

Lee County Board Of County Commissioners
 Agenda Item Summary

DATE CRITICAL
 Blue Sheet No. 20061491

1. ACTION REQUESTED/PURPOSE: Approve a grant of road impact fee credits to Coconut Point Developers, LLC in the amount of \$19,602.00 for Parcel S1-8 related to the Sandy Lane improvements within the Coconut Point DRI boundary.

2. WHAT ACTION ACCOMPLISHES: If approved by the Board, the developer will receive impact fee credits for the dedication of additional land related to the construction of future turn lane along Sandy Lane Boulevard.

3. MANAGEMENT RECOMMENDATION:

4. Departmental Category: <i>12</i> C12B		5. Meeting Date: November 21, 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 checked="" type="checkbox"/> Statute	
	<input type="checkbox"/> Ordinance	
	<input type="checkbox"/> Admin. Code	
	<input checked="" type="checkbox"/> Other	Development Agreement
		8. Request Initiated: Commissioner _____ Department <u>County Attorney</u> Division _____ By: <i>[Signature]</i> Dawn E. Perry-Lehnert Assistant County Attorney

9. Background: The Board approved the Coconut Point DRI Development Order on October 21, 2001 and the related Development Agreement on February 24, 2004. These documents require the developer to dedicate unencumbered fee title to the land necessary to support construction of Sandy Lane from Corkscrew to the southern DRI boundary. The land for the 100-foot Sandy Lane right-of-way was accepted by the County in 2004.

As the design and construction phases progress, the need for right-of-way to accommodate turn lanes and roundabouts became apparent. On November 7, 2006, the Board accepted several deeds dedicating the additional land to the County for Sandy Lane. Parcel S1-8 was among these deeds.

(continued on page 2)

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgt.	
				<i>[Signature]</i>	RK 11/8	11/2/06	11/8/06	11/8/06	AS 11/8/06

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

CO. ATTY.
 FORWARDED TO:
 County Admin
 11/8/06 11:45am

RECEIVED BY COUNTY ADMIN: 11-8-06 3:35 PM <i>[Signature]</i>
COUNTY ADMIN FORWARDED TO: 11-8-06 4:34pm

Blue Sheet #: 20061491

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Subject: Parcel S1-8 Sandy Lane ROW Turnover

Under the Coconut Point Development Agreement, the dedication of Parcel S1-8, which is located within the DRI boundary, would not be entitled to impact fee credits. However, the Department of Transportation believes relief from this provision is appropriate for Parcel S1-8 because this parcel was granted to the County at DOT's request in order to accommodate a future second southbound to eastbound left turn lane at the Coconut Road and Sandy Lane Boulevard intersection.

The value of the credits proposed are based upon the value of the land prior to zoning approval. Accordingly, staff recommends that impact fee credits be granted for Parcel S1-8 as follows.

Parcel S1-8 northbound thru lanes at Coconut Road

Grantor: Coconut Point Developers, LLC.

Road Impact fee credit amount: \$19,602.00 (.18 acres @ \$108,900 per acre)

This request has been reviewed by Lee County DOT and County Lands and approval is recommended.

Attachments:

1. Warranty Deed for Parcel S1-8
2. DOT email explanation of basis for credits

cc: Andy Getch, Engineer Manager I, DOT
Richard G. Cherry, Esquire, Cherry & Edgar, P.A.
Rise A. Friedman, Esquire, Simon Property Group

Prepared by :
Rise' A. Friedman, Esq.
Simon Property Group
225 W. Washington Street
Indianapolis, IN 46204

RETURN TO:
Dawn E. Perry-Lehnert, Esq.
County Attorney's Office
2115 Second Street
Fort Myers, FL 33901

Property Appraiser's Strap No: 04-47-25-00001.0130
09-47-00-00001.0020

WARRANTY DEED

THIS INDENTURE, made this 28th day of September, 2006, by COCONUT POINT DEVELOPERS, LLC, a Delaware limited liability company, 225 W. Washington Street, Indianapolis, Indiana 46204 hereinafter called the grantor, to and in favor of LEE COUNTY, a POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, whose post office address is Post Office Box 398, Ft. Myers, Florida 33902, hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.)

WITNESSETH: That the grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Lee County, Florida, viz;

See Exhibit "A" attached hereto and made a part hereof for legal description.

Grantor hereby states that the above-described property is not now nor has it ever been the homestead property nor does it adjoin his homestead property.

TOGETHER, with all the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances.

IN WITNESS WHEREOF, the said Grantor has caused these presents to be duly executed, the day and year first above written.

GRANTOR

COCONUT POINT DEVELOPERS, LLC

a Delaware limited liability company

WITNESSES;

By: SIMON PROPERTY GROUP, L.P., a Delaware limited partnership, its Managing Member

Sign: Edith L. Hicks

By: SIMON PROPERTY GROUP, INC., a Delaware corporation, its General Partner

Print: Edith L. Hicks

Sign: Darlene Garvey

By: David Simon, Chief Executive Officer

Print: Darlene Garvey

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

Before me, a Notary Public in and for said County and State, personally appeared David Simon, to me personally known as the Chief Executive Officer of SIMON PROPERTY GROUP, INC., a Delaware corporation, General Partner of SIMON PROPERTY GROUP, L.P., a Delaware limited partnership, the Managing Member of COCONUT POINT DEVELOPERS, LLC, a Delaware limited liability company, who acknowledged his execution of the foregoing instrument for and on behalf of said corporation by authority of its Board of Directors.

WITNESS my hand and notarial seal this 28th day of September, 2006



JAN L. LOCKE
Comm. Exp. 10-22-2009
Res. of Johnson Co.

Jan L. Locke
Notary Public



HM PROJECT #1997079M
9/29/2006
REF. DWG. #E-41
Page 1 of 1

LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN A PORTION OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.88°56'31"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 5.90 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT WIDE RIGHT-OF-WAY; THENCE RUN N.00°59'33"W., ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID SEABOARD COASTLINE RAILROAD, FOR A DISTANCE OF 3,021.15 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, A 150.00 FOOT WIDE RIGHT-OF-WAY; THENCE RUN S.79°35'53"W., ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID COCONUT ROAD FOR A DISTANCE OF 263.07 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE RUN WESTERLY, ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID COCONUT ROAD AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 3,175.00 FEET, THROUGH A CENTRAL ANGLE OF 02°16'17", SUBTENDED BY A CHORD OF 125.86 FEET AT A BEARING OF S.78°27'45"W., FOR A DISTANCE OF 125.87 FEET, TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED, SAME POINT BEING A POINT ON A CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE RUN WESTERLY, ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID COCONUT ROAD AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 3,175.00 FEET, THROUGH A CENTRAL ANGLE OF 00°44'01", SUBTENDED BY A CHORD OF 40.65 FEET AT A BEARING OF S.76°57'36"W., FOR A DISTANCE OF 40.65 FEET TO A POINT OF INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF SAID COCONUT ROAD AND THE EASTERLY RIGHT-OF-WAY LINE OF PROPOSED SANDYLANE EXTENSION, HAVING A 100.00 FOOT WIDE RIGHT-OF-WAY; THENCE RUN N.13°20'36"W., ALONG THE PROPOSED EASTERLY RIGHT-OF-WAY LINE OF SAID SANDYLANE EXTENSION, FOR A DISTANCE OF 149.35 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN NORTHERLY, ALONG THE PROPOSED EASTERLY RIGHT-OF-WAY LINE OF SAID SANDYLANE EXTENSION AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 940.00 FEET, THROUGH A CENTRAL ANGLE OF 39°01'52", SUBTENDED BY A CHORD OF 628.04 FEET AT A BEARING OF N.06°10'20"E., FOR A DISTANCE OF 640.35 FEET TO THE END OF SAID CURVE; THENCE RUN N.25°41'16"E., ALONG THE PROPOSED EASTERLY RIGHT-OF-WAY LINE OF SAID SANDYLANE EXTENSION, FOR A DISTANCE OF 44.80 FEET TO A POINT ON A CIRCULAR CURVE, CONCAVE EASTERLY, WHOSE RADIUS POINT BEARS S.64°18'44"E., A DISTANCE OF 1,017.11 FEET THEREFROM; THENCE RUN SOUTHERLY, ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1,017.11 FEET, THROUGH A CENTRAL ANGLE OF 39°01'52", SUBTENDED BY A CHORD OF 679.56 FEET AT A BEARING OF S.06°10'20"W., FOR A DISTANCE OF 692.88 FEET TO THE END OF SAID CURVE; THENCE RUN S.13°20'36"E., FOR A DISTANCE OF 105.81 FEET; THENCE RUN S.58°00'32"E., FOR A DISTANCE OF 42.18 FEET, TO THE POINT OF BEGINNING; CONTAINING 0.180 ACRE, MORE OR LESS.

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

BEARINGS SHOWN HEREON REFER TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA. AS BEING S.88°56'31" W.

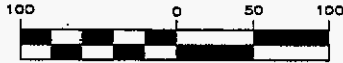
HOLE MONTES, INC.
CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

BY  P.S.M. #6130
JERRY L. RIFFELMACHER STATE OF FLORIDA

51-8



GRAPHIC SCALE

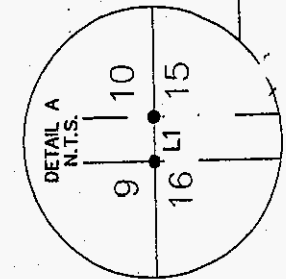
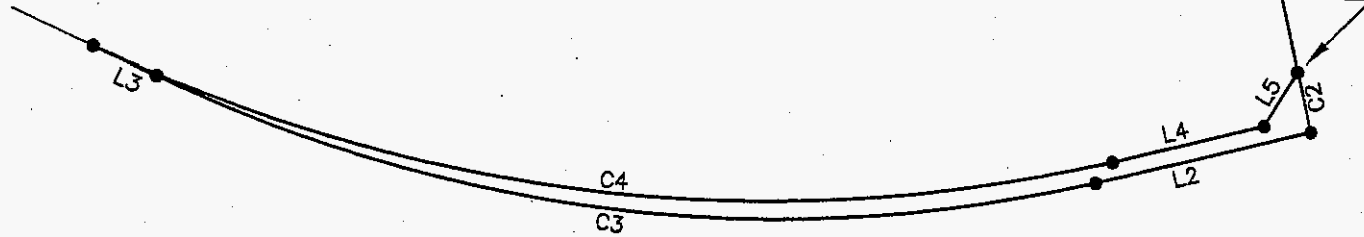
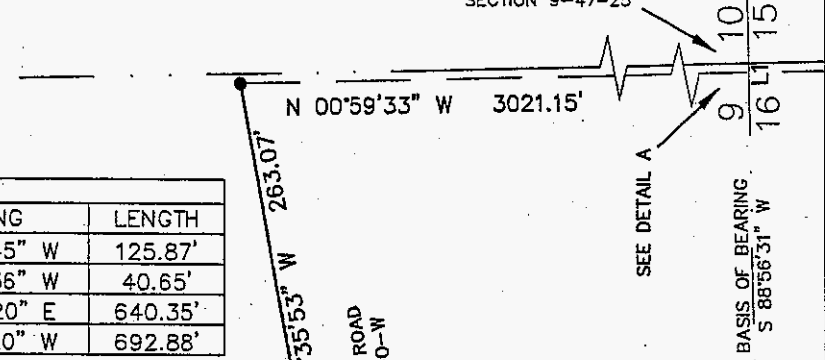


(IN FEET)
1 inch = 100 ft.

LINE TABLE		
LINE	DIRECTION	DISTANCE
L1	S 88°56'31" W	5.90'
L2	N 13°20'36" W	149.35'
L3	N 25°41'16" E	44.80'
L4	S 13°20'36" E	105.81'
L5	S 58°00'32" E	42.18'

CURVE TABLE					
CURVE	RADIUS	DELTA	CHORD	BEARING	LENGTH
C1	3175.00'	02°16'17"	125.86'	S 78°27'45" W	125.87'
C2	3175.00'	00°44'01"	40.65'	S 76°57'36" W	40.65'
C3	940.00'	39°01'52"	628.04'	N 06°10'20" E	640.35'
C4	1017.11'	39°01'52"	679.56'	S 06°10'20" W	692.88'

POC
SOUTHEAST CORNER OF
THE SOUTHEAST QUARTER
SECTION 9-47-25



LEGEND

POC POINT OF COMMENCEMENT
POB POINT OF BEGINNING

PROPOSED SANDYLANE EXTENSION
100' R-O-W

* NOT A SURVEY *

H:\1997\1997079 DM\20031160\SKETCHES\PARCEL S1-8.dwg Tab: Model Sep 29, 2008 - 11:29am Plotted by: Jerrill Helmocher

SEC-TWN-RGE: 8-47-25	
DRAWN BY: AK	DATE 08/05
CHECKED BY: JLR	DRAWING NO. E-41



6202F Presidential Court
Ft. Myers, FL 33919
Phone: (239) 985-1200
Florida Certificate of
Authorization No.1772

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

SKETCH TO ACCOMPANY A LEGAL DESCRIPTION

PROJECT NO. 03.116
REFERENCE NO. PARCEL S1-8

From: Getch, Andrew J.
Sent: Thursday, September 21, 2006 12:16 PM
To: Lehnert, Dawn
Subject: RE: Coconut Point DRI parcel S1-8

Hi Dawn,

The additional right-of-way is related to a request by staff to provide a wider median (30 feet instead of the standard 22 feet) at the intersection to accommodate a second southbound to eastbound left turn lane. The southbound left was an improvement identified in the buildout time frame of the DRI, but a need was identified based on future operational concerns. My recommendation is that the dedication is creditable, similar to the turn lane parcels at the intersection with Corkscrew Road.

Andy Getch, P.E.
Engineering Manager I
Lee County Department of Transportation
3rd floor
1500 Monroe Street
Fort Myers, Florida 33901
direct line (239) 479-8510
LCDOT department line (239) 479-8580
FAX (239) 479-8520
getchaj@leegov.com