

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

Blue Sheet No. 20040160

1. REQUESTED MOTION:

ACTION REQUESTED: Accept donation of a Perpetual Drainage & Access Easement for parcel in Gladiolus Drive Widening Project #4083; authorize payment of recording fees and the 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: Acquires drainage easement necessary for future widening of Gladiolus Drive.

<p>2. DEPARTMENTAL CATEGORY: 06 COMMISSION DISTRICT # 3 <i>C6A</i></p>	<p>3. MEETING DATE: <i>03-23-2004</i></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 TIME REQUIRED:</p>	<p>5. REQUIREMENT/PURPOSE: (Specify)</p> <p><input checked="" type="checkbox"/> STATUTE 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 <u>Independent</u> C. DIVISION <u>County Lands</u> <i>2-12-04</i> BY: <u>Karen L. W. Forsyth, Director</u> <i>KLF</i></p>

7. BACKGROUND:

Negotiated for: Department of Transportation

Interest to Acquire: Perpetual Drainage and Access Easement

Property Details:

Owner: Laguna Lakes Community Development District
STRAP No.: 33-45-24-15-0000L.0000

Purchase Details:

Costs to Close: \$50.00

Staff Recommendation: County staff recommends the Board approve the requested motion.

Account: 20408318804.506110

Attachments: Perpetual Drainage and Access Easement; Location Map; Title Data

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>BAO 2/13/04</i>	<i>John Madigan 2/13/04</i>	<i>3/1/04</i>	<i>3/1/04</i>	<i>3/1/04</i>	<i>3/1/04</i>	<i>[Signature]</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

3/1/04
8:05am
Co. Adm.
3/5/04 9AM

RECEIVED BY
COUNTY ADMIN:
<i>3/5/04</i>
<i>11:07am SGT</i>
COUNTY ADMIN
FORWARDED TO:
<i>3/8/04</i>
<i>10:46am</i>

THIS INSTRUMENT PREPARED BY:

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

Strap No.: 33-45-24-15-0000L.0000

PERPETUAL DRAINAGE and ACCESS EASEMENT

This indenture is made this 2ND day of March, 2004 between Laguna Lakes Community Development District, whose address is 10300 NW 11th Manor, Coral Springs, Florida 33071, (Grantor) and Lee County, a political subdivision of the State of Florida, whose address is P.O. Box 398, Fort Myers, Florida 33902 (Grantee) as follows:

For good and valuable consideration, receipt of which is hereby acknowledged, Grantor grants to Grantee, its successors and assigns, a perpetual drainage and access easement over the property more particularly described in attached Exhibit A.

Grantee has the right and authority to maintain the water management system within the easement area, including the right to enter upon Grantor's lands in the event the Grantor fails to properly maintain the system so that it will continuously accommodate the water and storage required. However, primary maintenance responsibility rests with Grantor.

Grantor warrants that subject to existing easements, if any, for public highways, roads, railroads, laterals, ditches, pipelines and electrical transmission and/or distribution lines and telephone and cable television lines covering the land described above, Grantor is lawfully possessed of the land and has good and lawful right and power to convey, and that the property is free and clear of all liens and encumbrances except as recorded in the public records.

This easement is binding on the parties, their successors and assigns.

IN WITNESS of the above this instrument is executed.

Jill Sliva
Witness Signature

Board of Supervisors of the Laguna
Lakes Community Development
District

Jill Sliva
Printed Name

Jan Ickovic
Chairman

[Signature]
Witness Signature

MERY Hayes
Printed Name

STATE OF FLORIDA)
COUNTY OF Blount)

The foregoing instrument was acknowledged before me this 2nd day of March
2004 by Jan Ickovic, Chairman of the Board of Supervisors of the Laguna Lakes
Community Development District on behalf of the District, who is personally known to me,
~~or who has produced the following identification:~~

JILL A. SLIWA
NOTARY PUBLIC - STATE OF FLORIDA
COMMISSION # DD190362
EXPIRES 05/14/2007
BONDED THRU 1-888-NOTARY1

Jill A. Sliva
Notary Public
(Name typed, printed, or stamped)

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Chairman

APPROVED AS TO FORM:

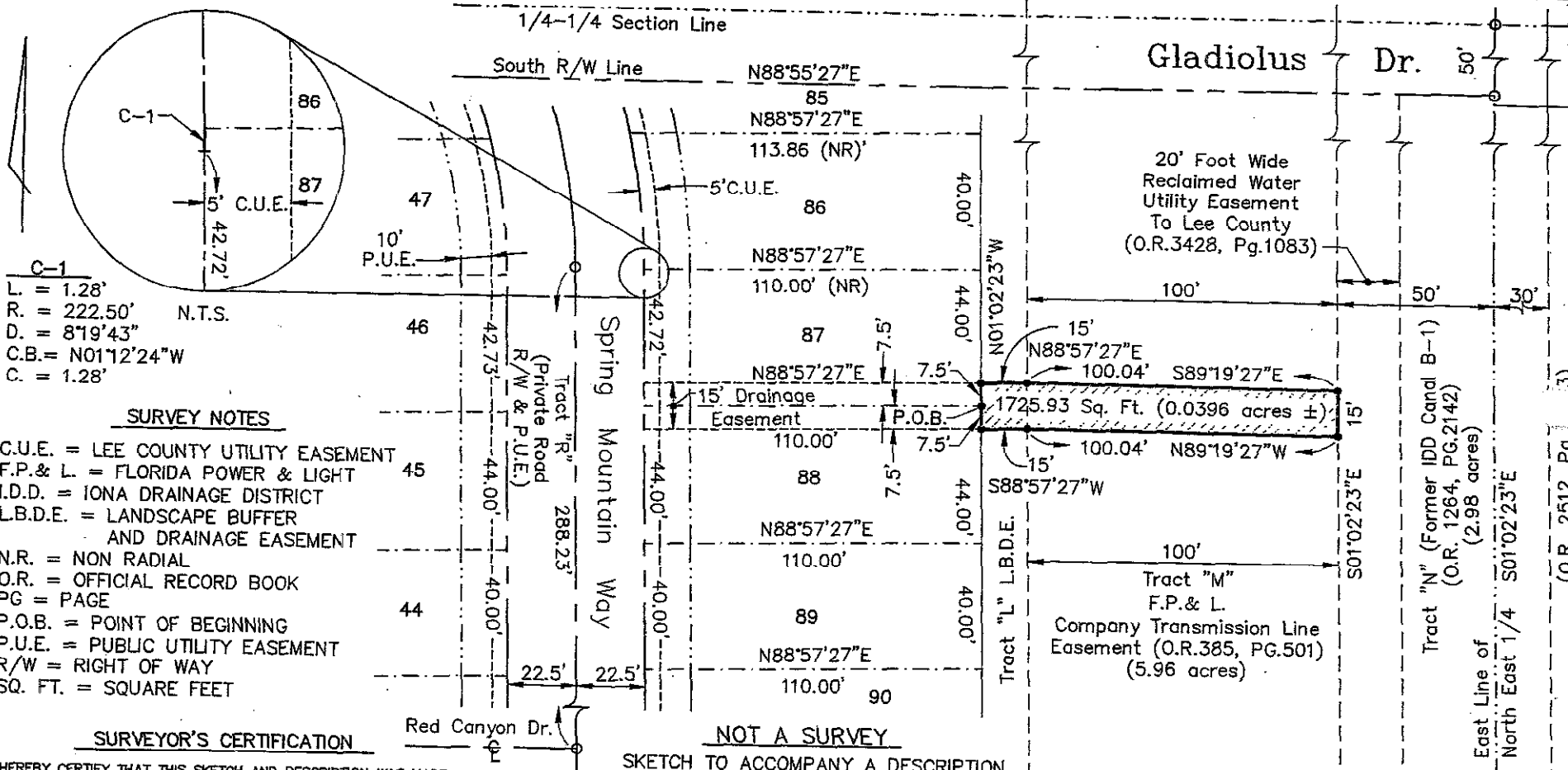
By: [Signature]
Office of County Attorney

EXHIBIT A

THAT PORTION OF THE FOLLOWING DESCRIBED PROPERTY LYING WITHIN TRACT "L", LAGUNA LAKES, A SUBDIVISION IN SECTION 33, TOWNSHIP 45 SOUTH, RANGE 24 EAST AS RECORDED IN PLAT BOOK 74 AT PAGES 1 THROUGH 8 IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA:

A STRIP OF LAND (15.00 FEET IN WIDTH) LYING WITHIN TRACT "L", PLATTED AS A LANDSCAPE AND BUFFER EASEMENT AND ALSO TRACT "M" DESIGNATED AS A 100 FOOT WIDE FLORIDA POWER AND LIGHT COMPANY TRANSMISSION EASEMENT (OFFICIAL RECORD BOOK 385, PAGE 501) AS SHOWN ON THE PLAT OF LAGUNA LAKES, A SUBDIVISION IN SECTION 33, TOWNSHIP 45 SOUTH, RANGE 24 EAST AS RECORDED IN PLAT BOOK 74 AT PAGES 1 THROUGH 8 IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, SAID 15.00 FOOT WIDE STRIP OF LAND BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 87, LAGUNA LAKES, A SUBDIVISION IN SECTION 33, TOWNSHIP 45 SOUTH, RANGE 24 EAST AS RECORDED IN PLAT BOOK 74 AT PAGES 1 THROUGH 8 IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND THE POINT OF BEGINNING OF THE 15.00 FOOT WIDE STRIP OF LAND DESCRIBED HEREIN, THENCE RUN N01°02'33" W ALONG THE EAST LINE OF SAID LOT 87 FOR A DISTANCE OF 7.50 FEET, THENCE RUN N88°57'27" E ALONG THE EASTERLY PROLONGATION OF THE NORTHERLY LINE OF A 15.00 WIDE DRAINAGE EASEMENT AS SHOWN ON PLAT OF SAID LAGUNA LAKES TO A POINT ON THE EASTERLY LINE OF AFORESAID TRACT "L" AND THE WESTERLY LINE OF AFORESAID FLORIDA POWER AND LIGHT COMPANY EASEMENT FOR A DISTANCE OF 15.00 FEET; THENCE RUN S89°19'27"E FOR A DISTANCE OF 100.04 FEET TO THE EAST LINE OF SAID FLORIDA POWER AND LIGHT COMPANY EASEMENT AS RECORDED IN OFFICIAL RECORD BOOK 385, PAGE 501 OF SAID PUBLIC RECORDS; AND THE WESTERLY LINE OF IONA DRAINAGE DISTRICT EASEMENT B-1 AS RECORDED IN OFFICIAL RECORD BOOK 1264, PAGE 2142 OF SAID PUBLIC RECORDS; THENCE RUN S 01°02'23"E ALONG SAID EAST LINE FOR A DISTANCE OF 15.00 FEET; THENCE (DEPARTING SAID EAST LINE) RUN N89°19'27"W FOR A DISTANCE OF 100.04 FEET TO A POINT ON THE EASTERLY LINE OF SAID TRACT "L" AND THE WESTERLY LINE OF SAID FLORIDA POWER AND LIGHT COMPANY EASEMENT; THENCE RUN S88°57'27"W ALONG THE EASTERLY PROLONGATION OF THE SOUTHERLY LINE OF A 15.00 WIDE DRAINAGE EASEMENT AS SHOWN ON PLAT OF SAID LAGUNA LAKES TO A POINT ON THE EASTERLY LINE OF LOT 88 OF SAID LAGUNA LAKES; THENCE RUN N01°02'33"W ALONG THE EAST LINE OF SAID LOT 88 FOR A DISTANCE OF 7.50 FEET TO THE NORTHEAST CORNER OF SAID LOT 88 AND THE POINT OF BEGINNING. CONTAINING 1725.93 SQUARE FEET (0.0396 ACRES) MORE OR LESS.



C-1
 L. = 1.28'
 R. = 222.50' N.T.S.
 D. = 8°19'43"
 C.B. = N01°12'24"W
 C. = 1.28'

SURVEY NOTES

C.U.E. = LEE COUNTY UTILITY EASEMENT
 F.P. & L. = FLORIDA POWER & LIGHT
 I.D.D. = IONA DRAINAGE DISTRICT
 L.B.D.E. = LANDSCAPE BUFFER AND DRAINAGE EASEMENT
 N.R. = NON RADIAL
 O.R. = OFFICIAL RECORD BOOK
 PG = PAGE
 P.O.B. = POINT OF BEGINNING
 P.U.E. = PUBLIC UTILITY EASEMENT
 R/W = RIGHT OF WAY
 SQ. FT. = SQUARE FEET

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.

Arthur W. Parsons, County Surveyor
 Professional Surveyor & Mapper
 Florida Certificate No. 2987
 DATE: 11/18/03

NOT A SURVEY

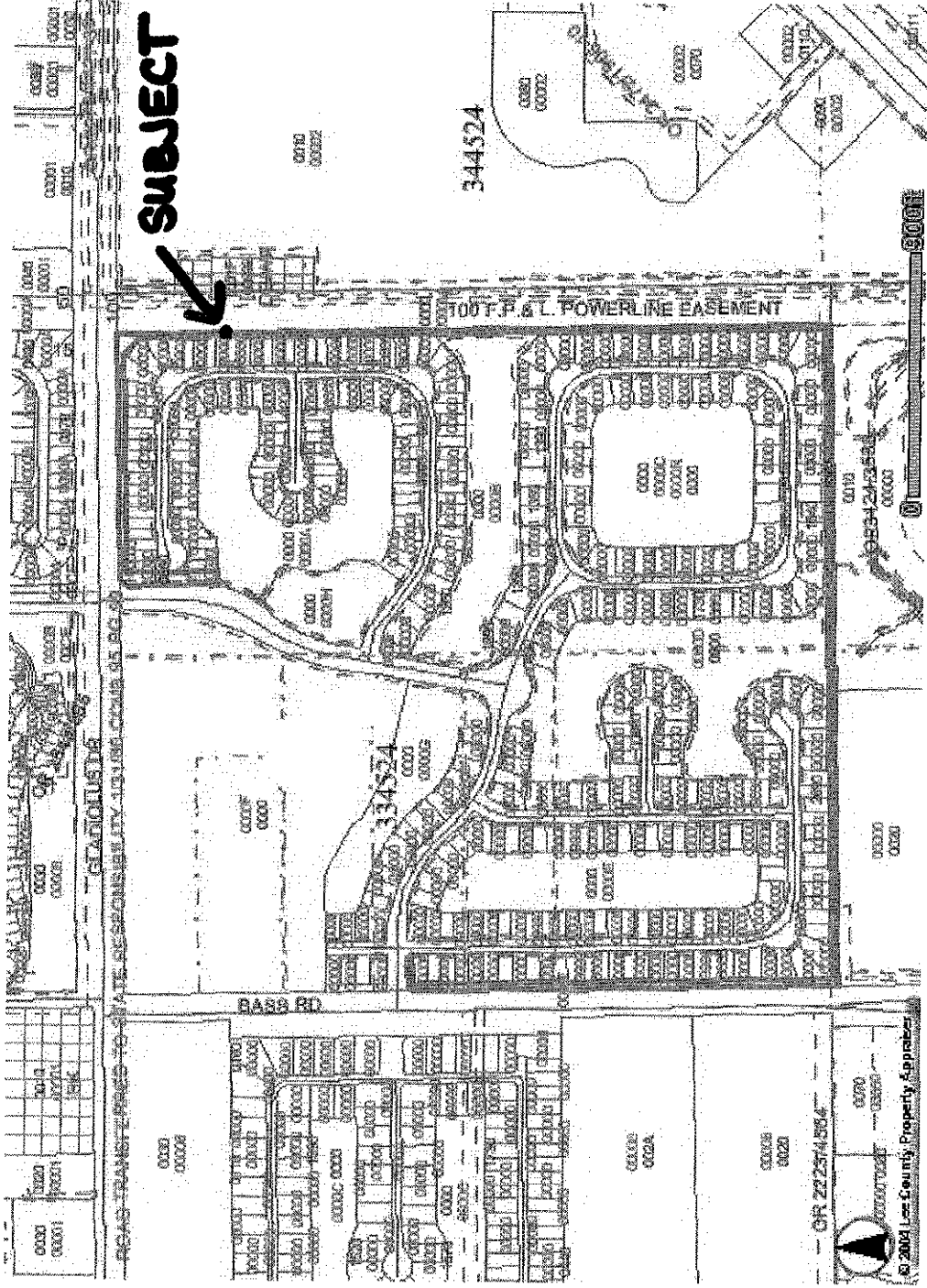
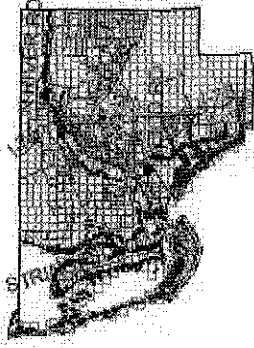
SKETCH TO ACCOMPANY A DESCRIPTION OF A PARCEL OR TRACT IN

LAGUNA LAKES
 A SUBDIVISION
 SECTION 33, TOWNSHIP 45 SOUTH, RANGE 24 EAST,
 RECORDED IN PLAT BOOK 74, PAGE 1 - 8,
 LEE COUNTY, FLORIDA.

DEPARTMENT OF PUBLIC WORKS TRANSPORTATION DIVISION			SHEET
Designed by: A.P.	Date: 11/03	Disk 03001	2 of 2
Drawn by: W.E.H.	Date: 11/03	Scale: 1" = 40'	
Chk'd: A.P.	Date: 11/03	030632801.Dwg.	

Exhibit "A"

33-45-24-15-0000L.0000

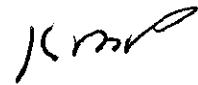


SUBJECT

GR 22254554
© 2004 Los County Property Appraiser

To: Michele S. McNeill SR/WA
Property Acquisition Agent

From: Kenneth Pitt
Title Examiner



STRAP: 33-45-24-15-0000L.0000

Effective Date: December 3, 2003.

Subject Property: Tract L, (being a Landscape Buffer & Drainage Easement) on the plat of Laguna Lakes, recorded in Plat Book 74 Page 1, Public Records of Lee County, Florida.

Title to the subject property is vested in the following:

Laguna Lakes Community Development District.

by that certain instrument dated April 23, 2003, recorded May 1, 2003, in Official Record Book 3919, Page 1550, Public Records of Lee County, Florida.

Easements:

1. Right-of-Way Agreement to Florida Power & Light Company, recorded in Official Record Book 385, Page 501, Public Records of Lee County, Florida.
2. Grant of Perpetual Non-Exclusive Reclaimed Water Utility Easement and Agreement to Lee County, recorded in Official Record Book 3426, Page 1983, Public Records of Lee County, Florida.
3. Subject to the Master Declaration for Laguna Lakes, recorded in Official Record Book 3905 Page 1527, Public Records of Lee County, Florida.
4. The subject property is dedicated as a Landscape Buffer and Drainage Easement as shown in Dedication on the plat "Laguna Lakes" recorded in Official Record Book 74 Page 1, Public Records of Lee County, Florida.

NOTE(1): Covenant of Unified Control, recorded in Official Record Book 3619, Page 4331, Public Records of Lee County, Florida.

NOTE(2): Notice of Development Order Approval, recorded in Official Record Book 3691, Page 4077, Public Records of Lee County, Florida.

NOTE(3): Conveyance to Lee County of a fifty foot strip along the Westerly boundary, as described in Official Record Book 3693, Page 3691, Public Records of Lee County, Florida.

NOTE(4): Notice of Commencement recorded November 24, 2002 in Official Record Book 3785, Page 4775, Public Records of Lee County, Florida.

- NOTE(5): Declaration of Consent to Jurisdiction of Laguna Lakes Community Development District and to the Imposition of Special Assessments, recorded in Official Record Book 3914 Page 167, Public Records of Lee County, Florida.
- NOTE(6): Subject to Lien of Record of Laguna Lakes Community Development District, recorded in Official Record Book 3914 Page 170, Public Records of Lee County, Florida.
- NOTE(7): Subject to Final Judgment Validating Bonds-for Laguna Lakes Community Development District Revenue Bonds, recorded in Official Record Book 3859 Page 1024, Public Records of Lee County, Florida.

Tax Status: \$71.25 paid on 11/24/03 for Tax Year 2003.

(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.