

Lee County Board of County Commissioners

Agenda Item Summary

Blue Sheet No. 20021483

1. REQUESTED MOTION:

Authorize the Division of County Lands to make a binding offer to property owner in the amount of \$1,500.00 for Parcel 102 and \$700.00 for Parcel 102A, Alico Road Widening, from east of I-75 to east of Old US 41, Project No. 4030, pursuant to the terms and conditions set forth in the Purchase Agreement; authorize Chairman on behalf of the BoCC to execute Purchase Agreement if offer is accepted by Seller; authorize the Division of County Lands to handle and accept all documentation necessary to complete this transaction and payment of all recording fees.

WHY ACTION IS NECESSARY: The Board must formally authorize the making of a binding offer to a property owner pursuant to F.S. §73.015 prior to initiation of condemnation proceedings.

WHAT ACTION ACCOMPLISHES: Makes binding offer to property owner as required by F.S. §73.015, as amended.

2. DEPARTMENTAL CATEGORY: 06
COMMISSION DISTRICT #: 3 & 5 *C6Q*

3. MEETING DATE: 01-07-2003

4. AGENDA:		5. REQUIREMENT/PURPOSE:		6. REQUESTOR OF INFORMATION	
<input checked="" type="checkbox"/> CONSENT <input type="checkbox"/> ADMINISTRATIVE <input type="checkbox"/> APPEALS <input type="checkbox"/> PUBLIC <input type="checkbox"/> WALK ON		(Specify) <input checked="" type="checkbox"/> STATUTE 73.125 <input type="checkbox"/> ORDINANCE _____ <input type="checkbox"/> ADMIN. _____ <input checked="" type="checkbox"/> OTHER Resolution of Necessity Blue Sheet No. 20020239		A. COMMISSIONER _____ B. DEPARTMENT Independent Division C. DIVISION County Lands BY: <u>Karen L.W. Forsyth, Director</u> <i>KLF</i>	
TIME REQUIRED:					

7. BACKGROUND:
 The Division of County Lands has been requested by the Department of Transportation to acquire property that is necessary for the Alico Road Widening, from east of I-75 to east of Old US 41, Project No. 4030.

This acquisition consists of two parcels, along the north side of Alico Road at the intersection with the main railroad crossing.

F.S. §73.015, as amended, requires the County to submit a binding offer to the property owner prior to the initiation of condemnation proceedings. The County obtained an appraisal dated December 3, 2002, performed by David Vaughan MAI, indicating a value of \$1,071.00 for Parcel 102 and \$433.00 for Parcel 102A. The binding offer to the property owner, CSX Transportation, Inc., is \$1,500.00 for Parcel 102 and \$700.00 for Parcel 102A. Should the property owner agree to accept this offer, condemnation proceedings will not be required. If the property owners elect not to accept this offer, then condemnation proceedings may be commenced.

Staff is of the opinion that the purchase price increase of \$429.00 (Parcel 102) and \$267.00 (Parcel 102A) above the appraised value can be justified considering the costs associated with condemnation proceedings estimated to be between \$5,000 - \$8,000, excluding land value increases and attorney fees. Both of these parcels are for easement interests; Parcel 102 - waterline easement and Parcel 102A - drainage easement.

Staff recommends the Board approve the Requested Motion.

Funds are available in Account No. 20403018804.506110
 20 - Capital Projects
 4030 - Alico Road Widening
 18804 - Impact Fees
 506110 - Land

ATTACHMENTS:
 Purchase and Sale Agreement
 Title Search
 Appraisal Letter
 Sales History

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
<i>K. Forsyth</i>			<i>12/23/02</i> <i>RK</i>	<i>12/23/02</i> <i>McGee</i>	OA	OM	RISK	GC	<i>[Signature]</i>
					<i>12/26/02</i>	<i>12/23/02</i>	<i>12/26/02</i>	<i>12/26/02</i>	

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

REC'D.
by CO. ATTY.
12-23-02 4:15

CO. ATTY.
FORWARDED TO:
ADMIN
12-23-02 4:20

RECEIVED BY
COUNTY ADMIN. *[Signature]*
12/23/02 4:50 PM
COUNTY ADMIN.
FORWARDED TO:

Parcel: 102
Project: Alico Road Widening, Project No. 4030
STRAP No.: 06-46-25-00-00004.0000 and 07-46-25-00-00016.0000

EASEMENT PURCHASE AGREEMENT

This Agreement made and entered into this ____ day of _____, 20____, by and between Seaboard Coast Line Railroad Company, a Virginia corporation, n/k/a CSX Transportation, Inc., whose address is c/o Patricia J. Aftoora, 500 Water Street, Jacksonville, Florida 32202, hereinafter referred to as Owner, and **LEE COUNTY**, a political subdivision of the State of Florida, for the use and benefit of said County, hereinafter referred to as Purchaser.

Whereas, Purchaser requires a perpetual easement located and described as set forth in Exhibit "A", attached hereto and made a part hereof by reference, for the construction and maintenance of a Public Waterline Utility Easement.

- a) Owner will grant said easement to Purchaser for the sum of \$1,500.00; Purchaser to pay recording costs, documentary stamps and title insurance.
- b) Owner agrees that said easement will be granted to Purchaser by execution of a perpetual easement in form and substance as attached hereto by Purchaser.
- c) Purchaser will pay Owner the amount agreed upon in item (a) of this agreement by County Warrant within 30 days of the execution and acceptance of this Easement Purchase Agreement and the Perpetual Easement instrument by Purchaser.
- d) Owner agrees that Purchaser, his successors and assigns will be allowed to use said perpetual easement area as specified in the attached instrument.
- e) Purchaser agrees to complete construction within the easement area in a timely manner.

IN WITNESS WHEREOF, the parties have caused these presents to be executed in their respective names on the date first above written.

**SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:**

Seaboard Coast Line Railroad Company, a Virginia Corporation, n/k/a CSX Transportation, Inc.

1st Witness Signature

By: _____

2nd Witness Signature

(Please print or type name)

Its: _____
(Please print or type title)

ATTEST:

CHARLIE GREEN, CLERK

LEE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Chairman or Vice-Chairman

APPROVED AS TO LEGAL FORM

Office of County Attorney

This Instrument Prepared by:
COUNTY LANDS DIVISION
P.O. Box 398
Fort Myers, FL 33902-0398
Parcel: 102
Project: Alico Road Widening, Project No. 4030
STRAP No.: 06-46-25-00-00004.0000 and
07-46-25-00-00016.0000

Exhibit "A"

THIS SPACE FOR RECORDING

GRANT OF PERPETUAL PUBLIC WATERLINE UTILITY EASEMENT

This INDENTURE, made and entered into this ___ day of _____, 20___, between Seaboard Coast Line Railroad Company, a Virginia Corporation, n/k/a CSX Transportation, Inc., Owners, whose address is c/o Patricia J. Aftoora, 500 Water Street, Jacksonville, FL 32202, hereinafter "Grantor", and **LEE COUNTY**, a political subdivision of the State of Florida, whose address is P.O. Box 398, Fort Myers, FL 33902-0398, hereinafter "Grantee":

WITNESSETH

1. For and in consideration of the sum of One Dollar and other good and valuable consideration, receipt of which is hereby acknowledged, Grantor hereby grants and transfers to the Grantee, its successors and assigns, the use of a perpetual public utility easement situated in Lee County, Florida, and located and described as set forth in Exhibit "A" attached hereto and made a part hereof.

2. Grantee, its successors, appointees, heirs and assigns, are hereby granted the right, privilege, and authority to construct, replace, renew, extend and maintain public waterline utility facilities, to include water systems, with all appurtenances thereto, to be located under the existing ground level railroad which is located on the property described (Exhibit "A"), with the additional right, privilege and authority to remove, replace, repair and enlarge said facilities within said easement, and to trim and remove roots, trees, shrubs, bushes and plants and remove fences or any other improvements which may affect the operation of the public utility facilities or Grantee's use of the easement.

3. The public utility easement will not be limited to any particular diameter size or type and/or number of connections. The total area of this public utility easement as described in Exhibit "A" is to be reserved for the public utility lines, mains, or other utility facilities. Other than an existing ground level railroad, no other improvements will be constructed upon or placed within this easement at any time, present or future, by Grantor, or its heirs, successors or assigns without the express written consent of the Grantee.

4. Title to any public utility facilities constructed hereunder will remain in the Grantee, Grantee's successors, appointees and/or assigns, or the public utility providing the service.

5. Subject to any existing easements for public highways or roads, railroads, laterals, ditches, pipelines and electrical transmission or distribution lines and telephone and cable television lines covering the land herein described, Grantors covenant that they are lawfully seized and possessed of the described real property (Exhibit "A"), have good and lawful right and power to convey it, and that the property is free and clear of all liens and encumbrances, except as recorded in the Public Records, and accordingly, Grantors will forever warrant and defend the title and terms to this said easement and the quiet possession thereof against all claims and demands of all other entities.

Exhibit "A"

- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- SIR SET IRON ROD W CAP LB 1772
- CMP CORRUGATED METAL PIPE

LEGEND



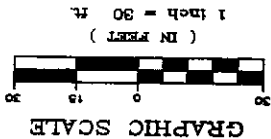
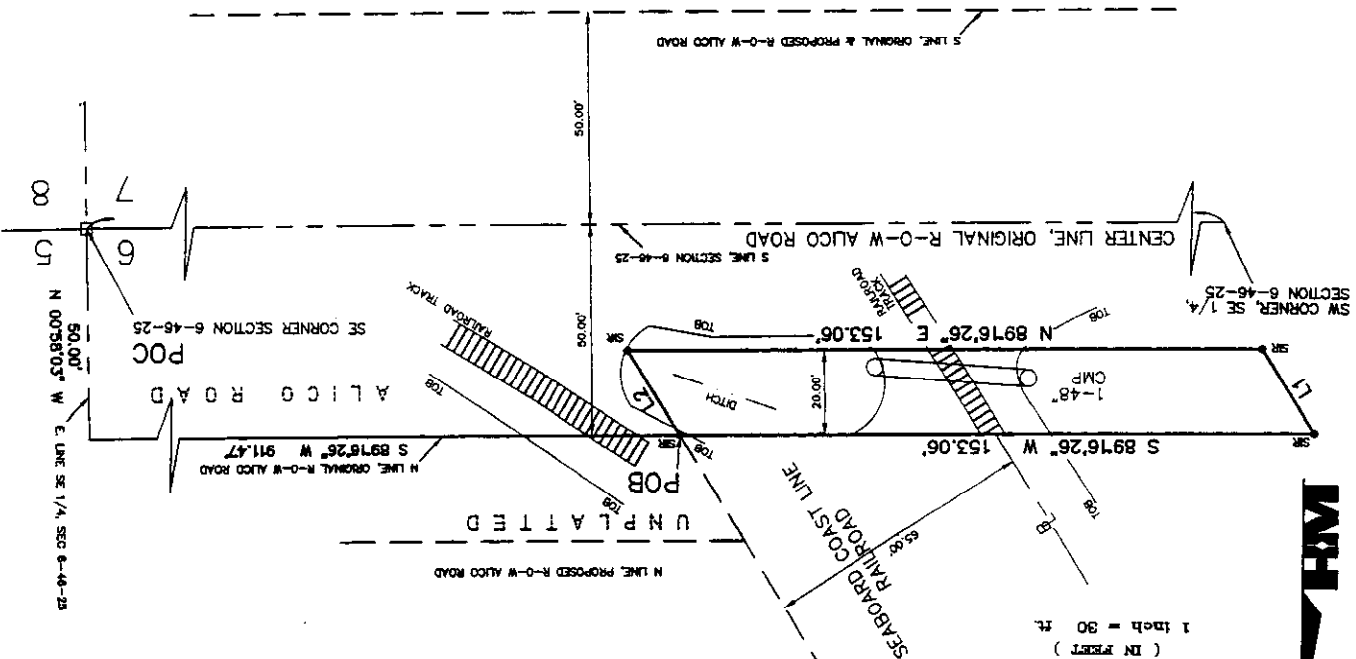
950 Encores Way
Naples, Florida 34110
Phone: (941) 254-2000
Florida Certificate of
Authorization No. 1772

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

BOUNDARY SURVEY
OF A PORTION OF
SECTION 6,
TOWNSHIP 46 SOUTH, RANGE 25 EAST
LEE COUNTY FLORIDA

REVISION NO.	DESCRIPTION	DATE
6		9/02
REVISIONS		
PROJECT NO.	SECTION	TOWNSHIP
6	6	46
DRAWN BY:	BEN	FE. 837
CHECKED BY:	PAGE 25-41	
	RANGE 25	
DRAWING NO.	B-3414-1	

LINE	DIRECTION	DISTANCE
L1	S 32.35°11' E	23.55'
L2	N 32.35°11' W	23.55'



LEGAL DESCRIPTION
A PORTION OF THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, THENCE RUN N.00°58'03"W, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 6, FOR A DISTANCE OF 50.00 FEET TO A POINT ON THE WAY OF VARIABLE WIDTH, THENCE RUN S.89°16'26"W, ALONG SAID ORIGINAL NORTHERLY RIGHT-OF-WAY LINE OF ALCO ROAD, A RIGHT OF WAY OF VARIABLE WIDTH, THENCE RUN S.89°16'26"W, ALONG SAID ORIGINAL NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 911.47 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S.89°16'26"W, ALONG SAID ORIGINAL NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 153.06 FEET; THENCE RUN S.32°35'11"E, FOR A DISTANCE OF 23.55 FEET TO A POINT 20.00 FEET SOUTHERLY OF, AS MEASURED AT RIGHT ANGLES TO, SAID ORIGINAL NORTHERLY RIGHT-OF-WAY LINE, THENCE RUN N.89°16'26"E, FOR A DISTANCE OF 153.06 FEET; THENCE RUN N.32°35'11"W, FOR A DISTANCE OF 23.55 FEET TO THE POINT OF BEGINNING CONTAINING 3061.2 SQUARE FEET, MORE OR LESS.

NOTES:
THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.
BEARINGS REFER TO THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AS BEING N.00°58'03"W.
THE RAILROAD TRACKS AND DRAINAGE PIPE ARE LOCATED ON THIS PROPERTY AREA AS SHOWN.
PROPERTY AREA: 3061.2 SQUARE FEET, MORE OR LESS
THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
CERTIFIED TO: LEE COUNTY DEPARTMENT OF TRANSPORTATION
I HEREBY CERTIFY THAT THIS SKETCH OF THE HEREON DESCRIBED PROPERTY WAS SURVEYED UNDER MY DIRECTION ON 9/27/02.
FURTHER CERTIFY THAT THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING IN THE STATE OF FLORIDA PURSUANT TO CHAPTER 81G17-6, F.A.C.

HOLE MONTES, INC.
CERTIFICATION OF AUTHORIZATION LB #1772
BY *Thomas J. Garriss* THOMAS J. GARRISS
P.L.S. #5741 STATE OF FLORIDA

Parcel: 102A
Project: Alico Road Widening, Project No. 4030
STRAP No.: 06-46-25-00-00004.0000 and 07-46-25-00-00016.0000

EASEMENT PURCHASE AGREEMENT

This Agreement made and entered into this ____ day of _____, 20 ____, by and between Seaboard Coast Line Railroad Company, a Virginia corporation, n/k/a CSX Transportation, Inc., whose address is c/o Patricia J. Aftoora, 500 Water Street, Jacksonville, Florida 32202, hereinafter referred to as Owner, and **LEE COUNTY**, a political subdivision of the State of Florida, for the use and benefit of said County, hereinafter referred to as Purchaser.

Whereas, Purchaser requires a perpetual easement located and described as set forth in Exhibit "A", attached hereto and made a part hereof by reference, for the construction and maintenance of a Perpetual Stormwater Drainage Easement.

- a) Owner will grant said easement to Purchaser for the sum of \$700.00; Purchaser to pay recording costs, documentary stamps and title insurance.
- b) Owner agrees that said easement will be granted to Purchaser by execution of a perpetual easement in form and substance as attached hereto by Purchaser.
- c) Purchaser will pay Owner the amount agreed upon in item (a) of this agreement by County Warrant within 30 days of the execution and acceptance of this Easement Purchase Agreement and the Perpetual Easement instrument by Purchaser.
- d) Owner agrees that Purchaser, his successors and assigns will be allowed to use said perpetual easement area as specified in the attached instrument.
- e) Purchaser agrees to complete construction within the easement area in a timely manner.

IN WITNESS WHEREOF, the parties have caused these presents to be executed in their respective names on the date first above written.

**SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:**

Seaboard Coast Line Railroad Company, a Virginia Corporation, n/k/a CSX Transportation, Inc.

1st Witness Signature

By: _____

2nd Witness Signature

(Please print or type name)

Its: _____
(Please print or type title)

ATTEST:

CHARLIE GREEN, CLERK

**LEE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS**

By: _____
Deputy Clerk

By: _____
Chairman or Vice-Chairman

APPROVED AS TO LEGAL FORM

Office of County Attorney

This Instrument Prepared by:
COUNTY LANDS DIVISION
P.O. Box 398
Fort Myers, FL 33902-0398
Parcel: 102A

Exhibit "A"

Project: Alico Road Widening, Project No. 4030
Strap No.: 06-46-25-00-00004.0000 and
07-46-25-00-00016.0000

THIS SPACE FOR RECORDING

PERPETUAL STORMWATER DRAINAGE EASEMENT

This easement grant is made between Seaboard Coast Line Railroad Company, a Virginia Corporation, n/k/a CSX Transportation, Inc., owner whose address is c/o Patricia J. Aftoora, 500 Water Street, Jacksonville, Florida 32202 (Grantor) and LEE COUNTY, a political subdivision of the State of Florida, whose address is P.O. Box 398, Fort Myers, Florida 33902-0398 (Grantee) as follows:

1. In consideration of the sum of one dollar and other good and valuable consideration, receipt of which is hereby acknowledged, Grantor grants to Grantee, its successors and assigns, a drainage easement in, over and across that portion of Grantor's property legally described in Exhibit "A".
2. Grantee has the right and authority to construct and maintain stormwater drainage facilities, including the installation of pipe, within the easement area in accordance with appropriate permits issued for construction and maintenance.
3. Grantee also has the right and authority to remove or trim any roots, trees or other vegetation or structures, including fencing, within the easement area in order to properly install the stormwater drainage facilities.
4. Grantor may use the easement area for landscaping (except trees), walkway, drainage or similar uses, provided no structures, such as sheds, carports, garages or other buildings, are constructed within the easement area.
5. Title to any drainage facilities constructed in the easement area will remain in the Grantee, its successors or assigns.
6. Grantor warrants that subject to any existing public roadway or utility easements, Grantor is in lawful possession of the subject property free and clear of all liens and encumbrances, except those recorded in the public records, and has the right and power to convey this easement.

Exhibit "A"

7. This easement runs with the land and is binding on Grantor and Grantor's successors and assigns.

Dated: _____, 20__

Seaboard Coast Line Railroad Company,
A Virginia Corporation, n/k/a CSX
Transportation, Inc.

1st Witness Signature

By: _____
Grantor (Date)

Printed Name of 1st Witness

(Please print or type name)

2nd Witness Signature

Its: _____
(Please print or type title)

Printed Name of 2nd Witness

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20__, by _____.
(name of officer or agent, title of officer or agent)

of CSX Transportation, Inc., a Virginia
(name of corporation acknowledged) (State or place of incorporation)

corporation, on behalf of the corporation. He/She is personally known to me or has produced _____ as identification.
(type of identification)

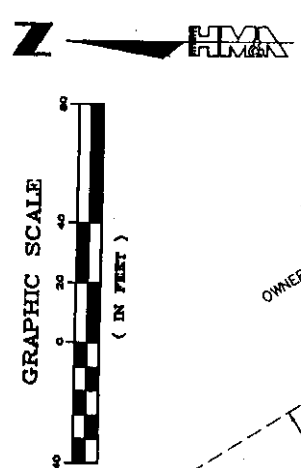
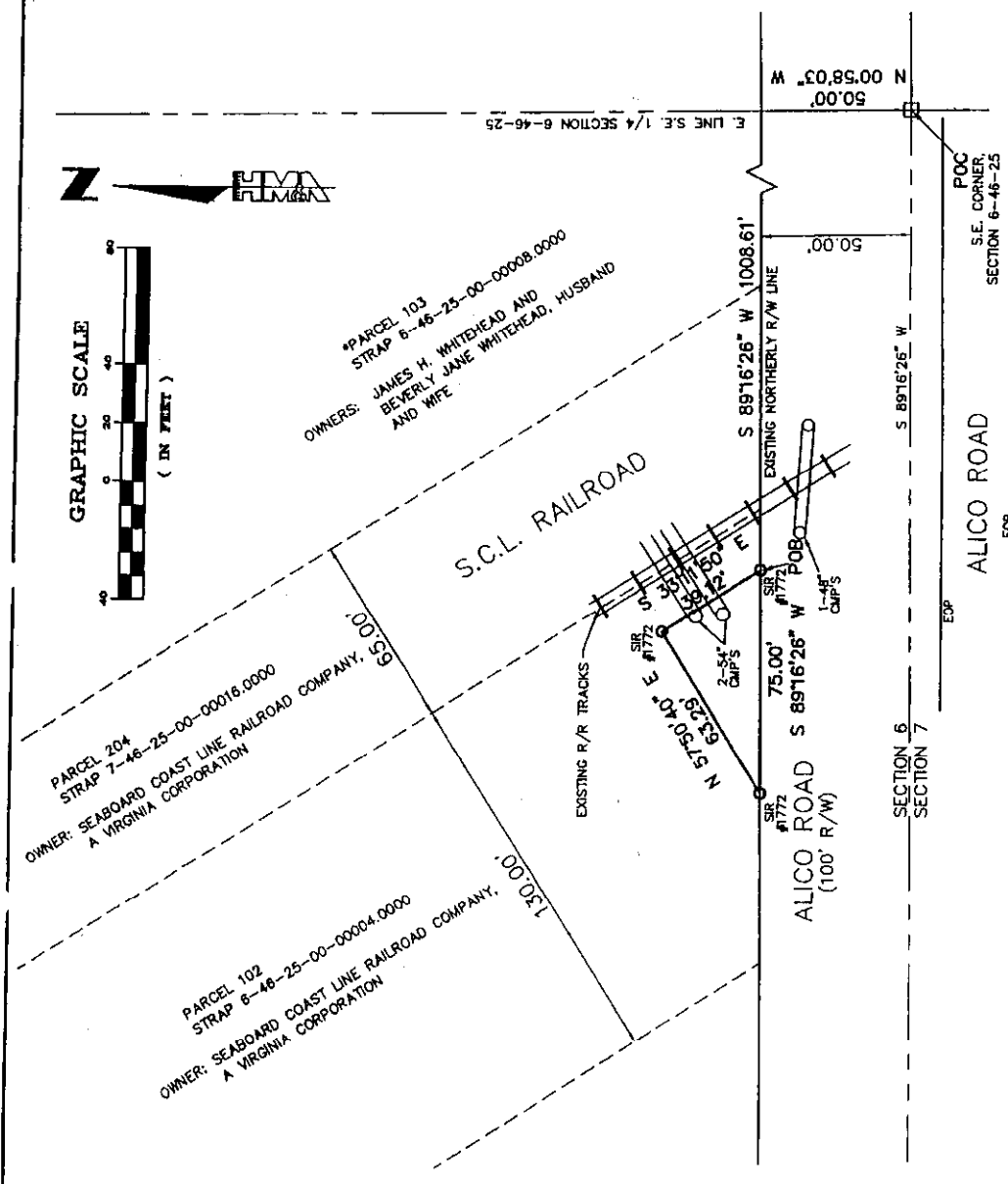
SEAL

Signature of Notary Public

(Name typed, printed or stamped)
(Title or Rank)
(Serial Number, if any)

Exhibit "A"

Parcel 102-A



LEGAL DESCRIPTION

A PORTION OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 48 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 6, TOWNSHIP 48 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN N 57°30'40" E ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 6, FOR A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING; THENCE S 89°16'26" W ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 1008.61 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S 89°16'26" W ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 75.00 FEET; THENCE RUN N 57°30'40" E FOR A DISTANCE OF 63.29 FEET; THENCE RUN S 33°11'50" E FOR A DISTANCE OF 38.12 FEET TO THE POINT OF BEGINNING CONTAINING 1,237.5 SQUARE FEET, MORE OR LESS.

NOTES:

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD. THE CORRUGATED METAL PIPES ARE LOCATED ON THIS PROPERTY AS SHOWN. THIS PROPERTY WAS OTHERWISE VACANT ON 9/18/01.

BEARINGS REFER TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 48 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AS BEING S.89°16'26" W.

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

I HEREBY CERTIFY THAT THIS SKETCH OF THE HEREON DESCRIBED PROPERTY WAS SURVEYED UNDER MY DIRECTION ON 9/18/01. I FURTHER CERTIFY THAT THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING IN THE STATE OF FLORIDA PURSUANT TO CHAPTER 61G17-6, F.A.C.

HOLE, MONTES & ASSOCIATES, INC.
CERTIFICATE OF AUTHORIZATION LB #1772

BY: *Thomas J. Garris*
THOMAS J. GARRIS
P.L.S. #3741
STATE OF FLORIDA

REVISION No.		DESCRIPTION	DATE
DRAIN BY:	BA	REVISIONS	
CHECKED BY:	TJG	DATE 09/01	SECTION 6
		TOWNSHIP 48	PROJECT No. 1997051
		RANGE 25	DRAWING No.
		REFERENCE 9751DE1SUR	B-3413

BOUNDARY SURVEY
OF A PORTION OF
SOUTHEAST 1/4
SECTION 6, TWP. 46 S., RGE. 25 E.

LEE COUNTY
FLORIDA

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

950 Encore Way
Naples, Florida 34110
Phone: (941) 254-2000
Florida Certificate of
Authorization No. 1772

HMA
HOLE, MONTES & ASSOCIATES
ENGINEERS-PLANNERS-SURVEYORS

LEGEND

- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- SIR SET IRON ROD W/CAP LB. 1772
- CMP CORRUGATED METAL PIPES
- EOP EDGE OF PAVEMENT

Department of Public Works
Division of County Lands
Search

Page 1 of 1

Updated In House Title

Search No. 21396/A
Date: June 26, 2000
Parcel: 102 and 102A
Project: Alico Road Widening,
Project No. 4030

To: Robert G. Clemens,
Acquisition Program Manager

From: Nancy A. Bell, CLS 
Real Estate Title Examiner

STRAP: 06-46-25-00-00004.0000 and 07-46-25-00-00016.0000

An update has been requested of In House Title Search No. 21396/A which covers the period beginning January 1, 1940, at 8:00 a.m. and is now complete through June 8, 2000, at 5:00 p.m.

Subject Property: See Attached Schedule "X" for revised Legal Description

Title to the subject property is vested in the following:

**SEABOARD COAST LINE RAILROAD COMPANY, a Virginia Corporation,
n/k/a CSX Transportation, Inc.**

by that certain instrument dated November 15, 1982, recorded December 28, 1982, in Official Record Book 1651, Page 3490, Public Records of Lee County, Florida.

Subject to:

1. Oil, Gas and Mineral Lease granted to Humble Oil and Refining Company, as recorded in Miscellaneous Book 29, Page 276, Public Records of Lee County, Florida.
2. Oil, Gas and Mineral Lease granted to Humble Oil and Refining Company, as recorded in Miscellaneous Book 29, Page 296, Public Records of Lee County, Florida.

Tax Status: *N/A - Railroad property is centrally assessed.*

(The end user of this report is responsible for verifying tax and/or assessment information.)

The Division of County Lands has made a diligent search of the Public Record. However, this report contains no guarantees nor warranty as to its accuracy.

Schedule X

Parcel 102 and 102A

Project: Alico Road Widening, Project No. 4030

Search No. 21396/A

RAILROAD PARCEL 102 - (FEE ACQUISITION)

A portion of the Southeast Quarter of Section 6, Township 46 South, Range 25 East, and a portion of the Northeast Quarter of Section 7, Township 46 South, Range 25 East, Lee County Florida, being more particularly described as follows:

Commence at the Southeast corner of Section 6, Township 46 South, Range 25 East, Lee County, Florida; thence run North $00^{\circ}58'03''$ W, along the East line of the Southeast Quarter of said Section 6, for a distance of 50 feet to a point on the Northerly right-of-way line of Alico Road, a 100 foot right-of-way; thence run South $89^{\circ}16'26''$ W, along said Northerly right-of-way line, for a distance of 911.47 feet to the Point of Beginning of the parcel of land herein described; thence run South $32^{\circ}35'11''$ E for a distance of 117.74 feet to a point on the Southerly right-of-way line of Alico Road; thence run South $89^{\circ}16'26''$ W, along said Southerly right-of-way line, for a distance of 153.06 feet; thence run North $32^{\circ}35'11''$ W for a distance of 117.74 feet to a point on the northerly right-of-way line of Alico Road; thence run North $89^{\circ}16'26''$ E, along said Northerly right-of-way line, for a distance of 153.06 feet to the Point of Beginning.

Bearings refer to the East line of the Southeast Quarter of Section 6, Township 46 South, Range 25 East, Lee County, Florida, as being North $00^{\circ}58'03''$ W.

AND

PARCEL 102A - (EASEMENT ACQUISITION)

A portion of the East half of the Southeast Quarter of Section 6, Township 46 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

Commence at the Southeast corner of Section 6, Township 46 South, Range 25 East, Lee County, Florida; thence run North $00^{\circ}58'03''$ W, along the East line of the Southeast Quarter of said Section 6, for a distance of 50 feet to a point of the Northerly right-of-way line of Alico Road, a 100 foot right-of-way; thence run South $89^{\circ}16'26''$ W, along said Northerly right-of-way line, for a distance of 1008.61 feet to the point of beginning of the parcel of land herein described; thence continue South $89^{\circ}16'26''$ W along said Northerly right-of-way line for a distance of 75 feet; thence run North $57^{\circ}50'40''$ E for a distance of 63.29 feet; thence run South $33^{\circ}11'50''$ E for a distance of 39.12 feet to the Point of Beginning.

Bearings refer to the South line of Southeast Quarter of Section 6, Township 46 South, Range 25 East, Lee County, Florida, as being South $89^{\circ}16'26''$ W.

Diversified Appraisal, Inc.
Real Estate Appraisers and Consultants

Ted A. Dickey, MAI
State-Certified General Appraiser
Certification #0000570

David C. Vaughan, MAI, MBA
State-Certified General Appraiser
Certification #0000569



6 December 2002



Lee County Division of County Lands
P.O. Box 398
Fort Myers, Florida 33902-0398

Attention: Mr. Robert Clemens

RE: Job #100208 - Summary Appraisal of Parcel 102/102A on Alico
Road Six Laning, #4030 owned by CSX
Transportation

Dear Mr. Clemens:

As requested, a detailed on-site inspection and analysis of the subject property has been made as of 3 December 2002. Within the attached summary appraisal report, please find enclosed a legal description of the subject property.

This is a Summary Appraisal Report which intended to comply with the reporting requirements set forth under Standards Rule 2-2(b) of the Uniform Standards of Professional Appraisal Practice for a Summary Appraisal Report. As such, it presents only summary discussions of the data, reasoning, and analyses that were used in the appraisal process to develop the appraiser's opinion of value. Supporting documentation concerning the data, reasoning, and analyses is retained in the appraiser's work file. The depth of discussion contained in this report is specific to the needs of the client and for the intended use stated below. The appraiser is not responsible for unauthorized use of this report.

This appraisal is not based upon a minimum valuation, a specific valuation or the approval of a loan. The appraisal report is intended to comply with the Uniform Standards of Professional Appraisal Practice adopted by the Appraisal Standards Board of the Appraisal Foundation, as well as the Code of Professional Ethics and the Standards of Professional Appraisal Practice of the Appraisal Institute. I have complied with the Appraisal Standards of Professional Appraisal Practice, Competency Rule. I certify that I have had no past, present or future contemplated interest in the real estate, and to the best of my knowledge, the facts contained herein are true and correct.

The purpose of the appraisal is to estimate the just compensation due the property owner as a result of a partial acquisition. Just compensation is a combination of any land/improvement taken plus any legal compensable severance damages. Just compensation is best determined by estimating the market value. Market value as set forth in Title 12 of the Code of Federal Regulations 564.2 (f) is:

The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

- a. Buyer and seller are typically motivated.
- b. Both parties are well informed or well advised, and each acting in what they consider their own best interest.
- c. A reasonable time is allowed for exposure in the open market.
- d. Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
- e. The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

The function of the appraisal is understood to be for use as a basis for negotiating the acquisition of the property.

The appraiser did not detect and has no knowledge of the existence of any hazardous materials or substances on the site. This appraisal assumes that no such materials exist to the extent that they would have an effect on the value. If any hazardous materials or substances are found on the site, then this appraisal is subject to reanalysis. The appraiser is not an expert in this field.

The subject property is appraised as of 3 December 2002, the date of the last inspection of the property. A detailed on-site inspection was made on that date by David C. Vaughan, MAI.

Lee County Division of County Lands
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6 December 2002

Based on my inspection, analysis, data research, and information contained in the appraiser's work file, it is my opinion that the just compensation due the property owner, as of 3 December 2002, is:

PARCEL 102
ONE THOUSAND SEVENTY ONE DOLLARS. (\$1,071)

PARCEL 102A
FOUR HUNDRED THIRTY THREE DOLLARS. (\$433.00)

Sincerely,



David C. Vaughan, MAI
State-Certified General Appraiser
Certification #0000569

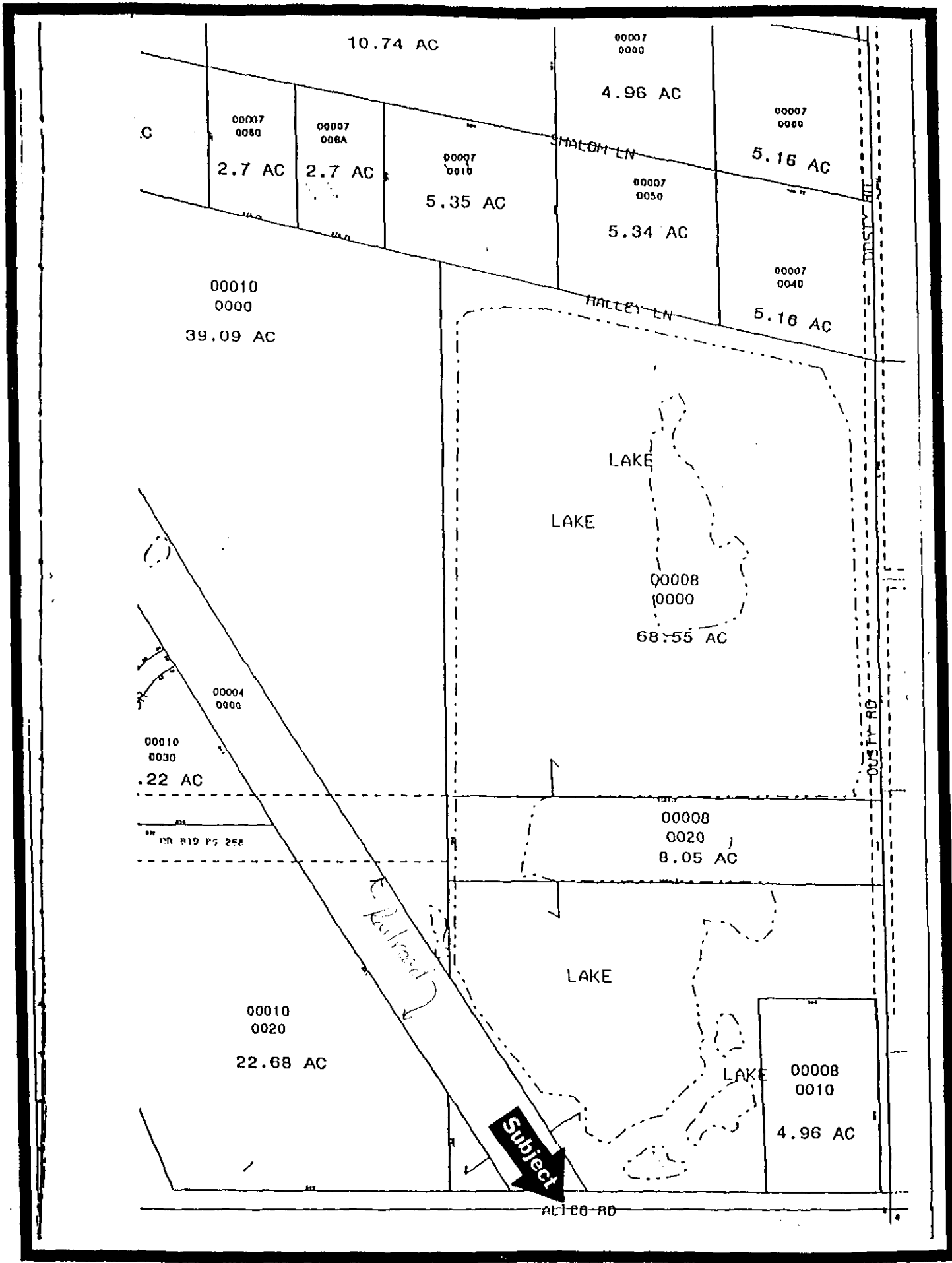
5-Year Sales History

Parcel Nos. 102 & 102A

Alico Road Six Laning, Project No. 4030

Grantor	Grantee	Sale Date	Purchase Price	Arms Length Y/N
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**PARTIAL ACQUISITION
NO SALE OF THE PARENT TRACT IN THE LAST FIVE YEARS**



Site Location