

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

Blue Sheet No. 20030828

1. REQUESTED MOTION:

ACTION REQUESTED: Accept by donation, a Quit Claim Deed for Part of Strap No. 02-46-22-19-00000.0050 necessary for the Cherry/Blueberry Lanes Special Improvement MSBU for maintenance of the existing roads and street lighting; authorize the Division of County Lands to handle and accept all documentation necessary; authorize payment of recording fees.

WHY ACTION IS NECESSARY: Cherry and Blueberry Lanes are currently privately owned roads and the County cannot initiate maintenance without a fee interest.

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

**2. DEPARTMENTAL CATEGORY: 06
COMMISSION DISTRICT #1**

C6N

3. MEETING DATE:

08-05-2003

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:

**5. REQUIREMENT/PURPOSE:
(Specify)**

- STATUTE 125
- ORDINANCE 96-07
- ADMIN. CODE
- OTHER 96-04-160,96-04-161

6. REQUESTOR OF INFORMATION:

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

7. BACKGROUND: The Board of County Commissioners created the Cherry/Blueberry Lane Special Improvement MSBU on April 3, 1996, when it adopted Resolution Nos. 96-04-160 and 96-04-161. The principal purpose of the project is maintenance of the currently existing roadways and street lighting for Cherry and Blueberry Lanes in St. James City, the cost of which will be assessed proportionately against benefited property owners. A requirement for maintenance to be accepted by the County is to obtain Quit-Claim deeds from all benefited property owners.

The attached is a copy of the deed from the benefited owner, William R. Adams. The original document is in the files of County Lands and will be recorded upon approval by the Board of County Commissioners.

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

Recording costs will be approximately \$10.00

Staff Recommendation: Approve the Requested Motion.

Funds are available in Account: GD5411810417.504925 (GD - MSTBU (Public Resources Department), Program Number, 10417 - Cherry/Blueberry's Fund Number, 504925 - Other Current Charges and Obligations)

Attachments: Copy of Quit-Claim Deed, Ownership and Easement Search.

RECEIVED
 PUBLIC RESOURCES
 2003 JUL 17 PM 12:32

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>N/A</i>	<i>n/a</i>	<i>[Signature]</i>	<i>John Adams</i> 4-18-03	OA <i>[Signature]</i>	OM <i>[Signature]</i>	Risk <i>[Signature]</i>	GC <i>[Signature]</i>	<i>[Signature]</i> 7-22-03

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

RECEIVED BY
 COUNTY ADMIN
7/18/03
 COUNTY ADMIN
 FORWARDED TO
7/23/03

REC'D.
 BY CO. ATTY.
7/18/03
 3:45 PM
 CO. ATTY.
 FORWARDED TO:
 CO. ADM.
7/18/03 3:45 PM

This Instrument Prepared by:
Division of County Lands
Post Office Box 398
Fort Myers, Florida 33902-0398
Project: Cherry/Blueberry MSBU
Part of STRAP No.: 02-46-22-19-00000.0050

This Space for Recording

QUIT-CLAIM DEED

THIS Quit-Claim Deed, executed this 23RD day of June, A.D. 2003, by William R. Adams, a single man, whose address is 3712 Blueberry Lane, St. James City, FL 33956, Grantor, to **LEE COUNTY**, a political subdivision of the State of Florida, whose post office address is Post Office Box 398, Fort Myers, FL 33902-0398, Grantee:

(The terms "Grantor" and "Grantee" include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations.)

WITNESSETH, That the Grantor, for and in consideration of the sum of \$1.00 in hand paid by the Grantee, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim to the Grantee, all the right, title interest, claim and demand which the Grantor has in and to the following described parcel of land, located in Lee County, Florida:

The Southerly ten (10) feet of Lot 5, Block C, Cherry Estates, according to the map or plat thereof recorded in Official Records Book 576, Pages 462 and 463, Public Records of Lee County, Florida, to be used as follows:

Together with a perpetual easement for construction and maintenance of the roadway along the Northerly two and one-half (2 1/2) feet of the Southerly twelve and one-half (12 1/2) feet of Lot 5, Block C, Cherry Estates, according to the map or plat thereof recorded in Official Records Book 576, Pages 462 and 463, Public Records of Lee County, Florida.

TO HAVE and to HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title interest, lien, equity and claim of the Grantor, either in law or equity, to the only proper use, benefit and behoof of the Grantee forever.

IN WITNESS WHEREOF, The Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in presence of two separate witnesses:

Frank J. White Jr
1st Witness Signature

FRANK J. WHITE JR
Printed Name of 1st Witness

Claude Ogle
2nd Witness Signature

Claude Ogle
Printed Name of 2nd Witness

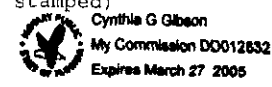
William R. Adams
William R. Adams Grantor

STATE OF Florida)
COUNTY OF Lee)

The foregoing instrument was acknowledged before me this 23RD day of June, 2003, by William R. Adams. He is personally known to me or who has produced _____ as identification.
(name of person acknowledged)
(type of identification)



Cynthia G. Gibson
(Signature of Notary Public)
Cynthia G. Gibson
(Name typed, printed or stamped)
(Title or Rank)
(Serial Number, if any)



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

DIVISION of County Lands**Ownership and Easement Search**

Search No. 02-46-22-19-00000.0050

Date: June 27, 2003

Parcel:

Project: Cherry/Blueberry MSBU #CHBB

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

From: Kenneth Pitt *kmp*
Real Estate Title Examiner

STRAP: 02-46-22-19-00000.0050

Effective Date: May 20, 2003, at 5:00 p.m.

Subject Property: Lot 5, Block C, of that certain subdivision known as Cherry Estates, according to the map or plat thereof on file and recorded in the Office of the Clerk of the Circuit Court in Official Records Book 576, Page 462 and 463, Public Records of Lee County, Florida, less and except that portion of the road right-of-way granted to Lee County, Florida.

Title to the subject property is vested in the following:

William R. Adams

By that certain instrument dated December 19, 1997, recorded December 30, 1997, in Official Record Book 2904, Page 1588, Public Records of Lee County, Florida.

Easements:

1. Subject to a roadway 25 feet in width, a portion of which passes over the Southerly part of P.U.E., as shown on the plat of "Block C, Cherry Estates," recorded in Official Record Book 576, Page 462 and 463, Public Records of Lee County, Florida.
2. Subject to an easement for public utilities over the Southerly portion of P.U.E. as shown on the plat of "Block C, Cherry Estates," recorded in Official 576, Page 462 and 463, Public Records of Lee County, Florida.

NOTE 1: Subject to a mortgage in the original sum of \$68,000.00 between Tammie S. Anderson and Richard D. Powell (mortgagors) and Herbert W. Levin and Georgia E. Levin (mortgagees) recorded in Official Record Book 2653, Page 3979, Public Records of Lee County, Florida.

NOTE 2: Subject to a mortgage in the original sum of \$65,000.00 between William R. Adams (mortgagor) and Morgan Stanley Dean Witter Credit Corporation (mortgagee) recorded in Official Record Book 3669, Page 211, Public Records of Lee County, Florida.

NOTE 3: Subject to Lee County Ordinance No. 86-14, relating to garbage and solid waste collection recorded in Official Record Book 2189, Page 3281 and amended by Official Record Book 2189, Page 3334, Public Records of Lee County, Florida.

Division of County Lands

Ownership and Easement Search

Search No. 02-46-22-19-00000.0050

Date: June 27, 2003

Parcel:

Project: Cherry/Blueberry MSBU #CHBB

NOTE 4: Subject to a judgment vs. Richard Bryant in the sum of \$1,357.30 recorded in Official Record Book 2340, Page 387 and re-recorded in Official Record Book 2344, Page 4592, Public Records of Lee County, Florida.

NOTE 5: Subject to a Federal Tax Lien vs. Richard Bryant in the sum of \$39,241.13, recorded in Official Record Book 2409, Page 856, Public Records of Lee County, Florida.

NOTE 6: Subject to a judgment vs. Tammie S. Anderson in the sum of \$3,693.57, recorded in Official Record Book 2490, Page 2442 and re-recorded in Official Record Book 2500, Page 1915, Public Records of Lee County, Florida.

NOTE 7: Subject to a judgment vs. Tammie Anderson in the sum of \$9,993.50, recorded in Official Record Book 2898, Page 2533 and re-recorded in Official Record Book 2903, Page 1717, Public Records of Lee County, Florida.

Tax Status: \$1,752.38 paid on November 21, 2002 for Tax Year 2002.

(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.