Lee County Board Of County Commissioners Agenda Item Summary

Blue Sheet No. 20060751

- 1. ACTION REQUESTED/PURPOSE: Approve Purchase Agreements for the acquisition of Parcel 108 (East 60') and Parcel 108 (West 70'), Ortiz Avenue Widening Project, No. 4072, in the respective amounts of \$25,000 and \$28,000, pursuant to the terms and conditions set forth in the Agreements; Authorize payment of costs to close and the Division of County Lands to handle and accept all documentation necessary to complete this transaction.
- 2. WHAT ACTION ACCOMPLISHES: The Board must accept all real estate conveyances to Lee County.

3. MANAGEMENT RECOMMENDATION: Approve.

4. Departmental Category: 6	CLE	5. Meeting Date: 6.27-2006
6. Agenda:	7. Requirement/Purpose: (specify)	8. Request Initiated:
X Consent	X Statute 125	Commissioner
Administrative	Ordinance	Department Independent
Appeals	Admin. Code	Division County Land
Public	Other	By: Karen L.W. Forsyth, Director
Walk-On		riolity

9. Background:

Negotiated for: Department of Transportation

Interest to Acquire: The acquisition of the fee-simple interest in the East 60' of Lots 4 and 5, less road right-of-way, encompasses a vacant portion of the residential property. The West 70' of Parcel 108 includes the acquisition of the owner's primary residence, a 1953 travel trailer, and site improvements.

Property Details:

Owner: Lucille M. Love, a single person

Location: 316 Ortiz Avenue, Fort Myers 33905 **STRAP No.:** 04-44-25-16-00005.0040

Purchase Details:

Purchase Price: \$53,000 (East 60' of Lots 4 and 5, less road right-of-way - \$25,000; West 70' of Lots 4 and 5 - \$28,000). The purchase of the property has been split into two separate acquisitions to accommodate the owner's relocation time requirements. The initial and immediate closing of the East 60' of Lots 4 and 5, less road right-of-way, will secure the additional right of way for the widening project. The secondary closing, to be held not later than March 2008, will complete the purchase of the remaining parent tract, which is proposed for drainage facilities.

Costs to Close: Estimated to be \$1,250

Appraisal Information:

Company: Carlson, Norris & Associates, Inc.

Appraised Value: \$50,000

<u>Staff Recommendation</u>: Staff is of the opinion that the purchase price increase of 6% can be justified considering costs of condemnation to be over \$5,000, excluding attorney fees and value increases. Therefore, staff recommends the Board approve the Action Requested.

Account: 20407218823.506110

<u>Attachments</u>: Purchase Agreement (East Portion), Purchase Agreement (West Portion), Appraisal, Title Data, 5-Year Sales History

10. Review f	or Scheduling	:								
Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney		Budget	Services		Man	County ager/P.W. irector
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This document prepared by Division of County Lands
Project: Ortiz Avenue Widening, No. 4072

STRAP No.: 04-44-25-16-00005.0040

BOARD OF COUNTY COMMISSIONERS LEE COUNTY AGREEMENT FOR PURCHASE AND SALE OF REAL ESTATE

THIS AGREEMENT for purchase and sale of real property is made thisday of
, 200, by and between Lucille Ambrose Love, a/k/a Lucille M. Love, a
single peron, hereinafter referred to as SELLER, whose address is 316 Ortiz Avenue,
Fort Myers, Florida, 33905, and Lee County, a political subdivision of the State of Florida,
hereinafter referred to as BUYER.

WITNESSETH:

- 1. **AGREEMENT TO PURCHASE AND TO SELL:** SELLER agrees to sell and BUYER agrees to purchase, subject to the terms and conditions set forth below, a parcel of land consisting of 5,500 square feet, more or less, and located at 316 Ortiz Avenue, Fort Myers, Florida 33905, and more particularly described as the East 60' of Lots 4 and 5, Block 5, Parque De Leon, as recorded in Plat Book 6, Page 72, Public Records of Lee County, Florida; Less Road Right of Way, hereinafter called "the Property." This property will be acquired for the Ortiz Avenue widening project, hereinafter called "the Project."
- 2. **PURCHASE PRICE AND TIME OF PAYMENT:** The total purchase price ("Purchase Price") will be Twenty-Five Thousand and No/100 (\$25,000), payable at closing by County Warrant.
- 3. **EVIDENCE OF TITLE:** BUYER will obtain at BUYER'S expense an American Land Title Association Form B Title Commitment and provide title insurance Owner's Policy in the amount of Purchase Price, from a title company acceptable to BUYER. The commitment will also show title to be good and marketable with legal access, subject only to real estate taxes for the current year, zoning and use restrictions imposed by governmental authority, and restrictions and easements common to the area.
- 4. **CONDITION OF PROPERTY; RISK OF LOSS:** BUYER has inspected the Property and, except as is otherwise provided herein, accepts the Property in the condition inspected. Any loss and/or damage to the Property occurring between the date of this offer and the date of closing or date of possession by BUYER, whichever occurs first, will be at SELLER'S sole risk and expense. However, BUYER may accept the damaged property, or BUYER may cancel this Agreement without obligation.

5. **SELLER'S INSTRUMENTS AND EXPENSES:** SELLER will:

- (a) provide a statutory warranty deed, and an affidavit regarding liens, possession, and withholding under FIRPTA in a form sufficient to allow "gap" coverage by title insurance (documents to be prepared by closing agent at Buyer's expense);
- (b) pay utility services up to, but not including the date of closing, unless otherwise stated herein:
- (c) pay taxes or assessments for which a bill has been rendered on or before the date of closing;
- (d) pay release of mortgage fees, if any.
- (e) SELLER'S attorney fees, if any.

6. **BUYER'S INSTRUMENTS AND EXPENSES:** BUYER will pay for:

- (a) Recording fee for deed;
- (b) documentary stamps on deed;
- (c) survey, (if desired by BUYER);
- 7. **TAXES**: SELLER will be charged for Real Estate taxes and personal property taxes (if applicable) up to, but not including the date of closing.
- 8. **DEFECTS IN TITLE AND LEGAL ACCESS:** Prior to closing, BUYER will have a reasonable time to examine the title and documents establishing legal access to the property. If title or legal access is found to be defective, BUYER may elect to accept the Property in its existing condition, or may terminate this Agreement without obligation.
- 9. SURVEY: BUYER may order the Property surveyed at BUYER'S expense. SELLER agrees to provide access to the Property for the survey to be performed. If the survey shows a discrepancy in the size or dimensions of the Property, or shows encroachments onto the Property or that improvements located on the Property encroach onto adjacent lands, or if the survey identifies violations of recorded covenants or covenants of this Agreement, upon notice to the SELLER, the BUYER may elect to treat those discrepancies, violations or encroachments as a title defect.
- 10. **ENVIRONMENTAL AUDIT:** BUYER may perform or have performed, at BUYER'S expense, an environmental audit of the Property. If the audit identifies environmental conditions unacceptable to the BUYER, BUYER may elect to accept the Property in its existing condition or BUYER may terminate this Agreement without obligation.

11. **ABSENCE OF ENVIRONMENTAL LIABILITIES:** The SELLER hereby warrants and represents that the Property is free from hazardous materials and does not constitute an environmental hazard under any federal, state or local law or regulation. No hazardous, toxic or polluting substances have been released or disposed of on the Property in violation of any applicable law or regulation. The SELLER further warrants that there is no evidence that hazardous, toxic or polluting substances are contained on or emitting from the property in violation of applicable law or regulation. There are no surface impoundments, waste piles, land fills, injection wells, underground storage areas, or other man-made facilities that have or may have accommodated hazardous materials. There is no proceeding or inquiry by any governmental agency with respect to production, disposal or storage on the property of any hazardous materials, or of any activity that could have produced hazardous materials or toxic effects on humans, flora or fauna. There are no buried, partially buried, or above-ground tanks, storage vessels, drums or containers located on the Property. There is no evidence of release of hazardous materials onto or into the Property.

The SELLER also warrants that there have been no requests from any governmental authority or other party for information, notices of claim, demand letters or other notification that there is any potential for responsibility with respect to any investigation or clean-up of hazardous substance releases on the property. All warranties described herein will survive the closing of this transaction.

In the event the SELLER breaches the warranties as to environmental liability, SELLER agrees to indemnify and hold the BUYER harmless from all fines, penalties, assessments, costs and reasonable attorneys' fees resulting from contamination and remediation of the property.

- 12. **TIME AND BINDING AGREEMENT:** Time is of the essence for closing this transaction. The BUYER's written acceptance of this offer will constitute an Agreement for the purchase and sale of the Property and will bind the parties, their successors and assigns. In the event the BUYER abandons this project after execution of this Agreement, but before closing, BUYER may terminate this Agreement without obligation.
- 13. **DATE AND LOCATION OF CLOSING:** The closing of this transaction will be held at the office of the insuring title company on or before 60 days from the date this Agreement is made. The time and location of closing may be changed by mutual agreement of the parties.

- 14. **ATTORNEYS' FEES:** The prevailing party in any litigation concerning this Agreement will be entitled to recover reasonable attorneys' fees and costs.
- 15. **REAL ESTATE BROKERS:** SELLER hereby agrees to indemnify and hold the BUYER harmless from and against any claims by a real estate broker claiming by or through SELLER.
- 16. **POSSESSION:** SELLER warrants that there are no parties in possession other than SELLER unless otherwise stated herein. SELLER agrees to deliver possession of Property to BUYER at time of closing unless otherwise stated herein.
- 17. **TYPEWRITTEN/HANDWRITTEN PROVISIONS:** Typewritten and handwritten provisions inserted herein or attached hereto as addenda, and initialed by all parties, will control all printed provisions in conflict therewith.
- 18. **SPECIAL CONDITIONS:** Purchase Price recited herein, includes payment for all landscaping and fencing located on the Property. Any additional special conditions will be attached to this Agreement and signed by all parties to this Agreement.

WITNESSES: Joseph Lewis Some?	SELLER: LUCILLE AMBROSE LOVE, (DATE) a/k/a LUCILLE M. LOVE
CHARLIE GREEN, CLERK	BUYER: LEE COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS
BY:	BY: TAMMARA HALL, CHAIRWOMAN
	APPROVED AS TO LEGAL FORM AND SUFFICIENCY
	COUNTY ATTORNEY (DATE)

This document prepared by Division of County Lands Project: Ortiz Avenue Widening, No. 4072

STRAP No.: 04-44-25-16-00005.0040

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Fort Myers, Florida, 33905, and Lee County, a political subdivision of the State of Florida,
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WITNESSETH:

- 1. **AGREEMENT TO PURCHASE AND TO SELL:** SELLER agrees to sell and BUYER agrees to purchase, subject to the terms and conditions set forth below, a parcel of land consisting of 7,000 square feet, more or less, and located at 316 Ortiz Avenue, Fort Myers, Florida 33905, and more particularly described as the West 70' of Lots 4 and 5, Block 5, Parque De Leon, as recorded in Plat Book 6, Page 72, Public Records of Lee County, Florida; Less Road Right of Way, hereinafter called "the Property." This property will be acquired for the Ortiz Avenue widening project, hereinafter called "the Project."
- 2. **PURCHASE PRICE AND TIME OF PAYMENT:** The total purchase price ("Purchase Price") will be Twenty-Eight Thousand and No/100 (\$28,000), payable at closing by County Warrant.
- 3. **EVIDENCE OF TITLE:** BUYER will obtain at BUYER'S expense an American Land Title Association Form B Title Commitment and provide title insurance Owner's Policy in the amount of Purchase Price, from a title company acceptable to BUYER. The commitment will also show title to be good and marketable with legal access, subject only to real estate taxes for the current year, zoning and use restrictions imposed by governmental authority, and restrictions and easements common to the area.
- 4. **CONDITION OF PROPERTY; RISK OF LOSS:** BUYER has inspected the Property and, except as is otherwise provided herein, accepts the Property in the condition inspected. Any loss and/or damage to the Property occurring between the date of this offer and the date of closing or date of possession by BUYER, whichever occurs first, will be at SELLER'S sole risk and expense. However, BUYER may accept the damaged property, or BUYER may cancel this Agreement without obligation.

5. SELLER'S INSTRUMENTS AND EXPENSES: SELLER will:

- (a) provide a statutory warranty deed, and an affidavit regarding liens, possession, and withholding under FIRPTA in a form sufficient to allow "gap" coverage by title insurance (documents to be prepared by closing agent at Buyer's expense);
- (b) pay utility services up to, but not including the date of closing, unless otherwise stated herein:
- pay taxes or assessments for which a bill has been rendered on or before the date of closing;
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- (e) SELLER'S attorney fees, if any.

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- 10. **ENVIRONMENTAL AUDIT:** BUYER may perform or have performed, at BUYER'S expense, an environmental audit of the Property. If the audit identifies environmental conditions unacceptable to the BUYER, BUYER may elect to accept the Property in its existing condition or BUYER may terminate this Agreement without obligation.

11. ABSENCE OF ENVIRONMENTAL LIABILITIES: The SELLER hereby warrants and represents that the Property is free from hazardous materials and does not constitute an environmental hazard under any federal, state or local law or regulation. No hazardous, toxic or polluting substances have been released or disposed of on the Property in violation of any applicable law or regulation. The SELLER further warrants that there is no evidence that hazardous, toxic or polluting substances are contained on or emitting from the property in violation of applicable law or regulation. There are no surface impoundments, waste piles, land fills, injection wells, underground storage areas, or other man-made facilities that have or may have accommodated hazardous materials. There is no proceeding or inquiry by any governmental agency with respect to production, disposal or storage on the property of any hazardous materials, or of any activity that could have produced hazardous materials or toxic effects on humans, flora or fauna. There are no buried, partially buried, or above-ground tanks, storage vessels, drums or containers located on the Property. There is no evidence of release of hazardous materials onto or into the Property.

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- 13. **DATE AND LOCATION OF CLOSING:** The closing of this transaction will be held at the office of the insuring title company on or before March 28, 2008. The time and location of closing may be changed by mutual agreement of the parties.
- 14. **ATTORNEYS' FEES:** The prevailing party in any litigation concerning this Agreement will be entitled to recover reasonable attorneys' fees and costs.

- 15. **REAL ESTATE BROKERS:** SELLER hereby agrees to indemnify and hold the BUYER harmless from and against any claims by a real estate broker claiming by or through SELLER.
- 16. **POSSESSION**: SELLER warrants that there are no parties in possession other than SELLER unless otherwise stated herein. SELLER agrees to deliver possession of Property to BUYER at time of closing unless otherwise stated herein.
- 17. **TYPEWRITTEN/HANDWRITTEN PROVISIONS:** Typewritten and handwritten provisions inserted herein or attached hereto as addenda, and initialed by all parties, will control all printed provisions in conflict therewith.
- 18. **SPECIAL CONDITIONS:** Purchase Price recited herein, includes payment for all moving expenses, SELLER's attorney fees, if any, improvements, travel trailer, sheds, landscaping (except plants and flowers cultivated by SELLER) and fencing located on the Property. Upon the Buyer's written acceptance of this Agreement, SELLER(S) hereby give permission allowing entry to the premises by County Representatives, upon first receiving 48 hours prior notice, in order for the premises to be inspected for asbestos containing materials and to determine if relocating any or all real estate improvements is feasible subsequent to closing and the County taking possession of the property. Any additional special conditions will be attached to this Agreement and signed by all parties to this Agreement.

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WITNESSES:	SELLER: LUCILLE AMBROSE LOVE, (DATE) a/k/a LUCILLE M. LOVE
CHARLIE GREEN, CLERK	BUYER: LEE COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS
BY:	BY: TAMMARA HALL, CHAIRWOMAN
	APPROVED AS TO LEGAL FORM AND SUFFICIENCY
	COLINTY ATTORNEY (DATE)

File No. 228110 STA#31, Project 4

<u>mmary Apprais</u>	al Report					File No. 2281	10
BOTTOWER LOVE, L	ucille M.			Census	Tract 3.02	Map Reference 04-44-2	25
Property Address 31	6 Ortiz Avenue						
City Fort Myers	1	County Lee	9 '	Start	e FL	Zip Code 33905-3	614
	ts 4+5, Parque De Leon						
Sale Price \$ Not a S			,		ghts Appraised 🛛	Fee 🔲 Leasehold 📃	De Minimis PUD
Actual Real Estate Taxe		Loan charges to be paid			concessions		
Occupant Vacant La	County - County Lands	Dhi Danin Anna			B, Fort Myers, FL 3		
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Present Land Use	<u>80%</u> 1 Family <u>10%</u> 2-4 Far		% Condo <u>5</u> %	Commercial	Recreational Facilities		\boxtimes \square \square
	% Industrial5% Vacant				Adequacy of Utilities		
Change in Present Land		Likely (*)	Tak	- ''	Property Compatibility		
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north, MLK Jr Blv	d. south, Palmetto Ave.	west & I-75 to the eas	t. The area s	urrounding the	subject is maturely	developed with pred	ominately
average quality si	ingle family homes & du	plexes of various sizes	s, ages, & fea	tures. The subj	ect has immediate	access to supporting	facilities
nearby, including	schools, recreation, sho	opping and employmer	nt in nearby d	owntown Fort M	lyers. Market con-	ditions are stabilizing	
Dimensions 100' x	135'		. = _	13,500	q. Ft. or Acres	Corner	Lot
	TFC-2, Two Family Cor			Present Improve		do not contorm to zoning	regulations
lighest and best use		ther (specify) improved w			idential dwelling		
Public	Other (Describe)	OFF SITE IMPROVEMENT		Level			
Elec. ⊠ . Gas □		t Access 🔀 Public 🗌			ypical 2 Lot Site.		
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[Y2K]

Supplemental Addendum

File No. 228110

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В	rrower/Client LOVE, Lucille M.			
P	operty Address 316 Ortiz Avenue		1	
Ci	y Fort Myers	County Lee	State FL	Zlp Code 33905-3614
Le	nder Lee County Lands			

PURPOSE, FUNCTION AND SCOPE OF THE APPRAISAL

The purpose of this appraisal is to estimate the current market value. The function (use) of the appraisal is for providing the Lee County Commissioners with sufficient data to make an informed decision regarding the acquisition of the property.

The scope of the appraisal assignment encompasses the necessary research and analysis to prepare a report in accordance with the Uniform Standards of Professional Practice of the Appraisal Foundation. Data sources typically include observation, public records, Win2Data, Rapittoni MLS, Realtors and other professionals and appraisal office files and records.

A thorough search is conducted for comparable properties within an appropriate market area and time frame. The most comparable properties are compared to the subject with appropriate adjustments made for significent differences. The data provided in the report is representative of the market and is presented in a manner that will bring the reader to a similar conclusion and value estimate. Limiting conditions are described in the attached addenda.

This is a Summary Appraisal Raport which is intended to comply with the reporting requirements set forth under Standards Rule 2-2(b) of the Uniform Standards of Professional Appraisal Practice for a Summary Appraisal Raport. As such, it presents only summery discussions of the data, reasoning, and analyses that were used in the appraisal process to develop the appraiser's opinion of value. Supporting documentation that is not provided with the report concerning the data, reasoning, and analyses is retained in the appraiser's files. The depth of the discussion conteined in this report is specific to the needs of the client and for intended use stated in the report. The appraiser is not responsible for unauthorized use of this report.

USPAP CERTIFICATION

The appraisal assignment was not based on a requested minimum valuation, a specific valuation, or the approval of a loan.

COMMENTS ON THE CONDITION OF THE IMPROVEMENTS

On January 9, 2006, the subject was measured and inspected. The travel trailer is 56 years old and wall beyond its economic life expectancy. There is no value attributed to the improvements. The value reported herein is for the land contribution only.

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COMMENTS ON THE SALES

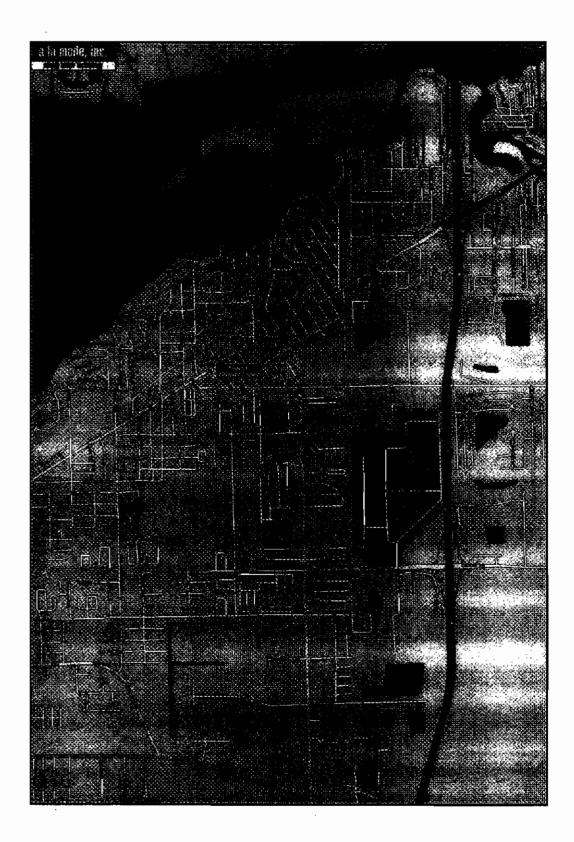
The subject property is compared to three recent sales of vacant homesites in the immediate area.

Sales used are among the best available at the time of the appraisal and are valid indicators of value after appropriate adjustments.

Sales #1 & #2 are the most recent and receive the greatest emphasis in support of the final value estimate. Sale #3 is supportive.

Location Map

Borrower/Clant LOVE, Lucilie M.			
Property Address 316 Ortiz Avenu	e	:	
City Fort Myers	County Lae	State FL	Zlp Code 33905-3614
Lender Lee County - County La	ods		·



Form MAP.LGC -- "TUTAL for Windows" appraisal software by a la mode, inc. -- 1-800-ALAMODE

Division of County Lands

Ownership and Easement Search

Search No. 21954/D

Date: May 7, 2002 June 6, 2006

Parcel:

Project: Ortiz Avenue Right of Way

Study #4072

To:

Karen Forsyth

From:

Shelia A. Bedwell, C.L.

Director

Real Estate Title Examine

STRAP:

04-44-25-16-00005.0040

Apri 2006

Effective Date: April 28, 2002, at 5:00 p.m.

Subject Property: Lots 4 and 5, Block 5, Parque de Leon Subdivision, according to the map or plat thereof on file in the Office of the Clerk of the Circuit Court, recorded in Plat Book 6, Page 72, Public Records of Lee County, Florida.

Title to the subject property is vested in the following:

Lucille Ambrose Love, also known as Lucille M. Love

by that certain instrument dated December 5, 1953, recorded December 5, 1953, in Deed Book 231, Page 15, and by that certain instrument dated December 17, 1956, recorded December 17, 1956 in Deed Book 264, Page 208, Public Records of Lee County, Florida.

Easements:

None found of record.

Tax Status: 2001 taxes have been paid in full.

(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 108/Love

Ortiz Avenue Widening Project No. 4072

NO SALES in PAST 5 YEARS