

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

DATE CRITICAL  
Blue Sheet No. 20041098

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Approve a request to reconvey those rights held by the County in that portion of an unbuilt frontage road easement on the east side of U.S. 41 in Section 36, Township 45 South, Range 24 East, to the current property owners, authorize the Chairman to execute a County Deed for this purpose and authorize the County Attorney's Office to handle and complete all documentation necessary.

**WHY ACTION IS NECESSARY:** Board approval is necessary to reconvey the County's rights in an unbuilt portion of a frontage road easement in accordance with §255.22, F.S.

**WHAT ACTION ACCOMPLISHES:** Releases to the requesting property owner any right, title or interest held by the County in an unbuilt portion of the frontage road easement at this location.

**2. DEPARTMENTAL CATEGORY:** 12  
**COMMISSION DISTRICT # 5**

*C12C*

**3. MEETING DATE:**

*09-07-2004*

**4. AGENDA:**

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:**  
5 Minutes

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

- STATUTE §255.22, F.S.
- ORDINANCE
- ADMIN. CODE
- OTHER

**6. REQUESTOR OF INFORMATION:**

- A. COMMISSIONER
- B. DEPARTMENT County Atty's Office
- C. DIVISION Land Use
- BY: *John J. Fredyma*  
John J. Fredyma, Assistant County Atty.

**7. BACKGROUND:** George M. Klein, Mary J. Klein, Eugene A. Pulice and Kathleen J. Pulice, the owners of property located at 15881 South Tamiami Trail, a/k/ U.S. 41 (STRAP No.: 36-45-24-00-00011.0130), have requested the reconveyance of the County's interest in that portion of a 40-foot wide pedestrian and vehicular ingress and egress easement (an unbuilt frontage road) conveyed to Lee County by instrument dated April 6, 1990 and recorded in the Public Records of Lee County, Florida in Official Record Book 2148, Page 2383.

Florida Statute, §255.22, authorizes the County to reconvey property donated for a specific purpose if a request is received from an adjacent property owner and the County has not used the property for such purposes for a period of sixty (60) consecutive months. A review of the documents concerning this easement indicates the statutory requirements for reconveyance have been met. County Staff recommends the Board approve the requested reconveyance.

Attachments: County Deed and a sketch of the portion of the unbuilt frontage road requested to be reconveyed.

**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
N/A	N/A	N/A	N/A	<i>[Signature]</i>	OA	QM	RISK	GC	<i>[Signature]</i>
					<i>8/24/04</i>	<i>8/26/04</i>	<i>8/26/04</i>	<i>8/26/04</i>	<i>8/26/04</i>

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

CO. ATTY.  
FORWARDED  
TO CO. ADMIN.  
*8/24/04*

RECEIVED BY  
COUNTY ADMIN:  
*8/24/04*  
*4:40 pm SLT*  
COUNTY ADMN  
FORWARDED TO: *[Signature]*  
*8/26/04*  
*3pm*

*RC*  
*[Signature]*

This Instrument Prepared by:

Lee County Attorney's Office  
Post Office Box 398  
Fort Myers, Florida 33902-0398

STRAP No. 36-45-24-00-00011.0130

THIS SPACE FOR RECORDING

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**COUNTY DEED**  
(Statutory)

**THIS DEED**, executed this \_\_\_\_ day of \_\_\_\_\_, 2004, by **LEE COUNTY, FLORIDA**, a political subdivision of the State of Florida, whose address is Post Office Box 398, Fort Myers, Florida 33902-0398 (County), to **GEORGE M. KLEIN** and **MARY J. KLEIN**, husband and wife, as tenants by the entirety, as to an undivided 50% interest; *and* **EUGENE A. PULICE** and **KATHLEEN J. PULICE**, husband and wife, as tenants by the entirety, as to the remaining 50% interest, whose address is 15881 South Tamiami Trail, South Fort Myers, Florida 33908 (Grantee).

**WITNESSETH:** County, for and in consideration of the sum of Ten (\$10.00) Dollars to it in hand paid by the Grantee, receipt whereof is hereby acknowledged, has granted, bargained and sold to the Grantee and its assigns forever, the County's interest in a certain 40-foot wide easement for pedestrian and vehicular ingress and egress, being all and the same real property interest as conveyed to Lee County by George M. Klein, Mary J. Klein, Eugene A. Pulice and Kathleen J. Pulice, in the Access Road Easement Grant dated April 6, 1990, as recorded in the Official Records (O.R.) of the Public Records of Lee County, Florida, at O.R. Book 2148, Page 2383.

In accordance with Florida Statutes s. 270.11, the County hereby reserves an undivided three-fourths interest in, and title in and to an undivided three-fourths interest in, all the phosphate, minerals, and metals that are or may be in, on, or under the subject land and an undivided one-half interest in all the petroleum that is or may be in, on, or under the subject land with the privilege to mine and develop each interest. Provided, however, the right of entry with respect to any interest in phosphate, minerals, metals or petroleum reserved in favor of the County is hereby released if the subject parcel being conveyed is or has always been a contiguous tract of less than 20 acres in the aggregate under the same ownership.

This grant conveys only the interest of the County and its Board of County Commissioners in the property herein described, and does not warrant the title or represent any state of facts concerning the title.

**IN WITNESS WHEREOF** the County has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chair or Vice Chair of said Board, the day and year above.

(OFFICIAL SEAL)

ATTEST:  
CHARLIE GREEN, CLERK

**LEE COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS**

By: \_\_\_\_\_  
Deputy Clerk

\_\_\_\_\_  
[Type or print name]

By: \_\_\_\_\_  
Chairman

\_\_\_\_\_  
[Type or print name]

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
Office of County Attorney  
John J. Fredyma  
Assistant County Attorney

