

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

Blue Sheet No. 20051582

1. ACTION REQUESTED/PURPOSE:

Authorize: 1) grant of a 20 foot access and utility easement to James M. Hayes and Myrtle Hazel Hayes, husband and wife, pursuant to the terms and conditions as set forth in the Grant of Perpetual Ingress, Egress and Utility Easement, Parcel 108 (Caloosahatchee Creeks Preserve) Conservation Lands Program No. 8800; 2) Chairman, on behalf of the Board, to sign the Grant of Easement; 3) payment of costs and fees to close; 4) Division of County Lands to handle and accept all documentation necessary to complete this transaction and grant extension to close, if necessary.

2. WHAT ACTION ACCOMPLISHES: Avoids potential court action for Easement of Necessity by granting access to landlocked parcel.

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

4. Departmental Category: 6 **C6B** **5. Meeting Date:** **12-13-2005**

6. Agenda:		7. Requirement/Purpose: (specify)		8. Request Initiated:	
<input checked="" type="checkbox"/> Consent		<input checked="" type="checkbox"/> Statute	FS 125	Commissioner	_____
<input type="checkbox"/> Administrative		<input type="checkbox"/> Ordinance	_____	Department	Independent _____
<input type="checkbox"/> Appeals		<input type="checkbox"/> Admin. Code	_____	Division	County Lands _____
<input type="checkbox"/> Public		<input type="checkbox"/> Other	_____	By:	Karen L.W. Forsyth, Director <i>[Signature]</i>
<input type="checkbox"/> Walk-On					

9. Background:

Negotiated for: Parks and Recreation, as manager of Conservation 2020 lands.

In December of 2000, the County acquired Parcel 108 (Caloosahatchee Creeks Preserve) consisting of approximately 1115 acres for the Conservation Lands Program. The acquisition included various parcels and unimproved roads, including Pelican Way lying southerly of the northerly line of Colony Boulevard, within East Lake Colony, an unrecorded subdivision as shown on unrecorded Plat Book 1, Page 91. To avoid increased impacts on the conservation parcel, the proposed easement will be located over a portion of an existing access road easement to another parcel that was in existence at the time the County acquired Parcel 108. This easement will allow the Hayes', owners of the subject lot, access to Bayshore Road (SR 78).

Interest to be Granted: Non-exclusive Perpetual Access and Utility Easement

Property Details:

Owner: Lee County, a political subdivision of the State of Florida
STRAP No.: 27-43-25-00-00001.0020

Purchase Details:

Purchase Price: N/A
Costs to Close: Estimated to be no more than \$50 for recording requirements.

Appraisal Information: N/A

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

Account: 20880030103.506110

Attachments: Easement, Location Map

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>[Signature]</i>			AD 11/23	<i>[Signature]</i>				<i>[Signature]</i> 11/30/05

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

REC'D
by CO. ATTY
11/23/05
3:30 PM
CO. ATTY.
FORWARDED TO:
Admin

RECEIVED BY
COUNTY ADMIN: *[Signature]*
11-28-05
4:30
COUNTY ADMIN
FORWARDED TO:

This instrument prepared by:
Lee County
Division of County Lands
Post Office Box 398
Fort Myers, Florida 33902-0398

STRAP No.: 27-43-25-00-00001.0100

GRANT OF PERPETUAL

INGRESS, EGRESS AND UTILITY EASEMENT

THIS INDENTURE, made and entered into this ____ day of _____, 2005, between **LEE COUNTY**, a political subdivision of the State of Florida, whose address is Post Office Box 398, Fort Myers, Florida 33902-0398 hereinafter "Grantor" and **JAMES M. HAYES and MYRTLE HAZEL HAYES**, Husband and Wife, whose address is 349 Lakeview Drive, DeFuniak Springs, Florida 32433 hereinafter "Grantee":

WITNESSETH:

1. For and in consideration of the sum of One Dollar and other good and valuable consideration, receipt of which is hereby acknowledged, Grantor hereby grants and transfers to the Grantee, its successors and assigns, the use of a perpetual non-exclusive ingress, egress and utility easement situated in Lee County, Florida, and located and described as set forth in Exhibit "A" attached to benefit the property located and described as set forth in Exhibit "B" attached.

2. Grantee, its successors, appointees and assigns, are granted the right, privilege, and authority to construct, replace, renew, extend and maintain a roadway and/or attendant drainage and utility systems, to be located on, under, across, and through the easement which is located on the property described in Exhibit "A" and are responsible for all costs of permitting and construction related to their use of the easement.

3. The particular type of drainage necessary for said roadway, the placement, type, style, material and design of improvements within the easement must meet construction standards at the time of permitting and are subject to approval by Lee County.

4. Title to the improvements constructed hereunder will remain in the Grantor.

5. The easement is subject to any existing easements for public highways or roads, railroads, laterals, ditches, pipelines and electrical transmission or distribution lines and telephone and cable television lines covering the land herein described.

6. Any damage to Grantor's property or permitted improvements thereon as the result of access to the described easement or the Grant of Perpetual Ingress and Egress and Utility Easement

construction, maintenance, or repairs located within the above-described easement will be restored by the Grantee to the condition in which it existed prior to the damage.

7. This grant conveys only a non-exclusive easement interest by the County and its Board of County Commissioners in the property herein described, and does not warrant the title or represent any state of facts concerning the title.

8. Grantee will indemnify Grantor, against any liability resulting solely from the permitted uses in this easement.

9. THIS AGREEMENT will be binding upon the parties hereto, their successors and assigns and runs with the benefitted land.

IN WITNESS WHEREOF the COUNTY has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chair or Vice Chair of said Board, the day and year above.

(OFFICIAL SEAL)

ATTEST:
CHARLIE GREEN, CLERK

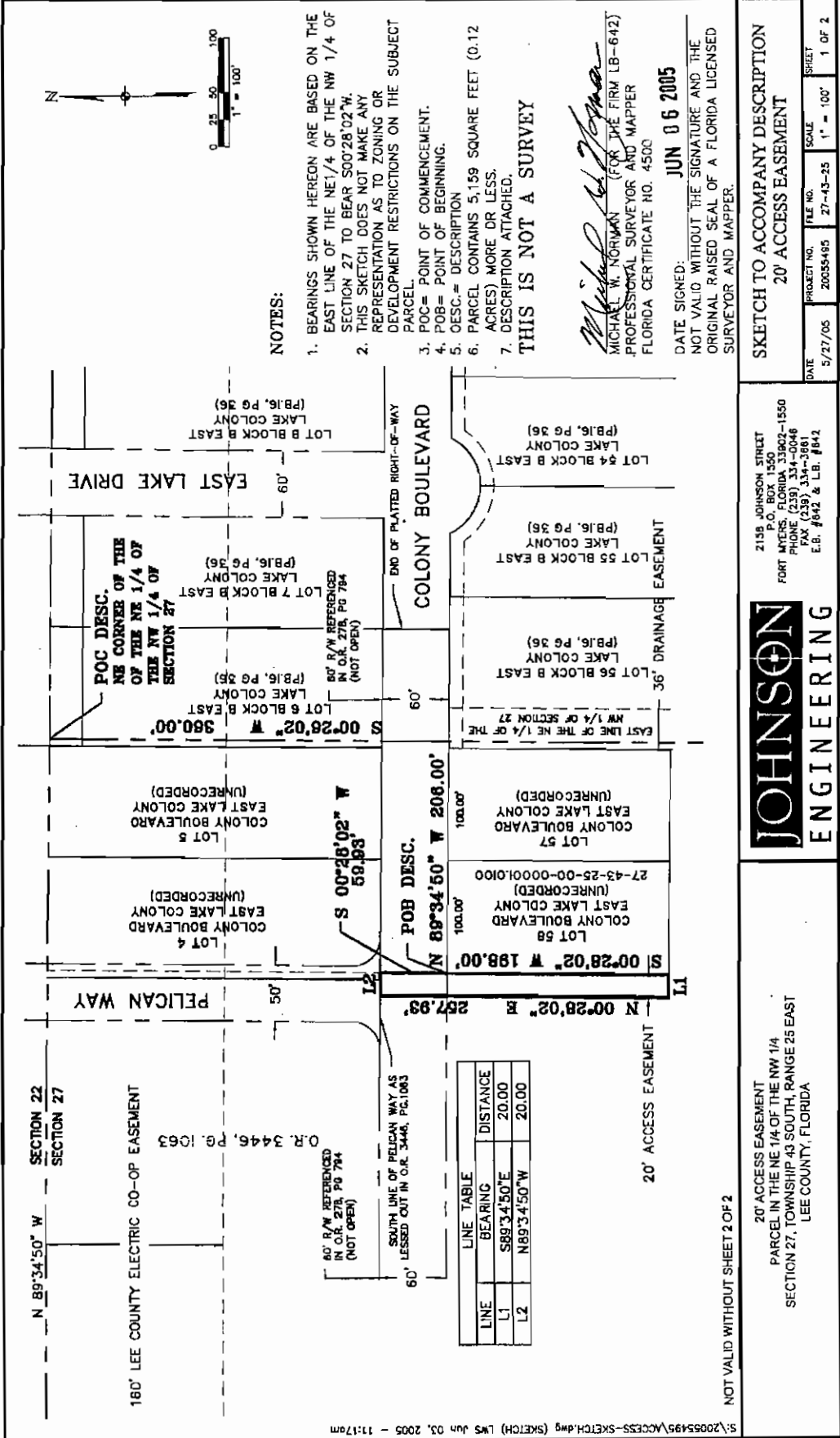
LEE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY
COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Chairman

APPROVED AS TO LEGAL
FORM:

Office of County Attorney



NOTES:

1. BEARINGS SHOWN HEREON ARE BASED ON THE EAST LINE OF THE NE 1/4 OF THE NW 1/4 OF SECTION 27 TO BEAR S00°28'02\"/>

DATE SIGNED: **JUN 06 2005**
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
Michael W. Norman
 MICHAEL W. NORMAN (FOR THE FIRM LB-642)
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA CERTIFICATE NO. 4500

THIS IS NOT A SURVEY

SKETCH TO ACCOMPANY DESCRIPTION
20' ACCESS EASEMENT

2155 JOHNSON STREET
 P.O. BOX 1550
 FORT MYERS, FLORIDA 33902-1550
 PHONE (813) 334-3806
 FAX (813) 334-3806
 E.B. #842 & L.B. #842



20' ACCESS EASEMENT
 PARCEL IN THE NE 1/4 OF THE NW 1/4
 SECTION 27, TOWNSHIP 43 SOUTH, RANGE 25 EAST
 LEE COUNTY, FLORIDA

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
5/27/05	20055495	27-43-25	1" = 100'	1 OF 2

LINE	BEARING	DISTANCE
L1	S89°34'50"E	20.00
L2	N89°34'50"W	20.00

NOT VALID WITHOUT SHEET 2 OF 2

LEGAL DESCRIPTION

A strip of land (20 feet wide) for an Access Easement lying in the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of Section 27, Township 43 South, Range 25 East, Lee County, Florida being more particularly described as follows:

Commencing at the northeast corner of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of Section 27, Township 43 South, Range 25 East run South 00°28'02" West along the east line of said Northeast Quarter (NE 1/4) for 360.00 feet to an intersection with the southerly line of a 60 foot right-of-way of an unopened road as referenced in deed recorded in Official Records Book 278 at page 794, Public Records of Lee County, Florida and the north line of Lot 56, Block B of East Lake Colony as record in Plat Book 16 at Page 36, said Public Records; thence run North 89°34'50" West along said southerly right-of-way for 206.00 feet to the northwest corner of Lot 58, Colony Boulevard, of the unrecorded plat of East Lake Colony and the Point of Beginning;

From said Point of Beginning run South 00°28'02" West along the west line of said Lot 58 for 198.00 feet to the southwest corner of said Lot 58; thence run, departing said west line, South 89°34'50" West for 20.00 feet; thence run North 00°28'02" East, parallel to and 20 feet west of (as measured on a perpendicular) said west line, for 257.93 feet to an intersection with the south line of Pelican Way right-of-way, East Lake Colony, unrecorded, as lessed out in deed recorded in Official Records Book 3446 at Page 1063 said Public Records; thence run South 89°34'50" East along said south line for 20.00 feet; thence run, departing said south line, South 00°28'02" West for 59.93 feet to the Point of Beginning.

Containing 5.159 square feet or 0.12 acres, more or less.

Bearings mentioned hereon are based on the east line of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of Section 27, Township 43 South, Range 25 East as bearing S00°28'02"W.

NOT VALID WITHOUT SHEET 1 OF 2

20' ACCESS EASEMENT
PARCEL IN THE NE 1/4 OF THE NW 1/4
SECTION 27, TOWNSHIP 43 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

JOHNSON
ENGINEERING

2156 JOHNSON STREET
P.O. BOX 1530
FORT MYERS, FLORIDA 33902-1530
PHONE (239) 334-0046
FAX (239) 334-3881
E.B. #612 & L.B. #642

DESCRIPTION
20' ACCESS EASEMENT

DATE	5/27/05
PROJECT NO.	20055495
FILE NO.	27-43-25
SCALE	N/A
SHEET	2 OF 2

Exhibit "B"

Lot 58, of EAST LAKE COLONY, UNIT ONE, SECTION TWO, a subdivision located in Lee County, Florida, more particularly described as follows:

From the Southwest corner of the East half of the Southeast quarter of the Southwest quarter of Section 22, Township 43 South, Range 25 East, thence N 89 degrees 34' 50" W along the South line of the Southwest quarter of said Section 22, 6 feet, thence S 0 degrees 28' 02" W 360 feet, thence N 89 degrees 34' 50" W parallel to the south line of said Southwest quarter 100 feet to the point of beginning. Thence continue N 89 degrees 34' 50" W 100.0 feet; thence S 0 degrees 28' 02" W 198.0 feet to the center of a waterway, thence S 89 degrees 34' 50" E along the center of the waterway 100 feet; thence N 0 degrees 28'

WELLS RD

NALLE RD

BAYSHORE RD

East Lake Colony

SWAN WAY

TARPON WAY

PELICAN WAY

EAST LAKE DR

27132500000010100

COLONY DR

27132500000010020



THIS IS NOT A SURVEY.
 THE COUNTY LANDS DIVISION HAS PREPARED THIS MAP FOR
 INFORMATIONAL PURPOSES ONLY. DETAILS SHOWN MAY BE
 UNOFFICIAL DETERMINATIONS AND MAY NOT BE ACCOMPANIED
 BY WARRANTY OR GUARANTEE. WHILE THE DIVISION HAS MADE
 EVERY EFFORT TO PROVIDE THE CORRECT INFORMATION,
 INDEPENDENT VERIFICATION MAY BE REQUIRED.

REVISED: NOV. 20, 2004