

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

Blue Sheet No. 20061185

1. ACTION REQUESTED/PURPOSE: Accept Perpetual Beach Storm Damage Reduction Easement for Parcel 123 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 C6C **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
<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 Natural Resources

Interest to Acquire: Easement

Property Details:
Owner: Warren F. and Roberta L. Van Osdal
Address: 17686 Saint Patricks Court Granger, IN. 46530
A portion of STRAP No.: 23-43-20-06-00000.0110

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>K. Forsyth</i>				<i>Robert</i>	<i>John 9/19/06</i>	<i>9/19/06</i>	<i>PK 9/19</i>	<i>9/19/06</i>	<i>HS 9/20/06</i>

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY COUNTY ADMIN:	<i>FW</i>
9/18/06 4:40 PM	
COUNTY ADMIN FORWARDED TO:	
9/20/06 P.R. <i>FW</i>	10:30

Rec. by CoAtty	
Date:	9/14/06
Time:	10:40 AM
Forwarded To:	Admin. 9/18/06 3pm

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.: 123

Strap No.: 23-43-20-10-00000.0110

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

(This space is for recording)

PERPETUAL BEACH STORM DAMAGE REDUCTION EASEMENT

Know all by these presents that on this 1st day of SEPTEMBER, 2006, Warren F. Van Osdal and Roberta L. Van Osdal, husband and wife, whose mailing address is 17686 Saint Patricks Court, Granger, IN 46530; 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. 23-43-20-10-00000.0110), 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), their 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.

Parcel No.: 123
Strap No.: 23-43-20-10-00000.0110

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:

Rachel R. Thompson
Witness
RACHEL R. THOMPSON
(Print Name)

Warren F. VanOsdal
Warren F. VanOsdal

Paula L. Nemeth
Witness
PAULA L. NEMETH
(Print Name)

Roberta L. VanOsdal
Roberta L. VanOsdal

Rachel R. Thompson
Witness
RACHEL R. THOMPSON
(Print Name)

Paula L. Nemeth
Witness
PAULA L. NEMETH
(Print Name)

STATE OF INDIANA
COUNTY OF Saint JOSEPH

The foregoing instrument was acknowledged before me this September 1, 2006
(date)

by Warren F. VanOsdal and Roberta L. VanOsdal, who are personally known to me or who have
(Name of persons acknowledging)
produced Indiana Driver's License as identification.
(type of identification)

Kathy R. Rice
(Signature of person taking acknowledgment)
Kathy R. Rice residing in St. Joseph
(Name typed, printed or stamped) County, Indiana
Notary Public
(Title or rank)

My commission expires:
2/3/2008

(Serial Number, if any)

Parcel No. 123
STRAP No(s): 23-43-20-10-00000.0110

SCHEDULE A

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

A tract or parcel of land situated in the State of Florida, County of Lee, being a part of Section 23, Township 43 South, Range 20 East, and further bounded and described as follows:

Starting at the Southeast corner of Lot 12 of Golden Beach Subdivision, Unit 1, according to the map or plat thereof as recorded in Plat Book 10 at Pages 60 and 61 of the Public Records of Lee County, Florida; thence South 89°21'00" W along the South line of said Lot 12 a distance of 68.31 feet; thence North 17°03'29"W a distance of 115.22 feet; thence North 07°02'52"W a distance of 7.55 feet, to a point and the principal place of beginning, thence South 07°02'52"E a distance of 7.55 feet; thence South 17°03'29"E a distance of 16.68 feet; thence South 89°21'00"W a distance of 30.21 feet to a point on the east wall of residences #11 and #12; thence continue South 89°21'00"W along the centerline of a one inch (1") opening, between the walls, separating residences #11 and #12 a distance of 38.50 feet; thence continue South 89°21'00"W along a line parallel with and 94.53 feet North of, as measured perpendicular, the South line of said Lot 12, a distance of 155 feet more or less to the waters of the Gulf of Mexico; thence Northerly along said waters a distance of 24 feet more or less to an intersection with a line bearing South 89°21'00"W and passing through the principal point of beginning; thence North 89°21'00"E along said line, parallel with and 118.03 feet North of, as measured on perpendicular, the South line of said Lot 12, a distance of 215 feet more or less to the principal place of beginning,

And together with an undivided one fifteenth (1/15th) interest in the following described parcels; beginning at the aforesaid Southeast corner of said Lot 12; thence South 89°21'00"W along the South line of said Lot 12 a distance of 68.31 feet; thence North 17°03'29"W a distance of 115.22 feet; thence North 07°02'52"W a distance of 114.19 feet; thence North 89°21'00"E along the North line of Lot 11 of the aforesaid Golden Beach Subdivision, Unit 1, a distance of 94.77 feet; thence South 5°27'00"E along the Westerly right-of-way line of Gulf Drive (100.00 feet wide) a distance of 224.79 feet to the principal place of beginning. Also starting at the Northeast corner of Lot 10 of said Golden Beach Subdivision, Unit 1, said Point also being the principal place of beginning; thence South 5°27'00"E along the Westerly right-of-way line of said Gulf Drive a distance of 112.39 feet; thence South 89°21'00"W along the South line of said Lot 10 a distance of 91.75 feet; thence North 5°11'04"W a distance of 112.35 feet; thence North 89°21'00"E along the North line of said Lot 10 a distance of 91.22 feet to the Point of Beginning. Together with unexclusive easement for ingress and egress over the above described parcel.

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.

Van Osdal Parcel #123

