

Lee County Board of County Commissioners

Agenda Item Summary

Blue Sheet No. 20020955

1. REQUESTED MOTION:

**ACTION REQUESTED:** Declare County-owned property located at 1228 Forsyth Drive in North Fort Myers as surplus, and direct staff to either proceed with conveyance to a non-profit organization in accordance with FS 125.38, or authorize the Division of County Lands in cooperation with the Purchasing Division to advertise, accept sealed bids, and dispose of surplus property in accordance with FS 125.35, approve Resolution of Surplus Real Property; authorize Chairman to execute County Deed; authorize County Lands to handle and accept all documentation necessary to complete this transaction.

**WHY ACTION IS NECESSARY:** Staff needs BoCC authorization to proceed with disposing of surplus land.

**WHAT ACTION ACCOMPLISHES:** Provides staff with direction on this matter.

2. DEPARTMENTAL CATEGORY: 06

COMMISSION DISTRICT #: 4

*A6B*

3. MEETING DATE:

*09-03-2002*

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON

TIME REQUIRED:

5. REQUIREMENT/PURPOSE:

- (Specify)
- STATUTE 125.35, 125.38
  - ORDINANCE
  - ADMIN.
  - OTHER

6. REQUESTOR OF INFORMATION

- A. COMMISSIONER
- B. DEPARTMENT *Independent*
- C. DIVISION *County Lands TLM 8-15-02*
- BY: *Karen L. W. Forsyth, Director*

**7. BACKGROUND:** The County acquired the subject property in 1990 for the Pondella Road Widening Project. A portion of the land was utilized for road improvements. This is vacant remainder parcel located at 1228 Forsyth Drive, on the corner of Pondella Road and Forsyth Drive in North Fort Myers, and is identified as STRAP No. 03-44-24-09-00000.0900. The property is zoned RS-1 and is approximately 92' x 140' (±13,209 square feet). The assessed value of the site is \$10,350.00.

The Division of County Lands requested all appropriate departments notify it of any intended future use of the subject property. The responses indicate there are no proposed future County plans for this property.

The Division of County Lands sent letters of interest to several affordable housing agencies, and received a response from Treva K. Gilligan, Executive Director of Lee County Housing Development Corporation (LCHDC). Her organization has a family that currently resides in North Fort Myers that has been approved for a home mortgage and needs to stay in this general location because they have a handicapped child that receives health care services from the Cape Coral area.

As the subject property lies within a flood zone and will require substantial fill to construct a new home, the LCHDC is requesting the property be donated. Donation of the property will offset the additional fill dirt costs and enable the LCHDC to utilize this site to construct a new handicapped accessible dwelling for this family.

We have received inquiries from private citizens who may be interested in the property, should the BoCC decide to dispose of the land pursuant to FS 125.35 (competitive bid process).

Staff is requesting direction from the BoCC on the following options:

- 1) Authorize staff to proceed with conveyance to Lee County Housing Development Corporation, a Florida non-profit corporation, in accordance with FS 125.38.
- 2) Authorize staff to proceed with disposition of surplus land in accordance with FS 125.35, and allow flexibility in the bid process by not setting a minimal acceptable bid price. Staff would return to the Board for acceptance/rejection of any and all bids received.

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other DOT	E County Attorney	F Budget Services	G County Manager
<i>K. Forsyth</i>	<i>N/A</i>	<i>N/A</i>	<i>DOT 8/21/02</i>	<i>[Signature]</i>	<i>OA 8/22/02</i> <i>ADM 8/22/02</i> <i>RISK 8/22/02</i> <i>GC 8/22/02</i>	<i>[Signature]</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty  
Date: *8/21/02*  
Time: *3:50pm*  
Forwarded To:  
*ADMIN*  
*8-21-02 4:00*

RECEIVED BY  
COUNTY ADMIN  
*8/21/02*  
*4:30pm*  
COUNTY ADMIN.  
FORWARDED TO:  
*8/22/02*


(PARCEL 121)

DESCRIPTION  
OF

That part of Lot 90, Edgewater Gardens, Unit 2, a subdivision of the north half (N 1/2) and the southeast quarter (SE 1/4) of the southwest quarter (SW 1/4) of the southwest quarter (SW 1/4) of Section 3, Township 44 South, Range 24 East, as being recorded in Plat Book 10, Page 56, public records of Lee County, Florida, being described as follows:

Commencing at the northwest corner of Lot 90 of aforesaid subdivision and the Point of Beginning; thence N86°37'50"E along the north line of said Lot 90 for 140.39 feet to the northeast corner of said Lot 90; thence S03°22'10"E along the east line of said Lot 90 for 96.51 feet to the north right-of-way line of Pondella Road (129.00 feet in width) (former S.R. No. 78-A) and to which a radial line bears N01°03'14"W; thence run westerly along said right-of-way line and the arc of a non-tangent curve to the left of radius 8,064.50 having for its elements a central angle of 00°59'53", chord bearing of S88°26'31"W, chord distance of 140.46 feet for a distance of 140.46 feet to a point on the west line of said Lot 90 and to which a radial line bears N02°03'07"W; thence N03°22'10"W along the west line of said Lot 90 and the east right-of-way line of Forsyth Drive for 92.07 feet to the Point of Beginning, containing 13,209.17 square feet (0.3032 acres) more or less.

Bearings mentioned hereinabove are based on Pondella Road right-of-way maps, Project No. 4656, showing the north right-of-way line of Pondella Road at Station 162+00 as bearing S89°56'58"E.

  
Arthur W. Parsons, County Surveyor  
Professional Surveyor and Mapper  
Florida Certificate No. LS-2987

No access will be allowed along Southerly boundary to Pondella Road.

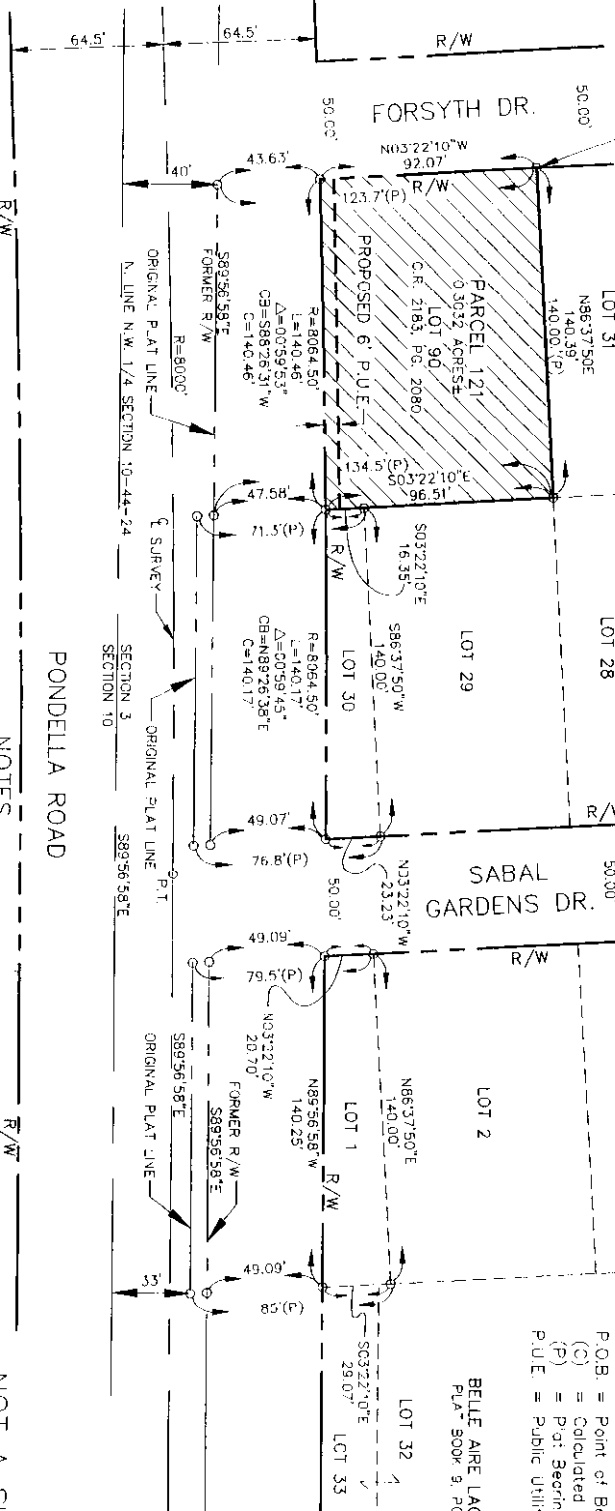
Subject to a 6' public utility and drainage easement along the Southerly boundary.

P.O.C. & P.O.B.  
 Parcel 122  
 N.W. Corner of  
 Lot 90, Unit 2

EDGEWATER GARDENS SUBDIVISION  
 UNIT 2  
 PLAT BOOK 10, PG. 56

EDGEWATER GARDENS SUBDIVISION  
 SECTION A  
 PLAT BOOK 9, PG. 135

BELLE AIRE LAGOON  
 PLAT BOOK 9, PG. 72



**SURVEYOR'S CERTIFICATION**

HEREBY CERTIFY THAT THIS SKETCH AND DESCRIPTION WAS MADE UNDER MY DIRECTION AND CONTROL AND TO THE BEST OF MY KNOWLEDGE AND BELIEF MEETS THE MINIMUM TECHNICAL STANDARDS IN ACCORDANCE WITH CHAPTER 61G17-6 FLORIDA ADMINISTRATIVE CODE PURSUANT TO CHAPTER 472.027 OF THE FLORIDA STATUTES.

Arthur W. Parsons, County Surveyor  
 Professional Surveyor & Mapper  
 Florida Certificate No. LS-2987

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR & MAPPER.

DATE: 2/98

**NOTES**

1. Description is based on Pondella Road Right of Way maps, Project No. 4656. Parcel boundaries have not been verified by a field survey.
2. Bearings and distances are from Pondella Road Right of Way maps, Project No. 4656 and are record unless otherwise noted.
3. Subject to easements, restrictions and limitations of record, if any.

**NOT A SURVEY**

SKETCH IS TO ACCOMPANY A LEGAL DESCRIPTION OF A PART OF LOT 90, UNIT 2, EDGEWATER GARDENS SUBDIVISION, AS RECORDED IN PLAT BOOK 10, PAGE 56, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, LYING IN SECTION 3, TOWNSHIP 44 S., RANGE 24E, LEE COUNTY, FLORIDA.

REV.	DATE	BY	REVISION
1	6/26/99	AWP	ADD STREET NAME
2	3/14/02	AWP	ADD 6' PUBLIC UTILITY EASEMENT

DEPARTMENT OF PUBLIC WORKS  
 TRANSPORTATION DIVISION

Designed By: A.W.P. Date: 3/98 Dsk: 95001  
 Drawn By: A.L.C. Date: 3/98 Scale: 1"=60'  
 Chk'd: A.W.P. Date: 3/98 80342703.DWG

Property Data for Parcel 03-44-24-09-00000.0900

[ Next Lower Parcel Number | Next Higher Parcel Number | Display Building Permits on this Parcel | Display Tax Bills on this Parcel ]

OWNERSHIP, LEGAL, SALES AND DISTRICT DATA ARE FROM THE CURRENT DATABASE. LAND, BUILDING, VALUE AND EXEMPTION DATA ARE FROM THE 2001 ROLL.

Owner of Record	Legal Description	Image of Structure
LEE COUNTY P O BOX 398 FT MYERS FL 33902	EDGEWATER GARDENS UNIT 2 PB 10 PG 56 LOT 90	(Not Presently Available)
<b>Site Address</b>		
1228 FORSYTH DR North Fort Myers, FL 33903		

Taxing District	DOR Code
040 - E/LY N FT MYERS/N FT MYERS FIRE	86 - COUNTIES-OTHER

Property Values		Exemptions		Dimensions	
Just	10,350	Homestead	0	Measurement Units	FF
Assessed	10,350	Agricultural	0	Number of Units	134.00
Assessed SOH	10,350	Widow	0	Frontage	134
Taxable	0	Widower	0	Depth	140
Building	0	Disability	0	Bedrooms	
Land	10,350	Wholly	10,350	Bathrooms	
Building Extra Features	0	Energy	0	Total Sq. Ft.	
Land Extra Features	0	SOH Difference	0	Year Built	

Sales Transactions					
Sale Price	Date	OR Book / Page	Transaction Details		Vacant / Improved
			Type	Description	
71,000	10/1/1990	2183/2080	03	Disqualified (Interest Sales / Court Docs / Government)	I
0	1/1/1900	265/279			

Solid Waste (Garbage) Roll Data				
Solid Waste District	Roll Type	Category	Unit/Area	Tax Amount
004 - Service Area 4 - North Fort Myers Area	-		0	0.00

Land Tracts/Land Use		
Description	Use Code	Units
Vacant Residential	0	134.00 Frontage Feet

Storm Surge Category	Flood Insurance (FIRM)				
	Rate Code	Community	Panel	Version	Date
Category 2	AE:EL8	125124	0200	C	031594

[ View 2001 TRIM Notice ]  
 [ View 2000 TRIM Notice ]  
 [ Show Building Details ]  
 [ Show Aerial View ]  
 [ Next Lower Parcel Number | Next Higher Parcel Number ]

[ New Query | Parcel Queries Page | Lee PA Home ]

This Instrument Prepared by:  
DEBBIE PURCELL  
TRI COUNTY TITLE INSURANCE AGENCY, INC.  
1601 Jackson St., Suite 104  
Ft. Myers, Florida 33901  
TC 3558

Rec. 6.00  
Doc. # 390.50  
Total \$ 396.50

Grantee S.S. No.:  
Name: LEE COUNTY

Grantee S.S. No.:  
Name:

TC 3558  
Strap Number: 03-44-24-09-00000.0900

2929123

[Space Above This Line for Recording Data]

WARRANTY DEED

This Indenture made this 25th day of October, 1990 BETWEEN ANNIE MAE TEAGUE, a single person of the County of LEE, State of FL, grantor\*, and LEE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, whose post office address is P.O. BOX 398-ROBERT CLEMENS, FT. MYERS, FL 33902-0398 of the County of LEE, State of FL, grantee\*.

WITNESSETH. That said Grantor, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the grantee and grantee's heirs and assigns forever the following described land situate, lying and being in LEE County, Florida, to-wit:

Lot 90, Edgewater Gardens Unit 2, Plat Book 10, Page 56, Public Records of Lee County, Florida.

Subject to easements, restrictions, reservations and limitations of record, if any, and taxes for the current and subsequent years.

Documentary Tax Pd. \$ 390.50  
\$ \_\_\_\_\_  
CHARLIE GREEN LEE COUNTY  
Deputy Clerk

TOGETHER with all the tenements, hereditaments and appurtenances thereof belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in Fee Simple forever.

AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in FEE SIMPLE; that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 1990.

\*Singular and plural are interchangeable as context requires.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

*[Signature]*  
*[Signature]*  
(TWO SEPARATE WITNESSES REQUIRED)

*[Signature]*  
ANNIE MAE TEAGUE

Acquisition approved by the Lee County Board of Commissioners' action on 9-26-90 and accepted on behalf of the Board by *[Signature]* on 10-25-90 in accordance with FS 125

STATE OF FLORIDA  
COUNTY OF LEE

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgements, personally appeared: ANNIE MAE TEAGUE, a single person to me known to be the person described in and who executed the foregoing instrument and acknowledged before me that he/she executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 15th day of October 1990.

DENA E. WEYGANT  
MY COMMISSION EXPIRES  
September 3, 1993  
WRITING THIS NOTARY PUBLIC UNDERWRITERS

*[Signature]*  
Notary Public  
My Commission Expires:  
(SEAL)

APPROVED AS TO FORM  
By *[Signature]*  
OFFICE OF COUNTY ATTORNEY

# LEE COUNTY HOUSING DEVELOPMENT CORPORATION



*"A private, non-profit organization dedicated to creating affordable housing."  
Funded in part by the Lee County Board of County Commissioners*

**P.O. Box 2854, Fort Myers, FL 33902-2854  
Phone: (239) 656-2721 \* Fax: (239) 656-2851**



**RECEIVED**  
JUL 15 2002  
**COUNTY LANDS**

July 11, 2002

Ms. Teresa L. Mann  
Property Acquisition Agent  
Division of County Lands  
P. O. Box 398  
Ft. Myers, FL 33902

Re: COUNTY-OWNED POTENTIAL SURPLUS LAND  
1228 Forsyth Drive, North Ft. Myers  
Strap No. 03-44-24-09-00000.0900

Dear Ms. Mann:

LCHDC has a very low income purchaser approved for a mortgage that is interested in purchasing a home in this area. The family currently resides in North Ft. Myers and they need to stay in the area because they have a 4 year old handicapped child that receives home health care services from the Cape Coral area.

Since the lot is in a flood zone and will need substantial fill, it not feasible for LCHDC to pay the assessed value for the property. LCHDC is asking that the Forsyth Lot be donated to LCHDC to be utilized to construct a new, handicapped accessible dwelling for this needy family. I have spoken with Vern Archibald with Habitat for Humanity and they support the donation of this lot to LCHDC to be utilized for this family.

If you have any questions or need additional information, please call me at 656-2721, ext. 105.

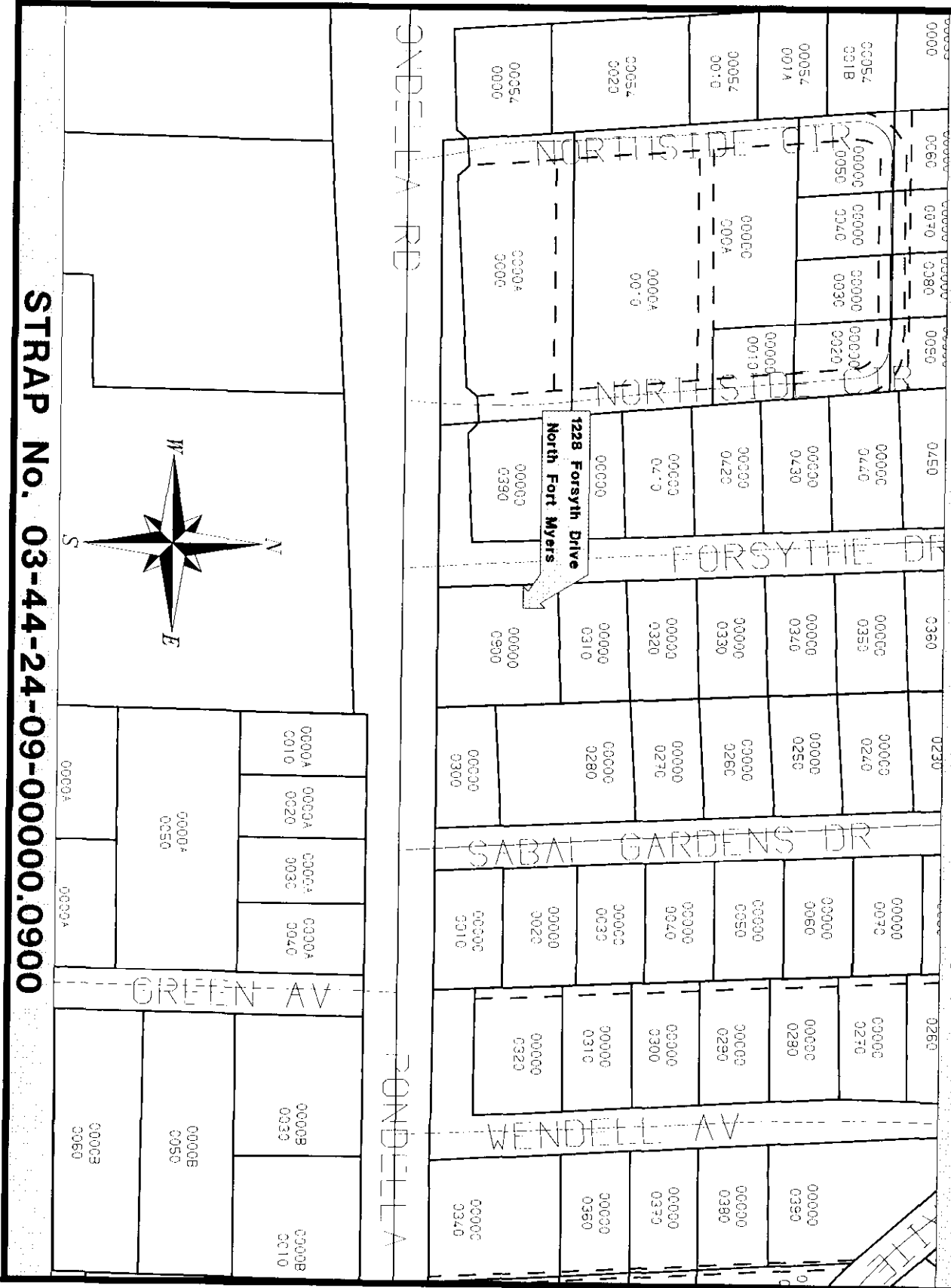
Sincerely,

A handwritten signature in cursive script, appearing to read "Treva K. Gilligan".  
Treva K. Gilligan  
Executive Director

Cc: Gloria Sajgo

**Donald Isaac, President \* Ahmad Kareh, Vice President \* Dr. Bruce Merton, Secretary/Treasurer  
Treva K. Gilligan, Executive Director \* Lee Ford \* Bilal Muhammad \* Michael Reitmann  
Carmen Rivera \* Dr. Rev. Israel Suarez \* Barbara Belleville \* Ester Griffis**

# PONDELLA ROAD REMAINDER PARCEL



STRAP No. 03-44-24-09-00000.0900