

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

Blue Sheet No. 20030871

1. REQUESTED MOTION:

ACTION REQUESTED: Approve the purchase of Parcel 111/112 - drainage easement, (a strip of land along the north side of Alico Road of +- 161,750 sq.ft.) in Fort Myers, for the Alico Road Widening Project No. 4030, in the amount of \$1,500.00; authorize payment of necessary fees to close and the Division of County Lands to handle and accept all documentation necessary to complete the transaction.

WHY ACTION IS NECESSARY: The Board must accept all real estate conveyances to Lee County.

WHAT ACTION ACCOMPLISHES: The Board avoids Eminent Domain.

2. DEPARTMENTAL CATEGORY: 6
COMMISSION DISTRICT # 3 & 5

C6C

3. MEETING DATE:

08-19-2003

4. AGENDA:

5. REQUIREMENT/PURPOSE:
(Specify)

6. REQUESTOR OF INFORMATION:

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

- STATUTE 125
- ORDINANCE
- ADMIN. CODE
- OTHER

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

7. BACKGROUND:

Negotiated for: Department of Transportation

Interest to Acquire: Drainage Easement

Property Details:

Owner: Alico, Inc., a Florida Corporation
Address: PO Box 338, LaBelle, FL 33975

Purchase Details:

Purchase Price: \$1,500 (base upon cost avoidance, this is the expected cost for an appraisal.)
Costs to Close: Approximately \$150.00

Appraisal Information:

Parcel was not appraised to avoid additional expenses.

Staff Recommendation: County Staff recommends that the Board approve requested motion.

Account: 20403030700.506110.1
20-CIP; 4030-Alico Road Multi-laning Project, 30700 Transportation Capital Improvement Fund; 506110-Land & Court Registry.

Attachments: Copy of executed Drainage Easement, Location Map, Title Data, 5-Year Sales History.

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>BAO</i>	<i>John J. Thompson</i> 8-1-03	<i>OA</i> 8-4-03	<i>OM</i> 8-5-03	<i>Risk</i> 8-5-03	<i>GC</i> 8-4-03	<i>HB</i> 8/7/03

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: *9/31/03*
Time: *11:45 am*
Forwarded To: *County Admin*
8/11/03 2:00 PM

RECEIVED BY
COUNTY ADMIN *EW*
8/11/03
COUNTY ADMIN
FORWARDED TO: *HB*
8/11/03

Prepared by:
Harry O. Hendry, Esq.
P.O. Box 1509
Fort Myers, FL 33902

Parcel: 111/112
Project: Alico Road Widening Project No. 4030

THIS SPACE IS FOR RECORDING

PERPETUAL DRAINAGE EASEMENT

This easement grant is made between ALICO, INC., a Florida corporation, Owner, whose address is P.O. Box 338, LaBelle, Florida 33975 (Grantor), and LEE COUNTY, a political subdivision of the State of Florida, whose address is P.O. Box 398, Fort Myers, Florida 33902-0398 (Grantee), as follows:

1. In consideration of the sum of one dollar and other good and valuable consideration, receipt of which is hereby acknowledged, Grantor grants to Grantee, its successors and assigns, a drainage easement in, over and across that portion of Grantor's property legally described in Exhibit "A".

2. Grantee has the right and authority to construct and maintain stormwater drainage facilities, including the installation of pipe, within the easement area in accordance with appropriate permits issued for construction and maintenance.

3. Grantee also has the right and authority to remove or trim any roots, trees or other vegetation or structures, including fencing, within the easement area in order to properly install the stormwater drainage facilities.

4. Grantor may use the easement area for landscaping (except trees), walkway, drainage or similar uses, provided no structures, such as sheds, carports, garages or other buildings are constructed within the easement area.

5. Title to any drainage facilities constructed in the easement area will remain in the Grantee, its successors or assigns.

6. Grantor warrants that subject to any existing public roadway or utility easements, Grantor is in lawful possession of the subject property free and clear of all liens and encumbrances, except those recorded in the public records, and has the right and power to convey this easement.

7. This easement runs with the land and is binding on Grantor and Grantor's successors and assigns.

8. Grantor specifically reserves and retains all rights of; and appurtenant to; fee simple ownership of the lands described in Exhibit "A" not specifically granted to Grantee herein, which retained rights include an easement for water drainage and management purposes over and across the subject property in favor of Grantor, its successors and assigns. Grantor shall have the benefit of any drainage structures or improvements constructed by Grantee.

Dated: July 10, 2003

Gene Mooney
1st Witness Signature

Gene Mooney
Printed Name of 1st Witness

Mariad N. Boykin
2nd Witness Signature

Mariad N. Boykin
Printed Name of 2nd Witness

Company: Alico, Inc., a Florida corporation

By: [Signature]
Ben Hill Griffin, III,
Chief Executive Officer

STATE OF FLORIDA
COUNTY OF POLK

The foregoing instrument was acknowledged before me this 10th day of July, 2003, by BEN HILL GRIFFIN, III, Chief Executive Officer of ALICO, INC., a Florida corporation, on behalf of the corporation. His is personally known to me or has produced _____ as identification.



Donna H. Respress
Notary Public
Print Name: Donna H. Respress
My Commission Expires: 10-23-2005

Alico Road Widening No. 4030
Parcel: 111

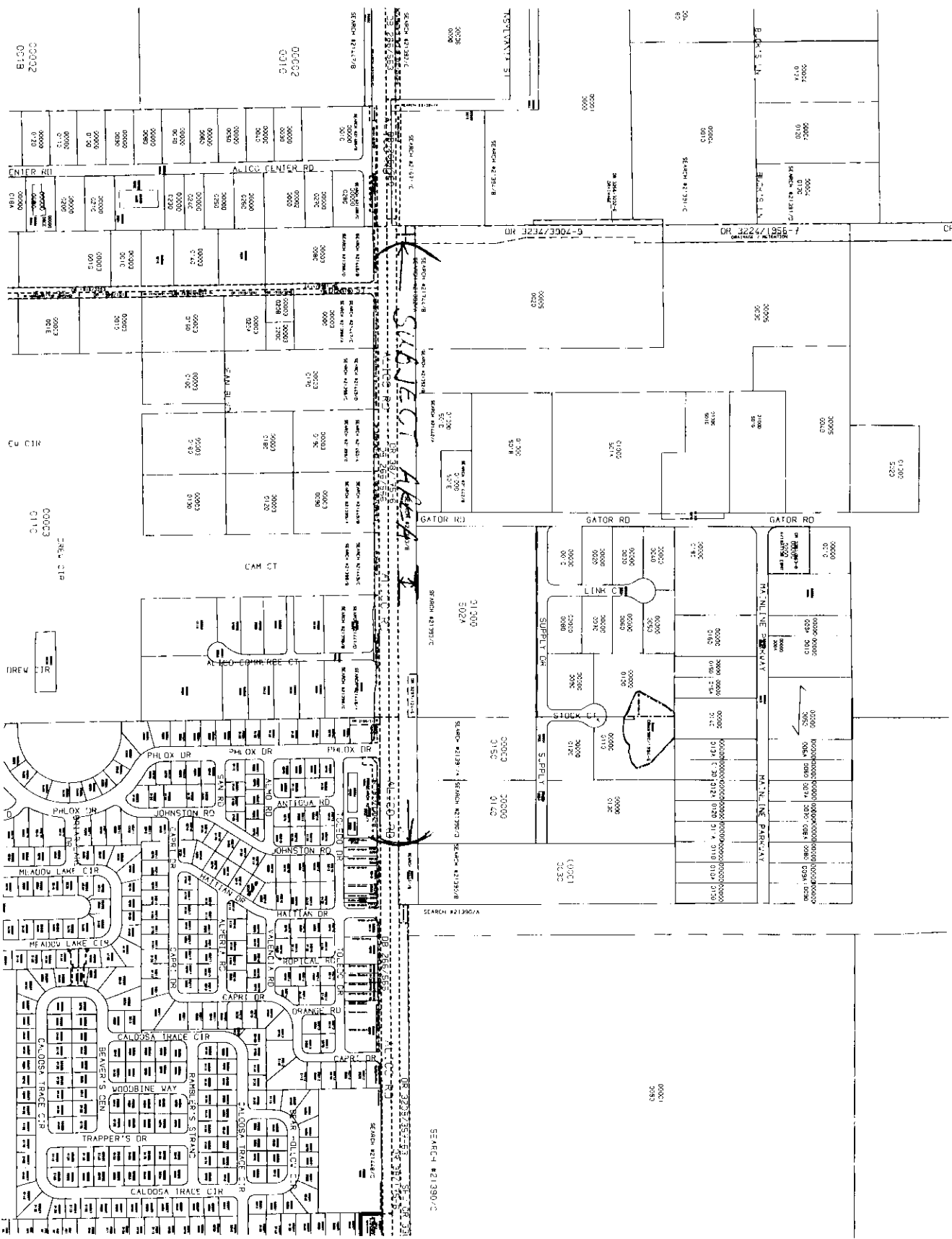
EXHIBIT "A"

Legal Description

The North 50 feet of the South 150 feet of the West 690 feet of Section 4,
Township 46 South, Range 25 East, Lee County, Florida.

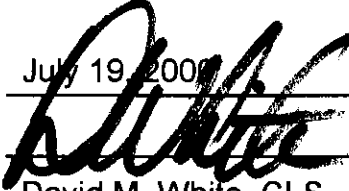
AND

The North 50 feet of the South 150 feet of the Southeast $\frac{1}{4}$ of Section 5,
Township 46 South, Range 25 East, less the West 95 feet, Lee County, Florida.



Memorandum
from the
Department of Public Works
Division of County Lands


To: Robert G. Clemens
Acquisition Program Manager

Date: July 19, 2003
From: 
David M. White, CLS
Real Estate Title Examiner

Re: Alico Road Six Laning, Project #4030

As requested we have completed an Update for Parcel 111-A.

There has been no change in the status of title on the subject property.

The search and examination are through ^{June 21, 2003} ~~July 5, 2000~~ at 11:00 PM. 

If you should need anything additional, please advise.

5-46-25 SW¹⁴

MEMORANDUM
FROM
COUNTY LANDS

DATE: February 8, 1999

TO: Robert G. Clemens
Acquisition Program Manager

FROM: 
David White, CLS
Real Estate Title Examiner

Re: Parcels 111 and 112 of Alico Road Widening, #4030

As requested we have completed a search and examination of the North 50 feet of the South 150 feet (Parcel 111) and the North 50 feet of the South 100 feet (Parcel 112), all being in Section 5, Township 46 South, Range 25 East, Lee County, Florida.

The parcels, 111 and 112, are vested in the name of Alico Land Development Company, a Florida corporation, by the deed recorded in Deed Book 328, page 148 of the Public Records of Lee County, Florida.

Parcel 111 is subject to an easement for a canal which runs parallel to the North boundary of the railroad right of way and is 50 feet in width.

Parcel 112 was encumbered by an easement in favor of Fort Myers Southern Railroad Company, a Florida corporation, recorded in Official Record Book 1002, Page 1408, Public Records of Lee County, Florida. Said easement was declared abandoned in Case Number 90-3076 in the Circuit Court of the 20th Judicial Circuit in and for Lee County, Florida. The Order is recorded in Official Record Book 2559, Page 1741, Public Records of Lee County, Florida.

Both parcels are subject to an easement recorded in Official Record Book 960, Page 839, Public Records of Lee County, Florida, which granted Florida Power and Light Company ingress and egress, forever, from the existing road known as Alico Road over the East 100 feet of the North 100 feet of the South 150 feet of the West ½ of the SW 1/4 of the SE 1/4, Section 5, Township 46 South, Range 25 East, Lee County, Florida.

Lastly, the areas in question appear to be assessed under STRAP number 05-46-25-00-00005.0020.

If you should have any questions or should you need anything additional, please advise.

Florida Department of State, Division of Corporations

Corporations Online
www.sunbiz.org Public Inquiry

Florida Profit

ALICO, INC.

PRINCIPAL ADDRESS
640 SOUTH MAIN STREET
P.O. BOX 338
LA BELLE FL 33935
Changed 02/28/1986

MAILING ADDRESS
P.O. BOX 338
LA BELLE FL 33975
Changed 05/01/2000

Document Number
232797

FEI Number
590906081

Date Filed
02/01/1960

State
FL

Status
ACTIVE

Effective Date
NONE

Last Event
AMENDMENT

Event Date Filed
12/30/1988

Event Effective Date
NONE

Registered Agent

Name & Address
LESTER, W. BERNARD 640 SOUTH MAIN STREET LA BELLE FL 33935
Name Changed: 03/28/1988

Officer/Director Detail

Name & Address	Title
OAKLEY, THOMAS E 101 ABC ROAD LAKE WALES FL 33859	D
GRIFFIN, III B H 700 S SCENIC HWY FROSTPROOF FL 33843	DCEO
GRISBY, WADE B 640 S MAIN ST LA BELLE FL 33935	V
LESTER, W. BERNARD 640 SOUTH MAIN STREET LABELLE FL 33935	PDCO
BRANTLEY, JOHN T 640 S MAIN ST LA BELLE FL 33935	V

SIMMONS, L. CRAIG 640 SOUTH MAIN STREET LABELLE FL 33935	VTCF
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Annual Reports

Report Year	Filed Date
2001	04/05/2001
2002	04/11/2002
2003	05/01/2003

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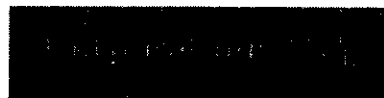
[View Events](#)
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Document Images

Listed below are the images available for this filing.

- | |
|--|
| <p> 05/01/2003 -- ANN REP/UNIFORM BUS REP
 04/11/2002 -- COR - ANN REP/UNIFORM BUS REP
 04/05/2001 -- ANN REP/UNIFORM BUS REP
 05/01/2000 -- ANN REP/UNIFORM BUS REP
 05/11/1999 -- ANNUAL REPORT
 05/05/1998 -- ANNUAL REPORT
 05/02/1997 -- ANNUAL REPORT
 04/18/1996 -- 1996 ANNUAL REPORT </p> |
|--|

THIS IS NOT OFFICIAL RECORD; SEE DOCUMENTS IF QUESTION OR CONFLICT



5-Year Sales History

Parcel Nos. 111/112

Alico Road Six Laning Project,
No. 4030

NO SALES in PAST 5 YEARS