

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

Blue Sheet No. 20060454

- 1. ACTION REQUESTED/PURPOSE:** Accept donation of Slope Easements for Parcels 36, 41, and 53, 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:** Approve

4. Departmental Category: 6 **CGA** **5. Meeting Date:** **6-27-2006**

6. Agenda:	7. Requirement/Purpose: (specify)	8. Request Initiated:
<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
<input type="checkbox"/> Walk-On		

9. Background:
Negotiated for: Department of Transportation

Interest to Acquire: Slope/Restoration Easement

Property Details:
 Parcel 36 32-45-24-01-0000F.0070, Judith D. Armstrong
 Parcel 41 32-45-24-00-00003.0000, Clarence Hogg.
 Parcel 53 32-45-24-00-00010.0220, Estate of Edna May Robson, deceased

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

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

Account: 20408330700.506110

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

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
<i>[Signature]</i>			<i>[Signature]</i>	<i>[Signature]</i>	Analyst	Risk	Grants	<i>[Signature]</i>	<i>[Signature]</i>
			<i>SMC up/td</i>	<i>6-14-06</i>	<i>6-15-06</i>	<i>6-15-06</i>	<i>6/15/06</i>	<i>6/15/06</i>	<i>AS</i>

11. Commission Action:

Approved
 Deferred
 Denied
 Other

6/15/06 10:56 AM
 COUNTY ADMIN
 FORWARDED TO:
 6/15/06
 4 PM

Rec. by CoAtty
 Date: 6/14/06
 Time: 3:35pm
 Forwarded To:
 6/15/06

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: 36
Project: Gladiolus Drive Widening Project, No. 4083
STRAP No.: 32-45-24-01.0000F.0070

SLOPE/RESTORATION EASEMENT

This INDENTURE, made and entered into this 28th day of April, 2008,
between Judith D. Armstrong, whose address is 15400 Joe Louis Court, 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.

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:

Tiffany Johnson
1st Witness Signature
Tiffany Johnson
Printed name of 1st Witness

Melanie Wilder
2nd Witness Signature

Melanie Wilder
Printed name of 2nd Witness

Judith Armstrong
SIGNATURE OF GRANTOR

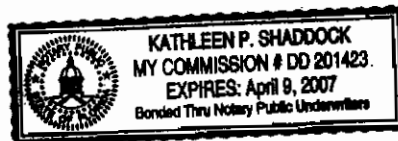
Judith Armstrong
PRINTED NAME OF GRANTOR

STATE OF Florida

COUNTY OF Lee

The foregoing instrument was acknowledged before me this 28th day of April,
2006, by Judith D Armstrong
(name of person acknowledged)

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



Kathleen P. Shaddock
(Signature of Notary Public)

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

Exhibit A

**Slope/Restoration Easement
Parcel 36
Gladiolus Drive Widening Project No. 4083**

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

The North 100 feet of the East 35 feet of Lot 9, Block F, and the North 100 feet of Lot 8, Block F, and the North 100 feet of the West 7.50 feet of Lot 7, Block F, Harlem Heights, according to the map or plat thereof 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: 41
Project: Gladiolus Drive Widening Project, No. 4083
STRAP No.: 32-45-24-00-00003.0000

SLOPE/RESTORATION EASEMENT

This INDENTURE, made and entered into this 28 day of March 2006, between Clarence Hogg and Malinda Hogg, husband and wife, whose address is 10870 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.

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:

Catherine Bordekin
1st Witness Signature

CATHERINE BORDEKIN
Printed name of 1st Witness

Jennifer L. Gibson
2nd Witness Signature

Jennifer L. Gibson
Printed name of 2nd Witness

1st Witness Signature

Printed name of 1st Witness

2nd Witness Signature

Printed name of 2nd Witness

Clarence E. Hogg
SIGNATURE OF GRANTOR

Clarence Hogg
PRINTED NAME OF GRANTOR

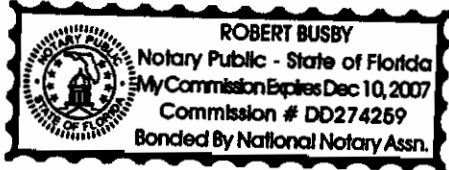
DECEASED
SIGNATURE OF GRANTOR

Malinda Hogg
PRINTED NAME OF GRANTOR

STATE OF Florida
COUNTY OF Lee

The foregoing instrument was acknowledged before me this 28 day of March,
2006, by Clarence Hogg
(name of person acknowledged)

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



[Signature]
(Signature of Notary Public)

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

STATE OF
COUNTY OF

The foregoing instrument was acknowledged before me this _____ day of _____,
20____, by _____
(name of person acknowledged)

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

(Signature of Notary Public)

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

Exhibit A

Slope/Restoration Easement
Parcel 41
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 Northeast quarter of the Southwest quarter of the Northwest quarter of Section 32, Township 45 South, Range 24 East, Lee County, Florida, less the Easterly 75 feet of the Southerly 100 feet.

THIS PAGE IS NOT AVAILABLE FOR VIEWING

Prior to the implementation of a Florida Law which requires that images of County Official Records be published on the Internet by 2006, measures were developed to protect the most sensitive type of information. Also, on or after October 1, 2002, any person preparing or filing a document for recording in the Official Record may not include a social security number in such document unless required by law.

Florida Statute 119.07 provides that images of the following types of documents may not be placed on a "publicly available Internet website".

Military Discharge

Death Certificates

Court files, records of paper relating to matters or cases governed by:

- The Florida Rules of Family Law
- The Florida Rules of Juvenile Procedure
- The Florida Rules of Probate

Document types identified above which have been recorded in the county Official Records prior to the effective date of Florida Statute 119.07 will continue to be displayed on the Internet website unless a written request for removal has been presented to the Clerk.

Any "affected person" may request that the Clerk of Court remove an image of one of the above-listed documents from a "publicly available Internet website". This request must be in writing and may be delivered in person, by mail, electronically, or by facsimile. The request must specify the "identification" page number of the document to be removed. Forms are available in our office, upon request, to assist you.

No fee is charged for this service.

Florida law requires that images and copies of the above listed documents remain on file and available to the public upon request in the office of the Clerk.

This instrument prepared by:

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

Parcel: 53
Project: Gladiolus Drive Widening Project, No. 4083
STRAP No.: 32-45-24-00-00010.0220

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

SLOPE/RESTORATION EASEMENT

This INDENTURE, made and entered into this 20th day of March 2006, between Personal Representative of the Estate of Edna May Robson, deceased whose address is c/o Dora Towns Lee, PO Box 634, Fort Myers, FL 33902, (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 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:

Edna May Robson
1st Witness Signature

Edna May Robson
Printed name of 1st Witness

~~[Signature]~~
2nd Witness Signature

~~Dora T. Lee~~
Printed name of 2nd Witness

Reginald T. Lee
2ND WITNESS SIGNATURE

Reginald T. Lee
PRINTED NAME OF 2ND WITNESS

Edna May Robson Estate
[Signature]
Edna May Robson
PERSONAL REPRESENTATIVE

Dora T. Lee
Edna Robson
PRINTED NAME OF PERSONAL REPRESENTATIVE

Slope/Restoration Easement

Project: Gladiolus Drive Widening Project, No. 4083

Page 3 of 3

STATE OF

COUNTY OF

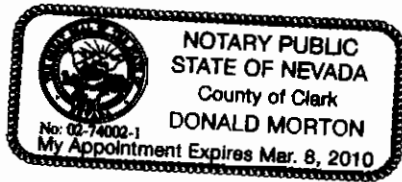
The foregoing instrument was acknowledged before me this 20th day of March,
2006, by DORA TOWNS LEE

(name of person acknowledged)

He/she is personally known to me or who has produced NU DL

(type of identification)

_____ as identification.



Donald Morton
(Signature of Notary Public)

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

Exhibit A

Slope/Restoration Easement
Parcel 53
Gladiolus Drive Widening Project No. 4083

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

Begin at the Southwest corner of the East Half of the East Half of the Northwest Quarter of the Southeast Quarter of the Northwest Quarter in Section 32, Township 45 South, Range 24 East, thence East 72.34 feet; thence North and parallel with the West line of said partial section for 113.81 feet; thence West 72.34 feet to the West line of said partial section and the center line of a street; thence South along the West line of said partial section to the point of beginning. Reserving a perpetual easement for road right of way over and across the West 25 feet of said property.

THIS PAGE IS NOT AVAILABLE FOR VIEWING

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Florida Statute 119.07 provides that images of the following types of documents may not be placed on a "publicly available Internet website".

Military Discharge

Death Certificates

Court files, records of paper relating to matters or cases governed by:

The Florida Rules of Family Law

The Florida Rules of Juvenile Procedure

The Florida Rules of Probate

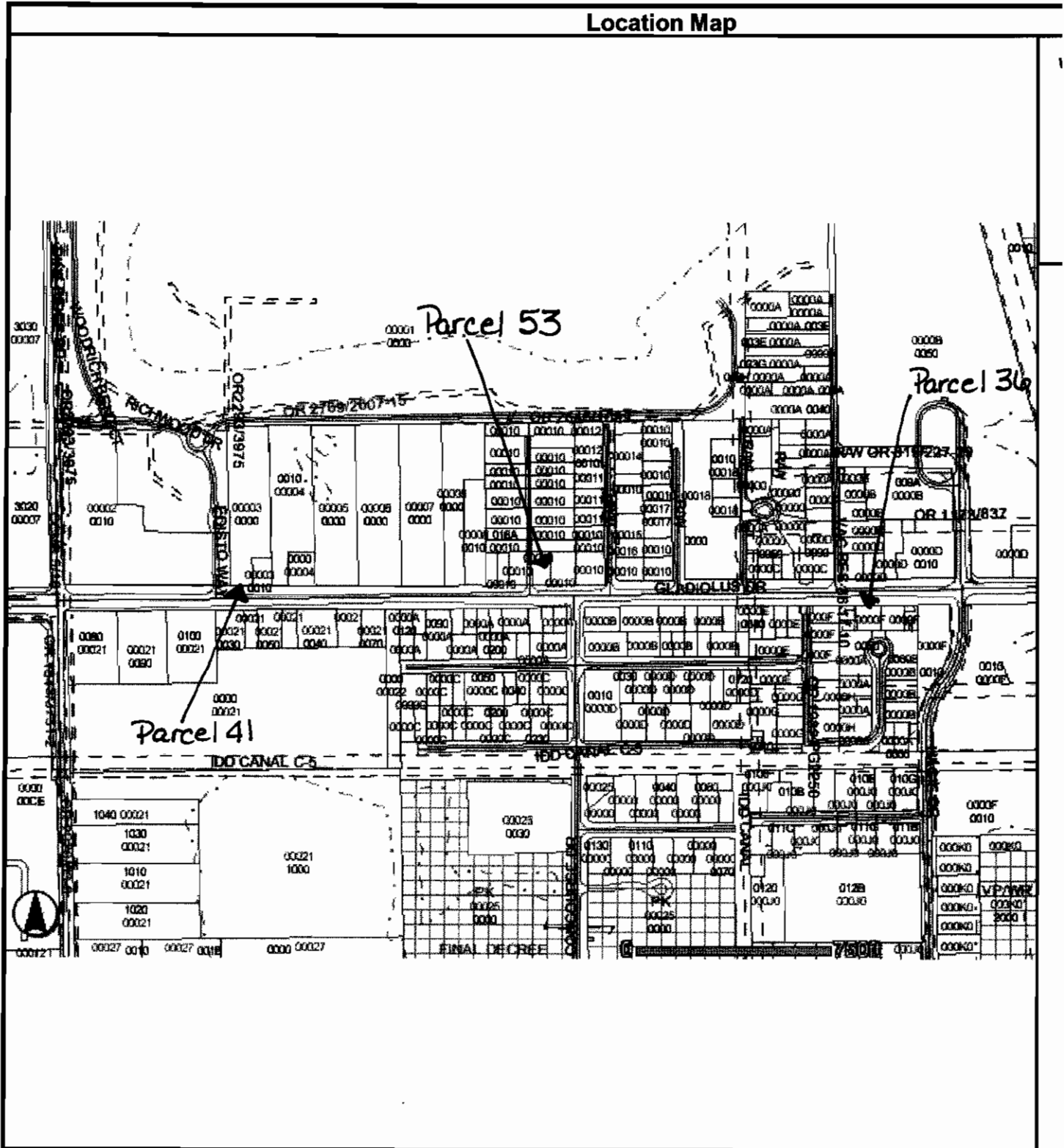
Document types identified above which have been recorded in the county Official Records prior to the effective date of Florida Statute 119.07 will continue to be displayed on the Internet website unless a written request for removal has been presented to the Clerk.

Any "affected person" may request that the Clerk of Court remove an image of one of the above-listed documents from a "publicly available Internet website". This request must be in writing and may be delivered in person, by mail, electronically, or by facsimile. The request must specify the "identification" page number of the document to be removed. Forms are available in our office, upon request, to assist you.

No fee is charged for this service.

Florida law requires that images and copies of the above listed documents remain on file and available to the public upon request in the office of the Clerk.

Location Map



Division of County Land

Owners: and Easement Search
 Search No. 22179
 Date: August 9, 2002
 Parcel: 36
 Project: Gladiolus Drive, Project No.
 4083

To: Karen Forsyth
 Director

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

STRAP: 32-45-24-01-0000F.0070

*No other changes as of
 5/20/06* *[Signature]*

Effective Date: July 23, 2002, at 5:00 p.m.

Subject Property: The North 100 feet of the East 35 feet of Lot 9, Block F, and the North 100 feet of Lot 8, Block F, and the North 100 feet of the West 7.50 feet of Lot 7, Block F, Harlem Heights, according to the map or plat thereof recorded in Plat Book 8, Page 76, Public Records of Lee County, Florida.

Title to the subject property is vested in the following:

Judith D. Armstrong, a single person

by that certain instrument dated August 14, 1997, recorded August 18, 1997, in Official Record Book 2857, Page 1623, Public Records of Lee County, Florida.

Easements:

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. Deed recorded June 24, 1996, in Official Record Book 2711, Page 3333, 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.
3. Subject lands lies within the Iona-McGregor Wastewater Collection System and is subject to all assessments and amendments thereto.
4. Notice of Liens recorded in Official Record Book 2303, Page 481, Official Record Book 2308, Page 905, Official Record Book 2316, Page 3231, and Official Record Book 2335, Page 1055, all in the Public Records of Lee County, Florida.
5. Subject to additional covenants as recited on Articles of Agreement recorded in Official Record Book 1684, Page 3681, and Official Record Book 1684, Page 3683, both in the Public Records of Lee County, Florida.

Division of County Lands

Owners' and Easement Search

Search No. 22179

Date: August 9, 2002

Parcel:

Project: Gladiolus Drive, Project No.
4083

6. Non-exclusive easement for access to water supply line as recited in Official Record Book 1684, Page 3681 and Official Record Book 1684, Page 3683 both in the Public Records of Lee County, Florida.

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. 22261

Date: December 4, 2002

Parcel: 41

Project: Gladiolus Drive Project 4083

To: Karen L.W. Forsyth
Director

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

STRAP: 32-45-24-00-00003.0000

*No other changes as of
5/20/2006*

Effective Date: November 21, 2002, at 5:00 p.m.

Subject Property: The West half of the West half of the Northeast quarter of the Southwest quarter of the Northwest quarter of Section 32, Township 45 South, Range 24 East, Lee County, Florida, less the Easterly 75 feet of the Southerly 100 feet.

Title to the subject property is vested in the following:

a
Clarence Hogg and Melinda Hogg, husband and wife.

by that certain instrument dated April 17, 1952, recorded April 22, 1952, in Deed Book 217, Page 341, Public Records of Lee County, Florida.

Easements:

None found of record.

NOTE(1): Fort Myers Beach/Iona-McGregor Waste Water Collection Assessment is outstanding in the amount of \$1,432.51, good through December 31, 2002.

*Release of Lien recorded 12/2/04 in
O.R. 4508, page 1337.*

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.

Division of County Lands

Ownership and Easement Search

Search No. 22273
Date: December 20, 2002
Parcel: 53
Project: Gladiolus Drive Project 4083

To: Karen L.W. Forsyth
Director

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

STRAP: 32-45-24-00-00010.0220

Effective Date: December 8, 2002, at 5:00 p.m.

*No changes as of
5/20/2006
SE*

Subject Property: See attached Schedule "X"

Title to the subject property is vested in the following:

The Estate of Edna May Robson, deceased

by that certain instrument dated April 7, 1961, recorded September 12, 1961, in Official Record Book 84, Page 77, Public Records of Lee County, Florida.

Easements:

1. Perpetual easement for road right-of-way over and across the West 25 feet of subject property, as described in instrument recorded in Official Record Book 84, Page 77, Public Records of Lee County, Florida.

NOTE: There is no probate of record regarding Edna May Robson. This must be addressed and resolved by the Title Company or Attorney that handles the transfer to the County.

NOTE: Fort Myers Beach/Iona-McGregor Waste Water Collection Assessment is due in the amount of \$5,816.92, good through December 31, 2002.

Tax Status: 2001 Ad Valorem Taxes are PAID IN FULL; 2002 taxes are now due and payable. (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.

Schedule X

Project: Gladiolus Drive Project 4083

Search No. 22273

Begin at the Southwest corner of the East Half of the East Half of the Northwest Quarter of the Southeast Quarter of the Northwest Quarter in Section 32, Township 45 South, Range 24 East, thence East 72.34 feet; thence North and parallel with the West line of said partial section for 113.81 feet; thence West 72.34 feet to the West line of said partial section and the center line of a street; thence South along the West line of said partial section to the point of beginning. Reserving a perpetual easement for road right of way over and across the West 25 feet of said property.