

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

Blue Sheet No. 20050428

1. ACTION REQUESTED/PURPOSE: Approve Purchase Agreement for acquisition of Parcel 337-RW, Three Oaks Parkway South Extension Project No. 4043, in the amount of \$1,250; authorize payment of costs to close and the Division of County Lands to handle all documentation necessary to complete transaction.

2. WHAT ACTION ACCOMPLISHES: The Board avoids Eminent Domain.

3. MANAGEMENT RECOMMENDATION: Management recommends Board approve the Action Requested.

4. Departmental Category: 6

C6C

5. Meeting Date: *04-12-2005*

6. Agenda:
 Consent
 Administrative
 Appeals
 Public
 Walk-On

7. Requirement/Purpose: (specify)
 Statute *125*
 Ordinance
 Admin. Code
 Other
 Resolution 05-03-23

8. Request Initiated:
 Commissioner _____
 Department Independent
 Division County Lands
 By: Karen L.W. Forsyth, Director

9. Background:
Negotiated for: Lee County Department of Transportation

Interest to Acquire: A 324.86 square foot right of way easement from a vacant residential property.

Property Details:

Owner: Donna D'Adamo
Address: 24131 Cock Robin Lane, Bonita Springs
STRAP No.: 14-47-25-B2-00200.1480

Purchase Details:

Purchase Price: \$1,250
Costs to Close: Approximately \$1,000 (The seller is responsible for attorney fees, if any. The County is responsible for release of mortgage fees and documentary stamp tax).
 The property owner was not initially interested in selling the property. However, through negotiations, she has now agreed to sell the property for \$1,250.

Appraisal Information: The subject parcel was not appraised. A Value Justification Report is attached to substantiate the purchase price.

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 \$3,000 - \$5,000, excluding appraisal costs and attorney fees. Staff recommends the Board approve the Action Requested.

Account: 20404330709.506110

Attachments: Purchase Agreement; Value Justification Report; Location Map; City of Bonita Springs Recommendation; Title Data; 5-Year Sales History

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
<i>R. P. ...</i>			<i>3/30/05</i>	<i>[Signature]</i>	Analyst	Risks	Grants	Mgr.	<i>[Signature]</i>
					<i>3/30/05</i>	<i>3/31/05</i>	<i>3/31/05</i>	<i>3/31/05</i>	

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

Rec. by CoAtty
 Date: *3/30/05*
 Time: *11:05*
 Forwarded To:

RECEIVED BY
 COUNTY ADMIN: *[Signature]*
3/30/05
3:30pm MAR 29 2005
 COUNTY ADMIN
 FORWARDED TO: *PR*
3/31/05
4:30pm

RECEIVED

Project: Three Oaks Parkway South, 4043
Parcel Number: 337RW/D'Adamo
STRAP Number: 14-47-25-B2-00200.1480

LEE COUNTY
RIGHT OF WAY EASEMENT PURCHASE AGREEMENT

THIS AGREEMENT for the purchase and sale of a Right of Way Easement is made and entered into this 27 day of Feb, 2005 by and between **Donna M. D'Adamo** hereinafter referred to as GRANTOR and **LEE COUNTY**, a political subdivision of the State of Florida, hereinafter referred to as GRANTEE.

WITNESSETH:

For and in consideration of the mutual covenants and conditions herein contained, GRANTOR hereby agrees to sell and GRANTEE hereby agrees to buy a right of way easement referred to hereafter as the "Easement", upon the following terms and conditions.

- I. **DESCRIPTION:** An easement consisting of 324.86 square feet, more or less and being more particularly described in Exhibit "A" attached hereto and made a part hereof.
- II. **PURCHASE PRICE:** Amount to be paid by GRANTEE to GRANTOR at closing One Thousand Two Hundred Fifty and no/100 Dollars (\$1,250.00) subject to Grantor providing subordination of all outstanding encumbrances against the property, if any.
- III. **FORM OF CONVEYANCE:** Said easement shall be conveyed at the time of closing by execution of a "Perpetual Right-of-Way Easement" in form and substance as appears on attached Exhibit "B".
- IV. **CLOSING EXPENSES:** Grantee agrees to pay for Documentary Stamps, Title Insurance, recording fees and Subordination of Mortgage fees, if any, upon conveying said easement.
- V. **CONDITIONS AND LIMITATIONS:** It is mutually understood by the parties that this Right of Way Easement Purchase Agreement is presented by GRANTEE subject to final Board of County Commissioners' acceptance. Notice of final Board acceptance shall be evidenced by GRANTEE'S signature of this Agreement and delivery to GRANTOR. In the event the Grantee abandons this project after execution of this Agreement, but before closing, Grantee may terminate this Agreement without obligation.

- VI. **CLOSING DATE:** As time is of the essence for closing this transaction, this transaction shall be closed and the instrument of conveyance delivered within sixty (60) days of the date of final Board acceptance. The closing shall be held at the issuing title insurance agency. The time and location of such closing may be changed by mutual agreement of the parties.

- VII. **TYPEWRITTEN OR HANDWRITTEN PROVISION:** Typewritten or handwritten provisions inserted herein or attached hereto as Addenda, and initialed by all parties, shall control all printed provisions in conflict therewith.

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

WITNESSES:

SELLER:
Donna M. D'Adamo
Donna M. D'Adamo (DATE) Feb 27, 05

WITNESSES:

CHARLIE GREEN, CLERK

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

BY: _____

BY: _____

DEPUTY CLERK (DATE)

CHAIRMAN OR VICE CHAIRMAN

APPROVED AS TO LEGAL FORM
AND SUFFICIENCY

COUNTY ATTORNEY (DATE)



July 13, 2004

THREE OAKS PARKWAY

PARCEL 337-RW

**PART OF TRACT 148
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 148, 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 Section 14, Township 47 South, Range 25, East, City of Bonita Springs, Lee County Florida, being more particularly described as follows:

From the northwest corner of the Northeast Quarter (NE-1/4) of said section run S 00° 28' 27" E along the west line of said Northeast Quarter (NE-1/4) for 660.34 feet to an intersection with the north line of Tract 148; thence run N 82° 32' 57" W along said north line for 13.25 feet to an intersection with a non-tangent curve and the Point of Beginning.

From said Point of Beginning, departing said north line, run southerly along the arc of said curve to the left, having a radius of 90.00 feet (delta 36° 35' 46") (chord bearing S 18° 04' 50" W) (chord 56.51 feet) for 57.49 feet to an intersection with the east line of Cock Robin Lane (60 feet wide) as shown and recorded in Official Record Book 557, Pages 354 and 355 and Official Record Book 535, Page 826; thence run N 00° 13' 03" W along said east line for 56.04 feet to the north line of said tract; thence run S 82° 32' 57" E along said north line for 17.90 feet to the Point of Beginning.

Containing 324.86 square feet or 0.01 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 west line of the Northeast Quarter (NE-1/4) of Section 14, Township 47 South, Range 25 East to bear S 00° 28' 27" E.

Exhibit "A"

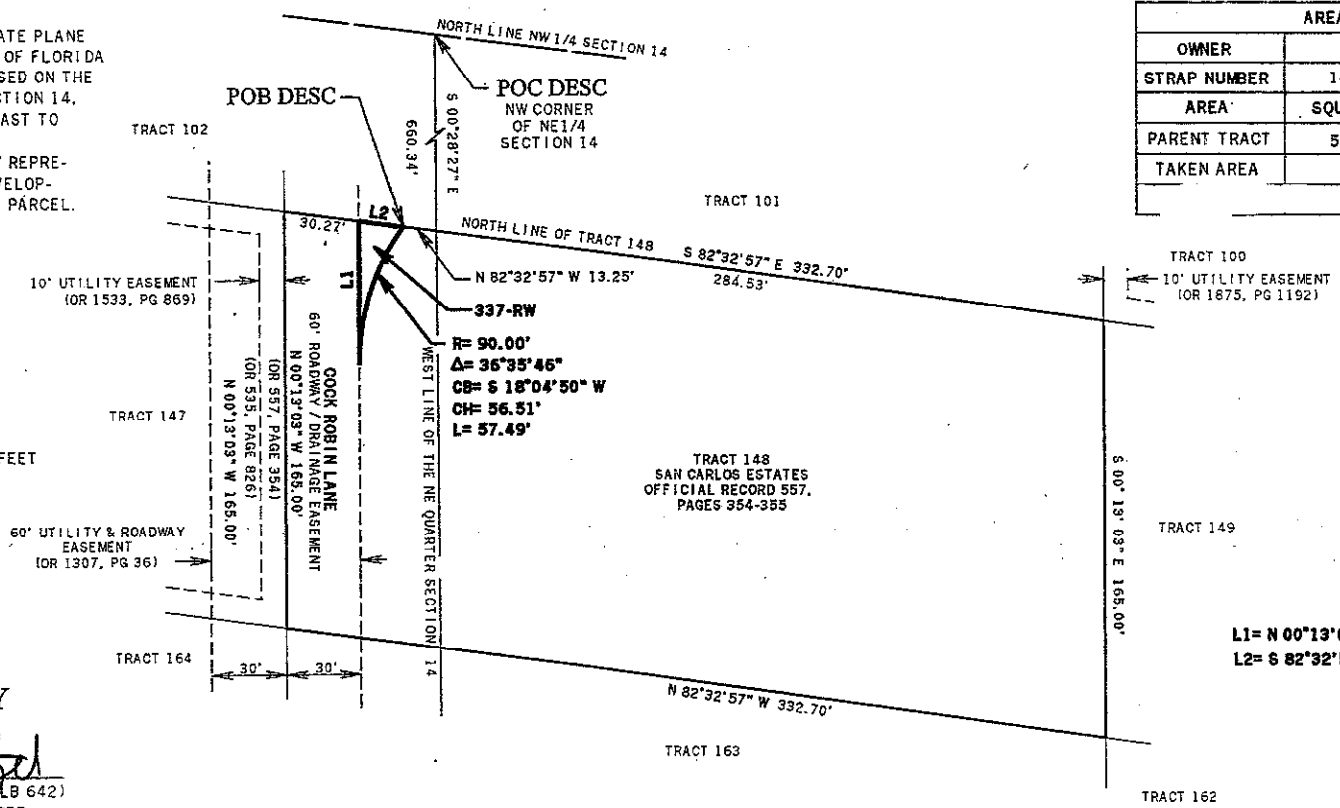
Page 1 of 2

20013033 Parcel 337-RW 071304

NOTES:

1. BEARINGS SHOWN HEREON ARE STATE PLANE COORDINATE FOR THE WEST ZONE OF FLORIDA (NAD 83/90 ADJUSTMENT) AND BASED ON THE WEST LINE OF THE NE 1/4 OF SECTION 14, TOWNSHIP 47 SOUTH, RANGE 25 EAST TO BEAR S 00°28'27" 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. R = RADIUS
7. Δ = DELTA 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 325 SQUARE FEET (0.01 ACRES) MORE OR LESS.
15. NE / N.E. = NORTHEAST
16. SE / S.E. = SOUTHEAST
17. NW / N.W. = NORTHWEST
18. SW / S.W. = SOUTHWEST

SECTION 14, TOWNSHIP 47 SOUTH, RANGE 25 EAST



AREA TABLE		
OWNER	DONNA M. D'ADAMO	
STRAP NUMBER	14-47-25-B2-00200.1480	
AREA'	SQUARE FEET	ACRES
PARENT TRACT	54,404.84	1.25
TAKEN AREA	324.86	0.01

L1 = N 00°13'03" W 56.04'
L2 = S 82°32'57" E 17.90'

THIS IS NOT A SURVEY

Mark G. Wentzel
 MARK G. WENTZEL (FOR THE FIRM LB 642)
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA CERTIFICATE NUMBER 5247
 DATE SIGNED 10/6/30/04
 NOT VALID WITHOUT THE SIGNATURE AND
 THE ORIGINAL RAISED SEAL OF A FLORIDA
 SURVEYOR AND MAPPER

PARCEL IN
 SECTION 14, TOWNSHIP 47 SOUTH,
 RANGE 25 EAST
 CITY OF BONITA SPRINGS
 LEE COUNTY, FLORIDA

PARCEL 337-RW - THREE OAKS PARKWAY



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
06-30-04	20013033	14-47-25	1"=60'	1 OF 2

This instrument prepared by:

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

Exhibit "B"

Page 1 of 5

Parcel: 337RW/D'Adamo
Project: Three Oaks Parkway South Extension 4043
STRAP No.: 14-47-25-B2-00200.1480

GRANT OF PERPETUAL

RIGHT-OF-WAY EASEMENT

This INDENTURE, made and entered into this ____ day of _____, 2005 by and between **Donna M. D'Adamo**, Owner, whose address is 1624 Croatan Place, Philadelphia, PA, 19145, hereinafter "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 "Grantee":

WITNESSETH:

1. For and in consideration of the sum of Ten Dollars 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 right-of-way easement situated in Lee County, Florida, and located and described as set forth in Exhibit "A" attached.

2. Grantee, its successors, appointees and assigns, are granted the right, privilege, and authority to construct, replace, renew, extend and maintain a public roadway and/or attendant drainage system, together with, but not limited to, swales, culverts, manholes and appurtenances, to be located on, under, across, and through the easement which is located on the property described in Exhibit "A", with the additional right, privilege and authority to remove, replace, repair and enlarge said system within the easement.

3. The right-of-way easement will not limit the particular type of drainage necessary for said roadway, nor will it limit the placement of improvements within the easement to a particular type, style, material or design. The Grantor will not construct any structures within said easement, nor will any foliage be placed in said easement.

4. Title to the improvements constructed hereunder will remain in the Grantee, Grantee's successors, appointees and/or assigns.

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, Grantor covenant that they are lawfully seized and possessed of the described real property in Exhibit "A", have good and lawful right and power to sell and 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.

6. Grantor, its heirs, successors or assigns, will indemnify and hold the Grantee harmless for any consequential damages to any houses, fences, buildings, carports, garages, storage sheds or any other structures subsequently constructed by Grantor in violation of paragraph 3. within the above easement, which results from the required activities of the Grantee for any construction, maintenance or repairs to the rights-of-way located within the above-described easement.

7. Grantee will have a reasonable right of access across Grantor's property for the purposes of reaching the described easement in Exhibit "A" 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 Grant of Perpetual Right-of-Way Easement construction, maintenance, or repairs located within the above-described easement will be restored by the Grantee, to the condition in which it existed prior to the damage.

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

Grant of Perpetual Right-of-Way Easement
Project: Three Oaks Parkway South Extension 4043
Page 3

IN WITNESS WHEREOF, the OWNER, has caused this document to be signed on the date first above written.

TWO SEPARATE WITNESSES:

1st Witness Signature

Printed name of 1st Witness

2nd Witness Signature

Printed name of 2nd Witness

Donna M. D'Adamo Feb 27, 2005
Donna M. D'Adamo GRANTOR

STATE OF _____)

COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2005, by Donna M. D'Adamo. She is personally known to me or has produced _____ as identification.
(type of identification)

(Signature of Notary Public)

(Name typed, printed or stamped)



July 13, 2004

THREE OAKS PARKWAY

PARCEL 337-RW

**PART OF TRACT 148
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 148, 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 Section 14, Township 47 South, Range 25, East, City of Bonita Springs, Lee County Florida, being more particularly described as follows:

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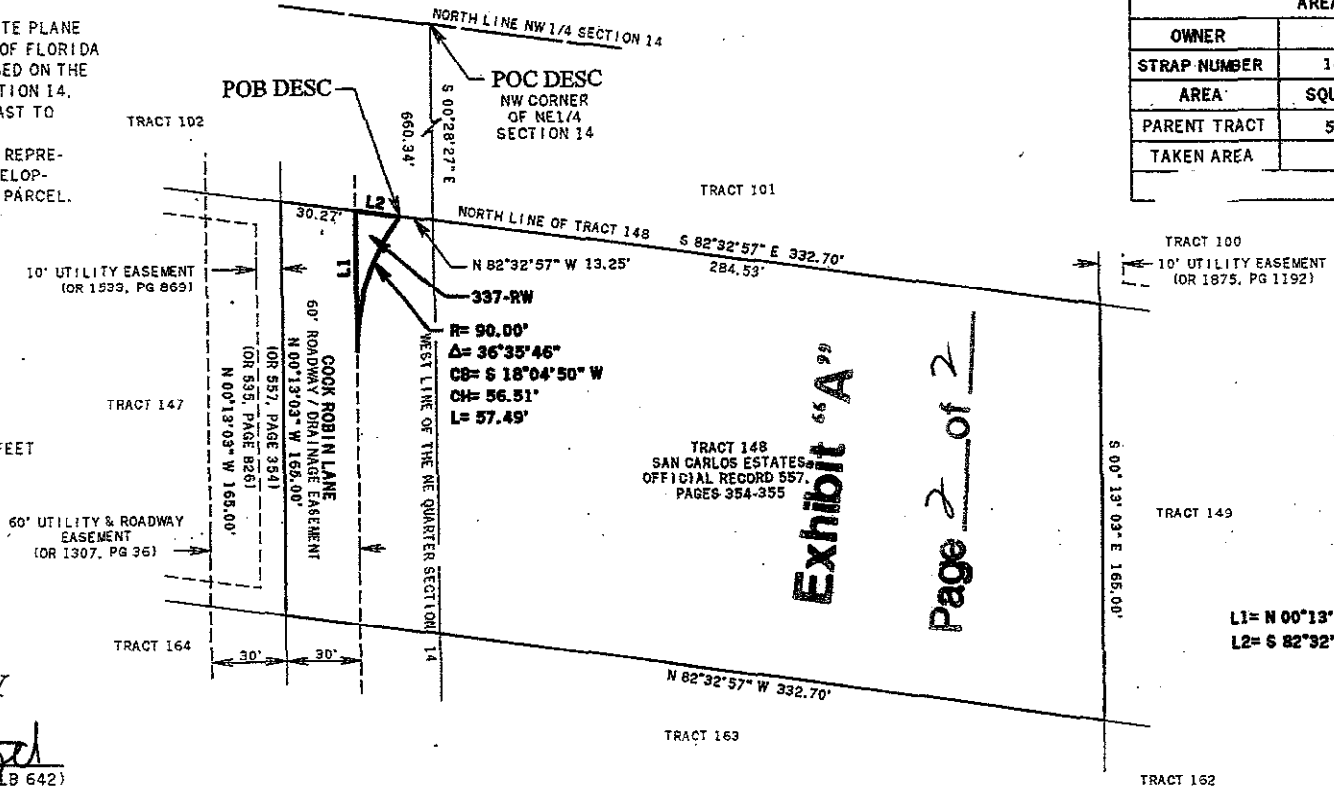
Page 1 of 2

20013033 Parcel 337-RW 071304

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18. SW / S.W. = SOUTHWEST

SECTION 14, TOWNSHIP 47 SOUTH, RANGE 25 EAST



AREA TABLE		
OWNER	DONNA M. D'ADAMO	
STRAP NUMBER	14-47-25-82-00200.1480	
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PARENT TRACT	54,404.84	1.25
TAKEN AREA	324.86	0.01

Exhibit "A"
Page 2 of 2

THIS IS NOT A SURVEY

Mark G. Wentzel

MARK G. WENTZEL (FOR THE FIRM LB 642)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NUMBER 5247

DATE SIGNED: 6/30/04

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

PARCEL IN
SECTION 14, TOWNSHIP 47 SOUTH,
RANGE 25 EAST
CITY OF BONITA SPRINGS
LEE COUNTY, FLORIDA

PARCEL 337-RW - THREE OAKS PARKWAY



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
06-30-04	20013033	14-47-25	1"=60'	1 OF 2

Value Justification Report

Parcel No. 337-RW

Three Oaks Parkway South Extension
Project No. 4043

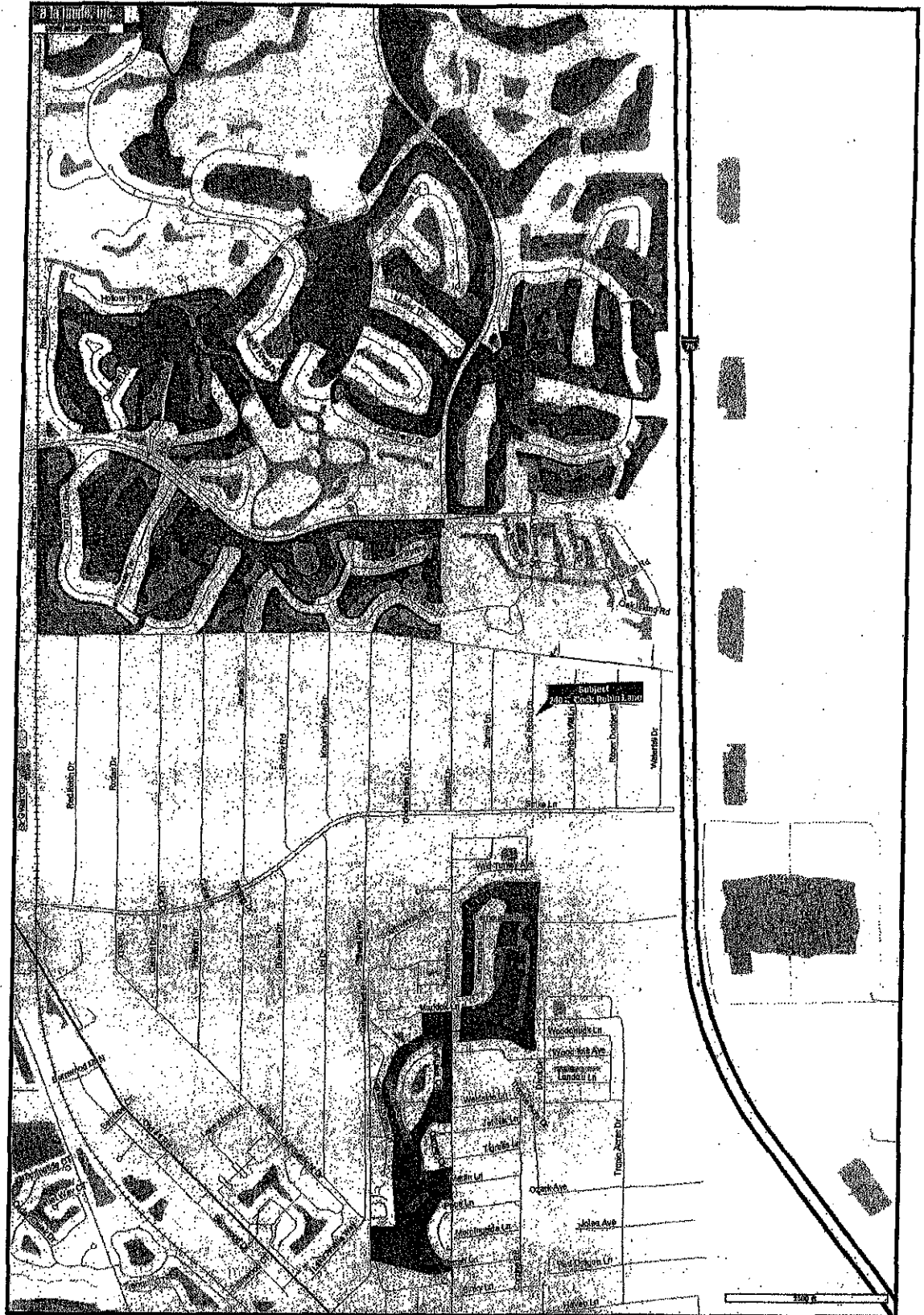
The Division of County Lands has negotiated a proposed agreement in the amount of \$1,250, for the purchase of Parcel 337-RW (Right of Way Easement) from Donna D'Adamo.

The parcel represents a partial acquisition from the residential property known as 24131 Cock Robin Lane in Bonita Springs.

The negotiated purchase price of the parcel 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

**Location Map
(24131 Cock Robin Lane)**





RECEIVED
MAR 25 2005
COUNTY LANDS

March 22, 2005

*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

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

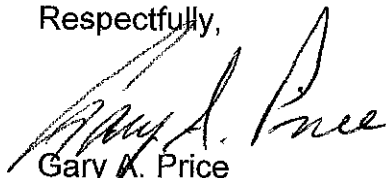
RE: Purchase Agreement – Three Oaks Parkway Extension
Project No. 4043
Parcel 337 Right-of-Way, D'Adamo

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-B2-00200.1480

Date: June 9, 2004

Parcel: 337RW

Project: Three Oaks Parkway South Extension,
Project 4043, (BSU parcels in San Carlos
Estates South to Leitner Creek Manor)To: J. Keith Gomez
Property Acquisition AgentFrom: Kenneth Pitt 
Real Estate Title Examiner

STRAP: 14-47-25-B2-00200.1480

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

Subject Property: Tract 148, 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:

Donna M. D'Adamo

By that certain instrument dated November 16, 1989, recorded November 27, 1989, in Official Record Book 2111, Page 840, Public Records of Lee County, Florida.

Easement

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 a Declaration, recorded in Official Record Book 507, Page 135, Public Records of Lee County, Florida, whereby American International Land Corporation has dedicated rights of way to the public for road and drainage purposes, but reserved the right to convey rights of way to the San Carlos Drainage District..
3. 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 2189, Page 3334, Public Records of Lee County, Florida.

Division of County Lands

Ownership and Easement Search

Search No. 14-47-25-B2-00200.1480

Date: June 9, 2004

Parcel: 337RW

Project: Three Oaks Parkway South Extension,
Project 4043, (BSU parcels in San Carlos
Estates South to Leitner Creek Manor)

Tax Status: \$816.98 paid on March 24, 2004 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. 337-RW

Three Oaks Parkway South Extension
Project No. 4043

NO SALES in PAST 5 YEARS