

8. **CONSENT AGENDA**

- b. **RESOLUTION 08-125 ACCEPTING A PERPETUAL UTILITY EASEMENT FROM ANCHOR INN OF SANIBEL LLC, A FLORIDA LIMITED COMPANY; AUTHORIZING THE CITY MANAGER TO RECORD SAME IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE**

CITY OF SANIBEL

RESOLUTION NO. 08-125

RESOLUTION 08-125 ACCEPTING A PERPETUAL UTILITY EASEMENT FROM ANCHOR INN OF SANIBEL LLC, A FLORIDA LIMITED COMPANY; AUTHORIZING THE CITY MANAGER TO RECORD SAME IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, ANCHOR INN OF SANIBEL LLC, A FLORIDA LIMITED LIABILITY COMPANY, has granted a perpetual utility easement to the City of Sanibel in order to facilitate the sewer connection of a nearby single-family dwelling on Donax Street;

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

Section 1. The Perpetual Utility Easement, a copy of which is attached hereto, is accepted, and the City Manager is authorized to record the originals of said document in the Official Records of Lee County, Florida.

Section 2. Effective Date. This Resolution shall take effect immediately upon adoption.

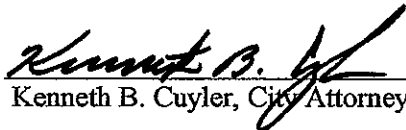
DULY PASSED AND ENACTED by the Council of the City of Sanibel, Florida, this 6th day of September, 2008.

AUTHENTICATION:

Mick Denham, Mayor

Pamela Smith, City Clerk

APPROVED AS TO FORM:


Kenneth B. Cuyler, City Attorney

9/3/08
Date

Vote of Council members:

Denham _____
Ruane _____
Jennings _____
Johnston _____
Pappas _____

Date filed with City Clerk: _____

This Instrument Was Prepared By and Return To:

City Attorney
CITY OF SANIBEL
800 Dunlop Road
Sanibel, Florida 33957

Parcel Strap #19-46-23-T3-00014.0020
19-46-23-T3-00014.002B

PERPETUAL UTILITY EASEMENT

THIS INDENTURE, made this 17th day of JUNE, 2008 by and between **ANCHOR INN OF SANIBEL, LLC**, a Florida Limited Liability Company, (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, or so much there of as is owned by the Grantor, situate, lying and being in the City of Sanibel, Lee County, Florida, to-wit:

The property is described on **Exhibit A** and
shown on **Exhibit B**
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:

* Rosemary Henry JTC

1st Witness
Roscoe L. Henry JTC
Print Name

* [Signature]

2nd Witness
[Signature]
Print Name

Anchor Inn of Sanibel, LLC

BY: [Signature]

Print Name L.J. Spillman

TITLE: owner

STATE OF FLORIDA)
COUNTY OF LEE)

The following instrument was acknowledged before me this 17th day of June, 2008 by [Signature], Grantor(s).
He/She/They're personally known to me or have produced known as identification.

Susan M. Stone
Print Name: Susan M. Stone
Notary Public - State of Florida
Commission No.: AD 432363

My Commission Expires: 07/07/09

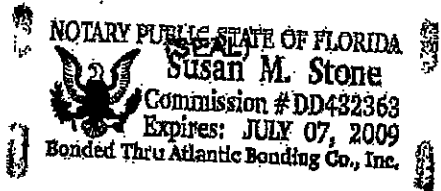


Exhibit A

**PERPETUAL UTILITY EASEMENT
AND MAINTENANCE AGREEMENT**

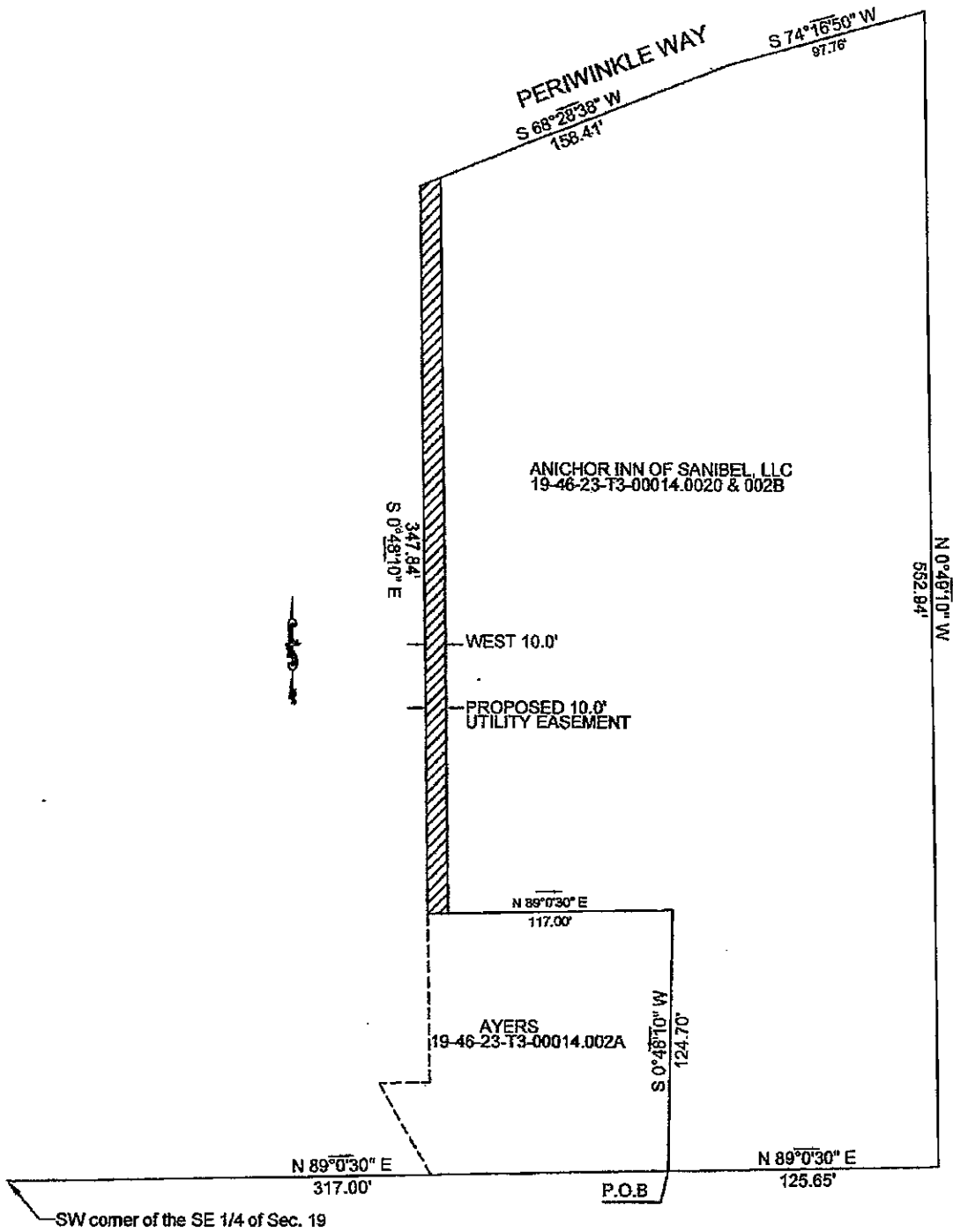
Situated in Lee County, Florida

The west 10.0' (as measured perpendicular to the lot line) of a lot or tract of land, that tract of land is more specifically described as follows:

A lot or parcel of land lying in the Southwest quarter of the Southeast quarter of Section 19, Township 46 South, Range 23 East, on Sanibel Island, Lee County, Florida, described as follows:

From a concrete monument marking the Southwest corner of the Southeast quarter of said Section 19, run N 89°00'30"E for 317.00 feet to the point of beginning; thence continue along said South line N 89°00'30"E, 125.65 feet; thence run N 00°49'10" W for 552.94 feet to the Southerly right-of-way line of Periwinkle Way, a 50 foot right-of-way; thence along said Southerly line S 74°16'50" W for 97.76 feet; thence continue along said Southerly line S 68°28'38" W for 158.41 feet; thence S 00°48'10" E for 347.84 feet; thence N 89°00'30" E for 117.00 feet; thence S 00°48'10" W for 124.70 feet to the point of beginning. Said easement contains 0.09 ac.±.

EXHIBIT B



This is not a survey.



CITY OF SANIBEL
800 DUNLOP ROAD
SANIBEL, FL 33957
UTILITY EASEMENT

DRAWN BY: LARSEN
CHECKED BY:
SCALE: 1" = 80'
DATE: 5/08
PARCEL GROUP: 19-46-23-T3-00014.0020 & .002B