

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

Blue Sheet No. 20051024

1. ACTION REQUESTED/PURPOSE: Approve Easement Purchase Agreement for acquisition of Parcel 1018, Imperial Street Widening Project No. 4060, in the amount of \$1,000; authorize payment of costs to close; and authorize the Division of County Lands to handle all documentation necessary to complete transaction.

2. WHAT ACTION ACCOMPLISHES: The Board avoids Eminent Domain.

3. MANAGEMENT RECOMMENDATION: Management recommends Board approve the Action Requested.

4. Departmental Category: 6 **C6A** **5. Meeting Date:** **08-23-2005**

6. Agenda:		7. Requirement/Purpose: (specify)		8. Request Initiated:	
<input checked="" type="checkbox"/> Consent		<input checked="" type="checkbox"/> Statute	125	Commissioner	
<input type="checkbox"/> Administrative		<input type="checkbox"/> Ordinance		Department	Independent
<input type="checkbox"/> Appeals		<input type="checkbox"/> Admin. Code		Division	County Lands TLM
<input type="checkbox"/> Public		<input type="checkbox"/> Other		By:	Karen L.W. Forsyth, Director KLF
<input type="checkbox"/> Walk-On					

9. Background:
Negotiated for: Lee County Department of Transportation

Interest to Acquire: Slope/Restoration Easement

Property Details:
Owner: Gregory J. Raab and Joan C. Raab, Husband and Wife
Address: 26701 Lost Woods Circle, Bonita Springs
STRAP No.: 25-47-25-B4-0040A.A000

Purchase Details:
Purchase Price: \$1,000
Costs to Close: Approximately \$300

Appraisal Information:
The property owner has agreed to accept \$1,000 prior to obtaining an appraisal. The easement interest has not been appraised.

Staff Recommendation: Considering the costs of condemnation proceedings estimated to be \$3,000 - \$5,000, excluding easement value, Staff recommends the Board approve the Action Requested.

Account: 20406018808-506110

Attachments: Easement Purchase Agreement, Slope/Restoration Easement, and Title Data

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>KLF</i>			<i>6/20/05</i>	<i>6/20/05</i>	<i>6/20/05</i>	<i>6/20/05</i>	<i>6/20/05</i>	<i>6/20/05</i>	

11. Commission Action:
 Approved
 Deferred
 Denied
 Other

RECEIVED BY
COUNTY ADMIN:
8-5-05
11:30
COUNTY ADMIN
FORWARDED TO: *11*
5/11/05
9:10AM

RECEIVED
CO. ATTY.
FORWARDED TO:
11

RECEIVED
JUL 29 2005

HS

Parcel: 1018
Project: Imperial Street Widening Project No. 4060
STRAP No.: 25-47-25-B4-0040A.A000

EASEMENT PURCHASE AGREEMENT

This Agreement made and entered into this 32 day of June, 2005, by and between **GREGORY J. RAAB and JOAN C. RAAB, husband and wife**, whose address is 26701 Lost Woods Circle, Bonita Springs, FL 34135, 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 Slope/Restoration Easement located and described as set forth in Exhibit "A" attached to Exhibit "B", both Exhibits are attached hereto and made a part hereof by reference, in conjunction with the Imperial Street Widening Project #4060.

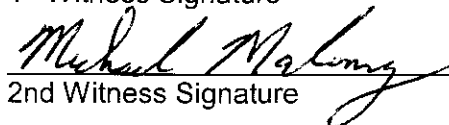
- a) Owner will grant said easement to Purchaser for the sum of \$1,000; Purchaser to pay recording costs, documentary stamps and title insurance.
- b) Owner agrees that said easement will be granted to Purchaser by execution of the perpetual easement in form and substance set forth in Exhibit "B".
- 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.

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:



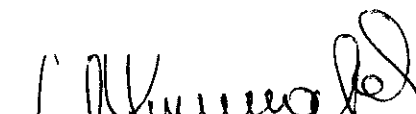
1st Witness Signature



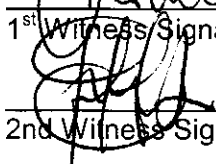
2nd Witness Signature




Gregory J. Raab, Owner



1st Witness Signature



2nd Witness Signature



Joan C. Raab, Owner

Parcel: 1018
Project: Imperial Street Widening Project No. 4060
STRAP No.: 25-47-25-B4-0040A.A000
Page 2 of 2

ATTEST:

CHARLIE GREEN, CLERK

By: _____
Deputy Clerk

**LEE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS**

By: _____
Chairman or Vice-Chairman

APPROVED AS TO LEGAL FORM

Office of County Attorney

8. This easement runs with the land and is binding upon the parties, their successors and assigns.

IN WITNESS WHEREOF, Gregory J. Raab and Joan C. Raab, husband and wife, Grantors, have caused this document to be signed on the date first above written.

TWO SEPARATE WITNESSES:

Terry Large
1st Witness Signature

Terry Large
Printed name of 1st Witness

Michael Maloney
2nd Witness Signature

Michael Maloney
Printed name of 2nd Witness

John Rothbauer
1st Witness Signature

JOHN ROTHBAUER
Printed name of 1st Witness

Gil Preelli
2nd Witness Signature

Gil Preelli
Printed name of 2nd Witness

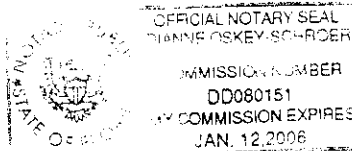
Gregory J. Raab
Gregory J. Raab

Joan C. Raab
Joan C. Raab

STATE OF Florida

COUNTY OF Collier

The foregoing instrument was acknowledged before me this 22 day of June, 2005, by Gregory J. Raab and Joan C. Raab, husband and wife. They are personally known to me or who have produced _____ as identification.



Dianne Oskey-Schroer
(Signature of Notary Public)

Dianne Oskey-Schroer
(Name typed, printed or stamped)
(Title or Rank)
(Serial Number, if any)



Bean, Whitaker, Lutz & Kareh, Inc.

13041 McGregor Boulevard
Fort Myers, Florida 33919-5910
email - fmooffice@bwlk.net
(Ph) 239-481-1331 (Fax) 239-481-1073

Exhibit "A"

Page 1 of 2

LEGAL DESCRIPTION

Parcel 1018 Permanent Slope Easement (Revised 06-03-05)

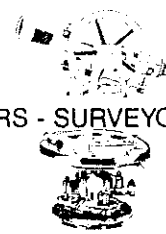
A parcel of land in Section 25, Township 47 South, Range 25 East, Bonita Springs, Lee County, Florida, being a portion of Tract "A", Block "A" of Winter Haven East according to the plat thereof as recorded in Plat Book 30 at Page 8 of the Public records of Lee County, Florida, more particularly described as the south 5.00 feet of the south half of said tract A as described in Official Record Book 2552 at Page 1362 of said public records.

Bean, Whitaker, Lutz & Kareh, Inc.
Certificate of Authorization Number LB0004919

Date: 03 JUN 05

James R. Coleman
Registered Land Surveyor
Florida Certificate Number LS3205

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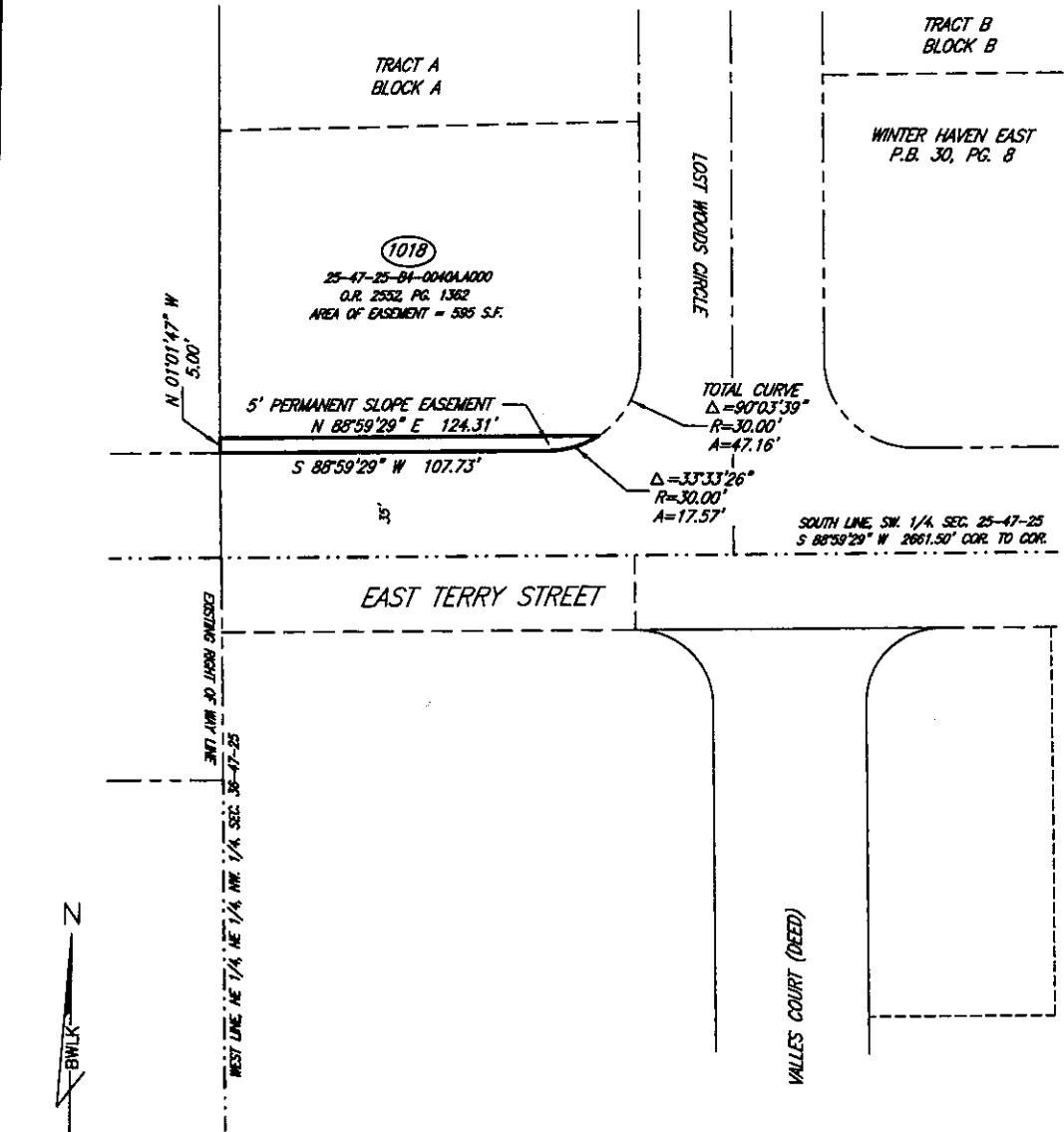
PRINCIPALS:
WILLIAM E. BEAN, PSM, CHAIRMAN
SCOTT C. WHITAKER, PSM, PRESIDENT
JOSEPH L. LUTZ, PSM
AHMAD R. KAREH, PE, MSCE, VICE PRESIDENT

CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS

ASSOCIATES:
TRACY N. BEAN, AICP
CHARLES D. KNIGHT, PSM
W. BRITT POMEROY, JR., PSM
STEPHEN H. SKORUPSKI, PSM
ELWOOD FINEFIELD, PSM
JAMES A. HESSLER, PSM
JAMES R. COLEMAN, PSM
RUDOLF A. NORMAN, PE

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
 OF
 A PARCEL OF LAND IN
 SECTION 25, TOWNSHIP 47 SOUTH, RANGE 25 EAST,
 CITY OF BONITA SPRINGS
 LEE COUNTY, FLORIDA

Exhibit "A"
 Page 2 of 2



SURVEYORS NOTES

1. THE ATTACHED SKETCH IS INTENDED TO BE A GRAPHIC REPRESENTATION OF THE LANDS DESCRIBED HEREWITH AND IS NOT TO BE CONSIDERED A SURVEY.
2. THE BEARINGS SHOWN HEREON ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, WEST ZONE, NAD83 DATUM, 1990 ADJUSTMENT.
3. REPRODUCTIONS OF THE ATTACHED SKETCH ARE NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYORS SEAL.

BEAN, WHITAKER, LUTZ & KAREH, INC.
 CERTIFICATE OF AUTHORIZATION NUMBER LB0004919

James R. Coleman DATE: 03 JUN 2005
 JAMES R. COLEMAN (FOR THE FIRM)
 REGISTERED LAND SURVEYOR
 FLORIDA CERTIFICATE NUMBER 3205

Bean, Whitaker, Lutz & Kareh, Inc. (23 4810)
 CIVIL ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS
 13041-1 MCGREGOR BOULEVARD, FORT MYERS, FLORIDA 33919-0910 (230) 481-1331

ESMT101B.DWG

DATE	PROJECT NO.	DRAWN BY	SCALE	SHEET	FILE NO. (S-T-R)
08-02-05	35955	J.R.C.	1" = 50'	1 OF 1	25-47-25

This instrument prepared by:

Lee County
Division of County Lands
Post Office Box 398
Fort Myers, Florida 33902-0398

Parcel: 1018
Project: Imperial Street Widening, Project No. 4060
STRAP No.: 25-47-25-B4-0040A.A000

THIS INSTRUMENT IS A PART OF THE RECORD IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AND IS FILED IN THE OFFICE OF THE COUNTY CLERK.

SLOPE/RESTORATION EASEMENT

This INDENTURE, made and entered into this 22 day of June 2005, between GREGORY J. RAAB and JOAN C. RAAB, husband and wife, whose address is 26701 Lost Woods Circle, Bonita Springs, FL 34135, (Grantor), and LEE COUNTY, a political subdivision of the State of Florida, whose address is PO Box 398, Fort Myers, Florida 33902-0398, (Grantee):

WITNESSETH:

1. For good and valuable consideration, receipt of which is hereby acknowledged, Grantor grants to the Grantee, its successors and assigns, a slope/restoration easement situated in Lee County, Florida, and located and described as set forth in attached Exhibit "A" (Easement Parcel).
2. Grantee, its successors and assigns, are granted the right, privilege, and authority to construct, replace, repair, remove, extend, and maintain a slope/restoration easement on the Easement Parcel to support, reinforce, and stabilize the adjacent public roadway.
3. The improvements that may be placed within the Easement Parcel for roadway slope/restoration purposes are not limited to a particular type, style, material or design. These improvements may include the use of foliage.
4. Grantor may not construct or place any structures within the Easement Parcel; however, Grantor may authorize the installation of utilities or may plant foliage within the easement area conveyed herein, provided such use does not interfere with or prevent the Grantee's use of the easement.
5. Title to the improvements constructed by the Grantee within the Easement Parcel will remain in the Grantee, its successors or assigns.
6. Subject to any existing easements for public highways or roads, railroads, laterals, ditches, pipelines and electrical transmission or distribution lines and telephone and cable television lines covering the land herein described, Grantors covenant they are lawfully seized and possessed of the real property described in Exhibit "A", have good and lawful right and power to convey it, and that the property is free and clear of all liens and encumbrances, except as herein stated, and accordingly, Grantor will forever warrant and defend the title and terms to this said easement and the quiet possession thereof against all claims and demands of all other entities.
7. Grantee has a reasonable right of access across Grantor's property for the purposes of reaching the Easement Parcel on either paved or unpaved surfaces. Any damage to Grantor's property or permitted improvements thereon resulting from Grantee's use of this access right will be restored by the Grantee, to the condition in which it existed prior to the damage.

Slope/Restoration Easement

Project: Imperial Street Widening, Project No. 4060
Parcel: 1018

8. This easement runs with the land and is binding upon the parties, their successors and assigns.

IN WITNESS WHEREOF, Gregory J. Raab and Joan C. Raab, husband and wife, Grantors, have caused this document to be signed on the date first above written.

TWO SEPARATE WITNESSES:

[Signature]
1st Witness Signature

[Signature]
Gregory J. Raab

TERRY LARGE
Printed name of 1st Witness

[Signature]
2nd Witness Signature

Gergio Zulucaga
Printed name of 2nd Witness

[Signature]
Joan C. Raab

[Signature]
1st Witness Signature

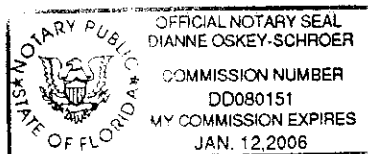
Jose D. Lavdenz
Printed name of 1st Witness

[Signature]
2nd Witness Signature

Michael Maloney
Printed name of 2nd Witness

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was acknowledged before me this 22 day of June, 2005, by Gregory J. Raab and Joan C. Raab, husband and wife. They are personally known to me or who have produced _____ as identification.



[Signature]
(Signature of Notary Public)
Dianne OSKEY SCHROER
(Name typed, printed or stamped)
(Title or Rank)
(Serial Number, if any)



Bean, Whitaker, Lutz & Kareh, Inc.

13041 McGregor Boulevard
Fort Myers, Florida 33919-5910
email - fmoffice@bwk.net
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Exhibit "A"

Page 1 of 2

LEGAL DESCRIPTION

Parcel 1018 Permanent Slope Easement (Revised 06-03-05)

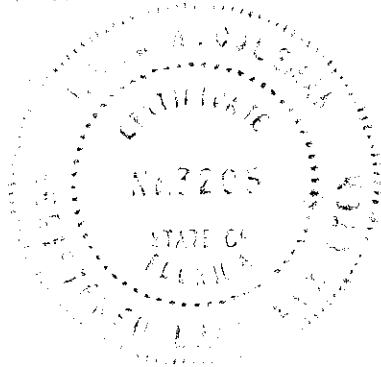
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Certificate of Authorization Number LB0004919

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James R. Coleman
Registered Land Surveyor
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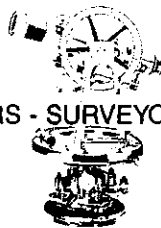
Pcl1018Esmt.doc



PRINCIPALS:

WILLIAM E. BEAN, PSM, CHAIRMAN
SCOTT C. WHITAKER, PSM, PRESIDENT
JOSEPH L. LUTZ, PSM
AHMAD R. KAREH, PE, MSCE, VICE PRESIDENT

CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS



ASSOCIATES:

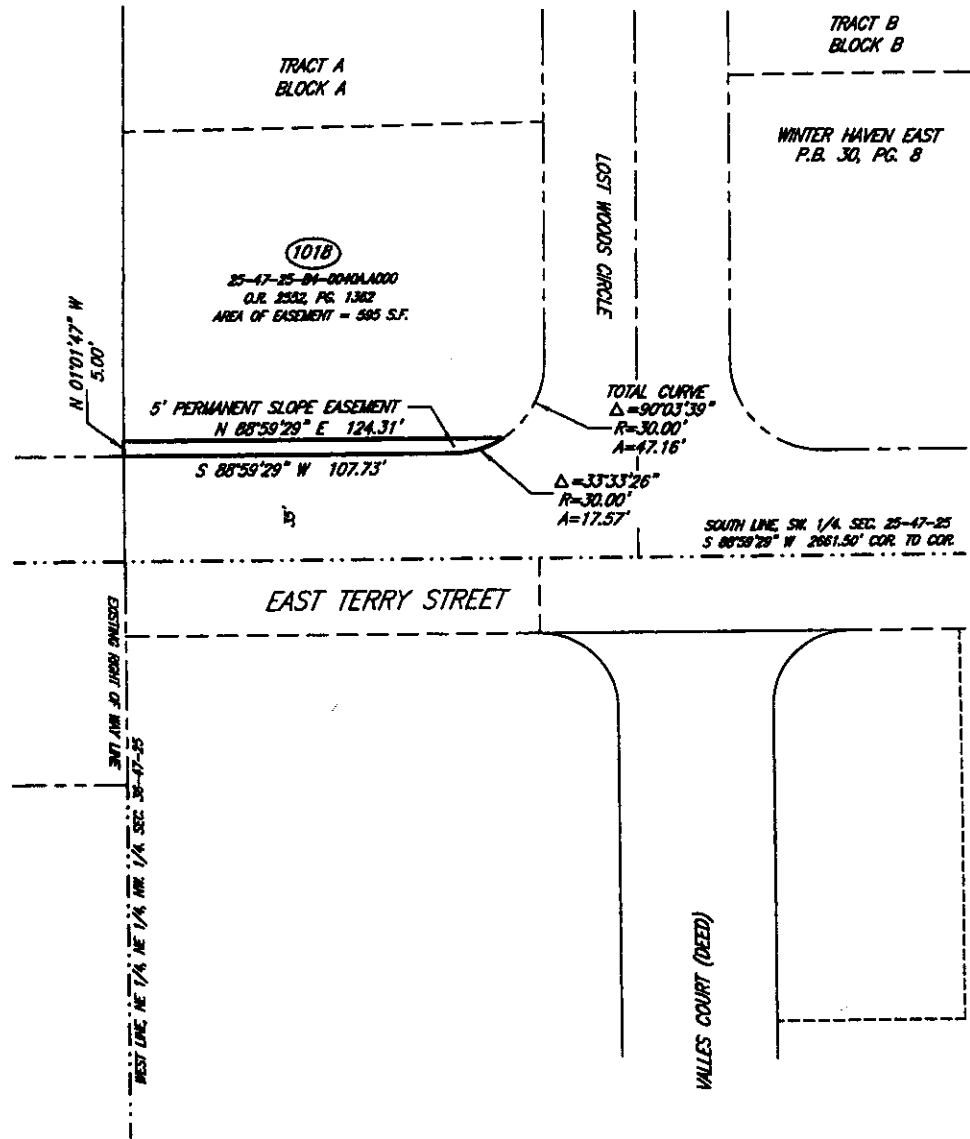
TRACY N. BEAN, AICP
CHARLES D. KNIGHT, PSM
W. BRITT POMEROY, JR., PSM
STEPHEN H. SKORUPSKI, PSM
ELWOOD FINEFIELD, PSM
JAMES A. HESSLER, PSM
JAMES R. COLEMAN, PSM
RUDOLF A. NORMAN, PE

**SKETCH TO ACCOMPANY LEGAL DESCRIPTION
OF
A PARCEL OF LAND IN
SECTION 25, TOWNSHIP 47 SOUTH, RANGE 25 EAST,
CITY OF BONITA SPRINGS
LEE COUNTY, FLORIDA**

Exhibit "A"

Page 2 of 2

PREVIOUS DOCUMENTS RETAINED IN
 OFFICE OF JAMES R. COLEMAN, INC.
 13041-1 MCGREGOR BOULEVARD, FORT MYERS, FLORIDA 33919-0910
 YOUR BOARD'S ASSISTANCE



SURVEYORS NOTES

1. THE ATTACHED SKETCH IS INTENDED TO BE A GRAPHIC REPRESENTATION OF THE LANDS DESCRIBED HEREWITH AND IS NOT TO BE CONSIDERED A SURVEY.
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BEAN, WHITAKER, LUTZ & KAREH, INC.
 CERTIFICATE OF AUTHORIZATION NUMBER LB0004919

James R. Coleman
 DATE: 03/26/05

JAMES R. COLEMAN (FOR THE FIRM)
 REGISTERED LAND SURVEYOR
 FLORIDA CERTIFICATE NUMBER 3205

Bean, Whitaker, Lutz & Kareh, Inc. (28 4818)

CIVIL ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS

13041-1 MCGREGOR BOULEVARD, FORT MYERS, FLORIDA 33919-0910 (239) 481-1331

ESM71018.DWG

DATE	PROJECT NO.	DRAWN BY	SCALE	SHEET	FILE NO. (S-T-R)
06-02-05	35955	J.R.C.	1" = 50'	1 OF 1	25-47-25

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

Search No. 25-47-25-B4-0040A.A000

Date: July 18, 2005

Parcel: 1018

Project: Imperial Street Widening #4060

To: Teresa L. Mann, SRWA
Property Acquisition Agent

From: Shelia A. Bedwell, CLS
Property Acquisition Assistant

STRAP: 25-47-25-B4-0040A.A000

Effective Date: June 26, 2005, at 5:00 p.m.

Subject Property: The South half (S ½) of Tract A, Block A, WINTER HAVEN EAST, according to the map or plat thereof on file and recorded in the Office of the Clerk of the Circuit Court of Lee County, Florida, in Plat Book 30, Pages 8 and 9, Public Records of Lee County, Florida.

Title to the subject property is vested in the following:

Gregory J. Raab and Joan C. Raab, Husband and Wife

by that certain instrument dated November 15, 1994, recorded November 17, 1994, in Official Record Book 2552, Page 1362, Public Records of Lee County, Florida.

Easements:

1. Property subject to a 75-foot setback line along its southerly boundary and a 15-foot Public Utility and Drainage Easement along its westerly boundary, as shown on plat of "Winter Haven East", recorded in Plat Book 30, Page 8, Public Records of Lee County, Florida.

NOTE (1): Mortgage executed by Gregory J. Raab and Joan C. Raab, Husband and Wife, to Washington Mutual Bank, FA, dated May 9, 2003, recorded May 21, 2003, in Official Record Book 3940, Page 3196, Public Records of Lee County, Florida.

NOTE (2): Utility Service Lien (Wastewater) by Bonita Springs Utilities, Inc., recorded in Official Record Book 4772, Page 1890, Public Records of Lee County, Florida.

Tax Status: 2004 taxes are paid in the amount of \$1,355.85.

(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 or warranties to its accuracy.