

Jeb Bush  
Governor

# Department of Environmental Protection

Marjory Stoneman Douglas Building  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399-3000  
June 11, 2003

Mr. Roger Clark, Land Stewardship Manager  
Lee County Division of Parks and Recreation  
3410 Palm Beach Blvd.  
Fort Myers, Florida 33916

Subject: Cow Slough Grant Parcel Donations  
Lee County Section 5, Township 46S, Range 24E

Dear Mr. Clark:

I am writing in reference to the Cow Slough land acquisition and restoration grant awarded to the Estero Bay Aquatic and State Buffer Preserves office by the U. S. Fish and Wildlife Service, National Coastal Wetlands Conservation grant program. As you are aware, the grant included "match" from both the State of Florida and Lee County. The match to be provided by Lee County is the donation of 34.4 acres of land from two Lee County parcels to the State. The "match" parcels are each a part of two larger Lee County parcels that straddle Summerlin Rd. Neither of the parcels was purchased through the Conservation 2020 program. The pieces referenced here are the portions of land (30.3 from one parcel and 4.1 acres from the other parcel) located only south of Summerlin Rd (see included map). The parcels will be included within and managed as part of the Estero Bay State Buffer Preserve. As required by the grant, all other acquisitions and match have been completed, including acquisition of the 710-acre Zemel parcel. Other than some restoration activities and the final report, the Lee County donation is the remaining step for the completion of this grant, the total of which is valued at \$4,105,155 (\$1,000,000 from USFWS, \$2,925,075 from the State, and \$180,080 from Lee County). The \$180,080 figure was the value placed on the Lee County land donation at the time of the grant submission. We realize the actual value will be less and will explain the difference to the USFWS in the final report.

This donation will benefit Lee County as well as DEP. Both agencies, as well as the South Florida Water Management District, are interested in conserving and maintaining the Cow Slough hydrological connection. It is critical in terms of protection for the State's first aquatic preserve, Estero Bay, and for the citizens of Lee County. This donation will allow us to work together to maintain the slough's connection from Lee County's land north of Summerlin Rd., including some lands purchased through Conservation 2020, to the Estero Bay State Buffer Preserve managed by DEP's Office of Coastal & Aquatic Managed Areas, south of Summerlin Rd. The donation makes sense in terms of cohesive management with DEP holding title to and managing all the public lands south of Summerlin Rd., and Lee County holding title to and managing those public lands north of Summerlin Rd.

*"Protect, Conserve and Manage Florida's Environment and Natural Resources"*

*Printed on recycled paper.*

Mr. Roger Clark  
June 12, 2003  
Page 2

Please accept this letter as my request to bring these donations before the Lee County Board of County Commissioners for their approval. We are certainly willing to work out details of any Lee County requirement for this donation including formal acknowledgement of the donation through signage and/or other means. I trust that this Lee county donation makes sense to you and that the Estero Bay Aquatic and State Buffer Preserves office and Lee County can work well in this partnership to preserve 744.4 acres for present and future generations.

Thank you so much for your time and consideration of this request.

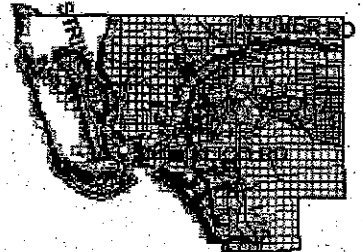
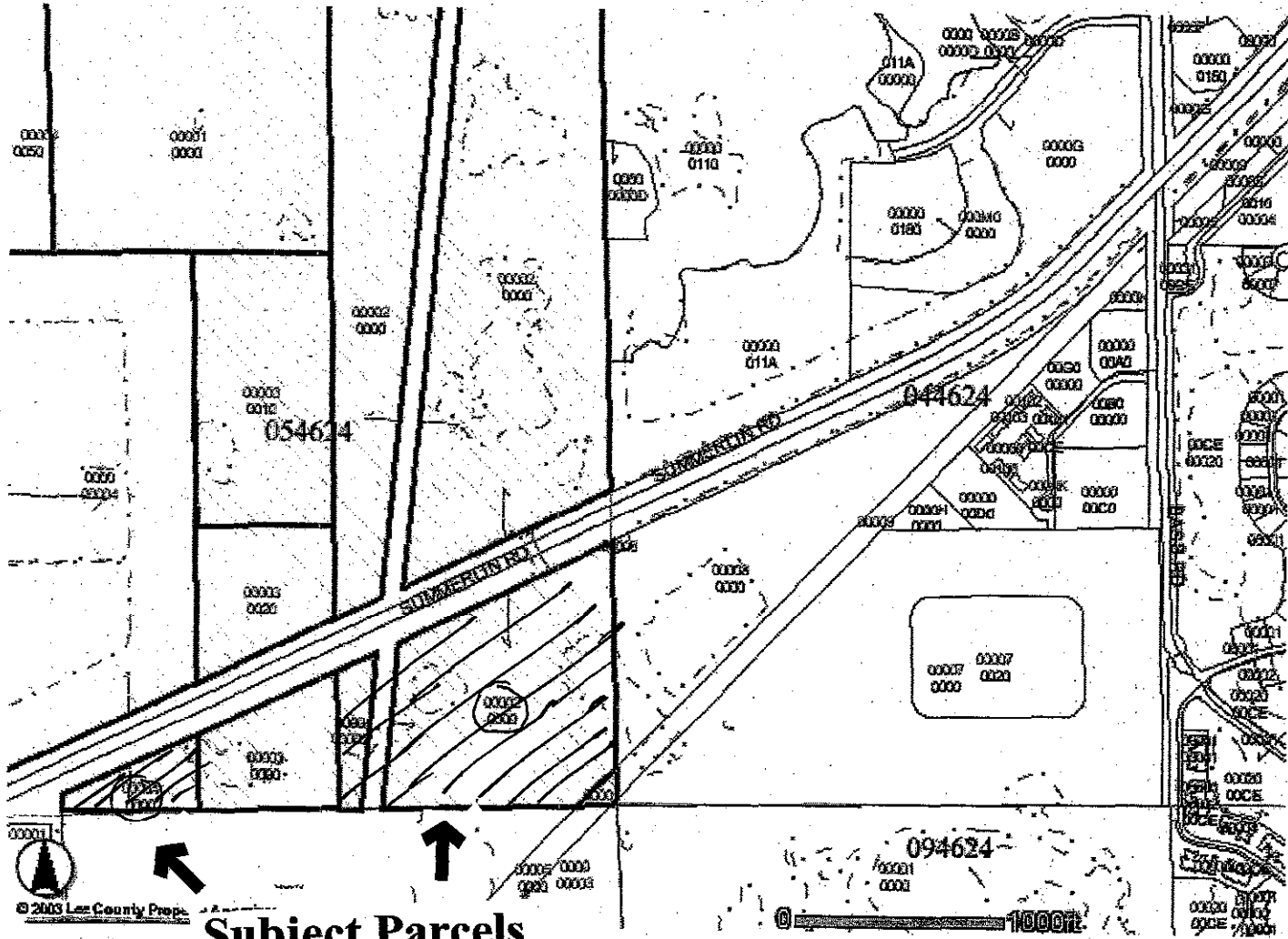
Sincerely,

A handwritten signature in cursive script, appearing to read "Katherine Andrews", with a long horizontal flourish extending to the right.

Katherine Andrews, Director  
Office of Coastal and Aquatic Managed Areas

KA/hs

05-46-24-00-00002.0000 & ~4.0000

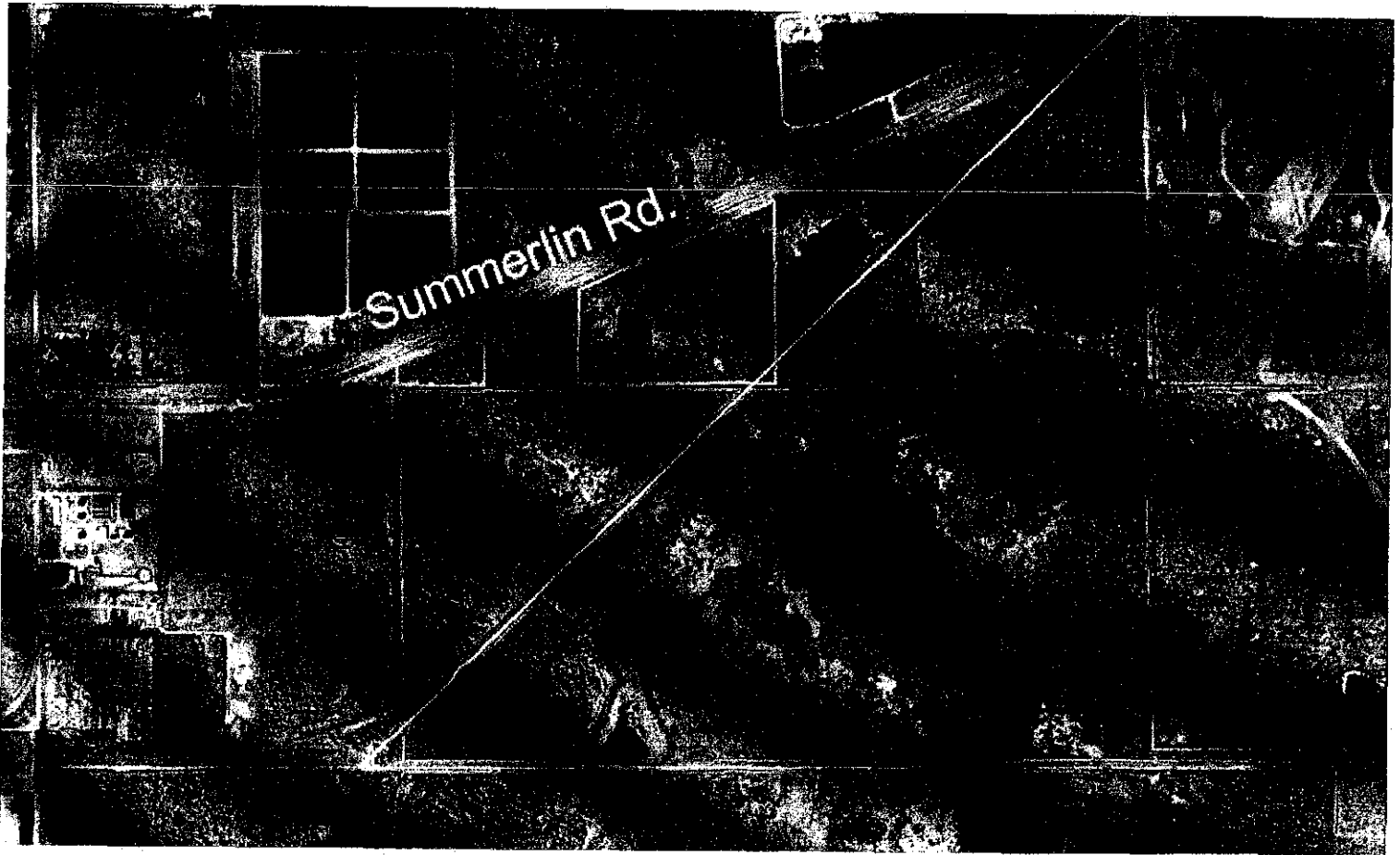


- Legend**
- Selected Features
  - Block
  - Lot
  - Parcels
  - Parcel Hooks
  - Hydro Features
  - Road Center Line
  - Section Lines
  - City Limits
  - Bonita Springs
  - Cape Coral
  - Fort Myers
  - Sanibel
  - Town of Fort Myers Beach

**Subject Parcels**

*ARC*

# Lee County parcels



- Zemel
- Lee County piece 2
- Lee county piece 1

0 0.4 Miles



**RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS, LEE COUNTY, AUTHORIZING CONVEYANCE BY DONATION OF COUNTY OWNED LAND IN SECTION 5, TOWNSHIP 46 S, RANGE 24 E, TO THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA.**

**WHEREAS**, Lee County declares that the purpose of this Resolution is to convey 34.4 ± acres of a County owned land to the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida pursuant to a request by the State of Florida Department Environmental Protection in order to allow the Department to proceed with the acquisition and restoration of 744.4 acres within the Estero Bay State Buffer and Aquatic Preserve and;

**WHEREAS**, pursuant to Section 125.38 F.S., the Board of County Commissioners has authority to convey County property to the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida without advertisement and without compensation or consideration because the said Board is an authority of the State of Florida, and;

**WHEREAS**, the Board of County Commissioners has determined and is satisfied that the property is not needed for County purposes and that by virtue of conveyance to the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, the property will benefit the public or community interest and welfare and will continue to be in public ownership.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA**, that this Board authorizes this conveyance of said land as described in Exhibit "A" to the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida without payment of any consideration therefor, and authorizes the execution of the County Deed for and on behalf of Lee County for such purposes, with the forms attached hereto and made a part hereof.

The foregoing Resolution was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_, and upon being put to a vote, the vote was as follows:

BOB JANES \_\_\_\_\_  
DOUGLAS ST. CERNY \_\_\_\_\_  
RAY JUDAH \_\_\_\_\_  
ANDREW W. COY \_\_\_\_\_  
JOHN E. ALBION \_\_\_\_\_

THIS RESOLUTION WAS DULY PASSED AND ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

ATTEST:  
CHARLIE GREEN, CLERK  
By: \_\_\_\_\_  
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA  
By: \_\_\_\_\_  
Chairman or Vice-Chairman

APPROVED AS TO FORM:  
By: \_\_\_\_\_  
Office of the County Attorney

**EXHIBIT "A"**

The East ½ of the East ½ of Section 5, Township 46 South, Range 24 East, lying south of County Road 869, Lee County, Florida, LESS AND EXCEPT the abandoned Seaboard All Florida Railway as recorded in Deed Book 111, Page 141 of the Public Records of Lee County, Florida, and

The West ½ of the West ½ of the Southeast ¼ of Section 5, Township 46 South, Range 24 East, lying south of County Road 869, Lee County, Florida.

The Property described herein is subject to the following Covenants, Conditions, Reservations and Reverters:

1. The Property described herein, is being conveyed to the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida Department, Grantee, for the purpose of restoration and protection of the Property, which will be managed as a part of the Estero Bay State Buffer and Aquatic Preserve and will benefit the public or community interest. If, at any time, the Property ceases to function and be maintained as a flowway, or ceases to function and be maintained as a protected natural preserve, benefiting the public or community interest, then title to the Property will automatically revert to the COUNTY.
2. The COUNTY, as successor in interest to the former Iona Drainage District (IDD), hereby reserves the right to drain and flow surface water over and through the subject property in conjunction with the ± 99.2' wide drainage easement known as IDD Canal "C".

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

STRAP Nos.: 05-46-24-00-00002.0000 and 05-46-24-00-00004.0000

**THIS SPACE FOR RECORDING**

**COUNTY DEED**

**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 BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA, whose post office address is c/o Florida Department of Environmental Protection, Division of State Lands, 3900 Commonwealth Boulevard, Mail Station 115, Tallahassee, Florida 32399-3000, 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:

That Property legally described in attached Exhibit "A". This conveyance is specifically subject to those covenants, conditions, reservations and reverters contained in attached Exhibit "B" and, Grantee, by accepting this conveyance specifically accepts and agrees to be bound by the stated covenants, conditions, reservations and reverters.

Acceptance of Transfer of Title to Donated Lands attached hereto as Exhibit "C" and by reference made a part hereof.

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 East  $\frac{1}{2}$  of the East  $\frac{1}{2}$  of Section 5, Township 46 South, Range 24 East, lying south of County Road 869, Lee County, Florida, LESS AND EXCEPT the abandoned Seaboard All Florida Railway as recorded in Deed Book 111, Page 141 of the Public Records of Lee County, Florida, and

The West  $\frac{1}{2}$  of the West  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of Section 5, Township 46 South, Range 24 East, lying south of County Road 869, Lee County, Florida.

## **EXHIBIT "B"**

### **Covenants, Conditions, Reservations and Reverters**

1. The Property described herein, is being conveyed to the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida Department, Grantee, for the purpose of restoration and protection of the Property, which will be managed as a part of the Estero Bay State Buffer and Aquatic Preserve and will benefit the public or community interest. If, at any time, the Property ceases to function and be maintained as a flowway, or ceases to function and be maintained as a protected natural preserve, benefiting the public or community interest, then title to the Property will automatically revert to the COUNTY.
2. The COUNTY, as successor in interest to the former Iona Drainage District (IDD), hereby reserves the right to drain and flow surface water over and through the subject property in conjunction with the ± 99.2-foot wide drainage easement known as IDD Canal "C".

**EXHIBIT "C"**

**ACCEPTANCE OF TRANSFER OF TITLE TO DONATED LANDS**

Board of Trustees of the Internal Improvement Trust Fund of the State of Florida hereby accepts this conveyance as a transfer of title of the real property as described in this Deed in accordance with F. S. 259.041(10)(a).

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA

\_\_\_\_\_  
(SIGNATURE OF FIRST WITNESS)

\_\_\_\_\_  
(PRINTED, TYPED OR STAMPED NAME OF FIRST WITNESS)

BY: \_\_\_\_\_

Lynda I. Godfrey  
Senior Acquisition Review Agent, DIVISION OF STATE LANDS, DEPARTMENT OF ENVIRONMENTAL PROTECTION, as agent for and on behalf of the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida

\_\_\_\_\_  
(SIGNATURE OF SECOND WITNESS)

\_\_\_\_\_  
(PRINTED, TYPED OR STAMPED NAME OF SECOND WITNESS)

\_\_\_\_\_  
Date Signed

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 200\_\_, by Lynda I. Godfrey, Senior Acquisition Review Agent, Division of State Lands, Department of Environmental Protection, as agent for and on behalf of the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida. She is personally known to me.

(NOTARY PUBLIC SEAL)

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
(Printed, Typed, or Stamped Name of Notary Public)

Commission No.: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_