

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

Blue Sheet No. 20050136

1. REQUESTED MOTION:

ACTION REQUESTED: Accept the donation of a perpetual stormwater drainage easement from a portion of Parcel STRAP 05-46-25-00-00005.0030, (a strip of land north of Alico Road) in Fort Myers, for the Alico Road Widening Project No. 4030; authorize payment of necessary fees to close and the Division of County Lands to handle and accept all documentation necessary to complete the transaction.

WHY ACTION IS NECESSARY: The Board must accept all real estate conveyances to Lee County.

WHAT ACTION ACCOMPLISHES: The Board avoids Eminent Domain.

2. DEPARTMENTAL CATEGORY: 6
COMMISSION DISTRICT # 3 & 5 *C6b*

3. MEETING DATE: *02-22-2005*

4. AGENDA:	<input checked="" type="checkbox"/> CONSENT	5. REQUIREMENT/PURPOSE: (Specify)	<input checked="" type="checkbox"/> STATUTE	125	6. REQUESTOR OF INFORMATION:
	<input type="checkbox"/> ADMINISTRATIVE		<input type="checkbox"/> ORDINANCE		
	<input type="checkbox"/> APPEALS		<input type="checkbox"/> ADMIN. CODE		
	<input type="checkbox"/> PUBLIC		<input type="checkbox"/> OTHER		
	<input type="checkbox"/> WALK ON				
<input type="checkbox"/> TIME REQUIRED:					
A. COMMISSIONER B. DEPARTMENT <u>Independent</u> C. DIVISION <u>County Lands 13/05K</u> BY: <u>Karen L. W. Forsyth, Director</u> <i>KLF</i>					

7. BACKGROUND:

Negotiated for: Department of Transportation

Interest to Acquire: Perpetual Stormwater Drainage Easement

Property Details:

Owner: Patrick J. Hayes, Co-Trustee and D.K. Corbett, Co-Trustee
Address: 7481 Bucks Lane, Fort Myers, FL 33912

Purchase Details:

Purchase Price: DONATION
Costs to Close: Approximately \$50.00

Appraisal Information:

Parcel was not appraised to avoid additional expenses.

Staff Recommendation: County Staff recommends that the Board approve requested motion.

Account: 20403030700.506110.1
20-CIP; 4030-Alico Road Multi-laning Project, 30700 Transportation Capital Improvement Fund; 506110-Land & Court Registry.

Attachments: Copy of executed Stormwater Drainage Easement, Location Map, Title Data

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
					OA	OM	Risk	GC	
<i>K. Forsyth</i>			<i>DAK 2/17/05 2/17/05</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: *2/17/05*
Time: *10:22*
Forwarded To:

RECEIVED BY
COUNTY ADMIN: *[Signature]*
2/17/05
[Signature]
COUNTY ADMIN
FORWARDED TO: *[Signature]*
2/17/05
[Signature]

This Instrument Prepared by:
COUNTY LANDS DIVISION
P.O. Box 398
Fort Myers, FL 33902-0398
Parcel: 113
Project: Alico Road Widening, Project 4030

Strap No.: 05-46-25-00-00005.0030

THIS SPACE FOR RECORDING

PERPETUAL STORMWATER
DRAINAGE EASEMENT

This easement grant is made between Patrick J. Hayes, Co-trustee and D. K. Corbett, Co-trustee, owner, whose address is 2077 1st Street, Suite 208, Fort Myers, FL 33901 (Grantor) and LEE COUNTY, a political subdivision of the State of Florida, whose address is P.O. Box 398, Fort Myers, Florida 33902-0398 (Grantee) as follows:

1. In consideration of the sum of one dollar and other good and valuable consideration, receipt of which is hereby acknowledged, Grantor grants to Grantee, its successors and assigns, a drainage easement in, over and across that portion of Grantor's property legally described in Exhibit "A".

2. Grantee has the right and authority to construct and maintain stormwater drainage facilities, including the installation of pipe, within the easement area in accordance with appropriate permits issued for construction and maintenance.

3. Grantee also has the right and authority to remove or trim any roots, trees or other vegetation or structures, including fencing, within the easement area in order to properly install the stormwater drainage facilities.

4. Grantor may use the easement area for landscaping (except trees), walkway, drainage or similar uses, provided no structures, such as sheds, carports, garages or other buildings, are constructed within the easement area. Grantor may use for purpose that does not interfere with Grantee's use; subject to the foregoing, the Grantor's use for water management purposes, may be allowed if the use is permitted by regulatory agencies.

5. Title to any drainage facilities constructed in the easement area will remain in the Grantee, its successors or assigns.

6. Grantor ~~warrants~~ *believes* that subject to any existing public roadway or utility easements, Grantor is in lawful possession of the subject property free and clear of all liens

and encumbrances, except those recorded in the public records, and has the right and power to convey this easement.

7. This easement runs with the land and is binding on Grantor and Grantor's successors and assigns.

Dated: 1/28, ~~2004~~ 2005

Richard W. Winesett
1st Witness Signature

Patrick J. Hayes Co-trustee
Patrick J. Hayes, Co-trustee

Richard W. Winesett
Printed Name of 1st Witness

D. K. Corbett Co-trustee
D. K. Corbett, Co-trustee

Celia Winesett
2nd Witness Signature

Celia Winesett
Printed Name of 2nd Witness

STATE OF Florida

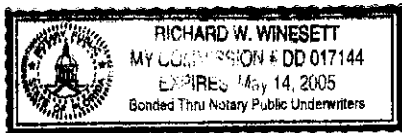
COUNTY OF Lee

The foregoing instrument was acknowledged before me this 28th day of January 2005, by Patrick J. Hayes and D.K. Corbett, Co-Trustees
(name of person(s) acknowledged)

who is personally known to me or who has produced _____
(type of ident.)
as identification.



Richard W. Winesett
Signature of Notary Public



(Name typed, printed or stamped)
(Title or Rank)
(Serial Number, if any)

HM PROJECT #1997051
 07/02/2003
 REF. DWG. #B-4295

LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN A PORTION OF THE SOUTHEAST 1/4 OF SECTION 5, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF SECTION 5, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY FLORIDA; THENCE RUN N.89°41'05"E., ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 5, FOR A DISTANCE OF 662.43 FEET TO A POINT ON THE EAST LINE OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 5; THENCE RUN N.00°35'48"W., ALONG THE EAST LINE OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 5, FOR A DISTANCE OF 100.00 FEET TO A POINT ON THE SOUTH LINE OF A 50.00 FOOT DRAINAGE EASEMENT AS RECORDED IN O.R. BOOK 1234 AT PAGE 1001 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE N00°35'48"W., ALONG THE EAST LINE OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 5, FOR A DISTANCE OF 50.00 FEET TO A POINT ON THE NORTH LINE OF SAID 50.00 FOOT DRAINAGE EASEMENT; THENCE RUN N.89°41'05"E., ALONG THE NORTH LINE OF SAID 50.00 FOOT DRAINAGE EASEMENT, FOR A DISTANCE OF 240.00 FEET; THENCE RUN S.00°35'48"W., FOR A DISTANCE OF 50.00 FEET TO A POINT ON THE SOUTH LINE OF SAID 50.00 FOOT DRAINAGE EASEMENT; THENCE RUN S.89°41'05"W., ALONG THE SOUTH LINE OF SAID 50.00 FOOT DRAINAGE EASEMENT, FOR A DISTANCE OF 240.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.276 ACRE MORE OR LESS.

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

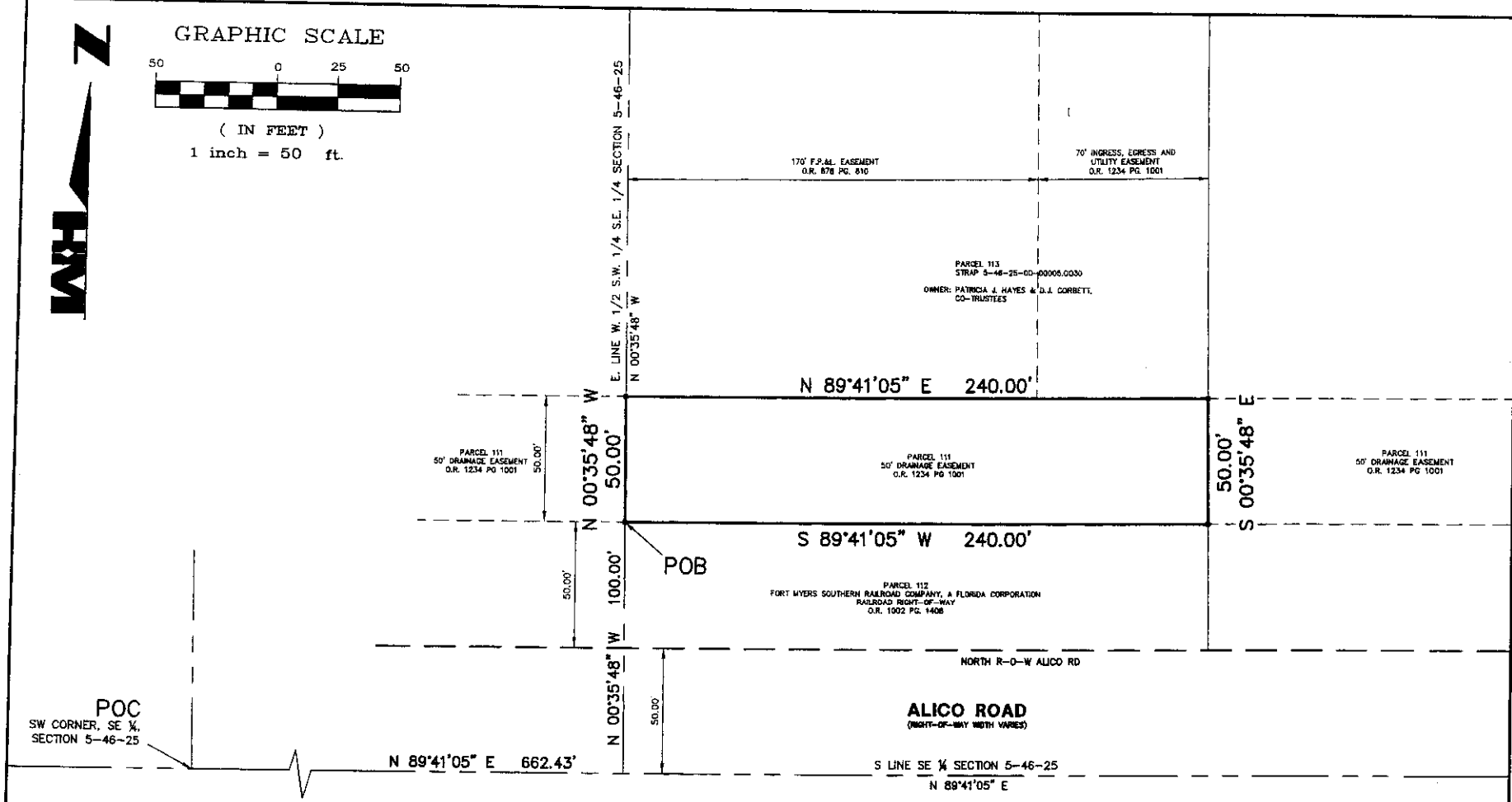
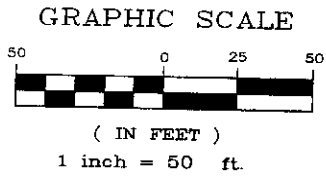
BEARINGS REFER TO THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SECTION 5, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AS BEING N.89°41'05"E.

HOLE MONTES, INC.
 CERTIFICATE OF AUTHORIZATION LB # 1772

BY


 JERRY L. RIFFELMACHER

 P.S.M. #6130
 STATE OF FLORIDA



LEGEND

POC POINT OF COMMENCEMENT
POB POINT OF BEGINNING

* NOT A SURVEY *

PROJECT NO. 97.051		<p>HOLE MONTES ENGINEERS · PLANNERS · SURVEYORS</p>	<p>950 Encore Way Naples, FL 34110 Phone: (239) 254-2000 Florida Certificate of Authorization No.1772</p>	<p>NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.</p>	<p>SKETCH TO ACCOMPANY A LEGAL DESCRIPTION</p>	PARCEL NO. -
DRAWN BY: BEN	DATE 7/03					REFERENCE NO. ANTE113
CHECKED BY: JLR	DATE 7/03					DRAWING NO. B-4295

Division of County Lands

Ownership and Easement Search

Search No. 05-46-25-00-00005.0030

Date: January 31, 2005

Parcel:

Project: Alico Road Widening, Project # 4030

To: Robert G. Clemens SR/WA
Acquisition Program Manager

From: Kenneth Pitt 
Real Estate Title Examiner

STRAP: 05-46-25-00-00005.0030

Effective Date: January 5, 2005, at 5:00 p.m.

Subject Property: See Attached Schedule.

Title to the subject property is vested in the following:

Patrick J. Hayes and D.K. Corbett, Co-Trustees.

By that certain instrument dated September 15, 1989, recorded September 19, 1989, in Official Record Book 2097 Page 1962, Public Records of Lee County, Florida.

Easements:

1): Subject to an Easement granted to the Florida Power & Light Company, by that certain instrument recorded in Official Record Book 876 Page 610, Public Records of Lee County, Florida.

2): Subject to an Easement granted to the Fort Myers Southern Railroad over the South 50 feet of the subject property, recorded in Official Record Book 1002 Page 1408, Public Records of Lee County, Florida. A portion of said easement is to be used by Estero Water Management District as a levee. This easement was found to be abandoned and cancelled by a court order recorded in Official Record Book 2559 Page 1741, Public Records of Lee County, Florida.

3): Subject to an Easement for ingress and egress over the Easterly 70 feet of the subject property, established by a reservation contained in a deed recorded in Official Record Book 1234 Page 998, right to use said easement was also assigned by Official Record Book 1404 Page 2379, Public Records of Lee County, Florida.

4): Subject to a Perpetual Drainage Easement granted to Lee County over the South 50 feet of the subject property, by that certain instrument recorded in Official Record Book 4047 Page 386, Public Records of Lee County, Florida.

Note 1): Subject property is not encumbered by a mortgage.

Note 2): Subject to Lee County Ordinance No.86-14 relating to garbage and solid waste collection, recorded in Official Record Book 2189 Page 3281 and amended by Official Record Book 2189 Page 3334, Public Records of Lee County, Florida.

Division of County Lands

Ownership and Easement Search

Search No. 05-46-25-00-00005.0030

Date: January 31, 2005

Parcel:

Project: Alico Road Widening, Project # 4030

Note 3): Subject to the reservation of an undivided ½ interest in and to all oil, gas, phosphate and other mineral rents/ and royalties that are or may be in, on or under the subject property, excepting therefrom the first 150 feet; as recited in a deed recorded in Official Record Book 1234 Page 998, Public Records of Lee County, Florida. Said reservation terminates at the expiration of a certain lease recorded in Official Record Book 1056 Page 253, Public Records of Lee County, Florida.

Tax Status:\$10.59 due & owing for Tax Year 2004.

(The end user of this report is responsible for verifying tax and/or assessment information.)

The Division of County Lands has made a diligent search of the Public Record. However, this report contains no guarantees nor warranty as to its accuracy.

Division of County Lands**Ownership and Easement Search**

Search No. 05-46-25-00-00005.0030

Date: January 31, 2005

Parcel:

Project: Alico Road Widening, Project # 4030

Schedule A

That part of the Southeast Quarter of Section 5, Township 46 South, Range 25 East, in Lee County, Florida, more particularly described as follows:

Commencing at the South Quarter corner of said section; thence North 89° 42' 56" 662.46 feet, to the West line of the Florida Power & Light easement as recorded in Official Record Book 876 Page 610; thence North 00° 34' 32" West, along said West line, a distance of 50 feet to the South line of a railroad easement for a true point of beginning;

- 1) thence N 00° 34' 32" West 1068.33 feet;**
- 2) thence N 89° 25' 28" East 126 feet;**
- 3) thence N 00° 34' 59" West 691 feet;**
- 4) thence S 89° 42' 56" West 126 feet;**
- 5) thence N 00° 34' 32" West 133.46 feet;**
- 6) thence N 89° 42' 56" East 240.18 feet;**
- 7) thence S 00° 34' 59" East 2080 feet;**
- 8) thence S 89° 42' 56" West 240.18 feet to the Point of Beginning.**

