

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

**Blue Sheet No. 20040602**

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Accept by donation Perpetual Stormwater Drainage Easement for Parcel 100 for the Boca Grande Drainage, Project No. 6047; authorize the Division of County Lands to handle and accept all documentation necessary; authorize necessary costs and fees to close.  
**WHY ACTION IS NECESSARY:** The Board must accept all real estate conveyances to Lee County.  
**WHAT ACTION ACCOMPLISHES:** Allows the County to proceed with project without going to eminent domain proceedings.

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

*CLB*

**3. MEETING DATE:**

*06-08-2004*

**4. AGENDA:**

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

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

- 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 *KLF*

**7. BACKGROUND:**

**Negotiated for:** Department of Transportation

**Interest to Acquire:** Perpetual Easement interest over a portion of a vacated street for an enclosed stormwater drainage pipe and outfall into Boca Grande Bayou. This is the only easement needed for this project.

**Property Details:**

**Owner:** Gasparilla Inn, Inc., a Delaware corporation  
**Address:** 888 7<sup>th</sup> Street E., Boca Grande  
**STRAP No.:** 14-43-20-00-00002.0000

**Purchase Details:**

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

**Staff Recommendation:** Staff recommends that the Board approve the requested motion

**Account:** 20604718807.506110 20—Capital Project; 6047—Master Drainage Study – Boca Grande; 18807—Boca Grande Road Impact Fees; 506110—Land and Court Registry Deposit.

**Attachments:** Easement 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>[Signature]</i>	<i>[Signature]</i>	OA	OM	Risk	GC	<i>[Signature]</i>
					<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty  
 Date: *5/20/04*  
 Time: *3:05 PM*  
 Forwarded To: *[Signature]*  
*05/24/04*

RECEIVED BY  
 COUNTY ADMIN: *[Signature]*  
*5/24/04*  
*2:45 PM SLT*  
 COUNTY ADMIN  
 FORWARDED TO: *[Signature]*  
*5-26-04*  
*NOVA*

*HS*

This Instrument Prepared by:  
COUNTY LANDS DIVISION  
P.O. Box 398  
Fort Myers, FL 33902-0398  
Parcel: 100  
Project: Boca Grande Drainage, Project 6047  
Strap No.: 14-43-20-00-00002.0000

FILED IN PUBLIC RECORDS OFFICE IN  
COUNTY OF LEES, FLORIDA  
ON 04/11/2014 AT 10:00 AM  
BY [Signature]

THIS SPACE FOR RECORDING

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PERPETUAL STORMWATER  
DRAINAGE EASEMENT

This easement grant is made between GASPARILLA INN, INC., a Delaware corporation, whose address is PO Box 1088, Boca Grande, FL 33921, (Grantor) and LEE COUNTY, a political subdivision of the State of Florida, whose address is P.O. Box 398, Fort Myers, Florida 33902-0398 (Grantee) as follows:

1. In consideration of the sum of one dollar and other good and valuable consideration, receipt of which is hereby acknowledged, Grantor grants to Grantee, its successors and assigns, a drainage easement in, over and across that portion of Grantor's property legally described in Exhibit "A".
2. Grantee has the right and authority to construct and maintain stormwater drainage facilities, including the installation of pipe, within the easement area in accordance with appropriate permits issued for construction and maintenance.
3. Grantee also has the right and authority to remove or trim any roots, trees or other vegetation or structures, including fencing, within the easement area in order to properly install the stormwater drainage facilities.
4. Grantor may relocate the pipe and substitute the easement area and use the easement area for landscaping (except trees), walkway, drainage or similar uses, provided no structures, such as sheds, carports, garages or other buildings, are constructed within the easement area.
5. Title to any drainage facilities constructed in the easement area will remain in the Grantee, its successors or assigns.
6. Grantor warrants that subject to any existing public roadway or utility easements, Grantor is in lawful possession of the subject property free and clear of all liens and encumbrances, except those recorded in the public records, and has the right and power to convey this easement.

7. This easement runs with the land and is binding on Grantor and Grantor's successors and assigns.

Dated: February 11, 2004

Company: GASPARILLA INN, INC., a Delaware corporation

*Andy Nagle*  
1st Witness Signature

*W.S. Farish Jr.*  
Grantor

Andy Nagle  
Printed Name of 1st Witness

W.S. Farish Jr.  
Printed Name of Grantor

*Thomas R. Catlette*  
2nd Witness Signature

President  
Title

Thomas R. Catlette  
Printed Name of 2nd Witness

(Corporate Seal)

STATE OF FLORIDA

COUNTY OF LEE

The foregoing instrument was acknowledged before me this 11th day of February, 2004, by W.S. Farish, Jr./President (name of officer or agent, title of officer or agent) of Gasparilla Inn, Inc. a Delaware (Name of corporation acknowledged) (State or place of incorporation) corporation, on behalf of the corporation. He/She is personally known to me or has produced N/A as identification. (type of identification)

SEAL

**CHRISTINE M. MALASICS**  
**Notary Public, State of Florida**  
**My comm. exp. Apr. 1, 2004**  
**Comm. No. CC913061**

*Christine M. Malasics*  
Signature of Notary Public  
(Name typed, printed or stamped)  
(Title or Rank)  
(Serial Number, if any)

**Exhibit "A"**

MARCH 11, 2004  
Job # 02-7014  
File # 02-7014dr02R1LGL

SHEET 1 OF 2

DESCRIPTION:

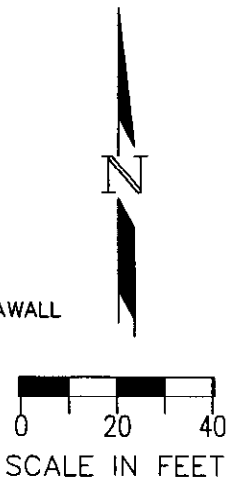
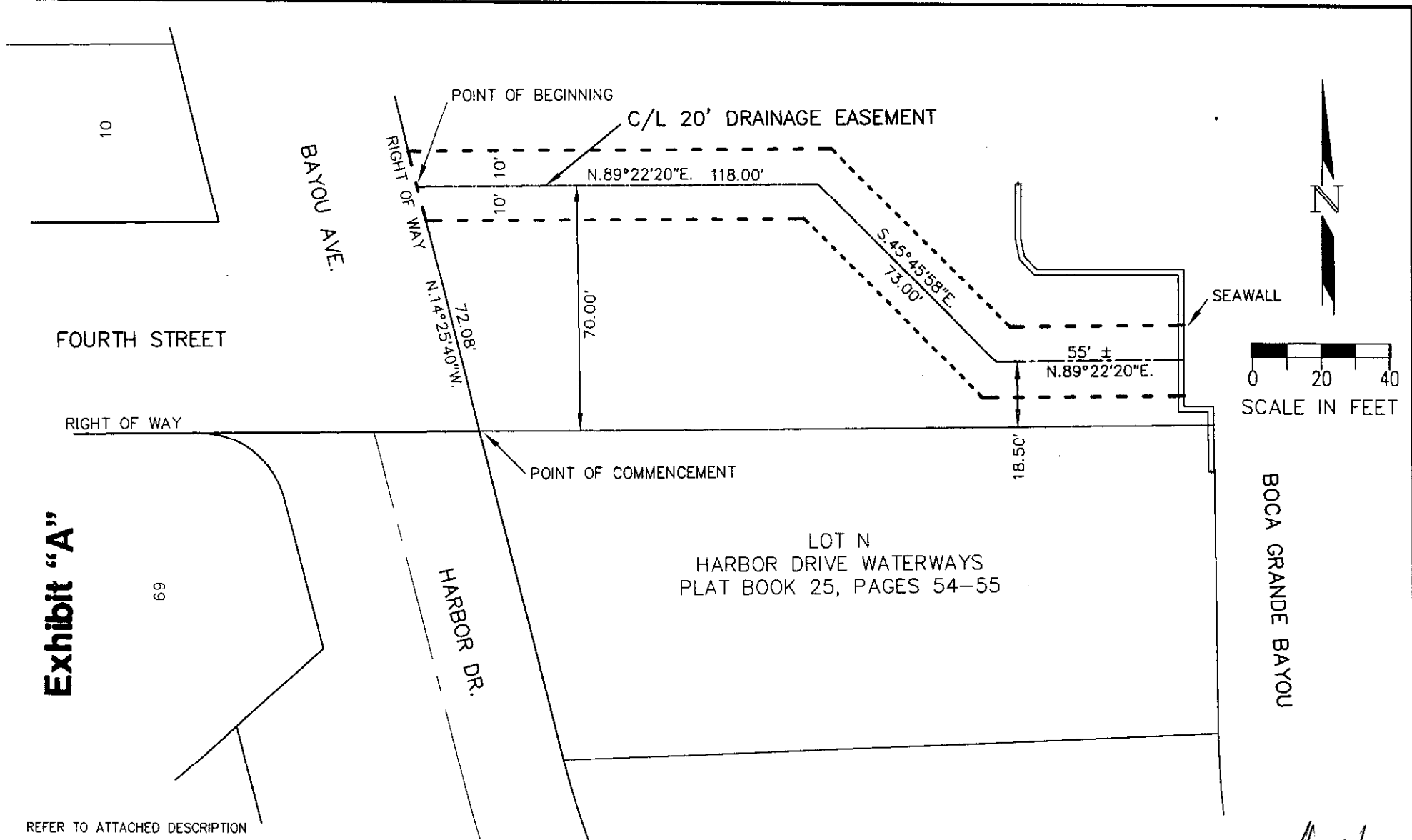
A 20 FEET WIDE DRAINAGE EASEMENT LYING IN SECTION 14, TOWNSHIP 43 SOUTH, RANGE 20 EAST, LEE COUNTY, FLORIDA, THE CENTERLINE OF SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF LOT N OF HARBOR DRIVE WATERWAYS AS RECORDED IN PLAT BOOK 25, PAGES 54 AND 55 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA ALSO BEING A POINT ON THE EASTERLY RIGHT OF WAY OF BAYOU AVENUE; THENCE N.14°25'40"W. ALONG SAID EASTERLY RIGHT OF WAY FOR 72.08 FEET TO THE POINT OF BEGINNING OF SAID CENTERLINE; THENCE N.89°22'20"E. PARALLEL WITH AND 70.00 FEET PERPENDICULAR TO THE NORTH LINE OF SAID LOT N FOR 118.00 FEET; THENCE S.45°45'58"E. FOR 73.00 FEET; THENCE N.89°22'20"E PARALLEL WITH AND 18.50 FEET PERPENDICULAR TO THE NORTH LINE OF SAID LOT N FOR 55 FEET MORE OR LESS TO THE OUTSIDE FACE OF A SEAWALL AND MEAN HIGH TIDE LINE OF BOCA GRANDE BAYOU BEING THE TERMINUS OF SAID EASEMENT. THE SIDE LINES OF SAID EASEMENT TO BE SHORTENED OR PROLONGED TO MEET AT SAID RIGHT OF WAY AND OUTSIDE FACE OF SEAWALL.

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

  
\_\_\_\_\_  
GORDON D. MEIERS  
PROFESSIONAL LAND SURVEYOR  
FLORIDA CERTIFICATE # 2858

Exhibit "A"



REFER TO ATTACHED DESCRIPTION

THIS SKETCH IS 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.

BEARINGS SHOWN HEREON ARE BASED ON THE NORTH LINE OF LOT N, HARBOR DRIVE WATERWAYS, PLAT BOOK 25, PAGES 54-55 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING N.89°22'20\"E.

*[Signature]*  
 GORDON D MEIERS FOR THE FIRM  
 PROFESSIONAL LAND SURVEYOR  
 FLA. CERTIFICATE NO. 2858

SHEET 2 OF 2

**SKETCH (NOT A SURVEY)**

20' WIDE DRAINAGE EASEMENT

LYING IN  
SECTION 14, TOWNSHIP 43 SOUTH, RANGE 20 EAST  
LEE COUNTY, FLORIDA

DATE	3/11/04
SCALE	1"=20'
DRAWN	CP
CHECK	
APPROVED	

**Ink Engineering**

CONSULTING CIVIL ENGINEERS,  
SURVEYORS & MAPPERS  
*"Partners For Results,  
Value By Design"*

1400 Colonial Blvd., Suite 31, Fort Myers, Florida 33907  
(941) 931-0455 Fax: (941) 931-0456  
BPR & FBPE License No: 959 www.lbfh.com

02-7014GLDR02R1

JOB NO.:

**02-7014**

**Division of County Lands**

**Ownership and Easement Search**

Search No. 14-43-20-00-00002.0000

Date: July 29, 2003

Parcel: 100

Project: Boca Grande Drainage, Project No. 6047

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

From: Kenneth Pitt *KPT*  
Real Estate Title Examiner

STRAP: 14-43-20-00-00002.0000

Effective Date: ~~June 19, 2003~~, at 5:00 p.m. *5/11/2004* *JAB*

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

Title to the subject property is vested in the following:

***Gasparilla Inn, Inc. (a Delaware Corporation) as successor by merger with Alexander, Ramsey & Kerr, Inc.***

By that certain instrument dated September 25, 1961, recorded March 18, 1963, in Official Record Book 180, Page 604, Public Records of Lee County, Florida.

Title to the subject property is vested in the following:

***Gasparilla Inn, Inc. (a Delaware corporation).***

By that certain instrument dated July 12, 1971, recorded in Official Record Book 739, Page 166, Public Records of Lee County, Florida.

Title to the subject property is vested in the following:

***Gasparilla Inn, Inc. (a Delaware corporation).***

By that certain instrument dated July 29 1993, recorded July 30, 1993 in Official Record Book 2413, Page 79, Public Records of Lee County, Florida.

**Easements:**

1. Subject to Covenants and Restrictions recited in Deed Book 124, Page 208 and Deed Book 124, Page 67, Public Records of Lee County, Florida.
2. Subject to an easement to operate, maintain, repair and replace fire line piping and hydrants, recorded in Deed Book 157, Page 379, Public Records of Lee County, Florida.
3. Subject to a Declaration of Restrictions recorded in Official Record Book 590, Page 360, Public Records of Lee County, Florida.
4. Subject to a perpetual Easement granted to Lee County, recorded in Official Record Book 2415, Page 2220, Public Records of Lee County, Florida.

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

Search No. 14-43-20-00-00002.0000

Date: July 29, 2003

Parcel:

Project: Boca Grande Drainage, Project No.  
6047

5. Subject to a Perpetual Easement for beach re-nourishment granted to Lee County, recorded in Official Record Book 2538, Page 3412, Public Records of Lee County, Florida.
6. Subject to a Perpetual Beach Storm Damage Reduction Easement, recorded in Official Record Book 3384, Page 2534, Public Records of Lee County, Florida.
7. Subject to an Easement granted to Florida Power and Light Company, recorded in Official Record Book 3741, Page 690, Public Records of Lee County, Florida.
8. Subject to an Easement granted to Florida Power and Light Company, recorded in Official Record Book 3824, Page 2109, Official Record Book 3824, Page 2111 and Official Record Book 3824, Page 2114, Public Records of Lee County, Florida.

**NOTE(1):** Mortgages, Future Advances, UCC-1 Financing Statements, Modification Agreements, Assignments of Mortgage and Assignment of Rents were omitted from this report, all the above found of record do not affect the portion of the subject property required by the proposed easement.

**NOTE(2):** Subject to Resolution # BZA-88-105, adopted by the Board of Zoning Adjustments of Lee County recorded in Official Record Book 1990, Page 926, Public Records of Lee County, Florida.

**NOTE(3):** Subject to Ordinance No. 88-62 adopted by the Lee County Historic Preservation Board, recorded in Official Record Book 2164, Page 1166, Public Records of Lee County, Florida.

**NOTE(4):** 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(5):** Subject to the Lee County Coastal Construction Control Line, recorded in Official Record Book 2224, Page 1010, Public Records of Lee County, Florida.

**NOTE(6):** Subject to a Lease given to the Gasparilla Island Water Association, Inc. for construction of a Sewer Plant, recorded in Official Record Book 606, Page 706 and amended by Official Record Book 2451, Page 1632, Official Record Book 2984, Page 281 and Official Record Book 3804, Page 1586, Public Records of Lee County, Florida.

**NOTE(7):** Subject to a Lease from the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida to Gasparilla Inn, Inc., for submerged lands in the Boca Grande Bayou, recorded in Official Record book 2203, Page 4602 and amended by Official Record Book 2681, Page 547, Public Records of Lee County, Florida.

## Division of County Lands

## Ownership and Easement Search

Search No. 14-43-20-00-00002.0000

Date: July 29, 2003

Parcel:

Project: Boca Grande Drainage, Project No.  
6047

*and 2003*  
**Tax Status:** Taxes for 2001, ~~and~~ 2002 in litigation.

*(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. 14-43-20-00-00002.0000

Date: July 29, 2003

Parcel:

Project: Boca Grande Drainage, Project No.  
6047**Schedule "X"**Parcel – 1

All that block of land known as Gasparilla Inn Block at Boca Grande, bounded on the North by Seventh Street, on the West by Palm Avenue, on the South by Fifth Street and on the East by the Bayou, as shown on the plat of Boca Grande, filed in the office of the Clerk of Circuit Court of Lee County, Florida, on December 10, 1925, and re-recorded in Plat Book 7, Page 1, Public Records of Lee County, Florida.

Parcel – 2

All that block of land known as Hotel Park Block, at Boca Grande, bounded on the North by Seventh Street, on the West by East Avenue, on the South by Fifth Street, and on the East by Palm Avenue, as shown on said plat of Boca Grande.

Parcel – 3

All that Block of land known as the Bath House Block, bounded on the North by the South line of Fifth Street extended Westerly to the Gulf of Mexico, on the West by the Gulf of Mexico, on the South by the North line of Fourth Street extended Westerly to the Gulf of Mexico, and on the East by Gilchrist Avenue as shown on said plat of Boca Grande.

Parcel – 4

All that parcel of land known as the Boat H use property, bounded on the North by the Northerly line of Fifth Street as extended Easterly to the Bayou; on the West by Bayou Avenue; on the South by the Northerly line of Fourth Street, and on the East by the Bayou, as shown on the said plat of Boca Grande.

Parcel – 5

All that parcel of land known as Hotel Beach Block in Boca Grande and bounded on the East by Gasparilla Road, on the South by the Northerly line of Fifth Street extended Westerly to the Gulf of Mexico, on the West by the Gulf of Mexico and on the North by the Southerly line of Seventh Street extended Westerly to the Gulf of Mexico, as shown on said plat of Boca Grande.

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

Search No. 14-43-20-00-00002.0000

Date: July 29, 2003

Parcel:

Project: Boca Grande Drainage, Project No.  
6047Parcel – 6

All that parcel of land at Boca Grande known as the Gasparilla Inn Golf Course, bounded on the North by the North line of Twelfth Street extended Easterly to Charlotte Harbor, as shown on said plat of Boca Grande; on the East by Charlotte Harbor; on the South and West by the Bayou; subject, however, to the right, title and interest of the State or County in and to such part thereof as is occupied by the County road; the land hereby conveyed being part of Government Lots 1 and 2 in Section 13, township 43, Range 20, East, and part of Lots 1, 2 and 3 and the East half of the Southeast quarter of Section 14, Township 43, Range 20, and containing 153 acres, more or less.

Parcel – 7

Lots L, M and N, HARBOR DRIVE WATERWAYS, according to the Plat thereof as recorded in Plat Book 25 on Pages 54 and 55 of the Public Records of Lee County, Florida.

Parcel – 8

Beginning at the Northwest corner of Lot 66 of Harbor Drive Waterways Subdivision as recorded in Plat Book 25 at Page 55 of the Public Records of Lee County, Florida, also being the Southeast corner of the intersection of Fourth Street and Harbor Drive, run North 14°25'40" West for 61.78 feet to the Northeast corner of the intersection of Fourth Street and Bayou Avenue; thence run North 89°22'20" East for 206 feet more or less to the top bank of Boca Grande Bayou; thence run Southeasterly and Southerly to a point on the West top bank of Boca Grande Bayou that is North 89°22'20" East and 215 feet more or less from the Point of Beginning; thence run South 89°22'20" West for 215 feet more or less to the Point of Beginning.