

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY **BLUE SHEET NO: 20050049-UTL**

1. REQUESTED MOTION:

ACTION REQUESTED:

Approve final acceptance, by Resolution, and recording of a utility easement as a donation for one fire hydrant serving ABC Fine Wine and Spirits. This is a Developer contributed asset project located on the northeast corner of US 41 and Ben C. Pratt Six Mile Cypress Parkway.

WHY ACTION IS NECESSARY:

To provide water service, sewer service and fire protection to the recently constructed commercial building.

WHAT ACTION ACCOMPLISHES:

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

2. DEPARTMENTAL CATEGORY: 10
COMMISSION DISTRICT #: 2

C10H

3. MEETING DATE:

02-01-2005

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: *1/18/05*

7. BACKGROUND:

Fire hydrants 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.

Funds are available for recording fees in account number OD5360748700.504930.

SECTION 25 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>1-18-05</i>	N/A Date:	N/A Date:	<i>P.O.</i> T. Osterhou Date: <i>1/18</i>	<i>S. Coovert</i> Date: <i>1/18/05</i>	<i>P.M.</i> <i>1/19/05</i>	<i>1/20/05</i>	<i>1/20/05</i>	<i>1/20/05</i>	<i>J. Lavender</i> Date: <i>1-18-05</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by *Coatly*
 Date: *1/18/05*
 Time: *4:15*
 Forwarded To:
Admin Office

RECEIVED BY
 COUNTY ADMIN:
1/19/05
9:45 am
 COUNTY ADMIN
 FORWARDED TO:
1/20/05
2:30



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



FDOR10240300
 DR-219
 R. 07/98

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

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

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

2545240000090030

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:

J & J REAL ESTATE, LTD.

Last First MI Corporate Name (if applicable)
8989 SOUTH ORANGE AVENUE ORLANDO FL 32859

Mailing Address City State Zip Code Phone No.
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

5. Date of Sale/Transfer Sale/Transfer Price Property Located In
 / / \$ **00** **Lee**

6. Type of Document Contract/Agreement for Deed Other 7. Are any mortgages on the property? If "Yes", outstanding mortgage balance:
 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

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 \$ **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 **1/18/05**

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>To be completed by the Clerk of the Circuit Court's Office</p> <p>This copy to Property Appraiser</p> <p>O. R. Book and Page Number and File Number</p> <p>Date Recorded</p>	<p>Clerks Date Stamp</p>
--	--------------------------

This copy to Property Appraiser



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



Enter numbers as shown below.

If typing, enter numbers as shown below.

0 1 2 3 4 5 6 7 8 9

0123456789

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

25452400000090030

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: J & J REAL ESTATE, LTD.**
Last First MI Corporate Name (if applicable)
8989 SOUTH ORANGE AVENUE ORLANDO FL 32859

Mailing Address City State Zip Code Phone No.
RICK DIAZ, P.E. UTIL. DIR. FOR LEE CO. BD. OF CO. COMMISSIONERS

4. Grantee (Buyer): 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 Property Located In County Code

\$. 0 0 46

Month Day Year (Round to the nearest dollar.)

6. Type of Document Contract/Agreement for Deed Other 7. Are any mortgages on the property? If "Yes", YES NO
outstanding mortgage balance: \$. 0 0
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 \$ 0.00 Cents . 0 0

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/she has any knowledge.

Signature of Grantor or Grantee or Agent _____ Date 1/18/05

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

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

This copy to Department of Revenue

RESOLUTION NO. _____

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

WHEREAS, it is the desire of "J & J Real Estate, Ltd.", owner of record, to make a contribution to Lee County Utilities of water facilities (one fire hydrant) serving "**ABC FINE WINE & SPIRITS**"; 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 **\$7,540.00** 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: 12/20/2004

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

Gentlemen:

This is to certify that the **water distribution and fire hydrant(s)** systems located in
ABC Fine Wine & Spirits

(Name of Development)

was designed by me and has been constructed in conformance with:

the approved plans and the approved specifications

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

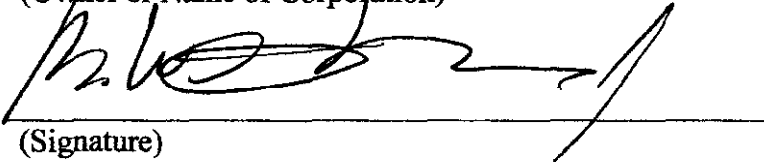
Bacteriological Test

and Pressure Test(s) - Water Main

Very truly yours,

M. William Morris, PE

(Owner or Name of Corporation)



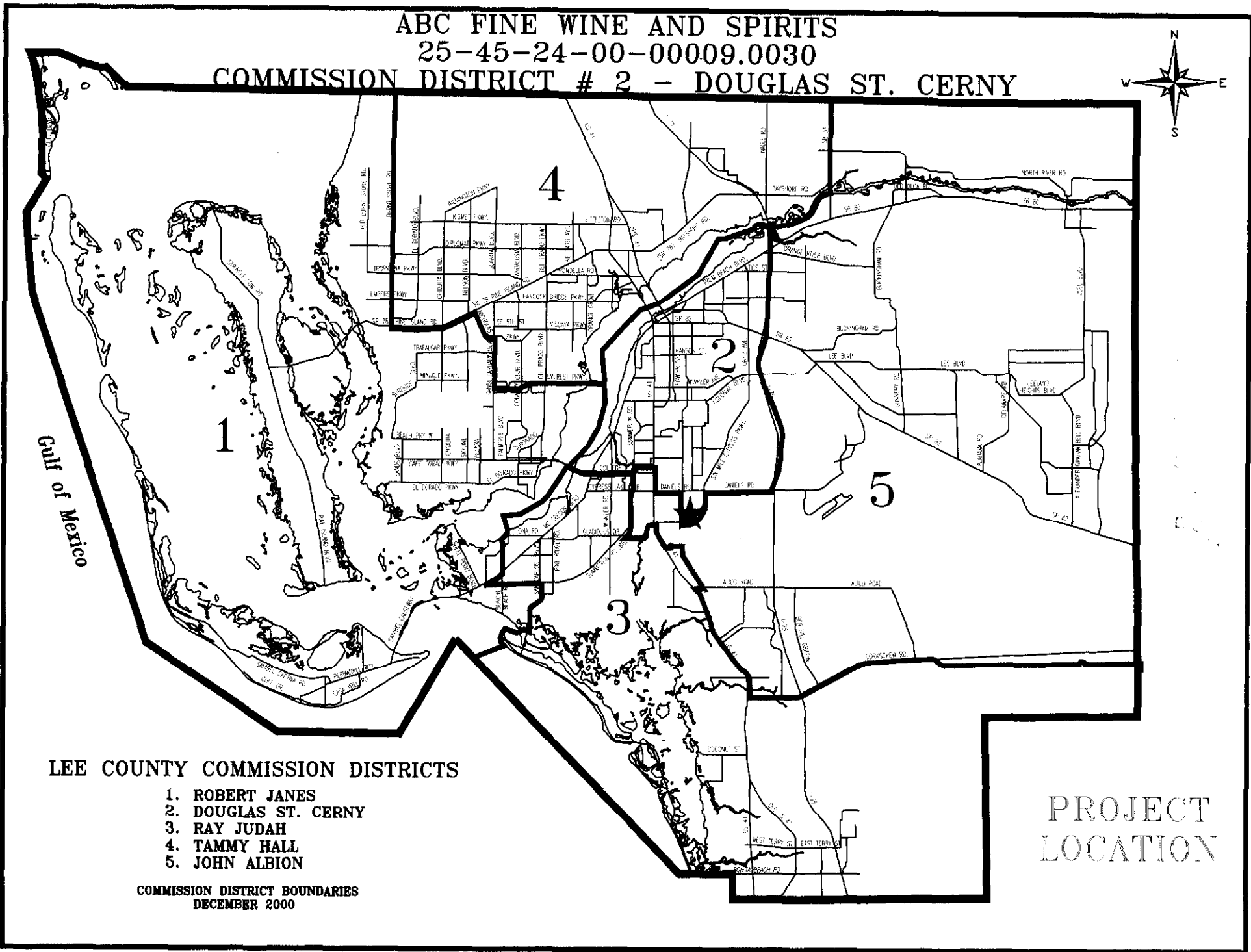
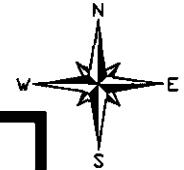
(Signature)

Authorized Agent

(Title)

(Seal of Engineering Firm)

ABC FINE WINE AND SPIRITS
 25-45-24-00-00009.0030
 COMMISSION DISTRICT # 2 - DOUGLAS ST. CERNY



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

WARRANTY

THE UNDERSIGNED parties do hereby warrant and/or guaranty all work executed by the contractor on the water and sewer systems of ABC FINE WINE & SPIRITS 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.

STEVEN R. GOBLE
(NAME OF OWNER/CONTRACTOR)

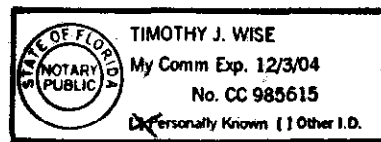
BY: *Steven R. Goble*
(SIGNATURE OF OWNER/CONTRACTOR)

STATE OF FL)
) SS:
COUNTY OF LEE)

The foregoing instrument was signed and acknowledged before me this 1 st day of DEC, 2004 by STEVEN R. GOBLE who is personally known to me - _____, and who did take an oath.

Timothy J. Wise
Notary Public Signature

TIMOTHY J. WISE
Printed Name of Notary Public



(Notary Seal & Commission Number)

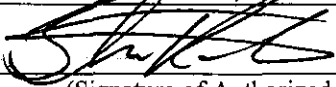
**WAIVER AND RELEASE OF LIEN
UPON FINAL PAYMENT**

The undersigned lienor, in consideration of the final payment in the amount of seven thousand five hundred forty dollars and no cents (\$7,540.00) hereby waives and releases its lien and right to claim a lien for labor, services, or materials furnished to J & J REAL ESTATE on the job of ABC FINE WINE & SPIRITS to the following described property:

<u>ABC FINE WINE & SPIRITS</u> (Name of Development/Project)	<u>water distribution and sanitary sewer systems</u> (Facilities Constructed)
---	--

<u>14725 S. TAMiami TRAIL</u> (Location) (Please provide full name and location of development and a description of the utility system constructed).	<u>25-42-24-00-00009.0030</u> (Strap # or Section, Township & Range)
--	---

Dated on: December 1, 2004

By: 
(Signature of Authorized Representative)

GULF COAST UNDERGROUND, INC.
(Name of Firm or Corporation)

By: STEVEN R. GOBLE
(Print Name of Authorized Representative)

3551 METRO PARKWAY
(Address of Firm or Corporation)

Title: PRESIDENT

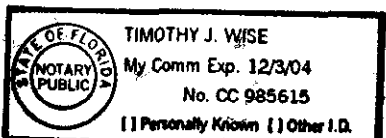
FT. MYERS, FL 33916-
(City, State & Zip Of Firm Or Corporation)

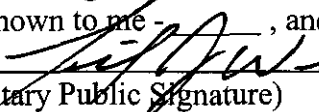
Phone #: (239)274-9504 Ext.

Fax#: (239)274-9505

STATE OF FL)
) SS:
COUNTY OF LEE)

The foregoing instrument was signed and acknowledged before me this 1 st day of DEC, 2004 by STEVEN R. GOBLE who is personally known to me, _____, and who did take an oath.


(Notary Seal & Commission Number)


(Notary Public Signature)

TIMOTHY J. WISE
(Printed Name of Notary Public)

CERTIFICATION OF CONTRIBUTORY ASSETS

PROJECT NAME: ABC FINE WINE & SPIRITS

STRAP NUMBER: 25-42-24-00-00009.0030

LOCATION: 14725 S. TAMIAMI TRAIL FT. MYERS FL.

OWNER'S NAME: J & J REAL ESTATE LTD

OWNER'S ADDRESS: 8989 S. ORANGE AVE

OWNER'S ADDRESS: ORLANDO,FL 32859-

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.

ITEM	SIZE	QUANTITY	UNIT	UNIT COST	TOTAL
FIRE HYDRANT ASSEMBLY		1.0	EA	\$4,000.00	\$4,000.00
SINGLE WATER SERVICE/COMPLETE	1"	2.0	EA	\$520.00	\$1,040.00
TOTAL					5040.00

(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 *Steven R. Goble*
(Signature of Certifying Agent)

STEVEN R. GOBLE PRESIDENT
(Name & Title of Certifying Agent)

GULF COAST UNDERGROUND
(Name of Firm or Corporation)

3551 METRO PARKWAY
(Address of Firm or Corporation)

FT. MYERS, FL 33916 -

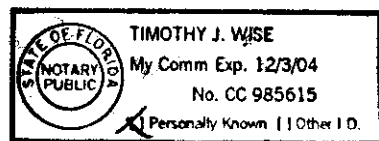
STATE OF FL)
) SS:
COUNTY OF LEE)

The foregoing instrument was signed and acknowledged before me this 1st day of December, 2004 by STEVEN R. GOBLE who is personally known to me - _____, and who did take an oath.

Timothy J. Wise
Notary Public Signature

TIMOTHY J. WISE
Printed Name of Notary Public

CC985615
Notary Commission Number



(NOTARY SEAL)

CERTIFICATION OF CONTRIBUTORY ASSETS

PROJECT NAME: ABC FINE WINE & SPIRITS

STRAP NUMBER: 25-42-24-00-00009.0030

LOCATION: 14725 S. TAMIAMI TRAIL FT. MYERS FL.

OWNER'S NAME: J & J REAL ESTATE LTD

OWNER'S ADDRESS: 8989 S. ORANGE AVE

OWNER'S ADDRESS: ORLANDO,FL 32859-

TYPE UTILITY SYSTEM: SANITARY SEWER

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

DESCRIPTION AND COST OF MATERIAL, LABOR, AND SERVICES

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

ITEM	SIZE	QUANTITY	UNIT	UNIT COST	TOTAL
SINGLE SEWER SERVICE W/CLEANOUT	6"	1.0	EA	\$2,500.00	\$2,500.00
TOTAL					2500.00

(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 of Certifying Agent)

STEVEN R. GOBLE PRESIDENT

(Name & Title of Certifying Agent)

GULF COAST UNDERGROUND

(Name of Firm or Corporation)

3551 METRO PARKWAY

(Address of Firm or Corporation)

FT. MYERS, FL 33916 -

STATE OF FL)

) SS:

COUNTY OF LEE)

The foregoing instrument was signed and acknowledged before me this 1 st day of December, 2004 by STEVEN R. GOBLE who is personally known to me - _____, and who did take an oath.

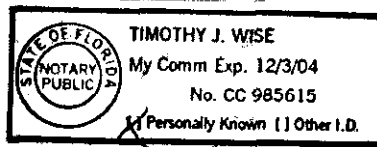
Notary Public Signature

TIMOTHY J. WISE

Printed Name of Notary Public

CC 985615

Notary Commission Number



(NOTARY SEAL)



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.

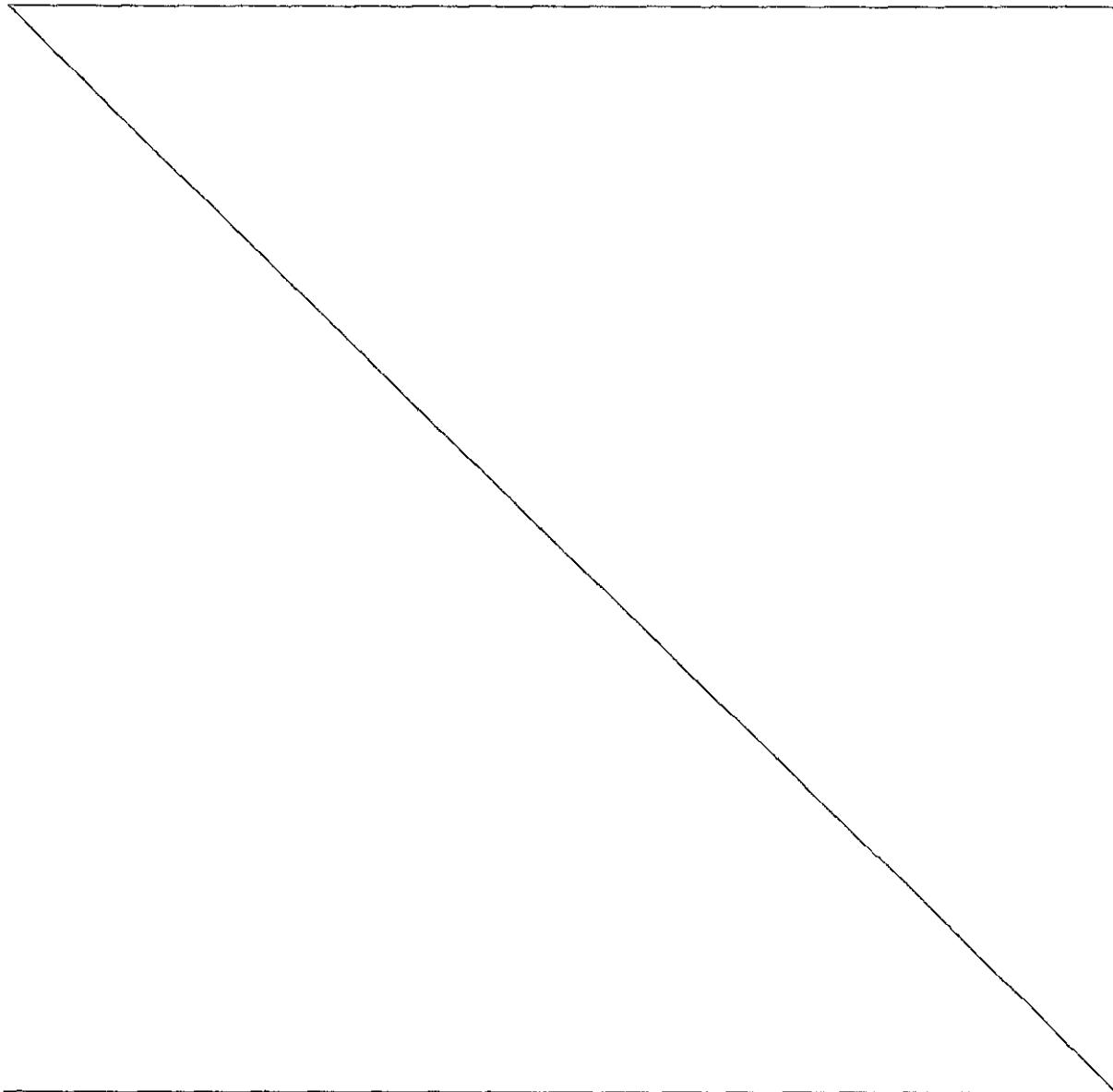
7. GRANTEE will be liable for money damages in tort for any injury to or loss of property, personal injury, or death caused by the negligent or wrongful act(s) or omission(s) of any official or employee of the GRANTEE while acting within the scope of the official's or employee's office or employment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

Nichole Staller

[1st Witness' Signature]

Nichole Staller

[Type or Print Name]

[Signature]

[2nd Witness' Signature]

SHARI L. MORTON

[Type or Print Name]

BY: John C. Fisher

[Signature Grantor's/Owner's]

John C. Fisher

[Type or Print Name]

CFO

[Title]

STATE OF FLORIDA

COUNTY OF Orange

The foregoing instrument was signed and acknowledged before me this 6th day of January 2005 by John Fisher who ~~produced the following as identification~~ or is personally know to me, and who did/did not take an oath.

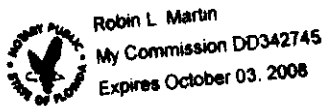
[stamp or seal]

Robin L. Martin

[Signature of Notary]

Robin L. Martin

[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

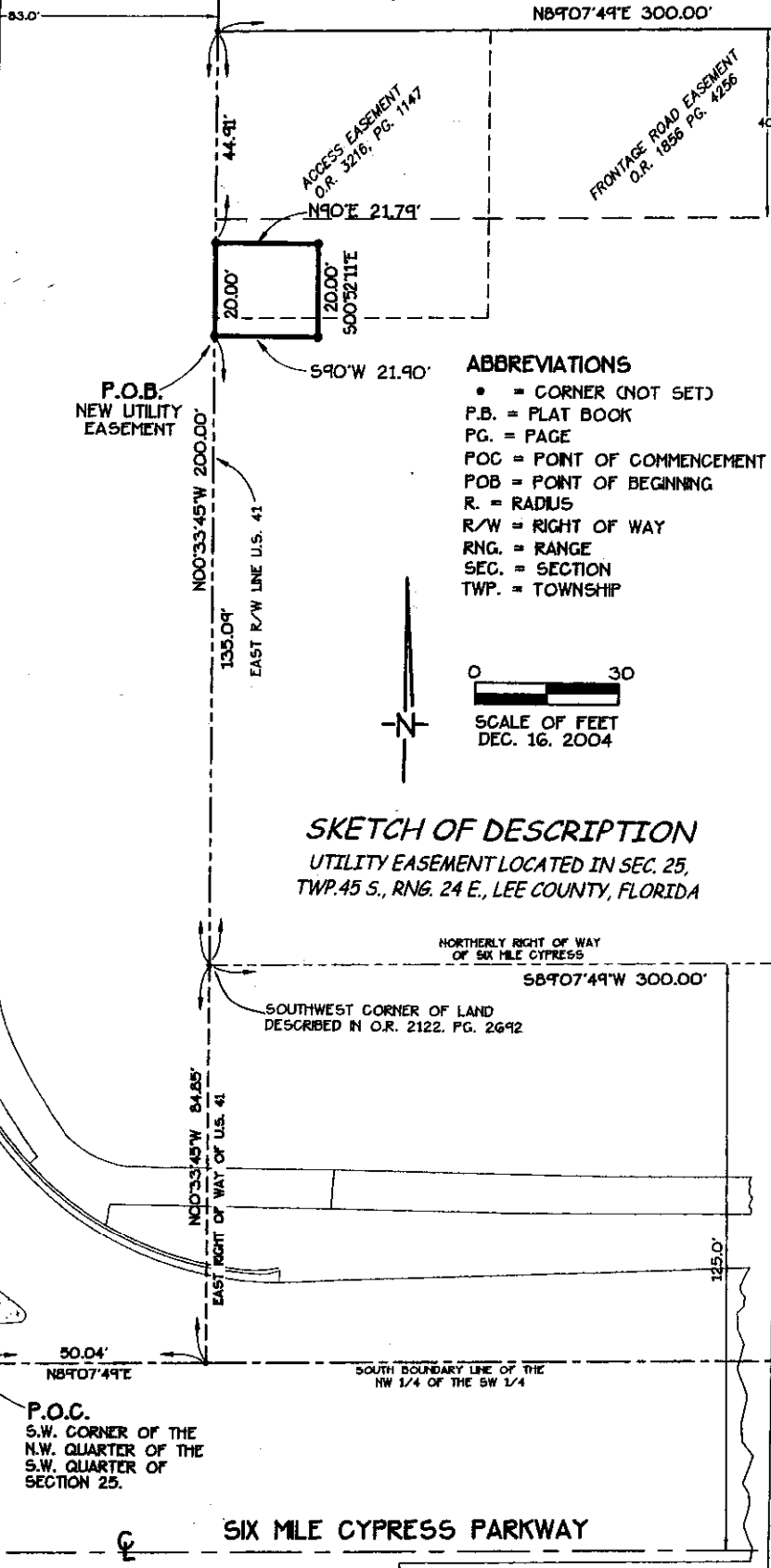
BY: _____
Deputy Clerk

BY: _____
Chairman

APPROVED AS TO FORM

BY: _____
Office of the County Attorney

SURVEY U.S. HIGHWAY 41 (S.R. 45)



P.O.B.
NEW UTILITY
EASEMENT

- ABBREVIATIONS**
- = CORNER (NOT SET)
 - P.B. = PLAT BOOK
 - PG. = PAGE
 - POC = POINT OF COMMENCEMENT
 - POB = POINT OF BEGINNING
 - R. = RADIUS
 - R/W = RIGHT OF WAY
 - RNG. = RANGE
 - SEC. = SECTION
 - TWP. = TOWNSHIP



0 30
SCALE OF FEET
DEC. 16, 2004

SKETCH OF DESCRIPTION
UTILITY EASEMENT LOCATED IN SEC. 25,
TWP. 45 S., RNG. 24 E., LEE COUNTY, FLORIDA

NORTHERLY RIGHT OF WAY
OF SIX MILE CYPRESS
S89°07'49"W 300.00'

SOUTHWEST CORNER OF LAND
DESCRIBED IN O.R. 2122, P.G. 2692

P.O.C.
S.W. CORNER OF THE
N.W. QUARTER OF THE
S.W. QUARTER OF
SECTION 25.

SIX MILE CYPRESS PARKWAY



MORRIS - DEPEW ASSOCIATES, INC.
ENGINEERS * PLANNERS * SURVEYORS * MAPPERS
2216 Altanont Avenue * Fort Myers, Florida 33901 * (239) 337-3993 * (FAX) 337-3994

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

DESCRIPTION


PARCEL OF LAND IN THE NORTHWEST-QUARTER OF THE SOUTHWEST-QUARTER OF SECTION 25, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF THE SAID NORTHWEST-QUARTER OF THE SOUTHWEST-QUARTER OF SECTION 25; THENCE N89°07'49"E, ALONG THE SOUTH BOUNDARY LINE OF SAID NORTHWEST-QUARTER OF THE SOUTHWEST-QUARTER, A DISTANCE OF 50.04 FEET TO AN INTERSECTION WITH THE EASTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 41 (STATE ROAD 45); THENCE N00°33'45"W, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 84.85 FEET, TO AN INTERSECTION WITH THE NORTHERLY RIGHT OF WAY LINE OF SIX MILE CYPRESS PARKWAY; THENCE CONTINUING N00°33'45"W ALONG SAID EASTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 41, A DISTANCE OF 135.09 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING N00°33'45"W ALONG SAID EAST RIGHT OF WAY LINE OF U.S. HIGHWAY 41, A DISTANCE OF 20.00 FEET;
THENCE N90°E A DISTANCE OF 21.79 FEET; THENCE S00°52'11"E A DISTANCE OF 20.00 FEET; THENCE S90°W A DISTANCE OF 21.90 FEET TO THE SAID POINT OF BEGINNING OF THIS DESCRIPTION.
CONTAINING 436.90 SQUARE FEET (0.01 ACRE).

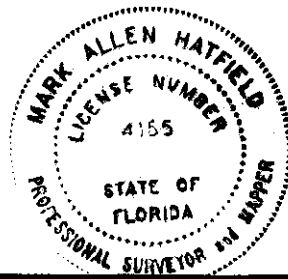
ORIENTATION BASED UPON THE SOUTH LINE OF THE NORTHWEST-QUARTER OF THE SOUTHWEST-QUARTER OF SECTION 25, TWP 45 S., RNG. 24 E. BEING ASSUMED AT N89°07'49"E.

SURVEYOR'S NOTES

THE DESCRIPTION SHOWN HEREON IS NEW.
NO SEARCH OF THE PUBLIC RECORDS WAS CONDUCTED BY THIS OFFICE FOR THE EXISTANCE OF ANY RECORDED INSTRUMENTS THAT MAY AFFECT THIS PARCEL.
THIS DRAWING NOT VALID UNLESS BOTH SHEETS ARE INCLUDED AND SHEET ONE HAS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A PROFESSIONAL SURVEYOR AND MAPPER.
CERTIFICATE OF AUTHORIZATION LICENSED BUSINESS NO. 6891.
DRAWING DATE: DECEMBER 16, 2004.
THIS IS NOT A SURVEY.

SKETCH OF DESCRIPTION
UTILITY EASEMENT LOCATED IN SEC. 25,
TWP. 45 S., RNG. 24 E., LEE COUNTY, FLORIDA


MARK A. HATFIELD, P.E.M.
FLORIDA REGISTRATION NO. 4158
DATE SIGNED: 12-16-04



MORRIS - DEPEW ASSOCIATES, INC.
ENGINEERS * PLANNERS * SURVEYORS * MAPPERS
2216 Altonant Avenue ■ Fort Myers, Florida 33901 ■ (239) 337-3993 ■ (FAX) 337-3994

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

TO: LEE COUNTY FINANCE DEPARTMENT

FROM: UTILITIES ENGINEERING
(Department)

V#111463
BS 20050049-UTL

SUE GULLEDGE

A. AUTHORIZATION:

This transmittal authorizes the UTIL. ENGINEERING
office to incur expenses for filing/records against:
N/A ABC FINE WINE AND SPIRITS

Purchase Order # _____ for _____ project.
EASEMENT: J & J REAL ESTATE, LTD.

ACCOUNT NO. OD5360748700.504930

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


SUE GULLEDGE
1-12-05

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
White - FINANCE Yellow - DEPT FISCAL OFFICER Pink - CLERK'S OFFICE

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

Strap Number:

25-45-24-00-00009.0030

THIS SPACE RESERVED FOR RECORDING

GRANT OF PERPETUAL PUBLIC UTILITY EASEMENT

THIS INDENTURE is made and entered into this ___ day of _____ 2005 by and between J.J. Real Estate, L.P. 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.

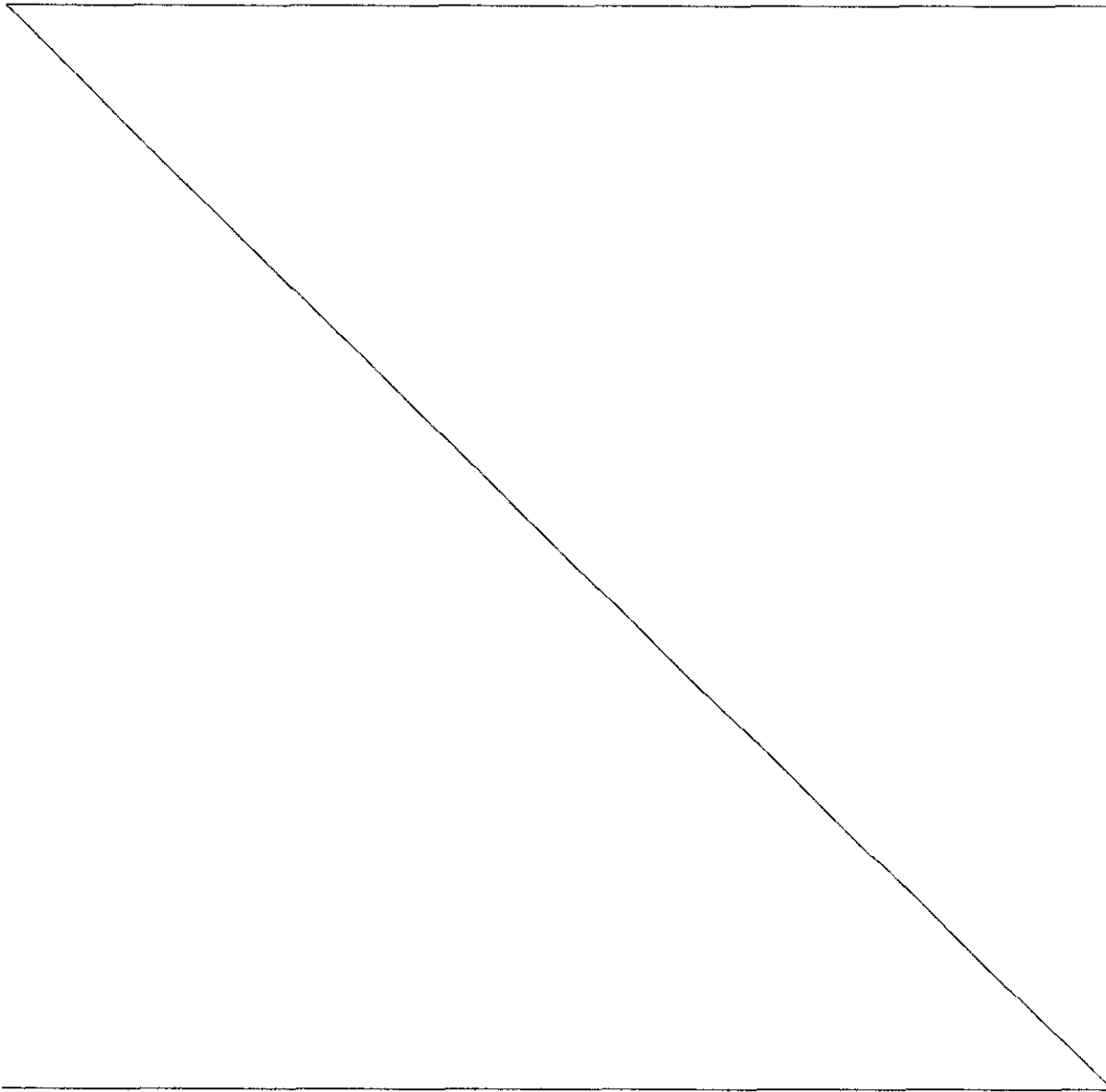
7. GRANTEE will be liable for money damages in tort for any injury to or loss of property, personal injury, or death caused by the negligent or wrongful act(s) or omission(s) of any official or employee of the GRANTEE while acting within the scope of the official's or employee's office or employment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

Nichole Stetler

[1st Witness' Signature]

Nichole Stetler

[Type or Print Name]

[Signature]

[2nd Witness' Signature]

SHARI L. MORTON

[Type or Print Name]

BY: John C. Eicher

[Signature Grantor's/Owner's]

John C. Eicher

[Type or Print Name]

CFO

[Title]

STATE OF FLORIDA

COUNTY OF Orange

The foregoing instrument was signed and acknowledged before me this 6th day of January 2005 by John Eicher who ~~produced the following as identification~~ _____ or is personally know to me, and who did/did not take an oath.

[stamp or seal]

Robin L. Martin

[Signature of Notary]

Robin L. Martin

[Typed or Printed Name]



Robin L. Martin
My Commission DD342745
Expires October 03, 2008

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