Lee County Board Of County Commissioners Agenda Item Summary

Blue Sheet No. 20050437

- 1. ACTION REQUESTED/PURPOSE: Approve Purchase Agreement for acquisition of Parcel 219, Three Oaks Parkway South Extension Project No. 4043, in the amount of \$90,000; authorize payment of costs to close and the Division of County Lands to handle all documentation necessary to complete transaction.
- 2. WHAT ACTION ACCOMPLISHES: The Board avoids Eminent Domain.
- 3. MANAGEMENT RECOMMENDATION: Management recommends Board approve the Action Requested.

	a + b	
4. Departmental Category: 6	CleB	5. Meeting Date: 04_/9-2005
6. Agenda:	7. Requirement/Purpose: (specify)	8. Request Initiated:
X Consent	X Statute 125	Commissioner
Administrative	Ordinance	Department Independent
Appeals	Admin. Code	Division County Lands
Public	X Other	By: Karen L.W. Forsyth, Director
Walk-On	Resolution 05-01-10	/viu

9. Background:

Negotiated for: Lee County Department of Transportation

Interest to Acquire: Fee simple, improved with a single-family mobile home.

Property Details:

Owner: Daysi Cerritos, a married person, and Eduardo Cerritos, a married person

Address: 11230 Wagon Trail, Bonita Springs, FL 34135

STRAP No.: 25-47-25-B4-00200.0290

Purchase Details:

Purchase Price: \$90,000 (Inclusive of attorney/appraiser fees and costs and moving expenses).

Costs to Close: Approximately \$1,250 (The seller is responsible for attorney, appraiser, and real estate broker fees, if any).

The property owners originally required \$100,000 for the property. However, through negotiations, they have now agreed to acceptir \$90,000.

Appraisal Information:

Company: Carlson, Norris & Associates, Inc.

Appraised Value: \$80,000

<u>Staff Recommendation</u>: Staff is of the opinion that the purchase price increase above the appraised value can be justified, considering the costs associated with condemnation proceedings are estimated to be \$4,000 - \$6,000, excluding value increases and attorney fees at costs. Staff recommends the Board approve the Action Requested.

Account: 20404330709.506110

Attachments: Purchase Agreement; Appraisal (Location Map Included); Recommendation of City of Bonita Springs; Title Data; 5-Yea Sales History

10. Review	for Scheduli	ng:					
Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	 Bu	idget Scryices	County Manager/P.W. Director
K wisix	nission Actio Approved Deferred Denied Other		915/05	Rec. I Date: Time:	Analyst Risi	k/ Grants Mgr.	1 Who
				0.0	Add To:	417/05	

This document prepared by:

Lee County

County Lands Division

Project: Three Oaks Parkway South Extension/4043

Parcel: 219/Cerritos

STRAP No.: 25-47-25-B4-00201.0290

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 22 day of 1000 by and between Daysi M. Cerritos, a married person, and Eduardo Cerritos, a married person, joint tenants with right of survivorship, hereinafter referred to as SELLER, whose address is c/o Eduardo Cerritos, 11230 Wagon Trail, Bonita Springs, 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 .186 acre more or less, and located at 11230 Wagon Trail, Bonita Springs, Florida 34135 and more particularly described as Lot 29, Block 1, Leitner Creek Manor, Unit 2, a subdivision according to the map or plat thereof recorded in Plat Book 30, Pages 79 80, of the Public Records of Lee County, Florida, hereinafter called "the Property." This property will be acquired for the Three Oaks Parkway South Extension Project No. 4043, hereinafter called "the Project."
- 2. PURCHASE PRICE AND TIME OF PAYMENT: The total purchase price ("Purchase Price") will be Ninety Thousand and no/100 (\$90,000.00), 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, and restrictions and easements common to the area.
- 4. CONDITION OF PROPERTY; RISK OF LOSS: BUYER has inspected the Property and, except as is otherwise provided herein, accepts the Property in the condition inspected. Any loss and/or damage to the Property occurring between the date of this offer and the date of closing or date of possession by BUYER, whichever occurs first, will be at SELLER's sole risk and expense. However, BUYER may accept the damaged property 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 and appraiser fees, if any.
 - 6. BUYER'S INSTRUMENTS AND EXPENSES: BUYER will pay for:
 - (a) Recording fee for deed;

- AGREEMENT FOR PURCHASE AND SALE OF REAL ESTATE Page 3 of 7
 - (c) documentary stamps on deed;
 - (b) survey, (if desired by BUYER).
- 7. TAXES: SELLER will be charged for Real Estate taxes and personal property taxes (if applicable) up to, but not including the date of closing.
- 8. DEFECTS IN TITLE AND LEGAL ACCESS: Prior to closing, BUYER will have a reasonable time to examine the title and documents establishing legal access to the property. If title or legal access is found to be defective, BUYER 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. 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 There are no buried, toxic effects on humans, flora or fauna. 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.

- AGREEMENT FOR PURCHASE AND SALE OF REAL ESTATE Page 5 of 7
- 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 ninety (90) days from the date this agreement is made. The time and location of closing may be changed by mutual agreement of the parties.
- 14. ATTORNEYS' FEES: The prevailing party in any litigation concerning this Agreement will be entitled to recover reasonable attorneys' fees and costs.
- 15. **REAL ESTATE BROKERS:** SELLER hereby agrees to indemnify and hold the BUYER harmless from and against any claims by a real estate broker claiming by or through SELLER.
- 16. POSSESSION: SELLER warrants that there are no parties in possession other than SELLER unless otherwise stated herein. SELLER agrees to deliver possession of Property to BUYER at time of closing unless otherwise stated herein.
- 17. TYPEWRITTEN/HANDWRITTEN PROVISIONS: Typewritten and handwritten provisions inserted herein or attached hereto as addenda, and initialed by all parties, will control all printed provisions in conflict therewith.
- 18. SPECIAL CONDITIONS: BUYER and SELLER hereby covenant that the Purchase Price recited herein, includes payment for moving expenses, attorney and appraiser fees and costs, the manufactured home, additions, improvements, detached shed(s), carport, and for all fixtures, including but not limited to, built-in-appliances, air conditioning units; hot water heaters, ceiling fans, screen enclosures, windows, awnings, doors, floor covering, and landscaping, as of the date of the BUYER'S appraisal.

BUYER'S authorized agent will inspect the house and all other real property and improvements prior to closing. Removal of any fixture(s) by SELLER may cause a delay in closing and a reduction in the Purchase Price. All additional costs associated with any

AGREEMENT FOR PURCHASE AND SALE OF REAL ESTATE Page 6 of 7

breach of this covenant will be paid by the SELLER. This covenant shall survive closing.

Upon the BUYER'S written acceptance of this Agreement, SELLER hereby gives permission allowing entry to the premises by County Representatives, upon first receiving 48 hours prior notice, in order for the premises to be inspected to determine if any asbestos containing materials are present in/on the Property subsequent to closing and the County taking possession of the Property.

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

Evelyn Cerritus	SELLER: Daysin M. Cerrytos	3-22-05 (DATE)
WITNESSES:	SELLER: Eduardo Cerritos	
Evelyn Cerritos Evelyn Cerritos	Eduardo Gerrilo S	3-22-05 (DATE)
Evelyn Cerritos	Comen Cenilos	3-22-05 (DATE)

, AGREEMENT FOR PURCHASE AND SALE OF REAL ESTATE Page 7 of 7 $\,$

CHARLIE GREEN, CLERK	BUYER: LEE COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS
BY:	BY: CHAIRMAN OR VICE CHAIRMAN
	APPROVED AS TO LEGAL FORM AND SUFFICIENCY
	COUNTY ATTORNEY (DATE)

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	functional	or ext	ernal	obsolesc	ence	was n	oted. The	Improve	me	nts are of	above aver	age qu	ality	, have be	en mainta	benla	and are	in MOL	
COMMENTS	average c	onditio	n rei	lative to a	ctual a	age. I	Due to the	subjec	t's	above ave	erage quali	ty, ph	ysic	al deprec	iation is	base	d on 40	years in lieu	
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STA #5, Project 4043

Fannie Mae Form 1004 6-93

File No. 05-16-04

		t \$	20,00	Comments on Cost A	ipproson (such as,	source of cost estimate, s	ite value,	
ESTIMATED REPRODUCTION				square foot calculation	n and for HUD, VA	and FmHA, the estimated	remaining	
	9 Sq. Pt. @\$ 50.00			economic life of the p	roperty): <u>See a</u>	ttached for floor plan	and area	
) Sq. Ft. @\$ <u>16.00</u>		calculations. S	ubject site is de	veloped to its highes	st and best		
Sheds172sf@\$16/sf	+MH Util.64sf@16/s	s <u>f</u> =3,	use. No appare	use. No apparent functional or locational obsolescence noted.				
Garage/Carport	Sq. Ft. @\$	_ =						
	ge/Carport Sq. Ft. @\$ = See attached for comments on land value. Costs are supported by local known builder's costs & completed appraisals							
Less Physic								
Depreciation24	,302	=\$	24,30					
Depreciated Value of Impro			40,50		canomic Age/L	ife Methad		
"As-is" Value of Site Impro			12,20					
INDICATED VALUE BY CO			80,70					
Mati	SUBJECT	COMPARABLE		COMPARABLE	NO. 2	COMPARABLE	NO. 3	
11230 Wag		11212 Tango Drive		26766 Stardust Dri		11380 Redbud Lane		
Address 25-47-25-B4		25-47-25-B4-00210		25-47-25-B4-00211		01-48-25-B2-00200		
Proximity to Subject		0.16 mile southwes		0.22 mile southwes			.1120	
Sales Price	\$ Not a Sale	1 2 2 3 3		2.22 Time souli wes	70,000	1.77 miles south	75,000	
Price/Gross Living Area	\$ #	· · · · · · · · · · · · · · · · · · ·		\$ 88.38 /			75,000	
Data and/or	Inspection	ORB 4546 PG 301		ORB 4599 PG 267				
Verification Source	Pub.Records	MLS/FARES/Lee C				ORB 4447 PG 1789		
VALUE ADJUSTMENTS	DESCRIPTION	DESCRIPTION		MLS/FARES/Lee C		MLS/FARES/Lee C		
	DECORPTION		+(-)\$ Adjust,	DESCRIPTION	+(-)\$ Adjust.	DESCRIPTION	+(~)\$ Adjust.	
Sales or Financing	The state of the s	Conventional	;)	Cash		Cash		
Concessions Deta of Polo/Times	A CONTRACTOR OF THE	\$55,100	 	Indicated		Indicated		
Date of Sale/Time		01/05/05	<u> </u>	02/21/05		09/28/04	+2,000	
Location	LeitnerCrkManor	LeitnerCrkManor	ļ	<u>LeitnerCrkManor</u>		Oak Creek Manor	. 	
Leasehold/Fee Simple	Fee	Fee		Fee	<u> </u>	Fes		
Site	8,100sf	5,605sf	+2,000	7,505sf	+500	16,200sf	-7,000	
View	Residential	Residential	; _	Residential		Residential		
Design and Appeal	Doublewide	Singlewide	<u> </u>	Singlewide		Doublewide		
Quality of Construction	MH/Above Avg.	MH/Inferior	+2,400	MH/Inferior	+2,400	MH/Inferior	+4,800	
Age	Eff=15, A=32	Eff=15, A=23		Eff=15, A=34		Eff=15, A=34		
Condition	Average	Average		Average		Average		
Above Grade	Total Bdrms Baths	Total Bdrms Baths		Totat Bdrms Baths		Total Bdrms Baths		
Room Count	6 2 1	4 2 1	j	5 2 1		6 2 2	-2,000	
Gross Living Area	1,179 Sq. Ft.	784 Sq. Ft.	+12,600	792 Sq. Ft.	+12,400	1,056 Sq. Ft.	+3,900	
Basement & Finished	None	None	[None		None		
Rooms Below Grade	None	260sf Cov.Porch	-1,600	None		144sf Cov.Porch	-900	
Functional Utility	Adequate	Adequate	.,,000	Adequate		Adequate		
Heating/Cooling	Central/Central	Central/Central		Central/Central		Central/Central		
Energy Efficient Items	Typical	Typical	;	Typical		Typical		
Garage/Carport	Driveway	1 Carport	-2,500	1 Carport +	2 500		0.500	
	130sf Scr.Porch				~3,500		-2,500	
Porch, Patlo, Deck,		312sf Scr.Porch	! ' 1	60sf Cov.Porch	+700		+200	
Fireplace(s), etc.	172sf Sheds	None	+1,400	None	+1,400	90sf Shed	+700	
Fence, Pool, etc.	Fenced	Fenced		Fenced		Fenced		
Other Features	64sf MH Utility	144sf MH Utility		80sf MH Utility	-100	None :	+500	
Net Adj. (total)			12,300	X +	13,800	□ + ⋈ - \$	300	
Adjusted Sales Price	5 5 6 6 5 5 5	er # Net 117 01%		en: Net3197 %		3 5 Net 7 0.4 198		
		CREATE COMPANY AND ASSESSMENT A	81 200	#Cr093 0000 % \$		Gress 327 % \$	74,700	
of Comparable		Pagross & CE 824 S	01,200					
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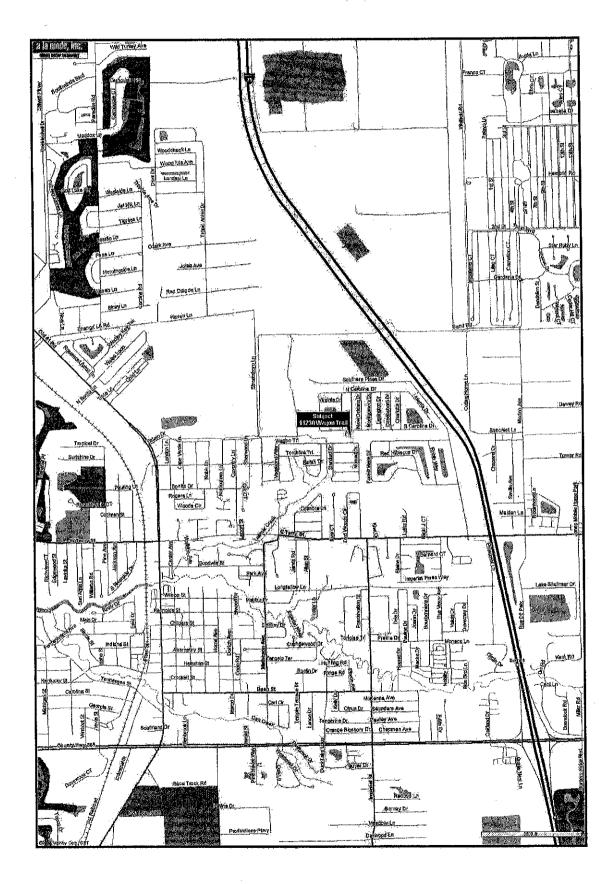
UNIFORM RESIDENTIAL APPRAISAL REPORT

Valuation Section

Freddle Mac Form 70 6/93

Location Map

Borrower/Client CERRITOS, Day	si + Eduardo J/T		
Property Address 11230 Wagon T	rail		
City Bonita Springs	County Lee	State FL	Zip Code 34135-5343
Lander Lee County - County La	inds		





MAR 3 0 2005 MAR 3 D 2005

March 28, 2005

City of Bonita Springs

9220 BONITA BEACH ROAD SUITE 111 BONITA SPRINGS, FL 34135 TEL: (239) 390-1000 FAX: (239) 390-1004 www.cityofbonitasprings.org

Jay Arend Mayor

Wayne P. Edsall Councilman District One

Alex Grantt Councilman District Two

R. Robert Wagner Councilman District Three

John Joyce Councilman District Four

David T. Piper, Jr. Councilman District Five

Ben L. Nelson, Jr. Councilman District Six

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Gary A. Price City Manager

Audrey E. Vance City Attorney Mr. J. Keith Gomez
Property Acquisition Agent
Lee County
PO Box 398
Fort Myers, FL 33902

RE: Purchase Agreement – Three Oaks Parkway Extension Project No. 4043 Parcel 219. Cerritos

Dear Mr. Gomez:

The agreed upon purchase conditions for the aforementioned parcel are reasonable and purchase is recommended by my office.

If you need further authorization, feel free to contact me.

Respectfully,

Gary A/Price City Manager

GAP/kd

cc: Ken Hoffman, Community Project Coordinator

Division of County Lands

Ownership and Easement Search

Search No. 25-47-25-B4-00201.0290

Date: January 13, 2005

Parcel: 219

Project: Three Oaks Parkway South Extension Project #4043 (E. Terry St. to N. Leitner Creek)

To: J. Keith Gomez

Property Acquisition Agent

From: Kenneth Pitt

Real Estate Title Examiner

STRAP: 25-47-25-B4-00201.0290

Effective Date: December 8, 2004, at 5:00 p.m.

As of 3-28-05 - No further transactions/documen

Subject Property: Lot 29, Block 1, Leitner Creek Manor, Unit 2, as recorded in Plat Book 30. Page

79, Public Records of Lee County, Florida.

Title to the subject property is vested in the following:

Daysi M. Cerritos and Eduardo Cerritos, joint tenants with right of survivorship

By that certain instrument dated June 27, 1995, recorded June 30, 1995, in Official Record Book 2613, Page 3220, Public Records of Lee County, Florida.

Easements:

- 1. Subject to Deed Restrictions recorded in Official Record Book 575, Page 808, which rights were assigned in Official Record Book 2603, Page 3024, Public Records of Lee County. Florida.
- Subject to a 60 foot rear setback line established on the plat "Leitner Creek Manor, Unit 2," 2. recorded in Plat Book 30, Page 79, Public Records of Lee County, Florida.
- Subject to a six foot utilities easement dedicated on the plat "Leitner Creek Manor, Unit 2" and 3. recorded in Plat Book 30, Page 79, Public Records of Lee County, Florida.

NOTE 1) Subject to a mortgage in the original sum of \$32,491.43, recorded in Official Record Book 2613, Page 3221, Public Records of Lee County, Florida. Said mortgage was later assigned in Official Record Book 3584, Page 3136, Public Records of Lee County, Florida.

NOTE 2) Subject to Lee County Ordinance No. 86-14, relating to garbage and solid waste collection recorded in Official Record Book 2189, Page 3281 and amended by Official Record Book 2189, Page 3334, Public Records of Lee County, Florida.

Tax Status: \$418.03 PAID on November 24, 2004 for tax year 2004.

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

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

5-Year Sales History

Parcel No. 219

Three Oaks Parkway South Extension Project No. 4043

NO SALES in PAST 5 YEARS