

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

BLUE SHEET NO: 20030078-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, one 4" diameter fire line and one fire hydrant serving the **VERANDAH SALES CENTER**. This is a Developer Contributed asset and the project is located on the south side of State Road 80 approximately 1/2 mile west of State Road 31.

WHY ACTION IS NECESSARY:

To provide potable water service and fire protection to the recently constructed sales center.

WHAT ACTION ACCOMPLISHES:

Places the water main, fire hydrant and fire line into operation and complies with the Lee County Utilities Operations Manual.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #: 5

C10B

3. MEETING DATE:

02-11-2003

4. AGENDA:

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

5. REQUIREMENT/PURPOSE:

- (Specify)
- STATUTE
 - ORDINANCE
 - ADMIN. CODE
 - X OTHER Res., 2 Easements

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER: _____
- B. DEPARTMENT: Lee County-Public Works
- C. DIVISION/SECTION: Utilities Division
- BY: Rick Diaz, Utilities Director
- DATE: 1/23/03

S. J. [Signature] for R. Diaz 1/23/03

7. BACKGROUND:

The Board granted permission to construct on 10/29/02, Blue Sheet #20021120.
The installation has been inspected for conformance to the Lee County Utilities Operations manual.
Satisfactory pressure and bacteriological testing has been completed.
Record drawings have been received.
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 Contributed Assets has been provided---copy attached.
100% of the water connection fees have been paid.
Sanitary sewer service will be provided by a temporary on-site septic system.
Funds are available for recording fees in account # OD5360748700.504930.

SECTION 36 TOWNSHIP 43S RANGE 25E DISTRICT #5 COMMISSIONER ALBION

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
					OA	OM	Risk	GC	
<i>J. Lavender</i> Date: 1-23-03	N/A Date:	N/A Date:	<i>P.O. [Signature]</i> T. Osterhout Date: 1-23	<i>[Signature]</i> D. Owen Date: 1/27/03	<i>[Signature]</i> 1/27/03	<i>[Signature]</i> 1/27/03	<i>[Signature]</i> 1/27/03	<i>[Signature]</i> 1/27/03	<i>J. Lavender</i> Date: 1-23-03

10. COMMISSION ACTION:

- _____ APPROVED
- _____ DENIED
- _____ DEFERRED
- _____ OTHER

Rec. by CoAtty
Date: 1/24/03
Time: 11:28am
Forwarded To: Budget 1/28/03

RECEIVED BY
COUNTY ADMIN. [Signature]
1-27-03
10.45
COUNTY ADMIN.
FORWARDED TO:
[Signature]

RESOLUTION NO. _____

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

WHEREAS, it is the desire of Verandah Development, LLC (f/k/a State Road 80, LLC), owner of record, to make a contribution to Lee County Utilities of water facilities (water main extension, one 4" diameter fire line and one fire hydrant), serving "THE SALES CENTER AT VERANDAH"; 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 **\$59,148.26** 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 Janes	_____	(1)
Commissioner St. Cerny:	_____	(2)
Commissioner Judah(C):	_____	(3)
Commissioner Coy:	_____	(4)
Commissioner Albion (V-C):	_____	(5)

DULY PASSED AND ADOPTED this _____ day of _____, 2003.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
DEPUTY CLERK

By: _____
CHAIRMAN

APPROVED AS TO FORM

OFFICE OF COUNTY OFFICE

COPY

LETTER OF COMPLETION

DATE: December 13, 2002

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

Gentlemen:

This is to certify that the water distribution and/or sewage collection system(s) located in The Sales Center at Verandah

(Name of Development)

were designed by me and have been constructed in conformance with:

the approved plans the revised plans, attached

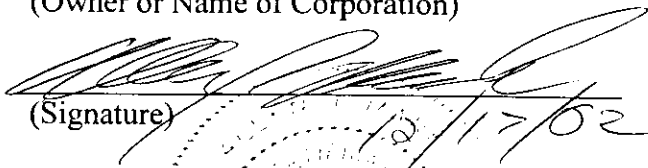
and:

the approved specifications the revised specifications, attached

Upon completion of the work, we observed the following successful tests of the facilities: pressure test of water main

Very truly yours,

Johnson Engineering, Inc.
(Owner or Name of Corporation)

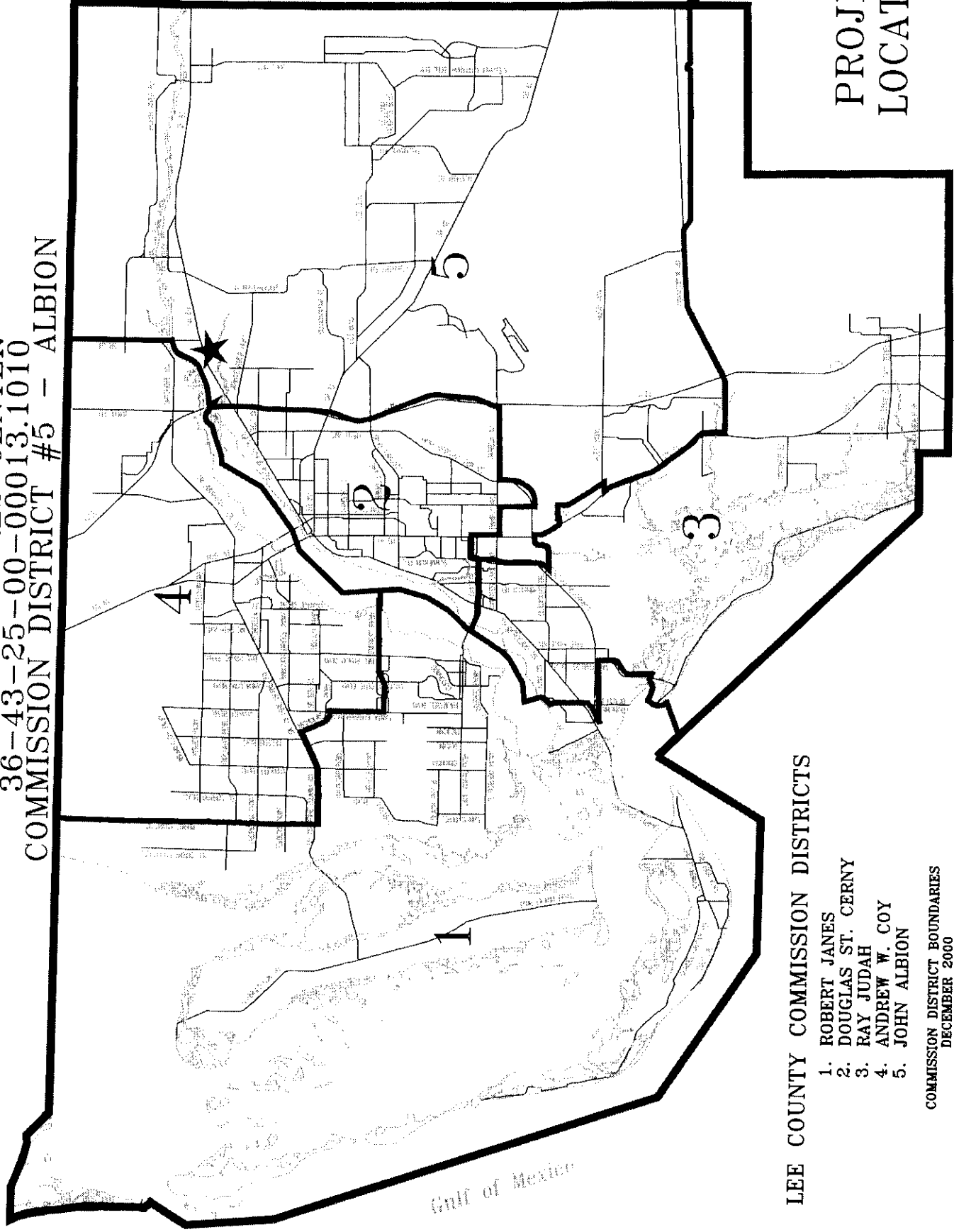
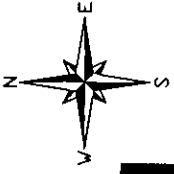

(Signature)

Allen J. Mank; P.E.
Project Engineer
(Title)

(SEAL OF ENGINEERING FIRM)



VERANDAH SALES CENTER
36-43-25-00-00013.1010
COMMISSION DISTRICT #5 - ALBION



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

PROJECT
LOCATION

Verandah

Gulf of Mexico

VERANDAH SALES CENTER

COMMISSION DISTRICT #5 - ALBION

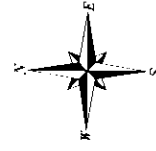
PALM BEACH BLVD (SR 80)

SUBJECT PARCEL

PALM BEACH BLVD (SR 80)

00013
1010

DUSTY FRATEL



36-43-25-00-00013.1010

11501 PALM BEACH BLVD

CERTIFICATION OF CONTRIBUTORY ASSETS

PROJECT NAME: The Sales Center at Verandah

LOCATION: 11501 Palm Beach Blvd. Ft. Myers, FL 33905

STRAP # 36-43-25-00-00013.1010

(Including STRAP)

NAME AND ADDRESS OF OWNER: Verandah Development LLC (F.K.A., State Road 80 LLC)

9990 Coconut Road, Suite 200, Bonita Springs, FL 34135

(as shown on Deed)

TYPE UTILITY SYSTEM: Water System

(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 stations, meters, valves, fittings, etc.

ITEM	SIZE	QUANTITY	UNIT	UNITCOST	TOTAL
PVC C-900 Dr-18	12"	308	LF	\$16.01	\$ 4,931.08
Ductile Iron Pipe Class 50	12"	58.5	LF	\$ 23.96	\$ 1,401.66
HDPE DR 11 Directional Bore	24"	196	LF	\$ 163.25	\$31,997.00
HDPE DR 11 Carrier Pipe	12"	200	LF	\$ 22.00	\$ 4,400.00
24" X 12" Tapping Saddle and Valve		1	LS	\$ 9,830.00	\$ 9,830.00
Gate Valve	12"	1	EA	\$ 1,218.00	\$ 1,218.00
Fire Hydrant Assembly		1	EA	\$ 2,393.00	\$ 2,393.00
PVC C-900 DR 14	6"	54	LF	\$ 8.68	\$ 468.72
2" Single Water Service	2"	1	EA	\$ 650.00	\$ 650.00
Fire Line to 1 st OS&Y GV, 4" GV	4"	1	LS	\$1,858.80	\$ 1,858.80

\$ 59,148.26

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: [Signature], PROJECT MANAGER
(Name & Title of Certifying Agent)

OF: MITCHELL & STARK CONST. CO. INC.

(Firm or Corporation)


ADDRESS: 6001 Shirley Street
Naples, Florida, 34109

STATE OF Florida)
) SS:
COUNTY OF Collier)

The foregoing instrument was signed and acknowledged before me this 16 th day of December, 2002,
by L.D. Neal, Project Manager,

who is personally known to me, and who (did not) take an oath.

(NOTARY SEAL)

 Morris Sons
My Commission DD059332
Expires January 7 2006

[Signature]
Notary Public Signature
Morris Sons
Printed Name of Notary Public
DD059332
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 _____, 2003, by and between Verandah Development LLC, f/k/a State Road 80 LLC, 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,



LEE COUNTY
SOUTHWEST FLORIDA

(Forms - Perpetual Public Utility Easement - LCU - County Attorney Approved Form 10/2002
- Page- 1 of 3)

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 assume all liability 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 located within the above-described easement.

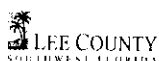
7. GRANTEE will be liable for money damages in tort for any injury to or loss of property, personal injury, or death caused by the negligent or wrongful act(s) or omission(s) of any official or employee of the GRANTEE while acting within the scope of the official's or employee's office or employment 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, amended or renumbered 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. GRANTEE agrees to coordinate each activity within the easement premises in advance with the manager of the U. S. Postal Service, so as not to interfere with Postal Service operations.

9. By acceptance of this easement, the GRANTEE assumes no responsibility for ownership or maintenance of any associated roads. The easement is strictly for utility purposes. If GRANTEE fails to utilize the granted easement (Exhibit "A", hereto) for the purposes as set out herein and for the time as set out in Section 255.22, Florida Statutes, then this easement shall be extinguished pursuant to law,

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

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



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

X Cathy Cole
(Signature of 1st Witness)

X Katherine C. Green
(Grantor's/Owner's Signature)

CYNTHIA CATERHAM
(Name of 1st Witness)

Katherine C. Green
(Grantor's/Owner's Name)

X Michael A. Jones
(Signature of 2nd Witness)

Vice President Resource Conservation Properties, **INC.**
Managing Member Veranda Development LLC

Title

Michael A. Jones
(Name of 2nd Witness)

STATE OF FL)
) SS:
COUNTY OF LEE)

The foregoing instrument was signed and acknowledged before me this 14th day of JAN 2003 by Katherine C. Green, who is personally known to me - as Vice President , and who did not take an oath.

Joanne Janes
Notary Public Signature



Joanne Janes
Printed Name of Notary Public

(Notary Seal & Commission Number)



EXHIBIT A

The Temporary Lee County Utility Waterline Easement, as described and shown on the attached legal description and sketch thereof, located in Section 36, Township 43 South, Range 25 East, in Lee County Florida.



December 10, 2002

DESCRIPTION

**TEMPORARY LEE COUNTY UTILITY WATERLINE EASEMENT
IN
SECTION 36, TOWNSHIP 43 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA**

A tract or parcel of land lying in Section 36, Township 43 South, Range 25 East, Lee County, Florida being more particularly described as follows:

Commencing at the northeast corner of Section 36; thence run along said north line S 89° 06' 15" W for 777.74 feet to a point on the south right-of-way of Palm Beach Boulevard; thence run the following courses along said south right-of-way S 71° 36' 06" W for 162.24 feet, N 18° 23' 54" W for 10.00 feet and S 71° 36' 06" W for 1460.04 feet to the Point of Beginning.

From said Point of Beginning run the following courses parallel to and 20 feet east of the westerly right-of-way of Verandah Boulevard (as measured at right angles) S 18° 23' 54" E for 41.71 feet to a point on a curve, concave to the northeast having a radius of 240.00 feet, a delta angle of 12° 25' 21", a chord bearing of S 24° 36' 34" E and a chord length of 51.93 feet for 52.03 feet to a point of compound curvature having a radius of 670.00 feet, a delta angle of 3° 58' 26", a chord bearing of S 32° 48' 28" E and a chord length of 46.46 feet for 46.47 feet to a point of compound curvature having a radius of 140.00 feet, a delta angle of 19° 59' 21", a chord bearing of S 44° 47' 21" E and a chord length of 48.60 feet for 48.84 feet to a point of reverse curvature concave to the southwest having a radius 125.00 feet, a delta angle of 42° 12' 40" a chord bearing of S 33° 40' 41" E and a chord length of 90.02 feet for 92.09 feet to a point of non-tangency on a reverse curve concave to the northeast having a radius of 380.57 feet, a delta angle of 8° 05' 52" a chord bearing of S 14° 49' 25" E and a chord length of 53.74 feet for 53.79 feet; thence run S 71° 07' 39" W for 20 feet to an intersection with the westerly right-of-way of Verandah Boulevard; thence run the following courses along said westerly right-of-way along the arc of a curve concave to the northeast having a radius of 400.57 feet, a delta angle of 8° 03' 01" a chord bearing of N 14° 50' 51" W, and a chord length of 56.24 feet for 56.28 feet to a point of non-tangency on a reverse curve concave to the southwest having a radius of 105.00 feet which lies radially S 77° 15' 57" W, delta angle of 42° 02' 59", a chord bearing of N 33° 45' 32" W and a chord length of 75.34 feet for 77.06 feet to a point of reverse curvature having a radius of 160.00 feet, a delta angle of

19° 59' 21", a chord bearing of N 44° 47' 21" W and a chord length of 55.54 feet for 55.82 feet to a point of compound curvature having a radius of 690.00 feet, a delta angle of 3° 58' 26", a chord bearing of N 32° 48' 28" W and a chord length of 47.85 feet for 47.86 feet to a point of compound curvature having a radius of 260.00 feet, a delta angle of 12° 25' 21", a chord bearing of N 24° 36' 34" W and a chord length of 56.26 feet for 56.37 feet and N 18° 23' 54" W for 21.71 feet; thence departing from said westerly right-of-way run S 71° 36' 06" W for 10.00 feet; thence run N 18° 23' 54" W for 20.00 feet to an intersection with the southerly right-of-way of Palm Beach Boulevard; thence run N 71° 36' 06" E along said southerly right-of-way for 30.00 feet to the Point of Beginning.

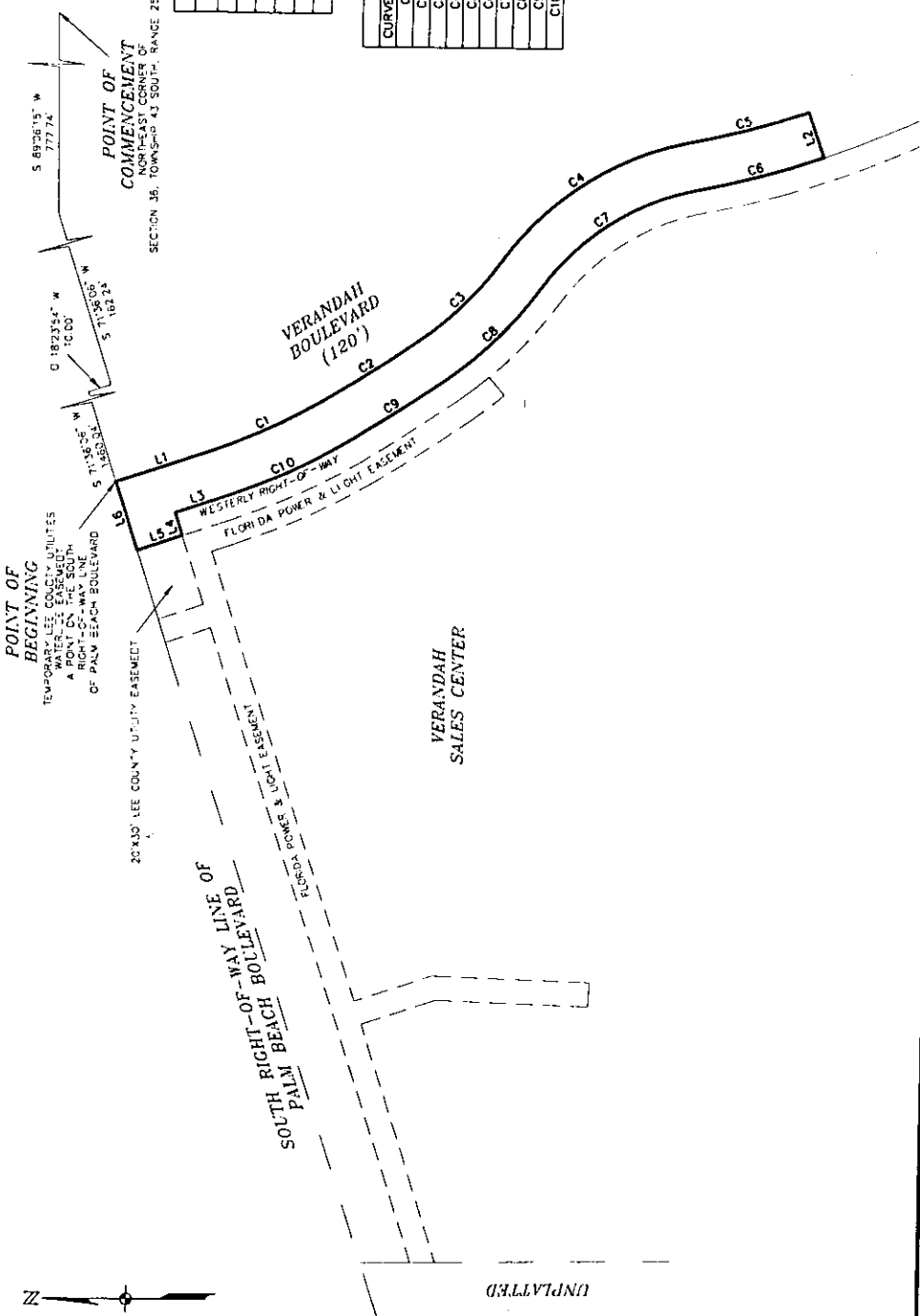
Containing 6,900 square feet, more or less.

Bearings hereinabove mentioned are based on the north line of Section 36 being S 89° 06' 15" W.

POINT OF BEGINNING
 TEMPORARY LEE COUNTY UTILITIES WATERLINE EASEMENT
 A POINT ON THE SOUTH SIDE OF PALM BEACH BOULEVARD

POINT OF COMMENCEMENT
 A POINT ON THE SOUTH SIDE OF PALM BEACH BOULEVARD

SECTION 36, TOWNSHIP 43 SOUTH, RANGE 25 EAST



LINE	LENGTH	BEARING
L1	41.71	S18°23'54"E
L2	20.00	S71°07'39"W
L3	21.71	N18°23'54"W
L4	10.00	S71°36'06"W
L5	20.00	N18°23'54"W
L6	30.00	N71°36'06"E

CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD
C1	52.03	240.00	122°52'1"	S24°36'34"E	51.93
C2	46.47	670.00	3°58'26"	S32°48'28"E	46.46
C3	48.84	140.00	19°53'21"	S44°47'21"E	48.80
C4	92.09	125.00	47°12'40"	S33°40'41"E	90.02
C5	53.79	390.57	8°05'52"	S14°49'25"E	53.74
C6	56.28	400.57	8°03'01"	N14°50'51"W	56.24
C7	77.06	105.00	42°02'39"	N33°45'32"W	75.34
C8	55.82	160.00	19°39'21"	N44°47'21"W	55.54
C9	47.88	690.00	3°58'26"	N32°48'28"W	47.85
C10	56.37	260.00	122°52'1"	N24°36'34"W	56.26

THIS IS NOT A SURVEY
 MICHAEL X. WARD (FOR THE FIRM EB-642)
 PROFESSIONAL LAND SURVEYOR
 FLORIDA CERTIFICATE NO. 5301

DATE SIGNED: 1/14/03
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

TEMPORARY LEE COUNTY UTILITY WATERLINE EASEMENT
 SECTION 36, TOWNSHIP 43 SOUTH, RANGE 25 EAST,
 LEE COUNTY, FLORIDA

JOHNSON ENGINEERING

2158 JOHNSON STREET
 P.O. BOX 1550
 FORT MYERS, FLORIDA 33902-1550
 PHONE (941) 334-0046
 FAX (941) 334-3661
 E.B. #642 & L.B. #642

SKETCH TO ACCOMPANY DESCRIPTION
 TEMPORARY LEE COUNTY UTILITY
 WATERLINE EASEMENT

DATE: 12/13/2002
 PROJECT NO.: 20002118
 FILE NO.: 36-43-25
 SCALE: 1"=60'
 SHEET: 1 OF 2

ASB

11/21/2001 11:01 AM STA 700 1100 DDPI F&D JOHNSON 003/005

State of Florida



Department of State

I certify the attached is a true and correct copy of Certificate of Amendment, filed on November 21, 2001, to the Articles of Organization for STATE ROAD 80 LLC which changed its name to VERANDAH DEVELOPMENT LLC, a Florida limited liability company, as shown by the records of this office.

The document number of this limited liability company is L99000008066.

Given under my hand and the
Great Seal of the State of Florida
at Tallahassee, the Capitol, this the
Twenty-first day of November, 2001



CR2EO22 (1-99)

Katherine Harris

Katherine Harris
Secretary of State

COPY

TO: LEE COUNTY FINANCE DEPARTMENT

FROM: UTILITIES ENGINEERING
(Department)
SUE GULLEDGE

A. AUTHORIZATION:

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

BS 20030078-UTL

Purchase Order # N/A for THE SALES CENTER AT VERANDAH project.
ACCOUNT NO. OD5360748700.504930

TWO EASEMENTS
-VERANDAH DEVELOPMENT LLC
-VERANDAH DEVELOPMENT LLC

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

Sue Gullledge
SUE 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

White - FINANCE Yellow - DEPT FISCAL OFFICER Pink - CLERK'S OFFICE

STATE OF FLORIDA
DEPT. OF STATE
JOHNSON
003/005

State of Florida



Department of State

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The document number of this limited liability company is L99000008066.

Given under my hand and the
Great Seal of the State of Florida
at Tallahassee, the Capitol, this the
Twenty-first day of November, 2001



CR2EO22 (1-99)

Katherine Harris

Katherine Harris
Secretary of State

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 _____, 2003, by and between Verandah Development LLC, f/k/a State Road 80 LLC, 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,



LEE COUNTY

SOUTH WEST FLORIDA

(Forms - Perpetual Public Utility Easement - LCU - County Attorney Approved Form 10/2002

- Page- 1 of 3)

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 assume all liability 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 located 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, amended or renumbered 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. GRANTEE agrees to coordinate each activity within the easement premises in advance with the manager of the U. S. Postal Service, so as not to interfere with Postal Service operations.

9. By acceptance of this easement, the GRANTEE assumes no responsibility for ownership or maintenance of any associated roads. The easement is strictly for utility purposes. If GRANTEE fails to utilize the granted easement (Exhibit "A", hereto) for the purposes as set out herein and for the time as set out in Section 255.22, Florida Statutes, then this easement shall be extinguished pursuant to law,

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



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

X Michael A. Jones
(Signature of 1st Witness)

X Katherine C. Green
(Grantor's/Owner's Signature)

Michael A. Jones
(Name of 1st Witness)

Katherine C. Green
(Grantor's/Owner's Name)

X Cynthia Caterham
(Signature of 2nd Witness)

Vice President Resource Conservation Properties, LLC
Managing Member Veranda Development LLC
Title

CYNTHIA CATERHAM
(Name of 2nd Witness)

STATE OF FL)
) SS:
COUNTY OF LEE)

The foregoing instrument was signed and acknowledged before me this 14 th day of JAN 2003 by Katherine C. Green, who is personally known to me - as Vice President , and who did not take an oath.

Joanne Janes
Notary Public Signature



Joanne Janes
Printed Name of Notary Public

(Notary Seal & Commission Number)

EXHIBIT A

The 20' x 30' Lee County Utility Easement, as described and shown on the attached legal description and sketch thereof, located in Section 36, Township 43 South, Range 25 East, in Lee County Florida.

December 10, 2002

DESCRIPTION

**20' X 30' LEE COUNTY UTILITY EASEMENT
SECTION 36, TOWNSHIP 43 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA**

A tract or parcel of land lying in Section 36, Township 43 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

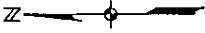
Commencing at the northeast corner of said Section 36; thence run S 89° 06' 15" W along the north line of said section for 777.74 feet to a point on the south right-of-way of Palm Beach Boulevard; thence run along said south right-of-way the following courses, S 71° 36' 06" W for 162.24 feet, N 18° 23' 54" W for 10.00 feet and S 71° 36' 06" W for 1,490.04 feet to the Point of Beginning.

From said Point of Beginning run S 18° 23' 54" E along the westerly line of a 10 foot public utility easement for 20.00 feet; thence run S 71° 36' 06" W parallel with and 20.00 feet south (as measured at right angles) to said southerly right-of-way for 30.00 feet; thence run N 18° 23' 54" W for 20.00 feet to an intersection with said southerly right-of-way; thence run N 71° 36' 06" E along said southerly right-of-way for 30.00 feet to the Point of Beginning.

Containing 600 square feet, more or less.

Bearings hereinabove mentioned are based on the north line of Section 36 being S 89° 06' 15" W.

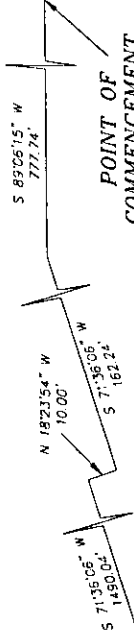
20002118/Lee County Utility Easement 121002



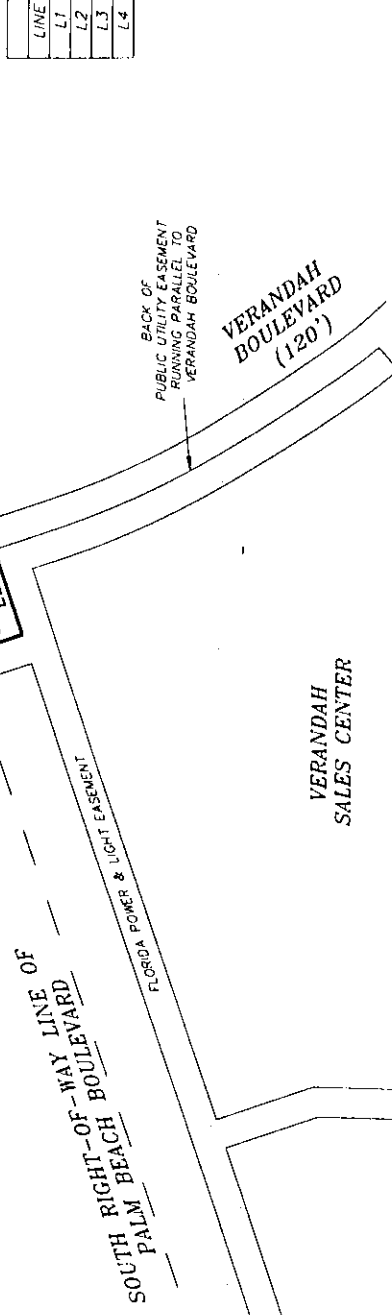
UNPLATTED

POINT OF BEGINNING
 20' X 30'
 LEE COUNTY
 UTILITY EASEMENT
 A POINT ON THE SOUTH
 RIGHT-OF-WAY LINE
 OF PALM BEACH BOULEVARD

POINT OF COMMENCEMENT
 NORTHEAST CORNER OF
 SECTION 36, TOWNSHIP 43 SOUTH, RANGE 25 EAST



LINE	BEARING	LENGTH
L1	S 89°06'15" W	777.74'
L2	S 71°36'06" W	30.00'
L3	N 18°23'54" W	20.00'
L4	N 71°36'06" E	30.00'



THIS IS NOT A SURVEY

MICHAEL A. WARD (FOR THE FIRM LA-642)
 PROFESSIONAL LAND SURVEYOR
 FLORIDA CERTIFICATE NO. 5301
 DATE SIGNED: 11/4/03

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

20' X 30' LEE COUNTY UTILITY EASEMENT
 SECTION 36, TOWNSHIP 43 SOUTH, RANGE 25 EAST,
 LEE COUNTY, FLORIDA

JOHNSON
ENGINEERING

2158 JOHNSON STREET
 P.O. BOX 1550
 FORT MYERS, FLORIDA 33902-1550
 PHONE (941) 334-0046
 FAX (941) 334-3651
 E.B. #642 & L.B. #642

SKETCH TO ACCOMPANY DESCRIPTION
 20' X 30' LEE COUNTY UTILITY EASEMENT

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
12/13/2002	20002118	36-43-25	1"=50'	1 OF 2

AECC