7. **CONSENT AGENDA**

b. **RESOLUTION 09-106 APPROVING CLOSING DOCUMENTS TO IMPLEMENT THE VOTER APPROVED EXCHANGE OF APPROXIMATELY .6 ACRES OWNED BY THE CITY (BLOCK 14, LOTS 11, 13, 19, 25, BLOCK 13, LOT 6) FOR APPROXIMATELY .6 ACRES OWNED BY SANIBEL-CAPTIVA CONSERVATION FOUNDATION, INC. (BLOCK 17, LOTS 1-4, BLOCK 16, LOT 5), BOTH PROPERTIES LOCATED IN SANIBEL GARDENS SUBDIVISION AND BOTH DESIGNATED ENVIRONMENTALLY SENSITIVE LANDS CONSERVATION DISTRICT; AND PROVIDING AN EFFECTIVE DATE**

CITY OF SANIBEL

RESOLUTION 09-106

A RESOLUTION APPROVING CLOSING DOCUMENTS TO IMPLEMENT THE VOTER APPROVED EXCHANGE OF APPROXIMATELY .6 ACRES OWNED BY THE CITY (BLOCK 14, LOTS 11, 13, 19, 25, BLOCK 13, LOT 6) FOR APPROXIMATELY .6 ACRES OWNED BY SANIBEL-CAPTIVA CONSERVATION FOUNDATION, INC. (BLOCK 17, LOTS 1-4, BLOCK 16, LOT 5), BOTH PROPERTIES LOCATED IN SANIBEL GARDENS SUBDIVISION AND BOTH DESIGNATED ENVIRONMENTALLY SENSITIVE LANDS CONSERVATION DISTRICT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on March 3, 2009, the City electorate approved, by a majority vote, the exchange of approximately .6 acres of land owned by the City of Sanibel (Block 14, Lots 11, 13, 19, 25; Block 13, Lot 6) for approximately .6 acres of land owned by Sanibel-Captiva Conservation Foundation, Inc. (Block 17, Lots 1-4; Block 16, Lot 5) in order to consolidate the ownership of such land with adjacent land owned by the City and SCCF, respectively;

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

SECTION 1. The City Council of the City of Sanibel hereby approves the closing documents (i.e., Special Warranty Deeds), in substantially the form attached hereto and incorporated herein as Exhibits "A" and "B". The City Council further authorizes the execution of such documents by the Mayor and the recording of same 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 15th day of September, 2009.

AUTHENTICATION:

Mick Denham, Mayor	Pamela Smith, City Clerk

APPROVED AS TO FORM: Kenneth B. Cuyler, City Attorney Date 9/9/09

Vote of Council Members:

Denham _____
Ruane _____
Harrity _____
Jennings _____
Pappas _____

Date filed with City Clerk: _____

This instrument was prepared by:
Kenneth B. Cuyler, Esq.
800 Dunlop Road
Sanibel, Florida 33957
239-472-4359

_____(Space above this line for recording date)_____

SPECIAL WARRANTY DEED

THIS INDENTURE, made this ____ day of _____, 2009, between the CITY OF SANIBEL, a Florida municipal corporation, Grantor, and SANIBEL-CAPTIVA CONSERVATION FOUNDATION, INC., a Florida corporation, whose address is 3333 Sanibel-Captiva Road, Sanibel, Florida 33957, Grantee.

WITNESSETH that said Grantor, for and in consideration of the sum of TEN AND NO/100 ($10.00) Dollars, and other good and valuable considerations to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to Grantee to have and to hold in fee simple forever the following described land situate, lying and being in Lee County, Florida, to-wit:

> Legal Description attached as Exhibit "A", together with all tenements, hereditaments, easements and appurtenances belonging to or benefiting such property.
>
> Grantor does hereby warrant title to the Real Property and will defend the same against the lawful claims of all persons claiming by, through or under Grantor.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

EXHIBIT "A"

Signed, sealed and delivered in the presence of:

_____	CITY OF SANIBEL,
Witness	a Florida municipal corporation
_____	By: _____
Witness	Printed Name: _____
	Title: _____

STATE OF FLORIDA
COUNTY OF LEE

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared _____, the _____(title) of the City of Sanibel, personally known by me, who was not placed under oath, described in and who executed the foregoing instrument and acknowledged before me that he/she executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2009.

_____
Notary Public

SEAL

EXHIBIT "A"

Lot 5, Block 13, SANIBEL GARDENS UNIT 2, according to the Plat thereof recorded in Plat Book 7, Page 15, of the Public Records of Lee County, Florida;

Lot 11, Block 14, SANIBEL GARDENS UNIT 2, according to the Plat thereof recorded in Plat Book 7, Page 15, Public Records of Lee County, Florida;

Lot 13, Block 14, SANIBEL GARDENS UNIT 2, according to the Plat thereof recorded in Plat Book 7, Page 15, in the Public Records of Lee County, Florida;

Lot 19, Block 14, SANIBEL GARDENS UNIT 2, according to the Plat thereof recorded in Plat Book 7, Page 15, in the Public Records of Lee County, Florida;

Lot 25, Block 14, SANIBEL GARDENS UNIT 2, according to the Plat thereof recorded in Plat Book 7, Page 15, in the Public Records of Lee County, Florida.

This instrument was prepared by:
Kenneth B. Cuyler, Esq.
800 Dunlop Road
Sanibel, Florida 33957
239-472-4359

_____(Space above this line for recording date)_____

SPECIAL WARRANTY DEED

THIS INDENTURE, made this ____ day of _____, 2009, between SANIBEL-CAPTIVA CONSERVATION FOUNDATION, INC., a Florida corporation, Grantor, and the CITY OF SANIBEL, a Florida municipal corporation, whose address is 800 Dunlop Road, Sanibel, Florida 33957, Grantee.

WITNESSETH that said Grantor, for and in consideration of the sum of TEN AND NO/100 ($10.00) Dollars, and other good and valuable considerations to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to Grantee to have and to hold in fee simple forever the following described land situate, lying and being in Lee County, Florida, to-wit:

> Legal Description attached as Exhibit "A", together with all tenements, hereditaments, easements and appurtenances belonging to or benefiting such property.
>
> Grantor does hereby warrant title to the Real Property and will defend the same against the lawful claims of all persons claiming by, through or under Grantor.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

EXHIBIT "B"

Signed, sealed and delivered in the presence of:

_____	SANIBEL-CAPTIVA CONSERVATION,
Witness	FOUNDATION, INC., a Florida corporation
_____	By: _____
Witness	Printed Name: _____
	Title: _____

STATE OF FLORIDA
COUNTY OF LEE

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared _____, the _____(title) of Sanibel-Captiva Conservation Foundation, Inc., personally known by me, who was not placed under oath, described in and who executed the foregoing instrument and acknowledged before me that he/she executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2009.

_____
Notary Public

SEAL

EXHIBIT "A"

Lots 1 and 2, Block 17, SANIBEL GARDENS UNIT 2, according to the Plat thereof recorded in Plat Book 7, Page 15, in the Public Records of Lee County, Florida;

Lots 3 and 4, Block 17, SANIBEL GARDENS UNIT 2, according to the Plat thereof recorded in Plat Book 7, Page 15, in the Public Records of Lee County, Florida;

Lot 5, Block 16, SANIBEL GARDENS UNIT 2, according to the Plat Book thereof recorded in Plat Book 7, Page 15, in the Public Records of Lee County, Florida.