

This Instrument Prepared by:

Lee County
Department of County Lands
P.O. Box 398
Fort Myers, FL 33902-0398

Project: Lehigh Acres LeeTran Park & Ride

PERPETUAL STORMWATER DRAINAGE AND ACCESS EASEMENT

THIS Perpetual Drainage Easement grant is given this 7th day of November, 2023, between **Lehigh Acres Municipal Services Improvement District**, an Independent Special District of the State of Florida, formerly East County Water Control District, whose address is 601 East County Lane, Lehigh Acres, Florida 33936, (hereinafter "*LAMSID*"), and **Lee County**, a political subdivision of the State of Florida, whose address is P.O. Box 398, Fort Myers, Florida 33902-0398 (hereinafter "*County*") as follows:

WITNESSETH:

1. For and in consideration of the sum of Ten and xx/100 Dollars (\$10.00) and other good and valuable consideration, receipt and sufficiency of which is hereby acknowledged, LAMSID hereby grants and transfers to County, its successors and assigns, the use of a perpetual public drainage and maintenance access easement situated in Lee County, Florida, and located and described as set forth in attached Exhibit "A" (the "*Easement Area*").
2. County, its successors, appointees and assigns, are granted the right, privilege, and authority to construct and maintain stormwater drainage pipelines, swale, storm drain and other appurtenances, to be located upon, under, across and through the Easement Area with the additional right, privilege and authority to remove, replace, repair and enlarge said system, and to trim and remove roots, trees, shrubs, bushes and plants, and remove fences when reasonably necessary for the proper construction and operation of the said facilities. County has the right and authority to remove and dispose of dirt, rocks and vegetation within Easement Area.
3. County, its successors, appointees and assigns, are hereby granted the additional right, privilege, and authority to place crushed stone, concrete or other stabilizing material within the Easement Area for the purpose of providing suitable access by

PERPETUAL DRAINAGE AND ACCESS EASEMENT

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workmen, vehicles and equipment to construct and maintain the County's drainage improvements contemplated herein.

4. The access improvements located in the Easement Area will not be limited to any particular material type or style. The total area of this Access Easement Area is reserved for the ingress and egress by the County. Houses, buildings, carports, garages, storage sheds, overhangs, fences or any other structures may not be constructed upon or placed within the Easement Area by LAMSID, its heirs, successors or assigns.
5. Easement Area is reserved for drainage pipelines, swales, appurtenances and access improvements. The stormwater drainage pipeline improvements will not be limited to any one (1) diameter size, type, and/or number of connections to other stormwater pipes for providing drainage. LAMSID retains the right to utilize Easement Area for access, drainage ways, or similar uses that do not conflict with the County's intended uses.
6. Title to the stormwater drainage facilities, and access improvements constructed hereunder shall remain in the County, County's successors and assigns.
7. LAMSID warrants that subject to existing easements, if any, for public highways or roads, railroads, laterals, ditches, pipelines and electrical transmission or distribution lines and telephone and cable television lines covering the land herein described, LAMSID is lawfully seized and possessed of said lands, has good and lawful right and power to convey, and that Easement Area is free and clear of all liens and encumbrances, except as defined herein.
8. LAMSID, its successors or assigns, assume all liability for any consequential damages to any houses, buildings, carports, garages, storage sheds, overhangs, or any other structures or portions of structures subsequently constructed by LAMSID in violation of Paragraph 4, herein, which result from the activities of the County for any construction, maintenance or repairs to the drainage facilities located within Easement Area.
9. THIS AGREEMENT shall be binding upon the parties hereto, their successors and assigns.

(Balance of Page Intentionally Left Blank)

PERPETUAL DRAINAGE AND ACCESS EASEMENT

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IN WITNESS WHEREOF, LAMSID has signed and sealed these presents the day and year first above written.

Signed, sealed, and delivered in the presence of two subscribing witnesses:

LEHIGH ACRES MUNICIPAL SERVICES IMPROVEMENT DISTRICT, An independent Special District of the State of Florida

WITNESSES

[Handwritten signature] [1st Witness' Signature]

DANA MARCH [Type or print name]

[Handwritten signature] [2nd Witness' Signature]

David E. Lindsay [Type or print name]

By: [Handwritten signature]

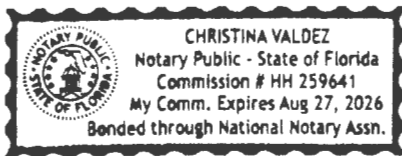
Name: Michael Bonacolta

Title: Chair

STATE OF FLORIDA COUNTY OF LEE

The foregoing instrument was acknowledged before me by means of [X] physical presence or [] online notarization, this 27th day of NOVEMBER, 2023 by Michael Bonacolta as, as Chair of Lehigh Acres Municipal Services Improvement District, on behalf of the District, who is personally known to me or who has produced as identification.

[STAMP or SEAL]



Signature: [Handwritten signature]

Printed Name: Christina Valdez

My Commission Expires: August 27, 2026

Commission No. HH 259641

PERPETUAL DRAINAGE AND ACCESS EASEMENT
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Approved and accepted for and on behalf of Lee County, Florida, this 7th day
of November, 2023.

ATTEST:
KEVIN C. KARNES, CLERK

BY: *Michael Butler*
Clerk of Circuit Court

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: *[Signature]*
Chair / Vice Chair



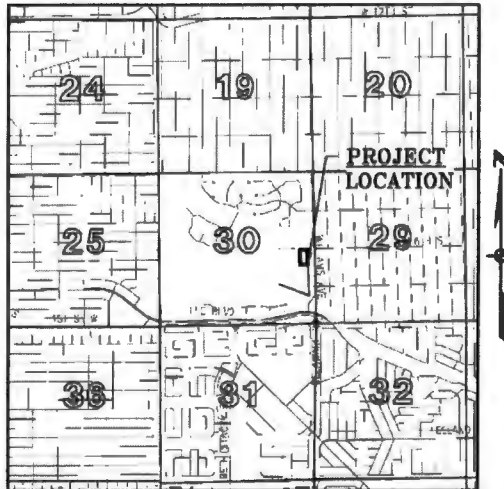
APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

By: *[Signature]*
County Attorney's Office

ATTACHMENT "A"

**SKETCH AND DESCRIPTION
LEHIGH ACRES PARK & RIDE
LAMSID DRIANGE EASEMENT
SECTION 30, TOWNSHIP 44 SOUTH, RANGE 27 EAST
LEE COUNTY, FLORIDA**

VICINITY MAP
1"=5000'



NOTES:

1. THIS IS NOT A BOUNDARY SURVEY, NOR IS IT INTENDED TO BE USED AS ONE.
2. COORDINATES AND HORIZONTAL DATA SHOWN HEREON ARE IN FEET AND ARE PROJECTED ONTO THE FLORIDA STATE PLANE COORDINATE SYSTEM, WEST ZONE, NORTH AMERICAN DATUM OF 1983 (NAD83), 2011 ADJUSTMENT.
3. BEARINGS SHOWN HEREON ARE BASED ON FIXING THE WEST LINE OF LANDS DESCRIBED IN ORB 3078, PG. 751 AS N02°23'27"W.
4. PARCEL CONTAINS 1,055 SQUARE FEET, MORE OR LESS.
5. P.O.B. = POINT OF BEGINNING
6. P.O.C. = POINT OF COMMENCEMENT
7. ORI = OFFICIAL RECORDS INSTRUMENT
8. ORB = OFFICIAL RECORDS BOOK
9. DB = DEED BOOK
10. PB = PLAT BOOK
11. PG = PAGE
12. DE = DRAINAGE EASEMENT
13. PUE = PUBLIC UTILITY EASEMENT
14. LAMSID = LEHIGH ACRES MUNICIPAL SERVICES DISTRICT
15. N = NORTHING
16. E = EASTING
17. R = RADIUS
18. Δ = DELTA
19. CB = CHORD BEARING
20. C = CHORD LENGTH
21. L = ARC LENGTH
22. NOT VALID WITHOUT SHEETS 1 THROUGH 3 OF 3.

THIS IS NOT A SURVEY.

I HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THE LEGAL DESCRIPTION AND ATTACHED SKETCH WERE PREPARED IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF CHAPTER 5J-17.05, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472, FLORIDA STATUTES.



Digitally signed by
Mark D. Haines PSM
LS5312 State of
Florida
Date: 2023.08.28
15:29:01 -04'00'

THIS SKETCH HAS BEEN DIGITALLY SIGNED BY:
MARK D. HAINES (FOR THE FIRM L.B. 642)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5312
ON THE DATE ADJACENT TO THE SEAL.

PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED, AND THE DIGITAL SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 5J-17.062, F.A.C.

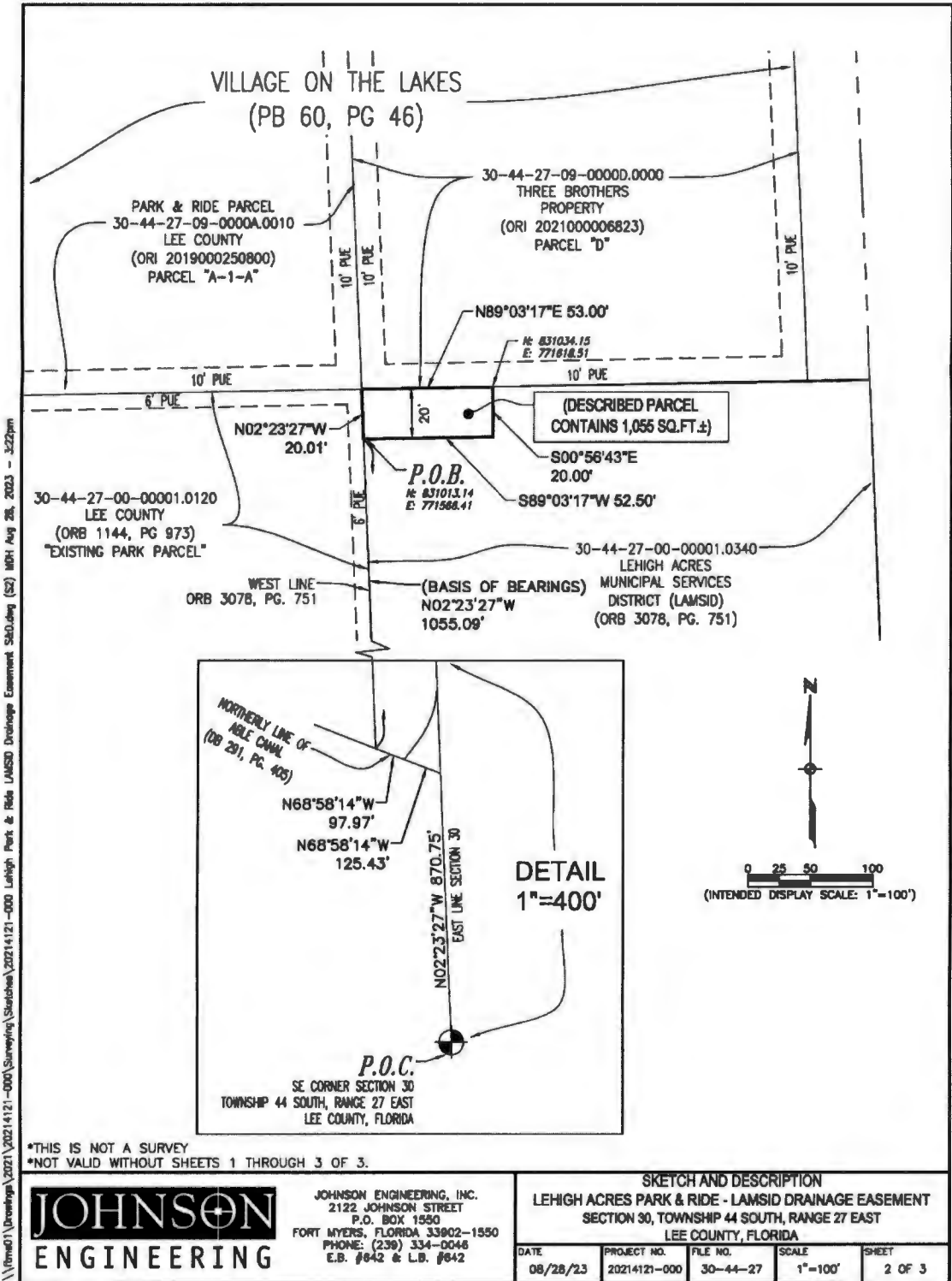


JOHNSON ENGINEERING, INC.
2122 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE: (239) 334-0048
E.B. #042 & L.B. #042

SKETCH AND DESCRIPTION
LEHIGH ACRES PARK & RIDE - LAMSID DRAINAGE EASEMENT
SECTION 30, TOWNSHIP 44 SOUTH, RANGE 27 EAST
LEE COUNTY, FLORIDA

| DATE | PROJECT NO. | FILE NO. | SCALE | SHEET |
|----------|--------------|----------|----------|--------|
| 08/28/23 | 20214121-000 | 30-44-27 | AS SHOWN | 1 OF 3 |

PERPETUAL DRAINAGE AND ACCESS EASEMENT



PERPETUAL DRAINAGE AND ACCESS EASEMENT

LEGAL DESCRIPTION

LEHIGH ACRES PARK & RIDE
LAMSID DRAINAGE EASEMENT
SECTION 30, TOWNSHIP 44 SOUTH, RANGE 27 EAST
LEE COUNTY, FLORIDA

A PARCEL OF LAND BEING A PORTION OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3078, AT PAGE 751 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, LYING IN SECTION 30, TOWNSHIP 44 SOUTH, RANGE 27 EAST, LEE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 30; THENCE, ALONG THE EASTERLY LINE OF SAID SECTION 30, N.02°23'27"W., 870.75 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF ABLE CANAL AS RECORDED IN DEED BOOK 291, AT PAGE 405 OF THE AFOREMENTIONED PUBLIC RECORDS; THENCE, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, N.88°58'14"W., 125.43 FEET TO A POINT LYING ON THE BOUNDARY OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3078, AT PAGE 751 OF THE AFOREMENTIONED PUBLIC RECORDS; THENCE ALONG THE BOUNDARY OF SAID DESCRIBED LANDS FOR THE FOLLOWING TWO (2) COURSES:

1. N.68°58'14"W., 97.97 FEET;
2. N.02°23'27"W., 1,055.09 FEET

TO THE **POINT OF BEGINNING**; THENCE, CONTINUE ALONG THE BOUNDARY OF SAID DESCRIBED LANDS FOR THE FOLLOWING TWO (2) COURSES:

1. N.02°23'27"W., 20.01 FEET;
2. N.89°03'17"E., 53.00 FEET;

THENCE S.00°56'43"E., 20.00 FEET; THENCE S.89°03'17"W., 52.50 FEET TO AN INTERSECTION WITH THE WESTERLY BOUNDARY OF SAID DESCRIBED LANDS AND THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 1,055 SQUARE FEET, MORE OR LESS.

\\fms01\Drawings\2021\20214121-000\Surveying\Sketches\20214121-000 Lehigh Park & Ride LAMSID Drainage Easement S&D.dwg (S3) M04 Aug 28, 2023 - 3:23pm

*THIS IS NOT A SURVEY
*NOT VALID WITHOUT SHEETS 1 THROUGH 3 OF 3.



JOHNSON ENGINEERING, INC.
2122 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE: (239) 334-0046
E.B. #642 & L.B. #642

SKETCH AND DESCRIPTION
LEHIGH ACRES PARK & RIDE - LAMSID DRAINAGE EASEMENT
SECTION 30, TOWNSHIP 44 SOUTH, RANGE 27 EAST
LEE COUNTY, FLORIDA

| DATE | PROJECT NO. | FILE NO. | SCALE | SHEET |
|----------|--------------|----------|-------|--------|
| 08/28/23 | 20214121-000 | 30-44-27 | N/A | 3 OF 3 |

The attached document has been approved by the Board of County Commissioners. Please review the instructions below and forward to the appropriate office when complete.

| | |
|---------------------------|---|
| Meeting Date: | 11/07/2023 |
| Agenda Item #: | C16 |
| Agenda Item Title: | Accept Easement from Lehigh Acres Municipal Services District for LeeTran Park & Ride |
| | (1) Perpetual Stormwater Drainage and Access Easement |

| Department | Instructions |
|-------------------------|---|
| County Attorney | Please review the attached document(s) at the BLUE sticker. If you have any questions concerning the document(s), contact the originating department. After completion, forward to the CHAIR/VICE CHAIR for signature. |
| Chair/Vice Chair | Sign the attached document(s) at the RED sticker. After completion, forward to the MINUTES OFFICE for execution. |
| Minutes Office | Execute the attached document(s). After document(s) are completely executed, return the remaining originals to Laurel Chick, County Administration for distribution. |

Date out from Administration: 12/01/23

Return to Dept. Novus

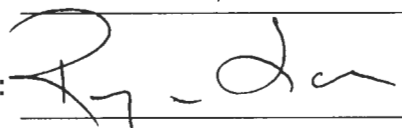
2023 DEC -5 AM 11:29

RECEIVED
MINUTES OFFICE

**MEMORANDUM
FROM
COUNTY LANDS**

DATE: November 29, 2023

To: Laurel Chick
Internal Services Manager
County Administration

FROM: 
Ryan Lauer
Property Acquisition Assistant

RE: Lehigh Acres North Expansion III Perpetual Stormwater Drainage and Access Easement

On November 7, 2023, in accordance with County Lands Consent Agenda Item No. 16, the Lee County Board of County Commissioners authorized County staff to handle any documentation and/or reimbursement necessary to complete the transaction.

Pursuant to the above Board Action, please find the following requiring your signature:

- Perpetual Stormwater Drainage and Access Easement

For your convenience, we have attached a copy of the Agenda Item Report

COMMISSIONER GREENWELL:

Please sign the instrument where indicated on the signatory pages, then forward to the Minutes Department.

MINUTES DEPARTMENT:

Please affix the Clerks seal and signature where indicated on the signatory page, then forward to County Lands.

Thank you.



AGENDA ITEM REPORT

DATE: November 7, 2023
DEPARTMENT: County Lands
REQUESTER: Robert Clemens
TITLE: Accept Easement from Lehigh Acres Municipal Services District for LeeTran Park & Ride

MB

I. MOTION REQUESTED

- A) Accept a perpetual stormwater drainage and access easement from Lehigh Acres Municipal Services District (LAMSID) at 505 Williams Avenue, Lehigh Acres;
- B) Authorize the Chair on behalf of the Board to execute the easement from LAMSID; and
- C) Authorize County Lands to handle and accept all documentation necessary to complete the transaction.

II. ITEM SUMMARY

LeeTran is developing a park and ride facility in Lehigh Acres which includes a stormwater drainage system. Approval of this item accepts a +/- 1,055 sq. ft. perpetual stormwater drainage and access easement, located at 505 Williams Avenue, from Lehigh Acres Municipal Services District (LAMSID) to connect the drainage system to a canal maintained by LAMSID. Lee County will be responsible for maintaining the stormwater drainage system.

III. BACKGROUND AND IMPLICATIONS OF ACTION

A) Board Action and Other History

B) Policy Issues

C) BoCC Goals

D) Analysis

Lehigh Acres Municipal Services District (LAMSID) owns land at 505 Williams Avenue in Lehigh Acres. As part of the site development for a LeeTran park and ride facility, a perpetual stormwater drainage and access easement is needed to connect the designed drainage system into the LAMSID canal. The easement area is approximately 1,055 square feet in the northwest corner of the property. LAMSID is amenable to the discharge of stormwater into their system. Lee County will be responsible for maintaining the stormwater drainage system.

E) Options

IV. FINANCIAL INFORMATION

| | | |
|----|--|--------------------------|
| A) | Current year dollar amount of item: | \$70 |
| B) | Is this item approved in the current budget? | No |
| C) | Is this a revenue or expense item? | Expense |
| D) | Is this Discretionary or Mandatory? | Discretionary |
| E) | Will this item impact future budgets? If yes, please include reasons in III(D) above. | No |
| F) | Fund: Transit- Capital Grant Program: LeeTran Project: Lehigh Acres Park and Ride CIP Account Strings: 21072448640.506511.G111232 | |
| G) | Fund Type? | Other: LeeTran FTA Grant |
| H) | Comments: | |

V. RECOMMENDATION

Approve

VI. TIMING/IMPLEMENTATION

VII. FOLLOW UP

ATTACHMENTS:

| Description | Upload Date | Type |
|-------------------------------|-------------|-----------------|
| Easement | 10/5/2023 | Agreement |
| Location Maps | 10/5/2023 | Backup Material |

REVIEWERS:

| Department | Reviewer | Action | Date |
|-----------------|------------------|----------|-----------------------|
| County Lands | Clemens, Robert | Approved | 10/25/2023 - 11:58 AM |
| County Lands | Codie, Robert | Approved | 10/25/2023 - 1:30 PM |
| Budget Services | Guttery, Angela | Approved | 10/26/2023 - 8:43 AM |
| Budget Services | Winton, Peter | Approved | 10/26/2023 - 8:45 AM |
| County Attorney | Halverson, David | Approved | 10/31/2023 - 8:16 AM |
| County Manager | Mora, Marc | Approved | 10/31/2023 - 12:09 PM |