

9. **CONSENT AGENDA**

h. **RESOLUTION 11-010 APPROVING BUDGET**

**AMENDMENT/TRANSFER NO. 2011-024 AND PROVIDING AN EFFECTIVE DATE**

(To budget a \$15,000 grant from the Southwest Florida Community Foundation for development of a shared-use rest area at 1119 Periwinkle Way. This amendment increases the FY11 budget by \$15,000 and any subsequent grants accepted for this purpose. No City funds will be allocated toward the project.) **AND Request by the Sanibel Bike Club that City Council accept an easement 260' x 50' from the Periwinkle Limited Partnership LLLP for construction of a kiosk and certain biking-related facilities at 1119 Periwinkle Way**

**RESOLUTION 11-010**

**APPROVING BUDGET AMENDMENT/TRANSFER NO. 2011-024 AND PROVIDING AN EFFECTIVE DATE**

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

**SECTION 1.** The revised General Fund and Recreation Fund for fiscal year 2010-2011, Budget Amendment/Transfer BA 2011-024 true copy of which is attached hereto as Exhibit A and incorporated herein by this reference, is hereby approved and accepted.

**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 3<sup>rd</sup> day of May 2011.

**AUTHENTICATION:**

\_\_\_\_\_  
Kevin Ruane, Mayor

\_\_\_\_\_  
Pamela Smith, City Clerk

**APPROVED AS TO FORM:**

*Kenneth B. Cuyler*  
Kenneth B. Cuyler, City Attorney

Date 4/27/11

Vote of Councilmembers:

Ruane \_\_\_\_\_  
Denham \_\_\_\_\_  
Congress \_\_\_\_\_  
Harrity \_\_\_\_\_  
Jennings \_\_\_\_\_

Date filed with City Clerk: \_\_\_\_\_





**SOUTHWEST FLORIDA  
COMMUNITY  
FOUNDATION**

*Lee Charlotte Hendry  
Glades Collier*

April 13, 2011

Mr. Jim Isom  
City Manager  
City of Sanibel  
800 Dunlop Road  
Sanibel, FL 33957-4096

Dear Jim:

Enclosed is our check for \$15,000.00 made payable to City of Sanibel.

This check represents a grant at the recommendation of Mr. William L. Sartoris from the Trails in Motion Fund, a fund of the Southwest Florida Community Foundation. Per his recommendation the grant is to be used for the Periwinkle Path Project at Rutzand Homestead.

If you have any questions, please contact me.

Very truly yours,

Ronald E. Penn  
Chief Financial Officer/Chief Operating Officer

Cc: Mr. William L. Sartoris

Enc.



SOUTHWEST FLORIDA COMMUNITY FOUNDATION, INC.  
 GRANTS AND SCHOLARSHIPS  
 8200 COLLEGE PKWY, STE 101  
 FORT MYERS, FL 33919  
 PH: (239) 274-5900



NORTHERN TRUST, NA

Northern Trust

63-965-660

84

PAY \* Fifteen Thousand and no/100 \*

TO THE  
ORDER OF

DATE  
04/13/2011

AMOUNT  
\$\*\*\*\*\*15,000.00

City of Sanibel  
800 Dunlop Road  
Sanibel, FL 33957

*Susan A. Raver*  
*[Signature]*  
 AUTHORIZED SIGNATURE

⑈008435⑈ ⑆066009650⑆ 2140003745⑈

SOUTHWEST FLORIDA COMMUNITY FOUNDATION, INC.  
 GRANTS & SCHOLARSHIPS  
 3394 City of Sanibel

843

20110435	04/13/2011	Periwinkle Path Project at Rutzand Homestead	15,000.00	15,000.00
Trail1		Trails in Motion Fund	15,000.00	

CHECK TOTAL: \$\*\*\*\*\*15,000.00

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 No. 19-46-23-T3-000.13.0000

**BIKE (SHARED USE) PATH, PEDESTRIAN WALKWAY AND  
INFORMATIONAL KIOSK EASEMENT**

THIS INDENTURE, made this 27<sup>th</sup> day of APRIL, 2011, by and between Periwinkle Park Limited Partnership, LLLP, (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 successor and assigns a twenty (20) year perpetual easement on a month-to-month basis, to construct, maintain, repair, replace and renew a public bicycle (shared use) path and pedestrian walkway, a biking informational kiosk and related amenities including, but not limited to, a seating area, water fountain and bike rack, (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, operating or having operated, repairing and replacing such bike (shared use) path and pedestrian walkway, and informational kiosk and amenities.

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 convey said Easement.

Grantee (City of Sanibel) holds the Grantor (Periwinkle Park Limited Partnership, LLLP) harmless for liability incurred by the Grantor resulting from harm and/or injury to user of the bike (Shared Use) pathway, pedestrian walking and informational kiosk and amenities.

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.

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

WITNESSES:

Karen Pickens

1<sup>st</sup> Witness

Karen Pickens

Print Name

Carol Reed

2<sup>nd</sup> Witness

Carol Reed

Print Name

Periwinkle Park  
Limited Partnership, LLLP

By: Jerrold Muench

Print Name: Jerrold Muench

Title: owner/MAR

\*\*\*\*\*

STATE OF FLORIDA)  
COUNTY OF LEE )

I HEREBY CERTIFY that, the foregoing instrument was acknowledged before me on this 27 day of APRIL, 2011 by JERROLD MUENCH. He/She is personally known to me or have produced \_\_\_\_\_ as identification.

Julia K Guernsey

Notary Public, State of Florida

Print Name: JULIA K GUERNSEY

Commission No. DD913553

Date Commission Expires: 9-10-13



**Description to Accompany Sketch of  
a proposed Easement  
Section 19, Township 46 South, Range 23 East  
City of Sanibel  
Lee County, Florida**

*Legal Description of a Proposed Easement  
Over Part of a Parcel in Section 19, Township 46 South, Range 23 East  
City of Sanibel, Lee County, Florida*

*That part of a parcel lying in the Southeast Quarter (SE ¼) of Section 19, Township 46 South, Range 23 East, City of Sanibel, Lee County, Florida, as described in Official Records Book 1532, Page 1616 of the public records, Lee County, Florida, described as follows:*

*Beginning at a point marking the intersection of the East line of said Parcel described in OR Book 1532, Page 1616 and the Southerly Right of Way of Periwinkle Way (State Road S-867);*

*Thence, South 74° 16' 50" West, along the southerly Right of Way of said Periwinkle Way (State Road S-867), 261.80 feet to the westerly line of said Parcel;*

*Thence, South 00° 48' 10" East along said westerly line, 48.00 feet;*

*Thence, North 75° 00' 19" East, 235.92 feet;*

*Thence, South 62° 38' 28" East, 26.36 feet to the easterly line of said Parcel;*

*Thence, North 00° 02' 00" West, along said easterly line, 74.00 feet to the Point of Beginning.*

*Parcel contains 12,771 Sq. Ft. or .29 Acres, more or less.*

Survey notes:

1. Measurements shown are in feet and decimals thereof.
2. Subject to easements and restrictions of record.
3. Underground structures and utilities, if any, are not included.
4. Reproductions of this drawing are void unless sealed with signers embossed surveyor's seal.
5. This sketch to accompany description was prepared based on a boundary survey completed by this firm in 2008, public record documents and current field observations.
6. Improvements shown hereon are for informational purposes only.
7. Additions to or deletions from survey or reports by other than the signing surveyor and mapper are prohibited by law without the express written consent of the signing surveyor and mapper.  
Copyright 2011, Andrew D. Johnson, PSM, all rights reserved.  
Do not copy without the written consent of Andrew D. Johnson, PSM
8. This survey was prepared only for the clients as named hereon and no third or other party certification is expressed or implied.

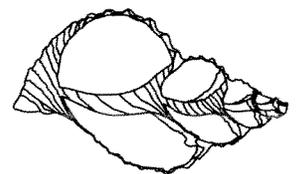
Sheet 1 of 2  
See Sheet 2 of 2 for Sketch

*Valid only with embossed seal*

I hereby certify that this survey was made under my responsible charge and meets the minimum technical standards as set forth by the Florida Board of Professional Land Surveyors in Chapter 5V-17.051 of the Florida Administrative Code, pursuant to Section 472.0027 of the Florida Statutes.

By:   
Andrew D. Johnson, PSM 6256  
Not Valid Without Signature and Raised Seal

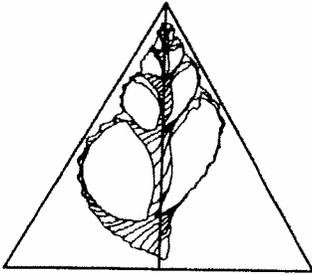
Date Signed: 4/26/11



**SANIBEL SURVEYS**  
2410 Palm Ridge Road  
Sanibel Florida 33957  
472-0095  
sanibelsurveys@gmail.com  
Licensed Business No. 7443

Job No. 11-009

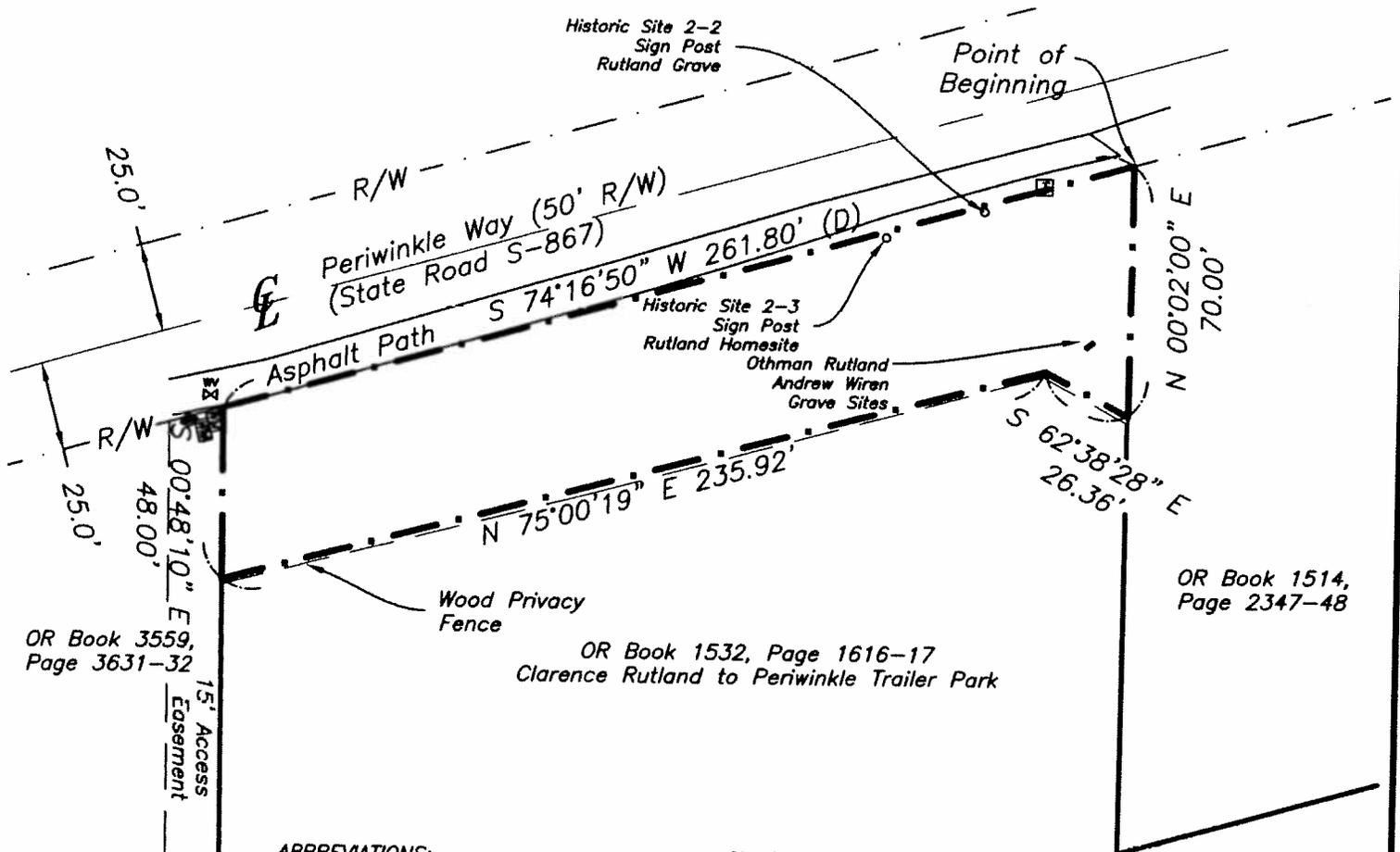
*Sketch to Accompany Description of  
a proposed Easement  
Section 19, Township 46 South, Range 23 East  
City of Sanibel  
Lee County, Florida*



North



GRAPHIC SCALE  
1 inch = 50 ft.



**ABBREVIATIONS:**

- E/P = EDGE OF PAVEMENT
- R/W = RIGHT-OF-WAY
- ⊂ = CENTERLINE
- OR = OFFICIAL RECORDS BOOK
- PG = PAGE

**SYMBOL KEY:**

- = WATER METER
- = WATER VALVE
- = FIRE HYDRANT
- = TELEPHONE PEDESTAL

Job No. 11-009

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