

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

**Blue Sheet No. 20020398**

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Accept the donation of Parcel 103 & 103E consisting of three perpetual easements for the Cypress Lake Drive Widening, Project No. 4064; pay necessary costs and fees to close; authorize the Division of County Lands to handle and accept all documentation necessary to complete this transaction.

**WHY ACTION IS NECESSARY:** The easements are needed for the Cypress Lake Drive Widening, Project No. 4064. All real estate acquisitions must be approved by the Board of County Commissioners pursuant to Florida Statute.

**WHAT ACTION ACCOMPLISHES:** Acquires the easements during the voluntary phase of the project, thereby the Board avoids the need to exercise its power of Eminent Domain at a future date.

**2. DEPARTMENTAL CATEGORY:** 06  
**COMMISSION DISTRICT #:** 3

*C6C*

**3. MEETING DATE:**  
*05-14-2002*

**4. AGENDA:**

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON

TIME REQUIRED:

**5. REQUIREMENT/PURPOSE:**

- (Specify)
- STATUTE FS 125
  - ORDINANCE \_\_\_\_\_
  - ADMIN. \_\_\_\_\_
  - OTHER \_\_\_\_\_

**6. REQUESTOR OF INFORMATION**

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

**7. BACKGROUND:** The Division of County Lands has been requested by the Department of Transportation to acquire right of way and easements for the Cypress Lake Drive Widening, Project No. 4064. This acquisition consists of a Perpetual Public Utility Easement, a Perpetual Stormwater Drainage Easement, and a Perpetual Non-Exclusive Easement for Bikepath/Sidewalk interest in approximately 1519 square feet, located at 7900 Summerlin Lakes Drive, Fort Myers, Florida; STRAP No. 23-45-24-07-00000.0010.

Rosbough Enterprises, Ltd., a Florida Limited Partnership, the owner, has agreed to donate easements for the subject parcel. Lee County is responsible for customary title examination, search, closing fees, documentary stamps, and recording fees of approximately \$600 and costs of approximately \$1,500 to obtain voluntary subordinations of lease and prior mortgage.

Staff recommends the Board approve the Requested Motion.

Funds are available in Account No. 20406418804.506110

Attachments

- 20 Capital Improvement Project
- 4064 Cypress Lake Drive Widening
- 18804 Impact Fees - SFT Myers/San Carlos
- 506110 Purchase of Land & Related Costs

- Three Easements
- Title Search
- Name Update
- Certificate Affidavit

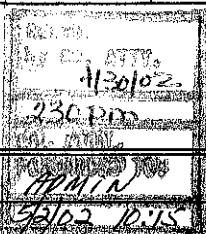
**8. MANAGEMENT RECOMMENDATIONS:**

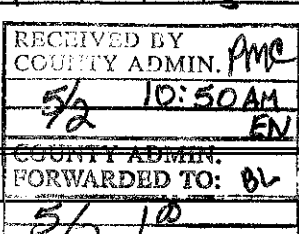
**9. RECOMMENDED APPROVAL:**

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
					OA	IQM	RISK	GC	
<i>4/30/02</i> <i>[Signature]</i>	<i>N/A</i>	<i>N/A</i>		<i>[Signature]</i>	<i>5/2/02</i>	<i>5/2/02</i>	<i>5/2/02</i>	<i>5/2/02</i>	<i>[Signature]</i>

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER





THIS INSTRUMENT PREPARED BY:

Lee County  
Post Office Box 398  
Fort Myers, Florida 33902

Parcel: 103E  
Project: Cypress Lake Drive  
Widening Project No. 4064  
Strap No.: 23-45-24-07-00000.0010

ORIGINAL DOCUMENTS RETAINED IN  
COUNTY LANDS FILES FOR HANDLING  
UPON BOARD ACCEPTANCE.

**GRANT OF PERPETUAL  
NON EXCLUSIVE EASEMENT  
FOR BIKEPATH/SIDEWALK**

This **INDENTURE**, made and entered into this 4<sup>th</sup> day of April, 2007, between Rosbough Enterprises, Ltd., a Florida Limited Partnership, whose address is P.O. Box 3206, Immokalee, Florida 34143, hereinafter referred to as "Grantor", and **LEE COUNTY**, a political subdivision of the State of Florida, whose address is Post Office Box 398, Fort Myers, Florida 33902-0398, hereinafter referred to as "County":

**WITNESSETH:**

1. For good and valuable consideration, which is hereby acknowledged, Grantor hereby transfers to the County a perpetual non-exclusive public right-of-way easement for a bikepath/sidewalk situated in Lee County, Florida, located and described as set forth in Exhibit "A" attached hereto.

2. The County is hereby granted the right to construct, replace, renew, extend and maintain a public bikepath/sidewalk and appurtenant drainage system.

3. This right-of-way easement does not limit the construction of the bikepath/sidewalk or drainage system to a particular type, style, material or design.

4. Title to the improvements constructed hereunder will remain in the County.

5. The County will be responsible for maintenance of the bikepath/sidewalk facility.

6. Grantors covenant that, subject to leasehold interest, they are lawfully seized and possessed of the property described in Exhibit "A", and have lawful right to convey this non-exclusive easement subject to existing easements for public highways or roads, railroads, laterals, ditches, pipelines and electrical transmission or distribution lines and telephone and cable television lines. Grantor will not place any interfering landscape material in the easement. Also, the Grantor will prevent the creation of obstructions or conditions which are or may become dangerous to the public within the easement.

Grant of Perpetual Right-of-Way Easement  
for Bikepath/Sidewalk  
Page 3

7. To the extent allowed by law and subject to the claim provisions and limitations contained in §768.28, Florida Statutes, the County agrees to be liable for tort claims predicated upon an injury or loss of property, personal injury, or death caused by the negligent or wrongful act or omission of any employee or contractor of the County while acting within the scope of his office or employment under circumstances in which the County, if a private person, would be liable to the claimant, in accordance with the general laws of the State of Florida.

8. The County will have a reasonable right of access for the purposes of reaching the described easement on either paved or unpaved surfaces. Any damage to Grantor's property or permitted improvements thereon as the result of such access to the described easement or the construction, maintenance, or repairs located within that easement will be restored by the County to the condition in which it existed prior to the damage.

9. THIS AGREEMENT shall be binding upon the parties hereto, their successors and assigns.

10. Grantor, by signing this easement grant, and Grantee, by accepting this easement grant, agree to abide by the terms and conditions contained herein.

IN WITNESS WHEREOF, Rosbough Enterprises, Ltd., Grantor has caused this document to be signed on the date first above written.

TWO SEPARATE WITNESSES:

Loria Vera  
1st Witness Signature  
Loria Vera  
Printed name of 1st Witness

Patsy Bermudez  
2nd Witness Signature  
PATSY BERMUDEZ  
Printed name of 2nd Witness

GRANTOR:  
Rosbough Enterprises, Ltd.  
By: Daniel Rosbough  
DANIEL ROSBOUGH  
Printed Name

Title: Manager/Member of  
Rosbough Family Enterprises, LLC.  
the General Partner of  
Rosbough Enterprises, Ltd.

(CORPORATE SEAL)

ORIGINAL DOCUMENTS RETAINED IN  
COUNTY LANDS FILES FOR HANDLING  
UPON BOARD ACCEPTANCE.

Grant of Perpetual Right-of-Way Easement  
for Bikepath/Sidewalk  
Page 4

STATE OF Florida )  
COUNTY OF Collier )

SWORN TO AND SUBSCRIBED before me this 4<sup>th</sup> day of April, 2002 by  
Daniel Rosbough of Rosbough Enterprises Ltd.  
name of officer or agent, title of officer or agent) (name of corporation acknowledged)

Florida corporation, on behalf of the corporation.  
(state or place of incorporation)

He/She is personally known to me or has produced P. Known as  
identification. (type of identification)

HARRIETT WHITFIELD  
(Signature of Notary Public)  
HARRIETT WHITFIELD  
(Name typed, printed or stamped)  
(Title or Rank)  
(Serial Number, if any)



COUNTY PROJ. NO. CN-97-01 (S.T.A. NO. 18) CYPRESS LAKE DRIVE LEE COUNTY DESCRIPTION

Page 1 of 5

PARCEL 103

RIGHT OF WAY

That portion of Lot 1, Reflection Lakes Commercial Center, a subdivision in Section 23, Township 45 South, Range 24 East, as per plat thereof recorded in Plat Book 64, Page 70, Public Records of Lee County, Florida.

Being more particularly described as follows:

COMMENCE at the northwest corner of said Lot 1, said point lying S 00°51'22" E, a distance of 65.00 feet from survey base line station 126+94.74 of Cypress Lake Drive (per Lee County Project Number CN-97-01, Contract Number III, Supplemental Task Authorization Number 18); thence along the north line of said Lot 1 and the southerly existing right of way line of Cypress Lake Drive (per Official Record Book 3217, Page 2802), N 89°08'38" E, a distance of 314.91 feet to the POINT OF BEGINNING; thence continuing along said north line and southerly existing right of way line, N 89°08'38" E, a distance of 33.31 feet to the east line of said Lot 1 and the beginning of a curve concave southwesterly and having a radius of 44.50 feet; thence along said east line and said curve to the right an arc distance of 31.03 feet through a central angle of 39°56'48" with a chord bearing S 22°23'29" E and chord distance of 30.40 feet to the end of said curve a point of cusp with a curve concave southwesterly and having a radius of 49.50 feet; thence along said curve to the left an arc distance of 25.36 feet through a central angle of 29°21'22" with a chord bearing N 41°33'17" W and chord distance of 25.09 feet to the end of said curve; thence S 89°08'10" W, a distance of 28.13 feet; thence N 00°47'50" W, a distance of 9.26 feet to the POINT OF BEGINNING.

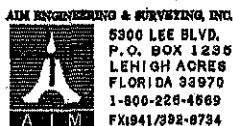
Said lands containing 437 square feet, more or less.

NOT A SURVEY

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

PREPARED BY  
AIM ENGINEERING & SURVEYING, INC.

MICHAEL J. ZOLYER  
REGISTERED SURVEYOR AND MAPPER  
FLORIDA CERTIFICATE NO. 5751  
LICENSED BUSINESS #3114

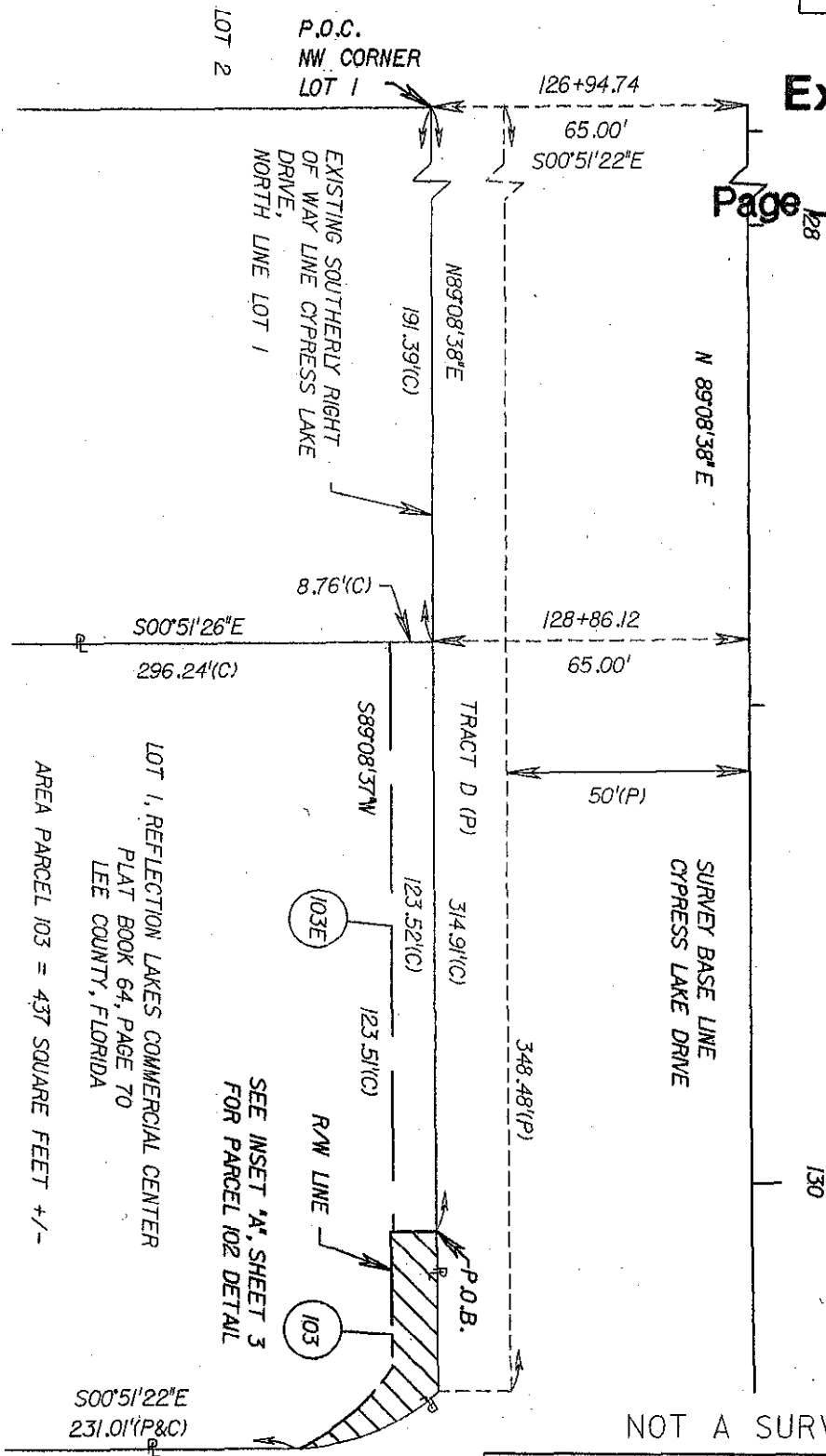


REVISION	BY	DATE

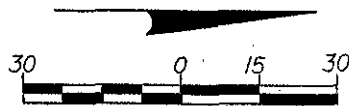
DEPARTMENT OF TRANSPORTATION LEE COUNTY			
RIGHT OF WAY PARCEL SKETCH			
CYPRESS LAKE DRIVE		LEE COUNTY	
BY	DATE	APPROVED BY	DATE
PRELIM DKT	4-17-01		
FINAL DKT	4-19-01		
CHECKED MJZ	4-19-01		
MAPS PREPARED BY AIM ENG. & SURVEYING, INC.		FIELD BOOK NO.'S N/A	
S.T.A. NO. 18		SCALE: N/A	
CONTRACT No. 111		SHEET 1 OF 3	

Exhibit "A"

Page 2 of 5



NOT A SURVEY



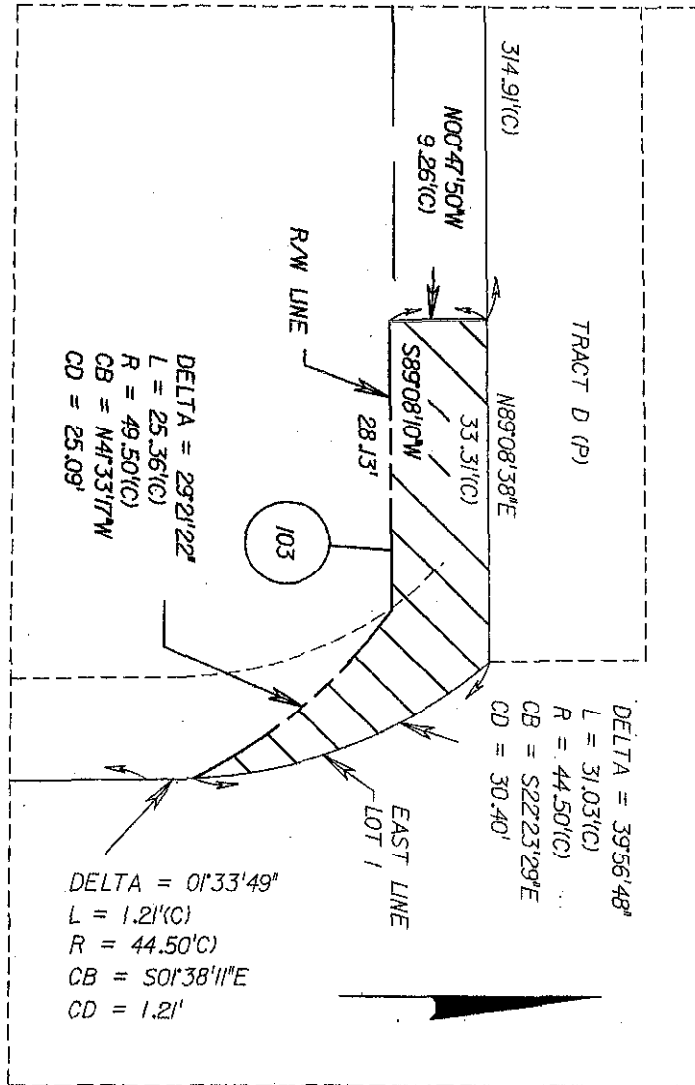
DEPARTMENT OF TRANSPORTATION LEE COUNTY			
RIGHT OF WAY PARCEL SKETCH			
CYPRESS LAKE DRIVE		LEE COUNTY	
BY	DATE	APPROVED BY	DATE
PRELIM DKT	4-17-01		
FINAL DKT	4-19-01		
CHECKED MUJ	4-19-01		
MAPS PREPARED BY AIM ENG. & SURVEYING, INC.		FIELD BOOK NO.'S N/A	
S.T.A. NO. 18		SCALE: 1" = 30'	
CONTRACT No. 111		SHEET 2 OF 3	

AIM ENGINEERING & SURVEYING, INC.  
5300 LEE BLVD.  
P.O. BOX 1235  
LEHIGH ACRES  
FLORIDA 33970  
1-800-226-4569  
FX1941/332-8794

REVISION	BY	DATE

Exhibit "A"

Page 3 of 5



INSET 'A'  
NOT TO SCALE

NOT A SURVEY

DEPARTMENT OF TRANSPORTATION LEE COUNTY			
RIGHT OF WAY PARCEL SKETCH			
CYPRESS LAKE DRIVE		LEE COUNTY	
BY	DATE	APPROVED BY	DATE
PRELIM DKT	4-17-01		
FINAL DKT	4-19-01		
CHECKED MJZ	4-19-01		
MAPS PREPARED BY AIM ENG. & SURVEYING, INC.		FIELD BOOK NO.'S N/A	
S.T.A. NO. 18		SCALE: 1" = 30'	
CONTRACT No. 111		SHEET 3 OF 3	

AIM ENGINEERING & SURVEYING, INC.  
 6300 LEE BLVD.  
 P.O. BOX 1235  
 LEHIGH ACRES  
 FLORIDA 33970  
 1-800-226-4569  
 FX:941/332-8734

REVISION	BY	DATE

COUNTY PROJ. NO. CN-97-01 (S.T.A. NO. 18) CYPRESS LAKE DRIVE LEE COUNTY DESCRIPTION

**Exhibit "A"**

Page 4 of 5

PARCEL 103E

PERPETUAL EASEMENT

That portion of Lot 1, Reflection Lakes Commercial Center, a subdivision in Section 23, Township 45 South, Range 24 East, as per plat thereof recorded in Plat Book 64, Page 70, Public Records of Lee County, Florida.

Being more particularly described as follows:

COMMENCE at the northwest corner of said Lot 1; said point lying on the southerly existing right of way line of Cypress Lake Drive (per Official Record Book 3217, Page 2802) and also lying S 00°51'22" E, a distance of 65.00 feet from survey base line station 126+94.74 of Cypress Lake Drive (per Lee County Project Number CN-97-01, Contract Number III, Supplemental Task Authorization Number 18); thence along the north line of said Lot 1 and said southerly existing right of way line, N 89°08'38" E, a distance of 191.39 feet to the POINT OF BEGINNING; thence continuing along said north line said southerly existing right of way line, N 89°08'38" E, a distance of 123.52 feet; thence S 00°47'50" E, a distance of 8.76 feet; thence S 89°08'37" W, a distance of 123.51 feet to the east line of the lands described in Official Record Book 3164, Page 1744, Public Records, Lee County, Florida; thence along said east line, N 00°51'26" W, a distance of 8.76 feet to the POINT OF BEGINNING.

Said lands containing 1,082 square feet, more or less.

NOT A SURVEY

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

PREPARED BY:  
AIM ENGINEERING & SURVEYING, INC.

MICHAEL J. ZOLTER  
REGISTERED SURVEYOR AND MAPPER  
FLORIDA CERTIFICATE NO. 6751  
LICENSED BUSINESS #9114



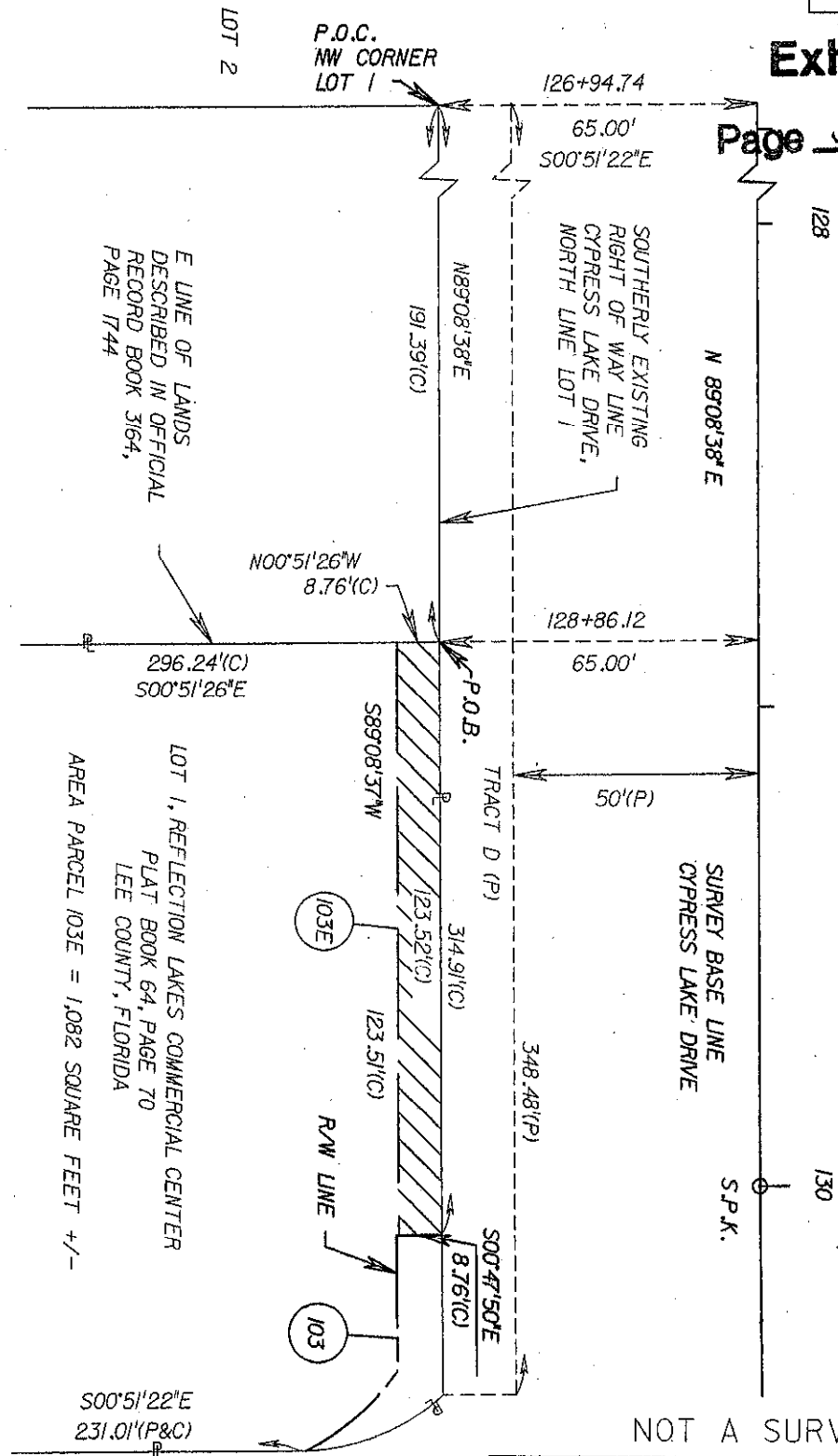
REVISION	BY	DATE

DEPARTMENT OF TRANSPORTATION LEE COUNTY			
RIGHT OF WAY PARCEL SKETCH			
CYPRESS LAKE DRIVE		LEE COUNTY	
	BY	DATE	APPROVED BY
PRELIM	DKT	4-17-01	
FINAL	DKT	4-19-01	
CHECKED	MJZ	4-19-01	
MAPS PREPARED BY AIM ENG. & SURVEYING, INC.		FIELD BOOK NO. 'S N/A	
S.T.A. NO. 18		SCALE: N/A	
CONTRACT No. III			SHEET 1 OF 2



Exhibit "A"

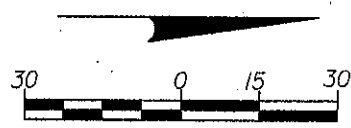
Page 5 of 5



E LINE OF LANDS DESCRIBED IN OFFICIAL RECORD BOOK 3164, PAGE 1744

LOT 1, REFLECTION LAKES COMMERCIAL CENTER PLAT BOOK 64, PAGE 70 LEE COUNTY, FLORIDA  
AREA PARCEL 103E = 1,082 SQUARE FEET +/-

NOT A SURVEY



DEPARTMENT OF TRANSPORTATION LEE COUNTY			
RIGHT OF WAY PARCEL SKETCH			
CYPRESS LAKE DRIVE		LEE	COUNTY
BY	DATE	APPROVED BY	DATE
PRELIM DKT	4-17-01		
FINAL DKT	4-17-01		
CHECKED MJZ	4-19-01		
MAPS PREPARED BY AIM ENG. & SURVEYING, INC.		FIELD BOOK NO.'S N/A	
S.T.A. NO. 18		SCALE: 1" = 30'	
CONTRACT No. 111			SHEET 2 OF 2

AIM ENGINEERING & SURVEYING, INC.  
8300 LEE BLVD.  
P.O. BOX 1235  
LEHIGH ACRES  
FLORIDA 33970  
1-800-226-4569  
FX1941/932-8734

REVISION	BY	DATE

This Instrument Prepared by:  
P.O. Box 398  
Fort Myers, FL 33902-0398  
Parcel: 103 & 103E  
Project: Cypress Lake Drive Widening Project No. 4064  
Strap No.: 23-45-24-07-00000.0010

ORIGINAL DOCUMENTS RETAINED IN  
COUNTY LANDS FILES FOR HANDLING  
UPON BOARD ACCEPTANCE.

THIS SPACE FOR RECORDING

PERPETUAL STORMWATER  
DRAINAGE EASEMENT

This easement grant is made between Rosbough Enterprises, Ltd., a Florida Limited Partnership, Owner whose address is P. O. Box 3206, Immoakee, FL 34143, (Grantor) and LEE COUNTY, a political subdivision of the State of Florida, whose address is P.O. Box 398, Fort Myers, Florida 33902-0398 (Grantee) as follows:

1. In consideration of the sum of one dollar and other good and valuable consideration, receipt of which is hereby acknowledged, Grantor grants to Grantee, its successors and assigns, a drainage easement in, over and across that portion of Grantor's property legally described in Exhibit "A".

2. Grantee has the right and authority to construct and maintain stormwater drainage facilities, including the installation of pipe, within the easement area in accordance with appropriate permits issued for construction and maintenance.

3. Grantee also has the right and authority to remove or trim any roots, trees or other vegetation or structures, including fencing, within the easement area in order to properly install the stormwater drainage facilities.

4. Grantor may use the easement area for landscaping (except trees), walkway, drainage or similar uses, provided no houses, fences, buildings, carports, garages, storage sheds or any other structures will not be constructed upon or placed within this easement at any time, present or future, by Grantor, or its heirs, sucesors or assigns.

5. Title to any drainage facilities constructed in the easement area will remain in the Grantee, its successors or assigns.

6. Grantor warrants that, subject to leasehold interest, and to any existing public roadway or utility easements, Grantor is in lawful possession of the subject property free and clear of all liens and encumbrances, except those recorded in the public records, and has the right and power to convey this easement.

7. This easement runs with the land and is binding on Grantor and Grantor's successors and assigns.

8. Grantee will be responsible for maintenance of the drainage facilities.

9. To the extent allowed by law and subject to the claim provisions and limitations contained in §768.28, Florida Statutes, the County agrees to be liable for tort claims predicated upon an injury or loss of property, personal injury, or death caused by the negligent or wrongful act or omission of any employee or contractor of the County while acting within the scope of his office or employment under circumstances in which the County, if a private person, would be liable to the claimant, in accordance with the general laws of the State of Florida.

Dated: April 4, 2002

Loria Vera  
1st Witness Signature

Loria Vera  
Printed Name of 1st Witness

Patsy Bermudez  
2nd Witness Signature

PATSY BERMUDEZ  
Printed Name of 2nd Witness

Grantor:  
Rosbough Enterprises, Ltd.

By: Daniel Rosbough

Daniel Rosbough  
Printed Name of Grantor

Manager/Member of  
Rosbough Family Enterprises, LLC the  
General Partner of Rosbough Enterprises, Ltd.  
Title

(Corporate Seal)

ORIGINAL DOCUMENTS RETAINED IN  
COUNTY LANDS FILES FOR HANDLING  
UPON BOARD ACCEPTANCE.

STATE OF Florida

COUNTY OF Collier

The foregoing instrument was acknowledged before me this 4<sup>th</sup> day of April, 2002 by Daniel Rosbough  
(name of officer or agent, title of officer or agent)

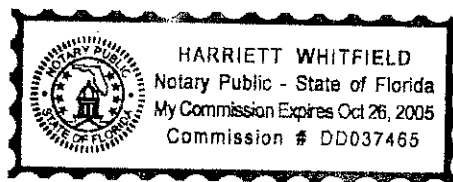
of Rosbough Enterprises Ltd a Florida  
(name of partnership acknowledged) (State or place of partnership)

corporation, on behalf of the corporation. He/She is personally known to me or has produced P. Knowlton as identification.  
(type of identification)

SEAL

Harriett Whitfield  
Signature of Notary Public

HARRIETT WHITFIELD  
(Name typed, printed or stamped)  
(Title or Rank)  
(Serial Number, if any)



COUNTY PROJ. NO. CN-97-01 (S.T.A. NO. 18) CYPRESS LAKE DRIVE LEE COUNTY DESCRIPTION

Page 1 of 5

PARCEL 103

RIGHT OF WAY

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Being more particularly described as follows:

COMMENCE at the northwest corner of said Lot 1; said point lying S 00°51'22" E, a distance of 65.00 feet from survey base line station 126+94.74 of Cypress Lake Drive (per Lee County Project Number CN-97-01, Contract Number III, Supplemental Task Authorization Number 18); thence along the north line of said Lot 1 and the southerly existing right of way line of Cypress Lake Drive (per Official Record Book 3217, Page 2802), N 89°08'38" E, a distance of 314.91 feet to the POINT OF BEGINNING; thence continuing along said north line and southerly existing right of way line, N 89°08'38" E, a distance of 33.31 feet to the east line of said Lot 1 and the beginning of a curve concave southwesterly and having a radius of 44.50 feet; thence along said east line and said curve to the right an arc distance of 31.03 feet through a central angle of 39°56'48" with a chord bearing S 22°23'29" E and chord distance of 30.40 feet to the end of said curve a point of cusp with a curve concave southwesterly and having a radius of 49.50 feet; thence along said curve to the left an arc distance of 25.36 feet through a central angle of 29°21'22" with a chord bearing N 41°33'17" W and chord distance of 25.09 feet to the end of said curve; thence S 89°08'10" W, a distance of 28.13 feet; thence N 00°47'50" W, a distance of 9.26 feet to the POINT OF BEGINNING.

Said lands containing 437 square feet, more or less.

NOT A SURVEY

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

PREPARED BY  
A I M ENGINEERING & SURVEYING, INC.

*[Signature]* 6/7/01

MICHAEL J. ZOLTER  
REGISTERED SURVEYOR AND MAPPER  
FLORIDA CERTIFICATE NO. 5751  
LICENSED BUSINESS #3174

A I M ENGINEERING & SURVEYING, INC.  
5900 LEE BLVD.  
P.O. BOX 1235  
LEHIGH ACRES  
FLORIDA 33970  
1-800-226-4569  
FX1941/382-6734

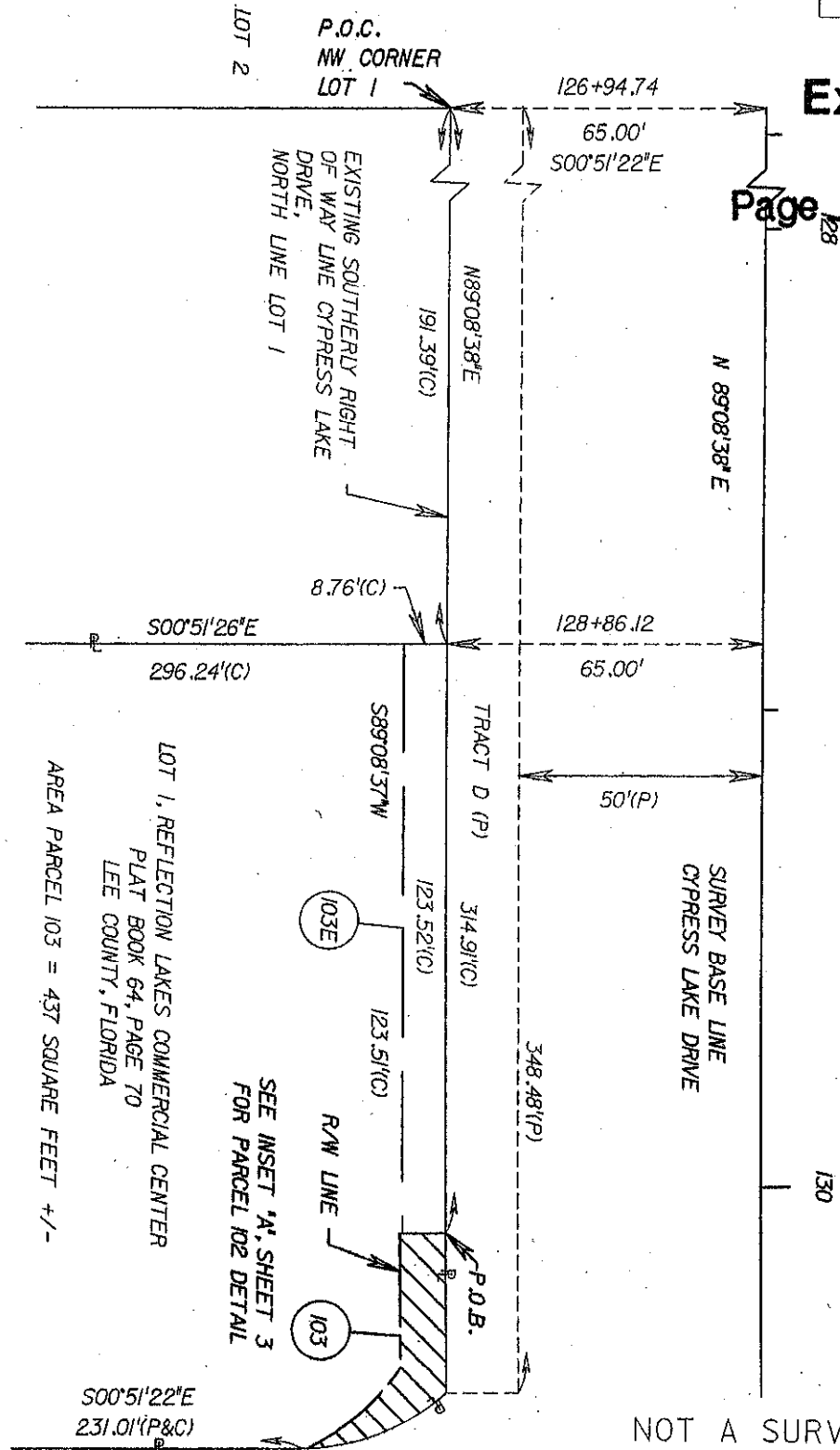


REVISION	BY	DATE

DEPARTMENT OF TRANSPORTATION LEE COUNTY			
RIGHT OF WAY PARCEL SKETCH			
CYPRESS LAKE DRIVE		LEE COUNTY	
	BY	DATE	APPROVED BY
PRELIM	DKT	4-17-01	
FINAL	DKT	4-19-01	
CHECKED	MJZ	4-19-01	
MAPS PREPARED BY A I M ENGINEERING & SURVEYING, INC.		FIELD BOOK NO.'S N/A	
S.T.A. NO. 18		SCALE: N/A	
CONTRACT No. 111		SHEET 1 OF 3	

Exhibit "A"

Page 2 of 5



LOT 1, REFLECTION LAKES COMMERCIAL CENTER  
 PLAT BOOK 64, PAGE 70  
 LEE COUNTY, FLORIDA  
 AREA PARCEL 103 = 437 SQUARE FEET +/-

SEE INSET 'A', SHEET 3  
 FOR PARCEL 102 DETAIL

NOT A SURVEY



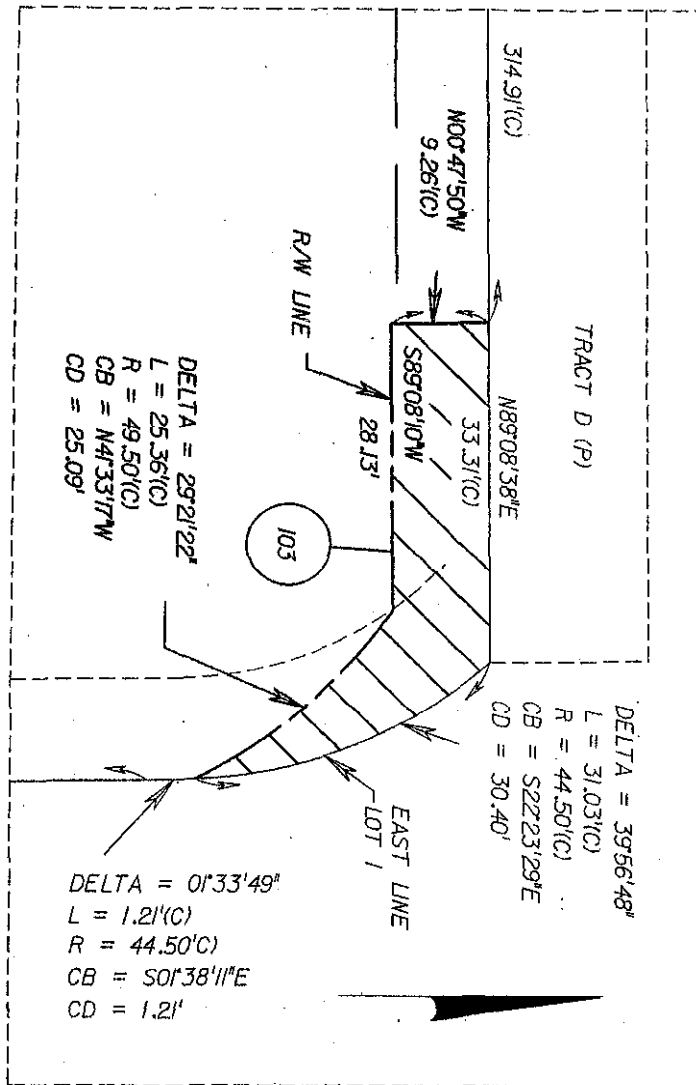
DEPARTMENT OF TRANSPORTATION LEE COUNTY			
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CYPRESS LAKE DRIVE		LEE COUNTY	
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MAPS PREPARED BY AIM ENG. & SURVEYING, INC.		FIELD BOOK NO.'S N/A	
S.T.A. NO. 18		SCALE: 1" = 30'	
CONTRACT No. 111		SHEET 2 OF 3	

AIM ENGINEERING & SURVEYING, INC.  
 5900 LEE BLVD.  
 P.O. BOX 1239  
 LEHIGH ACRES  
 FLORIDA 33970  
 1-800-226-4569  
 FX:941/982-8734

REVISION	BY	DATE

Exhibit "A"

Page 3 of 5



NOT A SURVEY

DEPARTMENT OF TRANSPORTATION LEE COUNTY			
RIGHT OF WAY PARCEL SKETCH			
CYPRESS LAKE DRIVE		LEE COUNTY	
BY	DATE	APPROVED BY	DATE
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S.T.A. NO. 18		SCALE: 1" = 30'	
CONTRACT No. 111		SHEET 3 OF 3	

ATM ENGINEERING & SURVEYING, INC.  
5900 LEE BLVD.  
P.O. BOX 1236  
LEHIGH ACRES  
FLORIDA 33970  
1-800-226-4569  
FX1941/932-8794

REVISION	BY	DATE

COUNTY PROJ. NO. CN-97-01 (S.T.A. NO. 18) CYPRESS LAKE DRIVE LEE COUNTY DESCRIPTION

**Exhibit "A"**

Page 4 of 5

PARCEL 103E

PERPETUAL EASEMENT

That portion of Lot 1, Reflection Lakes Commercial Center, a subdivision in Section 23, Township 45 South, Range 24 East, as per plat thereof recorded in Plat Book 64, Page 70, Public Records of Lee County, Florida.

Being more particularly described as follows:

COMMENCE at the northwest corner of said Lot 1; said point lying on the southerly existing right of way line of Cypress Lake Drive (per Official Record Book 3217, Page 2802) and also lying S 00°51'22" E, a distance of 65.00 feet from survey base line station 126+94.74 of Cypress Lake Drive (per Lee County Project Number CN-97-01, Contract Number III, Supplemental Task Authorization Number 18); thence along the north line of said Lot 1 and said southerly existing right of way line, N 89°08'38" E, a distance of 191.39 feet to the POINT OF BEGINNING; thence continuing along said north line said southerly existing right of way line, N 89°08'38" E, a distance of 123.52 feet; thence S 00°47'50" E, a distance of 8.76 feet; thence S 89°08'37" W, a distance of 123.51 feet to the east line of the lands described in Official Record Book 3164, Page 1744, Public Records, Lee County, Florida; thence along said east line, N 00°51'26" W, a distance of 8.76 feet to the POINT OF BEGINNING.

Said lands containing 1,082 square feet, more or less.

NOT A SURVEY

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

PREPARED BY:  
AIM ENGINEERING & SURVEYING, INC.

*Michael J. Zolter* 6/7/01  
MICHAEL J. ZOLTER  
REGISTERED SURVEYOR AND MAPPER  
FLORIDA CERTIFICATE NO. 8781  
LICENSED BUSINESS #8114



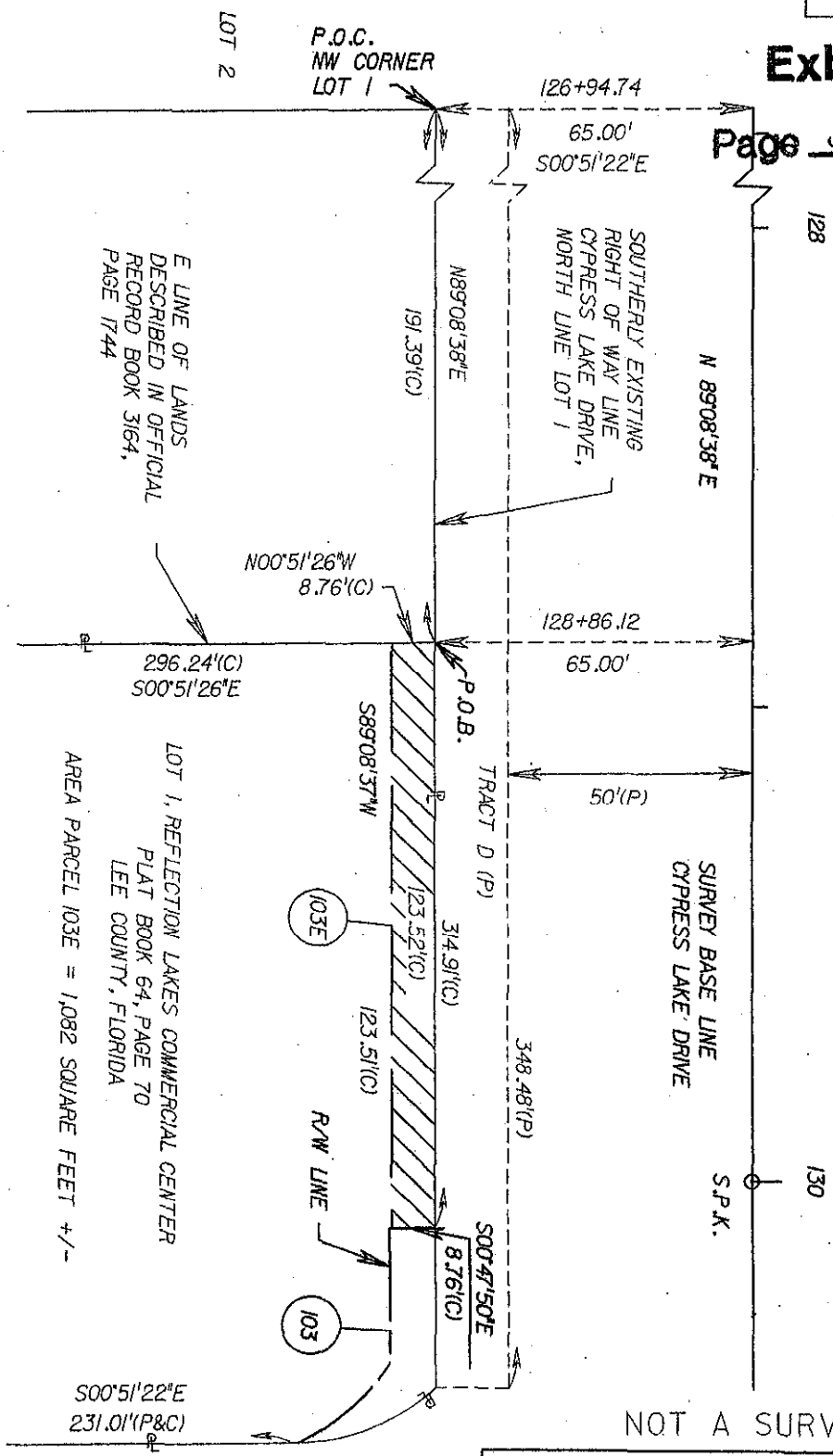
REVISION	BY	DATE

DEPARTMENT OF TRANSPORTATION LEE COUNTY			
RIGHT OF WAY PARCEL SKETCH			
CYPRESS LAKE DRIVE		LEE	COUNTY
	BY	DATE	APPROVED BY
PRELIM	DKT	4-17-01	
FINAL	DKT	4-19-01	
CHECKED	MJZ	4-19-01	
MAPS PREPARED BY AIM ENG. & SURVEYING, INC.		FIELD BOOK NO.'S N/A	
S.T.A. NO. 18		SCALE: N/A	
CONTRACT No. III			SHEET 1 OF 2



Exhibit "A"

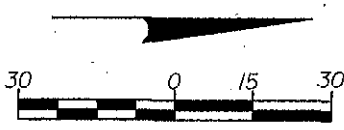
Page 5 of 5



E LINE OF LANDS DESCRIBED IN OFFICIAL RECORD BOOK 3164, PAGE 1744

LOT 1, REFLECTION LAKES COMMERCIAL CENTER PLAT BOOK 64, PAGE 70 LEE COUNTY, FLORIDA AREA PARCEL 103E = 1,082 SQUARE FEET +/-

NOT A SURVEY



DEPARTMENT OF TRANSPORTATION  
LEE COUNTY

RIGHT OF WAY PARCEL SKETCH

CYPRESS LAKE DRIVE LEE COUNTY

	BY	DATE	APPROVED BY	DATE
PRELIM	DKT	4-17-01		
FINAL	DKT	4-17-01		
CHECKED	MJZ	4-19-01		

**AIM ENGINEERING & SURVEYING, INC.**  
 3300 LEE BLVD.  
 P.O. BOX 1295  
 LEHIGH ACRES  
 FLORIDA 33970  
 1-800-226-4569  
 FX1941/898-8734

REVISION	BY	DATE

MAPS PREPARED BY AIM ENG. & SURVEYING, INC.	FIELD BOOK NO.'S N/A
S.T.A. NO. 18	SCALE: 1" = 30'
CONTRACT No. 111	SHEET 2 OF 2

This Instrument Prepared by:  
COUNTY LANDS DIVISION  
P.O. Box 398  
Fort Myers, FL 33902-0398  
Parcel: 103 & 103E  
Project: Cypress Lake Drive  
Widening, No. 4064  
STRAP No.: 23-45-24-07-00000.0010

ORIGINAL DOCUMENTS RETAINED IN  
COUNTY LANDS FILES FOR HANDLING  
UPON BOARD ACCEPTANCE.

THIS SPACE FOR RECORDING

GRANT OF PERPETUAL PUBLIC UTILITY EASEMENT

This INDENTURE, made and entered into this 4<sup>th</sup> day of April, 2002, between Rosbough Enterprises, Ltd., a Florida Limited Partnership, Owner, whose address is P. O. Box 3206, Immokalee, FL 34143, hereinafter "Grantor", and LEE COUNTY, a political subdivision of the State of Florida, whose address is P.O. Box 398, Fort Myers, FL 33902-0398, hereinafter "Grantee":

WITNESSETH

1. For and in consideration of the sum of One Dollar and other good and valuable consideration, receipt of which is hereby acknowledged, Grantor hereby grants and transfers to the Grantee, its successors and assigns, the use of a perpetual public utility easement situated in Lee County, Florida, and located and described as set forth in Exhibit "A" attached.

2. Grantee, its successors, appointees, heirs and assigns, are hereby granted the right, privilege, and authority to construct, replace, renew, extend and maintain public utility facilities, to include, but not be limited to: electrical power, telephone, water systems, sewer transmission and collection systems with all appurtenances thereto, to be located on, under, above, across, through and within the easement which is located on the property described (Exhibit "A"), with the additional right, privilege and authority to remove, replace, repair and enlarge said facilities within said easement, and to trim and remove roots, trees, shrubs, bushes and plants and remove fences or any other improvements which may affect the operation of the public utility facilities or Grantee's use of the easement.

3. The public utility easement will not be limited to any particular diameter size or type and/or number of connections to other similar facilities for providing public utility service to this and any adjacent properties. The total area of this public utility easement is to be reserved for the public utility lines, poles, mains, or other utility facilities and for any landscaping (excluding trees), walkways, roadways, drainage ways, or similar type uses. Houses, fences, buildings, carports, garages, storage sheds or any other structures will not be constructed upon or placed within this easement at any time, present or future, by Grantor, or its heirs, successors or assigns.

4. Title to any public utility facilities constructed hereunder will remain in the Grantee, Grantee's successors, appointees and/or assigns, or the public utility providing the service.

5. Subject to any existing easements for public highways or roads, railroads, laterals, ditches, pipelines and electrical transmission or distribution lines and telephone and cable television lines covering the land

herein described, Grantors covenant that, subject to leasehold interest, they Grant of Perpetual Public Utility Easement

Page 2

Project: Cypress Lake Drive Widening, No. 4064

are lawfully seized and possessed of the described real property (Exhibit "A"), have good and lawful right and power to convey it, and that the property is free and clear of all liens and encumbrances, except as recorded in the Public Records, and accordingly, Grantors 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.

6. Grantee will have a reasonable right of access across Grantor's property for the purposes of reaching the described easement (Exhibit "A") on either paved or unpaved surfaces. Any damage to Grantor's property or permitted improvements thereon as the result of such access to the described easement or the construction, maintenance, or repairs located within the above-described easement will be restored by the County or the particular utility providing service, to the condition in which it existed prior to the damage.

7. To the extent allowed by law and subject to the claim provisions and limitations contained in §768.28, Florida Statutes, the County agrees to be liable for tort claims predicated upon an injury or loss of property, personal injury, or death caused by the negligent or wrongful act or omission of any employee, contractor of the County while acting within the scope of his office or employment under circumstances in which the County, if a private person, would be liable to the claimant, in accordance with the general laws of the State of Florida.

8. Grantee will be responsible for maintenance of the public utility facilities.

9. THIS AGREEMENT will be binding upon the parties hereto, their successors and assigns.

IN WITNESS WHEREOF, Rosbough Enterprises, Ltd., GRANTOR, has caused this document to be signed on the date first above written.

SIGNED, SEALED AND DELIVERED  
TWO SEPARATE WITNESSES:

GRANTOR:  
Rosbough Enterprises, Ltd.

Loria Vera  
1st Witness Signature

By: Daniel Rosbough  
Daniel Rosbough

Loria Vera  
Printed name of 1st Witness

Printed Name

Patsy Bermudez  
2nd Witness Signature

Title: Manager/Member of  
Rosbough Family Enterprises, LLC  
the General Partner of  
Rosbough Enterprises, Ltd.

PATSY BERMUDEZ

(CORPORATE SEAL)  
ORIGINAL DOCUMENTS RETAINED IN  
COUNTY LANDS FILES FOR HANDLING  
UPON BOARD ACCEPTANCE.

Printed name of 2nd Witness

Grant of Perpetual Public Utility Easement

Page 3

Project: Cypress Lake Drive Widening, No. 4064

STATE OF Florida )

COUNTY OF Collier )

The foregoing instrument was acknowledged before me this 4<sup>th</sup> day of April, 2002, by Daniel Rosbough, MANAGER  
(name of officer or agent, title of officer or agent)

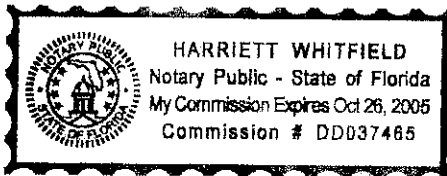
of Rosbough Enterprises, Ltd., a Florida  
(name of corporation acknowledged) (State or place of incorporation)

corporation, on behalf of the corporation. He/she is personally known to me or has

produced P.Known as identification.  
(type of identification)

Harriett Whitfield  
(Signature of Notary Public)

HARRIETT WHITFIELD  
(Name typed, printed or stamped)  
(Title or Rank)  
(Serial Number, if any)



COUNTY PROJ. NO. CN-97-01 (S.T.A. NO. 18) CYPRESS LAKE DRIVE LEE COUNTY DESCRIPTION

Page 1 of 5

PARCEL 103

RIGHT OF WAY

That portion of Lot 1, Reflection Lakes Commercial Center, a subdivision in Section 23, Township 45 South, Range 24 East, as per plat thereof recorded in Plat Book 64, Page 70, Public Records of Lee County, Florida.

Being more particularly described as follows:

COMMENCE at the northwest corner of said Lot 1; said point lying S 00°51'22" E, a distance of 65.00 feet from survey base line station 126+94.74 of Cypress Lake Drive (per Lee County Project Number CN-97-01, Contract Number III, Supplemental Task Authorization Number 18); thence along the north line of said Lot 1 and the southerly existing right of way line of Cypress Lake Drive (per Official Record Book 3217, Page 2802), N 89°08'38" E, a distance of 314.91 feet to the POINT OF BEGINNING; thence continuing along said north line and southerly existing right of way line, N 89°08'38" E, a distance of 33.31 feet to the east line of said Lot 1 and the beginning of a curve concave southwesterly and having a radius of 44.50 feet; thence along said east line and said curve to the right an arc distance of 31.03 feet through a central angle of 39°56'48" with a chord bearing S 22°23'29" E and chord distance of 30.40 feet to the end of said curve a point of cusp with a curve concave southwesterly and having a radius of 49.50 feet; thence along said curve to the left an arc distance of 25.36 feet through a central angle of 29°21'22" with a chord bearing N 41°33'17" W and chord distance of 25.09 feet to the end of said curve; thence S 89°08'10" W, a distance of 28.13 feet; thence N 00°47'50" W, a distance of 9.26 feet to the POINT OF BEGINNING.

Said lands containing 437 square feet, more or less.

NOT A SURVEY

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

PREPARED BY: AIM ENGINEERING & SURVEYING, INC.

*[Signature]* 6/7/01

MICHAEL J. ZOLTER  
REGISTERED SURVEYOR AND MAPPER  
FLORIDA CERTIFICATE NO. 5751  
LICENSED BUSINESS #3114

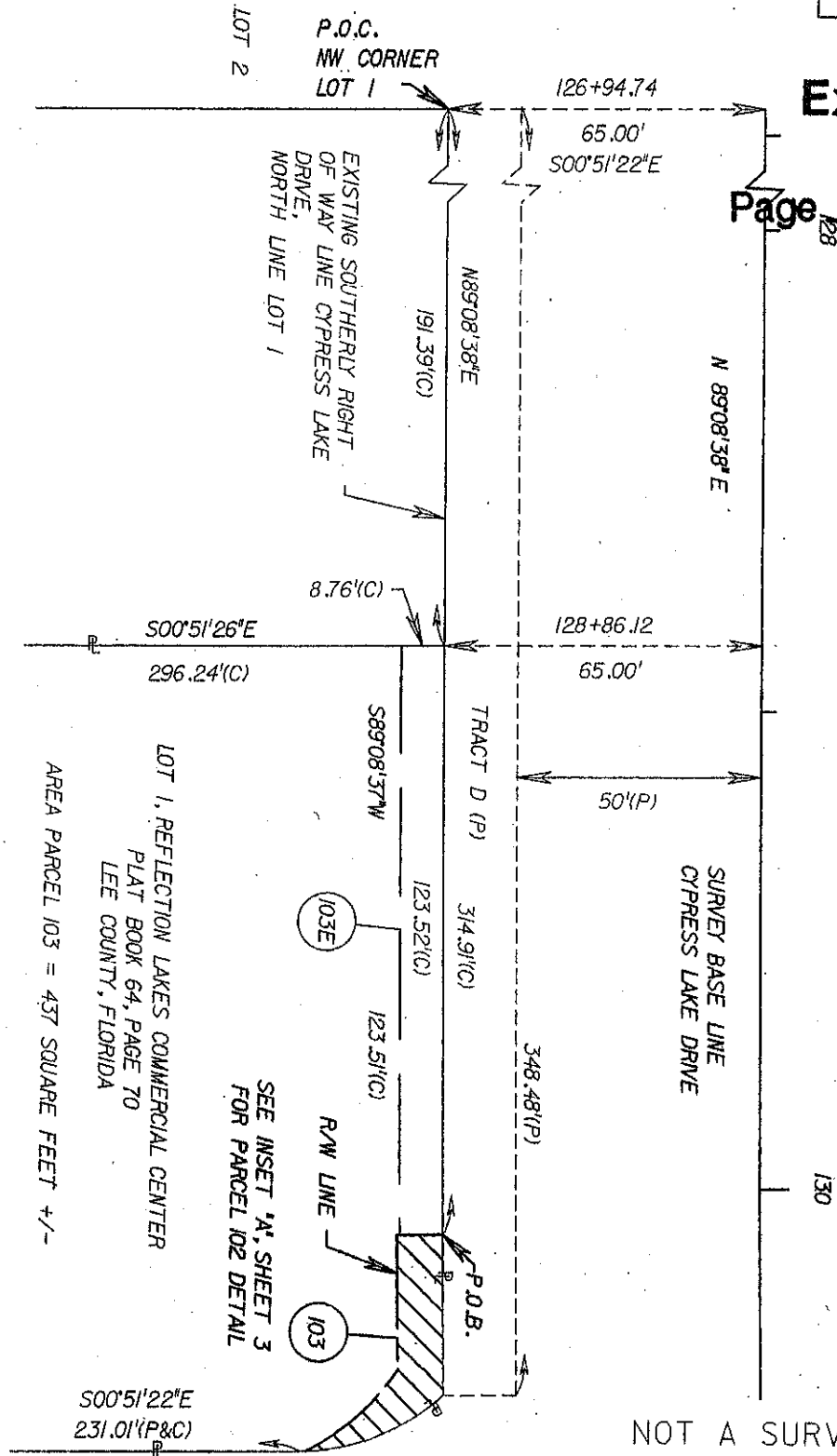


REVISION	BY	DATE

DEPARTMENT OF TRANSPORTATION LEE COUNTY			
RIGHT OF WAY PARCEL SKETCH			
CYPRESS LAKE DRIVE		LEE COUNTY	
	BY	DATE	APPROVED BY
PRELIM	DKT	4-17-01	
FINAL	DKT	4-19-01	
CHECKED	MJZ	4-19-01	
MAPS PREPARED BY AIM ENG. & SURVEYING, INC.		FIELD BOOK NO.'S N/A	
S.T.A. NO. 18		SCALE: N/A	
CONTRACT No. 111			SHEET 1 OF 3

Exhibit "A"

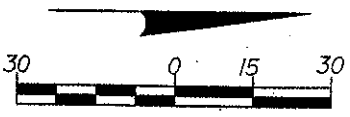
Page 2 of 5



LOT 1, REFLECTION LAKES COMMERCIAL CENTER  
 PLAT BOOK 64, PAGE 70  
 LEE COUNTY, FLORIDA  
 AREA PARCEL 103 = 437 SQUARE FEET +/-

SEE INSET 'A', SHEET 3  
 FOR PARCEL 102 DETAIL

NOT A SURVEY



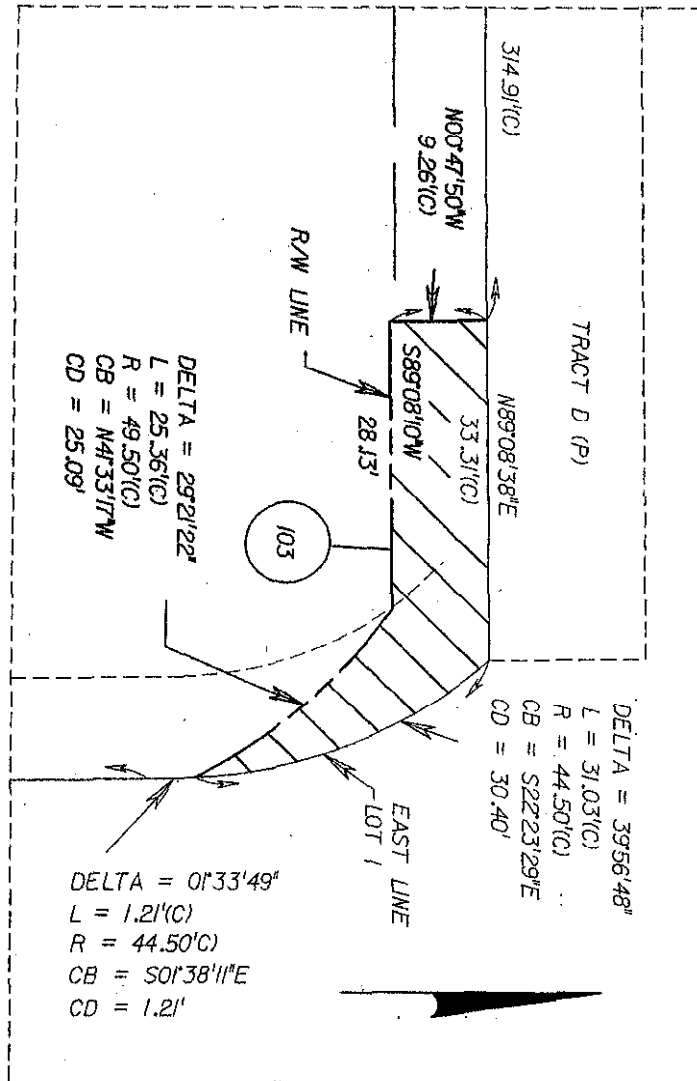
DEPARTMENT OF TRANSPORTATION			
LEE COUNTY			
RIGHT OF WAY PARCEL SKETCH			
CYPRESS LAKE DRIVE		LEE COUNTY	
PRELIM DKT	BY	DATE	APPROVED BY
FINAL DKT	MJZ	4-19-01	
CHECKED	MJZ	4-19-01	
MAPS PREPARED BY		FIELD BOOK NO.'S	
AIM ENG. & SURVEYING, INC.		N/A	
S.T.A. NO. 18		SCALE: 1" = 30'	
CONTRACT No. 111			SHEET 2 OF 3

**AIM ENGINEERING & SURVEYING, INC.**  
 5300 LEE BLVD.  
 P.O. BOX 1235  
 LEHIGH ACRE  
 FLORIDA 33970  
 1-800-226-4569  
 FX1941/392-8794

REVISION	BY	DATE

Exhibit "A"

Page 3 of 5



INSET 'A'  
NOT TO SCALE

NOT A SURVEY

DEPARTMENT OF TRANSPORTATION LEE COUNTY			
RIGHT OF WAY PARCEL SKETCH			
CYPRESS LAKE DRIVE		LEE	COUNTY
BY	DATE	APPROVED BY	DATE
PRELIM DKT	4-17-01		
FINAL DKT	4-19-01		
CHECKED MJZ	4-19-01		
MAPS PREPARED BY	FIELD BOOK No.'S		
ATM ENG. & SURVEYING, INC.	N/A		
S.T.A. NO. 18	SCALE: 1" = 30'		
CONTRACT No. 111	SHEET 3		OF 3

ATM ENGINEERING & SURVEYING, INC.  
5800 LEE BLVD.  
P.O. BOX 1235  
LEHIGH ACRES  
FLORIDA 33970  
1-800-226-4869  
FX1941/992-8794

REVISION	BY	DATE

COUNTY PROJ. NO. CN-97-01 (S.T.A. NO. 18) CYPRESS LAKE DRIVE LEE COUNTY DESCRIPTION

**Exhibit "A"**

Page 4 of 5

PARCEL 103E

PERPETUAL EASEMENT

That portion of Lot 1, Reflection Lakes Commercial Center, a subdivision in Section 23, Township 45 South, Range 24 East, as per plat thereof recorded in Plat Book 64, Page 70, Public Records of Lee County, Florida.

Being more particularly described as follows:

COMMENCE at the northwest corner of said Lot 1; said point lying on the southerly existing right of way line of Cypress Lake Drive (per Official Record Book 3217, Page 2802) and also lying S 00°51'22" E, a distance of 65.00 feet from survey base line station 126+94.74 of Cypress Lake Drive (per Lee County Project Number CN-97-01, Contract Number III, Supplemental Task Authorization Number 18); thence along the north line of said Lot 1 and said southerly existing right of way line, N 89°08'38" E, a distance of 191.39 feet to the POINT OF BEGINNING; thence continuing along said north line said southerly existing right of way line, N 89°08'38" E, a distance of 123.52 feet; thence S 00°47'50" E, a distance of 8.76 feet; thence S 89°08'37" W, a distance of 123.51 feet to the east line of the lands described in Official Record Book 3164, Page 1744, Public Records, Lee County, Florida; thence along said east line, N 00°51'26" W, a distance of 8.76 feet to the POINT OF BEGINNING.

Said lands containing 1,082 square feet, more or less.

NOT A SURVEY

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

PREPARED BY:  
AIM ENGINEERING & SURVEYING, INC.

*[Signature]* 4/7/01  
MICHAEL J. ZOLTER  
REGISTERED SURVEYOR AND MAPPER  
FLORIDA CERTIFICATE NO. 5751  
LICENSED BUSINESS #9114



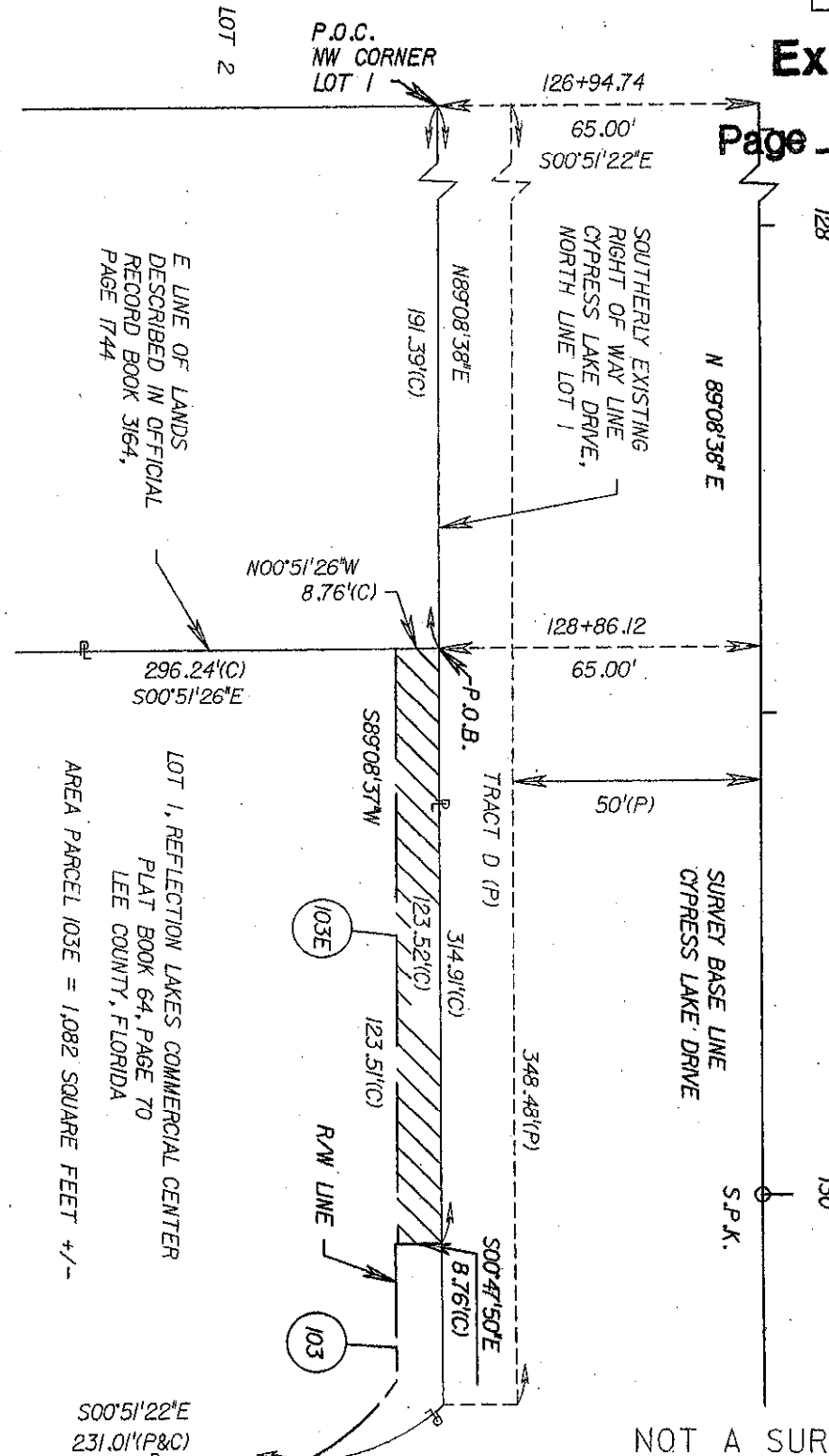
REVISION	BY	DATE

DEPARTMENT OF TRANSPORTATION LEE COUNTY			
RIGHT OF WAY PARCEL SKETCH			
CYPRESS LAKE DRIVE		LEE COUNTY	
	BY	DATE	APPROVED BY
PRELIM	DKT	4-17-01	
FINAL	DKT	4-19-01	
CHECKED	MJZ	4-19-01	
MAPS PREPARED BY AIM ENG. & SURVEYING, INC.		FIELD BOOK NO.'S N/A	
S.T.A. NO. 18		SCALE: N/A	
CONTRACT No. III			SHEET 1 OF 2



Exhibit "A"

Page 5 of 5



E LINE OF LANDS DESCRIBED IN OFFICIAL RECORD BOOK 3164, PAGE 1744

LOT 1, REFLECTION LAKES COMMERCIAL CENTER PLAT BOOK 64, PAGE 70 LEE COUNTY, FLORIDA AREA PARCEL 103E = 1,082 SQUARE FEET +/-

NOT A SURVEY



DEPARTMENT OF TRANSPORTATION  
LEE COUNTY

RIGHT OF WAY PARCEL SKETCH

CYPRESS LAKE DRIVE LEE COUNTY

BY	DATE	APPROVED BY	DATE
PRELIM DKT	4-17-01		
FINAL DKT	4-17-01		
CHECKED MJZ	4-19-01		

MAPS PREPARED BY  
AIM ENG. & SURVEYING, INC.  
S.T.A. NO. 18

FIELD BOOK NO.'S  
N/A  
SCALE: 1" = 30'

**AIM ENGINEERING & SURVEYING, INC.**  

 5300 LEE BLVD.  
 P.O. BOX 1295  
 LEHIGH ACRES  
 FLORIDA 33970  
 1-800-226-4569  
 FX1941/392-8784

REVISION	BY	DATE


CONTRACT No. 111 SHEET 2 OF 2

Department of Public Works  
**Division of County Lands**

Page 1 of 2

**Ownership and Easement Search**  
Search No. 21870/C  
Date: March 27, 2001  
Parcel: --- 103 + 103E  
Project: Cypress Lake Drive  
Widening #4064

To: Karen L. W. Forsyth  
Director

From: Nancy C. Bell, CLS   
Real Estate Title Examiner

STRAP: 23-45-24-07-00000.0010

Effective Date: ~~March 14, 2001~~, at 5:00 p.m.

*APRIL 12, 2002 ARE*

**Subject Property:** A portion of Lot 1, Reflection Lakes Commercial Center according to the map or plat thereof filed and recorded in the Office of the Clerk of the Circuit Court, in Plat Book 64, Pages 70 & 71, as more particularly described on deed recorded in Official Record Book 3356, Page 2597, Public Records of Lee County, Florida.

Title to the subject property is vested in the following:

**Rosbough Enterprises, Ltd., a Florida Limited Partnership**

by that certain instrument dated January 12, 2001, recorded January 29, 2001, in Official Record Book 3356, Page 2597, Public Records of Lee County, Florida.

**Easements:**

1. Exclusive and Perpetual Wastewater Force Main Easement granted to Florida Cities Water Company, as recorded in Official Record Book 2771, Page 3019, Public Records of Lee County, Florida; lengthy metes and bounds legal description for this easement was not mapped out for purposes of this report, however, the sketch attached to the easement instrument appears to indicate that the Northerly portion of the easement may affect the subject lot. [Cursory review of the metes and bounds description reveals that the easement abuts Cypress Lake Drive.]
2. Exclusive and perpetual wastewater force main easement granted to Florida Cities Water Company, as recorded in Official Record Book 2771, Page 3030, Public Records of Lee County, Florida; lengthy metes and bounds legal description for this easement was not mapped out for purposes of this report, however, the sketch attached to the easement instrument appears to indicate that the Northerly portion of the easement may affect the subject lot. [Cursory review of the metes and bounds description reveals that the easement abuts Cypress Lake Drive.]

**Ownership and Easement Search**

Search No. 21870/C

Date: March 27, 2001

Parcel: ---

Project: Cypress Lake Drive  
Widening #4064

3. Easement granted to Florida Power and Light Company, as recorded in Official Record Book 3121, Page 3793, Public Records of Lee County, Florida; for purposes of this report, the metes and bounds legal description was not mapped out, however, it appears that the easement may affect a portion of the subject parcel.
4. Easements for access, maintenance and use of the areas described as stormwater drainage and mitigation areas, as recited in Article IV, Section 4.1 and 4.2 of the Declaration recorded in Official Record Book 3156, Page 2364, Public Records of Lee County, Florida.
5. Easements set forth in Article IV, Sections 4.2 - 4.6 through 4.10 - 8.3 - 13.9 and 13.16 of the Master Declaration for Reflection Lakes, as recorded in Official Record Book 3156, Page 2421, Public Records of Lee County, Florida. [Note: Supplements adding property to the Master Declaration are recorded in Official Record Book 3242, Page 2153; Official Record Book 3314, Page 1048; and Official Record Book 3347, Page 3626.]
6. Rights and easements set forth in Article VI of the Declaration for the private roadway (service road) and the common areas, as recorded in Official Record Book 3158, Page 4399, Public Records of Lee County, Florida.
7. Ten foot (10ft.) Public Utility Easement along the Easterly and Southerly lot lines, as shown on plat [does not abut project area].

NOTE (1): Hillsborough Lee Corporation, a Cayman Island Corporation, was a prior titleholder on the Quit Claim Deed recorded in Official Record Book 2888, Page 2681; the deed was executed by two "managing directors" with no corporate seal affixed; we were unable to locate any corporate status information or determine the authenticity of this company or its signatories. ✓

NOTE (2): There is a strip of land of undetermined width lying between the Southerly right-of-way line of Cypress Lake Drive and the Northerly boundary of the subject lot. It is identified on the plat as "Tract D / reserved for future right-of-way". This strip was **conveyed to Lee County** by deed recorded in Official Record Book 3217, Page 2802, Public Records of Lee County, Florida.

OWN R/W MAP

**Tax Status:** 2000 Ad Valorem Taxes are PAID IN FULL.

*(The end user of this report is responsible for verifying tax and/or assessment information.)*

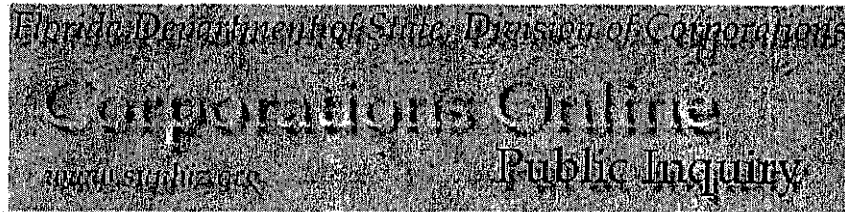
**The Division of County Lands has made a diligent search of the Public Record. However, this report contains no guarantees nor warranty as to its accuracy.**

Search complete, no record matches your search for

**Name : ROSBOUGH ENTERPRISES**

between record date 2001-3-15 and 2002-4-12

[Click here](#) to start a new search.



**Florida Limited Partnership**

**ROUBOUGH ENTERPRISES LTD.**

**PRINCIPAL ADDRESS**

7300 ROUBOUGH WAY  
IMMOKALEE FL 34142

**MAILING ADDRESS**

P.O. BOX 3206  
IMMOKALEE FL 34143

**Document Number**  
A99000000859

**FEI Number**  
593578307

**Date Filed**  
05/21/1999

**State**  
FL

**Status**  
ACTIVE

**Effective Date**  
NONE

**Actual Contribution**  
7,000,000.00

**Registered Agent**

Name & Address
HELLINGER, ANDREW B ESQ. MISHAN, SLOTO, GREENBERG, HELLINGER & UDOL 200 S. BISCAYNE BLVD., SUITE 2350 MIAMI FL 33131

**General Partner Detail**

Name & Address	Document Number
ROUBOUGH FAMILY ENTERPRISES, LLC 7300 ROUBOUGH WAY IMMOKALEE FL 34142	L99000002731

**Annual Reports**

Report Year	Filed Date	Intangible Tax
2000	03/29/2000	

[Previous Filing](#)

[Return to List](#)

[Next Filing](#)

**CERTIFICATE AND AFFIDAVIT  
OF  
FLORIDA LIMITED PARTNERSHIP  
OF  
ROUBOUGH ENTERPRISES LTD.,  
A FLORIDA LIMITED PARTNERSHIP**

---

ROUBOUGH FAMILY ENTERPRISES, LLC. , a Florida limited liability corporation (the "General Partner") hereby makes, acknowledges, and files this Certificate of Limited Partnership (the "Certificate") for the Rosbough Enterprises Ltd., hereinafter referred to as the "Partnership."

1. Name of Partnership. The name of the Partnership is:

Rosbough Enterprises Ltd.

2. Mailing Address and Principal Place of Business of the Limited Partnership.

The mailing address of the Limited Partnership is: P.O. Box 3206, Immokalee, Florida 34143, and the principal place of business of the Limited Partnership is 7300 Rosbough Way, Immokalee, FL 34142.

3. Name and Business Address of General Partner. The name and business address of the General Partners in the Partnership is as follows:

L99000002731  
ROUBOUGH FAMILY ENTERPRISES, LLC  
7300 Rosbough Way  
Immokalee, FL 34142

This instrument prepared by:  
ANA C. HARRIS, ESQUIRE  
Florida Bar No: 705403  
MISHAN, SLOTO, GREENBERG, HELLINGER & UDOLF, P.A.  
200 S. Biscayne Blvd., Suite 2350  
Miami, FL 33134  
(305) 379-1792

FILED  
SECRETARY OF STATE  
DIVISION OF CORPORATIONS  
99 MAY 21 PM 1:23

4. Effective Date. The Partnership will become effective upon the filing of this Certificate and shall terminate and dissolve no later than December 31, 2040.

5. Agent and Address for Service of Process. The Agent for service of process on the Partnership shall be:

Andrew B. Hellinger, Esq.  
Mishan, Sloto, Greenberg, Hellinger, & Udolf, P.A.  
200 S. Biscayne Blvd., Suite 2350  
Miami, Florida 33131

6. Capital Contributions. The undersigned herewith affirms that the total amount of Capital Contributions which the Limited Partners have contributed to date or shall contribute is Seven Million and 00/100 (\$7,000,000.00) Dollars.

7. Anticipated Additional Contributions. No additional contributions are anticipated, other than as set forth in Paragraph 6.

IN WITNESS WHEREOF, the undersigned have hereunto affixed their signatures and swear to the foregoing as of the 12 day of May, 1999, in accordance with Florida Statutes, Section 620.108.

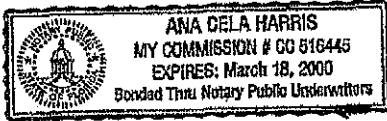
GENERAL PARTNER:

ROSBOUGH FAMILY ENTERPRISES, LLC.

By:   
Daniel G. Rosbough, President

STATE OF FLORIDA       )  
  : .SS  
COUNTY OF COLLIER )

The foregoing instrument was executed in my presence by DANIEL G. ROSBOUGH who are ~~personally known to me~~ or who produced a \_\_\_\_\_ as identification, and who took an oath, this 11 day of May, 1999.



[Signature]  
Notary Public, State of Florida at Large

Ana C. Harris  
[Print Name]

My commission expires:

**ACCEPTANCE BY REGISTERED AGENT**

I hereby accept the appointment of, and designation as, Registered Agent for service of process within the State of Florida of the proposed limited partnership named in the Certificate and Affidavit of Limited Partnership hereinabove set forth and do hereby further state that I may be found as Registered Agent for service of process upon said proposed corporation at the address set forth in Paragraph 5 of this Certificate.

DATED this 12 day of May, 1999.

**REGISTERED AGENT**

By: [Signature]  
Andrew B. Hellinger, Esq.

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