

Lee County Board Of County Commissioners

Blue Sheet No. 20060951

Agenda Item Summary

1. ACTION REQUESTED/PURPOSE: Accept donation of Slope Easement for Parcel 65, 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 easement for the Gladiolus Drive Widening Project, No. 4083.

3. MANAGEMENT RECOMMENDATION: Approve

4. Departmental Category: 6 **CLM** 5. Meeting Date: **08-01-2006**

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 9/18/06
<input type="checkbox"/> Public		<input type="checkbox"/> Other		By:	Karen L.W. Forsyth, Director KLW
<input type="checkbox"/> Walk-On					

9. Background:
Negotiated for: Department of Transportation
Interest to Acquire: Slope/Restoration Easement
Property Details:
 Parcel 65 32-45-24-01-0000D.0150, Jose and Luz M. Santana
Purchase Details:
 Purchase Price: \$0.00
 Recording Fees: \$35.50
 The property owner is granting the easement interest to the County without requiring compensation.
Staff Recommendation: Staff recommends the Board approve the action requested.
Account: 20408330700.506110
Attachments: Copy of Slope/Restoration Easement; 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>	Analyst	Risk	Grants	Mgr.	<i>[Signature]</i>
					<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>

11. Commission Action:

Approved
 Deferred
 Denied
 Other

Rec. by: COUNTY ADMIN

Date: **7/20/06**

Time: **1:00 pm**

Forwarded to: **7/20/06 3:50 PM**

RECEIVED BY
 COUNTY ADMIN: *[Signature]*

7/20/06

4:00 pm

COUNTY ADMIN
 FORWARDED TO: *[Signature]*

7/20/06

5:30 PM

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: 65
Project: Gladiolus Drive Widening Project, No. 4083
STRAP No.: 32-45-24-01-0000D.0150

SLOPE/RESTORATION EASEMENT

This INDENTURE, made and entered into this 29th day of June 2006, between Jose Santana and Luz M. Santana, husband and wife, whose address is 10360 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

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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

Juan Varquez

Printed name of 1st Witness



2nd Witness Signature

Anna Varquez

Printed name of 2nd Witness



1st Witness Signature

Juan Varquez

Printed name of 1st Witness



2nd Witness Signature

Carlos Rodriguez

Printed name of 2nd Witness



SIGNATURE OF GRANTOR

Jose Santana

PRINTED NAME OF GRANTOR



SIGNATURE OF GRANTOR

Luz M. Santana

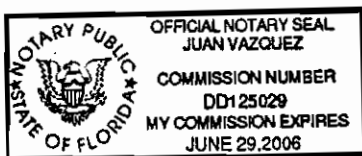
PRINTED NAME OF GRANTOR

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 27th day of June,
2006 by Jose Santana

(name of person acknowledged)

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



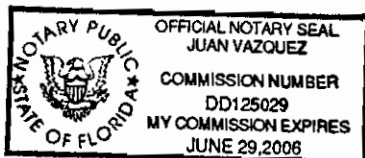
Juan Vazquez
(Signature of Notary Public)
JUAN VAZQUEZ
(Name typed, printed or stamped)
(Title or Rank)
(Serial Number, if any)

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 27th day of June,
2006 by Luz Santana

(name of person acknowledged)

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

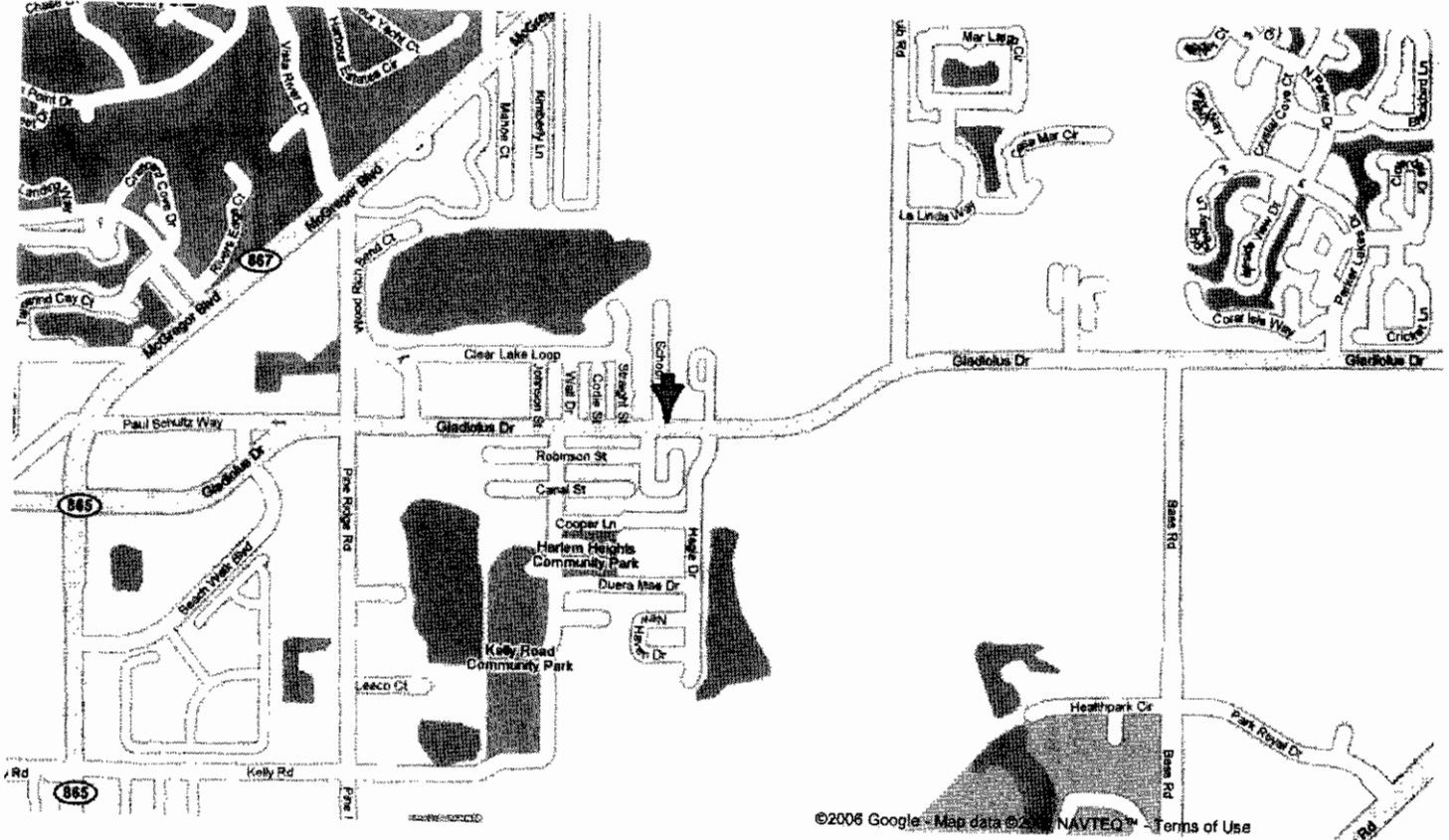


Juan Vazquez
(Signature of Notary Public)
JUAN VAZQUEZ
(Name typed, printed or stamped)
(Title or Rank)
(Serial Number, if any)

Exhibit A

Slope/Restoration Easement
Parcel 65
Gladiolus Drive Widening Project No. 4083

The north five (5) feet of Lot 12, 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.



Division of County Lands

Ownership and Easement Search

Search No. 22279

Date: January 9, 2003

Parcel:

Project: Gladiolus Drive Project 4083

To: Karen L. W. Forsyth
Director

From: Shelia A. Bedwell, CLS
Property Acquisition Assistant



STRAP: 32-45-24-01-0000D.0150

*No changes in ownership
as of 7/11/06*

Effective Date: December 18, 2002, at 5:00 p.m.

Subject Property: Lot 15 and the West one-half of Lot 16, Block D, 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:

Jose Santana and Luz M. Santana, husband and wife

by that certain instrument dated June 23, 1998, recorded July 1, 1998, in Official Record Book 2980, Page 764, Public Records of Lee County, Florida.

Easements:

None found of record.

Note (1): Mortgage executed by Jose L. Santana and Luz M. Santana, husband and wife, in favor of Bank of America, N.A., dated July 19, 1999, recorded August 18, 1999, in Official Record Book 3157, Page 4240, Public Records of Lee County, Florida.

Note (2): Mortgage executed by Jose L. Santana and Luz M. Santana, husband and wife, in favor of Bank of America, N.A., dated July 19, 1999, recorded August 18, 1999, in Official Record Book 3157, Page 4250, Public Records of Lee County, Florida.

Note (3): Iona/McGregor II Sewer Assessment due in the amount of \$201.59, which is good through January 31, 2003.

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.