

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

Blue Sheet No. 20051255

1. ACTION REQUESTED/PURPOSE:

Accept the donation of a perpetual stormwater drainage easement from a portion of Parcel STRAP 05-46-25-00-01000.5000, (a strip of land north of Alico Road) in Fort Myers, for the Alico Road Widening Project No. 4030; authorize payment of necessary fees to close and the Division of County Lands to handle and accept all documentation necessary to complete the transaction.

2. WHAT ACTION ACCOMPLISHES: The Board avoids Eminent Domain.

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

4. Departmental Category: 6

CLH

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

6. Agenda:

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

7. Requirement/Purpose: (specify)

- Statute 125
- Ordinance
- Admin. Code
- Other

8. Request Initiated:

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

9. Background:

Negotiated for: Department of Transportation

Interest to Acquire: Perpetual Stormwater Drainage Easement

Property Details:

Owner: Alico Lakeside, LLC, A Florida limited liability company
Address: 26811 South Bay Drive, Suite 240, Bonita Springs, FL 34134
STRAP No.: 05-46-25-00-01000.5000

Purchase Details:

Purchase Price: DONATION
Costs to Close: Approximately \$50.00

Appraisal Information:

Company: Parcel was not appraised to avoid additional expenses.

Staff Recommendation: Staff recommends the Board approve the action requested.

Account: 20403030700.506110.1

20-CIP; 4030-Alico Road Multi-laning Project; 30700 Transportation Capital Improvement Fund;
 506110-Land & Court Registry

Attachments: Copy of executed Stormwater Drainage Easement, Location Map, Title Data

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services			County Manager/P.W. Director
					Analyst	Risk	Grants	
<i>K. Forsyth</i>			<i>AO 912</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY
 COUNTY ADMIN:
 9-20-05
 13:00
 COUNTY ADMIN
 FORWARDED TO: *[Signature]*

REC'D BY
 by CO. ATTY.
 CO. ATTY.
 FORWARDED TO:
 9/20/05

This Instrument Prepared by:
COUNTY LANDS DIVISION
P.O. Box 398
Fort Myers, FL 33902-0398
Parcel: 122
Project: Alico Road Widening, Project 4030
Strap No.: 04-46-25-00-00001.0000

THIS SPACE FOR RECORDING

PERPETUAL STORMWATER
DRAINAGE EASEMENT

This easement grant is made between Alico Lakeside, LLC, a Florida limited liability company, owner, whose address is 26811 South Bay Drive, Suite 240, Bonita Springs, FL 34134 (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) as follows:

1. In consideration of the sum of one dollar and other good and valuable consideration, receipt of which is hereby acknowledged, Grantor grants to Grantee, its successors and assigns, a drainage easement in, over and across that portion of Grantor's property legally described in Exhibit "A".
2. Grantee has the right and authority to construct and maintain stormwater drainage facilities, including the installation of pipe, within the easement area in accordance with appropriate permits issued for construction and maintenance.
3. Grantee also has the right and authority to remove or trim any roots, trees or other vegetation or structures, including fencing, within the easement area in order to properly install the stormwater drainage facilities.
4. Grantor may use the easement area for landscaping (except trees), walkway, drainage or similar uses, provided no structures, such as sheds, carports, garages or other buildings, are constructed within the easement area.
5. Title to any drainage facilities constructed in the easement area will remain in the Grantee, its successors or assigns.
6. Grantor warrants that subject to any existing public roadway or utility easements, Grantor is in lawful possession of the subject property free and clear of all liens and encumbrances, except those recorded in the public records, and has the right and power to convey this easement.

7. This easement runs with the land and is binding on Grantor and Grantor's successors and assigns.

Dated: 3/7, 2005

D. Wayne Kelly
1st Witness Signature

[Signature]
Alico Lakeside, LLC, a Florida limited liability company
by: FRANZ ROSINUS
Its Managing Member

D. Wayne Kelly
Printed Name of 1st Witness

[Signature]
2nd Witness Signature

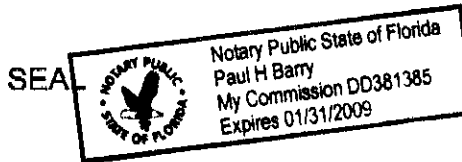
M.L. McEadden Jr.
Printed Name of 2nd Witness

STATE OF FLORIDA

COUNTY OF LEE

The foregoing instrument was acknowledged before me this 9th day of March, 2005, by FRANZ ROSINUS, as MANAGING MEMBER

of Alico Lakeside, LLC, a Florida limited liability company, who is personally known to me or who has produced personally known to me as identification.
(type of identification)



[Signature]
Signature of Notary Public

PAUL H. BARRY
(Name typed, printed or stamped)
(Title or Rank)
(Serial Number, if any)

EXHIBIT A



Page 1 of 2

950 Encore Way • Naples, Florida 34110 • Phone: 239.254.2000 • Fax: 239.254.2099

HM PROJECT #1997051
07/02/2003
REF. DWG. #B-4301

LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN A PORTION OF THE SOUTHWEST 1/4 OF SECTION 4, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 4, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY FLORIDA; THENCE RUN N.00°23'55"W., ALONG THE WEST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 4, FOR A DISTANCE OF 150.00 FEET TO A POINT ON THE NORTH LINE OF A 50.00 FOOT DRAINAGE EASEMENT AS RECORDED IN O.R. BOOK 1234 AT PAGE 1001 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N.89°39'11"E. ALONG THE NORTH LINE OF SAID 50.00 FOOT DRAINAGE EASEMENT, FOR A DISTANCE OF 1014.17 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE N.89°39'11"E., ALONG THE NORTH LINE OF SAID 50.00 FOOT DRAINAGE EASEMENT, FOR A DISTANCE OF 100.00 FEET; THENCE RUN S.00°23'55"E., FOR A DISTANCE OF 50.00 FEET TO A POINT ON THE SOUTH LINE OF SAID 50.00 FOOT DRAINAGE EASEMENT; THENCE RUN S.89°39'11"W., ALONG THE SOUTH LINE OF SAID 50.00 DRAINAGE EASEMENT, FOR A DISTANCE OF 100.00 FEET; THENCE RUN N.00°23'55"W., FOR A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.115 ACRE MORE OR LESS.

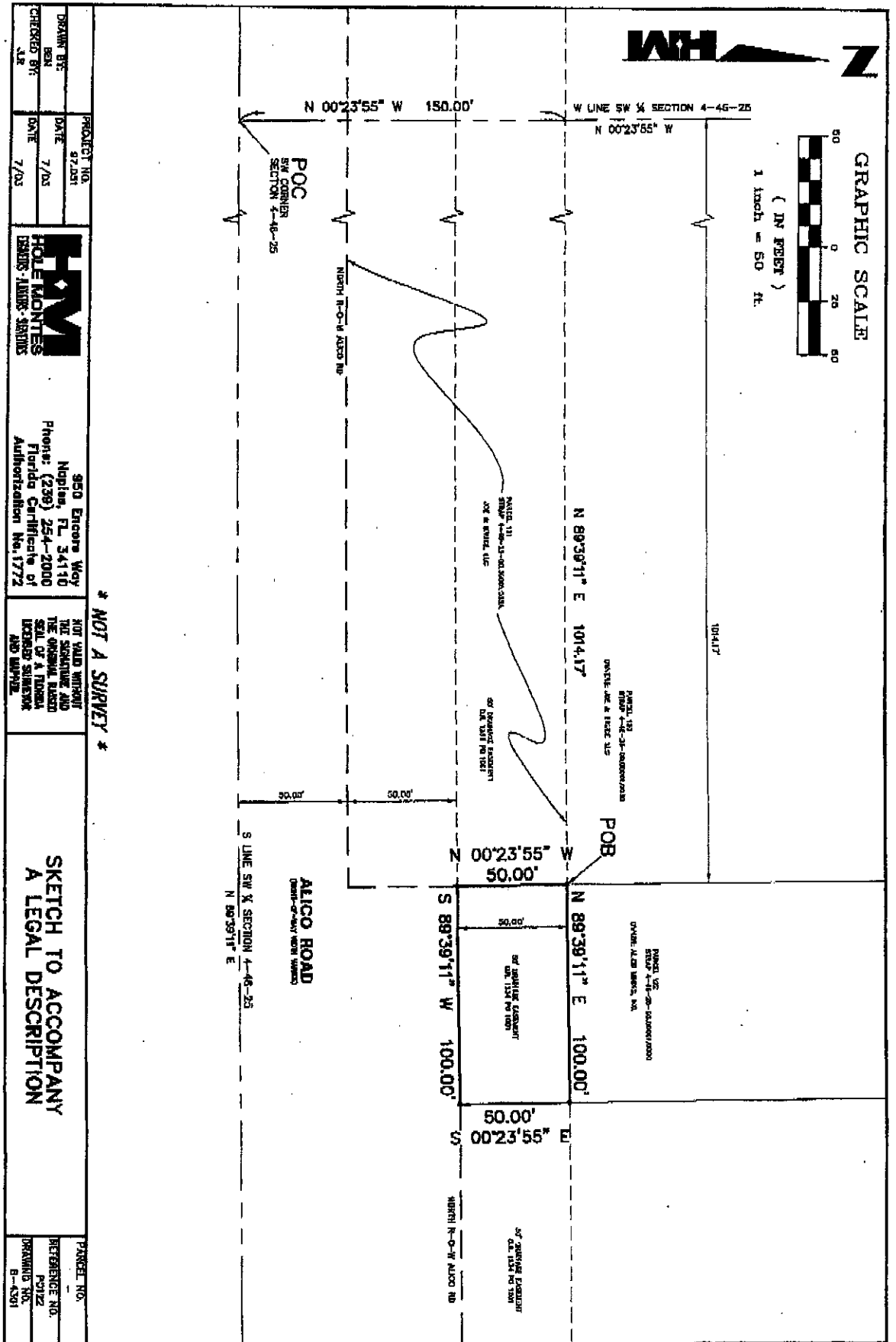
THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

BEARINGS REFER TO THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SECTION 4, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AS BEING N.89°39'11"E.

HOLE MONTES, INC.
CERTIFICATE OF AUTHORIZATION LB # 1772

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

EXHIBIT A



Division of County Lands

Updated In House Title Search
Search No. 21390/A
Date: September 23, 2003
Parcel: 122
Project: Alico Road Widening
Project 4030

*Updated
9-2-03
PC*

To: Robert G. Clemens, SR/WA
Acquisition Program Manager

From: Kenneth Pitt *K.P.*
Property Acquisition Assistant

STRAP: 04-46-25-00-00001.0000

An update has been requested of In House Title Search No. 21390/A which covers the period beginning January 1, 1940, at 8:00 a.m. and is now complete through April 6, 2003, at 5:00 p.m.

Subject Property: See attached Schedule "X"

Title to the subject property is vested in the following:

Alico Lakeside, LLC (a Florida limited liability Company)

by that certain instrument dated June 27, 2003, recorded July 2, 2003, in Official Record Book 3980, Page 4079, Public Records of Lee County, Florida.

Subject to:

1. Deed of Conservation Easement to South Florida Water Management District, dated March 4, 2002, recorded in Official Record Book 3599, Page 1393, Public Records of Lee County, Florida.
2. Deed of Conservation Easement to South Florida Water Management District, dated July 16, 2002, recorded in Official Record Book 3687, Page 1418, Public Records of Lee County, Florida.
3. Subject property is not encumbered by a mortgage.

NOTE: Reference is made on the 2001 tax bill for subject property to the fact that the fee title holder is bankrupt, but there is no evidence in the public records of any proceedings being filed in Lee County.

Division of County Lands

Updated In House Title Search

Search No. 21390/A

Date: September 23, 2003

Parcel: 122

Project: Alico Road Widening

Project 4030

Tax Status: *2001 and 2002 taxes are not paid, but noted as bankrupt.
(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.

