

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

Blue Sheet No. 20050216

1. REQUESTED MOTION:

ACTION REQUESTED: Adopt a Resolution of Exchange relating to property located at 11092 Wagon Trail in Bonita Springs; authorize Chairman to execute all documents necessary to effectuate the exchange; authorize the Division of County Lands to handle and accept all documentation to complete this transaction, and approve payment for costs to close.

WHY ACTION IS NECESSARY: Exchange of County property must be approved by the Board of County Commissioners, pursuant to Florida Statute.

WHAT ACTION ACCOMPLISHES: Approves the exchange of property between Lee County, and Pedro and Norma Montemayor, husband and wife.

<p>2. DEPARTMENTAL CATEGORY: 6 COMMISSION DISTRICT # 3 <i>C6U</i></p>	<p>3. MEETING DATE: <i>03-01-2005</i></p>	
<p>4. AGENDA:</p> <p><input checked="" type="checkbox"/> CONSENT ADMINISTRATIVE APPEALS PUBLIC WALK ON TIME REQUIRED:</p>	<p>5. REQUIREMENT/PURPOSE: (Specify)</p> <p><input checked="" type="checkbox"/> STATUTE 125.37 ORDINANCE ADMIN. CODE <input checked="" type="checkbox"/> OTHER Resolution No. 05-01-10</p>	<p>6. REQUESTOR OF INFORMATION:</p> <p>A. COMMISSIONER B. DEPARTMENT C. DIVISION County Lands BY: <i>KLF</i> Karen L.W. Forsyth, Director</p>

7. BACKGROUND: The proposed alignment of Three Oaks Parkway South Extension from East Terry Street to the Brooks subdivision in Bonita, dissects a portion of a County-owned residential property known as 11092 Wagon Trail, leaving +/- 5,000 square feet of remainder area adjacent to Pedro and Norma Montemayor's parcel. This same alignment requires a fee-simple interest and a slope easement totaling approximately 693 square feet from the Montemayor's 11,265 square foot residential property, The fee-simple exchange is being proposed in lieu of purchasing or condemning the required interests from the Montemayors.

Costs to close are estimated at \$500.

Funds are available in Account No.: 20-4043-30709.506110

20 - CIP; 4043 - Three Oaks Parkway South Extension; 30709 - Transportation Capital Improvements; 506110 - Land

Staff recommends Board approve the Requested Motion.

Attachments: Agreement; Value Justification Report; Resolution of Exchange; County Deed; Letter from City of Bonita Springs; Title Data; 5-Year Sales History; Map of 11092 Wagon Trail (Schedule 1); Map of 11086 Wagon Trail.

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
					OA	OM	Risk	GC	
<i>KLF</i>			<i>AD 2/17</i>	<i>Proctor</i>	<i>2-17-05</i>	<i>2/17/05</i>	<i>2/17/05</i>	<i>2/17/05</i>	<i>2-17-05</i>

10. COMMISSION ACTION:

- APPROVED
 DENIED
 DEFERRED
 OTHER

Rec. by CoAtty
Date: <i>2/16/05</i>
Time: <i>11:30</i>
Forwarded To:

RECEIVED BY COUNTY ADMIN: <i>aw</i>
<i>2/16/05</i>
<i>3pm</i>
COUNTY ADMIN FORWARDED TO:

THIS INSTRUMENT PREPARED BY:

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

Strap Nos.: 25-47-25-B4-00201.0070
25-47-25-B4-00201.0080

ORIGINAL DOCUMENTS RETAINED IN
COUNTY LANDS FILES FOR HANDLING
BY ON APART ACCEPTANCE.

AGREEMENT FOR EXCHANGE OF REAL ESTATE

THIS AGREEMENT is for the exchange of real property between **Pedro Montemayor and Norma Montemayor, husband and wife**, whose address is 10381 West Terry Street, Bonita Springs, Florida 34135 (Owner), and **Lee County, a political subdivision of the State of Florida**, whose mailing address is Post Office Box 398, Fort Myers, Florida 33902-0398 (County), as follows:

1. **PURPOSE:** The purpose of this Agreement is to facilitate the smooth exchange of property relating to the Three Oaks Parkway Project, No. 4043.

2. **AGREEMENT TO EXCHANGE:** In consideration of this Agreement and subject to Florida Statute 125 and the terms and conditions set forth below, the parties agree to exchange the following parcels:

- a. Owner to County: Owner will convey by Warranty Deed to County that property legally described in attached Exhibit "A".
- b. County to Owner: County will convey by County Deed to Owner that property legally described in attached Exhibit "B". The legal description will be perfected prior to this Agreement being submitted to the Lee County Board of County Commissioners.

3. **EVIDENCE OF TITLE:** County, with regard to the property identified in Exhibit "A", will obtain at County's expense an 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 County. 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.

Prior to closing, County will have a reasonable time to examine the title and documents establishing legal access to the property. If County discovers defects in the title or legal access, County will notify Owner in writing of the defects. Owner will make a prompt and diligent effort to correct the defects. If Owner fails to correct the defects within sixty (60) days after notice, County may elect to accept the property in its existing condition or terminate this Agreement without obligation.

4. **CONDITION OF PROPERTY; RISK OF LOSS:** The parties have inspected the property to be conveyed and agree to accept it as is, or as otherwise provided in this

Agreement. Any loss or damage to the property to be conveyed occurring between the date this Agreement is executed and the closing date will be at the current property Owner's sole risk and expense. In the event the property to be conveyed is damaged, either or both parties may agree to accept the damaged property or cancel this Agreement without objection.

5. DOCUMENTS AND EXPENSES:

- a. It is Owner's responsibility to pay for and provide:
- (1) provide 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;
 - (2) any documents necessary to effect a partial release or satisfaction of mortgage;
 - (3) any utility services attributable to the property described in Exhibit "A", up to, but not including, the closing date;
 - (4) all taxes or special assessments attributable to the property described in Exhibit "A", due and payable on or before the closing date;
 - (5) Owner's attorney's fees or real estate broker fees, if any.
- b. It is the County's responsibility to provide and pay for:
- (1) a statutory County Deed;
 - (2) recording fees for both deeds;
 - (3) documentary stamp taxes on deeds;
 - (4) partial release of mortgage fees;
 - (5) survey (if desired by County).

6. SURVEY: Either party may, at their own expense, survey the Property to be conveyed. If the survey reveals a discrepancy in the size or dimensions of the Property or shows encroachments onto the property, or that property improvements encroach onto adjacent lands, or identifies violations of recorded covenants or the terms of this Agreement, then upon notice, either party may elect to treat the discrepancies, violations or encroachments as a title defect.

7. ENVIRONMENTAL AUDIT: Either party may, at their own expense, perform or have performed an environmental audit of the property to be conveyed. If the audit identifies environmental problems unacceptable to the party performing the audit, that party may elect to accept the property in its existing condition or terminate this Agreement without obligation.

8. TIME AND BINDING AGREEMENT: Time is of the essence for closing this transaction. Execution of this document constitutes an agreement for the exchange of property binding upon the parties, their successors and assigns.

9. DATE AND LOCATION OF CLOSING: The closing for this transaction will take place at the Lee County Office of County Lands or at a title company, acceptable to the County, on or before 90 days from the date this Agreement is executed by the County, or as otherwise mutually agreed by the parties. Closing will occur after the statutory public notice for Resolution of Exchange has been published and the Board adopts a Resolution authorizing the exchange.

10. ATTORNEY'S FEES: The prevailing party in any litigation concerning this Agreement is entitled to recover reasonable attorney's fees and costs.

11. REAL ESTATE BROKERS: Owner agrees to indemnify and hold County harmless for any real estate broker claims made by or through owner.

12. AMENDMENT; OTHER AGREEMENTS: Any amendments to the provisions of the Agreement must be in writing, attached and incorporated into this document and signed or initialed by all parties. This Agreement represents the entire agreement between the parties.

DATED: _____

Rodolfo Maldonado
Witness signature

Rodolfo Maldonado
Printed name

Witness signature

Printed name

Witness signature

Printed name

Witness signature

Printed name

OWNER:

By: Pedro Montemayor 2-5-05
Pedro Montemayor (Date)

OWNER:

By: Norma Montemayor 2-5-05
Norma Montemayor (Date)

ATTEST:
CHARLIE GREEN, CLERK

LEE COUNTY, FLORIDA, by its
BOARD OF COUNTY COMMISSIONS

BY: _____
Deputy Clerk

BY: _____
Chairman

Approved as to form by:

County Attorney's Office



January 12, 2004

THREE OAKS PARKWAY

Page 1 of 4

PARCEL 258

**PART OF LOT 7, BLOCK 1
LEITNER CREEK MANOR UNIT 2
LYING IN SECTION 25, TOWNSHIP 47 SOUTH, RANGE 25 EAST
CITY OF BONITA SPRINGS
LEE COUNTY, FLORIDA**

A tract or parcel being part of Lot 7, Block 1, Leitner Creek Manor Unit 2, as recorded in Plat Book 30, Pages 79 and 80, in the Public Records of Lee County, Florida, lying in the Southwest Quarter (SW-1/4) of Section 25, Township 47 South, Range 25, East, City of Bonita Springs, Lee County, Florida, being more particularly described as follows:

Commencing at the northwest corner of the Southwest Quarter (SW-1/4) of said Section 25, thence run N 89° 15' 06" E along the north line of said Southwest Quarter (SW-1/4) for 794.91 feet to the northwest corner of said Lot 7, Block 1, Leitner Creek Manor Unit 2; thence continue N 89° 15' 06" E along the north line of said lot for 88.34 feet to the Point of Beginning.

From said Point of Beginning, continue N 89° 15' 06" E along said north line for 8.55 feet to the northeast corner of said lot; thence run S 00° 44' 54" E along the east line of said lot for 4.38 feet, to a point of intersection with a non-tangent curve; thence run northwesterly along an arc of said curve to the right having a radius of 1,275.00 feet (delta 00° 25' 54") (chord bearing N 63° 36' 54" W) (chord 9.60 feet) for 9.60 feet to the Point of Beginning.

Containing 18.78 square feet or 0.00 acres, more or less.

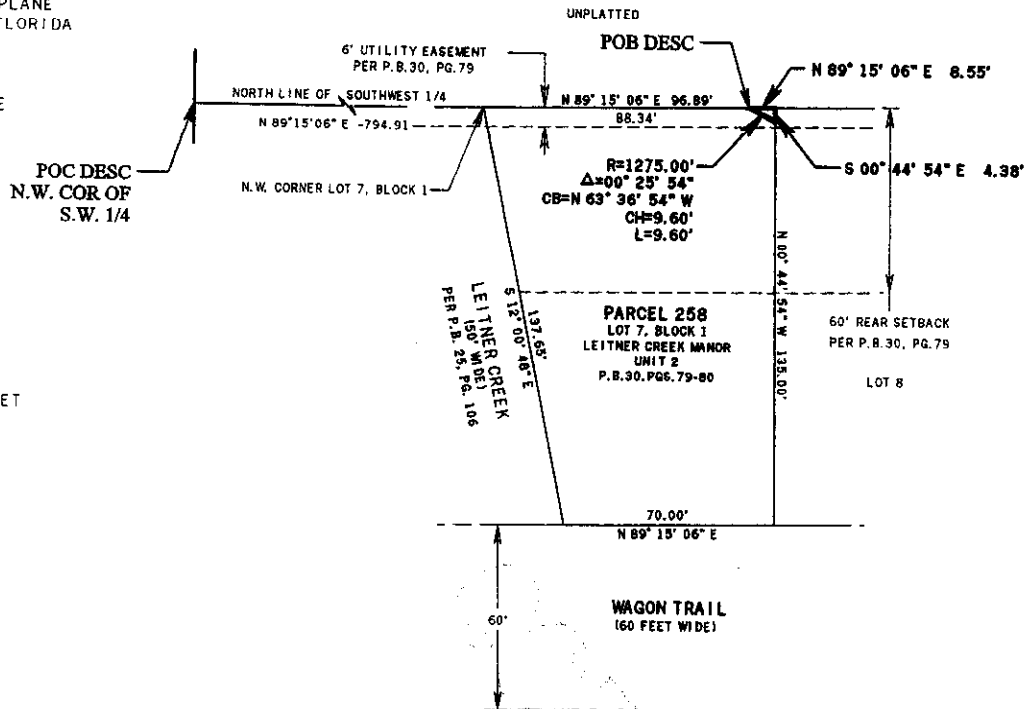
Bearings hereinabove mentioned are State Plane Coordinate for the West Zone of Florida (NAD 83/90 Adjustment) and are based on the north line of the Southwest Quarter (SW-1/4) of Section 25, Township 47 South, Range 25 East to bear N 89° 15' 06" E.

20013033 Parcel 258 011204

NOTES:

1. BEARINGS SHOWN HEREON ARE STATE PLANE COORDINATE FOR THE WEST ZONE OF FLORIDA (NAD 83/90 ADJUSTMENT) AND BASED ON THE NORTH LINE OF THE SW 1/4 OF SECTION 25, TOWNSHIP 47 SOUTH, RANGE 25 EAST TO BEAR N 89°15'06" E
2. THIS SKETCH DOES NOT MAKE ANY REPRESENTATION AS TO ZONING OR DEVELOPMENT RESTRICTIONS ON SUBJECT PARCEL.
3. POC = POINT OF COMMENCEMENT.
4. POB = POINT OF BEGINNING
5. DESC. = DESCRIPTION
6. DESCRIPTION ATTACHED.
7. R = RADIUS
8. Δ = DELTA ANGLE
9. CB = CHORD BEARING
10. CH = CHORD LENGTH
11. L = ARC LENGTH
12. PARCEL CONTAINS 18.78 SQUARE FEET MORE OR LESS.

SECTION 25, TOWNSHIP 47 SOUTH, RANGE 25 EAST



THIS IS NOT A SURVEY

Mark G. Wentzel

MARK G. WENTZEL (FOR THE FIRM CB-642)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5247

DATE SIGNED: 1/13/04
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL BALSED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

AREA TABLE		
AREA	SQUARE FEET	ACRES
PARENT TRACT	11,265.08	0.26
TAKEN AREA	18.78	0.00
REMAINDER	11,246.30	0.26

PARCEL IN
SECTION 25, TOWNSHIP 47 SOUTH,
RANGE 25 EAST
CITY OF BONITA SPRINGS
LEE COUNTY, FLORIDA

PARCEL 258 - THREE OAKS PARKWAY

**JOHNSON
ENGINEERING**

2158 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE (239) 334-0046
FAX (239) 334-3661
E.B. #642 & L.B. #642

SKETCH TO ACCOMPANY DESCRIPTION

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
01-12-04	20013033	25-47-25	1"=50'	1 OF 2

Page 2 of 4

Exhibit "A"



October 20, 2004

THREE OAKS PARKWAY

PARCEL 258-SE

**PART OF LOT 7, BLOCK 1
LEITNER CREEK MANOR UNIT 2
LYING IN SECTION 25, TOWNSHIP 47 SOUTH, RANGE 25 EAST
CITY OF BONITA SPRINGS
LEE COUNTY, FLORIDA**

A tract or parcel, being part of Lot 7, Block 1, Leitner Creek Manor Unit 2, as recorded in Plat Book 30, Pages 79 and 80, in the Public Records of Lee County, Florida, lying in the Southwest Quarter (SW-1/4) Section 25, Township 47 South, Range 25, East, City of Bonita Springs, Lee County, Florida, being more particularly described as follows:

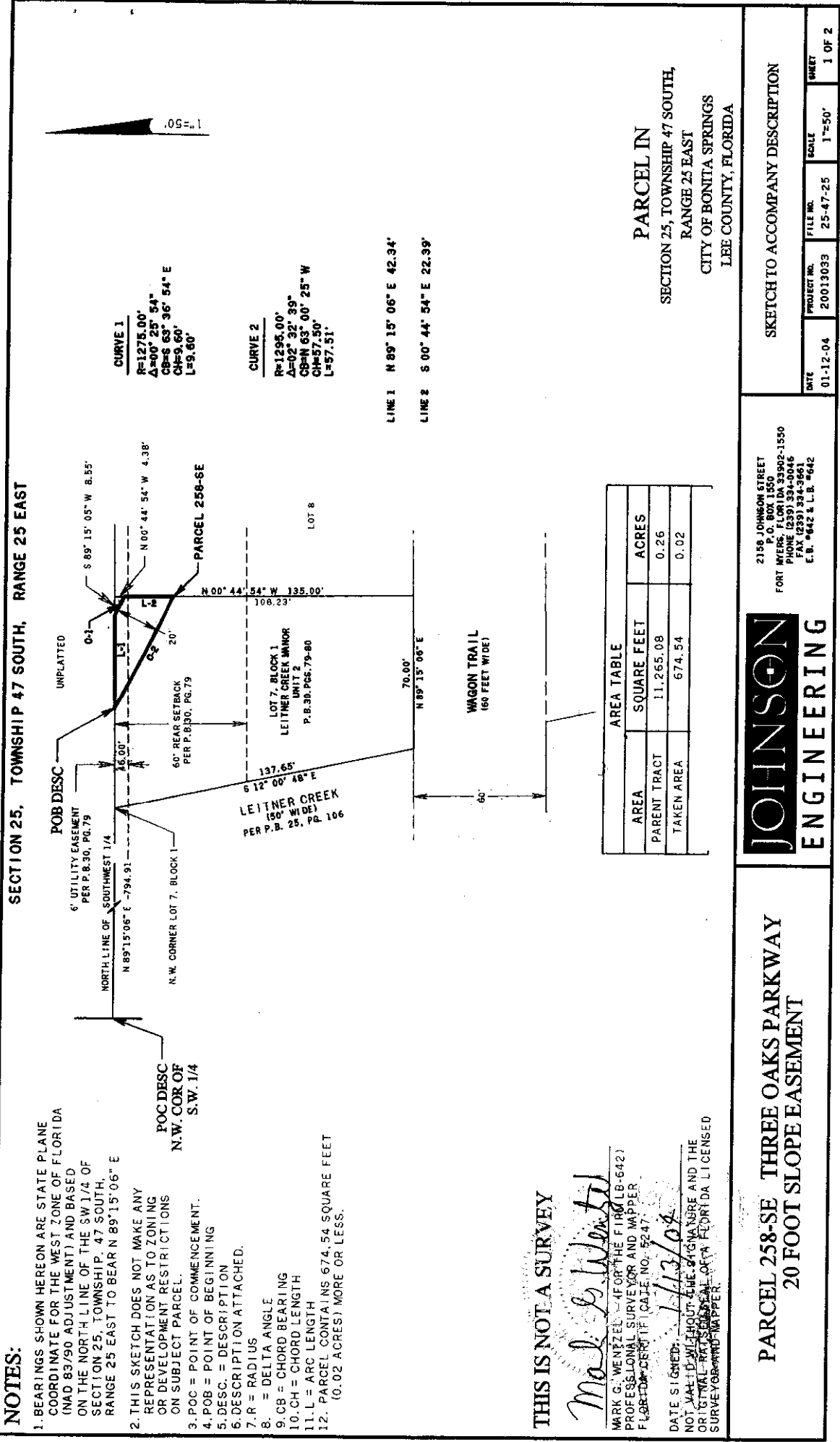
Commencing at the northwest corner of the Southwest Quarter (SW-1/4) of said Section 25, thence run N 89° 15' 06" E along the north line of said Southwest Quarter (SW-1/4) for 794.91 feet to the northwest corner of said Lot 7, Block 1, Leitner Creek Manor Unit 2; thence continue N 89° 15' 06" E along the north line of said lot for 46.00 feet to the Point of Beginning.

From said Point of Beginning continue N 89° 15' 06" E along said north line for 42.34 feet to a point of intersection with a non-tangent curve; thence run southeasterly along an arc of said curve to the left having a radius of 1,275.00 feet (delta 00° 25' 54") (chord bearing S 63° 36' 54" E) (chord 9.60 feet) for 9.60 feet to an intersection with the east line of said lot; thence run S 00° 44' 54" E along said east line for 22.39 feet to a point of intersection with a non-tangent curve; thence run northwesterly along an arc of said curve to the right having a radius of 1,295.00 feet (delta 02° 32' 39") (chord bearing N 63° 00' 25" W) (chord 57.50 feet) for 57.51 feet to the Point of Beginning.

Containing 674.54 square feet or 0.02 acres, more or less.

Bearing hereinabove mentioned are State Plane Coordinate for the West Zone of Florida (NAD 83/90 Adjustment) and are based on the north line of the Southwest Quarter (SW-1/4) of Section 25, Township 47 South, Range 25 East to bear N 89° 15' 06" E.

20013033 Parcel 258-SE 102004



NOTES:

1. BEARINGS SHOWN HEREON ARE STATE PLANE COORDINATE FOR THE WEST ZONE OF FLORIDA (NAD 83/90 ADJUSTMENT) AND BASED ON THE NORTH LINE OF THE SW 1/4 OF SECTION 25, TOWNSHIP 47 SOUTH, RANGE 25 EAST TO BEAR N 89°15'06" E
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10. CH = CHORD LENGTH
11. L = ARC LENGTH
12. PARCEL CONTAINS 674.54 SQUARE FEET (0.02 ACRES) MORE OR LESS.

THIS IS NOT A SURVEY

Mark G. Wentzel
 MARK G. WENTZEL - FOR THE FIRM (LB-642)
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA CERTIFICATE NO. 5247
 DATE SIGNED: 1/13/04
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RATS OF SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

JOHNSON ENGINEERING
 PARCEL 258-SE THREE OAKS PARKWAY
 20 FOOT SLOPE EASEMENT

2158 JOHNSON STREET
 P.O. BOX 1550
 FORT WALTER, FLORIDA 32062-1550
 PHONE: 251-237-0416
 FAX: 251-237-0416
 E.B. #642 & L.B. #642

SKETCH TO ACCOMPANY DESCRIPTION

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
01-12-04	20013033	25-47-25	1"=50'	1 OF 2

February 9, 2005

Exhibit "B"

THREE OAKS PARKWAY

PARCEL 238

(Exchange Area Description)

PART OF LOT 8, BLOCK 1

LEITNER CREEK MANOR UNIT 2

LYING IN SECTION 25, TOWNSHIP 47 SOUTH, RANGE 25 EAST

CITY OF BONITA SPRINGS

LEE COUNTY, FLORIDA

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From the West Quarter (W-1/4) corner of said section run N 89° 15' 06" E along the north line of the Southwest Quarter (SW-1/4) of said section for 891.80 feet to the northwest corner of said lot; thence run S 00° 44' 54" E along the west line of said lot for 26.77 feet to the Point of Beginning.

From said Point of Beginning continue S 00° 44' 54" E along said west line for 108.23 feet to the southwest corner of said lot; thence run N 89° 15' 06" E along the south line of said lot for 10.00 feet; thence departing said south line run N 00° 44' 54" W along a line 10 feet east of (as measured on a perpendicular) and parallel with the west line of said lot for 103.31 feet to an intersection with a non-tangent curve; thence run northwesterly along the arc of said curve to the right, having a radius of 1,295.00 feet (delta 00° 29' 36") (chord bearing N 64° 31' 33" W) (chord 11.15 feet) for 11.15 feet to the Point of Beginning.

Containing 1,057.63 square feet or 0.02 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 north line of the Southwest Quarter (SW-1/4) of Section 25, Township 47 South, Range 25 East to bear N 89° 15' 06" E.

20013033/Parcel 238

COPY

Value Justification Report

Parcel Nos. 258 and 258SE

Three Oaks Parkway South Extension
Project No. 4043

The Division of County Lands has negotiated a proposed fee-simple exchange of $\pm 1,057.63$ square feet of County-owned land for ± 693.32 square feet of land (Parcels 258 and 258SE) from Pedro and Norma Montemayor.

Parcels 258 and 258SE are being acquired from an improved residential property, known as 11086 Wagon Trail in Leitner Creek Manor, Bonita Springs.

The negotiated exchange is based upon cost avoidance of condemnation:

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

RESOLUTION OF EXCHANGE

WHEREAS, the Three Oaks Parkway South Extension alignment ("Alignment") in Bonita Springs runs from East Terry Street north, through Leitner Creek Manor, and ends along the southern boundary of the Brooks Subdivision; and

WHEREAS, the Alignment traversed the northwestern corner of Lot 8, Block 1, of Leitner Creek Manor (Plat Book 30, Pages 79 and 80), hereinafter referred to as "Parcel 238", thereby impacting the residential structure and leaving an uneconomic remainder. Due to the significant impact upon the residential structure, Lee County acquired the entire Parcel 238; and

WHEREAS, The alignment also dissects the northeastern corner of the adjacent property, Lot 7, Block 1, of Leitner Creek Manor, which is an improved residential property owned by Pedro and Norma Montemayor. The portion of Lot 7 that is dissected by the alignment is known as Parcels 258 and 258SE; and

WHEREAS, Lee County has adopted a Resolution of Necessity to acquire Parcels 258 (fee simple) and 258SE (slope easement); and

WHEREAS, Parcels 258 and 258SE, consist of +/- 693.32 square feet, and are legally described in Exhibit "A", attached hereto; and

WHEREAS, in lieu of the purchase and sale of Parcels 258 and 258SE, PNM have agreed to convey the **fee-simple interest in and to Parcels 258 and 258SE** in exchange for a 10' wide strip of land from the western portion of the remainder of Parcel 238; and

WHEREAS, the 10' wide remainder portion of Parcel 238 consists of +/- 1,057.63 square feet, is not required for the Alignment and is legally described in Exhibit "B"; and

WHEREAS, this is an exchange is of mutual benefit to Lee County and PNM; and

WHEREAS, the proposed exchange was advertised and approved after full consideration by the Board of County Commissioners.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS THAT:

1. An exchange will be accomplished by preparation and execution of documents indicated below:
 - A. Warranty Deed from PNM to Lee County, a political subdivision of the State of Florida, for land described at Exhibit "A"; and
 - B. County Deed from Lee County to PNM for land described at Exhibit "B".

THE FOREGOING RESOLUTION was offered by Commissioner _____ to move its adoption. The motion was seconded by Commissioner _____, and being put to a vote, the vote was as follows:

Bob Janes	_____
Douglas R. St. Cerny	_____
Ray Judah	_____
Tammy Hall	_____
John Albion	_____

DULY PASSED AND ADOPTED this ____ day of _____, 20 ____.

ATTEST:
CHARLIE GREEN, CLERK

LEE COUNTY, FLORIDA BY ITS
BOARD OF COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Chairman

APPROVED AS TO FORM:

Office of County Attorney



January 12, 2004

THREE OAKS PARKWAY

Page 1 of 4

PARCEL 258

**PART OF LOT 7, BLOCK 1
LEITNER CREEK MANOR UNIT 2
LYING IN SECTION 25, TOWNSHIP 47 SOUTH, RANGE 25 EAST
CITY OF BONITA SPRINGS
LEE COUNTY, FLORIDA**

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From said Point of Beginning, continue N 89° 15' 06" E along said north line for 8.55 feet to the northeast corner of said lot; thence run S 00° 44' 54" E along the east line of said lot for 4.38 feet, to a point of intersection with a non-tangent curve; thence run northwesterly along an arc of said curve to the right having a radius of 1,275.00 feet (delta 00° 25' 54") (chord bearing N 63° 36' 54" W) (chord 9.60 feet) for 9.60 feet to the Point of Beginning.

Containing 18.78 square feet or 0.00 acres, more or less.

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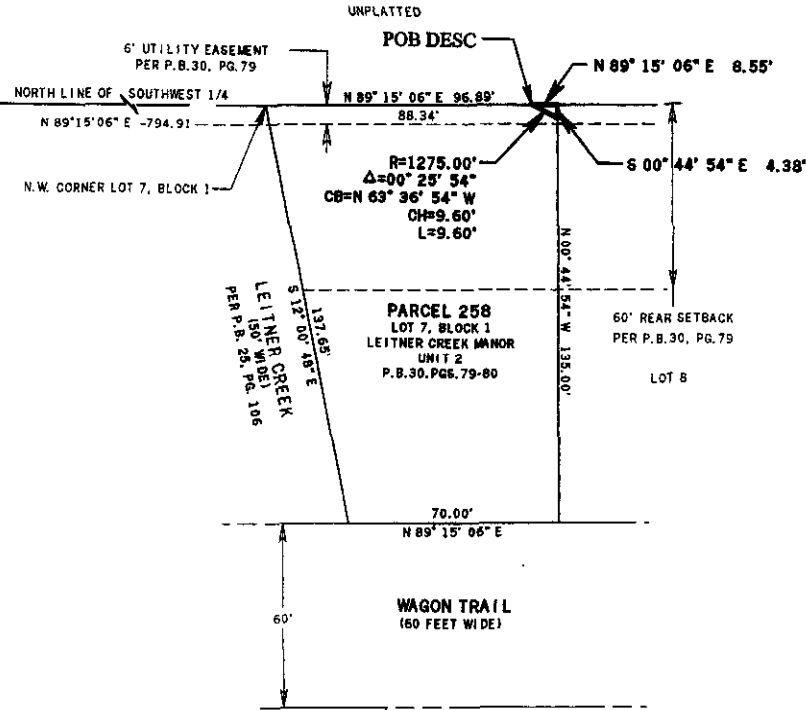
20013033 Parcel 258 011204

NOTES:

SECTION 25, TOWNSHIP 47 SOUTH, RANGE 25 EAST

1. BEARINGS SHOWN HEREON ARE STATE PLANE COORDINATE FOR THE WEST ZONE OF FLORIDA (NAD 83/90 ADJUSTMENT) AND BASED ON THE NORTH LINE OF THE SW 1/4 OF SECTION 25, TOWNSHIP. 47 SOUTH, RANGE 25 EAST TO BEAR N 89°15'06" E
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POC DESC
N.W. COR OF
S.W. 1/4



THIS IS NOT A SURVEY

Mark G. Wentzel

MARK G. WENTZEL (FOR THE FIRM CB-642)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5247

DATE SIGNED: 1/13/04
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

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TAKEN AREA	18.78	0.00
REMAINDER	11,246.30	0.26

PARCEL IN
SECTION 25, TOWNSHIP 47 SOUTH,
RANGE 25 EAST
CITY OF BONITA SPRINGS
LEE COUNTY, FLORIDA

PARCEL 258 - THREE OAKS PARKWAY

JOHNSON ENGINEERING

2158 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE (239) 334-0046
FAX (239) 334-3661
E.B. #642 & L.B. #642

SKETCH TO ACCOMPANY DESCRIPTION				
DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
01-12-04	20013033	25-47-25	1"=50'	1 OF 2

Page 2 of 4

Exhibit "A"



October 20, 2004

THREE OAKS PARKWAY

PARCEL 258-SE

**PART OF LOT 7, BLOCK 1
LEITNER CREEK MANOR UNIT 2
LYING IN SECTION 25, TOWNSHIP 47 SOUTH, RANGE 25 EAST
CITY OF BONITA SPRINGS
LEE COUNTY, FLORIDA**

A tract or parcel, being part of Lot 7, Block 1, Leitner Creek Manor Unit 2, as recorded in Plat Book 30, Pages 79 and 80, in the Public Records of Lee County, Florida, lying in the Southwest Quarter (SW-1/4) Section 25, Township 47 South, Range 25, East, City of Bonita Springs, Lee County, Florida, being more particularly described as follows:

Commencing at the northwest corner of the Southwest Quarter (SW-1/4) of said Section 25, thence run N 89° 15' 06" E along the north line of said Southwest Quarter (SW-1/4) for 794.91 feet to the northwest corner of said Lot 7, Block 1, Leitner Creek Manor Unit 2; thence continue N 89° 15' 06" E along the north line of said lot for 46.00 feet to the Point of Beginning.

From said Point of Beginning continue N 89° 15' 06" E along said north line for 42.34 feet to a point of intersection with a non-tangent curve; thence run southeasterly along an arc of said curve to the left having a radius of 1,275.00 feet (delta 00° 25' 54") (chord bearing S 63° 36' 54" E) (chord 9.60 feet) for 9.60 feet to an intersection with the east line of said lot; thence run S 00° 44' 54" E along said east line for 22.39 feet to a point of intersection with a non-tangent curve; thence run northwesterly along an arc of said curve to the right having a radius of 1,295.00 feet (delta 02° 32' 39") (chord bearing N 63° 00' 25" W) (chord 57.50 feet) for 57.51 feet to the Point of Beginning.

Containing 674.54 square feet or 0.02 acres, more or less.

Bearing hereinabove mentioned are State Plane Coordinate for the West Zone of Florida (NAD 83/90 Adjustment) and are based on the north line of the Southwest Quarter (SW-1/4) of Section 25, Township 47 South, Range 25 East to bear N 89° 15' 06" E.

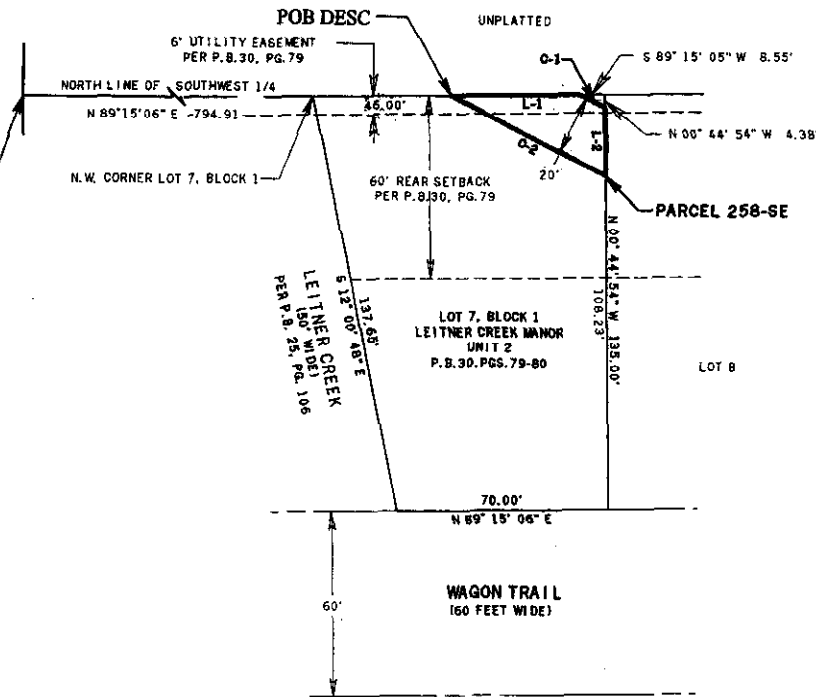
20013033 Parcel 258-SE 102004

NOTES:

SECTION 25, TOWNSHIP 47 SOUTH, RANGE 25 EAST

1. BEARINGS SHOWN HEREON ARE STATE PLANE COORDINATE FOR THE WEST ZONE OF FLORIDA (NAD 83/90 ADJUSTMENT) AND BASED ON THE NORTH LINE OF THE SW 1/4 OF SECTION 25, TOWNSHIP. 47 SOUTH, RANGE 25 EAST TO BEAR N 89°15'06" E
2. THIS SKETCH DOES NOT MAKE ANY REPRESENTATION AS TO ZONING OR DEVELOPMENT RESTRICTIONS ON SUBJECT PARCEL.
3. POC = POINT OF COMMENCEMENT.
4. POB = POINT OF BEGINNING
5. DESC. = DESCRIPTION
6. DESCRIPTION ATTACHED.
7. R = RADIUS
8. Δ = DELTA ANGLE
9. CB = CHORD BEARING
10. CH = CHORD LENGTH
11. L = ARC LENGTH
12. PARCEL CONTAINS 674.54 SQUARE FEET (0.02 ACRES) MORE OR LESS.

POC DESC
N.W. COR OF
S.W. 1/4



CURVE 1

R=1275.00'
Δ=00°25'54"
CB=S 63°36'54" E
CH=9.60'
L=9.60'

CURVE 2

R=1295.00'
Δ=02°32'39"
CB=N 63°00'25" W
CH=57.50'
L=57.51'

LINE 1 N 89°15'06" E 42.34'

LINE 2 S 00°44'54" E 22.39'

THIS IS NOT A SURVEY

Mark G. Wentzel
MARK G. WENTZEL (FOR THE FIRM LB-642)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 6247

DATE SIGNED: 1/13/04
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RATS SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

AREA TABLE		
AREA	SQUARE FEET	ACRES
PARENT TRACT	11,265.08	0.26
TAKEN AREA	674.54	0.02

PARCEL IN
SECTION 25, TOWNSHIP 47 SOUTH,
RANGE 25 EAST
CITY OF BONITA SPRINGS
LEE COUNTY, FLORIDA

**PARCEL 258-SE THREE OAKS PARKWAY
20 FOOT SLOPE EASEMENT**

**JOHNSON
ENGINEERING**

2158 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE (239) 334-0046
FAX (239) 334-3661
E.B. *642 & L.B. *642

SKETCH TO ACCOMPANY DESCRIPTION

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
01-12-04	20013033	25-47-25	1"=50'	1 OF 2

Page 4 of 4

Exhibit "A"

February 9, 2005

Exhibit "B"

THREE OAKS PARKWAY

PARCEL 238

(Exchange Area Description)

PART OF LOT 8, BLOCK 1

LEITNER CREEK MANOR UNIT 2

LYING IN SECTION 25, TOWNSHIP 47 SOUTH, RANGE 25 EAST

CITY OF BONITA SPRINGS

LEE COUNTY, FLORIDA

A tract or parcel, being part of Lot 8, Block 1, Leitner Creek Manor Unit 2, as recorded in Plat Book 30, Pages 79 and 80, in the Public Records of Lee County, Florida, lying in the Southwest Quarter (SW-1/4) of Section 25, Township 47 South, Range 25, East, City of Bonita Springs, Lee County Florida, being more particularly described as follows:

From the West Quarter (W-1/4) corner of said section run N 89° 15' 06" E along the north line of the Southwest Quarter (SW-1/4) of said section for 891.80 feet to the northwest corner of said lot; thence run S 00° 44' 54" E along the west line of said lot for 26.77 feet to the Point of Beginning.

From said Point of Beginning continue S 00° 44' 54" E along said west line for 108.23 feet to the southwest corner of said lot; thence run N 89° 15' 06" E along the south line of said lot for 10.00 feet; thence departing said south line run N 00° 44' 54" W along a line 10 feet east of (as measured on a perpendicular) and parallel with the west line of said lot for 103.31 feet to an intersection with a non-tangent curve; thence run northwesterly along the arc of said curve to the right, having a radius of 1,295.00 feet (delta 00° 29' 36") (chord bearing N 64° 31' 33" W) (chord 11.15 feet) for 11.15 feet to the Point of Beginning.

Containing 1,057.63 square feet or 0.02 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 north line of the Southwest Quarter (SW-1/4) of Section 25, Township 47 South, Range 25 East to bear N 89° 15' 06" E.

20013033/Parcel 238

COPY

This Instrument Prepared by:
DIVISION OF COUNTY LANDS
Post Office Box 398
Fort Myers, Florida 33902-0398

STRAP No. 25-47-25-B4-00201.0080

ORIGINAL DOCUMENTS RETAINED IN
COUNTY LANDS FILES FOR HANDLING
BOARD ACCEPTANCE.

**COUNTY DEED
(Statutory)**

THIS DEED, executed this ___ day of _____, 20___, by **LEE COUNTY, FLORIDA, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA**, whose address is Post Office Box 398, Fort Myers, Florida 33902-0398, COUNTY, to Pedro Montemayor and Norma Montemayor, husband and wife, whose address is 10381 West Terry Street, Bonita Springs, Florida 34135, Grantee.

WITNESSETH: The COUNTY, for and in consideration of the sum of Ten (\$10.00) Dollars to it in hand paid by the Grantee, receipt whereof is hereby acknowledged, has granted, bargained and sold to the Grantee, its heirs and assigns forever, the following described land, lying and being in Lee County, Florida:

SEE ATTACHED EXHIBIT "A"

In accordance with Florida Statutes s. 270.11, the COUNTY hereby reserves an undivided three-fourths interest in, and title in and to an undivided three-fourths interest in, all the phosphate, minerals, and metals that are or may be in, on, or under the subject land and an undivided one-half interest in all the petroleum that is or may be in, on, or under the subject land with the privilege to mine and develop each interest. Provided, however, the right of entry with respect to any interest in phosphate, minerals, metals or petroleum reserved in favor of the County is hereby released if the subject parcel being conveyed is or has always been a contiguous tract of less than 20 acres in the aggregate under the same ownership.

This grant conveys only the interest of the County and its Board of County Commissioners in the property herein described, and does not warrant the title or represent any state of facts concerning the title.

IN WITNESS WHEREOF the COUNTY has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chair or Vice Chair of said Board, the day and year above.

(OFFICIAL SEAL)

ATTEST:
CHARLIE GREEN, CLERK

LEE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Chairman

APPROVED AS TO LEGAL FORM:

Office of County Attorney



*City of
Bonita Springs*

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 11, 2005

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

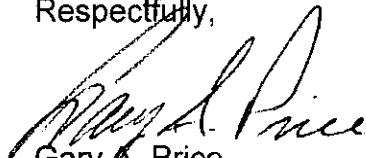
RE: Exchange Agreement – Three Oaks Parkway Extension
Project No. 4043
Parcel 258/258SE, Montemayor

Dear Mr. Gomez:

The agreed upon exchange 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. 25-47-25-B4-00201.0070

Date: January 12, 2005

Parcel: 258 & 258SE

Project: Three Oaks Pkwy. South Extension.
Project #4043 (E. Terry St. to N. Leitner Creek)To: J. Keith Gomez
Property Acquisition AgentFrom: Kenneth Pitt *KMP*
Real Estate Title Examiner

STRAP: 25-47-25-B4-00201.0070

Effective Date: December 2, 2004, at 5:00 p.m.

Subject Property: Lot 7, in Block 1, Leitner Creek Manor, as recorded in Plat Book 30, Page 79, Public Records of Lee County, Florida.

Title to the subject property is vested in the following:

Pedro Montemayor and Norma Montemayor, husband and wife

By that certain instrument dated March 6, 2001, recorded March 24, 2001, in Official Record Book 3382, Page 577, Public Records of Lee County, Florida.

Easements:

1. Subject to Deed Restrictions, recorded in Official Record Book 575, Page 808, Public Records of Lee County, Florida, and whose rights were assigned by Official Record Book 2603, Page 3024, Public Records of Lee County, Florida.
2. Subject to a 60 foot rear setback as shown on the plat of Leitner Creek Manor, Unit 2, recorded in Plat Book 30, Page 79, Public Records of Lee County, Florida.
3. Subject to a 6 foot Utilities Easement affecting the rear lot line as dedicated on the plat Leitner Creek Manor, Unit 2, Plat Book 30 Page 79, Public Records of Lee County, Florida.

NOTE(1): Subject to a mortgage in the original sum of \$22,240.00, recorded in Official Record Book 2925, Page 1171, Public Records of Lee County, Florida. *Prin owner mortgage.**Current owners stated no 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, Public Records of Lee County, Florida, and amended by Official Record Book 2189, Page 3334, Public Records of Lee County, Florida.

NOTE(3): No leases or reservations for Oil, Gas and Mineral Rights for the subject property found of record.

Tax Status: \$1,125.67 due and owing 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.**

5-Year Sales History

Parcel No. 258 and 258SE

Three Oaks Parkway South Extension
Project No. 4043

Grantor	Grantee	Price	Date	Arms Length Y/N
Eugene G. & Lottie F. Coulombe, h/w	Pedro & Norma Montemayor, h/w	\$32,500.00	3/24/01	Y

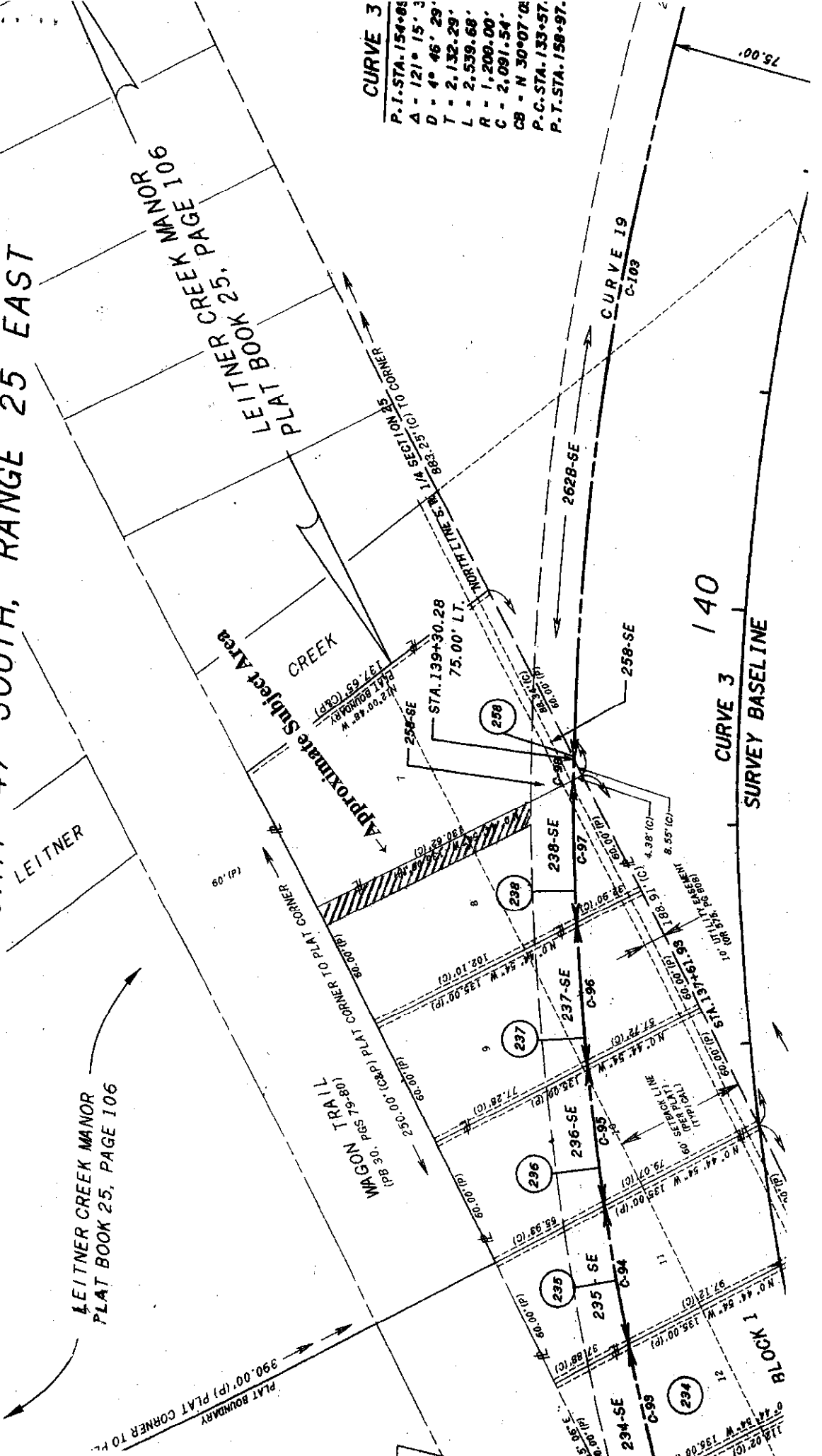
SECTION 25, TOWNSHIP 47 SOUTH, RANGE 25 EAST

LEITNER CREEK MANOR
PLAT BOOK 25, PAGE 106

LEITNER CREEK MANOR
PLAT BOOK 25, PAGE 106

CURVE 3

P. I. STA.	154+88
Δ	121° 15' 3"
D	4° 46' 29"
T	2,132.29'
L	2,539.68'
R	1,200.00'
C	2,091.54'
CB	N 30° 07' 01"
P. C. STA.	139+57'
P. T. STA.	158+97'



Schedule 1

*Sketch Not Drawn To Scale - Approximate Subject Area Delineated

Location Map

Borrower/Client MONTEMAYOR, Pedro+Norma			
Property Address 11086 Wagon Trail			
City Bonita Springs	County Lee	State FL	Zip Code 34135-5341
Lender Lee County - County Lands			

