

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

Blue Sheet No. 20040186

1. REQUESTED MOTION:

ACTION REQUESTED: Accept donation of an Access Easement Grant for a parcel in Gladiolus Drive Widening Project #4083; authorize payment of recording fees and the 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: Acquires drainage easement necessary for future widening of Gladiolus Drive.

2. DEPARTMENTAL CATEGORY: 06
COMMISSION DISTRICT # 3 *C6E*

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

4. AGENDA:
 CONSENT
 ADMINISTRATIVE
 APPEALS
 PUBLIC
 WALK ON
 TIME REQUIRED:

5. REQUIREMENT/PURPOSE:
 (Specify)
 STATUTE 125
 ORDINANCE
 ADMIN. CODE
 OTHER

6. REQUESTOR OF INFORMATION:
 A. COMMISSIONER
 B. DEPARTMENT *Independent*
 C. DIVISION *County Lands*
 BY: *Karen L. W. Forsyth, Director*

7. BACKGROUND:

Negotiated for: Department of Transportation

Interest to Acquire: Access Easement

Property Details:

Owners: Gladiolus Preserve LLC, and Gladiolus Preserve Homeowners Association, Inc.
STRAP No.: 33-45-24-14-0000A.0000

Purchase Details:

Costs to Close: \$50.00

Staff Recommendation: County staff recommends the Board approve the requested motion.

Account: 20408318804.506110

Attachments: Access Easement Grant; Location Map; Title Data

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>SAD 2/19/04</i>	<i>John J. ... 2-19-04</i>	<i>OA 2-19-04</i>	<i>OM 2/19/04</i>	<i>Risk 2/19/04</i>	<i>GC 2-19-07</i>
								<i>FIS 2-20-04</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

REC'D.
 By CO. ATTY.
1:00 PM
2/19/04
 CO. ATTY.
 FORWARDED TO:
Co. Adm.
2/19/04

RECEIVED BY
 COUNTY ADMIN:
2/19/04
3:25 PM 2/19/04
 COUNTY ADMIN
 FORWARDED TO:
2/20/03
11:50am

THIS INSTRUMENT PREPARED BY:

Lee County Division of County Lands
P.O. Box 398
Fort Myers, FL 33902

Strap No.:33-45-24-14-0000A.0000

ACCESS EASEMENT GRANT

This Indenture is made this 10th day of Feb., 2004 between, **Gladiolus Preserve Homeowners Association, Inc. a Non-Profit Florida Corporation**, whose address is 11220-27 Metro Parkway, Fort Myers, Florida 33912 and **GLADIOLUS PRESERVE, L.L.C.**, a Florida Limited Liability Company, whose address is 11220-27 Metro Parkway, Fort Myers, Florida 33912 (Grantor), and Lee County, a political subdivision of the State of Florida, whose address is Post Office Box 398, Fort Myers, Florida, 33902 (Grantee).

For good and valuable consideration, the receipt of which is hereby acknowledged, Grantor hereby grants to Grantee, its successors and assigns, an access easement for the purpose of providing access over, across and through Grantor's property so that Grantee's employees, agents, consulting engineers, contractors and other representatives' vehicles and equipment may have ingress and egress for construction and maintenance of the stormwater drainage structures and conveyance system for Gladiolus Drive. The easement is situated in Lee County, Florida and more particularly described in attached Exhibit A.

Grantor understands that no assessment will be imposed upon Grantee with respect to use of the easement and that the Grantee is not obligated to maintain or improve the access easement. However, Grantee shall repair any damage to the roadway, signage, gates and landscaping located within the easement resulting from the use of the easement by Grantee's employees, agents, consulting engineers, contractors and other representatives.

Grantor covenants that subject to existing easements recorded in the public records of Lee County, that Grantor holds title to the subject property and has the lawful right and power to convey the easement; and the property is free and clear of all mortgages, liens and encumbrances except those of record; and Grantor will forever warrant and defend the title and terms to this easement and the quiet possession thereof against the lawful claims and demands of all persons.

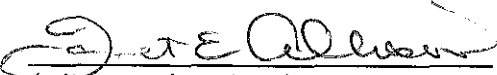
The easement rights and privileges granted are non-exclusive and Grantor resumes and retains the right to convey similar rights to other persons or entities except where additional easement grants may prevent or interfere with Grantee's use of the easement.


Grantor retains the right to continued use of the property for any and all purposes that do not interfere with Grantee's use of the easement.


The easements will run with the land and be binding on the heirs, successors and assigns of the parties hereto.

EXECUTED the date first written above:

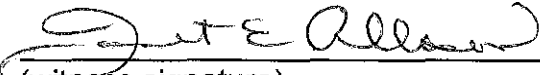
Gladiolus Preserve Homeowners, Association, Inc., a Florida Non-Profit Corporation



(witness signature)
Janet E. ALLISON
printed name



(witness signature)
Johanna Seybold
printed name


Name: W. MICHAEL KERVER
Title: PRES

Gladiolus Preserve, L.L.C., a Florida Limited Liability Company


(witness signature)
Janet E. Allison
printed name

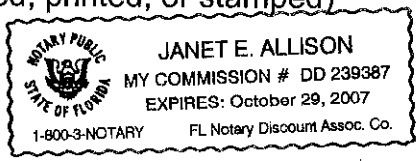

(witness signature)
Johanna Seybold
printed name


Name: W. MICHAEL KERVER
Title: V.P.

STATE OF FLORIDA)
COUNTY OF LEE)

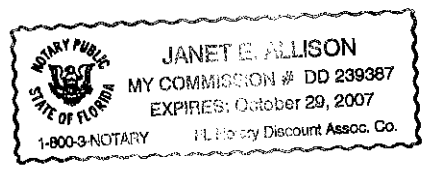
The foregoing instrument was acknowledged before me this 10th day of Feb. 2004, by W. Michael Kerver President of Gladiolus Preserve Homeowners Association, Inc. who is personally known to me or who has produced the following identification: _____

Janet E. Allison
Notary Public
Janet E. Allison
(Name typed, printed, or stamped)



STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was acknowledged before me this 10th day of Feb., 2004, by W. Michael Kerver, Vice President, of Gladiolus Preserve, L.L.C., who is personally known to me or who has produced the following identification: _____



Janet E. Allison
Notary Public
Janet E. Allison
(Name typed, printed, or stamped)

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

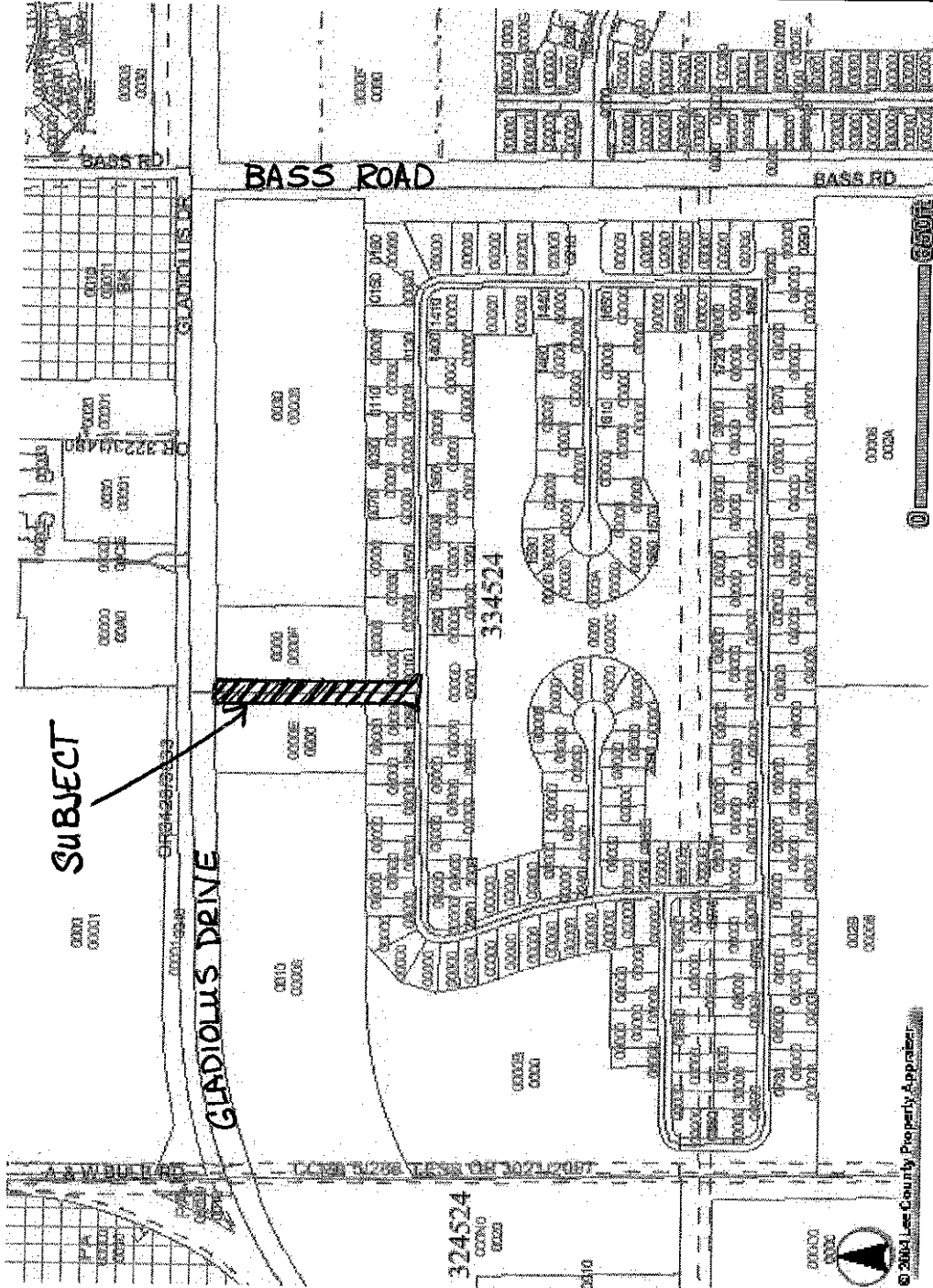
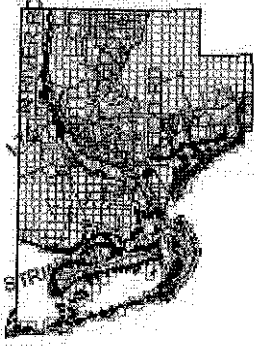
By: _____
Deputy Clerk

By: _____
Chairman

APPROVED AS TO FORM:

By: _____
Office of County Attorney

Gladiolus Preserve



SUBJECT

324524
0000
0000

334524

0000
0000

© 2010 Lee County Property Appraiser

Division of County Lands

Ownership and Easement Search

Search No. 22293
Date: December 30, 2003
Parcel:
Project: Gladiolus Drive
Project 4083

To: Michele S. McNeill SR/WA
Property Acquisition Agent
STRAP: 33-45-24-14-0000A.0000

From: Kenneth Pitt
Title Examiner

*No changes
as of 1/27/04
[Signature]*

Effective Date: December 3, 2003.

Subject Property: Tract A (being a Private Road Right of Way and Public Utility Easement), on the Plat of Gladiolus Preserve, recorded in Plat Book 73 Page 58, Public Records of Lee County, Florida.

Title to the subject property is vested in the following:

Gladiolus Preserve Homeowners Association, Inc (a Florida Non-Profit Corporation)

by that certain instrument dated March 5, 2003, recorded March 10, 2003, in Plat Book 73, Page 58, Public Records of Lee County, Florida.

Easements:

- 1): Subject to a Covenant and Restriction recorded in Official Record Book 3655 Page 1817, Public Records of Lee County, Florida.
- 2): Subject to a Perpetual Drainage and Access Easement, recorded in Official Record Book 3655 Page 1825, Public Records of Lee County, Florida.
- 3): Subject to an Access Easement Grant, recorded in Official Record Book 3655 Page 1830, Public Records of Lee County, Florida.
- 4): Subject to an Access Easement Agreement, recorded in Official Record Book 3789 Page 794, Public Records of Lee County, Florida.
- 5): Subject to an Access Easement Grant, recorded in Official Record Book 3845 Page 3373, Public Records of Lee County, Florida.
- 6): Subject to a Perpetual Drainage and Access Easement, recorded in Official Record Book 3845 Page 3378, Public Records of Lee County, Florida.
- 7): Subject to a Deed of Conservation Easement, recorded in Official Record Book 3867 Page 1728, Public Records of Lee County, Florida.
- 8): Subject to a Declaration of Covenants, Conditions and Restrictions for Gladiolus Preserve, recorded in Official Record Book 3867 Page 609, Public Records of Lee County, Florida.
- 9): Subject to a Landscape Easement and Agreement, recorded in Official Record Book 3867 Page 1734, Public Records of Lee County, Florida.

Division of County Lands

Ownership and Easement Search

Search No. 22293

Date: December 30, 2003

Parcel:

Project: Gladiolus Drive

Project 4083

- 10): Subject to a Restrictive Covenant, recorded in Official Record Book 3867 Page 1752, Public Records of Lee County, Florida.
- 11): Subject to an Amendment to the Declaration of Covenants, Conditions and Restrictions for Gladiolus Preserve, recorded in Official Record Book 3876 Page 569, Public Records of Lee County, Florida.

NOTE(1): Notice of Clearing, recorded in Official Record Book 2561, Page 2096, Public Records of Lee County, Florida.

NOTE(2): Deed recorded April 1, 2002 in Official Record Book 3613, Page 116, Public Records of Lee County, Florida, does not contain sufficient witnesses. This must be addressed and resolved by the Title Company or Attorney that handles the transfer to the County.

NOTE(3): 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.

NOTE(4): Subject to a Covenant of Unified Control, recorded in Official Record Book 3268 Page 2094, Public Records of Lee County, Florida.

NOTE(5): Subject to a Notice of Development Order, recorded in Official Record Book 3691 Page 4072, Public Records of Lee County, Florida.

NOTE(6): Subject to a Notice of Commencement, recorded in Official Record Book 4030 Page 885, Public Records of Lee County, Florida.

NOTE(7): Subject to a Notice of Commencement, recorded in Official Record Book 4094 Page 4733, Public Records of Lee County, Florida.

NOTE(8): Subject to a Mortgage, Assignment and Security Agreement, in the original sum of \$2,422,500.00, recorded in Official Record Book 3662 Page 14, Public Records of Lee County, Florida.

Division of County Lands

Ownership and Easement Search

Search No. 22293

Date: December 30, 2003

Parcel:

Project: Gladiolus Drive

Project 4083

NOTE(9): Subject to a Notice of Future Advance, in the sum of \$3,977,500.00, recorded in Official Record Book 3690 Page 1802, Public Records of Lee County, Florida.

Tax Status: \$71.25 paid on 11/25/03 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.