

Siesta V Administrative Amendment (ADD2024-00060)

July 11, 2024
Resubmission Package

**AMENDMENT TO DEED OF CONSERVATION EASEMENT 4.06
ACRES PER SETTLEMENT AGREEMENT**

Prepared by:

Mark A. Ebelini
Knott Ebelini Hart
1625 Hendry Street, Third Floor
Fort Myers, Florida 33901
239-334-2722

Return original or certified recorded document to:

Dept. of Environmental Protection
2295 Victoria Avenue
Suite 364
Fort Myers, FL 33901
239-344-5600

Amendment to Deed of Conservation Easement Standard With Passive Recreational Uses

THIS AMENDMENT TO DEED OF CONSERVATION EASEMENT (this "Amendment ") is given this _____ day of _____, 2024, by **Charles R. Meador, Jr., not individually, but as Trustee under the provisions of a Land Trust Agreement effective March 8, 1995, and known as the Siesta V Land Trust** ("Grantor") whose mailing address is c/o Mark A Ebelini, Knott Ebelini Hart, 1625 Hendry Street, Suite 301, Fort Myers FL 33901, to the **Florida Department of Environmental Protection** ("Grantee"). As used herein, the term "Grantor" shall include any and all heirs, successors, or assigns of the Grantor, and all subsequent owners of the "Conservation Easement Area" (as hereinafter defined); the term "Grantee" shall include any successor or assignee of Grantee.

WITNESSETH

WHEREAS, on July 24, 2020, Grantor executed a "**Deed of Conservation Easement Standard With Passive Recreational Uses**" in favor of the Grantee, which was recorded as **Official Records Instrument No. 2020000204375**, Public Records of Lee County, Florida (the "Conservation Easement") ;

WHEREAS, Grantor has sought a modification to Permit No. 36-0157404 (the "Permit Modification") referenced in the Conservation Easement; and

WHEREAS, Grantor, in consideration of the consent granted by the Permit Modification, is agreeable to adding to the land to be held subject to the Conservation Easement by this Amendment; and

WHEREAS, by this Amendment, the Grantor, has agreed to subject an additional 4.06 ± acre parcel of its land located in Lee County, Florida, described and depicted on Exhibit "A" attached hereto, to the Conservation Easement ("**Tract IIIA**"), and

WHEREAS, Grantor grants this Amendment pursuant to the settlement agreement of a Petition for Formal Administrative Hearing, Division of Administrative Hearings Case Number 22-2096, and the Permit Modification; and

WHEREAS, all of the terms and conditions of the Conservation Easement shall apply to Tract IIIA.

NOW, THEREFORE, in consideration of the issuance of the Permit Modification, together with other good and valuable consideration provided to the Grantor the adequacy and receipt of which are hereby acknowledged, Grantor hereby voluntarily grants, creates, conveys, and establishes a perpetual

Conservation Easement for and in favor of the Grantee upon Tract III described on Exhibit "A" which shall run with the land and be binding upon the Grantor, and shall remain in full force and effect forever. All terms and conditions of the Conservation Easement shall apply to Tract IIIA, the terms of which are hereby ratified herein by this reference.

TO HAVE AND TO HOLD unto Grantee forever. The covenants, terms, conditions, restrictions, and purposes imposed on Tract IIA shall be binding upon Grantor, and its successors and assigns, and shall continue as a servitude running in perpetuity with Tract IIIA.

Grantor hereby covenants with Grantee that Grantor is lawfully seized of Tract IIIA in fee simple; that the Tract IIIA is free and clear of all encumbrances that are inconsistent with the terms of the Conservation Easement; that there are no mortgages or liens on Tract IIIA; that Grantor has good right and lawful authority to convey this conservation easement on Tract IIIA by this Amendment; and Grantor fully warrants and defends record title to Tract IIIA against the lawful claims of all persons whomsoever inconsistent with the terms of the conservation easement imposed hereby.

IN WITNESS WHEREOF, Charles R. Meador, Jr., not individually, but as Trustee under the provisions of a Land Trust Agreement effective March 8, 1995, and known as the Siesta V Land Trust ("Grantor") has hereunto set its authorized hand this _____ day of _____, 2024.

☐ A Florida corporation or ☒ Land Trust (choose one)

By: _____
(Signature)

Name: Charles R. Meador, Jr.

Title: Trustee

Signed, sealed and delivered in our presence as witnesses:

By: _____
(Signature)

Name: _____
(Print)

By: _____
(Signature)

Name: _____
(Print)

STATE OF FLORIDA
COUNTY OF LEE

On this ____ day of _____, 2024, before me by means of _____ physical presence or by _____ online notarization, the undersigned notary public, personally appeared Charles R. Meador, Jr., the person who subscribed to the foregoing instrument, as the Trustee of Siesta V Land Trust ☐ (corporation), a Florida corporation, or ☒ Land Trust (choose one) and acknowledged that he executed the same on behalf of said ☐ corporation, or ☒ Land Trust (choose one) and that he/she was duly authorized to do so. He is personally known to me _____ or has produced a _____ (state) driver's license as identification.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

NOTARY PUBLIC, STATE OF FLORIDA

(Signature)

(Name)

My Commission Expires: _____

[ADDITIONAL CONSERVATION EASEMENT AREA – TRACT IIIA]

Barraco
and Associates, Inc.

www.barraco.net

Civil Engineers, Land Surveyors and Planners

**DESCRIPTION
(TRACT IIIA)**

Parcel in
Section 13, Township 46 South, Range 23 East
Lee County, Florida

A tract or parcel of land, lying in Section 13, Township 46 South, Range 23 East, Lee County, Florida, said tract or parcel of land being more particularly described as follows:

COMMENCING at the Southwest corner of the record plat of "SIESTA ISLES UNIT NO. 4" as recorded in Plat Book 29, Page 107, Lee County Records, run N88°39'44"E along the Southerly line of said record plat for 197.00 feet; thence run S01°20'16"E for 97.75 feet to an intersection with the Southeasterly line of a Conservation Easement described in a deed recorded in Instrument No. 2020000173943, Lee County Records and the POINT OF BEGINNING.

From said Point of Beginning run N89°00'10"E for 254.11 feet; thence run S15°20'02"W for 527.47 feet to an intersection with Northwesterly line of lands described in deed recorded in Official Record Book 2781, Page 1575, Lee County records, also being known as Lots 83, 84, 85 and 86 of San Carlos Subdivision (Unrecorded); thence run S47°06'39"W along said Northwesterly line for 133.82 feet; thence run N56°48'46"W for 19.09 feet to a point on a non-tangent curve; thence run Northerly along an arc of a curve to the left of radius 66.50 feet (delta 65°16'07") (chord bearing N04°19'46"W) (chord 71.72 feet) for 75.75 feet to a point of tangency; thence run N36°57'50"W for 186.92 feet to a point of curvature; thence run Northwesterly along an arc of a curve to the left of radius 98.00 feet (delta 47°19'49") (chord bearing N60°37'44"W) (chord 78.67 feet) for 80.95 feet; thence run S44°42'49"W along a non-tangent line for 6.55 feet to a point on a non-tangent curve; thence run Westerly along an arc of a curve to the left of radius 93.00 feet (delta 46°38'30") (chord bearing S69°50'37"W) (chord 73.63 feet) for 75.71 feet to a point of tangency; thence run S46°31'22"W for 335.15 feet to an intersection with said Southeasterly line of said Conservation Easement; thence run along said Southeasterly line the following courses: N43°54'21"W for 17.24 feet; N13°45'20"W for 5.90 feet; N25°37'30"E for 18.46 feet; N42°37'08"E for 59.00 feet; N49°28'49"E for 133.17 feet; N49°34'26"E for 65.89 feet; N52°12'21"E for 74.31 feet; N37°23'49"E for 44.12 feet; N08°59'07"W for 37.03 feet; N34°19'56"W for 43.53 feet and N49°14'19"E for 345.36 feet to the POINT OF BEGINNING.

Containing 4.06 acres, more or less.

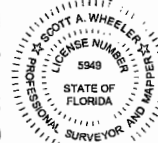
Bearings hereinabove mentioned are State Plane for the Florida West Zone (NAD1983)(NSRS 2011) and are based on the Southerly line of said record plat of "SIESTA ISLES UNIT NO. 4" to bear N88°39'44"E.

Digitally signed
by Scott A.

Wheeler, PSM

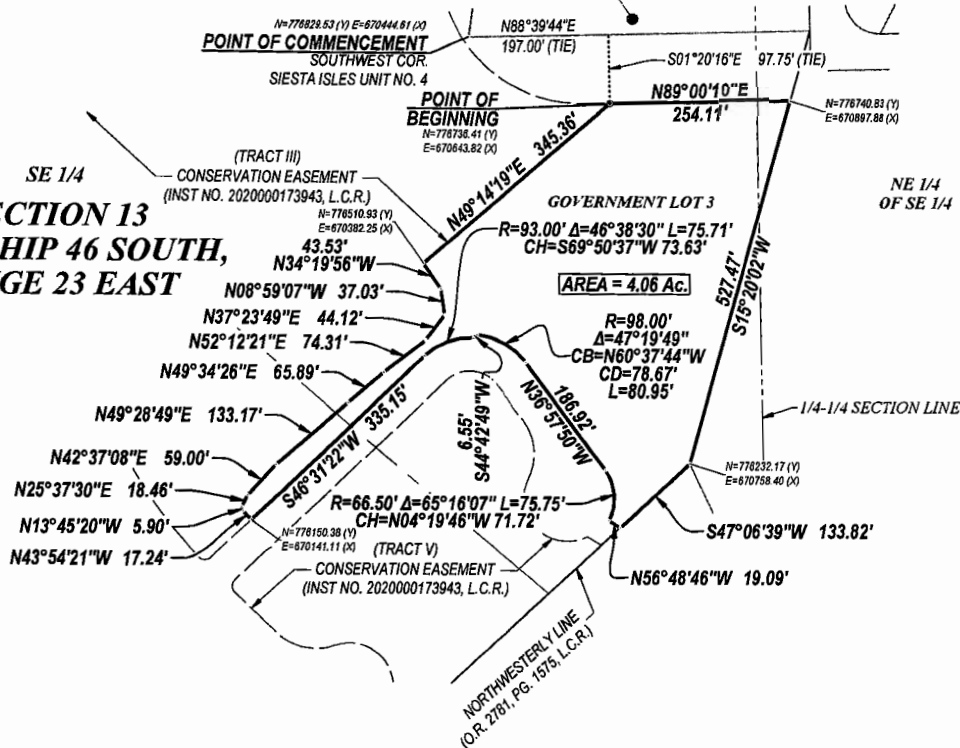
Date: 2023.08.25

'13:11:32 -04'00



Scott A. Wheeler (For The Firm)
Professional Surveyor and Mapper
Florida Certificate No. 5949

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TRACT IIIA**"SIESTA ISLES UNIT NO. 4"**
(P.B. 29, PG. 107, L.C.R.)**SECTION 13**
TOWNSHIP 46 SOUTH,
RANGE 23 EAST**NOTES:**

- ALL DISTANCES SHOWN ARE IN FEET AND DECIMALS THEREOF. UNLESS OTHERWISE NOTED DISTANCES ARE ALSO (U.S. SURVEY FEET) GROUND AND CAN BE MULTIPLIED BY 0.999941 TO OBTAIN GRID DISTANCES.
- INST. No. - DENOTES INSTRUMENT NUMBER, LEE COUNTY PUBLIC RECORDS.
- O.R. - DENOTES OFFICIAL RECORD BOOK, LEE COUNTY PUBLIC RECORDS.
- (P) - DENOTES PLAT.
- P.B. - DENOTES PLAT BOOK.
- PG. - DENOTES PAGE.
- BEARINGS AND COORDINATES SHOWN ARE STATE PLANE FLORIDA WEST ZONE (NAD1983)(NSRS 2011) AND ARE BASED ON THE SOUTHERLY LINE OF THE RECORD PLAT OF SIESTA ISLES UNIT No. 4, PLAT BOOK 4, PAGE 107, LEE COUNTY RECORDS, TO BEAR N83°39'44"E.
- DESCRIPTION IS ATTACHED.

**THIS IS NOT A SURVEY**Digitally signed
by Scott A.
Wheeler, PSM
Date: 2023.08.25
13:11:48 -04'00SCOTT A. WHEELER (FOR THE FIRM - LB-6940)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5949

DATE SIGNED:

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED OR DIGITAL SEAL
OF A FLORIDA LICENSED SURVEYOR AND MAPPER**Barraco**
and Associates, Inc.
CIVIL ENGINEERING - LAND SURVEYING
LAND PLANNING

www.barraco.net

2771 MCGREGOR BLVD., SUITE 100
FORT MYERS, FLORIDA 33902-0800
PHONE (239) 463-1100
FAX (239) 463-1105FLORIDA CERTIFICATE OF AUTHORIZATION
FOR LAND SURVEYING - 5949 (2023) LB-6940

PREPARED FOR:

SIESTA V
LAND TRUSTA PARCEL OF LAND
IN SECTION 13,
TOWNSHIP 46 SOUTH,
RANGE 23 EAST
LEE COUNTY,
FLORIDA

PROJECT SURVEYOR



NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED OR DIGITAL SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

FILE NAME: 230823-1143

LAYOUT: 2

LOCATION: 1/4-1/4 SECTION LINE

PLOT DATE: FRI 8/25/23 11:43 AM

PLOT BY: PETER GILLEN

DRAWING DATA

SURVEY DATE: 08/25/2023

DRAWN BY: P. GILLEN

CHECKED BY: GAW

SCALE: 1"=200'

FIELD BOOK: 230823-1143

PLAT FILE NUMBER

STRAP NUMBER

SKETCH TO ACCOMPANY DESCRIPTION

PROJECT FILE NO.

SHEET NUMBER

21582

13-46-23

2 OF 2