

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

Blue Sheet No. 20041224

1. REQUESTED MOTION:

ACTION REQUESTED: Approve a resolution to convey County-owned property at the intersection of Villanova Court and East Terry Street in the City of Bonita Springs to the City of Bonita Springs, authorize the Chairman to execute the attached resolution and County Deed and authorize the Office of the County Attorney to handle all documentation necessary to complete the transaction.

WHY ACTION IS NECESSARY: The Board must approve all real estate conveyances by Lee County.

WHAT ACTION ACCOMPLISHES: Conveys two small left-over parcels acquired for road right-of-way to the City of Bonita Springs.

2. DEPARTMENTAL CATEGORY: 12
COMMISSION DISTRICT # 3 C12A

3. MEETING DATE: 11-16-2004

4. AGENDA:
 CONSENT
 ADMINISTRATIVE
 APPEALS
 PUBLIC
 WALK ON
TIME REQUIRED: 5min.

5. REQUIREMENT/PURPOSE:
(Specify)
 STATUTE Sec. 125.38, FS
 ORDINANCE
 ADMIN. CODE
 OTHER

6. REQUESTOR OF INFORMATION:
A. COMMISSIONER _____
B. DEPARTMENT _____
C. DIVISION _____
BY: John J. Fredyma
John J. Fredyma
Assistant County Attorney

7. BACKGROUND: The City of Bonita Springs has requested Lee County convey its interest in two small remainder parcels on the north side of East Terry Street, on each side of the intersection with East Terry Street and Villanova Court at 10651 & 10681 East Terry Street (STRAP #'s: 26-47-25-B3-00006.0070 & .0080). The two parcels are remainders of larger tracts previously acquired as road right-of-way for East Terry Street improvements by Lee County. This portion of East Terry Street has subsequently become the responsibility of the City of Bonita Springs.

Lee County Department of Transportation recommends the Board approve the request.

There are no costs associated with this transaction.

Attachments: 1) Resolution (with County Deed attached as Exhibit "A") and 2) Sketch showing the subject parcels.

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 RK 11/2	OM 11/4/04	RISK 58 11/2/04	GC 11/2/04	<i>[Signature]</i>

10. COMMISSION ACTION:

_____ APPROVED
_____ DENIED
_____ DEFERRED
_____ OTHER

CO ATTY
FORWARDED
TO CO 10/15/04
12/29/04 5PM

RECEIVED BY
COUNTY ADMIN: *[Signature]*
11/16/04
11:21 AM
COUNTY ADMIN
FORWARDED TO: *[Signature]*
11/21/04
3:00 PM

LEE COUNTY RESOLUTION NO. _____

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA**

WHEREAS, the City of Bonita Springs (City) has requested the donation of two parcels of County-owned land in Section 26, Township 47 South, Range 25 East, Lee County, Florida, for future road right-of-way use in conjunction with East Terry Street; and

WHEREAS, Lee County (County) declares that the purpose of this Resolution is to convey to the City of Bonita Springs, a municipality of the State of Florida, the remainder of two pieces of County-owned land located at 10651 and 10681 East Terry Street (STRAP #'s: 26-47-25-B3-00006.0070 & .0080, respectively), originally acquired for road right-of-way purposes for the expansion and improvement of East Terry Street prior to the incorporation of the City of Bonita Springs; and

WHEREAS, the property will be utilized for the City's future road right-of-way use, expansion and development of East Terry Street; and

WHEREAS, pursuant to Section 125.38, F.S., the Board of County Commissioners has the authority to convey County-owned property to the City without advertisement, compensation or consideration because the City is a municipality of the State of Florida; and

WHEREAS, the Board of County Commissioners has determined and is satisfied that the property is not needed for County purposes and that by virtue of conveyance to the City, the property will benefit the public or community interest and welfare and will be in public ownership.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, THAT:

The Board of County Commissioners authorizes the conveyance the County's interest in the remainder of two pieces of real property located at 10651 and 10681 East Terry Street (STRAP #'s: 26-47-25-B3-00006.0070 & .0080, respectively) described in attached Exhibit "A" to the City of Bonita Springs, a municipality of the State of Florida, without payment of any consideration therefore.

The Chairman of the Board of County Commissioners is authorized to execute the County Deed for and on behalf of Lee County for the conveyance of the County's interest in the real property described in attached Exhibit "A" and to do those things necessary to complete the conveyance of the real property interest to the City.

The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner _____, seconded by Commissioner _____ and, upon being put to a vote, the result was as follows:

Robert P. Janes _____
Douglas R. St. Cerny _____
Ray Judah _____
Andrew W. Coy _____
John E. Albion _____

DULY PASSED AND ADOPTED this ____ day of _____ 2004.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Deputy Clerk

BY: _____
Chairman

Approved as to form by:

John J. Fredyma
Assistant County Attorney
Office of the County Attorney

EXHIBIT "A"

This Instrument Prepared by:

Office of the County Attorney
Post Office Box 398
Fort Myers, Florida 33902-0398

STRAP NOS. 26-47-25-B3-00006.0070 &
26-47-25-B3-00006.0080

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), Grantor, to the **CITY OF BONITA SPRINGS**, a municipality of the State of the State of Florida, whose address is 9220 Bonita Beach Road, Suite 111, Bonita Springs, Florida 34135, as Grantee.

WITNESSETH: The County, for and in consideration of the sum of Ten and xx/100 Dollars (\$10.00) to it in hand paid by the Grantee, receipt whereof is hereby acknowledged, has granted, bargained and sold to the Grantee, the following described real property, lying and being in Lee County, Florida:

Any remaining right, title or interest the County may have in the following two properties:

The real property described in the Warranty Deed of Albert F. Hamilton and Jessie Hamilton to Lee County, Florida, dated February 20, 1991 and recorded in the Official Records (O.R.) of the public records of Lee County, Florida, in O.R. Book 2205, Page 2220;

and

The real property described in the Warranty Deed of Franklin G. Fortier and Jean M. Fortier to Lee County, Florida, dated March 19, 1991 and recorded in the Official Records (O.R.) of the public records of Lee County, Florida, in O.R. Book 2210, Page 4449.

Both parcels subject to all easements, rights-of-way and restrictions of record.

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.

Said property is being conveyed pursuant to Chapter 125.38, Florida Statutes.

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 first written above.

(OFFICIAL SEAL)

ATTEST:
CHARLIE GREEN, CLERK

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

By: _____
Deputy Clerk

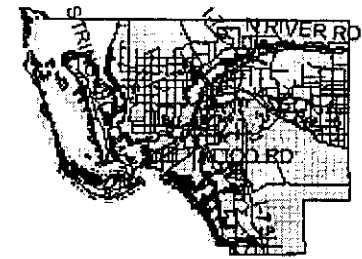
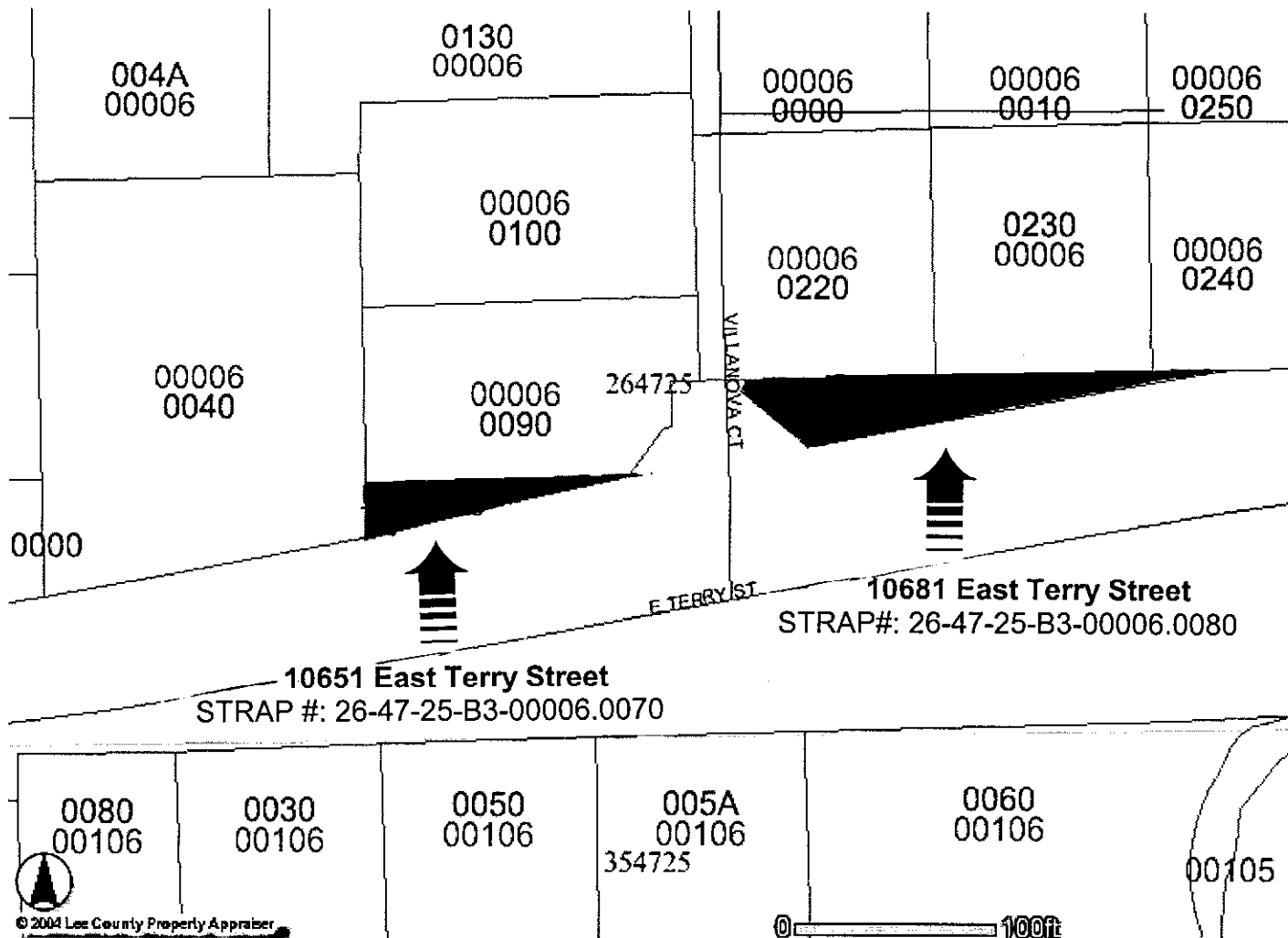
[Type or print name]

By: _____
Chairman

APPROVED AS TO FORM

Office of County Attorney

Lee County Map



- Legend**
- Selected Features
 - Block
 - Lot
 - Parcels
 - Parcel Hooks
 - Hydro Features
 - Road Center Line
 - Section Lines
 - City Limits
 - Banta Springs
 - Cape Coral
 - Fort Myers
 - Sanibel
 - Town of Fort Myers Beach

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100ft