

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

Blue Sheet No. 20061178

1. ACTION REQUESTED/PURPOSE: Accept Perpetual Beach Storm Damage Reduction Easement for Parcel 94 for the Gasparilla Island Beach Restoration Project No. 3023; authorize the Division of County Lands to handle and accept all documentation necessary; authorize necessary recording fees.

2. WHAT ACTION ACCOMPLISHES: Secures permanent easements along Boca Grande on Gasparilla Island for the proposed beach renourishment project.

3. MANAGEMENT RECOMMENDATION: Approve

4. Departmental Category: 06 C6A

5. Meeting Date: OCT 03 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 <i>ACE</i>
<input type="checkbox"/> Appeals		<input type="checkbox"/> Admin. Code		Division	County Lands <i>TJM</i>
<input type="checkbox"/> Public		<input type="checkbox"/> Other		By:	Karen L.W. Forsyth, Director <i>KLF</i>
<input type="checkbox"/> Walk-On					

9. Background:

Negotiated for: Department of Natural Resources

Interest to Acquire: Easement

Property Details:

Owner: Janice H. Martin
Address: 290 Gulf Boulevard Unit 20, Boca Grande, FL 33921
A portion of STRAP No.: 23-43-20-06-00000.0200

Purchase Details:

Purchase Price: Donation
Costs to Close: Recording fees - Approximately \$30

Account: 40302330101.506110 (55.21%) and 42302300100.506110 (44.79%)

Attachments: Copy of Perpetual Beach Storm Damage Reduction Easement and updated title report

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>			<i>[Signature]</i>	<i>[Signature]</i> 9-18-06	<i>[Signature]</i> 9/19/06	<i>[Signature]</i> 9/19/06	<i>[Signature]</i> 9/19/06	<i>[Signature]</i> 9/19/06	AS alzdca

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY
 COUNTY ADMIN: *[Signature]*
 9/18/06 4:40 PM
 9/20/06 - P.A. 10:30 AM
 COUNTY ADMIN
 FORWARDED TO:

Rec. by CoAtty
 Date: 9/15/06
 Time: 4:08 PM
 Forwarded To:
 Admin.
 9/18/06 3:pm

This instrument prepared by:
Lee County
County Lands Division
P.O. Box 398
Fort Myers, Florida 33902-0398
Project: Gasparilla Island Beach Renourishment Project No. 3023
Parcel No.: 094
Strap No.: 23-43-20-06-00000.0200

(This space is for recording)

PERPETUAL BEACH STORM DAMAGE REDUCTION EASEMENT

Know all by these presents that on this 25th day of August, 2006, Janice H. Martin, whose mailing address is 4255 Old Nine Foot Road, Eagle Lake, Florida 33839, hereinafter referred to as "GRANTOR," in consideration of the mutual benefits to be derived from the Gasparilla Island Beach Renourishment Project (the "Lee County Shore Protection Project") and other good and valuable consideration, hereby grants, bargains and conveys to Lee County, a political subdivision of the State of Florida, whose mailing address is Post Office Box 398, Fort Myers, Florida, 33902-0398, hereinafter "GRANTEE," a Perpetual Beach Storm Damage Reduction easement (the "EASEMENT") over and in the following described property (the "EASEMENT PROPERTY"):

See Attached Schedule A

Perpetual Beach Storm Damage Reduction Easement: A perpetual and assignable easement and right-of-way in, on, over and across the land described in Schedule A (STRAP No. 23-43-20-06-00000.0200), for use by the Grantee, its representatives, agents, contractors and assigns, to construct; preserve; patrol; operate; maintain; repair; rehabilitate; and replace; a public beach and other erosion control and storm damage reduction measures together with appurtenances thereto, including the right to deposit sand; to accomplish any alterations of contours on said land; to construct berms; to nourish and renourish periodically; to move, store and remove equipment and supplies; to erect and remove temporary structures; and to perform any other work necessary and incident to the construction, periodic renourishment and maintenance of the Lee County Shore Protection Project, together with the right of public use and access; to trim, cut, fell, and remove from said land all trees, underbrush, debris, obstructions, and any other vegetation, structures and obstacles within the limits of the easement; reserving to the grantor(s), her heirs, successors and assigns, all such rights and privileges as may be used and enjoyed without interfering with or abridging the rights and easements hereby acquired; subject however to existing easements for public roads and highways, public utilities, railroads and pipelines.

This is a Nonexclusive Easement with the Grantor reserving the right to the continued free use of the Easement Property in a manner not materially inconsistent with the rights granted herein to Grantee for Grantee's use.

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

Parcel No.: 094
Strap No.: 23-43-20-06-00000.0200

IN WITNESS HEREOF, Grantor has caused these presents to be executed on the date first above written.

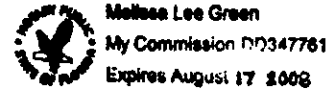
Signed, sealed and delivered in the presence of:

Grantor:

Robert Fullwood
Witness
Robert Fullwood
(Print Name)

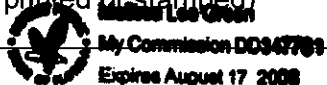
Janice H. Martin
Janice H. Martin

Jack Parrish
Witness
Jack Parrish
(Print Name)



STATE OF Florida
COUNTY OF Polk

The foregoing instrument was acknowledged before me this 8/25/06 (date)
by Janice H. Martin, who is personally known to me or who has
(Name of persons acknowledging)
produced _____ as identification.
(type of identification)

Melissa Lee Green
(Signature of person taking acknowledgment)
Melissa Lee Green
(Name typed, printed or stamped)
(Title or rank) Melissa Lee Green

(Serial Number, if any)

Parcel No. 094
STRAP No(s): 23-43-20-06-00000.0200

SCHEDULE A

That portion of the following described parcel lying seaward of the +4.6 NGVD contour line:

Residence #20 of The Lighthouse of Boca Grande, a Condoision as evidenced by instrument recorded in Official Record Book 1399, Page 1834, Public Records of Lee County, Florida, and specifically described as the South 26.04 feet of the North 65.39 feet of Lots 1, 2, and 2-A of Golden Beach, Unit Number 1 Replat, according to the plat filed in Plat Book 12, at Page 145, of the Public Records of Lee County, Florida, said parcel lying in Section 23, Township 43 South, Range 20 East.


A portion of the Northerly line of said Residence #20 being along a 1" (one inch) opening separating said Residence #20 and Residence #21.

This line has been surveyed by Johnson Engineering, Inc., and is reflected on survey sketches dated August 15, 2000, and filed in the Public Records of Lee County, Florida.

Subject property is not the homestead of grantor, nor is it contiguous to any homestead of the grantor.

Ownership and Easement Search
Search No. 21824/C
Date: December 6, 2000
Parcel: 94
Project: Gasparilla Island Beach
Restoration #3023

To: Teresa L. Mann, SRWA
Property Acquisition Agent

From: Nancy A. Bell, CLS 
Real Estate Title Examiner

STRAP: 23-43-20-06-00000.0200

Effective Date: ~~October 16, 2000, at 5:00 p.m.~~ *SEP. 6, 2006*

Subject Property: See attached Schedule "X".

ARE

NO CHANGE.

Title to the subject property is vested in the following:

Janice H. Martin

by that certain instrument dated October 9, 1990, recorded October 15, 1990, in Official Record Book 2180, Page 3951, Public Records of Lee County, Florida.

Easements:

1. 15 foot easement granted to Florida Power and Light Company for utility purposes, as recorded in Official Record Book 1364, Page 457, Public Records of Lee County, Florida. (does not affect project area)
2. Non-exclusive right of ingress and egress over and upon the lands comprising The Lighthouse at Boca Grande, for the purpose of resident owners' common enjoyment, as recited in Warranty Deed recorded in Official Record Book 1489, Page 904, Public Records of Lee County, Florida. (see: Lots 1, 2, and 2-A of Golden Beach, Unit 1, Plat Book 12, Page 145 of said Public Records for detailed description of the lands comprising The Lighthouse)
3. Perpetual Easement granted to Lee County for beach renourishment and maintenance, as specifically described on the easement instrument recorded in Official Record Book 2538, Page 3430, Public Records of Lee County, Florida.
4. Grant of Access Easement to Storer Cable Communications for purposes of installing, maintaining and operating cable television systems, as recorded in Official Record Book 1972, Page 685, Public Records of Lee County, Florida. (Said access location is not specifically described.)

Ownership and Easement Search
Search No. 21824/C
Date: December 6, 2000
Parcel: 94
Project: Gasparilla Island Beach
Restoration #3023

NOTE (1): Paragraph No. 4(b) of the Restrictions recorded in Official Record Book 1399, Page 1834, Public Records of Lee County, Florida, may affect project, this must be addressed and resolved by the Title Company or Attorney that handles the transfer to the County; also there is mention of a property owners association in the same instrument.

NOTE(2): Deed recorded in Official Record Book 2180, Page 3951, 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.

FOR INFORMATION ONLY: A Survey of the coastal construction set back line in Lee County can be found in Plat Book 31, Page 1, as updated in Plat Book 31-1, Page 1 and as revised in Plat Book 48, pages 15 thru 34, all in the Public Records of Lee County, Florida.

Tax Status: Taxes and assessments are not shown on this report. They will be provided at a later date if determined as being necessary by the end user of this report.
(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

Parcel 94

Project: Gasparilla Island Beach Restoration #3023
Search No. 21824/C

Residence #20 of The Lighthouse of Boca Grande, a Condovision as evidenced by instrument recorded in Official Record Book 1399, Page 1834, Public Records of Lee County, Florida, and specifically described as the South 26.04 feet of the North 65.39 feet of Lots 1, 2, and 2-A of Golden Beach, Unit Number 1 Replat, according to the plat filed in Plat Book 12, at Page 145, of the Public Records of Lee County, Florida, said parcel lying in Section 23, Township 43 South, Range 20 East.

A portion of the Northerly line of said Residence #20 being along a 1" (one inch) opening separating said Residence #20 and Residence #21.