

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

Blue Sheet No. 20050355

1. ACTION REQUESTED/PURPOSE:

Authorize the Division of County Lands to make a binding offer to property owner in the amount of \$5,320 for Parcel 1026, Veronica S. Shoemaker Blvd. Extension, Project No. 4073, pursuant to the Purchase Agreement; authorize the Division of County Lands to handle all documentation necessary to complete transaction.

2. WHAT ACTION ACCOMPLISHES:

Authorizes binding offer to property owner.

3. MANAGEMENT RECOMMENDATION:

Management recommends Board approve the Action Requested.

4. Departmental Category: 6

C6A

5. Meeting Date: *05-31-05*

6. Agenda:

- Consent
- Administrative
- Appeals
- Public
- Walk-On

7. Requirement/Purpose: (specify)

- Statute *73 & 125*
- Ordinance
- Admin. Code
- Other

8. Request Initiated:

Commissioner _____
 Department Independent
 Division County Lands *5-12-05*
 By: Karen L.W. Forsyth, Director *KLF*

9. Background:

Negotiated for: Department of Transportation and the City of Fort Myers
Interest to Acquire: 1,000 square feet of drainage easement interest in improved property

Property Details:

Owner: Lew Edwards
Address: 3581 Veronica S. Shoemaker Blvd., Fort Myers
STRAP No.: 30-44-25-P2-00002.005B

Purchase Details:

Binding Offer Amount: \$5,320
Costs to Close: \$1,000
 The property owner has been unresponsive to Staff contact efforts. Therefore, staff recommends Board make a binding offer in the amount of \$5,320, and commence Eminent Domain procedures.

Appraisal Information:

Company: Hanson Real Estate Advisors, Inc.
Appraised Value: \$3,820

Justification: Staff is of the opinion that the purchase price increase of \$1,500 above appraised value can be justified and may entice the property owner to sell the required property voluntarily without costing the County the full expense of an Eminent Domain action.

Account: City of Fort Myers Account #310-4315-541-6100

Attachments: Purchase & Sale Agreement, In-House Title Search, Appraisal Letter, Sales History, City Engineer Approval

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.	
<i>H. Forsyth</i>				<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

Rec. by CoAtty
 Date: *5/17/05*
 Time: *2:05*

Forwarded To:
Admin
5/16/05 4:30 pm

RECEIVED BY
 COUNTY ADMIN: *[Signature]*
5/17/05
11:30 am
 COUNTY ADMIN:
 FORWARDED TO: *[Signature]*
5/18/05
11:45 am

Parcel: 1026
Project: Veronica S. Shoemaker Blvd. Extension Project 4073
STRAP No.: 30-44-25-P2-00002.005H

EASEMENT PURCHASE AGREEMENT

This Agreement made and entered into this ____ day of _____, 20 ____, by and between **LEW EDWARDS**, a single person whose address is 227 SW 33rd Street, Cape Coral, FL 33914, 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 perpetual, nonexclusive drainage utility easement located and described as set forth in Exhibit "A", attached hereto and made a part hereof by reference, for the construction and maintenance of drainage improvements.

- a) Owner will grant said easement to Purchaser for the sum of \$5,320.00; Purchaser to pay recording costs and title insurance.
- b) Owner agrees that said easement will be granted to Purchaser by execution of a perpetual easement in form and substance as provided by Purchaser.
- 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 Easement instrument by Purchaser. Purchaser will deduct from the purchase price any prepaid amount submitted for relocation of fence and gate(s).
- d) Owner agrees that Purchaser, his successors and assigns will be allowed to use said perpetual easement area as specified in the Perpetual Easement instrument.
- e) Purchaser agrees to complete construction within the easement area in a timely manner.
- f) This voluntary sale and purchase is considered by Florida law to be exempt from the payment of Documentary Stamp Taxes because this transaction was made under the threat of an eminent domain proceeding by the BUYER.

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:**

1st Witness Signature

Lew Edwards

2nd Witness Signature

ATTEST:

CHARLIE GREEN, CLERK

LEE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Chairman or Vice-Chairman

APPROVED AS TO LEGAL FORM

Office of County Attorney

30-44-25-00-00002.005B

Parcel 1026-D

January 15, 2003

DESCRIPTION**10' CONSTRUCTION & DRAINAGE EASEMENT
SECTION 30, T. 44 S., R. 25 E
LEE COUNTY, FLORIDA**

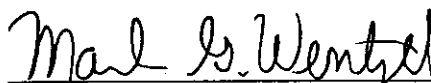
A tract or parcel of land lying in Section 30, Township 44 South, Range 25 East, Lee County, Florida, which tract or parcel is described as follows:

From the northeast corner of said Section 30 run S 01° 12' 56" E along the east line of said section for 850.00 feet to the easterly prolongation of the north line of lands as described in deed recorded in Official Record Book 2140 at Page 4779, Public Records of Lee County, Florida; thence run S 88° 48' 54" W along said prolongation for 30.00 feet to the northeast corner of said lands and the Point of Beginning.

From said Point of Beginning run S 01° 12' 56" E along the east line of said lands for 100.00 feet to the southeast corner of said lands; thence run S 88° 48' 54" W along the south line of said lands for 10.00 feet; thence run N 01° 12' 56" W for 100.00 feet to an intersection with the north line of said lands; thence run N 88° 48' 54" E along said north line for 10.00 feet to the Point of Beginning.

Containing 1,000 square feet, more or less.

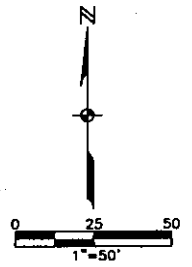
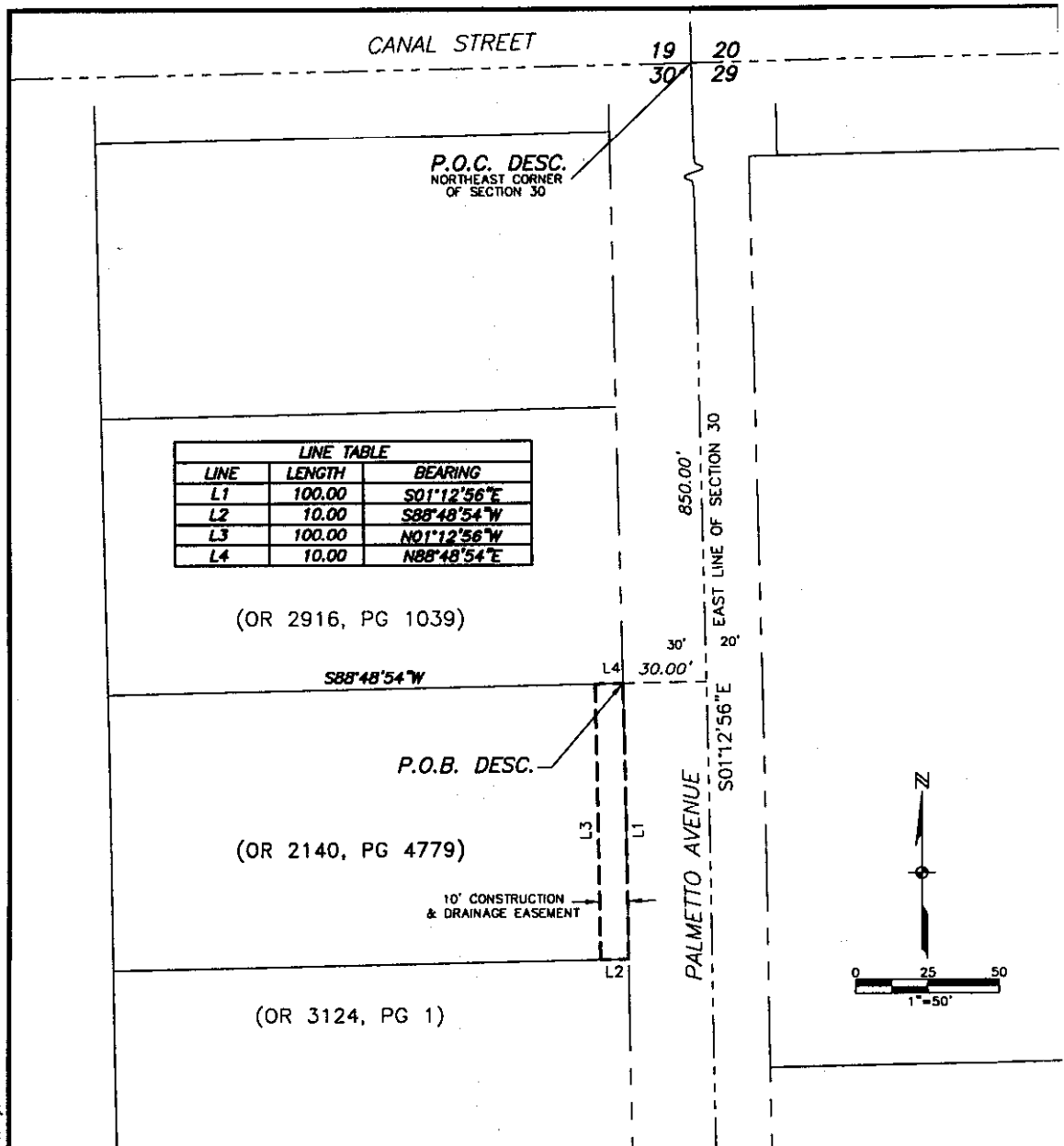
Bearings hereinabove mentioned are based on the east line of Section 30, Township 44 South, Range 25 East to bear N 01° 12' 56" W.



Mark G. Wentzel (For The Firm LB-642)
Professional Land Surveyor
Florida Certificate No. 5247

19991321/CDE5b 011503

Exhibit "A"



NOTES:

- BEARINGS ARE BASED ON THE EAST LINE OF THE NE 1/4 OF SECTION 30, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AS BEING N 01°12'56" W.
- PARCEL CONTAINS 1,000 SQUARE FEET, MORE OR LESS.

- LEGEND**
- COR. = CORNER
 - DESC. = DESCRIPTION
 - FD. = FOUND
 - L.B. = LAND SURVEYOR BUSINESS
 - MON. = MONUMENT
 - O.R. = OFFICIAL RECORD
 - P.B. = PLAT BOOK
 - PG. = PAGE
 - P.O.B. = POINT OF BEGINNING
 - P.O.C. = POINT OF COMMENCEMENT
 - R. = RANGE
 - T. = TOWNSHIP
 - S. = SECTION
 - SQ. FT. = SQUARE FEET
 - F.P.L. = FLORIDA POWER AND LIGHT

THIS IS NOT A SURVEY

Mark G. Wentzel

MARK G. WENTZEL (FOR THE FIRM--L.B.642)
PROFESSIONAL SURVEY AND MAPPER
FLORIDA CERTIFICATE NO. 5247

DATE SIGNED: 3/17/03

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

10' CONSTRUCTION & DRAINAGE EASEMENT
SECTION 30, TOWNSHIP 44 S., RANGE 25 E.
LEE COUNTY, FLORIDA

JOHNSON ENGINEERING

3501 DEL PRADO BOULEVARD
SUITE 110
CAPE CORAL, FLORIDA 33904
PHONE (941) 334-0048
FAX (941) 541-1383
E.B. #842 & L.B. #842

SKETCH TO ACCOMPANY
DESCRIPTION

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
1-3-2003	19991321	30-44-25	1"=50'	1

I:\1999\1321\Surveying\outboard\shape\escements\Esse-desc38.dwg (Layout) ALV Mar 14, 2003 - 1:18pm

Division of County Lands

Ownership and Easement Search

Search No. 30-44-25-P2-00002.005B

Date: August 4, 2004

Parcel: 1026

Project: Veronica S. Shoemaker Blvd. Ext.,
Project #4073

To: Michele S. McNeill, SRWA
Property Acquisition Agent

From: Kenneth Pitt *KMP*
Real Estate Title Examiner

STRAP: 30-44-25-P2-00002.005B

Effective Date: June 30, 2004, at 5:00 p.m.

No other charges as of 4/28/05 *[Signature]*

Subject Property: The South 100 feet of the North 950 feet of the West 183.83 feet of the East 213.83 feet of the North Half of the Northeast Quarter of Section 30, Township 44, Range 25 East, Lee County, Florida, being Lot 9 of Industrial Park, unrecorded.

Title to the subject property is vested in the following:

Lew Edwards

March 28, 2003

April 14, 2003

By that certain instrument dated ~~June 17, 1986~~, recorded ~~June 17, 1986~~, in Official Record Book 3900, Page 2413, Public Records of Lee County, Florida.

Easements:

None found of record.

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

NOTE 2) Subject to Resolution No. 83-4-5, relating to the East Lee County Sewer System, recorded in Official Record Book 1669 Page 3414, 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.

NOTE 4) No reservations found of record as to oil, gas and mineral rights for the subject property. Said rights are believed to have passed with chain of title to record owner. An oil, gas & mineral lease was given by Bryant Pearce to the Sun Oil Company, recorded June 28, 1954 in Misc. Book 36, Page 164, however it was subsequently released by an instrument recorded December 28, 1959 in Misc. Book 59, Page 56, Public Records of Lee County, Florida.

NOTE 5) Notice of Commencement recorded 1/10/2005 in O.R. 4551, page 701, Public Records of Lee County, Florida

Division of County Lands

Ownership and Easement Search

Search No. 30-44-25-P2-00002.005B

Date: August 4, 2004

Parcel: 1026

Project: Veronica S. Shoemaker Blvd. Ext.,
Project #4073

2004 TAXES PAID . NO BACK TAXES

Tax Status: \$3,546.83 Paid on 5/13/04 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.

HANSON REAL ESTATE ADVISORS, INC.

Real Estate Valuation and Counseling

March 4, 2005

Robert G. Clemens
Acquisition Program Manager
Division of County Lands
P.O. Box 398
Fort Myers, Florida 33902-0398

Re: Complete Summary Appraisal Report No. 02-03-03.1026
Project: Veronica S. Shoemaker Blvd. (No. 4073)
Parcel No: 1026
Owner: Lew Edwards
County: Lee County, Florida

Dear Mr. Clemens:

We are pleased to transmit this summary report of a complete appraisal that was prepared on the above referenced property. The purpose of this appraisal is to estimate the market value of those property rights proposed for acquisition by Lee County, Florida together with all legally compensable diminution in value to the remaining land (if any) which can be attributed to the proposed partial taking, or the uses and/or activities proposed thereon. The attached report sets forth the data, research, analyses and conclusions for this appraisal.

The report has been prepared in conformity with the *Uniform Standards of Professional Appraisal Practice (USPAP)* and the *Code of Professional Ethics and Standards of Professional Appraisal Practice* of the Appraisal Institute. Our opinion of market value is premised upon the Assumptions and Limiting Conditions contained within this report. The definition of market value is in Addendum B.

The parent tract, containing 18,383 square feet of gross land area, is located along the west side of Veronica S. Shoemaker Boulevard approximately 360 feet north of Hanson Street in the Fort Myers market area of Lee County, Florida. The property is rectangular shaped with a west edge measuring 100.00 feet, a southerly edge which measures 183.83 feet, a north edge which measures 183.83 feet and an east edge measuring 100.00 feet along the westerly right-of-way of Veronica S. Shoemaker Boulevard. The property is zoned IL, Light Industrial and is designated Industrial Development on the Lee County Comprehensive Plan Future Land Use Map. The appraisers have estimated the highest and best use of the property "as vacant" for potential future light industrial development.

The parent tract is improved with two one story CBS warehouse buildings. The Lee County Property Appraiser's records indicate they contain a total of 9,051 square feet of enclosed area and were built in 1969 and 1970. The highest and best use "as improved" is for continued utilization of its warehouse buildings. The parent tract value is exclusive of the improvements that are outside the proposed acquisition area that are considered to be unaffected by the taking.

Robert G. Clemens

March 4, 2005

Page 2

The partial acquisition area identified as Parcel 1026 (Drainage Easement) contains 1,000 square feet. This proposed acquisition area is for a perpetual storm water drainage easement. This easement area may be used for landscaping (except trees), walkway, and drainage or similar uses. No structures such as sheds, carports, garages, or other buildings can be constructed within the easement area. It is located along the proposed westerly right-of-way of Veronica S. Shoemaker Boulevard and has a width of 10.00 feet along its north and south side and a depth of 100.00 feet along its east and west side. Improvements located within this partial acquisition area include chain link fencing with a sliding gate and a portion of the asphalt paved driveway.

The remainder property, contains 18,383 square feet inclusive of Parcel 1026 (Drainage Easement) area. Since the proposed acquisition is a perpetual drainage easement, the quantity of land will not change. The highest and best use is not expected to change as a result of the partial acquisition. The highest and best use remains unchanged with "as vacant" for potential future light industrial development and "as improved" for continued utilization of its warehouse buildings.

By reason of our investigation and analysis, data contained in this report and our experience in the real estate appraisal business, it is our opinion that the amount due the owner (as a result of the proposed partial acquisitions), as of March 4, 2005, is:

Value of Property Rights Taken:

Parcels 1026 (Drainage Easement):	\$1,000	
Sub Total (Property Rights Taken):		\$1,000

Value of Improvements Taken:		2,620
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Incurable Severance Damages:		-0-
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Net Cost to Cure:		<u>200</u>
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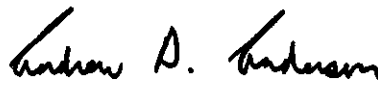
TOTAL AMOUNT DUE OWNER:		\$3,820
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If you have any questions or comments, please contact the undersigned. Thank you for the opportunity to be of service.

Respectfully submitted,



Woodward S. Hanson, MAI, CRE, CCIM
St. Cert. Gen. REA RZ 1003



Andrew D. Anderson
Registered Appraiser Trainee RI 14189

5-Year Sales History

Parcel No. 1026

Veronica S. Shoemaker Blvd. Extension Project,
No. 4073

Grantor	Grantee	Price	Date	Arms Length Y/N
Tom Wadzuk, Individually and Trustee	Lew Edwards	\$169,000	3/28/2003	Y

NOTE: Sale(s) relate to "parent tract" of the subject parcel.



BOARD OF COUNTY COMMISSIONERS

239.479.8300
Writer's Direct Dial Number: 239.479.8391 FAX

Bob Jones
District One

VIA FAX TO 332-8604

Douglas R. St. Cery
District Two

May 11, 2005

Ray Judah
District Three

Tammy Hill
District Four

John E. Alban
District Five

Donald D. Stewart
County Manager

Diane M. Parker
County Hearing
Examiner

Saeed Kazemi, P.E. City Engineer
City of Fort Myers
P.O. Box 2217
Fort Myers, FL 33902-2217

RE: PARCEL 1026, VERONICA S. SHOEMAKER BLVD. EXTENSION PROJECT
Request for review and sign-off on acquisition proposal

Dear Saeed:

The appraisal for Parcel 1026 has been reviewed and approved by County Staff and we are preparing to request Board approval to make a binding offer. Below is the relevant data for this parcel. Please review and approve on behalf of the City as well as confirm that funds are available. Thank you.

Sincerely,

Michele S. McNeill, SR/WA
Property Acquisition Agent

Parcel 1026
Property Owner: Lew Edwards
Appraiser: Hanson Real Estate Advisors, Inc. (W.S. Hanson, MAI, CCIM, CRE)
Appraisal Date: 3/4/2005
Appraised Amount: \$3,820
Binding Offer Amount: \$5,320

Binding Offer Approved:

Funds are available in account:

Saeed Kazemi, P.E.
City Engineer, City of Fort Myers

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P.O. Box 398, Fort Myers, Florida 33902-0398 (239) 335-2111
Internet address <http://www.lee-county.com>
AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER