

Agenda Item Summary

1. ACTION REQUESTED/PURPOSE: Accept two Perpetual Drainage Easements necessary for the Harbor Drive Road Paving MSBU for pavement of Harbor Drive; authorize the Division of County Lands to handle and accept all documentation necessary; authorize payment of mortgage subordination and recording fees.

2. WHAT ACTION ACCOMPLISHES: Acquisition of drainage easements required for the Harbor Drive Road Paving MSBU Project.

3. MANAGEMENT RECOMMENDATION: Management recommends Board approve the Action Requested.

4. Departmental Category: 6

CLC

5. Meeting Date: October 31, 2006

6. Agenda:

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

7. Requirement/Purpose: (specify)

- Statute 125
- Ordinance
- Admin. Code
- Resolution 03-12-20

8. Request Initiated:

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

9. Background: The Board of County Commissioners created the Harbor Drive Road Paving MSBU on December 20, 2003, when it adopted Resolution Number 03-12-20. The purpose of the project is to pave the existing unimproved (dirt/shell) roadway. Resolution 03-12-21 declares the County will be reimbursed the cost from Proceeds of Tax Exempt Debt to be incurred by the County.

Attached are copies of two Perpetual Easement Agreements. The easements were donated from Dean & Dean Farms Limited and Dean Munz, LLC. Subordination of existing mortgage will be obtained and recorded concurrently. The original documents are in the files of County Lands and will be recorded upon approval by the Board of County Commissioners.

Funds are available in Account Number: 80502810400
 Costs to Close: Approximately \$1100.00
 Staff Recommends Board approve the Requested Motion.

ATTACHMENTS: Copies of Perpetual Drainage Easement Agreements, In-House Title Searches, GIS Location Map

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>[Signature]</i>	<i>Robert Spelman</i>	<i>GA 10/19/06</i>	<i>10/19</i>	<i>10/19/06</i>	<i>10/19/06</i>	<i>AS 10/19/06</i>

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY
 COUNTY ADMIN: *D.*
 10/19/06
 10:45 am
 COUNTY ADMIN
 FORWARDED TO: *[Signature]*
 10/19/06
 3:45 pm

REC'D
 by CO. ATTY.
 10/18/06
 2:23 pm
 CO. ATTY.
 FORWARDED TO:
 Admin. 10/19/06 9:15 am

THIS INSTRUMENT PREPARED BY:

Lee County Division of County Lands
Post Office Box 398
Fort Myers, Florida 33902
Project: Harbor Drive MSBU
STRAP No.: 04-44-22-00-00002.0000
Page 1 of 2

PERPETUAL DRAINAGE EASEMENT

This indenture is made this ___ day of _____, 2006 between Dean Munz, L.L.C., a Florida limited liability company, whose address is P. O. Box 2198, Pineland, Florida 33945 (Grantor), and LEE COUNTY, a political subdivision of the State of Florida, Post Office Box 398, Fort Myers, Florida, 33902 (Grantee), as follows:

WITNESSETH:

1. For and in consideration of the sum of One Dollar and other good and valuable consideration, receipt of which is hereby acknowledged, Grantor does hereby grant to the Grantee, its successors and assigns the use of a drainage easement situated in Lee County, Florida, and located and described as set forth in Exhibit "A" attached hereto and made a part hereof.

2. Grantee, its successors, appointees and assigns, are granted the right, privilege, and authority to construct, and maintain stormwater drainage facilities including the installation of pipe, drainage structures and appurtenances, within the drainage easement area in accordance with appropriate permits issued for construction and maintenance. Grantee has the right and authority to remove and dispose of dirt, rocks and vegetation within the easement area.

3. Grantee also has the right and authority to remove or trim any roots, trees or other vegetation or structures, including fencing, within the easement area in order to properly install and maintain the stormwater drainage facilities. Grantor may use the drainage easement area for landscaping (except trees), walkway, drainage or similar uses, provided that no structures, such as sheds, carports, garages or other buildings, are constructed within the easement area.

4. Title to the utilities constructed hereunder shall remain in the Grantee, Grantee's successors, appointees and assigns.

5. Grantor warrants that subject to existing easements, if any, 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, Grantor is lawfully seized and possessed of said lands, has good and lawful right and power to convey, and that the property is free and clear of all liens and encumbrances, except as recorded in the Public Records.

6. THIS AGREEMENT shall be binding upon the parties hereto, their successors and assigns.

7. This easement runs in perpetuity, unless Grantee extinguishes its interest through either recording an easement to relocate its drainage or vacation by Lee County, in the public records of Lee County, Florida.

Dated: 9/20, 2006



1st Witness Signature

Peter Riels

Printed Name of 1st Witness



2nd Witness Signature

Kathryn Keene

Printed Name of 2nd Witness

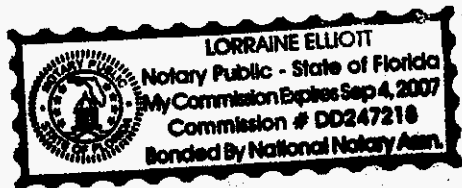
Dean Munz, L.L.C., a Florida limited liability company

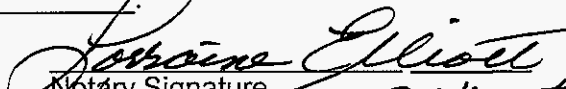
BY: 

Mark F. Dean, Its Managing Member

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 20th day of September, 2006 by Mark F. Dean, the Managing Member of Dean Munz, L.L.C., a Florida limited liability company, on behalf of the company. He is personally known to me or has produced the following identification: _____





Notary Signature
LORRAINE ELLIOTT

Printed Name

My Commission Expires: 9/4/07

Exhibit "A"

AUGUST 24, 2006
JOB # 03-7033
FILE# 03-7033SK01DRLGL
SHEET 1 OF 2

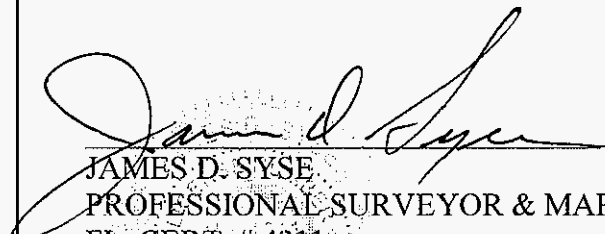
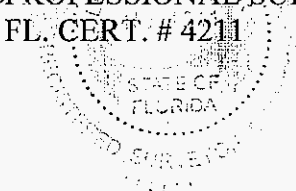
DESCRIPTION: 45 FOOT WIDE DRAINAGE EASEMENT

A 45 FOOT WIDE DRAINAGE EASEMENT LYING IN GOVERNMENT LOTS 3 AND 4, OF THE NORTHWEST ONE QUARTER (1/4) OF SECTION 4, TOWNSHIP 44 SOUTH, RANGE 22 EAST, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHWEST ONE QUARTER (1/4) OF SAID SECTION 4; THENCE N.03°06'05"E ALONG THE WEST LINE OF SAID NORTHWEST ONE QUARTER (1/4) FOR 210.59 FEET TO THE POINT OF BEGINNING OF SAID CENTERLINE; THENCE S.89°56'25"E. FOR 2641.31 FEET TO THE EAST LINE OF SAID GOVERNMENT LOT 4 AND THE END OF SAID CENTERLINE.

THE SIDE LINES OF SAID EASEMENT ARE TO BE EXTENDED OR SHORTENED TO TERMINATE AT THE WEST LINE OF SAID NORTHWEST ONE QUARTER (1/4) AND EAST LINE OF SAID GOVERNMENT LOT 4.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD.


JAMES D. SYSE
PROFESSIONAL SURVEYOR & MAPPER
FL. CERT. # 4211


Division of County Lands

In House Title Search

Search No. 04-44-22-00-00002.0000

Date: July 21, 2006

Parcel:

Project: Harbor Drive MSBU #805028

To: Kathryn Keene
Property Acquisition Agent

From: Bill Abramovich *B.A.*
Real Estate Title Examiner

STRAP: 04-44-22-00-00002.0000

This search covers the period of time from January 1, 1940, at 8:00 a.m. to July 12, 2006, at 5:00 p.m.

Subject Property: See attached Exhibit "A"

Title to the subject property is vested in the following:

Dean Munz, LLC, a Florida Limited Liability Company

by that certain instrument dated March 3, 2003, recorded March 4, 2003, in Official Record Book 3860, Page 4697 and by that certain instrument, dated March 3, 2003, recorded March 31, 2003, in Official Record Book 3886, Page 4747, Public Records of Lee County, Florida.

Subject to:

1. Title to oil, gas and mineral rights and leases on subject property is specifically omitted from this report.
2. Reservations in Deed Book 163, Page 519, Public Records of Lee County, Florida.
3. A thirty foot Road and Drainage Easement in Official Record Book 1884, Page 4511, Public Records of Lee County, Florida.
4. Mortgage executed by Dean Munz, LLC, Thomas C. Munz and Edward A. Dean in favor of Farm Credit of Southwest Florida, ACA as nominee for Farm Credit of Southwest Florida, FLCA or Farm Credit of Southwest Florida, PCA, dated March 3, 2003, recorded March 4, 2003, in Official Record Book 3860, Page 4703, Public Records of Lee County, Florida.
5. Collateral Assignment of Leases, Rents and Profits in Official Record Book 3860, Page 4717, Public Records of Lee County, Florida.
6. UCC between Dean Munz, LLC and Farm Credit of Southwest Florida, ACA, recorded March 4, 2003, in Official Record Book 3860, Page 4727, Public Records of Lee County, Florida.

Division of County Lands

In House Title Search

Search No. 04-44-22-00-00002.0000

Date: July 21, 2006

Parcel:

Project: Harbor Drive MSBU #805028

7. 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.

Tax Status: Taxes in the amount of \$1,502.35 have been paid on December 13, 2005.
(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.

Division of County Lands

In House Title Search

Search No. 04-44-22-00-00002.0000

Date: July 21, 2006

Parcel:

Project: Harbor Drive MSBU #805028

Exhibit "A"

Government Lots 2 and 4; said Government Lot 2 being in the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 4, Township 44 South, Range 22 East, Lee County, Florida; and said Government Lot 4 being in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 4, Township 44 South, Range 22 East, Lee County, Florida.

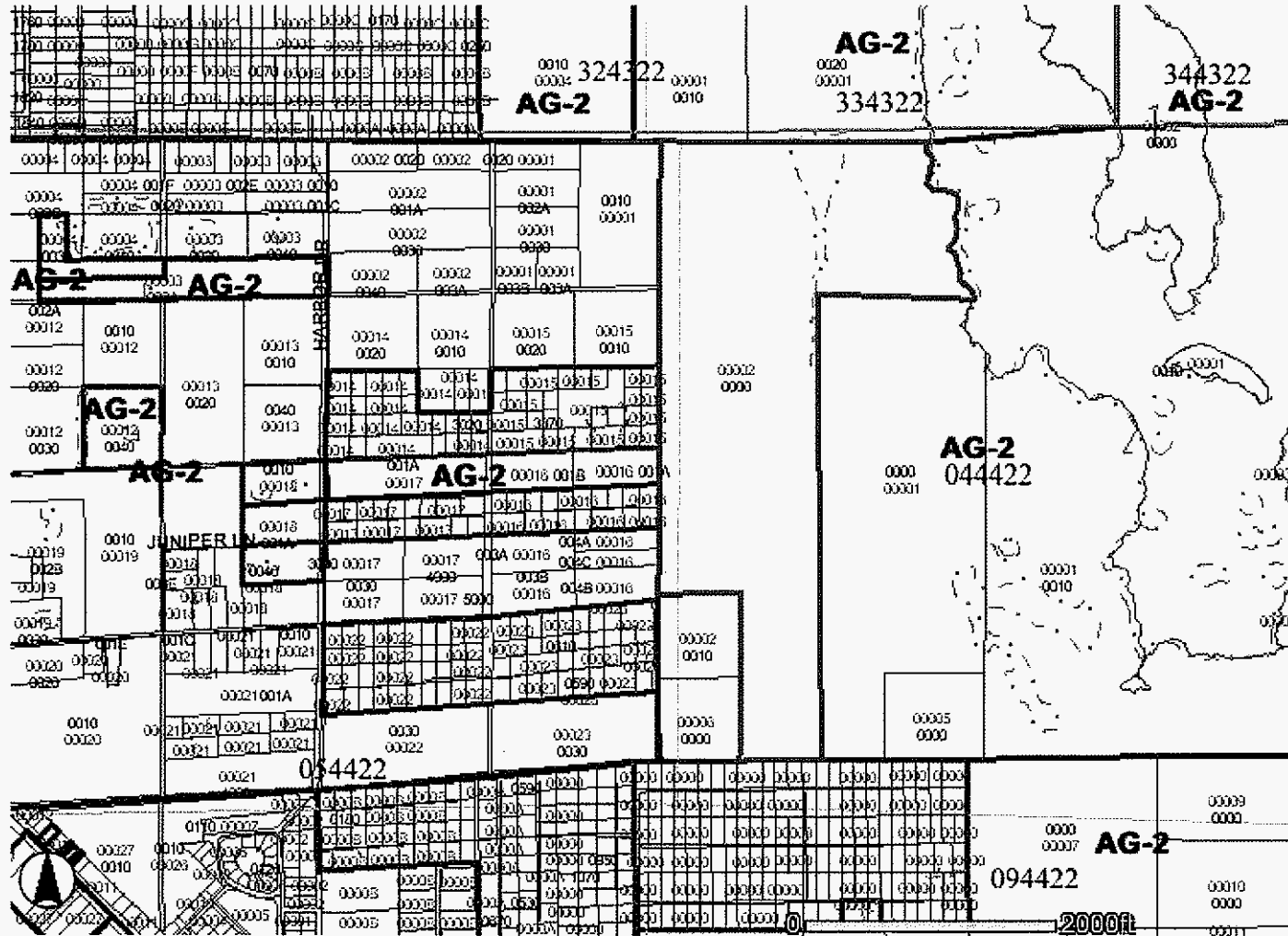
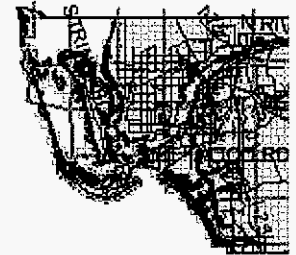
Part A:

Government Lot 3 (also known as the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$); and the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$; and the East $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 4, Township 44 South, Range 22 East, Pine Island, Lee County, Florida. Subject to a 30-foot road and drainage easement along the east side of the above described property.

Part B:

The West 60 feet of Government Lot 5, and the West 60 feet of the East one-half of the Southwest one-quarter, all in Section 4, Township 44 South, Range 22 East, Lee County, Florida.

Lee County Map



- ### Legend
- Selected Features
 - Block
 - Lot
 - Condo Block
 - Condo Lot
 - Condo Building
 - Parcels
 - Parcel Hooks
 - Hydro Features
 - Road Center Line
 - Township Range Line
 - Township Range Label
 - Section Lines
 - Zoning - County
 - City Limits
 - Bonita Springs
 - Cape Coral
 - Fort Myers
 - Sanibel
 - Town of Fort Myers Beach

THIS INSTRUMENT PREPARED BY:

Lee County Division of County Lands
Post Office Box 398
Fort Myers, Florida 33902
Project: Harbor Drive MSBU
STRAP No.: 04-44-22-00-00001.0000
Page 1 of 2

PERPETUAL DRAINAGE EASEMENT

This indenture is made this ___ day of _____, 2006 between Dean & Dean Farms Limited, a Florida Limited Partnership, whose address is P. O. Box 2198, Pineland, Florida 33945 (Grantor), and LEE COUNTY, a political subdivision of the State of Florida, Post Office Box 398, Fort Myers, Florida, 33902 (Grantee), as follows:

WITNESSETH:

1. For and in consideration of the sum of One Dollar and other good and valuable consideration, receipt of which is hereby acknowledged, Grantor does hereby grant to the Grantee, its successors and assigns the use of a drainage easement situated in Lee County, Florida, and located and described as set forth in Exhibit "A" attached hereto and made a part hereof.

2. Grantee, its successors, appointees and assigns, are granted the right, privilege, and authority to construct, and maintain stormwater drainage facilities including the installation of pipe, drainage structures and appurtenances, within the drainage easement area in accordance with appropriate permits issued for construction and maintenance. Grantee has the right and authority to remove and dispose of dirt, rocks and vegetation within the easement area.

3. Grantee also has the right and authority to remove or trim any roots, trees or other vegetation or structures, including fencing, within the easement area in order to properly install and maintain the stormwater drainage facilities. Grantor may use the drainage easement area for landscaping (except trees), walkway, drainage or similar uses, provided that no structures, such as sheds, carports, garages or other buildings, are constructed within the easement area.

4. Title to the utilities constructed hereunder shall remain in the Grantee, Grantee's successors, appointees and assigns.

5. Grantor warrants that subject to existing easements, if any, 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, Grantor is lawfully seized and possessed of said lands, has good and lawful right and power to convey, and that the property is free and clear of all liens and encumbrances, except as recorded in the Public Records.

6. THIS AGREEMENT shall be binding upon the parties hereto, their successors and assigns.

7. This easement runs in perpetuity, unless Grantee extinguishes its interest through either recording an easement to relocate its drainage or vacation by Lee County, in the public records of Lee County, Florida.

Dated: 9/20, 2006

[Signature]
1st Witness Signature
Peter Riels
Printed Name of 1st Witness

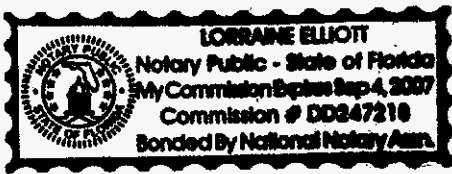
[Signature]
2nd Witness Signature
Kathryn Keene
Printed Name of 2nd Witness

DEAN & DEAN FARMS LIMITED, a Florida
Limited Partnership
By: Dean & Dean Farms, LLC, General Partner
By: Trademark Palms, Inc., Managing Member

BY: [Signature]
Mark F. Dean, It's President

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 20th day of September, 2006 by Mark F. Dean, the President of Trademark Palms, Inc. the Managing Member of Dean & Dean Farms Limited, L.L.C., a Florida limited liability company, on behalf of the company. He is personally known to me or has produced the following identification:



[Signature]
Notary Signature
LORRAINE ELLIOTT
Printed Name

My Commission Expires: 9/4/07

Exhibit "A"

Drawing Name: P:\03-7033\Survey\Sketch\03-7033sk01dr.dwg Layout Name: letter300 Plotted by: Charlie Povlick Date: 8/25/2006 8:34 AM LBFH, Inc.

W. LINE NW 1/4, SEC. 4-44-22
 N03°06'05"E
 210.59'

P.O.C.
 SW COR. NW 1/4
 SEC. 4-44-22

P.O.B.

C/L 45' WIDE DRAINAGE EASEMENT

GOVERNMENT LOT 3

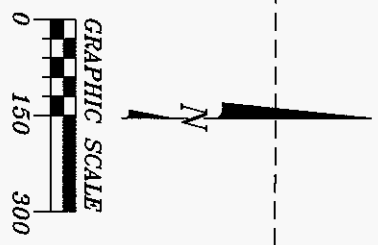
GOVERNMENT LOT 4

S89°56'25"E 2641.31'

22.5' 22.5'

- LEGEND
- COR. CORNER
 - C/L CENTERLINE
 - P.O.C. POINT OF COMMENCEMENT
 - P.O.B. POINT OF BEGINNING

- SURVEYOR'S NOTES
1. BEARINGS SHOWN HEREON ARE ASSUMED AND ARE BASED UPON THE WEST LINE OF THE NW 1/4 OF SECTION 4, TOWNSHIP 44 SOUTH, RANGE 22 EAST, LEE COUNTY, FLORIDA BEING N.03°06'05"E.
 2. SUBJECT TO EXISTING EASEMENTS, RESERVATIONS, RESTRICTIONS AND RIGHTS OF WAY OF RECORD.
 3. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A LICENSED SURVEYOR AND MAPPER.



James D. Sysf...
 JAMES D. SYSE
 PROFESSIONAL SURVEYOR AND MAPPER
 FL. CERTIFICATE # 4211

© 2005 LBFH Inc.

<p>CONSULTING CIVIL ENGINEERS, SURVEYORS & MAPPERS <i>"Partners For Results, Value By Design"</i></p> <p>1400 Colonial Blvd, Suite 31, Fort Myers, Florida 33907 (239) 931-0455 Fax: (239) 931-0456</p>	Scale: 1"=300'	PROJECT NAME: 45' WIDE DRAINAGE EASEMENT	
	Sheet 2 OF 2	Date 8/24/2006	FILE NO. 03-7033sk01dr
Computed: CP	Checked: JDS	Project No. 03-7033	

Exhibit "A"

AUGUST 24, 2006
JOB # 03-7033
FILE# 03-7033SK01DRLGL
SHEET 1 OF 2

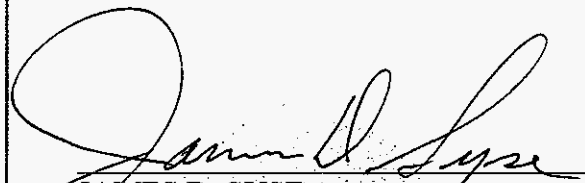
DESCRIPTION: 45 FOOT WIDE DRAINAGE EASEMENT

A 45 FOOT WIDE DRAINAGE EASEMENT LYING IN GOVERNMENT LOTS 3 AND 4, OF THE NORTHWEST ONE QUARTER (1/4) OF SECTION 4, TOWNSHIP 44 SOUTH, RANGE 22 EAST, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

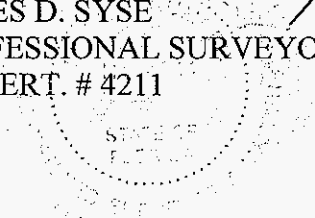
COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHWEST ONE QUARTER (1/4) OF SAID SECTION 4; THENCE N.03°06'05"E ALONG THE WEST LINE OF SAID NORTHWEST ONE QUARTER (1/4) FOR 210.59 FEET TO THE POINT OF BEGINNING OF SAID CENTERLINE; THENCE S.89°56'25"E. FOR 2641.31 FEET TO THE EAST LINE OF SAID GOVERNMENT LOT 4 AND THE END OF SAID CENTERLINE.

THE SIDE LINES OF SAID EASEMENT ARE TO BE EXTENDED OR SHORTENED TO TERMINATE AT THE WEST LINE OF SAID NORTHWEST ONE QUARTER (1/4) AND EAST LINE OF SAID GOVERNMENT LOT 4.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD.



JAMES D. SYSE
PROFESSIONAL SURVEYOR & MAPPER
FL. CERT. # 4211



Division of County Lands

In House Title Search

Search No. 04-44-22-00-00001.0000

Date: July 20, 2006

Parcel:

Project: Harbor Drive MSBU #805028

To: Kathryn Keene
Property Acquisition Agent

From: Bill Abramovich GA.
Real Estate Title Examiner

STRAP: 04-44-22-00-00001.0000

This search covers the period of time from January 1, 1940, at 8:00 a.m. to July 12, 2006, at 5:00 p.m.

Subject Property: Government Lot 5, and the East one-half of the Southwest Quarter of Section 4, Township 44 South, Range 22 East, Less the west sixty feet thereof and less the Southeast Quarter of the Southeast Quarter of the Southwest Quarter, Lee County, Florida.

Title to the subject property is vested in the following:

Dean and Dean Farms Limited, a Florida Limited Partnership

by that certain instrument dated December 27, 2001, recorded February 20, 2002, in Official Record Book 3586, Page 3359, Public Records of Lee County, Florida.

Subject to:

1. Title to oil, gas and mineral rights and leases on subject property is specifically omitted from this report.
2. Reservations in Deed Book 144, Page 331 and Deed Book 163, Page 519, Public Records of Lee County, Florida.
3. A thirty foot Non-Exclusive Easement in Official Record Book 2038, Page 2180, Public Records of Lee County, Florida.
4. A thirty foot Non-Exclusive Easement in Official Record Book 2234, Page 3147, Public Records of Lee County, Florida.
5. 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.

Division of County Lands

In House Title Search

Search No. 04-44-22-00-00001.0000

Date: July 20, 2006

Parcel:

Project: Harbor Drive MSBU #805028

Tax Status: Taxes in the amount of \$325.88 have been paid on November 30, 2005.
(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.



- Legend**
- Selected Features
 - Block
 - Lot
 - Condo Block
 - Condo Lot
 - Condo Building
 - Parcels
 - Parcel Hooks
 - Hydro Features
 - Road Center Line
 - Township Range Line
 - Township Range Label
 - Section Lines
 - Zoning - County
 - City Limits
 - Bore Springs
 - Cape Cuts
 - Fort Myers
 - State
 - Town of Fort Myers Beach

