

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

Blue Sheet No. 20040935

1. REQUESTED MOTION:

ACTION REQUESTED: Approve and accept the donation of two parcels in Boca Grande from the Gasparilla Island Conservation and Improvement Association, Inc. for the Island School project.

WHY ACTION IS NECESSARY: To obtain Board of County Commissioners' approval and acceptance of the donation from the GICIA.

WHAT ACTION ACCOMPLISHES: Approves and accepts the donation of property from the GICIA.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #

C11A

3. MEETING DATE:

08-10-2004

4. AGENDA:

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

5. REQUIREMENT/PURPOSE:
(Specify)

- STATUTE
- ORDINANCE
- ADMIN. CODE
- OTHER

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER _____
- B. DEPARTMENT _____
- C. DIVISION Parks & Recreation

BY: John Yarbrough

John Yarbrough

7. BACKGROUND: By agreement dated June 11, 2004, the Board of County Commissioners agreed to allow the Island School to construct a small school on the County's Community Center site. Towards that end, the GICIA agreed to transfer two parcels to Lee County.

Board of County Commissioners approval is required to accept the donation of the two parcels.

Ex. Fee Simple Deed - Recorded on July 20, 2004
Surveys of parcels.

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

COM

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
<i>dy</i> <i>7-25-04</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>	<i>7/26/04</i>	<i>OA</i>	<i>OM</i>	<i>RISK</i>	<i>GC</i>	<i>HS</i> <i>7/28/04</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: *7/26/04*
Time: *1:05 PM*
Forwarded To:
D. V. ...
7/27/04

RECEIVED BY
COUNTY ADMIN: *CA*
7/27/04
11:20am SL
COUNTY ADMIN
FORWARDED TO: *JP*
7/28/04
2:30pm

HS.



Return to and prepared by:
 James T. Humphrey, Esq.
 FOWLER WHITE BOGGS BANKER P.A.
 2201 Second Street, 5th Floor
 Fort Myers, Florida 33901
 (239) 334-7892

INSTR # 6364383
 OR BK 04371 Pgs 1509 - 1516; (8pgs)
 RECORDED 07/20/2004 01:50:31 PM
 CHARLIE GREEN, CLERK OF COURT
 LEE COUNTY, FLORIDA
 DEPUTY CLERK J Miller

STRAP NO. Parcel A: #14-43-20-00-00003.0020
 Parcel B: #14-43-20-00-00100.0000

FEE SIMPLE DEED

THIS INDENTURE made this 1st day of July, 2004, between the GASPARILLA ISLAND CONSERVATION AND IMPROVEMENT ASSOCIATION, INC. ("GICIA") a non-profit Florida corporation, herein referred to as Grantor, whose mailing address is P. O. Box 446 Boca Grande, Florida 33921, and LEE COUNTY, a political subdivision of the State of Florida, herein referred to as Grantee, whose mailing address is Post Office Box 398 Fort. Myers Florida 33902-0398.

WITNESSETH: That said Grantor, for and in consideration of the sum of Ten (\$10.00) Dollars and other good and valuable considerations to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the Grantee, and Grantee's successors and assigns forever, the following described land situate, lying and being in Lee County, Florida, to wit:

See Exhibit "A" attached hereto and made a part hereof, hereafter the "subject property".

THIS CONVEYANCE IS SUBJECT TO:

1. Taxes for the year 2004. Grantor to pay for 2004 taxes not yet due and payable up to date of conveyance;
2. Conditions, easements and restrictions of record;
3. Zoning ordinances and other restrictions and prohibitions imposed by applicable governmental authorities; and
4. The following covenants, conditions, and restrictions:

A. The subject property shall be used by the Grantee either for a charter school as defined by Florida law and approved by the Lee County School Board, (hereinafter called "The Island School") or otherwise as part of the Boca Grande Community Center (hereafter "Community Center"). If the Grantee ceases to use the subject property for either of these purposes, or does not comply with any of the conditions set forth below in Paragraphs B, C, D, and E below, then ownership of the subject property shall revert to the Grantor.

B. The Grantee will allow the Grantor, at nominal rent of \$1.00 per year, for so long as the Grantor organization exists, either use of Grantor's current office space in the Community Center, or shall provide other office space at least equal in square footage, and with

windows and appearance generally comparable to the current space, in one of the two current principal wings of the Community Center.

C. The Grantee will provide, at no cost to the Grantor, normal utilities and maintenance for the current or the new office space.

D. If the Grantee elects to move the Grantor from its current office space, the Grantee will convert, at Grantee's expense, the new space to a configuration and layout generally comparable to the Grantor's current space. Grantor will pay for the cost of moving its furniture and equipment to the new space.

E. The Grantee shall plant and maintain a mutually acceptable buffer between Parcel B and the existing GICIA Bike Path.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Signed, sealed and delivered
in the presence of:

Kathryn Torres
1st Witness Signature

Print Name: Kathryn Torres

Kelly Reark
2nd Witness Signature

Print Name: Kelly Reark

GASPARILLA ISLAND
CONSERVATION
AND IMPROVEMENT ASSOCIATION,
INC.

By: Richard M. Morrison

As Its: President

STATE OF FLORIDA)
) SS.
COUNTY OF LEE)

The foregoing instrument was acknowledged before me on this 1st day of July, 2004, by Richard M. Morrison, as President of the Gasparilla Island Conservation and Improvement Association, Inc., who is personally known to me or has produced _____ as identification.

Kathryn Torres
Notary Public
Print Name: Kathryn Torres

KATHRYN R. TORRES
Notary Public, State of Florida
My comm. exp. Jan. 3, 2008
Comm. No. 272634

EXHIBIT "A"
Legal Description

Parcel A
(Triangle Parcel)

(LEGAL DESCRIPTION TAKEN FROM ORB 960, PAGE 112, LEE COUNTY RECORDS)

A LOT OR PARCEL OF LAND LYING IN GOVERNMENT LOT 5, SECTION 14, TOWNSHIP 43 SOUTH, RANGE 20 EAST, GASPARILLA ISLAND, LEE COUNTY, FLORIDA WHICH LOT OR PARCEL IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF FIRST STREET (50 FEET WIDE) AS SHOWN ON "REVISED PLAT OF BOCA GRANDE" ACCORDING TO PLAT RECORDED IN PLAT BOOK 7 AT PAGE 1 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, WITH THE EAST LINE OF WEST AVENUE (60 FEET WIDE) RUN NORTHERLY ALONG SAID EAST LINE FOR 260 FEET MORE OR LESS TO AN INTERSECTION WITH THE WESTERLY LINE OF THE SEABOARD COAST LINE RAILROAD (FORMERLY CHARLOTTE HARBOR & NORTHERN RAILROAD) AS SHOWN ON SAID "REVISED PLAT OF BOCA GRANDE"; THENCE RUN SOUTHEASTERLY ALONG SAID WESTERLY LINE OF SAID RAILROAD TO AN INTERSECTION WITH SAID NORTHERLY LINE OF FIRST STREET AS SHOWN ON SAID PLAT; THENCE RUN WESTERLY ALONG SAID NORTH LINE OF FIRST STREET FOR 64 FEET MORE OR LESS TO THE POINT OF BEGINNING.

Parcel B
(Parking Parcel with 7.5 foot Landscape Buffer)

A PARCEL OF LAND LOCATED IN THE SOUTHEAST 1/4 OF SECTION 14, TOWNSHIP 43 SOUTH, RANGE 20 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF BLOCK 5, BOCA GRANDE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 7 AT PAGE 1 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N 90°00'00" E, ALONG THE NORTH LINE OF SAID BLOCK 5, FOR A DISTANCE OF 323.43 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF THE FORMER SEABOARD COASTLINE RAILROAD; THENCE RUN S 13°47'59" E, ALONG SAID WESTERLY RIGHT OF WAY LINE, FOR A DISTANCE OF 5.51 FEET TO THE **POINT OF BEGINNING** OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN N 75°04'49" E, FOR A DISTANCE OF 20.55 FEET; THENCE RUN S 14°55'11" E, FOR A DISTANCE OF 78.00 FEET; THENCE RUN S 75°04'49" W, FOR A DISTANCE OF 22.07 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF SAID FORMER SEABOARD COASTLINE RAILROAD; THENCE RUN N 13°47'59" W, ALONG SAID

WESTERLY RIGHT OF WAY LINE, FOR A DISTANCE OF 78.01 FEET TO THE POINT OF BEGINNING; CONTAINING 0.038 ACRE MORE OR LESS.

**PARKING EASEMENT
WITH 7.5 FOOT LANDSCAPE BUFFER**

BOCA GRANDE COMMUNITY SCHOOL

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE SOUTHEAST 1/4 OF SECTION 14, TOWNSHIP 43 SOUTH, RANGE 20 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF BLOCK 5, BOCA GRANDE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 7 AT PAGE 1 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N 90°00'00" E, ALONG THE NORTH LINE OF SAID BLOCK 5, FOR A DISTANCE OF 323.43 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF THE FORMER SEABOARD COASTLINE RAILROAD; THENCE RUN S 13°47'59" E, ALONG SAID WESTERLY RIGHT OF WAY LINE, FOR A DISTANCE OF 5.51 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN N 75°04'49" E, FOR A DISTANCE OF 20.55 FEET; THENCE RUN S 14°55'11" E, FOR A DISTANCE OF 78.00 FEET; THENCE RUN S 75°04'49" W, FOR A DISTANCE OF 22.07 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF SAID FORMER SEABOARD COASTLINE RAILROAD; THENCE RUN N 13°47'59" W, ALONG SAID WESTERLY RIGHT OF WAY LINE, FOR A DISTANCE OF 78.01 FEET TO THE POINT OF BEGINNING; CONTAINING 0.038 ACRE, MORE OR LESS.

NOTES:

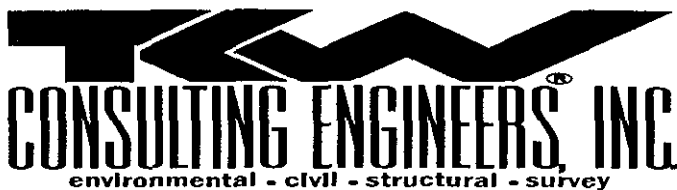
- 1.) BEARINGS SHOWN HEREON REFER TO THE REVISED PLAT OF BOCA GRANDE, AS RECORDED IN PLAT BOOK 7 AT PAGE 1 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, WHEREIN THE NORTH LINE OF BLOCK 5, AS BEING N 90°00'00" E.
- 2.) SUBJECT TO EASEMENTS, RESERVATIONS AND/OR RESTRICTIONS OF RECORD.
- 3.) DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.

Eric V. Sandoval 5-18-04
 SIGNATURE DATE SIGNED:

ERIC V. SANDOVAL (FOR THE FIRM - LB-734)
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA CERTIFICATE NO. 5223

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

SEE SHEET 2 OF 2 FOR SKETCH TO ACCOMPANY

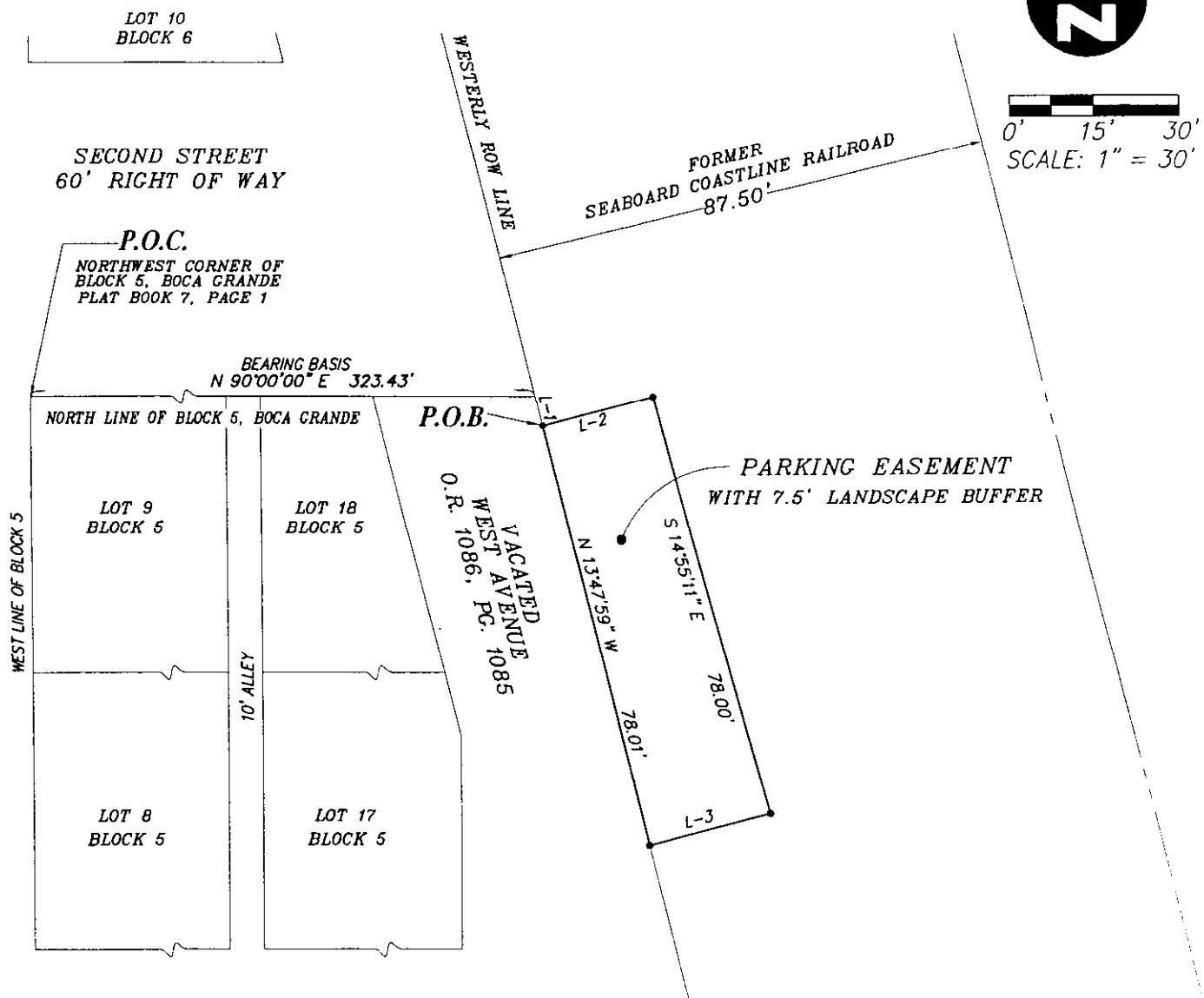


5621 Banner Drive
 Fort Myers, Florida 33912
 (239) 278-1992 • FAX (239) 278-0922
 E-MAIL tkw@tkwonline.com
 Certification # 5762

DRAWN BY: CDB	JOB NO.: 03539.00	SHEET 1 OF 2
LEGAL DESCRIPTION		
PARKING EASEMENT WITH LANDSCAPE BUFFER BOCA GRANDE COMMUNITY SCHOOL SECTION 14, TOWNSHIP 43 SOUTH, RANGE 20 EAST LEE COUNTY, FLORIDA		
DATE: MAY 18, 2004	DRAWING: 03539PRKEASE2	



0' 15' 30'
SCALE: 1" = 30'

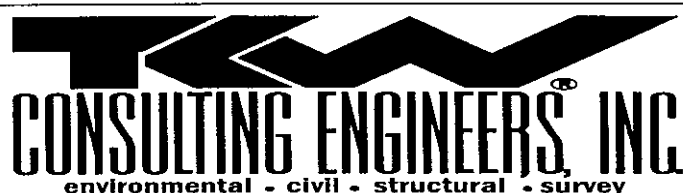


LEGEND

- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING
- O.R. OFFICIAL RECORD BOOK
- P.G. PAGE
- R.O.W. RIGHT OF WAY

LINE TABLE		
LINE	BEARING	LENGTH
L-1	S 13°47'59" E	5.51'
L-2	N 75°04'49" E	20.55'
L-3	S 75°04'49" W	22.07'

* THIS IS NOT A SURVEY *



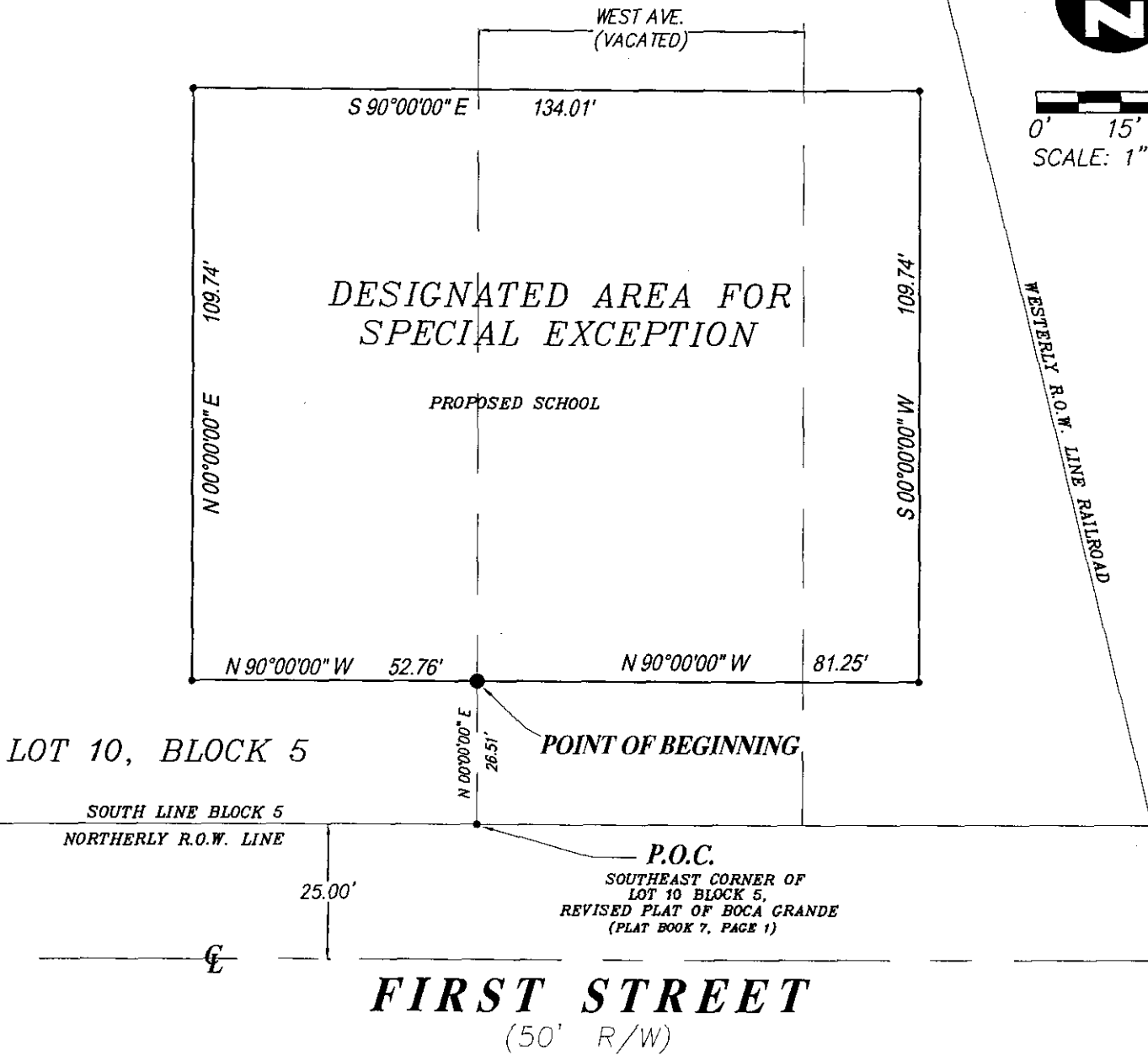
5621 Banner Drive
Fort Myers, Florida 33912
(239) 278-1992 • FAX (239) 278-0922
E-MAIL tkw@tkwonline.com
Certification # 5762

DRAWN BY: CDB	JOB NO.: 03539.00	SHEET 2 OF 2
SKETCH TO ACCOMPANY LEGAL DESCRIPTION		
PARKING EASEMENT WITH LANDSCAPE BUFFER BOCA GRANDE COMMUNITY SCHOOL SECTION 14, TOWNSHIP 43 SOUTH, RANGE 20 EAST LEE COUNTY, FLORIDA		
DATE: MAY 18, 2004	DRAWING: 03539PRKEASE2	

U:\103539\00 BOCA GRANDE COMMUNITY CENTER\dwg\05172004 05:04:47 PM, 1HP5000.dwg, 1:30



0' 15' 30'
SCALE: 1" = 30'



LEGEND

- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING
- O.R. OFFICIAL RECORD BOOK
- PG. PAGE
- R.O.W. RIGHT OF WAY

** THIS IS NOT A SURVEY **

TKW
CONSULTING ENGINEERS, INC
 environmental - civil - structural - survey
 5621 Danner Drive
 Fort Myers, Florida 33912
 (239) 278-1992 FAX (239) 278-0922
 E-MAIL tkw@tkwonline.com
 Survey Certification # 734

DRAWN BY: A.D. JOB NO.: 03539.00 SHEET 2 OF 2

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

SPECIAL EXCEPTION AREA
 THE ISLAND SCHOOL at BOCA GRANDE
 SECTION 14, TOWNSHIP 43 SOUTH, RANGE 20 EAST
 LEE COUNTY, FLORIDA

DATE: MAY 19, 2004

DRAWING: 03539SEA

*SPECIAL EXCEPTION AREA
AT
THE ISLAND SCHOOL, BOCA GRANDE*

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE SOUTHEAST 1/4 OF SECTION 14, TOWNSHIP 43 SOUTH, RANGE 20 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF LOT 10, BLOCK 5 OF THE REVISED PLAT OF BOCA GRANDE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 7 AT PAGE 1 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N 00°00'00" E FOR A DISTANCE OF 26.51 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND; THENCE RUN N 90°00'00" W FOR A DISTANCE OF 52.76 FEET; THENCE RUN N 00°00'00" E FOR A DISTANCE OF 109.47 FEET; THENCE RUN S 90°00'00" E FOR A DISTANCE OF 134.01 FEET; THENCE RUN S 00°00'00" W FOR A DISTANCE OF 109.74 FEET; THENCE RUN N 90°00'00" W FOR A DISTANCE OF 81.25 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND, CONTAINING 14,706 SQUARE FEET, MORE OR LESS.

NOTES:

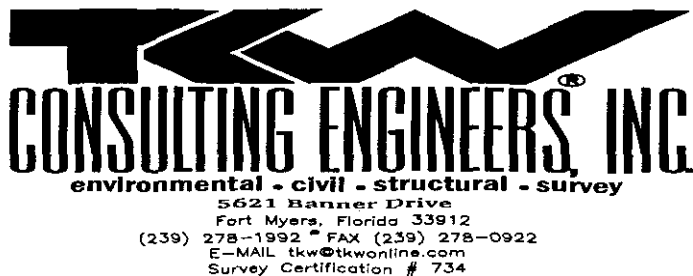
- 1.) BEARINGS REFER TO THE SOUTH LINE OF BLOCK 5 OF THE REVISED PLAT OF BOCA GRANDE, AS RECORDED IN PLAT BOOK 7 AT PAGE 1 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AS BEING N 90°00'00" W.
- 2.) SUBJECT TO EASEMENTS, RESERVATIONS AND/OR RESTRICTIONS OF RECORD.
- 3.) DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.

Eric V. Sandoval

DATE: 5-19-04

ERIC V. SANDOVAL
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5223

SEE SHEET 2 OF 2 FOR SKETCH TO ACCOMPANY



DRAWN BY: EVS | JOB NO.: 03539.00 | SHEET 1 OF 2

LEGAL DESCRIPTION

**SPECIAL EXCEPTION AREA
THE ISLAND SCHOOL at BOCA GRANDE
SECTION 14, TOWNSHIP 43 SOUTH, RANGE 20 EAST
LEE COUNTY, FLORIDA**

DATE: MAY 19, 2004

DRAWING: 03539SEA

Charlie Green
Clerk of Circuit Court, Lee Co.
2115 Second Street
P. O. Box 2278
Fort Myers, FL 33902
(239) 335-2283

DATE:07/20/2004
TIME:01:50:31 PM
RECEIPT:2004155009

LEE CO ATTORNEY PU #34
CODE - 34
REF: GASPARILLA ISLAND CONSERVATIO
/LEE COUNTY

ITEM -01 D 01:50:31 PM
FILE:6364383 BK/PG:4371/1589
RECORDING FEE 37.50
COURT TRUST FUND 32.00
Sub. Total 69.50

AMOUNT DUE:	\$69.50
PAID CHECK:	\$69.50
TOTAL	\$69.50

REC BY:CARA
DEPUTY CLERK

www.leeclerk.org

TO: LEE COUNTY FINANCE DEPARTMENT

FROM: _____
(Department)

A. AUTHORIZATION:

This transmittal authorizes the _____
office to incur expenses for filing/record against:

Purchase Order # _____ for _____ project.

Signature Authorization

B. SERVICE RECEIVED:

RECORDING _____

O. R. COPIES _____

PLAT COPIES _____

CASE # INDEX FEE _____

DESCRIPTION OF SERVICE _____

AMOUNT OF FEE INCURRED \$ _____

(date)

(DEPUTY CLERK)

(CUSTOMER) (DEPT.)

THIS FORM GOES TO CASHIER WITH REGULAR RECEIPT ATTACHED

C. INVOICE INFORMATION: (FOR CLERK'S DEPARTMENT ONLY)

REC'D _____

ENTERED _____

CUST. # _____

INV. # _____

PLEASE REMIT TO: Clerk's Accounting
P.O. BOX 2396
FORT MYERS, FLORIDA 33902-2396