

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

**Blue Sheet No. 20050937**

**1. ACTION REQUESTED/PURPOSE:**

Authorize the Division of County Lands to make a binding offer to property owner in the amount of \$10,500 for Parcel 1000, Veronica S. Shoemaker Blvd. Extension, Project No. 4073, pursuant to the Purchase Agreement; authorize the Division of County Lands to handle all documentation necessary to complete transaction.

**2. WHAT ACTION ACCOMPLISHES:**

Authorizes binding offer to property owner.

**3. MANAGEMENT RECOMMENDATION:**

Management recommends Board approve the Action Requested.

**4. Departmental Category: 6**

*CBF*

**5. Meeting Date: 08-02-2005**

**6. Agenda:**

- Consent
- Administrative
- Appeals
- Public
- Walk-On

**7. Requirement/Purpose: (specify)**

- Statute 73 & 125
- Ordinance
- Admin. Code
- Other

**8. Request Initiated:**

**Commissioner** \_\_\_\_\_  
**Department** Independent *SW*  
**Division** County Lands *7-13-05*  
**By:** Karen L.W. Forsyth, Director *KLF*

**9. Background:**

**Negotiated for:** Department of Transportation and the City of Fort Myers  
**Interest to Acquire:** 1,534 square feet of sidewalk and utility easement interest in improved property

**Property Details:**

**Owner:** Cynthia D. Rue  
**Address:** 3575 Dr. Martin Luther King Jr. Blvd., Fort Myers  
**STRAP No.:** 18-44-25-P3-03404.0010

**Purchase Details:**

**Binding Offer Amount:** \$10,500  
 In order to expedite acquisition efforts, staff recommends Board make a binding offer in the amount of \$10,500 and commence Eminent Domain procedures.

**Appraisal Information:**

**Company:** Hanson Real Estate Advisors, Inc.  
**Appraised Value:** \$10,500 (inclusive of the cost to cure in the net amount of \$3,100)

**Account:** City of Fort Myers Account #310-4315-541-6100

**Attachments:** Easement Purchase Agreement, In-House Title Search, Appraisal Letter, Sales History, City Engineer Approval

**10. Review for Scheduling:**

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr	
<i>K. Forsyth</i>			<i>6/10/05</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>

**11. Commission Action:**

- Approved
- Deferred
- Denied
- Other

RECEIVED BY  
 COUNTY ADMIN: *EW*  
 7-20-05  
 1:30  
 COUNTY ADMIN  
 FORWARDED TO:  
*7/21/05*  
*Sam*

REC'D. *[Signature]*  
 by CO. ATTY.  
 7/21/05  
 CO. ATTY!  
 FORWARDED TO:  
*[Signature]*  
 7/21/05

Parcel: 1000  
Project: Veronica S. Shoemaker Blvd. Extension  
STRAP No.: 18-44-25-P3-03404.0010

### EASEMENT PURCHASE AGREEMENT

This Agreement made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2005, by and between **CYNTHIA D. RUE**, whose address is 1741 Coral Point Drive, Cape Coral, FL 33990, 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 utility and sidewalk easement located and described as set forth in Exhibit "A", attached hereto and made a part hereof by reference, for the construction and maintenance of the Veronica S. Shoemaker Boulevard Extension Project.

- a) Owner will grant said easement to Purchaser for the sum of \$10,500; Purchaser to pay recording costs, documentary stamps and title insurance.
- b) Owner agrees that said easement will be granted to Purchaser by rxecution of a perpetual easement in form and substance as shown in Exhibit "B".
- 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 Easement instrument by Purchaser.
- d) Owner agrees that Purchaser, his successors and assigns will be allowed to use said perpetual easement area as specified in the Perpetual Easement instrument.
- e) Purchaser agrees to complete construction within the easement area in a timely manner.
- f) This voluntary sale and purchase is considered by Florida law to be exempt from the payment of Documentary Stamp Taxes because this transaction was made under the threat of an eminent domain proceeding by the Purchaser.

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

\_\_\_\_\_  
Cynthia D. Rue

\_\_\_\_\_  
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:  
COUNTY LANDS DIVISION  
P.O. Box 398  
Fort Myers, FL 33902-0398  
Parcel: 1000 Project: Veronica S. Shoemaker Blvd. Ext., #4073  
STRAP No.: 18-44-25-P3-03404-0010

## Exhibit "B"

### THIS SPACE FOR RECORDING

#### GRANT OF PERPETUAL PUBLIC UTILITY EASEMENT AND NON-EXCLUSIVE RIGHT OF WAY EASEMENT FOR SIDEWALK

This INDENTURE, made and entered into this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, between **CYNTHIA D. RUE**, Owner, whose address is 1741 Coral Point Drive, Cape Coral, FL 33990, hereinafter "Grantor", and **LEE COUNTY**, a political subdivision of the State of Florida, whose address is P.O. Box 398, Fort Myers, FL 33902-0398, hereinafter "Grantee":

#### WITNESSETH

1. For and in consideration of the sum of One Dollar and other good and valuable consideration, receipt of which is hereby acknowledged, Grantor hereby grants and transfers to the Grantee, its successors and assigns, the use of a perpetual public utility easement and non-exclusive public right of way easement for a sidewalk situated in Lee County, Florida, and located and described as set forth in Exhibit "A" attached.
2. Grantee, its successors, appointees, heirs and assigns, are hereby granted the right, privilege, and authority to construct, replace, renew, extend and maintain public utility facilities and sidewalk, to include, but not be limited to: electrical power, telephone, water systems, sewer transmission and collection systems, pavement, concrete and curbing with all appurtenances thereto, to be located on, under, above, across, through and within the easement which is located on the property described (Exhibit "A"), with the additional right, privilege and authority to remove, replace, repair and enlarge said facilities within said easement, and to trim and remove roots, trees, shrubs, bushes and plants and remove fences or any other improvements which may affect the operation of the public utility and sidewalk facilities or Grantee's use of the easement.
3. The public utility and sidewalk easement will not be limited to a particular type, style, material or design nor any particular diameter size or type and/or number of connections to other similar facilities for providing public utility service to this and any adjacent properties. The total area of this public utility and sidewalk easement is to be reserved for the public utility lines, poles, mains, or other utility facilities and for any landscaping (excluding trees), walkways, roadways, drainage ways, or similar type uses. Houses, fences, buildings, carports, garages, storage sheds or any other structures will not be constructed upon or placed within this easement at any time, present or future, by Grantor, or its heirs, successors or assigns.
4. Title to any public utility facilities or other improvements constructed hereunder will remain in the Grantee, Grantee's successors, appointees and/or assigns, or the public utility providing the service.
5. 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 that they are lawfully seized and possessed of the described real property (Exhibit "A"), 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 recorded in the Public Records, and accordingly, Grantors 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.

6. Grantee will have a reasonable right of access across Grantor's property for the purposes of reaching the described easement (Exhibit "A") on either paved or unpaved surfaces. Any damage to Grantor's property or permitted improvements thereon as the result of such access to the described easement or the construction, maintenance, or repairs located within the above-described easement will be restored by the County or the particular utility providing service, to the condition in which it existed prior to the damage.

7. THIS AGREEMENT will be binding upon the parties hereto, their successors and assigns.

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

SIGNED, SEALED AND DELIVERED  
IN THE PRESENCE OF TWO WITNESSES:

\_\_\_\_\_  
1st WITNESS Signature

\_\_\_\_\_  
Cynthia D. Rue

\_\_\_\_\_  
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 \_\_\_\_\_, 20\_\_\_, by  
Cynthia D. Rue. She is personally known to me or who has produced  
(name of person acknowledged)

\_\_\_\_\_ as identification.  
(type of identification)

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

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



18-4425-P3-0340.4.0010

January 15, 2003

1000

**DESCRIPTION**

**10' SIDEWALK/UTILITY EASEMENT  
PART OF LOTS 4 AND 5, BLOCK 4  
J.B. COX'S EASTLAND HEIGHTS  
SECTION 18, TOWNSHIP 44 SOUTH, RANGE 25 EAST  
CITY OF FORT MYERS  
LEE COUNTY, FLORIDA**

A tract or parcel of land being part of Lots 4 and 5, Block 4 as shown on the Plat of J. B. Cox's Eastland Heights recorded in Plat Book 3 at Page 73 of the Public Records of Lee County, Florida and lying in Section 18, Township 44 South, Range 25 East, City of Fort Myers, Lee County, Florida, described as follows:

Beginning at the northwest corner of said lot; thence run North 89° 23' 09" East along the north line of said lot for 10.00 feet; thence run South 01° 09' 07" East for 158.36 feet to an intersection with the north right-of-way line of Dr. Martin Luther King, Jr. Boulevard; thence run North 45° 56' 49" West along said right-of-way line for 14.19 feet to an intersection with the west line of said Lot 5; thence run North 01° 09' 07" W along said west line and along the west line of said Lot 4 for 148.38 feet to the Point of Beginning.

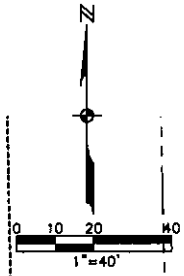
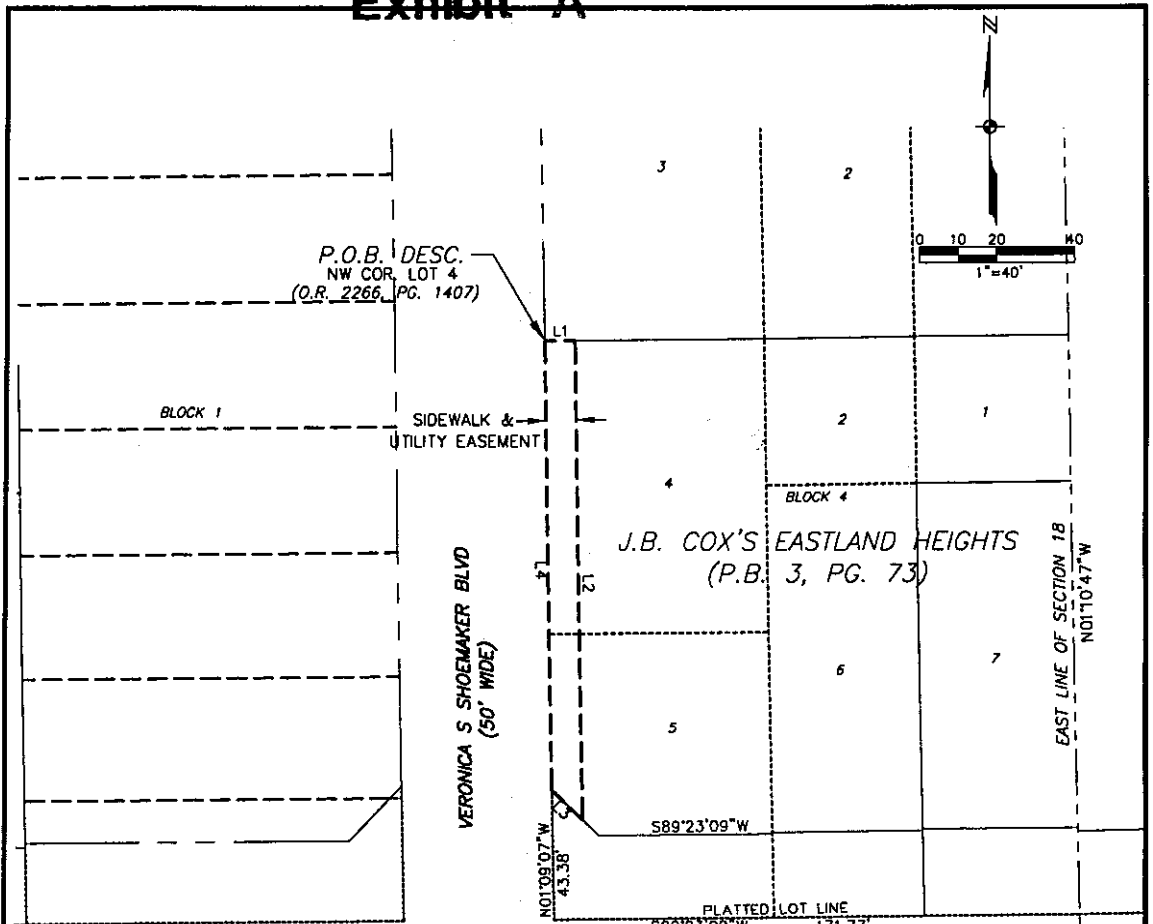
Parcel Contains 1,534 square feet, more or less.

Bearings hereinabove mentioned are based on said south line of the Southeast Quarter (SE-1/4) of Section 18, Township 44 South, Range 25 East to bear South 89° 18' 16" West.

Mark G. Wentzel (For The Firm LB-642)  
Professional Land Surveyor  
Florida Certificate No. 5247

19991321/Sidewalk Lot 4, Blk 4 011503

# Exhibit "A"



DR. MARTIN LUTHER KING JR. BLVD.  
STATE ROAD NO. 82  
(R.O.W. VARIES)

SECTION 18  
SECTION 19

SOUTH LINE OF SW 1/4 SECTION 18

SECTION CORNER  
18 17  
19 20

LINE TABLE		
LINE	LENGTH	BEARING
L1	10.00	N89°23'09"E
L2	158.36	S01°09'07"E
L3	14.19	N45°56'49"W
L4	148.38	N01°09'07"W

- LEGEND
- COR. = CORNER
  - DESC. = DESCRIPTION
  - FD. = FOUND
  - L.B. = LAND SURVEYOR BUSINESS
  - MON. = MONUMENT
  - O.R. = OFFICIAL RECORD
  - P.B. = PLAT BOOK
  - PG. = PAGE
  - P.O.B. = POINT OF BEGINNING
  - P.O.C. = POINT OF COMMENCEMENT
  - R. = RANGE
  - T. = TOWNSHIP
  - S. = SECTION
  - SQ. FT. = SQUARE FEET
  - F.P.L. = FLORIDA POWER AND LIGHT

**NOTES:**

1. SUBJECT TO ALL EASEMENTS, RESERVATIONS, RESTRICTIONS AND RIGHTS OF WAY OF RECORD.
2. BEARINGS ARE BASED ON THE SOUTH LINE OF THE SW 1/4 OF SECTION 18, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AS BEING S 89°18'16" W.
3. 10' SIDEWALK & UTILITY EASEMENT CONTAINS 1,534 SQUARE FEET, MORE OR LESS.

**THIS IS NOT A SURVEY**

*Mark G. Wentzel*  
 MARK G. WENTZEL (FOR THE FIRM-L.B.642)  
 PROFESSIONAL SURVEY AND MAPPER  
 FLORIDA CERTIFICATE NO. 5247

DATE SIGNED: 2/4/03

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

**10' SIDEWALK/UTILITY EASEMENT**  
 PART OF LOTS 4-5, BLOCK 4  
 J.B. COX'S EASTLAND HEIGHTS  
 (PLAT BOOK 3, PAGE 73, LEE COUNTY RECORDS)  
 SECTION 18, TOWNSHIP 44 S., RANGE 25 E.  
 CITY OF FORT MYERS, LEE COUNTY, FLORIDA

**JOHNSON ENGINEERING**

3501 DEL PRADO BOULEVARD  
 SUITE 110  
 CAPE CORAL, FLORIDA 33904  
 PHONE (941) 334-0048  
 FAX (941) 541-1383  
 E.B. #842 & L.B. #842

**SKETCH TO ACCOMPANY DESCRIPTION**

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
1-3-2003	19991321	19-44-25	1"=50'	1

S:\19991321\Surveying\lot\assess\sketches\ALL 24.dwg (Layout1) by Jan 31, 2003 - 10:38am

**Division of County Lands**

**Ownership and Easement Search**

Search No. 22437

Date: April 17, 2003

Parcel: 1000 SE & UT

Project: Palmetto Extension Project #4073

*KRP*

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

From: Kenneth Pitt  
Real Estate Title Examiner

STRAP: 18-44-25-P3-03404.0010

*No other changes  
as of 6/6/05*

Effective Date: March 6, 2003, at 5:00 p.m.

**Subject Property:** See attached Schedule "X"

Title to the subject property is vested in the following:

**Cynthia D. Rue**

by that certain instrument dated December 18, 1991, recorded December 20, 1991, in Official Record Book 2266, Page 407, Public Records of Lee County, Florida.

**Easements:**

1. Easement Reservation - reserves unto the State of Florida an easement for State Road R.O.W. 200 feet wide, 100 feet on each side of the center line of any State Road existing (on S-8, 1941) any parcel within 100 feet of said center line as conveyed by Deed recorded in Deed Book 143, Page 220 and repeated in Deed recorded in Deed Book 155, Page 392, Public Records of Lee County, Florida.
2. Easement granted to the Florida Power & Light Company, said easement being six feet in width, beginning at a point 4 feet East of the SW corner of Lot 6, Block 4, of J.B. Cox's RE Subdivision No. 2 of the East half of Eastland Heights, Plat Book 3, Page 73, run Northeasterly to Southwest corner of Lot 1, run Northerly to a point 23 feet along the West line, thence run 10 feet Easterly to the point of termination of said centerline.

NOTE 1: Subject property is not encumbered by a mortgage.

NOTE 2: Property is 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 in Official Record Book 2189, Page 3334, Public Records of Lee County, Florida.

## Division of County Lands

## Ownership and Easement Search

Search No. 22437

Date: April 17, 2003

Parcel: 1000 SE &amp; UT

Project: Palmetto Extension Project  
#4073

NOTE 3: Subject to Fort Myers City Council Resolution No. 94-48, P.U.E. was assessed \$67.35 for nuisance abatement, recorded in Official Record Book 2552, Page 2202, Public Records of Lee County, Florida.

NOTE 4: Subject to Lee County Resolution No. 98-05-06, P.U.E. was assessed \$532.53 relating to Delinquent Liens and Special Assessments levied for Lee County Mandatory Garbage and Solid Waste Collection, recorded in Official Record Book 2985, Page 963, Public Records of Lee County, Florida.

NOTE 5: Subject to ~~Lee County Resolution No. 99-08-05~~ P.U.E. was assessed \$532.95 relating to Delinquent 1998 Mandatory Solid Waste Assessments, recorded in ~~Official Record Book 3156~~, Page 305, Public Records of Lee County, Florida. *released OR 404! pg 1106*

NOTE 6: Subject to Fort Myers City Council Resolution No. 2001-25, recorded in Official Record Book 3439, Page 1180, Public Records of Lee County, Florida.

NOTE 7: Subject to a Judgment in the sum of \$113, 176.02 vs. Cynthia D. Rue recorded in Official Record Book 2871, Page 3921, and re-recorded in Official Record Book 2872, Page 2732, and Official Record Book 2905, Page 3586, Public Records of Lee County, Florida. *and O.R. 4677 page 662*

NOTE 8: Subject to Notice of Claim of Homestead Real Property recorded in Official Record Book 2897, Page 1761, Public Records of Lee County, Florida.

NOTE 9: Subject to City of Fort Myers Code Enforcement Order of Lien No. 98-59 vs. Cynthia Rue, in the sum of \$106.34, recorded in Official Record Book 2937, Page 595, Public Records of Lee County, Florida..

NOTE 10: Subject to City of Fort Myers Code Enforcement Order of Lien No. 98-63 vs. Cynthia Rue in the sum of \$78.61 recorded in Official Record Book 3003, Page 650, Public Records of Lee County, Florida.

NOTE 11: Subject to City of Fort Myers Code Enforcement Order of Lien No. 98-69 vs. Cynthia Rue in the sum of \$63.00, recorded in Official Record Book 3058, Page 3543, Public Records of Lee County, Florida.

NOTE 12: Subject to City of Fort Myers Code Enforcement Order of Lien No. 99-76 vs. Cynthia Rue in the sum of \$73.00 recorded in Official Record Book 3172, Page 4553, Public Records of Lee County, Florida.

NOTE 13: Subject to the City of Fort Myers Code Enforcement Order of Lien No. 99-79 vs. Cynthia



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

Search No. 22437

Date: April 17, 2003

Parcel: 1000 SE &amp; UT

Project: Palmetto Extension Project  
#4073

Rue in the sum of \$73.00 recorded in Official Record Book 3224, Page 1118, Public Records of Lee County, Florida.

**NOTE 14:** Subject to City of Fort Myers Code Enforcement Order of Lien No. 00-86 vs. Cynthia Rue in the sum of \$73.00 recorded in Official Record Book 3256, Page 1955, Public Records of Lee County, Florida.

**NOTE 15:** Subject to City of Fort Myers Code Enforcement Order of Lien No. 00-95 vs. Cynthia Rue in the sum of \$177.41 recorded in Official Record Book 3316, Page 3079, Public Records of Lee County, Florida.

**NOTE 16:** Subject to City of Fort Myers Code Enforcement Order of Lien No. 00-97 vs. Cynthia Rue in the sum of \$73.00 recorded in Official Record Book 3333, Page 816, Public Records of Lee County, Florida.

**NOTE 17:** Subject to City of Fort Myers Code Enforcement fine of \$250.00 vs. Cynthia Rue recorded in Official Record Book 3337, Page 5, Public Records of Lee County, Florida.

**NOTE 18:** Subject to City of Fort Myers Code Enforcement Order of Lien No. 00-98 vs. Cynthia Rue in the sum of \$73.00 recorded in Official Record Book 3342, Page 2029, Public Records of Lee County, Florida.

**NOTE 19:** Subject to City of Fort Myers Code Enforcement Order of Lien No. 01-100 vs. Cynthia Rue in the sum of \$83.25 recorded in Official Record Book 3360, Page 243, Public Records of Lee County, Florida.

**NOTE 20:** Subject to City of Fort Myers Code Enforcement Order of Lien No. 01-113 vs. Cynthia Rue in the sum of \$75.00 recorded in Official Record Book 3510, Page 1873, Public Records of Lee County, Florida.

**NOTE 21:** Subject to City of Fort Myers Code Enforcement Order of Lien No. 02-119 vs. Cynthia Rue in the sum of \$75.00 recorded in Official Record Book 3585, Page 1684, Public Records of Lee County, Florida.

**NOTE 22:** Subject to City of Fort Myers Code Enforcement Order of Lien No. 02-130 vs. Cynthia Rue in the sum of \$75.00 recorded in Official Record Book 3803, Page 3505, Public Records of Lee County, Florida.

**NOTE 23:** Subject to Order of Taking recorded in Official Record Book 2988, Page 3560, Public Records of Lee County, Florida.

## Division of County Lands

## Ownership and Easement Search

Search No. 22437

Date: April 17, 2003

Parcel: 1000 SE &amp; UT

Project: Palmetto Extension Project  
#4073

Note 24 : Subject to City of Fort Myers Code Enforcement Order of Lien No. 03-135 vs. Cynthia D. Rue in the sum of \$75.00 recorded in O.R. 3922, page 794

Note : 25: Statement of Compliance and Reduction of fine recorded in O.R. 4277, page 4242 and O.R. 4481, page 129.

Note 26: Subject to City of Fort Myers Code Enforcement lien No. 03-149 vs. Cynthia D. Rue in the sum of \$95.00 recorded in O.R. 4199, page 3175 and City of Fort Myers Code Enforcement Lien 03-147 vs. Cynthia Rue in the amount of \$75.00 recorded in OR 4121, page 4753 and CFM Code Enf. Lien vs. Cynthia D. Rue in the amount of \$75.00 recorded in OR 4475 page 4423 + \$115 recorded in O.R. 1731/3551, 2003-2004

**Tax Status:** Delinquent for tax years ~~1999-2002~~ inclusive.

(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.**

**Schedule X**  
**Parcel 1000 SE & UT**  
**Project: Palmetto Extension Project #4073**  
**Search No. 22437**

Lots 1 and 2, less Northerly 95.88 feet and all of Lots 4, 5 and 6, Block 4, J.B. COX'S RESUBDIVISION No. 2 of the East half of Eastland Heights Subdivision, as recorded in Plat Book 3, Page 73 of the Public Records of Lee County, Florida.

LESS the following:

Conveyed by John H. Schwegler to the State Road Department of the State of Florida in Deed Book 147, Page 414, Public Records of Lee County, Florida.

The South 28.1 feet of Lot 5, Block 4 of J.B. Cox's Resubdivision No. 2 of East half of Eastland Heights according to a map on file in Plat Book 3, Page 73 of the Lee County Public Records. Containing 0.045 acre, more or less.

Conveyed by J.L. Coxwell and Alma Coxwell to the State Road Department of the State of Florida in Deed Book 147, Page 415.

The South 28.6 feet of Lot 6, Block 4 of J.B. Cox's Resubidivion No. 2 of East half of Eastland Heights according to a map on file in Plat Book 3, Page 73 of the Lee County Public Records. Containing 0.030 acre, more or less.

Taken by the State of Florida, Department of Transportation by Order of Taking recorded in Official Record Book 2988, Page 3560, Public Records of Lee County, Florida.

PARCEL 168

ESTATE OR INTEREST TO BE OBTAINED: FEE SIMPLE

A portion of Lot 5, Block 4, J.B. COX' RESUBDIVISION NO. 2 OF THE EAST HALF OF EASTLAND HEIGHTS, a subdivision in Section 18, Township 44 South, Range 25 East, as per plat thereof recorded in Plat Book 3, Page 73, Public Records of Lee County, Florida.

Being described as follows:

Commence at the Southwest corner of said Lot 5; thence North 01°09'07" West along the West line of said Lot 5, a distance of 28.10 feet to the existing North Right of Way line of State Road 82 (Section 1207 Project DA WR 7(1) 4516) for the POINT OF BEGINNING; thence continue along said West line North 01°09'07" West, a distance of 15.28 feet; thence South 45°56'49" East, a distance of 21.73 feet to said existing north Right of Way line; thence South 89°23'09" West along said existing North Right of Way line, a distance of 15.31 feet to the POINT OF BEGINNING.

Containing 117 square feet.

# HANSON REAL ESTATE ADVISORS, INC.

Real Estate Valuation and Counseling

June 15, 2005

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

Re: Complete Summary Appraisal Report No: 04-07-02  
Project: Veronica S. Shoemaker Blvd.  
Formerly Palmetto Avenue Extension  
Project No. 4073, Parcel 1000  
Owner: Cynthia D. Rue  
County: Lee County, Florida

Dear Mr. Clemens:

We are pleased to transmit this summary report of a complete appraisal that was prepared on the above referenced property. The purpose of this appraisal is to develop an opinion of the market value of those property rights proposed to be acquired by Lee County, Florida together with all legally compensable diminution in value to the remaining land (if any) which can be attributed to the proposed partial taking, or the uses and/or activities proposed thereon. The attached report sets forth the data, research, analyses and conclusions for this appraisal.

The report has been prepared in conformity with the *Uniform Standards of Professional Appraisal Practice (USPAP)* and the *Code of Professional Ethics and Standards of Professional Appraisal Practice* of the Appraisal Institute. Our opinion of market value is premised upon the Assumptions and Limiting Conditions contained within this report. The definition of market value is in Addendum B.

The **parent tract**, containing 21,986 square feet or 0.505 acres of gross land area, is irregular shaped and is located at a signalized intersection at the northeast corner of SR 82 (Dr. Martin Luther King Jr. Blvd.) and Veronica S. Shoemaker Blvd. in Fort Myers, Lee County, Florida. The parent tract has 106.69 feet of frontage along Dr. Martin Luther King Jr. Blvd. and 148.38 feet of frontage along Veronica S. Shoemaker Blvd. The property has a future land use designation of B-2, Business District Two. The appraisers have estimated the highest and best use of the property "as vacant" for future commercial development.

The parent tract is improved with a former restaurant building with an attached refrigeration unit. This vacant building contains 1,471 square feet and was built in 1984. The Lee County Property Appraiser records show the building containing 615 square feet of base area and 856 square feet of apartment area. Some of the more significant site improvements include pavement and parking areas, a brick deck area by the entrance to the building, sidewalk areas adjacent to the building, a light pole, and water retention area. It is the appraisers' opinion that the highest and best use of the subject property "as improved" is for use as a commercial structure subject to required regulatory approvals.

The **partial acquisition area** identified as a 10' Sidewalk/Utility Easement contains 1,534 square feet and is a narrow almost rectangular shaped tract. This proposed acquisition area is to provide a perpetual non exclusive right of way easement for bikepath/sidewalk and a perpetual public utility easement as part of the improvements being made to the future southbound lanes of Veronica S. Shoemaker Blvd. This easement area may not have constructed upon or placed within structures such as houses, fences, buildings, carports, garages, and storage sheds. Also, no interfering landscape material can be placed in the easement. This 10 foot wide easement has a westerly side with 148.38 feet located along the east side of the existing right-of-way of Veronica S. Shoemaker Blvd. Its easterly side is 158.36 feet, its north side is 10 feet and the south side is 14.19 feet. Improvements located within this partial acquisition area include asphalt pavement and wheel stops.

The **remainder property** contains 21,986 square feet or 0.505 acres inclusive of the 10' Sidewalk/Utility Easement area. The remainder property, similar to the parent tract before the taking, maintains its same shape. The remainder property frontage remains the same with 106.69 feet along Dr. Martin Luther King Jr. Blvd. and 148.38 feet along Veronica S. Shoemaker Blvd. As a result of the impacts and affects associated with the partial taking, it is the appraisers opinion that the highest and best use "as vacant" remains for future commercial development and "as improved" is for use as a commercial structure after implementing the proposed cure subject to required regulatory approvals.

By reason of our investigation and analysis, data contained in this report and our experience in the real estate appraisal business, it is our opinion that the amount due the owner (as a result of the proposed partial acquisition), as of June 14, 2005, is:

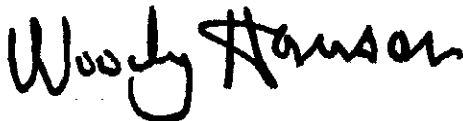
Value of Property Rights Taken:

• Parcel 1000 (10' Sidewalk/Utility Easement):	\$4,600
• Improvements Taken:	<u>2,800</u>
• Part Taken:	\$7,400
• Damages, Incurable:	-0-
• Net Cost to Cure:	<u>3,100</u>

TOTAL AMOUNT DUE OWNER: \$10,500

If you have any questions or comments, please contact the undersigned. Thank you for the opportunity to be of service.

Respectfully submitted,



Woodward S. Hanson, MAI, CRE, CCIM  
St. Cert. Gen. REA RZ 1003



Timothy P. Foster, Senior Appraiser  
St. Cert. Gen. REA RZ 2526

# 5-Year Sales History

Parcel No. 1000

Veronica S. Shoemaker Blvd. Extension Project, No. 4073

**NO SALES in PAST 5 YEARS**

**NOTE: Sale(s) relate to "parent tract" of the subject parcel.**



# LEE COUNTY

SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 239.478.8505  
239.478.8381 FAX

Bob Jones  
*District One*

VIA FAX TO 332-8804

Douglas R. St. Cemy  
*District Two*

June 22, 2005

Ray Judah  
*District Three*

Timmy Hall  
*District Four*

Saeed Kazemi, P.E. City Engineer  
City of Fort Myers

John E. Albion  
*District Five*

P.O. Box 2217  
Fort Myers, FL 33902-2217

Donald D. Stillwell  
*County Manager*

RE: **PARCEL 1000, VERONICA S. SHOEMAKER BLVD. EXTENSION PROJECT**  
Request for review and sign-off on acquisition proposal

Diana M. Parker  
*County Hearing Examiner*

Dear Saeed:

The appraisal for Parcel 1000 has been reviewed and approved by County Staff and we are preparing to request Board approval to make a binding offer. Below is the relevant data for this parcel. Please review and approve on behalf of the City as well as confirm that funds are available. Thank you.

Sincerely,

Michele S. McNeill, SRAWA  
Property Acquisition Agent

Parcel 1000  
Property Owner: Cynthia D. Rue  
Appraiser: Hanson Real Estate Advisors, Inc. (W.S. Hanson, MAI, CCIM, CRE)  
Appraisal Date: 6/14/2005  
Appraised Amount: \$10,500

Binding Offer Approved:

Funds are available in account:

  
Saeed Kazemi, P.E.  
City Engineer, City of Fort Myers