

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

**Blue Sheet No. 20041539**

**1. REQUESTED MOTION.**

**ACTION REQUESTED:** Authorize: (1) approval of Easement Purchase Agreement for acquisition of Parcel 188, Gunnery Road Widening. Project 4055, in the amount of \$500.00; (2) Chairman, on behalf of the Board, to sign the Purchase Agreement; (3) payment of costs and fees to close; (4) Division of County Lands to handle and accept all documentation necessary to complete this transaction.

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

**WHAT ACTION ACCOMPLISHES:** Allows the County to proceed with the project without resorting to Eminent Domain proceedings.

**2. DEPARTMENTAL CATEGORY:  
COMMISSION DISTRICT**

6  
#5 **CLB**

**3. MEETING DATE:**

**12-14-2004**

**4. AGENDA:**

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

**5. REQUIREMENT/PURPOSE:  
(Specify)**

- STATUTE 125
- ORDINANCE
- ADMIN. CODE
- OTHER

**6. REQUESTOR OF INFORMATION:**

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

**7. BACKGROUND:**

**Negotiated for:** Department of Transportation

**Interest to Acquire:** Easement

**Property Details:**

Owner: Steve A. Pantazis  
Address: 203 Gunnery Road, Lehigh Acres, FL 33971  
STRAP No.: 28-44-26-06-00063.0070

**Purchase Details:**

Purchase Price: \$500.00  
Costs to Close: Approximately \$500.00

**Appraisal Information:** The easement interest has not been appraised.

**Staff Recommendation:** Considering the costs associated with condemnation proceedings estimated to be between \$3,000 and \$5,000, excluding land value, Staff recommends the Board approve the Requested Motion.

**Account:** 20405518803.506110

20 - CIP; 4055 - Gunnery Road; 18803 - Impact Fees - Road - E Lee County; 506110 - Land

**Attachments:** Easement Purchase Agreement; Slope/Restoration Easement and Temporary Construction Easement; Title Search

**8. MANAGEMENT RECOMMENDATIONS:**

**9. RECOMMENDED APPROVAL:**

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
<i>K. Forsyth</i>			<i>SAD</i> <i>11/23/04</i>	<i>[Signature]</i>	<i>[Signature]</i> OA	<i>[Signature]</i> OM	<i>[Signature]</i> Risk	<i>[Signature]</i> GC	<i>[Signature]</i>

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

RECEIVED BY
COUNTY ADMIN: <i>[Signature]</i>
12/02/04
11:05 am
COUNTY ADMIN
FORWARDED TO: <i>[Signature]</i>
12/19/04
4:30 pm

Rec. by CoAtty
Date: <i>12/1/04</i>
Time: <i>9:00</i>
Forwarded To: <i>Admin.</i> <i>12/2/04 9:30 am</i>

Parcel: 188  
Project: Gunnery Road 4 Lane (SR 82 – Lee Blvd.), Project No. 4055  
STRAP No.: 28-44-26-06-00063.0070

### EASEMENT PURCHASE AGREEMENT

This Agreement made and entered into this 4<sup>th</sup> day of November, 2004, by and between **Steve A. Pantazis**, whose address is 1052 South Evergreen Avenue, Arlington Heights, IL 60006, hereinafter referred to as Owner, and **LEE COUNTY**, a political subdivision of the State of Florida, for the use and benefit of said County, hereinafter referred to as Purchaser.

Whereas, Purchaser requires a perpetual, nonexclusive Slope/Restoration Easement and a Temporary Construction Easement located and described as set forth in Exhibit "C" and "D" attached to Exhibit "A". All Exhibits are attached hereto and made a part hereof by reference, in conjunction with the Gunnery Road Widening Project #4055.

- a) Owner will grant said easements to Purchaser for the sum of \$500.00; Purchaser to pay recording costs, documentary stamps and title insurance.
- b) Owner agrees that said easements will be granted to Purchaser by execution of the Non-exclusive Slope/Restoration Easement and Temporary Construction Easement in form and substance set forth in Exhibit "A".
- c) Purchaser will pay Owner the amount agreed upon in item (a) of this agreement by County Warrant within 60 days of the execution and acceptance of this Easement Purchase Agreement and the Perpetual and Temporary Easement instruments by Purchaser.
- d) Owner agrees that Purchaser, his successors and assigns will be allowed to use said easement areas as specified in the Easement document attached to Exhibit "A".
- e) Purchaser agrees to complete construction within the easement area in a timely manner.
- f) The land in Exhibit "C" and "D" is not and has never been the homestead of the Owner, nor is it contiguous to the homestead of the Owner.

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

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

Steve Pantazis  
1<sup>st</sup> Witness Signature

X Olympia S Pantazis  
2nd Witness Signature

**Owner: Steve A. Pantazis**

By: Steve A. Pantazis

**ATTEST:**

CHARLIE GREEN, CLERK

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

LEE COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS

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

APPROVED AS TO LEGAL FORM

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

**This instrument prepared by:**

Lee County

Division of County Lands

Post Office Box 398

Fort Myers, Florida 33902-0398

Parcel: 188

Project: Gunnery Road 4 Lane (SR 82 - Lee Blvd.), Project No. 4055

STRAP No.: 28-44-26-06-00063.0070

**EXHIBIT "A"**

ORIGINAL DOCUMENTS RETAINED IN  
COUNTY LANDS FILES FOR HANDLING  
UPON BOARD ACCEPTANCE.

**SLOPE/RESTORATION EASEMENT and**  
**TEMPORARY CONSTRUCTION EASEMENT**

This INDENTURE, made and entered into this 4<sup>th</sup> day of November 2004,  
between Steve A. Pantazis, whose address is 1052 South Evergreen Avenue, Arlington Heights, IL 60006,  
(Grantor), and LEE COUNTY, a political subdivision of the State of Florida, whose address is PO Box 398,  
Fort Myers, Florida 33902-0398, (Grantee):

**WITNESSETH:**

1. For good and valuable consideration, receipt of which is hereby acknowledged, Grantor grants to the Grantee, its successors and assigns, a perpetual non-exclusive slope/restoration easement situated in Lee County, Florida, and located and described as set forth in attached Exhibit "C" (Easement Parcel).
2. Grantee, its successors and assigns, are granted the right, privilege, and authority to construct, replace, repair, remove, extend, and maintain a slope/restoration easement on the Easement Parcel to support, reinforce, and stabilize the adjacent public roadway.
3. The improvements that may be placed within the Easement Parcel for roadway slope/restoration purposes are not limited to a particular type, style, material or design. These improvements may include the use of foliage.
4. Grantor may not construct or place any structures within the Easement Parcel; however, Grantor may construct a paved or concrete driveway once a permit is obtained, or authorize the installation of utilities or may plant foliage within the easement area conveyed herein, provided such use does not interfere with or prevent the Grantee's use of the easement.
5. Title to the improvements constructed by the Grantee within the Easement Parcel will remain in the Grantee, its successors or assigns.
6. Subject to any existing easements for public highways or roads, railroads, laterals, ditches, pipelines and electrical transmission or distribution lines and telephone and cable television lines covering the land herein described, Grantors covenant they are lawfully seized and possessed of the real property described in Exhibit "C" and "D", have good and lawful right and power to convey it, and that the property is free and clear of all liens and encumbrances, except as herein stated, and accordingly, Grantor will forever warrant and defend the title and terms to this said easement and the quiet possession thereof against all claims and demands of all other entities.

7. Grantee has a reasonable right of access across Grantor's property for the purposes of reaching the Easement Parcel on either paved or unpaved surfaces. Any damage to Grantor's property or permitted improvements thereon resulting from Grantee's use of this access right will be restored by the Grantee, to the condition in which it existed prior to the damage.

8. During the period of 7/1/05 through 12/31/06, the County will have permission to enter the following described lands in Exhibit "D" for purpose of ingress and egress to the Gunnery Road Widening Project where it abuts the above described property, by workmen, machinery and vehicles, the storing and/or stockpiling materials as needed for said construction; and then restoring the said property and thereby connecting all new construction resulting from the project to that existing prior to construction. The County will restore, as reasonably possible, the temporary construction area to a safe and aesthetic condition, as such existed prior to construction. The County will grade the lands to match the new construction at no cost to the Grantor.

9. To the extent allowed by law and subject to the claim provisions and limitations contained in §768.28, Florida Statutes, the County agrees to be liable for tort claims predicated upon an injury or loss of property, personal injury, or death caused by the negligent or wrongful act or omission of any employee or contractor of the County while acting within the scope of his office or employment under circumstances in which the County, if a private person, would be liable to the claimant, in accordance with the general laws of the State of Florida.

10. This easement runs with the land and is binding upon the parties, their successors and assigns.

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

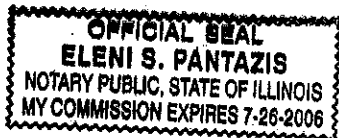
TWO SEPARATE WITNESSES:

Mary Pantazis  
1st Witness Signature  
George Pantazis  
Printed name of 1st Witness  
X Olympia S Pantazis  
2nd Witness Signature  
Olympia Pantazis  
Printed name of 2nd Witness

Steve A Pantazis  
Steve A. Pantazis

STATE OF Illinois  
COUNTY OF Cook

The foregoing instrument was acknowledged before me this 4<sup>th</sup> day of November, 2004, by Steve A. Pantazis. He/she is personally known to me or who has produced (name of person acknowledged) Driver's License as identification.



Eleni Pantazis  
(Signature of Notary Public)  
Eleni Pantazis  
(Name typed, printed or stamped)  
(Title or Rank)  
(Serial Number, if any)

LEGEND  
 (C) = CALCULATED  
 (F) = FIELD  
 (P) = PLAT  
 C.B. = CHORD BEARING  
 CH = CHORD  
 ESMT. = EASEMENT  
 L = LENGTH  
 M.O.L. = MORE OR LESS  
 P.B. = PLAT BOOK  
 PG. = PAGE  
 P.L. = PARENT TRACT  
 PROPERTY LINE  
 R = RADIUS  
 RT. = RIGHT  
 R/W = RIGHT OF WAY  
 S.F. = SQUARE FEET  
 STA. = STATION  
 T.C.E. = TEMPORARY  
 CONSTRUCTION  
 EASEMENT  
 P.E. = PERPETUAL EASEMENT  
 P.I. = POINT OF INTERSECTION  
 P.O.T. = POINT ON TANGENT

PARCEL NO. 188C (PERPETUAL EASEMENT)  
 PROPERTY OWNER: STEVE A. PANTAZIS  
 STRAP NO. 28-44-26-06-00063.0070  
 AREA OF PARENT TRACT: 12,607 S.F., M.O.L.  
 AREA OF TAKE: 160 S.F., M.O.L.

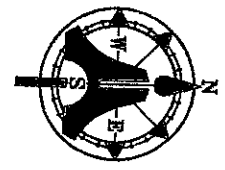
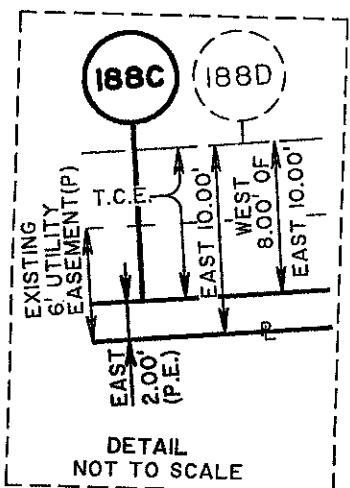
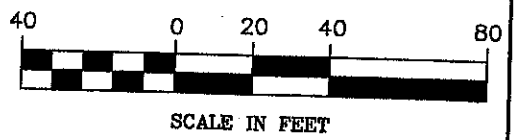
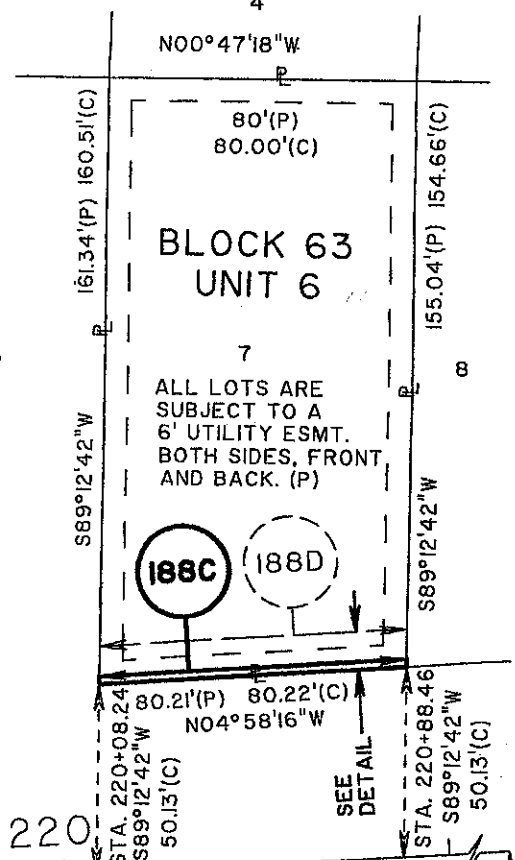


EXHIBIT C



P.I. STA. 217+61.38  
 BRIDGE SPIKE  
 & BOTTLE CAP  
 NO ID 219



220  
 SURVEY BASE LINE  
 GUNNERY ROAD  
 GUNNERY ROAD S. (F)  
 BUCKINGHAM COUNTY ROAD (P)  
 100' R/W (P)  
 P.I. STA. 230+28.50  
 PARKER-KALON  
 NAIL AND DISK  
 "L.S. 2995"

PARCEL 188C  
 (PERPETUAL EASEMENT)

A 2.00 FOOT WIDE PERPETUAL EASEMENT BEING THE EAST 2.00 FEET OF LOT 7, BLOCK 63, UNIT 6, LEHIGH ESTATES, A SUBDIVISION OF LEHIGH ACRES, SECTION 28, TOWNSHIP 44 SOUTH, RANGE 26 EAST, AS RECORDED IN PLAT BOOK 15 PAGE 78, OF THE PUBLIC RECORDS, LEE COUNTY, FLORIDA.

SAID LANDS CONTAIN 160 SQUARE FEET, MORE OR LESS.

NOTE:  
 BEARINGS SHOWN HEREON ARE BASED UPON THE SURVEY BASE LINE OF GUNNERY ROAD HAVING A BEARING OF N 04°58'16" W FROM P.I. STATION 217+61.38 BEING A BRIDGE SPIKE AND BOTTLE CAP NO ID. TO P.I. STATION 230+28.50 BEING A PARKER-KALON NAIL AND DISK "L.S. 2995"

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

PREPARED BY:  
 AIM ENGINEERING & SURVEYING, INC.

*Bob L. Potter* 7/6/04  
 BOB L. POTTER, P.S.M. DATE  
 PROFESSIONAL SURVEYOR AND MAPPER  
 FLORIDA CERTIFICATE NO. 5688

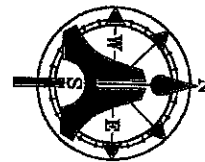
AIM Engineering & Surveying, Inc.  
 5300 LEE BLVD.  
 P.O. BOX 1235  
 LEHIGH ACRES  
 FLORIDA 33970  
 239/332-4569  
 FX:239/332-8734  
 Licensed Business Number 3114

THIS IS NOT A SURVEY SHEET 1 OF 1

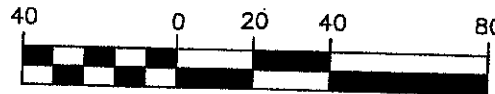
PROJECT NUMBER: 99-7504	DESCRIPTION: LEGAL AND SKETCH PARCEL 188C GUNNERY ROAD FROM S.R. 82 TO LEE BOULEVARD
DRAWN BY: LWC	CLIENT: LEE COUNTY
DATE: 7/1/04	SEC-TWP-RGE 28-44S-26E
	FILE: 7504-188C
	COUNTY: LEE COUNTY

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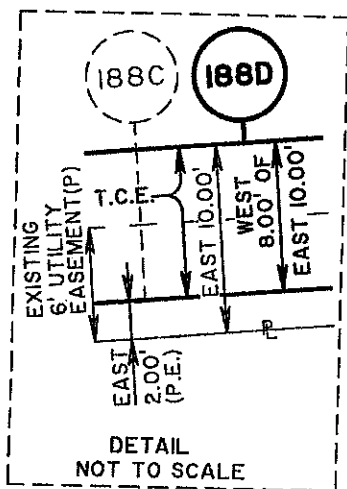
PARCEL NO. 188D (TEMPORARY CONSTRUCTION EASEMENT)  
 PROPERTY OWNER: STEVE A. PANTAZIS  
 STRAP NO. 28-44-26-06-00063.0070  
 AREA OF PARENT TRACT: 12,607 S.F., M.O.L.  
 AREA OF TAKE: 642 S.F., M.O.L.



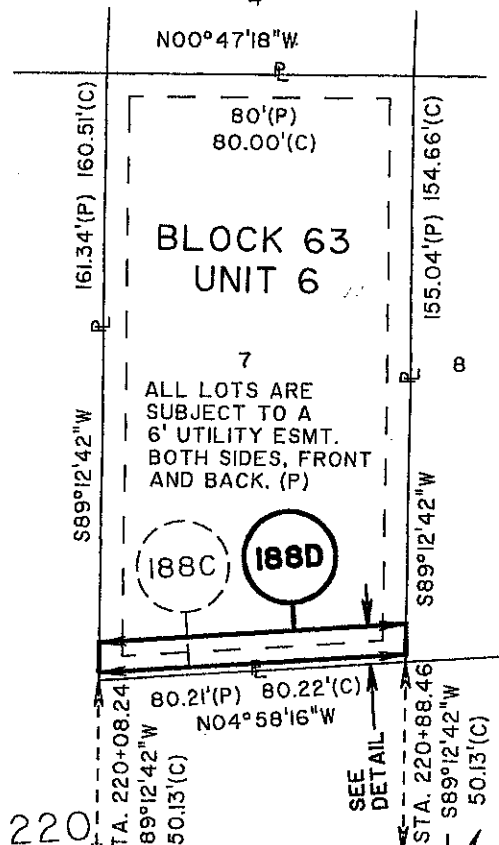
"EXHIBIT D"



SCALE IN FEET



P.I. STA. 217+61.38  
 BRIDGE SPIKE  
 & BOTTLE CAP  
 NO ID 219



220 SURVEY BASE LINE  
 GUNNERY ROAD

GUNNERY ROAD S. (F)  
 BUCKINGHAM COUNTY ROAD (P)  
 100' R/W (P)

P.I. STA. 230+28.50  
 PARKER-KALON  
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SAID LANDS CONTAIN 642 SQUARE FEET, MORE OR LESS.

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

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PREPARED BY:  
 AIM ENGINEERING & SURVEYING, INC.

BOB L. POTTER, P.S.M. DATE 7/6/04  
 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 1

PROJECT NUMBER: 99-7504	DESCRIPTION: LEGAL AND SKETCH PARCEL 188D GUNNERY ROAD FROM S.R. 82 TO LEE BOULEVARD
DRAWN BY: LWC	CLIENT: LEE COUNTY
DATE: 7/1/04	SEC-TWP-RGE 28-44S-26E
	FILE: 7504-188D
	COUNTY: LEE COUNTY

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

Search No. 28-44-26-06-00063.0070

Date: November 17, 2004

Parcel: 188

Project: Gunnery Road Widening Project #4055

To: Michael J. O'Hare, SR/WA  
Property Acquisition AgentFrom: Kenneth Pitt *Kmp*  
Property Acquisition Assistant

STRAP: 28-44-26-06-00063.0070

Effective Date: October 8, 2004, at 5:00 p.m.

**Subject Property:** Lot 7, Block 63, Unit 6, Section 28, Township 44 South, Range 26 East, Lehigh Acres, according to the map or plat thereof on file in the office of the Clerk of the Circuit Court, recorded in Plat Book 15, Page 78, Public Records of Lee County, Florida.

Title to the subject property is vested in the following:

***Steve A. Pantazis***

By that certain instrument dated April 14, 1982, recorded June 9, 1982 in Official Record Book 1610, Page 2030, Public Records of Lee County, Florida.

**Easements:**

1. Six foot utility easement along both sides, front and rear of subject property, as stated on recorded plat of subdivision.

NOTE (1): Declaration of Restrictions recorded in Official Record Book 527, Page 29, Public Records of Lee County, Florida.

**Tax Status:** \$121.97 paid on 11/8/04 for Tax Year 2004.  
(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.**