# Lee County Board of County Commissioners Agenda Item Summary

Blue Sheet No. 20040584

#### **REQUESTED MOTION:**

ACTION REQUESTED: Approve Purchase Agreement for acquisition of Parcel 313 Three Oaks Parkway South Extension Project No. 4043, in the amount of \$87,000; 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 purchase of the property during the voluntary acquisition phase of the project.

2. DEPARTMENTAL CATE	<u>:GORY</u> : 06	) 3. <u>MEETING DATE</u> :
COMMISSION DISTRICT:	#: $3  \bigcirc \bigcirc \bigcirc \bigcirc$	06-01-2009
4. AGENDA:	5. REQUIREMENT/PURPOSE:	6. REQUESTOR OF INFORMATION
X CONSENT ADMINISTRATIVE	(Specify)	
APPEALS	X STATUTE 125 ORDINANCE	A. B. DEPARTMENT Independent
PUBLIC WALK ON	ADMIN	C. DIVISION County Lands 40/0-
TIME REQUIRED:		
- DAOMODOUND		·-··

#### 7.BACKGROUND:

Negotiated for: Department of Transportation

Interest to Acquire: Fee simple, vacant residential lot

#### **Property Details**

Owner: Margot Senger

Address: 24032 Whip-O-Will Lane, Bonita Springs

STRAP No.: 14-47-25-B2-00200.0380

#### Purchase Details

Purchase Price: \$87,000

Costs to Close: Approximately \$1,500 (The seller is responsible for attorney fees and real estate broker fees, if any. The County is

responsible for future district assessments for road and drainage improvements, which are estimated at \$9,500.)

#### Appraisal Information

Company: Carlson, Norris & Associates, Inc.

Appraised Value: \$87,000

Staff Recommendation: County staff recommends that the Board approve the Requested Motion.

#### Account: 20404330700.506110

20 - CIP; 4043 - Three Oaks Parkway South Extension; 30700 - Transportation Capital Improvement; 506110 - Land

Attachments: Purchase Agreement; Appraisal (Location Map Included); Letter from City of Bonita Springs; Title Data;

5-Year Sales History

### 8. MANAGEMENT RECOMMENDATIONS:

#### 9. RECOMMENDED APPROVAL:

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Department	Purchasing or	Human	Other	County		Budget S			County Manager
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This document prepared by:

Lee County County Lands Division

Project: Three Oaks Parkway South Extension, No. 4043

Parcel: 313/Senger

STRAP No.: 14-47-25-B2-00200.0380

#### BOARD OF COUNTY COMMISSIONERS

#### LEE COUNTY

# AGREEMENT FOR PURCHASE AND SALE OF REAL ESTATE

TH	IS AGREEN	MENT fo	or pur	chase a	and s	sale d	of rea	ıl pr	opert	y is	made
this _	day	of		, 20	)	by an	d bet	ween	Margo	t Ser	ıger,
a sing	le person	, here:	inafte	r refer	rred	to as	SELLE	R, wh	ose a	ddre	ss is
Seefel	dstrasse	108,	8008 2	Zurich,	. Swi	tzer	land,	and	Lee (	Count	у, а
politi	cal subdi	vision	of th	e Stat	e of	Flori	lda, h	erein	after	refe	erred
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 1.26 acres more or less, and located at 24032 Whip-O-Will Lane, Bonita Springs, Florida 34135 and more particularly described as Tract 38, SAN CARLOS ESTATES, according to the plat thereof recorded in Official Record Book 557, at pages 354-355, of the Public Records of Lee County, Florida, 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 Eighty-Seven Thousand and No/100 (\$87,000.00), 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, to the best of SELLER's knowledge, 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. The 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.

# AGREEMENT FOR PURCHASE AND SALE OF REAL ESTATE Page 6 of 6

WITNESSES:	SELLEN:  3.5.2004  Margot Senger (DATE)
WITNESSES:	SELLER:
	(DATE)
	BUYER:
CHARLIE GREEN, CLERK	LEE COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS
BY:	BY: CHAIRMAN OR VICE CHAIRMAN
	APPROVED AS TO LEGAL FORM AND SUFFICIENCY
	COUNTY ATTORNEY (DATE)

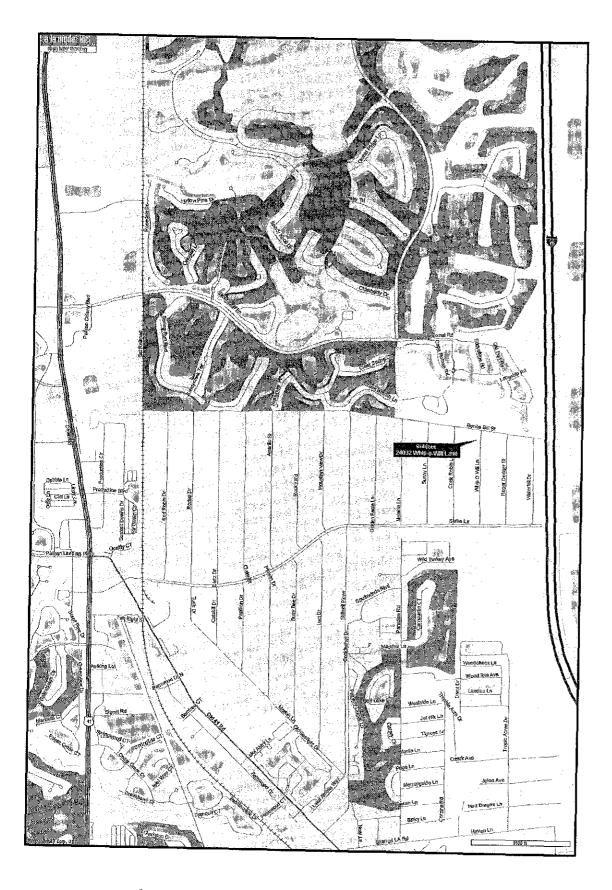
### LAND APPRAISAL REPORT

Project No. 4043

ummary Apprais							
Borrower SENGE					act <u>0503.08</u> N	fap Reference <u>14-</u>	47-25
	1032 Whip-o-Will Lane			Oaks Parkway Ext			
City Bonita Sprin	ys	County_Lec		State _	FL	Zip Code <u>341</u> :	35-6791
		ates Unrec., OR 557 PC		B	. 57	1 1.	
	SaTe Date of Sale_ (es \$ _1,242.07/03 (yr)					ee Leasehold	I De Minimis PUD
Lender/Client Loc	(9s \$ <u>1,242.07/03</u> (yr) County - County Lands	Loan charges to be paid	-		oncessions <u>N/A</u>		
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Location	Urban	Suburban	Rur	al		Gr	ood Avg. Fair Poor
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Demand/Supply	Shortage	🔀 In Balance	Ove	rsupply Cor	invenience to Schools	[	
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Comments Including t	hose factors, favorable or unf-	avorable, affecting marketabilit	u le a nublic no	te pehoole that sole	pale. The erec in	avendensing !-	aragead
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facilities are local	ted within two miles of	the subject. No adverse	marketing fa	ctors were noted	at the time of the	appraisal Subi	iect was not listed
in the regional MI	LS.	/		TOTO HOUSE	are unity of the	approper, OUD	oor was not listed
	330' per Lee County P	lat /	=	1.26 Sq. I	Ft. or Acres	l Cr	erner Lot
	AG-2 Agricultural/Res				ents do		
Highest and best use		Other (specify)		· · · · · · · · · · · · · · · · · · ·			
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				Residential			
San. Sewer	Septic			age Appears adec	quate.		
∎ Lj Ur		1 At 1 11					
Community 22 43		Sidewalk Stree	t Lights Is the	property located in a			
Comments (favorable or	unfavorable including any appar	ent adverse easements, encroac	hments, or other a	adverse canditions):	No adverse ea	sements or site	conditions were
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# **Location Map**

Borrower/Client SENGER, Margot
Property Address 24032 Whip-o-Will Lane Parcel 313, Three Oaks Parkway Extension Project No. 4043
Oly Durata Sprillus County Log
ender Lee County - County Lands State FL Zip Code 34135-6791







# Cíty of Boníta Spríngs

9220 BONITA BEACH ROAD SUITE 111 BONITA SPRINGS, FL 34135 Tel.: (239) 390-1000 FAX: (239) 390-1004 www.cityofbonitasprings.org

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 May 5, 2004

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 313, Senger

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 A. Price City Manager

GAP/kw

cc: Ken Hoffman, Community Project Coordinator

# **Division of County Lands**

# **Ownership and Easement Search**

Search No. 14-47-25-B2-00200.0380

Date: November 3, 2003

Parcel: 313

Project: Three Oaks Parkway South Extension.

Project 4043

To: J. Keith Gomez

**Property Acquisition Agent** 

Shelia A. Bedwell, Cl

Property Acquisition Assistar

STRAP: 14-47-25-B2-00200.0380

Effective Date: September 30, 2003, at 5:00 p.m.

Subject Property: Tract 38, San Carlos Estates, according to the plat thereof recorded in Official

Record Book 557, Pages 354 and 355, in the Public Records of Lee County, Florida.

Title to the subject property is vested in the following:

## Margot Senger

By that certain instrument dated May 27, 1994, recorded June 9, 1994, in Official Record Book 2508, Page 2470, Public Records of Lee County, Florida.

#### Easements:

- Dedication of Easements for drainage, roads and streets, recorded in Official Record Book 1. 535, Page 826, Public Records of Lee County, Florida.
- 2. Non-exclusive utility and roadway easement over and across or below all roadways shown on plat of San Carlos Estates, recorded in Official Record Book 1307, Page 36, Public Records of Lee County, Florida.
- 3. Ten foot easement reservation on all sides for utility maintenance, as described in instrument recorded in Official Record Book 1495, Page 1942, Public Records of Lee County, Florida.

NOTE(1): Judgment creating and incorporating San Carlos Estates Drainage District, recorded in Official Record Book 521, Page 120, Public Records of Lee County, Florida.

Tax Status: 2002 taxes paid in full; 2003 taxes are now due and payable. (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. 313

Three Oaks Parkway South Extension Project No. 4043

**NO SALES in PAST 5 YEARS**