

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

Blue Sheet No. 20061749

1. ACTION REQUESTED/PURPOSE: Accept donation of a Grant of Bikepath/Sidewalk Easement for acquisition of Parcel 108 (2,475 sq. ft.), San Carlos Boulevard Bikepath Project No. 4079; authorize payment of costs to close and the Division of County Lands to handle all documentation necessary to complete transaction.

2. WHAT ACTION ACCOMPLISHES: Acquisition of an easement for the San Carlos Boulevard bikepath/sidewalk.

3. MANAGEMENT RECOMMENDATION: Approve.

4. Departmental Category: 6

C6D

5. Meeting Date:

JAN 23 2007

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 Forsyth, Director

9. Background:

Negotiated for: Department of Transportation (Seven remaining easements will be acquired under this project).

Interest to Acquire: Bikepath/Sidewalk Easement (±2,475 sq. ft.)

Property Details:

Owner: Shree Gajanan, Inc., a Florida corporation
Address: 16450 San Carlos Boulevard, Fort Myers, 33908
STRAP No.: 06-46-24-00-00003.001A

Purchase Details: This easement is being acquired to clear title for the existing bikepath. Therefore, the property owner is granting this interest to the County without requiring compensation for the easement value.

Account: Funds for recording will be paid from Account No. 20407930700.506110

Attachments: Grant of Easement, Title Data, 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>BAD 12/27 8/13/07</i>	<i>Robert Sullivan 1-5-07</i>	<i>1/8/07</i>	<i>NR 1-2-07</i>	<i>1/8/07</i>	<i>1/8/07</i>	<i>1-10-07</i>

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY
 COUNTY ADMIN:
 1/8/07 9:45 AM
 COUNTY ADMIN
 FORWARDED TO:
 1/10/07 9:00 AM
 mp.

Rec. by CoAtty
 Date: 1/4/07
 Time: 1:20 PM
 Forwarded To:
 Admin

RECEIVED

DEC 28 2006

LCDOT

THIS INSTRUMENT PREPARED BY:

Lee County
Division of County Lands
Post Office Box 398
Fort Myers, Florida 33902

Parcels: 108
Project: San Carlos Boulevard Bikepath
Strap Nos.: 06-46-24-00-00003.001A

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

**GRANT OF PERPETUAL
NON EXCLUSIVE RIGHT-OF-WAY EASEMENT
FOR BIKEPATH/SIDEWALK**

This **INDENTURE**, made and entered into this ____ day of _____, 2006,
between **SHREE GAJANAN, INC.**, a Florida corporation, whose post office address is 16450 San Carlos
Boulevard, Fort Myers, FL 33908, hereinafter referred to as "Grantor", and **LEE COUNTY**, a political
subdivision of the State of Florida, whose address is Post Office Box 398, Fort Myers, Florida
33902-0398, hereinafter referred to as "County":

WITNESSETH:

1. For good and valuable consideration, which is hereby acknowledged, Grantor hereby transfers to the County a perpetual non-exclusive public right-of-way easement for a bikepath/sidewalk situated in Lee County, Florida, located and described as set forth in Exhibit "A" attached hereto.
2. The County is hereby granted the right to construct, replace, renew, extend and maintain a public bikepath/sidewalk and appurtenant drainage system.
3. This right-of-way easement does not limit the construction of the bikepath/sidewalk or drainage system to a particular type, style, material or design.
4. Title to the improvements constructed hereunder will remain in the County.
5. The County will be responsible for maintenance of the bikepath/sidewalk facility.
6. Grantors covenant that they are lawfully seized and possessed of the property described in Exhibit "A", and have lawful right to convey this non-exclusive easement subject to existing easements for public highways or roads, railroads, laterals, ditches, pipelines and electrical transmission or distribution lines and telephone and cable television lines. Grantor will not place any interfering landscape material in the easement. Also, the Grantor will not create obstructions or conditions, which are or may become dangerous to the public within the easement.
7. The County will have a reasonable right of access for the purposes of reaching the described easement on either paved or unpaved surfaces. Any damage to Grantor's property or permitted improvements thereon as the result of such access to the described easement or the construction, maintenance, or repairs located within that easement will be restored by the County to the condition in which it existed prior to the damage.
8. **THIS AGREEMENT** shall be binding upon the parties hereto, their successors and assigns.
9. Grantor, by signing this easement grant, and Grantee, by accepting this easement grant, agree to abide by the terms and conditions contained herein.

IN WITNESS WHEREOF, _____, Grantor has caused this document to be signed on the date first above written.

TWO SEPARATE WITNESSES:

[Signature]
1st Witness Signature

Tapan Kothian
Printed name of 1st Witness

[Signature]
2nd Witness Signature

Himanshu Patel
Printed name of 2nd Witness

SHREE GAJANAN, INC., a Florida corporation

BY: [Signature]
Hikesh Patel - President
(Print Name and Title)

STATE OF FLORIDA
COUNTY OF LEE)

COPY

The foregoing instrument was acknowledged before me this 25th day of NOV., 2006
by Hikesh Patel of Shree Gajanan, Inc., a Florida corporation, on
(Print Name and Title of Officer or Agent)

behalf of the corporation. He/She is personally known to me or has produced Driving license
_____ as identification.

[Signature]
(Signature of Notary Public)



Roderick D McLeod
My Commission DD284627
Expires January 25, 2008

(SEAL)

(Name typed, printed or stamped)
(Title or Rank)
(Serial Number, if any)

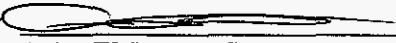
DESCRIPTION

OF

A parcel or tract of land being the easterly 10.00 feet of a parcel of land described and recorded in Official Record Book 4000 at Page 3364, Lee County Public Records, said parcel or tract lying in the northwest quarter (NW ¼) of Section 6, Township 46 South, Range 24 East, Lee County, Florida, being more particularly described as follows:

Commencing at the southeast corner of the northwest quarter (NW ¼) (center Section) of Section 6, Township 46 South, Range 24 East, Lee County, Florida, thence run N 89° 56' 34" W along the south line of the northwest quarter (NW ¼) of said section 6 for a distance of 50.00 to the Point of Beginning at the west right of way of San Carlos Boulevard (50 feet in width); thence continue N 89° 56' 34" W for a distance of 10.00 feet; thence run N 00° 18' 30" W along a line 10.00 feet west of (as measured on a perpendicular) the west line of the aforesaid right of way for a distance of 247.49 feet to a point on the north line of the parcel recorded in Official Record Book 4000 at Page 3364, said public records; thence run N 89° 41' 30" E along said north line for a distance of 10.00 feet to the west right of way of San Carlos Boulevard; thence run S 00° 18' 30" E along the west line of said right of way for a distance of 247.55 feet to the Point of Beginning, containing 2475.23 square feet (0.0568 acres) more or less.

Bearings mentioned hereinabove are based on a parcel or tract of land recorded in Official Record Book 4000, Page 3364, Public Records of Lee County, Florida showing the east line of the northwest quarter (NW ¼) of Section 6, Township 46 South, Range 24 East, Lee County, Florida as bearing N 00° 18' 30" W.


Arthur W. Parsons, County Surveyor
Professional Surveyor and Mapper
Florida Certificate No. LS-2987

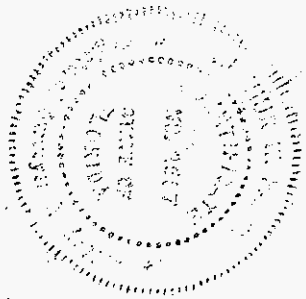
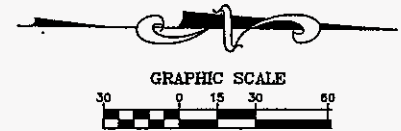


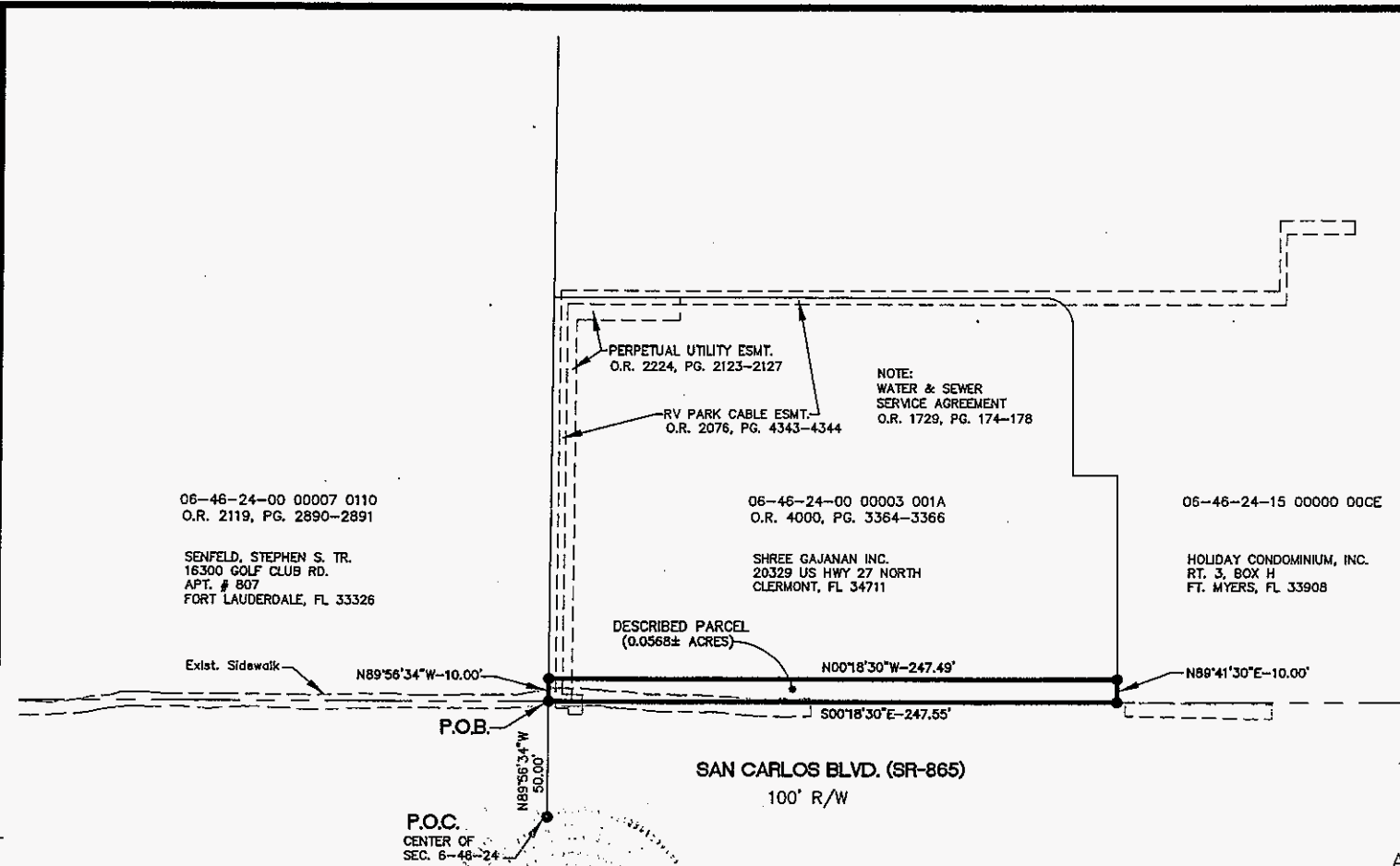
Exhibit "A"

Page 1 of 2



LEGEND

- P.O.C. = POINT OF COMMENCEMENT
- P.O.B. = POINT OF BEGINNING
- O.R. = OFFICIAL RECORD BOOK
- PG. = PAGE
- SEC. = SECTION
- COR. = CORNER
- (D) = DEED DISTANCE OR BEARING
- (C) = CALCULATED DISTANCE OR BEARING
- (P) = PLAT DISTANCE OR BEARING
- R/W = RIGHT OF WAY
- ESMT. = EASEMENT



NOT A SURVEY
 SKETCH IS TO ACCOMPANY
 A LEGAL DESCRIPTION
 OF
 A PARCEL OR TRACT OF LAND
 LYING IN SECTION 6, TOWNSHIP 46 S.,
 RANGE 24 E., LEE COUNTY, FLORIDA

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THIS SKETCH AND DESCRIPTION WAS MADE UNDER MY DIRECTION AND CONTROL AND TO THE BEST OF MY KNOWLEDGE AND BELIEF MEETS THE MINIMUM TECHNICAL STANDARDS IN ACCORDANCE WITH CHAPTER 61G17-6 FLORIDA ADMINISTRATIVE CODE PURSUANT TO CHAPTER 472.027 OF THE FLORIDA STATUTES.

DATE: 8/05

Arthur W. Parsons, County Surveyor
 Professional Surveyor & Mapper
 Florida Certificate No. LS-2987

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR & MAPPER

			SHEET NO.
Designed by: A.W.P.	Date: 8/05	Disk 20004	2 of 2
Drawn by: D.O.K.	Date: 8/05	Scale: 1"=60'	
Chk'd: A.W.P.	Date: 8/05	040292711	

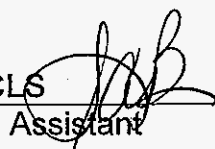
PARCEL 108

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

Search No. 06-46-24-00-00003.001A

Date: ~~September 21, 2004~~ 12-1-06

Parcel: 108

Project: San Carlos Blvd. Bike Path, Project
4079To: J. Keith Gomez
Property Acquisition AgentFrom: Shelia A. Bedwell, CLS
Property Acquisition Assistant 

STRAP: 06-46-24-00-00003.001A

Effective Date: ~~August 18, 2004~~, at 5:00 p.m. 12-1-2006**Subject Property:** See attached Schedule "X"

Title to the subject property is vested in the following:

Shree Gajanan, Inc., a Florida corporation

By that certain instrument dated July 9, 2003, recorded July 22, 2003, in Official Record Book 4000, Page 3364, Public Records of Lee County, Florida. ✓

Easements:

- 1) Agreement for Water and Sewer Service, recorded in Official Record Book 1729, Page 174, Public Records of Lee County, Florida. *w/ Holiday Travel.*
- 2) Grant of Easement to Holiday Travel Park RV Condominium Association, Inc., recorded in Official Record Book 2076, Page 4343, Public Records of Lee County, Florida. *cable eas.*
- 3) Perpetual Utility Easement Grant and Indemnity Agreement to Lee County Board of County Commissioners, recorded in Official Record Book 2224, Page 2123, Public Records of Lee County, Florida. *Lee County*

NOTE(1): Notice of Development Order, recorded in Official Record Book 1850, Page 57, Public Records of Lee County, Florida.

NOTE(2): Mortgage executed by Shree Gajanan, Inc., a Florida corporation, in favor of Business Loan Center, LLC, a Delaware limited liability company, dated July 10, 2003, recorded July 23, 2003, in Official Record Book 4000, Page 3367, Public Records of Lee County, Florida.

NOTE(3): Financing Statement between Shree Gajanan, Inc. and One Stop (Debtors), and Business Loan Center, LLC (Secured Party), recorded July 22, 2003 in Official Record Book 4000, Page 3394, Public Records of Lee County, Florida.

NOTE(4): Mortgage executed by Shree Gajanan, Inc., a Florida corporation, in favor of Progressive Oil Company, a North Carolina corporation, dated July 10, 2003, recorded July 22, 2003, in Official Record Book 4000, Page 3401, Public Records of Lee County, Florida.

Division of County Lands

Ownership and Easement Search

Search No. 06-46-24-00-00003.001A

Date: September 21, 2004

Parcel: 108

Project: San Carlos Blvd. Bike Path, Project
4079

NOTE(5): Financing Statement between Shree Gajanan, Inc. (Debtor), and Park Oil Company (Secured Party), recorded July 22, 2003 in Official Record Book 4000, Page 3413, Public Records of Lee County, Florida.

2006 Taxes due in the amount of \$ 8,971.49

Tax Status:

(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**Ownership and Easement Search**

Search No. 06-46-24-00-00003.001A

Date: September 21, 2004

Parcel: 108

Project: San Carlos Blvd. Bike Path, Project
4079**Schedule "X"**

Commencing at the Center of Section 6, Township 46 South, Range 24 East; Said point being on the centerline of a 100.00 foot right of way of S.R. S865-A (San Carlos Blvd); Thence N 89°56'34" W., 50.00 feet to a point on the Westerly right of way of San Carlos Blvd.; Said point also being the Point of Beginning (P.O.B.); Thence leaving said right of way N 89°56'34" W., 176.00 feet; Thence N 00°18'30" W., 215.06 feet; Thence along a curve having a radius of 12.07 feet, Delta of 90°, Arc of 18.96 feet, chord bearing of N 44°41'31" E., chord length of 17.07 feet; Thence N 89°41'30" E., 65.10 feet; Thence N 00°18'30" W., 19.30 feet; Thence N 89°41'30" E., 98.83 feet to a point on the aforementioned Westerly right of way of San Carlos Blvd.; Thence along said right of way, S 00°18'30" E., 247.55 feet to the Point of Beginning.