

**Lee County Board of County Commissioners  
Agenda Item Summary**

Blue Sheet No. 20041312

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** 1) Approve an exchange of real property interests (under §125.37, F.S.) in a portion of the County's easement located in a development known as Timberwalk at Three Oaks in exchange for a Perpetual Easement Grant also located at Timberwalk at Three Oaks; and, 2) authorize Chairman to sign the necessary documents to complete the exchange of real property interests.

**WHY ACTION IS NECESSARY:** An exchange of County-owned property under §125.37, F.S., requires approval by the Board of County Commissioners.

**WHAT ACTION ACCOMPLISHES:** Authorizes an exchange of County-owned property under §125.37, F.S., and provides Lee County Utilities with new water transmission lines at no cost to the County, improved access for maintenance of water supply wells, and a larger land area for well protection zones.

**2. DEPARTMENTAL CATEGORY:** COMMISSION DISTRICT 5:00 #5      **3. MEETING DATE:** 11-09-2004

<p><b>4. AGENDA:</b></p> <p><input type="checkbox"/> CONSENT</p> <p><input type="checkbox"/> ADMINISTRATIVE</p> <p><input type="checkbox"/> APPEALS</p> <p><input checked="" type="checkbox"/> PUBLIC</p> <p><input type="checkbox"/> WALK ON</p> <p><b>TIME REQUIRED:</b> 5 Minutes</p>	<p><b>5. REQUIREMENT/PURPOSE:</b> (Specify)</p> <p><input checked="" type="checkbox"/> STATUTE §125.37</p> <p><input type="checkbox"/> ORDINANCE</p> <p><input type="checkbox"/> ADMIN. CODE</p> <p><input type="checkbox"/> OTHER</p>	<p><b>6. REQUESTOR OF INFORMATION:</b></p> <p><b>A. COMMISSIONER</b> _____</p> <p><b>B. DEPARTMENT</b> <u>County Attorney</u></p> <p><b>C. DIVISION</b> <u>General Services</u></p> <p><b>BY:</b> _____</p> <p align="right">Scott S. Coover, Assistant County Attorney</p>
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**7. BACKGROUND:**

The County has received a request from D.R. Horton, Inc., a Delaware corporation, the owner of certain real property lying West of I-75 and South of Alico Road known as Timberwalk at Three Oaks located in Section 10, Township 46 South, Range 25 East, Lee County, Florida, to exchange an easement owned by the County located over and across property owned in fee simple by D.R. Horton, Inc., known as Timberwalk at Three Oaks located in Sections 10, Township 46 South, Range 25, Lee County, Florida.

D.R. Horton is developing the property as a multi-family condominium complex. Exchanging the County's current easement for an easement from D.R. Horton would accommodate their use and development of a project known as Timberwalk at Three Oaks. The exchange will also provide the County with the installation of a new water transmission line and improved access for the maintenance of water supply wells. D.R. Horton will be responsible for all construction and costs relocating the water transmission lines. The approximate value of construction is \$36,000.

(Continued on Page 2)

**8. MANAGEMENT RECOMMENDATIONS:**

**9. RECOMMENDED APPROVAL:**

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager	
	N/A	N/A	N/A	<i>S. Board</i>	<i>Cyran 10/19/04</i>	OA	OM	RISK	GC	<i>10-20-04</i>
						<i>RK 10/18</i>	<i>10/18/04</i>	<i>10/18/04</i>	<i>10/18/04</i>	

**10. COMMISSION ACTION:**

APPROVED  
 DENIED  
 DEFERRED  
 OTHER

RECEIVED BY COUNTY ADMIN:	<i>TC</i>
	<i>10/15/04</i>
	<i>3:15 pm 2004</i>
COUNTY ADMIN FORWARDED TO:	<i>TC</i>
	<i>10/17/04</i>
	<i>6 pm</i>

**Blue Sheet # 20041312**

**Subject: Timberwalk at Three Oaks**

**Page 2**

The exchange of property and costs of relocation of water transmission lines is the entire consideration for this transaction. The property owner will also be responsible for all costs of the required publication and (if approved) all other costs of document recordings necessary to effect the exchange. No funding is required.

The conveyance by the County will be by County Deed. Conveyance to the County will be by Perpetual Public Utility Easement Grant.

The proposed exchange has been reviewed and approved by the Lee County Utilities.

**ATTACHMENTS:**

- (1) Resolution Approving Exchange of Property (1-Original)
- (2) Agreement for Exchange of Real Property (1-Original)
  - Exhibit A - County Deed (1-Original)
  - Exhibit B - Perpetual Public Utility Easement Grant (1-Original)
- (3) Notice of Intent

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

**RESOLUTION APPROVING EXCHANGE OF PROPERTY**

WHEREAS, Lee County, a political subdivision of the State of Florida (Lee County), is desirous of exchanging certain easements which will provide improved access for the maintenance of public water supply wells and water transmission lines, and provide a larger land area for well protection zones; and

WHEREAS, Lee County holds certain easements over and across property owned in fee simple by D.R. Horton, Inc., in Section 10, Township 46 South, Range 25 East, Lee County, Florida, for the construction, operation and maintenance of a wellfield and necessary appurtenances for potable water supply wells and raw water transmission lines; and

WHEREAS, D.R. Horton, Inc., desires to obtain a release of certain Lee County easements to accommodate their use and development of a project known as Timberwalk at Three Oaks; and

WHEREAS, D.R. Horton, Inc., owns certain real estate in Section 10, Township 46 South, Range 25 East, Lee County, Florida, and desires to exchange easements for a release of certain easements owned by Lee County; and

WHEREAS, Lee County finds that the easements proposed to be released are not needed for county purposes if an exchange is made between the Parties, and that such an exchange advances necessary Lee County Utility purposes; and

WHEREAS, each of the parties will exchange their respective interests in the real property described herein; and

WHEREAS, the Board believes it is in the best interest of the public to exchange the real property interests described herein.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Lee County, Florida, that, in consideration of the mutual covenants and commitments contained herein, the parties hereby agree to the following as the operative provision to effect a property exchange addressing each of the above referenced concerns:

The Board accepts the terms and conditions of the exchange of real property interests as set forth in the Agreement For The Exchange of Real Property between the parties.

Lee County will convey by statutory County Deed an easement to D.R. Horton, Inc., as described in Exhibit "A" of the Agreement For The Exchange Of Real Property.

D.R. Horton, Inc., a Delaware Corporation, will convey an easement to Lee County by Perpetual Easement Grant as described in Exhibit "B" of the Agreement For The Exchange Of Real Property.

The Chairman, on behalf of the Board of County Commissioners, is hereby authorized to execute the Agreement For The Exchange of Real Property and the statutory County Deed necessary to convey to D.R. Horton, Inc., the real property interest described in attached Exhibit "A"; to accept the conveyance of the real property interests from D.R. Horton, Inc., described in attached Exhibit "B"; and to do those things necessary and appropriate to complete the exchange of real property interest under §125.37, Florida Statutes (2003).

This exchange has been duly noticed and complies with §125.37, Florida Statutes (2003).

The foregoing Resolution was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and, being put to vote, the vote was as follows:

BOB JANES	_____
DOUGLAS ST. CERNY	_____
RAY JUDAH	_____
ANDREW W. COY	_____
JOHN E. ALBION	_____

DULY PASSED AND ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2004.

ATTEST: CHARLIE GREEN  
CLERK OF COURTS

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: \_\_\_\_\_  
Deputy Clerk

BY: \_\_\_\_\_  
Chairman

APPROVED AS TO FORM:

BY: \_\_\_\_\_  
Office of the County Attorney

Attachments: Agreement For The Exchange of Real Property, including attached Exhibits "A" and Exhibit "B"

**AGREEMENT FOR THE  
EXCHANGE OF REAL PROPERTY**

**THIS AGREEMENT** is entered into on this \_\_\_\_\_ day of \_\_\_\_\_, 2004, by and between **LEE COUNTY**, a political subdivision and charter county of the State of Florida ("COUNTY"); and **D.R. HORTON, INC.**, a Delaware Corporation ("HORTON"); COUNTY and HORTON being hereinafter collectively referred to as the "PARTIES".

**WHEREAS**, the COUNTY owns certain easements in Section 10, Township 46 South, Range 25 East, Lee County, Florida for the placement of potable water wells and transmission lines; and

**WHEREAS**, HORTON owns certain real property in Section 10, Township 46 South, Range 25 East, Lee County, Florida, and desires to exchange easements over same for the County's certain easements; and

**WHEREAS**, HORTON will pay all expenses for the relocation of COUNTY'S water transmission lines; and

**WHEREAS**, the COUNTY finds that the County's easements are not needed for County purposes if an exchange is made between the PARTIES, and that such an exchange advances necessary County utility purposes; and

**WHEREAS**, the County is authorized to exchange County property for other property pursuant to Section 125.37, Florida Statutes (2003); and

**WHEREAS**, based upon the foregoing, the PARTIES agree to exchange those certain easements as outlined further herein and pursuant to the terms of Section 125.37,

Florida Statutes (2003), and this Agreement.

**NOW, THEREFORE**, in consideration of the above recitals, the mutual promises made between the PARTIES, and the terms and conditions of this Agreement, the sufficiency of which is acknowledged by the PARTIES, the COUNTY and HORTON, hereby agree that the following will constitute the operative provisions for the exchange of the said easements as follows:

1. The COUNTY will convey to HORTON by County Deed, all of the real property interests as outline in Composite Exhibit "A" hereto.
2. HORTON will convey to COUNTY by Perpetual Public Utility Easement, all of the real property interests as outlined in Composite Exhibit "B" hereto.
3. HORTON shall provide evidence of title acceptable to the County Attorney for all parcels to be conveyed by HORTON, and all applicable taxes assessed against such exchange properties from HORTON shall be paid by HORTON. Additionally, as part of the consideration for this exchange, HORTON agrees to pay all documentary stamp costs, advertising costs, and recording costs associated with this exchange transaction.
4. HORTON will be responsible for all work and costs of construction and demolition for the relocation of the COUNTY'S water transmission lines. The relocation of water lines includes, in kind, new piping acceptable by Lee County Utilities.
5. The PARTIES agree that the real property exchanged under this Agreement

is being conveyed and accepted each to the other, in an "as is" condition, and in particular, with no warranties or guarantees either expressed or implied given by the COUNTY to HORTON.

6. The PARTIES agree that closing of this property exchange shall occur on or before thirty (30) days from the date of execution of this Agreement and subsequent to all statutory notices as required by Section 125.37, Florida Statutes (2003). The COUNTY will provide notice of this proposed property exchange prior to the COUNTY'S execution of this Agreement. The time of closing may be changed by mutual agreement of the PARTIES in writing, and the Lee County Administrator, or authorized designee, is hereby authorized and empowered to agree on behalf of the COUNTY to any such extensions as may be determined to be necessary or appropriate to allow a reasonable time for the preparation, execution, modification and recording of documents, and any other acts herein described.
7. This AGREEMENT sets forth all of the consideration for the exchange of the referenced properties, and no other consideration is contemplated herein.
8. This AGREEMENT may be amended upon the concurrence of both PARTIES, with such amendment(s) reduced to writing and adopted with the same formalities of this AGREEMENT.
- 9 This AGREEMENT is for the exclusive benefit of the PARTIES hereto, and as such, conveys no right, title or interest in the exchanged properties to any

third party claiming under same.

10. The PARTIES agree that time is of the essence in the fulfillment of the terms and obligations of this AGREEMENT.

(Balance of Page Left Intentionally Blank)



**IN WITNESS WHEREOF**, the PARTIES hereto have executed this Agreement by their duly authorized officials, on the date first above written.

**D.R. HORTON, INC.**

\_\_\_\_\_  
[1<sup>st</sup> Witness' Signature]

\_\_\_\_\_  
[Type or Print Name]

\_\_\_\_\_  
[2<sup>nd</sup> Witness' Signature]

\_\_\_\_\_  
[Type or Print Name]

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

\_\_\_\_\_  
[Type or Print Name]

\_\_\_\_\_  
[Title]

(Corporate Seal)

ATTEST:  
CHARLIE GREEN, CLERK

BY: \_\_\_\_\_  
Deputy Clerk

**BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA**

BY: \_\_\_\_\_  
Chairman

APPROVED AS TO FORM:

BY: \_\_\_\_\_  
Office of the County Attorney

**EXHIBIT "A"**

This Instrument Prepared By:  
Lee County Attorneys Office  
P.O. Box 398  
Fort Myers, Florida 33903

Strap Numbers:

10-46-25-00-00001.2000 and  
10-46-25-00-00004.0000

THIS SPACE RESERVED FOR RECORDING

**COUNTY DEED**

THIS DEED, executed this \_\_\_\_\_ day of \_\_\_\_\_, 2004, by **LEE COUNTY, FLORIDA, a political subdivision of the State of Florida**, whose address is Post Office Box 398, Fort Myers, Florida 33902-0398, Grantor, to **D.R. HORTON, INC. a Delaware Corporation**, whose address is 1192 East Newport Center Drive #150, Deerfield Beach, Florida 33442, Grantee.

**WITNESSETH:**

Grantor, for and in consideration of the sum of ten dollars (\$10.00) to it in hand paid by the Grantee, receipt whereof is hereby acknowledged, has granted, bargained and sold to Grantee, its successors and assigns forever and subject to the conditions cited below, all of the described interests in certain lands, lying and being in Lee County, Florida, to wit:

**See: Exhibit "A" attached hereto and made a part hereof for the description of the easements conveyed herein. This conveyance is made subject to any existing restrictions or reservations of record with respect to the described easement.**

This grant conveys only those interests and rights as held by the County and its Board of County Commissioners in the lands as herein described, and is not to be deemed to warrant the title or to represent any state of facts concerning the same. This grant is made as part of an exchange for other easements from Grantee pursuant to Section 125.37, Florida Statutes (2003).

**IN WITNESS WHEREOF**, Grantor has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairman or Vice Chairman of said Board, the day and year aforesaid.

ATTEST:  
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: \_\_\_\_\_  
Deputy Clerk

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

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  
OF  
A PARCEL OF LAND  
LYING IN  
SECTION 10, TOWNSHIP 46 SOUTH, RANGE 25 EAST,  
LEE COUNTY, FLORIDA

**(EASEMENTS AS SHOWN IN O.R. 1634, PAGE 1595)**

EASEMENTS AS SHOWN IN OFFICIAL RECORDS BOOK 1634, AT PAGE 1595, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 10, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LYING WITHIN, OVER AND ACROSS PARCELS AS DESCRIBED IN OFFICIAL RECORDS BOOK 2059, PAGE 2905, AND OFFICIAL RECORDS BOOK 1671, PAGE 1524, LEE COUNTY PUBLIC RECORDS, SAID PARCELS BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE SOUTHWEST CORNER OF SOUTHEAST QUARTER OF SAID SECTION 10; THENCE N.01°24'08"W. ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER, FOR 2664.26 FEET TO THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER AND THE **POINT OF BEGINNING**; THENCE N.01°21'19"W., ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 10, FOR 123.39 FEET; THENCE S.89°16'59"W., FOR 140.02 FEET; THENCE S.01°21'42"E., FOR 92.23 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 89°57'31", A CHORD BEARING OF S.43°37'03"W. AND A CHORD LENGTH OF 21.21 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 23.55 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S.88°35'49"W., FOR 141.22 FEET; THENCE S.88°34'55"W., FOR 124.02 FEET; THENCE S.01°24'42"E., PARALLEL WITH AND 50.00 FEET EASTERLY OF (AS MEASURED ON A PERPENDICULAR) THE EASTERLY RIGHT OF WAY LINE OF THREE OAKS PARKWAY, FOR 656.71 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 1070.00 FEET, A CENTRAL ANGLE OF 42°16'52", A CHORD BEARING OF S.22°33'08"E. AND A CHORD LENGTH OF 771.81 FEET; THENCE ALONG SAID PARALLEL LINE AND THE ARC OF SAID CURVE, AN ARC LENGTH OF 789.60 FEET; THENCE N.47°21'09"E., LEAVING SAID PARALLEL LINE, FOR 55.51 FEET; THENCE N.47°21'09"E., FOR 33.75 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 130.00 FEET, A CENTRAL ANGLE OF 18°31'11", A CHORD BEARING OF N.56°36'44"E. AND A CHORD LENGTH OF 41.84 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 42.02 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 110°58'29", A CHORD BEARING OF S.10°23'05"W. AND A CHORD LENGTH OF 24.72 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 29.05 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 960.00 FEET, A CENTRAL ANGLE OF 02°52'05", A CHORD BEARING OF S.46°32'13"E. AND A CHORD LENGTH OF 48.05 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 48.06 FEET TO A POINT ON A CURVE TO THE RIGHT, HAVING: A RADIUS OF 120.00 FEET, A CENTRAL ANGLE OF 20°32'37", A CHORD BEARING OF S.35°46'28"E. AND A CHORD LENGTH OF 42.80 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 43.03 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S.25°30'09"E., FOR 37.14 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT,

**EXHIBIT "A"**

SHEET 1 OF 3

HAVING: A RADIUS OF 80.00 FEET, A CENTRAL ANGLE OF 13°04'55", A CHORD BEARING OF S.32°02'37"E. AND A CHORD LENGTH OF 18.23 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 18.27 FEET TO THE END OF SAID CURVE; THENCE N.73°26'57"E., FOR 1031.74 FEET TO THE WESTERLY RIGHT OF WAY LINE OF INTERSTATE 75; THENCE N.14°13'43"W., ALONG SAID RIGHT OF WAY LINE, FOR 333.81 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 5823.58 FEET, A CENTRAL ANGLE OF 08°07'29", A CHORD BEARING OF N.10°09'59"W. AND A CHORD LENGTH OF 825.10 FEET; THENCE

ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 825.79 FEET TO THE END OF SAID CURVE; THENCE S.89°17'42"W., ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER OF SECTION 10, FOR 834.72 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 39.50 ACRES, MORE OR LESS.

EASEMENT DESCRIPTIONS AS RECORDED IN O.R. BOOK 1634, PAGE 1595 THAT ARE LYING WITHIN, OVER AND ACROSS THE ABOVE DESCRIBED PARCEL ARE AS FOLLOWS:

1.) THE NORTH 200.0 FEET OF THE SOUTH 1607 FEET OF THE WEST 154.1 FEET OF THE EAST 204.1 FEET OF THE SOUTHWEST ONE QUARTER, OF SECTION 10, TOWNSHIP 46 SOUTH, RANGE 25 EAST.

2.) THE SOUTH 200.0 FEET OF THE NORTH 220.5 FEET OF THE WEST 114.1 FEET OF THE EAST 164.4 FEET OF THE SOUTHWEST ONE QUARTER, OF SECTION 10, TOWNSHIP 46 SOUTH, RANGE 25 EAST.

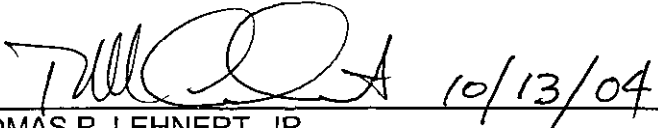
3.) THE WEST 10.0 FEET OF THE EAST 60.0 FEET OF THE SOUTHWEST ONE QUARTER, OF SECTION 10, TOWNSHIP 46 SOUTH, RANGE 25 EAST.

SEE ATTACHED EXHIBIT "1", WHICH SHOWS THE PORTION OF THE EASEMENT DESCRIBED IN O.R. BOOK 1634, PAGE 1595 TO BE VACATED AND THE PORTION TO REMAIN.

PARCEL SUBJECT TO ALL EASEMENTS, RIGHTS OF WAY AND RESTRICTIONS OF RECORD.

BEARINGS ARE BASED ON THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AS BEARING S.01°24'08"E.

DESCRIPTION PREPARED SEPTEMBER 20<sup>th</sup>, 2004.

  
THOMAS R. LEHNERT, JR.  
PROFESSIONAL SURVEYOR & MAPPER  
FLORIDA CERTIFICATION NO. 5541

**EXHIBIT "A"**

SHEET 2 OF 3

# Banks Engineering, Inc.

PROFESSIONAL ENGINEERS, LAND SURVEYORS & PLANNERS

FLORIDA BUSINESS CERTIFICATION NUMBER LB 6690  
 10511 SIX MILE CYPRESS PARKWAY - SUITE 101  
 FORT MYERS, FLORIDA 33912  
 (239) 939-5490

# EXHIBIT "1"

OF

A TRACT OR PARCEL OF LAND LYING IN  
 SECTION 10, TOWNSHIP 46 SOUTH, RANGE 25 EAST,  
 LEE COUNTY, FLORIDA



NOT TO SCALE  
 1"=400'±

INTERSTATE 75

NORTHWEST CORNER  
 SOUTHEAST QUARTER  
 SECTION 10,  
 TOWNSHIP 46 SOUTH,  
 RANGE 25 EAST

PARCEL AS SHOWN IN  
 O.R. 2059, PAGE 2905  
 O.R. 1671, PAGE 1524

EASEMENT AS SHOWN IN  
 O.R. 1634, PAGE 1595  
 TO REMAIN

SOUTHWEST CORNER  
 SOUTHEAST QUARTER  
 SECTION 10,  
 TOWNSHIP 46 SOUTH,  
 RANGE 25 EAST

EAST LINE NORTHWEST  
 QUARTER SECTION 10

NORTH LINE SOUTHEAST  
 QUARTER SECTION 10

BEARING BASIS  
 W. LINE S.E. 1/4 - SECTION 10 S 01°24'08" E

10' UTILITY EASEMENT  
 O.R. 1634, PG. 1595  
**EASEMENT 4  
 A PORTION  
 TO BE VACATED**

1356.7'±  
 1350.6'±

SOUTH LINE SOUTHEAST  
 QUARTER SECTION 10

NORTH LINE SOUTHWEST  
 QUARTER SECTION 10

THREE OAKS PARKWAY  
 (100' WIDE)

114.1' X 200.5'  
 UTILITY EASEMENT  
 O.R. 1634, PG. 1595  
**EASEMENT 3  
 TO BE VACATED**

200.0' X 154.1'  
 UTILITY EASEMENT  
 O.R. 1634, PG. 1595  
**EASEMENT 2  
 TO BE VACATED**

156.0' X 121.0'  
 UTILITY EASEMENT  
 O.R. 1634, PG. 1595  
**EASEMENT 1**  
 10' UTILITY EASEMENT  
 O.R. 1634, PG. 1595  
**EASEMENT 4**

SOUTH LINE SOUTHWEST  
 QUARTER SECTION 10

**LEGEND:**

- O.R. INDICATES OFFICIAL RECORDS BOOK, LEE COUNTY FLORIDA
- PG. INDICATES PAGE
- ⊕ INDICATES CENTERLINE
- ± INDICATES PLUS OR MINUS

**THIS EXHIBIT  
 IS NOT A BOUNDARY SURVEY**

EXHIBIT "1"  
 PREPARED 10-07-04  
 SHEET 1 OF 1

C:\JOBS\1568\SURVEY\VACATION\1568\_EXHIBIT\_ONE.DWG

# Banks Engineering, Inc.

PROFESSIONAL ENGINEERS, LAND SURVEYORS & PLANNERS  
 FLORIDA BUSINESS CERTIFICATION NUMBER LB 6890  
 10511 SIX MILE CYPRESS PARKWAY - SUITE 101  
 FORT MYERS, FLORIDA 33912  
 (239) 839-5490



## SKETCH OF DESCRIPTION

OF  
 A TRACT OR PARCEL OF LAND LYING IN  
 SECTION 10, TOWNSHIP 46 SOUTH, RANGE 25 EAST,  
 LEE COUNTY, FLORIDA  
 (EASEMENTS RECORDED IN O.R. 1634, PAGE 1595)

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	80.00'	13°04'55"	18.27'	18.23'	S 32°02'37" E
C2	120.00'	20°32'37"	43.03'	42.80'	S 35°46'28" E
C3	960.00'	02°52'05"	48.06'	48.05'	N 46°32'13" W
C4	15.00'	110°58'29"	29.05'	24.72'	N 10°23'05" E
C5	130.00'	18°31'11"	42.02'	41.84'	N 56°36'44" E
C6	1070.00'	42°16'52"	789.60'	771.81'	N 22°33'08" W
C7	15.00'	89°57'31"	23.55'	21.21'	S 43°37'03" W
C8	5823.58'	08°07'29"	825.79'	825.10'	N 10°09'59" W

LINE TABLE

L1	S 25°30'09" E	37.14'
L2	S 47°21'09" W	55.51'
L3	S 47°21'09" W	33.75'

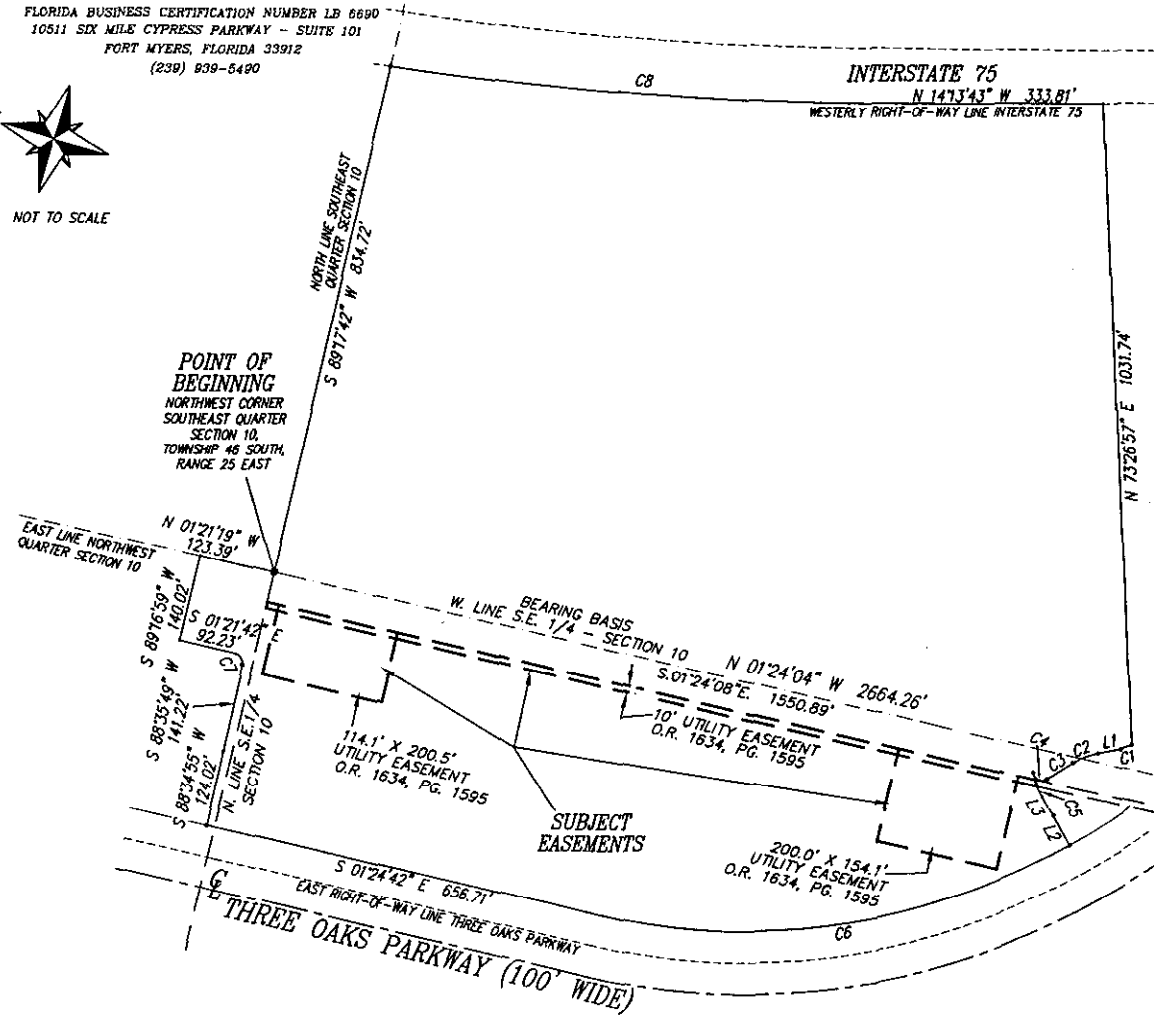
### NOTES:

- 1.) SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
- 2.) ASSUMED NORTH BASED ON THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY FLORIDA, AS BEARING S.01°24'08"E.

SEE SHEETS 1 AND 2 FOR COMPLETE METES AND BOUNDS DESCRIPTION.

**THIS SKETCH OF DESCRIPTION IS NOT A BOUNDARY SURVEY**

POINT OF COMMENCEMENT  
 SOUTHWEST CORNER  
 SOUTHEAST QUARTER  
 SECTION 10,  
 TOWNSHIP 46 SOUTH,  
 RANGE 25 EAST



*Thomas R. Lehnert, Jr.* 10/13/04

THOMAS R. LEHNERT, JR.  
 PROFESSIONAL SURVEYOR & MAPPER  
 FLORIDA CERTIFICATION NO. 5541

- THIS SKETCH OF DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

PREPARED 09-20-04  
 SHEET 3 OF 3

**EXHIBIT "B"**

This Instrument Prepared By:  
Lee County Attorney's Office  
P. O. Box 398  
Fort Myers, Florida 33902-0398

Strap Number:10-46-25-00-00001.2010

THIS SPACE RESERVED FOR RECORDING

**GRANT OF PERPETUAL PUBLIC UTILITY EASEMENT**

THIS INDENTURE is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2004, by and between D. R. HORTON, INC., a Delaware corporation, hereinafter referred to as GRANTOR, 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 structure 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 covenants 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 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, 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 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.

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

_____	BY: _____
[1 <sup>st</sup> Witness' Signature]	[Signature Grantor's/Owner's]
_____	_____
[Type or Print Name]	[Type or Print Name]
_____	_____
[2 <sup>nd</sup> Witness' Signature]	[Title]
_____	
[Type or Print Name]	

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

The foregoing instrument was signed and acknowledged before me this \_\_\_\_ day of \_\_\_\_\_ 2004, 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 of Notary]  
\_\_\_\_\_  
[Typed or Printed Name]

Approved and accepted for and on behalf of Lee County, Florida, this \_\_\_\_ day  
of \_\_\_\_\_, 2004.

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

# **Banks Engineering, Inc.**

Professional Engineers, Planners & Land Surveyors  
FORT MYERS ♦ NAPLES ♦ SARASOTA  
HOLMES BEACH ♦ PORT CHARLOTTE

DESCRIPTION  
OF  
A TRACT OR PARCEL OF LAND  
LYING IN  
SECTION 10, TOWNSHIP 46 SOUTH, RANGE 25 EAST  
LEE COUNTY, FLORIDA

**(WELL EASEMENT-1)**

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 10, TOWNSHIP 46 SOUTH, RANGE 25 EAST, BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:


COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 10 ; THENCE S.89°17'42"W. ALONG THE NORTH LINE OF SAID FRACTION FOR 85.31 FEET; THENCE S.00°42'18"E. FOR 66.94 FEET TO THE **POINT OF BEGINNING**; THENCE N.88°38'21"E. FOR 14.50 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 100.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00" FOR 157.08 FEET; THENCE S.01°21'39"E. FOR 40.00 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 100.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00" FOR 157.08 FEET; THENCE S.88°38'21"W. FOR 14.50 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 100.00 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00" FOR 157.08 FEET; THENCE N.01°21'39"W. FOR 40.00 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 100.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 89°59'43" FOR 157.08 FEET TO THE **POINT OF BEGINNING**.

BEARINGS ARE BASED ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF SECTION 10 TOWNSHIP 46 SOUTH, RANGE 25 EAST AS BEARING S.89°17'42"W.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

PARCEL CONTAINS 0.98 ACRES, MORE OR LESS.

DESCRIPTION PREPARED ON APRIL 20, 2004.

  
THOMAS R. LEHNERT, JR., P.S.M.  
FLORIDA CERTIFICATION NO. 5541

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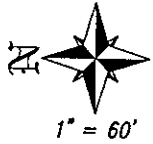
**EXHIBIT "A" WELL EASEMENT 1**

# SKETCH OF DESCRIPTION

**Banks Engineering, Inc.**

PROFESSIONAL ENGINEERS, LAND SURVEYORS & PLANNERS  
 FLORIDA BUSINESS CERTIFICATION NUMBER LB 6690  
 10511 SIX MILE CYPRESS PARKWAY - SUITE 101  
 FORT MYERS, FLORIDA 33912  
 (239) 939-5490

OF  
 A TRACT OR PARCEL OF LAND LYING IN  
 SECTION 10, TOWNSHIP 46 SOUTH, RANGE 25 EAST  
 LEE COUNTY, FLORIDA  
 (WELL EASEMENT-1)



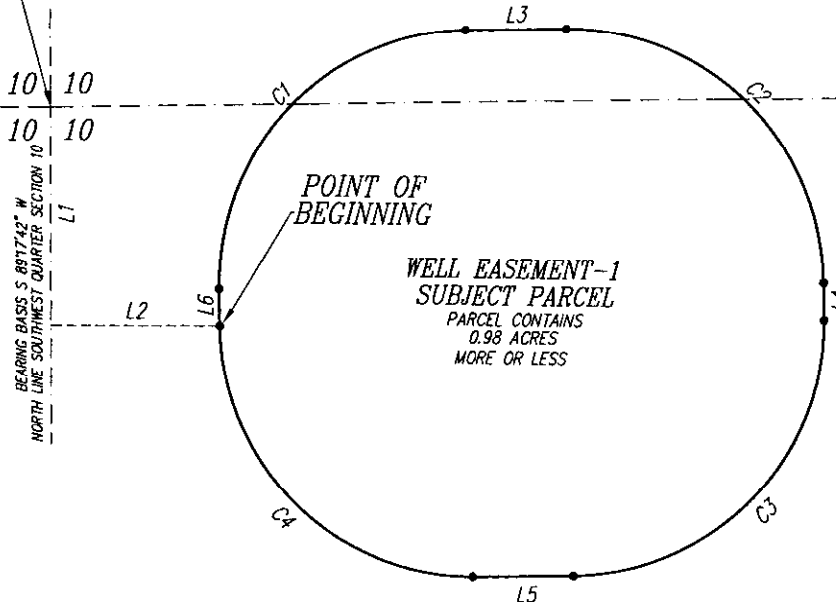
POINT OF COMMENCEMENT  
 NORTHEAST CORNER  
 SOUTHWEST QUARTER  
 SECTION 10,  
 TOWNSHIP 46 SOUTH,  
 RANGE 25 EAST

**CURVE TABLE**

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	100.00'	90°00'00"	157.08'	141.42'	S 46°21'39" E
C2	100.00'	90°00'00"	157.08'	141.42'	S 43°38'21" W
C3	100.00'	90°00'00"	157.08'	141.42'	N 46°21'39" W
C4	100.00'	90°00'00"	157.08'	141.42'	N 43°38'21" E

**LINE TABLE**

LINE	BEARING	DISTANCE
L1	S 89°17'42" W	85.31'
L2	S 00°42'18" E	66.94'
L3	S 01°21'39" E	40.00'
L4	S 88°38'21" W	14.50'
L5	N 01°21'39" W	40.00'
L6	N 88°38'21" E	14.50'



**NOTES:**

- 1.) SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
- 2.) ASSUMED NORTH BASED THE NORTH LINE OF THE SOUTHWEST QUARTER OF SECTION 10 TOWNSHIP 46 SOUTH, RANGE 25 EAST AS BEARING S 89°17'42" W

SEE SHEET 1 OF 2 FOR COMPLETE DESCRIPTION.  
 THIS SKETCH OF DESCRIPTION IS NOT A BOUNDARY SURVEY

*Thomas R. Lehnert, Jr.* 10/13/04  
 THOMAS R. LEHNERT, JR., P.S.M.  
 FLORIDA CERTIFICATION NO. 5541

EXHIBIT "A" WELL EASEMENT 1  
 PREPARED 04-20-04  
 SHEET 2 OF 2

- THIS SKETCH OF DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

# Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors  
FORT MYERS ♦ NAPLES ♦ SARASOTA  
HOLMES BEACH ♦ PORT CHARLOTTE

DESCRIPTION  
OF  
A TRACT OR PARCEL OF LAND  
LYING IN  
SECTION 10, TOWNSHIP 46 SOUTH, RANGE 25 EAST  
LEE COUNTY, FLORIDA

(WELL EASEMENT-2)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 10, TOWNSHIP 46 SOUTH, RANGE 25 EAST, BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:


COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 10; THENCE S.01°24'08"E. ALONG THE WEST LINE OF SAID FRACTION FOR 1034.80' FEET; THENCE S.88°35'52"W. FOR 117.11 FEET; THENCE S.01°21'39"E. FOR 20.00 FEET TO THE **POINT OF BEGINNING**; THENCE N.88°38'21"E. FOR 14.50 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 100.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00" FOR 157.08 FEET; THENCE S.01°21'39"E. FOR 25.00 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 100.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00" FOR 157.08 FEET; THENCE S.88°38'21"W. FOR 14.50 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 100.00 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00" FOR 157.08 FEET; THENCE N.01°21'39"W. FOR 25.00 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 100.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00" FOR 157.08 FEET TO THE **POINT OF BEGINNING**.

BEARINGS ARE BASED ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF SECTION 10 TOWNSHIP 46 SOUTH, RANGE 25 EAST AS BEARING S.89°17'42"W.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

PARCEL CONTAINS 0.91 ACRES, MORE OR LESS.

DESCRIPTION PREPARED ON APRIL 20, 2004.

  
THOMAS R. LEHNERT, JR., P.S.M.  
FLORIDA CERTIFICATION NO. 5541

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**EXHIBIT "A" WELL EASEMENT 2**

# SKETCH OF DESCRIPTION

OF

A TRACT OR PARCEL OF LAND LYING IN  
SECTION 10, TOWNSHIP 46 SOUTH, RANGE 25 EAST  
LEE COUNTY, FLORIDA  
(WELL EASEMENT-2)

**Banks Engineering, Inc.**

PROFESSIONAL ENGINEERS, LAND SURVEYORS & PLANNERS  
FLORIDA BUSINESS CERTIFICATION NUMBER LB 6690  
10511 SIX MILE CYPRESS PARKWAY - SUITE 101  
FORT MYERS, FLORIDA 33912  
(239) 939-5490



1" = 60'

**POINT OF COMMENCEMENT**

NORTHEAST CORNER  
SOUTHWEST QUARTER  
SECTION 10,  
TOWNSHIP 46 SOUTH,  
RANGE 25 EAST

EAST LINE NORTHWEST QUARTER SECTION 10

S 01°24'08" E 1034.80'

EAST LINE SOUTHWEST QUARTER SECTION 10

10 10

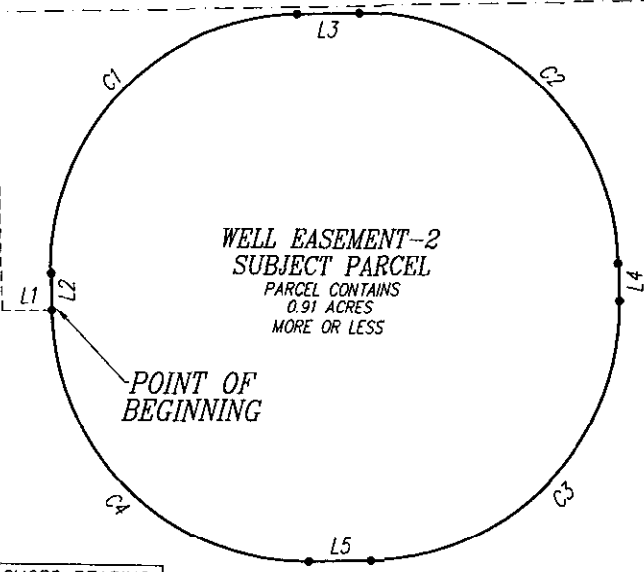
10 10

BEARING BASIS S 89°17'42" W  
NORTH LINE SOUTHWEST QUARTER SECTION 10

**LINE TABLE**

LINE	BEARING	DISTANCE
L1	S 01°21'39" E	20.00'
L2	N 88°38'21" E	14.50'
L3	S 01°21'39" E	25.00'
L4	S 88°38'21" W	14.50'
L5	N 01°21'39" W	25.00'

S 88°35'52" W 117.11'



**NOTES:**

- 1.) SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
- 2.) ASSUMED NORTH BASED THE NORTH LINE OF THE SOUTHWEST QUARTER OF SECTION 10 TOWNSHIP 46 SOUTH, RANGE 25 EAST AS BEARING S 89°17'42" W

SEE SHEET 1 OF 2 FOR COMPLETE DESCRIPTION.

**THIS SKETCH OF DESCRIPTION IS NOT A BOUNDARY SURVEY**

*THM* 10/13/04

THOMAS R. LEHNERT, JR., P.S.M.  
FLORIDA CERTIFICATION NO. 5541

**CURVE TABLE**

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	100.00'	90°00'00"	157.08'	141.42'	S 46°21'39" E
C2	100.00'	90°00'00"	157.08'	141.42'	S 43°38'21" W
C3	100.00'	90°00'00"	157.08'	141.42'	N 46°21'39" W
C4	100.00'	90°00'00"	157.08'	141.42'	N 43°38'21" E

**LEGEND:**

- L1 INDICATES LINE NUMBER 1 FROM LINE TABLE
- INDICATES END POINT OR CHANGE IN DIRECTION
- C1 INDICATES CURVE NUMBER 1 FROM CURVE TABLE

EXHIBIT "A" WELL EASEMENT 2  
PREPARED 04-20-04  
SHEET 2 OF 2

- THIS SKETCH OF DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

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DESCRIPTION  
OF  
A PARCEL OF LAND  
LYING IN  
SECTION 10, TOWNSHIP 46 SOUTH, RANGE 25 EAST,  
LEE COUNTY, FLORIDA

**(10' WIDE PUBLIC UTILITY EASEMENT)**


A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 10, TOWNSHIP 46 SOUTH, RANGE 25 EAST, BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 10; THENCE N.03°34'57"W FOR 1380.94 FEET TO THE **POINT OF BEGINNING** OF THE FOLLOWING DESCRIBED EASEMENT; THENCE N.01°23'28"W. FOR 114.76 FEET; THENCE N.46°21'19"W. FOR 125.07 FEET; THENCE N.01°21'19"W. FOR 880.59 FEET; THENCE S.88°38'41"W. FOR 10.00 FEET; THENCE S.01°21'19"E. FOR 884.73 FEET; THENCE S.46°21'19"E. FOR 125.08 FEET; THENCE S.01°23'28"E. FOR 116.86 FEET TO AN INTERSECTION WITH A CURVE TO THE RIGHT, HAVING A RADIUS OF 130.00 FEET AND TO WHICH POINT A RADIAL LINE BEARS N.35°57'22"W.; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 05°11'49" FOR 11.79 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 0.26 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

BEARINGS ARE BASED ON THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AS BEARING S.01°24'08"E.

  
THOMAS R. LEHNERT, JR.  
PROFESSIONAL SURVEYOR & MAPPER  
FLORIDA CERTIFICATION NO. 5541

**EXHIBIT "A"**

SHEET 1 OF 2





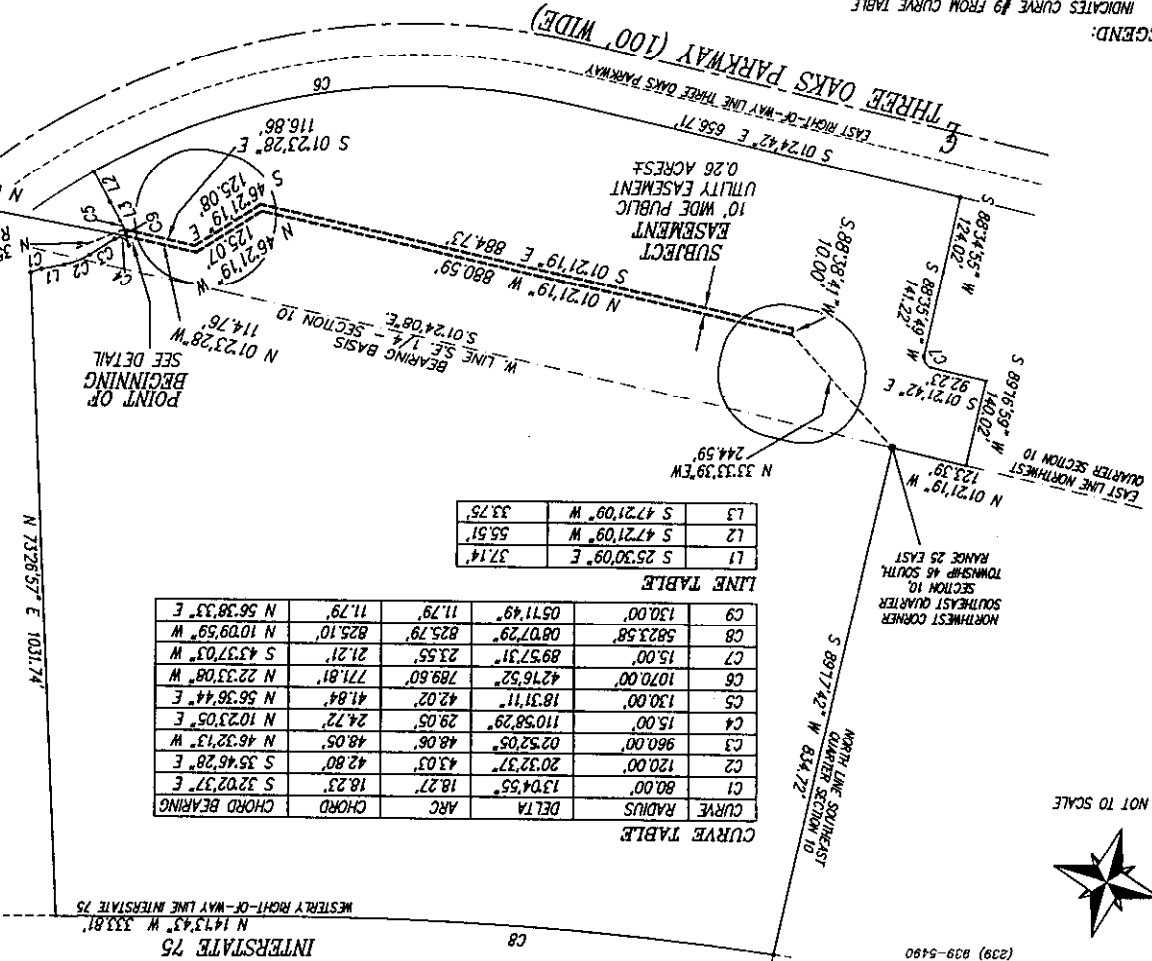
NOT TO SCALE

**CURVE TABLE**

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	80.00'	13.0455°	18.27'	18.23'	S 32.02 37° E
C2	120.00'	20.32 37°	43.03'	42.80'	S 35.46 28° E
C3	960.00'	02.52 05°	48.06'	48.05'	N 46.32 43° W
C4	15.00'	110.58 29°	29.05'	24.72'	N 102.35 05° E
C5	130.00'	18.31 11°	42.02'	41.84'	N 56.36 44° E
C6	1070.00'	42.16 52°	789.60'	771.81'	N 22.33 08° W
C7	15.00'	89.57 31°	23.55'	21.21'	S 43.37 03° W
C8	5823.58'	08.07 29°	825.79'	825.10'	N 10.09 59° W
C9	130.00'	05.11 49°	11.79'	11.79'	N 56.38 33° E

**LINE TABLE**

L1	S 25.30 09° E	37.14'
L2	S 47.21 09° W	55.51'
L3	S 47.21 09° W	33.75'

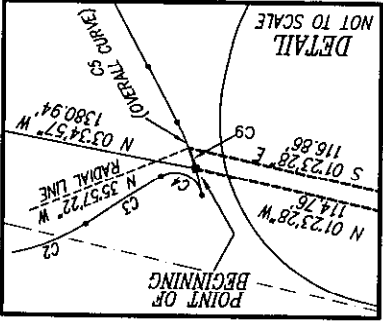


**LEGEND:**  
 C9 INDICATES CURVE #9 FROM CURVE TABLE  
 L1 INDICATES LINE #1 FROM LINE TABLE  
 E INDICATES CENTERLINE

PREPARED 09-20-04  
 SHEET 2 OF 2

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**SKETCH OF DESCRIPTION**  
 OF  
 A TRACT OR PARCEL OF LAND LYING IN  
 SECTION 10, TOWNSHIP 46 SOUTH, RANGE 25 EAST,  
 LEE COUNTY, FLORIDA  
 (10' WIDE PUBLIC UTILITY EASEMENT)



**NOTES:**

- 1) SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
- 2) ASSUMED NORTH BASED ON THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY FLORIDA, AS BEARING S.01°24'08"E.

SEE SHEET 1 OF 2 FOR COMPLETE METES AND BOUNDS DESCRIPTION.

THIS SKETCH OF DESCRIPTION IS NOT A BOUNDARY SURVEY

SEE SHEET 1 AND 2 FOR COMPLETE METES AND BOUNDS DESCRIPTION.

THIS SKETCH OF DESCRIPTION IS NOT A BOUNDARY SURVEY

THOMAS R. LEHNERT, JR.  
 PROFESSIONAL SURVEYOR & MAPPER  
 FLORIDA CERTIFICATION NO. 5541

THOMAS R. LEHNERT, JR.  
 PROFESSIONAL SURVEYOR & MAPPER  
 FLORIDA CERTIFICATION NO. 5541

- THIS SKETCH OF DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

## PUBLIC NOTICE

PLEASE BE ADVISED that on the **9th day of November, 2004, at 5:00 P.M.**, or as soon thereafter, in the County Commissioner's Meeting Room, Old Lee County Courthouse, 2120 Main Street, Fort Myers, Florida, the Board of County Commissioners of Lee County, Florida will consider and take action on the adoption of a Resolution authorizing the exchange of public property for other real property pursuant to §125.37, Florida Statutes (2003).

The public property to be exchanged is Lee County interests of an easement, described as follows:

EASEMENTS AS SHOWN IN OFFICIAL RECORDS BOOK 1634, AT PAGE 1595, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 10, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LYING WITHIN, OVER AND ACROSS PARCELS AS DESCRIBED IN OFFICIAL RECORDS BOOK 2059, PAGE 2905, AND OFFICIAL RECORDS BOOK 1671, PAGE 1524, LEE COUNTY PUBLIC RECORDS, SAID PARCELS BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE SOUTHWEST CORNER OF SOUTHEAST QUARTER OF SAID SECTION 10; THENCE N. 01°24'08"W. ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER, FOR 2664.26 FEET TO THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER AND THE **POINT OF BEGINNING**; THENCE N.01°21'19"W., ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 10, FOR 123.39 FEET; THENCE S.89°16'59"W., FOR 140.02 FEET; THENCE S.01°21'42"E., for 92.23 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 89°57'31", A CHORD BEARING OF S.43°37'03"W. AND A CHORD LENGTH OF 21.21 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 23.55 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S.88°35'49"W., FOR 141.22 FEET; THENCE S.88°34'55"W., FOR 124.02 FEET; THENCE S.01°24'42"E., PARALLEL WITH AND 50.00 FEET EASTERLY OF (AS MEASURED ON A PERPENDICULAR) THE EASTERLY RIGHT OF WAY LINE OF THREE OAKS PARKWAY, FOR 656.71 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 1070.00 FEET, A CENTRAL ANGLE OF 42°16'52", A CHORD BEARING OF S.22°33'08"E. AND A CHORD LENGTH OF 771.81 FEET; THENCE ALONG SAID PARALLEL LINE

AND THE ARC OF SAID CURVE, AN ARC LENGTH OF 789.60 FEET; THENCE N.47°21'09"E. LEAVING SAID PARALLEL LINE, FOR 55.51 FEET; THENCE N.47°21'09"E., FOR 33.75 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 130.00 FEET, A CENTRAL ANGLE OF 18°31'11", A CHORD BEARING OF N.56°36'44"E. AND A CHORD LENGTH OF 41.84 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 42.02 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 110°58'29", A CHORD BEARING OF S.10°23'05"W. AND A CHORD LENGTH OF 24.72 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 29.05 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 960.00 FEET, A CENTRAL ANGLE OF 02°52'05", A CHORD BEARING OF S.46°32'13"E. AND A CHORD LENGTH OF 48.05 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 48.06 FEET TO A POINT ON A CURVE TO THE RIGHT, HAVING: A RADIUS OF 120.00 FEET, A CENTRAL ANGLE OF 20°32'37", A CHORD BEARING OF S.35°46'28"E. AND A CHORD LENGTH OF 42.80 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 43.03 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S.25°30'09"E., FOR 37.14 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 80.00 FEET, A CENTRAL ANGLE OF 13°04'55", A CHORD BEARING OF S.32°02'37"E. AND A CHORD LENGTH OF 18.23 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 18.27 FEET TO THE END OF SAID CURVE; THENCE N.73°26'57"E., FOR 1031.74 FEET TO THE WESTERLY RIGHT OF WAY LINE OF INTERSTATE 75; THENCE N.14°13'43"W., ALONG SAID RIGHT OF WAY LINE, FOR 333.81 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 5823.58 FEET, A CENTRAL ANGLE OF 08°07'29", A CHORD BEARING OF N.10°09'59"W. AND A CHORD LENGTH OF 825.10 FEET; THENCE

ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 825.79 FEET TO THE END OF SAID CURVE; THENCE S.89°17'42"W., ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER OF SECTION 10, FOR 834.72 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 39.50 ACRES, MORE OR LESS.

EASEMENT DESCRIPTIONS AS RECORDED IN O.R. BOOK 1634, PAGE 1595 THAT ARE LYING WITHIN, OVER AND ACROSS THE ABOVE DESCRIBED PARCEL ARE AS FOLLOWS:

1.) THE NORTH 200.0 FEET OF THE SOUTH 1607 FEET OF THE WEST 154.1 FEET OF THE EAST 204.1 FEET OF THE SOUTHWEST ONE QUARTER, OF SECTION 10, TOWNSHIP 46 SOUTH, RANGE 25 EAST.

2.) THE SOUTH 200.0 FEET OF THE NORTH 220.5 FEET OF THE WEST 114.1 FEET OF THE EAST 164.4 FEET OF THE SOUTHWEST ONE QUARTER, OF SECTION 10, TOWNSHIP 46 SOUTH, RANGE 25 EAST.

3.) THE WEST 10.0 FEET OF THE EAST 60.0 FEET OF THE SOUTHWEST ONE QUARTER, OF SECTION 10, TOWNSHIP 46 SOUTH, RANGE 25 EAST/

PARCEL SUBJECT TO ALL EASEMENTS, RIGHTS OF WAY AND RESTRICTIONS OF RECORD.

BEARINGS ARE BASED ON THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AS BEARING S.01°24'08"E.

The property to be received by Lee County in exchange are three perpetual easements described as follows:

**WELL EASEMENT #1**

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 10, TOWNSHIP 46 SOUTH, RANGE 25 EAST, BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 10; THENCE S.89°17'42"W. ALONG THE NORTH LINE OF SAID FRACTION FOR 85.31 FEET; THENCE S.00°42'18"E. FOR 66.94 FEET TO THE **POINT OF BEGINNING**; THENCE N.88°38'21"E. FOR 14.50 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 100.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE

OF 90°00'00" FOR 157.08 FEET; THENCE S.01°21'39"E. FOR 40.00 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 100.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00" FOR 157.08 FEET; THENCE S.88°38'21"W. FOR 14.50 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 100.00 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00" FOR 157.08 FEET; THENCE N.01°21'39"W. FOR 40.00 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 100.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 89°59'43" FOR 157.08 FEET TO THE **POINT OF BEGINNING.**

BEARINGS ARE BASED ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF SECTION 10 TOWNSHIP 46 SOUTH, RANGE 25 EAST AS BEARING S.89°17'42"W.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

PARCEL CONTAINS 0.98 ACRES, MORE OR LESS.

**AND TOGETHER WITH:**

**WELL EASEMENT #2**

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 10, TOWNSHIP 46 SOUTH, RANGE 25 EAST, BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 10; THENCE S.01°24'08"E. ALONG THE WEST LINE OF SAID FRACTION FOR 1034.80' FEET; THENCE S. 88°35'52"W. FOR 117.11 FEET; THENCE S.01°21'39" FOR 20.00 FEET TO THE **POINT OF BEGINNING**; THENCE 88°38'21"E. FOR 14.50 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 100.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00" FOR 157.08 FEET; THENCE S.01°21'39"E. FOR 25.00 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 100.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE

OF 90°00'00" FOR 157.08 FEET; THENCE S.88°38'21"W. FOR 14.50 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 100.00 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00" FOR 157.08 FEET; THENCE N.01°21'39"W. FOR 25.00 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 100.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00" FOR 157.08 FEET TO THE **POINT OF BEGINNING**.

BEARINGS ARE BASED ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF SECTION 10 TOWNSHIP 46 SOUTH, RANGE 25 EAST AS BEARING S.89°17'142"W.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

PARCEL CONTAINS 0.91 ACRES, MORE OR LESS.

**AND TOGETHER WITH:**

**10' WIDE PUBLIC UTILITY EASEMENT**

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 10, TOWNSHIP 46 SOUTH, RANGE 25 EAST, BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 10; THENCE N.03°34'57"W FOR 1380.94 FEET TO THE **POINT OF BEGINNING** OF THE FOLLOWING DESCRIBED EASEMENT; THENCE N.01°23'28"W. FOR 114.76 FEET; THENCE N.46°21'19"W. FOR 125.07 FEET; THENCE N.01°21'19"W. FOR 880.59 FEET; THENCE S.88°38'41"W. FOR 10.00 FEET; THENCE S.01°21'19"E. FOR 884.73 FEET; THENCE S.46°21'19"E. FOR 125.08 FEET; THENCE S.01°23'28"E. FOR 116.86 FEET TO AN INTERSECTION WITH A CURVE TO THE RIGHT, HAVING A RADIUS OF 130.00 FEET AND TO WHICH POINT A RADIAL LINE BEARS N.35°57'22"W.; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 05°11'49" FOR 11.79 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 0.26 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

BEARINGS ARE BASED ON THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AS BEARINGS S.01°24'08"E.

The terms will be the exchange of Lee County's real property interest in an easement in return for Lee County receiving an easement that will provide improved access for installation and maintenance of public potable water supply wells and raw water transmission lines, and provide larger well protection zones. The property owner will be responsible for all costs effecting the exchange. An agreement for the exchange of real property is requested to be adopted to further delineate the obligations of the property owner in effecting the exchange.

Parties to the exchange will be Lee County and D.R. Horton, Inc., a Delaware Corporation. If the Resolution of Exchange is adopted, the closing of said exchange will follow thereafter in accordance with the terms of the approved resolution.

**ALL PERSONS INTERESTED IN COMMENTING ON THE BOARD'S CONSIDERATION OF THIS MATTER ARE REQUESTED TO BE IN ATTENDANCE AT THE TIME AND PLACE SET FORTH ABOVE. PLEASE BE GOVERNED ACCORDINGLY.**

If you have a disability that will require special assistance or accommodations for your attendance at the public hearing, please call the Lee County Division of Public Resources at (239) 335-2269 for information.

The text of this Notice is pursuant to and in conformance with §125.66, Florida Statutes (2003).

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

By: \_\_\_\_\_  
Charlie Green, Ex-Officio Clerk  
to the Board of County Commissioners  
of Lee County, Florida

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Office of the County Attorney

Ad Size:

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