

**Lee County Board of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20030070

1. REQUESTED MOTION:

Authorize the Division of County Lands to make a binding offer to property owner in the amount of \$500.00 for Parcel B-3953, 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:

COMMISSION DISTRICT #: 3 & 5

CLC

3. MEETING DATE:

02-11-2003

4. AGENDA:

- CONSENT ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON

TIME REQUIRED:

5. REQUIREMENT/PURPOSE:

- (Specify)
- STATUTE 73, 125
 - ORDINANCE
 - ADMIN.
 - OTHER Resolution of Necessity
Blue Sheet No. 20020239

6. REQUESTOR OF INFORMATION

- A. COMMISSIONER
- B. DEPARTMENT Independent Division
- C. DIVISION County Lands *CC 1/17-03*
- BY: Karen L.W. Forsyth, Director *KLF*

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 a parcel, along the north side of Alico Road near the intersection with Gator Road.

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 \$315.00. The binding offer to the property owner, CSX Transportation, Inc., is \$500.00. 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 \$185.00 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. The parcel is for a drainage easement interest.

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 <i>CLM 1/30/03</i>				G County Manager
<i>K. Forsyth</i>		<i>N/A</i>	<i>BAO 1/21/03</i>	<i>John J. [unclear] 1-30-03</i>	OA <i>1/30/03</i>	OM <i>1/30/03</i>	RISK <i>1/30/03</i>	GC <i>1-30-03</i>	<i>[Signature]</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
 Date: *1/27/03*
 Time: *3:20 pm*
 Forwarded To:
Co. ADM.
1/30/03 9 AM

RECEIVED BY COUNTY ADMIN. *EW*
1-30-03
9:20
COUNTY ADMIN. FORWARDED TO: *BH*
1/30 20

Parcel: B-3953
Project: Alico Road Widening, Project No. 4030
STRAP No.:

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 Rachel E. Geiersbach, 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 \$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 Seaboard Coast Line Railroad Company, a
IN THE PRESENCE OF: 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: LEE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

CHARLIE GREEN, CLERK

By: _____ By: _____
Deputy Clerk Chairman or Vice-Chairman

APPROVED AS TO LEGAL FORM

Office of County Attorney

Exhibit "A"

This Instrument Prepared by:
COUNTY LANDS DIVISION
P.O. Box 398
Fort Myers, FL 33902-0398
Parcel: B-3953
Project: Alico Road Widening, Project No. 4030
Strap No.:

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 Rachel E. Geiersbach, 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.

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

Exhibit "A"

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)

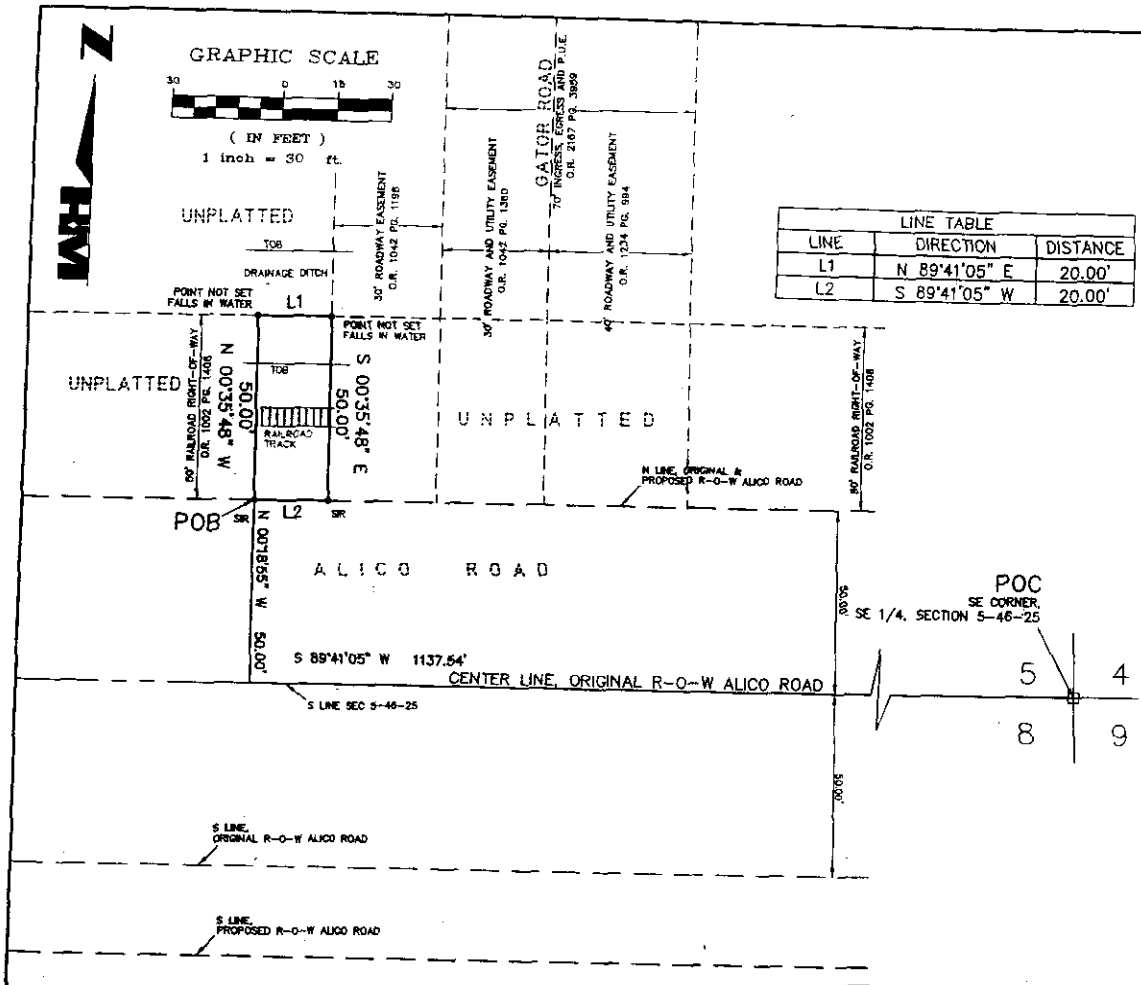
SEAL

Signature of Notary Public

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

Exhibit "A"

Parcel B-3953



LEGAL DESCRIPTION

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.89°41'05"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 5, FOR A DISTANCE OF 1137.54 FEET; THENCE RUN N.00°18'55"W. FOR A DISTANCE OF 50.00 FEET TO A POINT 50.00 FEET NORTHERLY OF, AS MEASURED AT RIGHT ANGLES TO, THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 5, THE SAME BEING A POINT ON THE ORIGINAL NORTHERLY RIGHT-OF-WAY LINE OF ALICO ROAD, A RIGHT-OF-WAY OF VARIABLE WIDTH AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN N.00°35'48"W. FOR A DISTANCE OF 50.00 FEET; THENCE RUN N.89°41'05"E. FOR A DISTANCE OF 20.00 FEET TO A POINT ON THE WEST LINE OF A 30.00 FOOT ROADWAY EASEMENT AS RECORDED IN O.R. BOOK 1042 AT PAGE 1198 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN S.00°35'48"E., ALONG THE WEST LINE OF SAID ROADWAY EASEMENT, FOR A DISTANCE OF 50.00 FEET TO A POINT ON THE ORIGINAL NORTHERLY RIGHT-OF-WAY LINE OF ALICO ROAD; THENCE RUN S.89°41'05"W., ALONG SAID ORIGINAL NORTHERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING; CONTAINING 1000.0 SQUARE FEET, MORE OR LESS.

NOTES:

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

BEARINGS REFER TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AS BEING S.89°41'05"W.

PROPERTY AREA: 1000.0 SQUARE FEET, MORE OR LESS

RAILROAD TRACKS AND A DRAINAGE DITCH ARE LOCATED OVER A PORTION OF THIS PROPERTY AS SHOWN.

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 8/27/02. 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, INC.
CERTIFICATION OF AUTHORIZATION LB #1772

BY Thomas J. Garriss P.L.S. #3741
THOMAS J. GARRISS STATE OF FLORIDA

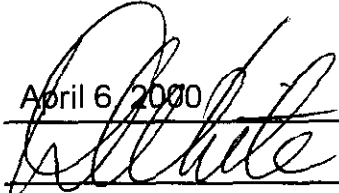
BOUNDARY SURVEY
OF A PORTION OF SECTION 5,
TOWNSHIP 46 SOUTH, RANGE 25 EAST
LEE COUNTY FLORIDA

REVISION No.	DESCRIPTION	DATE
DRAWN BY: BEN	DATE: 8/02	SECTION: 5
CHECKED BY: TJG	P.L.S. 837	TOWNSHIP: 46
	PAGE: 25-41	RANGE: 25
	REFERENCE: P11	PROJECT No.: 97.051
		DRAWING No.: B-3953

Memorandum
from the
Department of Public Works
Division of County Lands

To: Robert G. Clemens
Acquisition Program Manager

Date: April 6, 2000

From: 
David M. White, CLS
Real Estate Title Examiner

Re: Alico Road Widening, Project 4030 - Parcel 111-A

As requested we have completed a search of the area described in the "Sketch of a Legal Description of a proposed parcel 111-A" provided by Hole Montes & Associates. This area is being assessed under the STRAP number 05-46-25-00-01000.5000 and appears to be in the name of Alico Land Development Company, a Florida corporation. The deed of conveyance is recorded in Deed Book 328, Page 148, Public Records of Lee County, Florida.

As a note, the conveyance recorded in Official Record Book 1234, at page 998 of the Public Records of Lee County, Florida references a Schedule B. In Schedule B, which is on page 1001 of the previously mentioned Official Record Book, the party of the First Part reserves the right to use the canal for discharging water which may flow from lands still owned by the Grantor. We do not understand the reason for this reservation since the lands where the canal is are still owned by the Grantor.

The area in question falls within the Estero Water Management District, a Drainage District.

If you should have any questions or should you need anything further, please advise.

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



20 December 2002



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

Attention: Mr. Robert Clemens

RE: Job #110214 - Summary Appraisal of Parcel B-3953 on Alico
Road Six Laning, #4030

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.

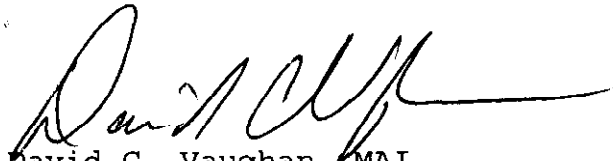
The subject property is appraised as of 3 December 2002, the date of the last inspection of the property. A detailed on-site inspection was made on that date by David C. Vaughan, MAI.

Lee County Division of County Lands
Page Three
20 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 B-3953
THREE HUNDRED FIFTEEN DOLLARS. (\$315.00)

Sincerely,

A handwritten signature in black ink, appearing to read "David C. Vaughan", with a long horizontal flourish extending to the right.

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

EXECUTIVE SUMMARY

PROJECT NAME: Alico Road Widening

PROJECT NUMBER: #4030

LOCATION: On the north side of Alico Road between I-75 and U.S. 41

LAND AREA: 1,000 Square Feet

IMPROVEMENTS: None

HIGHEST AND BEST USE: Continued Use As A Railroad

ESTIMATE OF VALUE - COST APPROACH: N/A

ESTIMATE OF VALUE - MARKET APPROACH: \$315

ESTIMATE OF VALUE - INCOME APPROACH: N/A

JUST COMPENSATION DUE THE OWNER: \$315

INTEREST APPRAISED: Leasehold Estate

DATE OF VALUATION: 3 December 2002

APPRAISER: Mr. David C. Vaughan, MAI

5-Year Sales History

Parcel No. B-3953

Alico Road Six Laning, Project No. 4030

Grantor	Grantee	Sale Date	Purchase Price	Arms Length Y/N
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NO SALE IN THE LAST FIVE YEARS