· · · · · · · · · · · · · · · · · · ·	Lee County Board of C	ounty Commissioners	
•	Agenda Item	-	heet No. 20030227
in the amount of \$67,000, pursua authorize the Chairman on beha	int to the terms and conditions s If of the Board of County Comm	for the Three Oaks Parkway South Extent of forth in the Agreement for Purchase a ssioners to sign the Purchase Agreem Lands to handle and accept all docur	and Sale of Real Estate; nent; authorize payment
		cept all real estate conveyances to Le	-
WHAT ACTION ACCOMPLIS Board's need to exercise its pow		rty during the voluntary phase of the p	project, thus avoiding the
2. DEPARTMENTAL CATE		3. MEETI	NG DATE:
COMMISSION DISTRICT		v03	3-11-2003
4. <u>AGENDA</u> : <u>X</u> CONSENT ADMINISTRATIVE APPEALS PUBLIC WALK ON TIME REQUIRED:	5. <u>REQUIREMENT/PURPOSE</u> : (Specify) STATUTE 125 ORDINANCE ADMIN. OTHER	6. <u>REQUESTOR OF INFORM</u> A. COMMISSIONER B. DEPARTMENT <u>Indeper</u> C. DIVISION <u>County</u> BY: <u>Karen L. W. Forsyth, Dir</u>	ndent Lands
	l uant to an agreement with the (ity of Bonita Springs, the Division of C	County Lands has been
		rty for the Three Oaks Parkway South	
This acquisition consists of the fe Drive, being further identified as		ed with a single-family mobile home, lo 1.0340	ocated at 26640 Nomad
		operty to the County for \$67,000.00, whi 500. The seller is responsible for real e	
The property was appraised by the for reference.	he firm of Carlson, Norris and A	ssociates, Incorporated. The salient ap	ppraisal data is attached
Staff recommends that the Board	approve the Requested Motio	1.	
Funds will be available in Accour 20 - CIP	nt 20404330709.506110	Attachments: Purchase Appraisal	Agreement
4043 - Three Oaks Park 30709 - Trans-Capital - B		Ownership	n City of Bonita Springs p/Title Data
506110 - Land 8. MANAGEMENT RECOMME		5-Year Sa	ales History
	9. <u>RECOMMEND</u>	ED APPROVAL:	
A B Department Burchesing or	C D E	F Budget Septions	G
Department Purchasing or Director Contracts	Human Other Coun Resources Attorn		County Manager
H. Forsyth	2-25-6		BC Marin
10. <u>COMMISSION ACTION</u> : APPROVED	- 4		
DENIED		Rec. by CoAtty COUNTY ADM	IIN. GW
DEFERRED OTHER		Dete: $2/2.4/03$ $2-25-03$	
		Time: 3: 10 4:30	
		Forwarded To:	$\frac{10}{20}$

S:\POOL\3-Oaks 4043\214 ALANIS\BLUE SHEET 02 18 03 03.wpd-jkg (2/19/03)

This document prepared by:

Lee County County Lands Division Project: Three Oaks Parkway Extension, No. 4043 Parcel: 214/Alanis STRAP No.: 25-47-25-B4-00201.0340

BOARD OF COUNTY COMMISSIONERS

LEE COUNTY

AGREEMENT FOR PURCHASE AND SALE OF REAL ESTATE

THIS AGREEMENT for purchase and sale of real property is made this _____ day of _____, 20___ by and between Blanca Alanis, a married person, hereinafter referred to as SELLER, whose address is, 26640 Nomad Drive, Bonita Springs, Florida 34135, and Lee County, a political subdivision of the State of Florida, hereinafter referred to as BUYER.

WITNESSETH:

1. AGREEMENT TO PURCHASE AND TO SELL: SELLER agrees to sell and BUYER agrees to purchase, subject to the terms and conditions set forth below, a parcel of land consisting of .187 acres more or less, and located at 26640 Nomad Drive, Bonita Springs, Florida 34135 and more particularly described as Lot 34, Block 1, of that certain subdivision known as LEITNER CREEK MANOR, Unit 2, according to the map or plat thereof on file and recorded in the office of the Clerk of the Circuit Court of Lee County, Florida, in Plat Book 30, Pages 79 and 80, hereinafter called "the Property." This property will be acquired for the Three Oaks Parkway South Extension Project, hereinafter called "the Project."

2. **PURCHASE PRICE AND TIME OF PAYMENT:** The total purchase price ("Purchase Price") will be Sixty-Seven Thousand and No/100 (\$67,000.00), payable at closing by County Warrant.

AGREEMENT FOR PURCHASE AND SALE OF REAL ESTATE Page 2 of 7

3. EVIDENCE OF TITLE: BUYER will obtain at BUYER'S expense an American Land Title Association Form B Title Commitment and provide title insurance Owner's Policy in the amount of the Purchase Price, from a title company acceptable to BUYER. The commitment will be accompanied by one copy of all documents that constitute exceptions to the title commitment. The commitment will also show title to be good and marketable with legal access, subject only to real estate taxes for the current year, zoning and use restrictions imposed by governmental authority, and restrictions and easements common to the area.

4. CONDITION OF PROPERTY; RISK OF LOSS: BUYER has inspected the Property and, except as is otherwise provided herein, accepts the Property in the condition inspected. Any loss and/or damage to the Property occurring between the date of this offer and the date of closing or date of possession by BUYER, whichever occurs first, will be at SELLER's sole risk and expense. However, BUYER may accept the damaged property and deduct from the purchase price any expenses required to repair the damage, or BUYER may cancel this Agreement without obligation.

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

- (a) A statutory warranty deed, and an affidavit regarding liens, possession, and withholding under FIRPTA in a form sufficient to allow "gap" coverage by title insurance;
- (b) documentary stamps on deed;
- (c) utility services up to, but not including the date of closing;
- (d) taxes or assessments for which a bill has been rendered on or before the date of closing;
- (e) payment of partial release of mortgage fees, if any;
- (f) SELLER's attorney fees, if any.
- 6. BUYER'S INSTRUMENTS AND EXPENSES: BUYER will pay for:
 - (a) Recording fee for deed;
 - (b) survey, (if desired by BUYER).

AGREEMENT FOR PURCHASE AND SALE OF REAL ESTATE Page 3 of 7

7. TAXES: SELLER will be charged for Real Estate taxes and personal property taxes (if applicable) up to, but not including the date of closing.

8. DEFECTS IN TITLE AND LEGAL ACCESS: Prior to closing, BUYER will have a reasonable time to examine the title and documents establishing legal access to the property. If title or legal access is found to be defective, BUYER will notify SELLER in writing of the defects and SELLER will make a prompt and diligent effort to correct such defects. If SELLER fails to make corrections within 60 days after notice, BUYER may elect to accept the Property in its existing condition with an appropriate reduction to the purchase price, or may terminate this Agreement without obligation.

9. SURVEY: BUYER may order the Property surveyed at BUYER's expense. SELLER agrees to provide access to the Property for the survey to be performed. If the survey shows a discrepancy in the size or dimensions of the Property, or shows encroachments onto the Property or that improvements located on the Property encroach onto adjacent lands, or if the survey identifies violations of recorded covenants or covenants of this Agreement, upon notice to the SELLER, the BUYER may elect to treat those discrepancies, violations or encroachments as a title defect.

10. ENVIRONMENTAL AUDIT: BUYER may perform or have performed, at BUYER's expense, an environmental audit of the Property. If the audit identifies environmental problems unacceptable to the BUYER, BUYER may elect to accept the Property in its existing condition with an appropriate abatement to the purchase price or BUYER may terminate this Agreement without obligation.

AGREEMENT FOR PURCHASE AND SALE OF REAL ESTATE Page 4 of 7 $\,$

11. ABSENCE OF ENVIRONMENTAL LIABILITIES: The SELLER hereby warrants and represents that the Property is free from hazardous materials and does not constitute an environmental hazard under any federal, state or local law or regulation. No hazardous, toxic or polluting substances have been released or disposed of on the Property in violation of any applicable law or regulation. The SELLER further warrants that there is no evidence that hazardous, toxic or polluting substances are contained on or emitting from the property in violation of applicable law or regulation. There are no surface impoundments, waste piles, land fills, injection wells, underground storage areas, or other man-made facilities that have or may have accommodated hazardous materials. There is no proceeding or inquiry by any governmental agency with respect to production, disposal or storage on the property of any hazardous materials, or of any activity that could have produced hazardous materials or There are no buried, toxic effects on humans, flora or fauna. partially buried, or above-ground tanks, storage vessels, drums or containers located on the Property. There is no evidence of release of hazardous materials onto or into the Property.

The SELLER also warrants that there have been no requests from any governmental authority or other party for information, notices of claim, demand letters or other notification that there is any potential for responsibility with respect to any investigation or clean-up of hazardous substance releases on the property. All warranties described herein will survive the closing of this transaction.

In the event the SELLER breaches the warranties as to environmental liability, SELLER agrees to indemnify and hold the BUYER harmless from all fines, penalties, assessments, costs and reasonable attorneys' fees resulting from contamination and remediation of the property.

12. TIME AND BINDING AGREEMENT: Time is of the essence for closing this transaction. The BUYER's written acceptance of this offer will constitute an Agreement for the purchase and sale of the Property and will bind the parties, their successors and assigns. In the

AGREEMENT FOR PURCHASE AND SALE OF REAL ESTATE Page 5 of 7

event the BUYER abandons this project after execution of this Agreement, but before closing, BUYER may terminate this Agreement without obligation.

13. DATE AND LOCATION OF CLOSING: The closing of this transaction will be held at the office of the insuring title company on or before sixty (60) days from the date this Agreement is made. The time and location of closing may be changed by mutual agreement of the parties.

14. **ATTORNEYS' FEES:** The prevailing party in any litigation concerning this Agreement will be entitled to recover reasonable attorneys' fees and costs.

15. **REAL ESTATE BROKERS:** SELLER hereby agrees to indemnify and hold the BUYER harmless from and against any claims by a real estate broker claiming by or through SELLER.

16. **POSSESSION:** SELLER warrants that there are no parties in possession other than SELLER unless otherwise stated herein. SELLER agrees to deliver possession of Property to BUYER at time of closing unless otherwise stated herein.

17. **TYPEWRITTEN/HANDWRITTEN PROVISIONS:** Typewritten and handwritten provisions inserted herein or attached hereto as addenda, and initialed by all parties, will control all printed provisions in conflict therewith.

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

WITNESSES: Alma andival Jourse feich & onnez	SELLER: <u>ISlauca & Alance 1-29-03</u> BLANCA ALANIS (DATE)
WITNESSES:	SELLER:
	(DATE)
CHARLIE GREEN, CLERK	BUYER: LEE COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS
BY:	BY:CHAIRMAN OR VICE CHAIRMAN
	APPROVED AS TO LEGAL FORM AND SUFFICIENCY
	COUNTY ATTORNEY (DATE)

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

SPECIAL CONDITIONS

BUYER: Lee County SELLER: Blanca Alanis PARCEL NO.: 214

BUYER and SELLER hereby covenant that the Purchase Price recited herein, except as noted below, includes payment for moving expenses, the manufactured home (Model), additions, improvements, detached shed(s), landscaping and for all fixtures, including but not limited to, built-in-appliances, air conditioning units, hot water heaters, ceiling fans, screen enclosures, windows, awnings, doors and floor covering, as of the date of the BUYER'S appraisal.

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

Upon the BUYER'S written acceptance of this Agreement, SELLER hereby gives permission allowing entry to the premises by County Representatives, upon first receiving 48 hours prior notice, in order for the premises to be inspected to determine if relocating any or all real estate improvements is feasible subsequent to closing and the County taking possession of the Property.

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

CARLSON, NORRIS AND ASSOCIATES, INC. (239) 936-199

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nmediate vicinity or the subject property.: <u>No adverse environmental conditions noted on the subject site or in the immediate vicinity.</u>			•									
	mmediate vicinit	y of the s	ubject proper	ty: No	adverse e	nvironmen	tal conditio	ns noted or	the sub	ect site or	n the imme	ediate vicinity.

Freddie Mac Form 70 6/93

4.

Fannie Mae Form 1004 6/93

Form UA2 — "TOTAL for Windows" appraisal software by a la mode, inc. -- 1-800-ALAMODE

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PAGE 2 OF 2 Form UA2 — "TOTAL for Windows" appraisal software by a la mode, inc. — 1-800-ALAMODE

Fannie Mae Form 1004 6-93



City of Bonita Springs

9220 BONITA BEACH ROAD SUITE 111 BONITA SPRINGS, FL 34135 TEL: (941) 390-1000 FAX: (941) 390-1004

Paul D. Pass Mayor

Wayne P. Edsall Councilman District One

Jay Arend Councilman District Two

R. Robert Wagner Councilman District Three

John C. Warfield Councilman District Four

David T. Piper, Jr. Councilman District Five

Ben L. Nelson, Jr. Councilman District Six

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Gary A. Price City Manager

Audrey E. Vance City Attorney February 4, 2003

Mr. J. Keith Gomez Property Acquisition Agent Lee County PO Box 398 Fort Myers, FL 33902

RE: Purchase Agreement – Three Oaks Parkway Extension Project No. 4043 Parcel 214, Alanis

Dear Mr. Gomez:

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

Incidentally, the legal description at the top of the Agreement to purchase is 201.0230, should this be 201.0340?

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

Respectfully.

Gary A. Price City Manager

GAP/kw

FUND COMMITMENT

Schedule A

Commitment No.: CF-0964874 Effective Date: January 6, 2003 at 11:00P.M.

1. Policy or Policies to be issued:

Fund File Number 18-2003-551 *Agent's File Reference:* 03-1043

Proposed Amount of Insurance

OWNER'S: ALTA Owner's Policy (10/17/92).

To Be Determinate

Proposed Insured:

Lee County, a political subdivision of the State of Florida

MORTGAGEE:

Proposed Insured:

2. The estate or interest in the land described or referred to in this commitment is a fee simple and title thereto is at the effective date hereof vested in:

Paul Eugene McKnight - * See Endorsement Attached.

3. The land referred to in this commitment is described as follows:

Lot 34, Block 1, LEITNER CREEK MANOR, according to the map or plat thereof as recorded in Plat Book 30, Page(s) 79, Public Records of Lee County, Florida.

AGENT NO.: 13710 ISSUED BY: Law Offices of John D Spear, P.A.

MAILING ADDRESS:

9200 Bonita Beach Rd. Ste. 204 Bonita Springs, Fl 34135

AGENT'S SIGNATURE

Law Offices of John D Spear PA

Rev.1.2

Page 1 of 3

FUND COMMITMENT Schedule B

Commitment No.: CF-0964874

Fund File Number 18-2003-551

- I. The following are the requirements to be complied with:
 - 1. Payment of the full consideration to, or for the account of, the grantors or mortgagors.
 - 2. Instruments creating the estate or interest to be insured which must be executed, delivered and filed for record:
 - A. Warranty Deed from Paul Eugene McKnight, joined by spouse, if married, to the proposed purchaser(s).
 - 3. A determination must be made that there are no unrecorded special assessment liens or unrecorded liens arising by virtue of ordinances, unrecorded agreements as to impact or other development fees, unpaid waste fees payable to the county or municipality, or unpaid service charges under Ch. 159, F. S., or county ordinance.
 - 4. Proof of payment of taxes for the year 2002 must be furnished, and any tax certificates issued with respect thereto must be canceled by the clerk of the court.

II. Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of The Fund:

- 1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage thereon covered by this commitment.
- 2. Any owner and mortgagee policies issued pursuant hereto will contain under Schedule B the standard exceptions set forth at the inside cover hereof unless an affidavit of possession and a satisfactory current survey are submitted, an inspection of the premises is made, it is determined the current year's taxes or special assessments have been paid, and it is determined there is nothing of record which would give rise to construction liens which could take priority over the interest(s) insured hereunder (where the liens would otherwise take priority, submission of waivers is necessary).
- 3. Federal liens and judgment liens, if any, filed with the Florida Department of State pursuant to Sec. 713.901, et seq., F.S., and Sec. 55.201, et seq., F.S., respectively, which designate the Florida Department of State as the place for filing federal liens and judgment liens against personal property. For insuring purposes:
 - (a) Pursuant to Sec. 713.901, et seq., F.S., personal property includes, but is not limited to, mortgages, leaseholds, mortgages on leaseholds, interests in cooperative associations, vendees' interests, and options when those interests are held by a partnership, corporation, trust or decedent's estate; and

FUND COMMITMENT Schedule B

Commitment No.: CF-0964874

Fund File Number 18-2003-551

- (b) Pursuant to Sec. 55.201, et seq., F.S., personal property includes, but is not limited to, leaseholds, interests in cooperative associations, vendees' interests, and options regardless of the type of entity holding such interests, including individuals. (Note: Mortgages have been specifically excluded from the personal property interests in which a judgment lien may be acquired under the provisions of Sec. 55.201, et seq., F.S.)
- 5. Covenants, conditions and restrictions recorded January 25, 1972, in O.R. Book 773, Page 856, Public Records of Lee County, Florida.
- 6. Right-of-way Agreement recorded in O.R. Book 826, Page 697, Public Records of Lee County, Florida.
- 7. Taxes for the year 2003, which are not yet due and payable.
- Lee County Ordinance No. 86-14 recorded November 30, 1990, in O.R. Book 2189, Page 3281; and amended by Ordinance No. 86-38 in O.R. Book 2189, Page 3334, Public Records of Lee County, Florida.
- 9. Subject to rights of tenants under unrecorded leases, if any.
- 10. Attorneys' Title Insurance Fund, Inc. has no liability under this commitment until an endorsement is issued stating the amount of the proposed policy.

ENDORSEMENT

Attorneys' Title Insurance Fund, Inc.

ORLANDO, FLORIDA

Endorsement No. 1 to Commitment No.: CF-0964874

Name of Original Insured:

LEE COUNTY, a political subdivision of the State of Florida

Original Effective Date: 01/06/03 11:00.00 p.m.

Original Amount of Insurance: \$ Agent's File Reference: 03-1043

The policy is hereby amended as follows:

- 1. Schedule A, the effective date, is amended to read as follows: January 14, 2003, at 11:00 p.m.
- 2. Schedule A, item 1, the amount of insurance, is amended to read as follows: \$67,000.00
- 3. Schedule A, item 2, is amended to read as follows: BLANCA ALANIS (O.R. Book 3821/1557)
- 4. Schedule A, item 3, is amended to read as follows: Lot 34, Block 1, of that certain subdivision known as LEITNER CREEK MANOR, UNIT 2, according to the map or plat thereof on file and recorded in the office of the Clerk of the Circuit Court of Lee County, Florida, in Plat Book 30, pages 79 and 80. See Continuation Sheet

(Continue text of endorsement on separate continuation sheet if necessary.)

but in all other respects remains unchanged.

LAW OFFICES OF JOHN D. SPEAR, P.A.

Name of Agent

Joh O Spea

Attorney - Agent's Signature

01/13/03

13710

Date

Agent No.

Attorneys' Title Insurance Fund, Inc.

By Charles J. Kovaleski President

Serial No.

No. CF-0964874

5. Schedule B-I, item 2, is amended to add the following: (b)Satisfaction of that Mortgage from BLANCA ALANIS to PAUL E. McKNIGHT, dated June 15, 2002, recorded in O.R. Book 3821, page 1558, securing a principal indebtedness of \$48,000.00, Public Records of Lee County, Florida.

5-Year Sales History

Parcel No. 214

Three Oaks Parkway South Extension Project No. 4043

Grantor	Grantee	Price	Date	Arms Length Y/N
Paul E. McKnight	Blanca Alanis	\$54,000.00	06/15/02	N

S:\POOL\3-Oaks 4043\214 ALANIS\5 Year Sales History.wpd