

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

Blue Sheet No. 20030683

1. REQUESTED MOTION:

ACTION REQUESTED: Declare County-owned property identified as the Palmetto Canal located between Michigan Avenue and Dr. Martin Luther King Jr. Blvd. as surplus and direct staff to proceed with conveyance to the City of Fort Myers; authorize the Division of County Lands to handle all documentation necessary to complete 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 City of Fort Myers.

2. DEPARTMENTAL CATEGORY: 6
COMMISSION DISTRICT # 2 *C6D* **3. MEETING DATE:** *07-01-2003*

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

7. BACKGROUND:
The Fort Myers City Engineer has requested the Division of County Lands facilitate the conveyance of this property to the City of Fort Myers for the Veronica S. Shoemaker Blvd. (formerly Palmetto Avenue) Extension Project.

The Palmetto Canal property is located between Michigan Avenue and Dr. Martin Luther King Jr. Blvd. running parallel with Veronica S. Shoemaker Blvd. (formerly Palmetto Avenue). The right of way includes a canal and waterlines. The City of Fort Myers currently has the responsibility to maintain the canal. An easement for Lee County Utilities will be reserved by the County for the waterlines.

There are no costs associated with this transaction.

Staff recommends Board approve Requested Motion.

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

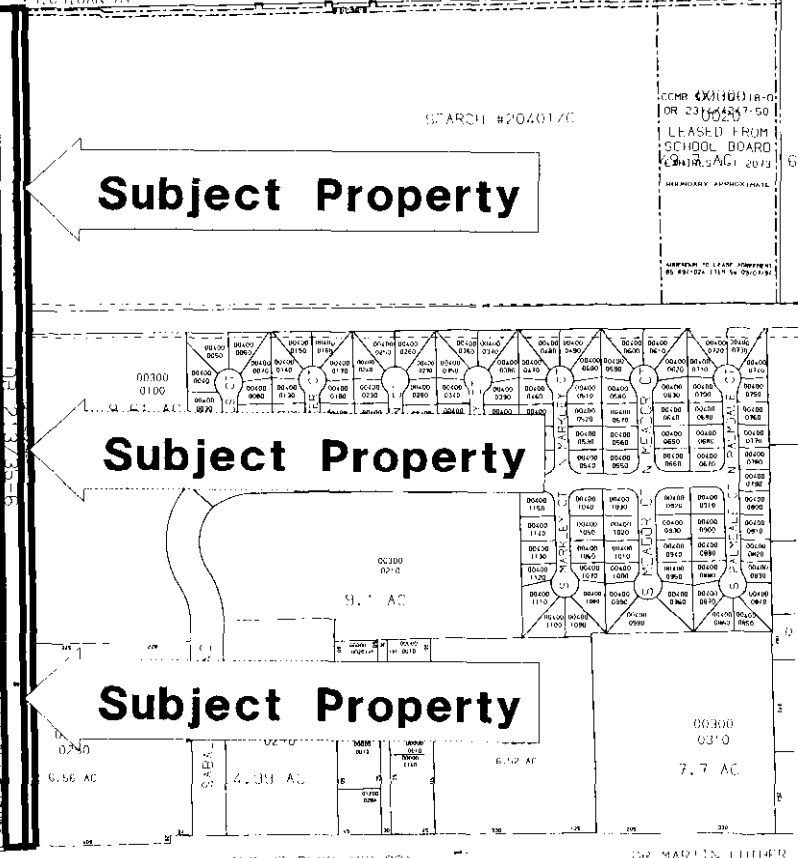
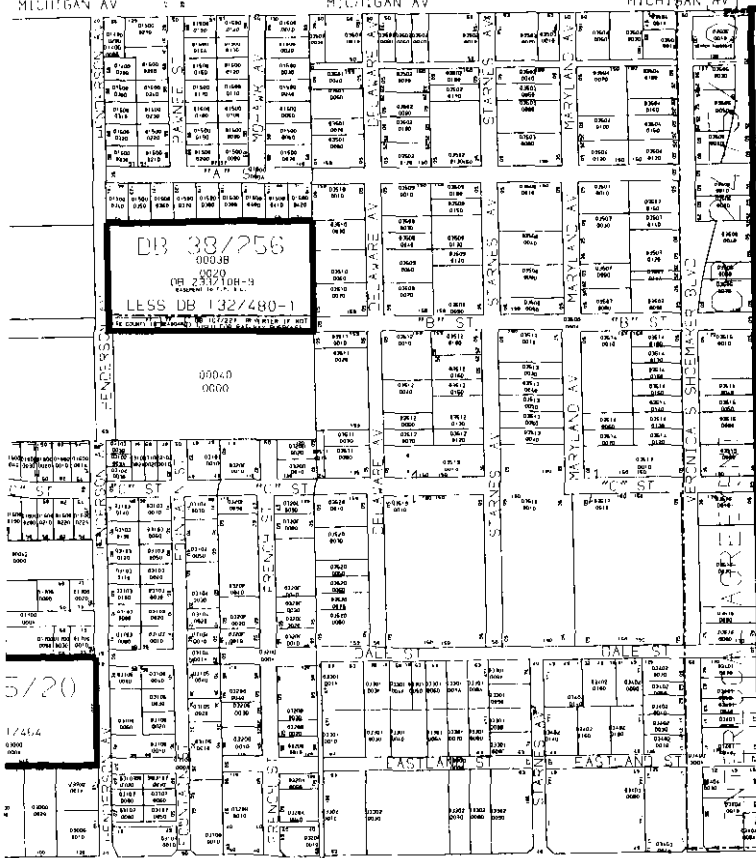
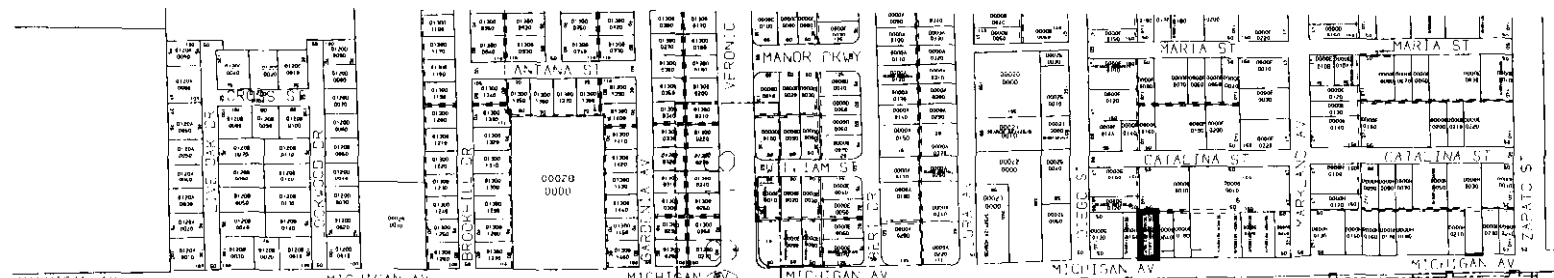
A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
<i>[Signature]</i>				<i>John D. [Signature]</i> 6-13-03	OA	OM	Risk	GC	<i>[Signature]</i> 6-18-03
DCL- DOT- LCU- 6-12-03					<i>P.M.</i> 6/16/03	<i>[Signature]</i> 6/17/03	<i>vs</i> 6/16/03	<i>[Signature]</i> 6-16-03	

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: *6/13/03*
Time: *12:00 PM*
Forwarded To:
CO. ADM.
6/13/03 3PM

RECEIVED BY
COUNTY ADMIN. *[Signature]*
6-13 4:20
COUNTY ADMIN.
FORWARDED TO: *[Signature]*
6/18/03



DB 38/256
 00038
 OR 230710H-9
 LESS DB 132/480-1

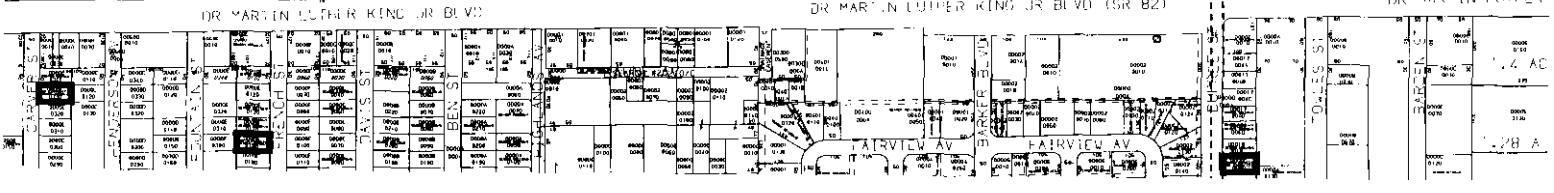
SEARCH #2020170
Subject Property

COMP 0000018-0
 OR 2306687-50
 LEASED FROM
 SCHOOL BOARD
 CHARLESTON 2012

Subject Property

Subject Property

5/20
 17464



170
10

This Indenture

Made this 25 day of January, A. D. 1952
Between MARGARET E. DOBINS, a widow BRYANT PEARCE and MARY PEARCE,
his wife, and MRS. JOHN C. FLUG, a widow

of the County of _____
and State of _____ parties of the first part.
and THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA

Witnesseth, That the said parties of the first part, for and in consideration of the sum of One (\$1.00) Dollars, in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have remised, released and quit-claimed, and by these presents do remise, release and quitclaim unto the said party of the second part, and its heirs and assigns forever, all the right, title, interest, claim and demand which the said parties of the first part have in and to the following described lot, piece or parcel of land, situate lying and being in the County of LEE State of Florida, to wit:



The Easterly 30 feet of the Westerly 90 feet of lots 8, 9, 24 and 25 of "Sunny Side Farms", a subdivision of the southwest quarter of Section 17, Township 44 South of Range 25 East, as recorded in Plat Book 1 at Page 87, in the office of the Clerk of the Circuit Court of LEE COUNTY, FLORIDA.

By D. T. FARADIE Deputy Clerk
Clerk Circuit Court
Record in Deed
Book 215 Page 228 and Record Verified.

To Have and to Hold the same, together with all and singular the appurtenances thereto belonging or in anywise appertaining, and all the estate, right, title, interest and claim, whatsoever of the said parties of the first part, either in law or equity, to the only proper use, benefit and behoof of the said party of the second part, its heirs and assigns forever.

In Witness Whereof, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in Presence of:

James Stewart
Laurens H. Kaler
Margaret E. Young
Wm. P. Schunkel

Margaret E. Dobins
Bryant Pearce
Mary Pearce
Mrs. John C. Flug

State of Florida,
County of _____

I HEREBY CERTIFY, That on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments,

MARGARET E. DOBINS, a widow

to me well known to be the person described in and who executed the foregoing instrument and she acknowledged before me that she executed the same freely and voluntarily for the purposes therein expressed.

WITNESS my hand and official seal at Fort Myers,
County of Lee and State of Florida, this 25th
day of January, A. D. 1952
James Stewart
My Commission Expires Nov 18, 1955 Notary Public

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the County and State aforesaid to take acknowledgements, personally appeared BRYANT PEARCE and MARY PEARCE, his wife, to me known to be the persons described in and who executed the foregoing instrument, and they acknowledged before me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this

28th day of January, 1952.

Laura L. Kaler
Notary Public

My Commission expires: My Commission Expires September 25, 1954

STATE OF Florida
COUNTY OF Broward

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the county and State aforesaid to take acknowledgements, personally appeared MRS. JOHN C. YLUG, a widow, to me known to be the persons described in and who executed the foregoing instrument, and she acknowledged before me that she executed the same.

WITNESS my hand and official seal in the county and state last aforesaid this 4th

day of February, 1952.

Walter Kason
Notary Public

My Commission expires:

[Faint illegible text]

Date
STATE OF FLORIDA
County of Dallas

*In this 15th day of Feb-
r. 1952, at 9:30 A.M., this
instrument was filed for record, and
being duly acknowledged and proven,
I have recorded the same on pages
2 of Book 215 in the
public records of said County.
In Witness Whereof, I have here-
unto set my hand and affixed the
seal of the Circuit Court of the
County of Dallas, Judicial Circuit
of said State, in and for said County.*

[Signature]
Clerk

Orin-Clair Field

137456

TO

135818

THIS INSTRUMENT Made this the 27 day of September, 1951,
 Margaret E. Dobbins, a widow, Bryant Pearce and Mary Pearce, his wife,
 and Mrs. John C. Klug, a widow, the parties of the first part, and
 The Board of County Commissioners of Lee County, Florida, the party of
 the second part,

WITNESSETH, that the said parties of the first part, for
 and in consideration of the sum of One Dollar, in hand paid by the said
 party of the second part, the receipt whereof is hereby acknowledged,
 hath remised, released and quit-claimed, and by these presents do remise,
 release and quitclaim unto the said party of the second part, and its
 heirs and assigns forever, all the right, title, interest, claim and
 demand which the said parties of the first part have in and to the fol-
 lowing described land, situate lying and being in the County of Lee,
 State of Florida, to-wit:

The westerly 60 feet of Lots 8, 9, 24 and 25, of
 "Sunny Side Farms", a subdivision of the Southwest
 Quarter of Section 17, Township 44 South of Range
 25 East, as recorded in Plat Book 1 at Page 57, in
 the office of the Clerk of the Circuit Court, of
 Lee County, Florida.

TO HAVE and TO HOLD the same together with all and singu-
 lar the appurtenances therunto belonging or in anywise appertaining,
 and all the estate, right, title, interest and claim whatsoever of the
 said parties of the first part, either in law or equity, to the only
 proper use, benefit and behoof of the said party of the second part,
 its heirs and assigns forever.

IN WITNESS WHEREOF, the said parties of the first part
 have hereunto set their hands and seals the day and year first above
 written.

Signed, Sealed and Delivered
 in the presence of

Cyril D. Stewart
Genevieve White
Mrs. Margaret C. Galtton
Alfred L. Hall

Mrs. Margaret E. Dobbins
Bryant E. Pearce
Mary Pearce
Mrs. John C. Klug



DEED BOOK 213 PAGE 36

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 acknowledgements, personally appeared MARGARET M. DOBINS, a widow, to me known to be the person described in and who executed the foregoing instrument, and she acknowledged before me that she executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 27 day of September, 1951.

My Commission Expires: Nov 18, 1951

Carroll Stewart
NOTARY PUBLIC

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 acknowledgements, personally appeared Bryant Pearce and Mary Pearce, his wife, to me known to be the persons described in and who executed the foregoing instrument, and they acknowledged before me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 12 day of September, 1951.

My Commission Expires:

Laura S. Kelen
NOTARY PUBLIC

STATE OF FLORIDA, COUNTY OF LEE

This 1st day of September 1951 I, D. T. Farwell, Clerk of the Court, do hereby certify that the foregoing instrument was duly recorded in Deed Book 213 Page 36 and has been verified.

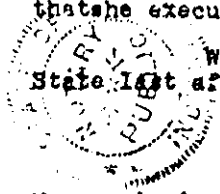
D. T. FARWELL By _____
Clerk Circuit Court Deputy Clerk

STATE OF INDIANA
COUNTY OF _____

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgements, personally appeared

Mrs. John M. Klug, a widow
to me known to be the person described in and who executed the foregoing instrument and she acknowledged before me that she executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 2nd day of September 1951



Beatrice L. Lobb
Notary Public

My commission Expires 3-4-52 1951

**RESOLUTION AUTHORIZING THE SALE OF
COUNTY PROPERTY TO
THE CITY OF FORT MYERS
FOR THE VERONICA S. SHOEMAKER BLVD. EXTENSION PROJECT**

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 sale of County property to municipalities if that property will be used for public or community interests and welfare; and

WHEREAS, the City of Fort Myers has made an application to the Board of County Commissioners requesting the conveyance of property located in the City of Fort Myers; and

WHEREAS, the Board has confirmed through its staff that fee ownership rights in such property are not needed for County purposes; and

WHEREAS, the City of Fort Myers requests conveyance for nominal consideration so that the property may be used for the Veronica S. Shoemaker Blvd. Extension Project; and

WHEREAS, it is the intent of this resolution to acknowledge the application, 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 fee interest is not needed for County purposes. An easement for utilities will be reserved by the County. This land is more particularly described in the attached Exhibit A.
3. Lee County accepts the application of the City of Fort Myers to obtain the property for use in the Veronica S. Shoemaker Blvd. Extension Project and hereby finds that this 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 the City of Fort Myers 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 _____, 2003.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Chairman

APPROVED AS TO FORM:

By: _____
Office of the County Attorney

EXHIBIT A

The westerly 60 feet of Lots 8, 9, 24 and 25, of "Sunny Side Farms", a subdivision of the southwest quarter of Section 17, Township 44 South of Range 25 East, as recorded in Plat Book 1 at Page 57, in the office of the Clerk of the Circuit Court, of Lee County, Florida.

AND

The easterly 30 feet of the westerly 90 feet of Lots 8, 9, 24 and 25 of "Sunny Side Farms", a subdivision of the southwest quarter of Section 17, Township 44 South of Range 25 East, as recorded in Plat Book 1, at Page 57, in the office of the Clerk of the Circuit Court of Lee County, Florida.

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

STRAP No. _____

THIS SPACE FOR RECORDING

**COUNTY DEED
(Statutory)**

THIS DEED, executed this ___ day of _____, 20___, 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 CITY OF FORT MYERS, A MUNICIPAL CORPORATION OF THE STATE OF FLORIDA** whose address is Post Office Box 2217, Fort Myers, FL 33902, Grantee.

WITNESSETH: The COUNTY, for and in consideration of the sum of Ten (\$10.00) Dollars 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:

SEE ATTACHED EXHIBIT "A"

Reserving unto the COUNTY a perpetual waterline and utility easement over the entire parcel.

In accordance with Florida Statutes s. 270.11, the COUNTY hereby reserves 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. Provided, however, the right of entry with respect to any interest in phosphate, minerals, metals or petroleum reserved in favor of the County is hereby released if the subject parcel being conveyed is or has always been a contiguous tract of less than 20 acres in the aggregate under the same ownership.

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.

(OFFICIAL SEAL)

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

EXHIBIT A

The westerly 60 feet of Lots 8, 9, 24 and 25, of "Sunny Side Farms", a subdivision of the southwest quarter of Section 17, Township 44 South of Range 25 East, as recorded in Plat Book 1 at Page 57, in the office of the Clerk of the Circuit Court, of Lee County, Florida.

AND

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