Lee County Board Of County Commissioners Agenda Item Summary

Blue Sheet No. 20050746

- 1. ACTION REQUESTED/PURPOSE: Accept Beach Storm Damage Reduction Easements for Parcels 64, 208 and 209, for the Estero Island Beach Restoration Project No. 3022; authorize payment of recording fees; authorize the Division of County Lands to handle and accept all documentation necessary to complete transaction.
- 2. WHAT ACTION ACCOMPLISHES: Enables County to pursue Federal funding for the project.
- 3. MANAGEMENT RECOMMENDATION: Management recommends Board approve the Action Requested.

| 4. Departmental Category: 6 | CloC | | 5. Meeting | Date: 06-21-2005 |
|-----------------------------|----------------------------|----------|------------|------------------------------|
| 6. Agenda: | 7. Requirement/Purpose: (s | specify) | 8. Request | Initiated: |
| X Consent | X Statute | 125 | Commissio | ner |
| Administrative | Ordinance | | Departmen | |
| Appeals | Admin. Code | | Division | County Lands TLM |
| Public | Other | - | By: | Karen L.W. Forsyth, Director |
| Walk-On | | | | 100-7 |

9. Background:

Negotiated for: Department of Natural Resources

Interest to Acquire: Ten (10) Year Easement

Property Details: See attached list

Costs: Approximately \$100 (estimate for recording fees)

The Estero Island restoration is authorized as a reimbursable federal project in accordance with Section 206 of the Water Resources Development Act (WRDA) of 1992. Easements are required by the U.S. Army Corps of Engineers for the duration of federal participation. The federal cost sharing distribution is based on the percentage of the project length covered within the easement area. Other cost sharing partners include the State of Florida, Lee County and the Town of Fort Myers Beach.

Attached is a list of three benefited property owners who have signed the required easements to Lee County, with the original documents being in the files of County Lands and will be recorded upon approval by the Board of County Commissioners.

Staff recommends the Board approve the Action Requested.

Account: 20302230100=504930

Attachments: Copy of Beach Storm Damage Reduction Easements and Title Reports.

10. Review for Scheduling: County Purchasing Department Human County Manager/P.W. Sudget Services Other Attorney Resources Director Director Contracts 4ADV3 Grants Mgr. Analyst, 11 RO ommission Action: Rec. by Coatty **Approved** RECEIVED BY COUNTY ADMIN: P Date: 6/7/05 Deferred -8-05 Denied Time: 3:30 Other COUNTY ADMIN FORWARDED TO: Forwarded To:

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ESTERO ISLAND BEACH RESTORATION PROJECT NO. 3022

EXHIBIT TO BLUE SHEET NO. 20050746

| Parcel No. | Property Owner | Strap Number |
|-------------|-------------------------------|--|
| 64 | Robert H. and Sharon A. Moffa | 19-46-24-W4-0070C.0090 |
| 208 and 209 | Tropical Inn, Inc. | 33-46-24-W1-00206.019B 33-46-24-W1-00206.0170 |

This instrument prepared by: Lee County County Lands Division P.O. Box 398 Fort Myers, Florida 33902-0398 Project: Estero Island Beach Restoration Project

MORE AND STREET HE WAS REPORTED INC

SKITGENA - DOEBMENTS RE ELIMETE EN

Parcel No.: 64

Strap No.: 19-46-24-W4-0070C.0090

(This space is for recording)

TEN (10) YEAR BEACH STORM DAMAGE REDUCTION EASEMENT

Know all by these presents that on this _aa day of _ April Robert H. Moffa and Sharon A. Moffa, husband and wife, whose mailing address is 37728 Lois Drive, Sterling Heights, MI 48310, hereinafter referred to as "GRANTOR," in consideration of the mutual benefits to be derived from the Estero Island Beach Restoration Project (the "Lee County Shore Protection Project") and other good and valuable consideration, hereby grants, bargains and conveys to Lee County, a political subdivision of the State of Florida, whose mailing address is Post Office Box 398, Fort Myers, Florida, 33902-0398, hereinafter "GRANTEE," a Ten (10) Year Beach Storm Damage Reduction easement (the "EASEMENT") over and in the following described property (the "EASEMENT PROPERTY"):

See Attached Schedule A

Temporary Beach Storm Damage Reduction Easement: A temporary and assignable easement and right-of-way for a ten (10) year term concurrent with the duration of the project in, on, over and across the land described in Schedule A, 19-46-24-W4-0070C.0090, for use by the Grantee, its representatives, agents, contractors and assigns, to construct; preserve; patrol; operate; maintain; repair; rehabilitate; and replace; a public beach and other erosion control and storm damage reduction measures together with appurtenances thereto, including the right to deposit sand; to accomplish any alterations of contours on said land; to construct berms; to nourish and renourish periodically; to move, store and remove equipment and supplies; to erect and remove temporary structures; and to perform any other work necessary and incident to the construction, periodic renourishment and maintenance of the Lee County Shore Protection Project, together with the right of public use and access; to trim, cut, fell, and remove from said land all trees, underbrush, debris, obstructions, and any other vegetation, structures and obstacles within the limits of the easement: reserving to the grantors, their heirs, successors and assigns, all such rights and privileges as may be used and enjoyed without interfering with or abridging the rights and easements hereby acquired; subject however to existing easements for public roads and highways, public utilities, railroads and pipelines.

The term of this easement shall commence when the United States Army Corps of Engineers ("Corps") or the County records in the public records of Lee County, the Notice to Proceed for the first construction of the Estero Island segment of the Lee County Shore Protection Project and shall terminate after a term of ten (10) years. In the event the Corps or the County fails to record a Notice to Proceed on or before December 31, 2010, this easement shall automatically terminate and be canceled of record.

This is a Nonexclusive Easement with the Grantor reserving the right to the continued free use of the Easement Property in a manner not materially inconsistent with the rights granted herein to Grantee for Grantee's use.

Parcel No.: 64
Strap No.: 19-46-24-W4-0070C.0090

IN WITNESS HEREOF, Grantor has caused these presents to be executed on the date first above written.

| Signed, sealed and delivered in the presence of: May leavely Witness | Grantor: Robert H. Moffa Robert H. Moffa |
|--|--|
| (Print Name) Witness John Gueciaebo (Print Name) | |
| Signed, sealed and delivered in the presence of: With Jean 23 Witness | Grantor: Sharon A. Moffa |
| MATT FEEWEY (Print Name) | Johanni VV |
| (Print Name) | |
| STATE OF FLORIDA COUNTY OF LEE | |
| The foregoing instrument was acknowledged | before me this <u>4-22-05</u> (date) |
| by Robert H. Moffa & Sharon A. Moffa (Name of persons acknowledging) | , who are personally known to me or who has |
| produced Michigan Driver (type of it | Licenses as identification. dentification) |
| OFFICIAL SEAL Jill C. Bitterman DD# 101828 My Commission Expires March 20, 2006 | (Signature of person taking acknowledgment) JILL C B; HERMAN Name typed, printed or stamped) (Title or rank) (Serial Number, if Any) |

STRAP No(s).: <u>19-46-24-W4-0070C.0090</u>

SCHEDULE A

That portion of Lot 9 and the East 1/2 of Lot 8, Block C, Crescent Beach, according to the map or plat thereof filed and recorded in the Office of the Clerk of the Circuit Court, in Plat Book 4, page 45, according with vacated alley adjacent to the Northerly side of said Lots, described as that part of alleyway lying between Lot 6, Block C and the East 1/2 of Lot 8 and the Northwesterly 1/2 of Lot 9, Block C, Crescent Beach, all being in the Public Records of Lee County, Florida, lying seaward of the ±4.1 NGVD contour line.

This line is shown by a survey conducted on September 19 thru 21, 2000, by Coastal Planning and Engineering, Inc., of Boca Raton, Florida, and is reflected on the survey sketches dated October 23, 2000, and filed in the Public Records of Lee County, Florida.

This instrument prepared by: Lee County County Lands Division P.O. Box 398 Fort Myers, Florida 33902-0398

DATOLARY DOMONIATE REPORTED IN SHERT LANGE FIELD IN HARDLING TIPLEW REAPER RECEPTABLE

Project: Estero Island Beach Restoration Project

Parcel No.: 208 & 209

Strap No.: <u>3</u>3-46-24-W1-00206.019B & 33-46-24-W1-00206.0170

(This space is for recording)

TEN (10) YEAR BEACH STORM DAMAGE REDUCTION EASEMENT

Know all by these presents that on this 2nd day of 2005, Tropical Inn, Inc., a Florida corporation, whose mailing address is c/o Dave Myers, Staybridge Hotel, 8900 Brighton Lane, Bonita Springs, FL 34135, hereinafter referred to as "GRANTOR," in consideration of the mutual benefits to be derived from the Estero Island Beach Restoration Project (the "Lee County Shore Protection Project") and other good and valuable consideration, hereby grants, bargains and conveys to Lee County, a political subdivision of the State of Florida, whose mailing address is Post Office Box 398, Fort Myers, Florida, 33902-0398, hereinafter "GRANTEE," a Ten (10) Year Beach Storm Damage Reduction easement (the "EASEMENT") over and in the following described property (the "EASEMENT PROPERTY"):

See Attached Schedule A

Temporary Beach Storm Damage Reduction Easement: A temporary and assignable easement and right-of-way for a ten (10) year term concurrent with the duration of the project in, on, over and across the land described in Schedule A, 33-46-24-W1-00206.019B and 33-46-24-W1-00206.0170, for use by the Grantee, its representatives, agents, contractors and assigns, to construct; preserve; patrol; operate; maintain; repair; rehabilitate; and replace; a public beach and other erosion control and storm damage reduction measures together with appurtenances thereto, including the right to deposit sand; to accomplish any alterations of contours on said land; to construct berms; to nourish and renourish periodically; to move, store and remove equipment and supplies; to erect and remove temporary structures; and to perform any other work necessary and incident to the construction, periodic renourishment and maintenance of the Lee County Shore Protection Project, together with the right of public use and access; to trim, cut, fell, and remove from said land all trees, underbrush, debris, obstructions, and any other vegetation, structures and obstacles within the limits of the easement; reserving to the grantor, its heirs, successors and assigns, all such rights and privileges as may be used and enjoyed without interfering with or abridging the rights and easements hereby acquired; subject however to existing easements for public roads and highways, public utilities, railroads and pipelines.

The term of this easement shall commence when the United States Army Corps of Engineers ("Corps") or the County records in the public records of Lee County, the Notice to Proceed for the first construction of the Estero Island segment of the Lee County Shore Protection Project and shall terminate after a term of ten (10) years. In the event the Corps or the County fails to record a Notice to Proceed on or before December 31, 2010, this easement shall automatically terminate and be canceled of record.

Parcel No.: 208

Strap No.: 33-46-24-W1-00206.019B and 33-46-24-W1-00206.0170

This is a Nonexclusive Easement with the Grantor reserving the right to the continued free use of the Easement Property in a manner not materially inconsistent with the rights granted herein to Grantee for Grantee's use.

IN WITNESS HEREOF, Grantor has caused these presents to be executed on the date first above written.

| Signed, sealed and delivered in the presence of: | Grantor: Tropical In | n, Inc., a Flor | ida corporation |
|---|---|------------------|-----------------------|
| Witness (Archive Mendozzi (Print Name) | By: Name | h BV | |
| Witness | - | | |
| DAVID A. MEYERS | | | |
| (Print Name) | _ | | |
| STATE OF FLORIDA | | | |
| COUNTY OF Lee | | | |
| The foregoing instrument was acknowle | dged before me th | is Man | y 3, 2005 (date) |
| Desept R. Drago | of Trop | ical Inn, Inc. | |
| (name of officer or agent, title of officer or ag | gent) (Nam | e of corporation | acknowledging) |
| • | ration, on behalf o | f the corporat | ion. He/she is |
| (state or place of incorporation) | , | • | |
| Personally known to me or has produce | d | | as identification. |
| | (type of ider | | |
| | (1) 0 1 1 1 1 1 1 1 1 1 | | |
| | (Signature of per | a. Wa | ttes knowledgment) |
| | | <u>-</u> | <u>-</u> |
| | (Name typed, pri | 4·WIT | 75R |
| | | mieu or stamp | |
| | (Title or rank) | STATE | Carol A Witter |

(Serial Number, if any)

208 & 209

STRAP No(s).:

33-46-24-W1-00206.019B and 33-46-24-W1-00206.0170

SCHEDULE A

That portion of Lots 20, 21, 22, 23, 24, 25 and 26, Block 6, Gulf Heights, according to the map or plat thereof filed and recorded in the Office of the Clerk of the Circuit Court, in Plat Book 6, Page 39, Public Records of Lee County, Florida. lying seaward of the +4.1 NGVD contour line. This line is shown by a survey conducted on September 19 thru 21, 2000 by Coastal Planning and Engineering, Inc., of Boca Raton, Florida, and is reflected on the survey sketches dated October 23, 2000 and filed in the Public Records of Lee County, Florida.

Division of County Lands

3rd Updated Ownership and Easement Search

Search No. 19-44-24-W4-0070C.0090

Date: May 27, 2005

Parcel: 64

Project: Estero Island Beach Renourishment,

Project 3022

To: Teresa L. Mann, SR/WA

Property Acquisition Agent

From: Shelia A. Bedwell, CLS

Property Acquisition Assistant

STRAP: 19-46-24-W4-0070C.0090

Effective Date: May 9, 2005, at 5:00 p.m.

Subject Property: See attached Schedule A

Title to the subject property is vested in the following:

Robert H. Moffa and Sharon A. Moffa, Husband and Wife

by that certain instrument dated January 28, 1994, recorded February 9, 1994, in Official Record Book 2470, Page 1219 and re-recorded in Official Record Book 2488, Page 1786, Public Records of Lee County, Florida.

Easements:

NONE

Note (1): A survey of the Coastal Construction Line in Lee County can be found in Plat Book 31, Page 1, as updated in Plat Book 31-A, Page 1 and as revised in Plat Book 48, Pages 15 through 34, of the Public Records of Lee County, Florida.

Tax Status: 2004 taxes have been paid in full.

(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 or warranties as to its accuracy.

STRAP No(s).: <u>19-46-24-W4-0070C.0090</u>

SCHEDULE A

That portion of Lot 9 and the East 1/2 of Lot 8, Block C, Crescent Beach, according to the map or plat thereof filed and recorded in the Office of the Clerk of the Circuit Court, in Plat Book 4, page 45, according with vacated alley adjacent to the Northerly side of said Lots, described as that part of alleyway lying between Lot 6, Block C and the East 1/2 of Lot 8 and the Northwesterly 1/2 of Lot 9, Block C, Crescent Beach, all being in the Public Records of Lee County, Florida, lying seaward of the ±4.1 NGVD contour line.

This line is shown by a survey conducted on September 19 thru 21, 2000, by Coastal Planning and Engineering, Inc., of Boca Raton, Florida, and is reflected on the survey sketches dated October 23, 2000, and filed in the Public Records of Lee County, Florida.

Division of County Lands

Ownership and Easement Search

Search No. 33-46-24-W1-00206.019B and 33-

46-24-W1-00206.0170 Date: May 31, 2005 Parcel: 208 and 209

Project: Estero Island Beach Restoration,

Project 3022

To: Teresa L. Mann, SR/WA

Property Acquisition Agent

From: Shelia A. Bedwell, CLS

Property Acquisition Assistant

STRAP: 33-46-24-W1-00206.019B and 33-46-24-W1-00206.0170

Effective Date: May 9, 2005, at 5:00 p.m.

Subject Property: See attached Schedule A

Title to the subject property is vested in the following:

Tropical Inn, Inc., a Florida corporation

by those certain instruments dated March 31, 1978, recorded April 3, 1078, in Official Record Book 1263, Page 445; dated March 13, 1998, recorded April 3, 1998, in Official Record Book 2941, Page 2087; and dated July 13, 2004, recorded August 5, 2004, in Official Record Book 4391, Page 2292, Public Records of Lee County, Florida.

Easements:

NOTE (1): A survey of the coastal construction line in Lee County can be found in Plat Book 31, Page 1, as updated in Plat Book 31-A, Page 1 and as revised in Plat Book 48, Pages 15 thru 34, all in the Public Records of Lee County, Florida.

NOTE (2): The Plat of Gulf Heights describes an area between the Southwesterly lot lines of subject property and the Gulf of Mexico as Gulf Boulevard.

NOTE (3): Mortgage, Assignment of Rents and Security Agreement by and between Tropical Inn, Inc., a Florida corporation, and Wachovia Bank, National Association, dated July 21, 2004, recorded August 5, 2004, in Official Record Book 4391, Page 2294, Public Records of Lee County, Florida.

NOTE (4): Absolute Assignment of Lessor's Interest in Leases and Rents by and between Tropical Inn, Inc., a Florida corporation and Wachovia Bank, National Association, dated July 21, 2004, recorded August 5, 2004, in Official Record Book 4391, Page 2306, Public Records of Lee County, Florida.

NOTE (5): UCC Financing Statement between Tropical Inn, Inc., a Florida corporation, and Wachovia Bank, National Association, recorded in Official Record Book 4391, Page 2312, Public Records of Lee County, Florida.

Division of County Lands

Ownership and Easement Search

Search No. 33-46-24-W1-00206.019B and 33-

46-24-W1-00206.0170 Date: May 31, 2005 Parcel: 208 and 209

Project: Estero Island Beach Restoration,

Project 3022

NOTE (6): Notice of Commencement for demolition of four structures, dated May 5, 2005, recorded May 13, 2005, in Official Record Book 4708, Page 2714, Public Records of Lee County, Florida.

Tax Status: 2004 taxes have been paid in full.

(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 guarantee or warranty as to its accuracy.

208 a . . 209

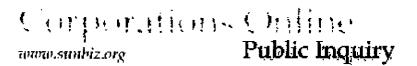
STRAP No(s).:

33-46-24-W1-00206.019B and 33-46-24-W1-00206.0170

SCHEDULE A

That portion of Lots 20, 21, 22, 23, 24, 25 and 26, Block 6, Gulf Heights, according to the map or plat thereof filed and recorded in the Office of the Clerk of the Circuit Court, in Plat Book 6, Page 39, Public Records of Lee County, Florida. lying seaward of the +4.1 NGVD contour line. This line is shown by a survey conducted on September 19 thru 21, 2000 by Coastal Planning and Engineering, Inc., of Boca Raton, Florida, and is reflected on the survey sketches dated October 23, 2000 and filed in the Public Records of Lee County, Florida.

Florida Department of State, Division of Corporations



Florida Profit

TROPICAL INN, INC.

PRINCIPAL ADDRESS 5210 ESTERO BLVD. FORT MYERS BEACH FL 33931

MAILING ADDRESS 12536 WATEROAK DRIVE ESTERO FL 33928 Changed 04/04/2005

Document Number 567461

FEI Number 591832099

Date Filed 03/27/1978

State FL

Status ACTIVE Effective Date NONE

Last Event **AMENDMENT** **Event Date Filed** 03/02/1998

Event Effective Date NONE

Registered Agent

| registered rigent | |
|---|--|
| Name & Address | |
| WIEBEL, HENNELLS, & CARUFE 9240 BONITA BEACH ROAD SUITE 3305 BONITA SPRINGS FL 34135 | |
| Name Changed: 08/09/2004 | |
| Address Changed: 08/09/2004 | |
| | Name & Address WIEBEL, HENNELLS, & CARUFE 9240 BONITA BEACH ROAD SUITE 3305 BONITA SPRINGS FL 34135 Name Changed: 08/09/2004 |

Officer/Director Detail

| Name & Address | Title |
|--|-------|
| DRAGO, JOSEPH 4559 PINEHURST GREENS COURT | P |
| ESTERO FL 33928 | |
| MEYERS, AMANDA 12536 WATEROAK DRIVE | SEC |
| ESTERO FL 33928 | |

Annual Reports

| Report Year | Filed Date | | | |
|-------------|------------|--|--|--|
| 2004 | 03/31/2004 | | | |
| 2004 | 08/09/2004 | | | |
| 2005 | 04/04/2005 | | | |

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<u>View Events</u> No Name History Information

Document Images Listed below are the images available for this filing.

04/04/2005 -- ANNUAL REPORT

08/09/2004 -- ANNUAL REPORT

03/31/2004 -- ANNUAL REPORT

<u>05/02/2003 -- ANN REP/UNIFORM BUS REP</u>

01/02/2003 -- COR - ANN REP/UNIFORM BUS REP

04/12/2001 -- ANN REP/UNIFORM BUS REP

04/17/2000 -- ANN REP/UNIFORM BUS REP

04/07/1999 -- ANNUAL REPORT

03/02/1998 -- Amendment

02/27/1998 -- ANNUAL REPORT

01/24/1997 -- ANNUAL REPORT

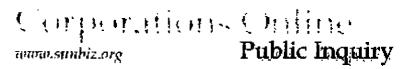
<u>04/18/1996 -- 1996 ANNUAL REPORT</u>

THIS IS NOT OFFICIAL RECORD; SEE DOCUMENTS IF QUESTION OR CONFLICT

Corporations Inquiry

Corporations Help

Florida Department of State, Division of Corporations



TROPICAL INN, INC.

| Document Number 567461 | | Date Filed 03/27/1978 | Effective Date None | Status Active |
|---------------------------|---------------|------------------------------|------------------------|------------------|
| EVENT TYPE | FILED DATE | EFFECTIVE DATE | DESCRIPTION | |
| AMENDMENT | 03/02/1998 | 1 | | |

THIS IS NOT OFFICIAL RECORD; SEE DOCUMENTS IF QUESTION OR CONFLICT

Corporations Inquiry

Corporations Help

2005 FOR PROFIT CORPORATION ANNUAL REPORT

DOCUMENT# 567461

Address:

City-St-Zip:

12536 WATEROAK DRIVE

ESTERO, FL 33928

FILED Apr 04, 2005 Secretary of State

| Entity Na | me: Tropica | AL INN, INC. | | | | |
|---|--|--------------------------------|---|--------------------------------------|--|--|
| Current Principal Place of Business: | | | New Principal Place o | New Principal Place of Business: | | |
| | ERO BLVD. ERS BEACH, F | FL 33931 | | | | |
| Current N | lailing Addres | s; | New Mailing Address | : | | |
| | | | 12536 WATEROAK DR ESTERO, FL 33928 | RIVE | | |
| FEI Number | : 59-1832099 | FEI Number Applied For () | FEI Number Not Applicable () | Certificate of Status Desired () | | |
| Name and | d Address of C | urrent Registered Agent: | Name and Address of | New Registered Agent: | | |
| 9240 BON SUITE 330 | HENNELLS, & ITA BEACH RO 05 PRINGS, FL 3 | DAD | | | | |
| The above in the State | named entity see of Florida. | submits this statement for the | e purpose of changing its registered | office or registered agent, or both, | | |
| SIGNATUR | RE: | | | | | |
| | Electron | ic Signature of Registered A | gent | Date | | |
| Election Car | mpaign Financing | Trust Fund Contribution (). | | | | |
| OFFICERS | S AND DIREC | TORS: | ADDITIONS/CHANGES | S TO OFFICERS AND DIRECTORS | | |
| Title: Name: Address: City-St-Zip: | DRAGO, JOSEF | ST GREENS COURT | Title: (Name: Address: City-St-Zip: |) Change () Addition | | |
| Title: Name: | SEC () MEYERS, AMAN | Delete IDA | Title: (Name: |) Change () Addition | | |

Address:

City-St-Zip:

I hereby certify that the information supplied with this filing does not qualify for the for the exemption stated in Section 119.07(3)(i), Florida Statutes. I further certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am an officer or director of the corporation or the receiver or trustee empowered to execute this report as required by Chapter 607, Florida Statutes; and that my name appears above, or on an attachment with an address, with all other like empowered.

SIGNATURE: AMANDA MEYERS SEC 04/04/2005