## LEE COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY BLUE SHEET NO: 20011132

**1.REQUESTED MOTION:** Approve and accept Specific Purpose Survey prepared by Johnson Engineering as well as three Maintenance and Construction Affidavits to establish title to Coconut Road between US 41 and the west line of Section 8, Township 47 South, Range 25 East, as shown on the map, has vested in Lee County pursuant to F.S. 95.361. <u>WHY ACTION IS NECESSARY</u>: The limits of the right-of-way have in the past been determined by maintenance. Official right-of-way maps have never been filed in the public records. WHAT ACTION ACCOMPLISHES: Enters into the public record the location and width of the right-of-way of Coconut Road between US 41 and the west section line of Section 8, Township 47 South, Range 25 East. 2. DEPARTMENTAL CATEGORY: 3. MEETING DATE: COMMISSION DISTRICT #: 03 03-12-2002 4. AGENDA 5. REQUIREMENT/PURPOSE 6. REQUESTOR OF INFORMATION CONSENT A. COMMISSIONER: (Specify) X\_ADMINISTRATIVE <u>X</u> STATUTE <u>95.361</u> **B. DEPARTMENT: Transportation** \_\_\_\_ APPEALS \_\_\_\_ ORDINANCE C. DIVISION: Administration \_\_\_\_\_ PUBLIC BY: Scott Gilbertson, Director \_ ADMIN. CODE \_\_\_\_\_TIME REQUIRED: 15 Minutes \_ OTHER 7. BACKGROUND: Coconut Road was created by the Board of County Commissioners July 10, 1930. Board action is recorded in CCMB 6, page 288. The road as it was originally contemplated was centered on the quarter section line of Sections 8 and 9 between what was then State Road No. 27, now US 41, and running west to the west line of Section 8. The original rightof-way called out in the minutes to the Board meeting was 50 feet. The road as it is presently constructed does not precisely follow the quarter section line nor is the maintained right-of-way uniform. The right-of-way map establishes the correct alignment and width of Coconut Road, including road drainage. Under Florida Statute 95.361, all right and title to a roadway constructed by the county and continuously maintained for a period of 4 years or more vests in the county to the extent of the width actually maintained. F.S. 95.361 provides that filing a map in the Office of the Clerk depicting the maintained right-of-way serves as prima facie evidence of county ownership. Maintenance Affidavits from three County employees provide the evidence that Lee County has maintained this portion of Coconut Road in excess of the statutory requirements. The Department of Transportation recommends approval of the right-of-way maps for recording. **8. MANAGEMENT RECOMMENDATIONS:** 9. RECOMMENDED APPROVAL

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10. COMMISSIO	<u>N ACTION</u> :		1, 1,			IECVS.	
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# DEPARTMENT OF TRANSPORTATION

Memo			
То:	David Owen, Assistant County Attorney	Marca A. J.	C1
From:	Margaret Lawson, Right-of-way Supervisor		ా: లై
Date:	February 15, 2002	<b>~</b>	(J)
Subject:	Coconut Road (West) Improvements Coconut Road Specific Purpose Survey (ROW Map- And Maintenance Affidavits		

I am resubmitting these documents to you for your sign-off. DOT has completed the revisions to the blue sheet, prepared a new Mylar cover sheet to the specific purpose survey, and executed a revised Affidavit for Randy Cerchie. I believe the revised documents should now be satisfactory to schedule before the Board. I am delivering to you:

- a) Signed original blue sheet;
- b) Signed original affidavits with the reduced copy of the specific purpose survey attached for recording.

I have replaced the cover sheet on the reduced copies with the revised cover sheet. I am holding the original Mylar map in my office, and when the item is scheduled before the Board and approved I will then carry the Mylars to Lisa Pierce in Minutes for recording in the Right-of-way Book.

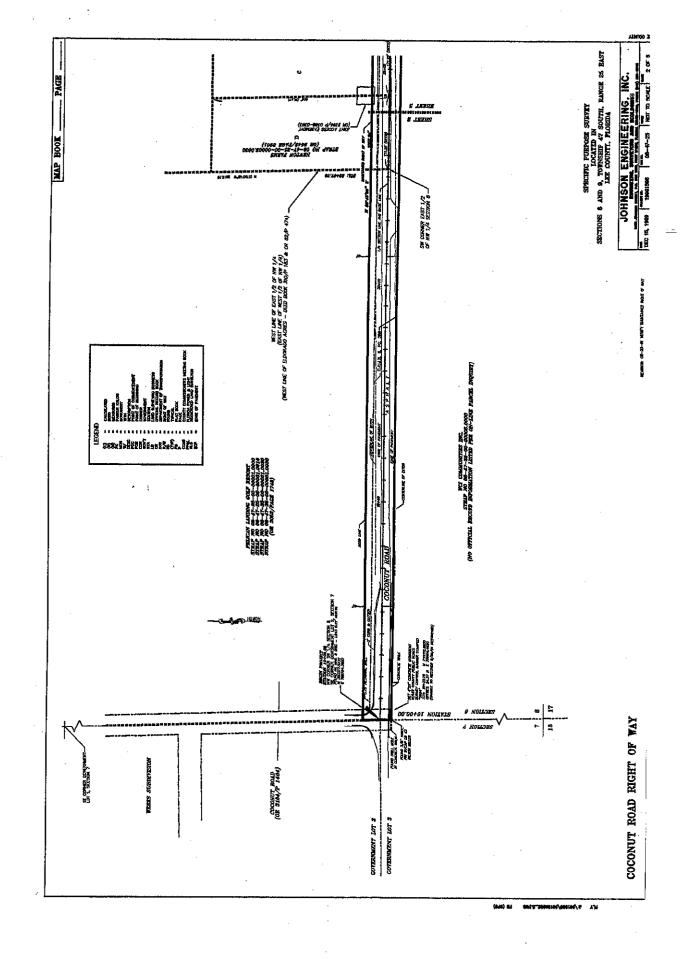
Thank you for your assistance with this project.

# MAL/mlb

Cc: Dawn Lehnert, Assistant County Attorney Coconut Road Right-of-way File (DOT)

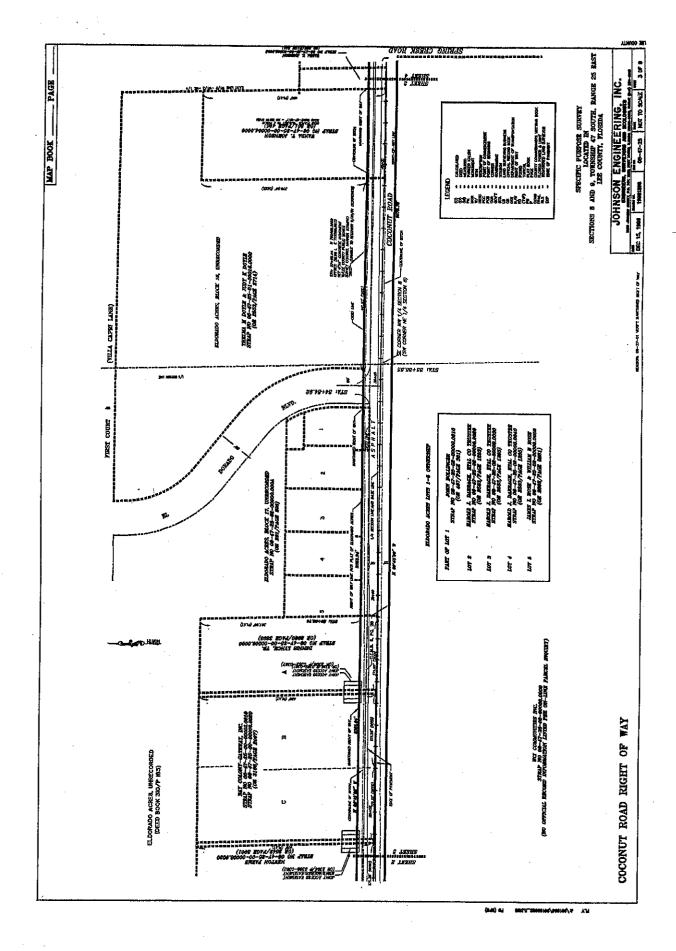
MAP BOOK PAGE COCONUT ROAD RIGHT OF WAY ROAD PLAT BOOK \_\_\_\_\_ PAGES \_\_\_\_\_ THRU\_\_\_\_\_ INCLUSIVE. PREPARED FOR THIS IS TO CERTEY THAT THIS MAP CONSISTING OF SHEETS MANDERED 1 THRU 6, CONSTITUTES A TRUE COPY OF THE OFFICIAL RIGHT OF MAY MAP SHOWNE LOCATION AND SHEVEY FOR ACMINION ENCANEERING, INC. FOR THE DEPARTMENT OF TRANSPORTATION OF LEE COUNTY, FLORIDA FOR A PORTION OF A COUNTY ROAD LOCATED IN LEE COUNTY, AND DESIGNATED COCONUTY ROAD LEE COUNTY LOCATED IN THES PROPERTY SHOWN ON THIS MAP IS VESTED IN LEE COUNTY, FLORDA PURSUANT TO THE PROVISIONS OF FLORDA STATUTE 95-361(1). THIS CRTREACTION WAS APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORDA AT ITS REGULAR MEETING HELD ON THE DAY OF A.D. 20 . NS 8 AND 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST LEE COUNTY, FLORIDA ATIEST CHARMAN OF THE BOARD OF COUNTY COMMISSIONERS AFFIDAMITS RECORDED: O.R. BOOK PAGE 0.0 800 LOCATION MAP -----NOTES: ALL BEARINGS, DISTANCES AND COORDINATES SHOWN HEREIN ARE GRID, BASED ON THE FLORIDA WEST ZONE NADB3 - 1990 ADJUSTMENT, SCALE FACTOR = 0.99994825. ٠ PROPERTY BOUNDARIES WERE DETERMINED FROM FIELD SURVEY, PLATS OF RECORD AND RECORD TITLE. STRAP NUMBERS, OWNERSHIP & OFFICIAL RECORD BOOK NUMBERS WERE TAKEN FROM THE LEE COUNTY PROPERTY APPRAISER'S OFFICE, ON-LINE PROPERTY IN-3. FORMATION INCLIRY. SPECIFIC PURPOSE SURVEY THIS SPECIFIC PURPOSE SURVEY IS SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH. LUCATED IN SECTIONS 8 AND 9, TOWISSHIP 47 SOUTH, RANGE 25 BAST 4. LEE COUNTY, FLORIDA THE SPECIFIC PURPOSE OF THIS SURVEY WAS TO SHOW ALL IMPROVEMENTS WITHIN THE RIGHT OF WAY OF COCONUT ROAD, AND OWNERSHIP OF ADJACENT PROPERTIES. LAST DAY OF FIELD WORK = SEPTEMBER 20, 2001. -0JOHNSON ENGINEERING, INC. NOT THE WITHOUT THE BRACKING AND THE CHARTER RANGE -----DEC. 15, 1999 | 19961995 REVISION: ON-20-DE VERIET MAINTAINED MART OF WAR 00-17-25 N/A 1 07 6

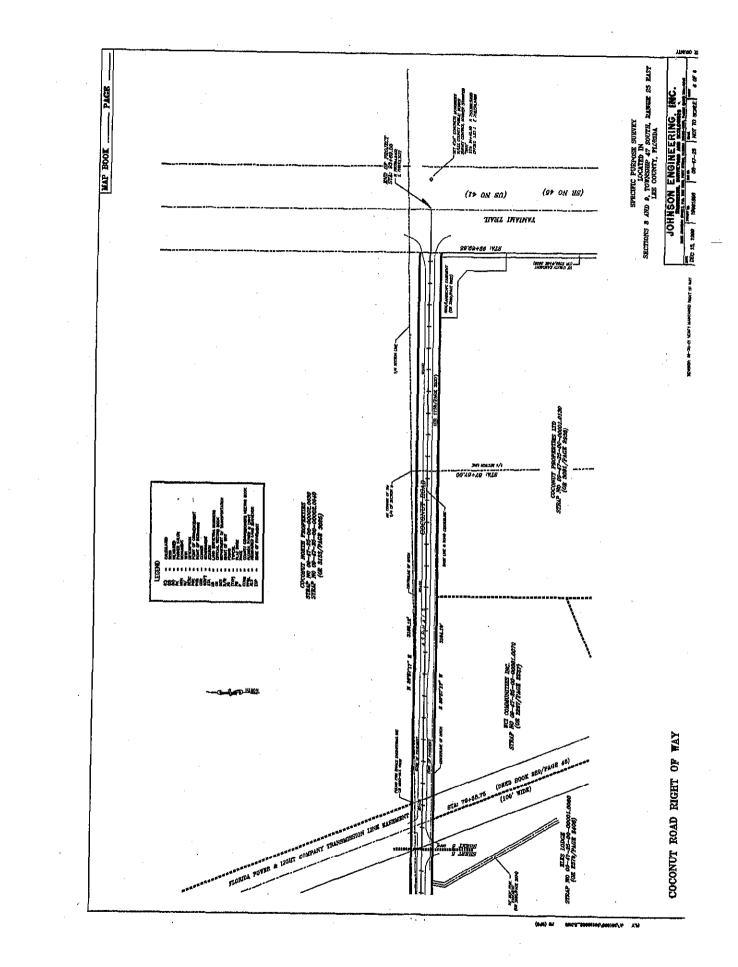
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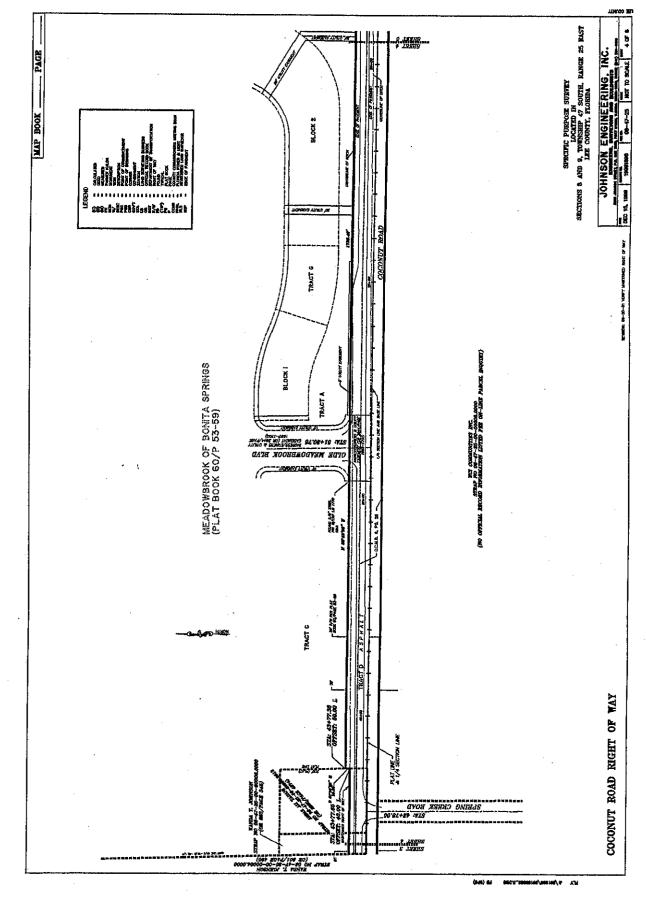
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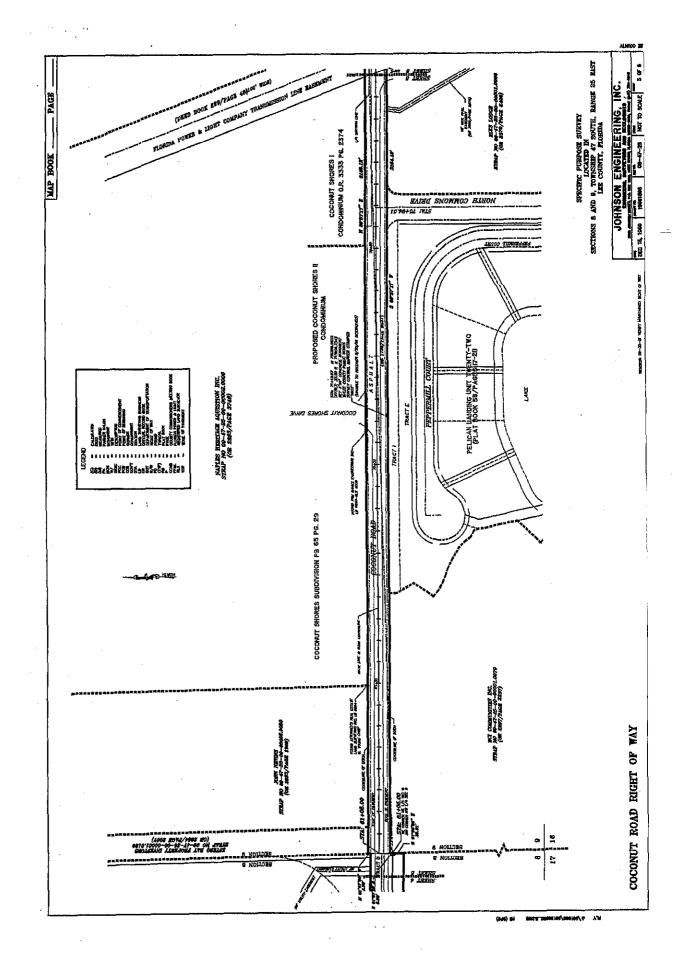




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## Maintenance and Construction Affidavit

Sections	8 and 9, Township 47-S, Rge 25-E
County R	oad: Coconut Road
County:	Lee
Project:	Right of Way

#### AFFIDAVIT

## STATE OF FLORIDA COUNTY OF LEE

Before me, the undersigned authority, personally appeared RANDY P. CERCHIE,

whose address is 411 SE 17th Street, Cape Coral, FL 33990, who after being sworn, deposes and

says:

That he has been employed by the County of LEE for the past <u>11</u> years, and is now

employed by said LEE COUNTY as <u>Construction Manager</u>;

The deponent knows and verily says that LEE COUNTY, through its employees and

contractors, has substantially maintained and reconstructed Coconut Road in LEE COUNTY for

the continuous widths as measured at right angles to the road centerline, viz;

FROM STATION	TO STATION	WIDTH MAINTAINED	LOCATION WITH REFERENCE TO EXISTING ROAD CENTER
10+00	92+69.65	Min. 50'	According to LEE CO. DOT right
		Min. 50' Max. 75'	According to LEE CO. DOT right-
		Iviax. 75	of-way map attached hereto and made a part hereof.

(Length - 1.57 miles)

and that such maintenance by said Lee County has been continuous for the period of time from 1990 to 2001 and re-paying and re-construction was on about 1986 to 1987 and 2000 to 2001.

DEPONEN

Sworn to and subscribed before me this 16 h day of <u>Manual Manual</u> A.D. 2001.

STATE OF FLORIDA COUNTY OF LEE

NOTARY PUBLIC

State of Florida at Large

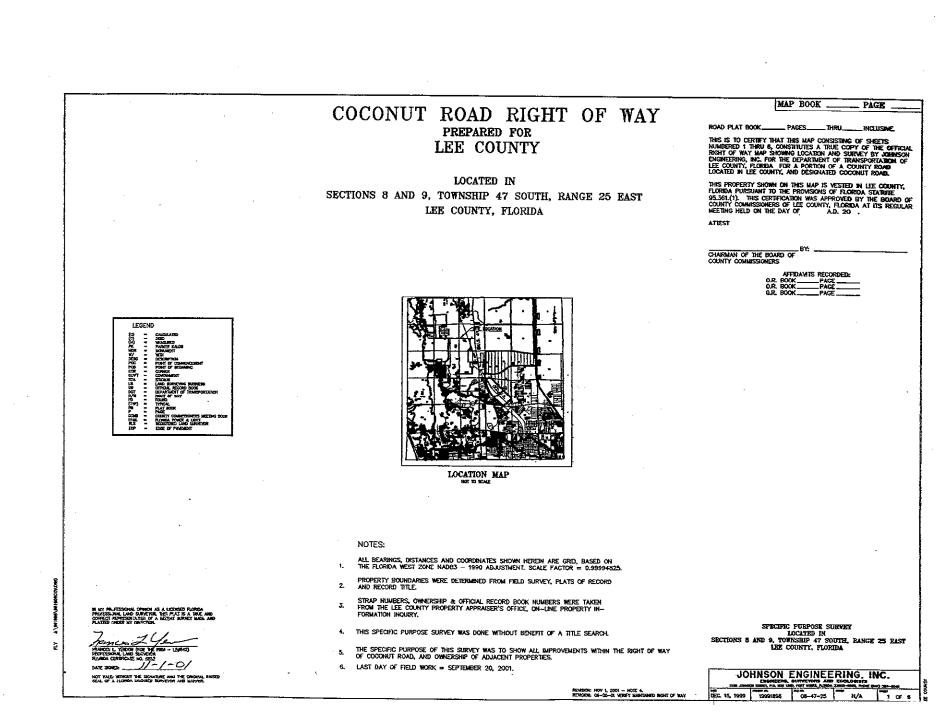
209Printed Name of Notary Public

My Commission Expires:

This instrument prepared by: Arthur W. Parsons, County Surveyor Lee County Department of Public Works (The foregoing instrument was) (acknowledged before me by ) (RANDY P. CERCHIE

(who has produced a Fla. (DRIVER'S LICENSE (No.C620-735-57-163-0 (and who did take an oath. )



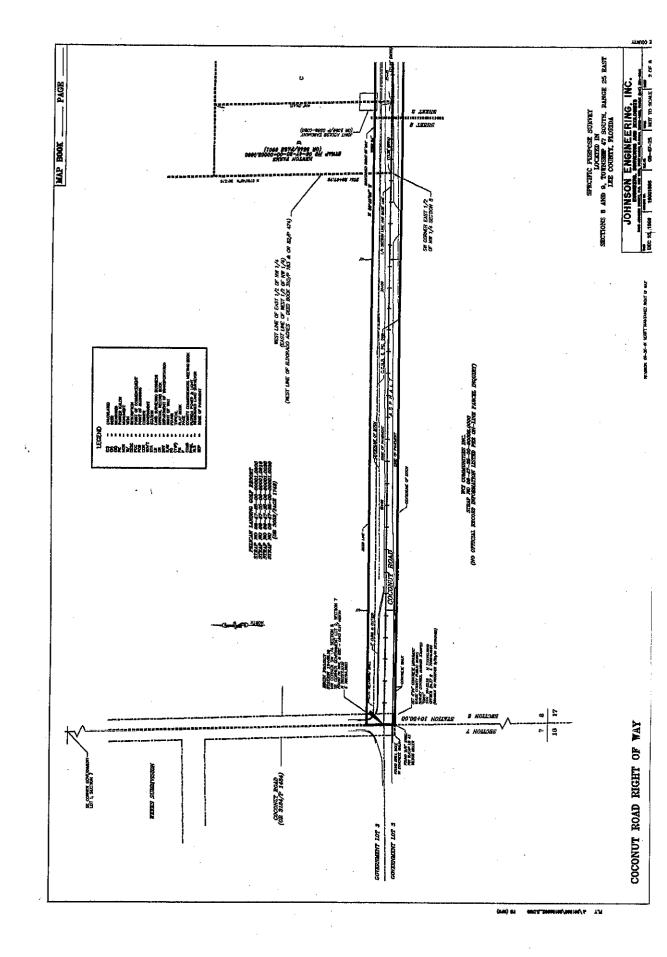


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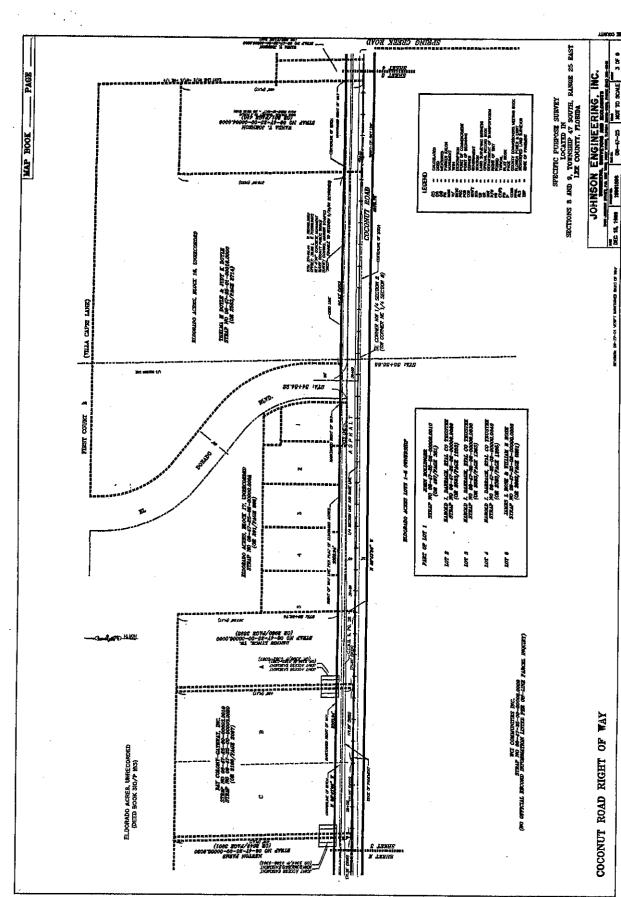
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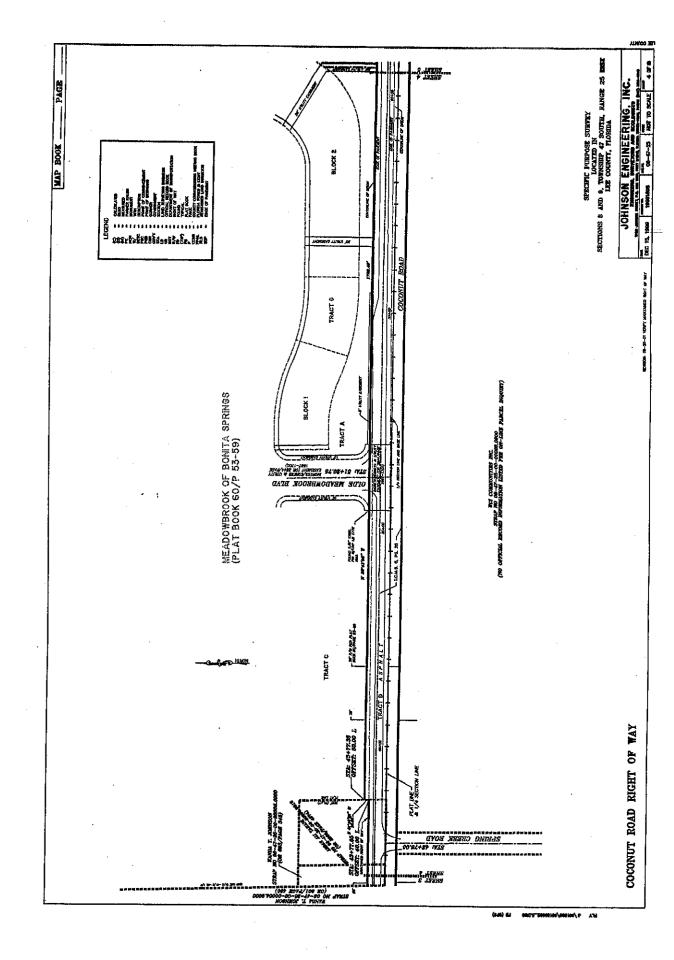


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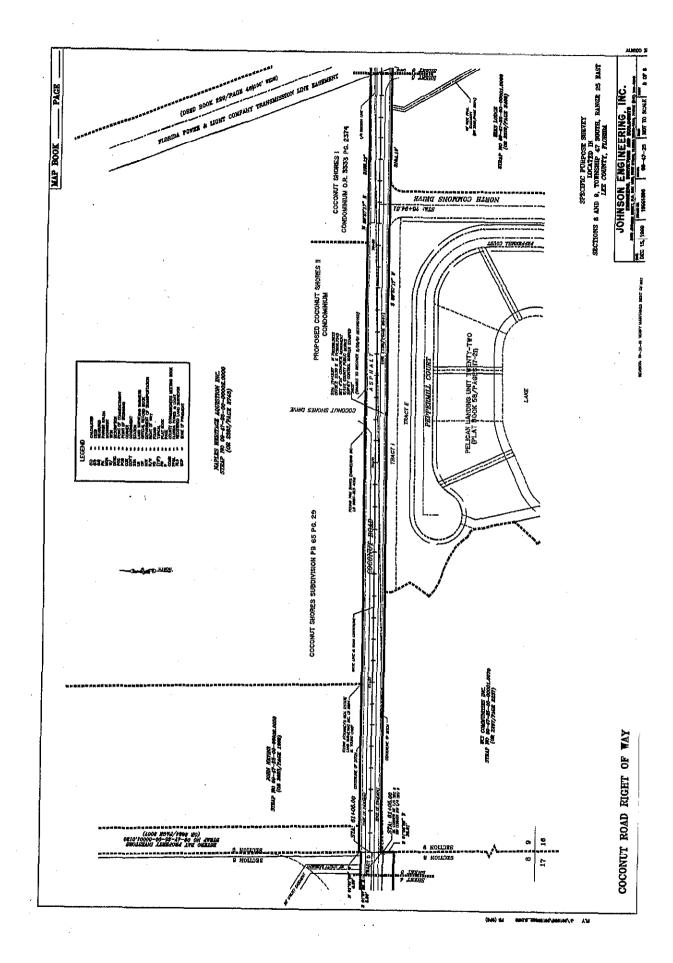


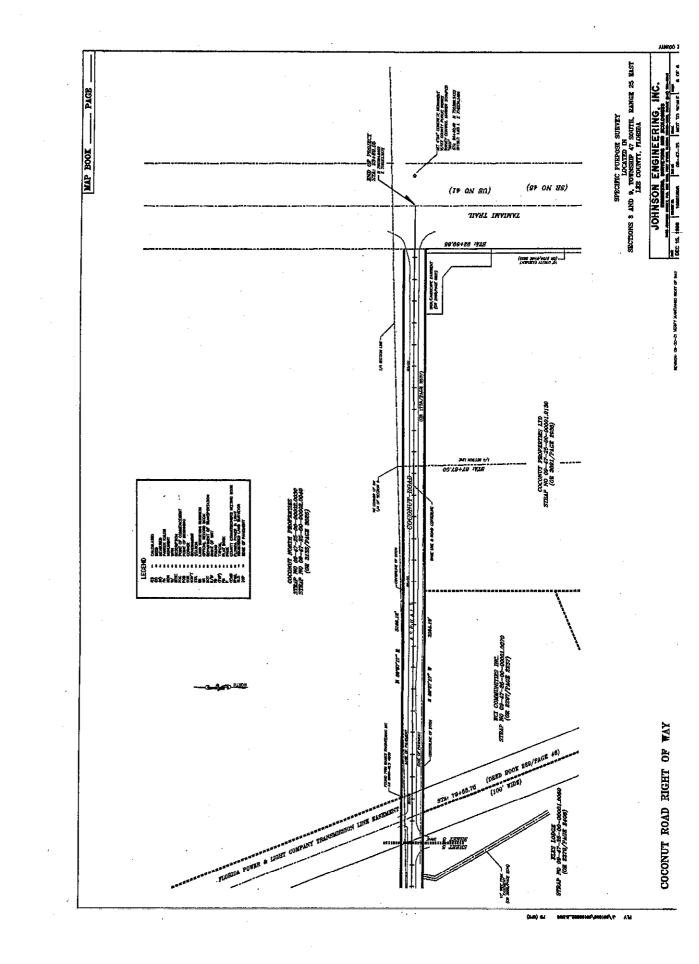
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#### Maintenance Affidavit

Section: <u>8 a</u>	nd 9, Twp. 47-S. Rge. 25-E
County Road	Coconut Road
a .	Lee
Project:	Right of Way

#### AFFIDAVIT

# STATE OF FLORIDA COUNTY OF LEE

Before me, the undersigned authority, personally appeared JAMES HASS \_\_\_\_\_, whose

address is 1270 Pinecrest Street, North Fort Myers, FL 33903 \_, who after being sworn, deposes

and says:

That he has been employed by the County of LEE for the past 15 years, and is now

employed by said LEE COUNTY as Maintenance Supervisor

The deponent knows and verily says that LEE COUNTY, through its employees and

\_ in LEE COUNTY for the contractors, has maintained Coconut Road

continuous widths as measured at right angles to the road centerline, viz:

FROM TO	OM TO WIDTH		LOCATION WITH REFERENCE		
STATION	STATION	MAINTAINED	TO EXISTING ROAD CENTER		
10+00	92+69.65	· · · · · · · · · · · · · · · · · · ·			
		Min. 50'	According to LEE CO. DOT right-		
		Max. 75'	of-way map attached hereto and made a		
			part hereof.		

(Length - 1.57 miles)

and that such maintenance by said LEE COUNTY has been continuous for the period of time from <u>1986</u> to <u>2001</u>

DEPONENT

(The foregoing instrument was)

(acknowledged before me by )

)

(JAMES HASS (who has produced a Fla.

(DRIVER'S LICENSE

(No. H200-459-41-093-0 (and who did take an oath.

Sworn to and subscribed before me this 3rd day of Cctober A.D. <u>2001</u>.

STATE OF FLORIDA COUNTY OF LEE

Nens) NOTARY PUBLIC

State of Florida at Large

Printed Name of Notary Public

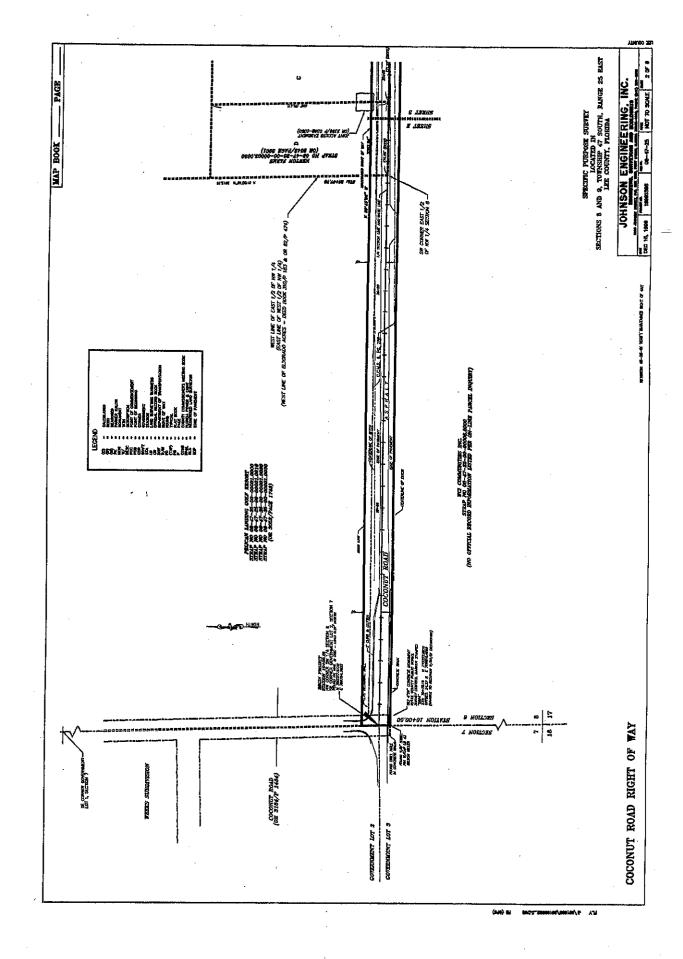
My Commission Expires:

This instrument prepared by: Arthur W. Parsons, County Surveyor Lee County Department of Public Works

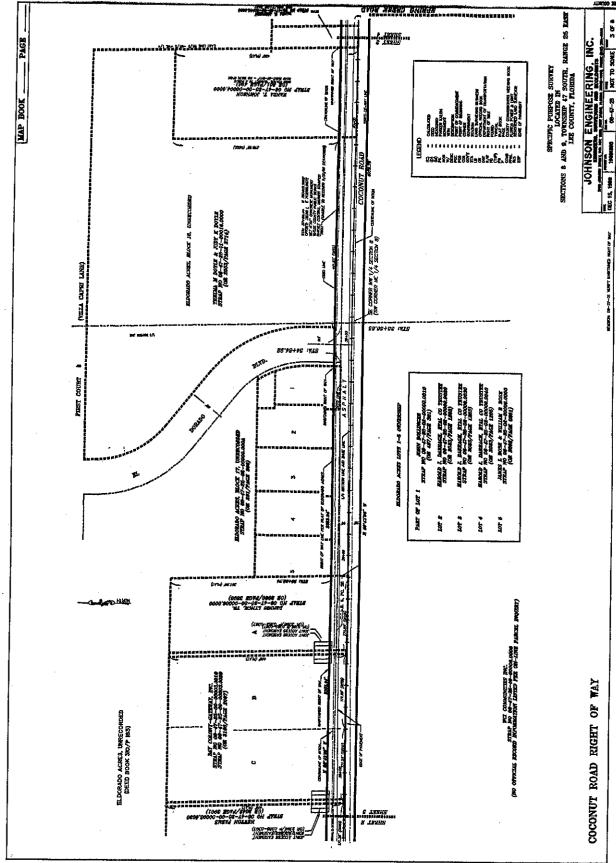


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JOHNSON ENGINEERING, INC.	SPECIFIC PERFORE SURVEY SECTIONS 8 AND 9, TOWNSHIP 47 SOUTH, EANGE 25 EAST LEE COUNTY, FLORIDA				CHARANNI OF THE BOARD OF COMPTY COMMISSIONERS O.R. BOOKPAGE O.R. BOOKPAGE	LICATED W LEE COUNTY, AND DESIGNADE COCOMUT FOND, THIS PROPERTY SHOW ON THIS MAP IS VESTED IN LEE COUNTY FLORID, PHISLIMY TO THE PROMOSIONS OF JOEDNA STATUSE SALING (1). THIS CERTIFICATION WIS APPROVED BY THE BRANG OF COUNTY COMMISSIONES OF LEE COUNTY, FLORIDA AT ITS RESULAR MEETING HELD ON THE DAY OF LAD. 20 ATTEST	MAP BOOK PAGE PAGE ROAD FLAT BOOK PAGE ROAD FLAT BOOK PAGES HERD PAGES THES IS TO CERTER THAT THES LATE CONSETING OF SHELTS NUMBERS IN THE CONTROL AND ADDRESS PAGE OF THE GENERAL ROAD FLAT BOOK FLAT BOOK AND ADDRESS PAGE OF THE GENERAL ROAD FLAT BOOK FLAT	

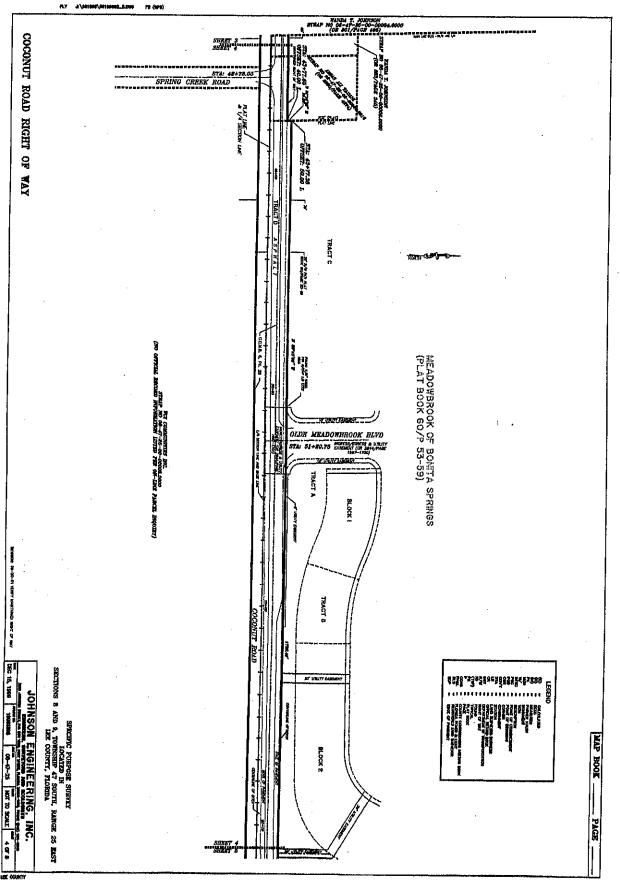
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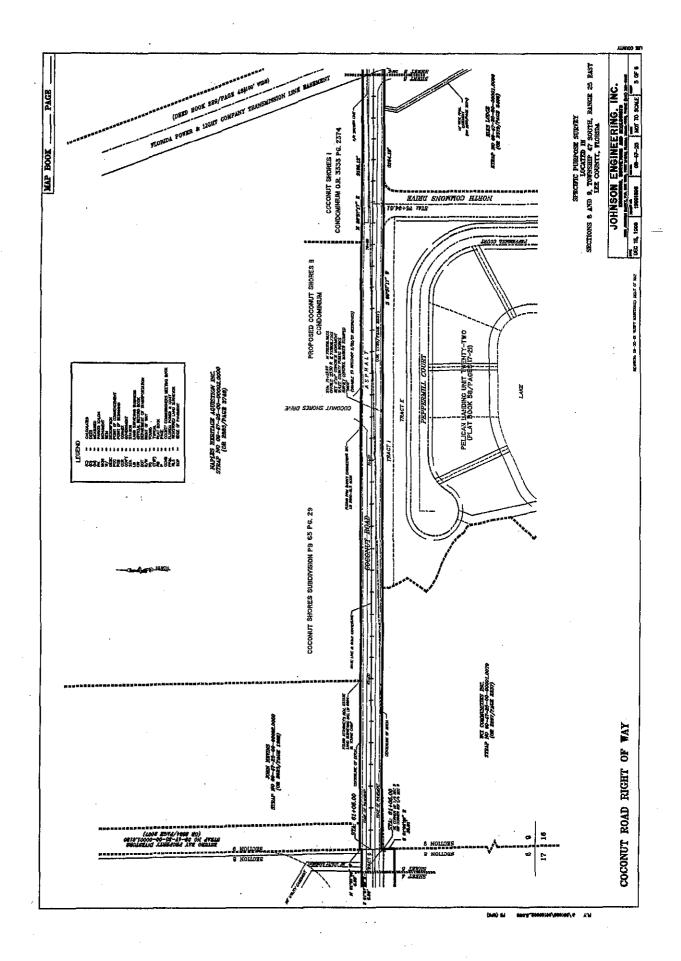
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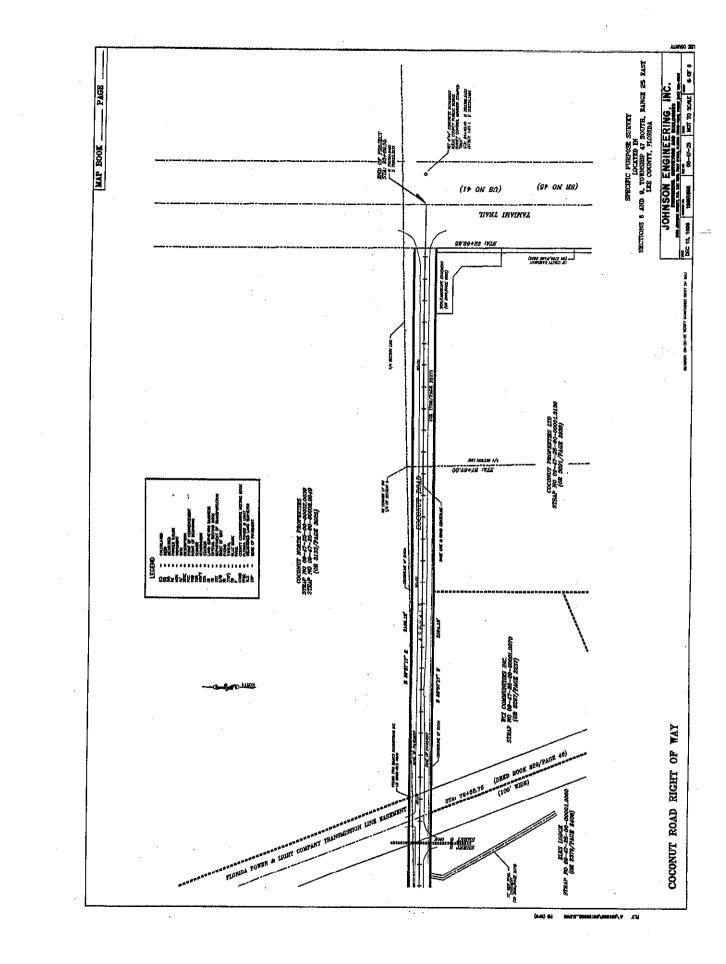


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Maintenance Affidavit

Section:	<u>8 and 9, Twp. 47-S, Rg</u>	<u>e. 25-E</u>
County R	toad: Coconut Road	
County:	Lee	
Project:	Right of Way	

## AFFIDAVIT

STATE OF FLORIDA COUNTY OF LEE

Before me, the undersigned authority, personally appeared <u>CARROLL JOHNSTON</u>,

whose address is 45 Brock Road, Venus, FL 33960 , who after being sworn,

deposes and says:

That he has been employed by the County of LEE for the past 21 years, and is now

employed by said LEE COUNTY as \_Maintenance Supervisor .

The deponent knows and verily says that LEE COUNTY, through its employees and

contractors, has maintained Coconut Road in LEE COUNTY for the continuous

widths as measured at right angles to the road centerline, viz:

FROM	ТО	WIDTH	LOCATION WITH REFERENCE
STATION	STATION	MAINTAINED	TO EXISTING ROAD CENTER
10+00	92+69.65	·	
		Min. 50'	According to LEE CO. DOT right-
		Max. 75'	of-way map attached hereto and made a
			part hereof.

(Length - 1.57 miles)

Sworn to and subscribed before me

this 3rd day of OCHODE

A.D. 2001

STATE OF FLORIDA

COUNTY OF LEE

NOTARY PUBLIC

and that such maintenance by said LEE COUNTY has been continuous for the period of time from 1980 to 2001

DEPONENT

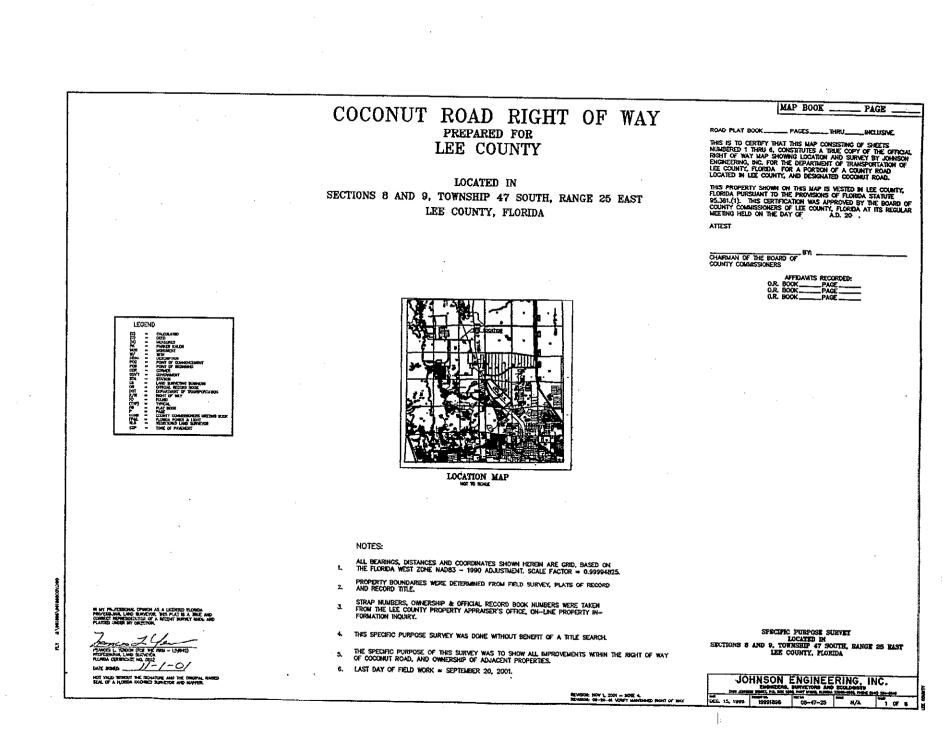
)

(The foregoing instrument was) (acknowledged before me by ) (CARROLL JOHNSTON (who has produced a Fla. (DRIVER'S LICENSE (No. 1523-104-48-044-0 (and who did take an oath.

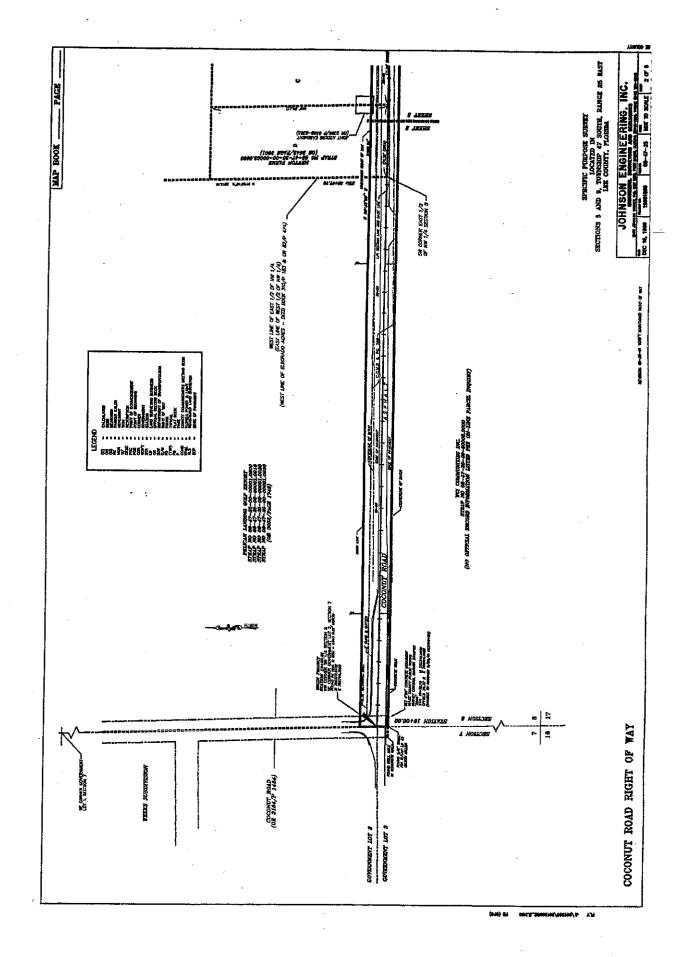
State of Florida at Large Printed Name of Notary Public

My Commission Expires:

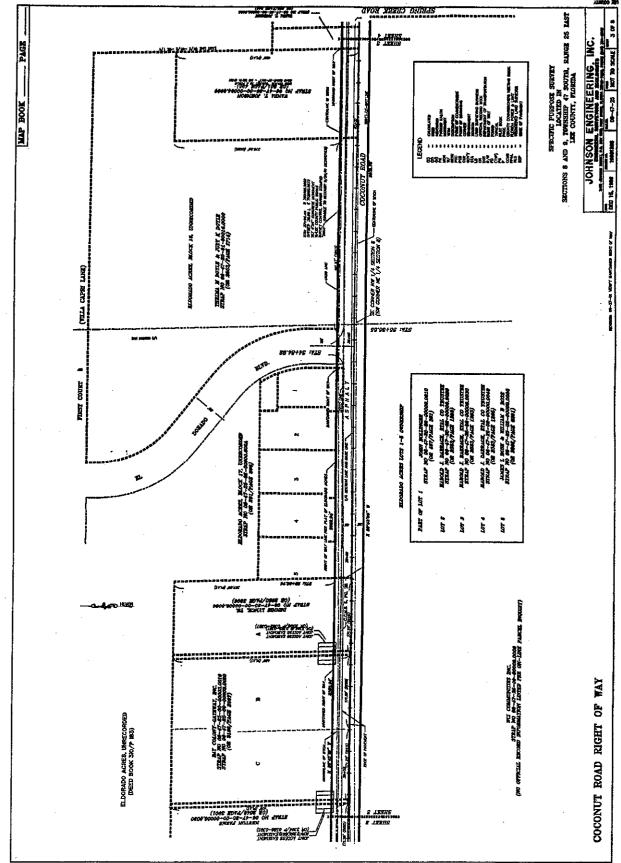
This instrument prepared by: Arthur W. Parsons, County Surveyor Lee County Department of Public Works KARLEEN A. BEHRENS EXPIRES: April 19, 2003

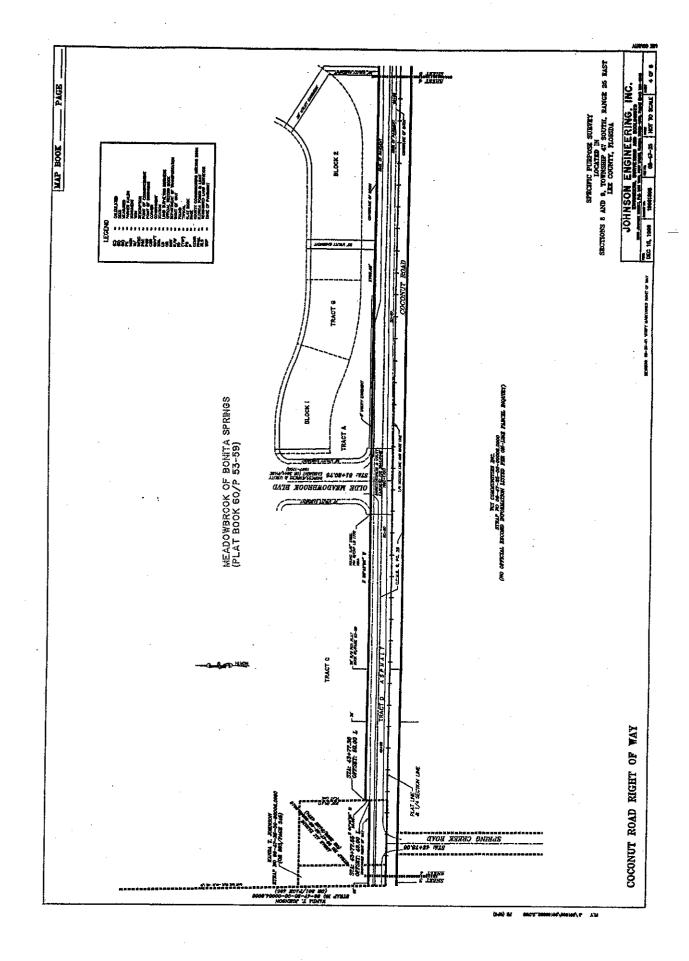


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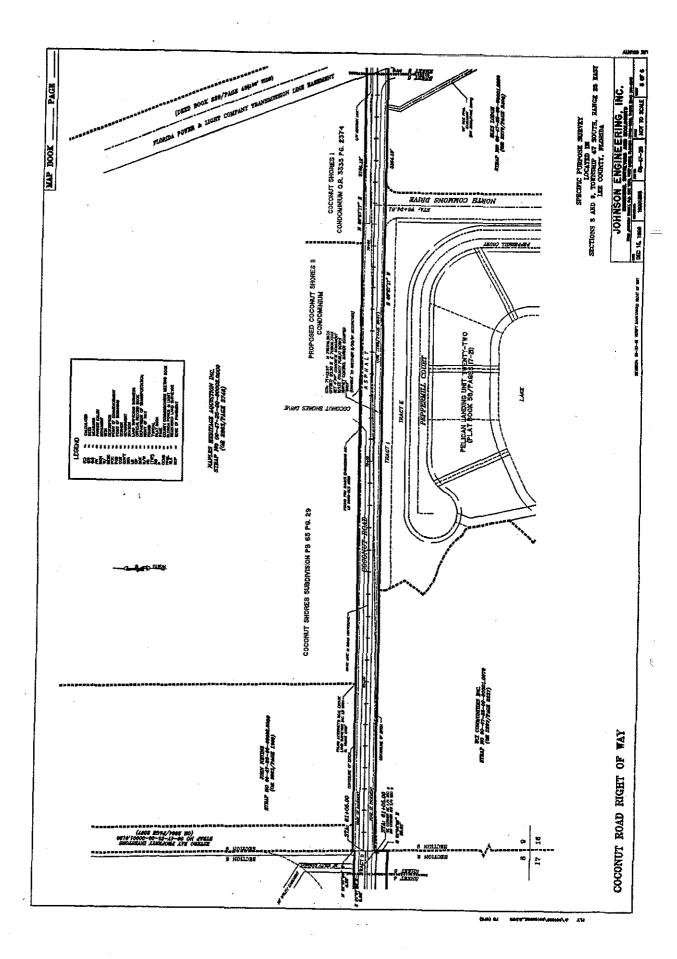


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