

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

Blue Sheet No. 20040359

1. REQUESTED MOTION:

ACTION REQUESTED: Approve a resolution for the conveyance of a portion of Phillips Park, to the Matlacha-Pine Island Fire Control District, an independent taxing district of the State of Florida; authorize the Chairman to execute the attached Resolution and County Deed; authorize the Division of County Lands to handle all documentation necessary to complete transaction.

WHY ACTION IS NECESSARY: To provide necessary land to the Matlacha-Pine Island Fire Control District for expansion of the fire station servicing the community interests of Pine Island and Matlacha.

WHAT ACTION ACCOMPLISHES: Approval of the requested motion provides for the donation of 3,013.44 square feet or .0692 acres, more or less, to the Matlacha-Pine Island Fire Control District. Conveyance will be conducted in compliance with F.S. 125.38.

2. DEPARTMENTAL CATEGORY: 06
COMMISSION DISTRICT #: 1 *C6F*

3. MEETING DATE:
04-13-2004

<p>4. AGENDA:</p> <input checked="" type="checkbox"/> CONSENT <input type="checkbox"/> ADMINISTRATIVE <input type="checkbox"/> APPEALS <input type="checkbox"/> PUBLIC <input type="checkbox"/> WALK ON <p>TIME REQUIRED:</p>	<p>5. REQUIREMENT/PURPOSE: (Specify)</p> <input checked="" type="checkbox"/> STATUTE 125.38 <input type="checkbox"/> ORDINANCE _____ <input type="checkbox"/> ADMIN. _____ <input type="checkbox"/> OTHER _____	<p>6. REQUESTOR OF INFORMATION</p> <p>A. _____</p> <p>B. DEPARTMENT <u>Independent</u></p> <p>C. DIVISION <u>County Lands</u> <i>FF</i></p> <p>BY <u>Karen L. W. Forsyth, Director</u> <i>FF</i></p>
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7. BACKGROUND:

The Matlacha-Pine Island Fire Control District is planning to expand the Matlacha-Pine Island fire station, located at 5700 Pine Island Road. The facility requires additional area for expansion of the parking bays to sufficiently accommodate vehicles and equipment, including a County EMS vehicle. The land area required for the proposed station expansion is approximately 3,013 square feet and is a portion of Lee County's Phillips Park, located adjacent to the fire station.

The Matlacha-Pine Island Fire Control District contacted the Parks and Recreation Department to request the land area required for the expansion of the facility. The Parks and Recreation Department does not object to the conveyance of the land area, as it serves the community interest and promotes the partnership that already exists between the Fire District and Lee County.

The fire district will pay all closing costs for this conveyance.

Attachments: Resolution Aerial Map/Appraiser Map of Subject Area
 County Deed Letter of Support from Parks & Recreation
 Written Application from Fire District

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other <small>Parks & Recreation</small>	E County Attorney	F Budget Services				G County Manager
					OA	OM	RISK	GC	
<i>K. Forsyth</i>			<i>J. [Signature]</i> 3-27-04	<i>John S. [Signature]</i> 3-29-04	<i>R.M.</i> 3/30/04	<i>KG</i> 3/30/04	<i>KG</i> 3/30/04	<i>KG</i> 3/30/04	<i>HS</i> 4/1/04

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
 Date: *3/29/04*
 Time: *3:25 PM*
 Forwarded To:
 Co. Adm.
3/29/04 4:20 PM

RECEIVED BY
 COUNTY ADMIN: *FLW*
3/29/04
 Spn 36-T
 COUNTY ADMIN
 FORWARDED TO:
4-1-04
3pm

HS

LEE COUNTY RESOLUTION NO. _____

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA**

WHEREAS, the Matlacha-Pine Island Fire Control District (District) has requested the donation of County-owned land in Section 28, Township 44 South, Range 22 East, Lee County, Florida (County) to allow the District to expand an existing fire station facility that currently serves the residents of Matlacha and Pine Island; and

WHEREAS, Lee County declares that the purpose of this Resolution is to convey 3,013.40 square feet or 0.0692 acres, more or less, of County-owned land to the Matlacha-Pine Island Fire Control District, a independent taxing district of the State of Florida, pursuant to a request by the said District in order to allow the District to expand the fire station facility serving the residents of Matlacha and Pine Island; and

WHEREAS, pursuant to Section 125.38, F.S., the Board of County Commissioners has authority to convey County-owned property to the District without advertisement, compensation or consideration because the District is a non-profit organization created for the purpose of promoting community interest and welfare in the State of Florida; and

WHEREAS, the property will be used for the sole purpose of a fire station and the District will not allow any other use for the said property; and

WHEREAS, the Board of County Commissioners has determined and is satisfied that the property is not needed for County purposes and that by virtue of conveyance to the District, the property will benefit the public or community interest and welfare and will be in public ownership.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, THAT:

The Board of County Commissioners authorizes the conveyance of the County's interest in the real property described in attached Exhibit "A" to the Matlacha-Pine Island Fire Control District, an independent taxing district of the State of Florida, without payment of any consideration therefore.

The Chairman of the Board of County Commissioners is authorized to execute the County Deed for and on behalf of Lee County for the conveyance of the County's interest in the real property described in attached Exhibit "A" and to do those things necessary to complete the conveyance of the real property interest to the District.

The conveyance of the real property described in attached Exhibit "A" by Lee County to the District is subject to the condition that it must be used for the sole purpose of a fire station by the District, and should the District, its successors or assigns, attempt to transfer, convey, assign or use the property for any use other than the stated purpose, then the property will automatically revert to Lee County.

The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner _____, seconded by Commissioner _____ and, upon being put to a vote, the result was as follows:

Robert P. Janes _____
Douglas R. St. Cerny _____
Ray Judah _____
Andrew W. Coy _____
John E. Albion _____

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

Approved as to form by:

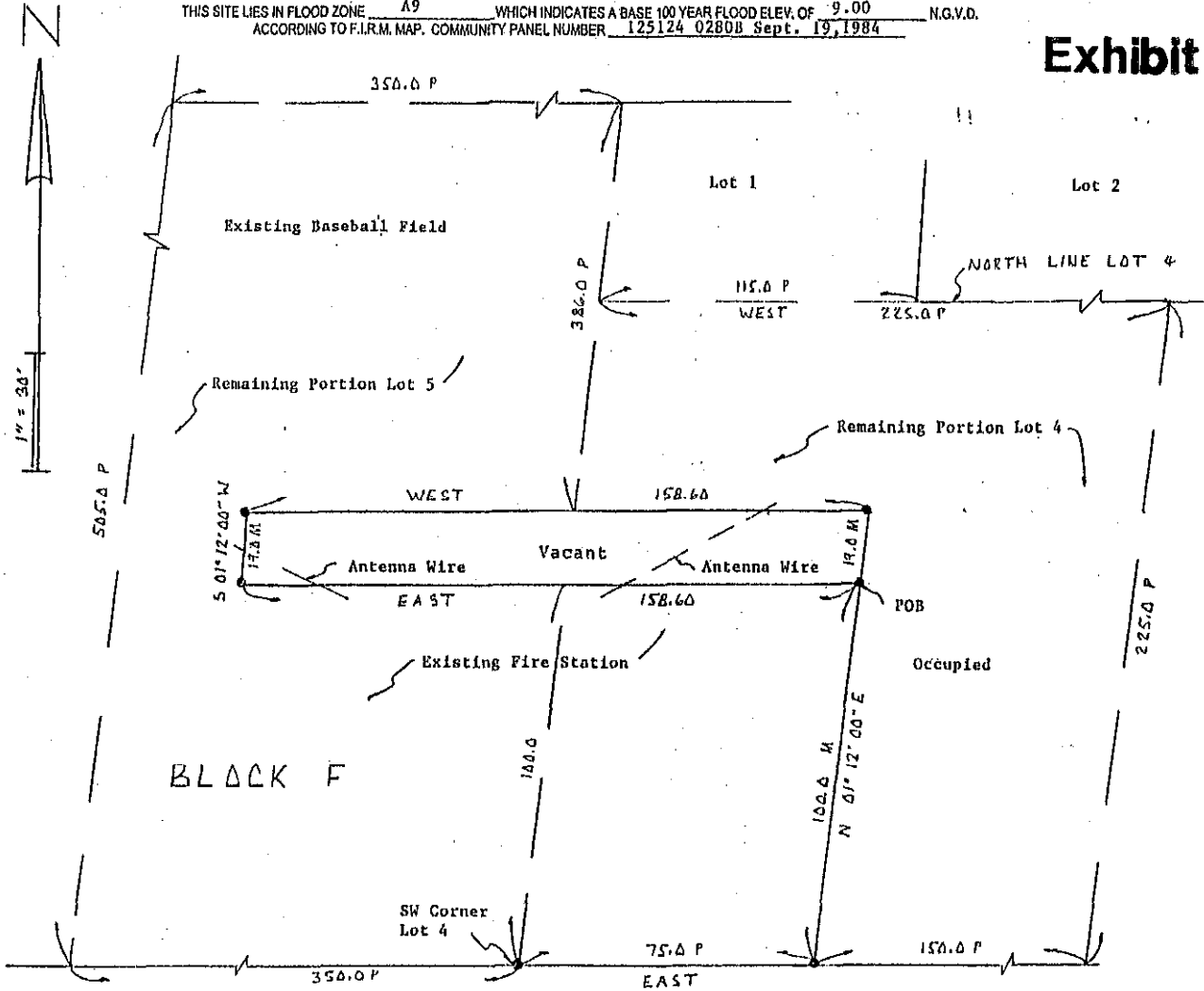
County Attorney's Office

ABBREVIATIONS

PI = POINT OF INTERSECTION	BM = BENCH MARK	D = DESCRIBED	NA = NOT APPLICABLE	TOB = TOP OF BANK
A = DELTA	FH = FIRE HYDRANT	CL = CALCULATED	CL = CHAIN LINK FENCE	OU = OVERHEAD UTILITY
R = RADIUS	FPE = FINISHED FLOOR ELEV.	CB = CATCH BASIN	CB = CATCH BASIN	RHW = RIGHT OF WAY
A = ARC	GAR = GARAGE	UP = UTILITY POLE	UP = UTILITY POLE	POB = POINT OF BEGINNING
CH = CHORD DIST.	SET V = SET V. STEEL PIN LB 7258	ELEV = ELEVATION	WM = WATER METER	POC = POINT OF COMMENCEMENT
CB = CHORD BEARING	FOUND = FOUND STEEL PIN	WC = WITNESS CORNER	SW = SEAWALL	CL = CENTERLINE
PC = POINT OF CURVATURE	FC = FOUND CONCRETE MONUMENT		D.P.U.E. = DRAINAGE & PUBLIC UTILITY EASEMENT	EOP = EDGE OF PAVEMENT
P = PLAT DESC.				

THIS SITE LIES IN FLOOD ZONE A9 WHICH INDICATES A BASE 100 YEAR FLOOD ELEV. OF 9.00 N.G.V.D.
 ACCORDING TO F.I.R.M. MAP, COMMUNITY PANEL NUMBER 125124 0280B Sept. 19, 1984

Exhibit "A"



CERTIFIED TO: THE MATLACHA AND PINE ISLAND FIRE CONTROL DISTRICT

THIS IS A BOUNDARY SURVEY OF THE FOLLOWING:

A PARCEL OR TRACT OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, BEING A PART OF LOTS 4 AND 5, BLOCK F, AS SHOWN IN THE PLAT OF PINE ISLAND CENTER, UNIT 4, A SUBDIVISION RECORDED IN PLAT BOOK 10, PAGE 18 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF AFORESAID LOT 4, BLOCK F, RUN EAST ALONG THE SOUTH LINE OF SAID LOT 4 AND THE NORTHERLY RIGHT OF WAY OF PINE ISLAND ROAD FOR 75.00 FEET; THENCE RUN N 01°12'00" E FOR 100.00 FEET TO THE POINT OF BEGINNING OF THE LANDS HEREIN DESCRIBED; THENCE CONTINUE N 01°12'00" E FOR 19.00 FEET; THENCE RUN WEST FOR 158.60 FEET; THENCE RUN S 01°12'00" W FOR 19.00 FEET; THENCE RUN EAST FOR 158.60 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 3013.40 FEET OR .0692 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE NORTH LINE OF SAID LOT 4, BLOCK F, PINE ISLAND CENTER, UNIT 4 AS RECORDED IN PLAT BOOK 10, PAGE 18 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AS BEARING WEST.

PARCEL SUBJECT TO ALL EASEMENTS, RIGHTS OF WAY AND RESTRICTIONS OF RECORD.

SURVEYORS NOTES

ALLEN SURVEYS, INC.
 Professional Surveying & Mapping
 19 Del Prado Blvd, N., Suite K
 Cape Coral, Florida 33909
 (239) 242-0097

- THIS PLAT OF THE HEREOF DESCRIBED PROPERTY IS A TRUE AND CORRECT REPRESENTATION OF A RECENT SURVEY MADE AND PLATTED UNDER MY DIRECTION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF MEETS THE MINIMUM TECHNICAL STANDARDS ADOPTED BY THE STATE OF FLORIDA AS PER CHAPTER 89B, FLORIDA ADMINISTRATIVE CODE PURSUANT TO CHAPTER 422 FLORIDA STATUTES.
- THIS SURVEY WAS PERFORMED BASED ON A DESCRIPTION ISSUED VERBALLY BY THE CLIENT AND WITHOUT BENEFIT OF AN ABSTRACT OF TITLE. THE SURVEYOR HAS MADE NO INDEPENDENT SEARCH FOR EASEMENTS, OWNERSHIP, RESTRICTIVE COVENANTS OR OTHER FACTS THAT MAY AFFECT TITLE.
- NOTE: SUBJECT TO EASEMENT, RESTRICTIONS OF RECORD.
- THERE ARE NO VISIBLE ENCROACHMENTS EXCEPT THOSE SHOWN.
- ELEVATIONS SHOWN HAVE BEEN SURVEYED FROM DATA DERIVED FROM THE NATIONAL GEODETTIC SURVEY VERTICAL DATUM MONUMENTS (1929 DATUM) EXCEPT WHEN ELEVATIONS ARE NOTED AS BEING ASSUMED.
- THIS SURVEY DOES NOT DETERMINE OR REFLECT OWNERSHIP, TITLE, ZONING OR FREEDOM FROM ENCUMBRANCES AND IS ONLY FOR THE LANDS DESCRIBED ABOVE.
- THIS SURVEY IS FOR THE SOLE PURPOSES INTENDED BY THE SURVEYOR AND ONLY FOR THIS INDIVIDUALS AND/OR INSTITUTIONS LISTED ABOVE UNDER "CERTIFIED TO".
- THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

Sam B. Allen
 SAM B. ALLEN PSM 5803, LB 7258

November 21, 2003

FIELD BOOK 113 PAGE 53

This Instrument Prepared by:

COUNTY LANDS DIVISION
Post Office Box 398
Fort Myers, Florida 33902-0398

STRAP NO. 28-44-22-03-0000F.0010

THIS SPACE FOR RECORDING

COUNTY DEED
(Statutory)

THIS DEED, executed this _____ day of _____, 2004, by **LEE COUNTY, FLORIDA**, a political subdivision of the State of Florida, whose address is Post Office Box 398, Fort Myers, Florida 33902-0398 (County), to the **MATLACHA-PINE ISLAND FIRE CONTROL DISTRICT**, a independent taxing district of the State of Florida, whose address is 5700 Pine Island Road, Bokeelia, Florida 33992 (Grantee).

WITNESSETH: The County, for and in consideration of the sum of Ten and xx/100 Dollars (\$10.00) to it in hand paid by the Grantee, receipt whereof is hereby acknowledged, has granted, bargained and sold to the Grantee, the following described real property, lying and being in Lee County, Florida:

SEE ATTACHED EXHIBIT "A"

In accordance with Florida Statutes s. 270.11, the County hereby reserves an undivided three-fourths interest in, and title in and to an undivided three-fourths interest in, all the phosphate, minerals, and metals that are or may be in, on, or under the subject land and an undivided one-half interest in all the petroleum that is or may be in, on, or under the subject land with the privilege to mine and develop each interest. Provided, however, the right of entry with respect to any interest in phosphate, minerals, metals or petroleum reserved in favor of the County is hereby released if the subject parcel being conveyed is or has always been a contiguous tract of less than 20 acres in the aggregate under the same ownership.

Said property is being conveyed pursuant to Chapter 125.38, Florida Statutes.

This herein described property is being conveyed to the Grantee subject to the condition of it being used for sole purpose of a fire station by the Grantee and should the Grantee, its successors or assigns, attempt to transfer, convey, assign or use the property for any use other than the stated purpose, then the property will automatically revert to the Grantor.

This grant conveys only the interest of the County and its Board of County Commissioners in the property herein described, and does not warrant the title or represent any state of facts concerning the title.

IN WITNESS WHEREOF, the County has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chair or Vice Chair of said Board, the day and year first written above.

(OFFICIAL SEAL)

ATTEST:
CHARLIE GREEN, CLERK

**LEE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS**

By: _____
Deputy Clerk

By: _____
Chairman

[Type or print name]

APPROVED AS TO FORM

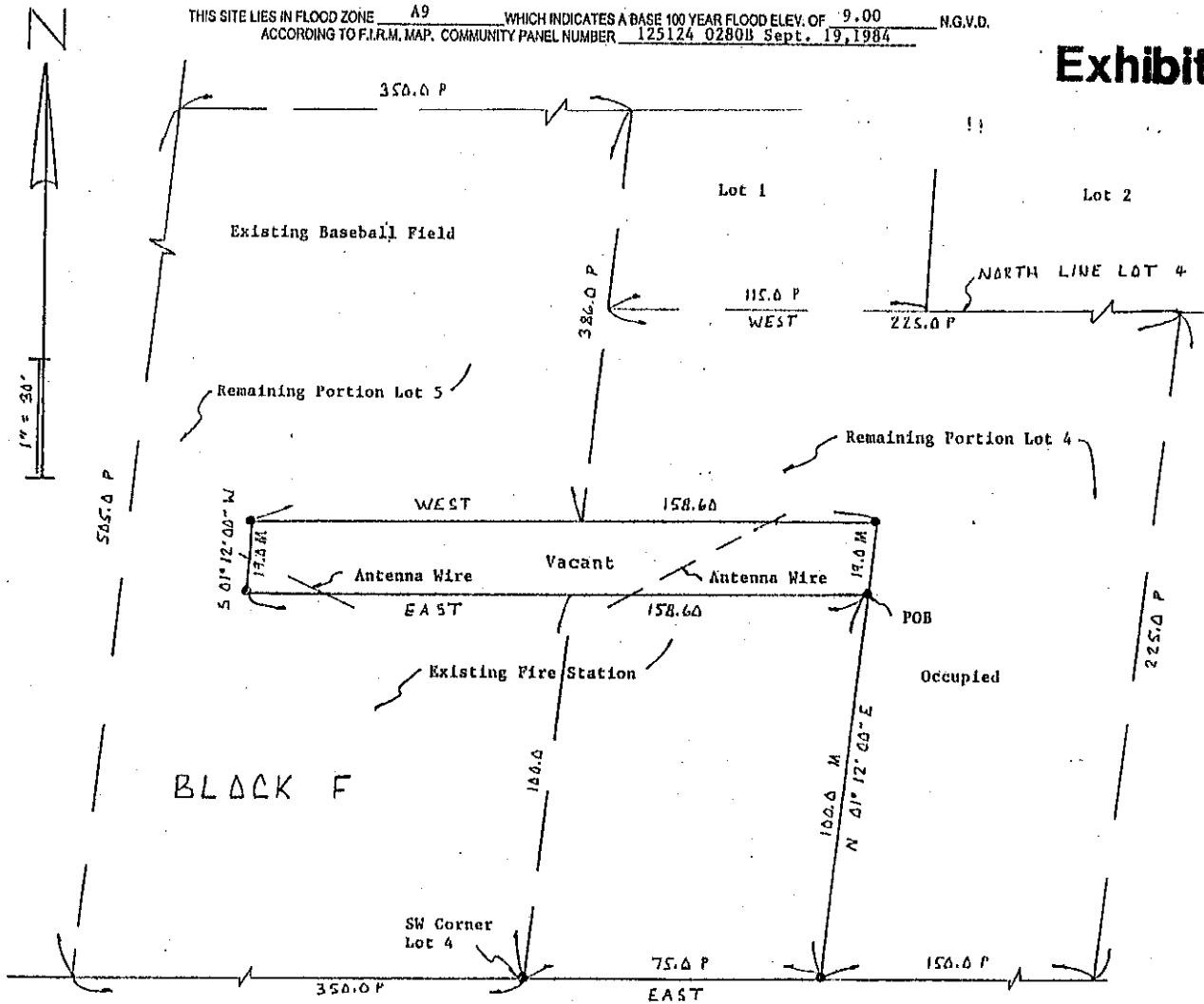
Office of County Attorney

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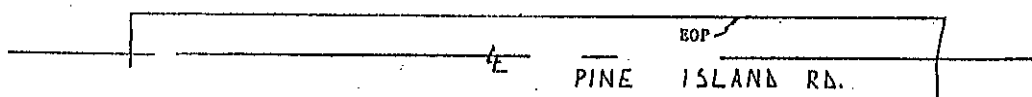
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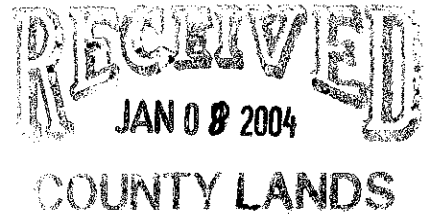
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ALLEN SURVEYS, INC.
 Professional Surveying & Mapping
 19 Del Prado Blvd. N., Suite K
 Cape Coral, Florida 33909
 (239) 242-0097
 [Signature]
 SAM B. ALLEN PSM 3803, LG 7260



Matlacha – Pine Island
Fire Control District
5700 Pine Island Road
Bokeelia, Florida 33922
239-283-0030 Fax 239-283-3313
Email –DepChief@PineIslandFire.org

January 7, 2004

J. Keith Gomez
Property Acquisition Agent
County Lands Division
Lee County Government
P.O. Box 398
Ft. Myers, FL 33902-0398

Mr. Gomez-

This is our formal request to Lee County for conveyance of a parcel of land approximately 19' by 158.6 on the north side of our main fire station. This piece of property is to be used for expansion of our fire station to include room inside the building for a Lee County EMS ambulance.

Thanks for your assistance.


Joe Marzella
Deputy Chief



LEE COUNTY
PARKS AND RECREATION

3410 Palm Beach Blvd
Fort Myers, FL 33916
Phone 239-461-7400 Fax 239-461-7450

RECEIVED
JAN 08 2004

COUNTY LANDS

Memorandum

To: Keith Gomez, Property Acquisition agent

From: John Yarbrough, Parks & Recreation Director

Date: January 7, 2004

Subject: Phillips Park land transfer

Lee County Parks and Recreation authorizes the conveyance of the 19' x 158.6 or 3,013.4 sq. ft. parcel requested by the Matlacha-Pine Island Fire District. Please proceed with what is needed to transfer this property.

Thank you

Lee County Map

