

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

Blue Sheet No. 2005-0197

1. REQUESTED MOTION:

ACTION REQUESTED: Authorize: 1) the Division of County Lands to make binding offer to property owner in the amount of \$5,300 for Parcel 102, Gunnery Road Widening Project No. 4055, pursuant to the Purchase Agreement; 2) the Division of County Lands to handle and accept all documentation necessary to complete transaction.

WHY ACTION IS NECESSARY: The Board must authorize the making of a binding offer to a property owner prior to initiation of condemnation proceedings.

WHAT ACTION ACCOMPLISHES: Makes binding offer to property owner.

2. DEPARTMENTAL CATEGORY:

COMMISSION DISTRICT # 06 3 C6C

3. MEETING DATE:

03-15-2005

4. AGENDA:

CONSENT
 ADMINISTRATIVE
 APPEALS
 PUBLIC
 WALK ON
 TIME REQUIRED:

5. REQUIREMENT/PURPOSE:
(Specify)

STATUTE 73 & 125
 ORDINANCE
 ADMIN. CODE
 OTHER

6. REQUESTOR OF INFORMATION:

A. COMMISSIONER
 B. DEPARTMENT Independent
 C. DIVISION County Lands
 BY: Karen L. W. Forsyth, Director

7. BACKGROUND:

Negotiated for: Department of Transportation

Interest to Acquire: Public Utility Easement, and a Bikepath/Sidewalk, Roadway Drainage and Slope/Restoration Easement

Property Details:

Owner: DELACRUZ Properties, LLC
Property Address: 4401 4th Street W
STRAP No.: 28-44-26-06-00059.0050

Purchase Details:

Purchase Price: \$5,300
Estimated Closing Costs: \$1,000

Appraisal Information:

Company: Carlson Norris & Associates, Inc.
Appraised Value: \$3,800

Staff Recommendation: Staff is of the opinion that the purchase price increase of \$1,500, above the appraised value, can be justified considering the costs associated with condemnation proceedings, estimated between \$4,000 and \$6,000 each. Staff recommends the Board approve the Requested Motion.

Account: 20405518803.506110

Attachments: Purchase and Sale Agreement, In-House Title Search, Appraisal Data, Location Map

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
					OA	OM	Risk	GC	
<i>K. Forsyth</i>			<i>STR 5/11/05</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>

10. COMMISSION ACTION:

APPROVED
 DENIED
 DEFERRED
 OTHER

Rec. by CoAtty
Date: <u>3/15/05</u>
Time: <u>11:45 AM</u>
Forwarded To:

RECEIVED BY COUNTY ADMIN:
<u>02/25/05</u>
<u>11:45 AM</u>
COUNTY ADMIN FORWARDED TO: <u>[Signature]</u>
<u>3/15/05</u>

Parcel: 102
Project: Gunnery Road 4 Lane (SR 82 – Lee Blvd.), Project No. 4055
STRAP No.: 04-45-26-05-00023.0070

**BOARD OF COUNTY COMMISSIONERS
LEE COUNTY
EASEMENT PURCHASE AGREEMENT
IN LIEU OF CONDEMNATION PROCEEDINGS**

This Agreement made and entered into this ____ day of _____, 20 ____, by and between DELACRUZ Properties, LLC, a Florida limited liability company, whose address is 322 Gunnery Road S., Unit B, Lehigh Acres, Florida 33971, hereinafter referred to as Owner, and **LEE COUNTY**, a political subdivision of the State of Florida, for the use and benefit of said County, hereinafter referred to as Purchaser.

Whereas, Purchaser requires a nonexclusive Perpetual Public Utility Easement; located and described as set forth in Exhibit "B" attached to Exhibit "X", and a Perpetual Nonexclusive Bikepath/Sidewalk, Roadway Drainage and Slope/Restoration Easement, located and described as set forth in Exhibit "C" attached to Exhibit "Y". All Exhibits are attached hereto and made a part hereof by reference, in conjunction with the Gunnery Road Widening Project #4055.

- a) Owner will grant said easements to Purchaser for the sum of \$5,300.00; Purchaser to pay recording costs and title insurance.
- b) Owner agrees that said easement will be granted to Purchaser by execution of the Perpetual Public Utility Easement in form and substance set forth in Exhibit "X" and the Perpetual Nonexclusive Bikepath/Sidewalk, Roadway Drainage and Slope/Restoration Easement " in form and substance set forth in Exhibit "Y".
- c) Purchaser will pay Owner the amount agreed upon in item (a) of this agreement by County Warrant within 60 days of the execution and acceptance of this Easement Purchase Agreement and the Perpetual Public Utility Easement and the Perpetual Nonexclusive Bikepath/Sidewalk, Roadway Drainage and Slope/Restoration Easement .
- d) Owner agrees that Purchaser, his successors and assigns will be allowed to use said easement areas, called "the Property", as described in Exhibits "B" and "C".
- e) Purchaser agrees to complete construction within the easement area in a timely manner.
- f) Owner will provide either a release, satisfaction of mortgage, or subordination agreement for all mortgages that encumber the property. Purchaser will pay reasonable associated costs, if any.

IN WITNESS WHEREOF, the parties have caused these presents to be executed in their respective names on the date first above written.

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

Owner: DELACRUZ Properties, LLC, a
Florida limited liability company

1st Witness Signature

By:

Guadalupe DeLa Cruz, Managing Member

2nd Witness Signature

1st Witness Signature

By:

Melissa DeLa Cruz, Managing Member

2nd Witness Signature

ATTEST:

CHARLIE GREEN, CLERK

By: _____
Deputy Clerk

LEE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

By: _____
Chairman or Vice-Chairman

APPROVED AS TO LEGAL FORM

Office of County Attorney

This Instrument Prepared by:

COUNTY LANDS DIVISION

P.O. Box 398

Fort Myers, FL 33902-0398

Parcel: 102 B

Project: Gunnery Road 4 Lane (SR82 - Lee Blvd.), Project No. 4055

STRAP No.: 04-45-26-05-00023.0070

EXHIBIT "X"

THIS SPACE FOR RECORDING

GRANT OF PERPETUAL PUBLIC UTILITY EASEMENT

This INDENTURE, made and entered into this ____ day of _____, 20____, between **DELACRUZ Properties, LLC, a Florida limited liability company**, Owner, whose address is 322 Gunnery Road, Suite B, Lehigh Acres, FL 33971, hereinafter "Grantor", and **LEE COUNTY**, a political subdivision of the State of Florida, whose address is P.O. Box 398, Fort Myers, FL 33902-0398, hereinafter "Grantee":

WITNESSETH

1. For and in consideration of the sum of One Dollar and other good and valuable consideration, receipt of which is hereby acknowledged, Grantor hereby grants and transfers to the Grantee, its successors and assigns, the use of a perpetual public utility easement situated in Lee County, Florida, and located and described as set forth in Exhibit "B" attached.

2. Grantee, its successors, appointees, heirs and assigns, are hereby granted the right, privilege, and authority to construct, replace, renew, extend and maintain public utility facilities, to include, but not be limited to: electrical power, telephone, water systems, sewer transmission and collection systems with all appurtenances thereto, to be located on, under, above, across, through and within the easement which is located on the property described (Exhibit "B"), with the additional right, privilege and authority to remove, replace, repair and enlarge said facilities within said easement, and to trim and remove roots, trees, shrubs, bushes and plants and remove fences or any other improvements which may affect the operation of the public utility facilities or Grantee's use of the easement.

3. The public utility easement will not be limited to any particular diameter size or type and/or number of connections to other similar facilities for providing public utility service to this and any adjacent properties. The total area of this public utility easement is to be reserved for the public utility lines, poles, mains, or other utility facilities and for any landscaping (excluding trees), walkways, roadways, drainage ways, or similar type uses. Houses, fences, buildings, carports, garages, storage sheds or any other structures will not be constructed upon or placed within this easement at any time, present or future, by Grantor, or its heirs, successors or assigns.

4. Title to any public utility facilities constructed hereunder will remain in the Grantee, Grantee's successors, appointees and/or assigns, or the public utility providing the service.

Grant of Perpetual Public Utility Easement

Page 2

Project: Gunnery Road 4 Lane (SR82 - Lee Blvd.), Project No. 4055

5. 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 that they are lawfully seized and possessed of the described real property (Exhibit "B"), 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 recorded in the Public Records, and accordingly, Grantors 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.

6. Grantee will have a reasonable right of access across Grantor's property for the purposes of reaching the described easement (Exhibit "B") on either paved or unpaved surfaces. Any damage to Grantor's property or permitted improvements thereon as the result of such access to the described easement or the construction, maintenance, or repairs located within the above-described easement will be restored by the County or the particular utility providing service, to the condition in which it existed prior to the damage.

7. THIS AGREEMENT will be binding upon the parties hereto, their successors and assigns.

IN WITNESS WHEREOF, DELACRUZ Propreties, LLC, a Florida limited liability company, OWNER, has caused this document to be signed on the date first above written.

SIGNED, SEALED AND DELIVERED
THE PRESENCE OF TWO WITNESSES:

**DELACRUZ Properties, LLC, a
Florida limited liability
company**

1st WITNESS Signature

By: _____
Guadalupe DeLaCruz,
Managing Member

Printed name of 1st Witness

2nd WITNESS Signature

Printed name of 2nd Witness

1st WITNESS Signature

By: _____
Melissa DeLaCruz
Managing Member

Printed name of 1st Witness

2nd WITNESS Signature

Printed name of 2nd Witness

STATE OF _____)
)
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by Guadalupe DeLaCruz, Managing Member
(name of officer or agent, title of officer or agent)

of DELACRUZ Properties, LLC, a Florida limited liability company
(name of corporation acknowledged)

on behalf of the corporation. He/she is personally known to me or has produced _____ as identification.
(type of identification)

(Signature of Notary Public)

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

STATE OF _____)
)
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by Melissa DeLaCruz, Managing Member
(name of officer or agent, title of officer or agent)

of DELACRUZ Properties, LLC, a Florida limited liability company
(name of corporation acknowledged)

on behalf of the corporation. He/she is personally known to me or has produced _____ as identification.
(type of identification)

(Signature of Notary Public)

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

PARCEL NO. 102B (UTILITY EASEMENT)
 PARCEL NO. 102C (PERPETUAL EASEMENT)
 PROPERTY OWNER: GUADALUPE DELACRUZE AND MELISSA M. DELACRUZE
 STRAP NO. 04-45-26-05-00023.0070
 STRAP NO. 04-45-26-05-00023.0080
 STRAP NO. 04-45-26-05-00023.0090
 STRAP NO. 04-45-26-05-00023.0100
 STRAP NO. 04-45-26-05-00023.0110
 STRAP NO. 04-45-26-05-00023.0120
 STRAP NO. 04-45-26-05-00023.0130
 AREA OF PARENT TRACT: 1.406 ACRES, M.O.L.
 AREA OF TAKE: 1,318 S.F., M.O.L.

Exhibit "B"

PARCEL 102B AND 102C
 (UTILITY EASEMENT) AND (PERPETUAL EASEMENT)


A UTILITY EASEMENT AND A PERPETUAL EASEMENT BEING A
 PORTION OF LOTS 7, 8, 9, 10, 11, 12 AND 13, BLOCK 23, UNIT 5,
 LEHIGH ESTATES, A SUBDIVISION OF LEHIGH ACRES, SECTION 4,
 TOWNSHIP 45 SOUTH, RANGE 26 EAST, AS RECORDED IN PLAT
 BOOK 15, PAGE 85, OF THE PUBLIC RECORDS, LEE COUNTY,
 FLORIDA BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 13, SAID
 POINT LYING 50.00 FEET S 85°02'58" W OF GUNNERY ROAD
 SURVEY BASE LINE STATION 129+59.21; THENCE S 85°02'58" W,
 ALONG THE SOUTH LINE OF SAID LOT 13, A DISTANCE OF 9.56
 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE TO THE
 WEST; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE
 TO THE RIGHT HAVING A RADIUS OF 3986.00 FEET, A DELTA OF
 03°31'48", A CHORD BEARING OF N 03°11'08" E, A CHORD DISTANCE
 OF 245.54 FEET, AN ARC DISTANCE OF 245.58 FEET TO THE END
 OF SAID CURVE; THENCE N 04°57'02" W, PARALLEL WITH THE EAST
 LINE OF SAID LOTS 7, 8 AND 9, A DISTANCE OF 104.46 FEET TO
 THE NORTH LINE OF SAID LOT 7; THENCE N 85°02'58" E, ALONG
 THE NORTH LINE OF SAID LOT 7, A DISTANCE OF 2.00 FEET TO
 THE EAST LINE OF SAID LOT 7; THENCE S 04°57'02" E, ALONG
 THE EAST LINE OF SAID LOTS 7, 8, 9, 10, 11, 12 AND 13, A DISTANCE
 OF 349.90 FEET TO THE POINT OF BEGINNING.

SAID LANDS CONTAIN 1,318 SQUARE FEET, MORE OR LESS.

NOTE:
 BEARINGS SHOWN HEREON ARE BASED UPON THE SURVEY BASE
 LINE OF GUNNERY ROAD HAVING A BEARING OF N 04°57'02" W
 FROM P.O.T. STATION 128+63.13 BEING A PARKER-KALON NAIL AND
 DISK "AIM ENG. LB 3114" TO P.I. STATION 217+61.38 BEING A BRIDGE
 SPIKE AND BOTTLE CAP NO 10.

PREPARED BY:
 AIM ENGINEERING & SURVEYING, INC.


 JAMES M. CONDON, P.S.M. DATE 7/16/04
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA CERTIFICATE NO. 6074

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL
 RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND
 MAPPER.

AIM Engineering & Surveying, Inc.



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

Licensed Business Number 3114

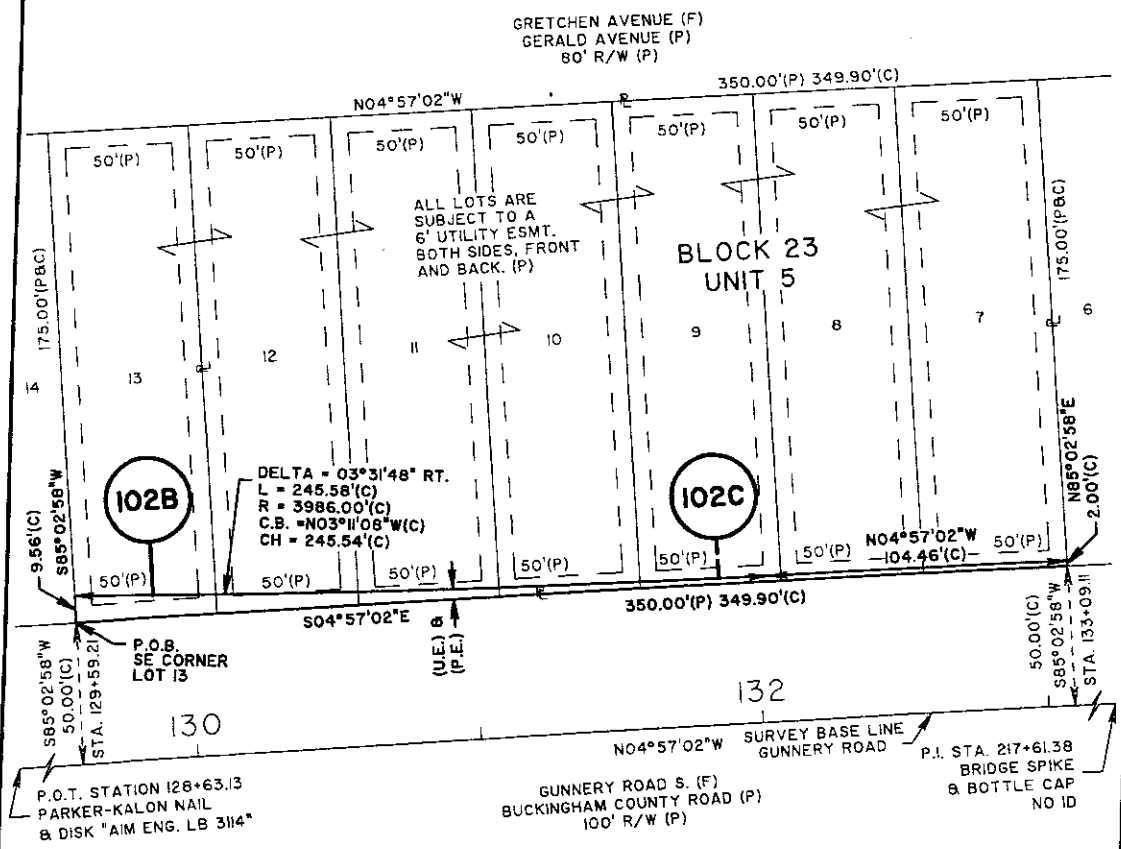
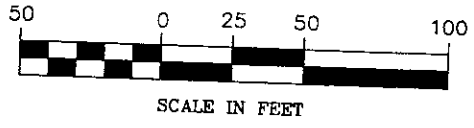
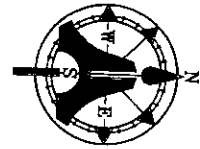
THIS IS NOT A SURVEY SHEET 1 OF 2

PROJECT NUMBER: 99-7504	DESCRIPTION: LEGAL AND SKETCH PARCEL 102B AND 102C GUNNERY ROAD FROM S.R. 82 TO LEE BOULEVARD
DRAWN BY: LWC	CLIENT: LEE COUNTY
DATE: 7/14/04	SEC-TWP-RGE: 4-45S-26E
	FILE: 7504-102BC
	COUNTY: LEE COUNTY

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

PARCEL NO. 102B (UTILITY EASEMENT)
 PARCEL NO. 102C (PERPETUAL EASEMENT)
 PROPERTY OWNER: GUADALUPE DELACRUZE AND MELISSA M. DELACRUZE
 STRAP NO. 04-45-26-05-00023.0070
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 STRAP NO. 04-45-26-05-00023.0110
 STRAP NO. 04-45-26-05-00023.0120
 STRAP NO. 04-45-26-05-00023.0130
 AREA OF PARENT TRACT: 1,406 ACRES, M.O.L.
 AREA OF TAKE: 1,318 S.F., M.O.L.

Exhibit "B"



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

THIS IS NOT A SURVEY SHEET 2 OF 2

PROJECT NUMBER: 99-7504	DESCRIPTION: LEGAL AND SKETCH PARCEL 102B AND 102C GUNNERY ROAD FROM S.R. 82 TO LEE BOULEVARD	CLIENT: LEE COUNTY	COUNTY: LEE COUNTY
DRAWN BY: LWC	SEC-TWP-RGE 4-45S-26E	FILE: 7504-102BC	
DATE: 7/14/04			

Lee County
County Lands Division
Project: Gunnery Road 4 Lane (SR82 - Lee Blvd.), Project No. 4055
Parcels: 102 C
STRAP No.: 04-45-26-05-00023.0070

**GRANT OF PERPETUAL
NON EXCLUSIVE BIKEPATH/SIDEWALK,
ROADWAY DRAINAGE and SLOPE/RESTORATION EASEMENT**

This INDENTURE, made and entered into this _____ day of _____, 20____, between **DELACRUZ Properties, LLC, a Florida limited liability company**, whose address is 322 Gunnery Road, Suite B, Lehigh Acres, FL 33971, FL 33936, hereinafter referred to as "Grantor", and **LEE COUNTY**, a political subdivision of the State of Florida, whose address is Post Office Box 398, Fort Myers, Florida 33902-0398, hereinafter referred to as "County":

WITNESSETH:

1. For good and valuable consideration, which is hereby acknowledged, Grantor hereby grants to the County a perpetual non-exclusive public right-of-way easement for a bikepath/sidewalk, a roadway drainage system, and slope/restoration easement situated in Lee County, Florida, located and described as set forth in Exhibit "C" attached hereto.

2. The County, its successors and assigns, are granted the right privilege, and authority to construct, replace, renew, extend and maintain a public bikepath/sidewalk and appurtenant drainage system and a roadway drainage system, and slope to stabilize the bikepath/sidewalk constructed thereon.

3. This easement does not limit the construction of the bikepath/sidewalk, drainage systems or slope to a particular type, style, material or design.

4. Title to the improvements constructed hereunder will remain in the County.

5. The County has the right to maintain the slope portion of this easement and will be responsible for maintenance of the bikepath/sidewalk and roadway drainage facility.

6. Grantors covenant that they are lawfully seized and possessed of the property described in Exhibit "C", and have lawful right to convey this non-exclusive easement subject to existing easements for public highways or roads, railroads, laterals, ditches, pipelines and electrical transmission or distribution lines and telephone and cable television lines. Grantor will not place any interfering landscape material in the easement. Also, the Grantor will prevent the creation of obstructions or conditions which are or may become dangerous to the public within the easement.

7. The County will have a reasonable right of access for the purposes of reaching the described easement on either paved or unpaved surfaces. Any damage to Grantor's property or permitted improvements thereon as the result of such access to the described easement or the construction, maintenance, or repairs located within that easement will be restored by the County to the condition in which it existed prior to the damage.

8. **THIS AGREEMENT** shall be binding upon the parties hereto, their successors and assigns.

IN WITNESS WHEREOF, DELACRUZ Properties, LLC, a Florida limited liability company has caused this document to be signed on the date first above written.

TWO SEPARATE WITNESSES:

1st Witness Signature

By: Guadalupe DeLaCruz, Managing
Member

Printed name of 1st Witness

2nd Witness Signature

Printed name of 2nd Witness

1st Witness Signature

By: Melissa DeLaCruz, Managing
Member

Printed name of 1st Witness

2nd Witness Signature

Printed name of 2nd Witness

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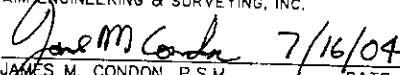
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 DISK "AIM ENG. LB 3114" TO P.I. STATION 217+61.38 BEING A BRIDGE
 SPIKE AND BOTTLE CAP NO ID.

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

PREPARED BY:
 AIM ENGINEERING & SURVEYING, INC.


 JAMES M. CONDON, P.S.M. DATE 7/16/04
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA CERTIFICATE NO. 6074

AIM Engineering & Surveying, Inc.



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

Licensed Business Number 3114

THIS IS NOT A SURVEY

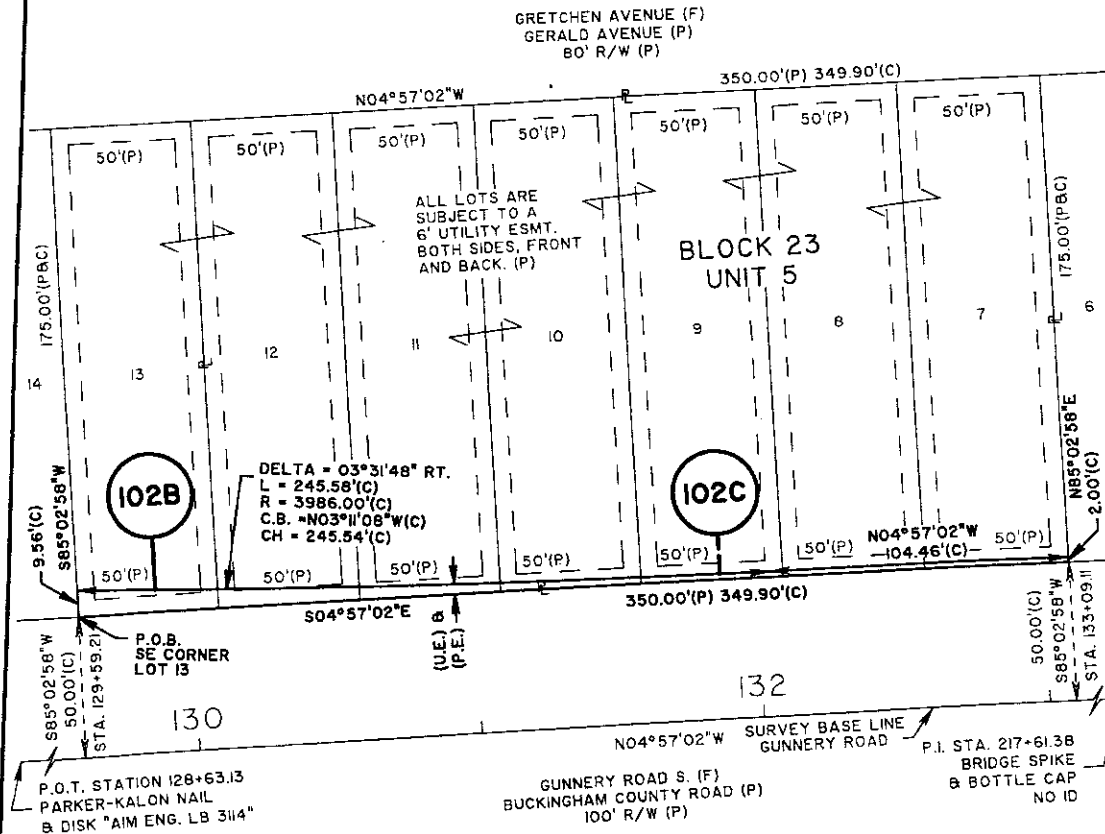
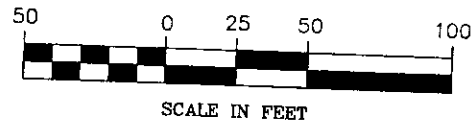
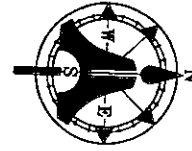
SHEET 1 OF 2

PROJECT NUMBER: 99-7504	DESCRIPTION: LEGAL AND SKETCH PARCEL 102B AND 102C GUNNERY ROAD FROM S.R. 82 TO LEE BOULEVARD
DRAWN BY: LWC	CLIENT: LEE COUNTY
DATE: 7/14/04	SEC-TWP-RGE: 4-45S-26E
FILE: 7504-102BC	COUNTY: LEE COUNTY

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

PARCEL NO. 102B (UTILITY EASEMENT)
 PARCEL NO. 102C (PERPETUAL EASEMENT)
 PROPERTY OWNER: GUADALUPE DELACRUZE AND MELISSA M. DELACRUZE
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 AREA OF PARENT TRACT: 1.406 ACRES, M.O.L.
 AREA OF TAKE: 1,318 S.F., M.O.L.

EXHIBIT C



AIM Engineering & Surveying, Inc.



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

Licensed Business Number 3114

THIS IS NOT A SURVEY

SHEET 2 OF 2

PROJECT NUMBER: 99-7504	DESCRIPTION: LEGAL AND SKETCH PARCEL 102B AND 102C GUNNERY ROAD FROM S.R. 82 TO LEE BOULEVARD	CLIENT: LEE COUNTY	COUNTY: LEE COUNTY
DRAWN BY: LWC	DATE: 7/14/04	SEC-TWP-RGE 4-45S-26E	FILE: 7504-102BC

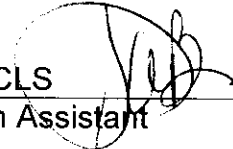
Division of County Lands

Updated Ownership and Easement Search

Search No. 04-45-26-05-00023.0070

Date: January 11, 2005

Parcel: 102

Project: Gunnery Road/SR 82 to Lee Blvd.,
Project #4055To: Michael J. O'Hare, SR/WA
Property Acquisition AgentFrom: Shelia A. Bedwell, CLS
Property Acquisition Assistant 

STRAP: 04-45-26-05-00023.0070

Effective Date: December 14, 2004, p.m.

Subject Property: Lots 7 through 13 in Block 23, Unit 5, Lehigh Estates according to the plat thereof on file in the office of the Clerk of the Circuit Court recorded in Plat Book 15, Page 85, Public Records of Lee County, Florida.

Title to the subject property is vested in the following:

Delacruz Properties, LLC a Florida limited liability company.

By that certain instrument dated November 19, 2004, recorded December 7, 2004, in Official Record Book 4513, Page 3432, Public Records of Lee County, Florida.

Easements:

1. Subject to a 6 foot Utility Easement, both sides front and back on all lots, as recited on the plat of Unit 5, Lehigh Estates" recorded in Plat Book 15, Page 85, Public Records of Lee County, Florida.
2. Subject to Sewer and Water Covenants and Restrictions recorded in Official Record Book 10, Page 695 and amended by Official Record Book 41, Page 264, Public Records of Lee County, Florida.
3. Subject to an order extending the boundaries of the East County Water Control District recorded in Official Record Book 67, Page 673, Public Records of Lee County, Florida.
4. Subject to a Declaration of Restrictions recorded in Official Record Book 84, Page 310, Public Records of Lee County, Florida
5. Subject to an Agreement for Water and Sewer Easements recorded in Official Record Book 327, Page 119, Public Records of Lee County, Florida.
6. Subject to a Declaration of Restrictions recorded in Official Record Book 527, Page 29, Public Records of Lee County, Florida.

NOTE(1): Subject to Lee County Ordinance No. 86-14 relating to garbage and solid waster 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

Updated Ownership and Easement Search

Search No. 04-45-26-05-00023.0070

Date: January 11, 2005

Parcel: 102

Project: Gunnery Road/SR 82 to Lee Blvd.,
Project #4055

NOTE(2): Mortgage executed by Delacruz Properties, LLC, a Florida limited liability company in favor of Guadelupe Delacruz and Melissa M. Delacruz, dated November 18, 2004, recorded in December 7, 2004, in Official Record Book 4513, Page 3435, Public Records of Lee County, Florida.

Tax Status: 2004 taxes are now due and payable.

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

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

APPRAISAL REPORT GUNNERY ROAD PROJECT 4055

Parcel Identification

Project Parcel Number: 102
Owner Name/Address: Delacruz, Guadalupe & Melissa, 2401 Gretchen Avenue S
Lee County STRAP Number: 04-45-26-05-00023.0070
Legal Description: Lots 7-13, Block 23, Unit 5, Lehigh Estates PB 15, PG 85
History of Ownership: April, 2001, \$15,000
Interest Appraised: Fee Simple () Partial (X)
Assessed Value: \$119,440
Effective Date of Appraisal: December 9, 2004
Date of Report: December 13, 2004

Site Data

Parent Parcel - Overall Size: 61,250 square feet
Frontage - Depth: 150' X 175'
Acquisition Type: Fee Take () - A
Utility Easement (X) - B
Perpetual Easement (X) - C 1,318 square feet
Sidewalk (X)
Drainage (X)
Fill/Slope (X)
Parcel Remainder Size: 59,932 square feet
Existing Easements: Utility (X) Drainage () Road ()
Corner Parcel () Interior Parcel (X)
Topography - Level (X) Irregular ()
Soil Conditions - Typical (X) Require Correction ()
Flood Zone: B Panel #: 125124 0375 B
Utilities Available: Electricity (X)
Telephone (X)
Water ()
Sewer ()
Zoning/Land Use: C2/Central Urban
Adverse Conditions: None
Supporting Services: Lee County Sheriff and Fire
Miscellaneous: 6 foot utility easement both sides front and back
Marketing Time: Less than 1 year
Highest and Best Use: Commercial Requires Zoning Change ()

Improvements None () Site (X) Structure (X)

Description of improvements within take area: None. The property is currently being developed with a large office warehouse facility. The building is estimated to be 70% complete. The take has no impact upon the improvements.

Valuation

Approaches Used: Sales Comparison (X)
 Cost Approach ()
 Income Approach ()
 Analysis Type: Complete (X) Limited ()
 Report Type: Restricted () Summary (X) Self Contained ()

Sale Data: Range of Sales \$ per SF \$3.71 - \$6.29
 Time Adjusted Range \$ per SF \$3.95 - \$7.22
 Sale Date Range March 2004 - October 2004

Value of Improvements: No improvements within take area.

Value Estimates: (See summary chart below)

SUMMARY OF ANALYSIS

Gunnery Road Project
 Parcel 102

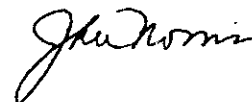
Market Value of Fee Simple Interest in Parent Parcel		61,250 sf	
	x	\$5.75 per sf	
		\$352,188	\$352,188
less: Market Value of Remainder - Fee Unencumbered			
* 61,250 sf - 1,318 sf proposed easement area unencumbered fee value per square foot unencumbered fee value for remainder area		59932 sf *	
	x	\$5.75 per sf	
		\$344,609	
less: * Utility, Drainage, Sidewalk, Slope Esmt. B-C Remainder			
\$5.75 per sf times .50 (1- .50 percentage of impact) remainder value for land within proposed easement		1,318 sf*	
	x	\$2.88 per sf	
		\$3,795.84	
Total Market Value of Remainder (rounded)			\$348,405
Market Value of Part Taken			\$ 3,782.7
rounded to			<u>\$3,800.00</u>

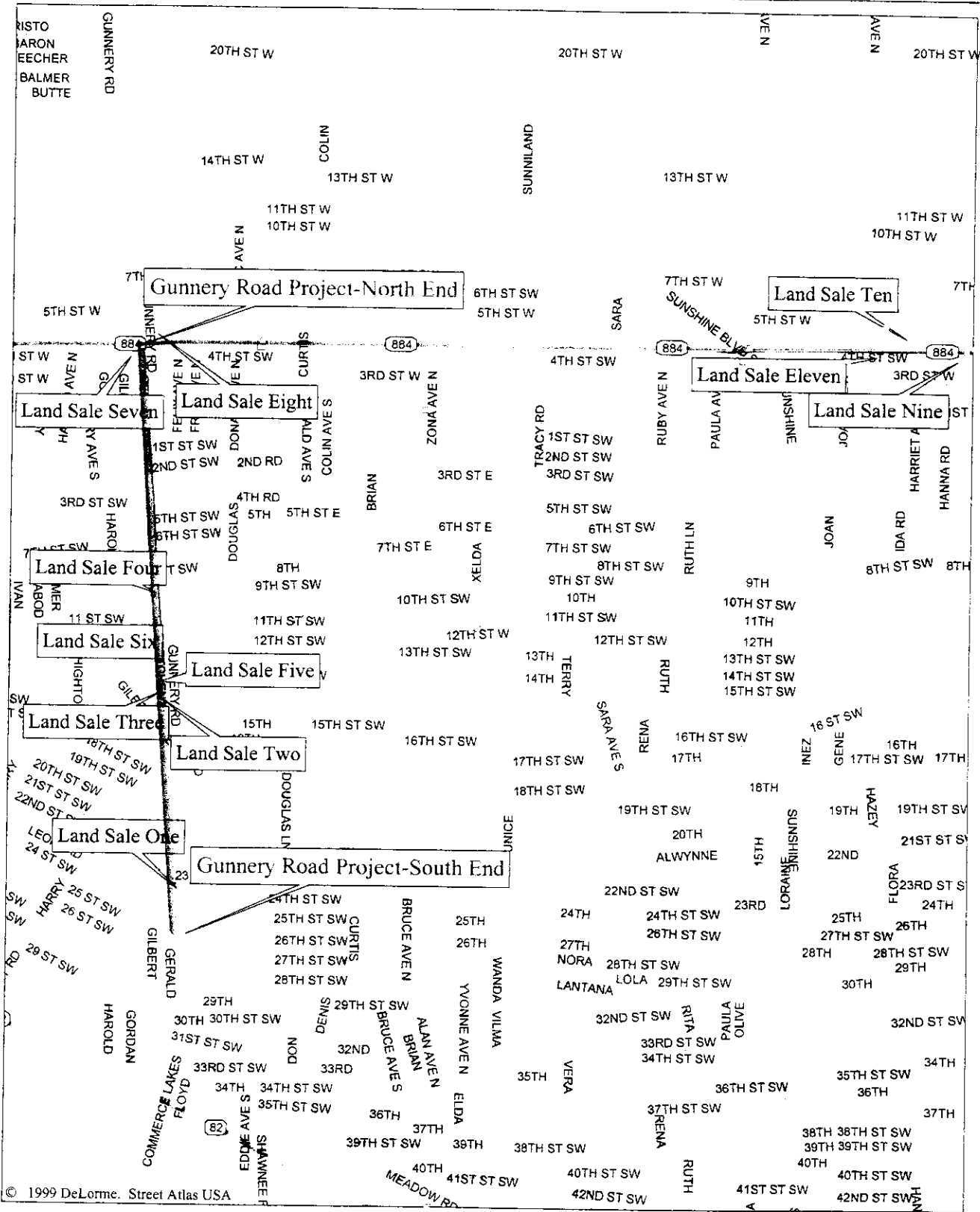
04-78-102sum

Additional information required for analysis to meet USPAP standards is located within the text of the main body of the analysis including all limiting conditions and special assumptions.

TOTAL COMPENSATION DUE THE PROPERTY OWNER (\$3,800.00)

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





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LOCATION MAP