

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

Blue Sheet No. 20051750

1. ACTION REQUESTED/PURPOSE: Authorize the Division of County Lands to make a binding offer to property owner in the amount of \$2,000 for Parcel 1005, Imperial Street Widening, Project No. 4060, pursuant to the Easement Purchase Agreement; and authorize the Division of County Lands to handle all documentation necessary to complete transaction.

2. WHAT ACTION ACCOMPLISHES: Makes binding offer to property owner prior to initiation of condemnation proceedings as required by Florida Statutes.

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

4. Departmental Category: 6

CGF

5. Meeting Date: **1-10-2006**

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 TLM 12/5/05
By: Karen L.W. Forsyth, Director *KLF*

9. Background:

Negotiated for: Department of Transportation

Interest to Acquire: Slope easement interest in 963 square feet of an improved residential lot

Property Details:

Owner: Oscar O. Joya and Leticia Joya, husband and wife
Address: 27006 Elaine Drive, Bonita Springs, FL 34135
STRAP No. 36-47-25-B2-00600.0380

Purchase Details:

Binding Offer Amount: \$2,000

In order to expedite acquisition efforts, staff recommends Board make a binding offer in the amount of \$2,000, and commence Eminent Domain procedures.

Appraisal Information:

Company: Maxwell & Hendry Valuation Services, Inc., by W. Michael Maxwell, MAI, SRA
Appraised Value: \$1,517
Date of Appraisal: November 21, 2005

Staff Recommendation: Staff is of the opinion that the purchase price increase of \$483 may secure an agreement for the acquisition of the property without the full expense of an Eminent Domain action, and can be justified considering costs associated with condemnation proceedings estimated between \$1,000 - \$2,500, excluding land value increase and attorney fees. Staff recommends the Board approve the Action Requested.

Account: 20406063000.506110

Attachments: Easement Purchase Agreement; Title Data; Appraisal Data (Location Map Included); Letter from City of Bonita Springs; 5-Year Sales History

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>12/12/05</i>	<i>[Signature]</i>	<i>12-12-05</i>	<i>08/13/05</i>	<i>10/12/05</i>	<i>12/13/05</i>	<i>HS 12/15/05</i>

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY
COUNTY ADMIN:
12/12/05
COUNTY ADMIN
FORWARDED TO: *[Signature]*



Rec. by CoAtty
Date: *12/9/05*
Time: *11:15 AM*
Forwarded To:

Parcel: 1005
Project: Imperial Street Widening Project No. 4060
STRAP No.: 36-47-25-B2-00600.0380

**BOARD OF COUNTY COMMISSIONERS
LEE COUNTY
EASEMENT PURCHASE AGREEMENT
IN LIEU OF CONDEMNATION PROCEEDINGS**

This Agreement made and entered into this ____ day of _____, 200__, by and between **OSCAR O. JOYA and LETICIA JOYA, husband and wife**, whose address is 27006 Elaine Drive, 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 "C" attached to Exhibit "A". All 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 \$2,000; Purchaser to pay recording costs and title insurance.
- b) The purchase price is mutually agreeable to both the Owner and Purchaser and represents the voluntary sale and purchase of the easement property in lieu of Purchaser's condemnation.
- c) Owner agrees that said easement will be granted to Purchaser by execution of the Slope/Restoration Easement in form and substance set forth in Exhibit "A".
- d) 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.
- e) Owner agrees that Purchaser, his successors and assigns will be allowed to use said perpetual easement area as specified in the Perpetual Easement instrument.
- f) Purchaser agrees to complete construction within the easement area in a timely manner.
- g) Owner will provide either a release, satisfaction of mortgage, or subordination agreement for all mortgages that encumber the property. Purchaser will pay reasonable costs associated with obtaining releases, if any.
- h) 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 eminent domain by the Purchaser.

Parcel: 1005
Project: Imperial Street Widening Project No. 4060
STRAP No.: 36-47-25-B2-00600.0380
Page 2 of 2

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

Oscar O. Joya, **Owner**

2nd Witness Signature

1st Witness Signature

Leticia Joya, **Owner**

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

Exhibit "A"
Page 1 of 3

Parcel: 1005
Project: Imperial Street Widening, Project No. 4060
STRAP No.: 36-47-25-B2-00600.0380

SLOPE/RESTORATION EASEMENT

This INDENTURE, made and entered into this _____ day of _____ 200__, between OSCAR O. JOYA and LETICIA JOYA, husband and wife, whose address is 27006 Elaine Drive, 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 "C" (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, except trees, 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 "C", 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
Parcel: 1005

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, Oscar O. Joya and Leticia Joya, husband and wife, Grantors, have caused this document to be signed on the date first above written.

TWO SEPARATE WITNESSES:

1st Witness Signature

Oscar O. Joya

Printed name of 1st Witness

2nd Witness Signature

Printed name of 2nd Witness

1st Witness Signature

Leticia Joya

Printed name of 1st Witness

2nd Witness Signature

Printed name of 2nd Witness

Slope/Restoration Easement

Project: Imperial Street Widening, Project No. 4060
Parcel: 1005

Exhibit "A"

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 200____, by Oscar O. Joya. He is personally known to me or who has produced _____ as identification.

(Signature of Notary Public)

(Name typed, printed or stamped)
(Title or Rank)
(Serial Number, if any)

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 200____, by Leticia Joya. She is personally known to me or who has produced _____ as identification.

(Signature of Notary Public)

(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 "C"

Page 1 of 2

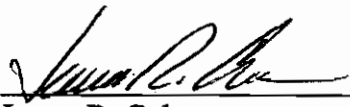
LEGAL DESCRIPTION

Parcel 1005 (Revised 06-07-05)

A parcel of land in Section 36, Township 47 South, Range 25 East, Bonita Springs, Lee County, Florida, being a portion of Lot 38 of Arroyal Pines according to the plat thereof as recorded in Plat Book 35 at Page 51 of the Public records of Lee County, Florida, more particularly described as follows:

Begin at the northwest corner of Lot 38 of Arroyal Pines according to the plat thereof as recorded in Plat Book 35 at Page 51 of the Public records of Lee County, Florida, thence N.89°05'34"E. along the north line of said Lot 38 for 95.00 feet to the point of curvature of a circular curve concave to the southwest; thence easterly and southeasterly along the arc of said curve having for its elements a radius of 30.00 feet and a central angle of 40°47'28" for 21.36 feet; thence S.87°34'59"W. for 114.62 feet to an intersection with the west line of said Lot 38; thence N.01°00'11"W. along said west line for 10.31 feet to the point of beginning.

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

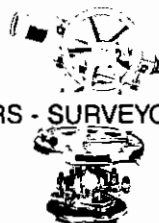
 Date: 7 June 05

James R. Coleman
Registered Land Surveyor
Florida Certificate Number LS3205

PCL1005.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

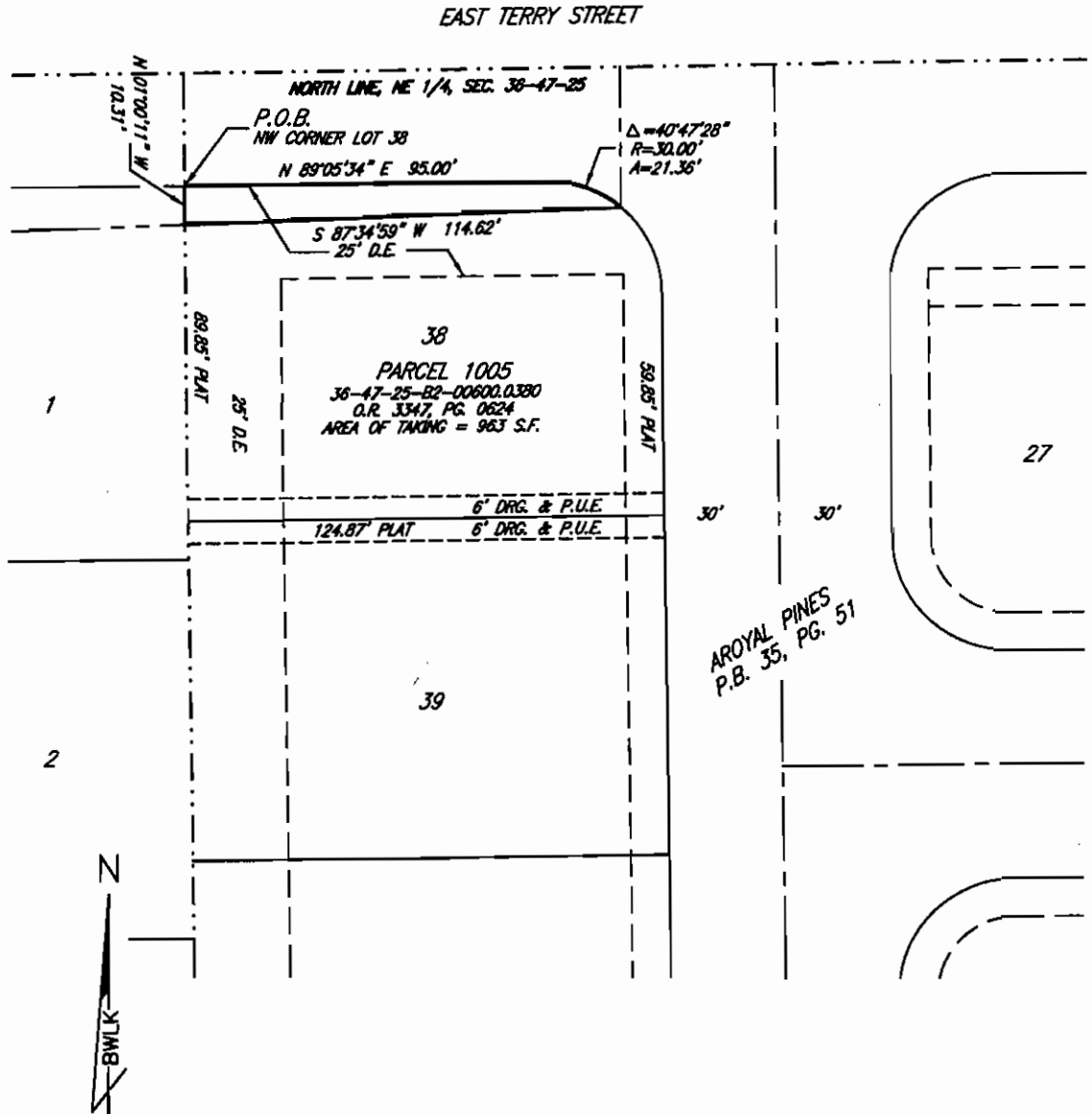


ASSOCIATES:
TRACY N. BEAN, AICP
CHARLES D. KNIGHT, PSM
W. BRITT POMEROY, JR., PSM
STEPHEN H. SKORUPSKI, PSM
ELWOOD FINEFIELD, PSM
JAMES A. HESSLER, PSM
JAMES R. COLEMAN, PSM
RUDOLF A. NORMAN, PE

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
 OF
 A PARCEL OF LAND IN
 SECTION 36, TOWNSHIP 47 SOUTH, RANGE 25 EAST,
 CITY OF BONITA SPRINGS
 LEE COUNTY, FLORIDA

Exhibit "C"

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: 7/26/05
 JAMES R. COLEMAN (FOR THE FIRM)
 REGISTERED LAND SURVEYOR
 FLORIDA CERTIFICATE NUMBER 3205

Bean, Whitaker, Lutz & Kareh, Inc. (LB 4816)
 CIVIL ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS
 13041-1 MCGREGOR BOULEVARD, FORT MYERS, FLORIDA 33916-8910 (888) 481-1331

Pcl1005.dwg
 DATE PROJECT NO. DRAWN BY SCALE SHEET FILE NO. 02-T-0

Division of County Lands

Ownership and Easement Search

Search No. 22457

Date: April 2, 2003

Parcel: **1005**

Project: Imperial Street Widening
#4060

To: Teresa L. Mann, SR/WA

Property Acquisition Agent

From: Kenneth Pitt

Real Estate Title Examiner

STRAP: 36-47-25-B2-00600.0380

12-2-2005

Effective Date: ~~March 3, 2003~~, at 5:00 p.m.

Subject Property: Lot 38, Aroyal Pines, a subdivision according to the plat or map thereof described in Plat Book 35, at page 50 and 51 of the Public Records of Lee County, Florida.

Title to the subject property is vested in the following:

Oscar O. Joya and Leticia Joya, husband and wife

by that certain instrument dated December 22, 2000, recorded January 8, 2001, in Official Record Book 3347, Page 624, Public Records of Lee County, Florida.

Easements:

1. Restrictions of Aroyal Pines recorded in Official Record Book 1673, Page 3373, Public Records of Lee County, Florida.
2. Declaration of Covenants, Conditions, and Restrictions recorded in Official Record Book 1674, Page 4102, Public Records of Lee County, Florida.
3. Exclusive right of ingress and egress over and across their certain drainage easements lying between Lots 49 and 50 and Lots 11 and 12 of Aroyal Pines. Said easement is given for the purpose of ingress and egress to that certain area shown as retention area on the plat of Aroyal Pines recorded in Plat Book 35, Pages 50 and 51, and recorded in Official Record Book 1677 Page 343 Public Records of Lee County, Florida.
4. Easement granted to South Florida Cable Television Corp., recorded in Official Record Book 1723, Page 3371, Public Records of Lee County, Florida. This easement was later assigned by Official Record Book 1801, Page 2475 and again by Official Record Book 2347, Page 3538, Public Records of Lee County, Florida.

Division of County Lands

Ownership and Easement Search

Search No. 22457

Date: April 2, 2003

Parcel:

Project: Imperial Street Widening

#4060

5. Subject to Easements along each boundary of each lot for County Drainage purposes and Public Utilities. Said easements to be 6 feet each side of said boundary unless otherwise said. The Northerly line of the property is subject to a 25 foot Drainage Easement.

NOTE(1): Property subject to a mortgage in the original sum of \$98,600.00 recorded in Official Record Book 3686, Page 1424, Public Records of Lee County, Florida.

NOTE(2): Subject to a Federal Tax Lien vs. Oscar O. Joya in the sum of \$7,215.94 and recorded in Official Record Book 3727 Page 924, Public Record of Lee County, Florida.

6. NOTICE OF LIS PENDENS RECORDED 10/18/2005, INSTRUMENT
2005000077081 .

Tax Status: \$1,684.05 paid on March 31, 2003 for tax year 2002.

(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.

LAND APPRAISAL REPORT

Borrower _____	Census Tract 504	Map Reference 36-47-25
Property Address 27006 Elaine Drive		
City Bonita Springs	County Lee	State Florida
Zip Code 34135		
Legal Description See Legal Description page		
Sale Price \$ 0	Date of Sale _____	Loan Term N/A yrs.
Actual Real Estate Taxes \$ 1,242.45 (yr)	Loan charges to be paid by seller \$ N/A	Property Rights Appraised <input checked="" type="checkbox"/> Fee <input type="checkbox"/> Leasehold <input type="checkbox"/> De Minimis PUD
Lender/Client _____		Address _____
Occupant Oscar O. & Leticia Joya	Appraiser Matthew H. Caldwell	Instructions to Appraiser _____

Location <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban <input type="checkbox"/> Rural Built Up <input type="checkbox"/> Over 75% <input checked="" type="checkbox"/> 25% to 75% <input type="checkbox"/> Under 25% Growth Rate <input type="checkbox"/> Fully Dev. <input type="checkbox"/> Rapid <input checked="" type="checkbox"/> Steady <input type="checkbox"/> Slow Property Values <input type="checkbox"/> Increasing <input checked="" type="checkbox"/> Stable <input type="checkbox"/> Declining Demand/Supply <input type="checkbox"/> Shortage <input checked="" type="checkbox"/> In Balance <input type="checkbox"/> Oversupply Marketing Time <input type="checkbox"/> Under 3 Mos. <input checked="" type="checkbox"/> 4-6 Mos. <input type="checkbox"/> Over 6 Mos.	Present Land Use 40% 1 Family 10% 2-4 Family 5% Apts. 10% Condo 5% Commercial 5% Industrial 25% Vacant % Change in Present Land Use <input checked="" type="checkbox"/> Not Likely <input type="checkbox"/> Likely (*) <input type="checkbox"/> Taking Place (*) (*) From _____ To _____ Predominant Occupancy <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Tenant _____ % Vacant Single Family Price Range \$ 175,000 to \$ 1,500,000 Predominant Value \$ 250,000 Single Family Age 0 yrs. to 85 yrs. Predominant Age 20 yrs.	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>Employment Stability</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Convenience to Employment</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Convenience to Shopping</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Convenience to Schools</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Adequacy of Public Transportation</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Recreational Facilities</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Adequacy of Utilities</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Property Compatibility</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Protection from Detrimental Conditions</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Police and Fire Protection</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>General Appearance of Properties</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Appeal to Market</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>	Employment Stability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Convenience to Employment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Convenience to Shopping	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Convenience to Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Adequacy of Public Transportation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Recreational Facilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Adequacy of Utilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Property Compatibility	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Protection from Detrimental Conditions	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Police and Fire Protection	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	General Appearance of Properties	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Appeal to Market	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Employment Stability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																																																										
Convenience to Employment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																																																										
Convenience to Shopping	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																																																										
Convenience to Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																																																										
Adequacy of Public Transportation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																																																										
Recreational Facilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																																																										
Adequacy of Utilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																																																										
Property Compatibility	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																																																										
Protection from Detrimental Conditions	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																																																										
Police and Fire Protection	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																																																										
General Appearance of Properties	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																																																										
Appeal to Market	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																																																										

Comments including those factors, favorable or unfavorable, affecting marketability (e.g. public parks, schools, view, noise): The subject's neighborhood is composed of average to good quality, single family and multiple family housing. Adequate educational facilities, shopping, and employment can be found within a one mile radius.

Dimensions 90' x 125' = 11,250 Sq. Ft. or Acres <input checked="" type="checkbox"/> Corner Lot Zoning classification RS-1 (Zoning)/Mod. Den. SF Res. (Land Use) Present Improvements <input checked="" type="checkbox"/> do <input type="checkbox"/> do not conform to zoning regulations Highest and best use <input checked="" type="checkbox"/> Present use <input type="checkbox"/> Other (specify) _____ Public Other (Describe) _____ Elec. <input checked="" type="checkbox"/> Gas <input type="checkbox"/> Water <input checked="" type="checkbox"/> San. Sewer <input checked="" type="checkbox"/> <input type="checkbox"/> Underground Elect. & Tel.	OFF SITE IMPROVEMENTS Street Access <input checked="" type="checkbox"/> Public <input type="checkbox"/> Private Surface Paved Maintenance <input checked="" type="checkbox"/> Public <input type="checkbox"/> Private <input type="checkbox"/> Storm Sewer <input type="checkbox"/> Curb/Gutter <input type="checkbox"/> Sidewalk <input type="checkbox"/> Street Lights	Topo Level _____ Size Typical Shape Rectangular View Residential Drainage Adequate Is the property located in a HUD identified Special Flood Hazard Area? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes
---	---	--

Comments (favorable or unfavorable including any apparent adverse easements, encroachments, or other adverse conditions): There were no apparent adverse easements, encroachments, or any other adverse conditions which could have been revealed by the appraiser's routine inspection of the subject property.

The undersigned has recited three recent sales of properties most similar and proximate to subject and has considered these in the market analysis. The description includes a dollar adjustment reflecting market reaction to those items of significant variation between the subject and comparable properties. If a significant item in the comparable property is superior to or more favorable than the subject property, a minus (-) adjustment is made thus reducing the indicated value of subject; if a significant item in the comparable is inferior to or less favorable than the subject property, a plus (+) adjustment is made thus increasing the indicated value of the subject.

ITEM	SUBJECT PROPERTY	COMPARABLE NO. 1	COMPARABLE NO. 2	COMPARABLE NO. 3
Address	27006 Elaine Drive Bonita Springs	25710 Corzline Road Bonita Springs	10330 Morningside Lane Bonita Springs	9047 Somerset Lane Bonita Springs
Proximity to Subject		1.78 miles	1.87 miles	2.68 miles
Sales Price	\$ N/A	\$ 159,000	\$ 156,000	\$ 64,000
Price per square foot		\$ 6.34	\$ 6.22	\$ 7.10
Data Source	Current Inspection	Book/Page OR# 4830/4421	Book/Page OR# 4752/2796	Book/Page OR# 4564/1798
Date of Sale and Time Adjustment	DESCRIPTION	DESCRIPTION +(-)\$ Adjust	DESCRIPTION +(-)\$ Adjust	DESCRIPTION +(-)\$ Adjust
	N/A	06/15/2005	05/20/2005	12/28/2004
Location	Suburban	Suburban	Suburban	Suburban
Site/View	11,250 square feet	25,100 square feet -70,000	25,070 square feet -70,000	9,017 square feet +12,000
View	Residential	Residential	Residential	Residential
Zoning	RS-1	RS-1	RS-1	AG-2 Equal
Busy Road	East Terry Street	Residential Street -15,000	Residential Street -15,000	Residential Street -5,000
Sales or Financing Concessions				
Net Adj. (Total)		<input type="checkbox"/> + <input checked="" type="checkbox"/> - \$ 85,000	<input type="checkbox"/> + <input checked="" type="checkbox"/> - \$ 85,000	<input checked="" type="checkbox"/> + <input type="checkbox"/> - \$ 7,000
Indicated Value of Subject		\$ 74,000	\$ 71,000	\$ 71,000

Comments on Market Data: The comparable sales provided are similar land sales located in or near the subject property's neighborhood. ***Please see Sales Comparison Comments for adjustments.

Comments and Conditions of Appraisal: This appraisal report has been completed to estimate a value opinion of the land described by the subject's legal description.

Final Reconciliation: The Sales Comparison Approach has been given primary emphasis in the final opinion of value, as it is the most reliable indicator of market value.

I ESTIMATE THE MARKET VALUE AS DEFINED, OF SUBJECT PROPERTY AS OF _____ 21 November 2005 to be \$ 71,000 State Registered Trainee Appraiser, RI-9277 Matthew H. Caldwell Appraiser(s)	State Certified General Appraiser, RZ 55 W. Michael Maxwell, MAI, SRA Review Appraiser (if applicable) <input checked="" type="checkbox"/> Did <input type="checkbox"/> Did Not Physically Inspect Property
--	---

Sales Comparison Comments

File No. 511300

Borrower/Client	Lee County Board of County Commissioners		
Property Address	27006 Elaine Drive		
City	Bonita Springs	County	Lee
		State	Florida
		Zip Code	34135
Lender			

Previous Transfers

There have been no valid transfers of the comparable sales in the past three years.

Sales Comparison Comments

Sales 1 & 2 are from Helfenstein Estates located to the north of the subject. Sale 3 is from Bonita Farms located to the west of the subject. Sales 4-6 are from Pinecrest Haven located to the east of the subject. These sales are most similar to our subject in zoning and single family use.

However, the subject is, in the pre-take condition, located on a busy, two lane thoroughfare, whereas Comparables 1-3 are located on quiet, two lane residential streets and Comparables 4-6 back up to Interstate 75, a four lane highway. We have completed a Busy Road Proximity Study, located in the Data Book, on major thoroughfares in Lee County. The study revealed a diminution range of 12% to 23%. Our study roads were much busier than East Terry Street. We estimate the diminution for this traffic level would be 10% to Sales 1-3 and an increase of 10% to sales 4-6.

After adjusting for size and proximity to busy roads, we conclude a land value of \$6.30 per square foot, or \$70,875, rounded to \$71,000.

Analysis of the Taking

Description of the Take

There is one taking associated with this parcel, a slope easement taking.

The slope easement take area is a rectangular parcel, that varies in depth, along the north border of the property. The total take area is 963 square feet, as provided by the survey.

Value of the Whole before Take

As already concluded, the value of the land is \$71,000. In addition, we must also consider the value of the improvements that will be affected by the taking. We did not observe any affected improvements in the take areas. Therefore, the Value of the Whole before Take is \$71,000.

Value of the Part Taken

Slope Easement Take (Less Than Fee) - As the Take will be an easement, the owner will lose a portion of their fee simple property rights. In cases similar to this, acquisition settlements and paired sales analysis for reduced property rights have been approximately 25% to 50 % of the fee simple value of the land. The taking is a 1':3' slope and the impact to the property is minimal. Also, the take area is mostly contained in the areas set aside for drainage and setbacks. As a result it is our opinion that the appropriate loss for the easement is 25% of the fee simple value. In the conclusion of the Land Value, we utilized \$6.30 per square foot. We will then apply this to the area of the Take as follows:

	963	(Take Area - Square Feet)
X \$	6.30	(Per Square Foot Value)
\$	6,067	(Value of the Part Taken - Fee Simple)
X	25%	(Loss of Fee Simple Rights)
\$	1,517	(Value of the Part Taken - Less Than Fee)



Sales Comparison Comments

Borrower/Client	Lee County Board of County Commissioners		
Property Address	27006 Elaine Drive		
City	Bonita Springs	County	Lee
		State	Florida
		Zip Code	34135
Lender			

Remainder Value as Part of Whole

The Remainder Value as Part of Whole is the difference between the Value of the Whole before Take and the Value of the Part Taken.

\$ 71,000	(Value of the Whole before Take)
- \$ 1,517	(Value of the Part Taken)
\$ 69,483	(Remainder Value as Part of Whole)

Remainder Value after Take

As this taking is substantially contained in the setback area required by zoning, this take does not adversely affect the remaining property, land or improvements. Therefore the Remainder Value after Take is the same as the Remainder Value as Part of Whole. This can be shown mathematically, as follows. The slight difference between \$69,483 and \$69,358 is due to rounding errors.

10,287	@ \$6.30 psf	= \$64,808	(Remainder Value - Fee Simple)
963	@ \$6.30 psf X 75%	= \$ 4,550	(Remainder Value - Less Than Fee)
		\$69,358	(Remainder Value - Total)

Severance Damages

As the proposed taking is contained in areas required for setbacks and drainage and is a minimal 1':3' slope, it is our opinion that the taking will not adversely affect the improvements. Therefore, there are no Severance Damages.

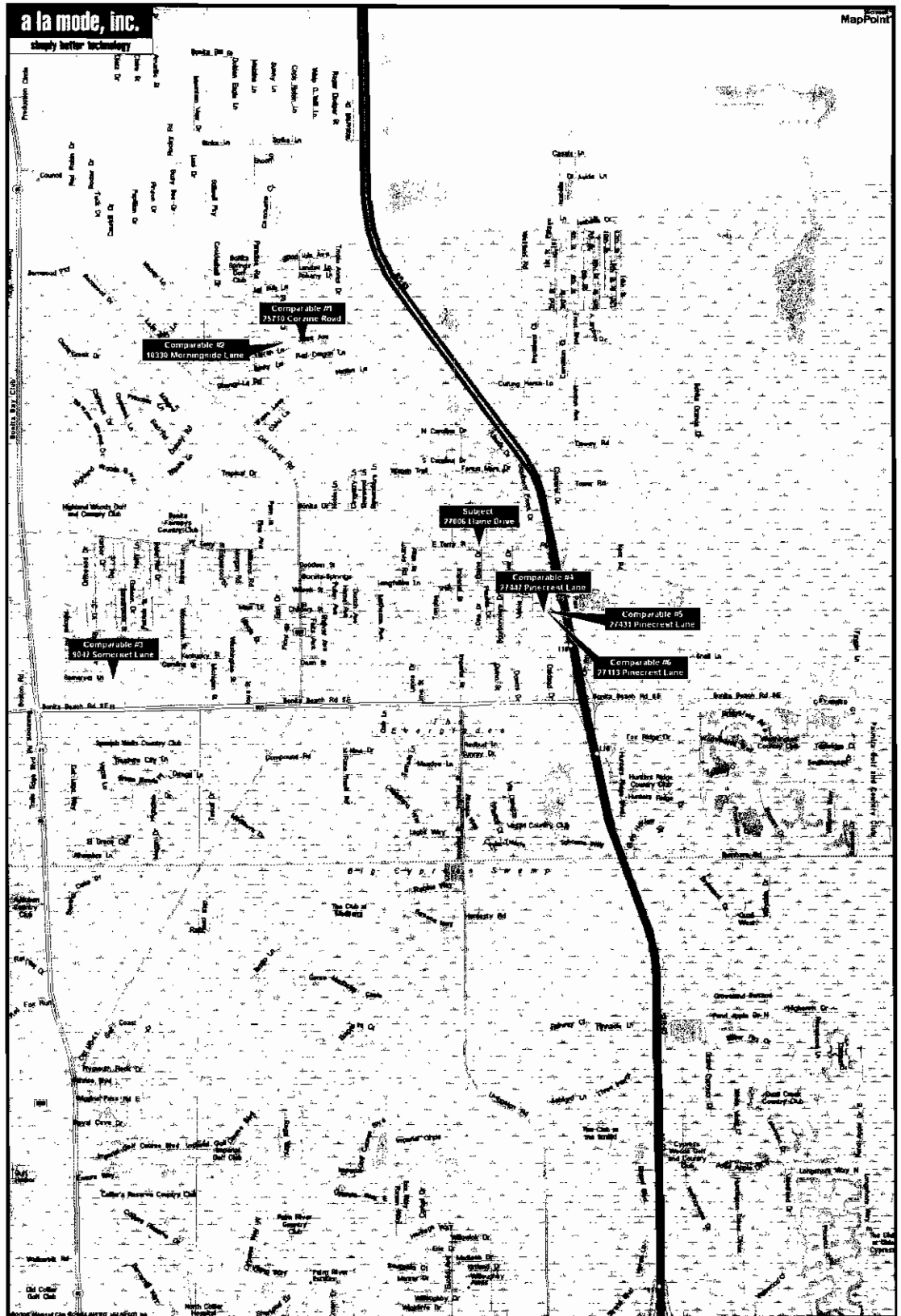
Amount Due Owner

The Amount Due Owner is the Value of Part Taken plus any Severance Damages incurred, as follows:

\$ 1,517	(Value of the Part Taken)
+\$ 0	(Severance Damages)
\$ 1,517	(Amount Due Owner)

Location Map

Borrower/Client	Lee County Board of County Commissioners		
Property Address	27006 Elaine Drive		
City	Bonita Springs	County	Lee
		State	Florida
		Zip Code	34135
Lender			



Teresa Mann - RE: Imperial Street Widening

From: "Gary Price" <gary.price@cityofbonitasprings.org>
To: "Teresa Mann" <MANNTL@leegov.com>
Date: 12/5/2005 2:05 PM
Subject: RE: Imperial Street Widening

I have reviewed and agree upon the purchase of parcels 316-A, 317-A, 1005, 1007, 1009, 1012, and 1014, please find a copy of the approval letter. A signed copy of the letter will follow in the mail.

Thank you,

Gary A. Price
 City Manager
 City of Bonita Springs
 9101 Bonita Beach Road
 Bonita Springs, FL 34135
 Phone: (239) 949-6238
 Fax: (239) 949-6239
 E-mail: gary.price@cityofbonitasprings.org

From: Teresa Mann [mailto:MANNTL@leegov.com]
Sent: Saturday, December 03, 2005 6:39 PM
To: Gary Price
Subject: Imperial Street Widening

Mr. Price,

Attached is a letter regarding binding offers for the above project. In an effort to expedite finalizing these acquisitions, I am sending this letter via facsimile and e-mail.

Please review and advise if acceptable. Thank you.

Teresa L. Mann, 5R/WA
 Property Acquisition Agent
 Division of County Lands
 E-Mail: manntl@leegov.com
 Telephone (239) 479-8505
 Fax (239) 479-8391

Please note: Florida has a very broad public records law. Most written communications to or from County officials regarding County business are public records available to the public and media upon request. Your e-mail communications may be subject to public disclosure.

Add Emotion Icons to your Emails



Please note: Florida has a very broad public records law. Most written communications to or from Bonita Springs officials regarding City business are public records available to the public and media upon request. Your e-mail communications may be subject to public disclosure.

December 5, 2005

Ms. Teresa L. Mann
Property Acquisition Agent
Lee County
PO Box 398
Fort Myers, FL 33902

RE: Purchase Agreement – Imperial Street Widening Project
Project No. 4060
Parcels 316-A, 317-A, 1005, 1007, 1009, 1012, and 1014

Dear Ms. Mann:

The agreed upon purchase conditions for the aforementioned parcels are reasonable and purchase is recommended by my office.

If you need further authorization, feel free to contact me.

Respectfully,

Gary A. Price
City Manager

GAP/kd

cc: Ken Hoffman, Community Project Coordinator

5-Year Sales History

Parcel No. 1005

Imperial Street Widening

Project No. 4060

Grantor	Grantee	Price	Date	Arms Length Y/N
Edna M. Marsh	Oscar O. & Leticia Joya, h/w	\$110,000	12/2000	Y