

Lee County Board Of County Commissioners
Agenda Item Summary

Blue Sheet No. 20050156

1. REQUESTED MOTION:

ACTION REQUESTED: Authorize: (1) approval of Easement Purchase Agreements for acquisition of Parcels 180 and 211 Gunnery Road Widening Project 4055, in the amount of \$500 each; (2) Chairman, on behalf of the Board, to sign the Purchase Agreement; (3) payment of costs and fees to close; (4) Division of County Lands to handle and accept all documentation necessary to complete this transaction and grant time extension to close, if necessary.

WHY ACTION IS NECESSARY: The Board must accept all real estate conveyances to Lee County.

WHAT ACTION ACCOMPLISHES: Allows the County to proceed with the project without resorting to Eminent Domain proceedings on these two parcels.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT

6
#5

C6E

3. MEETING DATE:

03-01-2005

4. AGENDA:

☒ **CONSENT**
☐ **ADMINISTRATIVE**
☐ **APPEALS**
☐ **PUBLIC**
☐ **WALK ON**
TIME REQUIRED:

5. REQUIREMENT/PURPOSE:
(Specify)

☒ **STATUTE** 125
☐ **ORDINANCE**
☐ **ADMIN. CODE**
☐ **OTHER**

6. REQUESTOR OF INFORMATION:

A. COMMISSIONER
B. DEPARTMENT Independent
C. DIVISION County Lands
BY: *KLF*
 Karen L. W. Forsyth, Director

7. BACKGROUND:

Negotiated for: Department of Transportation

Interest to Acquire: Perpetual Slope/Restoration Easement and Temporary Construction Easement

Property Details:

Owner:	PARCEL 180 Ricardo Pena	Parcel 211 Vasillos K. Pantazis
Address:	118 Gunnery Rd. South	205 Gunnery Rd. South
STRAP No.:	33-44-26-07-00007.0100 & 0110	28-44-26-06-00063.0080

Purchase Details:

Purchase Price:	\$500	\$500
Costs to Close: Estimate	\$300	\$300

Appraisal Information:

Company: Carlson Norris & Associates, Inc.	Carlson Norris & Associates, Inc
Appraised Value:	\$230 \$170

Staff Recommendation: Staff is of the opinion that the purchase price increase of \$200 to \$400 above the appraised value can be justified considering the costs associated with condemnation proceedings of between \$3,000 and \$5,000, excluding land value. Staff recommends the Board approve the Requested Motion.

Account: 20405518803.506110

Attachments: Easement Purchase Agreements; Slope/Restoration and Temporary Construction Easements; Title Searches; Appraisal Letters

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
					OA	OM	Risk	GC	
<i>K. Forsyth</i>			<i>AP 3/1/05</i>		<i>2/16/05</i>	<i>2/16/05</i>	<i>2/16/05</i>	<i>2/16/05</i>	<i>2-17-05</i>

10. COMMISSION ACTION:

☐ **APPROVED**
☐ **DENIED**
☐ **DEFERRED**
☐ **OTHER**

Rec. by CoAtty

Date: *2/10/05*

Time: *10:20*

Forwarded To:

RECEIVED BY
COUNTY ADMN

2/16/05

COUNTY ADM
FORWARDED

2/17/05

Parcel: 180
Project: Gunnery Road 4 Lane (SR 82 – Lee Blvd.), Project No. 4055
STRAP No.: 33-44-26-07-00007.0100 & 0110

EASEMENT PURCHASE AGREEMENT

This Agreement made and entered into this ____ day of _____, 20 ____, by and between **Ricardo Pena**, whose address is 3003 E. 5th Street, Lehigh Acres, FL 33972, hereinafter referred to as Owner, and **LEE COUNTY**, a political subdivision of the State of Florida, for the use and benefit of said County, hereinafter referred to as Purchaser.


Whereas, Purchaser requires a perpetual, nonexclusive Slope/Restoration Easement and a Temporary Construction Easement located and described as set forth in Exhibit "C" and "D" attached to Exhibit "A". All Exhibits are attached hereto and made a part hereof by reference, in conjunction with the Gunnery Road Widening Project #4055.

- a) Owner will grant said easements to Purchaser for the sum of \$500.00; Purchaser to pay recording costs, documentary stamps and title insurance.
- b) Owner agrees that said easements will be granted to Purchaser by execution of the Non-exclusive Slope/Restoration Easement and Temporary Construction Easement in form and substance set forth in Exhibit "A".
- c) Purchaser will pay Owner the amount agreed upon in item (a) of this agreement by County Warrant within 60 days of the execution and acceptance of this Easement Purchase Agreement and the Perpetual and Temporary Easement instruments by Purchaser.
- d) Owner agrees that Purchaser, his successors and assigns will be allowed to use said easement areas as specified in the Easement document attached to Exhibit "A".
- e) Purchaser agrees to complete construction within the easement area in a timely manner.
- f) The land in Exhibit "C" and "D" is not and has never been the homestead of the Owner, nor is it contiguous to the homestead of the Owner.

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

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


1st Witness Signature


2nd Witness Signature

By: 
Owner: Ricardo Pena

ATTEST:

CHARLIE GREEN, CLERK

By: _____
Deputy Clerk

LEE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

By: _____
Chairman or Vice-Chairman

APPROVED AS TO LEGAL FORM

Office of County Attorney

This instrument prepared by:
Lee County
Division of County Lands
Post Office Box 398
Fort Myers, Florida 33902-0398

EXHIBIT "A"

Parcel: 180
Project: Gunnery Road 4 Lane (SR 82 – Lee Blvd.), Project No. 4055
STRAP No.: 33-44-26-07-00007.0100 & 0110

ORIGINAL DOCUMENTS RETAINED IN
COUNTY LAND FILE AND RECORDED
IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA

SLOPE/RESTORATION EASEMENT and
TEMPORARY CONSTRUCTION EASEMENT

This INDENTURE, made and entered into this _____ day of _____, 20_____,
between Ricardo Pena, whose address is 3003 E. 5th Street, Lehigh Acres, FL 33972, (Grantor), and
LEE COUNTY, a political subdivision of the State of Florida, whose address is PO Box 398, Fort
Myers, Florida 33902-0398, (Grantee):

WITNESSETH:

1. For good and valuable consideration, receipt of which is hereby acknowledged, Grantor grants to the Grantee, its successors and assigns, a perpetual non-exclusive slope/restoration easement situated in Lee County, Florida, and located and described as set forth in attached Exhibit "C" (Easement Parcel).

2. Grantee, its successors and assigns, are granted the right, privilege, and authority to construct, replace, repair, remove, extend, and maintain a slope/restoration easement on the Easement Parcel to support, reinforce, and stabilize the adjacent public roadway.

3. The improvements that may be placed within the Easement Parcel for roadway slope/restoration purposes are not limited to a particular type, style, material or design. These improvements may include the use of foliage.

4. Grantor may not construct or place any structures within the Easement Parcel; however, Grantor may authorize the installation of utilities or may plant foliage within the easement area conveyed herein, provided such use does not interfere with or prevent the Grantee's use of the easement.

5. Title to the improvements constructed by the Grantee within the Easement Parcel will remain in the Grantee, its successors or assigns.

6. Subject to any existing easements for public highways or roads, railroads, laterals, ditches, pipelines and electrical transmission or distribution lines and telephone and cable television lines covering the land herein described, Grantors covenant they are lawfully seized and possessed of the real property described in Exhibit "C" and "D", have good and lawful right and power to convey it, and that the property is free and clear of all liens and encumbrances, except as herein stated, and accordingly, Grantor will forever warrant and defend the title and terms to this said easement and the quiet possession thereof against all claims and demands of all other entities.

Slope/Restoration Easement
Project: Gunnery Road 4 Lane, Project No. 4055
Page 2 of 2

7. Grantee has a reasonable right of access across Grantor's property for the purposes of reaching the Easement Parcel on either paved or unpaved surfaces. Any damage to Grantor's property or permitted improvements thereon resulting from Grantee's use of this access right will be restored by the Grantee, to the condition in which it existed prior to the damage.

8. During the period of 7/1/05 through 12/31/06, the County will have permission to enter the following described lands in Exhibit "D" for purpose of ingress and egress to the Gunnery Road Widening Project where it abuts the above described property, by workmen, machinery and vehicles, the storing and/or stockpiling materials as needed for said construction; and then restoring the said property and thereby connecting all new construction resulting from the project to that existing prior to construction. The County will restore, as reasonably possible, the temporary construction area to a safe and aesthetic condition, as such existed prior to construction. The County will grade the lands to match the new construction at no cost to the Grantor.

9. This easement runs with the land and is binding upon the parties, their successors and assigns.

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

TWO SEPARATE WITNESSES:

Silvia Rodriguez
1st Witness Signature

Silvia Rodriguez
Printed name of 1st Witness

Ricardo Pena
Ricardo Pena

Joseph Keith Gomez
2nd Witness Signature

Joseph Keith Gomez
Printed name of 2nd Witness

STATE OF
COUNTY OF

The foregoing instrument was acknowledged before me this 31st day of January, 2005, by Ricardo Pena (He/she is personally known to me or who has produced (name of person acknowledged) FL Driver License as identification.



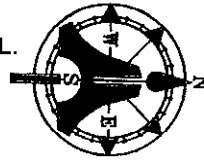
Joseph Keith Gomez
Commission # DD305652
Expires: March 31, 2008
Bonded Thru
Atlantic Bonding Co., Inc.

Joseph Keith Gomez
(Signature of Notary Public)

Joseph Keith Gomez
(Name typed, printed or stamped)
(Title or Rank)
(Serial Number, if any)

LEGEND
 (C) = CALCULATED
 (F) = FIELD
 (P) = PLAT
 C.B. = CHORD BEARING
 CH = CHORD
 ESMT. = EASEMENT
 L = LENGTH
 M.O.L. = MORE OR LESS
 P.B. = PLAT BOOK
 PG. = PAGE
 P.L. = PARENT TRACT
 PROPERTY LINE
 R = RADIUS
 RT. = RIGHT
 R/W = RIGHT OF WAY
 S.F. = SQUARE FEET
 STA. = STATION
 T.C.E. = TEMPORARY
 CONSTRUCTION
 EASEMENT
 P.E. = PERPETUAL EASEMENT
 P.I. = POINT OF INTERSECTION
 P.O.T. = POINT ON TANGENT

PARCEL 180C (PERPETUAL EASEMENT)
 PROPERTY OWNER: ANDREW COURTADE AND ROBERT MADIGOSKY
 STRAP NO. 33-44-26-07-00007.0100
 STRAP NO. 33-44-26-07-00007.0100
 AREA OF PARENT TRACT: 17,493 S.F., M.O.L.
 AREA OF TAKE: 200 S.F., M.O.L.

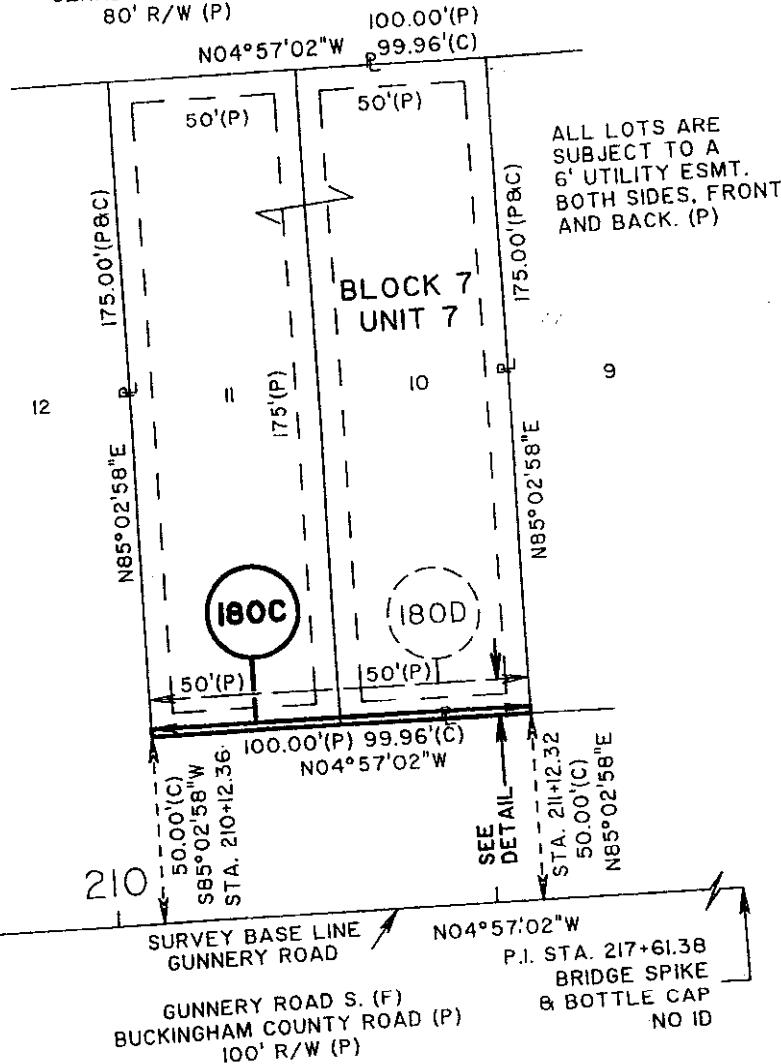


"EXHIBIT C"



GRETCHEN AVENUE (F)
 GERALD AVENUE (P)
 80' R/W (P)

SCALE IN FEET



NOTE:
 BEARINGS SHOWN HEREON ARE BASED UPON THE
 SURVEY BASE LINE OF GUNNERY ROAD HAVING A
 BEARING OF N 04°57'02" W FROM P.O.T. STATION
 128+63.13 BEING A PARKER-KALON NAIL AND DISK
 "AIM ENG. LB 3114" TO P.I. STATION 217+61.38 BEING
 A BRIDGE SPIKE AND BOTTLE CAP NO ID.

PREPARED BY:
 AIM ENGINEERING & SURVEYING, INC.

BOB L. POTTER, P.S.M.
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA CERTIFICATE NO. 5688

THIS IS NOT A SURVEY

SHEET 1 OF 1

PROJECT NUMBER: 99-7504	DESCRIPTION: LEGAL AND SKETCH PARCEL 180C GUNNERY ROAD FROM S.R. 82 TO LEE BOULEVARD
DRAWN BY: LWC	CLIENT: LEE COUNTY
DATE: 7/1/04	SEC-TWP-RGE 33-44S-28E
FILE: 7504-180C	COUNTY: LEE COUNTY

AIM Engineering & Surveying, Inc.

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

Florida Business Number 3114

LEGEND:
 (C) = CALCULATED
 (F) = FIELD
 (P) = PLAT
 C.B. = CHORD BEARING
 CH = CHORD
 ESMT. = EASEMENT
 L = LENGTH
 M.O.L. = MORE OR LESS
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 R/W = RIGHT OF WAY
 S.F. = SQUARE FEET
 STA. = STATION
 T.C.E. = TEMPORARY
 CONSTRUCTION
 EASEMENT
 P.E. = PERPETUAL EASEMENT
 P.I. = POINT OF INTERSECTION
 P.O.T. = POINT ON TANGENT

PARCEL 180D (TEMPORARY CONSTRUCTION EASEMENT)
 PROPERTY OWNER: ANDREW COURTADE AND ROBERT MADIGOSKY
 STRAP NO. 33-44-26-07-00007.0100
 STRAP NO. 33-44-26-07-00007.0110
 AREA OF PARENT TRACT: 17,493 S.F., M.O.L.
 AREA OF TAKE: 800 S.F., M.O.L.

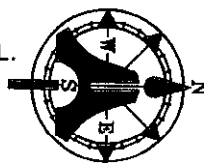
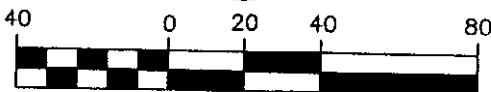
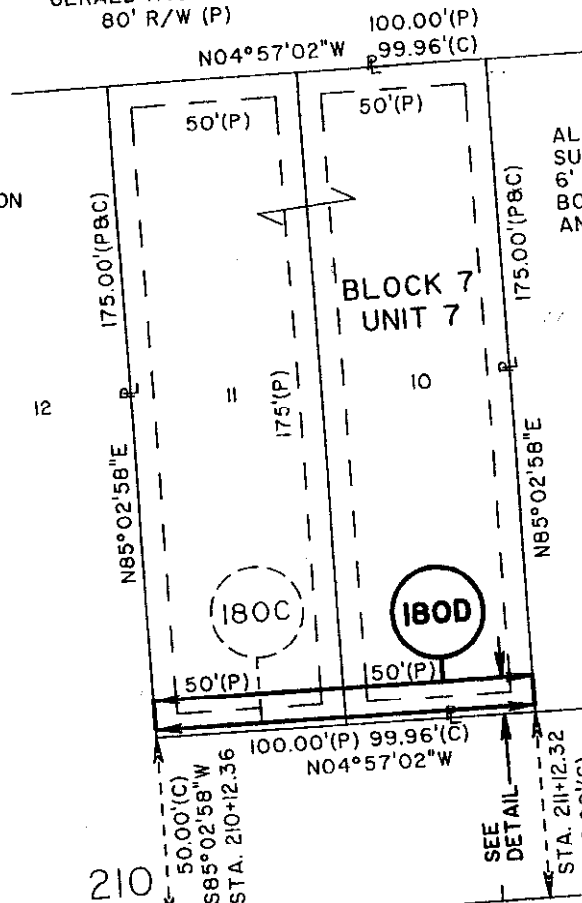


EXHIBIT D

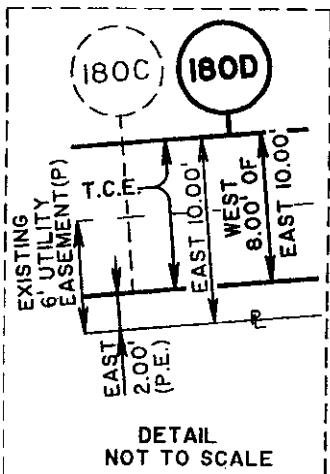


GRETCHEN AVENUE (F)
 GERALD AVENUE (P)
 80' R/W (P)

SCALE IN FEET



ALL LOTS ARE
 SUBJECT TO A
 6' UTILITY ESMT.
 BOTH SIDES, FRONT
 AND BACK. (P)



P.O.T. STATION 128+63.13
 PARKER-KALON NAIL
 & DISK "AIM ENG. LB 3114"

SEE
 DETAIL

P.I. STA. 217+61.38
 BRIDGE SPIKE
 & BOTTLE CAP
 NO ID

PARCEL 180D
 (TEMPORARY CONSTRUCTION EASEMENT)

8.00 FOOT WIDE TEMPORARY CONSTRUCTION
 EASEMENT BEING THE WEST 8.00 FEET OF
 THE EAST 10.00 FEET OF LOTS 10 AND 11,
 BLOCK 7, UNIT 7, LEHIGH ESTATES, A
 SUBDIVISION OF LEHIGH ACRES, SECTION 33,
 TOWNSHIP 44 SOUTH, RANGE 26 EAST, AS
 RECORDED IN PLAT BOOK 15 PAGE 87, OF THE
 PUBLIC RECORDS, LEE COUNTY, FLORIDA.

LANDS CONTAIN 800 SQUARE FEET,
 MORE OR LESS.

NOTE:
 BEARINGS SHOWN HEREON ARE BASED UPON THE
 SURVEY BASE LINE OF GUNNERY ROAD HAVING A
 BEARING OF N 04°57'02" W FROM P.O.T. STATION
 128+63.13 BEING A PARKER-KALON NAIL AND DISK
 "AIM ENG. LB 3114" TO P.I. STATION 217+61.38 BEING
 A BRIDGE SPIKE AND BOTTLE CAP NO ID.

PREPARED BY:
 AIM ENGINEERING & SURVEYING, INC.

BOB L. POTTER, P.S.M.
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA CERTIFICATE NO. 5688

7/6/04
 DATE

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 1

PROJECT NUMBER: 99-7504	DESCRIPTION: LEGAL AND SKETCH PARCEL 180D GUNNERY ROAD FROM S.R. 82 TO LEE BOULEVARD
DRAWN BY: LWC	CLIENT: LEE COUNTY
DATE: 7/1/04	SEC-TWP-RGE 33-44S-26E
	FILE: 7504-180D
	COUNTY: LEE COUNTY

Division of County Lands

Page 1 of 1

2nd Updated Ownership and Easement Search

Search No. 33-44-26-07-00007.0100 & .0110

Date: January 20, 2005

Parcel: 180

Project: Gunnery Road Widening, Project 4055

To: Michael J. O'Hare, SR/WA
Property Acquisition Agent

From: Shelia A. Bedwell
Property Acquisition Assistant

STRAP: 33-44-26-07-00007.0100 & .0110

Effective Date: January 4, 2005, at 5:00 p.m.

Subject Property: Lots 10 and 11, Block 7, Unit 7, LEHIGH ESTATES, Section 33, Township 44 South, Range 26 East, Lehigh Acres, according to the map or plat thereof on file in the Office of the Clerk of the Circuit Court, recorded in Plat Book 15, Page 87, Public Records of Lee County, Florida.

Title to the subject property is vested in the following:

Ricardo Pena

By that certain instrument dated December 22, 2003, recorded January 28, 2004, in Official Record Book 4184, Page 944, Public Records of Lee County, Florida.

Easements:

1. Six foot utility easement along both sides, front and back of subject property, as recited on recorded plat of the subdivision.

NOTE(1): Declarations of Restrictions recorded in Official Record Book 84, Page 310 and Official Record Book 527, Page 29, Public Records of Lee County, Florida.

Tax Status: 2004 taxes are now due and payable.

(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.

APPRAISAL REPORT GUNNERY ROAD PROJECT 4055

Parcel Identification

Project Parcel Number: 180
Owner Name/Address: Pena, Ricardo, 118-120 Gunnery Road S
Lee County STRAP Number: 33-44-26-07-00007.0100-.0110
Legal Description: Lots 10 & 11, Block 7, Unit 7, Lehigh Estates, PB 15, PG 87
History of Ownership: December 2003, \$65,000
Interest Appraised: Fee Simple () Partial (X)
Assessed Value: \$52,500
Effective Date of Appraisal: December 9, 2004
Date of Report: December 13, 2004

Site Data

Parent Parcel - Overall Size: 17,500 square feet
Frontage - Depth: 100' X 175'
Acquisition Type: Fee Take () - A
Utility Easement () - B
Perpetual Easement (X) - C 200 square feet
Sidewalk ()
Drainage ()
Fill/Slope (X)
Parcel Remainder Size: 17,300 sf unencumbered, 200 sf encumbered
Existing Easements: Utility (X) Drainage () Road ()
Corner Parcel () Interior Parcel (X)
Topography - Level (X) Irregular ()
Soil Conditions - Typical (X) Require Correction ()
Flood Zone: B **Panel #:** 125124 0375 B
Utilities Available: Electricity (X)
Telephone (X)
Water ()
Sewer ()
Zoning/Land Use: C2/Central Urban
Adverse Conditions: None
Supporting Services: Lee County Sheriff and Fire
Miscellaneous: None
Marketing Time: Less than 1 year
Highest and Best Use: Commercial Requires Zoning Change ()

Improvements None (X) Site () Structure ()

Description of improvements within take area: None

Valuation

Approaches Used: Sales Comparison (X)
Cost Approach ()
Income Approach ()
Analysis Type: Complete (X) Limited ()
Report Type: Restricted () Summary (X) Self Contained ()

Sale Data: Range of Sales \$ per SF \$3.71 - \$6.29
Time Adjusted Range \$ per SF \$3.95 - \$7.22
Sale Date Range March 2004 - October 2004

Value of Improvements: N/A

Value Estimates: (See summary chart below)

SUMMARY OF ANALYSIS

Gunnery Road Project
Parcel 180

Market Value of Fee Simple Interest in Parent Parcel	x	17,500 sf \$5.75 per sf	\$100,625	\$100,625
less: Market Value of Remainder - Fee Unencumbered				
*17500 sf - 200 sf proposed easement area		17300 sf *		
unencumbered fee value per square foot	x	\$5.75 per sf		
unencumbered fee value of remainder area		\$99,475		
less: *per county data Slope Easement-C Remainder				
\$5.75 per sf times .80 (1- .20 percentage of impact)	x	200 sf \$4.60 per sf*		
remainder value for land within proposed easement		\$920.00		
Total Market Value of Remainder (rounded)				\$100,395
Market Value of Part Taken				\$230.00
rounded to				<u>\$230.00</u>
04-78-180sum				

Additional information required for analysis to meet USPAP standards is located within the text of the main body of the analysis including all limiting conditions and special assumptions.

TOTAL COMPENSATION DUE THE PROPERTY OWNER (\$230.00)

Appraiser: J. Lee Norris MAI, SRA
State Certified General Appraiser
RZ # 0000643



Parcel: 211
Project: Gunnery Road 4 Lane (SR 82 – Lee Blvd.), Project No. 4055
STRAP No.: 28-44-26-06-00063.0080

EASEMENT PURCHASE AGREEMENT

This Agreement made and entered into this 2nd day of DECEMBER, 20 04, by and between **Vasilios K. Pantazis**, whose address is 5958 West Foster Ave., Chicago, IL 60630, hereinafter referred to as Owner, and **LEE COUNTY**, a political subdivision of the State of Florida, for the use and benefit of said County, hereinafter referred to as Purchaser.

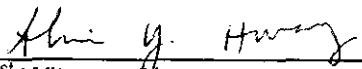
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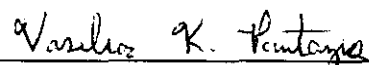
- a) Owner will grant said easements to Purchaser for the sum of \$500.00; Purchaser to pay recording costs, documentary stamps and title insurance.
- b) Owner agrees that said easements will be granted to Purchaser by execution of the Non-exclusive Slope/Restoration Easement and Temporary Construction Easement in form and substance set forth in Exhibit "A".
- c) Purchaser will pay Owner the amount agreed upon in item (a) of this agreement by County Warrant within 60 days of the execution and acceptance of this Easement Purchase Agreement and the Perpetual and Temporary Easement instruments by Purchaser.
- d) Owner agrees that Purchaser, his successors and assigns will be allowed to use said easement areas as specified in the Easement document attached to Exhibit "A".
- e) Purchaser agrees to complete construction within the easement area in a timely manner.
- f) The land in Exhibit "C" and "D" is not and has never been the homestead of the Owner, nor is it contiguous to the homestead of the Owner.

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

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

Owner: Vasilios K. Pantazis


1st Witness Signature

By: 


2nd Witness Signature

ATTEST:

LEE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

CHARLIE GREEN, CLERK

By: _____
Deputy Clerk

By: _____
Chairman or Vice-Chairman

APPROVED AS TO LEGAL FORM

Office of County Attorney

This instrument prepared by:

Lee County

Division of County Lands

Post Office Box 398

Fort Myers, Florida 33902-0398

EXHIBIT "A"

Parcel: 211

Project: Gunnery Road 4 Lane (SR 82 – Lee Blvd.), Project No. 4055

STRAP No.: 28-44-26-06-00063.0080

ORIGINAL DOCUMENTS RETAINED IN
COUNTY CLERK'S OFFICE FOR HANDLING
BY THE COUNTY CLERK

SLOPE/RESTORATION EASEMENT and
TEMPORARY CONSTRUCTION EASEMENT

This INDENTURE, made and entered into this 2nd day of DECEMBER 2004,
between Vasilios K. Pantazis, whose address is 5958 West Foster Ave., Chicago, IL 60630,
(Grantor), and LEE COUNTY, a political subdivision of the State of Florida, whose address is PO Box
398, Fort Myers, Florida 33902-0398, (Grantee):

WITNESSETH:

1. For good and valuable consideration, receipt of which is hereby acknowledged, Grantor grants to the Grantee, its successors and assigns, a perpetual non-exclusive slope/restoration easement situated in Lee County, Florida, and located and described as set forth in attached Exhibit "C" (Easement Parcel).

2. Grantee, its successors and assigns, are granted the right, privilege, and authority to construct, replace, repair, remove, extend, and maintain a slope/restoration easement on the Easement Parcel to support, reinforce, and stabilize the adjacent public roadway.

3. The improvements that may be placed within the Easement Parcel for roadway slope/restoration purposes are not limited to a particular type, style, material or design. These improvements may include the use of foliage.

4. Grantor may not construct or place any structures within the Easement Parcel; however, Grantor may authorize the installation of utilities or may plant foliage within the easement area conveyed herein, provided such use does not interfere with or prevent the Grantee's use of the easement.

5. Title to the improvements constructed by the Grantee within the Easement Parcel will remain in the Grantee, its successors or assigns.

6. Subject to any existing easements for public highways or roads, railroads, laterals, ditches, pipelines and electrical transmission or distribution lines and telephone and cable television lines covering the land herein described, Grantors covenant they are lawfully seized and possessed of the real property described in Exhibit "C" and "D", have good and lawful right and power to convey it, and that the property is free and clear of all liens and encumbrances, except as herein stated, and accordingly, Grantor will forever warrant and defend the title and terms to this said easement and the quiet possession thereof against all claims and demands of all other entities.

Slope/Restoration Easement

Project: Gunnery Road 4 Lane, Project No. 4055

Page 2 of 2

7. Grantee has a reasonable right of access across Grantor's property for the purposes of reaching the Easement Parcel on either paved or unpaved surfaces. Any damage to Grantor's property or permitted improvements thereon resulting from Grantee's use of this access right will be restored by the Grantee, to the condition in which it existed prior to the damage.

8. During the period of 7/1/05 through 12/31/06, the County will have permission to enter the following described lands in Exhibit "D" for purpose of ingress and egress to the Gunnery Road Widening Project where it abuts the above described property, by workmen, machinery and vehicles, the storing and/or stockpiling materials as needed for said construction; and then restoring the said property and thereby connecting all new construction resulting from the project to that existing prior to construction. The County will restore, as reasonably possible, the temporary construction area to a safe and aesthetic condition, as such existed prior to construction. The County will grade the lands to match the new construction at no cost to the Grantor.

9. This easement runs with the land and is binding upon the parties, their successors and assigns.

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

TWO SEPARATE WITNESSES:

Shin Y. Hwang
1st Witness Signature

SHIN Y. HWANG
Printed name of 1st Witness

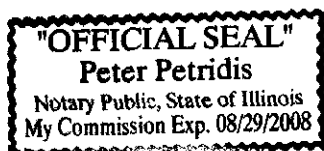
Misoa Park
2nd Witness Signature

Misoa Park
Printed name of 2nd Witness

Vasilios K. Pantazis
Vasilios K. Pantazis

**STATE OF
COUNTY OF**

The foregoing instrument was acknowledged before me this 2ND day of DECEMBER, 2004 by Vasilios K. Pantazis. He/she is personally known to me or who has produced
(name of person acknowledged)
DA. LICENCE as identification.

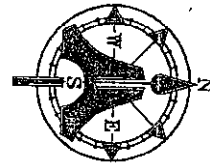


Peter Petridis
(Signature of Notary Public)
PETER PETRIDIS
(Name typed, printed or stamped)
(Title or Rank)
(Serial Number, if any)

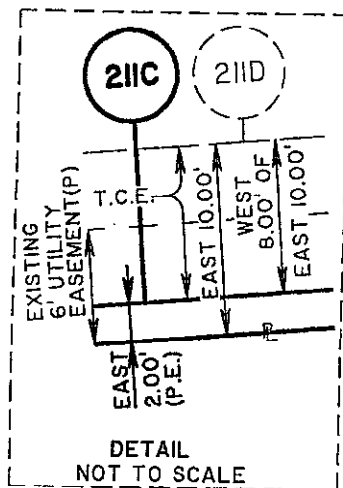
(C) = CALCULATED
 (F) = FIELD
 (P) = PLAT
 C.B. = CHORD BEARING
 CH = CHORD
 ESMT. = EASEMENT
 L = LENGTH
 M.O.L. = MORE OR LESS
 P.B. = PLAT BOOK
 PG. = PAGE
 P. = PARENT TRACT
 PROPERTY LINE
 R = RADIUS
 RT. = RIGHT
 R/W = RIGHT OF WAY
 S.F. = SQUARE FEET
 STA. = STATION
 T.C.E. = TEMPORARY
 CONSTRUCTION
 EASEMENT
 P.E. = PERPETUAL EASEMENT
 P.I. = POINT OF INTERSECTION
 P.O.T. = POINT ON TANGENT

PARCEL 211C (PERPETUAL EASEMENT)
 PROPERTY OWNER: VASILIOS K. PANTAZIS
 STRAP NO. 28-44-26-06-00063.0080
 AREA OF PARENT TRACT: 12,139 S.F., M.O.L.
 AREA OF TAKE: 160 S.F., M.O.L.

"EXHIBIT C"

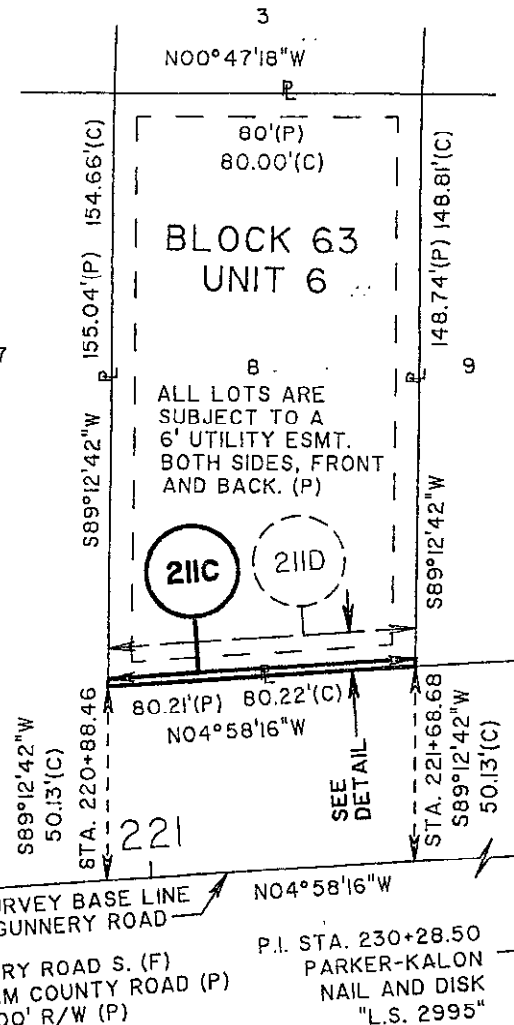


SCALE IN FEET



P.I. STA. 217+61.38
 BRIDGE SPIKE
 & BOTTLE CAP
 NO ID

220



SEE
DETAIL

GUNNERY ROAD S. (F)
 BUCKINGHAM COUNTY ROAD (P)
 100' R/W (P)

P.I. STA. 230+28.50
 PARKER-KALON
 NAIL AND DISK
 "L.S. 2995"

PARCEL 211C
 (PERPETUAL EASEMENT)

A 2.00 FOOT WIDE PERPETUAL EASEMENT
 BEING THE EAST 2.00 FEET OF LOT 8, BLOCK
 63, UNIT 6, LEHIGH ESTATES, A SUBDIVISION
 OF LEHIGH ACRES, SECTION 28, TOWNSHIP 44
 SOUTH, RANGE 26 EAST, AS RECORDED IN
 PLAT BOOK 15 PAGE 78, OF THE PUBLIC
 RECORDS, LEE COUNTY, FLORIDA.

SAID LANDS CONTAIN 160 SQUARE FEET, MORE
 OR LESS.

NOTE:
 BEARINGS SHOWN HEREON ARE BASED UPON THE
 SURVEY BASE LINE OF GUNNERY ROAD HAVING A
 BEARING OF N 04°58'16" W FROM P.I. STATION
 217+61.38 BEING A BRIDGE SPIKE AND BOTTLE CAP
 NO ID. TO P.I. STATION 230+28.50 BEING A
 PARKER-KALON NAIL AND DISK "L.S. 2995"

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

PREPARED BY:
 AIM ENGINEERING & SURVEYING, INC.

BOB L. POTTER, P.E.
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA CERTIFICATE NO. 5688

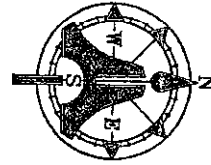
7/6/04

THIS IS NOT A SURVEY

SHEET 1 OF 1

PROJECT NUMBER: 99-7504	DESCRIPTION: LEGAL AND SKETCH PARCEL 211C GUNNERY ROAD FROM S.R. 82 TO LEE BOULEVARD
DRAWN BY: LWC	CLIENT: LEE COUNTY
DATE: 7/1/04	SEC-TWP-RGE 28-44S-26E
FILE: 7504-211C	COUNTY: LEE COUNTY

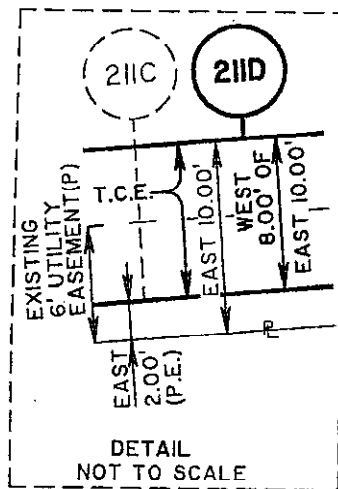
PARCEL NO. 211D (TEMPORARY CONSTRUCTION EASEMENT)
PROPERTY OWNER: VASILIOS K. PANTAZIS
STRAP NO. 28-44-26-06-00063.0080
AREA OF PARENT TRACT: 12,139 S.F., M.O.L.
AREA OF TAKE: 642 S.F., M.O.L.



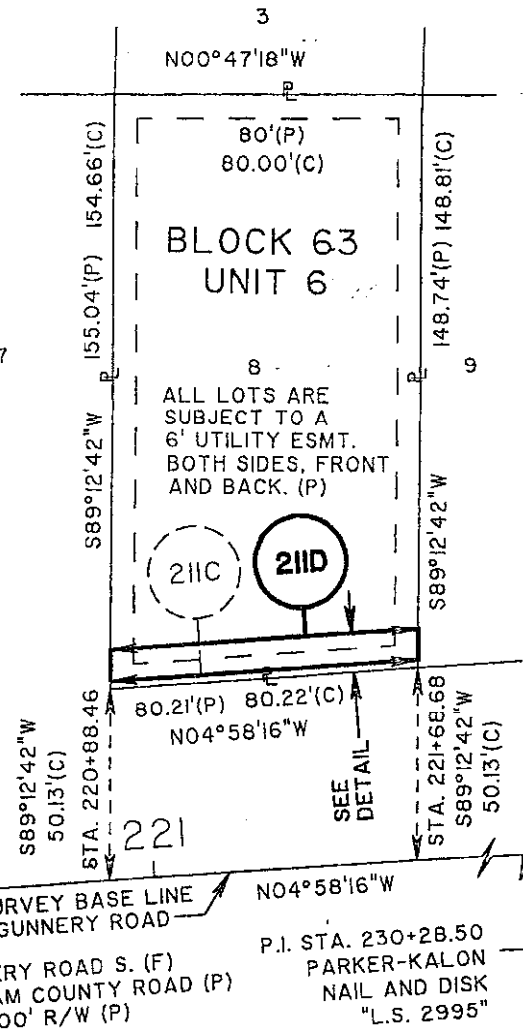
"EXHIBIT



SCALE IN FEET



P.I. STA. 217+61.38
BRIDGE SPIKE
- B BOTTLE CAP
NO ID



PARCEL 211D
(TEMPORARY CONSTRUCTION EASEMENT)

A 8.00 FOOT WIDE TEMPORARY CONSTRUCTION EASEMENT BEING THE WEST 8.00 FEET OF THE EAST 10.00 FEET OF LOT 8, BLOCK 63, UNIT 6, LEHIGH ESTATES, A SUBDIVISION OF LEHIGH ACRES, SECTION 28, TOWNSHIP 44 SOUTH, RANGE 26 EAST, AS RECORDED IN PLAT BOOK 15 PAGE 78, OF THE PUBLIC RECORDS, LEE COUNTY, FLORIDA.

NOTE:
BEARINGS SHOWN HEREON ARE BASED UPON THE
SURVEY BASE LINE OF GUNNERY ROAD HAVING A
BEARING OF N 04°58'16" W FROM P.I. STATION
217+61.38 BEING A BRIDGE SPIKE AND BOTTLE CAP
NO ID. TO P.I. STATION 230+29.50 BEING A
PARKER-KALON NAIL AND DISK "L.S. 2995"

SAID LANDS CONTAIN 642 SQUARE FEET, MORE OR LESS.

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

PREPARED BY:
AIM ENGINEERING & SURVEYING, INC.

BOB L. POTTER, P.S.M.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5688

DATE _____

ATM 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 1

PROJECT NUMBER: 99-7504	DESCRIPTION: LEGAL AND SKETCH PARCEL 211D GUNNERY ROAD FROM S.R. 82 TO LEE BOULEVARD		
DRAWN BY: LWC	CLIENT: LEE COUNTY		
DATE: 7/1/04	SEC-TWP-RGE 28-44S-26E	FILE: 7504-211D	COUNTY: LEE COUNTY

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

Search No. 28-44-26-06-00063.0080

Date: February 10, 2004

Parcel: 488-1 211

Project: Gunnery Road Widening Project #4055

To: Michael J. O'Hare, SR/WA
Property Acquisition AgentFrom: Shelia A. Bedwell, CLS
Property Acquisition Assistant

STRAP: 28-44-26-06-00063.0080

Effective Date: ^{1/5/2005} ~~January 21, 2004~~, at 5:00 p.m.

Subject Property: Lot 8, Block 63, Unit 6, Section 28, Township 44 South, Range 26 East, Lehigh Acres, according to the map or plat thereof on file in the office of the Clerk of the Circuit Court, recorded in Plat Book 15, Page 78, Public Records of Lee County, Florida.

Title to the subject property is vested in the following:

Vasilios K. Pantazis

by that certain instrument dated September 10, 2001, recorded October 5, 2001, in Official Record Book 3496, Page 3356, Public Records of Lee County, Florida.

Easements:

1. Six foot utility easement along both sides, front and rear of subject property, as stated on recorded plat of subdivision.

NOTE (1): Declaration of Restrictions recorded in Official Record Book 527, Page 29, Public Records of Lee County, Florida.

²⁰⁰⁴
Tax Status: 2003 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.

APPRAISAL REPORT GUNNERY ROAD PROJECT 4055

Parcel Identification

Project Parcel Number: 211

Owner Name/Address: Pantazis, Vasilios K, 205 Gunnery Road N

Lee County STRAP Number: 28-44-26-06-00063.0080

Legal Description: Lot 8, Block 63, Unit 6, Lehigh Acres, PB 15, PG 78

History of Ownership: No sale in previous five years

Interest Appraised: Fee Simple () Partial (X)

Assessed Value: \$5,400

Effective Date of Appraisal: December 9, 2004

Date of Report: December 13, 2004

Site Data

Parent Parcel - Overall Size: 12,400 square feet

Frontage - Depth: 80' X 155.04' X 80' X 148.74' +/-

Acquisition Type: Fee Take () - A

Utility Easement () - B

Perpetual Easement (X) - C 160 square feet

Sidewalk ()

Drainage ()

Fill/Slope (X)

Parcel Remainder Size: 12,240 sf unencumbered, 160 sf encumbered

Existing Easements: Utility (X) Drainage () Road ()

Corner Parcel () Interior Parcel (X)

Topography - Level (X) Irregular ()

Soil Conditions - Typical (X) Require Correction ()

Flood Zone: B **Panel #:** 125124 0375 B

Utilities Available: Electricity (X)

Telephone (X)

Water ()

Sewer ()

Zoning/Land Use: RM-2/Central Urban

Adverse Conditions: None

Supporting Services: Lee County Sheriff and Fire

Miscellaneous: None

Marketing Time: Less than 1 year

Highest and Best Use: Professional Office Requires Zoning Change (X)

Improvements None (X) Site () Structure ()

Description of improvements within take area: None

Valuation

Approaches Used: Sales Comparison (X)
Cost Approach ()
Income Approach ()
Analysis Type: Complete (X) Limited ()
Report Type: Restricted () Summary (X) Self Contained ()

Sale Data: Range of Sales \$ per SF \$3.71 - \$6.29
Time Adjusted Range \$ per SF \$3.95 - \$7.22
Sale Date Range March 2004 - October 2004

Value of Improvements: N/A

Value Estimates: (See summary chart below)

SUMMARY OF ANALYSIS

Gunnery Road Project
Parcel 211

Market Value of Fee Simple Interest in Parent Parcel	x	12,400 sf \$5.25 per sf	\$65,100	\$65,100
less: Market Value of Remainder - Fee Unencumbered				
*12400 sf - 160 sf proposed easement area		12240 sf *		
unencumbered fee value per square foot	x	\$5.25 per sf		
unencumbered fee value of remainder area		\$64,260		
less: *per county data Slope Easement-C Remainder				
\$5.25 per sf times .80 (1- .20 percentage of impact)	x	160 sf \$4.20 per sf*		
remainder value for land within proposed easement		\$672.00		
Total Market Value of Remainder (rounded)				\$64,932
Market Value of Part Taken				\$168.00
rounded to				<u>\$170.00</u>

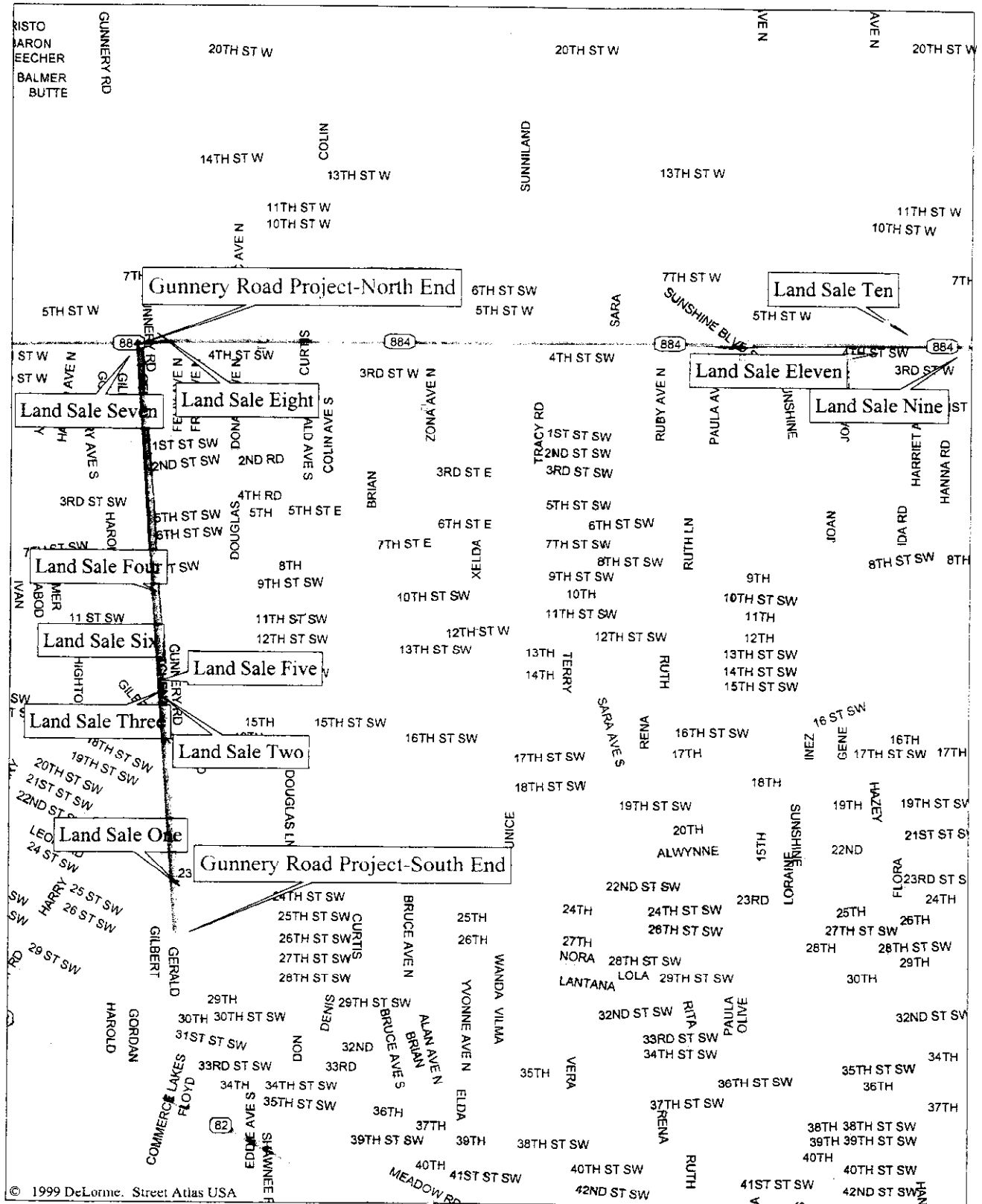
04-78211sum

Additional information required for analysis to meet USPAP standards is located within the text of the main body of the analysis including all limiting conditions and special assumptions.

TOTAL COMPENSATION DUE THE PROPERTY OWNER (\$170.00)

Appraiser: J. Lee Norris MAI, SRA
State Certified General Appraiser
RZ # 0000643





LOCATION MAP