

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

Blue Sheet No. 20070147-UTL

1. ACTION REQUESTED/PURPOSE:

Developer Contributed Asset: Approve final acceptance, by Resolution and recording of one Utility Easement, as a donation of water and gravity main extensions, to provide potable water service, fire protection and sanitary sewer service to *Reflection Key*, a recently constructed multi-family residential development. This is a Developer Contributed asset project located east of Summerlin Road approximately 1/2 mile north of Gladiolus Drive.

2. FUNDING SOURCE:

No funds required.

3. WHAT ACTION ACCOMPLISHES:

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

4. MANAGEMENT RECOMMENDATION: Approve.

5. Departmental Category: 10 - Utilities CIOF		6. Meeting Date: FEB 20 2007
7. Agenda: <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Administrative <input type="checkbox"/> Appeals <input type="checkbox"/> Public <input type="checkbox"/> Walk-On	8. Requirement/Purpose: (specify)	
	<input type="checkbox"/> Statute	9. Request Initiated:
	<input type="checkbox"/> Ordinance	Commissioner
	<input type="checkbox"/> Admin. Code	Department Public Works
	<input checked="" type="checkbox"/> Other <u>Approval</u>	Division Utilities
		By: <i>Douglas L Meurer</i> 2-1-2007 Douglas L Meurer, P.E., Director

10. Background:

The Board granted permission to construct on 05-14-05, Blue Sheet #20050554.
 The installation has been inspected for conformance to the Lee County Utilities Operations Manual.
 Satisfactory pressure and bacteriological testing has been completed.
 Satisfactory closed circuit television inspection of the gravity mains has been performed.
 Record drawings have been received.
 Engineer's Certification of Completion has been provided—copy attached.
 The sewage generated by this project gravitates into a lift station constructed by others for a project named 14901 Summerlin Road which is a recently constructed commercial subdivision.
 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 connection fees have been paid.
 Funds are available for recording fees in:

Account No. OD5360748700.504930
(Util-Util Eng-Dep Clerk Fees for Recording & Filing)

SECTION 26 TOWNSHIP 45S RANGE 24E DISTRICT # 5 COMMISSIONER MANN

11. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Res.	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.	
<i>J. Lavender</i> Date: 2-2-07	N/A Date:	N/A Date:	<i>P.O.</i> T. Osterhout Date: 2/1	<i>S. Coovert</i> S. Coovert Date: 2/5/07	<i>ebw</i> 2-5-07	<i>MP</i> 2/5/07	<i>MY</i> 2/5/07	<i>MS</i> 2/5/07	<i>J. Lavender</i> Date: 2-2-07

12. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY COUNTY ADMIN:
2/15 11:45 AM
to EW
COUNTY ADMIN FORWARDED TO:
2/16 3:00 PM

Rec. by CoAtty
Date: 2/2/07
Time: 3:40 PM
Forwarded To:
2/5/07
9:30 AM

RESOLUTION NO.

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

WHEREAS, it is the desire of "Reflection Key, LLC" owner of record, to make a contribution to Lee County Utilities of water facilities (a water distribution system), and sewer facilities (a gravity main extension), serving "REFLECTION KEY"; 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 **\$361,227.24** 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 Brian Bigelow: _____ (2)
- Commissioner Ray Judah: _____ (3)
- Commissioner Tammara Hall: _____ (4)
- Commissioner Frank Mann: _____ (5)

DULY PASSED AND ADOPTED this _____ day of _____, 2007.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
DEPUTY CLERK

By: _____
CHAIR

APPROVED AS TO FORM

OFFICE OF COUNTY ATTORNEY

BS 20070147-UTL

COPY

LETTER OF COMPLETION

DATE: 6/5/2006

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

Gentlemen:

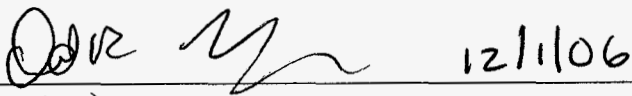
This is to certify that the **water distribution and sanitary sewer** systems located in
Reflection Key
(Name of Development)

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:
**Pressure Test(s) - Water Main , Low Pressure Test(s) - Gravity Main , Bacteriological Test
and TV Inspection, Mandrill - Gravity Main**

Very truly yours,

David R. Underhill, Jr., P.E. - Banks Engineering
(Owner or Name of Corporation)



(Signature)

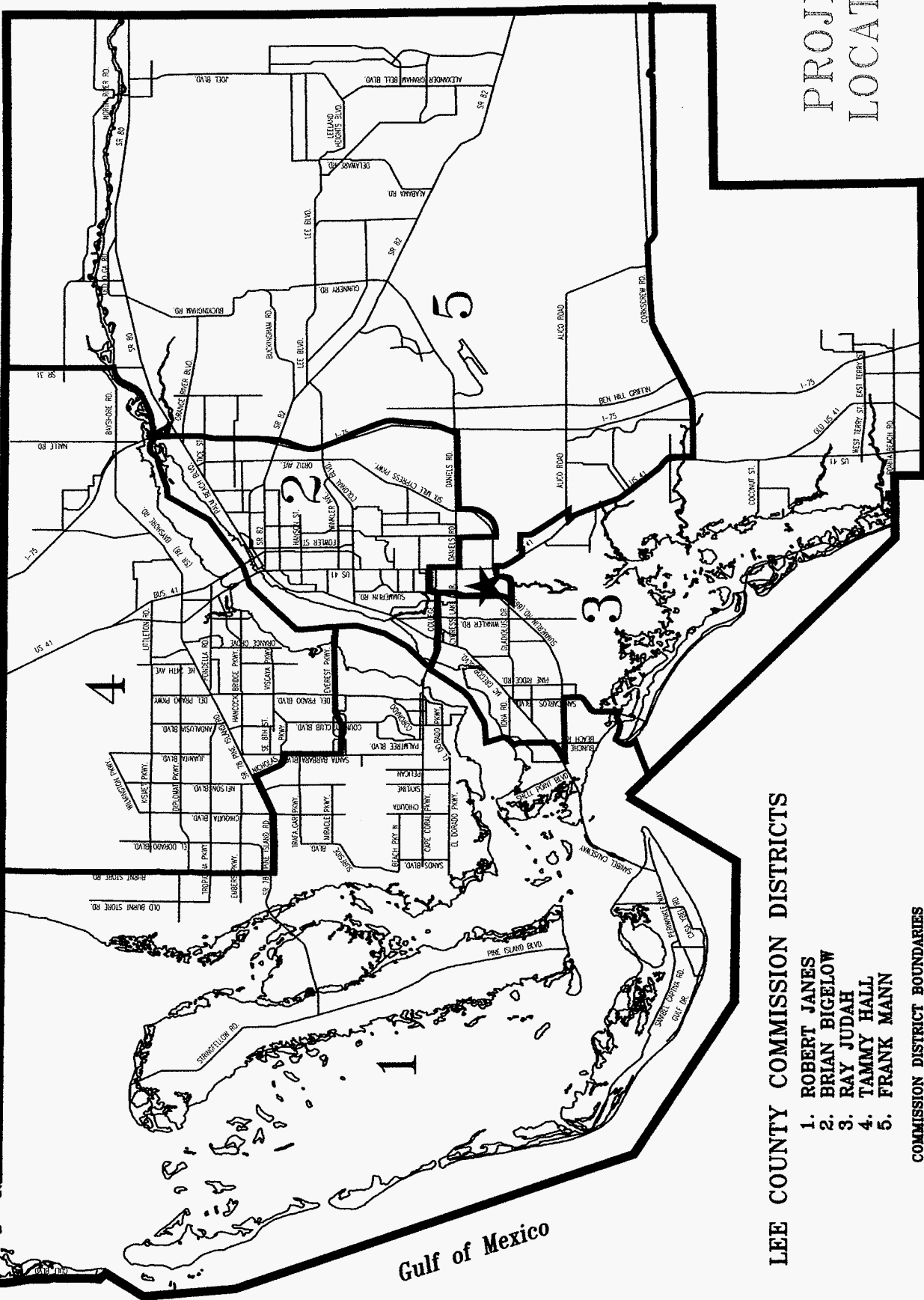
Vice President
(Title)

(Seal of Engineering Firm)

COPY

PROJECT
LOCATION

REFLECTION KEY
26-45-24-09-0000A.0000 AND 26-45-24-09-00000.000CE
COMMISSION DISTRICT # 5 - FRANK MANN



LEE COUNTY COMMISSION DISTRICTS

- 1. ROBERT JANES
- 2. BRIAN BIGELOW
- 3. RAY JUDAH
- 4. TAMMY HALL
- 5. FRANK MANN

COMMISSION DISTRICT BOUNDARIES
DECEMBER 2000

COPY

WARRANTY

THE UNDERSIGNED parties do hereby warrant and/or guaranty all work executed by the contractor on the water and sewer systems of Reflection Key to be free from defects in material and workmanship for a period of one (1) year from the date of acceptance by the Lee County Board of County Commissioners. The undersigned parties further agree that they will, at their own expense, repair and replace all such defective work and all other work damaged by said defective work under this Warranty-Guaranty

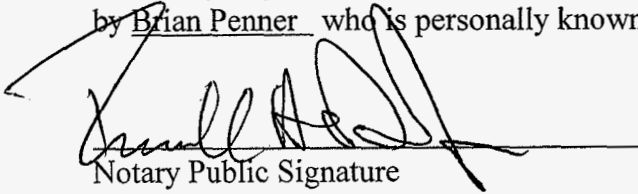
It is furthermore understood that the consideration for the giving of this warranty and/or guaranty is the requirement by the General Conditions and Specifications under which the contract was let that such warranty and/or guaranty would be given.

Mitchell & Stark Construction Co., Inc.
(Name of Owner/Contractor)

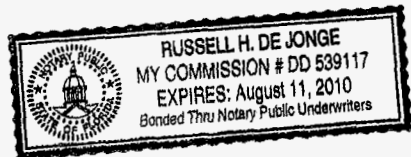
BY: 
(Signature of Owner/Contractor)

STATE OF FL)
) SS:
COUNTY OF Collier)

The foregoing instrument was signed and acknowledged before me this 4 th day of NOV, 2006 by Brian Penner who is personally known to me - _____, and who did not take an oath.


Notary Public Signature

Printed Name of Notary Public



(Notary Seal & Commission Number)

COPY

WAIVER AND RELEASE OF LIEN
UPON FINAL PAYMENT

The undersigned lienor, in consideration of the final payment in the amount of Three Hundred Sixty-One Thousand Two Hundred Twenty-Seven Dollars and 24/100(\$361,227.24 _____) hereby waives and releases its lien and right to claim a lien for labor, services, or materials furnished to Tousa Homes, Inc. on the job of Reflection Key to the following described property:

Reflection Key
(Name of Development/Project)

water distribution and sanitary sewer systems
(Facilities Constructed)

Fort Myers, Florida
(Location)

26-45-24-09-0000A.0000 and 26-45-24-09-0000.00CE
(Strap # or Section, Township & Range)

Dated on: December 4, 2006

By: _____
(Signature of Authorized Representative)

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

By: Brian Penner
(Print Name of Authorized Representative)

6001 Shirley Street
(Address of Firm or Corporation)

Title: President


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

Phone #: (239)597-2165 Ext.

Fax#: (239)566-7865

STATE OF FL)
) SS:
COUNTY OF Collier)

The foregoing instrument was signed and acknowledged before me this 4th day of December, 2006 by Brian Penner who is personally known to me - _____, and who did not take an oath.

NOTARY PUBLIC - STATE OF FLORIDA
 **Belinda Burgbacher**
Commission #DD620455
Expires: JAN. 22, 2011
BONDED THRU ATLANTIC BONDING CO., INC.

Belinda Burgbacher
(Notary Public Signature)

(Notary Seal & Commission Number)

(Printed Name of Notary Public)

CERTIFICATION OF CONTRIBUTORY ASSETS

PROJECT NAME: Reflection Key

STRAP NUMBER: 26-45-24-09-0000A.0000 and 26-45-24-09-00000.00CE

LOCATION: 14901 Summerlin Rd.

OWNER'S NAME: Reflection Key, LLC.

OWNER'S ADDRESS: 4000 Hollywood Blvd., Suite 500N

OWNER'S ADDRESS: Hollywood,FL 33021-

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

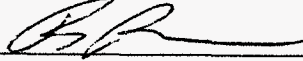
Please list each element of the system from the drop-down list provided.

<u>ITEM</u>	<u>SIZE</u>	<u>QUANTITY</u>	<u>UNIT</u>	<u>UNIT COST</u>	<u>TOTAL</u>
SINGLE WATER SERVICE/COMPLETE	2"	18.0	EA	\$960.00	\$17,280.00
PVC C-900 DR-18	10"	2,658.0	LF	\$23.78	\$63,207.24
CL-50 DIP	6"	73.0	LF	\$18.00	\$1,314.00
CL-50 DIP	10"	216.0	LF	\$31.00	\$6,696.00
FIRE HYDRANT ASSEMBLY		6.0	EA	\$3,020.00	\$18,120.00
GATE VALVE	10"	3.0	EA	\$1,250.00	\$3,750.00
SINGLE WATER SERVICE/COMPLETE	1"	2.0	EA	\$640.00	\$1,280.00
PVC C-900 DR-18	6"	19.0	LF	\$14.00	\$266.00
GATE VALVE	6"	1.0	EA	\$2,500.00	\$2,500.00
TOTAL					\$114,413.24

(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)

Brian Penner
(Name & Title of Certifying Agent)

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

6001 Shirley Street
(Address of Firm or Corporation)

Naples, FL 34109 -

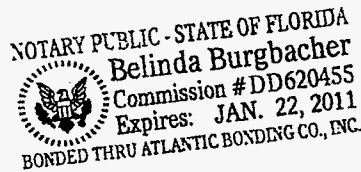
STATE OF FL)
) SS:
COUNTY OF Collier)

The foregoing instrument was signed and acknowledged before me this 4th day of December, 2006 by Brian Penner who is personally known to me - _____, and who did not take an oath.


Notary Public Signature

Printed Name of Notary Public

Notary Commission Number



(NOTARY SEAL)

CERTIFICATION OF CONTRIBUTORY ASSETS

PROJECT NAME: Reflection Key

STRAP NUMBER: 26-45-24-09-0000A.0000 and 26-45-24-09-00000.00CE

LOCATION: 14901 Summerlin Blvd.

OWNER'S NAME: Reflection Key, LLC

OWNER'S ADDRESS: 4000 Hollywood Blvd., Suite 500N

OWNER'S ADDRESS: Hollywood, FL 33021-

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>
PVC SDR-26 GRAVITY MAIN	8"	2,597.0	LF	\$34.00	\$88,298.00
PVC SDR-26 GRAVITY MAIN	6"	1,266.0	LF	\$31.00	\$39,246.00
SINGLE SEWER SERVICE W/CLEANOUT		54.0	EA	\$1,005.00	\$54,270.00
MANHOLE		13.0	EA	\$5,000.00	\$65,000.00
TOTAL					\$246,814.00

(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)

Brian Penner
(Name & Title of Certifying Agent)

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

6001 Shirley Street
(Address of Firm or Corporation)

Naples, FL 34109 -

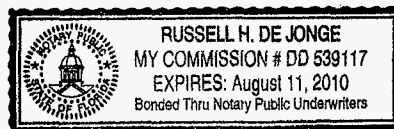
STATE OF FL)
) SS:
COUNTY OF Collier)

The foregoing instrument was signed and acknowledged before me this 4 th day of December, 2006 by Brian Penner, who is personally known to me - _____, and who did not take an oath.

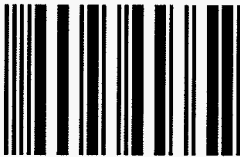

Notary Public Signature

Printed Name of Notary Public

Notary Commission Number



(NOTARY SEAL)



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

264524090000A0000 AND 2645240900000000CE

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: BS 20070147 REFLECTION KEY, LLC**

Last First MI Corporate Name (if applicable)
4000 HOLLYWOOD BLVD-#500N HOLLYWOOD FL 33021

Mailing Address City State Zip Code Phone No.

4. Grantee (Buyer): **THOM OSTERHOUT AS AGENT: 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: / / **2007** \$ **\$10** **.00** Property Located In **Lee**

Month Day Year (Round to the nearest dollar.)

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: \$ **.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

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 → \$ **.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

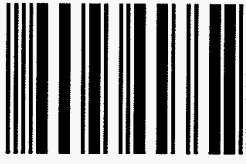
Under penalties of perjury, I declare that I have read the foregoing return and that the facts stated in it are true. If prepared by someone other than the taxpayer, his/her declaration is based on all information of which he/her has any knowledge.

Signature of Grantor or Grantee or Agent: *[Signature]* Date: **2/1/07**

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	
Month Day Year	

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**

2. Mark (x) all that apply: Multi-parcel transaction? → **EASEMENT:** Transaction is a split or cutout from another parcel? → **BS 20070147** Property was improved with building(s) at time of sale/transfer? → **REFLECTION KEY, LLC**

3. Grantor (Seller): **4000 HOLLYWOOD BLVD-#500N** (Last Mailing Address) **HOLLYWOOD** (City) **FL** (State) **33021** (Zip Code) **REFLECTION KEY, LLC** (Corporate Name)

4. Grantee (Buyer): **P. O. BOX 398** (Last Mailing Address) **FT. MYERS** (City) **FL** (State) **33902** (Zip Code) **FOR LEE CO. BD. OF CO. COMMISSIONERS** (Corporate Name)

5. Date of Sale/Transfer: **2007** (Year) **00** (Month) **00** (Day) **\$10** (Sale/Transfer Price) **00** (Property Located In) **46** (County Code)

6. Type of Document: Contract/Agreement for Deed Other Warranty Deed Quit Claim Deed

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

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** (Round to the nearest dollar.)

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 *[Signature]* Date **2/1/07**

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 Gulledge

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

ACCOUNT NO. OD5360748700.504930

THANK YOU.

FOR UTILITIES USE ONLY:

BLUE SHEET NO. 20070147-UTL

PROJECT NAME: REFLECTION KEY

EASEMENT NAME: REFLECTION KEY, LLC

TYPING BY: *Sue Gulledge*

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

Strap Number(s):

26-45-24-09-0000A.0000
26-45-24-09-00000.00CE

LCU 500283

(THIS SPACE RESERVED FOR RECORDING)

GRANT OF PERPETUAL PUBLIC UTILITY EASEMENT

THIS INDENTURE is made and entered into this ____ day of _____ 2007, by and between "REFLECTION KEY, LLC," 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 20070147-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.

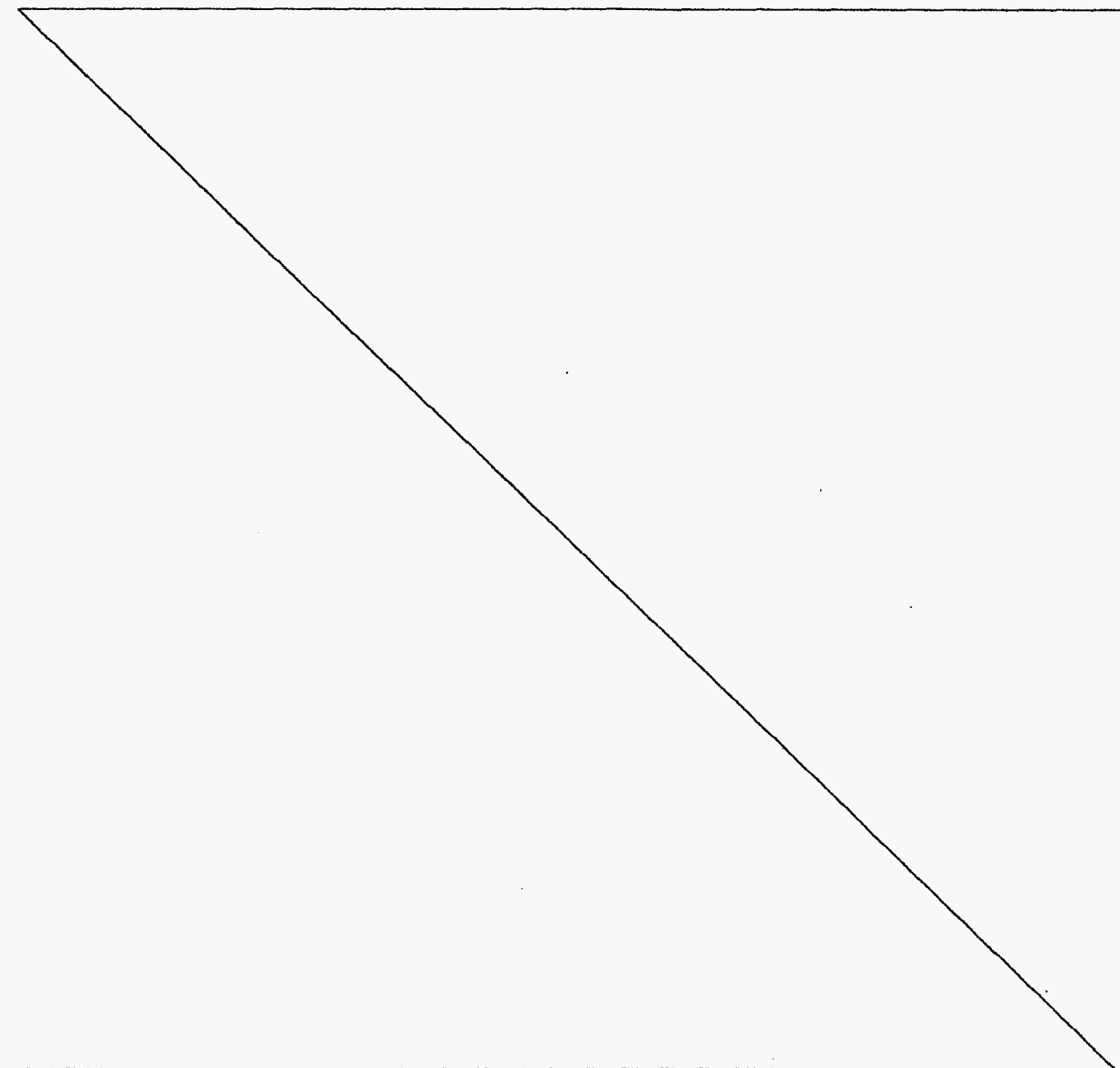
7. GRANTEE will be liable for money damages in tort for any injury to or loss of property, personal injury, or death caused by the negligent or wrongful act(s) or omission(s) of any official or employee of the GRANTEE while acting within the scope of the official's or employee's office or employment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

REFLECTION KEY, LLC, a Delaware limited liability company

By: TOUSA Homes, Inc., a Florida corporation, managing member

By: [Signature]

David A. Cobb, Division President

[Signature]
[1st Witness' Signature]

MARIA GLEMIRIS
[Type or Print Name]

[Signature]
[2nd Witness' Signature]

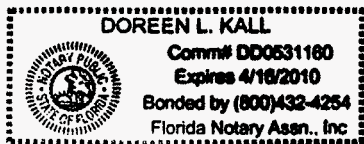
Jason DeBello
[Type or Print Name]

STATE OF FLORIDA)
COUNTY OF Lee) ss.:

The foregoing instrument was acknowledged before me this 16th day of November, 2006, by David A. Cobb, as Division President of TOUSA Homes, a Florida corporation, managing member of Reflection Key, LLC, a Delaware limited liability company on behalf of the corporation. He is personally known to me or has produced _____ as identification.

NOTARY SEAL

Notary: Doreen L. Kall
Print Name: Doreen L. Kall
Notary Public, State of Florida
My commission expires: 4/14/2010



Approved and accepted for and on behalf of Lee County, Florida, this _____ day of _____, 2007.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Deputy Clerk

BY: _____
Chair

APPROVED AS TO FORM

BY: _____
Office of the County Attorney
Scott S. Coover, Esquire

Banks Engineering

Professional Engineers, Planners & Land Surveyors
2515 Northbrooke Plaza Dr. - Suite 200
Naples, Florida 34119
(239) 597-2061
Fax (239) 597-3082

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 26, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
REFLECTION KEY - LEE COUNTY UTILITY EASEMENT

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 26, TOWNSHIP 45 SOUTH, RANGE 24 EAST, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 26, TOWNSHIP 45 SOUTH, RANGE 24 EAST; THENCE N.88°55'46"E. ALONG THE SOUTH LINE OF SAID FRACTION OF SECTION FOR 307.20 FEET; THENCE N 01°04'14" W FOR 124.44 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 2,699.33 FEET AND TO WHICH POINT OF CURVE A RADIAL LINE BEARS S 70°22'26" E; THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 13°23'56" FOR 631.26 FEET TO THE **POINT OF BEGINNING** OF A PARCEL OF LAND HEREIN DESCRIBED; THENCE S 84°44'01" E FOR 79.11 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 31°49'54" FOR 13.89 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 73.00 FEET; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 31°49'54" FOR 40.56 FEET; THENCE S 84°44'01" E FOR 70.97 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 83.00 FEET; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 37°13'53" FOR 53.93 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 38.00 FEET; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 37°13'53" FOR 24.69 FEET; THENCE S 84°44'01" E FOR 36.55 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 23.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 46°58'20" FOR 18.86 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 62.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 33°26'56" FOR 36.20 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 13.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 46°14'47" FOR 10.49 FEET TO THE BEGINNING OF A COMPOUND CURVE TO THE RIGHT HAVING A RADIUS OF 88.00 FEET; THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 45°22'11" FOR 69.68 FEET TO **POINT "A"** AND THE BEGINNING OF A REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 273.00 FEET; THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 62°45'52" FOR 299.06 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 477.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 17°18'18" FOR 144.07 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 72.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 65°52'38" FOR 82.78 FEET; THENCE N 89°04'09" E FOR 153.12 FEET; THENCE N 01°05'19" W FOR 1,036.71 FEET;

SHEET 1 OF 4

S:\Jobs\1601607\SURVEY\Description\1607 LEE_DESC1.doc

Fort Myers Office
10511 Six Mile Cypress Pkwy, Suite #101
Fort Myers, Florida 33912
(239) 939-5490
Fax (239) 939-2523

Sarasota Office
1144 Tallevast Road Suite #115
Sarasota, Florida 34243
(941) 360-1618
Fax (941) 360-6918

Port Charlotte Office
12653 SW CR 769 Suite B
Lake Suzy, Florida 34269
(941) 625-1165
Fax (941) 625-1149

THENCE S 89°04'24" W FOR 294.19 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 50.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00" FOR 78.54 FEET; THENCE S 00°55'36" E FOR 316.59 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 88.00 FEET; THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 19°31'41" FOR 29.99 FEET TO THE BEGINNING OF A COMPOUND CURVE TO THE RIGHT HAVING A RADIUS OF 13.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 46°48'12" FOR 10.62 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 62.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 17°06'38" FOR 18.52 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 23.00 FEET; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 46°58'20" FOR 18.86 FEET; THENCE N 84°44'01" W FOR 41.05 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 38.00 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 36°36'34" FOR 24.28 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 87.00 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 36°36'34" FOR 55.59 FEET; THENCE N 84°44'01" W FOR 63.86 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 77.00 FEET; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 08°05'50" FOR 10.88 FEET; THENCE N 48°03'50" W FOR 76.15 FEET; THENCE S 35°04'50" W FOR 91.39 FEET; THENCE S 84°44'01" E FOR 64.81 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 45.00 FEET; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 25°21'00" FOR 19.91 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 54.50 FEET; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 25°21'00" FOR 24.11 FEET; THENCE S 84°44'01" E FOR 73.81 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 62.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 37°55'12" FOR 41.03 FEET; THENCE S 05°15'59" W FOR 46.43 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 58.00 FEET AND TO WHICH POINT OF CURVE A RADIAL LINE BEARS S 28°32'12" E; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 33°48'10" FOR 34.22 FEET; THENCE N 84°44'01" W FOR 80.64 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 50.50 FEET; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 26°06'04" FOR 23.01 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 45.00 FEET; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 26°06'04" FOR 20.50 FEET; THENCE N 84°44'01" W FOR 78.85 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 2,699.33 FEET AND TO WHICH POINT OF CURVE A RADIAL LINE BEARS S 84°11'51" E; THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 00°25'28" FOR 20.00 FEET TO THE **POINT OF BEGINNING**.

LESS AND EXCEPT

COMMENCING AT AFOREMENTIONED POINT "A"; THENCE S 69°35'39" E FOR 46.00 FEET TO THE **POINT OF BEGINNING** OF A PARCEL OF LAND HEREIN DESCRIBED AND THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 227.00 FEET AND TO WHICH POINT OF CURVE A RADIAL LINE BEARS N 69°35'39" W; THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 62°45'52" FOR 248.67 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 523.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 15°52'00" FOR 144.83 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 48.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 64°26'20" FOR 53.98 FEET; THENCE N 89°04'09" E FOR 84.90 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 10.00 FEET;

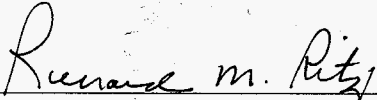
THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°09'28" FOR 15.74 FEET; THENCE N 01°05'19" W FOR 926.72 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 10.00 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 89°50'17" FOR 15.68 FEET; THENCE S 89°04'24" W FOR 234.34 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 10.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00" FOR 15.71 FEET; THENCE S 00°55'36" E FOR 230.73 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 488.00 FEET; THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 18°37'19" FOR 158.61 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 62.00 FEET; THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 35°57'02" FOR 38.90 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 488.00 FEET; THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 11°32'47" FOR 98.34 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 134.00 FEET; THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 15°33'01" FOR 36.37 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINING 138,914.1 SQUARE FEET OR 3.189 ACRES MORE OR LESS.

BEARINGS ARE ASSUMED AND BASED ON THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER (SW¼) OF SECTION 26, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, AS N.88°55'46"E.

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

DESCRIPTION PREPARED OCTOBER 11, 2006


RICHARD M. RITZ, R.L.S.
FLORIDA CERTIFICATION NO. 4009



1"=200'

SKETCH TO ACCOMPANY DESCRIPTION

OF A
PARCEL OF LAND
LYING IN
SECTION 26, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

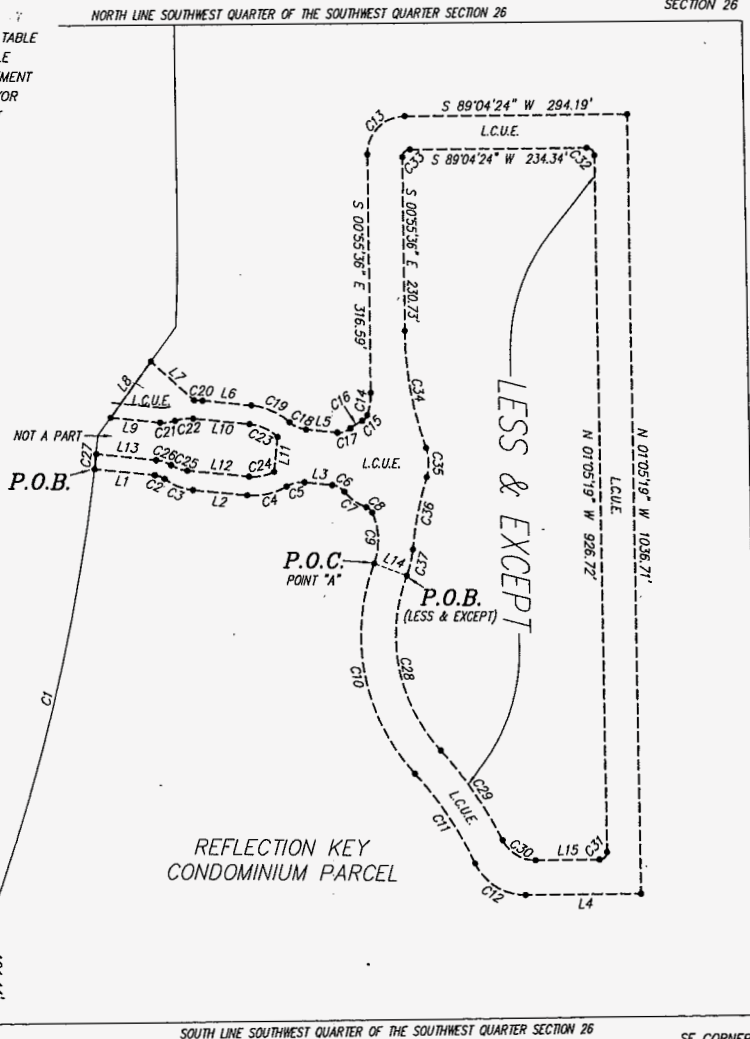
NE CORNER
SW 1/4, SW 1/4
SECTION 26

LEGEND:

- C1 INDICATES CURVE 1 OF THE CURVE TABLE
- L1 INDICATES LINE 1 OF THE LINE TABLE
- L.C.U.E. INDICATES LEE COUNTY UTILITY EASEMENT
- R.L.S. INDICATES REGISTERED LAND SURVEYOR
- P.O.C. INDICATES POINT OF COMMENCEMENT
- P.O.B. INDICATES POINT OF BEGINNING
- L.B. INDICATES LICENSED BUSINESS

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 84°44'01" E	78.11'
L2	S 84°44'01" E	70.97'
L3	S 84°44'01" E	36.55'
L4	N 89°04'09" E	153.12'
L5	N 84°44'01" W	41.05'
L6	N 84°44'01" W	63.66'
L7	N 48°03'50" W	78.15'
L8	S 35°04'50" W	91.39'
L9	S 84°44'01" E	64.81'
L10	S 84°44'01" E	73.81'
L11	S 03°15'59" W	48.43'
L12	N 84°44'01" W	80.64'
L13	N 84°44'01" W	78.85'
L14	S 69°35'39" E	46.00'
L15	N 89°04'09" E	84.90'



REFLECTION KEY
CONDOMINIUM PARCEL

P.O.C.
SW CORNER, SW 1/4,
SW 1/4
SECTION 26

N 88°55'46" E 307.20'

CURVE TABLE

CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	2699.33'	132°35'56"	631.26'	629.82'	N 12°55'36" E
C2	25.00'	31°49'54"	13.89'	13.71'	S 68°49'04" E
C3	73.00'	31°49'54"	40.56'	40.04'	S 68°49'04" E
C4	83.00'	37°13'53"	53.93'	52.99'	N 76°39'02" E
C5	38.00'	37°13'53"	24.69'	24.26'	N 76°39'02" E
C6	23.00'	46°58'20"	18.86'	18.33'	S 61°14'51" E
C7	62.00'	33°26'56"	36.20'	35.68'	S 54°28'09" E
C8	13.00'	46°14'42"	10.49'	10.21'	S 48°05'14" E
C9	88.00'	45°22'11"	69.68'	67.88'	S 02°16'45" E
C10	273.00'	62°45'52"	299.06'	294.33'	S 10°58'35" E
C11	477.00'	17°18'18"	144.02'	143.52'	S 33°42'22" E
C12	72.00'	65°52'38"	82.78'	78.30'	S 57°59'32" E
C13	50.00'	90°00'00"	78.54'	70.71'	S 44°04'24" W
C14	88.00'	19°31'41"	29.99'	29.85'	S 08°50'14" W
C15	13.00'	46°48'12"	10.62'	10.33'	S 42°00'10" W
C16	62.00'	17°06'38"	18.52'	18.45'	S 56°50'57" W
C17	23.00'	46°58'20"	18.86'	18.33'	S 71°26'49" W
C18	38.00'	36°36'34"	24.28'	23.87'	N 66°25'45" W
C19	87.00'	36°36'34"	55.59'	54.65'	N 66°25'45" W
C20	77.00'	08°05'50"	10.88'	10.87'	N 88°46'56" E
C21	45.00'	25°21'00"	19.91'	19.78'	N 82°35'29" E
C22	54.50'	25°21'00"	24.11'	23.92'	N 82°35'29" E
C23	62.00'	37°55'12"	41.03'	40.28'	S 65°46'25" W
C24	58.00'	33°48'10"	34.22'	33.72'	S 78°21'53" W
C25	50.50'	26°06'04"	23.01'	22.81'	N 71°41'00" W
C26	45.00'	26°06'04"	20.50'	20.32'	N 71°41'00" W
C27	2699.33'	00°25'28"	20.00'	20.00'	S 06°00'54" W
C28	227.00'	62°45'52"	248.67'	236.42'	S 10°58'35" E
C29	523.00'	15°52'00"	144.83'	144.37'	S 34°25'31" E
C30	48.00'	64°26'20"	53.98'	51.18'	S 58°42'41" E
C31	10.00'	90°09'28"	15.74'	14.16'	N 43°59'25" W
C32	10.00'	89°50'17"	15.68'	14.12'	N 46°00'28" W
C33	10.00'	90°00'00"	15.71'	14.14'	S 44°04'24" W
C34	488.00'	18°37'18"	158.61'	157.91'	S 10°14'16" E
C35	62.00'	35°57'02"	38.90'	38.27'	S 07°34'24" W
C36	488.00'	11°32'47"	98.34'	98.18'	S 10°37'43" W
C37	134.00'	15°33'01"	36.37'	36.26'	S 12°37'50" W

NOTES:

SEE SHEET 1 THROUGH 3 OF 4 FOR COMPLETE METES AND BOUNDS DESCRIPTION.

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

BEARINGS ARE ASSUMED AND BASED ON THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER (SW1/4) OF SECTION 26, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, AS N.88°55'46"E.

THIS IS NOT A SURVEY

Richard M. Ritz
 RICHARD M. RITZ, R.L.S.
 FLORIDA CERTIFICATION NO. 4009
 DATE SIGNED: 10-16-06

- THIS SKETCH IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA PROFESSIONAL SURVEYOR AND MAPPER

- PREPARED OCTOBER 11, 2006.

PREPARED BY:

Banks Engineering

ENGINEERING, SURVEYING & LAND PLANNING

2515 NORTHBROOKS PLAZA DRIVE - SUITE 200

NAPLES, FLORIDA 34110

(239) 587-8081

FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6890

SHEET 4 OF 4

COPY