

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

BLUE SHEET NO: 20020806-UTL

1. REQUESTED MOTION:

ACTION REQUESTED: Approve final acceptance by Resolution and recording of two (2) utility easements, as a donation of a water main extension and a gravity main extension serving **Walgreen's at Summerlin Crossing**. This is a developer contributed asset project located on the north side of Summerlin Road, approximately 850' southwest of Winkler Road.

WHY ACTION IS NECESSARY: To provide potable water service, fire protection and sanitary sewer service to the recently constructed commercial building.

WHAT ACTION ACCOMPLISHES: Places the water and sewer mains into operation and complies with the Lee County Utilities Operations Manual.

2. DEPARTMENTAL CATEGORY: 10 - UTILITIES
COMMISSION DISTRICT #: 3

C10B

3. MEETING DATE:

08-06-2002

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED: _____

5. REQUIREMENT/PURPOSE:

- (Specify)
- STATUTE
 - ORDINANCE
 - ADMIN. CODE
 - OTHER Res, Easements

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER: _____
- B. DEPARTMENT: Lee County-Public Works
- C. DIVISION/SECTION: Utilities Division
- BY: Rick Diaz, Utilities Director
- DATE: 7/2/02

7. BACKGROUND:

The Board granted permission to construct on 02/12/02 Blue Sheet #20020095. The installation has been inspected for conformance to the Lee County Utilities Operations Manual. Satisfactory pressure and bacteriological testing of the water system has been completed. Satisfactory closed circuit television inspection of the gravity collection system has been performed. As-builts have been provided. Engineer's Certification of Completion has been provided---copy attached. Project location map---copy attached. Warranty has been provided---copy attached. Waiver of Lien has been provided---copy attached. Certification of Contributory Assets has been provided---copy attached. 100% of the connection fees have been paid. Funds are available for recording fees in account number OD5360748700.504930.

SECTIONS 34 TOWNSHIP 45S RANGE 24E DISTRICT #3 COMMISSIONER JUDAH

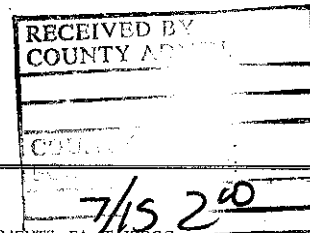
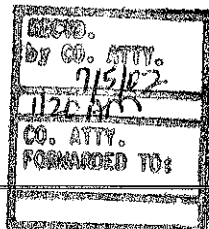
8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL

(A) DEPARTMENT DIRECTOR	(B) PURCH. OR CONTRACTS	(C) HUMAN RESOURCES	(D) OTHER	(E) COUNTY ATTORNEY	(F) BUDGET SERVICES				(G) COUNTY MANAGER
					adm				
					OM	Risk	GC		
J. Lavender Date: 7.9.02	N/A Date:	N/A Date:	T. Osterhout Date: 7.2.	7/5/02	7/12/02	7/15	7/15/02	J. Lavender Date: 7.3.02	

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER



RESOLUTION NO. _____

RESOLUTION ESTABLISHING UTILITY ACCEPTANCE OF
DEVELOPER CONTRIBUTED ASSETS
IN LEE COUNTY, FLORIDA

WHEREAS, it is the desire of Walgreen Co, an Illinois Corporation, owner of record, to make a contribution to Lee County Utilities of water facilities (water distribution system), and sewer facilities (gravity collection system) serving "WALGREEN'S AT SUMMERLIN CROSSING"; and,

WHEREAS, Lee County Utilities requires proof of a Release of Lien, a Warranty (one-year) on all labor and materials, an accurate value of contributed assets, and right-of-way and/or easement-indemnity granted for all systems being contributed to Lee County Utilities; and,

WHEREAS, all of the above information has been received and approved as complete by Lee County Utilities; and,

WHEREAS, Lee County Utilities has recommended to the Board of County Commissioners that the above-named system be accepted for ownership, operation, and maintenance.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, that the above facilities, for a contributed value of \$31,878.50 is hereby ACCEPTED and acknowledged as an addition to Lee County Utilities.

THE FOREGOING RESOLUTION was offered by Commissioner _____ who moved for its adoption. The motion was seconded by Commissioner _____ and, upon being put to a vote, the vote was as follows:

Commissioner Bob Janes (C):	_____	(1)
Commissioner Douglas St. Cerny:	_____	(2)
Commissioner Ray Judah (V-C):	_____	(3)
Commissioner Andrew Coy:	_____	(4)
Commissioner John Albion:	_____	(5)

DULY PASSED AND ADOPTED this _____ day of _____, 2002.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
DEPUTY CLERK

By: _____
CHAIRMAN

APPROVED AS TO FORM

OFFICE OF COUNTY ATTORNEY

COPY

LETTER OF COMPLETION

Date: 04/26/2002

Department of Lee County Utilities
Division of Engineering
Post Office Box 398
Fort Myers, Florida 33902

Gentlemen:

This is to certify that the water distribution and/or sewage collection system(s) is located in Walgreens @ Summerlin Crossing were designed by me and have been constructed in conformance with:

The approved plans
and:

the revised plans, attached

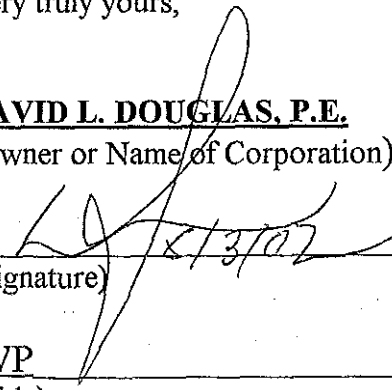
The approved specifications

the revised specifications, attached

Upon completion of the work, we observed the following successful tests of the facilities:
Pressure Test.

Very truly yours,

DAVID L. DOUGLAS, P.E.
(Owner or Name of Corporation)



(Signature)

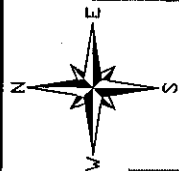
VP

(Title)

(Seal of Engineering Firm)

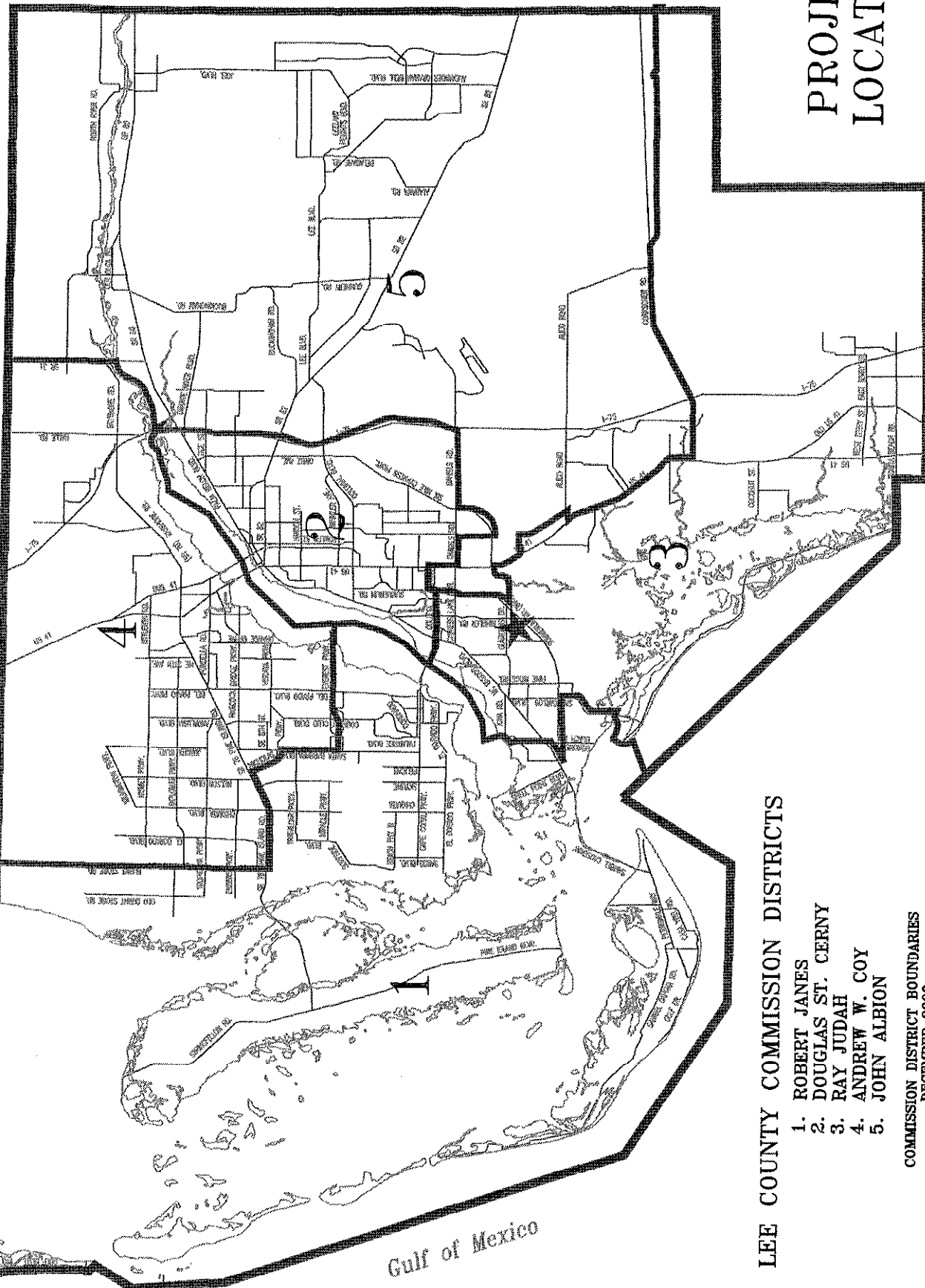
JUN 5 RECD

COPY



WALGREENS @ SUMMERLIN CROSSING
34-45-24-00-00002.0090
COMMISSION DISTRICT #3 - JUDAH

PROJECT
LOCATION



LEE COUNTY COMMISSION DISTRICTS

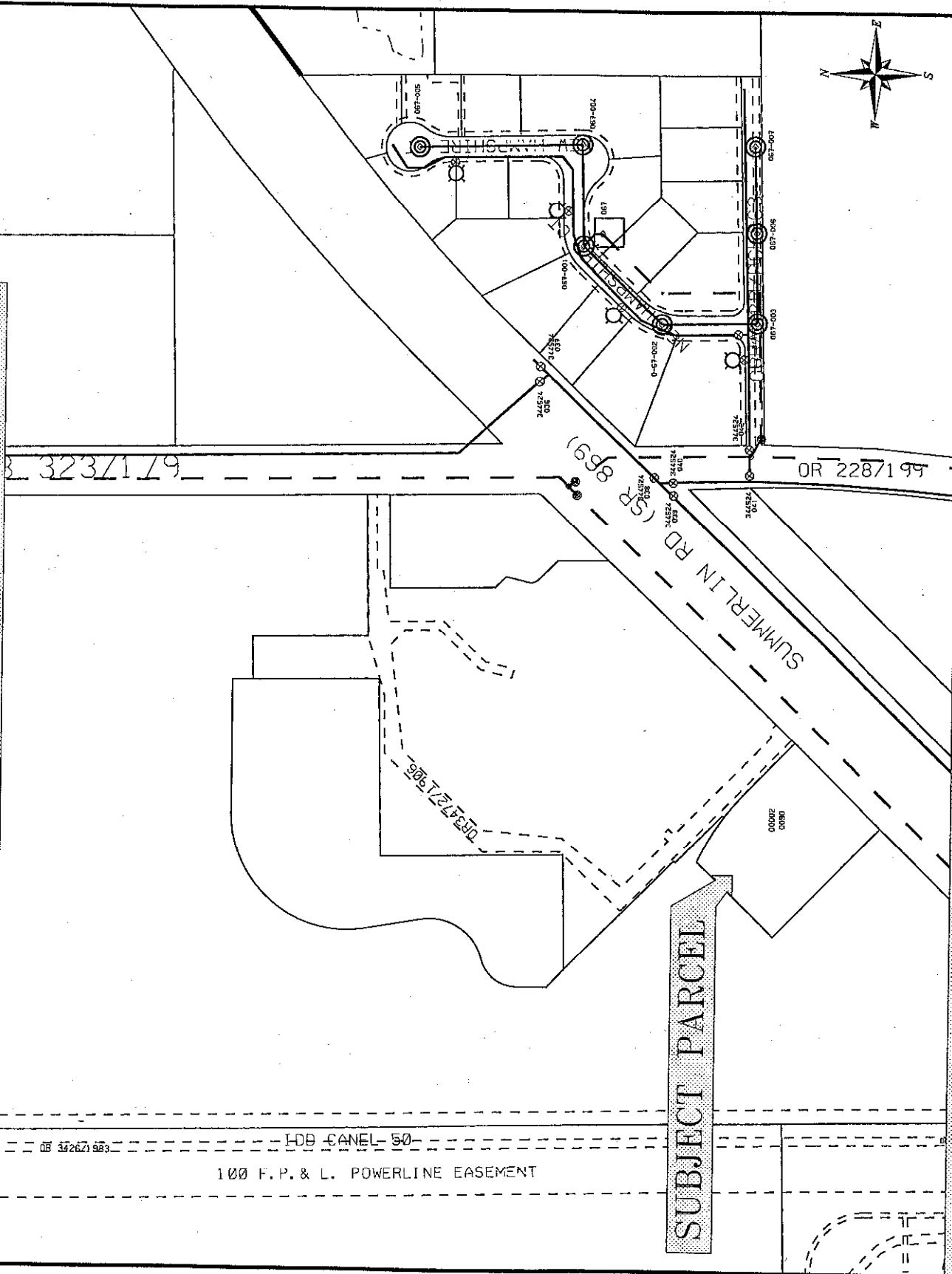
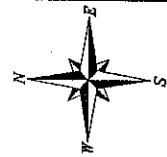
- 1. ROBERT JANES
- 2. DOUGLAS ST. CERNY
- 3. RAY JUDAH
- 4. ANDREW W. COY
- 5. JOHN ALBION

COMMISSION DISTRICT BOUNDARIES
DECEMBER 2000

Gulf of Mexico

COPY

WALGREENS AT SUMMERLIN CROSSING
COMMISSION DISTRICT #3 - JUDAH



SUBJECT PARCEL

34-45-24-00-00002.0090 15900 SUMMERLIN RD

100 F.P. & L. POWERLINE EASEMENT

COPY

WARRANTY

THE UNDERSIGNED parties do hereby warrant and/or guaranty all work executed by the contractor on the water and/or sewer systems of (Name of Development):
Walgreens at Summerlin Crossing Shopping Center # 6913

to be free from defects in material and workmanship for a period of one (1) year from the date of acceptance by the Lee County Board ^{WP} County Commissioners. The undersigned parties further agree that they will, at their own expense, repair and replace all such defective work and all other work damaged by said defective work under this Warranty-Guaranty.

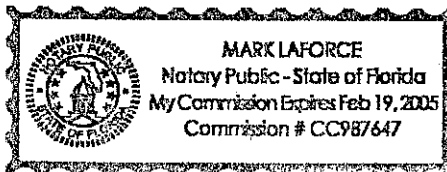
It is furthermore understood that the consideration for the giving of this warranty and/or guaranty is the requirement by the General Conditions and Specifications under which the contract was let that such warranty and/or guaranty would be given.

Sun Coast Underground
(NAME OF OWNER OR CONTRACTOR)
BY: [Signature] VP
(Signature & Title)

STATE OF Florida)
) SS:
COUNTY OF Lee)

The foregoing instrument was signed and acknowledged before me this 14 th day of June, 2002 by Robert LaForce who has produced Personally Known as identification, and who (did) (did not) take an oath.
(Print or Type Name) (Type of Identification and Number)

[Signature]
Notary Public Signature
Mark LaForce
Printed Name of Notary Public
CC987647
Notary Commission Number



(NOTARY SEAL)

WARRANTY

THE UNDERSIGNED parties do hereby warrant and/or guaranty all work executed by the contractor on the water and/or sewer systems of (Name of Development): Walgreens at Summerlin Crossing Shopping Center # 6913

to be free from defects in material and workmanship for a period of one (1) year from the date of acceptance by the Lee County Board County Commissioners. The undersigned parties further agree that they will, at their own expense, repair and replace all such defective work and all other work damaged by said defective work under this Warranty-Guaranty.

It is furthermore understood that the consideration for the giving of this warranty and/or guaranty is the requirement by the General Conditions and Specifications under which the contract was let that such warranty and/or guaranty would be given.

Sun Coast Underground
(NAME OF OWNER OR CONTRACTOR)
BY: [Signature] VP
(Signature & Title)

STATE OF Florida)
) SS:
COUNTY OF Lee)

The foregoing instrument was signed and acknowledged before me this 14th day of June, 2002 by Robert LaForce who has produced Personally Known as identification, and who (did) (did not) take an oath.

Notary Public Signature
Mark LaForce
Printed Name of Notary Public
CC987647
Notary Commission Number



(NOTARY SEAL)

COPY

WAIVER OF LIEN

KNOW ALL MEN BY THESE PRESENTS, that Robert LaForce

as Vice President, of Sun Coast Underground Utility Construction Corp.

for and in consideration of Fifteen Thousand Six Hundred Sixty One Dollars and Fifty Cents (\$15,661.50)

and other good and valuable considerations, lawful money of the United States of America, to me in hand paid, the receipt whereof is hereby acknowledged, does hereby waive, release, remiss and relinquish any and all right to claim any lien or liens for work performed or material furnished, or any kind or class of lien whatsoever on the following described property:

Walgreens, 15900 Summerlin Road, Ft. Myers, FL 33908. We installed the water systems for the project

(Please provide full name and location of development and a description of the utility system constructed.)

Sun Coast Underground
172 Egret Street
Ft. Myers Beach, FL 33931

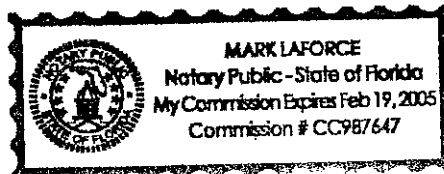
NAME & ADDRESS OF FIRM OR CORP.

BY: [Signature]
AUTHORIZED REPRESENTATIVE

STATE OF Florida)
) SS:
COUNTY OF Lee)

The foregoing instrument was signed and acknowledged before me this 14 th day of June, 2002 by Robert LaForce who has produced Personally Known as identification, and who (did) (did not) take an oath. (Print or Type Name) (Type of Identification and Number)

[Signature]
Notary Public Signature
Mark LaForce
Printed Name of Notary Public
CC987647
Notary Commission Number



(NOTARY SEAL)

WAIVER OF LIEN

KNOW ALL MEN BY THESE PRESENTS, that Robert LaForce as Vice President of Sun Coast Underground Utility Construction Corp.

for and in consideration of Sixteen Thousand Two Hundred Seventeen Dollars and No Cents (\$16,217.00)

and other good and valuable considerations, lawful money of the United States of America, to me in hand paid, the receipt whereof is hereby acknowledged, does hereby waive, release, remiss and relinquish any and all right to claim any lien or liens for work performed or material furnished, or any kind or class of lien whatsoever on the following described property:

Walgreens, 15900 Summerlin Road, Ft. Myers, FL 33908. We installed the Sewer systems for the project

(Please provide full name and location of development and a description of the utility system constructed.)

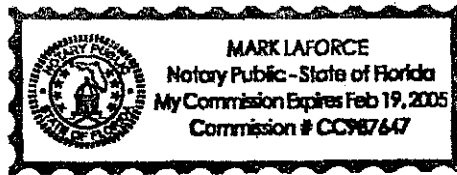
Sun Coast Underground
172 Egret Street
Ft. Myers Beach, FL 33931

NAME & ADDRESS OF FIRM OR CORP.
BY: [Signature]
AUTHORIZED REPRESENTATIVE

STATE OF Florida)
COUNTY OF Lee) SS:

The foregoing instrument was signed and acknowledged before me this 14 th day of June , 2002 by Robert LaForce who has produced Personally Known as identification, and who (did) (did not) take an oath.

[Signature]
Notary Public Signature
Mark LaForce
Printed Name of Notary Public
CC987647
Notary Commission Number



(NOTARY SEAL)

CERTIFICATION OF CONTRIBUTORY ASSETS

PROJECT NAME: Walgreens at Summerlin Crossing Shopping Center # 6913LOCATION: 15900 Summerlin Road, Ft. Myers, FL 3390834-45-24-00-00002.0090(Including Strap Number) Walgreen Co.NAME AND ADDRESS OF OWNER: FOG Development Inc., 1745 West Fletcher Avenue,
Tampa, FL 33612TYPE UTILITY SYSTEM: as shown on deed
Water

(list water, sewer and effluent reuse separately)

DESCRIPTION AND COST OF MATERIAL, LABOR AND SERVICES

Please list each element of the system, e.g., pipe, manholes, lift station, meters, valves, fittings, etc.

ITEM	SIZE	QUANTITY	UNIT COST	TOTAL
Tap - SS	10"x10"	1 ea	\$ 3,750.00	\$ 3,750.00
DR 18 Pipe	10"	210 lf	12.35	2,593.50
Cl. 350 DIP	10"	80 lf	18.85	1,508.00
Fittings	10"	1 ls	2,860.00	2,860.00
Hydrant w/ Tee	6"	1 ea	2,050.00	2,050.00
Gate Valve	10"	1 ea	1,150.00	1,150.00
Blow-off	2"	1 ea	500.00	500.00
Dbl. Service	1"	1 ea	500.00	500.00
6" F.L.BF Riser & OS&Y 6"		1 ea	750.00	750.00

\$ 15,661.50

TOTAL AMOUNT

(If more space is required use additional page(s). Number each page and include the name of the project).

I do hereby certify that the quantities of material and services described above are a true and accurate representation of the as-installed cost of the system being contributed to Lee County and corresponds with the record drawings.

CERTIFYING

Robert LaForce V.P.
(Name & Title of Certifying Agent)

OF: Sun Coast Underground
(Firm or Corporation)

ADDRESS: 172 Egret Street
Fort Myers Beach, FL 33931

STATE OF Florida)
) SS:
COUNTY OF Lee)

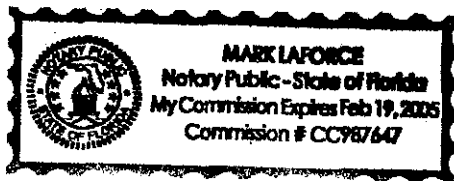
The foregoing instrument was signed and acknowledged before me this 14 th day of June, 2002 by Robert LaForce who has produced Personally Known as identification, and who (did) (did not) take an oath.
(Print or Type Name) (Type of Identification and Number)

Mark LaForce
Notary Public Signature

Mark LaForce
Printed Name of Notary Public

CC987647
Notary Commission Number

(NOTARY SEAL)



COPY

CERTIFICATION OF CONTRIBUTORY ASSETS

PROJECT NAME: Walgreens at Summerlin Crossing Shopping Center # 6913

LOCATION: 15900 Summerlin Road, Ft. Myers, FL 33908

34-45-24-00-00002.0090

(Including Strap Number) Walgreen Co.
NAME AND ADDRESS OF OWNER: FOG Development Inc., 1745 West Fletcher Avenue,
Tampa, FL 33612

TYPE UTILITY SYSTEM: as shown on deed
Sewer
(list water, sewer and effluent reuse separately)

DESCRIPTION AND COST OF MATERIAL, LABOR AND SERVICES

Please list each element of the system, e.g., pipe, manholes, lift station, meters, valves, fittings, etc.

<u>ITEM</u>	<u>SIZE</u>	<u>QUANTITY</u>	<u>UNIT COST</u>	<u>TOTAL</u>
Manholes	6-8	1 ea	\$ 2,500.00	\$ 2,500.00
Manholes	8-10	2 ea	2,780.00	5,560.00
SDR 26 Pipe	8"	309 lf	25.00	7,725.00
Services	6"	1 ea	432.00	432.00

\$ 16,217.00

TOTAL AMOUNT

(If more space is required use additional page(s). Number each page and include the name of the project).

JUN 27 REC'D

I do hereby certify that the quantities of material and services described above are a true and accurate representation of the as-installed cost of the system being contributed to Lee County and corresponds with the record drawings.

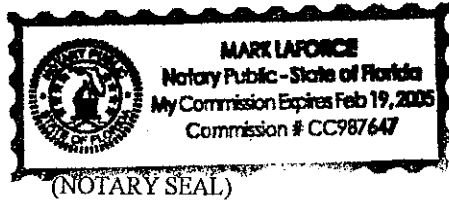
CERTIFYING:

Robert LaForce
 (Name & Title of Certifying Agent)
 OF: Sun Coast Underground
 (Firm or Corporation)
 ADDRESS: 172 Egret Street
Fort Myers Beach, FL 33931

STATE OF Florida)
) SS:
 COUNTY OF Lee)

The foregoing instrument was signed and acknowledged before me this 14 th day of June, 2002 by Robert LaForce who has produced Personally Known
 (Print or Type Name) (Type of Identification and Number)
 as identification, and who (did) (did not) take an oath.

Mark LaForce
 Notary Public Signature
Mark LaForce
 Printed Name of Notary Public
CC987647
 Notary Commission Number



This Instrument Prepared By:
Lee County Utilities
1500 Monroe Street - 3rd Floor
Fort Myers, Florida 33901

PERPETUAL PUBLIC UTILITY EASEMENT GRANT

THIS INDENTURE is made and entered into this ___ day of _____, by and between Hermes Investment Co, Inc, Owner, hereinafter referred to as GRANTOR(S), and LEE COUNTY, hereinafter referred to as GRANTEE.

WITNESSETH:

1. For and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged and accepted, GRANTOR hereby grants, bargains, sells and transfers to the GRANTEE, its successors and assigns, a perpetual public utility easement situated in Lee County, Florida, located and described as set forth in Exhibit "A", attached hereto and made a part hereof.

2. GRANTEE, its successors, appointees and assigns, are granted the right, privilege, and authority to construct, replace, renew, extend and maintain a wastewater collection and/or water distribution system, together with, but not limited to, all necessary service connections, manholes, valves, fire hydrants, lift stations and appurtenances, to be located on, under, across and through 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 system, and to trim and remove roots, trees, shrubs, bushes and plants, and remove fences or other improvements which may affect the operation of lines, mains and/or utility facilities.

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

4. Title to all utilities constructed and/or placed hereunder by GRANTEE or its agents shall remain in the GRANTEE, GRANTEE's successors, appointees, and/or assigns.

5. Subject to any pre-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, GRANTOR(S) covenant that they are lawfully seized and possessed of the described real property (Exhibit "A"), have good and lawful right and power to sell and convey it, and that the said property is free of any and all liens and encumbrances, except as herein stated, and accordingly, GRANTOR(S) will forever defend the title and terms of this said easement and the quiet possession thereof by GRANTEE against all claims and demands of all other entities.

6. GRANTOR(S), its heirs, successors or assigns, shall indemnify and hold the GRANTEE harmless for any consequential damages to any houses, fences, buildings, carports, garages, storage sheds, overhangs, or any other structures or portions of structures subsequently constructed by GRANTOR(S) in violation of paragraph 3 within the above easement, which result from the required activities of the GRANTEE for any construction, maintenance or repairs to the utilities location within the above-described easement.

7. GRANTEE will be liable for money damages in tort for any injury to or loss of property, personal injury, or death caused by the negligent or wrongful act(s) or omission(s) of any official or employee of the GRANTEE while acting within the scope of the official's or employee's office or employment under circumstances in which a private person would be found to be liable in accordance with the general laws of the State of Florida, and subject to the limitations as set out in Section 768.28, Florida Statutes, as it may be revised or amended from time to time.

8. GRANTEE shall have 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 described easement shall be restored by GRANTEE, to the condition in which it existed prior to the damage as is reasonably practicable.

9. By acceptance of this easement, the GRANTEE assumes no responsibility for ownership or maintenance of roads. The easement is strictly for utility purposes.

Hermes

10. This easement shall be binding upon the parties hereto, their successors and assigns.

IN WITNESS WHEREOF, the GRANTOR has caused this document to be signed on the date and year first above written.

HERMES INVESTMENT CO., INC.

David M. Vascon
1st Witness

By: [Signature]
GRANTOR ROBERT H. MANN

[Signature]
2nd Witness

Title: President

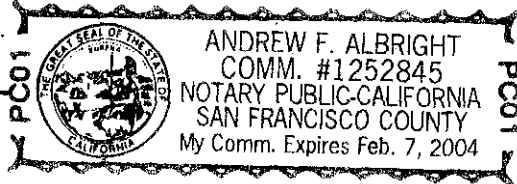
STATE OF California }
COUNTY OF San Francisco } SS:

The foregoing instrument was signed and acknowledged before me this 14th day of June, 2002, by Andrew F. Robert H. Mann
(Print or Type Name)

who has produced CADC
(Type of Identification and Number)
as identification, and who (did) (did not) take an oath.

[Signature]
Notary Public Signature

Andrew F. Albright
Printed Name of Notary Public



1252845
Notary Commission Number

(Notary Seal)



Hermes

GULF SHORE SURVEYING, INC.

TIM J. PUF AHL, P.L.S.
30930 OIL WELL RD., PUNTA GORDA, FL. 33955
(941) 639-7800 • FAX: (941) 639-7600

NICK POULOS, P.L.S.
2112 SE. 11TH ST., CAPE CORAL, FL. 33990
(941) 458-2388 • FAX: (941) 574-3719

JUNE 18, 2002
JOB NUMBER: 9926
FILE: 9926L048.LGL

DESCRIPTION

A TRACT OR PARCEL OF LAND LYING IN THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SECTION 34, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA.

COMMENCE AT THE WEST QUARTER (W 1/4) CORNER OF SECTION 34, TOWNSHIP 45 SOUTH, RANGE 24 EAST; THENCE S.01°06'49"E. FOR 2219.41 FEET ALONG THE WEST LINE OF SAID SOUTHWEST ONE-QUARTER (SW 1/4) TO THE NORTH RIGHT OF WAY OF SUMMERLIN ROAD; THENCE N.44°17'24"E. FOR 898.90 FEET ALONG SAID RIGHT OF WAY; THENCE N.45°42'36"W. FOR 345.00 FEET TO THE POINT OF BEGINNING. FROM SAID POINT OF BEGINNING CONTINUE N.45°42'36"W. FOR 35.00 FEET; THENCE N.44°17'24"E. FOR 304.67 FEET; THENCE S.45°42'36"E. FOR 70.00 FEET; THENCE S.44°17'24"W. FOR 26.52 FEET TO A POINT ON A CURVE CONCAVE TO THE SOUTHWEST, CENTRAL ANGLE 03°50'04", RADIUS 550.00 FEET, CHORD 36.80 FEET, CHORD BEARING N.63°42'30"W.; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE FOR 36.81 FEET; THENCE S.44°17'24"W. FOR 266.77 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.2705 ACRES OR 11,783 SQUARE FEET MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD.

BEARINGS MENTIONED HEREIN ARE BASED ON THE CENTERLINE OF SUMMERLIN ROAD BEING N.44°17'24"E.

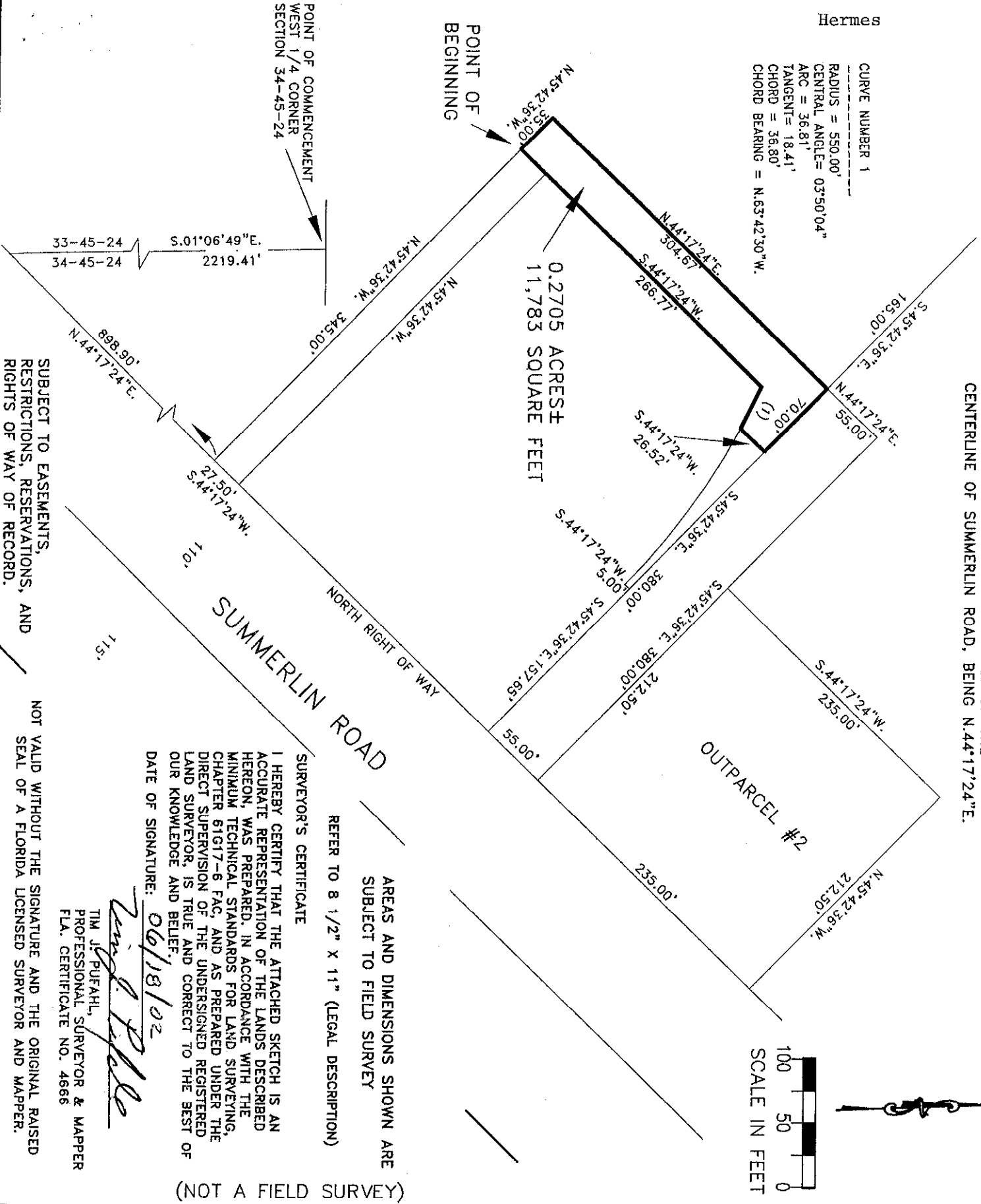
REFER TO 8 1/2" X 11" SKETCH.
GULF SHORE SURVEYING, INC.

Tim J. Pufahl 06/18/02
TIM J. PUF AHL
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATE NUMBER 4666

Hermes

CURVE NUMBER 1
RADIUS = 550.00'
CENTRAL ANGLE = 03°50'04"
ARC = 36.81'
TANGENT = 18.41'
CHORD = 36.80'
CHORD BEARING = N.63°42'30"W.

BEARINGS SHOWN HEREON ARE BASED ON THE CENTERLINE OF SUMMERLIN ROAD, BEING N.44°17'24"E.



SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, AND RIGHTS OF WAY OF RECORD.

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

SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT THE ATTACHED SKETCH IS AN ACCURATE REPRESENTATION OF THE LANDS DESCRIBED HEREON, WAS PREPARED, IN ACCORDANCE WITH THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING, CHAPTER 61G17-6 FAC, AND AS PREPARED UNDER THE DIRECT SUPERVISION OF THE UNDERSIGNED REGISTERED LAND SURVEYOR, IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF.
DATE OF SIGNATURE: 06/18/02
Tim J. Pufahl
PROFESSIONAL SURVEYOR & MAPPER
FLA. CERTIFICATE NO. 4666

AREAS AND DIMENSIONS SHOWN ARE SUBJECT TO FIELD SURVEY
REFER TO 8 1/2" X 11" (LEGAL DESCRIPTION)

(NOT A FIELD SURVEY)

SKETCH OF DESCRIPTION
PARCEL OF LAND LYING IN
SECTION 34, TOWNSHIP 45 SOUTH,
RANGE 24 EAST
LEE COUNTY, FLORIDA

DATE : 06/18/02
SCALE : 1" = 100'
CADD : T.P.
CHECK : T.P.
FILE : 9926L048.DWG

GULF SHORE SURVEYING, INC.
LEE COUNTY: 2112 S.E. 11TH STREET CAPE CORAL, FL. (941) 458-2388
CHARLOTTE COUNTY: 30930 OIL WELL ROAD PUNTA GORDA, FL. (941) 639-7800

JOB
9926
L048

This Instrument Prepared By:
Lee County Utilities
1500 Monroe Street - 3rd Floor
Fort Myers, Florida 33901

PERPETUAL PUBLIC UTILITY EASEMENT GRANT

THIS INDENTURE is made and entered into this ____ day of _____, by and between Walgreen Co., an Illinois corporation, Owner, hereinafter referred to as GRANTOR(S), and LEE COUNTY, hereinafter referred to as GRANTEE.

WITNESSETH:

1. For and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged and accepted, GRANTOR hereby grants, bargains, sells and transfers to the GRANTEE, its successors and assigns, a perpetual public utility easement situated in Lee County, Florida, located and described as set forth in Exhibit "A", attached hereto and made a part hereof.

2. GRANTEE, its successors, appointees and assigns, are granted the right, privilege, and authority to construct, replace, renew, extend and maintain a wastewater collection and/or water distribution system, together with, but not limited to, all necessary service connections, manholes, valves, fire hydrants, ~~lift stations~~ and appurtenances, to be located on, under, across and through 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 system, and to trim and remove roots, trees, shrubs, bushes and plants, and remove fences or other improvements which may affect the operation of lines, mains and/or utility facilities.

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

4. Title to all utilities constructed and/or placed hereunder by GRANTEE or its agents shall remain in the GRANTEE, GRANTEE's successors, appointees, and/or assigns.

5. Subject to any pre-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, GRANTOR(S) covenant that they are lawfully seized and possessed of the described real property (Exhibit "A"), have good and lawful right and power to sell and convey it, and that the said property is free of any and all liens and encumbrances, except as herein stated, and accordingly, GRANTOR(S) will forever defend the title and terms of this said easement and the quiet possession thereof by GRANTEE against all claims and demands of all other entities.

6. GRANTOR(S), its heirs, successors or assigns, shall indemnify and hold the GRANTEE harmless for any consequential damages to any houses, fences, buildings, carports, garages, storage sheds, overhangs, or any other structures or portions of structures subsequently constructed by GRANTOR(S) in violation of paragraph 3 within the above easement, which result from the required activities of the GRANTEE for any construction, maintenance or repairs to the utilities location within the above-described easement.

7. GRANTEE will be liable for money damages in tort for any injury to or loss of property, personal injury, or death caused by the negligent or wrongful act(s) or omission(s) of any official or employee of the GRANTEE while acting within the scope of the official's or employee's office or employment under circumstances in which a private person would be found to be liable in accordance with the general laws of the State of Florida, and subject to the limitations as set out in Section 768.28, Florida Statutes, as it may be revised or amended from time to time.

8. GRANTEE shall have 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 described easement shall be restored by GRANTEE, to the condition in which it existed prior to the damage as is reasonably practicable.

9. By acceptance of this easement, the GRANTEE assumes no responsibility for ownership or maintenance of roads. The easement is strictly for utility purposes.

10. This easement shall be binding upon the parties hereto, their successors and assigns.

IN WITNESS WHEREOF, the GRANTOR has caused this document to be signed on the date and year first above written.

Gaye Mahoney
1st Witness

William A. Shiel
RAG Walgreen Co., GRANTOR

Julia McKinley
2nd Witness

Title: Vice President

STATE OF ILLINOIS)
) SS:
COUNTY OF LAKE)

The foregoing instrument was signed and acknowledged before me this 17th day
of June, 2000, by William A. Shiel
2002, (Print or Type Name)

who has produced _____
(Type of Identification and Number)
as identification, and who (did) (did not) take an oath.

Charles Kaufman
Notary Public Signature

Printed Name of Notary Public



429404
Notary Commission Number

(Notary Seal)



Walgreen Co.

GULF SHORE SURVEYING, INC.

TIM J. PUFAHL, P.L.S.
30930 OIL WELL RD., PUNTA GORDA, FL. 33955
(941) 839-7800 FAX: (941) 839-7800

NICK POULOS, P.L.S.
2112 SE. 11TH ST., CAPE CORAL, FL. 33990
(941) 458-2388 FAX: (941) 674-3718

MAY 29, 2002
JOB NUMBER: 9926
FILE: 9926L047.LGL

DESCRIPTION

A TRACT OR PARCEL OF LAND LYING IN THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SECTION 34, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA.

COMMENCE AT THE WEST QUARTER (W 1/4) CORNER OF SECTION 34, TOWNSHIP 45 SOUTH, RANGE 24 EAST; THENCE S.01°06'49"E. FOR 2219.41 FEET ALONG THE WEST LINE OF SAID SOUTHWEST ONE-QUARTER (SW 1/4) TO THE NORTH RIGHT OF WAY OF SUMMERLIN BOULEVARD; THENCE N.44°17'24"E. FOR 926.40 FEET ALONG SAID RIGHT OF WAY; THENCE N.45°42'36"W. FOR 345.00 FEET; THENCE N.44°17'24"E. FOR 117.48 FEET TO THE POINT OF BEGINNING. FROM SAID POINT OF BEGINNING THENCE CONTINUE N.44°17'24"E. FOR 20.00 FEET; THENCE S.45°42'36"E. FOR 16.33 FEET; THENCE S.44°17'24"W. FOR 20.00 FEET; THENCE N.45°42'36"W. FOR 16.33 FEET TO THE POINT OF BEGINNING.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD.

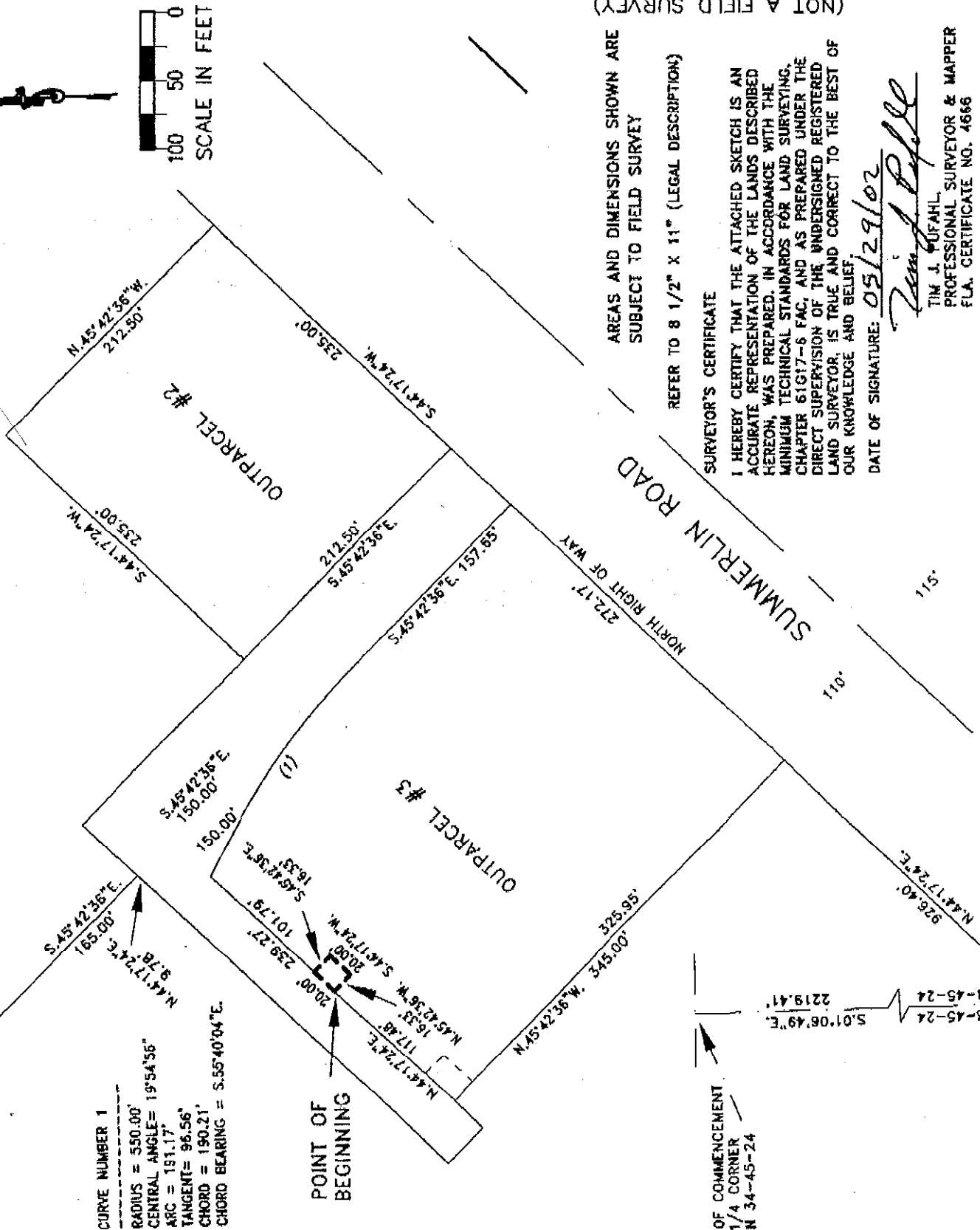
BEARINGS MENTIONED HEREIN ARE BASED ON THE CENTERLINE OF SUMMERLIN ROAD BEING N.44°17'24"E.

REFER TO 8 1/2" X 11" SKETCH.
GULF SHORE SURVEYING, INC.

Tim J. Pufahl 05/29/02
TIM J. PUFAHL
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATE NUMBER 4666

<p>GULF SHORE SURVEYING, INC. LEE COUNTY, FLORIDA 212 S.E. 11TH STREET, SUITE 2000 ON WELLS ROAD CAPE CORRAL, FL 33904 PUNTA GORDA, FL 33959 (841) 839-7800</p>	<p>DATE: 05/29/02 SCALE: 1" = 100' CADD: T.P. CHECK: T.P. FILE: 99281047.DWG</p>	<p>SKETCH OF DESCRIPTION PARCEL OF LAND LYING IN SECTION 34, TOWNSHIP 45 SOUTH, RANGE 24 EAST LEE COUNTY, FLORIDA</p>	<p>JOB 9926 1047</p>
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BEARINGS SHOWN HEREON ARE BASED ON THE CENTERLINE OF SUMMERLIN ROAD, BEING N.44°17'24"E.



CURVE NUMBER 1
RADIUS = 550.00'
CENTRAL ANGLE = 19°54'56"
ARC = 191.17'
TANGENT = 96.56'
CHORD = 190.21'
CHORD BEARING = S.55°40'04"E.

POINT OF BEGINNING

POINT OF COMMENCEMENT
WEST 1/4 CORNER
SECTION 34-45-24

(NOT A FIELD SURVEY)

AREAS AND DIMENSIONS SHOWN ARE SUBJECT TO FIELD SURVEY

REFER TO 8 1/2" X 11" (LEGAL DESCRIPTION)

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE ATTACHED SKETCH IS AN ACCURATE REPRESENTATION OF THE LANDS DESCRIBED HEREON, WAS PREPARED IN ACCORDANCE WITH THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING, CHAPTER 61G17-6 FAC, AND AS PREPARED UNDER THE DIRECT SUPERVISION OF THE UNDERSIGNED REGISTERED LAND SURVEYOR, IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF.

DATE OF SIGNATURE: 05/29/02
Tim J. Pufahl
TIM J. PUF AHL,
PROFESSIONAL SURVEYOR & MAPPER
FLA. CERTIFICATE NO. 4666

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

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, AND RIGHTS OF WAY OF RECORD.

Back 6/17/02

Walgreen Co.



GULF SHORE SURVEYING, INC.

TIM J. PUF AHL, P.L.S.
30930 OIL WELL RD., PUNTA GORDA, FL. 33955
(941) 639-7800 • FAX: (941) 639-7800

NICK POULOS, P.L.S.
2112 SE. 11TH ST., CAPE CORAL, FL. 33990
(941) 458-2388 • FAX: (941) 574-3719

MAY 29, 2002
JOB NUMBER: 9926
FILE: 9926L046.LGL

DESCRIPTION

A TRACT OR PARCEL OF LAND LYING IN THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SECTION 34, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA.

COMMENCE AT THE WEST QUARTER (W 1/4) CORNER OF SECTION 34, TOWNSHIP 45 SOUTH, RANGE 24 EAST; THENCE S.01°06'49"E. FOR 2219.41 FEET ALONG THE WEST LINE OF SAID SOUTHWEST ONE-QUARTER (SW 1/4) TO THE NORTH RIGHT OF WAY OF SUMMERLIN BOULEVARD; THENCE N.44°17'24"E. FOR 926.40 FEET ALONG SAID RIGHT OF WAY; THENCE N.45°42'36"W. FOR 325.95 FEET TO THE POINT OF BEGINNING. FROM SAID POINT OF BEGINNING THENCE CONTINUE N.45°42'36"W. FOR 19.05 FEET; THENCE N.44°17'24"E. FOR 28.21 FEET; THENCE S.45°42'36"E. FOR 19.05 FEET; THENCE S.44°17'24"W. FOR 28.21 FEET TO THE POINT OF BEGINNING.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD.

BEARINGS MENTIONED HEREIN ARE BASED ON THE CENTERLINE OF SUMMERLIN ROAD BEING N.44°17'24"E.

REFER TO 8 1/2" X 11" SKETCH.
GULF SHORE SURVEYING, INC.

Tim J. Pufahl 05/29/02
TIM J. PUF AHL
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATE NUMBER 4666

Deck
6/17/02

POINT OF COMMENCEMENT
WEST 1/4 CORNER
SECTION 34-45-24

CURVE NUMBER 1
RADIUS = 550.00'
CENTRAL ANGLE = 19°54'56"
ARC = 191.17'
TANGENT = 96.56'
CHORD = 190.21'
CHORD BEARING = S.55°40'04"E.

BEARINGS SHOWN HEREON ARE BASED ON THE
CENTERLINE OF SUMMERLIN ROAD, BEING N.44°17'24"E.

33-45-24 S.01°06'48"E. 2219.41'
34-45-24

926.40'
N.44°17'24"E.

POINT OF
BEGINNING

OUTPARCEL #3

OUTPARCEL #2

SUMMERLIN ROAD

NORTH RIGHT OF WAY

SUBJECT TO EASEMENTS,
RESTRICTIONS, RESERVATIONS, AND
RIGHTS OF WAY OF RECORD.

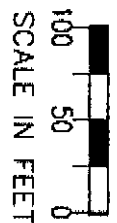
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED
SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT THE ATTACHED SKETCH IS AN
ACCURATE REPRESENTATION OF THE LANDS DESCRIBED
HEREON, WAS PREPARED, IN ACCORDANCE WITH THE
MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING,
CHAPTER 61G17-6 FAC, AND AS PREPARED UNDER THE
DIRECT SUPERVISION OF THE UNDERSIGNED REGISTERED
LAND SURVEYOR, IS TRUE AND CORRECT TO THE BEST OF
OUR KNOWLEDGE AND BELIEF.
DATE OF SIGNATURE: 05/29/02

TIM J. POFAHL,
PROFESSIONAL SURVEYOR & MAPPER
FLA. CERTIFICATE NO. 4666

Tim J. Pofahl

AREAS AND DIMENSIONS SHOWN ARE
SUBJECT TO FIELD SURVEY
REFER TO 8 1/2" X 11" (LEGAL DESCRIPTION)



(NOT A FIELD SURVEY)

9926
JOB
L046

SKETCH OF DESCRIPTION
PARCEL OF LAND LYING IN
SECTION 34, TOWNSHIP 45 SOUTH,
RANGE 24 EAST
LEE COUNTY, FLORIDA

DATE : 05/29/02
SCALE : 1" = 100'
CADD : T.P.
CHECK : T.P.
FILE : 9926L046.DWG

GULF SHORE SURVEYING, INC.
LEE COUNTY: 2112 S.E. 11TH STREET, CAPE CORAL, FL 33909 (941) 458-2388
CHARLOTTE COUNTY: 30930 OIL WELL ROAD, PUNTA GORDA, FL 33955 (941) 839-7800

TO: LEE COUNTY FINANCE DEPARTMENT

FROM: UTILITIES ENGINEERING
(Department)

SUR GULLEDGE

A. AUTHORIZATION:

This transmittal authorizes the UTIL. ENGINEERING office to incur expenses for filing/records against:

Purchase Order # N/A for WAJGREEN'S AT SUMMERLIN CROSSING (2 EASEMENTS) project. -WAJGREEN CO.
ACCOUNT NO. OD5360748700.504930 -HERMES

ORIGINAL EASEMENT TO MINUTES AFTER RECORDING WITH COPY TO SUR GULLEDGE, UTILITIES

Sur Gullidge
SUR GULLEDGE Signature Authorization

B. SERVICE RECEIVED:

RECORDING _____

O. R. COPIES _____

PLAT COPIES _____

CASE #/INDEX FEE _____

DESCRIPTION OF SERVICE _____

AMOUNT OF FEE INCURRED \$ _____

(date)

(DEPUTY CLERK)

(CUSTOMER) (DEPT.)

THIS FORM GOES TO CASHIER WITH REGULAR RECEIPT ATTACHED

C. INVOICE INFORMATION: (FOR CLERK'S DEPARTMENT ONLY)

REC'D _____

ENTERED _____

CUST. # _____

INV. # _____

PLEASE REMIT TO: Clerk's Accounting
P.O. BOX 2396
FORT MYERS, FLORIDA 33902-2396