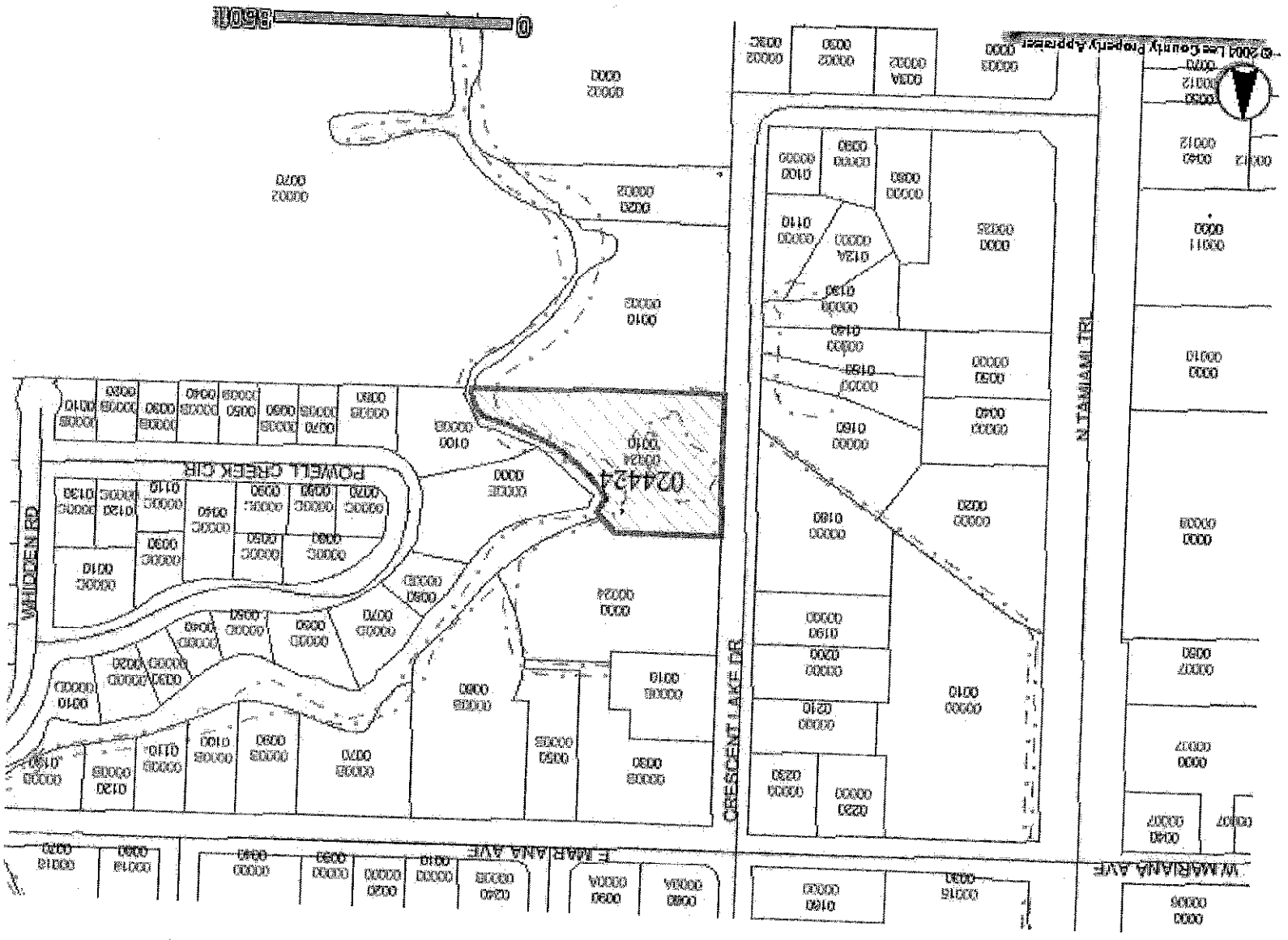
The Division of County Lands has made a diligent search of the Public Record. However, this report contains no guarantees nor warranty as to its accuracy.

Schedule "X"

A parcel of land lying in Lot 24, Unit A, Littlegroves, according to a map or plat thereof recorded in Plat Book 9, Pages 11 through 13, inclusive, of the Public Records of Lee County, Florida, which parcel is described as follows;

Begin at a point on the West line of said Lot 24 which is 431 feet South of the Northwest corner thereof; thence run Easterly, parallel to the North line of said lot for 155 feet, thence South 45 degrees East to the center of Powell Creek; thence run Southerly, Southeasterly and Southerly along said center line to the South line of said Lot 24; thence run Westerly along said South line for 362 feet more or less to the Southwest corner of said Lot 24; thence run Northerly along the West line of said lot for 214.17 feet to the Point of Beginning.

OWNER: RICHARD RENNEY
 ANN M. RENNEY



Strap 02-44-24-01-00024.0010