

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

**Blue Sheet No. 20040519**

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Approve Easement Purchase Agreement for acquisition of Parcel 1001, Veronica S. Shoemaker Blvd. Extension Project No. 4073, in the amount of \$2,500 plus attorneys fees and reimbursement for relocation of fence; authorize payment of costs to close and the Division of County Lands to handle all documentation necessary to complete transaction.

**WHY ACTION IS NECESSARY:** The Board must accept all real estate conveyances to Lee County.

**WHAT ACTION ACCOMPLISHES:** The Board avoids Eminent Domain.

**2. DEPARTMENTAL CATEGORY:** 06  
**COMMISSION DISTRICT #** 2 **CLF** **3. MEETING DATE:** 05-18-2004

<b>4. AGENDA:</b>	<input checked="" type="checkbox"/> CONSENT	<b>5. REQUIREMENT/PURPOSE:</b> (Specify)	<input checked="" type="checkbox"/> STATUTE 125	<b>6. REQUESTOR OF INFORMATION:</b>
	<input type="checkbox"/> ADMINISTRATIVE		<input type="checkbox"/> ORDINANCE	
	<input type="checkbox"/> APPEALS		<input type="checkbox"/> ADMIN. CODE	
	<input type="checkbox"/> PUBLIC		<input type="checkbox"/> OTHER	
	<input type="checkbox"/> WALK ON			
<b>TIME REQUIRED:</b>				

**A. COMMISSIONER**  
**B. DEPARTMENT** Independent  
**C. DIVISION** County Lands  
BY: Karen L. W. Forsyth, Director *[Signature]*

**7. BACKGROUND:**  
**Negotiated for:** Lee County DOT and the City of Fort Myers  
**Interest to Acquire:** Easement interest in 959 square feet of land improved with a chain-link fence  
**Property Details:**  
Owner: Lillian Robinson  
Address: 1949 Veronica S. Shoemaker Boulevard, Fort Myers  
STRAP No.: 18-44-25-P3-03404.0030  
**Purchase Details:**  
Purchase Price \$2,500  
Attorney's Fees \$843.25  
Fence Relocation \$500  
Costs to Close \$500  
**Appraisal Information:**  
The property has not been appraised. The cost of an appraisal on this parcel has been quoted at \$2,500.  
**Staff Recommendation:** Staff is of the opinion that the purchase price can be justified considering the costs associated with obtaining an appraisal as well as the cost of condemnation proceedings, estimated between \$3,000 - \$5,000 excluding land value increased and attorney fees. Staff recommends the Board approve the requested motion.  
**Account:** City of Fort Myers Acct. #310-4315-546-6100  
**Attachments:** Easement Agreement, Location Map, In-house Title Search, Sales History, City Engineer approval.

**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
					OA	OM	Risk	GC	
<i>[Signature]</i>			<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>

**10. COMMISSION ACTION:**

APPROVED  
 DENIED  
 DEFERRED  
 OTHER

Rec. by CoAtty	<b>RECEIVED BY COUNTY ADMIN</b> 5/13/04 11:15 AM SGT COUNTY ADMIN FORWARDED TO: <i>[Signature]</i> 5-5-04 NOON
Date: 4/30/04	
Time: 4:25	
Forwarded To: Co. Admin. 5/3/04 10AM	

Parcel: 1001  
Project: Veronica S. Shoemaker Blvd. Extension  
STRAP No.: 18-44-25-P3-03404.0030

### EASEMENT PURCHASE AGREEMENT

This Agreement made and entered into this 7<sup>th</sup> day of March, 2004, by and between **LILLIAN ROBINSON**, an unmarried person, whose address is 1949 Veronica Shoemaker Blvd., Fort Myers, Florida 33916, 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, nonexclusive sidewalk and utility 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 sidewalk and utility lines.

- a) Owner will grant said easement to Purchaser for the sum of \$2,500.00; Purchaser to pay recording costs, title insurance and Owner's attorney's fees of \$ 843.25.
- b) Owner agrees that said easement will be granted to Purchaser by execution of a perpetual easement in form and substance as provided by Purchaser, a copy of which is attached as Exhibit "B".
- c) Purchaser will reimburse Owner up to \$500.00 for the cost to relocate the chain link fence on the subject property.
- d) Purchaser will pay Owner the amount agreed upon in item (a) of this agreement within 60 days of the execution and acceptance of this Easement Purchase Agreement and the Perpetual Easement instrument by Purchaser.
- e) Owner agrees that Purchaser, his successors and assigns will be allowed to use said perpetual easement area as specified in the Perpetual Easement instrument.
- f) Purchaser agrees to complete construction within the easement area in a timely manner.
- g) This voluntary sale and purchase is considered by Florida law to be exempt from the payment of Documentary Stamp Taxes because this transaction was made under the threat of an eminent domain proceeding by the Purchaser.

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

**EASEMENT PURCHASE AGREEMENT**

Parcel: 1001

Project: Veronica S. Shoemaker Blvd. Extension

STRAP No.: 18-44-25-P3-03404.0030

Page 2

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

  
\_\_\_\_\_  
1st Witness Signature

  
\_\_\_\_\_  
Lillian Robinson Owner

  
\_\_\_\_\_  
2nd Witness Signature

**ATTEST:**

CHARLIE GREEN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

LEE COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS

By: \_\_\_\_\_  
Chairman or Vice-Chairman

APPROVED AS TO LEGAL FORM

\_\_\_\_\_  
Office of County Attorney



Parcel 1001-S

January 15, 2003

**DESCRIPTION**

**10' SIDEWALK/UTILITY EASEMENT  
PART OF LOT 3, BLOCK 4  
J.B. COX'S EASTLAND HEIGHTS  
SECTION 18, TOWNSHIP 44 SOUTH, RANGE 25 EAST  
CITY OF FORT MYERS  
LEE COUNTY, FLORIDA**

A tract or parcel of land being part of Lot 3, Block 4 as shown on the Plat of J. B. Cox's Eastland Heights recorded in Plat Book 3 at Page 73 of the Public Records of Lee County, Florida and lying in Section 18, Township 44 South, Range 25 East, City of Fort Myers, Lee County, Florida described as follows:

From the southwest corner of said Lot 3 run North 01° 09' 07" West for 95.87 feet to the northwest corner of said lot; thence run North 89° 23' 09" East along said north line for 10.00 feet; thence run South 01° 09' 07" E for 95.87 feet to an intersection with the south line of said lot; thence run South 89° 23' 09" West along said south line for 10.00 feet to the Point of Beginning.

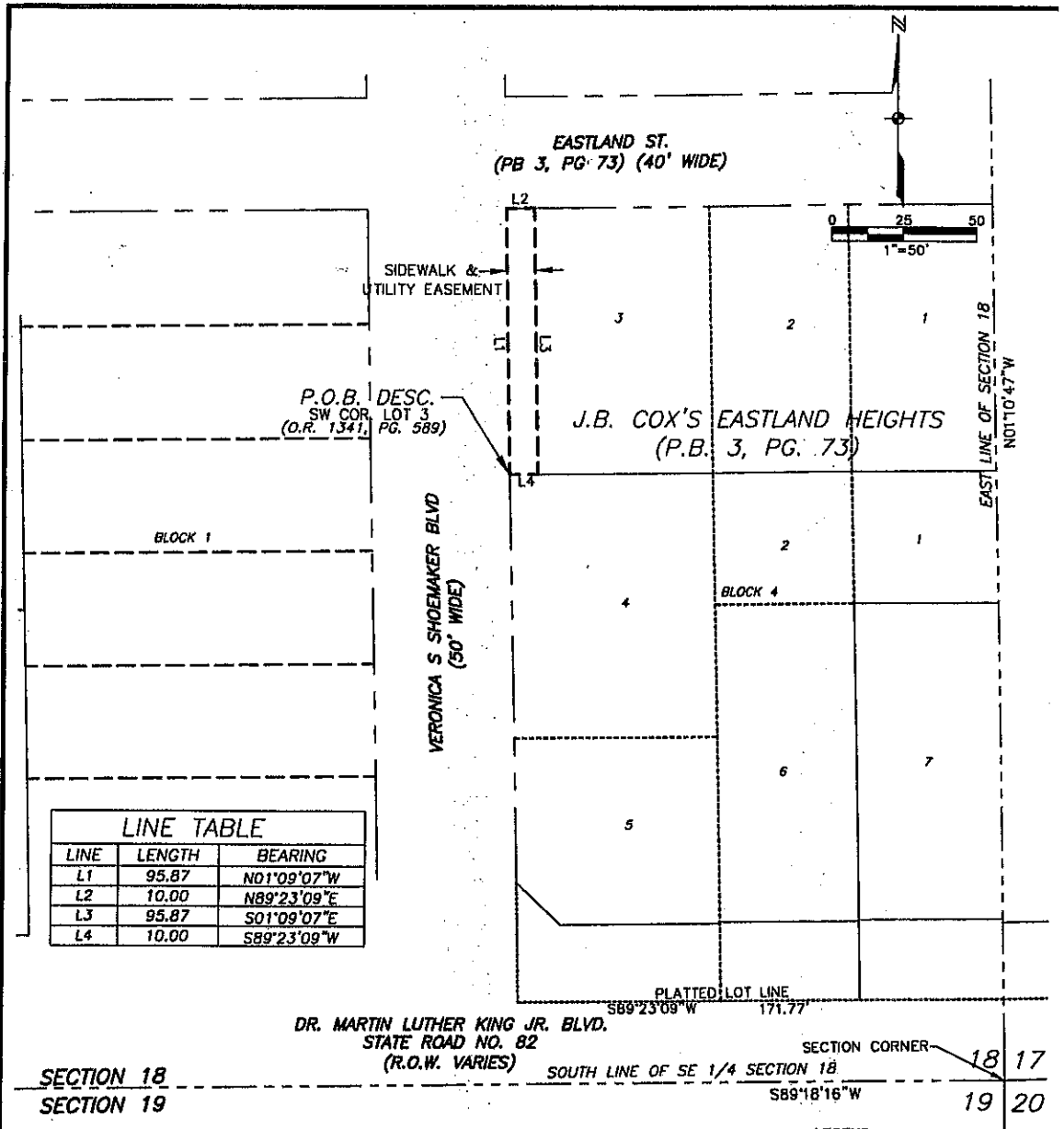
Parcel Contains 959 square feet, more or less.

Bearings hereinabove mentioned are based on said south line of the Southeast Quarter (SE-1/4) of Section 18, Township 44 South, Range 25 East to bear South 89° 18' 16" West.

Mark G. Wentzel (For The Firm LB-642)  
Professional Land Surveyor  
Florida Certificate No. 5247

19991321/SCE Lot 3, Blk 4 011503

# Exhibit "A"



LINE TABLE		
LINE	LENGTH	BEARING
L1	95.87	N01°09'07\"W
L2	10.00	N89°23'09\"E
L3	95.87	S01°09'07\"E
L4	10.00	S89°23'09\"W

119991321 | Surveying | autoacad | alpine | eservices | SC010728LOCKY1.dwg (Layout1) | ALY Mar 14, 2003 - 4:28pm

**NOTES:**

- BEARINGS ARE BASED ON THE SOUTH LINE OF THE SE 1/4 OF SECTION 18, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AS BEING S 89°18'16\" W.
- 10' SIDEWALK & UTILITY EASEMENT CONTAINS 959 SQUARE FEET, MORE OR LESS.

- LEGEND**
- COR. = CORNER
  - DESC. = DESCRIPTION
  - FD. = FOUND
  - L.B. = LAND SURVEYOR BUSINESS
  - MON. = MONUMENT
  - O.R. = OFFICIAL RECORD
  - P.B. = PLAT BOOK
  - PG. = PAGE
  - P.O.B. = POINT OF BEGINNING
  - P.O.C. = POINT OF COMMENCEMENT
  - R. = RANGE
  - T. = TOWNSHIP
  - S. = SECTION
  - SQ. FT. = SQUARE FEET
  - F.P.L. = FLORIDA POWER AND LIGHT

**THIS IS NOT A SURVEY**

*Mark G. Wentzel*  
 MARK G. WENTZEL (FOR THE FIRM-L.B.642)  
 PROFESSIONAL SURVEY AND MAPPER  
 FLORIDA CERTIFICATE NO. 5247

DATE SIGNED: 3/17/03

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

**10' SIDEWALK/UTILITY EASEMENT**  
**EASEMENT**  
 PART OF LOT 3, BLOCK 4  
 J.B. COX'S EASTLAND HEIGHTS  
 (PLAT BOOK 3, PAGE 73, LEE COUNTY RECORDS)  
 SECTION 18, TOWNSHIP 44 S., RANGE 25 E.  
 CITY OF FORT MYERS, LEE COUNTY, FLORIDA



3501 DEL PRADO BOULEVARD  
 SUITE 110  
 CAPE CORAL, FLORIDA 33904  
 PHONE (941) 334-0048  
 FAX (941) 541-1383  
 E.G. #642 & L.B. #642

SKETCH TO ACCOMPANY DESCRIPTION				
DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
1-3-2003	19991321	19-44-25	1"=50'	1

This Instrument Prepared by:  
PUBLIC WORKS/COUNTY LANDS DIVISION  
P.O. Box 398  
Fort Myers, FL 33902-0398  
Parcel: 1001  
Project: Veronica S. Shoemaker Blvd. Extension  
STRAP No.: 18-44-25-P3-03404.0030

## Exhibit "B"

### GRANT OF PERPETUAL PUBLIC UTILITY EASEMENT AND NON EXCLUSIVE RIGHT OF WAY EASEMENT FOR BIKEPATH/SIDEWALK

This INDENTURE, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2004, between **LILLIAN ROBINSON**, an unmarried person, Owner, whose address is 1949 Veronica S. Shoemaker Blvd., Fort Myers, FL 33916, 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 and a perpetual non exclusive right of way easement for bikepath/sidewalk situated in Lee County, Florida, and located and described as set forth in Exhibit "A" attached.
2. Grantee, its successors, appointees, heirs and assigns, are hereby granted the right, privilege, and authority to construct, replace, renew, extend and maintain public utility facilities, to include, but not be limited to: electrical power, telephone, water systems, sewer transmission and collection systems and a perpetual non exclusive right of way easement for bikepath/sidewalk with all appurtenances thereto, to be located on, under, above, across, through and within the easement 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. This right-of-way easement does not limit the construction of the bikepath/sidewalk or drainage system to a particular type, style, material or design. The public utility easement will not be limited to any particular diameter size or type and/or number of connections to other similar facilities for providing public utility service to this and any adjacent properties. The total area of this public utility easement is to be reserved for the public utility lines, poles, mains, or other utility facilities and for any landscaping (excluding trees), walkways, roadways, drainage ways, or similar type uses. Houses, fences, buildings, carports, garages, storage sheds or any other structures will not be constructed upon or placed within this easement at any time, present or future, by Grantor, or its heirs, successors or assigns.

**GRANT OF PERPETUAL PUBLIC UTILITY EASEMENT AND  
NON EXCLUSIVE RIGHT OF WAY EASEMENT FOR BIKEPATH/SIDEWALK**  
Parcel: 1001  
Project: Veronica S. Shoemaker Blvd. Extension  
Page 2

4. Title to any improvements constructed hereunder will remain in the Grantee, Grantee's successors, appointees and/or assigns, or the public utility providing the service. The County will be responsible for maintenance of the bikepath/sidewalk facility. The Grantor will not place any interfering landscape material in the easement. Also, the Grantor will prevent the creation of obstructions or conditions which are or may become dangerous to the public within the easement.

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.

6. Grantee will have a reasonable right of access across Grantor's property for the purposes of reaching the described easement (Exhibit "A") on either paved or unpaved surfaces. Any damage to Grantor's property or permitted improvements thereon as the result of such access to the described easement or the construction, maintenance, or repairs located within the above-described easement will be restored by the County or the particular utility providing service, to the condition in which it existed prior to the damage.

7. This easement is given in lieu of condemnation.

8. This easement will be binding upon the parties hereto, their successors and assigns.

**IN WITNESS WHEREOF** the Grantor, has caused this document to be signed on the date first above written.

SIGNED, SEALED AND DELIVERED  
IN THE PRESENCE OF TWO WITNESSES:

\_\_\_\_\_  
1st WITNESS Signature

\_\_\_\_\_  
Lillian Robinson

\_\_\_\_\_  
Printed name of 1st Witness

\_\_\_\_\_  
2nd WITNESS Signature

\_\_\_\_\_  
Printed name of 2nd Witness

STATE OF            )  
                          )  
COUNTY OF        )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_,  
2004, by Lillian Robinson. She personally known to me or who has produced

\_\_\_\_\_ (type of identification)  
as identification.

\_\_\_\_\_  
(Signature of Notary Public)

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



FORT MYERS OFFICE  
(239) 334-2195  
CAPE CORAL OFFICE  
(239) 542-3148  
LaBELLE OFFICE  
(863) 675-5800  
WEST PALM BEACH OFFICE  
(561) 471-1366  
PORT CHARLOTTE OFFICE  
(941) 255-3095  
T.I.N. 59-1362638

# PAVESE LAW FIRM

PLEASE REMIT TO:  
ACCOUNTING DEPARTMENT  
P.O. DRAWER 2277  
FORT MYERS, FLORIDA 33902-2277

LILLIAN ROBINSON  
3117 ST CHARLES ST  
FORT MYERS FL 33916

PAGE: 1  
04/20/2004  
CASE NO: 68906-002  
STATEMENT NO: 1

RETURN THIS PORTION WITH YOUR PAYMENT

SALE OF SIDEWALK EASEMENT  
IN ACCOUNT WITH FRANK A PAVESE SR

03/15/04 Conference with Ms. Robinson.	50.00
File Conference with Lee County; read/review file.	50.00
File Conference with Lee County.	50.00
File Conference with Ms. Robinson.	50.00
Dictation/Correspondence to Lee County.	50.00
Dictation/Correspondence to Ms. Robinson.	50.00
03/18/04 Read/Review Documents and letter.	100.00
03/19/04 Read/Review Documents and letter.	50.00
File Conference with Attorney McNeill.	50.00
04/01/04 File Conference with Ms. Robinson.	46.25
04/05/04 Preparation of revised contract.	46.25
04/06/04 Preparation of revised contract.	46.25
04/15/04 Additional time to close out file with client; conferences and letters.	200.00
FOR PROFESSIONAL SERVICES RENDERED	<u>838.75</u>
04/08/04 Photocopies	4.50
TOTAL EXPENSES	<u>4.50</u>
TOTAL CURRENT BILLING	843.25
BALANCE DUE	<u><u>\$843.25</u></u>

PAVESE LAW FIRM

T.I.N. 59-1362638

FORT MYERS, FLORIDA (239) 334-2195    CAPE CORAL, FLORIDA (239) 542-3148    LaBELLE, FLORIDA (863) 675-5800    WEST PALM BEACH, FLORIDA (561) 471-1366    PORT CHARLOTTE, FLORIDA (941) 255-3095

PLEASE KEEP THE LOWER PORTION FOR YOUR RECORDS - RETURN THE UPPER PORTION WITH YOUR PAYMENT

FORT MYERS OFFICE  
(239) 334-2195  
CAPE CORAL OFFICE  
(239) 542-3148  
LaBELLE OFFICE  
(863) 675-5800  
WEST PALM BEACH OFFICE  
(561) 471-1366  
PORT CHARLOTTE OFFICE  
(941) 255-3095  
T.I.N. 59-1362638

# PAVESE LAW FIRM

**PLEASE REMIT TO:**  
ACCOUNTING DEPARTMENT  
P.O. DRAWER 2277  
FORT MYERS, FLORIDA 33902-2277

LILLIAN ROBINSON

SALE OF SIDEWALK EASEMENT

IN ACCOUNT WITH FRANK A PAVESE SR

PAGE: 2  
04/20/2004  
CASE NO: 68906-002  
STATEMENT NO: 1

RETURN THIS PORTION WITH YOUR PAYMENT

VISIT PAVESE LAW FIRM'S HOME PAGE ON THE INTERNET  
<http://paveselaw.com>

**PAVESE LAW FIRM**

T.I.N. 59-1362638

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PLEASE KEEP THE LOWER PORTION FOR YOUR RECORDS - RETURN THE UPPER PORTION WITH YOUR PAYMENT

**Division of County Lands**

**Ownership and Easement Search**  
Search No. 22438  
Date: April 16, 2003  
Parcel: 1001 SE & UT  
Project: Palmetto Extension Project  
#4073

*KMP*

To: Michele S. McNeill, SR/WA

From: Kenneth Pitt

Property Acquisition Agent

Real Estate Title Examiner

STRAP: 18-44-25-P3-03404.0030

Effective Date: March 6, 2003, at 5:00 p.m.

*No changes as of 4/21/04*

**Subject Property:** Lot 3 and the Northerly 95.88 feet of Lots 1 and 2, Block 4, of J.B. Coxs Re-Subdivision, No. 2, of the East half of Eastland Heights Subdivision, as recorded in Plat Book 3, Page 73, of the Public Records of Lee County, Florida.

Title to the subject property is vested in the following:

***Lillian Robinson***

by that certain instrument dated April 6, 1979, recorded April 9, 1979, in Official Record Book 1341, Page 589, Public Records of Lee County, Florida.

**Easements:**

Easement Reservation - reserves to the State of Florida an easement for State Road R.O.W. 200 feet wide, being 100 feet on each side of the center line of any State Road existing on May 8, 1941, affecting any parcel conveyed that is within 100 feet of the center line. Reservation established by Deed recorded in Deed Book 143, Page 220 and repeated in Deed Book 155, Page 392, Public Records of Lee County, Florida.

NOTE(1): Subject property is not encumbered by a mortgage.

**Tax Status:** \$1,056.84 paid on March 31, 2003 for tax year 2002.  
(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.**

# 5-Year Sales History

Parcel No. 1001

Veronica S. Shoemaker Boulevard Extension Project No. 4073

**NO SALES in PAST 5 YEARS**

**NOTE: Sale(s) relate to "parent tract" of the subject parcel.**



**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

Writer's Direct Dial Number: 239.479.8505  
239.479.8391 FAX

Bob Jones  
District One

Douglas A. Bl. Cerny  
District Two

Ray Judah  
District Three

Andrew W. Coy  
District Four

John E. Albion  
District Five

Donald D. Blitwell  
County Manager

James G. Yeager  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

April 21, 2004

Saeed Kazemi, P.E. City Engineer  
City of Fort Myers  
P.O. Box 2217  
Fort Myers, FL 33902-2217

**RE: PARCEL 1001, PALMETTO EXTENSION PROJECT**  
Request for review and sign-off on acquisition proposal

Dear Saeed:

Based upon a quote from the appraiser, the appraisal for parcel 1001 will cost \$2,500. The property owner has agreed to convey the necessary property interest for the cost of the appraisal, plus attorney's fees and cure of the fence. Below is the relevant data for this parcel. Please review and approve on behalf of the City as well as confirm that funds are available. Thank you.

Sincerely,

Michele S. McNeill, SR/WA  
Property Acquisition Agent

Parcel 1001  
Property Owner: Lillian Robinson  
Purchase Price \$2,500 (In lieu of obtaining appraisal at a cost of \$2,500)  
Attorney Fees: \$843.25  
Relocation of Fence: \$500.00

Binding Offer Approved:

Funds are available in account:

Saeed Kazemi, P.E.  
City Engineer, City of Fort Myers

S:\POOL\PalmettoExt\Correspondence\1001 City Engineer Approval.wpd

P.O. Box 998, Fort Myers, Florida 33902-0998 (239) 395-2111  
internet address <http://www.lee-county.com>  
AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER