

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

Blue Sheet No. 20050792-UTL

**1. Action Requested/Purpose:**

Approve final acceptance by Resolution and recording of one (1) utility easement as a donation of one (1) 8" diameter fire line and one (1) fire hydrant serving *West Bay Club - 'The Golf House at West Bay Club'* to provide fire protection to the recently constructed community facility. This is a developer contributed asset project located on the east side of West Bay Boulevard approximately 1/4 miles northwest of Williams Road.

**2. What Action Accomplishes:**

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

**3. Management Recommendation:**

Lee County Utilities requests that the County Manager's office recommend approval of this item.

**4. Departmental Category: 10**

*CIOB*

**5. Meeting Date:**

*06-28-2005*

**6. Agenda:**

- Consent**
- Administrative**
- Appeals**
- Public**
- Walk-On**

**7. Requirement/Purpose (specify)**

- Statute**
- Ordinance**
- Admin. Code**
- Other** Approval

**8. Request Initiated:**

Commissioner \_\_\_\_\_  
 Department Public Works  
 Division Utilities  
 By: *[Signature]* 6/9/05  
Rick Diaz, P. E., Utilities Director

**9. Background:**

This project is located within the former Gulf Environmental Services' service area however, it was built to Lee County Utilities' Standards and Specifications.  
 Fire lines and 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 provided.  
 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 fees have been paid.  
 Potable Water and Sanitary Sewer Service is provided by Lee County Utilities via existing infrastructure located within the West Bay Boulevard right-of-way.  
 Funds are available for recording fees in account number OD5360748700.504930.

SECTION 30 TOWNSHIP 45S RANGE 25E DISTRICT # 2 COMMISSIONER ST CERNY

**10. Review for Scheduling:**

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager / P.W. Director
					Analyst	Risk	Grants	Mgr.	
<i>[Signature]</i> J. Lavender Date: <u>6-10-05</u>	N/A	N/A	<u>P.O.</u> T. Osterhout Date: <u>6/9</u>	S. Coovert Date: _____	<u>6/13/05</u>	<u>6/13/05</u>	<u>4/13/05</u>	<u>6/13/05</u>	<i>[Signature]</i> J. Lavender Date: <u>6-10-05</u>

**11. Commission Action:**

- Approved**
- Deferred**
- Denied**
- Other**

RECEIVED BY COUNTY ADMIN:	<u>[Signature]</u>
COUNTY ADMIN FORWARDED TO:	<u>[Signature]</u>

Rec. by Coatus	<u>[Signature]</u>
Date:	<u>6/10/05</u>
Time:	<u>4:00</u>
Forwarded To:	<u>[Signature]</u>



**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.

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  
 0547250700GC10000

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:**

**WEST BAY CLUB DEV CORP**

Last      First      MI  
**4600 WEST BAY BLVD**

City  
**ESTERO**

State  
**FL**

Zip Code  
**33928**

Corporate Name (if applicable)

Mailing Address

City

State

Zip Code

Phone No.

4. Grantee (Buyer):

**RICK DIAZ, P.E. UTIL. DIRECTOR**

**FOR LEE CO. BD. OF CO. COMMISSIONERS**

Last      First      MI  
**P. O. BOX 398**

City  
**FT. MYERS**

State  
**FL**

Zip Code  
**33902**

Phone No.  
**( 239) 4798181**

Corporate Name (if applicable)

Mailing Address

City

State

Zip Code

Phone No.

5. Date of Sale/Transfer

Sale/Transfer Price

**6 / 28 / 2005** \$

**\$10**

**. 00**

Property  
 Located In

**Lee**

(Round to the nearest dollar.)

6. Type of Document

Contract/Agreement  
 for Deed

Other

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

YES

NO

Warranty  
 Deed

Quit Claim  
 Deed

(Round to the nearest dollar.) \$

**. 00**

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

YES

NO

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

Conventional

Seller Provided

Agreement or  
 Contract for Deed

Other

10. Property Type:  
 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

\$

Cents

**. 00**

12. Amount of Documentary Stamp Tax

\$

**. 70**

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 no circumstances shall the amount of tax be less than the amount of tax due.

Signature of Grantor or Grantor's Agent

6/9/05

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**



FDOR10240300  
 DR-219  
 R. 07/98

(PLEASE READ INSTRUCTIONS BEFORE COMPLETING)

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

0547250700GC10000

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:**

**WEST BAY CLUB DEV CORP**

Last Mailing Address  
**4600 WEST BAY BLVD**

First City MI  
**ESTERO**

State Zip Code Phone No.  
**FL 33928**

4. Grantee (Buyer):

Last Mailing Address  
**RICK DIAZ, P.E. UTIL. DIRECTOR**

State Zip Code Phone No.  
**FOR LEE CO. BD. OF CO. COMMISSIONERS**

Last Mailing Address  
**P. O. BOX 398**

First City MI  
**FT. MYERS**

State Zip Code Phone No.  
**FL 33902 (239) 4798181**

5. Date of Sale/Transfer

**6 28 2005 \$**

Sale/Transfer Price

**\$10**

**. 00**

Property Located In **46** County Code

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

(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:  
 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

\$

Cents

**. 00**

12. Amount of Documentary Stamp Tax

\$

**0.70**

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 penalty of perjury, I certify that the information furnished on this return is true and correct to the best of my knowledge and belief, and I am aware that anyone who furnishes false or misleading information on this return or who omits material or information requested on the return may be subject to criminal sanctions (including fines and imprisonment) and/or civil sanctions (including penalties and interest).

Signature of Grantor or Grantee

*[Handwritten Signature]*

*[Handwritten Date: 6/9/05]*

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 "West Bay Development Corporation", owner of record, to make a contribution to Lee County Utilities of water facilities (one 8" diameter fire line and one fire hydrant) serving **"WEST BAY CLUB - THE GOLF HOUSE AT WEST BAY CLUB"**; 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 **\$20,746.00** 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 \_\_\_\_\_, 2005.

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: 5/6/2005

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

Gentlemen:

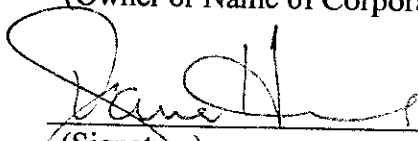
This is to certify that the **water main extension , fire hydrant(s) and fire line up to and including 1st OS + Y valve(s)** located at **West Bay Club - The Golf House at West Bay Club**  
(Name of Development/Project)

were designed by me and have 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**

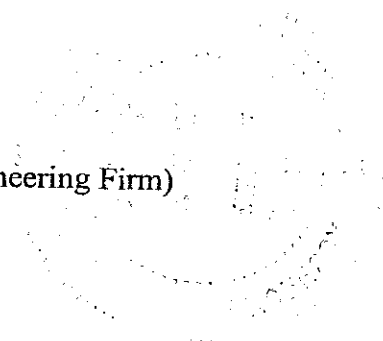
Very truly yours,

Johnson Engineering  
(Owner or Name of Corporation/Firm)

  
\_\_\_\_\_  
(Signature)

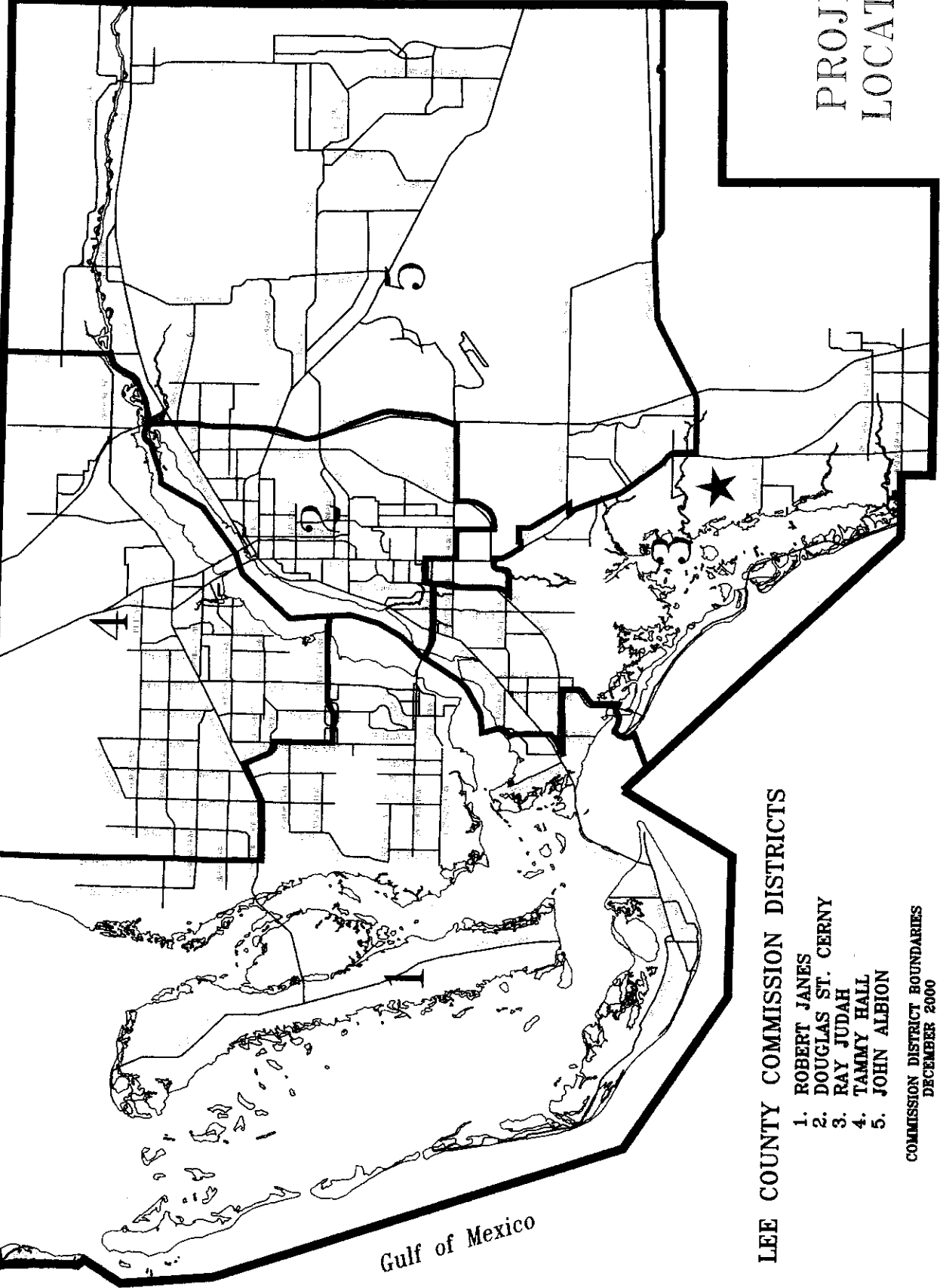
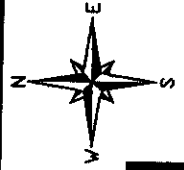
Dana L. Hume, P.E.  
(Name and Title)

(Seal of Engineering Firm)



RECEIVED MAY - 9 2005

WEST BAY CLUB - THE GOLF HOUSE  
05-47-25-07-00GC1.0000  
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 ALBION

COMMISSION DISTRICT BOUNDARIES  
DECEMBER 2000

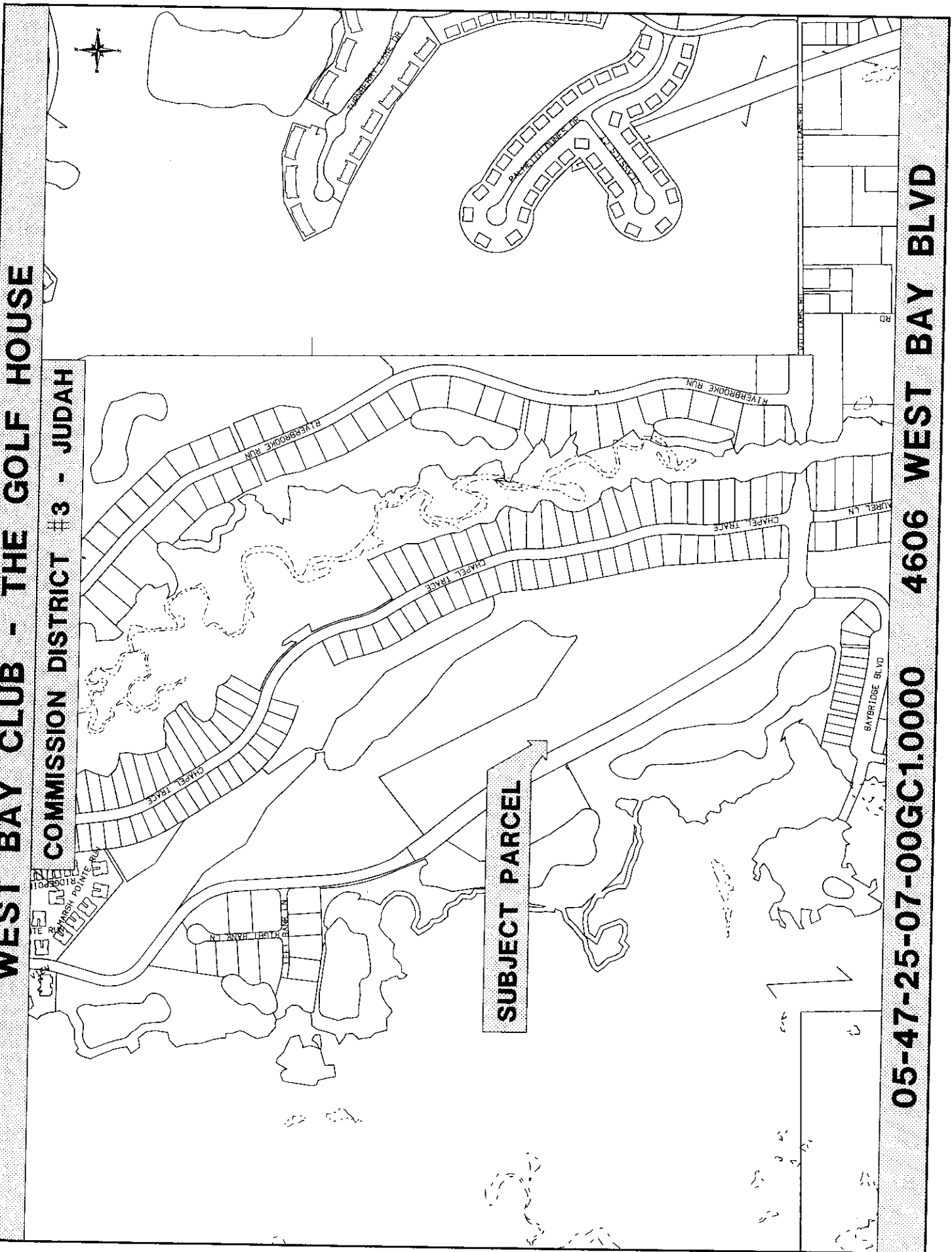
Gulf of Mexico

**WEST BAY CLUB - THE GOLF HOUSE**

**COMMISSION DISTRICT #3 - JUDAH**

**05-47-25-07-00GC1.0000 4606 WEST BAY BLVD**

**SUBJECT PARCEL**



WARRANTY

THE UNDERSIGNED parties do hereby warrant and/or guaranty all work executed by the contractor on the water of The Golf House, West Bay Club 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

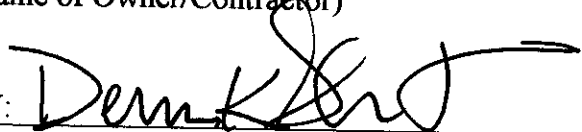
It is furthermore understood that the consideration for the giving of this warranty and/or guaranty is the requirement by the General Conditions and Specifications under which the contract was let that such warranty and/or guaranty would be given.

Mitchell & Stark Construction Co., Inc.

Dennis Short, Project Manager

(Name of Owner/Contractor)

BY:



(Signature of Owner/Contractor)

STATE OF FL )

) SS:

COUNTY OF Collier )

The foregoing instrument was signed and acknowledged before me this 3 rd day of MAR, 2005 by Dennis Short who is personally known to me - \_\_\_\_\_, and who did not take an oath.



Notary Public Signature

Morris Sons

Printed Name of Notary Public



Morris Sons  
My Commission DD059332  
Expires January 7 2006

(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 Twenty Thousand Seven Hundred Forty Six (\$20,746.00) hereby waives and releases its lien and right to claim a lien for labor, services, or materials furnished to West Bay Development on the job of The Golf House to the following described property:

The Golf House, West Bay Club  
(Name of Development/Project)  
4606 West Bay Boulevard  
West Bay Club Community, Estero, FL  
(Location)

water distribution system  
(Facilities Constructed)  
05-47-25-07-00GC1.0000 (New)  
32-46-25-07-00GC1.0000 (01d)  
(Strap # or Section, Township & Range)

Dated on: April 7, 2005

By: *Dennis Short*  
(Signature of Authorized Representative)

Mitchell & Stark Construction Co., Inc.  
(Name of Firm or Corporation)

By: Dennis Short  
(Print Name of Authorized Representative)

6001 Shirley Street  
(Address of Firm or Corporation)

Title: Project Manager

Naples, FL 34109-6202  
(City, State & Zip Of Firm Or Corporation)

Phone #: (239)597-2165 Ext.12

Fax#: (239)566-7865

STATE OF FL )  
 ) SS:  
COUNTY OF Collier )

The foregoing instrument was signed and acknowledged before me this 7th day of April, 2005 by Dennis Short, who is personally known to me - \_\_\_\_\_, and who did not take an oath.



Belinda Bergbacher  
Commission #DD179217  
Expires: Jan 22, 2007  
Bonded Thru  
Atlantic Bonding Co., Inc.

*Belinda Bergbacher*  
(Notary Public Signature)

(Notary Seal & Commission Number)

Belinda Bergbacher  
(Printed Name of Notary Public)

RECEIVED APR 13 2005

**CERTIFICATION OF CONTRIBUTORY ASSETS**

**PROJECT NAME:** The Golf House, West Bay Club

**STRAP NUMBER:** 05-47-25-07-00GC1.0000 (New)  
32-46-25-07-00GC1.0000 (Old)

**LOCATION:** 4606 West Bay Boulevard  
West Bay Club Community, Estero, FL 33928

**OWNER'S NAME:** (as shown on Deed) West Bay Club Development Corporation

**OWNER'S ADDRESS:** 4610 West Bay Blvd.

**OWNER'S ADDRESS:** Estero, FL 33928-

**TYPE UTILITY SYSTEM:** POTABLE WATER  
 (Please provide separate 'Certifications' for potable water, sanitary sewer and effluent reuse facilities.)

**DESCRIPTION AND COST OF MATERIAL, LABOR, AND SERVICES**

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

<u>ITEM</u>	<u>SIZE</u>	<u>QUANTIT Y</u>	<u>UNIT</u>	<u>UNIT COST</u>	<u>TOTAL</u>
PVC C-900 DR-18 WATER MAIN	10"	54.0	LF	\$35.00	\$1,890.00
PVC C-900 DR-18 WATER MAIN	6"	40.0	LF	\$28.00	\$1,120.00
GATE VALVE WATER MAIN	2"	1.0	EA	\$450.00	\$450.00
FIRE HYDRANT ASSEMBLY WATER MAIN	6"	1.0	EA	\$2,700.00	\$2,700.00
FIRE LINE UP TO AND INCL 1ST OS + Y VALVE	8"	1.0	EA	\$12,236.00	\$12,236.00
SINGLE WATER SERVICE/COMPLETE	2"	1.0	EA	\$1,350.00	\$1,350.00
PVC C-900 DR-18 WATER MAIN (REMOVED)	10"	34.0	LF	\$25.00	\$850.00
BLOW-OFF ASSEMBLY WATER MAIN (REMOVED)	10"	1.0	EA	\$150.00	\$150.00
<b>TOTAL</b>					<b>\$20,746.00</b>

RECEIVED APR 13 2005

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

11.5

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 Dennis Short  
(Signature of Certifying Agent)

Dennis Short, Project Manager  
(Name & Title of Certifying Agent)

Mitchell & Stark Construction Co., Inc.  
(Name of Firm or Corporation)

6001 Shirley Street  
(Address of Firm or Corporation)

Naples, FL 34109 - 6202

STATE OF FL )  
                  ) SS:  
COUNTY OF Collier )

The foregoing instrument was signed and acknowledged before me this 7 th day of April, 2005 by Dennis Short who is personally known to me - \_\_\_\_\_, and who did not take an oath.

Belinda Bergbacher  
Notary Public Signature

Belinda Bergbacher  
Printed Name of Notary Public



Belinda Burgbacher  
Commission #DD179217  
Expires: Jan 22, 2007  
Bonded Thru  
Atlantic Bonding Co., Inc.

\_\_\_\_\_  
Notary Commission Number

(NOTARY SEAL)

RECEIVED APR 13 2005

TO: LEE COUNTY FINANCE DEPARTMENT

FROM: UTILITIES ENGINEERING  
(Department)

V#111463  
BS 20050792

SUE GULLEDGE

A. AUTHORIZATION:

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

Purchase Order # N/A for WEST BAY CLUB-THE GOLF HOUSE AT WEST BAY CLUB  
ACCOUNT NO. OD5360748700.504930 project.  
EASEMENT: WEST BAY CLUB DEVELOPMENT CORP.

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



SUE GULLEDGE  
6-8-05  
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 - 3<sup>rd</sup> Floor  
Fort Myers, Florida 33901

Strap Number(s):  
05-47-25-07-00GC1.0000

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 West Bay Development Corporation, 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.

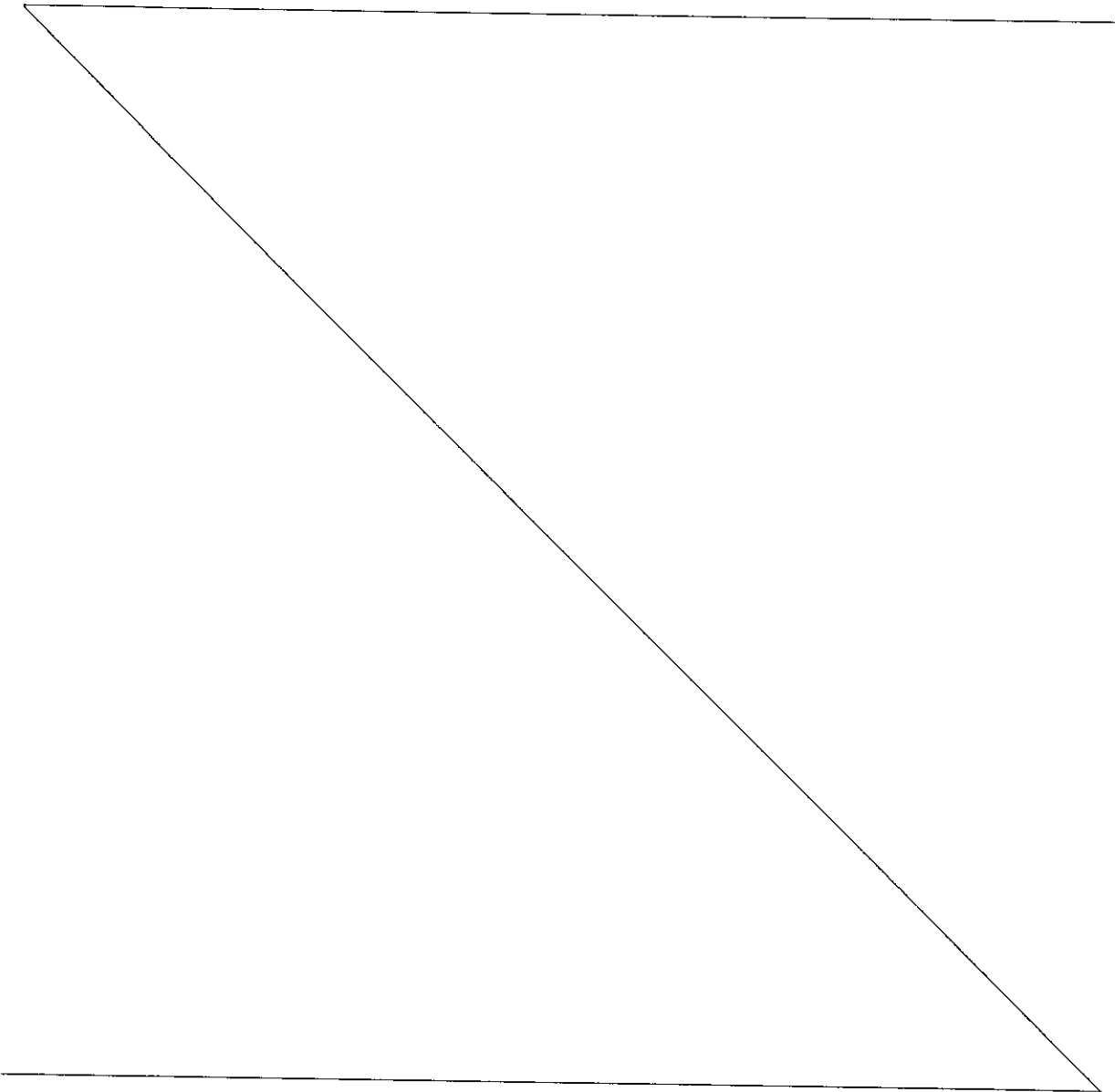
7. GRANTEE will be liable for money damages in tort for any injury to or loss of property, personal injury, or death caused by the negligent or wrongful act(s) or omission(s) of any official or employee of the GRANTEE while acting within the scope of the official's or employee's office or employment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

[Handwritten Signature]

[1<sup>st</sup> Witness' Signature]

Michael Hawkins

[Type or Print Name]

[Handwritten Signature]

[2<sup>nd</sup> Witness' Signature]

Paul Benson

[Type or Print Name]

BY: [Handwritten Signature]

[Signature Grantor's/Owner's]

Gene Edens

[Type or Print Name]

Sr. Vice President

[Title]

STATE OF FLORIDA

COUNTY OF Lee

The foregoing instrument was signed and acknowledged before me this 3 day of March 2005 by \_\_\_\_\_ who produced the following as identification Gene Edens or is personally know to me, and who did/did not take an oath.

[stamp or seal]



Colleen A. Rhoads  
Commission #DD251089  
Expires: Oct 26, 2007  
Bonded Thru  
Atlantic Bonding Co., Inc.

[Handwritten Signature]

[Signature of Notary]

Colleen A Rhoads

[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

## LETTER OF AUTHORIZATION

The undersigned do hereby swear or affirm that they are the fee simple title holders and owners of record of property commonly known as West Bay Club.

The property described herein is the subject development permitting. We hereby designate Gene Edens, Vice President of Development (West Bay Development Corporation) as the legal representative of the property and as such, this individual is authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorizing of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain development approval on the site. This representative will remain the only entity to authorize development activity on the property until such time as a new or amended authorization is delivered to Lee County.

### WEST BAY DEVELOPMENT CORPORATION



Owner\* (signature)

Chris McKenna, Treasure

Printed Name and Title

STATE OF FLORIDA  
COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 19 day of May, 2005, by Chris McKenna, who is personally known to me or who has produced \_\_\_\_\_ as identification.



Notary Public

(SEAL)



Colleen A Rhoads  
Commission #DD251089  
Expires: Oct 26, 2007  
Bonded Thru  
Atlantic Bonding Co., Inc.

\_\_\_\_\_  
(Name typed, printed or stamped)

RECEIVED MAY 24 2005

April 6, 2005

## DESCRIPTION

### LEE COUNTY UTILITY EASEMENT WEST BAY CLUB SECTION 32, TOWNSHIP 46 SOUTH, RANGE 25 EAST LEE COUNTY, FLORIDA

A strip of land (15 feet wide) lying in Section 32, Township 46 South, Range 25 East, Lee County, Florida, being a part of Tract CC-1, as shown on the plat of West Bay Club, as recorded in Plat Book 62 at Pages 79 through 111, Public Records of Lee County, Florida, said easement being described as follows:

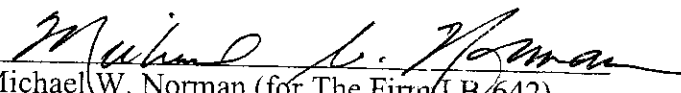
From the northwesterly corner of said Tract CC-1 run South 28° 54' 07" East along the westerly line of said tract, also being the easterly right-of-way line of West Bay Boulevard (100 feet wide) as shown on said plat for 222.81 feet; thence run North 61° 05' 53" East departing said tract and right-of-way line for 10.00 feet to an intersection with the easterly line of a 10-foot utility easement as shown on said plat and the Point of Beginning.

From said Point of Beginning run thence South 73° 54' 07" East for a distance of 30.96 feet; thence North 63° 31' 33" East for a distance of 76.92 feet; thence South 26° 28' 27" East for a distance of 15.00 feet; thence South 63° 31' 33" West for a distance of 82.76 feet; thence North 73° 54' 07" West for a distance of 21.81 feet; thence North 28° 54' 07" West for a distance of 21.21 feet to the Point of Beginning.

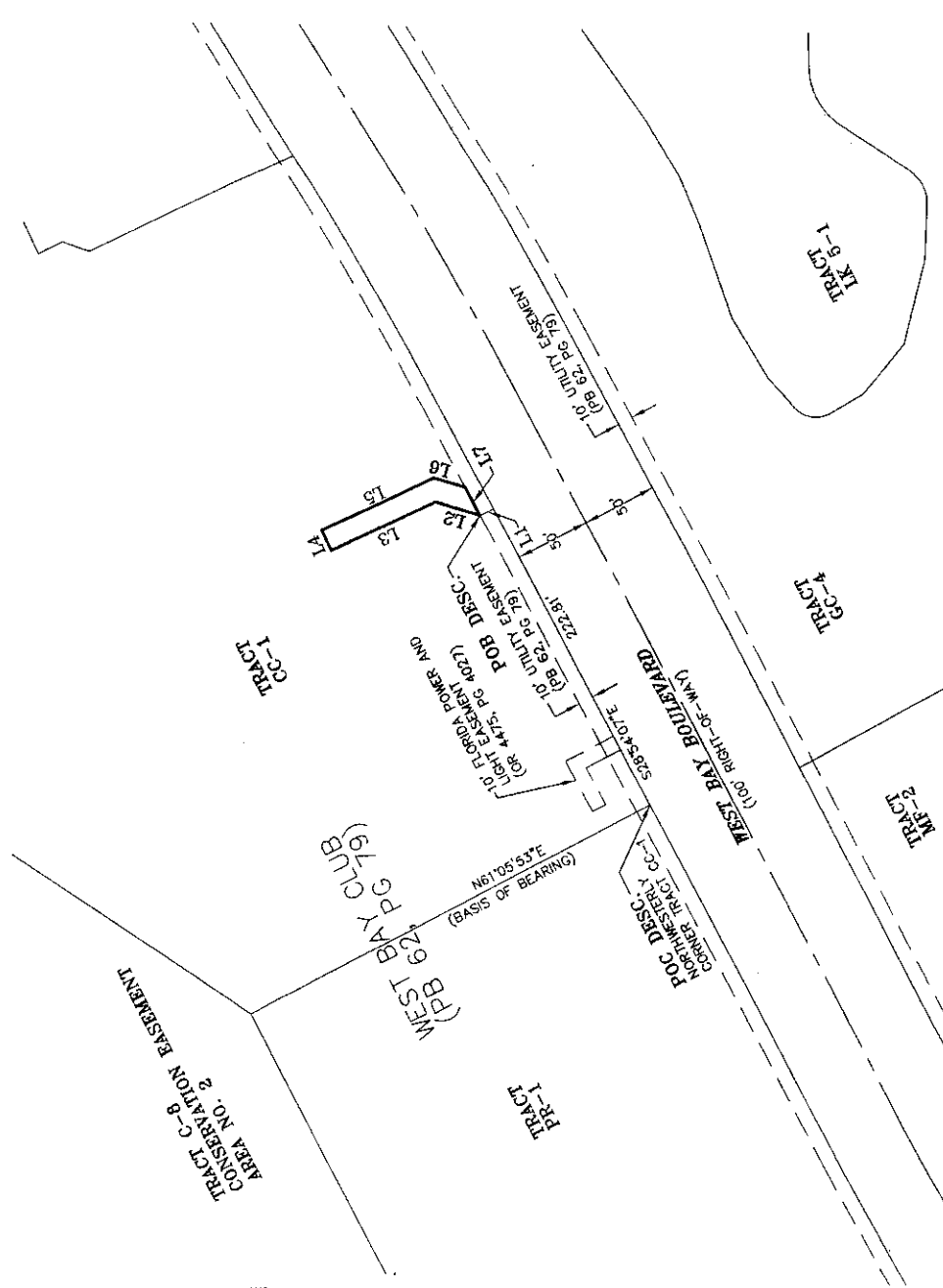
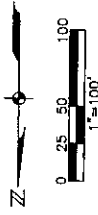
Parcel contains 1,593 square feet or 0.0366 acres, more or less.

SUBJECT TO easements, restrictions and reservations of record.

Bearings hereinabove mentioned are based on the plat of West Bay Club, as recorded in Plat Book 62 at Pages 79 through 111, Public Records of Lee County, Florida, wherein the north line of Tract CC-1 bears North 61° 50' 53" East.

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

LINE	LENGTH	BEARING
L1	10.00	N61°05'53"E
L2	30.96	S73°54'07"E
L3	76.92	N63°31'33"E
L4	15.00	S26°28'27"E
L5	82.76	S63°31'33"W
L6	21.81	N73°54'07"W
L7	21.21	N28°54'07"W



**NOTES:**

1. BEARINGS SHOWN HEREON ARE BASED ON THE PLAT OF WEST BAY CLUB, PLAT BOOK 62, PAGES 79-111, LEE COUNTY RECORDS, WHEREAS THE NORTH LINE OF TRACT CC-1 BEARS N 61°05'53" E.
2. THIS SKETCH DOES NOT MAKE ANY REPRESENTATION AS TO ZONING OR DEVELOPMENT RESTRICTIONS ON SUBJECT PARCEL.
3. POC = POINT OF COMMENCEMENT.
4. POB = POINT OF BEGINNING
5. DESC. = DESCRIPTION
6. PB = PLAT BOOK
7. PG = PAGE
8. OR = OFFICIAL RECORDS BOOK
9. DESCRIPTION ATTACHED.

**THIS IS NOT A SURVEY**

*Michael W. Norman*  
 MICHAEL W. NORMAN (FOR THE FIRM LB-642)  
 PROFESSIONAL SURVEYOR AND MAPPER  
 FLORIDA CERTIFICATE NO. 45100

DATE SIGNED: **APR 06 2005**  
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

SKETCH TO ACCOMPANY  
 DESCRIPTION

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
4/5/2005	20023490	32-46-25	1"=100'	1 OF 1

2158 JOHNSON STREET  
 P.O. BOX 1550  
 FORT MYERS, FLORIDA 33902-1550  
 PHONE (239) 334-0046  
 FAX (239) 334-3664  
 E.B. #642 & L.B. #642



LEE COUNTY UTILITY EASEMENT  
 LYING IN  
 WEST BAY CLUB, TRACT CC-1  
 PLAT BOOK 62, PAGES 79-111, LEE COUNTY RECORDS  
 SECTION 32, TOWNSHIP 46 SOUTH, RANGE 25 EAST  
 LEE COUNTY, FLORIDA



April 8, 2005

**DESCRIPTION**  
**CLEAN-OUT EASEMENT**  
**WEST BAY CLUB**  
**SECTION 32, TOWNSHIP 46 SOUTH, RANGE 25 EAST**  
**LEE COUNTY, FLORIDA**

A parcel of lying in Section 32, Township 46 South, Range 25 East, Lee County, Florida, being a part of Tract CC-1, as shown on the plat of West Bay Club, as recorded in Plat Book 62 at Pages 79 through 111, Public Records of Lee County, Florida, said easement being described as follows:

From the northwesterly corner of said Tract CC-1 run South 28° 54' 07" East along the westerly line of said tract, also being the easterly right-of-way line of West Bay Boulevard (100 feet wide) as shown on said plat for 189.63 feet; thence run North 61° 05' 53" East departing said tract and right-of-way line for 10.00 feet to an intersection with the easterly line of a 10-foot utility easement as shown on said plat and the Point of Beginning.

From said Point of Beginning run North 61° 22' 20" East, for a distance of 15.77 feet; thence South 28° 37' 40" East, for a distance of 20.00 feet; thence South 61° 22' 20" West, for a distance of 15.68 feet; thence North 28° 54' 07" West, for a distance of 20.00 feet to the POINT OF BEGINNING.

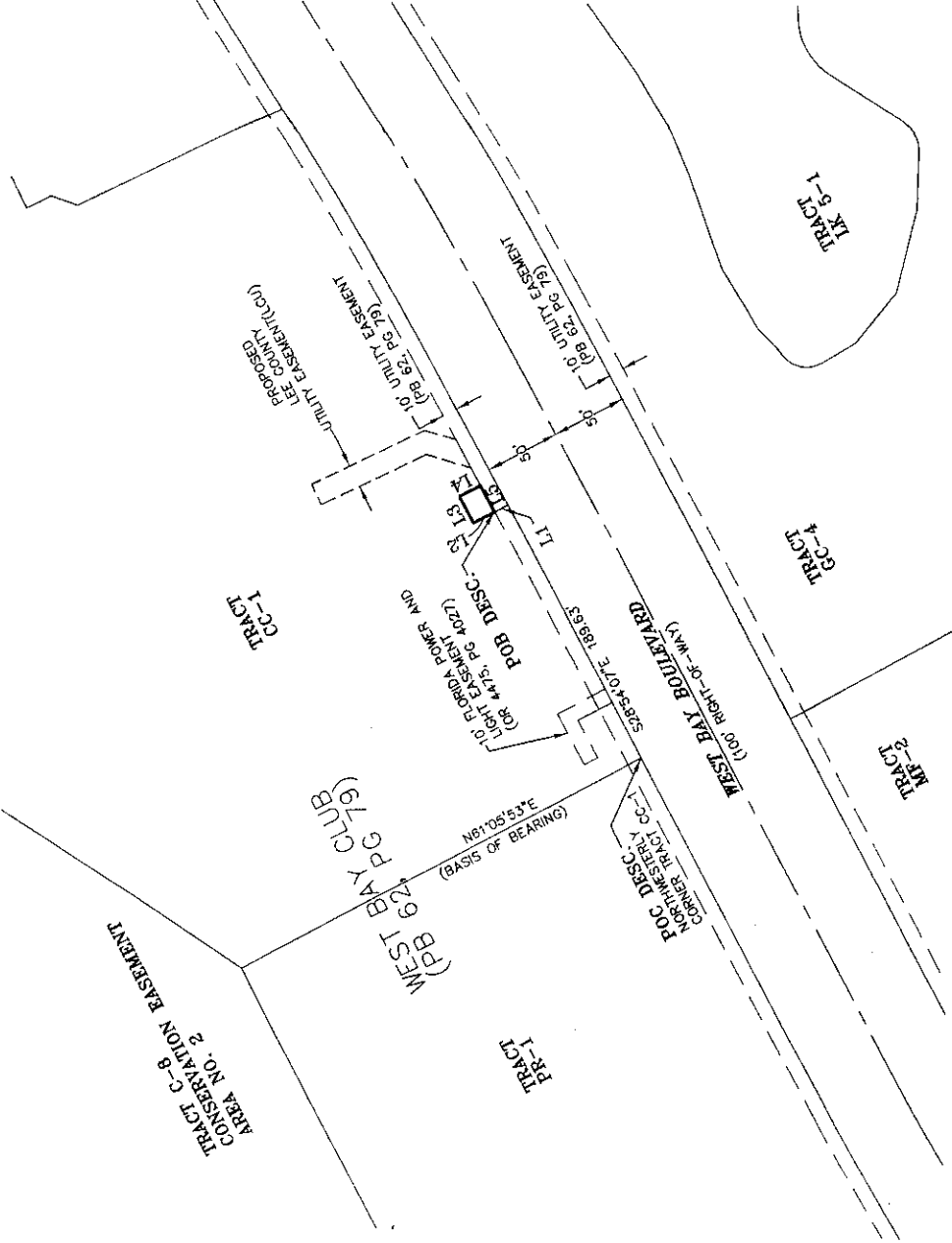
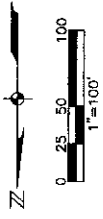
Parcel contains 315 square feet or 0.0072 acres, more or less.

SUBJECT TO easements, restrictions and reservations of record.

Bearings hereinabove mentioned are based on the plat of West Bay Club, as recorded in Plat Book 62 at Pages 79 through 111, Public Records of Lee County, Florida, wherein the north line of Tract CC-1 bears N 61° 50' 53" E.

MICHAEL A. WARD (FOR THE FIRM LB-642) PROFESSIONAL  
SURVEYOR AND MAPPER FLORIDA CERTIFICATE NO. 5301  
DATE SIGNED: 4/8/05  
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL  
OF A FLORIDA LICENSED SURVEYOR AND MAPPER

LINE	BEARING	DISTANCE
L1	N61°05'53"E	10.00
L2	N61°22'20"E	15.77
L3	S28°37'40"E	20.00
L4	S61°22'20"W	15.68
L5	N28°54'07"W	20.00



**NOTES:**

1. BEARINGS SHOWN HEREON ARE BASED ON THE PLAT OF WEST BAY CLUB PLAT BOOK 62, PAGES 79-111, LEE COUNTY RECORDS, WHEREAS THE NORTH LINE OF TRACT CC-1 BEARS N 61°50'53" E. THIS SKETCH DOES NOT MAKE ANY REPRESENTATION AS TO ZONING OR DEVELOPMENT RESTRICTIONS ON SUBJECT PARCEL.
2. POC = POINT OF COMMENCEMENT.
3. POB = POINT OF BEGINNING
4. DESC. = DESCRIPTION
5. PB = PLAT BOOK
6. PG = PAGE
7. OR = OFFICIAL RECORDS BOOK DESCRIPTION ATTACHED.

**THIS IS NOT A SURVEY**

MICHAEL A. WARD (FOR THE FIRM LB-642)  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA CERTIFICATE NO. 5301

DATE SIGNED: 4/8/05  
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

2158 JOHNSON STREET  
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PHONE (239) 334-0046  
FAX (239) 334-3661  
E.B. #642 & L.B. #642



CLEAN-OUT EASEMENT  
LYING IN  
WEST BAY CLUB, TRACT CC-1  
PLAT BOOK 62, PAGES 79-111, LEE COUNTY RECORDS  
SECTION 32, TOWNSHIP 46 SOUTH, RANGE 25 EAST  
LEE COUNTY, FLORIDA

SKETCH TO ACCOMPANY  
DESCRIPTION

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
4/8/2005	20023490	32-46-25	1"=100'	2 OF 2