

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

**Blue Sheet No. 20030366**

**1. REQUESTED MOTION:**

Approve the purchase of Parcel 209/210 in the amount of \$6,800 and payment of owners' attorney fees in the amount of \$3,000 for the Pondella Road Widening, from east of McNeill Road to Del Pine Drive, Project No. 4656, pursuant to the terms and conditions set forth in the Purchase Agreement; authorize Chairman on behalf of the BoCC to execute Purchase Agreement, authorize the Division of County Lands to handle and accept all documentation necessary to complete this transaction and payment of all recording fees.

**WHY ACTION IS NECESSARY:** The Board must formally authorize all real estate purchases.

**WHAT ACTION ACCOMPLISHES:** Allows County to purchase a parcel required for the Pondella Road Widening.

**2. DEPARTMENTAL CATEGORY:**

**CLB**

**3. MEETING DATE:**

**04-15-2003**

**COMMISSION DISTRICT #:**

**4. AGENDA:**

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON

TIME REQUIRED:

**5. REQUIREMENT/PURPOSE:**

- (Specify)
- STATUTE 73, 125
  - ORDINANCE
  - ADMIN.
  - OTHER Binding Offer  
Blue Sheet No. 20021012

**6. REQUESTOR OF INFORMATION**

- A. COMMISSIONER
  - B. DEPARTMENT Independent Division
  - C. DIVISION County Lands *3-25-03*
- BY: *Karen L.W. Forsyth, Director* *KLF*

**7. BACKGROUND:**

The Division of County Lands has been requested by the Department of Transportation to acquire property that is necessary for the Pondella Road Widening, from east of McNeill Road to Del Pine Drive, Project No. 4656.

This acquisition is a slope easement (+/-3,161 sq. ft.) from a property improved as a health care center, located at 991 Pondella Road, North Fort Myers (Strap Number 09-44-24-00-00002.0020).

On September 24, 2002, the Board authorized staff to make a binding offer in the amount of \$6,800 for this parcel. The property owner accepted the binding offer, however, they conditioned their acceptance upon the County paying for their attorney fees in the amount of \$3,000. County Lands staff and the County Attorney's staff reviewed the owners' attorney fees and negotiated them to what we consider a reasonable price. The attorney fees cover both the landowner's and the tenant's legal expenses. The County obtained an appraisal dated August 16, 2002, performed by Stephen A. Cunningham MAI, SRA, indicating a value of \$5,300. The binding offer to the property owner, Health Care REIT, Inc., is for \$6,800.

Staff is of the opinion that payment for the owners' attorney fees is less than the cost to condemn the parcel. It is estimated that appraisal fees alone will exceed \$4,500.00.

Staff recommends the Board approve the Requested Motion.

Funds are available in Account No. 20465618805.506110  
 20 - Capital Projects  
 4656 - Pondella Road Widening  
 18805 - Impact Fees  
 50.6110 - Land

**ATTACHMENTS:**  
 Purchase and Sale Agreement  
 Title Search  
 Appraisal Data  
 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>4/12/03</i>				G County Manager
<i>K. Forsyth</i>			<i>SAO 3-25-03 2/14</i>	<i>[Signature]</i>	OA <i>[Signature]</i> 3-31-03	OM <i>[Signature]</i> 4/1/03	RISK <i>[Signature]</i> 3/21/03	GC <i>[Signature]</i> 3-31-03	<i>[Signature]</i>

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty  
 Date: *3/31/03*  
 Time: *1:00 PM*  
 Forwarded To: *[Signature]*  
*3/31/03 2:00 PM*

RECEIVED BY  
 COUNTY ADMIN. *[Signature]*  
*3-31-03*  
*2:45*  
 COUNTY ADMIN.  
 RECD TO: *[Signature]*  
*4/2 5:00*

**1. REQUESTED MOTION:**

Authorize the Division of County Lands to make a binding offer to property owner in the amount of \$6,800 for Parcel 209/210, Pondella Road Widening, from east of McNeill Road to Del Pine Drive, Project No. 4656, pursuant to the terms and conditions set forth in the Purchase Agreement; authorize Chairman on behalf of the BoCC to execute Purchase Agreement if offer is accepted by Seller; authorize the Division of County Lands to handle and accept all documentation necessary to complete this transaction and payment of all recording fees.

**WHY ACTION IS NECESSARY:** The Board must formally authorize the making of a binding offer to a property owner pursuant to F.S. §73.015 prior to initiation of condemnation proceedings.

**WHAT ACTION ACCOMPLISHES:** Makes binding offer to property owner as required by F.S. §73.015, as amended.

**2. DEPARTMENTAL CATEGORY:** 06

**COMMISSION DISTRICT #:** 4

*C6D*

**3. MEETING DATE:**

*09-24-2002*

**4. AGENDA:**

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON

**TIME REQUIRED:**

**5. REQUIREMENT/PURPOSE:**

(Specify)

- STATUTE 73.125
- ORDINANCE
- ADMIN.
- OTHER Resolution of Necessity  
Blue Sheet No. 20020239

**6. REQUESTOR OF INFORMATION**

- A. COMMISSIONER
- B. DEPARTMENT Independent Division
- C. DIVISION County Lands *cc 9.3.02*
- BY: *Karen L.W. Forsyth, Director* *KLW*

**7. BACKGROUND:**

The Division of County Lands has been requested by the Department of Transportation to acquire property that is necessary for the Pondella Road Widening, from east of McNeill Road to Del Pine Drive, Project No. 4656.

This acquisition is a slope easement (+/-3,161 sq. ft.) from a property improved as a health care center, located at 991 Pondella Road, North Fort Myers (Strap Number 09-44-24-00-00002.0020).

F.S. §73.015, as amended, requires the County to submit a binding offer to the property owner prior to the initiation of condemnation proceedings. The County obtained an appraisal dated August 16, 2002, performed by Stephen A. Cunningham MAI, SRA, indicating a value of \$5,300.00. The binding offer to the property owner Health Care REIT, Inc., is for \$6,800.00. Should the property owner agree to accept this offer, condemnation proceedings will not be required. If the property owners elect not to accept this offer, then condemnation proceedings may be commenced.

Staff is of the opinion that the purchase price increase of \$1,500.00 above the appraised value can be justified considering the costs associated with condemnation proceedings estimated to be between \$1,500.00 - \$3,500.00, excluding land value increases and attorney fees.

Staff recommends the Board approve the Requested Motion.

Funds are available in Account No. 20465618805.506110  
 20 - Capital Projects  
 4656 - Pondella Road Widening  
 18805 - Impact Fees  
 50.6110 - Land

**ATTACHMENTS:**  
 Purchase and Sale Agreement  
 Title Search  
 Appraisal Data  
 Sales History

**8. MANAGEMENT RECOMMENDATIONS:**

**9. RECOMMENDED APPROVAL:**

A Department Director	B Purchasing or Contracts	C Human Resources	D Other DOT	E County Attorney	F Budget Services				G County Manager
<i>K. Forsyth</i>	<i>N/A</i>	<i>N/A</i>	<i>PAD</i> <i>abd</i>	<i>REC'D</i> <i>9-10-02</i>	OA	OM	RISK	GC	<i>[Signature]</i>
					<i>abd</i> <i>9-10-02</i>	<i>AS</i> <i>9/10/02</i>	<i>AS</i> <i>09/11/02</i>	<i>AS</i> <i>9-10-02</i>	

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

REC'D.  
 BY CO. ATTY.  
*9/9/02*  
 20021012  
 CO. ATTY.  
 FORWARDED TO:  
*[Signature]*  
*9/9/02 3:30*

RECEIVED BY  
 COUNTY ADMIN. *EW*  
*9-9-02*  
*4:40*  
 COUNTY ADMIN.  
 FORWARDED TO: *BL*  
*9/12/02*



**Buchanan Ingersoll**  
ATTORNEYS

Richard N. Schermer  
(305) 933-5608  
schermerrn@bipc.com

REC-210  
JAN 13 2003

COUNTY LANDS

305-933-2870 FOX

PRINCIPAL LOCATIONS

- Atlanta, GA
- Charlotte, NC
- Chicago, IL
- Dallas, TX
- Denver, CO
- Fort Worth, TX
- Houston, TX
- Los Angeles, CA
- Memphis, TN
- New York, NY
- Orlando, FL
- Phoenix, AZ
- San Francisco, CA
- Seattle, WA
- Washington, DC

January 7, 2003

Mr. Robert G. Clemens  
Acquisition Program Manager  
Lee County  
P.O. Box 398  
Fort Meyers, FL 33902-0398

Re: Pondella Road Widening, Phase III, Project No. 4656  
Parcel 209/210, STRAP No. 09-44-24-00-00002.0000 & .00200

Dear Robert:

In furtherance of our prior discussions regarding the above-captioned matter, this letter shall serve to confirm that Health Care R.E.I.T., Inc. is willing to accept the sum of \$6,800.00, offered by the County for the slope easement, plus attorneys' fees incurred by our client in the amount of \$4,002.00 (invoice enclosed) to settle the above-captioned matter. If said offer is acceptable to the County, please confirm same in writing at your earliest opportunity.

Please let me know if you have any questions with respect to the foregoing.

Very truly yours,

Richard N. Schermer

RNS:atr  
Enc.  
cc: R. Corsetti

11/25/02	R.N. Schermer	Work on Lee County Road widening project; review documents related to same; revise and revised proposed form of easement purchase agreement and slope easement; conference with client.	.80
12/03/02	R.N. Schermer	Conference with R. Jurbala regarding Pondella Road taking for road widening adjacent to Fort Meyers facility; conference with county acquisitions manager regarding status and outstanding issues.	.80
12/4/02	R.N. Schermer	Conference with county manager regarding status of easement request and offer of compensation for Pondella Road widening project by county at Fort Meyers facility; review appraisals, statutes, and client documents related to facility.	2.00
12/12/02	R.N. Schermer	Review Pondella Road taking at Lee County Florida facility; conference with R. Jurbala; work on easement document.	.80
12/23/02	R.N. Schermer	Conference with County manager regarding settlement of road widening easement; conference with client; review easement.	.70
12/27/02	R.N. Schermer	Review order of Lee County regarding service of pleadings; conference with client and county attorney; review eminent domain statutes.	1.30
12/30/02	R.N. Schermer	Conference with Lee County attorney regarding litigation and settlement for Pondella Road widening.	.50

*Bl 209/210  
Rudella Book, No. 4656*

November 12, 2001

**TITLE SEARCH LETTER**

**FILE NUMBER:** TC-F11556  
**YOUR FILE NO:**

**STRAP NUMBER:** 09-44-24-00-00002.0020

**TAX INFORMATION:**

- 1. General and special taxes and assessments required to be paid in the year 2002 and subsequent years, which are not yet due and payable. Strap # 09-44-24-00-00002.0020. ~~2001~~ <sup>2002</sup> taxes are due in the amount of \$50,827.36, if paid by ~~November 30, 2001~~. *gross*
- 2. 2001 Tangible Personal Property taxes are currently due. *\$54,336.93 3/21/03* *legible Not checked*

Tri-County Title Insurance Agency, Inc. does hereby certify that it has searched the Public Records of Lee County, Florida, and that said Public Records appear as follows, to wit:

**OWNER(S) OF RECORD:** HEALTH CARE REIT INC., A Delaware Corporation

*(Copy of corporate status attached)*

**BY Warranty Deed, AS RECORDED IN Official Records Book 2940, Page 3274, of the Public Records of Lee County, Florida.**

**MORTGAGES:**

- 1. NONE
- 2. Memorandum of Lease, as recorded in Official Records Book 2940, Page 3278, of the Public Records of Lee County, Florida.
- 3. *Notice of Lis Pendens 3/79/145*  
LIENS: NONE

**ASSESSMENTS:** NONE

**EASEMENTS & RESTRICTIONS:**

- 1. Lee County Mandatory Garbage Collection Assessment Ordinance 86-14 recorded in Official Records Book 2189, Page 3281, and amended in Official Records Book 2189, Page 3334, of the Public Records of Lee County, Florida.
- 2. Utility Easement, as recorded in Official Records Book 301, Page 273, of the Public Records of Lee County, Florida.
- 3. Non-exclusive Private Drainage Easement, as recorded in Official Records Book 1068, Pages 1901 through 1903, inclusive, of the Public Records of Lee County, Florida.
- 4. Drainage Easement, as recorded in Official Records Book 1126, Pages 1022 through 1024, inclusive, of the Public Records of Lee County, Florida.
- 5. Meter Well and Pipeline Easement, as recorded in Official Records Book 1712, Pages 6 through 9, inclusive, of the Public Records of Lee County, Florida.

**EFFECTIVE DATE:** *11/14/03* November 5, 2001 @ 8:00 am *[Signature]*

This report, while believed to be correct, is necessarily based upon information obtained through the Index of Documents maintained by the Clerk of the Circuit Court and therefore is subject to any errors in such index. This company does not offer any opinion with regard to the validity of any of the recorded documents or the marketability of the title to this property. This report is confined and limited to showing the apparent owner of record and any liens or encumbrances shown in the Public Records of the county wherein the subject property is located.

**BY:** *[Signature]*  
**Dena E. Weygant/Charles R. Hannaway/Jeanette B. Goff**  
**TRI-COUNTY TITLE INSURANCE AGENCY, INC.**

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

Parcel: 209/210  
Project: Pondella Road Widening, Phase III, No. 4656  
STRAP No.: 09-44-24-00-00002.0020

**SLOPE/RESTORATION EASEMENT**

This INDENTURE, made and entered into this 26<sup>th</sup> day of February 2003, between Health Care REIT, Inc., a Delaware Corporation, whose address is One Seagate, Suite 1500, PO Box 1475, Toledo, Ohio 43603, (Grantor), and LEE COUNTY, a political subdivision of the State of Florida, whose address is Post Office 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 or foliage within the Easement Parcel.

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 *matters of Public Record including but not limited to* 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", <sup>to the best of Grantor's knowledge</sup> 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 *arising through the acts of Grantor.*

EC

**Slope/Restoration Easement**  
**Project: Pondella Road Widening, Phase III, No. 4656**  
**Page 2 of 2**

7. Any damage to Grantor's property or permitted improvements thereon resulting from Grantee's use of this access right will be promptly 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, \_\_\_\_\_, Grantor, has caused this document to be signed on the date first above written.

**TWO SEPARATE WITNESSES:**

*Tracy W. Carte*  
1st Witness Signature

**TRACY W. CARTE**

Printed name of 1st Witness

*Rita J. Rogge*  
2nd Witness Signature

**RITA J. ROGGE**

Printed name of 2nd Witness

Health Care REIT, Inc., a Delaware Corporation

By: *Erin C. Ibele*  
GRANTOR

**ERIN C. IBELE**

Please print or type name

Its: VICE PRESIDENT AND CORPORATE SECRETARY  
Title

STATE OF Ohio

COUNTY OF Lucco

SWORN TO AND SUBSCRIBED before me this 26 day of February 2013 by \_\_\_\_\_  
**ERIN C. IBELE** **VICE PRESIDENT AND CORPORATE SECRETARY**  
(name of officer or agent, title of officer or agent)

of Health Care REIT, Inc., a Delaware  
(name of corporation acknowledged) corporation

corporation, on behalf of the corporation.

*Rita J. Rogge*  
(Notary Signature)

(SEAL)

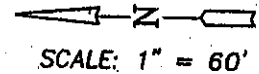


**RITA J. ROGGE**  
Notary Public, State of Ohio  
Commission Expires 8/26/05  
\_\_\_\_\_  
(Print, type or stamp name)

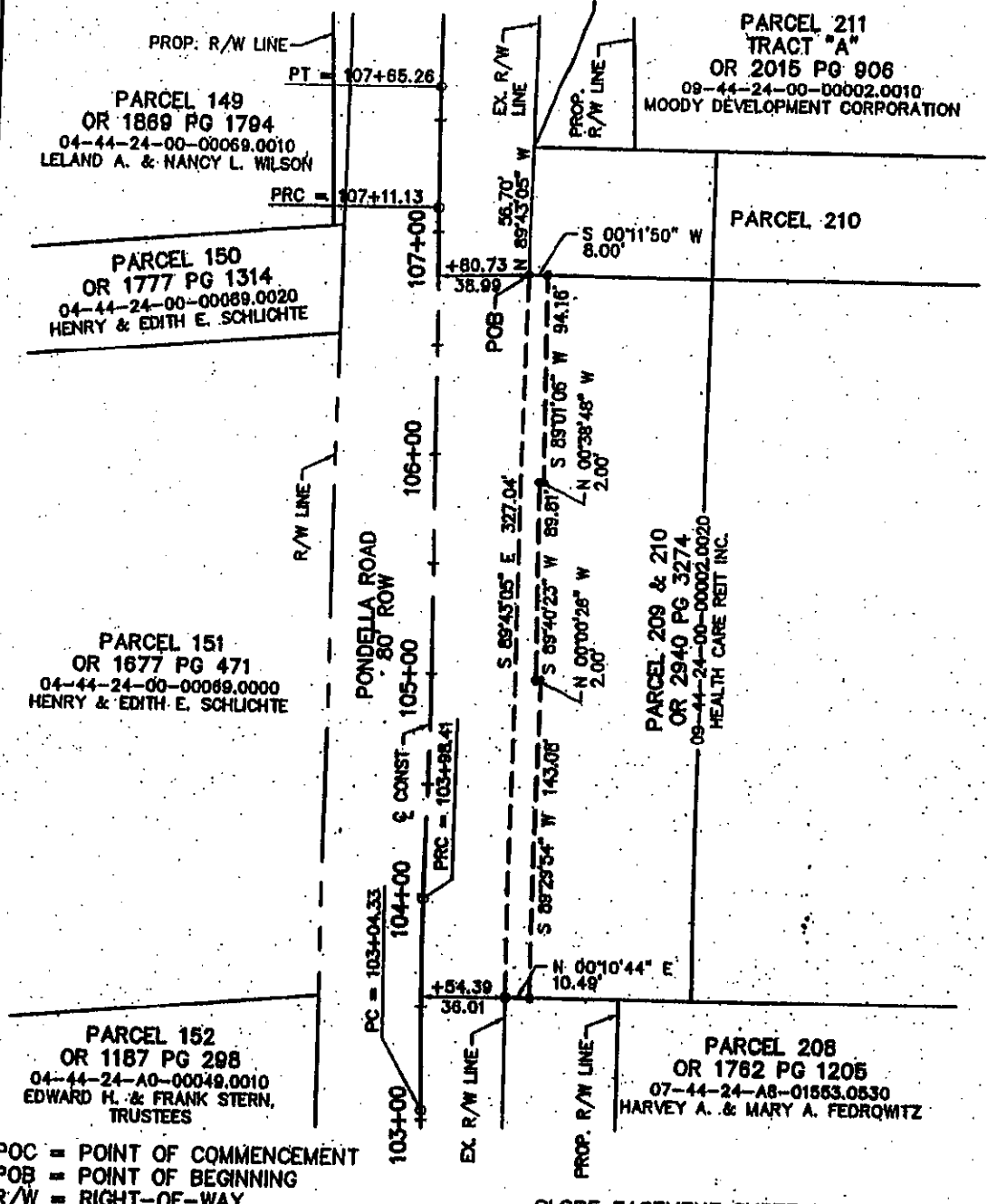
Personally known   
OR Produced Identification \_\_\_\_\_  
Type of Identification \_\_\_\_\_

SECTION 9, TOWNSHIP 44 SOUTH, RANGE 24 EAST  
LEE COUNTY, FLORIDA

PARCEL NO. 209 & 210  
PROPERTY OWNER: HEALTH CARE REIT INC.  
REFERENCE: O.R. 2940, PG 3274  
STRAP NO.: 09-44-24-00-00002.0020  
AREA OF TAKE: 3181 SQ. FT.  
AREA OF REMAINDER: 5.43 AC



- - SET 5/8" IRON ROD & CAP STAMPED "LB 3664"
- - FOUND 5/8" IRON ROD & CAP STAMPED "INK ENG"



SLOPE EASEMENT SHEET 1 OF 2

**AGNOLO**  
**BARBER &**  
**FOUNDATION, INC.**  
Professional engineers, planners, & land surveyors  
Office: Suite 200, 1400 Broadway Blvd., North Miami, FL 33137 (305) 575-8111  
Lee County: Suite 100, 1200 Broadway Blvd., Fort Myers, FL 33901 (813) 335-8111  
Certificate of Authorization No. EC 0001 and 20 0004 Fax (305) 575-8111

DESCRIPTION: PARCEL 209 & 210 SLOPE EASEMENT	
CLIENT: LEE COUNTY D.O.T. & ENGINEERING	
REVISIONS:	
SCALE: 1" = 60'	DATE: FEB. 1, 2002
DRAWN BY: JAN	PROJECT NO.: 2804-3
ACAD. NO.: 8187-B	FILE NO.: 8187



(COUNTY PROJECT NUMBER 4656)

DESCRIPTION OF SLOPE EASEMENT

ALL THAT PART OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORD BOOK 2940, PAGE 3274, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, LYING IN SECTION 9, TOWNSHIP 44 SOUTH, RANGE 24 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF TRACT A, WILLOW CREEK, PLAT BOOK 43, PAGES 1 THROUGH 3;

THENCE NORTH 89°43'05" WEST ALONG THE SOUTHERLY RIGHT-OF-WAY OF PONDELLA ROAD (80' ROW) A DISTANCE OF 56.70 FEET TO THE POINT OF BEGINNING.

THENCE SOUTH 00°11'50" WEST A DISTANCE OF 8.00 FEET;

THENCE SOUTH 89°01'06" WEST A DISTANCE OF 94.16 FEET;

THENCE NORTH 00°38'48" WEST A DISTANCE OF 2.00 FEET;

THENCE SOUTH 89°40'23" WEST A DISTANCE OF 89.81 FEET;

THENCE SOUTH 00°00'26" EAST A DISTANCE OF 2.00 FEET;

THENCE NORTH 89°29'54" WEST A DISTANCE OF 143.08 FEET;

THENCE NORTH 0°10'44" EAST 10.49 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF PONDELLA ROAD (80' ROW);

THENCE SOUTH 89°43'05" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY 327.04 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED.

CONTAINING 3161 SQUARE FEET OF LAND MORE OR LESS; SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

SURVEY DATE: NOVEMBER 21, 2001

AGNOLI, BARBER & BRUNDAGE, INC.  
PROFESSIONAL ENGINEERS, PLANNERS & SURVEYORS AND MAPPERS

BY [Signature]  
GUY P. ADAMS, P.S.M. NO. 4390


THIS BOUNDARY SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTIES WITHOUT THE WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES IS PROHIBITED BY CHAPTER 61G17-6 (2)(E) FLORIDA ADMINISTRATIVE CODE.

ABSTRACT NOT REVIEWED

NOTES:

1. THIS SLOPE EASEMENT WAS BASED ON THE RIGHT-OF-WAY MAPS PREPARED BY INK ENGINEERING, INC.
2. AREAS WERE BASED ON INFORMATION FROM THE LEE COUNTY PROPERTY APPRAISER'S OFFICE.
3. IMPROVEMENTS WERE NOT LOCATED UNDER THE SCOPE OF THIS SURVEY.

SLOPE EASEMENT SHEET 2 OF 2

 <p><b>AGNOLI BARBER &amp; BRUNDAGE, INC.</b> Professional engineers, planners, &amp; land surveyors Office: Suite 200, 5000 Broadway Blvd., North Naples, FL 34109 (941) 977-0111 Lee County: Suite 200, 5000 Broadway Blvd., Fort Myers, FL 33901 (941) 977-0111 Certificate of Registration No. 20 0001 and 20 0002 Fax (941) 977-0000</p>	DESCRIPTION: PARCEL 209 & 210 SLOPE EASEMENT	
	CLIENT: LEE COUNTY D.O.T. & ENGINEERING	
REVISION:	SCALE: N.T.S.	DATE: FEB. 1, 2002
	DRAWN BY: JAN	PROJECT NO.: 2904-3
	ACAD NO.: 8187-6	FILE NO.: 8187

This instrument prepared by:

Lee County  
County Lands Division  
P. O. Box 398  
Ft. Myers, Florida 33902-0398

Parcel: 209/210  
Project: Pondella Road Widening, No. 4656  
STRAP No.: 09-44-24-00-00002.0000

This Space for Recording

SUBORDINATION OF ENCUMBRANCE

WHEREAS on the 19<sup>th</sup> day of Feb, 2003, a Slope/Restoration Easement was given by Health Care REIT Inc., a Delaware corporation to LEE COUNTY, a political subdivision of the State of Florida, which instrument(s) covers the following described real property in Lee County:

See Exhibit "A" attached

WHEREAS, a portion of the lands involved and necessary to the Pondella Road Widening Project is subject to an encumbrance held by the undersigned; and

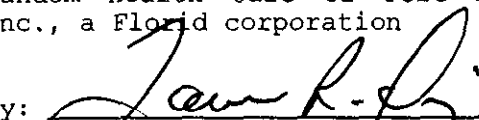
WHEREAS, a request has been made on behalf of Lee County for the undersigned to subordinate the encumbrance to the property rights of Lee County in and to the portion of the premises; and

WHEREAS, the undersigned for good and valuable consideration, does hereby subordinate the encumbrance recorded in Official Record Book 2940, Page 3278, of the Public Records of Lee County, Florida.

NOW, THEREFORE, in consideration of the premises, the encumbrance first described above is by this instrument subordinated and made inferior to the instrument(s) given to Lee County.

IN WITNESS WHEREOF the undersigned has caused these presents to be signed this 19<sup>th</sup> day of Feb, 2003.

Tandem Health Care of Fort Myers, Inc., a Florida corporation

By: 

Title: Chairman and CEO

Address: 991 Pondella Road

North Fort Myers, FL 33903

STATE OF Pennsylvania

COUNTY OF Allegheny

The foregoing instrument was acknowledged before me this 19th day of  
February, 2003, by Lawrence R. Deering  
\_\_\_\_\_  
(name of officer or agent, title of  
Chairman and CEO of Tandem Health Care of Fort Myers, Inc.,  
\_\_\_\_\_  
officer or agent) (name of corporation acknowledged)  
Florida a corporation, on behalf of the  
\_\_\_\_\_  
(state or place of incorporation)  
corporation. He/~~she~~ is personally known to me or has produced \_\_\_\_\_  
\_\_\_\_\_  
(type of identification) as identification.

SEAL

Karen M. Mohr  
(Signature of Notary Public)

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

Notarial Seal  
Karen M. Mohr, Notary Public  
Pittsburgh, Allegheny County  
My Commission Expires Apr. 1, 2004  
Member, Pennsylvania Association of Notaries



(COUNTY PROJECT NUMBER 4856)

DESCRIPTION OF SLOPE EASEMENT

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THENCE SOUTH 89°43'05" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY 327.04 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED.

CONTAINING 3161 SQUARE FEET OF LAND MORE OR LESS;  
SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

SURVEY DATE: NOVEMBER 21, 2001

AGNOLI, BARBER & BRUNDAGE, INC.  
PROFESSIONAL ENGINEERS, PLANNERS & SURVEYORS AND MAPPERS

BY [Signature]  
GUY P. ADAMS, P.S.M. NO. 4390


THIS BOUNDARY SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTIES WITHOUT THE WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES IS PROHIBITED BY CHAPTER 61G17-6 (2)(E) FLORIDA ADMINISTRATIVE CODE.

ABSTRACT NOT REVIEWED

NOTES:

1. THIS SLOPE EASEMENT WAS BASED ON THE RIGHT-OF-WAY MAPS PREPARED BY INK ENGINEERING, INC.
2. AREAS WERE BASED ON INFORMATION FROM THE LEE COUNTY PROPERTY APPRAISER'S OFFICE.
3. IMPROVEMENTS WERE NOT LOCATED UNDER THE SCOPE OF THIS SURVEY.

SLOPE EASEMENT SHEET 2 OF 2

 <p><b>AGNOLI BARBER &amp; BRUNDAGE, INC.</b> Professional engineers, planners, &amp; land surveyors Lee County Public Serv. 2000 International Blvd., Ft. Myers, FL 33909 813-938-2111 Lee County Public Serv. 2000 International Blvd., Ft. Myers, FL 33909 813-938-2111 Certificate of Authorization No. 12 0041 and 02 0041</p>	DESCRIPTION: PARCEL 209 & 210 SLOPE EASEMENT	
	CLIENT: LEE COUNTY D.O.T. & ENGINEERING	
	REVISION:	SCALE: N.T.S.
	DRAWN BY: JAN	PROJECT NO.: 2804-3
	ACAD NO.: 8187-6	FILE NO.: 8187

Parcel: 209/210  
Project: Pondella Road Widening, Phase III, No. 4656  
STRAP No.: 09-44-24-00-00002.0000

**EASEMENT PURCHASE AGREEMENT**

This Agreement made and entered into this 26<sup>th</sup> day of February, 20 03, by and between Health Care REIT, Inc., a Delaware Corporation, whose address is One Seagate, Suite 1500, P.O. Box 1475, Toledo, Ohio 43603, 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 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 a slope easement.

- a) Owner will grant said easement to Purchaser for the sum of \$6,800.00; Purchaser to pay recording costs, documentary stamps and title insurance.
- b) Owner agrees that said easement will be granted to Purchaser by execution of a perpetual easement in form and substance as provided by Purchaser ( attached hereto). Owner also agrees that tenant leasing subject property must subordinate their interest in the property at no additional cost to Purchaser.
- 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) Purchaser agrees to pay \$3,000 for Owner's attorney fees.

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:**

Health Care REIT, Inc., a Delaware Corporation

[Signature]  
1st Witness Signature

By: [Signature]  
Owner

[Signature]  
2nd Witness Signature RITA J. ROGGE

ERIN C. IDELE  
(Please print or type name)

Its: VICE PRESIDENT AND CORPORATE SECRETARY  
(Title)

**ATTEST:**  
CHARLIE GREEN, CLERK

LEE COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Chairman or Vice-Chairman

APPROVED AS TO LEGAL FORM

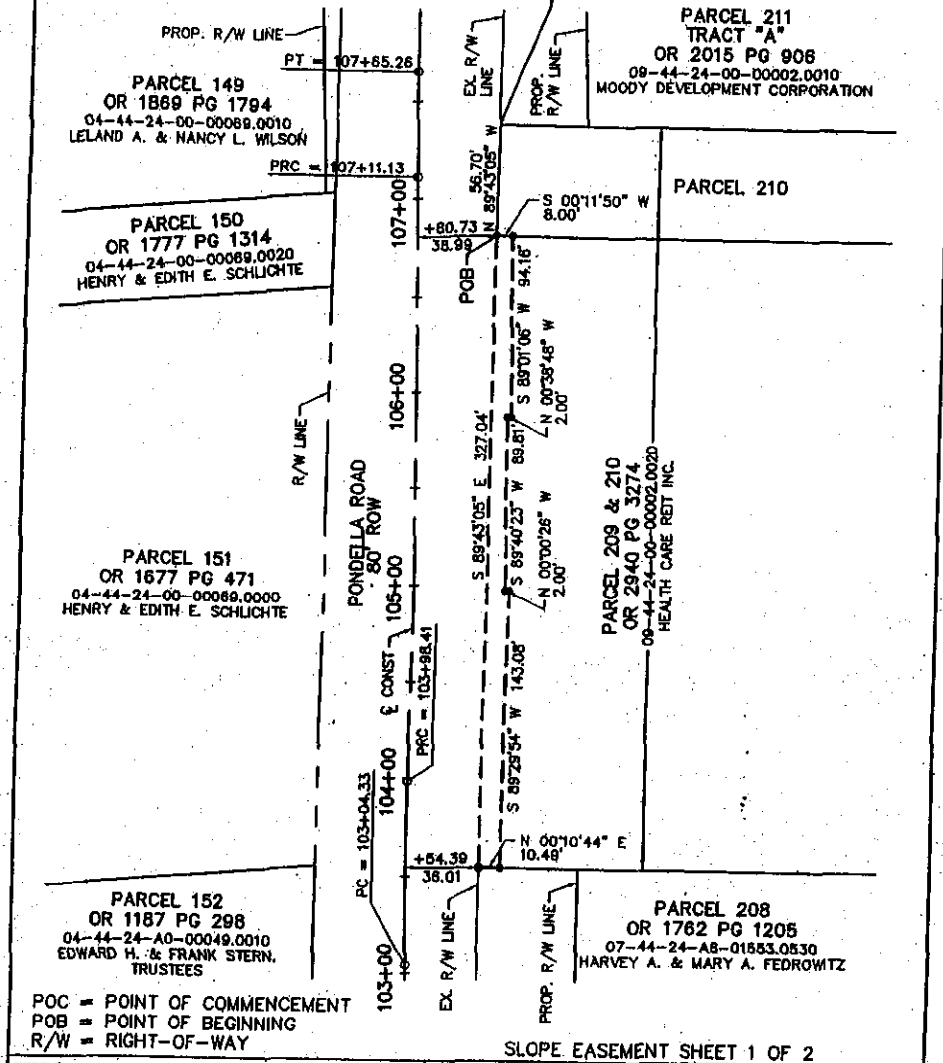
\_\_\_\_\_  
Office of County Attorney

SECTION 9, TOWNSHIP 44 SOUTH, RANGE 24 EAST  
LEE COUNTY, FLORIDA

PARCEL NO. 209 & 210  
PROPERTY OWNER: HEALTH CARE REIT INC.  
REFERENCE: O.R. 2940, PG 3274  
STRAP NO.: 09-44-24-00-00002.0020  
AREA OF TAKE: 3181 SQ. FT.  
AREA OF REMAINDER: 5.43 AC

SCALE: 1" = 60'

- SET 5/8" IRON ROD & CAP STAMPED "LB 3684"
- POUND 5/8" IRON ROD & CAP STAMPED "INK ENG"



SLOPE EASEMENT SHEET 1 OF 2

<p>ANON BARBER &amp; BRUNDAGE Professional engineers, planners, &amp; land surveyors Office: Suite 200, 1000 Federal Trail, Jacksonville, FL 32209 (904) 797-4111 Lee County: Suite 202, 6000 Highway 90, Fort Pierce, FL 34946 (888) 287-8111 Certificate of Authorization No. 28 0004 and 28 0005 Fax (904) 797-2708</p>	DESCRIPTION: PARCEL 209 & 210 SLOPE EASEMENT	
	CLIENT: LEE COUNTY D.O.T. & ENGINEERING	
	REVISION:	
	SCALE: 1" = 60'	DATE: FEB. 1, 2002
DRAWN BY: JAN	PROJECT NO.: 7804-3	
ACAD NO.: 8187-6	FILE NO.: 8187	

(COUNTY PROJECT NUMBER 4856)

DESCRIPTION OF SLOPE EASEMENT

ALL THAT PART OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORD BOOK 2940, PAGE 3274, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, LYING IN SECTION 9, TOWNSHIP 44 SOUTH, RANGE 24 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:


COMMENCING AT THE NORTHWEST CORNER OF TRACT A, WILLOW CREEK, PLAT BOOK 43, PAGES 1 THROUGH 3;  
 THENCE NORTH 89°43'05" WEST ALONG THE SOUTHERLY RIGHT-OF-WAY OF PONDELLA ROAD (80' ROW) A DISTANCE OF 58.70 FEET TO THE POINT OF BEGINNING.

THENCE SOUTH 00°11'50" WEST A DISTANCE OF 8.00 FEET;  
 THENCE SOUTH 89°01'06" WEST A DISTANCE OF 94.16 FEET;  
 THENCE NORTH 00°38'48" WEST A DISTANCE OF 2.00 FEET;  
 THENCE SOUTH 89°40'23" WEST A DISTANCE OF 89.81 FEET;  
 THENCE SOUTH 00°00'26" EAST A DISTANCE OF 2.00 FEET;  
 THENCE NORTH 89°29'54" WEST A DISTANCE OF 143.08 FEET;  
 THENCE NORTH 0°10'44" EAST 10.49 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF PONDELLA ROAD (80' ROW);  
 THENCE SOUTH 89°43'05" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY 327.04 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED.

CONTAINING 3161 SQUARE FEET OF LAND MORE OR LESS;  
 SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

SURVEY DATE: NOVEMBER 21, 2001

AGNOLI, BARBER & BRUNDAGE, INC.  
 PROFESSIONAL ENGINEERS, PLANNERS & SURVEYORS AND MAPPERS

BY  \_\_\_\_\_  
 GUY P. ADAMS, P.S.M. NO. 4390


THIS BOUNDARY SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTIES WITHOUT THE WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES IS PROHIBITED BY CHAPTER 61G17-6 (2)(E) FLORIDA ADMINISTRATIVE CODE.

ABSTRACT NOT REVIEWED

NOTES:

1. THIS SLOPE EASEMENT WAS BASED ON THE RIGHT-OF-WAY MAPS PREPARED BY INK ENGINEERING, INC.
2. AREAS WERE BASED ON INFORMATION FROM THE LEE COUNTY PROPERTY APPRAISER'S OFFICE.
3. IMPROVEMENTS WERE NOT LOCATED UNDER THE SCOPE OF THIS SURVEY.

SLOPE EASEMENT SHEET 2 OF 2

 <p><b>AGNOLI BARBER &amp; BRUNDAGE, INC.</b> Professional engineers, planners, &amp; land surveyors                  Leeward County: Suite 204, 1900 Southwest Blvd, Meritt Station, FL 32109 (904) 997-8111                  Lee County: Suite 204, 4000 Stanley Blvd., Fort Myers, FL 33901 (941) 997-8111                  Certificate of Authorization Nos. 25 0004 and 25 0012 Fax (941) 997-8000</p>	DESCRIPTION: PARCEL 209 & 210 SLOPE EASEMENT	
	CLIENT: LEE COUNTY D.O.T. & ENGINEERING	
REVISION:	SCALE: N.T.S.	DATE: FEB. 1, 2002
	DRAWN BY: JAN	PROJECT NO.: 2804-3
	ACAD NO.: 8187-8	FILE NO.: 8187



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

## Exhibit "A"

Parcel: 209/210  
Project: Pondella Road Widening, Phase III, No. 4656  
STRAP No.: 09-44-24-00-00002.0020

### SLOPE/RESTORATION EASEMENT

This INDENTURE, made and entered into this 16<sup>th</sup> day of February 2003  
between Health Care REIT, Inc., a Delaware Corporation, whose address is One Seagate, Suite  
1500, PO Box 1475, Toledo, Ohio 43603, (Grantor), and LEE COUNTY, a political subdivision of  
the State of Florida, whose address is Post Office 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 or foliage within the Easement Parcel.

5. Title to the improvements constructed by the Grantee within the Easement Parcel will remain in the Grantee, its successors or assigns.

6. Subject to any *matters of Public Record including but not limited to* 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 <sup>to the best of Grantor's knowledge</sup> 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 *arising through the acts of Grantor.*

(GC)

# Exhibit "A"

Slope/Restoration Easement

Project: Pondella Road Widening, Phase III, No. 4656

Page 2 of 2

7. Any damage to Grantor's property or permitted improvements thereon resulting from Grantee's use of this access right will be promptly 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, \_\_\_\_\_, Grantor, has caused this document to be signed on the date first above written.

TWO SEPARATE WITNESSES:

Tracy W. Carte  
1st Witness Signature  
**TRACY W. CARTE**

Printed name of 1st Witness

Rita J. Rogge  
2nd Witness Signature

RITA J. ROGGE  
Printed name of 2nd Witness

Health Care REIT, Inc., a Delaware Corporation

By: Erin C. Ibele  
GRANTOR

ERIN C. IBELE  
Please print or type name

Its: VICE PRESIDENT AND CORPORATE SECRETARY  
Title

STATE OF Ohio  
COUNTY OF Lucas

SWORN TO AND SUBSCRIBED before me this 26 day of February, 2013 by \_\_\_\_\_

ERIN C. IBELE VICE PRESIDENT AND CORPORATE SECRETARY  
(name of officer or agent, title of officer or agent)

of Health Care REIT Inc., a Delaware corporation, on behalf of the corporation.

Rita J. Rogge  
(Notary Signature)

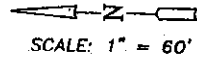


RITA J. ROGGE (Print, type or stamp name)  
Notary Public, State of Ohio  
Commission Expires 8/26/05

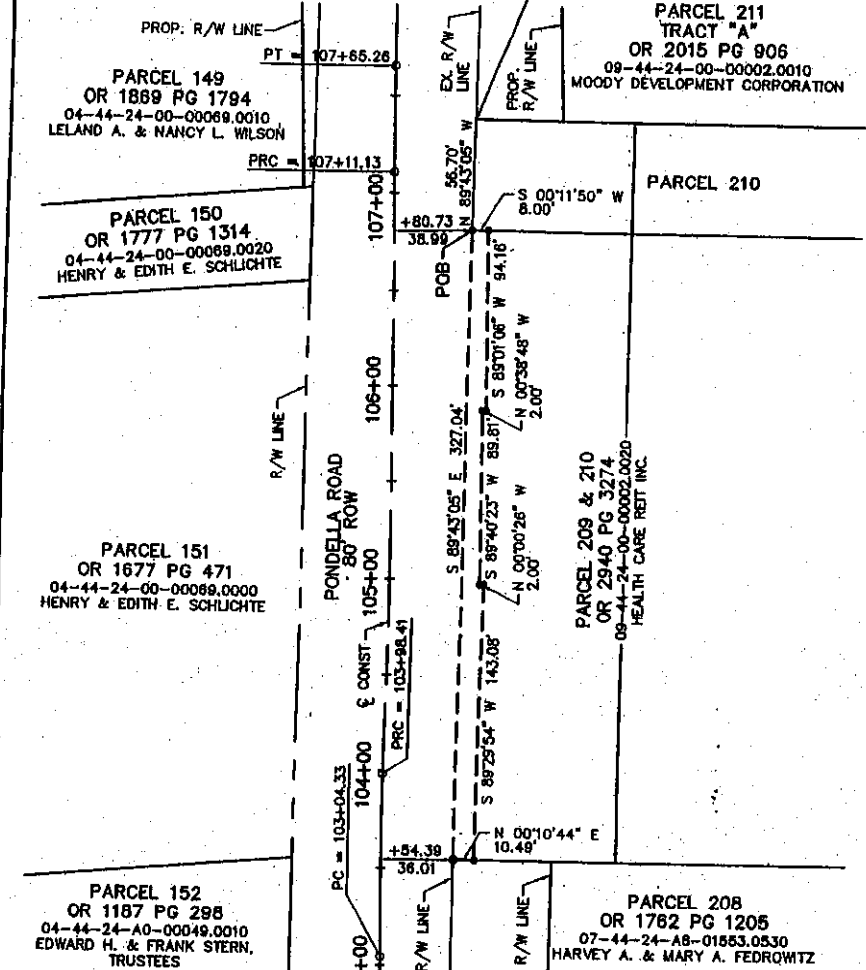
Personally known \_\_\_\_\_  
OR Produced Identification \_\_\_\_\_  
Type of Identification \_\_\_\_\_

SECTION 9, TOWNSHIP 44 SOUTH, RANGE 24 EAST  
LEE COUNTY, FLORIDA

PARCEL NO. 209 & 210  
PROPERTY OWNER: HEALTH CARE REIT INC.  
REFERENCE: O.R. 2840, PG 3274  
STRAP NO.: 09-44-24-00-00002.0020  
AREA OF TAKE: 3181 SQ. FT.  
AREA OF REMAINDER: 5.43 AC



- - SET 5/8" IRON ROD & CAP STAMPED "LB 3684"
- - FOUND 5/8" IRON ROD & CAP STAMPED "INK ENG"



POC = POINT OF COMMENCEMENT  
POB = POINT OF BEGINNING  
R/W = RIGHT-OF-WAY

SLOPE EASEMENT SHEET 1 OF 2

	DESCRIPTION: PARCEL 209 & 210 SLOPE EASEMENT	
	CLIENT: LEE COUNTY D.O.T. & ENGINEERING	
	REVISION:	
	SCALE: 1" = 80'	DATE: FEB. 1, 2002
DRAWN BY: JAN	PROJECT NO.: 7904-3	
ACAD NO.: 8187-6	FILE NO.: 8187	

(COUNTY PROJECT NUMBER 4656)

DESCRIPTION OF SLOPE EASEMENT

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THENCE SOUTH 89°01'06" WEST A DISTANCE OF 94.16 FEET;  
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CONTAINING 3161 SQUARE FEET OF LAND MORE OR LESS;  
SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

SURVEY DATE: NOVEMBER 21, 2001

AGNOLI, BARBER & BRUNDAGE, INC.  
PROFESSIONAL ENGINEERS, PLANNERS & SURVEYORS AND MAPPERS

BY  \_\_\_\_\_  
GUY P. ADAMS, P.S.M. NO. 4390


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SLOPE EASEMENT SHEET 2 OF 2

 <p><b>AGNOLI BARBER &amp; BRUNDAGE, INC.</b> Professional engineers, planners, &amp; land surveyors Office: 1000 S. 10th Street, Fort Myers, FL 33902 (813) 937-0211 Fax: (813) 937-0211 Certificate of Registration No. 12 5674 and 58 5657 Fax: (813) 937-0208</p>	DESCRIPTION: PARCEL 209 & 210 SLOPE EASEMENT	
	CLIENT: LEE COUNTY D.O.T. & ENGINEERING	
REVISION:	SCALE: N.T.S.	DATE: FEB. 1, 2002
	DRAWN BY: JAN	PROJECT NO.: 7804-3
	ACAD NO: B187-8	FILE NO: B187

Parcel 209/210

STRAP: 09-44-24-00-00002.0000

Project: Pondella Road Widening, Phase III, #4656

AFFIDAVIT OF INTEREST IN REAL PROPERTY

THIS AFFIDAVIT OF INTEREST IN REAL PROPERTY is made and entered this 10<sup>th</sup> day of February, 2008 for the sole purpose of compliance with Section 286.23 of the Florida Statutes.

The undersigned hereby swears and affirms under oath, subject to the penalties prescribed for perjury, that the following is true:

The Name and Address of the Grantor is:

Health Care REIT, Inc., a Delaware Corporation

One Seagate, Suite 1500, PO Box 1475, Toledo, OH 43605

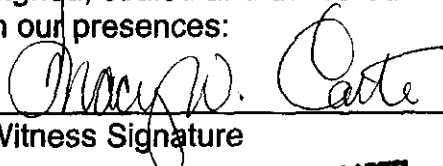
The name(s) and address(es) of every person having a beneficial interest in real property that will be conveyed to Lee County are:

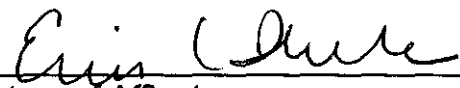
1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_

The real property to be conveyed to Lee County is known as: See EXHIBIT "A" attached hereto and made a part hereof.

FURTHER AFFIANT SAYETH NAUGHT.

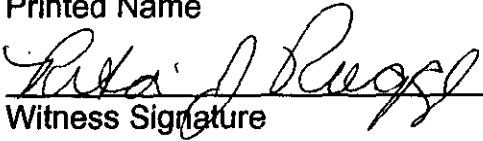
Signed, sealed and delivered  
in our presences:

  
Witness Signature  
TRACY W. CARTE

  
Signature of Affiant  
ERIN C. IBELE

Printed Name

Printed Name

  
Witness Signature  
RITA J. ROGGE

Printed Name

Affidavit of Interest in Real Property  
Parcel 209/210  
STRAP: 09-44-24-00-00002.0000  
Project: Pondella Road Widening, Phase III, #4656

STATE OF Ohio

COUNTY OF Lucas

SWORN TO AND SUBSCRIBED before me this 26 day of February, 2013 by \_\_\_\_\_  
ERIN C. IBELE VICE PRESIDENT AND  
CORPORATE SECRETARY  
(name of officer or agent, title of officer or agent)

of Health Care REIT, Inc., a Delaware  
(name of corporation acknowledged)

corporation, on behalf of the corporation.

Rita J. Rogge  
(Notary Signature)



RITA J. ROGGE  
Notary Public, State of Ohio  
Commission Expires 8/26/05  
\_\_\_\_\_  
(Print, type or stamp name)

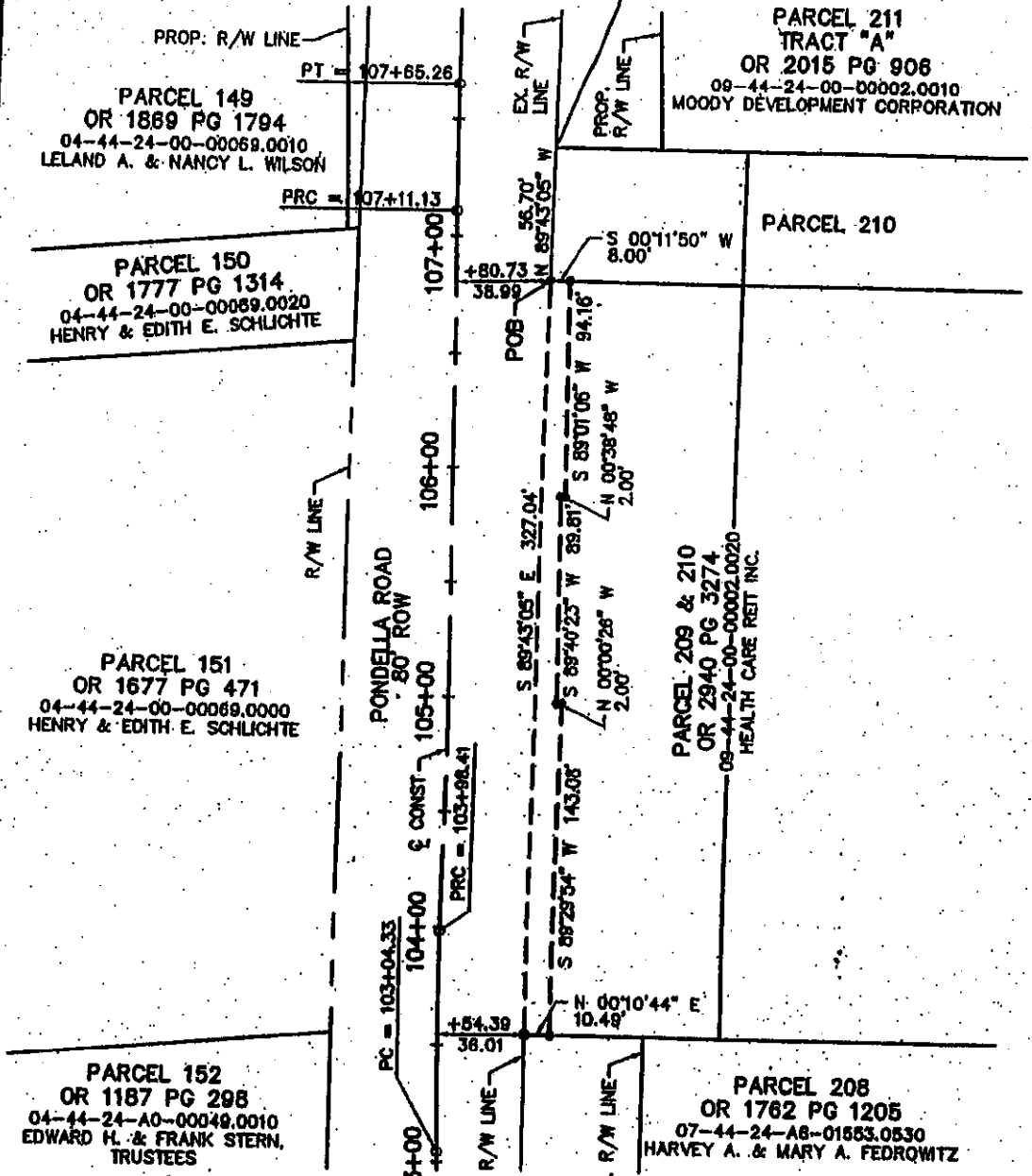
Personally known \_\_\_\_\_  
OR Produced Identification \_\_\_\_\_  
Type of Identification \_\_\_\_\_

SECTION 9, TOWNSHIP 44 SOUTH, RANGE 24 EAST  
LEE COUNTY, FLORIDA

PARCEL NO. 209 & 210  
 PROPERTY OWNER: HEALTH CARE REIT INC.  
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SLOPE EASEMENT SHEET 1 OF 2

**BRUNDAGE, INC.**  
 PROFESSIONAL ENGINEERS, PLANNERS, & LAND SURVEYORS  
 2000 South County Road 200, 1000  
 Lee County, Florida 32042  
 Telephone: 904-238-1111  
 Fax: 904-238-0888

DESCRIPTION: PARCEL 209 & 210 SLOPE EASEMENT	
CLIENT: LEE COUNTY D.O.T. & ENGINEERING	
REVISION:	
SCALE: 1" = 60'	DATE: FEB. 1, 2002
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SURVEY DATE: NOVEMBER 21, 2001

AGNOLI, BARBER & BRUNDAGE, INC.  
PROFESSIONAL ENGINEERS, PLANNERS & SURVEYORS AND MAPPERS

BY GUY P. ADAMS, P.S.M. NO. 4390


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SLOPE EASEMENT SHEET 2 OF 2

 <b>AGNOLI BARBER &amp; BRUNDAGE, INC.</b> Professional engineers, planners, & land surveyors Office: 2000 S.W. 10th Street, Fort Myers, FL 33901 (813) 937-0111 Lee County: 2000 S.W. 10th Street, Fort Myers, FL 33901 (813) 937-0111 Statewide: 2000 S.W. 10th Street, Fort Myers, FL 33901 (813) 937-0111	DESCRIPTION: PARCEL 209 & 210 SLOPE EASEMENT	
	CLIENT: LEE COUNTY D.O.T. & ENGINEERING	
REVISION:	SCALE: N.T.S.	DATE: FEB. 1, 2002
	DRAWN BY: JAN	PROJECT NO.: 7904-3
	ACAD NO.: 8187-8	FILE NO.: 8187





**Grubb & Ellis** | VIP  
Property Solutions Worldwide | D'Alessandro

August 23, 2002

Mr. Robert G. Clemens, SR, WA  
Acquisition Program Manager  
Lee County Department of Public Works  
Division of County Lands  
Post Office Box 398  
Fort Myers, Florida 33902-0398

Re: Parcel 209/210  
Pondella Road Widening Project, Phase III  
Slope Easement Located at 991 Pondella Road,  
North Fort Myers, Florida 33903  
Property Owner: Health Care Reit, Inc.  
Appraisal No.: 020116

Dear Mr. Clemens:

At your request, we have analyzed the proposed acquisition that will encumber the approximate north 10 feet of an improved parent tract located at 991 Pondella Road. The proposed acquisition is a slope easement as identified by the parcel sketch and legal description provided to us prepared by Agnoli, Barber & Brundage, Inc., identified as File No. 8187, dated February 1, 2002. According to the parcel sketch and legal description, the acquisition that is to occur will be a partial take for the purpose of widening Pondella Road. In valuing a partial take, the market value of the real property and property rights sought to be acquired and damages or special benefits to the remaining real property and property rights are estimated. It is our understanding that the intended use of this market value estimate is for purchase negotiations between Lee County and the subject property owner for acquisition by Lee County.

The market value estimate reported herein is the result of a Complete Appraisal Process and is reported to you in the format requested by you, a Summary Appraisal Report Format. The Summary Appraisal Report Format is intended to comply with the reporting requirements set forth under Standards Rule 2-2(b) of the Uniform Standards of Professional Appraisal Practice for a Summary Appraisal Report. As such, it presents only summary discussions of the data, reasoning and analyses that were used in the appraisal process to develop the appraisers' opinion of value. Supporting documentation concerning the data, reasoning and analyses is retained in the appraiser's file. The depth of discussion contained in this report is specific to the needs of our client and is for the intended use stated herein. The appraisers are not responsible for unauthorized use of this report.

Specifically, the purpose of this appraisal is to (1) estimate the market value of the entire ownership; and (2) estimate the market value of the remainder. The difference between the two values will then be analyzed as to the allocation of the value differential to the real property acquired and damages or special benefits to the

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remaining real property and property rights. The property rights involved in this acquisition consist of a "slope easement". The rights to be acquired within this easement will be described in detail later in this report.

In order to identify the parent tract it must satisfy three tests: (1) unity of title; (2) unity of use; and (3) contiguity. In applying these three tests, it is determined the parent tract is a parcel under the ownership of Health Care Reit, Inc., a Delaware Corporation. This parcel is located at a street address of 991 Pondella Road and is identified by the Lee County Property Appraisers Office as STRAP # 09-44-24-00-00002.0020. This parcel is improved with an assisted living facility that was built in 1985. The site contains a total area of 253,519.20 square feet, or 5.82 acres, as indicated by the Lee County Property Appraisers Office. The improvements contain a total area of 48,456 square feet and will be unaffected by the acquisition.

The proposed acquisition is described as a "slope easement" and will encumber the northerly portion of the parent tract. The previously referenced site sketch indicates the easement will contain a total area of 3,161 square feet. Dimensions are as follows: 10.49' x 327.04' x 8.00' x 94.16' x 2.00' x 89.81' x 2.00' x 143.08'. A slope easement gives the easement owner 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."

The effective date of valuation for this parcel is considered to be August 16, 2002. This represents the date of a complete and thorough inspection of the parcel by Stephen A Cunningham, MAI, SRA, State-Certified General Real Estate Appraiser, Certificate Number 0000300.

This appraisal is not based upon a minimum valuation, a specific valuation or the approval of a loan. The appraisal report has been prepared in conformity with the requirements of the Code of Professional Ethics and the Standards of Professional Appraisal Practice of the Appraisal Institute, and this report adheres to the Uniform Standards of Professional Appraisal Practice adopted by the Appraisal Standards Board of the Appraisal Foundation. Mr. Stephen A Cunningham, MAI, SRA has complied with the Uniform Standards of Professional Appraisal Practice, Competency Provision. The attached Summary Appraisal Report contains the data, analyses, limiting conditions, and conclusions of value. The subject property is assumed to be free and clear of all liens and encumbrances except typical mortgage financing for properties similar to the subject property, at market rates. Mr. Stephen A Cunningham, MAI, SRA, certifies that, during the completion of this assignment, a thorough inspection of the subject property was undertaken. We certify that we have no past, present, or future interest in the real estate, and, to the best of our knowledge, the facts contained herein are true and correct.

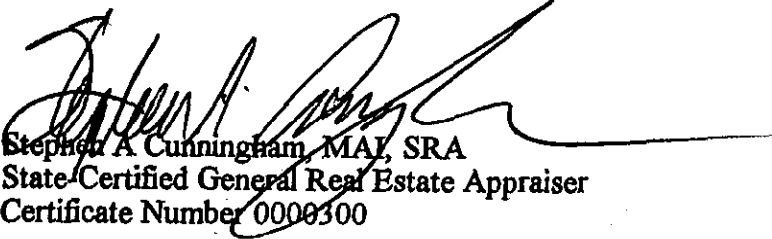
Therefore, based upon the following summarized sections of the report, it is our opinion that the total estimated just compensation due to the property owner, as of August 16, 2002, can be summarized as follows.

Value of the Take Area	\$1,100.00
Value of Improvements within the Take Area	\$4,200.00
Plus Severance Damages	\$0.00
Plus Cost to Cure	\$0.00
<b>TOTAL COMPENSATION DUE PROPERTY OWNER</b>	<b>\$5,300.00</b>

We appreciate the opportunity to be of service to you in this matter.

Respectfully submitted,

**GRUBB & ELLIS|VIP-D'ALESSANDRO**  
*Division of Valuation and Research*



Stephen A. Cunningham, MAI, SRA  
State-Certified General Real Estate Appraiser  
Certificate Number 0000300

# EXECUTIVE SUMMARY

<b>OWNER OF RECORD:</b>	Health Care Reit, Inc.
<b>LOCATION:</b>	991 Pondella Road, North Fort Myers, Florida
<b>LAND AREA:</b>	3, 161 sf (Partial Take, Slope Easement)
<b>IMPROVEMENTS:</b>	In take area ( Trees, sod, lighting, asphalt paving, fencing
<b>LAND USE:</b>	Suburban
<b>ZONING:</b>	C-1
<b>HIGHEST AND BEST USE ( PARENT TRACT):</b>	Future Commercial
<b>ESTIMATE OF VALUE-COST APPROACH:</b>	N/A
<b>ESTIMATE OF VALUE-MARKET APPROACH:</b>	\$5,300.00
<b>ESTIMATE OF VALUE-INCOME APPROACH:</b>	N/A
<b>FINAL VALUE ESTIMATE:</b>	\$5,300.00
<b>INTEREST APPRAISED:</b>	Slope Easement
<b>DATE OF VALUATION:</b>	August 16, 2002
<b>APPRAISERS:</b>	Stephen A. Cunningham, MAI, SRA
<b>SPECIAL ASSUMPTIONS:</b>	Radon, Toxic Waste
<b>COMMENTS:</b>	Acquisition is a partial take. Total compensation includes improvements in the take area estimated at \$5,300.00

## COMPARABLE SALES GRID

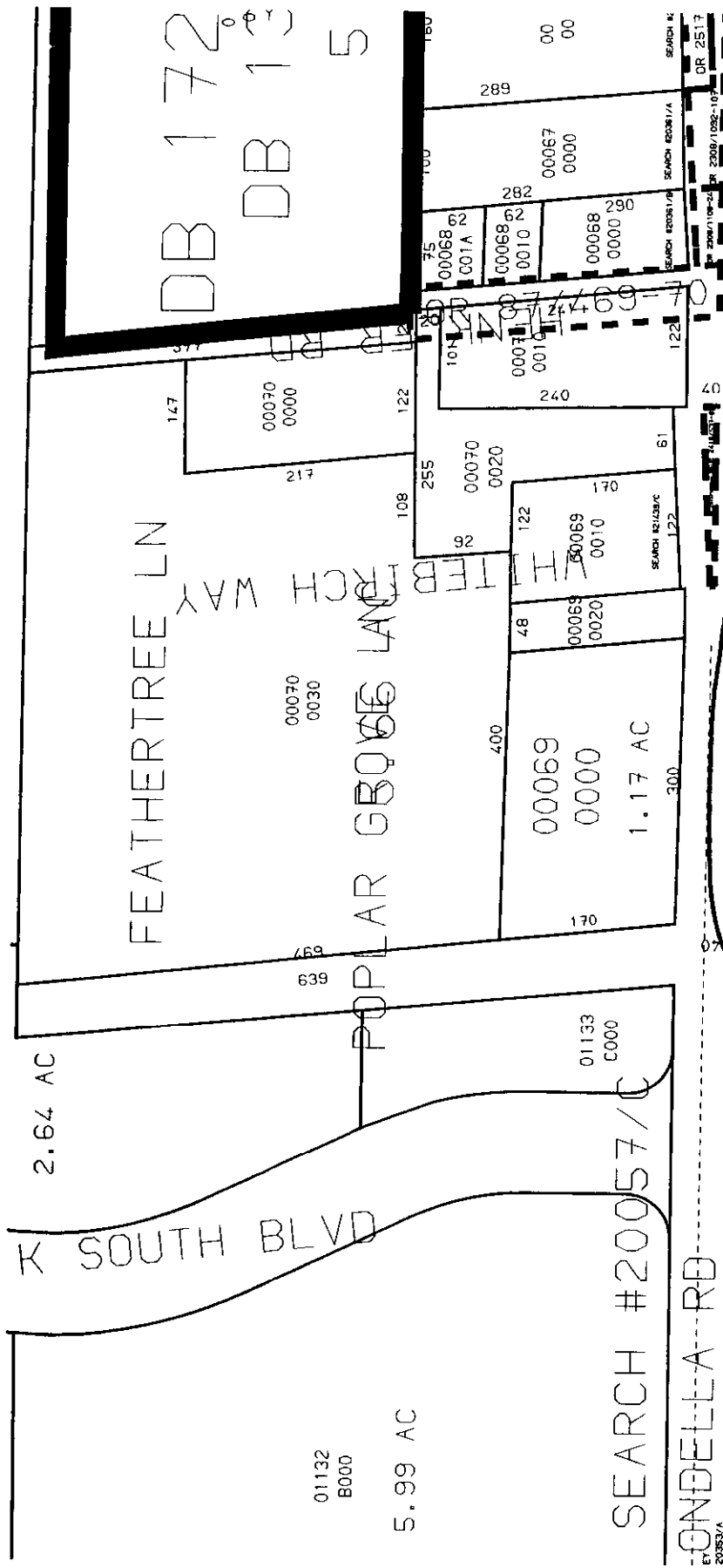
	Subject	Sale 1	Sale 2	Sale 3	Sale 4	Sale 5
OR Book/Page		3444/0539	3505/2021	3539/3926	3242/2562	3242/2565
Sales Price		\$185,000.00	\$127,000.00	\$710,000.00	\$775,800.00	\$179,700.00
Sale Terms						
Financing		PMM \$150,000.00	PMM \$105,000.00	Cash Indicated	Cash Indicated	PMM \$125,000.00
Adjustment		-0-	-0-	-0-	-0-	-0-
Motivation		Arms Length	Arms Length	Arms Length	Arms Length	Arms Length
Adjustment		-0-	-0-	-0-	-0-	-0-
Other		None	None	None	None	None
Adjustment		-0-	-0-	-0-	-0-	-0-
Cash Equivalent Sale Price		\$185,000.00	\$127,000.00	\$710,000.00	\$775,800.00	\$179,700.00
Sale Date		June 29, 2001	October 15, 2001	November 29, 2001	April 11, 2000	April 6, 2000
Adjustment		-0-	-0-	-0-	-0-	-0-
Time Adj. \$ Equiv. Sale Price		\$185,000.00	\$127,000.00	\$710,000.00	\$775,800.00	\$179,700.00
Site Characteristics						
Improved	No	No	No	No	No	No
Shape	Rectangular	Irregular	Irregular	Irregular	Irregular	Irregular
Total Site Size (acres)	5.82	3.45	2.12	9.86	6.85	1.50
Sales Price per SF		\$1.23	\$1.38	\$1.65	\$2.60	\$2.75
Location	Pondella Road	Pondella Road	Pondella Road	Marianna Avenue	Diplomat Pkwy E.	Diplomat Pkwy E.
Main Arterial	Pondella Road	Pondella Road	Pondella Road	Pine Island Road	Diplomat Pkwy E.	Diplomat Pkwy E.
Zoning	C-1	C-1	C-1	CPD	I-1	I-1
Land Use District	Suburban	Suburban	Suburban	Intensive Development	Light Industrial	Light Industrial
Overlay District	N/A	N/A	N/A	N/A	Transition	Transition
Adjustments						
Zoning		Equal	Equal	CPD	I-1	I-1
Adjustment		-0-	-0-	-0-	-0-	-0-
Location		Equal	Equal	Equal	Superior	Superior
Adjustment		-0-	-0-	-0-	-50%	-50%
Size		Equal	Equal	Equal	Equal	Equal
Adjustment		-0-	-0-	-0-	-0-	-0-
Net Adjustments		0%	0%	0%	-50%	-50%
Adjusted Price		\$1.23	\$1.38	\$1.65	\$1.30	\$1.38

# 5-Year Sales History

Parcel No. 209/210

Pondella Road Widening, Project No. 4656

Grantor	Grantee	Sale Date	Purchase Price	Arms Length Y/N
Florida Health Facilities Corp. ( of Lee County)	Health Care REIT, Inc.	03/31/98	\$6,489,300	Y



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DB 135

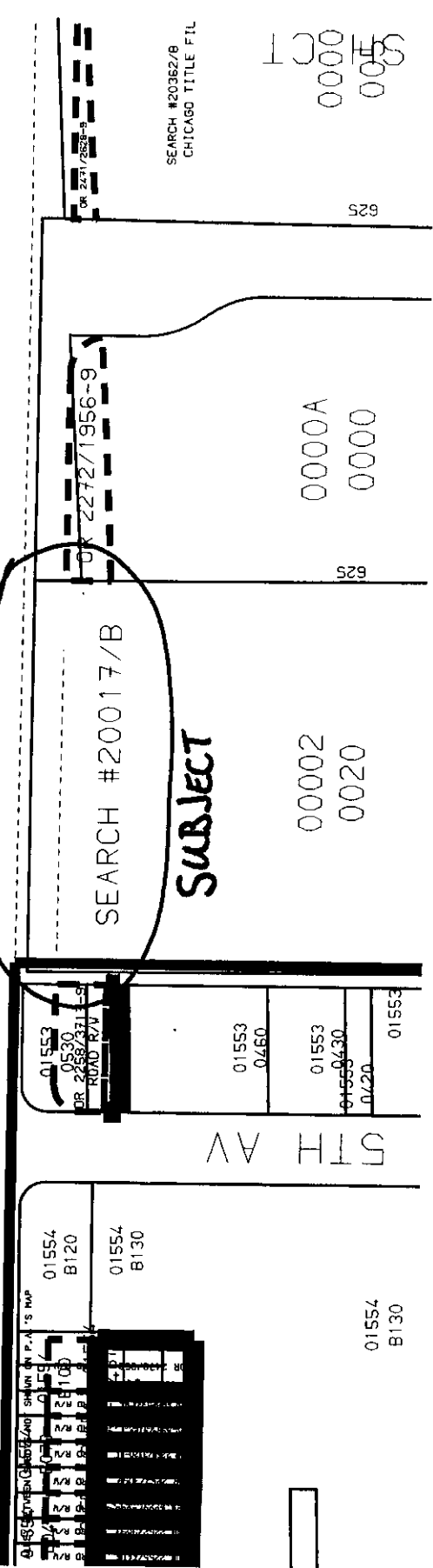
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SEARCH #20361/Z  
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