

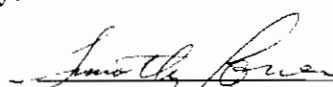
**Lee County Board Of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20060524

1. ACTION REQUESTED/PURPOSE: Authorize Chairwoman to execute deed to Lee Memorial Health System.

2. WHAT ACTION ACCOMPLISHES: Transfers legal title to Lee Memorial Health System for property that was condemned by the County in 1966 for construction of the existing hospital.

3. MANAGEMENT RECOMMENDATION:

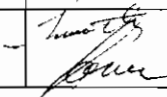
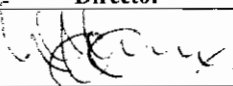
4. Departmental Category: <u>12</u> C12C		5. Meeting Date: 05-09-2006
6. Agenda: <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Administrative <input type="checkbox"/> Appeals <input type="checkbox"/> Public <input type="checkbox"/> Walk-On	7. Requirement/Purpose: (specify)	
	<input type="checkbox"/> Statute	<input type="checkbox"/> Ordinance
	<input type="checkbox"/> Admin. Code	<input checked="" type="checkbox"/> Other
	Hospital Request initiated by CAO	
		8. Request Initiated: Commissioner _____ Department <u>County Attorney</u> Division _____ By:  Timothy Jones Chief Assistant County Attorney

9. Background: Lee Memorial Health System is in the process of a major building campaign at the Cleveland Avenue campus. Their Attorney, James T. Humphrey, has requested that the County assist Lee Memorial Health System by providing a quit claim deed to certain property where the hospital now exists, in order to give Lee Memorial Health System clear title to all of the property at the Cleveland Avenue site. Attached are copies of Mr. Humphrey's letters requesting the deed, which includes an explanation of the need for this action by the County. Briefly, it appears that the County condemned the subject property in 1966 pursuant to a Special Act of the legislature, and specifically for the benefit of the Lee Memorial Health System for expansion of the hospital. However, it appears that the hospital expansion went forward and no deed was ever recorded transferring legal title from the County to the hospital system.

County Lands' Management concurs with the County Attorney's Office in recommending approval of requested motion.

Attachments: James T. Humphrey's Letters dated February 27, 2006 and March 30, 2006

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.	
					RK 4/25	JK 4/25/06	JK 4/25/06	JK 4/25/06	

11. Commission Action:

Approved
 Deferred
 Denied
 Other

RECEIVED BY
COUNTY ADMIN: JK
4/25/06

RECEIVED BY
COUNTY ADMIN: RK
4/25/06
11:30 AM
COUNTY ADMIN
FORWARDED TO: JK
4/25/06
3:30



**FOWLER WHITE
BOGGS BANKER**


ATTORNEYS AT LAW

ESTABLISHED 1943

Memorandum

2006 MAR - 1 AM 8:10
RECEIVED BY
LEE CO. ATTORNEY

TO: David Owen, Esq.
Tim Jones, Esq.

FROM: James T. Humphrey 

DATE: February 27, 2006

RE: Lee Memorial Health System/Quit Claim Deed

This letter is a follow up to our recent meeting where I requested, on behalf of Lee Memorial Health System, for the Lee County Commission to quit claim whatever interest the County may have in the land on which Lee Memorial Hospital is located. The land in question is in part of Blocks 9 and 13 of Edison Park Subdivision as recorded in Plat Book 7, Page 28, Public Records, Lee County, Florida.

The Property Appraiser's records list the owner of record as the Hospital Board of Directors; however, a recent title search indicates the property is still titled in Lee County.

According to my review of the records, not including the County Commission minute books, I found where Lee County, in 1946, conveyed all of Block 8 and part of Block 13 to Lee Memorial Hospital, which conveyance was recorded in Deed Book 170, Page 72, Public Records, Lee County, Florida. This property is where the old part of the hospital is located.

In December 1961, Lee County conveyed another parcel to Lee Memorial, which deed is recorded in O.R. 106, Page 503, Public Records, Lee County, Florida. This description includes parts of Blocks 37 and 38, plus part of the roadway system as shown on the plat.

In 1966, Lee County on behalf of Lee Memorial Hospital condemned the property where the main part of the hospital is now located. The Notice of Lis Pendens was recorded in O.R. Book 335, Page 789 and the Order of Taking was recorded in O.R. Book 338, Page 409. The recorded documents state the property was being condemned for construction, operation and maintenance of a public hospital. The description included all of Block 9 and Lots 1, 2, 3, 4, 5, 11, 12, 13, 14, 15, 16, 17 and part of Lots 6 and 10 in Block 13 of Edison Park Subdivision. Lee County condemned the property in accordance with the Special Act, Chapter 63-1552, Laws of Florida, which is the Act that established the Hospital Board of Directors and gave the Lee County Board of Commissioners the authority to condemn the property for hospital purposes. In Section 8 of the Act it specifically provided for the eminent domain proceedings to be instituted by the county board. We are now unable to find where the Lee County Commission conveyed this property to the Hospital Board subsequent to its establishment in accordance with the Act.

I have provided you with copies of the documents referenced above and as we discussed, I have asked Mike Norman at Johnson Engineering to prepare a complete legal description to be attached to the county deed. The Grantee should be "Lee Memorial Health System a public body created by Chapter 2000-439, Laws of Florida." For your information, Chapter 2000-439 (House Bill 1615) constituted a codification of Chapters 63-1551 and Chapter 78-552, Laws of Florida as amended. Under Section 5 of the New Act, the System Board now has the authority to obtain land by eminent domain.

Please let me know when the Deed will be placed on the Commission agenda for approval.

Thanks for assisting the Health System with this matter.



**FOWLER WHITE
BOGGS BANKER**

ATTORNEYS AT LAW

ESTABLISHED 1943

Memorandum

TO: David Owen, Esq.
Tim Jones, Esq.

HAND DELIVERED

FROM: James T. Humphrey

DATE: March 30, 2006

RE: Lee Memorial Health System/Quit Claim Deed

Enclosed please find the metes and bounds description together with a sketch for the Lee Memorial Health System Cleveland Campus property. As we discussed and pursuant to my memorandum to you dated February 27, 2006, please have the Lee County Commission transfer any interest they may have in this property by County deed.

Please let me know the date this will be presented to the Commission because even though I assume this will be on the Consent Agenda, I would like to be present in case there are any questions.

Thanks again for your assistance with this matter.

Enclosure

cc: Mary McGillicuddy
Bob McCurdy
Dave Kistel

2006 MAR 30 PM 3:39
RECEIVED BY
LEE CO. ATTORNEY

This Instrument Prepared By:
Timothy Jones, Asst. County Attorney
Lee County Attorney's Office
Post Office Box 398
Fort Myers, Florida 33902-0398

STRAP No. 23-44-24-P3-02008.0020
23-44-24-P3-02008.0010
23-44-24-P3-02013.0010

THIS SPACE FOR RECORDING

**COUNTY DEED
(Statutory)**

THIS DEED, executed this ____ day of _____, 2006 by **LEE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA**, whose address is Post Office Box 398, Fort Myers, Florida 33902-0398, GRANTOR, to **LEE MEMORIAL HEALTH SYSTEM** a public body created by Chapter 2000-439, Laws of Florida, whose address is Post Office Box 2218, Fort Myers, FL 33902, GRANTEE.

WITNESSETH: The GRANTOR, for and in consideration of the sum of Zero (\$0.00) Dollars to it in hand paid by the GRANTEE, receipt whereof is hereby acknowledged, has granted, bargained and sold to the GRANTEE, its heirs and assigns forever, as described in attached Exhibit A.

This grant conveys only the interest of the County and its Board of County Commissioners in the property herein described, and does not warrant the title or represent any state of facts concerning the same.

IN WITNESS WHEREOF the GRANTOR has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chair or Vice Chair of said Board, the day and year above.

(OFFICIAL SEAL)
ATTEST:
CHARLIE GREEN, CLERK

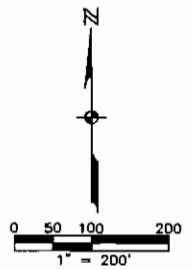
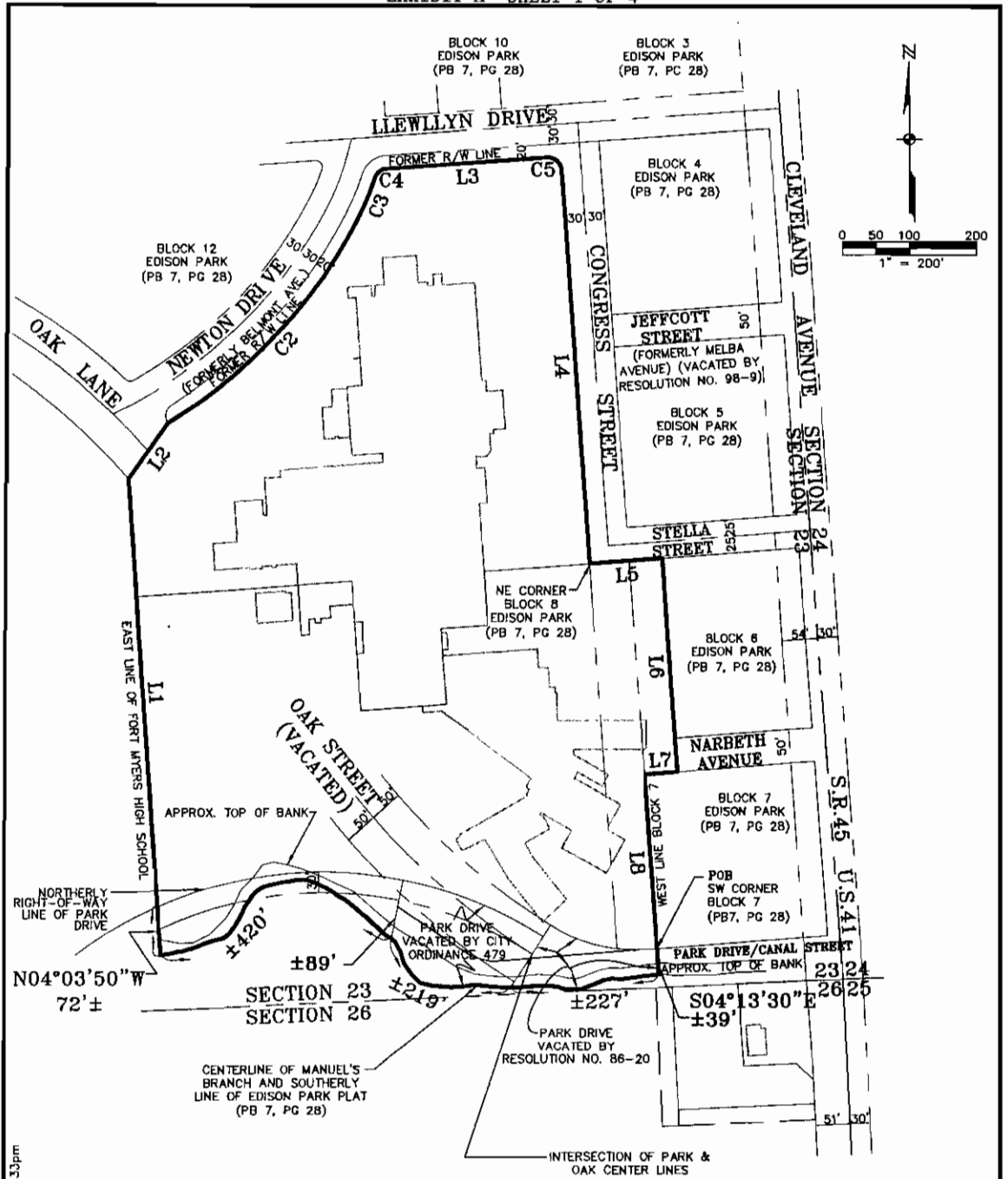
LEE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Chairwoman

APPROVED AS TO LEGAL FORM:

Office of County Attorney



s:\023644\OVERALL-SKETCH.dwg (SKETCH) 1st Mar 23, 2006 - 1:33pm

NOTES:

1. BEARINGS HEREINABOVE MENTIONED ARE BASED ON THE WEST LINE OF BLOCK 7, EDISON PARK, PLAT BOOK 7 AT PAGE 28, PUBLIC RECORDS OF LEE COUNTY, FLORIDA AS BEARING SOUTH 04°13'30" EAST.
2. THIS SKETCH DOES NOT MAKE ANY REPRESENTATION AS TO ZONING OR DEVELOPMENT RESTRICTIONS ON THE SUBJECT PARCEL.
3. POC = POINT OF COMMENCEMENT.
4. POB = POINT OF BEGINNING.
5. DESC. = DESCRIPTION
6. PARCEL CONTAINS 750,672 SQUARE FEET (17.23 ACRES) MORE OR LESS.
7. DESCRIPTION ATTACHED.

THIS IS NOT A SURVEY

Michael W. Norman
 MICHAEL W. NORMAN (FOR THE FIRM LB-642)
 PROFESSIONAL SURVEYOR AND MAPPER.
 FLORIDA CERTIFICATE NO. 4500

DATE SIGNED: **MAR 24 2006**
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

NOT VALID WITHOUT SHEETS 2-4 OF 4

JOHNSON ENGINEERING

215B JOHNSON STREET
 P.O. BOX 1550
 FORT MYERS, FLORIDA 33902-1550
 PHONE (239) 334-0046
 FAX (239) 334-3661
 E.B. #642 & L.B. #642

SKETCH TO ACCOMPANY DESCRIPTION
 LEE MEMORIAL HOSPITAL CLEVELAND CAMPUS

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
3/8/06	20023644	23-44-24	1" = 200'	1 OF 4

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N04°03'50"W	641.17
L2	N34°44'00"E	103.15
L3	N85°46'30"E	242.62
L4	S04°13'30"E	596.50
L5	N85°46'30"E	110.00
L6	S04°13'30"E	321.00
L7	S85°46'30"W	50.00
L8	S04°13'30"E	261.08

CURVE TABLE					
CURVE	RADIUS	DELTA	CHORD BEARING	CHORD	LENGTH
C1	621.23	34°59'09"	S83°55'00"W	373.47	379.33
C2	745.00	32°12'34"	N43°15'20"E	413.32	418.81
C3	468.79	9°09'24"	N22°34'20"E	74.84	74.92
C4	20.00	67°46'52"	N51°53'04"E	22.30	23.66
C5	20.00	90°00'00"	S49°13'30"E	28.28	31.42

S:\023644\OVERALL-SKETCH.dwg (TABLES) lws Mar 23, 2006 - 1:52pm

NOT VALID WITHOUT SHEETS 1&3-4 OF 4



2158 JOHNSON STREET
 P.O. BOX 1550
 FORT MYERS, FLORIDA 33902-1550
 PHONE (239) 334-0046
 FAX (239) 334-3661
 E.B. #642 & L.B. #642

LINE TABLE

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
3/8/06	20023644	23-44-24	1" = 200'	2 OF 4



March 23, 2006

DESCRIPTION

LEE MEMORIAL HOSPITAL CLEVELAND CAMPUS PARCEL LYING IN SECTION 23, TOWNSHIP 44 SOUTH, RANGE 24 EAST CITY OF FORT MYERS, LEE COUNTY, FLORIDA

A tract or parcel of land lying in Section 23, Township 44 South, Range 24 East, City of Fort Myers, Lee County, Florida being more particularly described as follows:


Beginning at the southwest corner of Block 7 of Edison Park as platted in Plat Book 7 at Page 28, Public Records of Lee County, Florida run South $04^{\circ} 13' 30''$ East along the southerly prolongation of the west line of said Block 7 for 39 feet, more or less, to an intersection with the centerline of Manual's Branch also being the southerly boundary of said Edison Park Plat; thence meander westerly along said centerline and southerly boundary for 227 feet, more or less, to an intersection with the westerly line (which bears South $36^{\circ} 30' 00''$ West) of the portion of Park Drive vacated by Resolution No. 86-20 also being the easterly line of the portion of Park Drive vacated by City Ordinance 479, City of Fort Myers, Florida; thence continue to meander westerly along said centerline and southerly boundary for 219 feet, more or less, to an intersection with the westerly line (which bears South $15^{\circ} 28' 20''$ West) of the portion of Park Drive vacated by City Ordinance 479; thence continue to meander along said centerline and southerly boundary for 420 feet, more or less to an intersection with a southerly prolongation of the east line of Fort Myers High School; thence run North $04^{\circ} 03' 50''$ West along said prolongation for 72 feet more or less to the northerly right-of-way line of said Park Drive; thence continue North $04^{\circ} 03' 50''$ West along the east line of said Fort Myers High School for 641.17 feet to an intersection with the southerly right-of-way line of Oak Lane as shown on said plat; thence run North $34^{\circ} 44' 00''$ East for 103.15 feet to an intersection with the non-tangent curved southeasterly right-of-way line of Newton Drive (formerly known as Belmont Avenue) (80 foot right-of-way); thence run northeasterly along the arc of said non-tangent curve to the left of radius 745.00 feet (delta $32^{\circ} 12' 34''$) (chord bearing North $43^{\circ} 15' 20''$ East) (chord 413.32 feet) for 418.18 feet to a point of compound curvature; thence run northeasterly along the arc of said curve to the left of radius 468.79 feet (delta $09^{\circ} 09' 24''$) (chord bearing North $22^{\circ} 34' 20''$ East) (chord 74.84 feet) for 74.92 feet to a point of reverse curvature; thence run northeasterly along the arc of said curve to the right of radius 20.00 feet (delta $67^{\circ} 46' 52''$) (chord bearing North $51^{\circ} 53' 04''$ East) (chord 22.30 feet) for 23.66 feet to an intersection with the southerly right-of-way line of Llewellen Drive (80 feet wide) as shown on said plat; thence run North $85^{\circ} 46' 30''$ East along said southerly right-of-way line for 242.62 feet to a point of curvature; thence run southeasterly along the arc of

EXHIBIT A
SHEET 3 OF 4

said curve to the right of radius 20.00 feet (delta 90° 00' 00") (chord bearing South 49° 13' 30" East) (chord 28.28 feet) for 31.42 feet to an intersection with the westerly right-of-way line of Congress Street (60 feet wide) as shown on said plat; thence run South 04° 13' 30" East along said westerly right-of-way line for 596.50 feet to an intersection with a prolongation of the northerly line of Block 6 of said plat being the northeast corner of Block 8 of said plat; thence run North 85° 46' 30" East along said prolongation and northerly line for 110.00 feet; thence run South 04° 13' 30" East for 321.00 feet to an intersection with the northerly line of said Block 7; thence run South 85° 46' 30" West along said northerly line for 50.00 feet to an intersection with the westerly line of said Block 7; thence run South 04° 13' 30" East along said westerly line for 261.08 feet to the southwest corner of said Block 7 and the Point of Beginning.

Parcel contains 750,672 square feet, (17.62 acres) more or less.

Bearings hereinabove mentioned are based on the west line of Block 7, Edison Park, Plat Book 7 at Page 28, Public Records of Lee County, Florida as bearing South 04° 13' 30" East.


Michael W. Norman (for The Firm L.B-642)
Professional Land Surveyor
Florida Certificate No. 4500

