

Lee County Board of County Commissioners  
Agenda Item Summary

DATE CRITICAL  
Blue Sheet No. 20041652

1. **REQUESTED MOTION:**

**ACTION REQUESTED:** Accept three warranty deeds for segments of Sandy Lane right-of-way from North Point Lake, LLC and Edward J. McArdle, Trustee; approve a DRI proportionate share offset for the Coconut Point DRI in the total amount of \$2,757,358.80; authorize the County Attorney's Office to accept and record documents related to the right-of-way transaction.

**WHY ACTION IS NECESSARY:** Florida Statutes requires Board acceptance of land transfers to the County.

**WHAT ACTION ACCOMPLISHES:** It satisfies the requirements related to the transfer of land to support construction of Sandy Lane right-of-way in accordance with the Coconut Point DRI Development Order and Development Agreement.

2. **DEPARTMENTAL CATEGORY:**

COMMISSION DISTRICT # 3

C12C

3. **MEETING DATE:**

12-21-2004

4. **AGENDA:**

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

5. **REQUIREMENT/PURPOSE:**  
(Specify)

- STATUTE
- ORDINANCE
- ADMIN. CODE
- OTHER  DRI
- Development Agreement

6. **REQUESTOR OF INFORMATION:**

- A. COMMISSIONER
- B. DEPARTMENT County Attorney
- C. DIVISION Land Use
- BY: Dawn Peffry-Lehnert  
Dawn Peffry-Lehnert  
Assistant County Attorney

7. **BACKGROUND:** The Board approved the Coconut Point DRI Development Order on October 21, 2001 and the related Development Agreement on February 24, 2004. The documents required the developer to dedicate unencumbered fee title to the land necessary to support construction of Sandy Lane through the DRI boundary.

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	N/A	<i>[Signature]</i>	OA RK 12/7	OM 12/7/04	RISK 12/7/04	GC 12/7/04	<i>[Signature]</i> 12-8-04

10. **COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

CO. ATTY.  
FORWARDED TO:  
Co Admin  
12-7-04 10:30am

RECEIVED BY  
COUNTY ADMIN: *[Signature]*  
12/7/04  
11:00 am SL  
COUNTY ADMIN  
FORWARDED TO:  
12/8/04  
11:30 am SL

25

**Subject:** Coconut Point DRI Transfer of Sandy Lane within the DRI Boundary

The provisions of the DRI Development Agreement set forth the value of the DRI proportionate share offset based upon receipt of clear and unencumbered fee title. During the review process, a number of title encumbrances were identified. With the exception of easements held by Florida Power & Light (FPL), Bonita Springs Utilities (BSU) and the Brooks CDD, these encumbrances have been addressed. The FPL and BSU easements will ultimately be addressed by condemnation action.

In order to facilitate the transfer of the right-of-way property, the County has negotiated a reduction in the value of the parcels encumbered by the remaining easements. Accordingly, staff recommends acceptance of the Sandy Lane right-of-way and grant of DRI proportionate share offset as follows.

- Parcel #1: Coconut Road to Pelican Colony Boulevard**  
Grantor: Edward J. McArdle, Trustee  
Proportionate Share offset for Coconut Point DRI  
Value of offset: \$450,807.60  
( $\$488,307.60$  minus  $\$37,500.00$  =  $\$450,807.60$ )  
( $\$37,500.00$  reduction for a portion of CDD encumbrance)
- Parcel #2: Pelican Colony Boulevard to Williams Road**  
Grantor: Edward J. McArdle, Trustee  
Proportionate Share offset for Coconut Point DRI  
Value of offset: \$1,793,173.20  
( $\$1,980,673.20$  minus  $\$187,500.00$  =  $\$1,793,173.20$ )  
( $\$187,500.00$  reduction for FPL, BSU and portion of CDD encumbrance)
- Parcel #3: Williams Road to the Western Railroad Boundary**  
Grantor: North Point Lake, LLC  
Proportionate Share offset for Coconut Point DRI  
Value of offset: \$513,378.00

This request has been reviewed by the Lee County Department of Transportation and Lee County Lands and approval is recommended.

**Attachments:**

1. Warranty deeds
2. County Lands appraisal reports
3. Title commitments with endorsements
4. Affidavits of Interest
5. Removal agreements

# Parcel #1

Coconut Road to Pelican Colony Boulevard

PREPARED BY AND RETURN TO:  
Charles W. Edgar, III, Esquire  
CHERRY & EDGAR, P.A.  
4400 PGA Boulevard, Suite 200  
Palm Beach Gardens, FL 33410

WARRANTY DEED

THIS WARRANTY DEED made the 12<sup>th</sup> day of November, 2004, by NORTH POINT LAKE, LLC, a Delaware limited liability company, hereinafter called the grantor, to LEE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, whose post office address is Post Office Box 398, Ft. Myers, Florida 33902, hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.)

WITNESSETH: That the grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Lee County, Florida, viz:

See Exhibit "A" attached hereto and made a part hereof for legal description.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances.

IN WITNESS WHEREOF, the grantor has caused these presents to be executed the day and year first above written.

Signed, sealed and delivered in the presence of:

NORTH POINT LAKE, LLC, a Delaware limited liability company

By: ESTERO LAKES DEVELOPMENT III, INC., a Delaware corporation, its Manager

[Signature]  
THOMAS J. KELLY  
(Print Name)

By: Frank S. Scarlati Jr.  
Frank S. Scarlati Jr.,  
President

[Signature]  
Anna M. Ruehl  
(Print Name)

Two Transom Plaza, Suite 200  
Oakbrook Terrace, IL 60181  
(Address)

STATE OF ILLINOIS

COUNTY OF KANE

The foregoing instrument was acknowledged before me this 12<sup>th</sup> day of November, 2004, by FRANK S. SCARLATI JR., PRESIDENT of ESTERO LAKES DEVELOPMENT III, INC., a Delaware corporation, MANAGER of NORTH POINT LAKE, LLC, a Delaware limited liability company, on behalf of said corporation and limited liability company.



[Signature]  
Notary Public  
Sonja N. Gallagher  
(Print Name)

My Commission Expires:

Personally Known  OR Produced Identification

Type of Identification Produced \_\_\_\_\_



950 Encore Way • Naples, Florida 34110 • Phone: 239.254.2000 • Fax: 239.254.2099

HM PROJECT #1997079  
11/18/2004  
REF. DWG. #B-4691

LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN A PORTION OF SECTION 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, THE SAME BEING A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF WILLIAMS ROAD, HAVING A 100 FOOT WIDE RIGHT-OF-WAY; THENCE RUN S.88°21'07"W., ALONG THE SOUTH LINE OF SAID SECTION 33 AND ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 637.79 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S.88°21'07"W., ALONG THE SOUTH LINE OF SAID SECTION 33 AND ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 100.00 FEET; THENCE RUN N.01°39'07"W., FOR A DISTANCE OF 332.13 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHEASTERLY; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 766.00 FEET, THROUGH A CENTRAL ANGLE OF 61°23'46", SUBTENDED BY A CHORD OF 782.11 FEET AT A BEARING OF N.29°02'46"E., FOR A DISTANCE OF 820.82 FEET TO THE END OF SAID CURVE; THENCE RUN N.59°44'39"E., FOR A DISTANCE OF 60.02 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, HAVING A 130 FOOT WIDE RIGHT-OF-WAY; THENCE RUN S.10°29'23"E., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 106.26 FEET; THENCE RUN S.59°44'39"W., FOR A DISTANCE OF 24.08 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHEASTERLY; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 666.00 FEET, THROUGH A CENTRAL ANGLE OF 61°23'46", SUBTENDED BY A CHORD OF 680.00 FEET AT A BEARING OF S.29°02'46"W., FOR A DISTANCE OF 713.66 FEET TO THE END OF SAID CURVE; THENCE RUN S.01°39'07"E., FOR A DISTANCE OF 332.13 FEET, TO THE POINT OF BEGINNING; CONTAINING 2.620 ACRES, MORE OR LESS.

THIS PROPERTY SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

BEARINGS SHOWN HEREON REFER TO THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 4 TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AS BEING S.00°53'36"E.

HOLE MONTES, INC.  
CERTIFICATE OF AUTHORIZATION LB #1772

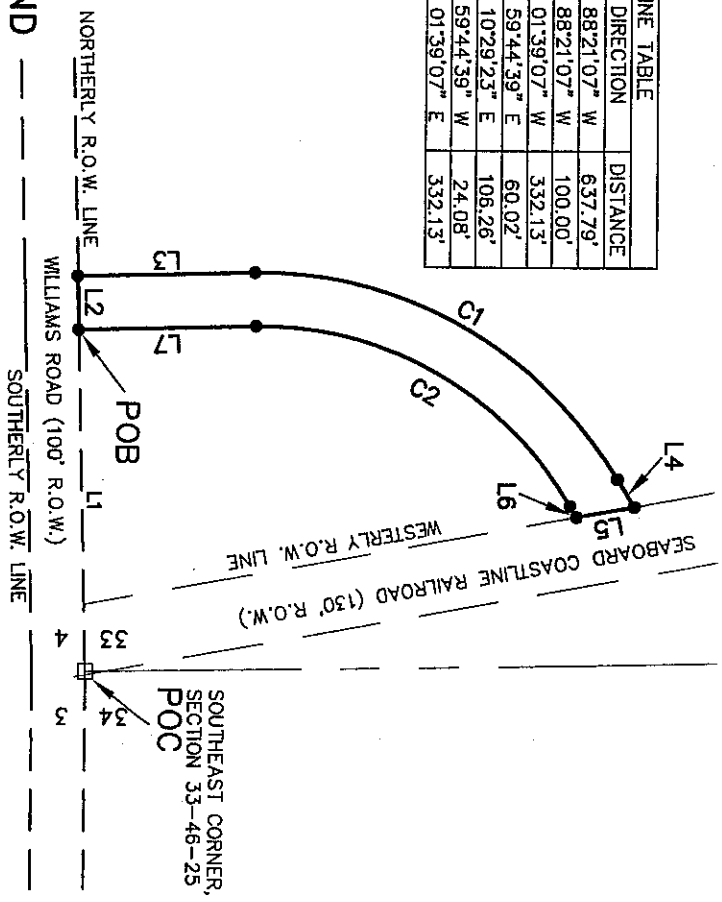
BY Jerry L. Riefelmacher P.S.M. #6130  
JERRY L. RIEFELMACHER STATE OF FLORIDA



GRAPHIC SCALE

CURVE	RADIUS	DELTA	CHORD	BEARING	LENGTH
C1	766.00'	61°23'46"	782.11'	N 29°02'46" E	820.82'
C2	666.00'	61°23'46"	680.00'	S 29°02'46" W	713.66'

LINE	DIRECTION	DISTANCE
L1	S 88°21'07" W	637.79'
L2	S 88°21'07" W	100.00'
L3	N 01°39'07" E	332.13'
L4	N 59°44'39" E	60.02'
L5	S 10°29'23" E	106.26'
L6	S 59°44'39" W	24.08'
L7	S 01°39'07" E	332.13'



**LEGEND**

POC POINT OF COMMENCEMENT  
 POB POINT OF BEGINNING

SEC-TWN-RGE 33-46-25  
 DRAWN BY: AM DATE 03/04  
 CHECKED BY: JLR DRAWING NO. B-4991



950 Encore Way  
 Naples, FL 34110  
 Phone: (941) 254-2000  
 Florida Certificate of  
 Authorization No. 1772

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

\* NOT A SURVEY \*

BY *Jerry L. RiffeMacher*  
 JERRY L. RIFFELMACHER

P.S.M. #6130  
 STATE OF FLORIDA

**SKETCH AND LEGAL DESCRIPTION**

PROJECT NO. 97.079  
 REFERENCE NO. SANS1.4

LEGAL DESCRIPTION:  
 A PARCEL OF LAND LOCATED IN A PORTION OF SECTION 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, THE SAME BEING A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF WILLIAMS ROAD, HAVING A 100 FOOT WIDE RIGHT-OF-WAY; THENCE RUN S.88°21'07"W, ALONG THE SOUTH LINE OF SAID SECTION 33 AND ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 637.79 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S.88°21'07"W, ALONG THE SOUTH LINE OF SAID SECTION 33 AND ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 100.00 FEET; THENCE RUN N.01°39'07"W, FOR A DISTANCE OF 332.13 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHEASTERLY; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 766.00 FEET, THROUGH A CENTRAL ANGLE OF 61°23'46", FOR A DISTANCE OF 820.82 FEET TO THE END OF SAID CURVE; THENCE RUN N.59°44'39"E, FOR A DISTANCE OF 60.02 FEET OF A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, HAVING A 130 FOOT WIDE RIGHT-OF-WAY; THENCE RUN S.10°29'23"E, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 106.26 FEET; THENCE RUN S.59°44'39"W, FOR A DISTANCE OF 24.08 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHEASTERLY; HAVING A RADIUS OF 666.00 FEET, THROUGH A CENTRAL ANGLE OF 61°23'46", SUBTENDED BY A CHORD OF 680.00 FEET AT A BEARING OF S.29°02'46"W, FOR A DISTANCE OF 713.66 FEET TO THE END OF SAID CURVE; THENCE RUN S.01°39'07"E, FOR A DISTANCE OF 332.13 FEET, TO THE POINT OF BEGINNING; CONTAINING 2.620 ACRES, MORE OR LESS.

THIS PROPERTY SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

BEARINGS SHOWN HEREON REFER TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 33 TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AS BEING S.88°21'07"W.

HOLE MONTES, INC.  
 CERTIFICATE OF AUTHORIZATION LB #1772

Parcel: Coconut Point DRZ - Williams Road to Luster RR  
STRAP: 37-46-25-00-00019.0080  
Project: LU 1970.6, 4.C.

**AFFIDAVIT OF INTEREST IN REAL PROPERTY**

THIS AFFIDAVIT OF INTEREST IN REAL PROPERTY is made and entered this 23<sup>rd</sup> day of March, 2004 for the sole purpose of compliance with Section 286.23 of the Florida Statutes.

The undersigned hereby swears and affirms under oath, subject to the penalties prescribed for perjury, that the following is true:

The Name and Address of the Grantor is:

North Point Lake, LLC, a Delaware Limited Liability company  
2 Transon Plaza Suite 202, Oakbrook, Tallahassee FL 32301

The name(s) and address(es) of every person having a beneficial interest in real property that will be conveyed to Lee County are:

1. Estero Lakes Development III, LLC, a Delaware LLC - same address
2. Estero Lakes Development, Inc., - same address
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_

The real property to be conveyed to Lee County is known as: Sandy Lane Right of Way - Williams to Luster RR

FURTHER AFFIANT SAYETH NAUGHT.

Signed, sealed and delivered in our presences:

[Signature]  
Witness Signature

JENNIFER KAPLAN  
Printed Name

[Signature]  
Witness Signature

Patricia L. Lehman  
Printed Name

[Signature]  
Signature of Affiant

Charles W. Edgar, III  
Printed Name

ORIGINAL DOCUMENTS RETAINED  
IN COUNTY ATTORNEYS OFFICE  
FOR HANDLING UPON BOARD  
ACCEPTANCE



Affidavit of Interest in Real Property

Parcel: Coconut Point CRZ - Willam Rd, to P & R

STRAP: 33-46-25-00-00-19, 02

Project: \_\_\_\_\_

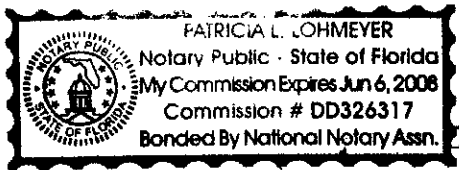
STATE OF Florida

COUNTY OF Palmetto Beach

SWORN TO AND SUBSCRIBED before me this 24<sup>th</sup> day of November, 2004 by Charles W. Edgar, III  
(name of person acknowledged)

Patricia L. Lohmeyer  
(Notary Signature)

(SEAL)



Patricia L. Lohmeyer  
(Print, type or stamp name of Notary)

Personally known \_\_\_\_\_  
OR Produced Identification \_\_\_\_\_  
Type of Identification \_\_\_\_\_

revised 3/2000 rima  
(INDIVIDUAL)

MEMORANDUM  
FROM  
COUNTY LANDS

2004 APR 26 PM 12:38  
RECEIVED BY  
LEE CO. ATTORNEY

Date: April 23, 2004

To Dawn Perry-Lehnert  
Assistant County Attorney

From: Karen L. W. Forsyth  
Karen L. W. Forsyth  
Director of County Lands

RE: APPRAISAL REVIEW

**Project:** Sandy Lane Extension – Road Impact Credit

**Owner:** Spanish Lakes, Inc., Trustee for Williams Road Land Trust (33-46-25-00-00019.0030), Estero Lakes Development, Inc. (33-46-25-00-00019.0090) and Richard E. Mulligan, Trustee (33-46-25-00-00019.0080)

**Date of Valuation:** January 3, 2003

**Date of Review:** April 23, 2004

- I. **Identification of the Reports Being Reviewed:** The report being reviewed is a summary appraisal report prepared by W. Michael Maxwell, MAI, of the appraisal firm of W. Michael Maxwell & Associates, Inc. The report is identified by the appraiser as Spanish Lakes, Inc., along US 41 and Williams Road.
- II. **Purpose:** The purpose of the appraisal was to estimate the market value of the subject property.

Market Value is defined as:

"The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

- 1. buyer and seller are typically motivated;
- 2. both parties are well informed or well advised, and acting in what they consider their best interests;

*P.S. Andy - please review legal to assure it is correct.*  
*Thad. Univ. RC 4-23-04*

ORIGINAL DOCUMENTS RETAINED  
IN COUNTY ATTORNEYS OFFICE  
FOR HANDLING UPON BOARD  
ACCEPTANCE

3. a reasonable time is allowed for exposure in the open market;
4. payment is made in terms of cash in United States dollars or in terms of financial arrangements comparable thereto; and
5. the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale."<sup>1</sup>

Subject's legal description, Exhibit "A", is attached hereto and made a part hereof.

**III. Function:** The function of the appraisal is to serve as a basis for determining roadway impact fee credits to be granted by Lee County, in exchange for ± 2.619 acres (or 114,084 sq.ft.) for roadway.

**IV. Interest Appraised:** The interest appraised is the fee simple interest.

**V. Valuation:**

Subject Parcel (114,084 sq.ft. X \$4.50/sq.ft.)	\$513,378
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The estimate value is approved at	\$513,378
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<sup>1</sup>Standards of Professional Appraisal, Practice of the Appraisal Institute.

cc: Andy Getch

## ASSUMPTIONS AND LIMITING CONDITIONS

1. The review report attached hereto is based on data and information contained in the appraisal report that is the subject of this review as well as additional information from other sources that may be applicable.
2. It is assumed that the data and information are factual and accurate.
3. The reviewer reserves the right to consider any additional data or information that may subsequently become available to her and to revise her opinions and conclusions if such data and information indicate the need for such change.
4. All of the assumptions and limiting conditions contained in the appraisal report that is the subject of this review are also conditions of this review unless otherwise stated.
5. **It is assumed fee simple interest will be conveyed to the County, subject only to zoning and use restrictions imposed by governmental authority, and restrictions and easements common to the area and of record.**
6. **It is assumed that all parcels making up the parent tract will be included within the planned development named North Point. Further, it is assumed that North Point will receive its necessary zoning.**



Exhibit "A"

950 Encore Way • Naples, Florida 34110 • Phone: 239.254.2000 • Fax: 239.254.2076

HM PROJECT #1997.079  
8/5/2003  
REF. DWG. #B-4346  
Page 1 of 1

LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN A PORTION OF SECTION 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

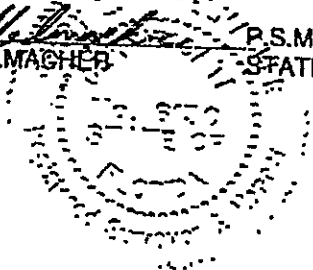
COMMENCE AT THE SOUTHEAST CORNER OF SECTION 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA THE SAME BEING A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF WILLIAMS ROAD, A 100.00 FOOT RIGHT-OF-WAY; THENCE RUN S.88°20'53"W. ALONG THE SOUTH LINE OF THE SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 637.29 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S.88°20'53"W. ALONG THE SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 100.00 FEET; THENCE RUN N.01°39'07"W., FOR A DISTANCE OF 331.60 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHEASTERLY; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 767.31 FEET, THROUGH A CENTRAL ANGLE OF 61°23'46", SUBTENDED BY A CHORD OF 783.44 FEET AT A BEARING OF N.29°02'46"E., FOR A DISTANCE OF 822.22 FEET TO THE END OF SAID CURVE; THENCE RUN N.59°44'39"E., FOR A DISTANCE OF 58.35 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD; THENCE RUN S.10°28'11"E., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 106.27 FEET; THENCE RUN S.59°44'39"W., FOR A DISTANCE OF 22.38 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHEASTERLY; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 667.31 FEET, THROUGH A CENTRAL ANGLE OF 61°23'46", SUBTENDED BY A CHORD OF 681.34 FEET AT A BEARING OF S.29°02'46"W., FOR A DISTANCE OF 715.06 FEET TO THE END OF SAID CURVE; THENCE RUN S.01°39'07"E., FOR A DISTANCE OF 331.60 FEET TO THE POINT OF BEGINNING; CONTAINING 2.619 ACRES, MORE OR LESS.

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

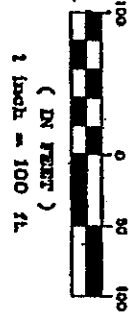
BEARINGS SHOWN HEREON REFER TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AS BEING S.88°20'53"W.

HOLE MONTES, INC.  
CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

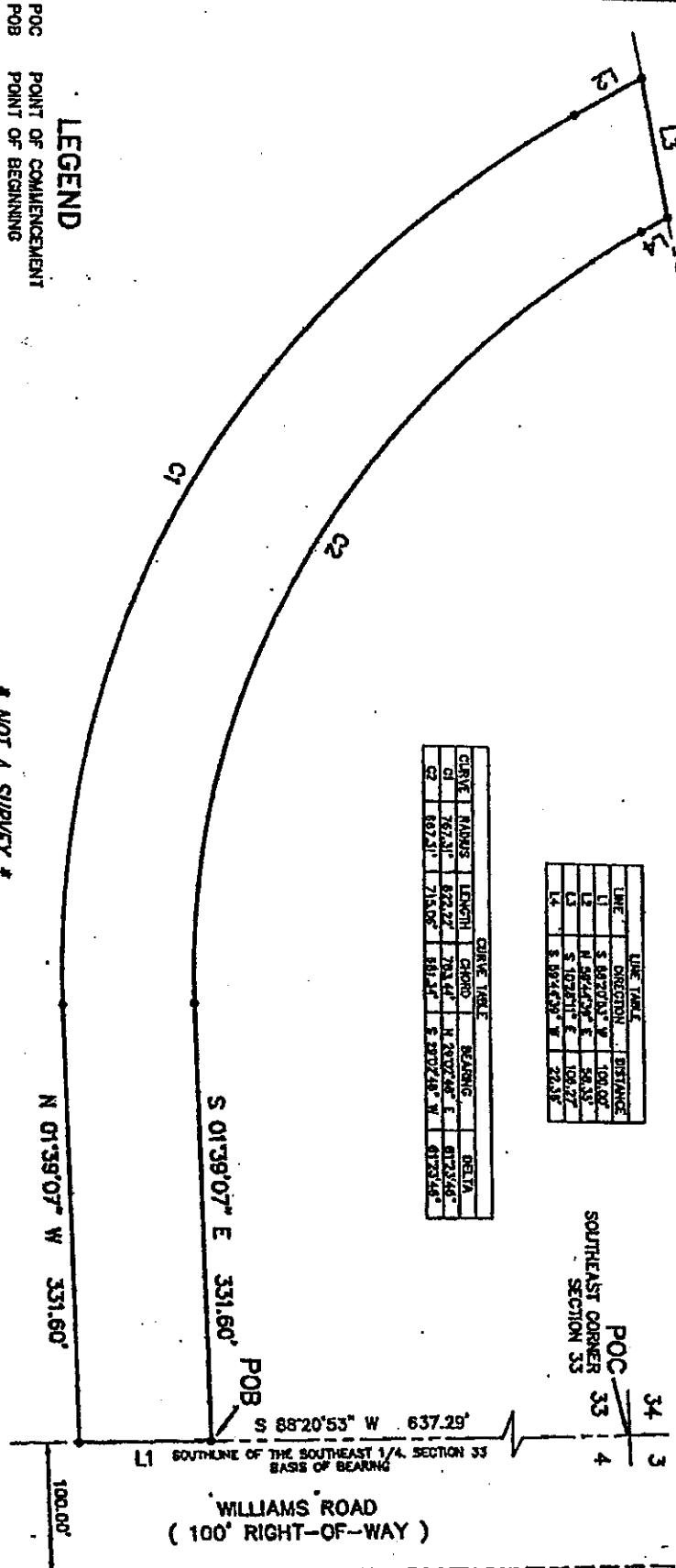
BY Jerry L. Rippelmacher P.S.M. #6130  
JERRY L. RIPPELMACHER STATE OF FLORIDA



U:\1687\1697079\ROSL-3.dwg Job: Model Aug 05, 2003 - 4:41pm Plotted by: TomHouser



WESTERLY RIGHT-OF-WAY LINE OF SEABOARD COASTLINE RAILROAD 130' RIGHT-OF-WAY



LINE #	SECTION	DISTANCE
L1	S 88°20'53" W	100.00'
L2	N 88°20'53" E	331.60'
L3	S 01°39'07" E	100.00'
L4	S 88°20'53" W	22.85'

CURVE	NAME	LENGTH	CHORD	BEARING	DELTA
C1	767.31'	822.22'	783.44'	N 28°07'48" E	61°23'46"
C2	807.31'	715.06'	541.24'	S 28°07'48" W	61°23'46"

**LEGEND**

POC POINT OF COMMENCEMENT  
POB POINT OF BEGINNING

\* NOT A SURVEY \*

SKETCH TO ACCOMPANY  
A LEGAL DESCRIPTION

PROJECT NAME:	DATE:
DRAWN BY:	DATE:
CHECKED BY:	DATE:
DATE:	DATE:

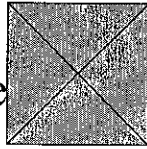


950 Encore Way  
Naples, FL 34110  
Phone: (841) 254-2000  
Florida Certificate of  
Authorization No. 1772

NOT VALID WITHOUT  
THE SEPARATE AND  
THE ORIGINAL SIGNED  
SOIL OF A FLORIDA  
LICENSED SURVEYOR  
AND SURVEY.

PROJECT NO. 97.079  
REFERENCE NO. 3

Fidelity National Title  
Insurance Company of New York



Commitment No: PB04-17493Rev4/14/04  
Agent File No: COCONUT POINT DRI

WTJ/lc

TitleTrax Ref No:  
SCHEDULE A

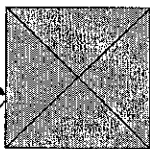
1. Effective date: October 27, 2004 at 10:52a.m.
2. Policy or Policies to be issued:
  - (a) ALTA Owner's Policy (Rev. 10-17-92) with Florida Modifications Amount \$513,378.00  
Proposed Insured: The Lee County Board of County Commissioners
  - (b) ALTA Loan Policy (Rev. 10-17-92) with Florida Modifications Amount \$0.00  
Proposed Insured:
3. The estate or interest in the land described or referred to in this Commitment and covered herein is:  
FEE SIMPLE
4. Title to the FEE SIMPLE estate or interest in said land is at the effective date hereof vested in:  
  
North Point Lake, LLC, a Delaware limited liability company
5. The land referred to in this Commitment is described as follows:  
  
See Attached Exhibit "A"

Countersigned: Cherry & Edgar, P.A.  
4400 PGA Blvd., Ste. 200  
Palm Beach Gardens, FL 33410

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

ORIGINAL DOCUMENTS RETAINED  
IN COUNTY ATTORNEYS OFFICE  
FOR HANDLING UPON BOARD  
ACCEPTANCE

**Fidelity National Title**  
Insurance Company of New York



Commitment No: PB04-17493Rev4/14/04  
Agent File No: COCONUT POINT DRI

**SCHEDULE B I**  
(Requirements)

The following are the requirements to be complied with:

Payment to, or for the account of, the sellers or mortgagors of the full consideration for the estate or interest to be insured.

Instrument(s) creating the estate or interest to be insured which must be approved, executed, and filed for record:

- a. Warranty Deed to be executed by North Point Lake, LLC, a Delaware limited liability company, to The Lee County Board of County Commissioners

With regard to the David Andrew McArdle Trust, under Agreement dated December 30, 1969, the Company requires copies of the trust agreement and any amendments thereto to be examined, after which further requirements may be deemed necessary. A recordable affidavit from the trustee(s), to which a copy of the trust or pertinent pages thereof are attached, stating: (1) that the copies are true and correct; (2) that the trust was in full force and effect on July 25, 2001; and (3) that the affiant was the trustee on that date. Record the affidavit and attach the copies of said trust and any amendments as an exhibit.

With regard to the Mark Edward McArdle Trust, under Agreement dated December 30, 1969, the Company requires copies of the trust agreement and any amendments thereto to be examined, after which further requirements may be deemed necessary. A recordable affidavit from the trustee(s), to which a copy of the trust or pertinent pages thereof are attached, stating: (1) that the copies are true and correct; (2) that the trust was in full force and effect on July 25, 2001; and (3) that the affiant was the trustee on that date. Record the affidavit and attach the copies of said trust and any amendments as an exhibit.

With regard to the Megan Mary McArdle Trust, under Agreement dated December 30, 1969, the Company requires copies of the trust agreement and any amendments thereto to be examined, after which further requirements may be deemed necessary. A recordable affidavit from the trustee(s), to which a copy of the trust or pertinent pages thereof are attached, stating: (1) that the copies are true and correct; (2) that the trust was in full force and effect on July 25, 2001; and (3) that the affiant was the trustee on that date. Record the affidavit and attach the copies of said trust and any amendments as an exhibit.

Submit proof that any outstanding municipal and/or county liens, assessments and service charges, which are due, have been paid.

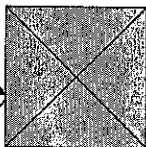
Submit proof of payment of unpaid service charges for water, sewer and/or waste, if any.

As to North Point Lake, LLC, a Delaware limited liability company, the Company will require:

- a. Proof that the limited liability company was duly registered with the Delaware Department/Secretary of State, or other place of formation, as of the date of taking title to or other interest in the insured land.
- b. Present for review the articles of organization and regulations of said limited liability company.



**Fidelity National Title**  
Insurance Company of New York



Commitment No: PB04-17493Rev4/14/04

Agent File No: COCONUT POINT DRI

- c. Recordation of an affidavit by the person(s) executing the deed/mortgage required herein, to which is attached a true and correct copy of those portions of the articles of organization and regulations governing execution of instruments, or, if none, governing management of the limited liability company.
- d. Execution of the deed/mortgage required herein by such person(s), if any, specifically authorized to execute such instrument by the articles of organization or regulations. If the articles of organization or regulations do not specifically provide who is to execute such instrument, the instrument must be executed by all managers, if management is delegated to one or more managers. If management is retained by its members, only one member is required to execute the instrument.

The Company reserves the right to make additional requirements or exception after review of the requested documentation.

Satisfactory evidence must be furnished confirming the valid incorporation on or before the date of taking title to the property, and current corporate existence from the state of incorporation of Estero Lakes Development, Inc., a Delaware Corporation. The Company reserves the right to make additional requirements or exception after review of the information.

Satisfactory evidence must be furnished confirming the valid incorporation on or before the date of taking title to the property, and current corporate existence from the state of incorporation of Spanish Lakes, Inc., a Florida Corporation. The Company reserves the right to make additional requirements or exception after review of the information.

A current survey of the subject property, in compliance with the minimum technical standards, prepared by a duly registered and licensed surveyor, certified to the insured and/or Fidelity National Title Insurance Company of New York, must be submitted for examination, after which further requirements and/or exceptions may be deemed necessary.

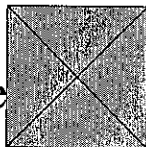
An affidavit by the seller or mortgagor stating that:

- a. There are no liens against the insured land other than as disclosed by this commitment;
- b. That there are no outstanding or pending claims against the affiant(s) that may constitute the basis for a lien against the insured land;
- c. That other than as disclosed by this commitment there are no matters which constitute defects in affiant(s)' title to the insured land, and
- d. That there are no matters existing at this date which would adversely affect the ability of the affiant(s) to mortgage or convey the insured land.
- e. That there are no parties in possession or with a right to possession of the insured land other than the fee simple title holder thereof.

NOTE: Prior to disbursement of the proceeds of the transaction to be insured, title to the land shall be checked down to the time of recording, or other date satisfactory to the Company, and an affidavit of the seller/mortgagor furnished certifying that there are no matters that could give rise to a lien that would attach to the land between the disbursing of the funds and the recording of the instruments creating the estate to be insured. The Company reserves the right to impose such further requirements or add additional exceptions necessary to reflect any matters occurring prior to disbursement or recording of the insured instruments creating the insured estate, whichever comes first.

END OF SCHEDULE B I

**Fidelity National Title**  
Insurance Company of New York



Commitment No: PB04-17493Rev4/14/04  
Agent File No: COCONUT POINT DRI

**SCHEDULE B II**

(Exceptions)

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the Proposed Insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.

All assessments and taxes for the year 2004 and all subsequent years, which are not yet due and payable.

Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.

Any encroachments, easements, measurements, variations in area or content, party walls or other facts which a correct survey of the premises would show.

Rights or claims of parties in possession not shown by the public records.

Roads, ways, streams or easements, if any, not shown by the public records, riparian rights and the title to any filled-in lands.

Any lien provided by Chapter 159, Florida Statutes, in favor of any city, town, village or port authority for unpaid service charges for service by any water, sewer or gas system supplying the insured land.

Any rights or interests as indicated by that certain Coconut Point DRI Development Agreement, recorded February 28, 2004 in Official Records Book 4210, Page 2807, of the Public Records of Lee County, Florida.

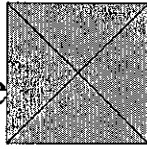
Encroachment by fence as shown on Survey prepared by Hole Montes, Drawing No. A-1657, dated 02/28/04, as affected by that certain Removal Agreement recorded in Official Record Book \_\_\_\_\_, Page \_\_\_\_\_, of the Public Records of Lee County, Florida.

**NOTE:** The Company reserves the right to make further requirements and/or exceptions upon its review of the proposed documents creating the estate or interest to be insured or otherwise ascertaining details of the transaction.

If the proceeds of the loan to be secured by the insured mortgage are deposited with the Company or its authorized agent, Item 1 above shall be deemed deleted as of the time such funds are disbursed to or for the account of the borrower. Neither the company nor its agent shall, however, be under any duty to disburse any sum except upon a determination that no such adverse intervening matters have appeared of record or occurred.

Items 3, 4, 5 and 6 will be deleted provided: a satisfactory current survey is submitted, if applicable; it is determined

**Fidelity National Title**  
Insurance Company of New York

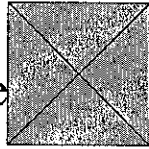


Commitment No: PB04-17493Rev4/14/04  
Agent File No: COCONUT POINT DRI

the current year's taxes or special assessments have been paid; an affidavit of possession, in recordable form, is provided; it is determined there are no filled-in lands; and there is nothing of record which would give rise to mechanic's liens which would take priority over the insured interest (where the liens would otherwise take priority, submission of waivers is necessary). Additional exceptions will be made in the policy for any appropriate matters disclosed.

END OF SCHEDULE B II

**Fidelity National Title**  
Insurance Company of New York



Commitment No: PB04-17493Rev4/14/04  
Agent File No: COCONUT POINT DRI

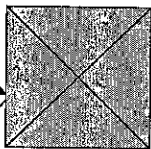
**EXHIBIT "A"**

**PARCEL A**

A PARCEL OF LAND LOCATED IN A PORTION OF SECTION 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, THE SAME BEING A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF WILLIAMS ROAD, HAVING A 100 FOOT WIDE RIGHT-OF-WAY; THENCE RUN S.88°21'07"W., ALONG THE SOUTH LINE OF SAID SECTION 33 AND ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 637.79 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S.88°21'07"W., ALONG THE SOUTH LINE OF SAID SECTION 33 AND ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 100.00 FEET; THENCE RUN N.01°39'07"W., FOR A DISTANCE OF 332.13 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHEASTERLY; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 766.00 FEET, THROUGH A CENTRAL ANGLE OF 61°23'46", SUBTENDE BY A CHORD OF 782.11 FEET AT A BEARING OF N.29°02'46"E., FOR A DISTANCE OF 820.82 FEET TO THE END OF SAID CURVE; THENCE RUN N.59°44'39"E., FOR A DISTANCE OF 60.02 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, HAVING A 130 FOOT WIDE RIGHT-OF-WAY; THENCE RUN S.10°29'23"E., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 106.26 FEET; THENCE RUN S.59°44'39"W., FOR A DISTANCE OF 24.08 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHEASTERLY; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 666.00 FEET, THROUGH A CENTRAL ANGLE OF 61°23'46", SUBTENDE BY A CHORD OF 680.00 FEET AT A BEARING OF S.29°02'46"W., FOR A DISTANCE OF 713.66 FEET TO THE END OF SAID CURVE; THENCE RUN S.01°39'07"E., FOR A DISTANCE OF 332.13 FEET, TO THE POINT OF BEGINNING; CONTAINING 2.620 ACRES, MORE OR LESS.

Fidelity National Title  
Insurance Company of New York



Commitment No: PB04-17493Rev4/14/04  
Agent File No: COCONUT POINT DRI

### UPDATE REQUEST

Agent: Cherry & Edgar  
4400 PGA Blvd., Ste. 200  
Palm Beach Gardens, FL 33410

Date \_\_\_\_\_

Forward request to

Send via: Courier/Post                      E-mail                      Fax  
\*\*\*\*\*

Pre Closing                      Post Closing

Recording Date                      Copies Required (Y/N)\*

**Document**                      **Official Records Book/Page**

Warranty/Quit Claim Deed

Mortgage

Assignment of Mortgage

Assignment Rents/Leases

Mortgage Modification

Satisfaction of Mortgage

Notice of Commencement

Notice of Termination

Subordination Agreement

UCC Financing Statement

Affidavit

Other

\* Copies may not be available at the time of the Update but will be forwarded via courier/post as they become available.



**Fidelity National Title Insurance Company  
OF NEW YORK**

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New York, New York  
**ENDORSEMENT**

Attached to and forming a part of Commitment No. **PB04-17493 Rev 4/14/04**  
of **FIDELITY NATIONAL TITLE INSURANCE COMPANY OF NEW YORK**

1. The effective date of the Commitment is hereby changed to be \_\_\_\_\_, 2004 at \_\_\_\_\_m.
2. The Requirements shown on Schedule B-1 of the Commitment have been satisfied and are hereby deleted.
3. The following items shown on Schedule B-II of the Commitment are hereby deleted:  
1, 2, 3, 4, 5, 6 and 7

This endorsement, when countersigned by an authorized signatory, is made a part of the policy and is subject to all the terms and provisions thereof and of any prior endorsements thereto. Except to the extent expressly stated, it neither modifies any of the terms and provisions of the policy and any prior endorsements, nor does it extend the effective date of the policy and any prior endorsements nor does it increase the face amount thereof.

Signed and sealed this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

Countersigned:

Fidelity National Title Insurance Company  
of New York

BY \_\_\_\_\_  
Authorized Signatory  
(PLEASE PRINT NAME BELOW)

BY Patrick F. Stone  
President

ATTEST Charles H. Wimer  
Secretary

# Parcel #2

Pelican Colony Boulevard to Williams Road

PREPARED BY AND RETURN TO:  
Charles W. Edgar, III, Esquire  
CHERRY & EDGAR, P.A.  
4400 PGA Boulevard, Suite 200  
Palm Beach Gardens, FL 33410

WARRANTY DEED

THIS WARRANTY DEED made the 12<sup>th</sup> day of November, 2004, by EDWARD J. McARDLE, TRUSTEE OF THE EDWARD J. McARDLE GRANTOR TRUST DATED JANUARY 6, 1992, hereinafter called the grantor, to LEE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, whose post office address is Post Office Box 398, Ft. Myers, Florida 33902, hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.)

WITNESSETH: That the grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Lee County, Florida, viz:

See Exhibit "A" attached hereto and made a part hereof for legal description.

Grantor hereby states that the above-described property is not now nor has it ever been the homestead property nor does it adjoin his homestead property.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land



and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances.

IN WITNESS WHEREOF, the grantor has caused these presents to be executed the day and year first above written.

Signed, sealed and delivered in the presence of:

[Signature]  
THOMAS F. KELLY  
(Print Name)

[Signature]  
Anna M. Ruehl  
(Print Name)

[Signature]  
EDWARD J. McARDLE, TRUSTEE OF  
THE EDWARD J. McARDLE GRANTOR  
TRUST DATED JANUARY 6, 1992  
5311 Caroline Ave.  
Houston, Tx 77004  
(Address)

STATE OF ILLINOIS

COUNTY OF KANE

The foregoing instrument was acknowledged before me this 12<sup>th</sup> day of November, 2004, by EDWARD J. McARDLE, TRUSTEE OF THE EDWARD J. McARDLE GRANTOR TRUST DATED JANUARY 6, 1992.



[Signature]  
Notary Public  
Sonja N. Gallagher  
(Print Name)

My Commission Expires:

Personally Known  OR Produced Identification

Type of Identification Produced \_\_\_\_\_

LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN A PORTION OF SECTIONS 4 AND 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 4, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.00°46'08"E., ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 4, FOR A DISTANCE OF 100.01 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF WILLIAMS ROAD, HAVING A 100 FOOT WIDE RIGHT-OF-WAY; THENCE RUN S.88°21'07"W., ALONG THE SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 636.24 FEET, TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN S.01°39'07"E., FOR A DISTANCE OF 150.24 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 950.00 FEET, THROUGH A CENTRAL ANGLE OF 29°14'58", SUBTENDED BY A CHORD OF 479.72 FEET AT A BEARING OF S.16°16'36"E., FOR A DISTANCE OF 484.97 FEET TO THE END OF SAID CURVE; THENCE RUN S.30°54'05"E., FOR A DISTANCE OF 300.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 2,460.54 FEET, THROUGH A CENTRAL ANGLE OF 29°57'20", SUBTENDED BY A CHORD OF 1,271.83 FEET AT A BEARING OF S.15°55'25"E., FOR A DISTANCE OF 1,286.43 FEET TO THE END OF SAID CURVE; THENCE RUN S.00°56'45"E., FOR A DISTANCE OF 513.10 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 4; THENCE RUN S.00°59'33"E., FOR A DISTANCE OF 3,135.85 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 1,953.89 FEET, THROUGH A CENTRAL ANGLE OF 26°40'48", SUBTENDED BY A CHORD OF 901.64 FEET AT A BEARING OF S.12°20'52"W., FOR A DISTANCE OF 909.84 FEET TO THE END OF SAID CURVE; THENCE RUN S.25°41'16"W., FOR A DISTANCE OF 342.09 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 940.00 FEET, THROUGH A CENTRAL ANGLE OF 39°01'52", SUBTENDED BY A CHORD OF 628.04 FEET AT A BEARING OF S.06°10'20"W., FOR A DISTANCE OF 640.35 FEET TO THE END OF SAID; THENCE RUN S.13°20'36"E., FOR A DISTANCE OF 149.35 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, HAVING A 150 FOOT WIDE RIGHT-OF-WAY, THE SAME BEING A POINT ON A CIRCULAR CURVE, CONCAVE SOUTHERLY, WHOSE RADIUS POINT BEARS S.13°24'24"E., A DISTANCE OF 3,175.00 FEET THEREFROM; THENCE RUN WESTERLY ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 3,175.00 FEET, THROUGH A CENTRAL ANGLE OF 01°48'18", SUBTENDED BY A CHORD OF 100.01 FEET AT A BEARING OF S.75°41'27"W., FOR A DISTANCE OF 100.02 FEET TO THE END OF SAID CURVE; THENCE RUN N.13°20'36"W., FOR A DISTANCE OF 151.04 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 1,040.00 FEET, THROUGH A CENTRAL ANGLE OF 39°01'52", SUBTENDED BY A CHORD OF 694.85 FEET AT A BEARING OF N.06°10'20"E., FOR A DISTANCE OF 708.47 FEET TO THE END OF SAID CURVE; THENCE RUN N.25°41'16"E., FOR A DISTANCE OF 342.09 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1,853.89 FEET, THROUGH A CENTRAL ANGLE OF 26°40'48", SUBTENDED BY A CHORD OF 855.50 FEET AT A BEARING OF N.12°20'52"E., FOR A DISTANCE OF 863.28 FEET TO THE END OF SAID CURVE; THENCE RUN N.00°59'33"W., FOR A DISTANCE OF 3,134.89 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 4; THENCE RUN N.00°56'45"W., FOR A DISTANCE OF 514.14 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,360.54 FEET, THROUGH A CENTRAL ANGLE OF 29°57'20", SUBTENDED BY A CHORD OF 1,220.14 FEET AT A BEARING OF N.15°55'25"W., FOR A DISTANCE OF 1,234.15 FEET TO THE END OF SAID CURVE; THENCE RUN N.30°54'05"W., FOR A DISTANCE OF 300.00

HM PROJECT #1997079

11/18/2004

REF. DWG. #B-4692

Page 2 of 2


FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 1,050.00 FEET, THROUGH A CENTRAL ANGLE OF 29°14'58", SUBTENDED BY A CHORD OF 530.22 FEET AT A BEARING OF N.16°16'36"W., FOR A DISTANCE OF 536.02 FEET TO THE END OF SAID CURVE; THENCE RUN N.01°39'07"W., FOR A DISTANCE OF 150.25 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID WILLIAMS ROAD; THENCE RUN N.88°21'07"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 100.00 FEET, TO THE POINT OF BEGINNING; CONTAINING 18.188 ACRES, MORE OR LESS.

THIS PROPERTY SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

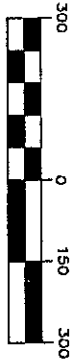
BEARINGS SHOWN HEREON REFER TO THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 4 TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AS BEING S.00°53'36"E.

HOLE MONTES, INC.

CERTIFICATE OF AUTHORIZATION LB #1772

BY  \_\_\_\_\_ P.S.M. #6130  
JERRY L. PIFFELMACHER STATE OF FLORIDA

GRAPHIC SCALE

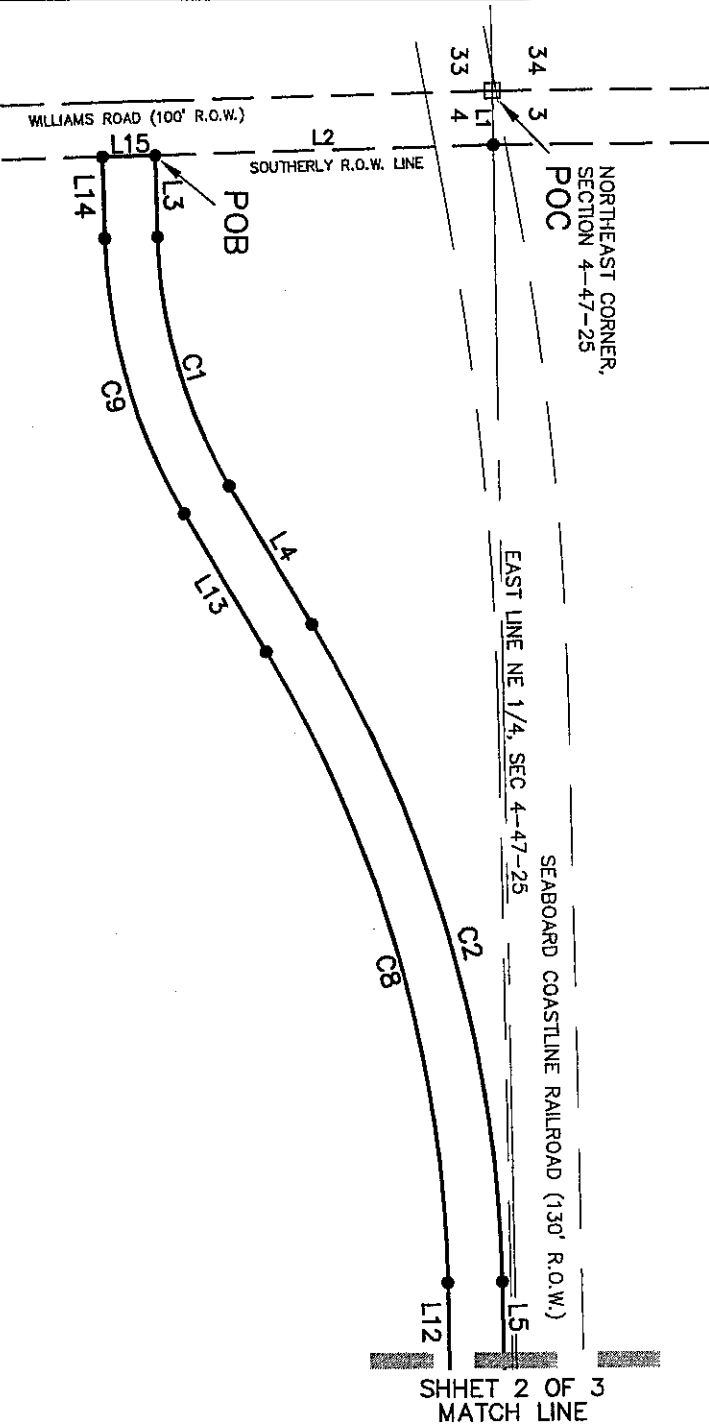


CURVE TABLE

CURVE	RADIUS	DELTA	CHORD	BEARING	LENGTH
C1	950.00'	291°4'58"	479.72'	S 16°16'36" E	484.97'
C2	2460.54'	29°57'20"	1271.83'	S 15°55'25" E	1286.43'
C3	1953.89'	26°40'48"	901.64'	S 12°20'52" W	909.84'
C4	940.00'	39°01'52"	628.04'	S 06°10'20" W	640.35'
C5	3175.00'	01°48'18"	100.01'	S 75°41'27" W	100.02'
C6	1040.00'	39°01'52"	694.85'	N 06°10'20" E	708.47'
C7	1853.89'	26°40'48"	855.50'	N 12°20'52" E	863.28'
C8	2360.54'	29°57'20"	1220.14'	N 15°55'25" W	1234.15'
C9	1050.00'	29°14'58"	530.22'	N 16°16'36" W	536.02'

LINE TABLE

LINE	DIRECTION	DISTANCE
L1	S 00°46'08" E	100.01'
L2	S 88°21'07" W	636.24'
L3	S 01°39'07" E	150.24'
L4	S 30°54'05" E	300.00'
L5	S 00°56'45" W	513.10'
L6	S 00°59'33" E	3135.85'
L7	S 25°41'16" W	342.09'
L8	S 13°20'36" E	149.35'
L9	N 13°20'36" W	151.04'
L10	N 25°41'16" E	342.09'
L11	N 00°59'33" W	3134.89'
L12	N 00°56'45" W	514.14'
L13	N 30°54'05" W	300.00'
L14	N 01°39'07" W	150.25'
L15	N 88°21'07" E	100.00'



LEGEND

POC POINT OF COMMENCEMENT  
 POB POINT OF BEGINNING

\* NOT A SURVEY \*

SEC-TM-N-RGE: 4/9-47-25

DRAWN BY: AM	DATE: 03/04
CHECKED BY: JLR	DRAWING NO: B-4692



950 Encore Way  
 Naples, FL 34110  
 Phone: (941) 254-2000  
 Florida Certificate of  
 Authorization No. 1772

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

SKETCH TO ACCOMPANY A LEGAL DESCRIPTION

SHEET 1 OF 3

PROJECT NO. 97.079

REFERENCE NO. SANSLS

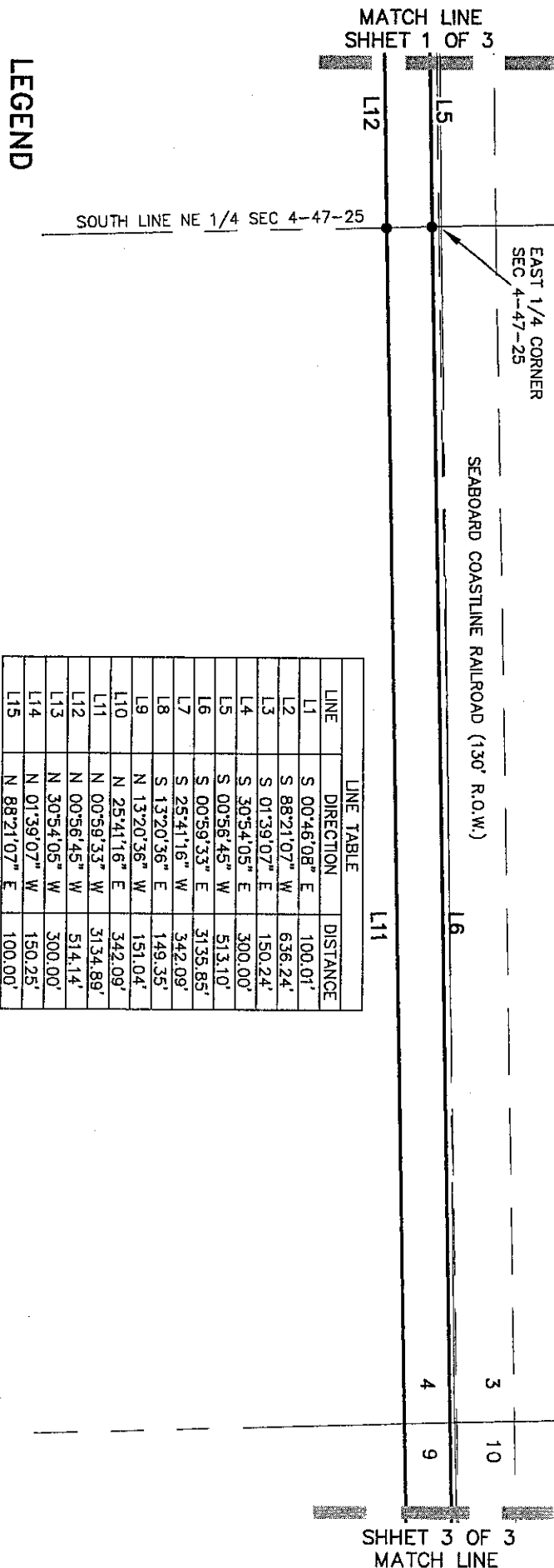
GRAPHIC SCALE



( IN FEET )  
1 inch = 300 ft.



CURVE	RADIUS	DELTA	CHORD	BEARING	LENGTH
C1	950.00'	29°14'58"	479.72'	S 16°16'36" E	484.97'
C2	2460.54'	29°57'20"	1271.83'	S 15°55'25" E	1286.43'
C3	1953.89'	26°40'48"	901.64'	S 12°20'52" W	909.84'
C4	940.00'	39°01'52"	628.04'	S 06°10'20" W	640.35'
C5	3175.00'	01°48'18"	100.01'	S 75°41'27" W	100.02'
C6	1040.00'	39°01'52"	694.85'	N 06°10'20" E	708.47'
C7	1853.89'	26°40'48"	855.50'	N 12°20'52" E	863.28'
C8	2360.54'	29°57'20"	1220.14'	N 15°55'25" W	1234.15'
C9	1050.00'	29°14'58"	530.22'	N 16°16'36" W	536.02'



LINE	DIRECTION	DISTANCE
L1	S 00°46'08" E	100.01'
L2	S 88°21'07" W	636.24'
L3	S 01°39'07" E	150.24'
L4	S 30°54'05" E	300.00'
L5	S 00°56'45" W	513.10'
L6	S 00°59'33" E	3135.85'
L7	S 25°41'16" W	342.09'
L8	S 13°20'36" E	149.35'
L9	N 13°20'36" W	151.04'
L10	N 25°41'16" E	342.09'
L11	N 00°59'33" W	3134.89'
L12	N 00°56'45" W	514.14'
L13	N 30°54'05" W	300.00'
L14	N 01°39'07" W	150.25'
L15	N 88°21'07" E	100.00'

LEGEND

POC POINT OF COMMENCEMENT  
POB POINT OF BEGINNING

SEC-TMA-RGE	4/9-47-25
DRAWN BY:	AM
CHECKED BY:	JLR
DATE	03/04
DRAWING NO.	B-4892



950 Encore Way  
Naples, FL 34110  
Phone: (941) 254-2000  
Florida Certificate of  
Authorization No. 1772

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

SKETCH TO ACCOMPANY A LEGAL DESCRIPTION

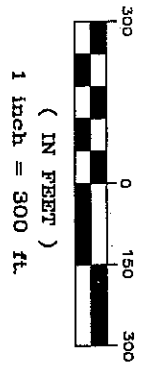
\* NOT A SURVEY \*

SHEET 2 OF 3

PROJECT NO.	97.079
REFERENCE NO.	SANSL5

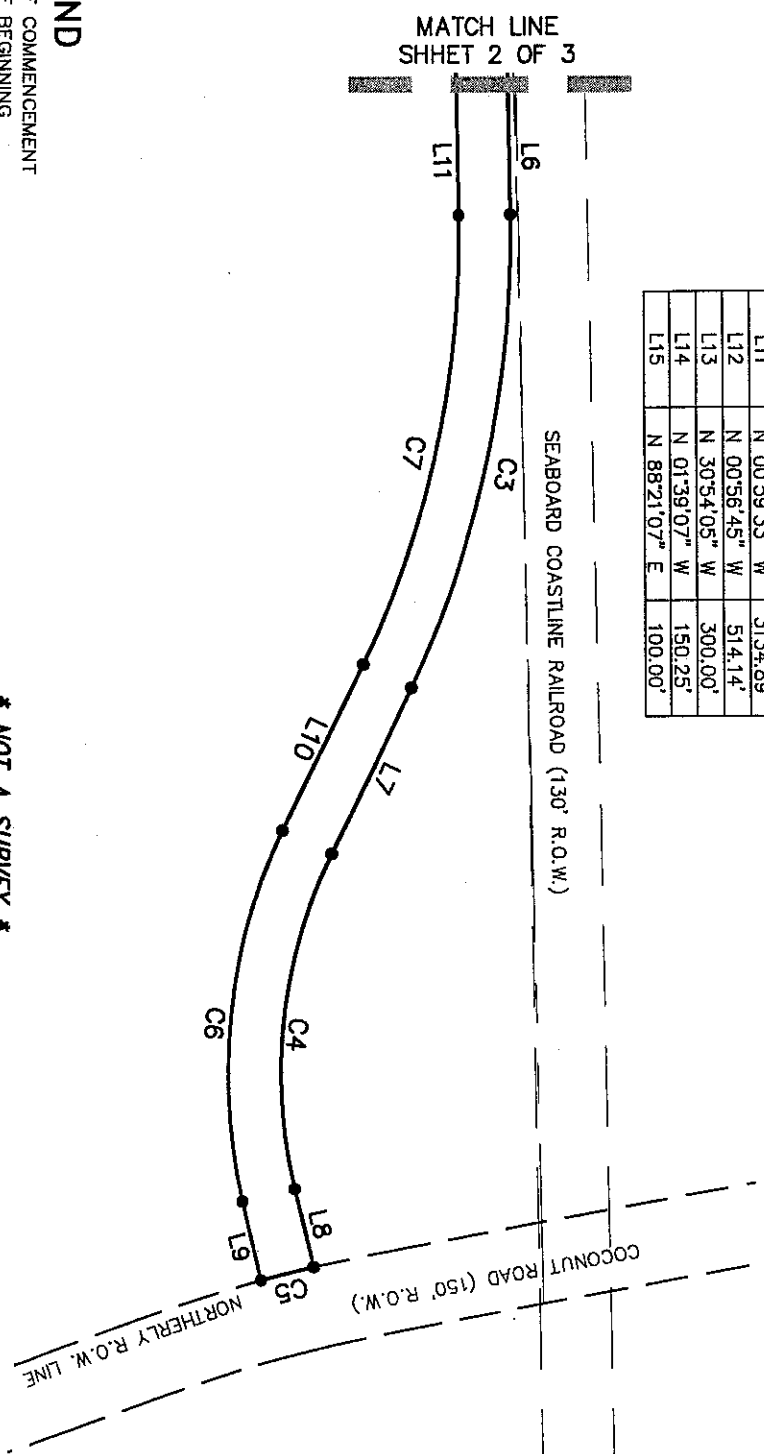
SHHET 3 OF 3  
MATCH LINE

GRAPHIC SCALE



LINE	DIRECTION	DISTANCE
L1	S 00°46'08" E	100.01'
L2	S 88°21'07" W	636.24'
L3	S 01°39'07" E	150.24'
L4	S 30°54'05" E	300.00'
L5	S 00°56'45" W	513.10'
L6	S 00°59'33" E	315.85'
L7	S 25°41'16" W	342.09'
L8	S 13°20'36" E	149.35'
L9	N 13°20'36" W	151.04'
L10	N 25°41'16" E	342.09'
L11	N 00°59'33" W	313.489'
L12	N 00°56'45" W	514.14'
L13	N 30°54'05" W	300.00'
L14	N 01°39'07" W	150.25'
L15	N 88°21'07" E	100.00'

CURVE	RADIUS	DELTA	CHORD	BEARING	LENGTH
C1	950.00'	291°45'8"	479.72'	S 161°6'36" E	484.97'
C2	2460.54'	295°7'20"	1271.83'	S 15°55'25" E	1286.43'
C3	1953.89'	264°0'48"	901.64'	S 12°20'52" W	909.84'
C4	940.00'	39°01'52"	628.04'	S 06°10'20" W	640.35'
C5	3175.00'	01°48'18"	100.01'	S 75°41'27" W	100.02'
C6	1040.00'	39°01'52"	694.85'	N 06°10'20" E	708.47'
C7	1853.89'	264°0'48"	855.50'	N 12°20'52" E	863.28'
C8	2360.54'	295°7'20"	1220.14'	N 15°55'25" W	1234.15'
C9	1050.00'	291°4'58"	530.22'	N 161°6'36" W	536.02'



LEGEND

POC POINT OF COMMENCEMENT  
 POB POINT OF BEGINNING

SEC-1M-ROE 4/9-47-25

DRAWN BY: AM	DATE: 03/04
CHECKED BY: A.R.	DRAWING NO: B-4692



950 Encore Way  
 Naples, FL 34110  
 Phone: (941) 254-2000  
 Florida Certificate of  
 Authorization No. 1772

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

SKETCH TO ACCOMPANY A LEGAL DESCRIPTION

PROJECT NO:	97.079
REFERENCE NO:	SANSL5

\* NOT A SURVEY \*

SHEET 3 OF 3

Parcel: Coconut Point DRZ - Williams to Coconut  
STRAP: 04-47-25-0A-00001.0000  
Project: LV-1970.6.4.5

**AFFIDAVIT OF INTEREST IN REAL PROPERTY**

THIS AFFIDAVIT OF INTEREST IN REAL PROPERTY is made and entered this 2nd day of November, 2004 for the sole purpose of compliance with Section 286.23 of the Florida Statutes.

The undersigned hereby swears and affirms under oath, subject to the penalties prescribed for perjury, that the following is true:

The Name and Address of the Grantor is:

Edward J. McArdle, Trustee of the Edward J. McArdle Grantor Trust dated Jan. 6, 1992  
1600 E. Main St., Suite B, St. Charles, ZL 60174

The name(s) and address(es) of every person having a beneficial interest in real property that will be conveyed to Lee County are:

1. Grantor Trust for unnamed children - same address
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_

The real property to be conveyed to Lee County is known as: Sandy Lane Right of Way - Williams to Coconut

**FURTHER AFFIANT SAYETH NAUGHT.**

Signed, sealed and delivered in our presences:

[Signature]  
Witness Signature

JENNA KAPLAN  
Printed Name

[Signature]  
Witness Signature

Patricia L. Lehman  
Printed Name

[Signature]  
Signature of Affiant

Charles W. Edgar, IV  
Printed Name

ORIGINAL DOCUMENTS RETAINED  
IN COUNTY ATTORNEYS OFFICE  
FOR HANDLING UPON BOARD  
ACCEPTANCE

Affidavit of Interest in Real Property

Parcel: Grand Point PRZ

STRAP: 04-47-25-00-00001.0000

Project: LU-1970, 6, 4, b.

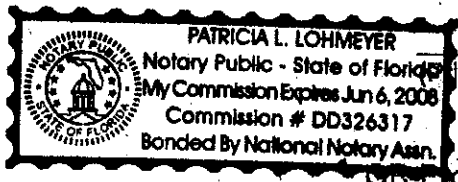
STATE OF Florida

COUNTY OF Palm Beach

SWORN TO AND SUBSCRIBED before me this 24<sup>th</sup> day of November, 2004 by Charles W. Edgar, III  
(name of person acknowledged)

Patricia L. Lohmeyer  
(Notary Signature)

(SEAL)



Patricia L. Lohmeyer  
(Print, type or stamp name of Notary)

Personally known ✓  
Produced Identification \_\_\_\_\_  
Type of Identification \_\_\_\_\_

revised 3/2000 rima  
(INDIVIDUAL)



MEMORANDUM

FROM

2003 DEC 15 PM 4:42

COUNTY LANDS

RECEIVED BY  
LEE CO. ATTORNEY

Date: December 12, 2003

To Dawn Perry-Lehnert  
Assistant County Attorney

From: Karen L. W. Forsyth  
Karen L. W. Forsyth  
Director of County Lands

RE: APPRAISAL REVIEW

Project: Sandy Lane Extension – Road Impact Credit

Owner: Edward McArdle, Trustee (per 2003 Lee County Property Appraiser GIS data).

Date of Valuation: October 20, 2002

Date of Review: December 11, 2003

- I. **Identification of the Reports Being Reviewed:** The report being reviewed is a summary appraisal report prepared by W. Michael Maxwell, MAI, of the appraisal firm of W. Michael Maxwell and Associates. The report is identified by the appraiser as Sandy Lane Extension in Sections 04 & 09-47-25.
- II. **Purpose:** The purpose of the appraisal was to estimate the market value of the subject property.

Market Value is defined as:

"The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

- 1. buyer and seller are typically motivated;
- 2. both parties are well informed or well advised, and acting in what they consider their best interests;

ORIGINAL DOCUMENTS RETAINED  
IN COUNTY ATTORNEYS OFFICE  
FOR HANDLING UPON BOARD  
ACCEPTANCE

Coconut Point DEI - Dev. Agree.  
Compliance - Sandy Lane ROW.  
Williams Rd to Pelican - Coconut

3. a reasonable time is allowed for exposure in the open market;
4. payment is made in terms of cash in United States dollars or in terms of financial arrangements comparable thereto; and
5. the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale."<sup>1</sup>

Subject's legal description, Exhibit "A", is attached hereto and made a part hereof.

**III. Function:** The function of the appraisal is to serve as a basis for determining roadway impact fee credits to be granted by Lee County, in exchange for ± 24.821 acres for roadway.

**IV. Interest Appraised:** The interest appraised is the fee simple interest.

**V. Valuation:**

1. Parent Tract, as of October 20, 2002	\$52,535,500
(482.42 acres X \$2.50/sq. ft. - 21,014,215 sq.ft.)	
2. Subject Parcel (24.821 acres X \$2.50/sq.ft.)	\$ 2,703,006
Rounded to	\$ 2,703,000

The estimate value is approved at      \$ 2,703,000

<sup>1</sup> Standards of Professional Appraisal, Practice of the Appraisal Institute.

cc: Robert Clemens

*Andy Getch*

## ASSUMPTIONS AND LIMITING CONDITIONS

1. The review report attached hereto is based on data and information contained in the appraisal report that is the subject of this review as well as additional information from other sources that may be applicable.
2. It is assumed that the data and information are factual and accurate.
3. The reviewer reserves the right to consider any additional data or information that may subsequently become available to her and to revise her opinions and conclusions if such data and information indicate the need for such change.
4. All of the assumptions and limiting conditions contained in the appraisal report that is the subject of this review are also conditions of this review unless otherwise stated.
5. **It is assumed fee simple interest will be conveyed to the County, subject only to zoning and use restrictions imposed by governmental authority, and restrictions and easements common to the area and of record.**



950 Encore Way • Naples, Florida 34110 • Phone: 239.254.2000 • Fax: 239.254.2075

HM PROJECT #1997.079  
10/28/2003  
REF. DWG. #B-4439  
Page 1 of 1

LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN A PORTION OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.88°56'17"W., ALONG THE SOUTH LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 20.96 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S.88°56'17"W., ALONG THE SOUTH LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 100.00 FEET TO A POINT ON A CIRCULAR CURVE, CONCAVE WESTERLY, WHOSE RADIUS POINT BEARS S.89°00'18"W., A DISTANCE OF 1,656.91 FEET THEREFROM; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1,656.91 FEET, THROUGH A CENTRAL ANGLE OF 23°21'38", SUBTENDED BY A CHORD OF 670.88 FEET AT A BEARING OF N.12°40'30"W., FOR A DISTANCE OF 675.55 FEET TO THE END OF SAID CURVE; THENCE RUN N.24°21'19"W., FOR A DISTANCE OF 240.73 FEET; THENCE RUN N.65°38'41"E., FOR A DISTANCE OF 100.00 FEET; THENCE RUN S.24°21'19"E., FOR A DISTANCE OF 240.73 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 1,756.91 FEET, THROUGH A CENTRAL ANGLE OF 23°21'24", SUBTENDED BY A CHORD OF 711.25 FEET AT A BEARING OF S.12°40'37"E., FOR A DISTANCE OF 716.20 FEET TO THE POINT OF BEGINNING; CONTAINING 2.150 ACRES, MORE OR LESS.

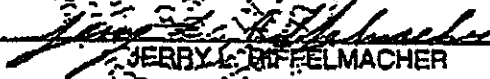
THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

BEARINGS SHOWN HEREON REFER TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AS BEING S.88°56'17"W.

HOLE MONTES, INC.

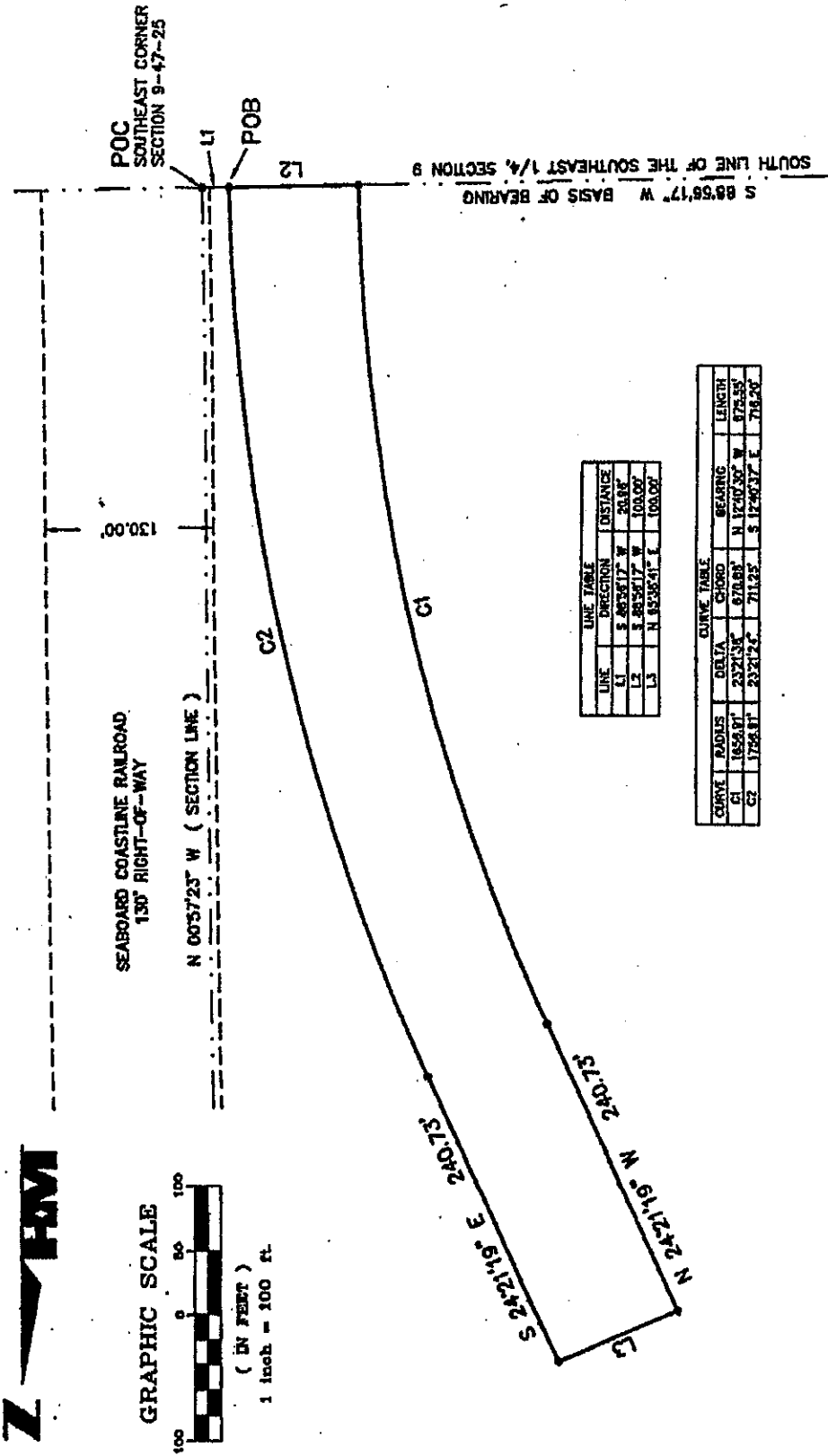
CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

BY

  
JERRY L. BUFFELMACHER

P.S.M. #6130

STATE OF FLORIDA



LINE	DIRECTION	DISTANCE
L1	S 88°56'17" W	240.73
L2	S 88°56'17" W	100.00
L3	N 83°38'41" E	100.00

CURVE	RADIUS	DELTA	CHORD	BEARING	LENGTH
C1	1858.07'	232°13'	676.83'	N 17°37'30" W	872.55'
C2	1756.81'	232°12'	711.25'	S 17°46'37" E	718.20'

\* NOT A SURVEY \*

SEC-TWN-RGE	9 - 47 - 25	DATE	10/03	PROJECT NO.	97.0
DRAWN BY	WH	CHECKED BY	JR	REFERENCE	PROSL-
<p>950 Ernoers Way Naples, FL 34110 Phone: (941) 254-2000 Florida Certificate of Authorization No. 1772</p>			<p>SKETCH TO ACCOMPANY A LEGAL DESCRIPTION</p>		
<p><b>H&amp;M</b> HOLE MONTGOMERIES SURVEYING &amp; ENGINEERING</p>			<p>NOT VALID WITHOUT THE SIGNATURE AND SEAL OF A LICENSED SURVEYOR AND NOTARY.</p>		



950 Encore Way • Naples, Florida 34110 • Phone: 239.254.2000 • Fax: 239.254.2075

HM PROJECT #1997.079

8/5/2003

REF. DWG. #B-4345

Page 1 of 2

LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN A PORTION OF SECTIONS 4 AND 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.88°56'17"W., ALONG THE SOUTH LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 5.89 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 3021.15 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, A 150.00 FOOT RIGHT-OF-WAY AS DESCRIBED IN O.P. BOOK 3090 AT PAGE 727 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN S.79°35'39"W., ALONG THE SAID NORTHERLY RIGHT-OF-WAY, FOR A DISTANCE OF 263.08 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE RUN WESTERLY ALONG THE SAID NORTHERLY RIGHT-OF-WAY AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 3,175.00 FEET, THROUGH A CENTRAL ANGLE OF 03°00'18", SUBTENDED BY A CHORD OF 166.50 FEET AT A BEARING OF S.78°05'30"W., FOR A DISTANCE OF 166.52 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED AND A POINT OF COMPOUND CURVE, CONCAVE SOUTHERLY; THENCE RUN WESTERLY, ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 3,175.00 FEET, THROUGH A CENTRAL ANGLE OF 01°48'18", SUBTENDED BY A CHORD OF 100.01 FEET AT A BEARING OF S.75°41'12"W., FOR A DISTANCE OF 100.02 FEET; THENCE RUN N.13°20'38"W., FOR A DISTANCE OF 151.24 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 1,040.00 FEET, THROUGH A CENTRAL ANGLE OF 39°01'52", SUBTENDED BY A CHORD OF 694.85 FEET AT A BEARING OF N.06°10'20"E., FOR A DISTANCE OF 708.47 FEET TO THE END OF SAID CURVE; THENCE RUN N.25°41'16"E., FOR A DISTANCE OF 340.33 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1,857.41 FEET, THROUGH A CENTRAL ANGLE OF 28°41'03", SUBTENDED BY A CHORD OF 857.25 FEET AT A BEARING OF N.12°20'44"E., FOR A DISTANCE OF 865.04 FEET TO THE END OF SAID CURVE; THENCE RUN N.00°59'47"W., FOR A DISTANCE OF 3,135.73 FEET; THENCE RUN N.00°57'22"W., FOR A DISTANCE OF 516.34 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,355.06 FEET, THROUGH A CENTRAL ANGLE OF 29°56'43", SUBTENDED BY A CHORD OF 1,216.89 FEET AT A BEARING OF N.15°55'43"W., FOR A DISTANCE OF 1,230.85 FEET TO THE END OF SAID CURVE; THENCE RUN N.30°54'05"W., FOR A DISTANCE OF 300.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 1,050.00 FEET, THROUGH A CENTRAL ANGLE OF 29°14'58", SUBTENDED BY A CHORD OF 530.22 FEET AT A BEARING OF N.16°16'38"W., FOR A DISTANCE OF 536.02 FEET TO THE END OF SAID CURVE; THENCE RUN N.01°39'07"W., FOR A DISTANCE OF 150.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF WILLIAMS ROAD, A 100.00 FOOT RIGHT-OF-WAY; THENCE RUN N.88°20'53"E ALONG SAID SOUTH RIGHT-OF-WAY LINE, FOR A DISTANCE OF 100.00 FEET; THENCE RUN S.01°39'07"E., FOR A DISTANCE OF 150.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN

# Exhibit "A"

Page 4 of 8

HM PROJECT #1997.079

8/5/2003

REF. DWG. #B-4345

Page 2 of 2

SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 950.00 FEET, THROUGH A CENTRAL ANGLE OF 29°14'58", SUBTENDED BY A CHORD OF 479.72 FEET AT A BEARING OF S.16°16'36"E., FOR A DISTANCE OF 484.97 FEET TO THE END OF SAID CURVE; THENCE RUN S.30°54'05"E., FOR A DISTANCE OF 300.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 2,455.06 FEET, THROUGH A CENTRAL ANGLE OF 29°58'43", SUBTENDED BY A CHORD OF 1,268.56 FEET AT A BEARING OF S.15°55'43"E., FOR A DISTANCE OF 1,283.12 FEET TO THE END OF SAID CURVE; THENCE RUN S.00°57'22"E., FOR A DISTANCE OF 516.27 FEET; THENCE RUN S.00°59'47"E., FOR A DISTANCE OF 3,135.73 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 1,957.41 FEET, THROUGH A CENTRAL ANGLE OF 26°41'03", SUBTENDED BY A CHORD OF 903.40 FEET AT A BEARING OF S.12°20'44"W., FOR A DISTANCE OF 911.62 FEET TO THE END OF SAID CURVE; THENCE RUN S.25°41'18"W., FOR A DISTANCE OF 340.33 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 940.00 FEET, THROUGH A CENTRAL ANGLE OF 39°01'52", SUBTENDED BY A CHORD OF 628.04 FEET AT A BEARING OF S.06°10'20"W., FOR A DISTANCE OF 640.35 FEET TO THE END OF SAID CURVE; THENCE RUN S.13°20'38"E., FOR A DISTANCE OF 149.54 FEET TO THE POINT OF BEGINNING; CONTAINING 18.188 ACRES, MORE OR LESS.


THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

BEARINGS SHOWN HEREON REFER TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AS BEING S.88°56'17"W.

HOLE MONTES, INC.

CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

BY

  
JERRY L. RUFFELMACHER

P.S.M. #6130

STATE OF FLORIDA

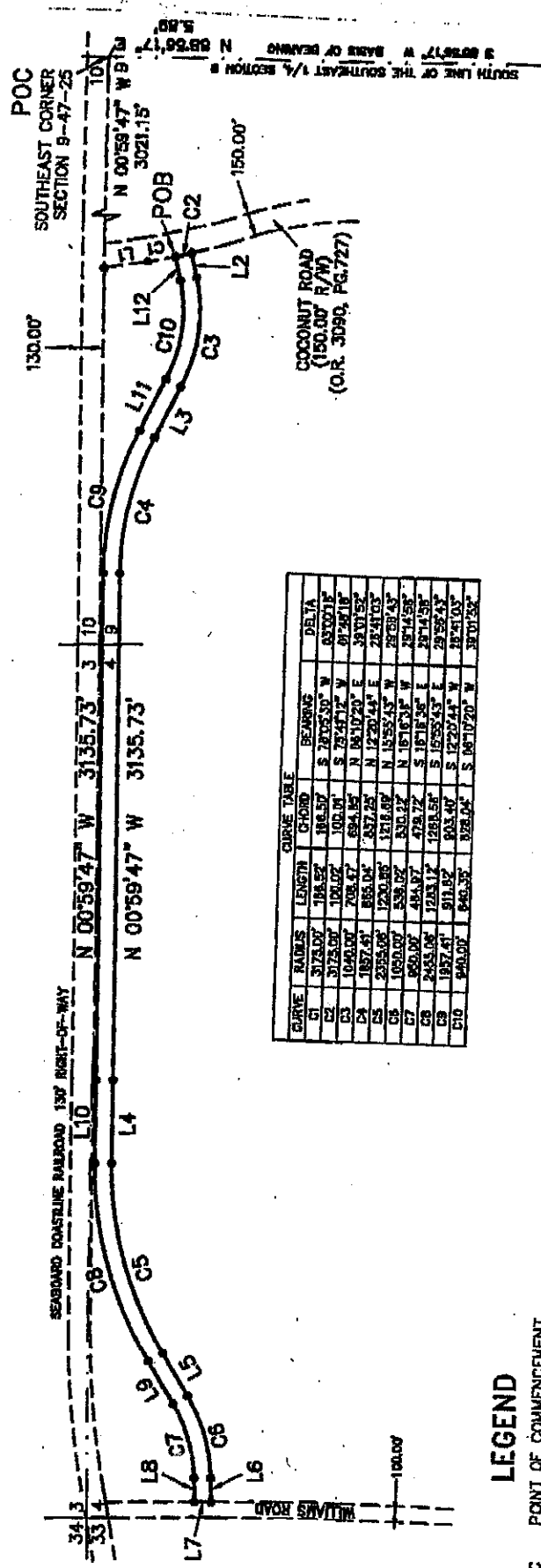


# Exhibit "A"

Page 5 of 8



LINE	DIRECTION	DISTANCE
L1	S 79°55'38" W	263.00'
L2	N 13°20'28" W	151.24'
L3	N 20°41'18" E	340.33'
L4	N 00°57'22" W	518.27'
L5	N 30°54'08" W	308.00'
L6	N 01°58'07" W	193.00'
L7	N 88°20'53" E	103.00'
L8	S 01°58'07" E	193.00'
L9	S 30°54'08" E	308.00'
L10	S 00°57'22" E	518.27'
L11	S 20°41'18" W	340.33'
L12	N 13°20'28" E	151.24'



CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C1	3173.00'	188.52'	188.52'	S 20°55'30" W	03°00'18"
C2	3173.00'	100.00'	100.00'	S 75°47'12" W	07°38'18"
C3	1040.00'	208.07'	208.07'	N 06°10'20" E	33°01'52"
C4	1837.43'	357.05'	357.05'	N 12°20'44" E	28°41'03"
C5	2355.00'	470.92'	470.92'	N 15°55'43" E	25°09'43"
C6	1050.00'	210.00'	210.00'	N 16°16'38" W	28°14'58"
C7	950.00'	188.97'	188.97'	S 16°18'36" E	21°14'58"
C8	2455.00'	488.97'	488.97'	S 16°58'43" E	29°52'53"
C9	1937.43'	387.43'	387.43'	S 12°20'44" W	18°41'03"
C10	840.00'	168.00'	168.00'	S 06°10'20" W	30°01'52"

## LEGEND

POC POINT OF COMMENCEMENT  
 POB POINT OF BEGINNING

PARTY CHIEF: \_\_\_\_\_ DATE: \_\_\_\_\_  
 DRAWN BY: \_\_\_\_\_ DATE: 7/03  
 TH: \_\_\_\_\_ DRAWING NO: B-4345  
 CHECKED BY: \_\_\_\_\_ J.R.

\* NOT A SURVEY \*

950 Encore Way  
 Naples, FL 34110  
 Phone: (941) 254-2000  
 Florida Certificate of  
 Authorization No. 1772



SKETCH TO ACCOMPANY  
 A LEGAL DESCRIPTION

PROJECT NO: 97.079  
 REFERENCE NO: NBSI-2



Exhibit "A"

Page 6 of 8



950 Encore Way • Naples, Florida 34110 • Phone: 239.254.2000 • Fax: 239.254.2075

HM PROJECT #1997.079  
8/5/2003  
REF. DWG. #B-4344  
Page 1 of 2

LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN A PORTION OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.88°56'17"W. ALONG THE SOUTH LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 5.89 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY; THENCE RUN N.00°59'47"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2869.10 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, A 150.00 FOOT RIGHT-OF-WAY AS DESCRIBED IN O.R. BOOK 3090 AT PAGE 727 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN S.79°35'39"W., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, FOR A DISTANCE OF 238.23 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE RUN WESTERLY ALONG THE SAID SOUTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 3,025.00 FEET, THROUGH A CENTRAL ANGLE OF 03°00'30", SUBTENDED BY A CHORD OF 158.81 FEET AT A BEARING OF S.78°05'24"W., FOR A DISTANCE OF 158.83 FEET TO THE END OF SAID CURVE AND THE SAME BEING THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN S.13°20'36"E., FOR A DISTANCE OF 150.47 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 1,060.00 FEET, THROUGH A CENTRAL ANGLE OF 27°07'29", SUBTENDED BY A CHORD OF 497.15 FEET AT A BEARING OF S.00°13'08"W., FOR A DISTANCE OF 501.82 FEET TO THE END OF SAID CURVE; THENCE RUN S.13°46'53"W., FOR A DISTANCE OF 300.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 940.00 FEET, THROUGH A CENTRAL ANGLE OF 38°08'12", SUBTENDED BY A CHORD OF 614.19 FEET AT A BEARING OF S.05°17'13"E., FOR A DISTANCE OF 825.67 FEET TO THE END OF SAID CURVE; THENCE RUN S.24°21'19"E., FOR A DISTANCE OF 368.00 FEET; THENCE RUN S.65°38'41"W., FOR A DISTANCE OF 100.00 FEET; THENCE RUN N.24°21'19"W., FOR A DISTANCE OF 368.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 1,040.00 FEET, THROUGH A CENTRAL ANGLE OF 38°08'12", SUBTENDED BY A CHORD OF 679.53 FEET AT A BEARING OF N.05°17'13"W., FOR A DISTANCE OF 892.24 FEET TO THE END OF SAID CURVE; THENCE RUN N.13°46'53"E., FOR A DISTANCE OF 300.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 960.00 FEET, THROUGH A CENTRAL ANGLE OF 27°07'29", SUBTENDED BY A CHORD OF 450.25 FEET AT A BEARING OF N.00°13'08"E., FOR A DISTANCE OF 454.48 FEET TO THE END OF SAID CURVE; THENCE RUN N.13°20'36"W., FOR A DISTANCE OF 148.70 FEET TO A POINT ON THE SAID SOUTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD AND TO A POINT ON A CIRCULAR CURVE, CONCAVE SOUTHERLY, WHOSE RADIUS POINT BEARS S.15°18'31"E., A DISTANCE OF 3,025.00 FEET THEREFROM; THENCE RUN EASTERLY ALONG THE SAID SOUTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 3,025.00 FEET, THROUGH A CENTRAL ANGLE OF 01°53'40", SUBTENDED BY A CHORD OF 100.02 FEET AT A BEARING OF

**Exhibit "A"**

Page 7 of 8

HM PROJECT #1997.079  
8/5/2003  
REF. DWG. #B-4344  
Page 2 of 2

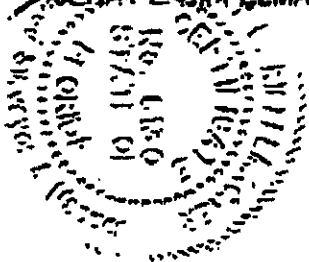
N.75°38'19"E., FOR A DISTANCE OF 100.02 FEET TO THE POINT OF BEGINNING; CONTAINING 4.483 ACRES, MORE OR LESS.

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

BEARINGS SHOWN HEREON REFER TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AS BEING S.88°56'17"W.

HOLE MONTES, INC.  
CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

BY *Jerry L. Biffelmacher* P.S.M. #6130  
JERRY L. BIFFELMACHER STATE OF FLORIDA





HIC SCALE

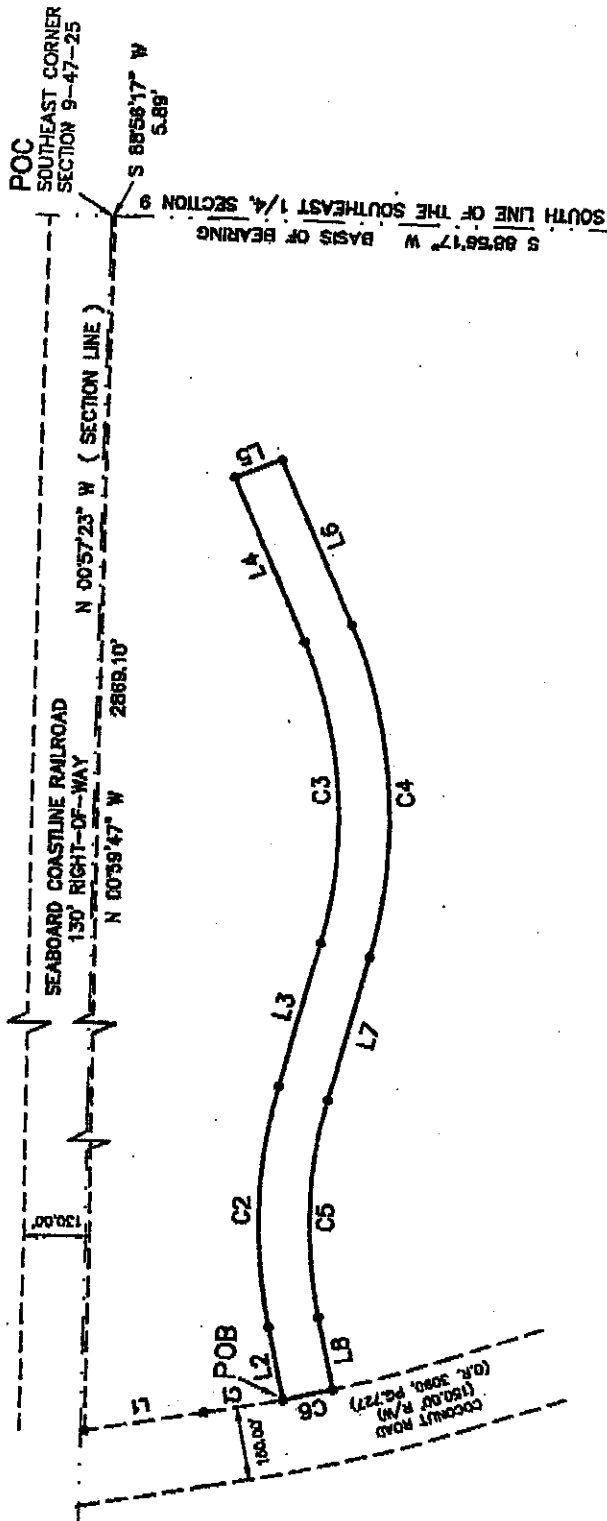


IN FEET )

1" = 300 ft.

LINE	DIRECTION	DISTANCE
L1	S 71°35'39" W	238.27
L2	S 13°20'38" E	150.47
L3	S 13°40'53" W	300.00
L4	S 24°21'18" E	300.00
L5	S 85°58'17" W	100.00
L6	N 24°21'18" W	300.00
L7	N 13°40'53" E	300.00
L8	N 13°20'38" W	148.72

CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C1	3028.00'	158.85'	158.81'	S 78°05'24" W	82°00'39"
C2	1080.00'	801.82'	497.15'	S 00°13'08" W	27°02'28"
C3	240.00'	892.24'	614.19'	S 05°17'13" E	38°08'12"
C4	150.00'	854.48'	450.25'	N 00°13'08" E	27°02'28"
C5	3028.00'	100.00'	100.00'	N 26°08'19" E	07°33'40"



COMMENCEMENT

BEGINNING

\* NOT A SURVEY \*



950 Encore Way  
Naples, FL 34110  
Phone: (941) 254-2000  
Florida Certificate of  
Licensed Surveyor  
Authorization No. 1772

NOT VALID WITHOUT  
THE SIGNATURE AND  
THE ORIGINAL NEEDED  
SEA OF A FLORIDA  
LICENSED SURVEYOR  
AND APPR.

SKETCH TO ACCOMPANY  
A LEGAL DESCRIPTION

PROJECT NO.

97.079

REFERENCE NO.

R05L-1

7/03

8187 NO.

B-0344



**Fidelity National Title**  
Insurance Company of New York

L 1970.G. 4.b  
Williams to Coconut

Commitment No: PB04-17494  
Agent File No: MCARDLE

TitleTrax Ref No: MCARDLE

WTJ/AMM

**SCHEDULE A**

1. Effective date: July 13, 2004 at 6:00 A.M.
2. Policy or Policies to be issued:
  - (a) ALTA Owner's Policy (Rev. 10-17-92) with Florida Modifications Amount \$1,980,673.20  
Proposed Insured: THE LEE COUNTY BOARD OF COUNTY COMMISSIONERS
  - (b) ALTA Loan Policy (Rev. 10-17-92) with Florida Modifications Amount \$0.00  
Proposed Insured:
3. The estate or interest in the land described or referred to in this Commitment and covered herein is:  
FEE SIMPLE
4. Title to the FEE SIMPLE estate or interest in said land is at the effective date hereof vested in:  
EDWARD J. MCARDLE, TRUSTEE OF THE EDWARD J. MCARDLE GRANTOR TRUST  
DATED January 6, 1992
5. The land referred to in this Commitment is described as follows:  
SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Countersigned: CHERRY & EDGAR, P.A.  
4400 PGA BLVD., SUITE 200  
PALM BEACH GARDENS, FL 33410

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

ORIGINAL DOCUMENTS RETAINED  
IN COUNTY ATTORNEYS OFFICE  
FOR HANDLING UPON BOARD  
ACCEPTANCE



# Fidelity National Title

Insurance Company of New York

Commitment No: PB04-17494

Agent File No: MCARDLE

## SCHEDULE B I (Requirements)

The following are the requirements to be complied with:

1. Payment to, or for the account of, the sellers or mortgagors of the full consideration for the estate or interest to be insured.
2. Instrument(s) creating the estate or interest to be insured which must be approved, executed, and filed for record:
  - a. Warranty Deed from EDWARD J. MCARDLE, as trustee of the EDWARD J. MCARDLE GRANTOR TRUST DATED January 6, 1992, to THE LEE COUNTY BOARD OF COUNTY COMMISSIONERS. Said instrument must contain a non-homestead recitation as to the trustee(s) and his/her spouse, a recitation that the trustee is single, or joinder of the trustee's spouse, as applicable; together with an affidavit by the trustee(s) (FNNY Form T-1)(Fla.), deleting the requirement that the trust agreement be produced and attached.
3. Release of subject property from mortgage in favor of LASALLE NATIONAL BANK, as Original lender, recorded on February 11, 1998, in Official Records Book 2935, Page 3110, as spread to the subject land by Mortgage Spreader Agreement recorded in Official Records Book 3854, page 2251, Public Records of Lee County, Florida.
4. Record a duly executed release of the subject property from that certain UCC financing statement recorded on April 4, 2003, in Official Records Book 3912, Page 654, of the Public Records of Lee County, Florida.
5. Release of subject property from mortgage in favor of NAPLES FEDERAL SAVINGS AND LOAN ASSOCIATION, recorded March 28, 1984, in Official Records Book 1718, Page 2901, as modified, of the Public Records of Lee County, Florida.
6. Submit proof that any outstanding municipal and/or county liens, assessments and service charges, which are due, have been paid.
7. Submit proof of payment of unpaid service charges for water, sewer and/or waste, if any.
8. A current survey of the subject property, in compliance with the minimum technical standards, prepared by a duly registered and licensed surveyor, certified to the insured and/or Fidelity National Title Insurance Company of New York, must be submitted for examination, after which further requirements and/or exceptions may be deemed necessary.
9. An affidavit by the seller or mortgagor stating that:
  - a. There are no liens against the insured land other than as disclosed by this commitment;
  - b. That there are no outstanding or pending claims against the affiant(s) that may constitute the basis for a lien against the insured land;
  - c. That other than as disclosed by this commitment there are no matters which constitute defects in affiant(s)' title to the insured land, and



# Fidelity National Title

Insurance Company of New York

Commitment No: PB04-17494

Agent File No: MCARDLE

d. That there are no matters existing at this date which would adversely affect the ability of the affiant(s) to mortgage or convey the insured land.

e. That there are no parties in possession or with a right to possession of the insured land other than the fee simple title holder thereof.

NOTE: Prior to disbursement of the proceeds of the transaction to be insured, title to the land shall be checked down to the time of recording, or other date satisfactory to the Company, and an affidavit of the seller/mortgagor furnished certifying that there are no matters that could give rise to a lien that would attach to the land between the disbursing of the funds and the recording of the instruments creating the estate to be insured. The Company reserves the right to impose such further requirements or add additional exceptions necessary to reflect any matters occurring prior to disbursement or recording of the insured instruments creating the insured estate, whichever comes first.

END OF SCHEDULE B I



# Fidelity National Title

Insurance Company of New York

Commitment No: PB04-17494  
Agent File No: MCARDLE

## SCHEDULE B II (Exceptions)

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the Proposed Insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.
2. All assessments and taxes for the year 2004 and all subsequent years, which are not yet due and payable.
3. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
4. Any encroachments, easements, measurements, variations in area or content, party walls or other facts which a correct survey of the premises would show.
5. Rights or claims of parties in possession not shown by the public records.
6. Roads, ways, streams or easements, if any, not shown by the public records, riparian rights and the title to any filled-in lands.
7. Terms, covenants, conditions, easement rights and obligations as set forth in that certain Easement in favor of Florida Power and Light Company recorded December 18, 1997 in Official Records Book 2900, Page 3568, as affected by Partial Release of Easement recorded in Official Records Book 3090, page 752, and as modified by Subordination Agreement recorded in Official Records Book \_\_\_\_\_, Page \_\_\_\_\_, all of the Public Records of Lee County, Florida.
8. Terms, covenants, conditions, easement rights and obligations as set forth in that certain Easement in favor of Bonita Springs Utilities, Inc., filed August 15, 2002 in Official Records Book 3706, Page 4462, as modified by Subordination Agreement recorded in Official Records Book \_\_\_\_\_, Page \_\_\_\_\_, both of the Public Records of Lee County, Florida.
9. Any rights or interests as indicated by that certain Covenant of Unified Control by Simon Suncoast, recorded in Official Records Book 3840, Page 2938, of the Public Records of Lee County, Florida.
10. Any rights or interests as indicated by that certain Notice of Adoption of the Coconut Point DRI Development Order, recorded February 18, 2003 in Official Records Book 3849, Page 835, of the Public Records of Lee County, Florida.
11. Any rights or interests as indicated by that certain Coconut Point DRI Development Agreement, recorded February 28, 2004 in Official Records Book 4210, Page 2807, of the Public Records of Lee County, Florida.



# Fidelity National Title

Insurance Company of New York

Commitment No: PB04-17494

Agent File No: MCARDLE

12. Encroachment by fence as shown on Survey prepared by Hole Montes, Drawing No. A-1657, dated 02/28/04, as affected by that certain Removal Agreement recorded in Official Record Book \_\_\_\_\_, Page \_\_\_\_\_, of the Public Records of Lee County, Florida.

NOTE: The Company reserves the right to make further requirements and/or exceptions upon its review of the proposed documents creating the estate or interest to be insured or otherwise ascertaining details of the transaction.

If the proceeds of the loan to be secured by the insured mortgage are deposited with the Company or its authorized agent, Item 1 above shall be deemed deleted as of the time such funds are disbursed to or for the account of the borrower. Neither the company nor its agent shall, however, be under any duty to disburse any sum except upon a determination that no such adverse intervening matters have appeared of record or occurred.

Items 3, 4, 5 and 6 will be deleted provided: a satisfactory current survey is submitted, if applicable; it is determined the current year's taxes or special assessments have been paid; an affidavit of possession, in recordable form, is provided; it is determined there are no filled-in lands; and there is nothing of record which would give rise to mechanic's liens which would take priority over the insured interest (where the liens would otherwise take priority, submission of waivers is necessary). Additional exceptions will be made in the policy for any appropriate matters disclosed.

END OF SCHEDULE B II





# Fidelity National Title

Insurance Company of New York

Commitment No: PB04-17494  
Agent File No: MCARDLE

## EXHIBIT "A"

A PARCEL OF LAND LOCATED IN A PORTION OF SECTIONS 4 AND 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.00°46'08"E., ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, FOR A DISTANCE OF 100.01 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF WILLIAMS ROAD, HAVING A 100 FOOT WIDE RIGHT-OF-WAY; THENCE RUN S.88°21'07"W., ALONG THE SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 636.24 FEET, TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN S.01°39'07"E., FOR A DISTANCE OF 150.24 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 950.00 FEET, THROUGH A CENTRAL ANGLE OF 29°14'58", SUBTENDED BY A CHORD OF 479.72 FEET AT A BEARING OF S.16°16'36"E., FOR A DISTANCE OF 484.97 FEET TO THE END OF SAID CURVE; THENCE RUN S.30°54'05"E., FOR A DISTANCE OF 300.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 2,460.54 FEET, THROUGH A CENTRAL ANGLE OF 29°57'20", SUBTENDED BY A CHORD OF 1,271.83 FEET AT A BEARING OF S.15°55'25"E., FOR A DISTANCE OF 1,286.43 FEET TO THE END OF SAID CURVE; THENCE RUN S.00°56'45"E., FOR A DISTANCE OF 513.10 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 4; THENCE RUN S.00°59'33"E., FOR A DISTANCE OF 3,135.85 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 1,953.89 FEET, THROUGH A CENTRAL ANGLE OF 26°40'48", SUBTENDED BY A CHORD OF 901.64 FEET AT A BEARING OF S.12°20'52"W., FOR A DISTANCE OF 909.84 FEET TO THE END OF SAID CURVE; THENCE RUN S.25°41'16"W., FOR A DISTANCE OF 342.09 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 940.00 FEET, THROUGH A CENTRAL ANGLE OF 39°01'52", SUBTENDED BY A CHORD OF 628.04 FEET AT A BEARING OF S.06°10'20"W., FOR A DISTANCE OF 640.35 FEET TO THE END OF SAID CURVE; THENCE RUN S.13°20'36"E., FOR A DISTANCE OF 149.35 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, HAVING A 150 FOOT WIDE RIGHT-OF-WAY, THE SAME BEING A POINT ON A CIRCULAR CURVE, CONCAVE SOUTHERLY, WHOSE RADIUS POINT BEARS S.13°24'24"E., A DISTANCE OF 3,175.00 FEET THEREFROM; THENCE RUN WESTERLY ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 3,175.00 FEET, THROUGH A CENTRAL ANGLE OF 01°48'18", SUBTENDED BY A CHORD OF 100.01 FEET AT A BEARING OF S.75°41'27"W., FOR A DISTANCE OF 100.02 FEET TO THE END OF SAID CURVE; THENCE RUN N.13°20'36"W., FOR A DISTANCE OF 151.04 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 1,040.00 FEET, THROUGH A CENTRAL ANGLE OF 39°01'52", SUBTENDED BY A CHORD OF 694.85 FEET AT A BEARING OF N.06°10'20"E., FOR A DISTANCE OF 708.47 FEET TO THE END OF SAID CURVE; THENCE RUN N.25°41'16"E., FOR A DISTANCE OF 342.09 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1,853.89 FEET, THROUGH A CENTRAL ANGLE OF 26°40'48", SUBTENDED BY A CHORD OF 855.50 FEET AT A BEARING OF N.12°20'52"E., FOR A DISTANCE OF 863.28 FEET TO THE END OF SAID CURVE; THENCE RUN N.00°59'33"W., FOR A DISTANCE OF 3,134.89 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 4; THENCE RUN N.00°56'45"W., FOR A DISTANCE OF 514.14 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,360.54 FEET, THROUGH A CENTRAL ANGLE OF 29°57'20", SUBTENDED BY A CHORD OF 1,220.14 FEET AT A BEARING OF N.15°55'25"W., FOR A DISTANCE OF 1,234.15 FEET TO THE END OF SAID CURVE; THENCE RUN N.30°54'05"W., FOR A DISTANCE OF 300.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 1,050.00 FEET, THROUGH A CENTRAL ANGLE OF 29°14'58", SUBTENDED BY A CHORD OF 530.22 FEET AT A BEARING OF N.16°16'36"W., FOR A DISTANCE OF 536.02 FEET TO THE END OF SAID CURVE; THENCE RUN N.01°39'07"W., FOR A DISTANCE OF 150.25 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID WILLIAMS ROAD; THENCE RUN N.88°21'07"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 100.00 FEET, TO THE POINT OF BEGINNING.



**Fidelity National Title Insurance Company  
OF NEW YORK**

**New York, New York  
ENDORSEMENT**

Attached to and forming a part of Commitment No. **PB04-17494**  
of **FIDELITY NATIONAL TITLE INSURANCE COMPANY OF NEW YORK**

1. The effective date of the Commitment is hereby changed to be \_\_\_\_\_, 2004 at \_\_\_\_\_.m.
2. The Requirements shown on Schedule B-1 of the Commitment have been satisfied and are hereby deleted.
3. The following items shown on Schedule B-II of the Commitment are hereby deleted:  
1, 2, 3, 4, 5, 6, 7, 8, 9 and 15, the last being replaced with:

**Terms, covenants, conditions, easement rights and obligations as set forth in that certain Grant of Easement in favor of Long Bay Partners, LLC filed February 1, 1996 in Official Records Book 2801, Page 3091, as Assigned in O.R. Book 2981, Page 2953 of the Public Records of Lee County, Florida.**

This endorsement, when countersigned by an authorized signatory, is made a part of the policy and is subject to all the terms and provisions thereof and of any prior endorsements thereto. Except to the extent expressly stated, it neither modifies any of the terms and provisions of the policy and any prior endorsements, nor does it extend the effective date of the policy and any prior endorsements nor does it increase the face amount thereof.

Signed and sealed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Countersigned:

**Fidelity National Title Insurance Company  
of New York**

BY \_\_\_\_\_  
Authorized Signatory  
**(PLEASE PRINT NAME BELOW)**

BY **Patrick F. Stone**  
President

ATTEST **Charles H. Wimer**  
Secretary

CHERRY & EDGAR, P.A.

ATTORNEYS AT LAW

SQUARE LAKE SOUTH

8409 NORTH MILITARY TRAIL • SUITE 123  
PALM BEACH GARDENS, FLORIDA 33410

TELEPHONE (561) 471-7767

TELECOPIER (561) 471-7974

November 19, 2004

Via Federal Express

Lee County Board of County Commissioners  
c/o Dawn E. Perry-Lehnert, Esq.  
Assistant County Attorney  
Lee County, Florida  
2115 Second Street  
Fort Myers, FL 33901

Re: Conveyance of Sandy Lane Right-of-Way

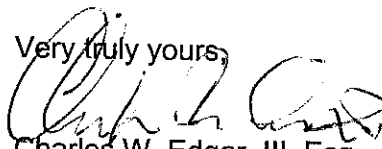
Ladies and Gentlemen:

We represent Oakbrook Properties, Inc., in connection with the conveyance of the right-of-way for Sandy Lane to you.

We have made due inquiry regarding the nature, existence and rights as to the areas shown as "ditch" in Detail C of the Hole Montes the ALTA/ACSM land title survey, Reference No. 97079ALTA and drawing No. A-1657) same being the survey of the right-of-way to be so conveyed. Based upon that inquiry and our examination of the title and such other documents and information as we have deemed to be appropriate, we are of the opinion that no person or entity not a party to that conveyance has any rights, whether as a matter of record, prescriptive or otherwise, as to said "ditch" areas that would constitute an interest in, encumbrance on or claim to any of the land being so conveyed.

This opinion is given with the understanding that you are acting in partial reliance hereon in accepting such conveyance with the status of the subject land being as shown on such survey.

Very truly yours,



Charles W. Edgar, III, Esq.

2004 NOV 29 AM 10:21  
RECEIVED BY  
LEE CO. ATTORNEY

**PREPARED BY AND RETURN TO:**

Charles W. Edgar, III, Esquire  
Cherry & Edgar, P.A.  
8409 North Military Trail, Suite 123  
Palm Beach Gardens, FL 33410

**REMOVAL AGREEMENT**

**WHEREAS**, Edward J. McArdle Trustee of the Edward J. McArdle Grantor Trust dated January 6, 1992 ("Owner") is about to convey the property located in Lee County, Florida and described on Exhibit "A" attached hereto and made a part hereof to Lee County, Florida ("County") for use as a road right of way and other purposes (the "Right of Way"):

**WHEREAS**, a fence (the "Fence") is currently located in certain portions of the Right of Way.

**WHEREAS**, Owner has requested County to permit the Fence to remain where it is currently located until such time as the construction of the roadway and other improvements within the Right of Way have been completed in accordance with all of County's permits and requirements, or earlier as provided herein: and

**WHEREAS**, County has agreed to same on the terms and conditions herein set forth.

**NOW, THEREFORE**, in consideration of County not immediately enforcing its rights or the rights of any others, now existing or which may in the future exist, against the Owner of the property to have the Fence removed, Owner hereby agrees with County to remove, at no expense to County, the Fence from the Right of Way, within the thirty (30) days of written notice to do so addressed to them or their successors in interest, at Oakbrook Properties, Inc., 24880 Burnt Pine Drive, Bonita Springs, FL 34134. It is agreed by Owner that no other construction or installation of any fence or other improvements (other than the roadway improvements described above) may be made within the Right of Way. It is agreed by the parties hereto that this Agreement will be recorded at Owner's expense in the Official Records of Lee County, Florida and that this Agreement shall be a covenant running with the land and be binding upon the heirs, personal representatives, grantees, assigns and successors in interest of the Owner.

Owner shall immediately remove the Fence in the event that County or Owner, or both, are challenged with respect to County's authority to authorize the existence of the Fence in the Right of Way or a claim of damages is made as a result of the location of the Fence in the Right of Way. In the event that County and/or Owner is challenged with respect to the existence of the Fence in the Right of Way, or a claim for damages is made as a result thereof, Owner shall also indemnify, defend, and save County harmless against and from said challenge.

**ORIGINAL DOCUMENTS RETAINED  
IN COUNTY ATTORNEYS OFFICE  
FOR HANDLING UPON BOARD  
ACCEPTANCE**

In addition to the foregoing, Owner shall also remove the Fence without any prior notice from County, at no expense to County, upon completion of the roadway improvements described above or at such earlier time as is appropriate, usual and customary under the circumstances..

SIGNED, SEALED, EXECUTED AND ACKNOWLEDGED on this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

WITNESSES:

[Signature]  
THOMAS J. KETTY  
[Signature]  
David H. McArdle

[Signature]  
Edward J. McArdle as Trustee of the  
Edward J. McArdle Grantor Trust  
dated January 6, 1992

STATE OF Illinois  
COUNTY OF Kane

The foregoing instrument was acknowledged before me this 23rd day of November, 2004, by Edward J. McArdle as Trustee of the Edward J. McArdle Grantor Trust dated January 6, 1992 as \_\_\_\_\_ and is personally known to me or has produced \_\_\_\_\_ as identification.



[Signature]  
NOTARY PUBLIC  
Print Name: \_\_\_\_\_  
Commission Exp.: 3-31-06

## Exhibit "A"

A PARCEL OF LAND LOCATED IN A PORTION OF SECTIONS 4 AND 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.00°46'08"E., ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, FOR A DISTANCE OF 100.01 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF WILLIAMS ROAD, HAVING A 100 FOOT WIDE RIGHT-OF-WAY; THENCE RUN S.88°21'07"W., ALONG THE SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 636.24 FEET, TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN S.01°39'07"E., FOR A DISTANCE OF 150.24 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 950.00 FEET, THROUGH A CENTRAL ANGLE OF 29°14'58", SUBTENDED BY A CHORD OF 479.72 FEET AT A BEARING OF S.16°16'36"E., FOR A DISTANCE OF 484.97 FEET TO THE END OF SAID CURVE; THENCE RUN S.30°54'05"E., FOR A DISTANCE OF 300.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 2,460.54 FEET, THROUGH A CENTRAL ANGLE OF 29°57'20", SUBTENDED BY A CHORD OF 1,271.83 FEET AT A BEARING OF S.15°55'25"E., FOR A DISTANCE OF 1,286.43 FEET TO THE END OF SAID CURVE; THENCE RUN S.00°56'45"E., FOR A DISTANCE OF 513.10 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 4; THENCE RUN S.00°59'33"E., FOR A DISTANCE OF 3,135.85 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 1,953.89 FEET, THROUGH A CENTRAL ANGLE OF 26°40'48", SUBTENDED BY A CHORD OF 901.64 FEET AT A BEARING OF S.12°20'52"W., FOR A DISTANCE OF 909.84 FEET TO THE END OF SAID CURVE; THENCE RUN S.25°41'16"W., FOR A DISTANCE OF 342.09 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 940.00 FEET, THROUGH A CENTRAL ANGLE OF 39°01'52", SUBTENDED BY A CHORD OF 628.04 FEET AT A BEARING OF S.06°10'20"W., FOR A DISTANCE OF 640.35 FEET TO THE END OF SAID CURVE; THENCE RUN S.13°20'36"E., FOR A DISTANCE OF 149.35 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, HAVING A 150 FOOT WIDE RIGHT-OF-WAY, THE SAME BEING A POINT ON A CIRCULAR CURVE, CONCAVE SOUTHERLY, WHOSE RADIUS POINT BEARS S.13°24'24"E., A DISTANCE OF 3,175.00 FEET THEREFROM; THENCE RUN WESTERLY ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 3,175.00 FEET, THROUGH A CENTRAL ANGLE OF 01°48'18", SUBTENDED BY A CHORD OF 100.01 FEET AT A BEARING OF S.75°41'27"W., FOR A DISTANCE OF 100.02 FEET TO THE END OF SAID CURVE; THENCE RUN N.13°20'36"W., FOR A DISTANCE OF 151.04 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 1,040.00 FEET, THROUGH A CENTRAL ANGLE OF 39°01'52", SUBTENDED BY A CHORD OF 694.85 FEET AT A BEARING OF N.06°10'20"E., FOR A DISTANCE OF 708.47 FEET TO THE END OF SAID CURVE; THENCE RUN N.25°41'16"E., FOR A DISTANCE OF 342.09 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1,853.89 FEET, THROUGH A CENTRAL ANGLE OF 26°40'48", SUBTENDED BY A CHORD OF 855.50 FEET AT A BEARING OF N.12°20'52"E., FOR A DISTANCE OF 863.28 FEET TO THE END OF SAID CURVE; THENCE RUN N.00°59'33"W., FOR A DISTANCE OF 3,134.89 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 4; THENCE RUN N.00°56'45"W., FOR A DISTANCE OF 514.14 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,360.54 FEET, THROUGH A CENTRAL ANGLE OF 29°57'20", SUBTENDED BY A CHORD OF 1,220.14 FEET AT A BEARING OF N.15°55'25"W., FOR A DISTANCE OF 1,234.15 FEET TO THE END OF SAID CURVE; THENCE RUN N.30°54'05"W., FOR A DISTANCE OF 300.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 1,050.00 FEET, THROUGH A CENTRAL ANGLE OF 29°14'58", SUBTENDED BY A CHORD OF 530.22 FEET AT A BEARING OF N.16°16'36"W., FOR A DISTANCE OF 536.02 FEET TO THE END OF SAID CURVE; THENCE RUN N.01°39'07"W., FOR A DISTANCE OF 150.25 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID WILLIAMS ROAD; THENCE RUN N.88°21'07"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 100.00 FEET, TO THE POINT OF BEGINNING.

# Parcel #3

Williams Road to the Western Railroad Boundary

PREPARED BY AND RETURN TO:  
Charles W. Edgar, III, Esquire  
CHERRY & EDGAR, P.A.  
4400 PGA Boulevard, Suite 200  
Palm Beach Gardens, FL 33410

WARRANTY DEED

THIS WARRANTY DEED made the 12<sup>th</sup> day of November, 2004, by EDWARD J. McARDLE, TRUSTEE OF THE EDWARD J. McARDLE GRANTOR TRUST DATED JANUARY 6, 1992, hereinafter called the grantor, to LEE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, whose post office address is Post Office Box 398, Ft. Myers, Florida 33902, hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.)

WITNESSETH: That the grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Lee County, Florida, viz:

See Exhibit "A" attached hereto and made a part hereof for legal description.

Grantor hereby states that the above-described property is not now nor has it ever been the homestead property nor does it adjoin his homestead property.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land



and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances.

IN WITNESS WHEREOF, the grantor has caused these presents to be executed the day and year first above written.

Signed, sealed and delivered in the presence of:

[Signature]  
Thomas J. Kelly  
(Print Name)

[Signature]  
Anna M. Ruehl  
(Print Name)

[Signature]  
EDWARD J. McARDLE, TRUSTEE OF  
THE EDWARD J. McARDLE GRANTOR  
TRUST DATED JANUARY 6, 1992  
5311 Caroline Ave.  
Houston, Tx 77004  
(Address)

STATE OF ILLINOIS

COUNTY OF KANE

The foregoing instrument was acknowledged before me this 12<sup>th</sup> day of November, 2004, by EDWARD J. McARDLE, TRUSTEE OF THE EDWARD J. McARDLE GRANTOR TRUST DATED JANUARY 6, 1992.



[Signature]  
Notary Public  
Sonja N. Gallagher  
(Print Name)

My Commission Expires:

Personally Known ✓ OR Produced Identification \_\_\_\_\_

Type of Identification Produced \_\_\_\_\_

EXHIBIT "A"

A PARCEL OF LAND LOCATED IN A PORTION OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN N.00°57'09"W., ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 2,674.19 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 9; THENCE RUN N.01°15'36"W., ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 196.04 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, HAVING A 150 FOOT WIDE RIGHT-OF-WAY; THENCE RUN S.79°35'53"W., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 245.16 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE RUN WESTERLY ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 3,025.00 FEET, THROUGH A CENTRAL ANGLE OF 03°00'29", SUBTENDED BY A CHORD OF 158.80 FEET AT A BEARING OF S.78°05'39"W., FOR A DISTANCE OF 158.82 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN S.13°20'36"E., FOR A DISTANCE OF 150.67 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 1,060.00 FEET, THROUGH A CENTRAL ANGLE OF 27°07'29", SUBTENDED BY A CHORD OF 497.15 FEET AT A BEARING OF S.00°13'08"W., FOR A DISTANCE OF 501.82 FEET TO THE END OF SAID CURVE; THENCE RUN S.13°46'53"W., FOR A DISTANCE OF 300.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 940.00 FEET, THROUGH A CENTRAL ANGLE OF 38°08'12", SUBTENDED BY A CHORD OF 614.19 FEET AT A BEARING OF S.05°17'13"E., FOR A DISTANCE OF 625.67 FEET TO THE END OF SAID CURVE; THENCE RUN S.24°21'19"E., FOR A DISTANCE OF 366.00 FEET; THENCE RUN S.65°38'41"W., FOR A DISTANCE OF 100.00 FEET; THENCE RUN N.24°21'19"W., FOR A DISTANCE OF 366.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 1,040.00 FEET, THROUGH A CENTRAL ANGLE OF 38°08'12", SUBTENDED BY A CHORD OF 679.53 FEET AT A BEARING OF N.05°17'13"W., FOR A DISTANCE OF 692.24 FEET TO THE END OF SAID CURVE; THENCE RUN N.13°46'53"E., FOR A DISTANCE OF 300.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 960.00 FEET, THROUGH A CENTRAL ANGLE OF 27°07'29", SUBTENDED BY A CHORD OF 450.25 FEET AT A BEARING OF N.00°13'08"E., FOR A DISTANCE OF 454.48 FEET TO THE END OF SAID CURVE; THENCE RUN N.13°20'36"W., FOR A DISTANCE OF 148.90 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID COCONUT ROAD, THE SAME BEING A POINT ON A CIRCULAR CURVE, CONCAVE SOUTHERLY, WHOSE RADIUS POINT BEARS S.15°18'16"E., A DISTANCE OF 3,025.00 FEET THEREFROM; THENCE RUN EASTERLY ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 3,025.00 FEET, THROUGH A CENTRAL ANGLE OF 01°53'40", SUBTENDED BY A CHORD OF 100.02 FEET AT A BEARING OF N.75°38'34"E., FOR A DISTANCE OF 100.02 FEET TO THE POINT OF BEGINNING.

**LEGAL DESCRIPTION:**

A PARCEL OF LAND LOCATED IN A PORTION OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:


COMMENCE AT THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN N.00°57'09"W., ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 2,674.19 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 9; THENCE RUN N.01°15'36"W., ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 196.04 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, HAVING A 150 FOOT WIDE RIGHT-OF-WAY; THENCE RUN S.79°35'53"W., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 245.16 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE RUN WESTERLY ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 3,025.00 FEET, THROUGH A CENTRAL ANGLE OF 03°00'29", SUBTENDED BY A CHORD OF 158.80 FEET AT A BEARING OF S.78°05'39"W., FOR A DISTANCE OF 158.82 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN S.13°20'36"E., FOR A DISTANCE OF 150.67 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 1,060.00 FEET, THROUGH A CENTRAL ANGLE OF 27°07'29", SUBTENDED BY A CHORD OF 497.15 FEET AT A BEARING OF S.00°13'08"W., FOR A DISTANCE OF 501.82 FEET TO THE END OF SAID CURVE; THENCE RUN S.13°46'53"W., FOR A DISTANCE OF 300.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 940.00 FEET, THROUGH A CENTRAL ANGLE OF 38°08'12", SUBTENDED BY A CHORD OF 614.19 FEET AT A BEARING OF S.05°17'13"E., FOR A DISTANCE OF 625.67 FEET TO THE END OF SAID CURVE; THENCE RUN S.24°21'19"E., FOR A DISTANCE OF 366.00 FEET; THENCE RUN S.65°38'41"W., FOR A DISTANCE OF 100.00 FEET; THENCE RUN N.24°21'19"W., FOR A DISTANCE OF 366.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 1,040.00 FEET, THROUGH A CENTRAL ANGLE OF 38°08'12", SUBTENDED BY A CHORD OF 679.53 FEET AT A BEARING OF N.05°17'13"W., FOR A DISTANCE OF 692.24 FEET TO THE END OF SAID CURVE; THENCE RUN N.13°46'53"E., FOR A DISTANCE OF 300.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 960.00 FEET, THROUGH A CENTRAL ANGLE OF 27°07'29", SUBTENDED BY A CHORD OF 450.25 FEET AT A BEARING OF N.00°13'08"E., FOR A DISTANCE OF 454.48 FEET TO THE END OF SAID CURVE; THENCE RUN N.13°20'36"W., FOR A DISTANCE OF 148.90 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID COCONUT ROAD, THE SAME BEING A POINT ON A CIRCULAR CURVE, CONCAVE SOUTHERLY, WHOSE RADIUS POINT BEARS S.15°18'16"E., A DISTANCE OF 3,025.00 FEET THEREFROM; THENCE RUN EASTERLY ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 3,025.00 FEET, THROUGH A CENTRAL ANGLE OF 01°53'40", SUBTENDED BY A CHORD OF 100.02 FEET AT A BEARING OF N.75°38'34"E., FOR A DISTANCE OF 100.02 FEET TO THE POINT OF BEGINNING; CONTAINING 4.484 ACRES, MORE OR LESS.

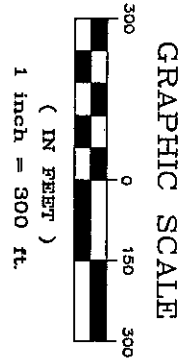
THIS PROPERTY SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

HM PROJECT #1997079  
11/18/2004  
REF. DWG. #B-4693  
Page 2 of 2

BEARINGS SHOWN HEREON REFER TO THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 9  
TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AS BEING N.00°57'09"W.

HOLE MONTES, INC.  
CERTIFICATE OF AUTHORIZATION LB #1772

BY  P.S.M. #6130  
JERRY L. RIFFELMACHER STATE OF FLORIDA



**CURVE TABLE**

CURVE	RADIUS	DELTA	CHORD	BEARING	LENGTH
C1	3025.00'	03°00'29"	158.80'	S 78°05'39" W	158.82'
C2	1060.00'	27°07'29"	497.15'	S 00°13'08" W	501.82'
C3	940.00'	38°08'12"	614.19'	S 05°17'13" E	625.67'
C4	1040.00'	38°08'12"	679.53'	N 05°17'13" W	692.24'
C5	960.00'	27°07'29"	450.25'	N 00°13'08" E	454.48'
C6	3025.00'	01°53'40"	100.02'	N 75°38'34" E	100.02'

**LINE TABLE**

LINE	DIRECTION	DISTANCE
L1	N 01°15'36" W	196.04'
L2	S 79°35'53" W	245.16'
L3	S 13°20'36" E	150.67'
L4	S 13°46'53" W	300.00'
L5	S 24°21'19" E	366.00'
L6	S 65°38'41" W	100.00'
L7	N 24°21'19" W	366.00'
L8	N 13°46'53" E	300.00'
L9	N 13°20'36" W	148.90'

**LEGEND**  
 POC POINT OF COMMENCEMENT  
 POB POINT OF BEGINNING

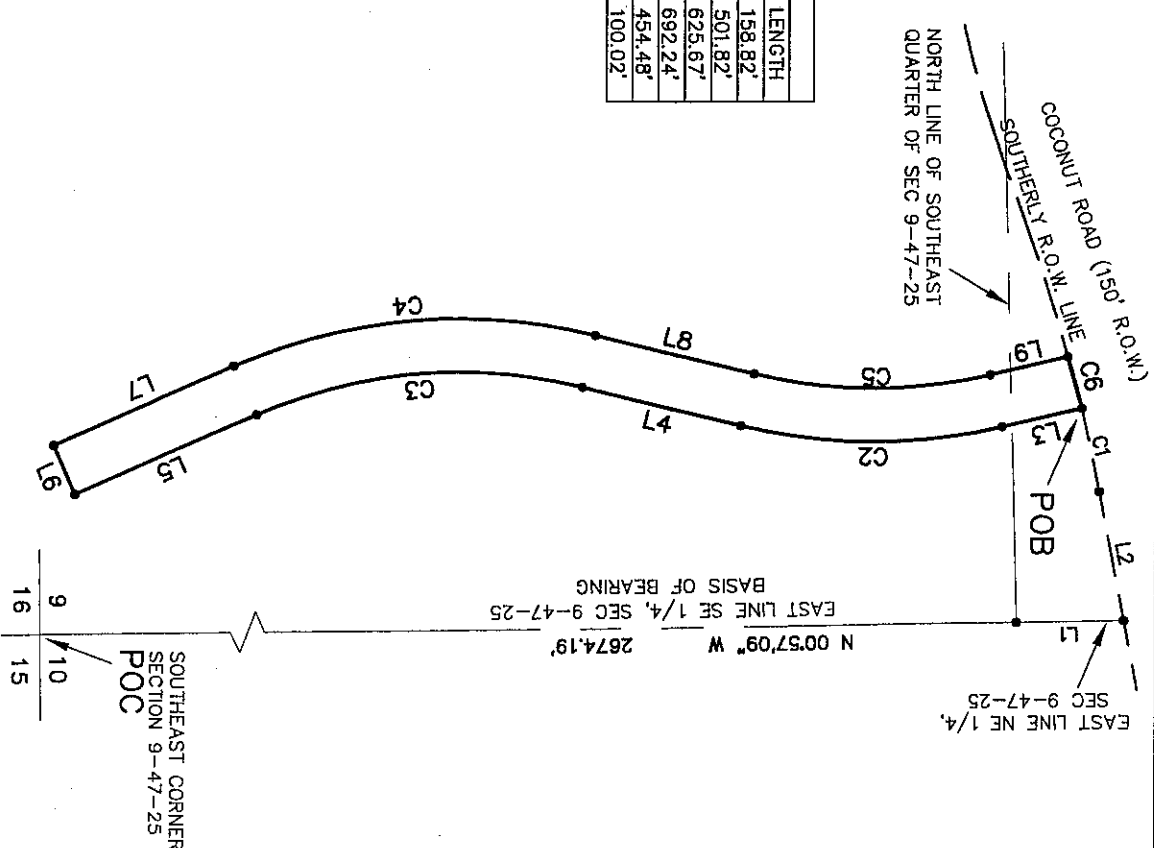
**\* NOT A SURVEY \***

**HOLEMONTES ENGINEERS - PLANNERS - SURVEYORS**  
 950 Encore Way  
 Naples, FL 34110  
 Phone: (941) 254-2000  
 Florida Certificate of  
 Authorization No. 1772

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

**SKETCH TO ACCOMPANY A LEGAL DESCRIPTION**

PROJECT NO.  
**97.079**  
 REFERENCE NO.  
 SANSL 6



Parcel: Coccol Point PR2 - Williams to Railroad  
STRAP: 33-46-2500-60015,0080  
Project: LU 1970, 6, 4, e.

**AFFIDAVIT OF INTEREST IN REAL PROPERTY**

THIS AFFIDAVIT OF INTEREST IN REAL PROPERTY is made and entered this 22nd day of March, 2007 for the sole purpose of compliance with Section 286.23 of the Florida Statutes.

The undersigned hereby swears and affirms under oath, subject to the penalties prescribed for perjury, that the following is true:

The Name and Address of the Grantor is:

Edward J. McAnulle as Trustee of the Edward J. McAnulle Trust dated Jan. 6, 1992  
1600 E. Main St., Suite B, St. Charles, FL 32617

The name(s) and address(es) of every person having a beneficial interest in real property that will be conveyed to Lee County are:

1. Grantor Trust for unnamed children - same address
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_

The real property to be conveyed to Lee County is known as: Sandy Lane Right of Way - Williams Rd. to Railroad Cross

FURTHER AFFIANT SAYETH NAUGHT.

Signed, sealed and delivered in our presences:

[Signature]  
Witness Signature

JENNA KAPLAN  
Printed Name

[Signature]  
Witness Signature

Patricia L. Lohmeyer  
Printed Name

[Signature]  
Signature of Affiant

Charles W. Edgar, III  
Printed Name

ORIGINAL DOCUMENTS RETAINED  
IN COUNTY ATTORNEYS OFFICE  
FOR HANDLING UPON BOARD  
ACCEPTANCE

Affidavit of Interest in Real Property

Parcel: Credit for PIZ - Willing to Release

STRAP: 33-46-25-00-0009, 1000

Project: LV 1970.6, 4.E.

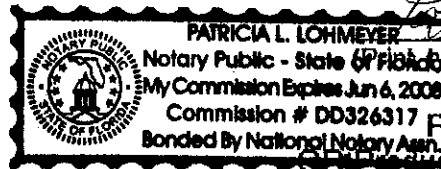
STATE OF Florida

COUNTY OF Palm Beach

SWORN TO AND SUBSCRIBED before me this 24<sup>th</sup> day of November, 2004 by Charles W. Edgar III  
(name of person acknowledged)

Patricia L. Lohmeyer  
(Notary Signature)

(SEAL)



Patricia L. Lohmeyer  
Type or stamp name of Notary  
Personally known   
Identified Identification \_\_\_\_\_  
Type of Identification \_\_\_\_\_

revised 3/2000 rima  
(INDIVIDUAL)

MEMORANDUM

FROM

COUNTY LANDS

2003 DEC 15 PM 4:42

RECEIVED BY  
LEE CO. ATTORNEY

Date: December 12, 2003

To Dawn Perry-Lehnert  
Assistant County Attorney

From: Karen L. W. Forsyth  
Karen L. W. Forsyth  
Director of County Lands

RE: APPRAISAL REVIEW

Project: Sandy Lane Extension – Road Impact Credit

Owner: Edward McArdle, Trustee (per 2003 Lee County Property Appraiser GIS data).

Date of Valuation: October 20, 2002

Date of Review: December 11, 2003

- I. **Identification of the Reports Being Reviewed:** The report being reviewed is a summary appraisal report prepared by W. Michael Maxwell, MAI, of the appraisal firm of W. Michael Maxwell and Associates. The report is identified by the appraiser as Sandy Lane Extension in Sections 04 & 09-47-25.
- II. **Purpose:** The purpose of the appraisal was to estimate the market value of the subject property.

Market Value is defined as:

"The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

- 1. buyer and seller are typically motivated;
- 2. both parties are well informed or well advised, and acting in what they consider their best interests;

ORIGINAL DOCUMENTS RETAINED  
IN COUNTY ATTORNEYS OFFICE  
FOR HANDLING UPON BOARD  
ACCEPTANCE

Coconut Point Dkt - Dev. Agree.  
Compliance - Sandy Lane Rd.  
Williams Rd to Belican - Coconut



3. a reasonable time is allowed for exposure in the open market;
4. payment is made in terms of cash in United States dollars or in terms of financial arrangements comparable thereto; and
5. the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale."<sup>1</sup>

Subject's legal description, Exhibit "A", is attached hereto and made a part hereof.

**III. Function:** The function of the appraisal is to serve as a basis for determining roadway impact fee credits to be granted by Lee County, in exchange for ± 24.821 acres for roadway.

**IV. Interest Appraised:** The interest appraised is the fee simple interest.

**V. Valuation:**

1. Parent Tract, as of October 20, 2002 (482.42 acres X \$2.50/sq. ft. - 21,014,215 sq.ft.)	\$52,535,500
2. Subject Parcel (24.821 acres X \$2.50/sq.ft.)	\$ 2,703,006
Rounded to	\$ 2,703,000

The estimate value is approved at      \$ 2,703,000

<sup>1</sup> Standards of Professional Appraisal, Practice of the Appraisal Institute.

cc: Robert Clemens

*Andy Gosh*

## ASSUMPTIONS AND LIMITING CONDITIONS

1. The review report attached hereto is based on data and information contained in the appraisal report that is the subject of this review as well as additional information from other sources that may be applicable.
2. It is assumed that the data and information are factual and accurate.
3. The reviewer reserves the right to consider any additional data or information that may subsequently become available to her and to revise her opinions and conclusions if such data and information indicate the need for such change.
4. All of the assumptions and limiting conditions contained in the appraisal report that is the subject of this review are also conditions of this review unless otherwise stated.
5. **It is assumed fee simple interest will be conveyed to the County, subject only to zoning and use restrictions imposed by governmental authority, and restrictions and easements common to the area and of record.**



950 Encore Way • Naples, Florida 34110 • Phone: 239.254.2000 • Fax: 239.254.2075

HM PROJECT #1997.079  
10/28/2003  
REF. DWG. #B-4439  
Page 1 of 1

LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN A PORTION OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

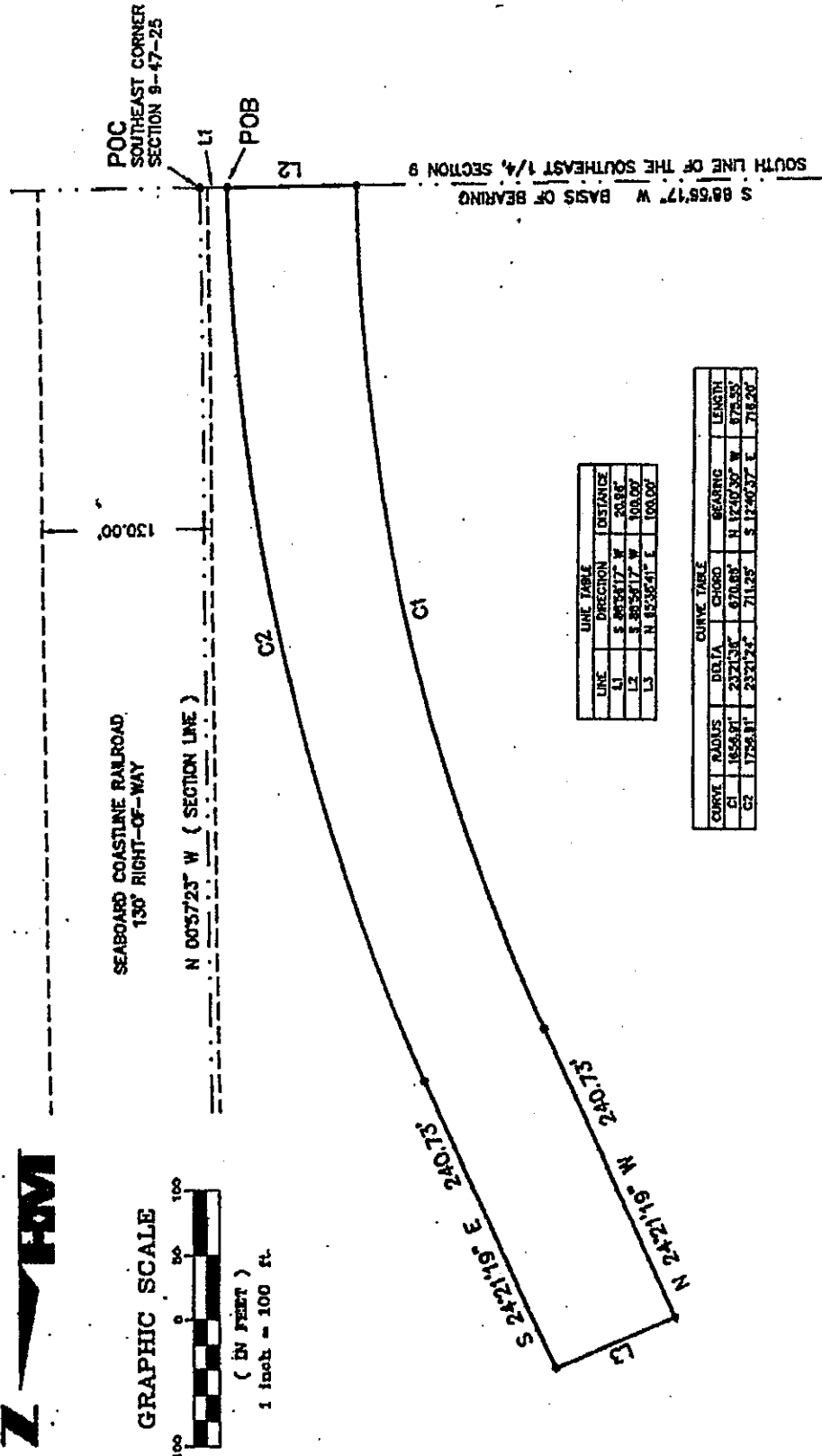
COMMENCE AT THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.88°56'17"W., ALONG THE SOUTH LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 20.96 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S.88°56'17"W., ALONG THE SOUTH LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 100.00 FEET TO A POINT ON A CIRCULAR CURVE, CONCAVE WESTERLY, WHOSE RADIUS POINT BEARS S.89°00'18"W., A DISTANCE OF 1,656.91 FEET THEREFROM; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1,656.91 FEET, THROUGH A CENTRAL ANGLE OF 23°21'38", SUBTENDED BY A CHORD OF 670.88 FEET AT A BEARING OF N.12°40'30"W., FOR A DISTANCE OF 675.55 FEET TO THE END OF SAID CURVE; THENCE RUN N.24°21'19"W., FOR A DISTANCE OF 240.73 FEET; THENCE RUN N.65°38'41"E., FOR A DISTANCE OF 100.00 FEET; THENCE RUN S.24°21'19"E., FOR A DISTANCE OF 240.73 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 1,756.91 FEET, THROUGH A CENTRAL ANGLE OF 23°21'24", SUBTENDED BY A CHORD OF 711.25 FEET AT A BEARING OF S.12°40'37"E., FOR A DISTANCE OF 716.20 FEET TO THE POINT OF BEGINNING; CONTAINING 2.150 ACRES, MORE OR LESS.

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

BEARINGS SHOWN HEREON REFER TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AS BEING S.88°56'17"W.

HOLE MONTES, INC.  
CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

BY  P.S.M. #6130  
JERRY L. PFEILMACHER STATE OF FLORIDA



\* NOT A SURVEY \*

SEC-TWK-RICE 9 - 47 - 25	PROJECT NO. 97.0
DRAWN BY WH	DATE 10/03
CHECKED BY J.R.	DRAWING NO. B-4130
950 Ernoere Way Naples, FL 34110 Phone: (941) 254-2000 Florida Certificate of Licensed Surveyor and Mapper Authorization No. 1772	
<b>F.M.</b> FOLE MONTEZ SURVEYING & MAPPING	
SKETCH TO ACCOMPANY A LEGAL DESCRIPTION	
REFERENCE PROS.	



950 Encore Way • Naples, Florida 34110 • Phone: 239.254.2000 • Fax: 239.254.2075

HM PROJECT #1997.079  
8/5/2003  
REF. DWG. #B-4345  
Page 1 of 2

LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN A PORTION OF SECTIONS 4 AND 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.88°56'17"W., ALONG THE SOUTH LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 5.89 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 3021.15 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, A 150.00 FOOT RIGHT-OF-WAY AS DESCRIBED IN O.R. BOOK 3090 AT PAGE 727 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN S.79°35'39"W., ALONG THE SAID NORTHERLY RIGHT-OF-WAY, FOR A DISTANCE OF 283.08 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE RUN WESTERLY ALONG THE SAID NORTHERLY RIGHT-OF-WAY AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 3,175.00 FEET, THROUGH A CENTRAL ANGLE OF 03°00'18", SUBTENDED BY A CHORD OF 166.50 FEET AT A BEARING OF S.78°05'30"W., FOR A DISTANCE OF 166.52 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED AND A POINT OF COMPOUND CURVE, CONCAVE SOUTHERLY; THENCE RUN WESTERLY, ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 3,175.00 FEET, THROUGH A CENTRAL ANGLE OF 01°48'18", SUBTENDED BY A CHORD OF 100.01 FEET AT A BEARING OF S.75°41'12"W., FOR A DISTANCE OF 100.02 FEET; THENCE RUN N.13°20'36"W., FOR A DISTANCE OF 151.24 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 1,040.00 FEET, THROUGH A CENTRAL ANGLE OF 39°01'52", SUBTENDED BY A CHORD OF 694.85 FEET AT A BEARING OF N.06°10'20"E., FOR A DISTANCE OF 708.47 FEET TO THE END OF SAID CURVE; THENCE RUN N.25°41'16"E., FOR A DISTANCE OF 340.33 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1,857.41 FEET, THROUGH A CENTRAL ANGLE OF 26°41'03", SUBTENDED BY A CHORD OF 857.25 FEET AT A BEARING OF N.12°20'44"E., FOR A DISTANCE OF 865.04 FEET TO THE END OF SAID CURVE; THENCE RUN N.00°59'47"W., FOR A DISTANCE OF 3,135.73 FEET; THENCE RUN N.00°57'22"W., FOR A DISTANCE OF 516.34 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,355.06 FEET, THROUGH A CENTRAL ANGLE OF 29°58'43", SUBTENDED BY A CHORD OF 1,216.89 FEET AT A BEARING OF N.15°55'43"W., FOR A DISTANCE OF 1,230.85 FEET TO THE END OF SAID CURVE; THENCE RUN N.30°54'05"W., FOR A DISTANCE OF 300.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 1,050.00 FEET, THROUGH A CENTRAL ANGLE OF 29°14'58", SUBTENDED BY A CHORD OF 530.22 FEET AT A BEARING OF N.16°16'36"W., FOR A DISTANCE OF 536.02 FEET TO THE END OF SAID CURVE; THENCE RUN N.01°39'07"W., FOR A DISTANCE OF 150.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF WILLIAMS ROAD, A 100.00 FOOT RIGHT-OF-WAY; THENCE RUN N.88°20'53"E ALONG SAID SOUTH RIGHT-OF-WAY LINE, FOR A DISTANCE OF 100.00 FEET; THENCE RUN S.01°39'07"E., FOR A DISTANCE OF 150.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN

W:\1997\1997079\New Sketch\UDSL-2.dwg

# Exhibit "A"

Page 4 of 8

HM PROJECT #1997.079

8/5/2003

REF. DWG. #B-4345

Page 2 of 2

SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 950.00 FEET, THROUGH A CENTRAL ANGLE OF 29°14'58", SUBTENDED BY A CHORD OF 479.72 FEET AT A BEARING OF S.16°16'36"E., FOR A DISTANCE OF 484.97 FEET TO THE END OF SAID CURVE; THENCE RUN S.30°54'05"E., FOR A DISTANCE OF 300.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 2,455.08 FEET, THROUGH A CENTRAL ANGLE OF 29°56'43", SUBTENDED BY A CHORD OF 1,268.56 FEET AT A BEARING OF S.15°55'43"E., FOR A DISTANCE OF 1,283.12 FEET TO THE END OF SAID CURVE; THENCE RUN S.00°57'22"E., FOR A DISTANCE OF 516.27 FEET; THENCE RUN S.00°59'47"E., FOR A DISTANCE OF 3,135.73 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 1,957.41 FEET, THROUGH A CENTRAL ANGLE OF 26°41'03", SUBTENDED BY A CHORD OF 903.40 FEET AT A BEARING OF S.12°20'44"W., FOR A DISTANCE OF 911.62 FEET TO THE END OF SAID CURVE; THENCE RUN S.25°41'16"W., FOR A DISTANCE OF 340.33 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 940.00 FEET, THROUGH A CENTRAL ANGLE OF 39°01'52", SUBTENDED BY A CHORD OF 628.04 FEET AT A BEARING OF S.06°10'20"W., FOR A DISTANCE OF 640.35 FEET TO THE END OF SAID CURVE; THENCE RUN S.13°20'36"E., FOR A DISTANCE OF 149.54 FEET TO THE POINT OF BEGINNING; CONTAINING 18.188 ACRES, MORE OR LESS.

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

BEARINGS SHOWN HEREON REFER TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AS BEING S.88°56'17"W.

HOLE MONTES, INC.

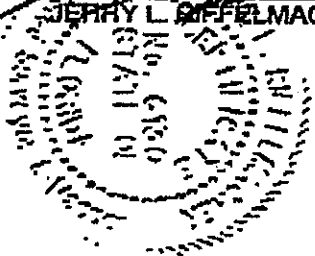
CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

BY

  
JERRY L. BIFFELMACHER

P.S.M. #6130

STATE OF FLORIDA

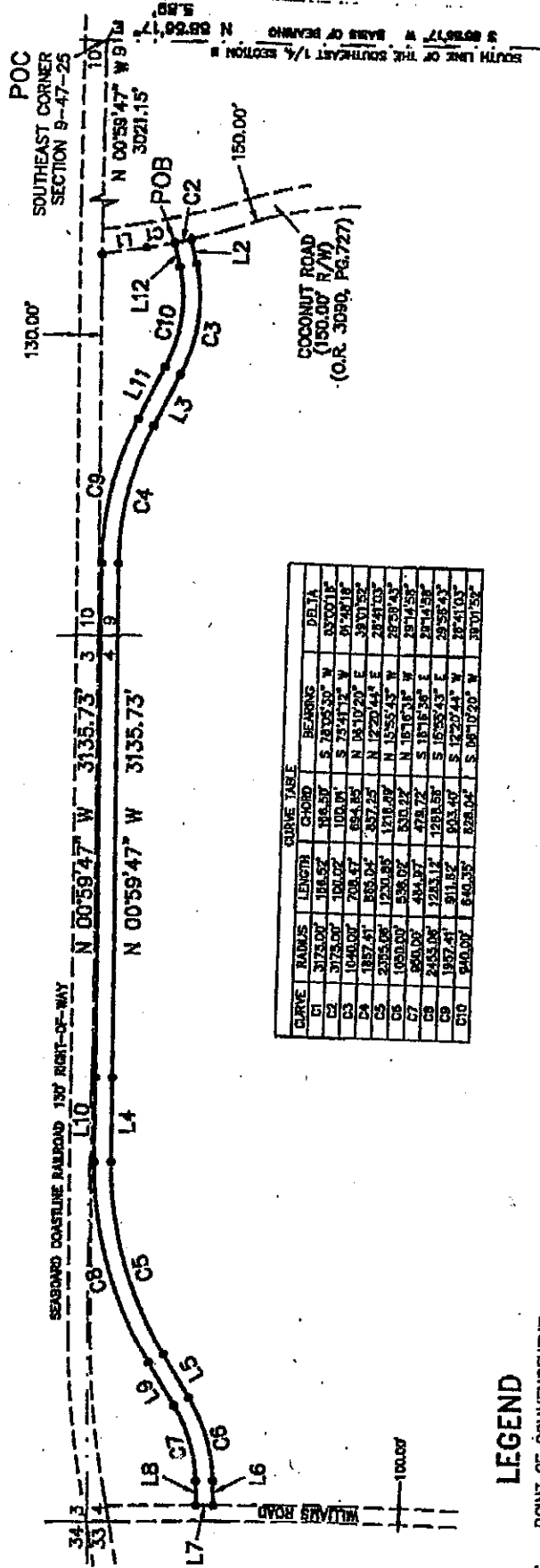


# Exhibit "A"

Page 5 of 8



LINE	DIRECTION	DISTANCE
L1	S 70°55'38" W	243.00'
L2	N 13°20'34" W	151.24'
L3	N 25°41'18" E	349.33'
L4	P 00°57'22" W	516.27'
L5	N 30°54'55" W	300.00'
L6	N 01°39'07" W	150.00'
L7	N 85°20'53" E	100.00'
L8	S 01°28'07" E	150.00'
L9	S 87°54'08" E	300.00'
L10	S 00°57'22" E	516.27'
L11	S 25°41'18" W	349.33'
L12	S 13°20'34" E	151.24'



CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C1	3173.00'	106.52'	106.50'	S 78°58'30" W	83°00'18"
C2	3173.00'	100.00'	100.00'	S 73°41'12" W	61°48'18"
C3	6940.00'	208.47'	694.85'	N 04°10'20" E	33°01'52"
C4	1857.41'	653.45'	357.25'	N 12°20'44" E	28°41'03"
C5	2053.08'	1230.85'	1210.40'	N 15°55'43" E	28°39'43"
C6	1059.00'	536.02'	530.22'	N 05°16'34" W	28°19'58"
C7	860.00'	484.87'	478.72'	S 18°18'36" E	28°14'58"
C8	2453.08'	1243.12'	1230.55'	S 15°55'43" E	28°58'43"
C9	1857.41'	653.40'	653.40'	S 12°20'44" W	28°41'03"
C10	3403.00'	840.35'	828.04'	S 08°10'20" W	38°10'52"

## LEGEND

POC POINT OF COMMENCEMENT  
 POB POINT OF BEGINNING

PARTY CHIEF:	DATE:
DRAWN BY:	DATE:
CHECKED BY:	DRAWING NO.:
JAK	B-4345

\* NOT A SURVEY \*

950 Encore Way  
 Naples, FL 34110  
 Phone: (941) 254-2000  
 Florida Certificate of  
 Authorization No. 1772



SKETCH TO ACCOMPANY  
 A LEGAL DESCRIPTION

PROJECT NO.  
 97.079  
 REFERENCE NO.  
 NDR1-2

Exhibit "A"

Page 6 of 8



950 Encore Way • Naples, Florida 34110 • Phone: 239.254.2000 • Fax: 239.254.2075

HM PROJECT #1997.079  
8/5/2003  
REF. DWG. #B-4344  
Page 1 of 2

LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN A PORTION OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.88°56'17"W. ALONG THE SOUTH LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 5.69 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY; THENCE RUN N.00°59'47"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2869.10 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, A 150.00 FOOT RIGHT-OF-WAY AS DESCRIBED IN O.R. BOOK 3090 AT PAGE 727 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN S.79°35'39"W., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, FOR A DISTANCE OF 238.23 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE RUN WESTERLY ALONG THE SAID SOUTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 3,025.00 FEET, THROUGH A CENTRAL ANGLE OF 03°00'30", SUBTENDED BY A CHORD OF 158.81 FEET AT A BEARING OF S.78°05'24"W., FOR A DISTANCE OF 158.83 FEET TO THE END OF SAID CURVE AND THE SAME BEING THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN S.13°20'36"E., FOR A DISTANCE OF 150.47 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 1,060.00 FEET, THROUGH A CENTRAL ANGLE OF 27°07'29", SUBTENDED BY A CHORD OF 497.15 FEET AT A BEARING OF S.00°13'08"W., FOR A DISTANCE OF 501.82 FEET TO THE END OF SAID CURVE; THENCE RUN S.13°46'53"W., FOR A DISTANCE OF 300.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 940.00 FEET, THROUGH A CENTRAL ANGLE OF 38°08'12", SUBTENDED BY A CHORD OF 614.19 FEET AT A BEARING OF S.05°17'13"E., FOR A DISTANCE OF 625.87 FEET TO THE END OF SAID CURVE; THENCE RUN S.24°21'19"E., FOR A DISTANCE OF 366.00 FEET; THENCE RUN S.85°38'41"W., FOR A DISTANCE OF 100.00 FEET; THENCE RUN N.24°21'19"W., FOR A DISTANCE OF 368.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 1,040.00 FEET, THROUGH A CENTRAL ANGLE OF 38°08'12", SUBTENDED BY A CHORD OF 679.53 FEET AT A BEARING OF N.05°17'13"W., FOR A DISTANCE OF 692.24 FEET TO THE END OF SAID CURVE; THENCE RUN N.13°48'53"E., FOR A DISTANCE OF 300.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 960.00 FEET, THROUGH A CENTRAL ANGLE OF 27°07'29", SUBTENDED BY A CHORD OF 450.25 FEET AT A BEARING OF N.00°13'08"E., FOR A DISTANCE OF 454.48 FEET TO THE END OF SAID CURVE; THENCE RUN N.13°20'36"W., FOR A DISTANCE OF 148.70 FEET TO A POINT ON THE SAID SOUTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD AND TO A POINT ON A CIRCULAR CURVE, CONCAVE SOUTHERLY, WHOSE RADIUS POINT BEARS S.15°18'31"E., A DISTANCE OF 3,025.00 FEET THEREFROM; THENCE RUN EASTERLY ALONG THE SAID SOUTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 3,025.00 FEET, THROUGH A CENTRAL ANGLE OF 01°53'40", SUBTENDED BY A CHORD OF 100.02 FEET AT A BEARING OF



**Exhibit "A"**

Page 7 of 8

HM PROJECT #1997.079  
8/5/2003  
REF. DWG. #B-4344  
Page 2 of 2

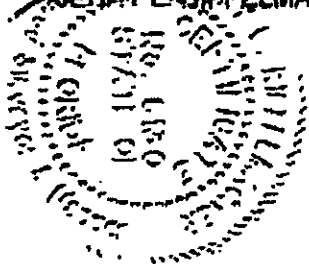
N.75°38'19"E., FOR A DISTANCE OF 100.02 FEET TO THE POINT OF BEGINNING; CONTAINING 4.483 ACRES, MORE OR LESS.

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

BEARINGS SHOWN HEREON REFER TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AS BEING S.88°56'17"W.

HOLE MONTES, INC.  
CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

BY *Jerry L. Biffelmacher* P.S.M. #6130  
JERRY L. BIFFELMACHER STATE OF FLORIDA





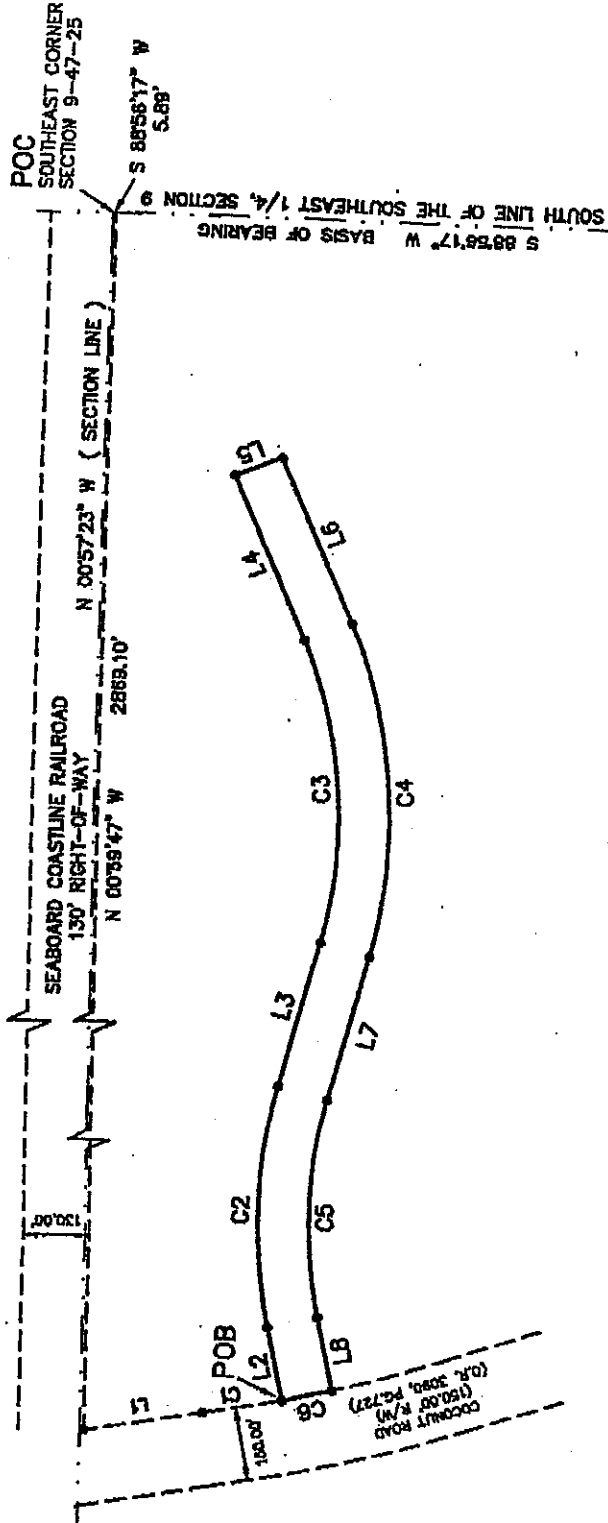
HIC SCALE



IN FEET )  
1" = 300 FT.

LINE	DIRECTION	DISTANCE
L1	S 70°25'30" W	238.23
L2	S 12°20'30" E	450.47
L3	S 13°46'33" W	500.00
L4	S 24°21'10" E	388.00
L5	S 45°38'41" W	1000.00
L6	N 24°21'10" W	388.00
L7	N 13°20'30" E	300.00
L8	N 13°20'30" W	148.70

CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C1	3025.00'	158.83'	158.81'	S 70°25'24" W	03°07'30"
C2	1088.00'	561.83'	487.15'	S 00°13'05" W	27°07'24"
C3	849.00'	523.87'	814.19'	S 08°17'13" E	38°08'19"
C4	1040.00'	882.24'	879.83'	N 81°17'13" W	38°08'19"
C5	849.00'	454.48'	450.25'	N 02°13'05" E	27°07'24"
C6	3025.00'	102.82'	102.82'	N 78°58'19" E	01°33'40"



\* NOT A SURVEY \*

<p>7/03 SHEET NO. B-4344</p>	<p>950 Encore Way Naples, FL 34110 Phone: (941) 254-2000 Florida Certificate of Licensed Surveyor Authorization No. 1772</p>	<p>NET VALID WITHOUT THE SIGNATURE AND THE ORIGINAL INKED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER</p>	<p>PROJECT NO. 97.079</p>
			<p>REFERENCE NO. RMSL-1</p>

SKETCH TO ACCOMPANY  
A LEGAL DESCRIPTION

COMMENCEMENT  
BEGINNING



**Fidelity National Title**  
Insurance Company of New York

*LU 1970.6.4.e  
Cocanut Rd to Pelican Bay, Fla.*

Commitment No: PB04-17495  
Agent File No: MCARDLE

TitleTrax Ref No: MCARDLE

WTJ/AMM

**SCHEDULE A**

- 1. Effective date: July 13, 2004 at 6:00 A.M.
- 2. Policy or Policies to be issued:
  - (a) ALTA Owner's Policy (Rev. 10-17-92) with Florida Modifications Amount \$488,307.60  
Proposed Insured: THE LEE COUNTY BOARD OF COUNTY COMMISSIONERS
  - (b) ALTA Loan Policy (Rev. 10-17-92) with Florida Modifications Amount \$0.00  
Proposed Insured:
- 3. The estate or interest in the land described or referred to in this Commitment and covered herein is:  
FEE SIMPLE
- 4. Title to the FEE SIMPLE estate or interest in said land is at the effective date hereof vested in:  
EDWARD J. MCARDLE, TRUSTEE OF THE EDWARD J. MCARDLE GRANTOR TRUST  
DATED January 6, 1992
- 5. The land referred to in this Commitment is described as follows:  
SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Countersigned: CHERRY & EDGAR, P.A.  
4400 PGA BLVD., SUITE 200  
PALM BEACH GARDENS, FL 33410

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

**ORIGINAL DOCUMENTS RETAINED  
IN COUNTY ATTORNEYS OFFICE  
FOR HANDLING UPON BOARD  
ACCEPTANCE**



**Fidelity National Title**  
Insurance Company of New York

Commitment No: PB04-17495  
Agent File No: MCARDLE

**SCHEDULE B I**  
(Requirements)

The following are the requirements to be complied with:

1. Payment to, or for the account of, the sellers or mortgagors of the full consideration for the estate or interest to be insured.
2. Instrument(s) creating the estate or interest to be insured which must be approved, executed, and filed for record:
  - a. Warranty Deed from EDWARD J. MCARDLE, as trustee of the EDWARD J. MCARDLE GRANTOR TRUST DATED January 6, 1992, to THE LEE COUNTY BOARD OF COUNTY COMMISSIONERS. Said instrument must contain a non-homestead recitation as to the trustee(s) and his/her spouse, a recitation that the trustee is single, or joinder of the trustee's spouse, as applicable; together with an affidavit by the trustee(s) (FNNY Form T-1)(Fla.), deleting the requirement that the trust agreement be produced and attached.
3. Submit proof that any outstanding municipal and/or county liens, assessments and service charges, which are due, have been paid.
4. Submit proof of payment of unpaid service charges for water, sewer and/or waste, if any.
5. A current survey of the subject property, in compliance with the minimum technical standards, prepared by a duly registered and licensed surveyor, certified to the insured and/or Fidelity National Title Insurance Company of New York, must be submitted for examination, after which further requirements and/or exceptions may be deemed necessary.
6. An affidavit by the seller or mortgagor stating that:
  - a. There are no liens against the insured land other than as disclosed by this commitment;
  - b. That there are no outstanding or pending claims against the affiant(s) that may constitute the basis for a lien against the insured land;
  - c. That other than as disclosed by this commitment there are no matters which constitute defects in affiant(s) title to the insured land, and
  - d. That there are no matters existing at this date which would adversely affect the ability of the affiant(s) to mortgage or convey the insured land.
  - e. That there are no parties in possession or with a right to possession of the insured land other than the fee simple title holder thereof.

NOTE: Prior to disbursement of the proceeds of the transaction to be insured, title to the land shall be checked down to the time of recording, or other date satisfactory to the Company, and an affidavit of the seller/mortgagor furnished certifying that there are no matters that could give rise to a lien that would attach to the land between the disbursing of the funds and the recording of the instruments creating the estate to be insured. The Company reserves the right to impose such further requirements or add additional exceptions necessary to reflect any matters occurring prior to disbursement or recording of the insured instruments creating the insured estate, whichever comes first.

END OF SCHEDULE B I



**Fidelity National Title**  
Insurance Company of New York

Commitment No: PB04-17495  
Agent File No: MCARDLE

**SCHEDULE B II**  
(Exceptions)

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the Proposed Insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.
2. All assessments and taxes for the year 2004 and all subsequent years, which are not yet due and payable.
3. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
4. Any encroachments, easements, measurements, variations in area or content, party walls or other facts which a correct survey of the premises would show.
5. Rights or claims of parties in possession not shown by the public records.
6. Roads, ways, streams or easements, if any, not shown by the public records, riparian rights and the title to any filled-in lands.
7. Any rights or interests as indicated by that certain Covenant of Unified Control by Simon Suncoast, recorded in Official Records Book 3840, Page 2938, of the Public Records of Lee County, Florida.
8. Any rights or interests as indicated by that certain Notice of Adoption of the Coconut Point DRI Development Order, recorded February 18, 2003 in Official Records Book 3849, Page 835, of the Public Records of Lee County, Florida.
9. Any rights or interests as indicated by that certain Coconut Point DRI Development Agreement, recorded February 28, 2004 in Official Records Book 4210, Page 2807, of the Public Records of Lee County, Florida.

**NOTE:** The Company reserves the right to make further requirements and/or exceptions upon its review of the proposed documents creating the estate or interest to be insured or otherwise ascertaining details of the transaction.

If the proceeds of the loan to be secured by the insured mortgage are deposited with the Company or its authorized agent, Item 1 above shall be deemed deleted as of the time such funds are disbursed to or for the account of the borrower. Neither the company nor its agent shall, however, be under any duty to disburse any sum except upon a determination that no such adverse intervening matters have appeared of record or occurred.

Items 3, 4, 5 and 6 will be deleted provided: a satisfactory current survey is submitted, if applicable; it is determined the current year's taxes or special assessments have been paid; an affidavit of possession, in



# Fidelity National Title

Insurance Company of New York

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Agent File No: MCARDLE

recordable form, is provided; it is determined there are no filled-in lands; and there is nothing of record which would give rise to mechanic's liens which would take priority over the insured interest (where the liens would otherwise take priority, submission of waivers is necessary). Additional exceptions will be made in the policy for any appropriate matters disclosed.

END OF SCHEDULE B II



# Fidelity National Title

Insurance Company of New York

Commitment No: PB04-17495

Agent File No: MCARDLE

## EXHIBIT "A"

A PARCEL OF LAND LOCATED IN A PORTION OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN N.00°57'09"W., ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 2,674.19 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 9; THENCE RUN N.01°15'36"W., ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 196.04 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, HAVING A 150 FOOT WIDE RIGHT-OF-WAY; THENCE RUN S.79°35'53"W., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 245.16 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE RUN WESTERLY ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 3,025.00 FEET, THROUGH A CENTRAL ANGLE OF 03°00'29", SUBTENDED BY A CHORD OF 158.80 FEET AT A BEARING OF S.78°05'39"W., FOR A DISTANCE OF 158.82 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN S.13°20'36"E., FOR A DISTANCE OF 150.67 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 1,060.00 FEET, THROUGH A CENTRAL ANGLE OF 27°07'29", SUBTENDED BY A CHORD OF 497.15 FEET AT A BEARING OF S.00°13'08"W., FOR A DISTANCE OF 501.82 FEET TO THE END OF SAID CURVE; THENCE RUN S.13°46'53"W., FOR A DISTANCE OF 300.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 940.00 FEET, THROUGH A CENTRAL ANGLE OF 38°08'12", SUBTENDED BY A CHORD OF 614.19 FEET AT A BEARING OF S.05°17'13"E., FOR A DISTANCE OF 625.67 FEET TO THE END OF SAID CURVE; THENCE RUN S.24°21'19"E., FOR A DISTANCE OF 366.00 FEET; THENCE RUN S.65°38'41"W., FOR A DISTANCE OF 100.00 FEET; THENCE RUN N.24°21'19"W., FOR A DISTANCE OF 366.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 1,040.00 FEET, THROUGH A CENTRAL ANGLE OF 38°08'12", SUBTENDED BY A CHORD OF 679.53 FEET AT A BEARING OF N.05°17'13"W., FOR A DISTANCE OF 692.24 FEET TO THE END OF SAID CURVE; THENCE RUN N.13°46'53"E., FOR A DISTANCE OF 300.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 960.00 FEET, THROUGH A CENTRAL ANGLE OF 27°07'29", SUBTENDED BY A CHORD OF 450.25 FEET AT A BEARING OF N.00°13'08"E., FOR A DISTANCE OF 454.48 FEET TO THE END OF SAID CURVE; THENCE RUN N.13°20'36"W., FOR A DISTANCE OF 148.90 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID COCONUT ROAD, THE SAME BEING A POINT ON A CIRCULAR CURVE, CONCAVE SOUTHERLY, WHOSE RADIUS POINT BEARS S.15°18'16"E., A DISTANCE OF 3,025.00 FEET THEREFROM; THENCE RUN EASTERLY ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 3,025.00 FEET, THROUGH A CENTRAL ANGLE OF 01°53'40", SUBTENDED BY A CHORD OF 100.02 FEET AT A BEARING OF N.75°38'34"E., FOR A DISTANCE OF 100.02 FEET TO THE POINT OF BEGINNING.



**Fidelity National Title Insurance Company  
OF NEW YORK**

**New York, New York  
ENDORSEMENT**

Attached to and forming a part of Commitment No. **PB04-17495**  
of **FIDELITY NATIONAL TITLE INSURANCE COMPANY OF NEW YORK**

1. The effective date of the Commitment is hereby changed to be \_\_\_\_\_, 2004 at \_\_\_\_\_m.
2. The Requirements shown on Schedule B-1 of the Commitment have been satisfied and are hereby deleted.
3. The following items shown on Schedule B-II of the Commitment are hereby deleted:  
1, 2, 3, 4, 5, 6, 7, 8 and 13, the last being replaced with:

**Terms, covenants, conditions, easement rights and obligations as set forth in that certain Grant of Easement in favor of Long Bay Partners, LLC filed February 1, 1996 in Official Records Book 2801, Page 3091, as Assigned in O.R. Book 2981, Page 2953 of the Public Records of Lee County, Florida.**

This endorsement, when countersigned by an authorized signatory, is made a part of the policy and is subject to all the terms and provisions thereof and of any prior endorsements thereto. Except to the extent expressly stated, it neither modifies any of the terms and provisions of the policy and any prior endorsements, nor does it extend the effective date of the policy and any prior endorsements nor does it increase the face amount thereof.

Signed and sealed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ .

Countersigned:

**Fidelity National Title Insurance Company  
of New York**

BY \_\_\_\_\_  
Authorized Signatory  
**(PLEASE PRINT NAME BELOW)**

BY **Patrick F. Stone**  
President

ATTEST **Charles H. Wimer**  
Secretary



**PREPARED BY AND RETURN TO:**

Charles W. Edgar, III, Esquire  
Cherry & Edgar, P.A.  
8409 North Military Trail, Suite 123  
Palm Beach Gardens, FL 33410

**REMOVAL AGREEMENT**

**WHEREAS**, North Point Lakes, LLC, a Delaware limited liability company ("Owner") is about to convey the property located in Lee County, Florida and described on Exhibit "A" attached hereto and made a part hereof to Lee County, Florida ("County") for use as a road right of way and other purposes (the "Right of Way"):

**WHEREAS**, a fence (the "Fence") is currently located in certain portions of the Right of Way.

**WHEREAS**, Owner has requested County to permit the Fence to remain where it is currently located until such time as the construction of the roadway and other improvements within the Right of Way have been completed in accordance with all of County's permits and requirements, or earlier as provided herein: and

**WHEREAS**, County has agreed to same on the terms and conditions herein set forth.

**NOW, THEREFORE**, in consideration of County not immediately enforcing its rights or the rights of any others, now existing or which may in the future exist, against the Owner of the property to have the Fence removed, Owner hereby agrees with County to remove, at no expense to County, the Fence from the Right of Way, within the thirty (30) days of written notice to do so addressed to them or their successors in interest, at Oakbrook Properties, Inc., 24880 Burnt Pine Drive, Bonita Springs, FL 34134. It is agreed by Owner that no other construction or installation of any fence or other improvements (other than the roadway improvements described above) may be made within the Right of Way. It is agreed by the parties hereto that this Agreement will be recorded at Owner's expense in the Official Records of Lee County, Florida and that this Agreement shall be a covenant running with the land and be binding upon the heirs, personal representatives, grantees, assigns and successors in interest of the Owner.

Owner shall immediately remove the Fence in the event that County or Owner, or both, are challenged with respect to County's authority to authorize the existence of the Fence in the Right of Way or a claim of damages is made as a result of the location of the Fence in the Right of Way. In the event that County and/or Owner is challenged with respect to the existence of the Fence in the Right of Way, or a claim for damages is made as a result thereof, Owner shall also indemnify, defend, and save County harmless against and from said challenge.

**ORIGINAL DOCUMENTS RETAINED  
IN COUNTY ATTORNEYS OFFICE  
FOR HANDLING UPON BOARD  
ACCEPTANCE**

In addition to the foregoing, Owner shall also remove the Fence without any prior notice from County, at no expense to County, upon completion of the roadway improvements described above or at such earlier time as is appropriate, usual and customary under the circumstances..

SIGNED, SEALED, EXECUTED AND ACKNOWLEDGED on this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

WITNESSES:

Samuel A. McRae  
David A. McRae  
Thomas A. Russ  
THOMAS A. RUSS

NORTH POINT LAKE LLC  
Estero Lakes Development III, Inc.  
Managing Member

By: [Signature]  
Thomas J. Kelly, Vice President

STATE OF ~~FLORIDA~~ Illinois  
COUNTY OF ~~LEE~~ Kane

The foregoing instrument was acknowledged before me this 23rd day of November, 2004, by Thomas J. Kelly as Vice President and is personally known to me or has produced \_\_\_\_\_ as identification.



[Signature]  
NOTARY PUBLIC  
Print Name: Sonja N. Gallagher  
Commission Exp.: 3766440

Exhibit "A"

A PARCEL OF LAND LOCATED IN A PORTION OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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