

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

**Blue Sheet No. 20051153**

**1. ACTION REQUESTED/PURPOSE:** Accept Beach Storm Damage Reduction Easement for Parcel 134, 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

**C6A**

**5. Meeting Date:**

**09-13-2005**

**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: Leslie W. Morris II and Kaye Craig Morris, Husband and Wife

STRAP Number: 29-46-24-W1-00100.0130

**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.

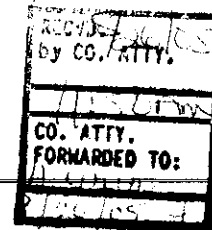
**10. Review for Scheduling:**

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services			County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.
<i>K. Forsyth</i>			<i>SFB, Nat Res JFC</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>

**11. Commission Action:**

- Approved
- Deferred
- Denied
- Other

COUNTY ADMIN  
FORWARDED TO:  
*[Signature]*



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.: 134  
Strap No.: 29-46-24-W1-00100.0130

ORIGINAL INSTRUMENTS RETAINED IN  
COUNTY LANDS DIVISION, FORT MYERS, FLORIDA  
UNLESS OTHERWISE SPECIFIED

(This space is for recording)

## TEN (10) YEAR BEACH STORM DAMAGE REDUCTION EASEMENT

Know all by these presents that on this 8<sup>th</sup> day of August, 2005, Leslie W. Morris II and Kaye Craig Morris, husband and wife, whose mailing address is 147 Forest Ave., Lexington, KY 40508, 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, 29-46-24-W1-00100.0130, 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, 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.: 134  
Strap No.: 29-46-24-W1-00100.0130

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:

Kimberley Ann Ewen  
Witness

Kimberley Ann Ewen  
(Print Name)

Donna G. Rhodus  
Witness

Donna G. Rhodus  
(Print Name)

Grantor:

Leslie W. Morris II  
Leslie W. Morris II

Signed, sealed and delivered in the presence of:

Frank F. Wilson II  
Witness

FRANK F. WILSON II  
(Print Name)

Donna Reinhardt  
Witness

DONNA REINHARDT  
(Print Name)

Grantor:

Kaye Craig Morris  
Kaye Craig Morris

STATE OF Kentucky  
COUNTY OF Fayette

The foregoing instrument was acknowledged before me this August 8, 2005 (date)

by Leslie W. Morris II and Kaye Craig Morris, who are personally known to me or who have  
(Name of persons acknowledging)

produced \_\_\_\_\_ as identification.  
(type of identification)

Kimberley Ann Ewen  
(Signature of person taking acknowledgment)

Kimberley Ann Ewen  
(Name typed, printed or stamped)

Notary Public  
(Title or rank) State of Large, KY

Commission expires 2/10/2007  
(Serial Number, if any)

Parcel No(s): 134  
STRAP No(s): 29-46-24-W1-00100.0130

### **SCHEDULE A**

That portion of Lot 13, Case's Subdivision, according to the map or plat thereof filed and recorded in the Office of the Clerk of the Circuit Court, in Plat Book 1, Page 58; as corrected and clarified by instrument recorded in Deed Book 131, Page 300, all being in the Public Records of Lee County, Florida, lying seaward of the +4.1 NGVD contour line.

This line is shown on a survey conducted on September 19 thru 21, 2000, by Coastal Planning and Engineering, Inc., of Boca Raton, Florida, and is reflected on 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. 29-46-24-W1-00100.0130

Date: August 16, 2005

Parcel: 134

Project: Estero Island Beach Restoration #3022

To: Teresa L. Mann, SR/WA  
Property Acquisition Agent

From: Shelia A. Bedwell, CLS  
Property Acquisition Assistant

STRAP: 29-46-24-W1-00100.0130

Effective Date: July 18, 2005, at 5:00 p.m.

**Subject Property:** Lot 18, CASE'S SUBDIVISION, a subdivision per map or plat thereof on file and recorded in Plat Book 1, Page 58, Public Records of Lee County, Florida.

Title to the subject property is vested in the following:

***Leslie W. Morris, II and Kaye Craig Morris, husband and wife.***

By that certain instrument dated June 21, 2001, recorded June 21, 2001, in Official Record Book 3436, Page 2693, Public Records of Lee County, Florida.

**Easements:**

1. Easement Agreement for Cable services granted to South Florida Cable Television Corp, as set forth in Easement document recorded in Official Record Book 1679, Page 613; as thereafter assigned to South Florida Cablevision, Inc. by document recorded in Official Record Book 1801, Page 2475; and as further assigned to Providence Journal Company by document recorded in Official Record Book 2347, Page 3538, all being in the Public Records of Lee County, Florida. Said Easement runs throughout the premises and is not specifically located.

NOTE (1): Mortgage executed by Leslie W. Morris, II, a married man joined by his wife Patricia G. Morris, in favor of Home Savings of America, dated November 10, 1998, recorded November 17, 1998, in Official Record Book 3038, Page 106, Public Records of Lee County, Florida.

NOTE (2): Notice of Commencement recorded January 26, 2005 in Official Record Book 4567, Page 3147, Public Records of Lee County, Florida.

**Tax Status: 2004 taxes paid in the amount of \$27,279.45 (installments).**  
*(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 nor warranty as to its accuracy.**