

6. **CONSENT AGENDA**

- k. **RESOLUTION 08-032 ACCEPTING A PERPETUAL UTILITY EASEMENT, BILL OF SALE AND AFFIDAVIT OF NO LIEN FOR WASTEWATER FACILITIES, FROM SANIBEL-CAPTIVA CONSERVATION FOUNDATION, INC.; AUTHORIZING THE CITY MANAGER TO RECORD SAME IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE**

CITY OF SANIBEL

RESOLUTION NO. 08 -032

A RESOLUTION ACCEPTING A PERPETUAL UTILITY EASEMENT, BILL OF SALE AND AFFIDAVIT OF NO LIEN FOR WASTEWATER FACILITIES, FROM SANIBEL-CAPTIVA CONSERVATION FOUNDATION, INC.; AUTHORIZING THE CITY MANAGER TO RECORD SAME IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Sanibel-Captiva Conservation Foundation, Inc., a Florida corporation, in accordance with City of Sanibel Ordinance 92-34, has upgraded and met the requirements for acceptance to the City of Sanibel.

WHEREAS, the wastewater facilities are contained within a public utility easement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Sanibel, Florida:

Section 1. The Bill of Sale and Affidavit of No Lien are hereby accepted, and the City Manager is authorized to record the originals of said document in the public records of Lee County, Florida.

Section 2. Effective Date. This Resolution shall take effect immediately upon adoption.

DULY PASSED AND ENACTED by the Council of the City of Sanibel, Florida, this 19th day of February, 2008.

AUTHENTICATION:

Mick Denham, Mayor

Pamela Smith, City Clerk

APPROVED AS TO FORM:

Kenneth B. Cuyler

Kenneth B. Cuyler, City Attorney

2/26/08

Date

Vote of Council members:

- Denham _____
- Johnston _____
- Jennings _____
- Pappas _____
- Ruane _____

Date filed with City Clerk: _____

This Instrument Was Prepared By and Return To:

City Attorney
CITY OF SANIBEL
800 Dunlop Road
Sanibel, Florida 33957

Parcel Strap #27-46-22-T1-00001.0010

PERPETUAL UTILITY EASEMENT

THIS INDENTURE, made this 8TH day of FEBRUARY, 2008 by and between **Sanibel-Captiva Conservation Foundation, Inc., a Florida Non Profit Corporation**, (hereinafter referred to as "Grantor(s)"), and the **City of Sanibel, a Florida municipal corporation**, located in Lee County, Florida (hereinafter referred to as "Grantee"), the mailing address of which is 800 Dunlop Road, Sanibel, Florida, 33957.

WITNESSETH, that the Grantor(s), for and in consideration, the receipt and sufficiency of which is hereby acknowledged, do(es) hereby grant and convey to the Grantee, its successor and assigns, a perpetual easement to use, operate, construct, install, maintain, repair, replace, renew and extend a wastewater collection, transmission, and reclaimed water system (as more particularly hereinafter described, the "System") on, over, under and across the following described land, or so much there of as is owned by the Grantor, situate, lying and being in the City of Sanibel, Lee County, Florida, to-wit:

The property shown and described on **Exhibit A**
attached hereto and made a part hereof

For the purposes hereof, the term "System" includes, without limitation, all manholes, pipes, lines, valves, service connections and other public wastewater collection, transmission, pump station and reclaimed water facilities.

This Easement includes a reasonable right of ingress and egress, vehicular and pedestrian, for the purposes of using, operating, constructing, installing, maintaining, repairing, replacing, renewing and extending the System on, over and across the adjacent and nearby properties of the Grantor(s), including specifically, without limitation, all such portions of the Grantor(s)'s property constituting a roadway. In all cases, the Grantee shall have and retain title to the System.

This Easement includes, without limitation, the easement and right to trim and remove roots, trees, shrubs, bushes, plants, fences and other improvements and obstructions on and under the surface of the Easement Area and to keep same clear of any obstructions from time to time. Grantee shall, from time to time, repair damage to pavement, shell, curbs, vegetation, sod, and other amenities occurring as a result of any exercise by Grantee of its easement and other rights hereunder.

Grantor(s) covenant(s) that Grantor(s) is/are lawfully seized and possessed of the Easement Area, having good and lawful right and power to sell and convey said easement and, subject to existing easements and mortgages recorded in the Public Records of Lee County, Florida. Grantor(s) will forever warrant and defend the title and terms of this Easement and the quiet possession thereof against all claims and demands of all others.

This Easement Agreement shall be binding upon, and inure to the benefit of, the Grantor(s) and Grantee and their respective heirs, personal representatives, successors and assigns. It is specifically understood that Grantee may assign and transfer this Easement to another party which hereafter owns and/or operates the System and that such assignment or transfer shall not be deemed to terminate or impair the easement and other rights granted herein.

IN WITNESS WHEREOF, the Grantor(s) has set his/her/their hand and seal on the day and year first above written.

Witnesses:

Sanibel-Captiva Conservation Foundation, Inc.

* Bobette M Graves
1st Witness

BY: A. Erick Lindblad

Bobette M Graves
Print Name

A. Erick Lindblad
Print Name

* Kristie Anders
2nd Witness

TITLE: EXEC. DIR.

Kristie Anders
Print Name

STATE OF FLORIDA)

COUNTY OF LEE)

The following instrument was acknowledged before me this 8 day of February, 2008 by A. Erick Lindblad, Grantor(s).

He/She/They're personally known to me or have produced _____ as identification

Wendy S. Cerdan
Print Name: Wendy S. Cerdan

Notary Public - State of Florida

Commission No.: DD673987

My Commission Expires: Jan 9, 2010

(SEAL)

NOTARY PUBLIC-STATE OF FLORIDA
Wendy S. Cerdan
Commission #DD673987
Expires: JAN. 09, 2010
BONDED THRU ATLANTIC BONDING CO., INC.

**BILL OF SALE AND
AFFIDAVIT OF NO LIEN**

KNOW ALL MEN BY THESE PRESENTS, that the **Sanibel-Captiva Conservation Foundation, Inc.**, the owners of the wastewater collection facilities constructed in the public utility easements, located at 3333 Sanibel-Captiva Road, party of the first part, for and in consideration of the sum of TEN AND 00/100 DOLLARS (\$10.00) lawful money of the United States, to it paid by the City of Sanibel, part of the second part, the receipt whereof is hereby acknowledged, has granted, bargained, sold, transferred and delivered and by these presents does grant, bargain, sell, transfer and deliver unto the said party of the second part, its successors and assigns, the following goods and chattels:

The wastewater collection system and appurtenances all in public utility easement including the following assets:

ITEM	Size	Quantity	Unit
Manholes	4'	3	Each
Sewer Gravity	8"	170	Feet
Forcemain	2"	50	Feet
Lift Station	4'	1	Each

TO HAVE AND TO HOLD the same unto the said party of the second part, its successors and assigns forever.

AND, Sanibel-Captiva Conservation, Inc., for itself and its heirs, executors, and administrators, covenants to and with the said party of the second part, its successors and assigns, that it is the lawful owner of the said goods and chattels; that they are free of all encumbrances; that all suppliers, material men, laborers and contractors involved in the construction of wastewater facilities at the above location have been paid in full and that no liens or claims exist with regard to said wastewater facilities; that it has good right to sell the same aforesaid; and that it will warrant and defend the sale of said property, goods and chattels hereby made, unto the said party of the second part, its successors and assigns against the lawful claims and demands of all persons whomsoever.

IN WITNESS WHEREOF, the undersigned officer has hereunto set his/her hand and seal this 8 day of February, 2008.

Witnesses

Sanibel-Captiva Conservation Foundation, Inc.

Kristie Aust
1st Witness

BY: A. Erick Lindblad

A. Erick Lindblad

Print Name

TITLE: EXEC. DIR.

Booth M. Harris
2nd Witness

STATE OF FLORIDA)

COUNTY OF LEE)

The following instrument was acknowledged before me this 8 day of

February, 2008 by A. Erick Lindblad, Grantor(s).

He/She/They're personally known to me or have produced _____ as identification.

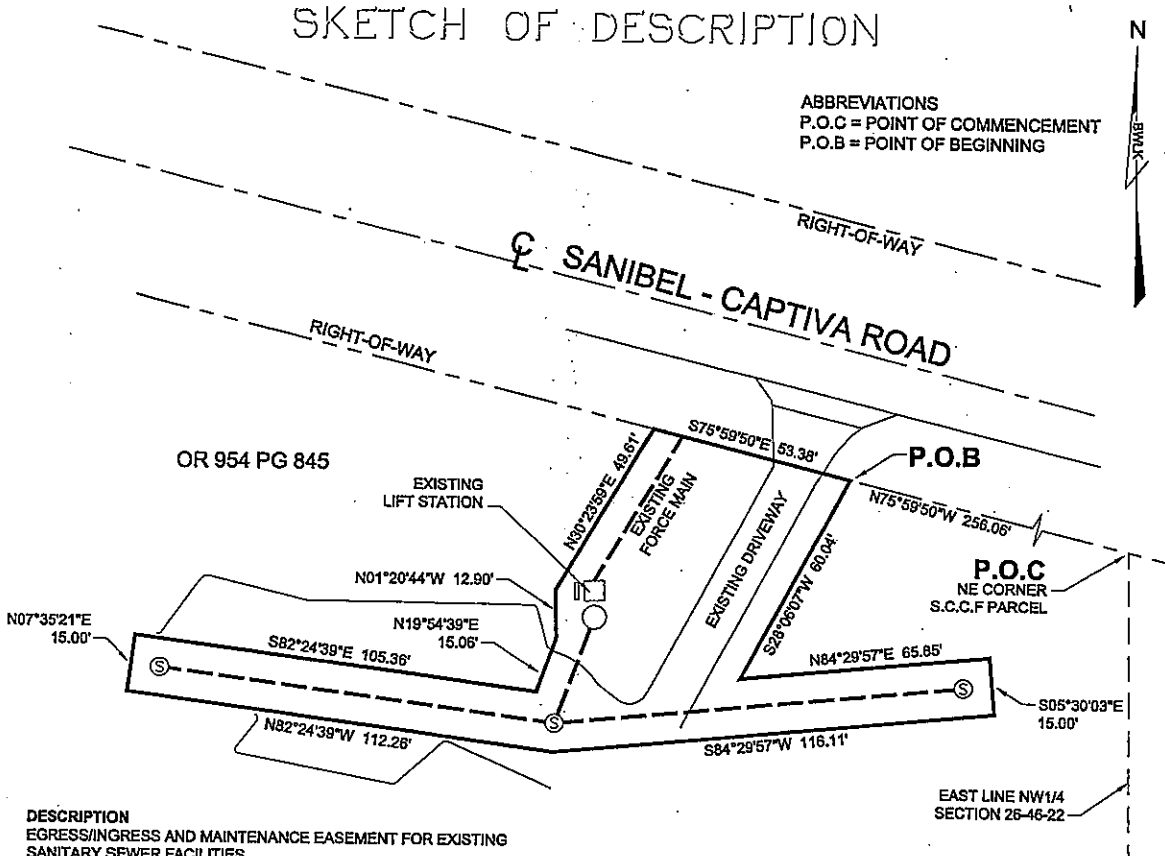
Wendy S. Cerdan

Print Name: Wendy S. Cerdan

Notary Public - State of Florida

SKETCH OF DESCRIPTION

ABBREVIATIONS
 P.O.C = POINT OF COMMENCEMENT
 P.O.B = POINT OF BEGINNING



DESCRIPTION

EGRESS/INGRESS AND MAINTENANCE EASEMENT FOR EXISTING SANITARY SEWER FACILITIES, OVER AND ACROSS A PARCEL OF LAND LYING IN GOVERNMENT LOTS 3 AND 4, SECTION 27, TOWNSHIP 46 SOUTH, RANGE 22 EAST CITY OF SANIBEL, LEE COUNTY, FLORIDA

A TRACT OF LAND LYING IN GOVERNMENT LOTS 3 AND 4, SECTION 27, TOWNSHIP 46 SOUTH, RANGE 22 EAST, SANIBEL ISLAND, LEE COUNTY, FLORIDA BEING A PORTION OF A PARCEL OF LAND DESCRIBED IN OFFICIAL RECORD BOOK 954 AT PAGE 845, PUBLIC RECORDS LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EAST LINE OF THE NORTHWEST ONE QUARTER (NW 1/4) SECTION 27, TOWNSHIP 46 SOUTH, RANGE 22 EAST, WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF THE SANIBEL-CAPTIVA ROAD (66 FEET WIDE) SAID POINT BEING THE NORTHEAST CORNER OF SAID PARCEL DESCRIBED IN OFFICIAL RECORD BOOK 954 AT PAGE 845; THENCE N75°59'50\"/>

*** THIS IS NOT A SURVEY ***

BEAN, WHITAKER, LUTZ & KAREH, INC.

JOSEPH LUTZ, P.S.M., NO. LS3375
 PROFESSIONAL SURVEYOR & MAPPER
 STATE OF FLORIDA

PARCEL CONTAINS 6,991 SQUARE FEET MORE OR LESS.

PARCEL SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHT-OF-WAY (RECORDED AND UNRECORDED, WRITTEN AND UNWRITTEN).

BEARINGS HEREIN ABOVE MENTIONED ARE BASED ON THE SOUTHERLY LINE OF SAID SANIBEL CAPTIVA ROAD AS BEARING N 75°59'50\"/>

SANIBEL-CAPTIVA CONSERVATION FOUNDATION
 INGRESS/EGRESS AND MAINTENANCE
 EASEMENT FOR EXISTING SEWER FACILITIES

Bean, Whitaker, Lutz & Kareh, Inc.

CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS
 13041 MCGREGOR BOULEVARD, FORT MYERS, FLORIDA 33919-5910 (239) 481-1331
 AUTHORIZATION NUMBER: EB4919 AND LB4919

C:\P\PROJECTS\2000-28999\28343\SURVEYING\SK28343_INGRESS EGRESS MAINTENANCE SEWER_EASE.dwg/8.5X14.PORT

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, AND RIGHTS-OF-WAY (WRITTEN AND UNWRITTEN, RECORDED AND UNRECORDED).