

Lee County Board of County Commissioners

Agenda Item Summary

Blue Sheet No. 20030634

1. REQUESTED MOTION:

ACTION REQUESTED: Accept acquisition of Quit Claim Deed for Parcel 16 necessary for the Charlee Road Special Improvements MSBU for paving and maintenance of the existing road; authorize the Division of County Lands to handle and accept all documentation necessary; authorize payment of recording fees.

WHY ACTION IS NECESSARY: Charlee Road is currently a privately owned road and the County cannot initiate paving and maintenance without a fee interest.

WHAT ACTION ACCOMPLISHES: Acquisition of right-of-way via Quit-Claim Deed by donation from benefitted property owner.

2. DEPARTMENTAL CATEGORY: 06

COMMISSION DISTRICT #: 4

C6B

3. MEETING DATE:

06-17-2003

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON

TIME REQUIRED:

5. REQUIREMENT/PURPOSE:

(Specify)

- STATUTE 125
- ORDINANCE 98-25
- ADMIN. _____
- OTHER RSN 02-02-29

6. REQUESTOR OF INFORMATION

- A. COMMISSIONER _____
- B. DEPARTMENT Independent
- C. DIVISION County Lands
- BY: Karen L. W. Forsyth, Director

7. BACKGROUND:

The Board of County Commissioners created the Charlee Road Special Improvement MSBU on February 12, 2002, when it adopted Resolution Number 02-02-29. The principal purpose of the project is paving and maintenance of the currently existing roadway for Charlee Road in North Cape Coral, the cost of which will be assessed proportionately against benefitted property owners. A requirement for maintenance to be accepted by the County is to obtain Quit-Claim deeds from all benefitted property owners.

The attached is a copy of the deed received from the benefitted owner, W. Michael Maxwell, Successor Trustee of the Alfred S. Maxwell Trust. The original document is in the files of County Lands and will be recorded upon approval by the Board of County Commissioners.

There remains 2 more properties for which deed conveyances to the County are required.

Funds are available in Account Number: 80408235280.503150

Staff Recommends 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
<i>K. Forsyth</i>	<i>me</i>	<i>me</i>	<i>[Signature]</i>	<i>John J. Madhawa</i> <i>6-2-03</i>	<i>OA</i> <i>6/3/03</i>	<i>OM</i> <i>6/3/03</i>	<i>RISK</i> <i>6/3/03</i>	<i>GC</i> <i>6/3/03</i>	<i>115</i> <i>6405</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: *6/2/03*
Time: *10:55 am*
Forwarded To:
Co. Adm.
6/2/03

RECEIVED BY
COUNTY ADMIN. *TD*
6-2-03
2:00
COUNTY ADMIN.
FORWARDED TO:
6/4/03

Hb/ky

Ink Engineering

A Division of
LBFH, Inc.

CIVIL
AGRICULTURAL
WATER RESOURCES
WATER & WASTEWATER
TRANSPORTATION
SURVEYING & MAPPING
GIS

"Partners for Results
Value by Design"

1400 Colonial Blvd., Suite 31
Fort Myers, FL 33907
(941) 931-0455
Fax: (941) 931-0456
www.lbfh.com

Parcel 16

APRIL 9, 2002
JOB NO. 01-7001
01-7001SK10A.doc

Schedule A
SHEET 1 OF 2

A 30 FOOT WIDE PARCEL OF LAND LYING IN SECTION 6, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA.

DESCRIPTION OF PARCEL

A 30 FOOT WIDE PARCEL OF LAND LYING IN SECTION 6, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTH 30.00 FEET OF THE FOLLOWING DESCRIBED PARCEL OF LAND:

O.R. 3553, PAGE 1100, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. A PARCEL OF LAND BEING PART OF LOT 10, PARCEL "B", CHARLEE RANCHETTES, (UNRECORDED) LYING IN SECTION 6, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 6; THENCE ON THE EAST LINE THEREOF, NORTH 0°41'43" EAST, 860.70 FEET; THENCE SOUTH 88°22'18" WEST, 68.06 FEET TO THE WEST RIGHT-OF-WAY LINE OF BURNT STORE ROAD (S.R. 765) AND THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 88°22'18" WEST, 270.00 FEET; THENCE NORTH 0°42'25" EAST, 385.33 FEET TO THE CENTERLINE OF A 60-FOOT WIDE ROADWAY EASEMENT; THENCE ON SAID CENTERLINE, NORTH 88°22'18" EAST, 269.93 FEET TO THE WEST RIGHT-OF-WAY LINE OF BURNT STORE ROAD; THENCE ON SAID RIGHT-OF-WAY LINE SOUTH 0°41'43" WEST, 385.32 FEET TO THE POINT OF BEGINNING.

SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD.

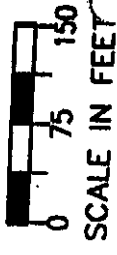
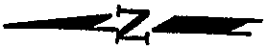
CONTAINING 8098 SQUARE FEET MORE OR LESS.

REFER TO 8 1/2" X 11" SKETCH. (SHEET 2 OF 2)

INK ENGINEERING, A DIVISION OF LBFH INC.
BPR & FBPE LICENSE NO. 959



GLENN C. ADAMS, FOR THE FIRM
PROFESSIONAL LAND SURVEYOR
FL. CERT. NO. 6062



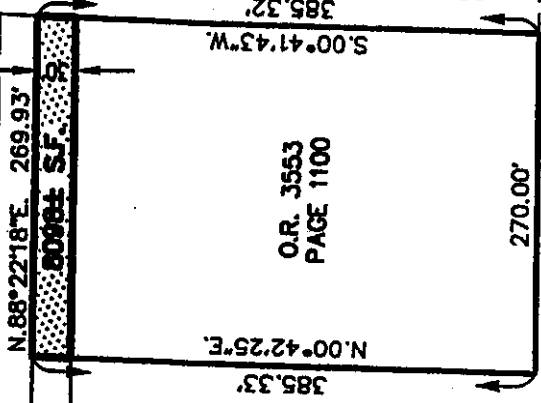
SCALE IN FEET

CHARLEE RD.

60' ROAD EASEMENT
UNRECORDED PLAT OF
"CHAR-LEE RANCHETTES"

LEGEND	
O.R.	OFFICIAL RECORD
S.F.	SQUARE FEET

10



O.R. 3553
PAGE 1100

S.88°22'18"W.

STATE RD. 765
(BURNT STORE RD.)

S.E. CORNER
SECTION 6

SOUTH LINE, SECTION 6, TOWNSHIP 43 SOUTH, RANGE 23 EAST
N.88°22'18"E.

REFER TO ATTACHED DESCRIPTION

THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, AND RIGHTS OF WAY OF RECORD.
BEARINGS (IF SHOWN HEREON) ARE BASED UPON THE CENTERLINE OF CHARLEE ROAD BEING N.88°22'18"E.

SKETCH (NOT A SURVEY)

A 30' WIDE PARCEL OF LAND
LYING IN
SECTION 6, TOWNSHIP 43 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA

SHEET 2 OF 2

DATE	4/09/02
SCALE	1"=150'
DRAWN	G.C.A.
CHECK	
APPROVED	

Ink Engineering
CONSULTING CIVIL ENGINEERS,
SURVEYORS & MAPPERS
A Division of LRFH, Inc. "Partners For Results,
Value By Design"
1400 Colonial Blvd., Suite 31, Fort Myers, Florida 33907
(941) 931-0455 Fax: (941) 931-0456
BPR & FBPE License No. 0000

GLENN C. ADAMS, FOR THE FIRM
PROFESSIONAL LAND SURVEYOR
FLA. CERTIFICATE NO. 6082

JOB NO.: 1-7001
01-7001SK10A

CERTIFICATE OF TRUST

The undersigned, W. Michael Maxwell, having been first duly sworn, hereby certifies that:

1. On December 3, 2001, Alfred S. Maxwell, settlor and as trustee signed a Trust Agreement which established the Alfred S. Maxwell Revocable Trust u/a dated 12/3/2001.
2. This Certificate is a true and correct representation of the terms of the trust instrument.
3. Alfred S. Maxwell died on March 5, 2003.
4. Under the terms of the Trust, the undersigned is designated to serve as the successor trustee, the undersigned has agreed to serve as the successor trustee, and is now the currently acting trustee of the Trust.
5. The Trust is not of record in any court of law and has not been recorded in the real property records of any county.
6. The Trust has not been revoked, modified, or amended in any manner which would cause the representations contained herein to be incorrect.
7. Title to assets of the Trust should be taken in substantially the following form:

"W. Michael Maxwell, Trustee of the Alfred S. Maxwell Revocable Trust U/A dated December 3, 2001"
8. Under the terms of the Trust, the trustees' powers include the powers set forth as Exhibit A attached hereto and incorporated herein by reference. The trustees' powers also include all other powers and authority granted to trustees under Chapters 737 and 738 of the Florida Statutes.
9. This Certificate is intended to certify the existence of the Trust, the identity and powers of the trustee, the manner of taking title to assets, and to summarize some of the more important provisions of the Trust so that the trustee can deal with third parties, such as financial institutions, stock transfer agents, brokerage houses, title companies, insurance companies, and others, without disclosing the entire Trust, which is a private and confidential document.
10. All third parties dealing with the Trustee may rely on this Certificate as a true statement of the provisions of the Trust described herein as of the date this Certificate is presented to such third party (regardless of the date of execution of this Certificate), unless the third party has actual knowledge that the representations contained herein are incorrect.

Executed at Fort Myers, Florida, on 10 Apr. /, 2003.

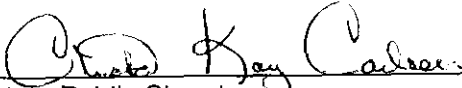


W. Michael Maxwell

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

STATE OF FLORIDA)
COUNTY OF LEE)

SUBSCRIBED AND SWORN TO before me this 10 day of April, 2003,
by W. MICHAEL MAXWELL, who is personally known to me or [] who presented
_____ as identification.



Notary Public Signature
Christa Kay Carlson

Notary Public Name (printed/typed)
My commission expires:



Christa Kay Carlson
My Commission DD089428
Expires March 12, 2006

EXHIBIT "A"

SECTION 5: Powers. The trustee shall hold, manage, care for and protect the trust property and shall have the following powers and, except to the extent inconsistent herewith, those now or hereafter conferred by law:

- (a) To retain any property (including stock of any corporate trustee hereunder or a parent or affiliate company) originally constituting the trust or subsequently added thereto, and to invest and reinvest the trust property in bonds, stocks, mortgages, notes, bank deposits, options, futures, limited partnership interests, shares of registered investment companies and real estate investment trusts, or other property of any kind, real or personal, domestic or foreign; the trustee may retain or make any investment without liability, even though it is not of a type, quality, marketability or diversification considered proper for trust investments;
- (b) To cause any property, real or personal, belonging to the trust to be held or registered in the trustee's name or in the name of a nominee or in such other form as the trustee deems best without disclosing the trust relationship;
- (c) To vote in person or by general or limited proxy, or refrain from voting, any corporate securities for any purpose, except that any security as to which the trustee's possession of voting discretion would subject the issuing company or the trustee to any law, rule or regulation adversely affecting either the company or the trustee's ability to retain or vote company securities, shall be voted as directed by me if living, otherwise by the beneficiaries then entitled to receive or have the benefit of the income from the trust; to exercise or sell any subscription or conversion rights; to consent to and join in or oppose any voting trusts, reorganizations, consolidations, mergers, foreclosures and liquidations and in connection therewith to deposit securities and accept and hold other property received therefor;
- (d) To lease trust property for any period of time though commencing in the future or extending beyond the term of the trust;
- (e) To borrow money from any lender, extend or renew any existing indebtedness and mortgage or pledge any property in the trust;

- (f) To sell at public or private sale, contract to sell, lease, mortgage, convey, transfer and otherwise deal with the trust property and any reinvestments thereof, and to sell covered call options, from time to time for such price and upon such terms as the trustee sees fit;
- (g) To employ agents, attorneys and proxies and to delegate to them such powers as the trustee considers desirable;
- (h) To compromise, contest, prosecute or abandon claims in favor of or against the trust;
- (i) To distribute income and principal in cash or in kind, or partly in each, and to allocate or distribute undivided interests or different assets or disproportionate interests in assets, and no adjustment shall be made to compensate for a disproportionate allocation of unrealized gain for federal income tax purposes; to value the trust property and to sell any part or all thereof in order to make allocation or distribution; no action taken by the trustee pursuant to this paragraph shall be subject to question by any beneficiary;
- (j) To deal with, purchase assets from, or make loans to, the fiduciary of my estate or any other estate or trust in which any beneficiary under this agreement has an interest, though a trustee hereunder is the fiduciary, and to retain any assets or loans so acquired, although not of a type, quality, marketability or diversification considered proper for trust investments; to deal with a corporate trustee hereunder individually or a parent or affiliate company;
- (k) To determine in cases not covered by statute the allocation of receipts and disbursements between income and principal, except that (i) if the trust is beneficiary or owner of an individual account in any employee benefit plan or individual retirement plan, income earned after death in the account shall be income of the trust, and if the trustee is required to pay all trust income to a beneficiary, the trustee shall collect and pay the income of the account to the beneficiary at least quarterly (and to the extent that all income cannot be collected from the account, the deficiency shall be paid from the principal of the trust), and (ii) reserves for depreciation shall be established out of income only to the extent that the trustee determines that readily marketable assets in the principal of the trust will be insufficient for any renovation, major repair, improvement or replacement of trust property which the trustee deems advisable;

- (l) To elect, pursuant to the terms of any employee benefit plan, individual retirement plan or insurance contract, the mode of distribution of the proceeds thereof, and no adjustment shall be made in the interests of the beneficiaries to compensate for the effect of the election;
- (m) To inspect and monitor businesses and real property (whether held directly or through a partnership, corporation, trust or other entity) for environmental conditions or possible violations of environmental laws; to remediate environmentally-damaged property or to take steps to prevent environmental damage in the future, even if no action by public or private parties is currently pending or threatened; to abandon or refuse to accept property which may have environmental damage; the trustee may expend trust property to do the foregoing, and no action or failure to act by the trustee pursuant to this paragraph shall be subject to question by any beneficiary; and
- (n) To perform other acts necessary or appropriate for the proper administration of the trust, execute and deliver necessary instruments and give full receipts and discharges.

Executive Title Insurance Services, Inc.

16

1136 NE Pine Island Road
Cape Coral, Florida 33909

No changes except as
noted as of 4/29/03

File No.: LTP-1315

OWNERSHIP AND ENCUMBRANCE REPORT

THIS CERTIFIES, that according to the records in the Office of the Clerk of the Circuit Court Lee County, State of Florida, Effective Date: **March 3, 2002 at 5:00 PM.**, ~~Alfred S. Maxwell~~, Trustee of the Alfred S. Maxwell Trust under Agreement dated December 3, 2001, is/are the apparent record owner(s) of the following described land (hereinafter referred to as the "Property"), situate, lying and being in the County of Lee, State of Florida, to-wit:

W. Michael Maxwell, Successor

LEGAL DESCRIPTION:

A parcel of land being part of Lot 10, Parcel "B", Char-Lee Ranchettes, (unrecorded) lying in Section 6, Township 43 South, Range 23 East, Lee County, Florida, being more particularly described as follows: Commence at the Southeast corner of said Section 6; thence on the East line thereof, North 0 degrees 41' 43" East 860.70 Feet; thence South 88 degrees 22' 18" West, 66.06 Feet to the West Right-of-Way line of Burnt Store Road (S.R. 765) and the Point of Beginning; thence continue South 88 degrees 22' 18" West, 270.00 Feet; thence North 0 degrees 42' 25" East, 385.33 Feet to the centerline of a 60-Foot wide Roadway Easement; thence on said centerline, North 88 degrees 22' 18" East 269.93 Feet to the West Right-of-Way line of Burnt Store Road; thence on said Right-of-Way line South 0 degrees 41' 43" West, 385.32 Feet to the Point of Beginning. Subject to a Roadway Easement over and across the North 30 Feet as recited in Deed recorded in Official Record Book 1152, Page 482, Public Records of Lee County, Florida and subject to reservation of 1/2 all Oil, Gas and Mineral Rights in Deed recorded in Deed Book 197, Page 289, Public Records of Lee County, Florida.

SUBJECT TO THE FOLLOWING:

(The items shown herein are the only pertinent instruments affecting the above land, for the period stated above)

1. Warranty Deed recorded in Official Record Book 1152, Page 482.
2. Final Judgment of Divorce recorded in Official Record Book 1687, Page 3045.
3. Quit-Claim Deed recorded in Official Record Book 1691, Page 3431.
4. Final Judgment of Divorce recorded in Official Record Book 1694, Page 1127.
5. Quit-Claim Deed recorded in Official Record Book 1882, Page 3510.
6. Warranty Deed recorded in Official Record Book 1893, Page 3896.
7. Warranty Deed recorded in Official Record Book 2114, Page 2926.
8. Warranty Deed recorded in Official Record Book 2331, Page 1270.
9. Warranty Deed recorded in Official Record Book 2644, Page 3126.