

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

Blue Sheet No. 20040324

1. REQUESTED MOTION:

ACTION REQUESTED: Accept the donation of a Slope Restoration Easement on Parcel 1018, Veronica S. Shoemaker Blvd. (formerly Palmetto Avenue) Extension, Project No. 4073, authorize 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: Accepts donation of easement needed for the Veronica S. Shoemaker Blvd. Extension Project.

2. DEPARTMENTAL CATEGORY: 06
COMMISSION DISTRICT # 2 and 5

C6E

3. MEETING DATE: *04-06-2004*

4. AGENDA:

CONSENT
 ADMINISTRATIVE
 APPEALS
 PUBLIC
 WALK ON
 TIME REQUIRED:

5. REQUIREMENT/PURPOSE:
(Specify)

STATUTE *73 & 125*
 ORDINANCE
 ADMIN. CODE
 OTHER

6. REQUESTOR OF INFORMATION:

A. COMMISSIONER
 B. DEPARTMENT *Independent*
 C. DIVISION *County Lands 3-16-04*
 BY: *Karen L. W. Forsyth, Director*

7. BACKGROUND:

Negotiated for: Department of Transportation and the City of Fort Myers

Interest to Acquire: 650 square feet of easement interest in improved property

Property Details:

Owner: Manna Christian Missions, Inc., a Florida Corporation
Address: 3548 Canal Street, Fort Myers
STRAP No.: 30-44-25-P2-00002.0030

Staff Recommendation: Staff recommends the Board approve the Requested Motion.

Account: City of Fort Myers Acct # 310-4315-541-6100

Attachments: Copy of Slope/Restoration Easement, Location Map, In-House Title Search

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>H. Forsyth</i>			<i>3/19/04</i>	<i>3/22/04</i>	<i>OA 3/22/04</i>	<i>OM 3/24/04</i>	<i>Risk 3/24/04</i>	<i>GC 3/24/04 AS 3/24/04</i>

10. COMMISSION ACTION:

APPROVED
 DENIED
 DEFERRED
 OTHER

Rec. by CoAtty
 Date: *3/19/04*
 Time: *3:55*
3:00 PM
 Forwarded To:
Co. Admin.
3/22/04 3:04 PM

RECEIVED BY
 COUNTY ADMIN
3/22/04
4:45 PM 507
 COUNTY ADMIN
 FORWARDED TO:
3/24/04
4 PM

This instrument prepared by:

Lee County
Division of County Lands
Post Office Box 398
Fort Myers, Florida 33902-0398

Parcel: 1018
Project: Veronica S. Shoemaker Boulevard Extension
STRAP No.: 30-44-25-P2-00002.0030

SLOPE/RESTORATION EASEMENT

This INDENTURE, made and entered into this 11 day of MARCH 2004, between Manna Christian Missions, Inc., a Florida corporation, whose address is PO Box 2248, Bonita Springs, Florida 34133, (Grantor), and LEE COUNTY, a political subdivision of the State of Florida, whose address is Post Office Box 398, Fort Myers, Florida 33902-0398, (Grantee):

WITNESSETH:

1. For good and valuable consideration, receipt of which is hereby acknowledged, Grantor grants to the Grantee, its successors and assigns, a slope/restoration easement situated in Lee County, Florida, and located and described as set forth in attached Exhibit "A" (Easement Parcel).
2. Grantee, its successors and assigns, are granted the right, privilege, and authority to construct, replace, repair, remove, extend, and maintain a slope/restoration easement on the Easement Parcel to support, reinforce, and stabilize the adjacent public roadway.
3. The improvements that may be placed within the Easement Parcel for roadway slope/restoration purposes are not limited to a particular type, style, material or design. These improvements may include the use of foliage.
4. Title to the improvements constructed by the Grantee within the Easement Parcel will remain in the Grantee, it's successors or assigns.
5. 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, Grantors covenant they are lawfully seized and possessed of the real property described in Exhibit "A", have good and lawful right and power to convey it, and that the property is free and clear of all liens and encumbrances, except as herein stated, and accordingly, Grantor will forever warrant and defend the title and terms to this said easement and the quiet possession thereof against all claims and demands of all other entities.

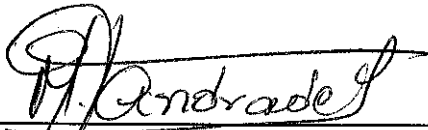
ORIGINAL DOCUMENTS RETAINED IN
COUNTY LANDS FILES FOR HANDLING
UPON BOARD ACCEPTANCE.

6. Grantee has a reasonable right of access across Grantor's property for the purposes of reaching the Easement Parcel on either paved or unpaved surfaces. Any damage to Grantor's property or permitted improvements thereon resulting from Grantee's use of this access right will be restored by the Grantee, to the condition in which it existed prior to the damage.

7. This easement runs with the land and is binding upon the parties, their successors and assigns.

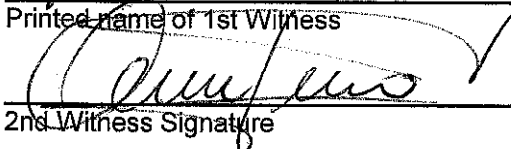
IN WITNESS WHEREOF the Grantor has caused this document to be signed on the date first above written.

TWO SEPARATE WITNESSES:



1st Witness Signature

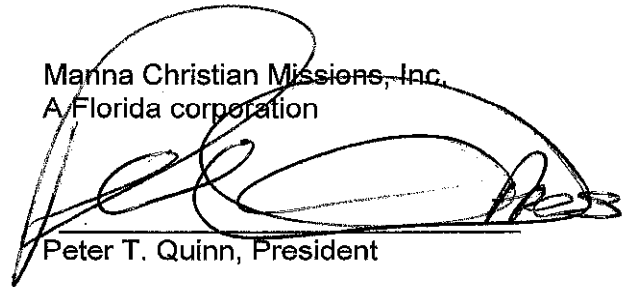
Monica Andrade
Printed name of 1st Witness



2nd Witness Signature

Julio Andrade
Printed name of 2nd Witness

Manna Christian Missions, Inc.
A Florida corporation

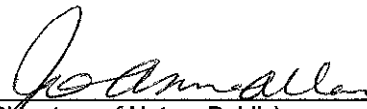


Peter T. Quinn, President

STATE OF

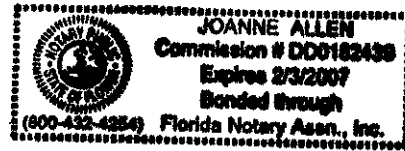
COUNTY OF

The foregoing instrument was acknowledged before me this 11th day of March,
2004, by Peter T. Quinn, President, Manna Christian Missions, Inc., a Florida corporation. He is
personally known to me or who has produced N/A as identification



(Signature of Notary Public)

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



January 15, 2003

DESCRIPTION

**10' SLOPE/CONSTRUCTION EASEMENT
PARCEL IN THE NORTHEAST QUARTER (NE-1/4) OF SECTION 30,
TOWNSHIP 44 SOUTH, RANGE 25 EAST
CITY OF FORT MYERS
LEE COUNTY, FLORIDA**

A tract or parcel of land lying in the Northeast Quarter (NE-1/4) of Section 30, Township 44 South, Range 25 East, City of Fort Myers, Lee County, Florida described as follows:

From the northeast corner of said Northeast Quarter (NE-1/4) of Section 30 run South 88° 48' 54" West, along the north line of said fraction for 213.83 feet to the Point of Beginning:

From said Point of Beginning run South 01° 12' 56" East along the east line of lands as described by deed recorded in Official Record Book 2076 at Page 418 of the Public Records of Lee County, Florida for 10.00 feet; thence run South 88° 48' 54" West for 65.01 feet to an intersection with the east line of lands as described by deed recorded in Official Record Book 2253 at Page 4698 of said Public Records; thence run North 01° 08' 16" West along said east line for 10.00 feet to an intersection with the south right-of-way line of Canal Street (50.00 feet wide) and said north line of said Northeast Quarter (NE-1/4); thence run North 88° 48' 54" East along said right-of-way line for 65.00 feet to the Point of Beginning.

Parcel Contains 650 square feet, more or less.

Bearings hereinabove mentioned are based on the north line of the Northeast Quarter (NE-1/4) of Section 30, Township 44 South, Range 25 East to bear South 88° 48' 54" West.

Mark G. Wentzel

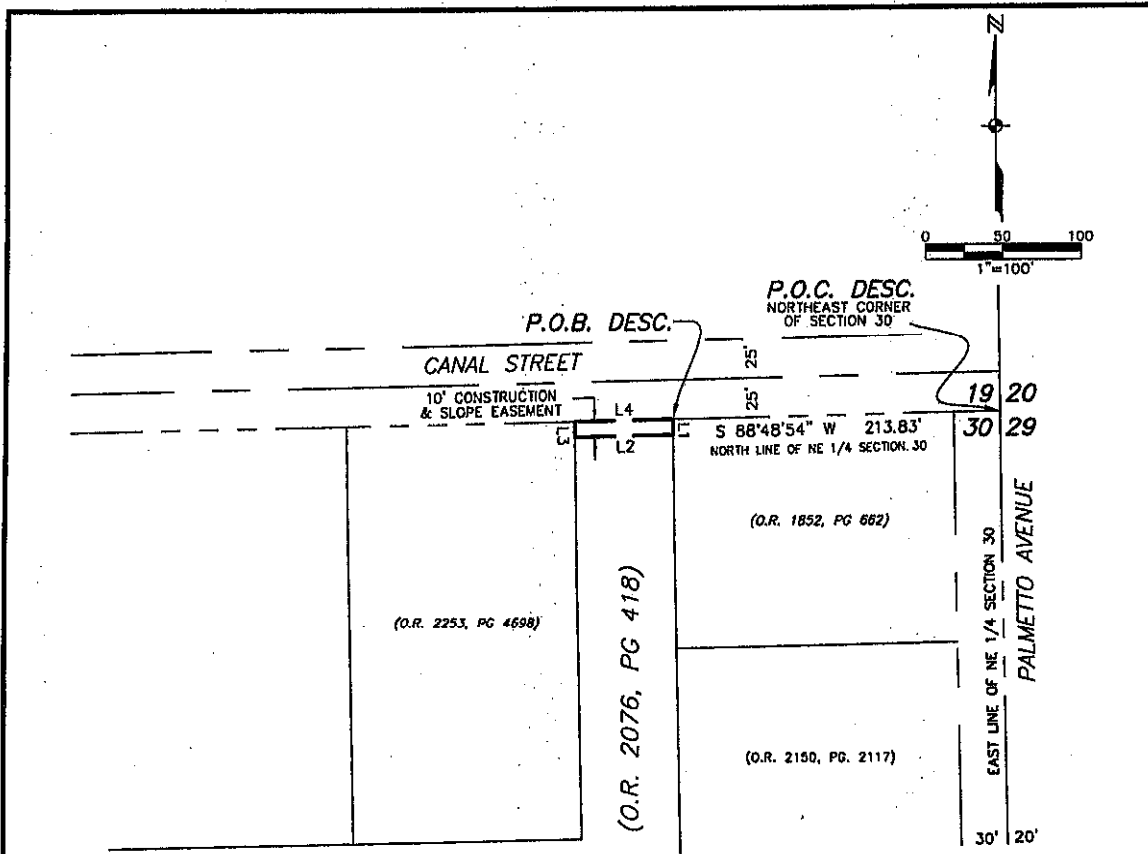
Mark G. Wentzel (For The Firm LB-642)

Professional Land Surveyor

Florida Certificate No. 5247

19991321/NE Qtr. of Section 30(a) 011503

Exhibit "A"



LINE TABLE		
LINE	BEARING	LENGTH
L1	S 01°12'56" E	10.00
L2	S 88°48'54" W	65.01
L3	N 01°08'16" W	10.00
L4	N 88°48'54" E	65.00

- LEGEND**
- COR. = CORNER
 - DESC. = DESCRIPTION
 - FD. = FOUND
 - L.B. = LAND SURVEYOR BUSINESS
 - MON. = MONUMENT
 - O.R. = OFFICIAL RECORD
 - P.B. = PLAT BOOK
 - PG. = PAGE
 - P.O.B. = POINT OF BEGINNING
 - P.O.C. = POINT OF COMMENCEMENT
 - R. = RANGE
 - T. = TOWNSHIP
 - S. = SECTION
 - SQ. FT. = SQUARE FEET
 - F.P.L. = FLORIDA POWER AND LIGHT

- NOTES:**
- SUBJECT TO ALL EASEMENTS, RESERVATIONS, RESTRICTIONS AND RIGHTS OF WAY OF RECORD.
 - BEARINGS ARE BASED ON THE NORTH LINE OF THE NE 1/4 OF SECTION 30, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AS BEING S 88°48'54" W.
 - PARCEL CONTAINS 650 SQUARE FEET, MORE OR LESS.

THIS IS NOT A SURVEY

Mark G. Wentzel
 MARK G. WENTZEL (FOR THE FIRM—L.B.642)
 PROFESSIONAL SURVEY AND MAPPER
 FLORIDA CERTIFICATE NO. 5247

DATE SIGNED: 2/4/03

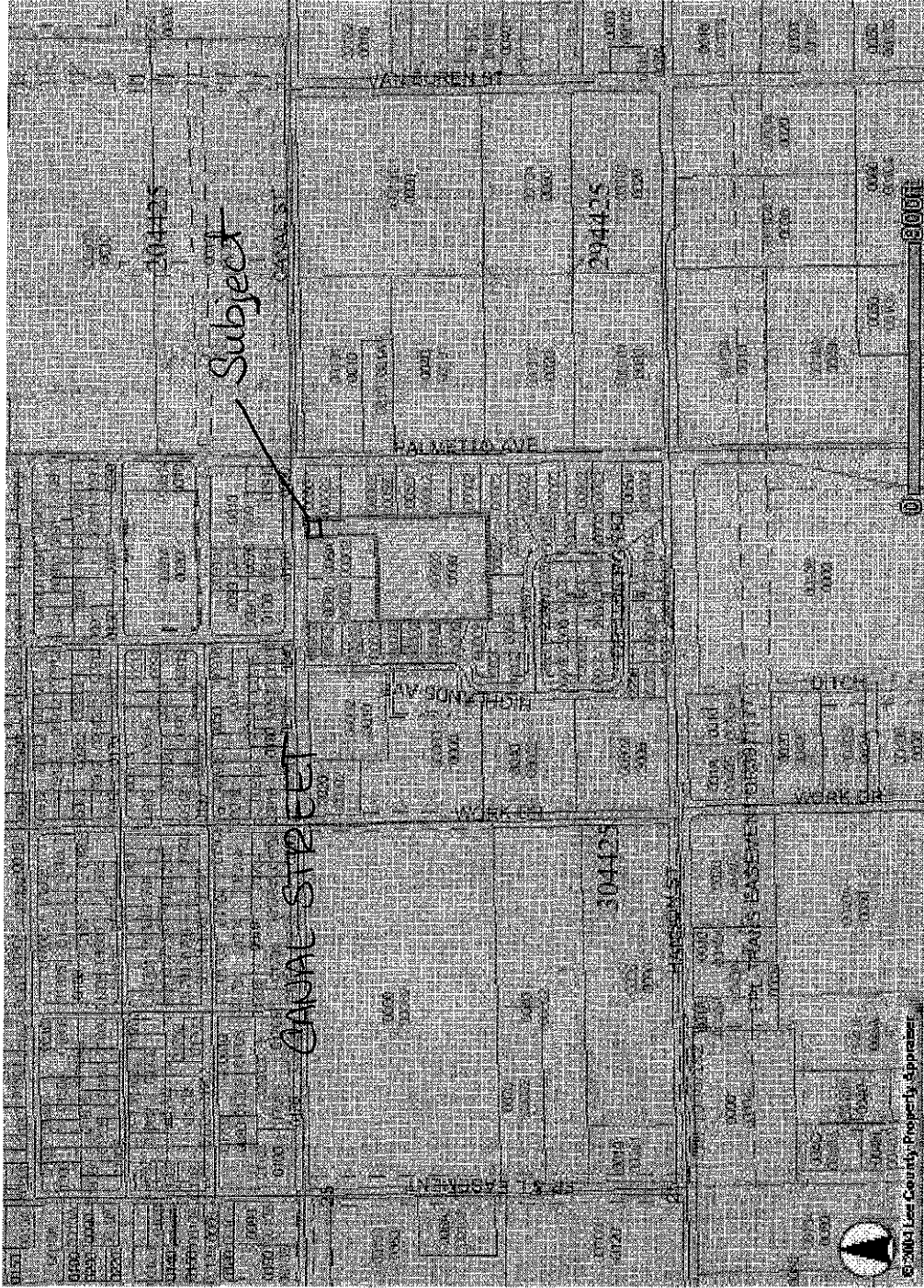
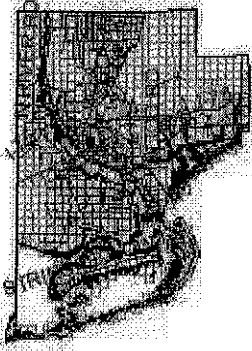
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF FLORIDA LICENSED SURVEYOR AND MAPPER.

**10' SLOPE/CONSTRUCTION
 EASEMENT**
 PART OF O.R. 2076, PG. 418
 (LEE COUNTY RECORDS)
 SECTION 30, TOWNSHIP 44 S., RANGE 25 E.
 CITY OF FORT MYERS, LEE COUNTY, FLORIDA

	3501 DEL PRADO BOULEVARD SUITE 110 CAPE CORAL, FLORIDA 33904 PHONE (941) 354-0046 FAX (941) 541-1383 E.B. #642 & L.B. #642	SKETCH TO ACCOMPANY DESCRIPTION				
		DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
		1-3-2003	19991321	30-44-25	1"=100'	1

S:\19991321\Surveying\auto\assessm\assessm\WATT 21.dwg (Layout) KLL Jan 25, 2003 - 11:04am

Parcel 1018



**Division of County Lands
Search**

Updated Ownership and Easement

Search No. 22076
Date: May 5, 2003
Parcel: 1018 SE
Project: Palmetto Extension Project
#4073

RAD

To: Michele S. McNeill SR/WA
Property Acquisition Agent

From: Kenneth Pitt
Real Estate Title Examiner

STRAP: 30-44-25-00-00002.0030

No changes as of 3/9/04
[Signature]

Effective Date: March 24, 2003, at 5:00 p.m.

Subject Property: See attached Schedule "X"

Title to the subject property is vested in the following:

Manna Christian Missions, Inc., (a Florida non-profit corporation)

by that certain instrument dated June 2, 1989, recorded June 12, 1989, in Official Record Book 2076, Page 418, 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 a Resolution of the Lee County B.O.C.C. regarding East Lee County Sewer Assessments recorded in Official Record Book 1669, Page 3414, Public Records of Lee County, Florida.

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.

Tax Status: \$65.60 paid on November 25, 2002 for tax year 2002.
(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

Schedule X

Parcel 1018 SE

Project: Palmetto Extension Project #4073

Search No. 22076

All of that certain property Located in EAST STADLER FARMS, according to the plat thereof recorded in Plat Book 5, Page 6, Public Records of Lee County, Florida, as specifically described by metes and bounds description in Exhibit "A", attached hereto and by reference made a part hereof. Together with all improvements located in or about the premises.

Beginning at the Northwest corner of Lot 1, EAST STADLER FARMS, according to the plat thereof recorded in Plat Book 5, Page 6, Public Records of Lee County, Florida; thence Easterly along the North line of Lot 1, said line also being the South line of Canal Street, 380.71 feet to the Point of Beginning; thence continue along the same course 65 feet to a point; thence South parallel to the Westerly line of Lot 1, 624.69 feet, more or less, to the South line of Lot 1; thence Westerly along the South line of Lot 1, 375 feet to a point; thence North parallel with the second course 400 feet to a point; thence Easterly parallel with the South line of Lot 1, 310 feet to a point; thence Northerly parallel with the second course 224.60 feet, more less, to the Point of Beginning.