

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

Blue Sheet No. 20060097

1. ACTION REQUESTED/PURPOSE: Approve Easement Purchase Agreement for the acquisition of Parcels 102UE and 102WPE Corkscrew Road Water Treatment Plant Wellfield Expansion Project No. 7097, in the amount of \$15,200; authorize payment of costs to close and the Division of County Lands to handle all documentation necessary to complete transaction.

2. WHAT ACTION ACCOMPLISHES: Acquisition of easements for expansion of the wellfield for the Corkscrew Road Water Treatment Plant.

3. MANAGEMENT RECOMMENDATION: Approve.

4. Departmental Category: 6

C6B

5. Meeting Date: **02-14-2006**

6. Agenda:
 Consent
 Administrative
 Appeals
 Public
 Walk-On

7. Requirement/Purpose: (specify)
 Statute 125
 Ordinance
 Admin. Code
 Other BS20060009

8. Request Initiated:
 Commissioner _____
 Department Independent
 Division County Lands
 By: Karen L.W. Forsyth, Director

9. Background:

Negotiated for: Utilities Division (Twenty-five easement and fee-simple interests will be acquired from 3 remaining properties, under the parameters of this project).

Interest to Acquire: Utility Easement (± .23 acres) and Wellfield Protection Easement (± .66 acres)

Property Details:

Owner: Marx Broszio and James W. Johnson, t/c
Address: 19931 Burgundy Farms Road, Estero, 33928
STRAP No.: 23-46-26-00-00002.0160

Purchase Details:

Purchase Price: \$15,200
Costs to Close: Estimated to be \$500

Appraisal Information:

Company: Maxwell & Hendry Valuation Services
Appraised Value: \$13,600 (Rounded)

Staff Recommendation:

Staff is of the opinion that the purchase price increase of \$1,600 can be justified, considering costs associated with condemnation proceedings being estimated at \$5,000, excluding any increases in land value. Therefore, staff recommends the Board approve the Action Requested.

Account: Funds are available in Account No. 20709748712.506525

Attachments: Easement Purchase Agreement, Appraisal Data, Location Map, Title Data, 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>[Signature]</i>	N/A	N/A	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY COUNTY ADMIN: *[Signature]*
 2-2-06
 11:29
 COUNTY ADMIN FORWARDED TO: *[Signature]*
 2/2/06
 1/10

Rec. by CoAtty
 Date: 2/2/06
 Time: 3:00pm
 Forwarded To: *[Signature]*
 2/2/06 11:11

Parcel: 102UE/WPE - Broszio & Johnson
Project: Corkscrew Road WTP, No. 7097
STRAP No.: 23-46-26-00-00002.0160

EASEMENT PURCHASE AGREEMENT

This Agreement made and entered into this 30th day of January, 2006, by and between **MARX BROSZIO and JAMES W. JOHNSON, joint tenants with right of survivorship**, whose address is 1829 SW 12th Ave, Fort Lauderdale, Florida 33315, 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.

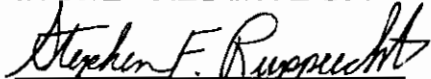
Whereas, Purchaser requires a perpetual, nonexclusive utility easement and wellfield protection easement located and described as set forth in Exhibit "A", attached hereto and made a part hereof by reference, for the construction, maintenance, and protection of waterline utility facilities and wellheads.

- a) Owner will grant said easement to Purchaser for the sum of \$15,200; Purchaser to pay recording costs, documentary stamps 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, and attached as Exhibit "C", hereto.
- c) Purchaser will pay Owner the amount agreed upon in item (a) of this agreement by County Warrant at closing, to occur within 30 days of the execution and acceptance of this Easement Purchase Agreement by Lee County Board of County Commissioners.
- 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 Easement Purchase Agreement will be presented to the Lee County Board of County Commissioners (BOCC) within 30 days of receipt of the executed Easement Purchase Agreement from SELLER. If the BOCC does not approve the Agreement within said 30 days, then this Agreement will be null and void.

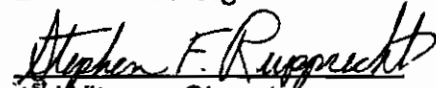
Page 2 of 2
Easement Purchase Agreement

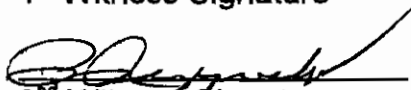
IN WITNESS WHEREOF, the parties have caused these presents to be executed in their respective names on the date first above written.


**SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:**

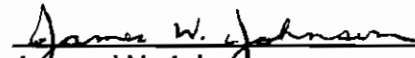

1st Witness Signature


2nd Witness Signature


1st Witness Signature


2nd Witness Signature


Marx Broszio Owner


James W. Johnson Owner

ATTEST:

CHARLIE GREEN, CLERK

By: _____
Deputy Clerk

LEE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

By: _____
Tammara Hall, Chairwoman

APPROVED AS TO LEGAL FORM

Office of County Attorney

Exhibit "A"

Page 1 of 4

Parcel 2 (Project Parcel 102 UE)

A parcel of land lying in Section 23, Township 46 South, Range 26 East, Lee County, Florida, and being more particularly described as follows: Commence at the Southeast corner of said Section 23 and run S89°28'40"W, along the South line of said Section 23, a distance of 1328.76 feet; Thence N00°31'20"W a distance of 50.00 feet to the North right-of-way line of Corkscrew Road also being the Southeast corner of a parcel of land described in Official Records Book 3890, Page 3762, Public Records of Lee County Florida, and the Point of Beginning of the parcel of land herein described; Thence S89°28'40"W, along said North right-of-way line, a distance of 664.23 feet to the Southwest corner of said Official Records Book 3890, Page 3762; Thence N00°42'09"W, along the West line of said Official Records Book 3890, Page 3762, a distance of 15.00 feet; Thence N89°28'40"E, parallel with said North right-of-way line, a distance of 664.25 feet to the East line of said Official Records Book 3890, Page 3762; Thence S00°38'39"E, along the East line of said Official Records Book 3890, Page 3762, a distance of 15.00 feet to the Point of Beginning. Containing 0.23 acres more or less. Subject to easements, reservations, restrictions, and rights-of-way of record.

NOTES:
THIS IS NOT A BOUNDARY SURVEY, NOR IS IT INTENDED TO BE USED AS ONE.

Bearing Reference: Bearing of S89°28'40"W on the South line of the Southeast one-quarter of Section 23, Township 46 South, Range 26 East. State Plane Coordinate, Florida West Zone, NAD 83(90).

This Description is only for the benefit of:

Lee County Utilities

No other person or Entity may rely on this Description.

Mark A. Texter (For the firm LB-642)
Professional Surveyor and Mapper
Florida Certificate No. 6392

Date signed: 6-30-05

Not valid without the signature and original raised seal of a Florida Licensed Surveyor.

In my professional opinion, as a duly Licensed Professional Surveyor and Mapper, I have examined the above described representation and find it to be correct and under my direction. Mark A. Texter, Professional Surveyor and Mapper, State No. 6392, Tallahassee, Florida.



Without sheet 2 of 2

Lee County Utilities
Sec. 23, Twp. 46 S., Rge. 26 E.
Lee County, Florida

JOHNSON
ENGINEERING

251 HICKROCKE AVENUE
LABELLE FLORIDA 32055
PHONE (863) 612-0594
FAX (863) 612-0541
E.B. #442 & L.B. #442

SCALE
As Shown

SHEET
1 of 2

Exhibit "A"

Page 2 of 4

O.R. Book 3890 Page 3762

West Line O.R. Book
3890 Page 3762

East Line O.R. Book
3890 Page 3762



Southwest Corner O.R.
Book 3890 Page 3762

Northerly R/W 589'28'40"W 664.23'
Section 23
Section 26
Corkscrew Road
100' R/W

P.O.B. Southeast Corner O.R.
Book 3890 Page 3762

Southeast Corner Sec. 23,
Twp. 46S., Rge. 26E., Set
PK nail and Disc (LB642)

Southerly R/W

- Legend:
- Sec. = Section
 - Twp. = Township
 - Rge. = Range
 - LB = Licensed Business
 - R/W = Right-of-Way
 - O.R. = Official Records
 - P.O.C. = Point of Commencement
 - P.O.B. = Point of Beginning

This Sketch of Description is not valid without sheet 1 of 2

Lee County Utilities
Sec. 23, Twp. 46 S., Rge. 26 E.
Lee County, Florida

JOHNSON
ENGINEERING

251 HICPOOCHIE AVENUE
LAVELLE, FLORIDA 33935
PHONE (863) 612-0594
FAX (863) 612-0341
E.R. #642 & L.B. #642

Sketch of Description
Parcel 2 (102 ac)

DATE	PROJECT NO.	P.L.T. NO.	SCALE	SHEET
6/20/05	20035735	Z3-16-26	As Shown	2 of 2

Exhibit "A"

Page 3 of 7

Parcel 3

(Project Parcel 102 W/E)

A parcel of land lying in Section 23, Township 46 South, Range 26 East, Lee County, Florida, and being more particularly described as follows: Commence at the Southeast corner of said Section 23 and run S89°28'40"W, along the South line of said Section 23, a distance of 1328.76 feet; Thence N00°31'20"W a distance of 50.00 feet to the North right-of-way line of Corkscrew Road also being the Southeast corner of a parcel of land described in Official Records Book 3890, Page 3762, Public Records of Lee County, Florida; Thence N00°38'39"W, along the East line of said Official Records Book 3890 page 3762, a distance of 15.00 feet to the Point of Beginning of the parcel of land herein described; Thence S89°28'40"W, parallel with said North right-of-way line, a distance of 148.82 feet to the beginning of a non-tangent curve to the right, from which the radius point bears N83°51'06"E a distance of 255.00 feet; Thence Northeasterly along the arc of said curve (said curve having a delta angle of 71°11'19", a radius of 255.00 feet, a chord bearing of N29°26'45"E, a chord length of 296.84 feet) a distance of 316.83 feet to the end of this curve and the said East line of Official Records Book 3890 page 3762; Thence S00°38'39"E, along the East line of said Official Records Book 3890, Page 3762, a distance of 257.16 feet to the Point of Beginning.

Containing 0.66 acres more or less.

Subject to easements, reservations, restrictions, and rights-of-way of record.

NOTES:
 THIS IS NOT A BOUNDARY SURVEY, NOR IS IT INTENDED TO BE USED AS ONE.

Bearing Reference: Bearing of S89°28'40"W on the South line of the Southeast one-quarter of Section 23, Township 46 South, Range 26 East, State Plane Coordinate, Florida West Zone, NAD 83(90).

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Lee County Utilities

No other person or Entity may rely on this Description.

Mark A. Texter
 (For the firm LB-642)

Professional Surveyor and Mapper
 Florida Certificate No. 6392

Date signed: 6-30-05

Not valid without the signature and original raised seal of a Florida Licensed Surveyor.

In my professional capacity, I, Mark A. Texter, a Licensed Professional Surveyor and Mapper, State of Florida, do hereby certify that the foregoing is a true and correct representation of the survey as shown and under my direction, in accordance with the laws and Statutes of the State of Florida.

251 HICKPOCKEE AVENUE
 LABELLE, FLORIDA 33605
 PHONE (863) 612-0344
 FAX (863) 612-0341
 E.B. #442 & L.B. #442



Without sheet 2 of 2

(102 W/E)

Lee County Utilities
 Sec. 23, Twp. 46 S., Rge. 26 E.
 Lee County, Florida

JOHNSON
ENGINEERING

DATE	9/20/05	SCALE	AS SHOWN	SHEET	1 of 2
PROJECT	20033735				

Exhibit "A"

Page 4 of 4

O.R. Book 3890 Page 3762

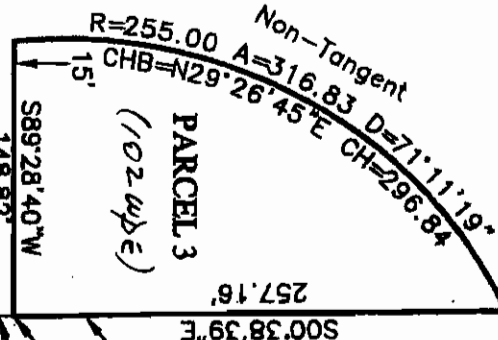
West Line O.R. Book
3890 Page 3762

Southwest Corner O.R.
Book 3890 Page 3762

Northerly R/W

Section 23
Section 26
Corkscrew Road
100' R/W

Southerly R/W



500'38'39"E

East Line O.R. Book
3890 Page 3762

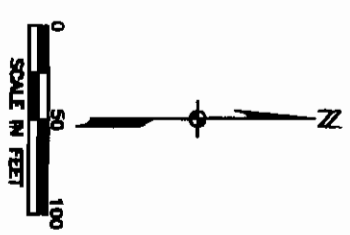
P.O.B.

148.82'
15'
889'28'40"W
Southwest Corner
O.R. Book 3890
Page 3762

15.00'
1328.76'
P.O.C.
Southwest Corner Sec.23,
Twp.46S., Rge.26E., Set
PK nail and Disc (LB642)

15.00'
50.00'
889'28'40"W
Southeast Corner
O.R. Book 3890
Page 3762

Section 23
Section 24



- Legend:
- Sec. = Section
 - Twp. = Township
 - Rge. = Range
 - LB = Licensed Business
 - R/W = Right-of-Way
 - O.R. = Official Records
 - P.O.C. = Point of Commencement
 - P.O.B. = Point of Beginning
 - R = Radius
 - A = Arc length
 - D = Delta angle
 - CHB = Chord Bearing
 - CH = Chord length

This Sketch of Description is not valid without sheet 1 of 2.

Lee County Utilities
Sec. 23, Twp. 46 S., Rge. 26 E.
Lee County, Florida

JOHNSON
ENGINEERING

251 HICKPOCKEE AVENUE
LABELLE, FLORIDA 32015
PHONE (863) 812-0304
FAX (863) 812-0341
E.B. #442 & L.B. #442

Sketch of Description

Parcel 3 (102 wye)

DATE	PROJECT NO.	FILE NO.	SCALE
6/29/05	20033735	23-46-25	As Shown

Section 26
Section 25

**EXHIBIT "B" OF THE EASEMENT PURCHASE AGREEMENT HAS BEEN
INTENTIONALLY OMITTED**

This Instrument Prepared by:
COUNTY LANDS DIVISION
P.O. Box 398
Fort Myers, FL 33902-0398
Parcel: 102 UE/WPE – Broszio & Johnson
Project: Corkscrew Road Wellfield Expansion, 7097
STRAP No.: 23-46-26-00-00002.0160

Exhibit "C"

Page 1 of 7

**GRANT OF PERPETUAL PUBLIC WATERLINE UTILITY EASEMENT
AND WELLFIELD PROTECTION EASEMENT**

This INDENTURE, made and entered into this __ day of _____, 20__, between **MARX BROSZIO AND JAMES W. JOHNSON, as joint tenants with right of survivorship**, Owner(s), whose address is 1829 SW 12th Avenue, Fort Lauderdale, Florida 33315, hereinafter "**Grantor**", and **LEE COUNTY**, a political subdivision of the State of Florida, whose address is P.O. Box 398, Fort Myers, FL 33902-0398, hereinafter "**Grantee**":

WITNESSETH

1. For and in consideration of the sum of Ten Dollars and other good and valuable consideration, receipt of which is hereby acknowledged, Grantor hereby grants and transfers to the Grantee, its successors and assigns, the use of a perpetual public utility easement, located and described as set forth in attached Exhibit "A", and a well field protection easement over and in the property located and described as set forth in attached Exhibit "B".

2. Grantee, its successors, appointees, heirs and assigns, are hereby granted the right, privilege, and authority to construct, replace, renew, extend and maintain public utility facilities, to include, but not be limited to: monitoring wells, water systems, with all appurtenances thereto, to be located on, under, above, across, through and within the easement which is located on the property described in Exhibit "A", herein the "Utility Easement Area", with the additional right, privilege and authority to remove, replace, repair and enlarge said facilities within said easement, and to trim and remove roots, trees, shrubs, bushes and plants and remove fences or any other improvements which may affect the operation of the public utility facilities or Grantee's use of the Utility Easement Area.

3. The public utility facilities, located in the Utility Easement Area will not be limited to any particular diameter size or type and/or number of connections to other similar facilities for providing public utility service to this and any adjacent properties. The total area of this public utility easement is to be reserved for the public utility lines, mains, or other utility facilities and for any landscaping (excluding trees), walkways, roadways, drainage ways, or similar type uses. Houses, fences, buildings, carports, garages, storage sheds or any other structures will not be constructed upon or placed within the Utility Easement Area at any time, present or future, by Grantor, or its heirs, successors or assigns.

4. The purpose of the wellfield protection easement granted herein is to protect the community potable water supply from contamination and imposes the following restrictions on the future use and enjoyment of the land described in Exhibit B, and Grantor, his successors and assigns, shall not engage in the following activities on or in the land described in Exhibit B:

- a. construction or operation of a private sanitary sewer system, including septic tanks, septic drainfields, deep well injection, or lift stations;
- b. storage or use of hazardous or toxic materials, including underground storage tanks, petroleum products or chemicals;

c. storage of pesticides or herbicides;

d. storage or disposal of liquid or solid waste, including landfills, land spreading of ash, sludge or contaminated soil;

e. mining.

5. Title to any public utility facilities constructed or placed hereunder will remain in the Grantee, Grantee's successors, appointees and/or assigns, or the public utility providing the service.

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, Grantor covenants that he is lawfully seized and possessed of the real property described in Exhibit "A" and Exhibit "B", has good and lawful right and power to convey and/or encumber the property, and that the property is free and clear of all liens and encumbrances, except as herein stated or recorded in the Public Records, 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 will have a reasonable right of access across Grantor's property for the purposes of reaching the Easement Area on either paved or unpaved surfaces. Any damage to Grantor's property or permitted improvements thereon as the result of such access to the described Easement Area will be restored by the Grantee or the particular utility providing services to the condition in which it existed prior to the damage to the extent reasonably practicable.

8. THIS AGREEMENT AGREEMENT will be binding upon the parties hereto, their successors and assigns.

IN WITNESS WHEREOF, _____, OWNER, has caused this document to be signed on the date first above written.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF TWO WITNESSES:

MARX BROSZIO (Date)

1st Witness Signature

Printed name of 1st Witness

2nd Witness Signature

Printed name of 2nd Witness

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2006,
by Marx Broszio. He is personally known to me or has produced _____ as
identification. (type of identification)

(Seal)

(Signature of Notary Public)

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

JAMES W. JOHNSON (Date)

1st Witness Signature

Printed name of 1st Witness

2nd Witness Signature

Printed name of 2nd Witness

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2006,
by James W. Johnson. He is personally known to me or has produced _____ as
identification. (type of identification)

(Seal)

(Signature of Notary Public)

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

Exhibit "C"

Page 4 of 7

Parcel 2

A parcel of land lying in Section 23, Township 46 South, Range 26 East, Lee County, Florida, and being more particularly described as follows: Commence at the Southeast corner of said Section 23 and run S89°28'40"W, along the South line of said Section 23, a distance of 1328.76 feet; Thence N00°31'20"W a distance of 50.00 feet to the North right-of-way line of Corkscrew Road also being the Southeast corner of a parcel of land described in Official Records Book 3890, Page 3762, Public Records of Lee County Florida, and the Point of Beginning of the parcel of land herein described; Thence S89°28'40"W, along said North right-of-way line, a distance of 664.23 feet to the Southwest corner of said Official Records Book 3890, Page 3762; Thence N00°42'09"W, along the West line of said Official Records Book 3890, Page 3762, a distance of 15.00 feet; Thence N89°28'40"E, parallel with said North right-of-way line, a distance of 664.25 feet to the East line of said Official Records Book 3890, Page 3762; Thence S00°38'39"E, along the East line of said Official Records Book 3890, Page 3762, a distance of 15.00 feet to the Point of Beginning. Containing 0.23 acres more or less. Subject to easements, reservations, restrictions, and rights-of-way of record.

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Bearing Reference: Bearing of S89°28'40"W on the South line of the Southeast one-quarter of Section 23, Township 46 South, Range 26 East. State Plane Coordinate, Florida West Zone, NAD 83(90).

This Description is only for the benefit of:

Lee County Utilities

No other person or Entity may rely on this Description.

Mark A. Texter
Professional Surveyor and Mapper
Florida Certificate No. 6392

Date signed: 6-30-05

Not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper.

In my professional opinion, as a Licensed Florida Professional Surveyor and Mapper, this Description is accurate and correct representation of a recent survey made and plotted under my direction, made in accordance with Chapter 472.027, Florida Statutes.



This Description is not valid without sheet 2 of 2

Lee County Utilities
Sec. 23, Twp. 46 S., Rge. 26 E.
Lee County, Florida

JOHNSON

ENGINEERING

251 HICKPOCKEE AVENUE
LABELLE, FLORIDA 33935
PHONE (863) 612-0594
FAX (863) 612-0341
E.B. #642 & L.B. #642

DATE	6/20/05	SCALE	As Shown	SHEET	1 of 2
PROJECT	20033735				

Exhibit "A"

Exhibit "C"
Page 5 of 7

O.R. Book 3890 Page 3762

West Line O.R. Book
3890 Page 3762

East Line O.R. Book
3890 Page 3762

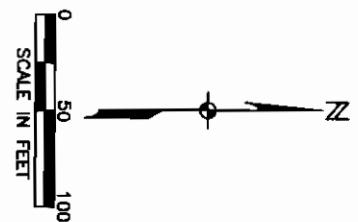
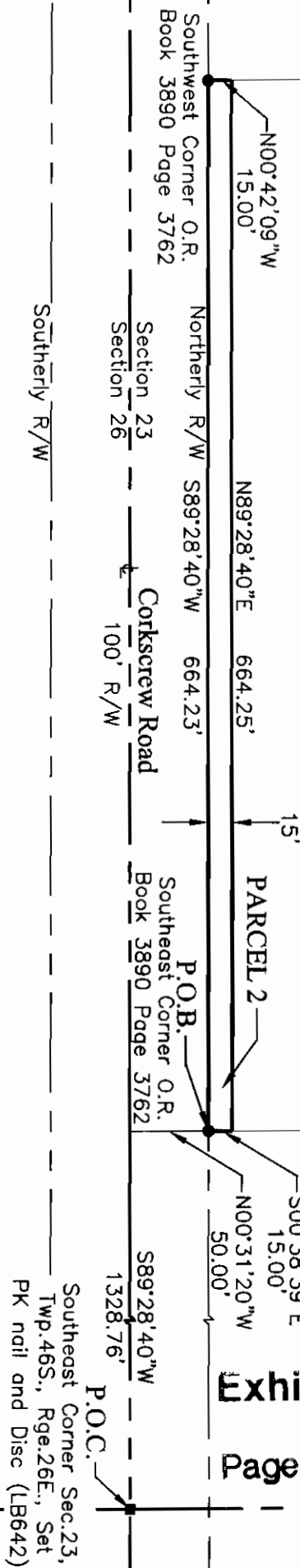


Exhibit "A"

Page 2 of 2

Section 23
Section 24



Legend:
Sec. = Section
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Rge. = Range
LB = Licensed Business
R/W = Right-of-Way
O.R. = Official Records

P.O.C. = Point of Commencement
P.O.B. = Point of Beginning

This Sketch of Description is not void without sheet 1 of 2

Lee County Utilities
Sec. 23, Twp. 46 S., Rge. 26 E.
Lee County, Florida

JOHNSON
ENGINEERING

251 HICKPOCKEE AVENUE
LABELLE, FLORIDA 33935
PHONE (863) 612-0594
FAX (863) 612-0341
E.B. #642 & L.B. #642

Sketch of Description
Parcel 2

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
6/20/05	20033735	23-46-26	As Shown	2 of 2

Parcel 3

A parcel of land lying in Section 23, Township 46 South, Range 26 East, Lee County, Florida, and being more particularly described as follows: Commence at the Southeast corner of said Section 23 and run S89°28'40"W, along the South line of said Section 23, a distance of 1328.76 feet; Thence N00°31'20"W a distance of 50.00 feet to the North right-of-way line of Corkscrew Road also being the Southeast corner of a parcel of land described in Official Records Book 3890, Page 3762, Public Records of Lee County, Florida; Thence N00°38'39"W, along the East line of said Official Records Book 3890 page 3762, a distance of 15.00 feet to the Point of Beginning of the parcel of land herein described; Thence S89°28'40"W, parallel with said North right-of-way line, a distance of 148.82 feet to the beginning of a non-tangent curve to the right, from which the radius point bears N83°51'06"E a distance of 255.00 feet; Thence Northeasterly along the arc of said curve (said curve having a delta angle of 71°11'19", a radius of 255.00 feet, a chord bearing of N29°26'45"E, a chord length of 296.84 feet) a distance of 316.83 feet to the end of this curve and the said East line of Official Records Book 3890 page 3762; Thence S00°38'39"E, along the East line of said Official Records Book 3890, Page 3762, a distance of 257.16 feet to the Point of Beginning. Containing 0.66 acres more or less. Subject to easements, reservations, restrictions, and rights-of-way of record.

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Bearing Reference: Bearing of S89°28'40"W on the South line of the Southeast one-quarter of Section 23, Township 46 South, Range 26 East, State Plane Coordinate, Florida West Zone, NAD 83(90).

This Description is only for the benefit of:

Lee County Utilities

No other person or Entity may rely on this Description.

Exhibit "B"

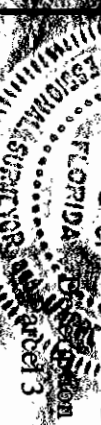
Mark A. Texter
Professional Surveyor and Mapper
Florida Certificate No. 6392

Date signed: 6-30-05

Not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper.

In my professional opinion, as a Licensed Florida Professional Surveyor and Mapper, the description is true and correct representation of a recent survey made and plotted under my direction, made in accordance with Chapter 472.027, Florida Statutes.

This Description is not valid without sheet 2 of 2



251 HICKPOCKET AVENUE
LABELLE, FLORIDA 33935
PHONE (863) 612-0594
FAX (863) 612-0341
E.B. #642 & L.B. #642

JOHNSON
ENGINEERING

Lee County Utilities
Sec. 23, Twp. 46 S., Rge. 26 E.
Lee County, Florida

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
6/20/05	20033735	23-46-26	As Shown	1 of 2

Exhibit "C"

Page 7 of 7

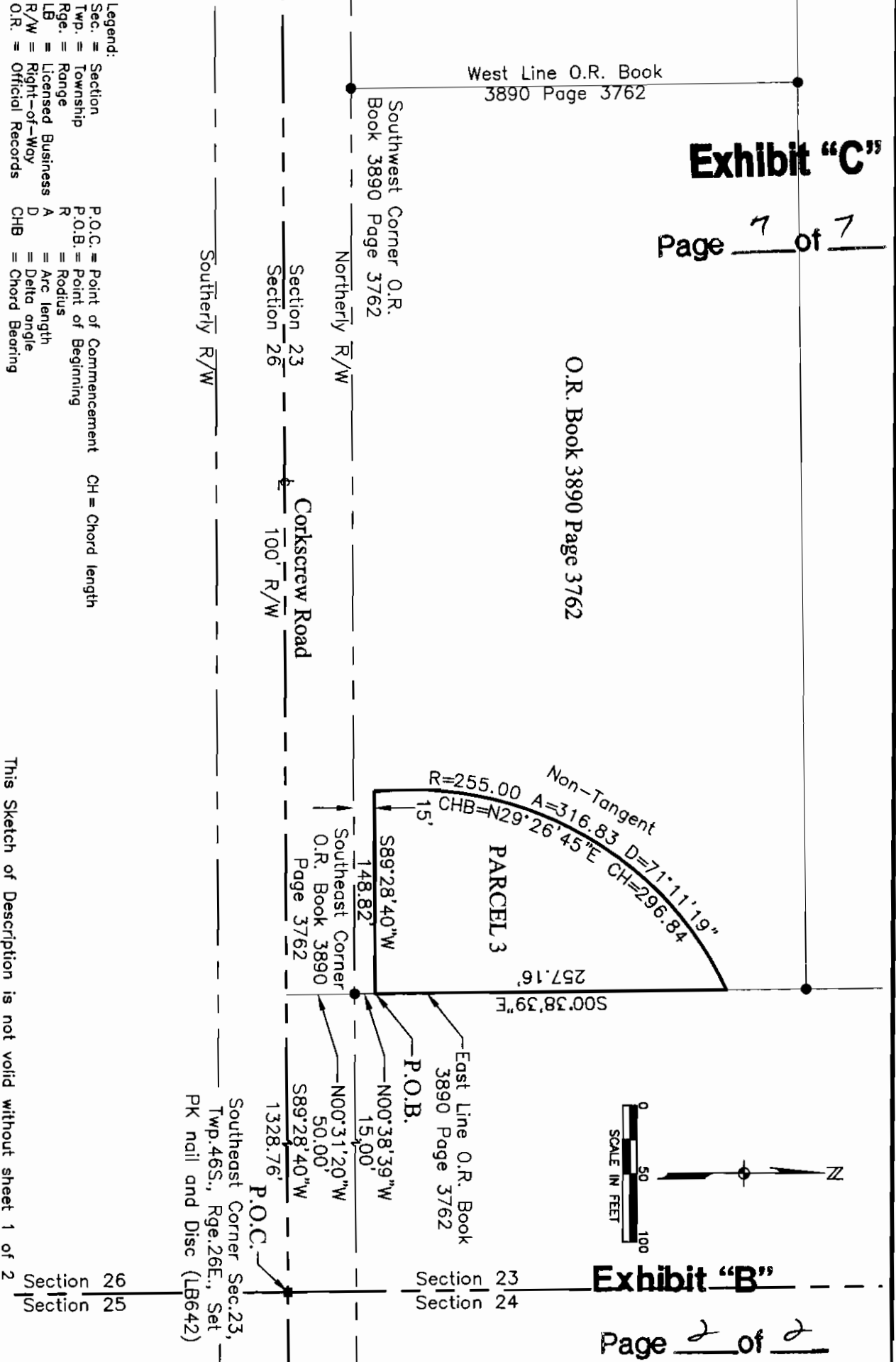


Exhibit "B"

Page 2 of 2

This Sketch of Description is not valid without sheet 1 of 2

Lee County Utilities
 Sec. 23, Twp. 46 S., Rge. 26 E.
 Lee County, Florida

JOHNSON
ENGINEERING

251 HICKPOCHEE AVENUE
 LABELLE, FLORIDA 33935
 PHONE (863) 612-0594
 FAX (863) 612-0341
 E.B. #642 & L.B. #642

Sketch of Description
 Parcel 3

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
6/20/05	20033735	23-46-26	As Shown	2 of 2

Section One – Executive Summary

Property type:	Vacant Land
Address:	19931 Burgundy Farms Road, Fort Myers, Lee County, FL
Location:	Located on the north side of Corkscrew Road, 1 mile east of Alico Road
Current Taxes:	401.05
Owner of Record:	Marx Broszio & James W. Johnson
Site area (acres):	5 +/-
Topsoil removal area (acres):	0.23
Topsoil take area (acres):	0.00
Topsoil placement area (acres):	0.66
Recoverable site area (acres):	5 +/-
Zone:	AG-2
Zone Use:	DRGR
Highest & Best Use - Vacant:	Single Family Residential
Highest & Best Use - After Take:	Single Family Residential
Condition appraised:	As Is
Interest appraised:	Fee Simple
Value appraised:	Market Value
Date of appraisal:	11/21/2005
Date of change:	11/21/2005
Date of report:	12/26/2005
Value of the Whole before Take:	\$175,000
Value of the Part Taken:	\$13,563
Residual Value as Part of Whole:	\$161,437
Residual Value after Take:	\$161,437
Services Disputed:	\$0
Compensation Due the Owner:	\$13,563
Depreciation Included:	See Data Book
Hypothetical Conditions:	See Data Book
Extraordinary Assumptions:	See Data Book
Appraisers:	W. Michael Maxwell, MAI, SRA; Matthew H. Caldwell

* \$13,600
(Rounded)

CORKSCREW ROAD WTP WELLFIELD 7097 - PROJECT AREA

144626

134626

184627

174627

ALICO RD

224626

234626

244626

194627

204627

Subject

CORKSCREW RD

274626

264626

254626

SIX LS FARM RD

304627

294627

4626

354626

364626



County Owned Lands

THIS IS NOT A SURVEY.
THE COUNTY LANDS DIVISION HAS PREPARED THIS MAP FOR INFORMATIONAL PURPOSES ONLY. DETAILS SHOWN MAY BE UNOFFICIAL, DETERMINATIONS AND MAY NOT BE ACCOMPANIED BY WARRANTY OR GUARANTEE. WHILE THE DIVISION HAS MADE EVERY EFFORT TO PROVIDE THE CORRECT INFORMATION, INDEPENDENT VERIFICATION MAY BE REQUIRED.
REVISED: JAN. 11, 2006
BY: DALE LAM, REGISTRAR



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

Search No. 23-46-26-00-00002.0160

Date: January 28, 2005

Parcel: 102

Project: Corkscrew Rd WPT 7097

To: J. Keith Gomez
Property Acquisition AgentFrom: Kenneth Pitt 
Real Estate Title Examiner

STRAP: 23-46-26-00-00002.0160

Effective Date: December 31, 2004, at 5:00 p.m.

Subject Property: See Attached Schedule

Title to the subject property is vested in the following:

Marx Broszio and James W. Johnson, as joint tenants with right of survivorship.By that certain instrument dated March 21, 2003, recorded April 3, 2003, in Official Record Book 2067 Page 1693, Public Records of Lee County, Florida.**Easements:**

✓ 1): Subject to a Non-exclusive Roadway Easement over the East 60 feet of the West 690 feet of the West ½ of the East ½ of Section 23, Township 46 South, Range 26 East, as recited in a deed recorded in Official Record Book 1371 Page 1350, Public Records of Lee County, Florida. Said easement affects the West 30 feet of the subject property.

✓ 2): Subject to a Deed of Restrictions, recorded in Official Record Book 1444 Page 1273, Public Records of Lee County, Florida.

✓ 3): Subject to Easements for Public Utilities and Drainage purposes over and across the East 10 feet and over and across the East 10 feet of the West 40 feet, also the North and South 10 feet of the subject property, as recited in a deed recorded in Official Record Book 1523 Page 1924, Public Records of Lee County, Florida.

✓ Note 1): Subject to a Mortgage in the original sum of \$1,000,000.00 between Marx Broszio and James W. Johnson (mortgagors) and Farm Credit of Southwest Florida ACA (mortgagee), recorded in Official Record Book ~~4103~~ ²⁰ Page ~~3303~~ ^{14400 - not to exceed \$1M}, Public Records of Lee County, Florida.

Note 2): Subject to a Collateral Assignment of Leases, Rents and Profits, recorded in Official Record Book 3890 Page 3772, Public Records of Lee County, Florida.

Note 3): Subject to a U.C.C.1 Financing Statement, recorded in Official Record Book 3893 Page 4778, Public Records of Lee County, Florida.

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

Search No. 23-46-26-00-00002.0160

Date: January 28, 2005

Parcel: 102

Project: Corkscrew Rd WPT 7097

Note 4): Subject to a Judgment vs. James W. Johnson JR. in the sum of \$83,632.08, recorded in Official Record Book 2213 Page 487, Public Records of Lee County, Florida.

Note 5): Subject to a Judgment vs. James Johnson in the sum of \$1,614.01, recorded in Official Record Book 2277 Page 3451 and re-recorded in Official Record Book 2278 Page 3889 and Official Record Book 2302 Page 3112, Public Records of Lee County, Florida.

Note 6): Subject to a Judgment vs. James Johnson, in the sum of \$784.47, recorded in Official Record Book 2297 Page 161, Public Records of Lee County, Florida.

Note 7): Subject to a Judgment vs. James Johnson, in the sum of \$29,533.31, recorded in Official Record Book 2882 Page 561 and re-recorded Official Record Book 3381 Page 1391, Public Records of Lee County, Florida.

Note 8): Subject to a Judgment vs. James W. Johnson, in the sum of \$4,524.37, recorded in Official Record Book 3513 Page 4153 and re-recorded in Official Record Book 3555 Page 3924, Public Records of Lee County, Florida. *584*

Note 9): Subject to a Federal Tax Lien vs. James Johnson, in the sum of \$16,067.73, recorded in Official Record Book 4135 Page 4033, Public Records of Lee County, Florida.

Note 10): 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.

All liens appear to be unrelated to subject owner

Tax Status: Paid in installments with an outstanding balance of \$187.41 for Tax Year 2004.
(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.

5-Year Sales History

Parcel No. 102UE, 102WPE

Corkscrew Road WTP Wellfield Expansion
Project No. 7097

Grantor	Grantee	Price	Date	Arms Length Y/N
Troy Goodman, Tr	Marx Broszio & James W. Johnson, t/c	\$180,000	3/21/03	Y*

* The referenced transaction represents the sale of the 10-acre parent tract.