# Lee County Board of County Commissioners Agenda Item Summary

Blue Sheet No. 20030561

## I. REQUESTED MOTION:

ACTION REQUESTED: Approve the acquisition of Parcel 233, for the Three Oaks Parkway South Extension Project No. 4043, in the amount of \$78,000, pursuant to the terms and conditions set forth in the Agreement for Purchase and Sale of Real Estate; authorize the Chairman on behalf of the Board of County Commissioners to sign the Purchase Agreement; authorize payment of necessary costs to close; authorize the Division of County Lands to handle and accept all documentation necessary to complete this transaction.

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

WHAT ACTION ACCOMPLISHES: The acquisition of property during the voluntary phase of the project, thus avoiding the Board's need to exercise its power of Eminent Domain.

Board's need	to exercise its po	wer of Eminer	it Domaii	n.							
2. DEPART	MENTAL CAT	EGORY: 0	6	010	)		3. <u>M</u>	ETING [	DATE:		
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4. AGENDA:		5. REQUIR	EMENT/PU	IRPOSE:		6. <u>REQ</u>	UESTOR OF I	VFORMATIC			
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TIME REQUIRED		OTHER				BY: <u>Ka</u>	ren L. W. Fors	<u>/th, Director</u>	Juga Kr 5:66		
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	he Department o	f Transportatio	n to acq	uire property	for the Th	ree Oak	s Parkway S	South Exte	ension Project No.		
This acquisition Trail, being fur	n consists of the forther identified as	ee interest in th STRAP No.: 2	ne proper 25-47-25-	ty, improved B4-00201.01	with a sing 30.	gle-family	y mobile hor	ne, located	d at 11122 Wagon		
The owner of P expenses. The fees, if any.	arcel 233, Zella M County is to pay o	ae Siler, has a costs to close o	greed to	sell the prope mately \$1,250	rty to the ( ). The sel	County fo ler is resp	or \$78,000.0 consible for r	0, which is eal estate	inclusive of moving broker and attorney		
The property w	as appraised by	the firm of Car	Ison, No	rris and Asso	ciates, Ind	c., with a	resulting va	lue of \$76	3,000.		
moving expen	of the opinion th ses and the Cou that the Board ap	unty avoiding	the acqu	uisition of the	cceptable propert	range of	f value, give y of Emine	n the inclunt nt Domai	u <u>sion of any and all</u> n. Therefore, it is		
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<b>ENB</b> RIC BESONBCES						2/	<10		CO. ATTY. FORMARDED TO:		

This document prepared by:

Lee County

County Lands Division

Project: Three Oaks Parkway South Extension, No. 4043

Parcel: 233/Siler

STRAP No.: 25-47-25-B4-00201.0130

### BOARD OF COUNTY COMMISSIONERS

#### LEE COUNTY

## AGREEMENT FOR PURCHASE AND SALE OF REAL ESTATE

THIS AGI	REEMENT for p	urchase and	sale of	real propert	y is mad	le
this	day of		20 by	and between	Zella Ma	ıe
Siler, Owner	, hereinafter	referred t	o as SELL	ER, whose ad	ldress is	3,
11122 Wagon	Trail, Bonita	Springs, F	lorida 341	135, and Lee	County,	a
political su	bdivision of	the State o	f Florida,	hereinafter	referre	d
to as BUYER.						

### WITNESSETH:

- 1. AGREEMENT TO PURCHASE AND TO SELL: SELLER agrees to sell and BUYER agrees to purchase, subject to the terms and conditions set forth below, a parcel of land consisting of .372 acres more or less, and located at 11122 Wagon Trail, Bonita Springs, Florida 34135 and more particularly described as Lots 13 & 14, Block 1, LEITNER CREEK MANOR, Unit 2, a subdivision according to the plat or map thereof described in Plat Book 30, Pages 79 and 80, of the Public Records of Lee County, Florida, hereinafter called "the Property." This property will be acquired for the Three Oaks Parkway South Extension Project, hereinafter called "the Project."
- 2. **PURCHASE PRICE AND TIME OF PAYMENT:** The total purchase price ("Purchase Price") will be Seventy-Eight Thousand and No/100 (\$78,000.00), payable at closing by County Warrant.
- 3. EVIDENCE OF TITLE: BUYER will obtain at BUYER'S expense an American Land Title Association Form B Title Commitment and provide title insurance Owner's Policy in the amount of the Purchase Price,

from a title company acceptable to BUYER. The commitment will be accompanied by one copy of all documents that constitute exceptions to the title commitment. The commitment will also show title to be good and marketable with legal access, subject only to real estate taxes for the current year, zoning and use restrictions imposed by governmental authority, and restrictions and easements common to the area.

- 4. CONDITION OF PROPERTY; RISK OF LOSS: BUYER has inspected the Property and, except as is otherwise provided herein, accepts the Property in the condition inspected. Any loss and/or damage to the Property occurring between the date of this offer and the date of closing or date of possession by BUYER, whichever occurs first, will be at SELLER's sole risk and expense. However, BUYER may accept the damaged property and deduct from the purchase price any expenses required to repair the damage, or BUYER may cancel this Agreement without obligation.
- 5. **SELLER'S INSTRUMENTS AND EXPENSES:** SELLER will pay for and provide:
  - (a) A statutory warranty deed, and an affidavit regarding liens, possession, and withholding under FIRPTA in a form sufficient to allow "gap" coverage by title insurance;
  - (b) documentary stamps on deed;
  - (c) utility services up to, but not including the date of closing;
  - (d) taxes or assessments for which a bill has been rendered on or before the date of closing;
  - (e) payment of partial release of mortgage fees,
     if any;
  - (f) SELLER's attorney fees, if any.
  - 6. BUYER'S INSTRUMENTS AND EXPENSES: BUYER will pay for:
    - (a) Recording fee for deed;
    - (b) survey, (if desired by BUYER).

- 7. TAXES: SELLER will be charged for Real Estate taxes and personal property taxes (if applicable) up to, but not including the date of closing.
- 8. DEFECTS IN TITLE AND LEGAL ACCESS: Prior to closing, BUYER will have a reasonable time to examine the title and documents establishing legal access to the property. If title or legal access is found to be defective, BUYER will notify SELLER in writing of the defects and SELLER will make a prompt and diligent effort to correct such defects. If SELLER fails to make corrections within 60 days after notice, BUYER may elect to accept the Property in its existing condition with an appropriate reduction to the purchase price, or may terminate this Agreement without obligation.
- 9. SURVEY: BUYER may order the Property surveyed at BUYER's expense. SELLER agrees to provide access to the Property for the survey to be performed. If the survey shows a discrepancy in the size or dimensions of the Property, or shows encroachments onto the Property or that improvements located on the Property encroach onto adjacent lands, or if the survey identifies violations of recorded covenants or covenants of this Agreement, upon notice to the SELLER, the BUYER may elect to treat those discrepancies, violations or encroachments as a title defect.
- 10. ENVIRONMENTAL AUDIT: BUYER may perform or have performed, at BUYER's expense, an environmental audit of the Property. If the audit identifies environmental problems unacceptable to the BUYER, BUYER may elect to accept the Property in its existing condition with an appropriate abatement to the purchase price or BUYER may terminate this Agreement without obligation.

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

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

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

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

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

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

- 13. DATE AND LOCATION OF CLOSING: The closing of this transaction will be held at the office of the insuring title company on or before Ninety (90) days from the date this Agreement is made. The time and location of closing may be changed by mutual agreement of the parties.
  - 14. ATTORNEYS' FEES: The prevailing party in any litigation concerning this Agreement will be entitled to recover reasonable attorneys' fees and costs.
  - 15. **REAL ESTATE BROKERS:** SELLER hereby agrees to indemnify and hold the BUYER harmless from and against any claims by a real estate broker claiming by or through SELLER.
  - 16. **POSSESSION:** SELLER warrants that there are no parties in possession other than SELLER unless otherwise stated herein. SELLER agrees to deliver possession of Property to BUYER at time of closing unless otherwise stated herein.
  - 17. TYPEWRITTEN/HANDWRITTEN PROVISIONS: Typewritten and handwritten provisions inserted herein or attached hereto as addenda, and initialed by all parties, will control all printed provisions in conflict therewith.
  - 18. **SPECIAL CONDITIONS:** Any and all special conditions will be attached to this Agreement and signed by all parties to this Agreement.

AGREEMENT FOR PURCHASE AND SALE OF REAL ESTATE Page 6 of 7  $\,$ 

WITNESSES:	SELLER:
Jones heich Jones	3/1/29/03 29/1a Mae Siler (DATE)
CHARLIE GREEN, CLERK	BUYER: LEE COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS
BY: DEPUTY CLERK (DATE)	BY: CHAIRMAN OR VICE CHAIRMAN
	APPROVED AS TO LEGAL FORM AND SUFFICIENCY
	COUNTY ATTORNEY (DATE)

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

#### SPECIAL CONDITIONS

BUYER: Lee County SELLER: Siler PARCEL NO.: 233

WITNESSES:

BUYER and SELLER hereby covenant that the Purchase Price recited herein, except as noted below, includes payment for moving expenses, the manufactured home (Model 1978 Schult, Identification Number S154618), additions, improvements, detached shed(s), carport awning, fencing, landscaping and for all fixtures, including but not limited to, built-in-appliances, air conditioning units, hot water heaters, ceiling fans, screen enclosures, windows, awnings, doors and floor covering, as of the date of the BUYER'S appraisal.

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

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

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

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condition impact fr GENERAL I No. of Uni No. of Sto Type (Det. Design (SI Existing/P) Age (Yrs.) Effective A ROOMS Basement Level 1 Level 2 Finished at INTERIOR Floors	DESCRI DESCRI its vries (Att.) tyle) ropose	2,700, w PTION On: On: Sin d Exi 25/ Ss.) 14 Foyer Area  Degrade Mater Carpet/	no site surater/sewere e e e e e e e e e e e e e e e e e	r \$4,0 EXTER Found: Exterior Exterior Storm/ Manuf: Ar	provid DOO, dr IDR DES: ation or Walls Surface s & Dwr w Type //Screens actured ning HEATING Type	ed. The fyeway, CRIPTION  Co MH MI Ispts. Alt No House Y Kitchen  1  4 Rooms; Adeq. Cent.	site is al \$1,500, sincrete Pind/Metal I/Metal	ers 2 Be	r then type eboard co FOUNDATIC Slab Crawl Spa Basement Sump Pun Dampness Settlement Infestation Family Rm.	None None None None None None None None	g lot.	Site nklers  coms th(s): AME	mprovemes \$1,000, c BASEMENT Area SQ, Ft. % Finished Celling Walls Ffoor Outside Entry # Baths 2 NITIES Diace(s) # 0	ents: Fill/p hain link f None N/A N/A N/A N/A N/A N/A N/A Y N/A	ence \$2	et of Gr	ng/sod \$1,000,  *Adeq.  Adeq.  Area Sq. Ft. None 785  OSS Living Area 2 Carport
condition impact fr GENERAL I No. of Uni No. of Sto Type (Det. Design (SP Existing(SP Age (Yrs.) Effective A ROOMS Basement Level 1 Level 2 Finished an INTERIOR Floors Walls	fee \$2 DESCRII TES TITES THE ACT OF THE ACT	2,700, w PTION One One Sin d Exi 25/ 25/ Area  Dee grade Mater Carpet/ MH/Par	no site surater/sewer  e e e e e e e e e e e e e e e e e e	r \$4.0 EXTER Found: Exterior Raof S Gutters Windo Storm/ Manuf: Ar	provid DOO, dr IOR DES ation Ir Walls Surface s & Dwr w Type YScreens actured Type Fuel	ed. The fyeway, CRIPTION  Co MH MI Ispts. Alt No House Y Kitchen  1  4 Rooms; Adeq Cent. Elec.	site is al \$1,500, sincrete Pid/Vinyl H/Metal Imminum Imm. SH Imminum	ers  2 Be HEN Edigerator	r then type eboard or FOUNDATIC Slab Crawl Spa Basement Sump Pun Dampness Settlement infestation Family Rm.	ATTIC None Stairs	g lot. Sprin	Site inklers  coms  tth(s):  AME  Fire  Pati	mprovemes \$1,000, c BASEMENT Area Sq. Pt. % Finished Celling Walls Floor Outside Entry  # Baths 2  NITIES Diace(s) # 0	ents: Fill/p hain link f None N/A N/A N/A N/A N/A N/A N/A N/A Y N/A	ence \$2  III  F  C  V  F  N  U  C  Cthe  CAR S  None  Garage	et of Grage	ng/sod \$1,000,  *Adeq.  Adeq.  Index Adeq.  Area Sq. Ft.  None  785  Oss Living Area  2 Carport
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condition Impact fi GENERAL I No. of Uni No. of Sto Type (Det. Design (SI Existing/P) Age (Yrs.) Effective A ROOMS Basement Level 1 Level 2 Finished an INTERIOR Floors Valls Trim/Finist Bath Floor	Fee \$2 DESCRI its pries //Att.) tyle) ropose Age (Yss	2,700, w PTION On: On: On: Sin d Exi 25/ S.) 14 · Foyer Area  Area  MH/Par MH/Par MH/Typ Vinyl &	no site surater/sewee e e e acched glewide + sting 1978 years Living 1 contains: icals/Condition Viny1 nelling lical Carpet	r \$4,0 EXTER Founds Exterior Storm/ Windo Storm/ Manuft	provided to provide the provided to provided the	ed. The tyeway, CRIPTION  Co Minuse Alu Alu No House Y Kitchen  1  4 Rooms; Adeq, Cent. Elec. In Avg. Adeq,	site is al \$1,500, s Increte Pi H/Vinyl H/Metal Iminum Im. SH I/Yes ES Den  KITC Refr Rant Disp	2 Be HEN Edigerator Osal Washe	r then type eboard or FOUNDATIC Slab Basement Sump Pun Dampness Settlement Infestation Family Rm.	None None None None None None None None	g lot. Sprin	Site onklors  coms  thicking the companies of the compani	mproveme \$1,000, c BASEMENT Area SQ. Ft. \$ Finished Ceiling Wails Floor Outside Entry  # Baths  2  NITIES Diace(s) # 0  Check Check Collidation Collid	ents: Fill/p hain link f  None N/A N/A N/A N/A N/A N/A N/A Taundry  785	ence \$2  III  F  O  V  F  N  U  Cothe  CAR S    None   Garage   Garage   Atta	et of Gr TORAGE	ng/sod \$1,000,  *Adeq.  Adeq.  Area Sq. Ft. None 785  OSS Living Area 2 Carport
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condition impact fr GENERAL I No. of Uni No. of Sto Type (Det. Design (SI Existing/Pr Age (Yrs.) Effective A ROOMS Basement Level 1 Level 2 Finished an Interior Floors Walls Bath Floor Bath Wain: Doors	Fee \$2 DESCRIPTION OF THE PROPERTY OF THE PROP	2,700, will price with the control of the control o	no site surater/sewee e e e lached glewide + sting 1978 years Living  1 contains: ials/Condition Vinyl heling clamet ass	r \$4.0 EXTER Found: Exterior Roof S Gutters Windo Storm/ Manuf.	provided to the provided to th	ed. The fyeway, CRIPTION Comments of the comme	e site is al \$1,500, s increte Pi H/Vinyl H/Metal Iminum Im. SH I/Ves ES Den Den Den Dish Rang Dish Micro Mi	2 Be HEN Ed  gerato  vashe  Hood  owave	r then type eboard or FOUNDATIC Slab Crawl Spa Basement Sump Pun Dampness Settlement Infestation Family Rm.	ATTIC None Stairs Drop Stairs Scuttle Floor Heated	g lot. Sprin	site onklers  coms  th(s):  AME  Fire  Pati  Dec  Porc  Fence  Pool	mproveme \$1,000, c BASEMENT Area SQ, Ft \$Finished Ceiling Walls Floor Outside Entry  # Baths  2  NITIES Diace(s) # 0  c th Encl/43 te Chain L	ents: Fill/p hain link f  None N/A	ence \$2  If F  CO  V  F  N  U  CAR S  Attach  Garage  Attach  Detail  Buill  Carpoi	et of Grander of the control of the	ng/sod \$1,000.  *Adeq.  Adeq.  Image: Area Sq. Ft.  None  785  Oss Living Area  2 Carport  4 of cars
condition impact fr GENERAL I No. of Uni No. of Sto Type (Det. Design (SI Existing/P) Age (Yrs.) Effective A ROOMS Basement Level 1 Level 2 Finished an interior Floors Walls Trim/Finist Bath Floor Bath Wain: Doors All in abo	Fee \$2 DESCRIPTION OF THE PROPERTY OF THE PROP	2,700, w PTION On- On- On- On- Sin d Exi 25/ Ss.) 14 Foyer Area  Mater Carpet/ MH/Par MH/Par MH/Pys Wiryl & Fibergle MH Wo verage	no site surater/sewee e e e lached glewide + sting 1978 years Living 1 contains: lais/Condition Vinyl heling lical Carpet lass od condition	urvey r \$4.0 EXTER Found: Exterior Roof S Gutters Windo Di Ar	provided to provide the provided to the provid	ed. The fyeway, CRIPTION Comments of Miles of Mi	e site is al \$1,500, sincrete Pit   1,700, s	arge hhuffl ers  2 Be HEN Ed gerato ge/Ove osal washe Hood owave	r then type eboard or FOUNDATIC Slab Crawl Spa Basement Sump Pun Dampness Settlement Infestation Family Rm.	ATTIC None Stairs Drop Stair Scuttle Froor Heated Finished	g lot. sprir	Site inklers  booms  th(s): AME  Fire  Pati  Porc  Fence  Pool  Att.	mproveme \$1,000, c BASEMENT Area SQ. Ft. \$Finished Celling Walls Floor Outside Entry  # Baths  2  NITIES blace(s) # 0  c th Encl/43 c Chain L  Utility/192:	ents: Fill/p hain link f  None N/A	ence \$2  If F  CO  V  F  N  Othe  CAR S  None  Garage  Atta  Buill  Carpot  Drivew	dscapi 2,000. NSULATI Ceiling Valls Inknown Inknown Assur TORAGE e iched tached	ng/sod \$1,000.  *Adeq.  Adeq.  Index Adeq.  Area Sq. Ft.  None  785  Oss Living Area  2 Cars  2 Cars  2 Cars
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condition impact fr GENERAL I No. of Uni No. of Sto Type (Det. Des (Det. Des (Det. Existing/P) Age (Yrs.) Ettective A ROOMS Basement Level 1 Level 2 Finished an INTERIOR Floors Walls Trim/Finist Bath Floor Bath Wains Doors All in abo Additional enclosed	Fee \$2  DESCRIPTION  DESCRIPTIO	2,700, w PTION On-	no site surater/sewee e e e lached glewide + sting 1978 years Living 1 contains: ials/Condition Viny1 heling carpet ass condition lenergy effics of detace	EXTER FOUNDS EXTER FOUNDS EXTER FOUNDS EXTER EXTER EXTER EXTER EXTERNAL EXT	provided to provide the provided to provided the	ed. The fyeway, CRIPTION Co MH MITS ALL STATE	site is al \$1,500, sincrete Pid Minum Immore SH //Yes //ES Den Den Disp Disp Disp Minum Immore SH //Yes //ES Den Disp Disp Disp Minum Immore SH //Yes //ES Den Disp Disp Disp Disp Disp Disp Disp Disp	arge shuffl ers  2 Be HEN FG osal washe Hood owave her/Dr , Carr illity/I	r than type eboard co FOUNDATIC Slab Basement Sump Pun Dampness Settlement infestation Family Rm.	ATTIC None Stairs Scuttle Floor Hoteled Kitchen & Ind a shuffle	g lot. sprir  Bedro  2 Ba  2 Ba  path fix	coms tth(s): AME Pati Dec Poor Att.	mproveme \$1,000, c BASEMENT Area SQ, Ft. % Finished (Celling Walls Ffoor Outside Entry  # Baths  2  NITIES blace(s) # 0 0 0 0 0 1 Chain L  Utility/192: mica count.	ents: Fill/p hain link f  None N/A	ence \$2  If F  CO  V  F  N  Othe  CAR S  None  Garage  Atta  Buill  Carpot  Drivew	dscapiper American Am	ng/sod \$1,000,  *Adeq.  Adeq.  Area Sq. Ft. None 785  OSS Living Area: 2 Carport  2 Cars 2 Cars 15, 438sf
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condition impact fr GENERAL I No. of Uni No. of Sto Type (Det. Design (SI Existing/P) Age (Yrs.) Effective A ROOMS Basement Level 1 Level 1 Level 2 Finished an INTERIOR Floors Walls Trim/Finish Bath Floor Bath Wain: Doors All in abo Additional enclosed Condition of functions relative t econom Adverse en	Fee \$2 DESCRIPTION TOPOSE  AGE (YILL  AGE (Y	Area  Det grade  Mater  Carpet/ MH/Par  MH/Par  MH/Par  MH/Wo  Verage s (specia ch, 500s mexternal ual age a of 40 mental corr	no site surater/sewee e e e lached glewide + sting 1978 years Living  1 contains: lais/Condition Vinyl neical Carpet ass od condition lenergy effice sents, deprec obsolesce Due to tyears in i	EXTER FOUNDED FOR THE PROPERTY OF THE PROPERTY	provided to the provided to th	ed. The fiveway, CRIPTION  Co Ministra Alu Ispara Is	site is al \$1,500, s site is a	2 Be HEN E  Gerato  Ge	r then type eboard or FOUNDATIC Slab Crawl Spa Basement Sump Pun Dampness Settlement Infestation Family Rm.  or yer yer undry ar palrs needer ts are of roufacture	ATTIC None Stairs Drop Stairs Scuttle Floor Heated Finished kitchen & t nd, quality of co	g lot. spring  Bedro  2 Ba  Annual Trick  Bootstruct  Bootstruct	Site shklers  coms  th(s): AME Pati Deci Porc Fence Poors, I cooure I have	mproveme \$1,000, c BASEMENT Area SQ, Ft \$Finished Ceiling Walls Floor Outside Entry  # Baths    2	ents: Fill/p hain link f  None N/A N/A N/A N/A N/A N/A N/A N/A N/A sy N/A  Laundry  785:	ence \$2  If F  CO V  V  Other  CAR S  None  Garage  Ga	dscapi 2,000. NSULATI Ceiling Ceiling Inknown Inknown Assur TORAGE e e e chedd ached ached tit-in rt vay	ng/sod \$1,000,  *Adeq.  Adeq.  Index Adeq.  Area Sq. Ft.  None  785  Oss Living Area: 2 Carport  # of cars  2 Cars  2 Cars  15,438sf  No physical,  199 condition  1 total
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FORTIMATED CITE VALUE				AFFRAISAL		File No. 02-78-35	
ESTIMATED SITE VALUE		e = 1	2 <u>1,0</u>			source of cost estimate, a	
	TION COST-NEW-OF IMPE		000			and FmHA, the estimated	•
	35 Sq. Ft. @\$ <u>48.00</u> 38 Sq. Ft. @\$ <u>26.00</u>	<u>)                                    </u>	680			ttached for floor plan	
Tetal Ordinary Co	20 Sq. Ft. @\$26.UL		388	calculations. S	Subject site is d	eveloped to its highe	st and best
Total Options - Ser			072	use. No appare	ent functional o	r locational obsolesce	ence noted.
Garage/Carport 538			456			land value. Costs a	
Total Estimated Cost Nev			<u>596</u>			& completed apprais	als retained
	sical Functional	External		in the appraiser	's office files.		
	3,309	=\$_	23,3	109			
Depreciated Value of Imp		. =\$_	43,2	87 Depreciation - E	conomic Age/L	ife Method	
"As-is" Value of Site Imp		=\$_	13,2	00 Estimated rema	lning economic	life = 26 years.	-
INDICATED VALUE BY C	OST APPROACH	<u></u> <u>.</u> =\$	77,4	87			
ITEM	SUBJECT	COMPARABLE	E NO. 1	COMPARABLE	E NO. 2	COMPARABLE	NO. 3
11122 Wa	gon Trail	26788 Stardust Dri	ive	26745 Token Cour	t	11207 Torchfire Tra	ál
Address 25-47-25-1	<u>34-002</u> 01.0130	25-47-25-B4-0021	1.0160	25-47-25-B4-0020	5.0090	25-47-25-B4-00209	.0040
Proximity to Subject	Annual Company of the Company	0.24 mile southeas	ıt	0.16 mile south		0.14 mile southeast	
Sales Price	\$ Not a Sale	\$	70,000		69,500	5	80,000
Price/Gross Living Area		\$ 60.76 ¢			A STATE OF THE STA		100
Data and/or	Inspection	ORB 3768 PG 145		ORB 3672 PG 266		ORB 3595 PG 3645	14m. 15ma-1m.
Verification Source	Pub.Records	MLS/FARES/Lee C		MLS/FARES/Lee C		4	
VALUE ADJUSTMENTS	DESCRIPTION	DESCRIPTION	+(-)\$ Adjust.	DESCRIPTION		MLS/FARES/Lee C DESCRIPTION	
Sales or Financing	9250VIII 11013	Conventional	+1-14 Mujust,	FHA	+(-)\$ Adjust.	FHA	_+(-)\$ Adjust.
Concessions	1.97	\$69,000	, , ,		!		
Date of Sale/Time	6.7	11/05/02		\$68,955	<del>;</del>	\$79,000	
Location	LeltnerCrkManor		<del> </del>	06/21/02	<del></del>	03/12/02	
Leasehold/Fee Simple	Fee	LeitnerCrkManor	;	LeitnerCrkManor	<del> </del>	LeitnerCrkManor	
		Fee		Fee	<del></del>	Fee	
Site	16,200sf	5,700sf	+5,000	7,410sf	+3,000	5,900sf	+5,000
View	Residential	Residential	·	Residential	<del> </del>	Residential	
Design and Appeal	Singlewide	Doublewide	ļ <u></u>	Singlewide	<u> </u>	Doublewide	
Quality of Construction	MH/Good	MH/Good	ļ	MH/Good		MH/Good	,
Age	Eff=14, A=25	Eff=11, A≠27	-2,500	Eff=10, A=15	-3,300	Eff=9, A=13	-4,200
Condition	Above Avg.	Superior	-2,500	Superior	-3,300	Superior	-4,200
Above Grade	Total Edrms Baths	Total Borms Baths		Total Bdrms Baths		Total Bdrms Baths	
😤 Room Count	4 2 2	6 4 2		4 2 2		4 2 2	
Gross Living Area	785 Sq. Ft.	1,152 Sq. Ft.	-11,700	798 Sq. Ft.		1,092 Sq. Ft.	-9,800
Room Count Gross Living Area Basement & Finished	None	None		None		None	0,030
Rooms Below Grade Functional Utility Heating/Cooling Energy Efficient Items	N/A	None		None		None	
Functional Utility	Adequate	Adequate		Adequate	- ··· <del></del>	Adequate	
Heating/Cooling	Central/Central	Central/Central		Central/Central	·	Central/Central	<del>-</del>
Energy Efficient Items	Typical	Typical		Typical			
Garage/Carport  South Patio Gleck	2 Carport	Driveway	+4.000			Typical	
5 Porch, Patio, Deck	438sf Encl.Porch	None		2 Carport	14.000	2 Carport	
. arein carrel a corre				297sfEncl.Porch	+1,800	132sf Scr.Parch	+4,600
Fireplace(s), etc.	500sf Sheds	None	+4,000	80sf Shed	+3,400	None	+4,000
Fence, Pool, etc.	Fenced	Fenced		231sf Slab	+2,000		+2,000
Other Features	192sf Att. Utility	None		108sf Att.Utility	<u>+7</u> 00	156sf Att. Utility	+300
Net Adj. (total)	1	<b>⊠</b> + []~\$	3,300		4,300	+ 🖂 - \$	2,300
Adjusted Sales Price		Land Miles Bullion		All All All		Jan 1 Stan Zales	
of Comparable	o de la companio della companio dell	AN CHUSS NOW THE S		Gross 25, \$	73,800	Gloss 42.0 \$	77,700
Comments on Sales Com	parison (including the sub)	ect property's compatibility	y to the neighborho	od, etc.): Sec	e attached com	ments. Sales record	ed over 6
months prior to the	appraisal date are ar	nong the most recen	t sales of adeq	uately priced manuf	actured homes	in Leitner Creek Ma	nor.
Adjustments exceed	le <u>d normal param</u> ete	rs in some instances	due prmarily	to the subject's large	er than typical 2	lot site, large enclos	ed porch,
and 3 detached utilit	y sheds. However, t	he adjustments appe	ar to be marke	et supported and do	not adversely a	ffect the final value e	stimate.
		,				- <del></del>	
ITEM	SUBJECT	COMPARABLE	NO. 1	COMPARABLE	NO. 2	COMPARABLE !	10. 3
Date, Price and Data	No sale in the	No prior sale noted		No prior sale noted		No prior sale noted	
Source, for prior sales	last 12 mos.	other than above in		other than above in	J	other than above in	
within year of appraisal	per Lee Co.	past twelve months	{	past twelve months	}	past twelve months	
						in one year of the date of	innraical
	is not listed in the r		THE CHANGE OF BUILDING	2 buses aging on applicat (I)	a southaidhis Mill	יייי אויה ליימו הו וואה חמוב הו י	ιμμιαισεί.
Janjaor property	notou iii iii ii	-a,one meo.				- <del></del>	
INDICATED VALUE BY SA	LES COMPARISON ADDR	DACH	<del></del>	<del></del>			70.000
INDICATED VALUE BY IN		11111111	at Dant #	B1/A 54 C	Dank kalusa Kal	<b>3</b> ——	76,000
					oss Rent Multiplier	=\$	124
		t to the repairs, alterations			subject to c	ompletion per plans & spec	atications,
		or conditions affect	this appraisal.	THIS IS A SUMMAR	<u>RY APPRAISAI</u>	REPORT. See atta	ched
Special Limiting Cor		<del></del>				<del></del>	
					of participants	in the marketplace.	The Cost
Approach is support	ve. Insufficient mari	ket data is available	tor a reliable G	RM.			
the purpose of this apprais	sal is to estimate the mark	et value of the real propert	y that is the subjec	t of this report, based on t	he above condition	s and the certification, con	tingent
🚆 and limiting conditions, an	d market value definition th	at are stated in the attache	ed Freddie Mac For	m 439/FNMA form 10048	(Revised	6/93 ).	
(WE) ESTIMATE THE MA	RKET VALUE, AS DEFINE	D, OF THE REAL PROPER	TY THAT IS THE SI	JBJECT OF THI <u>s</u> report	, AS OF	March 26	, 2003
and limiting conditions, and I (WE) ESTIMATE THE MAI				K) I	<b>-</b> 76,000	<del></del>	-
APPRAISER: Poil Beni				RVISORY APPRAISER (O)	LY FREQUIRED:	J. Lee Norris, MAI,	SRA
Signature Co. 1			Signat		<b>K</b> (	Did	⊠ Did Not
Name Phil Benning, A	ssociate			J. Lee Natris, MAI,	SRA	Inspect	
Date Report Signed Apr		/		leport Signed April 14			
CIGIO AGUINAMINE A DUIC	1220 St.Cert.Res. F	EA State	FL State (	Certification # 0000R4	3 St. Cert Ge	n. REA	tate FI
Or State License #	1220 St.Cert.Res. F	XEA State State		Certification # 000064 te License #	3 St. Cert. Ge		itate FL

Project No. 4043

Fannie Mae Form 1004 6-93

## Supplemental Addendum

			116 (40. 02-70-00
Borrower/Client SILER, Zella Mae			
Property Address 11122 Wagon Trail			
City Bonita Springs	County Lee	State FL	Zlp Code 34135-5367
Lender Lee County - County Land	5		

Fita No. 02-78-35

#### PURPOSE, FUNCTION AND SCOPE OF THE APPRAISAL

The purpose of the appraisal is to estimate market value of the subject as of the effective date of the appraisal. The function (use) of the appraisal is for providing the Lee County Commissioners with sufficient data to make an informed decision regarding the possible purchase of the property.

The scope of this appraisal encompasses the necessary research and analysis to prepare a report in accordance with the USPAP of the Appraisal Foundation. Data sources typically include observation, public records, First American Real Estate Services, RE/Xplorer Internet System, MLS, Realtors, other professionals, appraiser's files, builder's contracts, and cost estimating services (Marshall and Swift).

A thorough search is conducted for comparable properties within an appropriate market area and time frames. The most comparable properties are compared to the subject with appropriate adjustments made for significant differences. The data provided in the report is representative of the market and is presented in a manner that will bring the reader to a similar conclusion of the value estimate. Limiting conditions are described in the attached addenda.

#### **USPAP CERTIFICATION**

The appraisal assignment was not based on a requested minimum valuation, a specific valuation, or the approval of a loan.

#### SUMMARY APPRAISAL REPORT

This is a Summary Appraisal Report which 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 appraiser's opinion of value. Supporting documentation that is not provided with the report concerning the data, reasoning, and analyses is retained in the appraiser's files. The depth of the discussion contained in this report is specific to the needs of the client and for intended use stated in the report. The appraiser is not responsible for unauthorized use of this report.

#### COMMENTS ON THE MARKET AREA

The subject is located in Leitner Creek Manor, a development of manufactured homes in Bonita Springs. Leitner Creek Manor has good proximity to area facilities in Bonita Springs. Improvements in the subject development exhibit a wide range of manufactured home size, style, age and quality.

#### COMMENTS ON THE LAND VALUE ESTIMATE

Since Leitner Creek Manor is maturely developed, there are limited land sales in support of the site value estimate. Included for reference are the following:

Parcel# 25-47-25-B4-00211.0180, 60x95, sold in 02/00 for \$15,500 per OR 3224/2042 Parcel# 25-47-25-B4-00211.0170, 60x95, sold in 06/00 for \$15,500 per OR 3282/1421

#### COMMENTS ON THE COST APPROACH AND OPTIONS INCLUDED

MH attached utility/laundry, 192sf @ \$16.00.sf = \$ 3,072 Storage sheds, 500sf @ \$16.00/sf = \$ 8,000 Total Options = \$11,072

#### COMMENTS ON THE SALES

Age/condition and quality adjustments are based on observable data, and on comments provided by Realtors familiar with the sales utilized. The adjustments are believed to reflect market reaction to the differences.

All sales were on smaller lots but superior in condition. Sales #2 and #3 tacked fencing.

Sale #1 lacked covered parking, an enclosed porch, sheds and an attached utility/laundry.

Sale #2 had a smaller enclosed porch, a smaller shed and a smaller attached MH utility room.

Sale #3 had a smaller, less appealing screened porch, and a smaller MH attached utility room. This sale did not include sheds.

After adjustments, sales indicate a range of value for the subject of \$73,700 to \$78,400. Most emphasis is placed on Sales #1 and #2, the most recent. Sale #3 supports the upper limit of the value range.





## City of Bonita Springs

9220 Bonita Beach Road Suite 111 Bonita Springs, FL 34135 Tel: (941) 390-1000 Fax: (941) 390-1004

Paul D. Pass Mayor

Wayne P. Edsall Councilman District One

Jay Arend Councilman District Two

R. Robert Wagner Councilman District Three

John C. Warfield Councilman District Four

David T. Piper, Jr. Councilman District Five

Ben L. Nelson, Jr. Councilman District Six

Gary A. Price City Manager

**Audrey E. Vance** City Attorney May 1, 2003

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

RE: Purchase Agreement – Three Oaks Parkway Extension Project No. 4043 Parcel 233, Siler

Dear Mr. Gomez:

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

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

Respectfully,

Gary A. Price City Manager

GAP/kw

## FUND COMMITMENT

## Schedule A

Commitment No.:

CF-1056935

Effective Date:

April 4, 2003 at 11:00 P.M.

Fund File Number 18-2003-1805

Agent's File Reference: 03-1101

1. Policy or Policies to be issued: Proposed Amount of Insurance

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

To Be Determine not to exceed \$100,000.00

Proposed Insured:

OWNER'S:

Lee County, APSOISOF

**MORTGAGEE:** 

Proposed Insured:

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

Zella Mae Siler 🗸

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

Lots 13 and 14, Block 1, LEITNER CREEK MANOR, Unit 2, according to the map or plat thereof as recorded in Plat Book 30, Page(s) 80, Public Records of Lee County, Florida.

**AGENT NO.:** 13710

ISSUED BY: Law Offices of John D Spear, PA

**MAILING ADDRESS:** 

9200 Bonita Beach Rd Ste. 204

Bonita Springs, Fl 34135

Law Offices of John D Spear, PA

Rev.1.2

## FUND COMMITMENT

## Schedule B

Commitment No.: CF-1056935

Fund File Number 18-2003-1805

- I. The following are the requirements to be complied with:
  - 1. Payment of the full consideration to, or for the account of, the grantors or mortgagors.
  - 2. Instruments creating the estate or interest to be insured which must be executed, delivered and filed for record:
    - a. Warranty Deed from Zella Mae Siler, joined by spouse, if married, to the proposed purchaser(s). ✓
  - 3. A determination must be made that there are no unrecorded special assessment liens or unrecorded liens arising by virtue of ordinances, unrecorded agreements as to impact or other development fees, unpaid waste fees payable to the county or municipality, or unpaid service charges under Ch. 159, F. S., or county ordinance.
- II. Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of The Fund:
  - 1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage thereon covered by this commitment.
  - 2. Any owner and mortgagee policies issued pursuant hereto will contain under Schedule B the standard exceptions set forth at the inside cover hereof unless an affidavit of possession and a satisfactory current survey are submitted, an inspection of the premises is made, it is determined the current year's taxes or special assessments have been paid, and it is determined there is nothing of record which would give rise to construction liens which could take priority over the interest(s) insured hereunder (where the liens would otherwise take priority, submission of waivers is necessary).
  - 3. Federal liens and judgment liens, if any, filed with the Florida Department of State pursuant to Sec. 713.901, et seq., F.S., and Sec. 55.201, et seq., F.S., respectively, which designate the Florida Department of State as the place for filing federal liens and judgment liens against personal property. For insuring purposes: ✓
    - (a) Pursuant to Sec. 713.901, et seq., F.S., personal property includes, but is not limited to, mortgages, leaseholds, mortgages on leaseholds, interests in cooperative associations, vendees' interests, and options when those interests are held by a partnership, corporation, trust or decedent's estate; and ✓
    - (b) Pursuant to Sec. 55.201, et seq., F.S., personal property includes, but is not limited to, leaseholds, interests in cooperative associations, vendees' interests, and options regardless of the type of entity holding such interests, including individuals. (Note: Mortgages have been specifically excluded from the personal property interests in which a judgment lien may be acquired under the provisions of Sec. 55.201, et seq., F.S.) √

## **FUND COMMITMENT**

## Schedule B

Commitment No.:

CF-1056935

Fund File Number 18-2003-1805

- 4. Taxes for the year 2003, which are not yet due and payable.
- 5. Lee County Ordinance No. 86-14 recorded November 30, 1990, in O.R. Book 2189, Page 3281; and amended by Ordinance No. 86-38 in O.R. Book 2189, Page 3334, Public Records of Lee County, Florida. SOLID WASTE
- 6. Right-of-Way Agreement recorded in O.R. Book 826, Page 697, Public Records of Lee County, Florida. VE-ALL STREFTS
- 7. Covenants, conditions and restrictions recorded February 3, 1970, in O.R. Book 575, Page 808, Public Records of Lee County, Florida.
- 8. Assignment of Developers Rights as to restrictions recorded in O.R. Book 2603, Page 3024, Public Records of Lee County, Florida. SEE ATTACHED COPY
- 9. Restrictions, conditions, reservations, easements, and other matters contained on the Plat of Leitner Creek Manor, as recorded in Plat Book 30, Page(s) 79, Public Records of Lee County, Florida. -on
- 10. Subject to all assessments levied by the Homeowners Association. -on

# 5-Year Sales History

Parcel No. 233

Three Oaks Parkway South Extension Project No. 4043

**NO SALES in PAST 5 YEARS**