

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

Blue Sheet No. 20040922

1. REQUESTED MOTION:

ACTION REQUESTED: Accept the donation of a perpetual stormwater drainage easement from a portion of Parcel STRAP 04-46-25-00-00001.0090, (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: 6
COMMISSION DISTRICT # 3 & 5 *CLH* **3. MEETING DATE:** *08-03-2004*

<p>4. AGENDA:</p> <p><input checked="" type="checkbox"/> CONSENT <input type="checkbox"/> ADMINISTRATIVE <input type="checkbox"/> APPEALS <input type="checkbox"/> PUBLIC <input type="checkbox"/> WALK ON <input type="checkbox"/> TIME REQUIRED:</p>	<p>5. REQUIREMENT/PURPOSE: (Specify)</p> <p><input checked="" type="checkbox"/> STATUTE 125 <input type="checkbox"/> ORDINANCE <input type="checkbox"/> ADMIN. CODE <input type="checkbox"/> OTHER</p>	<p>6. REQUESTOR OF INFORMATION:</p> <p>A. COMMISSIONER B. DEPARTMENT <u>Independent</u> C. DIVISION <u>County Lands</u> <i>PC 7-15-04</i> BY: <u>Karen L. W. Forsyth, Director</u> <i>KLF</i></p>
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7. BACKGROUND:
Negotiated for: Department of Transportation

Interest to Acquire: Perpetual Stormwater Drainage Easement

Property Details:

Owner: Airport Industrial Holdings, LLC, a Florida limited liability company
 Address: 26811 South Bay Drive, Suite 240, 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>AO 7/21/04 7/22/04</i>	<i>AO 7/21/04 7/22/04</i>	<i>OA 7/21/04</i>	<i>OM 7/22/04</i>	<i>Risk 7/22/04</i>	<i>GC 7/22/04</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

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

RECEIVED BY
 COUNTY ADMIN: *PM*
7/22/04
11:25 a.m.
 COUNTY ADMIN
 FORWARDED TO: *PL*
7-22-04
4:07

This Instrument Prepared by:
COUNTY LANDS DIVISION
P.O. Box 398
Fort Myers, FL 33902-0398
Parcel: 123
Project: Alico Road Widening, Project 4030

Strap No.: 04-46-25-00-00001.0090

THIS SPACE FOR RECORDING

PERPETUAL STORMWATER
DRAINAGE EASEMENT

This easement grant is made between Airport Industrial Holdings, LLC, a Florida limited liability company, owner, whose address is 26811 South Bay Drive, Suite 240, 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.

Exhibit "A"

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 $89^{\circ}38'46''$ East along the South line of the Southwest $1/4$ of said Section 4, said line also being the centerline of Alico Road, a distance of 2676.90 feet to the South $1/4$ corner of said Section 4; thence North $00^{\circ}59'17''$ West along the North-South $1/4$ section line, a distance of 100.01 feet to the point of beginning, said point also being at the North right of way line of said Alico Road by Order of Taking as described in Official Records Book 3208, Page 357 of the Public Records of Lee County, Florida; thence South $89^{\circ}38'46''$ West along said North line, a distance of 1561.49 feet; thence North $00^{\circ}21'51''$ West, a distance of 2370.00 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 $89^{\circ}42'51''$ East along said South easement line, a distance of 1763.09 feet; thence South $00^{\circ}59'17''$ East along a line parallel to said North-South $1/4$ section line, a distance of 2368.42 feet to a point on said North right of way line of Alico Road; thence South $89^{\circ}44'24''$ West along said North line, a distance of 226.21 feet to an angle point; thence South $89^{\circ}38'46''$ West along said North line, a distance of 1.19 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.

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

Updated In House Title Search

Search No. 21390/C

Date: April 21, 2003

Parcel: 123

Project: Alico Road Widening

Project 4030

To: Robert G. Clemens, SR/WA
Acquisition Program Manager

From: Shelia A. Bedwell, CLS
Property Acquisition Assistant



STRAP: 04-46-25-00-00001.0090

An update has been requested of In House Title Search No. 21390/C which covers the period beginning January 1, 1940, at 8:00 a.m. and is now complete through April 6, 2003, at 5:00 p.m.

Subject Property: See attached Schedule "X"

Title to the subject property is vested in the following:

Airport Industrial Holdings, LLC, a Florida limited liability company

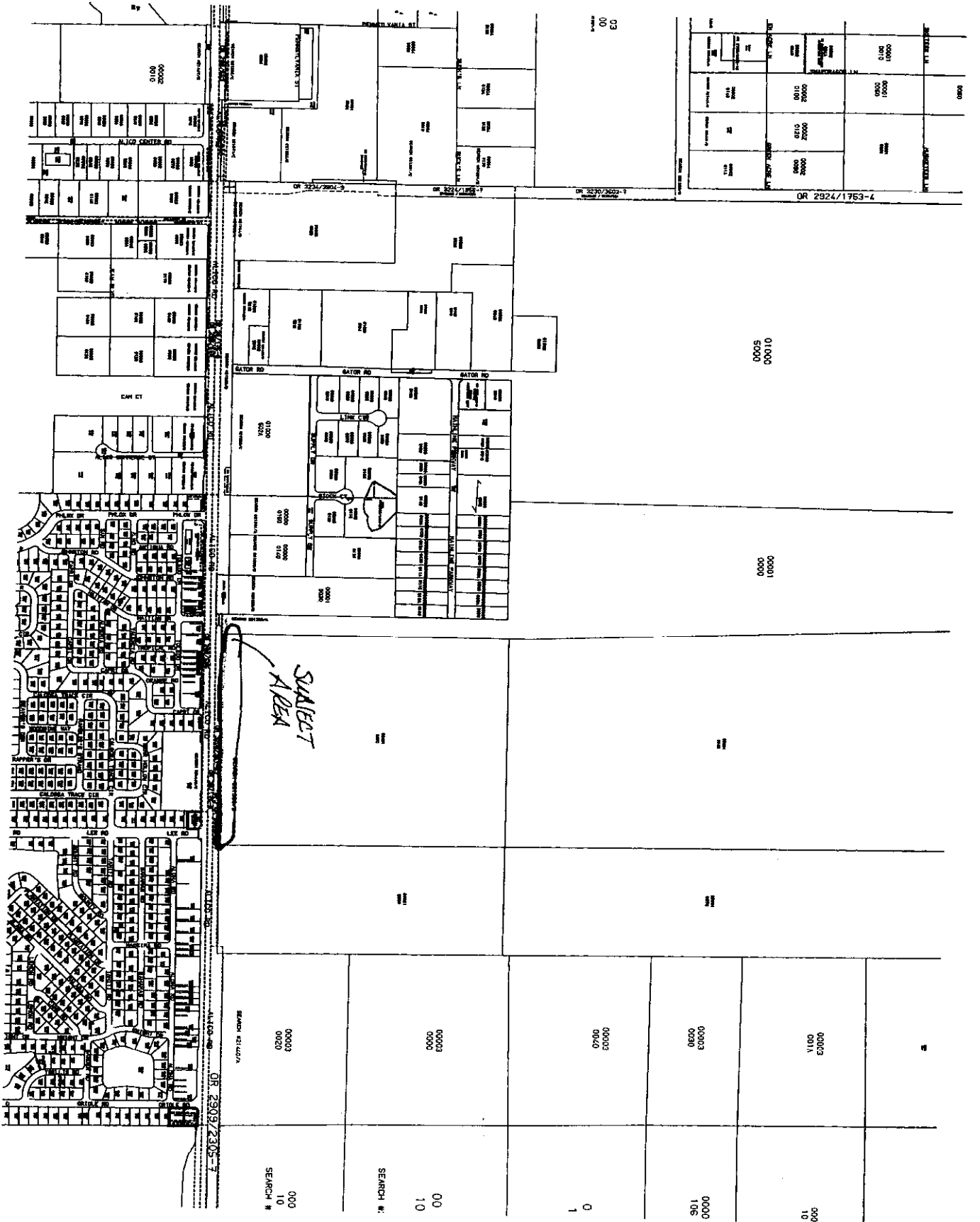
by that certain instrument dated March 25, 2003, recorded March 26, 2003, in Official Record Book 3883, Page 243, Public Records of Lee County, Florida.

Subject to:

1. Title to oil, gas and mineral rights and leases on subject property is specifically omitted from this report.
2. U.C.C. between Andre L. Laz, M.D., as Trustee of the Andre L. Laz, M.D., P.A., Profit Sharing Plan and Trust under Agreement dated September 11, 1985 and First National Bank of Naples, recorded November 19, 1998 in Official Record Book 3038, Page 3504, Public Records of Lee County, Florida.
3. Mortgage executed by Airport Industrial Holdings, LLC, a Florida limited liability company in favor of Richard K. Bennett, as Successor Trustee of the Jonbo Corp. Land Trust Number 10-F006-00-0, dated March 17, 1988, dated March 25, 2003, recorded March 26, 2003, in Official Record Book 3883, Page 245, Public Records of Lee County, Florida.

Tax Status: Taxes have not yet been assessed to this parcel; taxes for parent tract are paid for 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.



SUBJECT AREA

OR 23019/2305-7

SEARCH # 00003 0220

SEARCH # 000 10

SEARCH # 00 10

0 1

0000 1106

000 10

00001 5000

01000 5000

03 00

OR 2924/1763-4