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

Blue Sheet No. 20030017

COUNTY ADMIN.

FORWARDED TO:

# **REQUESTED MOTION:**

ACTION REQUESTED: Approve the acquisition of Parcel 235, for the Three Oaks Parkway South Extension Project No. 4043, in the amount of \$54,000, pursuant to the terms and conditions set forth in the Agreement for Purchase and Sale of Real Estate; authorize the Chairman on behalf of the Board of County Commissioners to sign the Purchase Agreement; authorize payment of necessary costs to close; authorize the Division of County Lands to handle and accept all documentation necessary to complete this transaction.

WHY ACTIO	N IS NECESSA	r: The Boar	a must form	пану ассер	it all real est	ate conve	yances to	Lee Coun	ty.	
WHAT ACTION	ON ACCOMPLI	SHES: The a	cquisition o	f property	during the vo	oluntary p	hase of th	e project,	thus avoiding the	
Board's need	to exercise its pov	wer of Eminen	t Domain.							
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4. AGENDA:			MENT/PURP	OSE:	6.	REQUES1	OR OF INFO	RMATION .		
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TIME REQUIRED		- OTHER			°'	· <u>Naitil</u>	VV. I QIQYUI.	Director /6	wy.	
7. BACK	(GROUND: Purs	suant to an agr	eement wit	h the City	of Bonita Sp	rings, the	Division o	f County L	ands has been	
	he Department of	Transportatio	n to acquire	e property t	or the Three	e Oaks Pa	rkway Sou	ith Extens	ion Project No.	
4043.										
This acquisition	n consists of the fe	ee interest in th	ne property.	improved v	vith a single-	-family mo	bile home.	located a	t 11110 Wagon	
	ther identified as								- · · · · · · · · · · · · · · · · · · ·	
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The property w	as appraised by	the firm of Car	ison, Norris	and Asso	ciates, Inc., v	with a resi	ulting value	e of \$54,0	00.	
The owner of F	Parcel 235, Emile	e Rhodes, ha	s agreed to	sell the p	roperty to th	e County	for \$54.00	0.00. whi	ch is inclusive of	
									estate broker and	
attorney fees, i	f any.									
County staff is	of the eninion the	at the purchas	o prico ie u	vithin on av	scontable re	ngo of val	uo In add	ition it is	beneficial for the	
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8. MANAGEMENT RECOMMENDATIONS:										
9. RECOMMENDED APPROVAL:										
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**DEFERRED** 

OTHER

This document prepared by:

Lee County

County Lands Division

Project: Three Oaks Parkway Extension, No. 4043

Parcel: 235/Rhodes

STRAP No.: 25-47-25-B4-00201.0110

## BOARD OF COUNTY COMMISSIONERS

## LEE COUNTY

## AGREEMENT FOR PURCHASE AND SALE OF REAL ESTATE

THIS AGREEMENT for purchase and sale of real property is made this <u>26</u> day of <u>December</u>, 20<u>02</u> by and between Emilee Rhodes, a married person, hereinafter referred to as SELLER, whose address is, 245 Popham Road, Rhodelia, Kentucky 40161, and Lee County, a political subdivision of the State of Florida, hereinafter referred to as BUYER.

## WITNESSETH:

- 1. AGREEMENT TO PURCHASE AND TO SELL: SELLER agrees to sell and BUYER agrees to purchase, subject to the terms and conditions set forth below, a parcel of land consisting of .186 acres more or less, and located at 11110 Wagon Trail, Bonita Springs, Florida 34135 and more particularly described as Lot 11, Block 1, LEITNER CREEK MANOR EXTENSION, a/k/a LEITNER CREEK MANOR, Unit #2, a subdivision according to the map or plat thereof, on file and recorded in the office of the Clerk of the Circuit Court of Lee County, Florida, in Plat Book 30, Pages 79 and 80, inclusive, together with that certain 1969 Rever. Mobile Home, Identification Number 2R2FGKF 1021783G, hereinafter called "the Property." This property will be acquired for the Three Oaks Parkway Extension Project, hereinafter called "the Project."
- 2. **PURCHASE PRICE AND TIME OF PAYMENT:** The total purchase price ("Purchase Price") will be Fifty-Four Thousand and No/100 (\$54,000.00), payable at closing by County Warrant.

- 3. EVIDENCE OF TITLE: BUYER will obtain at BUYER'S expense an American Land Title Association Form B Title Commitment and provide title insurance Owner's Policy in the amount of the Purchase Price, from a title company acceptable to BUYER. The commitment will be accompanied by one copy of all documents that constitute exceptions to the title commitment. The commitment will also show title to be good and marketable with legal access, subject only to real estate taxes for the current year, zoning and use restrictions imposed by governmental authority, and restrictions and easements common to the area.
- 4. CONDITION OF PROPERTY; RISK OF LOSS: BUYER has inspected the Property and, except as is otherwise provided herein, accepts the Property in the condition inspected. Any loss and/or damage to the Property occurring between the date of this offer and the date of closing or date of possession by BUYER, whichever occurs first, will be at SELLER's sole risk and expense. However, BUYER may accept the damaged property and deduct from the purchase price any expenses required to repair the damage, or BUYER may cancel this Agreement without obligation.
- 5. **SELLER'S INSTRUMENTS AND EXPENSES:** SELLER will pay for and provide:
  - (a) A statutory warranty deed, and an affidavit regarding liens, possession, and withholding under FIRPTA in a form sufficient to allow "gap" coverage by title insurance;
  - (b) documentary stamps on deed;
  - (c) utility services up to, but not including the date of closing;
  - (d) taxes or assessments for which a bill has been rendered on or before the date of closing;
  - (e) payment of partial release of mortgage fees, if any;
  - (f) SELLER's attorney fees, if any.

# 6. BUYER'S INSTRUMENTS AND EXPENSES: BUYER will pay for:

- (a) Recording fee for deed;
- (b) survey, (if desired by BUYER).
- 7. TAXES: SELLER will be charged for Real Estate taxes and personal property taxes (if applicable) up to, but not including the date of closing.
- 8. DEFECTS IN TITLE AND LEGAL ACCESS: Prior to closing, BUYER will have a reasonable time to examine the title and documents establishing legal access to the property. If title or legal access is found to be defective, BUYER will notify SELLER in writing of the defects and SELLER will make a prompt and diligent effort to correct such defects. If SELLER fails to make corrections within 60 days after notice, BUYER may elect to accept the Property in its existing condition with an appropriate reduction to the purchase price, or may terminate this Agreement without obligation.
- 9. SURVEY: BUYER may order the Property surveyed at BUYER's expense. SELLER agrees to provide access to the Property for the survey to be performed. If the survey shows a discrepancy in the size or dimensions of the Property, or shows encroachments onto the Property or that improvements located on the Property encroach onto adjacent lands, or if the survey identifies violations of recorded covenants or covenants of this Agreement, upon notice to the SELLER, the BUYER may elect to treat those discrepancies, violations or encroachments as a title defect.
- 10. ENVIRONMENTAL AUDIT: BUYER may perform or have performed, at BUYER's expense, an environmental audit of the Property. If the audit identifies environmental problems unacceptable to the BUYER, BUYER may elect to accept the Property in its existing condition with an appropriate abatement to the purchase price or BUYER may terminate this Agreement without obligation.

11. ABSENCE OF ENVIRONMENTAL LIABILITIES: The SELLER hereby warrants and represents that the Property is free from hazardous materials and does not constitute an environmental hazard under any federal, state or local law or regulation. No hazardous, toxic or polluting substances have been released or disposed of on the Property in violation of any applicable law or regulation. SELLER further warrants that there is no evidence that hazardous, toxic or polluting substances are contained on or emitting from the property in violation of applicable law or regulation. There are no surface impoundments, waste piles, land fills, injection wells, underground storage areas, or other man-made facilities that have or may have accommodated hazardous materials. There is no proceeding or inquiry by any governmental agency with respect to production, disposal or storage on the property of any hazardous materials, or of any activity that could have produced hazardous materials or toxic effects on humans, flora or fauna. There are no buried, partially buried, or above-ground tanks, storage vessels, drums or containers located on the Property. There is no evidence of release of hazardous materials onto or into the Property.

The SELLER also warrants that there have been no requests from any governmental authority or other party for information, notices of claim, demand letters or other notification that there is any potential for responsibility with respect to any investigation or clean-up of hazardous substance releases on the property. All warranties described herein will survive the closing of this transaction.

In the event the SELLER breaches the warranties as to environmental liability, SELLER agrees to indemnify and hold the BUYER harmless from all fines, penalties, assessments, costs and reasonable attorneys' fees resulting from contamination and remediation of the property.

- 12. TIME AND BINDING AGREEMENT: Time is of the essence for closing this transaction. The BUYER's written acceptance of this offer will constitute an Agreement for the purchase and sale of the Property and will bind the parties, their successors and assigns. In the event the BUYER abandons this project after execution of this Agreement, but before closing, BUYER may terminate this Agreement without obligation.
- 13. DATE AND LOCATION OF CLOSING: The closing of this transaction will be held at the office of the insuring title company on or before sixty (60) days from the date this Agreement is made. The time and location of closing may be changed by mutual agreement of the parties.
- 14. ATTORNEYS' FEES: The prevailing party in any litigation concerning this Agreement will be entitled to recover reasonable attorneys' fees and costs.
- 15. REAL ESTATE BROKERS: SELLER hereby agrees to indemnify and hold the BUYER harmless from and against any claims by a real estate broker claiming by or through SELLER.
- 16. **POSSESSION:** SELLER warrants that there are no parties in possession other than SELLER unless otherwise stated herein. SELLER agrees to deliver possession of Property to BUYER at time of closing unless otherwise stated herein.
- 17. TYPEWRITTEN/HANDWRITTEN PROVISIONS: Typewritten and handwritten provisions inserted herein or attached hereto as addenda, and initialed by all parties, will control all printed provisions in conflict therewith.
- 18. SPECIAL CONDITIONS: Any and all special conditions will be attached to this Agreement and signed by all parties to this Agreement.

WITNESSES:

SELLER:

Semile Rhodes (DATE)

Somble Rhodes (DATE)

Charle Green, Clerk

Buyer:
Lee County, Florida, By ITS
BOARD OF COUNTY COMMISSIONERS

By:

DEPUTY CLERK (DATE)

By:
CHAIRMAN OR VICE CHAIRMAN

APPROVED AS TO LEGAL FORM
AND SUFFICIENCY

COUNTY ATTORNEY

(DATE)

AGREEMENT FOR PURCHASE AND SALE OF REAL ESTATE

Page 6 of 7

## SPECIAL CONDITIONS

BUYER: Lee County SELLER: Emilee Rhodes

PARCEL NO.: 235

BUYER and SELLER hereby covenant that the Purchase Price recited herein, except as noted below, includes payment for the manufactured home (1969 Rever. Mobile Home Number 2R2FGKF 1021783G), additions, improvements, detached shed, and for all fixtures, including but not limited to, built-in-appliances, air conditioning units, hot water heaters, ceiling fans, screen enclosures, windows, awnings, doors, floor covering, and landscaping, as of the date of the BUYER'S appraisal.

BUYER'S authorized agent will inspect the house and all other real property and improvements prior to closing. Removal of any fixture(s) by SELLER may cause a delay in closing and a reduction in the Purchase Price. All additional costs associated with any breach of this covenant will be paid by the SELLER. This covenant shall survive closing.

Upon the BUYER'S written acceptance of this Agreement, SELLER hereby gives permission allowing entry to the premises by County Representatives, upon first receiving 48 hours prior notice, in order for the premises to be inspected to determine if relocating any or all real estate improvements is feasible subsequent to closing and the County taking possession of the Property.

Jehn Sory Mily John Scott Rhodes Things E Rhopes	Emilee Rhodes 12-26-0 Emilee Rhodes (DATE
CHARLIE GREEN, CLERK	BUYER: LEE COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS
BY: DEPUTY CLERK (DATE)	BY: CHAIRMAN OR VICE CHAIRMAN
	APPROVED AS TO LEGAL FORM AND SUFFICIENCY
	COUNTY ATTORNEY (DATE)

Summar: Appraisal Report HAUEODM DECIDENTIAL APPRAISAL DEDORT

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Fannie Mae Form 1004 6-93

02-78-12

File No.

ESTIMATED SITE VALUE Unimproved site 18,000 Comments on Cost Approach (such as, source of cost estimate, site value, ESTIMATED REPRODUCTION COST-NEW-OF IMPROVEMENTS: square foot calculation and for HUD, VA and FmHA, the estimated remaining Owelling 870 Sq. Ft. @\$ 45.00 = \$ 39, 150 economic life of the property); See attached for floor plan and area 3creened Porch, 238 Sq. Ft. @\$ \_ 16.00 3,808 calculations. Subject site is developed to its highest and best Total Options - See Attached 6,160 use. No apparent functional or locational obsolescence noted. Garage/Carport Sq. Ft. @\$ See attached for comments on land value. Costs are supported by local known builder's costs & completed appraisals Total Estimated Cost New 49,118 Less Physical External retained in the appraiser's office files. Depreciation 22,452 22,452 =\$ Depreciated Value of Improvements =\$ 26,666 Depreciation - Economic Age/Life Method "As-Is" Value of Site Improvements 9,400 Estimated remaining economic life = 19 years. INDICATED VALUE BY COST APPROACH COMPARABLE NO. 2 COMPARABLE NO. 3 ITEM SUBJECT COMPARABLE NO. 1 11110 Wagon Trail 11207 Wagon Trail 11212 Wagon Trail 11141 Wagon Trail Address 25-47-25-B4-00201.0110 25-47-25-B4-00201.0260 25-47-25-B4-00203.0150 25-47-25-B4-00208.0040 0.26 mile southeast Proximity to Subject 0.27 mile east 0.32 mile southeast Not a Sale Sales Price 73.50 Ф 59.52 /h / j > . . . . /r Price/Gross Living Area 81 85 1 Data and/or Inspection ORB 3638 PG 0072 ORB 3731 PG 4400 ORB 3763 PG 1148 MLS/FARES/Lee County Verification\_Source Pub.Records FARES/County Public Records MLS/FARES/Lee County +(-)\$ Adjust. VALUE ADJUSTMENTS DESCRIPTION DESCRIPTION +(-)\$ Adjust. DESCRIPTION DESCRIPTION +(-)\$ Adjust. Sales or Financing Conventional Convent.+PMM Conventional \$51,200 \$44,250 \$32,000 Concessions Will be 05/06/02 09/19/02 10/30/02 Date of Sale/Time Location LeitnerCrkManor Leitner Crk Manor LeitnerCrkManor LeitnerCrkManor Leasehold/Fee Simple Fee Fee Fee Fee 5,900sf +2,000 8,100sf 8,100sf 8.100sf Site View Residential Residential Residential Residential Design and Appeal Singlewide+ Singlewide Singlewide Singlewide MH/Average Quality of Construction MH/Average MH/Average MH/Inferior +2,700 1,400 Age Fff=16, A=33 Eff=16, A=28 Eff=14, A=26 Eff=19, A~30 +2,100 Above Avg. Condition -1,400 Inferior +2,100 Above Avg. Superior Above Grade Total Bdrms Baths Total Bdrms Baths Total Borms Baths Total Bdrms Baths 4 2 1 Room Count 4 3 1 2 1 4 2 1 +5,400 Gross Living Area 870 Sq. Ft 672 Sq. Ft. +6,300 702 Sq. Ft. 672 Sq. Ft. +6,300 Basement & Finished None None None None Attached Bath +2,000 Rooms Below Grade None Indicated +2.000 +2,000 None Indicated None Indicated Functional Utility Adequate Adequate Adequate Adequate Heating/Cooling Central/Window Central/Central -1.000Central/Central -1,000 Central/Window Typical Typical Typical Energy Efficient Items Typical Garage/Carport Driveway 1 Carport -2,500 1 Carport 2.500 1 Carport -2.500 Porch, Patio, Deck, 238Scr.Porch 240sfVinvlPorch -700 None 270sfEncl.Porch -2.100144sf Shed 100sf Shed -400 None Indicated +800 80sf Shed +200 Fireplace(s), etc. Fence, Pool, etc. None Fenced -2,000 None None Other Feratures 120sf Att.Laundry 322sfEnclPorch -3.500 50sf Att.Utility +900 120sf Att.Utility +300 2,800 11,100 Net Adj. (total) Adjusted Sales Price Gross 37.1 % \$ 55,200 Gross - 29.8 % Gross 50.7 of Comparable 54,400 Comments on Sales Comparison (including the subject property's compatibility to the neighborhood, etc.): See attached comments. Sales recorded over 6 months prior to the appraisal date are among the most recent sales of adequately priced singlewide manufactured homes in Leitner Creek Manor. Adjustments exceeded recommended parameters due primarily to the subject's above average gross living area (for a singlewide) and lack of covered parking. However, the adjustments appear to be market supported and do not adversely affect the final value estimate. ITEM SUBJECT COMPARABLE NO. 1 COMPARABLE NO. 2 COMPARABLE NO. 3 Date Price and Data No sale in the No prior sale noted No prior sale noted No prior sale noted Source, for prior sales last 12 mos. other than above in other than above in other than above in within year of appraisal per Lee Co. past twelve months past twelve months Analysis of any current agreement of sale, option, or listing of subject property and analysis of any prior sales of subject and comparables within one year of the date of appraisal: The subject property is not listed in the regional MLS. INDICATED VALUE BY SALES COMPARISON APPROACH INDICATED VALUE BY INCOME APPROACH (if Applicable) Estimated Market Rent /Mo. x Gross Rent Multiplier This appraisal is made 💢 "as is" subject to the repairs, alterations, inspections or conditions listed below subject to completion per plans & specifications. Conditions of Appraisal: No special comments or conditions affect this appraisal. THIS IS A SUMMARY APPRAISAL REPORT. See attached Special Limiting Conditions. Final Reconciliation: The Sales Comparison Analysis typically best reflects the actions and attitudes of participants in the marketplace. The Cost Approach receives less emphasis. Insufficient market data is available for a reliable GRM. The purpose of this appraisal is to estimate the market value of the real property that is the subject of this report, based on the above conditions and the certification, contingent and limiting conditions, and market value definition that are stated in the attached Freddie Mac Form 439/FNMA form 1004B (Revised 6/93 ). I (WE) ESTIMATE THE MARKET VALUE, AS DEFINED, OF THE REAL PROPERTY THAT IS THE SUBJECT OF THIS REPORT, AS OF November 21, 2002 (WHICH IS THE DATE OF INSPECTION AND THE EFFECTIVE DATE OF THIS REPORT) TO BE **/** 54.000 APPRAISER: Phil Benning Associate
Signature SUPERVISORY APPRAISER NLY IF REQUIRED): J. Lee Norris, MAI, SRA │ │ Did │ ◯ i Did Not Signature Name Phil Benning, Associate Name J Lee Norris Inspect Property Date Report Signed December 11, 2002 December 11, 2002 Date Report Signed, State FL State Certification # 0001220 St.Cert.Res. RE State Certification 0000643 St. Cert. Gen. REA Or State License # Or State License # State State

**UNIFORM RESIDENTIAL APPRAISAL REPORT** 

Valuation Section

Freddie Mac Form 70 6/93

## Supplemental Addendum

			FIRE NO. CE TO TE
Borrower/Client RHODES, Emilee			
Property Address 11110 Wagon Trail			
City Bonita Springs	County Lee	State FL	Zip Code 34135-5347
Lender Lee County - County Lands	3		

File No. 02-78-12

### PURPOSE, FUNCTION AND SCOPE OF THE APPRAISAL

The purpose of the appraisal is to estimate market value of the subject as of the effective date of the appraisal. The function (use) of the appraisal is for providing the Lee County Commissioners with sufficient data to make an informed decision regarding the possible purchase of the property.

The scope of this appraisal encompasses the necessary research and analysis to prepare a report in accordance with the USPAP of the Appraisal Foundation. Data sources typically include observation, public records, First American Real Estate Services, RE/Xplorer Internet System, MLS, Realtors, other professionals, appraiser's files, builder's contracts, and cost estimating services (Marshall and Swift).

A thorough search is conducted for comparable properties within an appropriate market area and time frames. The most comparable properties are compared to the subject with appropriate adjustments made for significant differences. The data provided in the report is representative of the market and is presented in a manner that will bring the reader to a similar conclusion of the value estimate. Limiting conditions are described in the attached addenda.

#### USPAP CERTIFICATION

The appraisal assignment was not based on a requested minimum valuation, a specific valuation, or the approval of a loan.

## SUMMARY APPRAISAL REPORT

This is a Summary Appraisal Report which is 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 that is not provided with the report concerning the data, reasoning, and analyses is retained in the appraiser's files. The depth of the discussion contained in this report is specific to the needs of the client and for intended use stated in the report. The appraiser is not responsible for unauthorized use of this report.

#### COMMENTS ON THE MARKET AREA

The subject is located in Leitner Creek Manor, a development of manufactured homes in Bonita Springs. Leitner Creek Manor has good proximity to area facilities in Bonita Springs. Improvements in the subject development exhibit a wide range of manufactured home size, style, age and quality.

#### COMMENTS ON THE LAND VALUE ESTIMATE

Since Leitner Creek Manor is maturely developed, there are limited land sales in support of the site value estimate. Included for reference are the following:

Parcel# 25-47-25-B4-00211.0180, 60x95, sold in 02/00 for \$15,500 per OR 3224/2042 Parcel# 25-47-25-B4-00211.0170, 60x95, sold in 06/00 for \$15,500 per OR 3282/1421

## COMMENTS ON THE COST APPROACH & OPTIONS INCLUDED

Unfinished attached laundry/bath, 120sf @ \$38.00/sf = \$4,560

Detached shed, 100sf @ 16.00/sf = \$1,600

Total Options = \$6,160

## COMMENTS ON THE SALES

Age/condition and quality adjustments are based on observable data, and on comments provided by Realtors familiar with the sales utilized. The adjustments are believed to reflect market reaction to the differences.

All sales lacked an attached bath. All were smaller in gross living area; all had covered parking.

Sale #1 was on a smaller lot with a 322sf MH enclosed porch in addition to a more appealing 240sf vinyl enclosed porch , and a larger shed.

Sale #2 was on a similar lot but lacked a screened porch, shed and had a smaller MH attached utility room.

Sale #3 was on a similar size lot with a 270sf MH enclosed porch, more appealing than the subject's screened porch, and a less appealing MH utility room relative to the subject's unfinished laundry.

After adjustments, sales indicate a range of value for the subject of \$51,100 to \$55,200. Most emphasis is placed on Sale #1 which required the least net adjustments. Sales #2 and #3 support the lower ends of the value range.

# **FUND COMMITMENT**

# Schedule A

Commitment No.: CF-0964863 Fund File Number 18-2003-203

Effective Date: December 11, 2002 at 11:00 p.m. Agent's File Reference: Three Oaks Pkwy S Extension

1. Policy or Policies to be issued:

Proposed Amount of Insurance

OWNER'S: ALTA Owner's Policy (10/17/92).

\$54,000.00

Proposed Insured:

Lee County, a Political Subdivision of the State of Florida

**MORTGAGEE:** 

Proposed Insured:

2. The estate or interest in the land described or referred to in this commitment is a fee simple and title thereto is at the effective date hereof vested in:

**Emilee Rhodes** 

3. The land referred to in this commitment is described as follows:

Lot 11, Block 1, LEITNER CREEK MANOR UNIT 2, according to the map or plat thereof as recorded in Plat Book 30, Page(s) 79, Public Records of Lee County, Florida.

**AGENT NO.:** 1371000

ISSUED BY: Law Offices of John D. Spear, PA

**MAILING ADDRESS:** 

9200 Bonita Beach Rd Suite 204 Bonita Springs, Fl 34135-0000

*AGENT'S SIGNATURE* 

John D. Spear

**Rev.1.2** 

# **FUND COMMITMENT**

# Schedule B

Commitment No. CF-0964863

Fund File Number 18-2003-203

- I. The following are the requirements to be complied with:
  - 1. Payment of the full consideration to, or for the account of, the grantors or mortgagors.
  - 2. Instruments creating the estate or interest to be insured which must be executed, delivered and filed for record:
    - a. Warranty Deed from Emilee Rhodes, joined by spouse, if married, to the proposed insured purchaser(s).
  - 3. A determination must be made that there are no unrecorded special assessment liens or unrecorded liens arising by virtue of ordinances, unrecorded agreements as to impact or other development fees, unpaid waste fees payable to the county or municipality, or unpaid service charges under Ch. 159, F. S., or county ordinance.
- II. Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of The Fund:
  - 1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage thereon covered by this commitment.
  - 2. Any owner and mortgagee policies issued pursuant hereto will contain under Schedule B the standard exceptions set forth at the inside cover hereof unless an affidavit of possession and a satisfactory current survey are submitted, an inspection of the premises is made, it is determined the current year's taxes or special assessments have been paid, and it is determined there is nothing of record which would give rise to construction liens which could take priority over the interest(s) insured hereunder (where the liens would otherwise take priority, submission of waivers is necessary).
  - 3. Federal liens and judgment liens, if any, filed with the Florida Department of State pursuant to Sec. 713.901, et seq., F.S., and Sec. 55.201, et seq., F.S., respectively, which designate the Florida Department of State as the place for filing federal liens and judgment liens against personal property. For insuring purposes:
    - (a) Pursuant to Sec. 713.901, et seq., F.S., personal property includes, but is not limited to, mortgages, leaseholds, mortgages on leaseholds, interests in cooperative associations, vendees' interests, and options when those interests are held by a partnership, corporation, trust or decedent's estate; and

# **FUND COMMITMENT**

## Schedule B

Commitment No. CF-0964863

Fund File Number 18-2003-203

- (b) Pursuant to Sec. 55.201, et seq., F.S., personal property includes, but is not limited to, leaseholds, interests in cooperative associations, vendees' interests, and options regardless of the type of entity holding such interests, including individuals. (Note: Mortgages have been specifically excluded from the personal property interests in which a judgment lien may be acquired under the provisions of Sec. 55.201, et seq., F.S.)
- 4. Restrictions, conditions, reservations, easements, and other matters contained on the Plat of Leitner Creek Manor Unit 2, as recorded in Plat Book 30, Page(s) 79, Public Records of Lee County, Florida.
- 5. Covenants, conditions and restrictions recorded in O.R. Book 575, Page 808, assigned to Leitner Creek Manor Property Owners Association Inc, May 6, 1995 in OR. Book 2603 Page 3024, Public Records of Lee County, Florida.
- 6. Easement in favor of Bonita Springs Water System, contained in instrument recorded in O.R. Book 826, Page 697, Public Records of Lee County, Florida.
- 7. Lee County Ordinance No. 86-14 recorded November 30, 1990, in O.R. Book 2189 Page 3281; an amended by Ordinance No. 86-38 in O.R. Book 2189 Page 3334, Public Records of Lee County, Florida.

# 5-Year Sales History

Parcel No. 235

Three Oaks Parkway South Extension Project No. 4043

**NO SALES in PAST 5 YEARS** 





# City of Bonita Springs

9220 BONITA BEACH ROAD SUITE 111

Bonita Springs, FL 34135 Tel: (941) 390-1000 Fax: (941) 390-1004

Paul D. Pass Mayor

Wayne P. Edsall

Councilman District One

Jay Arend

Councilman District Two

R. Robert Wagner

Councilman District Three

John C. Warfield

Councilman District Four

David T. Piper, Jr.

Councilman
District Five

Ben L. Nelson, Jr.

Councilman District Six

**Gary A. Price** City Manager

**Audrey E. Vance** City Attorney

January 6, 2003

Mr. J. Keith Gomez Property Acquisition Agent Lee County PO Box 398 Fort Myers, FL 33902

RE: Purchase Agreement – Three Oaks Parkway Extension Project No. 4043

Parcel 235, Emilee Rhodes

Dear Mr. Gomez:

The agreed upon purchase conditions for the aforementioned parcel are reasonable and purchase is recommended by my office.

If you need further authorization, feel free to contact me.

Respectfully,

Gary K. Price

City Manager

GAP/kw