

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

Blue Sheet No. 20050740

1. ACTION REQUESTED/PURPOSE: Approve Purchase Agreement for acquisition of Parcels 200SE, 201SE & 202SE, and Temporary Construction Easement Agreement for acquisition of Parcel 202TCE, Corkscrew Road Service Area (CRSA) MSBU Road Widening Project No. 4723, in the total amount of \$8,065; authorize payment of costs to close and the Division of County Lands to handle all documentation necessary to complete transaction.

2. WHAT ACTION ACCOMPLISHES: Acquisition of property necessary for the Corkscrew Road Widening, Project No. 4723.

3. MANAGEMENT RECOMMENDATION: Management recommends Board approve the Action Requested.

4. Departmental Category: 6 <i>C6h</i>		5. Meeting Date: <i>6-14-05</i>
6. Agenda:	7. Requirement/Purpose: (specify)	8. Request Initiated:
<input checked="" type="checkbox"/> Consent	<input checked="" type="checkbox"/> Statute <i>125</i>	Commissioner _____
<input type="checkbox"/> Administrative	<input type="checkbox"/> Ordinance _____	Department Independent
<input type="checkbox"/> Appeals	<input type="checkbox"/> Admin. Code _____	Division County Lands
<input type="checkbox"/> Public	<input checked="" type="checkbox"/> Other _____	By: Karen L.W. Forsyth, Director <i>KLF</i>
<input type="checkbox"/> Walk-On	<small>BS 20030686; Res. 94-07-11, 94-07-12, 94-09-04, 94-09-05</small>	

9. Background:
Negotiated for: Department of Transportation
Interest to Acquire: Slope Easement - Parcel 200SE (±3,558 sq. ft.), Parcel 201SE (±8,356 sq. ft.), 202SE (±975 sq. ft.); Temporary Construction Easement - Parcel 202TCE (±1,888 sq. ft.)

Property Details:
Owner: Stoneybrook Community Development District, a special district under Chapter 190, F.S.
Address: Corkscrew Road, Estero 33928 (no current site address)
STRAP No.: 25-46-25-09-000C1.0000, 0004.0000 (Prior 000B1.0000), 36-46-25-09-0000A.0000

Purchase Details:
Purchase Price: \$8,065 (To be paid as a credit toward future assessments of the CRSA MSBU).
Costs to Close: \$500
 The property owner has agreed to sell the property to the County at the appraised value.

Appraisal Information:
Company: Maxwell & Hendry Valuation Services, Inc.
Appraised Value: \$8,065

Staff Recommendation: Staff is of the opinion that the purchase price is within an acceptable range of value. Staff recommends the Board approve the action requested.

Account: Corkscrew Road MSBU: GD5411810405.506110

Attachments: Agreement (Duplicate Originals), Temporary Construction Easement Agreement (Duplicate Originals); Affidavit of Interest; Appraisal Data (w/ Location Map), Title Data, 5-Year Sales History

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services			County Manager/P.W. Director
<i>K. Forsyth</i>			<i>MTBW</i>	<i>DMC</i>	<i>Analyst</i>	<i>Risk</i>	<i>Grants</i>	<i>Mgr.</i>
			<i>200T</i>	<i>for scheduling</i>	<i>5/27/05</i>	<i>5/27/05</i>	<i>5/27/05</i>	<i>6/2/05</i>

11. Commission Action:

Approved
 Deferred
 Denied
 Other

Rec. by CoAtty

Date: *5/26/05*

Time: *5:26*

Forwarded to:
12/11/05
5/26/05 11:47

RECEIVED BY
 COUNTY ADMIN: *CR*

5-26-05
4:20

COUNTY ADMIN
 FORWARDED TO: *PR*

6/2/05
4:00

This document prepared by:

Lee County

County Lands Division

Project: Corkscrew Road CRSA, No. 4723

Parcels: 200SE, 201SE & 202SE/Stoneybrook CDD

STRAP Nos.: 25-46-25-09-000C1.0000, 00004.0000

(Prior 000B1.0000), & 36-46-25-09-0000A.0000

BOARD OF COUNTY COMMISSIONERS

LEE COUNTY

AGREEMENT FOR PURCHASE AND SALE OF REAL ESTATE

THIS AGREEMENT for purchase and sale of real property is made this ____ day of _____, 20____ by and between **STONEBROOK COMMUNITY DEVELOPMENT DISTRICT**, a special district formed under Chapter 190, Florida Statutes, Owner, whose post office address is 210 N. University Drive, Coral Springs, FL 33071 hereinafter referred to as **SELLER**, and **LEE COUNTY**, a political subdivision of the State of Florida, hereinafter referred to as **BUYER**.

WITNESSETH:

1. AGREEMENT TO PURCHASE AND TO SELL: SELLER agrees to sell and BUYER agrees to purchase, subject to the terms and conditions set forth below, a perpetual, non-exclusive slope/restoration easement consisting of a cumulative 12,889.59 square feet, more or less, located in Estero Florida 33928, and more particularly described as set forth in Exhibit "A", attached hereto and made a part hereof by reference; hereinafter called "the Property." This property will be acquired for the Corkscrew Road Service Area Municipal Service Benefit Unit, Project No. 4723, hereinafter called "the Project."

2. PURCHASE PRICE AND TIME OF PAYMENT: The total purchase price of the Property ("Purchase Price") will be Eight Thousand Sixty-Five and No/100 (\$8,065.00), payable at closing as a credit toward assessments for the Corkscrew Road Service Area Municipal Service Benefit Unit.

3. **EVIDENCE OF TITLE:** BUYER will obtain at BUYER'S expense an American Land Title Association Form B Title Commitment and provide title insurance Owner's Policy in the amount of the Purchase Price, from a title company acceptable to BUYER. The commitment will be accompanied by one copy of all documents that constitute exceptions to the title commitment. The commitment will also show title to be good and marketable with legal access, subject only to real estate taxes for the current year, zoning and use restrictions imposed by governmental authority, and restrictions and easements common to the area.

4. **CONDITION OF PROPERTY; RISK OF LOSS:** BUYER has inspected the Property and, except as is otherwise provided herein, accepts the Property in the condition inspected. If there is any loss and/or damage to the Property occurring between the date of this offer and the date of closing or date of possession by BUYER, whichever occurs first, BUYER may accept the damaged property or BUYER may cancel this Agreement without obligation.

5. **SELLER'S INSTRUMENTS AND EXPENSES:**

SELLER will provide:

- (a) A Slope/Restoration easement (the form of the easement is attached as Exhibit "B"), and an affidavit regarding liens, possession, and withholding under FIRPTA in a form sufficient to allow "gap" coverage by title insurance (to be prepared by BUYER at BUYER's expense);

SELLER will pay for:

- (a) taxes or assessments for which a bill has been rendered on or before the date of closing;
- (b) payment of subordination of mortgage fees, if any.
- (c) SELLER's attorney fees, and appraiser fees, if any.

6. **BUYER'S INSTRUMENTS AND EXPENSES:** BUYER will pay for:

- (a) Recording fee for easement;
- (b) survey, (if desired by BUYER).

7. **TAXES:** SELLER will be charged for Real Estate taxes and personal property taxes (if applicable) up to, but not including the date of closing.

8. **DEFECTS IN TITLE AND LEGAL ACCESS:** Prior to closing, BUYER will have a reasonable time to examine the title and documents establishing legal access to the property. If title is found to be defective, BUYER will notify SELLER in writing of the defects and BUYER may elect to accept the Property in its existing condition or may terminate this Agreement without obligation.

9. **SURVEY:** BUYER may order the Property surveyed at BUYER's expense. SELLER agrees to provide access to the Property for the survey to be performed. If the survey shows a discrepancy in the size or dimensions of the Property, or shows encroachments onto the Property or that improvements located on the Property encroach onto adjacent lands, or if the survey identifies violations of recorded covenants or covenants of this Agreement, upon notice to the SELLER, the BUYER may elect to treat those discrepancies, violations or encroachments as a title defect.

10. **ENVIRONMENTAL AUDIT:** BUYER may perform or have performed, at BUYER's expense, an environmental audit of the Property. If the audit identifies environmental conditions unacceptable to the BUYER, BUYER may elect to accept the Property in its existing condition or BUYER may terminate this Agreement without obligation.

11. **TIME AND BINDING AGREEMENT:** Time is of the essence for closing this transaction. The BUYER's written acceptance of this offer will constitute an Agreement for the purchase and sale of the Property and will bind the parties, their successors and assigns. In the event the BUYER abandons this project after execution of this Agreement, but before closing, BUYER may terminate this Agreement without obligation.

12. **DATE AND LOCATION OF CLOSING:** The closing of this transaction will be held at the office of the insuring title company on or before ninety (90) days from the date this Agreement is made. The

time and location of closing may be changed by mutual agreement of the parties.

13. **POSSESSION:** SELLER warrants that there are no parties in possession other than SELLER unless otherwise stated herein. SELLER agrees to deliver possession of Property to BUYER at time of closing unless otherwise stated herein.

14. **TYPEWRITTEN/HANDWRITTEN PROVISIONS:** Typewritten and handwritten provisions inserted herein or attached hereto as addenda, and initialed by all parties, will control all printed provisions in conflict therewith.

15. **SPECIAL CONDITIONS:** Any and all special conditions will be attached to this Agreement and signed by all parties to this Agreement.

WITNESSES:

SELLER:

STONEBROOK COMMUNITY DEVELOPMENT DISTRICT, a special district formed under Chapter 190, Florida Statutes

Robert J. Seruga
Signature of Witness

BY Jan R. B-L, CH 4/25/05
(DATE)

Robert J. Seruga
Print Name of Witness

James R. Boesch, Chairman
(Print Name and Title)

Joseph Keith Gomez
Signature of Witness

Jan R. B-L, CH

Joseph Keith Gomez
Print Name of Witness

BUYER:

CHARLIE GREEN, CLERK

LEE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

BY: _____
DEPUTY CLERK (DATE)

BY: _____
CHAIRMAN OR VICE CHAIRMAN

APPROVED AS TO LEGAL FORM
AND SUFFICIENCY

COUNTY ATTORNEY (DATE)

LEGAL DESCRIPTION

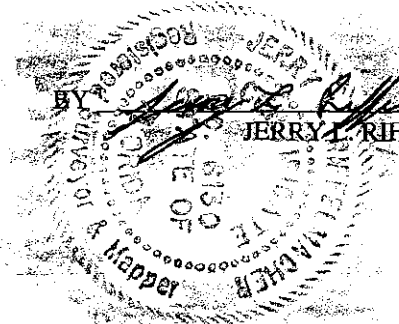
A PARCEL OF LAND LOCATED IN SECTION 25, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AND LOCATED IN A PORTION OF TRACT C-2, STONEYBROOK SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 63 AT PAGES 1 THROUGH 50 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE MOST NORTHEASTERLY CORNER OF TRACT C-2, STONEYBROOK SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 63 AT PAGES 1 THROUGH 50 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN S.27°54'24"W., ALONG THE BOUNDARY OF SAID TRACT C-2, FOR A DISTANCE OF 26.92 FEET; THENCE RUN S.61°46'32"W, FOR A DISTANCE OF 226.04 FEET; THENCE RUN N.28°13'28"W., FOR A DISTANCE OF 15.00 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF CORKSCREW ROAD, A 200.00 FOOT RIGHT-OF-WAY; THENCE RUN N.61°46'32"E., ALONG THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID CORKSCREW ROAD, FOR A DISTANCE OF 248.39 FEET TO THE POINT OF BEGINNING; CONTAINING 3,558.18 SQUARE FEET, MORE OR LESS.

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

BEARINGS REFER TO THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF CORKSCREW ROAD, A 200.00 FOOT RIGHT-OF-WAY, AS BEING N.61°46'32"E.

HOLE MONTES, INC.
CERTIFICATION OF AUTHORIZATION LB #1772

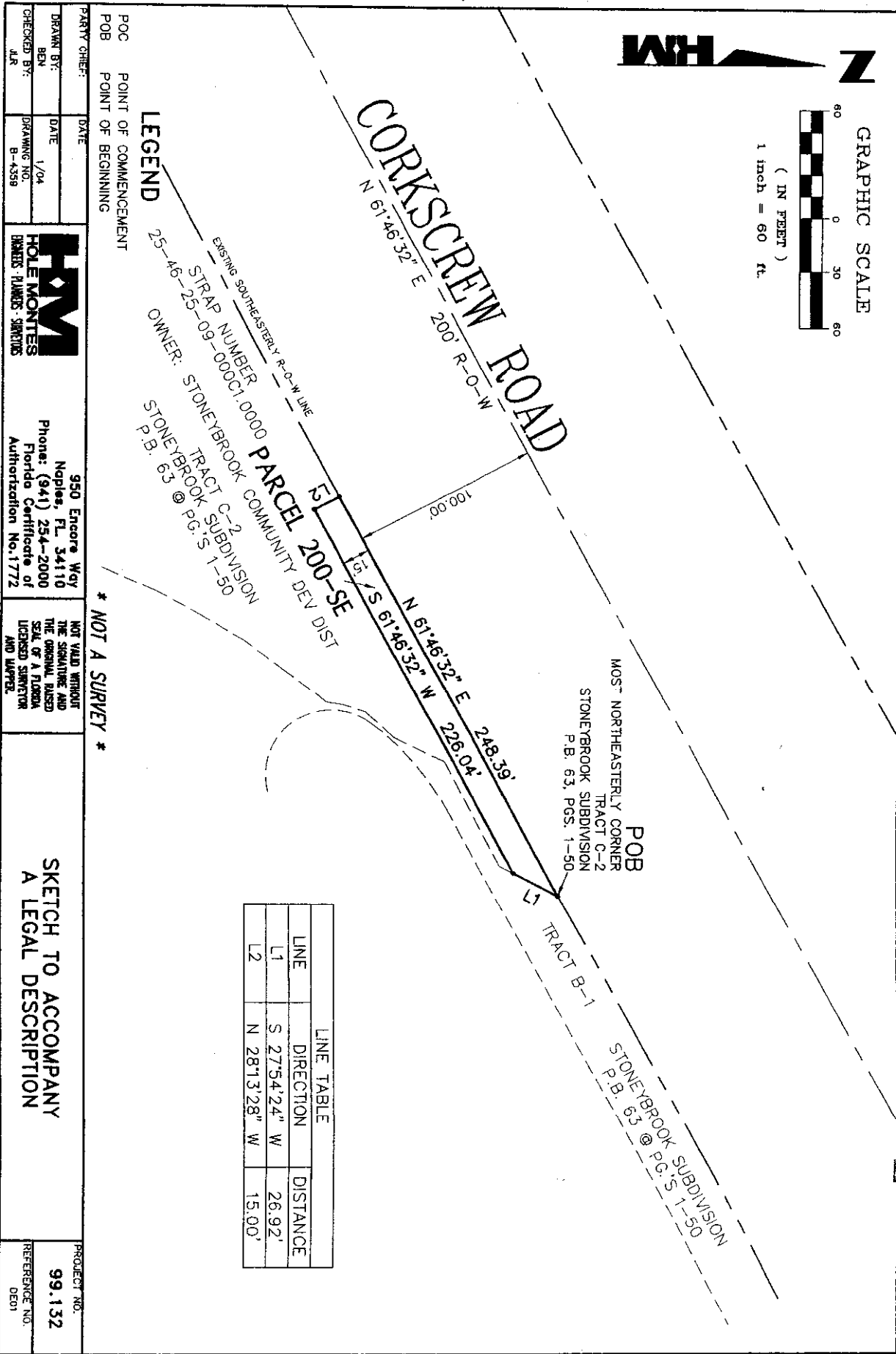


JERRY L. RIEFFELMACHER

P.S.M. #6130
STATE OF FLORIDA

Exhibit "A"

Page 1 of 6



* NOT A SURVEY *

<p>HOME HOLE MONTES BANKERS, PLANNERS, SURVEYORS</p> <p>950 Encore Way Naples, FL 34110 Phone: (941) 254-2000 Florida Certificate of Authorization No. 1772</p> <p>NOT VALID WITHOUT THE SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND LAWYER.</p>	<p>PROJECT NO. 99.132</p> <p>REFERENCE NO. DE01</p>
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LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN SECTION 25, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AND LOCATED IN A PORTION OF TRACT B-1, STONEYBROOK SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 63 AT PAGES 1 THROUGH 50 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE MOST NORTHEASTERLY CORNER OF TRACT B-1, STONEYBROOK SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 63 AT PAGES 1 THROUGH 50 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN S.28°13'28"E., ALONG THE BOUNDARY OF SAID TRACT B-1, FOR A DISTANCE OF 15.00 FEET; THENCE RUN S.61°46'32"W., FOR A DISTANCE OF 568.27 FEET; THENCE RUN N.27°54'24"E., FOR A DISTANCE OF 26.92 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF CORKSCREW ROAD, A 200.00 FOOT RIGHT-OF-WAY; THENCE RUN N.61°46'32"W., ALONG THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID CORKSCREW ROAD, FOR A DISTANCE OF 545.92 FEET TO THE POINT OF BEGINNING; CONTAINING 8,356.41 SQUARE FEET, MORE OR LESS.

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

BEARINGS REFER TO THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF CORKSCREW ROAD, A 200.00 FOOT RIGHT-OF-WAY, AS BEING N.61°46'32"E.

HOLE MONTES, INC.
CERTIFICATION OF AUTHORIZATION LB #1772

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

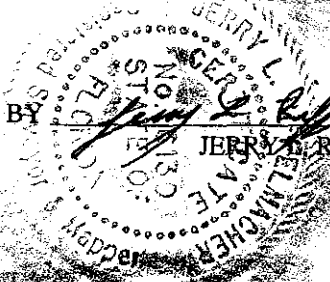
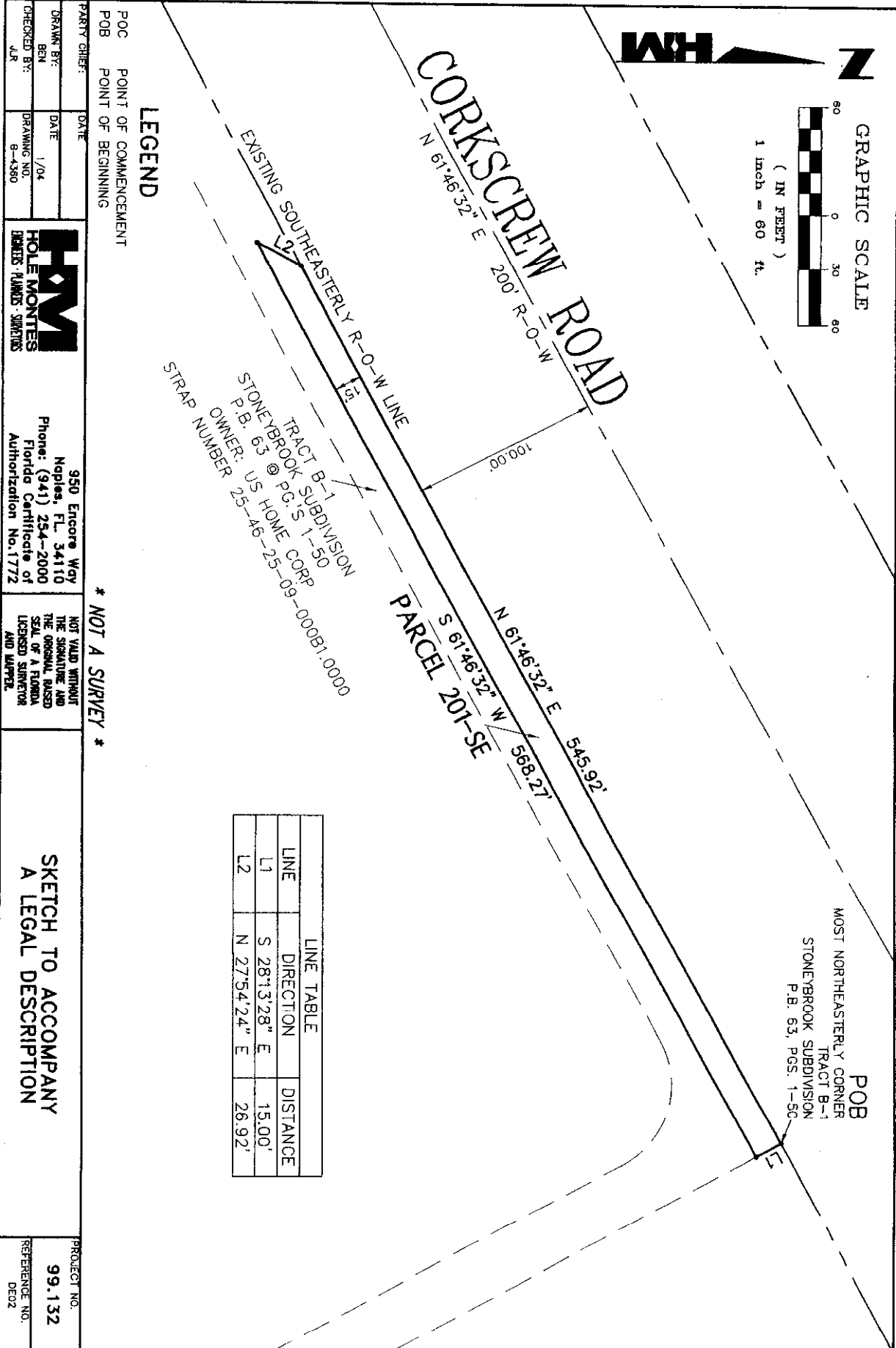


Exhibit "A"

Page 3 of 6



DRAWN BY: BEN DATE: 1/04
 CHECKED BY: JLR DRAWING NO.: 8-4360
 PARTY CHIEF: DATE:
 POC POINT OF COMMENCEMENT
 POB POINT OF BEGINNING

H.M.
HOLE MONTES
 SURVEYING & MAPPING SERVICES
 950 Encore Way
 Naples, FL 34110
 Phone: (941) 254-2000
 Florida Certificate of
 Authorization No. 1772

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

**SKETCH TO ACCOMPANY
 A LEGAL DESCRIPTION**

PROJECT NO.: 99.132
 REFERENCE NO.: DE02

Exhibit "A"

Page 4 of 6



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

HM PROJECT #1999132
1/14/2004
PARCEL 202-SE
REF. DWG. #B-4361

LEGAL DESCRIPTION

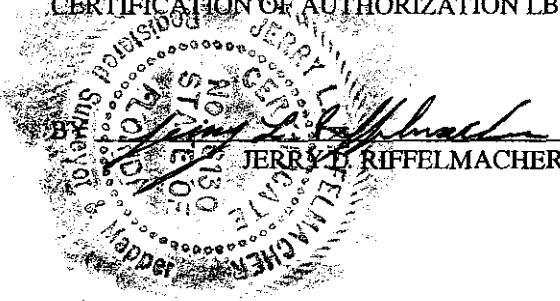
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THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

BEARINGS REFER TO THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF CORKSCREW ROAD, A 150.00 FOOT RIGHT-OF-WAY, AS BEING N.61°46'32"E.

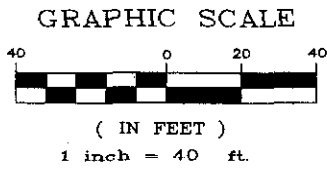
HOLE MONTES, INC.
CERTIFICATION OF AUTHORIZATION LB #1772



P.S.M. #6130
STATE OF FLORIDA

Exhibit A

Page 5 of 6



LINE TABLE		
LINE	DIRECTION	DISTANCE
L1	S 28°13'28" E	15.00'
L2	S 61°46'32" W	65.00'
L3	N 28°13'28" W	15.00'
L4	N 61°46'32" E	65.00'

CORKSCREW ROAD
N 61°46'32" E R-O-W VARIES

POB
MOST NORTHEASTERLY CORNER
TRACT A
STONEBROOK SUBDIVISION
P.B. 63, PGS. 1-50

PARCEL 202-SE

EXISTING SOUTHEASTERLY R-O-W LINE

TRACT A STONEYBROOK SUBDIVISION
P.B. 63 @ PG. S 1-50
OWNER: STONEYBROOK COMMUNITY DEV DIST
36-46-25-09-0000A-0000
STONEBROOK DRIVE

LEGEND

POC POINT OF COMMENCEMENT
POB POINT OF BEGINNING

* NOT A SURVEY *

U:\1999\1999132\SKETCHES\DE03.dwg Tab: Model Jan 13, 2004 - 10:51am Plotted by: BenHowell

PARTY CHIEF:	DATE
DRAWN BY: BEN	DATE 1/04
CHECKED BY: JLR	DRAWING NO. B-4361



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

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

**SKETCH TO ACCOMPANY
A LEGAL DESCRIPTION**

PROJECT NO. 99.132
REFERENCE NO. DE03

Page 6 of 6

Exhibit A

This instrument prepared by:
Lee County
Division of County Lands
Post Office Box 398
Fort Myers, Florida 33902-0398

Exhibit "B"

Page 1 of 2

Parcels: 200SE, 201SE & 202SE/Stoneybrook CDD
Project: Corkscrew Road CRSA/4723
STRAP Nos.: 25-46-25-09-000C1.0000, 00004.0000
(Prior 000B1.0000), & 36-46-25-09-0000A.0000

SLOPE/RESTORATION EASEMENT

This INDENTURE, made and entered into this _____ day of _____ 2005, between STONEYBROOK COMMUNITY DEVELOPMENT DISTRICT, a special district formed under Chapter 190, Florida Statutes, whose post office address is 210 N. University Drive, Ste 702, Coral Springs, Florida 33071, (Grantor), and LEE COUNTY, a political subdivision of the State of Florida, whose address is Post Office Box 398, Fort Myers, Florida 33902-0398, (Grantee):

WITNESSETH:

1. For good and valuable consideration, receipt of which is hereby acknowledged, Grantor grants to the Grantee, its successors and assigns, a slope/restoration easement situated in Lee County, Florida, and located and described as set forth in attached Exhibit "A" (Easement Parcel).
2. Grantee, its successors and assigns, are granted the right, privilege, and authority to construct, replace, repair, remove, extend, and maintain a slope/restoration easement on the Easement Parcel to support, reinforce, and stabilize the adjacent public roadway.
3. The improvements that may be placed within the Easement Parcel for roadway slope/restoration purposes are not limited to a particular type, style, material or design. These improvements may include the use of foliage.
4. Grantor may not construct or place any structures within the Easement Parcel; however, Grantor may authorize the installation of utilities or may plant foliage within the easement area conveyed herein, provided such use does not interfere with or prevent the Grantee's use of the easement.
5. Title to the improvements constructed by the Grantee within the Easement Parcel will remain in the Grantee, its successors or assigns.
6. Grantee has a reasonable right of access across Grantor's property for the purposes of reaching the Easement Parcel on either paved or unpaved surfaces. Any damage to Grantor's property or permitted improvements thereon resulting from Grantee's use of this access right will be restored by the Grantee, to the condition in which it existed prior to the damage.

7. This easement runs with the land and is binding upon the parties, their successors and assigns.

IN WITNESS WHEREOF, _____, Grantor, has caused this document to be signed on the date first above written.

TWO SEPARATE WITNESSES:

Stoneybrook Community Development District, a special district formed under Chapter 190, Florida Statutes, GRANTOR

1st Witness Signature

BY: _____

Printed name of 1st Witness

(Print Name and Title)

2nd Witness Signature

Printed name of 2nd Witness

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____
(name and title of person acknowledged)

of Stoneybrook Community Development District, a special district formed under Chapter 190, Florida Statutes, on behalf of the District. He/she is personally known to me or who has produced _____ as identification.
(type of identification)

(Signature of Notary Public)

(Name typed, printed or stamped)
(Title or Rank)
(Serial Number, if any)

HM PROJECT #1999132
1/14/2004
PARCEL 200-SE
REF. DWG. #B-4359

LEGAL DESCRIPTION

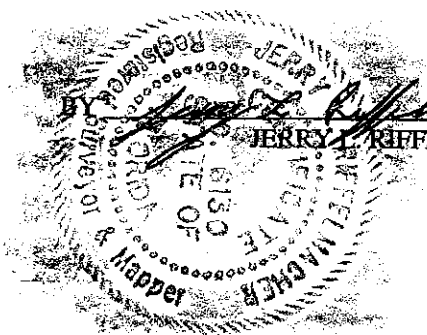
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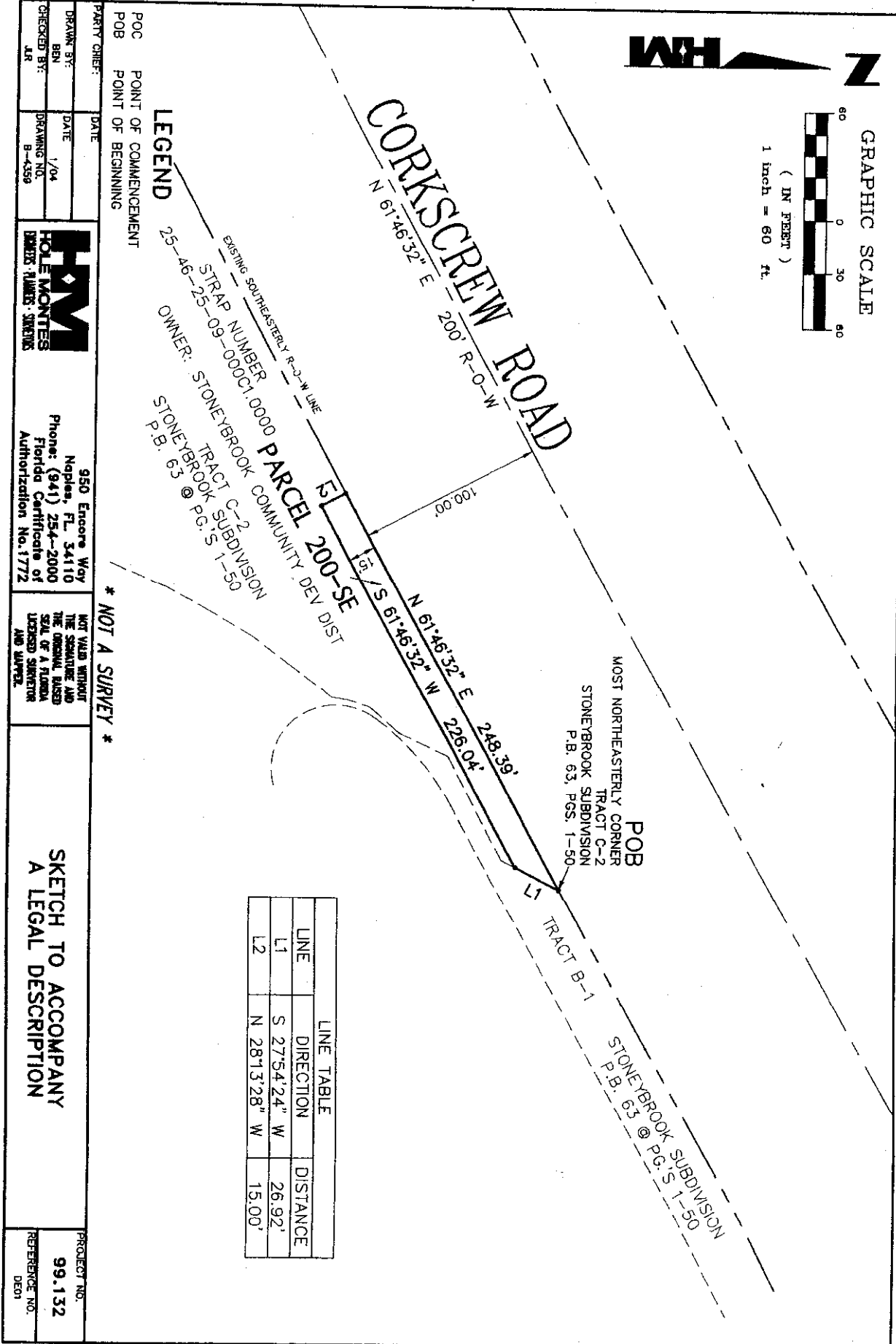
BEARINGS REFER TO THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF CORKSCREW ROAD, A 200.00 FOOT RIGHT-OF-WAY, AS BEING N.61°46'32"E.

HOLE MONTES, INC.
CERTIFICATION OF AUTHORIZATION LB #1772



P.S.M. #6130
STATE OF FLORIDA

U:\1999\1999132\SKETCHS\DE01.dwg Tab: Model Jan 13, 2004 - 10:44am Plotted by: BenHowell



DRAWN BY: BEN	DATE: 1/04
CHECKED BY: JR	DRAWING NO. B-4359

H.M. HOLE MONTES
REGISTERED SURVEYOR

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

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

PROJECT NO. 99.132
REFERENCE NO. DE01



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

HM PROJECT #1999132

1/14/2004

PARCEL 201-SE

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN SECTION 25, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AND LOCATED IN A PORTION OF TRACT B-1, STONEYBROOK SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 63 AT PAGES 1 THROUGH 50 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE MOST NORTHEASTERLY CORNER OF TRACT B-1, STONEYBROOK SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 63 AT PAGES 1 THROUGH 50 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN S.28°13'28"E., ALONG THE BOUNDARY OF SAID TRACT B-1, FOR A DISTANCE OF 15.00 FEET; THENCE RUN S.61°46'32"W., FOR A DISTANCE OF 568.27 FEET; THENCE RUN N.27°54'24"E., FOR A DISTANCE OF 26.92 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF CORKSCREW ROAD, A 200.00 FOOT RIGHT-OF-WAY; THENCE RUN N.61°46'32"W., ALONG THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID CORKSCREW ROAD, FOR A DISTANCE OF 545.92 FEET TO THE POINT OF BEGINNING; CONTAINING 8,356.41 SQUARE FEET, MORE OR LESS.

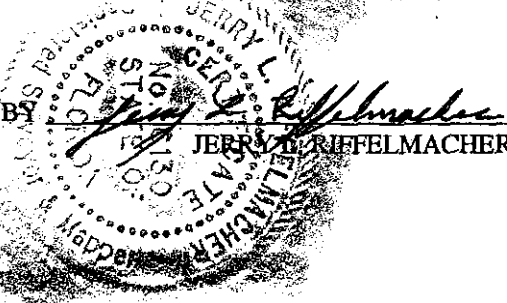
THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

BEARINGS REFER TO THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF CORKSCREW ROAD, A 200.00 FOOT RIGHT-OF-WAY, AS BEING N.61°46'32"E.

HOLE MONTES, INC.

CERTIFICATION OF AUTHORIZATION LB #1772

BY

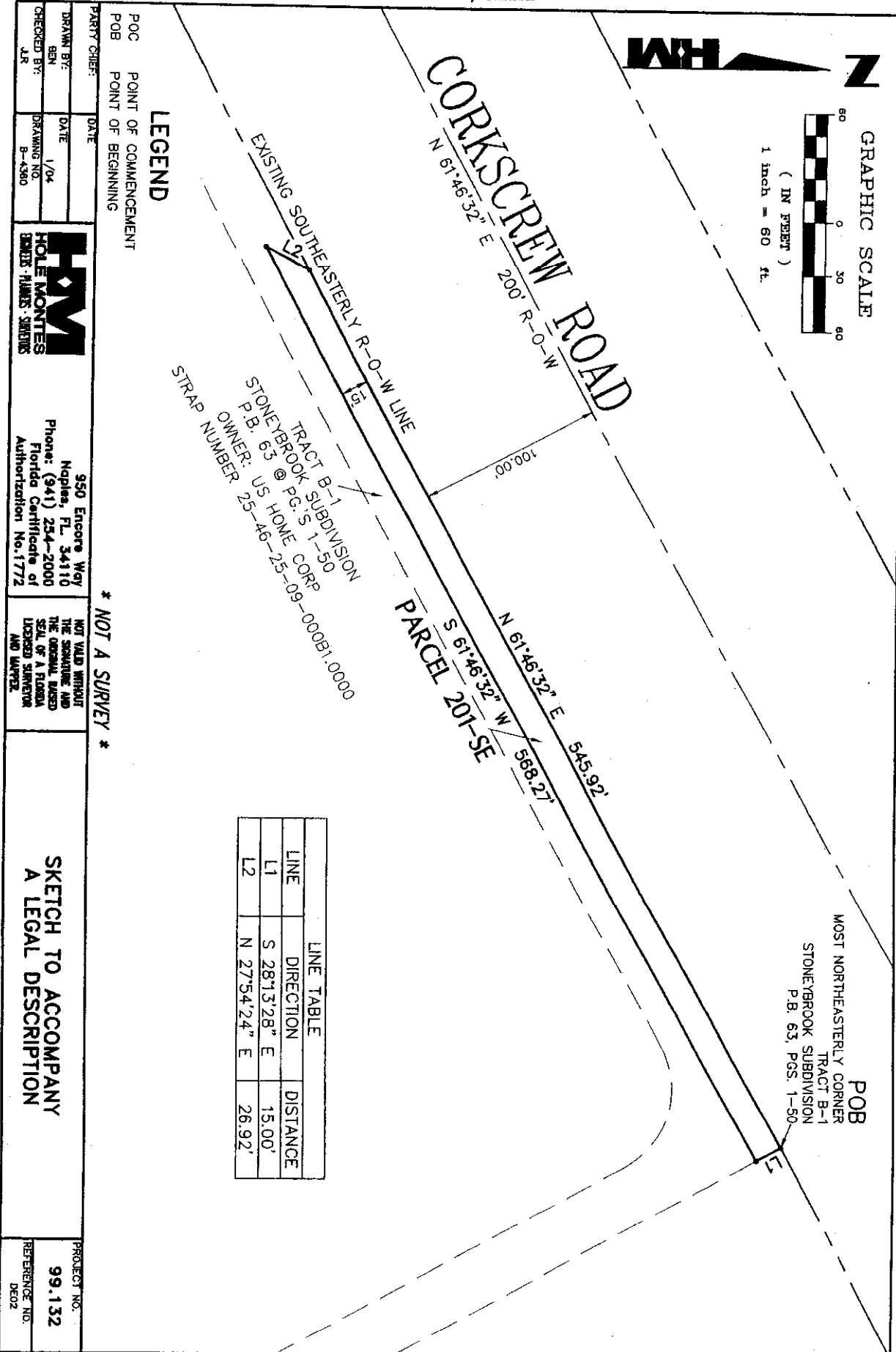


JERRY T. RIEFELMACHER

P.S.M. #6130

STATE OF FLORIDA

U:\1999\1999132\SKETCHS\DE02.dwg Tab: Model Jan 13, 2004 - 10:48am Plotted by: BenNowell



HM PROJECT #1999132
1/14/2004
PARCEL 202-SE
REF. DWG. #B-4361

LEGAL DESCRIPTION

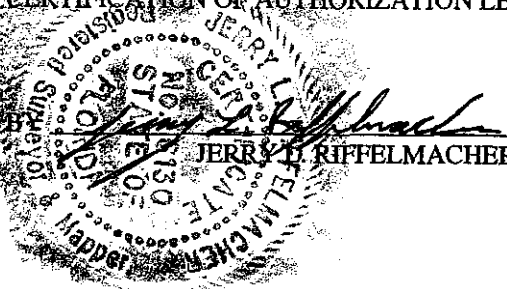
A PARCEL OF LAND LOCATED IN SECTION 25, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AND LOCATED IN A PORTION OF TRACT A, STONEYBROOK SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 63 AT PAGES 1 THROUGH 50 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE MOST NORTHEASTERLY CORNER OF TRACT A, STONEYBROOK SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 63 AT PAGES 1 THROUGH 50 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN S.28°13'28"E., ALONG THE BOUNDARY OF SAID TRACT A, FOR A DISTANCE OF 15.00 FEET; THENCE RUN S.61°46'32"W., FOR A DISTANCE OF 65.00 FEET TO A POINT ON THE BOUNDARY OF SAID TRACT A; THENCE RUN N.28°13'28"W., ALONG THE BOUNDARY OF SAID TRACT A, FOR A DISTANCE OF 15.00 TO A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF CORKSCREW ROAD, A 150.00 FOOT RIGHT-OF-WAY; THENCE RUN N.61°46'32"W., ALONG THE SOUTHEASTERLY RIGHT-OF-WAY OF SAID CORKSCREW ROAD FOR A DISTANCE OF 65.00 FEET TO THE POINT OF BEGINNING; CONTAINING 975.00 SQUARE FEET, MORE OR LESS.

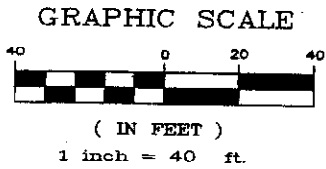
THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

BEARINGS REFER TO THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF CORKSCREW ROAD, A 150.00 FOOT RIGHT-OF-WAY, AS BEING N.61°46'32"E.

HOLE MONTES, INC.
CERTIFICATION OF AUTHORIZATION LB #1772



P.S.M. #6130
STATE OF FLORIDA



LINE TABLE		
LINE	DIRECTION	DISTANCE
L1	S 28°13'28" E	15.00'
L2	S 61°46'32" W	65.00'
L3	N 28°13'28" W	15.00'
L4	N 61°46'32" E	65.00'

CORKSCREW ROAD
N 61°46'32" E R-O-W VARIES

POB
MOST NORTHEASTERLY CORNER
TRACT A
STONEBROOK SUBDIVISION
P.B. 63, PGS. 1-50

PARCEL 202-SE

EXISTING SOUTHEASTERLY R-O-W LINE

TRACT A STONEYBROOK SUBDIVISION
P.B. 63, PG. S 1-50
OWNER: STONEYBROOK COMMUNITY DEV DIST
STRAP NUMBER 36-46-25-09-000A 0000
STONEBROOK GOLF DRIVE

LEGEND

POC POINT OF COMMENCEMENT
POB POINT OF BEGINNING

** NOT A SURVEY **

U:\1999\1999132\SKETCHS\DE03.dwg Tab: Model Jan 13, 2004 - 10:51am Plotted by: BenHowell

PARTY CHIEF:	DATE
DRAWN BY: BEN	DATE 1/04
CHECKED BY: JLR	DRAWING NO. B-4361



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

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

**SKETCH TO ACCOMPANY
A LEGAL DESCRIPTION**

PROJECT NO. 99.132
REFERENCE NO. DE03

Page 8 of 8

Exhibit "B"

This instrument prepared by:
Lee County
County Lands
Post Office Box 398
Fort Myers, Florida 33902-0398

Project: Corkscrew Road CRSA/4723
STRAP No.: 36-46-25-09-0000A.0000
Parcel No.: 202TCE

This Space for Recording

TEMPORARY CONSTRUCTION EASEMENT AGREEMENT

THIS AGREEMENT is made and entered into this _____ day of _____, 2004, between STONEYBROOK COMMUNITY DEVELOPMENT DISTRICT, a special district formed under Chapter 190, Florida Statutes, whose post office address 210 N. University Drive, Coral Springs, Florida 33071, hereinafter referred to as GRANTOR, and LEE COUNTY, a political subdivision of the State of Florida, whose address is Post Office Box 398, Fort Myers, Florida 33902, hereinafter referred to as GRANTEE.

W I T N E S S E T H:

THAT the GRANTOR is the owner of the lands described in Exhibit "A" and as such has the power to grant the GRANTEE an interest in such lands.

THAT the GRANTOR, for good and valuable consideration, receipt of which is hereby acknowledged, does hereby grant unto the GRANTEE, permission to enter upon the following described lands, as described in Exhibit "A", (attached hereto and incorporated herein), for the purpose of ingress and egress to the Corkscrew Road CRSA Road Widening Project where it abuts the above described property, by workmen, machinery and vehicles; and then restoring the said property and thereby connecting all new construction resulting from the project to that existing prior to construction.

THE construction period is expected to last for approximately three (3) years commencing on or before June 1, 2006. All rights granted to the GRANTEE by this Agreement shall terminate on June 1, 2009, or upon completion of the work contemplated by this Agreement, whichever occurs first, unless extended by a written agreement between the parties.

GRANTEE will restore the property described above to a safe and aesthetic condition, as such existed prior to construction. GRANTEE will grade the lands to match the new construction at no cost to GRANTOR. The completed work shall include, but not be limited to, restoring or replacing sod, mailboxes, driveways, sprinkler systems, and landscaping.

GRANTEE will record a Termination of Construction Easement, at its expense, within sixty days of completion of construction and restoration activities and the warranty period.

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

AS TO GRANTOR:

STONEBROOK COMMUNITY DEVELOPMENT DISTRICT, a special district formed under Chapter 190, Florida Statutes

By: James R. Boesch, Chairman
Print Name and Title
James R. Boesch, Chairman

Two Witnesses:

Robert J. Seruga
Signature of Witness

Robert J. Seruga
Print Name of Witness

Joseph Keith Gomez
Signature of Witness

Joseph Keith Gomez
Print Name of Witness

STATE OF FLORIDA
COUNTY OF Lee

The foregoing instrument was acknowledged before me this 20th day of May, 2005 by James R. Boesch, Chairman
(Print Name and Title)

of Stoneybrook Community Development District, a special district formed under Chapter 190, Florida Statutes, on behalf of the District. He/She is personally known to me or has produced Fla. Driver license as identification.

SEAL

Joseph Keith Gomez
Commission # DD305652
Expires: March 31, 2008
Bonded Thru
Atlantic Bonding Co., Inc.

Joseph Keith Gomez
Signature of Notary Public
Joseph Keith Gomez
Print Name of Notary Public

AS TO GRANTEE:

LEE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

ATTEST:

Charlie Green, Clerk

By: _____
Deputy Clerk

By: _____
Chairman or Vice Chairman

Date: _____

Approved As to Form:

Office of County Attorney



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

HM PROJECT #1999132
1/14/2004
PARCEL 202-TCE
REF. DWG. #B-4362

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN SECTION 25, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AND LOCATED IN A PORTION OF TRACT A, STONEYBROOK SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 63 AT PAGES 1 THROUGH 50 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE MOST NORTHEASTERLY CORNER OF TRACT A, STONEYBROOK SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 63 AT PAGES 1 THROUGH 50 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN S.28°13'28"E., ALONG THE BOUNDARY OF SAID TRACT A, FOR A DISTANCE OF 15.00 FEET; THENCE RUN S.61°46'32"W., FOR A DISTANCE OF 5.99 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN S.28°13'28"E., FOR A DISTANCE OF 34.00 FEET; THENCE RUN S.61°46'32"W., FOR A DISTANCE OF 55.53 FEET; THENCE RUN N.28°13'28"W., FOR A DISTANCE OF 34.00 FEET; THENCE RUN N.61°46'32"E., FOR A DISTANCE OF 55.53 FEET TO THE POINT OF BEGINNING; CONTAINING 1,888.04 SQUARE FEET, MORE OR LESS.

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

BEARINGS REFER TO THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF CORKSCREW ROAD, A 150.00 FOOT RIGHT-OF-WAY, AS BEING N.61°46'32"E.

HOLE MONTES, INC.
CERTIFICATION OF AUTHORIZATION LB #1772



Jerry L. Riffelmacher

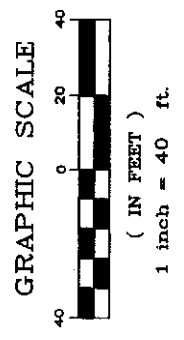
JERRY L. RIFFELMACHER P.S.M. #6130
STATE OF FLORIDA

Exhibit "A"

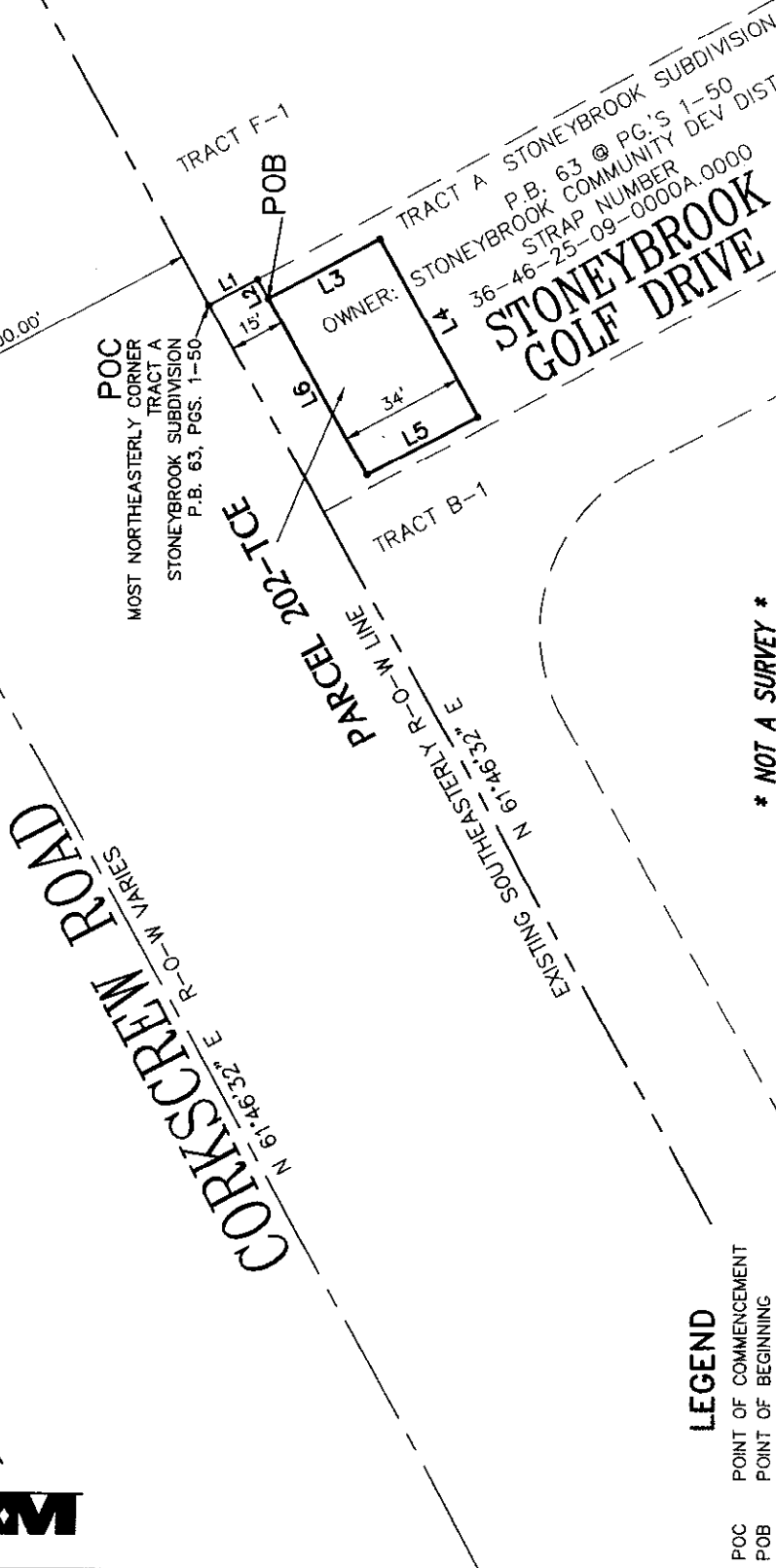
Page 1 of 2

W:\1999\1999132\LEGAL\DESB4362.DOC

U:\1999\1999132\SKETCHES\CON01.dwg Tab: Model Jan 13, 2004 - 10:54am Plotted by: BenHowell



LINE TABLE		
LINE	DIRECTION	DISTANCE
L1	S 28°13'28" E	15.00'
L2	S 61°46'32" W	5.99'
L3	S 28°13'28" E	34.00'
L4	S 61°46'32" W	55.53'
L5	N 28°13'28" W	34.00'
L6	N 61°46'32" E	55.53'



LEGEND

- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING

*** NOT A SURVEY ***

PARTY CHIEF: _____ DATE: _____		PROJECT NO. 99.132 REFERENCE NO. CON01
DRAWN BY: BEN DATE: 1/04		
CHECKED BY: JLR DRAWING NO. B-4362		SKETCH TO ACCOMPANY A LEGAL DESCRIPTION
950 Encore Way Naples, FL 34110 Phone: (941) 254-2000 Florida Certificate of Licensed Surveyor Authorization No. 1772		
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.		

Exhibit "A"

Page 2 of 2

STRAP: 5-46-25-09-000C1.0000, .000B1.0000

36-46-25-09-0000A.0000

Project: Corkscrew Road/CRSA 4723

AFFIDAVIT OF INTEREST IN REAL PROPERTY

THIS AFFIDAVIT OF INTEREST IN REAL PROPERTY is made and entered this 20th day of May, 2005 for the sole purpose of compliance with Section 286.23 of the Florida Statutes.

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

The Name and Address of the Grantor is:

Stoneybrook Community Development District, a special district formed under Chapter 190,
Florida Statutes
10300 NW 11th Manor
Coral Springs, Florida 33071

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

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____
- 6. _____

The real property to be conveyed to Lee County is known as:

SEE EXHIBIT "A", ATTACHED HERETO AND MADE A PART HEREOF.

FURTHER AFFIANT SAYETH NAUGHT.

Signed, sealed and delivered
in our presences:

Robert J. Seruga
1st Witness Signature

ROBERT J. SERUGA
Printed name of 1st Witness

Jorge Keith Gomez
2nd Witness Signature

Jorge Keith Gomez
Printed name of 2nd Witness

Stoneybrook Community Development
District, a special district formed under
Chapter 190, Florida Statutes, GRANTOR

BY: J.R.B. - L, CH
James R. Boesch, Chairman
(Print Name and Title)

J.R.B. - L, CH

STATE OF Florida
COUNTY OF Lee

The foregoing instrument was acknowledged before me this 20th day of May,
2005 by James R. Boesch, Chairman
(name and title of person acknowledged)

of Stoneybrook Community Development District, a special district formed under Chapter 190, Florida
Statutes, on behalf of the District. ~~He/she is personally known to me or who~~ has produced _____
Fla Driver License as identification.
(type of identification)

(SEAL)



Joseph Keith Gomez
Commission # DD305652
Expires: March 31, 2008
Bonded Thru
Atlantic Bonding Co., Inc.

Joseph Keith Gomez
(Signature of Notary Public)
Joseph Keith Gomez
(Name typed, printed or stamped)
(Title or Rank)
(Serial Number, if any)



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

HM PROJECT #1999132
1/14/2004
PARCEL 200-SE
REF. DWG. #B-4359

LEGAL DESCRIPTION

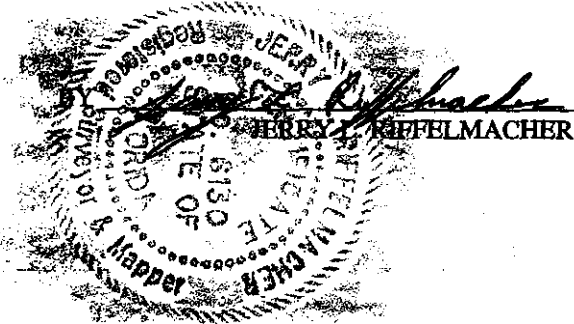
A PARCEL OF LAND LOCATED IN SECTION 25, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AND LOCATED IN A PORTION OF TRACT C-2, STONEYBROOK SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 63 AT PAGES 1 THROUGH 50 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE MOST NORTHEASTERLY CORNER OF TRACT C-2, STONEYBROOK SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 63 AT PAGES 1 THROUGH 50 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN S.27°54'24"W., ALONG THE BOUNDARY OF SAID TRACT C-2, FOR A DISTANCE OF 26.92 FEET; THENCE RUN S.61°46'32"W, FOR A DISTANCE OF 226.04 FEET; THENCE RUN N.28°13'28"W., FOR A DISTANCE OF 15.00 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF CORKSCREW ROAD, A 200.00 FOOT RIGHT-OF-WAY; THENCE RUN N.61°46'32"E., ALONG THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID CORKSCREW ROAD, FOR A DISTANCE OF 248.39 FEET TO THE POINT OF BEGINNING; CONTAINING 3,558.18 SQUARE FEET, MORE OR LESS.

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

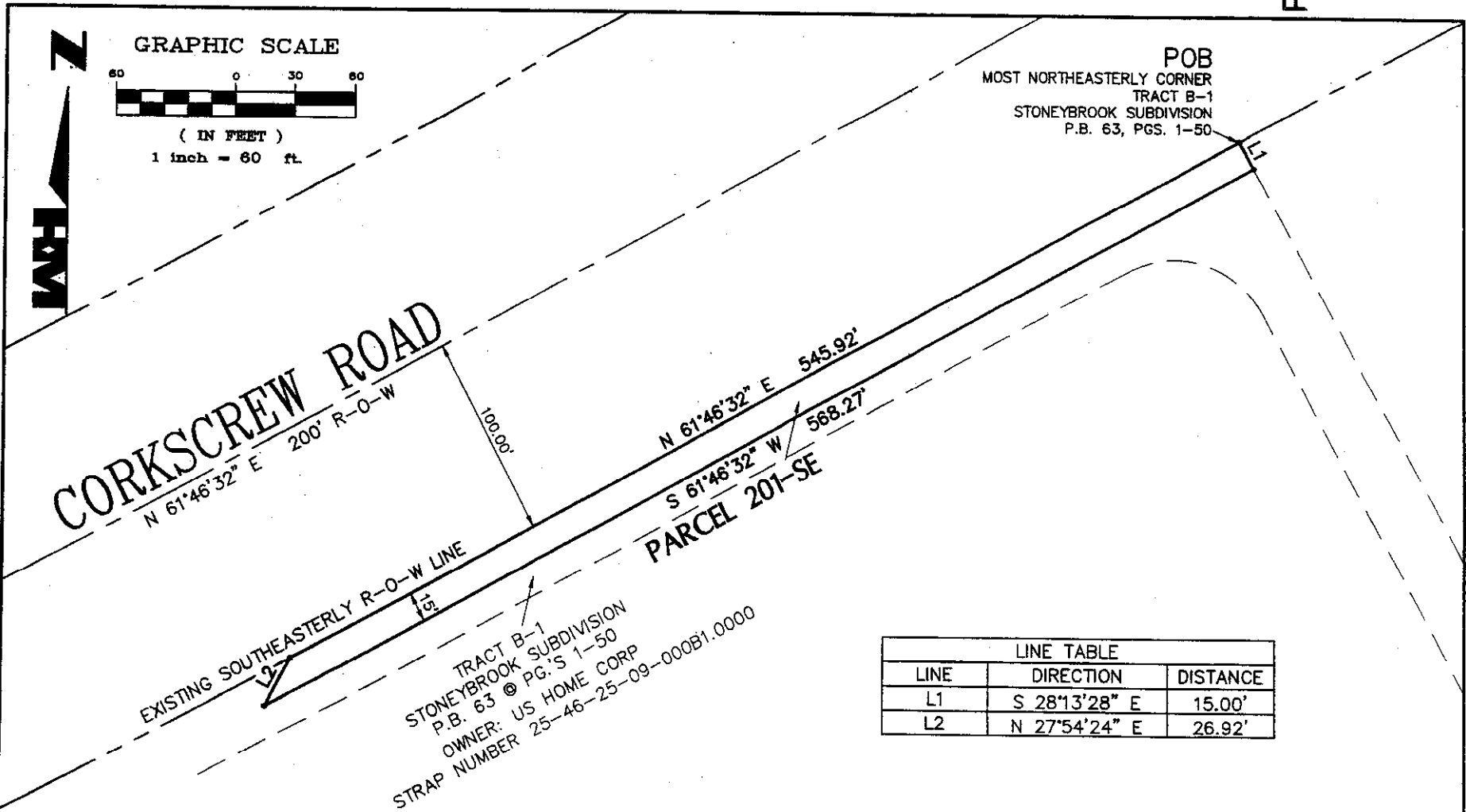
BEARINGS REFER TO THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF CORKSCREW ROAD, A 200.00 FOOT RIGHT-OF-WAY, AS BEING N.61°46'32"E.

HOLE MONTES, INC.
CERTIFICATION OF AUTHORIZATION LB #1772



P.S.M. #6130
STATE OF FLORIDA

Exhibit "A"



LINE TABLE		
LINE	DIRECTION	DISTANCE
L1	S 28°13'28" E	15.00'
L2	N 27°54'24" E	26.92'

LEGEND

POC POINT OF COMMENCEMENT
 POB POINT OF BEGINNING

* NOT A SURVEY *

J:\1999\1999132\SKETCH\DE02.dwg Tab: Model Jan 13, 2004 -- 10:46am Plotted by: BenNovel

PARTY CHIEF:	DATE
DRAWN BY: BEN	DATE 1/04
CHECKED BY: JLR	DRAWING NO. B-4360

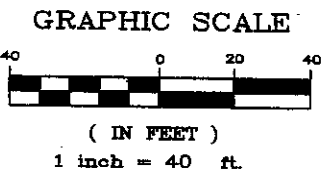


950 Encore Way
 Naples, FL 34110
 Phone: (941) 254-2000
 Florida Certificate of
 Authorization No. 1772

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

SKETCH TO ACCOMPANY
 A LEGAL DESCRIPTION

PROJECT NO. 99.132
REFERENCE NO. DE02



LINE TABLE		
LINE	DIRECTION	DISTANCE
L1	S 28°13'28" E	15.00'
L2	S 61°46'32" W	65.00'
L3	N 28°13'28" W	15.00'
L4	N 61°46'32" E	65.00'

CORKSCREW ROAD
N 61°46'32" E R-O-W VARIES

POB
MOST NORTHEASTERLY CORNER
TRACT A
STONEBROOK SUBDIVISION
P.B. 63, PGS. 1-50

PARCEL 202-SE

EXISTING SOUTHEASTERLY R-O-W LINE

TRACT A STONEYBROOK SUBDIVISION
P.B. 63 @ PG. S 1-50
OWNER: STONEYBROOK COMMUNITY DEV DIST
36-46-25-09-0000A.0000
STONEBROOK GOLF DRIVE

LEGEND

POC POINT OF COMMENCEMENT
POB POINT OF BEGINNING

** NOT A SURVEY **

U:\1999\1999132\SKETCHES\DE03.dwg Tab: Model Jan 13, 2004 - 10:51am Plotted by: BenHowell

PARTY CHIEF:	DATE
DRAWN BY: BEN	DATE 1/04
CHECKED BY: JLR	DRAWING NO. B-4361



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

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

**SKETCH TO ACCOMPANY
A LEGAL DESCRIPTION**

PROJECT NO. 99.132
REFERENCE NO. DE03

Page 6 of 6

Exhibit "A"

Department of Public Works
Division of County Lands

Page 1 of 3

Updated In House Title Search

Search No. 21810/D

Date: October 15, 2003

Parcel: 200JE

Project: Corkscrew Road (Ben Hill
Griffin to East of Habitat), Project
#4723

To: J. Keith Gomez
Property Acquisition Agent

From: Kenneth Pitt 
Real Estate Title Examiner

STRAP: 25-46-25-09-000C1.000

An update has been requested of In House Title Search No. 21810/D which covers the period beginning January 1, 1940, at 8:00 a.m. and is now complete through September 23, 2003, at 5:00 p.m.

Subject Property: Tracts C-1, C-2 and C-3, Stoneybrook Subdivision, according to the plat recorded in Plat Book 63, Pages 1-50 inclusive, Public Records of Lee County, Florida, Less that land conveyed by U.S. Home Corporation to Estero Fire Rescue in deed recorded in Official Record Book 3679 Page 4032, Public Records of Lee County, Florida.

Title to the subject property is vested in the following:

Stoneybrook Community Development District

by that certain instruments dated December 22, 1998, recorded December 30, 1999, in Official Record Book 3204, Page 4594, Public Records of Lee County, Florida and dated December 30th, 2002, recorded December 30th, 2002, in Official Record Book 3809 Page 2792, Public Records of Lee County, Florida.

Subject to:

- ✓ 1. Title to oil, gas and mineral rights and leases on subject property is specifically omitted from this report.
- ✓ 2. Resolution No. 94-09-04 dated September 7, 1994, recorded October 5, 1994 in Official Record Book 2541, Page 1564, Public Records of Lee County, Florida. Said resolution pertains to the Corkscrew Road Service Area. This must be addressed and resolved by the Title Company or Attorney that handles the transfer to the County. *CRSA*
- ✓ 3. Resolution No. 94-09-05, dated September 7, 1994, recorded October 5, 1994, in Official Record Book 2541, Page 1599, Public Records of Lee County, Florida. Said resolution pertains to the Corkscrew Road Service Area. This must be addressed and resolved by the Title Company or Attorney that handles the transfer to the County. *CRSA*

Updated In House Title Search
Search No. 21810/D
Date: October 15, 2003
Parcel: 20056
Project: Corkscrew Road (Ben Hill
Griffin to East of Habitat), Project
#4723

- ✓ 4. Resolution No. 95-06-38, dated June 7, 1995, recorded June 20, 1995, in Official Record Book 2609, Page 4106, Public Records of Lee County, Florida. Said resolution pertains to the development of infrastructure improvements described in the Corkscrew Road Special Improvement Unit. This must be addressed and resolved by the Title Company or Attorney that handles the transfer to the County. *CASA*
5. Declaration of Covenants, conditions and restrictions for Stoneybrook, a Golf Course Community recorded December 9, 1999, in Official Record Book 3069, Page 2495, together with all amendments thereto. *See Joan Hurry*
- ✓ 6. All easements as shown on recorded plat in Plat Book 63, Page 1-50, Public Records of Lee County, Florida. *only to add as cons. easements for preservation*
- ✓ 7. Resolution No. 94-07-11, dated July 6, 1994, recorded October 5, 1994, in Official Record Book 2541, Page 1525, Public Records of Lee County, Florida. Said resolution pertains to the Corkscrew Road Service Area. This must be addressed and resolved by the Title Company or Attorney that handles the transfer to the County. *CASA*
- ✓ 8. Resolution No. 94-07-12, dated July 6, 1994, recorded October 5, 1994, in Official Record Book 2541, Page 1551, Public Records of Lee County, Florida. Said resolution pertains to the Corkscrew Road Service Area. This must be addressed and resolved by the Title Company or Attorney that handles the transfer to the County. *CASA*
- ✓ 9. Grant of easement recorded in Official Record Book 3204, Page 4597, Public Records of Lee County, Florida. *Covered - No use stated
conveyed from US Jones to CDB*
- ✓ 10. Cable service easement recorded in Official Record Book 3040, Page 1072, Public Records of Lee County, Florida. *Crossed*
- ✓ 11. Temporary Easement for the benefit of Parcel C-1 over and across Parcel F-1, dated May 30, 2001, recorded June 1, 2001, in Official Record Book 3423, Page 3578, Public Records of Lee County, Florida. *N/A*
- ✓ 12. Amendment of Declaration of Covenants, Conditions and Restrictions for Stoneybrook, a Golf Course Community, recorded in Official Record Book 3607 Page 2861, Public Records of Lee County, Florida. *Restrict vehicles on internal roads
N/A*

Updated In House Title Search

Search No. 21810/D

Date: October 15, 2003

Parcel: 200 SE

Project: Corkscrew Road (Ben Hill
Griffin to East of Habitat), Project
#4723

✓ 13. Amendment of Declaration of Covenants, Conditions and Restrictions for Stoneybrook, a Golf Course Community, recorded in Official Record Book 3817 Page 4453, Public Records of Lee County, Florida. *Signage N/A*

✓ NOTE: Covenant of unified control recorded August 11, 1999 in Official Record Book 3155, Page 2179, Public Records of Lee County, Florida. *N/A*

✓ NOTE: Notice of Establishment of the Stoneybrook Community Development District recorded September 2, 1999, in Official Record Book 3163, Page 3408, Public Records of Lee County, Florida.

✓ NOTE: Assignment of Dedications recorded December 30, 1999, in Official Record Book 3204, Page 4604, Public Records of Lee County, Florida. *To add from US Home includes this parcel.*

✓ NOTE: Bill of Sale Absolute recorded December 30, 1999 in Official Record Book 3204, Page 4608, Public Records of Lee County, Florida. *US Home to add all utility facilities/infrastructure.*

✓ NOTE: Conservation Tracts C1-C8 dedicated to the Stoneybrook Community Development District as conservation easement for Conservation and Preservation purposes as recited on recorded plat in Plat Book 63, Pages 1-50, Public Records of Lee County, Florida.

✓ NOTE: Covenant of Unified Control recorded in Official Record Book 3645 Page 3504, Public Records of Lee County, Florida. *N/A*

✓ NOTE: Notice of Development Order Approval recorded in Official Record Book 3670 Page 3376, Public Records of Lee County, Florida.

✓ NOTE: Notice of Adoption of the Seventh Amendment to the Stoneybrook DRI Development Order recorded in Official Record Book 3686 Page 4947, Public Records of Lee County, Florida.

✓ NOTE: Notice of Adoption of the Eighth Amendment to Stoneybrook DRI Development Order recorded in Official Record Book 3893 Page 2772, Public Records of Lee County, Florida.

Tax Status: 2001 Ad Valorem Taxes are PAID IN FULL.

(The end user of this report is responsible for verifying tax and/or assessment information.)

The Division of County Lands has made a diligent search of the Public Record. However, this report contains no guarantees nor warranty as to its accuracy.

Updated In House Title Search
Search No. 21811/B
Date: October 14, 2003
Parcel: 201 SE
Project: Corkscrew Road (Ben Hill
Griffin to East of Habitat), Project
#4723

To: J. Keith Gomez
Property Acquisition Agent

From: Kenneth Pitt *KMP*
Real Estate Title Examiner

STRAP: 25-46-25-09-000B1.0000

An update has been requested of In House Title Search No. 21811/B which covers the period beginning January 1, 1940, at 8:00 a.m. and is now complete through September 22, at 5:00 p.m.

Subject Property: Tracts B-1, B-2, and B-3, Stoneybrook Subdivision, according to the plat recorded in Plat Book 63, Pages 1-50, inclusive of the Public Records of Lee County, Florida.

Title to the subject property is vested in the following:

Stoneybrook Community Development District

by that certain instrument dated December 22, 1998, recorded December 30, 1999, in Official Record Book 3204, Page 4594, Public Records of Lee County, Florida.

Subject to:

- ✓ 1. Title to oil, gas and mineral rights and leases on subject property is specifically omitted from this report.
- ✓ 2. Resolution No. 94-09-04 dated September 7, 1994, recorded October 5, 1994 in Official Record Book 2541, Page 1564, Public Records of Lee County, Florida. Said resolution pertains to the Corkscrew Road Service Area. This must be addressed and resolved by the Title Company or Attorney that handles the transfer to the County. *CRSA*
- ✓ 3. Resolution No. 94-09-05, dated September 7, 1994, recorded October 5, 1994, in Official Record Book 2541, Page 1599, Public Records of Lee County, Florida. Said resolution pertains to the Corkscrew Road Service Area. This must be addressed and resolved by the Title Company or Attorney that handles the transfer to the County. *CRSA*
- ✓ 4. Resolution No. 95-06-38, dated June 7, 1995, recorded June 20, 1995, in Official Record Book 2609, Page 4106, Public Records of Lee County, Florida. Said resolution pertains to the development of infrastructure improvements described in the Corkscrew Road Special Improvement Unit. This must be addressed and resolved by the Title Company or Attorney that handles the transfer to the County. *CRSA*

Updated In House Title Search
Search No. 21811/B
Date: October 14, 2003
Parcel: 201 SE
Project: Corkscrew Road (Ben Hill
Griffin to East of Habitat), Project
#4723

5. Declaration of Covenants, conditions and restrictions for Stoneybrook, a Golf Course Community recorded December 9, 1999, in Official Record Book 3069, Page 2495, together with all amendments thereto. *See Joan Henry*
6. All easements as shown on recorded plat in Plat Book 63, Page 1-50, Public Records of Lee County, Florida. *10' Platted Pub*
7. Resolution No. 94-07-11, dated July 6, 1994, recorded October 5, 1994, in Official Record Book 2541, Page 1525, Public Records of Lee County, Florida. Said resolution pertains to the Corkscrew Road Service Area. This must be addressed and resolved by the Title Company or Attorney that handles the transfer to the County. *CRSA*
8. Resolution No. 94-07-12, dated July 6, 1994, recorded October 5, 1994, in Official Record Book 2541, Page 1551, Public Records of Lee County, Florida. Said resolution pertains to the Corkscrew Road Service Area. This must be addressed and resolved by the Title Company or Attorney that handles the transfer to the County. *CRSA*
9. Declaration of Covenants, conditions and restrictions for Stoneybrook, a Golf Course Community recorded December 9, 1999, in Official Record Book 3069, Page 2495, together with all amendments thereto. *See Joan Henry Duplicate*
10. Grant of easement recorded in Official Record Book 3204, Page 4597, Public Records of Lee County, Florida. *No use stated; from US Home to CRSA*
11. Easement Agreement recorded in Official Record Book 2471, Page 3296, Public Records of Lee County, Florida. *Agreement to School Board*
12. 10 foot Public Utility Easement as shown on recorded plat in Plat Book 63, page 1-50, Public Records of Lee County, Florida. *Same as # 6*
13. Cable Service Easement recorded in Official Record Book 3040, Page 1072, Public Records of Lee County, Florida. *Crosses*
14. Amendment of Declaration of Covenants, Conditions and Restrictions recorded in Official Record Book 3607 Page 2861, Public Records of Lee County, Florida. *Subdivision Motor vehicles on roadways ASUR N/A*
15. Notice of Adoption of the Seventh Amendment to the Stoneybrook DRI Development Order recorded in Official Record Book 3686 Page 4947, Public Records of Lee County, Florida. *Copy of Joan H*

Updated In House Title Search
Search No. 21811/B
Date: October 14, 2003
Parcel: 20, SE
Project: Corkscrew Road (Ben Hill
Griffin to East of Habitat), Project
#4723

- ✓ 16. Amendment to Declaration of Covenants, Conditions and Restrictions recorded in Official Record Book 3817 Page 4453. *Signage amendment*
- ✓ 17. Notice of Adoption of the Eighth Amendment to Stoneybrook DRI Development Order recorded in Official Record Book 3893 Page 2772, Public Records of Lee County, Florida. *Confirmation of Joan*
- ✓ NOTE: Covenant of Unified Control recorded August 11, 1999 in Official Record Book 3155, page 2179, Public Records of Lee County, Florida.
- ✓ NOTE: Notice of Establishment of the Stoneybrook Community Development District recorded September 2, 1999, in Official Record Book 3163, Page 3408, Public Records of Lee County, Florida.
- ✓ NOTE: Assignment of Dedications recorded December 30, 1999, in Official Record Book 3204, Page 4604, Public Records of Lee County, Florida. *W.S. Homes to CDD*
- ✓ NOTE: Bill of Sale Absolute recorded December 30, 1999 in Official Record Book 3204, Page 4608, Public Records of Lee County, Florida. *W.S. Homes to CDD*
- ✓ NOTE: Common Area Tracts B-1 thru B-54 dedicated to the Stoneybrook Community Development District as lake maintenance easements for lake maintenance and stormwater management purposes as recited on recorded plat in Plat Book 63, Pages 1-50, Public Records of Lee County, Florida. *as stated under # 6*
- ✓ NOTE: Covenant of Unified Control recorded in Official Record Book 3825 Page 1144, Public Records of Lee County, Florida.

Tax Status: NOTE: Tax and assessment information is not indicated on this report. It will be provided at a later date, if determined as being necessary by the end user of this report. (The end user of this report is responsible for verifying tax and/or assessment information.)

The Division of County Lands has made a diligent search of the Public Record. However, this report contains no guarantees nor warranty as to its accuracy.

Jessie - confirm sign on Longwood

Division of County Lands

Ownership and Easement Search

Search No. 36-46-25-09-0000A.0000

Date: October 20, 2003

Parcel: *2025E, 2027LE*

Project: Corkscrew Road CRSA Project No. 4723

To: J. Keith Gomez
Property Acquisition Agent

From: Kenneth Pitt *KMP*
Real Estate Title Examiner

STRAP: 36-46-25-09-0000A.0000

Effective Date: September 24, 2003, at 5:00 p.m.

*Secondary
Reviewed 11-20-03*

Subject Property: See attached Schedule X

Title to the subject property is vested in the following:

Stoneybrook Community Development District

By that certain instrument dated December 22, 1998, recorded December 30, 1998, in Official Record Book 3204, Page 4594; and by that certain instrument dated December 30, 2002, recorded December 30, 2002, in Official Record Book 3809, Page 2792, Public Records of Lee County, Florida.

Easements:

- ✓ 1. Cable Service Easement recorded in Official Record Book 3040, Page 1072, Public Records of Lee County, Florida. *crosses*
- 2. Declaration of Covenants and Restrictions recorded in Official Record Book 3069, Page 2495, Public Records of Lee County, Florida. *See Joan Henry*
- ✓ 3. Declaration of Covenants and Restrictions recorded in Official Record Book 3069, page 2576, Public Records of Lee County, Florida. *Does Not affect -> these are vet. lots.*
- ✓ 4. Amendment to Declaration of Covenants and Restrictions recorded in Official Record Book 3085, Page 1777, Public Records of Lee County, Florida. *not affecting*
- ✓ 5. Grant of Utility Easement recorded in Official Record Book 3111, Page 3754, Public Records of Lee County, Florida. *Lee County - Does not cover*
- ✓ 6. Amendment to Declaration of Covenants and Restrictions recorded in Official Record Book 3133, Page 2420, Public Records of Lee County, Florida. *Does not affect*
- ✓ 7. Grant of Easement recorded in Official Record Book 3204, Page 4597, Public Records of Lee County, Florida. *as home to Stoneybrook CDD - "non-exclusive easement for, over and across the property..."
No purpose specified - legal descript. covers.*

Division of County Lands

Ownership and Easement Search

Search No. 36-46-25-09-0000A.0000

Date: October 20, 2003

Parcel: 202SE, 202TE

Project: Corkscrew Road CRSA Project No.
4723

- ✓ 8. Assignments of Reservations recorded in Official Record Book 3204, Page 4600, Public Records of Lee County, Florida. *Assigned from US Homes to CD*
- ✓ 9. Assignment of Dedications recorded in Official Record Book 3204, Page 4604, Public Records of Lee County, Florida. *Assigned from US Homes to CD*
- ✓ 10. Third Amendment to Declaration of Covenants and Restrictions recorded in Official Record Book 3213, Page 1250, Public Records of Lee County, Florida. *Does Not Cross*
- ✓ 11. Amendment to By-laws recorded in Official Record Book 3246, Page 1218, Public Records of Lee County, Florida. *Not applicable*
- ✓ 12. Amendment to Declaration of Covenants and Restrictions recorded in Official Record Book 3607, Page 2861, Public Records of Lee County, Florida. *motor vehicles w/ Subdivision records etc. N/A*
- ✓ 13. Amendment to Declaration of Covenants and Restrictions recorded in Official Record Book 3817, Page 4453, Public Records of Lee County, Florida. *Not appl - property signage lots, living units*
14. Easements shown on recorded plat in Plat Book 63, Page 1-50, Public Records of Lee County, Florida. *See Joan Henry*
- ✓ NOTE 1: Subject to Resolution #94-07-11 adopted by the Board of County Commissioners of Lee County, relates to the Corkscrew Road Service Area, recorded in Official Record Book 2541, Page 1525, Public Records of Lee County, Florida. *CRSA*
- ✓ NOTE 2: Subject to Resolution #94-07-12 adopted by the Board of County Commissioners of Lee County, relates to Special Assessments levied on properties in the Corkscrew Road Service Area, recorded in Official Record Book 2541, Page 1551, Public Records of Lee County, Florida. *CRSA*
- ✓ NOTE 3: Subject to Resolution #94-09-04 adopted by the Board of County Commissioners of Lee County, relates to levy of special assessments in the Corkscrew Road Service Area, recorded in Official Record Book 2541, Page 1564, Public Records of Lee County, Florida. *CRSA*
- ✓ NOTE 4: Subject to Resolution #94-09-05 adopted by the Board of County Commissioners of Lee County, relating to the Corkscrew Road Service Area recorded in Official Record Book 2541, Page 1599, Public Records of Lee County, Florida. *CRSA*
- ✓ NOTE 5: Subject to Resolution #95-06-38 adopted by the Board of County Commissioners of Lee County, relating to the Corkscrew Road Service Area, recorded in Official Record Book 2609, Page 4106, Public Records of Lee County, Florida. *CRSA*

Division of County Lands

Ownership and Easement Search

Search No. 36-46-25-09-0000A.0000

Date: October 20, 2003

Parcel: 20256, 20272

Project: Corkscrew Road CRSA Project No. 4723

NOTE 6: Covenant of United Control recorded in Official Record Book 3155, Page 2179, Public Records of Lee County, Florida. *N/A*

NOTE 7: Notice of Adoption of an Amendment to the Stoneybrook DRI Development Order recorded in Official Record Book 3171, Page 1234, Public Records of Lee County, Florida.

NOTE 8: Bill of Sale, Absolute, recorded in Official Record Book 3204, Page 4608, Public Records of Lee County, Florida. *All utility facilities and infrastructure improvements as Home to Stoneybrook add corner area*

NOTE 9: Notice of Development Order Approval, recorded in Official Record Book 3229, Page 1224, Public Records of Lee County, Florida.

NOTE 10: Subject to Resolution #00-12-10 adopted by the Board of County Commissioners of Lee County, relates to the University Overlay Special Improvement District, recorded in Official Record Book 3343, Page 665, Public Records of Lee County, Florida.

Overlay area per front face total 582' (100' EE)

NOTE 11: Notice of Adoption of the Seventh Amendment to the Stoneybrook DRI Development Order, Official Record Book 3686, Page 4947, Public Records of Lee County, Florida.

NOTE 12: Covenant of Unified Control, recorded in Official Record Book 3825, Page 1145, Public Records of Lee County, Florida. *N/A*

NOTE 13: Notice of Adoption of the Eighth Amendment to Stoneybrook DRI Development Order, recorded in Official Record Book 3893, Page 2772, Public Records of Lee County, Florida.

3081/940 - Not affecting subject

Tax Status: \$290.21 Paid on November 30, 2002 for Tax Year 2002.
(The end user of this report is responsible for verifying tax and/or assessment information.)

The Division of County Lands has made a diligent search of the Public Record. However, this report contains no guarantees nor warranty as to its accuracy.

Division of County Lands

Ownership and Easement Search

Search No. 36-46-25-09-0000A.0000

Date: October 20, 2003

Parcel: *202JE, 202TE*

Project: Corkscrew Road CRSA Project No.
4723

SCHEDULE X

Description of a parcel of land lying in Sections 25, 35 & 36, Township 46 South, Range 25 East, Lee County, Florida.

A tract or parcel of land situated in the State of Florida, County of Lee, lying in Sections 25, 35 & 36, Township 46 South, Range 25 East, and being part of the plat of Stoneybrook, a Subdivision, as recorded in Plat Book 63, Pages 1 through 50, of the public records of Lee County, Florida, and being further bound and described as follows:

Tract "A" (Road right of way)

EXECUTIVE SUMMARY

OWNER OF RECORD: Stoneybrook/U.S. Home Corp. (per 2003 Lee County tax roll).

LOCATION: The subject property is located on the south side of Corkscrew Road at the southern terminus of Ben Hill Griffin Parkway in Sections 25 and 36-46-25, Lee County, Florida.

LAND AREA: The parent tract consists of an allocated 56.6 acres of common elements within Stoneybrook development. The larger Stoneybrook development totals about 800 acres. However, the parent tract is deemed to be only those portions owned under the common ownership of either Stoneybrook Community Development District or U.S. Home Corp as common elements. The proposed takings are all slope easements. Parcel 200-SE is 3,558 square feet, Parcel 201-SE is 8,356 square feet, Parcel 202-SE is 975 square feet, and Parcel 203-SE is 27,015 square feet. As all of these properties are being acquired as easements, the remainder tract size is the same as the before take condition.

IMPROVEMENTS: None being appraised.

ZONING/LAND USE: The subject property consists of both RPD (Residential) and CPD (Commercial) zoning. Parcels 200-SE, 201-SE, and 202-SE are have the RPD zoning and Parcel 203-SE is zoned CPD.

HIGHEST AND BEST USE (Before Take): Residential and Commercial Development

HIGHEST AND BEST USE (After Take): Residential and Commercial Development

MARKET VALUE BEFORE TAKE: \$7,660,440 ✓

VALUE OF PART TAKEN: \$ 41,834 ✓

REMAINDER VALUE AS PART OF WHOLE: \$7,618,606 ✓

REMAINDER VALUE AFTER TAKE: \$7,618,606 ✓

SEVERANCE DAMAGES: \$ 0

AMOUNT DUE OWNER: \$ 41,834 ✓

ALLOCATED:

Parcel 200-SE	\$ 2,390	} ————— *
Parcel 201-SE	\$ 5,610	
Parcel 202-SE	\$ 65	
Parcel 203-SE	\$33,769	

\$ 8,065

INTEREST APPRAISED:

Fee Simple

DATE OF VALUATION:

1 October 2003

DATE OF REPORT:

6 February 2004

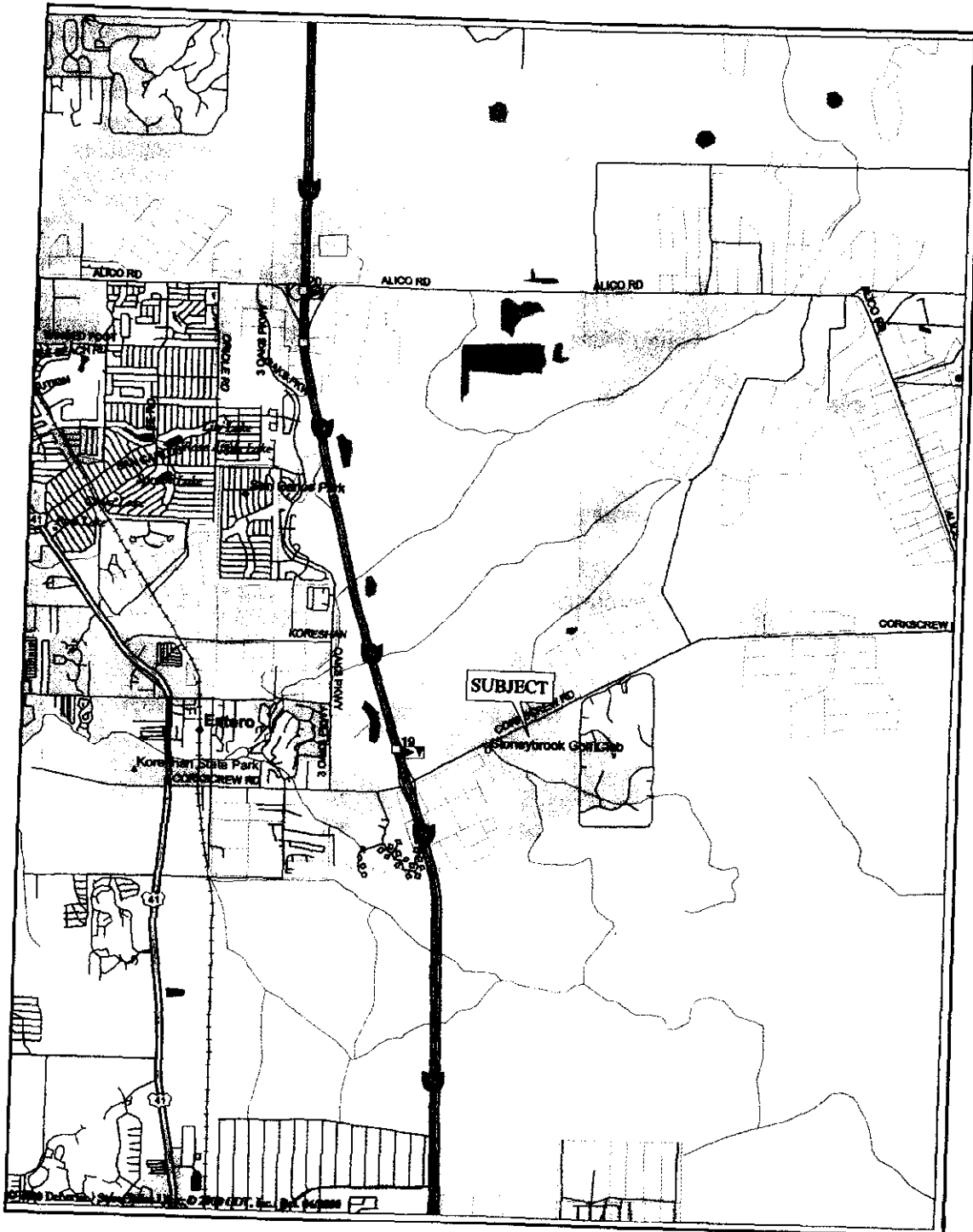
APPRAISER:

W. Michael Maxwell, MAI, SRA

SPECIAL ASSUMPTIONS:

This appraisal report should be updated as to a Future-Order-of-Taking date. The values shown herein are as of the inspection date. This appraisal assumes there are no significant grade changes. This appraisal also assumes that any improvements, utility lines, landscaping, berms, etc. within the take areas (if any) that may be impacted will be restored, re-contoured, re-altered at the expense of Lee County. Any site improvements with the take area (if any) have not been quantified and cost-to-cures have not been made available to the appraiser. There are no building improvements within the take areas.

MARKET AREA MAP:



5-Year Sales History

Corkscrew Road/CRSA, Project No. 4723

Parcels 200SE, 201SE, 202SE & 202TCE/Stoneybrook Community
Development District
STRAP Nos. 25-46-25-09-000C1.0000, 0004.0000 (Prior 000B1.0000), &
36-46-25-09-0000A.0000

Grantor	Grantee	Price	Date	Arms Length Y/N
U.S. Home Corporation	Stoneybrook Community Development District	\$100	12/30/02	N