11. **CONSENT AGENDA**

   h. **RESOLUTION 11-032 ACCEPTING A SHARED USE PATH AND PUBLIC UTILITY EASEMENT FROM LAZY FLAMINGO PLAZA, INC. FOR THE SANIBEL- CAPTIVA ROAD SHARED USE PATH EXTENSION FROM PINE AVENUE TO BLIND PASS BRIDGE; AUTHORIZING THE CITY CLERK TO RECORD SAME IN THE OFFICIAL RECORDS OF LEE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE**

CITY OF SANIBEL

RESOLUTION 11-032

A RESOLUTION ACCEPTING A SHARED USE PATH AND PUBLIC UTILITY EASEMENT FROM LAZY FLAMINGO PLAZA, INC. FOR THE SANIBEL-CAPTIVA ROAD SHARED USE PATH EXTENSION FROM PINE AVENUE TO BLIND PASS BRIDGE; AUTHORIZING THE CITY CLERK TO RECORD SAME IN THE OFFICIAL RECORDS OF LEE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. The Shared Use Path and Bike Lane Easement for the Sanibel-Captiva Road shared use path from Pine Avenue to Blind Pass Bridge, with identification numbers, property owners and strap numbers as set forth in the attached Exhibit "A", is hereby accepted, and the City Clerk is authorized to record the original of said easement in the Official Records of Lee County, Florida.

SECTION 2. Effective date.

This Resolution shall take effect immediately upon adoption.

DULY PASSED AND ENACTED by the City Council of the City of Sanibel, Florida, this 15th day of March, 2011.

AUTHENTICATION:

_____
Mayor

_____
Pamela Smith, City Clerk

APPROVED AS TO FORM: Kenneth B. Cuyler
Kenneth B. Cuyler, City Attorney

3/9/11
Date

Vote of Council Members:

_____ _____
_____ _____
_____ _____
_____ _____
_____ _____

Date filed with City Clerk: _____

This Instrument was prepared by and is To Be Returned To:

Kenneth B. Cuyler, Esq.
City Attorney
CITY OF SANIBEL
800 Dunlop Road
Sanibel, Florida 33957 Parcel Strap Nos. 11-46-21-T1-0010C.0010 & 11-46-21-T1-0010C.017A

SHARED USE PATH AND PUBLIC UTILITY EASEMENT

THIS INDENTURE, made this 1 day of March, 2011, by and between the Lazy Flamingo Plaza, Inc. (herein referred to as "Grantor"), and the City of Sanibel, a Florida municipal corporation, (herein referred to as "Grantee"), the mailing address of which is 800 Dunlop Road, Sanibel, Florida, 33957.

WITNESSETH, that the said Grantor, for and in consideration of the sum of Ten Dollars ($10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby grant and convey to the Grantee, and its successors and assigns forever, an easement to construct, maintain, repair, replace and renew a public shared use path and to install and maintain public utilities (the "Easement") over and across the following described land situate, lying and being in the City of Sanibel, Lee County, Florida, to-wit:

That property which is described on Exhibit A,
and shown on Exhibit B attached hereto and incorporated herein.

This Easement includes the reasonable right of ingress and egress, vehicular and pedestrian, for the purposes of constructing, maintaining, repairing and replacing such shared use path and utilities.

Grantor covenant(s) that Grantor is lawfully seized and possessed of the property constituting such Easement area, having good and lawful right and power to sell and convey said Easement.

As a condition of the grant of this easement, it is acknowledged and agreed by Grantee that the grant of this easement shall not diminish or reduce the development rights of Grantor, its successors and assigns, with respect to calculations for setbacks, permeable/impermeable area or developed area (which shall be calculated as if no shared use path or other easement area improvements exist).

This Easement shall be binding upon, and inure to the benefit of, the Grantor and Grantee and their respective heirs, personal representatives, successors and assigns.

EXHIBIT "A"

IN WITNESS WHEREOF, the Grantor has set its hand and seal on the day and year first above written.

WITNESSES:

1st Witness

David Maudlin

Print Name

2nd Witness

Megan Kuzyk

Print Name

Lazy Flamingo Plaza, Inc.

By:

Print Name: Larry C. Thompson

Title: P/S/T

****

STATE OF FLORIDA)
COUNTY OF LEE)

I HEREBY CERTIFY that, the foregoing instrument was acknowledged before me on this 1st day of March, 2010 by Larry C Thompson. He/She/They is/are personally known to me or have produced _____ as identification.

Notary Public, State of Florida
Print Name: Kathleen G Scott
Commission No: DD 713410
Date Commission Expires: Jan 8, 2012

KATHLEEN G. SCOTT
Notary Public - State of Florida
My Commission Expires Jan 8, 2012
Commission # DD 713410

EXHIBIT A

Situated in Lee County, Florida

A Shared Use Path and Utility Easement lying in Section 11, Township 46, Range 21 East, Sanibel Island, Lee County, Florida, more fully described as follows:

The west 10.0 feet of the following: part of lots 16 and 17 Block C, Del Sega Unit One as described in Exhibit A of OR Book 03301 pages 0614-0616 of the Public Records of Lee County, Florida.

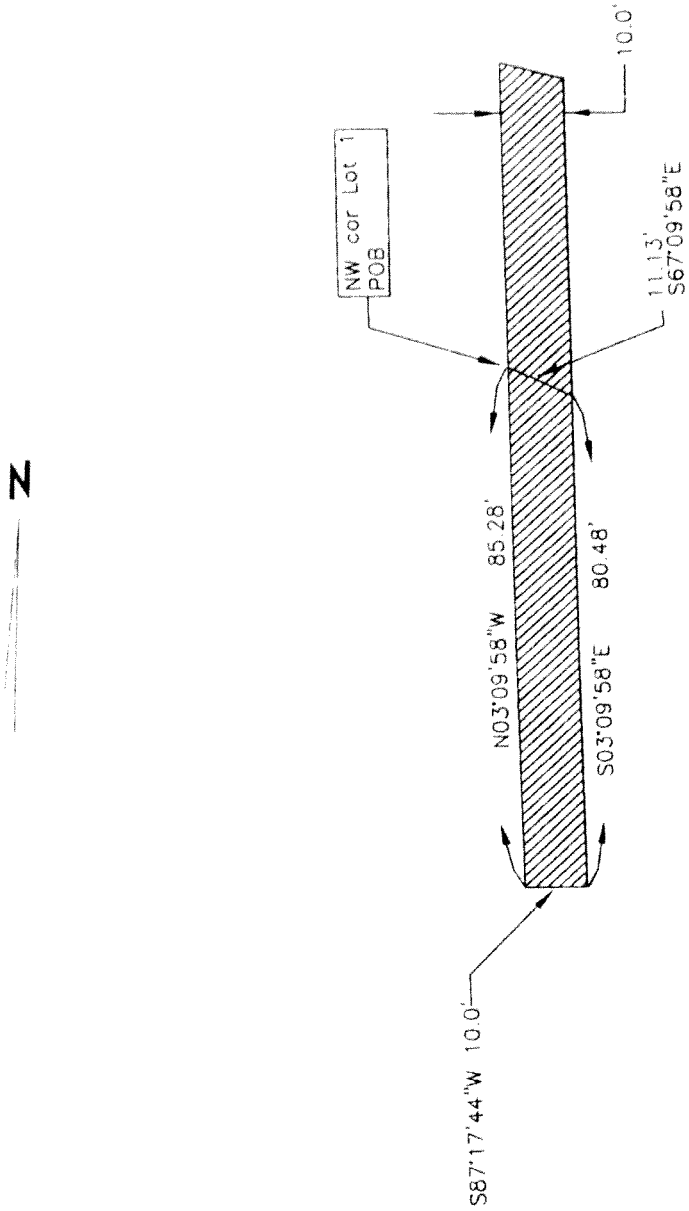
Along with:

The west 10.0 feet of a portion of Lot 1, Block C, Del Sega, Unit One, more fully described as follows:

From the northwest corner of Lot 1, Block C, Del Sega, Unit One as recorded in Plat Book 8, Page 1 of the Public Records of Lee County, Florida, said northwest corner also being the Point Of Beginning of the herein described parcel of land thence S. 67° 09' 58" E., along north line of Lot 1 for 11.13 feet; thence S. 03° 09' 58" E., 80.48 feet; thence S. 87° 17' 44" W., 10.0 feet; thence N. 03° 09' 58" W., 85.28 feet to the Point Of Beginning.

Description and sketch based on Specific Survey for City of Sanibel by Aim Engineering and Surveying, Inc. dated 06/14/2010

EXHIBIT B



Sketch to accompany description