

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

**Blue Sheet No. 20051073**

- 1. ACTION REQUESTED/PURPOSE:** Approve a resolution to convey County-owned property at the intersection of Chateau Du Lac Court and East Terry Street in the City of Bonita Springs to the City of Bonita Springs; authorize the Chairman to execute the attached Resolution and County Deed; authorize the Division of County Lands to handle and accept all documentation necessary to complete transaction.
  
- 2. WHAT ACTION ACCOMPLISHES:** Conveys to the City of Bonita Springs, a remainder parcel acquired by the County in 1991 for the widening of East Terry Street.
  
- 3. MANAGEMENT RECOMMENDATION:** Management recommends Board approve the Action Requested.

<b>4. Departmental Category:</b> <u>6</u> <u>C6B</u>		<b>5. Meeting Date:</b> <u>08-16-2005</u>
<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 <u>125.38</u> <input type="checkbox"/> Ordinance <input type="checkbox"/> Admin. Code <input type="checkbox"/> Other	
	<b>8. Request Initiated:</b> Commissioner _____ Department <u>Independent</u> Division <u>County Lands</u>	
	By: <u>Karen L.W. Forsyth, Director</u> <i>KLF</i>	

**9. Background:**

The City of Bonita Springs has requested Lee County convey its interest in a remainder parcel at the intersection of East Terry Street and Chateau Du Lac Court, at 10601 East Terry Street (STRAP # 26-47-25-B3-00017.0000). The parcel is a remainder from the parent tract acquired by Lee County in 1991 for the widening of East Terry Street. The City of Bonita Springs intends to utilize the parcel in conjunction with beautification plans for the current East Terry Street widening project.

Lee County Department of Transportation recommends the Board approve the request.

There are no costs associated with this transaction.

Attachments: Resolution; County Deed; Location Map; City of Bonita Springs Request for Donation

RECEIVED  
JUL 27 2005

**10. Review for Scheduling:**

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
<i>KLF</i>				<i>[Signature]</i>	Analyst	Risk	Grants	Mgr.	<i>HS slides</i>
					<i>8/1/05</i>	<i>8/2/05</i>	<i>8/1/05</i>	<i>8/2/05</i>	

**11. Commission Action:**

- Approved
- Deferred
- Denied
- Other

**REC'D ATTY.**  
 JUL 27 2005  
 COUNTY ATTORNEY  
 OFFICE

RECEIVED BY  
 COUNTY ADMIN: *[Signature]*  
 8-1-05  
 8:45  
 COUNTY ADMIN  
 FORWARDED TO: *[Signature]*  
 8/1/05  
 3:00

**LEE COUNTY RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA**

WHEREAS, the City of Bonita Springs (City) has requested the donation of a parcel of County-owned land in Section 26, Township 47 South, Range 25 East, Lee County, Florida, for future road right-of-way use in conjunction with East Terry Street; and

WHEREAS, Lee County (County) declares that the purpose of this Resolution is to convey to the City of Bonita Springs, a municipality of the State of Florida, the remainder of the parcel of County-owned land located at 10601 East Terry Street (STRAP No. 26-47-25-B3-00017.0000), originally acquired for road right-of-way purposes for the expansion and improvement of East Terry Street prior to the incorporation of the City of Bonita Springs; and

WHEREAS, the property will be utilized for the City's future road right-of-way use, and development of East Terry Street; and

WHEREAS, pursuant to Section 125.38, F.S., the Board of County Commissioners has the authority to convey County-owned property to the City without advertisement, compensation or consideration because the City is a municipality of the State of Florida; and

WHEREAS, the Board of County Commissioners has determined and is satisfied that the property is not needed for County purposes and that by virtue of conveyance to the City, the property will benefit the public or community interest and welfare and will be in public ownership.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS THAT:**

The Board of County Commissioners authorizes the conveyance of the County's interest in the remainder of the real property located at 10601 East Terry Street (STRAP No. 26-47-25-B3-00017.0000) described in attached Exhibit "A" to the City of Bonita Springs, a municipality of the State of Florida, without payment of any consideration thereof.

The Chairman of the Board of County Commissioners is authorized to execute the County Deed for and on behalf of Lee County for the conveyance of the County's interest in the real property described in attached Exhibit "A" and to do those things necessary to complete the conveyance of the real property interest to the City.

The foregoing resolution was adopted by the Lee County Board of County Commissioners upon the motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and, upon being put to a vote, the result was as follows:

Bob Janes \_\_\_\_\_  
Douglas R. St. Cerny \_\_\_\_\_  
Ray Judah \_\_\_\_\_  
Tammy Hall \_\_\_\_\_  
John Albion \_\_\_\_\_

DULY PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

ATTEST:  
CHARLIE GREEN, CLERK

LEE COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Chairman

APPROVED AS TO FORM:

\_\_\_\_\_  
Office of County Attorney

STRAP No. 26-47-25-B3-00017.0000  
Project No. 8617/East Terry Street Remainder to COB

*Page 1 of 2*

**THIS SPACE FOR RECORDING**

**COUNTY DEED  
(Statutory)**

**THIS DEED**, executed this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, 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 the **CITY OF BONITA SPRINGS, a municipality of the State of Florida**, whose address is 9101 Bonita Beach Road, Bonita Springs, Florida 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:

Any remaining right, title or interest the County may have in the following property:

The real property described in the Warranty Deed of William R. Harrison, a/k/a William A. Harrison, Janet R. Lambert, f/k/a Janet R. Nichols, and Robert E. Harrison to Lee County dated April 3, 1991 and recorded in the Official Records (O.R.) of the public records of Lee County, Florida in O.R. Book 2213, Page 2532;

and

The real property described in the Quit-Claim Deed of Ruth Harrison to Lee County dated March 31, 1991 and recorded in the Official Records (O.R.) of the public records of Lee County, Florida in O.R. Book 2213, Page 2531.

Said property being subject to all easements, rights-of-way and restrictions of record.

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.

The subject property may only be used for public purposes. If the subject property is used for any purpose other than a public purpose, then the property will revert back to Lee County.

*Page 2 of 2*

This grant conveys only the interest of the County and its Board of County Commissioners in the property herein described, does not warrant the title or represent any state of facts concerning the title, and is being conveyed pursuant to Chapter 125.38, Florida Statutes.

**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

This Instrument Prepared by:  
DIVISION OF COUNTY LANDS  
Post Office Box 398  
Fort Myers, Florida 33902-0398

STRAP No. 26-47-25-B3-00017.0000  
Project No. 8617/East Terry Street Remainder to COB

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(OFFICIAL SEAL)

ATTEST:  
CHARLIE GREEN, CLERK

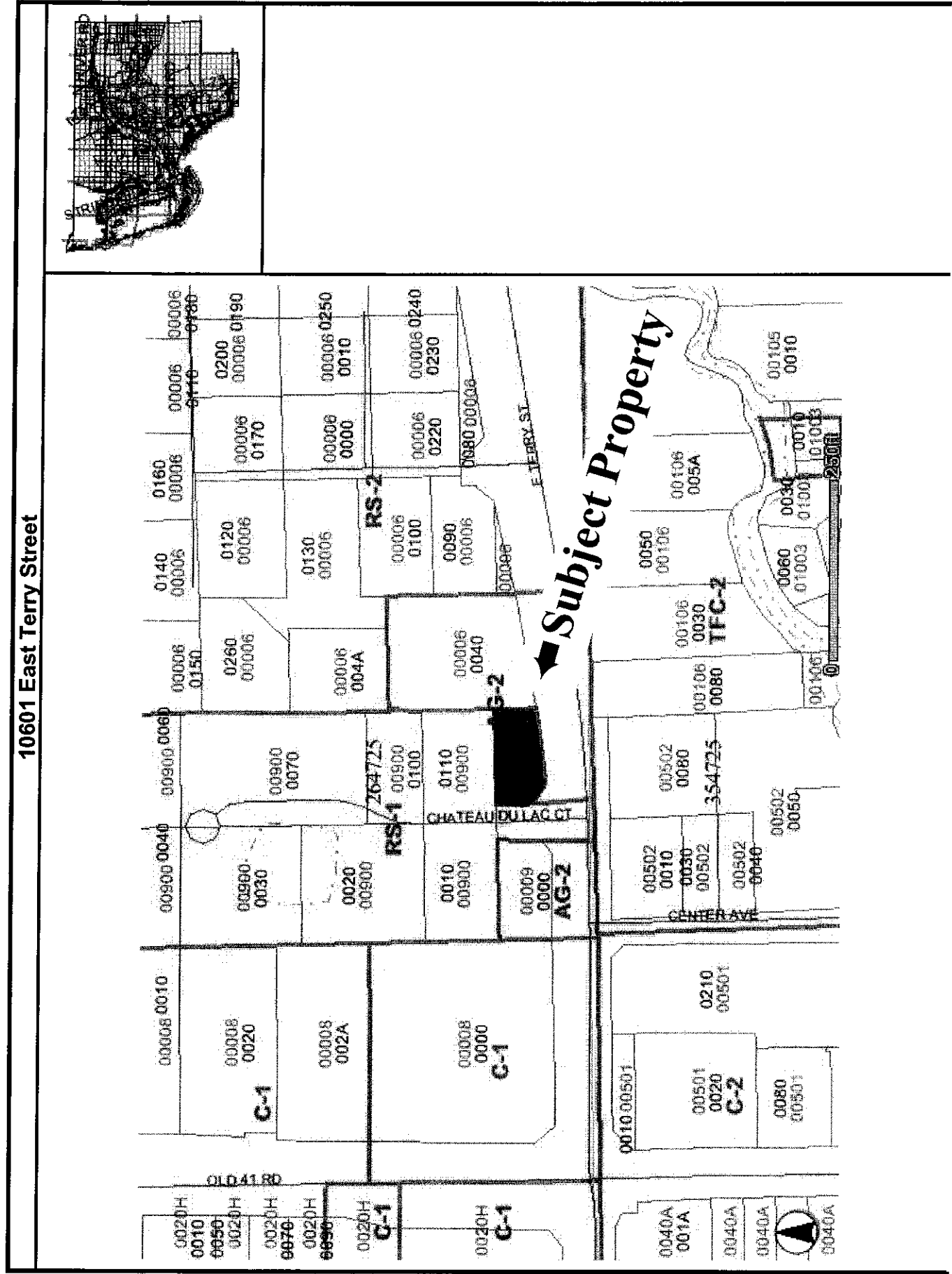
LEE COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Chairman

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
Office of County Attorney







June 13, 2005

**RECEIVED**  
JUN 16 2005  
**COUNTY LANDS**

*City of*  
**Bonita Springs**

9101 BONITA BEACH ROAD  
BONITA SPRINGS, FL 34135  
TEL: (239) 949-6262  
FAX: (239) 949-6239  
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  
Tel. (239) 949-6238

**Audrey E. Vance**  
City Attorney  
Tel. (239) 949-6254

**City Clerk/Treasurer**  
Tel: (239) 949-6250

**Public Works**  
Tel: (239) 949-6246

**Code Enforcement**  
Tel: (239) 949-6257

**Parks & Recreation**  
Tel: (239) 992-2556

Ms. Karen L. W. Forsyth, SR/WA  
FL. R.E. Broker  
County Lands Division Director  
Lee County Government  
P. O. Box 398  
Fort Myers, FL 33901

RE: Lee County Parcel at,  
10601 East Terry Street, Bonita Springs, Florida  
26-47-25-B3-00017.0000

Dear Ms. Forsyth:

In searching right-of-way records as part of our East Terry Street widening project, we find that Lee County has retained a small parcel located at East Terry Street and Chateau Du Lac Court. I understand that Lee County acquired this as a part of the original East Terry Street construction in 1991.

As we are proceeding with the design of our street widening, it would appear that this parcel could well be utilized by the City in the landscaping of the R.O.W. widening of East Terry Street to four lanes. At this point we are attempting to complete this widening between Old 41 Road and Imperial Street without acquiring additional R.O.W. from adjacent residents. In proceeding in this manner, we minimize impacts to properties, but we also tend to limit areas which can be effectively used for street beautification. Therefore I request, on behalf of the City of Bonita Springs that this parcel be transferred to the City with the intent that it be used as a landscape area within the East Terry Street R.O.W.

Sincerely,

Daryl C. Walk, P. E.  
Public Works Manager

DCW/cdb

Cc: Gary A. Price, City Manager  
Audrey Vance, City Attorney