

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

**Blue Sheet No. 20041422**

**1. REQUESTED MOTION.**

**ACTION REQUESTED:** Authorize: (1) approval of Easement Purchase Agreement for acquisition of Parcel 121, Gunnerly 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:** 6  
**COMMISSION DISTRICT:** #5 *C6g*

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

**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*  
 C. DIVISION *County Lands*  
 BY: *Kruff*  
 Karen L. W. Forsyth, Director

**7. BACKGROUND:**

**Negotiated for:** Department of Transportation

**Interest to Acquire:** Easement

**Property Details:**

Owner: Robert Walker, as Trustee of the Robert A. Walker Revocable Trust dated March 10, 2000  
 Address: 1928 Eastwood Avenue, Akron, OH 44306  
 STRAP No.: 04-45-26-05-00010.0200

**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 - Gunnerly Road; 18803 - Impact Fees - Road - Bonita; 506110 - Land

**Attachments:** Easement Purchase Agreement; Affidavit of Interest in Real Estate; 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
					OA	OM	Risk	GC	
<i>K. Forsyth</i>			<i>SAO 2/2/05</i>		<i>2/2/05</i>	<i>2/2/05</i>	<i>2/2/05</i>	<i>2/2/05</i>	<i>[Signature]</i>

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty  
 Date: *2/2/05*  
 Time: *11*  
 Forwarded To:

RECEIVED BY  
 COUNTY ADMIN: *CH*  
*2/2/05*  
*9 AM*  
 COUNTY ADMIN  
 FORWARDED TO: *[Signature]*  
*2/2/05*  
*M.D.*

Parcel: 121  
Project: Gunnery Road 4 Lane (SR 82 – Lee Blvd.), Project No. 4055  
STRAP No.: 04-45-26-05-00010.200

**EASEMENT PURCHASE AGREEMENT**

This Agreement made and entered into this 8<sup>th</sup> day of October, 2004, by and between **Robert Walker**, as Trustee of the Robert A. Walker Revocable Trust dated March 10, 2000, whose address is 1928 Eastwood Ave., Akron, OH 44306, 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:**

David A. Walker  
1<sup>st</sup> Witness Signature  
Jerry D. [Signature]  
2<sup>nd</sup> Witness Signature

By: Robert A. Walker  
**Owner: Robert Walker**, as Trustee of the Robert A. Walker Revocable Trust dated March 10, 2000

**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: 121  
Project: Gunnery Road 4 Lane (SR 82 – Lee Blvd.), Project No. 4055  
STRAP No.: 04-45-26-05-00010.0200

ORIGINAL DOCUMENTS RETAINED IN  
COUNTY ARCHIVE DEPARTMENT  
DATE: 04/11/2007

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

This INDENTURE, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, between Robert A. Walker, as Trustee of the Robert A. Walker Revocable Trust dated March 10, 2000, whose address is 1928 Eastwood Ave., Akron, OH 44306, (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 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.

**Slope/Restoration Easement**

**Project: Gunnery Road 4 Lane, 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. 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. 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:

David A. Walker  
1st Witness Signature

DAVID A WALKER  
Printed name of 1st Witness

Lora Walker  
2nd Witness Signature

LORA WALKER  
Printed name of 2nd Witness

Robert A. Walker  
Robert A. Walker, as Trustee of the Robert A. Walker Revocable Trust dated March 10, 2000

STATE OF  
COUNTY OF

The foregoing instrument was acknowledged before me this 8 day of October, 2006, by Robert A. Walker. He/she is personally known to me or who has produced \_\_\_\_\_ (name of person acknowledged) as identification.

Jerry D. Swejk  
(Signature of Notary Public)

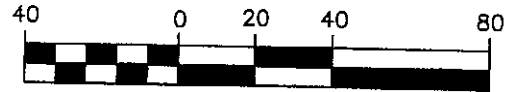
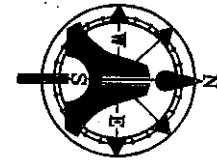
\_\_\_\_\_  
(Name typed, printed or stamped)  
(Title or Rank)  
(Notary Number, if any)



**JERRY D. SWEJK**  
Notary Public - State of Ohio  
My Commission Expires June 29, 2009

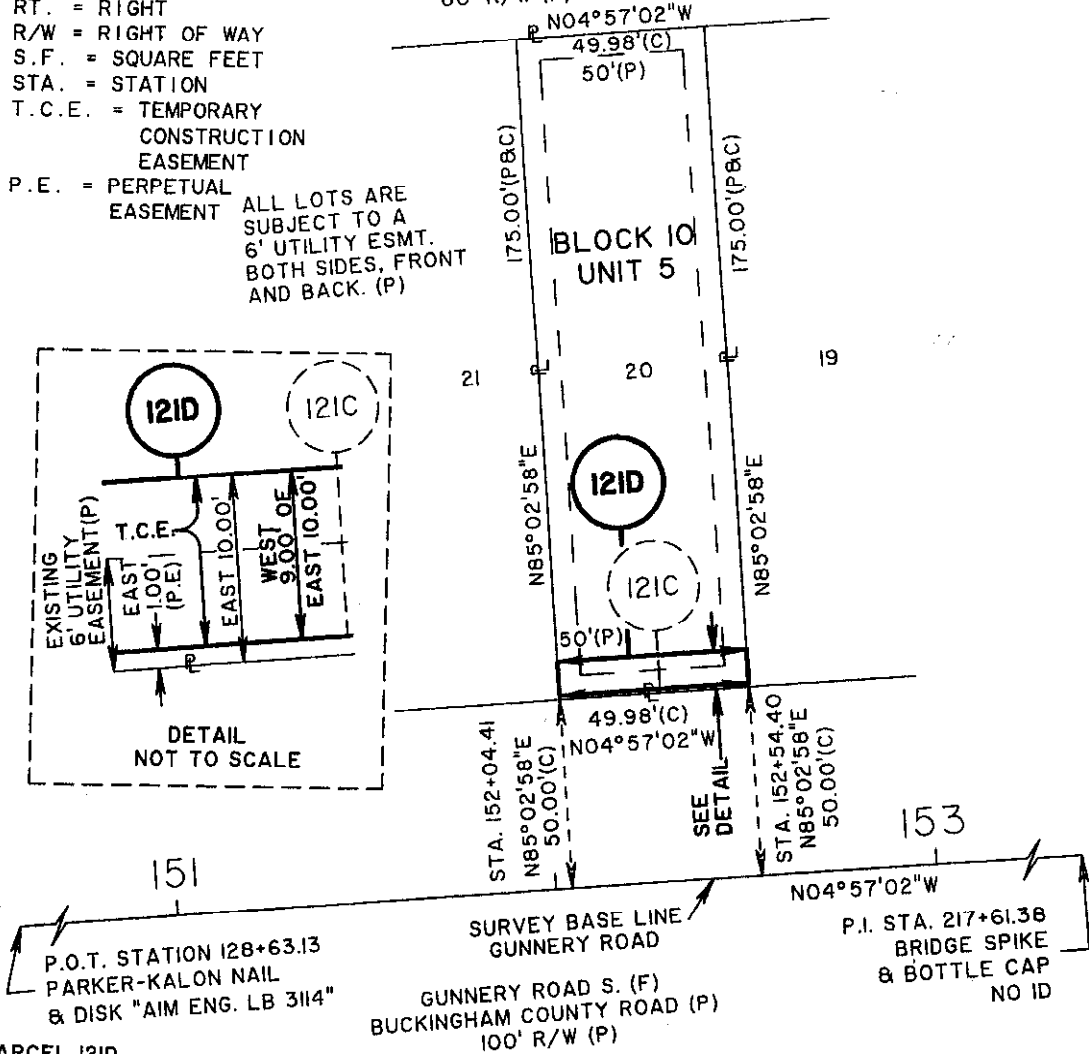
**LEGEND**  
 (C) = CALCULATED  
 (F) = FIELD  
 (P) = PLAT  
 C.B. = CHORD BEARING  
 CH = CHORD  
 ESMT. = EASEMENT  
 L = LENGTH  
 M.O.L. = MORE OR LESS  
 P.B. = PLAT BOOK  
 PG. = PAGE  
 R = PARENT TRACT  
 PROPERTY LINE  
 R = RADIUS  
 RT. = RIGHT  
 R/W = RIGHT OF WAY  
 S.F. = SQUARE FEET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

**PARCEL 121D (TEMPORARY CONSTRUCTION EASEMENT)**  
**PROPERTY OWNER: ROBERT A. WALKER (TRUSTEE)**  
**STRAP NO. 04-45-26-05-00010.0200**  
**AREA OF PARENT TRACT: 8,747 S.F., M.O.L.**  
**AREA OF TAKE: 450 S.F., M.O.L.**



"EXHIBIT D"

GRETCHEN AVENUE (F)  
 GERALD AVENUE (P)  
 80' R/W (P)



**PARCEL 121D**  
**(TEMPORARY CONSTRUCTION EASEMENT)**

A 9.00 FOOT WIDE TEMPORARY CONSTRUCTION EASEMENT BEING THE WEST 9.00 FEET OF THE EAST 10.00 FEET OF LOT 20, BLOCK 10, 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 450 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.

BOB L. POTLER, P.S.M. DATE 6/9/04  
 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

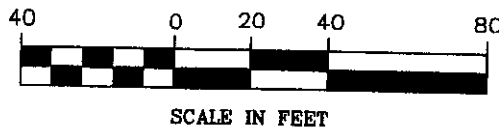
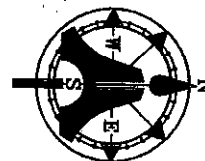
Licensed Business Number 3114

**THIS IS NOT A SURVEY SHEET 1 OF 1**

PROJECT NUMBER: 99-7504	DESCRIPTION: LEGAL AND SKETCH PARCEL 121D GUNNERY ROAD FROM S.R. 82 TO LEE BOULEVARD
DRAWN BY: LWC	CLIENT: LEE COUNTY
DATE: 6/8/04	SEC-TWP-RGE: 4-45S-28E
FILE: 7504-121D	COUNTY: LEE COUNTY

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

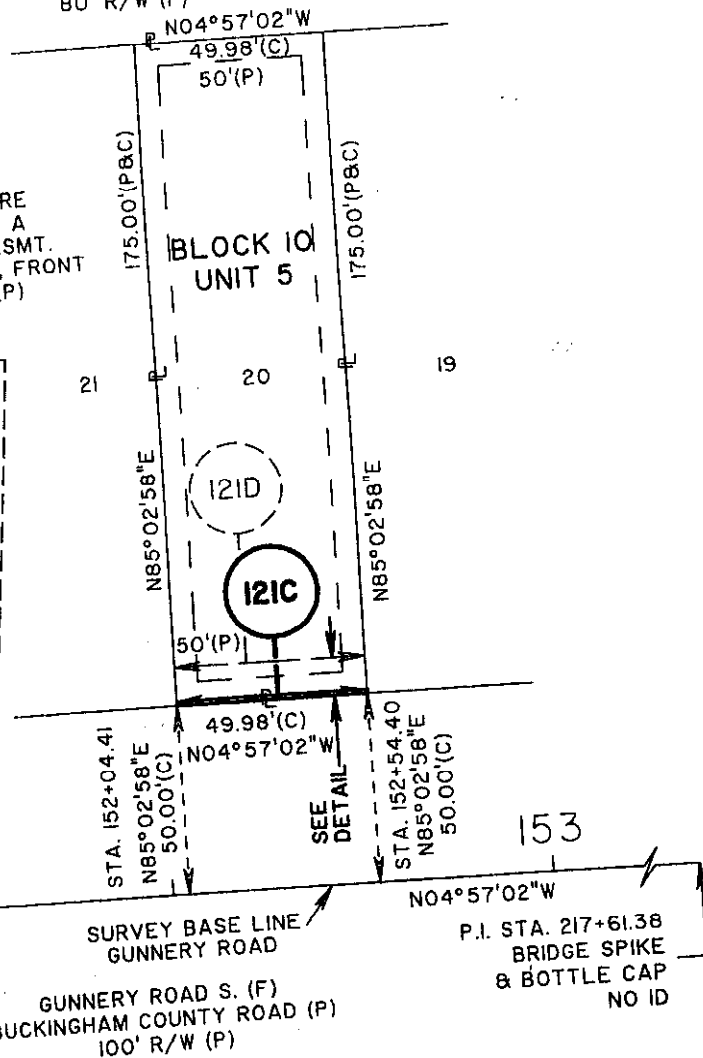
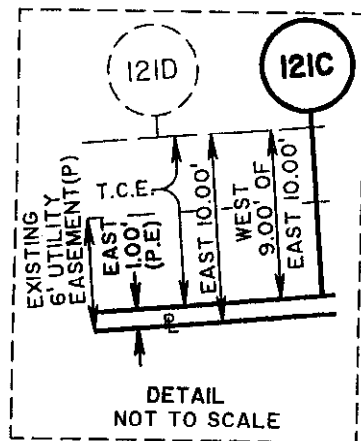
PARCEL 121C (PERPETUAL EASEMENT)  
 PROPERTY OWNER: ROBERT A. WALKER (TRUSTEE)  
 STRAP NO. 04-45-26-05-00010.0200  
 AREA OF PARENT TRACT: 8,747 S.F., M.O.L.  
 AREA OF TAKE: 50 S.F., M.O.L.



"EXHIBIT C"

GRETCHEN AVENUE (F)  
 GERALD AVENUE (P)  
 80' R/W (P)

ALL LOTS ARE  
 SUBJECT TO A  
 6' UTILITY ESMT.  
 BOTH SIDES, FRONT  
 AND BACK. (P)



PARCEL 121C  
 (PERPETUAL EASEMENT)

A 1.00 FOOT WIDE PERPETUAL EASEMENT BEING THE EAST 1.00 FOOT OF LOT 20, BLOCK 10, 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 50 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.

BOB L. POTTER, P.S.M.  
 PROFESSIONAL SURVEYOR AND MAPPER  
 FLORIDA CERTIFICATE NO. 5668

6/9/04  
 DATE

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 121C GUNNERY ROAD FROM S.R. 82 TO LEE BOULEVARD
DRAWN BY: LWC	CLIENT: LEE COUNTY
DATE: 6/8/04	REC-TWP-R&E 4-45S-26E
FILE: 7504-121C	COUNTY: LEE COUNTY

Parcel: 121  
STRAP: 04-45-26-05-00010.0200  
Project: Gunnery Road 4 Lane (SR 82 - Lee Blvd.), Project No. 4055

AFFIDAVIT OF INTEREST IN REAL PROPERTY

THIS AFFIDAVIT OF INTEREST IN REAL PROPERTY is made and entered this 3 day of December, 2004 for the sole purpose of compliance with Section 286.23 of the Florida Statutes.

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

The Name and Address of the Grantor is:

Robert Walker, as Trustee of the Robert A. Walker Revocable Trust dated March 10, 2000  
1928 Eastwood Ave., Akron, OH 44306

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

1. Robert A. Walker, Akron, OH
2. Lora A. Walker, Akron, OH
3. David A. Walker, Stow, OH
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_


The real property to be conveyed to Lee County is known as: Lot 20, Block 10, Unit 5, Lehigh Estates, as recorded in Plat Book 15, Page 85, Public Records, Lee County, Florida

FURTHER AFFIANT SAYETH NAUGHT.

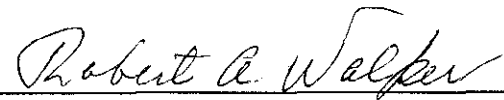
Signed, sealed and delivered  
in our presences:

  
Witness Signature

Gary D Sweezy  
Printed Name

  
Witness Signature

LORA M. WALKER  
Printed Name

  
Signature of Affiant

Robert A. WALKER  
Printed Name

Affidavit of Interest in Real Property  
Parcel: 121  
STRAP: 04-45-26-05-00010.0200  
Project: Gunnery Road 4 Lane (SR 82 - Lee Blvd.), Project No. 4055

STATE OF Ohio

COUNTY OF Sumit  
*Summit*

SWORN TO AND SUBSCRIBED before me this 3 day of December, 2008 by \_\_\_\_\_  
ROBERT A WALKER  
(name of person acknowledged)

*Jerry D. Swejk*  
(Notary Signature)

(SEAL)



**JERRY D. SWEJK**  
Notary Public - State of Ohio  
My Commission Expires June 29, 2009

**JERRY D. SWEJK**  
Notary Public - State of Ohio  
Commission Expires June 29, 2009  
(Type or stamp name of Notary)

Personally known X  
OR Produced Identification \_\_\_\_\_  
Type of Identification \_\_\_\_\_



**Division of County Lands****2<sup>nd</sup> Updated Ownership and Easement Search**

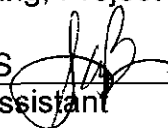
Search No. 04-45-26-05-00010.0200

Date: January 19, 2005

Parcel: 121

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: 04-45-26-05-00010.0200

Effective Date: January 2, 2005, at 5:00 p.m.

**Subject Property:** Lot 20, Block 10, Unit 5, Lehigh Estates, 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:

***Robert A. Walker, as Trustee of the Robert A. Walker Revocable Trust dated March 10, 2000***

By that certain instrument dated March 10, 2000, recorded March 31, 2000, in Official Record Book 3237, Page 3423, 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): Deed recorded March 31, 2000 in Official Record Book 3237, Page 3423, Public Records of Lee County, Florida, does not contain powers of the trustee. 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 nor warranty as to its accuracy.**