

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY **BLUE SHEET NO: 20040846-UTL**

1. REQUESTED MOTION:

ACTION REQUESTED:

Approve final acceptance by Resolution and recording of two (2) Utility Easements as a donation of water distribution and gravity collection systems serving *Cascades at Estero, Parcel 'F'*. This is a developer contributed asset project located on the south side of Koreshan Boulevard approximately 1 mile east of S. Tamiami Trail in Estero.

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

C10G

3. MEETING DATE: 07-27-2004

4. AGENDA:

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

5. REQUIREMENT/PURPOSE:

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

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: 6-24-04

Signature of Rick Diaz

7. BACKGROUND:

This project is located within the former Gulf Environmental Services' service area, therefore 'Permission to Construct' was not granted by the Board and there is no previous Blue Sheet number.

The installation has been inspected for compliance to Gulf Environmental Services' standards.

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.

Record Drawings have been received.

Engineer's Certification of Completion has been provided---copy attached.

Project location map---copy attached.

Warranty has been provided---copy attached.

Waiver of Lien has been provided---copy attached.

Certification of Contributory Assets has been provided---copy attached.

100% of the connection/capacity fees were paid to Gulf Environmental Services prior to the Lee County acquisition.

Funds for recording fees are available in Account No. OD5360748700.504930.

SECTION 27 TOWNSHIP 46S 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
					COMM 7/4/04				
					OA	OM	Risk	GC	
 J. Lavender Date: 6-24-04	N/A Date:	N/A Date:	P.O. T. Osterhout Date: 6-24	 S. P. [unclear] Date: 6/29/04	P.M. 6/30/04	[unclear] 6/30/04	[unclear] 6/30/04	[unclear] 6/30/04	 J. Lavender Date: 6-24-04

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty

Date: 6/29/04

Time: 2:35 PM

Forwarded To: Admin

6/29/04 3:25

RECEIVED BY COUNTY ADMIN: [unclear]

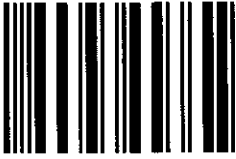
6/29/04

3:45 PM 327

COUNTY ADMIN FORWARDED TO: [unclear]

7-6-04

330



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

274625130000F0000

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): #1 EASEMENT DONATION BY: CASCADES BY LEVITT & SONS, LLC

Last First MI Corporate Name (if applicable)
 7777 GLADES ROAD, #410 BOCA RATON FL 33434

Mailing Address City State Zip Code Phone No.
 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 2394798181

Mailing Address City State Zip Code Phone No.

5. Date of Sale/Transfer Sale/Transfer Price Property Located In County Code
 \$. 0 0 46

Month Day Year (Round to the nearest dollar.)

6. Type of Document Contract/Agreement for Deed Other 7. Are any mortgages on the property? If "Yes", outstanding mortgage balance: YES NO
 Warranty Deed Quit Claim Deed (Round to the nearest dollar.) \$. 0 0

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 \$. 0 0
 \$ 0.00

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 *[Signature]* Date 6/24/04

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
This copy to Department of Revenue	
O. R. Book and Page Number and File Number	
Date Recorded	
Month Day Year	

This copy to Department of Revenue

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

Strap Number:

27-46-25-13-0000F.0000

THIS SPACE RESERVED FOR RECORDING

GRANT OF PERPETUAL PUBLIC UTILITY EASEMENT

NO. 1

THIS INDENTURE is made and entered into this ____ day of _____ 20__, by and between Cascades by Levitt and Sons, 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.

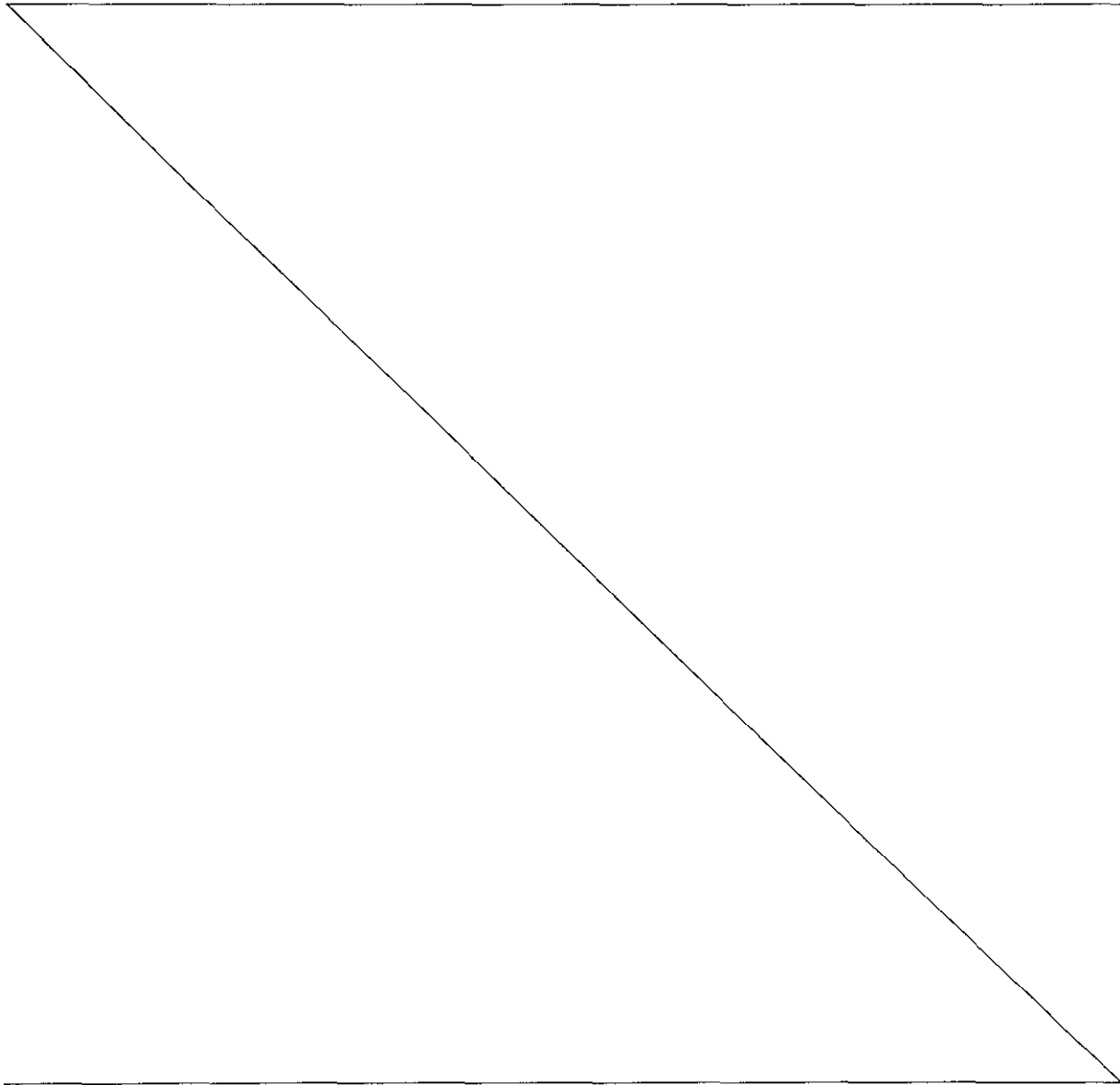
7. GRANTEE will be liable for money damages in tort for any injury to or loss of property, personal injury, or death caused by the negligent or wrongful act(s) or omission(s) of any official or employee of the GRANTEE while acting within the scope of the official's or employee's office or employment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

[Signature]
[1st Witness' Signature]

Alice Smith
[Type or Print Name]

[Signature]
[2nd Witness' Signature]

Brian J. Pomeroy
[Type or Print Name]

BY: [Signature]
[Signature Grantor's/Owner's]

Harry Sleek
[Type or Print Name]

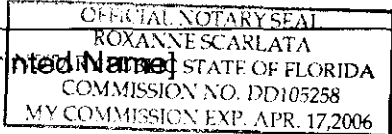
Senior Vice President
[Title]

STATE OF FLORIDA
COUNTY OF Polk

The foregoing instrument was signed and acknowledged before me this 18 day of June 2007 by _____ who produced the following as identification _____ or is personally know to me, and who did/did not take an oath.

[stamp or seal]

[Signature]
[Signature of Notary]

[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

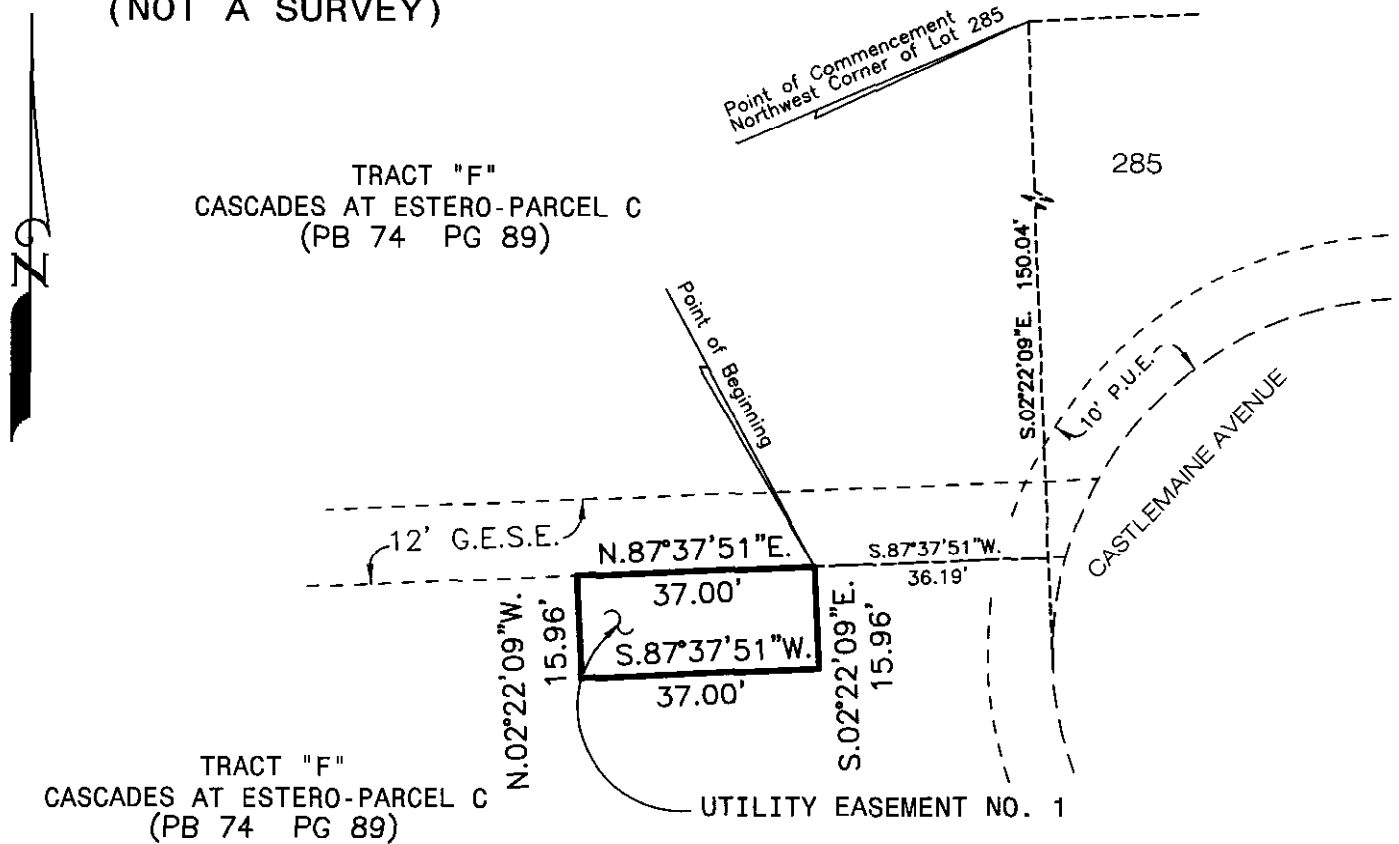
BY: _____
Deputy Clerk

BY: _____
Chairman

APPROVED AS TO FORM

BY: _____
Office of the County Attorney

DESCRIPTION SKETCH
(NOT A SURVEY)



DESCRIPTION: A parcel of land lying in Section 27, Township 46 South, Range 25 East, also being a portion of Tract "F" of Cascades at Estero, Parcel C, according to the plat thereof as record in Plat Book 74, Page 89 of the Public Records of Lee County, Florida, and being more particularly described as follows:

Commencing at the Northwest corner of Lot 285 of said Cascades at Estero Parcel C thence S.02°22'09"E. 150.04 feet; thence S.87°37'51"W. 36.19 feet to the Point of Beginning; thence S.02°22'09"E., 15.96 feet; thence S.87°37'51"W., 37.00 feet; thence N.02°22'09"W., 15.96 feet; thence N.87°37'51"E., 37.00 feet to the POINT OF BEGINNING.

Containing 590 Square Feet, more or less.

EXHIBIT "A"

**CASCADES AT ESTERO
UTILITY EASEMENT NO. 1
SECTION 27, TOWNSHIP 46 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA**

LEGEND

- PB - PLAT BOOK
- PG - PAGE
- P.U.E. - PUBLIC UTILITY EASEMENT
- G.E.S.E.- GULF ENVIRONMENTAL SERVICES EASEMENT

NOTES:

1. Bearings are based on the West Line of Lot 285 of Cascades at Estero-Parcel C, having a bearing of N.02°22'09"W.
2. See Sheet 1 of 2 for Legal Description.

[Signature] 6/2/04
RANDALL L. HENDRA PSM 3091
 FLORIDA PROFESSIONAL SURVEYOR AND MAPPER

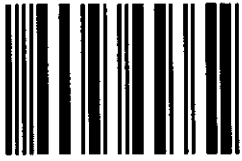
PREPARED BY: **HEIDT & ASSOCIATES, Inc.**
 Tampa ♦ Fort Myers

CIVIL ENGINEERING
 PLANNING
 SURVEYING
 ENVIRONMENTAL PERMITTING
 LANDSCAPE ARCHITECTURE

FT. MYERS Office
 3800 Colonial Blvd #200
 Ft. Myers, Florida 33912
 Phone: 239-482-7275
 FAX: 239-482-2103

DRAWN: RLH	CHECKED: SU
JOB NO.: LEV-II-057	DATE: 6-1-04
FILE: CASCADES-F-UE-1	

SHEET 1 OF 1



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.

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

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

274625130000P0000

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):

#2 EASEMENT DONATION BY:

CASCADES BY LEVITT & SONS, LLC

Last First MI Corporate Name (if applicable)

7777 GLADES ROAD, #410 BOCA RATON FL 33434

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

Sale/Transfer Price

Month / Day / Year

\$ (Round to the nearest dollar.)

Property Located In

Lee

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.) \$

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)

12. Amount of Documentary Stamp Tax

\$

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

YES / NO

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

Signature of Grantor or Grantee or Agent

[Handwritten Signature]

Date 6/24/04

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 Property Appraiser</p> <p>O. R. Book and Page Number and File Number</p> <p>Date Recorded</p> <p>Month / Day / Year</p>	

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) →

0 1 2 3 4 5 6 7 8 9

0123456789

274625130000F0000

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? →

#2 EASEMENT DONATION BY:

CASCADES BY LEVITT & SONS, LLC

3. Grantor (Seller):

Last
 7777 GLADES ROAD, #410

First MI
 BOCA RATON FL

Corporate Name (if applicable)
 33434

4. Grantee (Buyer):

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

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

Last
 P. O. BOX 398

First MI
 FT. MYERS FL

Corporate Name (if applicable)
 33902 (2394798181)

5. Date of Sale/Transfer

\$

. 00

Property Located In 46 County Code

Month Day Year (Round to the nearest dollar.)

6. Type of Document

Contract/Agreement
 for Deed

X Other

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

YES NO

Warranty
 Deed

Quit Claim
 Deed

(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:
 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

X 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 6/27/04

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:

27-46-25-13-0000F.0000

THIS SPACE RESERVED FOR RECORDING

GRANT OF PERPETUAL PUBLIC UTILITY EASEMENT

NO. 2

THIS INDENTURE is made and entered into this ____ day of _____ 20__, by and between Cascades by Levitt and Sons, 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.

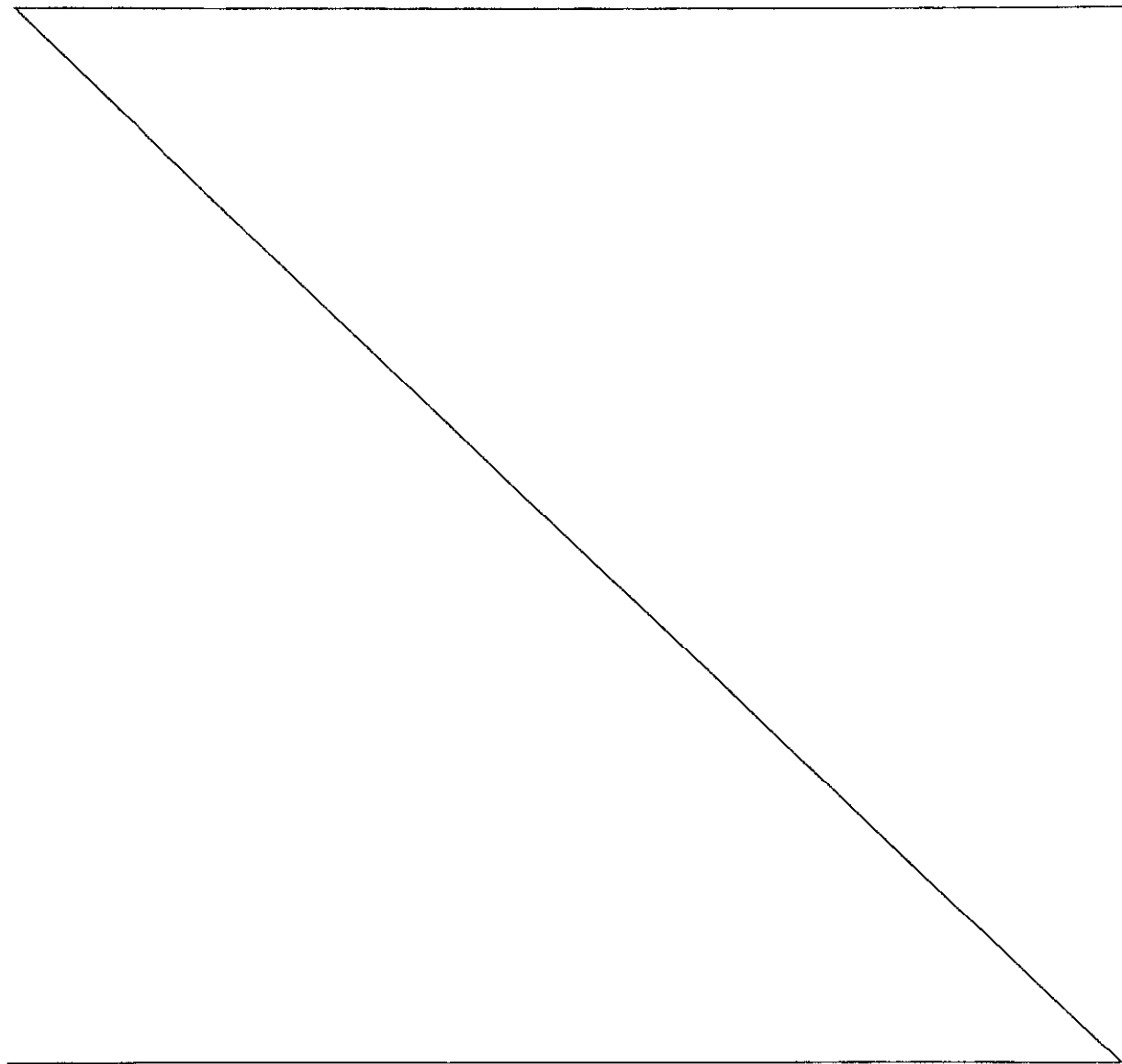
7. GRANTEE will be liable for money damages in tort for any injury to or loss of property, personal injury, or death caused by the negligent or wrongful act(s) or omission(s) of any official or employee of the GRANTEE while acting within the scope of the official's or employee's office or employment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

[Signature]
[1st Witness' Signature]

Alice Smith
[Type or Print Name]

[Signature]
[2nd Witness' Signature]

Beverly J. Parker
[Type or Print Name]

BY: [Signature]
[Signature Grantor's/Owner's]

Harry Sleek
[Type or Print Name]

Senior Vice President
[Title]

STATE OF FLORIDA
COUNTY OF Palm Beach

The foregoing instrument was signed and acknowledged before me this 18 day of June 2006 by _____ who produced the following as identification _____ or is personally know to me, and who did/did not take an oath.

[stamp or seal]

[Signature]
[Signature of Notary]

[Typed or Printed Name]
OFFICIAL NOTARY SEAL
ROXANNE SCARLATA
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. DD105258
MY COMMISSION EXP. APR. 17, 2006

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

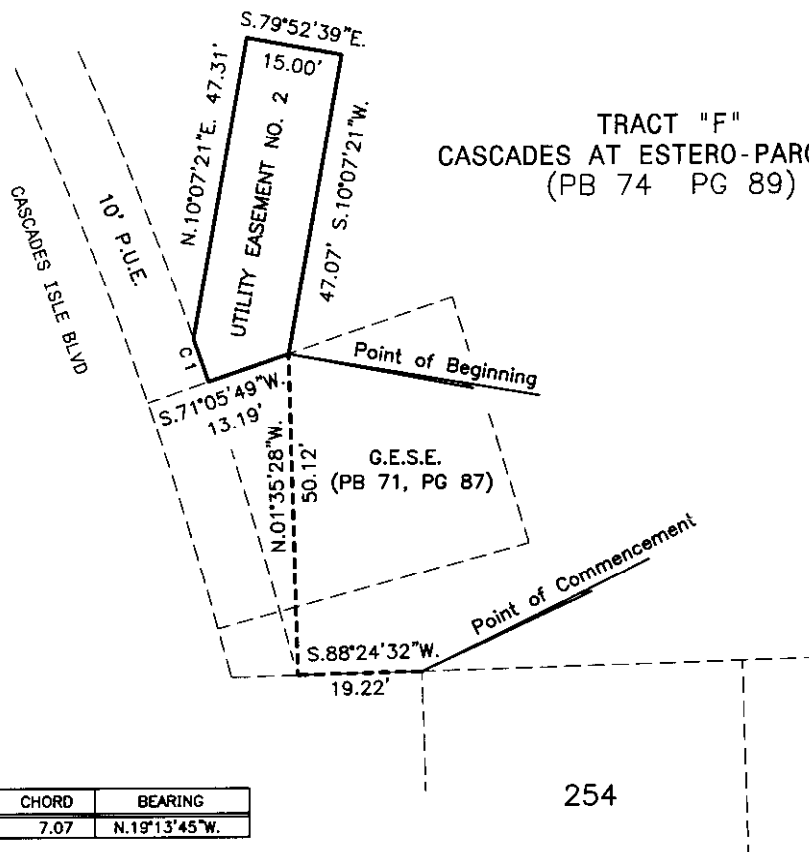
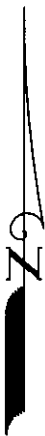
BY: _____
Deputy Clerk

BY: _____
Chairman

APPROVED AS TO FORM

BY: _____
Office of the County Attorney

DESCRIPTION SKETCH
(NOT A SURVEY)



TRACT "F"
CASCADES AT ESTERO-PARCEL C
(PB 74 PG 89)

CURVE DATA TABLE

NO.	RADIUS	DELTA	ARC	TANGENT	CHORD	BEARING
1	621.00	00°39'07"	7.07	3.53	7.07	N.19°13'45"W.

DESCRIPTION: A parcel of land lying in Section 27, Township 46 South, Range 25 East, also being a portion of Tract "F" of Cascades at Estero, Parcel C, according to the plat thereof as record in Plat Book 74, Page 89 of the Public Records of Lee County, Florida, and being more particularly described as follows:

Commencing at the Northwest corner of Lot 254 of said Cascades at Estero Parcel C, thence S.88°24'32"W. 19.22 feet; thence N.01°35'28"W. 50.12 feet to the Point of Beginning; thence S.71°05'49"W., 13.19 feet to a point on a curve; thence Northerly, 7.07 feet along the arc of a curve to the left having a radius of 621.00 feet and a central angle of 00°39'07" (chord bearing N.19°13'45"W., 7.07 feet); thence N.10°07'21"E., 47.31 feet; thence S.79°52'39"E., 15.00 feet; thence S.10°07'21"W., 47.07 feet to the POINT OF BEGINNING.

EXHIBIT "A"

Containing 755 Square Feet, more or less.

LEGEND

- PB - PLAT BOOK
- PG - PAGE
- P.U.E. - PUBLIC UTILITY EASEMENT
- G.E.S.E. - GULF ENVIRONMENTAL SERVICES EASEMENT

NOTES:

1. Bearings are based on the North Line of Lot 254 of Cascades at Estero-Parcel C, having a bearing of S.88°24'32"W.
2. See Sheet 1 of 2 for Legal Description.

CASCADES AT ESTERO
UTILITY EASEMENT NO. 2
SECTION 27, TOWNSHIP 46 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

4/2/64

RANDALL L. HENDRA PSM 6091
FLORIDA PROFESSIONAL SURVEYOR AND MAPPER

PREPARED BY: **HEIDT & ASSOCIATES, Inc.**
Tampa ♦ Fort Myers

CIVIL ENGINEERING
PLANNING
SURVEYING
ENVIRONMENTAL PERMITTING
LANDSCAPE ARCHITECTURE

FT. MYERS Office
3800 Colonial Blvd #200
Ft. Myers, Florida 33912
Phone: 239-482-7275
FAX: 239-482-2103

DRAWN: RLH	CHECKED: SU
JOB NO.: LEV-II-057	DATE: 6-1-04
FILE: CASCADES-F-UE-2	

SHEET 1 OF 1

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

WHEREAS, it is the desire of Cascades by Levitt & Sons, LLC, owner of record, to make a contribution to Lee County Utilities of water facilities (water distribution system) and sewer facilities (gravity collection system) serving "**CASCADES AT ESTERO, PARCEL F**"; 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 **\$34,742.57** 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: _____ (3)
- Commissioner Andrew Coy: _____ (4)
- Commissioner John 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; 2-20-04

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 and gravity collection systems located in Cascades Parcel "F"

Were designed under my direct supervision and have been constructed in conformance with:

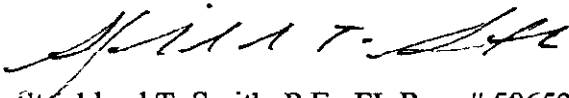
The approved plans and the approved specifications.

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

Bacteriological Test, Pressure Test(s) – Water Main, Low Pressure Test(s) – Gravity Main, and TV Inspection, Mandrill – Gravity Main

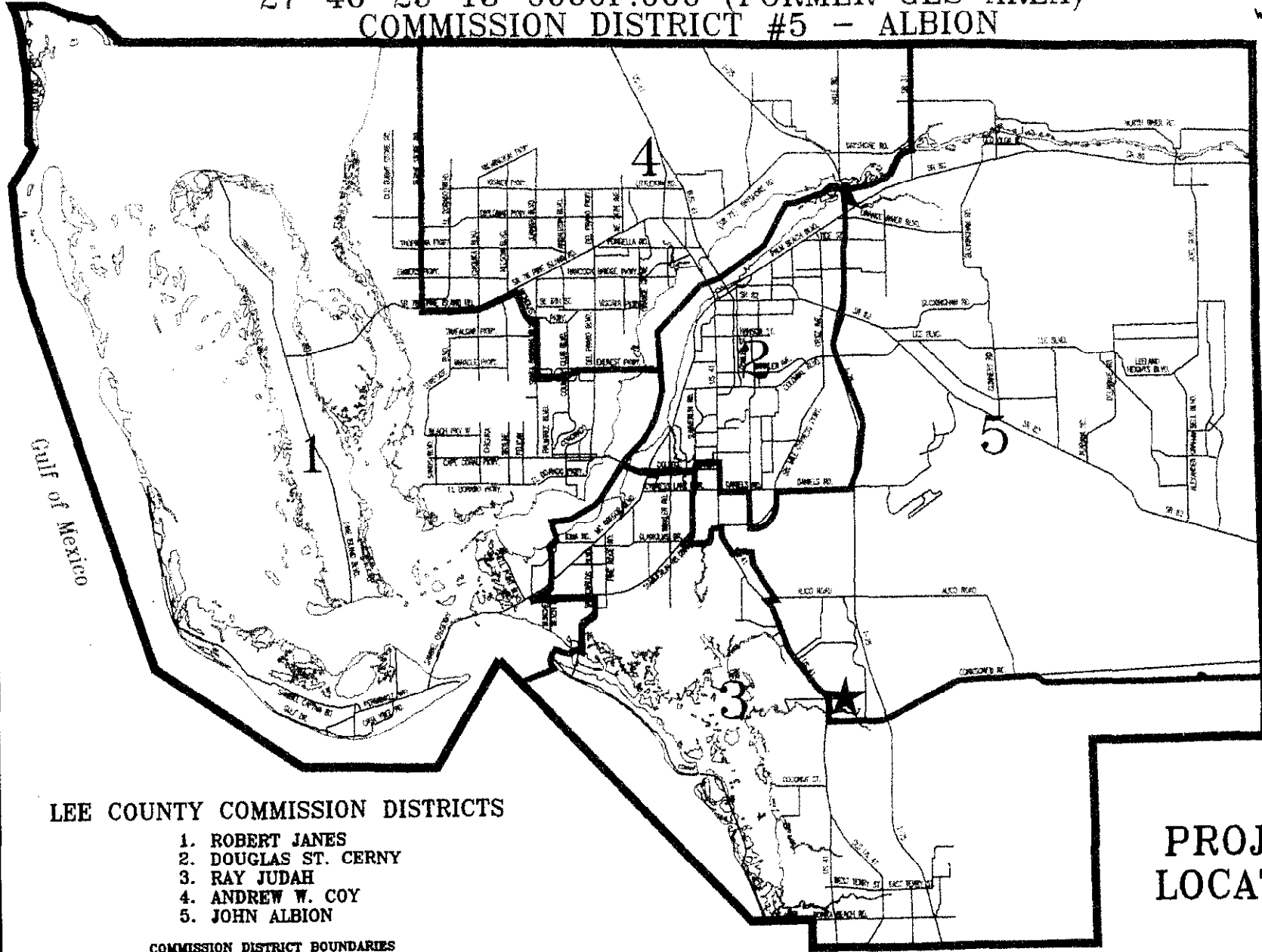
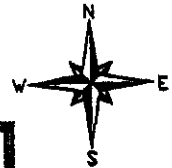
Very truly yours.

Heidt & Associates



Strickland T. Smith, P.E. FL Reg. # 50652
Vice President

CASCADES, PARCEL F - RECREATIONAL FACILITY
 27-46-25-13-0000F.000 (FORMER GES AREA)
 COMMISSION DISTRICT #5 - ALBION



LEE COUNTY COMMISSION DISTRICTS

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

COMMISSION DISTRICT BOUNDARIES
 DECEMBER 2000

PROJECT
 LOCATION

COPY

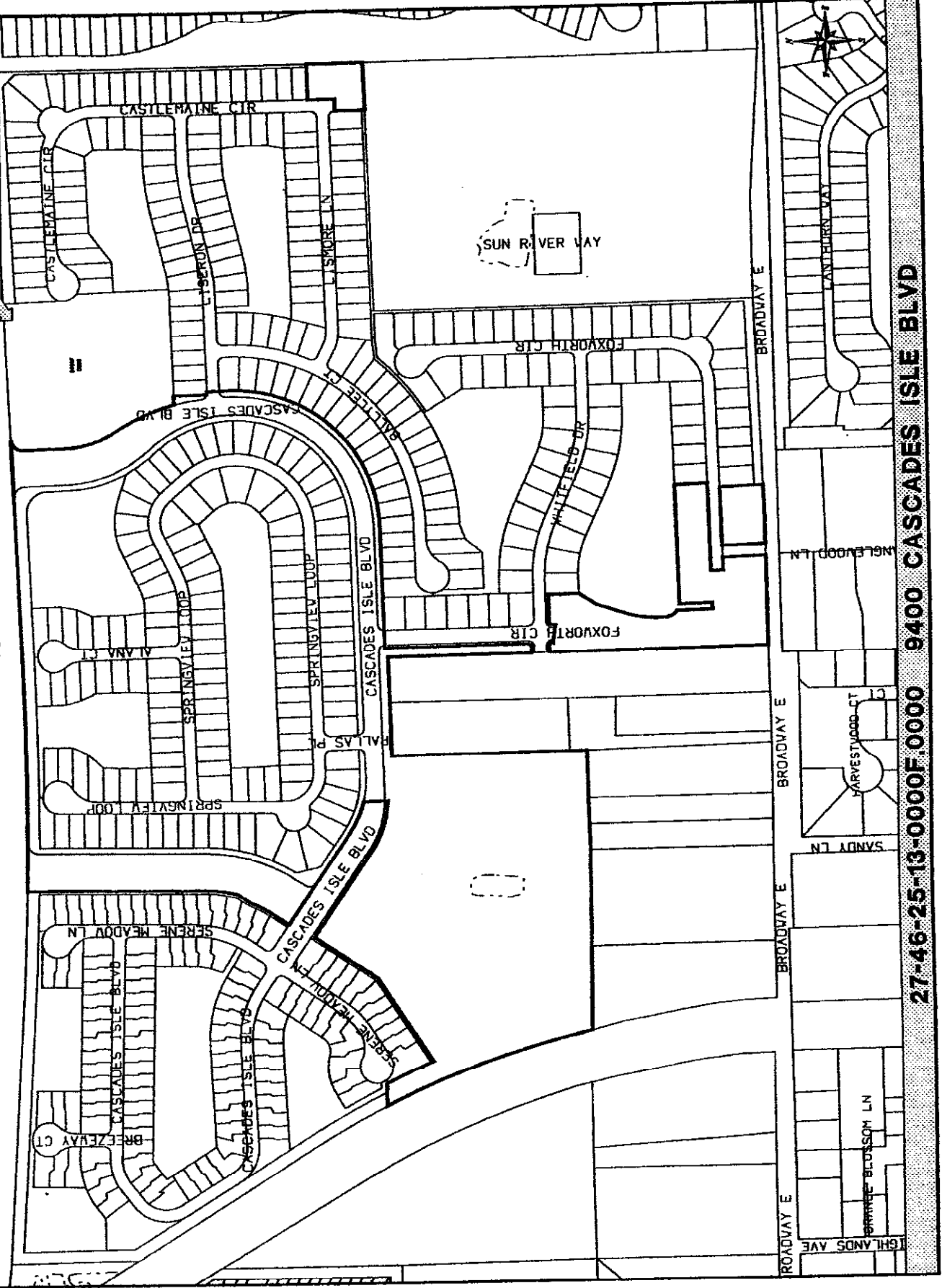
CASCADES - PARCEL F - RECREATIONAL FACILITY
COMMISSION DISTRICT #5 - ALBION

SUBJECT PARCEL

KORESHAN

KORESHAN BLVD

KORESHAN BLVD



27-46-25-13-0000F 0000 9400 CASCADES ISLE BLVD

COPY

WARRANTY

THE UNDERSIGNED parties do hereby warrant and/or guaranty all work executed by the contractor on the water and sewer of Cascades Parcel F 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.

Dan Mikelson
(Name of Owner/Contractor)


BY: [Signature]
(Signature of Owner/Contractor)

STATE OF Fla)
) SS:
COUNTY OF Collier)

The foregoing instrument was signed and acknowledged before me this 29th day of JAN, 2004 by Brian Penner who is personally known to me - _____, and who did not take an oath.

[Signature]
Notary Public Signature

Belinda Burgbacher
Printed Name of Notary Public

 Belinda Burgbacher
Commission #DD179217
Expires: Jan 22, 2007
Bonded Thru
Atlantic Bonding Co., Inc.

(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 Thirty-four thousand seven hundred forty-two and 57/100 (\$34,742.57) hereby waives and releases its lien and right to claim a lien for labor, services, or materials furnished to Cascades by Levitt & Sons, L.L.C. on the job of Parcel "F" of Cascades at Estero to the following described property:

Cascades at Estero - Parcel F
(Name of Development/Project)

water distribution and sanitary sewer systems
(Facilities Constructed)

South side of Estero Parkway
(Location)

27-46-25-13-0000F.0000
(Strap # or Section, Township & Range)

Dated on: June 7, 2004

By: 
(Signature of Authorized Representative)

Mitchell & Stark Construction
(Name of Firm or Corporation)

By: Daniel J. Mikelson
(Print Name of Authorized Representative)

6001 Shirley Street
(Address of Firm or Corporation)

Title: Project Manager

Naples, FL 34109-
(City, State & Zip Of Firm Or Corporation)

Phone #: (239)597-2165 Ext.

Fax#: (239)566-7865


STATE OF FL)
) SS:
COUNTY OF Lee)

The foregoing instrument was signed and acknowledged before me this 7th day of June, 2004 by Daniel Mikelson who has produced the following as identification - is personally known to me and who did not take an oath.



Pamela A Eck
My Commission DD042841
Expires July 17 2005

(Notary Seal & Commission Number)


(Notary Public Signature)

Pamela Eck
(Printed Name of Notary Public)



COPY

CERTIFICATION OF CONTRIBUTORY ASSETS

PROJECT NAME: Parcel F of Cascades at Estero

STRAP NUMBER: 27-46-25-13-0000F.0000

LOCATION: 9400 Cascades Isle Boulevard; Estero, Florida

OWNER'S NAME: Cascades by Levitt & Sons, L.L.C.

OWNER'S ADDRESS: 7777 Glades Road; Suite 410

OWNER'S ADDRESS: Boca Raton,FL 33434-

TYPE UTILITY SYSTEM: POTABLE WATER

(Please provide separate 'Certifications' for potable water, sanitary sewer and effluent reuse facilities.)

DESCRIPTION AND COST OF MATERIAL, LABOR, AND SERVICES

Please list each element of the system from the drop-down list provided.

<u>ITEM</u>	<u>SIZE</u>	<u>QUANTITY</u>	<u>UNIT</u>	<u>UNIT COST</u>	<u>TOTAL</u>
PVC C-900 DR-18	10"	455.0	LF	\$15.01	\$6,829.55
PVC C-900 DR-18	8"	56.0	LF	\$13.42	\$751.52
PVC C-900 DR-18	6"	65.0	LF	\$13.30	\$864.50
GATE VALVE	8"	1.0	EA	\$680.00	\$680.00
GATE VALVE	6"	2.0	EA	\$759.50	\$1,519.00
GATE VALVE	3"	1.0	EA	\$680.00	\$680.00
SINGLE WATER SERVICE/COMPLETE	3"	1.0	EA	\$7,500.00	\$7,500.00
FIRE LINE UP TO AND INCL 1ST OS + Y VALVE		1.0	LS	\$2,000.00	\$2,000.00
FIRE HYDRANT ASSEMBLY	6"	2.0	EA	\$2,234.00	\$4,468.00
<u>TOTAL</u>					\$25,292.57

(If more space is required, use additional forms(s).)



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 *D. Minkelson*
(Signature of Certifying Agent)

Daniel J. Minkelson, Project Manager
(Name & Title of Certifying Agent)

Mitchell & Stark Construction Company
(Name of Firm or Corporation)

6001 Shirley Street
(Address of Firm or Corporation)

Naples, FL 34109 -


STATE OF FL)
) SS:
COUNTY OF Lee)

The foregoing instrument was signed and acknowledged before me this 7th day of June, 2004 by Daniel Minkelson who is personally known to me - , and who did take an oath.

Pamela A. Eck
Notary Public Signature

Pamela A. Eck
Printed Name of Notary Public

DD042841
Notary Commission Number

 Pamela A Eck
My Commission DD042841
Expires July 17 2006

(NOTARY SEAL)



CERTIFICATION OF CONTRIBUTORY ASSETS

PROJECT NAME: Parcel F of Cascades at Estero

STRAP NUMBER: 27-46-25-13-0000F.0000

LOCATION: 9400 Cascades Isle Boulevard; Estero, Florida

OWNER'S NAME: Cascades by Levitt & Sons, L.L.C.

OWNER'S ADDRESS: 7777 Glades Road; Suite 410

OWNER'S ADDRESS: Boca Raton,FL 33434-

TYPE UTILITY SYSTEM: SANITARY SEWER

(Please provide separate 'Certifications' for potable water, sanitary sewer and effluent reuse facilities.)

DESCRIPTION AND COST OF MATERIAL, LABOR, AND SERVICES

Please list each element of the system from the drop-down list provided.

ITEM	SIZE	QUANTITY	UNIT	UNIT COST	TOTAL
PVC SDR-26 GRAVITY MAIN	8"	210.0	LF	\$15.00	\$3,150.00
MANHOLE		3.0	EA	\$1,900.00	\$5,700.00
SINGLE SEWER SERVICE W/CLEANOUT	6"	1.0	EA	\$600.00	\$600.00
TOTAL					\$9,450.00

(If more space is required, use additional forms(s).)



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]*
(Signature of Certifying Agent)

Daniel J. Minkelson, Project Manager
(Name & Title of Certifying Agent)

Mitchell & Stark Construction Company
(Name of Firm or Corporation)

6001 Shirley Street
(Address of Firm or Corporation)

Naples, FL 34109 -


STATE OF FL)
) SS:
COUNTY OF Lee)

The foregoing instrument was signed and acknowledged before me this 7 th day of June, 2004 by Daniel Minkelson who is personally known to me - , and who did take an oath.

[Signature]
Notary Public Signature

Pamela A. Eck
Printed Name of Notary Public

DD042841
Notary Commission Number

 Pamela A Eck
My Commission DD042841
Expires July 17 2006

(NOTARY SEAL)



COPY

TO: LEE COUNTY FINANCE DEPARTMENT

FROM: UTILITIES ENGINEERING
(Department)
SUE GULLEDGE

BS 20040846-UTL

A. AUTHORIZATION:

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

Purchase Order # N/A for CASCADES AT ESTERO, PARCEL F project.
ACCT NO. OD5360748700.504930 EASEMENT: CASCADES BY LEVITT & SONS, LLC

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

Sue Gullledge
SUE GULLEDGE Signature Authorization

B. SERVICE RECEIVED: RECORDING EASEMENTS (2)

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