

Lee County Board of County Commissioners

Agenda Item Summary

Blue Sheet No. 20020979

1. REQUESTED MOTION:

ACTION REQUESTED: Declare County-owned property identified as part of Strap No. 30-43-25-00-00012.0000 located at 6900 Samville Road, North Fort Myers, Florida as surplus, and direct staff to proceed with conveyance to the State of Florida Department of Transportation in accordance with FS 125.38; approve Resolution of Surplus Real Property; authorize Chairman, on behalf of the Board of County Commissioners, to execute County Deed; authorize County Lands to handle and accept all documentation necessary to complete this transaction.

WHY ACTION IS NECESSARY: The Board must formally approve all real estate conveyances from Lee County.

WHAT ACTION ACCOMPLISHES: Conveys real estate to the State of Florida Department of Transportation.

2. DEPARTMENTAL CATEGORY: 06
COMMISSION DISTRICT #: 4

CLB

3. MEETING DATE:

09-17-2002

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON

TIME REQUIRED:

5. REQUIREMENT/PURPOSE:

(Specify)

- STATUTE
- ORDINANCE
- ADMIN.
- OTHER

6. REQUESTOR OF INFORMATION

- A.
- B. DEPARTMENT Independent
- C. DIVISION County Lands *8/29/02* *ARC*
- BY Karen L. W. Forsyth, Director *KLF*

7. BACKGROUND:

The State of Florida Department of Transportation has requested, through the Division of County Lands, that Lee County convey to it a certain property located in North Fort Myers for improvements to the roadway intersection at State Road 78 and Samville Road.

The property is located at 6900 Samville Road in North Fort Myers and is further identified as a portion of STRAP No. 30-43-25-00-00012.0000, a triangular shaped parcel at the intersection of Samville Road and Bayshore Road conveyed to Lee County in 1966. This particular property is unimproved. Lee County Utilities and Department of Transportation have both expressed no interest in future use of this property for county purposes.

Florida Statutes §125.38 authorizes the Board to convey real property to the state or any political subdivision or agency thereof, upon request of the state if the Board determines the property is not needed for any county purpose and is required by the state for public or community interest and welfare.

There are no costs associated with this transaction.

Staff recommends Board approve Requested Motion.

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
	NA	NA		<i>Handwritten notes</i>	OA	ADM	RISK	GC	<i>Handwritten initials</i>
					<i>9/9/02</i>	<i>9/14/02</i>	<i>9/14/02</i>	<i>9/14/02</i>	

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: 8/30/02
Time: 3:30pm
Forwarded to: Admin
9-3-02 11:00

RECEIVED BY
COUNTY ADMIN. *TD*
8-3-02
11:30
COUNTY ADMIN.
FORWARDED TO: *BV*
9/15/02

**RESOLUTION AUTHORIZING THE CONVEYANCE OF
LEE COUNTY PROPERTY
TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION**

WHEREAS, the Board of County Commissioners is the governing body for Lee County, a political subdivision of the State of Florida; and

WHEREAS, the Board has certain powers and authority relative to the disposition of real property belonging to the County; and

WHEREAS, Section 125.38, Florida Statutes, authorizes the conveyance of County property to the State if that property will be used for public or community interests and welfare; and

WHEREAS, the State of Florida Department of Transportation has requested the conveyance of property identified as part of Strap No. 30-43-25-00-00012.0000 located at 6900 Samville Road, North Fort Myers, Florida; and

WHEREAS, the Board has confirmed through its staff that such property is not needed for County purposes; and

WHEREAS, the State of Florida Department of Transportation requests voluntary conveyance for nominal consideration so that the property may be used for public purposes; and

WHEREAS, it is the intent of this resolution to acknowledge the request of the State of Florida Department of Transportation, the purpose for which the property will be used, and the price therefore.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Lee County, Florida, that:

1. The above recitations are true and accurate and are hereby adopted and incorporated herein as if set out at length.
2. Lee County has concluded that the real property described below is surplus land and is not needed for County purposes. This land is particularly described on Exhibit A attached hereto.
3. Lee County accepts the request of the State of Florida Department of Transportation and hereby finds that the State's use complies with the statutory requirement that the property be used for public or community interest and welfare.

4. The County agrees to convey the property to State of Florida Department of Transportation for the nominal consideration of one dollar (\$1.00).

5. In order to complete the transaction contemplated herein, the Board authorizes County staff to finalize documents necessary to complete the transaction contemplated herein. In addition, this resolution specifically authorizes the Chairman of the Board of County Commissioners to execute the documents necessary to convey the property to the City.

The foregoing resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____, and being put to a vote, the vote was as follows:

Bob Janes	_____
Douglas R. St. Cerny	_____
Ray Judah	_____
Andrew W. Coy	_____
John E. Albion	_____

Duly passed and adopted this _____ day of _____, 2002.

ATTEST:

CHARLIE GREEN, CLERK

BOARD
OF COUNTY COMMISSIONERS
OF LEE COUNTY,
FLORIDA

By: _____

Deputy Clerk

By: _____

Chairman,
or Vice Chairman

APPROVED AS TO FORM:

By: _____

Office of the County Attorney

Exhibit "A"

PARCEL INFORMATION SHEET

FP NO. 1957051 SECTION 12060-2535 STATE ROAD NO. 78 COUNTY Lee

DESCRIPTION

PARCEL 144.1

That portion of the northeast $\frac{1}{4}$ of Section 30, Township 43 South, Range 25 East, Lee County, Florida.

Being described as follows:

Commence at the southwest corner of the northeast $\frac{1}{4}$ of said Section 30; thence along the south line of said northeast $\frac{1}{4}$, North 88°00'42" East a distance of 1,874.95 feet to the survey base line of State Road 78 (Bayshore Road); thence along said survey base line, North 47°40'13" East a distance of 452.70 feet; thence leaving said survey base line, North 50°34'52" West a distance of 50.52 feet to the northwesterly existing right of way line of said State Road 78 (per Section 1252-251) for a POINT OF BEGINNING; thence along said northwesterly existing right of way line, South 47°40'13" West a distance of 160.00 feet to the southeasterly existing right of way line of Samville Road (Old Bayshore Road); thence along said southeasterly existing right of way line, North 42°19'47" West a distance of 13.73 feet; thence continue along said southeasterly existing right of way line, North 27°11'49" East a distance of 103.37 feet; thence South 42°19'47" East a distance of 37.88 feet; thence North 47°40'13" East a distance of 61.42 feet; thence South 50°34'52" East a distance of 12.13 feet to the POINT OF BEGINNING.

Containing 3,828 square feet.

Legal Description Approved by:

Date: 01-30-02

William E. Ray

NOT A DEED - INFORMATION PURPOSES ONLY

OWNED BY: (BSD.03) ~ Lee County, a political subdivision of the State of Florida

Grantor(s)' Mailing Address:

SUBJECT TO: N/A

This Instrument Prepared by:
COUNTY LANDS DIVISION
Post Office Box 398
Fort Myers, Florida 33902-0398

ORIGINAL

STRAP No. Part of 30-43-25-00-00012.0000

THIS SPACE FOR RECORDING

**COUNTY DEED
(Statutory)**

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, COUNTY, to the **State of Florida Department of Transportation** whose address is 801 N Broadway Avenue, Bartow, FL 33830, Grantee.

WITNESSETH: The COUNTY, for and in consideration of the sum of One (\$1.00) Dollar to it in hand paid by the Grantee, receipt whereof is hereby acknowledged, has granted, bargained and sold to the Grantee, its heirs and assigns forever, the following described land, lying and being in Lee County, Florida:

As described in Exhibit A attached hereto.

The subject property may only be used to support public purposes. If the subject property is used to support any use other than a public purpose use, then the property will revert back to Lee County.

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

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

ATTEST:
CHARLIE GREEN, CLERK

LEE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Chairman, or Vice Chairman

(OFFICIAL SEAL)

APPROVED AS TO LEGAL FORM:

Office of County Attorney

Exhibit "A"

PARCEL INFORMATION SHEET

FP NO. 1957051 SECTION 12060-2535 STATE ROAD NO. 78 COUNTY Lee

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Being described as follows:

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Containing 3,828 square feet.

Legal Description Approved by:

Date: 01-30-02

William E. Ray

NOT A DEED - INFORMATION PURPOSES ONLY

OWNED BY: (BSD.03) ~ Lee County, a political subdivision of the State of Florida

Grantor(s) ' Mailing Address:

SUBJECT TO: N/A

325
600
2403
1145

FEE SIMPLE DEED

This Indenture Made the 2nd day of December A D 1966 by BEN ELWELL and MARIE ELWELL, husband and wife, BEN ELWELL, JR. AND Rt. 2, Box 560, Fort Myers, Florida HELEN ELWELL, his wife, hereinafter called the grantor, to LEE COUNTY, a political subdivision of the State of Florida

whose postoffice address is Box 396 Fort Myers, Florida

hereinafter called the grantee.

Witnesseth: That the grantor for and in consideration of the sum of \$7,000.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, conveys, sells, alienates, releases and transfers unto the grantee, all that certain land situate in County Florida viz

A tract or parcel of land lying in the southeast quarter (SE 1/4) of the northeast quarter (NE 1/4) of Section 30, Township 43 South, Range 25 East which tract or parcel is described as follows:

From the concrete monument marking the northeast corner of Lot 1 of Sunny Heights, according to a plat thereof recorded in Plat Book 6 at page 15 of the public records of Lee County run southerly along the easterly line of said subdivision, parallel with and 25 feet westerly from the east line of said Section 30 for 501.38 feet to an intersection with the curved northwesterly line (50 feet from the centerline) of Bayshore Road (State Road No. 3-78); thence run southwesterly along said northwesterly line, along the arc of a curve to the right of radius 507.05 feet for 195.60 feet to a State Road Department right-of-way monument at station 174+00.96 marking the point of tangency; thence run southwesterly along said northwesterly line for 149.96 feet to a concrete monument and the point of beginning of the lands herein described; From said point of beginning, continue southwesterly along said northwesterly line of said Bayshore Road for 100.0 feet to a concrete monument set at station 107+41.00 of said road; thence run northwesterly, perpendicular to said northwesterly line for 14.4 feet to a concrete monument marking the intersection with the southeasterly line (25 feet from the centerline) of Old Bayshore Road (Camville Road); thence deflect 69° 40' 33" to the

(Continued on reverse side)

Together with all the tenements, hereditaments and appurtenances thereto belonging or in any way appertaining

To Have and to Hold, the same in fee simple forever

In Witness Whereof, the said grantor has hereunto set hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

[Handwritten signatures]

[Handwritten signature] Ben Elwell
[Handwritten signature] Marie Elwell
[Handwritten signature] L.S.
Ben Elwell, Jr.
[Handwritten signature] L.S.
Helen Elwell

STATE OF FLORIDA
COUNTY OF Lee

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared Ben Elwell and Marie Elwell, his wife; and Ben Elwell, Jr. and Helen Elwell, his wife, to be known to be the persons described in and who executed the foregoing instrument and acknowledged before me that they executed the same

WITNESS my hand and official seal in the County and State last aforesaid this 27th day of December, A.D. 1966

My Commission Expires Nov. 27, 1970

[Handwritten signature]

right and run northeasterly along said southeasterly line for 160.0 feet to a concrete monument; thence deflect 102° 13' 20" to the right and run southeasterly for 70.7 feet to the point of beginning.

OFFICIAL
CLERK OF COURT
LEE COUNTY

JAN 12 11 11 AM '67

CLERK OF COURT
LEE COUNTY
L. E. Bennett, D.C.



To

LEE
COUNTY

STATE OF FLORIDA
DOCUMENTS STAMP
JAN 12 1967
\$6.00



Fee Simple Deed

BARCO FORM 37