

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

Blue Sheet No. 20051499-UTL

1. Action Requested/Purpose:

Approve final acceptance, by Resolution and recording of one (1) utility easement as a donation of one (1) fire hydrant, three (3) 5/8" diameter water services, three (3) 1" diameter water services and three (3) force main connections, serving *Crystal Place* to provide potable water service, fire protection and sanitary sewer service to this recently constructed light industrial development. This is a Developer Contributed asset project located on the north side of Crystal Drive approximately 800' east of Metro Parkway.

2. What Action Accomplishes:

Places the fire hydrant, water services and force main connections into operation and complies with the Lee County Utilities Operations Manual.

3. Management Recommendation:

Approval.

4. Departmental Category: 10 -

C10C

5. Meeting Date:

11-08-2005

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 Diz, P. E., Utilities Director
 Date: 10/21/05

9. Background:

Fire hydrants and force main connections do not require permission to construct by the Board, therefore, no previous Blue Sheet number is provided.
 The installation has been inspected for conformance to the Lee County Utilities Operations Manual. Satisfactory pressure and bacteriological testing has been completed.
 Record drawings have been received.
 Engineer's Certification of Completion has been provided—copy attached.
 Project Location Map—copy attached.
 Warranty has been provided—copy attached.
 Waiver of Lien has been provided—copy attached.
 Certification of Contributed Assets has been provided—copy attached.
 100% of the capacity fees have been paid.
 Funds are available for recording fees in Account Number OD5360748700.504930.

SECTION 18 TOWNSHIP 45S RANGE 25E DISTRICT #2 COMMISSIONER ST. CERNY

10. Review for Scheduling

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager / P.W. Director
					Analyst	Risk	Grants	Mgr.	
<i>J. Lavender</i> Date: <u>10/25/05</u>	N/A	N/A	<i>T.O.</i> T. Osterhout Date: <u>10/20</u>	<i>S. Coovert</i> S. Coovert Date: <u>10/27/05</u>	<i>P.M.</i> 10/27/05	<i>at</i> 10/27/05	<i>My</i> 10/27/05	<i>J.P.</i> 10/27/05	<i>J. Lavender</i> Date: <u>10/25/05</u>

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY COUNTY ADMIN: PL
 10-27-05
 1:06
 COUNTY ADMIN FORWARDED TO: PL
 10/27
 5pm

Rec. by CoAtty
 Date: 10/26/05
 Time: 4:00pm
 Forwarded To: Co. Mgr.
 10-27-05

RESOLUTION NO. _____

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

WHEREAS, it is the desire of "Crystal Properties, LLC", owner of record, to make a contribution to Lee County Utilities of water facilities (one fire hydrant, three 5/8" diameter water services, three 1" diameter water services), and sewer facilities (three force main connections), serving **"CRYSTAL PLACE"**; 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 **\$30,886.00** is hereby ACCEPTED and acknowledged as an addition to Lee County Utilities.

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

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

DULY PASSED AND ADOPTED this _____ day of _____,

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
DEPUTY CLERK

By: _____
CHAIRMAN

APPROVED AS TO FORM

OFFICE OF COUNTY ATTORNEY

COPY

LETTER OF COMPLETION

DATE: 8/23/2005

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

Gentlemen:

This is to certify that the fire hydrant and fire line up to and including 1st OS and Y valve located in

Crystal Place
(Name of Development)

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

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

Bacteriological Test and Pressure Test(s) - Water Main

Very truly yours,

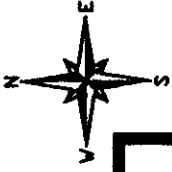
Richard G. Lewis
(Owner or Name of Corporation)



(Signature)

Principal Engineer
(Title)

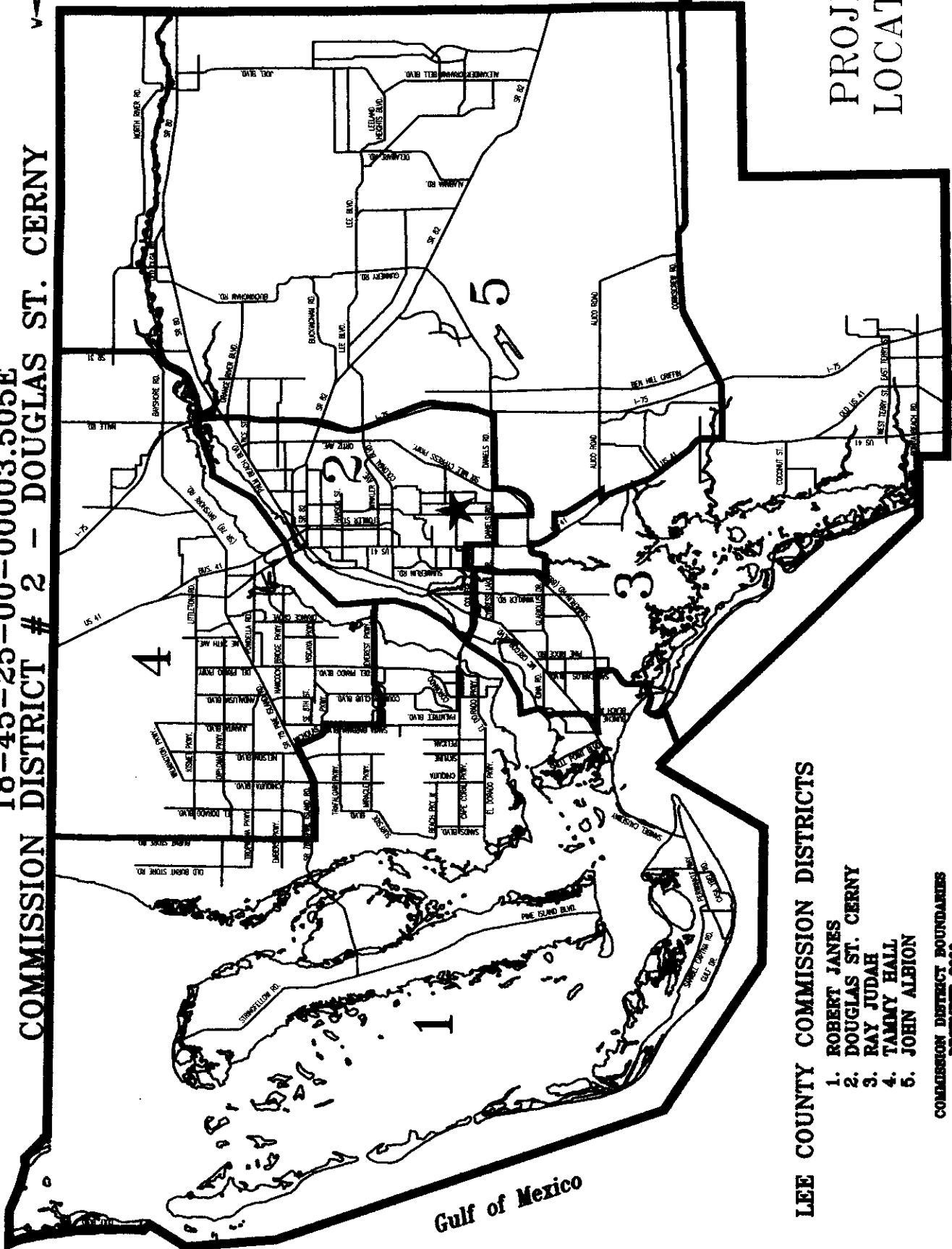
(Seal of Engineering Firm)



COPY

PROJECT
LOCATION

CRYSTAL PLACE
18-45-25-00-00003.505E
COMMISSION DISTRICT # 2 - DOUGLAS ST. CERNY



LEE COUNTY COMMISSION DISTRICTS

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

COMMISSION DISTRICT BOUNDARIES
DECEMBER 2000

WARRANTY

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

STEVEN R. GOBLE
(NAME OF OWNER/CONTRACTOR)

BY: [Signature]
(SIGNATURE OF OWNER/CONTRACTOR)

STATE OF FL)
) SS:
COUNTY OF LEE)

The foregoing instrument was signed and acknowledged before me this 8 th day of AUG, 2005 by STEVEN R. GOBLE who is personally known to me - _____, and who did not take any award

[Signature]
Notary Public Signature

TIMOTHY J. WISE
Printed Name of Notary Public



(Notary Name & Commission Number)

COPY

WAIVER AND RELEASE OF LIEN
UPON FINAL PAYMENT

The undersigned lienor, in consideration of the final payment in the amount of
thirty thousand eight hundred eighty six dollars and no one cents(\$30,886.00) hereby waives and
releases its lien and right to claim a lien for labor, services, or materials furnished to CRYSTAL
PROPERTIES LLC on the job of CRYSTAL PLACE to the following described property:

CRYSTAL PLACE water distribution and sanitary sewer systems
(Name of Development/Project) (Facilities Constructed)
2543 CRYSTAL DRIVE FT. MYERS, FL. 33912 18-45-25-00-00003.505E
(Location) (Strap # or Section, Township & Range)
(Please provide full name and location of development and a description of the utility system constructed).

Dated on: August 8, 2005
By: [Signature]
(Print Name of Authorized Representative)
By: STEVEN R. GOBLE
(Print Name of Authorized Representative)
Title: PRESIDENT
Phone #: (239)274-9504 Ext.

GULF COAST UNDERGROUND, INC.
(Name of Firm or Corporation)
3551 METRO PARKWAY
(Address of Firm or Corporation)
FT. MYERS, FL 33916-
(City, State & Zip Of Firm Or Corporation)
Fax#: (239)274-9505

STATE OF FL)
) SS:
COUNTY OF LEE)

The foregoing instrument was signed and acknowledged before me this 8 th day of AUG,
2005 by STEVEN R. GOBLE who is personally known to me - , and who did not take
an oath.

[Notary Seal: TIMOTHY JOHN WISE, MY COMMISSION EXPIRES December 3, 2018, #DD 376520]
(Notary Public, State of Florida) Number

[Signature]
(Notary Public Signature)
TIMOTHY J. WISE
(Printed Name of Notary Public)

CERTIFICATION OF CONTRIBUTORY ASSETS

PROJECT NAME: CRYSTAL PLACE

STRAP NUMBER: 18-45-25-00-00003.505E

LOCATION: 2543 CRYSTAL DRIVE FT. MYERS, FL.

OWNER'S NAME: CRYSTAL PROPERTIES LLC

OWNER'S ADDRESS: 298 S. SAN ANTONIO RD SUITE 300

OWNER'S ADDRESS: MOUNTAIN VIEW, CA 94040-

TYPE UTILITY SYSTEM: POTABLE WATER

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

DESCRIPTION AND COST OF MATERIAL, LABOR, AND SERVICES

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

<u>ITEM</u>	<u>SIZE</u>	<u>QUANTITY</u>	<u>UNIT</u>	<u>UNIT COST</u>	<u>TOTAL</u>
TAPPING SLEEVE W/VALVE	12"x6"	1.0	EA	\$4,300.00	\$4,300.00
CL-50 DIP	6"	28.0	LF	\$25.00	\$700.00
HDPE SDR-11	6"	40.0	LF	\$50.00	\$2,000.00
HDPE SDR-11 CASING	12"	44.0	LF	\$160.00	\$7,040.00
PVC C-900 DR-18	6"	26	LF	\$21.00	\$546.00
FIRE HYDRANT ASSEMBLY		1.0	EA	\$2,800.00	\$2,800.00
SINGLE WATER SERVICE/COMPLETE	5/8"	3.0	EA	\$600.00	\$1,800.00
SINGLE WATER SERVICE/COMPLETE	1"	3.0	EA	\$1,500.00	\$4,500.00
TOTAL					\$23,686.00

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

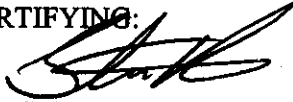

Contractor's Certification of Contributory Assets – Form (January 2004)

F:\CompanyData\G.C.U. DOCUMENTS\Close Out Pkgs\CRYSTAL PYRAMID- WATER CONTR..doc

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)

STEVEN R. GOBLE PRESIDENT

(Name & Title of Certifying Agent)

GULF COAST UNDERGROUND

(Name of Firm or Corporation)

3551 METRO PARKWAY

(Address of Firm or Corporation)

FT. MYERS, FL 33916 -

STATE OF FL)

) SS:

COUNTY OF LEE)

The foregoing instrument was signed and acknowledged before me this 8 th day of August, 2005 by STEVEN R. GOBLE who is personally known to me - _____, and who did not take an oath.



Notary Public Signature

TIMOTHY J. WISE

Printed Name of Notary Public

DD376520

Notary Commission Number



(NOTARY SEAL)



CERTIFICATION OF CONTRIBUTORY ASSETS

PROJECT NAME: CRYSTAL PLACE

STRAP NUMBER: 18-45-25-00-00003.505E

LOCATION: 2543 CRYSTAL DRIVE FT. MYERS, FL.

OWNER'S NAME: CRYSTAL PROPERTIES LLC

OWNER'S ADDRESS: 298 S. SAN ANTONIO RD SUITE 300

OWNER'S ADDRESS: MOUNTAIN VIEW, CA 94040-

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.

<u>ITEM</u>	<u>SIZE</u>	<u>QUANTITY</u>	<u>UNIT</u>	<u>UNIT COST</u>	<u>TOTAL</u>
TAPPING SLEEVE W/VALVE	6"x2"	3.0	EA	\$2,400.00	\$7,200.00
<u>TOTAL</u>					7200

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

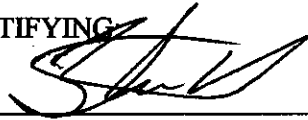


Contractor's Certification of Contributory Assets – Form (January 2004)

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)

STEVEN R. GOBLE PRESIDENT

(Name & Title of Certifying Agent)

GULF COAST UNDERGROUND

(Name of Firm or Corporation)

3551 METRO PARKWAY

(Address of Firm or Corporation)

FT. MYERS, FL 33916 -

STATE OF FL)

) SS:

COUNTY OF LEE)

The foregoing instrument was signed and acknowledged before me this 8 th day of August, 2005 by STEVEN R. GOBLE who is personally known to me - _____, and who did not take an oath.



Notary Public Signature

TIMOTHY J. WISE

Printed Name of Notary Public

DD 376520

Notary Commission Number



(NOTARY SEAL)



RECORDERS OFFICE:

PLEASE PUT MY NAME ON THE ATTENTION LINE:

Sue Gullledge

LCU 500283

OD5360748700.504930

BLUE SHEET NO. 2005 1499

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 0 1 2 3 4 5 6 7 8 9

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

184525000003505E

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:

CRYSTAL PROPERTIES, LLC

Last First MI Corporate Name (if applicable)
298 S SAN ANTONIO RD STE 300 MOUNTAINVIEW CA 94040

4. Grantee (Buyer): **RICK DIAZ, P.E. UTIL. DIRECTOR FOR LEE CO. BD. OF CO. COMMISSIONERS**
 Last First MI Corporate Name (if applicable)
P. O. BOX 398 FT. MYERS FL 33902 (239) 798181

5. Date of Sale/Transfer

11 / 8 / 2005 \$ 10,000.00 Property Located In Lee

6. Type of Document

Contract/Agreement for Deed Other
 Warranty Deed Quit Claim Deed

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

YES / NO

(Round to the nearest dollar.) \$ 0.00

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:

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 \$ 0.00

12. Amount of Documentary Stamp Tax

\$ 70.00

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

YES / NO

Under penalties of perjury, I declare that I have read the foregoing return and that the facts stated in it are true. If prepared by someone other than 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 10/21/05

WARNING: FAILURE TO FILE THIS RETURN OR ALTERNATIVE FORM APPROVED BY THE DEPARTMENT OF REVENUE SHALL RESULT IN A PENALTY OF \$25.00 IN ADDITION TO ANY OTHER PENALTY IMPOSED BY THE REVENUE LAW OF FLORIDA.

To be completed by the Clerk of the Circuit Court's Office	Clerks Date Stamp
<p>This copy to Property Appraiser</p> <p>O. R. Book <input type="checkbox"/><input type="checkbox"/><input type="checkbox"/><input type="checkbox"/><input type="checkbox"/> and Page Number <input type="checkbox"/><input type="checkbox"/><input type="checkbox"/> and File Number <input type="checkbox"/><input type="checkbox"/><input type="checkbox"/><input type="checkbox"/><input type="checkbox"/><input type="checkbox"/><input type="checkbox"/><input type="checkbox"/><input type="checkbox"/><input type="checkbox"/><input type="checkbox"/><input type="checkbox"/> Date Recorded <input type="checkbox"/><input type="checkbox"/> / <input type="checkbox"/><input type="checkbox"/> / <input type="checkbox"/><input type="checkbox"/><input type="checkbox"/> <small>Month Day Year</small></p>	<p>_____</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. 07/88



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

1845250000003505E

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:

CRYSTAL PROPERTIES, LLC

Last	First	MI	Corporate Name (if applicable)		
298 S SAN ANTONIO RD	STE 300	MOUNTAINVIEW	CA	94040	()

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

Last	First	MI	Corporate Name (if applicable)		
P. O. BOX 398	FT. MYERS	FL	33902	(239) 798181	

Mailing Address	City	State	Zip Code	Phone No.
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5. Date of Sale/Transfer	Sale/Transfer Price		Property Located In	County Code
11 8 2005	\$ 10	. 00	46	
Month Day Year	(Round to the nearest dollar.)			

6. Type of Document	Contract/Agreement for Deed	<input checked="" type="checkbox"/> Other	7. Are any mortgages on the property? If "Yes", outstanding mortgage balance:	YES	<input checked="" type="checkbox"/> NO
Warranty Deed	Quit Claim Deed		(Round to the nearest dollar.) \$. 00	

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

YES NO

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

Conventional	Seller Provided	Agreement or Contract for Deed	Other
--------------	-----------------	--------------------------------	-------

10. Property Type: Residential Commercial Industrial Agricultural Institutional/Miscellaneous Government Vacant Acreage Timeshare

Mark (x) all that apply

X

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

YES NO \$ Cents

. 00

12. Amount of Documentary Stamp Tax \$ **0.70**

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

Under penalties of perjury, I declare that I have read the foregoing return and that the facts stated in it are true. If prepared by someone other than the taxpayer, his/her declaration is based on all information of which he/her has any knowledge.

Signature of Grantor or Grantee or Agent _____ Date **10/21/05**

WARNING: FAILURE TO FILE THIS RETURN OR ALTERNATIVE FORM APPROVED BY THE DEPARTMENT OF REVENUE SHALL RESULT IN A PENALTY OF \$25.00 IN ADDITION TO ANY OTHER PENALTY IMPOSED BY THE REVENUE LAW OF FLORIDA.

<p>To be completed by the Clerk of the Circuit Court's Office</p> <p align="center">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>	<p align="center">Clerks Date Stamp</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):
18-45-25-00-00003.505E

LCU500283
THIS SPACE RESERVED FOR RECORDING

GRANT OF PERPETUAL PUBLIC UTILITY EASEMENT

THIS INDENTURE is made and entered into this ____ day of _____ 20__, by and between Crystal Properties, LLC, 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. This perpetual utility easement replaces the recorded and unaccepted Grant of EASEMENT to Lee County Utilities Instrument # 2005000076723 recorded October 18, 2005.

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.

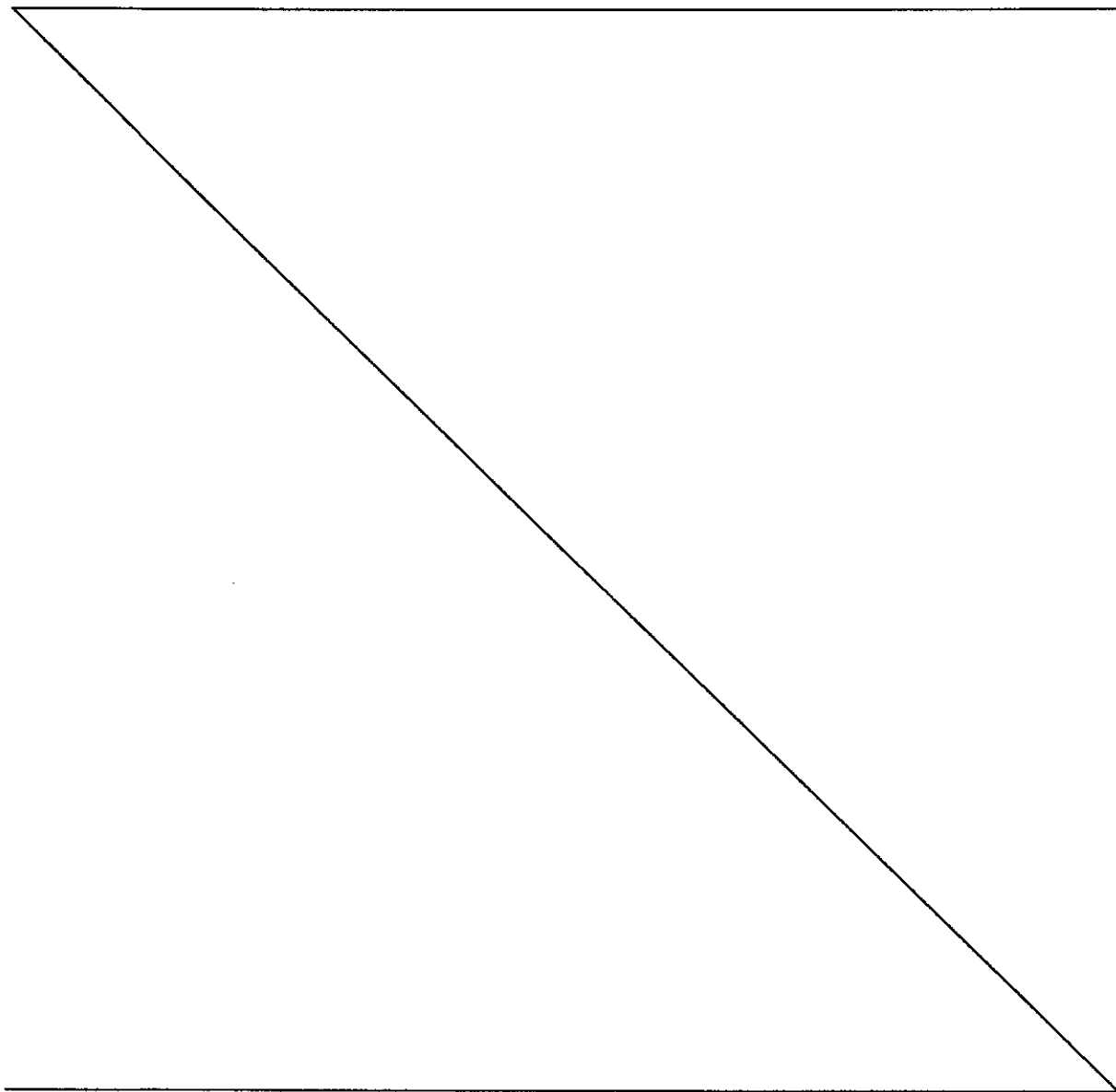
7. GRANTEE will be liable for money damages in tort for any injury to or loss of property, personal injury, or death caused by the negligent or wrongful act(s) or omission(s) of any official or employee of the GRANTEE while acting within the scope of the official's or employee's office or employment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

Helene D. King
[1st Witness' Signature]

Helene D. King
[Type or Print Name]

Dottie Carmelia
[2nd Witness' Signature]

Dottie Carmelia
[Type or Print Name]

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

GARY E. OPLT
[Type or Print Name]

MEMBER AUTHORIZED AGENT
AND FOR CRYSTAL PROPERTIES, LLC
[Title]

STATE OF FLORIDA

COUNTY OF Lee

The foregoing instrument was signed and acknowledged before me this 5th day of August 2005 by Gary Oplt who produced the following as identification _____ or is personally know to me, and who did/did not take an oath.

[stamp or seal]



JENNIFER CABLE
MY COMMISSION # DD 238725
EXPIRES: August 7, 2007
Bonded Thru Budget Notary Services

[Signature]
[Signature of Notary]

Jennifer Cable
[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

WRITTEN CONSENT OF THE MEMBERS OF

Crystal Properties, L.L.C.

TO LIMITED LIABILITY COMPANY ACTION TAKEN IN LIEU OF MEETING

Dated March 25, 2004

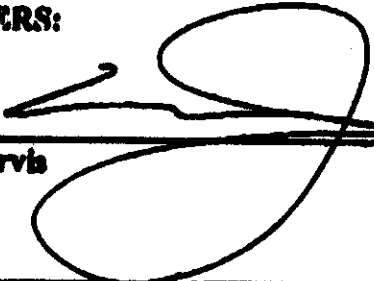
The Members of Crystal Properties, L.L.C. ("LLC") consent in accordance with the Operating Agreement of the LLC and "The Florida Limited Liability Company Act" to the following limited liability actions taken as of the above date:

RESOLVED, that Steve Jarvis be, and hereby is, authorized in the name and on behalf of the LLC to appoint Gary E. Opt as it's Special Authorized Agent to apply for and execute any and all building, construction, occupancy and any other municipal permits and any applications, certificates, authorizations or other documents relating to the Development and Construction of properties owned by Crystal Properties, L.L.C. and further act as Authorized Agent in any other matter so directed and at the discretion of the members.

FURTHER RESOLVED, that in order to fully carry out the intent and effectuate the purposes of the foregoing resolutions, Steve Jarvis is hereby authorized to take all such further action, and to execute and deliver all such further instruments and documents in the name of and on behalf of the LLC, and pay all such fees and expenses, which shall in his judgment be necessary, proper and advisable.

Pursuant to "The Florida Limited Liability Company Act" the members of the L.L.C, by their signatures hereby consent to the above actions. Such actions shall have the same force and effect as if taken by a unanimous vote of the members at a meeting duly called, convened and conducted. This Consent shall be placed in the LLC record book.

MEMBERS:



Steve Jarvis

CONSTITUTING ALL OF THE MEMBERS OF THE LLC

Subscribed and Sworn before me this 16th Day of May, 2005, and is Personally known to me or X has Provided the following as personal identification William S. Jarvis

Notary Signature

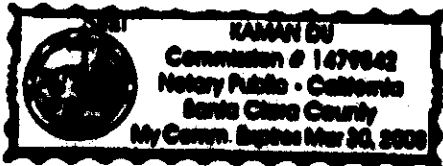


Notary printed name

Kaman Dh

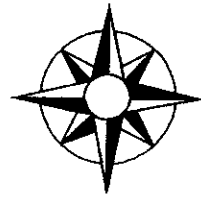
My Commission Expires:

March 24, 05



JUST # 0061903 OR BK 04760 Pg 3443: (1pg) RECORDED 06/20/2005 01:36:22 PM
CHARLE GREEN, CLERK OF COURT, LEE COUNTY, FLORIDA
REC FEE 10.00
DEPUTY CLERK D Schaefer

E.F. Gaines Surveying Services, Inc.



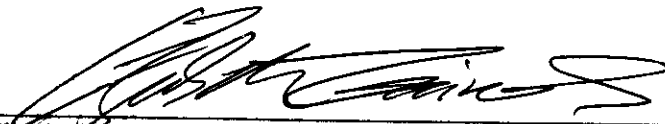
DESCRIPTION
of a proposed UTILITY EASEMENT, being part of
Section 18, Township 45 South, Range 25 East, Lee County, Florida


All that part of Section 18, Township 45 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

COMMENCING at the intersection of the westerly right-of-way line of Plantation Road (a 60 foot wide right-of-way) and the northerly right-of-way line of Crystal Drive (an 80 foot wide right-of-way);
thence along the north right-of-way line of said Crystal Drive, South 89°37'34" West for 1139.53 feet to the POINT OF BEGINNING of the parcel herein described;
thence continue South 89°37'34" West for 20.00 feet;
thence North 00°22'26" West for 44.00 feet;
thence North 89°37'34" East for 20.00 feet;
thence South 00°22'26" East for 44.00 feet to the Point of Beginning herein described;

Subject to easements, restrictions and reservations of record;
Containing 880 square feet, more or less;

Prepared by E.F. Gaines Surveying Services, Inc.


Elizabeth F. Gaines, PSM Florida License No. 4576

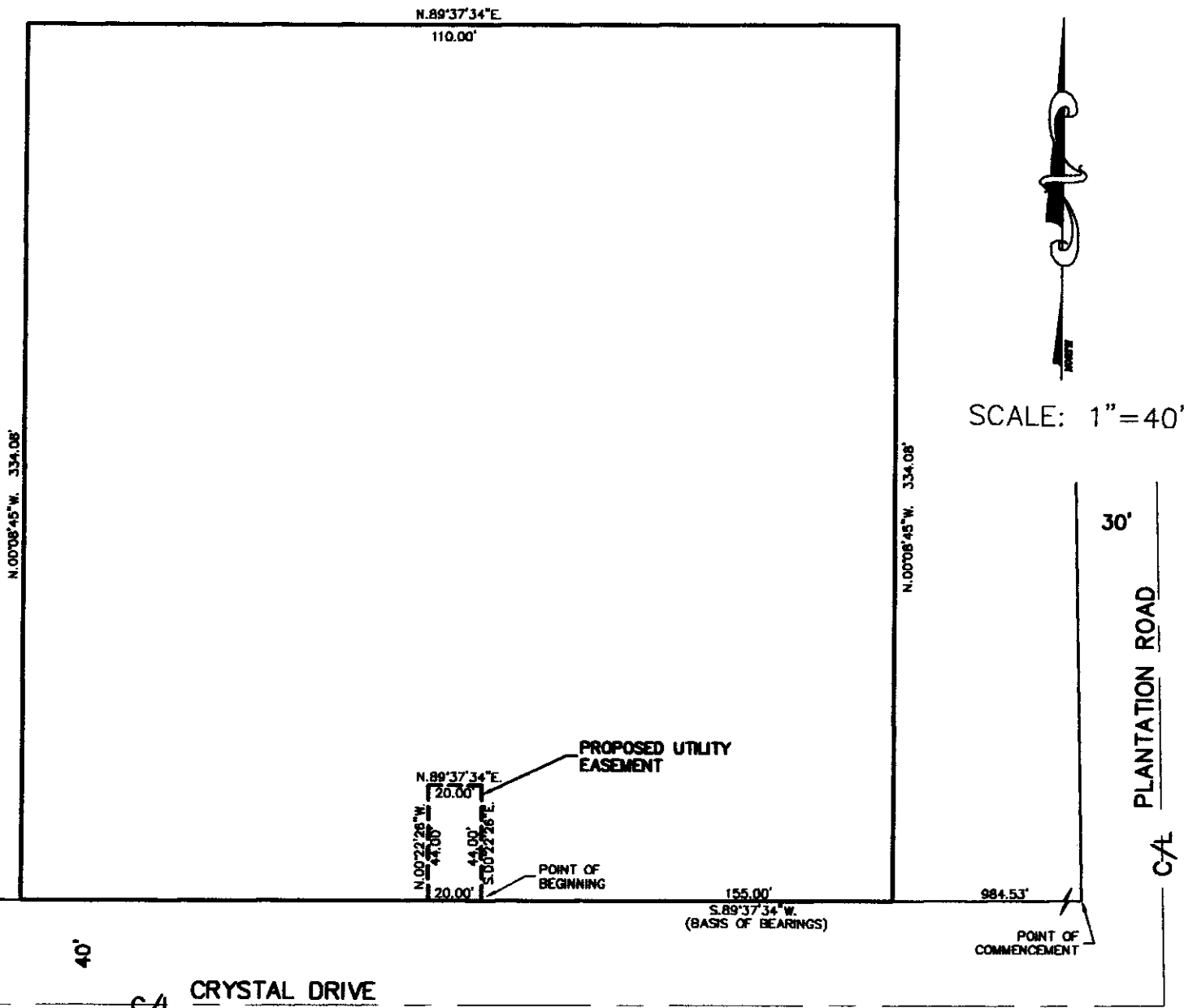

Date

Not valid unless signed and embossed with the seal of the named surveyor.

0145-1086-003

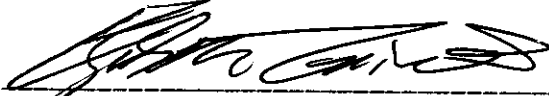
NOTES:

1. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR ZONING, EASEMENTS, RIGHTS-OF-WAY, OWNERSHIP, RESTRICTIONS OR SETBACKS.
2. BASIS OF BEARINGS IS AS SHOWN. DISTANCES ARE IN FEET AND DECIMALS THEREOF.
3. SEE ATTACHED FOR LEGAL DESCRIPTIONS.

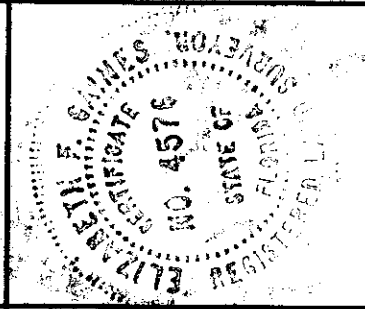


SCALE: 1" = 40'

THIS IS A SKETCH OF A PROPOSED UTILITY EASEMENT (SEE ATTACHED FOR LEGAL DESCRIPTION). THIS SKETCH WAS PREPARED FOR THE BENEFIT OF CRYSTAL PROPERTIES, LLC.

PREPARED BY: 
 ELIZABETH F. GAINES, PSM FLORIDA LICENSE NO. 4576

THIS DOCUMENT IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF THE ABOVE NAMED FLORIDA PROFESSIONAL SURVEYOR AND MAPPER.



E.F. Gaines Surveying Services, Inc. 1342 Colonial Boulevard Suite E-34B Fort Myers, Florida 33907 Phone: 239-418-0126 Fax: 239-418-0127	CLIENT: CRYSTAL PROPERTIES, LLC	DATE OF SKETCH: 10/17/05
	DATE OF FIELD WORK: N/A	REVISIONS/DATE:
	SCALE: 1"=40'	
	PROJECT NUMBER: 0145-1086	
	DRAWING FILE: 0145-1086-002	SHEET 1 OF 1