

**8. CONSENT AGENDA**

- b. RESOLUTION NO. 09-113 AMENDING CITY OF SANIBEL RESOLUTION 78-42 RELATING TO THE VACATION OF A CERTAIN ALLEY IN THE SANIBEL GARDENS SUBDIVISION, UNIT 4, BLOCK 31 FOR PURPOSES OF CORRECTING AN INACCURATE LEGAL DESCRIPTION; AND PROVIDING AN EFFECTIVE DATE**

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. 28-46-22-T2-00500.0070

SHARED USE PATH AND REST AREA EASEMENT

THIS INDENTURE, made this 1<sup>st</sup> day of OCTOBER, 2009, by and between the Sanibel Captiva Conservation Foundation, 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 successor and assigns forever, an easement to construct, maintain, repair, replace and renew a public shared use path and rest area (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.

The granting of this Easement is conditioned upon the right of Grantor to review and approve plans for the shared use path and interpretive platform site.

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 rest area.

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.

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:

Sanibel Captiva Conservation Foundation, Inc.

Karen Nelson  
1<sup>st</sup> Witness

Karen Nelson  
Print Name

Marti Bryant  
2<sup>nd</sup> Witness

Marti Bryant  
Print Name

By: A. Erick Lindblad  
Print Name: A. ERICK LINDBLAD  
Title: EXECUTIVE DIRECTOR

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STATE OF FLORIDA)  
COUNTY OF LEE )

I HEREBY CERTIFY that, the foregoing instrument was acknowledged before me on this 1<sup>st</sup> day of October, 2009 by A. Erick Lindblad. He/She/They is/are personally known to me or have produced \_\_\_\_\_ as identification.

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

Wendy S. Cerdan  
Notary Public, State of Florida  
Print Name: Wendy S. Cerdan  
Commission No: DD673987  
Date Commission Expires: Jan. 09, 2010

EXHIBIT A

Situated in Lee County, Florida

A strip of land for Shared Use Path and Rest Area easement lying in the west half (W ½) of the east half (E ½) of Government Lot 2 in Section 28, Township 46 South, Range 22 East, Sanibel Island, Lee County, Florida being more fully described as follows:

From the southeast corner of Lot 7, Huschka Subdivision as recorded in Plat Book 47, pages 39-45 of the Public Records of Lee County Florida also being the Point of Beginning of the herein described strip of land, go N.0° 57' 05" W. along east line of Lot 7 for 2,121.25 feet to the northeast corner of lot 7; thence S.89° 32' 00" W. along north line of said strip of land and Lot 7 for 15.0 feet ; thence S. 0° 57' 05" E. and parallel to east line of lot 7, for 849.99 feet; thence S. 89° 02' 55" W. for 1.07 feet; thence S. 0° 57' 05" E. for 28.0 feet; thence N. 89° 02' 55" E. for 1.07 feet; thence S.0° 57' 05" E. for 1,243.39 feet to a point on the south line of lot 7 ; thence N. 89° 02' 55" E. along south line for 15.0 feet to the Point of Beginning.

LOT 7  
HUSCHKA  
SUBDIVISION  
P.B. 47, PG. 39

1243.386 57' 05"E, 1243.39'

S0' 57' 05.00"E

(EXIST. SUB)

NO. 57 05 W. 212.25

"LAGOON"  
SANIBEL RIVER  
ESTATES U/R  
O.R. BOOK 711,  
PAGE 755

APPROXIMATE  
EDGE OF  
WATER



ADDITIONAL 15'  
"SHARED USE PATH"  
ESM'T.

30.0'

EXIST. 15' "BICYCLE  
PATH" ESM'T. (SHARED  
USE PATH) AS  
RECORDED IN O.R.  
1264, PG. 1471

15.0'

N89°02'55"E

POB

CONSERVATION  
EASEMENT  
(PART OF LOT 5)  
HUSCHKA  
SUBDIVISION  
P.B. 47, PG. 39

10' "BICYCLE PATH" (SHARED USE PATH)  
AS RECORDED IN O.R. 1264, PG. 1471

SURF SOUND COURT (40')

O.R. BOOK 4730, PAGE 2176  
LOT 28  
SANIBEL RIVER ESTATES U/R  
O.R. BOOK 711, PAGE 755

ADDITIONAL 15'  
"SHARED USE PATH"  
ESM'T.

30.0'

EXIST. 15' "BICYCLE  
PATH" ESM'T. (SHARED  
USE PATH) AS  
RECORDED IN O.R.  
1264, PG. 1471

S0' 57' 05"E, 1243.39'

(EXIST. SUB)

NO. 57 05 W. 212.25

"LAGOON"  
SANIBEL RIVER  
ESTATES U/R  
O.R. BOOK 711,  
PAGE 755

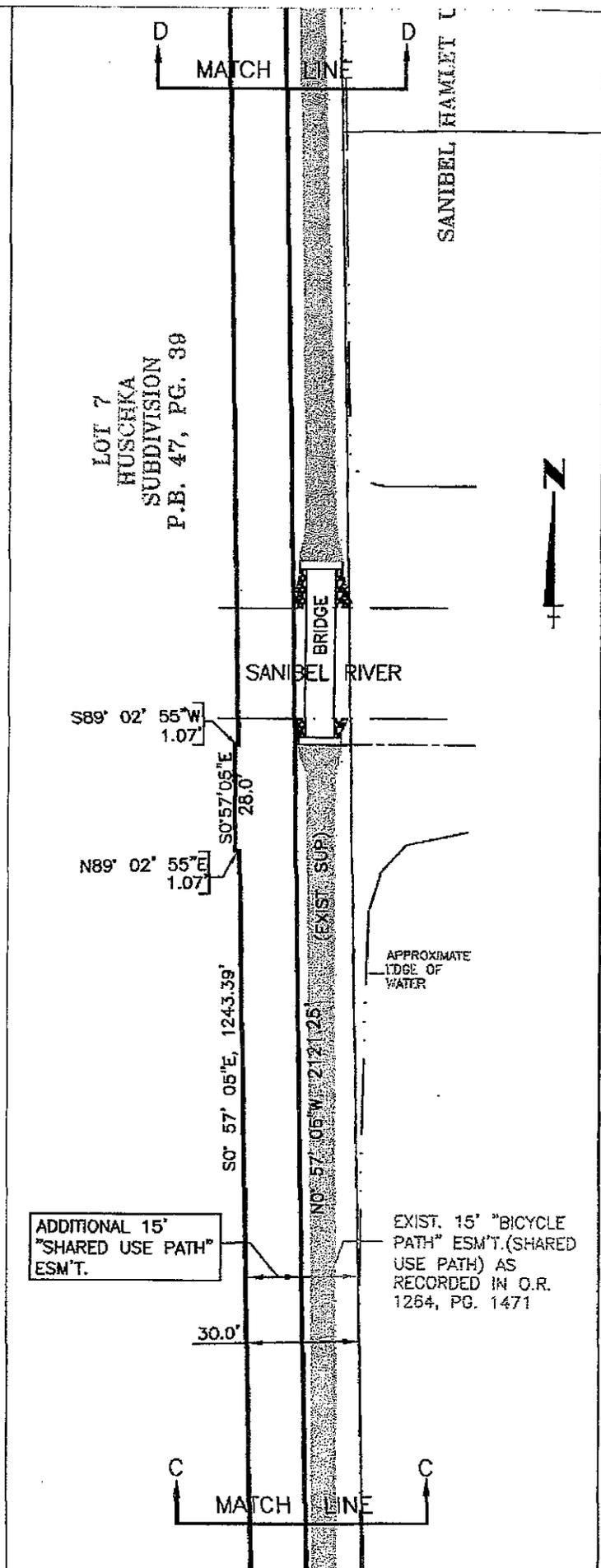
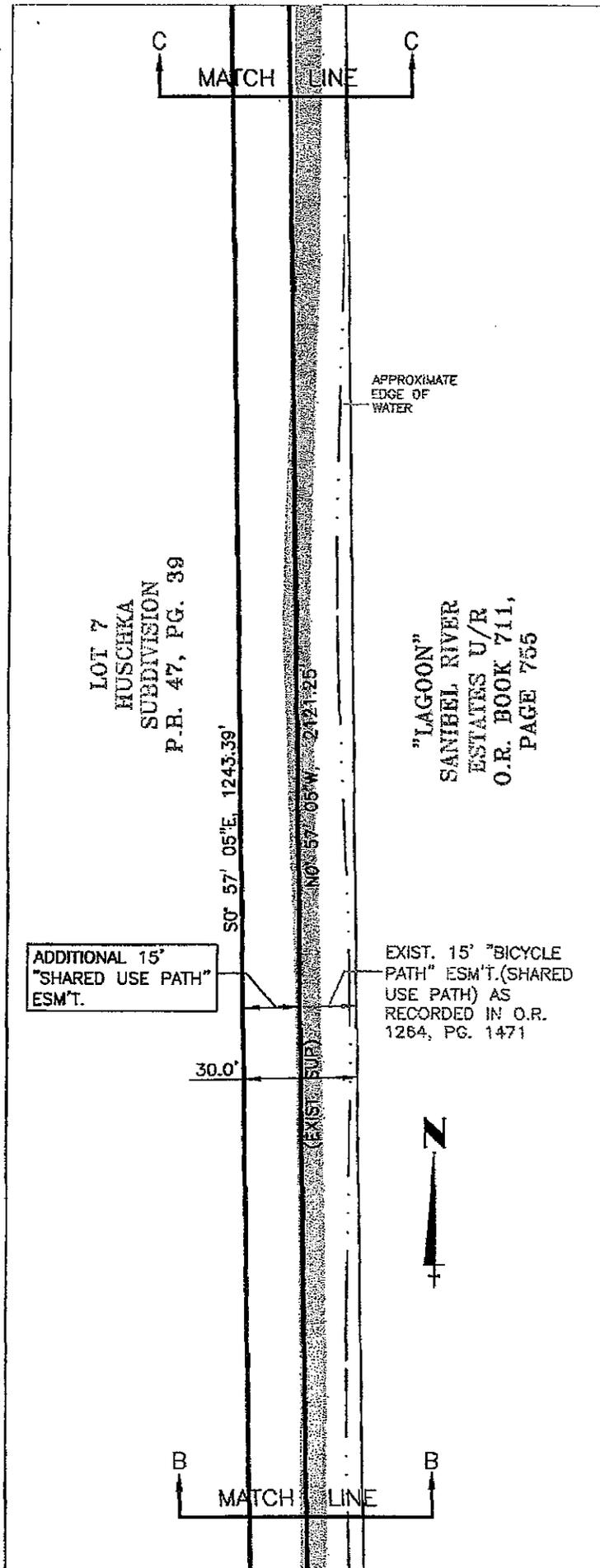
APPROXIMATE  
EDGE OF  
WATER



MATCH LINE

MATCH LINE

MATCH LINE



E  
MATCH LINE  
E

LOT 7  
HUSCHKA  
SUBDIVISION  
P.B. 47, PG. 39



S0° 57' 05"E, 849.99'

N0° 57' 05"W, 2121.25' (EXIST. SUP)

APPROXIMATE  
EDGE OF  
WATER

ADDITIONAL 15'  
"SHARED USE PATH"  
ESM'T.

EXIST. 15' "BICYCLE  
PATH" ESM'T. (SHARED  
USE PATH) AS  
RECORDED IN O.R.  
1264, PG. 1471

30.0'

D  
MATCH LINE  
D

HAMLET U/R

LOT 8  
HUSCHKA  
SUBDIVISION  
P.B. 47, PG. 39

16' U.E.

15' D.E.

S89°32'00"W

15.0'

LOT 7  
HUSCHKA  
SUBDIVISION  
P.B. 47, PG. 39

S0° 57' 05"E, 849.99'

N0° 57' 05"W, 2121.25' (EXIST. SUP)

APPROXIMATE  
EDGE OF  
WATER

SANIBEL HAMLET U/R

ADDITIONAL 15'  
"SHARED USE PATH"  
ESM'T.

EXIST. 15' "BICYCLE  
PATH" ESM'T. (SHARED  
USE PATH) AS  
RECORDED IN O.R.  
1264, PG. 1471

30.0'

E  
MATCH LINE  
E





October 5, 2009

To: Judie Zimomra, City Manager, Sanibel  
From: Erick Lindblad, Executive Director , SCCF  
Re: Rabbit Road Shared use Path Improvements and Easement

The Sanibel Captiva Conservation Foundation is agreeable to granting an easement to the City for Shared use path improvements on the Rabbit Road path. These improvements include path widening and an interpretive pull off platform adjacent to the Sanibel River Bridge.

As a condition for granting the easement we would like the following language inserted into the easement document:

“The granting of this easement is conditional upon the right of SCCF to review and approve plans for the shared use path and interpretive platform site.”

Council Members,

Re: Rabbit Road Easement - Consent Agenda #8i

We welcome this LONG awaited improvement to the "Rabbit Road Shared Use Path". The agreement with SCCF for the City to accept the easement, along with its liabilities, is a wonderful first step.

We urge you to approve this step in the process.

Your approval also addresses 3 of the SUP Master Plan Recommendations: Shared Use Path widening (6.3.2), Establish additional rest areas (6.3.5) and Identify and employ Innovative and Alternative Funding for path improvements (6.4.3)

This path is one of the most beautiful and interesting paths on the Island. As you know, it connects West Gulf Drive to San-Cap Road and when improved it will take some cyclists off the Rabbit Road roadway and it will be a path for all walkers and cyclists to enjoy the quiet sights and sounds that are abundant in that area. The Recreation Center is a big draw for path users in this area and safety will be greatly improved.

The Sanibel Bicycle Club has already approved the material cost of the overlook/platform near the Sanibel River and the Hammerheads have agreed to build it!

We hope we can count on your financial support too as widening plans and future budgets are developed, reviewed and approved .

We would like to start a community-wide project to help fund this project but we need Council's firm commitment to make it happen!

Patti Sousa and Doug Dietrich