

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

**Blue Sheet No. 20051614**

**1. ACTION REQUESTED/PURPOSE:** Accept Warranty Deed for acquisition of a ±12-acre preserve parcel abutting the County's San Carlos Bay-Bunche Beach Preserve; authorize payment of costs to close and the Division of County Lands to handle all documentation necessary to complete transaction.

**2. WHAT ACTION ACCOMPLISHES:** Acquisition of a ±12-acre preserve parcel.

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

**4. Departmental Category:** 6

**CLP**

**5. Meeting Date:** **11-22-2005**

**6. Agenda:**

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

**7. Requirement/Purpose: (specify)**

- Statute **125**
- Ordinance
- Admin. Code
- Other

**8. Request Initiated:**

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

**9. Background:** Lee County Parks & Recreation has requested the Division of County Lands pursue the acquisition of a ±12-acre preserve parcel ("Parcel") located adjacent to the San Carlos Bay-Bunche Beach Preserve ("Preserve"). The addition of the ±12-acre Parcel will complement the County's Preserve and benefit the County by: 1) Allowing County rangers to enforce regulations on the Parcel, and 2) Ensuring proper management of the site in concert with the County's Preserve.

Due to the completion of mitigation of the Parcel by the current owner, and a continued legal commitment for maintenance by the owner, no funds will be expended for restoration of the property and the County will only incur nominal costs for management. County maintenance of the exotic invasive plant control will be incorporated into the management of the Preserve.

**Interest to Acquire:** Encumbered fee-simple interest in ±12-acre preserve parcel.

**Property Details:**

**Owner:** Sanibel Beach Place of Southwest Florida, LTD.

**Address:** Located off Summerlin Road, abutting the San Carlos Bay-Bunche Beach Preserve (Parcel does not have a street address).

**STRAP No.:** 11-46-23-02-0000P.00CE

**Purchase Details:**

The property owner is granting this interest to the County without requiring compensation.

**Closing Costs:**

Costs to close are estimated to be \$50.

**Account:** Funds for costs to close will be paid from Account No. KH 5722000100 0139 80

**Attachments:** Warranty Deed, Affidavit of Interest, Title Data, Location Map

**10. Review for Scheduling:**

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
<i>K. Forsyth</i>			<i>Parasince</i>	<i>alt</i>	Analyst <i>P. Smith 11/1/05</i>	Risk <i>M. 11-9-05</i>	Grants <i>W. 11/9/05</i>	Mgr. <i>11/19</i>	<i>HS 11/9/05</i>

**11. Commission Action:**

- Approved
- Deferred
- Denied
- Other

RECEIVED BY  
 COUNTY ADMIN:  
**11-8**  
**4:36**  
 COUNTY ADMIN  
 FORWARDED TO:  
**11-9-05**  
**1000**

Rec. by CoAtty  
 Date: **11/8/05**  
 Time: **11:25 AM**  
 Forwarded To:

This Instrument Prepared by:

County Lands Division  
Post Office Box 398  
Fort Myers, Florida 33902-0398  
Project: Sanibel Beach Place  
STRAP Number: 11-46-23-02-0000P.0000

ORIGINAL DOCUMENTS RETAINED IN  
COUNTY LANDS FILES FOR HANDLING  
UPON BOARD ACCEPTANCE.

This Space for Recording

**WARRANTY DEED and GRANTOR'S COVENANT TO MAINTAIN**

**THIS INDENTURE**, Made this 14<sup>th</sup> day of June, 2004, between **SANIBEL BEACH PLACE OF SOUTHWEST FLORIDA, LTD.**, a Florida limited partnership, whose address is 2226 S.R. 580, Clearwater, Florida 33763, GRANTOR, and **LEE COUNTY**, a political subdivision of the State of Florida whose address is P.O. Box 398, Ft. 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:

**A parcel of land in Section 11, Township 46 South, Range 23 East, identified as Tract "P" of the plat of Sanibel Beach Place, recorded in Plat Book 74, Pages 15 and 16, of the Public Records of Lee County Florida.**

**The herein described property is being conveyed subject to and with the benefits of the terms of a Deed of Conservation Easement given by the within Grantor to the South Florida Water Management District by Instrument dated July 26, 2002 and recorded on August 23, 2002, in Official Records Book 3712, Page 1474, of the Public Records of Lee County, Florida.**

The within Grantor, for itself, its successors and assigns agrees to remain fully responsible for any permit related maintenance and monitoring in accordance with South Florida Water Management District Permit No. 36-04192-P, and U.S. Army Corps of Engineering Permit No. 199900014 (IP-DEY). In addition, the herein Grantor, its successor and assigns retain all responsibility for compliance with the terms and conditions of the Consent Final Judgment and Settlement Agreement Between Robert B. Troutman, Jr., and the Florida Department of Environmental Regulation as stipulated in Official Records Book 2014, Page 1005, as re-recorded in Official Records Book 2032, Page 2116 and Official Records Book 2587, Page 418, of the Public Records of Lee County, Florida.

COPY

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 presence of two separate witnesses:

[Signature]  
1st Witness Signature

John J. O'Reilly  
Printed Name of 1st Witness

[Signature]  
2nd Witness Signature

Nancy L. Gillegpic  
Printed Name of 2nd Witness

SANIBEL BEACH PLACE OF SOUTHWEST FLORIDA, LTD., a Florida limited partnership

By: [Signature] KB INVESTMENT HOLDINGS, LTD., a Florida limited partnership, its Sole General Partner

By: [Signature] Robert E. Schmidt, Jr., its Sole General Partner

STATE OF Florida  
COUNTY OF Pinellas

The foregoing instrument was acknowledged before me this 14<sup>th</sup> day of June, 2004, by Robert E. Schmidt, Jr., Sole General Partner of KB Investment Holdings, LTD., a Florida limited partnership, Sole General Partner of Sanibel Beach Place of Southwest Florida, LTD., a Florida limited partnership, on behalf of the Partnership. He is personally known to me or has produced \_\_\_\_\_ as identification. (type of identification)

SEAL



[Signature]  
(Signature of Notary Public)

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

AFFIDAVIT OF INTEREST IN REAL PROPERTY

THIS AFFIDAVIT OF INTEREST IN REAL PROPERTY is made and entered this 14<sup>th</sup> day of June, 2004 for the sole purpose of compliance with Section 286.23 of the Florida Statutes.

The undersigned hereby swears and affirms under oath, subject to the penalties prescribed for perjury, that the following is true:

The Name and Address of the Grantor is:

Sanibel Beach Place of Southwest Florida, LTD, a Florida limited partnership  
2226 S.R. 580  
Clearwater, Florida 33763

The name(s) and address(es) of every person having a beneficial interest in real property that will be conveyed to Lee County are:

1. Robert E. Schmiot, JR. 2226 SR 380 Clearwater, FL 33763
2. Kelly C. Schmiot 2226 SR 280 Clearwater, FL 33763
3. Richard A. Laver 2694 S. Bay Dr, Suite 350, Bonita Springs, FL 34134
4. James A. Nashman 2694 S. Bay Dr, Suite 350, Bonita Springs FL 34134
5. Stewart J. Baracci 329 Steadbroth ct, Naples, FL 34110

The real property to be conveyed to Lee County is known as:


A parcel of land in Section 11, Township 46 South, Range 23 East, identified as Tract "P" of the plat of Sanibel Beach Place, recorded in Plat Book 74, Pages 15 and 16, of the Public Records of Lee County, Florida.


FURTHER AFFIANT SAYETH NAUGHT.

Signed, sealed and delivered  
in our presences:


Sanibel Beach Place of Southwest  
Florida, LTD., a Florida limited partnership

By: KB Investment Holdings, LTD., a  
Florida limited partnership, Its Sole  
General Partner

By:   
Robert E. Schmidt,  
Its Sole General Partner

  
Witness Signature

John J. O'Kelly  
Printed Name

  
Witness Signature

Nancy L. Gillespie  
Printed Name

Affidavit of Interest in Real Property

Parcel: Tract "P"/Conservation  
STRAP: 11-46-23-02-0000P.0000  
Project: Sanibel Beach Place


STATE OF Florida

COUNTY OF Pinellas

SWORN TO AND SUBSCRIBED before me this 14<sup>th</sup> day of June, 2004 by Robert E. Schmidt, Jr., Sole General Partner of KB Investment Holdings, LTD., a Florida limited partnership, Sole General Partner of Sanibel Beach Place of Southwest Florida, LTD., a Florida limited partnership, on behalf of the Partnership. He is personally known to me or has produced \_\_\_\_\_

(type of identification)

(SEAL)

Shari L. Noriega  
(Notary Signature) 

(Print, type or stamp name)

# Title Data Analysis Report

Sanibel Beach Place – 12-Acre Preserve

STRAP No. 11-46-23-02-0000P.00CE

The Division of County Lands has reviewed the Title Insurance Owner's Policy (attached), as issued for the subject's parent tract in August 2002, as well as the Official Records for the property through November 4, 2005. Based upon these two data sources, no instruments or encumbrances were noted that adversely impact title of the 12-acre site relative to the County's intended use of the property.

# Old Republic National Title Insurance Company

Old Republic-Naples File No: 01032831

## SCHEDULE A

File Number 1129.01

Policy Number SDC 488591

Amount \$ 13,137,000.00

1. Policy Date: August 23, 2002 at 01:01 PM.
2. The Insured hereunder, in whom title to the Fee Simple estate is vested at the date hereof, is:  
**Sanibel Beach Place of Southwest Florida, LTD., a Florida limited partnership**
3. The land referred to in this policy is situated in the County of Lee State of Florida and is described as follows:

A parcel of land located in Section 11, Township 46 South, Range 23 East, Lee County, Florida, being more particularly described as follows:

Commence at the Northwest Corner of the Northeast Quarter of Section 11; thence South 00 degrees 38' 25"E, along the west line of said Northeast quarter, a distance of 210.00 feet to the Southerly right-of-way line of Summerlin Road, the same being the POINT OF BEGINNING of the parcel of land herein described, thence North 89 degrees 14' 48"E along said Southerly right-of-way line, a distance of 1327.27 feet; thence South 00 degrees 45' 54"E, a distance of 1139.64 feet; thence South 89 degrees 38' 48"W, a distance of 1329.76 feet to said West line; thence North 00 degrees 38' 25" W, along said West line, a distance of 1130.36 feet to the POINT OF BEGINNING.

This policy valid only if Schedule B is attached.

Old Republic - Naples File No: 01032831

**SCHEDULE B**

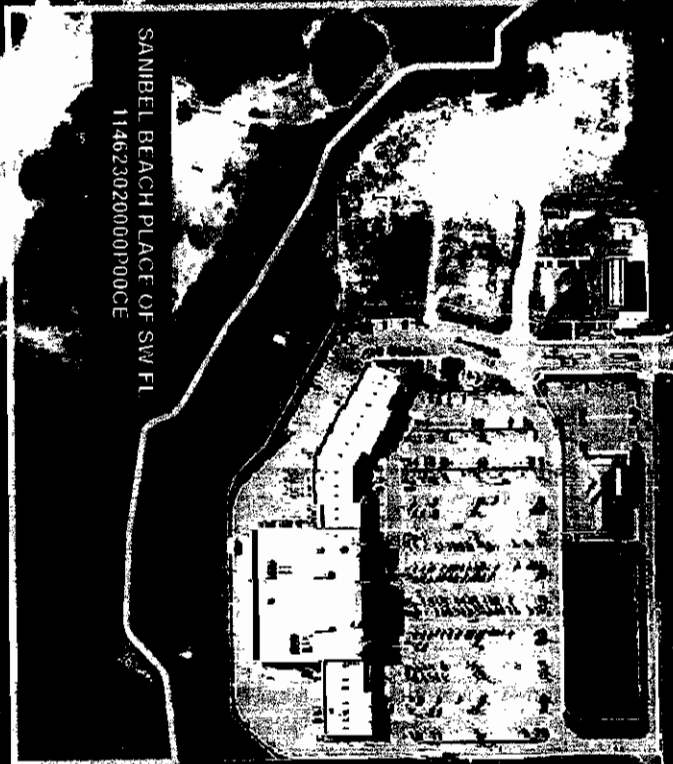
File Number 1128.01

Policy Number SDC 468591

This policy does not insure against loss or damage by reason of the following:

1. Facts which would be disclosed by an accurate and comprehensive survey of the premises herein described.
2. Rights and claims of parties in possession.
3. Construction, Mechanic's, Contractors or Materialmen's liens and lien claims, if any, where no notice thereof appears of record.
4. Easements or claims of easements not shown by the public records.
5. General or special taxes and/or assessments required to be paid in the year 2002 and subsequent years.
6. NOTE: Taxes for the year 2002 became a lien on the land January 1, 2002 although not due or payable until November 1, 200. Taxes for the year 2001 in the amounts of \$14,226.34 and \$14,227.30 have been paid. Tax I.D. No.'s 11-46-23-00-00003.0010 and 11-46-23-00-00003.0000 resp.
- ✓ 7. Ingress and Egress as contained in Deeds Easement recorded in Official Records Book 1822, page 3027, Official Records Book 1747, page 1006 and Official Records Book 1757, page 645, of the Public Records of Lee County, Florida.
- ✓ 8. Deed of Easement recorded in Official Records Book 1838, page 3116, Public Records of Lee County, Florida.
- ✓ 9. Consent Final Judgment and Settlement Agreement between Robert B. Troutman, Jr. and The Florida Department of Environmental Regulation in Official Records Book 2014, page 1005 as re-recorded in Official Records Book 2032, page 2118 and Official Records Book 2587, page 418, in the Public Records of Lee County, Florida.
- ✓ 10. Easement granted to Florida Power and Light Company by instrument recorded in Official Records Book 1757, page 1777, of the Public Records of Lee County, Florida.
- ✓ 11. Deed of Conservation Easement recorded in Official Records Book 3712, page 1474, of the Public Records of Lee County, Florida.
12. That certain Lease by and between Sanibel Beach Place of Southwest Florida, Ltd, a Florida limited partnership and Publix Super Markets as evidenced by Memorandum of Lease as recorded in Official Records Book 3712, page 1493, Public Records of Lee County, Florida.
- ✓ 13. Any lien provided by Chapter 159 Florida Statutes, in favor of any municipality or authority for unpaid charges for services by any water, sewer or gas system to the land described herein.
- ✓ 14. Subject to that certain Mortgage in favor of Wachovia Bank, National Association, encumbering the property described under Schedule "A" hereof in the original principal sum of \$13,137,000.00 dated August 21, 2002 and filed August 23, 2002 in Official Records Book 3712, Page 1444, together with Assignment of Leases and Rents recorded in Official Records Book 3712, page 1460 and UCC Financing Statement recorded in Official Records Book 3712, page 1468, of the Public Records of Lee County, Florida.
- ✓ 15. Notice of Commencement recorded in Official Records Book 3712, page 1471, Public Records of Lee County, Florida.
16. Schedule B, Item #1, #2, #3 and #4 are hereby deleted.

**SAN CARLOS BAY - BUNCHE BEACH PRESERVE**



SANIBEL BEACH PLACE OF SW/FL

POINT BEECH



THIS IS NOT A SURVEY.  
 THE COUNTY LANDS DIVISION HAS PREPARED THIS MAP FOR INFORMATIONAL PURPOSES ONLY. DETAILS SHOULD BE OBTAINED BY CONSULTING THE ORIGINAL RECORDS AND PLANS. THE DIVISION HAS MADE EVERY EFFORT TO PROVIDE THE CORRECT INFORMATION. INDEPENDENT VERIFICATION MAY BE REQUIRED.  
 REVISED: OCT. 20, 2008 BY: BAUKJA@EEGOV.COM