

9. **CONSENT AGENDA**

- g. **RESOLUTION 11-052 ACCEPTING WASTEWATER COLLECTION AND TRANSMISSION SYSTEM EASEMENTS FROM SANIBEL PROPERTY OWNERS FOR THE SANIBEL SEWER SYSTEM EXPANSION PROJECT, PHASE 4; AUTHORIZING THE CITY MANAGER TO RECORD SAME IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE**

CITY OF SANIBEL

RESOLUTION 11-052

A RESOLUTION ACCEPTING WASTEWATER COLLECTION AND TRANSMISSION SYSTEM EASEMENTS FROM SANIBEL PROPERTY OWNERS FOR THE SANIBEL SEWER SYSTEM EXPANSION PROJECT, PHASE 4; 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:

Section 1. The Wastewater Collection and Transmission System Easements for sanitary sewer utility purposes for the Sanibel Sewer System Expansion Project, Phase 4, with Bozena L. Schmiede, property owner, is hereby accepted, and the City Manager is authorized to record the originals of the said easements 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 Council of the City of Sanibel, Florida, this 7th day of June, 2011.

AUTHENTICATION:

Kevin Ruane, Mayor

Pamela Smith, City Clerk

APPROVED AS TO FORM:

Kenneth B. Cuyler, City Attorney

5/24/11 Date

Vote of Council members:

Ruane
Denham
Congress
Harrity
Jennings

Date filed with City Clerk:

Kenneth B. Cuyler  
City Attorney  
CITY OF SANIBEL  
800 Dunlop Road  
Sanibel, Florida 33957

Parcel strap # 13-46-22-T2-00100.0110

**PERPETUAL UTILITY EASEMENT**

**THIS INDENTURE**, made this \_\_\_\_ day of \_\_\_\_\_, 2011 by and between **Bozena L. Schmiede**, (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 situate, lying and being in the City of Sanibel, Lee County, Florida, to-wit:

The property 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:

Bozena L. Schmiede

x Deborah J Smith  
1<sup>st</sup> Witness

Bozena L. Schmiede

Deborah J Smith

x James R. Tom  
2<sup>nd</sup> Witness

TITLE: Owner

JAMES R. TOM  
Print Name

\*\*\*\*\*

STATE OF Florida )  
COUNTY OF Lee )

The following instrument was acknowledged before me this 29<sup>th</sup> day of April, 2011 by **Bozena L. Schmiede**, Grantor(s). He/She/They're personally known to me or have produced Tennessee Drivers License as identification.

Deborah J Smith  
Print Name: Deborah J Smith

Notary Public - State of Florida

Commission No.: DD 818885

My Commission Expires: 9/14/12



# SKETCH AND DESCRIPTION

OF  
 A UTILITY EASEMENT AT  
 1858 WOODRING ROAD  
 SECTION 13, TOWNSHIP 46 SOUTH, RANGE 22 EAST  
 CITY OF SANIBEL, LEE COUNTY, FLORIDA

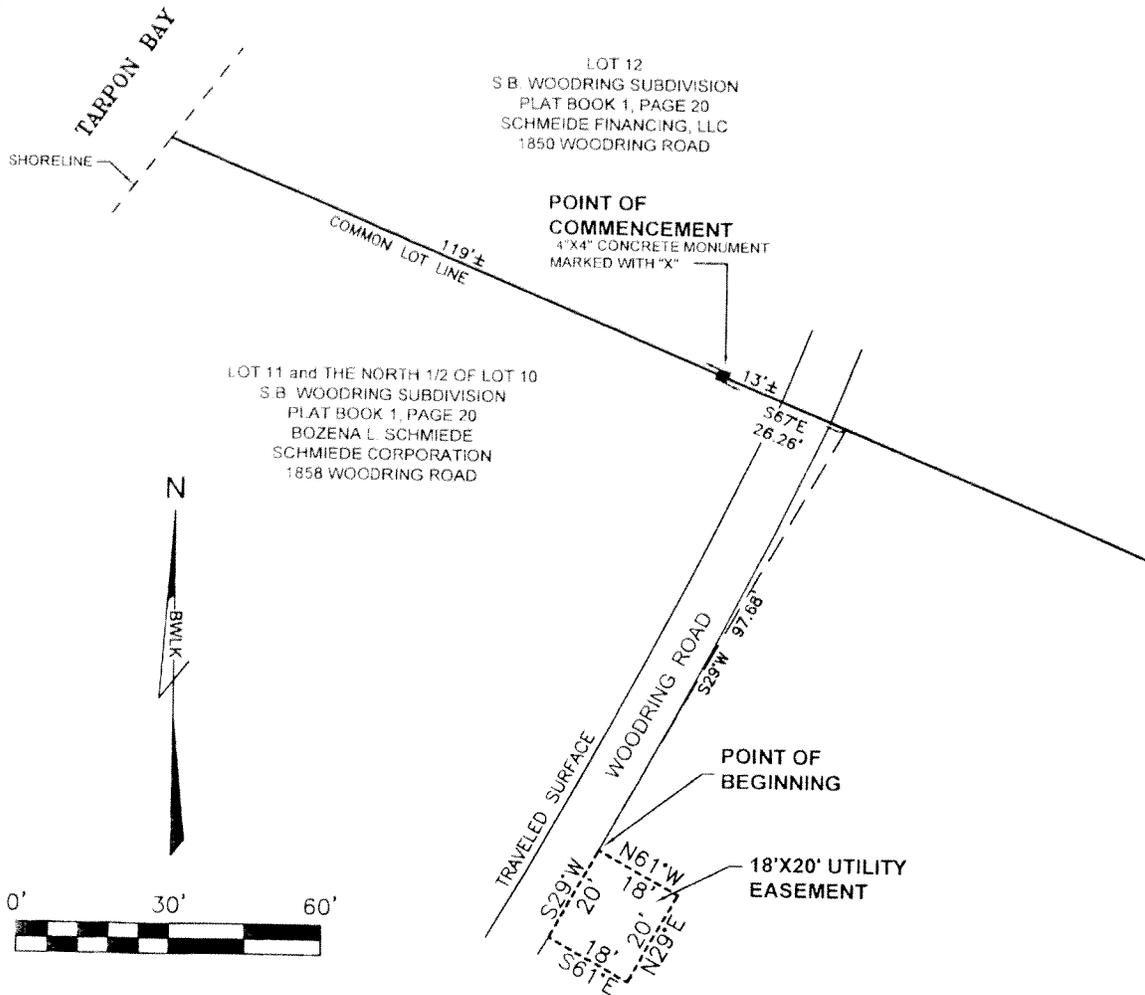
A UTILITY EASEMENT LYING IN SECTION 13, TOWNSHIP 46 SOUTH, RANGE 22 EAST, ON SANIBEL ISLAND IN LEE COUNTY, FLORIDA, BEING A PORTION OF LOT 11 AND THE NORTH 1/2 OF LOT 10, S.B WOODRINGS SUBDIVISION AS RECORDED IN PLAT BOOK 1, PAGE 20, OF THE PUBLIC RECORDS OF SAID LEE COUNTY AND FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT A 4" X 4" CONCRETE MONUMENT ON THE COMMON LINE BETWEEN LOT 12 AND LOT 11 OF SAID S.B WOODRINGS SUBDIVISION, SAID CONCRETE MONUMENT LYING 119 FEET MORE OR LESS FROM THE WATERS OF TARPON BAY AND LYING 13 FEET MORE OR LESS NORTHWESTERLY OF THE WESTERLY SIDE OF THE TRAVELED SURFACE OF WOODRING ROAD; THENCE S67°E ALONG SAID COMMON LINE FOR 26.26 FEET; THENCE S29°W FOR 97.68 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE S29°W ALONG THE THE EASTERLY SIDE OF THE MAINTAINED TRAVELED SURFACE OF SAID WOODRING ROAD FOR 20.00 FEET; THENCE S61°E FOR 18.00 FEET; THENCE N29°E FOR 20.00 FEET; THENCE N61°W FOR 18.00 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 360 SQUARE FEET MORE OR LESS.

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

BEARINGS ARE BASED ON THE RECORD PLAT OF S.B. WOODRINGS SUBDIVISION INDICATING THE COMMON LINE BETWEEN LOT 12 AND LOT 11 AS BEARING S67°E.



## UTILITY EASEMENT AT 1858 WOODRING ROAD, SANIBEL, FLORIDA

**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

BEAN, WHITAKER, LUTZ & KAREH, INC.  
*Joseph L. Lutz*  
 JOSEPH L. LUTZ, P.E., NO. LS3375  
 PROFESSIONAL SURVEYOR & MAPPER  
 STATE OF FLORIDA  
 (FOR THE FIRM)

DATE	PROJECT No	DRAWN BY	SCALE	SHEET	S.T.R.
04-05-2011	39454	J.L.L.	1"=30'	1 OF 1	13-46-22

\*\*\* THIS IS NOT A SURVEY \*\*\*