

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

Blue Sheet No. 20040856

1. REQUESTED MOTION:

ACTION REQUESTED: Authorize: (1) approval of Easement Purchase Agreement for acquisition of Parcel 503, Imperial Street Widening. Project 4060, in the amount of \$1,000.00; (2) Chairman, on behalf of the Board, to sign the Purchase Agreement; (3) payment of costs and fees to close; (4) Division of County Lands to handle and accept all documentation necessary to complete this transaction.

WHY ACTION IS NECESSARY: The Board must accept all real estate conveyances to Lee County.

WHAT ACTION ACCOMPLISHES: Allows the County to proceed with the project without resorting to Eminent Domain proceedings.

2. DEPARTMENTAL CATEGORY: 6
COMMISSION DISTRICT #3

C6E

3. MEETING DATE:

07-27-2004

4. AGENDA:

CONSENT
ADMINISTRATIVE
APPEALS
PUBLIC
WALK ON
TIME REQUIRED:

5. REQUIREMENT/PURPOSE:
(Specify)

STATUTE 125
ORDINANCE _____
ADMIN. CODE _____
OTHER _____

6. REQUESTOR OF INFORMATION:

A. COMMISSIONER _____
B. DEPARTMENT Independent
C. DIVISION County Lands
BY: Karen L. W. Forsyth, Director

7. BACKGROUND:

Negotiated for: Department of Transportation

Interest to Acquire: Easement

Property Details:

Owner: Nancy C. Fonseca
Address: 11484/86 Tangerine Drive, Bonita Springs, FL 34135
STRAP No.: 36-47-25-B4-00200.0360

Purchase Details:

Purchase Price: \$1,000.00
Costs to Close: Approximately \$500.00

Appraisal Information: The easement interest has not been appraised.

Staff Recommendation: Considering the costs associated in obtaining an appraisal of between \$1,500 and \$2,000 and condemnation proceedings estimated to be between \$3,000 and \$5,000, excluding land value, Staff recommends the Board approve the Requested Motion.

Account: 20406018808.506110

20 - CIP; 4060 - Imperial Street; 18808 - Impact Fees - Road - Bonita; 506110 - Land

Attachments: Easement Purchase Agreement; Slope/Restoration Easement; Title Search

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
					OA	OM	Risk	GC	
<i>K. Forsyth</i>			<i>DAD 7/14/04 7/15/04</i>	<i>John Forsyth 7/15/04</i>	<i>7/14/04</i>	<i>7/15/04</i>	<i>7/14/04</i>	<i>7/15/04</i>	<i>VF 7/15/04</i>

10. COMMISSION ACTION:

_____ APPROVED
_____ DENIED
_____ DEFERRED
_____ OTHER

Rec. by CoAtty
Date: *7/14/04*
Time: *3:05 PM*
Forwarded To:
*Co. Adm.
7/14/04 4PM*

RECEIVED BY
COUNTY ADMIN: *[Signature]*
7/14/04
4:20 PM
COUNTY ADMIN
FORWARDED TO: *[Signature]*
7/15/04
[Signature]

This instrument prepared by:
Lee County
Division of County Lands
Post Office Box 398
Fort Myers, Florida 33902-0398

ORIGINAL DOCUMENTS RETAINED IN
COUNTY LANDS FILES FOR HANDLING
UPON BOARD ACCEPTANCE **Exhibit "B"**

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Parcel: 503
Project: Imperial Street Widening, Project No. 4060
STRAP No.: 36-47-25-B4-00200.0360

SLOPE/RESTORATION EASEMENT

This INDENTURE, made and entered into this 21st day of June 2004, between NANCY S. FONSECA, whose address is 1308 Petronia Street, Key West, Florida 33040, (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 "A" (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 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 "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 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
Page 2 of 2

Exhibit "B"
Page 2 of 3

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, Nancy S. Fonseca, Grantor, has caused this document to be signed on the date first above written.

TWO SEPARATE WITNESSES:

[Signature]
1st Witness Signature

Edward W. Horan
Printed name of 1st Witness

[Signature]
2nd Witness Signature

Charlene Liz
Printed name of 2nd Witness

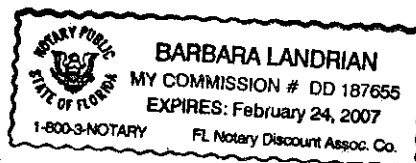
[Signature]
Nancy S. Fonseca

STATE OF Florida
COUNTY OF Monroe

The foregoing instrument was acknowledged before me this 21st day of June, 2004, by Nancy S. Fonseca. He/she is personally known to me or who has produced (name of person acknowledged) _____ as identification.

[Signature]
(Signature of Notary Public)

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



Parcel: 503
Project: Imperial Street Widening Project No. 4060
STRAP No.: 36-47-25-B4-00200.0360

EASEMENT PURCHASE AGREEMENT

This Agreement made and entered into this ____ day of _____, 20 ____, by and between **Nancy S. Fonseca**, whose address is 1308 Petronia Street, Key West, Florida 33040, 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 "A" attached to Exhibit "B", both 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 \$1,000; Purchaser to pay recording costs, documentary stamps and title insurance.
- b) Owner agrees that said easement will be granted to Purchaser by execution of the perpetual easement in form and substance set forth 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) The land in Exhibit "A" is not and has never been the homestead of the Owner, nor is it contiguous to the homestead of the Owner.

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:**

Owner: Nancy S. Fonseca

Charlene Liz
1st Witness Signature

B. L.
2nd Witness Signature

By: Nancy Fonseca

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"



James R. Coleman & Associates, Inc.
Land Surveying Consultants
1488 Cornell Place
Fort Myers, Florida 33919
Phone: (239) 433-6070

DATE 10 JAN 2004	JOB NO. 308456	DRAWING NO. ESMT. 503

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

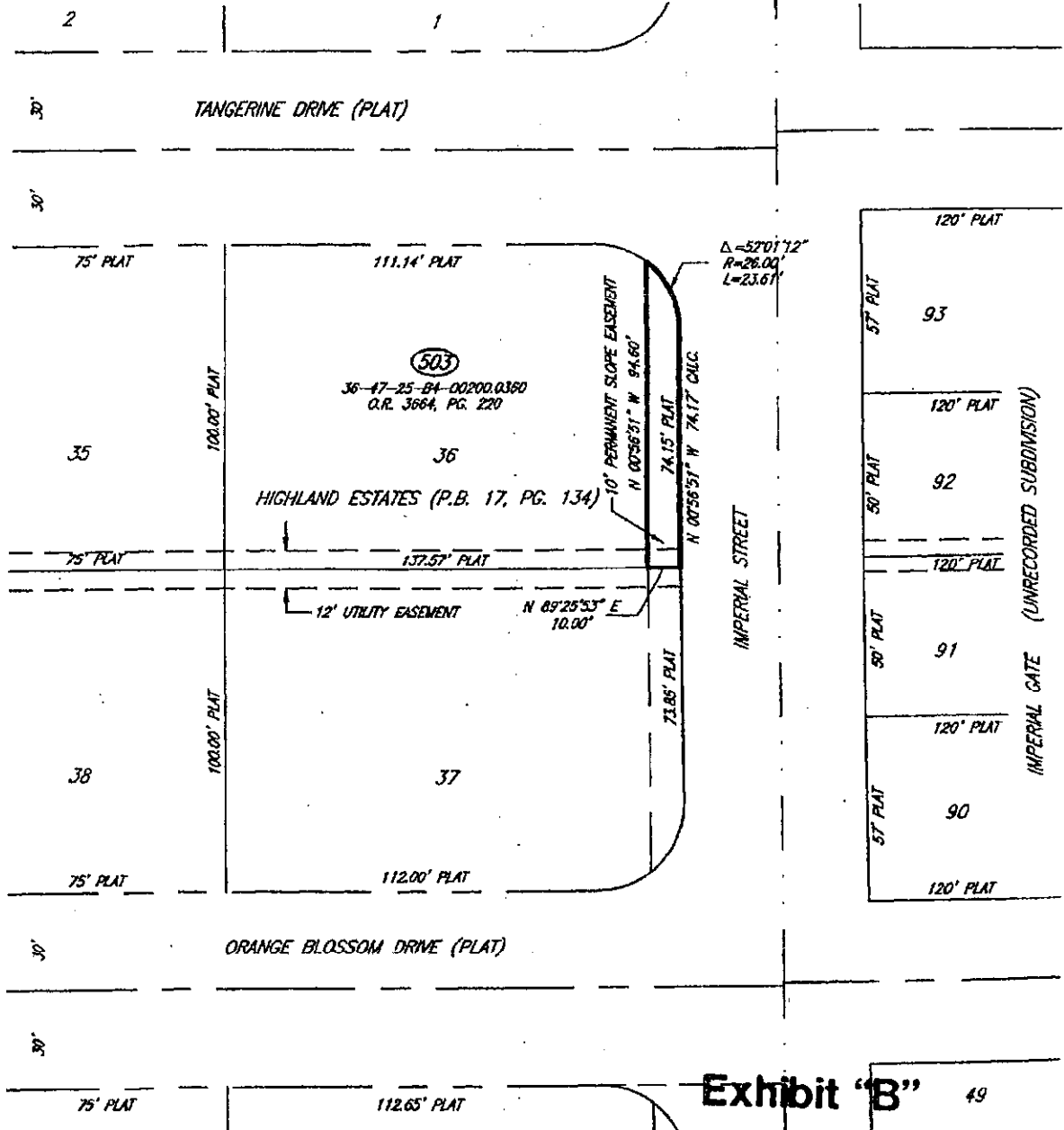


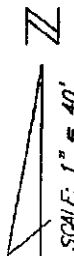
Exhibit "B" 49

LEGAL DESCRIPTION

THE EAST 10.00 FEET OF LOT 36 OF HIGHLAND ESTATES ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 17 AT PAGE 134 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

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 (NAD 83 ADJUSTMENT).
3. REPRODUCTIONS OF THE ATTACHED SKETCH ARE NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYORS SEAL.



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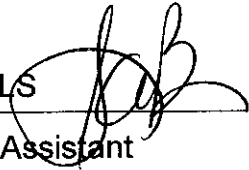
JAMES R. COLEMAN & ASSOCIATES, INC.
CERTIFICATE OF AUTHORIZATION NUMBER LB0005983

James R. Coleman
JAMES R. COLEMAN
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATE NUMBER 3205
DATE: 20 JUN 2004

Division of County Lands

2nd Updated In House Title Search
Search No. 36-47-25-B4-00200.0360
Date: June 28, 2004
Parcel: 503
Project: Imperial Street Widening
Project 4060

To: Michael J. O'Hare, SR/WA
Property Acquisition Agent

From: Shelia A. Bedwell, CLS 
Property Acquisition Assistant

STRAP: 36-47-25-B4-00200.0360

An update has been requested of In House Title Search No. 21557D which covers the period beginning January 1, 1940, at 8:00 a.m. and is now complete through May 27, 204, at 5:00 p.m.

Subject Property: Lot 36, of Highland Estates, a subdivision according to the map or plat thereof on file and recorded in Plat Book 17, Page 134, Public Records of Lee County, Florida.

Title to the subject property is vested in the following:

Nancy S. Fonseca

by that certain instrument dated May 31, 2002, recorded June 11, 2002, in Official Record Book 3664, Page 219, Public Records of Lee County, Florida.

Subject to:

1. Title to oil, gas and mineral rights and leases on subject property is specifically omitted from this report.
2. Six foot (6') utility easement along the Southerly lot line, as shown on plat.
3. Mortgage executed by Nancy S. Fonseca to IndyMac Bank, F.S.B., dated May 31, 2002, recorded June 11, 2002, in Official Record Book 3664, Page 220; Public Records of Lee County, Florida.

Tax Status: 2003 taxes have been 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.