

Lee County Board Of County Commissioners

Agenda Item Summary

Blue Sheet No. 20040435

1. REQUESTED MOTION:

ACTION REQUESTED: Accept by donation, a Quit Claim Deed for Part of Strap No. 02-46-22-19-00000.0040 necessary for the Cherry/Blueberry Lanes Special Improvement MSBU for maintenance of the existing roads and street lighting; authorize the Division of County Lands to handle and accept all documentation necessary; authorize payment of recording fees.

WHY ACTION IS NECESSARY: Cherry and Blueberry Lanes are currently privately owned roads and the County cannot initiate maintenance without a fee interest.

WHAT ACTION ACCOMPLISHES: Acquisition of right-of-way via Quit-Claim Deed by donation from benefited property owner.

2. DEPARTMENTAL CATEGORY: 06
COMMISSION DISTRICT #1

CLF

3. MEETING DATE:

04-27-2004

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:

5. REQUIREMENT/PURPOSE:
(Specify)

- STATUTE 125
- ORDINANCE 96-07
- ADMIN. CODE
- OTHER 96-04-160,96-04-161

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER
- B. DEPARTMENT Independent
- C. DIVISION County Lands TLM 4-9-04
- BY: Karen L.W. Forsyth, Director *KLF*

7. BACKGROUND: The Board of County Commissioners created the Cherry/Blueberry Lane Special Improvement MSBU on April 3, 1996, when it adopted Resolution Nos. 96-04-160 and 96-04-161. The principal purpose of the project is maintenance of the currently existing roadways and street lighting for Cherry and Blueberry Lanes in St. James City, the cost of which will be assessed proportionately against benefited property owners. A requirement for maintenance to be accepted by the County is to obtain Quit-Claim deeds from all benefited property owners.

The attached is a copy of the deed from the benefited owners, Robert R. Falconer and Marie C. Falconer, husband and wife, and Brian D. Falconer, a single man. The original document is in the file of County Lands and will be recorded upon approval by the Board of County Commissioners.

There are two remaining properties for which a deed conveyance to the County is required.

Recording costs will be approximately \$15.00

Staff Recommendation: Approve the Requested Motion.

Funds are available in Account: GD5411810417.504925 (GD - MSTBU (Public Resources Department), 54118 - Program Number, 10417 - Cherry/Blueberry's Fund Number, 504925 - Other Current Charges and Obligations)

Attachments: Copy of Quit-Claim Deed, and Ownership and Easement Search.

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>PE</i>	<i>S. [Signature]</i>	<i>copy 4/15/04</i> OA OM Risk GC	<i>HS 4/15/04</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: 4/13/04
Time: 4:50
Forwarded To:
Admin. 4/15/04

RECEIVED BY
COUNTY ADMIN: *[Signature]*
4/14/04
COUNTY ADMIN
FORWARDED TO: *PP HS*
4-16-04
[Signature]

This Instrument Prepared by:
Division of County Lands
Post Office Box 398
Fort Myers, Florida 33902-0398
Project: Cherry/Blueberry MSBU
Part of STRAP No.: 02-46-22-19-00000.0040

This Space for Recording

QUIT-CLAIM DEED

THIS Quit-Claim Deed, executed this 24 day of MARCH, A.D. 2004, by Robert R. Falconer and Marie C. Falconer, husband and wife, and Brian D. Falconer, a single man, as joint tenants with right of survivorship, whose address is 10467 Oak Street, Taylor, MI 48180, Grantor, to LEE COUNTY, a political subdivision of the State of Florida, whose post office address is Post Office Box 398, Fort Myers, FL 33902-0398, Grantee:

(The terms "Grantor" and "Grantee" include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations.)

WITNESSETH, That the Grantor, for and in consideration of the sum of \$1.00 in hand paid by the Grantee, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim to the Grantee, all the right, title interest, claim and demand which the Grantor has in and to the following described parcel of land, located in Lee County, Florida:

The Southerly ten feet of Lot 4, Block C, Cherry Estates, according to the map or plat thereof recorded in Official Records Book 576, Pages 462 and 463, Public Records of Lee County, Florida.

Together with a perpetual right-of-way for construction and maintenance of the roadway along the Northerly two and one-half (2 ½) feet of the Southerly twelve and one-half (12 ½) feet of Lot 4, Block C, Cherry Estates, according to the map or plat thereof recorded in Official Records Book 576, Pages 462 and 463, Public Records of Lee County, Florida.

TO HAVE and to HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title interest, lien, equity and claim of the Grantor, either in law or equity, to the only proper use, benefit and behoof of the Grantee forever.

IN WITNESS WHEREOF, The Grantor has signed and sealed these presents the day and year first above written.

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

Wayne Evanc
1st Witness Signature

Wayne Evanc
Printed Name of 1st Witness

Robert D. Johnson
2nd Witness Signature

ROBERT D. JOHNSON
Printed Name of 2nd Witness

Robert R. Falconer
Robert R. Falconer Grantor

Wayne Evanc
1st Witness Signature

Wayne Evanc
Printed Name of 1st Witness

Robert D. Johnson
2nd Witness Signature

ROBERT D. JOHNSON
Printed Name of 2nd Witness

Marie C. Falconer
Marie C. Falconer Grantor

Wayne Evanc
1st Witness Signature

Wayne Evanc
Printed Name of 1st Witness

Robert D. Johnson
2nd Witness Signature

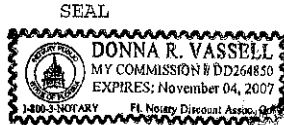
ROBERT D. JOHNSON
Printed Name of 2nd Witness

Brian Falconer
Brian D. Falconer Grantor

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

STATE OF Florida)
COUNTY OF Lee)

The foregoing instrument was acknowledged before me this 24 day of March,
2004, by Robert R. Falconer and Marie C. Falconer, husband and wife. They are
(name of persons acknowledged)
personally known to me or who have produced Drivers License
(type of identification)
as identification.

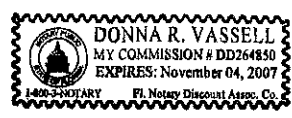


Donna R. Vassell
(Signature of Notary Public)
Donna R. Vassell
(Name typed, printed or stamped)
(Title or Rank)
(Serial Number, if any)

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

STATE OF Florida)
COUNTY OF Lee)

The foregoing instrument was acknowledged before me this 24 day of March,
2004, by Brian D. Falconer. He is personally known to me or who has
(name of persons acknowledged)
produced Drivers License as identification.
(type of identification)



Donna R. Vassell
(Signature of Notary Public)
Donna R. Vassell
(Name typed, printed or stamped)
(Title or Rank)
(Serial Number, if any)

**UPDATED
OWNERSHIP AND EASEMENT
LEE COUNTY PUBLIC WORKS DEPARTMENT
DIVISION OF COUNTY LANDS**

TO: Teresa L. Mann SR/WA
Property Acquisition Agent

SEARCH NO: 21154/D

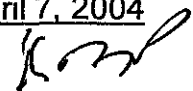
PARCEL:

PROJECT: Cherry/Blueberry MSBU

EFFECTIVE DATE: March 21, 2004

DATE DELIVERED: April 7, 2004

FROM: Kenneth Pitt
Real Estate Title Examiner



STRAP No: 02-46-22-19-00000.0040

Subject Property: See Schedule "X" Attached

Title to subject property is vested in the following:

**Robert R. Falconer and Marie C. Falconer, husband and wife and
Brian D. Falconer, a single man, as Joint Tenants with Right of Survivorship**

By that certain instrument dated January 21, 1998, recorded January 26, 1998 in Official Record Book 2913, Page 1630, Public Records of Lee County, Florida.

Easements:

1. Twelve and one-half foot (12.5') Easement Roadway along Southerly (front) lot line, as shown on Plat recorded in Official Record Book 576, Pages 462 and 463, Public Records of Lee County, Florida.
2. Five foot (5') Public Utility Easement along the Southerly (front) lot line, as shown on Plat, recorded in Official Record Book 576, Pages 462 and 463, Public Records of Lee County, Florida.
3. **NOTE:** For information purposes, attention is directed to the fact that subject property does not appear to abut a public road or highway. Access to property is by easements reserved across adjoining parcels. Sufficiency of said easements has not been determined by this report.

This is a specific purpose search limited to showing the current owner of record and easements for the subject property. This report contains no guarantees nor warranty as to its accuracy.

Taxes: \$2,123.91 paid on 11-30-03 for Tax Year 2003.

SCHEDULE "X"

**Cherry/Blueberry MSBU
Search No. 21154/D**

Lot 4, Block C, Cherry Estates, according to the map or Plat thereof filed and recorded in the Office of the Clerk of the Circuit Court, in Official Record Book 576, Pages 462 and 463, Public Records of Lee County, Florida.