

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

Blue Sheet No. 20040544

1. REQUESTED MOTION:

ACTION REQUESTED: Authorize: (1) approval of the donation of a Perpetual Access Easement to the Florida Department of Environmental Protection (FDEP), Bureau of Coastal and Aquatic Managed Areas for the Estero Bay State Buffer Preserve; (2) execution by the Chairman on behalf of the Board of County Commissioners; and (3) the Division of County Lands to handle, accept all documentation necessary to complete this transaction, and sign closing forms and documents required by FDEP.

WHY ACTION IS NECESSARY: The Board must accept all real estate conveyances to and from Lee County.

WHAT ACTION ACCOMPLISHES: Compliance with a condition of Department of Environmental Protection Permit/ Authorization Number: 36-0159764-001 for N.E. Hurricane Bay MSTBU Dredging Project.

2. DEPARTMENTAL CATEGORY:

COMMISSION DISTRICT # 3 **CLJ**

3. MEETING DATE:

05-18-2004

4. AGENDA:

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

5. REQUIREMENT/PURPOSE:
(Specify)

- STATUTE FS 125
- ORDINANCE
- ADMIN. CODE
- OTHER

6. REQUESTOR OF INFORMATION:

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

7. BACKGROUND:

Negotiated for: Municipal Service Taxing Benefit Unit (MSTBU), Old Pine Ridge Road Project No. 8552

Interest to Granted: Non-exclusive Perpetual Access Easement

Property Details:

Owner: Lee County
Address: Viewers Road adjacent to 17501 Pine Ridge Road, Fort Myers, FL 33908
STRAP No.: N/A (Right-of-Way)

Purchase Details:

Purchase Price \$ N/A
Costs to Close \$ \$25.00

Appraisal Information:

Company: N/A
Appraised Value: N/A

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

Account: 80855235277506011

Attachments: Perpetual Easement

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>Public</i>	<i>5/18/04</i>	OA <i>5/18/04</i>	OM <i>5/18/04</i>	Risk <i>5/18/04</i>	GC <i>5/18/04</i>	<i>HS</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: 5/18/04
Time: 8:10 am
Forwarded To:
Co. Admin
5/18/04 1:30 pm

RECEIVED BY
COUNTY ADMIN: *SK*
05/18/04
1:55 pm SLT
COUNTY ADMIN
FORWARDED TO: *PR*
5/18/04
4 pm

HS

This instrument prepared by:

Lee County
County Lands Division
P. O. Box 398
Ft. Myers, Florida 33902-0398

Parcel: 101
Project: Old Pine Ridge Road, Project NO. 8552
Strap No.: Public right of wav CCMB 5, Page 181

This Space for Recording

PERPETUAL ACCESS EASEMENT GRANT AND AGREEMENT

This easement and agreement is made and entered into between Lee County, a political subdivision of the State of Florida, P.O. Box 398, Fort Myers, FL 33902-0398 (GRANTOR); and the Board of the Trustees of the Internal Improvement Trust fund of the State of Florida for the use and benefit of the Florida Department of Environmental Protection, Bureau of Coastal and Aquatic Managed Areas, an agency of the State of Florida (GRANTEE), whose address is P. O. Box 2549, Fort Myers, Florida 33902-2549.

WITNESSETH:

1. For good and valuable consideration, receipt of which is hereby acknowledged, GRANTOR hereby grants to the GRANTEE, a perpetual ingress/egress easement over and across the GRANTOR's Viewer's Road easement area, situated in Lee County and more particularly described in attached Exhibit "A". The purpose of the ingress/egress easement is to provide a connection from Old Pine Ridge Road over and across the GRANTOR'S Viewer's Road for the benefit of GRANTEE'S employees, licensees, invitees, consulting engineers, contractors and other representatives to that certain easement for road right-of-way recorded April 1, 1991, in Official Record Book 2212, Page 728, Public Records of Lee County, Florida.

2. This grant is subject to existing easements, if any, for public highways or roads, railroads, ditches, pipelines, drainage systems, electrical transmission or distribution lines, telephone and telegraph lines covering the subject property. No warranties as to title are provided by GRANTOR.

3. The easement, rights and privileges granted herein are non-exclusive, and are not assignable, except to a successor State agency responsible for maintenance/management of the Estero Bay State Buffer Preserve ("Preserve Property"). In the event GRANTEE attempts to assign an access easement to another party, this easement grant will become null and void and of no further force or effect and the easement will automatically terminate and be extinguished. GRANTOR reserves the exclusive right to convey similar rights and easements to other persons.

GRANTOR also retains and reserves the right to use the subject easement property for any purpose that does not unreasonably interfere with GRANTEE's use of the subject easement for access to the Preserve Property for maintenance/management purposes.

4. Any damage to the GRANTOR'S property or improvements thereon caused by GRANTEE, its employees, licensees, invitees, consulting engineers, contractors or other representatives, during use of the subject easement property will be restored by GRANTEE to the condition in which it existed before the damage. Nothing herein may be construed as an indemnity or a waiver of sovereign immunity enjoyed by either GRANTOR or GRANTEE, as provided in section 768.28, Florida Statutes, as amended from time to time, or any other law providing limitations on claims.

5. This easement is granted solely for the purpose of providing access over the GRANTOR'S Viewer's Road easement for the benefit of the Preserve Property for maintenance/management purposes and will be deemed to run with the Preserve Property and inure to the benefit of the parties, their successors and assigns, so long as it is used in accord with this easement agreement. However, if the easement is used for a purpose other than access to the Preserve Property for maintenance/management purposes, then the subject easement will automatically terminate and be extinguished.

6. GRANTOR has no obligation to maintain, repair or improve the subject easement property for the use and benefit of GRANTEE.

IN WITNESS WHEREOF this easement is executed this _____ day of _____, 20_____.

ATTEST:
CHARLIE GREEN, CLERK

By: _____
Deputy Clerk

Printed/Typed Name

LEE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

By: _____
Chairman

Printed/Typed Name

APPROVED AS TO LEGAL FORM:

By: _____
Dawn E. Perry-Lehnert
Office of the County Attorney

TWO SEPARATE WITNESSES:

Amy Johnson
1st Witness Signature

Terry L. Johnson
Printed Name of 1st Witness

Ingrid King
2nd Witness Signature

Ingrid King
Printed Name of 2nd Witness

Board of Trustees of the Internal Improvement Trust Fund of the State of Florida

By: Eva Armstrong
Eva Armstrong, Director,
Division of State Lands,
Department of Environmental Protection, as agent for and on behalf of the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida

STATE OF Florida)
COUNTY OF Leon)

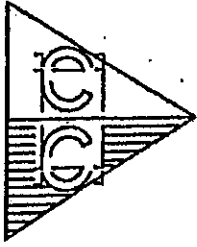
The foregoing instrument was acknowledged before me this 16th
day of March, 2004, by Eva Armstrong*
(name of person acknowledged)
who is personally known to me or who has produced _____
(type of identification)
as identification.



Pam Sirmons
Signature of Notary Public

Pam Sirmons
(Name typed, printed or stamped)
(Title or Rank)
(Serial Number, if any)

* as Director, Division of State Lands,
Department of Environmental Protection,
as agent for and on behalf of the Board
of Trustees of the Internal Improvement
Trust Fund of the State of Florida



INK ENGINEERING, INC.

ENGINEERS

SURVEYORS

PLANNERS

3660 CENTRAL AVE, SUITE 8 • FORT MYERS, FLORIDA 33901 • TEL (941) 931-0455 • FAX (941) 931-0456

Exhibit "A"

FEBRUARY 07, 2001
JOB # 9801
FILE # 9801V2.LGL

SHEET 1 OF 2

Page 1 of 4

DESCRIPTION:

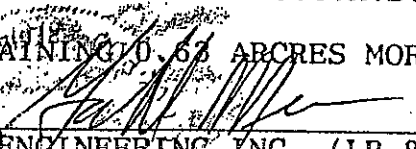
A PARCEL OR TRACT OF LAND LYING IN PART OF SECTION 7 & 8, TOWNSHIP 46 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PART OF PINE RIDGE ROAD AS PER C.C.M.B 6, PAGES 28 & 29, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA. LYING EAST OF LINE "A", LINE "A" DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 7; THENCE RUN N.01°13'02"W. ALONG THE EAST LINE OF SAID NORTHEAST 1/4 FOR 225.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY OF PINE RIDGE ROAD AS PER C.C.M.B. 6, PAGES 28 AND 29 OF SAID PUBLIC RECORDS; THENCE S.89°02'12"W ALONG THE NORTH LINE OF SAID RIGHT OF WAY FOR 25.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF PINE RIDGE ROAD, C.C.M.B. 5, PGE 181 OF SAID PUBLIC RECORDS; THENCE S.89°02'31"W. ALONG SAID RIGHT OF WAY FOR 224.488 FEET TO THE POINT OF BEGINNING OF SAID LINE "A" THENCE SOUTHERLY, PERPENDICULAR TO THE NORTH LINE OF A PARCEL OF LAND DESCRIBED IN O.R. 2456, PAGE 2128 OF SAID PUBLIC RECORDS ALSO BEING THE SOUTH RIGHT OF WAY OF PINE RIDGE ROAD.

AND

THAT PART OF PINE RIDGE ROAD AS PER C.C.M.B. 5, PAGE 181 LYING SOUTH OF THE EASTERLY PROLONGATION LINE OF THE NORTH RIGHT OF WAY LINE OF PINE RIDGE ROAD AS PER C.C.M.B. 6, PAGES 28 AND 29 AND NORTH OF THE EASTERLY PROLONGATION LINE OF THE SOUTH RIGHT OF WAY LINE OF PINE RIDGE ROAD AS PER C.C.M.B. 6, PAGES 28 AND 29.

CONTAINING 0.63 ACRES MORE OR LESS.


INK ENGINEERING INC. (LB 856)

GORDON D. MEIERS
PROFESSIONAL SURVEYOR, MAPPER
FL. CERT. NO. 2858

BEARINGS SHOWN HEREON ARE BASED ON THE EAST LINE OF THE NORTHEAST 1/4 OF SECTION 7, TOWNSHIP 46 SOUTH, RANGE 24 EAST LEE COUNTY, FLORIDA, BEING N.01°13'02"W. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD.

LEGEND
 P.O.B. POINT OF BEGINNING
 P.O.C. POINT OF COMMENCEMENT
 O.R. OFFICIAL RECORD BOOK
 PG. PAGE
 C.C.M.B. COUNTY COMMISSION MINUTE BOOK
 R/W RIGHT OF WAY
 SEC. SECTION

Exhibit "A"

Page 2 of 4

REFER TO ATTACHED DESCRIPTION

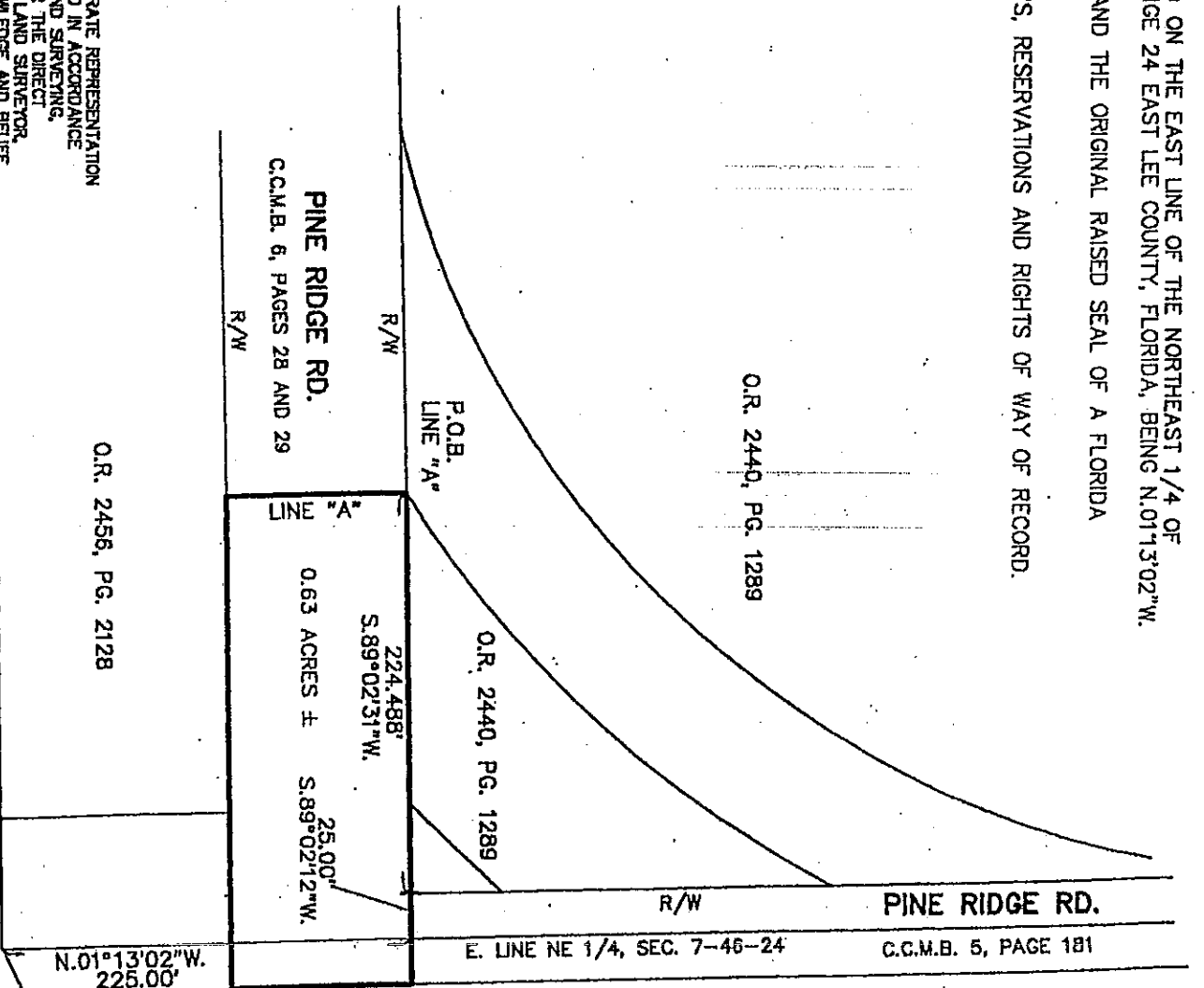
SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT THIS SKETCH IS AN ACCURATE REPRESENTATION OF THE LANDS DESCRIBED HEREON, WAS PREPARED IN ACCORDANCE WITH THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING, CHAPTER 81G17-6 FAC. AND AS PREPARED UNDER THE DIRECT SUPERVISION OF THE UNDERSIGNED PROFESSIONAL LAND SURVEYOR. IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF.

INK ENGINEERING, INC.
 DATE: 7-7-01

SHEET 2 OF 2

GORDON D. MEIERS FOR THE FIRM
 PROFESSIONAL LAND SURVEYOR
 FLA. CERTIFICATE NO. 2899



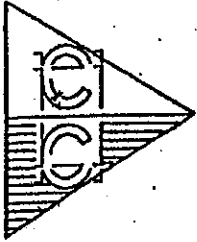
(NOT A FIELD SURVEY)
 SKETCH OF DESCRIPTION
 SKETCH OF PART OF
 SEC. 7 & 8 TWP. 46 S. RGE. 24 E.
 LEE COUNTY, FLORIDA

SECTIONS 7 & 8, TOWNSHIP 46 SOUTH, RANGE 24 EAST
 LEE COUNTY, FLORIDA
 DATE: 2/7/01

INK ENGINEERING, INC.
 ENGINEERS SURVEYORS PLANNERS
 DWG. NO. 9801
 JOB NO. 9801 V2

(941) 591-0455 3600 CENTRAL AVE., SUITE 8, FT. MYERS, FLORIDA 33901

P.O.C. LINE "A"
 SE CORNER, NE 1/4
 SEC. 7-46-24



INK ENGINEERING, INC.

ENGINEERS

SURVEYORS

PLANNERS

3660 CENTRAL AVE, SUITE 8 • FORT MYERS, FLORIDA 33901 • TEL (941) 931-0455 • FAX (941) 931-0456

Exhibit "A"

MAY 22, 2001
JOB # 9801
FILE # 9801V3R.LGL

Page 3 of 4

SHEET 1 OF 2

DESCRIPTION:

A PARCEL OR TRACT OF LAND LYING IN PART OF SECTION 7 & 8, TOWNSHIP 46 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PART OF PINE RIDGE ROAD AS PER C.C.M.B 5, PAGE 181, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA. LYING 125 FEET NORTH AND 50 FEET SOUTH OF THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 7.

LESS AND EXCEPT A PARCEL OF LAND AS DESCRIBED IN O.R. 2211, PAGES 2697-2700 OF SAID PUBLIC RECORDS.

CONTAINING 0.1665 ACRES MORE OR LESS.

INK ENGINEERING INC. (LB. 856)

GORDON D. MEIERS
PROFESSIONAL SURVEYOR, MAPPER
FL. CERT. NO. 2858

BEARINGS SHOWN HEREON ARE BASED ON THE EAST LINE OF THE NORTHEAST 1/4 OF SECTION 7, TOWNSHIP 46 SOUTH, RANGE 24 EAST LEE COUNTY, FLORIDA, BEING N.01°13'02"W. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD.

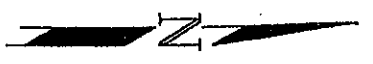
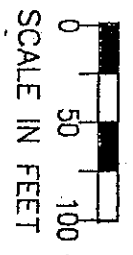
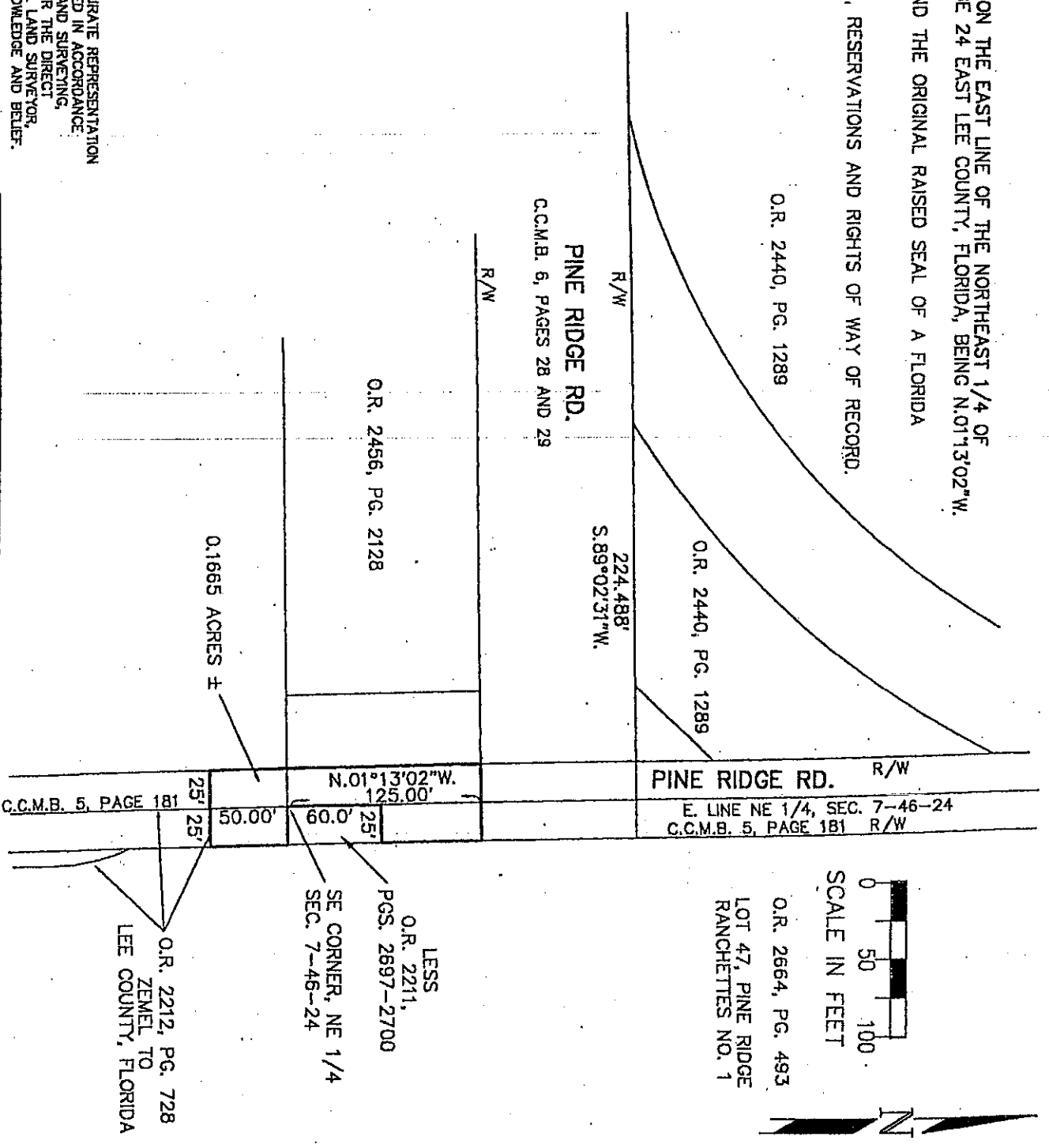
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Page 4 of 4

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 I HEREBY CERTIFY THAT THIS SKETCH IS AN ACCURATE REPRESENTATION OF THE LANDS DESCRIBED HEREON, WAS PREPARED IN ACCORDANCE WITH THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING, CHAPTER 61G17-6 FAC. AND AS PREPARED UNDER THE DIRECT SUPERVISION OF THE UNDERSIGNED PROFESSIONAL LAND SURVEYOR, IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF.

INK ENGINEERING, INC.
 DATE: 5/22/01
 GORDON D. MEIERS, FOR THE FIRM
 PROFESSIONAL LAND SURVEYOR
 FLA. CERTIFICATE NO. 2858



(NOT A FIELD SURVEY)
 SKETCH OF DESCRIPTION
 SKETCH OF PART OF
 SEC. 7 & 8 TWP. 46 S. RGE. 24 E.
 LEE COUNTY, FLORIDA

SECTIONS 7 & 8, TOWNSHIP 46 SOUTH, RANGE 24 EAST
 LEE COUNTY, FLORIDA
 DATE: 5/22/01
 INK ENGINEERING, INC.
 ENGINEERS SURVEYORS PLANNERS
 (941) 931-0455 3660 CENTRAL AVE., SUITE 8, FT. WATERS, FLORIDA 33901
 DWG. NO. 9801V3R
 JOB NO.: 9801