

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

BLUE SHEET NO: 20041584-UTL

1. REQUESTED MOTION:

ACTION REQUESTED:

Approve final acceptance, by Resolution, and recording of one (1) utility easement as a donation of one (1) 10" diameter fire line serving the *BELL TOWER SHOPS PARKING ADDITION*. This is a Developer Contributed asset project located at the northeast corner of S. Cleveland Avenue and Daniels Parkway.

WHY ACTION IS NECESSARY:

To provide fire protection to the recently constructed restaurants.

WHAT ACTION ACCOMPLISHES:

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

2. DEPARTMENTAL CATEGORY: 10
COMMISSION DISTRICT #: 2

CIOB

3. MEETING DATE:

01-25-2005

4. AGENDA:

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

5. REQUIREMENT/PURPOSE:

(Specify)

- STATUTE _____
- ORDINANCE _____
- ADMIN. CODE _____
- OTHER Res., Easement

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER: _____
- B. DEPARTMENT: Lee County Public Works
- C. DIVISION/SECTION: Utilities Division
- BY: Rick Diaz, P.E., Utilities Director
- DATE: 1/6/04

7. BACKGROUND:

Fire lines do not require permission to construct by the Board, therefore, no previous Blue Sheet number is provided. The installation has been inspected for conformance to the Lee County Utilities' Operations manual. Satisfactory pressure and bacteriological testing has been completed. Record drawings have been received. Engineer's Certification of Completion has been provided---copy attached. Project Location Map---copy attached. Warranty has been provided---copy attached. Waiver of Lien has been provided---copy attached. Certification of Contributed Assets has been provided---copy attached. 100% connection/capacity fees have been paid. Potable Water Service will be provided by Lee County Utilities via existing on-site infrastructure. Sanitary sewer service will be provided by Lee County Utilities via a recently constructed privately owned & maintained lift station and force main which now ties into existing privately owned & maintained on-site infrastructure that is connected to existing Lee County Utilities' facilities. Funds are available for recording fees in account number OD5360748700.504930.

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

MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL

(A) DEPARTMENT DIRECTOR	(B) PURCH. OR CONTRACTS	(C) HUMAN RESOURCES	(D) OTHER	(E) COUNTY ATTORNEY	(F) BUDGET SERVICES				(G) COUNTY MANAGER
					OA	OM	Risk	GC	
<i>J. Lavender</i> Date: <i>1-6-05</i>	N/A Date:	N/A Date:	<i>P.O.</i> T. Osterhout Date: <i>1/6</i>	<i>S. Covert</i> Date: <i>1/7/05</i>	<i>1/7/05</i>	<i>1/2/05</i>	<i>1/2/05</i>	<i>1/2/05</i>	<i>J. Lavender</i> Date: <i>1-6-05</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: *1/7/05*
Time: *11:30*
Forwarded To: *C. Adams*
1/7/05

RECEIVED BY
COUNTY ADMIN: *1/7/05*
4:25 pm
COUNTY ADMIN
FORWARDED TO:
1/11/05

RESOLUTION NO. _____

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

WHEREAS, it is the desire of "Bell Tower Shops, LLC", owner of record, to make a contribution to Lee County Utilities of water facilities (one 10" diameter fire line) serving "**BELL TOWER SHOPS PARKING ADDITION**"; and,

WHEREAS, Lee County Utilities requires proof of a Release of Lien, a warranty (one-year) on all labor and materials, an accurate value of contributed assets, and right-of-way and/or easement-indemnity granted for all systems being contributed to Lee County Utilities; and,

WHEREAS, all of the above information has been received and approved as complete by Lee County Utilities; and,

WHEREAS, Lee County Utilities has recommended to the Board of County Commissioners that the above-named system be accepted for ownership, operation, and maintenance.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, that the above facilities, for a contributed value of **\$10,000.00** is hereby ACCEPTED and acknowledged as an addition to Lee County Utilities.

THE FOREGOING RESOLUTION was offered by Commissioner _____ who moved for its adoption. The motion was seconded by Commissioner _____ and, upon being put to a vote, the vote was as follows:

- Commissioner Janes _____ (1)
- Commissioner St. Cerny: _____ (2)
- Commissioner Judah: _____ (3)
- Commissioner Hall: _____ (4)
- Commissioner Albion: _____ (5)

DULY PASSED AND ADOPTED this _____ day of _____, _____.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
DEPUTY CLERK

By: _____
CHAIRMAN

APPROVED AS TO FORM

OFFICE OF COUNTY ATTORNEY

COPY

LETTER OF COMPLETION

DATE: January 3, 2005

Department of Lee County Utilities
Division of Engineering
Post Office Box 398
Fort Myers, FL 33902

Gentlemen:

This is to certify that the **fire line up to and including 1st OS + Y valve(s) and water service(s)** located in **Bell Tower (south parking additions/Mimi's)** (Name of Development/Project)

was designed by me and has been constructed in conformance with:
the revised plans, attached and the approved specifications

Upon completion of the work, we observed the following successful tests of the facilities:
Bacteriological Test Pressure Test(s) - Water Main

Very truly yours,

Johnson Engineering, Inc.
(Name of Corporation/Firm)

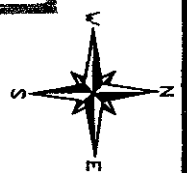
Ker Whit 1-3-05
(Signature)

Project Engineer
(Title)

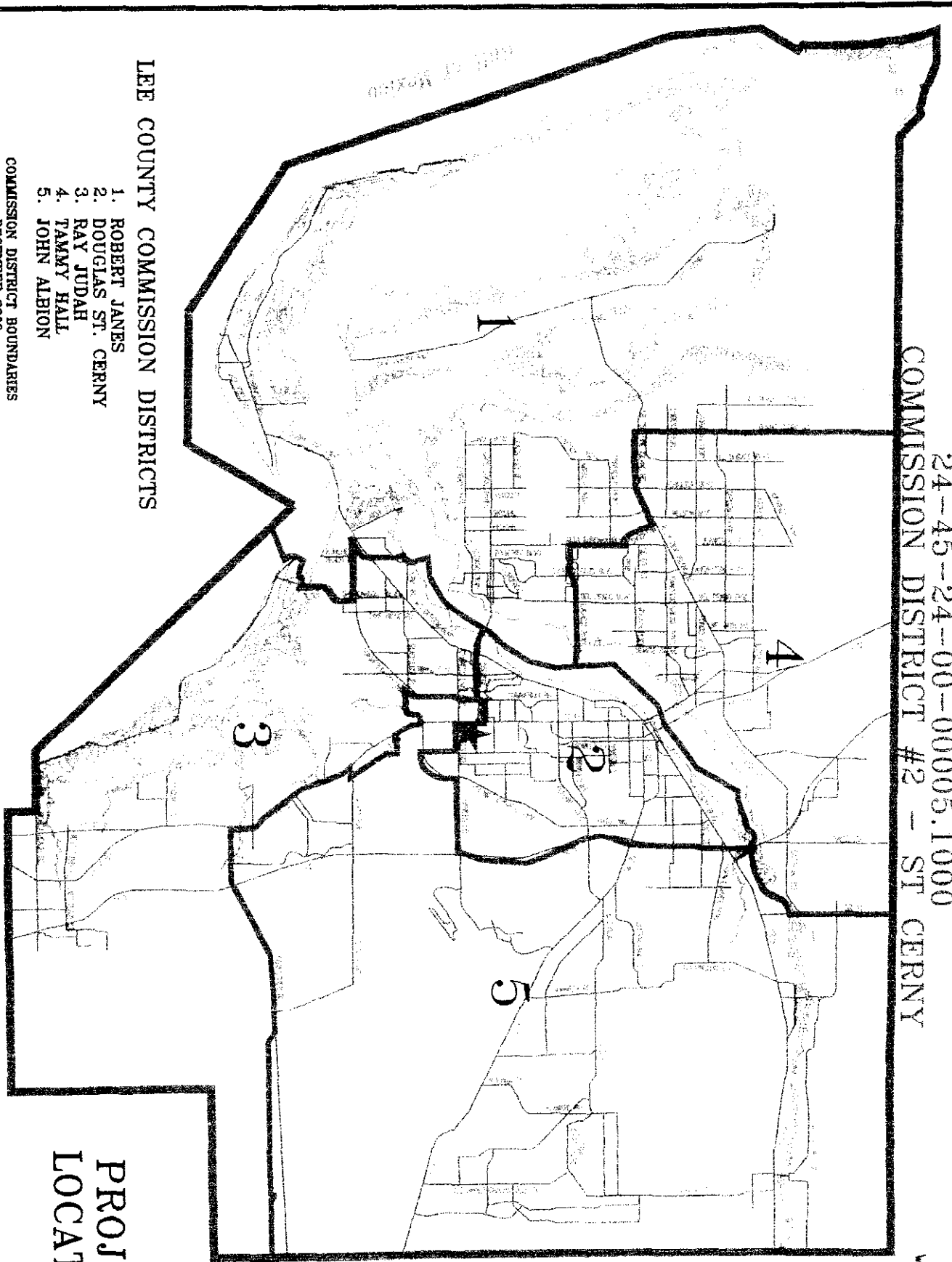
(Seal of Engineering Firm)



BELL TOWER PARKING ADDITION
24-45-24-00-00005.1000
COMMISSION DISTRICT #2 - ST CERNY



COPY



LEE COUNTY COMMISSION DISTRICTS

- 1. ROBERT JANES
- 2. DOUGLAS ST. CERNY
- 3. RAY JUDAH
- 4. TAMMY HALL
- 5. JOHN ALBION

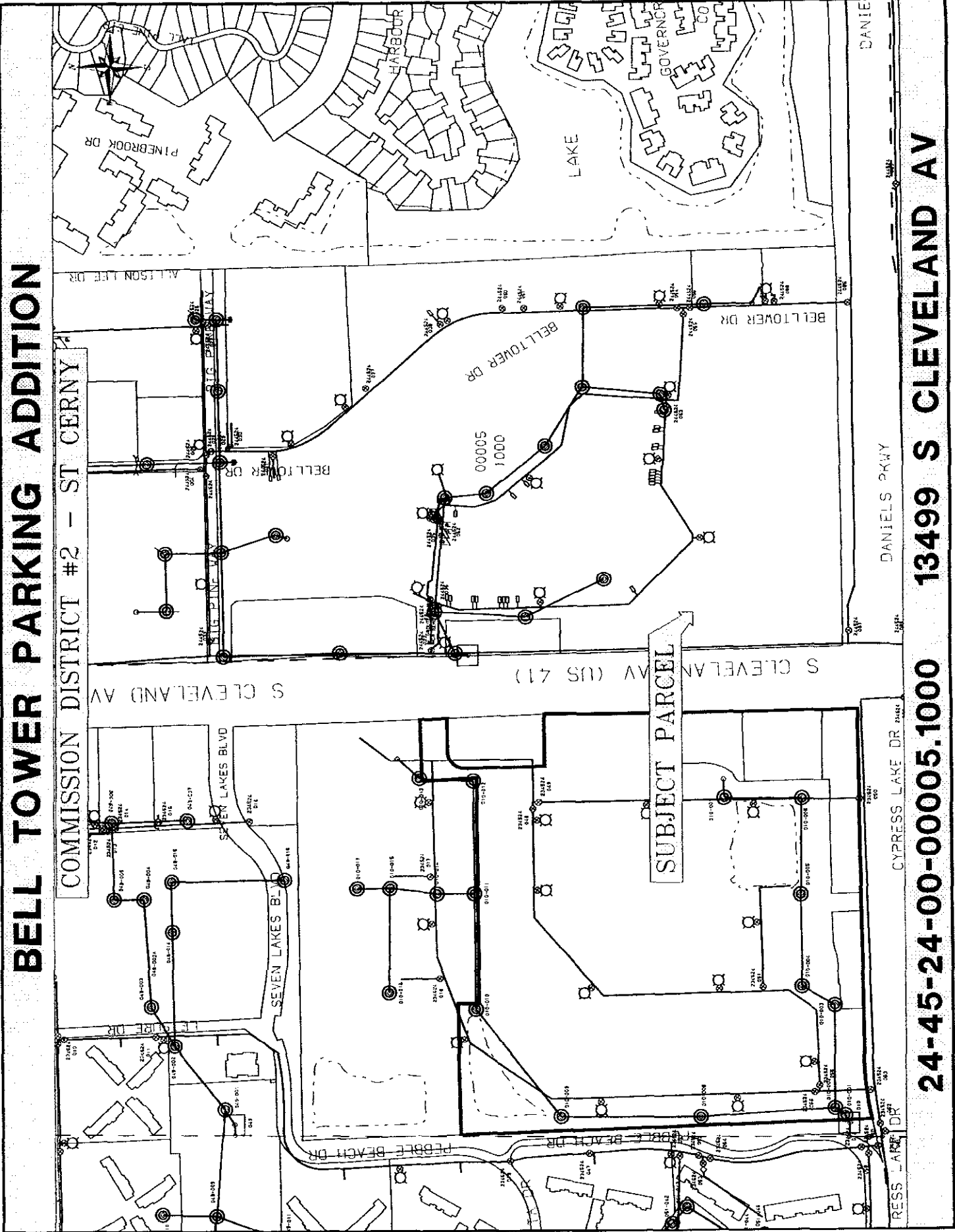
COMMISSION DISTRICT BOUNDARIES
DECEMBER 2000

PROJECT
LOCATION

COPY

BELL TOWER PARKING ADDITION

COMMISSION DISTRICT #2 - ST CERNY



24-45-24-00-00005.1000

13499 S CLEVELAND AV

DANIE

DANIELS PKWY

CYPRESS LAKE DR

RESS LAKE DR

MILSON LEE DR

S CLEVELAND AV (US 41)

PINEBROOK DR

HARBOR

LAKE

SUBJECT PARCEL

GOVERNOR

SEVEN LAKES BLVD

PEBBLE BEACH DR

BELL TOWER DR

COPY

WARRANTY

THE UNDERSIGNED parties do hereby warrant and/or guaranty all work executed by the contractor on the water and/or sewer systems of Bell Tower South Parking Additions to be free from defects in material and workmanship for a period of one (1) year from the date of acceptance by the Lee County Board of County Commissioners. The undersigned parties further agree that they will, at their own expense, repair and replace all such defective work and all other work damaged by said defective work under this Warranty-Guaranty

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

Haskins Inc.
(NAME OF OWNER/CONTRACTOR)

BY: [Signature]
(SIGNATURE OF OWNER/CONTRACTOR)

STATE OF FL)
) SS:
COUNTY OF Lee)

The foregoing instrument was signed and acknowledged before me this 5 th day of NOV, 2004 by Joel Chambers who has produced the following as identification - NA , and who did not take an oath.

[Signature]
Notary Public Signature

Audrey Hix
Printed Name of Notary Public

(Notary Seal & Commission Number)

AUDREY G. HIX
Notary Public, State of Florida
My comm. exp. Mar. 13, 2005
Comm. No. DD 009234

COPY

WAIVER AND RELEASE OF LIEN
UPON FINAL PAYMENT

The undersigned lienor, in consideration of the final payment in the amount of Ten Thousand Dollars and No Cents(\$10,000.00) hereby waives and releases its lien and right to claim a lien for labor, services, or materials furnished to Bell Tower Shops LLC on the job of Bell Tower South Parking Additions to the following described property:

Bell Tower Shops
(Name of Development/Project)

water distribution system
(Facilities Constructed)

13499 S. Cleveland Ave.
(Location)

24-45-24-00-00005.1000
(Strap # or Section, Township & Range)

Dated on: January 3, 2005

By: [Signature]
(Signature of Authorized Representative)

Haskins Inc.
(Name of Firm or Corporation)

By: Joel Chambers
(Print Name of Authorized Representative)

10956 Enterprise Ave.
(Address of Firm or Corporation)

Title: Operations Manager

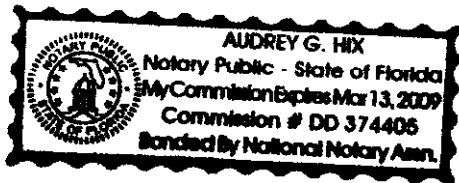
Bonita Springs, FL 34135-
(City, State & Zip Of Firm Or Corporation)

Phone #: (239)947-1846 Ext.

Fax#: (239)947-3857

STATE OF FL)
) SS:
COUNTY OF Lee)

The foregoing instrument was signed and acknowledged before me this 3 rd day of January, 2005 by Joel Chambers who has produced the following as identification - na , and who did not take an oath.



(Notary Seal & Commission Number)

[Signature]
(Notary Public Signature)

Audrey Hix
(Printed Name of Notary Public)



COPY

CERTIFICATION OF CONTRIBUTORY ASSETS

PROJECT NAME: Bell Tower South Parking Additions

STRAP NUMBER: 24-45-24-00-00005.1000

LOCATION: 13499 S. Cleveland Ave.

OWNER'S NAME: (as shown on Deed) Bell Tower Shops LLC

OWNER'S ADDRESS: 801 Grand Ave.

OWNER'S ADDRESS: DesMoines,IA 50392-

TYPE UTILITY SYSTEM: POTABLE WATER

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

DESCRIPTION AND COST OF MATERIAL, LABOR, AND SERVICES

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

<u>ITEM</u>	<u>SIZE</u>	<u>QUANTIT Y</u>	<u>UNIT</u>	<u>UNIT COST</u>	<u>TOTAL</u>
TAPPING SLEEVE W/VALVE	12" x 10"	1.0	EA	\$3,750.00	\$3,750.00
FIRE LINE UP TO AND INCL 1ST OS + Y VALVE	10"	1.0	LS	\$3,250.00	\$3,250.00
SINGLE WATER SERVICE/COMPLETE	2"	2.0	EA	\$1,500.00	\$3,000.00
TOTAL					\$10,000.00

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



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

CERTIFYING:

X *[Signature]*
(Signature of Certifying Agent)

Joel Chambers
(Name & Title of Certifying Agent)

Haskins Inc.
(Name of Firm or Corporation)

10956 Enterprise Ave.
(Address of Firm or Corporation)

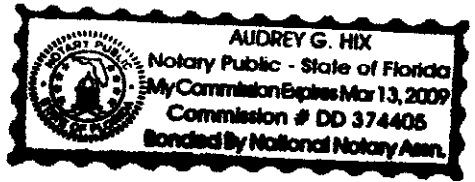
Bonita Springs, FL 34135 -

STATE OF Fl)
) SS:
COUNTY OF Lee)

The foregoing instrument was signed and acknowledged before me this 3 rd day of January, 2005 by Joel Chambers who has produced the following as identification - na , and who did not take an oath.

Audrey G. Hix
Notary Public Signature

Audrey Hix
Printed Name of Notary Public



Notary Commission Number

(NOTARY SEAL)



COPY

FOR COPYING PURPOSES ONLY,
DO NOT SIGN

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

Strap Number: 24-45-24-00-00005.1000

THIS SPACE RESERVED FOR RECORDING

GRANT OF PERPETUAL PUBLIC UTILITY EASEMENT

THIS INDENTURE is made and entered into this 21st day of September, 2004, by and between Bell Tower Shops LLC, Owner, hereinafter referred to as GRANTOR(S), and LEE COUNTY, a political sub-division of the State of Florida, hereinafter referred to as GRANTEE.

WITNESSETH:

1. For and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged and accepted, GRANTOR hereby grants, bargains, sells and transfers to the GRANTEE, its successors and assigns, a perpetual public utility easement situated in Lee County, Florida, located and described as set forth in Exhibit "A", attached hereto and made a part hereof.

2. GRANTEE, its successors, appointees and assigns, are granted the right, privilege, and authority to construct, replace, renew, extend and maintain a wastewater collection and/or water distribution system, together with, but not limited to, all necessary service connections, manholes, valves, fire hydrants, lift stations and appurtenances, to be located on, under, across and through the easement which is located on the property described (Exhibit "A"), with the additional right, privilege and authority to remove, replace, repair and enlarge said system, and to trim and remove roots, trees, shrubs, bushes and plants, and remove fences or other improvements which may affect the operation of lines, mains and/or utility facilities.

3. The public utility easement will not be limited to any particular diameter size or type and/or number of connections to other water/sewer mains for providing water/sewer service to this and any adjacent properties. The total area of this public utility easement is reserved for utility lines, mains, or appurtenant facilities and for any landscaping (excluding trees), walkways, roadways, drainage ways, or similar uses. Houses, fences, buildings, carports, garages, storage sheds, overhangs, or any other structures or portions of structures may not be constructed on or placed within this easement at anytime, present or future, by GRANTOR, or its heirs, successors or assigns.

4. Title to all utilities constructed and/or placed hereunder by GRANTEE or its agents will remain in the GRANTEE, GRANTEE's successors, appointees, and/or assigns.

5. Subject to any pre-existing easements for public highways or roads, railroads, laterals, ditches, pipelines and electrical transmission or distribution lines and telephone and cable television lines covering the land herein described, GRANTOR(S) covenant that they are lawfully seized and possessed of the described real property (Exhibit "A"), have good and lawful right and power to sell and convey it, and that the said property is free from any and all liens and encumbrances, except as herein stated, and accordingly, GRANTOR(S) will forever defend the right, title and terms of this said easement and the quiet possession thereof by GRANTEE against all claims and demands of all other entities.

6. GRANTOR(S), its heirs, successors or assigns, agrees to assume all liability for any consequential damages to any houses, fences, buildings, carports, garages, storage sheds, overhangs, or any other structures or portions of structures subsequently constructed by GRANTOR(S) in violation of paragraph 3 within the above easement, which result from the required activities of the GRANTEE for any construction, maintenance or repairs to the utilities located within the above-described easement.

7. GRANTEE will be liable for money damages in tort for any injury to or loss of property, personal injury, or death caused by the negligent or wrongful act(s) or omission(s) of any official or employee of the GRANTEE while acting within the scope of the official's or employee's office or employment under circumstances in which a private person would be found to be liable in accordance with the general laws of the State of Florida, and subject to the limitations as set out in Section 768.28, Florida Statutes, as it may be revised, amended or renumbered from time to time.

8. GRANTEE will have reasonable right of access across GRANTOR's property for the purposes of reaching the described easement (Exhibit "A") on either paved or unpaved surfaces. Any damage to GRANTOR's property or permitted improvements thereon as the result of such access to the described easement or the construction, maintenance, or repairs located within the described easement shall be restored by GRANTEE, to the condition in which it existed prior to the damage as is reasonably practicable.

9. By acceptance of this easement, the GRANTEE assumes no responsibility for ownership or maintenance of any associated roads. The easement is strictly for utility purposes.

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

(Balance of Page Left Intentionally Blank)



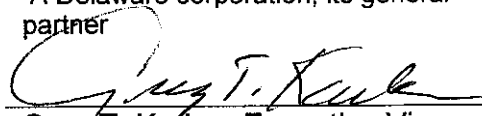
IN WITNESS WHEREOF, the GRANTOR has caused this document to be signed on the date and year first above written.

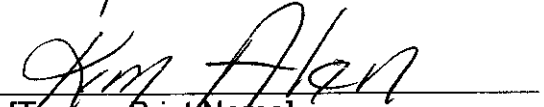
By: Bell Tower Shops LLC
a Delaware limited liability company

By: Madison Realty Partnership, L.P., a
Delaware limited partnership, Managing
Member

By: Madison Realty Corporation,
A Delaware corporation, its general
partner


[1st Witness' Signature]

BY: 
Greg T. Karlen, Executive Vice
President


[Type or Print Name]

[Type or Print Name]


[2nd Witness' Signature]

Title

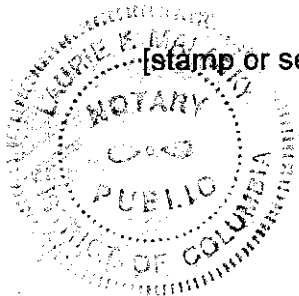

[Type or Print Name]

STATE OF

COUNTY OF

The foregoing instrument was signed and acknowledged before me this 21 st
day of 2004 by Greg T. Karlen who produced the following as identification
2 December or is personally known to me,
and who did/did not take an oath.

[stamp or seal]




[Signature of Notary]

Laurie F. Malasky
[Typed or Printed Name] Notary Public, District of Columbia
My Commission Expires 06-14-2007

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

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Deputy Clerk

BY: _____
Chairman

APPROVED AS TO FORM

BY: _____
Office of the County Attorney



September 28, 2004

DESCRIPTION

LEE COUNTY UTILITY EASEMENT AT THE BELL TOWER MALL SECTION 24, TOWNSHIP 45 SOUTH, RANGE 24 EAST LEE COUNTY, FLORIDA

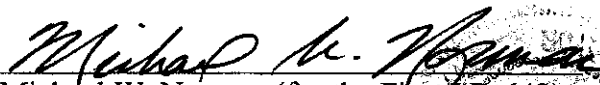
A tract or parcel of land lying in Section 24, Township 45 South, Range 24 East, Lee County, Florida, being a part of the Bell Tower Mall, which tract or parcel is described as follows:

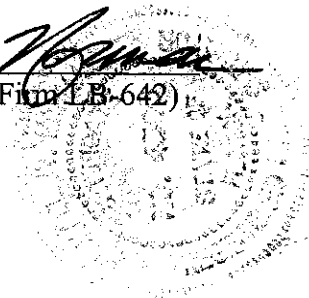
From the southwest corner of the northwest quarter (NW-1/4) of said Section 24 run N 01° 12' 46" W along the west line of said Section 24 for 136.00 feet to an intersection with the westerly prolongation of the north right-of-way line of Daniels Parkway; thence run N 89° 11' 55" E along said prolongation to the northeast intersection with the north right-of-way line of Daniels Parkway and State Road 45 (U.S. 41); thence run N 01° 12' 46" W along the east right-of-way line of said State Road 45 for 200.00 feet to the northwest corner of a conservation easement as described in deed recorded in Official Record Book 1997 at Page 1778, said public records and the Point of Beginning.

From said Point of Beginning continue N 01° 12' 46" W along the east right-of-way line of State Road 45 for 30.00 feet; thence run N 89° 11' 50" E departing said right-of-way line for 12.35 feet; thence run S 01° 12' 46" E and parallel with said right-of-way line for 30.00 feet to an intersection with the north line said conservation easement; thence run S 89° 11' 50" W along said conservation easement for 12.35 feet to said Point of Beginning.

Parcel contains 371 square feet, more or less.

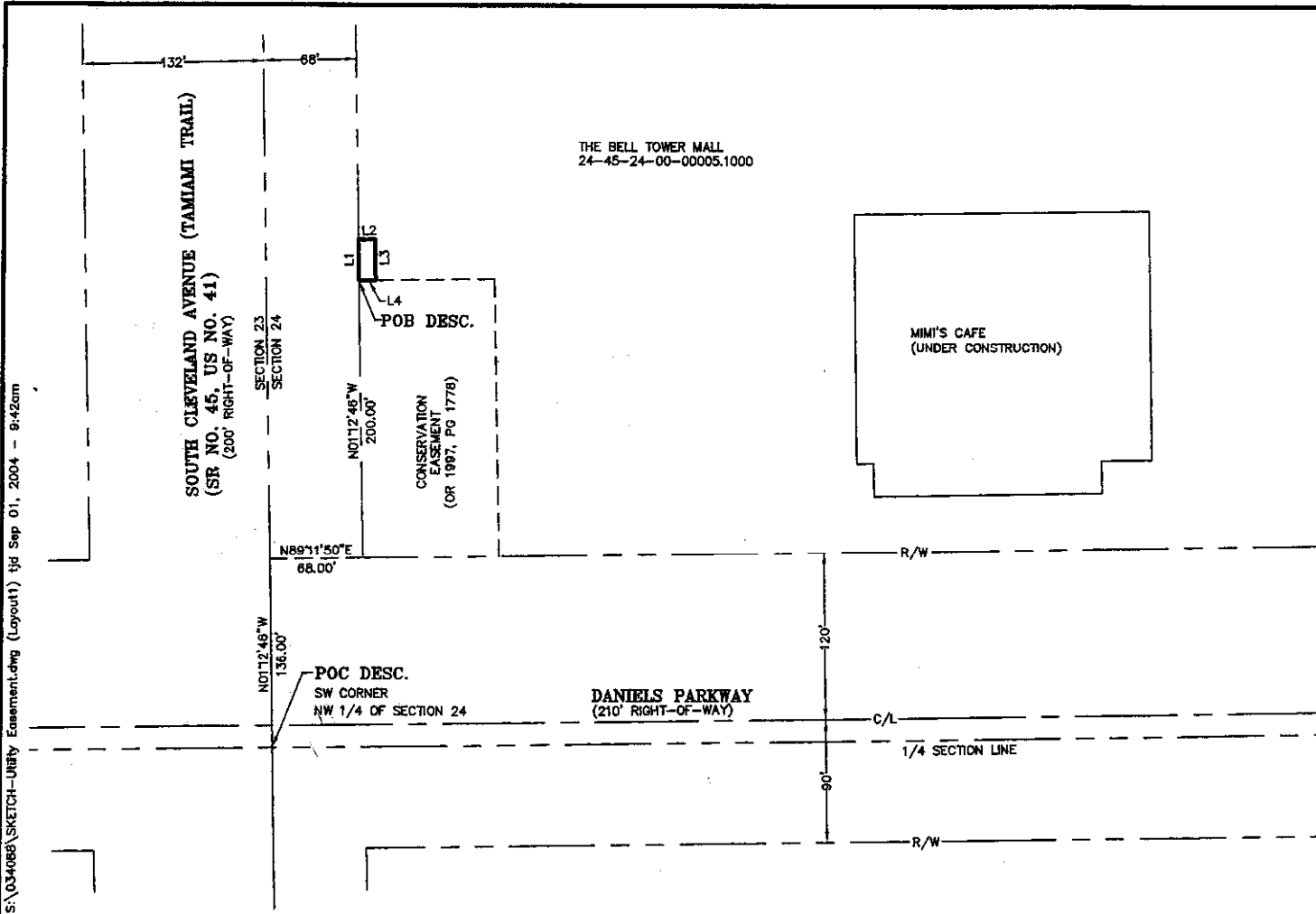
SUBJECT TO easements, restrictions and reservations of records. Bearings here and above mentioned are based on the center line survey of State Road 45 wherein the east right-of-way line of said state road bears N 01° 12' 45" W.


Michael W. Norman (for the Firm LE-642)
Professional Land Surveyor
Florida Certificate No. 4500



20034088 LC Utility Easement-1 092804

S:\034088\SKETCH-Utility Easement.dwg (Layout1) tjd Sep 01, 2004 - 9:42am



NOTES:

1. BEARINGS SHOWN HEREON ARE BASED ON THE CENTERLINE SURVEY OF STATE ROAD NO. 45 WHEREIN THE EAST RIGHT-OF-WAY OF STATE ROAD 45 BEARS N01°12'45"W.
2. THIS SKETCH DOES NOT MAKE ANY REPRESENTATION AS TO ZONING OR DEVELOPMENT RESTRICTIONS ON SUBJECT PARCEL.
3. POC = POINT OF COMMENCEMENT.
4. POB = POINT OF BEGINNING
5. DESC. = DESCRIPTION
6. DESCRIPTION ATTACHED.
7. R/W = RIGHT-OF-WAY
8. C/L = CENTERLINE
9. SR = STATE ROAD
10. OR = OFFICIAL RECORDS BOOK
11. NO. = NUMBER
12. PG = PAGE

LINE TABLE		
LINE	LENGTH	BEARING
L1	30.00	N01°12'48"W
L2	12.35	N89°11'50"E
L3	30.00	S01°12'48"E
L4	12.35	S89°11'50"W



THIS IS NOT A SURVEY
Michael R. Norman
 MICHAEL R. NORMAN
 PROFESSIONAL SURVEYOR
 FLORIDA CERTIFICATE NO. 12345
 DATE SIGNED: _____
 NOT VALID WITHOUT THE SURVEYOR'S SEAL AND SIGNATURE RAISED SEAL OF A FLORIDA LICENSED SURVEYOR

LEE COUNTY UTILITY EASEMENT
 LYING IN
THE BELL TOWER MALL
 SECTION 24, TOWNSHIP 45 SOUTH, RANGE 24 EAST
 LEE COUNTY, FLORIDA

JOHNSON ENGINEERING

2158 JOHNSON STREET
 P.O. BOX 1550
 FORT MYERS, FLORIDA 33902-1550
 PHONE (239) 334-0048
 FAX (239) 334-3681
 E.B. #642 & L.B. #642

SKETCH TO ACCOMPANY DESCRIPTION

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
09/01/04	20034088	24-45-24	1"= 100'	1 OF 1

COPY

TO: LEE COUNTY FINANCE DEPARTMENT

FROM: UTILITIES ENGINEERING
(Department)

V#111463
BS 20041584-UTL

SUE GULLEDGE

A. AUTHORIZATION:

This transmittal authorizes the UTIL. ENGINEERING
office to incur expenses for filing/records against:
N/A BELL TOWER SHOPS PARKING ADDITION

Purchase Order # _____ for _____ project.
EASEMENT: BELL TOWER SHOPS LLC

ACCOUNT NO. OD5360748700.504930

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



SUE GULLEDGE
1-5-05

Signature Authorization

B. SERVICE RECEIVED: EASEMENT
RECORDING

O. R. COPIES

PLAT COPIES

CASE #/INDEX FEE

DESCRIPTION OF SERVICE RECORDING

AMOUNT OF FEE INCURRED \$

(date)

(DEPUTY CLERK)

(CUSTOMER) (DEPT.)

THIS FORM GOES TO CASHIER WITH REGULAR RECEIPT ATTACHED

C. INVOICE INFORMATION: (FOR CLERK'S DEPARTMENT ONLY)

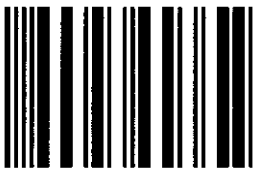
REC'D

ENTERED

CUST. # 500283

INV. #

PLEASE REMIT TO: Clerk's Accounting
P.O. BOX 2396
FORT MYERS, FLORIDA 33902-2396



FLORIDA DEPARTMENT OF REVENUE
RETURN FOR TRANSFERS OF INTEREST IN REAL PROPERTY



FDOR10240300
 DR-219
 R. 07/98

(PLEASE READ INSTRUCTIONS BEFORE COMPLETING)

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

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

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

24452400000051000

2. Mark (x) all
 that apply

Multi-parcel
 transaction? →

Transaction is a split
 or cutout from
 another parcel? →

Property was improved
 with building(s) at time
 of sale/transfer? →

3. Grantor (Seller):

EASEMENT DONATION BY:

BELL TOWER SHOPS, LLC

Last First MI Corporate Name (if applicable)
801 GRAND AVENUE DES MOINES IA 50392

Mailing Address City State Zip Code Phone No.

4. Grantee (Buyer):

RICK DIAZ, P.E. UTIL. DIR. FOR LEE CO. BD. OF CO. COMMISSIONERS

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

Mailing Address City State Zip Code Phone No.

5. Date of Sale/Transfer

Sale/Transfer Price

Month / Day / Year

\$ (Round to the nearest dollar.)

Property
 Located In

Lee

6. Type of Document

Contract/Agreement
 for Deed

Other

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

YES / NO

Warranty
 Deed

Quit Claim
 Deed

(Round to the nearest dollar.) \$

00

8. To the best of your knowledge, were there unusual circumstances or conditions to the sale/transfer
 such as: Forced sale by court order? Foreclosure pending? Distress Sale? Title defects? Corrective Deed? Mineral rights?
 Sale of a partial or undivided interest? Related to seller by blood or marriage.

YES / NO

9. Was the sale/transfer financed? YES / NO If "Yes", please indicate type or types of financing:

Conventional Seller Provided Agreement or
 Contract for Deed Other

10. Property Type:

Residential Commercial Industrial Agricultural Institutional/
 Miscellaneous Government Vacant Acreage Timeshare

Mark (x) all
 that apply

11. To the best of your knowledge, was personal property
 included in the sale/transfer? If "Yes", please state the
 amount attributable to the personal property. (Round to the nearest dollar.)

YES / NO

\$ 00 Cents

12. Amount of Documentary Stamp Tax →

\$

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

YES / NO

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

Signature of Grantor or Grantee or Agent

Date 1/6/04

WARNING: FAILURE TO FILE THIS RETURN OR ALTERNATIVE FORM APPROVED BY THE DEPARTMENT OF REVENUE SHALL RESULT IN A PENALTY OF \$25.00 IN ADDITION TO ANY
 OTHER PENALTY IMPOSED BY THE REVENUE LAW OF FLORIDA.

To be completed by the Clerk of the Circuit Court's Office

Clerks Date Stamp

This copy to Property Appraiser

O. R. Book
 and

0000

Page Number
 and

0000

File Number

00000000000000000000

Date Recorded

Month / Day / Year

This copy to Property Appraiser



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



FDOR10240300
DR-219
R. 07/98

Enter numbers as shown below. If typing, enter numbers as shown below.

1. Parcel Identification Number **0 1 2 3 4 5 6 7 8 9** **0123456789**

(If Parcel ID not available please call County Property Appraiser's Office) → **24452400000051000**

2. Mark (x) all that apply Multi-parcel transaction? → Transaction is a split or cutout from another parcel? → Property was improved with building(s) at time of sale/transfer? →

3. Grantor (Seller): **EASEMENT DONATION BY: BELL TOWER SHOPS, LLC**

Last **801 GRAND AVENUE** First **DES MOINES** MI **IA** Corporate Name (if applicable) **50392**

Mailing Address **RICK DIAZ, P.E. UTIL. DIR.** City **FOR LEE CO. BD. OF CO. COMMISSIONERS** State **FL** Zip Code **33902** Phone No. **(239) 4798181**

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

Mailing Address _____ City _____ State _____ Zip Code _____ Phone No. _____

5. Date of Sale/Transfer _____ Sale/Transfer Price **\$. 00** Property Located In **46** County Code _____
Month _____ Day _____ Year _____ (Round to the nearest dollar.)

6. Type of Document **Contract/Agreement for Deed** Other _____ 7. Are there any mortgages on the property? If "Yes", outstanding mortgage balance: **\$. 00**
Warranty Deed _____ Quit Claim Deed _____ (Round to the nearest dollar.)

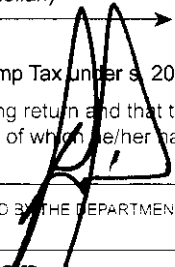
8. To the best of your knowledge, were there unusual circumstances or conditions to the sale/transfer such as: Forced sale by court order? Foreclosure pending? Distress Sale? Title defects? Corrective Deed? Mineral rights? Sale of a partial or undivided interest? Related to seller by blood or marriage? **YES** **NO**

9. Was the sale/transfer financed? **YES** **NO** If "Yes", please indicate type or types of financing:
Conventional _____ Seller Provided _____ Agreement or Contract for Deed _____ Other _____

10. Property Type: Residential _____ Commercial _____ Industrial _____ Agricultural _____ Institutional/Miscellaneous _____ Government _____ Vacant _____ Acreage _____ Timeshare _____
Mark (x) all that apply

11. To the best of your knowledge, was personal property included in the sale/transfer? If "Yes", please state the amount attributable to the personal property. (Round to the nearest dollar.) **YES** **NO** **\$. 00**
12. Amount of Documentary Stamp Tax **\$ 0.00**

13. If no tax is due in number 12, is deed exempt from Documentary Stamp Tax under s. 201.02(6), Florida Statutes? **YES** **NO**
Under penalties of perjury, I declare that I have read the foregoing return and that the facts stated in it are true. If prepared by someone other than the taxpayer, his/her declaration is based on all information of which he/her has any knowledge.

Signature of Grantor or Grantee or Agent  Date **1/6/04**

WARNING: FAILURE TO FILE THIS RETURN OR ALTERNATIVE FORM APPROVED BY THE DEPARTMENT OF REVENUE SHALL RESULT IN A PENALTY OF \$25.00 IN ADDITION TO ANY OTHER PENALTY IMPOSED BY THE REVENUE LAW OF FLORIDA.

<p align="center">To be completed by the Clerk of the Circuit Court's Office</p> <p align="center">This copy to Department of Revenue</p> <p>O. R. Book <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/></p> <p>and Page Number <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/></p> <p>and File Number <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/></p> <p>Date Recorded <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> <input type="text"/></p> <p align="center">Month Day Year</p>	<p align="center">Clerks Date Stamp</p>
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This copy to Department of Revenue

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

Strap Number: 24-45-24-00-00005.1000

THIS SPACE RESERVED FOR RECORDING

GRANT OF PERPETUAL PUBLIC UTILITY EASEMENT

THIS INDENTURE is made and entered into this ___ day of _____, by and between Bell Tower Shops LLC, Owner, hereinafter referred to as GRANTOR(S), and LEE COUNTY, a political sub-division of the State of Florida, hereinafter referred to as GRANTEE.

WITNESSETH:

1. For and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged and accepted, GRANTOR hereby grants, bargains, sells and transfers to the GRANTEE, its successors and assigns, a perpetual public utility easement situated in Lee County, Florida, located and described as set forth in Exhibit "A", attached hereto and made a part hereof.

2. GRANTEE, its successors, appointees and assigns, are granted the right, privilege, and authority to construct, replace, renew, extend and maintain a wastewater collection and/or water distribution system, together with, but not limited to, all necessary service connections, manholes, valves, fire hydrants, lift stations and appurtenances, to be located on, under, across and through the easement which is located on the property described (Exhibit "A"), with the additional right, privilege and authority to remove, replace, repair and enlarge said system, and to trim and remove roots, trees, shrubs, bushes and plants, and remove fences or other improvements which may affect the operation of lines, mains and/or utility facilities.

3. The public utility easement will not be limited to any particular diameter size or type and/or number of connections to other water/sewer mains for providing water/sewer service to this and any adjacent properties. The total area of this public utility easement is reserved for utility lines, mains, or appurtenant facilities and for any landscaping (excluding trees), walkways, roadways, drainage ways, or similar uses. Houses, fences, buildings, carports, garages, storage sheds, overhangs, or any other structures or portions of structures may not be constructed on or placed within this easement at anytime, present or future, by GRANTOR, or its heirs, successors or assigns.

4. Title to all utilities constructed and/or placed hereunder by GRANTEE or its agents will remain in the GRANTEE, GRANTEE's successors, appointees, and/or assigns.

5. Subject to any pre-existing easements for public highways or roads, railroads, laterals, ditches, pipelines and electrical transmission or distribution lines and telephone and cable television lines covering the land herein described, GRANTOR(S) covenant that they are lawfully seized and possessed of the described real property (Exhibit "A"), have good and lawful right and power to sell and convey it, and that the said property is free from any and all liens and encumbrances, except as herein stated, and accordingly, GRANTOR(S) will forever defend the right, title and terms of this said easement and the quiet possession thereof by GRANTEE against all claims and demands of all other entities.

6. GRANTOR(S), its heirs, successors or assigns, agrees to assume all liability for any consequential damages to any houses, fences, buildings, carports, garages, storage sheds, overhangs, or any other structures or portions of structures subsequently constructed by GRANTOR(S) in violation of paragraph 3 within the above easement, which result from the required activities of the GRANTEE for any construction, maintenance or repairs to the utilities located within the above-described easement.

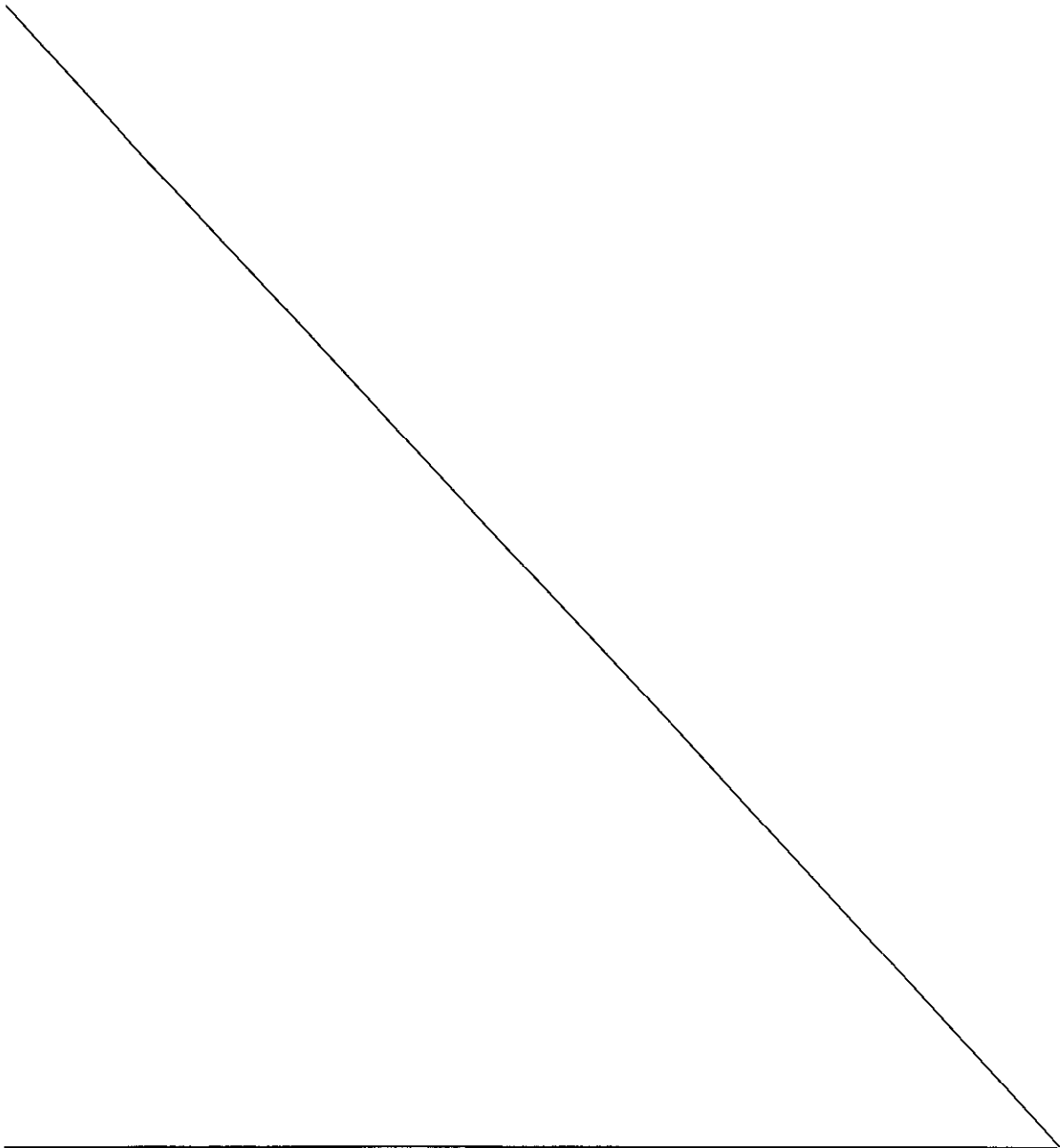
7. GRANTEE will be liable for money damages in tort for any injury to or loss of property, personal injury, or death caused by the negligent or wrongful act(s) or omission(s) of any official or employee of the GRANTEE while acting within the scope of the official's or employee's office or employment under circumstances in which a private person would be found to be liable in accordance with the general laws of the State of Florida, and subject to the limitations as set out in Section 768.28, Florida Statutes, as it may be revised, amended or renumbered from time to time.

8. GRANTEE will have reasonable right of access across GRANTOR's property for the purposes of reaching the described easement (Exhibit "A") on either paved or unpaved surfaces. Any damage to GRANTOR's property or permitted improvements thereon as the result of such access to the described easement or the construction, maintenance, or repairs located within the described easement shall be restored by GRANTEE, to the condition in which it existed prior to the damage as is reasonably practicable.

9. By acceptance of this easement, the GRANTEE assumes no responsibility for ownership or maintenance of any associated roads. The easement is strictly for utility purposes.

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

(Balance of Page Left Intentionally Blank)




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

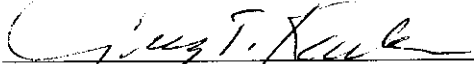
By: Bell Tower Shops LLC
a Delaware limited liability company

By: Madison Realty Partnership, L.P., a
Delaware limited partnership, Managing
Member

By: Madison Realty Corporation,
A Delaware corporation, its general
partner



[1st Witness' Signature]

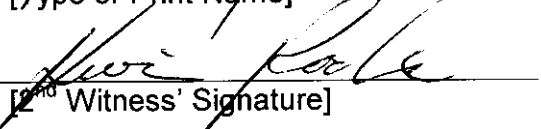
BY: 

Greg T. Karlen, Executive Vice
President



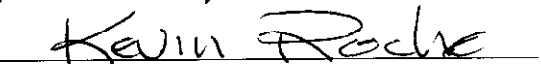
[Type or Print Name]

[Type or Print Name]



[2nd Witness' Signature]

Title



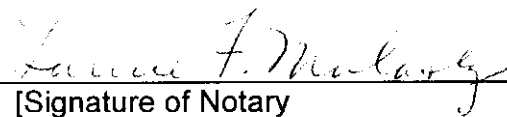
[Type or Print Name]

STATE OF

COUNTY OF

The foregoing instrument was signed and acknowledged before me this 31 st
day of, 2014 by Greg T. Karlen who produced the following as identification
6/December 31, 2014 or is personally known to me,
and who did/did not take an oath.

[stamp or seal]



[Signature of Notary]

Laurie F. Malasky
Notary Public, District of Columbia
My Commission Expires 06-14-2007
[Typed or Printed Name]

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

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Deputy Clerk

BY: _____
Chairman

APPROVED AS TO FORM

BY: _____
Office of the County Attorney



September 28, 2004

DESCRIPTION

LEE COUNTY UTILITY EASEMENT AT THE BELL TOWER MALL SECTION 24, TOWNSHIP 45 SOUTH, RANGE 24 EAST LEE COUNTY, FLORIDA

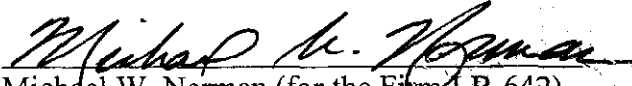
A tract or parcel of land lying in Section 24, Township 45 South, Range 24 East, Lee County, Florida, being a part of the Bell Tower Mall, which tract or parcel is described as follows:

From the southwest corner of the northwest quarter (NW-1/4) of said Section 24 run N 01° 12' 46" W along the west line of said Section 24 for 136.00 feet to an intersection with the westerly prolongation of the north right-of-way line of Daniels Parkway; thence run N 89° 11' 55" E along said prolongation to the northeast intersection with the north right-of-way line of Daniels Parkway and State Road 45 (U.S. 41); thence run N 01° 12' 46" W along the east right-of-way line of said State Road 45 for 200.00 feet to the northwest corner of a conservation easement as described in deed recorded in Official Record Book 1997 at Page 1778, said public records and the Point of Beginning.

From said Point of Beginning continue N 01° 12' 46" W along the east right-of-way line of State Road 45 for 30.00 feet; thence run N 89° 11' 50" E departing said right-of-way line for 12.35 feet; thence run S 01° 12' 46" E and parallel with said right-of-way line for 30.00 feet to an intersection with the north line said conservation easement; thence run S 89° 11' 50" W along said conservation easement for 12.35 feet to said Point of Beginning.

Parcel contains 371 square feet, more or less.

SUBJECT TO easements, restrictions and reservations of records. Bearings here and above mentioned are based on the center line survey of State Road 45 wherein the east right-of-way line of said state road bears N 01° 12' 45" W.


Michael W. Norman (for the Firm LB-642)
Professional Land Surveyor
Florida Certificate No. 4500

20034088 LC Utility Easement-1 092804