

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

**Blue Sheet No. 2004172**

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Approve County Deed releasing right of entry to phosphate, mineral, metal and petroleum rig the County holds on property in Buckingham sections 17 and 20, township 44, range 26, further identified as STR numbers 17-44-26-00-00001.0000, 17-44-26-00-00003.0000, 20-44-26-00-00001.0000, and 20-44-26-00-00006.0000 authorize Chairman to execute County Deed; authorize County Lands to handle and complete all documentarial necessary to finalize this transaction.

**WHY ACTION IS NECESSARY:** The property owners have requested that the County release right of entry phosphate, mineral, metal, and petroleum interests reserved by the County in accordance with FS § 270.11.

**WHAT ACTION ACCOMPLISHES:** Clear up title issues.

**2. DEPARTMENTAL CATEGORY:** 06  
**COMMISSION DISTRICT #:** 1

*C6D*

**3. MEETING DATE:**  
*01-18-2005*

<b>4. AGENDA:</b>		<b>5. REQUIREMENT/PURPOSE:</b>		<b>6. REQUESTOR OF INFORMATION</b>		
<input checked="" type="checkbox"/> CONSENT		(Specify)		A.		
<input type="checkbox"/> ADMINISTRATIVE		<input checked="" type="checkbox"/> STATUTE 270.11		B. DEPARTMENT		Independent
<input type="checkbox"/> APPEALS		<input type="checkbox"/> ORDINANCE		C. DIVISION		County Lands <i>12/20/04 KLS</i>
<input type="checkbox"/> PUBLIC		<input type="checkbox"/> ADMIN.		BY		<i>Karen L. W. Forsyth, Director</i>
<input type="checkbox"/> WALK ON		<input type="checkbox"/> OTHER				<i>KLS</i>
TIME REQUIRED:						

**7. BACKGROUND:**

Pursuant to FS§ 270.11, the County received a request from Cody Vaughan-Birch, Attorney for the property owner to release right of entry to the phosphate, mineral, metal, and petroleum interests reserved to the County recorded Official Records Book 219, Page 403. The County will retain rights, title, and interest in the phosphate, minerals, metals, and petroleum that are or may be in, on, or under the land.

The County Attorney's Office has reviewed this request and believes it is appropriate to grant the release.

Staff Recommends Board approve the Requested Motion.

ATTACHMENTS: Copies of Release of Right of Entry and Map.

**8. MANAGEMENT RECOMMENDATIONS:**

**9. RECOMMENDED APPROVAL:**

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services <i>CPM 1/4/05</i>				G County Manag
					OA	OM	RISK	GC	
<i>K. Forsyth</i>				<i>John Vaughan 1-3-05</i>	<i>1/13/05</i>	<i>1/14/05</i>	<i>1/14/05</i>	<i>1/14/05</i>	<i>1-4-05</i>

**10. COMMISSION ACTION:**

APPROVED

DENIED

DEFERRED

OTHER

Rec. by CoAtty  
Date: *1/3/05*  
Time: *8:30*  
Forwarded To:  
*CC. Allen  
1/2/05 10:00*

RECEIVED BY  
COUNTY ADMIN: *[Signature]*  
*1/3/05*  
*11:20 AM 1/3/05*  
COUNTY ADMIN  
FORWARDED TO: *[Signature]*  
*1-4-05*  
*4PM*

This Instrument Prepared by:

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

STRAP Nos. 17-44-26-00-00001.0000, 17-44-26-00-00003.0000,  
20-44-26-00-00006.0000 & 20-44-26-00-00001.0000

THIS SPACE FOR RECORDING

## RELEASE OF RIGHT OF ENTRY

**THIS RELEASE OF RIGHT OF ENTRY**, is executed this \_\_\_\_ day of \_\_\_\_\_, 2005, 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 **WATERMEN-EQUESTRIAN CLUB, LLC**, a Florida Limited Liability Company, whose address is 8045 NW 155<sup>th</sup> Street, Miami Lakes, Florida 33016 (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, hereby releases all right, title and interest in the following described Right of Entry:

All right, title and interest in the Right of Entry reserved to the County in the Deed of Lee County, Florida and the City of Fort Myers, Florida to Joe L. Moore and Company, Incorporated, dated July 17, 1952 and recorded in the Official Records of the Public Records of Lee County, Florida in Deed Book 219, Page 403, **BUT** only to the extent such Right of Entry is within or affects the property owned by Watermen-Equestrian Club, LLC, as described in the Warranty Deed of Six Star Properties, LLC, and Michael M. Strayhorn and Dennis J. Fullenkamp as Trustees of the Trust Agreement dated May 8, 2002, to Watermen-Equestrian Club, LLC, which deed is dated June 15, 2004, and recorded in the Official Records (O.R.) of the Public Records of Lee County, Florida in O.R. Book 4335, Pages 4156 - 4158.

This grant conveys only the interest of the County and its Board of County Commissioners in the Right of Entry held by the County as described above, but not releasing or conveying any other right, title or real property interest held by Lee County, including any right, title or interest in the phosphate, minerals, metals and petroleum that are or may be in, on, or under the land of the Grantee herein.

The County and its Board of County Commissioners do not warrant the title or represent any state of facts concerning the title of the Release of Right of Entry 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

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

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

APPROVED AS TO LEGAL FORM:

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

INFORMATIONAL PURPOSES ONLY - DO NOT R

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