

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY **BLUE SHEET NO: 20031326-UTL**

1. REQUESTED MOTION:

ACTION REQUESTED: Approve final acceptance by Resolution and recording of an easement as a donation of one 10" diameter master meter assembly and a force main connection serving *THE SHOPPES AT PLANTATION, PHASE I*. This is a developer contributed asset project located on the southwest corner of Daniels Parkway and Plantation Road.

WHY ACTION IS NECESSARY: To provide potable water service, fire protection and sanitary sewer service to this phase of the proposed shopping center. This phase consists of a Walgreen's pharmacy only.

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

2. DEPARTMENTAL CATEGORY: 10 - UTILITIES
COMMISSION DISTRICT #: 2 *C10C*

3. MEETING DATE: *11-25-2003*

4. AGENDA:

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

5. REQUIREMENT/PURPOSE:

- (Specify)*
- STATUTE
 - ORDINANCE
 - ADMIN. CODE
 - OTHER: Approval To Construct

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER: _____
- B. DEPARTMENT: Lee County-Public Works
- C. DIVISION/SECTION: Utilities Division
- BY: Rick Diaz, P.E., Utilities Director

DATE: *11/6/03*

7. BACKGROUND:

The Board granted permission to construct on 6/17/03, Blue Sheet #20030652.
 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 pressure test of the force main has been completed.
 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 for this phase of the project.
 The onsite water and sewer systems are privately owned and maintained.
 Funds are available for recording fees in account number OD5360748700.504930.

SECTIONS 19 TOWNSHIP 45S RANGE 25E DISTRICT #2 COMMISSIONER ST. CERNY

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: <i>11-7-03</i> | N/A Date: | N/A Date: | <i>T.O.</i> T. Osterhout Date: <i>11-6</i> | <i>[Signature]</i> Date: <i>11/10/03</i> | <i>PM</i> <i>11/10/03</i> | <i>[Signature]</i> <i>11/10/03</i> | <i>[Signature]</i> <i>11/10/03</i> | <i>M</i> <i>11-10-03</i> | <i>J. Lavender</i> Date: <i>11-7-03</i> |

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
 Date: *11/7/03*
 Time: *4:00 PM*

RECEIVED BY
 COUNTY ADMIN: *[Signature]*
11/10/03
11:00 am 547
 COUNTY ADMIN
 FORWARDED TO:
[Signature]

Forwarded To:
City Admin
11-10-03

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

WHEREAS, it is the desire of Daniels International Venture, owner of record, to make a contribution to Lee County Utilities of water facilities (one 10" diameter master meter assembly), and sewer facilities (one force main connection) serving **"THE SHOPPES AT PLANTATION, PHASE 1 (WALGREEN'S)";** 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 **\$31,412.00** 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 : _____ (1)
- Commissioner Douglas St. Cerny: _____ (2)
- Commissioner Ray Judah (C): _____ (3)
- Commissioner Andrew Coy: _____ (4)
- Commissioner John 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 ATTORNEY



Consul-Tech

COPY

LETTER OF COMPLETION

DATE: 7/30/2003

Consul-Tech Construction Management, Inc.

Consul-Tech Development Services, Inc.

Consul-Tech Engineering, Inc.

Consul-Tech Survey & Mapping, Inc.

Consul-Tech Transportation, Inc.

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 system(s) located in Shoppes at Plantation - Phase I
(Name of Development)

were designed by me and have been constructed in conformance with:
the approved plans and the approved specifications

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

Bacteriological Test

Respond To:

Orlando Office Development Services, Inc.

2828 Edgewater Drive
Suite 200
Orlando, FL 32804
(407) 649-8334
FAX (407) 649-8190

Office Locations:

Boca Raton

(561) 558-5801
FAX (561) 588-9803

Bonita Springs

(941) 947-0266
FAX (941) 947-1323

Jacksonville

(904) 636-9450
FAX (904) 636-9488

Miami

(305) 599-3141
FAX (305) 599-3143

Miami Gardens

(305) 566-0228
FAX (305) 556-5154

Corporate/Miramar

(954) 438-4300
FAX (954) 438-1433

Orlando

(407) 649-8334
FAX (407) 649-8190

West Palm Beach

(561) 659-3680
FAX (561) 659-2105

Very truly yours,

Consul-Tech Development Services, Inc.
(Owner or Name of Corporation)

(Signature)

Joel T. Arnold, P.E.
(Title)

JOEL T. ARNOLD

JUL 30 2003

P.E. # 56864

(Seal of Engineering Firm)

LEE COUNTY
SOUTHWEST FLORIDA
(Forms - Letter of Completion - LCU 07/01/96 OPS Manual)



Consul-Tech

COPY
LETTER OF COMPLETION

DATE: 7/30/2003

- Consul-Tech Construction Management, Inc.
- Consul-Tech Development Services, Inc.
- Consul-Tech Engineering, Inc.
- Consul-Tech Survey & Mapping, Inc.
- Consul-Tech Transportation, Inc.

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

Gentlemen:

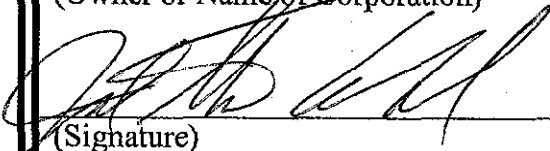
This is to certify that the sanitary sewer system(s) located in
Shoppes at Plantation - Phase I
 (Name of Development)

were designed by me and have been constructed in conformance with:
the approved plans and the approved specifications

Upon completion of the work, we observed the following successful tests of the facilities:
TV Inspection, Mandrill - Gravity Main

Very truly yours,

Consul-Tech Development Services, Inc.
 (Owner or Name of Corporation)



(Signature)

Joel T. Arnold, P.E.
 (Title)

JOEL T. ARNOLD
JUL 30 2003
P.E. # 56864

(Seal of Engineering Firm)

 **LEE COUNTY**
 SOUTHWEST FLORIDA
 (Forms - Letter of Completion - LCU 07/01/96 OPS Manual)

Respond To:

Orlando Office
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 Suite 200
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 FAX (407) 649-8190

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 (561) 659-3680
 FAX (561) 659-2105



Consul-Tech Construction Management, Inc.

Consul-Tech Development Services, Inc.

Consul-Tech Engineering, Inc.

Consul-Tech Surveying & Mapping, Inc.

Consul-Tech Transportation, Inc.

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Fax (407) 649-8190

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FAX (561) 558-9803

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FAX (941) 947-1323

Jacksonville
(904) 276-3100
FAX (904) 276-3102

Miami
(305) 599-3141
FAX (305) 599-3143

Miami Lakes
(305) 556-0228
FAX (305) 556-5154

Miramar / Corporate
(954) 438-4300
FAX (954) 438-1433

Naples
(941) 254-0000
FAX (941) 254-0900

Orlando
(407) 649-8334
FAX (407) 649-8190

West Palm Beach
(561) 659-3680
FAX (561) 659-2105

Consul-Tech

COPY

LETTER OF COMPLETION

DATE: 08/19/03

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

Gentlemen:

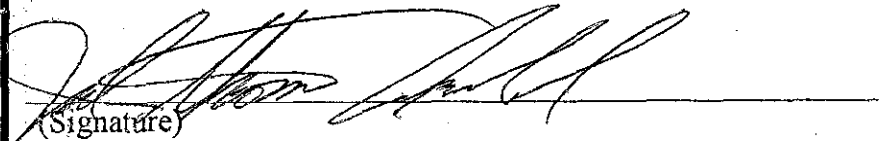
This is to certify that the sanitary sewer system(s) located in Lee County
Shoppes at Plantation - Phase I
(Name of Development)

were designed by me and have been constructed in conformance with:
the revised plans, attached and the approved specifications

Upon completion of the work, we observed the following successful tests of the facilities:
Pressure Test(s) - Force Main

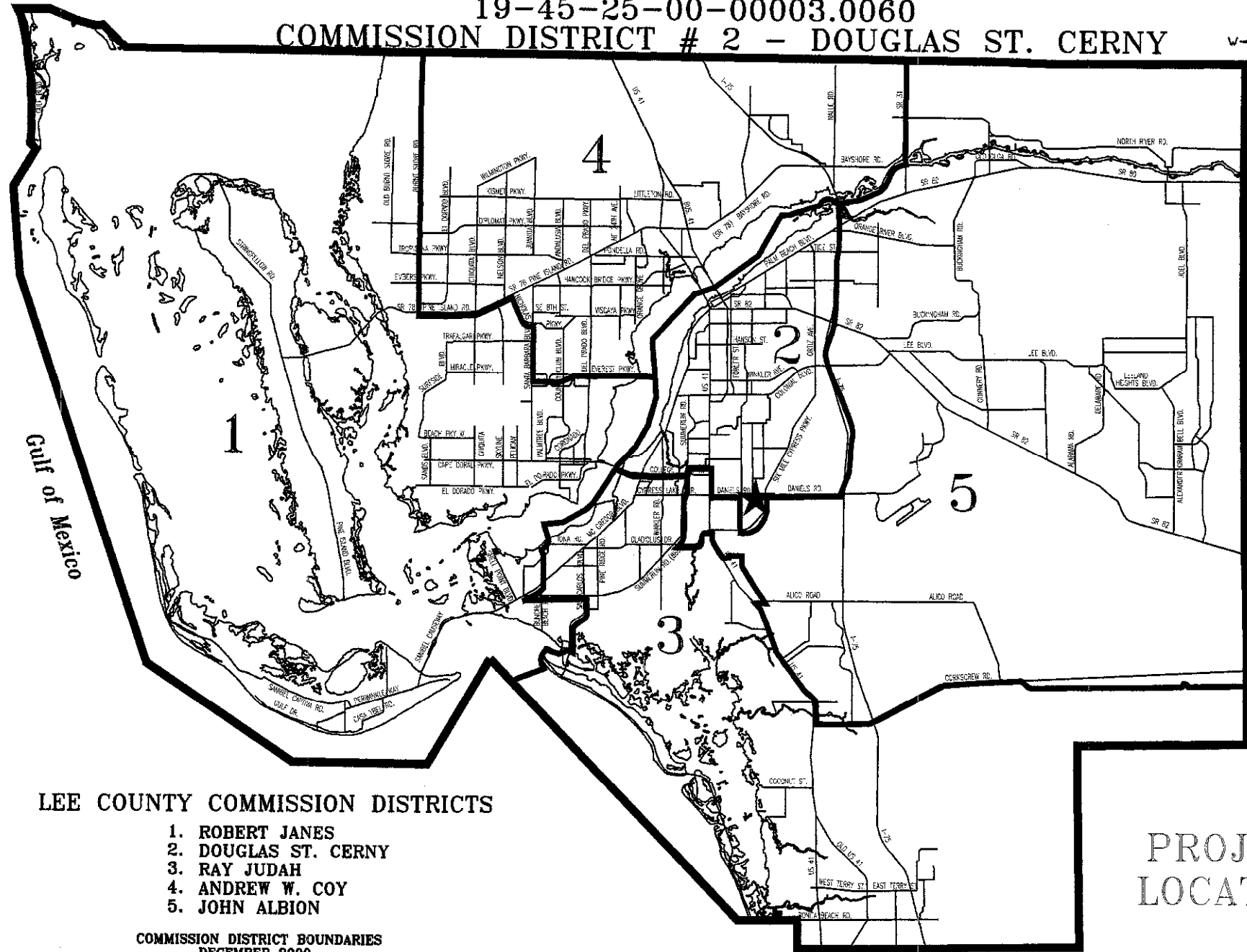
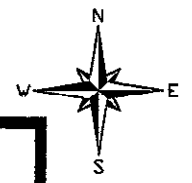
Very truly yours,

Consul-Tech Development Services, Inc.
(Owner or Name of Corporation)


(Signature)

Joel T. Arnold, P.E
(Title)

SHOPPES AT PLANTATION
 19-45-25-00-00003.0060
 COMMISSION DISTRICT # 2 - DOUGLAS ST. CERNY



COPY

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

COPY

WARRANTY

THE UNDERSIGNED parties do hereby warrant and/or guaranty all work executed by the contractor on the **water and sewer systems** of (Name of Development): WALGREENS-SHOPPES @ PLANTATION

6690 DANIELS ROAD FORT MYERS, FL STRAP#19-45-25-00-00003.0060

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 of 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.

CHRISTO, INCORPORATED
(NAME OF OWNER OR CONTRACTOR)

BY: *Robert A Keiling*
(SIGNATURE & TITLE) **ROBERT A. KEILING-PRESIDENT**

STATE OF FLORIDA)
) SS:
COUNTY OF LEE)

The foregoing instrument was signed and acknowledged before me this 18TH day of

JULY, 20 03 by ROBERT A. KEILING who has produced
(Print or Type Name)

PERSONALLY KNOWN TO ME as identification, and who (did) (did not) take an oath.
(Type of Identification and Number)

Mark K. Nottingham
Notary Public Signature

MARK K. NOTTINGHAM
Notary Public, State of Florida
My comm. exp. Jan. 6, 2004
Comm. No. CC900356

MARK K. NOTTINGHAM
Printed Name of Notary Public

CC900356 JAN. 6, 2004
Notary Commission Number

(NOTARY SEAL)

COPY

WAIVER AND RELEASE OF LIEN UPON FINAL PAYMENT

The undersigned lienor, in consideration of the final payment in the amount Of THIRTY ONE THOUSAND FOUR HUNDRED TWELVE & NO/100 (\$ 31,412.00)

Hereby waives and releases its lien and right to claim a lien for labor, service, or materials

Furnished to GULF PAVING CO, INC on the job (Insert name of your customer)

Of WIN-FORT MYERS, LTD. to the following described (Insert name of the owner)

Property: WALGREENS-SHOPPES @ PLANTATION (Name of Development/Project)

SEE EXHIBITS 'A' & 'B' FOR DESCRIPTION (Facilities Constructed)

6690 DANIELS ROAD FORT MYERS, FL (Project Location)

19-45-25-00-00003.0060 (STRAP #)

Dated on JULY 18, 2003

By: [Signature] (Signature of Authorized Representative)

CHRISTO, INCORPORATED (Name of Firm or Corporation)

By: ROBERT A. KEILING (Print Name of Authorized Representative)

4461-B HANCOCK BRIDGE PKWY (Address)

Title: PRESIDENT

N. FORT MYERS, FL 33903 (City, State & Zip)

Phone #: 239-997-2823

Fax#: 239-997-4672

State of FLORIDA County of LEE

The foregoing instrument was signed and acknowledged before me this 18th day of JULY 2003, by Robert A. Keiling, who produced personally known to me as identification or who is personally known to me, and who did/did not take an oath.

NOTARY SEAL MARK K. NOTTINGHAM Notary Public, State of Florida My comm. exp. Jan. 6, 2004 Comm. No. CC900356

Notary Public: [Signature] (Signature) Notary Public Name: MARK K. NOTTINGHAM (Print) My Commission Expires: JAN. 6, 2004

EXHIBIT 'A'
WAIVER ATTACHMENT

DATE: JULY 18, 2003

PROJECT NAME: WALGREENS-SHOPPES @ PLANTATION

PROJECT ADDRESS: 6690 DANIELS ROAD FORT MYERS, FL

STRAP#: 19-45-25-00-00003.0060

DESCRIPTION OF THE UTILITY SYSTEM CONSTRUCTED: WATER

10" X 10" HOT TAP, 40 LF 12" PVC C-900 DR-18, 20 LF 12" DIP CL 50, 40 LF OF DIRECT BURY 24" STEEL CASING, 10" MASTER METER ASSY. TO SERVE NE SHOPPING CENTER.

EXHIBIT 'B'
WAIVER ATTACHMENT

DATE: JULY 18, 2003

PROJECT NAME: WALGREENS-SHOPPES @ PLANTATION

PROJECT ADDRESS: 6690 DANIELS ROAD FORT MYERS, FL

STRAP#: 19-45-25-00-00003.0060

DESCRIPTION OF THE UTILITY SYSTEM CONSTRUCTED: SEWER

12" X 4" HOT TAP, 1.5 LF 4" PVC C-900 DR-18, & 4" PLUG VALVE TO SERVE PRIVATE LIFT STATION FOR NEW SHOPPING CENTER.

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 A. KEILING-PRESIDENT

Robert Keiling
(Name & Title of Certifying Agent)

OF: Christo, Incorporated
(Firm or Corporation)

ADDRESS: 4461-B HANCOCK BRIDGE PKWY.
N. FORT MYERS, FL 33903

STATE OF FLORIDA)
) SS:
COUNTY OF LEE)

The foregoing instrument was signed and acknowledged before me this 18TH
day of JULY, 20 03 by ROBERT A. KEILING
(Print or Type Name)

who has produced PERSONALLY KNOWN TO ME as identification,
(Type Of Identification and Number)

and who (did) (did not) take an oath.

Mark K. Nottingham
Notary Public Signature

MARK K. NOTTINGHAM
Notary Public, State of Florida
My comm. exp. Jan. 6, 2004
Comm. No. CC900356

MARK K. NOTTINGHAM
Printed Name of Notary Public

CC900356 JAN. 6, 2004
Notary Commission Number

(NOTARY SEAL)

COPY

CERTIFICATION OF CONTRIBUTORY ASSETS

PROJECT NAME: **WALGREENS-SHOPPES @ PLANTATION**

LOCATION: **6690 DANIELS ROAD FORT MYERS, FL**

STRAP# 19-45-25-00-00003.0060

(Including STRAP)

NAME AND ADDRESS OF OWNER: **WIN-FORT MYERS, LTD.**
2901 RIGSBY LANE
SAFETY HARBOR, FLORIDA 34695

(as shown on Deed)

TYPE UTILITY SYSTEM: **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 stations, meters, valves, fittings, etc.

| ITEM | SIZE | QUANTITY/ UNIT | COST | TOTAL |
|------------------|----------|----------------|---------|---------|
| PVC C-900, DR-18 | 4" | 1.5 LF | 8.00 | 12.00 |
| TAPPING SLEEVE | 12" X 4" | 1 EA | 1500.00 | 1500.00 |
| TAPPING VALVE | 4" | 1 EA | 1500.00 | 1500.00 |
| PLUG VALVE | 4" | 1 EA | 1000.00 | 1000.00 |
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\$ 4,012.00
TOTAL AMOUNT

11.5

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 A. KEILING-PRESIDENT

Robert A Keiling
(Name & Title of Certifying Agent)

OF: **Christo, Incorporated**
(Firm or Corporation)

ADDRESS: **4461-B HANCOCK BRIDGE PKWY.
N. FORT MYERS, FL 33903**

STATE OF FLORIDA)
) SS:
COUNTY OF LEE)

The foregoing instrument was signed and acknowledged before me this 18TH
day of JULY, 20 03 by ROBERT A. KEILING
(Print or Type Name)

who has produced PERSONALLY KNOWN TO ME as identification,
(Type Of Identification and Number)

and who (did) (did not) take an oath.

Mark K. Nottingham
Notary Public Signature

MARK K. NOTTINGHAM
Notary Public, State of Florida
My comm. exp. Jan. 6, 2004
Comm. No. CC900356

MARK K. NOTTINGHAM
Printed Name of Notary Public

CC900356 JAN. 6, 2004
Notary Commission Number

(NOTARY SEAL)

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 Daniels-International Venture, LLP, a Florida Limited Liability Partnership, 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 stated in Exhibit "B" attached hereto and made a part hereof, 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.

Daniels-International Venture, LLP
By: Bostleman Development, LLC,
Manager

X

Gina E. Cataldo
(Signature of 1st Witness)

By: James T. Saffran
(Grantor's/Owner's Signature)

GINA E. CATALDO
(Name of 1st Witness)

James T. Saffran
(Grantor's/Owner's Name)

X Wendy L Gardner
(Signature of 2nd Witness)

Member
Title

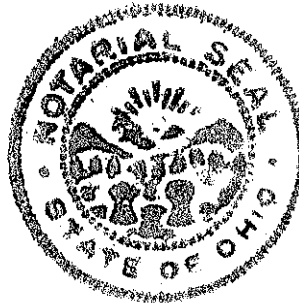
Wendy L Gardner
(Name of 2nd Witness)

STATE OF OHIO)
) SS:
COUNTY OF LUCAS)

The foregoing instrument was signed and acknowledged before me this 29th day of August, 2003 by James T. Saffran, the authorized Member of Bostleman Development, LLC, an Ohio limited liability company, on behalf of the company, as the Manager of Daniels-International Venture, LLP, a Florida limited liability partnership, on behalf of the partnership.

Gina E. Cataldo
Notary Public Signature

GINA E. CATALDO
Notary Public -- State of Ohio
My Commission Expires 4-10-2006



Printed Name of Notary Public

(Notary Seal & Commission Number)

Exhibit B

Easement granted to United Telephone of Florida, Florida Power & Light and Jones Intercable by instrument recorded in Book 2151 , Page 2455.

Terms, conditions and provisions of Easement Agreement for Drainage, recorded in Book 2242, Page 1896.

Terms, conditions and provisions of Easement Agreement for Access, recorded in Book 2242, Page 1907.

Terms, conditions and provisions of Termination of Agreement and Ratifications of Easements recorded in Book 2851, Page 319, and Easement Modification and Relocation Agreement recorded in Book 3041 at Page 94.

Notice of Development Order recorded in Book 2405, Page 3766.

Oil Gas and Mineral rights contained in Deed Book 196, Page 553, Deed Book 206, Page 452, Deed Book 207, Page 331 and Deed Book 254, Page 369. The right of entry to such rights has been released.

Oil, gas and mineral rights contained in instrument recorded in, Official Records Book 1206, Page 1346 and Official Records Book 1210, Page 1513. The right of entry as to such rights has not been released; therefore, coverage afforded as to this exception under Item 3 (b) of Florida Form 9 Endorsement, if attached, is not available and is hereby deleted from said endorsement.

Covenant of Unified Control filed for record December 19, 2002, in Book 3803, Page 1233.

That certain mortgage from Daniels-International Venture, LLP, a Florida Limited Liability Partnership to THE HUNTINGTON NATIONAL BANK, filed of record 03/04/2003 in Book 3859, Page 4378, in the original principal amount of \$9,120,000.00, and the terms and conditions thereof, said mortgage having been partial released in Book 3890, Page 1742, Public Records of Lee County, Florida.

UCC-1 (Financing Statement) recorded 3/4/03 in Book 3859, Page 4409 .

Declaration of Covenants, Conditions and Restrictions recorded in Book 3858, Page 4627 , but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c).

All of the terms and provisions set forth and contained in that certain Lease between Daniels-International Venture, LLP, Lessor, and Kash N' Karry Food Stores, Inc., Lessee, a memorandum of which is recorded in Book 3859, Page 4418 .

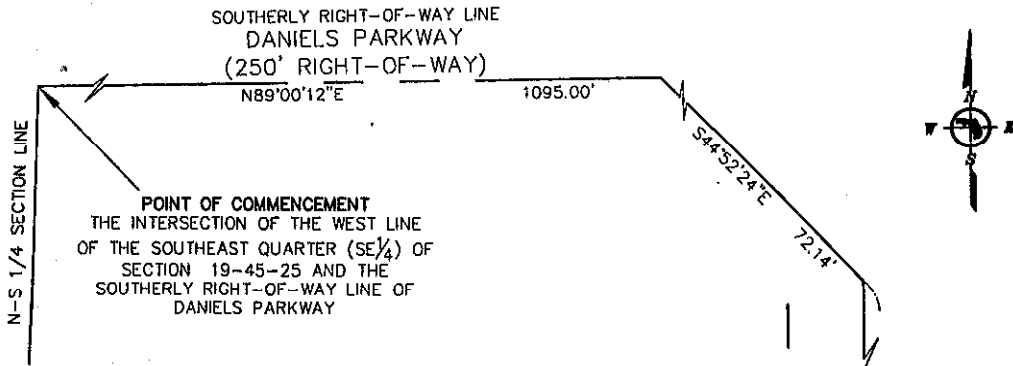
Unrecorded Lease dated February 18, 2003 by and between Daniels-International Venture, LLP, a Florida limited liability partnership, as Landlord and Kash N' Karry Food Stores, Inc., as Tenant, as evidenced by Memorandum of Lease, recorded March 4, 2003 in OR Book 3859, Page 4418, and all parties claiming by through or under said tenant.



CONSUL-TECH SURVEYING & MAPPING, INC.

Consulting Engineers Land Planners Land Surveyors
 24831 Old 41 Road Phone (239) 947-0266
 BONITA SPRINGS, FL. 34135 Fax (239) 947-1323
 CERTIFICATE OF AUTHORIZATION #LB7121

LEGAL DESCRIPTION AND SKETCH - NOT A BOUNDARY SURVEY



POINT OF COMMENCEMENT
 THE INTERSECTION OF THE WEST LINE
 OF THE SOUTHEAST QUARTER (SE 1/4) OF
 SECTION 19-45-25 AND THE
 SOUTHERLY RIGHT-OF-WAY LINE OF
 DANIELS PARKWAY

10' PUBLIC UTILITY EASEMENT
 OFFICIAL RECORDS BOOK
 2151, PAGE 2455

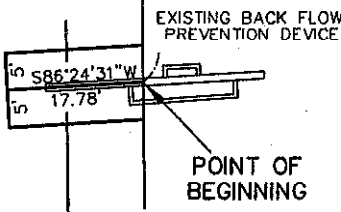
WEST RIGHT-OF-WAY LINE
 INTERNATIONAL DRIVE
 (100' RIGHT-OF-WAY)

LEGAL DESCRIPTION

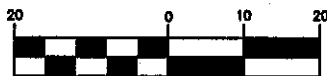
AN EASEMENT, 10 FEET WIDE, LYING IN THE
 SOUTHEAST QUARTER (SE 1/4) OF SECTION 19,
 TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY,
 FLORIDA, MORE PARTICULARLY DESCRIBED AS
 FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WEST
 LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID
 SECTION 19, AND THE SOUTHERLY RIGHT OF WAY
 LINE OF DANIELS PARKWAY AS DESCRIBED IN ORDER
 OF TAKING RECORDED IN OFFICIAL RECORD BOOK
 1468 AT PAGE 2090, LEE COUNTY RECORDS; THENCE
 NORTH 89°00'12" EAST, ALONG SAID SOUTHERLY LINE,
 1095.00 FEET; THENCE SOUTH 44°52'24" EAST, 72.14
 FEET; THENCE SOUTH 00°59'48" EAST, 452.67 FEET,
 TO THE POINT OF BEGINNING OF SAID EASEMENT,
 LYING 5 FEET ON BOTH SIDES OF THE FOLLOWING
 DESCRIBED CENTERLINE:

THENCE SOUTH 86°24'31" WEST, 17.78 FEET, TO THE
 END OF SAID CENTERLINE.



GRAPHIC SCALE



(IN FEET)

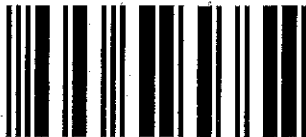
1 inch = 20 ft.

COPY

CONSUL-TECH SURVEYING & MAPPING, INC.

Robert W. Bills 8-14-03
 ROBERT W. BILLS PSM 4698 DATE

DWG # \WAL...Q21206-UTILITY.DWG



FLORIDA DEPARTMENT OF REVENUE RETURN FOR TRANSFERS OF INTEREST IN REAL PROPERTY

PHOTOCOPIES OF
THIS FORM NOT
ACCEPTABLE

DR-219
R. 07/98

(PLEASE READ INSTRUCTIONS ON THE BACK OF THIS FORM BEFORE COMPLETING)

Use black ink. Enter numbers as shown below. If typing, enter numbers as shown below.

0 1 2 3 4 5 6 7 8 9 0 1 2 3 4 5 6 7 8 9

1. Parcel Identification Number (If Parcel ID not available please call County Property Appraiser's Office) → 19452500000030060

2. Mark (x) all that apply: Multi-parcel transaction? Transaction is a split or cutout from another parcel? Property was improved with building(s) at time of sale/transfer?

3. Grantor (Seller): DANIELS INTERNATIONAL VENTURE
Last: C/O BOSTLE CORP, First: 1750 INDIAN WOOD CIR #100, MI: MAUMEE OH 43537 Corporate Name (if applicable)

4. Grantee (Buyer): LEE COUNTY BOARD OF COUNTY COMMISSIONERS
Mailing Address: P. O. BOX 398, FT. MYERS, FL 33902 City: State: Zip Code: Phone No. (239) 479-8181

5. Date of Sale/Transfer: / / \$ Sale/Transfer Price: . 00 Property Located In 4 6 County Code (County Codes on Reverse)

6. Type of Document: Contract/Agreement for Deed, Other, Warranty Deed, Quit Claim Deed. EASEMENT DONATION. 7. Are any mortgages on the property? If "Yes", outstanding mortgage balance: \$. 00

8. To the best of your knowledge, were there unusual circumstances or conditions to the sale/transfer such as: Forced sale by court order? Foreclosure pending? Distress Sale? Title defects? Corrective Deed? Mineral rights? Sale of a partial or undivided interest? Related to seller by blood or marriage. YES / NO

9. Was the sale/transfer financed? YES / NO. If "Yes", please indicate type or types of financing: Conventional Seller Provided Agreement or Contract for Deed Other

10. Property Type: Residential Commercial Industrial Agricultural Institutional/Miscellaneous Government Vacant Acreage Timeshare

11. To the best of your knowledge, was personal property included in the sale/transfer? If "Yes", please state the amount attributable to the personal property. (Round to nearest dollar.) YES / NO \$. 00

12. Amount of Documentary Stamp Tax \$.

13. If no tax is due in number 12, is deed exempt from Documentary Stamp Tax under s. 201.02(6), Florida Statutes? YES / NO

Under penalties of perjury, I declare that I have read the foregoing return and that the facts stated in it are true. If prepared by someone other than the taxpayer, his/her declaration is based on all information of which he/her has any knowledge.

Signature of Grantor or Grantee or Agent: RICK DIAZ, P.E. UTILITIES DIRECTOR Date: 11/6/03

WARNING: FAILURE TO FILE THIS RETURN OR ALTERNATIVE FORM APPROVED BY THE DEPARTMENT OF REVENUE SHALL RESULT IN A PENALTY OF \$25.00 IN ADDITION TO ANY OTHER PENALTY IMPOSED BY THE REVENUE LAW OF FLORIDA.

(To be completed by the Clerk of the Circuit Court's Office) Clerks Date Stamp

O. R. Book and Page Number and File Number: Date Recorded: / /

TO: LEE COUNTY FINANCE DEPARTMENT

BS 20031326-UTL

FROM: UTILITIES ENGINEERING
(Department)
SUE GULLEDGE

A. AUTHORIZATION:

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

Purchase Order # N/A for THE SHOPPES AT PLANTATION, PHASE 1 (DANIELS INTERNATIONAL) project.
ACCOUNT NO. OD53607487.504930
ORIGINAL EASEMENT TO MINUTES AFTER RECORDING,
WITH COPY TO SUE GULLEDGE, UTILITIES

Sue Gulledge
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