

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

Blue Sheet No. 20030811

1. REQUESTED MOTION:

ACTION REQUESTED: Authorize chairman to sign release of license to use land.

WHY ACTION IS NECESSARY: To legally execute the release of license to use land.

WHAT ACTION ACCOMPLISHES: Releases a license to use land no longer needed.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #

C12A

3. MEETING DATE:

08-05-2003

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED: 1 minute

5. REQUIREMENT/PURPOSE:
(Specify)

- STATUTE
- ORDINANCE
- ADMIN. CODE
- OTHER

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER
- B. DEPARTMENT County Attorney's Office
- C. DIVISION Trial Section
- BY: John J. Renner
Chief Assistant County Attorney

7. BACKGROUND: In 1996 Lee County obtained a license to use land for the construction of the Midpoint Bridge Project. We got the license so we could begin construction before acquiring title by eminent domain. Lee County acquired title to the land and built the road. Lee County sold the remaining land not needed for road construction to Southwest Friends, LLC in 1999. Southwest Friends, LLC is selling the land to a third party and the title company is requesting the license be released. Lee County no longer needs the license and it likely terminated as a matter of law when Lee County acquired title to the land.

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
N/A	N/A	N/A	N/A	<i>[Signature]</i>	OA <i>RK 7/14</i>	OM <i>[Signature]</i>	RISK <i>[Signature]</i>	GC <i>[Signature]</i>	<i>[Signature]</i> 7-15-03

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

RECEIVED BY COUNTY ADMIN:	<i>[Signature]</i>
COUNTY ADMIN FORWARDED TO:	<i>[Signature]</i>

RECEIVED BY COUNTY ADMIN:	<i>[Signature]</i>
7-14-03	
4:15	
COUNTY ADMIN FORWARDED TO:	<i>[Signature]</i>
7/16/03	

Prepared by:
Thomas G. Eckerty, Esquire
12734 Kenwood Lane, Suite 89
Fort Myers, Florida 33907

RELEASE

COMES NOW, *LEE COUNTY, FLORIDA*, a political subdivision of the State of Florida, whose address is Post Office Box 398, Fort Myers, Florida 33902-0398, and does hereby release, quit claim and remise any interest that the County might have in that certain Irrevocable License agreement, dated March 22, 1996, by and between PAUL STAFFILE and STEPHEN W. HAYWOOD, as Licensor, and *LEE COUNTY, FLORIDA*, as Licensee.

Said License was granted to *LEE COUNTY, FLORIDA*, for the purpose of constructing and maintaining a public thoroughfare across certain property situated in the City of Cape Coral, Lee County, Florida, as more particularly described on Exhibit A hereto. The purpose for said License was accomplished, and this Release releases any claim under said License agreement to the remainder of the property, over which it was granted, subsequently sold by *LEE COUNTY, FLORIDA*, a political subdivision of the State of Florida, to the Southwest Friends, LLC, a Florida limited company.

ATTEST:

CHARLIE GREEN, CLERK

By: _____
Deputy Clerk

LEE COUNTY, FLORIDA, by its Board of County Commissioners

By: _____
Print Name: _____
Title: _____

APPROVED AS TO FORM:

By: _____
John J. Renner, Esq.
Chief Assistant County Attorney

EXHIBIT A

Lots 43, 44 and the West one-half (W ½) of Lot 45, Block 635, Unit 21, CAPE CORAL SUBDIVISION, according to the plat thereof, recorded in Plat Book 13, Pages 149 to 161, inclusive, Public Records of Lee County, Florida.