

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

Blue Sheet No. 20050810

1. ACTION REQUESTED/PURPOSE: Approve the conveyance of County interest in the property described as the portion of Park B, along Block L, Bonita Beach First Addition Subdivision Plat Book 8, Page 70, to the City of Bonita Springs pursuant to their request.

2. WHAT ACTION ACCOMPLISHES: Conveys County interest in a platted parcel identified as Park B, to the City of Bonita Springs.

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

4. Departmental Category: 6 <i>C6I</i>		5. Meeting Date: <i>06-21-2005</i>
6. Agenda: <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Administrative <input type="checkbox"/> Appeals <input type="checkbox"/> Public <input type="checkbox"/> Walk-On	7. Requirement/Purpose: (specify) <input checked="" type="checkbox"/> Statute <u>125</u>	
	<input type="checkbox"/> Ordinance	
	<input type="checkbox"/> Admin. Code	
	<input type="checkbox"/> Other	
	<input type="checkbox"/> Other	
8. Request Initiated: Commissioner _____ Department <u>Independent</u> Division <u>County Lands</u> By: <u>Karen L.W. Forsyth, Director</u> <i>[Signature]</i>		

9. Background:
The City of Bonita Springs has requested conveyance of a parcel, containing approximately 3150 sq. ft., located along the east side of Hickory Boulevard. It is more specifically identified as the easterly portion of Park B, along Block L, Bonita Beach First Addition, Plat Book 8, Page 70. The parcel was dedicated to the public by Plat and was accepted by the Lee County Board of County Commissioners on March 20, 1941. The property has remained vacant and unimproved. The City is seeking supplemental parking to existing Beach access #2. The County Attorney's Office and Parks and Recreation have reviewed the request and approve deeding the property with conditional language allowing All Citizens of Lee County equal access and equal fees for use of any facilities that may be constructed thereon in the future by the City.

Staff recommends approval of the requested motion.

Attachments: Request Letters, Plat, GIS Aerial Map, County Deed.

10. Review for Scheduling:

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

11. Commission Action:
 Approved
 Deferred
 Denied
 Other

RECEIVED BY COUNTY ADMIN: <u>6-9-05</u> 1:50 COUNTY ADMIN FORWARDED TO: <u>6/9/05</u> 3:30pm	Rec. by CoAtt: Date: <u>6/9/05</u> Time: <u>9:00</u> Forwarded To: Admin. 6/9/05 11am
---	--

This Instrument Prepared by:
DIVISION OF COUNTY LANDS
Post Office Box 398
Fort Myers, Florida 33902-0398
Property Identified: a portion of
Parcel B, along Block L, PB 8, Pg 70
Bonita Beach First Addition

THIS SPACE FOR RECORDING

**COUNTY DEED
(Statutory)**

THIS DEED, executed this _____ day of _____, 2005, by **LEE COUNTY, FLORIDA, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA**, whose address is Post Office Box 398, Fort Myers, Florida 33902-0398, COUNTY, to **CITY OF BONITA SPRINGS**, whose address is 9101 Bonita Beach Road, Bonita Springs, FL 34135, Grantee.

WITNESSETH: The COUNTY, for and in consideration of the sum of Ten (\$10.00) Dollars to it in hand paid by the Grantee, receipt whereof is hereby acknowledged, has granted, bargained and sold to the Grantee, its heirs and assigns forever, the following described land, lying and being in Lee County, Florida:

SEE ATTACHED EXHIBIT "A"

In accordance with Florida Statutes s. 270.11, the COUNTY hereby reserves an undivided three-fourths interest in, and title in and to an undivided three-fourths interest in, all the phosphate, minerals, and metals that are or may be in, on, or under the subject land and an undivided one-half interest in all the petroleum that is or may be in, on, or under the subject land with the privilege to mine and develop each interest. Provided, however, the right of entry with respect to any interest in phosphate, minerals, metals or petroleum reserved in favor of the County is hereby released if the subject parcel being conveyed is or has always been a contiguous tract of less than 20 acres in the aggregate under the same ownership.

This parcel is to be used in perpetuity for all Citizens of Lee County providing equal access and equal fees for use of any facilities that may be constructed thereon.

This grant conveys only the interest of the County and its Board of County Commissioners in the property herein described, and does not warrant the title or represent any state of facts concerning the title.

IN WITNESS WHEREOF the COUNTY has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chair or Vice Chair of said Board, the day and year above.

(OFFICIAL SEAL)

ATTEST:
CHARLIE GREEN, CLERK

LEE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Chairman

APPROVED AS TO LEGAL FORM:

Office of County Attorney

EXHIBIT "A"

That portion of Park B, located on the east side of Hickory Boulevard, along Block L, Bonita Beach First Addition, Plat Book 8, Page 70.



March 1, 2005

RECEIVED BY
LEE CO. ATTORNEY
2005 MAR -3 PM 3:25

Timothy Jones, Esquire
Chief Assistant County Attorney – Land Use
2115 Second St.
Fort Myers, FL 33902

*City of
Bonita Springs*

9220 BONITA BEACH ROAD
SUITE 111
BONITA SPRINGS, FL 34135
TEL: (239) 390-1000
FAX: (239) 390-1004
www.cityofbonitasprings.org

Jay Arend
Mayor

Wayne P. Edsall
Councilman
District One

Alex Grantt
Councilman
District Two

R. Robert Wagner
Councilman
District Three

John Joyce
Councilman
District Four

David T. Piper, Jr.
Councilman
District Five

Ben L. Nelson, Jr.
Councilman
District Six

Gary A. Price
City Manager

Audrey E. Vance
City Attorney

RE: Lot 13, Block L Bonita Beach First Addition
Plat Book 8, Page 70

Dear Tim:

wrong parcel -

The lot referenced above is across the street from County Beach Access No. 2 and is not on the Property Appraiser's Tax Roll. City staff would like to consider placing a beach parking lot so as to supplement the parking at the beach access. Prior to taking to City Council the issue of jurisdiction should be resolved. *See later letter*

The plat was accepted by the Lee County Board of County Commissioners in 1941 and affronts Hickory Boulevard, a county road. However, the lot has not functioned nor has it been part of or appurtenant to Hickory Boulevard. It is overgrown with exotic vegetation. Prior to the City contemplating any improvements, we would like to determine whether Lee County would claim jurisdictional right to the lot. Kindly provide me your thoughts on this matter. I have reviewed the electronic message that Sheila Bedwell sent Jennifer Wood-Doeberl in our office, and question that a statement on the plat proves dedication to the public.

Your thoughts on this matter are highly appreciated.

Sincerely yours,

Audrey E. Vance
City Attorney

AEV/dfg
Enclosure

cc: Councilman Bob Wagner, District #3
Gary A. Price, City Manager
Daryl Walk, P.E., Public Works Manager
Jennifer Wood-Doeberl, Maintenance Coordinator
David M. Owen, Lee County Attorney
Above with enclosure

2005 MAR -8 PM 1:56
RECEIVED BY
LEE CO. ATTORNEY

March 7, 2005

Timothy Jones, Esquire
Chief Assistant County Attorney – Land Use
2115 Second St.
Fort Myers, FL 33902

RE: (1) Park B, Bonita Beach First Addition, Plat Book 8, Page 70
(2) Request for Lee County Property Transfer:
10601 East Terry Strap No. 26-47-25-B3-00017.0000

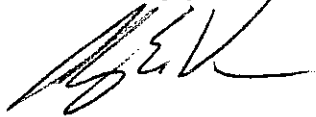
Dear Tim:

Please accept this letter as an apology for my poor eyesight on the first issue. I originally referenced "Lot 13" as the parcel sought across the street from County Beach Access No. 2 that city staff would like to consider placing a beach parking lot so as to supplement the parking at the beach access. Obviously, now that I realize it says Park B, I no longer question Sheila Bedwell's e-mail that a statement on the plat (the word park was across the street) proves dedication to the public.

As to the second issue, on October 27, 2004, I sent to you and John Fredyma a request for Lee County to transfer the above parcel to the City of Bonita Springs. Could you please let me know the status?

Thank you for your attention to these matters.

Sincerely yours,



Audrey E. Vance
City Attorney

AEV/

cc: Councilman Bob Wagner, District #3
Gary A. Price, City Manager
Daryl Walk, P.E., Public Works Manager
Jennifer Wood-Doeberl, Maintenance Coordinator
David M. Owen, Lee County Attorney
John J. Fredyma, Assistant County Attorney – Land Use



*City of
Bonita Springs*

9220 BONITA BEACH ROAD
SUITE 111
BONITA SPRINGS, FL 34135
TEL: (239) 390-1000
FAX: (239) 390-1004
www.cityofbonitasprings.org

Jay Arend
Mayor

Wayne P. Edsall
Councilman
District One

Alex Grantt
Councilman
District Two

R. Robert Wagner
Councilman
District Three

John Joyce
Councilman
District Four

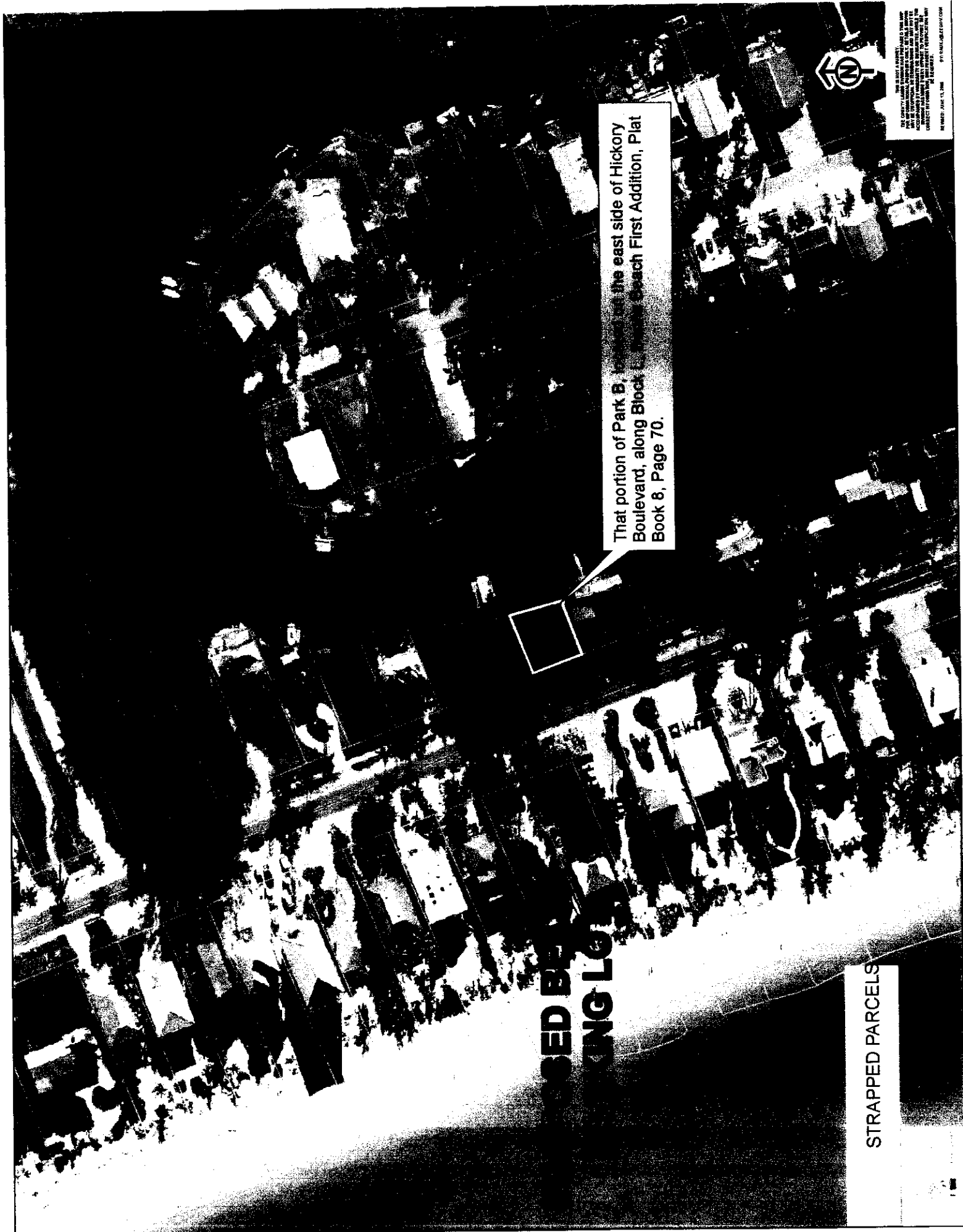
David T. Piper, Jr.
Councilman
District Five

Ben L. Nelson, Jr.
Councilman
District Six



Gary A. Price
City Manager

Audrey E. Vance
City Attorney



That portion of Park B, located on the east side of Hickory Boulevard, along Block 1, is shown on Beach First Addition, Plat Book 8, Page 70.



THIS IS A PUBLIC RECORD. THE STATE OF CALIFORNIA, COUNTY OF SAN DIEGO, RECORDER OF DEEDS, OFFICE OF THE COUNTY CLERK, 150 WEST WASHINGTON STREET, SAN DIEGO, CALIFORNIA 92101. THIS DOCUMENT IS PUBLIC RECORD AND IS AVAILABLE TO THE PUBLIC. FOR MORE INFORMATION, CONTACT THE RECORDER OF DEEDS OFFICE AT (619) 441-2345. WEBSITE: WWW.SAN-DIEGO-COUNTY.COM

SED BE
NG LO

STRAPPED PARCELS