

Lee County Board Of County Commissioners

Agenda Item Summary

Blue Sheet No. 20040822

1. REQUESTED MOTION:

ACTION REQUESTED: Authorize: 1) the Division of County Lands to make a binding offer to property owner in the amount of \$55,440 for Parcels 201 A & B, Bonita Beach Road Widening, Project No. 4044, pursuant to the Easement Purchase Agreement; 2) the Division of County Lands to handle all documentation necessary to complete transaction.

WHY ACTION IS NECESSARY: The Board must authorize the making of a binding offer to a property owner prior to initiation of condemnation proceedings.

WHAT ACTION ACCOMPLISHES: Makes binding offer to property owner.

2. DEPARTMENTAL CATEGORY: 06
COMMISSION DISTRICT # 3 *CLC*

3. MEETING DATE: *07-27-2004*

4. AGENDA:
 CONSENT
 ADMINISTRATIVE
 APPEALS
 PUBLIC
 WALK ON
 TIME REQUIRED:

5. REQUIREMENT/PURPOSE:
 (Specify)
 STATUTE 73 & 125
 ORDINANCE
 ADMIN. CODE
 OTHER

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

7. BACKGROUND:

Negotiated for: Department of Transportation

Interest to Acquire: Retention/Detention Pond Easement and a Perpetual Stormwater Drainage Easement

Property Details:

Owner: **Flamingo Island Market, Ltd. , a Florida limited Partnership**
 STRAP No.: 36-47-25-B3-00019.0000

Purchase Details:

Purchase Price: \$55,440

Appraisal Information:

Company: Carlson, Norris and Associates, Inc.
 Appraised Value: \$46,200

Staff Recommendation: Staff is of the opinion that the purchase price increase of \$9,240 above the appraised value can be justified considering the costs associated with condemnation proceedings involving an FPL transmission line, estimated between \$11,000 - \$17,000 excluding the value of the property. Staff recommends the Board approve the Requested Motion.

Account: 20404430700.506110

Attachments: Purchase and Sale Agreement, In-House Title Search, Appraisal Letter, Sales History

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services <i>APM 6/28/04</i>				G County Manager
<i>K. Forsyth</i>			<i>APM</i>	<i>Summ</i>	OA <i>6/23/04</i>	OM <i>6/23/04</i>	Risk <i>58 6/23/04</i>	GC <i>18 6/23/04</i>	<i>HS</i>

10. COMMISSION ACTION:

APPROVED
 DENIED
 DEFERRED
 OTHER

Rec. by CoAtty
 Date: *6/22/04*
 Time: *1:00 PM*
 Forwarded To:
 Co. Adm.
6/23/04 9AM

RECEIVED BY
 COUNTY ADMIN:
6/23/04
 COUNTY ADMIN
 FORWARDED TO:
6/23/04
9AM

HS

Parcel: 201 A & B
Project: Bonita Beach Road Widening Project No. 4044
STRAP No.: 36-47-25-B3-00019.0000

EASEMENT PURCHASE AGREEMENT

This Agreement made and entered into this ____ day of _____, 20 ____, by and between Flamingo Island Market, Ltd., a Florida limited partnership, whose address is 4099 Tamiami Trail N., #305, Naples, Florida 34103, 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 stormwater drainage easement and a retention/ detention pond easement located and described as set forth in Exhibit "A", attached hereto and made a part hereof by reference, in conjunction with the Bonita Beach Road Improvement Project #4044.

- a) Owner will grant said easements to Purchaser for the sum of \$54,440; Purchaser to pay recording costs, documentary stamps and title insurance.
- b) Owner agrees that said easement will be granted to Purchaser by execution of each perpetual easement in form and substance set forth in Exhibit "B" attached hereto and made a part hereof by reference.
- 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.

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:**

Flamingo Island Market, Ltd., a Florida limited partnership

By: Market Management, Inc., a Florida corporation
General Partner

1st Witness Signature

By: _____

2nd Witness Signature

Asa W. Candler, President
Name, Title and Date

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

Exhibit "A"

Page 1 of 4

PARCEL 201A

A parcel of land lying in Section 36, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

COMMENCE at the Southeast corner of Section 36, said point being Station 444+93.39 on the Survey Base Line of Bonita Beach Road, Lee County Project Number CN-01-16; Thence S 88°44'56" W, 75.60 feet along said Survey Base Line and south line of said Section 36 to station 444+17.79; Thence departing said Survey Base Line, N 01°07'00" W, 27.26 feet to a point on the north right of way line of Bonita Beach Road said point also being 27.26 feet left of station 444+17.85 and the POINT OF BEGINNING; Thence S 88°57'02" W, along said north right of way line, 35.00 feet to a point being 27.38 feet left of station 443+82.85; Thence departing said north right of way line, N 01°07'01" W, 264.29 feet to the south line of Parcel 201B; Thence N 89°33'04" E, along said south line, 35.00 feet; Thence S 01°07'00" E, 263.92 feet to the north right of way line of Bonita Beach Road and the POINT OF BEGINNING.

Said lands containing 9,243 Square Feet, more or less.

NOTE:

BEARINGS SHOWN HEREON ARE BASED UPON THE SURVEY BASE LINE OF BONITA BEACH ROAD, HAVING A BEARING OF N 88°44'56" E. FROM P.I. STATION 418+53.68 BEING A FOUND ALUMINUM DISK STAMPED "PLS 3955 1/4 COR" AT THE SOUTH 1/4 CORNER OF SECTION 36 TO P.I. STATION 444+93.39 BEING A FOUND ALUMINUM DISK STAMPED "MCKEE LB 5093" AT THE SOUTHEAST CORNER OF SECTION 36.

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

PREPARED BY:
AIM ENGINEERING & SURVEYING, INC.

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

AIM Engineering & Surveying, Inc.



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

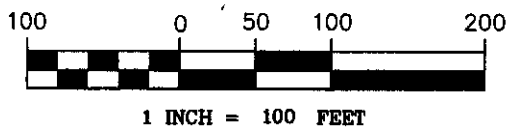
THIS IS NOT A SURVEY

SHEET 1 OF 2

PROJECT NUMBER: 01-8109	DESCRIPTION: LEGAL DESCRIPTION AND SKETCH PARCEL 201A BONITA BEACH ROAD LEE COUNTY PROJECT NUMBER CN-01-16		
DRAWN BY: LWC	CLIENT: LEE COUNTY		
DATE: 9/24/03	SEC-TWP-RGE 36-47S-25E	FILE: 8109-201A	COUNTY: LEE COUNTY

Exhibit "A"

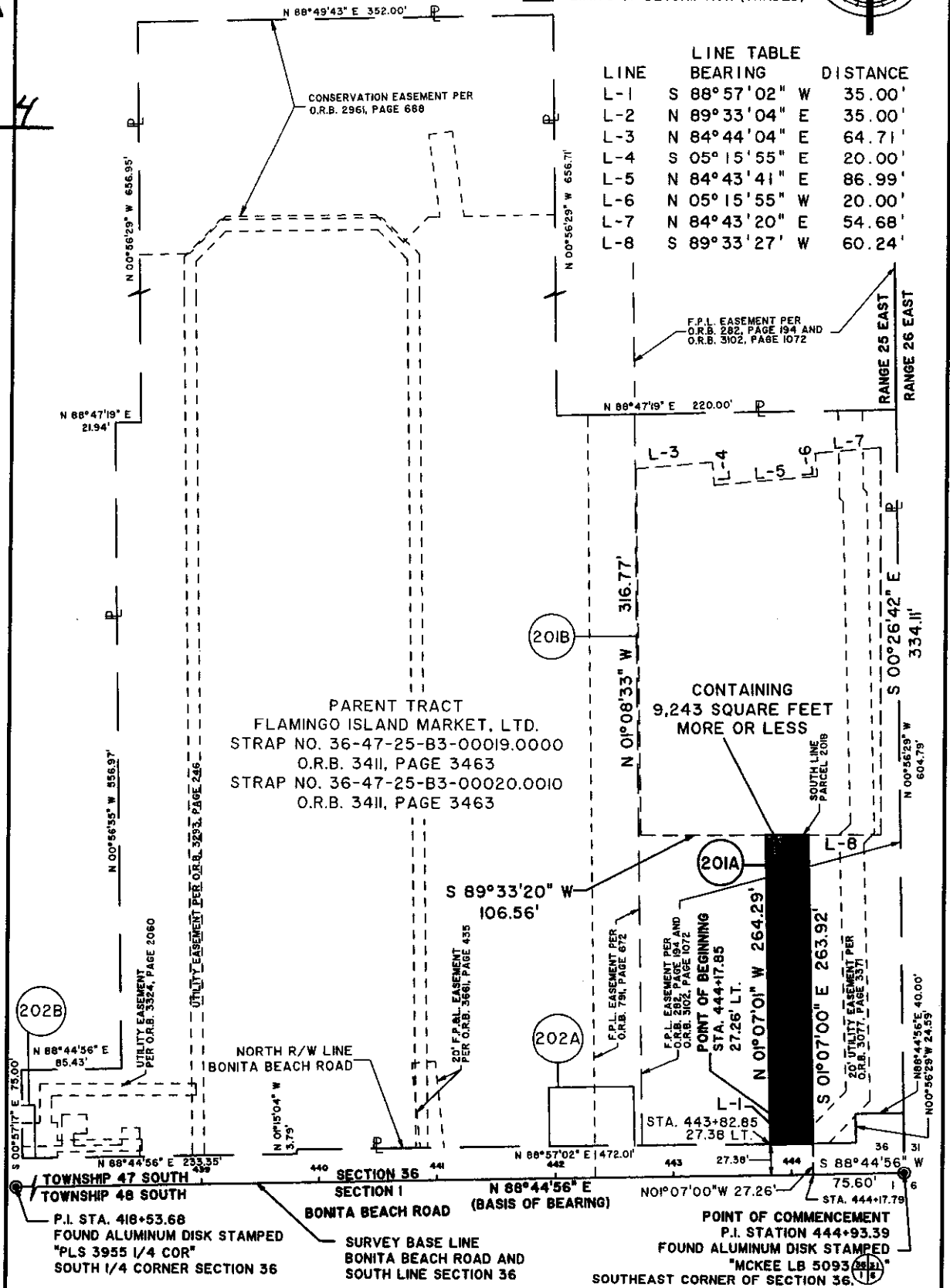
Page 2 of 4



LEGEND
 O.R.B. = OFFICIAL RECORDS BOOK
 P.L. = PROPERTY LINE
 STA. = STATION
 LT. = LEFT
 F.P.L. = FLORIDA POWER & LIGHT
 F.P.&L. = FLORIDA POWER & LIGHT
 P.I. = POINT OF INTERSECTION
 [SHADED] = LIMITS OF DESCRIPTION (SHADED)



LINE	BEARING	DISTANCE
L-1	S 88° 57' 02" W	35.00'
L-2	N 89° 33' 04" E	35.00'
L-3	N 84° 44' 04" E	64.71'
L-4	S 05° 15' 55" E	20.00'
L-5	N 84° 43' 41" E	86.99'
L-6	N 05° 15' 55" W	20.00'
L-7	N 84° 43' 20" E	54.68'
L-8	S 89° 33' 27" W	60.24'



AIM Engineering & Surveying, Inc.



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

THIS IS NOT A SURVEY

SHEET 2 OF 2

PROJECT NUMBER: 01-8109	DESCRIPTION: LEGAL DESCRIPTION AND SKETCH PARCEL 201A BONITA BEACH ROAD LEE COUNTY PROJECT NUMBER CN-01-16
DRAWN BY: LWC	CLIENT: LEE COUNTY
DATE: 9/24/03	SEC-TWP-RGE 36-47S-25E
FILE: 8109-201A	COUNTY: LEE COUNTY

Exhibit "A"

Page 3 of 4

PARCEL 201B

A parcel of land lying in Section 36, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

COMMENCE at the Southeast corner of Section 36, said point being Station 444+93.39 on the Survey Base Line of Bonita Beach Road, Lee County Project Number CN-01-16; Thence S 88°44'56" W, 75.60 feet along said Survey Base Line and south line of said Section 36 to Station 444+17.79; Thence departing said Survey Base Line, N 01°07'00" W, 27.26 feet to a point on the north right of way line of Bonita Beach Road said point also being 27.26 feet left of Station 444+17.85; Thence S 88°57'02" W, along said north right of way line, 35.00 feet to a point being 27.38 feet left of Station 443+82.85; Thence departing said north right of way line, N 01°07'01" W, 264.29 feet to the north line of Parcel 201A and to a point lying 291.67 feet left of Station 443+83.47 and the POINT OF BEGINNING; Thence S 89°33'20" W, 106.56 feet; Thence N 01°08'33" W, 316.77 feet; Thence N 84°44'04" E, 64.71 feet; Thence S 05°15'55" E, 20.00 feet; Thence N 84°43'41" E, 86.99 feet; Thence N 05°15'55" W, 20.00 feet; Thence N 84°43'20" E, 54.68 feet; Thence S 00°26'42" E, 334.11 feet; Thence S 89°33'27" W, 60.24 feet; Thence S 89°33'04" W, 35.00 feet to the POINT OF BEGINNING.

Said lands containing 1.483 Acres, more or less.

NOTE:

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

PREPARED BY:
AIM ENGINEERING & SURVEYING, INC.

[Signature]
BOB POTTER, P.S.M. DATE
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5888

AIM Engineering & Surveying, Inc.



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

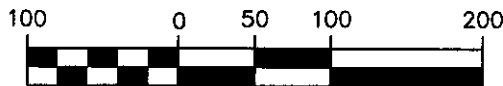
THIS IS NOT A SURVEY

SHEET 1 OF 2

PROJECT NUMBER: 01-8109	DESCRIPTION: LEGAL DESCRIPTION AND SKETCH PARCEL 201B BONITA BEACH ROAD LEE COUNTY PROJECT NUMBER CN-01-16
DRAWN BY: LWC	CLIENT: LEE COUNTY
DATE: 9/24/03	SEC-TWP-RGE: 36-47S-25E
FILE: 8109-201B	COUNTY: LEE COUNTY

Exhibit "A"

Page 4 of 4



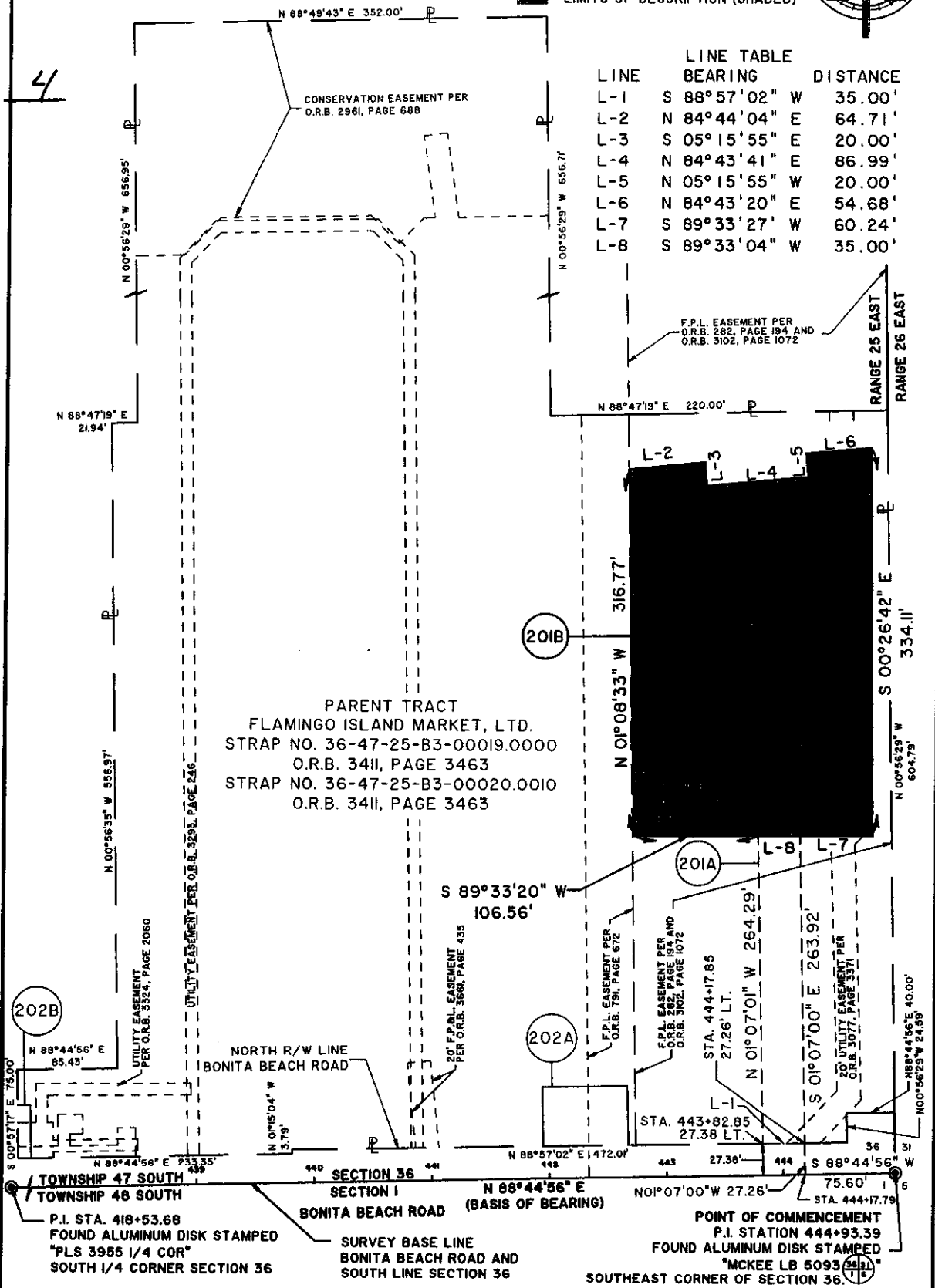
1 INCH = 100 FEET

LEGEND

- O.R.B. = OFFICIAL RECORDS BOOK
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- F.P.B.L. = FLORIDA POWER & LIGHT
- P.I. = POINT OF INTERSECTION
- [Shaded Area] = LIMITS OF DESCRIPTION (SHADED)



LINE	BEARING	DISTANCE
L-1	S 88° 57' 02" W	35.00'
L-2	N 84° 44' 04" E	64.71'
L-3	S 05° 15' 55" E	20.00'
L-4	N 84° 43' 41" E	86.99'
L-5	N 05° 15' 55" W	20.00'
L-6	N 84° 43' 20" E	54.68'
L-7	S 89° 33' 27" W	60.24'
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AIM Engineering & Surveying, Inc.



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 239/332-4569
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THIS IS NOT A SURVEY

SHEET 2 OF 2

PROJECT NUMBER: 01-8109	DESCRIPTION: LEGAL DESCRIPTION AND SKETCH PARCEL 2018 BONITA BEACH ROAD LEE COUNTY PROJECT NUMBER CH-01-16
DRAWN BY: LWC	CLIENT: LEE COUNTY
DATE: 9/24/03	SEC-TWP-RQE: 36-47S-25E
FILE: 8109-2018	COUNTY: LEE COUNTY

THIS INSTRUMENT PREPARED BY:

Lee County
County Lands Division
Post Office Box 398
Fort Myers, Florida 33902

Project: Bonita Beach Road, Project #4044
Parcel: 201B
Strap No.: 36-47-25-B3-00019.0000

Exhibit "B"
Page 1 of 8

RETENTION/DETENTION POND EASEMENT

This indenture is made this ____ day of _____, 2003 between Flamingo Island Market, Ltd., a Florida limited partnership, whose address is 4099 Tamiami Trail N., Suite 305, Naples, Florida 34103 (Grantor), and Lee County, a political subdivision of the State of Florida, Post Office Box 398, Fort Myers, Florida, 33902 (Grantee), as follows:

For good and valuable consideration, receipt of which is hereby acknowledged, Grantor grants to Grantee, its successors and assigns, a perpetual easement over, across, under and upon the property described in Exhibit "A" for the purpose of constructing, installing and maintaining a drainage pond and appurtenant pipe connections and facilities in conjunction with the Bonita Beach Road Improvement Project #4044 and to discharge into, and impound water in, the pond.

Subject to the Florida Power & Light Company reservation of an easement recorded in Official record Book 3102, Page 1072 and the Right of Way Consent Agreement, recorded in Official Record Book 3077, Page 3371, Public Records of Lee County Florida, this easement includes the right to remove structures, including fences, and fill and to trim or remove roots, trees or other vegetation within the easement area in order to properly construct, install and maintain the drainage facilities and pond. Grantee's use and enjoyment of this easement shall be in accordance with Consent Agreement between Florida Power and Light Company, a Florida corporation, and Grantee dated _____, 2004.

Grantor warrants that subject to existing easements, if any, for public highways, roads, railroads, laterals, ditches, pipelines and electrical transmission and/or distribution lines and telephone and cable television lines covering the land described above, Grantor is lawfully possessed of the land and has good and lawful right and power to convey, and that the property is free and clear of all liens and encumbrances except as recorded in the public records.

Grantee is responsible for and agrees to maintain the easement area. 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.

This easement is binding on the parties, their successors and assigns.

In witness of the above, Grantor executes this easement on the date first written above.

DATE: _____

Flamingo Island Market, Ltd., a Florida limited partnership
BY: Market Management, Inc., general partner

Witness Signature

By: _____
Asa W. Chandler
President

Printed Name

Witness Signature

Printed Name

STATE OF FLORIDA

COUNTY OF LEE

SWORN TO AND SUBSCRIBED before me this ___ day of _____, 20__ by _____

_____ of _____
(name of officer or agent, title of officer or agent) (name of corporation acknowledged)

a _____ corporation, on behalf of the corporation.

(SEAL)

(Notary Signature)

(Print, type or stamp name)

Personally known _____
OR Produced Identification _____
Type of Identification _____

Exhibit "B"

Page 2 of 8

Exhibit "B"

Exhibit "A"

Page 1 of 2

Page 3 of 8

PARCEL 201B

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

PREPARED BY:
AIM ENGINEERING & SURVEYING, INC.

BOB POTTER, P.S.M. DATE
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5686

AIM Engineering & Surveying, Inc.



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

THIS IS NOT A SURVEY SHEET 1 OF 2

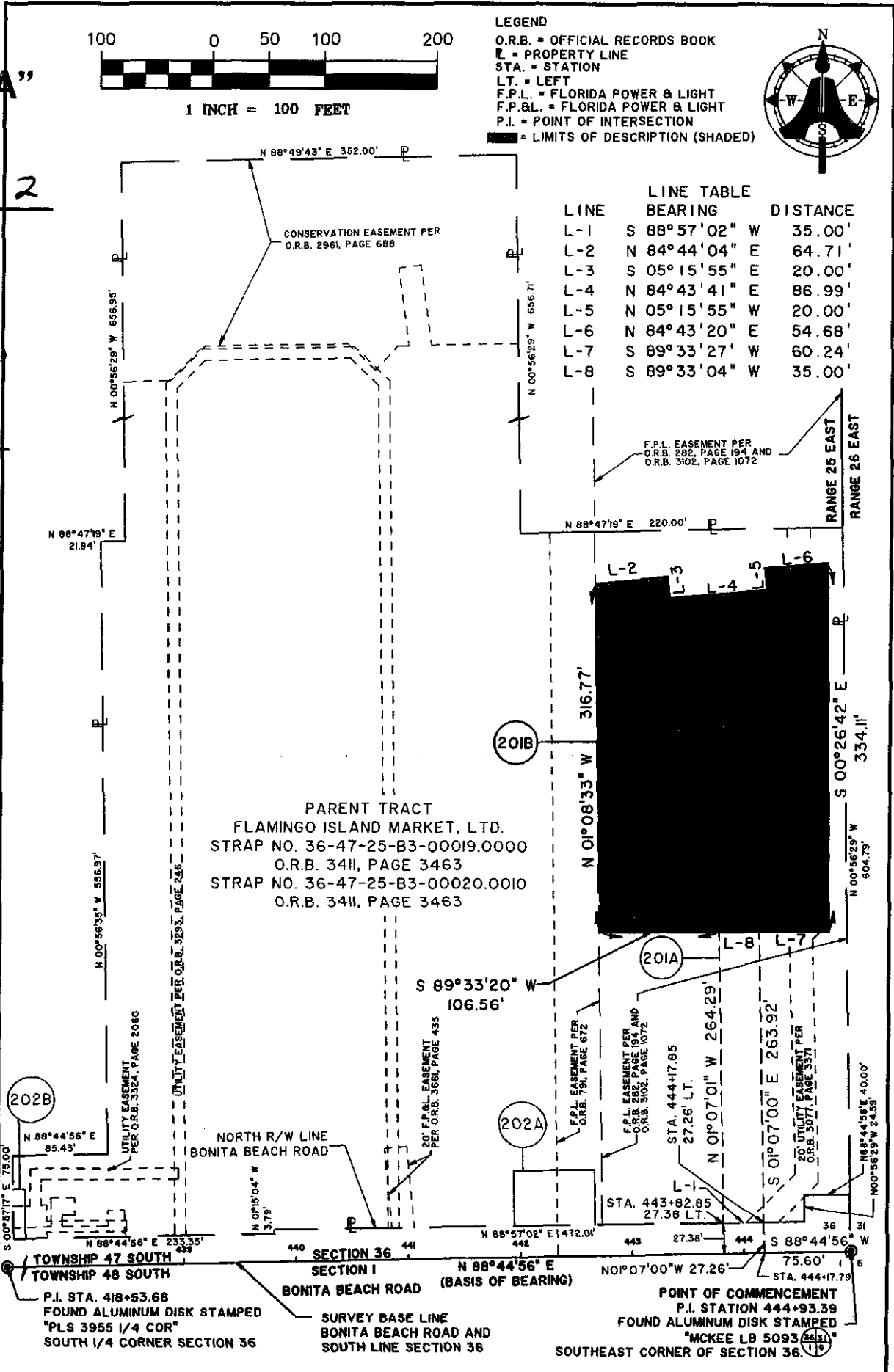
PROJECT NUMBER: 01-8109	DESCRIPTION: LEGAL DESCRIPTION AND SKETCH PARCEL 201B BONITA BEACH ROAD LEE COUNTY PROJECT NUMBER CN-01-16	FILE: 8109-201B	COUNTY: LEE COUNTY
DRAWN BY: LWC	CLIENT: LEE COUNTY		
DATE: 9/24/03	SEC-TWP-RGE: 36-47S-25E		

Exhibit "A"

Page 2 of 2

Exhibit "B"

Page 4 of 8



LEGEND

O.R.B. = OFFICIAL RECORDS BOOK
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 F.P.B.L. = FLORIDA POWER & LIGHT
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L-6	N 84° 43' 20" E	54.68'
L-7	S 89° 33' 27" W	60.24'
L-8	S 89° 33' 04" W	35.00'

PARENT TRACT
 FLAMINGO ISLAND MARKET, LTD.
 STRAP NO. 36-47-25-B3-00019.0000
 O.R.B. 3411, PAGE 3463
 STRAP NO. 36-47-25-B3-00020.0010
 O.R.B. 3411, PAGE 3463

AIM Engineering & Surveying, Inc.
 5300 LEE BLVD.
 P.O. BOX 1235
 LEHIGH ACRES
 FLORIDA 33970
 239/332-4569
 FX:239/332-8734

THIS IS NOT A SURVEY **SHEET 2 OF 2**

PROJECT NUMBER: 01-8109	DESCRIPTION: LEGAL DESCRIPTION AND SKETCH PARCEL 201B BONITA BEACH ROAD LEE COUNTY PROJECT NUMBER CN-01-16
DRAWN BY: LWC	CLIENT: LEE COUNTY
DATE: 9/24/03	SEC-TWP-RGE 36-47S-25E
FILE: 8109-201B	COUNTY: LEE COUNTY

Exhibit "B"

This Instrument Prepared by:
COUNTY LANDS DIVISION
P.O. Box 398
Fort Myers, FL 33902-0398
Parcel: 201A
Project: Bonita Beach Road Widening
Project #4044
STRAP #: 36-47-25-B3-00019.0000

Page 5 of 8

THIS SPACE FOR RECORDING

PERPETUAL
STORMWATER DRAINAGE EASEMENT

THIS INDENTURE, made and entered into this ___ day of _____, 20___, between Flamingo Island Market, Ltd., a Florida limited partnership, Owner, whose address is 4099 Tamiami Trail N., Suite 305, Naples, Florida 34103, hereinafter referred to as Grantor, and LEE COUNTY, a political subdivision of the State of Florida, whose address is P. O. Box 398, Fort Myers, Florida 33902-0398 hereinafter referred to as 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 does hereby grant to the Grantee, its successors and assigns the use of a drainage easement situated in Lee County, Florida, and located and described as set forth in Exhibit "A" attached hereto and made a part hereof.

2. Grantee, its successors, appointees and assigns, are granted the right, privilege, and authority to construct, and maintain a stormwater drainage pipeline, a catch basin, and other appurtenances, to be located under, across and through the above-described property with the additional right, privilege and authority to remove, replace, repair and enlarge said system, and to trim and remove roots, trees, shrubs, bushes and plants, dig into pavement, and remove fences when reasonably necessary for the proper operation of the said line.

3. The stormwater drainage easement will not be limited to any one (1) diameter size or type and/or number of connections to other stormwater lines for providing drainage pipes. The area of this stormwater drainage easement is reserved for the subsurface pipeline, and catch basin, except it may be used for landscaping (excluding trees), walkways, roadways, drainage way, or similar uses; however, houses, buildings, carports, garages, storage sheds, and other similar type structures may never be built on this easement.

4. Title to the utilities constructed hereunder shall remain in the Grantee, Grantee's successors, appointees and assigns.

5. Grantor warrants that subject to existing easements, if any, 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, Grantor is lawfully seized and possessed of said lands, has good and lawful right and power to convey, 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 said easement and quite possession thereof against all claims and demands of all other entities.

Exhibit "B"

Page 2
 Perpetual Stormwater Drainage Easement
 Project: Bonita Beach Road Widening, Project No. 4044

Page 6 of 8

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 shall be binding upon the parties hereto, their successors and assigns.

IN WITNESS WHEREOF, the GRANTOR has hereunto set its hand and seal the day and year first above written.

Signed, sealed and delivered in the presence of two subscribing witnesses:

Flamingo Island Market, Ltd.,
 a Florida limited partnership
 BY: Market Management, Inc., general partner

 1st WITNESS Signature

 Printed Name of 1st Witness

 2nd WITNESS Signature

 Printed Name of 2nd Witness

By: _____
 Asa W. Chandler
 President

 Date

STATE OF _____)
 _____)
 COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 20____, by _____ (name of officer or agent, title of officer or agent) of _____ (name of corporation acknowledged), a _____ (State or place of incorporation) corporation, on behalf of the corporation. He/she is personally known to me or has produced _____ (type of identification) as identification.

SEAL

 Signature of Notary Public

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

Exhibit "A"

Page 1 of 2

PARCEL 201A

A parcel of land lying in Section 36, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

COMMENCE at the Southeast corner of Section 36, said point being Station 444+93.39 on the Survey Base Line of Bonita Beach Road, Lee County Project Number CN-01-16; Thence S 88°44'56" W, 75.60 feet along said Survey Base Line and south line of said Section 36 to station 444+17.79; Thence departing said Survey Base Line, N 01°07'00" W, 27.26 feet to a point on the north right of way line of Bonita Beach Road said point also being 27.26 feet left of station 444+17.85 and the POINT OF BEGINNING; Thence S 88°57'02" W, along said north right of way line, 35.00 feet to a point being 27.38 feet left of station 443+82.85; Thence departing said north right of way line, N 01°07'01" W, 264.29 feet to the south line of Parcel 201B; Thence N 89°33'04" E, along said south line, 35.00 feet; Thence S 01°07'00" E, 263.92 feet to the north right of way line of Bonita Beach Road and the POINT OF BEGINNING.

Said lands containing 9,243 Square Feet, more or less.

NOTE:

BEARINGS SHOWN HEREON ARE BASED UPON THE SURVEY BASE LINE OF BONITA BEACH ROAD, HAVING A BEARING OF N 88°44'56" E. FROM P.I. STATION 418+53.68 BEING A FOUND ALUMINUM DISK STAMPED "PLS 3955 1/4 COR" AT THE SOUTH 1/4 CORNER OF SECTION 36 TO P.I. STATION 444+93.39 BEING A FOUND ALUMINUM DISK STAMPED "MCKEE LB 5093 5431 16" AT THE SOUTHEAST CORNER OF SECTION 36.

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

PREPARED BY:
AIM ENGINEERING & SURVEYING, INC.

[Signature]
BOB POTTER, P.E.M. DATE
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5688

AIM Engineering & Surveying, Inc.



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

THIS IS NOT A SURVEY

SHEET 1 OF 2

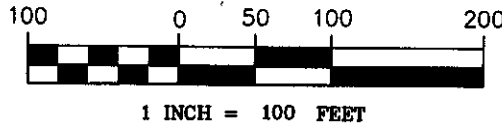
PROJECT NUMBER: 01-8109	DESCRIPTION: LEGAL DESCRIPTION AND SKETCH PARCEL 201A BONITA BEACH ROAD LEE COUNTY PROJECT NUMBER CN-01-16		
DRAWN BY: LWC	CLIENT: LEE COUNTY		
DATE: 9/24/03	SEC-TWP-RGE 36-47S-25E	FILE: 8109-201A	COUNTY: LEE COUNTY

Exhibit "A"

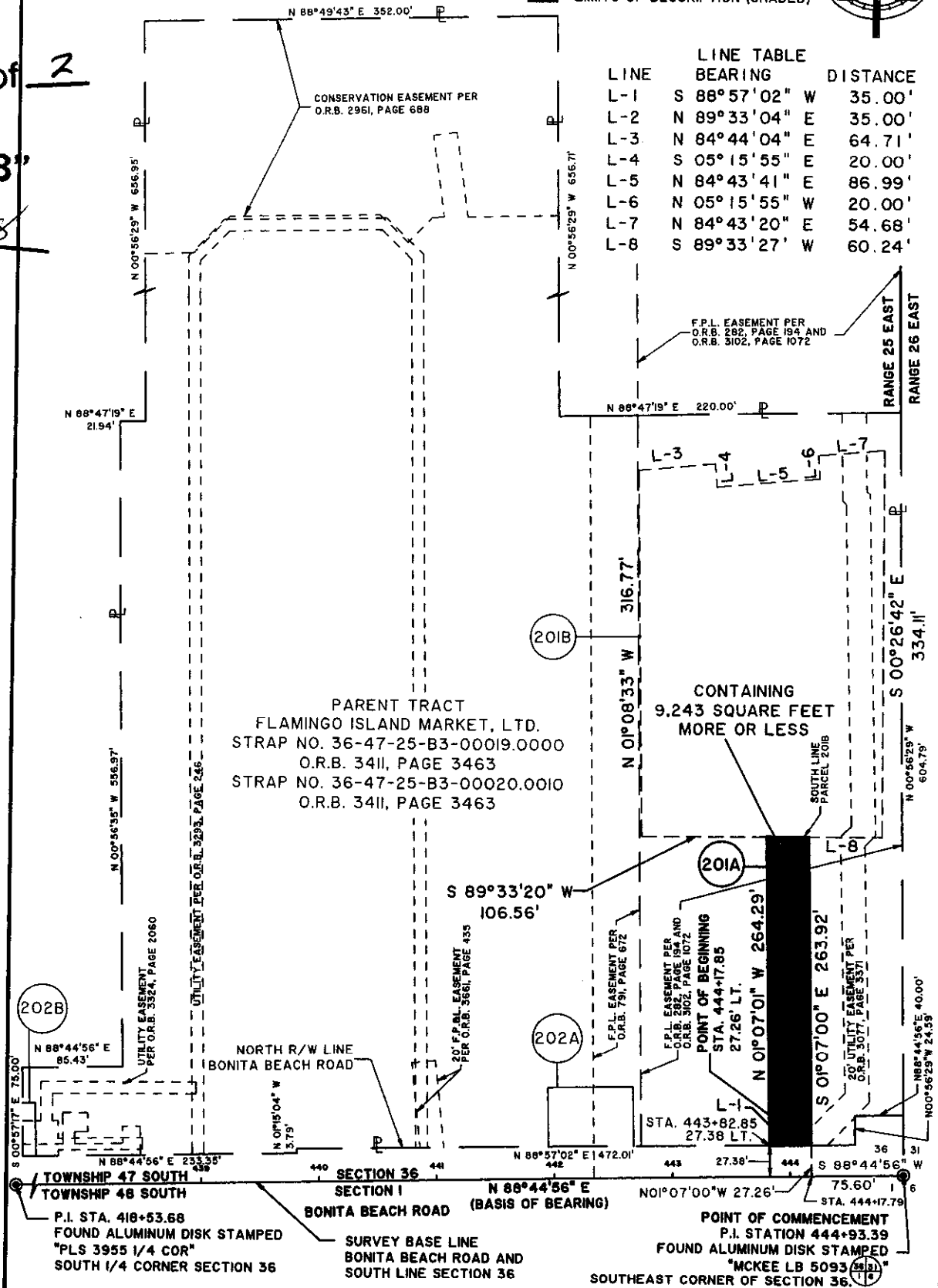
Page 2 of 2

Exhibit "B"

Page 8 of 8



LEGEND
 O.R.B. = OFFICIAL RECORDS BOOK
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 F.P.B.L. = FLORIDA POWER & LIGHT
 P.I. = POINT OF INTERSECTION
 [Shaded Area] = LIMITS OF DESCRIPTION (SHADED)



LINE TABLE

LINE	BEARING	DISTANCE
L-1	S 88°57'02" W	35.00'
L-2	N 89°33'04" E	35.00'
L-3	N 84°44'04" E	64.71'
L-4	S 05°15'55" E	20.00'
L-5	N 84°43'41" E	86.99'
L-6	N 05°15'55" W	20.00'
L-7	N 84°43'20" E	54.68'
L-8	S 89°33'27" W	60.24'

PARENT TRACT
 FLAMINGO ISLAND MARKET, LTD.
 STRAP NO. 36-47-25-B3-00019.0000
 O.R.B. 3411, PAGE 3463
 STRAP NO. 36-47-25-B3-00020.0010
 O.R.B. 3411, PAGE 3463

CONTAINING
 9.243 SQUARE FEET
 MORE OR LESS

AIM Engineering & Surveying, Inc.



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

THIS IS NOT A SURVEY SHEET 2 OF 2

PROJECT NUMBER: 01-8109	DESCRIPTION: LEGAL DESCRIPTION AND SKETCH PARCEL 201A BONITA BEACH ROAD LEE COUNTY PROJECT NUMBER CN-01-16
DRAWN BY: LWC	CLIENT: LEE COUNTY
DATE: 9/24/03	SEC-TWP-RGE: 36-47S-25E
FILE: 8109-201A	COUNTY: LEE COUNTY

Division of County Lands

**Third Revised and Updated
Ownership and Easement Search**


Search No. 22056

Date: June 16, 2004

Parcel: 201

Project: Bonita Beach Road Widening
Project #4044

To: Michael J. O'Hare, SR/WA
Acquisition Program Manager

From: Shelia A. Bedwell, CLS 
Property Acquisition Assistant

STRAP: 36-47-25-B3-00019.0000

Effective Date: May 26, 2004, at 5:00 p.m.

Subject Property: See attached legal descriptions

Title to the subject property is vested in the following:

Flamingo Island Market, Ltd., a Florida limited partnership.

by that certain instrument dated May 10, 2001, recorded May 11, 2001, in Official Record Book 3411, Page 3463, Public Records of Lee County, Florida.

Easements:

1. Reservations as described in Special Warranty Deeds recorded in Official Record Book 2021, Page 474 and Official Record Book 3102, Page 1072, Public Records of Lee County, Florida.
2. Right of Way Consent Agreement, recorded in Official Record Book 3077, Page 3371, Public Records of Lee County, Florida.

NOTE (1): Covenant of Unified Control recorded in Official Record Book 3158, Page 2078, Public Records of Lee County, Florida.

NOTE (2): Mortgage executed by Flamingo Island Market, LTD., a Florida limited partnership in favor of Intervest Bank, dated May 17, 2001, recorded May 22, 2001, in Official Record Book 3417, Page 3165, Public Records of Lee County, Florida. Said mortgage having been modified by instrument recorded May 17, 2002, in Official Record Book 3648, Page 2320 and instrument recorded November 12, 2003, in Official Record Book 4119, Page 1042, Public Records of Lee County, Florida.

NOTE (3): U.C.C. between Flamingo Island Market, LTD, a Florida limited partnership and Intervest Bank, recorded May 22, 2001, in Official Record Book 3417, Page 3198, Public Records of Lee County, Florida.

Division of County Lands

**Third Revised and Updated
Ownership and Easement Search**

Search No. 22056

Date: June 16, 2004

Parcel: 201

Project: Bonita Beach Road Widening

Project #4044

Tax Status: 2003 Ad Valorem Taxes are PAID IN FULL.

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

The Division of County Lands has made a diligent search of the Public Record. However, this report contains no guarantee or warranty as to its accuracy.

PARCEL 201A

A parcel of land lying in Section 36, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

COMMENCE at the Southeast corner of Section 36, said point being Station 444+93.39 on the Survey Base Line of Bonita Beach Road, Lee County Project Number CN-01-16; Thence S 88°44'56" W, 75.60 feet along said Survey Base Line and south line of said Section 36 to station 444+17.79; Thence departing said Survey Base Line, N 01°07'00" W, 27.26 feet to a point on the north right of way line of Bonita Beach Road said point also being 27.26 feet left of station 444+17.85 and the POINT OF BEGINNING; Thence S 88°57'02" W, along said north right of way line, 35.00 feet to a point being 27.38 feet left of station 443+82.85; Thence departing said north right of way line, N 01°07'01" W, 264.29 feet to the south line of Parcel 201B; Thence N 89°33'04" E, along said south line, 35.00 feet; Thence S 01°07'00" E, 263.92 feet to the north right of way line of Bonita Beach Road and the POINT OF BEGINNING.

Said lands containing 9,243 Square Feet, more or less.

NOTE:

BEARINGS SHOWN HEREON ARE BASED UPON THE SURVEY BASE LINE OF BONITA BEACH ROAD, HAVING A BEARING OF N 88°44'56" E. FROM P.I. STATION 418+53.68 BEING A FOUND ALUMINUM DISK STAMPED "PLS 3955 1/4 COR" AT THE SOUTH 1/4 CORNER OF SECTION 36 TO P.I. STATION 444+93.39 BEING A FOUND ALUMINUM DISK STAMPED "MCKEE LB 5093" AT THE SOUTHEAST CORNER OF SECTION 36.

PREPARED BY:
AIM ENGINEERING & SURVEYING, INC.

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

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

AIM Engineering & Surveying, Inc.



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

THIS IS NOT A SURVEY

SHEET 1 OF 2

PROJECT NUMBER: 01-8109	DESCRIPTION: LEGAL DESCRIPTION AND SKETCH PARCEL 201A BONITA BEACH ROAD LEE COUNTY PROJECT NUMBER CN-01-16	DATE: 9/24/03	SEC-TWP-RGE 36-47S-25E	FILE: 8109-201A	COUNTY: LEE COUNTY
DRAWN BY: LWC	CLIENT: LEE COUNTY				

PARCEL 201B

A parcel of land lying in Section 36, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

COMMENCE at the Southeast corner of Section 36, said point being Station 444+93.39 on the Survey Base Line of Bonita Beach Road, Lee County Project Number CN-01-16; Thence S 88°44'56" W, 75.60 feet along said Survey Base Line and south line of said Section 36 to Station 444+17.79; Thence departing said Survey Base Line, N 01°07'00" W, 27.26 feet to a point on the north right of way line of Bonita Beach Road said point also being 27.26 feet left of Station 444+17.85; Thence S 88°57'02" W, along said north right of way line, 35.00 feet to a point being 27.38 feet left of Station 443+82.85; Thence departing said north right of way line, N 01°07'01" W, 264.29 feet to the north line of Parcel 201A and to a point lying 291.67 feet left of Station 443+83.47 and the POINT OF BEGINNING; Thence S 89°33'20" W, 106.56 feet; Thence N 01°08'33" W, 316.77 feet; Thence N 84°44'04" E, 64.71 feet; Thence S 05°15'55" E, 20.00 feet; Thence N 84°43'41" E, 86.99 feet; Thence N 05°15'55" W, 20.00 feet; Thence N 84°43'20" E, 54.68 feet; Thence S 00°26'42" E, 334.11 feet; Thence S 89°33'27" W, 60.24 feet; Thence S 89°33'04" W, 35.00 feet to the POINT OF BEGINNING.

Said lands containing 1.483 Acres, more or less.

NOTE:
 BEARINGS SHOWN HEREON ARE BASED UPON THE SURVEY BASE LINE OF BONITA BEACH ROAD, HAVING A BEARING OF N 88°44'56" E. FROM P.I. STATION 418+53.68 BEING A FOUND ALUMINUM DISK STAMPED "PLS 3955 1/4 COR" AT THE SOUTH 1/4 CORNER OF SECTION 36 TO P.I. STATION 444+93.39 BEING A FOUND ALUMINUM DISK STAMPED "MCKEE LB 5093" AT THE SOUTHEAST CORNER OF SECTION 36.

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PREPARED BY:
 AIM ENGINEERING & SURVEYING, INC.

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

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SHEET 1 OF 2

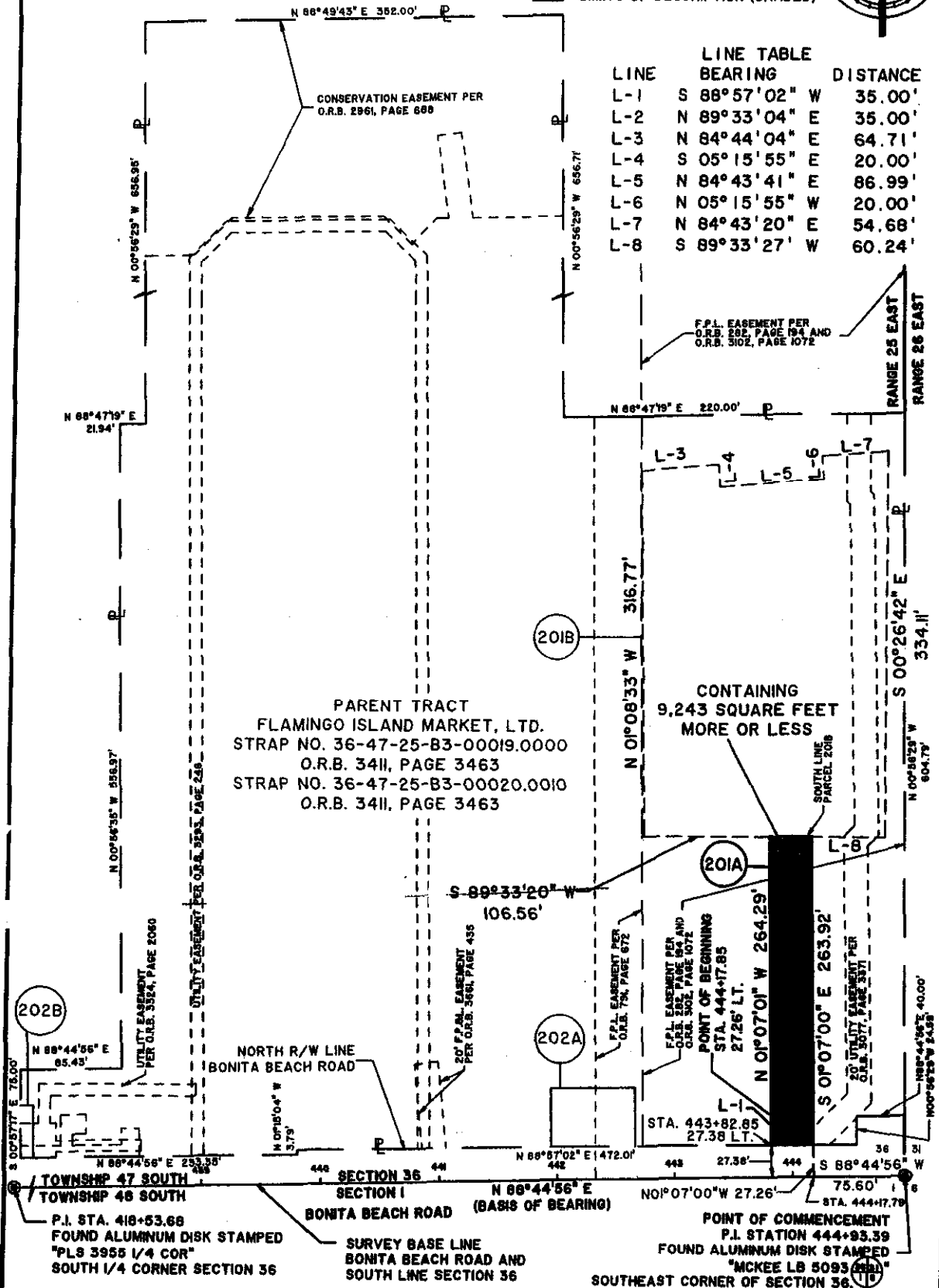
PROJECT NUMBER: 01-8109	DESCRIPTION: LEGAL DESCRIPTION AND SKETCH PARCEL 201B BONITA BEACH ROAD LEE COUNTY PROJECT NUMBER CN-01-16		
DRAWN BY: LWC	CLIENT: LEE COUNTY		
DATE: 8/24/03	SEC-TWP-RGE 36-47S-25E	FILE: 8109-201B	COUNTY: LEE COUNTY



- LEGEND**
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 P.I. = POINT OF INTERSECTION
 [Shaded Area] = LIMITS OF DESCRIPTION (SHADED)



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L-7	N 84°43'20" E	54.68'
L-8	S 89°33'27" W	60.24'



AIM Engineering & Surveying, Inc.

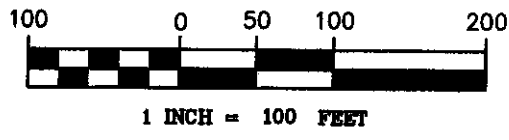


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SHEET 2 OF 2

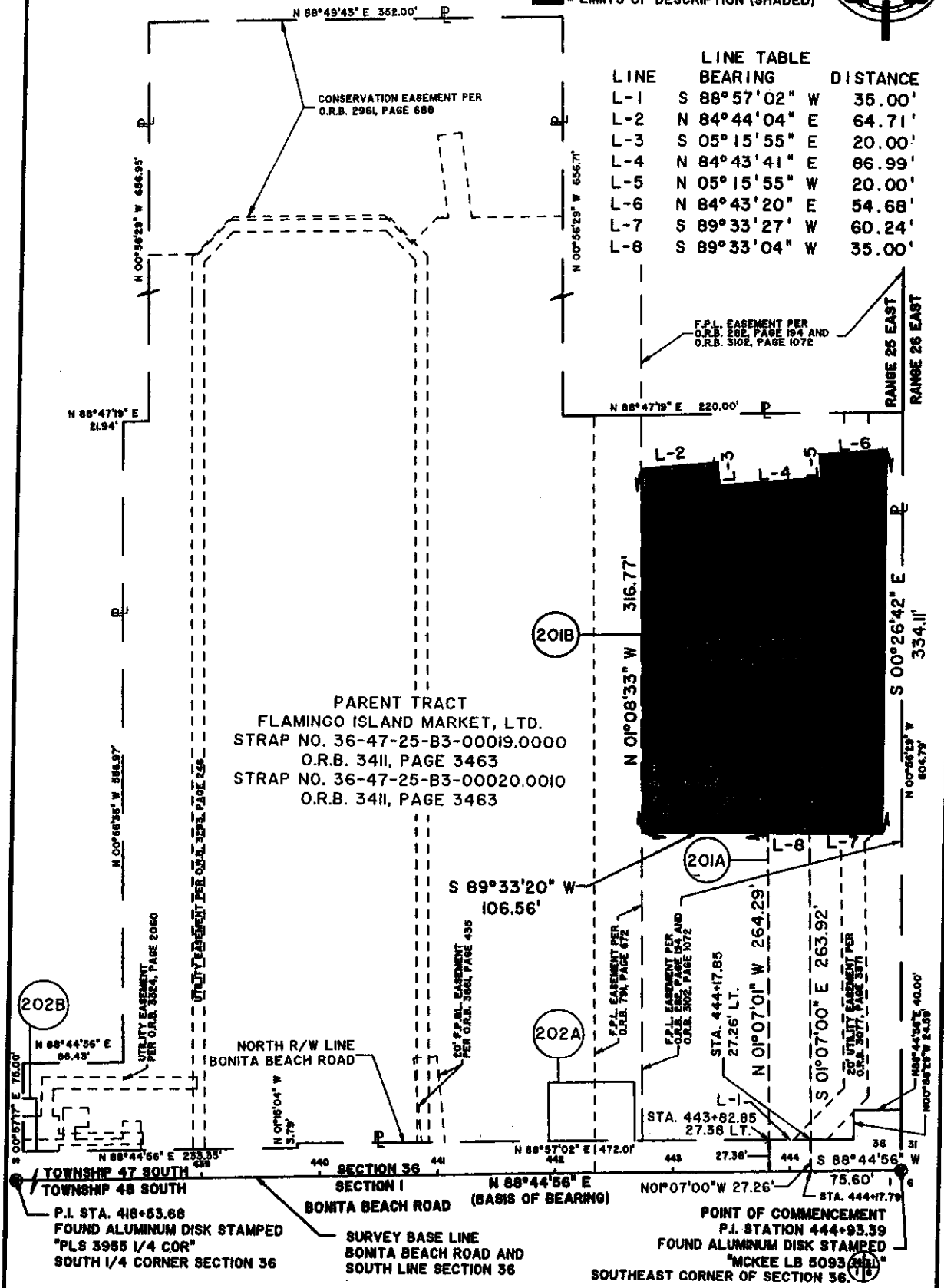
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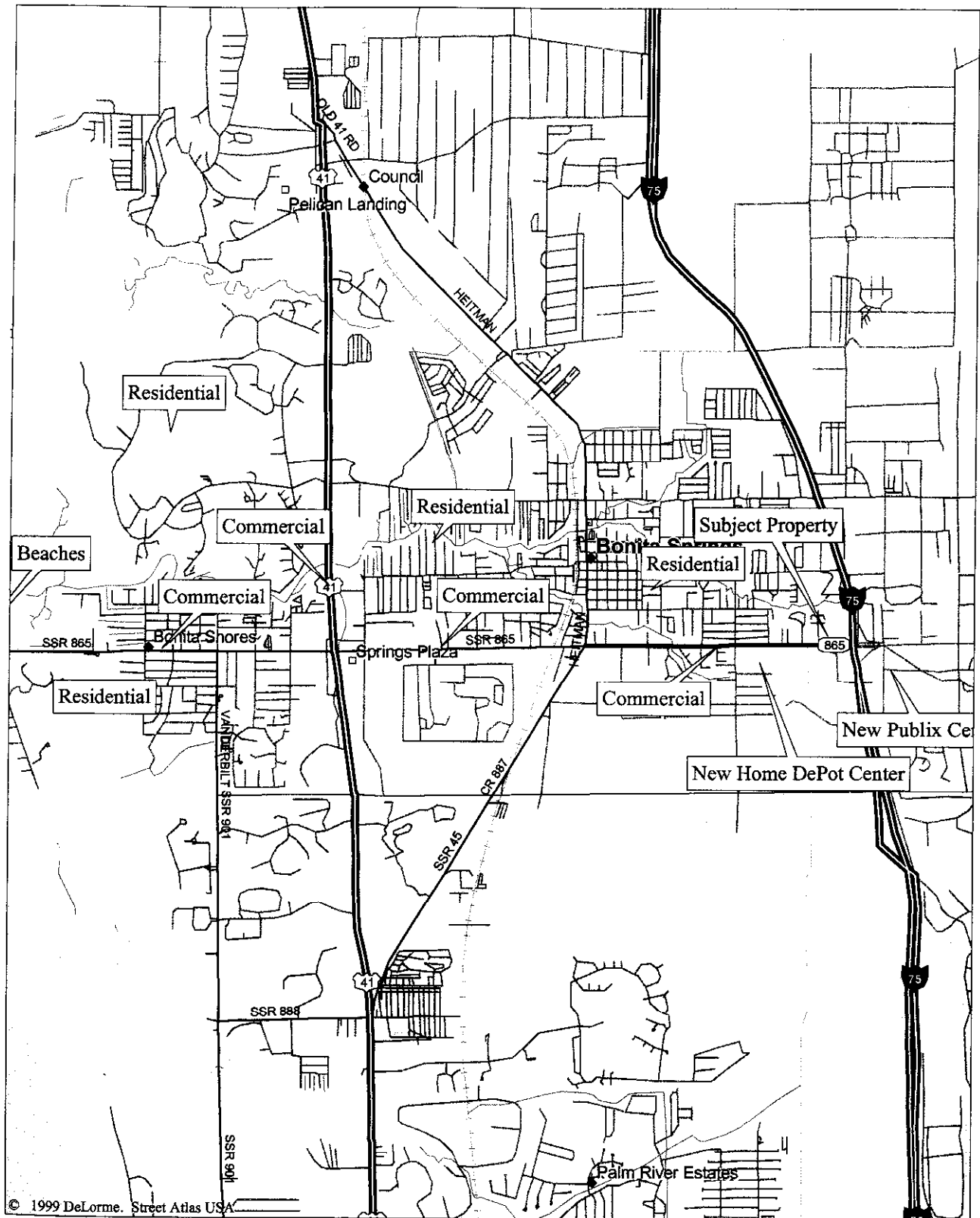


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L-4	N 84° 43' 41" E	86.99'
L-5	N 05° 15' 55" W	20.00'
L-6	N 84° 43' 20" E	54.68'
L-7	S 89° 33' 27" W	60.24'
L-8	S 89° 33' 04" W	35.00'



AIM Engineering & Surveying, Inc.
 5300 LEE BLVD.
 P.O. BOX 1235
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 239/532-4569
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THIS IS NOT A SURVEY				SHEET 2 OF 2
PROJECT NUMBER: 01-8109	DESCRIPTION: LEGAL DESCRIPTION AND SKETCH PARCEL 2018 BONITA BEACH ROAD LEE COUNTY PROJECT NUMBER CN-01-16			
DRAWN BY: LWC	CLIENT: LEE COUNTY			
DATE: 9/24/03	SEC-TWP-RGE: 36-47S-25E	FILE: 8109-201B	COUNTY: LEE COUNTY	



MARKET AREA MAP

Carlson, Norris and Associates, Inc.

APPRAISAL • CONSULTATION • REALTORS

C. William Carlson, MAI, SRA
State Certified General Appraiser #0000667
ccarl1@hotmail.com

J. Lee Norris, MAI, SRA
State Certified General Appraiser #0000643
leenor56@hotmail.com

March 24, 2004

Department of Public Works
Division of County Lands
Lee County, Florida
P. O. Box 398
Ft. Myers, Florida 33902-0398
Attn: Mr. Robert G. Clemens
Acquisition Program Manager

Re: Bonita Beach Road Widening, Project Number 4044
Subject Parcels 201A & 201B
Drainage Easement and
Temporary Construction Easement
Bonita Beach Road
Bonita Springs, Florida 34135

Dear Mr. Clemens:

In accordance with your request, we have made an inspection of the above referenced property. The site is an irregularly shaped parcel containing a total of 73,842 square feet, more or less. The property is located on the north side of Bonita Beach Road between Imperial Street and Interstate 75. The property is located in Section 36, Township 47 South, Range 25 East, Lee County, Florida. The site is located adjacent to and just east of the Flamingo Island Flea Market.

The parent parcel containing 3.33 acres is substantially developed with a large borrow pit. This borrow pit encumbers approximately 1.48 acres. The majority of the rest of the site is a dirt parking lot utilized as excess parking for the Flamingo Island Flea Market. The entire site is encumbered by a overhead powerline utility easement.

This analysis considers only the value of the real estate and takes into consideration no value for equipment or personal property. As per your request this is a **Complete Appraisal Report presented in Summary Format** which represents only summary discussions for the data, reasoning and analysis that were used in the appraisal process to develop the appraiser's opinion of value.

This analysis has utilized the most current market value definition which is contained within the attached appraisal. The property was last physically inspected on February 2, 2004.

For the purposes of the valuation of the subject property, we have been asked to value the site as it existed as of the last date of a physical inspection of the same. The interest appraised includes a sub-surface easement over 9,243 square feet and a additional easement for drainage and retention purposes over 64,599 square feet. There is also a temporary three day construction easement over the front portion of the site.

Mr. Robert Clemens
March 24, 2004
Page 2

Based on market conditions existing as of the effective date of appraisal, and in consideration of the property as it existed on February 2, 2004, it is our opinion the subject site which includes the easement for drainage and retention purposes into the existing borrow pit as well as an underground or subsurface utility easement over a 9,243 square foot parcel, has a market value of:

FORTY SIX THOUSAND TWO HUNDRED DOLLARS (\$46,200.00).

In addition the compensation due the property owner for a three day temporary construction easement over the front portion of this site has a market value of:

**** THREE HUNDRED THIRTY SIX DOLLARS (\$336.00).**

The attached appraisal report is a **Complete Summary Appraisal Report** which is intended to comply with reporting requirements set forth under Standards Rule 2-2(b) of the Uniform Standards of Professional Appraisal Practice for a Summary Appraisal Report. This report is made subject to certain assumptions and limiting conditions as set forth in the body of the appraisal. The analyst was engaged by the Lee County Department of Public Works/County Lands to perform the analysis. A copy of the supplemental task authorization is contained within the addenda to this report.

Should you have any questions regarding this or any other matter, please do not hesitate to call upon us.

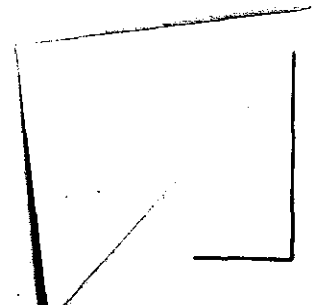
Respectfully submitted,

CARLSON, NORRIS AND ASSOCIATES, INC.


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

JLN/ikm

**** Note: Access to remainder property
Allowed in easements, so temporary
Easement not needed.**



5-Year Sales History

Parcel No. 201 A & B

Bonita Beach Road Widening,
Project No. 4044

Grantor	Grantee	Price	Date	Arms Length Y/N
Bonita Springs/Interstate 75 Land Trust	Flamingo Island Market, Ltd.	\$100	5/10/01	N

NOTE: Transfer from Trust to Corporation