

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

**Blue Sheet No. 20040505**

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Accept the donation of a Slope Restoration Easement on Parcel 1017, Veronica S. Shoemaker Blvd. (formerly Palmetto Avenue) Extension, Project No. 4073, authorize 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:** Accepts donation of easement needed for the Veronica S. Shoemaker Blvd. Extension Project.

**2. DEPARTMENTAL CATEGORY:** 06  
**COMMISSION DISTRICT # 2 and 5**

*C6C*

**3. MEETING DATE:**

*05-11-2004*

**4. AGENDA:**

**5. REQUIREMENT/PURPOSE:**  
(Specify)

CONSENT  
 ADMINISTRATIVE  
 APPEALS  
 PUBLIC  
 WALK ON  
 TIME REQUIRED:

STATUTE 73 &125  
 ORDINANCE  
 ADMIN. CODE  
 OTHER

**6. REQUESTOR OF INFORMATION:**

A. COMMISSIONER  
B. DEPARTMENT Independent  
C. DIVISION County Lands *4-19-04*  
BY: Karen L. W. Forsyth, Director *KLF*

**7. BACKGROUND:**

**Negotiated for:** Department of Transportation and the City of Fort Myers

**Interest to Acquire:** 2,813 square feet of easement interest in vacant property

**Property Details:**

**Owner:** Walter Lee Johnson and David W. Westberry  
**Address:** Veronica Shoemaker Blvd., Fort Myers  
**STRAP No.:** 29-44-25-P4-00108.0050

**Staff Recommendation:** Staff recommends the Board approve the Requested Motion.

**Account:** City of Fort Myers Acct # 310-4315-541-6100

**Attachments:** Copy of Slope/Restoration Easement, Location Map, In-House Title 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>4/23/04 KLF</i>	<i>Adrian 4/23/04</i>	QA	OM	Risk	GC	<i>MS 4-29-04</i>
					<i>4/26/04</i>	<i>4/26/04</i>	<i>4/26/04</i>	<i>4/26/04</i>	

**10. COMMISSION ACTION:**

APPROVED  
 DENIED  
 DEFERRED  
 OTHER

Rec. by CoAtty  
Date: *4/23/04*  
Time: *2:45 PM*  
Forwarded To:  
*Co. Admin.*  
*4/26/04*

RECEIVED BY  
COUNTY ADMIN: *CV*  
*4/26/04*  
*10:56 am SW*  
COUNTY ADMIN  
FORWARDED TO: *PL*  
*4-29-04*  
*11 AM*

**This instrument prepared by:**  
Lee County  
Division of County Lands  
Post Office Box 398  
Fort Myers, Florida 33902-0398

Parcel: 1017  
Project: Veronica S. Shoemaker Boulevard Extension  
STRAP No.: 29-44-25-P4-00108.0050

**SLOPE/RESTORATION EASEMENT**

This INDENTURE, made and entered into this 10<sup>th</sup> day of MARCH 2004, between Walter Lee Johnson and David W. Westberry, whose address is 2150 W. First Street, Suite A2, Fort Myers, Florida 33901, (Grantor), and LEE COUNTY, a political subdivision of the State of Florida, whose address is Post Office Box 398, Fort Myers, Florida 33902-0398, (Grantee):

WITNESSETH:

1. For good and valuable consideration, receipt of which is hereby acknowledged, Grantor grants to the Grantee, its successors and assigns, a slope/restoration easement situated in Lee County, Florida, and located and described as set forth in attached Exhibit "A" (Easement Parcel).
2. Grantee, its successors and assigns, are granted the right, privilege, and authority to construct, replace, repair, remove, extend, and maintain a slope/restoration easement on the Easement Parcel to support, reinforce, and stabilize the adjacent public roadway.
3. The improvements that may be placed within the Easement Parcel for roadway slope/restoration purposes are not limited to a particular type, style, material or design. These improvements may include the use of foliage.
4. Title to the improvements constructed by the Grantee within the Easement Parcel will remain in the Grantee, it's successors or assigns.
5. Subject to any existing easements for public highways or roads, railroads, laterals, ditches, pipelines and electrical transmission or distribution lines and telephone and cable television lines covering the land herein described, Grantors covenant they are lawfully seized and possessed of the real property described in Exhibit "A", have good and lawful right and power to convey it, and that the property is free and clear of all liens and encumbrances, except as herein stated, and accordingly, Grantor will forever warrant and defend the title and terms to this said easement and the quiet possession thereof against all claims and demands of all other entities.

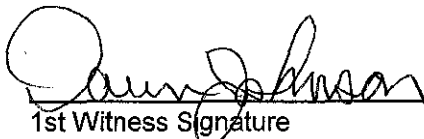
ORIGINAL DOCUMENTS RETAINED IN  
COUNTY LANDS FILES FOR HANDLING  
UPON BOARD ACCEPTANCE.

6. Grantee has a reasonable right of access across Grantor's property for the purposes of reaching the Easement Parcel on either paved or unpaved surfaces. Any damage to Grantor's property or permitted improvements thereon resulting from Grantee's use of this access right will be restored by the Grantee, to the condition in which it existed prior to the damage.

7. This easement runs with the land and is binding upon the parties, their successors and assigns.

IN WITNESS WHEREOF the Grantor has caused this document to be signed on the date first above written.

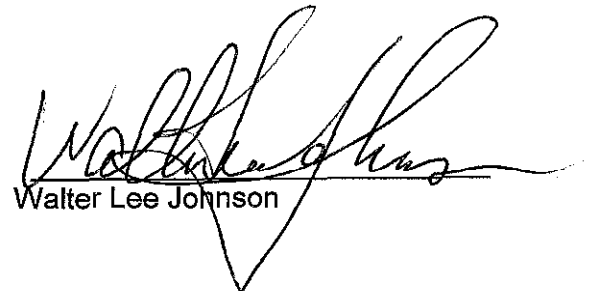
**TWO SEPARATE WITNESSES:**

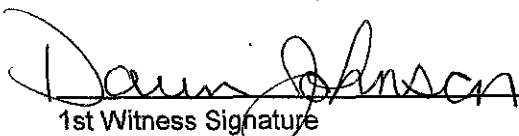
  
1st Witness Signature

DAWN JOHNSON  
Printed name of 1st Witness


  
2nd Witness Signature

BLANCHE COWELL  
Printed name of 2nd Witness

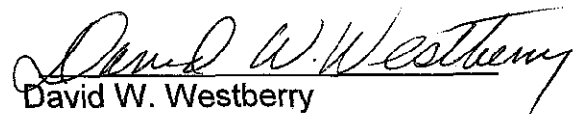
  
Walter Lee Johnson

  
1st Witness Signature

DAWN JOHNSON  
Printed name of 1st Witness

  
2nd Witness Signature

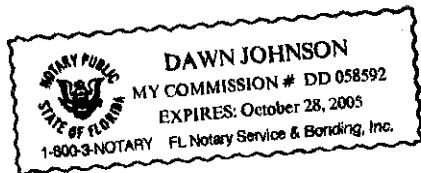
BLANCHE COWELL  
Printed name of 2nd Witness

  
David W. Westberry

STATE OF FLORIDA

COUNTY OF Lee

The foregoing instrument was acknowledged before me this 10<sup>th</sup> day of MARCH, 2004; by Walter Lee Johnson. He is personally known to me or who has produced \_\_\_\_\_ as identification



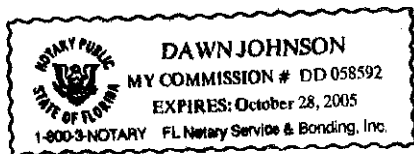
Dawn Johnson  
(Signature of Notary Public)

DAWN JOHNSON  
(Name typed, printed or stamped)  
(Title or Rank)  
(Serial Number, if any)

STATE OF

COUNTY OF

The foregoing instrument was acknowledged before me this 10<sup>th</sup> day of MARCH, 2004, by David W. Westberry. He is personally known to me or who has produced \_\_\_\_\_ as identification



Dawn Johnson  
(Signature of Notary Public)

DAWN JOHNSON  
(Name typed, printed or stamped)  
(Title or Rank)  
(Serial Number, if any)

29-44-25-P4-00108.0020

1017

January 15, 2003

DESCRIPTION

**10' SLOPE/CONSTRUCTION EASEMENT  
PART OF LOT 8, BLOCK 8, SOUTH SIDE GARDENS  
SECTION 29, TOWNSHIP 44 SOUTH, RANGE 25 EAST  
CITY OF FORT MYERS  
LEE COUNTY, FLORIDA**

A tract or parcel of land being part of Lot 8, Block 8, as shown on the plat of South Side Gardens, recorded in Plat Book 3 at Page 18 of the Public Records of Lee County, Florida and lying in Section 29, Township 44 South, Range 25 East, City of Fort Myers, Lee County, Florida, described as follows:

Beginning at the southwest corner of said Lot 8; thence run North 01° 09' 16" West, along the west line of said Lot for 281.29 feet to an intersection with the south right-of-way line of Racine Street (25.00 feet wide); thence run North 89° 06' 58" East along said right-of-way line for 10.00 feet; thence run South 01° 09' 16" East for 281.29 feet to an intersection with the south line of said Lot 8; thence run South 89° 06' 58" West, along said south line for 10.00 feet to the Point of Beginning.

Parcel Contains 2,813 square feet, more or less.

Bearings hereinabove mentioned are based on the west line of the Southwest Quarter (SW-1/4) of Section 29, Township 44 South, Range 25 East to bear North 01° 09' 16" West.

*Mark G. Wentzel*

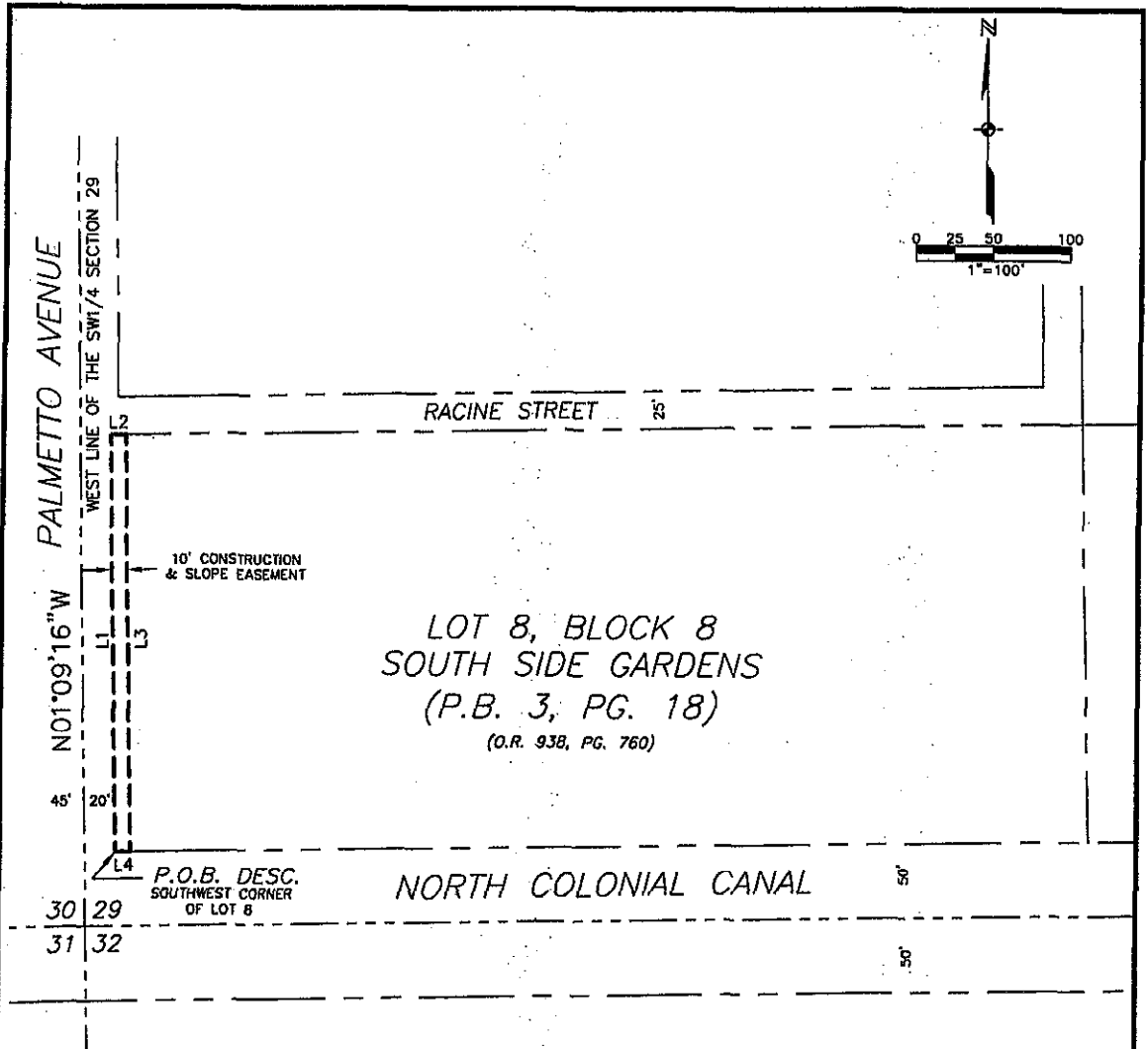
Mark G. Wentzel (For The Firm LB-642)  
Professional Land Surveyor  
Florida Certificate No. 5247

These lands are not the home stead of the  
Grantors who reside at: 1221 S. BREVARD, ARCADIA, FL 34265

19991321/SCE Lot 8, Block B 011503

6900 S.W AIRPORT DR., ARCADIA, FL 34216

# Exhibit "A"



LINE TABLE		
LINE	LENGTH	BEARING
L1	281.29	N01°09'16"W
L2	10.00	N89°06'58"E
L3	281.29	S01°09'16"E
L4	10.00	S89°06'58"W

LEGEND	
COR.	= CORNER
DESC.	= DESCRIPTION
FD.	= FOUND
L.B.	= LAND SURVEYOR BUSINESS
MON.	= MONUMENT
O.R.	= OFFICIAL RECORD
P.B.	= PLAT BOOK
PG.	= PAGE
P.O.B.	= POINT OF BEGINNING
P.O.C.	= POINT OF COMMENCEMENT
R.	= RANGE
T.	= TOWNSHIP
S.	= SECTION
SQ. FT.	= SQUARE FEET
F.P.L.	= FLORIDA POWER AND LIGHT

**NOTES:**

- SUBJECT TO ALL EASEMENTS, RESERVATIONS, RESTRICTIONS AND RIGHTS OF WAY OF RECORD.
- BEARINGS ARE BASED ON THE WEST LINE OF THE SW1/4 SECTION 29, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AS BEING N 01°09'16" W.
- PARCEL CONTAINS 2,813 SQUARE FEET, MORE OR LESS.

**THIS IS NOT A SURVEY**

*Mark G. Wentzel*

MARK G. WENTZEL (FOR THE FIRM-L.B.642)  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA CERTIFICATE NO. 5247

DATE SIGNED: 2/4/03

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

**10' SLOPE/CONSTRUCTION  
EASEMENT**

**PART OF LOT 8, BLOCK 8  
SOUTH SIDE GARDENS**

(PLAT BOOK 3, PAGE 18, LEE COUNTY RECORDS)  
SECTION 29, TOWNSHIP 44 S., RANGE 25 E.  
CITY OF FORT MYERS, LEE COUNTY, FLORIDA

**JOHNSON  
ENGINEERING**

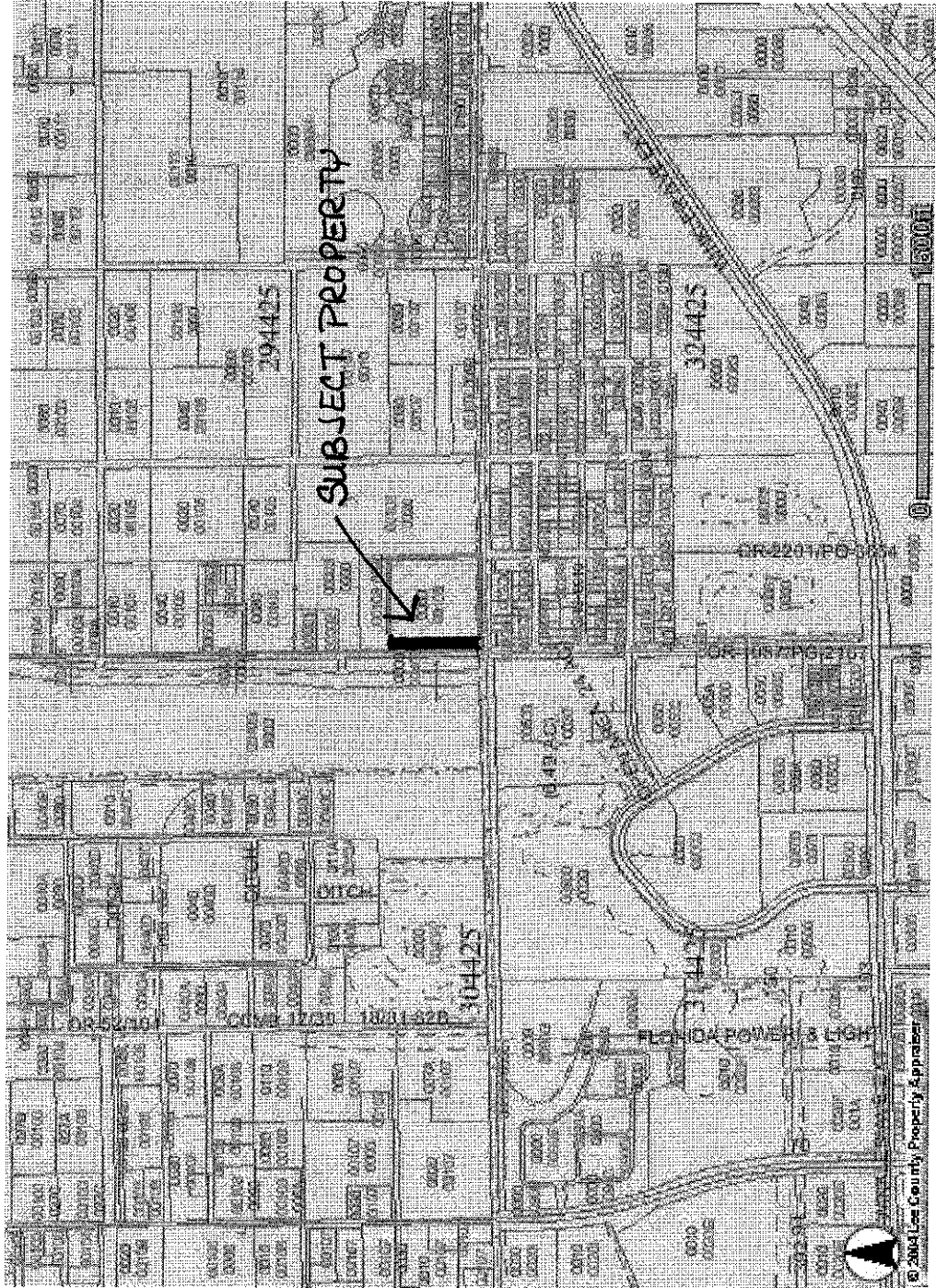
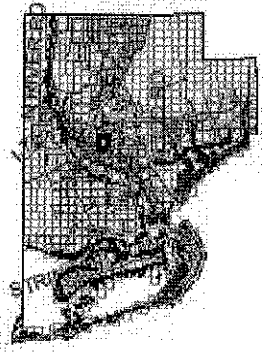
3501 DEL PRADO BOULEVARD  
SUITE 110  
CAPE CORAL, FLORIDA 33904  
PHONE (941) 334-0048  
FAX (941) 541-1383  
E.B. #842 & L.B. #842

**SKETCH TO ACCOMPANY  
DESCRIPTION**

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
1-3-2003	19991321	29-44-25	1"=100'	1

S:\1999\1321\Surveying\entocad\assessment\sketches\WATT 01.dwg (Layout1) RLL Jan 24, 2003 - 11:53am

Parcel 1017 Veronica S. Shoemaker Blvd. Ext.



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

Search No. 22452

Date: May 5, 2003

Parcel: 1017 SE

Project: Palmetto Extension Project #4073

To: Michele S. McNeill, SR/WA  
Property Acquisition AgentFrom: Kenneth Pitt *KMP*  
Real Estate Title Examiner

STRAP: 29-44-25-P4-00108.0020

Effective Date: March 19, 2003, at 5:00 p.m.

**Subject Property:** See attached Schedule "X"

Title to the subject property is vested in the following:

**Walter Lee Johnson an undivided  $\frac{1}{2}$  interest; David W. Westberry, an undivided  $\frac{1}{4}$  interest; and Louise B. Westberry, an undivided  $\frac{1}{4}$  interest.** *No charges as of 4/12/04 [Signature]*

By those certain instruments dated May 1, 1973, recorded May 4, 1973, in Official Record Book 938, Page 760; dated May 1, 1973, recorded May 4, 1973, in Official Record Book 938, Page 760; ~~and dated February 29, 1980, recorded June 21, 1989, in Official Record Book 2078, Page 2636,~~ all being in the Public Records of Lee County, Florida.

**Easements:**

None found of record.

NOTE 1): 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. Walter Lee Johnson of \$492.00 recorded in Official Record Book 1879 Page 1535, Public Records Lee County, Florida.

NOTE 4): Subject to a Judgment vs. Walter Lee Johnson of \$85.00 recorded in Official Record Book 1908 Page 419 Public Records Lee County, Florida.

NOTE 5): Subject to a State of Florida Tax Lien vs. Walter Johnson of \$249.00 recorded in Official Record Book 2116 Page 4621, Public Records Lee County, Florida.

NOTE 6): Subject to a State of Florida Tax Lien vs. Walter Johnson of \$116.00 recorded in Official Record Book 2139 Page 3572.



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

Search No. 22452

Date: May 5, 2003

Parcel: 1017 SE

Project: Palmetto Extension Project #4073

NOTE 7): Subject to a State of Florida Tax Lien vs. Walter Johnson of \$116.50 recorded in Official Record Book 2159 Page 567, Public Records Lee County, Florida.

NOTE 8): Subject to a State of Florida Tax Lien vs. Walter Johnson of \$148.22 recorded in Official Record Book 2178 Page 2263.

NOTE 9): Subject to a Judgment of \$91.50 vs. Walter Johnson recorded in Official Record Book 2737 Page 3789.

NOTE 10): Subject to a Judgment of \$4,843.42 vs. Walter Johnson recorded in Official Record Book 2971 Page 1690.

NOTE 11): Subject to a Judgment of \$4,819.99 vs. Louise Westberry recorded in Official Record Book 2595 Page 937 and rerecorded in Official Record Book 2618 Page 3233, Public Records Lee County, Florida.

**Tax Status:** \$49.95 paid on November 19, 2002 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.**

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

Search No. 22452

Date: May 5, 2003

Parcel: 1017 SE

Project: Palmetto Extension Project #4073

**Schedule X**

Parcel 1017 SE

Project: Palmetto Extension Project #4073

Search No. 22452

Lots 1, 2, 3, 4, 5, 6, 7 and 8 of Block 8 of that certain subdivision known as South Side Gardens, according to the map or plat thereof on file and recorded in the Office of the Clerk of the Circuit Court of Lee County, Florida, in Plat Book 3, Page 18.

LESS the following parcels:

1)The parcel hereon described situated in the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 29, Township 44 South, Range 25 East, Lee County, Florida, more particularly described as follows: Commencing at the SW corner of said Section 29; thence North along the West line of Section 29, Distance 1175.17 feet to the Point of Beginning; thence continue North distance 150 feet to the 1/4-1/4 Section corner; thence East along the East-West 1/4-1/4 Section line, distance 290.40 feet; thence South parallel to said West line of Section 29, distance 150 feet; thence West parallel with 1/4-1/4 Section line, distance 290.40 feet to the Point of Beginning. Conveyed by Walter Lee Johnson and David W. Westberry to Coleman Industries, Incorporated by deed recorded in Official Record Book 1209, Page 1951, Public Records of Lee County, Florida.

2)The parcel hereon described situated in the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 29, Township 44 South, Range 25 East, Lee County, Florida, more particularly described as follows: Commencing at the SW corner of said Section 29, thence North along the West line of said Section 29, a distance of 1025.17 feet to the Point of Beginning; thence continue North along the West line of said Section 29, 150 feet to a point that is 150 feet South of the 1/4-1/4 corner; thence East parallel with the 1/4-1/4 line, a distance of 290.40 feet; thence South parallel with the West line of Section 29, distance 150 feet; thence West parallel with the 1/4-1/4 line, a distance of 290.40 feet to the Point of Beginning. Subject to a 25 feet road easement along and across the West boundary of the before described property. Conveyed by Walter Lee Johnson and David W. Westberry to Twin Cities Auto Body Supply by deed recorded in Official Record Book 1230, Page 2057, Public Records of Lee County, Florida.