Lee County Board of County Commissioners										
<u> </u>			Ager	nda Item Su	mmary		BI	ue Sheet	<u>No. 20</u>	031423
	STED MOTION									
ACTION REQUESTED: Approve Purchase Agreement for acquisition of Parcel 322, Three Oaks Parkway South Extension										
Project No. 4043, in the amount of \$70,200; authorize payment of costs to close and the Division of County Lands to handle all										
	documentation necessary to complete transaction.							Į		
ΜΗΥ ΑCTIO	N IS NECESSA		d must a	accent all real	estato co	Nevances	to Loo C	Sounty		
	ON ACCOMPLI					Iveyances	ID Lee C	Jounty.		81
·····					Jomain.		H.r		ATC.	
	2. <u>DEPARTMENTAL CATEGORY</u> : 06 COMMISSION DISTRICT #: 3 CGC 3. <u>MEETING DATE</u> : 2-11-2003									
4. <u>AGENDA</u> :		5. REQUIRE	·					INFORMATION	20	$\nu_{2}$
	( <b>T</b>			RPUSE:		6. <u>REQUE</u>	STUR OF	INFORMATION	<u>.</u>	
<u> </u>	TRATIVE	(Specify) X STATU		25		А.				
APPEALS					·	B. DEPARI		Independent		
PUBLIC	N	ADMIN. OTHER				C. DIVISIO		County Lands	440	Hard
TIME REQUIRED:				<u> </u>		BY <u>Karen</u>	L. W. Fors	<u>svth, Director</u>	<i>v</i> .	KANL 1
7.BACKGRO		<u> </u>								
	Department of T	ransportation								
Interest to Acqu	<u>uire</u> : Fee simple,	vacant residen	tial lot							
Property Details	<u>s</u>									
Owner:	lsaac Kreps, Tr			Trustee						
Address:	24099 Sunny L		rings							
STRAP No.:	: 14-47-25-B1-00	200.1030								
Purchase Detai	ile									
	ns rice: \$70,200									
	se: Approximately	/ \$1.000 (The s	seller is re	esponsible for	attornev f	ees and re	al estate	broker fees	if any Tł	ne County is
	responsible fo	r future district	assessn	nents for road	and drain	age improv	/ements,	which are e	stimated	at \$8,000.)
						5 .				
Appraisal Inform										
	arlson, Norris & / alue: Salient app			or reference						l
Applaiaca v	aide. Dalient app	aisai uala is a	lachedi	or reference.						li li
Staff Recomme	endation: County	staff recomme	nds that a	the Board app	prove the F	Requested	Motion.			
A										
Account: 20404318808.506110										
20 - CIP; 4043 - Three Oaks Parkway South Extension; 18808 - Road Impact Fees, Bonita; 506110 - Land										
Attachments: Purchase Agreement; Appraisal (Location Map Included); Letter from City of Bonita Springs; Title Data;										
5-Year Sales History										
8. MANAGEMENT RECOMMENDATIONS:										
9. <u>RECOMMENDED APPROVAL</u> :										
A	B Burchesing or	Ĉ	D	E		-	F 0 1		•	G
Department Director	Purchasing or Contracts	Human Resources	Other	County		Budget	Services 12/4/03	5	County	Manager
	<u>ooniiacis</u>	Resources	640	Attorney	ΟΑ		RISK		+ KA	<u>in</u>
K Knowith	i		711/25	John	Jew	16/1	13/4/0		Tall ( )	Brink
K.Forsyth			NU	12-4-03	12-4-03	1110	ા સવિ	RECEIVED	$\sim n$	
10. COMMISSION ACTION:										
APPROVED										
DENIED SOORMSET										
DEFERRED COUNTY ADMIN A L							1			
OTHER	Unter Date: 1977 - 15 Control									
Pine: 2 M - thy Su										
S: POOL\3-OAKS 4043\322 KREPS TR\322 KREPS TRUSTEES BLUE SHEET 11 24 03.DOC-jkg (1175/03) day Jo:										
UDENSOARS 40431522 RREFS TRUSTEES BLUE SHEET TI 24 03. DUC-JKg (1975) 434 TO:										
						12/4/10:	9 AM			

FROM-LAW OFFICES OF JOHN D SPEAR PA

+2399475055

FUND COMMITMENT

# Schedule A

Commitment No.: CF-1253797 Effective Date: October 21, 2003 at 11:00 p.m.

I. Policy or Policies to be issued:

Fund File Number 18-2003-5419 Agent's File Reference: 03-1293

\$70,200.00 V

Proposed Amount of Insurance

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

Proposed Insured:

Lee County, a Political Subdivision of the State of Florida

MORTGAGEE:

**Proposed Insured:** 

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

Isaac Kreps, as Trustee of the Isaac Kreps Revocable Trust dated December 19, 2000 and Sara Kreps, as Trustee of the Sara Kreps Revocable Trust dated December 19, 2000

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

Tract 103, SAN CARLOS ESTATES, according to the map or plat thereof as recorded in O.R. Book 557 Pages 354 and 355, Public Records of Lee County, Florida.

AGENT NO.: 1371000 ISSUED BY: Law Offices of John D. Spear PA

## MAILING ADDRESS:

200 Bonita Beach Rd Suite 204 Bonita Springs, Fl 34135-0000

AGENT'S SIGNATURE John D. Spear

Page 1 of 3

Rev.1.2

FUND COMMITMENT

# Schedule B

### Commitment No.: CF-1253797

# Fund File Number 18-2003-5419

- 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 Isaac Kreps, individually and as Trustee of the Isaac Kreps Revocable Trust dated December 19, 2000; and Sara Kreps, individually and as Trustee of the Sara Kreps Revocable Trust dated December 19, 2000 to the proposed insured purchaser(s). (Stating husband and wife or not homestead) √
  - 3. Any lien provided by County Ordinance or by Chapter 159, Florida Statutes, in favor of any city, town, village or port authority, or utility, for unpaid service charges for services by any water systems, sewer systems or gas systems serving the land described herein; and any lien for waste fees in favor of any county or municipality..
  - 4. Proof of payment of taxes for the year 2003 must be furnished, and any tax certificates issued with respect thereto must be canceled by the clerk of the court.

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

- 1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage thereon covered by this commitment.
- 2. Any owner and mortgagee policies issued pursuant hereto will contain under Schedule B the standard exceptions set forth at the inside cover hereof unless an affidavit of possession and a satisfactory current survey are submitted, an inspection of the premises is made, it is determined the current year's taxes or special assessments have been paid, and it is determined there is nothing of record which would give rise to construction liens which could take priority over the interest(s) insured hereupder (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: I
  - (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  $\mathcal{A}$

# Page 2 of 3

# **FUND COMMITMENT**

# Schedule B

Commitment No.: CF-1253797

Fund File Number 18-2003-5419

- (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.) √
- 4. Easement in favor of Florida Power and Light Company, contained in instrument recorded October 23, 1978, in O.R. Book 1307, Page 36, Public Records of Lee County, Florida.
- Oil, gas, mineral, or other reservations as set forth in deed by Coastland Corporation of Florida recorded in O.R. Book 1726, Page 4288, Public Records of Lee County, Florida. No determination has been made as to the current record owner for the interest excepted herein.
- 6. All matters contained on the Plat of San Carlos Estates, as recorded in O.R. Book 557, Pages 354 and 355, Public Records of Lee County, Florida. I TYPICAL PLAT
- 7. Dedication of easements recorded in O.R. Book 535, Pages 826 and 828, Public Records of Lee County, Florida. / DRAINAGE, ROADS + STREETS
- 8. Declaration of right-of-ways recorded in O.R. Book <u>507, Page 135</u>, Public Records of Lee County, Florida. / TYPICAL - R-OW - DEDICATION
- 9. Judgment incorporating and creating San Carlos Estates Drainage District recorded in O.R. Book 521, Page 120, Public Records of Lee County, Florida,
- 10. Final Order approving San Carlos Estates Drainage District Maintenance Tax Levy recorded in O.R. Book 1624, Page 890, Public Records of Lee County, Florida.
- 11. 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 ASSESSMENTS - TYPICA is
- 11. Lands lie within various county special assessment districts and municipal taxing districts and are subject to liens for any unpaid special assessments by virtue of the ordinances and resolutions creating these districts. The special assessments are payable with the ad valorem taxes.
- 12. Taxes and assessments for the year 2003 under Folio Number 14-47-25-B1-00200.1030. V

# 5-Year Sales History

# Parcel No. 322

# Three Oaks Parkway South Extension Project No. 4043

Grantor	Grantee	Price	Date	Arms Length Y/N	
Isaac Kreps and Sara Kreps, h/w	Isaac Kreps, Trustee and Sara Kreps, Trustee	\$100.00	07/16/02	N	

S:\POOL\3-Oaks 4043\312 Mallon\5 Year Sales History.wpd



# NOV 1 4 2003

# Cíty of Boníta Springs

9220 BONITA BEACH ROAD SUITE 111 BONITA SPRINGS, FL 34135 TEL: (239) 390-1000 FAX: (239) 390-1004 www.cityofbonitasprings.org

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

 $\sim$ 

Gary A. Price City Manager

Audrey E. Vance City Attorney November 12, 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 322, Kreps & Kreps

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

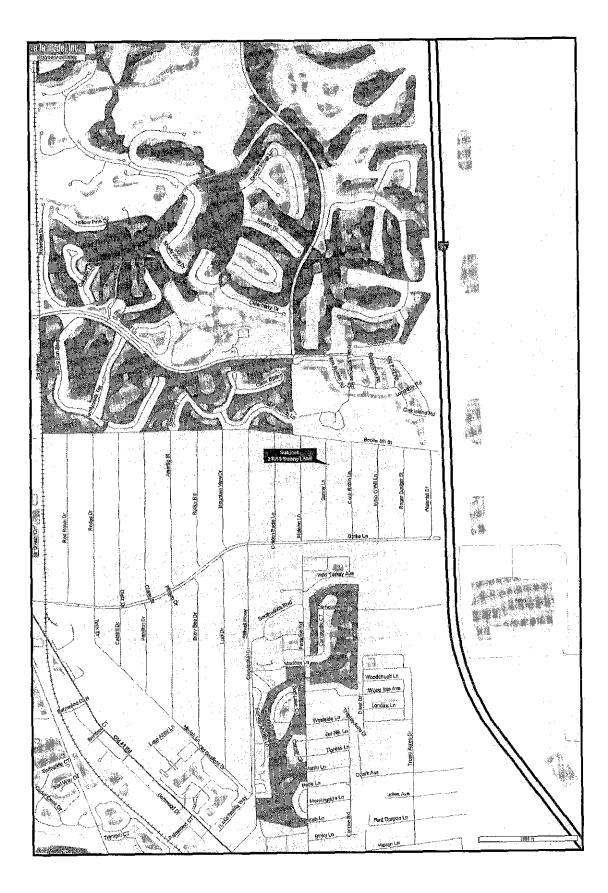
GAP/kw

# STAFF REVYW

		LAND AP					Project No	
mmary Apprai Borrower KREPS				Canoua Traat	0503.09		02-78-50	
	4099 Sunny Lane			Census Tract	0003.00	Map Reference <u>14</u>	-47-20	
City Bonita Sprin		County Lee		State FL		Zip Code 341	35-7673	
	ract 103, San Carlos Est			•••••• <u></u>				
Sale Price \$ Not a	Sale Date of Sale_1		V/A yrs.	Property Rights Ap	praised 🔀	Fee Leaseno	id 🗌 De M	linimis P
	ixes \$_856,30/02_ (yr)	Loan charges to be paid I						
	County - County Lands			s P.O. Box 398, For				
Occupant Vacant	Lario Appraise	r Phil Benning, Associa	ateInstru	ctions to Appraiser <u>Estin</u>	nate market v	/alue,		
Location	Urban	Suburban	Bura				and Aug D	ir Dee
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	🗌 Fully Dev. 🔄 Rapid	Steady	Slov		hience to Employ	mant		ㅓ⊢
Property Values	🖂 Increasing		Decl		ilence to Shoppi			ήĒ
Demand/Supply	Shortage	💢 In Balance	Over	-	ience to Schook			1 🗆
Marketing Time	Under 3 M		·		icy of Public Tra	isportation		10
Present Land Use _	_ <u>55%</u> 1 Family% 2-4 Fa		% Condo%		tional Facilities			
- Channa in Bracent I a	% Industrial <u>45</u> % Vacan nd Use  \ Not Likely				icy of Utilities		ĽX	ㅣ님
Change in Present La	(*) From	Likely (*) To			y Compatibility ion trom Detrime	anta) Conditiona		- H
Predominant Occupa		Tenant	5 % Vac		and Fire Protectio		HØł	님님
Single Family Price R	• •		minant Value \$		And the crotector			
Single Family Age		to <u>25</u> yrs, Predomina	ant Age	15-20 vrs. Appeal	to Market	TOPOL NO		151
				L				
Comments including	those factors, favorable or unfa	vorable, affecting marketability	y (e.g. public parl	s, schools, view, noise):	<u>The area i</u>	<u>s experien</u> cina i	ncreased	
<u>developmental p</u>	ressure, which is expect	ed to continue into the	near future. E	xisting development	ls average t	o custom quality	homes, S	uppor
facilities are loca	ated within two miles of th	ne subject. No adverse	marketing fac	ctors were noted at t	he time of the	e appraisal. Su	bject was i	not
listed in the region	onal MLS. x 330'_Per Lee County Pl				<u> </u>			
Aning classification	AG-2 Agricultural/Resi	dential		<u>1.25</u> Sq. Ft. o	r Acres		orner Lot	
Highest and best use		ther (specify)		Present Improvements	L_, 00 <u>L</u>	do not conform to	zoning regula	LIONS
Public	Other (Describe)	OFF SITE IMPROVEMENT	S Tope	Level		·		
Elec. 🔀				Typical of area				
as 🗌	Surfa	ce Gravel/Sand		Primarily Rectangu	lar			
Nater 🔀			Private View	Residential				
San. Sewer		Storm Sewer [] Curb/		ige Appears adequa				_
			t Lights Is the	property located in a HUD	Identified Spec	al Flood Hazard Are	a? 🖂	Vo 🔄 .
	r unfavorable including any appare	an auverse easements, encloace						
he undersigned has djustment reflecting r	no survey was provided.	operties most similar and prox	simate to subject	and has considered these comparable properties. If	a significant iter	nalysis. The descript	ion includes a	a dollar
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# Location Map

Borrower/Client KREPS, Isaac + Sara		
Property Address 24099 Sunny Lane	······································	
City Bonita Springs County	/ Lee State	FL Zip Code 34135-7673
Lender Lee County - County Lands		



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

This document prepared by

Lee County County Lands Division Project: Three Oaks Parkway South Extension, No. 4043 Parcel: 322/Kreps Trust STRAP No.: 14-47-25-B1-00200.1030

# BOARD OF COUNTY COMMISSIONERS

# LEE COUNTY

### AGREEMENT FOR PURCHASE AND SALE OF REAL ESTATE

THIS AGREEMENT for purchase and sale of real property is made this <u>5</u> day of <u>November</u>, 20<u>03</u> by and between Isaac Kreps, as Trustee of the Isaac Kreps Revocable Trust dated December 19, 2000 and Sara Kreps, as Trustee of the Sara Kreps Revocable Trust dated December 19, 2000, as tenants in common, hereinafter referred to as SELLER, whose address is 8884 SW 76<sup>th</sup> Terrace, Miami, Florida 33173, and Lee County, a political subdivision of the State of Florida, hereinafter referred to as BUYER.

### WITNESSETH:

1. AGREEMENT TO PURCHASE AND TO SELL: SELLER agrees to sell and BUYER agrees to purchase, subject to the terms and conditions set forth below, a parcel of land consisting of 1.26 acres more or less, and located at 24099 Sunny Lane, Bonita Springs, Florida 34135 and more particularly described as Tract 103, SAN CARLOS ESTATES, according to the plat thereof recorded in Official Record Book 557, at pages 354-355, of the Public Records of Lee County, Florida, hereinafter called "the Property." This property will be acquired for the Three Oaks Parkway Extension Project, hereinafter called "the Project."

2. PURCHASE PRICE AND TIME OF PAYMENT: The total purchase price ("Purchase Price") will be Seventy Thousand Two Hundred and No/100 (\$70,200.00), payable at closing by County Warrant.

S:\POOL\3-Oaks 4043\322 KREPS TR\AGREEMENT 10 27 03.wpd

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 a mutually agreeable 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 a mutually agreeable 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 to the best of SELLER'S knowledge, information, and belief, the Property is free from hazardous materials and does not constitute an environmental hazard under any federal, state or local law or regulation. SELLER is unaware that any hazardous, toxic or polluting substances have been released or disposed of on the Property in violation of any applicable law or regulation. The SELLER further warrants that there is no evidence that hazardous, toxic or polluting substances are contained on or emitting from the property in violation of applicable law or regulation. There are no surface impoundments, waste piles, land fills, injection wells, underground storage areas, or other man-made facilities that have or may have accommodated hazardous materials. There is no proceeding or inquiry by any governmental agency with respect to production, disposal or storage on the property of any hazardous materials, or of any activity that could have produced hazardous materials or toxic effects on humans, flora There are no buried, partially buried, or above-ground or fauna. 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 event the BUYER abandons this project after execution of this Agreement, but before closing, BUYER may terminate this Agreement without obligation. The SELLER may terminate this Agreement, if the BUYER does not approve the Agreement within sixty (60) days of the BUYER'S receipt of the signed Agreement from the SELLER.

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

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

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

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

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

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

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WITNESSES: Tilas é A alla

SELLER:

Isaac Kreps, () DATE

Individually and as Trustee

WITNESSES:

SELLER!

Sara Kreps, (DATE) Individually and as Trustee

BUYER:

BY:

CHARLIE GREEN, CLERK

LEE COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS

BY: DEPUTY CLERK (DATE)

CHAIRMAN OR VICE CHAIRMAN

APPROVED AS TO LEGAL FORM AND SUFFICIENCY

COUNTY ATTORNEY

(DATE)

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