

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

Blue Sheet No. 20061313

1. ACTION REQUESTED/PURPOSE: Accept Perpetual Beach Storm Damage Reduction Easement for Parcel 96 for the Gasparilla Island Beach Restoration Project No. 3023; authorize the Division of County Lands to handle and accept all documentation necessary; authorize necessary recording fees.

2. WHAT ACTION ACCOMPLISHES: Secures permanent easements along Boca Grande on Gasparilla Island for the proposed beach renourishment project.

3. MANAGEMENT RECOMMENDATION: Approve

4. Departmental Category: 06

C6A

5. Meeting Date:

OCT 31 2006

6. Agenda:

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

7. Requirement/Purpose: (specify)

- Statute 125
- Ordinance
- Admin. Code
- Other

8. Request Initiated:

Commissioner _____
 Department ALC Independent
 Division TLM County Lands, 10/18/06
 By: Karen L.W. Forsyth, Director

9. Background:

Negotiated for: Department of Natural Resources

Interest to Acquire: Easement

Property Details:

Owner: Edward W. and Ann Marie Carr, h/w; and Christopher R. and Janice D. Harkins, h/w
Address: 290 Gulf Boulevard Unit 18, Boca Grande, FL 33921
A portion of STRAP No.: 23-43-20-06-00000.0180

Purchase Details:

Purchase Price: Donation
Costs to Close: Recording fees - Approximately \$40

Account: 40302330101.506110 (55.21%) and 42302300100.506110 (44.79%)

Attachments: Copy of Perpetual Beach Storm Damage Reduction Easement and updated title report

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>[Signature]</i>	<i>[Signature]</i> 10-13-06	<i>[Signature]</i> 10/16/06	<i>[Signature]</i> 10/16/06	<i>[Signature]</i> 10/16/06	<i>[Signature]</i> 10/16/06	<i>[Signature]</i> 10/18/06

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

REC'D
 by CO. ATTY.
10/12/06
4:00pm
 CO. ATTY.
 FORWARDED TO:
Admin. 10/13/06 4:45pm

RECEIVED BY
 COUNTY ADMIN:
10/16/06 7:52 AM
 COUNTY ADMIN
 FORWARDED TO:
10/19/06 9 AM

This instrument prepared by:
Lee County
County Lands Division
P.O. Box 398
Fort Myers, Florida 33902-0398
Project: Gasparilla Island Beach Renourishment Project No. 3023
Parcel No.: 096
Strap No.: 23-43-20-06-00000.0180

(This space is for recording)

PERPETUAL BEACH STORM DAMAGE REDUCTION EASEMENT

Know all by these presents that on this 11TH day of SEPTEMBER, 2006, Edward W. Carr and Ann Marie Carr, husband and wife, and Christopher R. Harkins and Janice D. Harkins, husband and wife, whose mailing address is 314 Hillside Terrace, Newport News, Virginia 23602, hereinafter referred to as "GRANTOR," in consideration of the mutual benefits to be derived from the Gasparilla Island Beach Renourishment Project (the "Lee County Shore Protection Project") and other good and valuable consideration, hereby grants, bargains and conveys to Lee County, a political subdivision of the State of Florida, whose mailing address is Post Office Box 398, Fort Myers, Florida, 33902-0398, hereinafter "GRANTEE," a Perpetual Beach Storm Damage Reduction easement (the "EASEMENT") over and in the following described property (the "EASEMENT PROPERTY"):

See Attached Schedule A

Perpetual Beach Storm Damage Reduction Easement: A perpetual and assignable easement and right-of-way in, on, over and across the land described in Schedule A (STRAP No. 23-43-20-06-00000.0180), for use by the Grantee, its representatives, agents, contractors and assigns, to construct; preserve; patrol; operate; maintain; repair; rehabilitate; and replace; a public beach and other erosion control and storm damage reduction measures together with appurtenances thereto, including the right to deposit sand; to accomplish any alterations of contours on said land; to construct berms; to nourish and renourish periodically; to move, store and remove equipment and supplies; to erect and remove temporary structures; and to perform any other work necessary and incident to the construction, periodic renourishment and maintenance of the Lee County Shore Protection Project, together with the right of public use and access; to trim, cut, fell, and remove from said land all trees, underbrush, debris, obstructions, and any other vegetation, structures and obstacles within the limits of the easement; reserving to the grantor(s), her heirs, successors and assigns, all such rights and privileges as may be used and enjoyed without interfering with or abridging the rights and easements hereby acquired; subject however to existing easements for public roads and highways, public utilities, railroads and pipelines.

This is a Nonexclusive Easement with the Grantor reserving the right to the continued free use of the Easement Property in a manner not materially inconsistent with the rights granted herein to Grantee for Grantee's use.

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

Parcel No.: 096
Strap No.: 23-43-20-06-00000.0180

IN WITNESS HEREOF, Grantor has caused these presents to be executed on the date first above written.

Signed, sealed and delivered in the presence of:

Grantor:

Joyce M. Turner
Witness

Edward W. Carr
Edward W. Carr

Joyce M. TURNER
(Print Name)

R. Donald Ragland, Jr.
Witness

R. Donald Ragland, Jr.
(Print Name)

Ann Marie Carr
Ann Marie Carr

Joyce M. Turner
Witness

Joyce M. TURNER
(Print Name)

R. Donald Ragland, Jr.
Witness

R. Donald Ragland, Jr.
(Print Name)

STATE OF Virginia

COUNTY OF Hampton

The foregoing instrument was acknowledged before me this September 11, 2006 (date)

by Edward W. Carr and Ann Marie Carr, who are personally known to me or who have (Name of persons acknowledging).

produced DRIVER'S LICENSE as identification (type of identification)

Joyce M. Turner
(Signature of person taking acknowledgment)

Joyce M. TURNER
(Name typed, printed or stamped)

Notary Public
(Title or rank)

231-60-1531
(Serial Number, if any)

Commission Expires Aug. 31, 2007

Parcel No.: 096
Strap No.: 23-43-20-06-00000.0180

Signed, sealed and delivered in the presence of:

Grantor:

Joyce M. Turner
Witness

Christopher R. Harkins
Christopher R. Harkins

Joyce M. TURNER
(Print Name)

ALLISON ATKINSON
Witness

Allison Atkinson
(Print Name)

Janice D. Harkins
Janice D. Harkins

Joyce M. Turner
Witness

Joyce M. TURNER
(Print Name)

ALLISON ATKINSON
Witness

Allison Atkinson
(Print Name)

STATE OF Virginia

COUNTY OF Hampton

The foregoing instrument was acknowledged before me this September 11, 2006
(date)

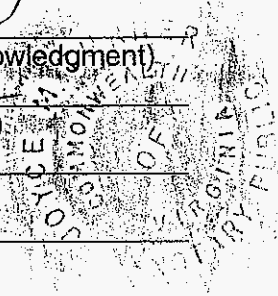
by Christopher R. Harkins and Janice D. Harkins, who are personally known to me or who
(Name of persons acknowledging)
have produced DRIVER'S Lic. as identification.
(type of identification)

Joyce M. Turner
(Signature of person taking acknowledgment)

Joyce M. TURNER
(Name typed, printed or stamped)

Notary Public
(Title or rank)

231-60-1531
(Serial Number, if any)



Commission Expires Aug. 31, 2007

Parcel No. 096
STRAP No(s): 23-43-20-06-00000.0180

SCHEDULE A

That portion of the following described parcel lying seaward of the +4.6 NGVD contour line:

Residence #18 of The Lighthouse of Boca Grande, a Condovision as evidenced by instrument by recorded in Official Record Book 1399, Page 1834, Public Records of Lee County, Florida, and specifically described as the South 26.04 feet of the North 117.47 feet of Lots 1, 2, and 2-A of Golden Beach, Unit Number 1 Replat, according to the plat filed in Plat Book 12 at Page 145, of the Public Records of Lee County, Florida, said parcel lying in Section 23, Township 43 South, Range 20 East.

A portion of the Northerly line of said Residence #18 being along a 1" (one inch) opening separating said Residence #18 and Residence #19.

This line has been surveyed by Johnson Engineering, Inc., and is reflected on survey sketches dated August 15, 2000, and filed in the Public Records of Lee County, Florida.

Subject property is not the homestead of grantor, nor is it contiguous to any homestead of the grantor.

Division of County Lands

Updated Ownership and Easement Search

Search No. 23-43-20-06-00000.0180

Date: October 10, 2006

Parcel: 96

Project: Gasparilla Island Beach

Restoration #3023

To: Teresa L. Mann, SR/WA
Property Acquisition Agent

From: Bill Abramovich *B.A.*
Real Estate Title Examiner

STRAP: 23-43-20-06-00000.0180

Effective Date: October 3, 2006, at 5:00 p.m.

Subject Property: See attached Schedule "X"

Title to the subject property is vested in the following:

**Edward W. Carr and Ann Marie Carr, Husband and Wife
and Christopher R. Harkins and Janice D. Harkins, Husband and Wife**

By that certain instrument dated June 5, 2004, recorded June 21, 2004, in Official Record Book 4341, Page 1358, Public Records of Lee County, Florida.

Easements:

1. 15 foot Easement granted to Florida Power and Light Company for utility purposes, as recorded in Official Record Book 1364, Page 457, Public Records of Lee County, Florida. (does not affect project area)
2. Non-Exclusive right of ingress and egress over and upon the lands comprising The Lighthouse at Boca Grande, for the purpose of resident owners' common enjoyment, as recited in Warranty Deed recorded in Official Record Book 1403, Page 530, Public Records of Lee County, Florida. (see: Lots 1,2, and 2-A of Golden Beach, Unit 1, Plat Book 12, Page 145 of said Public Records for detailed description of the lands comprising The Lighthouse)

NOTE (1): Paragraph No. 4(b) of the Restrictions recorded in Official Record Book 1399, Page 1834, Public Records of Lee County, Florida, may affect project, this must be addressed and resolved by the Title Company or Attorney that handles the transfer to the County; also there is mention of a property owners association in the same instrument.

NOTE (2): Mortgage executed by Christopher R. Harkins, Janice D. Harkins, husband and wife, Edward W. Carr, Ann Marie Carr, husband and wife, in favor of Chase Manhattan Mortgage Corporation, dated May 28, 2004, recorded June 21, 2004, in Official Record Book 4341, Page

Division of County Lands

Updated Ownership and Easement Search

Search No. 23-43-20-06-00000.0180

Date: October 10, 2006

Parcel: 96

Project: Gasparilla Island Beach

Restoration #3023

1359, Public Records of Lee County, Florida.

NOTE (3): Lee County Ordinances relating to garbage and solid waste collection, recorded in Official Record Book 2189, Pages 3281 and 3334, Public Records of Lee County, Florida.

FOR INFORMATION ONLY: A Survey of the coastal construction set back line in Lee County can be found in Plat Book 31, Page 1, as updated in Plat Book 31-1, Page 1 and as revised in Plat Book 48, Pages 15 thru 34, all in the Public Records of Lee County, Florida.

Tax Status: Taxes in the amount of \$11,165.28 have been paid on November 28, 2005.
(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

Updated Ownership and Easement Search

Search No. 23-43-20-06-00000.0180

Date: October 10, 2006

Parcel: 96

Project: Gasparilla Island Beach

Restoration #3023

Schedule X

Residence #18 of The Lighthouse of Boca Grande, a Condominium as evidenced by instrument recorded in Official Record Book 1399, Page 1834, Public Records of Lee County, Florida, and specifically described as the South 26.04 feet of the North 117.47 feet of Lots 1,2, and 2-A of Golden Beach, Unit Number 1 Replat, according to the plat filed in Plat Book 12 at Page 145, of the Public Records of Lee County, Florida, said parcel lying in Section 23, Township 43 South, Range 20 East.

A portion of the Northerly line of said Residence #18 being along a 1" (one inch) opening separating said Residence #18 and Residence #19.

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