

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

**Blue Sheet No. 20060857**

**1. ACTION REQUESTED/PURPOSE:** Accept Grant of Bikepath/Sidewalk Easement for acquisition of Parcel 104, San Carlos Boulevard Bikepath Project No. 4079; authorize payment of costs to close and the Division of County Lands to handle all documentation necessary to complete transaction.

**2. WHAT ACTION ACCOMPLISHES:** Acquisition of an easement for the San Carlos Boulevard bikepath/sidewalk.

**3. MANAGEMENT RECOMMENDATION:** Approve.

<b>4. Departmental Category:</b> 6 <span style="font-size: 2em; font-weight: bold; margin-left: 20px;">CLB</span>		<b>5. Meeting Date:</b> <span style="font-size: 1.5em; font-weight: bold; margin-left: 20px;">08-01-2006</span>
<b>6. Agenda:</b> <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Administrative <input type="checkbox"/> Appeals <input type="checkbox"/> Public <input type="checkbox"/> Walk-On	<b>7. Requirement/Purpose: (specify)</b> <input checked="" type="checkbox"/> Statute <span style="margin-left: 20px;">125</span> <input type="checkbox"/> Ordinance <input type="checkbox"/> Admin. Code <input type="checkbox"/> Other	<b>8. Request Initiated:</b> Commissioner _____ Department _____ Independent Division _____ County Lands By: Karen L.W. Forsyth, Director <span style="float: right;"><i>KLF</i></span>

**9. Background:**  
Negotiated for: Department of Transportation (Ten remaining easements will be acquired under the parameters of this project).

**Interest to Acquire:** Bikepath/Sidewalk Easement (±1,080 sq. ft.)

**Property Details:**

**Owner:** Cinnamon Cove Master Association, Inc., a Florida non-profit corporation  
**Address:** 11650 Caravel Circle, Fort Myers, 33908  
**STRAP No.:** 06-46-24-25-00000.00CE

**Purchase Details:** The property owner is granting this interest to the County without requiring compensation for the easement value.

**Account:** Funds for recording will be paid from Account No. 20407930700.506110

**Attachments:** Grant of Easement, Title Data /Corporate Data, Location Map

**10. Review for Scheduling:**

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services			County Manager/P.W. Director
					<i>Callan 7/6</i>			
					Analyst	Risk	Grants	Mgr.
<i>[Signature]</i>			<i>BAO 6/21</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>

**11. Commission Action:**

- Approved
- Deferred
- Denied
- Other

RECEIVED BY  
 COUNTY ADMIN: *[Signature]*  
 6/29/06 3:30 PM

COUNTY ADMIN  
 FORWARDED TO: *[Signature]*  
 7/11/06  
*[Signature]*

Rec. by CoAtty  
 Date: 6/26/06  
 Time: 3:30 PM

Forwarded To:  
 [Signature]  
 6/27/06 11:30 AM

**THIS INSTRUMENT PREPARED BY:**

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

Parcels: 104/Cinnamon Cove  
Project: San Carlos Boulevard Bikepath  
Strap No.: 06-46-24-25-00000.00CE

**GRANT OF PERPETUAL  
NON EXCLUSIVE RIGHT-OF-WAY EASEMENT  
FOR BIKEPATH/SIDEWALK**

This **INDENTURE**, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2006, Between **CINNAMON COVE MASTER ASSOCIATION, Inc., a Florida non-profit corporation**, whose address is 11650 Caravel Circle, Fort Myers, Florida 33908, hereinafter referred to as "Grantor", and **LEE COUNTY**, a political subdivision of the State of Florida, whose address is Post Office Box 398, Fort Myers, Florida 33902-0398, hereinafter referred to as "County":

**WITNESSETH:**

1. For good and valuable consideration, which is hereby acknowledged, Grantor hereby transfers to the County a perpetual non-exclusive public right-of-way easement for a bikepath/sidewalk situated in Lee County, Florida, located and described as set forth in Exhibit "A" attached hereto.
2. The County is hereby granted the right to construct, replace, renew, extend and maintain a public bikepath/sidewalk and appurtenant drainage system.
3. This right-of-way easement does not limit the construction of the bikepath/sidewalk or drainage system to a particular type, style, material or design.
4. Title to the improvements constructed hereunder will remain in the County.
5. The County will be responsible for maintenance of the bikepath/sidewalk facility.
6. Grantors covenant that they are lawfully seized and possessed of the property described in Exhibit "A", and have lawful right to convey this non-exclusive easement subject to existing easements for public highways or roads, railroads, laterals, ditches, pipelines and electrical transmission or distribution lines and telephone and cable television lines. Grantor will not place any interfering landscape material in the easement. Also, the Grantor will not create obstructions or conditions, which are or may become dangerous to the public within the easement.
7. The County will have a reasonable right of access for the purposes of reaching the

described easement 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 that easement will be restored by the County to the condition in which it existed prior to the damage.

8. **THIS AGREEMENT** shall be binding upon the parties hereto, their successors and assigns.

9. Grantor, by signing this easement grant, and Grantee, by accepting this easement grant, agree to abide by the terms and conditions contained herein.

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

**TWO SEPARATE WITNESSES:**

**CINNAMON COVE MASTER ASSOCIATION, INC., a  
Florida non-profit corporation**

Robert L. Liston

1st Witness Signature

ROBERT L. LISTON TREAS

Printed name of 1st Witness

BY: Donald E Chestnut

DONALD E CHESTNUT, PRES.

(Print Name and Title)

11650 Caravel Circle  
Fort Myers, FL 33908

MONA AWBON, MNG.

2nd Witness Signature

MONA AWBON

Printed name of 2nd Witness


STATE OF FL )  
COUNTY OF LEE )

The foregoing instrument was acknowledged before me this 9 day of JUNE, 2006

by DONALD E CHESTNUT, of Cinnamon Cove Master Association, Inc., a Florida non-profit  
(Print Name and Title)

corporation, on behalf of the corporation. He is personally known to me or who has produced FL

DRIVER LICENSE as identification.

NOTARY PUBLIC-STATE OF FLORIDA  
 Jimmy L. Sanders  
Commission # DD411397  
Expires: MAR. 24, 2009  
Bonded Thru Atlantic Bonding Co., Inc.

(SEAL)

Jimmy L. Sanders  
(Signature of Notary Public)

JIMMY L. SANDERS  
(Name typed, printed or stamped)  
(Title or Rank)  
(Serial Number, if any)

DESCRIPTION

OF

A parcel or tract of land being the easterly 6.00 feet of Cinnamon Cove, a roadway described and recorded in Official Record Book 2188 at Page 3904 and as Exhibit "K" (Northerly Addition To Entrance Road) and Exhibit "L" (Southerly Addition To Entrance Road) described and recorded in Official Record Book 2046 at Pages 2153-2154, said parcel or tract lying in the southwest quarter (SW ¼) of Section 6, Township 46 South, Range 24 East, Lee County, Florida, being more particularly described as follows:

Commencing at the southeast corner of the southwest quarter (SW ¼) of Section 6, Township 46 South, Range 24 East, Lee County, Florida, thence run N 89° 35' 54" W along the south line of the southwest quarter (SW ¼) of said section 6 for a distance of 50.00 feet to a point on the westerly right of way line of San Carlos Boulevard (State Road No 865-100.00 feet in width); thence run N 00° 00' 16" E along the westerly line of said right of way for a distance of 1405.94 feet to the southeasterly corner of aforesaid Exhibit "L" and the Point of Beginning of the parcel or tract described herein; thence continue N 00° 00' 16" E along said westerly right of way line for a distance of 180.00 feet to a the northeasterly corner of aforesaid Exhibit "K"; thence (departing said right of way line) run N 89° 59' 44" W along the northerly boundary line of Exhibit "K" for distance of 6.00 feet; thence (departing said northerly line) run S 00° 00' 16" W along a line 6.00 feet westerly of (as measured on a perpendicular) the westerly line of the aforesaid right of way for a distance of 180.00 feet to a point on the southerly boundary line of Exhibit "L"; thence run S 89° 59' 44" E along said southerly line for a distance of 6.00 feet to the Point of Beginning, containing 1080.00 square feet (0.0248 acres) more or less.

Bearings mentioned hereinabove are based on a parcel or tract of land recorded in Official Record Book 2046, Pages 2152-2154, Public Records of Lee County, Florida showing the east line of the southwest quarter (SW ¼) of Section 6, Township 46 South, Range 24 East, Lee County, Florida as bearing N 00° 00' 06" E.

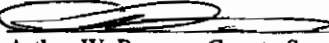
  
Arthur W. Parsons, County Surveyor  
Professional Surveyor and Mapper  
Florida Certificate No. LS-2987

Exhibit "A"

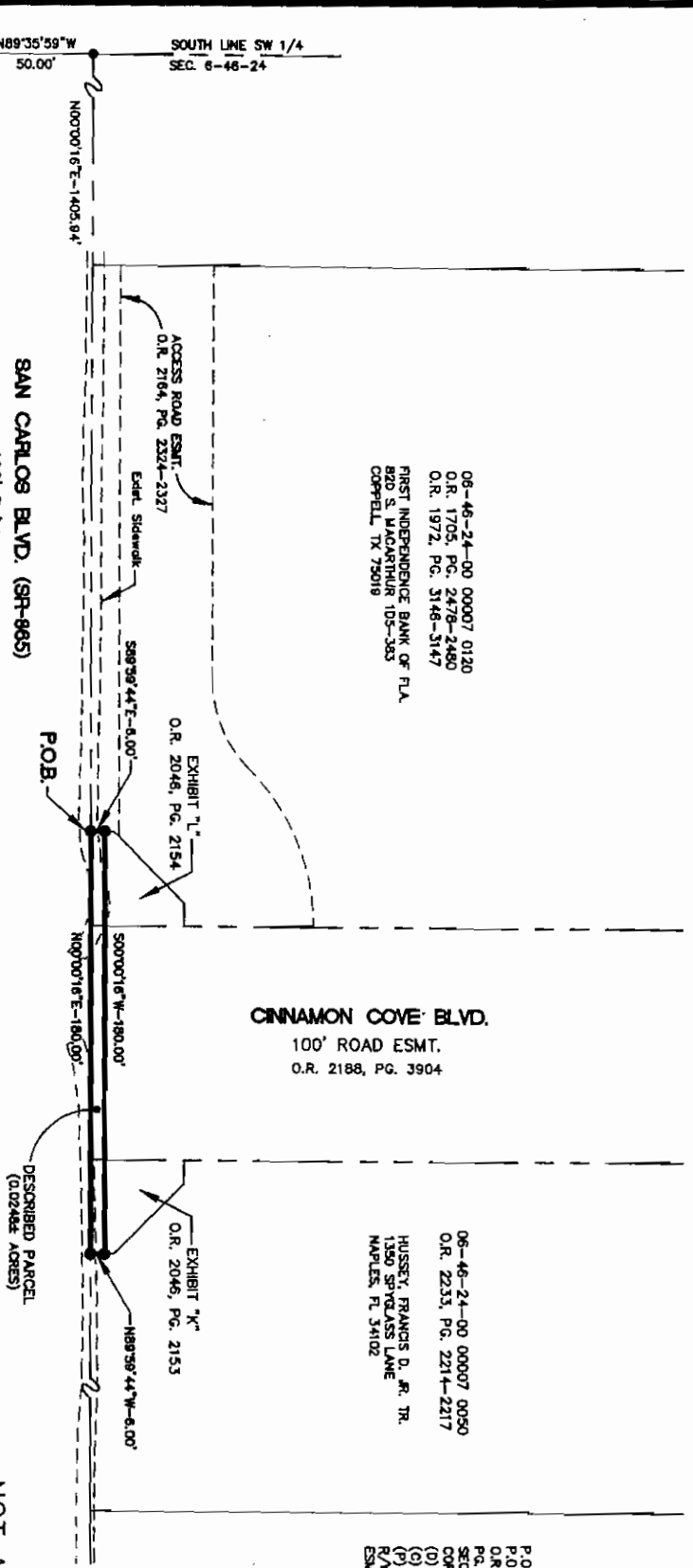
Page 1 of 2

Exhibit "A"

Page 2 of 2



- LEGEND**
- P.O.C. - POINT OF COMMENCEMENT
  - P.O.B. - POINT OF BEGINNING
  - O.R. - ORIGINAL RECORD BOOK
  - PG. - PAGE
  - SEC. - SECTION
  - CORNER - CORNER
  - (0) - DEED DISTANCE OR BEARING
  - (1) - CALCULATED DISTANCE OR BEARING
  - (2) - PLAT DISTANCE OR BEARING
  - R/W - RIGHT OF WAY
  - ESMT. - EASEMENT



06-46-24-00 00007 0120  
 O.R. 1705, PG. 2478-2480  
 O.R. 1972, PG. 3148-3147  
 FIRST INDEPENDENCE BANK OF FLA.  
 422 S. MACARTHUR 105-383  
 COPPELL, TX 75018

06-46-24-00 00007 0050  
 O.R. 2233, PG. 2214-2217  
 HUSSEY, FRANCIS D., JR. TR.  
 1150 SPRINGLASS LANE  
 MAPLES, FL 34102

**SURVEYOR'S CERTIFICATION**

I HEREBY CERTIFY THAT THIS SKETCH AND DESCRIPTION WAS MADE UNDER MY DIRECTION AND CONTROL, AND TO THE BEST OF MY KNOWLEDGE AND BELIEF MEETS THE MINIMUM TECHNICAL STANDARDS IN ACCORDANCE WITH CHAPTER 61G17-6 FLORIDA ADMINISTRATIVE CODE PURSUANT TO CHAPTER 472.027 OF THE FLORIDA STATUTES.

POC  
 SE COR., SW 1/4  
 SEC. 6-46-24

SAN CARLOS BLVD. (SR-985)  
 100' R/W

CINNAMON COVE BLVD.  
 100' ROAD ESMT.  
 O.R. 2188, PG. 3904

DESCRIBED PARCEL  
 (0.029485 ACRES)

**NOT A SURVEY**  
 SKETCH IS TO ACCOMPANY  
 A LEGAL DESCRIPTION  
 OF

A PARCEL OR TRACT OF LAND  
 LYING IN SECTION 6, TOWNSHIP 46 S.,  
 RANGE 24 E., LEE COUNTY, FLORIDA

Arthur W. Parsons, County Surveyor  
 Professional Surveyor & Mapper  
 Florida Certificate No. LS-2987  
 DATE: 8/05  
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL  
 RAISED SEAL OF A FLORIDA LICENSED SURVEYOR & MAPPER.

PARCEL 104

	Designed by A.W.P.	Date: 8/05	040292715	SHEET NO. 2 of 2
	Drawn by D.O.K.	Date: 8/05	040292715	

**Division of County Lands**

**Ownership and Easement Search**

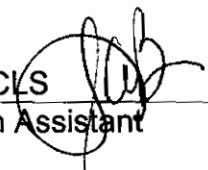
Search No. 06-46-24-25-00000.00CE

Date: July 30, 2004

Parcel: 104

Project: San Carlos Blvd. Bike Path, Project  
SCB-Bike

To: J. Keith Gomez  
Property Acquisition Agent

From: Shelia A. Bedwell, CLS  
Property Acquisition Assistant 

STRAP: 06-46-24-25-00000.00CE

Effective Date: July 6, 2004, at 5:00 p.m.

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

Title to the subject property is vested in the following:

**Cinnamon Cove Master Association, Inc., a Florida non-profit corporation**

By that certain instrument dated January 31, 1989, recorded February 1, 1989, in Official Record Book 2046, Page 2144, and that certain instrument dated November 1, 1990, recorded November 27, 1990, in Official Record Book 2188, Page 3904, Public Records of Lee County, Florida.

**Easements:**

1. Standard Easement Agreement between US Home Corporation and South Florida Cable Television Corp., recorded in Official Record Book 1520, page 1525, as assigned to South Florida Cablevision, Inc., by assignment recorded in Official Record Book 1801, Page 2475, and further assigned to Providence Journal Company, by assignment recorded in Official Record Book 2347, Page 3538, Public Records of Lee County, Florida.
2. Easements as described in Declaration of Covenants, Conditions and Restrictions for Cinnamon Cove Master Association, recorded in Official Record Book 1641, Page 1616, Public Records of Lee County, Florida.
3. Grant of Easement to First Independence Bank of Florida and Richard G. Rundle, as Trustee, over and across access easement from San Carlos Boulevard, recorded in Official Record Book 2168, Page 1073, Public Records of Lee County, Florida.

**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.**



### Florida Non Profit

### CINNAMON COVE MASTER ASSOCIATION, INC.

#### PRINCIPAL ADDRESS

11650 CARAVEL CIRCLE  
FT. MYERS FL 33908  
Changed 03/29/1990

#### MAILING ADDRESS

16681 MCGREGOR BLVD  
SUITE 104  
FT. MEYERS FL 33908 US  
Changed 04/08/2005

<b>Document Number</b> 765034	<b>FEI Number</b> 592303487	<b>Date Filed</b> 09/16/1982
<b>State</b> FL	<b>Status</b> ACTIVE	<b>Effective Date</b> NONE
<b>Last Event</b> AMENDMENT	<b>Event Date Filed</b> 02/03/2005	<b>Event Effective Date</b> NONE

### Registered Agent

<b>Name &amp; Address</b>
TOP MGMT. OF SW FLORIDA INC. 16681 MCGREGOR BLVD. STE. 104 FT. MYERS FL 33908
Name Changed: 05/01/1996
Address Changed: 03/14/2000

### Officer/Director Detail

<b>Name &amp; Address</b>	<b>Title</b>
CHESTNUT, DONALD 11620 SPINNAKER WAY FORT MYERS FL 33908	P

LISTON, ROBERT 16755 CORIANDER LANE  FORT MYERS FL 33908	STD
GENDREAU, DANIEL 11140 CARAVEL CIR 104  FORT MYERS FL 33908	VP

### Annual Reports

Report Year	Filed Date
2004	04/26/2004
2005	04/08/2005
2006	04/24/2006

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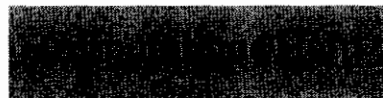
No Name History Information

### Document Images

Listed below are the images available for this filing.

<a href="#">04/24/2006 -- ANN REP/UNIFORM BUS REP</a>
<a href="#">04/08/2005 -- ANN REP/UNIFORM BUS REP</a>
<a href="#">02/03/2005 -- Amendment</a>
<a href="#">04/26/2004 -- ANN REP/UNIFORM BUS REP</a>
<a href="#">05/01/2003 -- ANN REP/UNIFORM BUS REP</a>
<a href="#">04/12/2002 -- ANNUAL REPORT</a>
<a href="#">05/02/2001 -- ANN REP/UNIFORM BUS REP</a>
<a href="#">03/14/2000 -- ANN REP/UNIFORM BUS REP</a>
<a href="#">04/12/1999 -- ANNUAL REPORT</a>
<a href="#">04/23/1998 -- ANNUAL REPORT</a>
<a href="#">04/30/1997 -- ANNUAL REPORT</a>
<a href="#">05/01/1996 -- 1996 ANNUAL REPORT</a>

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





San Carlos Boulevard Bikepath/Sidewalk - Parcel 104/Cinnamon Cove

