

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

Blue Sheet No. 20051248

1. ACTION REQUESTED/PURPOSE: Accept Warranty Deed from JALA GA, LLC, for a turn lane and sidewalk extending into the Del Prado Boulevard right-of-way. Accept payment from JALA GA, LLC, for costs and closing.

2. WHAT ACTION ACCOMPLISHES: Accepts donation of property within the Del Prado Corridor under County control. Board of County Commissioners accepted Del Prado Boulevard for County maintenance November 30, 1983 in CCMB 139, Page 85.

3. MANAGEMENT RECOMMENDATION: Management recommends Board approve the Action Requested.

4. Departmental Category: 6

CG 6

5. Meeting Date: *DATE CRITICAL*
09-20-2005

6. Agenda:

- Consent
- Administrative
- Appeals
- Public
- Walk-On

7. Requirement/Purpose: (specify)

- Statute
- Ordinance
- Admin. Code
- Other

8. Request Initiated:

Commissioner _____
Department Independent
Division County Lands *KK*
By: Karen L.W. Forsyth, Director *KK*

9. Background:

Pursuant to a building permit the City of Cape Coral has required the owner, JALA GA, LLC, to obtain a ROW permit from Lee County DOT meeting county standards. Final approval of ROW permit #2004-0571 was issued on August 31, 2005, provisional to the City of Cape Coral's issuance of the Certificate of Occupancy.

Staff recommends approval of the requested motion.

Attachments: Copies of Warranty Deed, Legal Description, location map.

Funds will be deposited into the following account: 20070030700.369900.9001

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.	
<i>H. Forsyth</i>			<i>AP 9/2</i> <i>1629/45</i>	<i>KK</i>	<i>9/1/05</i>	<i>3/17</i>	<i>RK 9/2/05</i>	<i>9/1/05</i>	<i>S. S. S. S.</i>

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

CO. ATTY.
FORWARDED TO:

RECEIVED BY
 COUNTY ADMIN. *PK*
 9-6-05
 4:10
 COUNTY ADMIN.
 FORWARDED TO: *11*
 7/10
 1/10

*This instrument prepared by:
Gregg S. Truxton, Esquire
Bolaños Truxton, P.A.
12800 University Drive, Suite 350
Fort Myers, Florida 33907*

Parcel Identification No.
07-44-24-C2-03574.0010

-----[Space above this line for recording data]-----

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED, made this _____ day of June 2005 between JALA GA, LLC, a Florida limited liability company, whose mailing address is 2400 9th St. North, Suite 101, Naples, Florida 34103, as Grantor, to LEE COUNTY, a political subdivision of the State of Florida, as Grantee, whose mailing address is P. O. Box 398, Fort Myers, Florida 33902.

WITNESSETH that said Grantor, for and in consideration of the sum of Ten and No/100 (\$10.00) Dollars, and other good and valuable consideration to said Grantor in hand paid by said Grantee, the receipt and sufficiency 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, to-wit:

See Exhibit "A" attached

and this conveyance is subject to: (1) applicable zoning ordinances, regulations and governmental requirements; (2) real estate taxes and assessments for the year 2005 and subsequent years; and (3) covenants, conditions, restrictions and easements, if any, of record.

TOGETHER with all the tenements, hereditaments and appurtenances thereto 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, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under the said Grantor.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

COPIES RETAINED IN
OFFICE FOR HANDLING
BY [unclear]

Signed, sealed and delivered
in our presence:

Grantor:

JALA GA, LLC, a Florida limited liability
company

Lori A. Cook
Print Name: Lori A. Cook

By: *George Vukobratovich*
George Vukobratovich, Manager

Marc S. Gurstel
Print Name: MARC S. GURSTEL

State of Florida
County of Lee

The foregoing instrument was acknowledged before me this 22 day of June 2005 by George Vukobratovich, Manager of JALA GA, LLC, a Florida limited liability company. He is personally known to me or () has produced _____ as identification.

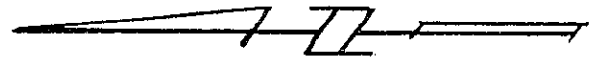
Jessica N. Poyner
Notary Public, State of Florida at Large
Print Notary Name:

My commission expires:

Feb. 29, 2008



RIGHT-OF-WAY DEDICATION



NOT TO SCALE

R=25.00'
 $\Delta=45^{\circ}05'16''$
 A=19.67'
 Ch=19.17'
 $S57^{\circ}26'09''E$

R=25.00'
 $\Delta=90^{\circ}15'51''$
 A=39.39'
 Ch=35.44'

DEL PRADO BOULEVARD

R=25.00'
 $\Delta=44^{\circ}54'44''$
 A=19.60'
 Ch=19.10'
 $S57^{\circ}26'09''E$

$500^{\circ}06'29''W$

404.88'

$500^{\circ}06'29''W$ 244.58'

W. RIGHT-OF-WAY LINE

R=33.00'
 $\Delta=56^{\circ}56'39''$
 A=32.80'
 Ch=31.46'
 $N28^{\circ}21'51''W$

$N00^{\circ}06'29''E$ 167.30'

$N14^{\circ}15'23''E$ 51.25'

BLOCK 3574

9 10 11

R=18.50'
 $\Delta=59^{\circ}14'10''$
 A=19.13'
 Ch=18.29'
 $N15^{\circ}21'42''W$

NE. 15th PLACE

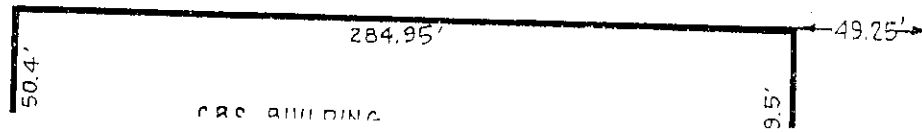
$N89^{\circ}53'31''W$
 196.34'

POB.

LEGAL DESCRIPTION - RIGHT OF WAY DEDICATION

A PARCEL OF LAND IN THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, LYING WITHIN BLOCK 3574, UNIT 47 PART 1, CAPE CORAL, AS RECORDED IN PLAT BOOK 24, PAGES 5 THROUGH 11 OF THE LEE COUNTY PUBLIC RECORDS. SAID PARCEL IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 COMMENCING AT THE POINT OF CURVATURE ON THE NORTH LINE OF LOT 1 OF SAID BLOCK 3574; THENCE SOUTHEASTERLY ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHWEST (RADIUS = 25.00 FEET, INTERIOR ANGLE = $44^{\circ}54'44''$, CHORD BEARING AND DISTANCE = $S67^{\circ}26'09''E$, 19.10 FEET) FOR 19.60 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTHEASTERLY ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHWEST (RADIUS = 25.00 FEET, INTERIOR ANGLE = $45^{\circ}05'16''$, CHORD BEARING AND DISTANCE = $S22^{\circ}26'09''E$, 19.17 FEET) FOR 19.67 FEET TO A POINT OF TANGENCY ON THE WEST RIGHT OF WAY LINE OF DEL PRADO BOULEVARD (100 FEET WIDE); THENCE $S00^{\circ}06'29''W$ ALONG SAID RIGHT OF WAY LINE FOR 244.58 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHWEST (RADIUS = 33.00 FEET, INTERIOR ANGLE = $56^{\circ}56'39''$, CHORD BEARING AND DISTANCE = $N28^{\circ}21'51''W$, 31.46 FEET) FOR 32.80 FEET TO A POINT OF NON-TANGENCY; THENCE $N00^{\circ}06'29''E$ PARALLEL WITH AND 15.00 FEET WEST OF THE AFORESAID WEST RIGHT OF WAY LINE OF DEL PRADO BOULEVARD FOR 167.30 FEET; THENCE $N14^{\circ}15'23''E$ FOR 51.25 FEET TO A POINT OF CURVATURE; THENCE NORTHERLY ALONG THE ARC OF A CURVE CONCAVE TO THE WEST (RADIUS = 18.50 FEET, INTERIOR ANGLE = $59^{\circ}14'10''$, CHORD BEARING AND DISTANCE = $N15^{\circ}21'42''W$, 18.29 FEET) FOR 19.13 FEET TO THE POINT OF BEGINNING.
 SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

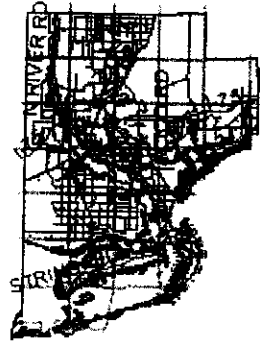
BEARINGS ARE ASSUMED, BASED ON THE WEST RIGHT OF WAY LINE OF DEL PRADO BOULEVARD AS BEARING $N0^{\circ}06'29''E$ PER RECORD PLAT.



$N89^{\circ}37'40''W$
 477.49'

NE. 4th PLACE

Lee County Map



Legend

- Selected Features
- Block
- Lot
- Parcels
- Parcel Hooks
- Hydro Features
- Road Center Line
- Township Range Lines
- Township Range Labels
- Section Lines
- Zoning - County
- City Limits
- State Survey
- Cable Cora
- Fort Myers
- Sunco
- Town of Fort Myers Beach

