

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

**Blue Sheet No. 20060507**

**1. ACTION REQUESTED/PURPOSE:** Authorize (1) Acceptance of donation of Parcel 100, consisting of a Perpetual Public Utility Easement for the San Carlos Golf Course Reuse Waterline Project No. 7255; (2) payment of costs to close; (3) the Division of County Lands to handle all documentation necessary to complete transaction.

**2. WHAT ACTION ACCOMPLISHES:** Acquisition of easement for replacement of old reuse line to San Carlos Park Golf Course.

**3. MANAGEMENT RECOMMENDATION:** Approve

**4. Departmental Category:** 6 **CGD** **5. Meeting Date:** **05-09-2006**

<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		Commissioner _____	
<input type="checkbox"/> Administrative	<input type="checkbox"/> Ordinance	_____		Department _____ Independent	
<input type="checkbox"/> Appeals	<input type="checkbox"/> Admin. Code	_____		Division _____ County Lands	
<input type="checkbox"/> Public	<input type="checkbox"/> Other	_____		By: Karen L.W. Forsyth, Director <i>[Signature]</i>	
<input type="checkbox"/> Walk-On					

**9. Background:**  
**Negotiated for:** Lee County Utilities

**Interest to Acquire:** A twenty foot wide perpetual public utility easement.

**Property Details:**  
**Owner:** San Carlos Golf, Inc.  
**Address:** 7420 Constitution Circle, RR #59, Fort Myers, FL 33912  
**STRAP No.** 08-46-25-14-0000C.0000

**Purchase Details:**  
**Purchase Price:** Donation  
**Costs to Close:** Estimated to be \$100

**Appraisal Information:** The easement interest has not been appraised.

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

**Account:** Funds are available in Account No. 20725548730.506110

**Attachments:** Easement, Title Data, Location 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	Mgr.
<i>[Signature]</i>	N/A	N/A	<i>[Signature]</i> 4-25	<i>[Signature]</i> 4/27/06	<i>[Signature]</i> 4/27/06	<i>[Signature]</i> 4/27/06	<i>[Signature]</i> 4/27/06	<i>[Signature]</i> 4/27/06

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

RECEIVED BY  
COUNTY ADMIN: *[Signature]*  
4-27-06  
4pm

COUNTY ADMIN  
FORWARDED TO: *[Signature]*  
4/27/06  
5pm

Rec. by CoAtty  
Date: 4/27/06  
Time:  
Forwarded To: *[Signature]*  
4/27/06 3:45pm

3. The public utility easement will not be limited to any particular diameter size or type and/or number of connections to other water/sewer mains for providing water/sewer service to this and any adjacent properties. The total area of this public utility easement is reserved for utility lines, mains, or appurtenant facilities and for any landscaping (excluding trees), walkways, roadways, drainage ways, or similar uses. Houses, fences, buildings, carports, garages, storage sheds, overhangs, or any other structures or portions of structures may not be constructed on or placed within this easement at anytime, present or future, by GRANTOR, or its heirs, successors or assigns.

4. Title to all utilities constructed and/or placed hereunder by GRANTEE or its agents will remain in the GRANTEE, GRANTEE's successors, appointees, and/or assigns.

5. Subject to any pre-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, GRANTOR(S) covenant that they are lawfully seized and possessed of the described real property (Exhibit "A"), have good and lawful right and power to sell and convey it, and that the said property is free from any and all liens and encumbrances, except as herein stated, and accordingly, GRANTOR(S) will forever defend the right, title and terms of this said easement and the quiet possession thereof by GRANTEE against all claims and demands of all other entities.

6. GRANTOR(S), its heirs, successors or assigns, agrees to assume all liability for any consequential damages to any houses, fences, buildings, carports, garages, storage sheds, overhangs, or any other structures or portions of structures subsequently constructed by GRANTOR(S) in violation of paragraph 3. within the above easement, which result from the required activities of the GRANTEE for any construction, maintenance or repairs to the utilities located within the above-described easement.

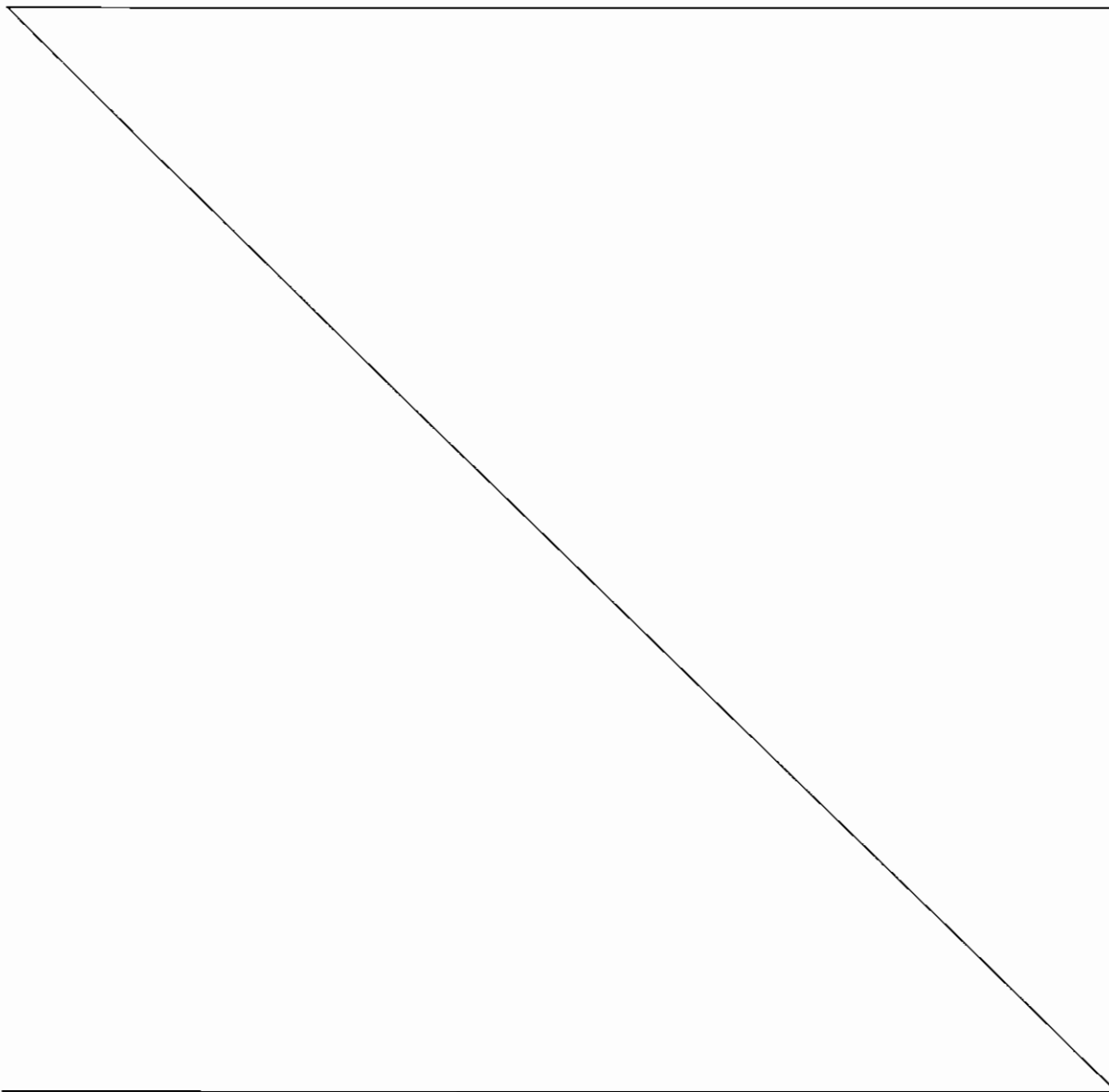
7. GRANTEE will be liable for money damages in tort for any injury to or loss of property, personal injury, or death caused by the negligent or wrongful act(s) or omission(s) of any official or employee of the GRANTEE while acting within the scope of the official's or employee's office or employment under circumstances in which a private person would be found to be liable in accordance with the general laws of the State of Florida, and subject to the limitations as set out in Section 768.28, Florida Statutes, as it may be revised, amended or renumbered from time to time.

8. GRANTEE will have reasonable right of access across GRANTOR's property for the purposes of reaching the described easement (Exhibit "A") 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 the described easement shall be restored by GRANTEE, to the condition in which it existed prior to the damage, as is reasonably practicable.

9. By acceptance of this easement, the GRANTEE assumes no responsibility for ownership or maintenance of any associated roads. The easement is strictly for utility purposes.

10. This easement will be binding upon the parties hereto, their successors in interest and any assigns.

(Balance of Page Left Intentionally Blank)



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

William E. Buchanan  
[1<sup>st</sup> Witness' Signature]

WILLIAM E. BUCHANAN  
[Type or Print Name]

John M. Kelly  
[2<sup>nd</sup> Witness' Signature]

JOHN M KELLY  
[Type or Print Name]

BY: Webster B. Canning  
[Signature Grantor's/Owner's]

Webster B. Canning  
[Type or Print Name]

President, San Carlos  
[Title] GOLF Inc.

STATE OF FLORIDA


COUNTY OF Lee

The foregoing instrument was signed and acknowledged before me this 7<sup>th</sup> day of November 2005 by Webster Canning who produced the following as identification \_\_\_\_\_ or is personally know to me. and who did/did not take an oath.

[stamp or seal]

Jennifer Timothy  
[Signature of Notary]

Jennifer Timothy  
[Typed or Printed Name]

NOTARY PUBLIC-STATE OF FLORIDA  
 Jennifer Timothy  
Commission # DD407714  
Expires: MAR. 15, 2009  
Bonded Thru Atlantic Bonding Co., Inc.

Approved and accepted for and on behalf of Lee County, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

ATTEST:  
CHARLIE GREEN, CLERK

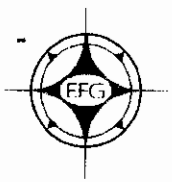
BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: \_\_\_\_\_  
Deputy Clerk

BY: \_\_\_\_\_  
Tammara Hall, Chairwoman

APPROVED AS TO FORM

BY: \_\_\_\_\_  
Office of the County Attorney  
Scott S. Coover, Esquire



Part of Tract "C" and part of Tract "D", San Carlos Park Golf Course Addition  
(Plat Book 23, Pages 70 through 75) also being part of Sections 8 and 17,  
Township 46 South, Range 25 East, Lee County, Florida

**A 20' Wide Drainage Easement**

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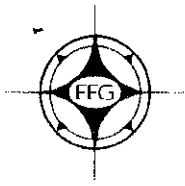
**PART "A"**

All that part of Tract "C" and all that part of Tract "D", San Carlos Park Golf Course Addition according to the plat thereof as recorded at Plat Book 23, pages 70 through 75, Public Records of Lee County, Florida being more particularly described as follows;

BEGINNING at the easterlymost corner of Lot 29, Block 2, of said San Carlos Park Golf Course Addition also being a point on the boundary of aforementioned Tract "C";  
Thence along boundary of said Tract "C" N.32°31'46"W. for 405.00 feet to a line which lies 20 feet southerly of as measured at right angles to and parallel with the south line of said Block 2;  
Thence along said parallel line N.57°28'14"E. for 576.68 feet;  
Thence continue along said parallel line northeasterly 579.97 feet along the arc of a tangential circular curve concave to the southeast, having a radius of 1045.00 feet, through a central angle of 31°47'56" and being subtended by a chord which bears N.73°22'12"E. for 572.56 feet;  
Thence continue along said parallel line N.89°16'10"E. for 95.02 feet;  
thence along the southerly extension of and the westerly line of those lands as described in Official Record Book 1799, page 31, Public Records of Lee County, Florida N.00°43'50"W. for 220.24 feet to the south right-of-way line of Constitution Circle per said plat of San Carlos Park Golf Course Addition;  
thence along said south right-of-way line easterly 20.24 feet along the arc of a non-tangential circular curve concave to the north, having a radius of 75.00 feet, through a central angle of 15°27'56" and being subtended by a chord which bears N.81°32'18"E. for 20.18 feet to a line which lies 20 feet easterly of as measured at right angles to the westerly line of aforesaid lands described in Official Record Book 1799, page 31;  
thence along said parallel line and said southerly extension thereof S.00°43'50"E. for 242.95 feet to a line which lies 40 feet southerly of as measured at right angles to and parallel with the south line of said Block 2;  
thence along said parallel line S.89°16'10"W. for 115.02 feet;  
thence southwesterly 568.87 feet along the arc of a circular curve concave to the southeast, having a radius of 1025.00 feet, through a central angle of 31°47'56" and being subtended by a chord which bears S.73°22'12"W. for 561.60 feet;  
thence continue along said parallel line S.57°28'14"W. for 556.68 feet to a line which lies 20 feet northeasterly of as measured at right angles to and parallel with the northeasterly line of said Block 2;  
thence along said parallel line S.32°31'46"E. for 385.00 feet to the northwesterly line of Block 3 of said San Carlos Park Golf Course Addition;  
thence along said northwesterly line of Block 3 S.57°28'14"W. for 20.00 feet to the Point of Beginning of the parcel herein described;

Parcel contains 37436 square feet, more or less;

ALONG WITH



**PART "B"**

All that part of Tract "C" and all that part of Tract "D", San Carlos Park Golf Course Addition according to the plat thereof as recorded at Plat Book 23, pages 70 through 75, Public Records of Lee County, Florida being more particularly described as follows;

COMMENCING at the northwest corner of said Tract "D", of said San Carlos Park Golf Course Addition;  
Thence along the north line of said Tract "D" southeasterly 330.23 feet along the arc of a circular curve concave to the southwest, having a radius of 479.00 feet, through a central angle of 39°30'00" and being subtended by a chord which bears S.70°45'00"E. for 323.72 feet;  
Thence continue along said north line S.51°00'00"E. for 58.31 feet the northeast corner of those lands as described in Official Record Book 1135, page 1094, Public Records of Lee County, Florida and to the POINT OF BEGINNING of the Parcel herein described;  
Thence leaving the north line of said Tract "D" N.41°28'33"E. for 348.97 feet;  
Thence S.48°31'27"E. for 20.00 feet;  
Thence S.41°28'33"W. for 346.70 feet to the north line of said Tract "D" and a point on a line which lies 20 feet easterly of as measured at right angles to and parallel with the easterly line of aforesaid lands described in Official Record Book 1135, page 1094;  
Thence along said parallel line S. 28°30'00"W. for 161.01 feet to the right-of-way line of Constitution Circle per said plat of San Carlos Park Golf Course Addition;  
thence along said right-of-way line northeasterly 20.24 feet along the arc of a non-tangential circular curve concave to the southwest, having a radius of 75.00 feet, through a central angle of 15°27'56" and being subtended by a chord which bears N.53°46'32"W. for 20.18 feet to the easterly line of aforesaid lands described in Official Record Book 1135, page 1094;  
thence along said easterly line N.28°30'00"E. for 160.59 feet to the Point of Beginning of the parcel herein described;

Parcel contains 10163 square feet, more or less;

Subject to easements, restrictions and reservations of record;  
Bearings are based on the northeasterly line of Block 2, San Carlos Park Golf Course Addition according to the plat thereof as recorded at Plat Book 23, pages 70 through 75, Public Records of Lee County, Florida being of bearing S.32°31'46"E.

Prepared by:

E. F. Gaines Surveying Services, Inc.

Elizabeth F. Gaines, P.S.M.  
Florida License No. 4576

Not valid unless signed and embossed the surveyor's seal.

Ref. EFGaines drawing No. 0298-001

1342 Colonial Boulevard, Suite E-34B, Fort Myers, Florida 33907  
Phone: 239-418-0126 • Fax: 239-418-0127 • E-mail: Survey@EFGaines.com

**NOTES:**

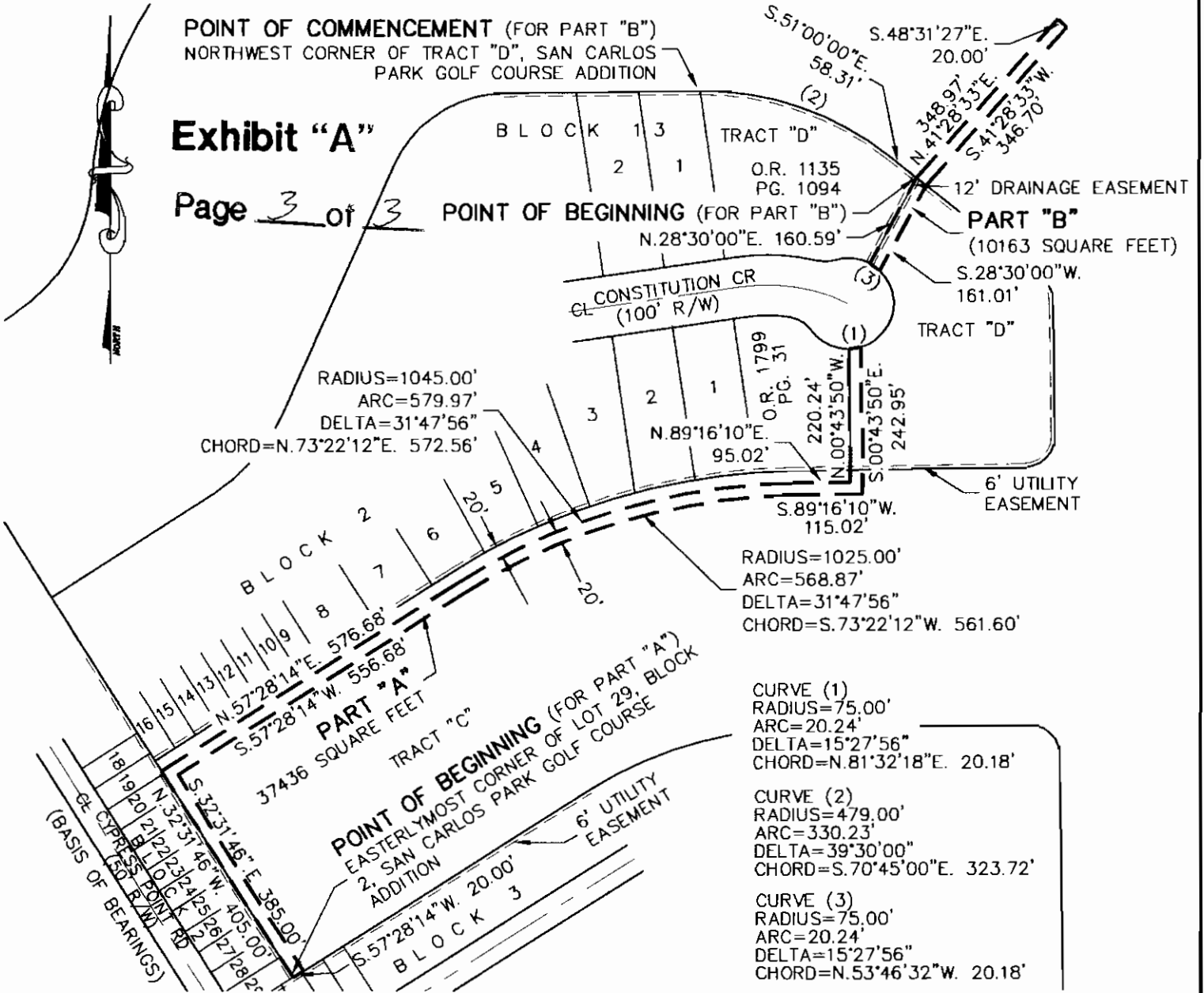
1. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR ZONING, EASEMENTS, RIGHTS-OF-WAY, OWNERSHIP, RESTRICTIONS OR SETBACKS.
2. BASIS OF BEARINGS IS AS SHOWN. DISTANCES ARE IN FEET AND DECIMALS THEREOF.
3. THIS SKETCH IS NOT A BOUNDARY SURVEY.
4. SEE ATTACHED FOR LEGAL DESCRIPTION.

**POINT OF COMMENCEMENT (FOR PART "B")**  
 NORTHWEST CORNER OF TRACT "D", SAN CARLOS  
 PARK GOLF COURSE ADDITION

**Exhibit "A"**

Page 3 of 3

**POINT OF BEGINNING (FOR PART "B")**



THIS IS A SKETCH OF A PROPOSED 20 FOOT UTILITY EASEMENT (SEE ATTACHED FOR LEGAL DESCRIPTION) LOCATED IN PARTS OF TRACTS "C" AND "D", SAN CARLOS PARK GOLF COURSE ADDITION (P.B. 25, PG. 70-75). THIS SKETCH WAS PREPARED FOR THE BENEFIT OF LEE COUNTY BOARD OF COUNTY COMMISSIONERS.

PREPARED BY: *Elizabeth F. Gaines*  
 ELIZABETH F. GAINES, PSM FL LICENSE NO. LS 4576

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF THE ABOVE NAMED FLORIDA PROFESSIONAL SURVEYOR AND MAPPER.

<b>E.F. Gaines Surveying Services, Inc.</b> 1342 Colonial Boulevard Suite E-34B Fort Myers, Florida 33907 Phone: 239-418-0126 Fax: 239-418-0127	CLIENT: LEE COUNTY PUBLIC WORKS	REVISIONS/DATE:
	DATE OF FIELD WORK: 3/15/2006	
	SCALE: 1"=250'	
	PROJECT NUMBER: 0298	
	DRAWING FILE: 0298-001	SHEET 1 OF 1

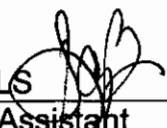


**Division of County Lands****Ownership and Easement Search**

Search No. 08-46-25-14-0000C.0000

Date: January 19, 2006

Parcel: 100

Project: San Carlos Park Golf Course Reuse  
Water Line, Project #7255To: Michael J. O'Hare, SR/WA  
Property Acquisition AgentFrom: Shelia A. Bedwell, CLS  
Property Acquisition Assistant 

STRAP: 08-46-25-14-0000C.0000

Effective Date: December 17, 2005, at 5:00 p.m.

**Subject Property:** See attached Exhibit "A"

Title to the subject property is vested in the following:

**San Carlos Golf, Inc., a Florida corporation**

By that certain instrument dated October 6, 1981, recorded October 7, 1981, in Official Record Book 1549 Page 1617, Public Records of Lee County, Florida.

**Easements:**

- 1) Six foot utility easement along the boundary of Tract D, as shown on recorded plat of the subdivision.
- 2) Twelve foot drainage easement along the northerly portion of Tract D, as shown on recorded plat of the subdivision.
- 3) Right of Way Easements (affecting portions of Tract C) to San Carlos Utilities, Inc., recorded in Official Record Book 1549, Pages 1620 and 1622, and Official Record Book 1630, Pages 2250 and 2252, Public Records of Lee County, Florida.
- 4) Grant of Easement to Gulf Utility Company, recorded in Official Record Book 1645, Page 2060, Public Records of Lee County, Florida.

Note 1): The plat referenced in Trustee's Deed recorded in Official Record Book 1549, Page 1617, Public Records of Lee County, Florida, is not named Port San Carlos Golf Course Addition, but is actually called San Carlos Park Golf Course Addition. An affidavit from the Clerk of the Circuit Court should be obtained to clarify the plat reference.

Note 2): Declaration of Restrictive Covenants for San Carlos Park Golf Course Addition, recorded in Official Record Book 476, Page 316, Public Records of Lee County, Florida.

Note 3): Lifetime Membership Grants, recorded in Official Record Book 1573, Pages 2203 and 2205, Public Records of Lee County, Florida.

## Division of County Lands

### Ownership and Easement Search

Search No. 08-46-25-14-0000C.0000

Date: January 19, 2006

Parcel: 100

Project: San Carlos Park Golf Course Reuse  
Water Line, Project #7255

Note 4): Utility Agreements regarding irrigation needs, recorded in Official Record Book 1607, Page 613 and Official Record Book 1630, Page 2259, Public Records of Lee County, Florida.

Note 5): Utility Agreements regarding a water well supplying irrigation water, recorded in Official Record Book 1607, Page 617 and Official Record Book 1630, Page 2254, Public Records of Lee County, Florida.

Note 6): 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.

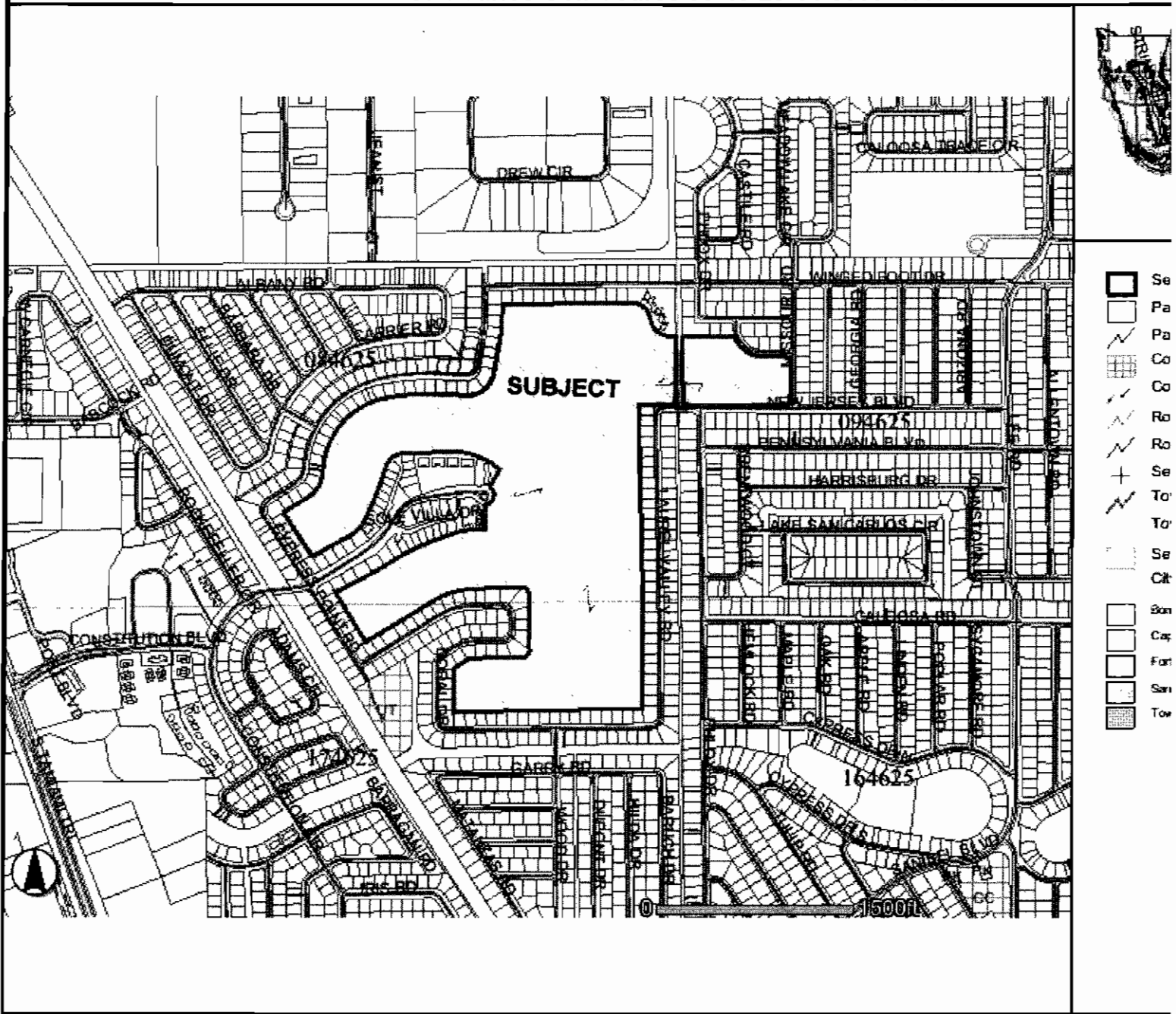
Note 7): Declaration regarding possible contamination, recorded in Official Record Book 2569, Page 425, Public Records of Lee County, Florida.

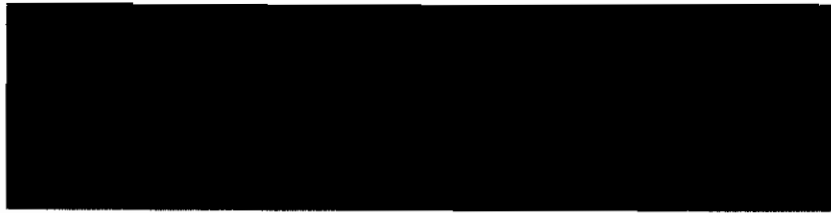
Note 8): Quit-claim Deed to Lee County, conveying easements designated for utilities, recorded in Official Record Book 2728, Page 155, Public Records of Lee County, Florida.

**Tax Status:** 2005 taxes paid November 22, 2005 in the amount of \$47,555.45.  
*(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.**

San Carlos Golf Course 08-46-25-14-0000C.0000






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**Florida Profit**
**SAN CARLOS GOLF, INC.**


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**PRINCIPAL ADDRESS**  
 7420 CONSTITUTION CIRCLE S.E.  
 RR #59  
 FT MYERS FL 33912  
 Changed 04/09/1986

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**MAILING ADDRESS**  
 7420 CONSTITUTION CIRCLE S.E.  
 RR #59  
 FT MYERS FL 33912  
 Changed 04/09/1986

**Document Number**  
 F00048

**FEI Number**  
 592041191

**Date Filed**  
 09/25/1980

**State**  
 FL

**Status**  
 ACTIVE

**Effective Date**  
 NONE

**Last Event**  
 AMENDMENT

**Event Date Filed**  
 03/28/1994

**Event Effective Date**  
 NONE

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**Registered Agent**

Name & Address
ADAMS, JOSEPH E 14241 METROPOLIS AVE SUITE 100 FT MYERS FL 33912-0000
Name Changed: 10/27/1992
Address Changed: 09/19/2003

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**Officer/Director Detail**

Name & Address	Title
BOYCE, ROBERT 7382 GOLF VILLA DRIVE FORT MYERS FL 33912	T
FISHER, RONALD 7369 CONSTITUTION CIRCLE	S

FORT MYERS FL 33912	
SCOTT, DAVE 4311 LANTANA CIRCLE	V
NORTH FORT MYERS FL 33903-1380	
DENT, JOSEPH 18085 LAUREL VALLEY RD.	D
FORT MYERS FL 33912	
CANNING, BILL 7386 GOLF VILLA DR.	P
FORT MYERS FL 33912	
JOHNSON, RAMON 20979 COUNTY BARN DR.	D
ESTERO FL 33928	

### Annual Reports

Report Year	Filed Date
2003	02/10/2003
2004	03/02/2004
2005	07/28/2005



[View Events](#)

No Name History Information

### Document Images

Listed below are the images available for this filing.

<a href="#">07/28/2005 -- ANN REP/UNIFORM BUS REP</a>
<a href="#">03/02/2004 -- ANN REP/UNIFORM BUS REP</a>
<a href="#">02/10/2003 -- COR - ANN REP/UNIFORM BUS REP</a>
<a href="#">02/19/2002 -- ANN REP/UNIFORM BUS REP</a>
<a href="#">02/08/2001 -- ANN REP/UNIFORM BUS REP</a>
<a href="#">02/13/2000 -- ANN REP/UNIFORM BUS REP</a>
<a href="#">02/24/1999 -- ANNUAL REPORT</a>
<a href="#">02/27/1998 -- ANNUAL REPORT</a>
<a href="#">02/24/1997 -- ANNUAL REPORT</a>
<a href="#">04/03/1996 -- 1996 ANNUAL REPORT</a>

**THIS IS NOT OFFICIAL RECORD; SEE DOCUMENTS IF QUESTION OR CONFLICT**

