

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

Blue Sheet No. 20050667

1. ACTION REQUESTED/PURPOSE:

Authorize the Division of County Lands to make a binding offer to property owner in the amount of \$8,900 for Parcel 1029 & 1031, 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

CGL

5. Meeting Date:

05-31-2005

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 *KW*

9. Background:

Negotiated for: Department of Transportation and the City of Fort Myers
Interest to Acquire: 2,000 square feet of drainage easement interest in improved property

Property Details:

Owner: Thomas E. McLean and Patricia McLean
Address: 3569/3577 Veronica S. Shoemaker Blvd., Fort Myers
STRAP No.: 30-44-25-P2-00002.005F and .005I

Purchase Details:

Binding Offer Amount: \$8,900
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 \$8,900, and commence Eminent Domain procedures.

Appraisal Information:

Company: Hanson Real Estate Advisors, Inc.
Appraised Value: \$7,400

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>K. 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: *11:30 AM*

Forwarded To:
[Signature]
5/16/05 4:30 PM

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

Parcel: 1029 and 1031
Project: Veronica S. Shoemaker Blvd. Extension Project 4073
STRAP No.: 30-44-25-P2-00002.005F and .005I

EASEMENT PURCHASE AGREEMENT

This Agreement made and entered into this ____ day of _____, 20 ____, by and between **THOMAS E. MCLEAN and PATRICIA MCLEAN** whose address is 15600 Wendy Lane, Fort Myers, FL 33905, 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 \$8,900.00; 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

Thomas E. McLean

2nd Witness Signature

1st Witness Signature

Patricia McLean

2nd Witness Signature

ATTEST:

LEE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

CHARLIE GREEN, CLERK

By: _____
Deputy Clerk

By: _____
Chairman or Vice-Chairman

APPROVED AS TO LEGAL FORM

Office of County Attorney

30-44-25-00-00002.005F

Parcel 1029-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 650.00 feet to the easterly prolongation of the north line of lands as described in deed recorded in Official Record Book 2916 at Page 1039, 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

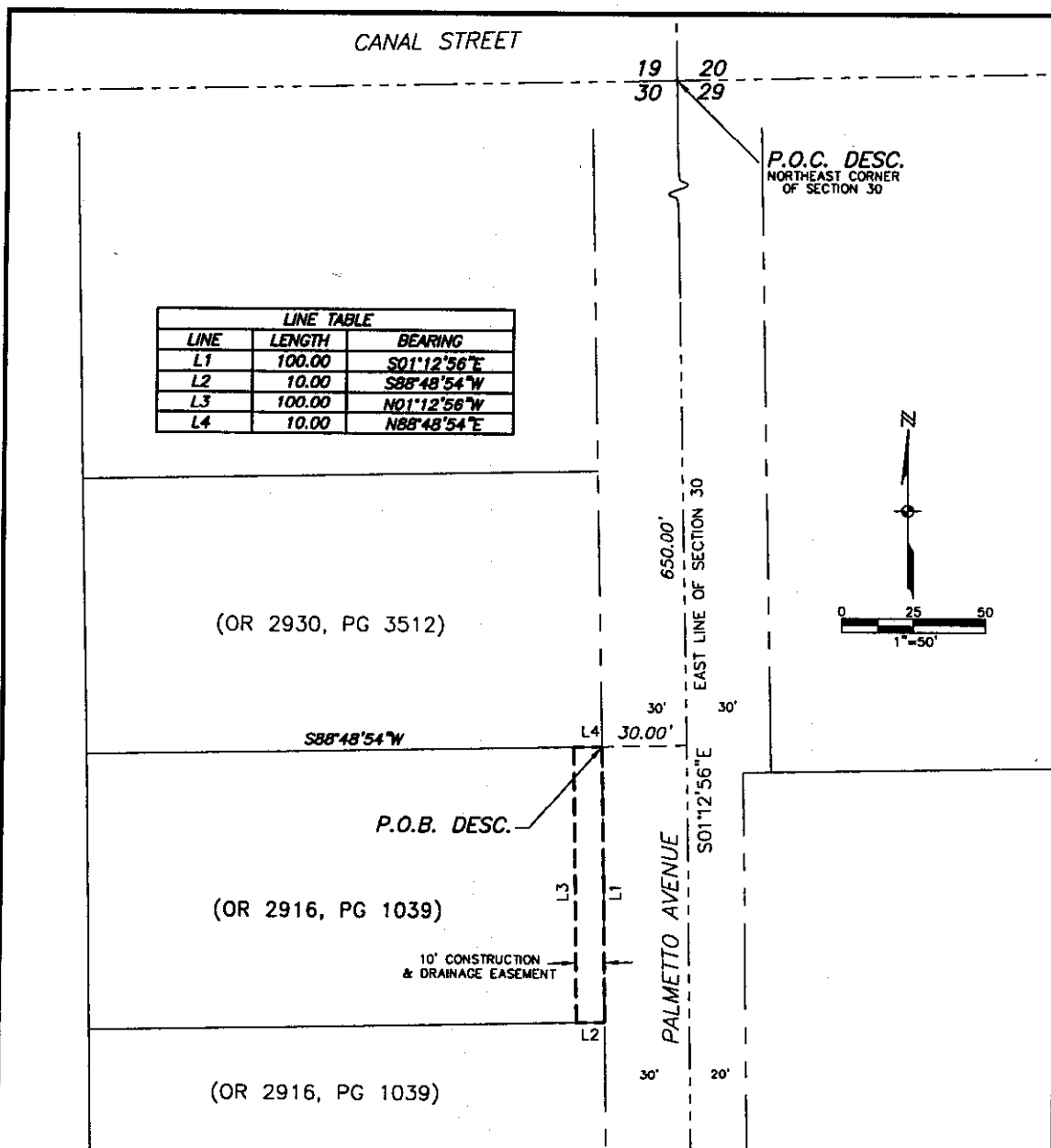
Mark G. Wentzel (For The Firm LB-642)

Professional Land Surveyor

Florida Certificate No. 5247

19991321/CDE5f011503

Page 1 of 4



LINE TABLE		
LINE	LENGTH	BEARING
L1	100.00	S01°12'56"E
L2	10.00	S88°48'54"W
L3	100.00	N01°12'56"W
L4	10.00	N88°48'54"E

(OR 2930, PG 3512)

(OR 2916, PG 1039)

(OR 2916, PG 1039)

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 SURVEYOR 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

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30-44-25-00-0000Z-0051

Parcel 1031-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 750.00 feet to the easterly prolongation of the north line of lands as described in deed recorded in Official Record Book 2916 at Page 1039, 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.

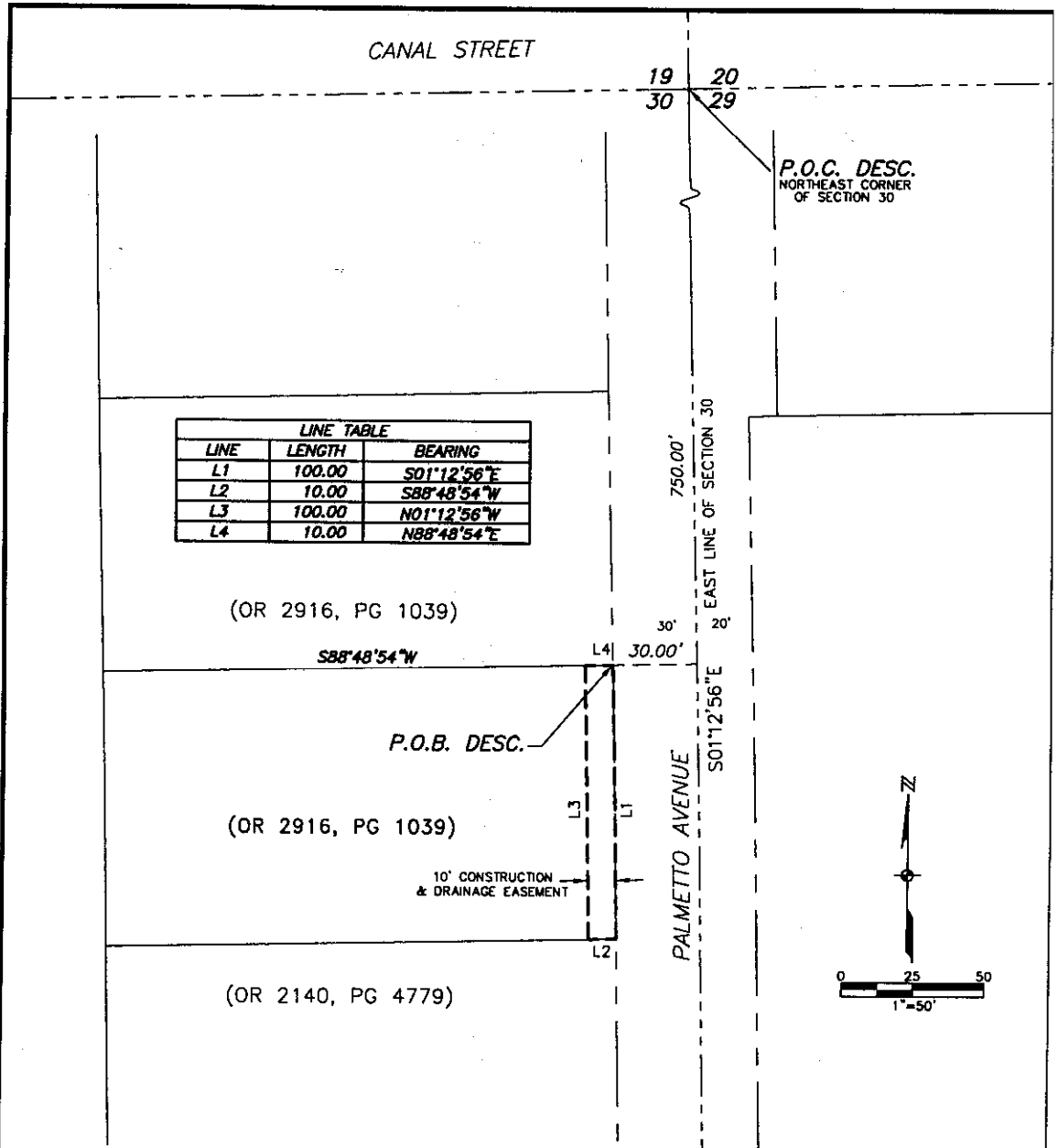
Bearings hereinabove mentioned are based on the east line of Section 30, Township 44 South, Range 25 East to bear N 01° 12' 56" W.

Mark G. Wentzel

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

19991321/CDE5i 011503

Page 3 of 4



NOTES:

- 1. 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.
- 2. 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
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 - 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 SURVEYOR 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



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

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Division of County Lands

Ownership and Easement Search

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

Date: August 5, 2004

Parcel: 1029


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

To: Michele S. McNeill, SR/WA
Property Acquisition Agent

From: Kenneth Pitt 
Real Estate Title Examiner

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

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

No other changes as of 4/28/2005 

Subject Property: The South 100 feet of the North 750 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, also known as Lot 7, Southside Industrial Park, unrecorded.

Title to the subject property is vested in the following:

Thomas E. McLean and Patricia McLean, Husband and Wife

By that certain instrument dated January 29, 1998, recorded February 2, 1998, in Official Record Book 2916, Page 1039, 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.

Division of County Lands

Ownership and Easement Search

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

Date: August 5, 2004

Parcel: 1029

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

2004 TAXES PAID. No Back Taxes.

Tax Status: \$1,937.38 Paid on 1/21/04 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.

Division of County Lands

Ownership and Easement Search

Search No. 30-44-25-P2-00002.0051

Date: August 5, 2004

Parcel: 1031

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


To: Michele S. McNeill, SRWA
Property Acquisition Agent

From: Kenneth Pitt
Real Estate Title Examiner

16 mo p

STRAP: 30-44-25-P2-00002.0051

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

No other changes as of 4/28/05 

Subject Property: The South 100 feet of the North 850 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, also known as Lot 8, Southside Industrial Park, unrecorded.

Title to the subject property is vested in the following:

Thomas E. McLean and Patricia McLean, Husband and Wife

By that certain instrument dated January 29, 1998, recorded February 2, 1998, in Official Record Book 2916, Page 1039, Public Records of Lee County, Florida.

Easements:

None found of record.

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

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Division of County Lands

Ownership and Easement Search

Search No. 30-44-25-P2-00002.0051

Date: August 5, 2004

Parcel: 1031

Project: Veronica S. Shoemaker Blvd. Ext.,

Project #4073

2004 TAXES PAID. NO BACK TAXES DUE.

Tax Status: \$505.64 Paid on 1/30/04 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

April 20, 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. 02-03-03.1029&1031
Project: Veronica S. Shoemaker Blvd. (No. 4073)
Parcel Nos.: 1029 & 1031
Owner: Thomas E. McLean and Patricia McLean
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 approximately 36,766 square feet of gross land area, is located along the west side of Veronica S. Shoemaker Boulevard approximately 460 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 200.00 feet, a southerly edge which measures 183.83 feet, a north edge which measures 183.83 feet and an east edge measuring 200.00 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 a one story metal framed industrial warehouse building that contains a 600 square foot office along with one 10x10 overhead doors. The Lee County Property Appraiser's record indicates it contains a total of 3,710 square feet of enclosed area and was built in 1974. The highest and best use "as improved" is for continued utilization of the existing industrial warehouse building. 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.

One partial acquisition area identified as Parcel 1029 (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 depth from Veronica S. Shoemaker Boulevard of 10.00 feet along its north and south side and measures 100.00 feet along its east and west side. Improvements located within this partial acquisition area include chain link fencing with two sliding gates and a portion of the asphalt paved driveway.

Another partial acquisition area identified as Parcel 1031 (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 depth from Veronica S. Shoemaker Boulevard of 10.00 feet along its north and south side and a width of 100.00 feet along its east and west side. Improvements located within this partial acquisition area include chain link fencing with two sliding gates and a portion of the asphalt paved driveway.

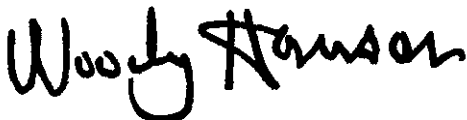
The remainder property, contains 36,766 square feet inclusive of Parcels 1029 and 1031 (Drainage Easement) areas. Since the proposed acquisition is a perpetual drainage easement, the quantity of land will not change. The highest and best use is not expected to change as a result of the partial acquisition. The highest and best use remains unchanged with "as vacant" for potential future light industrial development and "as improved" for continued utilization of its existing industrial warehouse building.

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 April 20, 2005, is:

Value of Property Rights Taken:	
Parcel 1029 (Drainage Easement):	\$1,000
Parcel 1031 (Drainage Easement):	<u>1,000</u>
Sub Total (Property Rights Taken):	\$2,000
Value of Improvements Taken:	4,000
Incurable Severance Damages:	-0-
Net Cost to Cure:	<u>1,400</u>
TOTAL AMOUNT DUE OWNER:	\$7,400

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. 1029 and 1031

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

NO SALES in PAST 5 YEARS

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



BOARD OF COUNTY COMMISSIONERS

239.479.8505
239.479.8391 FAX
Writer's Direct Dial Number: _____

Bob James
District One

VIA FAX TO 332-6604

Douglas R. St. Camy
District Two

May 11, 2005

Ray Judah
District Three

Tommy Hall
District Four

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

John E. Albion
District Five

P.O. Box 2217
Fort Myers, FL 33902-2217

Donald D. Stillwell
County Manager

RE: **PARCEL 1029 AND 1031, VERONICA S. SHOEMAKER BLVD. EXTENSION PROJECT**
Request for review and sign-off on acquisition proposal

Diana M. Parker
County Hearing
Examiner

Dear Saeed:

The appraisal for Parcel 1029 and 1031 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 1029 and 1031

Property Owner: Thomas E. McLean and Patricia McLean
Appraiser: Hanson Real Estate Advisors, Inc. (W.S. Hanson, MAI, CCIM, CRE)
Appraisal Date: 4/20/2005
Appraised Amount: \$7,400
Binding Offer Amount: \$8,900

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