

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

**Blue Sheet No. 20050090**

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Authorize: 1) the Division of County Lands to make binding offer to property owners in the amount of \$4,400.00 for Parcel 184, Gunnery Road Widening Project No. 4055, pursuant to the Purchase Agreement; 2) the Division of County Lands to handle and accept all documentation necessary to complete transaction.

**WHY ACTION IS NECESSARY:** The Board must authorize the making of a binding offer to a property owner prior to initiation of condemnation proceedings.

**WHAT ACTION ACCOMPLISHES:** Makes binding offer to property owner.

**2. DEPARTMENTAL CATEGORY:** 06  
**COMMISSION DISTRICT #** 3 *C6d* **3. MEETING DATE:** *02-22-2005*

<p><b>4. AGENDA:</b></p> <p><input checked="" type="checkbox"/> CONSENT</p> <p><input type="checkbox"/> ADMINISTRATIVE</p> <p><input type="checkbox"/> APPEALS</p> <p><input type="checkbox"/> PUBLIC</p> <p><input type="checkbox"/> WALK ON</p> <p><input type="checkbox"/> TIME REQUIRED:</p>	<p><b>5. REQUIREMENT/PURPOSE:</b> (Specify)</p> <p><input checked="" type="checkbox"/> STATUTE 73 &amp; 125</p> <p><input type="checkbox"/> ORDINANCE</p> <p><input type="checkbox"/> ADMIN. CODE</p> <p><input type="checkbox"/> OTHER</p>	<p><b>6. REQUESTOR OF INFORMATION:</b></p> <p>A. COMMISSIONER</p> <p>B. DEPARTMENT Independent</p> <p>C. DIVISION County Lands</p> <p>BY: Karen L. W. Forsyth, Director <i>[Signature]</i></p>
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**7. BACKGROUND:**

**Negotiated for:** Department of Transportation

**Interest to Acquire:** One separate Slope/Restoration Easement

**Property Details:**

Parcel 184  
 Owner: Charles Lambertucci and Holly Lambertucci  
 Property Address: 104 & 112 Gunnery Road S, 107-109 Gretchen Ave.  
 STRAP No.: 33-44-26-07-00007.0030, .0050. & .0070  
 Purchase Price: \$4,400.00  
 Estimated Closing Costs: \$1,000.00 (parcel has a mortgage)

**Appraisal Information:**

Company: Carlson Norris & Associates, Inc.  
 Appraised Value: Salient appraisal data attached

**Staff Recommendation:** Staff is of the opinion that the purchase price increase of \$1,000.00, above the appraised value, can be justified considering the costs associated with condemnation proceedings, estimated between \$2,000 and \$3,000 each. Staff recommends the Board approve the Requested Motion.

**Account:** 20405518803.506110

**Attachments:** Purchase and Sale Agreement, In-House Title Search, Appraisal Letter

**8. MANAGEMENT RECOMMENDATIONS:**

**9. RECOMMENDED APPROVAL:**

A	B	C	D	E	F			G
Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services			County Manager
<i>[Signature]</i>			<i>[Signature]</i>		OA	ADM <i>[Signature]</i>	Risk	GC <i>[Signature]</i>
						<i>[Signature]</i>	<i>[Signature]</i>	

**10. COMMISSION ACTION:**

APPROVED

DENIED

DEFERRED

OTHER

Rec. by CoAtty  
 Date: *[Signature]*  
 Time: *[Signature]*  
 Forwarded To: *[Signature]*

RECEIVED BY  
 COUNTY ADMIN: *[Signature]*  
 2/17/05  
 COUNTY ADMIN  
 FORWARDED TO: *[Signature]*

Parcel: 184  
Project: Gunnery Road 4 Lane (SR 82 – Lee Blvd.), Project No. 4055  
STRAP No.: 33-44-26-07-00007.0030, .0050, & .0070

**BOARD OF COUNTY COMMISSIONERS  
LEE COUNTY  
EASEMENT PURCHASE AGREEMENT  
IN LIEU OF CONDEMNATION PROCEEDINGS**

This Agreement made and entered into this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, by and between **CHARLES LAMBERTUCCI, a/k/a CHARLES A. LAMBERTUCCI, C.A. LAMBERTUCCI, and CHARLIE A. LAMBERTUCCI, and HOLLY LAMBERTUCCI, a/k/a HOLLY A. LAMBERTUCCI, husband and wife**, whose address is 306 Oak Street, Lehigh Acres, FL 33936, 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, located and described as set forth in Exhibit "C" 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 easement to Purchaser for the sum of \$4,400.00; Purchaser to pay recording costs, documentary stamps and title insurance.
- b) Owner agrees that said easement will be granted to Purchaser by execution of the Non-exclusive Slope/Restoration 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 Slope/Restoration Easement instrument by Purchaser.
- d) Owner agrees that Purchaser, his successors and assigns will be allowed to use said easement areas, called "the Property", as described in Exhibit "C".
- e) Purchaser agrees to complete construction within the easement area in a timely manner.
- f) The land in Exhibit "C" is not and has never been the homestead of the Owner, nor is it contiguous to the homestead of the Owner.
- g) Owner will provide either a release, satisfaction of mortgage or subordination agreement for all mortgages that encumber the property. Purchaser will pay reasonable associated costs; if any.

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:**

**CHARLES LAMBERTUCCI, a/k/a CHARLES A.  
LAMBERTUCCI, C.A. LAMBERTUCCI, and  
CHARLIE A. LAMBERTUCCI**

\_\_\_\_\_  
1<sup>st</sup> Witness Signature

By: \_\_\_\_\_

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

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

**HOLLY LAMBRERTUCCI,  
a/k/a HOLLY A. LAMBERTUCCI**

\_\_\_\_\_  
1<sup>st</sup> Witness Signature

By: \_\_\_\_\_

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

**EASEMENT PURCHASE AGREEMENT  
IN LIEU OF CONDEMNATION PROCEEDINGS**  
Page 2 of 2

**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

**EXHIBIT "A"**

Parcel: 184  
Project: Gunnerly Road 4 Lane (SR 82 – Lee Blvd.), Project No. 4055  
STRAP No.: 33-44-26-07-00007.0030, .0050, & .0070

**SLOPE/RESTORATION EASEMENT**

This INDENTURE, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_,  
between **CHARLES LAMBERTUCCI, a/k/a CHARLES A. LAMBERTUCCI, C.A. LAMBERTUCCI, and CHARLIE A. LAMBERTUCCI, and HOLLY LAMBERTUCCI, a/k/a HOLLY A. LAMBERTUCCI, husband and wife**, whose address is 306 Oak Street, Lehigh Acres, FL 33936, (Grantor), and **LEE COUNTY**, a political subdivision of the State of Florida, whose address is Post Office 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 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. **Except for trees**, these improvements may include the use of foliage.

4. Grantor may not construct or place any structures or foliage, **including trees**, within the Easement Parcel.

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", 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.

**Slope/Restoration Easement**

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

**Page 2 of 3**

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

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

**TWO SEPARATE WITNESSES:**

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

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

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

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

\_\_\_\_\_  
**CHARLES LAMBERTUCCI,  
a/k/a CHARLES A. LAMBERTUCCI,  
C.A. LAMBERTUCCI, and CHARLIE A.  
LAMBERTUCCI**

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

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

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

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

\_\_\_\_\_  
**HOLLY LAMBERTUCCI,  
a/k/a HOLLY A. LAMBERTUCCI**

**Slope/Restoration Easement**

**Project:** Gunnerly Road 4 Lane (SR 82 – Lee Blvd.), Project No. 4055

**Page 3 of 3**

**STATE OF**

**COUNTY OF**

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by **CHARLES LAMBERTUCCI, a/k/a CHARLES A. LAMBERTUCCI, C.A. LAMBERTUCCI, and CHARLIE A. LAMBERTUCCI.** He is personally known to me or who has produced \_\_\_\_\_ as identification.  
(type of identification)

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

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

**STATE OF**

**COUNTY OF**

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by **HOLLY LAMBERTUCCI, a/k/a HOLLY A. LAMBERTUCCI.** She is personally known to me or who has produced \_\_\_\_\_ as identification.

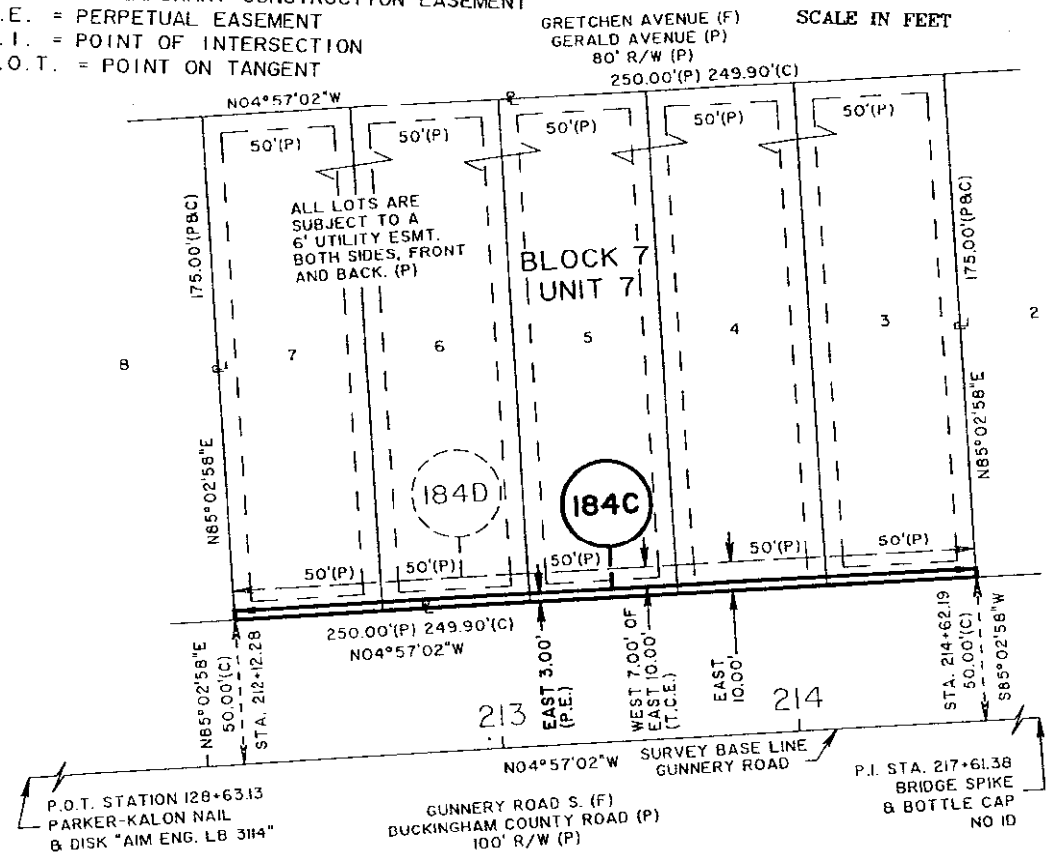
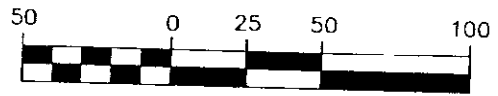
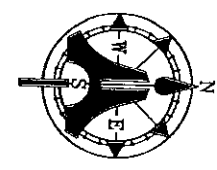
\_\_\_\_\_  
(Signature of Notary Public)

\_\_\_\_\_  
(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  
 R = 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. 184C (PERPETUAL EASEMENT)  
 PROPERTY OWNER: C.A. LAMBERTUCCI AND HOLLY A. LAMBERTUCCI  
 STRAP NO. 33-44-26-07-00007.0030  
 STRAP NO. 33-44-26-07-00007.0050  
 STRAP NO. 33-44-26-07-00007.0070  
 AREA OF PARENT TRACT: 1.004 ACRES, M.O.L.  
 AREA OF TAKE: 750 S.F., M.O.L.

EXHIBIT C



**PARCEL 184C  
 (PERPETUAL EASEMENT)**


A 3.00 FOOT WIDE PERPETUAL EASEMENT BEING THE EAST 3.00 FEET OF LOTS 3, 4, 5, 6 AND 7, BLOCK 7, UNIT 7, LEHIGH ESTATES, A SUBDIVISION OF LEHIGH ACRES, SECTION 33, TOWNSHIP 44 SOUTH, RANGE 26 EAST, AS RECORDED IN PLAT BOOK 15 PAGE 87, OF THE PUBLIC RECORDS, LEE COUNTY, FLORIDA.

SAID LANDS CONTAIN 750 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°57'02" W FROM P.O.T. STATION 128+63.13 BEING A PARKER-KALON NAIL AND DISK "AIM ENG. LB 3114" TO P.I. STATION 217+61.38 BEING A BRIDGE SPIKE AND BOTTLE CAP NO ID.

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, 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 184C GUNNERY ROAD FROM S.R. 82 TO LEE BOULEVARD
DRAWN BY: LWC	CLIENT: LEE COUNTY
DATE: 7/1/04	SEC-TWP-RGE: 33-44S-26E
	FILE: 7504-184C
	COUNTY: LEE COUNTY

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

Search No. 33-44-26-07-00007.0050

Date: January 20, 2005

Parcel: 184

Project: Gunnery Road Widening Project #4055

To: Michael J. O'Hare, SR/WA  
Property Acquisition AgentFrom: Shelia A. Bedwell, CLS  
Property Acquisition Assistant

STRAP: 33-44-26-07-00007.0050

Effective Date: December 26, 2004, at 5:00 p.m.

**Subject Property:** Lots 3-7, Block 7, Unit 7, Lehigh Estates, 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 87, Public Records of Lee County, Florida.

Title to the subject property is vested in the following:

***Charles Lambertucci, also known as Charles A. Lambertucci, C.A. Lambertucci, and Charlie A. Lambertucci, and Holly Lambertucci, also known as Holly A. Lambertucci, husband and wife***

By those certain instruments recorded in Official Record Book 1460, Page 782; Official Record Book 1656, Page 1545; Official Record Book 1899, Page 3847, and Official Record Book 3440, Page 194, as corrected in Official Record Book 4493, Page 1810, 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 84, Page 310 and Official Record Book 527, Page 29, Public Records of Lee County, Florida.

NOTE (2): Strap number 33-44-26-07-00007.0050 now covers Lots 3 through 7 inclusively.

**Tax Status:** 2004 taxes have been paid in full.

*(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.**



**Valuation**

**Approaches Used:** Sales Comparison (X)  
 Cost Approach ( )  
 Income Approach ( )  
**Analysis Type:** Complete (X) Limited ( )  
**Report Type:** Restricted ( ) Summary (X) Self Contained ( )

**Sale Data:** Range of Sales \$ per SF \$3.71 - \$6.29  
 Time Adjusted Range \$ per SF \$3.95 - \$7.22  
 Sale Date Range March 2004 - October 2004

**Value of Improvements:** The appraiser has estimated the contributory value of the sidewalk by use of the Marshall-Swift Valuation services. The contributory value is estimated to be \$2,500.

**Value Estimates:** (See summary chart below)

**SUMMARY OF ANALYSIS**  
 Gunnery Road Project  
 Parcel 184

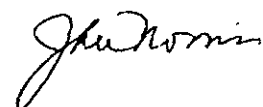
<b>Market Value of Fee Simple Interest in Parent Parcel</b>	43,750 sf		
	x \$5.75 per sf		
		\$251,563	\$251,563
<b>less: Market Value of Remainder - Fee Unencumbered</b>			
*43750 sf - 750 sf proposed easement area unencumbered fee value per square foot unencumbered fee value of remainder area	43000 sf *		
	x \$5.75 per sf		
		\$247,250	
<b>less: *per county data Slope Easement-C Remainder</b>			
\$5.75 per sf times .80 (1- .20 percentage of impact) remainder value for land within proposed easement	750 sf		
	x \$4.60 per sf*		
		\$3,450.00	
<b>Total Market Value of Remainder (rounded)</b>			\$250,700
<b>Market Value of Property Rights Taken</b>			\$862.50
<b>Add: Value of Improvements Taken</b>			\$2,500.00
<b>Total Market Value of Part Taken</b>			\$3,362.50
<b>say, rounded.....</b>			<u>\$3,400.00</u>

04-78-184sum

Additional information required for analysis to meet USPAP standards is located within the text of the main body of the analysis including all limiting conditions and special assumptions.

**TOTAL COMPENSATION DUE THE PROPERTY OWNER ..... (\$3,400.00)**

**Appraiser: J. Lee Norris MAI, SRA**  
 State Certified General Appraiser  
 RZ # 0000643



**APPRAISAL REPORT GUNNERY ROAD PROJECT 4055**

**Parcel Identification**

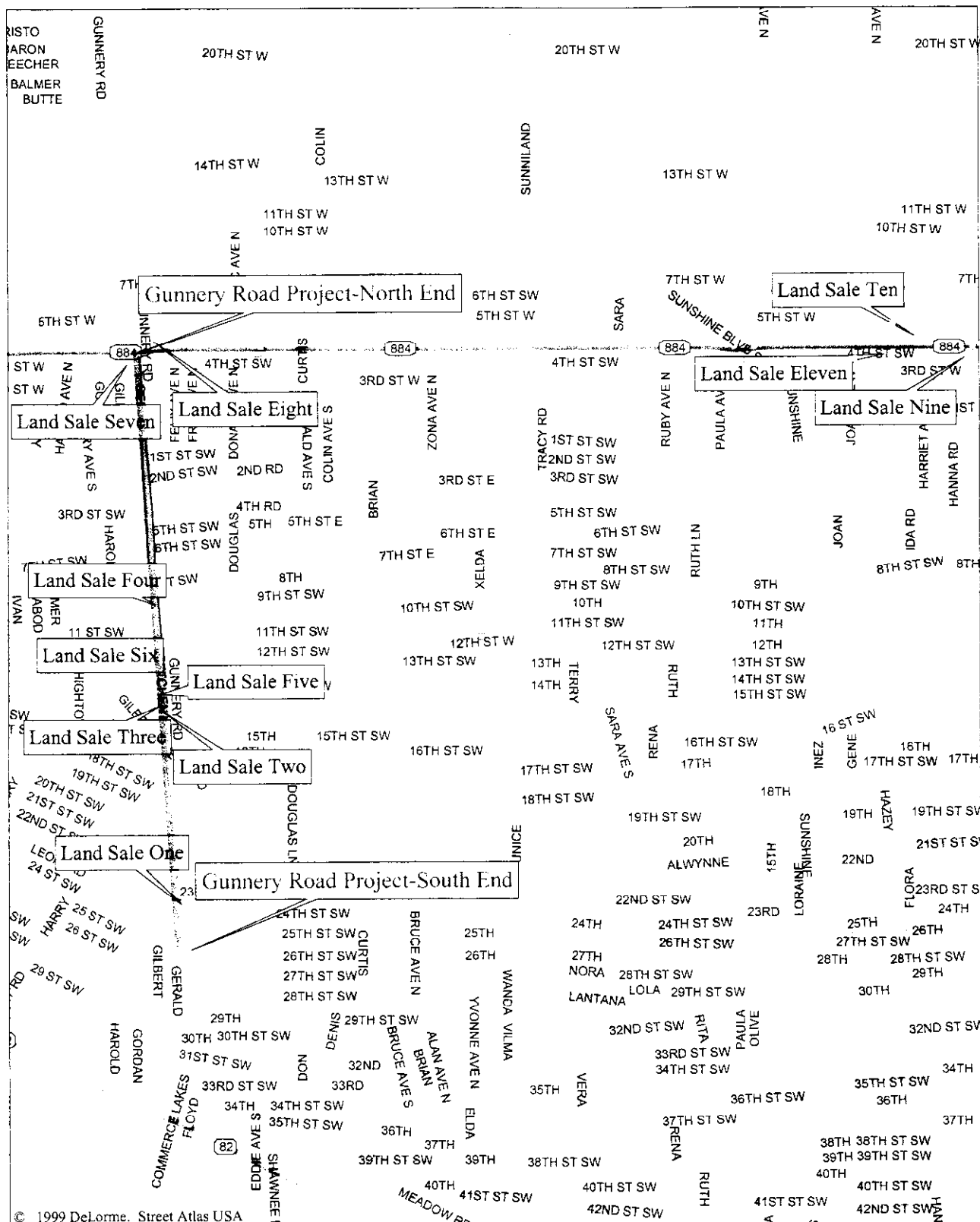
**Project Parcel Number:** 184  
**Owner Name/Address:** Lambertucci, Charles & Holly, 104-112 Gunnery Road S  
**Lee County STRAP Number:** 33-44-26-07-00007.0030-.0700  
**Legal Description:** Lots 3-7, Block 7, Unit 7, Lehigh Estates, PB 15, PG 87  
**History of Ownership:** No sale in previous five years  
**Interest Appraised:** Fee Simple ( ) Partial (X)  
**Assessed Value:** \$225,210 including \$93,070 of building  
**Effective Date of Appraisal:** December 9, 2004  
**Date of Report:** December 13, 2004

**Site Data**

**Parent Parcel - Overall Size:** 43,750 square feet  
**Frontage - Depth:** 250' X 175'  
**Acquisition Type:** Fee Take ( ) - A  
Utility Easement ( ) - B  
Perpetual Easement (X) - C 750 square feet  
Sidewalk ( )  
Drainage ( )  
Fill/Slope (X)  
**Parcel Remainder Size:** 43,000 sf unencumbered, 750 sf encumbered  
**Existing Easements:** Utility (X) Drainage ( ) Road ( )  
**Corner Parcel ( ) Interior Parcel (X)**  
**Topography - Level (X) Irregular ( )**  
**Soil Conditions - Typical (X) Require Correction ( )**  
**Flood Zone:** B **Panel #:** 125124 0375 B  
**Utilities Available:** Electricity (X)  
Telephone (X)  
Water ( )  
Sewer ( )  
**Zoning/Land Use:** C2/Central Urban  
**Adverse Conditions:** None  
**Supporting Services:** Lee County Sheriff and Fire  
**Miscellaneous:** None  
**Marketing Time:** Less than 1 year  
**Highest and Best Use:** Commercial Requires Zoning Change ( )

**Improvements** None ( ) Site (X) Structure (X)

**Description of improvements within take area:** Within the take area is a sidewalk, grass and additional landscaping. The property owner will be compensated for the sidewalk, the condemning authority is responsible for replacing all landscaped areas.



**LOCATION MAP**