

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

Blue Sheet No. 20040548

1. REQUESTED MOTION:

ACTION: Accept Perpetual Beach Storm Damage Reduction Easement for Parcel 166 for the Gasparilla Island Beach Restoration Project No. 3023; authorize the Division of County Lands to handle and accept all documentation necessary; authorize necessary recording fees.

WHY ACTION IS NECESSARY: To secure permanent easements along Boca Grande on Gasparilla Island for the proposed beach renourishment project.

WHAT ACTION ACCOMPLISHES: Enables County to secure Federal Funding for a portion of the project.

2. DEPARTMENTAL CATEGORY: 06
COMMISSION DISTRICT #1

C6A

3. MEETING DATE: *05-25-2004*

4. AGENDA:

5. REQUIREMENT/PURPOSE:
(Specify)

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

- STATUTE 125
- ORDINANCE
- ADMIN. CODE
- OTHER

6. REQUESTOR OF INFORMATION:

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

7. BACKGROUND:

Negotiated for: Department of Natural Resources

Interest to Acquire: Easement

Property Details:

Owner: Howard Wise and Emily Wise, Husband and Wife
Address: 460 Gulf Blvd. #5, Boca Grande, FL 33921
STRAP No.: 23-43-20-09-00000.0060

Purchase Details:

Purchase Price: Donation
Costs to Close: Recording fees of approximately \$25.00

There remains 42 easements to still acquire for the project.

Staff Recommendation: Staff recommends the Board approve the Requested Motion

Account: Funds are available in Account numbers 20302330101.506110 (55.21%) and 22302330100.506110 (44.79%)
203023 – Gasparilla Island Beach Restoration Project; 30101 – Capital Improvement – Tourist Development Beach Project; 506110 – Land and Court Registry

223023 – Gasparilla Island Beach Restoration Project (State Grant); 30100 – Capital Improvement Fund; 506110 – Land and Court Registry

Attachments: Copy of Perpetual Beach Storm Damage Reduction Easement and title report.

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>DAD 5/10/04</i>	<i>John Madigan 5-10-04</i>	<i>QA 5-11-04</i>	<i>OM 5/11/04</i>	<i>Risk 5/11/04</i>	<i>GC 5-11-04</i>	<i>HS 5/13/04</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: *5/10/04*
Time: *1:50 pm*
Forwarded To:

RECEIVED BY
COUNTY ADMIN: *EW*
5/10/04
3:15 pm SLT
COUNTY ADMIN
FORWARDED TO: *ML*
5-13-04
10:20

*Co. Adm.
5/10/04 3pm*

HS

This instrument prepared by:
Lee County
County Lands Division
P.O. Box 398
Fort Myers, Florida 33902-0398
Project: Gasparilla Island Beach Renourishment Project No. 3023
Parcel No.: 166
Strap No.: 23-43-20-09-00000.0060

(This space is for recording)

PERPETUAL BEACH STORM DAMAGE REDUCTION EASEMENT

Know all by these presents that on this 29 day of MARCH, 2004, Howard Wise and Emily Wise, Husband and Wife, whose mailing address is 4400 Old Brook Run, Birmingham, AL 35243, hereinafter referred to as "GRANTOR," in consideration of the mutual benefits to be derived from the Gasparilla Island Beach Renourishment Project (the "Lee County Shore Protection Project") and other good and valuable consideration, hereby grants, bargains and conveys to Lee County, a political subdivision of the State of Florida, whose mailing address is Post Office Box 398, Fort Myers, Florida, 33902-0398, hereinafter "GRANTEE," a Perpetual Beach Storm Damage Reduction easement (the "EASEMENT") over and in the following described property (the "EASEMENT PROPERTY"):

See Attached Schedule A

Perpetual Beach Storm Damage Reduction Easement: A perpetual and assignable easement and right-of-way in, on, over and across the land described in Schedule A (STRAP No. 23-43-20-09-00000.0060), for use by the Grantee, its representatives, agents, contractors and assigns, to construct; preserve; patrol; operate; maintain; repair; rehabilitate; and replace; a public beach and other erosion control and storm damage reduction measures together with appurtenances thereto, including the right to deposit sand; to accomplish any alterations of contours on said land; to construct berms; to nourish and renourish periodically; to move, store and remove equipment and supplies; to erect and remove temporary structures; and to perform any other work necessary and incident to the construction, periodic renourishment and maintenance of the Lee County Shore Protection Project, together with the right of public use and access; to trim, cut, fell, and remove from said land all trees, underbrush, debris, obstructions, and any other vegetation, structures and obstacles within the limits of the easement; reserving to the grantor(s), her heirs, successors and assigns, all such rights and privileges as may be used and enjoyed without interfering with or abridging the rights and easements hereby acquired; subject however to existing easements for public roads and highways, public utilities, railroads and pipelines.

This is a Nonexclusive Easement with the Grantor reserving the right to the continued free use of the Easement Property in a manner not materially inconsistent with the rights granted herein to Grantee for Grantee's use.

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

Parcel No.: 166
Strap No.: 23-43-20-09-00000.0060

IN WITNESS HEREOF, Grantor has caused these presents to be executed on the date first above written.

Signed, sealed and delivered in the presence of:

Grantor:

Cheryl Guimarin
Witness
Cheryl Guimarin
(Print Name)

Howard Wise
Howard Wise

James D. Cates
Witness
JAMES D. CATES
(Print Name)

Cheryl Guimarin
Witness
Cheryl Guimarin
(Print Name)

Emily Wise
Emily Wise

James D. Cates
Witness
JAMES D. CATES
(Print Name)

STATE OF ALABAMA
COUNTY OF JEFFERSON

The foregoing instrument was acknowledged before me this _____ (date)

by Howard Wise and Emily Wise, Husband and Wife, who is personally known to me or who has
(Name of persons acknowledging)
produced PERSONAL KNOWLEDGE as identification.
(type of identification)

William Franklin Pitts #
(Signature of person taking acknowledgment)
William Franklin Pitts #
(Name typed, printed or stamped)
NOTARY PUBLIC
(Title or rank)
COMMISSION EXPIRES 8/7/04
(Serial Number, if any)

Parcel No. 166
STRAP No(s): 23-43-20-09-00000.0060

SCHEDULE A

That portion of a tract or parcel of land situated in the State of Florida, County of Lee, being a part of Lots 20 and 21, Unit #1, of Golden Beach Subdivision, according to the map or plat thereof as recorded in Plat Book 10 at page 61 of the Public Records of said Lee County, Florida, being a part of Section 23, Township 43 South, Range 20 East, and further bounded and described as follows:

The North 24.50 feet of the South 141.50 feet of said Lots 20 and 21 lying Westerly of the West line of the below described commonly owned area; the Southerly line of said residence #6 being along a one inch (1") opening separating said residence #6 and residence #5, lying seaward of the +4.6 NGVD contour line.

This line has been surveyed by Johnson Engineering, Inc., and is reflected on survey sketches dated August 15, 2000, and filed in the Public Records of Lee County, Florida.

Subject property is not the homestead of grantor, nor is it contiguous to any homestead of the grantor.

Division of County Lands

Updated Ownership and Easement Search

Search No. 21841/B
Date: July 31, 2002
Parcel: 166
Project: Gasparilla Island Beach
Restoration, #3023

To: Michael J. O'Hare, SR/WA
Property Acquisition Agent

From: Linda K. Fleming, CLS, SR/WA *AKJ*
Real Estate Title Examiner

STRAP: 23-43-20-09-00000.0060

Effective Date: ~~July 17, 2002~~, at 5:00 p.m.
4/21/2004 JAB

Subject Property: See attached Schedule "X"

Title to the subject property is vested in the following:

Howard Wise and Emily Wise, husband and wife

by that certain instrument dated February 28, 2001, recorded March 19, 2001, in Official Record Book 3378, Page 4186, Public Records of Lee County, Florida.

Easements:

1. Perpetual easement in favor of Lee county, a political subdivision of the State of Florida as recorded in Official Record Book 2559, Page 2163, Public Records of Lee County, Florida.

NOTE FOR INFORMATION: A Survey of the coastal construction set back line in Lee County can be found in Plat Book 31, Page 1, as updated in Plat Book 31-1, Page 1, and as revised in Plat Book 48, Pages 15 thru 34, all in the Public Records of Lee County, Florida.

NOTE: Tax and assessment information is not indicated on this report. It will be provided at a later date, if determined necessary by the end user of this report.

NOTE: Mortgage executed by Howard C. Wise, Jr. and Emily R. Wise, husband and wife in favor of Regions Mortgage, Inc., dated February 28, 2001, recorded March 19, 2001, in Official Record Book 3378, Page 4188, Public Records of Lee County, Florida. Note: The address in the mortgage recites 460 Gulf Blvd., #5, Boca Grande, it should be 460 Gulf Blvd., #6, Boca Grande.

Mortgage modified in OR Book 3841, page 2553.

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.

Schedule X

Parcel166

Project: Gasparilla Island Beach Restoration, #3023

Search No. 21841/B

A tract or parcel of land situated in the State of Florida, County of Lee, being a part of Lots 20 and 21, Unit #1, of Golden Beach Subdivision, according to the map or plat thereof as recorded in Plat Book 10 at page 61 of the Public Records of said Lee County, Florida, being a part of Section 23, Township 43 South, Range 20 East, and further bounded and described as follows:

The North 24.50 feet of the South 141.50 feet of said Lots 20 and 21 lying Westerly of the West line of the below described commonly owned area; the Southerly line of said residence #6 being along a one inch (1") opening separating said residence #6 and residence #5.