

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

Blue Sheet No. 20070548

- 1. ACTION REQUESTED/PURPOSE:** Accept donation of Warranty Deed for 25 foot strip of land adjacent to the Three Oaks Parkway right of way to be used for future water quality/stormwater area.
- 2. FUNDING SOURCE:** No funds required.
- 3. WHAT ACTION ACCOMPLISHES:** The BoCC must formally approve this real estate donation.
- 4. MANAGEMENT RECOMMENDATION:** Approve

5. Departmental Category: 06 **CL6A** **6. Meeting Date:** APR 24 2007

7. Agenda: <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Administrative <input type="checkbox"/> Appeals <input type="checkbox"/> Public <input type="checkbox"/> Walk-On	8. Requirement/Purpose: (specify) <input checked="" type="checkbox"/> Statute 125 <input type="checkbox"/> Ordinance <input type="checkbox"/> Admin. Code <input type="checkbox"/> Other	9. Request Initiated: Commissioner _____ Department Independent Division County Lands, 204-4-07 By: Karen Forsyth, Director <i>KF</i>
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10. Background:
Negotiated for: Lee County Department of Transportation

Interest to Acquire: Fee simple 25 foot strip of land.

Property Details:

Owner: CCA Estero II, LLC, a Florida limited liability company
 Address: Unstrapped parcel in Section 35, Township 46, Range 25

Purchase Details:

Purchase Price: Donation
Costs to Close: None

The property owner is granting this interest to the County without requiring compensation for the real estate value.

Attachments: Copy of Deed, Title Search, Area Map

11. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.	
<i>K. Forsyth</i>			<i>4/10/07</i>	<i>Robert Spicker</i> 4-10-07	<i>DXH</i> 4/11/07	<i>IME</i> 4/11/07	<i>4/11/07</i>	<i>4/11/07</i>	<i>4/11/07</i>

12. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY
 COUNTY ADMIN: *OK*
 4-11-07
 9:30 AM
 COUNTY ADMIN
 FORWARDED TO: *PL*
 4-11-07
 1:56 PM

Rec. by CoAtty
 Date: 4/10/07
 Time: 3:00 PM
 Forwarded To:
Admin
 4/10/07
 3:59 PM

TITLE SEARCH REPORT

Fund File Number: 18-2007-815-2

The information contained in this title search is being furnished by Attorneys' Title Insurance Fund, Inc. If this report is to be used by a title insurance agent for evaluation and determination of insurability by the agent prior to the issuance of title insurance, then the agent shall have liability for such work.

Provided For: Timothy G. Glass

Agent's File Reference: Estero River

After an examination of this search the Agent must:

- A. Evaluate all instruments, plats and documents contained in the report.*
- B. Include in the Commitment under Schedule B, any additional requirements and/or exceptions you find necessary from your analysis of the surveys, prior title evidence or other relevant information from the transaction.*
- C. Verify the status of corporations and limited partnerships and other business entities with the appropriate governmental agency or other authority.*
- D. Determine whether the property has legal access.*
- E. Determine if any unpaid municipal taxes or assessments exist, which are not recorded in the Official Records Books of the county.*
- F. Determine whether any portion of the property is submerged or artificially filled, if the property borders a body of water, and if riparian or littoral rights exist.*
- G. The information provided herein does not include a search of federal liens and judgment liens filed with the Florida Department of State pursuant to Sec. 713.901, et seq., F.S., and Sec. 55.201, et seq., F.S., respectively, which designate the Florida Department of State as the place for filing federal liens and judgment liens against personal property. For insuring purposes:
 - (a) Pursuant to Sec. 713.901, et seq., F.S., personal property includes, but is not limited to, mortgages, leaseholds, mortgages on leaseholds, interests in cooperative associations, vendees' interests, and options when those interests are held by a partnership, corporation, trust or decedent's estate; and*
 - (b) Pursuant to Sec. 55.201, et seq., F.S., personal property includes, but is not limited to, leaseholds, interests in cooperative associations, vendees' interests, and options regardless of the type of entity holding such interests, including individuals. (Note: Mortgages have been specifically excluded from the personal property interests in which a judgment lien may be acquired under the provisions of Sec. 55.201, et seq., F.S.)**

Prepared this 22nd day of February, 2007.

Attorneys' Title Insurance Fund, Inc.

Prepared by: B. Jay Feather
Phone Number: 800-526-3855

4-4-07 RC
Long Bay Partners, LLC to CCA Estero II, LLC.
CCA Estero II, LLC to Lee County.

TITLE SEARCH REPORT

Fund File Number: 18-2007-815-2

Effective Date of Fund approved base title information: January 10, 1958

Effective Date of Search: February 12, 2007 at 11:00 PM

Apparent Title Vested in:

Long Bay Partners, LLC.

Description of real property to be insured/foreclosed situated in Lee County, Florida.

That part of the Northwest 1/4 of the Southwest 1/4 of Section 35, Township 46 South, Range 25 East, Lee County, Florida described as follows:

The East 25 feet of the West 200 Feet lying South of the Centerline of the Estero River.

Muniments of Title, including bankruptcy, foreclosure, quiet title, probate, guardianship and incompetency proceedings, if any, recorded in the Official Records Books of the county:

1. Deed from Pritchett et. al. to Marshall, recorded October 12, 1957, in Deed Book 279, Page 391, Public Records of Lee County, Florida.
2. Deed from Marshall et. al. to Bishop, recorded July 21, 1980, in O.R. Book 1442, Page 968, Public Records of Lee County, Florida.
3. Deed from Marshall to Bishop, recorded December 20, 1980, in O.R. Book 1473, Page 888, Public Records of Lee County, Florida.
4. Corrective Deed from Marshall to Bishop, recorded July 1, 1981, in O.R. Book 1483, Page 1923, Public Records of Lee County, Florida.
5. Deed from Bishop to Tropical Plant Growers, recorded January 10, 1981, in O.R. Book 1488, Page 1183, Public Records of Lee County, Florida.
6. Deed from Tropical Plant Growers to Bourbon Orleans Hotel Ltd., recorded October 30, 1981, in O.R. Book 1560, Page 300, Public Records of Lee County, Florida.
7. Deed from Bourbon Orleans Hotel, Ltd. to Edward J. McArdle, recorded November 12, 1981, in O.R. Book 1560, Page 304, Public Records of Lee County, Florida.
8. Quit Claim Deed from Bishop to Edward J. McArdle, recorded January 28, 1982, in O.R. Book 1591, Page 680, Public Records of Lee County, Florida.
9. Deed from Edward J. McArdle to Edward J. McArdle, trustee et. al., recorded December 13, 1995, in O.R. Book 2669, Page 1047, Public Records of Lee County, Florida.

TITLE SEARCH REPORT

Fund File Number: 18-2007-815-2

10. Deed from Edward J. McArdle, Trustee to DMM Development Limited Partnership, recorded April 16, 1998, in O.R. Book 2970, Page 3027, Public Records of Lee County, Florida.
11. Deed from DMM Development Limited Partnership to Long Bay Partners, LLC., recorded April 27, 1998, in O.R. Book 2970, Page 3030, Public Records of Lee County, Florida.

Mortgages, Assignments and Modifications:

None

Other Property Liens:

1. Taxes for the year 2007, which are not yet due and payable and any back taxes not paid or assessed.

Restrictions/Easements:

1. Oil, gas, mineral, or other reservations as set forth in deed by Mitchell T. Randell et. al. recorded in Deed Book 262, Page 58, Public Records of Lee County, Florida. No determination has been made as to the current record owner for the interest excepted herein.
2. Oil, gas, mineral, or other reservations as set forth in deed by G.C. Gatlin et. al. recorded in Deed Book 262, Page 59, Public Records of Lee County, Florida. No determination has been made as to the current record owner for the interest excepted herein.
3. Lee County Ordinance No. 86-14 recorded November 30, 1990, in O.R. Book 2189, Page 3281; and amended by Ordinance No. 86-38 in O.R. Book 2189, Page 3334, Public Records of Lee County, Florida.
4. Subject to Road and Utility Easement in OR. Book 60, Page 73 Public Records Lee County, Florida

Other Encumbrances:

None

REAL PROPERTY TAX INFORMATION ATTACHED

TITLE SEARCH REPORT

Fund File Number: 18-2007-815-2

Proposed Purchaser/Mortgagor:

The name of the proposed purchaser/mortgagor was searched for the past twenty years for unsatisfied judgments and tax liens (state, federal and other liens for the recovery of money) and personal names were checked for unrestored incompetency and for guardianship proceedings. The following matters appeared of record and copies are attached for evaluation by the agent:

STANDARD EXCEPTIONS

Unless satisfactory evidence is presented to the agent eliminating the need for standard exceptions, the following should be made a part of any commitment or policy.

- 1. Taxes for the year of the effective date of this policy and taxes or special assessments which are not shown as existing liens by the public records.*
- 2. Rights or claims of parties in possession not shown by the public records.*
- 3. Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey and inspection of the premises.*
- 4. Easements or claims of easements not shown by the public records.*
- 5. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.*
- 6. Any owner policy issued pursuant hereto will contain under Schedule B the following exception: Any adverse ownership claim by the State of Florida by right of sovereignty to any portion of the lands insured hereunder, including submerged, filled and artificially exposed lands, and lands accreted to such lands.*
- 7. Federal liens and judgment liens, if any, filed with the Florida Department of State pursuant to Sec. 713.901, et seq., F.S., and Sec. 55.201, et seq., F.S., respectively, which designate the Florida Department of State as the place for filing federal liens and judgment liens against personal property. For insuring purposes:
 - (a) Pursuant to Sec. 713.901, et seq., F.S., personal property includes, but is not limited to, mortgages, leaseholds, mortgages on leaseholds, interests in cooperative associations, vendees' interests, and options when those interests are held by a partnership, corporation, trust or decedent's estate; and**

TITLE SEARCH REPORT

Fund File Number: 18-2007-815-2

(b) Pursuant to Sec. 55.201, et seq., F.S., personal property includes, but is not limited to, leaseholds, interests in cooperative associations, vendees' interests, and options regardless of the type of entity holding such interests, including individuals. (Note: Mortgages have been specifically excluded from the personal property interests in which a judgment lien may be acquired under the provisions of Sec. 55.201, et seq., F.S.)

8. Any lien provided by County Ordinance or by Chapter 159, Florida Statutes, in favor of any city, town, village or port authority, for unpaid service charges for services by any water systems, sewer systems or gas systems serving the land described herein; and any lien for waste fees in favor of any county or municipality.

This report does not cover matters filed in the Federal District Courts of Florida EXCEPT FOR BANKRUPTCY PROCEEDINGS filed prior to October 7, 1984, when the property lies in either DADE, DUVAL, HILLSBOROUGH, LEON OR ORANGE COUNTY.

In foreclosure proceedings, title should be examined between the effective date of this report and the recording of the lis pendens to assure that all necessary and proper parties are joined. Consideration should be given to joining as defendants any persons in possession, other than the record owner, and any parties, other than those named herein, known to the plaintiff or the plaintiff's attorney and having or claiming an interest in the property.

Prior to issuance of any policy of title insurance underwritten by the Company, the agent must obtain and evaluate a title search for the period between the effective date of this Title Search Report and the recording date(s) of the instrument(s) on which the policy is based.

If this product is not used for the purpose of issuing a Fund policy, then the maximum liability for incorrect information is \$1,000.

Note: The Fund Agent is responsible for obtaining underwriting approval on any commitment prepared from this product in the amount of \$3,000,000.00 or more.

This Instrument Prepared by:

County Lands Division
Post Office Box 398
Fort Myers, Florida 33902-0398
Project: Three Oaks Pkwy., #4043
STRAP Number: Part of Sec. 35, Twp. 46, Rng. 25

This Space for Recording

**WARRANTY DEED
(Statutory)**

THIS INDENTURE, Made this 23 day of March 2007, between **CCA Estero II, LLC, a Florida limited liability company** whose address is 2121 Ponce De Leon Blvd., Suite 1250, Coral Gables, FL 33134, GRANTOR, and **LEE COUNTY**, a political subdivision of the State of Florida whose address is P.O. Box 398, Fort Myers, Florida 33902-0398, GRANTEE;

WITNESSETH, That the GRANTOR, for and in consideration of the sum of \$10.00 Dollars, 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:

Exhibit "A"

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 the presence of two separate witnesses:

[Signature]
1st Witness Signature

Sheree Katzman
Printed Name of 1st Witness

[Signature]
2nd Witness Signature

Eric Bender
Printed Name of 2nd Witness

CCA Estero II, LLC, a Florida limited liability company

By: Three Oaks of Corkscrew II, LLC, a Florida limited liability company
Its: Member

By: Ascot Acquisitions, LLC, a Florida limited liability Company
Its: Sole and Managing Member

By: [Signature]
Garrett M. Bender, Managing Member

CORPORATE SEAL

STATE OF Florida
COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me this 23 day of March, 2007, by Garrett Bender of CCA Estero II, 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 N/A as identification. (type of identification)

SEAL

NOTARY PUBLIC-STATE OF FLORIDA
Sheree Katzman
Commission # DD250887
Expires: SEP 17, 2007
Bonded thru Atlantic Bonding Co., Inc.

[Signature]
(Signature of Notary Public)

Sheree Katzman
(Name typed, printed or stamped)
(Title or Rank)
(Serial Number, if any)



CONSULTING CIVIL ENGINEERS
SURVEYORS & MAPPERS

CIVIL
AGRICULTURAL
WATER RESOURCES
WATER & WASTEWATER
TRANSPORTATION
SURVEYING & MAPPING
GIS

MARCH 12, 2007
JOB # 04-7084
FILE # 04-7084 BNDY 25 FOOT PARCEL DESC.
SHEET 1 OF 2

DESCRIPTION:

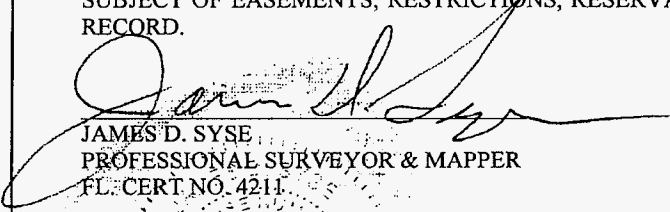
THAT PART OF THE NW 1/4 OF THE SW 1/4 OF SECTION 35, TOWNSHIP 46 SOUTH,
RANGE 25 EAST, LEE COUNTY, FLORIDA DESCRIBED AS FOLLOWS:

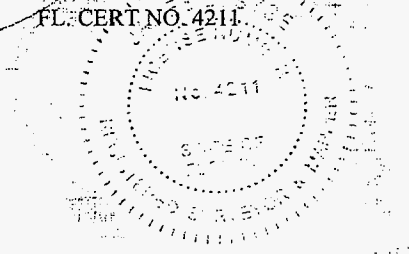
BEGINNING AT THE INTERSECTION OF THE SOUTH LINE OF THE NW 1/4 OF THE SW
1/4 OF SAID SECTION 35 AND A LINE LYING 175.00 FEET EAST OF AND PARALLEL
WITH THE WEST LINE OF THE NW 1/4 OF THE SW 1/4 OF SAID SECTION 35, SAID LINE
ALSO BEING THE EAST RIGHT OF WAY LINE OF THREE OAKS PARKWAY; THENCE
N.00°35'33"W., ALONG SAID PARALLEL LINE AND SAID EAST RIGHT OF WAY LINE,
FOR 1132.3 FEET MORE OR LESS TO THE CENTERLINE OF THE ESTERO RIVER;
THENCE EASTERLY, ALONG SAID CENTERLINE, FOR 25.2 FEET MORE OR LESS TO AN
INTERSECTION WITH A LINE LYING 200.00 FEET EAST OF AND PARALLEL WITH THE
WEST LINE OF THE NW1/4 OF THE SW1/4 OF SAID SECTION 35; THENCE S.00°35'33"E,
ALONG SAID PARALLEL LINE , FOR 1129.5 FEET MORE OR LESS TO THE SOUTH LINE
OF THE NW1/4 OF THE SW1/4 OF SAID SECTION 35; THENCE S.89°57'31"W., ALONG
SAID SOUTH LINE, FOR 25.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.65 ACRES MORE OR LESS

"Partners for Results
Value by Design"

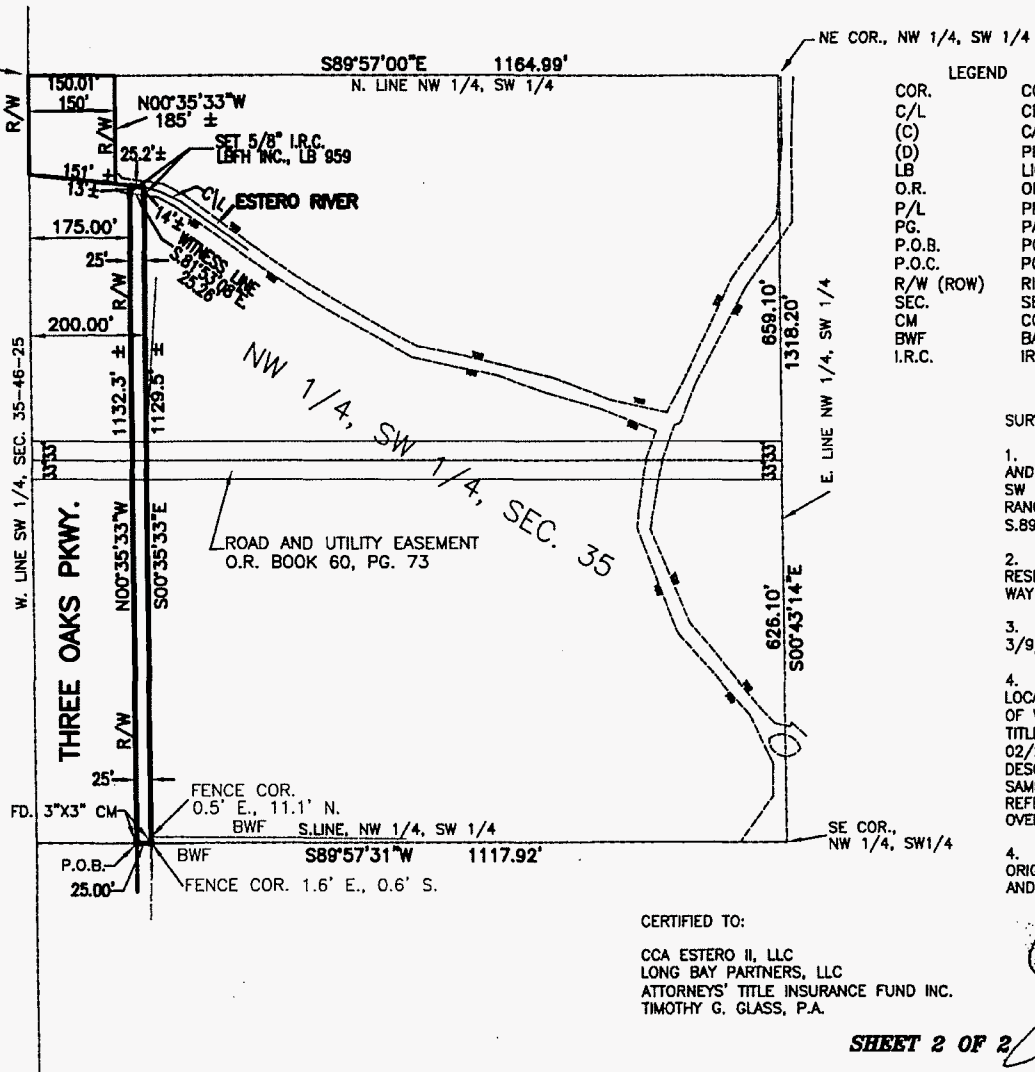
SUBJECT OF EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF
RECORD.


JAMES D. SYSE
PROFESSIONAL SURVEYOR & MAPPER
FL CERT NO. 4211

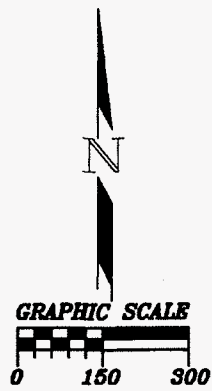


1400 Colonial Boulevard
Suite 31
Ft. Myers, FL 33907
(239) 931-0455
Fax: (239) 931-0456
www.lbfi.com

NW COR.
NW 1/4, SW 1/4,
SEC. 35-46-25



- LEGEND**
- COR. CORNER
 - C/L CENTERLINE
 - (C) CALCULATED
 - (D) PER O.R. 3208, PAGE 344
 - LB LICENSED BUSINESS
 - O.R. OFFICIAL RECORD BOOK
 - P/L PROPERTY LINE
 - PG. PAGE
 - P.O.B. POINT OF BEGINNING
 - P.O.C. POINT OF COMMENCEMENT
 - R/W (ROW) RIGHT OF WAY
 - SEC. SECTION
 - CM CONCRETE NOMUMENT
 - BWF BARB WIRE FENCE
 - I.R.C. IRON ROD & CAP



- SURVEYOR'S NOTES**
- BEARINGS SHOWN HEREON ARE ASSUMED AND ARE BASED UPON THE NORTH LINE OF THE SW 1/4 OF SECTION 35, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA BEING S.89°57'00"E.
 - SUBJECT TO EXISTING EASEMENTS, RESERVATIONS, RESTRICTIONS AND RIGHTS OF WAY OF RECORD.
 - THE FIELD DATE FOR THIS SURVEY IS 3/9/2007
 - THIS SURVEY SHOWS OR DESCRIBES THE LOCATION OF ALL RIGHT OF WAY AND EASEMENTS OF WHICH WE HAVE BEEN ADVISED BY ATTORNEYS' TITLE INSURANCE FUND INC., EFFECTIVE DATE 02/27/07, IN COMMITMENT NO. C-7191150. THE DESCRIPTION FOR THIS SURVEY DESCRIBES THE SAME PROPERTY DESCRIBED IN THE ABOVE REFERENCED TITLE COMMITMENT WITHOUT GAPS OR OVERLAPS.
 - NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A LICENSED SURVEYOR AND MAPPER.

CERTIFIED TO:
CCA ESTERO II, LLC
LONG BAY PARTNERS, LLC
ATTORNEYS' TITLE INSURANCE FUND INC.
TIMOTHY G. GLASS, P.A.

(Signature)
JAMES D. SYSE
PROFESSIONAL SURVEYOR AND MAPPER
FL CERT. NO. 4211

SHEET 2 OF 2

BOUNDARY SURVEY

A PARCEL OF LAND LYING IN
SECTION 35, TOWNSHIP 46 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

DATE	3/12/07
SCALE	1"=300'
DRAWN	
CHECK	JS
APPROVED	

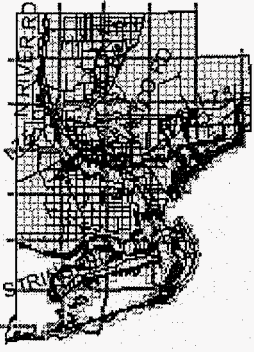
LBFH, INC.
A Boyle Engineering Co.










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Value By Design"*

1400 Colonial Blvd., Suite 31, Fort Myers, Florida 33907
(941) 931-0455 Fax: (941) 931-0456
BPR & FBPE License No: 959 www.lbfh.com

FILE:04-7084SK02
JOB NO.:
04-7084

Location Map



- Legend**
-  Selected Features
 -  Block
 -  Lot
 -  Condo Block
 -  Condo Lot
 -  Condo Building
 -  Parcels
 -  Parcel Hooks
 -  Road Center Line

