

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

Blue Sheet No. 20061487

1. ACTION REQUESTED/PURPOSE: Accept Perpetual Beach Storm Damage Reduction Easement for Parcel 160 for the Gasparilla Island Beach Restoration Project No. 3023; authorize the Division of County Lands to handle and accept all necessary documentation; authorize payment of 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: NOV 28 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: Richard C. Loeb, Jr.
Address: 420 Gulf Boulevard #28 Boca Grande, FL. 33921
A portion of STRAP No.: 23-43-20-11-00000.0280

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>[Signature]</i>	<i>Robert Spahn</i> 11-13-06	<i>[Signature]</i> 11-14-06	<i>[Signature]</i> 11-14-06	<i>[Signature]</i> 11-14-06	<i>[Signature]</i> 11-16-06	<i>[Signature]</i> 11-16-06

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY COUNTY ADMIN: <i>EW</i>
11-14-06
1 pm <i>[Signature]</i>
COUNTY ADMIN FORWARDED TO: <i>[Signature]</i>
11-16-06
<i>[Signature]</i>

Rec. by CoAtty
Date: 11/13/06
Time: 3:15 pm
Forwarded to: Admin 11/14/06 9:15 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.: 160
Strap No.: 23-43-20-11-00000.0280

(This space is for recording)

PERPETUAL BEACH STORM DAMAGE REDUCTION EASEMENT

Know all by these presents that on this 31st day of October, 2006, Richard C. Loeb, Jr., whose address is 101 Indian Avenue, Middletown, Rhode Island 02842, 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. 23-43-20-11-00000.0280), 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), her 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.: 160
Strap No.: 23-43-20-11-00000.0280

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:

Stephen A. Haire
Witness
Stephen A. Haire
(Print Name)

R. C. Loeb, Jr.
Richard C. Loeb, Jr.

Mary C. Gregg
Witness
MARY C. GREGG
(Print Name)

STATE OF Rhode Island
COUNTY OF Newport

The foregoing instrument was acknowledged before me this 31st day of October, 2006 (date)
by Richard C. Loeb, Jr., who is personally known to me or who has
(Name of persons acknowledging)
produced personally known - Driver's License as identification.
(type of identification)

Stephen A. Haire
(Signature of person taking acknowledgment)
Stephen A. Haire
(Name typed, printed or stamped)
NOTARY PUBLIC
(Title or rank)
(Serial Number, if any)

STEPHEN A. HAIRE
NOTARY PUBLIC
COMMISSION EXPIRES
8/29/09

Parcel No. 160
STRAP No(s): 23-43-20-11-00000.0280

SCHEDULE A

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

Description of a parcel in Unit #1, Golden Beach Subdivision, Gasparilla Island, Lee County, Florida (Residence #28 - Sundown Colony)

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; to the point of beginning of the herein described parcel; thence continue N01°22'40" W for 37.40 feet; thence S89°21'W parallel with and 37.4 feet North of, as measured on a perpendicular, the South line of said Lot 19 for 180 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 #28 from Residence #27; thence Southerly along said waters for 37 feet more or less to a point on the South line of said Lot 19; thence N89°21'E along said line for 180 feet more or less to the point of beginning.

And together with a one twenty-eighth (1/28) interest in the parcels as described in the attached Exhibit "A-A".

Exhibit "A-A" Description of commonly owned area in Sundown Colony, Gasparilla Island, Lee County, Florida. 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 as 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 S 89°21'00" W along the South line of said lot for 56.84 feet; thence N 01°22'40" W for 165.52 feet; thence N 05°36'43" W for 171.14 feet to a point of the North line of the aforesaid Lot 17; thence N 89°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 S 5°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 N 5°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 S 89°21'00" W along the North line of said Lot 14 for 43.00 feet; thence S 5°27'00" E parallel with the aforesaid right-of-way line for 259.41 feet; thence S 89°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 N 89°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.

Division of County Lands

2nd Updated Ownership and Easement Search

Search No. 23-43-20-11-00000.0280

Date: June 27, 2006

Parcel: 160

Project: Gasparilla Island Beach Restoration #3023

To: Michael J. O'Hare, SR/WA
Property Acquisition Agent

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

STRAP: 23-43-20-11-00000.0280

Effective Date: June 12, 2006, at 5:00 p.m.

Subject Property: See attached Schedule "X"

Title to the subject property is vested in the following:

Richard C. Loeb, Jr.

By that certain instrument dated May 10, 2006, recorded May 26, 2006, in Instrument Number 2006000215198, Public Records of Lee County, Florida.

Easements:

1. Easement granted to Florida Power and Light Company, recorded in Official Record Book 1455, Page 1212, Public Records of Lee County, Florida.
2. Deed of Restrictions recorded in Official Record Book 1461, Page 1311, amended by Official Record Book 2718, Page 59, Public Records of Lee County, Florida.
3. Easement granted to Storer Cable TV of Florida, Inc., recorded in Official Record Book 1936, Page 2553, Public Records of Lee County, Florida.
4. Easement granted to Lee County for Beach Renourishment, recorded in Official Record Book 2538, Page 3435 and Official Record Book 3440, Page 3978, Public Records of Lee County, Florida.

NOTE (1): Premises are not encumbered by a mortgage.

NOTE (2): Premises are subject to the established Lee County Coastal Construction Control Line recorded in Official Record Book 2224, Page 1010, Public Records of Lee County, Florida.

NOTE (3): Ancillary Letters of Administration recorded March 27, 2006 in Instrument Number 2006000126511, Public Records of Lee County, Florida.

Division of County Lands

2nd Updated Ownership and Easement Search

Search No. 23-43-20-11-00000.0280

Date: June 27, 2006

Parcel: 160

Project: Gasparilla Island Beach Restoration
#3023

NOTE (4): Death Certificate of Edith S.S. Loebis recorded May 26, 2006 in Instrument Number 2006000215196, Public Records of Lee County, Florida.

NOTE (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.

Tax Status: Taxes in the amount of \$13,107.13 have been paid on November 21, 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.

Schedule X

Parcel 160

Project: Gasparilla Island Beach Restoration #3023

Search No. 23-43-20-11-00000.0280

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And together with a one twenty-eighth (1/28) interest in the parcels as described as follows:

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ALSO:

Beginning at the Southeast corner of the aforesaid Lot 16; thence North 05°27'00" West 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 South 89°21'00" West along the North line of said Lot 14 for 43.00 feet; thence South 05°27'00" East parallel with the aforesaid right-of-way line for 259.41 feet; thence South 89°21'00" West parallel with and 258.50 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

Schedule X - continued

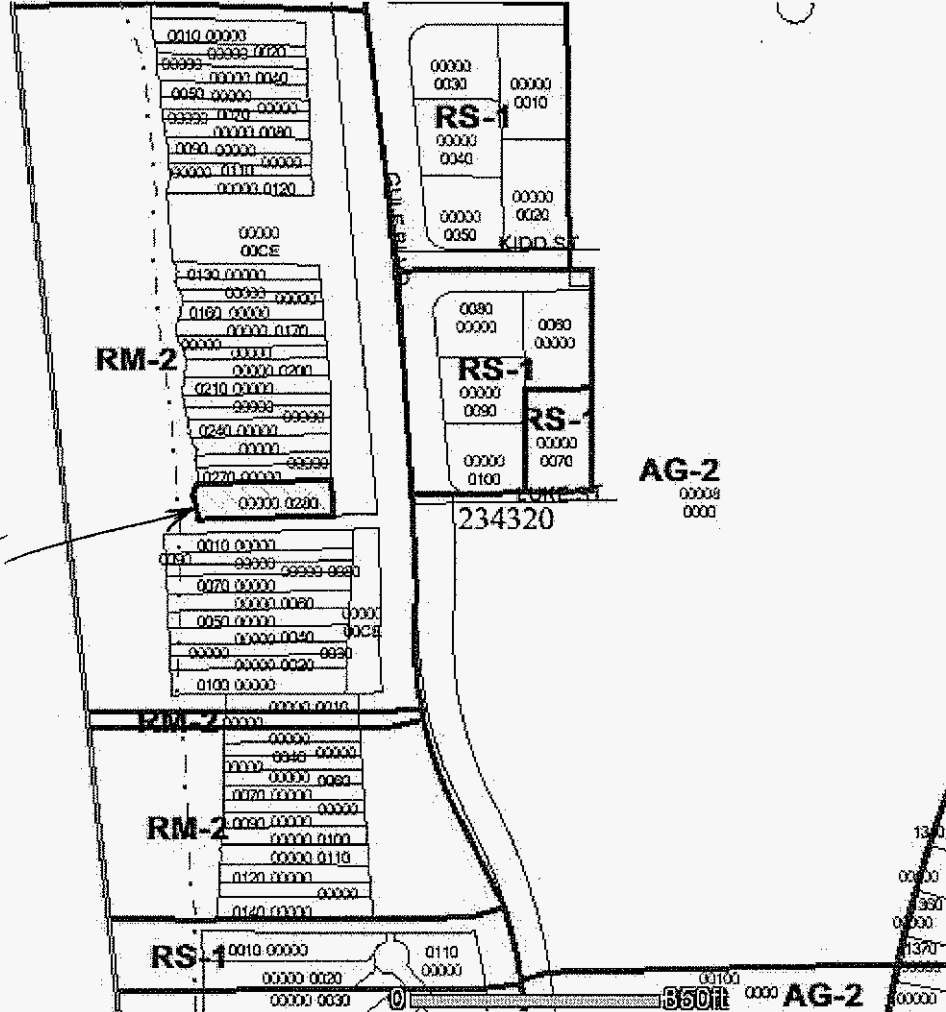
Parcel 160

Project: Gasparilla Island Beach Restoration #3023

Search No. 23-43-20-11-00000.0280

Mexico; thence Southerly along said waters for 75.00 feet more or less to an intersection with the South line of the aforesaid Lot 16; thence North 89°21'00" East along said South line for 240.00 feet more or less to the Point of Beginning.

Loebs STRAP # 23-43-20-11-00000.0280



Subject

- Se
- Bk
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- Co
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- To
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