

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

**Blue Sheet No. 20060212**

**1. ACTION REQUESTED/PURPOSE:** Authorize: (1) Acceptance of donation of Parcel 114, for the Stroud Creek Restoration Project No. 8585; (2) payment of costs to close; (3) the Division of County Lands to handle all documentation necessary to complete transaction.

**2. WHAT ACTION ACCOMPLISHES:** Acquires permanent right of access to construct and maintain stormwater drainage facilities for the Stroud Creek Restoration Project.

**3. MANAGEMENT RECOMMENDATION:** Approve

**4. Departmental Category:** 6 **C6I** **5. Meeting Date:** **03-14-2006**

<b>6. Agenda:</b>		<b>7. Requirement/Purpose: (specify)</b>		<b>8. Request Initiated:</b>	
<input checked="" type="checkbox"/> Consent		<input checked="" type="checkbox"/> Statute	125	<b>Commissioner</b>	
<input type="checkbox"/> Administrative		<input type="checkbox"/> Ordinance		<b>Department</b>	Independent
<input type="checkbox"/> Appeals		<input type="checkbox"/> Admin. Code		<b>Division</b>	County Lands
<input type="checkbox"/> Public		<input type="checkbox"/> Other		<b>By:</b>	Karen L.W. Forsyth, Director
<input type="checkbox"/> Walk-On					

**9. Background:**  
**Negotiated for:** Lee County Natural Resources JE

**Interest to Acquire:** A perpetual access and stormwater drainage easement.

**Property Details:**  
**Owner:** Michele Beyer, a single person  
**Address:** 9171 Triplett Road, North Fort Myers, FL 33917  
**STRAP No.** 11-43-25-00-00001.3030

**Purchase Details:**  
**Purchase Price:** Donation  
**Costs to Close:** Estimated to be \$500, to include obtaining voluntary subordination of mortgage.

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

**Account:** Funds are available in Account No. 40858500100.506110

**Attachments:** Easement, Title Data, Area Map

**10. Review for Scheduling:**

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services			County Manager/P.W. Director
					Analyst	Risk	Grants	
K. Forsyth	N/A	N/A			3/2/06	3/2/06	3/2/06	HS 2/21/06

**11. Commission Action:**  
 Approved  
 Deferred  
 Denied  
 Other

RECEIVED BY COUNTY ADMIN: [Signature]  
 3-1-06  
 11:14  
 COUNTY ADMIN FORWARDED TO: [Signature]  
 3/2/06  
 4:30 PM

Rec. by CoAtty  
 Date: 3/1/06  
 Time: 10:15 AM  
 Forwarded To: [Signature]  
 3/1/06 1:30 PM

This Instrument Prepared by:  
COUNTY LANDS DIVISION  
P.O. Box 398  
Fort Myers, FL 33902-0398  
Parcel: Beyer  
Project: Stroud Creek Restoration, Project #8585  
STRAP #: 11-43-25-00-00001.3030

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

THIS SPACE FOR RECORDING

PERPETUAL  
STORMWATER DRAINAGE EASEMENT

This easement grant is made between Michele Beyer, a single person, Owner, whose address is 9171 Triplett Road, North Fort Myers, FL 33917, hereinafter referred to as Grantor, and LEE COUNTY, a political subdivision of the State of Florida, whose address is P. O. Box 398, Fort Myers, Florida 33902-0398 hereinafter referred to as Grantee, as follows:

1. In consideration of the sum of One Dollar and other good and valuable consideration, receipt of which is hereby acknowledged, Grantor grants to the Grantee, its successors and assigns a drainage easement in, over and across that portion of Grantor's property legally described in Exhibit "A".
2. Grantee has the right and authority to construct, and may maintain stormwater drainage facilities, including the installation of pipe, within the easement area in accordance with appropriate permits issued for construction and maintenance.
3. Grantee also has the right and authority to remove or trim any roots, trees or other vegetation or structures, including fencing, within the easement area in order to properly install the stormwater drainage facilities.
4. Grantor may use the easement area for landscaping, walkway, drainage or similar uses, provided no structures, such as sheds, carports, garages or other buildings, are constructed within the easement area.
5. Title to any drainage facilities constructed in the easement area will remain in the Grantee, its successors or assigns.
6. Grantor warrants that subject to any existing public roadway or utility easements, Grantor is in lawful possession of the subject property free and clear of all liens and encumbrances, except those recorded in the public records, and has the right and power to convey this easement.
7. This easement runs with the land and is binding on Grantor and Grantor's successors and assigns.

FROM

(WED) JAN 4 2006 13:19/ST. 13:19/No. 6855715142 P 2

**Exhibit "A"**

Page 1 of 2

**A DRAINAGE AND ROADWAY EASEMENT OVER AND ACROSS THE SOUTH 30 FEET AND A DRAINAGE EASEMENT OVER THE WEST 20 FEET OF THE NORTH 45 FEET OF THE SOUTH 75 FEET OF THE FOLLOWING DESCRIBED PARCEL.**

**THE WEST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA.**

12/15/2005 11:26 9415755812

DEP PG

PAGE 03/03

DEC-12-05 05:46 PM STARNES SURVEYING, INC. 941 943-6445

P. 05



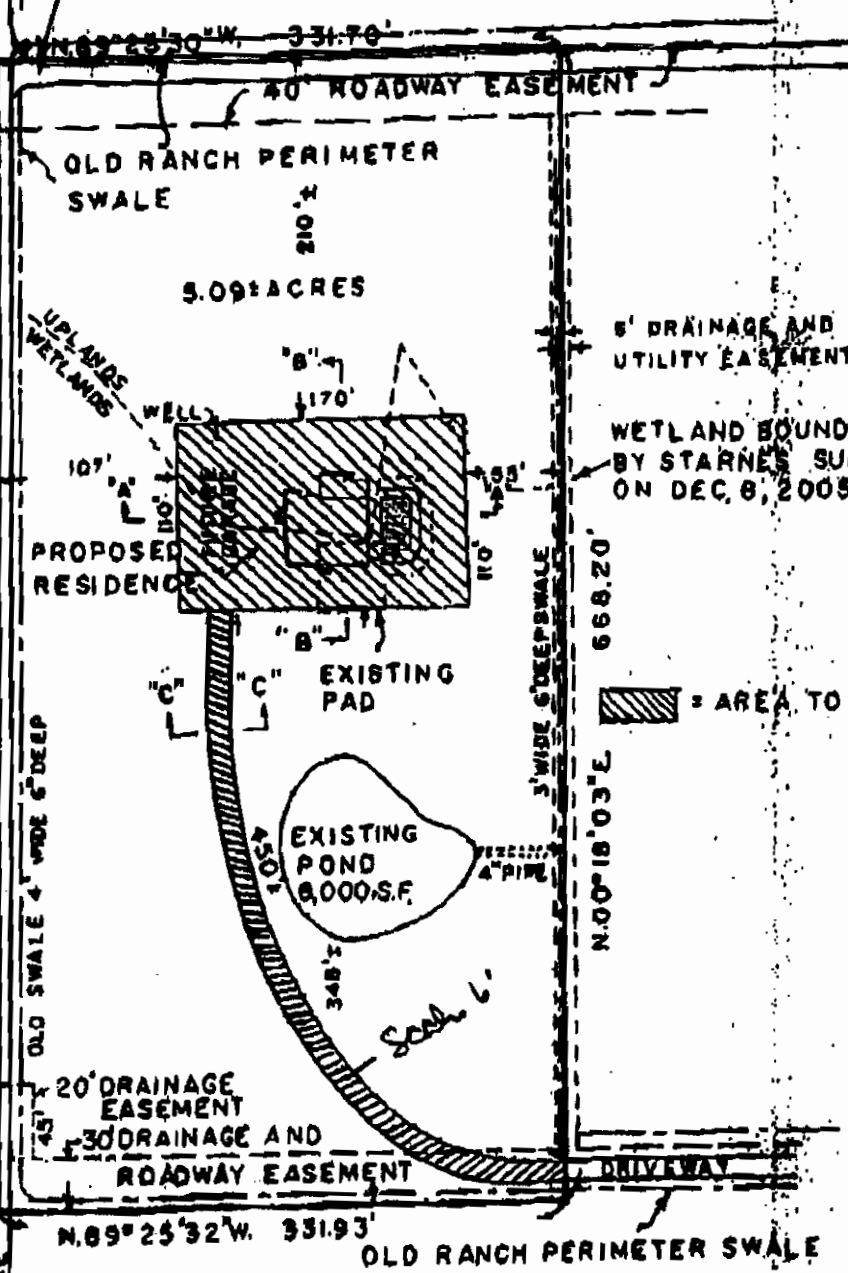
SCALE: 1"=100'

Exhibit "A"

Page 2 of 2

OLD DITCH  
INSTALLED 1960:  
BY MOSQUITO  
CONTROL

OLD DIKE FOR RANCH  
INSTALLED LATE 1960s



= AREA TO BE DEVELOPED

AREA OF PARCEL = 5.09 ACRES  
 5.09 ACRES WETLANDS PER D.E.R.  
 0.77 ACRES WETLANDS PER RAMSEY, INC.  
 0.55 ACRES TO BE DEVELOPED  
 0.18 ACRES POND

NICHELE BEYER  
 1951 DURRANCE RD.  
 N.E. 1/4 SEC. 17, T. 33N, R. 17E, S. 17  
 SYDNEY, FL 33917  
 STATE # 43-25-00-000013030

IN WITNESS WHEREOF, this instrument is executed this \_\_\_\_ day, of 2006.

William W Caldwell  
1st WITNESS Signature

Michele Beyer 1/30/06  
Michele Beyer, GRANTOR (DATE)

WILLIAM W. CALDWELL  
Printed Name of 1st Witness

Jennifer Caldwell  
2nd WITNESS Signature

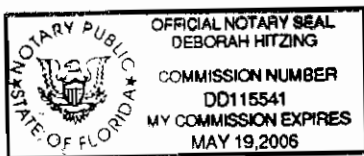
Jennifer Caldwell  
Printed Name of 2nd Witness

STATE OF FL

COUNTY OF Lee

The foregoing instrument was acknowledged before me this 30 day of January,  
2006, by Michele Beyer, who is personally known to me or who has produced  
\_\_\_\_\_ as identification.

SEAL



Deborah Hitzing  
Signature of Notary Public

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

**Division of County Lands**

**Ownership and Easement Search**

Search No. 11-43-25-00-00001.3030

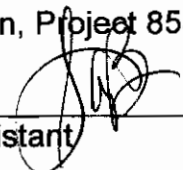
Date: December 12, 2005

Parcel:

Project: Stroud Creek Restoration, Project 8585

To: Michael J. O'Hare, SRWA  
Property Acquisition Agent

From: Shelia A. Bedwell, CLS  
Property Acquisition Assistant



STRAP: 11-43-25-00-00001.3030

Effective Date: October 20, 2005, at 5:00 p.m.

**Subject Property:** The West half (W ½) of the Southwest quarter (SW ¼) of the Southwest quarter (SW ¼) of the Northwest quarter (NW ¼) of Section 11, Township 43 South, Range 24 East, Lee County, Florida.

Subject to a 30 foot easement along the South boundary for road right-of-way purposes and a 40 foot easement along the North boundary for road right-of-way purposes and a six (6) foot easement along each boundary for drainage or public utilities.

Title to the subject property is vested in the following:

***Michele Beyer***

by that certain instrument dated March 2, 2004, recorded April 2, 2004, in Official Record Book 4245, Page 3791, Public Records of Lee County, Florida.

**Easements:**

1. Right of Way Agreement to Lee County Electric Cooperative, Inc., recorded in Official Record Book 1042, Page 1169, Public Records of Lee County, Florida. Said agreement does not specifically locate the easement.
2. Thirty foot easement along the South boundary and a 40 foot easement along the North boundary, both for road right-of-way, and a 6 foot easement along each boundary for drainage or public utilities, as described in instrument recorded in Official Record Book 1687, Page 2194, Public Records of Lee County, Florida.

Note (1): Lee County Ordinances relating to garbage and solid waste collection, recorded in Official Record Book 2189, Pages 3281 and 3334, Public Records of Lee County, Florida.

Note (2): Mortgage executed by Michele Beyer, unmarried, in favor of Third Federal Savings and Loan Association of Cleveland, dated July 1, 2005, recorded July 7, 2005, in Official Record Book 4786, Page 3086, Public Records of Lee County, Florida.

**Division of County Lands**

**Ownership and Easement Search**

Search No. 11-43-25-00-00001.3030

Date: December 12, 2005

Parcel:

Project: Stroud Creek Restoration, Project 8585

Note (3): Notice of Commencement recorded July 7, 2005 in Official Record Book 4786, Page 3090, Public Records of Lee County, Florida.

**Tax Status:** 2005 taxes paid on November 30, 2005 in the amount of \$11.68.  
*(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.**





Parcel 114, Michele Beyer, 11-43-25-00-00001.3030

