

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

Blue Sheet No. 20070504

- 1. ACTION REQUESTED/PURPOSE:** Approve Purchase Agreement for acquisition of Parcel 148 (A & B) (±2.2 acres), Ortiz Avenue Project 4072, in the amount of \$750,000, pursuant to the terms and conditions set forth in the Agreement. Authorize payment of costs to close and the Division of County Lands to handle and accept all documentation necessary to complete this transaction.
- 2. FUNDING SOURCE:** Fund: Road Impact Fee – Central District; Program: Capital Project; Project: Ortiz Ave/MLK to Lockett Road.
- 3. WHAT ACTION ACCOMPLISHES:** Acquisition of property necessary for the widening of Ortiz Avenue, Project 4072, without the necessity of an eminent domain action.
- 4. MANAGEMENT RECOMMENDATION:** Approve.

5. Departmental Category: **CLF** **6. Meeting Date:** **04-17-07**

7. Agenda: <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Administrative <input type="checkbox"/> Appeals <input type="checkbox"/> Public <input type="checkbox"/> Walk-On	8. Requirement/Purpose: (specify) <input checked="" type="checkbox"/> Statute 125 <input type="checkbox"/> Ordinance <input type="checkbox"/> Admin. Code <input checked="" type="checkbox"/> Other BS 20061564 Resolution of Necessity 07-02-43	9. Request Initiated: Commissioner _____ Department Independent Division County Lands By: Karen Forsyth, Director
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10. Background:
Negotiated for: Department of Transportation
Interest to Acquire: Fee-simple interest in ±1.5 acres of vacant commercial property; fee-simple interest in ±.7 acres of vacant commercial property, encumbered by an FPL easement. The subject property will be utilized for right-of-way expansion and water management needs.
Property Details:
 Owner: Jalapeño's, Inc., a Florida corporation
 Location: 1420 Ortiz Ave
 STRAP No.: 16-44-25-P2-00008.0020
Purchase Details:
Purchase Price: \$750,000 (The purchase price includes payment for attorney fees/costs).
Costs to Close: Estimated to be \$5,000
 The property owner originally required \$1,035,000 for the property. However, through negotiations, they have now agreed to accept \$750,000.
Appraisal Information:
Company: Maxwell & Hendry Valuation, Inc.
Appraised Value: \$688,000
Staff Recommendation: Staff is of the opinion that the purchase price increase of 9% over appraised value can be justified considering the costs of condemnation to be \$8,000 - \$10,000, not including value increases and additional owner's attorney fees/costs.
Account: 20407218823.506110
Attachments: Appraisal Data/Justification Report; Purchase Agreement; Affidavit of Interest; Location Map Included; Title Data; 5-Year Sales History

11. 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>SAP 3/30</i> <i>4/4/07</i>	<i>4-5-07</i>	<i>4-5-07</i>	<i>4-5-07</i>	<i>4-6-07</i>	<i>4-6-07</i>	<i>4-6-07</i>

12. Commission Action:
 Approved
 Deferred
 Denied
 Other

RECEIVED BY COUNTY ADMIN: <i>EW</i> 4-5-07 4:30 pm	Rec. by CoAtty Date: 4/5/07 Time: 1:30 pm
COUNTY ADMIN FORWARDED TO: <i>JP</i> 4-6-07 8:30 am	Forwarded To: <i>Admin</i> 4/5/07 1:56 pm

**Value Justification Report
(Parcel 148 A/B- Jalapeño's, Inc.)**

The appraiser for the subject property was directed to assume estimated square foot calculations, based upon the currently anticipated right-of-way requirements. Following the completion of the appraisal assignment, the legal descriptions and sketches were received, identifying smaller, actual acquisition areas. Therefore, it was necessary to adjust the value calculations, established within the appraisal report, to reflect the smaller acquisition areas.

Appraised Value/sq. ft.	Appraised Area	Appraised Value Total	Actual Area	Revised Appraisal Value Due to Parcel Area Change
\$3.15/sq. ft. (Area "A" Encumbered)	42,253 sq. ft.	\$133,097	31,074 sq. ft.	\$ 97,883
\$9.00/sq. ft. (Area "A" Unencumbered)	53,143 sq. ft.	\$478,287	51,254 sq. ft.	\$461,286
\$9.00/sq. ft. (Area "B")	15,374 sq. ft.	\$138,366	14,289 sq. ft.	\$128,601
		\$750,000		\$688,000



PRESIDENT

W. Michael Maxwell, MAI, SRA
State-Certified General
Appraiser, RZ 55

VICE-PRESIDENT

Gerald A. Hendry, MAI
State-Certified General
Appraiser, RZ 2245

ASSOCIATES

William E. McInnis
State-Certified General
Appraiser, RZ 2232

Timothy D. Rieckhoff
State-Certified General
Appraiser, RZ 2261

Andrea R. Terregrossa
State-Certified General
Appraiser, RZ 2899

Matthew H. Caldwell
State-Certified General
Appraiser, RZ 2901

Matthew S. Simmons
State-Certified Residential
Appraiser, RD 5762

Scott H. Simmons
Registered Trainee
Appraiser, RI 13108

Damon R. Barnes
Registered Trainee
Appraiser, RI 18261

Christopher G. Reublin
Registered Trainee
Appraiser, RI 16310

Maxwell & Hendry

Valuation Services, Inc.

Real Estate Appraisers - Consultants

Serving Southwest Florida since 1974

12600-1 World Plaza Lane, Building #63
Fort Myers, Florida 33907
Website: www.maxwellhendry.com

Commercial
Phone: (239) 337-0555
Fax: (239) 337-3747
E-mail: commercial@maxwellhendry.com

Residential
Phone: (239) 333-1060
Fax: (239) 333-1066
E-mail: residential@maxwellhendry.com

05 October 2006

Lee County Division of County Lands
P.O. Box 398
Fort Myers, Florida 33902-0398
Attention: Robert G. Clemens, Acquisition Program Manager

Parcel: 16-44-25-P2-00008.0020
Project Name: Ortiz Avenue Widening
Project No. 4072

Dear Mr. Clemens,

As you requested, an inspection and analysis has been made of the above referenced property. The purpose of this assignment is to estimate the market value of the property rights proposed for acquisition, as well as any legally compensable loss in value to the remainder as a result of the proposed acquisition.

Market value for this purpose is understood to be the most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. The full definition of market value can be found in the body of this report.

As per the Uniform Standards of Professional Appraisal Practice (USPAP), there are three report writing options. These options would include either a self-contained report, summary report, or restricted use report format. The essential difference among these three options is in the content and level of detail provided. For the purposes of this assignment, a summary appraisal format has been used. With regard to this appraisal, only the Sales Comparison Approach has been used. Neither the Cost nor the Income Approaches are appropriate in the valuation of vacant land. This summary appraisal report has been prepared in conformity with the Uniform Standards of Professional Appraisal Practice (USPAP 2006).

The intended use of this report is to be an aid in estimating the amount of compensation due to the property owner as a result of the proposed partial acquisitions identified herein. The subject property was inspected on 03 October 2006 by Mr. Christopher G. Reublin, Registered Appraiser Trainee. Mr. W. Michael Maxwell, MAI, SRA made a subsequent inspection of the property. Our compensation in this assignment is not contingent upon the reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the obtainment of a stipulated result, or the occurrence of a subsequent event. The market value estimates herein are reported subject to any Extraordinary Assumptions, General Assumptions, or Hypothetical Conditions (if any) summarized below and in the Addendum of this report.

By reason of our investigation and analysis, data contained in this report, and our experience in the real estate appraisal business, it is our opinion the amount due the owner for the acquisitions identified herein, as of 03 October, 2006, is:

SEVEN HUNDRED FIFTY THOUSAND DOLLARS.....(\$750,000)*

***Extraordinary assumptions:**

An extraordinary assumption is defined as an assumption, directly related to a specific assignment, which if found to be false, could alter the appraiser's opinions or conclusions. For the purposes of this appraisal, all conclusions or opinions of value will be rendered based on the following extraordinary assumptions regarding the parent tract, the acquisition areas and the remainder:

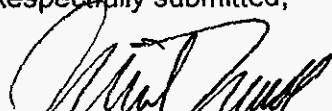
The appraisers have assumed as fact, that the size and location of the acquisition areas are correct. No legal descriptions, surveys or sketches were provided, and all conclusions and opinions are based upon the size and location as described by representatives of Lee County.

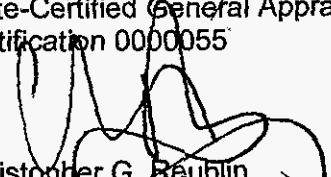
The appraisers have assumed as fact that a deeded ingress/egress easement will be granted to the remainder property from Ballard Road, as per discussions with representatives of Lee County.

The appraisers have not received a report on the development potential of the property, and as such have assumed as fact that the severance of the acquisition areas would not disproportionately affect the building envelope, or the development potential of the remainder.

The appraisers have assumed as fact, that the FP&L easement located on the parent tract allows passive uses such as parking and cross access.

Respectfully submitted,


W. Michael Maxwell, MAI, SRA
State-Certified General Appraiser
Certification 0000055


Christopher G. Reublin
Registered Appraiser Trainee
RI 16310



W. MICHAEL MAXWELL, MAI, S
GERALD A. HENDRY, MAI, CC

EXECUTIVE SUMMARY

OWNER OF RECORD:	The parent tract is currently owned by Jalapenos Inc., whose address is 2249 Cleveland Avenue, Fort Myers, Florida 33901.
LOCATION:	The parent tract is located at the southwesterly corner of Ballard Road and Ortiz Avenue, in the East Fort Myers market area of Lee County Florida. The property address is 1420 Ortiz Avenue, Fort Myers, Florida 33905.
PARENT TRACT AREA:	The parent tract is irregular in shape and consists of 3.65 acres (158,994 sq. ft.), inclusive of 0.97 acres (42,253 sq. ft.) encumbered by an FP&L transmission line easement, as per the survey provided.
ACQUISITION AREA "A":	Acquisition Area "A" is irregular in shape and consists of the westerly 2.19 acres (95,396 sq. ft.), inclusive of 0.97 acres (42,253 sq. ft.) encumbered by an FP&L transmission line easement.
ACQUISITION AREA "B":	Acquisition Area "B" is rectangular in shape and consists of 15,374 sq. ft., being a 55 foot wide strip along the easterly edge of the parent tract.
REMAINDER AREA:	The remainder is irregular in shape and consists of 1.11 acres (48,224 sq. ft.).
IMPROVEMENTS:	The parent tract is vacant land.
ZONING::	B-1
HIGHEST & BEST USE BEFORE ACQUISITION:	Commercial Development
HIGHEST & BEST USE AFTER ACQUISITION:	Commercial Development
PARENT TRACT VALUE:	\$1,183,800
ACQUISITION AREA "A":	\$611,384
ACQUISITION AREA "B":	\$138,366
AMOUNT DUE THE OWNER	\$750,000
SEVERANCE DAMAGES:	N/A
DATE OF VALUATION:	03 October 2006

DATE OF REPORT:	05 October 2006
APPRAISERS:	W. Michael Maxwell, MAI, SRA Christopher G. Reublin, Registered Appraiser Trainee
EXTRAORDINARY ASSUMPTIONS:	<p>The appraisers have assumed as fact, that the size and location of the acquisition areas are correct. No legal descriptions, surveys or sketches were provided, and all conclusions and opinions are based upon the size and location as described by representatives of Lee County.</p> <p>The appraisers have assumed as fact that a deeded ingress/egress easement will be granted to the remainder property from Ballard Road, as per discussions with representatives of Lee County.</p> <p>The appraisers have not received a report on the development potential of the property, and as such have assumed as fact that the severance of the acquisition areas would not disproportionately affect the building envelope, or the development potential of the remainder.</p> <p>The appraisers have assumed as fact, that the FP&L easement located on the parent tract allows passive uses such as parking and cross access.</p>

This document prepared by

Lee County
County Lands Division
Project: 4072 Ortiz Avenue Widening
Parcel: 148 (A & B) Jalapeños, Inc.
STRAP No.: Portions of 16-44-25-P2-00008.0020

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 this ____ day of _____, 20__ by and between **Jalapeños, Inc., a Florida corporation**, hereinafter referred to as SELLER, whose address is 2249 Cleveland Avenue, Fort Myers, Florida 33901, 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 14,289 square feet, more or less, and located at 1420 Ortiz Avenue, Fort Myers, Florida and more particularly described in "Exhibit A" attached hereto and made a part hereof, and a parcel of land consisting of 1.89 acres, more or less, and located at 1420 Ortiz Avenue, Fort Myers, Florida and more particularly described in "Exhibit B" attached hereto and made a part hereof, hereinafter collectively called the "Property". This Property will be acquired for the Ortiz Avenue widening project No. 4072, hereinafter called "the Project."

2. **PURCHASE PRICE AND TIME OF PAYMENT:** The total purchase price ("Purchase Price") will be Seven Hundred Fifty Thousand and no/100 (\$750,000), 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 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, restrictions and easements common to the area, and the FPL easement over and across the southeasterly 100' of the Property described in Exhibit "B".

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 and deduct from the purchase price any expenses required to repair the damage, or BUYER may cancel this Agreement without obligation.

5. **SELLER'S INSTRUMENTS AND EXPENSES:** SELLER will pay for and provide:

- (a) 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;
- (b) utility services up to, but not including the date of closing;
- (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;
- (e) SELLER's attorney 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) documentary stamp tax, if due.

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. BUYER is exempt from ad valorem taxation. SELLER will pay all taxes determined to be legally due and payable by the County Tax Collector.

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. **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 problems unacceptable to the BUYER, BUYER may elect to accept the Property in its existing condition with an appropriate abatement to the purchase price 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.

AGREEMENT FOR PURCHASE AND SALE OF REAL ESTATE

Page 5 of 5

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:** Any and all special conditions will be attached to this Agreement and signed by all parties to this Agreement.

WITNESSES:






CHARLIE GREEN, CLERK

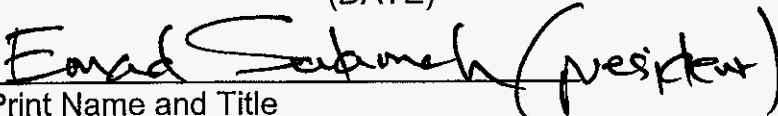
BY: _____
DEPUTY CLERK (DATE)

SELLER:

JALAPEÑO'S INC, a Florida corporation

By:  3-27-07

(DATE)


Print Name and Title

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)

**LEGAL AND SKETCH FOR RIGHT OF WAY ACQUISITION
PARCEL 148A
SECTION 16, TOWNSHIP 44 SOUTH, RANGE 25 EAST**

PARCEL 148A

A PARCEL OF LAND LYING IN THE NORTH 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 16, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING A PORTION OF LOT 23 BALLARD ESTATES AN UNRECORDED SUBDIVISION OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 16 AND ORTIZ AVENUE SURVEY BASE LINE SAID POINT BEING P.I. STATION 50+85.23; THENCE N02°09'41"W, ALONG SAID BASE LINE A DISTANCE OF 958.32 FEET TO STATION 60+43.55; THENCE LEAVING SAID BASE LINE S88°33'17"W, A DISTANCE OF 40.00 FEET TO THE WEST RIGHT OF WAY LINE OF ORTIZ AVENUE PER OFFICIAL RECORD BOOK 961, PAGE 577 AND THE POINT OF BEGINNING; THENCE LEAVING SAID RIGHT OF WAY LINE S88°33'17"W, A DISTANCE OF 54.70 FEET TO A POINT ON A NON TANGENT CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 2932.29 FEET, A DELTA OF 02°32'00", A CHORD OF 129.65 FEET AND A CHORD BEARING OF N00°03'58"W; THENCE ALONG SAID CURVE AN ARC DISTANCE OF 129.66 FEET; THENCE N88°47'57"W, A DISTANCE OF 10.50 FEET; THENCE N01°36'03"E, A DISTANCE OF 41.09 FEET; THENCE S88°42'41"E, A DISTANCE OF 10.50 FEET TO A POINT ON A NON TANGENT CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 2932.29 FEET, A DELTA OF 01°35'51", A CHORD OF 81.75 FEET AND A CHORD BEARING OF N02°48'07"E; THENCE ALONG SAID CURVE AN ARC DISTANCE OF 81.75 FEET; THENCE N43°46'48"W, A DISTANCE OF 37.17 FEET; THENCE N88°40'14"E, A DISTANCE OF 64.88 FEET TO THE WEST RIGHT OF WAY LINE OF ORTIZ AVENUE PER OFFICIAL RECORD BOOK 961, PAGE 577; THENCE S02°09'41"E, ALONG SAID WEST RIGHT OF WAY LINE A DISTANCE OF 279.52 FEET TO THE POINT OF BEGINNING.

CONTAINING 14289 SQUARE FEET MORE OR LESS.

AREA OF REMAINDER: 3.389 ACRES MORE OR LESS.
AREA OF PARENT TRACT: 3.717 ACRES MORE OR LESS.

NOTE:

BEARINGS SHOWN HEREON ARE BASED UPON THE SURVEY BASE LINE OF ORTIZ AVENUE, HAVING A BEARING OF N02°09'41"W FROM P.I. STATION 50+85.23 BEING A PK NAIL & DISK "AIM LB 3114" TO P.I. STATION 63+62.99 BEING A PK NAIL & DISK ILLEGIBLE.

Exhibit "A"

Page 1 of 2

PREPARED BY:
AIM ENGINEERING & SURVEYING, INC.

[Signature] 1/12/07
BOB E. POTTER, P.S.M.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5688

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

AIM Engineering & Surveying, Inc.

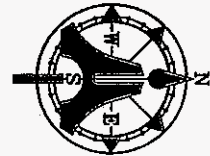
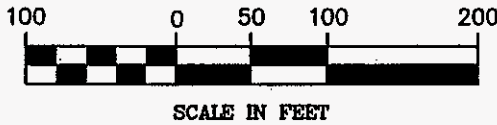


5300 LEE BLVD.
P.O. BOX 1235
LEHIGH ACRES
FLORIDA 33970
239/332-4569
FX:239/332-8734

Licensed Business Number 3114

THIS IS NOT A SURVEY SHEET 1 OF 2

PROJECT NUMBER: 05-8974	DESCRIPTION: LEGAL DESCRIPTION AND SKETCH FOR PARCEL 148A ORTIZ AVENUE LEE COUNTY		
DRAWN BY: LWC	CLIENT: LEE COUNTY DEPARTMENT OF TRANSPORTATION		
DATE: 11/20/06	SEC-TWP-RGE 16-44S-25E	FILE: PARCEL 148A-LEG	COUNTY: LEE COUNTY



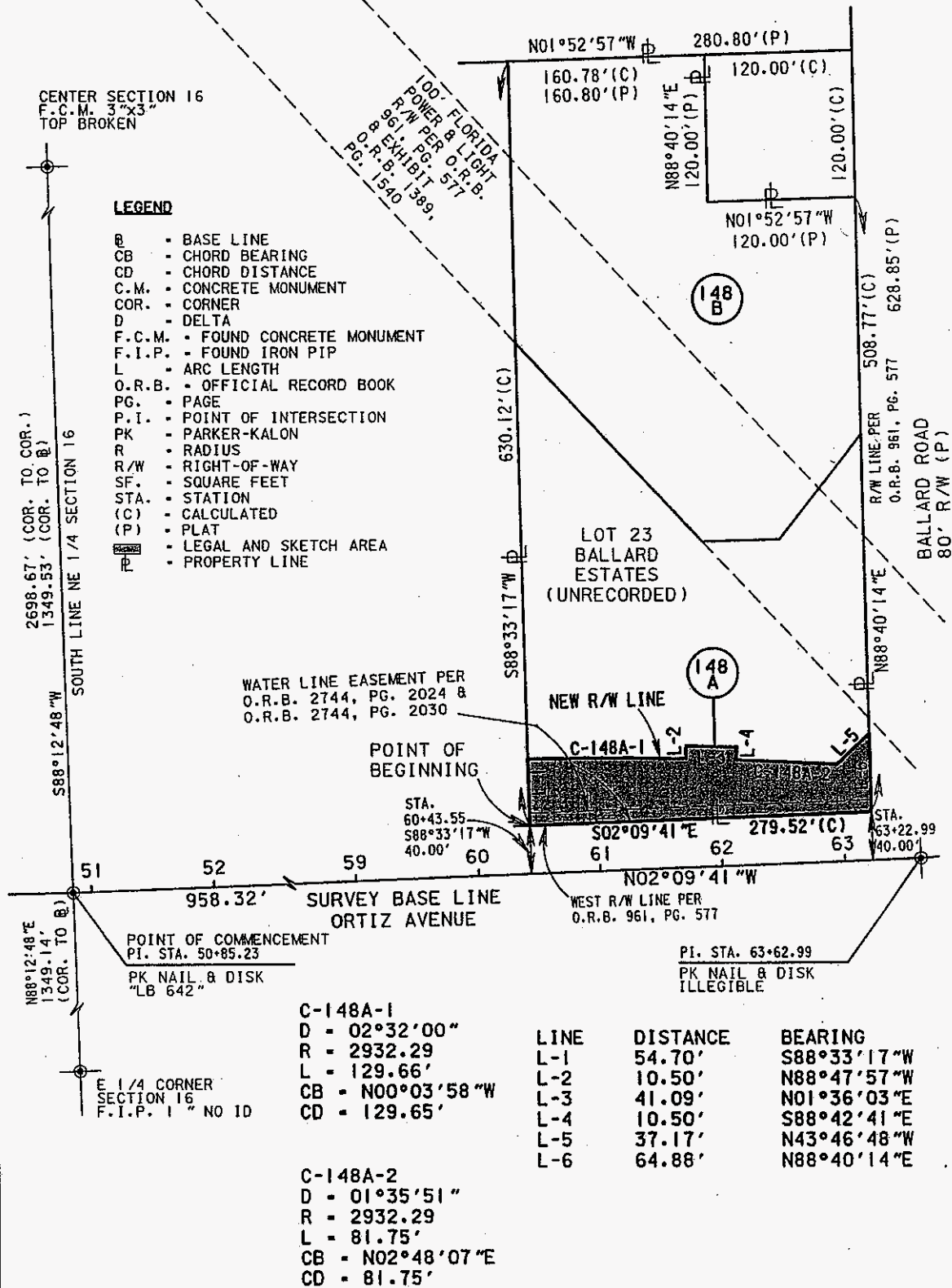
CENTER SECTION 16
F.C.M. 3"X3"
TOP BROKEN

LEGEND

- ⊕ - BASE LINE
- CB - CHORD BEARING
- CD - CHORD DISTANCE
- C.M. - CONCRETE MONUMENT
- COR. - CORNER
- D - DELTA
- F.C.M. - FOUND CONCRETE MONUMENT
- F.I.P. - FOUND IRON PIP
- L - ARC LENGTH
- O.R.B. - OFFICIAL RECORD BOOK
- PG. - PAGE
- P.I. - POINT OF INTERSECTION
- PK - PARKER-KALON
- R - RADIUS
- R/W - RIGHT-OF-WAY
- SF. - SQUARE FEET
- STA. - STATION
- (C) - CALCULATED
- (P) - PLAT
- ▭ - LEGAL AND SKETCH AREA
- ▭ - PROPERTY LINE

Exhibit "A"

Page 2 of 2



C-148A-1
D = 02°32'00"
R = 2932.29
L = 129.66'
CB = N00°03'58"W
CD = 129.65'

LINE	DISTANCE	BEARING
L-1	54.70'	S88°33'17"W
L-2	10.50'	N88°47'57"W
L-3	41.09'	N01°36'03"E
L-4	10.50'	S88°42'41"E
L-5	37.17'	N43°46'48"W
L-6	64.88'	N88°40'14"E

C-148A-2
D = 01°35'51"
R = 2932.29
L = 81.75'
CB = N02°48'07"E
CD = 81.75'

AIM Engineering & Surveying, Inc.



5300 LEE BLVD.
P.O. BOX 1235
LEHIGH ACRES
FLORIDA 33970
239/332-4569
FX:239/332-8734

Licensed Business Number 3114

THIS IS NOT A SURVEY SHEET 2 OF 2

PROJECT NUMBER: 05-8974	DESCRIPTION: LEGAL DESCRIPTION AND SKETCH FOR PARCEL 148A ORTIZ AVENUE LEE COUNTY
DRAWN BY: LWC	CLIENT: LEE COUNTY DEPARTMENT OF TRANSPORTATION
DATE: 01/09/07	SEC-TWP-RGE 16-44S-25E
F.I.E. PARCEL 148A-LEG	COUNTY: LEE COUNTY

**LEGAL AND SKETCH FOR RIGHT OF WAY ACQUISITION
PARCEL 148B
SECTION 16, TOWNSHIP 44 SOUTH, RANGE 25 EAST**

PARCEL 148B

A PARCEL OF LAND LYING IN THE NORTH 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 16, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING A PORTION OF LOT 23 BALLARD ESTATES AN UNRECORDED SUBDIVISION OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 16 AND ORTIZ AVENUE SURVEY BASE LINE SAID POINT BEING P.I. STATION 50+85.23; THENCE N02°09'41"W, ALONG SAID BASE LINE A DISTANCE OF 958.32 FEET TO STATION 60+43.55; THENCE LEAVING SAID BASE LINE S88°33'17"W, A DISTANCE OF 40.00 FEET TO THE WEST RIGHT OF WAY LINE OF ORTIZ AVENUE PER OFFICIAL RECORD BOOK 961, PAGE 577; THENCE LEAVING SAID RIGHT OF WAY LINE S88°33'17"W, A DISTANCE OF 399.62 FEET TO THE POINT OF BEGINNING; THENCE S88°33'17"W, A DISTANCE OF 230.50 FEET; THENCE N01°52'57"W, A DISTANCE OF 160.78 FEET; THENCE N88°40'14"E, A DISTANCE OF 120.00 FEET; THENCE N01°52'57"W, A DISTANCE OF 120.00 FEET TO THE SOUTH RIGHT OF WAY LINE OF BALLARD ROAD PER OFFICIAL RECORD BOOK 961, PAGE 577; THENCE N88°40'14"E ALONG SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 195.02 FEET; THENCE LEAVING SAID SOUTH RIGHT OF WAY LINE S52°43'33"E, A DISTANCE OF 110.40 FEET; THENCE S01°35'54"E, A DISTANCE OF 62.92 FEET; THENCE S47°15'41"W, A DISTANCE OF 224.51 FEET TO THE POINT OF BEGINNING.

Exhibit "B"

Page 1 of 2

CONTAINING 1.890 ACRES MORE OR LESS.

AREA OF REMAINDER: 1.827 ACRES MORE OR LESS.
AREA OF PARENT TRACT: 3.717 ACRES MORE OR LESS.

NOTE:

BEARINGS SHOWN HEREON ARE BASED UPON THE SURVEY BASE LINE OF ORTIZ AVENUE, HAVING A BEARING OF N02°09'41"W FROM P.I. STATION 50+85.23 BEING A PK NAIL & DISK "AIM LB 3114" TO P.I. STATION 63+62.99 BEING A PK NAIL & DISK ILLEGIBLE.

PREPARED BY:
AIM ENGINEERING & SURVEYING, INC.

[Signature] 1/12/07
BOB L. POTTER, P.S.M. DATE
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5688

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

AIM Engineering & Surveying, Inc.

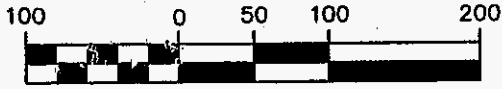


5300 LEE BLVD.
P.O. BOX 1235
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FLORIDA 33970
239/332-4569
FX:239/332-8734

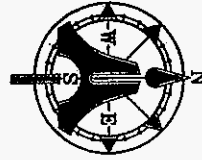
Licensed Business Number 3114

THIS IS NOT A SURVEY SHEET 1 OF 2

PROJECT NUMBER: 05-8974	DESCRIPTION: LEGAL DESCRIPTION AND SKETCH FOR PARCEL 148B ORTIZ AVENUE LEE COUNTY		
DRAWN BY: LWC	CLIENT: LEE COUNTY DEPARTMENT OF TRANSPORTATION		
DATE: 11/20/06	SEC-TWP-RGE: 16-44S-25E	FILE: PARCEL 148B-LEG	COUNTY: LEE COUNTY



SCALE IN FEET



CENTER SECTION 16
F.C.M. 3" x 3"
TOP BROKEN

LEGEND

- B - BASE LINE
- CB - CHORD BEARING
- CD - CHORD DISTANCE
- C.M. - CONCRETE MONUMENT
- COR. - CORNER
- D - DELTA
- F.C.M. - FOUND CONCRETE MONUMENT
- F.I.P. - FOUND IRON PIP
- L - ARC LENGTH
- O.R.B. - OFFICIAL RECORD BOOK
- PG. - PAGE
- P.I. - POINT OF INTERSECTION
- PK - PARKER-KALON
- R - RADIUS
- R/W - RIGHT-OF-WAY
- SF. - SQUARE FEET
- STA. - STATION
- (C) - CALCULATED
- (P) - PLAT
- [Hatched Area] - LEGAL AND SKETCH AREA
- [Solid Line] - PROPERTY LINE

2698.67' (COR. TO COR.)
1349.53' (COR. TO B)

SOUTH LINE NE 1/4 SECTION 16
S88°12'48"W

N88°12'48"E
1349.14'
(COR. TO B)

POINT OF COMMENCEMENT
PI. STA. 50+85.23
PK NAIL & DISK
"LB 642"

E 1/4 CORNER
SECTION 16
F.I.P. 1" NO ID

WATER LINE EASEMENT PER
O.R.B. 2744, PG. 2024 &
O.R.B. 2744, PG. 2030

STA. 60+43.55
S88°33'17"W
40.00' 60

WEST R/W LINE PER
O.R.B. 961, PG. 577

PI. STA. 63+62.99
PK NAIL & DISK
ILLEGIBLE

630.12'(C)

148 B

LOT 23
BALLARD
ESTATES
(UNRECORDED)

148 A

N01°52'57"W 280.80'(P)

120.00'(C)

120.00'(C)

N01°52'57"W
20.00'

508.77'(C)

SOUTH R/W LINE PER
O.R.B. 961, PG. 577

BALLARD ROAD
80' R/W (P)

N88°40'14"E

STA. 63+22.99
40.00'

N02°09'41"W

WEST R/W LINE PER
O.R.B. 961, PG. 577

958.32' SURVEY BASE LINE
ORTIZ AVENUE

279.52'(C)

S02°09'41"E

40.00' 61

40.00' 62

40.00' 63

Exhibit "B"

Page 2 of 2

AIM Engineering & Surveying, Inc.



5300 LEE BLVD.
P.O. BOX 1235
LEHIGH ACRES
FLORIDA 33970
239/332-4569
FX:239/332-8734

Licensed Business Number 3114

THIS IS NOT A SURVEY SHEET 2 OF 2

PROJECT NUMBER: 05-8974	DESCRIPTION: LEGAL DESCRIPTION AND SKETCH FOR PARCEL 148B ORTIZ AVENUE LEE COUNTY		
DRAWN BY: LWC	CLIENT: LEE COUNTY DEPARTMENT OF TRANSPORTATION		
DATE: 01/09/07	SEC-TWP-RGE 16-44S-25E	FILE: PARCEL 148B-LEG	COUNTY: LEE COUNTY

STRAP No.: 16-44-25-P2-00008.0020
Parcel: 148 A/B
Project: Ortiz Avenue, No. 4072

AFFIDAVIT OF INTEREST IN REAL PROPERTY

THIS AFFIDAVIT OF INTEREST IN REAL PROPERTY is made and entered this ____ day of _____, 2007 for the sole purpose of compliance with Section 286.23 of the Florida Statutes.

The undersigned hereby swears and affirms under oath, subject to the penalties prescribed for perjury, that the following is true:

The Name and Address of the Grantor is:

Jalapeño's, Inc., a Florida corporation
2249 Cleveland Avenue
Fort Myers, Florida 33901

The name(s) and address(es) of every person having a beneficial interest in real property that will be conveyed to Lee County are:

1. Emad Salameh
2. Amer Salameh
3. _____
4. _____
5. _____

The real property to be conveyed to Lee County is known as:

SEE ATTACHED EXHIBIT "A", ATTACHED HERETO AND MADE A PART HEREOF.

FURTHER AFFIANT SAYETH NAUGHT.

Signed, sealed and delivered
in our presences:

Betsy J. Allen
Witness Signature

BETSY J. ALLEN
Printed Name

Gordon H. Coffman
Witness Signature

Gordon H. Coffman
Printed Name

Jalapeño's, Inc., a Florida corporation

By Emad Salameh
Emad Salameh (president)
(Print Name and Title)

**LEGAL AND SKETCH FOR RIGHT OF WAY ACQUISITION
PARCEL 148A
SECTION 16, TOWNSHIP 44 SOUTH, RANGE 25 EAST**

PARCEL 148A

A PARCEL OF LAND LYING IN THE NORTH 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 16, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING A PORTION OF LOT 23 BALLARD ESTATES AN UNRECORDED SUBDIVISION OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 16 AND ORTIZ AVENUE SURVEY BASE LINE SAID POINT BEING P.I. STATION 50+85.23; THENCE N02°09'41"W, ALONG SAID BASE LINE A DISTANCE OF 958.32 FEET TO STATION 60+43.55; THENCE LEAVING SAID BASE LINE S88°33'17"W, A DISTANCE OF 40.00 FEET TO THE WEST RIGHT OF WAY LINE OF ORTIZ AVENUE PER OFFICIAL RECORD BOOK 961, PAGE 577 AND THE POINT OF BEGINNING; THENCE LEAVING SAID RIGHT OF WAY LINE S88°33'17"W, A DISTANCE OF 54.70 FEET TO A POINT ON A NON TANGENT CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 2932.29 FEET, A DELTA OF 02°32'00", A CHORD OF 129.65 FEET AND A CHORD BEARING OF N00°03'58"W; THENCE ALONG SAID CURVE AN ARC DISTANCE OF 129.66 FEET; THENCE N88°47'57"W, A DISTANCE OF 10.50 FEET; THENCE N01°36'03"E, A DISTANCE OF 41.09 FEET; THENCE S88°42'41"E, A DISTANCE OF 10.50 FEET TO A POINT ON A NON TANGENT CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 2932.29 FEET, A DELTA OF 01°35'51", A CHORD OF 81.75 FEET AND A CHORD BEARING OF N02°48'07"E; THENCE ALONG SAID CURVE AN ARC DISTANCE OF 81.75 FEET; THENCE N43°46'48"W, A DISTANCE OF 37.17 FEET; THENCE N88°40'14"E, A DISTANCE OF 64.88 FEET TO THE WEST RIGHT OF WAY LINE OF ORTIZ AVENUE PER OFFICIAL RECORD BOOK 961, PAGE 577; THENCE S02°09'41"E, ALONG SAID WEST RIGHT OF WAY LINE A DISTANCE OF 279.52 FEET TO THE POINT OF BEGINNING.

CONTAINING 14289 SQUARE FEET MORE OR LESS.

AREA OF REMAINDER: 3.389 ACRES MORE OR LESS.
AREA OF PARENT TRACT: 3.717 ACRES MORE OR LESS.

NOTE:

BEARINGS SHOWN HEREON ARE BASED UPON THE SURVEY BASE LINE OF ORTIZ AVENUE, HAVING A BEARING OF N02°09'41"W FROM P.I. STATION 50+85.23 BEING A PK NAIL & DISK "AIM LB 3114" TO P.I. STATION 63+62.99 BEING A PK NAIL & DISK ILLEGIBLE.

Exhibit "A"

Page 1 of 4

PREPARED BY:
AIM ENGINEERING & SURVEYING, INC.

[Signature] 1/12/07
BOB L. POTTER, P.S.M. DATE
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5688

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

AIM Engineering & Surveying, Inc.

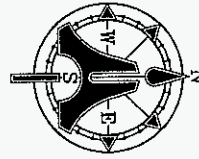
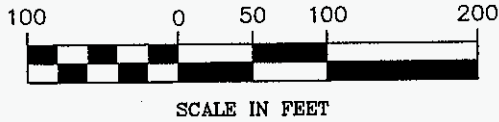


5300 LEE BLVD.
P.O. BOX 1235
LEHIGH ACRES
FLORIDA 33970
239/332-4569
FX:239/332-8734

Licensed Business Number 3114

THIS IS NOT A SURVEY SHEET 1 OF 2

PROJECT NUMBER: 05-8974	DESCRIPTION: LEGAL DESCRIPTION AND SKETCH FOR PARCEL 148A ORTIZ AVENUE LEE COUNTY		
DRAWN BY: LWC	CLIENT: LEE COUNTY DEPARTMENT OF TRANSPORTATION		
DATE: 11/20/06	SEC-TWP-RGE 16-44S-25E	FILE: PARCEL 148A-LEG	COUNTY: LEE COUNTY



CENTER SECTION 16
F.C.M. 3'x3'
TOP BROKEN

LEGEND

- B - BASE LINE
- CB - CHORD BEARING
- CD - CHORD DISTANCE
- C.M. - CONCRETE MONUMENT
- COR. - CORNER
- D - DELTA
- F.C.M. - FOUND CONCRETE MONUMENT
- F.I.P. - FOUND IRON PIP
- L - ARC LENGTH
- O.R.B. - OFFICIAL RECORD BOOK
- PG. - PAGE
- P.I. - POINT OF INTERSECTION
- PK - PARKER-KALON
- R - RADIUS
- R/W - RIGHT-OF-WAY
- SF. - SQUARE FEET
- STA. - STATION
- (C) - CALCULATED
- (P) - PLAT
- Legal and Sketch Area
- R - PROPERTY LINE

2698.67' (COR. TO COR.)
1349.55' (COR. TO B)
SOUTH LINE NE 1/4 SECTION 16
S88°12'48"W

WATER LINE EASEMENT PER
O.R.B. 2744, PG. 2024 &
O.R.B. 2744, PG. 2030

POINT OF BEGINNING

STA. 60+43.55
S88°33'17"W
40.00'

NEW R/W LINE

C-148A-1 L-2 L-4 L-5
C-148A-2 L-3 L-6

STA. 63+22.99
S02°09'41"E 279.52'(C)
40.00'

N02°09'41"W
WEST R/W LINE PER
O.R.B. 961, PG. 577

PI. STA. 63+62.99
PK NAIL & DISK
ILLEGIBLE

POINT OF COMMENCEMENT
PI. STA. 50+85.23
PK NAIL & DISK
"LB 642"

E 1/4 CORNER
SECTION 16
F.I.P. 1" NO ID

C-148A-1
D = 02°32'00"
R = 2932.29
L = 129.66'
CB = N00°03'58"W
CD = 129.65'

LINE	DISTANCE	BEARING
L-1	54.70'	S88°33'17"W
L-2	10.50'	N88°47'57"W
L-3	41.09'	N01°36'03"E
L-4	10.50'	S88°42'41"E
L-5	37.17'	N43°46'48"W
L-6	64.88'	N88°40'14"E

C-148A-2
D = 01°35'51"
R = 2932.29
L = 81.75'
CB = N02°48'07"E
CD = 81.75'

N01°52'57"W 280.80'(P)
160.78'(C)
160.80'(P)
N88°40'14"E 120.00'(P)
120.00'(C)
N01°52'57"W 120.00'(P)

R/W LINE PER
O.R.B. 961, PG. 577
508.77'(C)
628.85'(P)
BALLARD ROAD
80' R/W (P)

LOT 23
BALLARD
ESTATES
(UNRECORDED)

148
A

148
B

Exhibit "A"

Page 2 of 7

AIM Engineering & Surveying, Inc.



5300 LEE BLVD.
P.O. BOX 1235
LEHIGH ACRES
FLORIDA 33970
239/332-4569
FX:239/332-8734

Licensed Business Number 3114

THIS IS NOT A SURVEY SHEET 2 OF 2

PROJECT NUMBER: 05-8974	DESCRIPTION: LEGAL DESCRIPTION AND SKETCH FOR PARCEL 148A ORTIZ AVENUE LEE COUNTY		
DRAWN BY: LWC	CLIENT: LEE COUNTY DEPARTMENT OF TRANSPORTATION		
DATE: 01/09/07	SEC-TWP-RGE 16-44S-25E	FILE: PARCEL 148A-LEG	COUNTY: LEE COUNTY

**LEGAL AND SKETCH FOR RIGHT OF WAY ACQUISITION
PARCEL 148B
SECTION 16, TOWNSHIP 44 SOUTH, RANGE 25 EAST**

PARCEL 148B

A PARCEL OF LAND LYING IN THE NORTH 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 16, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING A PORTION OF LOT 23 BALLARD ESTATES AN UNRECORDED SUBDIVISION OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 16 AND ORTIZ AVENUE SURVEY BASE LINE SAID POINT BEING P.I. STATION 50+85.23; THENCE N02°09'41"W, ALONG SAID BASE LINE A DISTANCE OF 958.32 FEET TO STATION 60+43.55; THENCE LEAVING SAID BASE LINE S88°33'17"W, A DISTANCE OF 40.00 FEET TO THE WEST RIGHT OF WAY LINE OF ORTIZ AVENUE PER OFFICIAL RECORD BOOK 961, PAGE 577; THENCE LEAVING SAID RIGHT OF WAY LINE S88°33'17"W, A DISTANCE OF 399.62 FEET TO THE POINT OF BEGINNING; THENCE S88°33'17"W, A DISTANCE OF 230.50 FEET; THENCE N01°52'57"W, A DISTANCE OF 160.78 FEET; THENCE N88°40'14"E, A DISTANCE OF 120.00 FEET; THENCE N01°52'57"W, A DISTANCE OF 120.00 FEET TO THE SOUTH RIGHT OF WAY LINE OF BALLARD ROAD PER OFFICIAL RECORD BOOK 961, PAGE 577; THENCE N88°40'14"E ALONG SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 195.02 FEET; THENCE LEAVING SAID SOUTH RIGHT OF WAY LINE S52°43'33"E, A DISTANCE OF 110.40 FEET; THENCE S01°35'54"E, A DISTANCE OF 62.92 FEET; THENCE S47°15'41"W, A DISTANCE OF 224.51 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.890 ACRES MORE OR LESS.

AREA OF REMAINDER: 1.827 ACRES MORE OR LESS.
AREA OF PARENT TRACT: 3.717 ACRES MORE OR LESS.

NOTE:

BEARINGS SHOWN HEREON ARE BASED UPON THE SURVEY BASE LINE OF ORTIZ AVENUE, HAVING A BEARING OF N02°09'41"W FROM P.I. STATION 50+85.23 BEING A PK NAIL & DISK "AIM LB 3114" TO P.I. STATION 63+62.99 BEING A PK NAIL & DISK ILLEGIBLE.

Exhibit "A"

Page 3 of 4

PREPARED BY:
AIM ENGINEERING & SURVEYING, INC.

[Signature] 1/12/07
BOB L. POTTER, P.S.M. DATE
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5688

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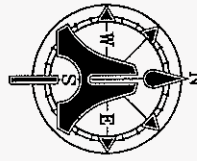
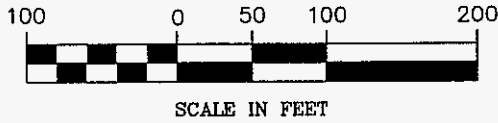
AIM Engineering & Surveying, Inc.



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FLORIDA 33970
239/332-4569
FX:239/332-8734

Licensed Business Number 3114

PROJECT NUMBER: 05-8974	DESCRIPTION: LEGAL DESCRIPTION AND SKETCH FOR PARCEL 148B ORTIZ AVENUE LEE COUNTY		
DRAWN BY: LWC	CLIENT: LEE COUNTY DEPARTMENT OF TRANSPORTATION		
DATE: 11/20/06	SEC-TWP-RGE: 16-44S-25E	FILE: PARCEL 148B-LEG	COUNTY: LEE COUNTY



CENTER SECTION 16
F.C.M. 3"X3"
TOP BROKEN

100' FLORIDA
POWER & LIGHT
R/W PER O.R.B. 577
PG. 961, PG. 577
PG. A-D, PG. 1540
PG. 1540

LEGEND

- ⊕ - BASE LINE
- CB - CHORD BEARING
- CD - CHORD DISTANCE
- C.M. - CONCRETE MONUMENT
- COR. - CORNER
- D - DELTA
- F.C.M. - FOUND CONCRETE MONUMENT
- F.I.P. - FOUND IRON PIP
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- R/W - RIGHT-OF-WAY
- SF. - SQUARE FEET
- STA. - STATION
- (C) - CALCULATED
- (P) - PLAT
- ▭ - LEGAL AND SKETCH AREA
- - PROPERTY LINE

2698.67' (COR. TO COR.)
1349.53' (COR. TO ⊕)

S88°12'48"W
SOUTH LINE NE 1/4 SECTION 16

N88°12'48"E
1349.14'
(COR. TO ⊕)

958.32' SURVEY BASE LINE
ORTIZ AVENUE

POINT OF COMMENCEMENT
PI. STA. 50+85.23
PK NAIL & DISK
"LB 642"

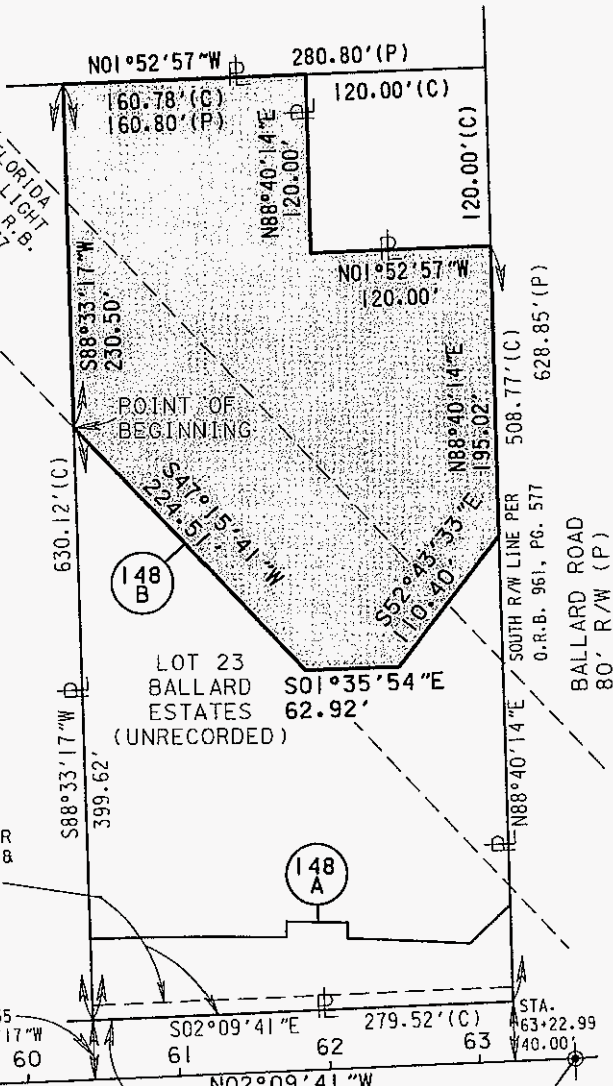
E 1/4 CORNER
SECTION 16
F.I.P. 1" NO 1D

WATER LINE EASEMENT PER
O.R.B. 2744, PG. 2024 &
O.R.B. 2744, PG. 2030

STA. 60+43.55
S88°33'17"W
40.00'

S02°09'41"E
279.52'(C)
WEST R/W LINE PER
O.R.B. 961, PG. 577

PI. STA. 63+62.99
PK NAIL & DISK
ILLEGIBLE



508.77'(C)
628.85'(P)
SOUTH R/W LINE PER
O.R.B. 961, PG. 577

BALLARD ROAD
80' R/W (P)

Exhibit "A"

Page 4 of 4

AIM Engineering & Surveying, Inc.



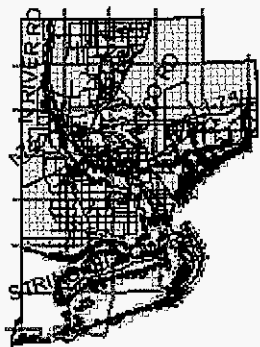
5300 LEE BLVD.
P.O. BOX 1235
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FLORIDA 33970
239/332-4569
FX:239/332-8734

Licensed Business Number 3114

THIS IS NOT A SURVEY SHEET 2 OF 2

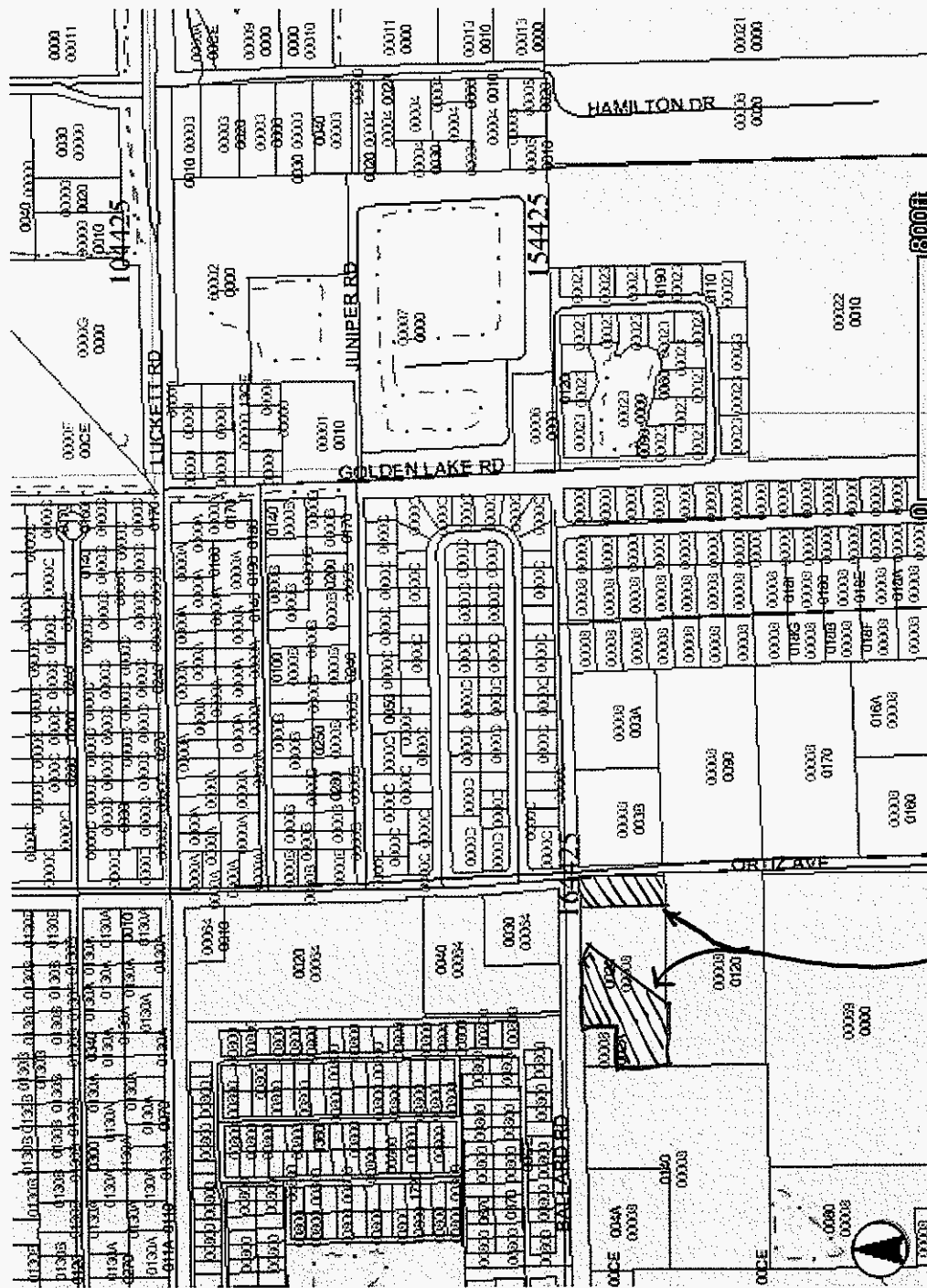
PROJECT NUMBER: 05-8974	DESCRIPTION: LEGAL DESCRIPTION AND SKETCH FOR PARCEL 148B ORTIZ AVENUE LEE COUNTY		
DRAWN BY: LWC	CLIENT: LEE COUNTY DEPARTMENT OF TRANSPORTATION		
DATE: 01/09/07	SEC-TWP-RGE 16-44S-25E	FILE: PARCEL 148B-LEG	COUNTY: LEE COUNTY

Ortiz Avenue 4072, Parcel 148A/B - Jalapeno's



Legend

- Block
- Lot
- Condo Block
- Condo Lot
- Condo Building
- Parcels
- Parcel Hooks
- Hydro Features
- Road Center Line
- Township Range Lines
- Township Range Labels
- Section Lines
- City Limits
- Santa Springs
- Cape Coral
- Ft Myers
- Sarisee
- Town of Fort Myers Beach



Subject

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

Search No. 16-44-25-P2-00008.0020

Date: April 19, 2006

Parcel: 148 ✓

Project: Ortiz Avenue Widening, Project 4072

To: J. Keith Gomez
Property Acquisition Agent

From: Bill Abramovich *BA*
Real Estate Title Examiner

STRAP: 16-44-25-P2-00008.0020

Effective Date: April 14, 2006, at 5:00 p.m.

Subject Property: See attached Exhibit "A"

Title to the subject property is vested in the following:

Jalapeno's Inc., a Florida corporation

By that certain instrument dated June 5, 2002, recorded June 25, 2002, in Official Record Book 3674, Page 326, Public Records of Lee County, Florida.

Easements:

1. Declaration of Restrictions, dated July 12, 1967, recorded August 10, 1967 in Official Record Book 421, Page 340, Public Records of Lee County, Florida. Said restrictions were modified by those certain instruments recorded in Official Record Book 522, Page 54; Official Record Book 612, Page 461; Official Record Book 1111, Page 1017; Official Record Book 1111, Page 1030 and Official Record Book 1111, Page 1032, also by the Final Judgment, dated October 14, 1987, recorded October 16, 1987, in Official Record Book 1947, Page 4758, all being in the Public Records of Lee County, Florida.
2. Right-of-way of Ortiz Avenue, lying over and across the East 40 feet of subject property, as recited in Official Record Book 961, Page 577, Public Records of Lee County, Florida.
3. Right-of-way of Ballard Road, lying over and across the North 40 feet of subject property as recited in Official Record Book 961, Page 577, Public Records of Lee County, Florida.
4. Right-of way of Florida Power and Light transmission lines as recited in Official Record Book 961, Page 577, Public Records of Lee County, Florida. *FPL Deced Book 234 p 17*
5. Grant of Perpetual Easement granted to Lee County recorded in Official Record Book 2744, Page 2024, Public Records of Lee County, Florida.
6. Grant of Perpetual Easement granted to Lee County recorded in Official Record Book 2744, Page 2030, Public Records of Lee County, Florida.

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

Search No. 16-44-25-P2-00008.0020

Date: April 19, 2006

Parcel: 148

Project: Ortiz Avenue Widening, Project 4072

NOTE (1): Deed recorded in Official Record Book 1869, Page 2803, filed in the Public Records of Lee County, Florida, does not contain marital status of the grantor(s), joinder by spouse, or statement regarding homestead status of subject property. This must be addressed and resolved by the Title Company or Attorney that handles the transfer to the County.

NOTE (2): Mortgage executed by Jalapeno's, Inc. in favor of Stephen R. Cross, Jeffrey Cross, Charles N. Gerber and Amy L. Gerber, dated June 5, 2002, recorded June 25, 2002, in Official Record Book 3674, Page 328, Public Records of Lee County, Florida.

NOTE (3): Lee County Ordinances relating to garbage and solid waste collection, recorded in Official Record Book 2189, Pages 3281 and 3334, Public Records of Lee County, Florida.

Tax Status: 2005 taxes are now delinquent.

(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.

Division of County Lands

Updated Ownership and Easement Search

Search No. 16-44-25-P2-00008.0020

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Exhibit "A"

The North half (N ½) of the Northeast quarter (NE ¼) of the Southwest quarter (SW ¼) of the Northeast quarter (NE ¼) of Section 16, Township 44 South, Range 25 East. Subject to the right-of-way of Ortiz Avenue lying over and across the East 40 feet of said fractional section. Also subject to the right-of-way of Ballard Road lying over and across the North 40 feet of said fractional section. Also subject to the right-of-way of the Florida Power and Light transmission line.

Less and except:

A tract or parcel of land lying in the North ½ of the Northeast ¼ of the Southwest ¼ of the Northeast ¼ of Section 16, Township 44 South, Range 25 East (also known as Lot 23 of unrecorded Ballard Estates Subdivision, Lee County, Florida more particularly described as follows:

From the Southwest corner of said fraction of Section, run North 1°53'23" West along the West line of said fraction of a Section for 160.80 feet to the point of beginning of the tract herein described; thence continue North 1°53'23" West along said line for 120.00 feet to the South right-of-way line of Ballard Road; thence run North 88°39'43" East along the South right-of-way of Ballard Road for 120.00 feet; thence run South 1°53'23" East parallel to the West line of said fraction of a Section for 120.00 feet; thence run South 88°39'43" West for 120.00 feet to the point of beginning.

5-Year Sales History

Parcel No. 148A/B – Jalapeño's, Inc.

Ortiz Avenue Widening
Project No. 4072

Grantor	Grantee	Price	Date	Arms Length Y/N
Stephen R. Cross, Jeffrey Cross, Charles N. Gerber, Amy L. Gerber	Jalapeño's, Inc., a Florida corporation	\$75,000	6/05/02	Y*

*The referenced transaction represented the sale of the parent tract.