

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

Blue Sheet No. 20060426

1. ACTION REQUESTED/PURPOSE: Accept Grant of Bikepath/Sidewalk Easement for acquisition of Parcel 107, San Carlos Boulevard Bikepath Project No. 4079; authorize payment of costs to close and the Division of County Lands to handle all documentation necessary to complete transaction.

2. WHAT ACTION ACCOMPLISHES: Acquisition of an easement for the San Carlos Boulevard bikepath/sidewalk.

3. MANAGEMENT RECOMMENDATION: Approve.

4. Departmental Category: 6 **CGA** **5. Meeting Date:** **5-23-2006**

6. Agenda: <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Administrative <input type="checkbox"/> Appeals <input type="checkbox"/> Public <input type="checkbox"/> Walk-On	7. Requirement/Purpose: (specify) <input checked="" type="checkbox"/> Statute 125 <input type="checkbox"/> Ordinance <input type="checkbox"/> Admin. Code <input type="checkbox"/> Other	8. Request Initiated: Commissioner _____ Department _____ Independent Division _____ County Lands By: <u>Karen L.W. Forsyth, Director</u>
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9. Background:
Negotiated for: Department of Transportation (Twelve remaining easements will be acquired under the parameters of this project).

Interest to Acquire: Bikepath/Sidewalk Easement (±1,373 sq. ft.)

Property Details:

Owner: Beach Road Business Center, L.L.C., a Florida limited liability company
Address: 16520 San Carlos Boulevard, Fort Myers, 33908
STRAP No.: 06-46-24-00-000007.0110

Purchase Details: The property owner is granting this interest to the County without requiring compensation for the easement value.

Account: Funds for recording will be paid from Account No. 20407930700.506110

Attachments: Grant of Easement, Title Data /Corporate Data, Location Map

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.	
<i>K. Forsyth</i>			<i>MP</i>	<i>Richard</i>	<i>5/11/06</i>	<i>5/11/06</i>	<i>5/11/06</i>	<i>5/11/06</i>	<i>HS 5/11/06</i>

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY
COUNTY ADMIN: *MP*

5-11-06
3:59

COUNTY ADMIN
FORWARDED TO: *PL*

5/11/06
4:30 PM

Rec. by CoAtty

Date: *5/11/06*

Time: _____

Forwarded To: _____

RECEIVED
MAY 10 2006
LCDOL

THIS INSTRUMENT PREPARED BY:

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

Deborah Fischer Rugg, P.A.
1001 W. Cypress Creek Road, Suite 320-I
Fort Lauderdale, FL 33309

(54) 401-0323

Parcels: 107
Project: San Carlos Boulevard Bikepath
Strap No.: 06-46-24-00-00007.0110

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

THIS INDENTURE made and entered into this 22 day of MARCH, 2006, by and between BEACH ROAD BUSINESS CENTER, L.L.C., a Florida limited liability company, whose address is 4397 N. State Road 7, Lauderdale Lakes, FL 33319, 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, 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 on said described property.
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. Grantor covenants that it is lawfully seized and possessed of the property described in Exhibit "A", and has lawful right to convey this non-exclusive easement subject to existing easements for public highways or road, railroads, laterals, ditches, pipelines and electrical transmission or distribution lines and telephone and cable television lines. Grantor will not be precluded from utilizing the easement area as a part of the site's landscape buffer area. However, Grantor will not place any

82-

interfering landscape material in the easement. Also, the Grantor will prevent the creation of obstructions or conditions, which are or may become dangerous to the public within the easement.

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

6. 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 any 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.

7. The County will be responsible for maintenance of the bikepath/sidewalk facility, and

agrees to be liable for money damages in tort for any injuries to or losses of property, personal injury, or death caused by the negligent or wrongful acts or omissions of any official or employee of the County while acting within the scope of the official's or employee's office or employment under circumstances under which a private person would be held liable in accordance with the general laws of the State of Florida, subject to the limitations as set out in Section 768.28, Florida Statutes, as it may be amended or revised from time to time. ~~The County agrees to sue, defend, indemnify and hold harmless Grantor from any and all loss or liability of claim, including reasonable attorneys' fees, resulting from or arising out of any claims, demands and actions for injuries to or loss of property, personal injury or death made against Grantor, as a result of construction, maintenance or repairs of the bikepath/sidewalk and drainage system.~~

8. This Agreement shall be binding upon the parties hereto, their successors and assigns.

9. 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, Beach Road Business Center L.L.C., Grantor has signed the day and year first above written in the presence of:

BEACH ROAD BUSINESS
CENTER, L.L.C., a Florida limited
liability company



Presilla R. Graves
Presilla R. GRAVES

Witness:

Michael T. Vidulich
Witness: Michael T. Vidulich

By:

Stafford Earle

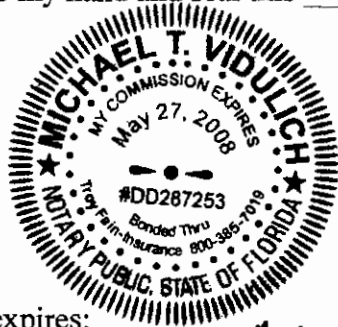
Stafford Earle, Its Managing
Member
4397 N. State Road 7
Lauderdale Lakes, FL 33319

Grant of Perpetual Right-of Way Easement
For Bikepath/Sidewalk
Page Three

STATE OF FLORIDA)
COUNTY OF BROWARD)

BEFORE ME, an officer duly authorized in this State and County to take acknowledgments, personally appeared, **Stafford Earle, Managing Member of Beach Road Business Center, L.L.C., a Florida limited liability company**, who is personally known to me or who produced _____ as identification, and who executed the above instrument on behalf of the company, and who did/did not take an oath.

WITNESS my hand and seal this 22 day of March, 2006.



Michael T. Vidulich
NOTARY PUBLIC, State of Florida

Florida

My commission expires:

5-27-2008

ALL FIVE PAGES INCLUDING EXHIBIT 'A'
INITIALED BY ME

SM

DESCRIPTION

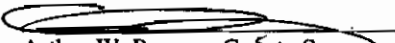
OF

A parcel or tract of land being the easterly 6.00 feet of a parcel of land described and recorded in Official Record Book 2119 at Pages 2890-2891, Lee County Public Records, said parcel or tract lying in the southwest quarter (SW ¼) of Section 6, Township 46 South, Range 24 East, Lee County, Florida, being more particularly described as follows:

Commencing at the southeast corner of the southwest quarter (SW ¼) of Section 6, Township 46 South, Range 24 East, Lee County, Florida, thence run N 00° 00' 16" E along the east line of the southwest quarter (SW ¼) of said section 6 for a distance of 2425.93 feet; thence (departing the east line of the southwest quarter (SW ¼) of said section 6, run N 89° 35' 54" W for a distance of 50.00 feet to the Point of Beginning at the west right of way of San Carlos Boulevard (50 feet in width); thence continue N 89° 35' 54" W for a distance of 6.00 feet; thence run N 00° 00' 16" E along a line 6.00 feet west of (as measured on a perpendicular) the west line of the aforesaid right of way for a distance of 228.89 feet (more or less) to a point on the north line of the southwest quarter (SW ¼) of said section 6 and the south line of a parcel recorded in Official Record Book 4000 at Pages 3364-3366, said public records; thence run S 89° 37' 14" E along said south line for a distance of 6.00 feet to the west right of way of San Carlos Boulevard; thence run S 00° 00' 16" W along the west line of said right of way for a distance of 228.89 feet (more or less) to the Point of Beginning, containing 1373.34 square feet (0.0315 acres) more or less.

Bearings mentioned hereinabove are based on a parcel or tract of land recorded in Official Record Book 2268, Page 2391-2393, Public Records of Lee County, Florida showing the east line of the southwest quarter (SW ¼) of Section 6, Township 46 South, Range 24 East, Lee County, Florida as bearing N 00° 00' 06" E.

COPIES


Arthur W. Parsons, County Surveyor
Professional Surveyor and Mapper
Florida Certificate No. LS-2987



S E

Exhibit "A"

Page 1 of 2

Exhibit A

Page 2 of 2

S.C.



LEGEND

- P.O.C. - POINT OF COMMENCEMENT
- P.O.B. - POINT OF BEGINNING
- O.R. - OFFICIAL RECORD BOOK
- P.G. - PAGE
- SEC. - SECTION
- COR. - CORNER
- (D) - DEED DISTANCE OR BEARING
- (C) - CALCULATED DISTANCE OR BEARING
- (P) - PLAT DISTANCE OR BEARING
- R/W - RIGHT OF WAY
- ESMT. - EASEMENT

06-46-24-00 00007 0070
 RSD, LLC
 6719 WINKLER RD. #121
 FT. WYERS, FL 33919

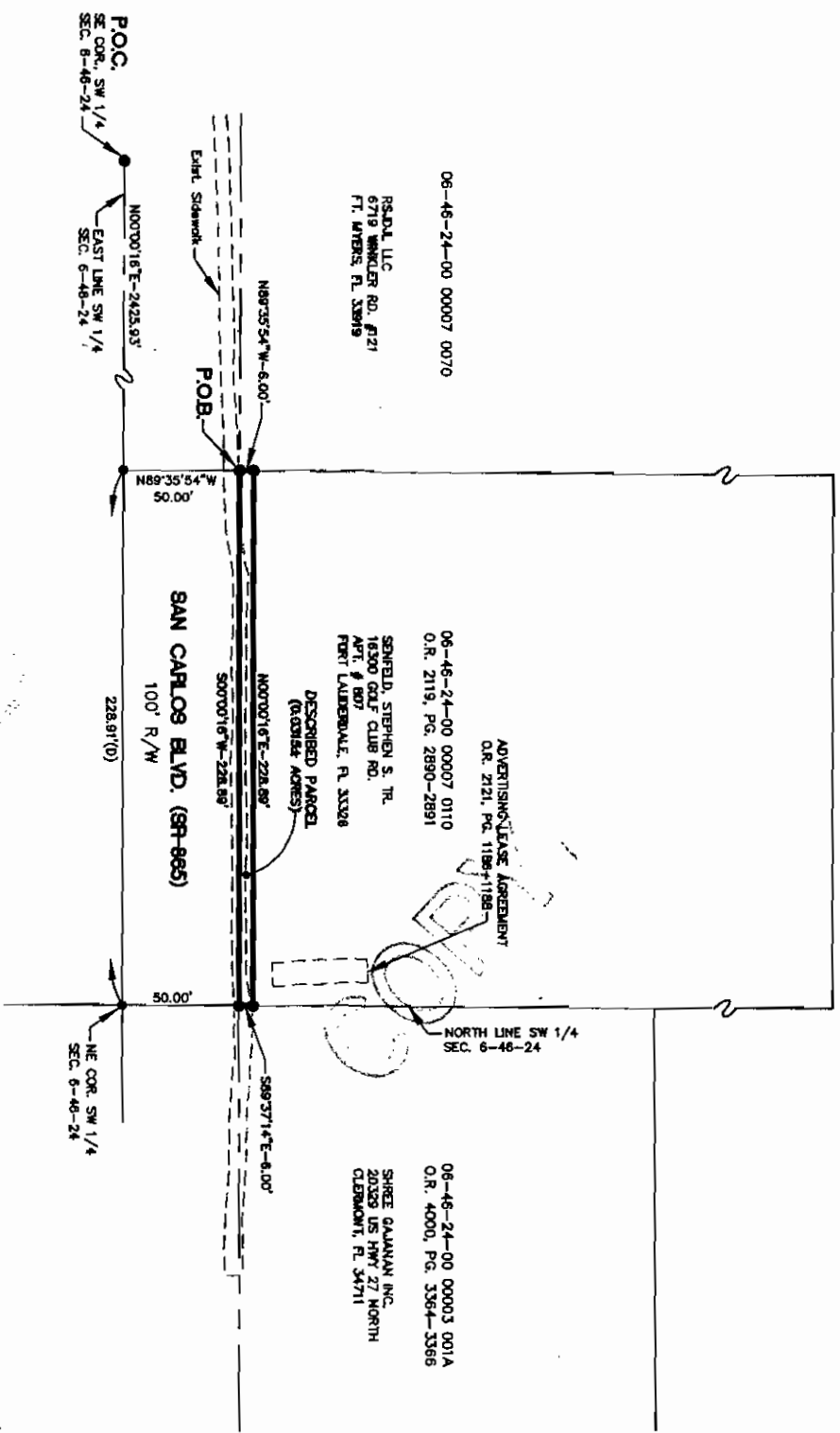
06-46-24-00 00007 0110
 O.R. 2119, PG. 2880-2891

SENTEL, STEPHEN S., JR.
 16300 GOLF CLUB RD.
 APT. # 807
 FORT LAUDERDALE, FL 33328

ADVERTISING LEASE AGREEMENT
 O.R. 2121, PG. 1189-1193

06-46-24-00 00003 001A
 O.R. 4000, PG. 3364-3366

SHREE GANAYAN INC.
 20329 US HWY 27 NORTH
 CLEMSON, FL 34711



SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THIS SKETCH AND DESCRIPTION WAS MADE UNDER MY DIRECTION AND CONTROL AND TO THE BEST OF MY KNOWLEDGE AND BELIEF MEETS THE MINIMUM TECHNICAL STANDARDS IN ACCORDANCE WITH CHAPTER 61G17-6 FLORIDA ADMINISTRATIVE CODE PURSUANT TO CHAPTER 472.027 OF THE FLORIDA STATUTES.

DATE: 8/05

Arthur W. Parsons, County Surveyor
 Professional Surveyor & Mapper
 Florida Certificate No. 13-2987
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR & MAPPER.

NOT A SURVEY

SKETCH IS TO ACCOMPANY
 A LEGAL DESCRIPTION
 OF

A PARCEL OR TRACT OF LAND
 LYING IN SECTION 6, TOWNSHIP 46 S.,
 RANGE 24 E., LEE COUNTY, FLORIDA

DEPARTMENT OF PUBLIC WORKS
 TRANSPORTATION DIVISION
 SHEET NO. 2 OF 2

PARCEL 107

Designed by A.W.P.	Date: 8/05	Disk 200004
Drawn by D.O.K.	Date: 8/05	Scale: 1"=60'
Chk'd: A.W.P.	Date: 8/05	0402922710

Division of County Lands

Ownership and Easement Search

Search No. 06-46-24-00-00007.0110

Date: September 22, 2004

Parcel: 107

Project: San Carlos Blvd. Bike Path, Project 4079

To: J. Keith Gomez
Property Acquisition Agent

From: Shelia A. Bedwell, CLS
Property Acquisition Assistant

STRAP: 06-46-24-00-00007.0110

Effective Date: August 17, 2004, at 5:00 p.m. *3-16-06*

Subject Property: See attached Schedule "X"

Title to the subject property is vested in the following: *Beach Road Business Center, LLC*
Stephen S. Senfeld, as Trustee under that certain Trust Agreement dated December 27, 1989, and known as the Stephen S. Senfeld Living Trust

a Florida Limited Liability Company
By that certain instrument dated December 27, 1989, recorded January 20, 1990, in Official Record Book 2119, Page 2890, Public Records of Lee County, Florida.

Easements: *Amendment OR 4503, pg 2287 dated 11-23-04 and recorded on 11-24-2004*

None found of record.

NOTE(1): Lease Agreement between Stephen Senfeld and National Advertising Company, recorded in Official Record Book 2121, Page 1186, Public Records of Lee County, Florida.

NOTE(2): Memorandum of Lease Agreement between Stephen S. Senfeld, as Trustee of the Stephen S. Senfeld Living Trust and National Advertising Company, doing business as Infinity Outdoor, Inc., recorded in Official Record Book 3367, Page 3512, Public Records of Lee County, Florida.

Note (3) See attached page 3 for recorded Mortgage instruments

Tax Status: 2003 taxes have been paid in full.
(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.

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

Search No. 06-46-24-00-00007.0110

Date: September 22, 2004

Parcel: 107

Project: San Carlos Blvd. Bike Path, Project
4079**Schedule "X"**

A parcel of land located in the Southwest quarter of Section 6, Township 46 South of Range 24 East, Lee County, Florida, more particularly described as follows; starting at the Southeast corner of the Southwest quarter of aforesaid Section 6; thence North 0° 00' 16" E along the East line of the Southwest quarter of aforesaid Section 6 a distance of 2425.93 feet to a point and the principal place of beginning; thence North 89° 35' 54" W parallel to the South line of the Southwest quarter of aforementioned said Section 6 a distance of 667.06 feet; thence North 0° 06' 32" East a distance of 228.26 feet to a point in the North line of the Southwest quarter of aforesaid Section 6; thence South 89° 37' 14" East along the North line of the Southwest quarter of aforesaid Section 6 a distance of 666.69 feet to the Northeast corner of the Southwest quarter of aforesaid Section 6; thence South 0° 00' 16" West along the East line of the Southwest quarter of aforesaid Section 6, a distance of 228.91 feet to the place of beginning, less the right of way of San Carlos Dr. (100 wide).

2	\$0.00	From	BUSINESS CENTER LLC	STEPHEN S TRUSTEE	11/24/2004	Mortgage	O	4503	2290	SW1/4, 6-46S-24E
3	\$0.00	From	BEACH ROAD BUSINESS CENTER LLC	HOME EQUITY MORTGAGE CORPORATION	2/3/2005	Mortgage	O	4578	2011	PAR IN SEC6-46S-24E-ETC
4	\$0.00	To	BEACH ROAD BUSINESS CENTER LLC	HOME EQUITY MORTGAGE CORPORATION	2/21/2005	Agreement	O	4599	550	SEE INSTRUMENT
5	\$0.00	From	BEACH ROAD BUSINESS CENTER LLC	HOME EQUITY MORTGAGE CORPORATION	4/11/2005	Mortgage	O	4659	636	PAR IN SW1/4,6-46S-24E
6	\$0.00	To	BEACH ROAD BUSINESS CENTER LLC	HOME EQUITY MORTGAGE CORP	5/20/2005	Asslgnment	O	4718	4315	OR4659/636
7	\$0.00	To	BEACH ROAD BUSINESS CENTER LLC	HOME EQUITY MORTGAGE CORP	5/20/2005	Assignment	O	4718	4317	OR4659/636

1

OnCore Online Public Search Engine

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Florida Limited Liability

BEACH ROAD BUSINESS CENTER LLC

PRINCIPAL ADDRESS

4397 N .STATE RD. 7
LAUDERDALE LAKES FL 33319

MAILING ADDRESS

4901 UMBRELLA TREE LANE
TAMARAC FL 33319
Changed 03/15/2006

Document Number
L04000081847

FEI Number
342026880

Date Filed
11/12/2004

State
FL

Status
ACTIVE

Effective Date
11/11/2004

Total Contribution
0.00

Registered Agent

Name & Address
EARLE, STAFFORD 4397 N. STATE RD. 7 LAUDERDALE LAKES FL 33319

Manager/Member Detail

Name & Address	Title
EARLE, STAFFORD 4901 UMBRELLA TREE LANE TAMARAC FL 33319	MGRM
EARLE, LISA 4901 UMBRELLA TREE LANE TAMARAC FL 33319	MGR
EARLE, SIMONE 4901 UMBRELLA TREE LANE	MGR

TAMARAC FL 33319	
EARLE, LISA 4901 UMBRELLA TREE LN. TAMARAC FL 33319	MGR

Annual Reports

Report Year	Filed Date
2005	04/19/2005
2006	03/15/2006



No Events
No Name History Information

Document Images

Listed below are the images available for this filing.

03/15/2006 -- ANNUAL REPORT
04/19/2005 -- ANNUAL REPORT
11/12/2004 -- Florida Limited Liability

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



