

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

Blue Sheet No. 20041093

1. REQUESTED MOTION:

ACTION REQUESTED: Approve Purchase Agreements for the acquisitions of Parcels 115/116 and Parcel 117, Three Oaks Widening Project No. 4081, in the amounts of \$239,250 and \$1,001,250, respectively; 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 # 5 *C6B*

3. MEETING DATE: *09-21-2004*

4. AGENDA:

5. REQUIREMENT/PURPOSE:
(Specify)

6. REQUESTOR OF INFORMATION:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:

- STATUTE 125
- ORDINANCE
- ADMIN. CODE
- OTHER

- A. COMMISSIONER
 - B. DEPARTMENT Independent
 - C. DIVISION County Lands *CC 825-04*
- BY: Karen L. W. Forsyth, Director *KLF*

7. BACKGROUND:

Negotiated for: Department of Transportation

Interest to Acquire: Fee simple, vacant property within the Villages of San Carlos DRI and Alico Interchange Park DRI

Property Details:

Owner: Paul H. Freeman, Trustee
Address: Three Oaks Parkway, north of Corkscrew Road
Part of STRAP No.: 10-46-25-00-00001.2000, 10-46-25-00-00004.0000 and 15-46-25-00-00005.1000

Purchase Details:

Purchase Price: \$1,240,500 (approximately 2.2% above adjusted appraised value)
Costs to Close: Approximately \$15,000 (the Seller is responsible for attorney fees and real estate broker fees, if any).

Appraisal Information:

Company: W. Michael Maxwell and Associates, Inc.
Appraised Value (adjusted): \$1,212,854

Staff Recommendation: To avoid condemnation costs and expenses, County staff recommends the Board approve the Requested Motion.

Account: 20408118804.506110

Attachments: Purchase Agreement; Affidavit of Interest in Real Property; Title Data; Appraisal Data; Location Map; 5-Year 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>afm 9/9/04</i>				G County Manager
					OA	COM	Risk	GC	
<i>K. Forsyth</i>			<i>DAD \$126/04</i>	<i>Sheila 9-3-04</i>	<i>afm 9/7/04</i>	<i>afm 9/8/04</i>	<i>afm 9/7/04</i>	<i>afm 9/7/04</i>	<i>[Signature]</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: *9/3/04*
Time: *8:10*
Forwarded To:
Co. Adm.
9/3/04 11AM

RECEIVED BY
COUNTY ADMIN. *[Signature]*
9/3/04
11:45 am SLT
COUNTY ADMIN.
FORWARDED TO:
9/9/04
290

This document prepared by
County Lands Division
Project: Three Oaks Parkway Widening, No. 4081
Parcel: 115 & 116
Part of STRAP Nos: 10-46-25-00-00001.2000 and 15-46-25-00-00005.1000

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY
AGREEMENT FOR PURCHASE AND SALE OF REAL ESTATE
IN LIEU OF CONDEMNATION PROCEEDINGS

THIS AGREEMENT for purchase and sale of real property is made this 15 day of August, 2004 by and between Paul H. Freeman, Trustee, hereinafter referred to as SELLER, whose address is 19091 Tamiami Trail, SE, Fort Myers, Florida 33908, 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 8.010 acres more or less, and located along Three Oaks Parkway in South Fort Myers, Florida, and more particularly described in "Exhibit A" attached hereto and made a part hereof, hereinafter called "the Property." This property is being acquired for the Three Oaks Parkway Widening Project, hereinafter called "the Project", with the SELLER'S understanding that the property, if not voluntarily sold, would have been condemned by BUYER through the exercise of its eminent domain powers.
2. **PURCHASE PRICE AND TIME OF PAYMENT:** The total purchase price ("Purchase Price") will be One Million One Hundred Thousand Two Hundred Fifty Dollars (\$1,001,250.00), payable at closing by County warrant. The Purchase Price is mutually agreeable to both the SELLER and BUYER and represents the voluntary sale and purchase of the property in lieu of BUYER's condemnation.
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 \$1,001,250.00, 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 in its then "as is" condition ~~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) utility services up to, but not including the date of closing;
 - (c) taxes or assessments for which a bill has been rendered on or before the date of closing;
 - (d) payment of partial release of mortgage fees, if any;
 - (e) 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. 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 BUYER.
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 such 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 and/or covenants of this Agreement, upon notice to the SELLER, the BUYER may elect to treat such discrepancies, violations and/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 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. 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 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.

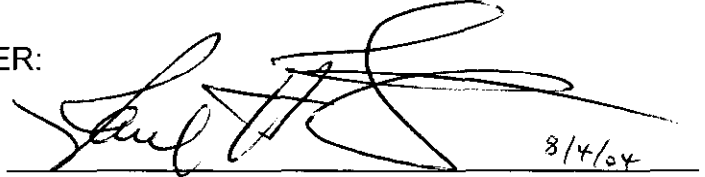
16. **POSSESSION:** SELLER warrants that there are no parties in possession other than SELLER unless otherwise stated herein. SELLER agrees to deliver possession of Property to BUYER at time of closing unless otherwise stated herein.

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.

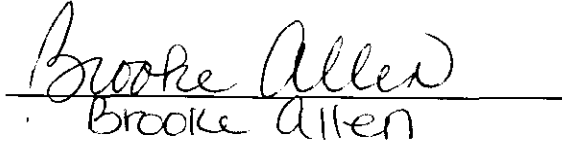
18. **SPECIAL CONDITIONS:** Any and all special conditions will be attached to this Agreement and signed by all parties to this Agreement.

WITNESSES:

SELLER:

 8/4/04

Paul H. Freeman, Trustee (DATE)


Brooke Allen

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)

SPECIAL CONDITIONS

1. The BUYER recognizes that the Property being acquired for the right of way is a part of the Villages of San Carlos DRI, which contains a master drainage system permitted by the South Florida Water Management District. If BUYER utilizes any of the aforesaid drainage system, BUYER agrees to maintain the permitted drainage flows, through the 60 foot drainage easement adjacent to and west of the I-75 right of way, upon the subject Property, and will not over burden the drainage system in a manner that will have the effect of reducing, diverting or diminishing the drainage system in any way which would **adversely** affect the drainage capabilities of properties located within the DRI. Additionally, the SELLER, and its successors in title, shall have the right to drain the DRI Property not acquired by the BUYER in a manner consistent with the master water management permit obtained from the South Florida Water Management

2. BUYER agrees to allow SELLER, and or any successors in title or interest to the real Property adjacent to the subject Property, as described in EXHIBIT "A", the right to place a berm and/or landscaping, partially or wholly, within the eastern portion of the right of way that is not used for roadway, sidewalks, water collections, swales or drainage, along Three Oaks Parkway. However, **prior to installation**, these encroachments and the slope of the berm must be approved by the Lee County Department of Transportation. If, at a later time, the aforementioned area is needed for any roadway improvements, including, but not limited to, sidewalks, paving, water collection, swales, drainage, or for any subsurface, surface or above surface roadway uses, BUYER may remove, without any obligation to correct, repair, replace or make payment for, that portion of the berm and/or landscaping within the right of way.

WITNESSES:

SELLER:



Paul H. Freeman, Trustee (DATE)

8/4/04

Brooke Allen
Brooke Allen

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)

PARCEL 115

A portion of the lands described in Official Record Book 1248, Page 809, of the public records of Lee County, Florida, lying in Sections 10 and 15, Township 46 South, Range 25 East, Lee County Florida, being more particularly described as follows:

COMMENCE at the south 1/4 corner of Section 10 being a 4" X 4" concrete monument with no identification; thence N 89°42'00" E along the south line of said Section 10, 877.98 feet to survey base line station 277+94.41 of Three Oaks Parkway per Lee County Project No. CN-02-06 (Three Oaks Parkway Project Right of Way Maps); thence continue N 89°42'00" E along the south line of said Section 10, 50.53 feet to a point on the existing easterly right of way line Three Oaks Parkway per Lee County Department of Transportation Corlico Parkway project 84-026; thence continue N 89°42'00" E along the south line of said Section 10, 50.49 feet to a point on a non-tangent curve concave southwesterly on the proposed easterly right of way line Three Oaks Parkway per Lee County Project No. CN-02-06 said point lying 100.00 feet right of survey base line station 277+80.64 and being the POINT OF BEGINNING; thence along said proposed easterly right of way line and curve to the left, having a radius of 1270.00 feet, a delta angle of 05°12'25", the chord for which bears N 10°44'00" W, a chord distance of 115.38 feet, an arc distance of 115.42 feet to a point lying 100.00 feet right of survey base line station 278+86.98; thence N 76°39'47" E, along said proposed easterly right of way line 387.73 feet to the existing limited access right of way line of I-75 (S.R. 93) per section 12075-2402 lying 487.72 feet right of Three Oaks Parkway per Lee county Department of Transportation project No. CN-02-06 survey base line station 278+86.98; thence S 14°13'19" E along said existing limited access right of way line, 207.02 feet to the south line of said section 10; thence continue S 14°13'19" E along said existing limited access right of way line, 102.49 feet; thence departing said existing limited access right of way line, S 87°12'07" W, 421.07 feet to a point on a non-tangent curve concave southwesterly on the proposed easterly right of way line Three Oaks Parkway per Lee County Project No. CN-02-06 said point lying 100.00 feet right of survey base line station 276+71.61; thence along said proposed easterly right of way line and along said curve to the left, having a radius of 1270.00 feet, a delta angle of 05°20'23", the chord for which bears N 05°27'36" W, a chord distance of 118.31 feet, an arc distance of 118.36 feet to the POINT OF BEGINNING.

Said lands contain 2.482 acres, more or less

NOTE:

BEARINGS SHOWN HEREON ARE BASED UPON THE SOUTH LINE OF SECTION 10 HAVING A BEARING OF N 89°42'00" E FROM THE SOUTH 1/4 CORNER OF SECTION 10 BEING A CONCRETE MONUMENT 4"X4" (NO ID) TO THE SOUTHWEST CORNER OF SECTION 11 BEING A P.K. NAIL AND DISK STAMPED "LB 3114"

THIS LEGAL DESCRIPTION AND SKETCH IS BASED UPON A RIGHT OF WAY MAP FOR L.C.D.O.T. PROJECT CN-02-06 PREPARED BY AIM ENGINEERING AND SURVEYING INC.

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

PREPARED BY:
AIM ENGINEERING & SURVEYING, INC.

[Signature] 5/14/04
BOB L. POTTER, P.S.M. DATE
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5688

THIS IS NOT A SURVEY SHEET 1 OF 2

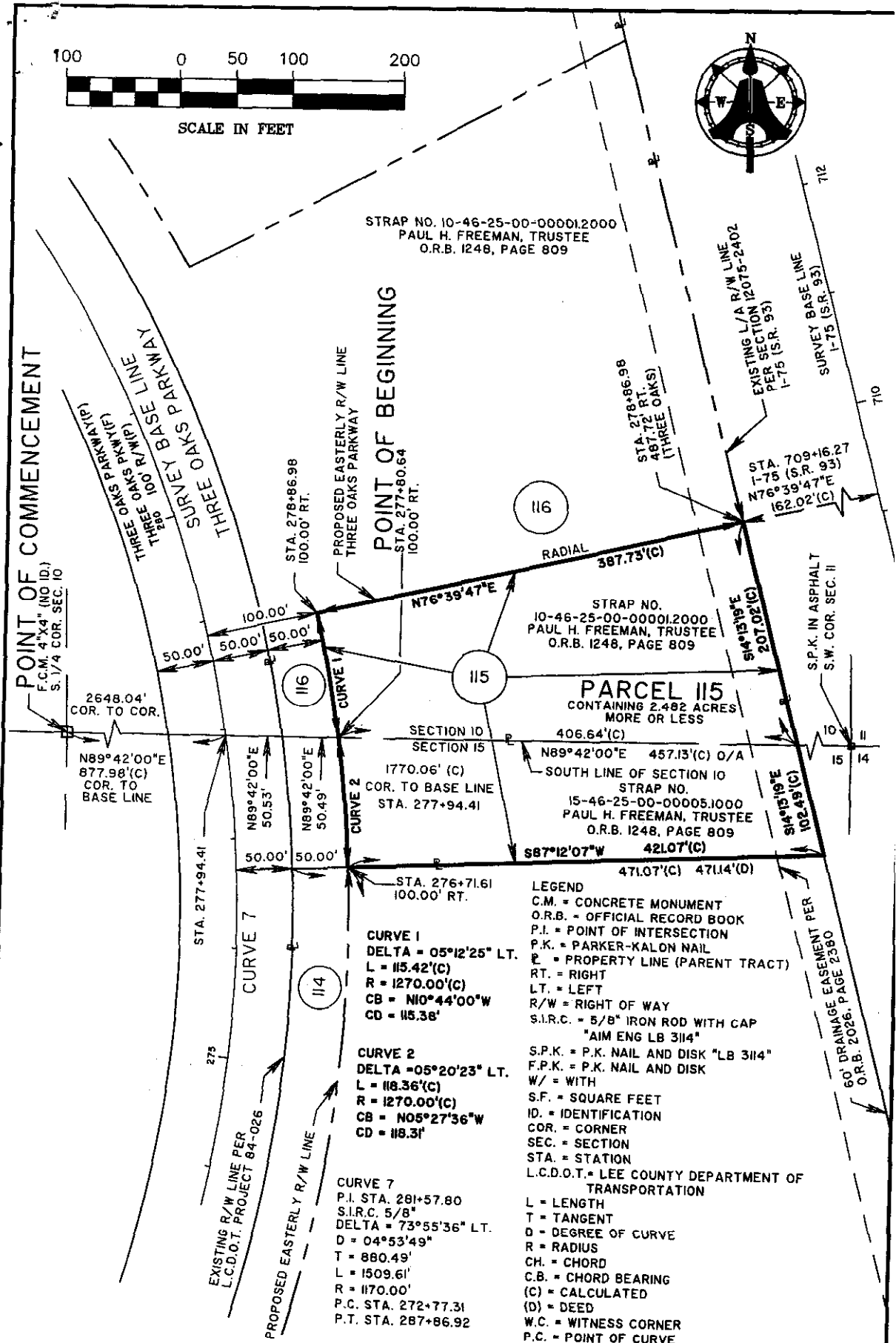
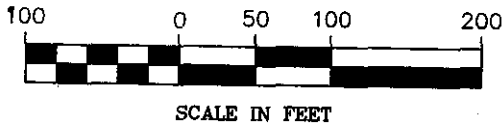
AIM Engineering & Surveying, Inc.



5300 LEE BLVD.
P.O. BOX 1235
LEHIGH ACRES
FLORIDA 33970
239/332-4569
FX:239/332-8734

Licensed Business Number 3114

PROJECT NUMBER: 02-8240	DESCRIPTION: THREE OAKS PARKWAY LEE COUNTY PROJECT NUMBER CN-02-06	LEGAL AND SKETCH PARCEL 115	
DRAWN BY: LWC	CLIENT: LEE COUNTY	FILE: PARCEL 115	COUNTY: LEE COUNTY
DATE: 5/6/04	SEC-TWP-RGE 10 & 15-46S-25E		



LEGEND
 C.M. = CONCRETE MONUMENT
 O.R.B. = OFFICIAL RECORD BOOK
 P.I. = POINT OF INTERSECTION
 P.K. = PARKER-KALON NAIL
 P.L. = PROPERTY LINE (PARENT TRACT)
 RT. = RIGHT
 LT. = LEFT
 R/W = RIGHT OF WAY
 S.I.R.C. = 5/8" IRON ROD WITH CAP
 "AIM ENG LB 3114"
 S.P.K. = P.K. NAIL AND DISK "LB 3114"
 F.P.K. = P.K. NAIL AND DISK
 W/ = WITH
 S.F. = SQUARE FEET
 ID. = IDENTIFICATION
 COR. = CORNER
 SEC. = SECTION
 STA. = STATION
 L.C.D.O.T. = LEE COUNTY DEPARTMENT OF TRANSPORTATION
 L = LENGTH
 T = TANGENT
 D = DEGREE OF CURVE
 R = RADIUS
 CH. = CHORD
 C.B. = CHORD BEARING
 (C) = CALCULATED
 (D) = DEED
 W.C. = WITNESS CORNER
 P.C. = POINT OF CURVE
 P.T. = POINT OF TANGENT
 L/A = LIMITED ACCESS

AIM Engineering & Surveying, Inc.
 5300 LEE BLVD.
 P.O. BOX 1235
 LEHIGH ACRES
 FLORIDA 33970
 239/332-4569
 FX:239/332-8734
 Licensed Business Number 3114

PROJECT NUMBER: 02-8240		DESCRIPTION: LEGAL AND SKETCH PARCEL 115 THREE OAKS PARKWAY LEE COUNTY PROJECT NUMBER CN-02-06	
DRAWN BY: LWC		CLIENT: LEE COUNTY	
DATE: 5/6/04	SEC-TWP-RGE: 10 & 15-46S-25E	FILE: PARCEL 115	COUNTY: LEE COUNTY

THIS IS NOT A SURVEY SHEET 2 OF 2

Exhibit "A"

Page 3 of 4

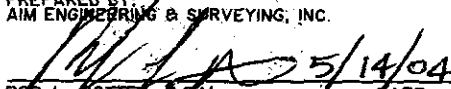
PARCEL 116
 A portion of the lands described in Official Record Book 1248, Page 809, of the public records of Lee County, Florida, lying in Sections 10 and 15, Township 46 South, Range 25 East, Lee County Florida, being more particularly described as follows:

COMMENCE at the south 1/4 corner of Section 10 being a 4" X 4" concrete monument with no identification; thence N 89°42'00" E along the south line of said Section 10, 877.98 feet to survey base line station 277+94.41 of Three Oaks Parkway per Lee County Project No. CN-02-06 (Three Oaks Parkway Project Right of Way Maps); thence continue N 89°42'00" E along the south line of said Section 10, 50.53 feet to a point on the existing easterly right of way line Three Oaks Parkway per Lee County Department of Transportation Corlico Parkway project 84-026; thence continue N 89°42'00" E along the south line of said Section 10, 50.49 feet to a point on a non-tangent curve concave southwesterly lying on the proposed easterly right of way line Three Oaks Parkway per Lee County Project No. CN-02-06 said point lying 100.00 feet right of survey base line station 277+80.64 and being the POINT OF BEGINNING; thence southerly along said proposed easterly right of way line and along said curve to the right, having a radius of 1270.00 feet, a delta angle of 05°20'23", the chord for which bears S 05°27'36" E, a chord distance of 118.31 feet, an arc distance of 118.36 feet to a point lying 100.00 feet right of survey base line station 276+71.61; thence S 87°12'07" W, 50.00 feet to a point on a non-tangent curve concave southwesterly lying on the existing easterly right of way line Three Oaks Parkway per Lee County Department of Transportation Corlico Parkway project 84-026; thence along said existing easterly right of way line and along said curve to the left, having a radius of 1220.00 feet, a delta angle of 05°39'48", the chord for which bears N 05°37'16" W, a chord distance of 120.54 feet, an arc distance of 120.59 feet to the south line of said Section 10; thence continue along said existing easterly right of way line and along said curve to the left, having a radius of 1220.00 feet, a delta angle of 48°57'19", the chord for which bears N 32°55'50" W, a chord distance of 1010.98 feet, an arc distance of 1042.40 feet to the point of tangency; thence N 57°24'29" W, along said existing easterly right of way, 452.14 feet to the point of curvature of a curve concave northeasterly; thence along said existing easterly right of way line and along said curve to the right, having a radius of 1120.00 feet, a delta angle of 01°32'24", the chord for which bears N 56°38'17" W, a chord distance of 30.10 feet, an arc distance of 30.10 feet to the north-south 1/4 Section line of said section 10; thence N 01°23'53" W along said fraction line, 62.19 feet to a point on a non-tangent curve concave northeasterly said point lies on the proposed easterly right of way line Three Oaks Parkway per Lee County Project No. CN-02-06 said point also lies 100.00 feet right of survey base line station 293+10.04; thence along said proposed easterly right of way line and said curve to the left, having a radius of 1070.00 feet, a delta angle of 03°28'32", the chord for which bears S 55°40'13" E, a chord distance of 64.89 feet, an arc distance of 64.90 feet to the point of tangency; thence S 57°24'29" E, along said proposed easterly right of way, 452.14 feet to the point of curvature of a curve concave southwesterly; thence along said proposed easterly right of way line and said curve to the right, having a radius of 1270.00 feet, a delta angle of 28°59'13", the chord for which bears S 42°54'52" E, a chord distance of 635.68 feet, an arc distance of 642.52 feet; thence N 61°34'44" E, along said proposed easterly right of way line 439.76 feet to the existing limited access right of way line per section 12075-2402 1-75 (S.R. 93) said point lying 539.76 feet right of Three Oaks Parkway per Lee county Department of Transportation project No. CN-02-06 survey base line station 281+95.00; thence S 14°13'19" E along said proposed right of way line and said existing limited access right of way line, 445.00 feet to a point lying 487.72 feet right of survey base line station 278+86.98; thence departing said existing limited access right of way line S 76°39'47" W, 387.73 feet to a point on a non-tangent curve concave southwesterly said point lying 100.00 feet right of survey base line station 278+86.98; thence along said proposed easterly right of way line and along said curve to the right, having a radius of 1270.00 feet, a delta angle of 05°12'25", the chord for which bears S 10°44'00" E, a chord distance of 115.38 feet, an arc distance of 115.42 feet to the POINT OF BEGINNING.

Said lands contain 5.528 acres, more or less


NOTE:
 BEARINGS SHOWN HEREON ARE BASED UPON THE SOUTH LINE OF SECTION 10 HAVING A BEARING OF N 89°42'00" E FROM THE SOUTH 1/4 CORNER BEING A CONCRETE MONUMENT 4"X4" (NO ID) TO THE SOUTHEAST CORNER SECTION 10 BEING A P.K. NAIL AND DISK STAMPED "LB 3114"

THIS LEGAL DESCRIPTION AND SKETCH IS BASED UPON A RIGHT OF WAY MAP FOR L.C.D.O.T. PROJECT CN-02-06 PREPARED BY AIM ENGINEERING AND SURVEYING INC.

PREPARED BY:
 AIM ENGINEERING & SURVEYING, INC.

 BOB L. POTTER, P.S.M. DATE 5/14/04
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA CERTIFICATE NO. 5688

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

AIM Engineering & Surveying, Inc.
 5300 LEE BLVD.
 P.O. BOX 1235
 LEHIGH ACRES
 FLORIDA 33970
 239/332-4569
 FX:239/332-8734
 Licensed Business Number 3114

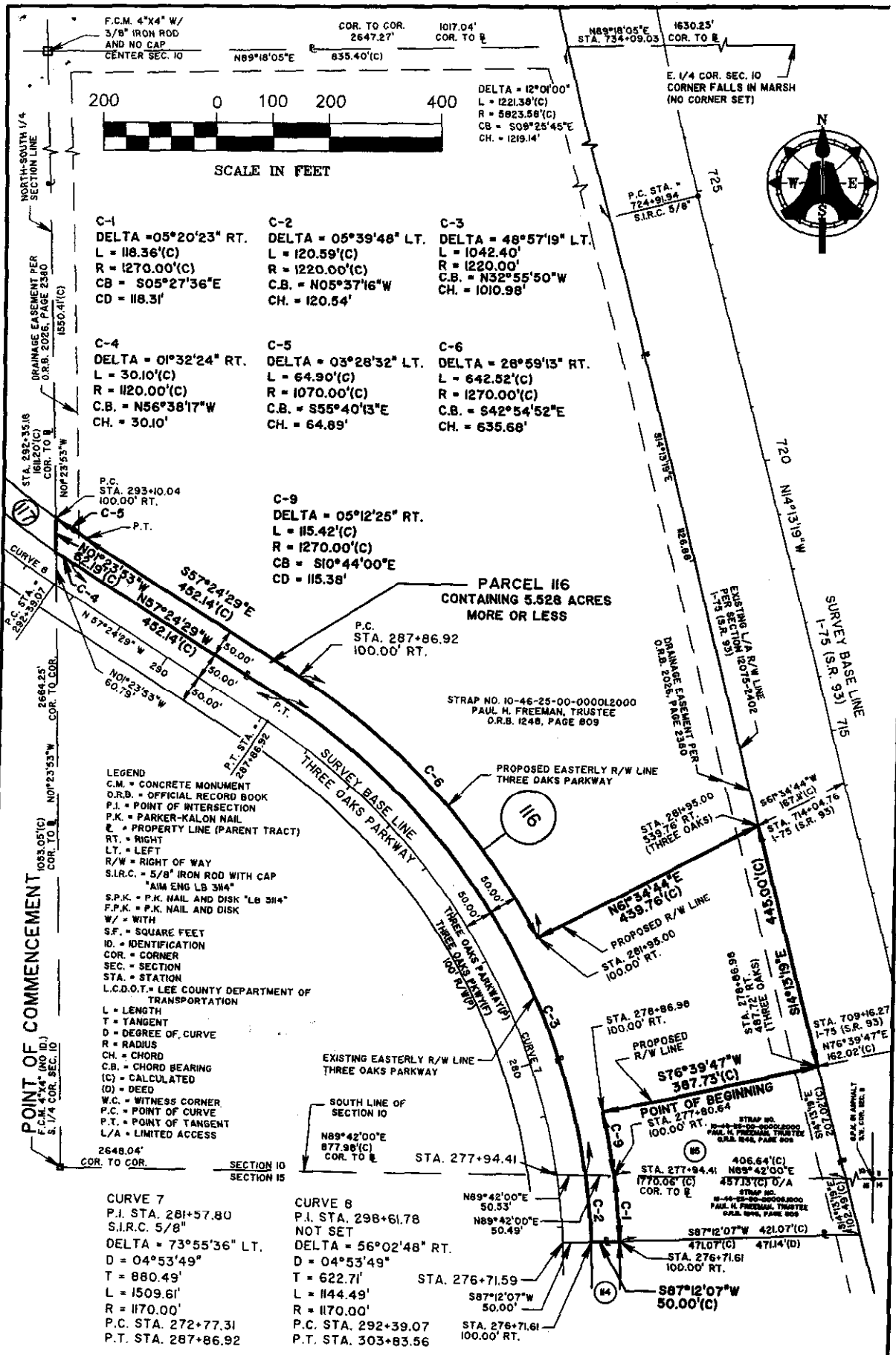


THIS IS NOT A SURVEY SHEET 1 OF 2

PROJECT NUMBER: 02-8240	DESCRIPTION: THREE OAKS PARKWAY LEE COUNTY PROJECT NUMBER CN-02-06	LEGAL AND SKETCH PARCEL 116	
DRAWN BY: LWC	CLIENT: LEE COUNTY		
DATE: 5/7/04	SEC-TWP-RGE 10 & 15-46S-25E	FILE: PARCEL 116	COUNTY: LEE COUNTY

Exhibit "A"

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SCALE IN FEET

- C-1 DELTA = 05°20'23" RT. L = 118.36'(C) R = 1270.00'(C) CB = S05°27'36"E CH = 118.31'
- C-2 DELTA = 05°39'48" LT. L = 120.59'(C) R = 1220.00'(C) C.B. = N05°37'16"W CH = 120.54'
- C-3 DELTA = 48°57'19" LT. L = 1042.40' R = 1220.00' C.B. = N32°55'50"W CH = 1010.98'
- C-4 DELTA = 01°32'24" RT. L = 30.10'(C) R = 1120.00'(C) C.B. = N56°38'17"W CH = 30.10'
- C-5 DELTA = 03°28'32" LT. L = 64.90'(C) R = 1070.00'(C) C.B. = S55°40'13"E CH = 64.89'
- C-6 DELTA = 28°59'13" RT. L = 642.52'(C) R = 1270.00'(C) C.B. = S42°54'52"E CH = 635.68'
- C-9 DELTA = 05°12'25" RT. L = 115.42'(C) R = 1270.00'(C) CB = S10°44'00"E CH = 115.38'

LEGEND
 C.M. = CONCRETE MONUMENT
 O.R.B. = OFFICIAL RECORD BOOK
 P.I. = POINT OF INTERSECTION
 P.K. = PARKER-KALON NAIL
 P.L. = PROPERTY LINE (PARENT TRACT)
 RT. = RIGHT
 LT. = LEFT
 R/W = RIGHT OF WAY
 S.I.R.C. = 5/8" IRON ROD WITH CAP
 "AM ENG LB 3/4"
 S.P.K. = P.K. NAIL AND DISK "LB 3/4"
 F.P.K. = P.K. NAIL AND DISK
 W/ = WITH
 S.F. = SQUARE FEET
 ID. = IDENTIFICATION
 COR. = CORNER
 SEC. = SECTION
 STA. = STATION
 L.C.D.O.T. = LEE COUNTY DEPARTMENT OF TRANSPORTATION
 L = LENGTH
 T = TANGENT
 D = DEGREE OF CURVE
 R = RADIUS
 CH = CHORD
 C.B. = CHORD BEARING
 (C) = CALCULATED
 (D) = DEED
 W.C. = WITNESS CORNER
 P.C. = POINT OF CURVE
 P.T. = POINT OF TANGENT
 L/A = LIMITED ACCESS

CURVE 7
 P.I. STA. 281+57.80
 S.I.R.C. 5/8"
 DELTA = 73°55'36" LT.
 D = 04°53'49"
 T = 880.49'
 L = 1509.61'
 R = 1170.00'
 P.C. STA. 272+77.31
 P.T. STA. 287+86.92

CURVE 8
 P.I. STA. 298+61.78
 NOT SET
 DELTA = 56°02'48" RT.
 D = 04°53'49"
 T = 622.71'
 L = 1144.49'
 R = 1170.00'
 P.C. STA. 292+39.07
 P.T. STA. 303+83.56

AIM Engineering & Surveying, Inc.
 5300 LEE BLVD.
 P.O. BOX 1235
 LEHIGH ACRES
 FLORIDA 33970
 239/332-4569
 FX:239/332-8734
 Licensed Business Number 3114

THIS IS NOT A SURVEY SHEET 2 OF 2

PROJECT NUMBER: 02-8240	DESCRIPTION: LEGAL AND SKETCH PARCEL 116 THREE OAKS PARKWAY LEE COUNTY PROJECT NUMBER CN-02-06
DRAWN BY: LWC	CLIENT: LEE COUNTY
DATE: 5/7/04	SEC-TWP-RGE: 10 & 15-46S-25E
FILE: PARCEL 116	COUNTY: LEE COUNTY

This document prepared by
County Lands Division
Project: Three Oaks Parkway Widening, No. 4081
Parcel: 117
STRAP Nos.: Part of Section 10-46-25-00-00001.2000 and 10-46-25-00-00004.0000

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY
AGREEMENT FOR PURCHASE AND SALE OF REAL ESTATE
IN LIEU OF CONDEMNATION PROCEEDINGS

THIS AGREEMENT for purchase and sale of real property is made this 4th day of August, 2004 by and between Paul H. Freeman, Trustee, hereinafter referred to as SELLER, whose address is 19091 Tamiami Trail, SE, Fort Myers, Florida 33908, 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 1.914 acres more or less, and located along Three Oaks Parkway in South Fort Myers, Florida, and more particularly described in "Exhibit A" attached hereto and made a part hereof, hereinafter called "the Property." The Property is being acquired for the Three Oaks Parkway Widening Project, hereinafter called "the Project", with the SELLER'S understanding that the Property, if not voluntarily sold, would have been condemned by BUYER through the exercise of its eminent domain powers.
- 2. PURCHASE PRICE AND TIME OF PAYMENT:** The total purchase price ("Purchase Price") will be Two Hundred Thirty Nine Thousand Two Hundred and Fifty Dollars (\$ 239,250.00), payable at closing by County warrant. The Purchase Price is mutually agreeable to both the SELLER and BUYER and represents the voluntary sale and purchase of the Property in lieu of BUYER's condemnation.
- 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 \$239,250.00, 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 in its then "as is" condition ~~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) utility services up to, but not including the date of closing;
 - (c) taxes or assessments for which a bill has been rendered on or before the date of closing;
 - (d) payment of partial release of mortgage fees, if any;
 - (e) 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. 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 BUYER.
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 such 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 and/or covenants of this Agreement, upon notice to the SELLER, the BUYER may elect to treat such discrepancies, violations and/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 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. 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 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.

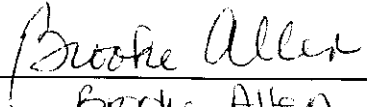
18. **SPECIAL CONDITIONS:** Any and all special conditions will be attached to this Agreement and signed by all parties to this Agreement.

WITNESSES:

SELLER:



Paul H. Freeman, Trustee (DATE) 8/4/04



Brooke Allen

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)

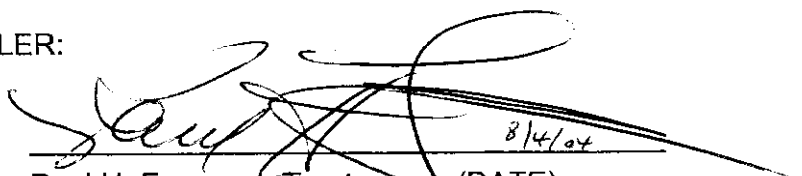
SPECIAL CONDITIONS


1. 1. The Buyer recognizes that the Property being acquired for the right of way is a part of the Alico Interchange Park DRI, which contains a master drainage system permitted by the South Florida Water Management District. If BUYER utilizes any of the aforesaid drainage system, BUYER agrees to maintain the permitted drainage flows, upon the subject Property, and will not over burden the drainage system in a manner that will have the effect of reducing, diverting or diminishing the drainage system in any way which would adversely affect the drainage capabilities of properties located within the DRI. Additionally, the SELLER, and its successors in title, shall have the right to drain the DRI Property not acquired by the BUYER in a manner consistent with the master water management permit obtained from the South Florida Water Management District.

2. BUYER agrees to allow SELLER, and or any successors in title or interest to the real Property adjacent to the subject Property, as described in EXHIBIT "A", the right to place a berm and/or landscaping, partially or wholly, within the eastern portion of the right of way that is not used for roadway, sidewalks, water collections, swales or drainage, along Three Oaks Parkway. However, prior to installation, these encroachments and the slope of the berm must be approved by the Lee County Department of Transportation. If, at a later time, the aforementioned area is needed for any roadway improvements, including, but not limited to, sidewalks, paving, water collection, swales, drainage, or for any subsurface, surface or above surface roadway uses, BUYER may remove, without any obligation to correct, repair, replace or make payment for, that portion of the berm and/or landscaping within the right of way.

WITNESSES:

SELLER:


Paul H. Freeman, Trustee (DATE) 8/4/04


Brooke Allen

CHARLIE GREEN, CLERK

BUYER:

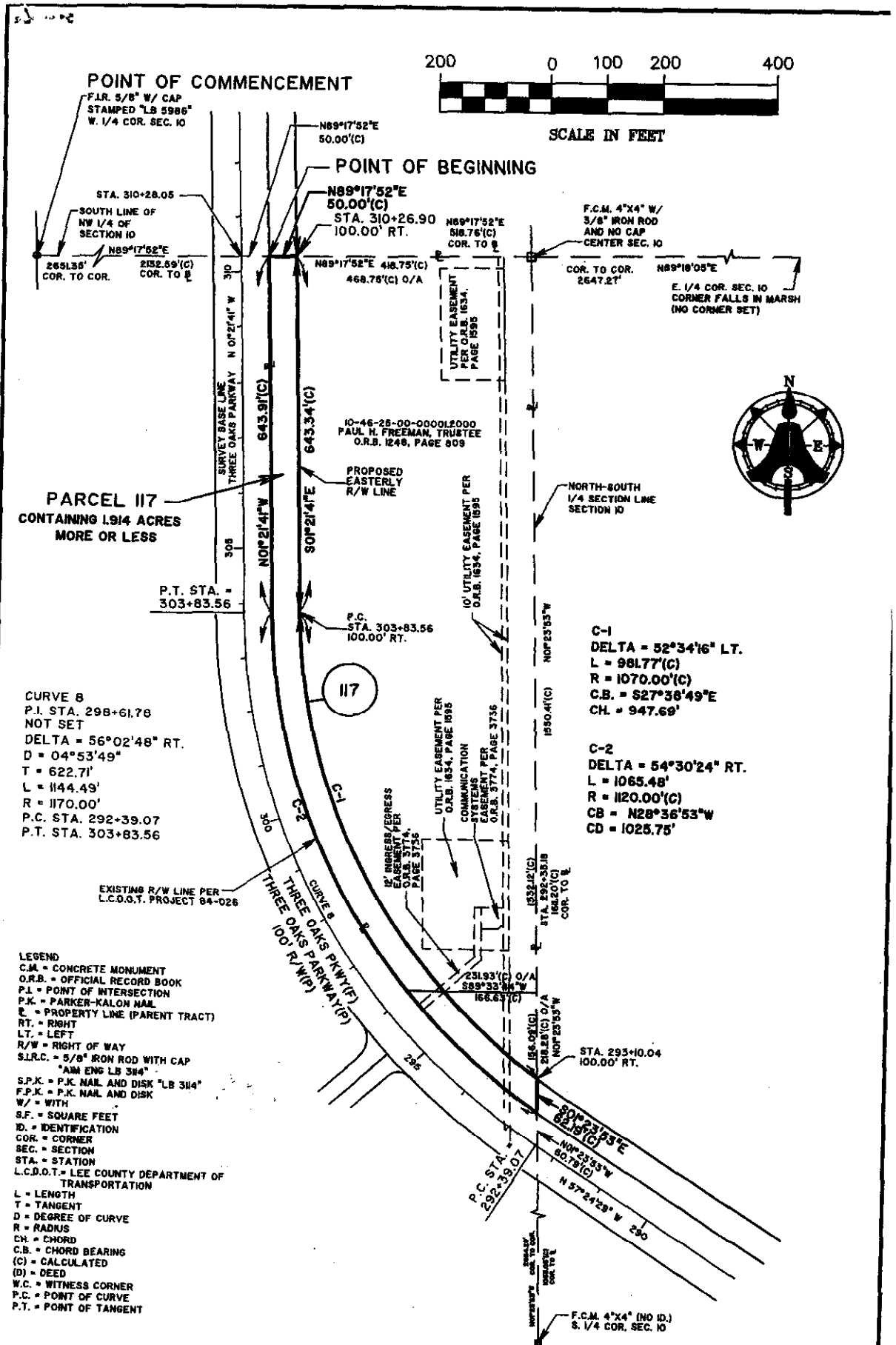
LEE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

BY: _____
DEPUTY CLERK (DATE)

BY: _____
CHAIRMAN OR VICE CHAIRMAN

APPROVED AS TO LEGAL FORM
AND SUFFICIENCY

COUNTY ATTORNEY (DATE)



LEGEND
 C.M. = CONCRETE MONUMENT
 O.R.B. = OFFICIAL RECORD BOOK
 P.I. = POINT OF INTERSECTION
 P.K. = PARKER-KALON NAIL
 E. = PROPERTY LINE (PARENT TRACT)
 RT. = RIGHT
 LT. = LEFT
 R/W = RIGHT OF WAY
 S.I.R.C. = 5/8" IRON ROD WITH CAP
 "AM ENG LB 384"
 S.P.K. = P.K. NAIL AND DISK "LB 314"
 F.P.K. = P.K. NAIL AND DISK
 W/ = WITH
 S.F. = SQUARE FEET
 ID. = IDENTIFICATION
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 L.C.D.O.T. = LEE COUNTY DEPARTMENT OF TRANSPORTATION
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AIM Engineering & Surveying, Inc.
 5300 LEE BLVD.
 P.O. BOX 1235
 LEHIGH ACRES
 FLORIDA 33970
 239/332-4569
 FX:239/332-8734
 Licensed Business Number 3114

THIS IS NOT A SURVEY SHEET 2 OF 2

PROJECT NUMBER: 02-8240	DESCRIPTION: LEGAL AND SKETCH PARCEL 117 THREE OAKS PARKWAY LEE COUNTY PROJECT NUMBER CN-02-06
DRAWN BY: LWC	CLIENT: LEE COUNTY
DATE: 5/7/04	SEC-TWP-RGE: 10-46S-25E
FILE: PARCEL 117	COUNTY: LEE COUNTY

PARCEL 117

A portion of the lands described in Official Record Book 1248, Page 809, of the public records of Lee County, Florida, lying in Section 10, Township 46 South, Range 25 East, Lee County Florida, being more particularly described as follows:

COMMENCE at the west 1/4 corner of Section 10 being a 5/8" iron rod with cap stamped "LB 5986"; thence N 89°17'52" E along the south line of the northwest 1/4 of said Section 10, 2132.59 feet to survey base line station 310+28.05 of Three Oaks Parkway per Lee County Project No. CN-02-06 (Three Oaks Parkway Project Right of Way Maps); thence continue N 89°17'52" E along said south line, 50.00 feet to a point on the existing easterly right of way line Three Oaks Parkway per Lee County Department of Transportation Corlico Parkway project 84-026 being the POINT OF BEGINNING; thence continue N 89°17'52" E along said south line, 50.00 feet to a point on the proposed easterly right of way line of Three Oaks Parkway per Lee County Project No. CN-02-06, said point lying 100.00 feet right of survey base line station 310+26.90; thence S 01°21'41" E along said proposed easterly right of way line, 643.34 feet to the point of curvature of a curve concave northeasterly; thence along said proposed easterly right of way line and said curve to the left, having a radius of 1070.00 feet, a delta angle of 52°34'16", the chord for which bears S 27°38'49" E, a chord distance of 947.69 feet, an arc distance of 981.77 feet, to the north-south 1/4 section line of said section 10 said point lying 100.00 feet right of survey base line station 293+10.04; thence S 01°23'53" E along said fraction line, 62.19 feet to a point on a non-tangent curve concave northeasterly LYING on the existing easterly right of way line Three Oaks Parkway per Lee County Department of Transportation Corlico Parkway project 84-026; thence along said existing easterly right of way line and said curve to the right, having a radius of 1120.00 feet, a delta angle of 54°30'24", the chord for which bears N 28°36'53" W, a chord distance of 1025.75 feet, an arc distance of 1065.48 feet; thence continue along said existing easterly right of way line, N 01°21'41" W, 643.91 feet to the POINT OF BEGINNING.

Said lands contain 1.914 acres, more or less

NOTE:

BEARINGS SHOWN HEREON ARE BASED UPON THE NORTH LINE OF THE SOUTHWEST 1/4 OF SECTION 10 HAVING A BEARING OF N 89°17'52" E FROM THE WEST 1/4 CORNER BEING A IRON ROD 5/8" WITH CAP STAMPED "LB 5986" TO THE CENTER OF SECTION 10 BEING A CONCRETE MONUMENT 4"X4" WITH 3/8" IRON ROD (NO CAP).

THIS LEGAL DESCRIPTION AND SKETCH IS BASED UPON A RIGHT OF WAY MAP FOR L.C.D.O.T. PROJECT CN-02-06 PREPARED BY AIM ENGINEERING AND SURVEYING INC.

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

PREPARED BY:
AIM ENGINEERING & SURVEYING, INC.

[Signature] 5/14/04
BOB L. POTTER, P.S.M. DATE
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5688

AIM Engineering & Surveying, Inc.



5300 LEE BLVD.
P.O. BOX 1235
LEHIGH ACRES
FLORIDA 33970
239/332-4569
FX:239/332-8734

Licensed Business Number 3114

THIS IS NOT A SURVEY SHEET 1 OF 2

PROJECT NUMBER: 02-8240	DESCRIPTION: THREE OAKS PARKWAY LEE COUNTY PROJECT NUMBER CN-02-06	LEGAL AND SKETCH PARCEL 117	
DRAWN BY: LWC	CLIENT: LEE COUNTY		
DATE: 5/7/04	SEC-TWP-RGE 10-46S-25E	FILE: PARCEL 117	COUNTY: LEE COUNTY

Parcel: 115 & 116
STRAP: 15-46-25-00-00005.1000
Project: Three Oaks Parkway Widening, No. 4081

AFFIDAVIT OF INTEREST IN REAL PROPERTY

THIS AFFIDAVIT OF INTEREST IN REAL PROPERTY is made and entered this 4th day of August, 2007 for the sole purpose of compliance with Section 286.23 of the Florida Statutes.

The undersigned hereby swears and affirms under oath, subject to the penalties prescribed for perjury, that the following is true:

The Name and Address of the Grantor is:

Paul H. Freeman, Trustee
19091 Tamiami Trail, SE, Fort Myers, FL 33908

The name(s) and address(es) of every person having a beneficial interest in real property that will be conveyed to Lee County are:

1. Paul H. Freeman 19091 Tamiami Trail SE Fort Myers, FL 33908
2. Alan C. Freeman " " "
3. Neil D. Freeman " " "
4. _____
5. _____
6. _____

The real property to be conveyed to Lee County is known as: See EXHIBIT "A" attached hereto and made a part hereof

FURTHER AFFIANT SAYETH NAUGHT.

Signed, sealed and delivered
in our presences:

Brooke Allen
Witness Signature B

Brooke Allen
Printed Name

Alan C. Freeman
Witness Signature

Alan C. Freeman
Printed Name

Paul H. Freeman
Signature of Affiant

Paul H. Freeman
Printed Name

Affidavit of Interest in Real Property
Parcel: 115 & 116
STRAP: 15-46-25-00-00005.1000
Project: Three Oaks Parkway Widening, No. 4081

STATE OF Florida

COUNTY OF Lee

SWORN TO AND SUBSCRIBED before me this 4 day of August, 2004 by PAUL H. Freeman
(name of person acknowledged)



Brooke S Allen
My Commission DD104505
Expires March 28, 2006

(SEAL)

Brooke S. Allen
(Notary Signature)

(Print, type or stamp name of Notary)

Personally known _____
OR Produced Identification _____
Type of Identification _____

PARCEL 115

A portion of the lands described in Official Record Book 1248, Page 809, of the public records of Lee County, Florida, lying in Sections 10 and 15, Township 46 South, Range 25 East, Lee County Florida, being more particularly described as follows:

COMMENCE at the south 1/4 corner of Section 10 being a 4" X 4" concrete monument with no identification; thence N 89°42'00" E along the south line of said Section 10, 877.98 feet to survey base line station 277+94.41 of Three Oaks Parkway per Lee County Project No. CN-02-06 (Three Oaks Parkway Project Right of Way Maps); thence continue N 89°42'00" E along the south line of said Section 10, 50.53 feet to a point on the existing easterly right of way line Three Oaks Parkway per Lee County Department of Transportation Corlica Parkway project 84-026; thence continue N 89°42'00" E along the south line of said Section 10, 50.49 feet to a point on a non-tangent curve concave southwesterly on the proposed easterly right of way line Three Oaks Parkway per Lee County Project No. CN-02-06 said point lying 100.00 feet right of survey base line station 277+80.64 and being the POINT OF BEGINNING; thence along said proposed easterly right of way line and curve to the left, having a radius of 1270.00 feet, a delta angle of 05°12'25", the chord for which bears N 10°44'00" W, a chord distance of 115.38 feet, an arc distance of 115.42 feet to a point lying 100.00 feet right of survey base line station 278+86.98; thence N 76°39'47" E, along said proposed easterly right of way line 387.73 feet to the existing limited access right of way line of I-75 (S.R. 93) per section 12075-2402 lying 487.72 feet right of Three Oaks Parkway per Lee county Department of Transportation project No. CN-02-06 survey base line station 278+86.98; thence S 14°13'19" E along said existing limited access right of way line, 207.02 feet to the south line of said section 10; thence continue S 14°13'19" E along said existing limited access right of way line, 102.49 feet; thence departing said existing limited access right of way line, S 87°12'07" W, 421.07 feet to a point on a non-tangent curve concave southwesterly on the proposed easterly right of way line Three Oaks Parkway per Lee County Project No. CN-02-06 said point lying 100.00 feet right of survey base line station 276+71.61; thence along said proposed easterly right of way line and along said curve to the left, having a radius of 1270.00 feet, a delta angle of 05°20'23", the chord for which bears N 05°27'36" W, a chord distance of 118.31 feet, an arc distance of 118.36 feet to the POINT OF BEGINNING.

Said lands contain 2.482 acres, more or less

NOTE:

BEARINGS SHOWN HEREON ARE BASED UPON THE SOUTH LINE OF SECTION 10 HAVING A BEARING OF N 89°42'00" E FROM THE SOUTH 1/4 CORNER OF SECTION 10 BEING A CONCRETE MONUMENT 4"X4" (NO ID) TO THE SOUTHWEST CORNER OF SECTION 11 BEING A P.K. NAIL AND DISK STAMPED "LB 3114"

THIS LEGAL DESCRIPTION AND SKETCH IS BASED UPON A RIGHT OF WAY MAP FOR L.C.D.O.T. PROJECT CN-02-06 PREPARED BY AIM ENGINEERING AND SURVEYING INC.

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

PREPARED BY:
AIM ENGINEERING & SURVEYING, INC.

[Signature] 5/14/04
BOB L. POTTER, P.S.M. DATE
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5688

THIS IS NOT A SURVEY SHEET 1 OF 2

AIM Engineering & Surveying, Inc.



5300 LEE BLVD.
P.O. BOX 1235
LEHIGH ACRES
FLORIDA 33970
239/332-4569
FX:239/332-8734

Licensed Business Number 3114

PROJECT NUMBER: 02-8240	DESCRIPTION: THREE OAKS PARKWAY LEE COUNTY PROJECT NUMBER CN-02-06	LEGAL AND SKETCH PARCEL 115	
DRAWN BY: LWC	CLIENT: LEE COUNTY		
DATE: 5/8/04	SEC-TWP-RSE: 10 & 15-46S-25E	FILE: PARCEL 115	COUNTY: LEE COUNTY



AIM Engineering & Surveying, Inc.
 5300 LEE BLVD.
 P.O. BOX 1235
 LEHIGH ACRES
 FLORIDA 33970
 239/332-4569
 FX:239/332-8734
 Licensed Business Number 3114

DATE: 5/6/04	SEC-TWP-RGE: 10 & 15-46S-25E	FILE: PARCEL 115	COUNTY: LEE COUNTY
DRAWN BY: LMC	CLIENT: LEE COUNTY	PROJECT NUMBER: 02-8240	
DESCRIPTION: LEGAL AND SKETCH PARCEL 115 THREE OAKS PARKWAY LEE COUNTY PROJECT NUMBER CN-02-06			

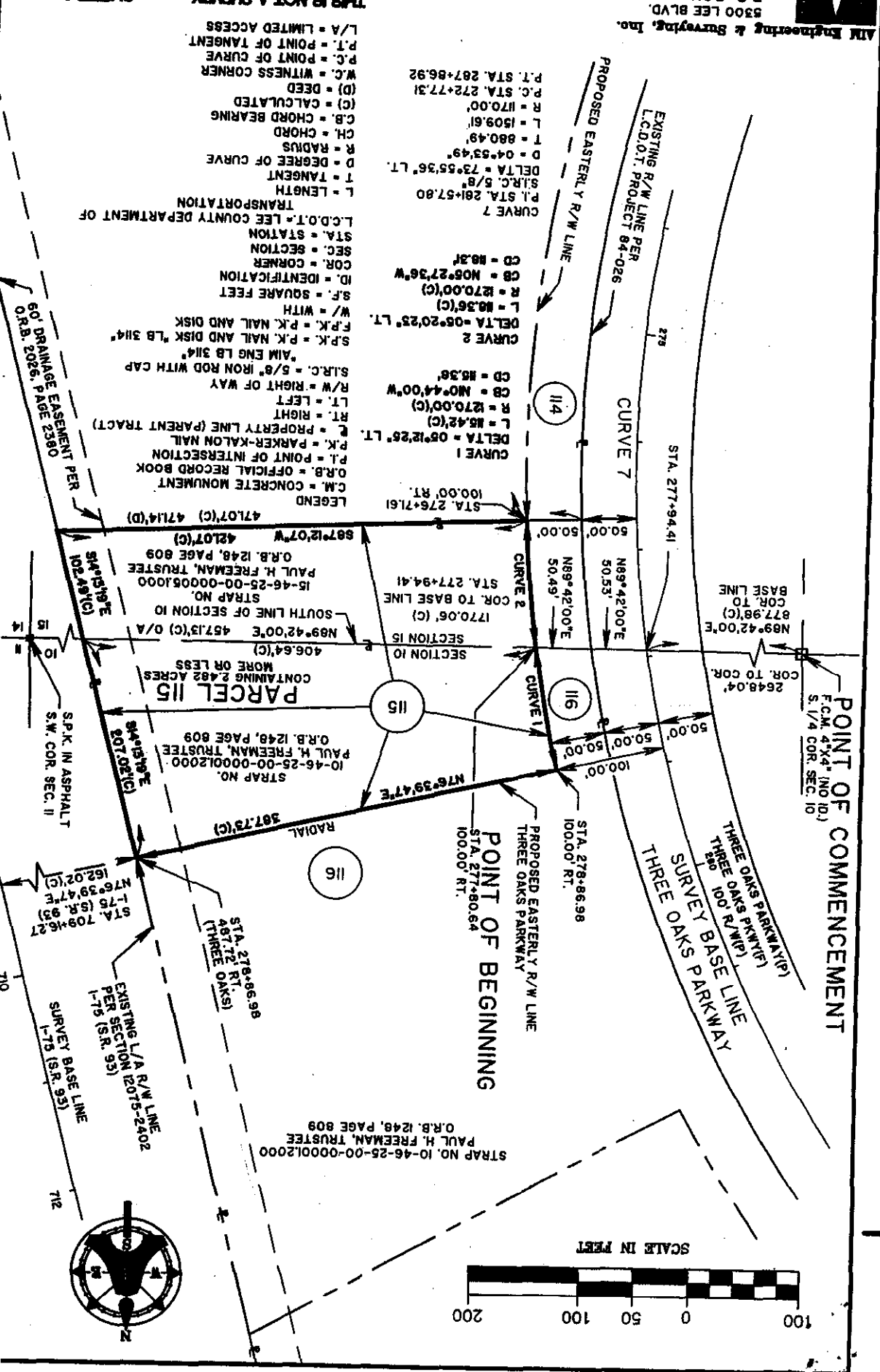


Exhibit "A"

Page 3 of 4

PARCEL 116

A portion of the lands described in Official Record Book 1248, Page 809, of the public records of Lee County, Florida, lying in Sections 10 and 15, Township 46 South, Range 25 East, Lee County Florida, being more particularly described as follows:

COMMENCE at the south 1/4 corner of Section 10 being a 4" X 4" concrete monument with no identification; thence N 89°42'00" E along the south line of said Section 10, 877.98 feet to survey base line station 277+94.41 of Three Oaks Parkway per Lee County Project No. CN-02-06 (Three Oaks Parkway Project Right of Way Maps); thence continue N 89°42'00" E along the south line of said Section 10, 50.53 feet to a point on the existing easterly right of way line Three Oaks Parkway per Lee County Department of Transportation Corlico Parkway project 84-026; thence continue N 89°42'00" E along the south line of said Section 10, 50.49 feet to a point on a non-tangent curve concave southwesterly lying on the proposed easterly right of way line Three Oaks Parkway per Lee County Project No. CN-02-06 said point lying 100.00 feet right of survey base line station 277+80.64 and being the POINT OF BEGINNING; thence southerly along said proposed easterly right of way line and along said curve to the right, having a radius of 1270.00 feet, a delta angle of 05°20'23", the chord for which bears S 05°27'36" E, a chord distance of 118.31 feet, an arc distance of 118.36 feet to a point lying 100.00 feet right of survey base line station 276+71.61; thence S 87°12'07" W, 50.00 feet to a point on a non-tangent curve concave southwesterly lying on the existing easterly right of way line Three Oaks Parkway per Lee County Department of Transportation Corlico Parkway project 84-026; thence along said existing easterly right of way line and along said curve to the left, having a radius of 1220.00 feet, a delta angle of 05°39'48", the chord for which bears N 05°37'16" W, a chord distance of 120.54 feet, an arc distance of 120.59 feet to the south line of said Section 10; thence continue along said existing easterly right of way line and along said curve to the left, having a radius of 1220.00 feet, a delta angle of 48°57'19", the chord for which bears N 32°55'50" W, a chord distance of 1010.98 feet, an arc distance of 1042.40 feet to the point of tangency; thence N 57°24'29" W, along said existing easterly right of way, 452.14 feet to the point of curvature of a curve concave northeasterly; thence along said existing easterly right of way line and along said curve to the right, having a radius of 1120.00 feet, a delta angle of 01°32'24", the chord for which bears N 56°38'17" W, a chord distance of 30.10 feet, an arc distance of 30.10 feet to the north-south 1/4 Section line of said section 10; thence N 01°23'53" W along said fraction line, 62.19 feet to a point on a non-tangent curve concave northeasterly said point lies on the proposed easterly right of way line Three Oaks Parkway per Lee County Project No. CN-02-06 said point also lies 100.00 feet right of survey base line station 293+10.04; thence along said proposed easterly right of way line and said curve to the left, having a radius of 1070.00 feet, a delta angle of 03°28'32", the chord for which bears S 55°40'13" E, a chord distance of 64.89 feet, an arc distance of 64.90 feet to the point of tangency; thence S 57°24'29" E, along said proposed easterly right of way, 452.14 feet to the point of curvature of a curve concave southwesterly; thence along said proposed easterly right of way line and said curve to the right, having a radius of 1270.00 feet, a delta angle of 28°59'13", the chord for which bears S 42°54'52" E, a chord distance of 635.68 feet, an arc distance of 642.52 feet; thence N 61°34'44" E, along said proposed easterly right of way line 439.76 feet to the existing limited access right of way line per section 12075-2402 1-75 (S.R. 93) said point lying 539.76 feet right of Three Oaks Parkway per Lee county Department of Transportation project No. CN-02-06 survey base line station 281+95.00; thence S 14°13'19" E along said proposed right of way line and said existing limited access right of way line, 445.00 feet to a point lying 487.72 feet right of survey base line station 278+86.98; thence departing said existing limited access right of way line S 76°39'47" W, 387.73 feet to a point on a non-tangent curve concave southwesterly said point lying 100.00 feet right of survey base line station 278+86.98; thence along said proposed easterly right of way line and along said curve to the right, having a radius of 1270.00 feet, a delta angle of 05°12'25", the chord for which bears S 10°44'00" E, a chord distance of 115.38 feet, an arc distance of 115.42 feet to the POINT OF BEGINNING.

Said lands contain 5.528 acres, more or less

NOTE:

BEARINGS SHOWN HEREON ARE BASED UPON THE SOUTH LINE OF SECTION 10 HAVING A BEARING OF N 89°42'00" E FROM THE SOUTH 1/4 CORNER BEING A CONCRETE MONUMENT 4"X4" (NO ID) TO THE SOUTHEAST CORNER SECTION 10 BEING A P.K. NAIL AND DISK STAMPED "LB 3114"

THIS LEGAL DESCRIPTION AND SKETCH IS BASED UPON A RIGHT OF WAY MAP FOR L.C.D.O.T. PROJECT CN-02-06 PREPARED BY AIM ENGINEERING AND SURVEYING INC.

PREPARED BY:
AIM ENGINEERING & SURVEYING, INC.

[Signature] 5/14/04
BOB L. POTTER, P.S.M. DATE
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 6488

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

AIM Engineering & Surveying, Inc.



5300 LEE BLVD.
P.O. BOX 1236
LEHIGH ACRES
FLORIDA 33970
239/332-4569
FX:239/332-8734

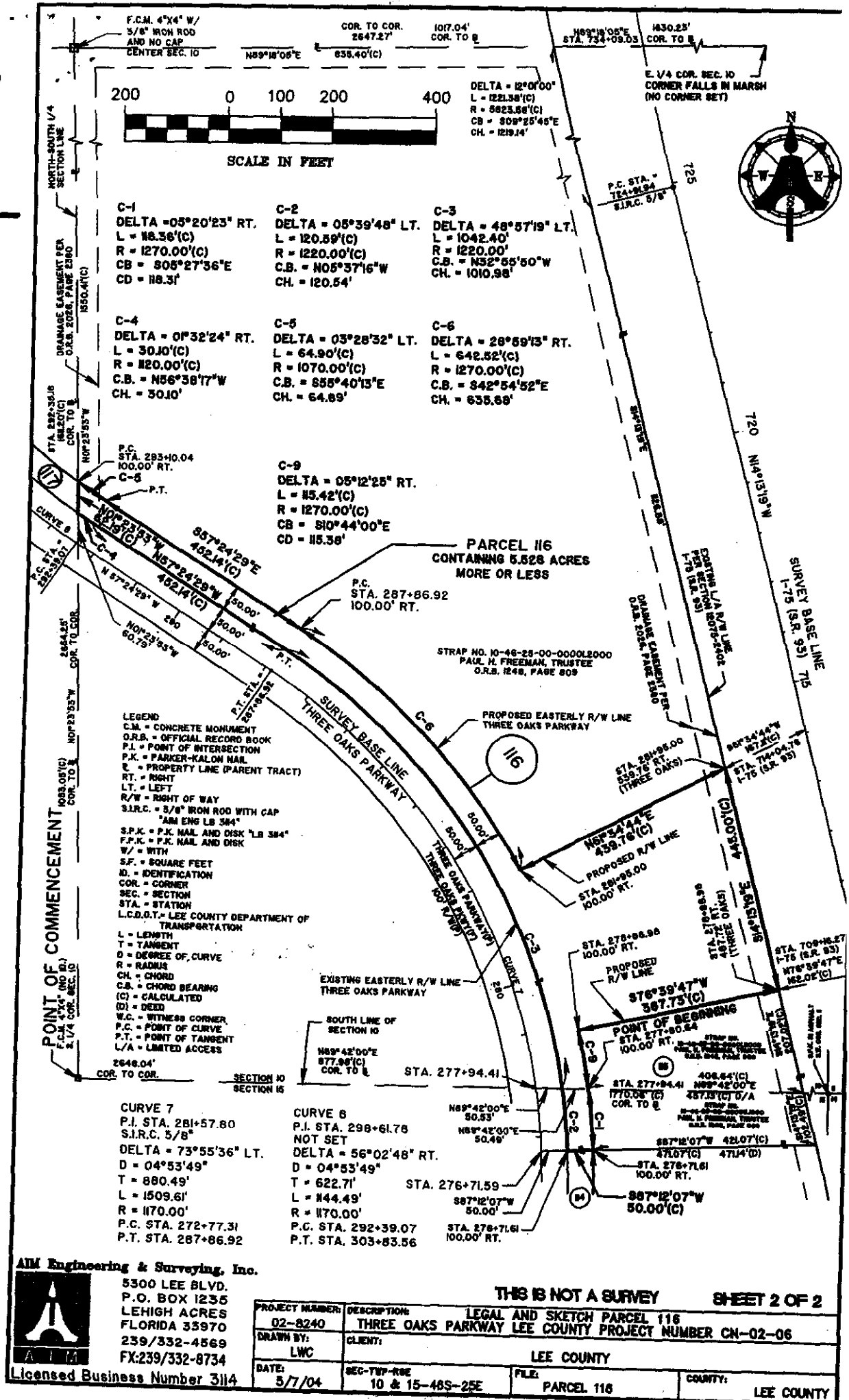
Licensed Business Number 3114

THIS IS NOT A SURVEY. SHEET 1 OF 2

PROJECT NUMBER: 02-8240	DESCRIPTION: THREE OAKS PARKWAY LEE COUNTY PROJECT NUMBER CN-02-06	LEGAL AND SKETCH PARCEL 116	
DRAWN BY: LWC	CLIENT: LEE COUNTY	FILE: PARCEL 116	COUNTY: LEE COUNTY
DATE: 5/7/04	SEC-TWP-RGE: 10 & 15-48S-25E		

Exhibit "A"

Page 4 of 4



AIM Engineering & Surveying, Inc.
 5300 LEE BLVD.
 P.O. BOX 1235
 LEHIGH ACRES
 FLORIDA 33970
 239/332-4869
 FX:239/332-8734
 Licensed Business Number 3114

THIS IS NOT A SURVEY SHEET 2 OF 2

PROJECT NUMBER: 02-8240	DESCRIPTION: LEGAL AND SKETCH PARCEL 116 THREE OAKS PARKWAY LEE COUNTY PROJECT NUMBER CN-02-06
DRAWN BY: LWC	CLIENT: LEE COUNTY
DATE: 5/7/04	SEC-TWP-RNE 10 & 15-46S-25E
	FILE: PARCEL 116
	COUNTY: LEE COUNTY

Parcel: 117
STRAP: 15-46-25-00-00001.2000
Project: Three Oaks Parkway Widening, No. 4081

AFFIDAVIT OF INTEREST IN REAL PROPERTY

THIS AFFIDAVIT OF INTEREST IN REAL PROPERTY is made and entered this 4th day of AUGUST, 2004 for the sole purpose of compliance with Section 286.23 of the Florida Statutes.

The undersigned hereby swears and affirms under oath, subject to the penalties prescribed for perjury, that the following is true:

The Name and Address of the Grantor is:

Paul H. Freeman, Trustee
19091 Tamiami Trail, SE, Fort Myers, FL 33908

The name(s) and address(es) of every person having a beneficial interest in real property that will be conveyed to Lee County are:

1. PAUL H. FREEMAN 19091 TAMIAAMI TRAIL SE. FT. MYERS, FL. 33908
2. _____
3. _____
4. _____
5. _____
6. _____

The real property to be conveyed to Lee County is known as: See EXHIBIT "A" attached hereto and made a part hereof

FURTHER AFFIANT SAYETH NAUGHT.

Signed, sealed and delivered
in our presences:

Brooke Allen
Witness Signature

Brooke Allen
Printed Name

[Signature]
Witness Signature

Marc Favell
Printed Name

[Signature]
Signature of Affiant

Paul H Freeman
Printed Name

Affidavit of Interest in Real Property
Parcel: 117
STRAP: 15-46-25-00-00001.2000
Project: Three Oaks Parkway Widening, No. 4081

STATE OF Florida

COUNTY OF Lee

SWORN TO AND SUBSCRIBED before me this 4 day of August, 2004 by PAUL H. Freeman
(name of person acknowledged)



Brooke S Allen
My Commission DD104505
Expires March 28, 2006

(SEAL)

Brooke S. Allen
(Notary Signature)

(Print, type or stamp name of Notary)

Personally known _____
OR Produced Identification _____
Type of Identification _____

Exhibit "A"

Page 1 of 2

PARCEL 117

A portion of the lands described in Official Record Book 1248, Page 809, of the public records of Lee County, Florida, lying in Section 10, Township 46 South, Range 25 East, Lee County Florida, being more particularly described as follows:

COMMENCE at the west 1/4 corner of Section 10 being a 5/8" iron rod with cap stamped "LB 5986"; thence N 89°17'52" E along the south line of the northwest 1/4 of said Section 10, 2132.59 feet to survey base line station 310+28.05 of Three Oaks Parkway per Lee County Project No. CN-02-06 (Three Oaks Parkway Project Right of Way Maps); thence continue N 89°17'52" E along said south line, 50.00 feet to a point on the existing easterly right of way line Three Oaks Parkway per Lee County Department of Transportation Corlico Parkway project 84-026 being the POINT OF BEGINNING; thence continue N 89°17'52" E along said south line, 50.00 feet to a point on the proposed easterly right of way line of Three Oaks Parkway per Lee County Project No. CN-02-06, said point lying 100.00 feet right of survey base line station 310+26.90; thence S 01°21'41" E along said proposed easterly right of way line, 643.34 feet to the point of curvature of a curve concave northeasterly; thence along said proposed easterly right of way line and said curve to the left, having a radius of 1070.00 feet, a delta angle of 52°34'16", the chord for which bears S 27°38'49" E, a chord distance of 947.69 feet, an arc distance of 981.77 feet, to the north-south 1/4 section line of said section 10 said point lying 100.00 feet right of survey base line station 293+10.04; thence S 01°23'53" E along said fraction line, 62.19 feet to a point on a non-tangent curve concave northeasterly LYING on the existing easterly right of way line Three Oaks Parkway per Lee County Department of Transportation Corlico Parkway project 84-026; thence along said existing easterly right of way line and said curve to the right, having a radius of 1120.00 feet, a delta angle of 54°30'24", the chord for which bears N 28°36'53" W, a chord distance of 1025.75 feet, an arc distance of 1065.48 feet; thence continue along said existing easterly right of way line, N 01°21'41" W, 643.91 feet to the POINT OF BEGINNING.

Said lands contain 1.914 acres, more or less

NOTE:

BEARINGS SHOWN HEREON ARE BASED UPON THE NORTH LINE OF THE SOUTHWEST 1/4 OF SECTION 10 HAVING A BEARING OF N 89°17'52" E FROM THE WEST 1/4 CORNER BEING A IRON ROD 5/8" WITH CAP STAMPED "LB 5986" TO THE CENTER OF SECTION 10 BEING A CONCRETE MONUMENT 4"X4" WITH 3/8" IRON ROD (NO CAP).

THIS LEGAL DESCRIPTION AND SKETCH IS BASED UPON A RIGHT OF WAY MAP FOR L.C.D.O.T. PROJECT CN-02-06 PREPARED BY AIM ENGINEERING AND SURVEYING INC.

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

PREPARED BY:
AIM ENGINEERING & SURVEYING, INC.

[Signature] 5/14/04
DATE

BOB L. POTTER, P.S.M.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 8688

THIS IS NOT A SURVEY SHEET 1 OF 2

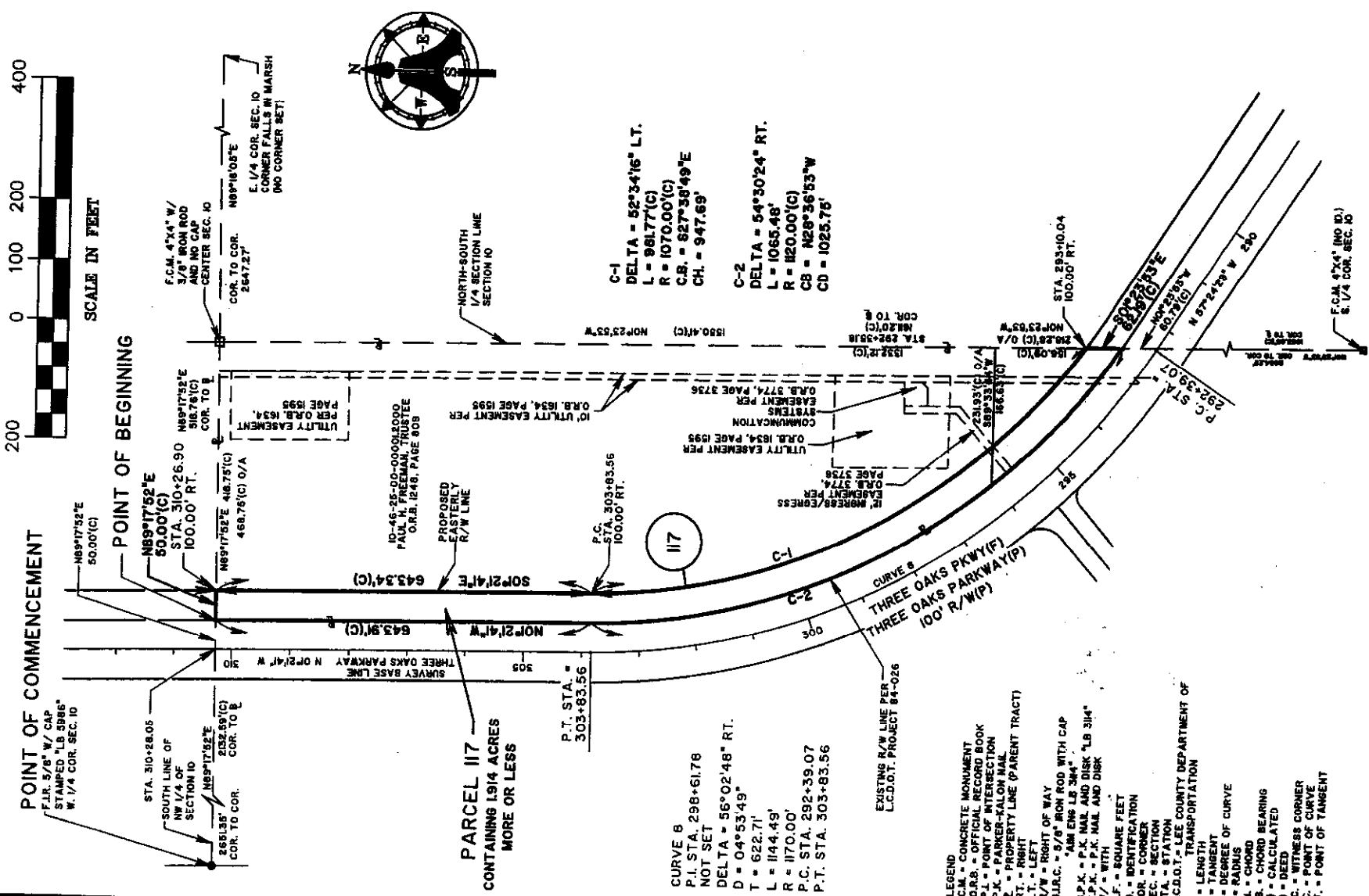
AIM Engineering & Surveying, Inc.



5300 LEE BLVD.
P.O. BOX 1235
LEHIGH ACRES
FLORIDA 33970
239/332-4569
FX:239/332-8734

Licensed Business Number 3114

PROJECT NUMBER: 02-8240	DESCRIPTION: THREE OAKS PARKWAY LEE COUNTY PROJECT NUMBER CN-02-06	LEGAL AND SKETCH PARCEL 117	
DRAWN BY: LWC	CLIENT: LEE COUNTY		
DATE: 5/7/04	SEC-TWP-RGE: 10-48S-25E	FILE: PARCEL 117	COUNTY: LEE COUNTY



CURVE B
 P.I. STA. 298+61.78
 NOT SET
 DELTA = 56°02'48" RT.
 D = 04°53'49"
 T = 622.71'
 L = 1144.49'
 R = 1170.00'
 P.C. STA. 292+39.07
 P.T. STA. 303+83.56

C-1
 DELTA = 52°34'16" LT.
 L = 981.77'(C)
 R = 1070.00'(C)
 C.B. = 82°38'49"E
 CH. = 947.69'

C-2
 DELTA = 64°30'24" RT.
 L = 1065.48'
 R = 120.00'(C)
 C.B. = N28°36'53"W
 CD = 1025.76'

- LEGEND**
- C.M. = CONCRETE MONUMENT
 - O.R.B. = OFFICIAL RECORD BOOK
 - P.I. = POINT OF INTERSECTION
 - P.K. = PIER-PALON NAIL
 - P.L. = PROPERTY LINE (PARENT TRACT)
 - RT. = RIGHT
 - LT. = LEFT
 - R/W = RIGHT OF WAY
 - S.I.A.C. = 9/8" IRON ROD WITH CAP
 - S.P.K. = P.K. NAIL AND DISK "LB 3/4"
 - F.P.K. = P.K. NAIL AND DISK
 - W/ = WITH
 - S.F. = SQUARE FEET
 - I.D. = IDENTIFICATION
 - COR. = CORNER
 - SEC. = SECTION
 - STA. = STATION
 - L.C.D.O.T. = LEE COUNTY DEPARTMENT OF TRANSPORTATION
 - L = LENGTH
 - D = DEGREE OF CURVE
 - R = RADIUS
 - CH = CHORD
 - C.B. = CHORD BEARING
 - (C) = CALCULATED
 - (D) = DEED
 - W.C. = WITNESS CORNER
 - P.C. = POINT OF CURVE
 - P.T. = POINT OF TANGENT

AIM Engineering & Surveying, Inc.
 5300 LEE BLVD.
 P.O. BOX 1235
 LEHIGH ACRES
 FLORIDA 33970
 239/332-4569
 FX:239/332-8734

AIM

Licensed Business Number 3114

THIS IS NOT A SURVEY SHEET 2 OF 2

PROJECT NUMBER:	DESCRIPTION:
02-8240	THREE OAKS PARKWAY LEE COUNTY PROJECT NUMBER CN-02-08
DRAWN BY:	CLIENT:
LWC	LEE COUNTY
DATE:	FILE:
5/7/04	10-46S-25E
SEC-TWP-RGE	PARCEL 117
LEE COUNTY	LEE COUNTY

Division of County Lands

Updated In House Title Search

Search No.22054

Date: August 25, 2004

Parcel:

Project: Three Oaks Parkway Widening
Project #4081

To: Robert G. Clemens, SRWA
Property Acquisition Manager

From: Kenneth Pitt
Title Examiner

STRAP: 10-46-25-00-00001.2000

This search covers the period of time from January 1, 2002, at 8:00 a.m. to July 12, 2004, at 5:00 p.m.

Subject Property: The Westerly 50 feet of STRAP 10-46-25-00-00001.2000 that bounds the Easterly right-of-way line of Three Oaks Parkway on the East.

Title to the subject property is vested in the following:

Paul H. Freeman, as Trustee

by that certain instrument dated May 5, 1983, recorded May 17, 1983 in Official Record Book 1671, Page 1528, and that instrument dated February 24, 1989, recorded March 31, 1989 in Official Record Book 2059, Page 2905, Public Records of Lee County, Florida.

Subject to:

1. Title to oil, gas and mineral rights and leases on subject property is specifically omitted from this report.
2. Resolution of the Board of County Commissioners, regarding Carlico Parkway M.S.B.U., recorded in Official Record Book 1865, Page 2016, Public Records of Lee County, Florida.
3. Temporary Easement to Lee County, recorded in Official Record Book 1892, Page 769, Public Records of Lee County, Florida. NOTE: Said easement appears to be expired by the terms stated in the document. This must be addressed and resolved by the Title Company or Attorney that handles the transfer to the County.
4. Drainage Easement Agreement to Three Oaks I Master Association, Inc., recorded in Official Record Book 2026, Page 2380, Public Records of Lee County, Florida.
5. Notice of Development Order, regarding The Three Oaks Town Center, recorded in Official Record Book 2212, Page 4603, Public Records of Lee County, Florida.
6. Notice of Adoption of First Development Order Amendment, regarding Villages of San Carlos, recorded in Official Record Book 2292, Page 4594, Public Records of Lee County, Florida.

Division of County Lands

Updated In House Title Search

Search No.22054

Date: August 25, 2004

Parcel:

Project: Three Oaks Parkway Widening
Project #4081

7. Notice of Development Order Approval, regarding Bermuda Woods at Three Oaks, recorded in Official Record Book 2405, Page 3767, Public Records of Lee County, Florida.
8. Notice of Adoption of the Second Amendment to Alico Interchange Park DRI Development Order, recorded in Official Record Book 3318, Page 826, Public Records of Lee County, Florida.
9. **Subject to a Communication Systems Right of Way and Easement, which affects a portion of the proposed acquisition area of the subject property, recorded in Official Record Book 3774 Page 3736, Public Records of Lee County, Florida.**
10. **Subject to a Drainage Easement, recorded in Official Record Book 2026 Page 2380, recorded in Official Record Book 2026 Page 2380, which was partially vacated by Official Record Book 4376 Page 4001, Public Records of Lee County, Florida.**
11. **Subject to a deed recorded in Official Record book 4405 Page 1783, from Paul H. Freeman to Lee-Oaks, LLC, said deed conveys a portion of the subject STRAP, however the point of beginning is identified as the Northeasterly right of Way Line of Three Oaks Parkway-100 feet from the centerline, this is ambiguous as the roadway is presently only 100 feet in width. It is believed the intent was to reference the proposed Northeasterly right of way line of said road, which would be 100 feet from the centerline. A corrective deed should be recorded to clear up these inconsistencies.**

Tax Status: \$150.87 paid on 11/30/03 for Tax Year 2003.

(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.

Division of County Lands

Updated Ownership and Easement Search

Search No. 22061

Date: August 25, 2004

Parcel:

Project: Three Oaks Parkway Project
#4081

To: Robert G. Clemens SR/WA
Acquisition Program Manager

From: Kenneth Pitt 
Real Estate Title Examiner

STRAP: 10-46-25-00-00004.0000

Effective Date: Search Updated From 1/1/2002 to July 12, 2004, at 5:00 p.m.

Subject Property: The West 50 feet of that portion of the Southeast ¼ of the Southwest 1/4 of Section 10, Township 46 South, Range 25 East, Lee County, Florida, lying North and East of Three Oaks Parkway.

Title to the subject property is vested in the following:

Paul H. Freeman, as Trustee

by that certain instrument dated May 5, 1983, recorded May 17, 1983, in Official Record Book 1671, Page 1528, Public Records of Lee County, Florida.

Easements:

1. Title to oil, gas and mineral rights and leases on subject property is specifically omitted from this report.
2. Easement by and between the National Trust Company and San Carlos Utilities, Inc., dated September 1, 1982, recorded September 24, 1982 in Official Record Book 1634, Page 1595, Public Records of Lee County, Florida. Said easement conveyed to Gulf Utility company by virtue of Deed recorded in Official Record Book 1645, Page 2048, and re-recorded in Official Record Book 1647, Page 141, and partially vacated by instrument recorded in Official Record Book 2957, Page 410, Public Records of Lee County, Florida.
3. Resolution of the Board of County Commissioners, pertaining to the Corlico Parkway M.S.B.U., recorded November 5, 1985 in Official Record book 1812, Page 3507, Public Records of Lee County, Florida.
4. Resolution of the Board of County Commissioners, pertaining to the Corlico Parkway M.S.B.U., recorded August 28, 1986 in Official Record Book 1865, Page 2016, Public Records of Lee County, Florida.

Division of County Lands**Updated Ownership and Easement Search**

Search No. 22061

Date: August 25, 2004

Parcel:

Project: Three Oaks Parkway Project
#4081

5. Temporary easement between Paul H. Freeman, Trustee, and Lee County, recorded January 16, 1987 in Official Record Book 1892, Page 771, Public Records of Lee County, Florida. NOTE: This easement could have expired because the instrument states that the duration was for a 10 year period from the date of acceptance, in a public hearing by the Board of County Commissioners. This must be addressed and resolved by the Title Company or Attorney that handles the transfer to the County.
6. Resolution of the Board of County Commissioners, pertaining to the Alico Interchange Park, recorded September 28, 1987 in Official Record Book 1944, Page 1306, Public Records of Lee County, Florida.
7. Declaration of Restrictions for Three Oaks Development recorded February 28, 1989 in Official Record Book 2052, Page 345, Public Records of Lee County, Florida.
8. Notices of Development Order Approval for The Lakes at Three Oaks recorded in Official Record Book 2734, Pages 320 and 328, Public Records of Lee County, Florida.
9. Notice of Adoption of the Second Amendment to Alico Interchange Park DRI Development Order, recorded in Official Record Book 3318, Page 826, Public Records of Lee County, Florida.
10. The deed recorded in Official Record Book 1499, Page 1736, Public Records of Lee County, Florida, from Roy W. Evans and Bernard Johnson, individually and as Trustees, to the National Trust Company, as trustee, does not contain the marital status or non-homestead disclaimer for the Grantors. This must be addressed and resolved by the Title Company or Attorney that handles the transfer to the County.
11. The deed recorded in Official Record Book 1671, Page 1528, Public Records of Lee County, Florida, is executed pursuant to a Trust Agreement known as "Land Trust No. 5143". We do not find a copy of the Land Trust No. 5143 recorded in Public Records of Lee County, Florida, and therefore we cannot determine who is authorized to execute documents on behalf of said Trust. This must be addressed and resolved by the Title Company or Attorney that handles the transfer to the County. Said deed also does not contain any trust powers for the grantee. This also must be addressed and resolved by the Title Company or Attorney that handles the transfer to the County.
12. Easement granted to Sprint-Florida, Inc., recorded in Official Record Book 3774, Page 3736, Public Records of Lee County, Florida.

Division of County Lands

Updated Ownership and Easement Search

Search No. 22061

Date: August 25, 2004

Parcel:

Project: Three Oaks Parkway Project
#4081

13. Subject to a deed recorded in Official Record book 4405 Page 1783, from Paul H. Freeman to Lee-Oaks, LLC, said deed conveys a portion of the subject STRAP, however the point of beginning is identified as the Northeasterly right of Way Line of Three Oaks Parkway- 100 feet from the centerline, this is ambiguous as the roadway is presently only 100 feet in width. It is believed the intent was to reference the proposed Northeasterly right of way line of said road, which would be 100 feet from the centerline. A corrective deed should be recorded to clear up these inconsistencies.

Tax Status: \$643.91 paid on November 30, 2003 for tax year 2003.
(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.

Division of County Lands

Updated In House Title Search

Search No. 21960/C

Date: August 24, 2004

Parcel:

Project: Three Oaks Widening between
Alico & Corkscrew #4081

To: Robert G. Clemens
Acquisition Program Manager

From: Kenneth Pitt
Title Examiner



STRAP: 15-46-25-00-00005.1000

This search covers the period of time from January 1, 2002, at 8:00 a.m. to July 12, 2004, at 5:00 p.m.

Subject Property: A portion of the Southeast quarter of Section 15, Township 46 South, Range 25 East, Lee County, Florida.

Title to the subject property is vested in the following:

Paul H. Freeman, Trustee.

by that certain instrument dated January 18, 1978, recorded January 25, 1978, in Official Record Book 1248, Page 809, Public Records of Lee County, Florida.

by that certain instrument dated February 24, 1989, recorded March 31, 1989, in Official Record Book 2059, Page 2905, Public Records of Lee County, Florida.

Subject to:

1. Title to oil, gas and mineral rights and leases on subject property is specifically omitted from this report.
2. Agreements to Game and Fresh Water Commission of the State of Florida, recorded in Miscellaneous Book 47, Page 89; Miscellaneous Book 58, Page 53; Official Record Book 270, Page 381, Public Records of Lee County, Florida.
3. Conveyance of East Mulloch Drainage District of all canals, lakes and water control installations, and easements for the purpose of widening, deepening, altering or cleaning said facilities, recorded in Official Record Book 203, Page 175, Public Records of Lee County, Florida.
4. Easement to Gulf Utilities Company for water line over and across subject property, recorded in Official Record Book 1751, Page 1763, Public Records of Lee County, Florida. (Easement appears to run parallel with Three Oaks Parkway.)

Division of County Lands

Updated In House Title Search

Search No. 21960/C

Date: August 24, 2004

Parcel:

Project: Three Oaks Widening between
Alico & Corkscrew #4081

5. Notices of Development Order recorded in Official Record Book 1849, Page 4408 and Official Record Book 2212, Page 4603, Public Records of Lee County, Florida.
6. Notice of Adoption of First Development Order Amendment, recorded in Official Record Book 2292, Page 4594, Public Records of Lee County, Florida.
7. Grant of Utility Easement to Gulf Utility Company, recorded in Official Record Book 2389, Page 1682, Public Records of Lee County, Florida.
8. Final Default Judgment in favor of John Wagner Associates, Inc., d/b/a Grabber Fort Myers, recorded in Official Record Book 2476, Page 1600, as re-recorded in Official Record Book 2485, Page 2521, Public Records of Lee County, Florida.
9. Final Judgment in favor of International Collection Service, Inc., recorded in Official Record Book 2800, Page 57, as re-recorded in Official Record Book 2851, Page 3651, Public Records of Lee County, Florida.
10. **Subject to a Drainage Easement, recorded in Official Record Book 2026 Page 2380, which was partially released by that certain instrument recorded in Official Record Book 4168 Page 3099, Public Records of Lee County, Florida.** → *To Lee County*

Tax Status: \$644.69 paid on 11/30/03 for Tax Year 2003.

(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.

Three Oaks Widening Project, No. 4081

Appraisal Valuation Adjustment Sheet
Parcels 115/116 and 117

The appraisal values arrived at by Maxwell & Hendry Valuation Services, Inc., have been adjusted to reflect re-numbering of parcels.

Parcel 115/116 – Villages of San Carlos DRI

Part of STRAP Nos. 10-46-25-00-00001.2000 and 15-46-25-00-00005.1000

8.01 acres x \$115,000 per acre	= \$921,150.00
Plus (5.528 acres) School Impact Fee Credit Entitlement	= <u>\$71,594.00</u>
Indicated Value	= <u>\$992,744.00</u>

Parcel 117 – Alico lot exchange Park DPI

Part of STRAP Nos. 10-46-25-00-00001.2000 and 10-46-25-00-00004.0000

1.914 acres x \$115,000 per acre	= <u>\$220,110.00</u>
----------------------------------	-----------------------

Total estimated values of Parcels 115/116 and 117 is \$1,212,854.00



MAXWELL & HENDRY VALUATION SERVICES, INC.

APPRAISERS - CONSULTANTS

12600-1 World Plaza Lane
Building #63
Fort Myers, Florida 33907

(239)-337-0555
(239)-337-3747 - FAX

(e-mail)-appr@maxwellhendry.com
(web)-www.maxwellhendry.com

ASSOCIATE APPRAISERS

William E. McInnis
State-Certified General Appraiser
Certification 0002232

Timothy D. Rieckhoff
State-Certified General Appraiser
Certification 0002261

Andrea R. Terregrossa
Registered Trainee Appraiser
RI10787

Matthew H. Caldwell
Registered Trainee Appraiser
RI9277

W. MICHAEL MAXWELL, MAI, SRA
State-Certified General Appraiser
Certification 0000055

GERALD A. HENDRY, MAI
State-Certified General Appraiser
Certification 0002245

19 July 2004

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

Attention: Mr. Michael O'Hare
Property Acquisitions Agent

Re: Update appraisal of partial taking for Three Oaks
Parkway widening, Parcels 115 & 116 South (Paul
Freeman, Trustee), in Sections 10-46-25 and 15-46-
25, Lee County, Florida

Dear Mr. O'Hare:

As you requested, an inspection and analysis have been made of the above property which is legally described in the attached appraisal report. The purpose of this assignment is to estimate the market value of the undivided fee simple interest in the land as if free and clear of liens, mortgages, encumbrances, and/or encroachments, except as amended in the body of this report. This appraisal report is a complete appraisal in summary report format.

Market value for this purpose is understood to be 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, knowledgeably and assuming the price is not affected by undue stimulus. A full definition of market value can be found in the body of this report.

As per the Uniform Standards of Professional Appraisal Practice (USPAP), there are three report writing options. These options include either a self-contained report format, summary report, or restricted use report. A summary report format has been requested and will be used for this appraisal. The only difference between the self-contained report and a summary report is the level of detail of presentation.

The function or intended use of this report is understood to be for use as a basis of value for the acquisition of a portion of the subject property for purposes of widening Three Oaks Parkway. The proposed taking consists of the westerly 50' of the parent tract of Parcel 116 South which is 53.18 acres, and the entire portion of Parcel 115 which contains 2.482 acres. This complete appraisal in summary report format has been prepared in conformity with the Uniform Standards of Professional Appraisal Practice. The subject property was last inspected on 29 June 2004 by Andrea Terregrossa, Registered Trainee Appraiser. Mr. W. Michael Maxwell, MAI, SRA made a subsequent inspection of the property. Our compensation in this assignment is not contingent upon the reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the obtainment of a stipulated result, or the occurrence of a subsequent event. In addition to the Assumptions and Limiting Conditions as contained in the Addenda to this report, this appraisal is made subject to the Special Assumptions as outlined on the Executive Summary on the following pages.

By reason of our investigation and analysis, data contained in this report, and our experience in the real estate appraisal business, it is our opinion that the just compensation due the property owner, as of 29 June 2004, is:

Parcel 115:
TWO HUNDRED EIGHTY FIVE THOUSAND FOUR HUNDRED THIRTY DOLLARS.....
.....(**\$285,430.00**)

Parcel 116 South:
NINE HUNDRED FIFTY FOUR THOUSAND FIVE HUNDRED SIXTY SIX DOLLARS.....
.....(**\$954,566.00***)

* Allocated \$855,600 to the real estate and \$98,966 to the School Impact Fee Credit Entitlement.

Total:
ONE MILLION TWO HUNDRED THIRTY NINE THOUSAND NINE HUNDRED NINETY SIX DOLLARS
.....(**\$1,239,996.00**)

Respectfully submitted,



W. Michael Maxwell, MAI, SRA
State-Certified General Appraiser
Certification 0000055



Andrea Terregrossa
Registered Trainee Appraiser
License Number RI10787



W. MICHAEL MAXWELL, MAI, SRA
GERALD A. HENDRY, MAI

EXECUTIVE SUMMARY

OWNER OF RECORD: Paul H. Freeman, Trustee (as per the Lee County Property Appraiser records).

LOCATION: Parcel 116 South is located on the east side of Three Oaks Parkway, across from the Lakes at Three Oaks, in Section 10-46-25, Lee County, Florida. Parcel 115 is located directly south of Parcel 116 South, in Section 15-46-25.

LAND AREA: The parent tract for Parcel 116 South contains 53.18 acres and consists of STRAP numbers 10-46-25-00-00001.2000 and 10-46-25-00-00004.0000, according to the Lee County Property Appraiser records and information provided by Lee County Division of County Lands. Parcel 115 is part of STRAP number 15-46-25-00-00005.1000 which contains 34.44 acres. As per Lee County Division of County Lands, the parent tract for Parcel 115 contains 2.482 acres. A survey indicating the exact size and dimensions of the site was not provided. The proposed taking for Parcel 116 South is the westerly 50' of the parent tract. The take area will total 7.44 acres. The remainder tract size is 45.74 acres. The proposed taking for Parcel 115 is the entire 2.482 acres. This report is subject to surveys of the parent tract, take, and remainder tracts for Parcel 116 South and Parcel 115.

IMPROVEMENTS: None.

ZONING/LAND USE: Both Parcels 116 South and 115 are zoned RPD, which is a Residential Planned Development zoning classification within Lee County. Both parcels are designated for Urban Community Land Use. The subject properties are part of The Villages of San Carlos Development of Regional Impact (DRI), Development Order Resolution #Z-91-083. According to the DRI, Parcel 116 South is to be developed with high density, multi-family residential units. Parcel 115 is designated to be part of the County park area.

HIGHEST AND BEST USE (Before Take): Residential Development

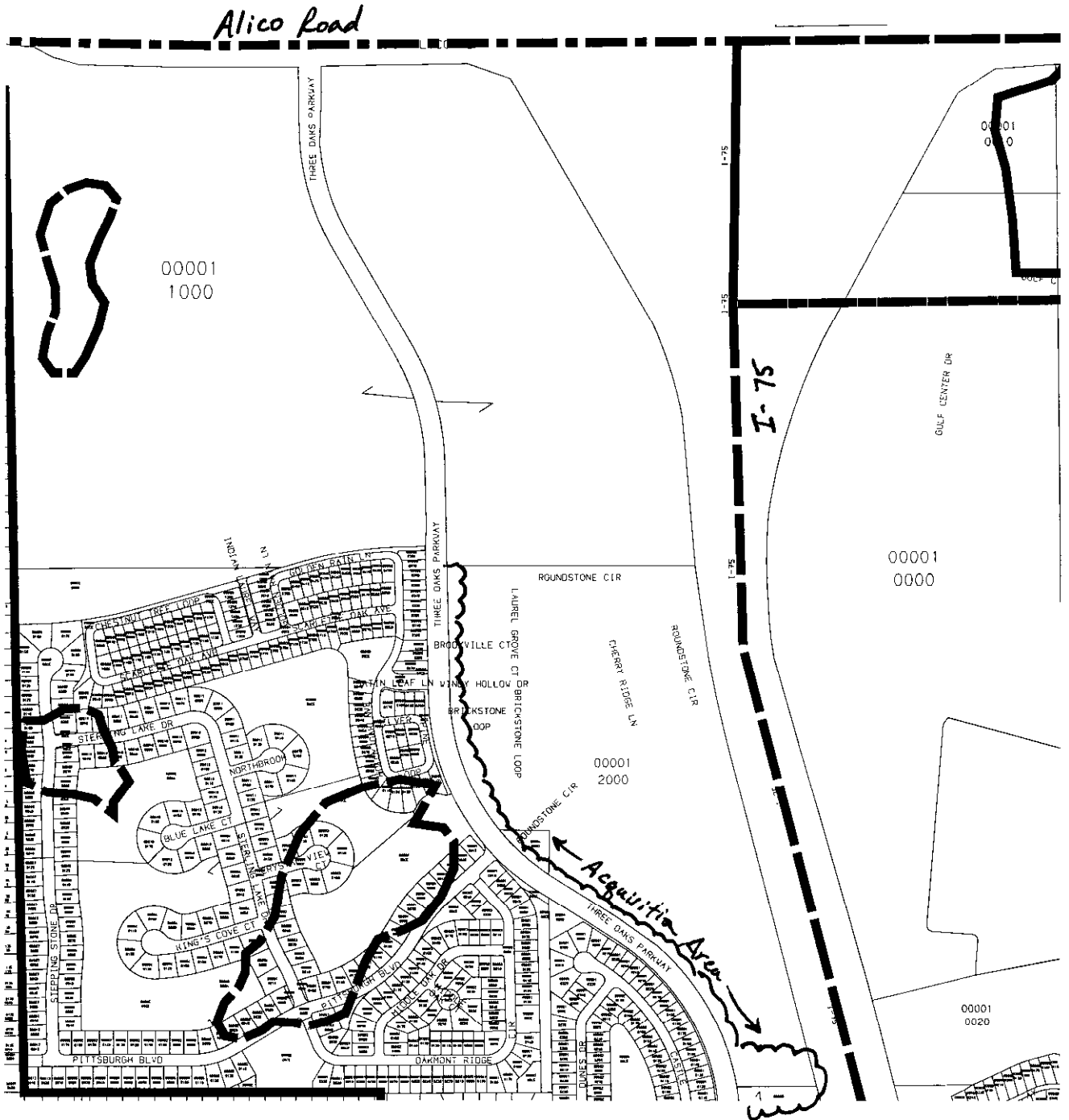
HIGHEST AND BEST USE (After Take): Residential Development

MARKET VALUE BEFORE TAKE:	<u>Parcel 115</u>	<u>Parcel 116 South</u>
	\$285,430	\$6,807,048

VALUE OF PART TAKEN:	<u>Parcel 115</u> \$285,430	<u>Parcel 116 South</u> \$954,566
REMAINDER VALUE AS PART OF WHOLE:	<u>Parcel 115</u> \$0	<u>Parcel 116 South</u> \$5,852,482
REMAINDER VALUE AFTER TAKE:	<u>Parcel 115</u> \$0	<u>Parcel 116 South</u> \$5,852,482
SEVERANCE DAMAGES:	\$0	
AMOUNT DUE OWNER:	\$1,239,996	
INTEREST APPRAISED:	Fee Simple Interest	
DATE OF VALUATION:	29 June 2004	
DATE OF REPORT:	19 July 2004	
APPRAISERS:	W. Michael Maxwell, MAI, SRA Andrea Terregrossa, Registered Trainee Appraiser	

SPECIAL ASSUMPTIONS: As mentioned above, this report is subject to the receipt of survey information depicting the exact size of the parent tract, take, and remainder parcels. This report is also subject to exact legal descriptions. The subject property is vacant and the proposed take area consists of fallow land only. This appraisal also assumes that there are no substantial grade changes or new improvements within the take area which will necessitate additional costs for connecting the subject property to the new four lane Three Oaks Parkway. Furthermore, the appraisers have relied upon information obtained from the Lee County Zoning Department in regard to the most current amendment to The Villages of San Carlos DRI, Development Order Resolution #Z-91-083. This appraisal is subject to clarification as to the exact number of allowable residential units that are permitted for the subject properties.

AREA MAP



5-Year Sales History

Parcels 115/116 and 117

Three Oaks Widening
Project No. 4081

Parcel 115/116 and 117 have been owned by Paul H. Freeman, Trustee since February 24, 1989.

Parcel 115/116 is within STRAP Nos. 10-46-25-00-00001.2000 and 15-46-25-00-00005.1000

Parcel 117 is within STRAP Nos. 10-46-25-00-00001.2000 and 10-46-25-00-00004.0000

STRAP No.10-46-25-00-00001.2000 is approximately 53 acres.

Part of STRAP No. 10-46-25-00-00001.2000 adjacent to Parcel 115/116 sold as follows:

Grantor	Grantee	Price	Date	Arms Length Y/N
Paul H. Freeman, Trustee	Lee-Oaks, LLC, a Florida limited liability company	\$876,300 ½ interest in 16.69 acres	7/26/04	Yes

Part of STRAP Nos. 10-46-25-00-00001.2000 and 10-46-25-00-00004.0000(+/- 3 acres) adjacent to Parcel 117 sold as follows:

Grantor	Grantee	Price	Date	Arms Length Y/N
Paul H. Freeman, Trustee	D.R. Horton, Inc., a Delaware corporation	\$1,136,500 12.05 acres	7/12/04	Yes
Paul H. Freeman, Trustee	D.R. Horton, Inc., a Delaware corporation	\$2,565,700 27.45 acres	7/12/04	Yes

Note: Seller stated that purchase contract for above transaction was pending for 1 ½ years.