

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

Blue Sheet No. 20050071

1. REQUESTED MOTION:

ACTION REQUESTED: Approve Purchase Agreement for acquisition of Parcel 207, Burnt Store Road Widening Project No. 4088, in the amount of \$113,000; authorize payment of costs to close and the Division of County Lands to handle all documentation necessary to complete transaction.

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

WHAT ACTION ACCOMPLISHES: The purchase of the property during the voluntary acquisition phase of the project.

2. DEPARTMENTAL CATEGORY: 06
COMMISSION DISTRICT # 1 and 4 *C6k*

3. MEETING DATE: *2-22-05*

4. AGENDA:

<input checked="" type="checkbox"/>	CONSENT
<input type="checkbox"/>	ADMINISTRATIVE
<input type="checkbox"/>	APPEALS
<input type="checkbox"/>	PUBLIC
<input type="checkbox"/>	WALK ON
<input type="checkbox"/>	TIME REQUIRED:

5. REQUIREMENT/PURPOSE:
(Specify)

<input checked="" type="checkbox"/>	STATUTE	125
<input type="checkbox"/>	ORDINANCE	
<input type="checkbox"/>	ADMIN. CODE	
<input type="checkbox"/>	OTHER	

6. REQUESTOR OF INFORMATION:

A. COMMISSIONER	
B. DEPARTMENT	Independent
C. DIVISION	County Lands <i>MM</i>
BY:	Karen L. W. Forsyth, Director <i>KLF</i>

7. BACKGROUND:

Negotiated for: Lee County DOT and the City of Cape Coral
Interest to Acquire: Fee interest in 24,800 square feet of non-waterfront property.

Property Details:
Owner: Christopher Riesbeck, Maxine Riesbeck and Joseph Jette
Address: 1633 and 1637 Burnt Store Road, Cape Coral
STRAP No.: 32-43-23-C4-04096.0170 and 32-43-23-C4-04096.0190

Purchase Details:
Purchase Price \$113,000 (\$4.56 per square foot)
Costs to Close \$1,500

Appraisal Information:
An appraisal has not been obtained on this property. Market Data indicates sales and listings range from \$3.46 to \$7.86 per square foot for non-waterfront sites in this area.

Staff Recommendation: Staff recommends the Board approve the requested motion.

Account: 20408830721.506110 CIP; Burnt Store Rd Right of Way; TCI-Surplus Capital Cape Coral; Land
Attachments: Purchase & Sale Agreement, Location Map, In House Title Report, Market Data Grid, Sales History.

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
<i>K. Forsyth</i>			<i>OAD 1/28/05 1/29/05 2/3/05</i>		OA	OM	Risk	GC	<i>2-10-05</i>
					<i>2/10/05</i>	<i>2/10/05</i>	<i>2/10/05</i>	<i>2/10/05</i>	

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: *2/10/05*
Time: *11:30*
Forwarded To: *11/2/05*

RECEIVED BY
COUNTY ADMIN: *dw*
2/10/05
COUNTY ADMIN
FORWARDED TO: *PP*
2/10/05
4:00 PM

This document prepared by

Lee County
County Lands Division
Project: Burnt Store Road Widening Project No. 4088
Parcel: 207
STRAP No.: 32-43-23-C4-4086.0170 and .0190

BOARD OF COUNTY COMMISSIONERS

LEE COUNTY

AGREEMENT FOR PURCHASE AND SALE OF REAL ESTATE

THIS AGREEMENT for purchase and sale of real property is made this 16th day of January, 2004 by and between Christopher and Maxine Riesbeck and Joseph Jette, hereinafter referred to as SELLER, whose address is 2917 Crabtree Lane, Wilmette, IL 60091, and Lee County, a political subdivision of the State of Florida, hereinafter referred to as BUYER.

WITNESSETH:

1. **AGREEMENT TO PURCHASE AND TO SELL:** SELLER agrees to sell and BUYER agrees to purchase, subject to the terms and conditions set forth below, a parcel of land consisting of 24,800 square feet more or less, and located at 1633 and 1637 Burnt Store Road, Cape Coral, FL and more particularly described in "Exhibit A" attached hereto and made a part hereof, hereinafter called "the Property" This property will be acquired for the Burnt Store Road Widening Project, hereinafter called "the Project."

2. **PURCHASE PRICE AND TIME OF PAYMENT:** The total purchase price ("Purchase Price") will be One hundred thirteen thousand and no/100 dollars (\$113,000.00), payable at closing by County Warrant.

3. EVIDENCE OF TITLE: BUYER will obtain at BUYER'S expense an American Land Title Association Form B Title Commitment and provide title insurance Owner's Policy in the amount of \$113,000.00, from a title company acceptable to BUYER. The commitment will be accompanied by one copy of all documents that constitute exceptions to the title commitment. The commitment will also show title to be good and marketable with legal access, subject only to real estate taxes for the current year, zoning and use restrictions imposed by governmental authority, and restrictions and easements common to the area.

4. CONDITION OF PROPERTY; RISK OF LOSS: BUYER has inspected the Property and, except as is otherwise provided herein, accepts the Property in the condition inspected. Any loss and/or damage to the Property occurring between the date of this offer and the date of closing or date of possession by BUYER, whichever occurs first, will be at SELLER's sole risk and expense. However, BUYER may accept the damaged property and deduct from the purchase price any expenses required to repair the damage, or BUYER may cancel this Agreement without obligation.

5. SELLER'S INSTRUMENTS AND EXPENSES: SELLER will pay for and provide:

- (a) A statutory warranty deed, and an affidavit regarding liens, possession, and withholding under FIRPTA in a form sufficient to allow "gap" coverage by title insurance;
- (b) documentary stamps on deed;
- (c) utility services up to, but not including the date of closing;
- (d) taxes or assessments for which a bill has been rendered on or before the date of closing;
- (e) payment of partial release of mortgage fees, if any;
- (f) SELLER's attorney fees, if any.

6. BUYER'S INSTRUMENTS AND EXPENSES: BUYER will pay for:

- (a) Recording fee for deed;
- (b) survey, (if desired by BUYER).

7. TAXES: SELLER will be charged for Real Estate taxes and personal property taxes (if applicable) up to, but not including the date of closing.

AGREEMENT FOR PURCHASE AND SALE OF REAL ESTATE

Page 5 of 6

18. SPECIAL CONDITIONS: Any and all special conditions will be attached to this Agreement and signed by all parties to this Agreement.

WITNESSES:

Jeff N. Lutz 1-11-05

Walpole - signed 1/11/05

Jeff N. Lutz 1-11-05

Walpole - signed 1/11/05

[Signature]

[Signature]

SELLER:

[Signature] 1/11/05
Christopher Riesbeck (DATE)

[Signature] 1/11/05
Maxine Riesbeck (DATE)

[Signature] 1/14/05
Joseph Jette (DATE)

CHARLIE GREEN, CLERK

BUYER:
LEE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

BY: _____
DEPUTY CLERK (DATE)

BY: _____
CHAIRMAN OR VICE CHAIRMAN

APPROVED AS TO LEGAL FORM
AND SUFFICIENCY

COUNTY ATTORNEY (DATE)

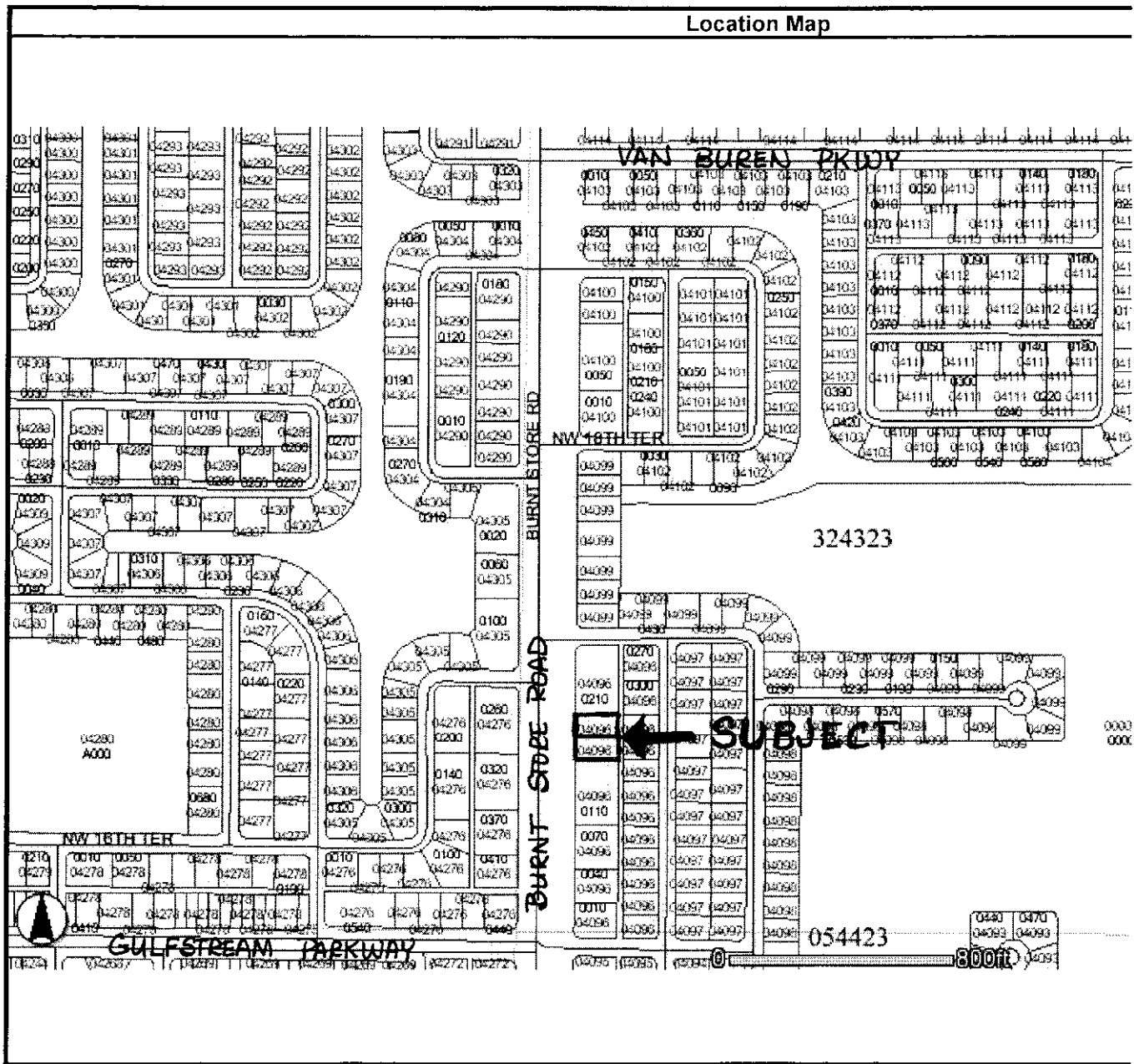
Exhibit A

Parcel 207, Burnt Store Road Widening Project No. 4088

STRAP No. 32-44-23-C4-04096.0170

Lots 17, 18, 19, and 20, Block 4096, Cape Coral, Unit 57, a subdivision according to the map or plat thereof recorded in Plat Book 19, Page 128, Public Records of Lee County, Florida.

S:\P001\Burnt Store Rd Widening\PA\MSM Exhibit A.doc



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

Search No. 32-43-23-C4-04096.0170

Date: January 27, 2005

Parcel: 207

Project: Burnt Store Road Widening Project
4088.To: Michele S. McNeill SR/WA
Property Acquisition AgentFrom: Kenneth Pitt 
Real Estate Title Examiner

STRAP: 32-43-23-C4-04096.0170

Effective Date: December 27, 2004, at 5:00 p.m.**Subject Property: Lots 17 & 18, in Block 4096 Unit 57, Cape Coral Subdivision, according to the plat thereof recorded in Plat Book 19 Pages 124 to 137, both inclusive, Public Records of Lee County, Florida.**

Title to the subject property is vested in the following:

**Joseph E. Jette a 50% interest and Christopher Riesbeck and Maxine Morphis Riesbeck,
husband and wife a 50% interest.**By that certain instrument dated May 16, 1988, recorded June 27, 1988, in Official Record Book 1999
Page 1038, Public Records of Lee County, Florida.**Easements:**

- 1): **Subject to Easements for County drainage purposes and public utilities along the boundary of each homesite, not to exceed 6 feet each side of said boundaries, as established by Easement Dedication on the plat Unit 55, Cape Coral Subdivision recorded in Plat Book 19 Pages 124 to 137, both inclusive, Public Records of Lee County, Florida.**
- 2): **Subject to a 30 foot Road and Drainage Easement, affecting the West 30 feet of the subject property as shown on the plat Unit 55, Cape Coral Subdivision recorded in Plat Book 19 Pages 124 to 137, both inclusive, Public Records of Lee County, Florida.**
- 3): **Subject to a Deed of Restriction, recorded in Miscellaneous Book 52 Page 497 and amended by the following documents: Official Record Book 64 Page 614, Official Record Book 132 Page 522, Official Record Book 351 Page 232 and Official Record Book 521 Page 345, Public Records of Lee County, Florida.**

Note 1): Subject property is not encumbered by a mortgage.**Note 2): Subject to Lee County Ordinance No. 86-14, relating to garbage and solid waste collection, recorded in Official Record Book 2189 Page 3281 and amended by Official Record Book 2189 Page 3334, Public Records of Lee County, Florida.**

Division of County Lands

Ownership and Easement Search

Search No. 32-43-23-C4-04096.0170

Date: January 27, 2005

Parcel: 207

Project: Burnt Store Road Widening Project
4088.

Tax Status: \$365.48 paid on 11/10/04 for Tax Year 2004.

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

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

Market Data

Parcel 207
Burnt Store Road Widening Project No. 4088
32-43-23-C4-04096.0170 and .0190
24,800 square feet
\$113,000 (\$4.56/square foot)

STRAP	Property Type	Purchase Date	Purchase Price	Square Footage	Price/SqFt
32-43-23-C4-04100.0130	Dry Lot	5/27/04	\$44,000	12,710	\$3.46
08-44-23-C4-03986.0110	Dry Lot	12/17/04	\$66,500	18,600	\$3.57
06-44-23-C2-04272.0500	Dry Lot	Pending Sale	\$79,900	13,175	\$6.07
32-43-23-C4-04099.0490	Dry Lot	Active Listing	\$79,000 LP	13,175	\$6.00
32-43-23-C4-04100.0130	Dry Lot	Active Listing	\$99,900 LP	12,710	\$7.86
08-44-23-C4-03986.0140	Dry Lot	Active Listing	\$138,000 LP	18,600	\$7.42

No adjustment made for time.

5-Year Sales History

Parcel No. 207

Burnt Store Road Widening Project,
No. 4088

NO SALES in PAST 5 YEARS