

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

Blue Sheet No. 20050694

**1. ACTION REQUESTED/PURPOSE:**

Authorize the Division of County Lands to make a binding offer to property owner in the amount of \$1,500 for Parcel 1012, 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

*C6B*

**5. Meeting Date:** *06-21-2005*

**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  
 By: Karen L.W. Forsyth, Director

**9. Background:**

**Negotiated for:** Department of Transportation and the City of Fort Myers  
**Interest to Acquire:** 1,047 square feet of drainage easement interest in improved property

**Property Details:**

**Owner:** Estate of Richard Parham, deceased  
**Address:** 3735 Edison Avenue  
**STRAP No.:** 20-44-25-P1-00002.0020

**Purchase Details:**

**Binding Offer Amount:** \$1,500  
**Costs to Close:** \$300

In order to expedite acquisition efforts, staff recommends Board make a binding offer in the amount of \$1,500 and commence Eminent Domain procedures.

**Appraisal Information:**

**Company:** Hanson Real Estate Advisors, Inc.  
**Appraised Value:** \$1,000

**Justification:** Staff is of the opinion that the purchase price increase of \$500 above appraised value may entice the property owner to sell the required property without the full expense of an Eminent Domain Action and can be justified considering costs associated with condemnation proceedings, estimated between \$1,000 and \$2,500 excluding land value increase and attorney fees.

**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>Attorney</i>	<i>6/6/05</i>	<i>6/6/05</i>	<i>6/6/05</i>	<i>6/6/05</i>	<i>[Signature]</i>

**11. Commission Action:**

- Approved
- Deferred
- Denied
- Other

Rec. by CoAtty  
 Date:  
 Time:  
 Forwarded To:

RECEIVED BY  
 COUNTY ADMIN: *[Signature]*  
 6-3-05  
 11:30  
 COUNTY ADMIN  
 FORWARDED TO: *[Signature]*  
 6/9/05  
 SPN

Parcel: 1012  
Project: Veronica S. Shoemaker Blvd. Extension Project 4073  
STRAP No.: 20-44-25-P1-00002.0020

### EASEMENT PURCHASE AGREEMENT

This Agreement made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, by and between **Jackie Parham, Personal Representative of the Estate of Richard B. Parham, deceased** whose address is 12191 McGregor Boulevard, Fort Myers, FL 33919, 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 \$1,500.00; 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.
- 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

\_\_\_\_\_  
Jackie Parham, Personal Representative  
Estate of Richard B. Parham, deceased

\_\_\_\_\_  
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

20-44-25-00-00002.0020

1012

February 11, 2003

DESCRIPTION

**20' DRAINAGE EASEMENT  
PARCEL IN  
SECTION 20, TOWNSHIP 44 SOUTH, RANGE 25 EAST**

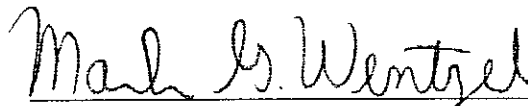
A tract or parcel of land lying in Section 20, Township 44 South, Range 25 East, Lee County, Florida, which tract or parcel is described as follows:

From the northwest corner of lands as described in deed recorded in Official Record Book 2070 at Page 1972, Public records of Lee County, Florida run N 88° 44' 26" E along the north line of said lands for 13.80 feet to the Point of Beginning.

From said Point Of Beginning continue N 88° 44' 26" E along said north line for 21.40 feet; thence run S 19° 33' 31" W for 40.68 feet; thence run S 46° 08' 30" W for 29.79 feet to an intersection with the west line of said lands; thence run N 00° 05' 25" W along said west line for 27.70 feet; thence run N 46° 08' 30" E for 5.91 feet; thence run N 19° 33' 31" E for 28.35 feet to an intersection with the north line of said lands and the Point of Beginning.

Containing 1,047 square feet, more or less.

Bearings hereinabove mentioned are based on the south line of the Northwest Quarter (NW1/4) of Section 20, Township 44 south, Range 25 East to bear N 88° 44' 26" W.

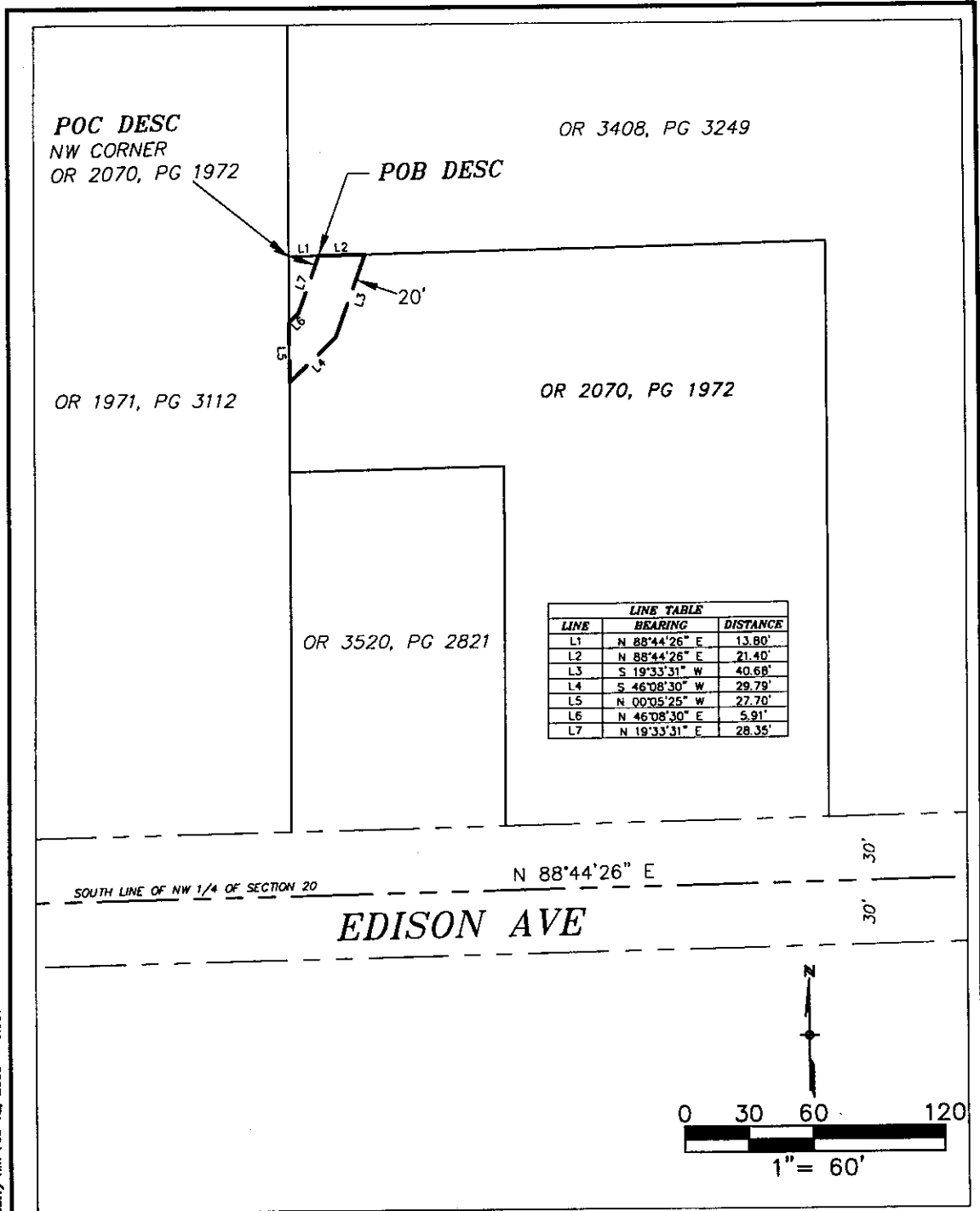


Mark G. Wentzel (For the Firm CB-642)

Professional Surveyor and Mapper

Florida Certificate No. 5247

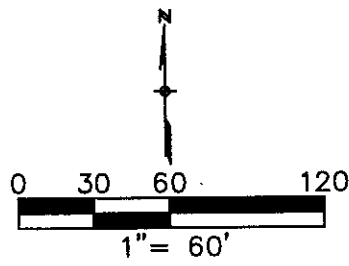
# Exhibit "A"



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 88°44'26" E	13.80'
L2	N 88°44'26" E	21.40'
L3	S 19°33'31" W	40.68'
L4	S 46°08'30" W	29.79'
L5	N 00°05'25" W	27.70'
L6	N 46°08'30" E	5.91'
L7	N 19°33'31" E	28.35'

SOUTH LINE OF NW 1/4 OF SECTION 20 N 88°44'26" E 30'

EDISON AVE 30'



**NOTES:**

1. SUBJECT TO ALL EASEMENTS, RESERVATIONS, RESTRICTIONS AND RIGHTS OF WAY OF RECORD.
2. BEARINGS ARE BASED ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY FLORIDA TO BEAR N 88°44'26"E.
3. PARCEL CONTAINS 1,047 SQUARE FEET, MORE OR LESS.

**LEGEND**

- O.R. = OFFICIAL RECORD
- P.B. = PLAT BOOK
- PG. = PAGE
- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCEMENT
- DESC. = DESCRIPTION

**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: 2/18/03  
 NOT VALID WITHOUT THE SIGNATURE AND  
 THE ORIGINAL RAISED SEAL OF FLORIDA  
 LICENSED SURVEYOR AND MAPPER.

**DRAINAGE EASEMENT  
 PARCEL IN  
 SECTION 20, TWP. 44 S., RGE. 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. #642 & L.B. #642

SKETCH TO ACCOMPANY  
 DESCRIPTION

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
1/30/03	19991321	20-44-25	1" = 60'	1 of 1

S:\19991321\Surveying\entocod\assessm\sketches\entocod2-frank3.dwg (Layout1) rfm Feb 12, 2003 - 9:55am

**Division of County Lands**

**Ownership and Easement Search**

Search No. 22447  
Date: May 5, 2003  
Parcel: 1012 DE  
Project: Palmetto Extension Project #4073

To: Michele S. McNeill, SRWA  
Property Acquisition Agent

From: Kenneth Pitt  
Real Estate Title Examiner

STRAP: 20-44-25-00-00002.0020  
20-44-25-02-00002.0020  
Effective Date: March 20, 2003, at 5:00 p.m.

No other changes  
as of 5/4/05. *[Signature]*

**Subject Property:** The Southwest quarter (SW1/4) of the Northwest quarter (NW1/4) of Section 20, Township 44 South, Range 25 East, LESS the West 740.00 feet of said parcel and LESS also the East 125.00 feet of the South 1,000.00 feet of said parcel, and LESS also the West 100.00 feet of the South 200.00 feet of the Southwest quarter (SW1/4) of the Northwest quarter (NW1/4) and LESS also that land conveyed by Richard Parham to Jack L. Lipscomb and Kevin M. Lipscomb by deed recorded in Official Record Book 3408 Page 3249, Section 20, Township 44 South, Range 25 East, all being in Lee County, Florida.

Title to the subject property is vested in the following:

*Estate of* — ~~Richard B. Parham, an undivided 1/2 interest.~~

By that certain instrument dated May 16, 1989, recorded May 17, 1989, in Official Record Book 2070, Page 3783, Public Records of Lee County, Florida.

*Estate of*  
Title to the subject property is vested in the following: **Richard B. Parham, an undivided 1/2 interest** by that certain instrument dated January 20, 1978 recorded January 23, 1978 in Official Record Book 1247, Page 1355, Public Records of Lee County, Florida.

*Death Certificate recorded in OR 4586, page 4746*

EASEMENT: Subject to an Easement granted to the Florida Power and Light Company, recorded in Deed Book 256, Page 129, Public Records of Lee County, Florida.

*Probate filed in 04-CP-5777*

NOTE(1): Subject to Lee County Resolution No. 83-4-5 pertaining to the East Lee County Sewer System recorded in Official Record Book 1669, Page 3414, Public Records of Lee County, Florida.

NOTE(2): 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(3): Property is not encumbered by a mortgage.

**Tax Status:** ~~Due and owing \$460.77 as of April 14, 2003 for tax year 2002.~~ *2004 Taxes PAID*

*(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

May 6, 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. 02-03-03.1012  
Project: Veronica S. Shoemaker Blvd. (No. 4073)  
Parcel No: 1012  
Owner: Richard B. Parham  
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 1.26 acres of gross land area, is located along the north side of Edison Avenue approximately 160 feet east of Capri Drive within the Fort Myers market area of Lee County, Florida. The property is L-shaped with a west edge measuring approximately 360 feet, an east edge measuring approximately 270 feet, a north edge which measures 246 feet, and a south edge measuring approximately 150 feet along the northerly right-of-way of Edison Avenue. The majority of the property is zoned IL (Light Industrial) along with a small portion of the site zoned as AG-2 (Agricultural). The property is designated Central Urban on the Future Land Use Map of the Lee County Comprehensive Plan. The appraisers have estimated the highest and best use of the property "as vacant" for potential future light industrial development.

The partial acquisition area identified as Parcel 1012 (Perpetual Drainage Easement) shall encumber 1,047 square feet. The perpetual drainage easement has an average width of 24.55 feet which runs southerly from the subject's northern boundary line to its western boundary line that is located near the northwest corner of the parent tract. This proposed acquisition area is for a perpetual storm water drainage easement. This easement 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. There are no improvements of any consequence located within the proposed partial acquisition area.

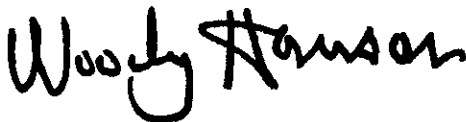
The remainder property contains 1.26 acres of gross land area inclusive of Parcel 1012 (Drainage Easement) area. Since the proposed acquisition is a perpetual drainage easement, the quantity of land associated with the site will not change. The highest and best use remains unchanged with "as vacant" for potential future light industrial development.

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 May 6, 2005, is:

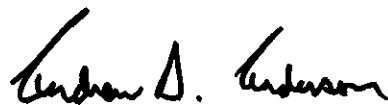
Value of Property Rights Taken:	
Parcel 1012 (Drainage Easement):	\$1,000
Incurable Severance Damages:	<u>-0-</u>
<b>TOTAL AMOUNT DUE OWNER:</b>	<b>\$1,000</b>

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. 1012

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**

239.479.6505  
Writer's Direct Dial Number: 239.479.6391 FAX

Bob James  
District One

**VIA FAX TO 332-8604**

Douglas R. St. Cerny  
District Two

May 13, 2005

Ray Judah  
District Three

Tammy Hall  
District Four

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

John E. Ablon  
District Five

Donald D. Stitwell  
County Manager

**RE: PARCEL 1012, VERONICA S. SHOEMAKER BLVD. EXTENSION PROJECT**  
Request for review and sign-off on acquisition proposal

Diane M. Parker  
County Hearing  
Examiner

Dear Saeed:

The appraisal for Parcel 1012 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 1012**

Property Owner: Estate of Richard Parham, deceased  
Appraiser: Hanson Real Estate Advisors, Inc. (W.S. Hanson, MAI, CCIM, CRE)  
Appraisal Date: 5/8/2005  
Appraised Amount: \$1,000  
Binding Offer Amount: \$1,500

Binding Offer Approved:

Funds are available in account:

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

S:\POOL\PALMETTOEXT\CORRESPONDENCE\013 CITY ENGINEER APPROVAL.DOC