

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

**Blue Sheet No. 20050669**

**1. ACTION REQUESTED/PURPOSE:**

Authorize the Division of County Lands to make a binding offer to property owner in the amount of \$8,300 for Parcel 1027, 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 C6N **5. Meeting Date:** 05-31-2005

<b>6. Agenda:</b>	<b>7. Requirement/Purpose: (specify)</b>
<input checked="" type="checkbox"/> <b>Consent</b>	<input checked="" type="checkbox"/> <b>Statute</b> <u>73 &amp; 125</u>
<input type="checkbox"/> <b>Administrative</b>	<input type="checkbox"/> <b>Ordinance</b>
<input type="checkbox"/> <b>Appeals</b>	<input type="checkbox"/> <b>Admin. Code</b>
<input type="checkbox"/> <b>Public</b>	<input type="checkbox"/> <b>Other</b>
<input type="checkbox"/> <b>Walk-On</b>	

**8. Request Initiated:**  
**Commissioner** \_\_\_\_\_  
**Department** Independent  
**Division** County Lands 5-12-05  
**By:** Karen L.W. Forsyth, Director KWF

**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:** Capital Properties Group, Inc.  
**Address:** 3557 Veronica S. Shoemaker Blvd., Fort Myers  
**STRAP No.:** 30-44-25-P2-00002.005D

**Purchase Details:**

**Binding Offer Amount:** \$8,300  
**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 \$8,300, and commence Eminent Domain procedures.

**Appraisal Information:**

**Company:** Hanson Real Estate Advisors, Inc.  
**Appraised Value:** \$6,800  
**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.	
<u>K. Forsyth</u>				<u>[Signature]</u>	<u>5/17/05</u>	<u>5/17/05</u>	<u>5/17/05</u>	<u>5/17/05</u>	<u>[Signature]</u>

**11. Commission Action:**

- Approved**
- Deferred**
- Denied**
- Other**

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

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

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

Parcel: 1027  
Project: Veronica S. Shoemaker Blvd. Extension Project 4073  
STRAP No.: 30-44-25-P2-00002.005D

**EASEMENT PURCHASE AGREEMENT**

This Agreement made and entered into this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, by and between **CAPTIAL PROPERTIES GROUP, INC.** whose address is 3364 Cleveland Avenue, Fort Myers, FL 33901, 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 \$8,300.00; 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:**

**Capital Properties Group, Inc. a Florida Corporation**

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

\_\_\_\_\_  
Kenneth Rager, President

\_\_\_\_\_  
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, 005D

Parcel 1027-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 350.00 feet to the easterly prolongation of the north line of lands as described in deed recorded in Official Record Book 2988 at Page 1972, 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.

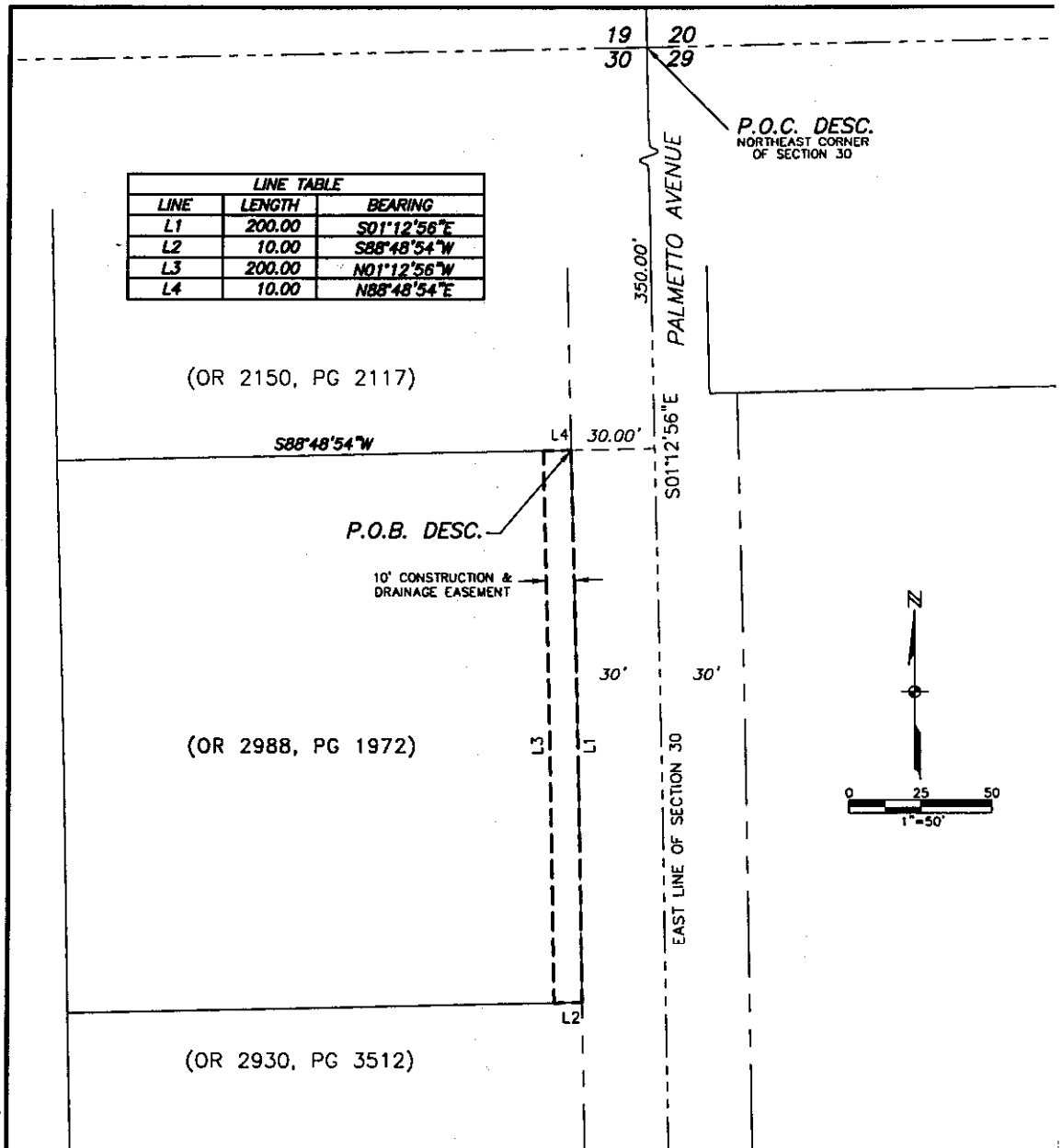
Bearings hereinabove mentioned are based on the east line of Section 30, Township 44 South, Range 25 East to bear N 01° 12' 56" W.

*Mark G. Wentzel*

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

19991321/cde5d

# Exhibit "A"



LINE TABLE		
LINE	LENGTH	BEARING
L1	200.00	S01°12'56"E
L2	10.00	S88°48'54"W
L3	200.00	N01°12'56"W
L4	10.00	N88°48'54"E

(OR 2150, PG 2117)

S88°48'54"W

P.O.B. DESC.

10' CONSTRUCTION & DRAINAGE EASEMENT

(OR 2988, PG 1972)

(OR 2930, PG 3512)

**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.

**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.

- 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

**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:\19991321\Surveying\outdoor\alope easements\Eas-desc-50.dwg (Layout) ALV Mar 14, 2003 - 1:59pm

**Division of County Lands**

**Ownership and Easement Search**

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

Date: August 5, 2004

Parcel: 1027

Project: Veronica S. Shoemaker Blvd. Ext.,

Project #4073

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

From: Kenneth Pitt *Kmp*  
Real Estate Title Examiner

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

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

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

**Subject Property:** The South 200 feet of the North 550 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 4 & 5, Southside Industrial Park, unrecorded.

Title to the subject property is vested in the following:

**Capital Properties Group, Inc., (a Florida Corporation)**

By that certain instrument dated July 14, 1998, recorded July 20, 1998, in Official Record Book 2988, Page 1972, Public Records of Lee County, Florida.

**Easements:**

None found of record.

NOTE 1) Subject to a Mortgage Deed in the original sum of \$90,000.00, between Syndicated Capital Management Group, Inc., (mortgagors) and O.M.Mullinax and Marie P. Mullinax (mortgagees), recorded in Official Record Book 1917 Page 3977, Public Records of Lee County, Florida Said Mortgage was later modified by agreement and recorded in Official Record Book 2918 Page 3705, and later Assigned by that certain instrument recorded in Official Record Book 4296 Page 1107, Public Records of Lee County, Florida.

NOTE 2) Subject to a Mortgage Deed in the original sum of \$50,000.00, between Syndicated Capital Management Group, Inc., (mortgagors) and First National Bank of Southwest Florida (mortgagees), recorded in Official Record Book 2645 Page 3099, Public Records of Lee County, Florida.

NOTE 3) Subject to a Mortgage Deed in the original sum of \$250,000.00, between Capital Properties Group, Inc., (mortgagor) and Lawrence P. O'Reilly (mortgagee), recorded in Official Record Book 3556 Page 4645, Public Records of Lee County, Florida.

NOTE 4) 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.

**Division of County Lands****Ownership and Easement Search**

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

Date: August 5, 2004

Parcel: 1027

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

NOTE 5) 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 6) 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 7) Subject to a deficient Satisfaction of Judgment, said satisfaction was recorded in Official Record Book 3680 Page 1468 and refers to a judgment recorded in Official Record Book 348 Page 1468. The actual Judgment was first recorded in Official Record Book 3438 Page 1648 and re-recorded in Official Record Book 3448 Page 539, an Amended Final Judgment was recorded in Official Record Book 3467 Page 424 and re-recorded in Official Record Book 3468 Page 306, Public Record of Lee County, Florida. A Corrected Satisfaction should be obtained.

NOTE 8) Subject to a Judgment vs. Capital Properties Group in the sum of \$494.74, recorded in Official Record Book 3720 Page 465; Public Records of Lee County, Florida.

**2004 TAXES PAID. NO BACK TAXES.**

**Tax Status: \$3,913.78** 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. 02-03-03.1027  
Project: Veronica S. Shoemaker Blvd. (No. 4073)  
Parcel No: 1027  
Owner: Capital Properties Group Inc.  
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 400 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 3 - one story CBS personal storage warehouse buildings. The Lee County Property Appraiser's records indicate they contain a total of 11,970 square feet of enclosed area and were built in 1974. 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.

The partial acquisition area identified as Parcel 1027 (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 with two swinging gates, a mailbox and a portion of the asphalt paved driveway.

The remainder property, contains 36,766 square feet inclusive of Parcel 1027 (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 April 3, 2005, is:

Value of Property Rights Taken:	
Parcel 1027 (Drainage Easement):	\$1,900
Value of Improvements Taken:	3,700
Incurable Severance Damages:	-0-
Net Cost to Cure:	<u>1,200</u>
<b>TOTAL AMOUNT DUE OWNER:</b>	<b>\$6,800</b>

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. 1027

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.**

**LEE COUNTY**  
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

239.478.8505  
239.478.8391 FAX  
Writer's Direct Dial Number

Bob James  
District One

VIA FAX TO 332-8604

Douglas R. St. Cery  
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. Skivwell  
County Manager

RE: PARCEL 1027, 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 1027 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 1027  
Property Owner: Capital Properties Group, Inc.  
Appraiser: Hanson Real Estate Advisors, Inc. (W.S. Hanson, MAI, CCIM, CRE)  
Appraisal Date: 4/3/2005  
Appraised Amount: \$6,800  
Binding Offer Amount: \$8,300

Binding Offer Approved:

Funds are available in account:

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