

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

Blue Sheet No. 20040921

1. REQUESTED MOTION:

ACTION REQUESTED: Accept the donation of a perpetual stormwater drainage easement from a portion of Parcel STRAP 04-46-25-00-00001.0080, (a strip of land north of Alico Road) in Fort Myers, for the Alico Road Widening Project No. 4030; authorize payment of necessary fees to close and the Division of County Lands to handle and accept all documentation necessary to complete the transaction.

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

WHAT ACTION ACCOMPLISHES: The Board avoids Eminent Domain.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #

6
3 & 5 **CLG**

3. MEETING DATE: **08-03-2004**

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 PC 7/15/04
 BY: Karen L. W. Forsyth, Director *KLF*

7. BACKGROUND:

Negotiated for: Department of Transportation

Interest to Acquire: Perpetual Stormwater Drainage Easement

Property Details:

Owner: Lee Land Holdings, LLC, a Florida limited liability company
 Address: 25151 Pennyroyal Drive, Bonita Springs, FL 34134

Purchase Details:

Purchase Price: DONATION
 Costs to Close: Approximately \$50.00

Appraisal Information:

Parcel was not appraised to avoid additional expenses.

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

Account: 20403030700.506110.1
 20-CIP; 4030-Alico Road Multi-laning Project, 30700 Transportation Capital Improvement Fund; 506110-Land & Court Registry.

Attachments: Copy of executed Stormwater Drainage Easement, Location Map, Title Data

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>John J. [Signature]</i> 7/22/04	<i>John J. [Signature]</i> 7/22/04	OA <i>[Signature]</i> 7/22/04	OM <i>[Signature]</i> 7/22/04	Risk <i>[Signature]</i> 7/22/04	GC <i>[Signature]</i> 7/22/04	<i>HS</i> 7/22/04

10. COMMISSION ACTION:

APPROVED
 DENIED
 DEFERRED
 OTHER

Rec. by CoAtty
 Date: **7/21/04**
 Time: **3:25 PM**
 Forwarded To:
ADMIN
7/22/04 10:00

RECEIVED BY
 COUNTY ADMIN: *[Signature]*
7/22/04
11:25 am SLT
 COUNTY ADMIN
 FORWARDED TO: *[Signature]*
7-22-04
4:24

This Instrument Prepared by:
COUNTY LANDS DIVISION
P.O. Box 398
Fort Myers, FL 33902-0398
Parcel: 04-46-25-00-00001.0080
Project: Alico Road Widening, Project 4030

Strap No.: 04-46-25-00-00001.0080

THIS SPACE FOR RECORDING

PERPETUAL STORMWATER
DRAINAGE EASEMENT

This easement grant is made between Lee Land Holdings, LLC, a Florida limited liability company, owner, whose address is 25151 Pennyroyal Drive, Bonita Springs, FL 34134 (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 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: August 26, 2003

Kathleen E. Ford
1st Witness Signature
liability

Kathleen E. Ford
Printed Name of 1st Witness

Aida E. Rosado
2nd Witness Signature

Aida E. Rosado
Printed Name of 2nd Witness

Lee Land Holds, LLC., a Florida limited
company

by: Ute Rosinus
as Managing Partner

STATE OF FLORIDA

COUNTY OF LEE _____

The foregoing instrument was acknowledged before me this 26th day of
August, 2003, by Ute Rosinus, as Managing
Partner of Joe & Bruce, LLC, a Florida limited liability company, who is personally known
to me or who has produced FL-Drivers Lic as identification.

(type of identification)



Aida E Rosado
My Commission DD121807
Expires May 30, 2006

Aida E. Rosado
Signature of Notary Public

Notary Public
(Name typed, printed or stamped)
(Title or Rank)
(Serial Number, if any)

EXHIBIT "A"

Project: Alico Road Widening Project #4030
Search No. 04-46-25-00-00001.0080

The northerly 50 feet of the southerly 150 feet of the following described parcel:

A parcel of land being a part of lands described in Official Records 2389, Page 1928 of the Public Records of Lee County, Florida and in Section 4, Township 46 South, Range 25 East, Lee County, Florida, described as follows:

Commence at the Southwest corner of said Section 4; thence North 89°38'46" East along the South line of the Southwest ¼ of said Section 4, said line also being the centerline of Alico Road, a distance of 2676.90 feet to the South ¼ corner of said Section 4; thence North 00°59'17" West along the North-South ¼ section line, a distance of 100.01 feet to a point on the North right of way line of said Alico Road as described in the order of taking recorded in Official Records Book 3208, Page 357 of the Public Records of Lee County, Florida; THENCE north 89°38'46" East along said North line, a distance of 1.19 feet to an angle point; thence North 89°44'24" East along said North line, a distance of 226.21 feet to the point of beginning; thence North 00°59'17" West along a line parallel to said North-South ¼ section line, a distance of 2368.42 feet to a point at the South line of a 170 foot wide Florida Power & Light easement as described in Official Records 876, Page 610 of the Public Records of Lee County, Florida; THENCE North 89°42'51" East along said South easement line, a distance of 916.47 feet to a point on a line that is 1506.33 feet West of and parallel to the East line of the Southeast ¼ of said Section 4; thence South 00°59'09" East along said parallel line, a distance of 2368.84 feet to a point on said North right of way line of Alico Road; thence South 89°44'24" West along said North line, a distance of 916.38 feet to the point of beginning.

Subject to a 50 foot wide drainage easement as recorded in Official Records Book 1234, Page 1001 of the Public Records of Lee County, Florida and containing 1.05 acres.

Approved and accepted for and on behalf of Lee County, Florida, this ____ day of _____, 2004.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Deputy Clerk

BY: _____
Chairman

[Type or Print Name]
Deputy Clerk

Approved as to form by:

John J. Fredyma
Assistant County Attorney
County Attorney's Office

Division of County Lands

Ownership and Easement Search

Search No. 04-46-25-00-00001.0080

Date: September 18, 2003

Parcel:

Project: Alico Road Widening Project #4030

To: Robert G. Clemens, SR/WA

Acquisition Program Manager

From: Kenneth Pitt

Real Estate Title Examiner

STRAP: 04-46-25-00-00001.0080

Effective Date: April 28, 2003, at 5:00 p.m.

Subject Property: See attached Schedule "X"

Title to the subject property is vested in the following:

Lee Land Holdings, LLC (a Florida limited liability company)

by that certain instrument dated March 26, 2003, recorded March 27, 2003, in Official Record Book 3883, Page 2483, Public Records of Lee County, Florida.

Easements:

1. Subject to an easement granted to the Florida Power and Light Company recorded in Official Record Book 876, Page 610, Public Records of Lee County, Florida, said easement affects the Northerly portion of P.U.E.
2. Subject to reservations for access and drainage recited in a deed recorded in Official Record Book 1234, Page 998, Public Records of Lee County, Florida.
3. Subject to a Non-exclusive Temporary Easement Agreement between Richard K. Bennett, as Successor Trustee of the Jonbo Corp. Land Trust Number 10-F006-00-0 and Lee County, recorded in Official Record Book 3807, Page 3039, Public Records of Lee County, Florida.

NOTE 1: Property subject to a mortgage in the original sum of \$1,893,540.13 between Lee Land Holdings, LLC (mortgagor) and Richard K. Bennett as Successor Trustee of the Jonbo Corp. Land Trust Number 10-F006-00-0, recorded in Official Record Book 3883 Page 2485, Public Records of Lee County, Florida.

Division of County Lands

Ownership and Easement Search

Search No. 04-46-25-00-00001.0080

Date: September 18, 2003

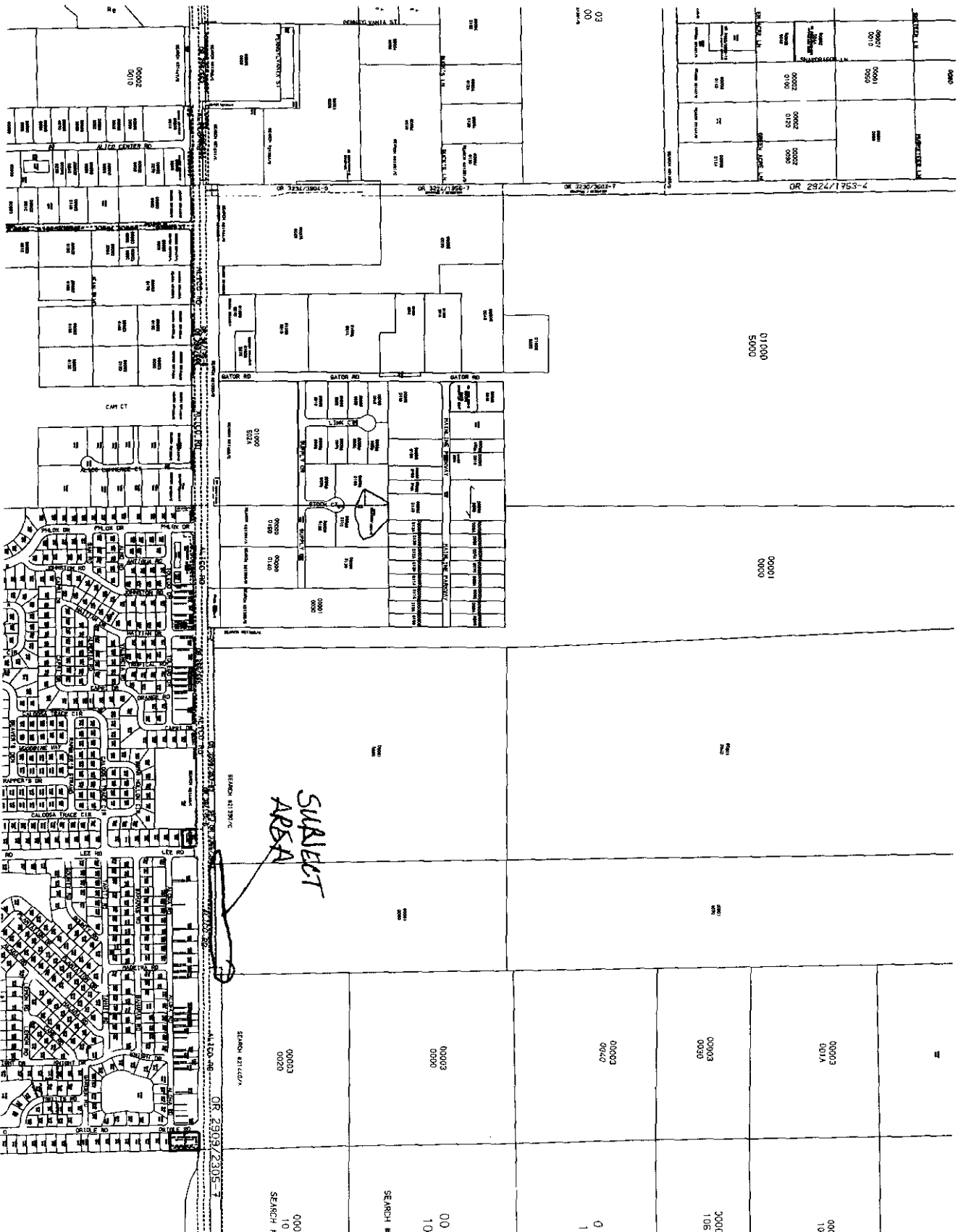
Parcel:

Project: Alico Road Widening Project #4030

NOTE 2: The subject property was part of a larger parcel of land and has been given a new STRAP number by the Lee County Property Appraiser. The Lee County Tax Collector's records do not yet reflect the change and an assessed value has not been made.

Tax Status: Not given an assessed valuation.

(The end user of this report is responsible for verifying tax and/or assessment information.)



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