

Agenda Item Summary

**1. ACTION REQUESTED/PURPOSE:** Accept the Perpetual Beach Storm Damage Reduction Easement for Parcel 114 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. FUNDING SOURCE:** Fund-Tourist Development Beach Fund; Program-Major maintenance program; Project-Gasparilla Island Beach Restoration (55.21%)  
Fund-General Fund (State Grant); Program-major maintenance program; Project-Gasparilla Island Beach restoration (44.79%) *ebw*

**3. WHAT ACTION ACCOMPLISHES:** Secures permanent easements along Boca Grande on Gasparilla Island for the proposed beach renourishment project.

**4. MANAGEMENT RECOMMENDATION:** Approve

**5. Departmental Category:** 06 *C6A* **6. Meeting Date:** FEB 20 2007

<b>7. Agenda:</b> <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Administrative <input type="checkbox"/> Appeals <input type="checkbox"/> Public <input type="checkbox"/> Walk-On	<b>8. Requirement/Purpose: (specify)</b>		<b>9. Request Initiated:</b> Commissioner _____ Department Independent Division County Lands <i>for</i> By: Karen Forsyth, Director <i>AF</i>
	Statute	125	
	Ordinance		
	Admin. Code		
	Other		

**10. Background:**

**Negotiated for:** Department of Natural Resources

**Interest to Acquire:** Easement

**Property Details:**

Owner: Richard Duncan McLean, Agnes McLean, James Richard McLean and Jeffrey Martin McLean (TIC)  
Address: 380 Gulf Blvd. 3, Boca Grande  
A portion of STRAP No. 23-43-20-10-00000.0030

**Purchase Details:**

**Purchase Price:** Donation.  
**Costs to Close:** Recording fees – Approximately \$30.

**Account:** Joint funding by 40302330101.504930 (55.21%) and 42302300100.504930 (44.79%)

**Attachments:** Copy of Perpetual Beach Storm Damage Reduction Easement, Updated Title Report.

**11. 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>[Signature]</i>			<i>DAO 1/31</i> <i>[Signature]</i>	<i>Robert Duckman</i> 2-1-07	<i>2/1/07</i>	<i>2/1/07</i>	<i>2/1/07</i>		<i>2-1-07</i>

**12. Commission Action:**

- Approved
- Deferred
- Denied
- Other

RECEIVED BY COUNTY ADMIN:  
2/1 10:15 AM  
1 to EW  
COUNTY ADMIN FORWARDED TO:  
2/1 8:15  
2 to PR

Rec. by CoAtty  
Date: 2/1/07  
Time: 4:30 PM  
Forwarded To: Adm mcn

2/1/07 8:50 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.: 114  
Strap No.: 23-43-20-10-00000.0030

(This space is for recording)

**PERPETUAL BEACH STORM DAMAGE REDUCTION EASEMENT**

Know all by these presents that on this 16<sup>th</sup> day of JANUARY, 2007, Richard Duncan McLean, Agnes McLean, James Richard McLean and Jeffrey Martin McLean, as Joint Tenants with right of survivorship, whose mailing address is 3 Valley Tr. RR, Newmarket ON, L3Y 4V8 CANADA, 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. 23-43-20-10-00000.0030), 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.: 114  
Strap No.: 23-43-20-10-00000.0030

IN WITNESS HEREOF, Grantor has caused these presents to be executed on the date first above written.

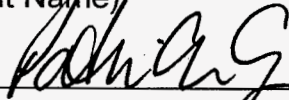
Signed, sealed and delivered in the presence of:

Grantor:





  
Richard Duncan McLean

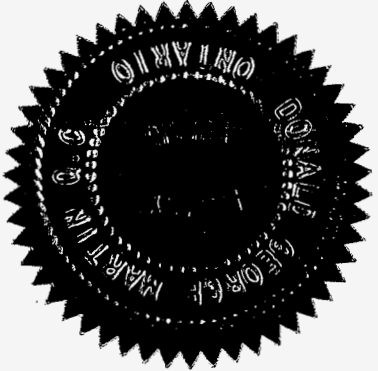
Witness  
MARK ELKIN  
(Print Name)


  
Witness  
Patricia Costa - Balekovic  
(Print Name)

~~STATE OF~~ PROVINCE OF ONTARIO  
~~COUNTY OF~~ CANADA

The foregoing instrument was acknowledged before me this January 16/2007  
(date).

by Richard Duncan McLean, who are personally known to me or who have   
(Name of persons acknowledging)  
produced \_\_\_\_\_ as identification.   
(type of identification)



  
(Signature of person taking acknowledgment)  
DONALD G. MARTIN Q.S.  
(Name typed, printed or stamped)  
NOTARY PUBLIC ETC.  
(Title or rank)  
N/A.  
(Serial Number, if any)

ORIGINAL DOCUMENTS RETAINED IN  
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Parcel No.: 114  
Strap No.: 23-43-20-10-00000.0030

Signed, sealed and delivered in the presence of:

[Signature]

Witness  
MARK ELKIN  
(Print Name)

[Signature]

Witness  
Fabicia Costa-Galekovic  
(Print Name)

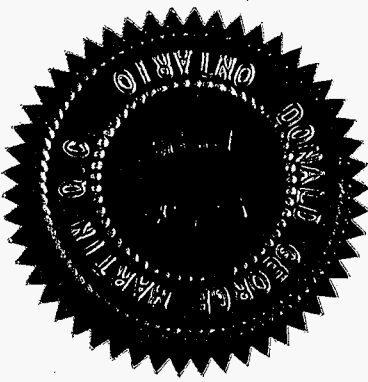
Grantor:

[Signature]  
Agnes McLean

STATE OF PROVINCE OF ONTARIO  
COUNTY OF CANADA

The foregoing instrument was acknowledged before me this January 16/2007 (date)  
by Agnes McLean, who is personally known to me, or who has [Signature]  
(Name of persons acknowledging)  
~~produced~~ \_\_\_\_\_ as identification [Signature]  
(type of identification)

[Signature]  
(Signature of person taking acknowledgment)  
DONALD G. MARTIN Q.C.  
(Name typed, printed or stamped)  
NOTARY PUBLIC ETC  
(Title or rank)  
N/A  
(Serial Number, if any)



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

Parcel No.: 114  
Strap No.: 23-43-20-10-00000.0030

Signed, sealed and delivered in the presence of:

[Signature]

Witness  
MARK ELKIN  
(Print Name)

[Signature]  
Witness  
Patricia Costa-Galekovic  
(Print Name)

Grantor:

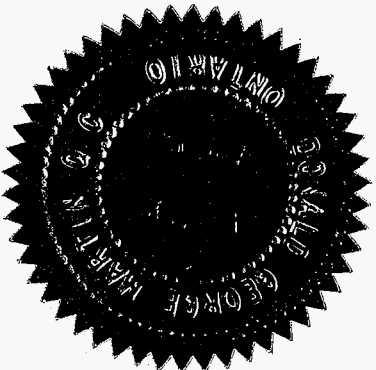
[Signature]  
James RICHARDS McLean  
James Richard McLean

~~STATE OF~~ PROVINCE OF ONTARIO  
~~COUNTY OF~~ CANADA

The foregoing instrument was acknowledged before me this January 16/2007 (date)

by James Richard McLean, who is personally known to me, or who has [Signature]  
(Name of persons acknowledging) as identification. [Signature]  
produced \_\_\_\_\_ (type of identification)

[Signature]  
(Signature of person taking acknowledgment)  
DONALD G. MARTIN Q.C.  
(Name typed, printed or stamped)  
NOTARY PUBLIC ETC.  
(Title or rank)  
N/A  
(Serial Number, if any)



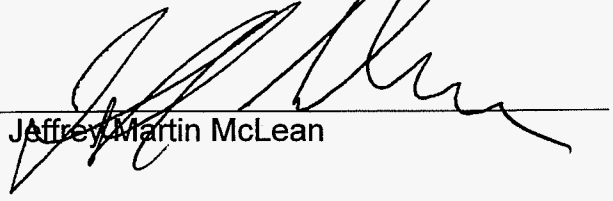
ORIGINAL DOCUMENTS RETAINED IN  
COUNTY LANDS FILES FOR HANDLING  
UPON BOARD ACCEPTANCE.

Parcel No.: 114  
Strap No.: 23-43-20-10-00000.0030

Signed, sealed and delivered in the presence of:

Grantor:



  
Jeffrey Martin McLean

Witness  
MARK ELKIN  
(Print Name)

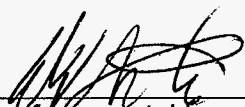


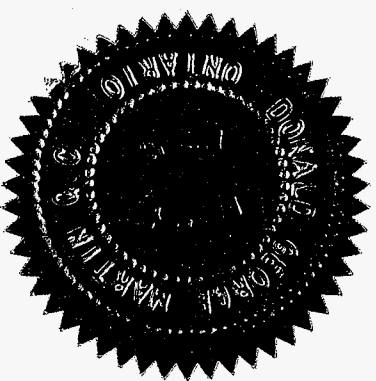
Witness  
Patricia Costa-Galekovic  
(Print Name)

~~STATE OF~~ PROVINCE OF ONTARIO  
~~COUNTY OF~~ CANADA

The foregoing instrument was acknowledged before me this January 16/2007.  
(date)

By Jeffrey Martin McLean, who is personally known to me or who has  
(Name of persons acknowledging) produced as identification.  
(type of identification)

  
(Signature of person taking acknowledgment)  
DONALD G. MARTIN Q.C.  
(Name typed, printed or stamped)  
NOTARY PUBLIC ETC.  
(Title or rank)  
N/A  
(Serial Number, if any)



Parcel No. 114  
STRAP No(s): 23-43-20-10-00000.0030

### SCHEDULE A

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

That portion of Residence #3, Seagrape Colony, being a part of Unit 1, Golden Beach Subdivision, Lee County, Florida.

A tract or parcel of land situated in Lee County, Florida, being a part of Section 23, Township 43 South, Range 20 East, Lee County, Florida, and further described as follows:

Begin at the Northeast corner of Lot 10, Golden Beach Subdivision, Unit 1, according to the plat thereof recorded in Plat Book 10, Pages 60 and 61, Public Records of Lee County, Florida, run thence South 89°21'00" West along the North line of said Lot 10 a distance of 91.22 feet, thence South 5°11'04" East a distance of 71.23 feet to the Point of Beginning, run thence North 5°11'04" West a distance of 23.53 feet, thence South 89°21'00" West a distance of 17.54 feet to a point on the East wall of residences #2 and #3, thence continue South 89°21'00" West along the center of a one inch (1") opening, between the walls, separating residences #2 and #3, a distance of 54.00 feet, thence continue South 89°21'00" West along a line parallel with and 47.55 feet South of, as measured on a perpendicular, the North line of said Lot 10, a distance of 150 feet more or less to the waters of the Gulf of Mexico, thence Southerly along said waters of the Gulf of Mexico, a distance of 24 feet more or less to an intersection with a line bearing South 89°21'00" West and passing through the point of beginning, thence North 89°21'00" East along said line, parallel with and 71.01 feet South of, as measured on a perpendicular, the North line of said Lot 10 a distance of 220 feet more or less to the point of beginning.

And together with a one fifteenth (1/15) interest in the following described parcels: Beginning at the aforesaid Northeast corner of Lot 10, thence South 5°27'00" East along the Westerly right-of-way line of Gulf Drive (100.00 feet wide) a distance of 112.39 feet, thence South 89°21'00" West along the South line of said Lot 10 a distance of 91.73 feet, thence North 5°11'04" West a distance of 112.35 feet, thence North 89°21'00" East along the North line of said Lot 10 a distance of 91.22 feet to the Point of Beginning. Also beginning at the Southeast corner of Lot 12 of the aforesaid Golden Beach Subdivision, Unit 1, said point being the point of beginning, thence South 89°21'00" West along the South line of said Lot 12 a distance of 68.31 feet, thence North 17°03'29" West a distance of 115.22 feet, thence North 07°02'52" West a distance of 114.19 feet, thence North 89°21'00" East along the North line of Lot 11 of said Golden Beach Subdivision, Unit 1, a distance of 94.77 feet, thence South 5°27'00" East along the Westerly right-of-way line of Gulf Drive a distance of 224.79 feet 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 the grantors, nor is it contiguous to any homestead of the grantors.

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

**Ownership and Easement Search**  
Search No. 21829/A  
Date: January 24, 2007  
Parcel: 114  
Project: Gasparilla Island Beach  
Restoration #3023

To: Teresa L. Mann, SRWA  
Property Acquisition Agent

From: Linda K. Fleming, CLS, SRWA  
Real Estate Title Examiner

STRAP: 23-43-20-10-00000.0030

Effective Date: <sup>January 10, 2007</sup>~~September 4, 2000~~, at 5:00 p.m.

**Subject Property:** See attached Schedule "X".

Title to the subject property is vested in the following:

**Agnes McLean, Richard Duncan McLean, James Richard McLean and Jeffrey Martin McLean,  
as joint tenants with right of survivorship**

by that certain instrument dated January 12, 1996, recorded January 25, 1996, in Official Record Book 2671, Page 40, Public Records of Lee County, Florida.

**Easements:**

1. Easement granted to Florida Power & Light Company recorded in Official Record Book 1233, Page 9, Public Records of Lee County, Florida.
2. Perpetual easement granted to Lee County, recorded in Official Record Book 2550, Page 810, Public Records of Lee County, Florida.
3. Unexclusive easement for ingress and egress as described in Official Record Book 1228, Page 142, Public Records of Lee County, Florida.
4. NOTE: A survey of the coastal construction line in Lee County can be found in Plat Book 31, Page 1, as updated in Plat Book 31-A, Page 1 and as revised in Plat Book 48, Pages 15 thru 34, all in the Public Records of Lee County, Florida.

NOTE: Deed of Restrictions recorded May 15, 1986 in Official Record Book 1845, Page 2796, and amended May 14, 1996 in Official Record Book 2705, Page 3285, Public Records of Lee County, Florida.

Mortgage executed by R.D. McLean and Agnes McLean, husband and wife in favor of The Citizens and Southern National Bank of Florida, dated (no month or day given) 1988, recorded June 14, 1988, in Official Record Book 1996, Page 412, Public Records of Lee County, Florida.