

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

Blue Sheet No. 20060059

1. ACTION REQUESTED/PURPOSE: Accept donation of Slope Easements for Parcels 23, 28, 29, 30, and 47, Gladiolus Drive Widening, Project No. 4083,; authorize the payment of recording fees and the Division of County Lands to handle all documentation necessary to complete transaction.

2. WHAT ACTION ACCOMPLISHES: Accepts voluntary slope easements for the Gladiolus Drive Widening Project, No. 4083

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

4. Departmental Category: 6

CGA

5. Meeting Date: **02-14-2006**

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

Interest to Acquire: Slope/Restoration Easement

Property Details:

Parcel 23 32-45-24-02-0000B.0010 Mary J. Washington
 Parcel 28-30 32-45-24-02-0000B.0110; 0120; and 32-45-24-01-0000E.0040 Harlem Heights Improvement Association, Inc.
 Parcel 47 32-45-24-00-00007.0000 John J. Nevins, Bishop of the Diocese of Venice

Purchase Details:

Purchase Price: \$0.00
 Recording Fees: \$150.00
 The property owners are granting the easement interests to the County without requiring compensation for the real estate value.

Staff Recommendation: Staff recommends the Board approve the action requested.

Account: 20408318824.506110

Attachments: Copy of Slope/Restoration Easements (3); Location Map; In-House Title Reports (3)

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>CGA 124</i>	<i>John J. Nevins</i>	<i>New 1/30/06</i>	<i>1/30/06</i>	<i>1/30/06</i>	<i>1/30/06</i>	<i>HS 2/14/06</i>

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY
 COUNTY ADMIN
 1-26-06
 4:45
 COUNTY ADMIN
 FORWARDED TO:
 2/2/06
 11:25 am

Rec. by CoAtty
 Date: *2/2/06*
 Time: *11:25 am*
 Forwarded To:
H. Collins
2-25-06
11:25/06

This instrument prepared by:

Lee County
Division of County Lands
Post Office Box 398
Fort Myers, Florida 33902-0398

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

Parcel: 23
Project: Gladiolus Drive Widening Project, No. 4083
STRAP No.: 32-45-24-02-0000B.0010

SLOPE/RESTORATION EASEMENT

This INDENTURE, made and entered into this _____ day of _____ 20____, between Mary J. Washington, a single person, whose address is 10591 Gladiolus Drive, Fort Myers, FL 33908, (Grantor), and LEE COUNTY, a political subdivision of the State of Florida, whose address is Post Office Box 398, Fort Myers, Florida 33902-0398, (Grantee):

WITNESSETH:

1. For good and valuable consideration, receipt of which is hereby acknowledged, Grantor grants to the Grantee, its successors and assigns, a slope/restoration easement situated in Lee County, Florida, and located and described as set forth in attached Exhibit "A" (Easement Parcel).
2. Grantee, its successors and assigns, are granted the right, privilege, and authority to construct, replace, repair, remove, extend, and maintain a slope/restoration easement on the Easement Parcel to support, reinforce, and stabilize the adjacent public roadway.
3. The improvements that may be placed within the Easement Parcel for roadway slope/restoration purposes are not limited to a particular type, style, material or design. These improvements may include the use of foliage.
4. Grantor may not construct or place any structures or foliage within the Easement Parcel.
5. Title to the improvements constructed by the Grantee within the Easement Parcel will remain in the Grantee, its successors or assigns.
6. Subject to any existing easements for public highways or roads, railroads, laterals, ditches, pipelines and electrical transmission or distribution lines and telephone and cable television lines covering the land herein described, Grantors covenant they are lawfully seized and possessed of the real property described in Exhibit "A", have good and lawful right and power to convey it, and that the property is free and clear of all liens and encumbrances, except as herein stated, and accordingly, Grantor will forever warrant and defend the title and terms to this said easement and the quiet possession thereof against all claims and demands of all other entities.

Slope/Restoration Easement

Project: Gladiolus Drive Widening Project, No. 4083

Page 2 of 2

7. Grantee has a reasonable right of access across Grantor's property for the purposes of reaching the Easement Parcel on either paved or unpaved surfaces. Any damage to Grantor's property or permitted improvements thereon resulting from Grantee's use of this access right will be restored by the Grantee, to the condition in which it existed prior to the damage.

8. This easement runs with the land and is binding upon the parties, their successors and assigns.

IN WITNESS WHEREOF, Grantor, has caused this document to be signed on the date first above written.

TWO SEPARATE WITNESSES:

Paul R. Ehrnfelt
1st Witness Signature

Mary Jane Washington
Mary J. Washington

PAUL R. EHRNFELT
Printed name of 1st Witness

Mary Ann Robinson
2nd Witness Signature

Mary Ann Robinson
Printed name of 2nd Witness

STATE OF

COUNTY OF

The foregoing instrument was acknowledged before me this 20th day of December, 2005 by Mary J. Washington

(name of person acknowledged)

She is personally known to me or who has produced FL Drivers License

(type of identification)

_____ as identification.

Michele S. McNeill-Despot
(Signature of Notary Public)

Michele S. McNeill-Despot
(Name typed, printed or stamped)
(Title or Rank)
(Serial Number, if any)



Michele S. McNeill-Despot
Commission # DD278693
Expires January 30, 2008
Banded They Pain - Insurance, Inc. 800-386-7010

Exhibit A

Slope/Restoration Easement
Parcel 23
Gladiolus Drive Widening Project No. 4083

The north five (5) feet of Lots 1 and 2, Block B, LITTLE HARLEM PARK SUBDIVISION, according to the map or plat thereof on file in the office of the Clerk of the Circuit Court, recorded in Plat Book 9, Page 18, Public Records of Lee County, Florida.

This instrument prepared by:
Lee County
Division of County Lands
Post Office Box 398
Fort Myers, Florida 33902-0398

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

Parcel: 28, 29 and 30
Project: Gladiolus Drive Widening Project, No. 4083
STRAP No.: 32-45-24-02-0000B.0110; .0120; and 32-45-24-01-0000E.0040

SLOPE/RESTORATION EASEMENT

This INDENTURE, made and entered into this 18th day of January 2006, between Harlem Heights Improvement Association Inc., a Florida Non-Profit Corporation whose address is 7275 Concourse Dr, Fort Myers, FL 33908, (Grantor), and LEE COUNTY, a political subdivision of the State of Florida, whose address is Post Office Box 398, Fort Myers, Florida 33902-0398, (Grantee):

WITNESSETH:

1. For good and valuable consideration, receipt of which is hereby acknowledged, Grantor grants to the Grantee, its successors and assigns, a slope/restoration easement situated in Lee County, Florida, and located and described as set forth in attached Exhibit "A" (Easement Parcel).
2. Grantee, its successors and assigns, are granted the right, privilege, and authority to construct, replace, repair, remove, extend, and maintain a slope/restoration easement on the Easement Parcel to support, reinforce, and stabilize the adjacent public roadway.
3. The improvements that may be placed within the Easement Parcel for roadway slope/restoration purposes are not limited to a particular type, style, material or design. These improvements may include the use of foliage.
4. Grantor may not construct or place any structures or foliage within the Easement Parcel.
5. Title to the improvements constructed by the Grantee within the Easement Parcel will remain in the Grantee, it's successors or assigns.
6. Subject to any existing easements for public highways or roads, railroads, laterals, ditches, pipelines and electrical transmission or distribution lines and telephone and cable television lines covering the land herein described, Grantors covenant they are lawfully seized and possessed of the real property described in Exhibit "A", have good and lawful right and power to convey it, and that the property is free and clear of all liens and encumbrances, except as herein stated, and accordingly, Grantor will forever warrant and defend the title and terms to this said easement and the quiet possession thereof against all claims and demands of all other entities.

Slope/Restoration Easement

Project: Gladiolus Drive Widening Project, No. 4083

Page 2 of 2

7. Grantee has a reasonable right of access across Grantor's property for the purposes of reaching the Easement Parcel on either paved or unpaved surfaces. Any damage to Grantor's property or permitted improvements thereon resulting from Grantee's use of this access right will be restored by the Grantee, to the condition in which it existed prior to the damage.

8. This easement runs with the land and is binding upon the parties, their successors and assigns.

IN WITNESS WHEREOF, Grantor, has caused this document to be signed on the date first above written.

TWO SEPARATE WITNESSES:

Harlem Heights Improvement Assoc. Inc.

Bonnie Peters
1st Witness Signature

By: *Irma Reyes*
SIGNATURE OF GRANTOR

BONNIE PETERS
Printed name of 1st Witness

Michele S. McNeill-Despot
2nd Witness Signature

Irma Reyes
PRINTED NAME OF GRANTOR

Michele S. McNeill-Despot
Printed name of 2nd Witness

STATE OF

COUNTY OF

The foregoing instrument was acknowledged before me this 18th day of January, 2006, by Irma Reyes
(name of person acknowledged)

He/she is personally known to me or who has produced _____
(type of identification)
_____ as identification.

Michele S. McNeill-Despot
(Signature of Notary Public)



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

Exhibit A

Slope/Restoration Easement Gladiolus Drive Widening Project No. 4083

Parcel 28

The North five (5) feet of the following described property:

Lot 11, Block B, Little Harlem Park, according to the map or plat thereof, as recorded in Plat Book 9, Page 18, Public Records of Lee County, Florida.

Parcel 29

The North five (5) feet of the following described property:

Lot 12, Block B, Little Harlem Park, according to the map or plat thereof, as recorded in Plat Book 9, Page 18, Public Records of Lee County, Florida.

Parcel 30

The North five (5) feet of the following described property:

Lot 4, Block E, Harlem Heights, according to the map or plat thereof, as recorded in Plat Book 8, Page 76, Public Records of Lee County, Florida.

This instrument prepared by:

Lee County
Division of County Lands
Post Office Box 398
Fort Myers, Florida 33902-0398

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

Parcel: 47
Project: Gladiolus Drive Widening Project, No. 4083
STRAP No.: 32-45-24-00-00007.0000

SLOPE/RESTORATION EASEMENT

This INDENTURE, made and entered into this _____ day of _____ 2005, between John J. Nevins, Bishop of Diocese of Venice whose address is PO Box 2006, Venice, FL 34284, (Grantor), and LEE COUNTY, a political subdivision of the State of Florida, whose address is Post Office Box 398, Fort Myers, Florida 33902-0398, (Grantee):

WITNESSETH:

1. For good and valuable consideration, receipt of which is hereby acknowledged, Grantor grants to the Grantee, its successors and assigns, a slope/restoration easement situated in Lee County, Florida, and located and described as set forth in attached Exhibit "A" (Easement Parcel).
2. Grantee, its successors and assigns, are granted the right, privilege, and authority to construct, replace, repair, remove, extend, and maintain a slope/restoration easement on the Easement Parcel to support, reinforce, and stabilize the adjacent public roadway.
3. The improvements that may be placed within the Easement Parcel for roadway slope/restoration purposes are not limited to a particular type, style, material or design. These improvements may include the use of foliage.
4. Grantor may not construct or place any structures or foliage within the Easement Parcel.
5. Title to the improvements constructed by the Grantee within the Easement Parcel will remain in the Grantee, its successors or assigns.
6. Subject to any existing easements for public highways or roads, railroads, laterals, ditches, pipelines and electrical transmission or distribution lines and telephone and cable television lines covering the land herein described, Grantors covenant they are lawfully seized and possessed of the real property described in Exhibit "A", have good and lawful right and power to convey it, and that the property is free and clear of all liens and encumbrances, except as herein stated, and accordingly, Grantor will forever warrant and defend the title and terms to this said easement and the quiet possession thereof against all claims and demands of all other entities.

Slope/Restoration Easement

Project: Gladiolus Drive Widening Project, No. 4083

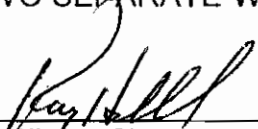
Page 2 of 3

7. Grantee has a reasonable right of access across Grantor's property for the purposes of reaching the Easement Parcel on either paved or unpaved surfaces. Any damage to Grantor's property or permitted improvements thereon resulting from Grantee's use of this access right will be restored by the Grantee, to the condition in which it existed prior to the damage.

8. This easement runs with the land and is binding upon the parties, their successors and assigns.


IN WITNESS WHEREOF, Grantor has caused this document to be signed on the date first above written.

TWO SEPARATE WITNESSES:




1st Witness Signature

Ray Hedder
Printed name of 1st Witness



2nd Witness Signature

DIANNA M. ROZEN
Printed name of 2nd Witness



John J. Nevins, Bishop of Diocese of Venice

Slope/Restoration Easement

Project: Gladiolus Drive Widening Project, No. 4083

Page 3 of 3

STATE OF

COUNTY OF

The foregoing instrument was acknowledged before me this 7th day of December, 2005, by Volodymyr Smeryk

(name of person acknowledged)

He is personally known to me or who has produced _____
(type of identification)
_____ as identification.

Evelyn M. Corl
(Signature of Notary Public)

Evelyn M. Corl
(Name typed, printed or stamped)
(Title or Rank)
(Serial Number, if any)

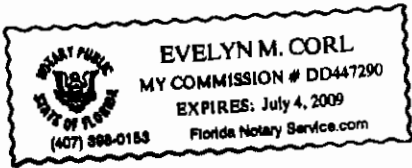
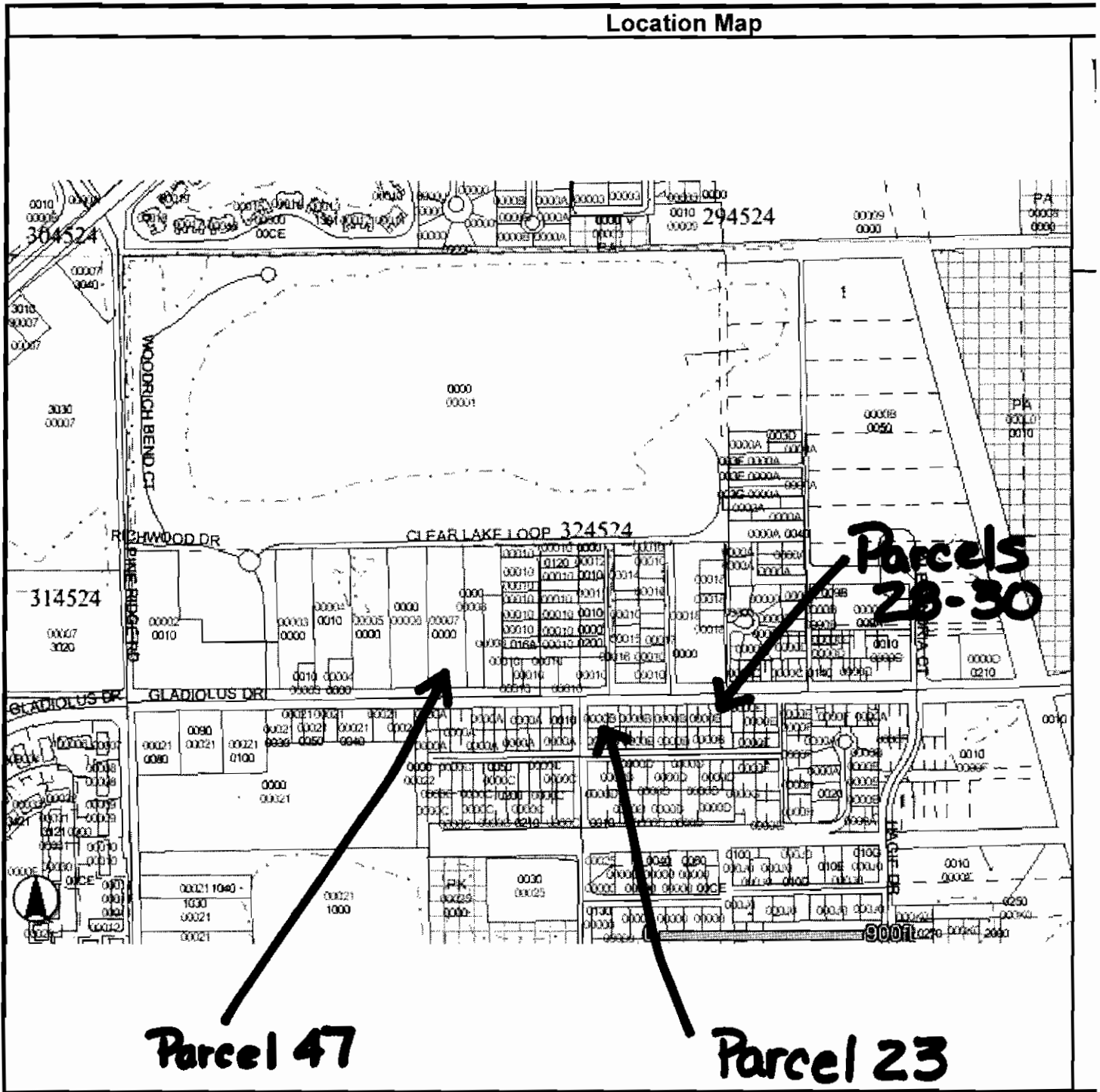


Exhibit A

Slope/Restoration Easement
Parcel 47
Gladiolus Drive Widening Project No. 4083

The South five (5) feet of the following described property:

The West half of the West half of the Northwest quarter of the Southeast quarter of the Northwest quarter of Section 32, Township 45 South, Range 24 East, Lee County, Florida.



Division of County Lands

Ownership and Easement Search

Search No. 22185

Date: August 16, 2002

Parcel: 23

Project: Gladiolus Drive Project #4083

To: Karen L.W. Forsyth

Director

From: Shelia A. Bedwell, CLS

Real Estate Title Examiner

STRAP: 32-45-24-02-0000B.0010

Effective Date: August 6, 2002, at 5:00 p.m.

No charges as of 11/14/05

Subject Property: Lots 1 and 2, Block B, Little Harlem Park, as recorded in Plat Book 9, Page 18, Public Records of Lee County, Florida.

Title to the subject property is vested in the following:

Mary J. Washington

by those certain instruments recorded July 2, 1976, recorded February 9, 1977, in Official Record Book 1181, Pages 1864, 1865, 1866, 1867 and 1868, Public Records of Lee County, Florida.

Easements:

1. Six foot easement for public utilities along the rear boundary, as shown on recorded plat.
2. Deeds recorded February 9, 1977 in Official Record Book 1181, Pages 1864 - 1868, Public Records of Lee County, Florida, does not contain marital status of the grantor(s), joinder by spouse, or statement regarding homestead status of subject property. This must be addressed and resolved by the Title Company or Attorney that handles the transfer to the County.

Note: The legal descriptions on each of the deeds recorded in Official Record Book 1181, Pages 1864 through 1868, Public Records of Lee County, Florida, reflect Block 8, not Block B. This must be addressed and resolved by the Title Company or the Attorney that handles the transfer to the County.

2005

Tax Status: 2004 Ad Valorem Taxes are 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.

Division of County Lands

Ownership and Easement Search

Search No. 21327/A

Date: August 22, 2002

Parcel: 28

Project: Gladiolus Drive Project 4083

To: Karen L. W. Forsyth
Director

From: Shelia A. Bedwell, CLS
Real Estate Title Examiner

STRAP: 32-45-24-02-0000B.0110

*No other charges as of
12/22/05*

Effective Date: August 6, 2002, at 5:00 p.m.

Subject Property: Lot 11, Block B, Little Harlem Park, according to the map or plat thereof recorded in Plat Book 9, Page 18, Public Records of Lee County, Florida.

Title to the subject property is vested in the following:

Harlem Heights Improvement Association, Inc.
~~Habitat for Humanity of Lee County, Inc., a Florida non-profit corporation~~

by that certain instrument dated February 28, 2000, recorded February 28, 2000, in Official Record Book 3224, Page 2989, Public Records of Lee County, Florida.

*1/30/2003
OR 3847/4248*

Easements:

1. Six foot easement for public utilities along the rear boundary as shown on recorded plat.

2005

Tax Status: 2005 Ad Valorem Taxes are 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.

Division of County Lands

Ownership and Easement Search

Search No. 21326/A

Date: August 27, 2002

Parcel: 29

Project: Gladiolus Drive Project #4083

To: Karen L.W. Forsyth
Director

From: Shelia A. Bedwell, CLS
Real Estate Title Examiner

STRAP: 32-45-24-02-0000B.0120

No other changes as of
12/22/05

Effective Date: August 20, 2002, at 5:00 p.m.

Subject Property: Lot 12, Block B, Little Harlem Park, according to the plat recorded in Plat Book 9, Public Records of Lee County, Florida.

Title to the subject property is vested in the following:

Harlem Heights Improvement Association, Inc.
~~Habitat for Humanity of Lee County, Inc., a Florida non-profit corporation.~~

by that certain instrument dated ~~February 28, 2000~~, recorded ~~February 28, 2000~~, in Official Record Book 3224, Page 2989, Public Records of Lee County, Florida.

1/30/2003
OR 3847/4248

Easements:

1. Six foot easement for public utilities along the rear boundary, as shown on recorded plat.

2005 Ad Valorem Taxes are paid in Full.

Tax Status: ~~No taxes are assessed to this parcel.~~

(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.

Division of County Lands

Ownership and Easement Search

Search No. 21231/D

Date: August 8, 2002

Parcel: 30

Project: Gladiolus Drive, Project No. 4083

To: Karen Forsyth
Director

From: Linda K. Fleming, CLS, SRWA *LKF*
Real Estate Title Examiner

STRAP: 32-45-24-01-0000E.0040

No other changes as of 12/22/05
[Signature]

Effective Date: July 29, 2002, at 5:00 p.m.

Subject Property: Lot 4, Block E, Harlem Heights as recorded in Plat Book 8, Page 76, Public Records of Lee County, Florida.

Title to the subject property is vested in the following:

Harlem Heights Improvement Association, Inc.
~~Habitat for Humanity of Lee County, Inc.~~

by that certain instrument dated ~~February 28, 2000~~, recorded ~~February 28, 2000~~, in Official Record Book ~~3224~~, Page ~~2089~~, Public Records of Lee County, Florida.

1/30/2003

Easements:

OR 3847/4248

1. Subject to Plat of Harlem Heights, a subdivision according to the map or plat thereof filed and recorded in the Office of the Clerk of the Circuit Court in Plat Book 8, Page 76, Public Records of Lee County, Florida.
2. Subject lands lies within the Fort Myers Beach/Iona-McGregor Wastewater Collection System and is subject to all assessments and amendments thereto.

2005

Tax Status: 2001 Ad Valorem Taxes are 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.

Division of County Lands

Ownership and Easement Search

Search No. 22267

Date: December 10, 2002

Parcel: 47

Project: Gladiolus Drive Project 4083

To: Karen L.W. Forsyth
Director

From: Shelia A. Bedwell, CLS
Real Estate Title Examiner

STRAP: 32-45-24-00-00007.0000

No charges as of 11/14/05
[Signature]

Effective Date: November 25, 2002, at 5:00 p.m.

Subject Property: The West half of the West half of the Northwest quarter of the Southeast quarter of the Northwest quarter of Section 32, Township 45 South, Range 24 East, Lee County, Florida.

Title to the subject property is vested in the following:

John J. Nevins, as Bishop of the Diocese of Venice, his successors in office, a corporate sole

by that certain instrument dated December 27, 1984, recorded January 15, 1985, in Official Record Book 1763 Page 3145, Public Records of Lee County, Florida.

Easements:

None found of record.

2005

Tax Status: ~~2002~~ Ad Valorem Taxes are 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.