

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

Blue Sheet No. 20050235

1. REQUESTED MOTION:

ACTION REQUESTED: Authorize: (1) accept the donation of a Slope/Restoration Easement for acquisition of Parcel 500 & 501, Imperial Street Widening. Project 4060; (2) payment of costs and fees to close; (3) Division of County Lands to handle and accept all documentation necessary to complete this transaction.

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

WHAT ACTION ACCOMPLISHES: Allows the County to proceed with the project without resorting to Eminent Domain proceedings.

2. DEPARTMENTAL CATEGORY: 6
COMMISSION DISTRICT #3

C6F

3. MEETING DATE:

03-15-2005

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:

5. REQUIREMENT/PURPOSE:
(Specify)

- STATUTE 73 & 125
- ORDINANCE
- ADMIN. CODE
- OTHER

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER
 - B. DEPARTMENT Independent
 - C. DIVISION County Lands
- BY: Karen L. W. Forsyth, Director *KLF*

7. BACKGROUND:

Negotiated for: Department of Transportation

Interest to Acquire: Permanent Slope/Restoration Easement

Property Details:

Owner: Walgreen Co., an Illinois corporation
Address: 11494 Bonita Beach Rd., Bonita Springs, FL 34135
STRAP No.: 36-47-25-B4-00200.0630

Purchase Details:

Purchase Price: Donation
Costs to Close: Approximately \$500.00

Staff Recommendation: Staff recommends the Board approve the Requested Motion.

Account: 20406018808.506110

20 - CIP; 4060 - Imperial Street; 18808 - Impact Fees - Road - Bonita; 506110 - Land

Attachments: Slope/Restoration Easement, Title Search, Location 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				G County Manager
<i>K. Forsyth</i>			<i>[Signature]</i>	<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

Rec. by CoAtty
Date: *3/11/05*
Time: *11:20*
Forwarded To:
[Signature]

RECEIVED BY
COUNTY ADMIN: *[Signature]*
3/10/05
3:10 PM
COUNTY ADMIN
FORWARDED TO: *[Signature]*
3/10/05
[Signature]

This instrument prepared by:

Lee County
Division of County Lands
Post Office Box 398
Fort Myers, Florida 33902-0398

ORIGINAL DOCUMENTS RETAINED IN
COUNTY CLERK'S OFFICE FOR HANDLING
BY REGISTERED PROFESSIONAL

Parcel: 500 & 501
Project: Imperial Street Widening, Project No. 4060
STRAP No.: 36-47-25-B4-00200.0630

SLOPE/RESTORATION EASEMENT

This INDENTURE, made and entered into this 13 day of December 2009, between WALGREEN CO., an Illinois corporation, whose address is 300 Wilmot Road, Attn: Tax Department, Deerfield, IL 60015, (Grantor), and LEE COUNTY, a political subdivision of the State of Florida, whose address is Post Office Box 398, Fort Myers, Florida 33902-0398, (Grantee):

WITNESSETH:

1. For good and valuable consideration, receipt of which is hereby acknowledged, Grantor grants to the Grantee, its successors and assigns, a slope/restoration easement situated in Lee County, Florida, and located and described as set forth in attached Exhibit "A" (Easement Parcel).

2. Grantee, its successors and assigns, are granted the right, privilege, and authority to construct, replace, repair, remove, extend, and maintain a slope/restoration easement on the Easement Parcel to support, reinforce, and stabilize the adjacent public roadway, including sidewalk.

3. Grantee, its successors and assigns, may stabilize sidewalk within the adjacent public roadway with backfill and sod on the Easement Parcel, which may not be removed by Grantor.

4. Grantor may not construct or place any structures within the Easement Parcel; however,

Grantor may authorize the installation of utilities or may plant foliage within the easement area conveyed herein, provided such use does not interfere with or prevent the Grantee's use of the easement.

5. Title to the improvements constructed by the Grantee within the Easement Parcel will remain in the Grantee, its successors or assigns.

6. Grantee has a reasonable right of access across Grantor's property for the purposes of reaching the Easement Parcel on either paved or unpaved surfaces. Any damage to Grantor's property or permitted improvements thereon resulting from Grantee's use of this access right will be restored by the Grantee, to the condition in which it existed prior to the damage.

7. This easement runs with the land and is binding upon the parties, their successors and assigns.

IN WITNESS WHEREOF, Walgreen Co., Grantor, has caused this document to be signed on the date first above written.

TWO SEPARATE WITNESSES:

Darin V. Osmond
1st Witness Signature

Darin V. Osmond
Printed name of 1st Witness

Symeon K. Davis
2nd Witness Signature

SYMEON K. DAVIS
Printed name of 2nd Witness

WALGREEN CO.
By: [Signature]
GRANTOR
Robert Silverman, Divisional V.P., Real Estate Law
Printed Name & Title

CORPORATE SEAL

STATE OF ILLINOIS

COUNTY OF LAKE

The foregoing instrument was acknowledged before me this 13th day of December, 2004, by Robert Silverman
(name of person acknowledged)

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



Mayra Villafan
(Signature of Notary Public)
Mayra Villafan
(Name typed, printed or stamped)
(Title or Rank) Notary
(Serial Number, if any)



James R. Coleman & Associates, Inc.

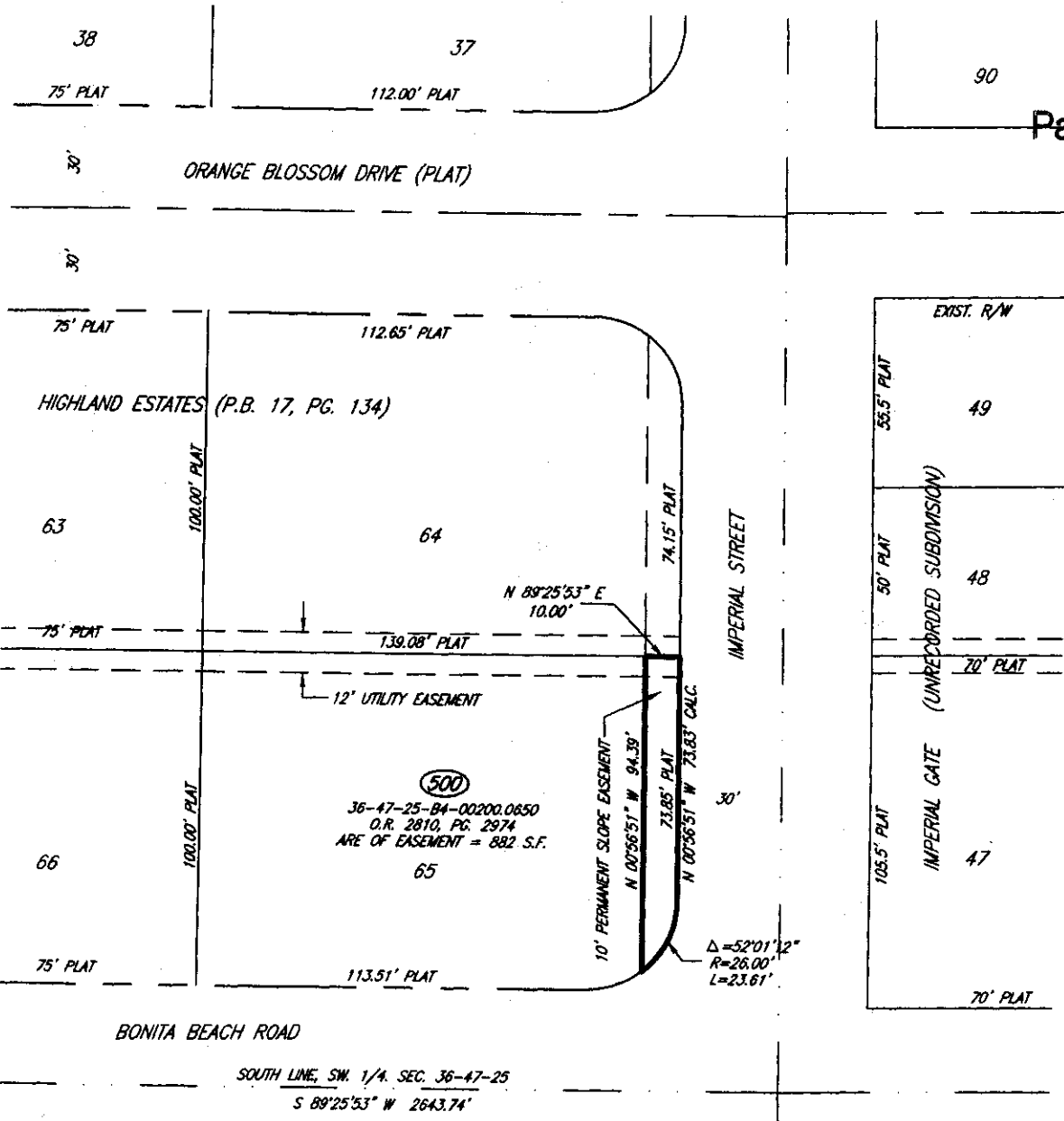
Land Surveying Consultants
1450 Cornell Place
Fort Myers, Florida 33919
Phone: (239) 433-2070

DATE 10 JAN 2004	JOB NO. 308456	PLAT/BOOK NO. ESMT_500
22 OCT 2004	ADD AREA OF ESMT.	J.R.C.
DATE	REVISION	BY

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

Exhibit "A"

Page 1 of 2



LEGAL DESCRIPTION

THE EAST 10.00 FEET OF LOT 65 OF HIGHLAND ESTATES ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 17 AT PAGE 134 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

SURVEYORS NOTES

1. THE ATTACHED SKETCH IS INTENDED TO BE A GRAPHIC REPRESENTATION OF THE LANDS DESCRIBED HEREMITH AND IS NOT TO BE CONSIDERED A SURVEY.
2. THE BEARINGS SHOWN HEREON ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, WEST ZONE (NAD 83 ADJUSTMENT).
3. REPRODUCTIONS OF THE ATTACHED SKETCH ARE NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYORS SEAL.

SCALE: 1" = 40'

JAMES R. COLEMAN & ASSOCIATES, INC.
CERTIFICATE OF AUTHORIZATION NUMBER LB0005983

[Signature] DATE: 22 OCT 2004
JAMES R. COLEMAN
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATE NUMBER 3205



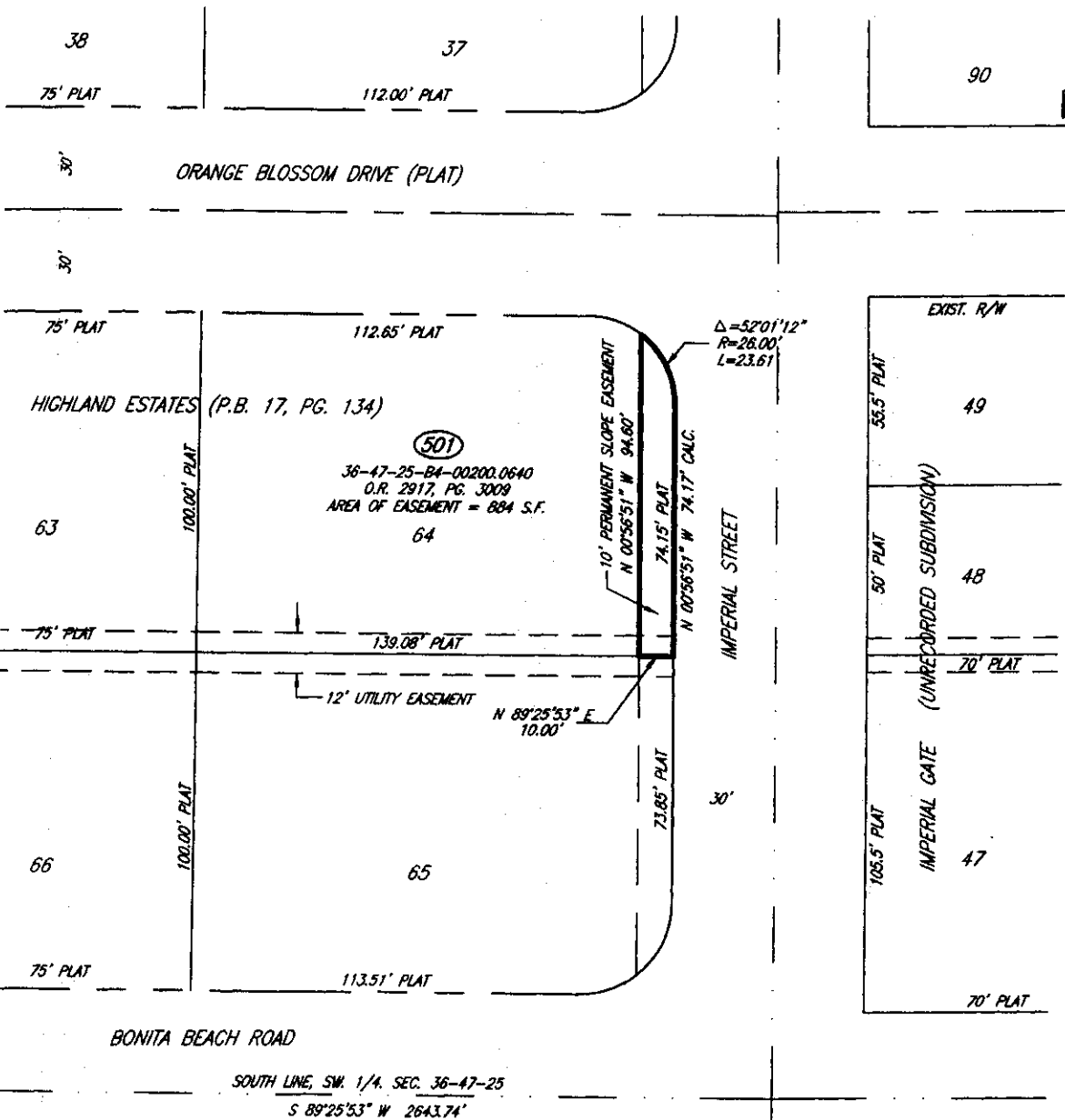
James R. Coleman & Associates, Inc.
 Land Surveying Consultants
 1459 Cornwell Place
 Fort Myers, Florida 33919
 Phone: (239) 433-2070

DATE 10 JAN 2004	JOB NO. 308456	DRAWING NO. ESMT_501
DATE 22 OCT 2004	ADD AREA OF ESMT.	J.R.C.

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

Exhibit "A"

Page 2 of 2



LEGAL DESCRIPTION

THE EAST 10.00 FEET OF LOT 64 OF HIGHLAND ESTATES ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 17 AT PAGE 134 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

SURVEYORS NOTES

1. THE ATTACHED SKETCH IS INTENDED TO BE A GRAPHIC REPRESENTATION OF THE LANDS DESCRIBED HERewith AND IS NOT TO BE CONSIDERED A SURVEY.
2. THE BEARINGS SHOWN HEREON ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, WEST ZONE (NAD 83 ADJUSTMENT).
3. REPRODUCTIONS OF THE ATTACHED SKETCH ARE NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYORS SEAL.



JAMES R. COLEMAN & ASSOCIATES, INC.
 CERTIFICATE OF AUTHORIZATION NUMBER LB0005983

James R. Coleman
 JAMES R. COLEMAN
 REGISTERED LAND SURVEYOR
 FLORIDA CERTIFICATE NUMBER 3205
 DATE: 22 OCT 2004

Division of County Lands

In House Title Search

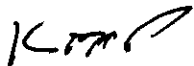
Search No. 36-47-25-B4-00200.0630

Date: February 16, 2005

Parcel: 500 & 501

Project: Imperial Street Widening Project
4060

To: Michael J. O'Hare, SRWA
Property Acquisition Agent

From: Kenneth Pitt 
Title Examiner

STRAP: 36-47-25-B4-00200.0630

Effective Date: January 27, 2005, at 5:00 p.m.

Subject Property: Lots 60 through 70 both inclusive, of Highland Estates, a subdivision according to the map or plat thereof on file and recorded in Plat Book 17, Page 134, Public Records of Lee County, Florida.

Title to the subject property is vested in the following:

Walgreen Co., (an Illinois Corporation)

by that certain instrument dated April 1, 2004, recorded April 8, 2004, in Official Record Book 4251, Page 2379, Public Records of Lee County, Florida.

by that certain instrument dated April 5, 2004, recorded April 8, 2004, in Official Record Book 4251, Page 2382, Public Records of Lee County, Florida.

by that certain instrument dated April 6, 2004, recorded April 8, 2004, in Official Record Book 4251, Page 2388, Public Records of Lee County, Florida.

Easements:

- 1): **Subject a Utility Easement which affects the Southerly 6 feet of Lots 60-64 and the Northerly 6 feet of Lots 65-70 as shown on the plat of Highland Estates, recorded in Plat Book 17 Page 134, Public Records of Lee County, Florida. This easement was vacated by Resolution 04-26 approved by the City Council of Bonita Springs and recorded in Official Record Book 4213 Page 966, Public Records of Lee County, Florida.**
- 2): **Subject to a Grant of Utility Easement granted to Bonita Springs Utilities, Inc., by that certain instrument recorded in Official Record Book 3242 Page 4390, Public Records of Lee County, Florida.**
- 3): **Subject to a Grant of Utility Easement granted to Bonita Springs Utilities, Inc., by that certain instrument recorded in Official Record Book 3273 Page 796, Public**

Division of County Lands

In House Title Search

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- Records of Lee County, Florida. A portion of the easements granted therein were terminated by that certain instrument recorded in Official Record Book 4068 Page 3831, Public Records of Lee County, Florida.**
- 4): Subject to a Grant of Utility Easement granted to Bonita Springs Utilities, Inc., by that certain instrument recorded in Official Record Book 3306 Page 1650, Public Records of Lee County, Florida.**
- 5): Subject to an Easement granted to the City of Bonita Springs by that certain instrument recorded in Official Record Book 4163 Page 4217, Public Records of Lee County, Florida.**
- 6): Subject to a Perpetual Non-Exclusive Public Utility Easement Grant given to the City of Bonita Springs by that certain instrument recorded in Official Record Book 4163 Page 4229 and corrected by Official Record Book 4165 Page 1992, Public Records of Lee County, Florida.**
- 7): Subject to a Perpetual Non-Exclusive Public Utility Easement Grant given to the City of Bonita Springs by that certain instrument recorded in Official Record Book 4176 Page 761, Public Records of Lee County, Florida.**
- 8): Subject to a Non-Exclusive Easement granted to the Florida Power & Light Company by that certain instrument recorded in Official Record Book 4176 Page 768, Public Records of Lee County, Florida.**
- 9): Subject to a Joint Access Easement granted to the City of Bonita Springs by that certain instrument recorded in Official Record Book 4180 Page 4207, Public Records of Lee County, Florida.**
- 10): Subject to an Easement granted to the Florida Power & Light Company by that certain instrument recorded in Official Record Book 4402 Page 4648, Public Records of Lee County, Florida.**
- 11): Subject to a Grant of Utility Easement granted to Bonita Springs Utilities, Inc., by that certain instrument recorded in Official Record Book 4515 Page 4643, Public Records of Lee County, Florida.**

Note 1): No reservation or lease as to oil, gas and mineral rights affecting subject property was found of record.

Division of County Lands

In House Title Search

Search No. 36-47-25-B4-00200.0630

Date: February 16, 2005

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Note 2): The subject property is not encumbered by a mortgage.

Note 3): 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.

Note 4): Subject to a Notice of Commencement recorded in Official Record Book 4261 Page 4081 Public Records of Lee County, Florida.

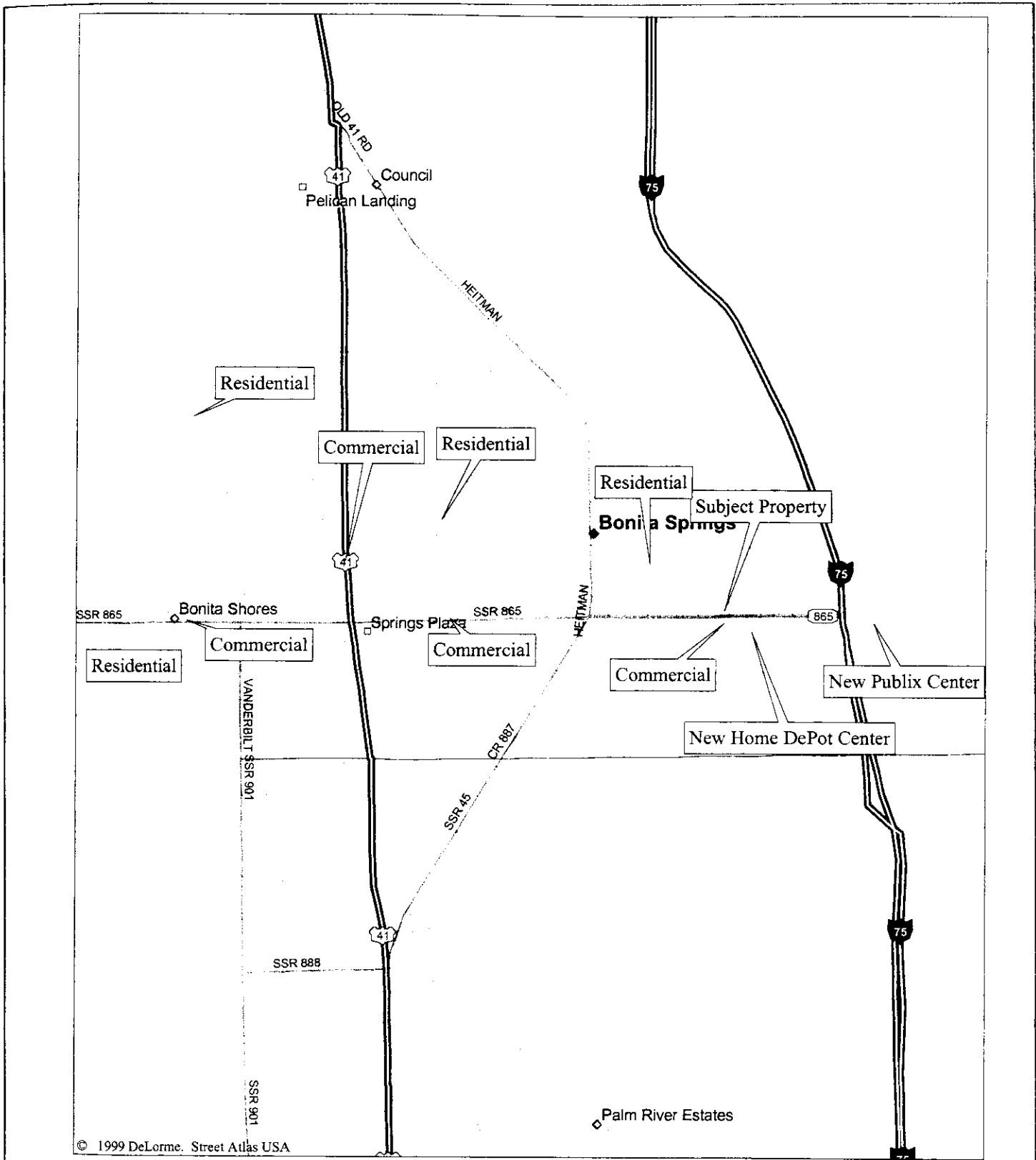
Note 5): Subject to a Construction Lien against the subject property in the sum of \$6,750.00, recorded in Official Record Book 4447 Page 4101, Public Records of Lee County, Florida.

Note 6): Subject to a Construction Lien against the subject property in the sum of \$56,530.20, recorded in Official Record Book 4555 Page 3977, Public Records of Lee County, Florida.

Tax Status: \$13,379.20 paid on 11/15/04 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.



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MARKET AREA MAP