

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

Blue Sheet No. 20060943

1. ACTION REQUESTED/PURPOSE: Accept donation of a Grant of Bikepath/Sidewalk Easement for acquisition of Parcel 106, 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

CLK

5. Meeting Date: **08-01-2006**

6. Agenda:

- Consent
- Administrative
- Appeals
- Public
- Walk-On

7. Requirement/Purpose: (specify)

- Statute **125**
- Ordinance
- Admin. Code
- Other

8. Request Initiated:

Commissioner _____
 Department _____ Independent
 Division _____ County Lands
 By: Karen L.W. Forsyth, Director *[Signature]*

9. Background:

Negotiated for: Department of Transportation (Eight remaining easements will be acquired under this project).

Interest to Acquire: Bikepath/Sidewalk Easement (±1,200 sq. ft.)

Property Details:

Owner: Extra Space Properties Fifty Two, LLC., a Delaware limited liability company
Address: 16590 San Carlos Boulevard, Fort Myers, 33908
STRAP No.: 06-46-24-29-00000.0010

Purchase Details: This easement is being acquired to clear title for the existing bikepath. Therefore, 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, 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>[Signature]</i>			<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY COUNTY ADMIN: *[Signature]*
 7-19-06 4:00 pm
 COUNTY ADMIN FORWARDED TO: *[Signature]*
 7-20-06
 5 pm

RECEIVED BY COUNTY
 Date: 7/19/06
 Time: 11:30 AM
 Forwarded To: *[Signature]*
 7/19/06 2:45 pm

THIS INSTRUMENT PREPARED BY:

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

Parcels: 106
Project: San Carlos Boulevard Bikepath
Strap Nos.: 06-46-24-29-00000.0010

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

This **INDENTURE**, made and entered into this ____ day of _____, 2006, between **EXTRA SPACE PROPERTIES FIFTY TWO, L.L.C.**, a Delaware limited liability company, whose post office address is 2795 East Cottonwood Parkway, Ste #400, Salt Lake City, Utah 84121, 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.
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, 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 County while acting within the scope or 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.
6. Grantors covenant that they are 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 cable television lines. Grantor will not place any interfering landscape material in the easement. Also, the Grantor will not create obstructions or conditions, which are or may become dangerous to the public within 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. 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, _____, Grantor has caused this document to be signed on the date first above written.

TWO SEPARATE WITNESSES:

EXTRA SPACE PROPERTIES FIFTY TWO, L.L.C.,
a Delaware limited liability company

BY: EXTRA SPACE PROPERTIES FIFTY EIGHT, L.L.C.,
a Delaware limited liability company, its Manager

BY: _____
CHARLES L. ALLEN MANAGER
(Print Name and Title)

[Handwritten Signature]

1st Witness Signature

[Handwritten Name]

Printed name of 1st Witness

[Handwritten Signature]

2nd Witness Signature

David J. Rasmussen

Printed name of 2nd Witness

STATE OF UTAH
COUNTY OF SALT LAKE

The foregoing instrument was acknowledged before me this 12 day of July, 2006

by Charles L. Allen, Manager of Extra Space Properties Fifty Eight, L.L.C., a Delaware limited liability company, the Manager of Extra Space Properties Fifty Two, L.L.C., a Delaware limited liability company, on behalf of the company. He/She is personally known to me or has produced _____ as identification.



(SEAL)

[Handwritten Signature]
(Signature of Notary Public)

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

DESCRIPTION

OF

A parcel or tract of land being the easterly 6.00 feet of Lot 1, San Carlos Handy Storage, a subdivision in Section 6, Township 46 South, Range 24 East according to the plat recorded in Plat Book 41, Pages 61 and 62 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 at the southeast corner of Lot 1, San Carlos Handy Storage, a subdivision in Section 6, Township 46 South, Range 24 East according to the plat recorded in Plat Book 41, Pages 61 and 62 of aforesaid Public Records and the Point of Beginning of the parcel or tract described herein; thence run N 00° 00' 16" E along the east line of said lot 1 and the west right of way line of San Carlos Boulevard (100.00 feet in width) for a distance of 200.00 feet to the northeasterly most corner of said lot 1; thence, departing said right of way line, run N 89° 35'54" W along the boundary line of said lot 1 for a distance of 6.00 feet; thence, departing said boundary line, run S 00° 00' 16" W 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 200.00 feet to a point on the south line of said lot 1; thence run S 89° 35'54" E along the south line of said lot 1 for a distance of 6.00 feet to the Point of Beginning, containing 1200.00 square feet (0.0275 acres) more or less.

Bearings mentioned hereinabove are based on the plat of San Carlos Handy Storage, a subdivision recorded in Plat Book 41, Pages 61 and 62 Lee County Public Records 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' 16" W.

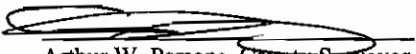

Arthur W. Parsons, County Surveyor
Professional Surveyor and Mapper
Florida Certificate No. LS-2987

Exhibit "A"

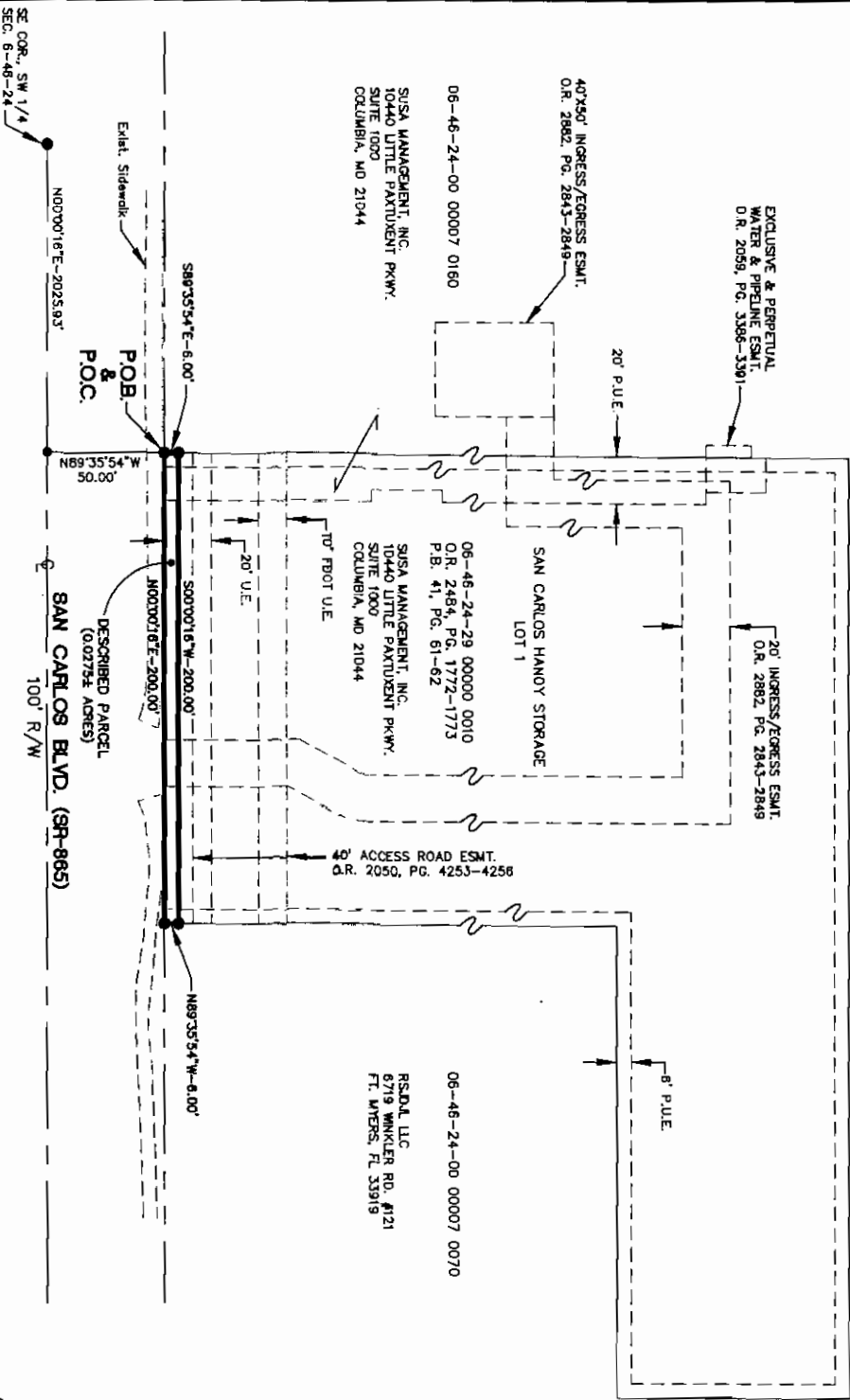
Page 1 of 2

Exhibit "A"

Page 2 of 2



- LEGEND**
- POINT OF COMMENCEMENT
 - POINT OF BEGINNING
 - OFFICIAL RECORD BOOK
 - PLAT BOOK
 - PAGE
 - SECTION
 - CORNER
 - DEED DISTANCE OR BEARING
 - (0) — CALCULATED DISTANCE OR BEARING
 - (1) — PLAT DISTANCE OR BEARING
 - R/W — RIGHT OF WAY
 - ESMT. — EASEMENT



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
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL
Florida Certificate No. LS-2987
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

Designed by: AWP	Date: 8/05	Disk: 20004
Drawn by: D.O.K.	Date: 8/05	Scale: 1"=60'
Chk'd AWP	Date: 8/05	0402922712

PARCEL 106

Division of County Lands

Ownership and Easement Search

Search No. 06-46-24-29-00000.0010

Date: ~~September 22, 2004~~ 7-13-06

Parcel: 106

Project: San Carlos Blvd. Bike Path, Project 4079

To: J. Keith Gomez
Property Acquisition Agent

From: Shelia A. Bedwell, CLS
Property Acquisition Assistant



STRAP: 06-46-24-29-00000.0010

Effective Date: August ~~16, 2004~~ ⁷⁻¹³⁻⁰⁶, at 5:00 p.m.

Subject Property: Lot 1, SAN CARLOS HANDY STORAGE, a subdivision in Section 6, Township 46 South, Range 24 East, according to the plat recorded in Plat Book 41, Pages 61 and 62, Public Records of Lee County, Florida.

Title to the subject property is vested in the following:

~~Susa Partnership, L.P., a Tennessee limited partnership~~

Extra Space Properties Fifty Two LLC, a Delaware LLC

By that certain instrument dated ~~January 13, 1994~~, recorded ~~March 25, 1994~~, in Official Record Book ~~2484~~, Page 1772, Public Records of Lee County, Florida.

Record 7-14-2005 in DR Book 4853/4733

Easements:

1. Eight foot easement along the side and rear lines for public utilities, as stated on recorded plat of the subdivision.
2. Ten foot easement along frontage road for public utilities, as stated on recorded plat of the subdivision.
3. Twenty foot public utility easement along the southerly lot line, as shown on recorded plat of the subdivision.
4. Twenty foot utility easement along the easterly lot line, as shown on recorded plat of the subdivision.
5. Access Road Easement Grant to Lee County, recorded in Official Record Book 2050, Page 4253, Public Records of Lee County, Florida.
6. Exclusive and Perpetual Water Pipeline Easement Grant to Florida Cities Water Company, recorded in Official Record Book 2850, Page 3607, as re-recorded in Official Record Book 2859, Page 3382, Public Records of Lee County, Florida.

Division of County Lands

Ownership and Easement Search

Search No. 06-46-24-29-00000.0010

Date: September 22, 2004

Parcel: 106

Project: San Carlos Blvd. Bike Path, Project
4079

7. Ingress/Egress Easement by and between Sprint Spectrum, L.P. and Susa Partnership, L.P., recorded in Official Record Book 2882, Page 2843, Public Records of Lee County, Florida.

NOTE (1): Resolution of the Board of County Commissioners regarding rezoning and a special exception for mini-warehouse, recorded in Official Record Book 1978, Page 138, Public Records of Lee County, Florida.

Tax Status:

(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.

San Carlos Blvd Bikepath - Parcel 106/Extra Space

