#### Lee County Board of County Commissioners Agenda Item Summary

Blue Sheet No. 20050173

#### 1. REQUESTED MOTION:

ACTION REQUESTED: Approve Purchase Agreement for acquisition of Parcels 301 and 301SDE, Three Oaks Parkway South Extension Project No. 4043, in the amount of \$20,000; 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 Board avoids Eminent Domain.

2. <u>DEPARTMENTAL CATE</u> COMMISSION DISTRICT		3. <u>MEETING DATE</u> : 03-01-2005
4. AGENDA:  X CONSENT  ADMINISTRATIVE  APPEALS  PUBLIC  WALK ON  TIME REQUIRED:	5. REQUIREMENT/PURPOSE:  (Specify)  X STATUTE 125  ORDINANCE ADMIN. OTHER	6. REQUESTOR OF INFORMATION  A. B. DEPARTMENT Independent C. DIVISION County Lands BY Karen L. W. Forsyth, Director

#### 7.BACKGROUND:

Negotiated for: Lee County Department of Transportation

Interest to Acquire: Partial Fee-simple acquisition and Slope/Restoration and Drainage Easement from a vacant residential lot. Property Details:

Owner: M. (Marie) Keohane

Address: 10860 Strike Lane, Bonita Springs STRAP No.: 14-47-25-B2-0020H.8620

#### Purchase Details:

Purchase Price: \$20,000

Costs to Close: Approximately \$1,000 (The seller is responsible for attorney fees, if any. The County may be responsible for a

portion of future San Carlos Estates Water Management District assessments (estimated portion - \$3,000).

Appraisal Information: Salient appraisal data is attached for reference.

Staff Recommendation: Staff is of the opinion that the purchase price is within an acceptable range of value, considering the costs associated with condemnation proceedings are estimated to be \$5,000 - \$7,000, excluding appraisal costs and attorney fees. Staff recommends the Board approve the Requested Motion.

Account: 20404330709.506110

20 - CIP; 4043 - Three Oaks Parkway South Extension; 30709 - Transportation Capital Improvements; 506110 - Land Attachments: Purchase Agreement; Value Justification Report with Appraisal Data; Location Map; City of Bonita Springs

Recommendation; Title Data; 5-Year Sales History

#### 8. MANAGEMENT RECOMMENDATIONS:

#### 9. RECOMMENDED APPROVAL: В C Α Ε G Department Purchasing or Human Other County **Budget Services** County Manager Director Contracts Resources Attorney OM RISK/ OA GC COMMISSION ACTION: 10 RECLIVED BY COUNTY ADMIN: C **APPROVED** DENIED DEFERRED Rec. by CoAtty 12.15 41360 **OTHER** COUNTY ADMIN FORWARDED TO: 10,00 Forwarded To:

This document prepared by:

Lee County

County Lands Division

Project: Three Oaks Parkway South Extension, No. 4043

Parcel: 301/Keohane

STRAP No.: 14-47-25-B2-0020H.8620

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#### 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 26th day of January, 2005 by and between Marie E. Keohane, a married person, hereinafter referred to as SELLER, whose address is 16650 McGregor Boulevard, Suite 103, Fort Myers, Florida 33908, 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 fee-simple parcel of land consisting of .08 acre more or less, and located at 10860 Strike Lane, Bonita Springs, Florida 34135 and more particularly described in attached Exhibit "A", and a perpetual slope and drainage easement parcel consisting of .14 acre more or less, and located at 10860 Strike Lane, Bonita Springs, Florida 34135 and more particularly described in attached Exhibit "B", hereinafter collectively called "the Property." This property will be acquired for the Three Oaks Parkway Extension Project, hereinafter called "the Project." The two parcels of the property are being acquired by Lee County under the threat of eminent domain proceedings, therefore the remaining property is deemed conforming under the terms of Lee County Ord. NO. 95-07.

2. PURCHASE PRICE AND TIME OF PAYMENT: The total purchase price ("Purchase Price") will be Twenty \_\_\_\_and No/100 (\$

\$20,000.00 ), payable at closing by County Warrant.

- American Land Title Association Form B Title Commitment and provide title insurance Owner's Policy in the amount of the Purchase Price, 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 a slope and drainage easement (the form of the easement is attached as Exhibit "X"), and an affidavit regarding liens, possession, and withholding under FIRPTA in a form sufficient to allow "gap" coverage by title insurance;
  - (b) utility services up to, but not including the date of closing;
  - (c) taxes or assessments for which a bill has been rendered on or before the date of closing;
  - (d) payment of partial release of mortgage fees, if any;
  - (e) SELLER's attorney fees, if any.

- 6. BUYER'S INSTRUMENTS AND EXPENSES: BUYER will pay for:
  - (a) Recording fee for deed;
  - (b) documentary stamps on deed;
  - (c) 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.
- 8. DEFECTS IN TITLE AND LEGAL ACCESS: Prior to closing, BUYER will have a reasonable time to examine the title and documents establishing legal access to the property. If title or legal access is found to be defective, BUYER will notify SELLER in writing of the defects and SELLER will make a prompt and diligent effort to correct such defects. If SELLER fails to make corrections within 30 days after notice, BUYER may elect to accept the Property in its existing condition with an appropriate reduction to the purchase price, or may terminate this Agreement without obligation.
- 9. SURVEY: BUYER may order the Property surveyed at BUYER's expense. SELLER agrees to provide access to the Property for the survey to be performed. If the survey shows a discrepancy in the size or dimensions of the Property, or shows encroachments onto the Property or that improvements located on the Property encroach onto adjacent lands, or if the survey identifies violations of recorded covenants or covenants of this Agreement, upon notice to the SELLER, the BUYER may elect to treat those discrepancies, violations or encroachments as a title defect.
- 10. ENVIRONMENTAL AUDIT: BUYER may perform or have performed, at BUYER's expense, an environmental audit of the Property. If the audit identifies environmental problems unacceptable to the BUYER, BUYER may elect to accept the Property in its existing condition with an appropriate abatement to the purchase price or BUYER may terminate this Agreement without obligation.

11. ABSENCE OF ENVIRONMENTAL LIABILITIES: SELLER hereby The warrants and represents that the Property is free from hazardous materials and does not constitute an environmental hazard under any federal, state or local law or regulation. No hazardous, toxic or polluting substances have been released or disposed of on the Property in violation of any applicable law or regulation. SELLER further warrants that there is no evidence that hazardous, toxic or polluting substances are contained on or emitting from the property in violation of applicable law or regulation. There are no surface impoundments, waste piles, land fills, injection wells, underground storage areas, or other man-made facilities that have or may have accommodated hazardous materials. There is no proceeding or inquiry by any governmental agency with respect to production, disposal or storage on the property of any hazardous materials, or of any activity that could have produced hazardous materials or toxic effects on humans, flora or fauna. There are no buried, partially buried, or above-ground tanks, storage vessels, drums or containers located on the Property. There is no evidence of release of hazardous materials onto or into the Property.

The SELLER also warrants that there have been no requests from any governmental authority or other party for information, notices of claim, demand letters or other notification that there is any potential for responsibility with respect to any investigation or clean-up of hazardous substance releases on the property. All warranties described herein will survive the closing of this transaction.

In the event the SELLER breaches the warranties as to environmental liability, SELLER agrees to indemnify and hold the BUYER harmless from all fines, penalties, assessments, costs and reasonable attorneys' fees resulting from contamination and remediation of the property.

- 12. TIME AND BINDING AGREEMENT: Time is of the essence for closing this transaction. The BUYER's written acceptance of this offer will constitute an Agreement for the purchase and sale of the Property and will bind the parties, their successors and assigns. In the event the BUYER abandons this project after execution of this Agreement, but before closing, BUYER may terminate this Agreement without obligation.
- 13. DATE AND LOCATION OF CLOSING: The closing of this transaction will be held at the office of the insuring title company on or before ninety (90) days from the date this Agreement is made. The time and location of closing may be changed by mutual agreement of the parties.
- 14. ATTORNEYS' FEES: The prevailing party in any litigation concerning this Agreement will be entitled to recover reasonable attorneys' fees and costs.
- 15. **REAL ESTATE BROKERS:** SELLER hereby agrees to indemnify and hold the BUYER harmless from and against any claims by a real estate broker claiming by or through SELLER.
- 16. **POSSESSION:** SELLER warrants that there are no parties in possession other than SELLER unless otherwise stated herein. SELLER agrees to deliver possession of Property to BUYER at time of closing unless otherwise stated herein.
- 17. TYPEWRITTEN/HANDWRITTEN PROVISIONS: Typewritten and handwritten provisions inserted herein or attached hereto as addenda, and initialed by all parties, will control all printed provisions in conflict therewith.
- 18. SPECIAL CONDITIONS: Any and all special conditions will be attached to this Agreement and signed by all parties to this Agreement. Special Conditions (Non-binding):

Since we are selling 39% of our \$60,000. lot to the county for \$20,000, and since the new parkway will be elevated to protect it from storm flooding, we ask, if possible, that any removed clean fill dirt deemed not suitable for road usage within the vicinity of our remaining parcel be piled on our parcel for us to use.

# AGREEMENT FOR PURCHASE AND SALE OF REAL ESTATE Page 6 of 6

WITNESSES:	SELLER:
Kimberly Kestione	Marie E. Keohane (DATE)
WITNESSES:	SELLER:
	(DATE)
	BUYER:
CHARLIE GREEN, CLERK	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"

Page \_\_of \_2

July 12, 2004

#### THREE OAKS PARKWAY

#### PARCEL 301

# PART OF TRACT H862 SAN CARLOS ESTATES LYING IN SECTION 14, TOWNSHIP 47 SOUTH, RANGE 25 EAST CITY OF BONITA SPRINGS LEE COUNTY, FLORIDA

A tract or parcel for right-of-way purposes being part of Tract H862, San Carlos Estates, according to the map thereof recorded in Official Record Book 557, Pages 354 and 355, in the Public Records of Lee County, Florida, lying in the Northeast Quarter (NE-1/4) of Section 14, Township 47 South, Range 25, East, City of Bonita Springs, Lee County Florida, being more particularly described as follows:

From the southeast corner of said Northeast Quarter (NE-1/4) run S 88° 48' 21" W along the south line of said Northeast Quarter (NE-1/4) for 578.76 feet to the southeast corner of said tract and the Point of Beginning.

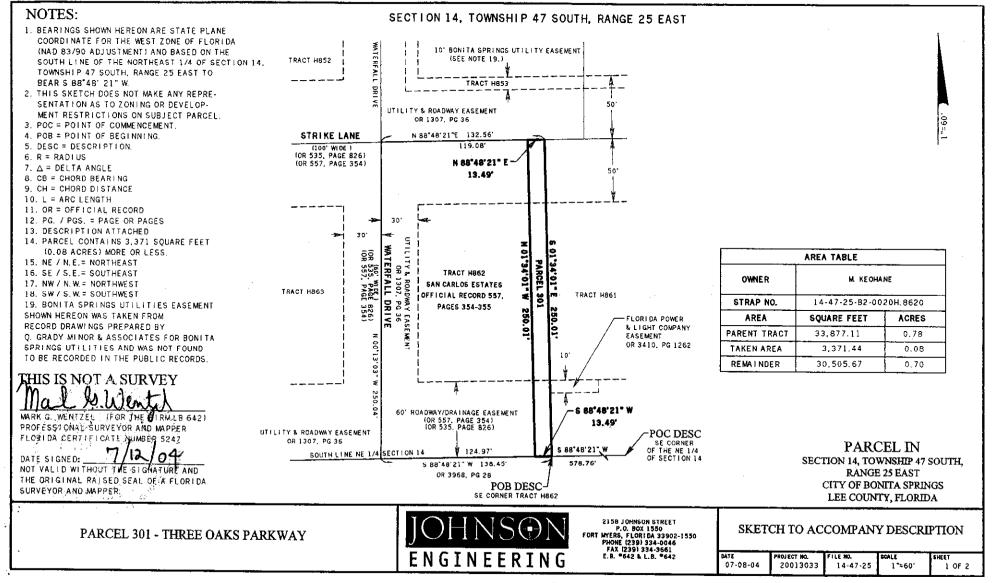
From said Point of Beginning continue S 88° 48' 21" W along the south line of said tract for 13.49 feet; thence run N 01° 34' 01" W for 250.01 feet to the north line of said tract; thence run N 88° 48' 21" E along said north line for 13.49 feet to the northeast corner of said tract; thence run S 01° 34' 01" E for 250.01 feet to the Point of Beginning.

Containing 3,371.44 square feet or 0.08 acres, more or less.

Bearings hereinabove mentioned are State Plane Coordinate for the West Zone of Florida (NAD 83/90 Adjustment) and are based on the south line of the Northeast Quarter (NE-1/4) of Section 14. Township 47 South, Range 25 East to bear S 88° 48' 21" W.

20013033 Parcel 301 071204

# Exhibit "A" Page 2 of 2





SINCE 1946

July 12, 2004

#### THREE OAKS PARKWAY

Exhibit "B"

PARCEL 301-SDE

Page \_\_\_of\_2

# PART OF TRACT H862 SAN CARLOS ESTATES LYING IN SECTION 14, TOWNSHIP 47 SOUTH, RANGE 25 EAST CITY OF BONITA SPRINGS LEE COUNTY, FLORIDA

An easement for slope and drainage purposes being part of Tract H862, San Carlos Estates, according to the map thereof recorded in Official Record Book 557, Pages 354 and 355, in the Public Records of Lee County, Florida, lying in the Northeast Quarter (NE-1/4) of Section 14, Township 47 South, Range 25, East, City of Bonita Springs, Lee County Florida, being more particularly described as follows:

From the southeast corner of said Northeast Quarter (NE-1/4) run S 88° 48' 21" W along the south line of said Northeast Quarter (NE-1/4) for 578.76 feet to the southeast corner of said tract; thence continue S 88° 48' 21" W along the south line of said tract for 13.49 feet to the Point of Beginning of the herein described easement.

From said Point of Beginning continue S 88° 48' 21" W along said south line for 30.00 feet; thence run N 01° 34' 01" W for 60.00 feet to the north line of a 60 foot wide Roadway and Drainage Easement as shown and recorded in Official Record Book 535, Page 826 and Official Record Book 557, Pages 354 and 355 of said public records; thence run N 88° 48' 21" E along said north line for 10.00 feet; thence departing the north line of said easement run N 01° 34' 01" W for 140.00 feet to the south line of Strike Lane (100 feet wide), as shown and recorded in Official Record Book 535, Page 826 and Official Record Book 557, Pages 354 and 355; thence run S 88° 48' 21" W along said Strike Lane for 10.00 feet; thence run N 01° 34' 01" W for 50.00 feet to the north line of said tract; thence run N 88° 48' 21" E along said north line for 30.00 feet; thence departing said north line run S 01° 34' 01" E for 250.01 feet to the Point of Beginning.

Containing 6,100.13 square feet or 0.14 acres, more or less.

Bearings hereinabove mentioned are State Plane Coordinate for the West Zone of Florida (NAD 83/90 Adjustment) and are based on the south line of the Northeast Quarter (NE-1/4) of Section 14, Township 47 South, Range 25 East to bear S 88° 48' 21" W.

20013033 Parcel 301-SDE 071204

1 OF SKETCH TO ACCOMPANY DESCRIPTION SECTION 14, TOWNSHIP 47 SOUTH, 09<u>=.</u>1 CITY OF BONITA SPRINGS LEE COUNTY, FLORIDA ACRES 0.78 0.14 14-47-25-B2-0020H. 8620 0.64 PARCEL IN 17=60 RANGE 25 EAST M KECHANE 14-47-25 SQUARE FEET 6,100.13 27,776.99 AREA TABLE 33,877.12 **Ряолест жо.** 20013033 PARENT TRACT TAKEN AREA REMAINDER STRAP NO. OWNER AREA 07-08-04 MI POC DESC SE CORNER OF THE NE 1/4 OF SECTION 14 2156 JOHNSON STREET
6.0. BOX 1580
FORT WYERS, FLORI DA 33002-1550
PHONE (2393) 354-6046
F. R. (239) 334-3661
E. B. "642 & L. B. "642 \* FLORI DA POWER & LI GHT COMPANY EASEMENT OR 3410, PG 1262 SECTION 14, TOWNSHIP 47 SOUTH, RANGE 25 EAST S 88"48"21" W 13.49" TRACT H861 S 88\*48'21" W 592.25' 10' BONITA SPRINGS UTILITY EASEMENT (SEE NOTE 19.) GINEERING S 01"34"01" E 250.01 8 01"34"01" E 250.01 PARCEL 301-SDE OR 3968, PG 28 POB DESC N 01°34'01" W 140.00 TRACT H853 88\*48'21" W 124.9 N 86\*48'21" E— 30.00' N 88"48"21"E 132.56" N 88"48"21" E -10.00" ESTATES OFFICIAL 8 98'48'21" W PAGES 354-355 5 86'48'21" W-N 01'34'0]" W-60.00' TRACT H862 SAN CARLOS RECORD 557. N 01'34'01" W-50.00" 10 94.97 Z UTILITY & ROADWAY EASEMENT OR 1307, PG 36 N 00'13'03" W 250,04' 30, WATERFALL DRIVE WATERFALL DRIVE 160' WIDE 1 10R 535, PAGE 8261 10R 557, PAGE 354) UTILITY & ROADWAY EASEMENT OR 1307, PG 36 SOUTH LINE NE 1/4 SECTION 14 . 30 (100° WIDE ) (OR 535, PAGE 826) (OR 557, PAGE 354) ROADWAY/DRA!NAGE EASEMENT (OR 535, PAGE 826) (OR 557, PAGE 354) STRIKE LANE TRACT H852 SLOPE & DRAINAGE EASEMENT EASEMENT TRACT H863 PARCEL 301-SDE - THREE OAKS PARKWAY SOUTH LINE OF THE NORTHEAST 1/4 OF SECTION 14, .09 COORDINATE FOR THE WEST ZONE OF FLORIDA (NAD 83/90 ADJUSTMENT) AND BASED ON THE BEARINGS SHOWN HEREON ARE STATE PLANE 3. POC = POINT OF COMMENCEMENT.
4. POB = POINT OF BEGINNING.
5. DESC = DESCRIPTION.
6. R = RADIUS.
7. Δ = BELTA ANGLE
8. CB = CHORD BEARING.
9. CH = CHORD DISTANCE.
10. L = ARC LENGTH.
11. OR = OFFICIAL RECORD.
12. PG. / PGS. = PAGE OR PAGES.
13. DESCRIPTION ATTACHED.
14. PARCEL CONTAINS 6,100 SQUARE FEET. 15. NE / N. E. = NORTHEAST
16. SE / S. E. = SOUTHEAST
17. NW / N. W. = NORTHWEST
18. SW / S. W. = SOUTHWEST
19. BONITA SPRINGS UTLITTES EASEMENT
SHOWN HEREON WAS TAKEN FROM BEAR S 88'48' 21" W.
THIS SKETCH DOES NOT MAKE ANY REPRESENTATION AS TO ZONING OR DEVELOP.
MENT RESTRICTIONS ON SUBJECT PARCEL. TOWNSHIP 47 SOUTH, RANGE 25 EAST TO Q. GRADY MINOR & ASSOCIATES FOR BONITA SPRINGS UTILITIES AND WAS NOT FOUND RM LB 642) DATE STONED: // | O T ON THOUT THE STONE AND THE ORIGINAL RAISED SEAL OF A FLORIDA SURVEYOR AND MAPPER. TO BE RECORDED IN THE PUBLIC RECORDS MARK G. WENTZEL. (FOR THE FIRM LB & PROFESSIONAL SURVEYOR AND MAPPER NUMBER 5247 (0.14 ACRES) MORE OR LESS RECORD DRAWINGS PREPARED BY FLORIDA CERTIFICA THIS IS NOT NOTES

"B" fidinxa

This instrument prepared by:

Lee County
Division of County Lands
Post Office Box 398
Fort Myers, Florida 33902-0398

Parcel: 301-SDE/Keohane

Project: Three Oaks Parkway South Extension/4043

STRAP No.: 14-47-25-B2-0020H.8620

## Exhibit "X"

Page / of #

#### SLOPE/RESTORATION AND DRAINAGE EASEMENT

This INDENTURE, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_20\_\_\_\_, between MARIE E. KEOHANE, a married person, whose address is 16650 McGregor Boulevard, Suite 103, Fort Myers, Florida 33908, (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 perpetual, non-exclusive slope/restoration and drainage easement situated in Lee County, Florida, and located and described as set forth in attached Exhibit "A" (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 and drainage facilities on the Easement Parcel to support, reinforce, and stabilize the adjacent public roadway, and to maintain stormwater drainage within the Easement Parcel.
- 3. The improvements that may be placed within the Easement Parcel for roadway slope/restoration, and drainage purposes are not limited to a particular type, style, material or design.
  - 4. Grantor may not construct or place any structures or foliage 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 "A", 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: Three Oaks Pkwy South/4043

Page 2 of 2

Exhi	bit	"X"	
Page	2	_of_	4

- 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:	As to Grantor:	
1st Witness Signature	Marie E. Keohane	Date
Printed name of 1st Witness		
2nd Witness Signature		
Printed name of 2nd Witness		
STATE OF		
COUNTY OF		
The foregoing instrument was acknowledge 20, by Marie E. Keohane. She is personally as ider	y known to me or ha produced	
(type of identification)	miloduori.	
(Seal)	(Signature of Notary Public)	<del></del>
	(Name typed, printed or stamped) (Title or Rank) (Serial Number, if any)	



Exhibit "X"

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July 12, 2004

#### THREE OAKS PARKWAY

#### **PARCEL 301-SDE**

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From said Point of Beginning continue S 88° 48' 21" W along said south line for 30.00 feet; thence run N 01° 34' 01" W for 60.00 feet to the north line of a 60 foot wide Roadway and Drainage Easement as shown and recorded in Official Record Book 535, Page 826 and Official Record Book 557, Pages 354 and 355 of said public records; thence run N 88° 48' 21" E along said north line for 10.00 feet; thence departing the north line of said easement run N 01° 34' 01" W for 140.00 feet to the south line of Strike Lane (100 feet wide), as shown and recorded in Official Record Book 535, Page 826 and Official Record Book 557, Pages 354 and 355; thence run S 88° 48' 21" W along said Strike Lane for 10.00 feet; thence run N 01° 34' 01" W for 50.00 feet to the north line of said tract; thence run N 88° 48' 21" E along said north line for 30.00 feet; thence departing said north line run S 01° 34' 01" E for 250.01 feet to the Point of Beginning.

Containing 6,100.13 square feet or 0.14 acres, more or less.

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Exhibit "A"
Page \_\_\_\_of \_\_\_

20013033 Parcel 301-SDE 071204

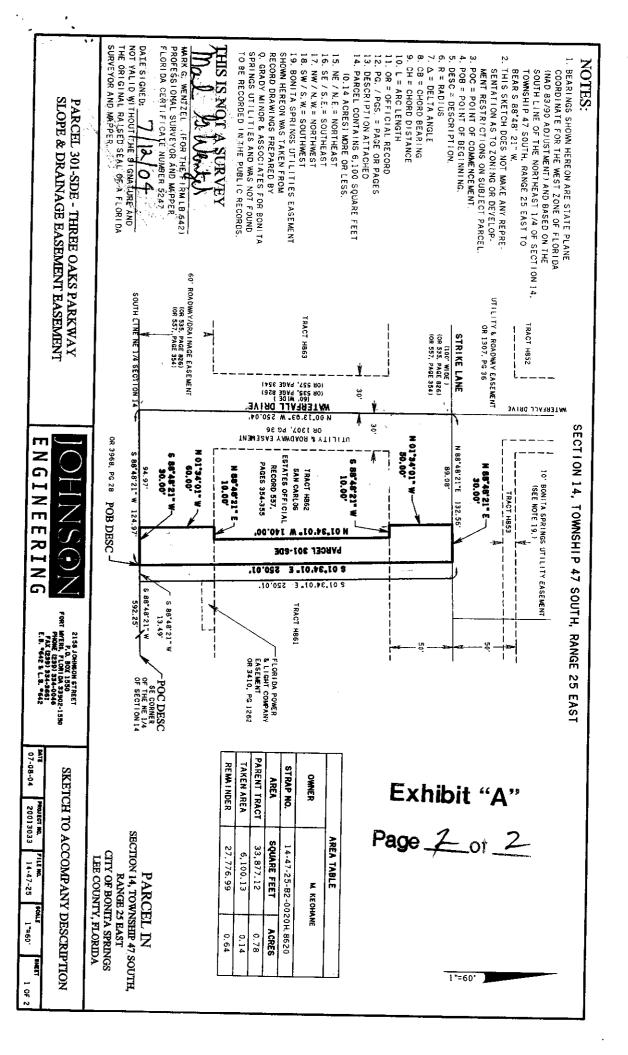


Exhibit "X"

Page # of #

## Value Justification Report

Parcel Nos. 301 and 301SDE

Three Oaks Parkway South Extension Project No. 4043

The Division of County Lands has negotiated the proposed acquisition of  $\pm 3,371.44$  square feet of fee-simple land and  $\pm 6,100.13$  square feet of slope and drainage easement (Parcel 301-SDE) from Marie E. Keohane.

Parcels 301 and 301SDE are being acquired from a vacant residential property, known as 10860 Strike Lane in San Carlos Estates, Bonita Springs.

Summary of the attached salient appraisal data:

Appraisal of Parent Tract:

Date of Value: December 3, 2003 Parcel Area: .63 acre or 27,442 sq. ft. Appraised Value: \$30,000 or \$1.09/sq. ft.

Recent Appraisal of Comparable Neighboring Property:

Date of Value: August 11, 2004 Parcel Area: .75 acre or 32,670

Appraised Value: \$56,000 or \$1.71/sq. ft.

The negotiated purchase is based upon the appraisal data provided and cost avoidance of condemnation:

- 1. Estimated cost of County's "before & after" appraisal \$1,500 \$2,500
- 2. Estimated cost of Property Owner's appraisal \$2,000 \$3,000

A Company

					214		File No. 02	10 00
Borrower KEOHA					is Tract <u>0503.0</u>		Reference 14-47	
	0860 Strike Lane					ks Parkw	ay Extension P	
City Bonita Sprir	<del></del>	County <u>Le</u>		St	ate FL		Zip Code <u>34135</u> -	6742
	ract H862, San Carlos E					K-7 -		
Sale Price \$ Not a	<del></del>	N/A Loan Term			Rights Appraised	⊠ Fee	Leasehoid	De Minimis PUD
Actual Real Estate Ta	xes \$ <u>462.99            (yr)</u> · County - County Lands	Loan charges to be paid			es concessions i			
Occupant Vacant		er Phil Benning, Associ		ess P.O. Box 3: ructions to Appraise				<del></del>
Occupant <u>vacant</u>	прина	el Till Berlining, Associ	iate ilist	ractions to Appraise	Estimate me	ii Vor vain	<u>.                                    </u>	
Location	Urban	Suburban	R	ura!			Good	Avg. Falt Poor
Built Up	Over 75%	25% to 75%	🗀 Uı	nder 25%	Employment Sta	blity	$\Box$	
Growth Rate	🗌 Fully Dev. 🔃 Rapid	🕅 Steady	sı	ow.	Convenience to	Employmen	t 🗍	
Property Values	increasing	· <u>=</u>	=	eclining	Convenience to	Shopping		
Demand/Supply	Shortage	🔀 In Balance		/ersupply	Convenience to		닏	
Marketing Time	Under 3 h	_		ver 6 Mos.	Adequacy of Pul		rtation []	
Present Land Use		/	% Condo	% Commercial	Recreational Fac		드	
Change in Present La				king Place (*)	Adequacy of Util Property Compa		<u></u> .	
Ondargo in i reacht Ed	(*) From	To Lively ( )		invigriace()	Protection from	-	Conditions	
Predominant Occupat		Tenant	5 % V	acant	Police and Fire P			
Single Family Price R		_	ominant Value \$		General Appeara		erties 📋	
Single Family Age	New yrs.				Appeal to Market		ī Ā	対方に
	those factors, favorable or unfa							
developmental p	ressure, which is expec	ted to continue into the	near future.	Existing develo	pment is aver	rage to cu	stom quality ho	mes. Support
facilities are loca	ited within two miles of i	the subject. No adverse	marketing f	factors were no	ted at the time	of the ap	praisal. Subjec	ct was not
listed in the region			<del></del>		n- Pa			(-)
	AG-2 Agricultural/Res	idential	- =		Sq. Ft. or Acres	.د اتا ما	Come	
Highest and best use		Other (specify)		Present Impro	vernerits ( C	lo 📋 do	not conform to zoni	เด้ เคลิกเรียบแล
Public	Other (Describe)	OFF SITE IMPROVEMEN	TS Ton	oo Level	<del></del>		_ <del></del>	
Elec.				Smaller than	Typical			
Gas	Surf	ace Gravel/Sand	Sha	pe <u>Primarily Re</u>	ctangular			
🔀 Water 🔀		ntenance 🔯 Public 🛚	Private Vie	w Residential	<del></del>			
San. Sewer	Septic			inage Appears a				
	<b>▼</b>			he property located				No Yes
	r unfavorable including any appar	ent adverse easements, encroad	chments, or other	adverse conditions):	No adve	rse ease	ments or site co	nditions were
noted per survey	provided.						<del></del>	
<del></del>			·	<del></del>				
The surface of Lee								
ine unoerstaden nas	recited three recent sales of o	roperties most similar and no	nrimate to subje	ct and has consider	ed these in the m	arket analys	ele The description i	ncludes a dallar
adjustment reflecting r	narket reaction to those items	roperties most similar and pro of significant variation between	en the subject a	nd comparable prop	verties. If a signific	ant item in	the comparable pro-	perty is superior
adjustment reflecting r to or more favorable t	narket reaction to those items han the subject property, a mir	of significant variation between nus (-) adjustment is made th	en the subject a ous reducing the	nd comparable prop Indicated value of s	verties. If a signific	ant item in	the comparable pro-	perty is superior
adjustment reflecting to to or more favorable t favorable than the sub	narket reaction to those items han the subject property, a mir ject property, a plus (+) adjus	of significant variation between nus (-) adjustment is made the itment is made thus increasing	en the subject a ous reducing the g the indicated v	nd comparable prop Indicated value of s value of the subject.	erties. If a signific subject if a signific	ant item in	the comparable pro the comparable is in	perty is superior oferior to or less
adjustment reflecting to or more favorable than the sub	narket reaction to those items han the subject property, a min ject property, a plus (+) adjus SUBJECT PROPERTY	of significant variation between nus (-) adjustment is made the strinent is made thus increasing COMPARABLE	en the subject a ous reducing the g the indicated v	nd comparable prop Indicated value of s value of the subject.  COMP	ertles. If a signific subject if a signific ARABLE NO. 2	ant item in cant item in	the comparable pro the comparable is in COMPARAL	perty is superior oferior to or less
adjustment reflecting r to or more favorable t favorable than the sub FIEM Address 10860 St	narket reaction to those items han the subject property, a mir ject property, a plus (+) adjus SUBJECT PROPERTY rike Lane	of significant variation between nus (-) adjustment is made the itment is made thus increasing COMPARABLE No. 10740 Strike Lane	en the subject a ous reducing the g the indicated o	nd comparable prop Indicated value of s value of the subject.  COMP  9640 Strike L	edes. If a signific subject; if a signific ARABLE NO. 2 ane	ant item in cant item in	the comparable pro the comparable is in COMPARAI	perty is superior nferior to or less BLE NO. 3
adjustment reflecting r to or more favorable t favorable than the sub ITEM Address 10860 St 14-47-25	narket reaction to those items han the subject property, a min ject property, a plus (+) adjus SUBJECT PROPERTY rike Lane B2-0020H.8620	of significant variation between us (-) adjustment is made the timent is made thus increasing COMPARABLE N 10740 Strike Lane 14-47-25-B2-0020H.	en the subject a ous reducing the g the indicated o	nd comparable prop indicated value of s value of the subject.  COMP  9640 Strike L  15-47-25-B3-	ertles. If a significablect if a significablect if a significablect in a significablec	ant item in cant item in 94	the comparable pro the comparable is in COMPARAI 88 Strike Lane -47-25-B4-0020	perty is superior nferior to or less BLE NO. 3
adjustment reflecting to or more favorable that the sub- ITEM Address 10860 St 14-47-25 Proximity to Subject	narket reaction to those items han the subject property, a min ject property, a plus (+) adjus SUBJECT PROPERTY rike Lane -B2-0020H.8620	of significant variation between tus (-) adjustment is made the intrent is made the internet is made into internet in	en the subject a rus reducing the g the indicated v NO. 1	nd comparable prop Indicated value of s value of the subject.  COMP 9640 Strike L 15-47-25-B3- 1.19 miles we	erties. If a signific subject if a signific ARABLE NO. 2 ane 0020H, 9170 est	ant item in cant item in 94	the comparable pro the comparable is in COMPARAI	perty is superior Iferior to or less BLE NO. 3 IH.9350
adjustment reflecting to or more favorable that the sub ITEM Address 10860 St 14-47-25.  Proximity to Subject Sales Price Per Acre	market reaction to those items han the subject property, a minipect property, a plus (+) adjus   SUBJECT PROPERTY rike Lane   B2-0020H.8620	of significant variation between use (-) adjustment is made the increasing COMPARABLE N 10740 Strike Lane 14-47-25-B2-0020H.	en the subject a rus reducing the g the indicated v NO. 1 8670 29,900	nd comparable prop Indicated value of s value of the subject.  COMP 9640 Strike L 15-47-25-B3- 1.19 miles we	erties. If a signific subject if a signific ARABLE NO. 2 are 0020H.9170 set	94 15 3,000	the comparable pro the comparable is in COMPARAI 88 Strike Lane -47-25-B4-0020	perty is superior Inferior to or less BLE NO. 3 IH.9350 \$ 50,000
adjustment reflecting to or more favorable that the sub ITEM Address 10860 St 14-47-25.  Proximity to Subject Sales Price Per Acre	market reaction to those items han the subject property, a minipect property, a plus (+) adjus   SUBJECT PROPERTY rike Lane   B2-0020H.8620   Not a Sale   N/A	of significant variation between use (-) adjustment is made the increasing COMPARABLE N 10740 Strike Lane 14-47-25-B2-0020H.:	en the subject a rus reducing the g the indicated v v v v v v v v v v v v v v v v v v v	and comparable prop indicated value of s value of the subject.  COMP 9640 Strike L 15-47-25-B3- 1.19 miles we	erties. If a signification in the significant in the s	94 15 3,000 2,400	the comparable profite comparable is in COMPARAI 88 Strike Lane -47-25-B4-0020 43 miles west	perty is superior inferior to or less  BLE NO. 3  H. 9350  \$ 50,000  \$ 44,600
adjustment reflecting to or more favorable that the sub- ITEM Address 10860 St 14-47-25 Proximity to Subject Sales Price Price Per Acre Data Source	market reaction to those items han the subject property, a minipect property, a plus (+) adjus   SUBJECT PROPERTY rike Lane   B2-0020H.8620	of significant variation between use (-) adjustment is made the increasing COMPARABLE N 10740 Strike Lane 14-47-25-B2-0020H.	en the subject a rus reducing the g the indicated v v v v v v v v v v v v v v v v v v v	and comparable prop indicated value of s value of the subject.  COMP 9640 Strike L 15-47-25-B3- 1.19 miles we	ARABLE NO. 2 ane 0020H.9170 st \$ 43 \$ 52	94 15 1.3,000	the comparable pro the comparable is in COMPARAI 88 Strike Lane -47-25-B4-0020	perty is superior inferior to or less  BLE NO. 3  HI.9350  \$ 50,000  \$ 44,600  G 0295
adjustment reflecting r to or more favorable the ITEM Address 10860 St 14-47-25 Proximity to Subject Sales Price Per Acre Data Source Date of Sale and Time Adjustment	narket reaction to those items han the subject property, a minipect property, a pilus (+) adjus   SUBJECT PROPERTY rike Lane   B2-0020H.8620   Not a Sale   N/A   Inspection/Pub.Records   DESCRIPTION   N/A	of significant variation between us (-) adjustment is made thus increasing trent is made thus increasing COMPARABLE N 10740 Strike Lane 14-47-25-B2-0020H.:  0.10 mile west \$ MLS/ORB 3987 PG 4	en the subject a us reducing the g the indicated v v0. 1 8670 29,900 47,700	and comparable prop indicated value of s value of the subject.  COMP 9640 Strike L 15-47-25-B3- 1.19 miles we	ARABLE NO. 2 ane 0020H, 9170 pst \$ 43 50 PG 2404	94 15 1.8,000 MI	the comparable profite comparable is in COMPARAI 88 Strike Lane -47-25-B4-0020 43 miles west	perty is superior inferior to or less  BLE NO. 3  H. 9350  \$ 50,000  \$ 44,600
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adjustment reflecting r to or more favorable the favorable than the sub  ITEM Address 10860 St 14-47-25 Proximity to Subject Sales Price Price Per Acre Date of Sale and Time Adjustment Location Site/View	market reaction to those items han the subject property, a min ject property, a plus (+) adjus SUBJECT PROPERTY rike Lane -B2-0020H.8620  \$ Not a Sale \$ N/A Inspection/Pub.Records DESCRIPTION N/A San Carlos Estates Residential	of significant variation between tus (-) adjustment is made the intrent is made in intrent in intrent in intrent in intrent in intrent in intrent in internet in inter	en the subject a us reducing the g the indicated v v0. 1 8670 29,900 47,700	and comparable prop indicated value of s alue of the subject.  COMP 9640 Strike L 15-47-25-B3- 1.19 miles we MLS/ORB 40 DESCRIPTIO 09/08/03 San Carlos E Residential	ARABLE NO. 2 ane 0020H,9170 set \$ 43 \$ 50 50 PG 2404 DN +(-)\$	ant item in ant item in ant item in 944 15 1.8,000 Mil Adjust. 07 Se Re	the comparable profile comparable is in COMPARAI 88 Strike Lane -47-25-B4-0020 43 miles west S/ORB 3997 P-DESCRIPTION /18/03 in Carlos Estate esidential	perty is superior inferior to or less  BLE NO. 3  HI.9350  \$ 50,000  \$ 44,600  G 0295  +(-)\$ Adjust.
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Borrower/Client KEOHANE, Marie			
Property Address _ 10860 Strike Lane			
City Bonita Springs	County Lea	State FL	Zip Coxie 34135-6742
Lander Lee County - County Lands			

ol Addondum

#### PURPOSE, FUNCTION AND SCOPE OF THE APPRAISAL

The purpose of the appraisal is to estimate market value of the subject as of the effective date of the appraisal. The function (use) of the appraisal is for providing the Lee County Commissioners with sufficient data to make an informed decision regarding the possible purchase of the property.

The scope of this appraisal encompasses the necessary research and analysis to prepare a report in accordance with the USPAP of the Appraisal Foundation. Data sources typically include observation, public records, First American Real Estate Services, RE/Xplorer Internet System, MLS, Realtors, other professionals, appraiser's files, builder's contracts, and cost estimating services (Marshall and Swift).

A thorough search is conducted for comparable properties within an appropriate market area and time frames. The most comparable properties are compared to the subject with appropriate adjustments made for significant differences. The data provided in the report is representative of the market and is presented in a manner that will bring the reader to a similar conclusion of the value estimate. Limiting conditions are described in the attached addenda.

#### **USPAP CERTIFICATION**

The appraisal assignment was not based on a requested minimum valuation, a specific valuation, or the approval of a loan.

#### SUMMARY APPRAISAL REPORT

This is a Summary Appraisal Report which is intended to comply with the reporting requirements set forth under Standards Rule 2-2(b) of the Uniform Standards of Professional Appraisal Practice for a Summary Appraisal Report. As such, it presents only summary discussions of the data, reasoning, and analyses that were used in the appraisal process to develop the appraiser's opinion of value. Supporting documentation that is not provided with the report concerning the data, reasoning, and analyses is retained in the appraiser's files. The depth of the discussion contained in this report is specific to the needs of the client and for intended use stated in the report. The appraiser is not responsible for unauthorized use of this report.

#### COMMENTS ON THE MARKET AREA

The subject is located in San Carlos Estates, a development of mostly 1.25 acre parcels in Bonita Springs. Larger, wooded tracts and man surfaced roads give this development somewhat of a "country" flavor which appeals to many buyers. San Carlos Estates has good proximity to area facilities in Bonita Springs. Improvements in San Carlos Estates exhibit a wide range of home size, style, age and quality. Newer homes seem to be trending toward larger, good quality ranch or pilling homes.

#### COMMENTS ON THE ROAD MAINTENANCE

The streets are reportedly maintained by the San Carlos Estates Drainage District, an independent special district (similar to a special fire, or mosquito control district), which was created in 1982 per OR 1615, PG 0477, for drainage management (which includes the roads & swales). Each owner is reportedly assessed a nominal maintenance fee (\$404) included as special annual assessment & collected in conjunction with the real estate taxes.

Septic systems and marl surfaced roads are typical for the area and are not considered detrimental to marketability. The dirt roads are periodically graded by above mentioned San Carlos Estates Drainage district rendering them "all weather" roads and passible year round. San Carlos Estates is experiencing new development with new housing starts observed throughout the

#### COMMENTS ON THE WETLANDS

The San Carlos Estates reportedly is currently made up of +/-38% wetlands. The subject lot does not appear to have wetlands as reported by Lee County Property Appraiser Geographic Information System - Spatial District Query Report. Area Realtors report that wetlands on site are acceptable in this market with typical buyers willing to assume the risk associated the possible consequences of environmental impact.

#### COMMENTS ON THE SALES COMPARISON ANALYSIS

All sales are recent and similar parcels in San Carlos Estates.

Sale #1 is most similar and receives the greatest emphasis in support of the final value estimate. Sales #2 and #3 support the upper and lower limits of the value range respectively.

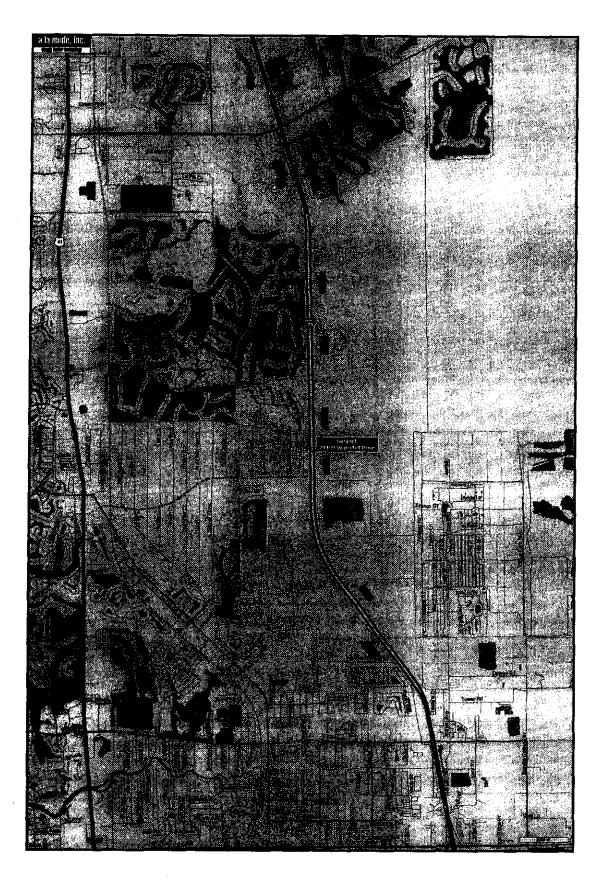
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١.		iderground Elect, &		Sidewalk		t Lights Is th	e property located (r	n a HUD Identified Spec			No Yes
Comment	ts (favorable of	কোরিখকরেble includir	ng any appare	ent adverse easemer	its, encroac	hments, or other	adverse conditions);	No adverse e	asements or si	te condi	itlons were
rioted,	nowever,	lo survey was	provided.	. The site is t	hickly w	ooded with	primarily stunt	ed malelucas an	d pines. It app	peared t	o be high
and di	y with no	observable w	etiands.								
71	and an of the se										
adjustmen	rsigned has a	ecited three recent	sales of pro	operties most simil	ar and pro	ximate to subjec	t and has considere	d these in the market	analysis. The descri	iption inclu	ides a dollar
agjustraei	ut tellectivo u	larket reaction to t	those items o	of significant variat	on between	n the subject ar	rd comnatable prope	rties If a significant ite	m in the comparab	de property	is superior
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Not the Subject

#### \_ocation Map

BONITA SPRINGS U	TILITIES INC		<del></del>
Property Address 24199 Waterfall Drive	€		
City Bonita Springs	County Lee	State FL_	Zip Code _34135-6786
Lender Lee County - County Lands			





### Cíty of Boníta Spríngs

9220 BONITA BEACH ROAD SUITE 111 BONITA SPRINGS, FL 34135 Tel.: (239) 390-1000 FAX: (239) 390-1004 www.cityofbonitasprings.org

Jay Arend Mayor

Wayne P. Edsall Councilman District One

Alex Grantt Councilman District Two

R. Robert Wagner Councilman District Three

John Joyce Councilman District Four

David T. Piper, Jr. Councilman District Five

Ben L. Nelson, Jr. Councilman District Six

Gary A. Price City Manager

Audrey E. Vance City Attorney February 4, 2005

Mr. J. Keith Gomez Property Acquisition Agent Lee County PO Box 398 Fort Myers, FL 33902

RE: Purchase Agreement – Three Oaks Parkway Extension Project No. 4043 Parcel 301 and 301-SDE, Keohane

Dear Mr. Gomez:

The agreed upon purchase conditions for the aforementioned parcel are reasonable and purchase is recommended by my office.

If you need further authorization, feel free to contact me.

Respectfully

Gary A Price City Manager

GAP/kd

cc: Ken Hoffman, Community Project Coordinator

#### Division of County Lands

#### Ownership and Easement Search

Search No. 14-47-25-B2-0020H.8620

Date: December 1, 2003

Parcel: 301

Project: Three Oaks Pkwy. South Extension. Project #4043 (BSU Parcels in San Carlos Estates, South to Leitner Creek Manor)

To: J. Keith Gomez

**Property Acquisition Agent** 

From: Kenneth Pitt

1/2 was

Real Estate Title Examiner

STRAP: 14-47-25-B2-0020H.8620

Effective Date: October 29, 2003, at 5:00 p.m.

**Subject Property:** Tract H862, San Carlos Estates, according to the plat thereof recorded in Official Record Book 557, Page 354, Public Records of Lee County, Florida.

Title to the subject property is vested in the following:

#### M. Keohane

By that certain instrument dated January 22, 1988, recorded January 22, 1988, in Official Record Book 1965, Page 3323, Public Records of Lee County, Florida.

#### Easements:

- 1. Dedication of Easements for public roads and drainage purposes, recorded in Official Record Book 535, Page 826, Public Records of Lee County, Florida.
- 2. Subject to roadway/drainage easements as shown on the map of San Carlos Estate which is recorded in Official Record Book 557, Page 354, Public Records of Lee County, Florida.
- Subject to a non-exclusive utility and roadway easement over and across or below the roadway as shown on the plat of San Carlos Estates, recorded in Official Record Book 1307, Page 36, Public Records of Lee County, Florida.

NOTE(1): Subject property is not encumbered by a mortgage.

NOTE(2): Subject to a Judgment creating and incorporating the San Carlos Drainage District, recorded in Official Record Book 521, Page 120, Public Records of Lee County, Florida.

NOTE(3): 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 3189, Page 3334, Public Records of Lee County, Florida.

Tax Status: \$462.99 due and owing for tax year 2003.

(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.

## 5-Year Sales History

Parcel No. 301, 301-SDE

Three Oaks Parkway South Extension Project No. 4043

**NO SALES in PAST 5 YEARS**