

**MEMORANDUM
FROM THE
OFFICE OF COUNTY LANDS**

Date: June 18, 2008

To: Robert G. Clemens
Acquisition Program Manager

From: Bill Abramovich
Real Estate Title Examiner

RE: Veronica Shoemaker Blvd. Drainage Canal

Search Request: Determine ownership of drainage canal (see map) Area #7 (Veronica Shoemaker Blvd. between SunTrust Dr. and Canal St.)

NOTE: Examination shows area from SunTrust Dr. to a point just north of Jeffcott St. is part of Plat of Habitat Beecher Village recorded in Plat Book 64, Page 67. Affected area is part of Tract "A" on said plat and dedicated to the public. (See copy of plat and dedication attached)

NOTE: Examination shows area from a point just North of Jeffcott St. to Canal St. is vested in Lee County. By Order of Taking recorded July 19, 2004 in Official Record Book 4368, Page 3134. (See copy of order attached)

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT
IN AND FOR LEE COUNTY, FLORIDA



LEE COUNTY, FLORIDA,
a political subdivision
of the State of Florida,

FILED

JUL 15 2004

INSTR # 6361152
OR BK 84368 Pgs 3134 - 3139; (6pgs)
RECORDED 07/19/2004 07:43:47 AM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY, FLORIDA
DEPUTY CLERK P Wise

Petitioner,

CHARLIE GREEN, CLERK
CIRCUIT/COUNTY COURTS
BY _____ D.C.

vs.

CASE NO.:04-CA-1346-I
Parcels: 113, 113A, 121

JAMES H. WHITEHEAD and BEVERLY
JANE WHITEHEAD; LEE COUNTY TAX
COLLECTOR,

Respondents.

STIPULATED ORDER OF TAKING

THIS CAUSE, coming on to be heard by the Court upon the stipulation of Petitioner and Respondents, **JAMES H. WHITEHEAD and BEVERLY JANE WHITEHEAD**, and it appearing that proper notice was first given to Respondents and all persons having any equity, lien, title or other interest in or to the real property described in the Petition, and the Court being fully advised in the premises, upon consideration, the Court finds as follows:

1. That this Court has jurisdiction of the subject matter and the parties to this cause.
2. That the pleadings in this cause are sufficient and the Petitioner is properly exercising its delegated authority.
3. That it is necessary to take a fee simple interest in the property designated as Parcels 113, 113A and 121, described as follows:

SEE EXHIBIT "A" ATTACHED.

4. That the property is necessary for the purpose of constructing Veronica Shoemaker Boulevard, a public road.

5. That the property is taken for a public purpose.

6. That the estimate of value in this cause made by Petitioner was made in good faith and based upon a valid appraisal.

7. That the Petitioner is entitled to immediate possession of the property described in the Petition and Exhibit "A", prior to the entry of Final Judgment.

8. That said deposit of money will secure the persons lawfully entitled to the compensation which will ultimately be determined by Final Judgment.

9. Pursuant to F.S. 73.061, the Lee County Tax Collector is entitled to payment of the current (pro-rated from January 1 of the current year through date of deposit) ad valorem taxes and any delinquent ad valorem taxes levied upon the lands to be taken hereunder, with such taxes to be assessed against the owner and paid over to the Lee County Tax Collector before disbursement of the Court Registry's deposit by the Clerk of Courts.

IT IS THEREFORE ORDERED AND ADJUDGED:

1. That the sum of money to be deposited in the registry of the court within twenty (20) days of the entry of this Order shall be in the amount of SEVENTY-FOUR THOUSAND AND NO/100 DOLLARS (\$74,000.00).

2. Upon deposit of the good faith estimate of value by LEE COUNTY, the Clerk is directed to pay from the deposit to the Lee County Tax Collector current (pro-rated from January 1 of the current year through the date of deposit) ad valorem taxes and any delinquent ad valorem taxes levied upon the lands taken.

3. Upon payment of the ad valorem taxes, the Clerk of the Court is hereby directed forthwith to disburse the remaining balance of the deposit to ULMER, HICKS & SCHREIBER, P.A. TRUST ACCOUNT, 890 South Dixie Highway, Coral Gables, Florida, 33146, Attn: J. Wiley Hicks, Esq. for the sole benefit of James H. Whitehead and Beverly Jane Whitehead.

4. That on deposit as set forth above and without further notice or order of this Court, title or the interest sought in the Petition shall vest in LEE COUNTY and LEE COUNTY shall be entitled to immediate possession of the property described in the Petition.


5. If Petitioner shall default in the depositing of said sum of money within the time provided, this Order shall be void and of no further force or effect.

DONE AND ORDERED in chambers at Fort Myers, Lee County, Florida, on this 15 of July, 2004.



R. THOMAS CORBIN
Circuit Judge

Conformed copies to:
John J. Renner, Chief Asst. County Attorney
J. Wiley Hicks, Esquire
Anne Dalton, Esquire

By: 

Judicial Assistant
deputy clerk

June 19, 2003

DESCRIPTION

**PARCEL IN
SECTION 20, T. 44 S., R. 25 E
CITY OF FORT MYERS, LEE COUNTY, FLORIDA**

PARCEL 113

PARENT STRAP NO. 20-44-25-P4-00507.0010

A tract or parcel of land lying in the Southwest Quarter (Sw1/4) of Section 20, Township 44 South, Range 25 East, City of Fort Myers, Lee County, Florida, which tract or parcel is described as follows:

From the southwest corner of said fractional section run N 88° 54' 09" E along the south line of said fractional section for 25.00 feet; thence run N 00° 58' 24" W for 50.00 feet to the intersection of the east line of Veronica S. Shoemaker Boulevard and the north line of Canal Street and the Point of Beginning.

From said Point of Beginning continue N 00° 58' 24" W along said east line for 451.34 feet; thence run N 88° 54' 09" E for 117.00 feet; thence run S 00° 58' 24" E for 451.34 feet to an intersection with said north line; thence run S 88° 54' 09" W along said north line for 117.00 feet to an intersection with said east line and the Point of Beginning.

Parcel contains 52,807 square feet, more or less.

SUBJECT TO all easements, reservations, restrictions and right-of-ways of record.

Bearings hereinabove mentioned are based on the south line of Section 20, Township 44 South, Range 25 East, Lee County, Florida to bear N 88° 54' 09" E.

19991321/Parcel 113(b) 061903

EXHIBIT **A**

June 19, 2003

DESCRIPTION

PARCEL IN
SECTION 20, T. 44 S., R. 25 E
CITY OF FORT MYERS, LEE COUNTY, FLORIDA

PARCEL 113A

PARENT STRAP NO. 20-44-25-P4-00507.0010

A tract or parcel of land lying in the Southwest Quarter (SW1/4) of Section 20, Township 44 South, Range 25 East, City of Fort Myers, Lee County, Florida, which tract or parcel is described as follows:

From the southwest corner of said fractional section run N 88° 54' 09" E along the south line of said fractional section for 25.00 feet to the Point of Beginning.

From said Point of Beginning run N 00° 58' 24" W for 50.00 feet to the intersection of the north line of Canal Street and the east line of Veronica S. Shoemaker Boulevard; thence run N 88° 54' 09" E along said north line for 1,450.12 feet; thence run S 00° 58' 24" E for 50.00 feet to an intersection with said south line; thence run S 88° 54' 09" W along said south line for 1,450.12 feet to the Point of Beginning.

Parcel contains 72, 506 square feet, more or less.

SUBJECT TO all easements, reservations, restrictions and right-of-ways of record. Bearings hereinabove mentioned are based on the south line of Section 20, Township 44 South, Range 25 East, Lee County, Florida to bear N 88° 54' 09" E.

19991321/Parcel 113 061903

August 19, 2002

DESCRIPTION

PARCEL IN
SECTION 20, TOWNSHIP 44 SOUTH, RANGE 25 EAST
CITY OF FORT MYERS, LEE COUNTY, FLORIDA

PARCEL 121

PARENT STRAP NO. 20-44-25-P4-00503.0010

A tract or parcel of land lying in the Southwest Quarter (SW-1/4) of Section 20, Township 44 South, Range 25 East, City of Fort Myers, Lee County, Florida, being more particularly described as follows:

From the southwest corner of said section run N 00° 58' 24" W along the west line of said section for 501.34 feet; thence run N 88° 54' 09" E for 25.00 feet to the Point of Beginning.

From said Point of Beginning run N 00° 58' 24" W for 539.16 feet; thence run N 89° 10' 06" E for 117.00 feet; thence run S 00° 58' 24" E for 538.62 feet; thence run S 88° 54' 09" W for 117.00 feet to the Point of Beginning.

Parcel contains 60,970 square feet, more or less.

SUBJECT TO all easements, reservations, restrictions and right-of-ways of record.

Bearings hereinabove mentioned are based on the west line of Section 20, Township 44 South, Range 25 East, Lee County Florida as being N 00° 58' 24" W.

Mark G. Wentzel (For The Firm LB 642)
Professional Land Surveyor
Florida Certificate No. 5247

19991321\Parcel No. 121 - 081902