

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

**Blue Sheet No. 20070228-UTL**

**1. ACTION REQUESTED/PURPOSE:**

Developer Contributed Asset: Approve final acceptance, by Resolution and recording of two Utility Easements, as a donation of a 4" diameter fire line, three water services, and a gravity main extension, to provide potable water service, fire protection and sewer service to *Summerlin Park, Lot 'B'*, a recently constructed commercial development. This is a Developer Contributed asset project located at the southwest corner of Bass Road and Commerce Center Court.

**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:** Approval.

<b>5. Departmental Category:</b> 10 - Utilities <span style="margin-left: 50px;"><b>CIDA</b></span>		<b>6. Meeting Date:</b> MAR 13 2007
<b>7. Agenda:</b> <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Administrative <input type="checkbox"/> Appeals <input type="checkbox"/> Public <input type="checkbox"/> Walk-On	<b>8. Requirement/Purpose: (specify)</b>	
	<input type="checkbox"/> Statute	
	<input type="checkbox"/> Ordinance	
	<input type="checkbox"/> Admin. Code	
	<input checked="" type="checkbox"/> Other	Approval
		<b>9. Request Initiated:</b> Commissioner _____ Department <u>Public Works</u> Division <u>Utilities</u> By: <i>Douglas L. Meurer</i> 2-19-2007 <b>Douglas L. Meurer, P.E., Director</b>

**10. Background:**

The Board granted permission to construct on 08-22-05, Blue Sheet #20050957.  
 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 collection system has been performed.  
 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 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 04    TOWNSHIP 46S    RANGE 24E    DISTRICT # 3    COMMISSIONER JUDAH

**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: 2-19-07	N/A Date:	N/A Date:	<i>T.O.</i> T. Osterhout Date: 2/19	<i>S. Coovert</i> S. Coovert Date: 2/20/07	<i>Alan</i> 2-20-07	<i>MP</i> 2/20/07	<i>RS</i> 2/20/07	<i>MP</i> 2/21/07	<i>J. Lavender</i> Date: 2-19-07

**12. Commission Action:**

- Approved
- Deferred
- Denied
- Other

RECEIVED BY COUNTY ADMIN: *MP*

2/20 2:30 mp.

COUNTY ADMIN FORWARDED TO: *MP*

2/21 4:10 pm

Rec. by CoAtty

Date: 2/20/07

Time: 10:30 Am

2/20/07 11:30 Am

RESOLUTION NO.

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

WHEREAS, it is the desire of "Summerlin Bass, LLC" owner of record, to make a contribution to Lee County Utilities of water facilities (a 4" diameter fire line, 3 water services), and sewer facilities (a gravity main extension), serving "SUMMERLIN PARK, LOT B"; 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 **\$39,921.00** 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 20070228-UTL**

COPY

LETTER OF COMPLETION

DATE: 1/22/2007

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

Gentlemen:

This is to certify that the **water distribution and sanitary sewer** located at  
**Summerlin Park, Lot "B"**  
(Name of Development/Project)

were designed by me and have been constructed in conformance with:

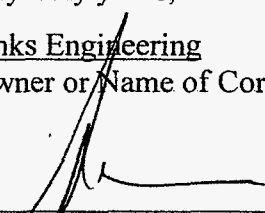
**the approved plans and the approved specifications**

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

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

Very truly yours,

Banks Engineering  
(Owner or Name of Corporation/Firm)

(Signature)  1/24/07

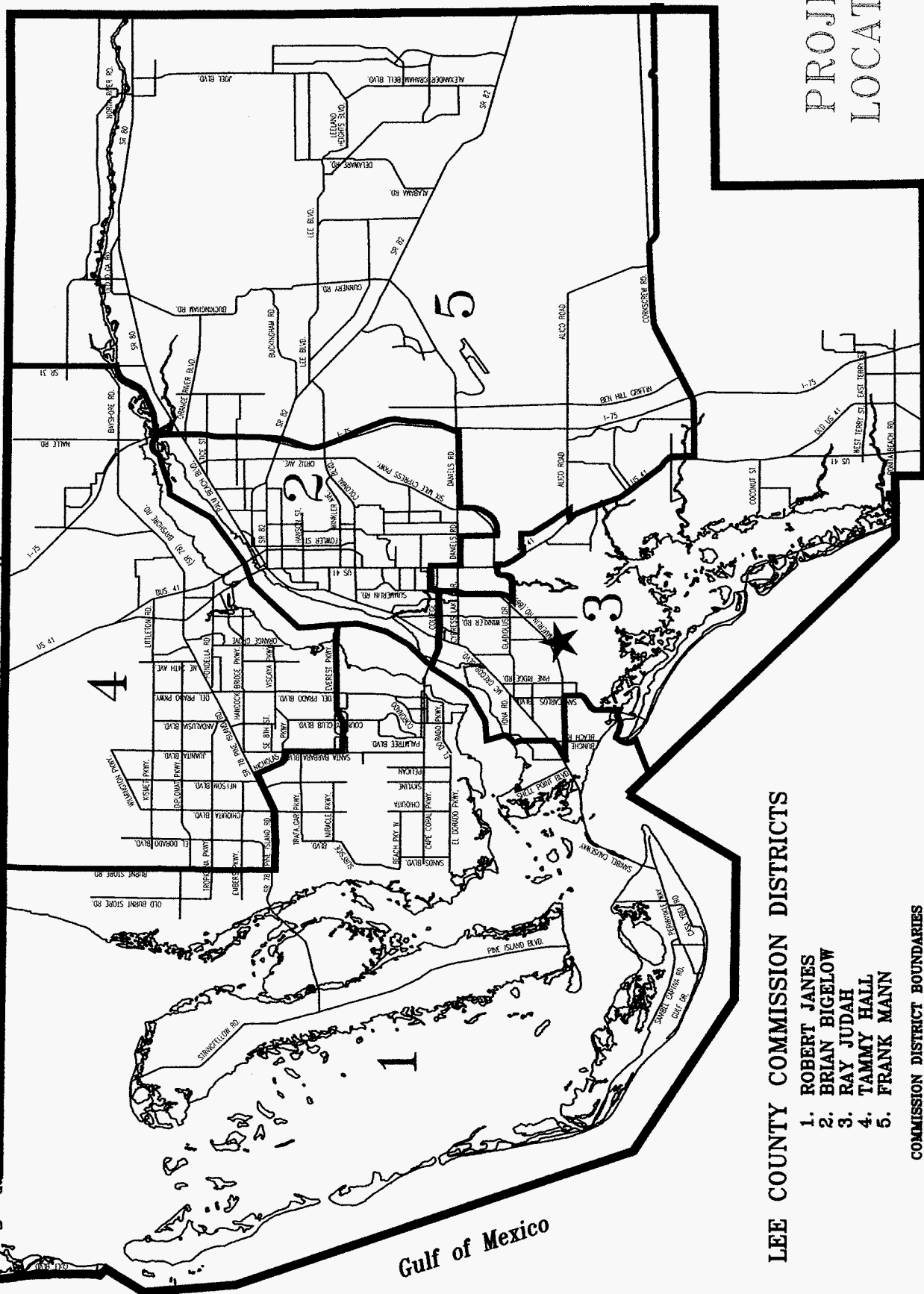
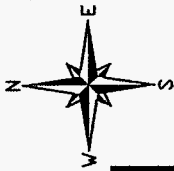
Samuel W. Marshall, P.E. #48881  
(Name and Title)

(Seal of Engineering Firm)

COPY

PROJECT  
LOCATION

SUMMERLIN PARK, LOT 'B'  
04-46-24-07-00000.00B0 AND 04-46-24-07-00000.00B10  
COMMISSION DISTRICT # 3 - RAY JUDAH



LEE COUNTY COMMISSION DISTRICTS

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

COMMISSION DISTRICT BOUNDARIES  
DECEMBER 2000

Gulf of Mexico

COPY

WARRANTY

THE UNDERSIGNED parties do hereby warrant and/or guaranty all work executed by the contractor on the water and sewer of Summerlin Park, Lot "B" 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.

Strickler Bros. Inc.

(Contractor/Company Name)

Steve Strickler, Pres.

(Authorized Representative, Title)

BY: Steve Strickler

(Signature)

STATE OF Florida )

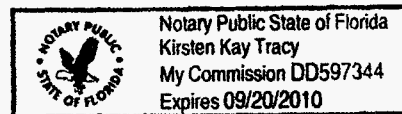
) SS:

COUNTY OF Lee )

The foregoing instrument was signed and acknowledged before me this 22 day of December ~~January~~, 2006 by Steve Strickler who is personally known to me -  , and who did not take an oath.

Kirsten Kay Tracy  
Notary Public Signature

Kirsten Kay Tracy  
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  
(\$39,921.00) hereby waives and releases its lien and right to claim a lien for labor, services, or  
materials furnished to Mel-Re and Finn Investment LLC on the job of Summerlin Park Lot "B" to the  
following described property:

Summerlin park, Lot "B"  
(Name of Development/Project)

Gravity Collection System  
Water and/or Sewer Service(s)  
(Facilities Constructed)

9705-9711 & 9701 Commerce Center Court, Fort Myers, Florida  
33908  
(Location)

04-46-24-07-00000.0B0 04-46-24-07-00000.0B10  
(Strap # or Section, Township & Range)

Dated on: January 31, 2007

By: [Signature]  
(Signature of Authorized Representative)

Strickler Brothers, Inc.  
(Name of Firm or Corporation)

By: Steve Strickler  
(Print Name of Authorized Representative)

4176 Canal Street  
(Address of Firm or Corporation)

Title: President

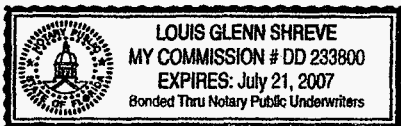
Fort Myers, Fl 33916-  
(City, State & Zip Of Firm Or Corporation)

Phone #: (239)267-2050 Ext.

Fax#: (239)267-5840

STATE OF FL )  
 ) SS:  
COUNTY OF Lee )

The foregoing instrument was signed and acknowledged before me this 31 st day of January, 2007 by  
Steve Strickler who is personally known to me - Kirsten Tracy , and who did not take an oath.



(Notary Seal & Commission Number)

[Signature]  
(Notary Public Signature)

Louis Glenn Shreve  
(Printed Name of Notary Public)



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]  
(Signature of Certifying Agent)

Steve Strickler - President  
(Name & Title of Certifying Agent)

Strickler Brothers, Inc.  
(Name of Firm or Corporation)

4176 Canal Street  
(Address of Firm or Corporation)

FL. Mycis, Florida 33916

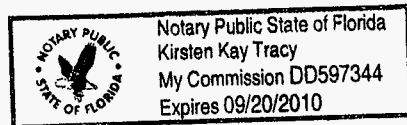
STATE OF Florida )  
                                  ) SS:  
COUNTY OF Lee )

The foregoing instrument was signed and acknowledged before me this 31 day of Jan. 2007 by Steve Strickler who is personally known to me - ✓, and who did not take an oath.

[Signature]  
Notary Public Signature

Kirsten Kay Tracy  
Printed Name of Notary Public

DD597344  
Notary Commission Number



(NOTARY SEAL)





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]  
(Signature of Certifying Agent)

Steve Strickler - President  
(Name & Title of Certifying Agent)

Strickler Brothers, Inc.  
(Name of Firm or Corporation)

4176 Canal Street  
(Address of Firm or Corporation)

Ft. Myers, - Florida 33914

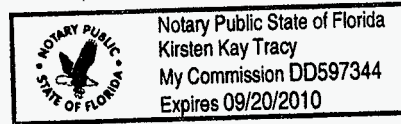
STATE OF Florida )  
                                  ) SS:  
COUNTY OF Lee )

The foregoing instrument was signed and acknowledged before me this 31 day of Jan 2007 by Steve Strickler who is personally known to me - \_\_\_\_\_, and who did not take an oath.

[Signature]  
Notary Public Signature

Kirsten Kay Tracy  
Printed Name of Notary Public

DD597344  
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

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

04462407000000B0

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 20070228**

**SUMMERLIN BASS, LLC**

**15051 S TAMiami TRl, #203 FT MYERS FL 33908**  
 Mailing Address City State Zip Code

4. Grantee (Buyer):

**THOM OSTERHOUT**

**AS AGENT:**

**FOR LEE CO. BD. OF CO. COMMISSIONERS**

**P. O. BOX 398 FT. MYERS FL 33902 (239) 4798181**  
 Mailing Address City State Zip Code Phone No.

5. Date of Sale/Transfer

Sale/Transfer Price

03 / 13 / 2007 \$ 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.) \$ 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 Cents

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

*Handwritten Signature*

Date 2/19/07

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
<p><b>This copy to Property Appraiser</b></p> <p>O. R. Book and Page Number and File Number</p> <p>Date Recorded</p>	

**This copy to Property Appraiser**



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



FDOR10240300  
 DR-219  
 R. 07/98

Enter numbers as shown below.

If typing, enter numbers as shown below.

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

0 1 2 3 4 5 6 7 8 9

0123456789

**044624070000000B0**

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 20070228**

**SUMMERLIN BASS, LLC**

Last First MI Corporate Name (if applicable)  
**15051 S TAMIAI TRL, #203 FT MYERS FL 33908**

Mailing Address City State Zip Code Phone No.  
**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 Sale/Transfer Price

**03 13 2007 \$ \$10 . 00** Property Located In **46** County Code

6. Type of Document Contract/Agreement  Other 7. Are any mortgages on the property? If "Yes", YES  NO  
 Warranty Quit Claim outstanding mortgage balance: \$ **. 00**  
 Deed Deed (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 → \$ **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 **2/19/07**

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
<b>This copy to Department of Revenue</b>	
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. 20070228-UTL**

**PROJECT NAME: SUMMERLIN PARK, LOT B**

**EASEMENT NAME: SUMMERLIN BASS, LLC**

**TYPING BY: *Sue Gulledge***

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

Strap Number(s):

**04-46-24-07-00000.00BO**

**LCU 500283**

(THIS SPACE RESERVED FOR RECORDING)

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**GRANT OF PERPETUAL PUBLIC UTILITY EASEMENT**

THIS INDENTURE is made and entered into this \_\_\_\_ day of \_\_\_\_\_ 2007, by and between "**SUMMERLIN BASS, 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 20070228-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.

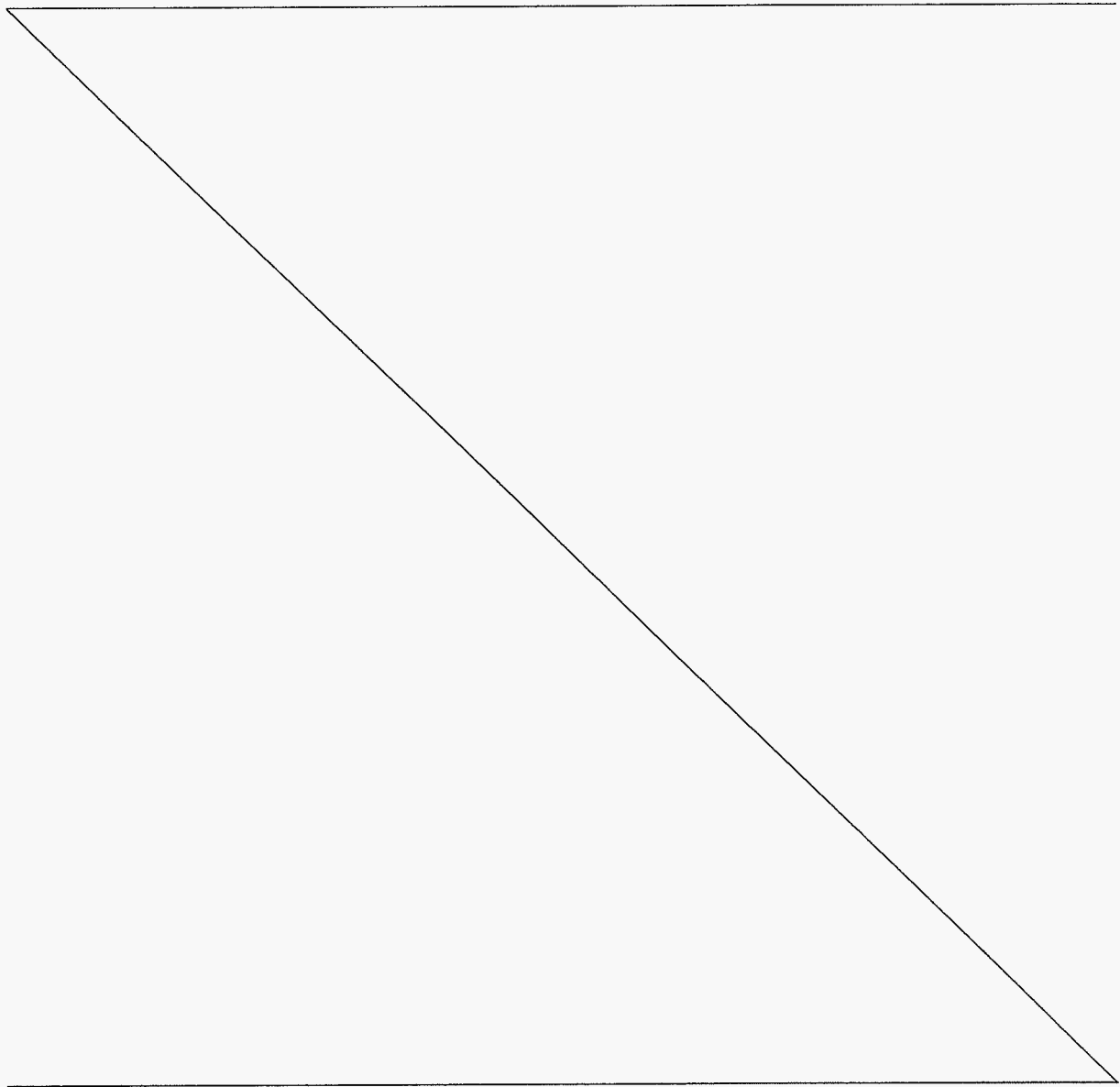
7. GRANTEE will be liable for money damages in tort for any injury to or loss of property, personal injury, or death caused by the negligent or wrongful act(s) or omission(s) of any official or employee of the GRANTEE while acting within the scope of the official's or employee's office or employment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

Charles Eubly  
[1<sup>st</sup> Witness' Signature]

Charles E. Wiley  
[Type or Print Name]

Cindy A. Stratton  
[2<sup>nd</sup> Witness' Signature]

Cindy A. Stratton  
[Type or Print Name]

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

Edward D. Adkins  
[Type or Print Name]

Managing Member  
[Title]

STATE OF FLORIDA  
COUNTY OF Lee

The foregoing instrument was signed and acknowledged before me this 1<sup>st</sup> day of February, 2007, by Edward Adkins who produced the following as identification \_\_\_\_\_ or is personally know to me, and who did/did not take an oath.

[stamp or seal]



Joshlyn Bartels  
MY COMMISSION # DD229664 EXPIRES  
July 7, 2007  
BONDED THRU TROY FAIN INSURANCE, INC.

[Signature]  
[Signature of Notary]

Joshlyn Bartels  
[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

# Banks Engineering

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

DESCRIPTION  
OF  
A PARCEL OF LAND  
LYING IN  
SECTION 4, TOWNSHIP 46 SOUTH, RANGE 24 EAST  
LEE COUNTY, FLORIDA

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 4, TOWNSHIP 46 SOUTH, RANGE 24 EAST, BEING A PORTION OF LOT "B", SUMMERLIN PARK, AS RECORDED IN PLAT BOOK 64, AT PAGE 72 THROUGH 74, OF THE PUBLIC RECORDS OF SAID LEE COUNTY, BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

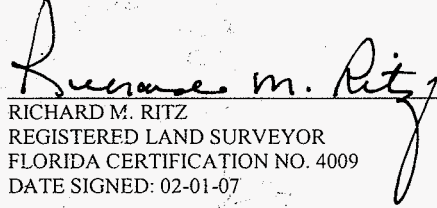
COMMENCING AT THE SOUTHEASTERLY CORNER OF SAID LOT; THENCE N 00°48'18" W ALONG THE EASTERLY LINE OF SAID LOT FOR 135.04 FEET TO THE **POINT OF BEGINNING** OF A PARCEL OF LAND HEREIN DESCRIBED; THENCE S 89°11'42" W FOR 35.00 FEET; THENCE N 00°48'18" W FOR 13.00 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4508, PAGE 2203 OF THE PUBLIC RECORDS OF SAID LEE COUNTY; THENCE N 89°11'42" E ALONG SAID SOUTH LINE OF LANDS FOR 35.00 FEET TO THE SOUTHEAST CORNER OF SAID LANDS; THENCE S 00°48'18" E ALONG THE EASTERLY LINE OF SAID LOT "B" FOR 13.00 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 455.0 SQUARE FEET, MORE OR LESS.

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

ASSUMED NORTH BASED ON THE SOUTHERLY LINE OF LOT "B", SUMMERLIN PARK, AS RECORDED IN PLAT BOOK 64, AT PAGE 72 THROUGH 74 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AS BEARING S 89°11'42" W.

DESCRIPTION PREPARED 01-31-07

  
RICHARD M. RITZ  
REGISTERED LAND SURVEYOR  
FLORIDA CERTIFICATION NO. 4009  
DATE SIGNED: 02-01-07

S:\Jobs\11xx\1199\SURVEY\DESCRIPTION\1199\_UF2\_LOTB\_LGL.doc  
S:\Jobs\11xx\1199\SURVEY\DESCRIPTION\1199\_UF2\_LOTB\_SKT.dwg

SHEET 1 OF 2

# Banks Engineering

PROFESSIONAL ENGINEERS, LAND SURVEYORS & PLANNERS  
 FLORIDA BUSINESS CERTIFICATION NUMBER LB 6890  
 10511 SIX MILE CYPRESS PARKWAY - SUITE 101  
 FORT MYERS, FLORIDA 33966  
 (239) 939-5490



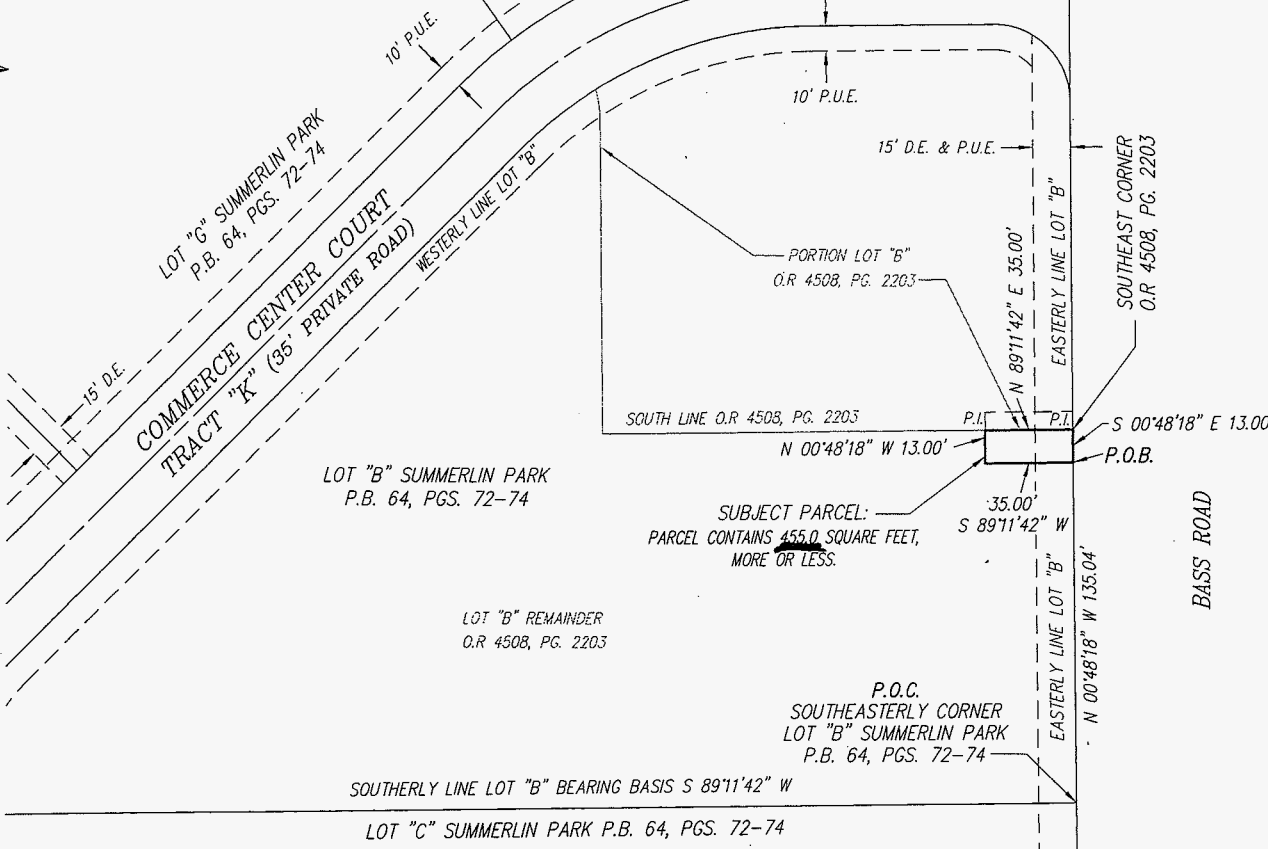
1" = 60'

## SKETCH OF DESCRIPTION

OF  
 A TRACT OR PARCEL OF LAND LYING IN  
 SECTION 4, TOWNSHIP 46 SOUTH, RANGE 24 EAST,  
 LEE COUNTY, FLORIDA

LOT "A" SUMMERLIN PARK  
 P.B. 64, PGS. 72-74

P.U.E.



NOTES:

- 1.) SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
- 2.) ASSUMED NORTH BASED ON THE SOUTHERLY LINE OF LOT "B", SUMMERLIN PARK, AS RECORDED IN PLAT BOOK 64, AT PAGE 72 THROUGH 74 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AS BEARING S 89'11'42" W.

NOTE: ALL ADJACENT EASEMENTS AND TRACTS, UNLESS OTHERWISE NOTED, ARE PART OF SUMMERLIN PARK, AS RECORDED IN PLAT BOOK 64, AT PAGE 72 THROUGH 74 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

LEGEND:

- PG. INDICATES PAGE
  - PGS. INDICATES PAGES
  - P.B. INDICATES PLAT BOOK
  - D.E. INDICATES DRAINAGE EASEMENT
  - P.O.B. INDICATES POINT OF BEGINNING
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- S:\JOBS\11XX\1199\SURVEY\DESCRIPTION\1199\_UE2\_LOTB\_LGL.DOC  
 S:\JOBS\11XX\1199\SURVEY\DESCRIPTION\1199\_UE2\_LOTB\_SKT.DWG

PREPARED 01-31-07  
 SHEET 2 OF 2

SEE SHEET 1 OF 2 FOR COMPLETE METES AND BOUNDS DESCRIPTION  
 THIS SKETCH OF DESCRIPTION IS NOT A BOUNDARY SURVEY

*Richard M. Ritz*  
 RICHARD M. RITZ  
 REGISTERED LAND SURVEYOR  
 FLORIDA CERTIFICATION NO. 4009  
 - DATE SIGNED 01-31-07  
 - THIS SKETCH OF DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

COPY

# Banks Engineering

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

DESCRIPTION  
OF  
A PARCEL OF LAND  
LYING IN  
SECTION 4, TOWNSHIP 46 SOUTH, RANGE 24 EAST  
LEE COUNTY, FLORIDA

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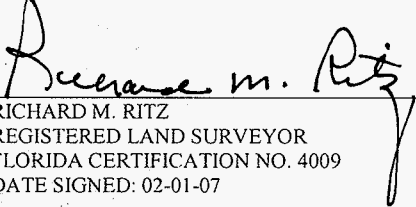
COMMENCING AT THE SOUTHEASTERLY CORNER OF SAID LOT; THENCE S 89°11'42" W ALONG THE SOUTHERLY LINE OF SAID LOT FOR 168.00 FEET; THENCE N 00°48'18" W FOR 112.27 FEET TO THE **POINT OF BEGINNING** OF A PARCEL OF LAND HEREIN DESCRIBED; THENCE S 89°10'59" W FOR 20.00 FEET; THENCE N 00°48'18" W FOR 35.79 FEET TO THE SOUTHWEST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4508, PAGE 2203 OF THE PUBLIC RECORDS OF SAID LEE COUNTY; THENCE N 89°11'42" E ALONG THE SOUTH LINE OF SAID LANDS FOR 20.00 FEET; THENCE S 00°48'18" E FOR 35.79 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 715.8 SQUARE FEET, MORE OR LESS.

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

ASSUMED NORTH BASED ON THE SOUTHERLY LINE OF LOT "B", SUMMERLIN PARK, AS RECORDED IN PLAT BOOK 64, AT PAGE 72 THROUGH 74 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AS BEARING S 89°11'42" W.

DESCRIPTION PREPARED 01-31-07

  
RICHARD M. RITZ  
REGISTERED LAND SURVEYOR  
FLORIDA CERTIFICATION NO. 4009  
DATE SIGNED: 02-01-07

S:\Jobs\11xx\1199\SURVEY\DESCRIPTION\1199\_UEL\_LOTB\_LGL.doc  
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SHEET 1 OF 2

# COPY

## Banks Engineering

PROFESSIONAL ENGINEERS, LAND SURVEYORS & PLANNERS  
 FLORIDA BUSINESS CERTIFICATION NUMBER LB 6890  
 10511 SIX MILE CYPRESS PARKWAY - SUITE 101  
 FORT MYERS, FLORIDA 33966  
 (239) 939-6490



## SKETCH OF DESCRIPTION

OF  
 A TRACT OR PARCEL OF LAND LYING IN  
 SECTION 4, TOWNSHIP 46 SOUTH, RANGE 24 EAST,  
 LEE COUNTY, FLORIDA

NOTES:

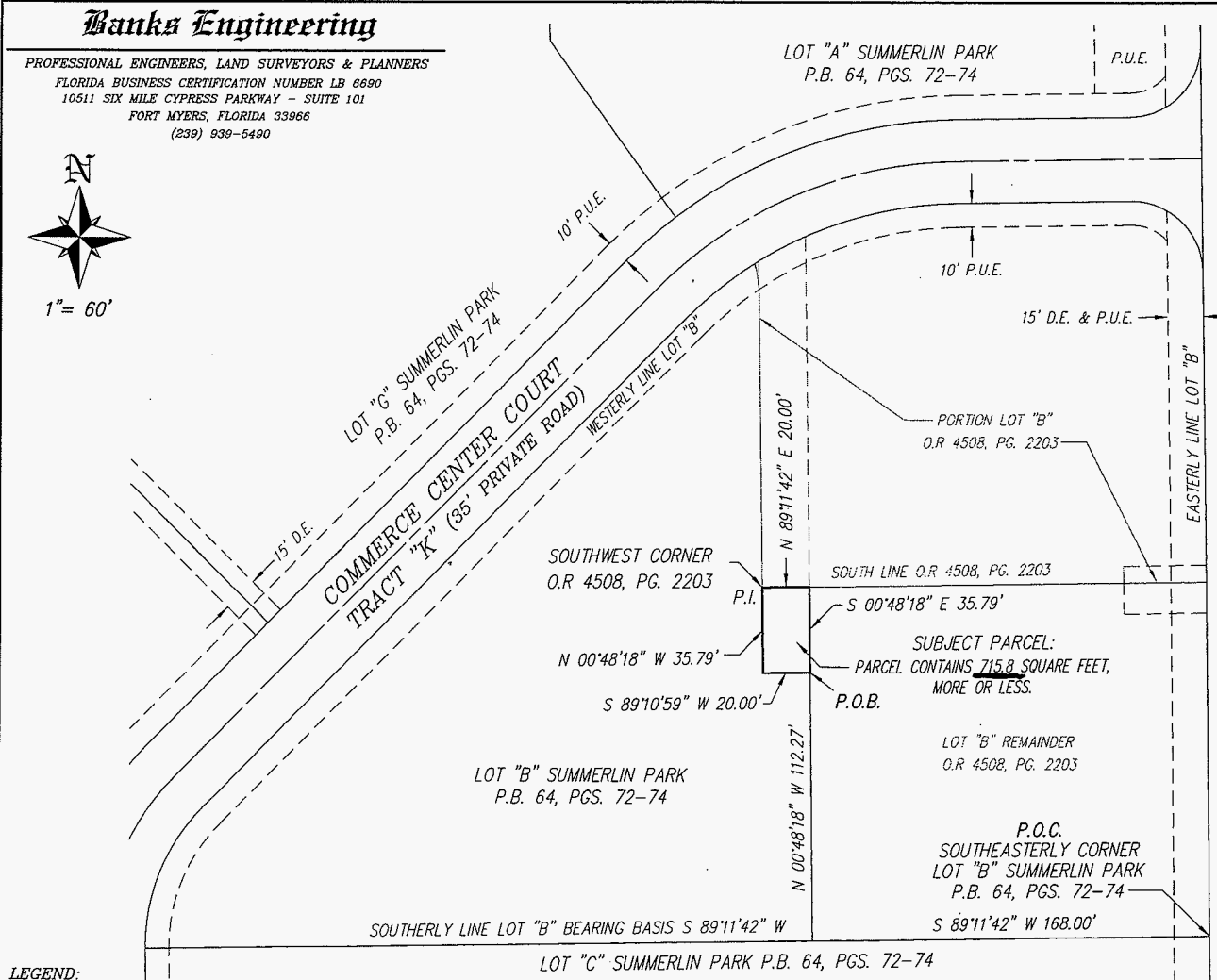
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SEE SHEET 1 OF 2 FOR COMPLETE METES AND BOUNDS DESCRIPTION

**THIS SKETCH OF DESCRIPTION IS NOT A BOUNDARY SURVEY**

*Richard M. Ritz*  
 RICHARD M. RITZ  
 REGISTERED LAND SURVEYOR  
 FLORIDA CERTIFICATION NO. 48011  
 - DATE SIGNED: 09-01-07  
 - THIS SKETCH OF DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.









**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. 20070228-UTL**

**PROJECT NAME: SUMMERLIN PARK, LOT B**

**EASEMENT NAME: FINN INVESTMENTS, LLC**

**TYPING BY: *Sue Gulledge***

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

Strap Number(s):

**04-46-24-07-00000.0B10**

**LCU 500283**

(THIS SPACE RESERVED FOR RECORDING)

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**GRANT OF PERPETUAL PUBLIC UTILITY EASEMENT**

THIS INDENTURE is made and entered into this \_\_\_\_ day of \_\_\_\_\_ 2007, by and between "FINN INVESTMENTS, 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 20070228-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.

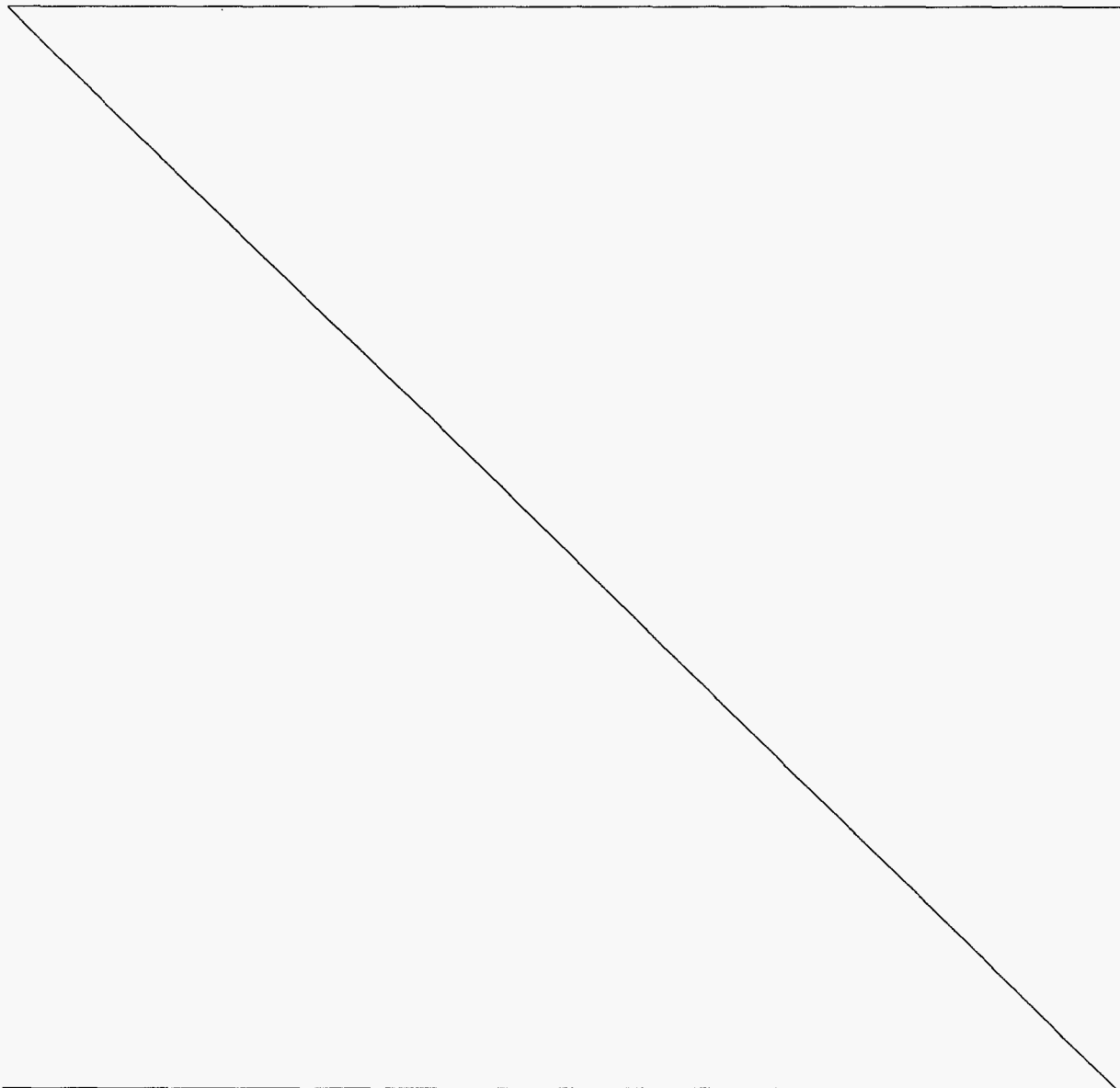
7. GRANTEE will be liable for money damages in tort for any injury to or loss of property, personal injury, or death caused by the negligent or wrongful act(s) or omission(s) of any official or employee of the GRANTEE while acting within the scope of the official's or employee's office or employment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

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IN WITNESS WHEREOF, the GRANTOR has caused this document to be signed on the date and year first above written.

Tammy Jackson  
[1<sup>st</sup> Witness' Signature]

Tammy Jackson  
[Type or Print Name]

[Signature]  
[2<sup>nd</sup> Witness' Signature]

STEVEN C. FEJLER  
[Type or Print Name]

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

FIONA FINN  
[Type or Print Name]

PRESIDENT / BROKER / CO-OWNER  
[Title]

STATE OF FLORIDA

COUNTY OF Lee

The foregoing instrument was signed and acknowledged before me this 1<sup>st</sup> day of February 2007 by Fiona Finn who produced the following as identification \_\_\_\_\_ or is personally known to me, and who ~~did~~ did not take an oath.

[stamp or seal]

Mary C. Gagnon  
[Signature of Notary]

Mary C. Gagnon  
[Typed or Printed Name]



IN WITNESS WHEREOF, the GRANTOR has caused this document to be signed on the date and year first above written.

Tammy Jackson  
[1<sup>st</sup> Witness' Signature]

TAMMY JACKSON  
[Type or Print Name]

[Signature]  
[2<sup>nd</sup> Witness' Signature]

STEVEN C. PETOLER  
[Type or Print Name]

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

MATTHEW FINN  
[Type or Print Name]

Secretaries.  
[Title]

STATE OF FLORIDA

COUNTY OF Lee

The foregoing instrument was signed and acknowledged before me this 1<sup>st</sup> day of February 2007 by Matthew Finn who produced the following as identification Drivers License or is personally known to me, and who ~~did~~/did not take an oath.

[stamp or seal]



Mary C. Gagnon  
[Signature of Notary]

Mary C. Gagnon  
[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

# Banks Engineering

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

DESCRIPTION  
OF  
A PARCEL OF LAND  
LYING IN  
SECTION 4, TOWNSHIP 46 SOUTH, RANGE 24 EAST  
LEE COUNTY, FLORIDA

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 4, TOWNSHIP 46 SOUTH, RANGE 24 EAST, BEING A PORTION OF LOT "B", SUMMERLIN PARK, AS RECORDED IN PLAT BOOK 64, AT PAGE 72 THROUGH 74, OF THE PUBLIC RECORDS OF SAID LEE COUNTY, BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEASTERLY CORNER OF SAID LOT; THENCE N 00°48'18" W ALONG THE EASTERLY LINE OF SAID LOT FOR 148.05 FEET TO THE SOUTHEAST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4508, PAGE 2203 OF THE PUBLIC RECORDS OF SAID LEE COUNTY AND THE **POINT OF BEGINNING** OF A PARCEL OF LAND HEREIN DESCRIBED; THENCE S 89°11'42" W ALONG THE SOUTH LINE OF SAID LANDS FOR 35.00 FEET; THENCE N 00°48'18" W FOR 7.00 FEET; THENCE N 89°11'42" E FOR 35.00 FEET TO AN INTERSECTION WITH SAID EASTERLY LINE; THENCE S 00°48'18" E ALONG SAID EASTERLY LINE FOR 7.00 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 245.0 SQUARE FEET, MORE OR LESS.

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

ASSUMED NORTH BASED ON THE SOUTHERLY LINE OF LOT "B", SUMMERLIN PARK, AS RECORDED IN PLAT BOOK 64, AT PAGE 72 THROUGH 74 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AS BEARING S 89°11'42" W.

DESCRIPTION PREPARED 01-31-07

  
RICHARD M. RITZ  
REGISTERED LAND SURVEYOR  
FLORIDA CERTIFICATION NO. 4009  
DATE SIGNED: 02-01-07

S:\Jobs\1199\SURVEY\DESCRIPTION\1199\_UF2\_LOTBI\_LGI.doc  
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# Banks Engineering

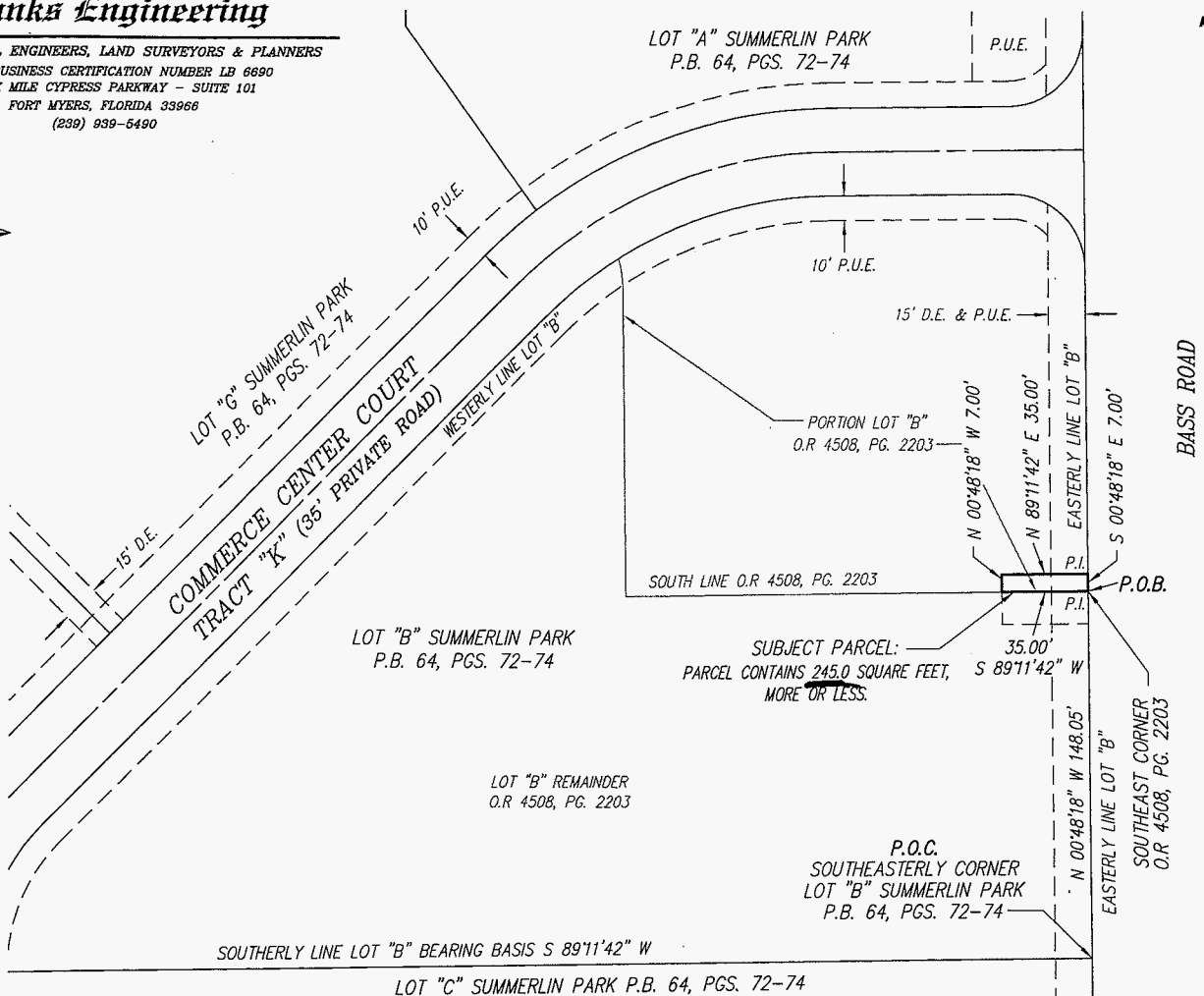
PROFESSIONAL ENGINEERS, LAND SURVEYORS & PLANNERS  
 FLORIDA BUSINESS CERTIFICATION NUMBER LB 6690  
 10511 SIX MILE CYPRESS PARKWAY - SUITE 101  
 FORT MYERS, FLORIDA 33966  
 (239) 939-5490



1" = 60'

# SKETCH OF DESCRIPTION

OF  
 A TRACT OR PARCEL OF LAND LYING IN  
 SECTION 4, TOWNSHIP 46 SOUTH, RANGE 24 EAST,  
 LEE COUNTY, FLORIDA



NOTES:

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SEE SHEET 1 OF 2 FOR COMPLETE METES AND BOUNDS DESCRIPTION

**THIS SKETCH OF DESCRIPTION IS NOT A BOUNDARY SURVEY**

*Richard M. Ritz*  
 RICHARD M. RITZ  
 REGISTERED LAND SURVEYOR  
 FLORIDA CERTIFICATION NO. 4009  
 - DATE SIGNED 02-01-07

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LEGEND:

- PG. INDICATES PAGE
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  - P.B. INDICATES PLAT BOOK
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  - P.O.B. INDICATES POINT OF BEGINNING
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PREPARED 01-31-07  
 SHEET 2 OF 2

COPY

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

DESCRIPTION  
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PARCEL CONTAINS 0.07 ACRES, MORE OR LESS.

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

ASSUMED NORTH BASED ON THE SOUTHERLY LINE OF LOT "B", SUMMERLIN PARK, AS RECORDED IN PLAT BOOK 64, AT PAGE 72 THROUGH 74 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AS BEARING S 89°11'42" W.

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SHEET 1 OF 2

# Banks Engineering

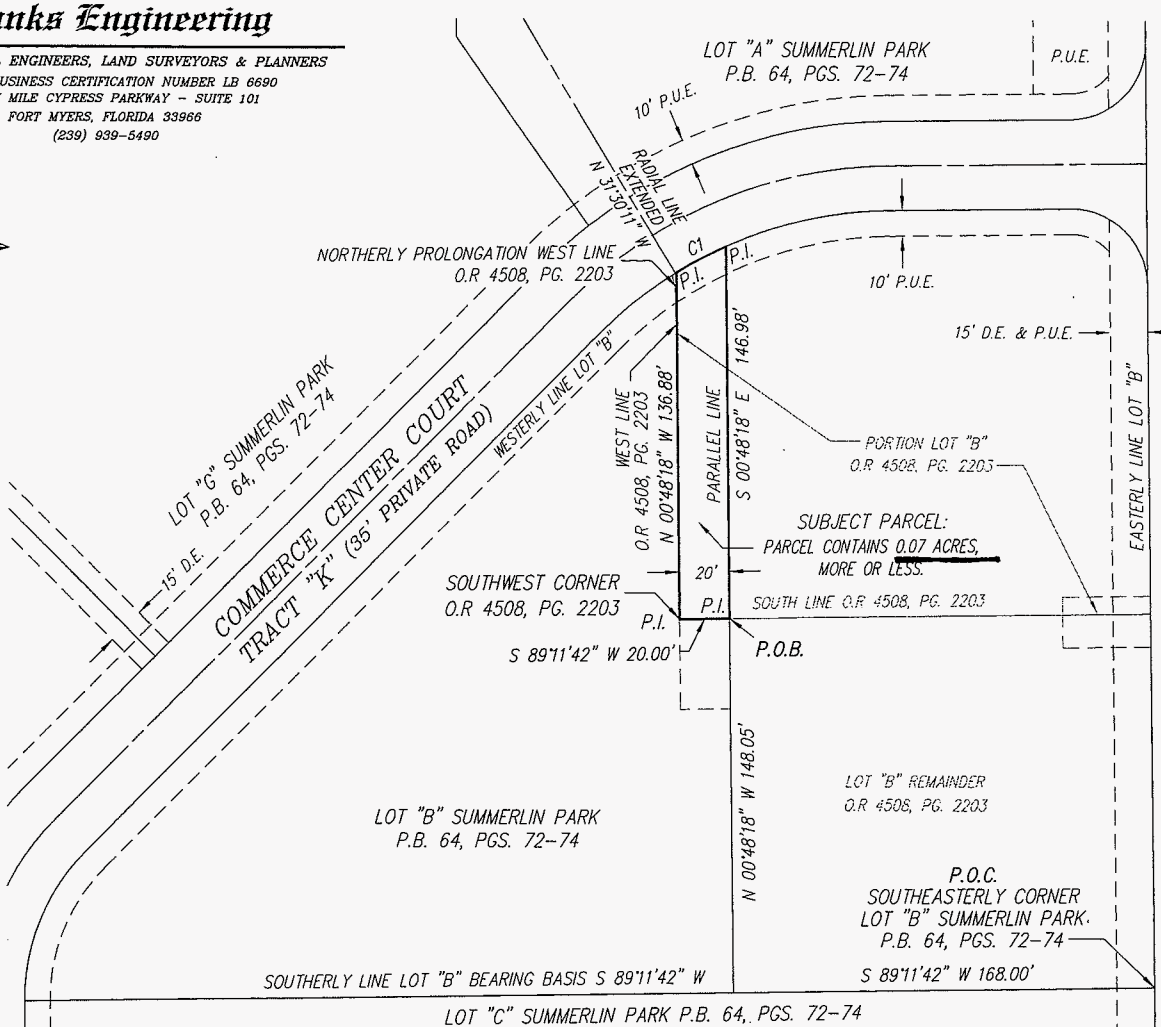
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 10511 SIX MILE CYPRESS PARKWAY - SUITE 101  
 FORT MYERS, FLORIDA 33966  
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1" = 60'

# SKETCH OF DESCRIPTION

OF  
 A TRACT OR PARCEL OF LAND LYING IN  
 SECTION 4, TOWNSHIP 46 SOUTH, RANGE 24 EAST,  
 LEE COUNTY, FLORIDA



**NOTES:**

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 S: \JOBS\11XX\1199\SURVEY\DESCRIPTION\1199\_UE1\_LOT1\_SKT.DWG

**CURVE TABLE**

CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	165.00'	07°47'13"	22.42'	22.41'	N 62°23'26" E

PREPARED 01-31-07  
 SHEET 2 OF 2

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