

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY **BLUE SHEET NO: 20050263 -UTL**

1. REQUESTED MOTION:

ACTION REQUESTED:

Approve final acceptance, by Resolution and recording of one (1) utility easement, as a donation of a water distribution system and a force main connection serving *PRESERVE PLAZA*. This is a Developer Contributed asset project located on the west side of S. Tamiami Trail, just south of Park Road.

WHY ACTION IS NECESSARY:

To provide potable water and sanitary sewer service to the recently constructed commercial building.

WHAT ACTION ACCOMPLISHES:

Places the water distribution system and force main into operation and complies with the Lee County Utilities Operations Manual.

2. DEPARTMENTAL CATEGORY: 10
COMMISSION DISTRICT #: 3

C10H

3. MEETING DATE:

03-15-2005

4. AGENDA:

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

5. REQUIREMENT/PURPOSE:

- (Specify)*
- STATUTE _____
 - ORDINANCE _____
 - ADMIN. CODE _____
 - X 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 *[Signature]* DATE: 2/28/05

7. BACKGROUND:

This project is located within the former Gulf Environmental Services' service area, however, it was built to Lee County Utilities' Standards and Specifications. The Board granted permission to construct on 06/08/04, Blue Sheet #20040664. The installation has been inspected for conformance to the Lee County Utilities Operations Manual. Satisfactory pressure testing of the water main and force main has been performed. Record Drawings have been received. Engineer's Certification of Completion has been provided---copy attached. Project location map---copy attached. Warranty has been provided---copy attached. Waiver of lien has been provided---copy attached. Certification of Contributory Assets has been provided---copy attached. 100% of the connection/capacity fees have been paid for this project. 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 Lee County Utilities' infrastructure also located with the S. Tamiami Trail right-of-way. Funds are available for recording fees in account # OD5360748700.504930

SECTION 18 TOWNSHIP 46S RANGE 25E DISTRICT #3 COMMISSIONER JUDAH

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>2/28/05</i>	N/A	N/A	<i>T.O.</i> T. Osterhout Date: <i>2/28</i>	<i>S. Coovert</i> Date: <i>3/1/05</i>	<i>3/1/05</i>	<i>3/1/05</i>	<i>3/1/05</i>	<i>P.M. 3/1/05</i>	<i>J. Lavender</i> Date: <i>2/28/05</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
 Date: *2/28/05*
 Time: _____
 Forwarded To: _____

RECEIVED BY
 COUNTY ADMIN: *[Signature]*
 3-1 7:30
 COUNTY ADMIN FORWARDED TO: *[Signature]*
 3/1/05
 10 AM



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 0123456789

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

18462500000360020

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: KENNETH B. KINGON, TR/PRESERVE PLAZA

24520-7 PRODUCTION CIR BONITA SPRINGS FL 34135

Mailing Address City State Zip Code Phone No.

4. Grantee (Buyer):

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

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

\$ **. 00**

Property
 Located In

Lee

Month Day Year (Round to the nearest dollar.)

6. Type of Document

Contract/Agreement
 for Deed Other
 Warranty Quit Claim
 Deed Deed

7. Are any mortgages on the property? If "Yes",
 outstanding mortgage balance:
 (Round to the nearest dollar.) \$ **. 00**

YES NO
 YES NO

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

YES NO

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

Conventional Seller Provided Agreement or
 Contract for Deed Other

10. Property Type:
 Mark (x) all
 that apply

Residential Commercial Industrial Agricultural Institutional/
 Miscellaneous Government Vacant Acreage Timeshare

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

YES NO \$ **. 00**

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

Signature of Grantor or Seller's Agent

Date

2/28/05

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

Clerks Date Stamp

This copy to Property Appraiser

O. R. Book _____
 and _____
 Page Number _____
 and _____
 File Number _____
 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
 (If Parcel ID not available
 please call County Property
 Appraiser's Office) →

0 1 2 3 4 5 6 7 8 9

0123456789

18462500000360020

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: KENNETH B. KINGON, TR/PRESERVE PLAZA

Last First MI Corporate Name (if applicable)
24520-7 PRODUCTION CIR BONITA SPRINGS FL 34135

4. Grantee (Buyer):

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

\$. 0 0 Property Located In 46 County Code

Month Day Year (Round to the nearest dollar.)

6. Type of Document

Contract/Agreement for Deed Other
 Warranty Deed Quit Claim Deed

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

YES NO
 \$. 0 0

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

YES NO

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

Conventional Seller Provided Agreement or Contract for Deed Other

10. Property Type:
 Mark (x) all that apply

Residential Commercial Industrial Agricultural Institutional/Miscellaneous Government Vacant Acreage Timeshare

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

YES NO \$. 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

Signature of Grantor or Grantee or Agent

Date 2/28/95

To be completed by the Clerk of the Circuit Court's Office	Clerks Date Stamp
This copy to Department of Revenue O. R. Book _____ and Page Number _____ and File Number _____ Date Recorded ____ / ____ / ____ Month Day Year	

This copy to Department of Revenue

RESOLUTION NO. _____

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

WHEREAS, it is the desire of "Kenneth B. Kingon, Trustee for Preserve Plaza", owner of record, to make a contribution to Lee County Utilities of water facilities (a water distribution system) and sewer facilities (a force main connection) serving "**PRESERVE PLAZA**"; 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 **\$40,640.00** 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 Bob Janes: _____ (1)
- Commissioner Douglas St. Cerny: _____ (2)
- Commissioner Ray Judah: _____ (3)
- Commissioner Tammy Hall: _____ (4)
- Commissioner John Albion: _____ (5)

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

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
DEPUTY CLERK

By: _____
CHAIRMAN

APPROVED AS TO FORM

OFFICE OF COUNTY ATTORNEY

LETTER OF COMPLETION

DATE: 11/12/04

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

Gentlemen:

This is to certify that the water distribution and/or sewage collection system(s) located in _____

PRESERVE PLAZA

(Name of Development)

were designed by me and have been constructed in conformance with:

the approved plans the revised plans, attached

and:

the approved specifications the revised specifications, attached

Upon completion of the work, we observed the following successful tests of the facilities: PRESSURE TEST FOR WATER MAIN & LIFT STATION START UP TEST

Very truly yours,

DAVID E. MCKEE / CONSUL-TECH
(Owner or Name of Corporation)

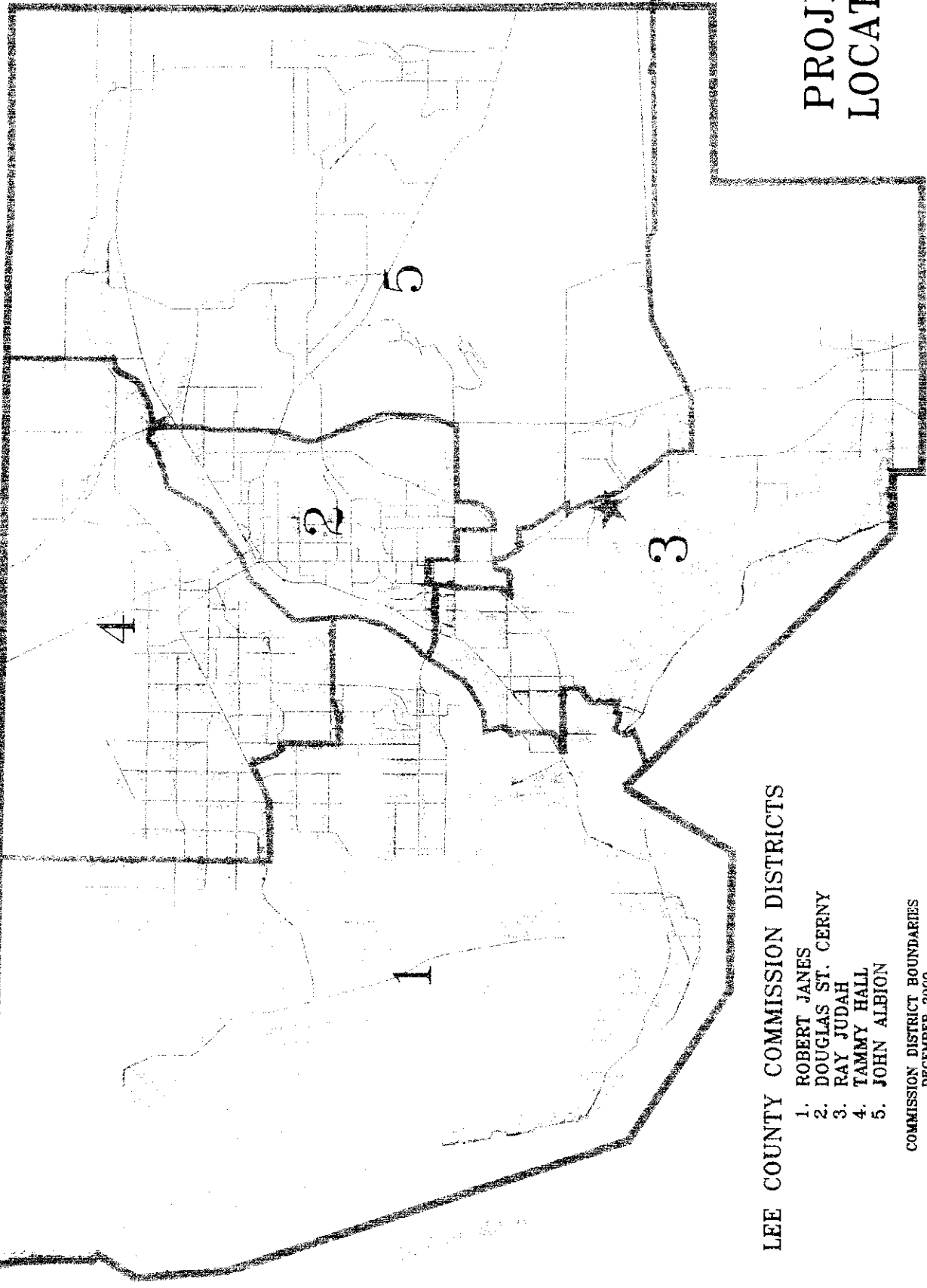
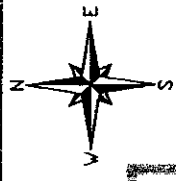
David E. McKee
(Signature)

P.E. / VICE - PRESIDENT
(Title)

SEAL OF ENGINEERING FIRM



PRESERVE PLAZA
18-46-25-00-00036.0020
COMMISSION DISTRICT #3 - JUDAH



PROJECT LOCATION

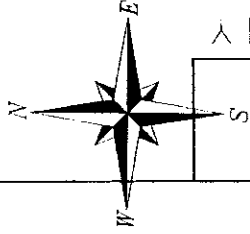
LEE COUNTY COMMISSION DISTRICTS

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

COMMISSION DISTRICT BOUNDARIES
DECEMBER 2000

PRESERVE PLAZA

COMMISSION DISTRICT #3 - JUDAH



SUBJECT PARCEL

S TAMIAH TRL (US 41)

CONSTITUTION BLV

PORT BLVD

LAKE

PARK RD

C0036
3020

URG WAY

VILLAGE SQ

COACH LIGHT DR

CONCOURT WALK

RD LEXINGTON AV

18-46-25-00-00036.0020 18000 S TAMIAH TRAIL

WARRANTY

THE UNDERSIGNED parties do hereby warrant and/or guaranty all work executed by the contractor on the

WATER & SEWER systems of (Name of Development) PRESERVE PLAZA

18000 S. TAMiami TRAIL FORT MYERS, FL

STRAP # 18-46-25-00-00036.0020

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.

CHRISTO, INCORPORATED

(NAME OF OWNER OR CONTRACTOR)

BY:

Robert A. Keiling
(SIGNATURE & TITLE) **ROBERT A. KEILING-PRESIDENT**

STATE OF FLORIDA)

COUNTY OF LEE)

SS:

The foregoing instrument was signed and acknowledged before me this 20TH day of

OCTOBER, 20 04 by ROBERT A. KEILING who has produced
(Print or Type Name)

PERSONALLY KNOWN TO ME as identification, and who (did) (did not) take an oath.
(Type of Identification and Number)

Mark K. Nottingham
Notary Public Signature

MARK K. NOTTINGHAM
Printed Name of Notary Public

DD 261445 JAN. 6, 2008
Notary Commission Number

MARK K. NOTTINGHAM
Notary Public, State of Florida
My comm. exp. Jan. 6, 2008
Comm. No. DD 261445

(NOTARY SEAL)



WAIVER AND RELEASE OF LIEN
UPON FINAL PAYMENT

The undersigned lienor, in consideration of the final payment in the amount

Of FORTY THOUSAND SIX HUNDRED FORTY DOLLARS AND NO/100 (\$ 40,640.00)

Hereby waives and releases its lien and right to claim a lien for labor, service, or materials

Furnished to KINGON HOMES on the job
(Insert name of your customer)

Of KENNETH B. KINGON /TRUSTEE OF THE PRESERVE PLAZA TRUST to the following describe
(Insert name of the owner)

Property: PRESERVE PLAZA
(Name of Development/Project)

WATER & SEWER SEE CERTIFICATION OF CONTRIBUTORY ASSETS
(Facilities Constructed)

18000 S. TAMIAMI TRAIL FORT MYERS, FL
(Project Location)

STRAP# 18-46-25-00-00036.0020

Dated on OCTOBER 20, 2004

By: [Signature]
(Signature of Authorized Representative)

CHRISTO, INCORPORATED
(Name of Firm or Corporation)

By: ROBERT A. KEILING
(Print Name of Authorized Representative)

4461-B HANCOCK BRIDGE PKWY
(Address)

Title: PRESIDENT

N. FORT MYERS, FL 33903
(City, State & Zip)

Phone #: 239-997-2823

Fax#: 239-997-4672

State of FLORIDA
County of LEE

The foregoing instrument was signed and acknowledged before me this 20TH day of OCTOBER
 2004 , by Robert A. Keiling , who produced personally known to me as identification or who is personally
Known to me, and who did/did not take an oath.

Notary Public [Signature]
(Signature)

Notary Public Name: MARK K. NOTTINGHAM
(Print)

My Commission Expires: JAN. 6, 2008

NOTARY SEAL
MARK K. NOTTINGHAM
Notary Public, State of Florida
My comm. exp. Jan. 6, 2008
Comm. No. DD 261445

CERTIFICATION OF CONTRIBUTORY ASSETS

PROJECT NAME: PRESERVE PLAZA

LOCATION: 18000 S. TAMiami TRAIL FORT MYERS, FL 33908

STRAP# 18-46-25-00-00036.0020

(Including STRAP)

NAME AND ADDRESS OF OWNER: KENNETH B. KINGON,
TRUSTEE OF THE PRESERVE PLAZA TRUST.

24520 PRODUCTION CIRCLE, STE 7 BONITA SPRINGS, FL 34135

(as shown on Deed)

TYPE UTILITY SYSTEM: WATER
(list water, sewer and effluent reuse separately)

DESCRIPTION AND COST OF MATERIAL, LABOR, AND SERVICES

Please list each element of the system, e.g., pipe, manholes; lift stations, meters, valves, fittings, etc.

ITEM	SIZE	QUANTITY/ UNIT	COST	TOTAL
DIP CL 50	10"	100 LF	40.00	4000.00
DIP CL 50	6"	177.5 LF	30.00	5325.00
PVC C-900, DR-14	4"	66 LF	15.00	990.00
45degree BENDS	10"	2 EA	500.00	1000.00
MJ TEE	10" X 6"	1 EA	750.00	750.00
MJ REDUCER	10" X 6"	1 EA	250.00	250.00
TAPPING SLEEVE	16" X 10"	1 EA	3000.00	3000.00
TAPPING VALVE	10"	1 EA	3000.00	3000.00
MJ TEE	6" X 4"	1 EA	200.00	200.00
90degree BEND	6"	1 EA	425.00	425.00
GATE VALVE	6"	2 EA	1000.00	2000.00
GATE VALVE	4"	1 EA	800.00	800.00
FIRE HYDRANT	5 1/4"	2 EA	3500.00	7000.00
BLOW OFF ASSY	4" X 2"	1 EA	1500.00	1500.00
DOUBLE WATER SERVICE	1" X 3/4"	8 EA	1000.00	8000.00

\$ 38,240.00
TOTAL AMOUNT

11.5

I do hereby certify that the quantity 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: **ROBERT A. KEILING-PRESIDENT**

Robert A. Keiling
(Name & Title of Certifying Agent)

OF: **CHRISTO, INCORPORATED**

(Firm or Corporation)

ADDRESS: **4461-B HANCOCK BRIDGE PKWY.**

N. FORT MYERS. FL 33903

STATE OF FLORIDA)

) SS:

COUNTY OF LEE)

The foregoing instrument was signed and acknowledged before me this 20TH

day of OCTOBER, 20 04 by ROBERT A. KEILING
(Print or Type Name)

who has produced PERSONALLY KNOWN TO ME as identification,
(Type Of Identification and Number)

and who (did) (did not) take an oath.

Mark K. Nottingham
Notary Public Signature

MARK K. NOTTINGHAM
Printed Name of Notary Public

MARK K. NOTTINGHAM
Notary Public, State of Florida
My comm. exp. Jan. 6, 2008
Comm. No. DD 261445

DD 261445 JAN. 6, 2008
Notary Commission Number

(NOTARY SEAL)

11.5

I do hereby certify that the quantity 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: **ROBERT A. KEILING-PRESIDENT**

Robert A. Keiling
(Name & Title of Certifying Agent)

OF: **CHRISTO, INCORPORATED**

(Firm or Corporation)

ADDRESS: **4461-B HANCOCK BRIDGE PKWY.**

N. FORT MYERS, FL 33903

STATE OF FLORIDA)

) SS:

COUNTY OF LEE)

The foregoing instrument was signed and acknowledged before me this 20TH
day of OCTOBER, 20 04 by ROBERT A. KEILING
(Print or Type Name)

who has produced PERSONALLY KNOWN TO ME as identification,
(Type Of Identification and Number)

and who (did) (did not) take an oath.

Mark K. Nottingham
Notary Public Signature

MARK K. NOTTINGHAM
Printed Name of Notary Public

DD 261445 JAN. 6, 2008
Notary Commission Number

MARK K. NOTTINGHAM
Notary Public, State of Florida
My comm. exp. Jan. 6, 2008
Comm. No. DD 261445

(NOTARY SEAL)

TO: LEE COUNTY FINANCE DEPARTMENT

FROM: UTILITIES ENGINEERING
(Department)
SUE GULLEDGE

V#111463
BS 20050263-UTL

A. AUTHORIZATION:

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

Purchase Order # N/A for PRESERVE PLAZA project.

ACCT #OD5360748700.504930 EASEMENT: KENNETH B KINGON, TR. FOR PRESERVE PLAZA ORIGINAL EASEMENT TO MINUTES AFTER RECORDING, WITH COPY TO SUE GULLEDGE, UTILITIES

Sue Gullledge
SUE GULLEDGE
2-23-05

Signature Authorization

B. SERVICE RECEIVED:
RECORDING

EASEMENT

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

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

Strap Number:

18-46-25-00-00036.0020

THIS SPACE RESERVED FOR RECORDING

GRANT OF PERPETUAL PUBLIC UTILITY EASEMENT

THIS INDENTURE is made and entered into this ___ day of _____, 20__ by and between Kingon Kenneth B. TR. for Preserve Plaza, 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.

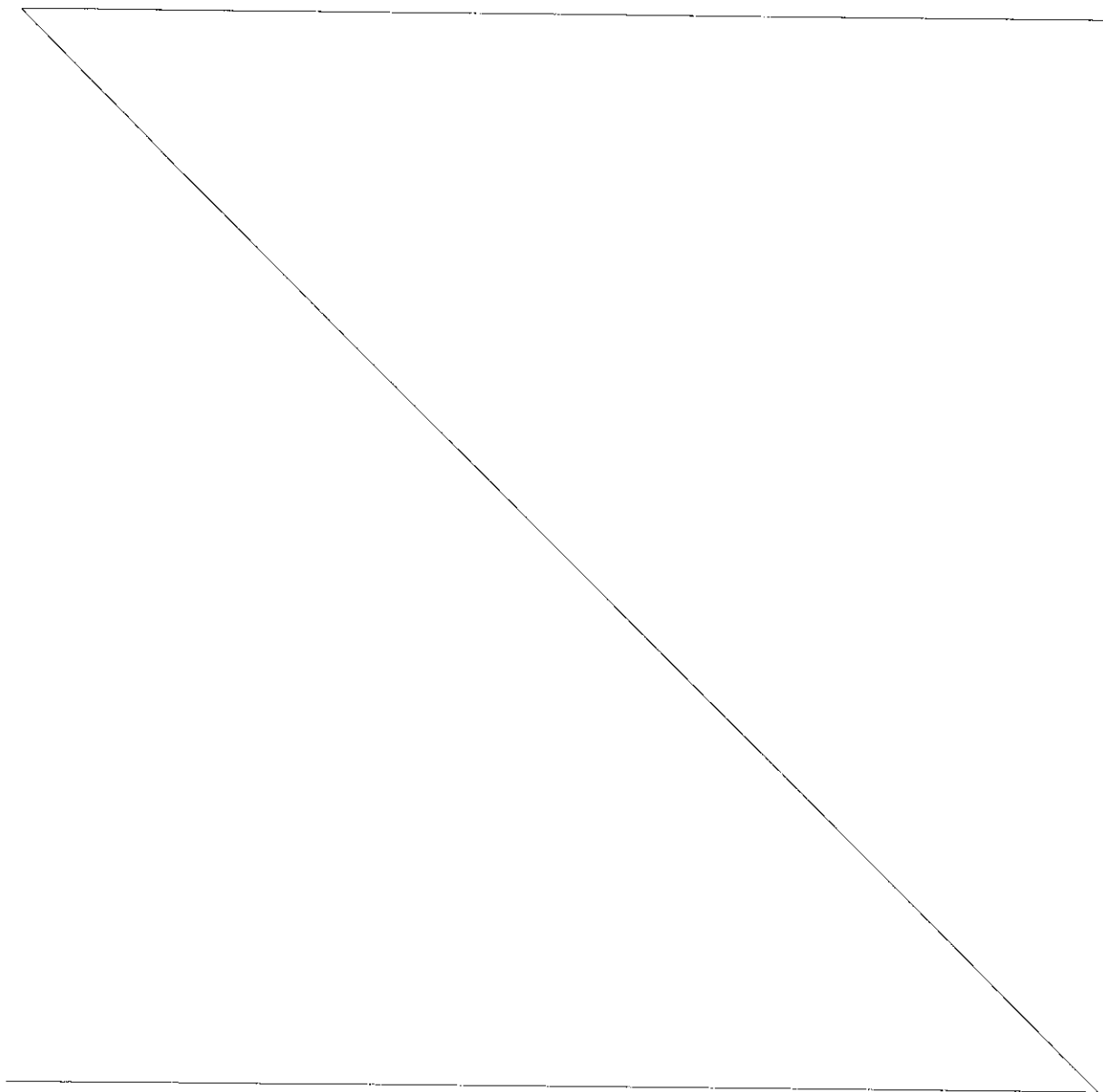
7. GRANTEE will be liable for money damages in tort for any injury to or loss of property, personal injury, or death caused by the negligent or wrongful act(s) or omission(s) of any official or employee of the GRANTEE while acting within the scope of the official's or employee's office or employment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

Luz E Ramos
[1st Witness' Signature]

Luz Ramos
[Type or Print Name]

Kristen La Croix
[2nd Witness' Signature]

Kristen La Croix
[Type or Print Name]

BY: Kenneth B. Kingon
[Signature Grantor's/Owner's]

Kenneth B. Kingon
[Type or Print Name]

President
[Title]

STATE OF FLORIDA

COUNTY OF Lee

The foregoing instrument was signed and acknowledged before me this 8th day of February 2005, by Kenneth B. Kingon who produced the following as identification _____ or is personally know to me, and who did/did not take an oath.

[stamp or seal]



Betty A. Partridge
[Signature of Notary]

Betty Partridge
[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

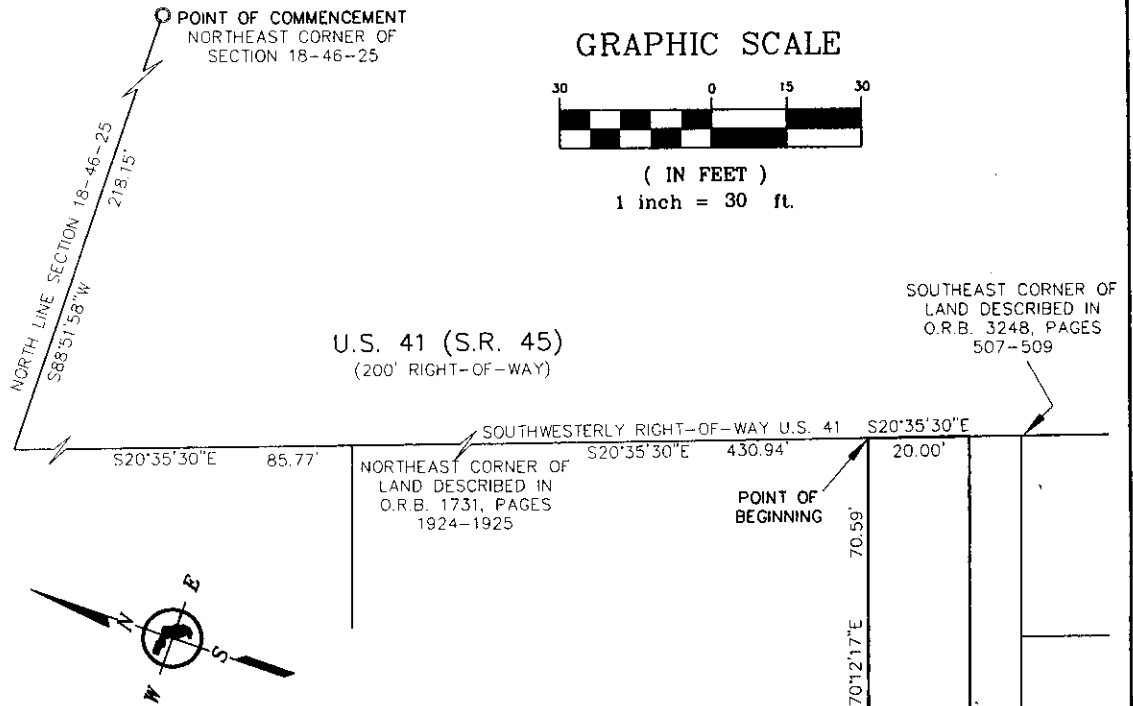
BY: _____
Deputy Clerk

BY: _____
Chairman

APPROVED AS TO FORM

BY: _____
Office of the County Attorney

LEGAL DESCRIPTION AND SKETCH – NOT A BOUNDARY SURVEY



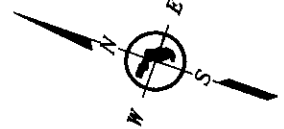
U.S. 41 (S.R. 45)
 (200' RIGHT-OF-WAY)

GRAPHIC SCALE



(IN FEET)
 1 inch = 30 ft.

SOUTHEAST CORNER OF
 LAND DESCRIBED IN
 O.R.B. 3248, PAGES
 507-509



LEGAL DESCRIPTION

A UTILITY EASEMENT, 20 FEET WIDE, LYING WITHIN SECTION 18, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 18; THENCE SOUTH 88°51'58" WEST, ALONG THE NORTH LINE OF SAID SECTION 18, 218.15 FEET, TO AN INTERSECTION WITH THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF TAMiami TRAIL (U.S. 41; S.R. 45 - 200 FEET WIDE); THENCE SOUTH 20°35'30" EAST, ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY, 85.77 FEET, TO THE NORTHEAST CORNER OF A PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1731 AT PAGES 1924 AND 1925; THENCE CONTINUE SOUTH 20°35'30" EAST, ALONG SAID RIGHT-OF-WAY LINE, 430.94 FEET, TO THE POINT OF BEGINNING OF THE EASEMENT HEREIN DESCRIBED:

THENCE CONTINUE SOUTH 20°35'30" EAST, ALONG SAID RIGHT-OF-WAY LINE, 20.00 FEET;
 THENCE SOUTH 70°12'17" WEST, ALONG A LINE LYING 10 FEET NORTHERLY OF (AS MEASURED PERPENDICULAR) AND PARALLEL TO, THE SOUTHERLY LINE OF A TRACT OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 3248, PAGES 507-509, OF THE LEE COUNTY PUBLIC RECORDS, 215.60 FEET;
 THENCE NORTH 20°37'30" WEST, 36.75 FEET;
 THENCE NORTH 69°21'24" EAST, 20.00 FEET;
 THENCE SOUTH 20°37'23" EAST, 17.05 FEET;
 THENCE NORTH 70°12'17" EAST, 105.02 FEET;
 THENCE NORTH 20°38'14" WEST, 20.33 FEET;
 THENCE NORTH 69°21'46" EAST, 20.00 FEET;
 THENCE SOUTH 20°38'03" EAST, 20.62 FEET;
 THENCE NORTH 70°12'17" EAST, 70.59 FEET, TO THE POINT OF BEGINNING.

Robert J. Bille
 CONSULTING SURVEYING & MAPPING, INC.
 4698
 STATE OF FLORIDA
 PROFESSIONAL SURVEYOR # 4698
 DATE 11-17-04

