

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

Blue Sheet No. 20050856

1. ACTION REQUESTED/PURPOSE: Accept Beach Storm Damage Reduction Easements for Parcel 204, 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

CLW

5. Meeting Date:

06-28-2005

6. Agenda:

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

7. Requirement/Purpose: (specify)

- Statute 125
- Ordinance
- Admin. Code
- Other

8. Request Initiated:

Commissioner _____
 Department Independent
 Division County Lands TLM
 By: Karen L.W. Forsyth, Director *KLF*

9. Background:

Negotiated for: Department of Natural Resources

Interest to Acquire: Ten (10) Year Easement

Property Details: Property Owner: YYK & M, LLC #3, a Florida limited liability company

STRAP number: 28-46-24-W4-00011.0000

Costs: Approximately \$25 (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.

Staff recommends the Board approve the Action Requested.

Account: 20302230100•504930

Attachments: Copy of Beach Storm Damage Reduction Easement and Title Report.

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>K.P. Forsyth</i>			<i>BAD 6/14</i>	<i>D.W.</i>	<i>Analyst</i>	<i>Risk</i>	<i>Grants</i>	<i>Mgr.</i>	<i>Director</i>

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY
 COUNTY ADMIN: *PP*
 5-14-05
 4:30
 COUNTY ADMIN
 FORWARDED TO: *PP*
6/16/05
JAM

Rec. by CoAtty
 Date: *6-14-05*
 Time: *2:10*
 Forwarded To:
Adm. In.
6/14/05
UPA

This instrument prepared by:
Lee County
County Lands Division
P.O. Box 398
Fort Myers, Florida 33902-0398
Project: Estero Island Beach Restoration Project
Parcel No.: 204
Strap No.: 28-46-24-W4-00011.0000

ORIGINAL DOCUMENTS RETAINED IN
COUNTY LANDS FILES FOR HANDLING
UPON BOARD ACCEPTANCE.

(This space is for recording)

TEN (10) YEAR BEACH STORM DAMAGE REDUCTION EASEMENT

Know all by these presents that on this 9th day of June, 2005,
YYK & M, LLC #3, a Florida Limited Liability Company, whose mailing address is 7300
South 13th Street, Suite 101, Oak Creek, WI 53154, 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, 28-46-24-W4-
00011.0000, 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.: 204
Strap No.: 28-46-24-W4-00011.0000

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: YYK & M, LLC #3, a Florida Limited Liability Company

DK

By: [Signature]
Michael H. Dilworth

Witness
David Knaff
(Print Name)

Managing Member
Title

Becky Storm

Witness
Becky Storm
(Print Name)

STATE OF Wisconsin
COUNTY OF Milwaukee

The foregoing instrument was acknowledged before me this June 9, 2005
(date)

by Michael H. Dilworth, Managing Member of YYK & M, LLC #3

a Florida Limited Liability Company, on behalf of the company. He is personally known to me ~~or has produced~~ as identification.

(type of identification)

DK
(Signature of person taking acknowledgment)

David Knaff
(Name typed, printed or stamped)

(Title or rank) Notary Public

(Serial Number, if any)



Parcel No(s): 204
STRAP No(s): 28-46-24-W4-00011.0000

ORIGINAL DOCUMENTS RETAINED IN
COUNTY LANDS FILES FOR HANDLING
UPON BOARD ACCEPTANCE.

SCHEDULE A

That portion of the following described parcel lying seaward of the +4.1 NGVD contour line:

From the Southeast corner of the fractional Southwest quarter (SW 1/4) of Section 28, Township 46 South, Range 24 East, run Westerly along the South line of said Section 28 for 1643.7 feet to the Northwestern corner of Lot 20, in Block 6, of GULF HEIGHTS SUBDIVISION, according to the map or plat thereof recorded in Plat Book 6, Page 39, Public Records of Lee County, Florida; thence run Northwesterly at an angle of 139°39' East to Northwest, for 736.27 feet; thence run Northeasterly at an angle of 92°00' Southeasterly to Northeasterly with the last mentioned course for 256.4 feet, more or less, to the centerline of the County Road known as Estero Boulevard and the point of beginning of the lands herein described; from said point run Southeasterly along the centerline of said County Road for 52.5 feet; thence run Southwesterly at an angle of 88°22' Southeasterly to Southwesterly with said centerline to the waters of the Gulf of Mexico, thence run Northwesterly along said waters to an intersection with a line through the point of beginning at an angle of 88°22' Southeasterly to Southwesterly with the centerline of said County Road; thence run Northeasterly along said line to the point of beginning.

AND

That portion of the following described parcel lying seaward of the +4.1 NGVD contour line:

From the Southeast corner of the fractional Southwest quarter (SW 1/4) of Section 28, Township 46 South, Range 24 East, run Westerly along the South line of Section 28, for 1643.7 feet to the Northwestern corner of Lot 20, in Block 6, of GULF HEIGHTS SUBDIVISION, according to the map or plat thereof on file and recorded in the office of the Clerk of the Circuit Court of Lee County, Florida, in Plat Book 6, at Page 39; thence run Northwesterly at an angle of 139°39' East to Northwest, for 763.27 feet; thence run Northeasterly at an angle of 92°00' Southeasterly to the Northeasterly with the last mentioned course for 256.4 feet, more or less, to the centerline of County Road known as Estero Boulevard; thence run Southeasterly along the centerline of said County Road for 52.2 feet to the point of beginning of the lands herein described; thence run Southwesterly at an angle of 88°22' Southeasterly to Southwesterly with said centerline to the waters of the Gulf of Mexico, thence along the waters of the Gulf of Mexico at right angles to the last mentioned course, a distance of 37.5 feet; thence Northeasterly to the centerline of said County Road at a point which is 37.5 feet from the Point of Beginning; thence Northwesterly along the centerline of said County Road to the point of beginning.

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.

Updated Ownership and Easement Search


Search No. 21778/A

Date: June 13, 2005

Parcel: 204

Project: Beach Renourishment Trust
Fund, Project # 3022

To: Teresa L. Mann, SRWA
Property Acquisition Agent

From: Shelia A. Bedwell, CLS 
Property Acquisition Assistant

STRAP: 28-46-24-W4-00011.0000

Effective Date: May 22, 2005, at 5:00 p.m.

Subject Property: See Attached Schedule "X".

Title to the subject property is vested in the following:

YYK & M, LLC #3, a Florida limited liability company

by that certain instrument dated July 9, 2003, recorded July 9, 2003, in Official Record Book 3985, Page 2564, Public Records of Lee County, Florida.

Easements:

1. Easement in favor of Mediaone Enterprises, Inc., as recorded in Official Record Book 3182, Page 3460, Public Records of Lee County, Florida. NOTE: We can not determine if this easement affects the project area or not.

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

NOTE (2): Mortgage executed by YYK & M, LLC #3, a Florida limited liability company, to M&I Marshall & Ilsley Bank, dated June 18, 2003, recorded July 9, 2003, in Official Record Book 3985, Page 2567, as modified by instrument recorded in Official Record Book 4285, Page 2257, Public Records of Lee County, Florida.

NOTE (3): Assignment of Rents between YYK & M, LLC #3, a Florida limited liability company and M&I Marshall & Ilsley Bank, dated June 18, 2003, recorded July 9, 2003, in Official Record Book 3985, Page 2570, Public Records of Lee County, Florida.

NOTE (4): Acknowledgments of Floodplain Regulations recorded February 24, 2004, in Official Record Book 4207, Pages 1485, 1487, 1489 and 1491, Public Records of Lee County, Florida.

Updated Ownership and Easement Search

Search No. 21778/A

Date: June 13, 2005

Parcel: 204

Project: Beach Renourishment Trust
Fund, Project # 3022

Taxes: 2004 taxes have been paid in full.

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.

Schedule X

Parcel 204

Project: Beach Renourishment Trust Fund, Project # 0686

Search No. 21778/A

From the Southeast corner of the fractional Southwest quarter (SW 1/4) of Section 28, Township 46 South, Range 24 East, run Westerly along the South line of said Section 28 for 1643.7 feet to the Northwestern corner of Lot 20, in Block 6, of GULF HEIGHTS SUBDIVISION, according to the map or plat thereof recorded in Plat Book 6, Page 39, Public Records of Lee County, Florida; thence run Northwesterly at an angle of 139°39' East to Northwest, for 736.27 feet; thence run Northeasterly at an angle of 92°00' Southeasterly to Northeasterly with the last mentioned course for 256.4 feet, more or less, to the centerline of the County Road known as Estero Boulevard and the point of beginning of the lands herein described; from said point run Southeasterly along the centerline of said County Road for 52.5 feet; thence run Southwesterly at an angle of 88°22' Southeasterly to Southwesterly with said centerline to the waters of the Gulf of Mexico, thence run Northwesterly along said waters to an intersection with a line through the point of beginning at an angle of 88°22' Southeasterly to Southwesterly with the centerline of said County Road; thence run Northeasterly along said line to the point of beginning.

AND

From the Southeast corner of the fractional Southwest quarter (SW 1/4) of Section 28, Township 46 South, Range 24 East, run Westerly along the South line of Section 28, for 1643.7 feet to the Northwestern corner of Lot 20, in Block 6, of GULF HEIGHTS SUBDIVISION, according to the map or plat thereof on file and recorded in the office of the Clerk of the Circuit Court of Lee County, Florida, in Plat Book 6, at Page 39; thence run Northwesterly at an angle of 139°39' East to Northwest, for 763.27 feet; thence run Northeasterly at an angle of 92°00' Southeasterly to the Northeasterly with the last mentioned course for 256.4 feet, more or less, to the centerline of County Road known as Estero Boulevard; thence run Southeasterly along the centerline of said County Road for 52.2 feet to the point of beginning of the lands herein described; thence run Southwesterly at an angle of 88°22' Southeasterly to Southwesterly with said centerline to the waters of the Gulf of Mexico, thence along the waters of the Gulf of Mexico at right angles to the last mentioned course, a distance of 37.5 feet; thence Northeasterly to the centerline of said County Road at a point which is 37.5 feet from the Point of Beginning; thence Northwesterly along the centerline of said County Road to the point of beginning.

Florida Department of State, Division of Corporations

Corporations Online

www.sunbiz.org

Public Inquiry

Florida Limited Liability

YYK & M, LLC #3

PRINCIPAL ADDRESS
 7300 SOUTH 13TH STREET
 SUITE 101
 OAK CREEK WI 53154
 Changed 06/30/2004

MAILING ADDRESS
 7300 SOUTH 13TH STREET
 SUITE 101
 OAK CREEK WI 53154
 Changed 06/30/2004

Document Number
 L03000010622

FEI Number
 200045190

Date Filed
 03/25/2003

State
 FL

Status
 ACTIVE

Effective Date
 NONE

Total Contribution
 0.00

Registered Agent

Name & Address
SHENKO, WILLIAM E JR. 1661 ESTERO BOULEVARD, #24 FORT MYERS BEACH FL 33931
Name Changed: 04/15/2003
Address Changed: 04/15/2003

Manager/Member Detail

Name & Address	Title
DILWORTH, MICHAEL H 7300 SOUTH 13TH STREET, SUITE 101 OAKCREEK WI 53154	MGRM

Annual Reports

Report Year	Filed Date
2004	06/30/2004
2005	04/28/2005

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No Events

No Name History Information

Document Images

Listed below are the images available for this filing.

<u>04/28/2005 -- ANNUAL REPORT</u>
<u>06/30/2004 -- ANNUAL REPORT</u>
<u>04/15/2003 -- Reg. Agent Change</u>
<u>03/25/2003 -- Florida Limited Liabilites</u>

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

Corporations Inquiry

Corporations Help

2005 LIMITED LIABILITY COMPANY ANNUAL REPORT

DOCUMENT# L03000010622

**FILED
Apr 28, 2005
Secretary of State**

Entity Name: YYK & M, LLC #3

Current Principal Place of Business:

7300 SOUTH 13TH STREET
SUITE 101
OAK CREEK, WI 53154

New Principal Place of Business:

Current Mailing Address:

7300 SOUTH 13TH STREET
SUITE 101
OAK CREEK, WI 53154

New Mailing Address:

FEI Number: 20-0045190

FEI Number Applied For ()

FEI Number Not Applicable ()

Certificate of Status Desired ()

Name and Address of Current Registered Agent:

SHENKO, WILLIAM E JR.
1661 ESTERO BOULEVARD, #24
FORT MYERS BEACH, FL 33931 US

Name and Address of New Registered Agent:

The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.

SIGNATURE:

Electronic Signature of Registered Agent

Date

MANAGING MEMBERS/MEMBERS:

Title: MGRM () Delete
Name: DILWORTH, MICHAEL H
Address: 7300 SOUTH 13TH STREET, SUITE 101
City-St-Zip: OAKCREEK, WI 53154

ADDITIONS/CHANGES:

Title: () Change () Addition
Name:
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 is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am a managing member or manager of the limited liability company or the receiver or trustee empowered to execute this report as required by Chapter 608, Florida Statutes.

SIGNATURE: MICHAEL H. DILWORTH

MGRM

04/28/2005

Electronic Signature of Signing Managing Member, Manager, or Authorized Representative / Date