

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

**Blue Sheet No. 20070098**

**1. ACTION REQUESTED/PURPOSE:** Approve Purchase Agreement for acquisition of Parcels 94 and 95, Gladiolus Drive Widening Project, No. 4083, in the amount of \$500; authorize the payment of costs to close and the Division of County Lands to handle all documentation necessary to complete transaction. *FUND-TRANSPORTATION CAPITAL IMPROVEMENT-GAS TAXES; PROGRAM-CAPITAL PROJECTS; PROJECTS-GLADIOLUS WIDENING-ekw*

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

**3. MANAGEMENT RECOMMENDATION:** Approve

<b>4. Departmental Category:</b> 6 <b>C6F</b>		<b>5. Meeting Date:</b> FEB 0 6 2007
<b>6. Agenda:</b> <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Administrative <input type="checkbox"/> Appeals <input type="checkbox"/> Public <input type="checkbox"/> Walk-On	<b>7. Requirement/Purpose: (specify)</b> <input checked="" type="checkbox"/> Statute 125 <input type="checkbox"/> Ordinance <input type="checkbox"/> Admin. Code <input type="checkbox"/> Other	<b>8. Request Initiated:</b> Commissioner _____ Department _____ Independent Division _____ County Lands By: Karen Forsyth, Director <i>KF</i>

**9. Background:**  
Negotiated for: Department of Transportation

Interest to Acquire: Fee Simple Interest in 1,200 square feet of vacant land.

Property Details:  
**Owner:** Margaret S. Atkinson  
**Address:** Hiatus Strips along School Street in Fort Myers

Purchase Details:  
**Purchase Price:** \$500  
**Costs to Close:** \$500  
 The property owner through negotiations has agreed to accept \$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.

Staff Recommendation: Staff recommends the Board approve the action requested.

Account: 20408330700.506110: (20 CIP Project, 4083 Gladiolus Drive, 30700 Transportation Capital Improvement, 506110 Land Purchases)

Attachments: 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>K. Forsyth</i>			<i>BAD 119 1/23/07</i>	<i>Robert 1-23-07</i>	<i>ekw 1-24-07</i>	<i>M 1-24-07</i>	<i>1-24-07</i>	<i>1-25-07</i>	<i>1-25-07</i>

**11. Commission Action:**  
 Approved  
 Deferred  
 Denied  
 Other

RECEIVED BY COUNTY ADMIN:  
 9:45 AM  
 24 to EW  
 COUNTY ADMIN FORWARDED TO:  
 3:00  
 105 to PR

Rec. by CoAtty  
 Date: 1/23/07  
 Time: 10:25 AM  
 Forwarded To: Admin

1/23/07 2:05 PM

This document prepared by  
Lee County Division of County Lands  
Project: Gladiolus Drive Widening, No. 4083  
Parcels: 94 and 95

BOARD OF COUNTY COMMISSIONERS  
LEE COUNTY  
AGREEMENT FOR PURCHASE AND SALE OF REAL ESTATE  
IN LIEU OF CONDEMNATION PROCEEDINGS

THIS AGREEMENT for purchase and sale of real property is made this 15<sup>th</sup> day of December, 2006 by and between Margaret S. Atkinson, a single person, hereinafter referred to as SELLER, whose address is 9221 W Broward Blvd Apt 2209, Plantation, FL 33324, 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, two (2) parcels of land consisting of 300 square feet more or less, and located at the intersection of School Street with Gladiolus Drive, Fort Myers, FL and more particularly described in "Exhibit A" attached hereto and made a part hereof, hereinafter called "the Property." This property is being acquired for the Gladiolus Drive Widening Project, No. 4083, hereinafter called "the Project", with the SELLER'S understanding that the property, if not voluntarily sold, would have been condemned by BUYER through the exercise of its eminent domain powers.
- 2. PURCHASE PRICE AND TIME OF PAYMENT:** The total purchase price ("Purchase Price") will be Five Hundred and 00/100 dollars (\$500.00), payable at closing by County warrant. The Purchase Price is mutually agreeable to both the SELLER and BUYER and represents the voluntary sale and purchase of the property in lieu of BUYER's condemnation.

3. **EVIDENCE OF TITLE:** BUYER may 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 the purchase price, from a title company acceptable to BUYER. The commitment will be accompanied by one copy of all documents that constitute exceptions to the title commitment. 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.
  
5. **SELLER'S INSTRUMENTS AND EXPENSES:** SELLER will provide:
  - (a) A quit claim deed;
  - (b) SELLER'S attorney's fees, if any.
  
6. **BUYER'S INSTRUMENTS AND EXPENSES:** BUYER will pay for:
  - (a) Recording fee for deed;
  - (b) survey, (if desired by BUYER);
  - (c) taxes or assessments for which a bill has been rendered on or before the date of closing;
  - (d) payment of partial release of mortgage fees, if any.
  
7. 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 an eminent domain proceeding by the BUYER.
  
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 will notify SELLER in writing of the defects and SELLER will make a prompt and diligent effort to correct such defects. If SELLER fails to make corrections within 60 days after notice, BUYER may elect to accept the Property in its existing condition with an appropriate reduction to the purchase price, or may terminate this Agreement without obligation.

9. **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.
10. **DATE AND LOCATION OF CLOSING:** The closing of this transaction will be held 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.
11. **ATTORNEYS' FEES:** The prevailing party in any litigation concerning this Agreement will be entitled to recover reasonable attorneys' fees and costs.
12. **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.
13. **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.
14. **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.
15. **SPECIAL CONDITIONS:** Any and all special conditions will be attached to this Agreement and signed by all parties to this Agreement.

WITNESSES:

Nancy A. M. Lauffen  
Joan Kennessy

CHARLIE GREEN, CLERK

BY: \_\_\_\_\_  
DEPUTY CLERK (DATE)

SELLER:

Margaret S. Atkinson  
Margaret S. Atkinson

BUYER:

LEE COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS

BY: \_\_\_\_\_  
CHAIRMAN OR VICE CHAIRMAN

APPROVED AS TO LEGAL FORM  
AND SUFFICIENCY

\_\_\_\_\_  
COUNTY ATTORNEY (DATE)

# SKETCH OF DESCRIPTION

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



LOT 12, BLOCK D, HARLEM HEIGHTS  
PLAT BOOK 8, PAGE 76

STRAIGHT STREET

WEST LINE OF HARLEM HEIGHTS  
AND N-S 1/4 SECTION LINE  
OF SECTION 32

E. LINE OF  
O.R.B. 2380, PG. 2777

SCHOOL STREET  
PER O.R.B. 896, PGS 524-527

TOTAL AREA - 89 SQ. FT.  
OR 0.00 AC.±

P.O.C.  
330.00'  
N. R/W LINE N89°06'27"E

P.O.B. S89°06'27"W  
0.25'

GLADIOLUS DRIVE (CR-865)

N01°03'37"W  
200.00'

S00°56'52"E  
200.00'

N89°06'27"E  
0.64'



1 inch = 10 ft.

**KEY:**

- AC. - ACRES
- PG. - PAGE
- P.O.B. - POINT OF BEGINNING
- P.O.C. - POINT OF COMMENCEMENT
- O.R.B. - OFFICIAL RECORDS BOOK
- SQ. FT. - SQUARE FEET

**NOTE:**

SEE SHEET 2 OF 2  
FOR DESCRIPTION

PARCEL NO.: 94  
PROPERTY OWNER: MARGARET S. ATKINSON  
9221 W. BROWARD BLVD., APT. 2209  
PLANTATION, FL 33524  
REFERENCE: O.R.B. 1117, PAGE 1072  
STRAP NO.: NONE (HIATUS STRIP)  
AREA OF TAKE: 89 SQ. FT. 0.002 AC +/-  
AREA OF REMAINDER: 100 SQ. FT., 0.00 AC. ±

*Darren K. Townsend*  
DARREN K. TOWNSEND  
PROFESSIONAL LAND SURVEYOR  
FLORIDA CERTIFICATE NO. 6476  
(FOR THE FIRM - LB 6773)

SIGNED THIS 12<sup>th</sup> DAY OF Dec., 2006

**THIS IS NOT A SURVEY**

REV 12/06

## COONER & ASSOCIATES, INC.

SURVEYING AND MAPPING  
5670 ZIP DRIVE, FORT MYERS, FLORIDA 33905  
TELEPHONE: 239.277.0722 FAX: 239.277.7179 EMAIL: WWW.COONER.COM

TAKE PARCEL 94 IN THE SW 1/4 OF  
THE NE 1/4 OF SEC 32-45-24

COUNTY:	LEE	DWG DATE:	11-30-06
SEC.:	32-45-24	SURVEY DATE:	
PROJECT NO.:	020504	DRAWN BY:	MAL
DRAWING NO.:	94-ESM-SKD	CHECKED BY:	D.K.T.

FOR:  
LEE COUNTY D.O.T. ENGINEERING

# SKETCH OF DESCRIPTION

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

DESCRIPTION:

DESCRIPTION OF A PARCEL OF LAND SITUATED IN LOTS 9 & 12, BLOCK "D", HARLEM HEIGHTS, AS RECORDED IN PLAT BOOK 8, PAGE 76, IN SECTION 32, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT AT THE INTERSECTION OF THE WEST LINE OF SAID HARLEM HEIGHTS, AND THE NORTH RIGHT-OF-WAY LINE OF GLADIOLUS DRIVE (COUNTY ROAD 865), SAID POINT ALSO LYING ON THE NORTH-SOUTH 1/4 LINE OF SAID SECTION 32, THENCE FROM THE POINT OF COMMENCEMENT, ALONG SAID NORTH RIGHT-OF-WAY LINE, N89°06'27"E, A DISTANCE OF 330.00 FEET TO THE POINT OF BEGINNING; SAID POINT LYING ON EAST LINE OF THE PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2380, PAGE 2777; THENCE FROM THE POINT OF BEGINNING, AND ALONG THE EAST LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2380, PAGE 2777, N01°03'37"W, A DISTANCE OF 200.00 FEET TO A POINT ON THE NORTH LINE OF LOT 9; THENCE ALONG SAID NORTH LINE, N89°06'27"E, A DISTANCE OF 0.64 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF SCHOOL STREET AS RECORDED IN THAT AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 896, PAGES 524-527; THENCE ALONG SAID WEST RIGHT OF WAY LINE, S00°56'52"E, A DISTANCE OF 200.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY OF GLADIOLUS DRIVE; THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE OF GLADIOLUS DRIVE, S89°06'27"W, A DISTANCE OF 0.25 FEET TO THE POINT OF BEGINNING.

CONTAINING 89 SQUARE FEET, MORE OR LESS.

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TAKE PARCEL 94 IN THE SW 1/4 OF  
THE NE 1/4 OF SEC 32-45-24

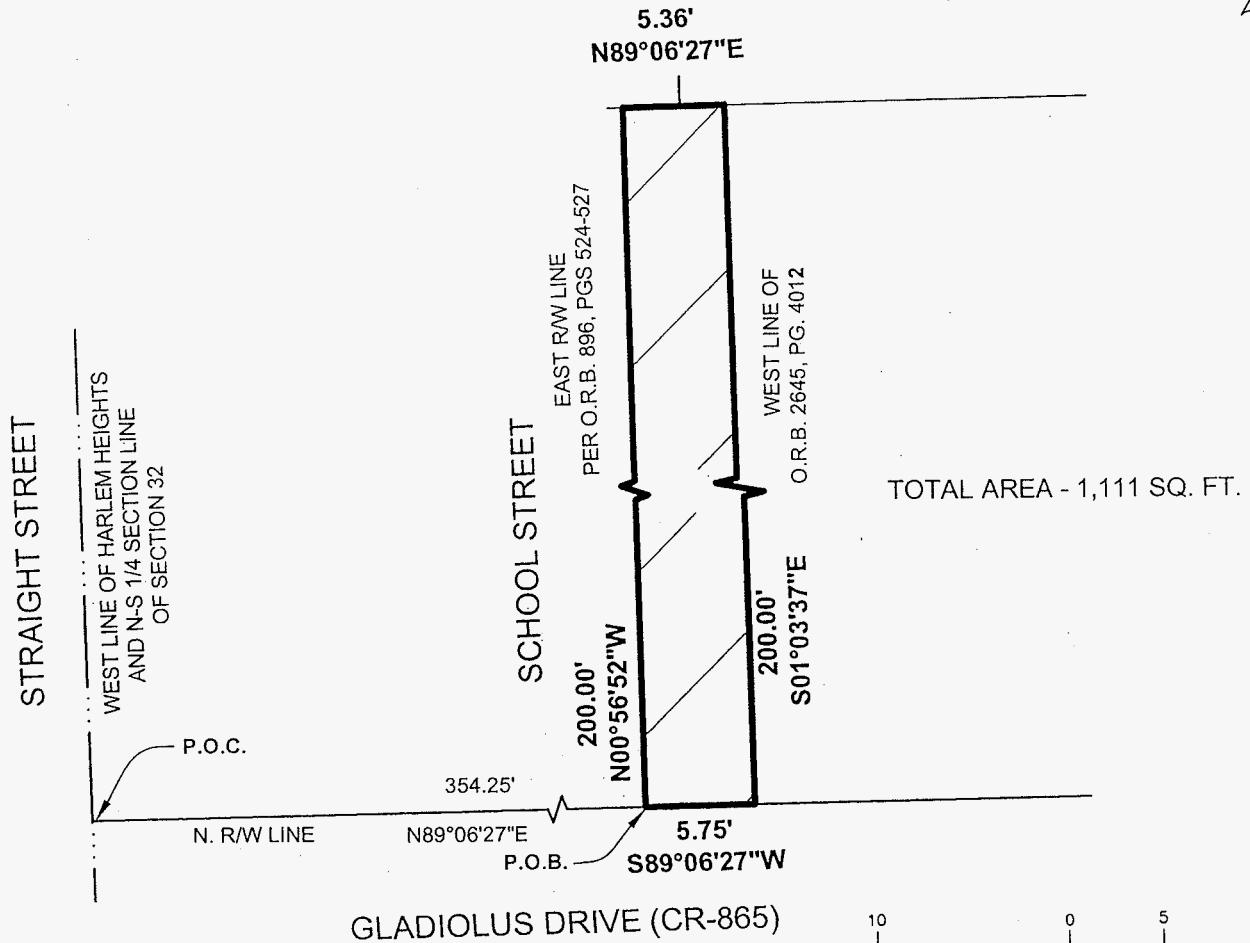
COUNTY:	LEE	DWG DATE:	11-30-06
SEC.:	32-45-24	SURVEY DATE:	
PROJECT NO.:	020504	DRAWN BY:	MAL
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FOR:  
LEE COUNTY D.O.T. ENGINEERING

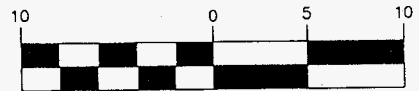
# SKETCH OF DESCRIPTION

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

LOT 13  
BLOCK D, HARLEM HEIGHTS  
PLAT BOOK 8, PAGE 76



TOTAL AREA - 1,111 SQ. FT.



1 inch = 10 ft.

PARCEL NO.: 95  
PROPERTY OWNER: MARGARET S. ATKINSON  
9221 W. BROWARD BLVD., APT. 2209  
PLANTATION, FL 33524  
REFERENCE: O.R.B. 1117, PAGE 1072  
STRAP NO.: NONE (HIATUS STRIP)  
AREA OF TAKE: 1,111 SQ. FT., 0.0255 AC.±  
AREA OF REMAINDER: 0 SQ. FT., 0.00 AC.

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

NOTE:  
SEE SHEET 2 OF 2  
FOR DESCRIPTION

DARREN K. TOWNSEND  
PROFESSIONAL LAND SURVEYOR  
FLORIDA CERTIFICATE NO. 6476  
(FOR THE FIRM - LB 6773)

SIGNED THIS 12<sup>th</sup> DAY OF Dec, 2006

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TAKE PARCEL 95 IN THE SW 1/4 OF  
THE NE 1/4 OF SEC 32-45-24

COUNTY:	LEE	DWG DATE:	11-30-06
SEC.:	32-45-24	SURVEY DATE:	
PROJECT NO.:	020504	DRAWN BY:	MAL
DRAWING NO.:	95-ESM-SKD	CHECKED BY:	D.K.T.

FOR:  
LEE COUNTY D.O.T. ENGINEERING

1 OF 2

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# SKETCH OF DESCRIPTION

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

DESCRIPTION:

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CONTAINING 1,111 SQUARE FEET, MORE OR LESS.

**NOTE:**  
SEE SHEET 1 OF 2  
FOR SKETCH

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**REV 12/06**

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TAKE PARCEL 95 IN THE SW 1/4 OF  
THE NE 1/4 OF SEC 32-45-24

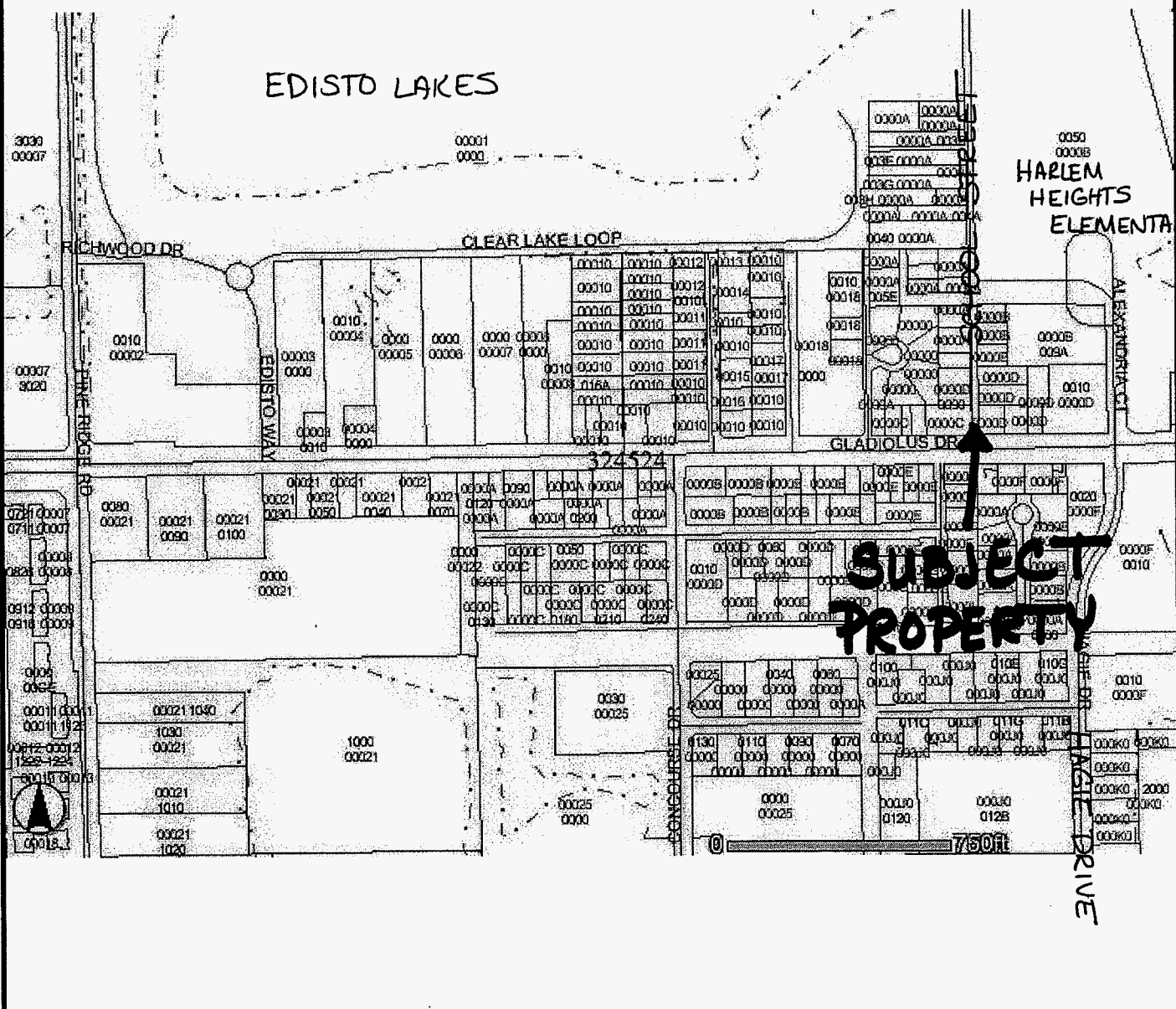
COUNTY:	LEE	DWG DATE:	11-30-06
SEC.:	32-45-24	SURVEY DATE:	
PROJECT NO.:	020504	DRAWN BY:	MAL
DRAWING NO.:	95-ESM-SKD	CHECKED BY:	D.K.T.

FOR:  
LEE COUNTY D.O.T. ENGINEERING

Location Map

EDISTO LAKES

HARLEM  
HEIGHTS  
ELEMENTARY



**SUBJECT  
PROPERTY**

324524

750ft



**Division of County Lands**

**Ownership Only Search**

Search No.

Date: January 18, 2007

Parcel: 94 and 95

Project: Gladiolus Drive Widening,  
#4083

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

From: Bill Abramovich B.A.  
Real Estate Title Examiner

STRAP: Unstrapped Parcels

Effective Date: January 4, 2007, at 5:00 p.m.

**Subject Property:** See Attached

Title to the subject property is vested in the following:

**Margaret Atkinson as surviving spouse of Kendall S. Atkinson Deceased**

By that certain instrument dated June 16, 1970, recorded August 17, 1970, in Official Record Book 619, Page 105, Public Records of Lee County, Florida.

**Easements:** N/A

**Tax Status:** N/A

*(The end user of this report is responsible for verifying tax and/or assessment information.)*

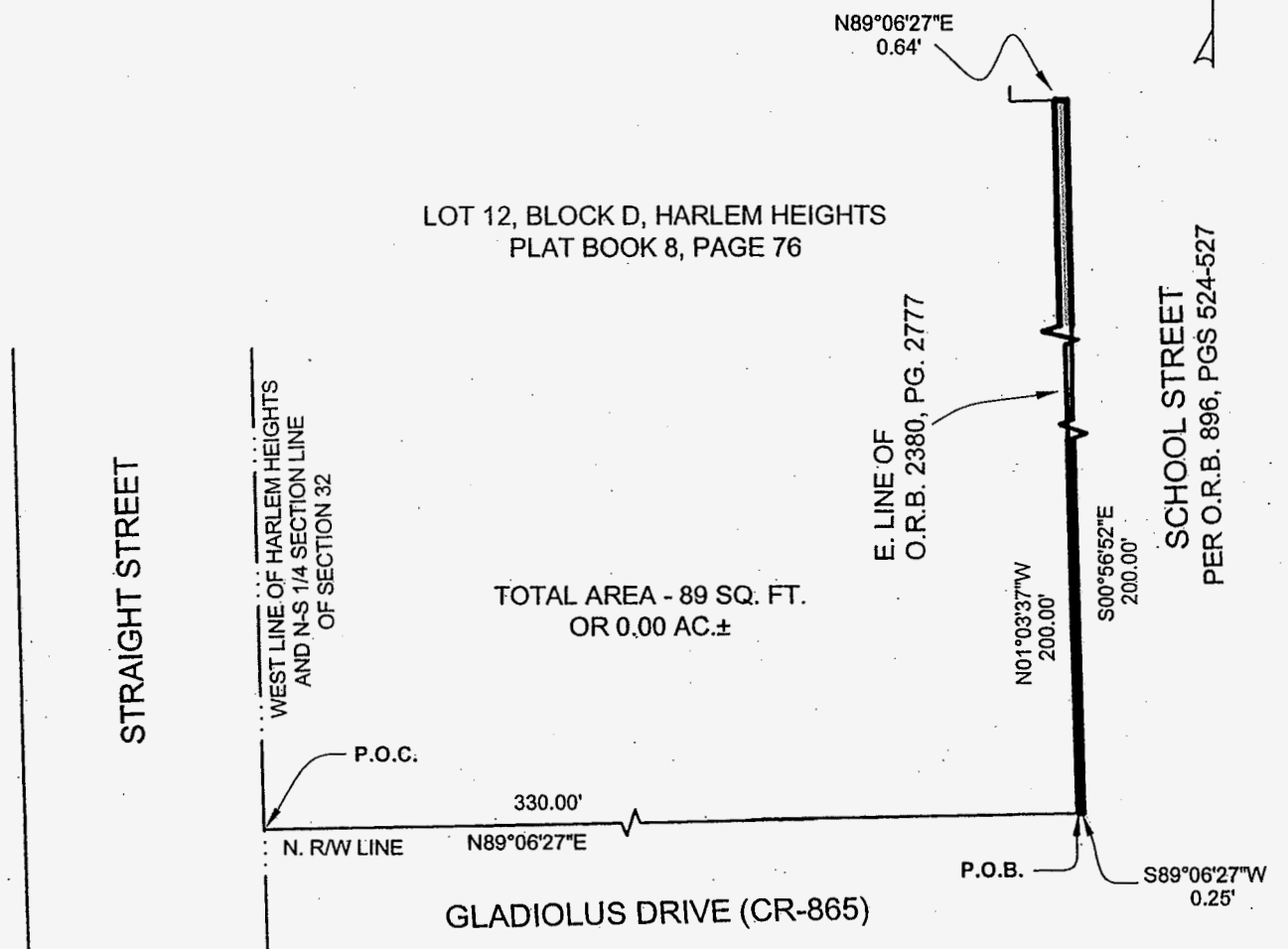
**The Division of County Lands has made a diligent search of the Public Record. However, this report contains no guarantees nor warranty as to its accuracy.**

# SKETCH OF DESCRIPTION

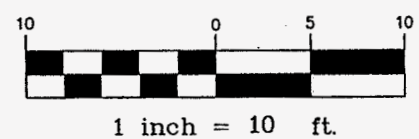
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LOT 12, BLOCK D, HARLEM HEIGHTS  
PLAT BOOK 8, PAGE 76



TOTAL AREA - 89 SQ. FT.  
OR 0.00 AC.±



PARCEL NO.: 94  
 PROPERTY OWNER: MARGARET S. ATKINSON  
 9221 W. BROWARD BLVD., APT. 2209  
 PLANTATION, FL 33524  
 REFERENCE: O.R.B. 1117, PAGE 1072  
 STRAP NO.: NONE (HIATUS STRIP)  
 AREA OF TAKE: 89 SQ. FT. 0.002 AC +/-  
 AREA OF REMAINDER: 00 SQ. FT., 0.00 AC. ±

KEY:  
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 PG. - PAGE  
 P.O.B. - POINT OF BEGINNING  
 P.O.C. - POINT OF COMMENCEMENT  
 O.R.B. - OFFICIAL RECORDS BOOK  
 SQ. FT. - SQUARE FEET

DARREN K. TOWNSEND  
 PROFESSIONAL LAND SURVEYOR  
 FLORIDA CERTIFICATE NO. 6476  
 (FOR THE FIRM - LB 6773)  
 SIGNED THIS 12th DAY OF Dec., 2006

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NOTE:  
 SEE SHEET 2 OF 2  
 FOR DESCRIPTION

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TAKE PARCEL 94 IN THE SW 1/4 OF THE NE 1/4 OF SEC 32-45-24	COUNTY:	LEE	DWG DATE:	11-30-06	FOR:	LEE COUNTY D.O.T. ENGINEERING	1 OF 2
	SEC.:	32-45-24	SURVEY DATE:				
	PROJECT NO.:	020504	DRAWN BY:	MAL			
	DRAWING NO.:	94-ESM-SKD	CHECKED BY:	D.K.T.			

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# SKETCH OF DESCRIPTION

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CONTAINING 89 SQUARE FEET, MORE OR LESS.

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## COONER & ASSOCIATES, INC.

SURVEYING AND MAPPING

5670 ZIP DRIVE, FORT MYERS, FLORIDA 33905

TELEPHONE: 239.277.0722 FAX: 239.277.7179 EMAIL: WWW.COONER.COM

TAKE PARCEL 94 IN THE SW 1/4 OF  
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COUNTY:	LEE	DWG DATE:	11-30-06
SEC.:	32-45-24	SURVEY DATE:	
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FOR:  
LEE COUNTY D.O.T. ENGINEERING

2 OF 2

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## DESCRIPTION:

DESCRIPTION OF A PARCEL OF LAND SITUATED IN LOT 8 & 13, BLOCK "D", HARLEM HEIGHTS, AS RECORDED IN PLAT BOOK 8, PAGE 76, IN SECTION 32, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT AT THE INTERSECTION OF THE WEST LINE OF SAID HARLEM HEIGHTS AND THE NORTH RIGHT-OF-WAY LINE OF GLADIOLUS DRIVE (COUNTY ROAD 865), POINT ALSO LYING ON THE NORTH-SOUTH 1/4 LINE OF SAID SECTION 32, THENCE FROM THE POINT OF COMMENCEMENT, ALONG SAID NORTH RIGHT-OF-WAY LINE, N89°06'27"E, A DISTANCE OF 354.25 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING THE INTERSECTION OF THE NORTH RIGHT OF WAY OF GLADIOLUS DRIVE AND THE EAST RIGHT OF WAY LINE OF SCHOOL STREET AS RECORDED IN THAT AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 896, PAGES 524-527; THENCE FROM THE POINT OF BEGINNING, AND ALONG SAID EAST RIGHT OF WAY LINE, N00°56'52"W, A DISTANCE OF 200.00 FEET TO A POINT ON SAID RIGHT OF WAY AND THE NORTH LINE OF LOT 8; THENCE WITH SAID EXISTING RIGHT OF WAY, AND ALONG THE NORTH LINE OF LOT 8, N89°06'27"E, A DISTANCE OF 5.36 FEET TO A POINT ON THE WEST LINE OF THE PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2645, PAGE 4012; THENCE WITH SAID WEST LINE, S01°03'37"E, A DISTANCE OF 200.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF GLADIOLUS DRIVE (COUNTY ROAD 865); THENCE WITH SAID NORTH RIGHT OF WAY, S89°06'27"W, A DISTANCE OF 5.75 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,111 SQUARE FEET, MORE OR LESS.

NOTE:  
SEE SHEET 1 OF 2  
FOR SKETCH

**THIS IS NOT A SURVEY**

REV 12/06

## COONER & ASSOCIATES, INC.

SURVEYING AND MAPPING  
5670 ZIP DRIVE, FORT MYERS, FLORIDA 33905  
TELEPHONE: 239.277.0722 FAX: 239.277.7179 EMAIL: WWW.COONER.COM

TAKE PARCEL 95 IN THE SW 1/4 OF  
THE NE 1/4 OF SEC 32-45-24

COUNTY:	LEE	DWG DATE:	11-30-06
SEC.:	32-45-24	SURVEY DATE:	
PROJECT NO.:	020504	DRAWN BY:	MAL
DRAWING NO.:	95-ESM-SKD	CHECKED BY:	D.K.T.

FOR:  
LEE COUNTY D.O.T. ENGINEERING

2 OF 2

J:\2002\020504\dwg\Parcel\Take\32-45-24\95-ESM-SKD-FULL TAKE.dwg 12/14/2006 10:07:59 AM EST

# 5-Year Sales History

Parcel No. 94 and 95

Gladiolus Drive Widening Project,  
No. 4083

**NO SALES IN PAST 5 YEARS**