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

Blue Sheet No. 20051809

1. ACTION REQUESTED/PURPOSE: Approve Purchase Agreement for acquisition of the Hines parcel, Ortiz Avenue Project 4072, in the amount of \$155,500, pursuant to the terms and conditions set forth in the Agreement. Authorize payment of costs to close and the Division of County Lands to handle and accept all documentation necessary to complete this transaction.

2. WHAT ACTION ACCO	OMPLISHES: The Board must a	accept all real estate convey	yances to Lee Cour	nty.
3. MANAGEMENT RECO	OMMENDATION: Managemen	it recommends Board appro	ove the Action Rec	nuested.
4. Departmental Category: 6		5. Meeting		4-2006
6. Agenda:	7. Requirement/Purpose: (	specify) 8. Reques	t Initiated:	, 20-0
X Consent	X Statute	125 Commission		
Administrative	Ordinance	Departmen		Independent //
Appeals	Admin. Code	Division		County Lands / V
Public	Other	By:	Karen L.W. Forsy	
Walk-On		-		MARL
Property Details:	le, including a single-family resident	ial home.		,
Owner: Gilbert E. Hines and Location: 344 Ortiz Avenue STRAP No.: 04-44-25-16-0				
Purchase Details: Purchase Price: \$155,500 Costs to Close: Estimated to	be \$2,500			
Appraisal Information: Company: Carlson, Norris & Appraised Value: \$150,000				
Staff Recommendation: Staff the Board approve the action re-	is of the opinion that the purchase pr quested.	ice increase of approximately	3.5% is acceptable,	and recommends
Account: 20407218823.506110				
	nent; Appraisal (Location Map Inch	ded); Title Data; 5-Year Sale	s History	
10. Review for Scheduling:				County
' ' or '	Human esources Other Attorney	Budget Ser		Manager/P.W.
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11. Commission Action:	V	, ,,		
Approved Deferred			Rec. by CoAt	t.y
Denied	RECLIVI COENTY	D BY	Date: 41:1	
Other	1-10-	1	11104	
	901		Time:	
	COUNTY	ADVEN	Forwarded To	): 4
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This document prepared by Division of County Lands

Project: Ortiz Avenue Widening, No. 4072

Parcel: Hines

STRAP No.: 04-44-25-16-00005.0070

# 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 thisday of
, 200_, by and between GILBERT E. HINES and L. DOREEN HINES,
husband and wife, hereinafter referred to as SELLER, whose address is 344 Ortiz
Avenue, Fort Myers, Florida, 33905, 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 20,250 square feet, more or less, and located at 344 Ortiz Avenue, Fort Myers, Florida 33905, and more particularly described as Lots 7, 8 and 9, Block 5, Parque De Leon, as recorded in Plat Book 6, Page 72, Public Records of Lee County, Florida; Less Road Right of Way, hereinafter called "the Property." This property will be acquired for the Ortiz Avenue widening project, hereinafter called "the Project."
- 2. **PURCHASE PRICE AND TIME OF PAYMENT:** The total purchase price ("Purchase Price") will be One Hundred Fifty-Five Thousand Five Hundred and No/100 (\$155,500), 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 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:

- (a) provide 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) pay utility services up to, but not including the date of closing, unless otherwise stated herein;
- pay taxes or assessments for which a bill has been rendered on or before the date of closing;
- (d) pay release of mortgage fees, if any.
- (e) SELLER'S attorney fees, if any.

#### 6. **BUYER'S INSTRUMENTS AND EXPENSES:** BUYER will pay for:

- (a) Recording fee for deed;
- (b) documentary stamps on deed;
- (c) 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.

WITNESSES:	SELLER:
Joseph Kair Gomez	Gilbert E. Hines (DATE)
WITNESSES:	SELLER:  L. Marcin Heines 12/19/15  L. Doreen Hines (DATE)
CHARLIE GREEN, CLERK  BY:  DEPUTY CLERK (DATE)	BUYER: LEE COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS  BY: CHAIRMAN OR VICE CHAIRMAN
	APPROVED AS TO LEGAL FORM AND SUFFICIENCY  COUNTY ATTORNEY (DATE)

# SPECIAL CONDITIONS Page 1 of 2

**BUYER**: Lee County **SELLER**: Hines, h/w **PARCEL NO**. Hines

- 1. Buyer and Seller hereby covenant that the purchase price recited herein, except as noted below, includes payment for improvements and all fixtures, including but not limited to, shed(s), air conditioning unit, hot water heater(s), screen enclosures, windows, doors, floor covering and landscaping, as of the date of the Buyer's appraisal. (The SELLER may remove the range, wall mirror, and outdoor canopy structures (2), prior to closing or vacation of the Property).
- 2. The purchase price of \$155,200 is inclusive of any moving allowance.
- 3. The Seller will be allowed to remain in the premises subsequent to closing for a period not to exceed two months from closing, subject to Special Conditions Item Nos. 4 through 13. Seller will vacate the premises and remove all personal property on or before one hundred fifty days from the date the Board of County Commissioners approve this Agreement and Special Conditions.
- 4. At closing, a security deposit of \$5,000 shall be held in an interest bearing escrow account until such time as the Seller removes all personal property and properly vacates the premises. Buyer's authorized agent will inspect the house and all other real property and improvements subsequent to Seller vacating premises. Removal of any fixtures(s) by Seller may cause a reduction in the security deposit.
- 5. The premises will be used and occupied by Seller exclusively as a private single-family residence. The premises may not be used for the purpose of carrying on any business, profession, or trade of any kind, or for purposes other than as a private single-family residence.
- 6. Seller will bear the full cost of water service used by the Seller and will also bear the cost for trash pick-up, use of electricity, telephone services, and any other services to the space occupied.
- 7. The Seller will provide for interior maintenance and repairs, including repairs or replacement of interior equipment as may be necessary due to normal usage. The Seller will keep the interior of the premises in as good a state of repair as it is at the time of the closing, reasonable wear and tear and unavoidable casualties excepted.
- 8. The Seller will maintain and keep in repair the exterior of the premises and will be responsible for the replacement or repair of windows or other exterior elements needing replacement or repair.
- 9. Seller will pay the insurance premiums on the premises. Buyer is not liable to carry fire insurance on the premises or property of the Seller. The Buyer is not liable for injury, loss, damages or theft to the person or property or fixtures belonging to the Seller located on the property. All property that may be on the premises will be at the sole risk of the Seller.
- 10. If the premises, or the major part thereof, are destroyed by fire, lightning, storm or other casualty, the Buyer may repair the damage at its own cost and expense but nothing contained herein requires Buyer to do so.

# SPECIAL CONDITIONS Page 2 of 2

- 11. Seller will indemnify and save the Buyer harmless from all claims or demands, including an allowance for reasonable attorney's fee incurred by Buyer in the defense thereof, for injuries to person or damage to property arising out of Seller's negligent use of the premises asserted by or on behalf of the Seller, Seller's employees, agent, invitee, or any other person and from any and all injury or damage done by any of them to the premises. The Buyer will be liable for claims or demands arising out of the Buyer's negligent acts or those of its employees or agents, but only to the extent allowed by Florida Statutes '768.28.
- 12. The Seller must purchase and maintain Premises Liability Insurance protecting his interest as tenant of the premises with insurers approved by the County Risk Management Department. This policy must provide minimum limits of \$300,000 Combined Single Limit of Bodily Injury and Property Damage. The Lessee will provide evidence to the County Risk Management Department in the form of a property executed certificate of insurance, demonstrating a minimum of thirty (30) days advance written notice of cancellation or adverse material change.

The Seller agrees that this insurance requirement does not limit liability. Buyer does not represent that the insurance required is sufficient or adequate to protect the Seller's interests or liabilities, but are merely minimums.

The Seller must furnish an appropriate certificate of insurance naming Lee County Board of County Commissioners as Certificate Holder and Additional Insured. The Seller agrees that the coverage granted to the Additional Insured applies on a primary basis, with the Additional Insured's coverage as excess.

- 13. Seller may not keep or have on the premises articles of dangerous, inflammable, or explosive character that might unreasonably increase the danger of fire or that might be considered hazardous or extra hazardous by any responsible insurance company.
- 14. All terms set forth in the Special Conditions will survive the closing of this transaction.

WITNESSES:	SELLER:
Joseph Jeris Some?	Gilbert E. Hines (DATE)
WITNESSES?	SELLER:
Janes Feite Gomez	L. Doreen Hines (DATE)
CHARLIE GREEN, CLERK  BY:	BUYER: LEE COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS BY: CHAIRMAN OR VICE CHAIRMAN
	APPROVED AS TO LEGAL FORM AND SUFFICIENCY
	COUNTY ATTORNEY (DATE)

Uniform Residential Appraisal Report

STA # 31, Project 4072 File # 226910

	le properties currently					to \$ 165	
There are 10 comparab	SUBJECT		the past twelve mon		rice from \$ 100,00 LE SALE # 2	COMPARABL	58,620
Address 344 Ortiz Ave	300000	467 Figuera Ave		313 Montgomery		271 Kingston Driv	
04-44-25-16-000	05 0070	04-44-25-16-000		04-44-25-05-000		04-44-25-03-000	
Proximity to Subject	00.0070	0.05 mile west	00.0120	0.70 mile northw		0.74 mile northea	
Sale Price	\$ Not a Sale		\$ 143,800		\$ 145,000		
Sale Price/Gross Liv. Area	\$ sq.ft.			\$ 120.53 sq.ft.		\$ 156.07 sq.ft.	
Data Source(s)		OR 2005000014	111	OR 2005000084	874	ORB 4847 PG 12	283
Verification Source(s)		Win2Data/Public	Records	MLS/Win2Data/F	Public Records	MLS/Win2Data/P	ublic Records
VALUE ADJUSTMENTS	DESCRIPTION	DESCRIPTION	+ (-) \$ Adjustment	DESCRIPTION	+(-) \$ Adjustment	DESCRIPTION	+(-) \$ Adjustment
Sales or Financing		Conven.\$21,600		Conventional		Conventional	
Concessions		+ <b>\$1</b> 15,000		\$135,800		\$108,000	
Date of Sale/Time		09/08/05		10/21/05		08/15/05	
Location		Parque De Leon		Alabama Gr.Ter		Russell Park	
Leasehold/Fee Simple Site	Fee Simple	Fee Simple	.0.000	Fee Simple	.7.000	Fee Simple	.0.200
View	20,250sf Residential	6,750sf Residential	+9,000	9,675sf Residential	+7,000	8,000sf Residential	+8,300
Design (Style)	Ranch	Ranch		Ranch	<del> </del>	Ranch	
Quality of Construction	CBS/Average	Frame/Average		CBS/Average		CBS/Average	
Actual Age	Eff=8, A=49	Eff=8, A=52	-	Eff=12, A=51	+2.800	Eff=10, A=47	+1,700
Condition	Above Average	Above Average		Inferior		Inferior	+1,700
Above Grade	Total Borns. Baths	Total Borns. Baths		Total Bdrms. Baths		Total Bdrms, Baths	
Room Count	6 2 1	5 2 1		5 2 1		5 2 1	
Gross Living Area	1,140 sq.ft.	932 sq.ft.	+9,400		-2,800		+12,400
Basement & Finished	None	None		None		None	
Rooms Below Grade	Loc.Obsol.	None	-7,200		-7,300		-6,800
Functional Utility Heating/Cooling	Adequate	Adequate	<del></del>	Adequate	<del> </del>	Adequate	
Heating/Cooling Energy Efficient Items	Central	Central		Central		Central	
Garage/Carport	Typical	Typical		Typical	2.000	Typical 1 Carport	-2,000
Porch/Patio/Deck	Driveway 49sf Cov.Porch	Driveway 266sf Scr.Porch	-1,100	1 Carport	-2,000	None	-2,000
Other features	55sf Shed	144sf Shed		54sf Utility		80sf Shed	
	-	11107 01100		C 101 C DING	<del></del>	178sf Utility	-2,200
Net Adjustment (Total)	기가 가난 한닭	⊠+ □-	\$ 9,500	⊠+ □・	\$ 500	<b>⋈</b> + □ -	\$ 13,100
Net Adjustment (Total) Adjusted Sale Price		Net 6.6 %		Net 0.3 %		Net 9.7 %	<u>.</u>
	\$	Gross 19.0 %	\$ 153,300	Gross 17.0 %	\$ 145,500	Gross 26.0 %	\$ 148,100
or Comparables	termination of the second				170,000	G1 000 20,0 70	+ 140,100
or Comparables	the sale or transfer his				170,000	21000 20,0 10	110,100
or Comparables	the sale or transfer his				770,000	20.0 10	110,100
of Comparables  I did id did not research		tory of the subject pro	perty and comparable :	sales. If not, explain			110, 90
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of Comparables  I	not reveal any prior sal y Public Records	tory of the subject pro	perty and comparable subject property for the	sales. If not, explain	ne effective date of this	appraisal.	
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Fannie Mae Form 100

#### Summary Appraisal Report

**Uniform Residential Appraisal Report** 

STA # 31, Project 4072 File # 226910

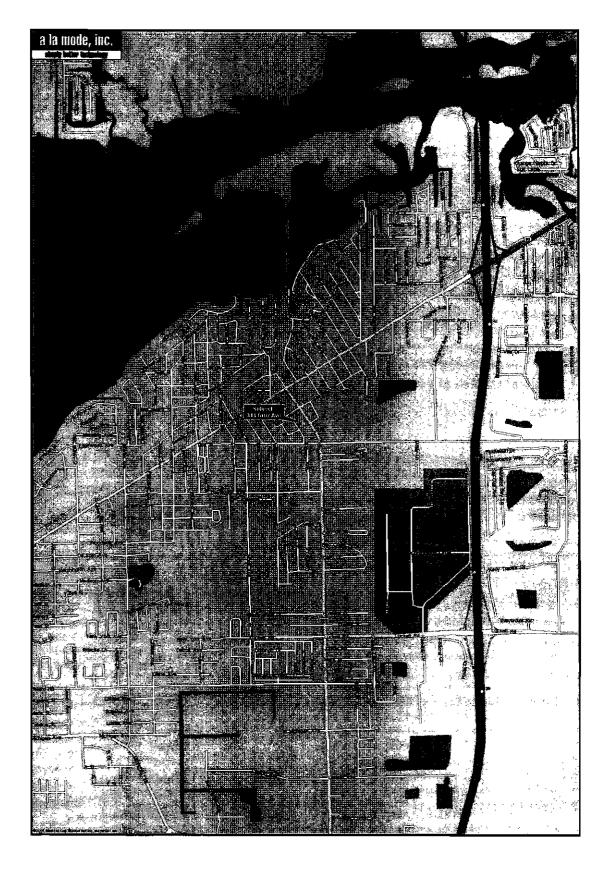
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Uniform Residential Appraisal Report

STA # 31, Project 4072

Onitotti nestucitus	Thhiaisai Licholt	File# 226910	
COMMENTS ON THE SITE VALUE ESTIMATE			
There are very limited land sales in the subject's market area which is ma	urely developed. Among the most	recent are	
the below listed sales:			
Parcel #04-44-25-03-00012.5040+5050, 100x135 (2 lot site), 10/11/05 for			
Parcel #09-44-25-07-00007.0060+0070, 142x303 (2 lot site), 07/26/05 for			
Parcel #04-44-25-05-00017.0020, 50x135 (1 lot site), 07/01/05 for			
Parcel #04-44-25-03-00006.2390, 50x140 (1 lot site), 06/08/05 for	\$37,200 per OR 4744 PG 3435		
COMMENTS ON THE SALES			
The subject is compared to three sales of 2 bedoom/1 bath houses in the	mmediate area.		
Estimation of effective ages and resulting conditions of the sales are base	d on the degree of maintenance an	d updating completed prior	to sale.
All sales were on smaller lots.			
Sale #1 was a smaller house located on the street directly behind the sub			larger
house which included a carport. Sale #3 was a smaller house which also	included a carport + 178sf of utility	rooms.	
Sales #1 and #2 are the most recent and receive the greatest emphasis in	support of the final value estimate	Sale #3 is supportive.	
COMMENTS ON THE LOCATION			
The subject is located on a heavily traveled arterial. This road produces a			
sales directy along Ortiz Avenue were available. The subject is compared	to sales not on busy streets. The	subject is adjusted downwa	ard 5% for
its less appealing location.			
PURPOSE, FUNCTION AND SCOPE OF THE APPRAISAL			
	of the offective date of the conrais-	al. The function (use) of the	e appraisal
The purpose of the appraisal is to estimate market value of the subject as	of the effective date of the appliance		
The purpose of the appraisal is to estimate market value of the subject as is for providing the Lee County Commissioners with sufficient data to make		ne possible purchase of the	property.
		ne possible purchase of the	property.
		ne possible purchase of the	property.
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is for providing the Lee County Commissioners with sufficient data to make	e an informed decision regarding th		property.
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#### **Location Map**



Page 1 of 1

### **Division of County Lands**

### Ownership and Easement Search

Search No. 21944/A Date: February 20, 2002

Parcel: N/A

Project: Ortiz Avenue Right of Way

Study #4072

To:

Karen L. W. Forsyth

From: Shelia A. Bedwell, CLS

Director

Real Estate Title Examiner

STRAP:

04-44-25-16-00005.0070

Effective Date: February 7, 2002, at 5:00 p.m. Effective date of November 3 20

Subject Property: Lots 7, 8 and 9, Block 5, Parque de Leon, as recorded in Plat Book 6, Page 72, Public Records of Lee County, Florida, less road right-of-way.

Title to the subject property is vested in the following:

#### Gilbert E. Hines and L. Doreen Hines, Husband and Wife

by that certain instrument dated July 29, 1977, recorded August 11, 1977, in Official Record Book 1216, Page 1273, Public Records of Lee County, Florida.

#### Easements:

None found of record.

No search has been made regarding the status of the assessments for the East Lee County Sewer District.

Note 1 Mortgage recorded on Book 3881/1884 3-25-2003

Bank of anenca \$49,000

Note 2 Mortgage recorded on Book 4829/11 8-4-2005

Bank of anenca \$20,000

Tax Status: NOTE: Tax and assessment information is not indicated on this report. It will be provided at a later date, if determined as being necessary by the end user of this report. (The end user of this report is responsible for verifying tax and/or assessment information.)

The Division of County Lands has made a diligent search of the Public Record. However, this report contains no guarantees nor warranty as to its accuracy.

## 5-Year Sales History

Parcel: Hines

Ortiz Avenue Widening Project No. 4072

**NO SALES in PAST 5 YEARS**