

1 A bill to be entitled
2 An act relating to Collier County; to
3 extinguish, because of nonuse, certain
4 perimeter and bisecting easements within the
5 Golden Gate Estates subdivisions; exempting
6 public easements, under certain circumstances;
7 providing that all of such easements shall be
8 extinguished and be void as of midnight,
9 December 31, 1999, except to the extent that an
10 easement, on or before December 31, 1999, is in
11 actual use as a road, for drainage, or for
12 utility facilities, and a proper notice of
13 claim to the easement is recorded in the
14 official records of Collier County, not later
15 than December 31, 1999; providing that this act
16 shall not modify any effect chapter 712,
17 Florida Statutes, may have over easements;
18 providing that this special act shall be
19 published in a newspaper of general circulation
20 prior to July 1, 1997, and prior to July 1 for
21 the next 3 years; providing an effective date.

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23 Be It Enacted by the Legislature of the State of Florida:

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25 Section 1. (1) This act does not apply to any public
26 easement, including any public right-of-way. This act applies
27 to all perimeter easements and to all bisecting easements,
28 except those necessary to retain legal access to the nearest
29 public road right-of-way, in each of the Golden Gate Estates
30 subdivisions, which easements were reserved, dedicated,
31 conveyed, or otherwise created by the Gulf American

1 Corporation, the Central Bank and Trust Company, the Gulf
2 American Corporation Properties, Inc., or the Avatar
3 Properties, Inc. Most, if not all, of these perimeter
4 easements are 30 feet wide. Most, if not all, of these
5 bisecting easements are 60 feet wide. Most, if not all, of
6 these easements were "reserved" by one or more of the
7 above-listed entities between 1961 and 1969, and include all
8 of the easements that are referred to in that "release"
9 recorded in O.R. Book 1059, Page 631, or referred to in that
10 "release" recorded in O.R. Book 1082, Page 326, Official
11 Records of Collier County.

12 (2) All such perimeter easements and all such
13 bisecting easements, except those necessary to retain legal
14 access to the nearest public road right-of-way, shall be
15 extinguished and be void as of midnight, December 31, 1999,
16 except to the extent that an easement in actual use is claimed
17 as follows: A notice of claim of right to the easement, as
18 described in s. 712.06, Florida Statutes, must be recorded in
19 the official records of Collier County, not later than
20 December 31, 1999. Each such claim shall be limited to that
21 length of the easement in actual use as a road, for drainage,
22 or as a location of one or more utility facilities. The
23 notice must describe the boundaries of the easement that is
24 actually being used. A valid notice shall be claimed only by
25 an owner of the fee of any lot or other parcel of land over
26 which any part of the easement in actual use exists, or by an
27 owner of any drainage facilities or any utility facilities
28 then located within the respective easement area. A separate
29 notice of claim must be recorded for each claimed easement.

30 Section 2. This act does not modify any effect that
31 chapter 712, Florida Statutes, could have over any of these

1 easements, including possible extinguishment wholly
2 independent of this law.

3 Section 3. A copy of this law shall be published prior
4 to July 1, 1997, and prior to July 1 for the next 3 years by
5 the Collier County Administrator and in a newspaper of general
6 circulation within the Golden Gate Estates subdivision areas.

7 Section 4. This act shall take effect upon becoming a
8 law.

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