

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

Blue Sheet No. 20050089

1. REQUESTED MOTION:

ACTION REQUESTED: Authorize: 1) the Division of County Lands to make binding offers to property owners in the amount of \$1,800.00 for Parcel 107, \$1,000.00 each for Parcels 127 and 148, and \$1,400.00 for Parcel 156. Gunnery Road Widening Project No. 4055, pursuant to the Purchase Agreements; 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 offers to property owner.

2. DEPARTMENTAL CATEGORY: 06
COMMISSION DISTRICT # 3 *C6e*

3. MEETING DATE: *02-22-2005*

4. AGENDA:
 CONSENT
 ADMINISTRATIVE
 APPEALS
 PUBLIC
 WALK ON
TIME REQUIRED:

5. REQUIREMENT/PURPOSE:
(Specify)
 STATUTE 73 & 125
 ORDINANCE
 ADMIN. CODE
 OTHER

6. REQUESTOR OF INFORMATION:
A. COMMISSIONER
B. DEPARTMENT Independent
C. DIVISION County Lands
BY: Karen L. W. Forsyth, Director *KLF*

7. BACKGROUND:

Negotiated for: Department of Transportation

Interest to Acquire: Four separate Slope/Restoration Easements

Property Details:
See attached

Purchase Details:
See attached

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

Staff Recommendation: Staff is of the opinion that the purchase price increases of approximately \$400 - \$600 each, above the appraised values, 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 Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services <i>CPA 2/1/05</i>				G County Manager
<i>K. Forsyth</i>			<i>NO</i>		OA	OM	Risk	GC	
			<i>2/1/05</i>		<i>2/1/05</i>	<i>2/1/05</i>	<i>2/1/05</i>	<i>2/1/05</i>	

10. COMMISSION ACTION:

_____ APPROVED
_____ DENIED
_____ DEFERRED
_____ OTHER

Rec. by CoAtty
Date: *2/1/05*
Time: *11:00*

RECEIVED BY
COUNTY ADMIN: *EW*
2/1/05
S. H.
COUNTY ADMIN
FORWARDED TO: *11*
2/1/05

Blue Sheet 20050089 Continued

Parcel 107

Owner: Jeff Dami
Property Address: 2301 Gretchen Ave. S
STRAP No.: 04-45-26-05-00023.0010, .0020,
.0030 & .0040
Purchase Price: \$1,800.00
Estimated Closing Costs: \$800.00 (parcel has
a mortgage)

Parcel 127

Owner: Clinton J. Simpson and Nina Simpson
Property Address: 1501 Gretchen Ave. S
STRAP No.: 04-45-26-05-00010.0010 & .0020
Purchase Price: \$1,000.00
Estimated Closing Costs: \$300.00

Parcel 148

Owner: Joseph E. Katz and Rachel W. Katz
Property Address: 742-748 Gunnery Rd. S
STRAP No.: 33-44-26-07-00017.0220, .0230,
.0240, & .0250
Purchase Price: \$1,000.00
Estimated Closing Costs: \$300.00

Parcel 156

Owner: Ted R. Browning and Teresa L. Browning
Property Address: 722-728 Gunnery Road S
STRAP No.: 33-44-26-07-00017.0120, .0130,
.0140, & .0150
Purchase Price: \$1,400.00
Estimated Closing Costs: \$300.00

Parcel: 107
Project: Gunnery Road 4 Lane (SR 82 – Lee Blvd.), Project No. 4055
STRAP No.: 04-45-26-05-00023.0010, .0020, .0030 & .0040

**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 **JEFF DAMI, a married man**, whose address is 3071 2nd Street NW, Naples, FL 34120, 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 \$1,800.00; 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:**

JEFF DAMI

1st Witness Signature

By: _____

2nd Witness Signature

ATTEST:

LEE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

CHARLIE GREEN, CLERK

By: _____
Deputy Clerk

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: 107
Project: Gunnery Road 4 Lane (SR 82 – Lee Blvd.), Project No. 4055
STRAP No.: 04-45-26-05-00023.0010, .0020, .0030 & .0040

SLOPE/RESTORATION EASEMENT

This INDENTURE, made and entered into this _____ day of _____ 20____,
between **JEFF DAMI, a married man**, whose address is 3071 2nd Street NW, Naples, FL 34120,
(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, it's 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 2

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

JEFF DAMI GRANTOR

Printed name of 1st Witness

2nd Witness Signature

Printed name of 2nd Witness

STATE OF

COUNTY OF

The foregoing instrument was acknowledged before me this ___ day of _____, 20___, by **JEFF DAMI**. He is personally known to me or who has produced _____ as identification.

(type of identification)

(Signature of Notary Public)

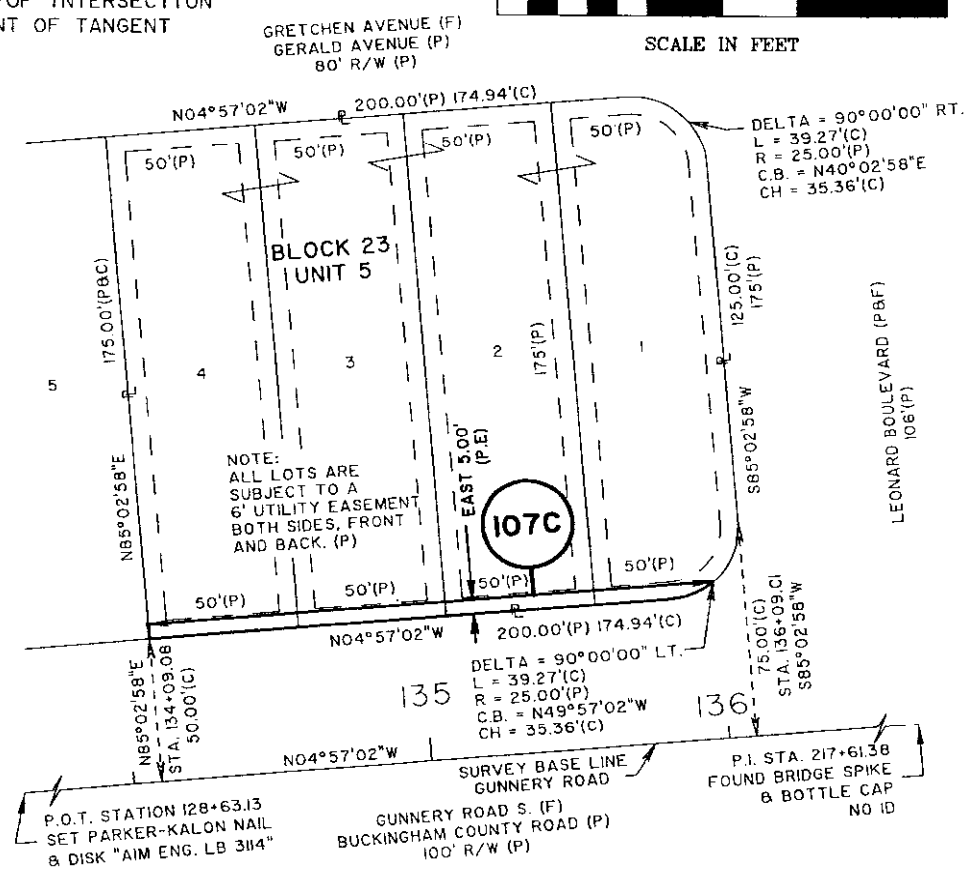
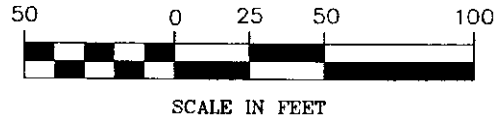
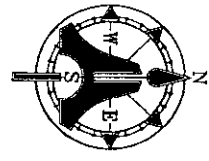
(Name typed, printed or stamped)
(Title or Rank)
(Serial Number, if any)

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
 PL = 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 OF TANGENT

PARCEL NO. 107C (PERPETUAL EASEMENT)
 PROPERTY OWNER: FRANK D'ALESSANDRO, INC (TRUSTEE)
 STRAP NO. 04-45-26-05-00023.0010
 STRAP NO. 04-45-26-05-00023.0020
 STRAP NO. 04-45-26-05-00023.0030
 STRAP NO. 04-45-26-05-00023.0040
 AREA OF PARENT TRACT: 34,723 S.F., M.O.L.
 AREA OF TAKE: 926 S.F., M.O.L.

EXHIBIT C



**PARCEL 107C
 (PERPETUAL EASEMENT)**

A 5.00 FOOT WIDE PERPETUAL EASEMENT BEING THE EAST 5.00 FEET OF LOTS 1, 2, 3, AND 4, UNIT 5, LEHIGH ESTATES, A SUBDIVISION OF LEHIGH ACRES, SECTION 4, TOWNSHIP 45 SOUTH, RANGE 26 EAST, AS RECORDED IN PLAT BOOK 15, PAGE 85, OF THE PUBLIC RECORDS, LEE COUNTY, FLORIDA.


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.

SAID LANDS CONTAIN 926 SQUARE FEET, MORE OR LESS.

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

PREPARED BY:
 AIM ENGINEERING & SURVEYING, INC.

James M. Condon 7/16/04
 JAMES M. CONDON, P.S.M. DATE
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA CERTIFICATE NO. 6074

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 107C GUNNERY ROAD FROM S.R. 82 TO LEE BOULEVARD
DRAWN BY: LWC	CLIENT: LEE COUNTY
DATE: 7/14/04	SEC-TWP-RGE 4-45S-26E
FILE: 7504-107C	COUNTY: LEE COUNTY

Division of County Lands

Updated Ownership and Easement Search

Search No. 04-45-26-05-00023.0010, .0020, .0030 & .0040

Date: January 12, 2005

Parcel: 107

Project: Gunnery Road Widening, Project 4055

To: Michael J. O'Hare, SR/WA
Property Acquisition Agent

From: Shelia A. Bedwell, CLS
Property Acquisition Assistant

STRAP: 04-45-26-05-00023.0010, .0020, .0030 & .0040

Effective Date: December 19 2004, at 5:00 p.m.

Subject Property: Lots 1, 2, 3 and 4, Block 23, Unit 5, Lehigh Estates, Section 4, Township 45 South, Range 26 East, Lehigh Acres, Florida, 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 85, Public Records, Lee County, Florida.

Title to the subject property is vested in the following:

Jeff Dami, a married man

By that certain instrument dated September 8, 2004, recorded September 9, 2004, in Official Record Book 4423, Page 2950, Public Records of Lee County, Florida.

Easements:

1. Subject to a 6 foot Utility Easement, both sides front and back on all lots, as recited on the plat of Unit 5, Lehigh Estates, recorded in Plat Book 15, Page 85, Public Records of Lee County, Florida.
2. Subject to Sewer and Water Covenants and Restrictions recorded in Official Record Book 10, Page 695 and amended by Official Record Book 41, Page 264, Public Records of Lee County, Florida.
3. Subject to an order extending the boundaries of the East County Water Control District recorded in Official Record Book 67, Page 673, Public Records of Lee County, Florida.
4. Subject to a Declaration of Restrictions recorded in Official Record Book 84, Page 310, Public Records of Lee County, Florida.
5. Subject to an Agreement for Water and Sewer Easements recorded in Official Record Book 327, Page 119, Public Records of Lee County, Florida.
6. Subject to a Declaration of Restrictions recorded in Official Record Book 527, Page 29, Public Records of Lee County, Florida.

NOTE(1): Subject to Lee County Ordinance No. 86-14 relating to garbage and solid waste collection, recorded in Official Record Book 2189, Page 3281 and amended by Official Record Book 2189, Page 3334, Public Records of Lee County, Florida.

Division of County Lands

Updated Ownership and Easement Search

Search No. 04-45-26-05-00023.0010, .0020,
.0030 & .0040

Date: January 12, 2005

Parcel: 107

Project: Gunnery Road Widening, Project 4055

NOTE(2): Mortgage executed by Anthony Carter in favor of First National Bank of Florida, dated May 6, 2004, recorded May 24, 2004, in Official Record Book 4307, Page 3932, Public Records of Lee County, Florida. Subject parcel should be released from said mortgage.

Tax Status: 2004 taxes are now due and payable.

(The end user of this report is responsible for verifying tax and/or assessment information.)

The Division of County Lands has made a diligent search of the Public Record. However, this report contains no guarantees nor warranty as to its accuracy.

APPRAISAL REPORT GUNNERY ROAD PROJECT 4055

Parcel Identification

Project Parcel Number: 107
Owner Name/Address: Dami, Jeff, 2301-2307 Gretchen Avenue S
Lee County STRAP Number: 04-45-26-05-00023.0010-.0040
Legal Description: Lots 1-4, Block 23, Unit 5, Lehigh Estates, PB 15, PG 85
History of Ownership: Purchased in March 2004 for \$210,000 recorded in OR Book 4244 at Page 4500
Interest Appraised: Fee Simple () Partial (X)
Assessed Value: \$70,870
Effective Date of Appraisal: December 9, 2004
Date of Report: December 13, 2004

Site Data

Parent Parcel - Overall Size: 35,000 square feet
Frontage - Depth: 200' X 175'
Acquisition Type: Fee Take () - A
Utility Easement () - B
Perpetual Easement (X) - C 926 square feet
Sidewalk ()
Drainage ()
Fill/Slope (X)
Parcel Remainder Size: 34,074 square feet
Existing Easements: Utility (X) Drainage () Road ()
Corner Parcel (X) Interior Parcel ()
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: Major corner influence due to location at the corner of Leonard Blvd..
Marketing Time: Less than 1 year
Highest and Best Use: Commercial Requires Zoning Change ()

Improvements None (X) Site () Structure ()

Description of improvements within take area: N/A

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: N/A

Value Estimates: (See summary chart below)

SUMMARY OF ANALYSIS
Gunnery Road Project
Parcel 107

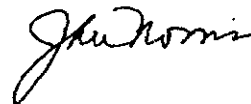
Market Value of Fee Simple Interest in Parent Parcel	x	35,000 sf \$7.00 per sf	\$245,000	\$245,000
less: Market Value of Remainder - Fee Unencumbered				
* 35,000 sf - 926 sf proposed easement area unencumbered fee value per square foot unencumbered fee value of remainder area	x	34074 sf * \$7.00 per sf	\$238,518	
less: *per county data Slope Easement-C Remainder				
\$7.00 per sf times .80 (1- .20 percentage of impact) remainder value for land within proposed easement	x	926 sf \$5.60 per sf*	\$5,185.60	
Total Market Value of Remainder (rounded)				\$243,704
Market Value of Part Taken rounded to				\$1,296.40
				<u>\$1,300.00</u>

04-78-107sum

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 (\$1,300.00)

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



Parcel: 127
Project: Gunnery Road 4 Lane (SR 82 – Lee Blvd.), Project No. 4055
STRAP No.: 04-45-26-05-00010.0010 & .0020

**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 **CLINTON J. SIMPSON and NINA SIMPSON**, joint tenants with full rights of survivorship, whose address is 1413 Caywood Circle S, 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 \$1,000.00; 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:**

Owner: CLINTON J. SIMPSON

1st Witness Signature

By: _____

2nd Witness Signature

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

Owner: NINA SIMPSON

1st 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: 127
Project: Gunnery Road 4 Lane (SR 82 – Lee Blvd.), Project No. 4055
STRAP No.: 04-45-26-05-00010.0010 & .0020

SLOPE/RESTORATION EASEMENT

This INDENTURE, made and entered into this _____ day of _____, 20____, between **CLINTON J. SIMPSON and NINA SIMPSON**, joint tenants with full rights of survivorship, whose address is 1413 Caywood Circle S, 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

CLINTON J. SIMPSON GRANTOR

Printed name of 1st Witness

2nd Witness Signature

Printed name of 2nd Witness

1st Witness Signature

NINA SIMPSON GRANTOR

Printed name of 1st Witness

2nd Witness Signature

Printed name of 2nd Witness

Slope/Restoration Easement

Project: Gunnery 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 **CLINTON J. SIMPSON**. 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 **NINA SIMPSON**. She 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)

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

Search No. 04-45-26-05-00010.0010, .0020

Date: January 13, 2005

Parcel: 127

Project: Gunnery Road Widening, Project 4055

To: Michael J. O'Hare, SR/WA
Property Acquisition Agent

From: Shelia A. Bedwell, CLS
Property Acquisition Assistant

STRAP: 04-45-26-05-00010.0010 and .0020

Effective Date: December 14, 2004, at 5:00 p.m.

Subject Property: Lots 1 and 2, Block 10, Unit 5, LEHIGH ESTATES, Section 4, Township 45 South, Range 26 East, Lehigh Acres, Florida, 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 85, Public Records of Lee County, Florida.

Title to the subject property is vested in the following:

Clinton J. Simpson and Nina Simpson, joint tenants with full right of survivorship

By that certain instrument dated January 20, 1999, recorded January 22, 1999, in Official Record Book 3066, Page 2552, Public Records of Lee County, Florida.

Easements:

1. Subject to a 6 foot Utility Easement, both sides front and back on all lots, as recited on the plat of Unit 5, Lehigh Estates recorded in Plat Book 15, Page 85, Public Records of Lee County, Florida.
2. Subject to Sewer and Water Covenants and Restrictions recorded in Official Record Book 10, Page 695 and amended by Official Record Book 41, Page 264, Public Records of Lee County, Florida.
3. Subject to an order extending the boundaries of the East County Water Control District recorded in Official Record Book 67, Page 673, Public Records of Lee County, Florida.
4. Subject to a Declaration of Restrictions recorded in Official Record Book 84, Page 310, Public Records of Lee County, Florida.
5. Subject to an Agreement for Water and Sewer Easements recorded in Official Record Book 327, Page 119, Public Records of Lee County, Florida.
6. Subject to a Declaration of Restrictions recorded in Official Record Book 527, Page 29, Public Records of Lee County, Florida.

Division of County Lands

Updated Ownership and Easement Search

Search No. 04-45-26-05-00010.0010, .0020

Date: January 13, 2005

Parcel: 127

Project: Gunnery Road Widening, Project 4055

NOTE (1): Subject to Lee County Ordinance No. 86-14 relating to garbage and solid waste collection, recorded in Official Record Book 2189, Page 3281 and amended by Official Record Book 2189, Page 3334, Public Records of Lee County, Florida.

NOTE (2): Judgment again Clinton J. Simpson recorded December 16, 1997 in Official Record Book 2899, Page 2096, Public Records of Lee County, Florida. This must be addressed and resolved by the Title Company or Attorney that handles the transfer to the County.

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 or warranties as to its accuracy.

APPRAISAL REPORT GUNNERY ROAD PROJECT 4055

Parcel Identification

Project Parcel Number: 127
Owner Name/Address: Simpson, Clinton J & Nina JT, 1501-1503 Gretchen Avenue S
Lee County STRAP Number: 04-45-26-05-00010.0010-.0020
Legal Description: Lots 1 & 2, Block 10, Unit 5, Lehigh Estates, PB 15, PG 85
History of Ownership: January 1999, \$25,000
Interest Appraised: Fee Simple () Partial (X)
Assessed Value: \$32,280
Effective Date of Appraisal: December 9, 2004
Date of Report: December 13, 2004

Site Data

Parent Parcel - Overall Size: 18,725 square feet
Frontage - Depth: 107' X 175' +/-
Acquisition Type: Fee Take () - A
Utility Easement () - B
Perpetual Easement (X) - C 526 square feet
Sidewalk ()
Drainage ()
Fill/Slope (X)
Parcel Remainder Size: 18,199 sf unencumbered, 526 sf encumbered
Existing Easements: Utility (X) Drainage () Road ()
Corner Parcel (X) Interior Parcel ()
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 (X) Site () Structure ()

Description of improvements within take area: None

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: N/A

Value Estimates: (See summary chart below)

SUMMARY OF ANALYSIS
 Gunnery Road Project
 Parcel 127

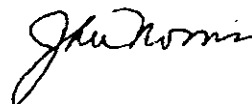
Market Value of Fee Simple Interest in Parent Parcel	18,725 sf		
	x \$5.75 per sf		
		\$107,669	\$107,669
less: Market Value of Remainder - Fee Unencumbered			
*18725 sf - 526 sf proposed easement area	18199 sf *		
unencumbered fee value per square foot	x \$5.75 per sf		
unencumbered fee value of remainder area		\$104,644	
less: *per county data Slope Easement-C Remainder			
\$5.75 per sf times .80 (1- .20 percentage of impact)	526 sf*		
remainder value for land within proposed easement	x \$4.60 per sf		
		\$2,419.60	
Total Market Value of Remainder (rounded)			<u>\$107,064</u>
Market Value of Part Taken			\$604.90
rounded to			<u><u>\$605.00</u></u>

04-78-127sum

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 (\$605.00)

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



Parcel: 148
Project: Gunnery Road 4 Lane (SR 82 – Lee Blvd.), Project No. 4055
STRAP No.: 33-44-26-07-00017.0220, .0230, .0240, & .0250

**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 **JOSEPH E. KATZ AND RACHEL W. KATZ, husband and wife**, whose address is 302 Greenwood Ave., Lehigh Acres, FL 33972, 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 \$1,000.00; 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 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:**

Owner: JOSEPH E. KATZ

1st Witness Signature

By: _____

2nd Witness Signature

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

Owner: RACHEL W. KATZ

1st 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: 148
Project: Gunnery Road 4 Lane (SR 82 – Lee Blvd.), Project No. 4055
STRAP No.: 33-44-26-07-00017.0220, .0230, .0240, & .0250

SLOPE/RESTORATION EASEMENT

This INDENTURE, made and entered into this _____ day of _____ 20____,
between **JOSEPH E. KATZ AND RACHEL W. KATZ, husband and wife**, whose address is 302
Greenwood Ave., Lehigh Acres, FL 33972, (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, it's 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

JOSEPH E. KATZ

GRANTOR

Printed name of 1st Witness

2nd Witness Signature

Printed name of 2nd Witness

1st Witness Signature

RACHEL W. KATZ

GRANTOR

Printed name of 1st Witness

2nd Witness Signature

Printed name of 2nd Witness

Slope/Restoration Easement

Project: Gunnery 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 **JOSEPH E. KATZ**. 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 **RACHEL W. KATZ**. She is personally known to me or who has produced
_____ as identification.

(type of identification)

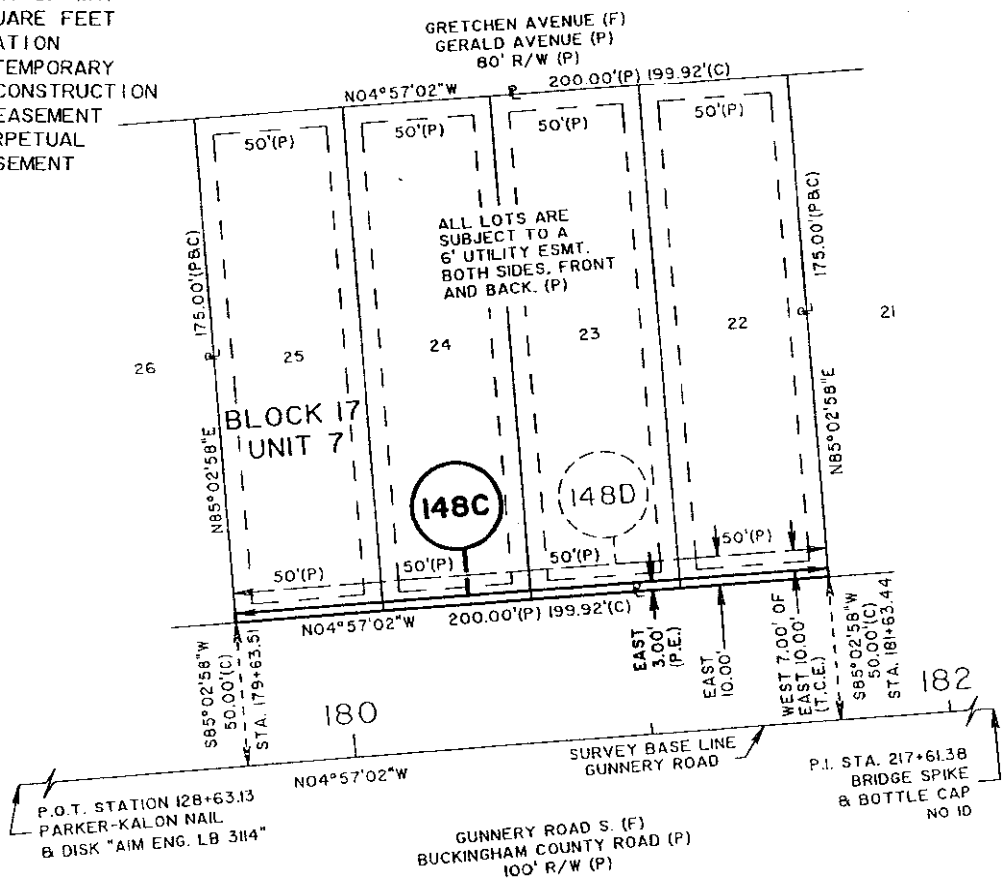
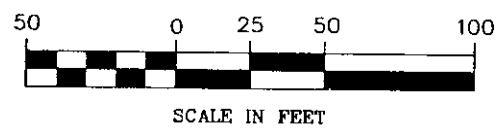
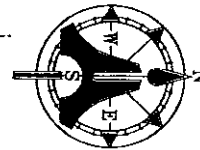
(Signature of Notary Public)

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

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

PARCEL NO. 148C (PERPETUAL EASEMENT)
 PROPERTY OWNER: JOSEPH E. KATZ AND RACHEL W. KATZ
 STRAP NO. 33-44-26-07-00017.0230
 STRAP NO. 33-44-26-07-00017.0240
 STRAP NO. 33-44-26-07-00017.0250
 AREA OF PARENT TRACT: 34,986 S.F., M.O.L.
 AREA OF TAKE: 600 S.F., M.O.L.

EXHIBIT C



PARCEL 148C
 (PERPETUAL EASEMENT)

A 3.00 FOOT WIDE PERPETUAL EASEMENT BEING THE EAST 3.00 FEET OF LOTS 22, 23, 24 AND 25, BLOCK 17, 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 600 SQUARE FEET, MORE OR LESS.

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

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. 10.

PREPARED BY:
 AIM ENGINEERING & SURVEYING, INC.

[Signature]
 BOB L. POTTER, P.S.W. 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 148C GUNNERY ROAD FROM S.R. 82 TO LEE BOULEVARD
DRAWN BY: LWC	CLIENT: LEE COUNTY
DATE: 6/14/04	SEC-TWP-RGE: 33-44S-26E
	FILE: 7504-148C
	COUNTY: LEE COUNTY

Division of County Lands

Updated Ownership and Easement Search


Search No. 33-44-26-07-00017.0220, .0230, .0240 and .0250

Date: January 18, 2005

Parcel: 148

Project: Gunnery Road Widening, Project 4055

To: Michael J. O'Hare, SR?WA
Property Acquisition Agent

From: Shelia A. Bedwell, CLS
Real Estate Title Examiner 

STRAP: 33-44-26-07-00017.0220, .0230, .0240 and .0250

Effective Date: December 27, 2004, at 5:00 p.m.

Subject Property: Lots 22, 23, 24 and 25, Block 17, 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:

Joseph E. Katz and Rachel W. Katz, husband and wife.

By that certain instrument dated April 18, 1991, recorded May 15, 1991, in Official Record Book 2221, Page 1342; that certain instrument dated April 22, 1991, recorded May 15, 1991, in Official Record Book 2221, Page 1343; that certain instrument dated April 26, 1991, recorded May 15, 1991, in Official Record Book 2221, Page 1412; and that certain instrument dated April 9, 2001, recorded April 12, 2001, in Official Record Book 3393, Page 2773, Public Records of Lee County, Florida.

Easements:

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

NOTE(1): Declarations 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): Judgment against Joseph D. Katz, recorded October 27, 2000 in Official Record Book 3370, Page 3066 as re-recorded November 29, 2000, in Official Record Book 3332, Page 771, Public Records of Lee County, Florida. This must be addressed and resolved by the Title Company or Attorney that handles the transfer to the County.

Tax Status: 2004 taxes are being paid by installments.

(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.

APPRAISAL REPORT GUNNERY ROAD PROJECT 4055

Parcel Identification

Project Parcel Number: 148
Owner Name/Address: Katz, Joseph E & Rachael W, 742-748 Gunnery Road S
Lee County STRAP Number: 33-44-26-07-00017.0220-.0250
Legal Description: Lot 22-25, Block 17, Unit 7, Lehigh Estates, PB 15, PG 87
History of Ownership: April 1991-April 2001, sale price \$33,500
Interest Appraised: Fee Simple () Partial (X)
Assessed Value: \$51,180
Effective Date of Appraisal: December 9, 2004
Date of Report: December 13, 2004

Site Data

Parent Parcel - Overall Size: 35,000 square feet
Frontage - Depth: 200' X 175'
Acquisition Type: Fee Take () - A
Utility Easement () - B
Perpetual Easement (X) - C 600 square feet
Sidewalk ()
Drainage ()
Fill/Slope (X)
Parcel Remainder Size: 34,400 sf unencumbered, 600 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 (X) Site () Structure ()

Description of improvements within take area: None

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 Data Range March 2004 - October 2004

Value of Improvements: N/A

Value Estimates: (See summary chart below)

SUMMARY OF ANALYSIS

**Gunnery Road Project
Parcels 148**

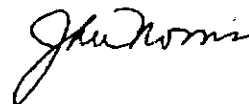
Market Value of Fee Simple Interest in Parent Parcel	x	35,000 sf <u>\$5.75</u> per sf	
		\$201,250	\$201,250
less: Market Value of Remainder - Fee Unencumbered			
*35000 sf - 600 sf proposed easement area unencumbered fee value per square foot unencumbered fee value of remainder area	x	34400 sf * <u>\$5.75</u> per sf	
		\$197,800	
less: *per county data Slope Easement-C Remainder			
\$5.75 per sf times .80 (1- .20 percentage of impact) remainder value for land within proposed easement	x	600 sf \$4.60 per sf*	
		\$2,760.00	
Total Market Value of Remainder (rounded)			<u>\$200,560</u>
Market Value of Part Taken			<u>\$690.00</u>
rounded to			<u><u>\$700.00</u></u>

04-78-148sum

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 (\$700.00)

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



Parcel: 156
Project: Gunnery Road 4 Lane (SR 82 – Lee Blvd.), Project No. 4055
STRAP No.: 33-44-26-07-00017.0120, .0130, .0140, & .0150

**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 **TED R. BROWNING AND TERESA L. BROWNING, husband and wife**, whose address is 611 Henry Ave., 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 \$1,400.00; 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 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:**

Owner: TED R. BROWNING

1st Witness Signature

By: _____

2nd Witness Signature

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

Owner: TERESA L. BROWNING

1st 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: 156
Project: Gunnery Road 4 Lane (SR 82 – Lee Blvd.), Project No. 4055
STRAP No.: 33-44-26-07-00017.0120, .0130, .0140, & .0150

SLOPE/RESTORATION EASEMENT

This INDENTURE, made and entered into this _____ day of _____, 20____, between **TED R. BROWNING AND TERESA L. BROWNING, husband and wife**, whose address is 611 Henry Ave., 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

TED R. BROWNING GRANTOR

Printed name of 1st Witness

2nd Witness Signature

Printed name of 2nd Witness

1st Witness Signature

TERESA L. BROWNING GRANTOR

Printed name of 1st Witness

2nd Witness Signature

Printed name of 2nd Witness

Slope/Restoration Easement

Project: Gunnery 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 **TED R. BROWNING**. 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 **TERESA L. BROWNING**. She 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)

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. = 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

PARCEL NO. 156C (PERPETUAL EASEMENT)
PROPERTY OWNER: THOMAS C. PARKE
 STRAP NO. 33-44-26-07-00017.0120
 STRAP NO. 33-44-26-07-00017.0130
 STRAP NO. 33-44-26-07-00017.0140
 STRAP NO. 33-44-26-07-00017.0150
AREA OF PARENT TRACT: 34,986 S.F., M.O.L.
AREA OF TAKE: 800 S.F., M.O.L.

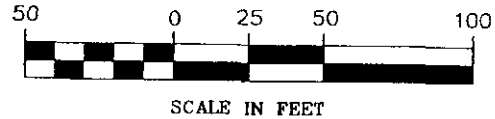
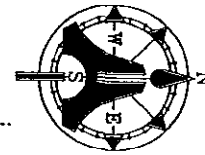
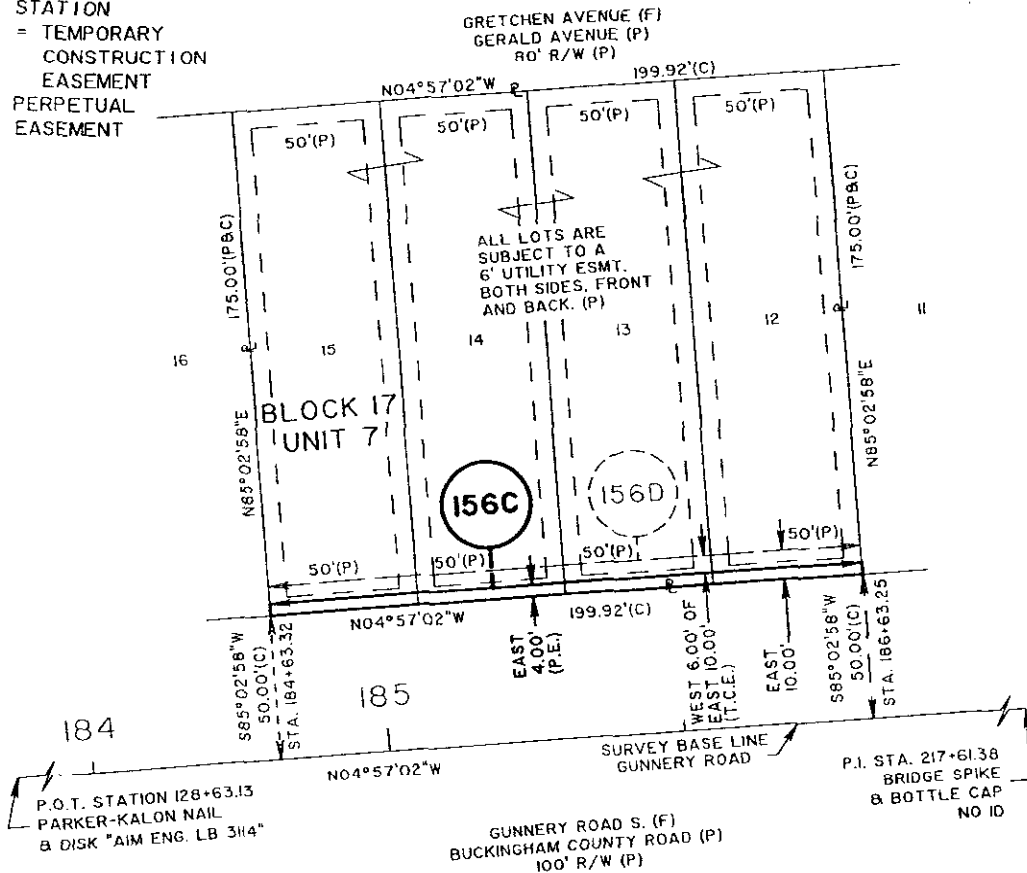


EXHIBIT C



PARCEL 156C (PERPETUAL EASEMENT)

A 4.00 FOOT WIDE PERPETUAL EASEMENT BEING THE EAST 4.00 FEET OF LOTS 12, 13, 14 AND 15, BLOCK 17, 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 800 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 3H4" 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, E.S.M. DATE 6/17/04
 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 156C GUNNERY ROAD FROM S.R. 82 TO LEE BOULEVARD
DRAWN BY: LWC	CLIENT: LEE COUNTY
DATE: 6/15/04	SEC-TWP-RGE: 33-44S-26E
FILE: 7504-156C	COUNTY: LEE COUNTY

Division of County Lands

Ownership and Easement Search

Search No. 33-44-26-07-00017.0120,0130,0140 and 0150

Date: January 14, 2005

Parcel: 156

Project: Gunnery Road Widening Project #4055

To: Michael J. O'Hare, SR/WA
Property Acquisition Agent

From: Shelia A. Bedwell, CLS
Property Acquisition Assistant

STRAP: 33-44-26-07-00017.0120, 0130, 0140 and 0150

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

Subject Property: Lots 12, 13, 14 and 15, Block 17, 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:

Ted R. Browning and Teresa L. Browning, husband and wife.

By those certain instruments dated April 17, 1990, recorded April 19, 1990, in Official Record Book 2143, Page 2276, and dated April 24, 1990, recorded April 30, 1990, in Official Record Book 2145, Page 3787, Public Records of Lee County, Florida.

Easements:

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

Note (1): Declarations of Restrictions recorded in Official Record Book 84, Page 310 and Official Record Book 527, Page 29, Public Records of Lee County, Florida.

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.

APPRAISAL REPORT GUNNERY ROAD PROJECT 4055

Parcel Identification

Project Parcel Number: 156
Owner Name/Address: Browning, Ted R & Teresa, 722-728 Gunnery Road S
Lee County STRAP Number: 33-44-26-07-00017.0120-.0150
Legal Description: Lots 12-15, Block 17, Unit 7, Lehigh Estates, PB 15, PG 87
History of Ownership: May 2004, \$150,000
Interest Appraised: Fee Simple () Partial (X)
Assessed Value: \$58,240
Effective Date of Appraisal: December 9, 2004
Date of Report: December 13, 2004

Site Data

Parent Parcel - Overall Size: 35,000 square feet
Frontage - Depth: 200' X 175'
Acquisition Type: Fee Take () - A
Utility Easement () - B
Perpetual Easement (X) - C 800 square feet
Sidewalk ()
Drainage ()
Fill/Slope (X)
Parcel Remainder Size: 34,200 sf unencumbered, 800 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 (X) Site () Structure ()

Description of improvements within take area: None

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: N/A

Value Estimates: (See summary chart below)

SUMMARY OF ANALYSIS
Gunnery Road Project
Parcels 156

Market Value of Fee Simple Interest in Parent Parcel	x	35,000 sf <u>\$5.75</u> per sf		\$201,250
				\$201,250
less: Market Value of Remainder - Fee Unencumbered				
*35000 sf - 800 sf proposed easement area unencumbered fee value per square foot unencumbered fee value of remainder area	x	34200 sf * <u>\$5.75</u> per sf		\$196,650
less: *per county data Slope Easement-C Remainder				
\$5.75 per sf times .80 (1- .20 percentage of impact) remainder value for land within proposed easement	x	800 sf <u>\$4.60</u> per sf*		\$3,680.00
Total Market Value of Remainder (rounded)				<u>\$200,330</u>
Market Value of Part Taken rounded to				<u>\$920.00</u>
				<u><u>\$920.00</u></u>

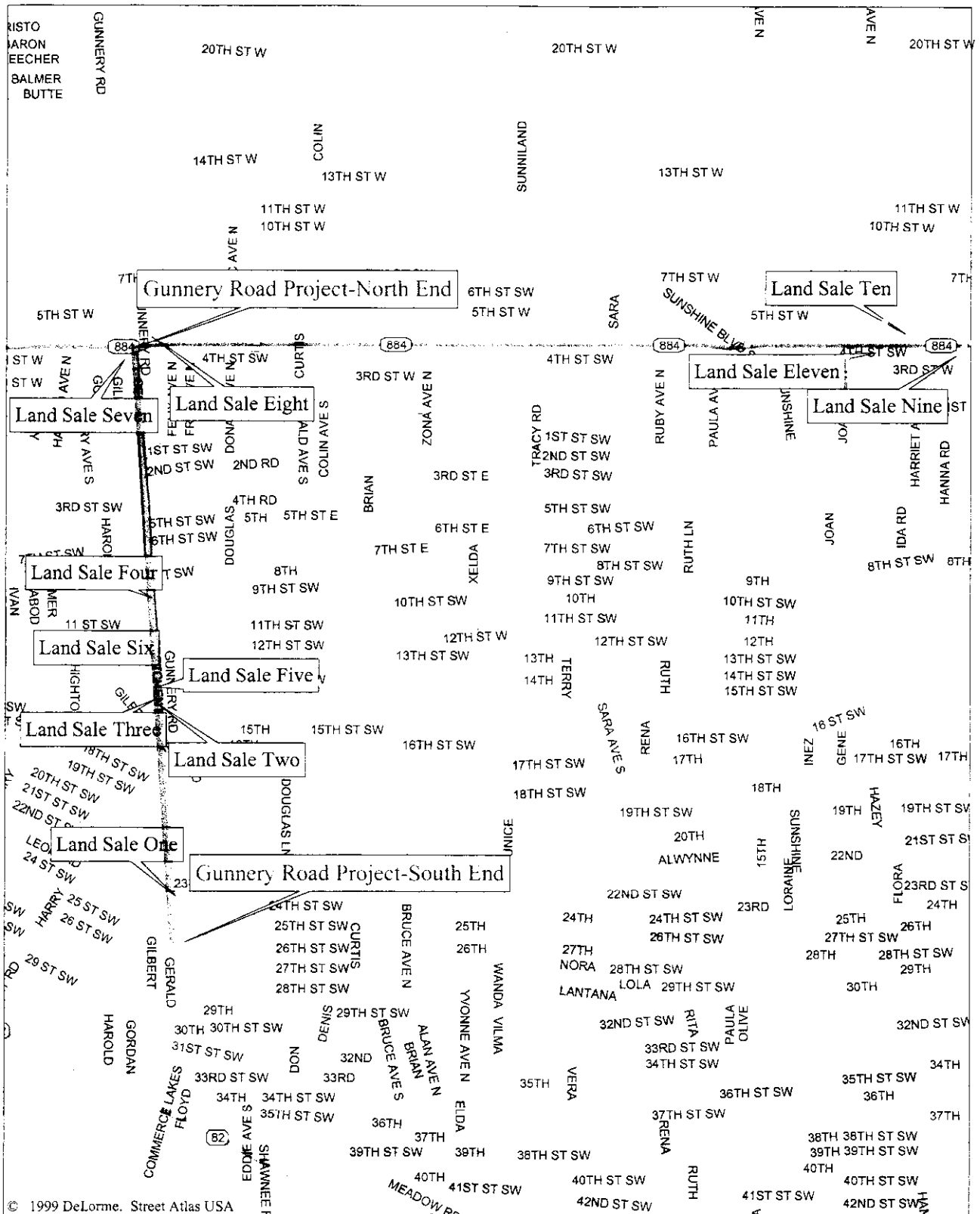
04-78-156sum

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 (\$920.00)

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





LOCATION MAP