

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

Blue Sheet No. 20051725

1. ACTION REQUESTED/PURPOSE: Accept Grant of Bikepath/Sidewalk Easement for acquisition of Parcels 113 and 114, San Carlos Boulevard Bikepath Project No. 4079; 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 an easement for the San Carlos Boulevard bikepath/sidewalk.

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

4. Departmental Category: 6 **CGG** **5. Meeting Date:** **12-20-2005**

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

9. Background:

Negotiated for: Department of Transportation (Thirteen remaining easements will be acquired under the parameters of this project).

Interest to Acquire: Bikepath/Sidewalk Easement (±16,035 sq. ft.)

Property Details:

Owner: TDG-Fort Myers, L.L.C., a Missouri limited liability company
Address: 15750 and 15890 San Carlos Boulevard, Fort Myers, 33908
STRAP No.: 31-45-24-00-00011.0060 & .0070

Purchase Details: The property owner is granting this interest to the County without requiring compensation for the easement value.

Account: Funds for recording will be paid from Account No. 20407930700.503190

Attachments: Grant of Easement, Corporate Data, 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
<i>K. Forsyth</i>			<i>NO</i>	<i>12/16/05</i>	Analyst	Risk	Grants	Mgr.	<i>12/16/05</i>
					<i>12/16/05</i>	<i>12/16/05</i>	<i>12/16/05</i>	<i>12/16/05</i>	<i>12/16/05</i>

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY
COUNTY ADMIN: *ew*
12-9-05
5:15
COUNTY ADMIN
FORWARDED TO: *11*
12/16/05
3/4

Rec. by CoAtty
Date: *12/16/05*
Time: *1:30pm*
Forwarded To:
12/16/05 1:40

THIS INSTRUMENT PREPARED BY:

Lee County
Division of County Lands
Post Office Box 398
Fort Myers, Florida 33902

Parcels: 113 & 114
Project: San Carlos Boulevard Bikepath
Strap Nos.:31-45-24-00-00011.0060
& .0070

**GRANT OF PERPETUAL
NON EXCLUSIVE RIGHT-OF-WAY EASEMENT
FOR BIKEPATH/SIDEWALK**

This **INDENTURE**, made and entered into this 21st day of November, 2005, between **TDG-Fort Myers, L.L.C., a Missouri limited liability company**, whose address is **c/o The DESCO Group, Inc., 25 N. Brentwood Boulevard, St. Louis, Missouri 63105**, hereinafter referred to as "Grantor", and **LEE COUNTY**, a political subdivision of the State of Florida, whose address is Post Office Box 398, Fort Myers, Florida 33902-0398, hereinafter referred to as "County":

WITNESSETH:

1. For good and valuable consideration, which is hereby acknowledged, Grantor hereby transfers to the County a perpetual non-exclusive public right-of-way easement for a bikepath/sidewalk situated in Lee County, Florida, located and described as set forth in Exhibit "A" attached hereto.
2. The County is hereby granted the right to construct, replace, renew, extend and maintain a public bikepath/sidewalk and appurtenant drainage system.
3. This right-of-way easement does not limit the construction of the bikepath/sidewalk or drainage system to a particular type, style, material or design.
4. Title to the improvements constructed hereunder will remain in the County.
5. The County will be responsible for maintenance of the bikepath/sidewalk facility.
6. Grantors covenant that they are lawfully seized and possessed of the property described in Exhibit "A", and have lawful right to convey this non-exclusive easement subject to existing easements for public highways or roads, railroads, laterals, ditches, pipelines and electrical transmission or distribution lines and telephone and cable television lines. Grantor will not be precluded from utilizing the easement area as a part of the site's landscape buffer area. However, Grantor will not place any interfering landscape material in the easement. Also, the Grantor will prevent the creation of obstructions or conditions, which are or may become dangerous to the public within the easement.
7. The County will have a reasonable right of access for the purposes of reaching the described easement on either paved or unpaved surfaces. Any damage to Grantor's property or permitted improvements thereon as the result of such access to the described easement or the construction, maintenance, or repairs located within that easement will be restored by the County to the condition in which it existed prior to the damage.
8. **THIS AGREEMENT** shall be binding upon the parties hereto, their successors and assigns.

9. Grantor, by signing this easement grant, and Grantee, by accepting this easement grant, agree to abide by the terms and conditions contained herein.

IN WITNESS WHEREOF, TDG-Fort Myers, L.L.C., a Missouri limited liability company, Grantor has caused this document to be signed on the date first above written.

TWO SEPARATE WITNESSES:

TDG-FORT MYERS, L.L.C.,
a Missouri limited liability company
(Print Name of Corporation/Entity)

By: The DESCO Group, Inc., a Missouri corporation,
its sole Manager

BY: Mark J. Schnuck
Mark J. Schnuck, President
(Print Name and Title)

Chris Bertel
1st Witness Signature

CHRIS BERTEL
Printed name of 1st Witness

Donna Y Miles
2nd Witness Signature

DONNA Y MILES
Printed name of 2nd Witness

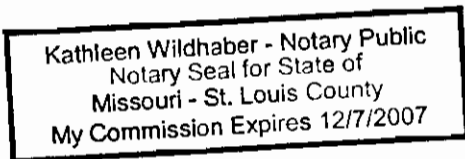
STATE OF MISSOURI)
COUNTY OF ST. LOUIS)

The foregoing instrument was acknowledged before me this 2nd day of November, 2005, by Mark J. Schnuck, President of The DESCO Group, Inc., a Missouri corporation, sole Manager of TDG-Fort Myers, L.L.C., a Missouri limited liability company, on behalf of said company. He is personally known to me.

Paul Wood
(Signature of Notary Public)

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

(SEAL)



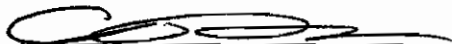
DESCRIPTION

OF

A parcel or tract of land being the easterly 10.00 feet of a tract or parcel of land described and recorded in Official Record Book 2183 at Page 3832, Lee County Public Records, said parcel or tract lying in the southwest quarter (SW ¼) of section 31, Township 45, South, Range 24 East, Lee County, Florida, being more particularly described as follows:

Commencing at northeast corner of the southwest quarter (SW ¼) of Section 31, Township 45 South, Range 24 East, Lee County, Florida; thence run S 89° 53' 49" W along the north line of said fraction for a distance of 69.90 feet to a point on the west right of way line San Carlos Boulevard (SR-865) (100.00 feet wide); thence run S 00° 37' 30" E along said west right of way line for a distance of 1739.59 feet to the Point of Beginning of the parcel or tract described herein; thence continuing along said west right of way line, run S 00° 37' 30" E for a distance of 875.00 feet to a point on the north right of way line of Kelly Road (50.00 feet wide); thence run S 89° 55' 40" W along the north right of way line of Kelly Road for a distance of 10.00 feet to a point; thence (departing the north right of way of Kelly Road) run N 00° 37' 30" W along a line 10.00 feet west of (as measured on a perpendicular) the aforesaid west right of way line of San Carlos Boulevard for a distance of 874.90 feet to a point on the northerly boundary of a parcel or tract described in said Official Record Book 2183 at Page 3832, Lee County Public Records; thence run N 89° 22' 30" E along said northerly boundary for a distance of 10.00 feet to the point of beginning, containing 8749.08 square feet (0.2009 acres) more or less.

Bearings mentioned hereinabove are based on a parcel or tract of land recorded in Official Record Book 2183, Page 3832, Public Records of Lee County, Florida showing the west right of way line of San Carlos Boulevard (SR 865) as bearing S 00° 37' 30" E.



Arthur W. Parsons, County Surveyor
Professional Surveyor and Mapper
Florida Certificate No. LS-2987

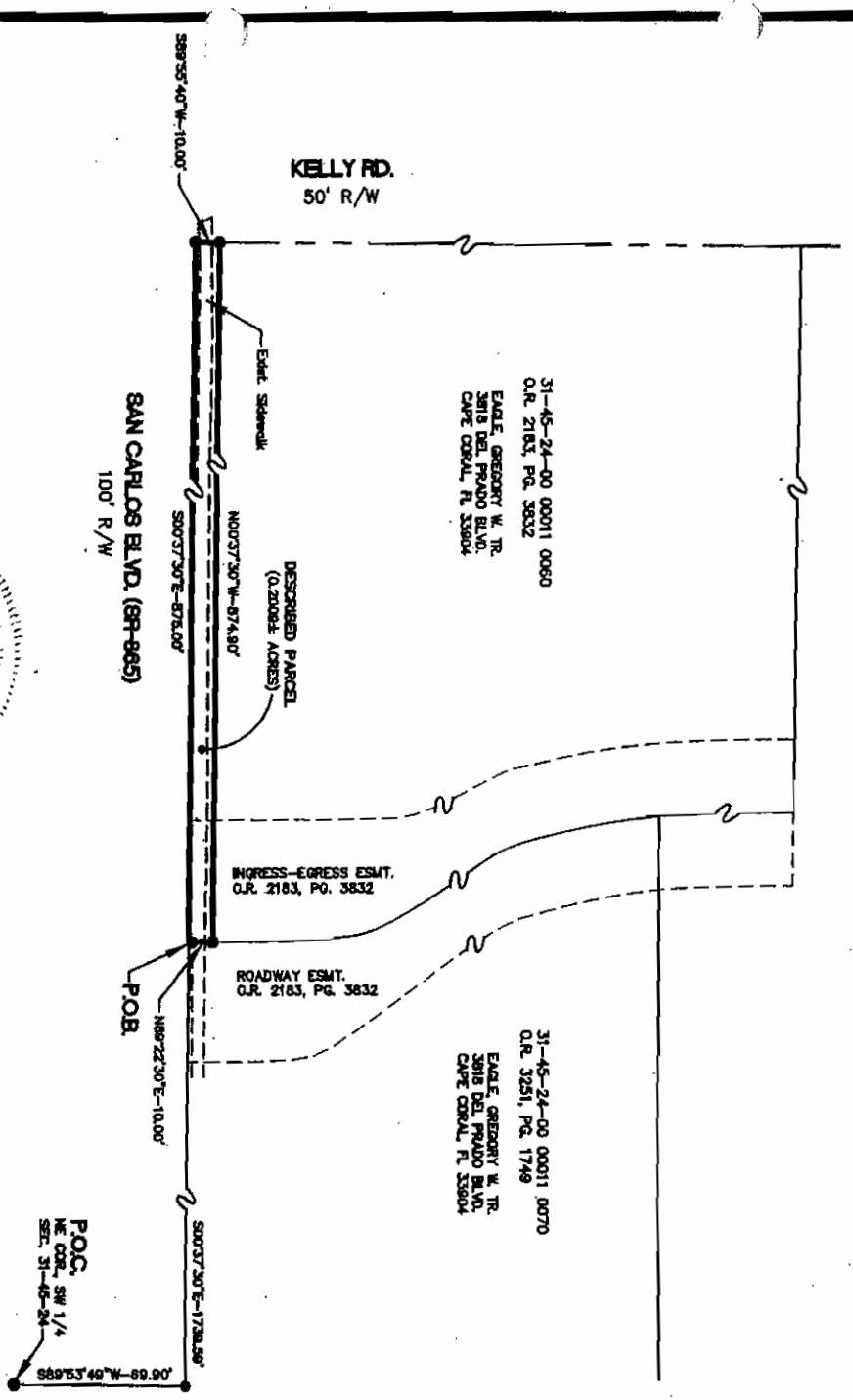


Exhibit "A"

Page 1 of 4



- LEGEND**
- P.O.C. - POINT OF COMMENCEMENT
 - P.O.B. - POINT OF BEGINNING
 - O.R. - OFFICIAL RECORD BOOK
 - P.A. - PAGE
 - SEC. - SECTION
 - COR. - CORNER
 - (D) - DEED DISTANCE OR BEARING
 - (C) - CALCULATED DISTANCE OR BEARING
 - (P) - PLAT DISTANCE OR BEARING
 - R/W - RIGHT OF WAY
 - ESMT. - EASEMENT



1. HEREBY CERTIFY THAT THIS SKETCH AND DESCRIPTION WAS MADE UNDER MY DIRECTION AND CONTROL AND TO THE BEST OF MY KNOWLEDGE AND BELIEF MEETS THE MINIMUM TECHNICAL STANDARDS IN ACCORDANCE WITH CHAPTER 61G17-6 FLORIDA ADMINISTRATIVE CODE PURSUANT TO CHAPTER 472.027 OF THE FLORIDA STATUTES.

SURVEYOR'S CERTIFICATION

Arthur W. Parsons, County Surveyor
 Professional Surveyor & Mapper
 Florida Certificate No. LS-2867

DATE: 12/04

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR & MAPPING ENGINEER



NOT A SURVEY
 SKETCH IS TO ACCOMPANY
 A LEGAL DESCRIPTION
 OF

A PARCEL OR TRACT OF LAND
 LYING IN SECTION 31, TOWNSHIP 45 S.,
 RANGE 24 E., LEE COUNTY, FLORIDA

DEPARTMENT OF PUBLIC WORKS
TRANSPORTATION DIVISION

Designed by A.W.P.	Date: 12/04	Scale: 1"=60'
Drawn by D.O.K.	Date: 12/04	Scale: 1"=60'
Checked by A.W.P.	Date: 12/04	Scale: 1"=60'

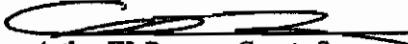
DESCRIPTION

OF

A parcel or tract of land being the easterly 10.00 feet of a tract or parcel of land described and recorded in Official Record Book 3251 at Page 1749, Lee County Public Records, said parcel or tract lying in the southwest quarter (SW ¼) of section 31, Township 45, South, Range 24 East, Lee County, Florida, being more particularly described as follows:

Commencing at northeast corner of the southwest quarter (SW ¼) of Section 31, Township 45 South, Range 24 East, Lee County, Florida; thence run S 89° 53' 49" W along the north line of said fraction for a distance of 69.90 feet to a point on the west right of way line San Carlos Boulevard (SR-865) (100.00 feet wide); thence run S 00° 37' 30" E along said west right of way line for a distance of 1011.06 to the southeast corner of a parcel described in Official Record Book 1449, Pages 1860 and 1861 Public Records of Lee County and the Point of Beginning of the parcel or tract described herein; thence continuing along said west right of way line, run S 00° 37' 30" E for a distance of 728.53 to the northeast corner of a parcel described in Official Record Book 2183, Page 3832 said Public Records; thence (departing said right of way line) run S 89° 22' 30" W for a distance of 10.00 feet to a point; thence run N 00° 37' 30" W along a line 10.00 west of (as measured on a perpendicular) the aforesaid west right of way line of San Carlos Boulevard for a distance of 728.66 feet to a point on the south boundary line of a parcel or tract described in said Official Record Book 1449 at Page 1860 said Lee County Public Records; thence run N 89° 53' 49" E along said south boundary line for a distance of 10.00 feet to the point of beginning, containing 7285.96 square feet (0.1673 acres) more or less.

Bearings mentioned hereinabove are based on a parcel or tract of land recorded in Official Record Book 2183, Page 3834, Public Records of Lee County, Florida showing the west right of way line of San Carlos Boulevard (SR 865) as bearing S 00° 37' 30" E.


Arthur W. Parsons, County Surveyor
Professional Surveyor and Mapper
Florida Certificate No. LS-2987

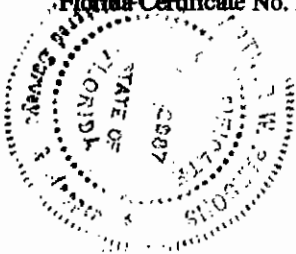


Exhibit "A"

Page 3 of 4



Foreign Limited Liability

TDG-FORT MYERS, L.L.C.

PRINCIPAL ADDRESS
 25 N. BRENTWOOD BLVD.
 C/O THE DESCO GROUP, INC.
 ST. LOUIS MO 63105

MAILING ADDRESS
 25 N. BRENTWOOD BLVD.
 C/O THE DESCO GROUP, INC.
 ST. LOUIS MO 63105

Document Number
 M05000005139

FEI Number
 203434844

Date Filed
 09/16/2005

State
 MO

Status
 ACTIVE

Effective Date
 NONE

Total Contribution
 0.00

Registered Agent

Name & Address
SHANNON, JEFFREY C ESQ. 501 EAST KENNEDY BLVD. SUITE 1700 TAMPA FL 33602

Manager/Member Detail

Name & Address	Title
THE DESCO GROUP INC. 25 N. BRENTWOOD BLVD. ST. LOUIS MO 63105	MGR

Annual Reports

Report Year	Filed Date
-------------	------------

[Previous Filing](#)

[Return to List](#)

[Next Filing](#)

No Events
No Name History Information

Document Images

Listed below are the images available for this filing.

09/16/2005 -- Foreign Limited

THIS IS NOT OFFICIAL RECORD; SEE DOCUMENTS IF QUESTION OR CONFLICT



STATE OF MISSOURI



Robin Carnahan
Secretary of State

CORPORATION DIVISION
CERTIFICATE OF GOOD STANDING

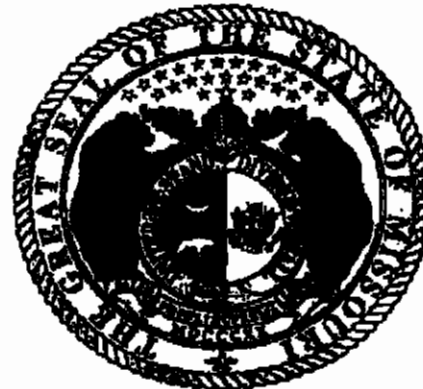
I, **ROBIN CARNAHAN**, Secretary of the State of Missouri, do hereby certify that the records in my office and in my care and custody reveal that

TDG-FORT MYERS, L.L.C.
LC0683807

was created under the laws of this State on the 8th day of September, 2005, and is in good standing, having fully complied with all requirements of this office.

IN TESTIMONY WHEREOF, I have set my hand and imprinted the GREAT SEAL of the State of Missouri, on this, the 9th day of September, 2005


Secretary of State



Certification Number: 8017212-2 Reference:

Verify this certificate online at <http://www.sos.mo.gov>

Robin Carnahan Secretary of State
 2005 ANNUAL REGISTRATION REPORT
 BUSINESS

File Number: 200507390458
00379291
Date Filed: 03/14/2005
Robin Carnahan
Secretary of State

REPORT DUE BY: **04/30/2005**

ANNUAL REPORT MONTH:
January

00379291
THE DESCO GROUP, INC.
MARY H. MOORKAMP
11420 LACKLAND RD.
ST. LOUIS, MO 63146

PRINCIPAL PLACE OF BUSINESS OR CORPORATE HEADQUARTERS:
11420 Lackland Road
 STREET
Saint Louis, MO 63146
 CITY/STATE ZIP

If changing the registered agent and/or registered office address, please check the appropriate box(es) and fill in the necessary information.

The new registered agent
IF CHANGING THE REGISTERED AGENT, AN ORIGINAL WRITTEN CONSENT FROM THE NEW REGISTERED AGENT MUST BE ATTACHED AND FILED WITH THIS REGISTRATION REPORT.

The new registered office address
Must be a Missouri address, PO Box alone is not acceptable. This section is not applicable for Banks, Trusts and Foreign Insurance.

OFFICERS		BOARD OF DIRECTORS	
NAME AND PHYSICAL ADDRESS (P.O. BOX ALONE NOT ACCEPTABLE). <u>(MUST LIST PRESIDENT AND SECRETARY BELOW)</u> A		NAME AND PHYSICAL ADDRESS (P.O. BOX ALONE NOT ACCEPTABLE). <u>(MUST LIST AT LEAST ONE DIRECTOR BELOW)</u> B	
PRES	Mark J Schnuck	NAME	Craig D Schnuck
STREET/RT	11420 Lackland Road	STREET/RT	11420 Lackland Road
CITY/STATE/ZIP	Saint Louis, MO 63146	CITY/STATE/ZIP	Saint Louis, MO 63146
V-PRES	Scott C Schnuck	NAME	Mark J Schnuck
STREET/RT	11420 Lackland Road	STREET/RT	11420 Lackland Road
CITY/STATE/ZIP	Saint Louis, MO 63146	CITY/STATE/ZIP	Saint Louis, MO 63146
SEC'Y	Mary H Moorkamp	NAME	Scott C Schnuck
STREET/RT	11420 Lackland Road	STREET/RT	11420 Lackland Road
CITY/STATE/ZIP	Saint Louis, MO 63146	CITY/STATE/ZIP	Saint Louis, MO 63146
TREAS	Gary J Meyer	NAME	Todd R Schnuck
STREET/RT	11420 Lackland Road	STREET/RT	11420 Lackland Road
CITY/STATE/ZIP	Saint Louis, MO 63146	CITY/STATE/ZIP	Saint Louis, MO 63146

NAMES AND ADDRESSES OF ALL OTHER OFFICERS AND DIRECTORS ARE ATTACHED

The undersigned understands that false statements made in this report are punishable for the crime of making a false declaration under Section 575.060 RSMo. Photocopy or stamped signature not acceptable.

Authorized party or officer sign here Mary H Moorkamp

Please print name and title of signer: Mary H Moorkamp / Secretary

NAME TITLE

REGISTRATION REPORT FEE IS:

___ \$20.00 If filed on or before 4/30
 ___ \$35.00 If filed on or before 5/31
 ___ \$50.00 If filed on or before 6/30
 ___ \$65.00 If filed on or before 7/31

WHEN THIS FORM IS ACCEPTED BY THE SECRETARY OF STATE, BY LAW IT WILL BECOME A PUBLIC DOCUMENT AND ALL INFORMATION PROVIDED IS SUBJECT TO PUBLIC DISCLOSURE

E-MAIL ADDRESS (OPTIONAL) _____

REQUIRED INFORMATION MUST BE COMPLETE OR THE REGISTRATION REPORT WILL BE REJECTED

MAKE CHECK PAYABLE TO DIRECTOR OF REVENUE

RETURN COMPLETED REGISTRATION REPORT AND PAYMENT TO THE SECRETARY OF STATE - P.O. BOX 1366, JEFFERSON CITY, MO 65102

Missouri Secretary of State, Robin Carnahan

Search

- By Business Name
- By Charter Number
- By Registered Agent
- For New Corporations
Verify
- Verify Certification
Annual Report
- File Online
Online Orders
- Register for Online
Orders
- Order Good Standing
- Order Certified Documents

Filed Documents

Date: 11/29/2005 (Click above to view filed documents that are available.)

Business Name History

Name	Name Type
THE DESCO GROUP, INC.	Legal
CENTERCO MANAGEMENT COMPANY	Prev Legal

General Business - Domestic - Information

Charter Number:	00379291
Status:	Good Standing
Entity Creation Date:	4/7/1993
State of Business.:	MO
Expiration Date:	Perpetual
Last Annual Report Filed Date:	3/14/2005
Last Annual Report Filed:	2005
Annual Report Month:	January

Registered Agent

Agent Name:	MARY H. MOORKAMP
Office Address:	11420 LACKLAND RD. ST. LOUIS MO 63146
Mailing Address:	

Robin Carnahan Secretary of State 2005 ANNUAL REGISTRATION REPORT

NAMES AND ADDRESSES OF ALL OTHER OFFICERS AND DIRECTORS:

DIRECTOR

TERRY E SCHNUCK
11420 LACKLAND ROAD
SAINT LOUIS, MO 63146

OTHER

CRAIG D SCHNUCK
11420 LACKLAND ROAD
SAINT LOUIS, MO 63146

VICE PRESIDENT

TODD R SCHNUCK
11420 LACKLAND ROAD
SAINT LOUIS, MO 63146

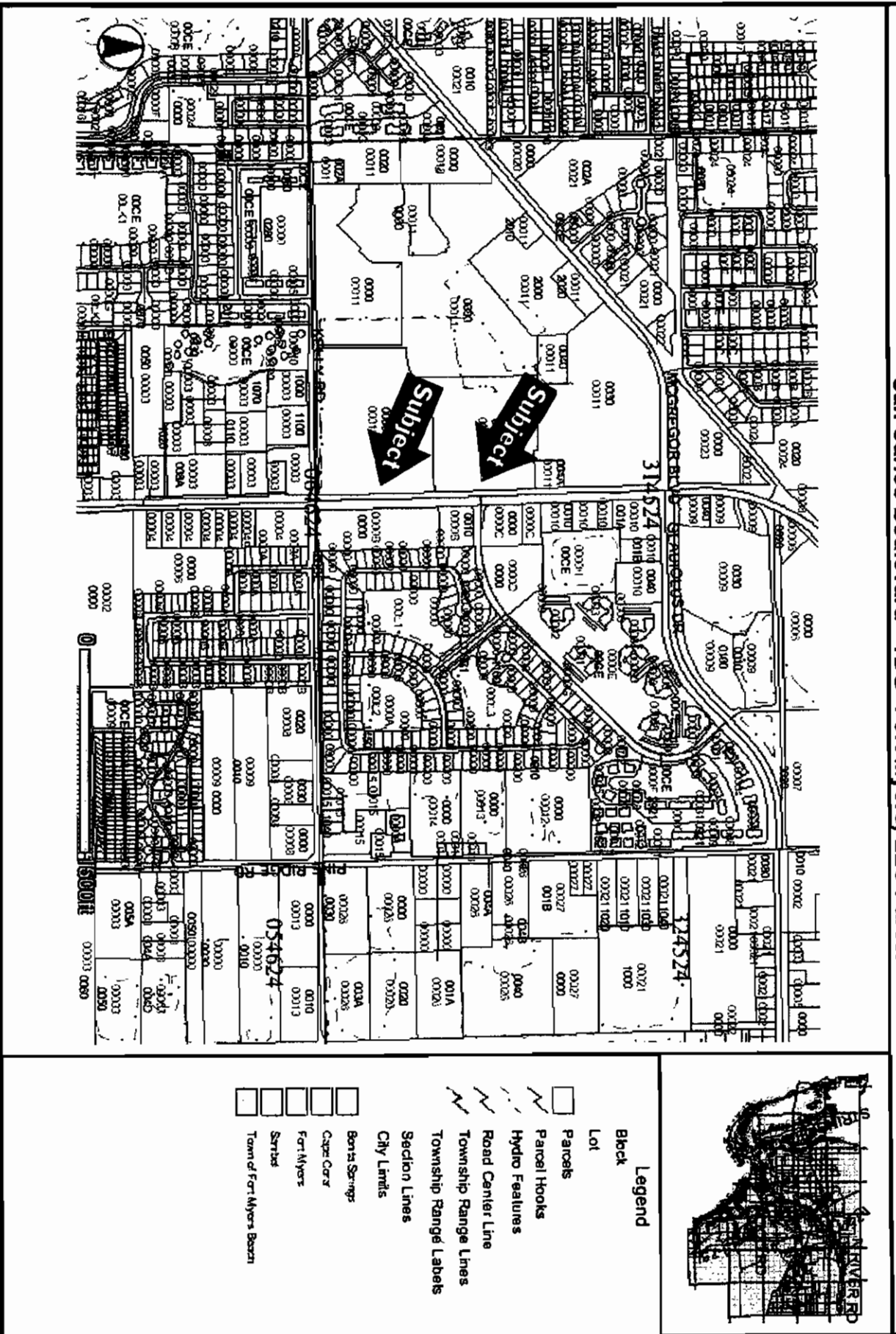
ASSISTANT SECRETARY

TERRY E SCHNUCK
11420 LACKLAND ROAD
SAINT LOUIS, MO 63146

VICE PRESIDENT

SCOTT A SACHTLEBEN
11420 LACKLAND ROAD
SAINT LOUIS, MO 63146

San Carlos Boulevard - TDG -Fort Myers, LLC Parcel



- Legend**
- Black
 - Lot
 - Parcels
 - Parcel Hooks
 - Hydro Features
 - Road Center Line
 - Township Range Lines
 - Township Range Labels
 - Section Lines
 - City Limits
 - Bonita Springs
 - Cape Corv
 - Fort Myers
 - Sanibel
 - Town of Fort Myers Beach

Division of County Lands

Ownership and Easement Search

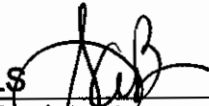
Search No. 31-45-24-00-00011.0070

Date: October 10, 2003

Parcel: 114

Project: San Carlos Blvd. Bike Path, Project 4079

To: J. Keith Gomez
Property Acquisition Agent

From: Shelia A. Bedwell, CLS
Property Acquisition Assistant 

STRAP: 31-45-24-00-00011.0070

Effective Date: 11-29-2005
September 24, 2003, at 5:00 p.m.

Subject Property: See attached Exhibit "A"

Title to the subject property is vested in the following:

TJG - Fort Myers LLC, a Missouri Limited Liability company
Gregory W. Eagle, Trustee

By that certain instrument dated May 1, 2000, recorded May 4, 2000, in Official Record Book 3251, Page 1747, Public Records of Lee County, Florida.

Deed Recorded 9-30-2005 Instrument No 200500048312

Easements:

1. Easement for ingress and egress along the southerly property line, as described in Official Record Book 1968, Page 1132, Public Records of Lee County, Florida.

NOTE (1): Mortgage executed by Gregory W. Eagle, Trustee in favor of James F. Garner and Fred Edenfield, Co-Trustees dated May 3, 2000, recorded May 4, 2000, in Official Record Book 3251, Page 1750, Public Records of Lee County, Florida. *Satisfied * 4444/1796*

*Note 2 Mtg in favor of Wells Fargo - recorded 9-30-2005
Instrument No. 200500048373*

*Note 3 Assignment of Development Agreement - recorded 9-30-2005
Instrument No. 200500048374*

Tax Status: 2002 Ad Valorem Taxes are PAID IN FULL.

(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.

Division of County Lands

Ownership and Easement Search

Search No. 31-45-24-00-00011.0060

Date: October 3, 2003

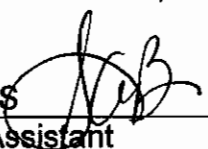
Parcel: 113

Project: San Carlos Boulevard Bike Path,
Project 4079

*Greg Eagle
Real Estate
542-2337*

To: J. Keith Gomez
Property Acquisition Agent

From: Shelia A. Bedwell, CLS
Property Acquisition Assistant



STRAP: 31-45-24-00-00011.0060

Effective Date: September 14, 2003, at 5:00 p.m.

SEE PAGE 1 / Parcel 114

Subject Property: See attached Exhibit "A"

Title to the subject property is vested in the following:

TDG. Fort Myers LLC
Gregory W. Eagle, Trustee

By that certain instrument dated October 30, 1990, recorded October 30, 1990, in Official Record Book 2183, Page 3832, Public Records of Lee County, Florida.

Easements:

1. Roadway easements on either side of the northerly property line, as described in Warranty Deed recorded in Official Record Book 2183, Page 3832, Public Records of Lee County, Florida.

Note (1): Mortgage executed by Gregory W. Eagle, individually and as Trustee in favor of Frank D'Alessandro Equity Funding, Inc.; Yitzchok Minkowitz as Trustee under Mazal Land Trust #113 dated October 3, 2002; John Hartemink; Joseph V. Lobosco and Dora F. Lobosco; Richard M. Diamond, Trustee of the Richard M. Diamond Revocable Trust u/a dated March 29, 1991; Joseph P. Walker; Jeffrey W. Frantz, Trustee of the Jonathan M. Frantz Revocable Trust; Dr. Dan Reikes Trustee, Dan Reikes Revocable Trust; John F. Blais; M.H., M.D., 401K Profit Sharing Plan; Bruce D. Frankel dated March 14, 2003, recorded April 1, 2003, in Official Record Book 3887, Page 1898, Public Records of Lee County, Florida. *Satisfied per Mike Gannon, TDG*

NOTE (2): Mortgage executed by Gregory W. Eagle, Trustee in favor of John E. Meyer dated March 14, 2003, recorded April 1, 2003, in Official Record Book 3887, Page 1931, Public Records of Lee County, Florida. *Satisfied 6/29/04 4349 / 1743*