

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

BLUE SHEET NO: 20040437-UTIL

1. REQUESTED MOTION:

ACTION REQUESTED: Approve final acceptance, by Resolution, and recording of one utility easement as a donation for a water main extension serving *Sweetwater Landing f/k/a Marina 31, Phase 1*. This is a Developer contributed asset project located on the west side of SR 31, just south of the Caloosahatchee River.

WHY ACTION IS NECESSARY: Provides adequate water infrastructure to support future development.

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

2. DEPARTMENTAL CATEGORY: 10 - UTILITIES
COMMISSION DISTRICT #: 3

C10H

3. MEETING DATE:

04-27-2004

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: _____

7. BACKGROUND:

The Board granted permission to construct on the off-site portion of these facilities on 09/17/02, Blue Sheet #20021005. The Board granted permission to construct on the on-site portion of these facilities on 11/25/03, Blue Sheet #20031315. 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 applicable connection/capacity fees have been paid.

This project consists of water main extensions to support future development. Sanitary sewer service will be provided by Lee County Utilities via a privately owned & maintained lift station and force main to be constructed during a future phase which will tie into an existing Lee County Utilities' force main located adjacent to the project site. Funds are available for recording fees in account number OD5360748700.504930.

SECTION 08 TOWNSHIP 46S RANGE 24E DISTRICT #3 COMMISSIONER JUDAH

MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL

(A) DEPARTMENT DIRECTOR	(B) PURCIL 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: 4/9/04	N/A Date:	N/A Date:	T.O. T. Osterhout Date: 4-8	S. Board Date: 4/12/04	P.M. 4/13/04	AS 4/13/04	SR 4/13/04	AV 4/13/04	<i>J. Lavender</i> Date: 4.9.04

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: 4/12/04
Time: 8:40 a.m.
Forwarded To:
4/13/04

RECEIVED BY
COUNTY ADMIN: P.M.
0-11/12/04
105960362
COUNTY ADMIN
FORWARDED TO: P.P.
4-14-04
10:30 AM

RESOLUTION NO. _____

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

WHEREAS, it is the desire of M-31 Marina LLC, n/k/a Sweetwater Landing, LLC, owner of record, to make a contribution to Lee County Utilities of water facilities (water distribution systems), serving **“SWEETWATER LANDING F/K/A MARINA 31, PHASE 1”**; 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 **\$201,873.00** 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

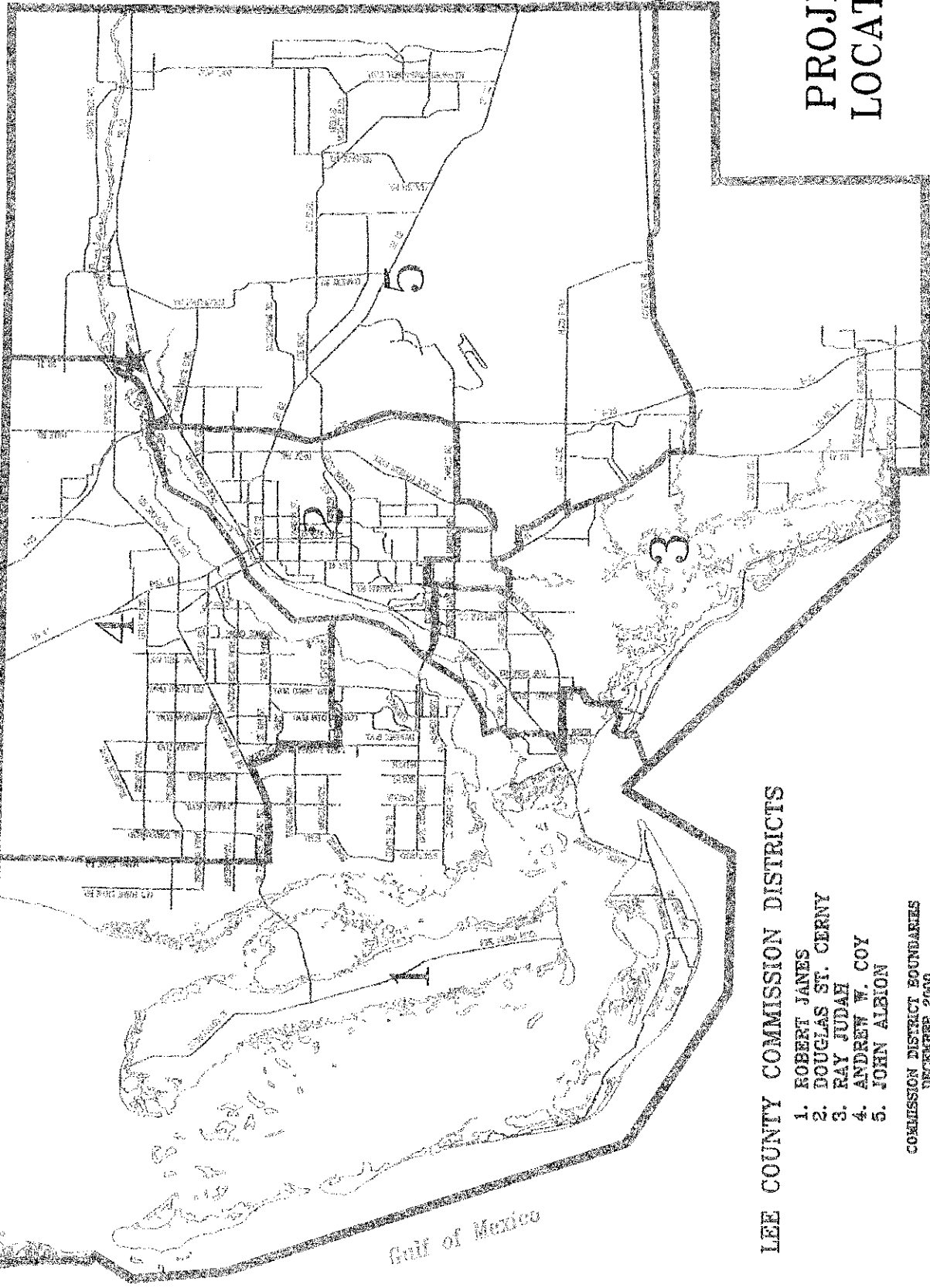
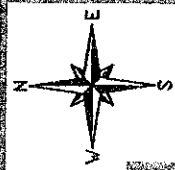
By: _____
CHAIRMAN

APPROVED AS TO FORM

OFFICE OF COUNTY ATTORNEY

COPY

SWEETWATER LANDING, OFF-SITE WATER MAIN EXTENSION
24-43-25-00-00012.0020
COMMISSION DISTRICT #5 - ALBION



PROJECT
LOCATION

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

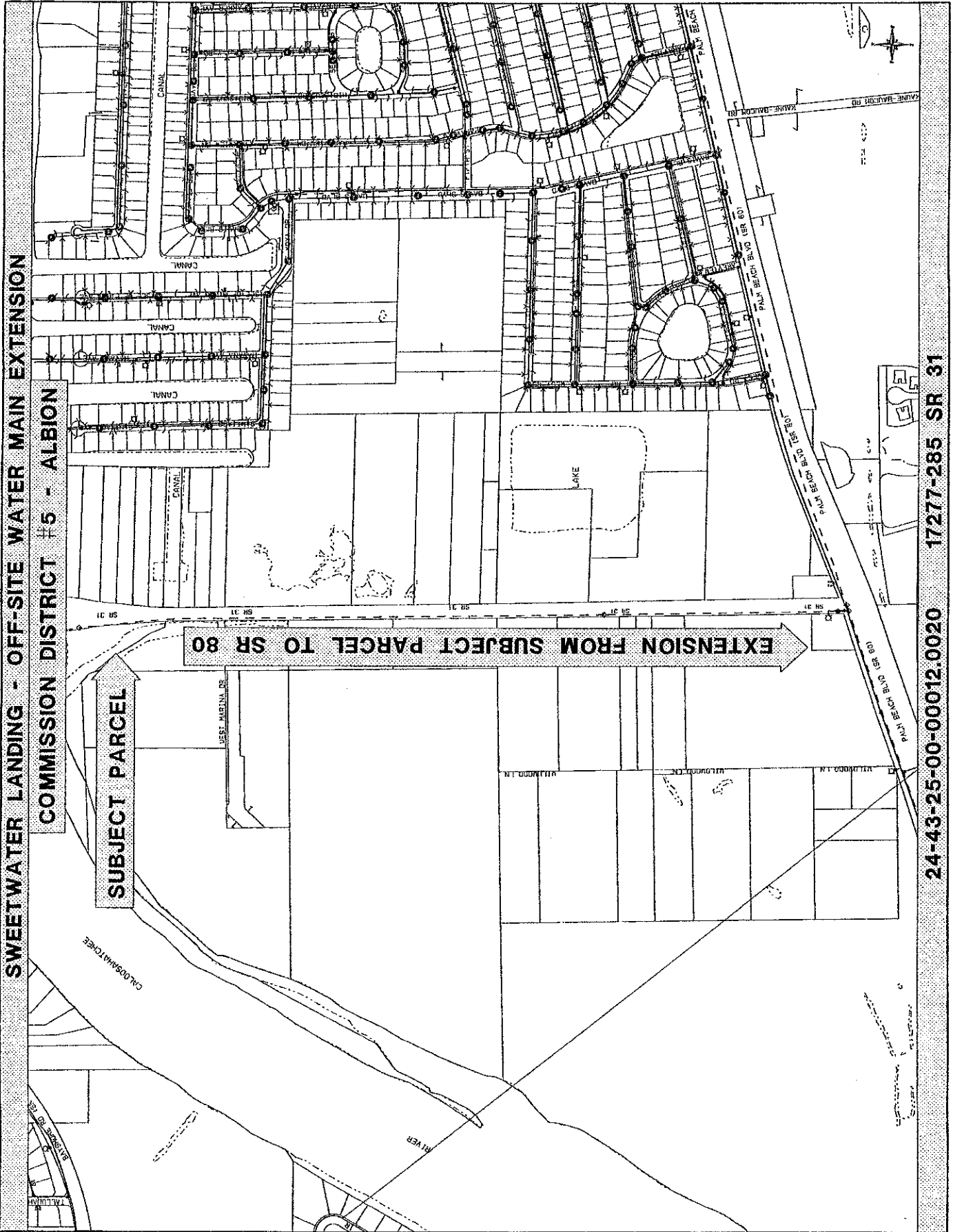
SWEETWATER LANDING - OFF-SITE WATER MAIN EXTENSION

COMMISSION DISTRICT #5 - ALBION

SUBJECT PARCEL

EXTENSION FROM SUBJECT PARCEL TO SR 80

24-43-25-00-00012.0020 17277-285 SR 31



COPY

WAIVER AND RELEASE OF LIEN
UPON FINAL PAYMENT

The undersigned lienor, in consideration of the final payment in the amount of One hundred ninety thousand eight hundred ninety six dollars and no cents (\$ 190,896.00) hereby waivers and releases its lien and right to claim a lien for labor, services, or materials furnished to Sweetwater Landing, LLC on the job of Sweetwater Landing, LLC to the following described property:

Offsite Watermain Sweetwater Landing (Marina 31) water distribution system
(Name of Development/Project) (Facilities Constructed)
West side SR 31 from SR 80 to Caloosahatchee River 24-43-25-00-00012.0020
(Location) (Strap # or Section, Township & Range)
(Please provide full name and location of development and a description of the utility system constructed).

Dated on: January 23, 20

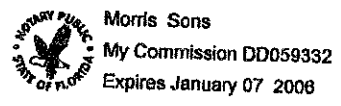
By: [Signature] Mitchell & Stark Construction Co., Inc.
(Signature of Authorized Representative) (Name of Firm or Corporation)

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

Phone #: (239)597-2165 Ext.25 Naples, FL 34109-
Fax#: (239)566-7865 (City, State & Zip Of Firm Or Corporation)

STATE OF FL)
) SS:
COUNTY OF Collier)

The foregoing instrument was signed and acknowledged before me this 23 rd day of JAN, 2004 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)

2004

COPY

CERTIFICATION OF CONTRIBUTORY ASSETS

PROJECT NAME: Offsite Watermain Sweetwater Landing (Formerly Marina 31)

LOCATION: 17285 SR 31, Ft. Myers, FL 33905

24-43-25-00-00012.0020

(Including STRAP)

NAME AND ADDRESS OF OWNER: Sweetwater Landing, LLC

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

(as shown on Deed)

TYPE UTILITY SYSTEM: Water System

(list water, sewer and effluent reuse separately)

DESCRIPTION AND COST OF MATERIAL, LABOR, AND SERVICES

Please list each element of the system, e.g., pipe, manholes, lift stations, meters, valves, fittings, etc.

ITEM	SIZE	QUANTITY	UNIT	UNITCOST	TOTAL
PVC Watermain DR 18	12"	2260	LF	\$ 27.00	\$ 61,020.00
DIP Watermain CL 50	12"	2674	LF	\$ 31.00	\$ 82,894.00
Gate valve	12"	5	EA	\$ 1,872.00	\$ 9,360.00
Gate valve	10"	1	EA	\$ 1,450.00	\$ 1,450.00
Direct. Drill DR 11 HDPE	20"	120	LF	\$ 150.00	\$ 18,000.00
HDPE inside 20" Casing	12"	130	LF	\$ 22.00	\$ 2,860.00
Fire Hydrant Assembly		2	EA	\$ 2,896.00	\$ 5,792.00
Permanent Blowoff		1	EA	\$ 950.00	\$ 950.00
Tapping Sleeve and Valve	24" X 12"	1	EA	\$ 8,570.00	\$ 8,570.00
					\$ 190,896.00

TOTAL AMOUNT

(If more space is required, use additional page(s). Number each page and include the name of the project).

I do hereby certify that the quantities of material and services described above are a true and accurate representation of the as-installed cost of the system being contributed to Lee County and corresponds with the record drawings.

CERTIFYING:

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 23 rd day of January, 2004, 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 2008

Morris Sons

Notary Public Signature

Morris Sons

Printed Name of Notary Public

DD059332

Notary Commission Number



COPY

LETTER OF COMPLETION

Date: 1/15/04

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 at Sweetwater Landing, Phase 1 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:
watermain pressure test

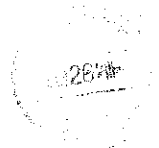
Very truly yours,

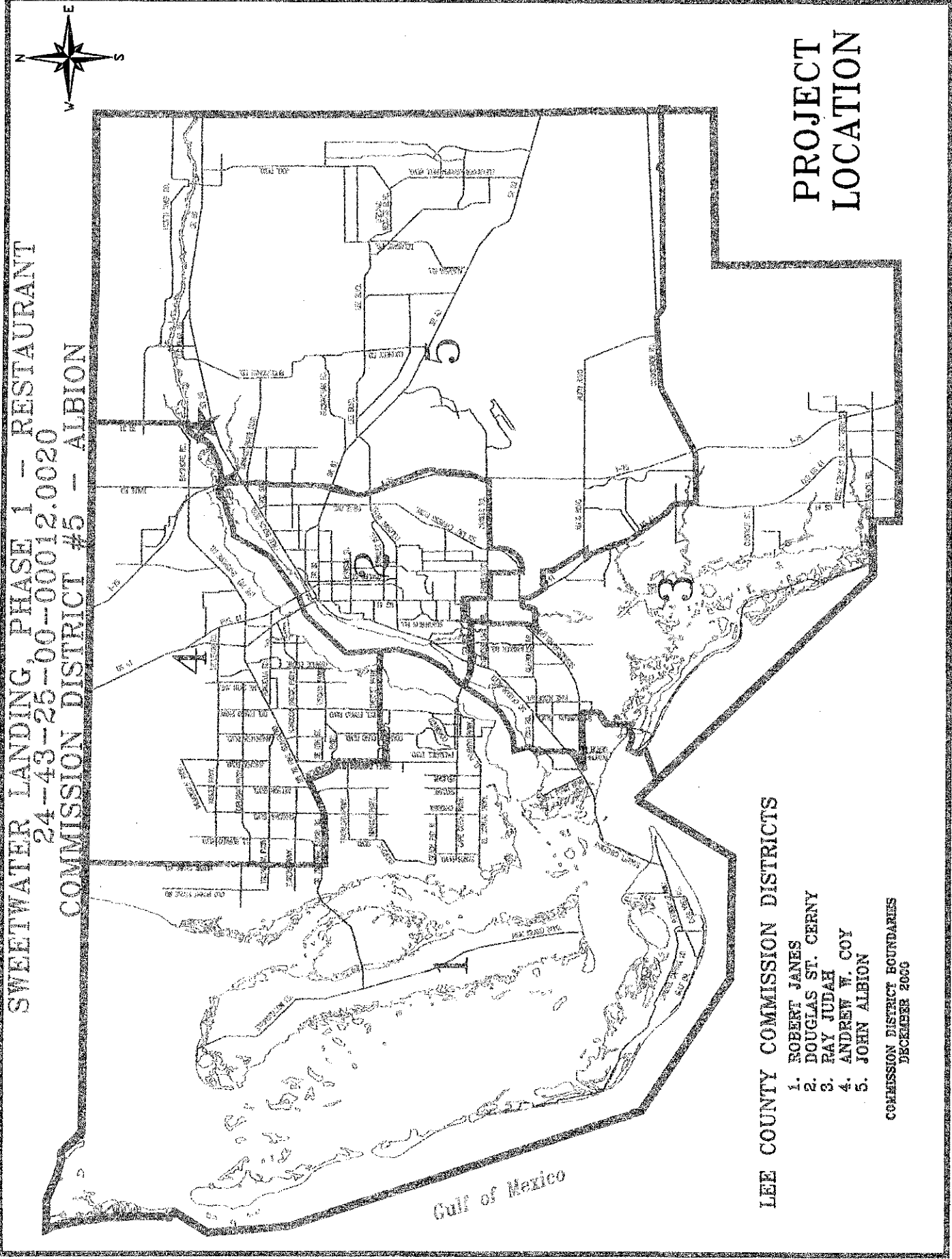
Andrew D. Fitzgerald, P.E. #56776
(Owner or Name of Corporation)

A. D. Fitzgerald
(Signature)

Vice President of Engineering
(Title)

Seal of Engineering Firm





SWEETWATER LANDING, PHASE 1 - RESTAURANT
 24-43-25-00-00012.0020
 COMMISSION DISTRICT #5 - ALBION

PROJECT
 LOCATION

LEE COUNTY COMMISSION DISTRICTS

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

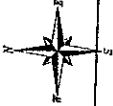
COMMISSION DISTRICT BOUNDARIES
 DECEMBER 2000

COPY

SWEETWATER LANDING - PHASE 1 - RESTAURANT

COMMISSION DISTRICT #5 - ALBION

BAKSHORE RD (SR 78)



RIVER

SUBJECT PARCEL

00012
0020

CALOOSAHATCHEE

CANAL

CANAL

WEST MARINA DR

SR 31

SR 31

24-43-25-00-00012.0020

17277-285 SR 31

COPY

CERTIFICATION OF CONTRIBUTORY ASSETS

PROJECT NAME: Sweetwater Landing Restaurant Parcel

LOCATION: 17285 SR 31, Ft. Myers, FL 33905

24-43-25-00-00012.0020

(Including STRAP)

NAME AND ADDRESS OF OWNER: Sweetwater Landing, LLC

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

(as shown on Deed)

TYPE UTILITY SYSTEM: Water System

(list water, sewer and effluent reuse separately)

DESCRIPTION AND COST OF MATERIAL, LABOR, AND SERVICES

Please list each element of the system, e.g., pipe, manholes, lift stations, meters, valves, fittings, etc.

ITEM	SIZE	QUANTITY	UNIT	UNITCOST	TOTAL
DIP Watermain CL 50	10"	223	LF	\$ 27.00	\$ 6,021.00
DIP Watermain CL 50	6"	8	LF	\$ 20.00	\$ 160.00
Gate valve	4"	1	EA	\$ 600.00	\$ 600.00
Fire Hydrant Assembly		1	EA	\$ 2,896.00	\$ 2,896.00
Water Service	2"	2	EA	\$ 650.00	\$ 1,300.00
					\$ 10,977.00

TOTAL AMOUNT

(If more space is required, use additional page(s). Number each page and include the name of the project).

I do hereby certify that the quantities of material and services described above are a true and accurate representation of the as-installed cost of the system being contributed to Lee County and corresponds with the record drawings.

CERTIFYING: *L.D. Neal*
L.D. NEAL, PROJECT MANAGER
(Name & Title of Certifying Agent)

(Firm or Corporation)

OF: MITCHELL & STARK CONST. CO. INC.

ADDRESS: 6001 Shirley Street
Naples, Florida, 34109

STATE OF Florida)
) SS:
COUNTY OF Collier)

The foregoing instrument was signed and acknowledged before me this 23 rd day of January, 2004, 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

[Faint handwritten mark]



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) →

0 1 2 3 4 5 6 7 8 9

0123456789

24432500000120020

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:

SWEETWATER LANDING, LLC

Last Mailing Address
9990 COCONUT RD-STE 200

First MI City
BONITA SPRINGS

State Zip Code
FL 34135

4. Grantee (Buyer):

Last Mailing Address
RICK DIAZ, P.E., UTIL. DIR. FOR

City State Zip Code Phone No.
LEE CO. BOARD OF COUNTY COMMISSION

Last Mailing Address
P. O. BOX 398

First MI City
FT. MYERS

State Zip Code Phone No.
FL 33902 (239) 4798181

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:
 (Round to the nearest dollar.) \$

YES NO

. 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:
 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 \$

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 4/8/04

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>This copy to Department of Revenue</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

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

Strap Number:

24-43-25-00-00012.0020

THIS SPACE RESERVED FOR RECORDING

GRANT OF PERPETUAL PUBLIC UTILITY EASEMENT

THIS INDENTURE is made and entered into this ___ day of _____ by and between Sweetwater Landing LLC, Owner, hereinafter referred to as GRANTOR(S), and LEE COUNTY, a political sub-division of the State of Florida, 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 will 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 may 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 will 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 from any and all liens and encumbrances, except as herein stated, and accordingly, GRANTOR(S) will forever defend the right, 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, agrees to 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.

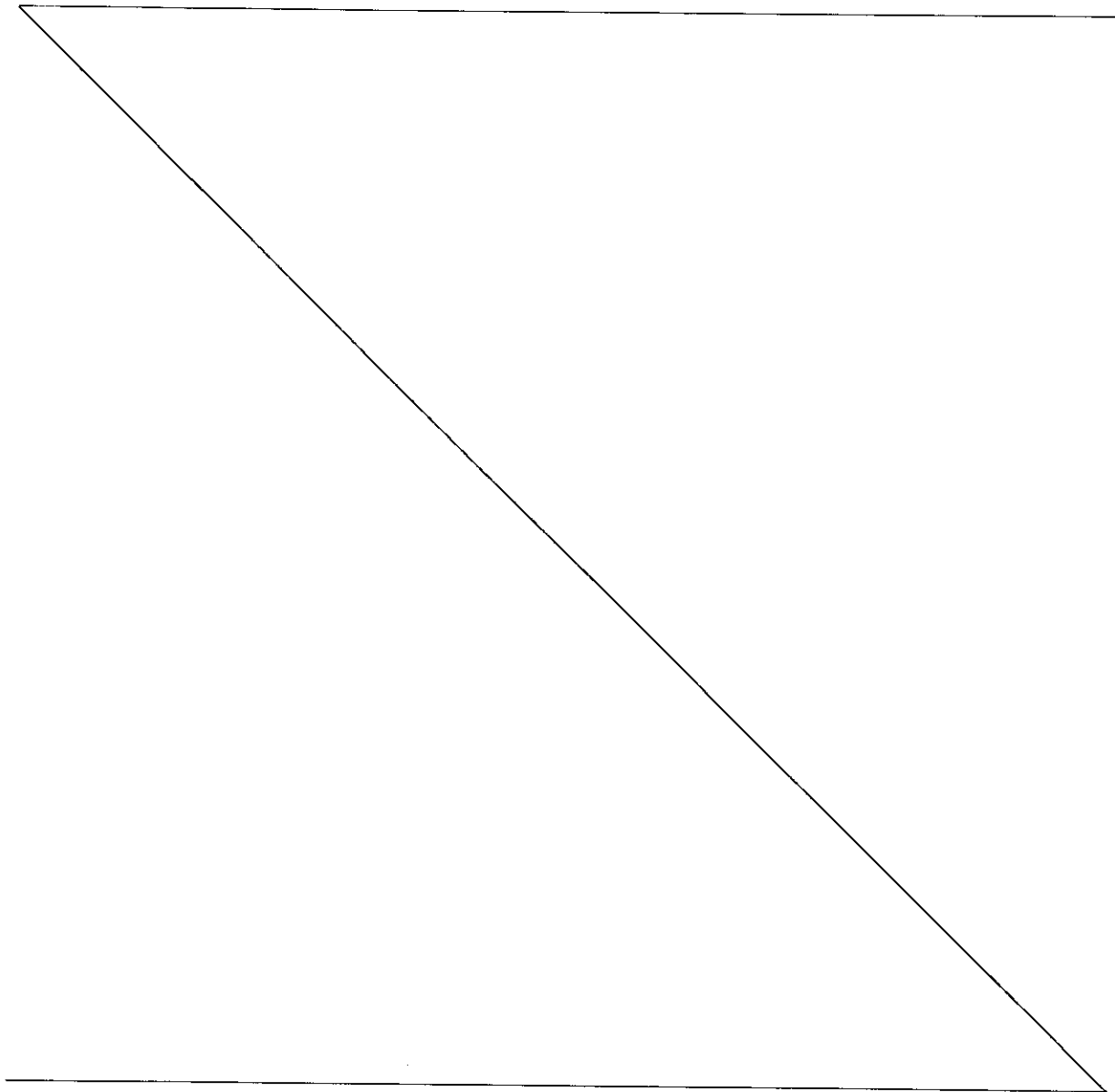
7. GRANTEE will be liable for money damages in tort for any injury to or loss of property, personal injury, or death caused by the negligent or wrongful act(s) or omission(s) of any official or employee of the GRANTEE while acting within the scope of the official's or employee's office or employment 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 will 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.

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.

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

(Balance of Page Left Intentionally Blank)



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

Michael A. Jones
[1st Witness' Signature]

Michael A. Jones
[Type or Print Name]

Lynn Davidson
[2nd Witness' Signature]

Lynn Davidson
[Type or Print Name]

BY: DA. Graham
[Signature Grantor's/Owner's]

David H. Graham

[Type or Print Name]
Vice President Resource Conservation
Properties, Inc., Managing Member
of Sweetwater Landing, LLC,
F/k/a M-31 Marina LLC

[Title]

STATE OF FLORIDA

COUNTY OF LEE

The foregoing instrument was signed and acknowledged before me this 23rd
day of March 2004 by 1 David H. Graham, V.P.,
who produced the following as identification
_____ or is personally know to me,
and who did/did not take an oath.

[stamp or seal]



Joanne Janes
[Signature of Notary]

Joanne Janes

[Typed or Printed Name]

Approved and accepted for and on behalf of Lee County, Florida, this _____ day of _____, 20____.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Deputy Clerk

BY: _____
Chairman

APPROVED AS TO FORM

BY: _____
Office of the County Attorney

EXHIBIT "A"

DESCRIPTION

Utility Easement "A"

Section 24 and 25, Township 43 South, Range 25 East,
Lee County, Florida

A tract or parcel of land lying in Section 24 and 25, Township 43 South, Range 25 East, Lee County, Florida. Said tract or parcel being more particularly described as follows:

Commencing at the intersection of the Southerly right-of-way line of Canal C-43 (as described on Survey No. 89-097, Department of the Army Corp of Engineers, Sheet 4 of 24) with the Westerly right-of-way line of State Road 31, thence run along said Westerly right-of-way of State Road 31 for the following courses $S07^{\circ}33'31''E$ for 24.29 feet; thence run $S14^{\circ}24'31''E$ for 29.02 feet the POINT OF BEGINNING.

From said Point of Beginning continue to run along said westerly right of way line of State Road 31 $S14^{\circ}24'31''E$ for 20.01 feet; thence leaving said right of way run $S77^{\circ}07'40''W$ for 35.74 feet; thence run $S60^{\circ}35'06''W$ for 103.53 feet; thence run $S14^{\circ}04'05''W$ for 91.59 feet; thence run $N75^{\circ}55'55''W$ for 20.00 feet; thence run $N14^{\circ}04'05''E$ for 100.19 feet; thence run $N60^{\circ}35'06''E$ for 115.04 feet; thence run $N77^{\circ}07'40''E$ for 38.11 feet to the POINT OF BEGINNING.

Containing 4,842 square feet or 0.11 acres, more or less.

Bearings hereinabove mentioned are based on the southerly right-of-way line of said Canal C-43 to bear $N77^{\circ}25'53''E$.



Scott A. Wheeler (For The Firm)
Professional Surveyor and Mapper
Florida Certificate No. 5949

EXHIBIT "A"

DESCRIPTION

Utility Easement "B"

Section 24 and 25, Township 43 South, Range 25 East,
Lee County, Florida

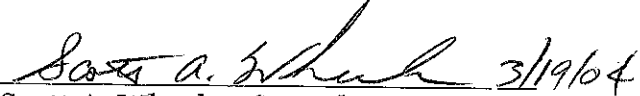
A tract or parcel of land lying in Section 24 and 25, Township 43 South, Range 25 East, Lee County, Florida. Said tract or parcel being more particularly described as follows:

Commencing at the intersection of the Southerly right-of-way line of Canal C-43 (as described on Survey No. 89-097, Department of the Army Corp of Engineers, Sheet 4 of 24) with the Westerly right-of-way line of State Road 31, thence run along said Westerly right-of-way of State Road 31 for the following courses $S07^{\circ}33'31''E$ for 24.29 feet; thence run $S14^{\circ}24'31''E$ for 87.00 feet the POINT OF BEGINNING.

From said Point of Beginning continue to run along said westerly right of way line of State Road 31 $S14^{\circ}24'31''E$ for 29.04 feet; thence leaving said right of way run $S29^{\circ}07'38''W$ for 25.73 feet; thence run $S14^{\circ}18'25''E$ for 354.51 feet; thence run $S09^{\circ}44'50''E$ for 56.94 feet to a intersection with said Westerly right-of-way line of State Road 31 on a non-tangent curve; thence run southerly along said right of way line on an arc of curve to the right of radius 5,679.58 feet (delta $01^{\circ}54'20''$) (chord bearing $S03^{\circ}40'09''E$) (chord 188.88 feet) for 188.89 feet; thence run leaving said right of way line, $N09^{\circ}44'50''W$ for 243.97 feet; thence run $N14^{\circ}18'25''W$ for 361.68 feet; thence run $N29^{\circ}07'38''E$ for 54.75 feet to the POINT OF BEGINNING.

Containing 11,075 square feet or 0.25 acres, more or less.

Bearings hereinabove mentioned are based on the southerly right-of-way line of said Canal C-43 to bear $N77^{\circ}25'53''E$.


Scott A. Wheeler (For The Firm)
Professional Surveyor and Mapper
Florida Certificate No. 5949

COPY

TO: LEE COUNTY FINANCE DEPARTMENT

FROM: UTILITIES ENGINEERING
(Department)
SUE GULLEDGE

BS 20040437-UTL

A. AUTHORIZATION:

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

Purchase Order # N/A for SWEETWATER LANDING F/K/A MARINA 31, PHASE 1 project. EASEMENT: SWEETWATER LANDING LLC ACCOUNT NO. OD53607487.504930

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

Sue Gullledge
SUE GULLEDGE Signature Authorization

B. SERVICE RECEIVED:

RECORDING EASEMENT

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