

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

Blue Sheet No. 20050779

**1. ACTION REQUESTED/PURPOSE:** Accept easement grant from Bank of America for the Old Olga Road Turn Lane (onto Palm Beach Blvd.), Project #6733. Authorize payment of recording fees and Division of County Lands to handle all documentation necessary to complete transaction.

**2. WHAT ACTION ACCOMPLISHES:** This will provide for the construction and maintenance of stormwater drainage facilities.

**3. MANAGEMENT RECOMMENDATION:** Management recommends Board approve the Action Requested.

<b>4. Departmental Category:</b> 6 <i>C66</i>		<b>5. Meeting Date:</b> <i>06-21-2005</i>
<b>6. Agenda:</b> <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Administrative <input type="checkbox"/> Appeals <input type="checkbox"/> Public <input type="checkbox"/> Walk-On	<b>7. Requirement/Purpose: (specify)</b> <input checked="" type="checkbox"/> Statute 125 <input type="checkbox"/> Ordinance <input type="checkbox"/> Admin. Code <input type="checkbox"/> Resolution	
	<b>8. Request Initiated:</b> Commissioner _____ Department <u>Independent</u> <i>KK</i> Division <u>County Lands</u> By: <u>Karen L.W. Forsyth, Director</u> <i>KK</i>	

**9. Background:**  
Negotiated for: Lee County Department of Transportation

Interest to Acquire: Perpetual Stormwater Drainage Easement

Property Details: **Owner:** Bank of America  
**Address:** 14362 Palm Beach Blvd. Fort Myers, FL 33905  
**STRAP No.:** 28-43-26-06-00059.0310

Purchase Details: The owners have agreed to donate the necessary easement to Lee County. The recording cost for this acquisition is estimated at \$25.

Staff Recommendation: Staff recommends Board approve requested motion.

Account: Funds for closing are available in Account Number: 20673330700.506110

Attachments: Copy of Perpetual Stormwater Drainage Easement, Title Report, and Location Map

**10. Review for Scheduling:**

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risks	Grants	Mgr.	
<i>K. Forsyth</i>			<i>DAO 6/16</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>MP 6/16/05</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>

**11. Commission Action:**  
 Approved  
 Deferred  
 Denied  
 Other

RECEIVED BY COUNTY ADMIN: <i>EW</i>
<i>6-9-05</i>
<i>2 pm</i>
COUNTY ADMIN FORWARDED TO: <i>[Signature]</i>
<i>C/16</i>
<i>3-30-05</i>

Rec. by CoAtty
Date: <i>6/9/05</i>
Time: <i>3:20</i>
Forwarded To:

This Instrument Prepared by:  
COUNTY LANDS DIVISION  
P.O. Box 398  
Fort Myers, FL 33902-0398

Project: Old Olga Turn Lane, Project #6733  
Strap No.: 28-43-26-06-00059.0310

THIS SPACE FOR RECORDING

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### PERPETUAL STORMWATER DRAINAGE EASEMENT

This easement grant is made between Bank of America, N.A., a national association, as successor by merger to NationsBank, who was a successor by merger to Citizens and Southern National Bank of Florida, who was a successor by merger to Citizens and Southern National Bank of Lee County, who was a successor by merger to East First National Bank, Owner, whose address is 400 W. Ashley Drive, 8<sup>th</sup> Floor, Tampa, FL 33602, (**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** hereby grants to **Grantee**, its successors and assigns, a perpetual drainage easement in, under, over, and across that portion of **Grantor's** property described in Exhibit "A" attached.
2. **Grantee** has the right and authority to construct and maintain storm-water drainage facilities, including the installation of pipe, within the easement area in accordance with appropriate permits issued for construction and maintenance. **Grantee** shall give **Grantor** notice 5 days prior to commencement of construction.
3. **Grantee** has the right and authority to remove, replace, repair said system, and to trim and remove roots, trees, or vegetation or structures, including fencing, within the easement area, in order to properly install the drainage facilities.
4. **Grantee** will replace any asphalt, paving, striping, signs, irrigation lines, vegetation and shrubbery that is removed or *disturbed* during construction and restore the easement area to it's original condition prior to the construction.
5. **Grantor** may use the easement area for drainage or similar uses, provided no structures, such as sheds, carports, garages or other buildings, are constructed within the easement area; provided however, **Grantor** may use the easement area as a driveway after construction to access **Grantor's** property and such driveway and any signage shall not be considered structures for purposes of this easement.
6. Title to any drainage facilities constructed in the easement area will remain in the **Grantee**, its successors or assigns.
7. **Grantor** warrants 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.
8. **Grantee** will have a reasonable right of access across **Grantor's** property for the purposes of reaching the described easement (Exhibit "A") on either paved or unpaved surfaces. Any damage to **Grantor's** property or permitted improvements thereon as the result of such access to the described easement or the construction, maintenance, or repairs located within the above-described easement will be restored by the **Grantee**, at its sole expense and cost, to the condition in which it existed prior to the damage.

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

10. **GRANTEE** will be liable for money damages in tort for any injury to or loss of property, personal injury, or death caused by the negligent or wrongful act(s) or omission(s) of any official or employee of the County while acting within the scope of the official's or employee's office or employment under circumstances in which a private person would be found to be liable in accordance with the general laws of the State of Florida, and subject to the limitations as set out in Section 768.28, Florida Statutes, as it may be revised, amended or renumbered from time to time.

Dated: May 26, 2005.  
Signed, sealed and delivered in the presence  
Of two subscribing witnesses:

Bank of America, N.A., a national association, as successor  
by merger to NationsBank, N.A., who was a successor by merger to Citizens and Southern National Bank of Florida, who was a successor by merger to Citizens and Southern National Bank of Lee County, who was a successor by merger to East First National Bank, Owner,

Claire B. Carraway  
1st Witness Signature  
Claire B. Carraway  
Printed Name of 1st Witness

BY: [Signature]  
Title: AVP

[Signature]  
2nd Witness Signature  
Patricia L. Ramos  
Printed Name of 2nd Witness

(Corporate Seal)

STATE OF Florida  
COUNTY OF Hillsborough

The foregoing instrument was acknowledged before me this 26<sup>th</sup> day of May, 2005, by Shirley B. Mullen  
(Name of officer or agent, title of officer or agent)

of Bank of America, N.A., as successor by merger to NationsBank, N.A. who was a successor by merger to Citizens and Southern National Bank of Florida, who was a successor by merger to Citizens and Southern National Bank of Lee County, who was a successor by merger to East First National Bank, Owner, a national association, on behalf of the association. ~~He/she~~ is personally known to me, ~~to me or has produced~~ as identification.

(Type of identification)



Karen Kay Nelson  
Signature of Notary Public  
Karen Kay Nelson  
(Name typed, printed or stamped)  
(Title or Rank)

**Exhibit "A"**  
**LEGAL DESCRIPTION**

Page 1 of 2

A PARCEL OF LAND LOCATED IN LOT 31, BLOCK 59 OF FORT MYERS SHORES UNIT 6, AS RECORDED IN PLAT BOOK 17 AT PAGES 75 THRU 79 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID LOT 31, THE SAME BEING A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF OLD OLGA ROAD (STATE ROAD 80 A), A 66.0 FOOT WIDE RIGHT-OF-WAY, ALSO BEING A POINT ON CIRCULAR CURVE CONCAVE TO THE NORTHWEST, WHOSE RADIUS POINT BEARS N 80°38'21" W, A DISTANCE OF 643.07 FEET THEREFROM, THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, THE SAME BEING THE WESTERLY RIGHT-OF-WAY LINE OF SAID OLD OLGA ROAD, HAVING A RADIUS OF 643.07 FEET, THROUGH A DELTA OF 2°21'15", SUBTENDED BY A CHORD OF 26.42 FEET AT A CHORD BEARING OF S 10°32'17" W, FOR AN ARC LENGTH OF 26.42 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND; THENCE CONTINUE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE AND SAID WESTERLY RIGHT-OF-WAY LINE, THROUGH A DELTA OF 4°31'16", SUBTENDED BY A CHORD OF 50.73 FEET AT A CHORD BEARING OF S 13°58'33" W, FOR AN ARC LENGTH OF 50.74 FEET; THENCE RUN N 74°39'17" W FOR A DISTANCE OF 25.00 FEET; THENCE RUN N 13°59'38" E FOR A DISTANCE 49.15 FEET; THENCE RUN S 78°17'05" E FOR A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND, CONTAINING 1,265 SQUARE FEET, MORE OR LESS.



1-18-05  
DATE SIGNED:

SIGNATURE  
ERIC V. SANDOVAL (FOR THE FIRM - LB-734)  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA CERTIFICATE NO. 5223

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

\* THIS IS NOT A SURVEY \*



6621 Banner Drive  
Fort Myers, Florida 33912  
(239) 276-1992 FAX (239) 276-0922  
E-MAIL tkw@tkwonline.com  
Certification # 734

DRAWN BY: EVS | JOB NO.: 99899.10 | SHEET 1 OF 2

**LEGAL DESCRIPTION**

LEE COUNTY UTILITY EASEMENT  
OLD OLGA ROAD  
SECTION 28, TOWNSHIP 43 SOUTH, RANGE 26 EAST,  
LEE COUNTY, FLORIDA

DATE: JANUARY 2005

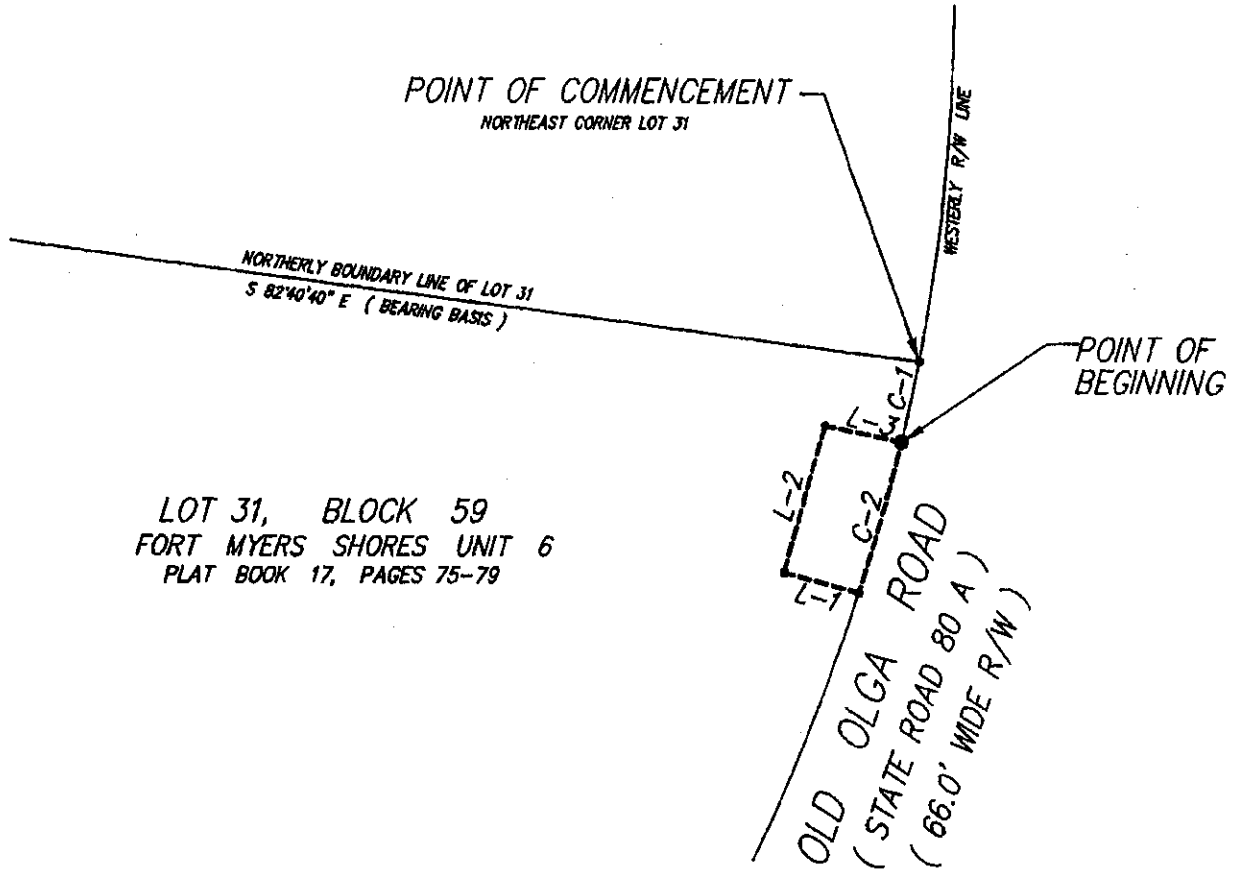
DRAWING: 99899EASE

# Exhibit "A"

Page 2 of 2



0' 30' 60'  
SCALE: 1" = 30'



LOT 31, BLOCK 59  
FORT MYERS SHORES UNIT 6  
PLAT BOOK 17, PAGES 75-79

LINE TABLE		
LINE	LENGTH	BEARING
L1	25.00'	N 74°39'17" W
L2	49.15'	N 13°59'38" E
L3	25.00'	S 78°17'05" E

CURVE TABLE					
CURVE	LENGTH	RADIUS	BEARING	DELTA	CHORD
C1	26.42'	643.07'	S 10°32'17" W	2°21'15"	26.42'
C2	50.74'	643.07'	S 13°58'33" W	4°31'16"	50.73'

\* THIS IS NOT A SURVEY \*

## TKW CONSULTING ENGINEERS, INC.

environmental • civil • structural • survey  
5681 Banner Drive  
Fort Myers, Florida 33912  
(239) 278-1922 FAX (239) 278-0922  
E-MAIL tkw@tkwonline.com  
Certification # 734

DRAWN BY: EVS JOB NO.: 99899.10 SHEET 2 OF 2

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

LEE COUNTY UTILITY EASEMENT  
OLD OLGA ROAD  
SECTION 28, TOWNSHIP 43 SOUTH, RANGE 26 EAST,  
LEE COUNTY, FLORIDA

DATE: JANUARY 2005

DRAWING: 99899EASE

**Division of County Lands**

**Ownership and Easement Search**

Search No. 28-43-26-06-00059.0310

Date: June 1, 2005

Parcel: 100

Project: Old Olga Road Turn Lane, Project #6733

To: Kathryn Keene  
Property Acquisition Agent

From: Shelia A. Bedwell, CLS  
Property Acquisition Assistant

STRAP: 28-43-26-06-00059.0310

Effective Date: May 13, 2005, at 5:00 p.m.

**Subject Property:** Lot 31, Block 59, of that certain subdivision known as Fort Myers Shores, Unit 6, according to the map or plat thereof recorded in Plat Book 17 Pages 75-79, Public Records of Lee County, Florida. Less that portion of the above-described premises acquired for sewer purposes by Lee County in an Order of Taking, recorded in Official Record Book 1358 Page 2335, Public Records of Lee County, Florida.

Title to the subject property is vested in the following:

**Bank of America, as successor by merger to NationsBank, who was a successor by merger to Citizens and Southern National Bank of Florida, who was a successor by merger to Citizens and Southern National Bank of Lee County, who was a successor by merger to East First National Bank.**

By that certain instrument dated March 1, 1985, recorded March 11, 1985, in Official Record Book 1772, Page 1741, Public Records of Lee County, Florida.

**Easements:**

**1): Subject to Covenants and Restrictions contained in a deed recorded in Official Record Book 547 Page 577, Public Records of Lee County, Florida.**

**2): Subject to a Public Utility Easement 6 feet in width along the Northwesterly line of the subject property as shown on the plat of Fort Myers Shores, Unit 6, according to the map or plat thereof recorded in Plat Book 17 Pages 75-79, Public Records of Lee County, Florida.**

**3): Subject to a Public Utility Easement 10 feet in width along the Northerly line of the subject property as shown on the plat of Fort Myers Shores, Unit 6, according to the map or plat thereof recorded in Plat Book 17 Pages 75-79, Public Records of Lee County, Florida.**

**4): Subject to a Public Utility Easement 10 feet in width along the Northeasterly line of the subject property as shown on the plat of Fort Myers Shores, Unit 6, according to the map or plat thereof recorded in Plat Book 17 Pages 75-79, Public Records of Lee County, Florida.**

**Division of County Lands**

**Ownership and Easement Search**

Search No. 28-43-26-06-00059.0310

Date: June 1, 2005

Parcel: 100

Project: Old Olga Road Turn Lane, Project #6733

**5): Subject to an Easement granted to the Florida Power & Light Company by Official Record Book 1438 Page 1508, Public Records of Lee County, Florida.**

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

**2): Subject to a Resolution pertaining to the County Lot Mowing Act, recorded in Official Record Book 1020 Page 1327, Public Records of Lee County, Florida.**

**3): Subject to Resolution No. 83-4-5 pertaining to the East Lee County Sewer System, recorded in Official Record Book 1669 Page 3414, Public Records of Lee County, Florida.**

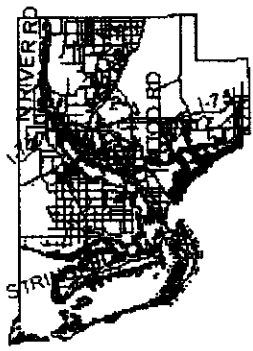
**4): Subject to Lee County Ordinance No. 86-14, relating to garbage and solid waste collection, recorded in Official Record Book 2189 Page 3281 and amended by Official Record Book 2189 Page 3281, Public Records of Lee County, Florida.**

**5): Gloria A. Parker reserved an undivided 1/2 interest in Oil, Gas and Mineral Rights, including leases, rentals and royalties, in a deed recorded in Deed Book 228 Page 214, Public Records of Lee County, Florida.**

**Tax Status: \$13,135.32 paid on 11/29/04 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 or warranty as to its accuracy.**



- Legend**
- Selected Features
  - Block
  - Lot
  - Parcels
  - Parcel Hooks
  - Hydro Features
  - Road Center Line
  - Section Lines
  - Zoning - County
  - City Limits
  - Barred Surveys
  - Cable Cora
  - Fort Myers
  - Sanise
  - Town of Fort Myers Beach

