

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY **BLUE SHEET NO: 20031353 -UTL**

1. REQUESTED MOTION:

ACTION REQUESTED:

Approve final acceptance, by Resolution, and recording of one (1) Utility Easement as a donation of a water distribution system, gravity collection system, two (2) lift stations and a force main serving *VERANDAH - PHASE 1A-2*. This is a Developer Contributed asset project located on the south side of State Road 80, approximately 1/2 mile east of State Road 31.

WHY ACTION IS NECESSARY:

To provide potable water service, fire protection and sanitary sewer service to this phase of the residential development.

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 #: 5

C10B

3. MEETING DATE:

12-02-2003

4. AGENDA:

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

5. REQUIREMENT/PURPOSE:

- (Specify)*
- STATUTE _____
 - ORDINANCE _____
 - ADMIN. CODE _____
 - OTHER *Res., Easement*

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: *11/13/03*

7. BACKGROUND:

The Board granted permission to construct on 02/18/03, Blue Sheet #20030080. The installation has been inspected for conformance to the Lee County Utilities Operations Manual. Satisfactory pressure and bacteriological testing of the water system has been completed. Satisfactory closed circuit television inspection of the gravity collection system has been performed. Satisfactory Lift Station Start-ups have been performed (LS Nos. 4430 & 4431). Record Drawings have been provided. Engineer's Certification of Completion has been provided---copy attached. Project location map---copy attached. Warranty has been provided---copy attached. Waiver of lien has been provided---copy attached. Certification of Contributory Assets has been provided---copy attached. 100% of the connection fees have been paid.

Funds are available for recording fees in account # OD5360748700.504930.

SECTION 30 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: <i>11-14-03</i> | N/A Date: | N/A Date: | <i>T.O.</i> T. Osterhout Date: <i>11-13</i> | <i>S. ...</i> Date: <i>11/14/03</i> | <i>...</i> <i>11-17-03</i> | <i>...</i> <i>11/17/03</i> | <i>...</i> <i>11/17/03</i> | <i>...</i> <i>11-17-03</i> | <i>J. Lavender</i> Date: <i>11-14-03</i> |

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
 Date: *11/14/03*
 Time: *3:00 PM*
 Forwarded To:
CA Admin
11/14/03

RECEIVED BY
 COUNTY ADMIN: *PM*
11/14/03
4:45 PM SUT
 COUNTY ADMIN
 FORWARDED TO:
11/14/03

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

WHEREAS, it is the desire of Verandah Development, LLC, owner of record, to make a contribution to Lee County Utilities of water facilities (water distribution system), and sewer facilities (gravity collection system, two lift stations and one force main) serving "**VERANDAH, PHASE 1A-2**"; 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 **\$1,265,475.79** 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

COPY

LETTER OF COMPLETION

DATE: 10/28/03

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

Mr. James P. Ward
District Manager
210 North University Drive
Suite 702
Coral Springs, FL 33071

Gentlemen:

This is to certify that the water/sewer distribution system(s) located in
Verandah Phase 1A: Phase 2 Utilities.

was designed by me and has been constructed in conformance with:

the approved plans the revised plans, attached

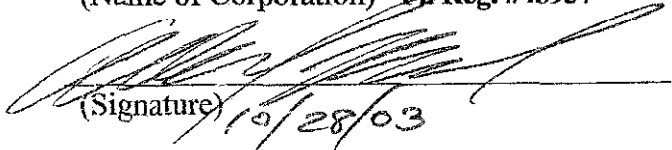
and:

the approved specifications the revised specifications, attached

Upon completion of the work, we observed the following successful tests of
the facilities: **Pressure tests of water and sanitary force mains;**
low pressure air testing of the gravity sewer system; video taping and
reports of gravity sanitary sewer system.

Very truly yours,

Allen J. Mank, P.E. for Johnson Engineering
(Name of Corporation) **EL Reg. #45937**


(Signature) 10/28/03

Project Engineer
(Title)
(SEAL OF ENGINEERING FIRM)

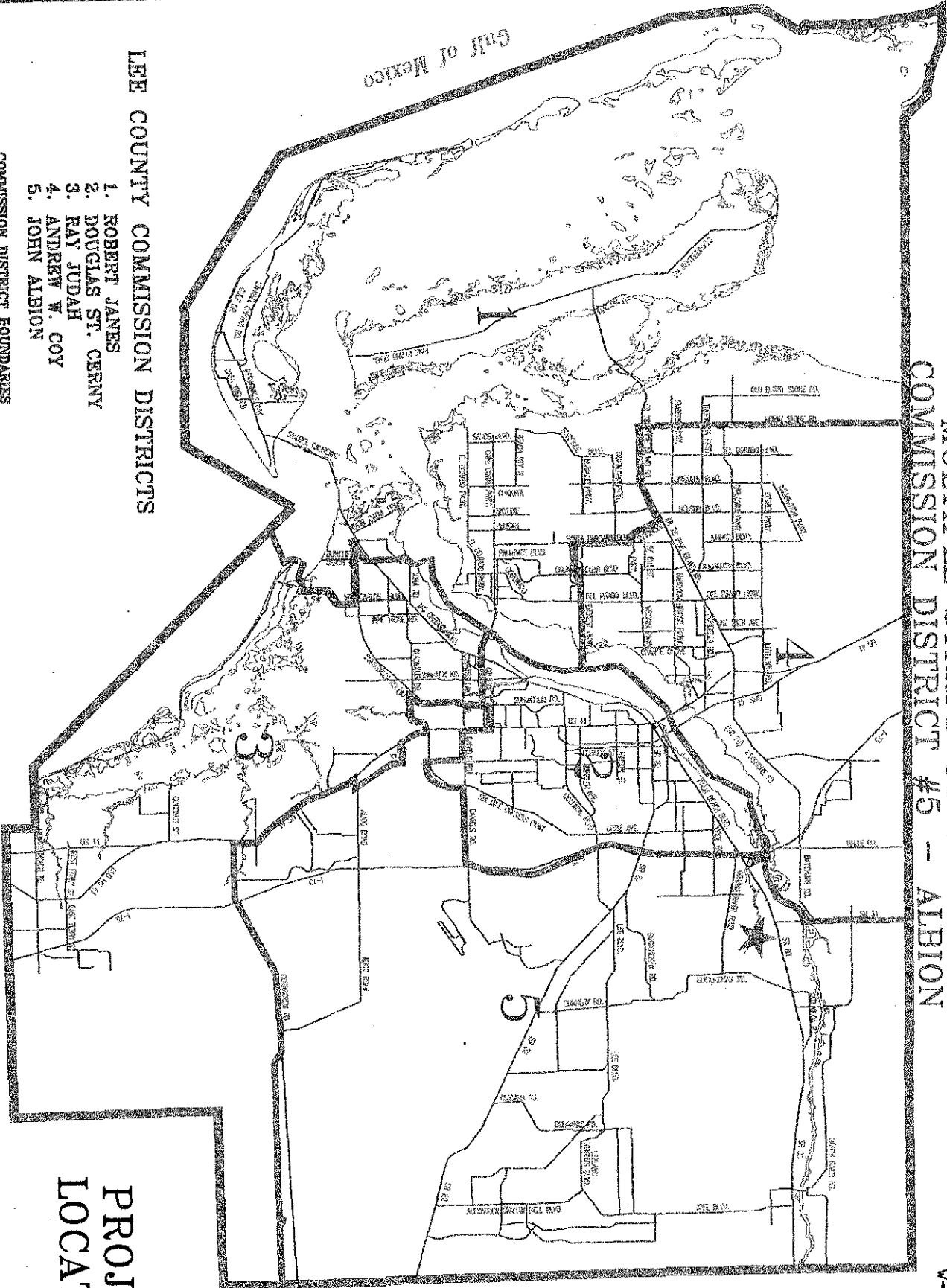
Johnson Engineering, Inc.
2158 Johnson Street
Fort Myers, Florida 33901
Phone:(239) 334-0046 / Fax:(239) 334-3661
E.B. #642 & L.B. #642

7/1/96



Gulf of Mexico

THE VERANDAH, PHASE 1A-2
MULTIPLE STRAPS 31-43-26
COMMISSION DISTRICT #5 - ALBION



LEE COUNTY COMMISSION DISTRICTS

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

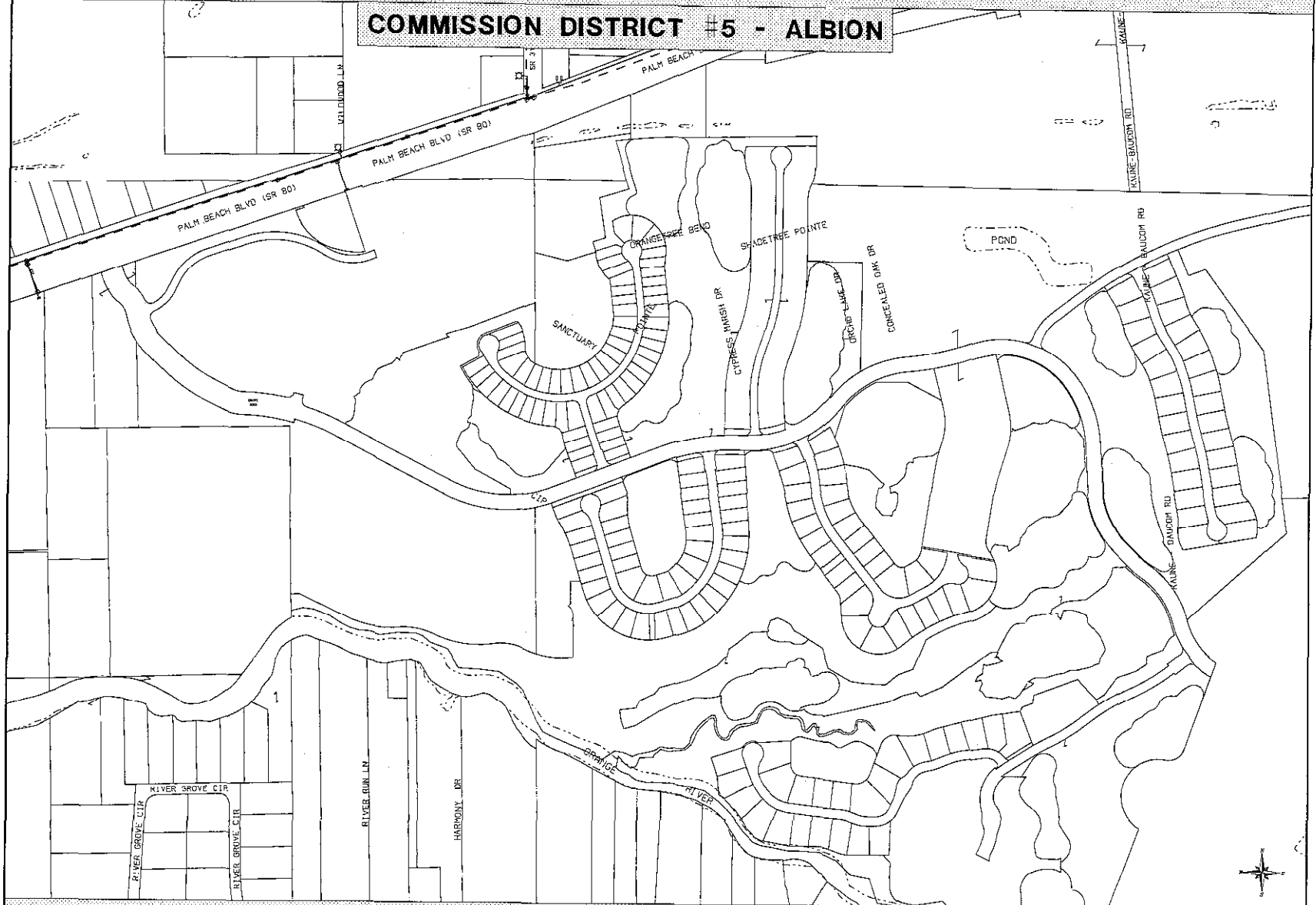
COMMISSION DISTRICT BOUNDARIES
DECEMBER 2000

PROJECT
LOCATION

COPY

THE VERANDAH - PHASE 1A-2

COMMISSION DISTRICT #5 - ALBION



MULTIPLE STRAPS WITHIN 31-43-26

COPY

COPY

WARRANTY

THE UNDERSIGNED parties do hereby warrant and/or guaranty all work executed by the contractor on the water and/or sewer systems of (Name of Development): Verandah Phase 1A, Phase 2 utilities

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.

Mitchell & Stark Const. Co., Inc.
(NAME OF OWNER OR CONTRACTOR)

BY: Vice President
(SIGNATURE & TITLE)



STATE OF Florida)
) SS:
COUNTY OF Collier)

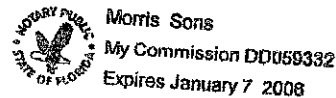
The foregoing instrument was signed and acknowledged before me this August day of 22, 2003 by Brian Penner who has produced P560-076-59-348-0
(Print or Type Name) (Type Of Identification and Number)

as identification, and who (~~did~~) (did not) take an oath.

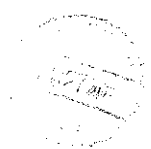
Mson
Notary Public Signature

Morris Sons
Printed Name of Notary Public

DA059332
Notary Commission Number


Morris Sons
My Commission DA059332
Expires January 7 2008

(NOTARY SEAL)



COPY

WAIVER AND RELEASE OF LIEN
UPON FINAL PAYMENT

The undersigned lienor, in consideration of the final payment in the amount of Three hundred ninety nine thousand nine hundred eighty three dollars and sixty one cents (\$399,983.61) hereby waives and releases its lien and right to claim a lien for labor, services, or materials furnished to Verandah Development LLC (F.K.A. State Road 80 LLC) on the job of Verandah Development LLC (f.k.a. State Road 80 LLC) to the following described property:

| | |
|---|--|
| <u>Verandah Phase 1 A : Phase 2 Utilities</u> | <u>water distribution system</u> |
| (Name of Development/Project) | (Facilities Constructed) |
| <u>11571 Verandah Blvd., Ft. Myers, FL 33905</u> | <u>30-43-26-00-00003.0000</u> |
| (Location) | (Strap # or Section, Township & Range) |
| (Please provide full name and location of development and a description of the utility system constructed). | |

Dated on: November 3, 2003

| | |
|--|--|
| By: <u>[Signature]</u> | <u>Mitchell & Stark Construction Co., Inc.</u> |
| (Signature of Authorized Representative) | (Name of Firm or Corporation) |

| | |
|---|----------------------------------|
| By: <u>Brian Penner V.P.</u> | <u>6001 Shirley Street</u> |
| (Print Name of Authorized Representative) | (Address of Firm or Corporation) |

| | |
|--------------------------------------|--|
| Phone #: <u>(239)597-2165 Ext.25</u> | <u>Naples, FL 34109-</u> |
| | (City, State & Zip Of Firm Or Corporation) |

Fax#: (239)566-7865

STATE OF FL)
) SS:
COUNTY OF Collier)

The foregoing instrument was signed and acknowledged before me this 3 rd day of NOV, 2003 by Brian Penner who is personally known to me - _____, and who did not take an oath.

[Signature]
(Notary Public Signature)

(Notary Seal & Commission Number)

Morris Sons
(Printed Name of Notary Public)

Morris Sons
My Commission DD059332
Expires January 07 2006



COPY

WAIVER AND RELEASE OF LIEN
UPON FINAL PAYMENT

The undersigned lienor, in consideration of the final payment in the amount of Eight hundred sixty five thousand four hundred ninety two dollars and eighteen cents (\$865,492.18) hereby waivers and releases its lien and right to claim a lien for labor, services, or materials furnished to Verandah Development LLC (F.K.A. State Road 80 LLC) on the job of Verandah Development LLC (f.k.a. State Road 80 LLC) to the following described property:

| | |
|---|---|
| <u>Verandah Phase 1 A : Phase 2 Utilities</u> (Name of Development/Project) | <u>sanitary sewer system</u> (Facilities Constructed) |
| <u>11571 Verandah Blvd., Ft. Myers, FL 33905</u> (Location) (Please provide full name and location of development and a description of the utility system constructed). | <u>30-43-26-00-00003.0000</u> (Strap # or Section, Township & Range) |

Dated on: October 30, 2003

By: [Signature] Mitchell & Stark Construction Co., Inc.
(Signature of Authorized Representative) (Name of Firm or Corporation)

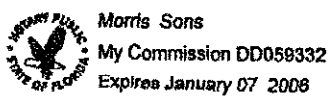
By: Brian Penner V.P. 6001 Shirley Street
(Print Name of Authorized Representative) (Address of Firm or Corporation)

Phone #: (239)597-2165 Ext.25 Naples, FL 34109-
(City, State & Zip Of Firm Or Corporation)

Fax#: (239)566-7865

STATE OF FL)
) SS:
COUNTY OF Collier)

The foregoing instrument was signed and acknowledged before me this 30 th day of OCT, 2003 by Brian Penner who is personally known to me - _____, and who did not take an oath.



[Signature]
(Notary Public Signature)

(Notary Seal & Commission Number)

Morris Sons
(Printed Name of Notary Public)



VERANDAH PHASE 1A
PHASE II UTILITIES
STRAP NUMBERS

30-43-26-00-00003.0000

31-43-26-04-000R1.0000

31-43-26-04-000R2.0000

31-43-26-04-000R3.0000

31-43-26-04-000R4.0000

31-43-26-04-000R5.0000

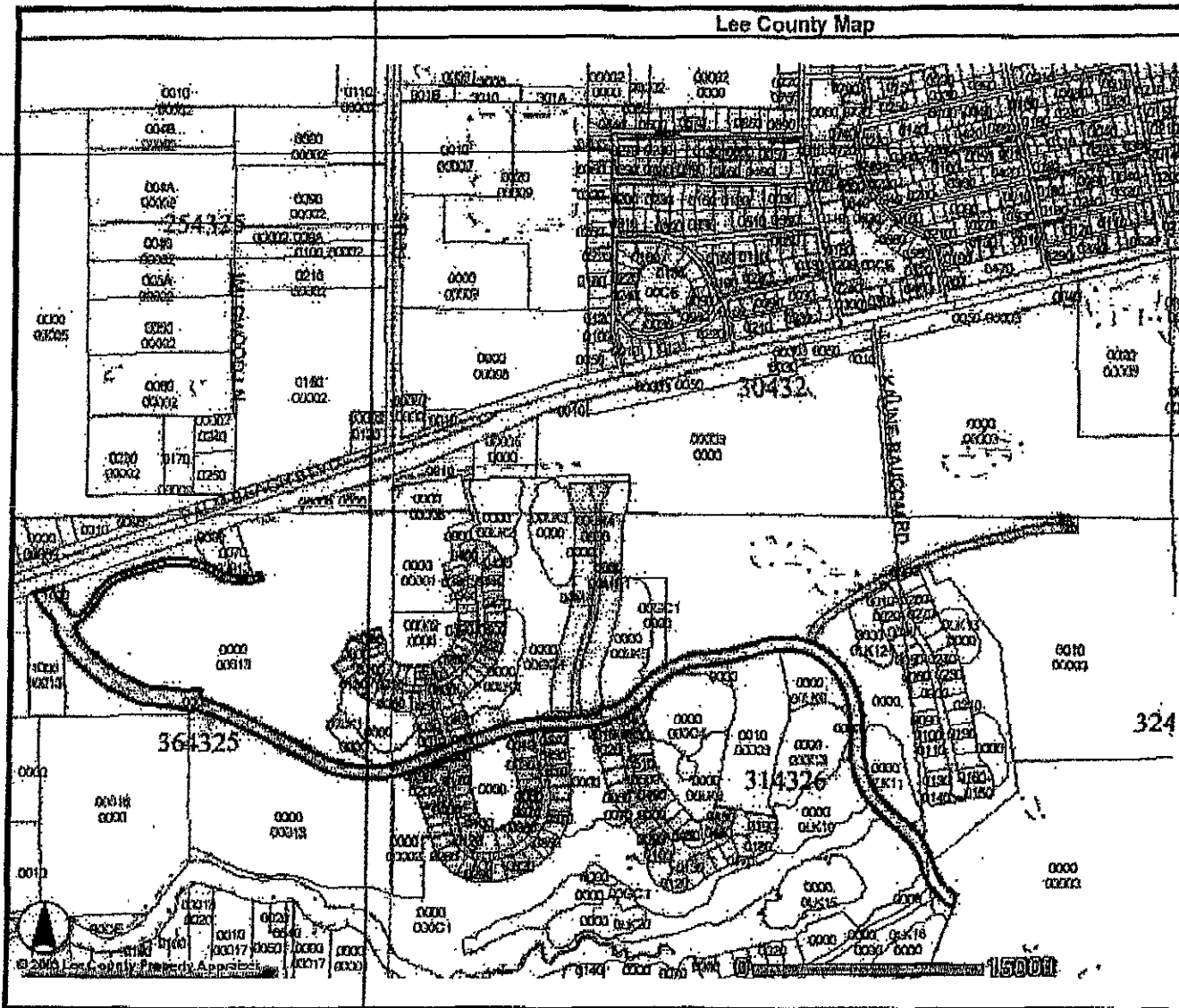
31-43-26-04-000R6.0000

36-43-25-00-00013.0000

36-43-25-04-00GC1.0000

| | | | | | | |
|-------------------|-----------------------------|------|---------|----------------|------------|---|
| Post-It* Fax Note | | 7671 | Date | 8/4/03 | # of pages | 2 |
| To | L. D. ... | | From | Mitchell & ... | | |
| Co. | Mitchell & ... | | Co. | | | |
| Phone # | | | Phone # | | | |
| Fax # | RAI STRAP Nos. as requested | | Fax # | | | |





- Verandah Boulevard- 31-43-26-04-000R1.0000
- Pump Station #1 Location- 36-43-25-00-00013.0000
- Pump Station #2 Location- 36-43-25-04-00-001.0000
- Bramble Cove Court/Bramble Cove Drive- 31-43-26-04-000R2.0000
- Meandering Way- 31-43-26-04-000R4.0000
- Shady Bend- 31-43-26-04-000R3.0000
- Cypress Marsh Drive- 31-43-26-04-000R5.0000
- Oak Bend Drive- 31-43-26-04-000R6.0000
- 12" Force Main Location- 30-43-26-00-00003.0000



**VERANDAH CONTRIBUTORY ASSETS
PHASE 2**

WATER DISTRIBUTION

| DESCRIPTION | QUANTITY | UNIT | UNIT PRICE | AMOUNT |
|---|----------|------|------------|---------------------|
| 12 INCH PVC WATERMAIN DR 18 | 8137 | LF | \$17.07 | \$138,898.59 |
| 12 INCH WM DUCTILE IRON PIPE CL 50 | 551 | LF | \$26.08 | \$14,370.08 |
| 12 INCH GATE VALVE | 22 | EA | \$1,260.00 | \$27,720.00 |
| 12 INCH DEFLECTION | 1 | EA | \$2,600.00 | \$2,600.00 |
| 10 INCH PVC WATERMAIN DR 18 | 1255 | LF | \$12.89 | \$16,176.95 |
| 10 INCH WM DUCTILE IRON PIPE CL 50 | 57 | LF | \$19.25 | \$1,097.25 |
| 10 INCH GATE VALVE | 2 | EA | \$1,074.50 | \$2,149.00 |
| 8 INCH PVC WATERMAIN DR 18 | 3544 | LF | \$10.88 | \$38,558.72 |
| 8 INCH WM DUCTILE IRON PIPE CL 50 | 736 | LF | \$16.60 | \$12,217.60 |
| 8 INCH GATE VALVE | 15 | EA | \$756.50 | \$11,347.50 |
| 6 INCH WM DUCTILE IRON PIPE CL 50 | 231 | LF | \$14.48 | \$3,344.88 |
| 4 INCH WATERMAIN DR 18 | 740 | LF | \$7.09 | \$5,246.60 |
| 4 INCH GATE VALVE | 4 | EA | \$458.00 | \$1,832.00 |
| 4" BLOW OFF W/O GATE VALVE | 1 | EA | \$864.00 | \$864.00 |
| 24" STEEL CASING W/SPACERS | 64 | LF | \$90.36 | \$5,783.04 |
| 20" STEEL CASING W/SPACERS | 64 | LF | \$82.00 | \$5,248.00 |
| 16" STEEL CASING W/SPACERS | 16 | LF | \$68.40 | \$1,094.40 |
| FIRE HYDRANT | 23 | EA | \$2,393.00 | \$55,039.00 |
| SINGLE WATER SERVICE W/BFP | 3 | EA | \$612.00 | \$1,836.00 |
| SINGLE WATER SERVICE | 45 | EA | \$359.00 | \$16,155.00 |
| DOUBLE WATER SERVICE | 54 | EA | \$490.00 | \$26,460.00 |
| 2 INCH WATER SERVICE | 15 | EA | \$721.00 | \$10,815.00 |
| TIE INTO EXISTING MAIN | 1 | EA | \$1,130.00 | \$1,130.00 |
| TOTAL WATER DISTRIBUTION PHASE 2 | | | | \$399,983.61 |



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: *L.D. Neal* L.D. NEAL PROJECT MGR
(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 3 rd day of November, 2003
, 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 07 2006

Morris Sons
Notary Public Signature

Morris Sons
Printed Name of Notary Public

DD059332
Notary Commission Number



VERANDAH PHASE 1A
PHASE II UTILITIES
STRAP NUMBERS

30-43-26-00-00003.0000

31-43-26-04-000R1.0000

31-43-26-04-000R2.0000

31-43-26-04-000R3.0000

31-43-26-04-000R4.0000

31-43-26-04-000R5.0000

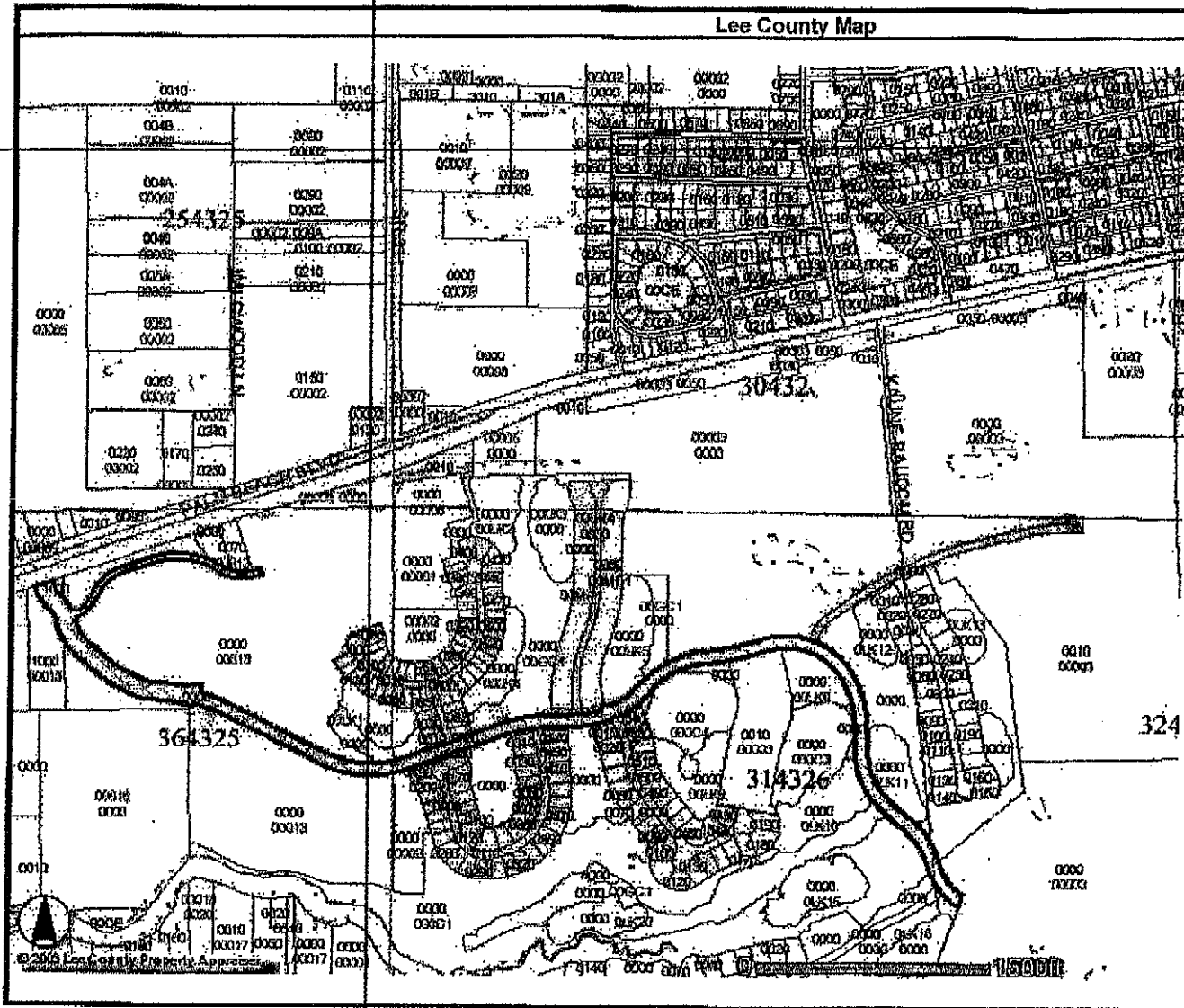
31-43-26-04-000R6.0000

36-43-25-00-00013.0000

36-43-25-04-00GC1.0000

| | | | | | | |
|-------------------|------------------------------------|------|---------|-----------------------------|------------|---|
| Post-It® Fax Note | | 7671 | Date | 8/4/03 | # of pages | 2 |
| To | <i>L.D. Lee</i> | | From | <i>Mitchell & Stand</i> | | |
| Co. | <i>Mitchell & Stand</i> | | Co. | | | |
| Phone # | | | Phone # | | | |
| Fax # | <i>RE: STRAP Nos. as requested</i> | | | | | |





- Verandah Boulevard- 31-43-26-04-000R1.0000
- Pump Station #1 Location- 36-43-25-00-00013.0000
- Pump Station #2 Location- 36-43-25-04-00-001.0000
- Bramble Cove Court/Bramble Cove Drive- 31-43-26-04-000R2.0000
- Meandering Way- 31-43-26-04-000R4.0000
- Shady Bend- 31-43-26-04-000R3.0000
- Cypress Marsh Drive- 31-43-26-04-000R5.0000
- Oak Bend Drive- 31-43-26-04-000R6.0000
- 12" Force Main Location- 30-43-26-00-00003.0000



**VERANDAH CONTRIBUTORY ASSETS
PHASE 2**

SANITARY SEWER

| DESCRIPTION | QUANTITY | UNIT | UNIT PRICE | AMOUNT |
|-------------------------------------|----------|------|-------------|---------------------|
| GRAVITY SEWER | | | | |
| 8 INCH PVC DR 26 SEWER 0-6 | 797 | LF | \$14.21 | \$11,325.37 |
| 8 INCH PVC DR 26 SEWER 6-8 | 2425 | LF | \$18.41 | \$44,644.25 |
| 8 INCH PVC DR 26 SEWER 8-10 | 2598 | LF | \$20.51 | \$53,284.98 |
| 8 INCH PVC DR 26 SEWER 10-12 | 1699 | LF | \$26.71 | \$45,380.29 |
| 8 INCH PVC DR 26 SEWER 12-14 | 1191 | LF | \$35.06 | \$41,756.46 |
| 8 INCH PVC DR 26 SEWER 14-16 | 656 | LF | \$36.94 | \$24,232.64 |
| 8 INCH PVC DR 26 SEWER 16 > | 206 | LF | \$40.19 | \$8,279.14 |
| 10 INCH PVC DR 18 SEWER 14-16 | 50 | LF | \$41.11 | \$2,055.50 |
| 10 INCH PVC DR 18 SEWER 16 > | 53 | LF | \$44.11 | \$2,337.83 |
| 4' DIA. MANHOLES 0-6 | 7 | EA | \$3,275.00 | \$22,925.00 |
| 4' DIA. MANHOLES 6-8 | 12 | EA | \$3,825.00 | \$45,900.00 |
| 4' DIA. MANHOLES 8-10 | 12 | EA | \$4,555.00 | \$54,660.00 |
| 4' DIA. MANHOLES 10-12 | 8 | EA | \$5,368.00 | \$42,944.00 |
| 4' DIA. MANHOLES 12-14 | 4 | EA | \$5,892.00 | \$23,568.00 |
| 4' DIA. MANHOLES 14-16 | 4 | EA | \$6,778.00 | \$27,112.00 |
| 4' DIA. MANHOLES 16> | 1 | EA | \$7,558.00 | \$7,558.00 |
| 6' DIA. MASTER MANHOLE 14-16 | 1 | EA | \$11,848.00 | \$11,848.00 |
| 6' DIA. MASTER MANHOLE 16> | 1 | EA | \$13,249.00 | \$13,249.00 |
| LIFT STATIONS | 2 | EA | \$85,000.00 | \$170,000.00 |
| SINGLE SEWER SERVICE | 43 | EA | \$640.00 | \$27,520.00 |
| DOUBLE SEWER SERVICE | 63 | EA | \$695.00 | \$43,785.00 |
| SUBTOTAL GRAVITY SEWER | | | | \$724,365.46 |
| FORCEMANS | | | | |
| 4 INCH PVC FORCEMAIN DR 18 | 2175 | LF | \$7.41 | \$16,116.75 |
| 4 INCH PVC FORCEMAIN DR 14 | 94 | LF | \$8.23 | \$773.62 |
| 4 INCH DEFLECTION W/45'S | 1 | EA | \$1,024.00 | \$1,024.00 |
| 4 INCH PLUG VALVE | 3 | EA | \$783.00 | \$2,349.00 |
| 6 INCH PVC DR 18 FORCEMAIN | 1861 | LF | \$9.21 | \$17,139.81 |
| 6 INCH PVC DR 14 FORCEMAIN | 232 | LF | \$10.27 | \$2,382.64 |
| 6 INCH DEFLECTION W/45'S | 3 | EA | \$1,173.00 | \$3,519.00 |
| 6 INCH PLUG VALVE | 1 | EA | \$995.00 | \$995.00 |
| 10 INCH PLUG VALVE | 1 | EA | \$1,552.50 | \$1,552.50 |
| 12 INCH PVC DR 18 FORCEMAIN | 3320 | LF | \$19.72 | \$65,470.40 |
| 12 INCH PVC DR 14 FORCEMAIN | 350 | LF | \$21.84 | \$7,644.00 |
| 12 INCH DEFLECTION W/45'S | 5 | EA | \$3,000.00 | \$15,000.00 |
| 12 INCH PLUG VALVE | 4 | EA | \$1,790.00 | \$7,160.00 |
| SUBTOTAL FORCEMANS | | | | \$141,126.72 |
| TOTAL SANITARY SEWER PHASE 2 | | | | \$865,492.18 |



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: L.D. Neal L.D. NEAL, 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 30 th day of October, 2003, 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 07 2006

Morris Sons
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**, 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 DOLLAR (\$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 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 to be 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 any time, present or future, by GRANTOR, or its heirs, successors or assigns.

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

5. Subject to any pre-existing easements for public highways or roads, railroads, laterals, ditches, pipelines and electrical transmission or distribution lines and

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

6. GRANTOR(S), its heirs, successors or assigns, shall 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 location within the above-described easement.

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

8. GRANTEE shall have reasonable right of access across GRANTOR's property for the purposes of reaching the described easement (Exhibit "A") on either paved or unpaved surfaces. Any damage to GRANTOR's property or permitted improvements thereon as the result of such access to the described easement or the construction, maintenance, or repairs located within the described easement shall be restored by GRANTEE, to the condition in which it existed prior to the damage as is reasonably practicable. 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)

Michael A. Jones
(Name of 1st Witness)

x Joanne Jones
(Signature of 2nd Witness)

Joanne Jones
(Name of 2nd Witness)

x David H. Graham
(Grantor's/Owner's Signature) 7/23/03

David H. Graham
(Grantor's/Owner's Name)

Owner VP of Resource Conservation
Title Properties, Inc., Managing Member
of Verandah Development LLC (f/k/a
State Road 80 LLC)

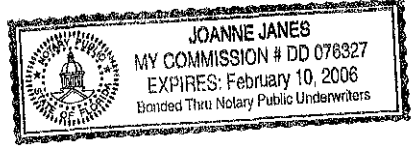
STATE OF FLORIDA)
) ss:
COUNTY OF LEE)

The foregoing instrument was signed and acknowledged before me this 23rd day of July, 2003 by David H. Graham who has produced the following as identification, is personally known by me, and who did take an oath.

Joanne Jones
Notary Public Signature

Joanne Jones
Printed Name of Notary Public

(Notary Seal & Commission Number)





JULY 28, 2003

DESCRIPTION**20' LEE COUNTY UTILITY EASEMENT
PARCEL OF LAND IN SECTION 30, TOWNSHIP 43 SOUTH, RANGE 26 EAST
SECTION 30, TOWNSHIP 43 SOUTH, RANGE 26 EAST,
LEE COUNTY, FLORIDA**

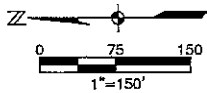
A 20 foot Lee County Utility Easement, located in Section 30, Township 43 South, Range 26 East, Lee County, Florida, being more particularly described as follows:

Commencing at the Southeast Corner of Section 30, Township 43 South, Range 26 East, thence run North 01°29'31" West, along the Easterly line of the Southeast Quarter (SW1/4) of said Section 30, to an intersection with the Southerly Right-of-Way of Palm Beach Boulevard (State Road 80), for 1739.59 feet; thence run South 77°10'13" West, along said Right-of-Way, for 738.46 feet to the Point of Beginning.

From said Point of Beginning, departing from said Southerly Right-of-Way run South 12°49'47" East for 155.00 feet; thence run North 77°10'13" East for 53.20 feet; thence run South 52°09'40" East for 52.98 feet; thence run South 01°29'33" East for 1099.39 feet; thence run South 06°29'52" West for 189.70 feet; thence run South 09°24'20" West, to an intersection with the Northerly Right-of-Way of Proposed Oak Bend Drive, also being a point on a non-tangent curve, for 144.48 feet; thence run northwesterly along an arc of said curve to the left of radius 225.00 feet (delta 5°20'28") (chord bearing North 63°07'40" West) (chord 20.97 feet) for 20.97 feet; thence, departing from said Right-of-Way, run North 09°24'20" East for 137.67 feet; thence run North 06°29'52" East for 187.80 feet; thence run North 01°29'33" West for 1088.52 Feet; thence run North 52°09'40" West for 34.04 feet; thence run South 77°10'13" West for 63.73 feet; thence run North 12°49'47" West, to an intersection with the Southerly Right-of-Way of Palm Beach Boulevard (State Road 80), for 175.00 feet; thence run North 77°10'13" East, along said Right-of-Way, for 20.00 feet to the Point of Beginning.

Containing 33,818 square feet or 0.78 acres, more or less.

Bearings mentioned herein are based on State Plan Coordinates, Florida West Zone, Nad 1983 (1990 Adjustment), wherein the Easterly line of the Southeast Quarter (SW ¼) of Section 30, Township 43 South, Range 26 East, Lee County, Florida, bears North 01° 29' 31" West.



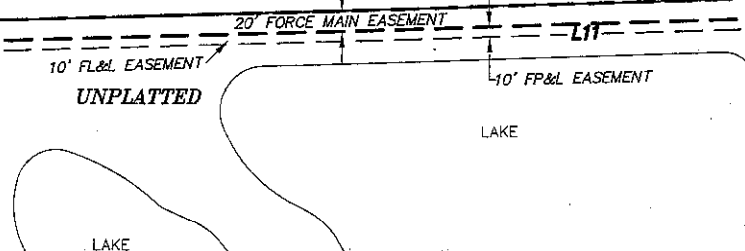
SEVENTH DAY ADVENTIST
(OR 655, PG 407)

EAST LINE OF THE SOUTHEAST 1/4 SECTION 30

POINT OF BEGINNING

POINT OF COMMENCEMENT
SOUTHEAST CORNER OF SECTION 30

PALM BEACH BOULEVARD
(STATE ROAD 80)
SOUTHERLY RIGHT-OF-WAY PALM BEACH BOULEVARD



UNPLATTED

FUTURE VERANDAH UNIT II TRACT

LAKE

LAKE

| LINE TABLE | | |
|------------|---------------|---------|
| LINE | BEARING | LENGTH |
| L1 | N 01°29'31" W | 1739.59 |
| L2 | S 77°10'13" W | 738.46 |
| L3 | S 12°49'47" E | 155.00 |
| L4 | N 77°10'13" E | 53.20 |
| L5 | S 52°09'40" E | 52.98 |
| L6 | S 01°29'33" E | 1099.39 |
| L7 | S 06°29'52" W | 189.70 |
| L8 | S 09°24'20" W | 144.48 |
| L9 | N 09°24'20" E | 137.67 |
| L10 | N 06°29'52" E | 187.80 |
| L11 | N 01°29'33" W | 1088.52 |
| L12 | N 52°09'40" W | 34.04 |
| L13 | S 77°10'13" W | 63.73 |
| L14 | N 12°49'47" W | 175.00 |
| L15 | N 77°10'13" E | 20.00 |

| CURVE TABLE | | | | | |
|-------------|--------|----------|---------------|-------|--------|
| CURVE | RADIUS | DELTA | DIRECTION | CHORD | LENGTH |
| C1 | 225.00 | 5°20'28" | N 63°07'40" W | 20.97 | 20.97 |

100' FP&L EASEMENT
(DB 230, PG 106)

50' FP&L EASEMENT
(OR 237, PG 137)

NOTES:

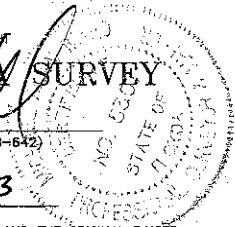
- BEARINGS SHOWN HEREON ARE BASED ON THE EAST LINE OF THE SOUTH EAST 1/4 OF SECTION 30 TO BEAR NORTH 01°29'31" WEST.
- THIS SKETCH DOES NOT MAKE ANY REPRESENTATION AS TO ZONING OR DEVELOPMENT RESTRICTIONS ON SUBJECT PARCEL.
- POB = POINT OF BEGINNING.
- POC = POINT OF COMMENCEMENT.
- DESC = DESCRIPTION.
- DESCRIPTION ATTACHED.
- DB = DEED BOOK.
- FP&L = FLORIDA POWER AND LIGHT.
- OR = OFFICIAL RECORDS BOOK.
- PG = PAGE.
- R/W = RIGHT OF WAY.
- FP&L = FLORIDA POWER AND LIGHT.

THIS IS NOT A SURVEY

MICHAEL A. WARD (FOR THE FIRM LB-642)
PROFESSIONAL LAND SURVEYOR
FLORIDA CERTIFICATE NO. 5601

DATE SIGNED: 7/29/03

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



S:\002\18\Descriptions\SR80--OAKBEND--FM--SD.dwg (FM--EASE) 1st Jul 26, 2003 - 8:30am

20' LEE COUNTY UTILITY EASEMENT
LYING IN
SECTION 30, TOWNSHIP 43 SOUTH, RANGE 26 EAST
LEE COUNTY, FLORIDA

JOHNSON
ENGINEERING

2158 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE (239) 334-0046
FAX (239) 334-3661
E.B. #642 & L.B. #642

SKETCH TO ACCOMPANY
DESCRIPTION

| DATE | PROJECT NO. | FILE NO. | SCALE | SHEET |
|----------|-------------|----------|-----------|--------|
| 07/25/03 | 20002118 | 30-43-26 | 1" = 150' | 1 OF 1 |

COPY