

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

Blue Sheet No. 20061225

1. ACTION REQUESTED/PURPOSE: Accept Perpetual Beach Storm Damage Reduction Easement for Parcel 156 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

C6E

5. Meeting Date:

OCT 03 2006

6. Agenda:

Consent
 Administrative
 Appeals
 Public
 Walk-On

7. Requirement/Purpose: (specify)

Statute 125
 Ordinance
 Admin. Code
 Other

8. Request Initiated:

Commissioner _____
 Department _____ Independent
 Division _____ County Lands
 By: Karen L.W. Forsyth, Director *KLF*

9. Background:

Negotiated for: Department of Natural Resources

Interest to Acquire: Easement

Property Details:

Owner: Roger L. Garrett Family Trust and Joanna L. Garrett Trust
Address: 640 Bedford Lane, Grosse Pointe, MI. 48230
A portion of STRAP No.: 23-43-20-11-00000.0240

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>KLF</i>			<i>deu</i>	<i>Robert Smith</i>	<i>John</i> 9-19-06	<i>Chloe</i> 9/18/06	<i>RR</i> 9/19	<i>9/19/06</i>	<i>HS</i> 9/20/06

11. Commission Action:

Approved
 Deferred
 Denied
 Other

9-18-06

RECEIVED BY COUNTY ADMIN: *9/18/06 4:40 ml.*

COUNTY ADMIN FORWARDED TO: *9/20/06 - P.R. 10:30*

Rec. by CoAtty

Date: *9/15/06*

Time: *4:05 pm*

Forwarded to: *Admin 9/18/06 3pm*

This instrument prepared by:
Lee County
Public Works/County Lands Division
P.O. Box 398
Fort Myers, Florida 33902-0398
Project: Gasparilla Island Beach Renourishment Project No. 3023
Parcel No.: 156
Strap No.: 23-43-20-11-00000.0240

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 6TH day of SEPTEMBER, 2006, Roger L. Garrett, as Trustee of the Roger L. Garrett Family Trust U/A/D April 27, 1977 and Joanna L. Garrett, as Trustee of the Joanna L. Garrett Trust U/A/D June 7, 1988, whose mailing address is 640 Bedford Lane, Grosse Pointe, Michigan 48230, 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. 23-43-20-11-00000.0240), 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), his 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. 156
STRAP No(s): 23-43-20-11-00000.0240

SCHEDULE A

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

Residence #24-Sundown Colony, Unit #1, GOLDEN BEACH SUBDIVISION, Gasparilla Island, Lee County, Florida, and legally described as follows:

A tract or parcel of land situated in the State of Florida, County of Lee, being a part of Lots 14, 15, 16, 17, 18 and 19, Unit #1, Golden Beach Subdivision, according to the map or plat thereof as recorded in Plat book 10 at Pages 60 and 61, of the Public Records of said Lee County, 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 the aforesaid Lot 19; thence S89°21'W along the South line of said lot for 56.84 feet; thence N01°22'40"W for 93.96 feet to the point of beginning of the herein described parcel; thence continue N01°22'40"W for 24.55 feet; thence S89°21'W parallel with and 118.5 feet North of as measured on a perpendicular; the South line of said Lot 19 for 190 feet more or less to the waters of the Gulf of Mexico, a portion of said line being along the centerline of an eight (8) inch wall separating Residence #24 from Residence #23; thence Southerly along said waters for 25 feet more or less; thence N89°21'E parallel with and 93.95 feet North of, as measured on a perpendicular, the South line of said Lot 19, for 190 feet more or less to the point of beginning.

And together with a one-twenty-eight (1/28) interest in the parcels described as follows:
Tracts or parcels of land situated in the State of Florida, County of Lee, being a part of Lots 14, 15, 16, 17, 18 and 19, Unit #1, Golden Beach Subdivision, according to the map or plat thereof recorded in Plat Book 10 at Pages 60 and 61, of the Public Records of Lee County, being a part of Section 23, Township 43 South, Range 20 East, and further bounded and described as follows:

Beginning at the Southeast corner of the aforesaid Lot 19; thence S89°21'00"W along the South line of said Lot for 56.84 feet; thence N01°22'40"W for 165.52 feet; thence N05°36'43"W for 171.14 feet to a point on the North line of the aforesaid Lot 17; thence N89°21'00"E along said line for 46.18 feet to a point on the Westerly right-of-way line of Gulf Boulevard (100.00 feet wide); thence S5°27'00"E along said right-of-way line for 283.80 feet to the beginning of a curve concave to the West having a radius of 2213.2 feet; thence Southerly along said curve and along said Westerly right-of-way line for 53.34 feet to the point of beginning.

ALSO:

Beginning at the Southeast corner of the aforesaid Lot 16; thence N5°27'00"W along the Westerly right-of-way line of Gulf Boulevard (100.00 feet wide) for 337.18 feet to the Northeast corner of the aforesaid Lot 14; thence S89°21'00"W along the North line of said Lot 14 for 43.00 feet; thence S5°27'00"E parallel with the aforesaid right-of-way line for 259.41 feet; thence S89°21'00"W parallel with and 258.5 feet South of, as measured on a perpendicular, the North line of said Lot 14, for 200 feet more or less to the waters of the Gulf of Mexico; thence Southerly along said waters for 75 feet more or less to an intersection with the South line of the aforesaid Lot 16; thence N89°21'00"E along said South line for 240 feet more or less to the point of beginning.

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.

Parcel No.: 156
Strap No.: 23-43-20-11-00000.0240

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:

Mia Peterson
Witness

R. L. Garrett
Roger L. Garrett, individually and as Trustee of the Roger L. Garrett Family Trust U/A/D April 27, 1977

Mia Peterson
(Print Name)

John J DeBono
Witness
(Print Name)

STATE OF Michigan
COUNTY OF WAYNE

The foregoing instrument was acknowledged before me this September 6, 2006 (date)

by Roger L. Garrett (Name of persons acknowledging) who is personally known to me or who has produced _____ as identification. (type of identification)

Joe L. Cosgro
(Signature of person taking acknowledgment)

JOE L. COSGRO
(Name typed, printed or stamped)

Notary
(Title or rank)

(Serial Number, if any)

Parcel No.: 156
Strap No.: 23-43-20-11-00000.0240

Signed, sealed and delivered in the presence of:

Mia Peterson
Witness

Mia Peterson
(Print Name)

[Signature]
Witness

John J DeBono
(Print Name)

STATE OF MICHIGAN
COUNTY OF WAYNE

Grantor:

Joanna L. Garrett
Joanna L. Garrett, individually and as
Trustee of the Joanna Garrett Trust
U/A/D June 7, 1988

The foregoing instrument was acknowledged before me this SEPTEMBER 6, 2006
(date)

by Joanna L. Garrett who is personally known to me or who has
(Name of persons acknowledging) produced _____ as identification.
(type of identification)

[Signature]
(Signature of person taking acknowledgment)
Jill L. Cosgro
(Name typed, printed or stamped)
Notary
(Title or rank)

(Serial Number, if any)

Garrett Parcel #156

