

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

Blue Sheet No. 20061461

1. ACTION REQUESTED/PURPOSE: Accept by donation, a perpetual and non-exclusive easement for the Palmetto Point MSBU project, Lee County Ordinance #89-26; authorize the Division of County Lands to handle and accept all documentation necessary; authorize payment of recording fees.

2. WHAT ACTION ACCOMPLISHES: Acquisition of Perpetual Easement for landscaping and irrigation systems under the existing MSBU project, Lee County Ordinance #89-26.

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

4. Departmental Category: 6

C6B

5. Meeting Date: NOV 28 2006

6. Agenda:

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

7. Requirement/Purpose: (specify)

- Statute 125
- Ordinance 89-26
- Admin. Code
- Other

8. Request Initiated:

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

9. Background:

The Board of County Commissioners created the Palmetto Point MSBU on July 19, 1989, when it adopted Lee County Ordinance No. 89-26. The principal purpose of the project is to provide municipal services within the boundaries of the special improvement district including streetlights, maintenance and installation of sprinkler systems at the entrances, median strips, gates and walls within the subdivision, and canal maintenance.

Funds are available in Account String: GD5411810229.504925

Attachments: Copies of Perpetual Easement, In House Title Search, GIS 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	Plan.	
<i>K. Forsyth</i>			<i>E. Walker by G. O. P. 11/8/06</i>	<i>[Signature] 11-9-06</i>	<i>[Signature] 11/9/06</i>	<i>[Signature] 11-9-06</i>	<i>[Signature] 11/9/06</i>	<i>[Signature] 11/9/06</i>	<i>[Signature] 11-13-06</i>

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

Rec. by CoAtty
 Date: 11/8/06
 Time: 4:00pm
 Forwarded To:
 Admin.
 11/9/06 10:40 am

RECEIVED BY
 COUNTY ADMIN: *[Signature]*
 11-9-06
 2:00pm
 COUNTY ADMIN
 FORWARDED TO: *[Signature]*
 11-13-06
 noon

This instrument prepared by:
Lee County
Public Works/County Lands Division
Post Office Box 398
Fort Myers, Florida 33902-0398
Page 1 of 2
Project: Palmetto Point MSBU
STRAP No.: 29-45-24-16-00000.1310

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

THIS SPACE FOR RECORDING

PERPETUAL EASEMENT

Known all by these presents that Charles Rakos and Linda Rakos, husband and wife, whose address is 4814 Conover Court, Fort Myers, FL 33908, as Grantors, for One Dollar (\$1.00) and other valuable consideration, does hereby grant and convey to Lee County, a political subdivision of the State of Florida, whose address is Post Office Box 398, Fort Myers, Florida 33902-0398, for the use and benefit of Lee County, as Grantee, a perpetual and non-exclusive easement for the installation of landscaping and irrigation systems under the existing MSBU project, Lee County Ordinance #89-26. The subject property of this easement is located in Lee County, Florida, to wit:

See Attached Exhibit "A"

To have and to hold unto said Grantee, together with the right to enter upon said land to install said landscaping and irrigation systems, and thereafter maintaining said improvements which the Grantee may deem necessary or convenient in connection therewith, and together with immunity unto the said Grantee from all claims for damage to Grantor's contiguous lands, if any, arising from or occurring out of such approved installation and maintenance activities.

In witness whereof, the Grantors have hereunto set their hands and seals this 24th day of OCTOBER, 2006.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF TWO WITNESSES:

Grantor:



Charles Rakos, Husband



1st Witness Signature

RYAN DUGAN

Printed Name of 1st Witness



2nd Witness Signature

Diane V Soto

Printed Name of 2nd Witness

Grantor:



Linda Rakos, Wife



1st Witness Signature

RYAN DUGAN

Printed Name of 1st Witness



2nd Witness Signature


Diane V Soto

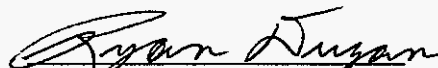
Printed Name of 2nd Witness

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 24th day of OCTOBER, 2006, by Charles Rakos and Linda Rakos, husband and wife. Whom is personally known to me or who has produced _____ as identification.

(type of identification)

NOTARY PUBLIC-STATE OF FLORIDA
 Ryan Dugan
Commission # DD403890
Expires: MAR. 07, 2009
Bonded Thru Atlantic Bonding Co., Inc.



Signature of Notary Public

RYAN DUGAN

Name typed, printed or stamped

My commission expires: _____

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Project: Palmetto Point MSBU
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EXHIBIT "A"

Part of Lot 131 of Palmetto Point, Unit 2, a Subdivision as recorded in Plat Book 30, Page 98 of the Public Records of Lee County Florida, more particularly described as follows:

Said Easement lying adjacent to and 5 feet northerly of the northerly right-of-way of McGregor Boulevard (S.R. 867) as described in O.R. 2433, Page 1102 of said Public Records.

Division of County Lands**Ownership and Easement Search**

Search No. 29-45-24-16-00000.1310

Date: September 19, 2005

Parcel:

Project: MSTU-PalmPt

To: Karen Forsyth SRWA
DirectorFrom: Kenneth Pitt 
Real Estate Title Examiner

STRAP: 29-45-24-16-00000.1310

Effective Date: ^{Oct. 30, 2006 KK}
~~July 20, 2005~~, at 5:00 p.m.**Subject Property:** Lot 131, Palmetto Point, Unit II, according to the plat thereof recorded in Plat Book 30 Page 98, Public Records of Lee County, Florida.

Less and except that portion of the premises acquired by the State of Florida via order of taking, recorded in Official Record Book 2433 Page 1097, Public Records of Lee County, Florida.

Title to the subject property is vested in the following:

Charles Rakos and Linda Rakos, husband and wife.By that certain instrument dated July 3, 2002, recorded July 11, 2002, in Official Record Book 3684 Page 844, Public Records of Lee County, Florida.**Easements: 1): Subject to a Deed of Restrictions recorded in Official Record Book 1017 Page 760, said restrictions were revised by Official Record Book 2387 Page 2626, said revision was re-recorded in Official Record Book 2408 Page 3393, said restrictions were amended by First Amendment to Deed of Restrictions as Revised recorded in Official Record Book 2644 Page 1502 and Second Amendment recorded in Official Record Book 2720 Page 3635, The Right to Enforce Restrictive Covenants were assigned by Official Record Book 3842 Page 2576, and a Corrective Certificate of Recordation of Revised Deed of Restrictions recorded in Official Record Book 4366 Page 3520, said restrictions were extended by Notice of Preservation of Use Restrictions Under the Marketable Record Title Act, recorded in Official Record Book 4145 Page 479, Public Records of Lee County, Florida.****Note 1): Subject to a Mortgage in the original sum of \$246,000.00, between Charles Rakos and Linda Rakos (mortgagees) and Suntrust Mortgage, Inc., (mortgagor), recorded in Official Record Book 4172 Page 3655, Public Records of Lee County, Florida.****Note 2): Subject to Lee County Ordinance No. 86-14, relating to garbage and solid waste collection, recorded in Official Record Book 2189 Page 3281 and amended by Official Record Book 2189 Page 3334, Public Records of Lee County, Florida.**

Division of County Lands

Ownership and Easement Search

Search No. 29-45-24-16-00000.1310

Date: September 19, 2005

Parcel:

Project: MSTU-PalmPt

Note 3): Subject to a Judgment vs. Charles S. Rakos in the sum of \$8,577.80, recorded in Official Record Book 1959 Page 3624 and re-recorded in Official Record Book 1982 Page 4437 and Official Record Book 2591 Page 1398, Public Records of Lee County, Florida.

Note 4): Subject to a Judgment vs. Chuck Rakos in the sum of \$4,364.34 plus \$76.50 for court costs and \$900.00 for Attorneys fees, recorded in Official Record Book 1935 Page 348 and re-recorded in Official Record Book 2518 Page 2321, Public Records of Lee County, Florida.

Note 5): Subject to a Notice of Federal Tax Lien vs. Charles S. Rakos, in the sum of \$14,406.62, recorded in Official Record Book 4421 Page 1901, Public Records of Lee County, Florida.

Tax Status:\$950.62 paid on 12-27-04 for Tax Year 2004.

(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.

