

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

**DATE CRITICAL
Blue Sheet No. 20051784**

1. ACTION REQUESTED/PURPOSE: Authorize the Chairwoman to execute a Release of Easement.

2. WHAT ACTION ACCOMPLISHES: Releases all right, title and interest given to Lee County as a result of the terms and conditions of a temporary roadway turnaround easement given to Lee County in 1969.

3. MANAGEMENT RECOMMENDATION:

4. Departmental Category:
12

C12A

5. Meeting Date:
01-10-2006

6. Agenda:

Consent
 Administrative
 Appeals
 Public
 Walk-On

7. Requirement/Purpose: (specify)

Statute 125.411,FS
 Ordinance
 Admin. Code
 Other

8. Request Initiated:

Commissioner _____
Department County Attorney
Division Land Use
By: John J. Fredyma
John J. Fredyma
Assistant County Attorney

9. Background:

By indenture dated January 6, 1969, Betty Jean Evans and John L. Evans conveyed a temporary roadway turnaround easement to Lee County. The turnaround is located at the southeast corner of Staley Farms Road and Luckett Road. This instrument was recorded in the Public Records of Lee County, Florida, at Official Records (O.R.) Book 520, Page 797.

The easement was temporary and could be terminated or revoked upon six-months written notice to the County. Farasi Farm, LLC, is the successor in interest to Betty Jean Evans and John L. Evans, and has provided written notice to Lee County seeking to revoke or terminate the easement.

Attachment: Release of Easement

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services			County Manager/P.W. Director
					Analyst	Risk	Mgr.	
				<i>[Signature]</i>	RK 12/20	<i>[Signature]</i>	RK 12/20	<i>[Signature]</i> 12/20/05

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

CO. ATTY.
FORWARDED
TO CO. ADMIN.
12/20/05 TTHM

RECEIVED BY
COUNTY ADMIN: *[Signature]*
12-20-05
11:41
COUNTY ADMIN
FORWARDED TO: *[Signature]*
12/23/05
10:07

This Instrument Prepared by:

Lee County Attorney's Office
P.O. Box 398
Fort Myers, FL 33902-0398
239/335-2236

STRAP Number: 13-44-25-00-00002.1290

This Space for Recording

RELEASE OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS that this Release of Easement is given this ____ day of _____, 200__, by **Lee County**, a political subdivision of the State of Florida, whose address is P.O. Box 398, Fort Myers, FL 33902 ("County"), Grantor, to **Farasi Farm, LLC**, a Florida Limited Liability Company whose address is 10090 McGregor Boulevard, For Myers, FL 33905, their heirs, successors and assigns ("Farasi"), Grantee.

WHEREAS, on January 6, 1969, Betty Jean Evans, joined by her husband, John L. Evans, the predecessors in title to Farasi, conveyed a temporary roadway turnaround to Lee County, which indenture is recorded in Official Records (O.R.) Book 520, Page 797 of the Public Records of Lee County, Florida, ("*Easement*");

WHEREAS, the Easement was temporary and contained a condition requiring the County, upon the receipt of six months written notice, to terminate its use and surrender as all right, title and interest in the Easement;

WHEREAS, Farasi is the successor in interest and title to Betty Jean Evens and John L.Evans, and by letter dated September 2, 2005, Farasi has requested Lee County to terminate its use and surrender as all right, title and interest in the Easement;

WHEREAS, it is the intent of the County to release to Farasi all right, title and interest in the Easement recorded in O.R. Book 520, Page 797 of the Public Records of Lee County, Florida.

NOW, THEREFORE, for and in consideration of the sum of One and xx/100 Dollar (\$1.00) and other good and valuable consideration, receipt of which is hereby acknowledged, Lee County hereby conveys, sets over, remises and releases to Farasi Farms, LLC, their successors and assigns, all right, title and interest in Easement dated January 6, 1969, recorded in recorded in O.R. Book 520, Page 797 of the Public Records of Lee County, Florida.

This Release of Easement applies only to the interest of Lee County and its Board of County Commissioners in the Easement herein described, and does not warrant the title or represent any state of facts concerning the title.

IN WITNESS WHEREOF the County has caused this Release of Easement to be executed in its name by its Board of County Commissioners acting by the Chairwoman or Vice-Chairman of said Board, the day and year first written above.

ATTEST:
CHARLIE GREEN, CLERK

LEE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Tammara Hall, Chairwoman

APPROVED AS TO LEGAL FORM:

John J. Fredyma
Assistant County Attorney
Lee County Attorney's Office