

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

Blue Sheet No. 20021141

1. REQUESTED MOTION:

ACTION REQUESTED: Accept by donation four (4) Perpetual Beach Storm Damage Reduction Easements, for the Gasparilla Island Beach Restoration Project No. 3023; authorize the Division of County Lands to handle and accept all documentation necessary; authorize necessary recording fees.

WHY ACTION IS NECESSARY: To secure permanent easements along Boca Grande on Gasparilla Island for the proposed beach renourishment project.

WHAT ACTION ACCOMPLISHES: Acquisition of necessary permanent easements from benefitted property owners along Gasparilla Island and securing Federal Funding for a portion of the project.

2. DEPARTMENTAL CATEGORY:

COMMISSION DISTRICT #: 1

C6A

3. MEETING DATE:

11-12-2002

<p>4. AGENDA:</p> <p><input checked="" type="checkbox"/> CONSENT</p> <p><input type="checkbox"/> ADMINISTRATIVE</p> <p><input type="checkbox"/> APPEALS</p> <p><input type="checkbox"/> PUBLIC</p> <p><input type="checkbox"/> WALK ON</p> <p>TIME REQUIRED:</p>	<p>5. REQUIREMENT/PURPOSE:</p> <p>(Specify)</p> <p><input checked="" type="checkbox"/> STATUTE 125</p> <p><input type="checkbox"/> ORDINANCE</p> <p><input type="checkbox"/> ADMIN.</p> <p><input type="checkbox"/> OTHER</p>	<p>6. REQUESTOR OF INFORMATION</p> <p>A. _____</p> <p>B. DEPARTMENT <u>Independent</u></p> <p>C. DIVISION <u>County Lands</u></p> <p>BY <u>Karen L. W. Forsyth, Director</u></p> <p align="right"><i>TLM 10/16/02</i> <i>KLW</i></p>
---	--	---

7. BACKGROUND: The County Lands Division is acquiring Perpetual Beach Storm Damage Reduction Easements for the Division of Natural Resources for the Gasparilla Island Beach Restoration Project No. 3023. The principal purpose of the project is the renourishment and restoration of Gasparilla Island. The cost of the project is being borne primarily by the federal government and the State of Florida, with lesser contributions by both Lee County and the property owners along the beach front.

A requirement for the federal funding is to obtain approximately 161 permanent easements pursuant to the form as stipulated by the U.S. Army Corps of Engineers. Without these easements, the federal funding will not be available and will have to be borne by Lee County and/or the property owners along the beach front.

The owners of these four (4) parcels (see attached exhibit) have agreed to donate the required easements to Lee County. The original documents are in the files of County Lands and will be recorded upon approval by the Board of County Commissioners. Lee County is responsible for recording fees, estimated to be \$60.00.

Funds are available in Account Numbers 20302330101.506110 (55.21%) and 22302330100.506110 (44.79%)

203023 - Gasparilla Island Beach Restoration Project
 30101 - Capital Improvement - Tourist Development Beach Project
 506110 - Land and Court Registry

223023 - Gasparilla Island Beach Restoration Project (State Grant)
 30100 - Capital Improvement Fund
 506110 - Land and Court Registry

Staff recommends the Board approve the 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
					OA	COM	RISK	GC	
<i>K. Forsyth</i>				<i>Karen L. W. Forsyth</i>	<i>10/28/02</i>	<i>10/28/02</i>	<i>10/30/02</i>	<i>10/28/02</i>	<i>KLW</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CAtty
 Date: *10/21/02*
 Time: *4:19 PM*

EW
10/22 11:50
BL
10/30 5:00

GASPARILLA ISLAND BEACH RESTORATION PROJECT NO. 3023

EXHIBIT TO BLUE SHEET NO. 20021141

Parcel	Property Owner	STRAP Number
54	James B. and Chris H. Cowperthwait, h/w	14-43-20-01-00038.0070
59	Nancy L. and James F. Seifert, h/w	14-43-20-01-00036.0080
141	Susan Y. and Clifton F. Ferguson, h/w	23-43-20-11-00000.0110
177	Peter S. and Myrta B. Nelson, h/w	23-43-20-08-00000.0060

This instrument prepared by:

Lee County

Public Works/County Lands Division

P.O. Box 398

Fort Myers, Florida 33902-0398

Project: Gasparilla Island Beach Renourishment Project No. 3023

Parcel No.: 054

Strap No.: 14-43-20-01-00038.0070

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

(This space is for recording)

PERPETUAL BEACH STORM DAMAGE REDUCTION EASEMENT

Know all by these presents that on this 15th day of February, 2001, James B. Cowperthwait and Chris H. Cowperthwait, husband and wife, whose mailing address is 50 Fairfield Road, Greenwich, CT 06830, hereinafter referred to as "GRANTOR," in consideration of the mutual benefits to be derived from the Gasparilla Island Beach Renourishment Project (the "Lee County Shore Protection Project") and other good and valuable consideration, hereby grants, bargains and conveys to Lee County, a political subdivision of the State of Florida, whose mailing address is Post Office Box 398, Fort Myers, Florida, 33902-0398, hereinafter "GRANTEE," a Perpetual Beach Storm Damage Reduction easement (the "EASEMENT") over and in the following described property (the "EASEMENT PROPERTY"):

See Attached Schedule A

Perpetual Beach Storm Damage Reduction Easement: A perpetual and assignable easement and right-of-way in, on, over and across the land described in Schedule A (STRAP No. 14-43-20-01-00038.0070), for use by the Grantee, its representatives, agents, contractors and assigns, to construct; preserve; patrol; operate; maintain; repair; rehabilitate; and replace; a public beach and other erosion control and storm damage reduction measures together with appurtenances thereto, including the right to deposit sand; to accomplish any alterations of contours on said land; to construct berms; to nourish and renourish periodically; to move, store and remove equipment and supplies; to erect and remove temporary structures; and to perform any other work necessary and incident to the construction, periodic renourishment and maintenance of the Lee County Shore Protection Project, together with the right of public use and access; to trim, cut, fell, and remove from said land all trees, underbrush, debris, obstructions, and any other vegetation, structures and obstacles within the limits of the easement; reserving to the grantor(s), their heirs, successors and assigns, all such rights and privileges as may be used and enjoyed without interfering with or abridging the rights and easements hereby acquired; subject however to existing easements for public roads and highways, public utilities, railroads and pipelines.

This is a Nonexclusive Easement with the Grantor reserving the right to the continued free use of the Easement Property in a manner not materially inconsistent with the rights granted herein to Grantee for Grantee's use.

Parcel No.: 054
Strap No.: 14-43-20-01-00038.0070

IN WITNESS HEREOF, Grantor has caused these presents to be executed on the date first above written.

Signed, sealed and delivered in the presence of:

Grantor:

Donna M. Mariano
Witness
DONNA M. MARIANO
(Print Name)

James B. Cowperthwait
James B. Cowperthwait

Carmen Mendez
Witness
CARMEN MENDEZ
(Print Name)

Donna M. Mariano
Witness
DONNA M. MARIANO
(Print Name)

Chris H. Cowperthwait
Chris H. Cowperthwait

Carmen Mendez
Witness
CARMEN MENDEZ
(Print Name)

STATE OF NEW YORK
COUNTY OF NEW YORK

The foregoing instrument was acknowledged before me this 8th Day of January 2002 (date)

By James B. Cowperthwait and Chris H. Cowperthwait (Name of persons acknowledging) who are personally known to me or who have

Produced _____ as identification.
(type of identification)

LORI GIARDIELLO
Notary Public, State of New York
No. 01GI5035490
Qualified in Richmond County
Commission Expires November 7, 2002

Lori Giardiello
(Signature of person taking acknowledgment)

(Name typed, printed or stamped)

(Title or rank)

(Serial Number, if any)

Parcel No: 054
STRAP No(s): 14-43-20-01-00038.0070

SCHEDULE A

That portion of Lots 21, 22 and the South ½ of Lot 23, Block 38, Revised Plat of Boca Grande, according to the map or plat thereof filed and recorded in the Office of the Clerk of the Circuit Court, in Plat Book 7, Pages 1 and 1A; together with that portion of the West ½ of vacated Shore Lane, as vacated in County Commission Minute Book 5, Page 653 and in County Commission Minute Book 9, Page 114, Public Records of Lee County, Florida, lying seaward of the +4.6 NGVD contour line.

This line has been surveyed by Johnson Engineering, Inc., and is reflected on survey sketches dated August 15, 2000, and filed in the Public Records of Lee County, Florida.

Subject property is not the homestead of grantor, nor is it contiguous to any homestead of the grantor.

Ownership and Easement Search


Search No. 21817/C

Date: October 31, 2000

Parcel: 54

Project: Gasparilla Island Beach
Restoration, Project #3023

To: Teresa L. Mann, SR/WA
Property Acquisition Agent

From: Nancy C. Bell, CLS 
Real Estate Title Examiner

STRAP: 14-43-20-01-00038.0070

Effective Date: ^{9/25/2002}~~October 4, 2000~~, at 5:00 p.m.

Subject Property: See attached Schedule "X"

Title to the subject property is vested in the following:

Personal Representatives of the Estate of Hugette Hoguet, deceased, and Montgomery S. Bradley and James B. Cowperthwait and Chris H. Cowperthwait, husband and wife (SEE: Notes 2 and 3)

by those certain instruments dated January 20, 1967, recorded January 31, 1967, in Official Record Book 393, Page 378 AND dated December 7, 1987, recorded December 7, 1987, in Official Record Book 1957, Page 862 AND dated June 5, 1998, recorded July 9, 1998, in Official Record Book 2983, Page 2243, Public Records of Lee County, Florida.

Easements:

1. Grant of Easement to State of Florida Department of Natural Resources for public beach access purposes, as recorded in Official Record Book 2021, Page 2634. Public Records of Lee County, Florida; said easement is 4 feet in width and runs through the Westerly portion of the subject property, as more fully described in said easement document.

NOTE (1): There is a Mortgage encumbering this property, which is recorded in Official Record Book 2983, Page 2245, Public Records of Lee County, Florida.

NOTE (2): The deed referenced above which is recorded in Official Record Book 393, Page 378 fails to convey the grantor's interest in the subject lots, therefore we have shown said grantor, Montgomery S. Bradley, as one of the titleholders; a corrective deed may be necessary to clear his interest in the subject property; this must be addressed and resolved the Title Company or Attorney that handles the transfer to the County.

Ownership and Easement Search
Search No. 21817/C
Date: October 31, 2000
Parcel: 54
Project: Gasparilla Island Beach
Restoration, Project #3023

NOTE: (3): The deed referenced above recorded in Official Record Book 1957, Page 862 fails to convey that portion of vacated Shore Lane lying adjacent to and abutting Lots 21, 22 and the South ½ of Lot 23; we are showing the titleholder of this portion of the vacated road, Hugette Hoguet, as one of the owners since the boundary line of said lots goes to the centerline of the vacated road; for information, the instrument recorded in Official Record Book 2491, Page 2163 indicates that said owner is now deceased; this must be addressed and resolved by the Title Company or Attorney that handles the transfer to the County.

NOTE FOR INFORMATION ONLY: A Survey of the coastal construction set back line in Lee County can be found in Plat Book 31, Page 1, as updated in Plat Book 31-1, Page 1 and as revised in Plat Book 48, pages 15 thru 34, all in the Public Records of Lee County, Florida.

Tax Status: Taxes and assessments are not shown on this report. They will be provided at a later date if determined as being necessary by the end user of this report.
(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.

Schedule X

Parcel 54

Project: Gasparilla Island Beach Restoration, Project #3023

Search No. 21817/C

Lots 21, 22 and the South ½ of Lot 23, Block 38, Revised Plat of Boca Grande, according to the map or plat thereof filed and recorded in the Office of the Clerk of the Circuit Court, in Plat Book 7, Pages 1 and 1A; together with that portion of the West ½ of vacated Shore Lane, as vacated in County Commission Minute Book 5, Page 653 and in County Commission Minute Book 9, Page 114, Public Records of Lee County, Florida.

This instrument prepared by:
Lee County
Public Works/County Lands Division
P.O. Box 398
Fort Myers, Florida 33902-0398
Project: Gasparilla Island Beach Renourishment Project No. 3023
Parcel No.: 059
Strap No.: 14-43-20-01-00036.0080

(2) 11 17

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

(This space is for recording)

PERPETUAL BEACH STORM DAMAGE REDUCTION EASEMENT

Know all by these presents that on this 26th day of February, 200², Nancy L. Seifert, and James F. Seifert, individually, as husband and wife and as Trustees of the Nancy L. Seifert Management Trust dated October 8, 1992, whose mailing address is PO Box 899, Boca Grande, FL 33921, hereinafter referred to as "GRANTOR," in consideration of the mutual benefits to be derived from the Gasparilla Island Beach Renourishment Project (the "Lee County Shore Protection Project") and other good and valuable consideration, hereby grants, bargains and conveys to Lee County, a political subdivision of the State of Florida, whose mailing address is Post Office Box 398, Fort Myers, Florida, 33902-0398, hereinafter "GRANTEE," a Perpetual Beach Storm Damage Reduction easement (the "EASEMENT") over and in the following described property (the "EASEMENT PROPERTY");

See Attached Schedule A

Perpetual Beach Storm Damage Reduction Easement: A perpetual and assignable easement and right-of-way in, on, over and across the land described in Schedule A (STRAP No. 14-43-20-01-00036.0080), for use by the Grantee, its representatives, agents, contractors and assigns, to construct; preserve; patrol; operate; maintain; repair; rehabilitate; and replace; a public beach and other erosion control and storm damage reduction measures together with appurtenances thereto, including the right to deposit sand; to accomplish any alterations of contours on said land; to construct berms; to nourish and renourish periodically; to move, store and remove equipment and supplies; to erect and remove temporary structures; and to perform any other work necessary and incident to the construction, periodic renourishment and maintenance of the Lee County Shore Protection Project, together with the right of public use and access; to trim, cut, fell, and remove from said land all trees, underbrush, debris, obstructions, and any other vegetation, structures and obstacles within the limits of the easement; reserving to the grantor(s), their heirs, successors and assigns, all such rights and privileges as may be used and enjoyed without interfering with or abridging the rights and easements hereby acquired; subject however to existing easements for public roads and highways, public utilities, railroads and pipelines.

This is a Nonexclusive Easement with the Grantor reserving the right to the continued free use of the Easement Property in a manner not materially inconsistent with the rights granted herein to Grantee for Grantee's use.

Parcel No.: 059
Strap No.: 14-43-20-01-00036.0080

IN WITNESS HEREOF, Grantor has caused these presents to be executed on the date first above written.

Signed, sealed and delivered in the presence of:

Grantor:

Patricia A. Lowe
Witness

Nancy L. Seifert
Nancy L. Seifert, Individually and as Trustee

PATRICIA A. Lowe
(Print Name)

Misty Nabors
Witness
Misty Nabors
(Print Name)


Grantor:
James F. Seifert
James F. Seifert, Individually and as Trustee

STATE OF Florida
COUNTY OF Lee

The foregoing instrument was acknowledged before me this 2-26-02 (date)

by Nancy L. Seifert and James F. Seifert, who are personally known to me or who have
(Name of persons acknowledging)
produced _____ as identification.
(type of identification)

Patricia A. Lowe
(Signature of person taking acknowledgment)
PATRICIA A. Lowe
(Name typed, printed or stamped)

 PATRICIA A. LOWE
Notary Public, State of Florida
My comm. expires July 8, 2003
Comm. No. CC484386

(Title or rank)

(Serial Number, if any)

Parcel No. 059
STRAP No(s):: 14-43-20-01-00036.0080

SCHEDULE A

That portion of Lots Twenty-one (21), Twenty-two (22), Twenty-three (23), Twenty-four (24), and Twenty-five (25), in Block Thirty-six (36), as shown on a map of Boca Grande, entitled "Revised Plat of Boca Grande, Lee County, Florida", dated December 1, 1925 and filed and recorded December 10, 1925 in Plat Book 7, pages 1 and 1A, in the office of the Clerk of the Circuit Court, Lee County, Florida, together with that portion of the West 1/2 of vacated Shore Lane as shown on said map abutting said lots and lying between the Northerly line of Tenth Street and the Southerly line of Eleventh Street, lying seaward of the +4.6 NGVD contour line.

This line has been surveyed by Johnson Engineering, Inc., and is reflected on survey sketches dated August 15, 2000, and filed in the Public Records of Lee County, Florida.

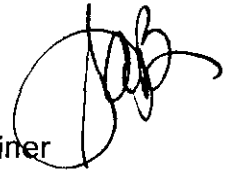
Division of County Lands

Updated Ownership and Easement Search

Search No. 21818/B
Date: October 3, 2002
Parcel: 59
Project: Gasparilla Island Beach
Restoration Project #3023

To: Teresa L. Mann, SRWA
Property Acquisition Agent

From: Shelia A. Bedwell, CLS
Real Estate Title Examiner



STRAP: 14-43-20-01-00036.0080

Effective Date: September 24, 2002, at 5:00 p.m.

Subject Property: See attached Schedule "X".

Title to the subject property is vested in the following:

Nancy L. Seifert and James F. Seifert, not individually, but as Trustees or the Successor Trustees of the Nancy L. Seifert Management Trust dated October 8, 1992

by that certain instrument dated March 1, 2002, recorded March 7, 2002, in Official Record Book 3590, Page 2594, Public Records of Lee County, Florida.

Easements:

None found of record.

NOTE (1): Deed recorded March 7, 2002 in Official Record Book 3590, Page 2594, Public Records of Lee County, Florida, does not contain certain trust powers of the granters. This must be addressed and resolved by the Title Company or Attorney that handles the transfer to the County.

NOTE (2): Mortgage executed by Nancy L. Seifert and James L. Seifert, Trustees of the Nancy L. Seifert Management Trust dated October 8, 1992, in favor of Washington Mutual Bank, FA dated March 1, 2002, recorded March 7, 2002, in Official Record Book 3590, Page 2597, Public Records of Lee County, Florida.

FOR INFORMATION ONLY: A Survey of the Coastal Construction Set Back Line in Lee County can be found in Plat Book 31, Page 1, as updated in Plat Book 31, Page 1 and as revised in Plat Book 48, Pages 15 thru 34, all in the Public Records of Lee County, Florida.

Tax Status: 2001 Ad Valorem Taxes are PAID IN FULL.

(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 or warranty as to its accuracy.

Schedule X

Parcel 59

Project: Gasparilla Island Beach Restoration Project #3023

Search No. 21818/B

Lots Twenty-one (21), Twenty-two (22), Twenty-three (23), Twenty-four (24), and Twenty-five (25), in Block Thirty-six (36), as shown on a map of Boca Grande, entitled "Revised Plat of Boca Grande, Lee County, Florida", dated December 1, 1925 and filed and recorded December 10, 1925 in Plat Book 7, Pages 1 and 1A, in the Office of the Clerk of the Circuit Court, Lee County, Florida, together with that portion of the West ½ of vacated Shore Lane as shown on said map abutting said lots and lying between the Northerly line of Tenth Street and the Southerly line of Eleventh Street.

This instrument prepared by:

Lee County

Public Works/County Lands Division

P.O. Box 398

Fort Myers, Florida 33902-0398

Project: Gasparilla Island Beach Renourishment Project No. 3023

Parcel No.: 141

Strap No.: 23-43-20-11-00000.0110

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

(This space is for recording)

PERPETUAL BEACH STORM DAMAGE REDUCTION EASEMENT

Know all by these presents that on this 14 day of MAY, 2002, Susan Y. Ferguson, a married woman, and Clifton F. Ferguson, her husband, whose mailing address is 4999 Meandering Creek, Belmont, MI 49306, hereinafter referred to as "GRANTOR," in consideration of the mutual benefits to be derived from the Gasparilla Island Beach Renourishment Project (the "Lee County Shore Protection Project") and other good and valuable consideration, hereby grants, bargains and conveys to Lee County, a political subdivision of the State of Florida, whose mailing address is Post Office Box 398, Fort Myers, Florida, 33902-0398, hereinafter "GRANTEE," a Perpetual Beach Storm Damage Reduction easement (the "EASEMENT") over and in the following described property (the "EASEMENT PROPERTY"):

See Attached Schedule A

Perpetual Beach Storm Damage Reduction Easement: A perpetual and assignable easement and right-of-way in, on, over and across the land described in Schedule A (STRAP No. 23-43-20-11-00000.0110), for use by the Grantee, its representatives, agents, contractors and assigns, to construct; preserve; patrol; operate; maintain; repair; rehabilitate; and replace; a public beach and other erosion control and storm damage reduction measures together with appurtenances thereto, including the right to deposit sand; to accomplish any alterations of contours on said land; to construct berms; to nourish and renourish periodically; to move, store and remove equipment and supplies; to erect and remove temporary structures; and to perform any other work necessary and incident to the construction, periodic renourishment and maintenance of the Lee County Shore Protection Project, together with the right of public use and access; to trim, cut, fell, and remove from said land all trees, underbrush, debris, obstructions, and any other vegetation, structures and obstacles within the limits of the easement; reserving to the grantor(s), their heirs, successors and assigns, all such rights and privileges as may be used and enjoyed without interfering with or abridging the rights and easements hereby acquired; subject however to existing easements for public roads and highways, public utilities, railroads and pipelines.

This is a Nonexclusive Easement with the Grantor reserving the right to the continued free use of the Easement Property in a manner not materially inconsistent with the rights granted herein to Grantee for Grantee's use.

Parcel No.: 141
Strap No.: 23-43-20-11-00000.0110

IN WITNESS HEREOF, Grantor has caused these presents to be executed on the date first above written.

Signed, sealed and delivered in the presence of:

Grantor:

Marcia Borowka
Witness
MARCIA BOROWKA
(Print Name)

Susan Y. Ferguson
Susan Y. Ferguson

Janet Klute
Witness
JANET KLUTE
(Print Name)

Marcia Borowka
Witness
MARCIA BOROWKA
(Print Name)

Clifton F. Ferguson
Clifton F. Ferguson

Janet Klute
Witness
JANET KLUTE
(Print Name)

STATE OF MICHIGAN
COUNTY OF KENT

The foregoing instrument was acknowledged before me this May 14, 2002 (date)

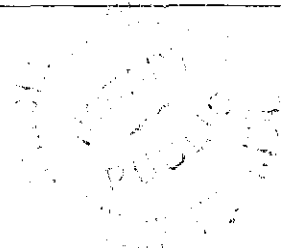
by Susan Y. Ferguson and Clifton F. Ferguson, who are personally known to me or who have
(Name of persons acknowledging)
produced KNOWN as identification.

(type of identification)

Marcia Borowka
(Signature of person taking acknowledgment)

(Name typed, printed or stamped)
MARCIA BOROWKA
Notary Public, Kent County, MI
(Title or rank) My Commission Expires July 22, 2002

(Serial Number, if any)



Parcel No. 141
STRAP No(s): 23-43-20-11-00000.0110

SCHEDULE A

That portion of the following described parcel lying seaward of the +4.6 NGVD contour line:

Unit #1, Golden Beach Subdivision Gasparilla Island, Lee County, Florida (Residence #11)-Sundown Colony)

A tract or parcel of land situated in the State of Florida, County of Lee, being a part of Lots 14, 15, 16, 17, 18, and 19, Unit #1, Golden Beach Subdivision, according to the map or plat thereof as recorded in Plat Book 10 at Pages 60 and 61 of the Public Records of said Lee County, being a part of Section 23, Township 43 South, Range 20 East, and further bounded and described as follows:

Starting at the Northeast corner of the aforesaid Lot 14; thence S89°21'W along the North line of said Lot for 43.00 feet; thence S5°27'E for 218.27 feet to the point of beginning of the herein described parcel; thence continue S5°27'E for 16.05 feet; thence S89°21'W parallel with and 233.5 feet South of , as measured on a perpendicular, the North line of said Lot 14 for 200 feet more or less to the waters of the Gulf of Mexico, a portion of said line being along the centerline of an eight (8) inch wall separating Residence #11 from Residence #12; thence Northerly along said waters for 16 feet more or less; thence N89°21'E parallel with and 217.5 feet South of, as measured on a perpendicular, the North line of said Lot 14, for 200 feet more or less to the point of beginning, a portion of said line being along the centerline of an eight (8) inch wall separating Residence #11 from Residence #10.

And together with a one twenty-eighth (1/28) interest in the parcels described as follows:

Description of commonly owned area in Sundown Colony, Gasparilla Island, Lee County, Florida.

Tracts or parcels of land situated in the State of Florida, County of Lee, being a part of Lots 14, 15, 16, 17, 18, and 19, Unit #1, Golden Beach Subdivision, according to the map or plat thereof as recorded in Plat Book 10 at Pages 60 and 61 of the Public Records of said Lee County, being a part of Section 23, Township 43 South, Range 20 East, and further bounded and described as follows:

Beginning at the Southeast corner of the aforesaid Lot #19; thence S89°21'00"W along the South line of said Lot for 56.84 feet; thence N01°22'40"W for 165.52 feet; thence N05°36'43"W for 171.14 feet to a point on the North line of the aforesaid Lot 17; thence N89°21'00"E along said line for 46.18 feet to a point on the Westerly right-of-way line of Gulf Boulevard (100.00 feet wide); thence S5°27'00"E along said right-of-way line for 283.80 feet to the beginning of a curve concave to the West having a radius of 2213.2 feet; thence Southerly along said curve and along said Westerly right-of-way line for 53.34 feet to the point of beginning.

ALSO:

Beginning at the Southeast corner of the aforesaid Lot 16; thence N5°27'00" W along the Westerly right-of-way line of Gulf Boulevard (100.00 feet wide) for 337.18 feet to the Northeast corner of the aforesaid Lot 14; thence S89°21'00"W along the North line of said Lot 14 for 43.00 feet; thence S5°27'00"E parallel with aforesaid right-of-way line for 259.41 feet; thence S89°21'00"W parallel with and 258.5 feet South of, as measured on a perpendicular, the North line of said Lot 14, for 200 feet more or less to the waters of the Gulf of Mexico; thence Southerly along said waters for 75 feet more or less to an intersection with the South line of the aforesaid Lot 16; thence N89°21'00"E along said South line for 240 feet more or less to the point of beginning.

This line has been surveyed by Johnson Engineering, Inc., and is reflected on survey sketches dated August 15, 2000, and filed in the Public Records of Lee County, Florida.

Subject property is not the homestead of grantor, nor is it contiguous to any homestead of the grantor.

Updated In House Title Search
Search No. 21835/C
Date: April 25, 2002
Parcel: 141
Project: Gasparilla Island Beach
Renourishment Project 3023

To: Michael J. O'Hare
Property Acquisition Agent

From: Shelia A. Bedwell, CLS
Real Estate Title Examiner

STRAP: 23-43-20-11-00000.0110

An update has been requested of In House Title Search No. 21835/C which covers the period beginning September 24, 1980, at 8:00 a.m. and is now complete through ~~April 15, 2002~~, at 5:00 p.m.

9/25/2002 TLM

Subject Property: See attached Schedule "X"

Title to the subject property is vested in the following:

Susan Y. Ferguson, a married woman.

by that certain instrument dated March 4, 2002, recorded March 5, 2002, in Official Record Book 3589, Page 2121, Public Records of Lee County, Florida.

Subject to:

1. Title to oil, gas and mineral rights and leases on subject property is specifically omitted from this report.
2. Easement granted to Florida Power and Light Company recorded in Official Record Book 1455, Page 1212, Public Records of Lee County, Florida.
3. Deed of Restrictions for Sundown Colony recorded in Official Record Book 1461, Page 1311, Public Records of Lee County, Florida, together with all amendments thereto.
4. Right-of-way easement granted to United Telephone Company of Florida recorded in Official Record Book 1472, Page 1434, Public Records of Lee County, Florida.
5. Grant of easement to Storer Cable TV of Florida, Inc. recorded in Official Record Book 1936, Page 2553, Public Records of Lee County, Florida.
6. NOTE: A survey of the coastal construction line in Lee County can be found in Plat Book 31, Page 1, as updated in Plat Book 31-A, Page 1 and as revised in Plat Book 48, Pages 15 thru 34, all in the Public Records of Lee County, Florida.

Updated In House Title Search

Search No. 21835/C

Date: April 25, 2002

Parcel: 141

Project: Gasparilla Island Beach

Renourishment Project 3023

7. Perpetual Easement granted to Lee County recorded in Official Record Book 2538, Page 3547, Public Records of Lee County, Florida.
8. Mortgage executed by Clifton F. Ferguson and Susan Y. Ferguson, Husband and Wife, to Emigrant Mortgage Company, Inc., dated March 4, 2002, recorded March 5, 2002, in Official Record Book 3589, Page 2125, Public Records of Lee County, Florida.
9. Perpetual Beach Storm Damage Reduction Easement to Lee County, over the common areas of Sundown Colony lying adjacent to beach, recorded in Official Record Book 3440, Page 3978, Public Records of Lee County, Florida.

Tax Status: 2001 taxes have been paid in full.

(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.

Schedule X

Parcel 141

Project: Gasparilla Island Beach Restoration #3023

Search No. 21835/C

Description of a parcel in Unit #1, Golden Beach Subdivision Gasparilla Island, Lee County, Florida (Residence #11)-Sundown Colony)

A tract or parcel of land situated in the State of Florida, County of Lee, being a part of Lots 14, 15, 16, 17, 18, and 19, Unit #1, Golden Beach Subdivision, according to the map or plat thereof as recorded in Plat Book 10 at Pages 60 and 61 of the Public Records of said Lee County, being a part of Section 23, Township 43 South, Range 20 East, and further bounded and described as follows:

Starting at the Northeast corner of the aforesaid Lot 14; thence S89°21'W along the North line of said Lot for 43.00 feet; thence S5°27'E for 218.27 feet to the point of beginning of the herein described parcel; thence continue S5°27'E for 16.05 feet; thence S89°21'W parallel with and 233.5 feet South of , as measured on a perpendicular, the North line of said Lot 14 for 200 feet more or less to the waters of the Gulf of Mexico, a portion of said line being along the centerline of an eight (8) inch wall separating Residence #11 from Residence #12; thence Northerly along said waters for 16 feet more or less; thence N89°21'E parallel with and 217.5 feet South of, as measured on a perpendicular, the North line of said Lot 14, for 200 feet more or less to the point of beginning, a portion of said line being along the centerline of an eight (8) inch wall separating Residence #11 from Residence #10.

And together with a one twenty-eighth (1/28) interest in the parcels described as follows:

Description of commonly owned area in Sundown Colony, Gasparilla Island, Lee County, Florida.

Tracts or parcels of land situated in the State of Florida, County of Lee, being a part of Lots 14, 15, 16, 17, 18, and 19, Unit #1, Golden Beach Subdivision, according to the map or plat thereof as recorded in Plat Book 10 at Pages 60 and 61 of the Public Records of said Lee County, being a part of Section 23, Township 43 South, Range 20 East, and further bounded and described as follows:

Beginning at the Southeast corner of the aforesaid Lot #19; thence S89°21'00"W along the South line of said Lot for 56.84 feet; thence N01°22'40"W for 165.52 feet; thence N05°36'43"W for 171.14 feet to a point on the North line of the aforesaid Lot 17; thence N89°21'00"E along said line for 46.18 feet to a point on the Westerly right-of-way line of Gulf Boulevard (100.00 feet wide); thence S5°27'00"E along said right-of-way line for 283.80 feet to the beginning of a curve concave to the West having a radius of 2213.2 feet; thence Southerly along said curve and along said Westerly right-of-way line for 53.34 feet to the point of beginning.

ALSO:

Beginning at the Southeast corner of the aforesaid Lot 16; thence N5°27'00" W along the Westerly right-of-way line of Gulf Boulevard (100.00 feet wide) for 337.18 feet to the Northeast corner of the aforesaid Lot14; thence S89°21'00"W along the North line of said Lot 14 for 43.00 feet; thence

S5°27'00"E parallel with aforesaid right-of-way line for 259.41 feet; thence S89°21'00"W parallel with and 258.5 feet South of, as measured on a perpendicular, the North line of said Lot 14, for 200 feet more or less to the waters of the Gulf of Mexico; thence Southerly along said waters for 75 feet more or less to an intersection with the South line of the aforesaid Lot 16; thence N89°21'00"E along said South line for 240 feet more or less to the point of beginning.

This instrument prepared by:
Lee County
Public Works/County Lands Division
P.O. Box 398
Fort Myers, Florida 33902-0398
Project: Gasparilla Island Beach Renourishment Project No. 3023
Parcel No.: 177
Strap No.: 23-43-20-08-00000.0060

COPY

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

(This space is for recording)

PERPETUAL BEACH STORM DAMAGE REDUCTION EASEMENT

Know all by these presents that on this 22nd day of April, 2002, Peter S. Nelson and Myrta B. Nelson, his wife, whose mailing address is N2703 Browne Lane, Waupaca, WI 54981, hereinafter referred to as "GRANTOR," in consideration of the mutual benefits to be derived from the Gasparilla Island Beach Renourishment Project (the "Lee County Shore Protection Project") and other good and valuable consideration, hereby grants, bargains and conveys to Lee County, a political subdivision of the State of Florida, whose mailing address is Post Office Box 398, Fort Myers, Florida, 33902-0398, hereinafter "GRANTEE," a Perpetual Beach Storm Damage Reduction easement (the "EASEMENT") over and in the following described property (the "EASEMENT PROPERTY"):

See Attached Schedule A

Perpetual Beach Storm Damage Reduction Easement: A perpetual and assignable easement and right-of-way in, on, over and across the land described in Schedule A (STRAP No. 23-43-20-08-00000.0060), for use by the Grantee, its representatives, agents, contractors and assigns, to construct; preserve; patrol; operate; maintain; repair; rehabilitate; and replace; a public beach and other erosion control and storm damage reduction measures together with appurtenances thereto, including the right to deposit sand; to accomplish any alterations of contours on said land; to construct berms; to nourish and renourish periodically; to move, store and remove equipment and supplies; to erect and remove temporary structures; and to perform any other work necessary and incident to the construction, periodic renourishment and maintenance of the Lee County Shore Protection Project, together with the right of public use and access; to trim, cut, fell, and remove from said land all trees, underbrush, debris, obstructions, and any other vegetation, structures and obstacles within the limits of the easement; reserving to the grantor(s), their heirs, successors and assigns, all such rights and privileges as may be used and enjoyed without interfering with or abridging the rights and easements hereby acquired; subject however to existing easements for public roads and highways, public utilities, railroads and pipelines.

This is a Nonexclusive Easement with the Grantor reserving the right to the continued free use of the Easement Property in a manner not materially inconsistent with the rights granted herein to Grantee for Grantee's use.

Parcel No.: 177
Strap No.: 23-43-20-08-00000.0060

IN WITNESS HEREOF, Grantor has caused these presents to be executed on the date first above written.

Signed, sealed and delivered in the presence of:

Grantor:

Kelly-Jean M. Ney
Witness

Peter S. Nelson
Peter S. Nelson

Kelly-Jean M. Ney
(Print Name)

Nora Herrling
Witness

Nora A. Herrling
(Print Name)

Kelly-Jean M. Ney
Witness

Myrta B. Nelson
Myrta B. Nelson

Kelly-Jean M. Ney
(Print Name)

Nora Herrling
Witness

Nora A. Herrling
(Print Name)

STATE OF WISCONSIN
COUNTY OF OUTAGAMIE

The foregoing instrument was acknowledged before me this April 22, 2002 (date)

by Peter S. Nelson and Myrta B. Nelson, who are personally known to me ~~and who have~~
(Name of persons acknowledging)

~~produced~~ _____ ~~as identification.~~
(type of identification)

Candie R. Schuh
(Signature of person taking acknowledgment)

Candie R. Schuh
(Name typed, printed or stamped)

Notary Public
(Title or rank)

(Serial Number, if any)

Commission Expires: 2/06/05

Parcel No. 177
STRAP No(s): 23-43-20-08-00000.0060

SCHEDULE A

That portion of the following described parcel lying seaward of the +4.6 NGVD contour line:

A tract or parcel of land situated in the State of Florida, County of Lee, being a part of Lots 22 and 23, Unit 1, Golden Beach Subdivision, according to the map or plat thereof as recorded in Plat Book 10 at Page 61 of the Public Records of Lee County, Florida, being a part of Section 23, Township 43 South, Range 20 East, and further bounded and described as follows: Commencing at the Southeast corner of said Lot 23; thence South 89°21'00" West along the South line of said Lot 23, a distance of 113.37 feet; thence North 07°00'23" West, a distance of 195.30 feet to a point and the principal place of beginning; thence continue North 07°00'23" West, a distance of 23.14 feet; thence South 89°21'00" West, a distance of 27.67 feet to a point on the East wall of Residences #6 and #5; thence continue South 89°21'00" West along the centerline of a one inch (1") opening between the walls, separating Residences #6 and #5, distance of 38.50 feet; thence continue South 89°21'00" West along a line parallel with the South line of said Lot 23, a distance of 135 feet more or less to the waters of the Gulf of Mexico; thence Southerly along said waters a distance of 23 feet more or less to an intersection with a line that bears South 89°21'00" West and passes through the principal place of beginning; thence North 89°21'00" East along said line a distance of 200 feet more or less to the place of beginning.

This line has been surveyed by Johnson Engineering, Inc., and is reflected on survey sketches dated August 15, 2000, and filed in the Public Records of Lee County, Florida.

Department of Public Works
Division of County Lands

Page 1 of 1

Ownership and Easement Search

Search No. 21844/A

Date: September 29, 2000

Parcel: 177

Project: Gasparilla Island Beach

Restoration, #3023

To: Teresa L. Mann, SR/WA
Property Acquisition Agent

From: David M. White, CLS
Real Estate Title Examiner



STRAP: 23-43-20-08-00000.0060

9/25/2002 TLM

Effective Date: ~~September 5, 2000~~, at 5:00 p.m.

Subject Property: See attached Schedule "X"

Title to the subject property is vested in the following:

Peter S. Nelson and Myrta B. Nelson, his wife

by that certain instrument dated April 29, 1998, recorded May 6, 1998, in Official Record Book 2956, Page 1948, Public Records of Lee County, Florida.

Easements:

1. Perpetual easement in favor of Lee county, a political subdivision of the State of Florida as recorded in Official Record Book 2538, Page 3615, Public Records of Lee County, Florida.

NOTE: There is a mortgage in favor of America's Wholesale Lender recorded. Said mortgage appears to have been assigned and is now held by the Bank of New York, Trustee under the Pooling and Servicing Agreement Series 1998-13.

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.

Schedule X

Parcel 177

Project: Gasparilla Island Beach Restoration, #3023

Search No. 21844/A

A tract or parcel of land situated in the State of Florida, County of Lee, being a part of Lots 22 and 23, Unit 1, Golden Beach Subdivision, according to the map or plat thereof as recorded in Plat Book 10 at Page 61 of the Public Records of Lee County, Florida, being a part of Section 23, Township 43 South, Range 20 East, and further bounded and described as follows: Commencing at the Southeast corner of said Lot 23; thence South 89°21'00" West along the South line of said Lot 23, a distance of 113.37 feet; thence North 07°00'23" West, a distance of 195.30 feet to a point and the principal place of beginning; thence continue North 07°00'23" West, a distance of 23.14 feet; thence South 89°21'00" West, a distance of 27.67 feet to a point on the East wall of Residences #6 and #5; thence continue South 89°21'00" West along the centerline of a one inch (1") opening between the walls, separating Residences #6 and #5, distance of 38.50 feet; thence continue South 89°21'00" West along a line parallel with the South line of said Lot 23, a distance of 135 feet more or less to the waters of the Gulf of Mexico; thence Southerly along said waters a distance of 23 feet more or less to an intersection with a line that bears South 89°21'00" West and passes through the principal place of beginning; thence North 89°21'00" East along said line a distance of 200 feet more or less to the place of beginning;