

LEE COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

BLUE SHEET No: 20020191

1. REQUESTED MOTION:

Action Requested: Approve and execute Quit Claim Deed to Harold Horowitz, as Trustee, for land located adjacent to Alico Road; accept the Warranty Deed from Harold Horowitz to a 50 foot strip of land adjacent to Alico Road.

Why Action Is Necessary: The execution of a County Deed is required to relinquish a county interest in land; Board approval is required to accept an interest in land established by Deed.

What Action Accomplishes: Clearly establishes the county's interest in a 50 foot strip necessary to support Alico Road right-of-way purposes; clears title and relinquishes any interest held by the county in land outside of the 50 foot strip.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #

C12A

3. MEETING DATE:

03-12-2002

4. AGENDA

- X CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC

TIME REQUIRED:

5. REQUIREMENT/
PURPOSE (Specify)

- STATUTE
- ORDINANCE
- ADMIN. CODE
- OTHER

6. REQUESTOR OF INFORMATION:

A. COMMISSIONER _____

B. DEPARTMENT County Attorney's Office

C. DIVISION _____

BY: Dawn E Perry-Lehnert, Assistant County Attorney

7. BACKGROUND:

In October of 1997 (bluesheet 970937), the Board accepted a deed for right-of-way dedication for the purposes of the Alico Road four-laning project (CIP #4030). The County intended to accept dedication of a 50 foot strip adjacent to Alico Road as configured at that time.

Impact fee credits in the amount of \$621,700.00 were issued for this transfer based upon a calculation of 50x3040 foot strip. However, the deed recorded (O.R. Book 2909, Page 2305) by the county appears to cover a 100x3040 foot strip. The property owner is now seeking to correct this mistake and clear the title.

In order to correct the previously recorded deed and clearly identify the county interest, recording of two deeds is necessary. One is a Quit Claim Deed of the interest previously obtained from the property owner. The other is a new Warranty Deed with the appropriate legal description and sketch attached.

Staff recommends approval, execution and acceptance.

Attachments: Deeds (2)

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL

DEPARTMENT DIRECTOR	PURCHASING	HUMAN RESOURCES	Office of Budget Services				OTHER	COUNTY ATTORNEY	COUNTY MANAGER
			OA	OM	Risk	GC		<i>[Signature]</i>	<i>[Signature]</i>
			<i>CA 2/21/02</i>	<i>2/21/02</i>	<i>2/21/02</i>	<i>2/21/02</i>			

10. COMMISSION ACTION:

- ___ APPROVED
- ___ DENIED
- ___ DEFERRED
- ___ OTHER

CO. ATTY.
FORWARDED TO:
C. ADMIN
2-21-02 JLE

RECEIVED BY
COUNTY ADMIN.
2/21 330
COUNTY ADMIN.
FORWARDED TO:
2/21 430

This Instrument Prepared by:

Dawn E. Perry-Lehnert, Esq.
Lee County Attorney's Office
Post Office Box 398
Fort Myers, FL 33902-0398

STRAP No.
03-46-25-00-00001.1040
04-46-25-00-00003.0020

THIS SPACE FOR RECORDING

COUNTY DEED

THIS DEED, executed this ___ day of _____, 2002, by LEE COUNTY, FLORIDA, a political subdivision of the State of Florida, whose address is Post Office Box 398, Fort Myers, Florida 33902-0398, Grantor, to HAROLD HOROWITZ, AS TRUSTEE, whose address is 7750 NW 52nd Street, Miami, Florida 33166, Grantee.

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

The south fifty (50') feet of parcels A and B located in Sections 3 and 4, Township 46 South, Range 25 East, Lee County, Florida, more particularly described on Exhibit "A" attached hereto and as referenced in O.R. Book 2909, Page 2305.

In accordance with Florida Statutes §270.11, the COUNTY hereby waives its right to 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.

This grant conveys only the interest of the County and its Board of County Commissioners in the property herein described, and is not be deemed to warrant the title or to represent any state of facts concerning the same.

The purpose of this conveyance is to provide for the correction of the legal description attached to the deed recorded at O.R. Book 2909, Page 2305. A Warranty Deed is recorded subsequent to this deed reflecting the correct legal description.

IN WITNESS WHEREOF Grantor has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairman or Vice Chairman of said Board, the day and year aforesaid.

ATTEST:
CHARLIE GREEN, CLERK

LEE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Chairman

APPROVED AS TO LEGAL FORM:

Office of County Attorney

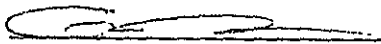
(PARCEL - C)

DESCRIPTION
OF

A parcel or tract of land lying in and being a part of Fort Myers Southern Railroad Company right-of-way and Estero Water Management District Levee (50.00 feet in width) being recorded in Official Record Book 1002 at Page 1408 and a drainage right-of-way reservation (50.00 feet in width) being recorded in Official Record Book 1234 at Page 1001, Public Records of Lee County, Florida, Sections 3 and 4, Township 46 south, Range 25 east, Lee County, Florida; being described as follows:

Commencing at the southeast corner of Section 4, Township 46 south, Range 25 east, Lee County, Florida; thence $N0^{\circ}59'54''W$ along the east line of said Section 4 for 50.00 feet to a point on the north right-of-way line of Alico Road and the south right-of-way line of Fort Myers Southern Railroad (50.00 feet in width) and to the Point of Beginning; thence $S89^{\circ}46'57''W$ along said right of way line for 1506.39 feet; thence $N0^{\circ}59'54''W$ along the southerly prolongation of the westerly line of a parcel of land recorded in Official Record Book 2025 at Page 3772, said public records for 100.00 feet; thence $N89^{\circ}46'57''E$ along the north line of aforesaid drainage right-of-way reservation for 1506.39 feet to a point on a line common to Sections 3 and 4; thence $N89^{\circ}23'17''E$ along said north right-of-way line for 1536.22 feet to a point on the easterly line of a parcel of land recorded in Official Record Book 2025 at Page 3772; thence $S00^{\circ}36'43''E$ along the southerly prolongation of said easterly line for 100.00 feet to the north right-of-way line of Alico Road and the south right-of-way line of Fort Myers Southern Railroad; thence $S89^{\circ}23'17''W$ along said right-of-way line for 1535.55 feet to the Point of Beginning, containing 304,213.29 square feet (6.9838 acres) more or less.

Basis of bearings mentioned hereinabove are based on deed (O.R. 2611, P. 274) showing the south line of the southwest quarter (SW 1/4) of Section 3, Township 46 south, Range 25 east bearing $N89^{\circ}23'17''E$.


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

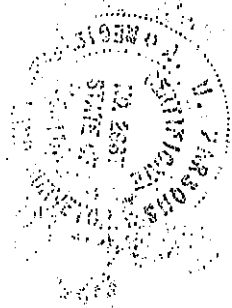


EXHIBIT A

Sheet 1 of 2

RICHARD K. BENNETT, TR.
O.R. 2389, PG. 1928
04-46-25-00-0000

HAROLD HOROWITZ, TR.
O.R. 2025, PG. 3772
04-46-25-00-00003.0020

HAROLD HOROWITZ, TR.
O.R. 2025, PG. 3772
03-46-25-00-00001.1040

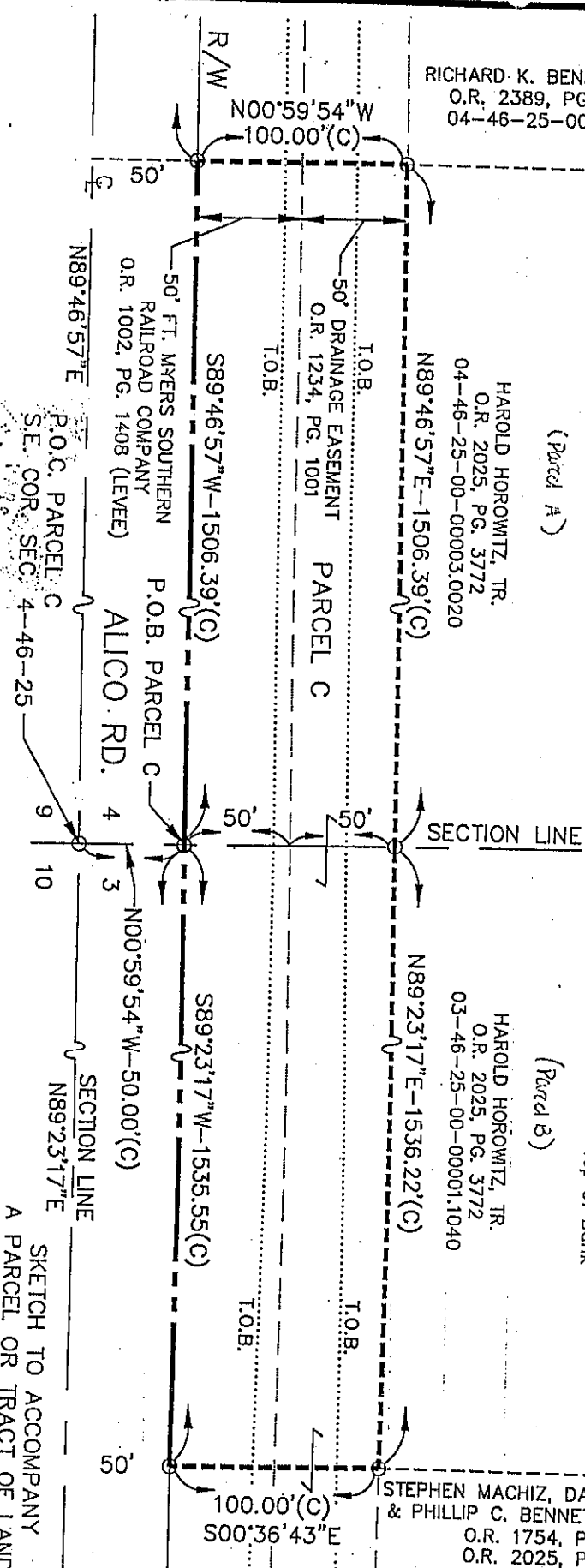
STEPHEN MACHIZ, DAWSON GLADDING,
& PHILLIP C. BENNET, CO-TRUSTEES
O.R. 1754, PG. 2803
O.R. 2025, PG. 3772
03-46-25-00-00001.1000

(Parcel A)

(Parcel B)

LEGEND

- (C) = Calculated Bearing or Distance
- (D) = Deed Bearing or Distance
- P.O.B. = Point of Beginning
- P.O.C. = Point of Commencement
- = Top of Bank



SKETCH IS TO ACCOMPANY A LEGAL DESCRIPTION AND IS NOT A SURVEY

LEE COUNTY DEPARTMENT OF TRANSPORTATION

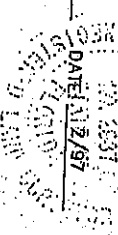
DESIGNED BY: AWP. DATE: 2/97. DISK: 96001

DRAWN BY: LLC. DATE: 2/97. SCALE: 1"=60'

CHECKED BY: AWP. DATE: 2/97. 81502706.DWG

SHEET NO. 2 OF 2

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



SKETCH TO ACCOMPANY A PARCEL OR TRACT OF LAND LYING IN SECTIONS 3& 4, TOWNSHIP 46 S., RANGE 25 E., LEE COUNTY, FLORIDA

This Instrument Prepared by:

Dawn E. Perry-Lehnert, Esq.
Post Office Box 398
Fort Myers, Florida 33902-0398
Project: Alico Road
STRAP Number: 03-46-25-00-00001.1040 and
04-46-25-00-00003.0020

This Space for Recording

WARRANTY DEED
(Statutory)

THIS INDENTURE, Made this 23 day of October 2001, between **HAROLD HOROWITZ, AS TRUSTEE** with the power and authority thereto to protect, conserve, and to sell, or to lease or to encumber or to otherwise manage and dispose of the real property described herein, 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.

Grantor, for and in consideration of the sum of \$10.00 Dollars, the receipt whereof is hereby acknowledged, has granted, bargained and sold to Grantee, its successors and assigns, the following described land:

The South fifty (50') feet of Parcels A and B as located in Sections 3 and 4, Township 46 South, Range 25 East, Lee County, Florida and more particularly described in attached Exhibit "A".

The property is not now nor has it ever been homestead property of the Grantor.

The property may only be used by the Grantee for the purpose of constructing and maintaining a public road, including public utility easements.

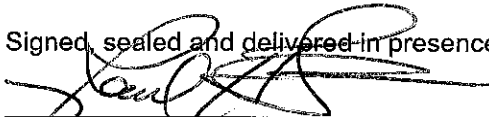
The purpose of this conveyance is to correct an error in the legal description attached to the deed recorded at O.R. Book 2909, Page 2305.

Subject to easements, restrictions and limitations of record, if any, provided nothing herein shall impose same; zoning ordinances; and taxes for the year 1997 and subsequent years.

Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in presence of two separate witnesses



1st Witness Signature

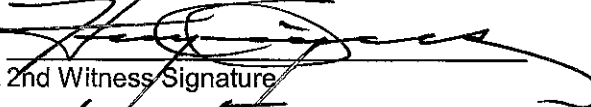
Paul H. Freeman

Printed Name of 1st Witness



HAROLD HOROWITZ, AS TRUSTEE

HAROLD HOROWITZ, AS TRUSTEE



2nd Witness Signature

Henry Enriquez

Printed Name of 2nd Witness

STATE OF FLORIDA)

COUNTY OF Miami, Dade

The foregoing instrument was acknowledged before me this 23 day of October, 2001 by

Harold Horowitz, as Trustee who is personally known to me or has produced the following as identification

Florida Drivers License

Nicole Medina
Notary Public

Commission Expires

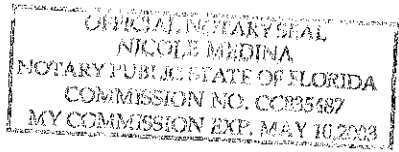


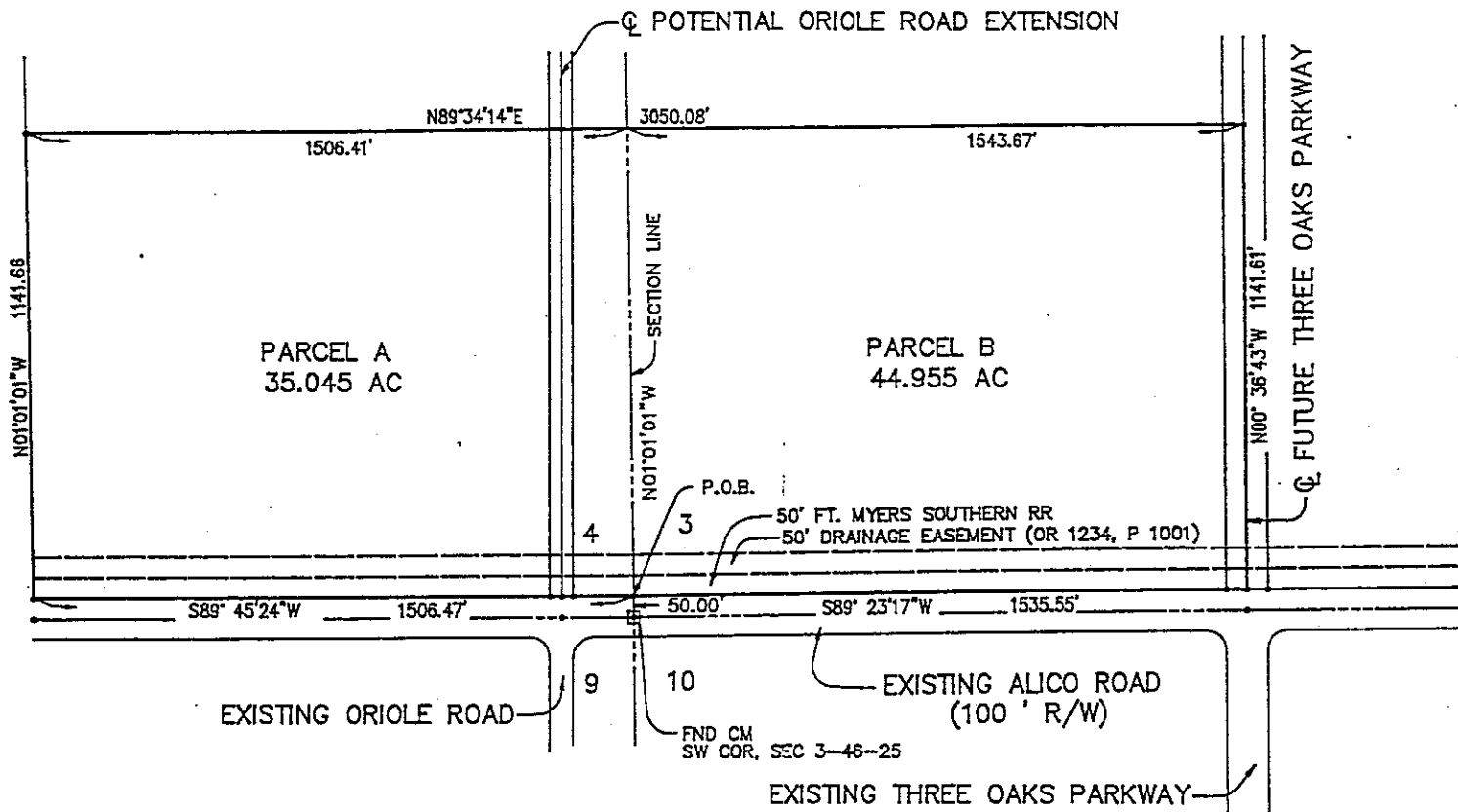
EXHIBIT "A"

The South fifty (50') feet of Parcels A & B as described below:

A parcel of land in Sections 3 & 4, Township 46 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

COMMENCING at the Southeast Corner of Section 4, thence;

1. North 01°01'01" West, 50.00 feet, along the common line between Sections 3 & 4 to the north right of way line of Alico Road, (100' R/W) and the TRUE POINT OF BEGINNING, thence;
2. South 89°45'24" West, 1506.47 feet, along said north right of way line to a line 1506.33 feet (as measured perpendicular) west of and parallel with the common line between Sections 3 & 4, thence;
3. North 01°01'01" West, 1141.66 feet, along said parallel line, thence;
4. North 89°34'14" East, 1506.41 feet, to the common line between Sections 3 & 4, thence;
5. North 89°34'14" East, 1543.67 feet, thence;
6. South 00°36'43" East, 1141.61 feet, to said north right of way line of Alico Road, thence;
7. South 89°23'17" West, 1535.55 feet, along said north right of way line to the TRUE POINT OF BEGINNING.



THIS IS NOT A SURVEY

PREPARED BY: LEE COUNTY ENGINEERING, INC. 12861 METRO PARKWAY FT. MYERS, FLORIDA 33912 PHONE (813) 788-0077	SKETCH TO ACCOMPANY A DESCRIPTION FOR PARCELS A & B THREE OAKS COMMERCE CENTER	SCALE: 1"=300'
		DATE: 8/31/88
		DWN BY: CHKD BY:
		JOB NO. 880051
		NO. 958