Lee County Board Of County Commissioners Agenda Item Summary Blue Sheet No. 20041541 1. REQUESTED MOTION: ACTION REQUESTED: Accept the donation of a Slope Restoration Easement and Temporary Construction Easement Agreement for STRAP Number 34 45-24 00-00002.0100, Summerlin Road Six-Laning, Project No. 4067; authorize payment of recording fees; and authorize the Division of County Lands to handle all documentation necessary to complete transaction. WHY ACTION IS NECESSARY: The Board must accept all real estate conveyances to Lee County. WHAT ACTION ACCOMPLISHES: Accepts donation of easement needed for the Summerlin Road Six-Laning Project. 2. DEPARTMENTAL CATEGORY: 06 3. MEETING DATE: **COMMISSION DISTRICT #3** 4. AGENDA: 5. REQUIREMENT/PURPOSE 6. REQUESTOR OF INFORMATION: (Specify) CONSENT STATUTE 125 A. COMMISSIONER ADMINISTRATIVE **ORDINANCE B. DEPARTMENT** Independent APPEALS ADMIN. CODE C. DIVISION County Lands TLM **PUBLIC** OTHER BY: Karen L. W. Forsyth, Director WALK ON TIME REQUIRED: 7. BACKGROUND: Negotiated for: Department of Transportation Interest to Acquire: 1,689 square feet of slope easement interest, and 3,452 square feet of temporary construction easement interest **Property Details:** Owner: Florida Gulf Bank, a Florida State Bank Address: 7580 Winkler Road, Fort Myers Staff Recommendation: Staff recommends the Board approve the Requested Motion. Account: 20-4067-18804-506110 (CIP Project, Summerlin Road, South Fort Myers Impact Fees, and Purchase of Land) Attachments: Copy of Slope/Restoration Easement, Original Temporary Construction Easement Agreement, In-House Title Search, and GIS Location Map 8. MANAGEMENT RECOMMENDATIONS: 9. RECOMMENDED APPROVAL: В С D Ε G Department Purchasing Human Other County **Budget Services** County Manager Director or Contracts Resources Attorney OAOM 6 Risk GC 1/22/04 10. COMMISSION ACTION: 1118 Rec. by CoAuty **APPROVED** Date: 11-18-04 RECEIVED BY DENIED

Time: 11: 40 Am

Forwarded To:

COUNTY ADMIN:

COUNTY ADMIN FORWARDED TO:

DEFERRED

OTHER

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: Summerlin Road Widening #4067 STRAP No.: 34-45-24-00-00002.0100

SLOPE/RESTORATION EASEMENT

This INDENTURE, made and entered into this <u>20</u> day of <u>Octobes</u> 2004, between Florida Gulf Bank, a Florida State Bank, a Florida Corporation, whose address is Post Office Box 2939, Fort Myers, Florida 33902, (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 within the Easement Parcel; however, Grantor may authorize the installation of utilities or may plant foliage within the easement area conveyed herein, provided such use does not interfere with or prevent the Grantee's use of the easement.
- 5. Title to the improvements constructed by the Grantee within the Easement Parcel will remain in the Grantee, it's 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.

- 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.

·	oinding upon the parties, their successors and
assigns.	has hereunto set <u>his</u> hand and seal the
date first above written.	rias nereunto set <u>nis</u> nand and sear the
Signed, sealed and delivered in the	
presence of two subscribing witnesses:	
1st WITNESS Signature	Florida Gulf Bank, a Florida State Bank, a Florida Corporation
TOXN TR. TA	William F. VALENTI
Printed Name of 1st Witness MANOU K BLAUTE	Name and Title Res YCED
2nd WITNESS Signature	
_ SHARON R. BESSETTE	
Printed Name of 2nd Witness	
STATE OF Florida	
COUNTY OF Lee	
The foregoing instrument was acknowledged befo	re me this 20 th day of Octoben,
2004, by William P. Valenti,	•
(name of officer or agent, titl	
Florida Gulf Bank, a Florida State Bank, a Florida corris personally known to me or who has produced	
as identification.	(type of identification)
CATHERINE K. THOMAS Notary Public - State of Florida My Commission Biptes Aug 13, 2007 Commission # DD 241437 Bonded By Notional Notary Assn.	(Signature of Notary Public) (Atherine K Thomas (Name typed, printed or stamped) (Title or Rank) Notary Police
	(Serial Number, if any)

Fyhibit "A"

Description of a Parcel of Land Lying in Section 34, Township 45 South, Range 24 East, Lee County, Florida (5' Permanent Fill Easement)

An Easement, situated in the State of Florida, County of Lee, lying in Section 34, Township 45 South, Range 24 East, lying over and across a portion of a parcel as recorded in Official Records Book 3636, at page 2278, Public Records of Lee County, Florida and being further bound and described as follows:

Commencing at the West Quarter (W1/4) corner of Section 34, Township 45 South, Range 24 East, Lee County, Florida; thence S 01°-06'-49" E along the west line of the southwest one quarter (SW 1/4) of said Section 34 for 2219.41 feet to the North right-of-way line of Summerlin Road; thence N.44°17'24"E. along said North right-of-way line for 1991.50 feet to the Point of Beginning of the herein described Easement; thence continue N.44°17'24"E. along said North right-of-way line for 7.04 feet to an intersection with the West right-of-way line of Winkler Road; thence N 00°-59'-34"W along said west right-of-way line for 335.28 feet; thence S 89°-00'-26" W for 5.00 feet; thence S.00°-59'-34"E, parallel to and 5.00 feet west of said West right-of-way line of Winkler Road for 340.23 to the Point of Beginning.

Parcel contains 1,689 square feet (0.04 acres), more or less.

Subject to easements, restrictions, reservations, rights-of-way, recorded and unrecorded.

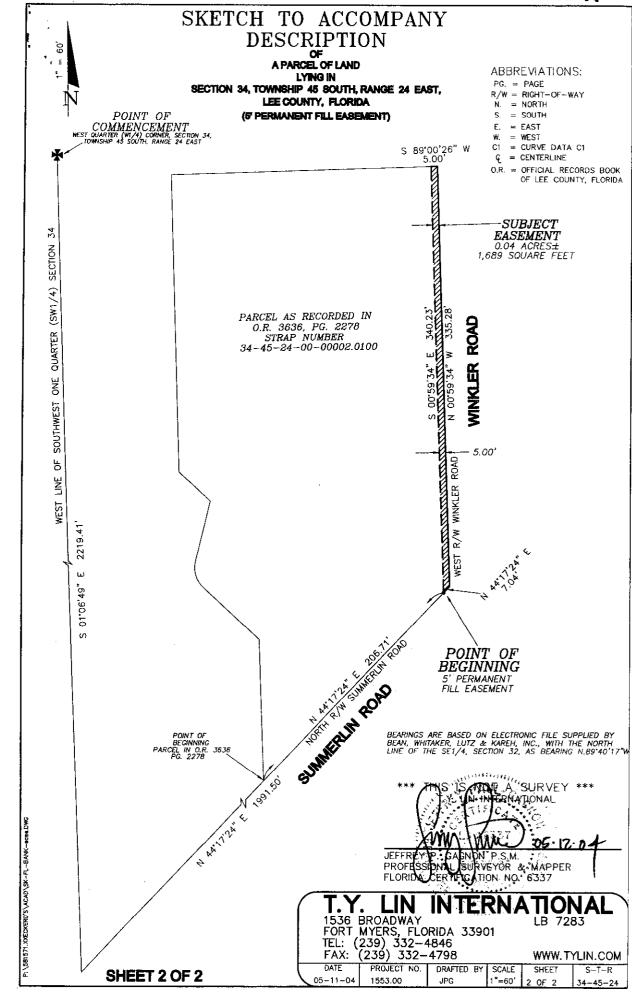
Bearings based on the West line of the Southwest One Quarter (SW1/4), Section 34, Township 45 South, Range 24 East, as bearing S 01°-06'-49" E.

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05/11/04

Surveyor & Mapper crification No. 6337

enational (LB 7283)



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

Project: Summerlin Six-Laning #4067 STRAP No.: 34-45-24-00-00002.0100

This Space for Recording

TEMPORARY CONSTRUCTION EASEMENT AGREEMENT

THIS AGREEMENT is made and entered into this _______ day of _______, 200 _______, between FLORIDA GULF BANK, A Florida State Bank, a Florida Corporation, whose address is 9101 College Pointe Court, Fort Myers, Florida 33919, 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, hereinafter referred to as GRANTEE.

WITNESSETH:

THAT the GRANTOR is the owner of the lands described in Exhibit "A" and as such has the power to grant the GRANTEE an interest in such lands.

THAT the GRANTOR, for good and valuable consideration, receipt of which is hereby acknowledged, does hereby grant unto the GRANTEE, permission to enter upon the following described lands, as described in Exhibit "X", (attached hereto and incorporated herein), for the purpose of ingress and egress to the Summerlin Six-Laning Project where it abuts the above described property, by workmen, machinery and vehicles, the storing and/or stockpiling materials as needed for said construction; and then restoring the said property and thereby connecting all new construction resulting from the project to that existing prior to construction.

THE construction period is expected to last for approximately <u>24 months</u>, commencing on or before February 1, 2005. All rights granted to the GRANTEE by this Agreement shall terminate on <u>February 1, 2007</u>, or upon completion of the work contemplated by this Agreement, whichever occurs first, unless extended by a written agreement between the parties.

Project: Summerlin Six-Laning #4067 STRAP No.: 34-45-24-00-00002.0100

GRANTEE will restore the property described above to a safe and aesthetic condition, as such existed prior to construction. GRANTEE will grade the lands to match the new construction at no cost to GRANTOR. The completed work shall include, but not be limited to, restoring or replacing sod, mailboxes, driveways, sprinkler systems, and landscaping.

IN WITNESS WHEREOF, the GRANTOR has caused this document to be signed on the date and year first above written.

	FLORIDA GULF BANK, A Florida State
TWO SEPARATE WITNESSES: 1st Witness Signature	Bank, a Riorida Corporation By: GRANTOR GRANTOR
Printed Name of 1st Witness 2nd Witness Signature HHRON R BESSETTE Printed Name of 2nd Witness	Name/Title
STATE OF	
	of officer or agent, title of officer or agent)
of <u>Florida Gulf Bank, A Florida Stat</u> behalf of the corporation. (He/she	
produced(type of identification	as identification.
CATHERINE K. THOMAS Notary Public - State of Florida Solf Jea By National Notary Assn. K. "HOMAS Solf Jea By National Notary Assn. K. "HOMAS Solf Jea of Florida Sol	Notary Public (Athenine of Thomas Printed Name of Notary Public My Commission Expires: Aug 13 2001

ATTEST: Charlie Green, Clerk	ACCEPTED ON BEHALF OF THE BOARD OF COUNTY COMMISSIONERS LEE COUNTY, FLORIDA
By: Deputy Clerk	By:Chairman
	Date:
	Approved As to Form:
	Office of County Attorney

Exhibit "Y"

Description of a Parcel of Land Lying in Section 34, Township 45 South, Range 24 East, Lee County, Florida (Temporary Construction Easement)

An Easement, situated in the State of Florida, County of Lee, lying in Section 34, Township 45 South, Range 24 East, lying over and across a portion of a parcel as recorded in Official Records Book 3636, at page 2278, Public Records of Lee County, Florida and being further bound and described as follows:

Commencing at the West Ouarter (W1/4) corner of Section 34, Township 45 South, Range 24 East, Lee County, Florida; thence S 01°-06'-49" E along the west line of the southwest one quarter (SW 1/4) of said Section 34 for 2219.41 feet to the North right-of-way line of Summerlin Road; thence N.44°17'24"E. along said North right-of-way line for 1977.42 feet to the **Point of Beginning** of the herein described Easement; thence continue N.44°17'24"E. along said North right-of-way line for 14.07 feet; thence N 00°-59′-34″W, parallel to and 5.00 feet west of the West right-of-way line of Winkler Road for 340.23 feet; thence S 89°-00'-26" W for 10.00 feet; thence S.00°-59'-34"E, parallel to and 15.00 feet west of said West right-of-way line of Winkler Road for 350.13 feet to the **Point of Beginning**.

Parcel contains 3,452 square feet (0.08 acres), more or less.

Subject to easements, restrictions, reservations, rights-of-way, recorded and unrecorded.

Bearings based on the West line of the Southwest One Quarter (SW¼), Section 34, Township 45 South,

Range 24 East, as bearing S 01°-06′-49" E.

in International (LB 7283)

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05/11/04

Gagnon, PSM Professional Surveyor & Mapper

Florida Certification No. 6337

SKETCH TO ACCOMPANY .09 **ABBREVIATIONS:** A PARCEL OF LAND PG. = PAGE R/W = RIGHT-OF-WAYLYING IN $N_{\cdot} = NORTH$ SECTION 34, TOWNSHIP 45 SOUTH, RANGE 24 EAST, S. = SOUTHLEE COUNTY, FLORIDA E. = EAST POINT OF (TEMPORARY CONSTRUCTION EASEMENT) W. = WEST COMMENCEMENT WEST QUARTER (W1/4) CORNER, SECTION 34, TOWNSHIP 45 SOUTH, RANGE 24 EAST C1 = CURVE DATA C1 S 89'00'26" W 10,00' G = CENTERLINE O.R. = OFFICIAL RECORDS BOOK OF LEE COUNTY, FLORIDA SUBJECT **EASEMENT** SECTION 0.08 ACRES± 3,452 SQUARE FEET (SW1/4)15.00-340.23 PARCEL AS RECORDED IN O.R. 3636, PG. 2278 QUARTER STRAP NUMBER 34-45-24-00-00002.0100 WINKLER 00.59'34" ONE SOUTHWEST 10.00'-5.00' ROAD OF WEST LINE R/W WINKLER 2219.41

Kmp

Division of County Lands

Ownership and Easement Search

Search No. 34-45-24-00-00002.0100

Date: May 25, 2004

Parcel:

Project: Summerlin Six Laning Project #4067

Teresa L. Mann SR/WA

Property Acquisition Agent

From: Kenneth Pitt

Real Estate Title Examiner

STRAP: 34-45-24-00-00002.0100

Effective Date: May 5, 2004, at 5:00 p.m.

Subject Property: See Attached Schedule A.

Title to the subject property is vested in the following:

Florida Gulf Bank (a Florida State Bank)

By that certain instrument dated April 30, 2002, recorded May 2, 2002, in Official Record Book 3636 Page 2276, Public Records of Lee County, Florida.

Easements: 1): Subject to a Declaration of Restrictive Covenants and Easement Agreement, recorded in Official Record Book 3265 Page 2232 and Amended by Official Record Book 3569 Page 4209, Public Records of Lee County, Florida.

- 2): Subject to a Declaration Relating to the Use and Maintenance of Drainage Facilities, recorded in Official Record Book 3265 Page 2268, which was Amended by Official Record Book 3569 Page 4233, Public Records of Lee County, Florida.
- 3): Subject to a Declaration of Covenants, Operations and Reciprocal Easements, recorded in Official Record Book 3265 Page 2334, which was Amended by Official Record Book 3569 Page 4269 and Official Record Book 3636 Page 2270, Public Records of Lee County, Florida.
- 4): Subject to an Outparcel Declaration of Restrictive Covenant Agreement, recorded in Official Record Book 3469 Page 591, which was Amended by Official Record Book 3569 Page 4251, Public Records of Lee County, Florida.
- 5): Subject to an Easement granted to the Florida Power & Light Company, recorded in Official Record Book 3342 Page 4123, Public Records of Lee County, Florida.
- 6): Subject to a Perpetual Public Utility Easement Grant, conveyed to Lee County by that certain instrument recorded in Official Record Book 3472 Page 1906, Public Records of Lee County, Florida.
- 7): Subject to a Perpetual Public Utility Easement Grant, conveyed to Lee County by that certain instrument recorded in Official Record Book 3902 Page 725, Public Records of Lee County, Florida.

Division of County Lands

Ownership and Easement Search

Search No. 34-45-24-00-00002.0100

Date: May 25, 2004

Parcel:

Project: Summerlin Six Laning Project #4067

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

NOTE 2): Subject to Lee County Ordinance No. 86-14, relating to garbage and solid waste collection, recorded in Official Record Book 2189 Page 3281 and amended by Official Record Book 2189 Page 3334, Public Records of Lee County, Florida.

NOTE 3): Subject to a Covenant of Unified Control, recorded in Official Record Book 3259 Page 107, Public Records of Lee County, Florida.

NOTE 4): Subject to Notice of Development Order Approvals, recorded in Official Record Book 3289 Page 4536 and Official Record Book 3795 Page 1271, Public Records of Lee County, Florida.

NOTE 5): Subject to Notices of Lot Split Approval, recorded in Official Record Book 3593 Page 3477, Official Record Book 3740 Page 805 and Official Record Book 3795 Page 1397, Public Records of Lee County, Florida.

Tax Status: \$10,123.40 paid on 11/12/2003 for Tax Year 2003.

(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.

Exhibit "A"

A tract or parcel of land lying in the Southwest one-quarter (SW 1/4) of Section 34, Township 45 South, Range 24 East, Lee County, Florida.

Commence at the West quarter (W 1/4) corner of Section 34, Township 45 South, Range 24 East; thence South 01 degrees 06 minutes 49 seconds East for 2219.41 feet along the West line of sald Southwest one-quarter (SW 1/4) to the North right of way of Summerlin Boulevard; thence North 44 degrees 17 minutes 24 seconds East for 1784.76 feet along sald right of way to the Point of Beginning; from sald Point of Beginning thence North 00 degrees 59 minutes 34 seconds West for 112.49 feet; thence North 45 degrees 42 minutes 36 seconds West for 60.44 feet to the point of curvature of a curve to the right, radius 22.00 feet, central angle 60 degrees 00 minutes 00 seconds; thence Northerly for 23.04 feet along the arc of said curve to the point of tangency; thence North 14 degrees 17 minutes 24 seconds East for 49.56 feet; thence North 45 degrees 42 minutes 36 seconds West for 34.12 feet; thence North 00 degrees 69 minutes 34 seconds West for 235.91 feet; thence North 89 degrees 00 minutes 28 seconds East for 210.95 feet to the west right of way of Winkler Road; thence South 00 degrees 69 minutes 34 seconds East for 335.28 feet along said right of way of the North right of way of Summerlin Boulevard; thence South 44 degrees 17 minutes 24 seconds West for 213.75 feet to the POINT OF BEGINNING.



P.O. Box 2939 Fort Myers, Florida 33902-2939



Executive Officers

William P. Valenti President & CEO

John D. Fritts
Executive Vice President

John H. Hodas CFO & Senior Vice President

Dennis Kucera Senior Vice President/ Credit Administration

F. John Reingardt Senior Vice President & Senior Loan Officer

Board of Directors

James W. Moore, Chairman Riverside Capital, LLC

Jay A. Brett Sheppard, Brett, Stewart, Hersch & Kinsey, P.A.

James A. Dwyer Jr. Wireless One Network

John D. Fritts
Executive Vice President

Amy B. Gravina Gravina, Smith & Matte

R. Ernest Hendry, D.D.S.

Stephen Machiz, M.D. Physician Consultant

Michael M. Mitchell Suncoast Beverage Sales, Ltd.

Gregory M. Morris Alanda, Ltd.

Howard E. Palen Hagen Palen & Co. CPAs

William P. Vaienti President & CEO

Trudi K. Williams, P.E. TKW Consulting Engineers, Inc.

October 21, 2004

Lee County Division of County Lands Teresa L. Mann P. O. Box 398 Fort Myers, Florida 33902-0398

Dear Ms. Mann:

The enclosed documents concerning the proposed easement at Winkler Road have been reviewed and accepted. As requested, we are returning the original signed and notarized documents.

If you require any additional information you may reach me directly at (239) 437-4891.

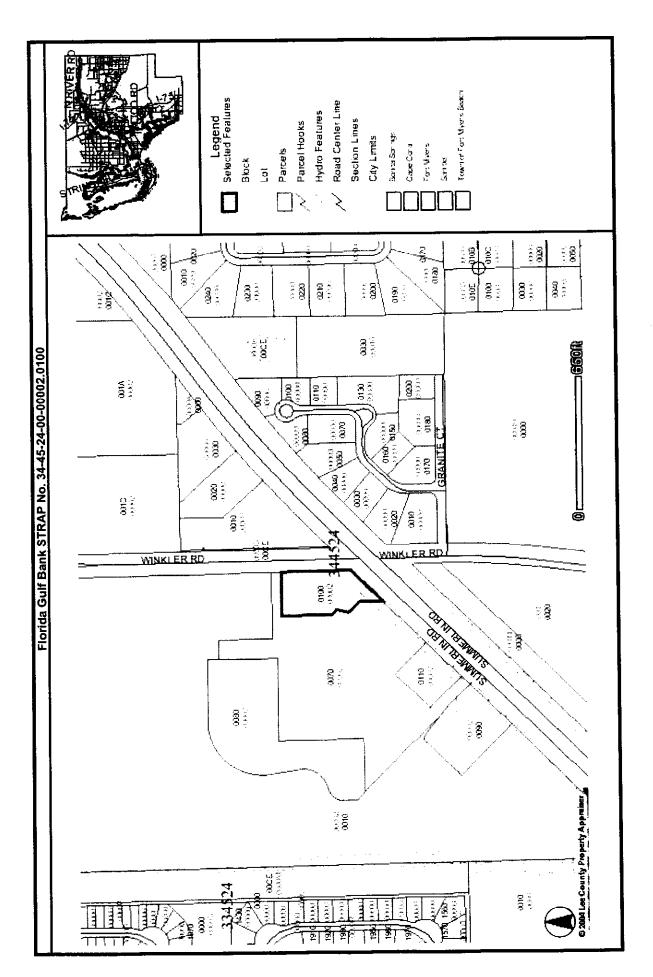
Sincerely,

Idan II Fritts

Executive Vice President

Office Locations: 9101 College Pointe Court Fort Myers, Florida 33919 239.332.4440 FAX: 239.332.4987

7580 Winkler Road Fort Myers, Florida 33908 239.481.2875 FAX: 239.481.5012 2247 First Street Fort Myers, Florida 33901 239.332.3527 FAX: 239.226.4277



http://gis.pa.lee.fl.us/servlet/com.esri.esrimap.Esrimap?ServiceName=msLeePAIntranet&ClientVersion=3.1&Form=True&Enco 11/16/2004