

CARRYOVERS 1

Lee County Board of County Commissioners
Agenda Item Summary

DATE CRITICAL
Blue Sheet No. 20041032

1. **REQUESTED MOTION:**

ACTION REQUESTED: Approve a request to reconvey those rights held by the County in that portion of an unbuild Viewer's ad located in Section 5, Township 46 South, Range 24 East, to the current property owner, 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 unbuild portion of a Viewer's Road 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 unbuild portion of the Viewer's Road at this location.

2. **DEPARTMENTAL CATEGORY:** 12
COMMISSION DISTRICT # 3

3. **MEETING DATE:**
09-14-2004

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:** Tibco, Inc., a Florida Corporation, the owner of property located at 10900 Old South Way and 10551 Kelly Road (STRAP Nos.: 05-46-24-01-00004.0050 & 05-46-24-01-00004.001A) has requested the reconveyance of any rights ld by the County in that portion of a 66-foot wide, unbuild Viewer's Road as described in County Commission Minutes Book , Page 645 (January 6, 1926), located in Section 5, Township 46 South, Range 24 East. The unbuild Viewer's Road runs in a north/south direction and bisects the above-referenced two properties.

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 these parcels indicates the statutory requirements for reconveyance have been met. County Staff recommends the Board approve the requested reconveyance.

Attachments: County Deed, with sketch of the portion of the unbuild Viewer's Road 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 <i>RK 8/24</i>	OM <i>[Signature]</i>	RISK <i>[Signature]</i>	GC <i>[Signature]</i>	<i>HB 8/26/04</i>

10. **COMMISSION ACTION:**

ON 09-07-04 APPROVED
 DENIED
 DEFERRED
 OTHER
1wk 9-14-04

CO. ATTY.
FORWARDED
TO CO. ADMIN.
8/24/04 3PM

RECEIVED BY
COUNTY ADMIN:
8/24/04
3:50 pm
COUNTY ADMIN
FORWARDED TO: *[Signature]*
8/24/04
3pm

RK

P

This Instrument Prepared by:

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

STRAP Nos. 05-46-24-01-00004.0050 &
05-46-24-01-00004.001A

THIS SPACE FOR RECORDING

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 **TIBCO, INC.**, a Florida Corporation, whose address is 808 Anchor Rode Drive, Naples, Florida 33940 (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, a portion of the County's interest established in a Viewer's Road, so-called, in Lee County, Florida, as described in County Commission Minutes Book 5, Page 645, being more particularly described as follows:

SEE ATTACHED EXHIBIT "A"

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 portion of the Viewer's Road, so-called, as may have been created in County Commission Minutes Book 5, Page 645 and described in attached Exhibit "A," but not releasing or conveying any other right, title or real property interest held by Lee County in any other easement, road or Iona Drainage Ditch (I.D.D.) canal. The County and its Board of County Commissioners do not warrant the title or represent any state of facts concerning the title of the conveyance herein.

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

APPROVED AS TO LEGAL FORM:

Office of County Attorney
John J. Fredyma
Assistant County Attorney

Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors

DESCRIPTION OF A PARCEL
LYING IN SECTION 5, T-46-S, R-24-E,
LEE COUNTY, FLORIDA.

(66' WIDE ROADWAY)

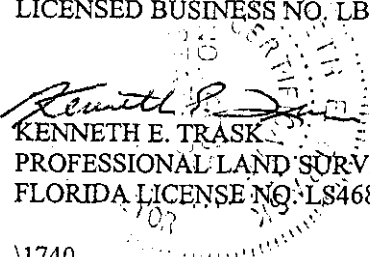
A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 5, TOWNSHIP 46 SOUTH, RANGE 24 EAST, BEING A PART OF THE 66.00 FOOT WIDE ROADWAY AS DESCRIBED IN COUNTY COMMISSIONERS MINUTES BOOK 5, PAGE 645, LEE COUNTY PUBLIC RECORDS, RUNNING ALONG THE NORTH-SOUTH QUARTER SECTION LINE OF SAID SECTION 5 AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 5; THENCE S.01°31'48"E., ALONG SAID NORTH-SOUTH QUARTER SECTION LINE OF SECTION 5, FOR 36.00 FEET TO THE SOUTH LINE OF A 36.00 FOOT WIDE ROADWAY AS SHOWN ON THE RECORD PLAT OF E.P. BATES' PINE RIDGE TRUCK FARMS SUBDIVISION, PLAT BOOK 3 PAGE 68, SAID PUBLIC RECORDS AND THE POINT OF BEGINNING; THENCE CONTINUE S.01°31'48"E., ALONG SAID QUARTER SECTION LINE, FOR 626.03 FEET; THENCE N.88°56'26"E., ALONG THE SOUTH LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 5, FOR 33.00 FEET; THENCE S.01°31'48"E., PARALLEL WITH AND 33.00 FEET EASTERLY OF (AS MEASURED ON A PERPENDICULAR) SAID NORTH-SOUTH QUARTER SECTION LINE OF SAID SECTION 5, FOR 1986.25 FEET; THENCE S.88°55'06"W., ALONG THE EAST-WEST QUARTER SECTION LINE OF SAID SECTION 5, FOR 66.00 FEET; THENCE N.01°31'48"W., PARALLEL WITH AND 33.00 FEET WESTERLY OF (AS MEASURED ON A PERPENDICULAR) SAID NORTH-SOUTH QUARTER SECTION LINE OF SECTION 5, FOR 2612.37 FEET; THENCE N.89°03'04"E., ALONG SAID SOUTH LINE OF A 36.00 FOOT WIDE ROADWAY, FOR 33.00 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE WEST LINE OF SECTION 5 AS BEARING N.01°38'54"W.

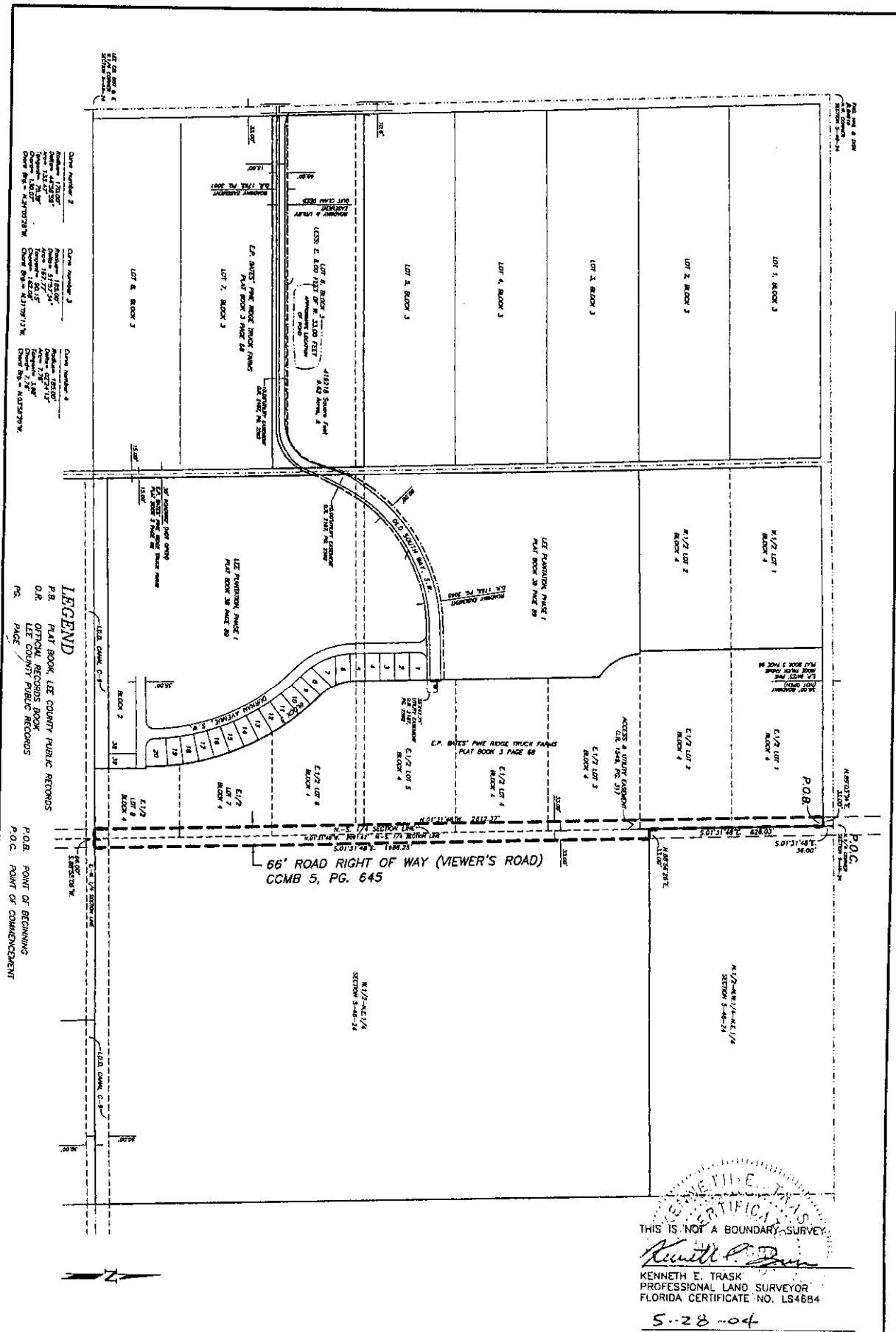
BANKS ENGINEERING, INC.
LICENSED BUSINESS NO. LB7136

MAY 26, 2004


KENNETH E. TRASK
PROFESSIONAL LAND SURVEYOR
FLORIDA LICENSE NO. LS4684

11740

SHEET 1 OF 2

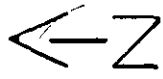


Wanka Engineering, Inc. Professional Engineers, Planners & Land Surveyors FORT MYERS • NAPLES • SARASOTA 10511 SW MLE CYPRESS PARKWAY - SUITE 101 FORT MYERS, FLORIDA 33913 PHONE: (238) 938-5490 FAX: (238) 938-2523 ENGINEERING LICENSE # EB 6460 SURVEY LICENSE # LB 6690		SKETCH TO ACCOMPANY DESCRIPTION VICOTT, INC. LEE COUNTY, FLORIDA							
DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-T-R)
5-26-2004	1740			KT		1"=400'	2	2	5-46-24

CCMB #3/#4 5 & #6-

140.08 AC

00000
4.000
3.75 AC



OR 8770000662-3
0010
CCMB 20561/37

VIEWER'S ROAD TO BE
RECONVEYED TO TARBCO, INC.

20 AC

40 AC

SEARCH #21671/D

20 AC

00004
001A
SEARCH #20132/B
18.47 AC

12.56 AC

00004
0010
SEARCH #20279/A
10.00 AC

(9.65 AC)

00004
0010

16.7 AC

(77.65 AC)

SEARCH #20083/C
0003C
003A
5 AC

KELLY ROAD

SEARCH #20078/B
00013
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4.75 AC

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OR 2187/2533

9.01 AC

OLD SOUTH WAY

9.67 AC

12.27 AC

7.83 AC

PINE RIDGE ROAD

EST