

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

Blue Sheet No. 20051427

1. ACTION REQUESTED/PURPOSE: Accept Grant of Bikepath/Sidewalk Easement for acquisition of Parcel 103 San Carlos Boulevard Bikepath Project No. 4079; authorize payment of costs to close and the Division of County Lands to handle all documentation necessary to complete transaction.

2. WHAT ACTION ACCOMPLISHES: Acquisition of easement for the San Carlos Boulevard bikepath.

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

4. Departmental Category: 6

C6A

5. Meeting Date: **10-18-2005**

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
 By: Karen L.W. Forsyth, Director

9. Background:

Negotiated for: Department of Transportation (Fifteen remaining easements will be acquired under the parameters of this project).

Interest to Acquire: Bikepath/Sidewalk Easement (±2,882 sq. ft.)

Property Details:

Owner: Community Bank of Naples, N.A.
Address: 16740 San Carlos Boulevard, Fort Myers, 33908
STRAP No.: 06-46-24-00-00007.0120

Purchase Details:

The property owner is granting this interest to the County without requiring compensation for the easement value.

Account: Funds for recording will be paid from Account No. 20407930700.503190

Attachments: Grant of Easement, Secretary's Certificate, Location Map, Title Data

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>309130</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

Rec. by CoAtty

Date: 10/6/05

Time: 8:00 AM

Forwarded To:

RECEIVED BY
 COUNTY ADMIN
10-6-05
3:30
 COUNTY ADMIN
 FORWARDED TO: [Signature]
10/16/05
4:45 PM

THIS INSTRUMENT PREPARED BY:

Lee County
Division of County Lands
Post Office Box 398
Fort Myers, Florida 33902

Parcels: 103
Project: San Carlos Boulevard Bikepath
Strap Nos.: 06-46-24-00-00007.0120

**GRANT OF PERPETUAL
NON EXCLUSIVE RIGHT-OF-WAY EASEMENT
FOR BIKEPATH/SIDEWALK**

This **INDENTURE**, made and entered into this 28 day of September, 2005, between **COMMUNITY BANK OF NAPLES, N.A.**, whose post office address is 5150 Tamiami Trail North, Naples, Florida 34103, hereinafter referred to as "Grantor", and **LEE COUNTY**, a political subdivision of the State of Florida, whose address is Post Office Box 398, Fort Myers, Florida 33902-0398, hereinafter referred to as "County":

WITNESSETH:

1. For good and valuable consideration, which is hereby acknowledged, Grantor hereby transfers to the County a perpetual non-exclusive public right-of-way easement for a bikepath/sidewalk situated in Lee County, Florida, located and described as set forth in Exhibit "A" attached hereto.
2. The County is hereby granted the right to construct, replace, renew, extend and maintain a public bikepath/sidewalk and appurtenant drainage system.
3. This right-of-way easement does not limit the construction of the bikepath/sidewalk or drainage system to a particular type, style, material or design.
4. Title to the improvements constructed hereunder will remain in the County.
5. The County will be responsible for maintenance of the bikepath/sidewalk facility.
6. Grantors covenant that they are lawfully seized and possessed of the property described in Exhibit "A", and have lawful right to convey this non-exclusive easement subject to existing easements for public highways or roads, railroads, laterals, ditches, pipelines and electrical transmission or distribution lines and telephone and cable television lines. Grantor will not place any interfering landscape material in the easement. Also, the Grantor will not create obstructions or conditions, which are or may become dangerous to the public within the easement.
7. The County will have a reasonable right of access for the purposes of reaching the described easement 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 that easement will be restored by the County to the condition in which it existed prior to the damage.
8. **THIS AGREEMENT** shall be binding upon the parties hereto, their successors and assigns.
9. Grantor, by signing this easement grant, and Grantee, by accepting this easement grant, agree to abide by the terms and conditions contained herein.

IN WITNESS WHEREOF, Community Bank of Naples, N.A. Grantor has caused this document to be signed on the date first above written.

TWO SEPARATE WITNESSES:

[Signature]
1st Witness Signature

PATRICK J. DALBIN
Printed name of 1st Witness

[Signature]
2nd Witness Signature

Lynn C Mitchell
Printed name of 2nd Witness

COMMUNITY BANK OF NAPLES, N.A.
BY: [Signature]
J. Gregory Murphy - President / CEO
(Print Name and Title)

STATE OF FL
COUNTY OF Collier

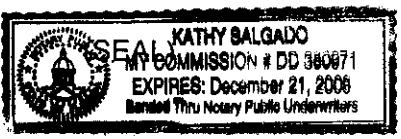
The foregoing instrument was acknowledged before me this 28 day of September, 2005

by J. GREG MURPHY, PRESIDENT of Community Bank of Naples, N.A., on behalf of the
(Print Name and Title of Officer or Agent)

Community Bank of Naples, N.A. He/She is personally known to me or has produced _____
_____ as identification.

[Signature]
(Signature of Notary Public)

Kathy Salgado
(Name typed, printed or stamped)
(Title or Rank)
(Serial Number, if any)



DESCRIPTION

OF

A parcel or tract of land being the easterly 12.00 feet of a tract or parcel of land described and recorded in Official Record Book 1705 at Page 2478, Lee County Public Records, said parcel or tract lying in the southwest quarter (SW 1/2) of section 6, Township 46 South, Range 24 East, Lee County, Florida, being more particularly described as follows:

Commencing at southwest corner of the southwest quarter (SW 1/4) of Section 6, Township 46 South, Range 24 East, Lee County, Florida; thence run S 89° 35' 54" E along the south line of said fraction for a distance of 2014.39 feet to a point; thence (departing said fraction line) run N 00° 06' 32" E for a distance 1165.93 feet to a point; thence run S 89° 35' 54" E along a line parallel with the south line of said fraction of section for a distance of 607.34 to the Point of Beginning of the parcel or tract described herein; thence continue S 89° 35' 54" E along said parallel line for a distance of 12.00 feet to a point on the west right of way line San Carlos Boulevard (SR-865) (100.00 feet wide); thence run N 00° 00' 16" E along said west right of way line for a distance of 240.00 feet; thence (departing said right of way line) run N 89° 59' 44" W for a distance of 9.93 feet; thence run N 44° 47' 49" W for a distance of 2.94 feet to a point; thence run S 00° 00' 16" W along the easterly most line of an Access Road Easement Grant to Lee County described in Official Record Book 2164, Page 2324, Public Records of Lee County, Florida, said line being 12.00 feet west of (as measured on a perpendicular) the aforesaid west right of way line of San Carlos Boulevard for a distance of 242.00 feet to the Point of Beginning, containing 2882.07 square feet (0.0662 acres) more or less.

Bearings mentioned hereinabove are based on a parcel or tract of land recorded in Official Record Book 1705, Page 2478, Public Records of Lee County, Florida showing the west right of way line of San Carlos Boulevard (SR 865) as bearing S 00° 00' 16" W

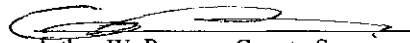
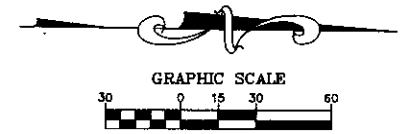

Arthur W. Parsons, County Surveyor
Professional Surveyor and Mapper
Florida Certificate No. LS-2987

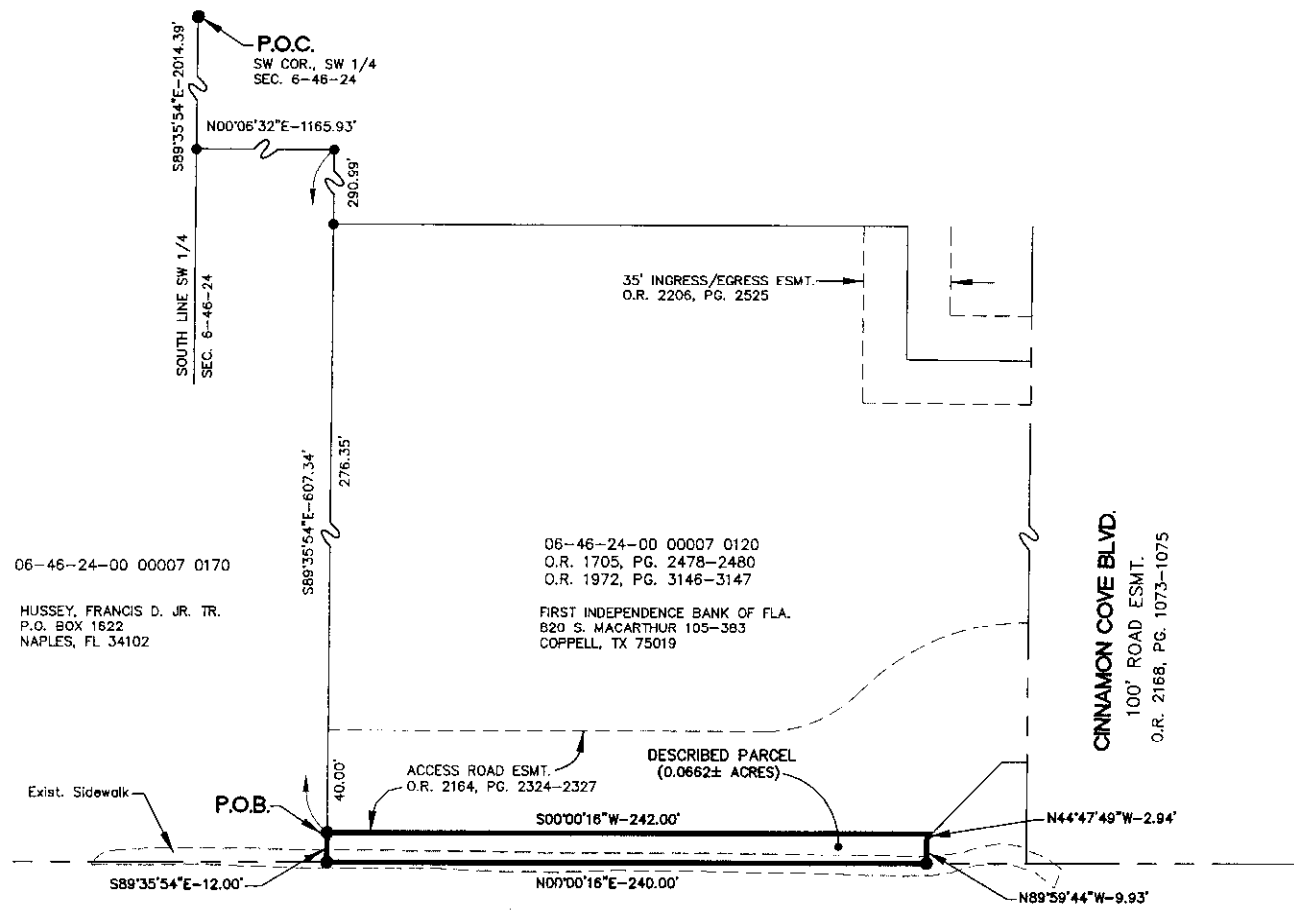
Exhibit "A"

Page 1 of 2



LEGEND

- P.O.C. = POINT OF COMMENCEMENT
- P.O.B. = POINT OF BEGINNING
- O.R. = OFFICIAL RECORD BOOK
- PG. = PAGE
- SEC. = SECTION
- COR. = CORNER
- (D) = DEED DISTANCE OR BEARING
- (C) = CALCULATED DISTANCE OR BEARING
- (P) = PLAT DISTANCE OR BEARING
- R/W = RIGHT OF WAY
- ESMT. = EASEMENT



06-46-24-00 00007 0170

HUSSEY, FRANCIS D. JR. TR.
P.O. BOX 1622
NAPLES, FL 34102

06-46-24-00 00007 0120
O.R. 1705, PG. 2478-2480
O.R. 1972, PG. 3146-3147

FIRST INDEPENDENCE BANK OF FLA.
820 S. MACARTHUR 105-383
COPPELL, TX 75019

CINNAMON COVE BLVD.
100' ROAD ESMT.
O.R. 2168, PG. 1073-1075

NOT A SURVEY
SKETCH IS TO ACCOMPANY
A LEGAL DESCRIPTION
OF
A PARCEL OR TRACT OF LAND
LYING IN SECTION 6, TOWNSHIP 46 S.,
RANGE 24 E., LEE COUNTY, FLORIDA

SURVEYOR'S CERTIFICATION

SAN CARLOS BLVD. (SR-865)
100' R/W

I HEREBY CERTIFY THAT THIS SKETCH AND DESCRIPTION WAS MADE UNDER MY DIRECTION AND CONTROL AND TO THE BEST OF MY KNOWLEDGE AND BELIEF MEETS THE MINIMUM TECHNICAL STANDARDS IN ACCORDANCE WITH CHAPTER 61G17-6 FLORIDA ADMINISTRATIVE CODE PURSUANT TO CHAPTER 472.027 OF THE FLORIDA STATUTES.

Arthur W. Parsons
DATE: 12/04
Arthur W. Parsons, County Surveyor
Professional Surveyor & Mapper
Florida Certificate No. LS-2987

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

		DEPARTMENT OF PUBLIC WORKS TRANSPORTATION DIVISION	SHEET NO. 2 of 2
Designed by: A.W.P.	Date: 12/04	Disc: 20004	
Drawn by: D.O.K.	Date: 12/04	Scale: 1"=60'	
Chk'd: A.W.P.	Date: 12/04	040292703	



Corporate Authorization Resolution

I, Patrick J. Philbin, certify that I am the Corporate Secretary of Community Bank of Naples, National Association, a corporation organized under the laws of the United States of America (the "Corporation"), Federal Employer Identification Number 65-0883410, and further certify that the Board of Directors of the Corporation has granted to J. Gregory Murphy, as President and Chief Executive Officer, the power and authority to execute the attached document(s) on behalf of the Corporation

Patrick J. Philbin
EVP & Corporate Secretary

9/28/05

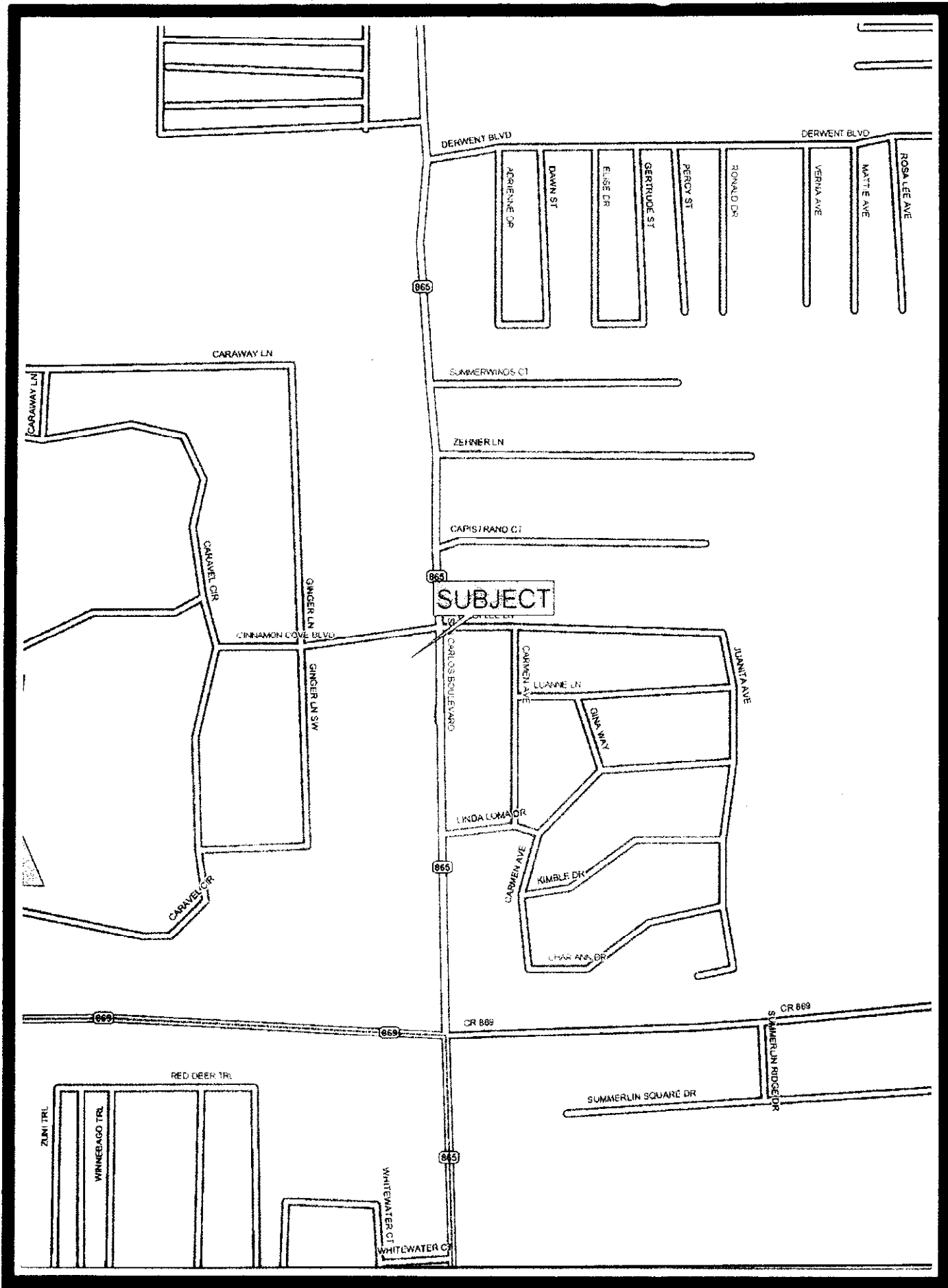
Date

{Seal}

(239) 649-1500 (239) 649-1411 FAX

5150 Tamiami Trail N. · P.O. Box 413009 · Naples, Florida 34101-3009

www.communitybankofnaples.com



MARKET AREA MAP

Division of County Lands

Ownership and Easement Search

Search No. 06-46-24-00-00007.0120

Date: June 28, 2004

Parcel: 103

Project: San Carlos Blvd. Bike Path, Project 4079 (SCB-BIKE)

To: J. Keith Gomez
Property Acquisition Agent

From: Shelia A. Bedwell, CLS
Property Acquisition Assistant

STRAP: 06-46-24-00-00007.0120

Effective Date: May 27, 2004, at 5:00 p.m. 8-15-2005 @ 5:00pm

Subject Property: Exhibit "A", less and except Exhibit "B"

Title to the subject property is vested in the following:

Community Bank of Naples, N.A.
First Independence Bank of Florida, a Florida corporation

By that certain instrument dated ³⁻¹⁻²⁰⁰⁵ ~~January 5, 1984~~, recorded ³⁻²⁻²⁰⁰⁵ ~~January 5, 1984~~ in Official Record Book 1705, ~~Page 2478~~, less that parcel dated ~~October 6, 1987~~, recorded ~~February 26, 1988~~ in Official Record Book 1972, ~~Page 3146~~, Public Records of Lee County, Florida.

OR Book 4610, Page 4790

Easements:

1. Access Road Easement Grant to Lee County, recorded in Official Record Book 2164, Page 2324, Public Records of Lee County, Florida.
2. Grant of Easement for ingress and egress over Cinnamon Cove Boulevard, recorded in Official Record Book 2168, Page 1073, Public Records of Lee County, Florida.
3. Grant of Easement for ingress and egress to San Carlos Boulevard, recorded in Official Record Book 2193, Page 2228, Public Records of Lee County, Florida.
4. Easement to adjacent property owners over and across the Access Road Easement, recorded in Official Record Book 2193, Page 2231, Public Records of Lee County, Florida.
5. Easement to Florida Power & Light Company, recorded in Official Record Book 2206, Page 2523, Public Records of Lee County, Florida.

Notice of Commencement OR Book 4799, Pg 2140

Tax Status: 2003 taxes have been paid in full.

(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.