

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

Blue Sheet No. 20060280-UTL

1. Action Requested/Purpose:

Approve final acceptance, by Resolution and recording of utility easement, as a donation of water and gravity main extensions to provide potable water service, fire protection and sanitary sewer service to *Sanibel Promenade, Phase 1A*, a phased commercial development. This is a developer contributed asset project located on the south side of Summerlin Road approximately 500 feet west of John Morris Road.

2. What Action Accomplishes:

Places the water and gravity mains into operation and complies with the Lee County Utilities Operations Manual.

3. Management Recommendation:

Approval.

4. Departmental Category: 10

C10B

5. Meeting Date:

04-11-2006

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: S.I. Velez 3/23/06
 S. I. Velez, P. E., Acting Util. Dir.

9. Background:

The Board granted permission to construct on 07/27/04, Blue Sheet #20040738.
 The installation has been inspected for conformance to the Lee County Utilities Operations Manual.
 Satisfactory pressure and bacteriological testing of the water main has been completed.
 Satisfactory closed circuit television inspection of the gravity main 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.
 Funds for recording fees are available in Account No. OD5360748700.504930.

SECTION 11 TOWNSHIP 46S RANGE 23E DISTRICT #1 COMMISSIONER JANES

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.	
<u>J. Lavender</u> Date: _____	N/A	N/A	<u>T.O.</u> T. Osterhout Date: <u>3/23</u>	<u>S. Coovert</u> Date: <u>3/21/06</u>	<u>P.M.</u> <u>3/28/06</u>	<u>M.R.</u> <u>3/28/06</u>	<u>M.</u> <u>3/28/06</u>	<u>J.</u> <u>3/25/06</u>	<u>J. Lavender</u> Date: <u>3-24-06</u>

11. Commission Action:

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

RECEIVED BY COUNTY ADMIN: PI
4/27/06
4:45 PM
 COUNTY ADMIN FORWARDED TO: PI
3/27/06
4:12 PM

Rec. by CoAtty
 Date: 3/27/06
 Time: 3:55 PM
 Forwarded To: Co. Admin
3/27/ 4:30

RESOLUTION NO. _____

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

WHEREAS, it is the desire of "Sanibel Promenade, Inc.", owner of record, to make a contribution to Lee County Utilities of water facilities (a water main extension), and sewer facilities (a gravity main extension), serving **"SANIBEL PROMENADE, PHASE 1A"**; 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 **\$26,007.85** 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 Tammara Hall: _____ (4)
- Commissioner John Albion: _____ (5)

DULY PASSED AND ADOPTED this _____ day of _____, 2006.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
DEPUTY CLERK

By: _____
TAMMARA HALL, CHAIRWOMAN

APPROVED AS TO FORM

OFFICE OF COUNTY ATTORNEY

BS 20060280

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** systems located in
Sanibel Promenade Phase I-A
(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:
**TV Inspection, Mandrill - Gravity Main , Low Pressure Test(s) - Gravity Main ,
Bacteriological Test and Pressure Test(s) - Water Main**

Very truly yours,

Eddie E. Neese
(Owner or Name of Corporation)

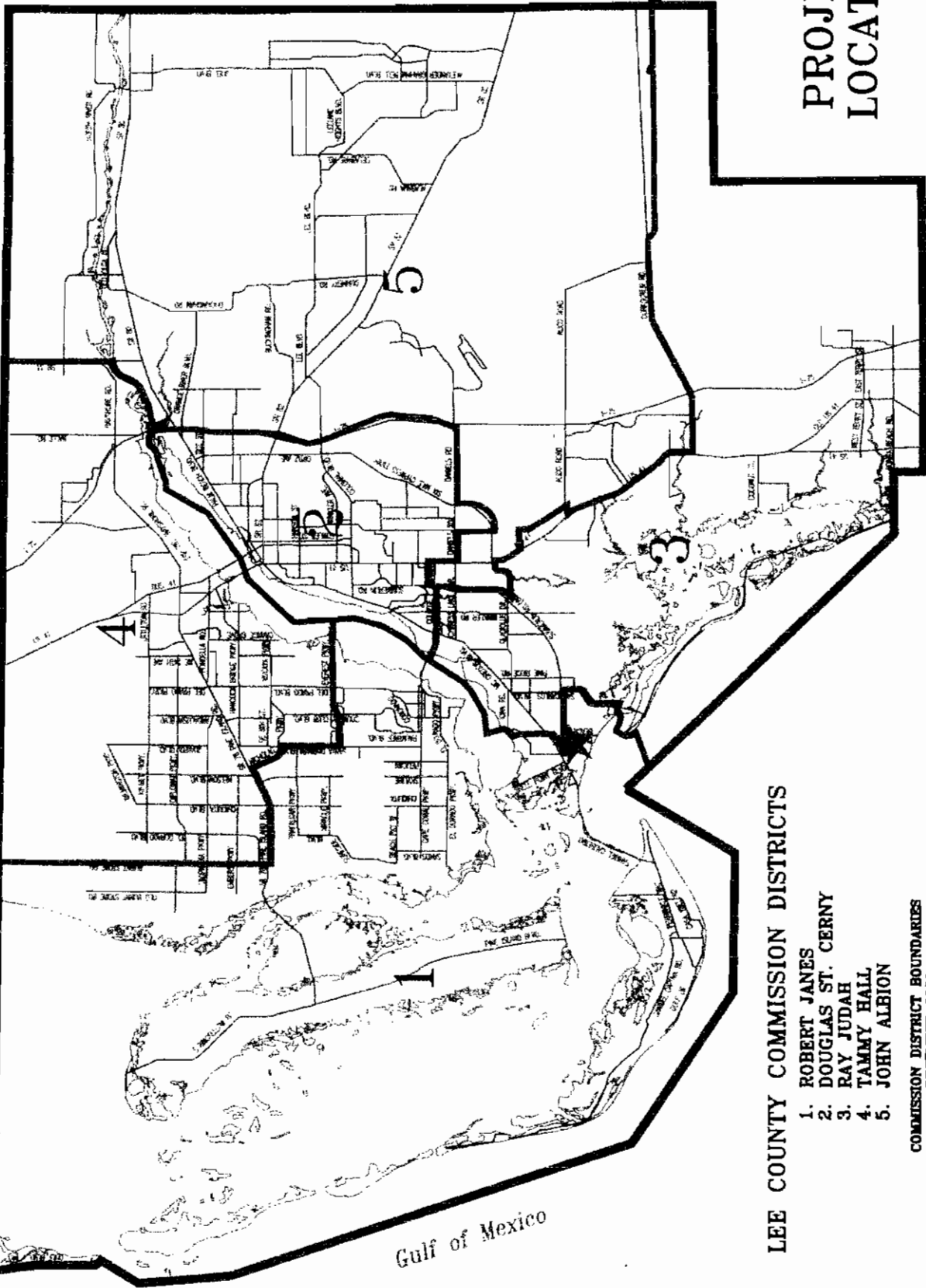
(Signature)

President
(Title)

(Seal of Engineering Firm)

RECEIVED SEP 16 2005

**SANIBEL PROMENADE, PHASE 1-A
 11-46-23-04-00000.0010, .0020 & .0030
 COMMISSION DISTRICT #1 - JANE'S**



**PROJECT
 LOCATION**

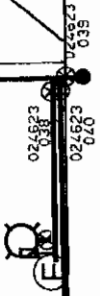
LEE COUNTY COMMISSION DISTRICTS

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

COMMISSION DISTRICT BOUNDARIES
 DECEMBER 2000

SANIBEL PROMENADE - PHASE 1A

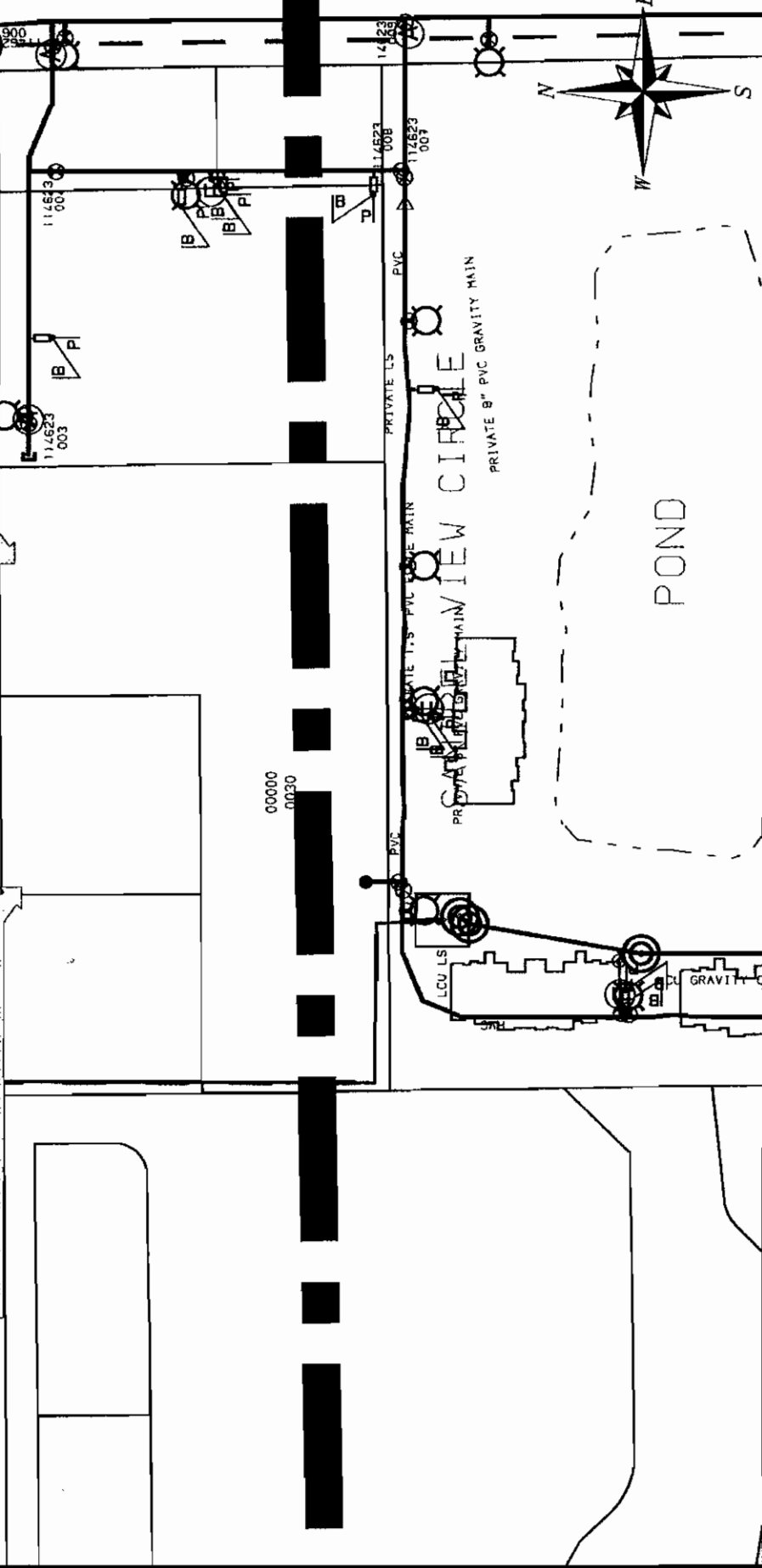
COMMISSION DISTRICT #1 - JANES POINT BREEZE D



SUMMERLIN RD (SR 869)

SUBJECT PARCELS

SUBJECT PARCELS



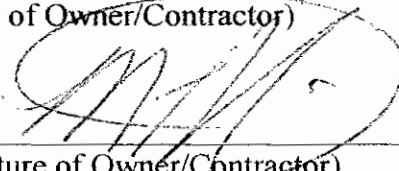
11-46-23-04-00000.0010 .0020 & .0030 20161 - 20351 SUMMERLIN RD

WARRANTY

THE UNDERSIGNED parties do hereby warrant and/or guaranty all work executed by the contractor on the water and sewer systems of Sanibel Promenade Phase 1A 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.

MAJ Contracting, Inc.
(Name of Owner/Contractor)

BY: 
(Signature of Owner/Contractor)


STATE OF FL)
) SS:
COUNTY OF LEE)

The foregoing instrument was signed and acknowledged before me this 16 th day of SEPT, 2005 by Mark Justice who is personally known to me - _____, and who did not take an oath.



Notary Public Signature

Anthony Stefanacci
Printed Name of Notary Public

NOTARY PUBLIC-STATE OF FLORIDA
 **Anthony Stefanacci**
Commission # DD373721
Expires: NOV. 21, 2008
Bonded Thru Atlantic Bonding Co., Inc.

(Notary Seal & Commission Number)

RECEIVED SEP 16 2005

**WAIVER AND RELEASE OF LIEN
UPON FINAL PAYMENT**

The undersigned lienor, in consideration of the final payment in the amount of Twenty-six Thousand Seven Dollars and 85 cents (\$26,007.85) hereby waives and releases its lien and right to claim a lien for labor, services, or materials furnished to Sanibel Promenade, Inc. on the job of Sanibel Promenade Phase 1A to the following described property:

Sanibel Promenade Phase 1A
(Name of Development/Project)

water distribution and sanitary sewer systems
(Facilities Constructed)

20161 - 20351 Summerlin Rd. Ft Myers, FL 33908
(Location)

11-46-23-04.00000.0010 .0020 and .0030
(Strap # or Section, Township & Range)

Dated on: November 23, 2005

By: 
(Signature of Authorized Representative)

MAJ Contracting, Inc.
(Name of Firm or Corporation)

By: Mark Justice
(Print Name of Authorized Representative)

2602 Dora St
(Address of Firm or Corporation)

Title: President


Ft Myers, FL 33901-
(City, State & Zip Of Firm Or Corporation)

Phone #: (239)332-7989 Ext.

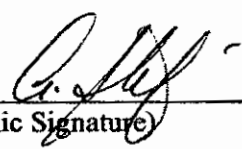
Fax#: (239)332-7475

STATE OF FL)
) SS:
COUNTY OF LEE)

The foregoing instrument was signed and acknowledged before me this 23 rd day of November, 2005 by Mark Justice who is personally known to me - _____ , and who did not take an oath.

NOTARY PUBLIC-STATE OF FLORIDA
 **Anthony Stefanacci**
Commission #DD373721
Expires: NOV 21, 2008
Bonded Thru Atlantic Bonding Co., Inc.

(Notary Seal & Commission Number)


(Notary Public Signature)

Anthony Stefanacci
(Printed Name of Notary Public)

RECEIVED NOV 23 2005

CERTIFICATION OF CONTRIBUTORY ASSETS

PROJECT NAME: Sanibel Promenade Phase 1A

STRAP NUMBER: 11-46-23-04.00000.0010 , .0020 and .0030

LOCATION: 20161 - 20351 Summerlin Rd. Ft Myers, FL 33908

OWNER'S NAME: (as shown on Deed) Sanibel Promenade, Inc.

OWNER'S ADDRESS: 1950 Courtney Dr. Suite 206

OWNER'S ADDRESS: Ft Myers,FL 33901-

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.

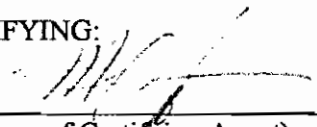
(If more space is required, use additional forms(s).)

ITEM	SIZE	QUANTITY	UNIT	UNIT COST	TOTAL
CL-50 DIP WATER MAIN	10"	665.0	LF	\$11.50	\$7,647.50
GATE VALVE WATER MAIN	10"	2.0	EA	\$1,100.00	\$2,200.00
BLOW-OFF ASSEMBLY WATER MAIN	10"	2.0	EA	\$400.00	\$800.00
FIRE HYDRANT ASSEMBLY WATER MAIN	6"	1.0	EA	\$2,100.00	\$2,100.00
ASSORTED FITTINGS WATER MAIN	10"	1.0	LS	\$2,200.00	\$2,200.00
SINGLE WATER SERVICE/COMPLETE WATER MAIN	2"	2.0	EA	\$750.00	\$1,500.00
TOTAL					\$16,447.50

RECEIVED NOV 23 2005

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)

Mark Justice, President
(Name & Title of Certifying Agent)

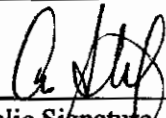
MAJ Contracting, Inc.
(Name of Firm or Corporation)

2602 Dora St.
(Address of Firm or Corporation)

Ft Myers, FL 33901 -

STATE OF FL)
) SS:
COUNTY OF LEE)


The foregoing instrument was signed and acknowledged before me this 23 rd day of November, 2005 by Mark Justice who is personally known to me - _____, and who did not take an oath.



Notary Public Signature

Anthony Stefanacci
Printed Name of Notary Public

DD373721
Notary Commission Number

NOTARY PUBLIC-STATE OF FLORIDA
 **Anthony Stefanacci**
Commission # DD373721
Expires: NOV 21, 2008
Bonded Thru Atlantic Bonding Co., Inc.

(NOTARY SEAL)

RECEIVED NOV 23 2005

CERTIFICATION OF CONTRIBUTORY ASSETS

PROJECT NAME: Sanibel Promenade Phase 1A

STRAP NUMBER: 11-46-23-04.00000.0010 , .0020 and .0030

LOCATION: 20161 - 20351 Summerlin Rd. Ft Myers, FL 33908

OWNER'S NAME: (as shown on Deed) Sanibel Promenade, Inc.

OWNER'S ADDRESS: 1950 Courtney Dr. Suite 206

OWNER'S ADDRESS: Ft Myers, FL 33901-

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.

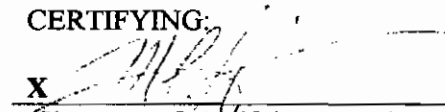
(If more space is required, use additional forms(s).)

ITEM	SIZE	QUANTITY	UNIT	UNIT COST	TOTAL
MANHOLE GRAVITY MAIN	4'	3.0	EA	\$2,500.00	\$7,500.00
PVC SDR-26 GRAVITY MAIN	8"	429.0	LF	\$4.15	\$1,780.35
SINGLE SEWER SERVICE W/CLEANOUT GRAVITY MAIN	6"	2.0	EA	\$140.00	\$280.00
TOTAL					\$9,560.35

RECEIVED NOV 23 2005

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)

Mark Justice, President
(Name & Title of Certifying Agent)


MAJ Contracting, Inc.
(Name of Firm or Corporation)

2602 Dora St.
(Address of Firm or Corporation)

Ft Myers, FL 33901 -

STATE OF FL)
) SS:
COUNTY OF LEE)


The foregoing instrument was signed and acknowledged before me this 23 rd day of November, 2005 by Mark Justice who is personally known to me - _____, and who did not take an oath.



Notary Public Signature

Anthony Stefanacci
Printed Name of Notary Public

DD373721
Notary Commission Number

NOTARY PUBLIC-STATE OF FLORIDA
 **Anthony Stefanacci**
Commission # DD373721
Expires: NOV 21, 2008
Bonded Thru Atlantic Bonding Co., Inc.

(NOTARY SEAL)

RECEIVED NOV 23 2005



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) →

1146230400000020 & 30

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):

BS 20060280 EASEMENT: SANIBEL PROMENADE, INC.

Last First MI Corporate Name (if applicable)

1950 COURTNEY DR, STE 206 FORT MYERS FL 33901

Mailing Address City State Zip Code Phone No.

4. Grantee (Buyer):

S.I. VELEZ, PE, ACTING 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) 798181

Mailing Address City State Zip Code Phone No.

5. Date of Sale/Transfer

/ /

Sale/Transfer Price

\$, .

Property
 Located In

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.) \$, .

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

\$, .

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

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

[Handwritten Signature]

Date 3/23/06

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
This copy to Property Appraiser	
O. R. Book and Page Number and File Number	
Date Recorded	

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

11462304000000020 & 30

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): **BS 20060280 EASEMENT: SANIBEL PROMENADE, INC.**
 Last First MI Corporate Name (if applicable)
1950 COURTNEY DR, STE 206 FORT MYERS FL 33901

4. Grantee (Buyer): **S. I. VELEZ, PE, ACTING 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

5. Date of Sale/Transfer: **3 28 2006** \$ **\$10** . **00** Property 46 County Code
 Month Day Year (Round to the nearest dollar.) Located in

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

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

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

10. Property Type: 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 \$ **.00**
 12. Amount of Documentary Stamp Tax → \$ **0.70** Cents

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 X [Signature] Date X 3/23/06

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
This copy to Department of Revenue	
O. R. Book and Page Number and File Number	
Date Recorded	
Month Day Year	

This copy to Department of Revenue

TO: RECORDERS OFFICE

PLEASE PUT MY NAME ON THE ATTENTION LINE:

Sue Gullledge

**CHARGE TO: LEE COUNTY UTILITIES -
LCU 500283**

ACCOUNT NO. OD5360748700.504930

THANK YOU.

FOR UTILITIES USE ONLY:

BLUE SHEET NO. 20060280-UTL

PROJECT NAME: SANIBEL PROMENADE, PH 1A

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

Strap Numbers:

11-46-23-04-00000.0020
11-46-23-04-00000.0030

LCU 500283
THIS SPACE RESERVED FOR RECORDING

GRANT OF PERPETUAL PUBLIC UTILITY EASEMENT

THIS INDENTURE is made and entered into this ____ day of _____ 2006, by and between Sanibel Promenade, Inc., Owner, hereinafter referred to as GRANTOR(S), and LEE COUNTY, a political subdivision 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.

BS 20060280-UTL



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.

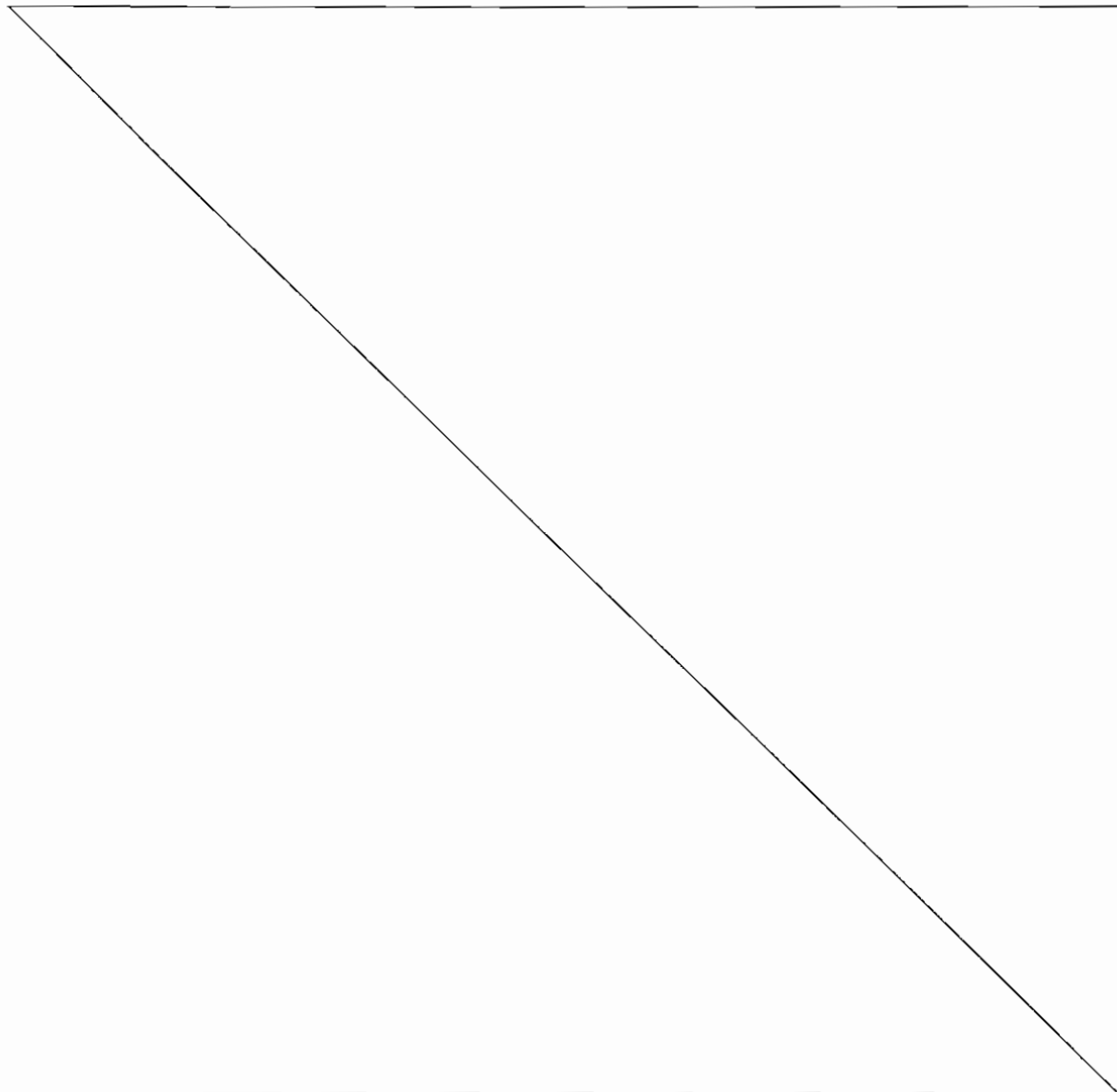
7. GRANTEE will be liable for money damages in tort for any injury to or loss of property, personal injury, or death caused by the negligent or wrongful act(s) or omission(s) of any official or employee of the GRANTEE while acting within the scope of the official's or employee's office or employment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

Nicholas Koukas
[1st Witness' Signature]

Nicholas Koukas
[Type or Print Name]

Michael L. Prince
[2nd Witness' Signature]

Michael L. Prince
[Type or Print Name]

BY: *Donald R. Lucas*
[Signature Grantor's/Owner's]

Donald R. Lucas
[Type or Print Name]

Secretary/Treasurer
[Title]

STATE OF FLORIDA

COUNTY OF LEE

The foregoing instrument was signed and acknowledged before me this 23rd day of November 2005, by Donald R. Lucas who produced the following as identification _____ or is personally know to me, and who did/did not take an oath.

[stamp or seal]



Tina Kenyon
[Signature of Notary]

Tina Kenyon
[Typed or Printed Name]

Approved and accepted for and on behalf of Lee County, Florida, this _____ day of _____, 2006.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Deputy Clerk

BY: _____
Tammara Hall, Chairwoman

APPROVED AS TO FORM

BY: _____
Office of the County Attorney

JOB #: 20024.02



Neese & Associates
Civil Engineering & Land Surveying
LB #3390

12661 Marco Parkway 239-768-0077
Fort Myers, Florida 33912 Fax: 239-768-3457

SKETCH (NOT A SURVEY)

SKETCH TO ACCOMPANY
LEGAL DESCRIPTION
(SEE EXHIBIT "A-2")
SANIBEL PROMENADE
DON LUCAS

SECTION 11, TOWNSHIP 46 SOUTH, RANGE 23 EAST
NOTES:
1. THIS DRAWING WAS MADE WITHOUT BENEFIT OF A TITLE REPORT.
2. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR PROFITS OF ANY
EASMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.
3. REFERENCE TO ALL RECORDS, RESTRICTIONS, RESTRICTIONS AND
DRAWINGS IS IN ACCORDANCE WITH INFORMATION PROVIDED BY CLIENT.
4. BEARINGS ARE BASED ON THE WEST LINE OF LOT 3, AS PER
P.B.N. PG.12, AS 303312E.

CERTIFIED TO:

I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF
THAT THIS SKETCH OF THE HEREON DESCRIBED PROPERTY WAS
MADE IN ACCORDANCE WITH THE ETHICS AND STANDARDS OF PROFESSIONAL
SURVEYING SET FORTH BY THE BOARD OF PROFESSIONAL LAND
SURVEYORS IN CHAPTER 81B17-5, FLORIDA ADMINISTRATIVE CODE,
PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES, UNLESS
I HAVE BEEN ADVISED IN WRITING BY THE CLIENT THAT SUCH
INFORMATIONAL PURPOSES ONLY AND NOT FOR ANY OTHER
PURPOSES.

DATE SIGNED: 11/18/05
FOR: [Signature]
FLORIDA REGISTRATION NO. 3118

SCALE: 1"=20' DATE OF SURVEY: NA
FIELD BOOK: N/A PAGE: N/A
DRAWN BY: JG DATE: 11/18/05
CHECKED BY: SFS FILE #: 200024.02/EASE

SUMMERLIN ROAD (210' R-O-W)
COUNTY ROAD 869

POC THE NORTHWEST CORNER
OF LOT 3, PLAT BOOK 79 PAGES
11 & 12.

40.00'
S00°33'12"E
WEST LINE LOT 3
BEARING BASIS

N89°14'48"E
20.00'
POB

40' FRONTAGE ROAD & UTILITY ESMT.
O.R. 1838 PGS. 3064-3065
O.R. 1889 PGS. 4569, 4574, 4576

CONTAINING 1,223 S.F.
MORE OR LESS

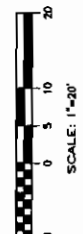
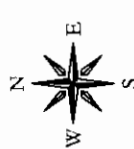
S00°33'12"E
61.19'
N00°33'12"W
61.12'
S89°26'48"W
20.00'

LOT 3

LOT 2

LEGEND

- DB = DEED BOOK
- DE = DRAINAGE EASEMENT
- DUE = DRAINAGE AND UTILITY EASEMENT
- ORB = OFFICIAL RECORD BOOK
- PB = PLAT BOOK
- PG = PAGE
- POB = POINT OF BEGINNING
- POC = POINT OF COMMENCEMENT



SANIBEL PROMENADE
PLAT BOOK 79 PAGES 11 & 12

SHEET 1 OF 2

EXHIBIT A-2

LEGAL DESCRIPTION

A tract or parcel of land situated in the State of Florida, County of Lee, being a part of Section 11, Township 46 South, Range 23 East and further bounded and described as follows:

Commencing at the Northwest corner of Lot 3, Sanibel Promenade as recorded in Plat Book 79 at Pages 11 and 12 of the Public Records of Lee County, Florida, thence run S00°33'12"E along the West line of said Lot 3 for 40.00 feet to the Point Of Beginning.

From said Point Of Beginning run N89°14'48"E for 20.00 feet, thence S00°33'12"E for 61.19 feet, thence S89°26'48"W for 20.00 feet, thence run N00°33'12"W along said West line for 61.12 feet to the Point Of Beginning

Parcel contains 1,223 square feet, more or less.

Bearings based on the West line of Lot 3 of Sanibel Promenade as recorded in Plat Book 79 at Pages 11 and 12 of the Public Records of Lee County Florida, as S00°33'12"E.

JOB #: 200024.02



Neese & Associates
Civil Engineering & Land Surveying
L.B. #3590

12661 Metro Parkway
Fort Myers, Florida 33912
239-768-0077
Fax 239-768-3457

SKETCH (NOT A SURVEY)

SKETCH TO ACCOMPANY
LEGAL DESCRIPTION
(SEE EXHIBIT "A-1")
SANIBEL PROMENADE
DON LUCAS

SECTION 11, TOWNSHIP 48 SOUTH, RANGE 23 EAST

NOTES:
1. THIS DRAWING WAS MADE WITHOUT BENEFIT OF A TITLE REPORT.
2. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RECORDS OF ANY
EASEMENTS, ENCUMBRANCES, OR OTHER INSTRUMENTS OF RECORD.
3. RECORDS OF ANY RECORDS, RESERVATIONS, RESTRICTIONS AND
DRAWINGS IS IN ACCORDANCE WITH INFORMATION PROVIDED BY CLIENT.
4. BEARINGS ARE BASED ON THE WEST LINE OF LOT 3, AS PER
P.B. 79, PG. 12, AS SUCCESSION.
5. BEARINGS ARE BASED ON THE WEST LINE OF LOT 3, AS PER
P.B. 79, PG. 12, AS SUCCESSION.

CERTIFIED TO:

I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF
THAT THIS SKETCH OF THE HEREON DESCRIBED PROPERTY WAS
MADE IN ACCORDANCE WITH THE BEST PRACTICES OF PROFESSIONAL
SURVEYING SET FORTH BY THE BOARD OF PROFESSIONAL LAND
SURVEYORS IN CHAPTER 81B17-3, FLORIDA ADMINISTRATIVE CODE,
SUBJECT TO SECTION 272.027 OF THE FLORIDA STATUTES, AND
IN ACCORDANCE WITH THE FLORIDA STATUTES, AND THE
FLORIDA LICENSED SURVEYOR AND MAPPER. THIS SKETCH IS FOR
INFORMATIONAL PURPOSES ONLY AND IT IS NOT VALID.

FOR NEESE & ASSOCIATES!

STEPHEN J. SAMUELS, S.L.S.M.
FLORIDA REGISTRATION NO. 6416
DATE: 11/23/00

SCALE: 1" = 20'
FIELD BOOK: N/A
DRAWN BY: JC
CHECKED BY: SFS
DATE DRAWN: 11/23/00
FILE #: 200024.02/ASE

SUMMERLIN ROAD (210' R-O-W)
COUNTY ROAD 869

POC THE NORTHWEST CORNER
OF LOT 3, PLAT BOOK 79 PAGES
11 & 12.

500°33'12"E

40.00'

WEST LINE LOT 3
BEARING BASIS

N89°14'48"E

20.00'

CONTAINING 1,222 S.F.
MORE OR LESS

N00°33'12"W
61.05'

500°33'12"E
61.12'

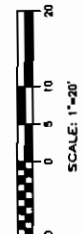
LOT 3

LOT 2

40' FRONTAGE ROAD & UTILITY ESMT.
O.R. 1838 PGS. 3064-3065
O.R. 1889 PGS. 4569, 4574, 4576

SANIBEL PROMENADE
PLAT BOOK 79, PAGES 11 & 12

LEGEND	
DB	= DEED BOOK
DE	= DRAINAGE EASEMENT
DUE	= DRAINAGE AND UTILITY EASEMENT
ORB	= OFFICIAL RECORD BOOK
PB	= PLAT BOOK
PC	= PAGE
POB	= POINT OF BEGINNING
POC	= POINT OF COMMENCEMENT



SHEET 1 OF 2

EXHIBIT A-1

LEGAL DESCRIPTION

A tract or parcel of land situated in the State of Florida, County of Lee, being a part of Section 11, Township 46 South, Range 23 East and further bounded and described as follows:

Commencing at the Northwest corner of Lot 3, Sanibel Promenade as recorded in Plat Book 79 at Pages 11 and 12 of the Public Records of Lee County, Florida, thence run S00°33'12"E along the West line of said Lot 3 for 40.00 feet to the Point Of Beginning.

From said Point Of Beginning continue along said West line S00°33'12"E for 61.12 feet, thence S89°26'48"W for 20.00 feet, thence run N00°33'12"W for 61.05 feet, thence N89°14'48"E for 20.00 feet to the Point Of Beginning

Parcel contains 1,222 square feet, more or less.

Bearings based on the West line of Lot 3 of Sanibel Promenade as recorded in Plat Book 79 at Pages 11 and 12 of the Public Records of Lee County Florida, as S00°33'12"E.

JOB #: 200024-02



Neese & Associates
Civil Engineering & Land Surveying
L.B. #3590

12661 Metro Parkway
Fort Myers, Florida 33912
239-768-0077
Fax: 239-768-3457

SKETCH (NOT A SURVEY)

SKETCH TO ACCOMPANY
LEGAL DESCRIPTION
(SEE EXHIBIT "A")
SANIBEL PROMENADE
DON LUCAS

SECTION 11, TOWNSHIP 46 SOUTH, RANGE 23 EAST

NOTES:
1. THIS DRAWING WAS MADE WITHOUT BENEFIT OF A TITLE REPORT.
2. LINES SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS OF WAY.
3. EASEMENTS, INTERESTS, OR OTHER INSTRUMENTS OF RECORD,
4. RIGHTS OF WAY OF RECORD,
5. RECORDS, REVISIONS, RESTRICTIONS AND
6. DRAWING IS IN ACCORDANCE WITH INFORMATION PROVIDED BY CLIENT.
7. THIS DRAWING IS THE SOUTH LINE OF LOT 3, AS PER
8. P.L. 79, P. 12, AS IT APPEARS ON E.

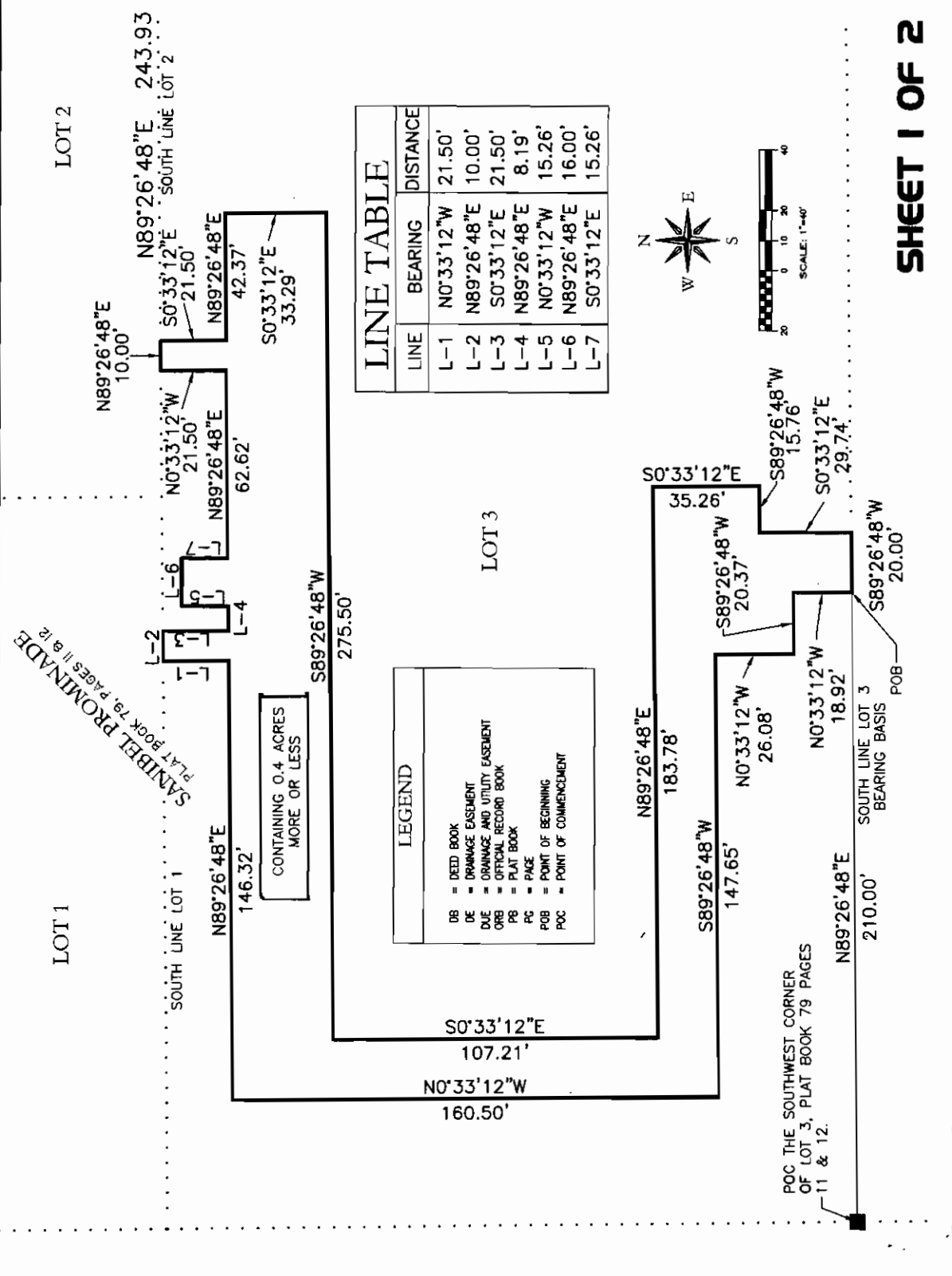
CHECKED BY:

I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF
THAT THIS SKETCH OF THE ABOVE DESCRIBED PROPERTY WAS
PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION
AND THAT I AM A LICENSED SURVEYOR IN THE STATE OF FLORIDA
AS AUTHORIZED BY CHAPTER 461, F.S., FLORIDA ADMINISTRATIVE
CODE. I HAVE NOT BEEN CONVICTED OF ANY CRIME INVOLVING
MORAL TURPITUDE AND I AM NOT UNDER ANY DISCIPLINARY
ACTION BY THE BOARD OF PROFESSIONAL LAND SURVEYORS
OR THE BOARD OF PROFESSIONAL ENGINEERS. THIS SKETCH IS FOR
INFORMATIONAL PURPOSES ONLY AND IT IS NOT VALID.

FOR NEES & ASSOCIATES

DATE SKETCHED: 7/10/05
STEPHEN F. SWANWICK, P.E., S.F.S.
FLORIDA REGISTRATION NO. 4419

SCALE: 1"=40'
FIELD BOOK: N/A
DATE DRAWN: 07/03/05
DRAWN BY: SFS
CHECKED BY: CKM
FILE #: 200024.02/ASE



LINE	BEARING	DISTANCE
L-1	N0°33'12"W	21.50'
L-2	N89°26'48"E	10.00'
L-3	S0°33'12"E	21.50'
L-4	N89°26'48"E	8.19'
L-5	N0°33'12"W	15.26'
L-6	N89°26'48"E	16.00'
L-7	S0°33'12"E	15.26'

LEGEND
DB = DEED BOOK
DE = DRAINAGE EASEMENT
DUE = DRAINAGE AND UTILITY EASEMENT
ORB = OFFICIAL RECORD BOOK
PB = PLAT BOOK
PC = PAGE
POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT

SHEET 1 OF 2

EXHIBIT A

LEGAL DESCRIPTION

A tract or parcel of land situated in the State of Florida, County of Lee, being a part of Section 11, Township 46 South, Range 23 East and further bounded and described as follows:

Commencing at the Southwest corner of Lot 3, Sanibel Promenade as recorded in Plat Book 79 at Pages 11 and 12 of the Public Records of Lee County, Florida, thence run N89°26'48"E along the south line of said lot 3 for 210.00 feet to the Point Of Beginning.

From said Point Of Beginning run N0°33'12"W for 18.92 feet, thence S89°26'48"W for 20.37 feet, thence N0°33'12"W for 26.08 feet, thence S89°26'48"W for 147.65 feet, thence N0°33'12"W for 160.50 feet, thence N89°26'48"E for 146.32 feet, thence N0°33'12"W for 21.50 feet, thence N89°26'48"E for 10.00 feet, thence S0°33'12"E for 21.50 feet, thence N89°26'48"E for 8.19 feet, thence N0°33'12"W for 15.26 feet, thence N89°26'48"E for 16.00 feet, thence S0°33'12"E for 15.26 feet, thence N89°26'48"E for 62.62 feet, thence N0°33'12"W for 21.50 feet, thence N89°26'48"E for 10.00 feet, thence S0°33'12"E for 21.50 feet, thence N89°26'48"E for 42.37 feet, thence S0°33'12"E for 33.29 feet, thence S89°26'48"W for 275.50 feet, thence S0°33'12"E for 107.21 feet, thence N89°26'48"E for 183.78 feet, thence S0°33'12"E for 35.26 feet, thence S89°26'48"W for 15.76 feet, thence S0°33'12"E for 29.74 feet, thence S89°26'48"W for 20.00 feet to the Point Of Beginning.

Parcel contains 0.4 Acres, more or less.

Bearings based on the South line of Lot 3 of Sanibel Promenade as recorded in Plat Book 79 at Pages 11 and 12 of the Public Records of Lee County Florida, as N89°26'48"E.