

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

Blue Sheet No. 20031206

1. REQUESTED MOTION:

ACTION REQUESTED: Accept easement grant from Temple Emanu-el for the Joel Boulevard Sidewalk Project No. 6002. Authorize payment of recording fees and Division of County Lands to handle all documentation necessary to complete transaction.

WHY ACTION IS NECESSARY: The Board must accept all Real Estate conveyances to Lee County.

WHAT ACTION ACCOMPLISHES: This will provide for the construction of a sidewalk.

<p>2. DEPARTMENTAL CATEGORY: 06 COMMISSION DISTRICT # 5 <i>C6B</i></p>	<p>3. MEETING DATE: <i>11-04-2003</i></p>
<p>4. AGENDA:</p> <p><input checked="" type="checkbox"/> CONSENT <input type="checkbox"/> ADMINISTRATIVE <input type="checkbox"/> APPEALS <input type="checkbox"/> PUBLIC <input type="checkbox"/> WALK ON <input type="checkbox"/> TIME REQUIRED:</p>	<p>5. REQUIREMENT/PURPOSE: (Specify)</p> <p><input checked="" type="checkbox"/> STATUTE F.S.125 <input type="checkbox"/> ORDINANCE <input type="checkbox"/> ADMIN. CODE <input type="checkbox"/> OTHER</p>
<p>6. REQUESTOR OF INFORMATION:</p> <p>A. COMMISSIONER B. DEPARTMENT Independent C. DIVISION County Lands <i>AS</i> BY: Karen L. W. Forsyth, Director <i>KLW</i></p>	

7. BACKGROUND:

Negotiated for: Lee County Department of Transportation

Interest to Acquire: Grant of Perpetual, Non-Exclusive Right-of-Way Easement for Bikepath/Sidewalk

Property Details: Owner: Temple Emanu-el of Lehigh Acres, Florida, Inc., a Florida non-profit corporation
Address: 500 Joel Boulevard, Lehigh Acres
STRAP No.: 26-44-27-13-00050.0090

Purchase Details: The owner has agreed to donate the necessary easement to Lee County. The recording costs for this acquisition are estimated at \$25.

Staff Recommendation: Staff recommends Board approve requested motion.

Account: 20600230700.506110.30
C.I.P., Countywide Bike Facility, Transportation, Capital Improvements, Land and Court Registry, Construction

Attachments: Copy of Grant of Perpetual, Non-Exclusive Right-of-Way Easement for Bikepath/Sidewalk
Title Information
Location Map

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	OM	Risk	GC	
<i>K. Forsyth</i>			<i>AS</i>	<i>John... 10-22-03</i>	<i>10/23/03</i>	<i>10/23/03</i>	<i>10/23/03</i>	<i>10/23/03</i>	<i>AS 10/23/03</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by County

Date: *10/23/03*

Time: *4:03 PM*

Forwarded To:
Co. Admin.
10/23/03 9 AM

RECEIVED BY
COUNTY ADMIN:

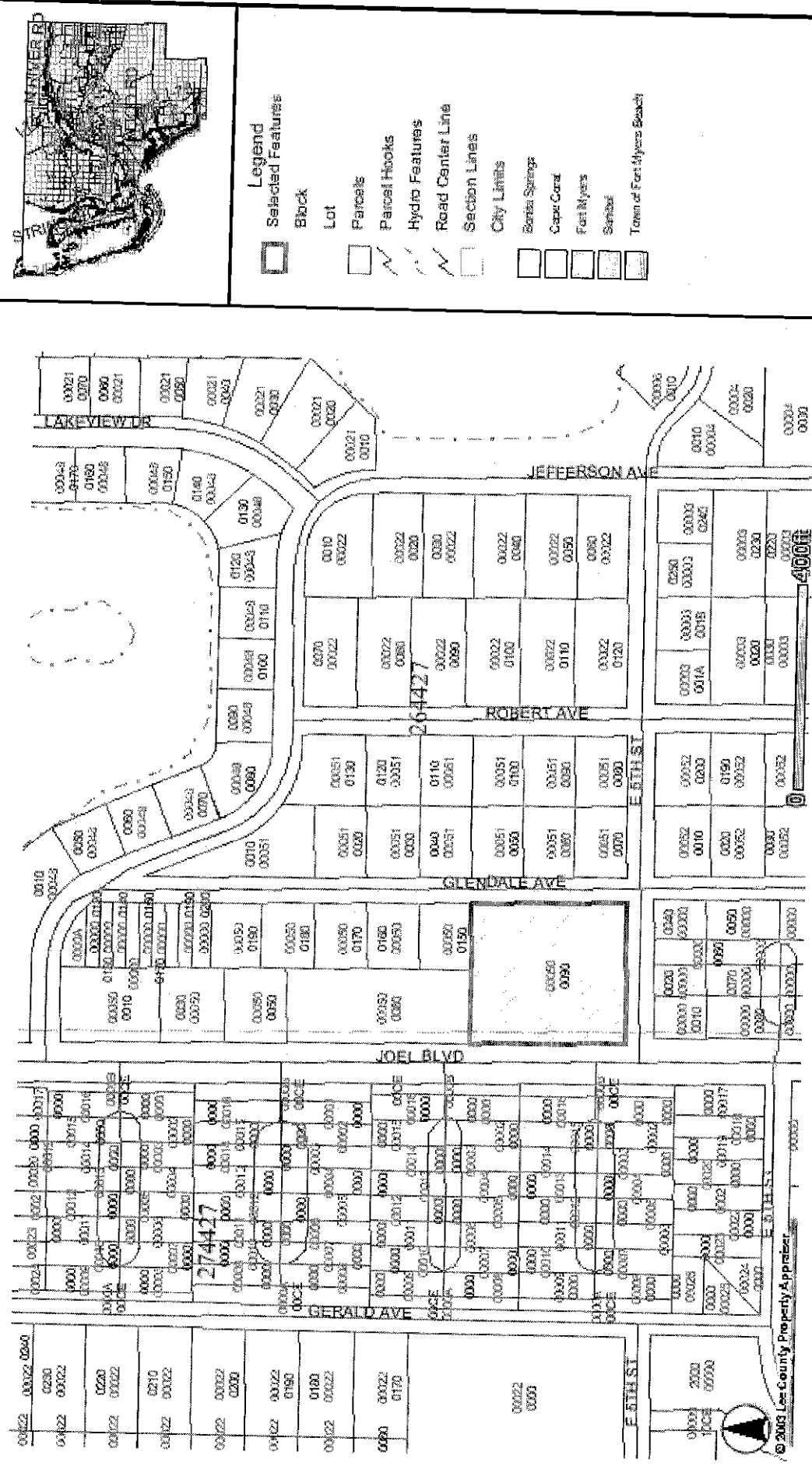
10/23/03

10:50 AM SLT

COUNTY ADMIN
FORWARDED TO: *AS*

10/23/03

LOCATION MAP



THIS INSTRUMENT PREPARED BY:

Lee County
County Lands Division
Post Office Box 398
Fort Myers, Florida 33902

Parcel: Temple Emanuel
Project: Joel Blvd Sidewalk/6002
Strap No.: 26-44-27-13-00050.0090

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

**GRANT OF PERPETUAL
NON EXCLUSIVE RIGHT-OF-WAY EASEMENT
FOR BIKEPATH/SIDEWALK**

This INDENTURE, made and entered into this 25th day of September, 2003 between TEMPLE EMANUEL OF LEHIGH ACRES, FLORIDA, INC., a Florida non-profit corporation, whose address is 500 Joel Boulevard, Lehigh Acres, Florida 33936, hereinafter referred to as "Grantor", and LEE COUNTY, a political subdivision of the State of Florida, whose address is Post Office Box 398, Fort Myers, Florida 33902-0398, hereinafter referred to as "County":

WITNESSETH:

1. For good and valuable consideration, which is hereby acknowledged and accepted, Grantor hereby transfers to the County a perpetual non-exclusive public right-of-way easement for a bikepath/sidewalk situated in Lee County, Florida, located and described as set forth in Exhibit "A" attached hereto.
2. The County is hereby granted the right to construct, replace, renew, extend and maintain a public bikepath/sidewalk and appurtenant drainage system.
3. This right-of-way easement does not limit the construction of the bikepath/sidewalk or drainage system to a particular type, style, material or design.
4. Title to the improvements constructed hereunder will remain in the County.
5. The County will be responsible for maintenance of the bikepath/sidewalk facility.
6. Grantor covenants that it is lawfully seized and possessed of the property described in Exhibit "A", and have lawful right to convey this non-exclusive easement subject to existing easements for public highways or roads, railroads, laterals, ditches, pipelines and electrical transmission or distribution lines and telephone and

Grant of Perpetual Right-of-Way Easement
for Bikepath/Sidewalk
Page 2

cable television lines. Grantor will not place any interfering landscape material in the easement. Also, the Grantor will not obstruct or impede the public's use of the easement.

7. The County will have a reasonable right of access for the purposes of reaching the described easement on either paved or unpaved surfaces. Any damage to Grantor's property or permitted improvements thereon as the result of such access to the described easement or the construction, maintenance, or repairs located within that easement will be restored by the County to the condition in which it existed prior to the damage.

8. The conveyance of this easement will not require the Grantor to modify any previously approved site development plans or permits associated with this property as currently developed.

9. THIS AGREEMENT will be binding upon the parties hereto, their successors and assigns.

10. Grantor, by signing this easement grant, and Grantee, by accepting this easement grant, agree to abide by the terms and conditions contained herein.

IN WITNESS WHEREOF, Temple Emanu-el of Lehigh Acres, Florida, Inc., a Florida non-profit corporation, Grantor has caused this document to be signed on the date first above written.

TWO SEPARATE WITNESSES:

TEMPLE EMANU-EL OF LEHIGH ACRES,
FLORIDA, INC., a Florida non-
profit corporation

BY:

Jack Morse, Vice President

William I. Livingston Sr
1st Witness Signature

WILLIAM I. LIVINGSTON SR
Printed name of 1st Witness

Annadine Hosler
2nd Witness Signature

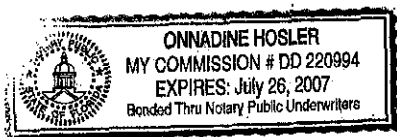
Annadine Hosler
Printed name of 2nd Witness

Grant of Perpetual Right-of-Way Easement
for Bikepath/Sidewalk
Page 3

STATE OF Florida)
COUNTY OF Lee)

The foregoing instrument was acknowledged before me this 25th day
of Sept, 2003 by Jack Morse, Vice President of TEMPLE
EMANUEL OF LEHIGH ACRES, FLORIDA, INC., a Florida non-profit
corporation, on behalf of the corporation. He is personally known
to me or has produced _____ as
_____ (type of identification)
identification.

COPIES
Onnadin Hosler
(Signature of Notary Public)



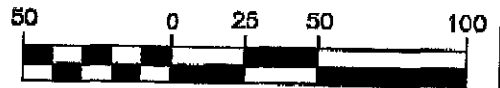
Onnadin Hosler
(Name typed, printed or stamped)
(Title or Rank)
(Serial Number, if any)

Exhibit "A"

Exhibit "A"

LEGEND

- (P) = PLAT DATA
- (C) = CALCULATED DATA
- (F) = FIELD DATA
- FND = FOUND
- CL = CENTERLINE
- CM = CONCRETE MONUMENT
- I.R. = IRON ROD
- I.D. = IDENTIFICATION
- OHW = OVERHEAD WIRES
- O.R.B. = OFFICIAL RECORD BOOK
- R = PROPERTY LINE
- R/W = RIGHT-OF-WAY



SCALE IN FEET

LEGAL DESCRIPTION

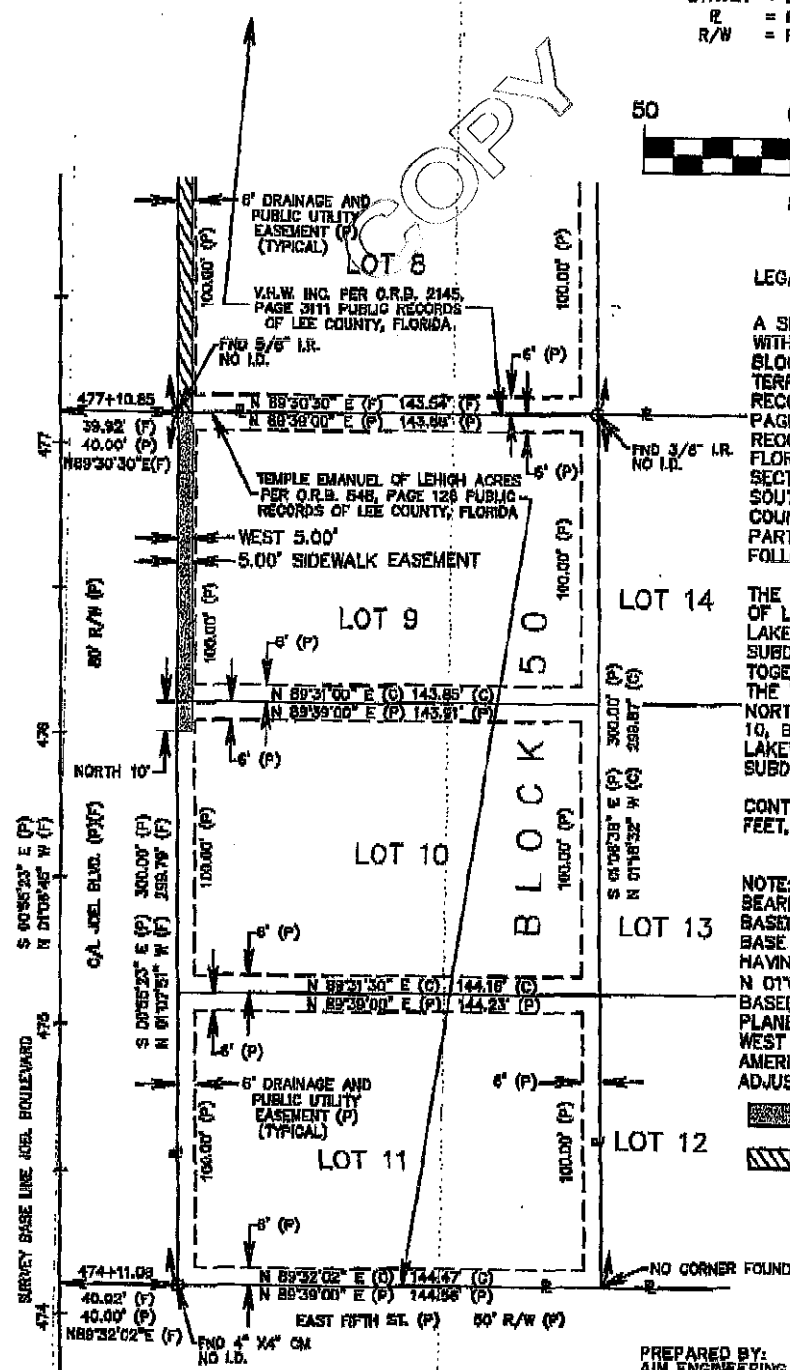
A SIDEWALK EASEMENT LYING WITHIN LOTS 9 AND 10, BLOCK 50, LAKEWOOD TERRACE SUBDIVISION, AS RECORDED IN PLAT BOOK 15, PAGE 119, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, ALSO LYING WITHIN SECTION 26, TOWNSHIP 44 SOUTH, RANGE 27 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 14 THE WEST 5.00 FEET OF LOT 9, BLOCK 50, LAKEWOOD TERRACE SUBDIVISION. TOGETHER WITH THE WEST 5.00 FEET OF THE NORTH 10.00 FEET OF LOT 10, BLOCK 50, LAKEWOOD TERRACE SUBDIVISION

CONTAINING 550 SQUARE FEET, MORE OR LESS.

NOTE: BEARINGS SHOWN HEREON ARE BASED UPON THE SURVEY BASE LINE OF JOEL BLVD., HAVING A BEARING OF N 01°06'45" W WHICH IS BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, WEST ZONE, 1983 NORTH AMERICAN DATUM, 1980 ADJUSTMENT.

- = AREA ENCUMBERED BY THIS SIDEWALK EASEMENT
- = 5' SIDEWALK EASEMENT FROM V.H.W.



NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

PREPARED BY:
AIM ENGINEERING & SURVEYING, INC.

[Signature] 5/15/03
BOB POTTER, P.S.M. DATE
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5688

AIM Engineering & Surveying, Inc.



5300 LEE BLVD.
P.O. BOX 1235
LEHIGH ACRES
FLORIDA 32970
239/332-4559
FX:239/332-8734

THIS IS NOT A SURVEY

SHEET 1 OF 1

PROJECT NUMBER: 02-8232	DESCRIPTION: 5 FOOT SIDEWALK EASEMENT LYING WITHIN TEMPLE OF LEHIGH ACRES PROPERTY	CLIENT: WILSONMILLER, INC.	FILE: 02-8232	COUNTY: LEE COUNTY
DRAWN BY: LWC	DATE: 5/6/03	REC-TWP-SEE: 28-44S-27E		

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

Search No. 26-44-27-13-00050.0090

Date: June 5, 2003

Parcel:

Project: Joel Boulevard Sidewalk #6002

To: J. Keith Gomez
Property Acquisition AgentFrom: Kenneth Pitt 
Real Estate Title Examiner

STRAP: 26-44-27-13-00050.0090

Effective Date: April 28, 2003, at 5:00 p.m.

Subject Property: Lots 9 thru 14 both inclusive, in Block 50 on the plat of Lakewood Terrace, Section 26, Township 44 South, Range 27 East, Lehigh Acres, Florida, as recorded in Plat Book 15, Page 119, Public Records of Lee County, Florida.

Title to the subject property is vested in the following:

Temple Emanu-el of Lehigh Acres, Florida, Inc. (a Florida non-profit corporation).

By that certain instrument dated August 25, 1969, recorded September 2, 1969, in Official Record Book 548, Page 128, Public Records of Lee County, Florida.

Easements:

1. Subject to reservations and exceptions contained in a deed recorded in Deed Book 149, Page 399 Public Records of Lee County, Florida.
- ✓ 2. Subject to Sewer and Water Covenants and Restrictions recorded in Official Record Book 10, Page 695 and amended by Official Record Book 41, Page 264, Public Records of Lee County, Florida. *N/A - No impact*
- ✓ 3. Subject to a Declaration of Restrictions recorded in Official Record Book 234, Page 597 and amended by Official Record Book 274, Page 558, Public Records of Lee County, Florida.
- ✓ 4. Subject to an Agreement granting easements for the construction and maintenance of water and sewer service recorded in Official Record Book 327, Page 119, Public Records of Lee County, Florida.
- ✓ 5. Subject to a Developer's Agreement relating to Utility Services recorded in Official Record Book 2357, Page 2973 and modified by Official Record Book 2551, Page 833, Public Records of Lee County, Florida.
- ✓ 6. All lots subject to a 6 foot Drainage and Utility Easement both sides, front and back, as recited on the plat of Lakewood Terrace recorded in Plat Book 15, Page 119, Public Records of Lee County, Florida.

Division of County Lands

Ownership and Easement Search

Search No. 26-44-27-13-00050.0090

Date: June 5, 2003

Parcel:

Project: Joel Boulevard Sidewalk #6002

NOTE(1): ✓ Property is not encumbered by a mortgage.

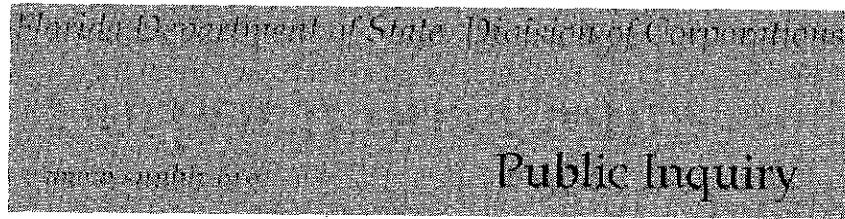
NOTE(2): ✓ Property is subject to Lee County Ordinance No. 86-14 relating to garbage and solid waste collection, recorded in Official Record Book 2189, Page 3281, and amended by Official Record Book 2189, Page 3334, Public Records of Lee County, Florida.

NOTE(3): ✓ Oil, Gas and Mineral Rights are not addressed by this search.

Tax Status: \$269.88 paid on November 27, 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.



Florida Non Profit

TEMPLE EMANU-EL OF LEHIGH ACRES, FLORIDA, INC.

PRINCIPAL ADDRESS

500 JOEL BLVD.
 LEHIGH ACRES FL 33936
 Changed 04/04/2000

MAILING ADDRESS

P.O. BOX 534
 LEHIGH ACRES FL 33936
 Changed 03/08/1996

Document Number
 708291

FEI Number
 592318135

Date Filed
 12/22/1964

State
 FL

Status
 ACTIVE

Effective Date
 NONE

Registered Agent

Name & Address
CHAET, RICHARD 313 LAKE AVENUE LEHIGH ACRES FL 33972
Name Changed: 03/01/1999
Address Changed: 03/01/1999

Officer/Director Detail

Name & Address	Title
KESSLER, MYRA 305 THOMPSON ST. LEHIGH ACRES FL 33936	D
FELDMAN, SYLVIA 198 E JOEL BLVD LEHIGH ACRES FL 33972	S
CHAET, RICHARD 608 RICHMOND N	

LEHIGH ACRES FL 33936	P
MOORE, DOLORES 418 MAGNOLIA AVE LEHIGH ACRES FL 33936	T
HELD, LEONA 2 PARKWOOD VILLAS COURT LEHIGH ACRES FL 33936	D
MORSE, JACK 2 HAMILTON AVENUE LEHIGH ACRES FL 33972	VP

Annual Reports

Report Year	Filed Date
2001	05/03/2001
2002	05/01/2002
2003	03/13/2003

[Previous Filing](#)

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No Events
No Name History Information

Document Images

Listed below are the images available for this filing.

03/13/2003 -- ANN REP/UNIFORM BUS REP
05/01/2002 -- COR - ANN REP/UNIFORM BUS REP
05/03/2001 -- ANN REP/UNIFORM BUS REP
04/04/2000 -- ANN REP/UNIFORM BUS REP
03/01/1999 -- ANNUAL REPORT
03/02/1998 -- ANNUAL REPORT
02/26/1997 -- ANNUAL REPORT
03/08/1996 -- 1996 ANNUAL REPORT

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

[Corporations Inquiry](#)

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