

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

Blue Sheet No. 20060116

1. ACTION REQUESTED/PURPOSE:

Approve Easement Purchase Agreement for acquisition of Parcel 94, Gladiolus Drive Widening Project, No. 4083 in the amount of \$1,500; authorize the payment of costs to close and the Division of County Lands to handle all documentation necessary to complete transaction.

2. WHAT ACTION ACCOMPLISHES: Acquires property necessary for the widening of Gladiolus Drive and avoids condemnation proceedings.

3. MANAGEMENT RECOMMENDATION: Approve.

4. Departmental Category: 6

CGA

5. Meeting Date: **03-14-2006**

6. Agenda:

- Consent
- Administrative
- Appeals
- Public
- Walk-On

7. Requirement/Purpose: (specify)

- Statute 125
- Ordinance
- Admin. Code
- Other

8. Request Initiated:

Commissioner _____
 Department _____ Independent
 Division _____ County Lands **2-1-06**
 By: Karen L.W. Forsyth, Director *KLF*

9. Background:

Negotiated for: Department of Transportation

Interest to Acquire: Drainage easement on 1977 square feet of vacant land.

Property Details:

Owner: Luuly Quang
 STRAP No.: 32-45-24-01-000K0.0250

Purchase Details:

Purchase Price: \$1,500
 Costs to Close: \$200
 Through negotiations, the property owner has agreed to accept \$1,500.

Appraisal Information:

An appraisal has not been obtained for this property. The purchase price is less than the cost of obtaining an appraisal on this property.

Account: 20408330700.506110

Attachments: Easement Purchase Agreement; Location Map; In-House Title Report; 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>and 2-15</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>HS 2/22/06</i>

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

Rec. by COAtty

Date: 2/14/06

Time: 1:50pm

Forwarded To: _____

S:\POOL\Gladiolus #4083\BS - Parcel 94.doc

RECEIVED BY

COUNTY ADMIN: [Signature]

2-17-06

1:50

COUNTY ADMIN

FORWARDED TO:

[Signature]

[Handwritten notes]

FEB 15 2006

Parcel: 94
Project: Gladiolus Drive Widening, No. 4083
STRAP No.: 32-45-24-01-000K0.0250

EASEMENT PURCHASE AGREEMENT

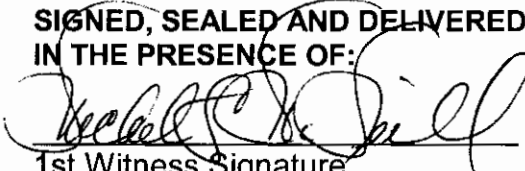
This Agreement made and entered into this ____ day of _____, 20 ____, by and between **LUULY QUANG**, a single person, whose address is 4925 Skates Circle, Fort Myers, FL 33905, hereinafter referred to as Owner, and **LEE COUNTY**, a political subdivision of the State of Florida, for the use and benefit of said County, hereinafter referred to as Purchaser.

Whereas, Purchaser requires a perpetual, nonexclusive drainage easement located and described as set forth in Exhibit "A", attached hereto and made a part hereof by reference.

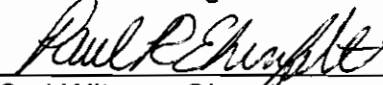
- a) Owner will grant said easement to Purchaser for the sum of \$1,500.00; Purchaser to pay recording costs, documentary stamps and title insurance.
- b) Owner agrees that said easement will be granted to Purchaser by execution of a perpetual easement in form and substance as provided by Purchaser.
- 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



Luuly Quang

ATTEST:

CHARLIE GREEN, CLERK

By: _____
Deputy Clerk

LEE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

By: _____
Chairwoman or Vice-Chairman

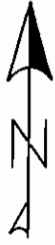
APPROVED AS TO LEGAL FORM

Office of County Attorney

SKETCH OF DESCRIPTION

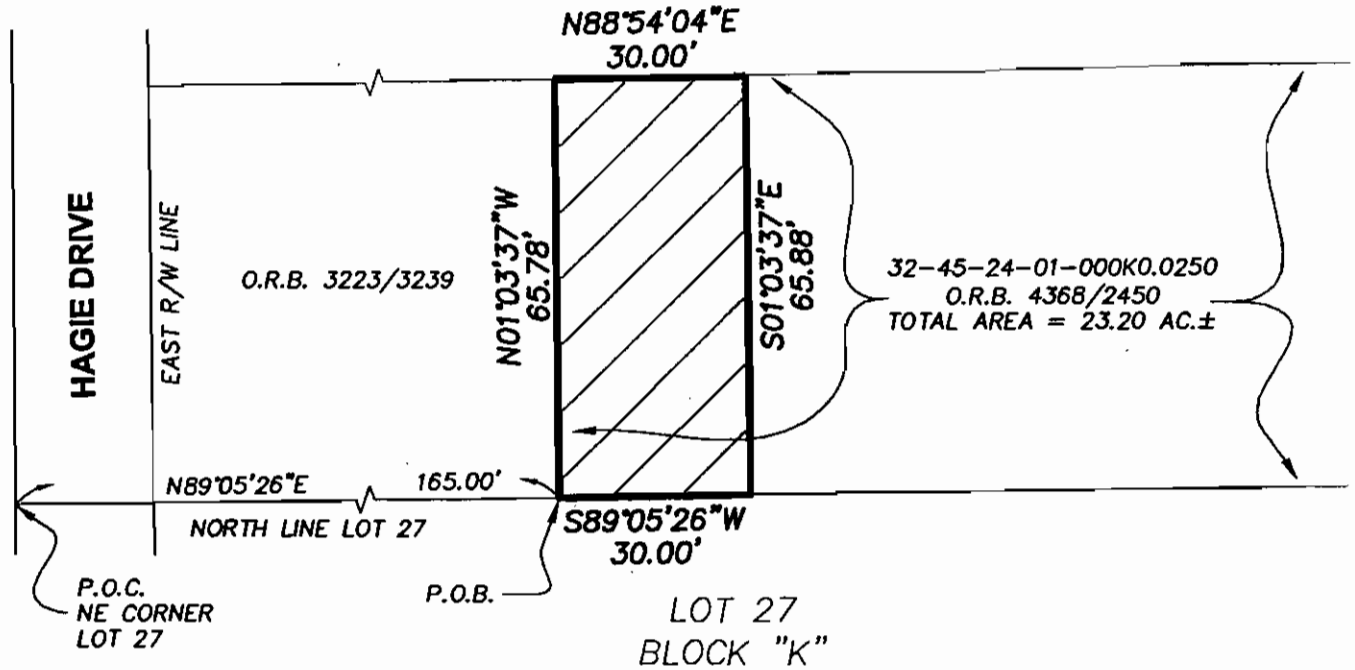
Exhibit "A"

OF A PARCEL LYING IN THE NW 1/4 OF THE SE 1/4 OF SECTION 32, TWP 45 S, RGE 24 E, LEE COUNTY, FLORIDA



LOT 26
BLOCK "K"

O.R.B. 2187/3103



PARCEL NO.: 94 DE
PROPERTY OWNER: LUULY QUANG

REFERENCE: O.R.B. 4368/2450
STRAP NO.: 32-45-24-01-000K0.0250
AREA OF TAKE: 1977 SQ. FT., 0.05 AC.±
AREA OF REMAINDER: 23.15 AC.±

KEY:
AC. = ACRES
P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
O.R.B. = OFFICIAL RECORDS BOOK/PAGE
SQ. FT. = SQUARE FEET

James N. Wilkison
JAMES N. WILKISON (FOR THE FIRM LB6773)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA LICENSE NO. LS 4876
THIS 16th DAY OF Mar 2005.

NOTE:
SEE SHEET 2 OF 2
FOR DESCRIPTION

THIS IS NOT A SURVEY

JEFFREY C. COONER AND ASSOCIATES, INC.

SURVEYING AND MAPPING
3900 COLONIAL BLVD., SUITE 4, FORT MYERS, FLORIDA 33912
PHONE: (239)277-0722 FAX: (239)277-7179 EMAIL: SURVEYING@COONER.COM

CLIENT: LEE COUNTY D.O.T. ENGINEERING	DRAWN BY: JRF	CHECKED BY: J.N.W.
PARCEL DESCRIPTION: EASEMENT PARCEL IN THE NW 1/4 OF THE SE 1/4 OF SEC 32-45-24	DATE: 1/24/05	SCALE: 1"=30'
	PROJECT No: 020504	REV: 3/15/05
	DWG No: KO_0250SKD	SHEET: 1 OF 2

SKETCH OF DESCRIPTION

Exhibit "A"

OF A PARCEL LYING IN THE NW 1/4 OF THE SE 1/4 OF
SECTION 32, TWP 45 S, RGE 24 E, LEE COUNTY, FLORIDA

DESCRIPTION:

DESCRIPTION OF A PARCEL OF LAND SITUATED IN LOT 26, BLOCK "K", HARLEM HEIGHTS, AS RECORDED IN PLAT BOOK 8, PAGE 76, IN SECTION 32, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, ALSO BEING A PART OF A PARCEL OF LAND RECORDED IN OFFICIAL RECORDS BOOK 4368, PAGE 2450, AND BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 27, SAID BLOCK "K", THENCE RUN N89°05'26"E, A DISTANCE OF 165.00 FEET ALONG THE NORTH LINE OF SAID LOT 27 TO THE POINT OF BEGINNING; THENCE RUN N01°06'37"W, A DISTANCE OF 65.78 FEET ALONG THE EAST LINE OF A PARCEL RECORDED IN OFFICIAL RECORDS BOOK 3223, PAGE 3239 TO THE SOUTH LINE OF A PARCEL RECORDED IN OFFICIAL RECORDS BOOK 2187, PAGE 3103; THENCE RUN N88°54'04"E, A DISTANCE OF 30.00 FEET ALONG SAID SOUTH LINE; THENCE RUN S01°03'37"E, A DISTANCE OF 65.88 FEET; THENCE RUN S88°05'26"W, A DISTANCE OF 30.00 FEET ALONG SAID NORTH LINE OF LOT 27 TO THE POINT OF BEGINNING.

CONTAINING 1,977 SQUARE FEET OR 0.05 ACRES, MORE OR LESS.

ALL RECORDING REFERENCES ARE FROM THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

NOTE:
SEE SHEET 1 OF 2
FOR SKETCH

THIS IS NOT A SURVEY

JEFFREY C. COONER AND ASSOCIATES, INC.

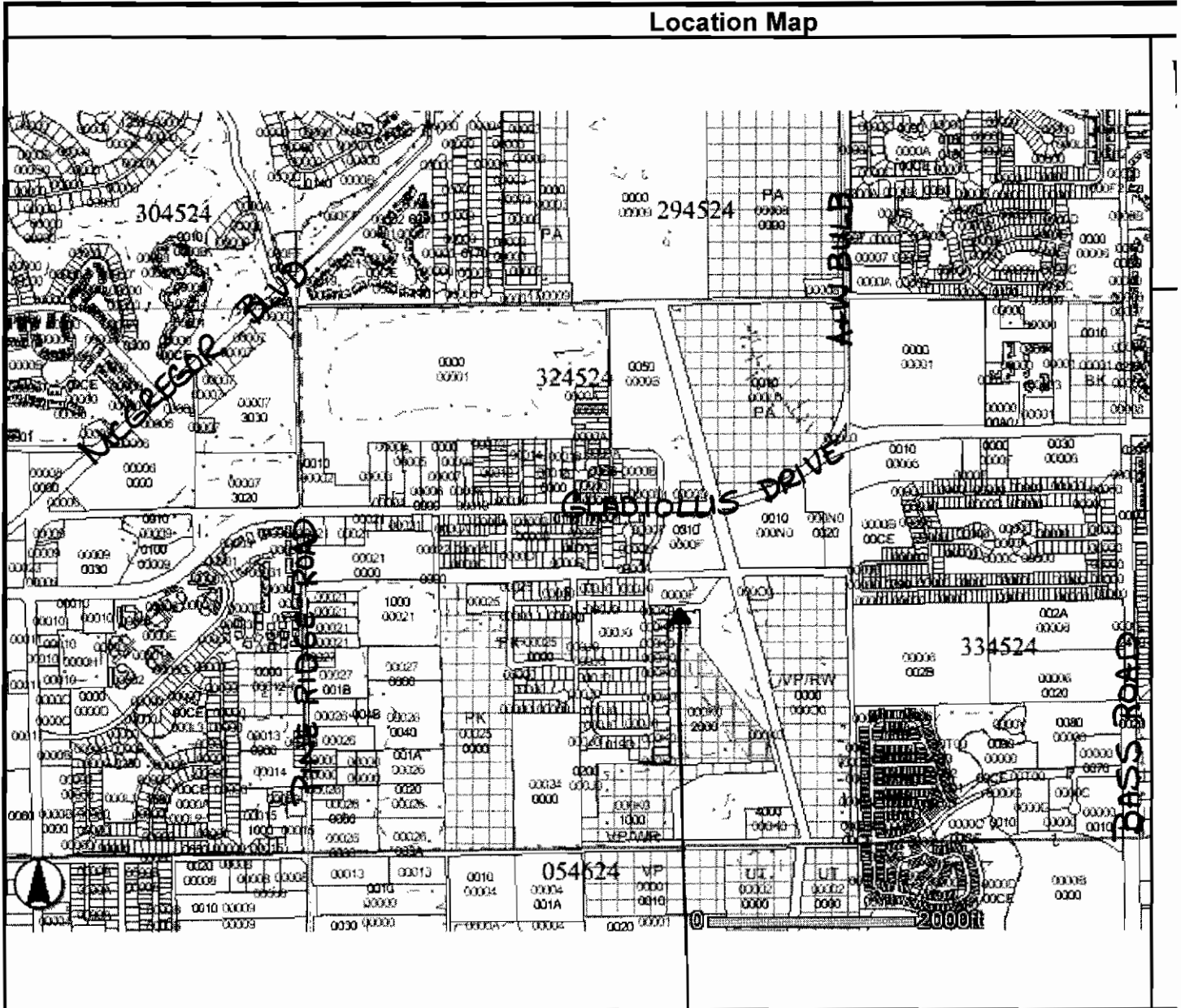
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	PROJECT No: 020504	DWG No: K0_0250SKD	SHEET: 2 OF 2

Location Map



SUBJECT PROPERTY

5-Year Sales History

Parcel No. 94

Gladiolus Drive Widening Project,
No. 4083

Grantor	Grantee	Price	Date	Arms Length Y/N
Wachovia Bank, N.A.	Luuly Quang	\$86,900	7/12/2004	N
Clerk of Courts	Wachovia Bank, N.A.	Foreclosure	9/9/2003	N
Martin E. and Kimberly S. Hawley H/W	Martin E. Hawley, Trustee for Mary Pikulik	\$100	9/20/2001	N

NOTE: Sale(s) relate to "parent tract" of the subject parcel.

Division of County Lands

Ownership and Easement Search

Search No. 32-45-24-01-000K0.0250

Date: October 14, 2005

Parcel: 94

Project: Gladiolus Drive Widening, Project 4083

To: Michele S. McNeill, SR/WA
Property Acquisition Agent

From: Shelia A. Bedwell, CLS
Property Acquisition Assistant

STRAP: 32-45-24-01-000K0.0250

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

Subject Property: See attached Exhibit "A"

Title to the subject property is vested in the following:

No charges as of 1/18/06

Luuly Quang, a single woman

By that certain instrument dated July 12, 2004, recorded July 16, 2004, in Official Record Book 4368, Page 2450, Public Records of Lee County, Florida.

Easements:

None found of record.

NOTE (1): Agreement to Enter Upon Land for Mosquito Control Work, recorded in Official Record Book 404, Page 366, Public Records of Lee County, Florida.

NOTE (2): Deeds recorded August 22, 1973 in Official Record Book 981, Page 880 and recorded September 27, 2001 in Official Record Book 3491, Page 4575, Public Records of Lee County, Florida, do not contain powers of the Trustee nor is there a separate Trust Agreement of record. This must be addressed and resolved by the Title Company or Attorney that handles the transfer to the County.

NOTE (3): Resolution of the Board of County Commissioners regarding zoning changes to subject property and other lands, recorded in Official Record Book 1811, Page 2242, as amended in Official Record Book 1850, Page 3431 and Official Record 1898, Page 686, Public Records of Lee County, Florida.

Tax Status: 2004 taxes paid December 31, 2004 in the amount of \$595.20.

(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 warranty as to its accuracy.

Exhibit "A"

A tract or parcel of land lying in Lots 26 through 39, Block "K", HARLEM HEIGHTS, a subdivision in the Southeast 1/4 of Section 32, Township 45 South, Range 24 East, Lee County, Florida, as shown on the plat recorded in Plat Book 8, page 76, public records of Lee County, Florida, which tract or parcel is described as follows:

From the Southeast corner of the Southeast 1/4 of said Section 32, run North 01 deg 02'04" West, along the East line of said fraction for 50.00 feet to an intersection with the North line of former I.D.D. Canal C-7; thence run South 88 deg. 57'18" West, along said North line for 1083.48 feet to the Point of Beginning. From said Point of Beginning continue South 88 deg. 57'18" West along said North line for 700.00 feet; thence run North 01 deg. 02'48" West, for 500.00 feet; thence run North 64 deg. 30'40" East, for 362.48 feet; thence run North 88 deg. 57'18" East, for 683.14 feet to an intersection with a line 50.00 feet Westerly from (as measured on a perpendicular) and parallel with the Westerly line of Big Slew Canal as shown on said plat of HARLEM HEIGHTS; thence run North 14 deg. 49'32" West, along said parallel line for 374.63 feet; thence run North 36 deg. 57'54" West, for 1098.31 feet; thence run North 01 deg. 03'30" West, for 320.32 feet; thence run North 34 deg. 28'26" East, for 19.63 feet to an intersection with the North line of Lot 27, Block "K", of said HARLEM HEIGHTS SUBDIVISION; thence run South 88 deg. 56'30" West, along said North line for 305.95 feet to the Northwest corner of lands described in Official Records Book 2279, page 2586, public records of Lee County, Florida; thence run North 01 deg. 02'48" West, for 65.78 feet to an intersection with the Southerly line of lands described in Official Records Book 2187, page 3103, public records of Lee County, Florida; thence run North 88 deg. 56'30" East, along said Southerly line for 352.92 feet; thence run North 34 deg. 28'26" East, for 324.42 feet to an intersection with the Southerly line of former I.D.D. Canal C-5; thence run North 88 deg. 56'30" East, along said Southerly line for 50.00 feet to an intersection with the Westerly line of said Big Slew Canal; thence run the following three courses along said Westerly line; South 14 deg. 49'32" East, for 1175.60 feet; South 59 deg. 49'32" East, for 24.04 feet; South 14 deg. 49'32" East, for 1148.28 feet to an intersection with the Northerly line of lands described in Official Records Book 2279, page 2588, public records of Lee County, Florida; thence run South 88 deg. 57'18" West, along said Northerly line for 450.45 feet; thence run South 01 deg. 02'48" East, along the Westerly line of said described lands for 300.00 feet to the Point of Beginning.