

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

Blue Sheet No. 20040173

1. REQUESTED MOTION:

ACTION REQUESTED: Accept easement grant from Harold Lissau and Sunshine Lissau for the Business US 41 Four-Laning (SR 78 to Littleton Road), Project No. 4020. Authorize payment of recording fees and Division of County Lands to handle all documentation necessary to complete transaction.

WHY ACTION IS NECESSARY: The Board must accept all Real Estate conveyances to Lee County.

WHAT ACTION ACCOMPLISHES: This will provide for the construction and maintenance of stormwater drainage facilities.

2. DEPARTMENTAL CATEGORY: 06
COMMISSION DISTRICT # 4

C6C

3. MEETING DATE: *03-09-2004*

4. AGENDA:

CONSENT
 ADMINISTRATIVE
 APPEALS
 PUBLIC
 WALK ON
 TIME REQUIRED:

5. REQUIREMENT/PURPOSE:
(Specify)

STATUTE F.S.125
 ORDINANCE
 ADMIN. CODE
 OTHER

6. REQUESTOR OF INFORMATION:

A. COMMISSIONER
 B. DEPARTMENT Independent
 C. DIVISION County Lands TLM 2-10-04
 BY: Karen L. W. Forsyth, Director *KLF*

7. BACKGROUND:

Negotiated for: Lee County Department of Transportation

Interest to Acquire: Perpetual Stormwater Drainage Easement

Property Details: **Owner:** Harold Lissau and Sunshine Lissau, husband and wife
Address: 85 Crescent Lake Drive, North Fort Myers
STRAP No.: 02-44-24-00-00002.0010

Purchase Details: The owners have agreed to donate the necessary easement to Lee County. The recording costs for this acquisition is estimated at \$25.

Staff Recommendation: Staff recommends Board approve requested motion.

Account: 20402018802.506110
 C.I.P., Business US 41 Four-Laning (SR78 to Littleton Road), Impact Fees NFM, Land and Recording Fees

Attachments: Copy of Perpetual Stormwater Drainage Easement, Title Report, and Location Map

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
<i>K. Forsyth</i>			<i>BA</i>	<i>John</i>	<i>OA</i>	<i>OM</i>	<i>Risk</i>	<i>GC</i>	
			<i>3/17/04</i>	<i>2-16-04</i>	<i>2-16-04</i>	<i>2/17/04</i>	<i>3/11/04</i>	<i>2-16-04</i>	<i>HS</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
 Date: *2/12/04*
 Time: *4:00 PM*
 Forwarded To:
Co. Adm.
2/16/04

RECEIVED BY
 COUNTY ADMIN: *EW*
2/16/04
10:50 am
 COUNTY ADMIN
 FORWARDED TO:
2/18/04
S. D. 477

HS

This Instrument Prepared by:
COUNTY LANDS DIVISION
P.O. Box 398
Fort Myers, FL 33902-0398

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

Project: Crescent Lake Drive, Project No. 4020
Strap No.: 02-44-24-00-00002.0010

THIS SPACE FOR RECORDING

PERPETUAL STORMWATER DRAINAGE EASEMENT

This easement grant is made between HAROLD LISSAU and SUNSHINE LISSAU, husband and wife, Owner, whose address is 85 Crescent Lake Drive, North Fort Myers, FL 33917, (**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** hereby grants to **Grantee**, its successors and assigns, a perpetual drainage easement in, over, and across that portion of **Grantor's** property described in Exhibit "A" attached.
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** has the right and authority to remove, replace, repair said system, and to trim and remove roots, trees, or vegetation or structures, including fencing, within the easement area, in order to properly install the drainage facilities.
4. **Grantee** will replace the existing decorative fencing outside the easement area at its sole expense, and replace any vegetation or shrubbery that is removed during construction.
5. **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.
6. Title to any drainage facilities constructed in the easement area will remain in the **Grantee**, its successors or assigns.
7. **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.
8. **Grantee** will have a reasonable right of access across **Grantor's** property for the purposes of reaching the described easement (Exhibit "A") 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 the above-described easement will be restored by the **Grantee**, at its sole expense and cost, to the condition in which it existed prior to the damage.
9. This easement runs with the land and is binding on **Grantor** and **Grantor's** successors and assigns.

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

Dated: 11-13, 2003.

Tammy Keister
1st Witness Signature

Tammy Keister
Printed Name of 1st Witness

[Signature]
2nd Witness Signature

John P. Hawkins
Printed Name of 2nd Witness

Harold Lissau
Harold Lissau Grantor

[Signature]
Sunshine Lissau Grantor

Tammy Keister
1st Witness Signature

Tammy Keister
Printed Name of 1st Witness

[Signature]
2nd Witness Signature

John P. Hawkins
Printed Name of 2nd Witness

STATE OF Florida

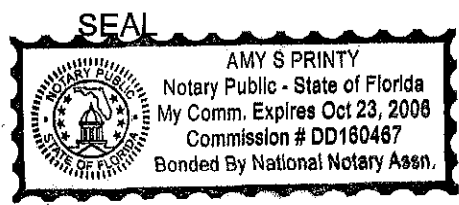
COUNTY OF Lee

The foregoing instrument was acknowledged before me this 13th day of Nov, 2003, by Harold Lissau and Sunshine Lissau, husband and wife,
(name of person acknowledged)

who are personally known to me or who have produced DL
(type of identification)
DL as identification.

Amy S. Printy
Signature of Notary Public

Amy S. Printy
(Name typed, printed or stamped)
(Title or Rank)
(Serial Number, if any)




DESCRIPTION

OF

A parcel or tract of land lying in the south half (S $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section 2, Township 44 South, Range 24 East, Lee County, Florida, said parcel or tract being described as follows:

Beginning at a point 531.30 feet east of the northwest corner of the south half (S $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section 2, Township 44 South, Range 24 East, Lee County, Florida, said point being the southwest corner of Lot 24, Unit A, Littlegroves, according to a map or plat thereof recorded in Plat Book 9, pages 11 through 13, inclusive of the public records of Lee County, Florida and also the Point of Beginning of the parcel or tract described herein; thence run N89°40'20"E along the north line of the south half (S $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of said Section 2 and the south line of said Lot 24 for a distance of 39.15 feet; thence (departing the south line of said Lot 24) run S35°33'30"W for a distance of 28.02 feet; thence run N54°26'30"W for a distance of 28.03 feet to a point on the east right-of-way line of Crescent Lake Drive (50 feet in width); thence run N00°26'30"W along said right-of-way line for a distance of 6.27 feet to the point of beginning, containing 515.44 square feet (0.0118 acres) more or less.

Bearings mentioned hereinabove are based on the plat of Littlegroves, Unit A, according to a map or plat thereof recorded in Plat Book 9, Pages 11 through 13, inclusive, of the Public Records of Lee County, Florida, showing the east right-of-way line of Crescent Lake Drive as bearing N00°32'30"W.


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

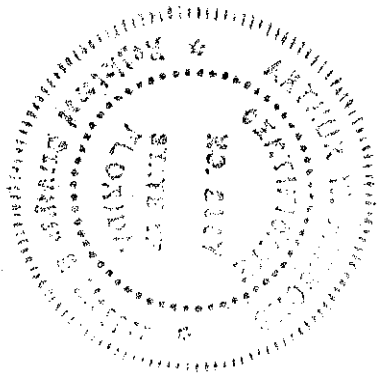
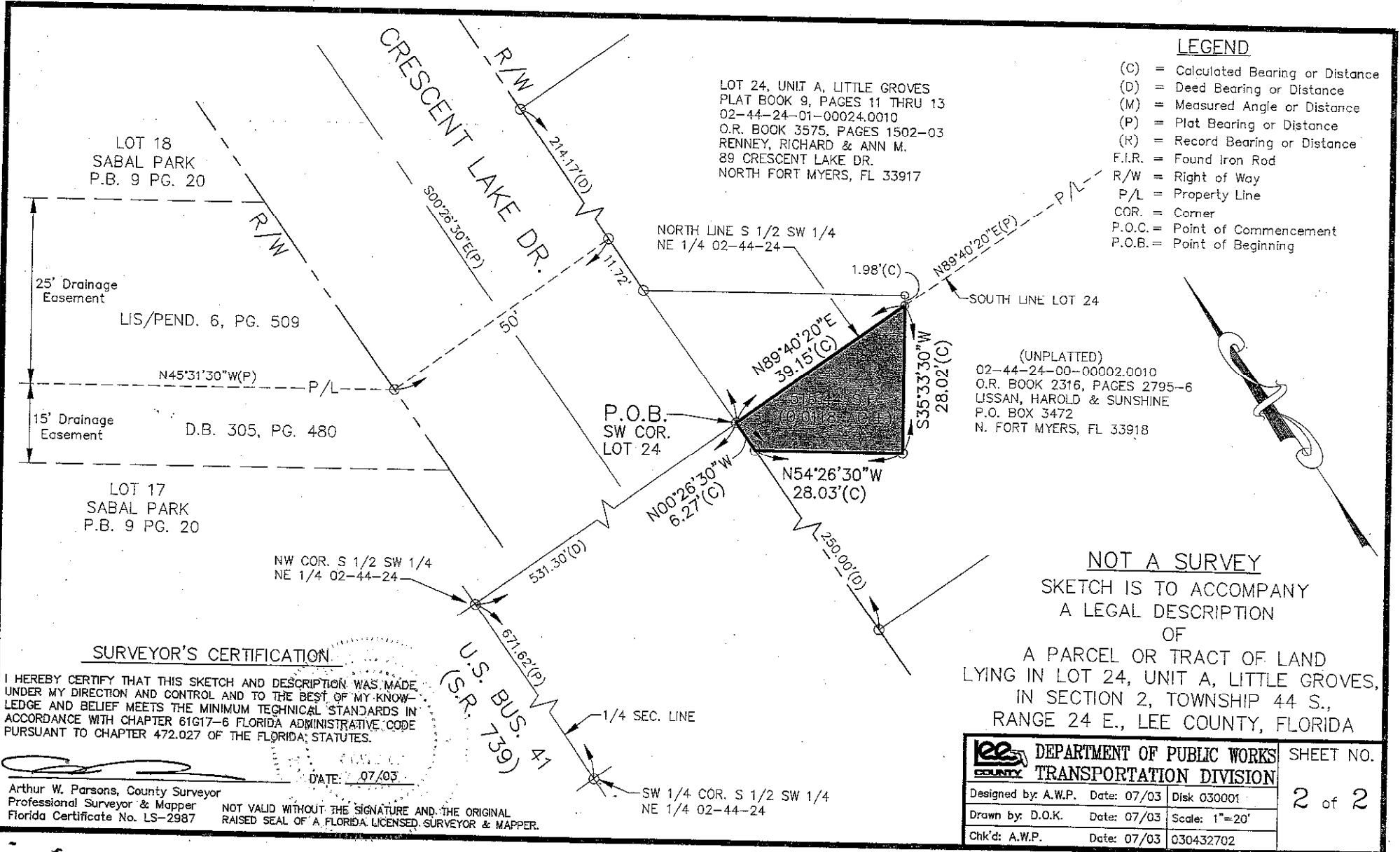


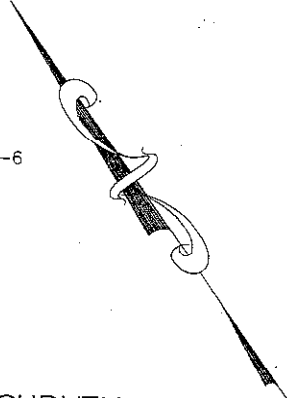
Exhibit "A"

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LEGEND

- (C) = Calculated Bearing or Distance
- (D) = Deed Bearing or Distance
- (M) = Measured Angle or Distance
- (P) = Plat Bearing or Distance
- (R) = Record Bearing or Distance
- F.I.R. = Found Iron Rod
- R/W = Right of Way
- P/L = Property Line
- COR. = Corner
- P.O.C. = Point of Commencement
- P.O.B. = Point of Beginning



NOT A SURVEY
 SKETCH IS TO ACCOMPANY
 A LEGAL DESCRIPTION
 OF
 A PARCEL OR TRACT OF LAND
 LYING IN LOT 24, UNIT A, LITTLE GROVES,
 IN SECTION 2, TOWNSHIP 44 S.,
 RANGE 24 E., LEE COUNTY, FLORIDA

DEPARTMENT OF PUBLIC WORKS TRANSPORTATION DIVISION		SHEET NO.
Designed by: A.W.P.	Date: 07/03	Disk 030001
Drawn by: D.O.K.	Date: 07/03	Scale: 1"=20'
Chk'd: A.W.P.	Date: 07/03	030432702

2 of 2

SURVEYOR'S CERTIFICATION
 I 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.

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

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR & MAPPER.

DATE: 07/03

Division of County Lands

Updated Ownership and Easement Search

Search No. 02-44-24-00-00002.0010

Date: February 10, 2004

Parcel:

Project: Crescent Lake Drive #4020

To: Teresa L. Mann, SR/WA
Property Acquisition Agent

From: Kenneth Pitt
Real Estate Title Examiner

STRAP: 02-44-24-00-00002.0010

Effective Date: January 16, 2004, at 5:00 p.m.

Subject Property: See attached Schedule "X"

Title to the subject property is vested in the following:

Harold Lissau and Sunshine Lissau, husband and wife.

By that certain instrument dated February 17, 1988, recorded March 4, 1988, in Official Record Book 1974, Page 2833, Public Records of Lee County, Florida.

Easements: None found of record.

NOTE(1): Subject property is not encumbered by a mortgage.

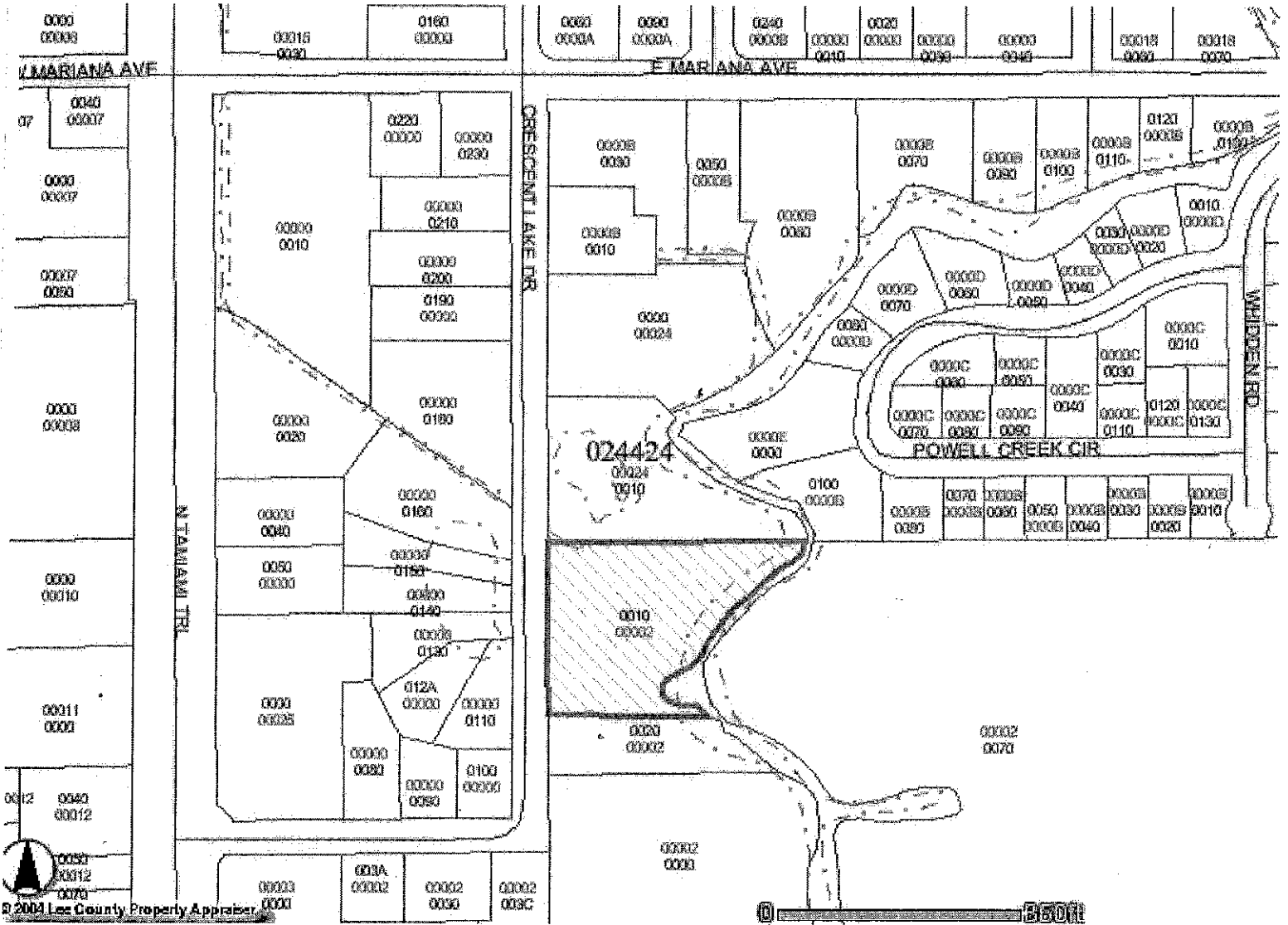
NOTE(2): Subject to Lee County Ordinance No. 86-14 relating to garbage and solid waste collection, recorded in Official Record Book 2189, Page 3281 and amended by Official Record Book 2189, Page 3334, Public Records of Lee County, Florida.

Tax Status: \$2,478.16 due and owing for Tax Year 2003.
(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.

Schedule "X"

Beginning at a point 531.3 feet East of the Northwest corner of the South half (S1/2) of the Southwest quarter (SW1/4) of the Northeast quarter (NE1/4) of Section 2, Township 44 South, Range 24 East; thence South 250 feet; thence East to the Center of Powell Creek; thence Northerly along said creek to a point due East of the Point of Beginning; thence West to the Point of Beginning.



OWNER: HAROLD LISSAU
SUNSHINE LISSAU