

Agenda Item Summary

1. ACTION REQUESTED/PURPOSE: Approve the Resolution for donation of Parcel 103 (±34,927 square feet of vacant land), located at 27700 Kent Road, Bonita Springs, to the State of Florida, Department of Transportation for the State Road 93 (I-75) widening project; authorize the Chairman to execute the County Deed; authorize the Division of County Lands to handle and accept all documentation necessary to complete the transaction.

2. FUNDING SOURCE: No funds required.

3. WHAT ACTION ACCOMPLISHES: Donation of County-owned property, purchased with Federal and State funds under the Reoccurring Flood Properties Project #0548, to the State of Florida.

4. MANAGEMENT RECOMMENDATION: Approve.

5. Departmental Category: CLB		6. Meeting Date: FEB 20 2007	
7. Agenda:	8. Requirement/Purpose: (specify)	9. 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	
<input type="checkbox"/> Public	<input checked="" type="checkbox"/> Other BS19991260	By: Karen Forsyth, Director	
<input type="checkbox"/> Walk-On			

10. Background: In 1999, Lee County acquired the improved residential property located at 27700 Kent Road (STRAP No. 31-47-26-B4-00007.0040) under the Reoccurring Flood Properties Project, No. 0548. The property was acquired because of the repetitive losses suffered from flood damage, and was funded through the Federal Emergency Management Agency and the State of Florida. The site was subsequently cleared and is currently maintained as open space.

The Florida Department of Transportation (FDOT) has stated that the property is necessary for a floodplain compensation area associated with the widening of State Road 93 (I-75), and has requested conveyance of the property to FDOT.

Mr. Leroy Thompson, Community Planning Manager with the State Department of Community Affairs, Division of Emergency Management, has reviewed the request, and indicated that Lee County can proceed with the donation, as the use is consistent with the open space functions required under the Reoccurring Flood Properties Project. It was also confirmed that Lee County cannot sell the property since it was acquired with Federal and State funds.

Attachments: Resolution, County Deed, Location Map

11. 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>K. Forsyth</i>				<i>Robert Spideman</i> 2-6-07	<i>DMH</i> 2/7/07	<i>MC</i> 2/7/07	<i>M</i> 2-7-07	<i>W</i> 2/7/07	<i>W</i> 2-8-07

12. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY COUNTY ADMIN:	<i>2/7 2:45 MP</i>
COUNTY ADMIN FORWARDED TO:	<i>To Off</i>
	<i>2/8/07 9:11 AM</i>

Rec. by CoAtty	<i>Adm</i>
Date:	<i>2/5/07</i>
Time:	<i>9:25 AM</i>
Forwarded To:	<i>Adm</i>

2/6/07 10:33 AM

RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS, LEE COUNTY, AUTHORIZING CONVEYANCE BY DONATION OF COUNTY OWNED LAND IN SECTION 31, TOWNSHIP 47 SOUTH, RANGE 26 EAST, TO THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION.

WHEREAS, Lee County declares that the purpose of this Resolution is to convey ± 34,927 square feet of County owned land to the State of Florida, Department of Transportation pursuant to a request by the State of Florida, Department of Transportation for the property, which is necessary for the widening of State Road 93 (I-75), and;

WHEREAS, pursuant to Section 125.38 F.S., the Board of County Commissioners has authority to convey County property to the State of Florida, Department of Transportation without advertisement and without compensation or consideration as an authority of the State of Florida, and;

WHEREAS, the Board of County Commissioners has determined and is satisfied that the use of the property by the State of Florida, Department of Transportation is consistent with the County's purpose for having acquired the property, and is not needed for other County purposes and that by virtue of conveyance to the State of Florida, Department of Transportation, the property will benefit the public or community interest and welfare and will continue to be in public ownership.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, that this Board authorizes this conveyance of said land as described in Exhibit "A" to the State of Florida, Department of Transportation without payment of any consideration therefor, and authorizes the execution of the County Deed for and on behalf of Lee County for such purposes, with the forms attached hereto and made a part hereof.

The foregoing Resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

Robert P. Janes	_____
Brian Bigelow	_____
Ray Judah	_____
Tammara A. Hall	_____
Franklin Mann	_____

THIS RESOLUTION WAS DULY PASSED AND ADOPTED THIS _____ day of _____, 20__.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Chairman or Vice-Chairman

APPROVED AS TO FORM:

By: _____
Office of the County Attorney

Exhibit "A"

PARCEL INFORMATION SHEET

FP NO. 4062252 SECTION 12075-000 STATE ROAD NO. 93 (I-75) COUNTY Lee

DESCRIPTION

PARCEL 103.1

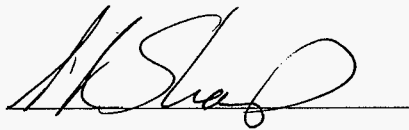
"Commencing at the Southwest corner of the Northeast quarter (NE1/4) of the Southwest quarter (SW1/4) of Section 31, Township 47 South, Range 26 East, Lee County, Florida, and running North along the West boundary of the Northeast quarter (NE1/4) of the Southwest quarter (SW1/4) of said Section 31 for 486.99 feet, to the Point of Beginning. From the Point of Beginning continue North along the West boundary of the Northeast quarter (NE1/4) of the Southwest quarter (SW1/4) of said Section 31 for 261.96 feet to a point, thence East for 135 feet to a point, thence South 231.57 feet to a point, thence South 77-39-35 West for 151.62 feet to a point on the West boundary of the Northeast quarter (NE1/4) of the Southwest quarter (SW1/4) of said Section 31, said point being the Point of Beginning." Lying in Section 31, Township 47 South, Range 26 East, Lee County, Florida.

Being further described as follows:

Commence at the northeast corner of the southwest 1/4 of said Section 31; thence along the north boundary of said southwest 1/4, South 88°33'26" West a distance of 1,662.59 feet to the survey base line of State Road 93 (I-75); thence along said survey base line, South 11°26'35" East a distance of 880.15 feet; thence leaving said survey base line, North 77°21'36" East a distance of 177.28 feet to the intersection of the easterly existing limited access right of way line of said State Road 93 (per Section 12075-2401) and the northerly right of way line of Kent Road; thence along said northerly right of way line continue North 77°21'36" East a distance of 10.19 feet for a POINT OF BEGINNING; thence leaving said northerly right of way line, North 00°43'49" West a distance of 261.18 feet; thence North 89°03'54" East a distance of 135.00 feet; thence South 04°02'56" East a distance of 230.76 feet to the northerly right of way line of said Kent Road; thence along said northerly right of way line, South 77°21'36" West a distance of 151.62 feet to the POINT OF BEGINNING.

Containing 34,927 square feet.

Legal Description Approved by:



Date: 8/02/2005

NOT A DEED - INFORMATION PURPOSES ONLY

OWNED BY: (BSD.03, BSD.04) - Lee County, a Political Subdivision of the State of Florida

Grantor(s)' Mailing Address:

SUBJECT TO: N/A

This Instrument Prepared by:
DIVISION OF COUNTY LANDS
Post Office Box 398
Fort Myers, Florida 33902-0398
STRAP No.: 31-47-26-B4-00007.0040
Parcel 103/FDOT Project 4062252

THIS SPACE FOR RECORDING

COUNTY DEED

THIS DEED, executed this ___ day of _____, 20___, by LEE COUNTY, FLORIDA, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, whose address is Post Office Box 398, Fort Myers, Florida 33902-0398, COUNTY, to the STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION, whose post office address is Post Office Box 1269, Bartow, Florida 33831-1249, Grantee.

WITNESSETH: The COUNTY, for and in consideration of the sum of Ten (\$10.00) Dollars to it in hand paid by the Grantee, receipt whereof is hereby acknowledged, has granted, bargained and sold to the Grantee, its heirs and assigns forever, the following described land, lying and being in Lee County, Florida:

That Property legally described in attached Exhibit "A".

The Property described herein, is being conveyed to the Grantee, for the purpose of a flood plain compensation area. If, at any time, the Property ceases to function and be maintained as a floodplain compensation area, benefiting the public or community interest, then title to the Property will automatically revert to the Grantor.

In accordance with Florida Statutes s. 270.11, the COUNTY hereby reserves an undivided three-fourths interest in, and title in and to an undivided three-fourths interest in, all the phosphate, minerals, and metals that are or may be in, on, or under the subject land and an undivided one-half interest in all the petroleum that is or may be in, on, or under the subject land with the privilege to mine and develop each interest. Provided, however, the right of entry with respect to any interest in phosphate, minerals, metals or petroleum reserved in favor of the County is hereby released if the subject parcel being conveyed is or has always been a contiguous tract of less than 20 acres in the aggregate under the same ownership.

This grant conveys only the interest of 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.

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 OR VICE CHAIRMAN

APPROVED AS TO LEGAL FORM:

Office of County Attorney

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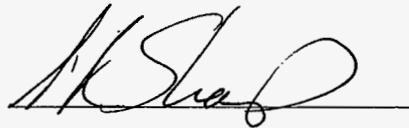
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