

**LEE COUNTY BOARD OF COUNTY COMMISSIONERS**  
**AGENDA ITEM SUMMARY** **BLUE SHEET No: 20040340-UTL**

**1. REQUESTED MOTION:**

**ACTION REQUESTED:**

Approve final acceptance by Resolution, and recording of one (1) Utility Easement, as a donation of a water main extension and one (1) 4" diameter fire line serving *MAPLE GARDENS, PHASE II*. This is a developer contributed asset project located on the east side of McGregor Boulevard approximately 1/4 mile north of College Parkway.

**WHY ACTION IS NECESSARY:**

To provide potable water service and fire protection to this recently constructed phase of an existing residential development.

**WHAT ACTION ACCOMPLISHES:**

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

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

C10I

**3. MEETING DATE:** 04-13-2004

**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:** 3/25/04

**7. BACKGROUND:**

The Board granted permission to construct on 04/22/03, Blue Sheet #20030405. 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. 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. Sanitary sewer service is provided by Lee County Utilities via a privately owned & maintained on-site gravity collection system that connects to existing Lee County Utilities infrastructure. Funds for recording fees are available in Account No. OD5360748700.504930.

SECTION 16    TOWNSHIP 45S    RANGE 24E    DISTRICT #2    COMMISSIONER ST CERNY

**MANAGEMENT RECOMMENDATIONS:**

**9. RECOMMENDED APPROVAL**

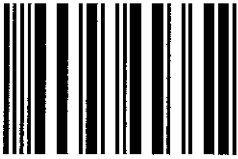
(A) DEPARTMENT DIRECTOR	(B) PURCH. OR CONTRACTS	(C) HUMAN RESOURCES	(D) OTHER	(E) COUNTY ATTORNEY	(F) BUDGET SERVICES				(G) COUNTY MANAGER
					OA	OM	Risk	GC	
<i>J. Lavender</i> Date: 3-25-04	N/A Date:	N/A Date:	P.O. T. Osterhout Date: 3-25	<i>S. P. ...</i> Date: 3/29/2004	<i>P.M.</i> 3/30/04	<i>AS</i> 3/30/04	<i>AS</i> 3/30/04	<i>AS</i> 3/30/04	<i>J. Lavender</i> Date: 3-25-04

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by County  
 Date: 3/29/04  
 Time: 2:10 pm  
 Forwarded to: 3/29/04  
 Admin

RECEIVED BY  
 COUNTY ADMIN: *PM*  
 3/29/04  
 4:30 pm  
 COUNTY ADMIN  
 FORWARDED TO: *PL*  
 3/31/04  
 2:30 pm



**FLORIDA DEPARTMENT OF REVENUE**  
**RETURN FOR TRANSFERS OF INTEREST IN REAL PROPERTY**  
 (PLEASE READ INSTRUCTIONS BEFORE COMPLETING)



FDOR10240300  
 DR-219  
 R. 07/98

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

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

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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):

**EASEMENT DONATION BY:**

**JAHO, LLC**

Last First MI Corporate Name (if applicable)  
**10105 HATTERAS CT FORT MYERS FL 33919**

Mailing Address City State Zip Code Phone No.

4. Grantee (Buyer):

**RICK DIAZ, P.E., UTIL. DIR. FOR LEE CO. BOARD OF COUNTY COMMISSION**

Last First MI Corporate Name (if applicable)  
**P. O. BOX 398 FT. MYERS FL 33902 (239) 4798181**

Mailing Address City State Zip Code Phone No.

5. Date of Sale/Transfer

<input type="text"/>	/	<input type="text"/>	/	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Month		Day		Year			

Sale/Transfer Price

\$

Property Located In

6. Type of Document

Contract/Agreement  
 for Deed  Other  
 Warranty  
 Deed  Quit Claim  
 Deed

7. Are any mortgages on the property? If "Yes",  
 outstanding mortgage balance:

(Round to the nearest dollar.)

\$

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:

Mark (x) all  
 that apply

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 the nearest dollar.)

YES  /  NO

\$

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/she has any knowledge.

Signature of Grantor or Grantee or Agent

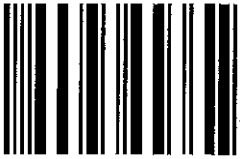
Date

3/25/04

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
<b>This copy to Property Appraiser</b>	
O. R. Book and Page Number and File Number Date Recorded	
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Month Day Year	

**This copy to Property Appraiser**



**FLORIDA DEPARTMENT OF REVENUE**  
**RETURN FOR TRANSFERS OF INTEREST IN REAL PROPERTY**  
 (PLEASE READ INSTRUCTIONS BEFORE COMPLETING)



FDOR10240300  
 DR-219  
 R. 07/98

Enter numbers as shown below.

If typing, enter numbers as shown below.

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

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0123456789

16452401000000600

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):

**EASEMENT DONATION BY:**

**JAHO, LLC**

Last First MI  
**10105 HATTERAS CT**

City State  
**FORT MYERS FL**

Corporate Name (if applicable)  
**33919**

Mailing Address City State  
**RICK DIAZ, P.E., UTIL. DIR. FOR LEE CO.**

Zip Code Phone No.  
**BOARD OF COUNTY COMMISSION**

4. Grantee (Buyer):

Last First MI  
**P. O. BOX 398**

City State  
**FT. MYERS FL**

Corporate Name (if applicable)  
**33902 (2394798181)**

5. Date of Sale/Transfer

Sale/Transfer Price

\$

. 00

Property Located In 46 County Code

Month Day Year (Round to the nearest dollar.)

6. Type of Document

Contract/Agreement for Deed  Other   
 Warranty Deed  Quit Claim Deed

7. Are any mortgages on the property? If "Yes",  
 outstanding mortgage balance:

YES NO

(Round to the nearest dollar.) \$

. 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

Mark (x) all that apply

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 the nearest dollar.)

YES  NO

\$

Cents

. 00

12. Amount of Documentary Stamp Tax

\$

0.00

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

Date

3/25/04

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
<p><b>This copy to Department of Revenue</b></p> <p>O. R. Book and Page Number and File Number</p> <p>Date Recorded</p> <p>Month Day Year</p>	

This copy to Department of Revenue

RESOLUTION NO. \_\_\_\_\_

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

WHEREAS, it is the desire of Jaho, LLC, owner of record, to make a contribution to Lee County Utilities of water facilities (water main extension and one 4" diameter fire line), serving **"MAPLE GARDENS, PHASE II"**; 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 **\$42,316.00** 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 Janes \_\_\_\_\_ (1)
- Commissioner St. Cerny: \_\_\_\_\_ (2)
- Commissioner Judah: \_\_\_\_\_ (3)
- Commissioner Coy: \_\_\_\_\_ (4)
- Commissioner Albion: \_\_\_\_\_ (5)

DULY PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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: 03/09/04

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 located in  
Maple Gardens II  
(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:

**Bacteriological Test**

**Pressure Test(s) - Water Main**

Very truly yours,

Ahmad R. Kareh, P.E. / Bean, Whitaker, Lutz & Kareh, Inc.  
(Owner or Name of Corporation)



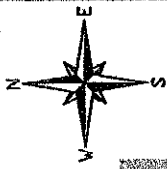
(Signature)

Vice-President  
(Title)

(Seal of Engineering Firm)

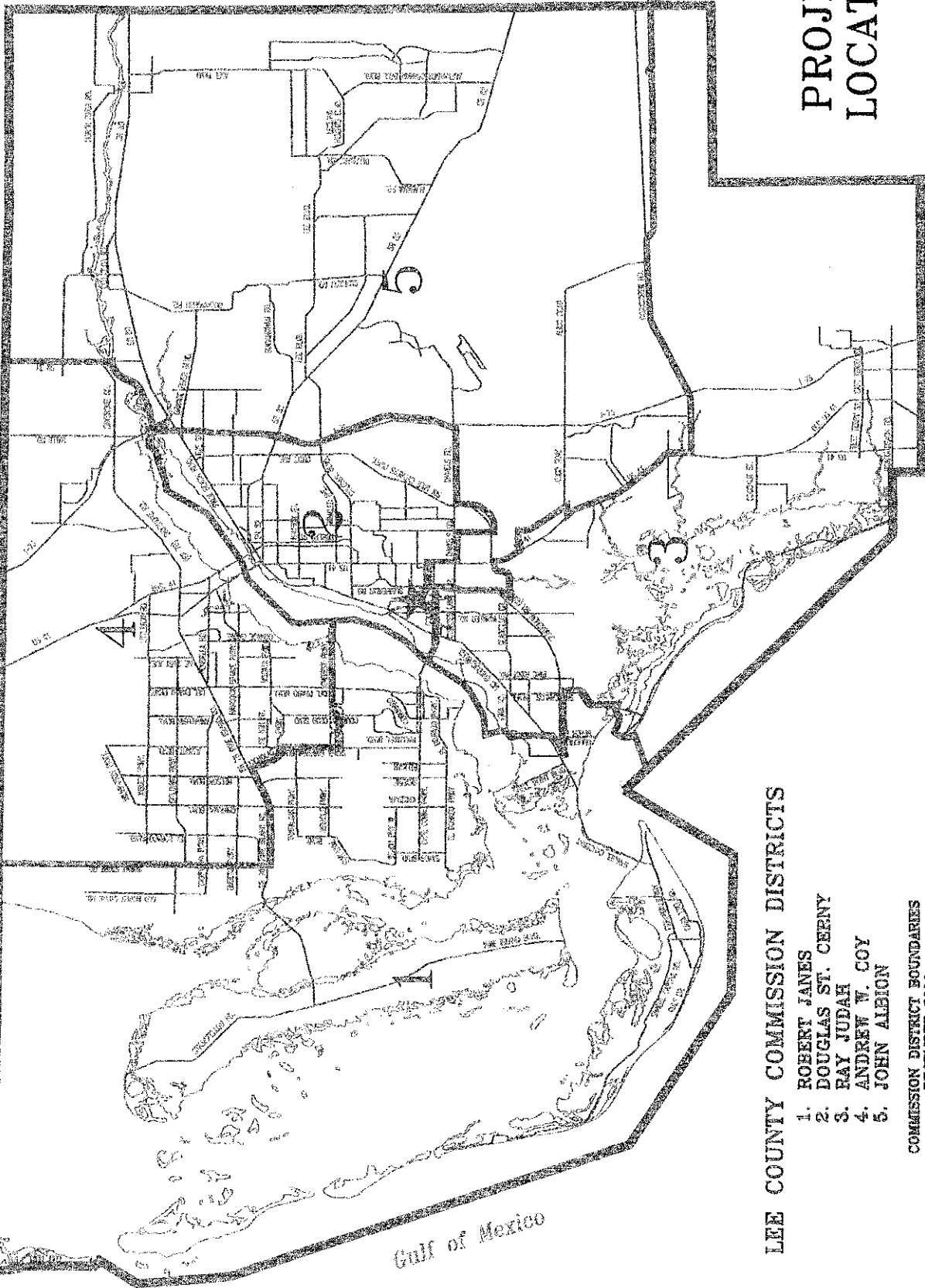


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# PROJECT LOCATION

MAPLE GARDENS - PHASE II  
16-45-24-01-00000.0600  
COMMISSION DISTRICT #2 - ST CERNY



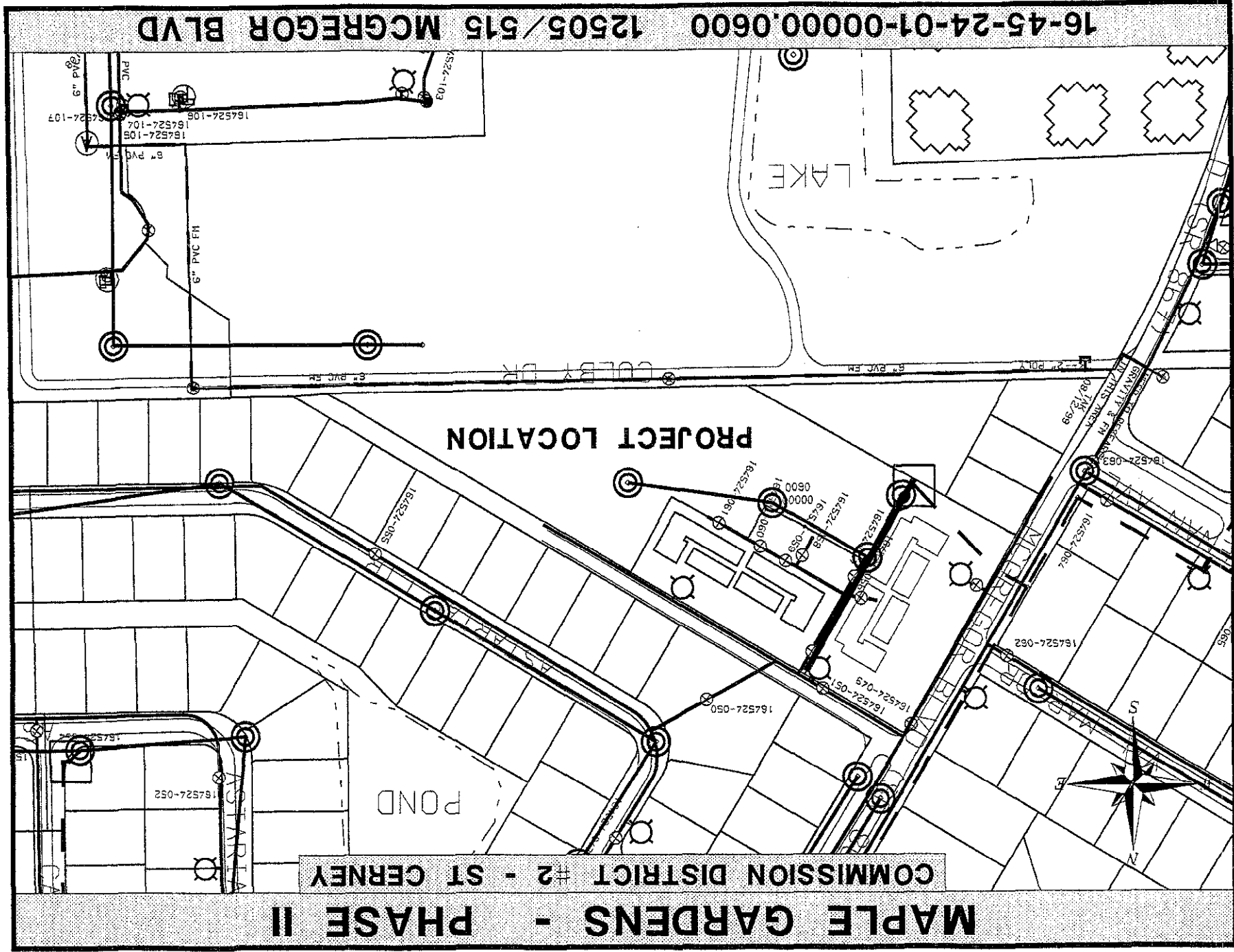
## LEE COUNTY COMMISSION DISTRICTS

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

COMMISSION DISTRICT BOUNDARIES  
DECEMBER 2000

Gulf of Mexico

COPY



16-45-24-01-00000.0600 12505 / 515 MCGREGOR BLVD

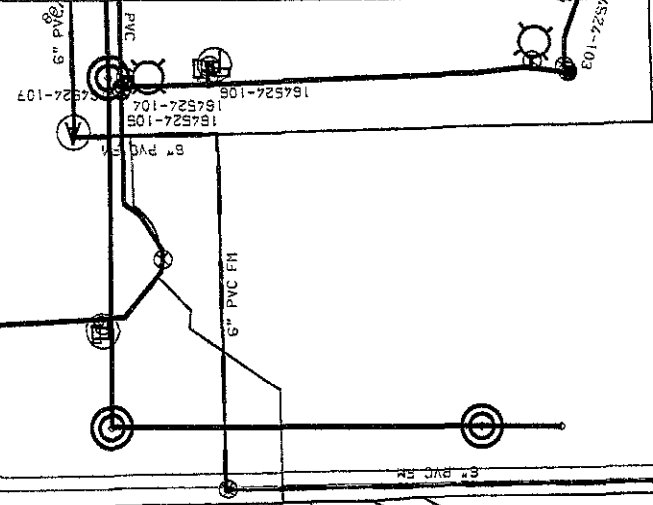
MAPLE GARDENS - PHASE II  
COMMISSION DISTRICT # 2 - ST CERNEY



PROJECT LOCATION

LAKE

POND



CULBERT DR

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164524-107  
164524-108  
164524-107

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COPY

WARRANTY

THE UNDERSIGNED parties do hereby warrant and/or guaranty all work executed by the contractor on the water ~~and sewer~~ systems of Maple Gardens II 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

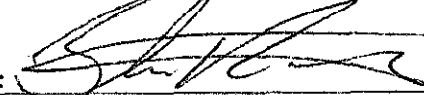
It is furthermore understood that the consideration for the giving of this warranty and/or guaranty is the requirement by the General Conditions and Specifications under which the contract was let that such warranty and/or guaranty would be given.

**Gulf Coast Underground, Inc.**

Steven R. Goble, President

(NAME OF OWNER/CONTRACTOR)

BY:



(SIGNATURE OF OWNER/CONTRACTOR)

STATE OF FL )

) SS:

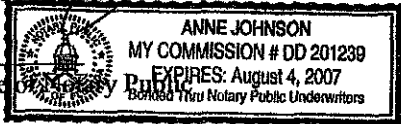
COUNTY OF Lee )

The foregoing instrument was signed and acknowledged before me this 10 th day of MAR, 2004 by Steven R. Goble who has produced the following as identification - driver's license , and who did not take an oath.

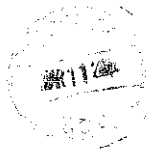


Notary Public Signature

Printed Name



(Notary Seal & Commission Number)





COPY

**WAIVER AND RELEASE OF LIEN  
UPON FINAL PAYMENT**

The undersigned lienor, in consideration of the final payment in the amount of Forty Two Thousand Three Hundred and Sixteen Dollars (\$42,316.00 ) hereby waives and releases its lien and right to claim a lien for labor, services, or materials furnished to Jaho, LLC on the job of Maple Gardens II to the following described property:

<u>Maple Gardens II</u> (Name of Development/Project)	<u>water distribution system</u> (Facilities Constructed)
<u>12505/515 McGregor Boulevard Fort Myers, FL 33919</u> (Location) (Please provide full name and location of development and a description of the utility system constructed).	<u>16-45-24-01-00000.0600</u> (Strap # or Section, Township & Range)

Dated on: March 10, 2004

By: <u>[Signature]</u> (Signature of Authorized Representative)	<u>Gulf Coast Underground, Inc</u> (Name of Firm or Corporation)
--	---

By: <u>Steven R. Goble, President</u> (Print Name of Authorized Representative)	<u>3551 Metro Parkway</u> (Address of Firm or Corporation)
--	---


<u>Phone #: (239)274-9504 Ext.N/A</u>	<u>Fort Myers, FL 33916-</u> (City, State & Zip Of Firm Or Corporation)
---------------------------------------	--

Fax#: (239)274-9505

STATE OF FL )  
  ) SS:  
COUNTY OF Lee )

The foregoing instrument was signed and acknowledged before me this 10 th day of MAR, 2004 by Steven R. Goble who has produced the following as identification - driver's license , and who did take an oath.

[Signature]  
(Notary Public Signature)

 <p>ANNE JOHNSON MY COMMISSION # DD 201239 EXPIRES: August 4, 2007 Bonded Thru Notary Public Underwriters</p>
--

(Notary Seal & Commission Number)      (Printed Name of Notary Public)



copy

**CERTIFICATION OF CONTRIBUTORY ASSETS**

PROJECT NAME: Maple Gardens II

STRAP NUMBER: 16-45-24-01-00000.0600

LOCATION: 12505/515 McGregor Blvd. Ft. Myers 33919

OWNER'S NAME: Jaho, LLC c/o Janusz Stempnowski

OWNER'S ADDRESS: 10105 Hatteras Court

OWNER'S ADDRESS: Fort Myers,FL 33919-

TYPE UTILITY SYSTEM: WATER  
 (list water, sewer and effluent reuse separately)

**DESCRIPTION AND COST OF MATERIAL, LABOR, AND SERVICES**

<b>ITEM</b>	<b>SIZE</b>	<b>QUANTITY</b>	<b>UNIT</b>	<b>UNIT COST</b>	<b>TOTAL</b>
CL-50 DIP	6"	205	LF	\$ 20.00	\$ 4,100.00
CL-50 DIP	8"	342	LF	\$ 23.00	\$ 7,866.00
PVC C-900 DR-18	8"	467	LF	\$ 18.00	\$ 8,406.00
GATE VALVE	6"	2	EA	\$1,000.00	\$ 2,000.00
GATE VALVE	8"	1	EA	\$1,500.00	\$ 1,500.00
FIRE HYDRANT ASSEMBLY	6"	3	EA	\$4,000.00	\$12,000.00
FIRE LINE UP TO AND INCL 1ST OS + Y VALVE	4"	1	EA	\$4,044.00	\$ 4,044.00
SINGLE WATER SERVICE/COMPLETE	2"	2	EA	\$1,200.00	\$ 2,400.00
<b>TOTAL</b>					<b>\$42,316.00</b>

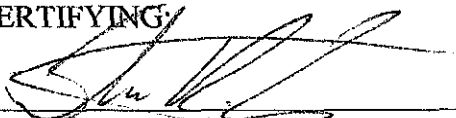
Please list each element of the system, e.g., pipe, manholes, lift stations, meters, valves, fittings, etc.  
 (If more space is required, use additional page(s). Number each page and include the name of the project).



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:

X



(Signature of Certifying Agent)

Steven R. Goble, President

(Name & Title of Certifying Agent)

Gulf Coast Underground, Inc.

(Name of Firm or Corporation)

3551 Metro Parkway

(Address of Firm or Corporation)

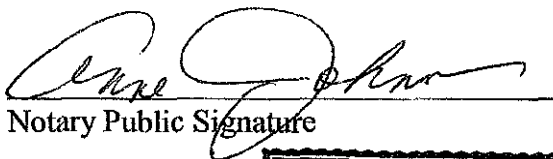
Fort Myers, FL 33916 -

STATE OF FL )

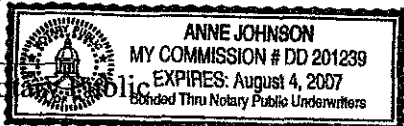
) SS:

COUNTY OF Lee )

The foregoing instrument was signed and acknowledged before me this 10 th day of MAR, 2004 by Steven R. Goble who has produced the following as identification - driver's license , and who did not take an oath.

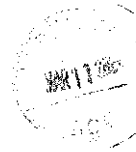
  
Notary Public Signature

Printed Name of Notary Public



Notary Commission Number

(NOTARY SEAL)



TO: LEE COUNTY FINANCE DEPARTMENT

FROM: UTILITIES ENGINEERING

BS 20040340-UTL

(Department)

SUE GULLEDGE

A. AUTHORIZATION:

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

Purchase Order # N/A for MAPLE GARDENS, PHASE II project. EASEMENT: JAHO, LLC  
ACCOUNT NO. OD53607487.504930

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

  
SUE GULLEDGE

Signature Authorization

B. SERVICE RECEIVED: EASEMENT  
RECORDING

O. R. COPIES

PLAT COPIES

CASE #/INDEX FEE

DESCRIPTION OF SERVICE RECORDING

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. # 500283

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

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

**PERPETUAL PUBLIC UTILITY EASEMENT GRANT**

THIS INDENTURE is made and entered into this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by and between Jaho, LLC, Owner, hereinafter referred to as GRANTOR(S), and LEE COUNTY, hereinafter referred to as GRANTEE.

**WITNESSETH:**

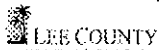
1. For and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged and accepted, GRANTOR hereby grants, bargains, sells and transfers to the GRANTEE, its successors and assigns, a perpetual public utility easement situated 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,



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 Ahmad Karah  
(Signature of 1<sup>st</sup> Witness)

Ahmad B. Karah  
(Name of 1<sup>st</sup> Witness)

X Stanley D. York  
(Signature of 2<sup>nd</sup> Witness)

STANLEY D. YORK  
(Name of 2<sup>nd</sup> Witness)

X Janusz Sterpnowski  
(Grantor's/Owner's Signature)

Jaho, LLC  
(Grantor's/Owner's Name)  
By: Janusz Sterpnowski

Manager  
Title

STATE OF FLORIDA )  
                                      ) SS:  
COUNTY OF LEE )

The foregoing instrument was signed and acknowledged before me this 29<sup>th</sup> day of DEC 2003 by Janusz Sterpnowski who has produced the following as identification - Driver's License , and who did not take an oath.

Judy P. Sholtis  
Notary Public Signature

Judy P. Sholtis  
Printed Name of Notary Public



(Notary Seal & Commission Number)

## **WATERMAIN EASEMENT DESCRIPTION;**

A TRACT OR PARCEL OF LAND LYING IN PART OF LOT 60, BAYSHORE PARK SUBDIVISION, SECTION 16, TOWNSHIP 45 SOUTH, RANGE 24 EAST AS RECORDED IN PLAT BOOK 3 AT PAGE 40 IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE CONCRETE MONUMENT MARKING THE INTERSECTION OF THE SOUTHEASTERLY RIGHT OF WAY OF MCGREGOR BLVD. (80' WIDE) AND THE SOUTH LINE OF SAID LOT 60, RUN NORTH 88°58'42" EAST ALONG SAID SOUTH LINE OF LOT 60 FOR 147.51 FEET THENCE NORTH 31°03'00" EAST FOR 221.67', THENCE SOUTH 58°56'46" EAST FOR 5.14 FEET, TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND.

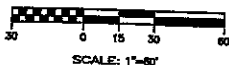
THENCE FROM SAID POINT OF BEGINNING, RUN SOUTH 13°56'46" EAST, 18.38 FEET, THENCE SOUTH 58°56'46" EAST 254.59 FEET, THENCE NORTH 88°58'42" EAST 129.73 FEET, THENCE NORTH 53°33'00" EAST 21.87 FEET, THENCE NORTH 31°03'00" EAST 31.32 FEET, THENCE NORTH 08°33'00" EAST 47.95 FEET, THENCE NORTH 31°03'00" EAST 31.07 FEET, THENCE NORTH 53°33'00" EAST 32.17 FEET, THENCE NORTH 31°03'00" EAST 146.52 FEET, THENCE SOUTH 58°55'36" EAST 204.20 FEET THENCE NORTH 31°04'24" EAST FOR 20.00 FEET TO THE NORTHERLY LINE OF LOT 60 AS RECORDED IN PB 3 AT PAGE 40 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, THENCE WESTERLY ALONG SAID NORTH LINE, NORTH 58°55'36" WEST FOR 224.20 FEET, THENCE SOUTH 31°03'00" WEST 162.55 FEET, THENCE SOUTH 53°33'00" WEST 32.17 FEET, THENCE SOUTH 31°03'00" WEST 39.02 FEET, THENCE SOUTH 08°33'00" WEST 47.95 FEET, THENCE SOUTH 31°03'00" WEST 23.37 FEET, THENCE SOUTH 53°33'00" WEST 11.51 FEET, THENCE SOUTH 88°58'42" WEST 34.06 FEET, THENCE NORTH 75°17'09" WEST 18.27 FEET, THENCE SOUTH 15°44'16" WEST 5.18 FEET, THENCE SOUTH 88°58'42" WEST 64.45 FEET, THENCE NORTH 58°56'46" WEST 125.70 FEET, THENCE NORTH 31°03'14" EAST 7.60 FEET, THENCE NORTH 58°56'46" WEST 49.79 FEET, THENCE SOUTH 31°03'14" WEST 7.60 FEET, THENCE NORTH 58°56'46" WEST FOR 36.50 FEET THENCE SOUTH 31°03'00" WEST FOR 7.00 FEET THENCE NORTH 58°56'46" WEST TO THE POINT OF BEGINNING. CONTAINING 0.42 ACRES MORE OR LESS.



COPY

**LEGEND**

- C = CENTERLINE
- DB = DEED
- DE = DEED BOOK
- EE = EASEMENT
- EEC = EASEMENT AND CURVE CENTERLINE
- EQ = EQUIDISTANT
- OR = OFFICIAL RECORD BOOK
- PL = PLAT
- PLB = PLAT BOOK
- PG = PAGE
- POB = POINT OF BEGINNING
- POC = POINT OF COMMENCEMENT
- PLC = PUBLIC COUNTY EASEMENT
- SR = ROAD RIGHT-OF-WAY
- USA = UNITED STATES OF AMERICA



LAS PALMAS P.B. 32 PAGES 117-118

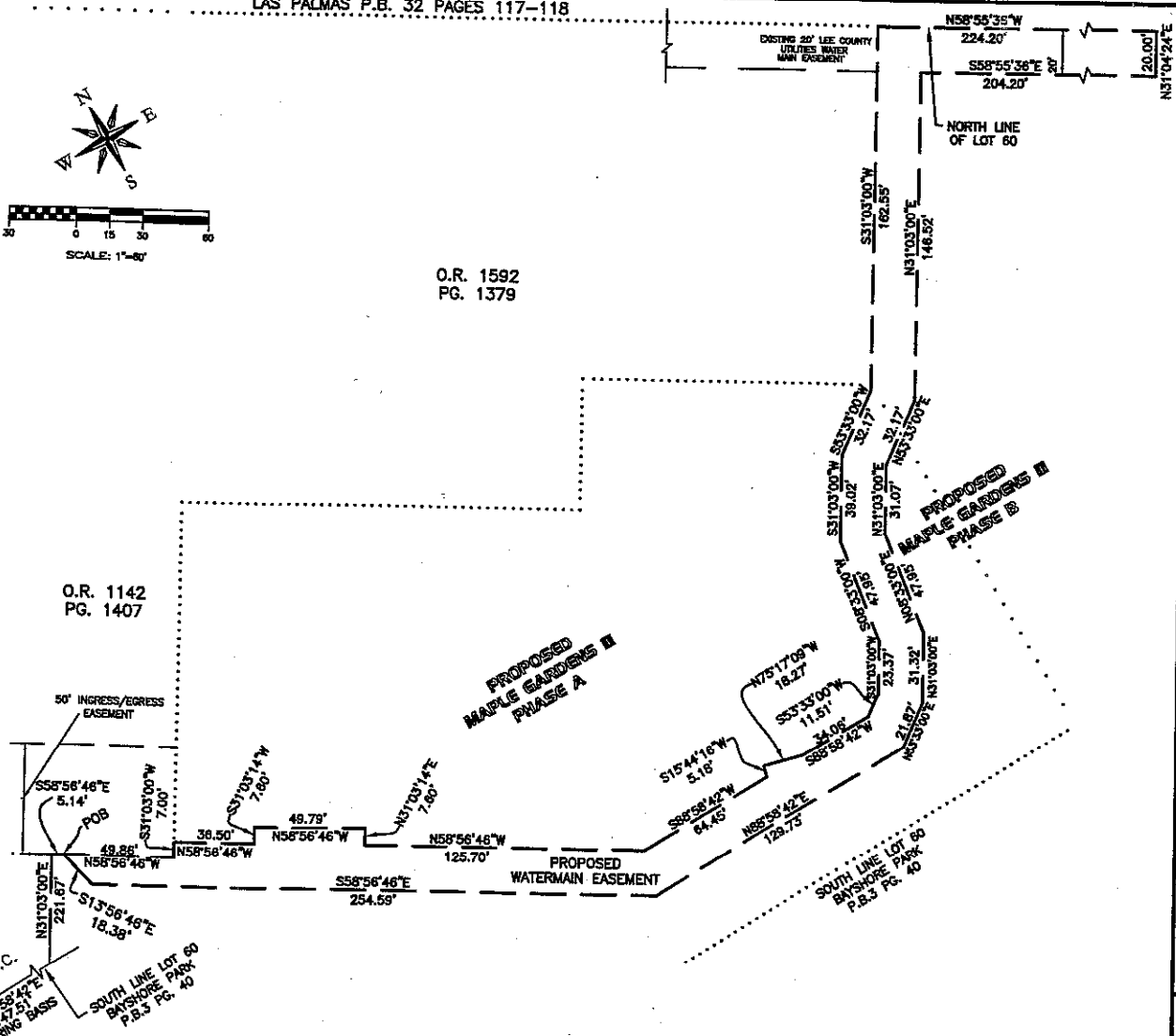
O.R. 1592  
FG. 1379

O.R. 1142  
PG. 1407


EASTERLY RIGHT OF WAY OF  
MCCREGOR BLVD.(80' WIDE)

P.O.C.  
188°55'47"E  
147.51'  
BEARING BASE

SOUTH LINE LOT 60  
BAYSHORE PARK  
P.B.3 PG. 40



JOB #: 020039.00



**Neese & Associates**  
Civil Engineering & Land Surveying

12661 Metro Parkway  
Fort Myers, Florida 33912

941-768-0077  
Fax: 941-768-3457

**SKETCH (NOT A SURVEY)**

TO ACCOMPANY  
LEGAL DESCRIPTION  
WATERMAIN EASEMENT  
MAPLE GARDENS II  
JANUSZ STEMPNOWSKI

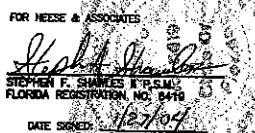
SECTION 16, TOWNSHIP 45 SOUTH, RANGE 24 EAST

NOTES:

1. THIS DRAWING WAS MADE WITHOUT BENEFIT OF A TITLE REPORT.
2. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS OF WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.
3. SUBJECT TO ALL EASEMENTS, RESERVATIONS, RESTRICTIONS AND RIGHTS OF WAY OF RECORD.
4. DRAWING IS IN ACCORDANCE WITH INFORMATION PROVIDED BY CLIENT.
5. BEARINGS ARE BASED ON THE SOUTH LINE OF LOT 60, PG 3, PG 40, AS SHOWN THEREON.

I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THIS SURVEY DRAWING OF THE FOREGOING DESCRIBED PROPERTY IS A TRUE REPRESENTATION OF A RECENT FIELD SURVEY MADE UNDER MY DIRECTION AND MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 81G17-6, FLORIDA ADMINISTRATIVE CODES, PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES, UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. THIS MAP/REPORT IS FOR INFORMATIONAL PURPOSES ONLY AND IT IS NOT VALID.

FOR NEESE & ASSOCIATES



STEPHEN F. SHAMES II, P.S.M.  
FLORIDA REGISTRATION NO. 8419

DATE SIGNED: 12/7/04

SCALE: 1"=60' DATE OF SURVEY: N/A  
FIELD BOOK: N/A PAGE: N/A  
DRAWN BY: SFS DATE DRAWN: 01/27/04  
CHECKED BY: DW FILE # 200402-020039-02