

**Lee County Board of County Commissioners**

**Agenda Item Summary**

**Blue Sheet No. 20020560**

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Accept the donation of a Slope/Restoration Easement covering a portion of Strap No. 30-44-23-00-00001.0010 for the Veterans Memorial Parkway Extension, Project No. 4601; authorize payment of recording fees; authorize the Division of County Lands to handle and accept all documentation necessary to complete this transaction.

**WHY ACTION IS NECESSARY:** All real estate acquisitions must be approved by the Board of County Commissioners pursuant to Florida Statute.

**WHAT ACTION ACCOMPLISHES:** Acquires a permanent easement needed for the Veterans Memorial Parkway Extension, Project No. 4601.

**2. DEPARTMENTAL CATEGORY:** 06

**COMMISSION DISTRICT #:** 1

*C6E*

**3. MEETING DATE:**

*06-11-2002*

**4. AGENDA:**

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON

TIME REQUIRED:

**5. REQUIREMENT/PURPOSE:**

- (Specify)
- STATUTE FS 125
  - ORDINANCE
  - ADMIN.
  - OTHER

**6. REQUESTOR OF INFORMATION**

- A. COMMISSIONER \_\_\_\_\_
- B. DEPARTMENT Independent
- C. DIVISION County Lands TLM 5-16-02
- BY: Karen L. W. Forsyth, Director *KAW*

**7. BACKGROUND:**

The Division of County Lands has been requested by the Department of Transportation to acquire easements that are necessary for the Veterans Memorial Parkway Extension, from State Road 78 to Surfside Boulevard, Project No. 4601. This phase of the project is also referred to as the Burnt Store Road Extension.

This acquisition consists of a Slope/Restoration Easement of 8,968 square feet located on property owned by Nancy C. Santamaria, as Successor Trustee of the Trust Agreement dated December 21, 1992, further identified as a portion of Strap Number 30-44-23-00-00001.0010.

Lee County is responsible for payment of documentary stamps and recording fees which are estimated to be \$25.00.

Funds are available in Account No. 20460131202.506110

- 20 - Capital Projects
- 4601 - Veterans Memorial Parkway Extension
- 31202 - Local Option Gas Tax, Series 95
- 506110 - Land

Staff recommends the Board approve the requested motion.

**8. MANAGEMENT RECOMMENDATIONS:**

**9. RECOMMENDED APPROVAL:**

A Department Director	B Purchasing or Contracts	C Human Resources	D Other <i>DOT</i>	E County Attorney	F Budget Services <i>Admin 5/24</i>				G County Manager
					OA	COM	RISK	GC	
<i>K. Forsyth</i>	<i>N/A</i>	<i>N/A</i>	<i>DOT 5/16/02</i>	<i>Paula 5/23/02</i>	<i>ehw 5/23/02</i>	<i>AS 5/23/02</i>	<i>JP 5/24</i>	<i>AS 5/23/02</i>	<i>15 per BDL 5/24/02</i>

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty  
Date: *5/23/02*  
Time: *1145*

RECEIVED BY  
COUNTY ADMIN. *PrC*  
*5/23/02*  
*2:30 PM*

Forwarded To:  
*ADMIN*  
*5-23-02 1:00*

COUNTY ADMIN.  
FORWARDED TO:  
*5/24 3:00*

**This instrument prepared by:**  
Lee County  
Division of County Lands  
Post Office Box 398  
Fort Myers, Florida 33902-0398

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

Project: Veterans Memorial Parkway Extension #4601  
STRAP No.: 30-44-23-00-00001.0010

**SLOPE/RESTORATION EASEMENT**

This INDENTURE, made and entered into this 17<sup>th</sup> day of APRIL, 2002, between Nancy C. Santamaria, as Successor Trustee of the Trust Agreement dated December 21, 1992, whose address is 2337 Sunset Boulevard, Houston, TX 77005-1531, (Grantor), and LEE COUNTY, a political subdivision of the State of Florida, whose address is Post Office Box 398, Fort Myers, Florida 33902-0398, (Grantee):

WITNESSETH:

1. For good and valuable consideration, receipt of which is hereby acknowledged, Grantor grants to the Grantee, its successors and assigns, a slope/restoration easement situated in Lee County, Florida, and located and described as set forth in attached Exhibit "A" (Easement Parcel).
2. Grantee, its successors and assigns, are granted the right, privilege, and authority to construct, replace, repair, remove, extend, and maintain a slope/restoration easement on the Easement Parcel to support, reinforce, and stabilize the adjacent public roadway.
3. The improvements that may be placed within the Easement Parcel for roadway slope/restoration purposes are not limited to a particular type, style, material or design. These improvements may include the use of foliage.
4. Grantor may not construct or place any structures or foliage within the Easement Parcel.
5. Title to the improvements constructed by the Grantee within the Easement Parcel will remain in the Grantee, its successors or assigns.
6. Subject to any existing easements 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, Grantors covenant they are lawfully seized and possessed of the real property described in Exhibit "A", have good and lawful right and power to convey it, and that the property is free and clear of all liens and encumbrances, except as herein stated, and accordingly, Grantor will forever warrant and defend the title and terms to this said easement and the quiet possession thereof against all claims and demands of all other entities.

**Slope/Restoration Easement**

**Project:**

**Page 2 of**

7. Grantee has a reasonable right of access across Grantor's property for the purposes of reaching the Easement Parcel on either paved or unpaved surfaces. Any damage to Grantor's property or permitted improvements thereon resulting from Grantee's use of this access right will be restored by the Grantee, to the condition in which it existed prior to the damage.

8. This easement runs with the land and is binding upon the parties, their successors and assigns.

IN WITNESS WHEREOF, Nancy C. Santamaria, as Successor Trustee of the Trust Agreement dated December 21, 1992, Grantor, has caused this document to be signed on the date first above written.

TWO SEPARATE WITNESSES:

Patrick K. Herdison  
1st Witness Signature

Nancy C. Santamaria  
GRANTOR

Patrick K. Herdison  
Printed name of 1st Witness

John J. Mackel  
2nd Witness Signature

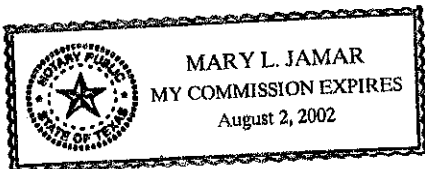
John J. Mackel  
Printed name of 2nd Witness

STATE OF Texas

COUNTY OF Harris

The foregoing instrument was acknowledged before me this 17th day of April, 2002, by Nancy C. Santamaria, Successor Trustee. She is personally known to me or who has produced Driver License as identification.

(type of identification)



Mary L. Jamar  
(Signature of Notary Public)

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



## Exhibit "A"

FEBRUARY 11, 2002

Page 1 of 2

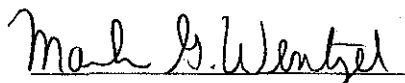
DESCRIPTION  
PARCEL IN  
SECTION 30, T. 44 S., R. 23 E.  
LEE COUNTY, FLORIDA

A tract or parcel of land lying in Section 30, Township 44 South, Range 23 East, Lee County, Florida, which tract or parcel is described as follows:

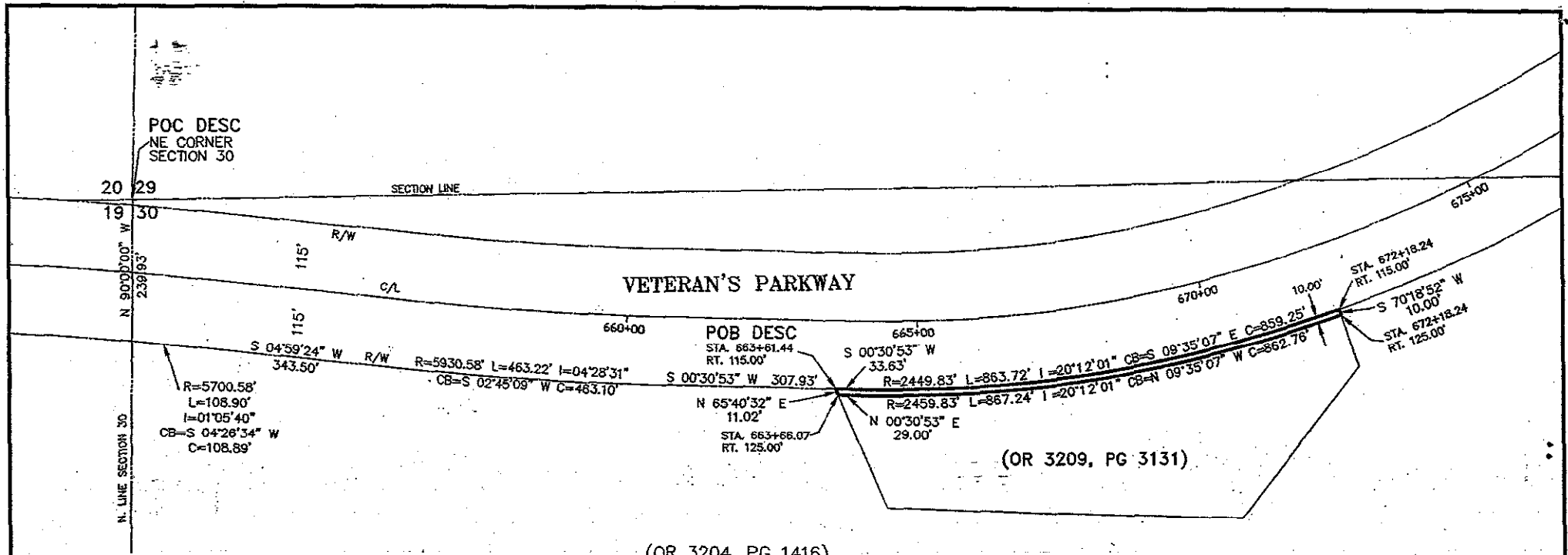
From the northeast corner of said Section 30 run N 90° 00' 00" W along the north line of said section for 239.93 feet to an intersection with a non-tangent curve and the westerly right-of-way line of Veteran's Parkway (230 feet wide); thence run the following courses and distance along said westerly right-of-way line: southwesterly along an arc of a curve to the right of radius 5700.58 feet (delta 01° 05' 40") (chord bearing S 04° 26' 34" W) (chord 108.89 feet) for 108.90 feet to a Point of Tangency; S 04° 59' 24" W for 343.50 feet to a Point of Curvature; southwesterly along an arc of a curve to the left of radius 5930.58 feet (delta 04° 28' 31") (chord bearing S 02° 45' 09" W) (chord 463.10 feet) for 463.22 feet to a Point of Tangency; S 00° 30' 53" W for 307.93 feet to the Point of Beginning.

From said Point of Beginning continue S 00° 30' 53" W for 33.63 feet to a point of curvature; thence run southeasterly along an arc of a curve to the left of radius 2449.83 feet (delta 20° 12' 01") (chord bearing S 09° 35' 07" E) (chord 859.25 feet) for 863.72 feet to an intersection with a non-tangent line; thence departing said westerly right-of-way line run S 70° 18' 52" W for 10.00 feet to an intersection with a non-tangent curve; thence run northwesterly along an arc of a curve to the right of radius 2459.83 feet (delta 20° 12' 01") (chord bearing N 09° 35' 07" W) (chord 862.76 feet) for 867.24 feet to a point of tangency; thence run N 00° 30' 53" E for 29.00 feet; thence run N 65° 40' 32" E for 11.02 feet to an intersection with said westerly right-of-way line and the Point of Beginning. Containing 8,968 square feet, more or less.

Bearings hereinabove mentioned are based on the north line of Section 30, Township 44 South, Range 23 East to bear N 90° 00' 00" W.

  
Mark G. Wentzel (For the Firm)  
Professional Surveyor and Mapper  
Florida Certificate No. 5247

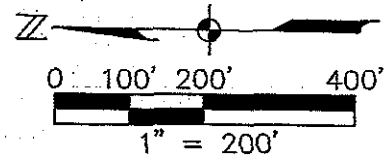
20662\Des-Parcel 021102



(OR 3204, PG 1416)

(OR 3209, PG 3131)

- NOTES:**
1. BEARINGS SHOWN HEREON ARE BASED ON THE NORTH LINE OF SECTION 30, TOWNSHIP 44 SOUTH, RANGE 23 EAST TO BEAR N 90°00'00\"/>



**THIS IS NOT A SURVEY**

*Mark G. Wentzel*  
 MARK G. WENTZEL (FOR THE FIRM LB-642)  
 PROFESSIONAL SURVEYOR AND MAPPER  
 FLORIDA CERTIFICATE NO. 5247

DATE SIGNED: 2/15/02  
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

**ADDITIONAL RIGHT-OF-WAY**  
 SECTION 30, TWP. 44 S., RGE. 23 E.  
 LEE COUNTY, FLORIDA

**JOHNSON ENGINEERING**

2158 JOHNSON STREET  
 P.O. BOX 1550  
 FORT MYERS, FLORIDA 33902-1550  
 PHONE (941) 334-0046  
 FAX (941) 334-3661  
 E.B. #642 & L.B. #642

**SKETCH TO ACCOMPANY DESCRIPTION**

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
2/08/02	20662	30-44-23	1" = 200'	1 OF 1

**Exhibit "A"**

**Page 2 of 2**

J:\20662\BX14.DWG

STRAP: 30-44-23-00-00001.0010

Project: Veterans Memorial Parkway Extension, Project 4601

**AFFIDAVIT OF INTEREST IN REAL PROPERTY**

THIS AFFIDAVIT OF INTEREST IN REAL PROPERTY is made and entered this 17<sup>th</sup> day of APRIL, 2002, for the sole purpose of compliance with Section 286.23 of the Florida Statutes.

The undersigned hereby swears and affirms under oath, subject to the penalties prescribed for perjury, that the following is true:

**The Name and Address of the Grantor is:**

NANCY C. SANTAMARIA, as Successor Trustee  
of the Trust Agreement dated December 21, 1992  
2337 Sunset Boulevard  
Houston, Texas 77005-1531

**The name(s) and address(es) of every person having a beneficial interest in real property that will be conveyed to Lee County are:**

1. Lyn C. Tebrugge, 2102 Ketch Court, Tarpon Springs FL 34689
2. Janine C. Vann, 2673 NANTUCKET LN., TALLAHASSEE FL 32309
3. SANTAMARIA INVESTMENTS Ltd., 2337 SUNSET BLVD, HOUSTON TX 77005
4. \_\_\_\_\_

The real property to be conveyed to Lee County is shown on attached Exhibit "A".

**FURTHER AFFIANT SAYETH NAUGHT.**

Signed, sealed and delivered  
in our presences:

Patrick K. Herdison  
Witness Signature

Patrick K. Herdison  
Printed Name

[Signature]  
Witness Signature

John J. Mackel  
Printed Name

Nancy C. Santamaria  
Signature of Affiant

NANCY C. SANTAMARIA  
Printed Name

**Affidavit of Interest in Real Property**

STRAP: 30-44-23-00-00001.0010

Project: Veterans Memorial Parkway Extension, Project 4601

STATE OF Texas

COUNTY OF Harris

SWORN TO AND SUBSCRIBED before me this 17th day of April, 2002,

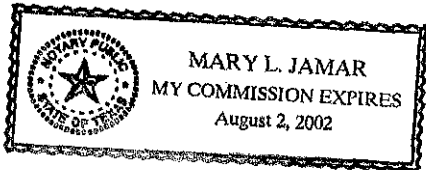
by Nancy C. Santamaria  
(name of person acknowledged)

(SEAL)

Mary L. Jamar  
(Notary Signature)

MARY L. JAMAR  
(Print, type or stamp name of Notary)

Personally known \_\_\_\_\_  
OR Produced Identification \_\_\_\_\_  
Type of Identification Driver License





## Exhibit "A"

FEBRUARY 11, 2002

Page 1 of 2


DESCRIPTION  
PARCEL IN  
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LEE COUNTY, FLORIDA

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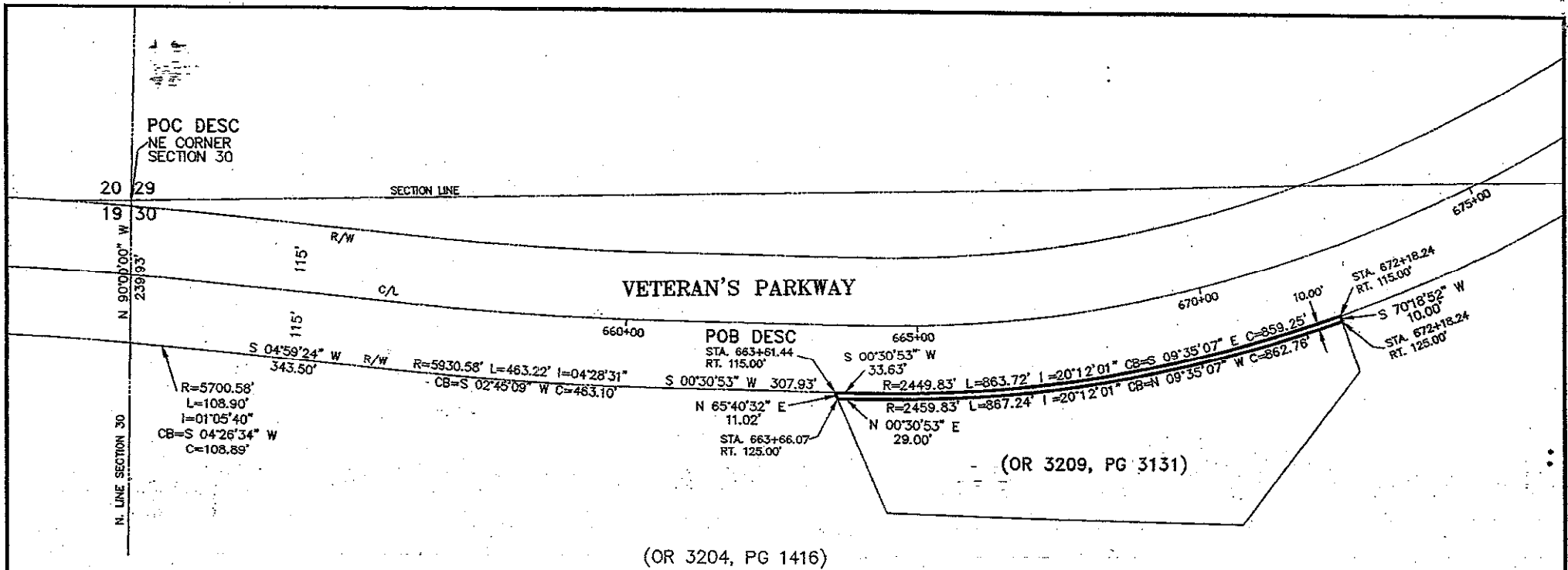
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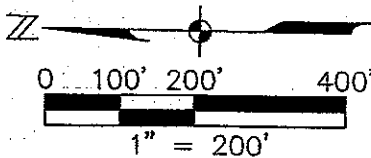
  
Mark G. Wentzel (For the Firm)  
Professional Surveyor and Mapper  
Florida Certificate No. 5247

20662\Des-Parcel 021102





- NOTES:
1. BEARINGS SHOWN HEREON ARE BASED ON THE NORTH LINE OF SECTION 30, TOWNSHIP 44 SOUTH, RANGE 23 EAST TO BEAR N 90°00'00"W.
  2. THIS SKETCH DOES NOT MAKE ANY REPRESENTATION AS TO ZONING OR DEVELOPMENT RESTRICTIONS ON SUBJECT PARCEL.
  3. POC = POINT OF COMMENCEMENT.
  4. POB = POINT OF BEGINNING
  5. DESC. = DESCRIPTION
  6. DESCRIPTION ATTACHED.
  7. OR = OFFICIAL RECORD BOOK
  8. PG = PAGE
  9. STA. = STATION
  10. RT. = RIGHT
  11. R/W = RIGHT-OF-WAY
  12. C/L = CENTERLINE
  13. CONTAINS 8,968 SQUARE FEET, MORE OR LESS.



**THIS IS NOT A SURVEY**

*Mark G. Wentzel*  
 MARK G. WENTZEL (FOR THE FIRM LB-642)  
 PROFESSIONAL SURVEYOR AND MAPPER  
 FLORIDA CERTIFICATE NO. 5241

DATE SIGNED: 2/2/02  
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

ADDITIONAL RIGHT-OF-WAY  
 SECTION 30, TWP. 44 S., RGE. 23 E.  
 LEE COUNTY, FLORIDA

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 P.O. BOX 1550  
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 PHONE (941) 334-0046  
 FAX (941) 334-3661  
 E.B. #642 & L.B. #642

SKETCH TO ACCOMPANY DESCRIPTION

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2/08/02	20662	30-44-23	1" = 200'	1 OF 1

Exhibit "A"

Page 2 of 2

u:\20662\BX14.DWG

Department of Public Works  
**Division of County Lands**

Page 1 of 2

**In House Title Search**

Search No. 21988

Date: March 26, 2002

Parcel:

Project: Veteran's Memorial Pkwy. Ext.  
#4601

To: Teresa L. Mann, SR/WA  
Property Acquisition Agent

From: Shelia A. Bedwell, CLS   
Real Estate Title Examiner

STRAP: 30-44-23-00-00001.0010

This search covers the period of time from January 1, 1940 at 8:00 a.m. to ~~March 12, 2002~~, at 5:00 p.m.  
5/7/2002 TLM

**Subject Property:** See attached Schedule X

Title to the subject property is vested in the following:

**Nancy C. Santamaria, as Successor Trustee of the Trust Agreement dated December 21, 1992**

by that certain instrument dated January 10, 2000, recorded January 12, 2000, in Official Record Book 3209, Page 3131, 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. Resolution of the State of Florida Board of Trustees of the Internal Improvement Trust Fund, regarding Aquatic Preserve G-12, dated March 30, 1972, recorded April 13, 1972 in Official Record Book 800, Page 725, Public Records of Lee County, Florida.

3. **TEMPORARY SLOPE/RESTORATION EASEMENT AGREEMENT TO LEE COUNTY**  
RECORDED 4/3/2002 IN O.R. BOOK 3614, Pg 4413.

**Tax Status:** 2001 taxes have been paid in full.

(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

Project: Veteran's Memorial Pkwy. Ext. #4601  
Search No. 21988

Parcel in

Section 30, T. 44S., R. 23 E.  
Lee County, Florida

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