

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

Blue Sheet No. 20040752

1. REQUESTED MOTION:

ACTION REQUESTED: Accept the donation of a portion of Parcel STRAP 05-46-25-00-0000 5000, (a corner clip of land north of Alico Road of +/- 526 sq.ft.) in Fort Myers, for the Alico Road Widening Project No. 4030; authorize payment of necessary fees to close and the Division of County Lands to handle and accept all documentation necessary to complete the transaction.

WHY ACTION IS NECESSARY: The Board must accept all real estate conveyances to Lee County.

WHAT ACTION ACCOMPLISHES: The Board avoids Eminent Domain.

2. DEPARTMENTAL CATEGORY: 6
COMMISSION DISTRICT # 3 & 5

C6B

3. MEETING DATE: *06-29-2004*

4. AGENDA:

CONSENT
 ADMINISTRATIVE
 APPEALS
 PUBLIC
 WALK ON
 TIME REQUIRED:

5. REQUIREMENT/PURPOSE:
(Specify)

STATUTE 125
 ORDINANCE
 ADMIN. CODE
 OTHER

6. REQUESTOR OF INFORMATION:

A. COMMISSIONER
 B. DEPARTMENT Independent
 C. DIVISION County Lands *C6B 4*
 BY: Karen L. W. Forsyth, Director *KLF*

7. BACKGROUND:

Negotiated for: Department of Transportation

Interest to Acquire: Fee

Property Details:

Owner: Alico Lakeside, LLC, a Florida Limited Liability Company
 Address: 26811 South Bay Drive, Suite 240, Bonita Springs, FL 34134

Purchase Details:

Purchase Price: DONATION
 Costs to Close: Approximately \$50.00

Appraisal Information:

Parcel was not appraised to avoid additional expenses.

Staff Recommendation: County Staff recommends that the Board approve requested motion.

Account:

20403030700.506110.1
 20-CIP; 4030-Alico Road Multi-laning Project, 30700 Transportation Capital Improvement Fund; 506110-Land & Court Registry.

Attachments: Copy of executed Warranty Deed, Location Map, Title Data

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
					OA	OM	Risk	GC
<i>K. Forsyth</i>			<i>AD</i>	<i>John D. ...</i>	<i>OA</i>	<i>OM</i>	<i>Risk</i>	<i>GC</i>
								<i>HS</i>

10. COMMISSION ACTION:

APPROVED
 DENIED
 DEFERRED
 OTHER

Rec. by CoAtty
 Date: *6/11/04*
 Time: *1 PM*
 Forwarded To:
Co. Adm.
6/11/04 3PM

RECEIVED BY
 COUNTY ADMIN
6/11/04
 COUNTY ADMIN
 FORWARDED TO:
6/11/04

HS

This Instrument Prepared by:

County Lands Division
Post Office Box 398
Fort Myers, Florida 33902-0398
Project: Alico Road Widening, No. 4030
STRAP Number: Part of ~~05-46-25-00-0000~~ 0000

This Space for Recording

WARRANTY DEED
(Statutory)

THIS INDENTURE, Made this 1st day of June, 2004, between ALICO LAKESIDE, LLC, a Florida limited liability company, whose address is 26811 South Bay Drive, Suite 240, Bonita Springs, Florida 34134, GRANTOR, and LEE COUNTY, a political subdivision of the State of Florida whose address is P.O. Box 398, Ft. Myers, Florida, 33902-0398, GRANTEE;

WITNESSETH, That the GRANTOR, for and in consideration of the sum of \$10.00, to them in hand paid by the GRANTEE, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the GRANTEE, their heirs and assigns forever, the following described land:

See Exhibit "A" attached hereto and made a part hereof

The GRANTOR does hereby fully warrant the title to the land, and will defend the title against the lawful claims of all persons.

IN WITNESS WHEREOF, The GRANTOR has hereunto set their hands and seals on the date set forth above.

Signed, sealed and delivered in presence of two separate witnesses:

ALICO LAKESIDE, LLC, a Florida limited liability company

[Signature]
1st Witness Signature

By: [Signature]

Susan L. Kreck
Printed Name of 1st Witness

FRANZ ROSINUS
(Please print or type name)

[Signature]
2nd Witness Signature

Its: Managing Partner
(Please print or type title)

JULIE ALLISON
Printed Name of 2nd Witness

CORPORATE SEAL

STATE OF FLORIDA
COUNTY OF Lee

The foregoing instrument was acknowledged before me this 1st day of June, 2004, by FRANZ ROSINUS of ALICO LAKESIDE, LLC a (name of officer or agent, title of officer or agent) (name of corporation acknowledged)

FLORIDA corporation, on behalf of the corporation. He/She is personally known to me or has (state or place of incorporation)

produced 1 Rivers License as identification. (type of identification)

SEAL

[Signature]
(Signature of Notary Public)



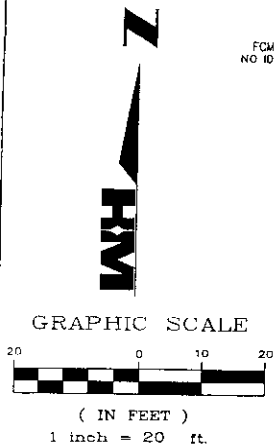
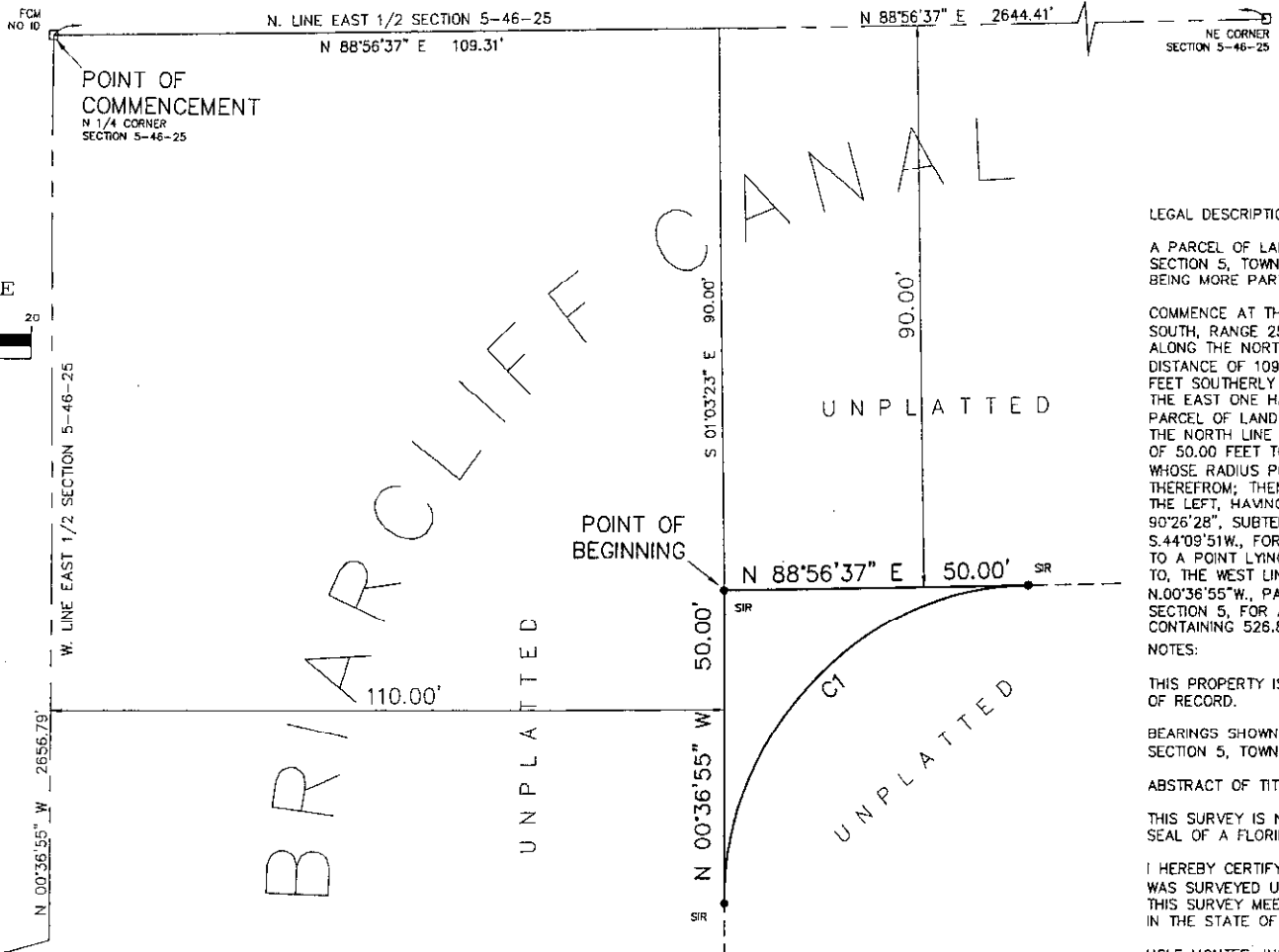


Exhibit "A"



LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN A PORTION OF THE EAST ONE HALF OF SECTION 5, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTH QUARTER CORNER OF SECTION 5, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S. 88°56'37"E., ALONG THE NORTH LINE OF THE EAST ONE HALF OF SAID SECTION 5 FOR A DISTANCE OF 109.31 FEET; THENCE RUN S.01°03'23"E., TO A POINT LYING 90.00 FEET SOUTHERLY OF, AS MEASURED AT RIGHT ANGLES TO, THE NORTH LINE OF THE EAST ONE HALF OF SAID SECTION 5 AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN N.88°56'37"E., PARALLEL TO THE NORTH LINE OF THE EAST ONE HALF OF SAID SECTION 5, FOR A DISTANCE OF 50.00 FEET TO A POINT ON A CIRCULAR CURVE CONCAVE SOUTHEASTERLY, WHOSE RADIUS POINT BEARS S.00°36'55"E., A DISTANCE OF 50.00 FEET THEREFROM; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 50.00 FEET, THROUGH A CENTRAL ANGLE OF 90°26'28", SUBTENDED BY A CHORD OF 70.98 FEET AT A BEARING OF S.44°09'51"W., FOR A DISTANCE OF 78.92 FEET TO THE END OF SAID CURVE AND TO A POINT LYING 110.00 FEET EASTERLY OF AS MEASURED AT RIGHT ANGLES TO, THE WEST LINE OF THE EAST ONE HALF OF SAID SECTION 5; THENCE RUN N.00°36'55"W., PARALLEL TO THE WEST LINE OF THE EAST ONE HALF OF SAID SECTION 5, FOR A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING; CONTAINING 526.807 SQUARE FEET, MORE OR LESS.

NOTES:

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

BEARINGS SHOWN HEREON REFER TO NORTH LINE OF THE EAST HALF OF SECTION 5, TOWNSHIP 46 SOUTH, RANGE 25 EAST AS BEING N.88°56'37"E.

ABSTRACT OF TITLE HAS NOT BEEN REVIEWED BY SURVEYOR.

THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

I HEREBY CERTIFY THAT THIS SKETCH OF THE HEREON DESCRIBED PROPERTY WAS SURVEYED UNDER MY DIRECTION ON 2/16/2004. I FURTHER CERTIFY THAT THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING IN THE STATE OF FLORIDA PURSUANT TO CHAPTER 61G17-6, F.A.C.

HOLE MONTES, INC.
CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

BY Thomas M. Murphy P.S.M. #5628
THOMAS M. MURPHY STATE OF FLORIDA

CURVE TABLE					
CURVE	RADIUS	DELTA	CHORD	BEARING	LENGTH
C1	50.00'	90°26'28"	70.98'	S 44°09'51" W	78.92'

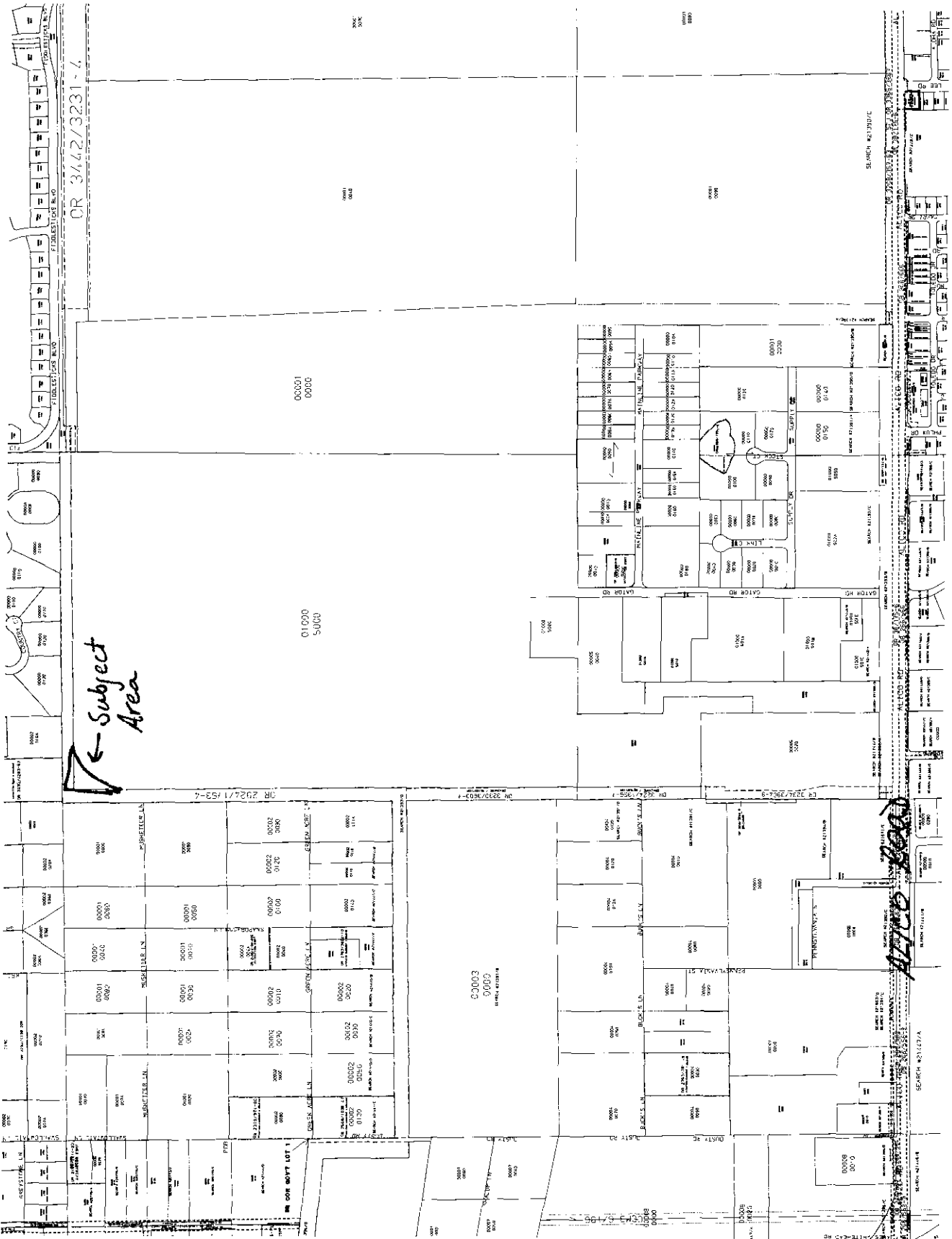
LEGEND
SIR SET IRON ROD W/CAP LB 1772
FIR FOUND IRON ROD
FCM FOUND CONCRETE MONUMENT

HOLE MONTES
ENGINEERS · PLANNERS · SURVEYORS
950 Encore Way
Naples, Florida 34110
Phone: (941) 254-2000
Florida Certificate of
Authorization No.1772

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

BOUNDARY SURVEY
OF A PORTION OF
EAST 1/2, SECTION 5,
TOWNSHIP 46 SOUTH, RANGE 25 EAST
LEE COUNTY FLORIDA

REVISION No.	DESCRIPTION	DATE
REVISIONS		
DRAWN BY:	DATE 2/04	SECTION 5
BEN	F.B. 892	TOWNSHIP 46
CHECKED BY:	PAGE 12	RANGE 25
TMM	REFERENCE 97051BCDTAKE	B-4597



Subject Area

DR 3442/3231-4

Alto Road

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SEARCH 421301/C

SEARCH 421327/A

SEARCH 421318

SEARCH 421319

SEARCH 421320

SEARCH 421321

SEARCH 421322

SEARCH 421323

SEARCH 421324

SEARCH 421325

SEARCH 421326

SEARCH 421327

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

Search No. 05-46-25-00-01000.5000

Date: October 15, 2003

Parcel: Gator Road

Project: Alico Road Widening Project #4030

To: Robert G. Clemens
Acquisition Program ManagerFrom: Kenneth Pitt 
Real Estate Title Examiner

STRAP: 05-46-25-00-01000.5000

Effective Date: September 23, 2003, at 5:00 p.m. ^{5/17/2004} **Subject Property:** See attached Schedule.

Title to the subject property is vested in the following:

Alico Lakeside, LLC (a Florida Limited Liability company)

By that certain instrument dated June 27, 2003, recorded July 2, 2003, in Official Record Book 3980, Page 4079, Public Records of Lee County, Florida.

Easements:

1. Subject to a right of way easement granted to the Florida Power and Light Company, recorded in Official Record Book 876, Page 610, Public Records of Lee County, Florida.
2. Subject to a railroad right of way and easement recorded in Official Record Book 1002, Page 1408, Public Records of Lee County, Florida.
3. Subject to right of way easement recorded in Official Record Book 1234, Page 994, Public Records of Lee County, Florida.
4. Subject to right of way easement recorded in Official Record Book 1234, Page 996, Public Records of Lee County, Florida.
5. Subject to reservations for use of a canal for drainage and perpetual easement for ingress, egress and public utility (over Gator Road) as contained in a deed recorded in Official Record Book 1234, Page 998, Public Records of Lee County, Florida.
6. Subject to Assignment of Easement recorded in Official Record Book 1404, Page 2379, Public Records of Lee County, Florida. Said easement having been originally reserved in Official Record Book 1404, Page 2379, Public Records of Lee County, Florida.
7. Subject to a Declaration of Covenants, Easements and Restrictions for Gator Road Maintenance Association recorded in Official Record Book 2167, Page 3943, Public Records of Lee County, Florida.
8. Subject to a Grant of Non-Exclusive Easement recorded in Official Record Book 2646, Page 1113, Public Records of Lee County, Florida.
9. Subject to an Easement granted to the Florida Power and Light Company recorded in Official Record Book 3261, Page 4695, Public Records of Lee County, Florida.
10. Subject to an easement granted to the Florida Power and Light Company, recorded In Official Record Book 3323, Page 387, Public Records of Lee County, Florida.

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

Search No. 05-46-25-00-01000.5000

Date: October 15, 2003

Parcel: Gator Road

Project: Alico Road Widening Project #4030

11. Subject to a Perpetual Drainage Easement granted to Lee County, recorded in Official Record Book 4047, Page 386, Public Records of Lee County, Florida.

NOTE(1): Subject property is not encumbered by a mortgage.

NOTE(2): The Property Appraiser's records show a strip of land along the North line of Alico Road running East and West of Gator Road as being part of the subject property, said land was leased from the subject property in a deed from Alico, Inc. to Curtis W. Bostick, Trustee recorded in Official Record Book 1234, Page 998, Public Records of Lee County, Florida. Said Land is still owned by Alico, Inc.

NOTE(3): Subject to an order that deems the railroad right of way affecting the subject property established by an instrument recorded in Official Record Book 1002, Page 1408 as abandoned and cancelled, said order having been recorded in Official Record Book 2559, Page 1741, Public Records of Lee County, Florida.

65,909.60 *5/10/2004*
Tax Status: ~~\$43,354.99~~ paid on ~~July 3, 2003~~ for tax year 2002.

(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.