

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

Blue Sheet No. 20050085

1. REQUESTED MOTION:

ACTION REQUESTED: Authorize: 1) the Division of County Lands to make binding offers to property owners in the amount of \$750.00 each for Parcels 131, 145-147, 153, 158, and 177, 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 *C6i*

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 *KLW*

7. BACKGROUND:

Negotiated for: Department of Transportation
Interest to Acquire: Five 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 \$300 - \$400 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>Callan 2/4/05</i> | | | G County Manager |
|--------------------------|------------------------------|----------------------|--------------------|----------------------|----------------------------------------------|----|------|---------------------|
| <i>[Signature]</i> | | | <i>[Signature]</i> | <i>[Signature]</i> | OA | OM | Risk | <i>[Signature]</i> |
| | | | <i>[Signature]</i> | | | | | |

10. COMMISSION ACTION:

APPROVED
 DENIED
 DEFERRED
 OTHER

Rec. by CoAtty
Date: *2/22/05*
Time: *11:00*
Forwarded To: *[Signature]*

RECEIVED BY COUNTY ADMIN:
[Signature]
COUNTY ADMIN FORWARDED TO: *[Signature]*

Blue Sheet 20050085 Continued

Parcel 131

Owner: Dagoberto Rives and Andres J. Rios
Property Address: 1148 Gunnery Road S
STRAP No.: 33-44-26-07-00017.0500
Purchase Price: \$750.00
Estimated Closing Costs: \$800.00 (parcel has a mortgage)

Parcel 145, 146, 147

Owner: 82 Commercial Group, Inc.
Property Address: 1100-1106 Gunnery Road
STRAP No.: 33-44-26-07-00017.0290, .0280, .0270, & .0260
Purchase Price: \$750.00
Estimated Closing Costs: \$300.00

Parcel 153

Owner: Cordel E. Reddie and Cherry Deer
Property Address: 732 & 734 Gunnery Road S
STRAP No.: 33-44-26-07-00017.0170 & 0180
Purchase Price: \$750.00
Estimated Closing Costs: \$300.00

Parcel 158

Owner: Heriberto and Marie Denise Saez
Property Address: 712-714 Gunnery Road S
STRAP No.: 33-44-26-07-00017.0070 & .0080
Purchase Price: \$750.00
Estimated Closing Costs: \$300.00

Parcel 177

Owner: Eugene J. Hinspeter and Virginia M. Hinspeter
Property Address: 128 Gunnery Road S
STRAP No.: 33-44-26-07-00017.0150
Purchase Price: \$750.00
Estimated Closing Costs: \$300.00

Parcel: 131
Project: Gunnery Road 4 Lane (SR 82 – Lee Blvd.), Project No. 4055
STRAP No.: 33-44-26-07-00017.0500

**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 **DAGOBERTO RIVES, a married person and ANDRES J. RIOS, a single person**, whose address is 310 6th St., SE, Naples, FL 34117, 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 \$750.00; 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: DAGOBERTO RIVES

1st Witness Signature

By: _____

2nd Witness Signature

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

Owner: ANDRES J. RIOS

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: 131
Project: Gunnery Road 4 Lane (SR 82 – Lee Blvd.), Project No. 4055
STRAP No.: 33-44-26-07-00017.0500

SLOPE/RESTORATION EASEMENT

This INDENTURE, made and entered into this _____ day of _____ 20____,
between **DAGOBERTO RIVES, a married person and ANDRES J. RIOS, a single person**,
whose address is 310 6th St., SE, Naples, FL 34117, (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

DAGOBERTO RIVES GRANTOR

Printed name of 1st Witness

2nd Witness Signature

Printed name of 2nd Witness

1st Witness Signature

ANDRES J. RIOS 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 **DAGOBERTO RIVES**. He/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)

STATE OF

COUNTY OF

The foregoing instrument was acknowledged before me this ____ day of _____,
20____, by **ANDRES J. RIOS**. He/She is personally known to me or who has produced
_____ as identification.

(type of identification)

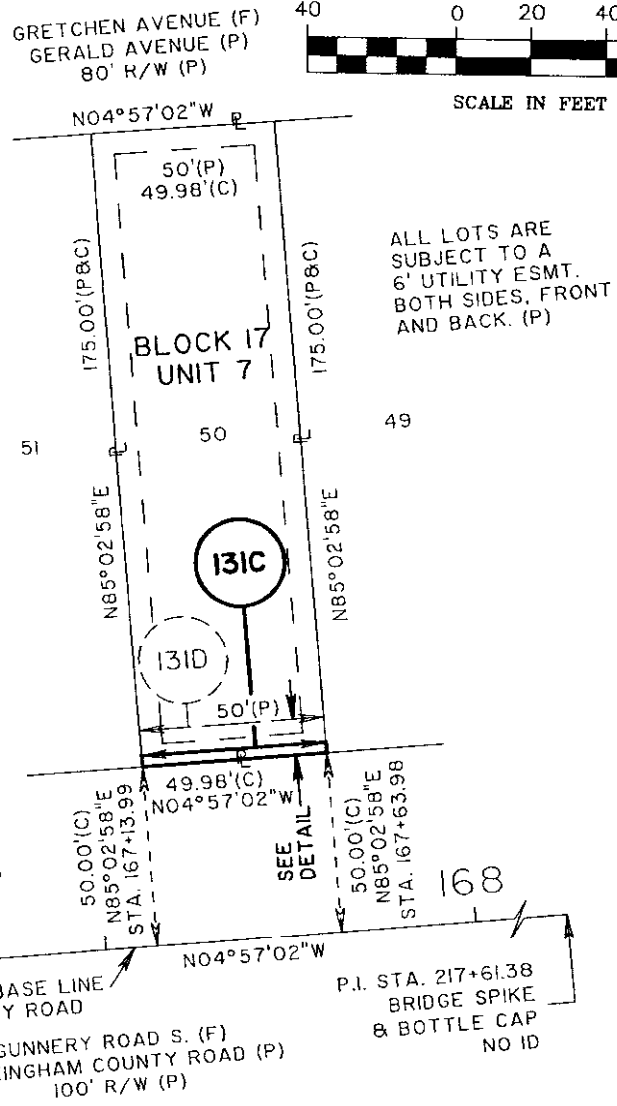
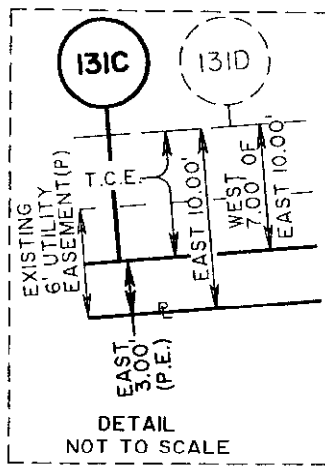
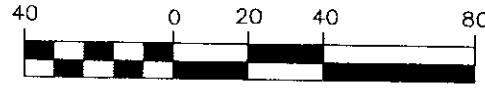
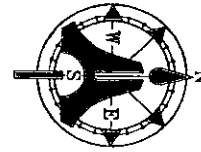
(Signature of Notary Public)

(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
 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 NO. 131C (PERPETUAL EASEMENT)
PROPERTY OWNER: CORAL KAI, INC.
STRAP NO. 33-44-26-07-00017.0500
AREA OF PARENT TRACT: 8,747 S.F., M.O.L.
AREA OF TAKE: 150 S.F., M.O.L.

EXHIBIT **C**



PARCEL 131C (PERPETUAL EASEMENT)

A 3.00 FOOT WIDE PERPETUAL EASEMENT BEING THE EAST 3.00 FEET OF LOT 50, 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.

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 150 SQUARE FEET, MORE OR LESS.
 9/24/04 REVISED 130C TO 131C IN DESC

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 9/24/04
 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 131C GUNNERY ROAD FROM S.R. 82 TO LEE BOULEVARD | |
| DRAWN BY: LWC | | CLIENT: LEE COUNTY | |
| DATE: 6/11/04 | SEC-TWP-RGE: 33-44S-26E | FILE: 7504-131C | COUNTY: LEE COUNTY |


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

Search No. 33-44-26-07-00017.0500

Date: January 13, 2005

Parcel: 131

Project: Gunnery Road Widening, Project 4055

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

STRAP: 33-44-26-07-00017.0500

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

Subject Property: Lot 50, 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:

Dagoberto Rives, a married person and Andres J. Rios, a single person

By that certain instrument dated July 26, 2004, recorded September 2, 2004, in Official Record Book 4418, Page 564, 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): Mortgage executed by Dagoberto Rives, a married person and Andres J. Rios, a single person, in favor of Amable Garcia Grandal, dated July 26, 2004, recorded September 2, 2004, in Official Record Book 4418, Page 565, Public Records of Lee County, Florida.

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.

Division of County Lands

Updated Ownership and Easement Search

Search No. 33-44-26-07-00017.0490

Date: January 13, 2005

Parcel: 132

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: 33-44-26-07-00017.0490

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

Subject Property: Lot 49, 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:

Dagoberto Rives and Andres J. Rios, as tenants in common

By that certain instrument dated July 26, 2004, recorded September 2, 2004, in Official Record Book 4418, Page 2499, 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): Mortgage executed by Dagoberto Rives, a married person and Andres J. Rios, a single person, in favor of Amable Garcia Grandal, dated July 26, 2004, recorded September 2, 2004, in Official Record Book 4418, Page 565, Public Records of Lee County, Florida.

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.

Division of County Lands

Updated Ownership and Easement Search


Search No. 33-44-26-07-00017.0480

Date: January 13, 2005

Parcel: 133

Project: Gunnery Road Widening Project #4055

To: Michael J. O'Hare, SRWA
Property Acquisition Agent

From: Shelia A. Bedwell, CLS
Property Acquisition Assistant 

STRAP: 33-44-26-07-00017.0480

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

Subject Property: Lot 48, 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:

Dagoberto Rives, a married person and Andres J. Rios, a single person

By that certain instrument dated July 26, 2004, recorded September 2, 2004, in Official Record Book 4418, Page 564, Public Records of Lee County, Florida.

Easements:

1. Six foot utility easement along both sides, front and rear 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): Mortgage executed by Dagoberto Rives, a married person and Andres J. Rios, a single person, in favor of Amable Garcia Grandal, dated July 26, 2004, recorded September 2, 2004, in Official Record Book 4418, Page 565, Public Records of Lee County, Florida.

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: 131, 132, 133
Owner Name/Address: Rives, Dagoberto & Rios, Andres J, Tenants in Common
1144-1148 Gunnery Road S
Lee County STRAP Number: 33-44-26-07-00017.0480-.0500
Legal Description: Lots 48 & 50, Block 17, Unit 7, Lehigh Estates, PB 15, PG 87
History of Ownership: July 2004, \$65,000, Lot 49 July 2004, \$55,000
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: 26,250 square feet
Frontage - Depth: 150' X 175'
Acquisition Type: Fee Take () - A
Utility Easement () - B
Perpetual Easement (X) - C 450 square feet
Sidewalk ()
Drainage ()
Fill/Slope (X)
Parcel Remainder Size: 26,800 sf unencumbered, 450 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 131, 132, 133**

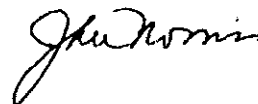
| | | | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|-----------------------------|------------|-----------------|
| Market Value of Fee Simple Interest in Parent Parcel | x | 26,250 sf \$5.75 per sf | \$150,938 | \$150,938 |
| less: Market Value of Remainder - Fee Unencumbered *26250 sf - 450 sf proposed easement area unencumbered fee value per square foot unencumbered fee value of remainder area | x | 25800 sf * \$5.75 per sf | \$148,350 | |
| 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 | 450 sf \$4.60 per sf* | \$2,070.00 | |
| Total Market Value of Remainder (rounded) | | | | \$150,420 |
| Market Value of Part Taken | | | | \$517.50 |
| rounded to | | | | <u>\$520.00</u> |

04-78-131sum

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 (\$520.00)

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



Parcel: 145, 146, 147
Project: Gunnery Road 4 Lane (SR 82 – Lee Blvd.), Project No. 4055
STRAP No.: 33-44-26-07-00017.0290, .0280, .0270, & .0260

**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 **82 COMMERCIAL GROUP, INC.**, a Florida corporation, whose address is 800 W. Cypress Creek Road, Suite 470, Fort Lauderdale, FL 33309, 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 \$750.00; 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 "A".
- 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: 82 COMMERCIAL GROUP, INC.
a Florida corporation**

1st Witness Signature

By: _____
Larry Legal, President

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: 145, 146, 147
Project: Gunnery Road 4 Lane (SR 82 – Lee Blvd.), Project No. 4055
STRAP No.: 33-44-26-07-00017.0290, .0280, .0270, & .0260

SLOPE/RESTORATION EASEMENT

This INDENTURE, made and entered into this _____ day of _____ 20____, between **82 COMMERCIAL GROUP, INC.**, a Florida corporation, whose address is 800 W. Cypress Creek Road, Suite 470, Fort Lauderdale, FL 33309, (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 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:

82 COMMERCIAL GROUP, INC.

1st Witness Signature

Larry Legal, President GRANTOR

Printed name of 1st Witness

2nd Witness Signature

Printed name of 2nd Witness

STATE OF

COUNTY OF

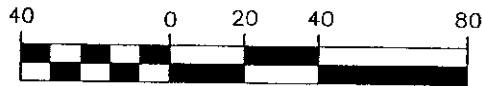
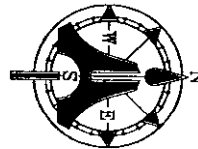
The foregoing instrument was acknowledged before me this ____ day of _____, 20____, by **LARRY LEGAL, President of 82 COMMERCIAL GROUP, INC..** He is personally known to me or who has produced _____ as identification.

(Signature of Notary Public)

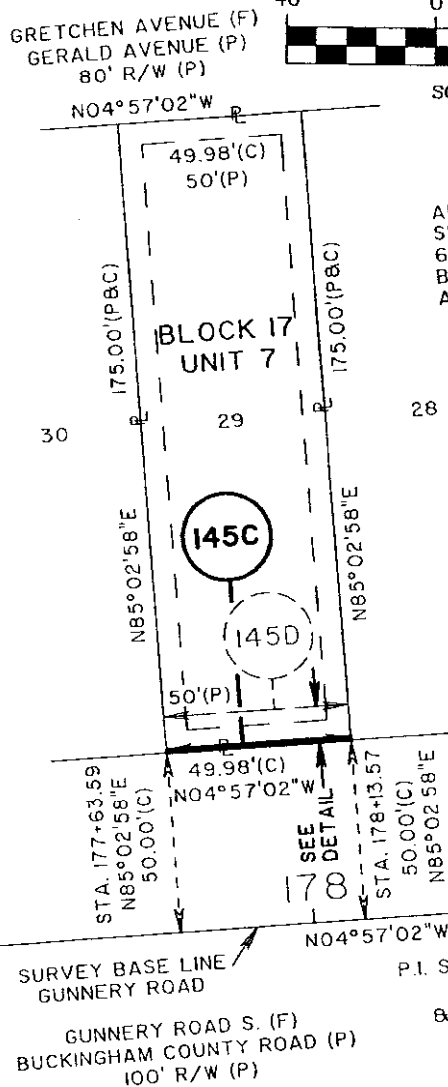
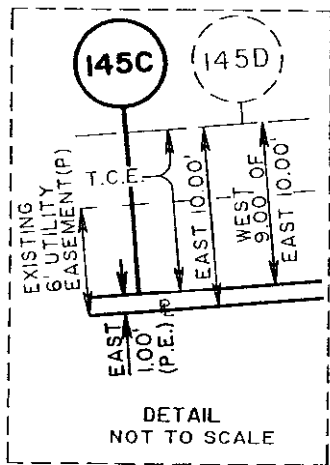
(Name typed, printed or stamped)
(Title or Rank)
(Serial Number, if any)

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
 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 NO. 145C (PERPETUAL EASEMENT)
PROPERTY OWNER: EARL KENNEDY AND VICKY KENNEDY
STRAP NO. 33-44-26-07-00017.0290
AREA OF PARENT TRACT: 8,747 S.F., M.O.L.
AREA OF TAKE: 50 S.F., M.O.L.



SCALE IN FEET



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

PARCEL 145C
(PERPETUAL EASEMENT)

A 100 FOOT WIDE PERPETUAL EASEMENT BEING THE EAST 100 FEET OF LOT 29, 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 50 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 6/14/04
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

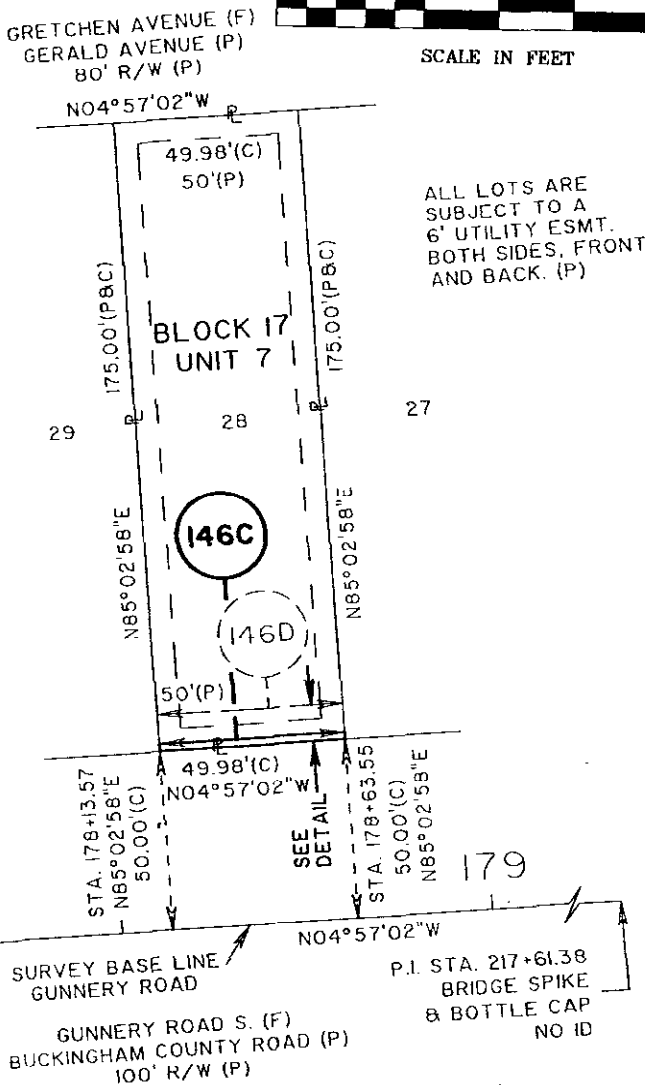
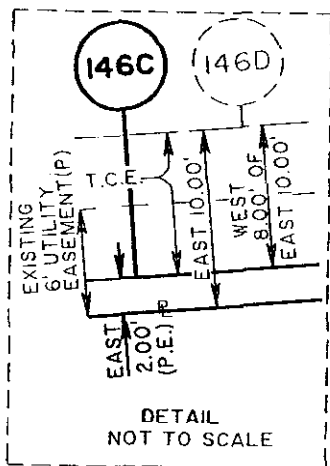
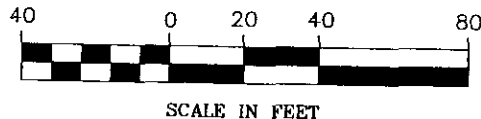
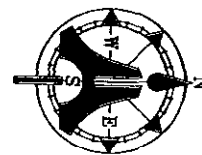
Licensed Business Number 3114

THIS IS NOT A SURVEY SHEET 1 OF 1

| | |
|----------------------------|--------------------------------------------------------------------------------------------|
| PROJECT NUMBER: 99-7504 | DESCRIPTION: LEGAL AND SKETCH PARCEL 145C GUNNERY ROAD FROM S.R. 82 TO LEE BOULEVARD |
| DRAWN BY: LWC | CLIENT: LEE COUNTY |
| DATE: 6/11/04 | SEC-TWP-RGE 33-44S-26E |
| | FILE: 7504-145C |
| | COUNTY: LEE COUNTY |

LEGEND
 (C) = CALCULATED
 (F) = FIELD
 (P) = PLAT
 C.B. = CHORD BEARING
 CH = CHORD
 ESMT. = EASEMENT
 L = LENGTH
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 R/W = RIGHT OF WAY
 S.F. = SQUARE FEET
 STA. = STATION
 T.C.E. = TEMPORARY CONSTRUCTION EASEMENT
 P.E. = PERPETUAL EASEMENT

PARCEL NO. 146C (PERPETUAL EASEMENT)
PROPERTY OWNER: EARL W. KENNEDY
STRAP NO. 33-44-26-07-00017.0280
AREA OF PARENT TRACT: 8,747 S.F., M.O.L.
AREA OF TAKE: 100 S.F., M.O.L.



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

PARCEL 146C (PERPETUAL EASEMENT)

A 2.00 FOOT WIDE PERPETUAL EASEMENT BEING THE EAST 2.00 FEET OF LOT 28, 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 100 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 6/17/04
 BOB L. POTTER, P.S.M. DATE
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA CERTIFICATE NO. 5688

AIM Engineering & Surveying, Inc.



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

6/16/04 REVISED ESMT.

THIS IS NOT A SURVEY

SHEET 1 OF 1

| | |
|----------------------------|--------------------------------------------------------------------------------------------|
| PROJECT NUMBER: 99-7504 | DESCRIPTION: LEGAL AND SKETCH PARCEL 146C GUNNERY ROAD FROM S.R. 82 TO LEE BOULEVARD |
| DRAWN BY: LWC | CLIENT: LEE COUNTY |
| DATE: 6/11/04 | SEC-TWP-RGE: 33-44S-26E |
| | FILE: 7504-146C |
| | COUNTY: LEE COUNTY |

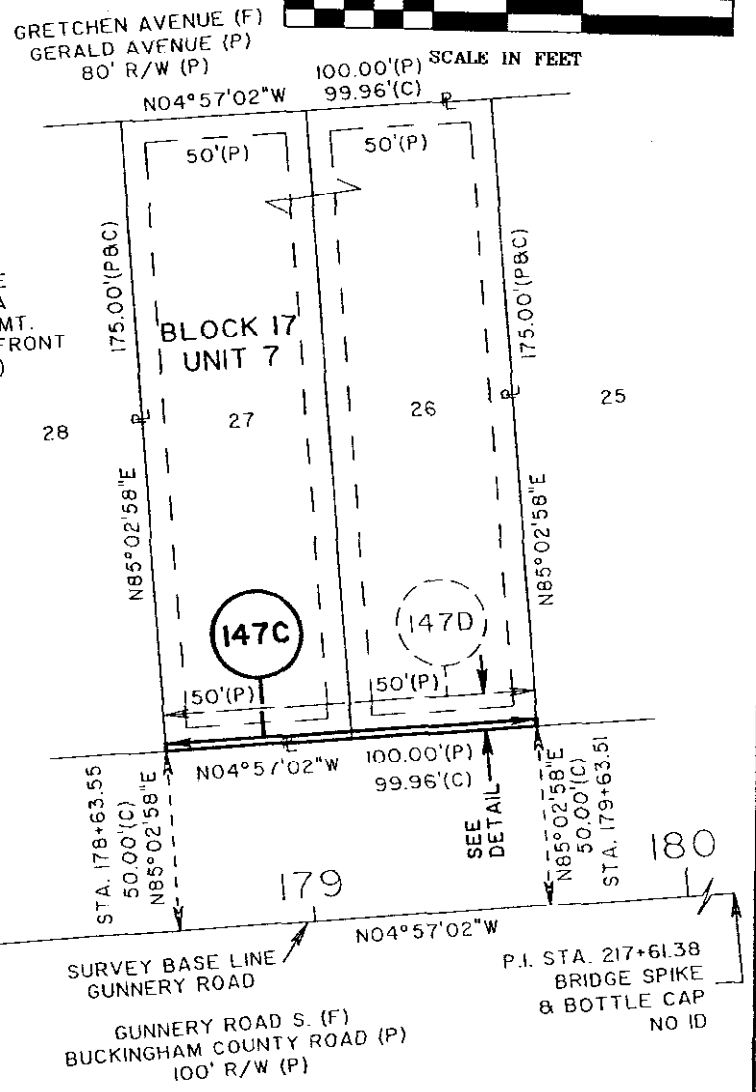
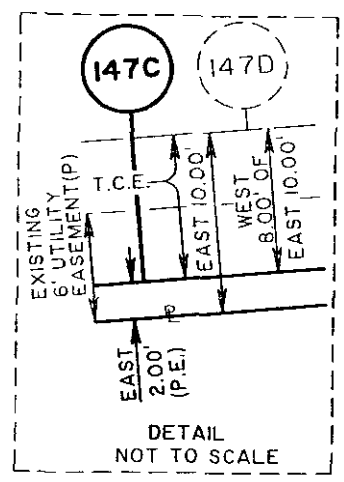
Licensed Business Number 3114

LEGEND
 (C) = CALCULATED
 (F) = FIELD
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 C.B. = CHORD BEARING
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 ESMT. = EASEMENT
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 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. 147C (PERPETUAL EASEMENT)
 PROPERTY OWNER: EARL KENNEDY AND VICKY KENNEDY
 STRAP NO. 33-44-26-07-00017.0260
 STRAP NO. 33-44-26-07-00017.0270
 AREA OF PARENT TRACT: 17,493 S.F., M.O.L.
 AREA OF TAKE: 200 S.F., M.O.L.



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



PARCEL 147C
 (PERPETUAL EASEMENT)

A 2.00 FOOT WIDE PERPETUAL EASEMENT BEING THE EAST 2.00 FEET OF LOTS 26 AND 27, 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 200 SQUARE FEET, MORE OR LESS.

NOTE:
 BEARINGS SHOWN HEREON ARE BASED UPON THE SURVEY BASE LINE OF GUNTERY 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.

[Signature] 6/14/04
 BOB L. POTTER, P.S.M. DATE
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA CERTIFICATE NO. 5688

AIM Engineering & Surveying, Inc.

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

THIS IS NOT A SURVEY SHEET 1 OF 1

| | |
|----------------------------|--------------------------------------------------------------------------------------------|
| PROJECT NUMBER: 99-7504 | DESCRIPTION: LEGAL AND SKETCH PARCEL 147C GUNTERY 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: 7504-147C | COUNTY: LEE COUNTY |

Division of County Lands

Updated Ownership and Easement Search

Search No. 33-44-26-07-00017.0290

Date: January 18, 2005

Parcel: 145

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: 33-44-26-07-00017.0290

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

Subject Property: Lot 29, 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:

82 Commercial Group, Inc., a Florida corporation.

By that certain instrument dated September 30, 2004, recorded October 28, 2004, in Official Record Book 3958, Page 437, 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.

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.

Division of County Lands

Updated Ownership and Easement Search

Search No. 33-44-26-07-00017.0280

Date: January 18, 2005

Parcel: 146

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: 33-44-26-07-00017.0280

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

Subject Property: Lot 28, 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:

82 Commercial Group, Inc., a Florida corporation

By that certain instrument dated September 30, 2004, recorded October 28, 2004, in Official Record Book 4477, Page 3280, 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.

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.

Division of County Lands

Updated Ownership and Easement Search

Search No. 33-44-26-07-00017.0260 and .0270

Date: January 18, 2005

Parcel: 147

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: 33-44-26-07-00017.0260 and .0270

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

Subject Property: Lots 26 and 27, 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:

82 Commercial Group, Inc., a Florida corporation

By that certain instrument dated September 30, 2004, recorded October 28, 2004, in Official Record Book 4477, Page 3280, 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.

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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: 145, 146, 147
Owner Name/Address: 82 Commercial Group, Inc., 702-1110 Gunnery Road S
Lee County STRAP Number: 33-44-26-07-00017.0260-.0310
Legal Description: Lots 26-31, Block 17, Unit 7, Lehigh Estates, PB 15, PG 87
History of Ownership: September 2004, \$300,000
Interest Appraised: Fee Simple () Partial (X)
Assessed Value: \$102,360
Effective Date of Appraisal: December 9, 2004
Date of Report: December 13, 2004

Site Data

Parent Parcel - Overall Size: 52,500 square feet
Frontage - Depth: 300' X 175'
Acquisition Type: Fee Take () - A
Utility Easement () - B
Perpetual Easement (X) - C 350 square feet
Sidewalk ()
Drainage ()
Fill/Slope (X)
Parcel Remainder Size: 52,150 sf unencumbered, 350 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 145, 146, 147**

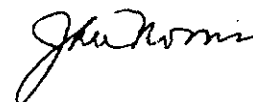
| | | | |
|---------------------------------------------------------------------------------------------------------------------------|---|------------------------------------|------------------------|
| Market Value of Fee Simple Interest in Parent Parcel | | 52,500 sf | |
| | x | <u>\$5.75</u> per sf | |
| | | \$301,875 | \$301,875 |
| less: Market Value of Remainder - Fee Unencumbered | | | |
| *52500 sf - 350 sf proposed easement area unencumbered fee value per square foot unencumbered fee value of remainder area | x | 52150 sf * <u>\$5.75</u> per sf | |
| | | \$299,863 | |
| 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 | 350 sf <u>\$4.60</u> per sf* | |
| | | \$1,610.00 | |
| Total Market Value of Remainder (rounded) | | | <u>\$301,473</u> |
| Market Value of Part Taken | | | <u>\$402.50</u> |
| rounded to | | | <u><u>\$405.00</u></u> |

04-78-143sum

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 (\$405.00)

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



Parcel: 153
Project: Gunnery Road 4 Lane (SR 82 – Lee Blvd.), Project No. 4055
STRAP No.: 33-44-26-07-00017.0170 & .0180

**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 **CORDEL E. REDDIE and CHERRY DEER**, joint tenants with full rights of survivorship, whose address is 623 Addison Street E, 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 \$750.00; 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: CORDEL E. REDDIE

1st Witness Signature

By: _____

2nd Witness Signature

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

Owner: CHERRY DEER

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: 153
Project: Gunnery Road 4 Lane (SR 82 – Lee Blvd.), Project No. 4055
STRAP No.: 33-44-26-07-00017.0170 & .0180

SLOPE/RESTORATION EASEMENT

This INDENTURE, made and entered into this _____ day of _____ 20____,
between **CORDEL E. REDDIE and CHERRY DEER**, joint tenants with full rights of survivorship ,
whose address is 623 Addison Street E, 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, 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

CORDEL E. REDDIE GRANTOR

Printed name of 1st Witness

2nd Witness Signature

Printed name of 2nd Witness

1st Witness Signature

CHERRY DEER 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 **CORDEL E. REDDIE**. 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 **CHERRY DEER**. She is personally known to me or who has produced
_____ as identification.

(type of identification)

(Signature of Notary Public)

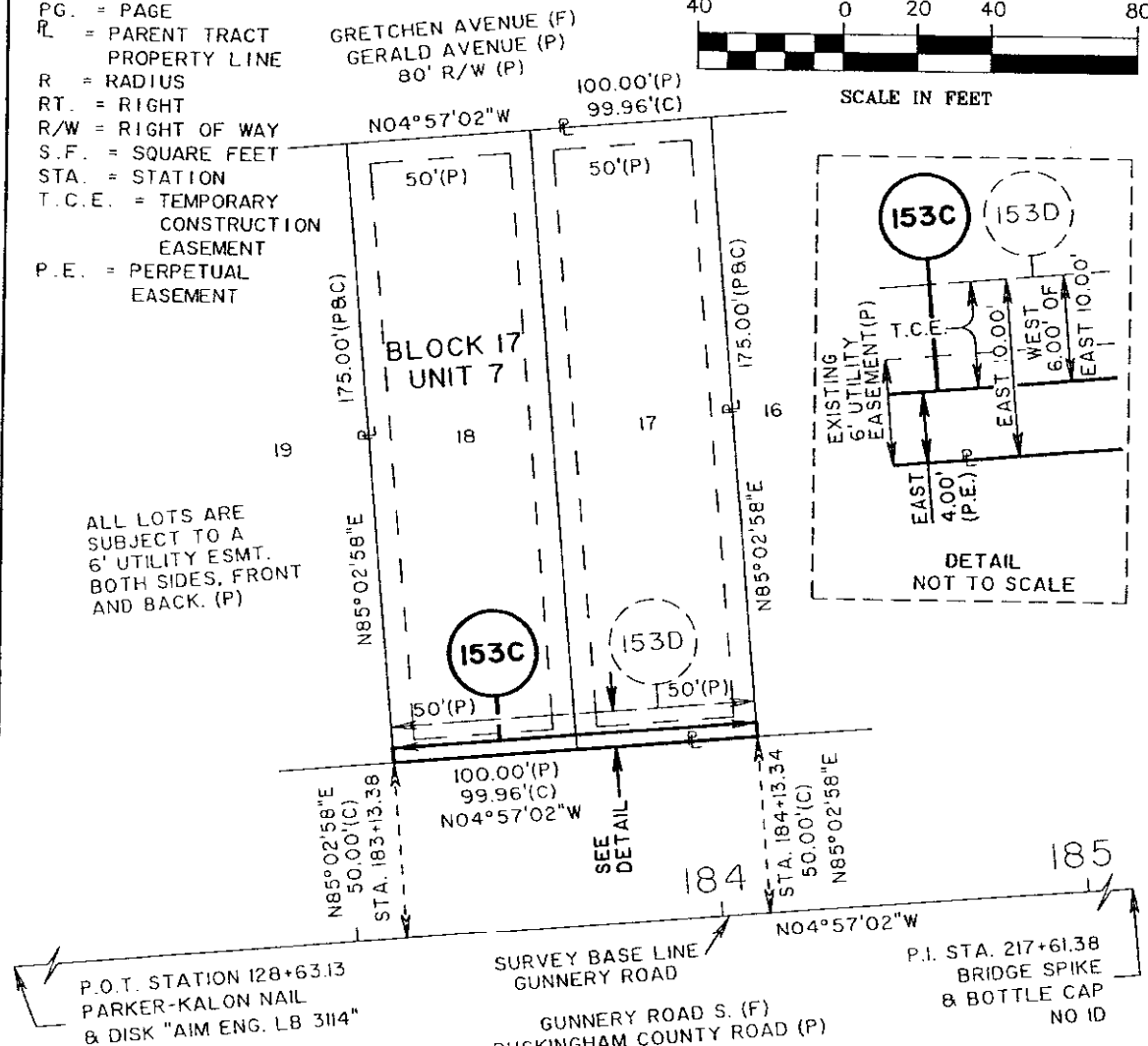
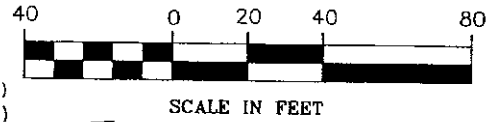
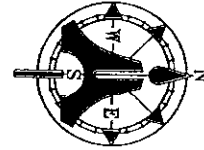
(Name typed, printed or stamped)
(Title or Rank)
(Serial Number, if any)

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. 153C (PERPETUAL EASEMENT)
PROPERTY OWNER: CORDEL E. REDDIE AND CHERRY DEER
STRAP NO. 33-44-26-07-00017.0170
STRAP NO. 33-44-26-07-00017.0180
AREA OF PARENT TRACT: 17,493 S.F., M.O.L.
AREA OF TAKE: 400 S.F., M.O.L.

EXHIBIT **C**



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

PARCEL 153C (PERPETUAL EASEMENT)

A 4.00 FOOT WIDE PERPETUAL EASEMENT BEING THE EAST 4.00 FEET OF LOTS 17 AND 18, 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 400 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 6/14/04
 BOB L. POTTER, P.S.M. DATE
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA CERTIFICATE NO. 5688

AIM Engineering & Surveying, Inc.



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

Licensed Business Number 3114

THIS IS NOT A SURVEY

SHEET 1 OF 1

| | |
|----------------------------|--------------------------------------------------------------------------------------------|
| PROJECT NUMBER: 99-7504 | DESCRIPTION: LEGAL AND SKETCH PARCEL 153C 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: 7504-153C | COUNTY: LEE COUNTY |

Division of County Lands

Updated Ownership and Easement Search

Search No. 33-44-26-07-00017.0170 and .0180

Date: January 19, 2005

Parcel: 153

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: 33-44-26-07-00017.0170 and .0180

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

Subject Property: Lots 17 and 18, 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:

Cordel E. Reddie and Cherry Deer, joint tenants with full rights of survivorship

By that certain instrument dated July 7, 2003, recorded May 25, 2003, in Official Record Book 4037, Page 136, 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.

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: 153
Owner Name/Address: Reddie, Cordel E, 732-734 Gunnery Road S
Lee County STRAP Number: 33-44-26-07-00017.0170 & .0180
Legal Description: Lots 17 & 18, Block 17, Unit 7, Lehigh Estates, PB 15, PG 87
History of Ownership: February 2003, \$22,000
Interest Appraised: Fee Simple () Partial (X)
Assessed Value: \$34,120
Effective Date of Appraisal: December 9, 2004
Date of Report: December 13, 2004

Site Data

Parent Parcel - Overall Size: 17,500 square feet
Frontage - Depth: 100' X 175'
Acquisition Type: Fee Take () - A
Utility Easement () - B
Perpetual Easement (X) - C 400 square feet
Sidewalk ()
Drainage ()
Fill/Slope (X)
Parcel Remainder Size: 17,100 sf unencumbered, 400 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 153**

| | | | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|-----------------------------|------------|-----------------|
| Market Value of Fee Simple Interest in Parent Parcel | x | 17,500 sf \$5.75 per sf | \$100,625 | \$100,625 |
| less: Market Value of Remainder - Fee Unencumbered *17500 sf - 400 sf proposed easement area unencumbered fee value per square foot unencumbered fee value of remainder area | x | 17100 sf * \$5.75 per sf | \$98,325 | |
| 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 | 400 sf \$4.60 per sf* | \$1,840.00 | |
| Total Market Value of Remainder (rounded) | | | | \$100,165 |
| Market Value of Part Taken | | | | \$460.00 |
| rounded to | | | | <u>\$460.00</u> |

04-78-153sum

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 (\$460.00)

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



Parcel: 158
Project: Gunnery Road 4 Lane (SR 82 – Lee Blvd.), Project No. 4055
STRAP No.: 33-44-26-07-00017.0070 AND .0080

**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 **HERIBERTO SAEZ AND MARIE DENISE SAEZ, husband and wife**, whose address is 1300 Connie Ave. N, Lehigh Acres, FL 33971, 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 \$750.00; 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: HERIBERTO SAEZ

1st Witness Signature

By: _____

2nd Witness Signature

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

Owner: MARIE DENISE SAEZ

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: 158
Project: Gunnery Road 4 Lane (SR 82 – Lee Blvd.), Project No. 4055
STRAP No.: 33-44-26-07-00017.0070 AND .0080

SLOPE/RESTORATION EASEMENT

This INDENTURE, made and entered into this _____ day of _____, 20____, between **HERIBERTO SAEZ AND MARIE DENISE SAEZ, husband and wife**, whose address is 1300 Connie Ave. N, Lehigh Acres, FL 33971, (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

HERIBERTO SAEZ GRANTOR

Printed name of 1st Witness

2nd Witness Signature

Printed name of 2nd Witness

1st Witness Signature

MARIE DENISE SAEZ 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 **HERIBERTO SAEZ**. 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 **MARIE DENISE SAEZ**. 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)

PARCEL NO. 158C (PERPETUAL EASEMENT)
 PROPERTY OWNER: RITA COSLET, BETTY DRESSLER AND LOUIS F. FRYMAN (TRUSTEES)
 STRAP NO. 33-44-26-07-00017.0070
 STRAP NO. 33-44-26-07-00017.0080
 AREA OF PARENT TRACT: 17,493 S.F., M.O.L.
 AREA OF TAKE: 400 S.F., M.O.L.

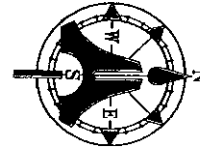
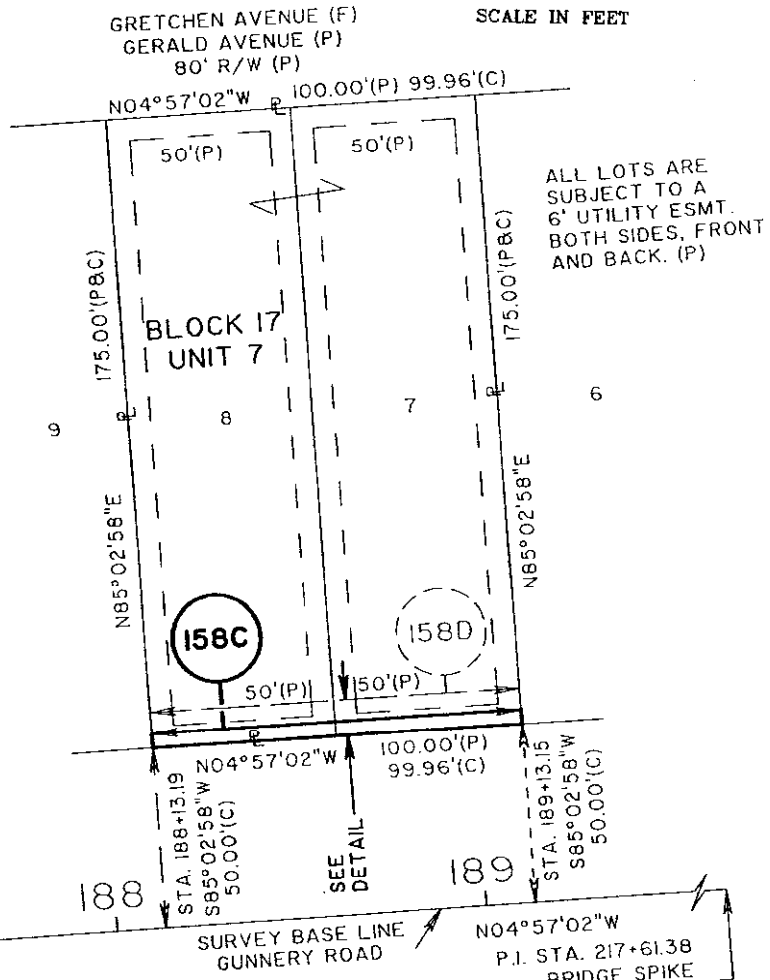
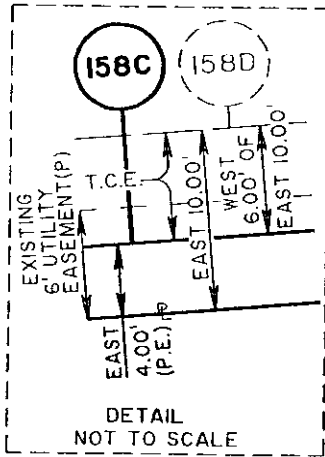
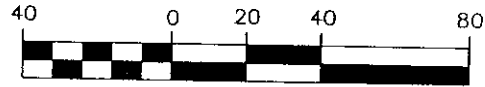


EXHIBIT C

- 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



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

P.O.T. STATION 128+63.13
 PARKER-KALON NAIL & DISK "AIM ENG. LB 3114"

PARCEL 158C
 (PERPETUAL EASEMENT)

A 4.00 FOOT WIDE PERPETUAL EASEMENT BEING THE EAST 4.00 FEET OF LOTS 7 AND 8, 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 400 SQUARE FEET, MORE OR LESS.

188 STA. 188+13.19 S85°02'58"W 50.00'(C)
 SEE DETAIL
 189 STA. 189+13.15 S85°02'58"W 50.00'(C)
 SURVEY BASE LINE GUNNERY ROAD
 N04°57'02"W
 P.I. STA. 217+61.38
 BRIDGE SPIKE & BOTTLE CAP NO ID

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.

PREPARED BY:
 AIM ENGINEERING & SURVEYING, INC.

[Signature] 6/17/04
 BOB L. POTTER, P.S.M. DATE
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA CERTIFICATE NO. 5688

AIM Engineering & Surveying, Inc.



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

Licensed Business Number 3114

THIS IS NOT A SURVEY SHEET 1 OF 1

| | |
|----------------------------|--------------------------------------------------------------------------------------------|
| PROJECT NUMBER: 99-7504 | DESCRIPTION: LEGAL AND SKETCH PARCEL 158C 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: 7504-158C | COUNTY: LEE COUNTY |

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

Search No. 33-44-26-07-00017.0070 and .0080

Date: January 19, 2005

Parcel: 158

Project: Gunnery Road Widening Project #4055

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

STRAP: 33-44-26-07-00017.0070 and 0080

Effective Date: January 8, 2005, at 5:00 p.m.

Subject Property: Lots 7 and 8, 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:

Heriberto Saez and Marie Denise Saez, Husband and Wife

by that certain instrument dated December 15, 2004, recorded January 7, 2005, in Official Record Book 4549, Page 2962, 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.

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: 158
Owner Name/Address: Coslet, Rita Trustee, 712-714 Gunnery Road S
Lee County STRAP Number: 33-44-26-07-00017.0070 & .0080
Legal Description: Lots 7 & 8, Block 17, 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: \$34,120
Effective Date of Appraisal: December 9, 2004
Date of Report: December 13, 2004

Site Data

Parent Parcel - Overall Size: 17,500 square feet
Frontage - Depth: 100' X 175'
Acquisition Type: Fee Take () - A
Utility Easement () - B
Perpetual Easement (X) - C 400 square feet
Sidewalk ()
Drainage ()
Fill/Slope (X)
Parcel Remainder Size: 17,100 sf unencumbered, 400 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 158

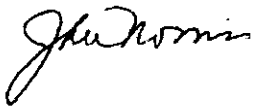
| | | | |
|--------------------------------------------------------------------------------------------------------------------------|---------------------------------|--|------------------------|
| Market Value of Fee Simple Interest in Parent Parcel | 17,500 sf | | |
| | x \$5.75 per sf | | |
| | \$100,625 | | \$100,625 |
| less: Market Value of Remainder - Fee Unencumbered | | | |
| *17500 sf -400 sf proposed easement area unencumbered fee value per square foot unencumbered fee value of remainder area | 17100 sf * | | |
| | x 5.15 \$5.73 per sf | | |
| | \$97,898 | | |
| | 98,325 | | |
| 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 | 400 sf | | |
| | x \$4.60 per sf* | | |
| | \$1,840.00 | | |
| Total Market Value of Remainder (rounded) | | | \$100,165 |
| Market Value of Part Taken | | | \$99,738 |
| rounded to | | | \$460. \$887.50 |
| | | | <u>\$460. \$900.00</u> |

04-78-158sum

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 (\$900.00)

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



Parcel: 177
Project: Gunnery Road 4 Lane (SR 82 – Lee Blvd.), Project No. 4055
STRAP No.: 33-44-26-07-00007.0150, .0160, .0170

**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 **Eugene J. Hinspeter and Virginia Little Hinspeter, also known as Virginia Hinspeter and Virginia M. Hinspeter, as Co-Trustees of the Eugene J. Hinspeter and Virginia M. Hinspeter Revocable Trust under Agreement dated August 14, 1994**, whose address is 2016 NW 44th Place, Cape Coral, FL 33993, 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 \$750.00; 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.

TWO SEPARATE WITNESSES:

Grantor: Eugene J. Hinspeter and Virginia M. Hinspeter
Revocable Trust under Agreement dated August 14, 1994

1st Witness Signature

Eugene J. Hinspeter, Co-Trustee

2nd Witness Signature

1st Witness Signature

Virginia M. Hinspeter, Co-Trustee

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: 177
Project: Gunnery Road 4 Lane (SR 82 – Lee Blvd.), Project No. 4055
STRAP No.: 33-44-26-07-00007.0150, .0160, .0170

SLOPE/RESTORATION EASEMENT

This INDENTURE, made and entered into this _____ day of _____ 20____,
between between **Eugene J. Hinspeter and Virginia Little Hinspeter, also known as Virginia Hinspeter and Virginia M. Hinspeter, as Co-Trustees of the Eugene J. Hinspeter and Virginia M. Hinspeter Revocable Trust under Agreement dated August 14, 1994**, whose address is 2016 NW 44th Place, Cape Coral, FL 33993, (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:

Grantor: Eugene J. Hinspeter and Virginia M. Hinspeter Revocable Trust under Agreement dated August 14, 1994

1st Witness Signature

Eugene J. Hinspeter, Co-Trustee

Printed name of 1st Witness

2nd Witness Signature

Printed name of 2nd Witness

1st Witness Signature

Virginia M. Hinspeter, Co-Trustee

Printed name of 1st Witness

2nd Witness Signature

Printed name of 2nd 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 **Eugene J. Hinspeter**. 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 **Virginia M. Hinspeter**. She is personally known to me or who has produced
_____ as identification.

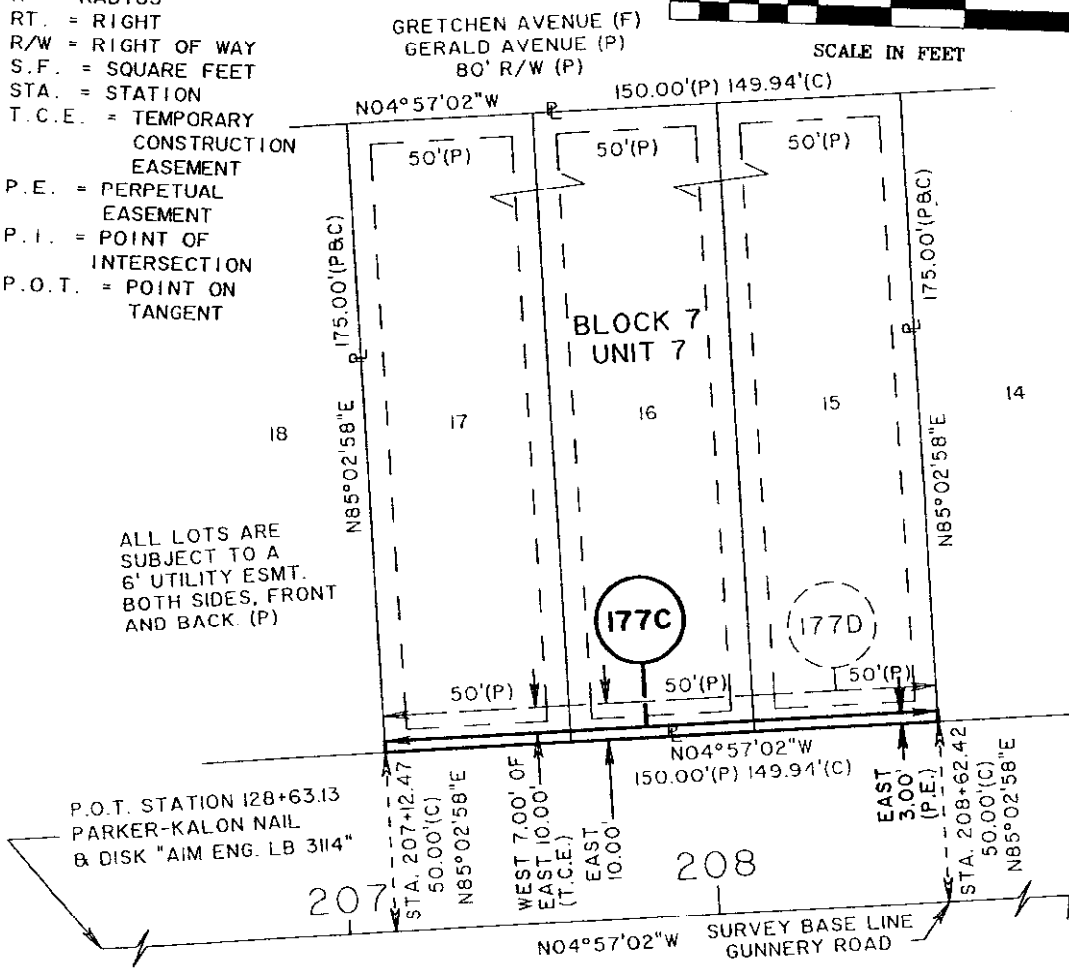
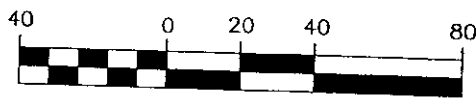
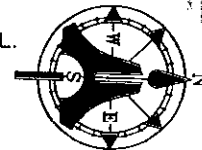
(type of identification)

(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.L. = PARENT TRACT
 P.L. = 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. 177C (PERPETUAL EASEMENT)
 PROPERTY OWNER: EUGENE J. HINSPETER AND VIRGINIA LITTLE HINSPETER
 STRAP NO. 33-44-26-07-00007.0150
 STRAP NO. 33-44-26-07-00007.0160
 STRAP NO. 33-44-26-07-00007.0170
 AREA OF PARENT TRACT: 26,240 S.F., M.O.L.
 AREA OF TAKE: 450 S.F., M.O.L.



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

PARCEL 177C
 (PERPETUAL EASEMENT)

A 3.00 FOOT WIDE PERPETUAL EASEMENT BEING THE EAST 3.00 FEET OF LOTS 15, 16 AND 17, 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 450 SQUARE FEET, MORE OR LESS.

NOTE:
 BEARINGS SHOWN HEREON ARE BASED UPON THE SURVEY BASE LINE OF GUNTERY 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 7/6/04
 BOB L. POTTER, P.S.M. DATE
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA CERTIFICATE NO. 5688

AIM Engineering & Surveying, Inc.

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

THIS IS NOT A SURVEY SHEET 1 OF 1

| | |
|----------------------------|--------------------------------------------------------------------------------------------|
| PROJECT NUMBER: 99-7504 | DESCRIPTION: LEGAL AND SKETCH PARCEL 177C GUNTERY ROAD FROM S.R. 82 TO LEE BOULEVARD |
| DRAWN BY: LWC | CLIENT: LEE COUNTY |
| DATE: 7/1/04 | SEC-TWP-RGE: 33-44S-26E |
| | FR.E: 7504-177C |
| | COUNTY: LEE COUNTY |

Division of County Lands

Updated Ownership and Easement Search

Search No. 33-44-26-07-00007.0150, .0160,
and .0170

Date: January 20, 2005

Parcel: 177

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: 33-44-26-07-00007.0150, .0160, and .0170

Effective Date: January 4, 2005, at 5:00 p.m.

Subject Property: Lots 15, 16 and 17, Block 7, Unit 7, Section 33, LEHIGH ESTATES, Township 44 South, Range 26 East, Lehigh Acres, according to the map or plat thereof on file in the Office of the Clerk of the Circuit Court, recorded in Plat Book 15, Page 87, Public Records of Lee County, Florida.

Title to the subject property is vested in the following:

Eugene J. Hinspeter and Virginia Little Hinspeter, also known as Virginia Hinspeter and Virginia M. Hinspeter, as Co-Trustees of the Eugene J. Hinspeter and Virginia M. Hinspeter Revocable Trust under Agreement dated August 14, 1994

By that certain instrument dated September 26, 1994, recorded September 26, 1994 in Official Record Book 2538, Page 2067; that certain instrument dated December 6, 1994, recorded December 6, 1994, in Official Record Book 2556, Page 3715; and that certain instrument dated April 28, 1995, recorded June 13, 1995 in Official Record Book 2608, Page 1101, 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 September 26, 1994, in Official Record Book 2538, Page 2066, Public Records of Lee County, Florida, does not contain marital status of the grantor(s), joinder by spouse, or statement regarding homestead status of subject property. This must be addressed and resolved by the Title Company or Attorney that handles the transfer to the County.

NOTE (3): Clarification is needed regarding the status of the Trust. Each deed refers to the Trust differently, but references the same agreement date.

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: 177
Owner Name/Address: Hinspeter, Eugene J & Virginia, Co-Trustees,
128-132 Gunnery Road S
Lee County STRAP Number: 33-44-26-07-00007.0150-.0170
Legal Description: Lots 15-17, 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: \$78,750
Effective Date of Appraisal: December 9, 2004
Date of Report: December 13, 2004

Site Data

Parent Parcel - Overall Size: 26,250 square feet
Frontage - Depth: 150' X 175'
Acquisition Type: Fee Take () - A
Utility Easement () - B
Perpetual Easement (X) - C 450 square feet
Sidewalk ()
Drainage ()
Fill/Slope (X)
Parcel Remainder Size: 25,800 sf unencumbered, 450 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
 Parcel 177**

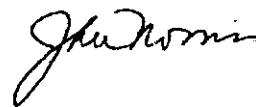
| | | | |
|---------------------------------------------------------------------------------------------------------------------------|------------------|--|------------------------|
| Market Value of Fee Simple Interest in Parent Parcel | 26,250 sf | | |
| | x \$5.75 per sf | | |
| | \$150,938 | | \$150,938 |
| less: Market Value of Remainder - Fee Unencumbered | | | |
| *26250 sf - 450 sf proposed easement area unencumbered fee value per square foot unencumbered fee value of remainder area | 25800 sf * | | |
| | x \$5.75 per sf | | |
| | \$148,350 | | |
| 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 | 450 sf | | |
| | x \$4.60 per sf* | | |
| | \$2,070.00 | | |
| Total Market Value of Remainder (rounded) | | | <u>\$150,420</u> |
| Market Value of Part Taken | | | <u>\$517.50</u> |
| rounded to | | | <u><u>\$520.00</u></u> |

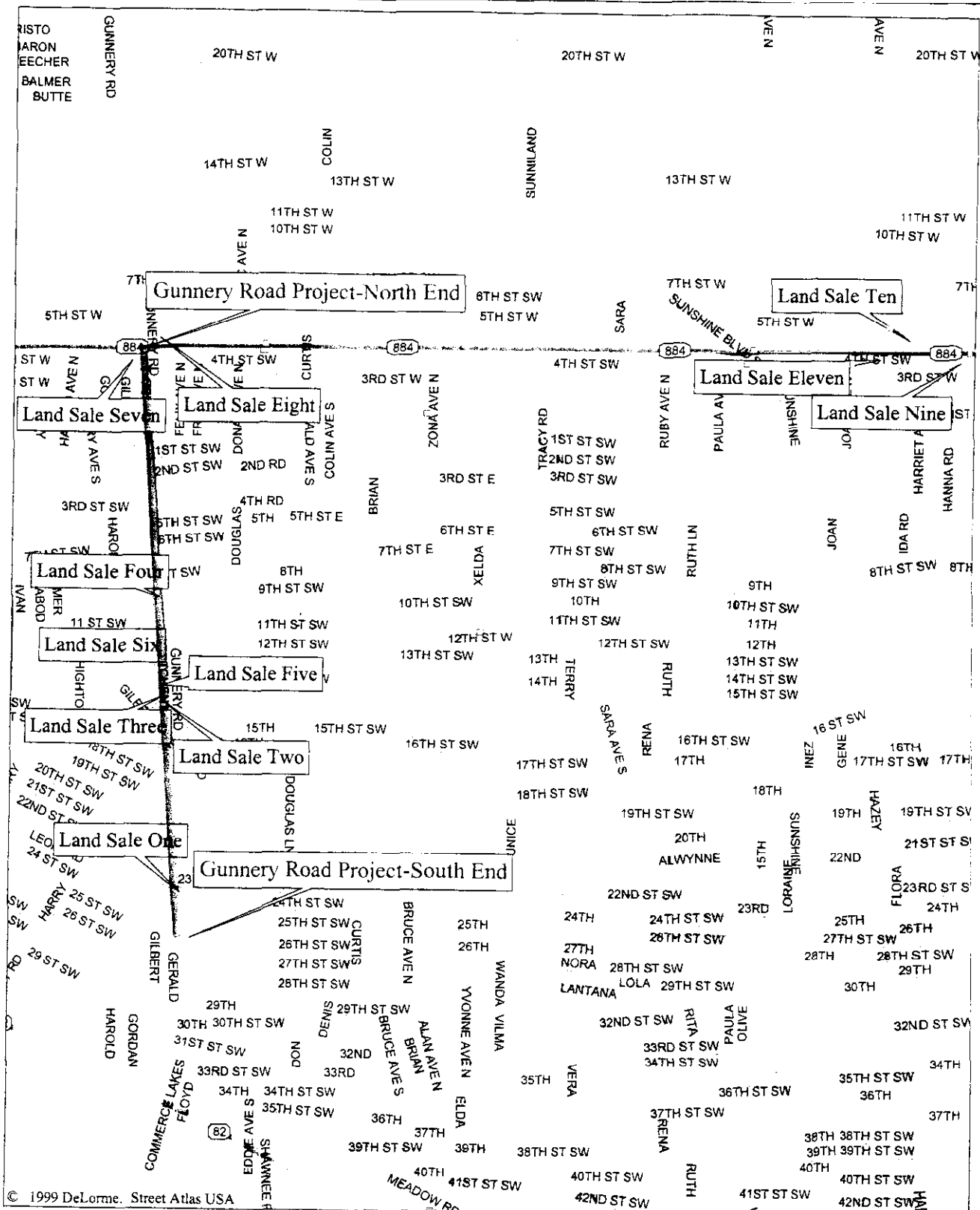
04-78-177sum

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 (\$520.00)

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





LOCATION MAP