

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

**Blue Sheet No. 20050668**

**1. ACTION REQUESTED/PURPOSE:**

Authorize the Division of County Lands to make a binding offer to property owner in the amount of \$7,400 for Parcel 1028, 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 *CGM*

**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 *KLF*

**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:** Philip J. Schwartz and Barbara K. Schwartz  
**Address:** 3531 Veronica S. Shoemaker Blvd., Fort Myers  
**STRAP No.:** 30-44-25-P2-00002.005E

**Purchase Details:**

**Binding Offer Amount:** \$7,400  
**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 \$7,400, and commence Eminent Domain procedures.

**Appraisal Information:**

**Company:** Hanson Real Estate Advisors, Inc.  
**Appraised Value:** \$5,900

**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>5/17/05</i>	<i>5/17/05</i>	<i>5/17/05</i>	<i>5/18/05</i>	<i>AS 5/18/05</i>

**11. Commission Action:**

Approved  
 Deferred  
 Denied  
 Other

Rec. by CoAtty  
 Date: *5/17/05*  
 Time: *2:00*  
 Forwarded To: *[Signature]*

RECEIVED BY  
 COUNTY ADMIN: *[Signature]*  
*5/17/05*  
 11:30 am  
 COUNTY ADMIN  
 FORWARDED TO: *[Signature]*  
*5/18/05*  
 11:48 AM

Parcel: 1028  
Project: Veronica S. Shoemaker Blvd. Extension Project 4073  
STRAP No.: 30-44-25-P2-00002.005E

**EASEMENT PURCHASE AGREEMENT**

This Agreement made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, by and between **PHILIP J. SCHWARTZ and BARBARA K. SCHWARTZ** whose address is 9847 Weatherstone Place, Fort Myers, FL 33913, 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 \$7,400.00; 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

\_\_\_\_\_  
Philip J. Schwartz

\_\_\_\_\_  
2nd Witness Signature

\_\_\_\_\_  
1st Witness Signature

\_\_\_\_\_  
Barbara K. Schwartz

\_\_\_\_\_  
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

FO-44-25-00-00002 .005E

Parcel 1028-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 150.00 feet to the easterly prolongation of the north line of lands as described in deed recorded in Official Record Book 2150 at Page 2117, 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 200.00 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 200.00 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 2,000 square feet, more or less.

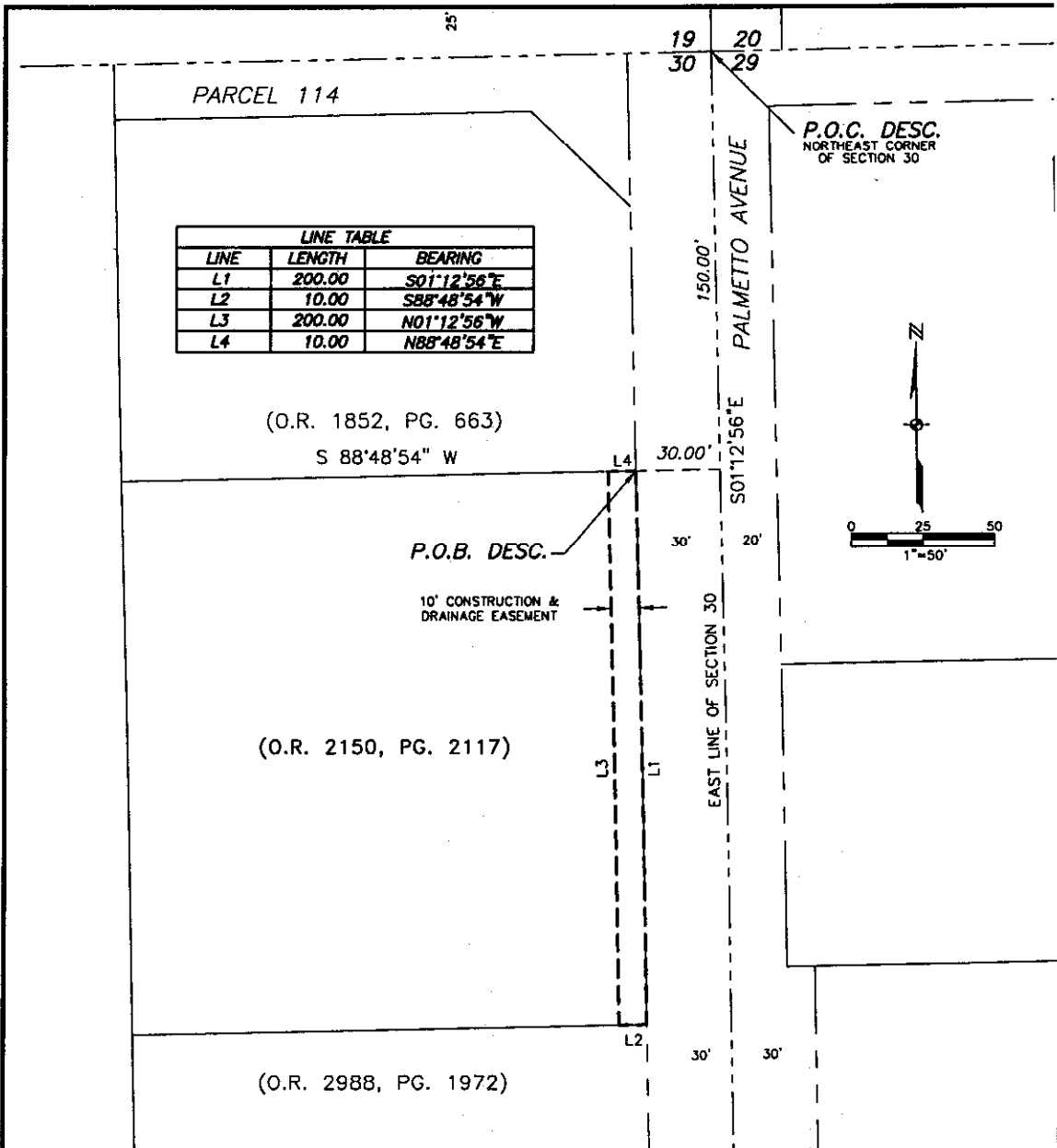
Bearings hereinabove mentioned are based on the east line of Section 30, Township 44 South, Range 25 East to bear N 01° 12' 56" W.

*Mark G. Wentzel*

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

19991321/CDESE 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 2,000 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) 334-0046  
FAX (941) 541-1383  
E.B. #642 & L.B. #642

SKETCH TO ACCOMPANY DESCRIPTION

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

S:\1999\1321\Surveying\out\maps\comments\Error-descE.dwg (Layout1) ALV Mar 14, 2003 - 2:04pm

**Division of County Lands**

**Ownership and Easement Search**

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

Date: August 5, 2004

Parcel: 1028

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-P2-00002.005E

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

*No other changes as of 4/28/05* *SS*

**Subject Property:** The South 200 feet of the North 350 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 Lots 2 & 3, Southside Industrial Park, unrecorded.

Title to the subject property is vested in the following:

**Philip J. Schwartz and Barbara K. Schwartz, Husband and Wife**

By that certain instrument dated May 7, 1990, recorded May 21, 1990, in Official Record Book 2150, Page 2117, 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-P2-00002.005E

Date: August 5, 2004

Parcel: 1028

Project: Veronica S. Shoemaker Blvd. Ext.,

Project #4073

2004 TAXES PAID No BACK TAXES Due

**Tax Status: \$3,604.02** Paid on 11/30/03 for Tax Year 2003. Certificated were issued for Tax Years 2001 and 2002, for non-payment of taxes.

*(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 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. 02-03-03.1028  
Project: Veronica S. Shoemaker Blvd. (No. 4073)  
Parcel No: 1028  
Owner: Phillip J. Schwartz and Barbara K. Schwartz  
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 160 feet south of Canal 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 CBS industrial warehouse building that contains a 300 square foot office along with three 10x10 overhead doors. The Lee County Property Appraiser's record indicates it contains a total of 6,660 square feet of enclosed area and was built in 1977. 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.

Robert G. Clemens

April 4, 2005

Page 2

The partial acquisition area identified as Parcel 1028 (Drainage Easement) contains 2,000 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 200.00 feet along its east and west side. Improvements located within this partial acquisition area include chain link fencing along with a sliding gate.

The remainder property, contains 36,766 square feet inclusive of Parcel 1028 (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 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 3, 2005, is:

Value of Property Rights Taken:

Parcel 1028 (Drainage Easement): \$1,900

Value of Improvements Taken: 2,900

Incurable Severance Damages: -0-

Net Cost to Cure: 1,100

**TOTAL AMOUNT DUE OWNER: \$5,900**

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. Cer. Gen. BEA RZ 1003



Andrew D. Anderson  
Registered Appraiser Trainee RI 14189



# 5-Year Sales History

Parcel No. 1028

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**

Writer's Direct Dial Number: 239.478.6506  
239.478.8391 FAX

Bob James  
District One

**VIA FAX TO 332-6604**

Douglas R. St. Comy  
District Two

**May 11, 2005**

Ray Judah  
District Three

Tammy 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 1028, 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 1028 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 1028**  
**Property Owner: Phillip J. Schwartz and Barbara K Swartz**  
**Appraiser: Hanson Real Estate Advisors, Inc. (W.S. Hanson, MAI, CCIM, CRE)**  
**Appraisal Date: 4/3/2005**  
**Appraised Amount: \$5,900**  
**Binding Offer Amount: \$7,400**

**Binding Offer Approved:** **Funds are available in account:**