

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

DATE CRITICAL
Blue Sheet No. 20041261

1. REQUESTED MOTION:

ACTION REQUESTED: Approve a request to reconvey any rights held by the County in that portion of an unbuilt Viewer's Road on the south side of Hancock Bridge Parkway in North Fort Myers in Sections 9 and 16, Township 46 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 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 unbuilt portion of the described Viewer's Road at this location.

2. DEPARTMENTAL CATEGORY: 12
COMMISSION DISTRICT # 5

C12A

3. MEETING DATE: *10-12-2004*

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: The Lutheran Church of the Good Shepard Incorporated, the owner of property located at 4000 Hancock Bridge Parkway and 1700 Golf Club Drive (STRAP Nos.: 09-44-24-00-01002.0190 & 16-44-24-03-03-0030C.0090), has requested the reconveyance of the County's interest in that portion of a 60-foot wide Viewer's Road created on May 16, 1952 and as set out in County Commission Minutes Book (CCMB) 11.

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 Viewer's Road indicates the statutory requirements for reconveyance have been met. County Staff recommends the Board approve the requested reconveyance.

Attachments: County Deed, sketch of the portion of the 60-foot wide Viewer's Road requested to be reconveyed and LCDOT memo.

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>[Signature]</i>	OM <i>[Signature]</i>	RISK <i>[Signature]</i>	GC <i>[Signature]</i>	<i>[Signature]</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

DO NOT FORWARDED TO CC ADMIN. *9/28/04*

RECEIVED BY COUNTY ADMIN: *PK*
9/28/04
3:35 pm 5/7
COUNTY ADMIN FORWARDED TO:
9/30/04
3pm

DDS

This Instrument Prepared by:

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

STRAP Nos. 09-44-24-00-01002.0190 &
16-44-24-03-0030C.0090

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 **THE LUTHERAN CHURCH OF THE GOOD SHEPARD INCORPORATED**, a Florida corporation, whose address is 4770 Orange Grove Boulevard, North Fort Myers, Florida 33903 (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 that portion of Viewer's Road as described in County Commission Minutes Book (CCMB) 11, Page 427, 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 property herein described, and does not warrant the title or represent any state of facts concerning the title.

C12__
10/12/04

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

A Division of
LBFH, Inc.

CIVIL
AGRICULTURAL
WATER RESOURCES
WATER & WASTEWATER
TRANSPORTATION
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GIS

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(239) 931-0455
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www.lbfh.com

JULY 6, 2004
JOB NO. 04-7056
FILE NO. 04-7056SK01LGL

SHEET 1 OF 2

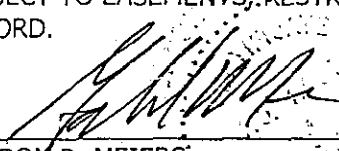
DESCRIPTION: PART OF SKYLINE DRIVE TO BE VACATED

THAT PART OF SKYLINE DRIVE AS RECORDED IN C.C.M.B. 11, PAGE 427 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA LYING WITHIN THE FOLLOWING DESCRIBED PARCEL OF LAND.

A TRACT OR PARCEL OF LAND LYING IN SECTIONS 9 AND 16 , TOWNSHIP 44 SOUTH, RANGE 24 EAST LEE COUNTY, FLORIDA ALSO BEING PART OF TRACT "C" WATERWAY ESTATES OF FORT MYERS, UNIT 2 AS RECORDED IN PLAT BOOK 12, PAGE 67 OF THE PUBLIC RECORDS OF LEE COUNTY FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

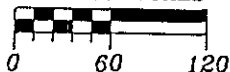
COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST ONE QUARTER (SE 1/4) OF SAID SECTION 9; THENCE S.88°55'40"E. ALONG THE SOUTH LINE OF SAID SECTION 9 AND THE CENTERLINE OF HANCOCK BRIDGE PARKWAY (100 FEET WIDE) FOR 595.25 FEET; THENCE S.01°04'20"W. FOR 50.00 FEET TO THE SOUTHERLY RIGHT OF WAY OF SAID HANCOCK BRIDGE PARKWAY ALSO BEING A POINT ON A CURVE TO THE LEFT, HAVING A RADIUS OF 1450.00 FEET, CENTRAL ANGLE OF 09°55'30", CHORD BEARING OF N.86°06'35"E; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE FOR 251.18 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID SOUTHERLY RIGHT OF WAY, AND CURVE TO THE LEFT, HAVING A RADIUS OF 1450.00 FEET, CENTRAL ANGLE OF 19°03'21" ; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 482.25 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 30.00 FEET, CENTRAL ANGLE OF 78°17'33"; THENCE NORTHEASTERLY AND SOUTHEASTERLY ALONG THE ARC OF SAID CURVE FOR 40.99 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 445.00 FEET, CENTRAL ANGLE OF 08°58'20"; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE FOR 69.68 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO RIGHT, HAVING A RADIUS OF 30.00 FEET, CENTRAL ANGLE OF 83°21'06"; THENCE SOUTHEASTERLY AND SOUTHWESTERLY ALONG THE ARC OF SAID CURVE FOR 43.64 TO THE POINT OF TANGENCY; THENCE S.34°45'47"W. FOR 56.31 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 80.00 FEET, CENTRAL ANGLE OF 34°32'45"; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE FOR 48.24 FEET TO THE POINT OF TANGENCY; THENCE S.00°13'02"W. FOR 143.11 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 50.00 FEET; CENTRAL ANGLE OF 90°51'18"; THENCE SOUTHWESTRLY ALONG THE ARC OF SAID CURVE FOR 79.29 FEET TO THE POINT OF TANGENCY; THENCE S.88°55'40" E. FOR 346.74 FEET(346.67 FEET PLAT) TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 230.00 FEET, CENTRAL ANGLE OF 26°18'05"; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE FOR 105.58 FEET TO END OF SAID CURVE; THENCE N.00°13'02"E. FOR 245.50 FEET TO THE POINT OF BEGINNING.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD.


GORDON D. MEIERS
PROFESSIONAL SURVEYOR AND MAPPER
FL. CERT. NO. 2858

SEE SHEET 2 OF 2 FOR SKETCH

GRAPHIC SCALE



CURVE TABLE

NO.	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
1	1450.00'	09°55'30"	251.18'	250.86'	N.86°06'35"E.
2	1450.00'	19°03'21"	482.25'	480.03'	N.71°37'09"E.
3	30.00'	78°17'33"	40.99'	37.88'	S.78°45'45"E.
4	445.00'	08°58'20"	69.68'	69.61'	S.44°06'09"E.
5	30.00'	83°21'06"	43.64'	39.89'	S.06°54'46"E.
6	80.00'	34°32'45"	48.24'	47.51'	S.17°29'25"W.
7	50.00'	90°51'18"	79.29'	71.24'	S.45°38'41"W.
8	230.00'	26°18'05"	105.58'	104.66'	S.77°55'18"W.

SURVEYOR NOTES:

1. BEARINGS SHOWN HEREON ARE BASED UPON THE NORTH LINE OF SECTION 16, ALSO BEING THE CENTERLINE OF HANCOCK BRIDGE PARKWAY AS BEARING S.88°55'40"E.
2. THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A LICENSED SURVEYOR AND MAPPER.
3. SUBJECT TO EXISTING EASEMENTS, RESERVATIONS AND RIGHTS OF WAY OF RECORD.
4. SEE SHEET 1 OF 2 FOR LEGAL DESCRIPTION.

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C/L ORANGE GROVE BOULEVARD

POINT OF COMMENCEMENT
S.W. CORNER, S.E. 1/4
SECTION 9-44-24

S.88°55'40"E. 595.25'

POINT OF BEGINNING

50.00'
S.01°04'20"W.

N.00°13'02"E.
245.50'

PART OF TRACT "C", WATERWAY ESTATES, UNIT 2
PLAT BOOK 12, PAGE 67

(8) N.88°55'40"W. 346.74' (M) 346.67' (PLAT)

RIGHT OF WAY
GOLF CLUB DRIVE 346.74' (M) 346.67' (P)
WATERWAY ESTATES GOLF PARK
PLAT BOOK 22, PAGE 161 & 162

LOT 3

LOT 2
EL RIO CONDOMINIUM SUBDIVISION
PLAT BOOK 24, PAGE 1

LOT 4

C/L HANCOCK BRIDGE PARKWAY
RIGHT OF WAY (2)

95'
50'

SECTION 9
SECTION LINE
S.88°55'40"E.

SKYLINE DRIVE
C.C.M.B. 11, PAGE 427

C/L SKYLINE DRIVE
(3)
(4)
(5)

(6) S.34°45'17"W.
36.3177'

143.11'
S.00°13'02"W.4

PART OF TRACT "E", WATERWAY ESTATES GOLF PARK
PLAT BOOK 12, PAGE 161-162

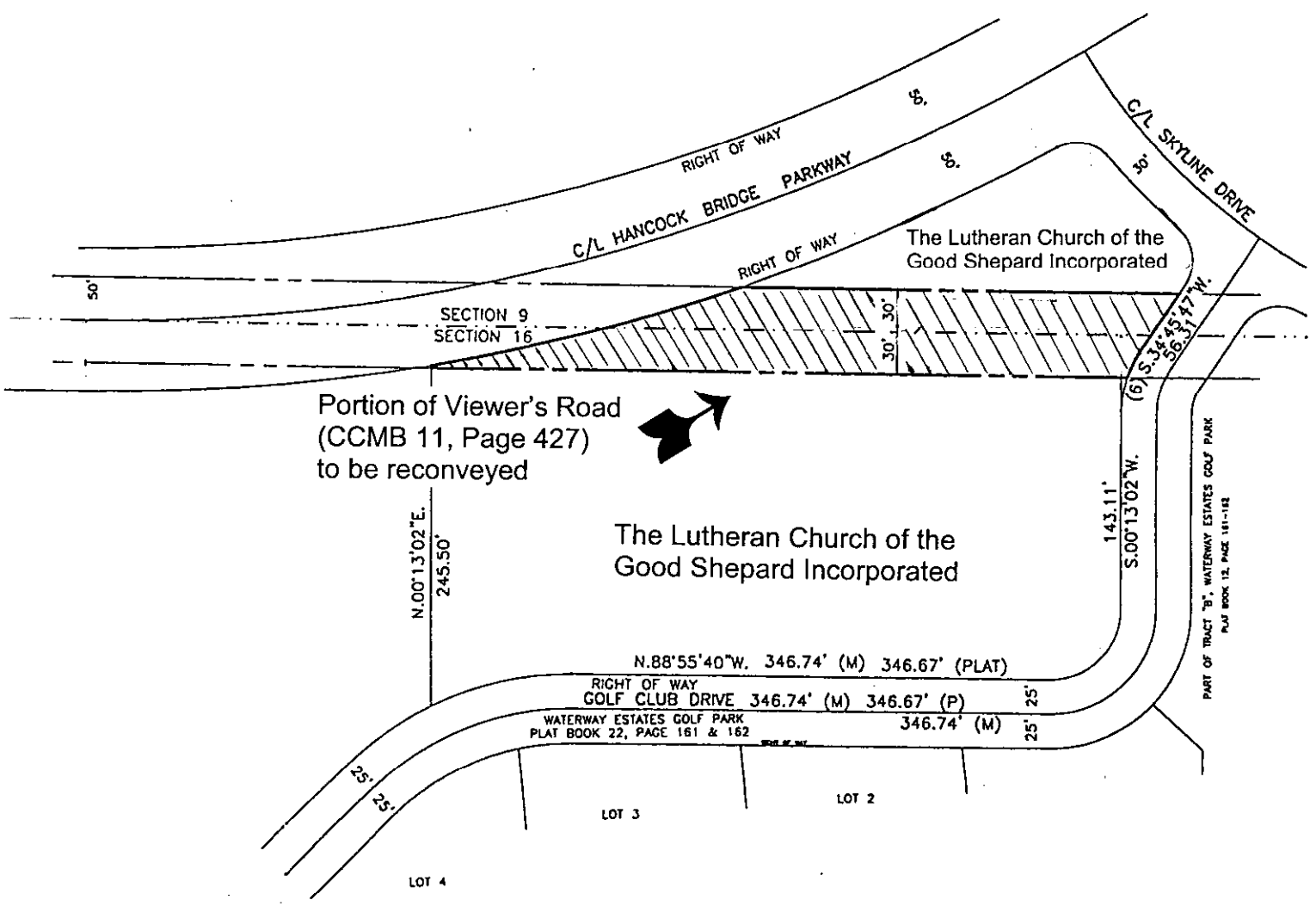
GORDON D. MEIERS
CERTIFICATE
PROFESSIONAL SURVEYOR & MAPPER
FL. CERT. # 2858

Ink Engineering A Division of LBFH, Inc. <i>Partners For Results, Value By Design</i>	Scale: NOTED	PROJECT NAME: SKETCH (NOT A SURVEY) PART OF SKYLINE DRIVE TO BE VACATED C.C.M.B. 11, PAGE 427	Project No. 04-7056
	Sheet 2 of 2	SECTIONS 9 & 16 TOWNSHIP 44 S., RANGE 24 E., LEE COUNTY, FLORIDA	FILE NO. 04-7056SK01.DWG
	Computed: CP Checked: GM	Date 07/13/04	

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Request of The Lutheran Church
of the Good Shepard Incorporated
for reconveyance of a portion of
the Viewer's Road described in
CCMB 11, Page 427



2004 SEP 22 PM 3:15
RECEIVED BY
LEE CO. ATTORNEY

Memo

To: John Fredyma, Assistant County Attorney

From: Margaret Lawson, Right-of-way Supervisor 

Date: September 22, 2004

Subject: **Request for Reconveyance under Florida Statutes Section 255.22
The Lutheran Church of the Good Shepard Incorporated –
Viewer's Road in Sections 9 and 16, Township 44, Range 24 East,
Lee County, Florida**

The Department of Transportation has reviewed the documentation received from Attorney William Powell on behalf of the Lutheran Church. The subject property requested for reconveyance is an unbuilt 60 foot wide strip of land referenced in a 1952 County Commissioner Minutes Book 11, page 427. In accordance with Florida Statute 255.22, DOT acknowledges that no road was built on the land described, and DOT has not used this aforementioned viewer's description for any purpose for a period in excess of sixty (60) months. The property is located on the south side of Hancock Bridge Parkway but outside of the existing right-of-way of Hancock Bridge Parkway. DOT acknowledges that this description is an encumbrance on the existing strapped parcel for the Lutheran Church.

Based upon the review pursuant to Florida Statute 255.22, DOT concurs with the recommendation to reconvey the portion of the Viewer's Road described on the Ink Engineering sketch attached.

MAL/mlb

cc: Karen Forsyth, Director, County Lands
DOT Hancock Bridge Parkway File