

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

Blue Sheet No. 20051034

1. ACTION REQUESTED/PURPOSE:

Authorize: (1) approval of Easement Purchase Agreement for acquisition of Parcel 609, Imperial Street Widening. Project 4060, in the amount of \$1,000.00; (2) Chairman, on behalf of the Board, to sign the Purchase Agreement; (3) payment of costs and fees to close; (4) Division of County Lands to handle and accept all documentation necessary to complete this transaction and grant time extension to close, if necessary.

2. WHAT ACTION ACCOMPLISHES: Allows the County to proceed with the project without resorting to Eminent Domain proceedings.

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

4. Departmental Category: 6

C6C

5. Meeting Date: *08-23-2005*

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

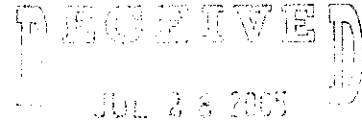
9. Background:

Negotiated for: Department of Transportation

Interest to Acquire: Perpetual Slope Easement

Property Details:

Owner: Carlos H. Giron
Site Address: 11544 Dean Street, Bonita Springs, FL 34135
STRAP No.: 36-47-25-B3-01200.2280



Purchase Details:

Purchase Price: \$1,000
Costs to Close: \$500

The property owner has agreed to accept \$1,000, prior to obtaining an appraisal.

Appraisal Information: The easement interest has not been appraised.

Staff Recommendation: Considering the costs of obtaining an appraisal for \$2,300 and condemnation proceedings estimated to be \$3,000 - \$5,000, excluding easement value, Staff recommends the Board approve the action requested.

Account: 20406018808.506110

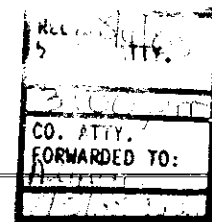
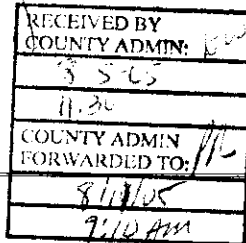
Attachments: Easement Purchase Agreement, Slope/Restoration Easement, Title Search, City Approval Memorandum

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>SAO 7/17/05 KLF 8/4/05</i>	<i>[Signature]</i>		<i>8/8/05</i>	<i>8/8/05</i>	<i>8/8/05</i>	

11. Commission Action:

- Approved
- Deferred
- Denied
- Other



HS

Parcel: 609
Project: Imperial Street Widening Project No. 4060
STRAP No.: 36-47-25-B3-01200.2280

EASEMENT PURCHASE AGREEMENT

This Agreement made and entered into this 15 day of July, 2005, by and between **Carlos H. Giron, a single man**, whose address is 11544 Dean Street, Bonita Springs, Florida 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:**

Owner: Carlos H. Giron

Carlos A. Ordaz
1st Witness Signature

By: Carlos H. Giron

[Signature]
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

This instrument prepared by:
Lee County
Division of County Lands
Post Office Box 398
Fort Myers, Florida 33902-0398

THIS DOCUMENT REMAINS IN
THE POSSESSION OF THE
COUNTY CLERK

Parcel: 609
Project: Imperial Street Widening, Project No. 4060
STRAP No.: 36-47-25-B3-01200.2280

Exhibit "B"

SLOPE/RESTORATION EASEMENT

This INDENTURE, made and entered into this 15 day of July 2006,
between Carlos H. Giron, a single man, whose address is 11544 Dean Street, Bonita Springs,
Florida 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, it's 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.

Slope/Restoration Easement

Project: Imperial Street Widening, Project No. 4060

Page 2 of 2

ALL DOCUMENTS RETAINED IN
THE OFFICE OF THE COUNTY CLERK
OF DADE COUNTY, FLORIDA

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.

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

IN WITNESS WHEREOF, Carlos H. Giron, a single man, Grantor, has caused this document to be signed on the date first above written.

TWO SEPARATE WITNESSES:

Carlos A. Ordóñez
1st Witness Signature

[Signature]
Carlos H. Giron

Carlos A. Ordóñez
Printed name of 1st Witness

[Signature]
2nd Witness Signature

Carlos F. Perezmeza
Printed name of 2nd Witness

STATE OF Florida
COUNTY OF Lee

The foregoing instrument was acknowledged before me this 15 day of July, 2005, by Carlos H. Giron. He/she is personally known to me or who has produced (name of person acknowledged)

FL Driver license # 6650-108-66-043-D as identification.

[Signature]
(Signature of Notary Public)





Bean, Whitaker, Lutz & Kareh, Inc.

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

Exhibit "A"

Page 1 of 2

LEGAL DESCRIPTION Permanent Slope Easement Parcel 609

A parcel of land in Section 36, Township 47 South, Range 25 East, Bonita Springs, Lee County, Florida, more particularly described as follows:

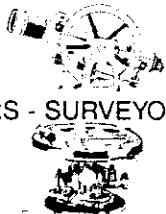
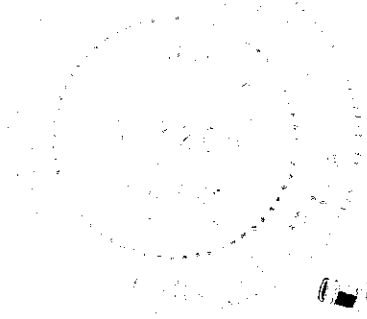
Commence at the northwest corner of the southwest quarter of the southeast quarter of Section 36, Township 47 South, Range 25 East, thence N.88°49'03"E. along the north line of the southwest quarter of the southeast quarter of said Section 36 for 220.58 feet; thence S.00°58'13"E. for 24.59 feet to the point of beginning of the herein described parcel of land; thence continue S.00°58'13"E. for 5.00 feet; thence N.88°50'19"E. for 75.05 feet; thence N.00°57'51"W. for 5.00 feet; thence S.88°50'19"W. for 75.05 feet to the point of beginning.

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

Date: 02/10/05

James R. Coleman
Registered Land Surveyor
Florida Certificate Number LS3205

BWLKEasement609.doc



CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS

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

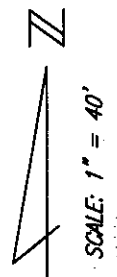
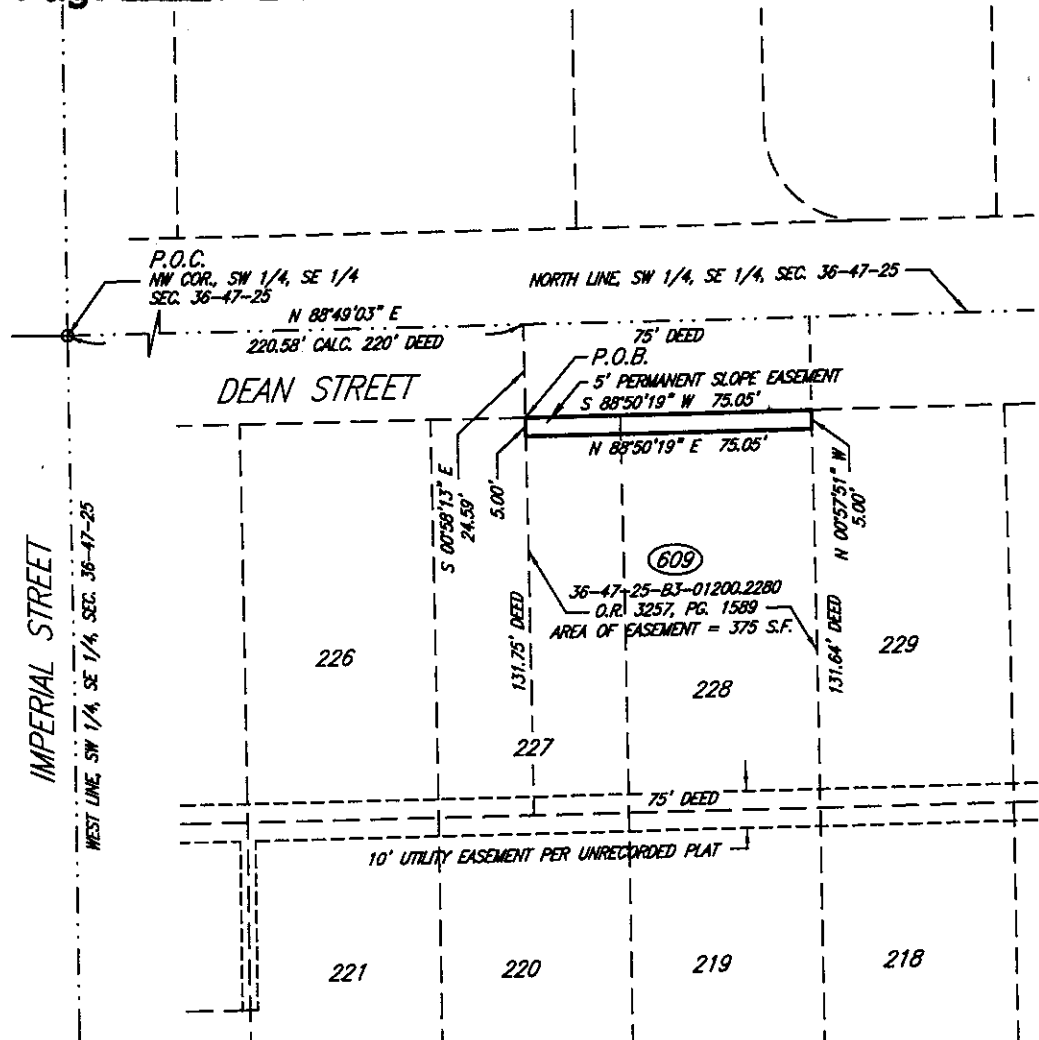
ASSOCIATES:
TRACY N. BEAN, AICP
CHARLES D. KNIGHT, PSM
W. BRITT POMEROY, JR., PSM
STEPHEN H. SKORUPSKI, PSM
ELWOOD FINEFIELD, PSM
JAMES A. HESSLER, PSM
JAMES R. COLEMAN, PSM
RUDOLF A. NORMAN, PE

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

OF
 A PARCEL OF LAND IN
 SECTION 36, 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

 DATE: 02/24/05
 JAMES R. COLEMAN
 REGISTERED LAND SURVEYOR
 FLORIDA CERTIFICATE NUMBER 3205

Bean, Whitaker, Lutz & Kareh, Inc. (LP 4819)
 CIVIL ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS
 13041-1 MCGREGOR BOULEVARD, FORT MYERS, FLORIDA 33919-0810 (239) 481-1331

Easement809.dwg	DATE	PROJECT NO.	DRAWN BY	SCALE	SHEET	FILE NO. (P-T-R)
	05-02-05	35955	J.R.C.	1" = 40'	1 OF 1	36-47-25

Division of County Lands

Ownership and Easement Search

Search No. 36-47-25-B3-01200.2280

Date: June 2, 2004

Parcel: 609

Project: Imperial Street Widening, Project # 4060

To: Teresa L. Mann SRWA
Property Acquisition Agent

From: Kenneth Pitt 
Real Estate Title Examiner

STRAP: 36-47-25-B3-01200.2280

Effective Date: May 6, 2004, at 5:00 p.m.

Subject Property: See Attached Schedule A.

Title to the subject property is vested in the following:
Carlos H. Giron.

By that certain instrument dated March 30, 2000, recorded May 19, 2000, in Official Record Book 3257 Page 1589, Public Records of Lee County, Florida.

Easements: 1) Subject to a Utility Easement over the Southerly 5 feet and an Access Easement over the Northerly 25 feet, established by a recital contained in a deed recorded in Official Record Book 109 Page 68, Public Records of Lee County, Florida.

2): Subject to a Right of Way Agreement, recorded in Official Record Book 826 Page 649, Public Records of Lee County, Florida.

NOTE 1): Subject to a mortgage in the sum of \$82,900.00, between Carlos H. Giron, (mortgagor) and Bankunited, Fsb., (mortgagee), recorded in Official Record Book 3257 Page 1591 which was Modified by Agreement recorded in Official Record Book 4091 Page 525, 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.

Tax Status: \$1,000.85 paid on 11-24-03 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. 36-47-25-B3-01200.2280

Date: June 2, 2004

Parcel: 609

Project: Imperial Street Widening, Project #
4060**Schedule A**

Lot 228 and the East ½ of Lot 227, of that certain subdivision known as Imperial Gates Subdivision, (unrecorded) more particularly described as follows:

Commencing at the South ¼ corner of Section 36, Township 47 South, Range 25 East, Lee County, Florida; thence Northerly along the North and South Quarter line of said Section, 1317.06 feet; thence Easterly deflecting 89° 47' 30" to the right 220 feet to the Point or Place of Beginning, thence continuing along the last described course, 75 feet; thence Southerly deflecting 90° 12' 30" to the right, 131.64 feet; thence Westerly deflecting 89° 42' to the right, 75 feet; thence Northerly deflecting 90° 18' to the right, 131.75 feet to the Point or Place of Beginning. Being part of the SW ¼ of the SE ¼ of said Section.



City of
Bonita Springs

9101 BONITA BEACH ROAD
BONITA SPRINGS, FL 34135
TEL: (239) 949-6262
FAX: (239) 949-6239
www.cityofbonitasprings.org

Jay Arend
Mayor

Wayne P. Edsall
Councilman
District One

Alex Grantt
Councilman
District Two

R. Robert Wagner
Councilman
District Three

John Joyce
Councilman
District Four

David T. Piper, Jr.
Councilman
District Five

Ben L. Nelson, Jr.
Councilman
District Six

Gary A. Price
City Manager
Tel. (239) 949-6238

Audrey E. Vance
City Attorney
Tel. (239) 949-6254

City Clerk/Treasurer
Tel: (239) 949-6250

Public Works
Tel: (239) 949-6246

Code Enforcement
Tel: (239) 949-6257

Parks & Recreation
Tel: (239) 992-2556

July 19, 2005

Mr. Michael J. O'Hare
Property Acquisition Agent
Division of County Lands
Lee County
P.O. Box 398
Fort Myers, FL 33902-0398

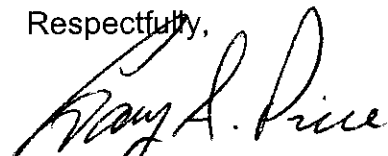
RE: Purchase Agreement – Imperial Street Widening,
Project No. 4060
Parcel 609, Carlos H. Giron

Dear Mr. O'Hare:

I have reviewed the information you provided for this parcel and find it to be reasonable.

If you need further assistance, please let me know.

Respectfully,

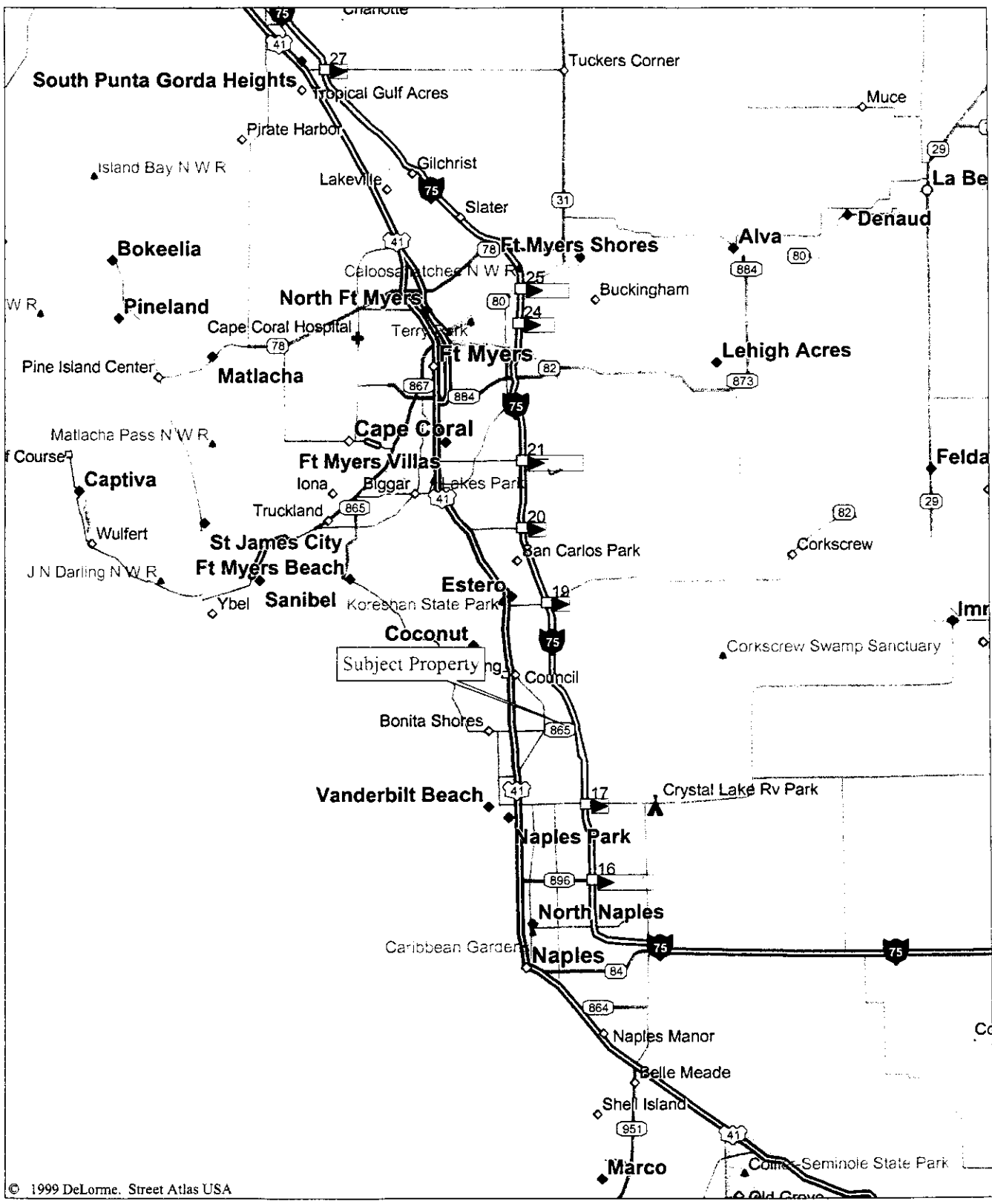


Gary A. Price
City Manager

GAP/kd

cc: Ken Hoffman, Community Project Coordinator

RECEIVED
JUL 22 2005
COUNTY LANDS



LOCATION MAP