

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

**Blue Sheet No. 20051754**

**1. ACTION REQUESTED/PURPOSE:** Authorize the Division of County Lands to make a binding offer to property owner in the amount of \$6,400 for Parcel 1009, Imperial Street Widening, Project No. 4060, pursuant to the Easement Purchase Agreement; and authorize the Division of County Lands to handle all documentation necessary to complete transaction.

**2. WHAT ACTION ACCOMPLISHES:** Makes binding offer to property owner prior to initiation of condemnation proceedings as required by Florida Statutes.

**3. MANAGEMENT RECOMMENDATION:** Management recommends Board approve the Action Requested.

**4. Departmental Category:** 6 **C6H** **5. Meeting Date:** **1-10-2006**

|                                                                                                                                                                                                                        |                                             |          |                                                    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|----------|----------------------------------------------------|
| <b>6. Agenda:</b><br><input checked="" type="checkbox"/> Consent<br><input type="checkbox"/> Administrative<br><input type="checkbox"/> Appeals<br><input type="checkbox"/> Public<br><input type="checkbox"/> Walk-On | <b>7. Requirement/Purpose: (specify)</b>    |          | <b>8. Request Initiated:</b>                       |
|                                                                                                                                                                                                                        | <input checked="" type="checkbox"/> Statute | 73 & 125 | <b>Commissioner</b>                                |
|                                                                                                                                                                                                                        | <input type="checkbox"/> Ordinance          |          | <b>Department</b>                                  |
|                                                                                                                                                                                                                        | <input type="checkbox"/> Admin. Code        |          | Independent                                        |
|                                                                                                                                                                                                                        | <input type="checkbox"/> Other              |          | <b>Division</b>                                    |
|                                                                                                                                                                                                                        |                                             |          | County Lands TLM 12/5/05                           |
|                                                                                                                                                                                                                        |                                             |          | <b>By:</b> Karen L.W. Forsyth, Director <i>KLF</i> |

**9. Background:**

**Negotiated for:** Department of Transportation

**Interest to Acquire:** Slope easement interest in 2,168 square feet of an improved residential lot

**Property Details:**

**Owner:** Joseph Roskuski  
**Address:** 27001 Pinetrail Court, Bonita Springs, FL 34135  
**STRAP No.** 36-47-25-B2-00800.0130

**Purchase Details:**

**Binding Offer Amount:** \$6,400

In order to expedite acquisition efforts, staff recommends Board make a binding offer in the amount of \$6,400, and commence Eminent Domain procedures.

**Appraisal Information:**

**Company:** Maxwell & Hendry Valuation Services, Inc., by W. Michael Maxwell, MAI, SRA  
**Appraised Value:** \$5,915  
**Date of Appraisal:** November 21, 2005

**Staff Recommendation:** Staff is of the opinion that the purchase price increase of \$485 may secure an agreement for the acquisition of the property without the full expense of an Eminent Domain action, and can be justified considering costs associated with condemnation proceedings estimated between \$1,000 - \$2,500, excluding land value increase and attorney fees. Staff recommends the Board approve the Action Requested.

**Account:** 20406063000.506110

**Attachments:** Easement Purchase Agreement; Title Data; Appraisal Data (Location Map Included); Letter from City of Bonita Springs; 5-Year Sales History

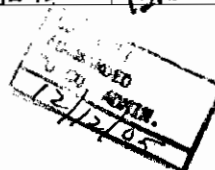
**10. Review for Scheduling:**

| Department Director | Purchasing or Contracts | Human Resources | Other          | County Attorney    | Budget Services |                 |                 |                 | County Manager/P.W. Director |
|---------------------|-------------------------|-----------------|----------------|--------------------|-----------------|-----------------|-----------------|-----------------|------------------------------|
|                     |                         |                 |                |                    | Analyst         | Risk            | Grants          | Mgr             |                              |
| <i>KLF</i>          |                         |                 | <i>12/8/05</i> | <i>[Signature]</i> | <i>12-12-05</i> | <i>12/13/05</i> | <i>12/12/05</i> | <i>12/13/05</i> | <i>WS 12/15/05</i>           |

**11. Commission Action:**

- Approved
- Deferred
- Denied
- Other

RECEIVED BY COUNTY ADMIN:  
*2*  
COUNTY ADMIN FORWARDED TO:  
*12/15/05*



Rec. by CoAtty  
Date: *12/9/05*  
Time: *11:15 AM*  
Forwarded To:

Parcel: 1009  
Project: Imperial Street Widening Project No. 4060  
STRAP No.: 36-47-25-B2-00800.0130

**BOARD OF COUNTY COMMISSIONERS  
LEE COUNTY  
EASEMENT PURCHASE AGREEMENT  
IN LIEU OF CONDEMNATION PROCEEDINGS**

This Agreement made and entered into this \_\_\_\_ day of \_\_\_\_\_, 200\_\_, by and between **JOSEPH ROSKUSKI**, whose address is 26876 McLaughlin Boulevard, Bonita Springs, FL 34134, 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 located and described as set forth in Exhibit "C" attached to Exhibit "A". All Exhibits are attached hereto and made a part hereof by reference, in conjunction with the Imperial Street Widening Project #4060.

- a) Owner will grant said easement to Purchaser for the sum of \$6,400; Purchaser to pay recording costs and title insurance.
- b) The purchase price is mutually agreeable to both the Owner and Purchaser and represents the voluntary sale and purchase of the easement property in lieu of Purchaser's condemnation.
- c) Owner agrees that said easement will be granted to Purchaser by execution of the Slope/Restoration Easement in form and substance set forth in Exhibit "A".
- d) 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 Easement instrument by Purchaser.
- e) Owner agrees that Purchaser, his successors and assigns will be allowed to use said perpetual easement area as specified in the Perpetual Easement instrument.
- f) Purchaser agrees to complete construction within the easement area in a timely manner.
- g) Owner will provide either a release, satisfaction of mortgage, or subordination agreement for all mortgages that encumber the property. Purchaser will pay reasonable costs associated with obtaining releases, if any.
- h) This voluntary sale and purchase is considered by Florida law to be exempt from the payment of Documentary Stamp Taxes because this transaction was made under the threat of eminent domain by the Purchaser.

Parcel: 1009  
Project: Imperial Street Widening Project No. 4060  
STRAP No.: 36-47-25-B2-00800.0130  
Page 2 of 2

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:**

\_\_\_\_\_  
1<sup>st</sup> Witness Signature

\_\_\_\_\_  
Joseph Roskuski, **Owner**

\_\_\_\_\_  
2nd Witness Signature

**ATTEST:**

CHARLIE GREEN, CLERK

**LEE COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS**

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"**  
Page 1 of 2

Parcel: 1009  
Project: Imperial Street Widening, Project No. 4060  
STRAP No.: 36-47-25-B2-00800.0130

**SLOPE/RESTORATION EASEMENT**

This INDENTURE, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_ 200\_\_\_\_, between JOSEPH ROSKUSKI, whose address is 26876 McLaughlin Boulevard, Bonita Springs, FL 34134, (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 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, except trees, 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, it's 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", 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: Imperial Street Widening, Project No. 4060  
Parcel: 1009

**Exhibit "A"**

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

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

**TWO SEPARATE WITNESSES:**

\_\_\_\_\_  
1st Witness Signature

\_\_\_\_\_  
Joseph Roskuski

\_\_\_\_\_  
Printed name of 1st Witness

\_\_\_\_\_  
2nd Witness Signature

\_\_\_\_\_  
Printed name of 2nd Witness

**STATE OF** \_\_\_\_\_

**COUNTY OF** \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_, by Joseph Roskuski. He is personally known to me or who has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
(Signature of Notary Public)

\_\_\_\_\_  
(Name typed, printed or stamped)  
(Title or Rank)  
(Serial Number, if any)



# Bean, Whitaker, Lutz & Kareh, Inc.

13041 McGregor Boulevard  
Fort Myers, Florida 33919-5910  
email - fmooffice@bwlk.net  
(Ph) 239-481-1331 (Fax) 239-481-1073

## Exhibit "C"

Page 1 of 2

### LEGAL DESCRIPTION

Parcel 1009 (Revised 06-07-05)

A parcel of land in Section 36, Township 47 South, Range 25 East, Bonita Springs, Lee County, Florida, being a portion of Lot 13 of Pinewood Estates according to the plat thereof as recorded in Plat Book 35 at Page 72 of the Public records of Lee County, Florida, more particularly described as follows:

Begin at the northwest corner of Lot 13 of Pinewood Estates according to the plat thereof as recorded in Plat Book 35 at Page 72 of the Public records of Lee County, Florida, thence N.89°05'34"E. along the north line of said Lot 13 for 106.01 feet to the point of curvature of a circular curve concave to the southwest; thence easterly and southeasterly along the arc of said curve having for its elements a radius of 30.00 feet and a central angle of 61°10'45" for 32.03 feet; thence S.87°34'59"W. for 132.30 feet to an intersection with the west line of said Lot 13; thence N.01°01'28"W. along said west line for 19.02 feet to the point of beginning.

Bean, Whitaker, Lutz & Kareh, Inc.  
Certificate of Authorization Number LB0004919

 Date: 7 JUNE 05

James R. Coleman  
Registered Land Surveyor  
Florida Certificate Number LS3205

PCL1009.DOC

PRINCIPALS:

WILLIAM E. BEAN, PSM, CHAIRMAN  
SCOTT C. WHITAKER, PSM, PRESIDENT  
JOSEPH L. LUTZ, PSM  
AHMAD R. KAREH, PE, MSCE, VICE PRESIDENT

CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS



ASSOCIATES:

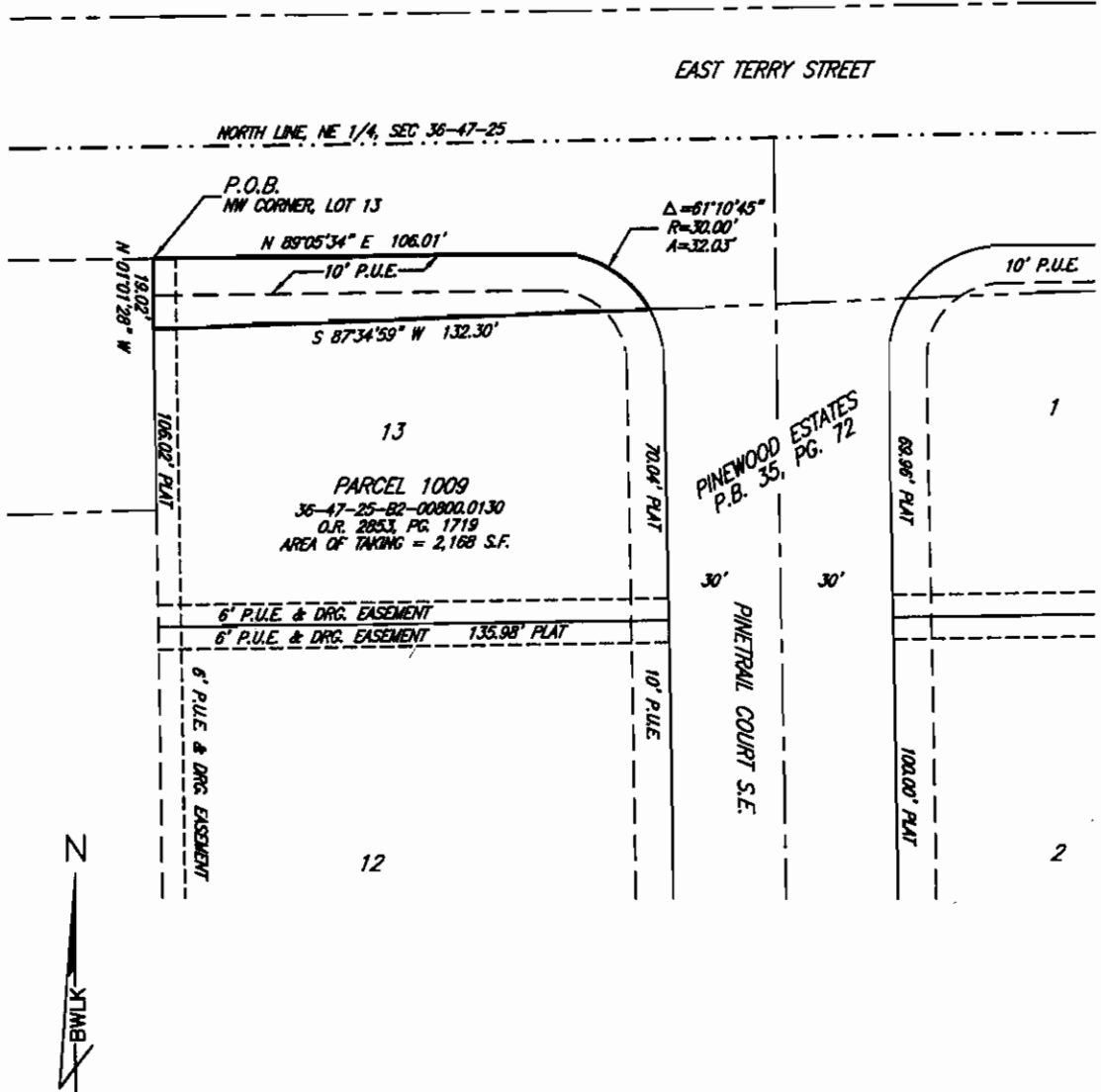
TRACY N. BEAN, AICP  
CHARLES D. KNIGHT, PSM  
W. BRITT POMEROY, JR., PSM  
STEPHEN H. SKORUPSKI, PSM  
ELWOOD FINEFIELD, PSM  
JAMES A. HESSLER, PSM  
JAMES R. COLEMAN, PSM  
RUDOLF A. NORMAN, PE

# SKETCH TO ACCOMPANY LEGAL DESCRIPTION

OF  
A PARCEL OF LAND IN  
SECTION 36, TOWNSHIP 47 SOUTH, RANGE 25 EAST,  
CITY OF BONITA SPRINGS  
LEE COUNTY, FLORIDA

Exhibit "C"

Page 2 of 2



**SURVEYORS NOTES**

1. THE ATTACHED SKETCH IS INTENDED TO BE A GRAPHIC REPRESENTATION OF THE LANDS DESCRIBED HERewith AND IS NOT TO BE CONSIDERED A SURVEY.
2. THE BEARINGS SHOWN HEREON ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, WEST ZONE, NAD83 DATUM, 1990 ADJUSTMENT.
3. REPRODUCTIONS OF THE ATTACHED SKETCH ARE NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYORS SEAL.

BEAN, WHITAKER, LUTZ & KAREH, INC.  
CERTIFICATE OF AUTHORIZATION NUMBER LB0004919

*James R. Coleman* DATE: 7 JUNE 05  
JAMES R. COLEMAN (FOR THE FIRM)  
REGISTERED LAND SURVEYOR  
FLORIDA CERTIFICATE NUMBER 3205

**Bean, Whitaker, Lutz & Kareh, Inc.** (23 4814)  
CIVIL ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS  
13041-1 WOODBURN BOULEVARD, FORT MYERS, FLORIDA 33919-8910 (238) 481-1331

Pc11009.dwg

|          |              |          |          |        |                  |
|----------|--------------|----------|----------|--------|------------------|
| DATE     | PRIORITY NO. | DRAWN BY | SCALE    | SHEET  | FILE NO. (S-T-J) |
| 06-06-05 | 35955        | J.R.C.   | 1" = 40' | 1 OF 1 | 36-47-25         |

**Division of County Lands**

**Ownership and Easement Search**  
Search No. 22461  
Date: April 2, 2003  
Parcel: 1009  
Project: Imperial Street Widening  
#4060

To: Teresa L. Mann, SR/WA  
Property Acquisition Agent

From: Kenneth Pitt  
Real Estate Title Examiner

STRAP: 36-47-25-B2-00800.0130  
12-2-2005

Effective Date: ~~March 3, 2003~~, at 5:00 p.m.

**Subject Property:** Lot 13 of that certain subdivision known as Pinewood Estates, according to the plat or map thereof recorded in the Office of the Clerk of the Circuit Court of Lee County, Florida, in Plat Book 35, at Pages 71 and 72.

Title to the subject property is vested in the following:

**Joseph Roskuski**

by that certain instrument dated July 31, 1997, recorded August 6, 1997, in Official Record Book 2853, Page 1719, Public Records of Lee County, Florida.

**Easements:**

1. Easement granted to Bonita Springs Water System, Inc., recorded in Official Record Book 826, Page 661, Public Records of Lee County, Florida.
2. Dedication to the public perpetual use of all streets, rights of way, drainage and public utility easements as shown on the plat of "Pinewood Estates." Said dedication recorded in Official Record Book 1670, Page 782, Public Records of Lee County, Florida.
3. Grant of Utility Easement given to Bonita Springs Utilities, Inc., recorded in Official Record Book 2563, Page 986, Public Records of Lee County, Florida.
4. Subject to Easement Dedications as recited on the plat of "Pinewood Estates" as recorded in Plat Book 35, Pages 71 and 72, Public Records of Lee County, Florida. Whereas easements along each boundary of each lot for county drainage purposes and public utilities, said easements to be 6 feet each side of said boundary unless otherwise shown. P.U.E. is subject to a 50 foot section line setback on its Northerly boundary as shown on said map.



## Division of County Lands

### Ownership and Easement Search

Search No. 22461

Date: April 2, 2003

Parcel: 1009

Project: Imperial Street Widening  
#4060

NOTE 1: Subject to a mortgage in the original sum of \$50,000.00 recorded in Official Record Book 2853, Page 1720 and later assigned by Official Record Book 2853, Page 1728 and Official Record Book 2936, Page 2811, Public Records of Lee County, Florida.

NOTE 2: Subject to a mortgage in the original sum of \$35,000.00, recorded in Official Record Book 2940, Page 182, Public Records of Lee County, Florida.

NOTE 3: Subject to a Limitation of Right of Future Advances recorded in Official Record Book 2940, Page 188, Public Records of Lee County, Florida.

NOTE 4: Subject to a Judgement in the amount of \$134,518.62 vs Fredrick Sorcsek recorded in Official Record Book 2189 Page 469 and rerecorded in Official Record Book 2191 Page 467, Public Records of Lee County, Florida.

**Tax Status:** \$539.06 paid on November 27, 2002 for tax year 2002.

*(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.**

# LAND APPRAISAL REPORT

|                                                     |                                                 |                                                                      |                                                                                                                                              |
|-----------------------------------------------------|-------------------------------------------------|----------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| Borrower _____                                      | Census Tract <u>504</u>                         | Map Reference <u>36-47-25</u>                                        |                                                                                                                                              |
| Property Address <u>27001 Pinetrail Court</u>       |                                                 |                                                                      |                                                                                                                                              |
| City <u>Bonita Springs</u>                          | County <u>Lee</u>                               | State <u>Florida</u>                                                 | Zip Code <u>34135</u>                                                                                                                        |
| Legal Description <u>See Legal Description page</u> |                                                 |                                                                      |                                                                                                                                              |
| Sale Price \$ <u>0</u>                              | Date of Sale _____                              | Loan Term <u>N/A</u> yrs.                                            | Property Rights Appraised <input checked="" type="checkbox"/> Fee <input type="checkbox"/> Leasehold <input type="checkbox"/> De Minimis PUD |
| Actual Real Estate Taxes \$ <u>566.68</u> (yr)      | Loan charges to be paid by seller \$ <u>N/A</u> | Other sales concessions <u>None Known</u>                            |                                                                                                                                              |
| Lender/Client _____                                 |                                                 | Address _____                                                        |                                                                                                                                              |
| Occupant <u>Joseph Roskuski</u>                     |                                                 | Appraiser <u>Matthew H. Caldwell</u> Instructions to Appraiser _____ |                                                                                                                                              |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 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| Location <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban <input type="checkbox"/> Rural<br>Built Up <input type="checkbox"/> Over 75% <input checked="" type="checkbox"/> 25% to 75% <input type="checkbox"/> Under 25%<br>Growth Rate <input type="checkbox"/> Fully Dev. <input type="checkbox"/> Rapid <input checked="" type="checkbox"/> Steady <input type="checkbox"/> Slow<br>Property Values <input type="checkbox"/> Increasing <input checked="" type="checkbox"/> Stable <input type="checkbox"/> Declining<br>Demand/Supply <input type="checkbox"/> Shortage <input checked="" type="checkbox"/> In Balance <input type="checkbox"/> Oversupply<br>Marketing Time <input type="checkbox"/> Under 3 Mos. <input checked="" type="checkbox"/> 4-6 Mos. <input type="checkbox"/> Over 6 Mos. | Present Land Use <u>4D% 1 Family</u> <u>10% 2-4 Family</u> <u>5% Apts.</u> <u>10% Condo</u> <u>5% Commercial</u><br><u>5% Industrial</u> <u>25% Vacant</u> %<br>Change in Present Land Use <input checked="" type="checkbox"/> Not Likely <input type="checkbox"/> Likely (*) <input type="checkbox"/> Taking Place (*)<br>(*) From _____ To _____<br>Predominant Occupancy <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Tenant _____ % Vacant<br>Single Family Price Range \$ <u>175,000</u> to \$ <u>1,500,000</u> Predominant Value \$ <u>250,000</u><br>Single Family Age _____ yrs. to _____ yrs. Predominant Age _____ yrs. | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>Employment Stability</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Convenience to Employment</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Convenience to Shopping</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Convenience to Schools</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Adequacy of Public Transportation</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Recreational Facilities</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Adequacy of Utilities</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Property Compatibility</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Protection from Detrimental Conditions</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Police and Fire Protection</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>General Appearance of Properties</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Appeal to Market</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table> | Employment Stability     | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Convenience to Employment | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Convenience to Shopping | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Convenience to Schools | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Adequacy of Public Transportation | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Recreational Facilities | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Adequacy of Utilities | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Property Compatibility | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Protection from Detrimental Conditions | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Police and Fire Protection | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | General Appearance of Properties | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Appeal to Market | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Employment Stability                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <input type="checkbox"/>                                                                                                                                                                         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| Convenience to Employment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <input type="checkbox"/>                                                                                                                                                                         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| Convenience to Shopping                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <input type="checkbox"/>                                                                                                                                                                         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| Convenience to Schools                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <input type="checkbox"/>                                                                                                                                                                         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| Adequacy of Public Transportation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <input type="checkbox"/>                                                                                                                                                                         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| Recreational Facilities                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <input type="checkbox"/>                                                                                                                                                                         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| Adequacy of Utilities                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <input type="checkbox"/>                                                                                                                                                                         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| Property Compatibility                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <input type="checkbox"/>                                                                                                                                                                         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| Protection from Detrimental Conditions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <input type="checkbox"/>                                                                                                                                                                         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| Police and Fire Protection                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <input type="checkbox"/>                                                                                                                                                                         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| General Appearance of Properties                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <input type="checkbox"/>                                                                                                                                                                         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| Appeal to Market                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <input type="checkbox"/>                                                                                                                                                                         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Comments including those factors, favorable or unfavorable, affecting marketability (e.g. public parks, schools, view, noise): The subject's neighborhood is composed of average to good quality, single family and multiple family housing. Adequate educational facilities, shopping, and employment can be found within a one mile radius.

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Dimensions <u>100' x 135'</u> = _____ Sq. Ft. or Acres<br>Zoning classification <u>RS-2 (Zoning)/Mod. Den. SF Res. (Land Use)</u> Present Improvements <input checked="" type="checkbox"/> do <input type="checkbox"/> do not conform to zoning regulations<br>Highest and best use <input checked="" type="checkbox"/> Present use <input type="checkbox"/> Other (specify) _____<br>Elec. <input checked="" type="checkbox"/> _____<br>Gas <input type="checkbox"/> <u>None Apparent</u><br>Water <input checked="" type="checkbox"/> _____<br>San. Sewer <input checked="" type="checkbox"/> _____<br><input type="checkbox"/> Underground Elect. & Tel. | OFF SITE IMPROVEMENTS<br>Street Access <input checked="" type="checkbox"/> Public <input type="checkbox"/> Private<br>Surface <u>Paved</u><br>Maintenance <input checked="" type="checkbox"/> Public <input type="checkbox"/> Private<br><input type="checkbox"/> Storm Sewer <input type="checkbox"/> Curb/Gutter<br><input type="checkbox"/> Sidewalk <input type="checkbox"/> Street Lights | Topo <u>Level</u><br>Size <u>Typical</u><br>Shape <u>Rectangular</u><br>View <u>Residential</u><br>Drainage <u>Adequate</u><br>Is the property located in a HUD identified Special Flood Hazard Area? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Comments (favorable or unfavorable including any apparent adverse easements, encroachments, or other adverse conditions): There were no apparent adverse easements, encroachments, or any other adverse conditions which could have been revealed by the appraiser's routine inspection of the subject property.

The undersigned has recited three recent sales of properties most similar and proximate to subject and has considered these in the market analysis. The description includes a dollar adjustment reflecting market reaction to those items of significant variation between the subject and comparable properties. If a significant item in the comparable property is superior to or more favorable than the subject property, a minus (-) adjustment is made thus reducing the indicated value of subject; if a significant item in the comparable is inferior to or less favorable than the subject property, a plus (+) adjustment is made thus increasing the indicated value of the subject.

| ITEM                             | SUBJECT PROPERTY                                      | COMPARABLE NO. 1                                                                  | COMPARABLE NO. 2                                                                  | COMPARABLE NO. 3                                                                  |
|----------------------------------|-------------------------------------------------------|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| Address                          | <u>27001 Pinetrail Court</u><br><u>Bonita Springs</u> | <u>25710 Corzine Road</u><br><u>Bonita Springs</u>                                | <u>10330 Morningside Lane</u><br><u>Bonita Springs</u>                            | <u>9047 Somerset Lane</u><br><u>Bonita Springs</u>                                |
| Proximity to Subject             |                                                       | <u>1.75 miles</u>                                                                 | <u>1.83 miles</u>                                                                 | <u>2.62 miles</u>                                                                 |
| Sales Price                      | \$ <u>N/A</u>                                         | \$ <u>159,000</u>                                                                 | \$ <u>156,000</u>                                                                 | \$ <u>64,000</u>                                                                  |
| Price per square foot            | \$ _____                                              | \$ <u>6.34</u>                                                                    | \$ <u>6.22</u>                                                                    | \$ <u>7.10</u>                                                                    |
| Data Source                      | <u>Current Inspection</u>                             | <u>Book/Page OR# 4830/4421</u>                                                    | <u>Book/Page OR# 4752/2796</u>                                                    | <u>Book/Page OR# 4564/1798</u>                                                    |
| Date of Sale and Time Adjustment | <u>N/A</u>                                            | <u>06/15/2005</u>                                                                 | <u>05/20/2005</u>                                                                 | <u>12/28/2004</u>                                                                 |
| Location                         | <u>Suburban</u>                                       | <u>Suburban</u>                                                                   | <u>Suburban</u>                                                                   | <u>Suburban</u>                                                                   |
| Site/View                        | <u>13,500 square feet</u>                             | <u>25,100 square feet</u> -55,000                                                 | <u>25,070 square feet</u> -55,000                                                 | <u>9,017 square feet</u> +25,000                                                  |
| View                             | <u>Residential</u>                                    | <u>Residential</u>                                                                | <u>Residential</u>                                                                | <u>Residential</u>                                                                |
| Zoning                           | <u>RS-2</u>                                           | <u>RS-1</u>                                                                       | <u>RS-1</u>                                                                       | <u>AG-2</u> Equal                                                                 |
| Busy Road                        | <u>East Terry Street</u>                              | <u>Residential Street</u> -15,000                                                 | <u>Residential Street</u> -15,000                                                 | <u>Residential Street</u> -5,000                                                  |
| Sales or Financing Concessions   |                                                       |                                                                                   |                                                                                   |                                                                                   |
| Net Adj. (Total)                 |                                                       | <input type="checkbox"/> + <input checked="" type="checkbox"/> - \$ <u>70,000</u> | <input type="checkbox"/> + <input checked="" type="checkbox"/> - \$ <u>70,000</u> | <input checked="" type="checkbox"/> + <input type="checkbox"/> - \$ <u>20,000</u> |
| Indicated Value of Subject       |                                                       | \$ <u>89,000</u>                                                                  | \$ <u>86,000</u>                                                                  | \$ <u>84,000</u>                                                                  |

Comments on Market Data: The comparable sales provided are similar land sales located in or near the subject property's neighborhood.  
 \*\*\*Please see Sales Comparison Comments for adjustments.

Comments and Conditions of Appraisal: This appraisal report has been completed to estimate a value opinion of the land described by the subject's legal description.

Final Reconciliation: The Sales Comparison Approach has been given primary emphasis in the final opinion of value, as it is the most reliable indicator of market value.

I ESTIMATE THE MARKET VALUE AS DEFINED, OF SUBJECT PROPERTY AS OF 21 November 2005 to be \$ 85,000.

State Registered Trainee Appraiser, RI 9277  
Matthew H. Caldwell  
 Appraiser(s)

State Certified General Appraiser, RZ 55  
W. Michael Maxwell, MAI, SRA  Did  Did Not Physically Inspect Property  
 Review Appraiser (if applicable)

**Sales Comparison Comments**

File No. 511304

|                                        |            |               |                |
|----------------------------------------|------------|---------------|----------------|
| Borrower/Client                        |            |               |                |
| Property Address 27001 Pinetrail Court |            |               |                |
| City Bonita Springs                    | County Lee | State Florida | Zip Code 34135 |
| Lender                                 |            |               |                |

**Previous Transfers**

There have been no valid transfers of the comparable sales in the past three years.

**Sales Comparison Comments**

Sales 1 & 2 are from Helfenstein Estates located to the north of the subject. Sale 3 is from Bonita Farms located to the west of the subject. Sales 4-6 are from Pinecrest Haven located to the east of the subject. These sales are most similar to our subject in zoning and single family use.

However, the subject is, in the pre-take condition, located on a busy, two lane thoroughfare, whereas Comparables 1-3 are located on quiet, two lane residential streets and Comparables 4-6 back up to Interstate 75, a four lane highway. We have completed a Busy Road Proximity Study, located in the Data Book, on major thoroughfares in Lee County. The study revealed a diminution range of 12% to 23%. Our study roads were much busier than East Terry Street. We estimate the diminution for this traffic level would be 10% to Sales 1-3 and an increase of 10% to sales 4-6.

After adjusting for size and proximity to busy roads, we conclude a land value of \$6.30 per square foot, or \$85,050, rounded to \$85,000.

**Analysis of the Taking**

**Description of the Take**

There is one taking associated with this parcel, a slope easement taking.

The slope easement take area is a rectangular parcel, that varies in depth, along the north border of the property. The total take area is 2,168 square feet, as provided by the survey.

**Value of the Whole before Take**

As already concluded, the value of the land is \$85,000. In addition, we must also consider the value of the improvements that will be affected by the taking. There is a chain-link fence and mature landscaping located in the take area. We have assumed that Lee County will move the fence at their expense. The landscaping (date palm, shrubbery, etc.) has a contributory value of \$2,500. Therefore, the Value of the Whole before Take is \$87,500.

**Value of the Part Taken**

Slope Easement Take (Less Than Fee) - As the Take will be an easement, the owner will lose a portion of their fee simple property rights. In cases similar to this, acquisition settlements and paired sales analysis for reduced property rights have been approximately 25% to 50 % of the fee simple value of the land. The taking is a 1':3' slope and the impact to the property is minimal. Also, the take area is mostly contained in the areas set aside for drainage and setbacks. As a result it is our opinion that the appropriate loss for the easement is 25% of the fee simple value. In the conclusion of the Land Value, we utilized \$6.30 per square foot. We will then apply this to the area of the Take as follows:

|            |                                           |
|------------|-------------------------------------------|
| 2,168      | (Take Area - Square Feet)                 |
| X \$ 6.30  | (Per Square Foot Value)                   |
| \$ 13,658  | (Value of the Part Taken - Fee Simple)    |
| X 25%      | (Loss of Fee Simple Rights)               |
| \$ 3,415   | (Value of the Part Taken - Less Than Fee) |
| + \$ 2,500 | (Value of the Site Improvements Taken)    |
| \$ 5,915   | (Value of the Part Taken - Total)         |

**Sales Comparison Comments**

File No. 511304

|                                        |            |               |                |
|----------------------------------------|------------|---------------|----------------|
| <u>Borrower/Client</u>                 |            |               |                |
| Property Address 27001 Pinetrail Court |            |               |                |
| City Bonita Springs                    | County Lee | State Florida | Zip Code 34135 |
| Lender                                 |            |               |                |

**Remainder Value as Part of Whole**

The Remainder Value as Part of Whole is the difference between the Value of the Whole before Take and the Value of the Part Taken.

\$ 87,500 (Value of the Whole before Take)  
 - \$ 5,915 (Value of the Part Taken)  
 \$ 81,585 (Remainder Value as Part of Whole)

**Remainder Value after Take**

As this taking is substantially contained in the setback area required by zoning, this take does not adversely affect the remaining property, land or improvements. Therefore the Remainder Value after Take is the same as the Remainder Value as Part of Whole. This can be shown mathematically, as follows. The slight difference between \$81,585 and \$81,636 is due to rounding errors.

11,332 @ \$6.30 psf = \$71,392 (Remainder Value - Fee Simple)  
 2,168 @ \$6.30 psf X 75% = \$10,244 (Remainder Value - Less Than Fee)  
 \$81,636 (Remainder Value - Total)

**Severance Damages**

As the proposed taking is contained in areas required for setbacks and drainage and is a minimal 1':3' slope, it is our opinion that the taking will not adversely affect the improvements. Therefore, there are no Severance Damages.

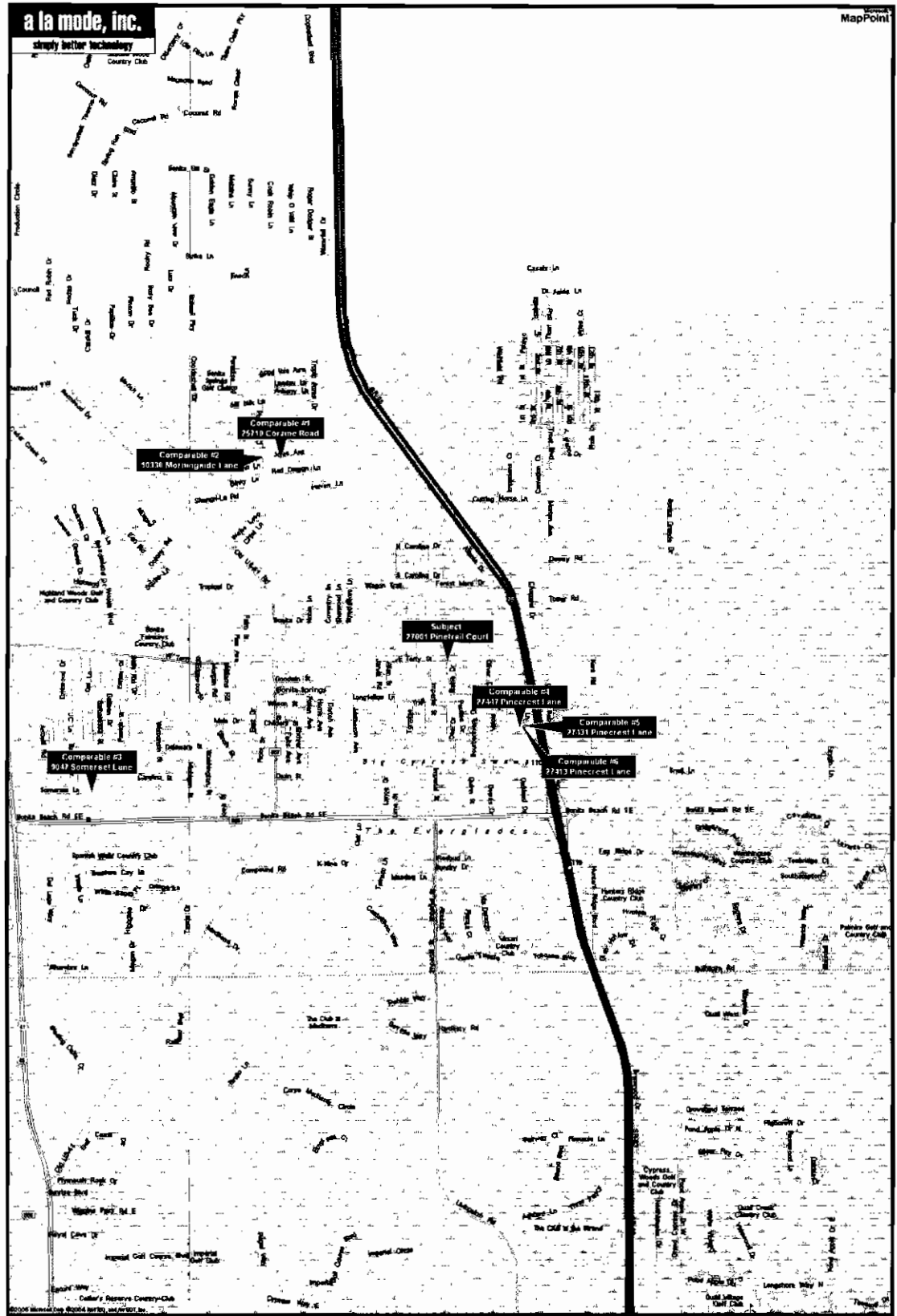
**Amount Due Owner**

The Amount Due Owner is the Value of Part Taken plus any Severance Damages incurred, as follows:

\$ 5,915 (Value of the Part Taken )  
 +\$ 0 (Severance Damages)  
 \$ 5,915 (Amount Due Owner)

### Location Map

|                                        |            |               |                |
|----------------------------------------|------------|---------------|----------------|
| Borrower/Client                        |            |               |                |
| Property Address 27001 Pinetrail Court |            |               |                |
| City Bonita Springs                    | County Lee | State Florida | Zip Code 34135 |
| Lender                                 |            |               |                |



**Teresa Mann - RE: Imperial Street Widening**

---

**From:** "Gary Price" <gary.price@cityofbonitasprings.org>  
**To:** "Teresa Mann" <MANNTL@leegov.com>  
**Date:** 12/5/2005 2:05 PM  
**Subject:** RE: Imperial Street Widening

---

I have reviewed and agree upon the purchase of parcels 316-A, 317-A, 1005, 1007, 1009, 1012, and 1014, please find a copy of the approval letter. A signed copy of the letter will follow in the mail.

Thank you,

Gary A. Price  
City Manager  
City of Bonita Springs  
9101 Bonita Beach Road  
Bonita Springs, FL 34135  
Phone: (239) 949-6238  
Fax: (239) 949-6239  
E-mail: [gary.price@cityofbonitasprings.org](mailto:gary.price@cityofbonitasprings.org)

---

**From:** Teresa Mann [mailto:MANNTL@leegov.com]  
**Sent:** Saturday, December 03, 2005 6:39 PM  
**To:** Gary Price  
**Subject:** Imperial Street Widening

Mr. Price,

Attached is a letter regarding binding offers for the above project. In an effort to expedite finalizing these acquisitions, I am sending this letter via facsimile and e-mail.

Please review and advise if acceptable. Thank you.

Teresa L. Mann, SR/WA  
Property Acquisition Agent  
Division of County Lands  
E-Mail: [manntl@leegov.com](mailto:manntl@leegov.com)  
Telephone (239) 479-8505  
Fax (239) 479-8391

Please note: Florida has a very broad public records law. Most written communications to or from County officials regarding County business are public records available to the public and media upon request. Your e-mail communications may be subject to public disclosure.

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Please note: Florida has a very broad public records law. Most written communications to or from Bonita Springs officials regarding City business are public records available to the public and media upon request. Your e-mail communications may be subject to public disclosure.

December 5, 2005

Ms. Teresa L. Mann  
Property Acquisition Agent  
Lee County  
PO Box 398  
Fort Myers, FL 33902

RE: Purchase Agreement – Imperial Street Widening Project  
Project No. 4060  
Parcels 316-A, 317-A, 1005, 1007, 1009, 1012, and 1014

Dear Ms. Mann:

The agreed upon purchase conditions for the aforementioned parcels 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

# 5-Year Sales History

Parcel No. 1009

Imperial Street Widening

Project No. 4060

| Grantor | Grantee | Price | Date | Arms Length<br>Y/N |
|---------|---------|-------|------|--------------------|
|         |         |       |      |                    |

**NO SALES in PAST 5 YEARS**