

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

**Blue Sheet No. 20021195**

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Approve purchase of Parcel 102-E, Cypress Lake Drive Widening, Project No. 4064; pursuant to the terms and conditions as set forth in the Easement Purchase Agreement; authorize the Chairman on behalf of the Board of County Commissioners to sign the Easement Purchase Agreement; authorize payment of necessary fees and costs to close, authorize the Division of County Lands to handle and accept all documentation necessary to complete this transaction.

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

**WHAT ACTION ACCOMPLISHES:** 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

**3. MEETING DATE:**

**COMMISSION DISTRICT #:** 3

*C6D*

*11-5-02*

**4. AGENDA:**

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON

**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

TIME REQUIRED:

**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.

The parent tract identified as STRAP No. 23-45-24-07-00000.001A, contains approximately 58,370 square feet of commercial land zoned C - 1A, improved with 39,984 square foot office building. This acquisition consists of a Grant of Perpetual Public Utility Easement, a Grant of Perpetual Non Exclusive Easement for Bikepath/Sidewalk, and a Perpetual Stormwater Drainage Easement, all with the same legal description, containing approximately 1364 square feet, located at 7910 Summerlin Lakes Drive, Fort Myers, Florida.

Cypress Lake Commons, LLC, a Florida Limited Liability Company, the owner, has agreed to sell the perpetual easements for \$2,000. Lee County is to pay attorney fees not to exceed \$450 and closing costs of approximately \$600.

Considering the costs associated in obtaining an appraisal of between \$1,500 and \$2,000 and condemnation proceedings estimated to be between \$3,000 and \$5,000, excluding land value, Staff recommends the Board approve the Requested Motion.

Funds are available in Account No. 20406418804.506110

**ATTACHMENTS:**

- |  |                             |
|--|-----------------------------|
| 20 Capital Improvement Project             | Easement Purchase Agreement |
| 4064 Cypress Lake Drive Widening           | Affidavit of Interest       |
| 18804 Impact Fees - S Ft. Myers/San Carlos | Title Search                |
| 506110 Purchase of Land & Related Costs    | 5-Year Sale History         |

**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
<i>10/23/02</i> <i>[Signature]</i>	N/A	N/A	<i>6AD</i> <i>10/18</i>	<i>[Signature]</i> <i>10-24-02 P.M.</i>	<i>[Signature]</i> <i>10/24/02</i> <i>10/24/02</i> <i>10/24/02</i> <i>10/24/02</i>	<i>[Signature]</i>

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

**Rec. by CoAtty**  
Date: *10/23/02*  
Time: *3:45 PM*  
**Forwarded To:**  
*ADM. N*  
*10-24-02 4:00*

**RECEIVED BY COUNTY ADMIN.**  
*10-24-02*  
*9:50*  
**COUNTY ADMIN. FORWARDED TO:**  
*BL*  
*10/24/02*

Parcel: 106-E  
Project: Cypress Lake Dr. Widening, Project No. 4064  
STRAP No.: 23-45-24-07-00000.001A

**EASEMENT PURCHASE AGREEMENT**

This Agreement made and entered into this 25 day of September, 2002, by and between **Cypress Lake Commons, LLC, a Florida Limited Liability Company**, whose address is 7910 Cypress Lake Drive, Fort Myers, Florida 33907, hereinafter referred to as Owner, and **LEE COUNTY**, a political subdivision of the State of Florida, for the use and benefit of said County, hereinafter referred to as Purchaser.

Whereas, Purchaser requires a perpetual easement for bikepath/sidewalk, a perpetual stormwater drainage easement, and a perpetual public utility easement all located and described as set forth in each Exhibit "A" attached to each easement in Exhibit "B", attached hereto and made a part hereof.

- a) Owner will grant said easement to Purchaser for the sum of \$ 2,000.00 in the form of a County Warrant. Purchaser to pay recording costs, documentary stamps and title insurance. <sup>Owner</sup> to pay Owner's attorney fee, ~~if any~~ not to exceed \$450.00, MJF <sup>Purchaser</sup> x \_\_\_\_\_
- b) Owner agrees that said easements will be granted to Purchaser at time of closing by execution of the perpetual easements in form and substance set forth in Exhibit "B" attached hereto and made a part hereof by reference.
- c) As time is of the essence for closing this transaction, this transaction shall be closed and the instruments of conveyance delivered within sixty (60) days of the date of the Board of County Commissioners acceptance. The time of closing may be changed by mutual agreement of the parties.
- d) Owner agrees that upon Purchaser's execution of this agreement, the Purchaser, his successors and assigns will be allowed to use said perpetual easement areas under the terms and conditions as specified in the Perpetual Easement instruments.
- e) Purchaser agrees to complete construction within the easement area in a timely manner.
- f) Owner agrees to obtain a Subordination to the Easement from any encumbrance holder, supplier and supplier and/or contractor and subcontractor that may have lien rights.
- g) The Purchaser, at its option, may obtain a title commitment on the subject parcel within 30 days of the execution of this agreement. If this title commitment indicates that title is vested in an entity or individual other than the Owner, this agreement will be deemed void and Purchaser will have no further obligation under this agreement.

IN WITNESS WHEREOF, the parties have caused these presents to be executed in their respective names on the date first above written.

**SIGNED, SEALED AND DELIVERED  
IN THE PRESENCE OF:**

Barbara A. Fulton  
1st Witness Signature  
BARBARA A. FULTON  
Printed Name  
Donna Mae Call  
2nd Witness Signature  
Donna Mae Callahan  
Printed Name

Owner: Cypress Lake Commons, LLC,  
a Florida Limited Liability Company

By: Michael J. Frye  
Michael J. Frye, Manager Member  
Printed Name and Title

**ATTEST:**

CHARLIE GREEN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

LEE COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS

By: \_\_\_\_\_  
Chairman or Vice-Chairman

APPROVED AS TO LEGAL FORM

\_\_\_\_\_  
Office of County Attorney

This Instrument Prepared by:  
COUNTY LANDS DIVISION  
P.O. Box 398  
Fort Myers, FL 33902-0398  
Parcel: 102  
Project: Cypress Lake Drive  
Widening, No. 4064  
STRAP No.: 23-45-24-07-00000.001A

THIS SPACE FOR RECORDING

GRANT OF PERPETUAL PUBLIC UTILITY EASEMENT

This INDENTURE, made and entered into this 25 day of September, 2002, between Cypress Lake Commons, LLC, a Florida Limited Liability Company, whose address is 7910 Cypress Lakes Drive, Fort Myers, Florida 33907, 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 Grant of Perpetual

**Exhibit "B"**

Public Utility Easement

Page 2

Page 2 of 7

Project: Cypress Lake Drive Widening, No. 4064

herein described, Grantors covenant that they 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 there 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, 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. THIS AGREEMENT will be binding upon the parties hereto, their successors and assigns.

**IN WITNESS WHEREOF**, Cypress Lake Commons, LLC, GRANTOR, has caused this document to be signed on the date first above written.

SIGNED, SEALED AND DELIVERED

**TWO SEPARATE WITNESSES:**

GRANTOR:

Cypress Lake Commons, LLC

By: \_\_\_\_\_

Michael J. Frye

Printed Name

Title: Manager/Member

\_\_\_\_\_  
1st Witness Signature

\_\_\_\_\_  
Printed name of 1st Witness

\_\_\_\_\_  
2nd Witness Signature

\_\_\_\_\_  
Printed name of 2nd Witness

(CORPORATE SEAL)



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

**Exhibit "A"**

PARCEL 102E

Page 1 of 2

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 15.77 feet to the POINT OF BEGINNING; thence continuing along said north line and said southerly existing right of way line, N 89°08'38" E, a distance of 175.62 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, S 00°51'26" E, a distance of 8.76 feet; thence S 89°08'37" W, a distance of 135.79 feet; thence N 78°27'02" W, a distance of 40.78 feet to the POINT OF BEGINNING.

Said lands containing 1,364 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. 5781  
LICENSED BUSINESS #3114

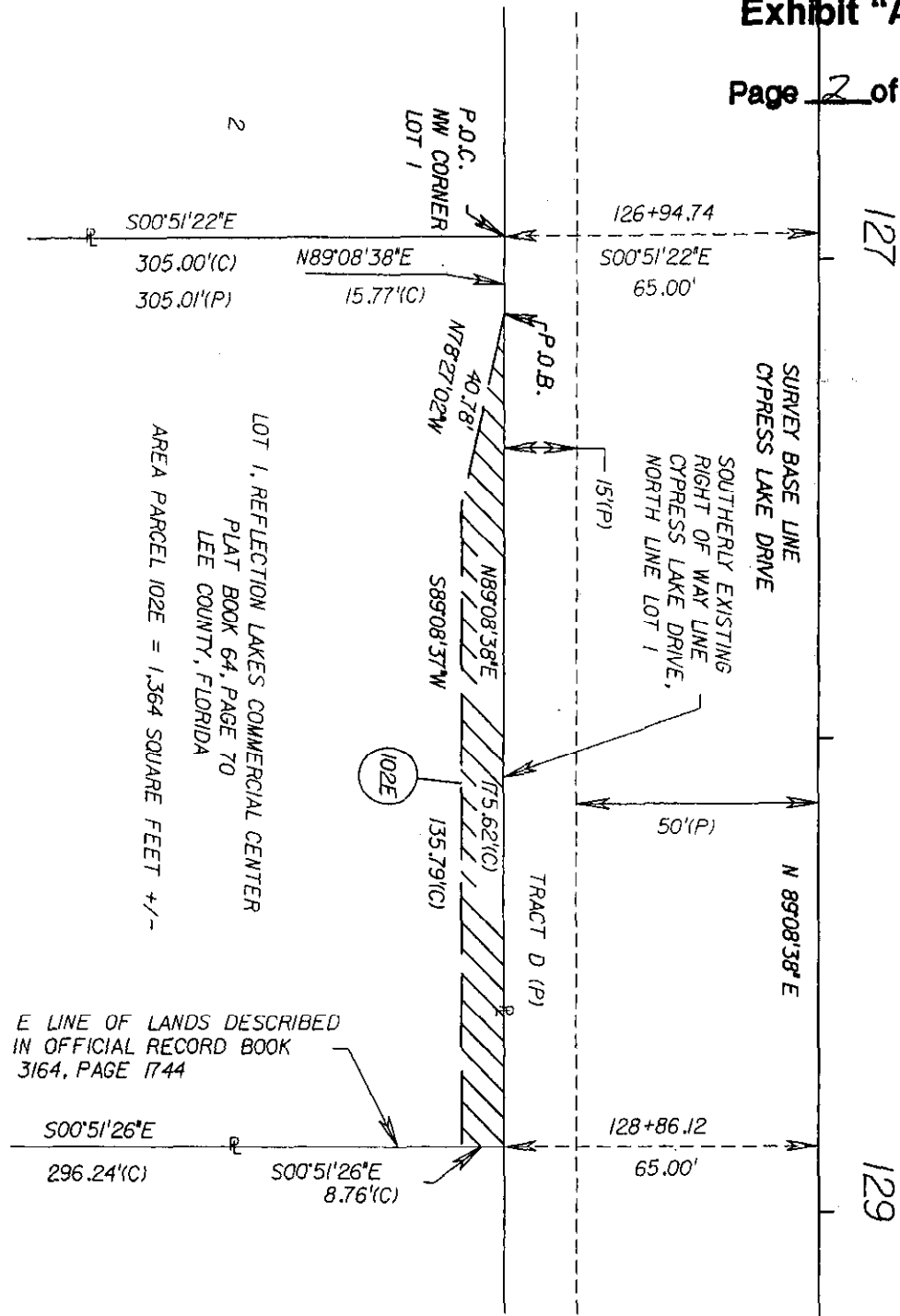
**AIM ENGINEERING & SURVEYING, INC.**  
5300 LEE BLVD.  
P.O. BOX 1298  
LEHIGH ACRES  
FLORIDA 33970  
1-800-226-4869  
FX1941/932-8794



REVISION	BY	DATE

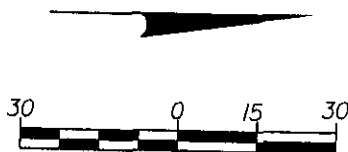
DEPARTMENT OF TRANSPORTATION LEE COUNTY			
RIGHT OF WAY PARCEL SKETCH			
CYPRESS LAKE DRIVE		LEE	COUNTY
	BY	DATE	APPROVED BY
PRELIM	DKT	4-17-01	
FINAL	DKT	4-19-01	
CHECKED	MJZ	4-19-01	
MAPS PREPARED BY		FIELD BOOK NO.'S	
AIM ENG. & SURVEYING, INC.		N/A	
S.T.A. NO. 18		SCALE: N/A	
CONTRACT No. III			SHEET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

Exhibit "A"



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

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 2 OF 2

AIM ENGINEERING & SURVEYING, INC.  
5300 LEE BLVD.  
P.O. BOX 1235  
LEHIGH ACRES  
FLORIDA 33970  
1-800-226-4669  
FX1041/392-8794

REVISION	BY	DATE

THIS INSTRUMENT PREPARED BY:

Lee County  
Post Office Box 398  
Fort Myers, Florida 33902  
  
Parcel: 102  
Project: Cypress Lake Drive  
Widening Project No. 4064  
Strap No.:23-45-24-07-00000.001A

**Exhibit "B"**

Page 4 of 7

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

This **INDENTURE**, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, between Cypress Lake Commons, LLC, A Florida Limited Liability Company, whose address is 7910 Cypress Lake Drive, Fort Myers, Florida 33907, 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 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 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 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.



7. 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.

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

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.

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**, Cypress Lake Commons, LLC, Grantor has caused this document to be signed on the date first above written.

**TWO SEPARATE WITNESSES:**

GRANTOR:  
Cypress Lake Commons, LLC

\_\_\_\_\_  
1st Witness Signature

By: \_\_\_\_\_

Michael J. Frye

\_\_\_\_\_  
Printed name of 1st Witness

Printed Name

Title: Manager/Member

\_\_\_\_\_  
2nd Witness Signature

(CORPORATE SEAL)

\_\_\_\_\_  
Printed name of 2nd Witness

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ )

SWORN TO AND SUBSCRIBED before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by  
Michael J. Frye, Manager/Member of Cypress Lake Commons, LLC, a  
name of officer or agent, title of officer or agent (name of corporation acknowledged)  
Florida Limited Liability Company, on behalf of the corporation.  
(state or place of incorporation)

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

\_\_\_\_\_  
(Signature of Notary Public)

\_\_\_\_\_  
(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

**Exhibit "A"**

PARCEL 102E

Page 1 of 2

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 15.77 feet to the POINT OF BEGINNING; thence continuing along said north line and said southerly existing right of way line, N 89°08'38" E, a distance of 175.62 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, S 00°51'26" E, a distance of 8.76 feet; thence S 89°08'37" W, a distance of 135.79 feet; thence N 78°27'02" W, a distance of 40.78 feet to the POINT OF BEGINNING.

Said lands containing 1,364 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 #9114

**AIM ENGINEERING & SURVEYING, INC.**  
5300 LEE BLVD.  
P.O. BOX 1238  
LEHIGH ACRES  
FLORIDA 33970  
1-800-226-4869  
FX:941/932-8794

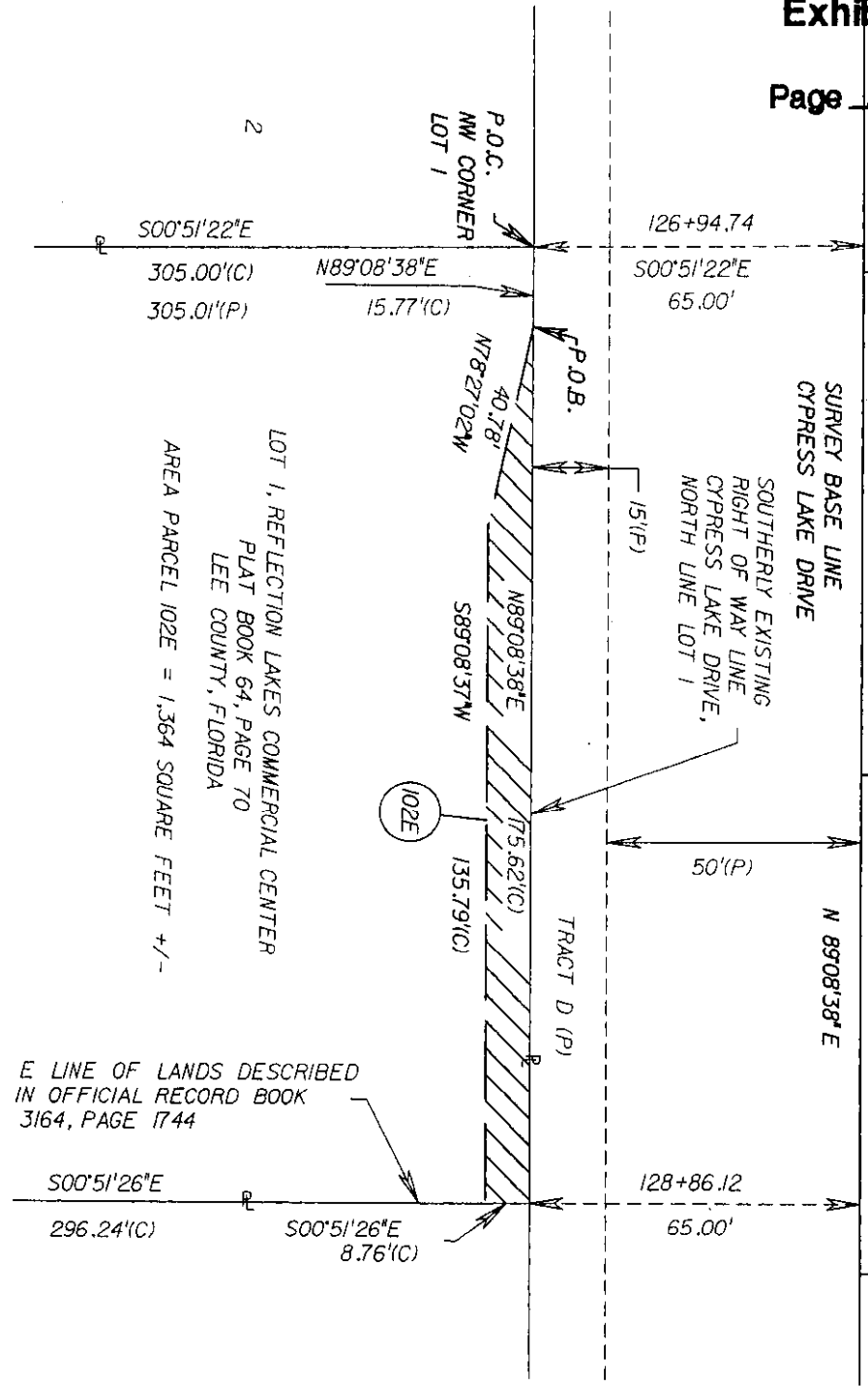


REVISION	BY	DATE

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 2

Exhibit "A"

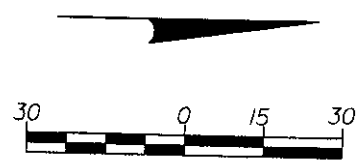
Page 2 of 2



LOT 1, REFLECTION LAKES COMMERCIAL CENTER  
 PLAT BOOK 64, PAGE 70  
 LEE COUNTY, FLORIDA  
 AREA PARCEL 102E = 1,364 SQUARE FEET +/-

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

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 2 OF 2	

AIM ENGINEERING & SURVEYING, INC.  
 8900 LEE BLVD.  
 P.O. BOX 1235  
 LEHIGH ACRES  
 FLORIDA 33970  
 1-800-226-4569  
 FX1941/392-8734

REVISION	BY	DATE

This Instrument Prepared by:  
P.O. Box 398  
Fort Myers, FL 33902-0398  
Parcel: 102  
Project: Cypress Lake Drive Widening Project No. 4064  
Strap No.: 23-45-24-07-00000.001A

THIS SPACE FOR RECORDING

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PERPETUAL STORMWATER  
DRAINAGE EASEMENT

This easement grant is made between Cypress Lake Commons, LLC, A Florida Limited Liability Company, whose address is 7910 Cypress Lake Drive, Fort Myers, Florida 33907, (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 structures, such as sheds, carports, garages or other buildings, are constructed within the easement area.

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 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. 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

**Exhibit "B"**

Page  7  of  7

Perpetual Stormwater Drainage Easement  
Project: Cypress Lake Drive Widening Project No. 4064  
Strap No.: 23-45-24-07-00000.001A  
Page 2 of 2

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

Dated: \_\_\_\_\_, 20\_\_

Grantor:  
Cypress Lake Commons, LLC

\_\_\_\_\_  
1st Witness Signature

By: \_\_\_\_\_

Michael J. Frye  
Printed Name of Grantor

\_\_\_\_\_  
Printed Name of 1st Witness

Manager/Member  
Title

\_\_\_\_\_  
2nd Witness Signature

(Corporate Seal)

\_\_\_\_\_  
Printed Name of 2nd Witness

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by Michael J. Frye  
(name of officer or agent, title of officer or agent)  
of Cypress Lake Commons, LLC, a Florida Limited Liability Company  
(name of partnership acknowledged) (State or place of partnership)  
on behalf of the corporation. He/She is personally known to me or has produced \_\_\_\_\_ as identification.  
(type of identification)

\_\_\_\_\_  
Signature of Notary Public

SEAL

\_\_\_\_\_  
(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

Exhibit "A"

PARCEL 102E

Page 1 of 2

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 15.77 feet to the POINT OF BEGINNING; thence continuing along said north line and said southerly existing right of way line, N 89°08'38" E, a distance of 175.62 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, S 00°51'26" E, a distance of 8.76 feet; thence S 89°08'37" W, a distance of 135.79 feet; thence N 78°27'02" W, a distance of 40.78 feet to the POINT OF BEGINNING.

Said lands containing 1,364 square feet, more or less.

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		

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 CERT. # 3751  
LICENSED BUSINESS # 2114

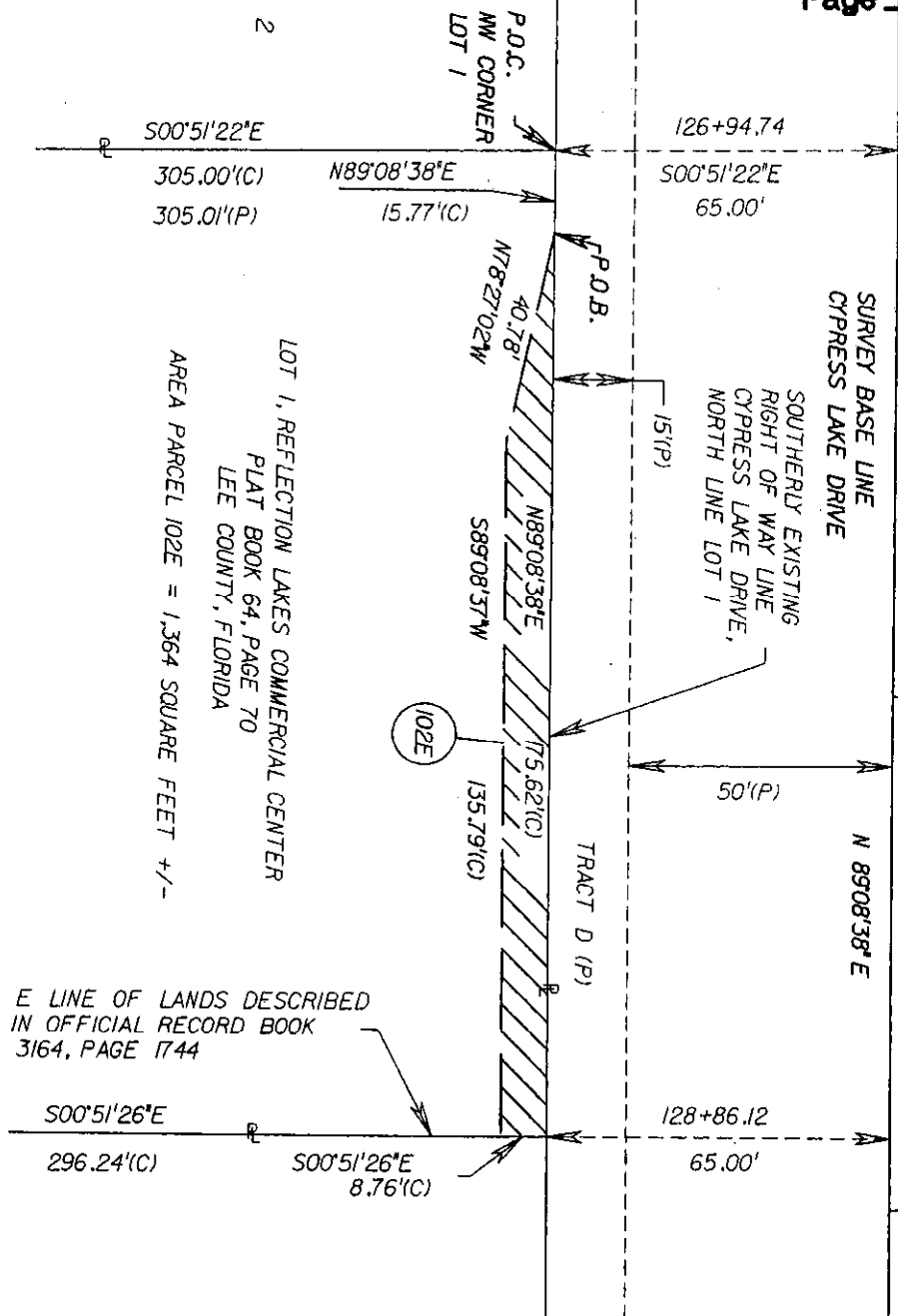


AIM ENGINEERING & SURVEYING, INC.  
5900 LEE BLVD.  
P.O. BOX 1235  
LEHIGH ACRES  
FLORIDA 33970  
1-800-226-4569  
FX1941/332-8794

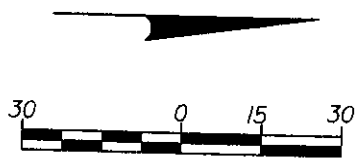
REVISION	BY	DATE

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 2	

Exhibit "A"



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 2 OF 2	

AIM ENGINEERING & SURVEYING, INC.  
5300 LEE BLVD.  
P.O. BOX 1295  
LEHIGH ACRES  
FLORIDA 33970  
1-800-226-4569  
FX1941/992-8734

REVISION	BY	DATE

Parcel: 102-E  
-STRAP: 23-45-24-07-00000.001A  
Project: Cypress Lake Drive Widening, Project No. 4064

AFFIDAVIT OF INTEREST IN REAL PROPERTY

THIS AFFIDAVIT OF INTEREST IN REAL PROPERTY is made and entered this 15 day of October, 2002 for the sole purpose of compliance with Section 286.23 of the Florida Statutes.

The undersigned hereby swears and affirms under oath, subject to the penalties prescribed for perjury, that the following is true:

The Name and Address of the Grantor is:

Cypress Lake Commons, LLC, a Florida limited liability Company  
7910 Summerlin Lakes Drive, Fort Myers, FL 33907

The name(s) and address(es) of every person having a beneficial interest in real property that will be conveyed to Lee County are:

1. Michael J. Frye
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_

The real property to be conveyed to Lee County is known as: See attached Exhibit "A", also known as Strap #23-45-24-07-00000.001A

FURTHER AFFIANT SAYETH NAUGHT.

Signed, sealed and delivered  
in our presences:

Barbara C. Fulton  
Witness Signature

BARBARA A. FULTON  
Printed Name

Janice D Swedeen  
Witness Signature

Janice D. Swedeen  
Printed Name

Michael J. Frye  
Signature of Affiant

Michael J. Frye  
Printed Name



Affidavit of Interest in Real Property

Parcel: 102-E

STRAP: 23-45-24-07-00000.001A

Project: Cypress Lake Drive Widening, Project No. 4064

STATE OF FLORIDA

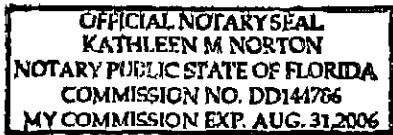
COUNTY OF LEE

SWORN TO AND SUBSCRIBED before me this 15<sup>th</sup> day of OCTOBER, 2002 by \_\_\_\_\_

MICHAEL J. FRYE  
(name of person acknowledged)

[Handwritten Signature]  
(Notary Signature)

(SEAL)



KATHLEEN M. NORTON  
(Print, type or stamp name of Notary)

Personally known   
OR Produced Identification \_\_\_\_\_  
Type of Identification \_\_\_\_\_

L:\Cypress\LD4064\Legal\102-E Affidavit of Interest.wpd  
(INDIVIDUAL)

COUNTY PROJ. NO.

CN-97-01

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

Exhibit "A"

PARCEL 102E

Page 1 of 2

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 111, 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 15.77 feet to the POINT OF BEGINNING; thence continuing along said north line and said southerly existing right of way line, N 89°08'38" E, a distance of 175.62 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, S 00°51'26" E, a distance of 8.76 feet; thence S 89°08'37" W, a distance of 135.79 feet; thence N 78°27'02" W, a distance of 40.78 feet to the POINT OF BEGINNING.

Said lands containing 1,364 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: AEM ENGINEERING & SURVEYING, INC.

MICHAEL J. COLLIER, REGISTERED SURVEYOR AND MAPPER, FLORIDA CERTIFICATE NO. 5781, LICENSED SURVEYOR #1139

AEM ENGINEERING & SURVEYING, INC. 8300 LEE BLVD., P.O. BOX 1228 LEHIGH ACRES, FLORIDA 33978 1-800-210-4780 FAX: 813-932-0784

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		4-18-01		
CHECKED	NJZ	4-18-01		

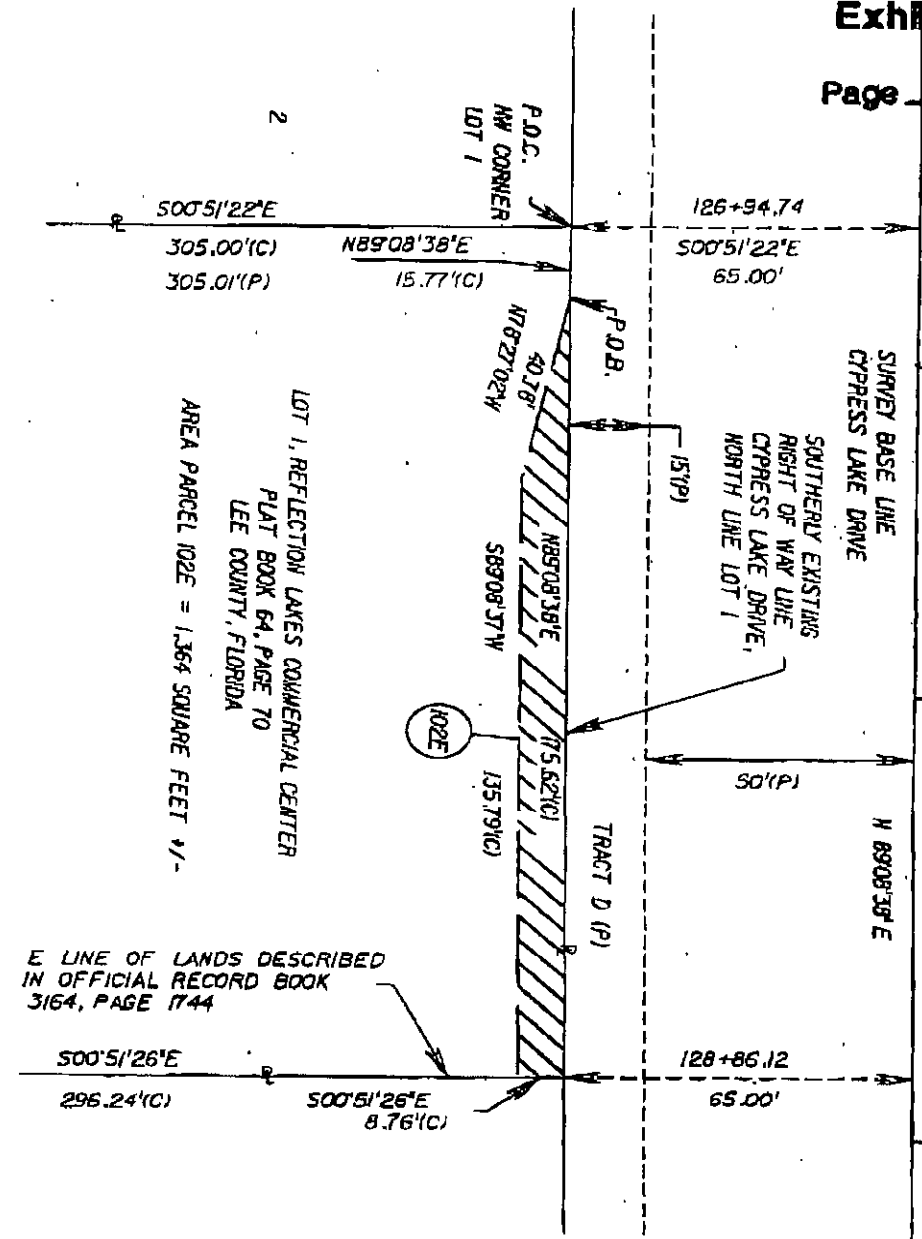
MAPS PREPARED BY: AEM ENG. & SURVEYING, INC. FIELD BOOK NO. N/A  
S.T.A. NO. 18 SEAL: N/A

CONTRACT No. 111 SHEET 1 OF 2

SECTION 23, TOWNSHIP 45 SOUTH, RANGE 24 EAST

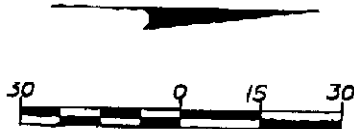
COUNTY PROJ. NO.  
 CN-97-01

Exhibit "A"  
 Page 2 of 2



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

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	4-18-01		
CHECKED MJF	4-18-01		

DWG PREPARED BY  
 ATM ENG. & SURVEYING, INC.  
 S.T.A. NO. 18

FIELD BOOK NO. 5  
 M/A  
 SCALE: 1" = 30'

Lee County Surveyors, Inc.  
 5800 LEE BLVD.  
 P.O. BOX 1358  
 LEHIGH ACADEMY  
 FLORIDA 32976  
 1-800-866-4868  
 F2091/032-8794

REVISION	BY	DATE

CONTRACT No. 111 SHEET 2 OF 2

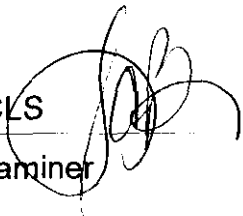
**Division of County Lands**

**Updated Ownership and Easement Search**

Search No. 21870/B  
Date: October 8, 2002  
Parcel: 102  
Project: Cypress Lake Drive  
Widening #4064

To: Michael J. O'Hare  
Property Acquisition Agent

From: Shelia A. Bedwell, CLS  
Real Estate Title Examiner



STRAP: 23-45-24-07-00000.001A

Effective Date: September 29, 2002, at 5:00 p.m.

**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 3164, Page 1744, Public Records of Lee County, Florida.

Title to the subject property is vested in the following:

**Cypress Lake Commons, LLC, A Florida Limited Liability Company**

by that certain instrument dated August 25, 1999, recorded September 3, 1999, in Official Record Book 3164, Page 1744, 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.]

**Division of County Lands****Updated Ownership and Easement Search**

Search No. 21870/B

Date: October 8, 2002

Parcel: 102

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 Southerly lot line, 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 it's 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.

**Tax Status:** 2001 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.**



Florida Department of State, Division of Corporations

Corporations Online  
www.sunbiz.org Public Inquiry

Florida Limited Liability  
CYPRESS LAKE COMMONS, LLC

PRINCIPAL ADDRESS  
7910 SUMMERLIN LAKES DR.  
FORT MYERS FL 33907  
Changed 04/16/2001

MAILING ADDRESS  
7910 SUMMERLIN LAKES DR.  
FORT MYERS FL 33907  
Changed 04/16/2001

Document Number  
L99000004539

FEI Number  
650939752

Date Filed  
07/26/1999

State  
FL

Status  
ACTIVE

Effective Date  
NONE

Total Contribution  
1,000.00

Registered Agent

Name & Address
FRYE, MICHAEL J 7910 SUMMERLIN LAKES DR. FORT MYERS FL 33907
Address Changed: 04/16/2001

Manager/Member Detail

Name & Address	Title
FRYE, MICHAEL J 7910 SUMMERLIN LAKES DR. FORT MYERS FL 33907	MGRM

Annual Reports

Report Year	Filed Date	Intangible Tax
2000	04/06/2000	
2001	04/16/2001	
2002	03/20/2002	

[Previous Filing](#)

[Return to List](#)

[Next Filing](#)

No Events  
No Name History Information

---

**Document Images**

Listed below are the images available for this filing.

03/20/2002 -- COR - ANN REP/UNIFORM BUS REP
04/16/2001 -- ANN REP/UNIFORM BUS REP
04/06/2000 -- ANN REP/UNIFORM BUS REP
07/26/1999 -- Florida Limited Liabilites

**THIS IS NOT OFFICIAL RECORD; SEE DOCUMENTS IF QUESTION OR CONFLICT**

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**Corporations Inquiry**

**Corporations Help**



# 5-Year Sales History

Parcel No. 102-E

Project: Cypress Lake Drive Widening  
No. 4064

Grantor	Grantee	Price	Date	Arms Length Y/N
Cypress Lake Corp.	Cypress Lake Commons, LLC	347,100	8/99	Y

**NOTE: Sale(s) relate to "parent tract" of the subject parcel.**