

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

Blue Sheet No. 20051369-UTL

1. Action Requested/Purpose:

Approve final acceptance, by Resolution, and recording of one (1) utility easement as a donation of one (1) 8" fire line, one (1) 3" water service and one (1) force main connection serving *Estero Park Commons* to provide potable water service, fire protection and sanitary sewer service to this recently constructed commercial development. This is a Developer Contributed asset project is located at the southwest corner of Corkscrew Road and Corkscrew Palms Boulevard.

2. What Action Accomplishes:

Provides adequate utility infrastructure to support development of the subject property and complies with the Lee County Utilities Operations Manual.

3. Management Recommendation:

Approval.

4. Departmental Category: 10 -

CIOB

5. Meeting Date: 10-25-2005

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: Rick Ditz, P. E., Director 10/6/05

9. Background:

The Board granted permission to construct on 01/25/05, Blue Sheet #20041583
 The installation has been inspected for conformance to the Lee County Utilities Operations Manual.
 Satisfactory pressure and bacteriological testing of the water system has been completed.
 Satisfactory closed circuit television inspection of the gravity collection system has been performed.
 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.
 Sanitary sewer service will be provided by Lee County Utilities via a recently constructed privately owned & maintained lift station and force main which now ties into existing Lee County Utilities' infrastructure also located within Corkscrew Palm Blvd. right-of-way.
 Funds are available for recording fees in account number OD5360748700.504930.

SECTION 34 TOWNSHIP 46S RANGE 25E DISTRICT # 3 COMMISSIONER JUDAH

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>J. Lavender</i> Date: 10-11-05	N/A	N/A	<i>P.O.</i> T. Osterhout Date: 10/6	<i>S. Covert</i> Date:	<i>P.M.</i> 10/12/05	<i>os</i> 10/12/05	<i>dy</i> 10/12/05	<i>JK</i> 10/14/05	<i>J. Lavender</i> Date: 10-11-05

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY
COUNTY ADMIN:
10-12-05
4:15
COUNTY ADMIN
FORWARDED TO:
10/12/05
4:45 P.M.

Rec. by CoAtty
Date: 10/12/05
Time: 11:00AM
Forwarded To:

CO. ATTY.
FORWARDED TO:
Admin
10/12/05
4 PM

RESOLUTION NO.

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

WHEREAS, it is the desire of "CORKSCREW ROAD ASSOCIATES LIMITED PARTNERSHIP", owner of record, to make a contribution to Lee County Utilities of one (1) utility easement as a donation of one (1) 8" fire line, one (1) 3" water service, and one (1) force main serving "ESTERO PARK COMMONS"; 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 **\$56,057.64** is hereby ACCEPTED and acknowledged as an addition to Lee County Utilities.

THE FOREGOING RESOLUTION was offered by Commissioner _____ who moved for its adoption. The motion was seconded by Commissioner _____ and, upon being put to a vote, the vote was as follows:

- Commissioner Bob Janes: _____ (1)
- Commissioner Douglas St. Cerny: _____ (2)
- Commissioner Ray Judah: _____ (3)
- Commissioner Tammy Hall: _____ (4)
- Commissioner John Albion: _____ (5)

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

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
DEPUTY CLERK

By: _____
CHAIRMAN

APPROVED AS TO FORM

OFFICE OF COUNTY ATTORNEY

LETTER OF COMPLETION

DATE: 7/19/2005

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

Gentlemen:

This is to certify that the **water distribution and sanitary sewer** located at
Estero Park Commons
(Name of Development/Project)

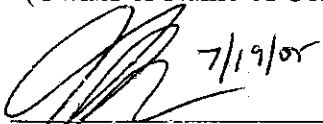
were designed by me and have been constructed in conformance with:
the approved plans and the approved specifications

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

Pressure Test(s) - Water Main Pressure Test(s) - Force Main

Very truly yours,

Jeppesen Engineering Corp.
(Owner or Name of Corporation/Firm)

 7/19/05

(Signature)

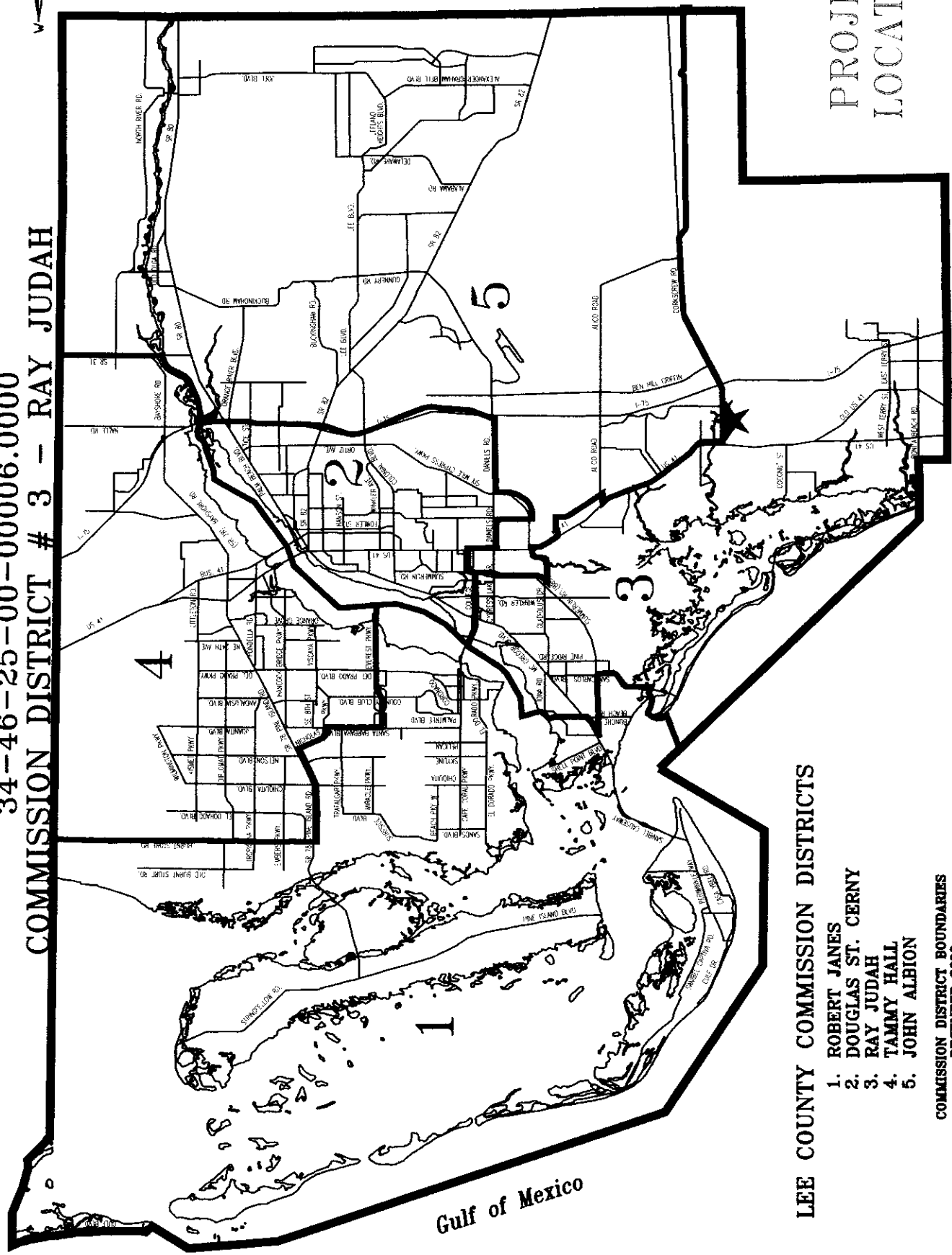
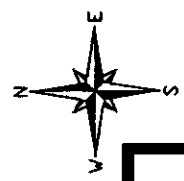
Engineer
(Title)

(Seal of Engineering Firm)

COPY

PROJECT LOCATION

ESTERO PARK COMMONS
34-46-25-00-00006.0000
COMMISSION DISTRICT # 3 - RAY JUDAH



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

COPY

WARRANTY

THE UNDERSIGNED parties do hereby warrant and/or guaranty all work executed by the contractor on the water and sewer systems of Estero Park Commons 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.

HALEAKALA CONSTRUCTION, INC.

(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 10 th day of AUG, 2005 by BRENDA K. MERCHANT who is personally known to me - _____, and who did not take an oath.


Notary Public Signature

LINDA MAHON
Printed Name of Notary Public

 **Linda Mahon**
Commission #DD177119
Expires: Feb 21, 2007
Bonded Thru
Atlantic Bonding Co., Inc.

(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
FIFTY SIX THOUSAND FIFTY SEVEN DOLLARS AND SIXTY FOUR CENTS(\$56,057.64)
hereby waivers and releases its lien and right to claim a lien for labor, services, or materials furnished to
CORKSCREW ROAD ASSOCIATES LIMITED PARTNERSHIP on the job of ESTERO PARK
COMMONS to the following described property:

ESTERO PARK COMMONS
(Name of Development/Project)

water distribution and sanitary sewer systems
(Facilities Constructed)

CORKSCREW RD AND SANDY LANE
(Location)

34-46-25-00-00006.000Q
(Strap # or Section, Township & Range)

Dated on: September 5, 2005

By: [Signature]
(Signature of Authorized Representative)

HALEAKALA CONSTRUCTION INC.
(Name of Firm or Corporation)

By: BRENDA K. MERCHANT
(Print Name of Authorized Representative)

5758 TAYLOR ROAD
(Address of Firm or Corporation)

Title: AUTHORIZED AGENT

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

Phone #: (239)598-1968 Ext.

Fax#: (239)598-9418

STATE OF FL)
) SS:
COUNTY OF COLLIER)

The foregoing instrument was signed and acknowledged before me this 5 th day of September, 2005
by BRENDA K. MERCHANT who is personally known to me - _____, and who did not take an oath.



Linda Mahon
Commission #DD177119
Expires: Feb 21, 2007
Bonded Thru
Atlantic Bonding Co., Inc.

[Signature]
(Notary Public Signature)

(Notary Seal & Commission Number)

LINDA MAHON
(Printed Name of Notary Public)

CERTIFICATION OF CONTRIBUTORY ASSETS

PROJECT NAME: ESTERO PARK COMMONS

STRAP NUMBER: 3446250000060000

LOCATION: SECTION 34, TOWNSHIP 46S, RANGE 25E

OWNER'S NAME: (as shown on Deed) CORKSCREW ROAD ASSOCIATES LIMITED PARTNERSHIP

OWNER'S ADDRESS: 27599 RIVERVIEW CENTER BLVD., SUITE 105

OWNER'S ADDRESS: BONITA SPRINGS, FL 34134-

TYPE UTILITY SYSTEM: POTABLE WATER

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

DESCRIPTION AND COST OF MATERIAL, LABOR, AND SERVICES

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

ITEM	SIZE	QUANTITY	UNIT	UNIT COST	TOTAL
PVC C-900 DR-14 WATER MAIN	10"	44.0	LF	\$40.00	\$1,760.00
FIRE LINE UP TO AND INCL 1ST OS + Y VALVE	8"	1.0	LS	\$1,000.00	\$1,000.00
SINGLE WATER SERVICE/COMPLETE	3"	1.0	EA	\$375.00	\$375.00
GATE VALVE	10"	1.0	EA	\$1,450.00	\$1,450.00
FIRE HYDRANT ASSEMBLY	6"	1.0	EA	\$2,700.00	\$2,700.00
TAPPING SLEEVE W/VALVE	16" x 6"	1.0	EA	\$4,500.00	\$4,500.00
PVC C-900 DR-18 WATER MAIN (REMOVED)	12"	192.0	LF	\$10.00	\$1,920.00
PVC C-900 DR-18 WATER MAIN (REMOVED)	16"	71.0	LF	\$10.00	\$710.00
CL-50 DIP WATER MAIN	12"	263.0	LF	\$89.92	\$23,648.96
GATE VALVE	12"	1.0	EA	\$2,088.68	\$2,088.68
TOTAL					\$40,152.64

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

I do hereby certify that the quantities of material and services described above are a true and accurate representation of the as-installed cost of the system being contributed to Lee County and corresponds with the record drawings.

CERTIFYING:

x *Brenda K. Merchant*

(Signature of Certifying Agent)

Brenda K. Merchant

(Name & Title of Certifying Agent)

Haleakala Construction, Inc.

(Name of Firm or Corporation)

5758 Taylor Rd.

(Address of Firm or Corporation)

Naples, FL 34109 - 1829

STATE OF FL)

) SS:

COUNTY OF COLLIER)

The foregoing instrument was signed and acknowledged before me this 10 th day of August, 2005 by Brenda K. Merchant who is personally known to me - , and who did not take an oath.

Linda Mahon
Notary Public Signature

LINDA MAHON
Printed Name of Notary Public

DD177119
Notary Commission Number



(NOTARY SEAL)

CERTIFICATION OF CONTRIBUTORY ASSETS

PROJECT NAME: ESTERO PARK COMMONS

STRAP NUMBER: 3446250000060000

LOCATION: SECTION 34, TOWNSHIP 46S, RANGE 25E

OWNER'S NAME: (as shown on Deed) CORKSCREW ROAD ASSOCIATES LIMITED PARTNERSHIP

OWNER'S ADDRESS: 27599 RIVERVIEW CENTER BLVD., SUITE 105

OWNER'S ADDRESS: BONITA SPRINGS, FL 34134-

TYPE UTILITY SYSTEM: SANITARY SEWER

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

DESCRIPTION AND COST OF MATERIAL, LABOR, AND SERVICES

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

ITEM	SIZE	QUANTITY	UNIT	UNIT COST	TOTAL
HDPE SDR-11 FORCE MAIN	4"	121.0	LF	\$28.00	\$3,388.00
HDPE SDR-11 CASING	10"	121.0	LF	\$77.00	\$9,317.00
TAPPING SLEEVE W/VALVE	12" x 4"	1.0	EA	\$2,350.00	\$2,350.00
PLUG VALVE	4"	1.0	EA	\$850.00	\$850.00
TOTAL					\$15,905.00

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

I do hereby certify that the quantities of material and services described above are a true and accurate representation of the as-installed cost of the system being contributed to Lee County and corresponds with the record drawings.

CERTIFYING:

X 

(Signature of Certifying Agent)

Brenda K. Merchant

(Name & Title of Certifying Agent)

Haleakala Construction, Inc.

(Name of Firm or Corporation)

5758 Taylor Rd.

(Address of Firm or Corporation)

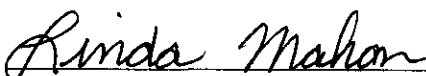
Naples, FL 34109 - 1829

STATE OF FL)

) SS:

COUNTY OF COLLIER)

The foregoing instrument was signed and acknowledged before me this 10 th day of August, 2005 by Brenda K. Merchant who is personally known to me - _____, and who did not take an oath.



Notary Public Signature

LINDA MAHON

Printed Name of Notary Public

DD 177119

Notary Commission Number

 **Linda Mahon**
Commission #DD177119
Expires: Feb 21, 2007
Bonded Thru
Atlantic Bonding Co., Inc.

(NOTARY SEAL)

RECORDERS OFFICE:

PLEASE PUT MY NAME ON THE ATTENTION LINE:

Sue Gullidge

LCU 500283

OD5360748700.504930

THANK YOU



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



FDOR10240300
 DR-219
 R. 07/98

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

0 1 2 3 4 5 6 7 8 9 0123456789

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

34-46-25-00-00006.0000

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: CORKSCREW ROAD ASSOCIATES LP**

Last First MI Corporate Name (if applicable)
 27599 RIVERVIEW CENTER BLVD, SUITE 105 BONITA SPRINGS, FL 34134
 Mailing Address City State Zip Code Phone No.

4. Grantee (Buyer): **RICK DIAZ, P.E. UTIL. DIR. FOR LEE CO. BD. OF CO. COMMISSIONERS**

Last First MI Corporate Name (if applicable)
 P. O. BOX 398 FT. MYERS FL 33902 (239) 4798181
 Mailing Address City State Zip Code Phone No.

5. Date of Sale/Transfer: **10 / 25 / 2005** Sale/Transfer Price: **\$10,000**
 Month Day Year (Round to the nearest dollar.) Property Located In: **Lee**

6. Type of Document: Contract/Agreement for Deed 7. Are any mortgages on the property? If "Yes",
 Warranty Deed Quit Claim Deed outstanding mortgage balance: **\$0.00**
 (Round to the nearest dollar.)

8. To the best of your knowledge, were there unusual circumstances or conditions to the sale/transfer
 such as: Forced sale by court order? Foreclosure pending? Distress Sale? Title defects? Corrective Deed? Mineral rights?
 Sale of a partial or undivided interest? Related to seller by blood or marriage. YES / NO

9. Was the sale/transfer financed? YES / NO If "Yes", please indicate type or types of financing:
 Conventional Seller Provided Agreement or Contract for Deed Other

10. Property Type: Residential Commercial Industrial Agricultural Institutional/Miscellaneous Government Vacant Acreage Timeshare
 Mark (x) all that apply Vacant

11. To the best of your knowledge, was personal property included in the sale/transfer? If "Yes", please state the amount attributable to the personal property. (Round to the nearest dollar.) YES / NO \$0.00

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

I certify that the information furnished on this return is true and correct to the best of my knowledge and belief, and that I am not aware of any information that would require the filing of an amended return.

Signature of Grantor or Grantee or Agent: *[Signature]* Date: **10/6/05**

OTHER PENALTY MAY APPLY UNDER SECTION 218.01(2), FLORIDA STATUTES.

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

This copy to Property Appraiser



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



FDOR10240300
 DR-219
 R. 07/98

Enter numbers as shown below.

If typing, enter numbers as shown below.

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

0 1 2 3 4 5 6 7 8 9

0123456789

34-46-25-00-00006.0000

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? →

EASEMENT DONATION BY:

CORKSCREW ROAD ASSOCIATES LP

3. Grantor (Seller):

Last First MI Corporate Name (if applicable)
 27599 RIVERVIEW CENTER BLVD, SUITE 105 BONITA SPRINGS, FL 34134

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

4. Grantee (Buyer):

Last First MI Corporate Name (if applicable)
 P. O. BOX 398 FT. MYERS FL 33902 (239) 4798181

Mailing Address City State Zip Code Phone No.

5. Date of Sale/Transfer

10 25 2005
 Month Day Year

\$ 10
 (Round to the nearest dollar.)

Sale/Transfer Price

\$ 10

. 00

Property Located In 46 County Code

6. Type of Document

Warranty
 Deed

Contract/Agreement
 for Deed
 Quit Claim
 Deed

Other

(Round to the nearest dollar.) \$

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

YES NO

. 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 \$

0.70

Cents
 . 00

12. Amount of Documentary Stamp Tax

13. If no tax is due in number 12, is deed exempt from Documentary Stamp Tax under s. 201.02(6), Florida Statutes?

YES NO

I, the declarant, of my own free will and knowledge, and without duress, coercion, or undue influence, certify that the information provided herein is true and correct to the best of my knowledge and belief, and that the taxpayer, his/her declaration is based on all information of which he/she has any knowledge.

Signature of Grantor or Grantee or Agent

Date

10/6/05

THIS DOCUMENT IS SUBJECT TO THE FOLLOWING CONDITIONS: 1. THIS DOCUMENT IS NOT VALID UNLESS IT IS SIGNED BY THE TAXPAYER OR HIS/HER AGENT. 2. THIS DOCUMENT IS NOT VALID UNLESS IT IS SIGNED BY THE TAXPAYER OR HIS/HER AGENT. 3. THIS DOCUMENT IS NOT VALID UNLESS IT IS SIGNED BY THE TAXPAYER OR HIS/HER AGENT.

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

This copy to Department of Revenue

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

Strap Number(s):
34462500000060000

THIS SPACE RESERVED FOR RECORDING

LCU 500283

GRANT OF PERPETUAL PUBLIC UTILITY EASEMENT

THIS INDENTURE is made and entered into this ____ day of _____ 20__, by and between Corkscrew Road Associates Limited Partnerhip, 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.

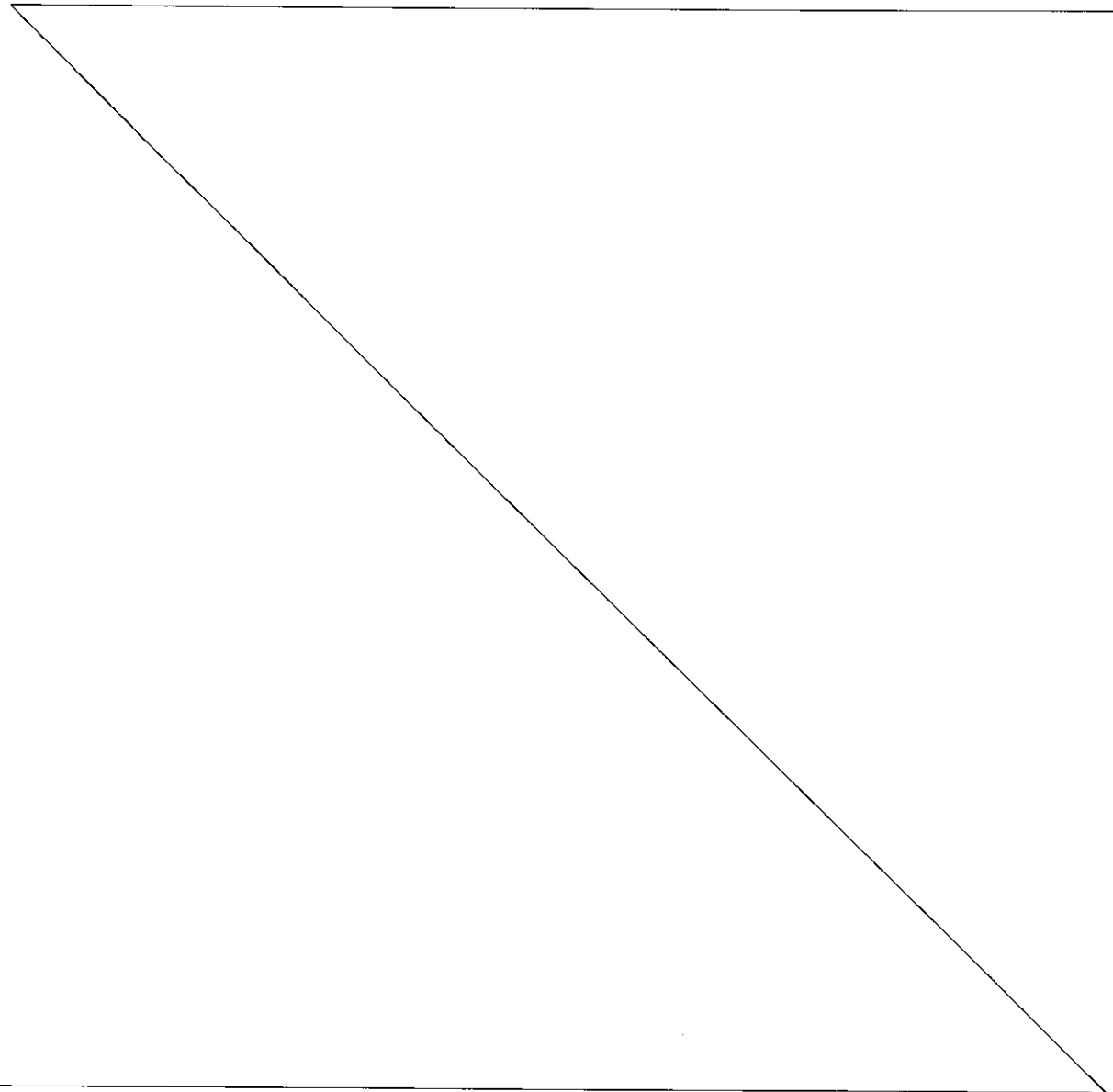
7. GRANTEE will be liable for money damages in tort for any injury to or loss of property, personal injury, or death caused by the negligent or wrongful act(s) or omission(s) of any official or employee of the GRANTEE while acting within the scope of the official's or employee's office or employment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

Amie Heckman
[1st Witness' Signature]

Amie Heckman
[Type or Print Name]

John Berry
[2nd Witness' Signature]

John Berry
[Type or Print Name]

BY: [Signature]
[Signature Grantor's/Owner's]

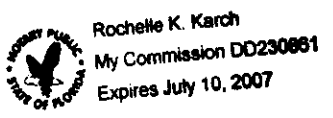
John S. McGarvey
[Type or Print Name]

Manager
[Title]

STATE OF FLORIDA
COUNTY OF Lee

The foregoing instrument was signed and acknowledged before me this 29th day of June 2005, by John S McGarvey who produced the following as identification _____ or is personally know to me, and who did/did not take an oath.

[stamp or seal]



Rochelle Karch
[Signature of Notary]

Rochelle Karch
[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

EXHIBIT "A"

Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors
FORT MYERS ♦ NAPLES ♦ SARASOTA

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 46 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

(UTILITY EASEMENT)

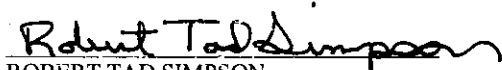
COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 34, SAID POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF CORKSCREW ROAD; THENCE S.89°36'13"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 121.88 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE S.89°36'13"W. ALONG SAID SOUTHERLY LINE FOR 24.00 FEET; THENCE S.00°23'47"E. FOR 11.00 FEET; THENCE N.89°36'13"E. FOR 24.00 FEET; THENCE N.00°23'47"W. FOR 11.00 FEET TO THE **POINT OF BEGINNING**.

PARCELS CONTAIN 44 SQUARE FEET MORE OR LESS

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

ASSUMED NORTH BASED ON THE SOUTHERLY RIGHT-OF-WAY LINE OF CORKSCREW ROAD AS BEARING S 89°36'13" W.

DESCRIPTION PREPARED: 06-30-05



ROBERT TAD SIMPSON
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 5559

S:\Jobs\2005\2059\SURVEYING\DESCRIPTIONS\2059-HYDRANT_EASE.doc
S:\Jobs\2005\2059\SURVEYING\DESCRIPTIONS\2059-HYDRANT_EASE.dwg

SHEET 1 OF 2

EXHIBIT "A"
Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors
FORT MYERS ♦ NAPLES ♦ SARASOTA

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 46 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

(UTILITY EASEMENT)

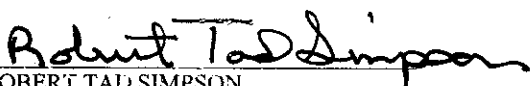
COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 34; THENCE S.77°59'20"E. ALONG THE SOUTHERLY LINE OF THE PARCEL (CORKSCREW ROAD RIGHT-OF-WAY TAKE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 3172, PAGES 3351 THROUGH 3353 OF THE PUBLIC RECORDS OF SAID LEE COUNTY FOR 51.20 FEET; THENCE N.89°36'13"E. ALONG SAID SOUTH LINE FOR 224.29 FEET; THENCE S.45°59'40"E. ALONG SAID SOUTH LINE FOR 21.43 FEET TO AN INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF CORKSCREW PALMS BOULEVARD (80' WIDE); THENCE S.01°11'49"E. ALONG SAID WEST RIGHT-OF-WAY LINE FOR 369.24 FEET TO THE **POINT OF BEGINNING** ; THENCE CONTINUE S.01°11'49"E. ALONG SAID WEST RIGHT-OF-WAY LINE FOR 25.17 FEET; THENCE S.88°47'53"W. FOR 3.42 FEET; THENCE N.45°23'48"W. FOR 27.65 FEET; THENCE S.89°18'21"W. FOR 32.38 FEET; THENCE N.00°41'39"W. FOR 20.00 FEET; THENCE N.89°18'21"E. FOR 40.72 FEET; THENCE S.45°23'48"E. FOR 20.33 FEET TO THE **POINT OF BEGINNING**.

PARCELS CONTAIN 1,354 SQUARE FEET MORE OR LESS

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

ASSUMED NORTH BASED ON THE SOUTHERLY LINE OF CORKSCREW ROAD RIGHT-OF-WAY TAKE, OFFICAL RECORDS BOOK 3172, PAGES 3351 THRU 3353 OF THE PUBLIC RECORDS OF SAID LEE COUNTY AS BEARING N 89°36'13" E.

DESCRIPTION PREPARED: 06-30-05


ROBERT TAD SIMPSON
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 5559

S:\Jobs\20xx\2059 SURVIVING DESCRIPTIONS\2059_BFP_EASE.doc
S:\Jobs\20xx\2059 SURVIVING DESCRIPTIONS\2059_BFP_EASE.dwg

SHEET 1 OF 2

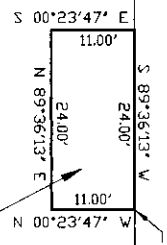


SKETCH OF DESCRIPTION
OF
A TRACT OR PORTION OF LAND LYING IN
SECTION 34, TOWNSHIP 46 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA
(UTILITY EASEMENT)

Bank's Engineering, Inc.

PROFESSIONAL ENGINEERS, LAND SURVEYORS & PLANNERS
FLORIDA BUSINESS CERTIFICATION NUMBER LB 6690
10911 SIX MILE CYPRESS PARKWAY - SUITE 101
PORT MYERS, FLORIDA 33912
(239) 939-5490

CORKSCREW ROAD (S.R. S-850 WIDTH VARIES)



SUBJECT PARCEL
PARCEL CONTAINS
44 SQUARE FEET
MORE OR LESS

- NOTES:**
- 1) SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
 - 2) ASSUMED NORTH BASED ON THE SOUTHERLY RIGHT-OF-WAY LINE OF CORKSCREW ROAD, AS BEARING S 89°36'13" W.

PREPARED 06-30-05
SHEET 2 OF 2

- LEGEND:**
- COR. INDICATES CORNER
 - O.R. INDICATES OFFICIAL RECORDS BOOK
 - S.R. INDICATES STATE ROAD

SEE SHEET 1 FOR COMPLETE
METES AND BOUNDS DESCRIPTION.
**THIS SKETCH OF DESCRIPTION
IS NOT A BOUNDARY SURVEY**

Robert T. O. Simpson
ROBERT T. O. SIMPSON
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 5559

- THIS SKETCH OF DESCRIPTION IS NOT VALID
WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED
SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

COPY

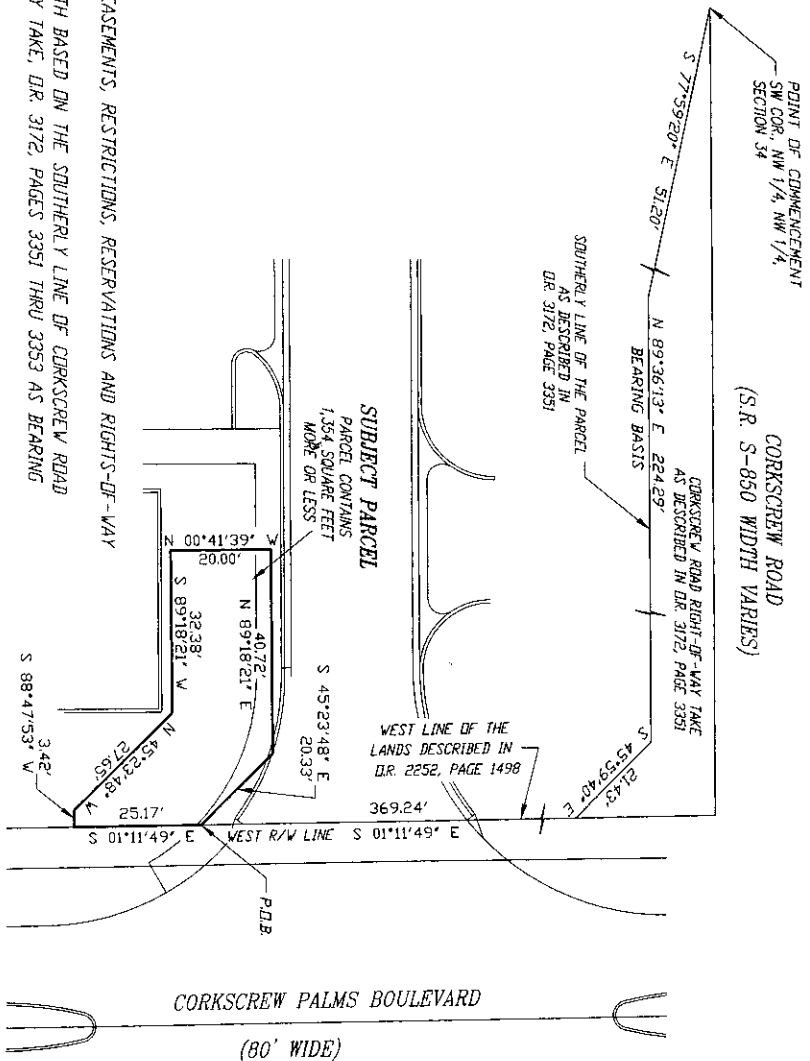
S:\JDBS\2005\2005\SURVEYING\DESCRIPTIONS\2005_HYDRANT_CASE.DWG
S:\JDBS\2005\2005\SURVEYING\DESCRIPTIONS\2005_HYDRANT_CASE.DWG



SKETCH OF DESCRIPTION
 OF
 A TRACT OR PORTION OF LAND LYING IN
 SECTION 34, TOWNSHIP 46 SOUTH, RANGE 25 EAST,
 LEE COUNTY, FLORIDA
 (UTILITY EASEMENT)

Banka Engineering, Inc.

PROFESSIONAL ENGINEERS, LAND SURVEYORS & PLANNERS
 FLORIDA BUSINESS CERTIFICATION NUMBER LB 6699
 10511 SIX MILE CYPRESS PARKWAY - SUITE 101
 FORT MYERS, FLORIDA 33912
 (239) 938-5490



S:\JBS\2004\2009 SURVEYING\DESCRIPTIONS\2009 WL EASE.DWG
 S:\JBS\2004\2009 SURVEYING\DESCRIPTIONS\2009 WL EASE.DWG

PREPARED 06-30-05
 SHEET 2 OF 2

COPY

SEE SHEET 1 FOR COMPLETE
 METERS AND BOUNDS DESCRIPTION.
**THIS SKETCH OF DESCRIPTION
 IS NOT A BOUNDARY SURVEY**

ROBERT TAD SIMMONS
 REGISTERED LAND SURVEYOR
 FLORIDA CERTIFICATION NO. 35558

THIS SKETCH OF DESCRIPTION IS NOT VALID
 WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED
 SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER