

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

Blue Sheet No. 20061177

1. ACTION REQUESTED/PURPOSE: Accept Perpetual Beach Storm Damage Reduction Easement for Parcel 183 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

CGA

5. Meeting Date:

OCT 17 2006

6. Agenda:

- Consent
- Administrative
- Appeals
- Public
- Walk-On

7. Requirement/Purpose: (specify)

- Statute 125
- Ordinance
- Admin. Code
- Other

8. Request Initiated:

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

9. Background:

Negotiated for: Department of Natural Resources

Interest to Acquire: Easement

Property Details:

Owner: Campbell F. Watts, Jr., Trustee
Address: 480 Gulf Boulevard Unit 12, Boca Grande, FL 33921
A portion of STRAP No.: 23-43-20-08-00000.0120

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>[Signature]</i>	<i>Robert [Signature]</i> 10-2-06	<i>RK for EWS 10/2</i>	<i>JT 10/2/06</i>	<i>[Signature] 10/3/06</i>	<i>[Signature] 10/3/06</i>	<i>AS 10/3/06</i>

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY COUNTY ADMIN: *[Signature]*
 10/2/06 3:15 WMP.
 COUNTY ADMIN
 FORWARDED TO:
 10/4/06 - Act Res. 10:30

Rec. by CoAtty
 Date: 10/2/06
 Time: 11:46 AM

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.: 183

Strap No.: 23-43-20-08-00000.0120

(This space is for recording)

PERPETUAL BEACH STORM DAMAGE REDUCTION EASEMENT

Know all by these presents that on this 5th day of August, 2006, Campbell F. Watts, Jr. as Trustee of the Campbell F. Watts Jr. Revocable Trust UTD February 6, 2004, whose mailing address is 510 Vernon Drive Woutheast, Cedar Rapids, Iowa 52403, 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. 23-43-20-08-00000.0120), 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.

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

Parcel No.: 183
Strap No.: 23-43-20-08-00000.0120

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:

Julie V. Watts
Witness
Julie V. Watts
(Print Name)

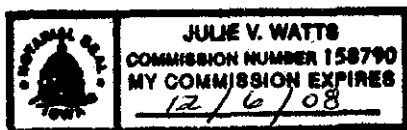
Campbell F. Watts Jr.
Campbell F. Watts, Jr., as Trustee
of the Campbell F. Watts Jr.
Revocable Trust UTD February 6, 2004

Judith Wagner
Witness
Judith Wagner
(Print Name)

STATE OF Iowa
COUNTY OF Linn

The foregoing instrument was acknowledged before me this 8/5/06 (date)

by Campbell F. Watts, Jr., as Trustee, who is personally known to me or who has
(Name of persons acknowledging)
produced Iowa Driver's license as identification.
(type of identification)



Julie V. Watts
(Signature of person taking acknowledgment)
Julie V. Watts
(Name typed, printed or stamped)
Notary
(Title or rank)
158790
(Serial Number, if any)

Parcel No. 183
STRAP No(s): 23-43-20-08-00000.0120

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 Lots 22 and 23, Unit #1, of Golden Beach Subdivision, according to the map or plat thereof recorded in Plat Book 10 at Page 61 of the Public Records of Lee County, Florida, 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 said Lot 23; thence South $89^{\circ}21'00''$ W along the South line of said Lot 23 a distance of 113.37 feet; thence North $7^{\circ}00'23''$ W a distance of 55.99 feet to a point and the principal place of beginning; thence continue North $7^{\circ}00'23''$ W a distance of 23.22 feet; thence South $89^{\circ}21'00''$ W a distance of 28.11 feet to a point on the East wall of residences #12 and #11; thence continue South $89^{\circ}21'00''$ W along the centerline of a one inch (1") opening between the walls, separating residences #12 and #11 a distance of 38.50 feet; thence continue South $89^{\circ}21'00''$ W along a line parallel with the South line of said Lot 23 a distance of 145 feet more or less to the waters of the Gulf of Mexico; thence Southerly along said waters a distance of 23 feet more or less to an intersection with a line that bears South $89^{\circ}21'00''$ W and passes through the principal place of beginning; thence North $89^{\circ}21'00''$ E along said line a distance of 215 feet more or less to the place 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.

Division of County Lands

Updated Ownership and Easement Search

Search No. 23-43-20-08-00000.0120

Date: September 13, 2006

Parcel: 183

Project: Gasparilla Island Beach Restoration,
Project #3023

To: Teresa L. Mann, SRWA
Property Acquisition Agent

From: Bill Abramovich *BA.*
Real Estate Title Examiner

STRAP: 23-43-20-08-00000.0120

Effective Date: September 6, 2006, at 5:00 p.m.

Subject Property: See attached Exhibit "A"

Title to the subject property is vested in the following:

**Campbell F. Watts, Jr. as Trustee of the Campbell F. Watts, Jr. Revocable Trust
U/T/D February 6, 2004**

By that certain instrument dated March 2, 2004, recorded April 14, 2004, in Official Record Book 4257, Page 3118, Public Records of Lee County, Florida.

Easements:

1. Perpetual easement in favor of Lee County, a political subdivision of the State of Florida as recorded in Official Record Book 3607, Page 3635, Public Records of Lee County, Florida.

NOTE (1): The State of Florida, Division of Corporations does not show Turtleback -Twelve as ever being registered with the State. This must be addressed and resolved by the Title Company or Attorney that handles the transfer to the County.

NOTE (2): NOTE FOR INFORMATION: 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.

NOTE (3): Lee County Ordinances relating to garbage and solid waste collection, recorded in Official Record Book 2189, Pages 3281 and 3334, Public Records of Lee County, Florida.

NOTE (4): Notice of Commencement recorded May 9, 2006 in Instrument Number 2006000189367, Public Records of Lee County, Florida.

Division of County Lands

Updated Ownership and Easement Search

Search No. 23-43-20-08-00000.0120

Date: September 13, 2006

Parcel: 183

Project: Gasparilla Island Beach Restoration,
Project #3023

NOTE (5): Mortgage executed by Campbell F. Watts in favor of U.S. Bank, National Association N.D., dated April 19, 2006, recorded June 1, 2006 in Instrument Number 2006000220800, Public Records of Lee County, Florida.

Tax Status: Taxes in the amount of \$11,797.15 have been paid on March 13, 2006.
(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.

Exhibit "A"

Legal Description

A tract or parcel of land situated in the State of Florida, County of Lee, being a part of Lots 22 and 23, Unit #1, of GOLDEN BEACH Subdivision, according to the map or plat thereof as recorded in Plat Book 10 at Page 61, of the Public Records of said Lee County, Florida, 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 said Lot 23; thence South 89°21'00"W along the South line of said Lot 23 a distance of 113.37 feet; thence North 7°00'23"W a distance of 55.99 feet to a point and the principal place of beginning; thence continue North 7°00'23"W a distance of 23.22 feet; thence South 89°21'00"W a distance of 28.11 feet to a point on the East wall of residences #12 and #11; thence continue South 89°21'00"W along the centerline of a one inch (1") opening between the walls, separating residences #12 and #11 a distance of 38.50 feet; thence continue South 89°21'00"W along a line parallel with the South line of said Lot 23 a distance of 145 feet more or less to the waters of the Gulf of Mexico; thence Southerly along said waters a distance of 23 feet more or less to an intersection with a line that bears South 89°21'00"W and passes through the principal place of beginning; thence North 89°21'00"E along said line a distance of 215 feet more or less to the place of beginning.

And together with undivided one fourteenth $\frac{1}{4}$ interest in the following described parcel; Beginning at the aforesaid Southeast corner of said Lot 23; thence South 89°21'00"W along the South line of said Lot 23 a distance of 113.37 feet; thence North 7°00'23"W a distance of 334.12 feet to a point of the North line of said Lot 22; thence North 89°21'00"E along said North line a distance of 34.72 feet to the Northeast corner of said Lot 22, said point being on a non-tangent curve concave to the East having a radius of 600.00 feet, through said point a radial line bears South 84°16'32"W, said curve also being the Westerly right-of-way line of Gulf Boulevard (100.00 feet wide); thence Southerly and Southeasterly along said curve a distance of 245.60 feet to the beginning of a reverse curve concave to the Southwest having a radius of 622.07 feet; thence Southeasterly along said curve a distance of 118.14 feet to the point of beginning.

Being resident 12, TURTLEBACK, an unrecorded subdivision, in Lee County, Florida.



INSTR # 6223273
 UR 0K 04257 Pgs 3118 - 3120; (3pgs)
 RECORDED 04/14/2004 04:11:25 PM
 CHARLIE GREEN, CLERK OF COURT
 LEE COUNTY, FLORIDA
 RECORDING FEE 13.00
 DEED DOC 0.70
 DEPUTY CLERK M VonSoosten

Prepared by and return to:
 Carmen M. Burgner
 Assistant Secretary
 Joseph J. Nolan, P.A.
 1674 Williamsburg Square
 Lakeland, FL 33803-4278

File Number: 04-M006
 Will Call No.:

[Space Above This Line For Recording Data]

Warranty Deed

This Warranty Deed made this 2ND day of MARCH, 2004 between Campbell F. Watts, Jr., a married man whose post office address is 510 Vernon Drive Southeast, Cedar Rapids, IA 52403, grantor, and Campbell F. Watts, Jr. as Trustee of the Campbell F. Watts Jr. Revocable Trust U/T/D February 6, 2004, with the full power and authority to protect, conserve, sell, lease, encumber, manage and/or dispose of said real property pursuant to F.S. 689.071, whose post office address is 510 Vernon Drive Southeast, Cedar Rapids, IA 52403, grantee:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Lee County, Florida to-wit:

See Exhibit "A" attached hereto and made a part hereof as if fully set forth herein.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to **December 31, 2003**.

DoubleTime®

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Darla D. Golden
Witness Name: Darla D. Golden

Campbell F. Watts, Jr. (Seal)
Campbell F. Watts, Jr.

Dana S. Daves
Witness Name: Dana S. Daves

State of IOWA
County of LINN

The foregoing instrument was acknowledged before me this 2ND day of MARCH, 2004 by Campbell F. Watts, Jr., who is personally known or has produced a driver's license as identification.

[Notary Seal]

Stephen C. Nelson
Notary Public

Printed Name: STEPHEN C. NELSON

My Commission Expires: 4-1-07

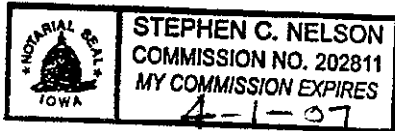


EXHIBIT "A"

LEGAL DESCRIPTION

A tract or parcel of land situated in the State of Florida, County of Lee, being a part of Lots 22 and 23, Unit #1, of GOLDEN BEACH subdivision, according to the map or plat thereof as recorded in Plat Book 18 at Page 61, of the Public Records of said Lee County, Florida, being a part of Section 23, Township 43 South, Range 28 East, and further bounded and described as follows:

Starting at the Southeast corner of said Lot 23; Thence S 89°21'00" W along the South line of said lot 23 a distance of 113.37 feet; Thence N 7°00'23" W a distance of 55.99 feet to a point and the principal place of beginning; Thence continue N 7°00'23" W a distance of 23.22 feet; Thence S 89°21'00" W a distance of 28.11 feet to a point on the East wall of residences #12 and #11; Thence continue S 89°21'00" W along the centerline of a 1 inch opening between the walls, separating residences #12 and #11 distance of 38.58 feet; Thence continue S 89°21'00" W along a line parallel with the South line of said lot 23 a distance of 145 feet more or less to the waters of the Gulf of Mexico; Thence Southerly along said waters a distance of 23 feet more or less to an intersection with a line that bears S 89°21'00" W and passes through the principal place of beginning; Thence N 89°21'00" E along said line a distance of 215 feet more or less to the place of beginning.

And together with undivided one fourteenth 1/14 interest in the following described parcel; Beginning at the aforesaid Southeast corner of said lot 23; Thence S 89°21'00" W along the South line of said lot 23 a distance of 113.37 feet; Thence N 7°00'23" W a distance of 334.12 feet to a point of the North line of said lot 22; Thence N 89°21'00" E along said North line a distance of 34.72 feet to the Northeast corner of said lot 22, said point being on a non-tangent curve concave to the East having a radius of 688.88 feet, through said point a radial line bears S 84°16'32" W, said curve also being the Westerly right-of-way line of Gulf Boulevard (100.00 feet wide); Thence Southerly and Southeasterly along said curve a distance of 245.68 feet to the beginning of a reverse curve concave to the Southwest having a radius of 622.87 feet; Thence Southeasterly along said curve a distance of 118.14 feet to the point of beginning.

Being resident 12, TURTLEBACK, an unrecorded subdivision, in Lee County, Florida.