

Lee County Board Of County Commissioners **DATE CRITICAL**
Agenda Item Summary **Blue Sheet No. 20051078**

1. ACTION REQUESTED/PURPOSE: Sign agreement to realign the planned southern extension of Three Oaks Parkway through property owned by Centex Homes located in Bonita Springs.

2. WHAT ACTION ACCOMPLISHES: Accommodates an alignment of the southern extension of Three Oaks Parkway that is more desirable to the affected property owner, Centex Homes. The proposed realignment will afford Centex the opportunity to design a more marketable community.

3. MANAGEMENT RECOMMENDATION: Management recommendation is to approve the Three Oaks Parkway Alignment Agreement.

4. Departmental Category: DOT
 12

C12A

5. Meeting Date:
 08-09-2005

6. Agenda: **7. Requirement/Purpose: (specify)**

<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Statute
<input type="checkbox"/> Administrative	<input type="checkbox"/> Ordinance
<input type="checkbox"/> Appeals	<input type="checkbox"/> Admin. Code
<input type="checkbox"/> Public	<input checked="" type="checkbox"/> Other
<input type="checkbox"/> Walk-On	

8. Request Initiated:
 Commissioner _____
 Department County Attorney/DOT
 Division Land Use
 By: _____
 Donna Marie Collins and
 Nicole Maxey

9. Background: Centex Homes owns property in Bonita Springs for which they have plans to develop as a residential subdivision. The County proposes to extend Three Oaks Parkway, an arterial roadway, to the south and through the property owned by Centex. The County and Centex have collaborated to identify an alternate alignment for the southern extension of Three Oaks Parkway that is acceptable to both parties.

Although the alternate alignment increases the acreage of right-of-way the County must acquire beyond that which would have been necessary had the County pursued the initial alignment of the roadway, Centex has agreed to convey the additional right-of-way necessary to accommodate the proposed alignment at no charge. Centex will also assume responsibility for the incremental cost increase associated with the realignment design.

This agreement with the County is contingent upon the City of Bonita Springs approval of a petition to vacate a platted roadway easement located within the Centex property.

Once the County purchases the right-of-way necessary, the southern extension of Three Oaks Parkway through the Centex property, Centex will convey a fully executed perpetual stormwater easement to the County to accommodate the stormwater run-off from the roadway.

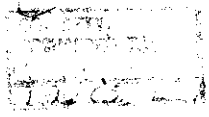
Attachment: Three Oaks Parkway Alignment Agreement Draft w/Exhibits dated July 26, 2005

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>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>

11. Commission Action:

- Approved
- Deferred
- Denied
- Other



RECEIVED BY COUNTY ADMIN: <i>[Signature]</i>
7-26-05
4:25
COUNTY ADMIN FORWARDED TO:

THREE OAKS PARKWAY ALIGNMENT AGREEMENT

This **THREE OAKS PARKWAY ALIGNMENT AGREEMENT** (hereinafter "Agreement"), is entered into this _____ day of _____, 2005, by and between: **LEE COUNTY**, a political subdivision of the State of Florida (hereinafter "County"), whose address is P.O. Box 398, Fort Myers FL 33902-0398;
and

CENTEX HOMES, a Nevada general partnership, whose sole managing general partner is Centex Real Estate Corporation, a Nevada Corporation authorized to transact business in the State of Florida (hereinafter, "Centex"), whose address for purposes of this Agreement is 5801 Pelican Bay Blvd., Naples, FL 34108;

I. RECITALS

WHEREAS, Centex is the owner of property located in the City of Bonita Springs, Lee County, Florida, more specifically and legally described in Exhibit "A" attached hereto and incorporated herein by reference (hereinafter, the "Property"); and

WHEREAS, Centex has plans for development of the Property, which were the subject of a rezoning approved by the City of Bonita Springs; and

WHEREAS, the County is proposing to extend an arterial roadway known as Three Oaks Parkway through the Property; and

WHEREAS, The County and Centex have collaborated to identify a new alignment for Three Oaks Parkway through the property that is acceptable to both parties; and

WHEREAS, the new alignment increases the acreage of right-of-way that must be acquired by the County beyond that which would have been necessary had the County pursued the initial alignment for the roadway.

NOW, THEREFORE, in consideration of the mutual promises, covenants, and conditions stated herein, the receipt and sufficiency of which is acknowledged by all parties hereto, the parties do hereby agree as follows:

I. Background.

1. Recitals are made a part of this agreement.
2. As part of Centex's plans to develop the Property and the County's plans to extend Three Oaks Parkway south through the Property, Centex and the County have agreed upon the "Centex Alignment" depicted on the map attached hereto

as Exhibit "B." The Centex Alignment requires an additional 2.32 acres of right-of-way beyond what would be required had the County pursued the initial alignment for Three Oaks Parkway also depicted on Exhibit "B."

3. Centex petitioned the City of Bonita Springs to vacate a platted roadway easement shown on the plat of Helfenstein Estates Plat Book 8, Page 40, Public Records of Lee County, Florida. If the Petition to Vacate is approved by the City, the vacation will result in the reversion of 2.957± acres depicted in Exhibit "C" to Centex ownership. This land will be incorporated into the Centex plan of development .

II. Transfer of Right-of-Way by the Centex to Lee County for Three Oaks Parkway

4. If the City of Bonita Springs approves the Petition to Vacate referred to in Paragraph 3 above, Centex agrees to convey to Lee County the following parcels without cost:
 - a. 2.957 acres located within the Centex Alignment described in Exhibit "D." The acreage represents replacement right-of-way for the property that will revert to Centex's ownership if the City approves the vacation of the platted roadway within the Helfenstein Estates subdivision; and
 - b. 2.32 acres located within the Centex Alignment as described in Exhibit "E." This acreage is intended to compensate the County for the increased right-of-way need that results from the Centex Alignment.
5. Within thirty (30) days of the date of this Agreement, and prior to the final public hearing before the City Council on the Petition to Vacate, Centex will deliver to the Lee County Attorney two (2) separately executed Warranty Deeds conveying to Lee County in fee simple the two parcels described in Paragraph 4. The warranty deeds must be accompanied by a title opinion or commitment for title insurance prepared by a licensed Florida attorney or licensed Florida title insurer, showing title as vested in Centex in fee simple, subject only to the exceptions listed in Exhibit "F." Centex will deliver funds sufficient to cover the recording costs and documentary stamps on the deeds conveying the parcels to the Lee County Attorney. The County Attorney will hold the deeds and funds in escrow and will record the deeds in the Public Records of Lee County only in accordance with the terms of paragraph 6 below.
6.
 - a. If the vacation is approved by the City, the County Attorney will hold both deeds in escrow until Centex conveys the remainder of the Three Oaks right-of-way within the Centex Alignment to the County in accordance with paragraph 7.a. After the conveyance, the County Attorney may record the

deeds held in escrow in the Public Records of Lee County using the funds held in escrow.

- b. If the City denies the vacation request, the County Attorney will return the unrecorded executed deed for the 2.957±-acre property to Centex within three (3) business days. The County will continue to hold in escrow the deed for the 2.32±-acre property. The County will record the deed to the 2.32 acres upon closing on the purchase of the right-of-way described in Paragraph 7.a.
7.
 - a. The remainder of the right-of-way necessary to construct Three Oaks Parkway within the Centex Alignment will be purchased by the County from Centex for \$1,443,600.00 in cash. The remaining right-of-way legally described in Exhibit "G" consisting of 21.686 acres, will be conveyed to the County via Warranty Deed in fee simple, free and clear of liens and encumbrances except for the exceptions identified in Exhibit "F." Centex reserves the right to utilize the right-of-way conveyed to the County for drainage, utility, and access purposes in a manner acceptable to the County, which approval will not be unreasonably withheld. Closing will occur within forty-five (45) days of the County providing written notice to Centex of its desire to close, but in no event later than sixty (60) days from the date of approval of the vacation by the City provided that all conditions precedent to closing set forth in this Agreement have been satisfied. Recording costs associated with this conveyance will be paid by Centex. The recording costs will be deducted from the closing proceeds at closing.
 - b. Centex will grant to Lee County a perpetual storm water easement from the Three Oaks right-of-way to the internal surface water management system to be constructed as part of the development of the property described in Exhibit "A" ("the Centex project") in order to provide for the drainage of Three Oaks Parkway as it runs through the Centex project in accordance with South Florida Water Management District Permit No. 36-04499P. The perpetual storm water easement must be substantially in the form of the document attached hereto as Exhibit "H," and will be provided to the County prior to recording of the first plat associated with the project, but in no event later than ninety (90) days after the closing of the property described in paragraph 7.a. The perpetual storm water easement will enable the drainage from Three Oaks Parkway to enter the surface water management system for the Centex project. In addition, the easement right to utilize the surface water management system for the drainage of Three Oaks Parkway will be reflected on the future plat(s) of the Centex property and in all property owners association documents related to the property. Centex agrees to further cooperate with the County and provide additional drainage easements reasonably necessary to convey runoff from the Three Oaks right-of-way into the surface water management

system for the property, so as to allow the County to utilize the surface water management system to the extent contemplated in this paragraph.

III. Construction of Three Oaks Parkway through the Property

8. a. Incremental additional cost of Roadway Construction. The parties acknowledge that the Centex Alignment is longer and will cost more to construct than the County's initial alignment. Centex agrees to pay the "incremental additional cost" attributable to the construction of Three Oaks Parkway through the property. The term "incremental additional cost" is the additional cost of construction calculated on a cost/unit basis for materials, without consideration for the costs of mobilization, administration, design and permitting. (The "incremental additional cost" specifically includes the additional costs associated with drainage under Three Oaks Parkway beyond that which would have been required if the County's initial alignment was utilized.) The County will calculate the "incremental additional cost" based upon the cost/unit prices contained in the construction bid submitted by the contractor awarded the construction contract for the subject segment of Three Oaks Parkway. The incremental additional cost is not to exceed the engineer's opinion of probable cost attached as Exhibit I.

The County will provide Centex with a statement and supporting documentation for calculation of the "incremental additional cost." Centex will pay this amount to County within thirty (30) days of rendition of the statement. However, Centex will not be required to pay the incremental additional cost unless the County has closed on the purchase of the right-of-way identified in paragraph 7.a.

- b. Dispute of the Amounts Calculated. If Centex disputes the amount calculated, Centex and appropriate County officials will meet within the 30-day period within which payment is due and attempt to resolve the dispute. If resolution is not achieved within 30 days, Centex will pay the amount calculated by the County so as to not delay construction of the roadway. The payment will be without prejudice to Centex's right to initiate further action to recover overpayment Centex believes it has made.

9. Cost of Wetland Impacts. Centex has received permits for and committed to the cost of mitigating the wetland impacts associated with the Centex alignment. The permits require the purchase of 4.36 credits from the Panther Island Mitigation Bank (PIMB) at a cost of \$28,000.00 per credit, for a total of \$122,080.00 to address the wetland impacts associated with the Centex alignment. At the time of purchase of the remaining right-of-way pursuant to paragraph 7.a. above, the County will reimburse Centex the cost of 4.36 wetland credits at the contract price the County negotiates for the remainder of its mitigation for Three Oaks up to a maximum of \$122,080.00.

IV. Administration

10. Time is of the essence in this Agreement.
11. This Agreement represents the sole and entire agreement between the parties. No promise, representation, or inducement not included in this Agreement will be binding on any party. This Agreement may only be modified by written instrument executed by all parties.
12. Jurisdiction for litigation arising hereunder will lie in a court of competent jurisdiction located in Lee County, Florida. In litigation arising hereunder, the prevailing party will be entitled to recover attorneys fees and costs, including fees and costs from any appeal therefrom.
13. Waiver by either party of any provision of this Agreement or any other instrument ancillary thereto must be in writing and will not operate or be construed as a waiver of any other provision or subsequent breach thereof.
14. This Agreement will be construed and enforced in accordance with the laws of the State of Florida.
15. This Agreement will be recorded in the Public Records of Lee County.
16. This Agreement will become effective on the date approved by the Board of County Commissioners of Lee County, Florida, as evidenced by the signature of its Chairman or Vice-Chairman.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first written above.

CENTEX HOMES, a Nevada General Partnership

By: **Centex Real Estate Corporation**, a corporation organized under the laws of Nevada and authorized to transact business in Florida, its sole managing general partner

[1st Witness' Signature]

[Type or Print Name]

[2nd Witness' Signature]

[Type or Print Name]

BY: _____

Timothy Ruemler, Division President

STATE OF _____ :
COUNTY OF _____ :

The foregoing instrument was acknowledged before me this _____ day of _____, 2005, by Timothy Ruemler, Division President of Centex Real Estate Corporation, the sole managing general partner of Centex Homes, on behalf of the corporation. He is personally known to me or has produced

_____ as identification.
[Type of identification]

[Signature of Notary]

[Typed or printed name]

[Title]

[Serial number, if any]

Approved and accepted for and on behalf of Lee County, Florida, this _____ day of _____, 2005.

ATTEST:
CHARLIE GREEN, CLERK

**BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA**

BY: _____
Deputy Clerk

BY: _____
Chairman/Vice Chairman

[Type or print name]

Douglas St. Cerny

Approved as to form by:

Lee County Attorney's Office

Exhibits:

- A. Legal Description of Property
- B. Map Showing Three Oaks alignments
- C. Description of Vacated Right-of-way that will revert to Centex
- D. Legal description of 2.957 acres to be conveyed to County
- E. Legal description of 2.32 acres to be conveyed to County
- F. Permitted Exceptions to Title
- G. Legal description of remaining right-of-way
- H. Perpetual Storm Water Drainage and Access Easement
- I. Engineer's Opinion of Probable Cost dated 3/28/2005

**LEGAL DESCRIPTION
HAWTHORNE PROPERTY (REMAINDER
EXCLUDING PROPOSED R/W VACATION)
BONITA SPRINGS, FLORIDA**

All those portions of Sections 24, 25 and 26, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

Parcel 1

BEGIN at the Southwest corner of Lot 14, according to the plat of Helfenstein Estate, as recorded in Plat Book 8, page 40 of the Public Records of Lee County, Florida; thence, along the Easterly line of a fifty foot road right-way as shown on said plat of Helfenstein Estate, N01°24'57"W, 3,016.16 feet to an intersection with the North line of the Northeast one-quarter of the aforementioned Section 26; thence, along said North line of the Northeast one-quarter of Section 26, N.82°52'51"E., 2,775.96 feet to the Northeast corner of said Section 26; thence, along the Southerly line of the Southwest one-quarter of the aforementioned Section 24, S.75°37'36"E., 381.30 feet; thence N.14°32'24"E., 110.00 feet; thence S.75°37'36"E., 697.98 feet; thence along the arc of a tangent circular curve concave to the Northwest having for its elements a radius of 40.00 feet, a central angle of 73°51'40", a chord distance of 48.07 feet, a chord bearing of N.67°26'34"E., an arc distance of 51.56 feet; thence S.59°29'16"E., 10.00 feet to a point lying on the Easterly right-of-way line of proposed Three Oaks Parkway; thence, along said Easterly right-of-way line of proposed Three Oaks Parkway for the following four (4) courses:

1. N.30°30'44"E., 33.37 feet;
2. along the arc of a tangent circular curve concave to the West having for its elements a radius of 1,525.00 feet, a central angle of 67°04'48", a chord distance of 1,685.18 feet, a chord bearing of N.03°01'40"W., an arc distance of 1,785.42 feet;
3. N.36°34'04"W., 1,087.15 feet;
4. along the arc of a tangent circular curve concave to the Northeast having for its elements a radius of 6,007.66 feet, a central angle of 08°59'57", a chord distance of 942.63 feet, a chord bearing of N.32°04'05"W., an arc distance of 943.60 feet

to an intersection with the West line of the Northwest one-quarter of the aforementioned Section 24; thence, along said West line of the Northwest one-quarter of the aforementioned Section 24, N.02°52'06"W., 412.10 feet to an intersection with the Westerly right-of-way line for Interstate 75; thence, Southerly along said Westerly right-of-way line for the following two (2) courses:

1. along the arc of a non-tangent circular curve concave Northeasterly, having for its elements a radius of 5,847.58 feet, a central angle of 12°40'25", a chord distance of 1,290.83 feet, a chord bearing of S.30°13'51"E., an arc distance of 1,293.46 feet;
2. S.36°34'03"E., 2994.35 feet;

thence, leaving said right-of-way line for Interstate 75, S.53°25'57"W., 175.00 feet; thence along the arc of a tangent circular curve concave to the North having for its elements a radius of 174.00 feet, a central angle of 50°11'25", a chord distance of 147.59 feet, a chord bearing of S.78°31'39"W., an arc distance of 152.42 feet; thence N.76°22'38"W., 348.42 feet; thence, along the arc of a non-tangent circular curve concave to the Northwest and having for its elements a radius of 1,954.00 feet, a central angle of 11°42'07", a chord distance of 398.38 feet, a chord bearing of S.23°06'43"W., an arc distance of 399.08 feet; thence N.75°37'36"W., 256.45 feet; thence along the arc of a tangent circular curve concave to the East having for its elements a radius of 25.00 feet, a central angle of 106°48'15", a chord distance of

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40.14 feet, a chord bearing of N.22°13'28"W., an arc distance of 46.60 feet to a point lying on the Easterly right-of-way line of the proposed Three Oaks Parkway; thence, along said Easterly line of proposed Three Oaks Parkway for the following five (5) courses:

1. along the arc of a non-tangent circular curve concave to the Northwest and having for its elements a radius of 1,675.00 feet, a central angle of 00°12'18", a chord distance of 5.99 feet, a chord bearing of S.30°24'35"W., an arc distance of 5.99 feet;
2. S.30°30'44"W., 1,621.01 feet;
3. along the arc of a tangent circular curve concave to the Northeast having for its elements a radius of 1,125.00 feet, a central angle of 110°32'38", a chord distance of 1,849.20 feet, a chord bearing of S.24°45'35"E., an arc distance of 2,170.53 feet;
4. S.09°58'06"W., 14.00 feet;
5. along the arc of a non-tangent circular curve concave to the North and having for its elements a radius of 1,139.00 feet, a central angle of 03°22'18", a chord distance of 67.02 feet, a chord bearing of S.81°43'03"E., an arc distance of 67.03 feet;

thence, along the East line of the Southwest one-quarter of the Northwest one-quarter of the aforementioned Section 25, S.00°08'18"E., 2.38 feet to a concrete monument; thence, along the South line of Southwest one-quarter of the Northwest one-quarter of said Section 25, S89°14'05"W, 1,323.30 feet to a lighter wood post; thence, along the South line of the Northeast one-quarter of the aforementioned Section 26, S.89°02'06"W., 2,644.86 feet to the **POINT OF BEGINNING**.

TOGETHER WITH:

Parcel 2

BEGIN at the Southeast corner of Lot 3, according to the plat of Helfenstein Estate, as recorded in Plat Book 8, page 40 of the Public Records of Lee County, Florida; thence, along the South line of said Lot 3, S89°01'20"W, 183.21 feet to an intersection with the Easterly right-of-way line of Old US 41 (Tamiami Trail) as depicted on Florida Department of Transportation right-of-way map section No. 1201-203 dated November 15, 1955; thence, along said Easterly right-of-way line for the following three (3) courses:

1. N.45°38'43"W., 155.07 feet;
2. along the arc of a non-tangent circular curve concave Southwesterly, having for its elements a radius of 1,692.02 feet, a central angle of 04°50'40", a chord distance of 143.02 feet, a chord bearing of N.43°07'03"W., an arc distance of 143.06 feet;
3. N.45°32'23"W., 140.44 feet;

thence, N.79°54'24"E., 6.83 feet; thence, along the arc of a non-tangent circular curve concave to the North and having for its elements a radius of 30.00 feet, a central angle of 50°41'48", a chord distance of 25.69 feet, a chord bearing of N.69°48'31"E., an arc distance of 26.54 feet; thence N.44°27'37"E., 175.81 feet; thence, along the arc of a non-tangent circular curve concave to the Northeast and having for its elements a radius of 28.00 feet, a central angle of 24°48'58", a chord distance of 12.03 feet, a chord bearing of N.57°56'52"W., an arc distance of 12.13 feet; thence N.45°32'23"W., 727.31 feet; thence N.85°44'05"W., 28.91 feet; thence S.44°27'37"W., 188.34 feet to a point lying on the Easterly right-of-way line of Old US 41 (Tamiami Trail) as depicted on Florida Department of Transportation right-of-way map section No. 1201-203 dated November 15, 1955; thence, along said Easterly right-of-way line, N.45°32'23"W., 90.71 feet; thence, along the Northerly line of the aforementioned Lot 3, N44°31'22"E., 1,489.76 feet; thence, along the Westerly line of a fifty foot road right-way as shown on the aforementioned plat of Helfenstein Estate, S01°24'57"E, 1,953.41 feet to the **POINT OF BEGINNING**.

TOGETHER WITH:

Parcel 3

BEGIN at the center of the aforementioned Section 26; thence, along the Westerly line of a 30 foot wide road right-way as shown on the plat of Rosemary Park No. 2, as recorded in Plat Book 6, page 30 of the aforementioned Public Records, S01°22'23"E, 464.73 feet to an intersection with the Easterly right-of-way line of Old US 41 (Tamiami Trail) as depicted on Florida Department of Transportation right-of-way map section No. 1201-203 dated November 15, 1955; thence, along said Easterly right-of-way line and along the arc of a non-tangent circular curve concave Southwesterly, having for its elements a radius of 1,692.02 feet, a central angle of 17°28'02", a chord distance of 513.84 feet, a chord bearing of N26°14'03"W, an arc distance of 515.83 feet; thence, along the South line of the Northwest one-quarter of the aforementioned Section 26, N89°01'20"E, 216.01 feet to the **POINT OF BEGINNING**.

The above described parcels contain a total area of 300.664 acres, more or less.

Subject to easements, restrictions, reservations and rights-of-way of record.

SEE ATTACHED FOR SKETCH

This legal description and the attached sketch are not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper. Bearings shown hereon are based on the State Plane Coordinate System, North American Datum of 1983/1990 Adjustment (NAD83/90), Florida West Zone. The reference bearing is the South line of the Northeast one-quarter of Section 26, Township 47 South, Range 25 East, Lee County, Florida, being S89°02'06"W.

Prepared by:

WilsonMiller, Inc.



Mark D. Haines, Professional Surveyor & Mapper
Florida Registration No. LS5312

Date 7/20/05

P.I.N.: 03697-006-004 GCS00
Ref.: A-03697-117
Date: July 20, 2005

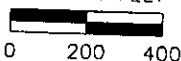
****THIS IS NOT A SURVEY.****

EXHIBIT A
PAGE 4 OF 6

HAVEN LANE
(25' ROAD EASEMENT)



SCALE IN FEET



SURVEYOR'S NOTES

THIS DRAWING DOES NOT PURPORT TO DELINEATE THE REGULATORY JURISDICTION OF ANY FEDERAL, STATE OR LOCAL AGENCY.

BEARINGS SHOWN HEREON ARE BASED ON THE STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983/1990 ADJUSTMENT (NAD83/90), FLORIDA WEST ZONE. THE REFERENCE BEARING IS THE SOUTH LINE OF THE NORTHEAST ONE-QUARTER OF SECTION 26, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING S89°02'06"W.

LAND TITLE INFORMATION SHOWN HEREON WAS PROVIDED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY TITLE COMMITMENT FILE NO. FM-020110076 DATED JANUARY 25, 2002.

FLORIDA DEPT. OF TRANSPORTATION R/W MAP SECTION NO. 1201-203 DATED 11/75/85

LEGEND

- P.B. - PLAT BOOK / PAGE
- O.R. - OFFICIAL RECORDS BOOK / PAGE
- D.B. - DEED BOOK / PAGE
- P.O.B. - POINT OF BEGINNING
- R/W - RIGHT-OF-WAY
- C/L - CENTERLINE
- D.E. - DRAINAGE EASEMENT

P.O.B. PARCEL 3
CENTER SECTION 26

****SEE ATTACHED FOR LEGAL DESCRIPTION****

FOR: CENTEX HOMES

Jul 20, 2005 - 11:48:50 JPETERSON\X:\SUR\03697\03697-117001.dwg

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
HAWTHORNE PROPERTY (REMAINDER EXCLUDING
PROPOSED R/W VACATION) SEC. 24, 25, 26, T47 S.,
R25 E. - LEE CO., BONITA SPRINGS, FLORIDA

Wilson Miller

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DRAWN BY: 1223	CHECKED BY: 1918	CAD FILE: 39532.v1	PIN: 03697-006-004	TASK: GCS00	SHEET 1 OF 3	DRAWING INDEX NO: A-03697-117	REV:
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SEE SHEET 2 OF 3

HAVEN LANE
(25' ROAD EASEMENT)

SEE SHEET 3 OF 3

EXHIBIT A
PAGE 5 OF 6

****THIS IS NOT A SURVEY.****

NET AREA 300.664 AC±

PARCEL 1

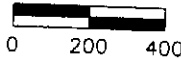
CURVE TABLE

NO.	RADIUS	DELTA	ARC	TANGENT	CHORD	CHORD BEARING
C1	5847.58'	12°40'25"	1293.46'	649.38'	1290.83'	S30°13'51"E
C2	1692.02'	04°50'40"	143.06'	71.57'	143.02'	N43°07'03"W
C3	1692.02'	17°28'02"	515.83'	259.93'	513.84'	N26°14'03"W
C4	30.00'	50°41'48"	26.54'	14.21'	25.69'	N69°48'31"E
C5	28.00'	24°48'58"	12.13'	6.16'	12.03'	N57°56'52"W
C6	40.00'	7°51'40"	51.56'	30.07'	48.07'	N67°26'34"E
C7	1525.00'	67°04'48"	1785.42'	1010.91'	1685.18'	N03°01'40"W
C8	25.00'	106°48'15"	46.60'	33.67'	40.14'	N22°13'28"W
C9	1675.00'	00°12'18"	5.99'	3.00'	5.99'	S30°24'35"W
C10	1954.00'	11°42'07"	399.08'	200.23'	398.38'	S23°06'43"W
C11	174.00'	50°11'25"	152.42'	81.49'	147.59'	S78°31'39"W
C12	6007.66'	08°59'57"	943.60'	472.77'	942.63'	N32°04'05"W
C13	1125.00'	110°32'38"	2170.53'	1623.01'	1849.20'	S24°45'35"E
C14	1139.00'	03°22'18"	67.03'	33.52'	67.02'	S81°43'03"E



PARCEL 1

SCALE IN FEET



SOUTH LINE NE 1/4 SECTION 26
30' ROAD R/W
(PB 8/32)
(REFERENCE BEARING)
S.89°02'06"W
2644.86'

EAST 1/4 CORNER
SECTION 26
SOUTH LINE SW 1/4 SECTION 25

NOT INCLUDED

EAST LINE SW 1/4 NW 1/4
SOUTHERN PINES
MOBILE HOME PARK

PLAT OF ROSEMARY PARK NO.2
(PB 6/30)

LEITNER CREEK
MANOR
(PB 25/106)

****SEE ATTACHED FOR LEGAL DESCRIPTION****

FOR: CENTEX HOMES

Jul 20, 2005 - 11:48:50 JPETERSON\X\SUR\03697\03697-117001.dwg

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
HAWTHORNE PROPERTY (REMAINDER EXCLUDING
PROPOSED R/W VACATION) SEC. 24, 25, 26, T47 S.,
R25 E. - LEE CO., BONITA SPRINGS, FLORIDA

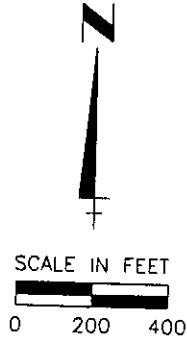
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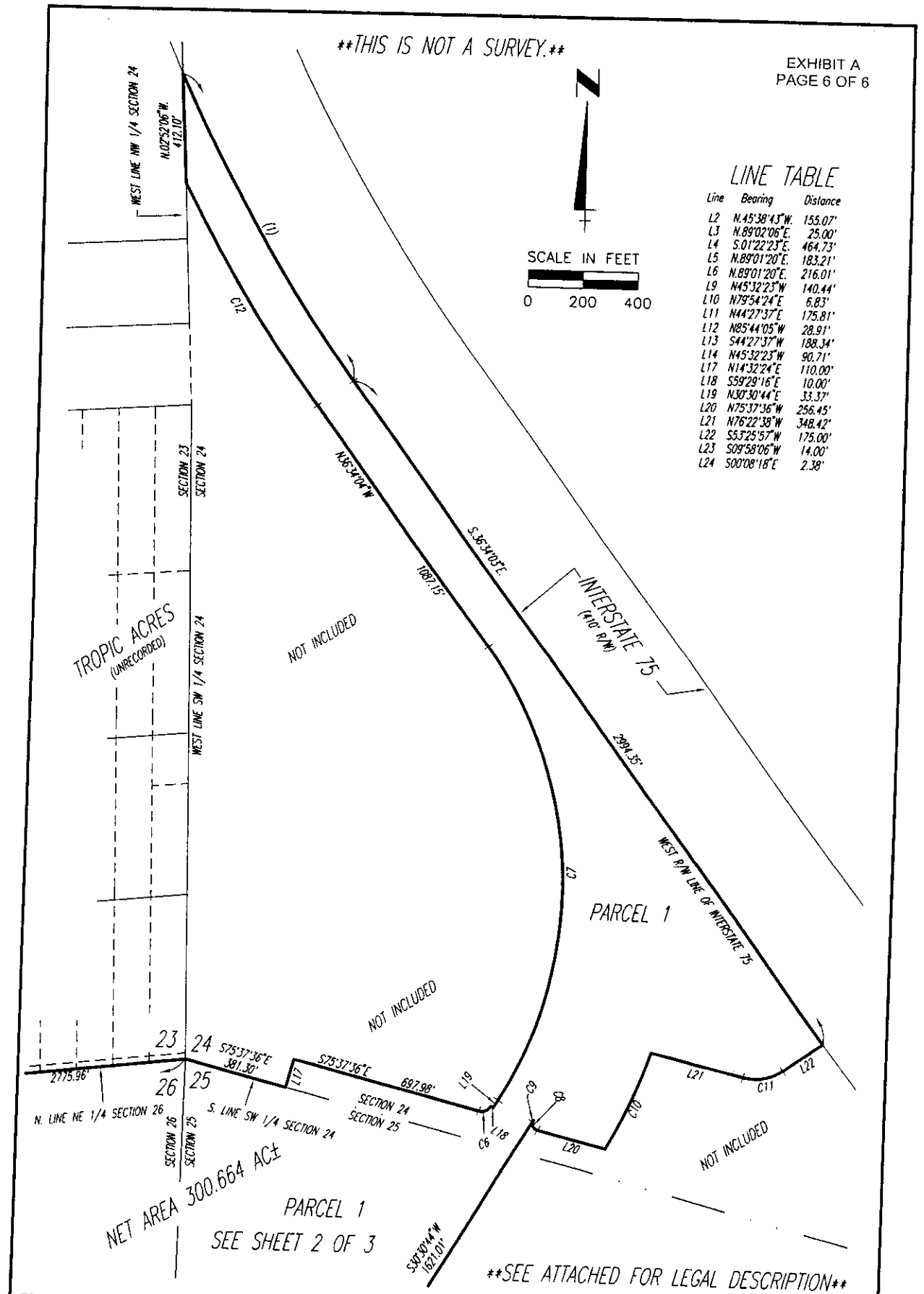
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****THIS IS NOT A SURVEY.****



LINE TABLE

Line	Bearing	Distance
L2	N.45°38'43"W	155.07'
L3	N.89°02'06"E	25.00'
L4	S.01°22'23"E	464.73'
L5	N.89°01'20"E	183.21'
L6	N.89°01'20"E	216.01'
L9	N45°32'23"W	140.44'
L10	N79°54'24"E	6.83'
L11	N44°27'37"E	175.81'
L12	N85°44'05"W	28.91'
L13	S44°27'37"W	188.34'
L14	N45°32'23"W	90.71'
L17	N14°32'24"E	110.00'
L18	S59°29'16"E	10.00'
L19	N30°30'44"E	33.37'
L20	N75°37'36"W	256.45'
L21	N76°22'38"W	348.42'
L22	S53°25'57"W	175.00'
L23	S09°58'06"W	14.00'
L24	S00°08'18"E	2.38'



****SEE ATTACHED FOR LEGAL DESCRIPTION****

FOR: CENTEX HOMES

Jul 20, 2005 - 11:48:50 JPETERSON\X\SUR\03697\03697-117001.dwg

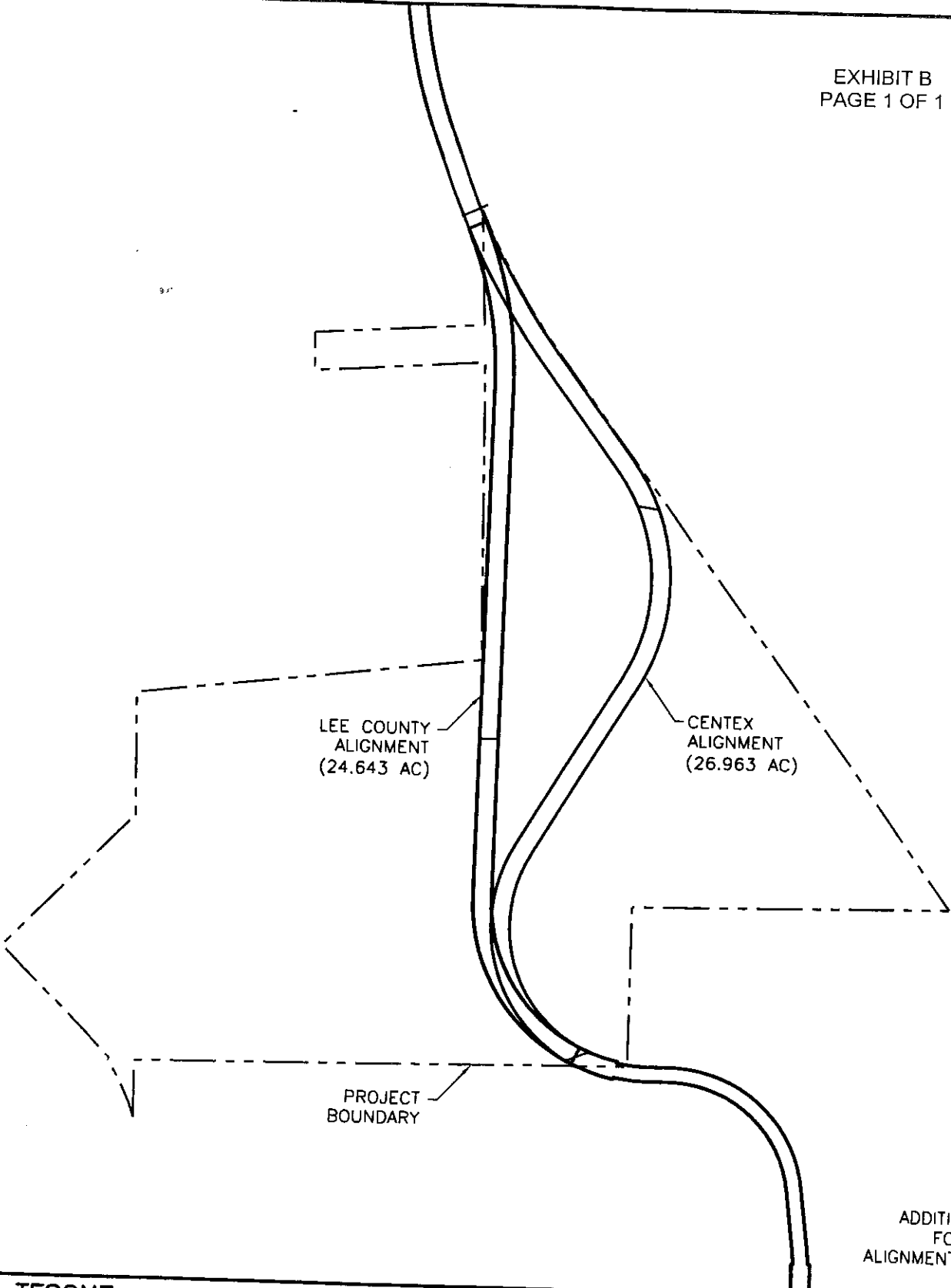
SKETCH TO ACCOMPANY LEGAL DESCRIPTION
 HAWTHORNE PROPERTY (REMAINDER EXCLUDING
 PROPOSED R/W VACATION) SEC. 24, 25, 26, T47 S.,
 R25 E. - LEE CO., BONITA SPRINGS, FLORIDA

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DRAWN BY: 1223	CHKD BY: 1918	CAD FILE: 39532.v1	PIN: 03697-006-004	TASK: GCS00	SHEET 3 OF 3	DRAWING INDEX NO: A-03697-117	REV:
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PROJECT: TESONE
CLIENT: CENTEX HOMES

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WilsonMiller, Inc. - FL Lic# LC-C00000
WilsonMiller, Inc. - Certificate of Authorization #43

ALIGNMENT EXHIBIT

SCALE: 1" = 1200'	DATE: DEC. 2002
SEC: TWP: RGE:	REV NO:
PROJECT NO. 03697-000-000	INDEX NO. A-03697-08
DRWN BY/EMP NO. A.C.S./1324	SHEET NO. 1 OF 1

JUL 20, 2005 - 11:52:04 J:\PROJECTS\ENR\03697\08\Exhibit\0369702.dwg

**LEGAL DESCRIPTION
TESONE/CENTEX PROPERTY
BONITA SPRINGS, FLORIDA
PROPOSED VACATED RIGHT-OF-WAY TO BE RETAINED**

A portion of the road rights-of-way of Helfenstein Estate according to the plat thereof as recorded in Plat Book 8, Page 40 of the Public Records of Lee County, Florida, and also lying within Section 26, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

BEGIN at the southwest corner of Lot 14 according to the aforementioned plat of Helfenstein Estate; thence, along the south line of the northeast one-quarter of the aforementioned section 26, S.89°02'06"W. 25.00 feet to the center of section 26; thence, along the south line of a twenty-five foot wide road right-of-way as shown on the aforementioned plat of Helfenstein Estate, S.89°01'20"W. 208.40 feet; thence, along a line running perpendicular to the south line of said twenty-five foot wide road right-of-way, N.00°58'40"W. 25.00 feet; thence, along the south line of Lot 3, according to the aforementioned plat of Helfenstein Estate N.89°01'20"E. 183.21 feet; thence, along the westerly line of a fifty foot wide road right-of-way as shown on said plat of Helfenstein Estate, N.01°24'57"W. 1,953.41 feet; thence, running perpendicular to the westerly line of said fifty foot wide road right-of-way, N.88°35'03"E. 25.00 feet; thence, along the center of said fifty foot wide road right-of-way line (said line also being the west line of the northeast one-quarter of the aforementioned section 26), N.01°24'57"W. 1,009.74 feet to an intersection with the southerly line of a fifty foot wide road right-of-way as shown on said plat of Helfenstein Estate; thence, along an easterly prolongation of said south right-of-way line, N.82°52'51"E. 25.12 feet to an intersection with the easterly line of a fifty foot wide right-of-way line as shown on said plat of Helfenstein Estate; thence, along said easterly line, S.01°24'57"E. 2,991.03 feet to the POINT OF BEGINNING.

Said parcel contains 2.957 acres, more or less.

Subject to easements, restrictions, reservations and rights-of-way of record.

SEE ATTACHED FOR SKETCH

This legal description and the attached sketch are not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.

Bearings shown hereon are based on the State Plane Coordinate System, North American Datum of 1983/1990 Adjustment (NAD83/90), Florida West Zone. The reference bearing is the south line of the northeast one-quarter of Section 26, Township 47 south, Range 25 east, Lee County, Florida, being S89°02'06"W.

Prepared by:

WilsonMiller, Inc.



Mark D. Haines
Professional Surveyor & Mapper No. LS5312
State of Florida

8/8/02
Date

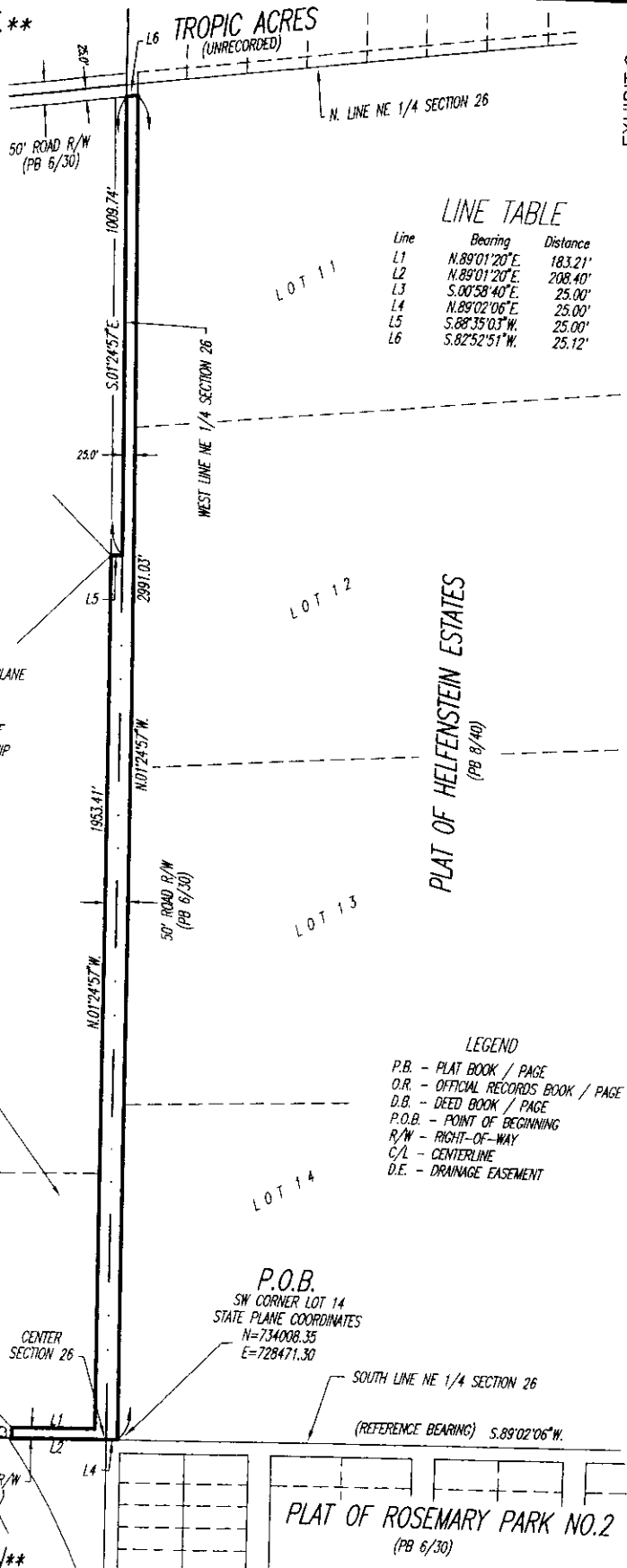
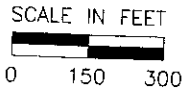
P.I.N.: 03697-000-001 Z0001; Ref.: A-03697-19; Date: August 8, 2002

Naples Fort Myers Sarasota Bradenton Tampa Tallahassee

4571 Colonial Boulevard, Suite 100 Fort Myers, Florida 33912-1062 941-939-1020 941-939-7479

www.wilsonmiller.com

****THIS IS NOT A SURVEY.****



LINE TABLE

Line	Bearing	Distance
L1	N.89°01'20"E	183.21'
L2	N.89°01'20"E	208.40'
L3	S.00°58'40"E	25.00'
L4	N.89°02'06"E	25.00'
L5	S.88°35'03"W	25.00'
L6	S.82°52'51"W	25.12'

SURVEYOR'S NOTES

THIS DRAWING DOES NOT PURPORT TO DELINEATE THE REGULATORY JURISDICTION OF ANY FEDERAL, STATE OR LOCAL AGENCY.

BEARINGS SHOWN HEREON ARE BASED ON THE STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983/1990 ADJUSTMENT (NAD83/90), FLORIDA WEST ZONE. THE REFERENCE BEARING IS THE SOUTH LINE OF THE NORTHEAST ONE-QUARTER OF SECTION 26, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING S89°02'06"W.

LAND TITLE INFORMATION SHOWN HEREON WAS PROVIDED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY TITLE COMMITMENT FILE NO. FM-020110076 DATED JANUARY 25, 2002.

- LEGEND**
- P.B. - PLAT BOOK / PAGE
 - O.R. - OFFICIAL RECORDS BOOK / PAGE
 - D.B. - DEED BOOK / PAGE
 - P.O.B. - POINT OF BEGINNING
 - R/W - RIGHT-OF-WAY
 - C/L - CENTERLINE
 - D.E. - DRAINAGE EASEMENT

****SEE ATTACHED FOR LEGAL DESCRIPTION****

FOR: CENTEX HOMES
 SKETCH TO ACCOMPANY LEGAL DESCRIPTION
 TESONE/CENTEX PARCEL - BONITA SPRINGS, FL
 PROPOSED VACATED R/W TO BE RETAINED
 HELFENSTEIN ESTATE - PLAT BOOK 8, PAGE 40

Aug 05, 2002 - 14:43:09 MHAINES\X\SUR\03697\legal2.dwg

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DRAWN BY: 1223	CHKD BY:	CAD FILE: 23265.v1	PIN: 03697-000-001	TASK: Z0001	SHEET 1 OF 1	DRAWING INDEX NO: A-03697-19	REV:
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**LEGAL DESCRIPTION
TESONE PROPERTY
PROPOSED THREE OAKS RIGHT-OF-WAY
PARCEL 1 (2.957 AC)
BONITA SPRINGS, FLORIDA**

A part of Section 24, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

COMMENCE at the intersection of the West line of the Northwest one-quarter of said Section 24 and the Westerly right-of-way line of Interstate 75 according to the State of Florida Department of Transportation right-of-way Map Section Number 1201-2401, last revised July 30, 1984; thence, along said West line of said Section 24, S.02°52'06"E., 28.27 feet to the **POINT OF BEGINNING**; thence, along the arc of a non-tangent circular curve concave to the Northeast, having for its elements a radius of 5,857.66 feet, a central angle of 10°03'40", a chord distance of 1,027.28 feet, a chord bearing of S.29°11'11"E., an arc distance of 1,028.60 feet; thence S.55°47'00"W., 150.00 feet; thence, along the arc of a non-tangent circular curve concave to the Northeast and having for its elements a radius of 6,007.66 feet, a central angle of 06°38'54", a chord distance of 696.70 feet, a chord bearing of N.30°53'34"W., an arc distance of 697.09 feet to an intersection with the aforementioned West line of Section 24 ; thence, along said West line, N.02°52'06"W., 383.82 feet to the **POINT OF BEGINNING**.

Said parcel contains 2.957 acres more or less.


SEE ATTACHED SKETCH

This legal description and the attached sketch are not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.

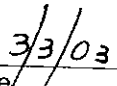
This sketch and legal description are based on right-of-way alignment information included in the proposed Three Oaks Parkway Roadway Plans, Phase I Submittal, dated January 8, 2003, and prepared by Johnson Engineering, Inc. Bearings shown hereon are based on the State Plane Coordinate System, North American Datum of 1983/1990 Adjustment (NAD83/90), Florida West Zone, fixing the West line of the Northwest one-quarter of Section 24, as N.02°52'06"W.

Prepared by:

WilsonMiller, Inc.



Mark D. Haines, PSM
Professional Surveyor & Mapper No. LS5312
State of Florida



Date 3/3/03

P.I.N.: 03697-000-001 GC000
Ref.: A-03697-25 (36972501.dwg)
Date: February 27, 2003.

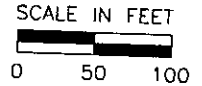
P.O.C.

INTERSECTION OF THE WEST LINE OF THE NORTHWEST ONE- QUARTER OF SECTION 24, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AND THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 75

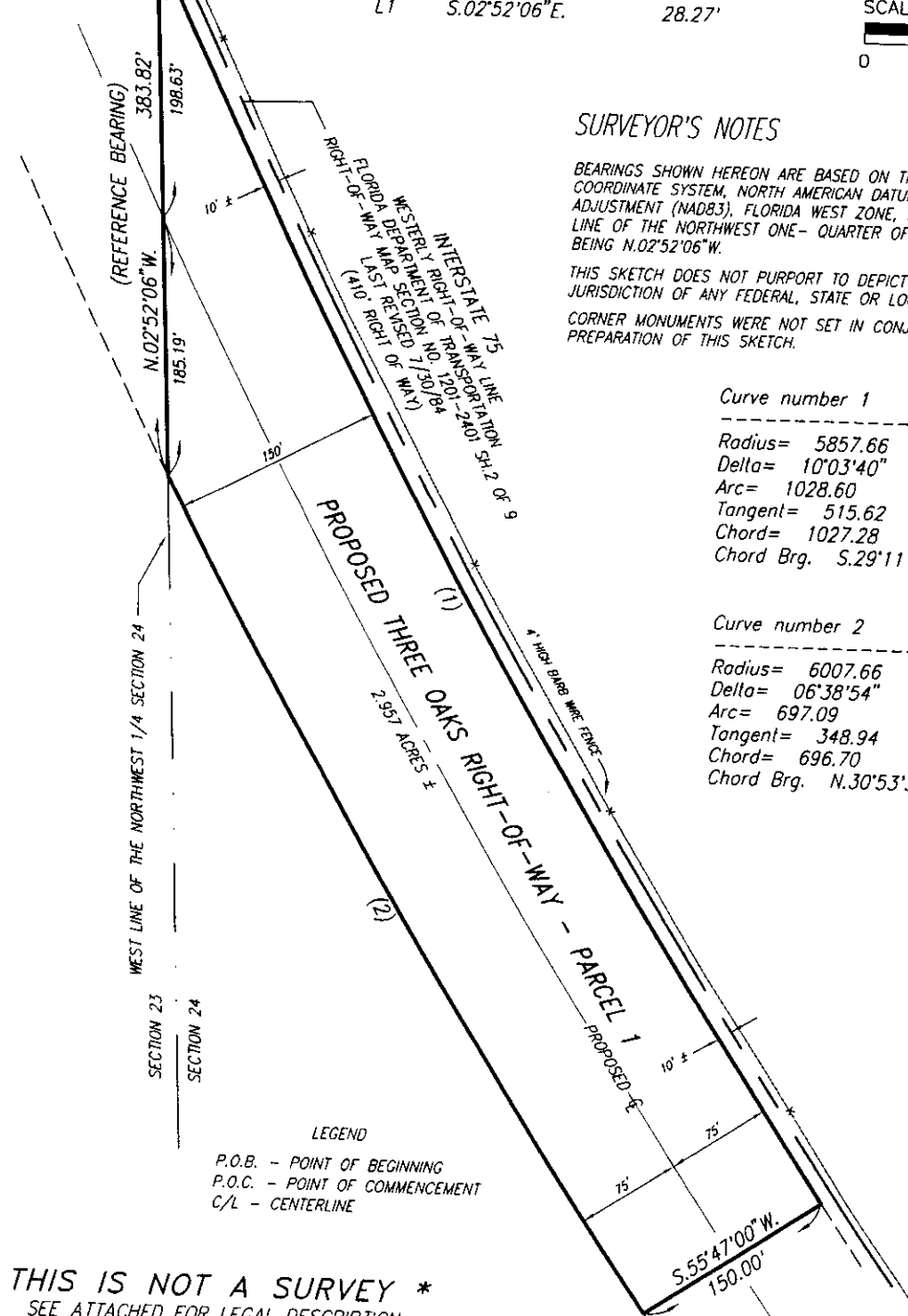


LINE TABLE

Line	Bearing	Distance
L1	S.02°52'06"E.	28.27'



P.O.B.



SURVEYOR'S NOTES

BEARINGS SHOWN HEREON ARE BASED ON THE STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983/1990 ADJUSTMENT (NAD83), FLORIDA WEST ZONE, FIXING THE WEST LINE OF THE NORTHWEST ONE- QUARTER OF SECTION 24, AS BEING N.02°52'06\"/>

THIS SKETCH DOES NOT PURPORT TO DEPICT THE REGULATORY JURISDICTION OF ANY FEDERAL, STATE OR LOCAL AGENCY. CORNER MONUMENTS WERE NOT SET IN CONJUNCTION WITH THE PREPARATION OF THIS SKETCH.

Curve number 1

Radius= 5857.66
Delta= 10°03'40"
Arc= 1028.60
Tangent= 515.62
Chord= 1027.28
Chord Brg. S.29°11'11\"/>

Curve number 2

Radius= 6007.66
Delta= 06°38'54"
Arc= 697.09
Tangent= 348.94
Chord= 696.70
Chord Brg. N.30°53'34\"/>

LEGEND

P.O.B. - POINT OF BEGINNING
P.O.C. - POINT OF COMMENCEMENT
C/L - CENTERLINE

*** THIS IS NOT A SURVEY ***
SEE ATTACHED FOR LEGAL DESCRIPTION

FOR: CENTEX HOMES

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
TESONE PROPERTY - PROPOSED THREE OAKS R/W
PARCEL 1 - BONITA SPRINGS, FL
SEC. 24, TWP. 47S., RGE 25E., LEE COUNTY, FL.

Feb 26, 2003 - 15:30:18 D:\GUA\LIARDO\X:\SUR\03697\36972501.dwg

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DRAWN BY: 1099	CHKD BY: 1223	CAD FILE: 26169.v1	PIN: 03697-000-001	TASK: GCS00	SHEET 1 OF 1	DRAWING INDEX NO: A-03697-25	REV:
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**LEGAL DESCRIPTION
TESONE PROPERTY
PROPOSED THREE OAKS RIGHT-OF-WAY
PARCEL 2 (2.32 AC)
BONITA SPRINGS, FLORIDA**

A part of Section 24, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

COMMENCE at the intersection of the West line of the Northwest one-quarter of said Section 24 and the Westerly right-of-way line of Interstate 75 according to the State of Florida Department of Transportation right-of-way Map Section Number 1201-2401, last revised July 30, 1984; thence, along said West line of Section 24, S.02°52'06"E., 28.27 feet; thence, along the arc of a non-tangent circular curve concave to the Northeast, having for its elements a radius of 5,857.66 feet, a central angle of 10°03'40", a chord distance of 1,027.28 feet, a chord bearing of S.29°11'11"E., an arc distance of 1,028.60 feet to the **POINT OF BEGINNING**; thence, continue, along the arc of a tangent circular curve concave to the Northeast having for its elements a radius 5857.66 feet, a central angle of 02°21'04", a chord distance of 240.34 feet, a chord bearing of S.35°23'32"E., an arc distance of 240.34 feet; thence S.53°25'56"W., 150.00 feet; thence N.36°34'04"W., 430.30 feet; thence S.36°34'04"E., 430.30 feet; thence along the arc of a tangent circular curve concave to the Northeast having for its elements a radius of 6,007.66 feet, a central angle of 02°21'04", a chord distance of 246.51 feet, a chord bearing of N.35°23'32"W., an arc distance of 246.51 feet; thence N.55°47'00"E., 150.00 feet to the **POINT OF BEGINNING** of herein described parcel.

Said parcel contains 2.320 acres more or less.

SEE ATTACHED SKETCH

This legal description and the attached sketch are not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.

This sketch and legal description are based on right-of-way alignment information included in the proposed Three Oaks Parkway Roadway Plans, Phase I Submittal, dated January 8, 2003, and prepared by Johnson Engineering, Inc. Bearings shown hereon are based on the State Plane Coordinate System, North American Datum of 1983/1990 Adjustment (NAD83/90), Florida West Zone, fixing the West line of the Northwest one-quarter of Section 24, as N.02°52'06"W.

Prepared by:

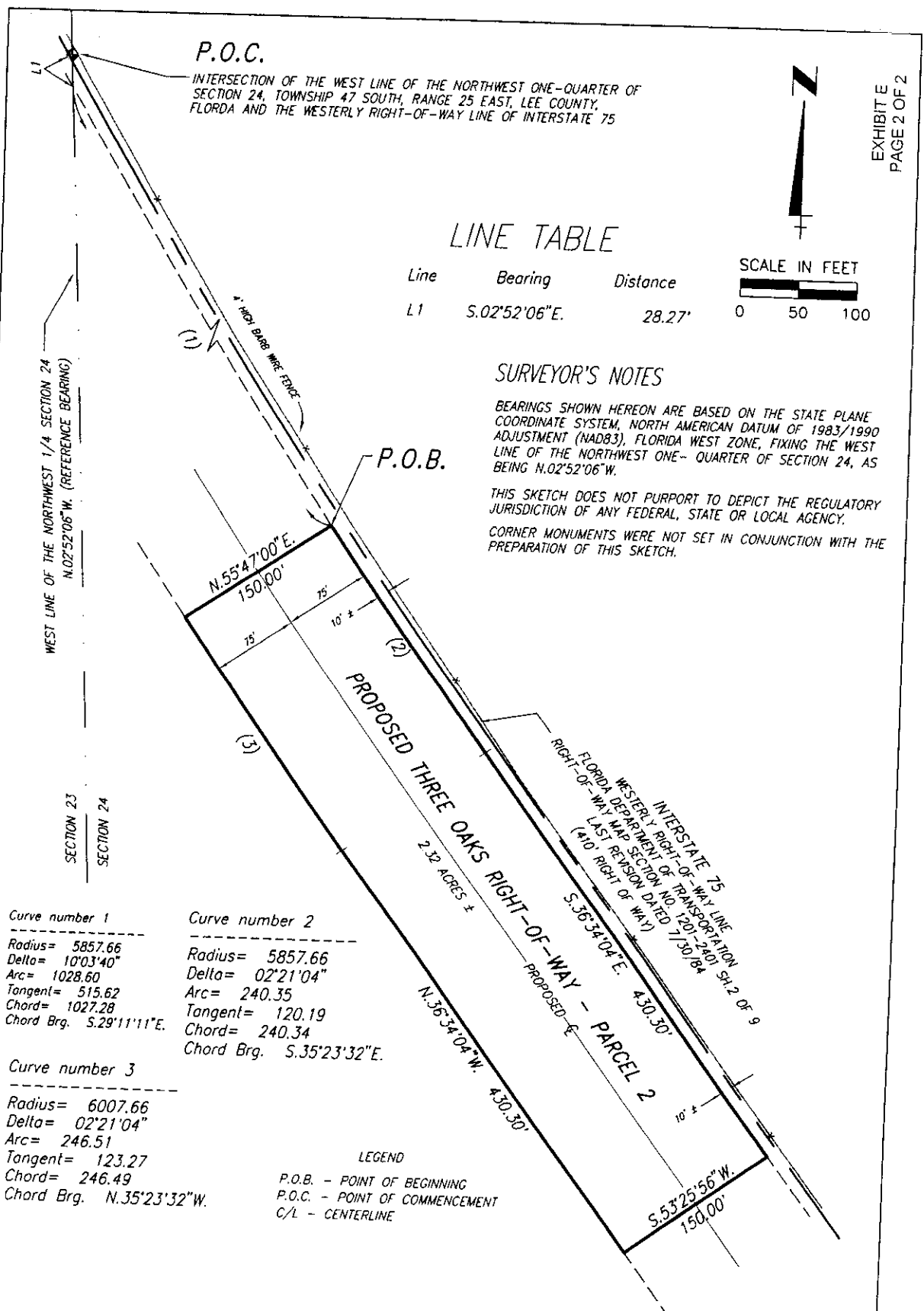
WilsonMiller, Inc.



Mark D. Haines, PSM
Professional Surveyor & Mapper No. LS5312
State of Florida

3/3/03
Date

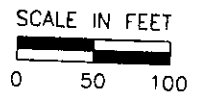
P.I.N.: 03697-000-001 GC000
Ref.: A-03697-26 (36972601.dwg)
Date: February 27, 2003.



P.O.C.
INTERSECTION OF THE WEST LINE OF THE NORTHWEST ONE-QUARTER OF SECTION 24, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AND THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 75

LINE TABLE

Line	Bearing	Distance
L1	S.02°52'06"E.	28.27'



SURVEYOR'S NOTES

BEARINGS SHOWN HEREON ARE BASED ON THE STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983/1990 ADJUSTMENT (NAD83), FLORIDA WEST ZONE, FIXING THE WEST LINE OF THE NORTHWEST ONE-QUARTER OF SECTION 24, AS BEING N.02°52'06"W.

THIS SKETCH DOES NOT PURPORT TO DEPICT THE REGULATORY JURISDICTION OF ANY FEDERAL, STATE OR LOCAL AGENCY.

CORNER MONUMENTS WERE NOT SET IN CONJUNCTION WITH THE PREPARATION OF THIS SKETCH.

Curve number 1	Curve number 2
Radius= 5857.66	Radius= 5857.66
Delta= 10°03'40"	Delta= 02°21'04"
Arc= 1028.60	Arc= 240.35
Tangent= 515.62	Tangent= 120.19
Chord= 1027.28	Chord= 240.34
Chord Brg. S.29°11'11"E.	Chord Brg. S.35°23'32"E.

Curve number 3
Radius= 6007.66
Delta= 02°21'04"
Arc= 246.51
Tangent= 123.27
Chord= 246.49
Chord Brg. N.35°23'32"W.

LEGEND
P.O.B. - POINT OF BEGINNING
P.O.C. - POINT OF COMMENCEMENT
C/L - CENTERLINE

*** THIS IS NOT A SURVEY ***
SEE ATTACHED FOR LEGAL DESCRIPTION

FOR: CENTEX HOMES

Feb 27, 2003 - 14:22:45 D:\GUAGLIARDO\X\SUR\03697\36972601.dwg

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
TESONE PROPERTY - PROPOSED THREE OAKS R/W
PARCEL 2 - BONITA SPRINGS, FL
SEC. 24, TWP. 47S., RGE 25E., LEE COUNTY, FL.

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4871 Colonial Blvd Suite 100 Fort Myers, Florida 33908 Phone 941-935-5200 Fax 941-935-7478 Web-site www.wilsonmiller.com

DRAWN BY: 1099	CHKD BY: 1223	CAD FILE: 26170.v1	PIN: 03697-000-001	TASK: GCS00	SHEET 1 OF 1	DRAWING INDEX NO: A-03697-26	REV:
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COMMITMENT FOR TITLE INSURANCE

Issued by **Commonwealth Land Title Insurance Company**



Commonwealth Land Title Insurance Company is a member of the LandAmerica family of title insurance underwriters.

COMMONWEALTH LAND TITLE INSURANCE COMPANY, a Pennsylvania corporation, herein called the company, for a valuable consideration, hereby commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest covered hereby in the land described or referred to in Schedule A, upon payment of the premiums and charges therefor; all subject to the provisions of Schedules A and B and to the Conditions and Stipulations hereof.

This Commitment shall be effective only when the identity of the proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A hereof by the Company, either at the time of the issuance of this Commitment or by subsequent endorsement.

This Commitment is preliminary to the issuance of such policy or policies of title insurance and all liability and obligations hereunder shall cease and terminate 180 days after the effective date hereof or when the policy or policies committed for shall be issued, whichever first occurs, provided that the failure to issue such policy or policies is not the fault of the company.

IN WITNESS WHEREOF, COMMONWEALTH LAND TITLE INSURANCE COMPANY has caused its corporate name and seal to be hereunto affixed by its duly authorized officers, the Commitment to become valid when countersigned by an authorized officer or agent of the Company.

COMMONWEALTH LAND TITLE INSURANCE COMPANY

Attest:

L. Chadwick Perrine

Secretary



By:

Janet A. Alpert

President

COMMITMENT FOR TITLE INSURANCE

Issued by **Commonwealth Land Title Insurance Company**



Commonwealth Land Title Insurance Company is a member of the LandAmerica family of title insurance underwriters.

CONDITIONS AND STIPULATIONS

1. The term mortgage, when used herein, shall include deed of trust, trust deed, or other security instrument.
2. If the proposed insured has or acquires actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions and Stipulations.
3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof, or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions, the Conditions and Stipulations, and the Exclusions from Coverage of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.
4. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company arising out of the status of the title to the estate or interest or the status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.

Metropolitan Title & Guaranty Company
DBA Commerce Title Company

Commonwealth Land Title Insurance Company

COMMITMENT FOR TITLE INSURANCE
SCHEDULE A

Order No: 419303

Effective Date: May 13, 2005 at 8:00 a.m.

1. Policy or Policies to be issued:

a). ALTA Owners 1992 with Florida Modifications

Proposed Insured: Lee County, Florida

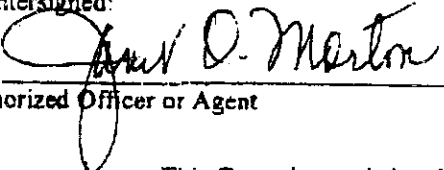
Amount of Insurance: \$ TBD

2. The estate or interest in the land described or referred to in this Schedule and covered herein is a Fee Simple and title thereto is at the effective date hereof vested in:

Centex Homes, a Nevada general partnership

3. The land referred to in this Commitment is described in Exhibit "A" attached hereto and made part hereof.

Countersigned:

BY: 
Authorized Officer or Agent

This Commitment is invalid unless the insuring provisions and Schedules A and B are attached.

Schedule B Section 1
Requirements

The following are requirements to be complied with:

1. Payment to or for the account of the grantors or mortgagors of the full consideration for the estate or interest to be insured.
2. Instrument(s) creating the estate or interest to be insured must be approved, executed and filed for record.
 - A. Duly authorized Warranty Deed from Centex Homes, a Nevada general partnership to Lee County, Florida, together with evidence satisfactory to the Company of the corporation's good standing under the laws of its domicile state.
3. Payment of all taxes, charges, assessments, levied and assessed against subject premises, which are due and payable.
4. Proof of payment, satisfactory to the Company, of all special assessments, recorded or unrecorded, including but not limited to special assessments arising under Chapter 159 of the Florida Statutes.

Schedule B Section 2
Exceptions

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.
2. Taxes and assessments for the year 2005 and subsequent years.
3. Easements or claims of easements not shown by the Public Records, boundary line disputes, overlaps, encroachments, and any matters not of record which would be disclosed by an accurate survey and inspection of the premises.
4. Rights of parties in possession, other than the record owner.
5. Any lien, or right to a lien, for services, labor, or materials heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
6. Deleted.
7. Easement for drainage, ingress and egress to Ward Farms, Inc. recorded in Official Records Book 408, Page 696 and Official Records Book 408, Page 698, as modified in Official Records Book 1705, Page 494.
8. Assignment of Developer's Rights, Permits and Approvals recorded in Official Records Book 4556, Page 4631.
9. Deleted.
10. Deleted.
11. Deleted.
12. Temporary Access Easement (Number 3) recorded in Official Records Book 4664, Page 4168.

Note: Upon conveyance to Lee County this exception will terminate by its terms and will not be shown on the Policy.

13. Deleted.
14. Easement for drainage, ingress and egress recorded in Official Records Book 407, Page 637 and Official Records Book 407, Page 639, as modified in Official Records Book 896, Page 745.
15. Oil, gas and mineral reservations contained in Lease recorded in Official Records Book 1039, Page 995; Act of Sale and Assignment recorded in Official Records Book 1058, Page 1900; Assignment recorded in Official Records Book 1053, Page 746 and Act of Sale recorded in Official Records Book 1048, Page 709.
16. Oil, gas and mineral reservations recorded in Official Records Book 231, Page 746 and Supplemented in Official Records Book 279, Page 729.
17. Oil, gas and mineral reservations recorded in Official Records Book 216, Page 440.

NOTE: All recording references in this commitment/policy shall refer to the Public Records of Lee County, Florida, unless otherwise noted.

NOTE: In accordance with Florida Statutes section 627.4131, please be advised that the insured hereunder may present inquiries, obtain information about coverage, or receive assistance in resolving complaints, by contacting the Commonwealth Land Title Insurance Company Regional Office, 201 South Orange Avenue, Suite 1350, Orlando, FL 32801 Telephone 407-481-8181.

Exhibit "A"

A part of Sections 24 and 25, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

COMMENCE at the intersection of the West line of the Northwest one-quarter of said Section 24 and the Westerly right-of-way line of Interstate 75 according to the State of Florida Department of Transportation right-of-way Map of Section Number 1201-2401, last revised July 30, 1984; thence, along said West line of Section 24, S.02°52'06"E., 28.27 feet to the POINT OF BEGINNING; thence, along the arc of a non-tangent circular curve concave to the Northeast and having for its elements a radius of 5,857.66 feet, a central angle of 12°24'43", a chord distance of 1,266.47 feet, a chord bearing of S.30°21'42"E., an arc distance of 1,268.95 feet; thence S.36°34'04"E., 1087.15 feet; thence along the arc of a tangent circular curve concave to the West, having for its elements a radius of 1,675.00 feet, a central angle of 67°04'48" a chord distance of 1,650.94 feet, a chord bearing of S.03°01'40"E., an arc distance of 1,961.03 feet; thence S.30°30'44"W., 1,621.01 feet; thence along the arc of a tangent circular curve concave to the Northeast, having for its elements a radius of 1,125.00 feet, a central angle of 110°32'38", a chord distance of 1,849.20 feet, a chord bearing of S.24°45'35"E., an arc distance of 2,170.53 feet; thence S.09°58'05"W., 14.00 feet; thence, along the arc of a non-tangent circular curve concave to the North, having for its elements a radius of 1,139.00 feet, a central angle of 03°22'18", a chord distance of 67.02 feet, a chord bearing of S.81°43'03"E., an arc distance of 67.03 feet to an intersection with the East line of the Southwest one-quarter of the Northwest one-quarter of the aforementioned Section 25; thence, along said East line, S.00°06'18"E., 2.38 feet to an intersection with the South line of the Southwest one-quarter of the Northwest one-quarter of the aforementioned Section 25; thence, along said South line, S.89°14'05"W., 440.73 feet; thence, along the arc of a non-tangent circular curve concave to the East, having for its elements a radius of 1,275.00 feet, a central angle of 93°52'48", a chord distance of 1,863.13 feet, a chord bearing of N.16°25'40"W., an arc distance of 2,088.11 feet; thence N.30°30'44"E., 1,621.01 feet, thence along the arc of a tangent circular curve concave to the West, having for its elements a radius of 1,525.00 feet, a central angle of 67°04'48" a chord distance of 1,685.18 feet, a chord bearing of N.03°01'40"W., an arc distance of 1,785.42 feet; thence N.36°34'04"W., 1087.15 feet; thence along the arc of a tangent circular curve concave to the Northeast, and having for its elements a radius of 6007.66 feet, a central angle of 08°59'57", a chord distance of 942.63 feet, a chord bearing of N.32°04'05"W., an arc distance of 943.60 feet to an intersection with the aforementioned West line of the Northwest one-quarter of Section 24; thence, along said West line, N.02°52'06"W., 383.82 feet to the to the POINT OF BEGINNING.

**LEGAL DESCRIPTION
TESONE PROPERTY
PROPOSED THREE OAKS RIGHT-OF-WAY
PARCEL 3 (21.686 AC)
BONITA SPRINGS, FLORIDA**

A part of Sections 24 and 25, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

COMMENCE at the intersection of the West line of the Northwest one-quarter of said Section 24 and the Westerly right-of-way line of Interstate 75 according to the State of Florida Department of Transportation right-of-way Map of Section Number 1201-2401, last revised July 30, 1984; thence, along said West line of Section 24, S.02°52'06"E., 28.27 feet; thence, along the arc of a non-tangent circular curve concave to the Northeast and having for its elements a radius of 5,857.66 feet, a central angle of 12°24'43", a chord distance of 1,266.47 feet, a chord bearing of S.30°21'42"E., an arc distance of 1,268.95 feet; thence S.36°34'04"E., 430.30 feet to the **POINT OF BEGINNING**; thence, continue along said line, S.36°34'04"E., 656.85 feet; thence along the arc of a tangent circular curve concave to the West, having for its elements a radius of 1,675.00 feet, a central angle of 67°04'48" a chord distance of 1,850.94 feet, a chord bearing of S.03°01'40"E., an arc distance of 1,961.03 feet; thence S.30°30'44"W., 1,621.01 feet; thence along the arc of a tangent circular curve concave to the Northeast, having for its elements a radius of 1,125.00 feet, a central angle of 110°32'38" a chord distance of 1,849.20 feet, a chord bearing of S.24°45'35"E., an arc distance of 2,170.53 feet; thence S.09°58'06"W., 14.00 feet; thence, along the arc of a non-tangent circular curve concave to the North, having for its elements a radius of 1,139.00 feet, a central angle of 03°22'18", a chord distance of 67.02 feet, a chord bearing of S.81°43'03"E., an arc distance of 67.03 feet to an intersection with the East line of the Southwest one-quarter of the Northwest one-quarter of the aforementioned Section 25; thence, along said East line, S.00°08'18"E., 2.38 feet to an intersection with the South line of the Southwest one-quarter of the Northwest one-quarter of the aforementioned Section 25; thence, along said South line, S.89°14'05"W., 440.73 feet; thence, along the arc of a non-tangent circular curve concave to the East, having for its elements a radius of 1,275.00 feet, a central angle of 93°52'48", a chord distance of 1,863.13 feet, a chord bearing of N.16°25'40"W., an arc distance of 2,089.11 feet; thence N.30°30'44"E., 1,621.01 feet; thence along the arc of a tangent circular curve concave to the West, having for its elements a radius of 1,525.00 feet, a central angle of 67°04'48" a chord distance of 1,685.18 feet, a chord bearing of N.03°01'40"W., an arc distance of 1,785.42 feet; thence N.36°34'04"W., 656.85 feet; thence N.53°25'56"E., 150.00 feet to the **POINT OF BEGINNING**.

Said parcel contains 21.686 acres more or less.

SEE ATTACHED SKETCH

This legal description and the attached sketch are not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.

This sketch and legal description are based on right-of-way alignment information included in the proposed Three Oaks Parkway Roadway Plans, Phase I Submittal, dated January 8, 2003, and prepared by Johnson Engineering, Inc. Bearings shown hereon are based on the State Plane Coordinate System, North American Datum of 1983/1990 Adjustment (NAD83/90), Florida West Zone, fixing the West line of the Northwest one-quarter of Section 24, as N.02°52'06"W.

Prepared by:

WilsonMiller, Inc.



Mark D. Haines, PSM
Professional Surveyor & Mapper No. LS5312
State of Florida

Date 3/3/03

P.I.N.: 03697-000-001 GC000; Ref.: A-03697-27 (36972701.dwg); Date: February 27, 2003.

Naples Fort Myers Sarasota Bradenton Tampa Tallahassee

4571 Colonial Boulevard, Suite 100 Fort Myers, Florida 33912-1062 941-939-1020 941-939-7479

www.wilsonmiller.com

WilsonMiller, Inc. - FL Lic. # LC-C000170 CA 43

P.O.C.

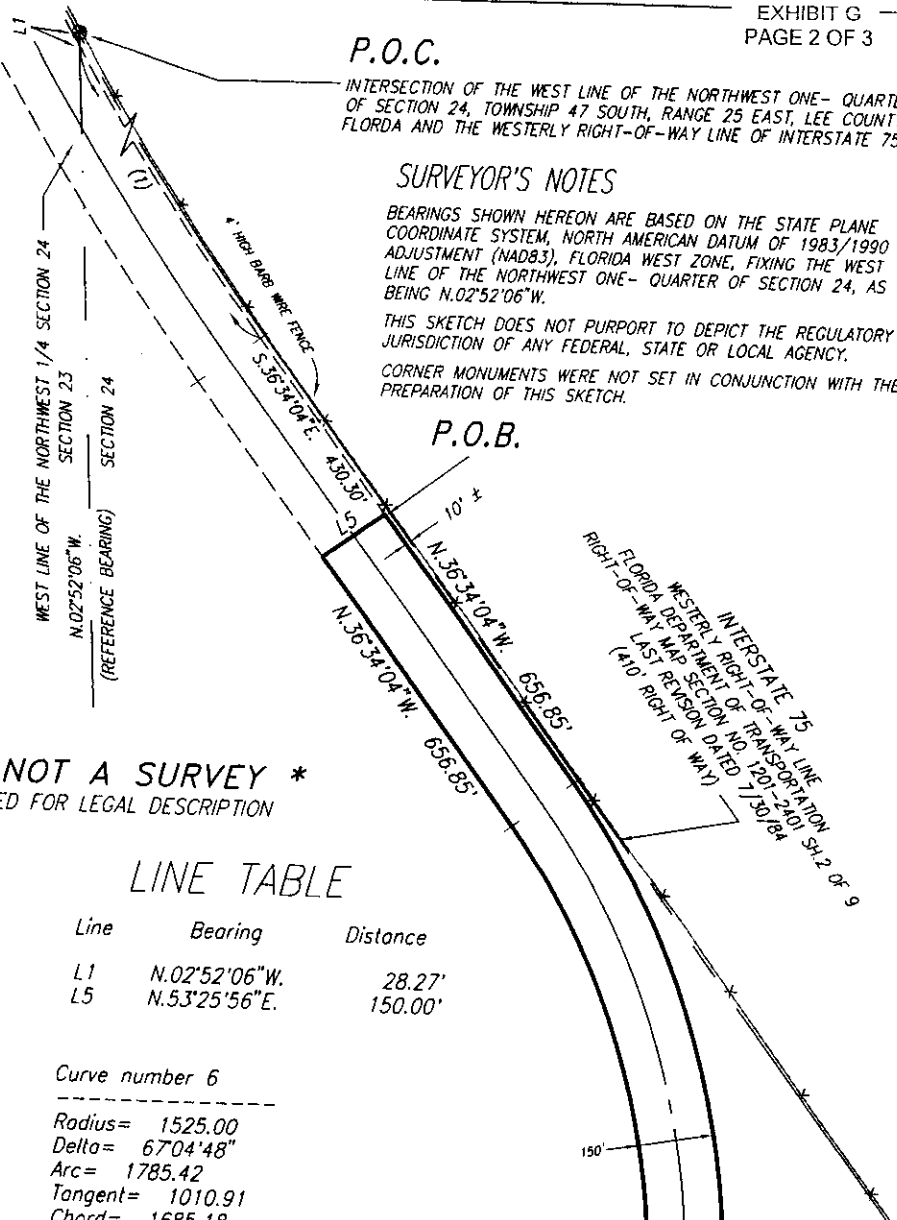
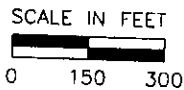
INTERSECTION OF THE WEST LINE OF THE NORTHWEST ONE- QUARTER OF SECTION 24, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AND THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 75

SURVEYOR'S NOTES

BEARINGS SHOWN HEREON ARE BASED ON THE STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983/1990 ADJUSTMENT (NAD83), FLORIDA WEST ZONE, FIXING THE WEST LINE OF THE NORTHWEST ONE- QUARTER OF SECTION 24, AS BEING N.02°52'06"W.

THIS SKETCH DOES NOT PURPORT TO DEPICT THE REGULATORY JURISDICTION OF ANY FEDERAL, STATE OR LOCAL AGENCY.

CORNER MONUMENTS WERE NOT SET IN CONJUNCTION WITH THE PREPARATION OF THIS SKETCH.



*** THIS IS NOT A SURVEY ***
SEE ATTACHED FOR LEGAL DESCRIPTION

LINE TABLE

Curve number 1
Radius= 5857.66
Delta= 12°24'43"
Arc= 1268.95
Tangent= 636.97
Chord= 1266.47
Chord Brg. S.30°21'42"E.

Line	Bearing	Distance
L1	N.02°52'06"W.	28.27'
L5	N.53°25'56"E.	150.00'

Curve number 2
Radius= 1675.00
Delta= 67°04'48"
Arc= 1961.03
Tangent= 1110.34
Chord= 1850.94
Chord Brg. S.03°01'40"E.

Curve number 6
Radius= 1525.00
Delta= 67°04'48"
Arc= 1785.42
Tangent= 1010.91
Chord= 1685.18
Chord Brg. N.03°01'40"W.

**PROPOSED
THREE OAKS RIGHT-OF-WAY
PARCEL 3**
21.686 ACRES ±

LEGEND

- P.O.B. - POINT OF BEGINNING
- P.O.C. - POINT OF COMMENCEMENT
- C/L - CENTERLINE
- PB - PLAT BOOK / PAGE
- OR - OFFICIAL RECORDS BOOK / PAGE

SEE
SHEET 2 OF 2

Feb 27, 2003 - 15:42:46 D:\GUA\GUARDIOX\SUR\03697\36972701.dwg
FOR: CENTEX HOMES

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
TESONE PROPERTY - PROPOSED THREE OAKS R/W
PARCEL 3 - BONITA SPRINGS, FL
SEC. 24, TWP. 47S., RGE 25E., LEE COUNTY, FL.

WilsonMiller

Planners • Engineers • Ecologists • Surveyors • Landscape Architects • Transportation Consultants

WilsonMiller, Inc.

4571 Colonial Blvd. Suite 200 Naples • Fort Myers • Sarasota • Bradenton • Tampa • Tallahassee
Port Myers, Florida 33906 Phone 941-939-9200 Fax 941-939-7479 Web-site www.wilsonmiller.com

DRAWN BY: 1099	CHKED BY: 1223	CAD FILE: 26171.v1	PIN: 03697-000-001	TASK: GCS00	SHEET 1 OF 2	DRAWING INDEX NO: A-03697-27	REV:
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LINE TABLE

Line	Bearing	Distance
L2	S.09°58'06"W.	14.00'
L3	S.00°08'18"E.	2.38'
L4	S.89°14'05"W.	440.73'

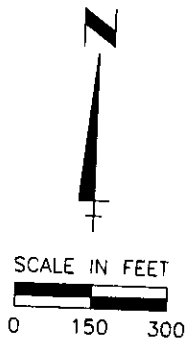
Curve number 3
 Radius= 1125.00
 Delta= 110°32'38"
 Arc= 2170.53
 Tangent= 1623.01
 Chord= 1849.20
 Chord Brg. S.24°45'35"E.

Curve number 4
 Radius= 1139.00
 Delta= 03°22'18"
 Arc= 67.03
 Tangent= 33.52
 Chord= 67.02
 Chord Brg. S.81°43'03"E.

Curve number 5
 Radius= 1275.00
 Delta= 93°52'48"
 Arc= 2089.11
 Tangent= 1364.40
 Chord= 1863.13
 Chord Brg. N.16°25'40"W.

LEGEND
 P.O.B. - POINT OF BEGINNING
 P.O.C. - POINT OF COMMENCEMENT
 C/L - CENTERLINE
 PB - PLAT BOOK / PAGE
 OR - OFFICIAL RECORDS BOOK / PAGE

* THIS IS NOT A SURVEY *
 SEE ATTACHED FOR LEGAL DESCRIPTION



Feb 27, 2003 - 15:42:46 D:\GUA\LIARDOIX\SUR\03697\36972701.dwg
 FOR: CENTEX HOMES

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
 TESONE PROPERTY - PROPOSED THREE OAKS R/W
 PARCEL 3 - BONITA SPRINGS, FL
 SEC. 24, TWP. 47S., RGE 25E., LEE COUNTY, FL.

WilsonMiller

Surveyors - Engineers - Ecologists - Surveyors - Landscape Architects - Transportation Consultants
 WilsonMiller, Inc.
 Naples - Fort Myers - Sarasota - Bradenton - Tampa - Tallahassee
 407 Collier Blvd, Suite 100 Fort Myers, Florida 33908 Phone 941-938-0200 Fax 941-938-7429 Web Site www.wilsonmiller.com

DRAWN BY: 1099	CHKD BY: 1223	CAD FILE: 26171.v1	PIN: 03697-000-001	TASK: GCS00	SHEET 2 OF 2	DRAWING INDEX NO: A-03697-27	REV:
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This Instrument Prepared By:

Russell P. Schropp, Esq.
Henderson, Franklin, Starnes & Holt, P.A.
P.O. Box 280
Fort Myers, FL 33902-0280

PERPETUAL STORMWATER DRAINAGE AND ACCESS EASEMENT

This easement grant is made between **CENTEX HOMES**, a Nevada general partnership authorized to do business in the State of Florida, owner, whose address is 5801 Pelican Bay Blvd., Naples, FL 34108 ("Grantor") and **LEE COUNTY**, a political subdivision of the State of Florida, whose address is P.O. Box 398, Fort Myers, FL 33902-0398 ("Grantee") as follows:

1. In consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, receipt of which is hereby acknowledged, Grantor grants to Grantee, its successors and assigns, a perpetual drainage and access easement in, over and across that portion of Grantor's property legally described in Exhibit "A". The purpose of this easement is to enable the drainage from Three Oaks Parkway to enter the surface water management system for the Centex project.
2. This easement includes the right to use the water management system to convey water and accommodate water storage in accordance with the South Florida Water Management District (SFWMD) requirements applicable to the construction improvements to Three Oaks Parkway. Grantee has the right and authority to maintain the water management system within the easement area, including the right to enter upon Grantee's lands in the event the Grantee fails to properly maintain the system so that it will continuously accommodate the water storage required by the applicable SFWMD permit(s). However, primary maintenance responsibility rests with the Grantor.
3. Grantee also has the right and authority to remove or trim any roots, trees or other vegetation or structures, including fencing, within the easement area in order to properly install the stormwater drainage facilities.
4. Grantor may use the easement area for landscaping (except trees), walkway, drainage or similar uses, provided no structures, such as sheds, carports, garages or other building, are constructed within the easement area.
5. Title to any drainage facilities constructed in the easement area will remain in the Grantor, its successors or assigns.
6. Grantor warrants that subject to any existing public roadway or utility easements, Grantor is in lawful possession of the subject property free and clear of all

liens and encumbrances, except those recorded in the public records, and has the right and power to convey this easement.

7. Grantee, by accepting this Easement, agrees to all the terms contained herein.

8. This easement is binding upon the parties hereto, their successors and assigns.

IN WITNESS WHEREOF, this instrument is executed this ___ day of _____, 2005.

Signed and Sealed
in the Presence of:

**CENTEX HOMES, a Nevada general
partnership authorized to do business
in the State of Florida**

By: Centex Real Estate Corporation,
a corporation organized under the Laws of
Nevada, and authorized to transact business
in Florida, its sole managing general partner

Witness Signature

Type/Print Witness Name

Witness Signature

Type/Print Witness Name

By: _____
Timothy Ruemler, Division President

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this ____ day of _____
2005, by Timothy Ruemler, as Division President of Centex Real Estate Corporation,
the sole managing general partner of Centex Homes, a Nevada general partnership
authorized to do business in the State of Florida, who is personally known to me or who
has produced _____ as identification.

Notary Public Signature

My Commission Expires:

Type/Print Notary Public Name

Commission No.: _____

ENGINEER'S OPINION OF PROBABLE COST

3/28/2005

PAY ITEM NO.	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	PAY ITEM TOTAL
ROADWAY ITEMS					
104-11	TURBIDITY BARRIER FLOATING	LF	177	\$ 9.10	\$ 1,610.70
104-13-1	SILT FENCE STAKED (TYPE III)	LF	3,328	\$ 1.18	\$ 3,927.04
110-1-1	CLEARING & GRUBBING	LS	1	\$ 20,000.00	\$ 20,000.00
160-4	STABILIZATION TYPE B	SY	5,946	\$ 3.33	\$ 19,800.18
285-709	BASE OPTIONAL (BASE GROUP 09)	SY	5,084	\$ 11.12	\$ 56,534.08
331-2a	ASPH CONC TYPE S-I (2-1/2")	TN	636	\$ 43.75	\$ 27,825.00
331-2b	ASPH CONC TYPE S-III (1")	TN	254	\$ 43.75	\$ 11,112.50
425-1-321	INLETS (CURB) (TYPE P-2) (<10')	EA	4	\$ 5,000.00	\$ 20,000.00
430-171-125	PIPE CONC CULV (18" SS)	LF	150	\$ 50.00	\$ 7,500.00
430-171-129	PIPE CONC CULV (24" SS)	LF	266	\$ 60.00	\$ 15,960.00
430-982-129	MITERED END SECTION (24" CD)	EA	2	\$ 700.00	\$ 1,400.00
520-1-10	CURB & GUTTER CONC (TYPE F)	LF	3,328	\$ 13.05	\$ 43,430.40
522-1	SIDEWALK CONC (4" THICK)	SY	1,202	\$ 20.92	\$ 25,145.84
575-1-3	SODDING (ARGENTINE BAHIA)	SY	7,033	\$ 1.75	\$ 12,307.75
700-40-1	SIGN SINGLE POST (LESS THAN 12 SQ. FT.)	AS	2	\$ 281.00	\$ 562.00
706-3	RETRO-REFLECTIVE PAVEMENT MARKERS	EA	42	\$ 4.38	\$ 183.96
711-33	SKIP TRAFFIC STRIPE (WHITE) (THERMOPLASTIC)	LF	1664	\$ 0.85	\$ 1,414.40
711-35-81	SOLID TRAFFIC STRIPE (6") (WHITE) (THERMOPLASTIC)	LF	1664	\$ 0.47	\$ 782.08
711-36-81	SOLID TRAFFIC STRIPE (6") (YELLOW) (THERMOPLASTIC)	LF	1664	\$ 0.65	\$ 1,081.60
715-1-113	CONDUCTOR (INSULATED #6 AVG)	LF	1,664	\$ 0.78	\$ 1,297.92
715-1-114	CONDUCTOR (INSULATED #4 AVG)	LF	1,664	\$ 1.01	\$ 1,680.64
715-2-113	CONDUIT (UNDERGROUND) (PVC SCH 40) 1-1/4"	LF	1,664	\$ 3.61	\$ 6,007.04
715-511-140	LIGHTING POLE, COMPLETE (F&I) (DECORATIVE) 40' MH	EA	7	\$ 4,250.00	\$ 29,750.00
715-7-12	LOAD CENTER (PRIMARY VOLTAGE)	EA	0	\$ 3,200.00	\$ 1,152.00
	LANDSCAPE (PLANTING & IRRIGATION)	LF	822	\$ 47.00	\$ 38,634.00
ROADWAY TOTAL					\$ 349,099.13
CULVERT ITEMS					
400-4-1	CONC CLASS IV (CULVERTS)	CY	795	\$ 856.00	\$ 680,520.00
415-1-6	REINF STEEL (MISC.)	LB	146,140	\$ 1.00	\$ 146,140.00
515-2-302	PEDESTRIAN/ BICYCLE RAILING (ALUM ONLY) (54" PICKET RAIL)	LF	225	\$ 49.00	\$ 11,025.00
CULVERT TOTAL					\$ 837,685.00
CONTINGENCY					10 % \$ 118,678.41
GRAND TOTAL					\$ 1,305,462.54