

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

Blue Sheet No. 20050594

1. ACTION REQUESTED/PURPOSE:

Execute temporary easement granting the Captiva Erosion Prevention District (CEPD) permission to enter onto Bowman's and Turner Beaches for the purposes of beach renourishment and associated permit required activities until May 1, 2008.

2. WHAT ACTION ACCOMPLISHES: Provides legal access to CEPD and their contractors for the purpose of completing the beach renourishment project on Captiva and northern Sanibel Islands.

3. MANAGEMENT RECOMMENDATION: Staff recommends approval.

4. Departmental Category: 08

C8B

5. Meeting Date: *05-17-2005*

6. Agenda:

- Consent
- Administrative
- Appeals
- Public
- Walk-On

7. Requirement/Purpose: (specify)

- Statute
- Ordinance
- Admin. Code
- Other

8. Request Initiated:

Commissioner _____
 Department Public Works
 Division Natural Resources
 By: Roland Ottolini, P.E., Director

9. Background:

Captiva Island beaches and those of northern Sanibel Island have been designated as critically eroded by the State of Florida. To manage the erosion, CEPD has constructed and maintained a beach renourishment program since 1988. Lee County agreed to be a funding partner in the Captiva-Sanibel Maintenance Nourishment Project based on BOCC action approved March 1, 2005.

The renourishment project is scheduled for construction in the summer of 2005 by the US Army Corps of Engineers (USACE). The CEPD is the local sponsor for the work and is responsible to obtain easements from all property owners potentially impacted by the construction area. Lee County, as the owner of Turner Beach and Bowman's Beach must grant permission for the renourishment to occur on our property. The easement will allow the beach renourishment to occur, as well as the beach tilling required by permit for the three years following construction.

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services			County Manager/P.W. Director
					Analyst	Risk	Grants	
<i>[Signature]</i> 4/29/05				<i>[Signature]</i> 5/4/05	<i>[Signature]</i> 5/5/05	<i>[Signature]</i> 5/5/05	<i>[Signature]</i> 5/5/05	<i>[Signature]</i> 4/29/05

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY
 COUNTY ADMIN: *[Signature]*
5-4-05
4:30
 COUNTY ADMIN
 FORWARDED TO: *[Signature]*
5/5/05
4:30pm

Rec. by CoAtty
 Date: *5/4/05*
 Time: *2:00 pm*
 Forwarded To:
 Adms n. *5/4/05*

This instrument prepared by:

Lee County
Public Works
Post Office Box 398
Fort Myers, Florida 33902-0398

Parcel:
Project: Captiva - Sanibel
STRAP No.: Sections 11,13,14,46Twp,21Rng

This Space for Recording

TEMPORARY SLOPE/RESTORATION EASEMENT AGREEMENT

THIS AGREEMENT is made and entered into this _____ day of _____, 20____, between LEE COUNTY, a political subdivision of the State of Florida, whose address is Post Office Box 398, Fort Myers, Florida 33902, hereinafter referred to as GRANTOR and CAPTIVA EROSION PREVENTION DISTRICT, whose address is Post Office Box 365, Captiva, Florida 33924, hereinafter referred to as GRANTEE.

W I T N E S S E T H:

THAT the GRANTOR is the owner of the lands described in Exhibit "A" and as such has the power to grant the GRANTEE an interest in such lands. THAT the GRANTOR, for good and valuable consideration, receipt of which is hereby acknowledged, does hereby grant unto the GRANTEE, permission to enter upon the following described lands, as described in Exhibit "A", (exhibit is attached hereto and incorporated herein), for the purpose of beach renourishment on the above-described property as an integral component of the Captiva-Sanibel Maintenance Nourishment Project.

THE beach renourishment period, including permit required tilling, is expected to last for approximately thirty-six (36) months, commencing approximately between the months of May 2005 and August 2005. All rights granted to the GRANTEE by this Agreement shall terminate on May 1, 2008, or upon completion of the work contemplated by this Agreement, whichever occurs first, unless extended by a written agreement between the parties.

GRANTEE will restore the property described above to a safe and aesthetic condition, as such existed prior to construction.

ATTEST:
Charlie Green, Clerk

LEE COUNTY, FLORIDA, ON BEHALF OF
THE BOARD OF COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Chairman or Vice Chairman

Date: _____

Approved As to Form:

Office of County Attorney

JOHNSON ENGINEERING, INC.

CIVIL ENGINEERS AND LAND SURVEYORS

2100 JOHNSON BLDG
TELEPHONE BLDG, TALLAHASSEE
COUNTY OFFICE BLDG, 1000
FIRST AVENUE, PALM BEACH
33402

December 13, 1972

EARL E JOHNSON
1911-1968

CORRECTED DESCRIPTION
PARCEL H, 500 FEET GULF FRONTAGE
SECTION 11, T. 46 S., R. 21 E.
FOR PROPOSED SALE ESTATE OF WALTER S. TURNER, JR.
TO BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

A tract or parcel of land lying in Section 11, Township 46 South, Range 21 East, which tract or parcel is described as follows:
From the center of the westerly end of the concrete bridge across Blind Pass on former State Road No. S-867 run N 65° 09' 40" W along the prolongation of the centerline of said bridge for 47.5 feet to a point of curvature on the centerline of said road as shown on map attached to and made a part of that certain deed recorded in Deed Book 225 at pages 570 and 571 of the public records of Lee County, Florida; thence run S 23° 50' 20" W, perpendicular to said centerline, for 30 feet to a point on the south right-of-way line of said former State Road No. S-867 as shown on said map; thence run northwesterly along said right-of-way line along the arc of a curve to the right of radius 316.48 feet (chord bearing N 47° 07' 40" W) for 210.26 feet to a concrete monument on said right-of-way line; thence run S 72° 24' 20" W along the northwesterly boundary of Turner Beach, a County park, for 194.55 feet to a point on the traverse line along the waters of the Gulf of Mexico; thence run S 17° 35' 40" E along said line and said waters for 225.5 feet; thence run S 21° 50' 40" E along said traverse line for 1214.15 feet; thence run S 27° 10' 20" E along said line for 1,702.26 feet; thence run S 37° 48' 40" E along said line for 1,014.13 feet; thence run S 46° 34' 00" E along said line for 2,000 feet to a point designated "H"; thence continue along said line S 46° 34' 00" E for 267.8 feet; thence run along said line S 59° 13' 10" E for 251.5 feet; thence run S 30° 46' 50" W to the waters of the Gulf of Mexico and the point of beginning.
From said point of beginning run N 30° 46' 50" E along the last mentioned course to the waters of Blind Pass; thence run northwesterly along said waters to an intersection with a line bearing N 43° 26' 00" E and passing through said point designated "H"; thence run S 43° 26' 00" W along said line passing through said point designated "H" and continuing to the waters of the Gulf of Mexico; thence run southeasterly along said waters to the point of beginning.
Bearings hereinabove mentioned are Plane Coordinate for Florida Zone.

PRESIDENT
ARCHIE T. GRANT, JR.
REGISTERED PROFESSIONAL
SURVEYOR
REGISTERED LAND SURVEYOR
VICE PRESIDENT
FORREST J. BARKS
REGISTERED PROFESSIONAL
SURVEYOR
REGISTERED LAND SURVEYOR
SECRETARY-TREASURER
LEIF E. JOHNSON
ASSOCIATED
LESTER L. RICHSON
REGISTERED LAND SURVEYOR
CONSULTANT
ROBERT A. O'BRIEN
REGISTERED LAND SURVEYOR
CONSULTANT
M. H. FREWITT
REGISTERED PROFESSIONAL
SURVEYOR
REGISTERED LAND SURVEYOR
ASSOCIATED FIRM
JOHNSON, FREWITT
& ASSOCIATES, INC.
TALLAHASSEE, FLORIDA

LEJ/bf

RECORDED IN OFFICE
OF COUNTY CLERK
LEE COUNTY, FLORIDA
RECORDS VERIFIED
14 4 33 PM '75
E. A. SHERAT
CLERK OF CIRCUIT COURT

REC. 1120 PG 672

JOHNSON ENGINEERING, INC. CIVIL ENGINEERS AND LAND SURVEYORS

818 JOHNSON STREET
TELEPHONE 1811 JACKSON
POST OFFICE BOX 1888
FORT MYERS, FLORIDA
33902

December 13, 1972

CARL E. JOHNSON
REGISTERED

CORRECTED DESCRIPTION
PARCEL 1, 500 FEET GULF FRONTAGE
SECTION 11, T. 46 S., R. 21 E.
FOR PROPOSED SALE ESTATE OF WALTER S. TURNER, JR.
TO BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

A tract or parcel of land lying in Section 11, Township 46 South, Range 21 East, which tract or parcel of land is described as follows: From the center of the westerly end of the concrete bridge across Blind Pass on former State Road No. S-867 run N 65° 09' 40" W along the prolongation of the centerline of said bridge for 47.5 feet to a point of curvature on the centerline of said road as shown on map attached to and made a part of that certain deed recorded in Deed Book 235 at pages 570 and 571 of the public records of Lee County, Florida; thence run S 23° 50' 20" W, perpendicular to said centerline, for 30 feet to a point on the south right-of-way line of said former State Road No. S-867 as shown on said map; thence run northwesterly along said right-of-way line along the arc of a curve to the right of radius 316.48 feet (chord bearing N 47° 07' 40" W) for 210.26 feet to a concrete monument on said right-of-way line; thence run S 72° 24' 20" W along the northwesterly boundary of Turner Beach, a County park, for 194.55 feet to a point on the traverse line along the waters of the Gulf of Mexico; thence run S 17° 35' 40" E along said line and said waters for 225.5 feet; thence run S 21° 50' 40" E along said traverse line for 1214.1 feet; thence run S 27° 10' 20" E along said line for 1,702.26 feet; thence run S 37° 48' 40" E along said line for 1,014.13 feet; thence run S 46° 34' 00" E along said line for 2,267.8 feet; thence run S 59° 13' 10" E along said line for 251.5 feet to a point designated "I"; thence continue S 59° 13' 10" E along said line for 500 feet; thence run S 30° 46' 50" W to the waters of the Gulf of Mexico and the point of beginning. From said point of beginning run N 30° 46' 50" E along the last mentioned course to the waters of Blind Pass; thence run northwesterly along said waters to an intersection with a line bearing N 30° 46' 50" E and passing through said point designated "I"; thence run S 30° 46' 50" W along said line passing through said point designated "I" and continuing to the waters of said Gulf of Mexico; thence run southeasterly along said waters to the point of beginning. Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone.

PRESIDENT
ARCHIE I. SMAY, JR.
REGISTERED PROFESSIONAL
SURVEYOR
VICE-PRESIDENT
FORREST M. BARKS
REGISTERED PROFESSIONAL
SURVEYOR
SECRETARY/TREASURER
LEIF E. JOHNSON
ASSOCIATE
LESTER L. BULGON
REGISTERED LAND SURVEYOR
ROBERT E. O'BRIEN
REGISTERED LAND SURVEYOR
CONSULTANT
N. M. P. SWIFT
REGISTERED PROFESSIONAL
SURVEYOR
ASSOCIATED FIRM
JOHNSON, PREWITT
& ASSOCIATES, INC.
CORPORATE, FLORIDA

LEJ/bf

RECORDED IN OFFICIAL
RECORDS
LEE COUNTY, FLORIDA
JAN 8 11 34 AM '76
CLERK OF COUNTY COURT
Ed. Brown

EXHIBIT "A"

JOHNSON ENGINEERING, INC.

CIVIL ENGINEERS AND LAND SURVEYORS

1115 JOHNSON STREET
TELEPHONE (912) 244-0800
POST OFFICE BOX 1200
FORT WALKER, FLORIDA
32002

REC 1178 PC2190

December 13, 1972

CARL E. JOHNSON
10111000

CORRECTED DESCRIPTION
PARCEL J, 500 FEET GULF FRONTAGE
SECTION 11, T. 46 S., R. 21 E.
FOR PROPOSED SALE ESTATE OF WALTER S. TURNER, JR.
TO BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

RECEIVED IN OFFICIAL
RECORDS
JAN 24 4 25 PM '77
CLERK OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

A tract or parcel of land lying in Section 11, Township 46 South, Range 21 East, which tract or parcel is described as follows:
From the center of the westerly end of the concrete bridge across Blind Pass on former State Road No. S-867 run N 65° 09' 40" W along the prolongation of the centerline of said bridge for 47.5 feet to a point of curvature on the centerline of said road as shown on map attached to and made a part of that certain deed recorded in Deed Book 235 at pages 570 and 571 of the public records of Lee County, Florida; thence run S 23° 50' 20" W, perpendicular to said centerline, for 30 feet to a point on the south right-of-way line of said former State Road No. S-867 as shown on said map; thence run northwesterly along said right-of-way line along the arc of a curve to the right of radius 316.48 feet (chord bearing N 47° 07' 40" W) for 210.26 feet to a concrete monument on said right-of-way line; thence run S 72° 24' 20" W along the northwesterly boundary of Turner Beach, a County park, for 194.53 feet to a point on the traverse line along the waters of the Gulf of Mexico; thence run S 17° 35' 40" E along said line and said waters for 225.5 feet; thence run S 21° 50' 40" E along said traverse line for 1214.15 feet; thence run S 27° 10' 20" E along said line for 1,702.26 feet; thence run S 37° 46' 40" E along said line for 1,014.13 feet; thence run S 46° 34' 00" E along said line for 2,267.8 feet; thence run S 59° 13' 10" E along said line for 751.5 feet to a point designated "J"; thence continue S 59° 13' 10" E along said line for 500 feet; thence run S 30° 46' 50" W to the waters of the Gulf of Mexico and the point of beginning.
From said point of beginning run N 30° 46' 50" E along the last mentioned course to the waters of Blind Pass; thence run northwesterly along said waters to an intersection with a line bearing N 30° 46' 50" E and passing through said point designated "J"; thence run S 30° 46' 50" W along said line passing through said point designated "J" and continuing to the waters of said Gulf of Mexico; thence run southeasterly along said waters to the point of beginning.

Bearings hereinabove mentioned are Plane Coordinate for the Florida West

ARCHIE T. GRANT, JR.
REGISTERED PROFESSIONAL
REGISTERED LAND SURVEYOR
PRESIDENT
FORREST H. BARKS
REGISTERED PROFESSIONAL
REGISTERED LAND SURVEYOR
VICE PRESIDENT
LEIF E. JOHNSON
REGISTERED LAND SURVEYOR
SECRETARY/TREASURER
LESTER L. HULSON
REGISTERED LAND SURVEYOR
ROBERT S. O'BRIEN
REGISTERED LAND SURVEYOR
H. H. FREWITT, JR.
REGISTERED PROFESSIONAL
REGISTERED LAND SURVEYOR
ASSOCIATED WITH
JOHNSON, FREWITT
& ASSOCIATES, INC.
Tallahassee, Florida

LEJ/bf

JOHNSON ENGINEERING, INC.

REC-1328 PC2057

CIVIL ENGINEER, LAND AND SURVEYORS

1500 IMPACT STREET
WESTPARK DRIVE, SUITE 100
FORT WORTH, TEXAS 76104
1978

November 16, 1978

CARL E. JOHNSON
11/16/78

DESCRIPTION
PARCEL L, TURNER BEACH
SECTION 11, T. 46 S., R. 21 E.
LEE COUNTY, FLORIDA
FOR PROPOSED CONVEYANCE
ESTATE OF WALTER S. TURNER, JR. TO
BOARD OF LEE COUNTY COMMISSIONERS

FEB 7 11 33 AM '79

A tract or parcel of land lying in Section 11, Township 46 South, Range 21 East, which tract or parcel is described as follows:

From the center of the westerly end of the concrete bridge across Blind Pass on former State Road S-867, run N 66° 09' 40" W along a prolongation of the centerline of said bridge for 47.5 feet to a point of curvature on the centerline of said road as shown on map attached to and made a part of that certain deed recorded in Deed Book 215 at pages 570 and 571 of the public records of Lee County, Florida; thence run S 23° 30' 20" W, perpendicular to said centerline, for 30 feet to a point on the south right-of-way line of said former State Road as shown on said map; thence run northwesterly along said right-of-way line, along the arc of a curve to the right of radius 316.48 feet (chord bearing N 47° 07' 40" W), for 210.26 feet to a concrete monument on said right-of-way line; thence run S 72° 24' 20" W along the northwesterly boundary of Turner Beach, a County park, for 194.55 feet to a point on a traverse line along the waters of the Gulf of Mexico; thence along said traverse line S 17° 35' 40" E for 225.5 feet, S 21° 50' 40" E for 1214.15 feet, S 27° 10' 20" E for 1701.26 feet, S 37° 48' 40" E for 1014.13 feet, S 46° 34' 00" E for 2267.8 feet and S 59° 13' 10" E for 1621.5 feet to a concrete monument lying on a southerly prolongation of the section line common to Sections 11 and 12 of said Township and range, said monument being 2662.0 feet along said line from its intersection with the centerline of the Sanibel-Captiva Road (formerly State Road No. S-867); thence continue along said traverse line S 59° 13' 10" E for 130 feet to a point designated "L"; thence continue along said traverse line S 59° 13' 10" E for 500 feet; thence run S 30° 46' 50" W to the waters of the Gulf of Mexico and the Point of Beginning. From said Point of Beginning run N 30° 46' 50" E along the last mentioned course to the waters of Blind Pass; thence run northwesterly along said waters to an intersection with a line bearing N 30° 46' 50" E and passing through said point designated "L"; thence run S 30° 46' 50" W along said line passing through said point and continuing to the waters of said Gulf of Mexico; thence run southeasterly along said waters to the Point of Beginning.

PRELIMINARY
RODNEY T. GRANT, JR.
VICE-PRESIDENT
DORRIST H. BANKS
SECRETARY-TREASURER
RIP E. JOHNSON
ASSOCIATE
ESTER L. BULSON
OBERT S. O'BRIEN
AN W. DICKEY
JOSEPH W. ESKER

Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone.

LEJ/ds
9091

JOHNSON ENGINEERING, INC.

1000 JOHNSON STREET
TALLAHASSEE, FLORIDA 32302
PHONE 944-1111
FAX 944-1112

CARL E. JOHNSON
REGISTERED PROFESSIONAL ENGINEER
NO. 12228

DATE OF PREPARATION AND SUPERVISORS

November 16, 1978

OFF 1464 1625

DESCRIPTION
PARCEL N, TURNER BEACH
SECTION 11, T. 46 S., R. 21 E.
LEE COUNTY, FLORIDA
FOR PROPOSED CONVEYANCE
ESTATE OF WALTER S. TURNER, JR. TO
BOARD OF LEE COUNTY COMMISSIONERS

Nov 3 1 47 PM '78
LIT
REC'D
1000

CHECKED BY

A tract or parcel of land lying in Section 11, Township 46 South, Range 21 East, Lee County, Florida, which tract or parcel is described as follows:

From the center of the westerly end of the concrete bridge across Blind Pass on former State Road S 867, run N 66° 09' 40" W along a prolongation of the centerline of said bridge for 47.5 feet to a point of curvature on the centerline of said road as shown on map attached to and made a part of that certain deed recorded in Deed Book 235 at pages 570 and 571 of the public records of Lee County, Florida; thence run S 23° 50' 20" W, perpendicular to said centerline, for 30 feet to a point on the south right-of-way line of said former State Road as shown on said map; thence run northwest along said right-of-way line, along the arc of a curve to the right of radius 316.48 feet (chord bearing N 47° 07' 40" W), for 210.26 feet to a concrete monument on said right-of-way line; thence run S 72° 24' 20" W along the northwesterly boundary of Turner Beach, a County park, for 194.55 feet to a point on a traverse line along the waters of the Gulf of Mexico; thence along said traverse line S 17° 35' 40" E for 225.5 feet, S 21° 50' 40" E for 1214.15 feet, S 27° 10' 20" E for 1702.26 feet, S 37° 48' 40" E for 1014.13 feet, S 46° 34' 00" E for 2267.8 feet and S 59° 13' 10" E for 1621.5 feet to a concrete monument lying on a southerly prolongation of the section line common to Sections 11 and 12 of said township and range, said monument being 2662.0 feet along said line from its intersection with the centerline of the Sanibel-Captiva Road (formerly State Road No. S-867); thence continue along said traverse line S 59° 13' 10" E for 1130 feet to a point designated "N"; thence continue along said line S 59° 13' 10" W for 132 feet and S 70° 53' 50" E for 400 feet; thence run S 30° 46' 50" W to the waters of the Gulf of Mexico and the Point of Beginning.

From said Point of Beginning, run N 30° 46' 50" E along the last mentioned course to the waters of Blind Pass; thence run northwesterly along said waters to an intersection with a line bearing N 30° 46' 50" E and passing through said point designated "N"; thence run S 30° 46' 50" W along said line passing through said point and continuing to the waters of said Gulf of Mexico; thence run southeasterly along said waters to the Point of Beginning.

Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone.

LEJ/ds
9091

PRESIDENT
ARCHIE T. GRANT, JR.
VICE PRESIDENT
FORREST H. HANKE
MANAGING PARTNER
LEIF E. JOHNSON
ASSOCIATE
LESTER L. BULLSON
ROBERT S. O'BRIEN
DAN W. DECKEY
JOSEPH W. EBNER