

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

Blue Sheet No. 20051566

1. ACTION REQUESTED/PURPOSE: Declare County owned property located at 120 Alameda Avenue, Fort Myers, as surplus property. Approve the conveyance of County interest in the property described as the portion of Tract B, Morse Shores Subdivision, Plat Book 9, Page 158A, to the Morse Shores Civic Association, Inc., A Florida Not for Profit Corporation, pursuant to their request.

2. WHAT ACTION ACCOMPLISHES: Declares County owned property as surplus under FS 125.38 and conveys County interest in a platted parcel identified as a portion of Tract B, to the Morse Shores Civic Association, Inc.

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

4. Departmental Category: 6

CCA

5. Meeting Date: 12-13-2005

6. Agenda:

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

7. Requirement/Purpose: (specify)

- Statute 125.38
- Ordinance
- Admin. Code
- Other

8. Request Initiated:

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

9. Background:

The Morse Shores Civic Association has requested conveyance of a parcel, containing approximately 3.25 acres, located at 120 Alameda Avenue, Fort Myers. It is more specifically identified as the westerly portion of Tract B, Morse Shore Subdivision, Plat Book 9, Page 158A. Zoning Resolution ZAB 82-273 requires the parcel to remain preserve to mitigate the concern of the surrounding community and to buffer and protect the single-family residential neighborhood from the impact of a more intense commercial use. The Board of Commissioners accepted title to the property on August 24, 1983. The property has remained vacant and unimproved. The current Land Use is Conservation Lands, Uplands.

Staff recommends approval of the requested motion with conditional language restricting its use, the Grantee's conveyance powers, and Grantee's agreement to donate any future easements or right-of-ways for public purposes, affecting the subject property, if needed.

Cost to the County on the transfer is estimated to be no more than \$50.00. Account # 40861700100.504930

Attachments: Request Letter, Resolution, County Deed, Articles of Incorporation, Plat, GIS Aerial Map

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 <i>[Signature]</i>	Risk <i>[Signature]</i>	Grants <i>[Signature]</i>	Mgr. <i>[Signature]</i>	<i>[Signature]</i>

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY
COUNTY ADMIN:
11-30-05
8:38
COUNTY ADMIN
FORWARDED TO: <i>[Signature]</i>
<i>[Signature]</i>
11-30

Rec. by CoAtty
Date: 11/30/05
Time: 4:15 pm
Forwarded To: Admin.
11/29/05 1:50 pm

**RESOLUTION FOR DISPOSITION OF SURPLUS REAL PROPERTY
TO A NOT-FOR-PROFIT CORPORATION**

A RESOLUTION OF LEE COUNTY RELATING TO THE DONATION
OF CERTAIN LEE COUNTY SURPLUS LANDS TO THE
MORSE SHORES CIVIC ASSOCIATION, INC.

RECITATIONS

WHEREAS, The Board of County Commissioners is the governing body in and for Lee County, a political subdivision of the State of Florida; and,

WHEREAS, The Board of County Commissioners has certain powers and authority relative to the disposition of real property belonging to the County; and,

WHEREAS, pursuant to Section 125.38, Florida Statutes, the County has the authority to convey real property by private sale to any corporation or organization not-for-profit for nominal consideration if certain findings are made by the Board of County Commissioners; and,

WHEREAS, Morse Shores Civic Association, Inc., is a corporation or other organization not-for-profit, which is organized for the purposes of promoting community interest and welfare as contemplated by Section 125.38, Florida Statutes; and,

WHEREAS, Morse Shores Civic Association, Inc., has formally requested of The Board of County Commissioners title for certain Lee County real property (Exhibit "A") for use benefitting the property owners within the Morse Shores Subdivision as a buffer between the residences and commercial development along Palm Beach Boulevard and a passive preserve area; and,

WHEREAS, The Board has reviewed the subject parcel and finds that the real property is no longer needed for any County purpose, and further finds that the use by Morse Shores Civic Association, Inc., serves a public purpose and is in the public interest.

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

1. The above recitations are true and accurate and are hereby adopted and incorporated herein as if set out at length, and said real property is hereby declared surplus land.
2. In order that the proposed transaction is more efficiently consummated, the Board specifically authorizes and directs relevant County staff to develop and finalize all necessary documents for the contemplated transaction, and specifically authorizes the Chairman of the Board of County Commissioners or the County Manager as appropriate to execute any and all such necessary documents for the said transaction on behalf of the Board of County Commissioners.
3. This Resolution shall become effective immediately upon its adoption.



MORSE SHORES CIVIC ASSOCIATION

260 Alameda Ave.
Fort Myers, FL 33905-2604

October 3, 2005

Kathryn Keen
Property Acquisition Agent
Lee County Government
Division of County Lands
P. O. Box 398
Fort Myers, FL 33902-8391

Dear Kathryn:

Re: 120 Alameda Ave, Fort Myers FL
STRAP No. 03-44-25-05-00000.B000
Part of Tract B, Morse Shores S/D PB 9 Pg 158

Thank you for your assistance in this matter.

At this time, the Morse Shores Civic Association is requesting title of the above identified property be transferred to the Association for the purpose of maintaining it as a buffer zone from the commercial area on Palm Beach Blvd. We intend to maintain it as a passive preserve. It is our intention to identify some of the invasive vegetation for removal and keep native Florida planting intact.

We understand that there is a reverter clause and the County can reclaim the property with proper notification. We also understand that the property can not be sold or transferred by the Association, except back to the County.

Based on the minutes of the September 6 meeting, I have been authorized to proceed in this matter.

Sincerely,

Clarence D. Bowman
President

This Instrument Prepared by:
COUNTY LANDS DIVISION
Post Office Box 398
Fort Myers, Florida 33902-0398
STRAP No. 03-44-25-05-00000.B000

**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 **Morse Shores Civic Association**, a Florida Not for Profit Corporation, whose address is 160 Circle Drive, Fort Myers, FL 33905, 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 conveyance is Subject to the covenants, restrictions and reservations in EXHIBIT "B".

By acceptance of this deed the Grantee accepts and agrees to comply with these covenants, restrictions and reservations.

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 or Vice Chairman

APPROVED AS TO LEGAL FORM:

Office of County Attorney

EXHIBIT "A"

All of Tract "B" of that certain subdivision known as MORSE SHORES 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 9, Pages 158 and 158A, lying West of the following described property:

A tract or parcel of land situated in the State of Florida, County of Lee, Section 3, Township 44 South, Range 25 East, being a part of Tract "B" of Morse Shores Subdivision, as recorded in Plat Book 9, at Page 158-A of the Public Records of Lee County, and further bounded and described as follows:

Beginning at the Northeast corner of said Tract "B", thence S 88° 48' 45" W along the Southerly right-of-way line of Madonna Drive (50.00 feet wide) for 1293.62 feet; thence S 00° 17' 15" E for 332.29 feet; thence N 89° 07' 59" E for 1036.57 feet to a point on the Northwesterly right-of-way line of Palm Beach Boulevard (S.R. 80 - 150.00 feet wide); thence N 58° 01' 08" E along said right-of-way line for 93.81 feet; thence N 00° 46' 33" W for 240.03 feet; thence N 88° 48' 45" E for 179.62 feet to a point on the Westerly right-of-way line of Morse Plaza (100.00 feet wide); thence N 00° 46' 33" W along said right-of-way line for 50.00 feet to the point of beginning.

EXHIBIT "B"

- 1) Grantee will not sell, transfer or otherwise convey any part of the subject property, nor any interest therein, without the prior written approval of the Grantor.
- 2) Ownership of all of the subject property will immediately and automatically revert to Grantor if Grantee attempts to sell, transfer or otherwise convey any part of the subject property, or any interest therein, without the prior written approval of the Grantor.
- 3) Grantor reserves the right to use the subject property as it deems necessary for the placement of utilities, drainage and roadways, including, without limitation, widening or other improvements to such uses now existing on or adjacent to the subject property. Grantee agrees to promptly provide easements requested by Grantor in order to implement or protect this reservation of rights.
- 4) The subject property may be used by Grantee only as a passive preserve and buffer zone from the commercial area on Palm Beach Boulevard.

State of Florida



Department of State

I certify the attached is a true and correct copy of the Articles of Incorporation of MORSE SHORES CIVIC ASSOCIATION, INC., a corporation organized under the laws of the State of Florida, filed on November 17, 1966, as shown by the records of this office.

The document number of this corporation is 711814.

Given under my hand and the
Great Seal of the State of Florida
at Tallahassee, the Capitol, this the
Seventeenth day of October, 2005



CR2EO22 (2-03)

Glenda E. Hood
Glenda E. Hood
Secretary of State

ARTICLES OF INCORPORATION

OF

MORSE SHORES CIVIC ASSOCIATION, INC.

We, the undersigned subscribers to these Articles of Incorporation, each being a natural person competent to contract, hereby associate ourselves together to form a corporation not for profit, under the laws of the State of Florida.

ARTICLE I - NAME

The name of this corporation is: MORSE SHORES CIVIC ASSOCIATION, INC.

FILED
NOV 17 PM 2:15
CLERK OF DISTRICT COURT
STATE OF FLORIDA

ARTICLE II - OBJECT

The general nature, object and purpose of this corporation is as follows:

(a) Said corporation is organized and shall be operated exclusively for the betterment of the area in Lee County known as the community of Morse Shores; to perform and do any act of a general or specific nature, and in connection therewith to accept bequests or gifts; and for the accomplishment of the general purposes hereof to have all power and authority to do anything and everything necessary or desirable in the furtherance of the purposes hereof.

(b) The corporation may own, lease or acquire property, both real, personal and mixed, either by gift or purchase, for the use and benefit of the corporation in the furtherance of its objects; and may build, construct, equip and maintain such buildings, structures and complete establishments as may from time to time, be necessary to meet its requirements in

The officers who are to manage the affairs of this corporation shall be as follows: a President, a Vice President, a Secretary and a Treasurer, and a Board of Directors consisting of not fewer than three (3) and not more than twelve (12). All of the said named officers shall constitute and be the official Board of Directors and shall be entitled to vote at all meetings thereof and in accordance with the rules of procedure adopted by the said Board. Elections shall be held from time to time in accordance with the By-Laws which may be adopted in accordance with these Articles.

ARTICLE VI - FIRST OFFICERS

The names of the officers who are to manage the affairs of this corporation, and the office which they will respectively hold until their successors are elected and qualified, are as follows, to-wit:

WILLIAM CRAWFORD 316 Morse Plaza Fort Myers, Florida	President
AURELIA A. BOWEN 163 Texas Avenue Fort Myers, Florida	Vice-President
MRS. WILLIAM KISER 349 Coral Drive Fort Myers, Florida	Secretary
MRS. EARL C. NELSEN 134 Texas Avenue Fort Myers, Florida	Treasurer
CARL BIRO, JR. 251 Connecticut Avenue Fort Myers, Florida	Director
CARLISLE NEEDHAM 243 Connecticut Avenue Fort Myers, Florida	Director

Mrs. Earl C. Nelson

Carl Biro, Jr.
Carl Biro, Jr.

Carlisle Needham
Carlisle Needham

Fred G. Nordenholt
Fred G. Nordenholt

Mrs. Anthony Scelfo
Mrs. Anthony Scelfo

STATE OF FLORIDA } ss
COUNTY OF LEV

I HEREBY CERTIFY that on this day before me, a Notary Public duly authorized in the State and County named above to take acknowledgments, personally appeared WILLIAM GRANFORD, AURELIA A. BOWEN, MRS. WILLIAM KISER, MRS. EARL C. NELSON, CARL BIRO, JR., CARLISLE NEEDHAM, FRED G. NORDENHOLT and MRS. ANTHONY SCELFO, to me known to be the persons described as First Officers in, and who executed the foregoing Articles of Incorporation, and acknowledged before me that they subscribed to those Articles of Incorporation.

WITNESS my hand and official seal in the County and State named above this 24th day of November, A. D. 1966.

Alto J. Jurgens
Notary Public

My commission expires:

Notary Public, State of Florida at Large
My Commission expires May 3, 1967
Bonded by American Surety Co. of N. Y.

State Road No. 50, all lying within the limits of the City of Lees County, Florida.

by A. N. Glavin

Plat Book 9 Page 158A

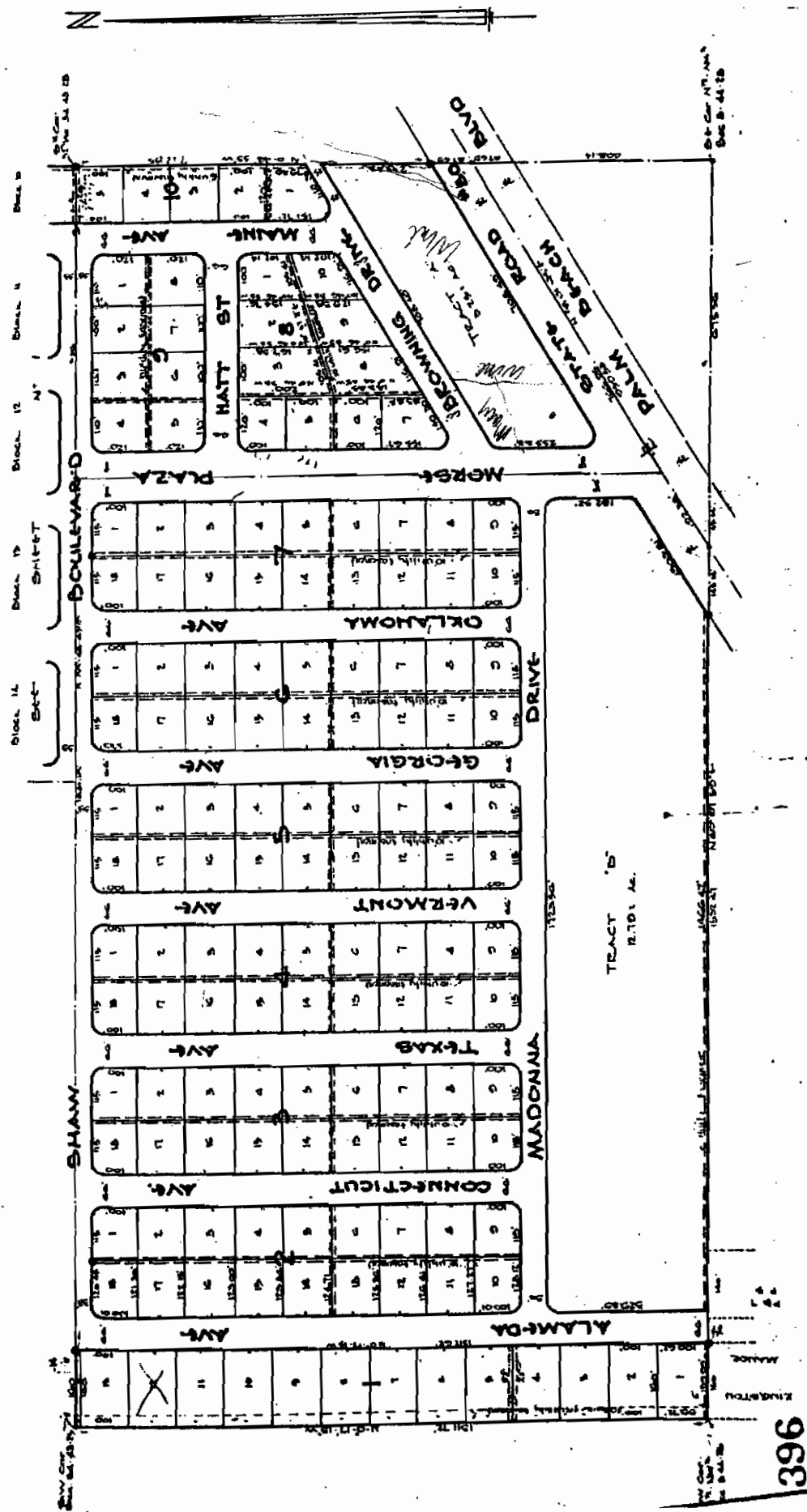
MORSE SHORES SUBDIVISION

A SUBDIVISION LYING IN PORTIONS OF SEC. 34 - T. 45S - R. 25E - 4 SEC. 3 - T. 44S - R. 25E

LEES COUNTY - FLORIDA

SHEET 2 of 2 SHEETS

SCALE 1" = 100' DECEMBER, 1935



03-44-25-05-00000.B000

VERMONT AVE

ONTARIO ST



EXHIBIT "B"

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