

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

Blue Sheet No. 20070485-UTL

1. ACTION REQUESTED/PURPOSE:

Developer Contributed Asset: Approve final acceptance, by Resolution, and recording of one (1) Utility Easement, as a donation of water and gravity main extensions, to provide potable water service, fire protection and sanitary sewer service to *Lowe's at Estero Town Commons*, a recently constructed retail building. This is a Developer Contributed asset project located at the southeast corner of Corkscrew Road and Three Oaks Parkway.

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.

5. Departmental Category: 10 - Utilities **C106** **6. Meeting Date:** APR 24 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)		9. Request Initiated:
	<input type="checkbox"/> Statute	<input type="checkbox"/>	Commissioner
	<input type="checkbox"/> Ordinance	<input type="checkbox"/>	Department Public Works
	<input type="checkbox"/> Admin. Code	<input type="checkbox"/>	Division Utilities
	<input checked="" type="checkbox"/> Other	Approval	By: <i>Douglas L. Meurer</i> 3-29-2007 Douglas L. Meurer, P.E., Director

10. Background:

The Board granted permission to construct on 08/01/06, Blue Sheet #20060608.
 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 35 TOWNSHIP 46S RANGE 25E 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: 3-30-07	N/A Date:	N/A Date:	<i>T.O.</i> T. Osterhout Date: 3/29	<i>S. Covert</i> S. Covert Date: 4/2/07	<i>RK</i> 4/3	<i>MK</i> 4/3/07	<i>RY</i> 4/3/07	<i>JK</i> 4/3/07	<i>J. Lavender</i> Date: 3-30-07

12. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY COUNTY ADMIN: *RK*
 4/2
 4:30pm
 COUNTY ADMIN FORWARDED TO: *PK*
 4/3/07
 1:13pm

Rec. by CoAtty
 Date: 4/2/07
 Time: 1:15pm
 Forwarded To: Admin.
 4/2/07 3:30pm

RESOLUTION NO.

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

WHEREAS, it is the desire of "KRG/CCA ESTERO, LLC" owner of record, to make a contribution to Lee County Utilities of water facilities (water main extension), and sewer facilities (gravity main extension), serving "LOWE'S AT ESTERO TOWN COMMONS"; and,

WHEREAS, Lee County Utilities requires proof of a Release of Lien, a Warranty (one-year) on all labor and materials, an accurate value of contributed assets, and right-of-way and/or easement-indemnity granted for all systems being contributed to Lee County Utilities; and,

WHEREAS, all of the above information has been received and approved as complete by Lee County Utilities; and,

WHEREAS, Lee County Utilities has recommended to the Board of County Commissioners that the above-named system be accepted for ownership, operation, and maintenance.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, that the above facilities, for a contributed value of **\$145,301.50** 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 20070485-UTL

COPY
LETTER OF COMPLETION

DATE: 3/13/2007

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 in
Lowes at Estero Town Commons
(Name of Development)

were designed by me and have been constructed in conformance with:
the revised plans, attached 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 , Low Pressure Test(s) - Gravity Main
and TV Inspection, Mandrill - Gravity Main**

Very truly yours,

John R. Musser
(Owner or Name of Corporation/Firm)

John R. Musser #31285
(Signature)

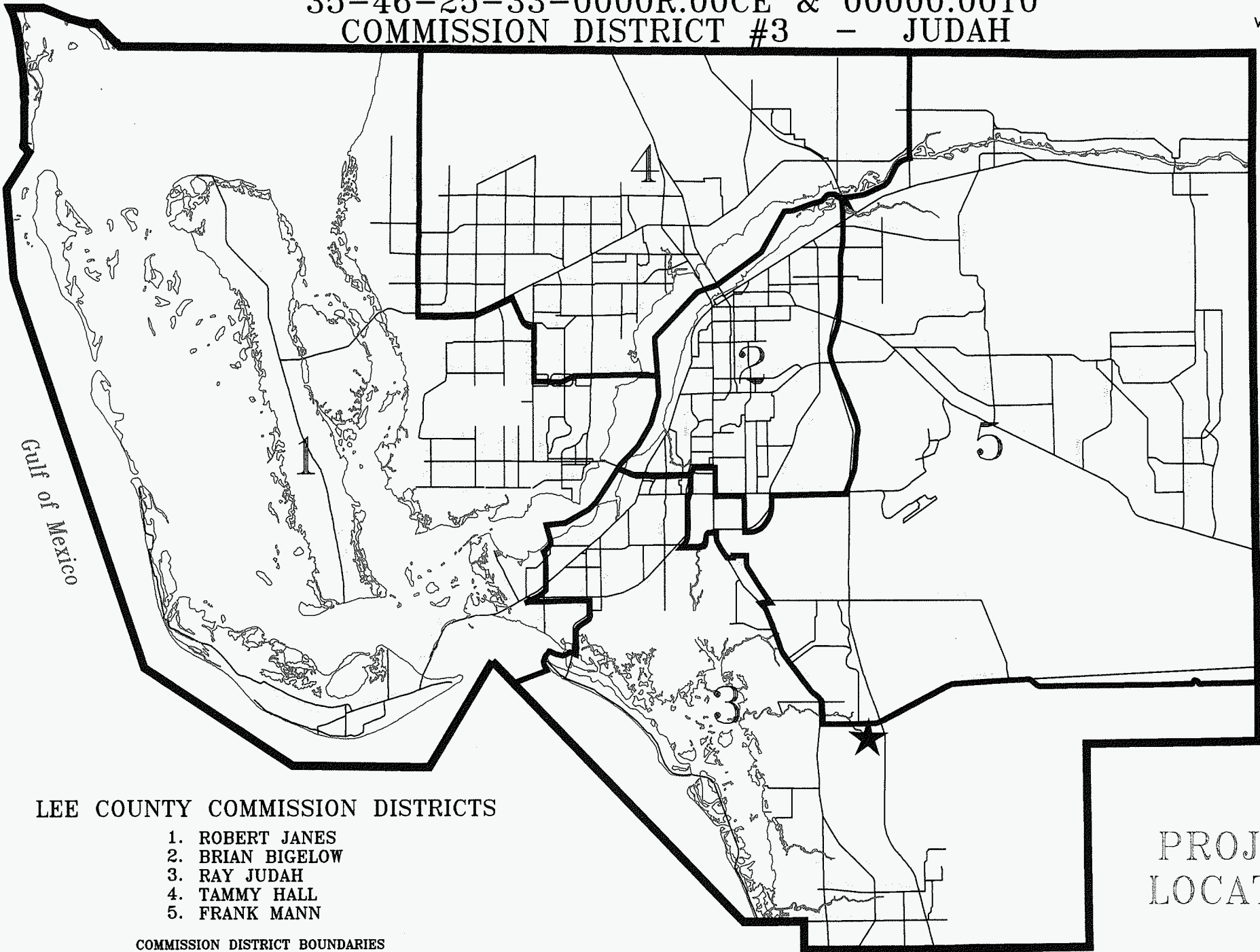
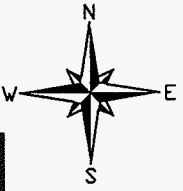
3-14-07

Project Engineer
(Title)

(Seal of Engineering Firm)



LOWE'S AT ESTERO TOWN COMMONS
35-46-25-33-0000R.00CE & 00000.0010
COMMISSION DISTRICT #3 - JUDAH



COPY

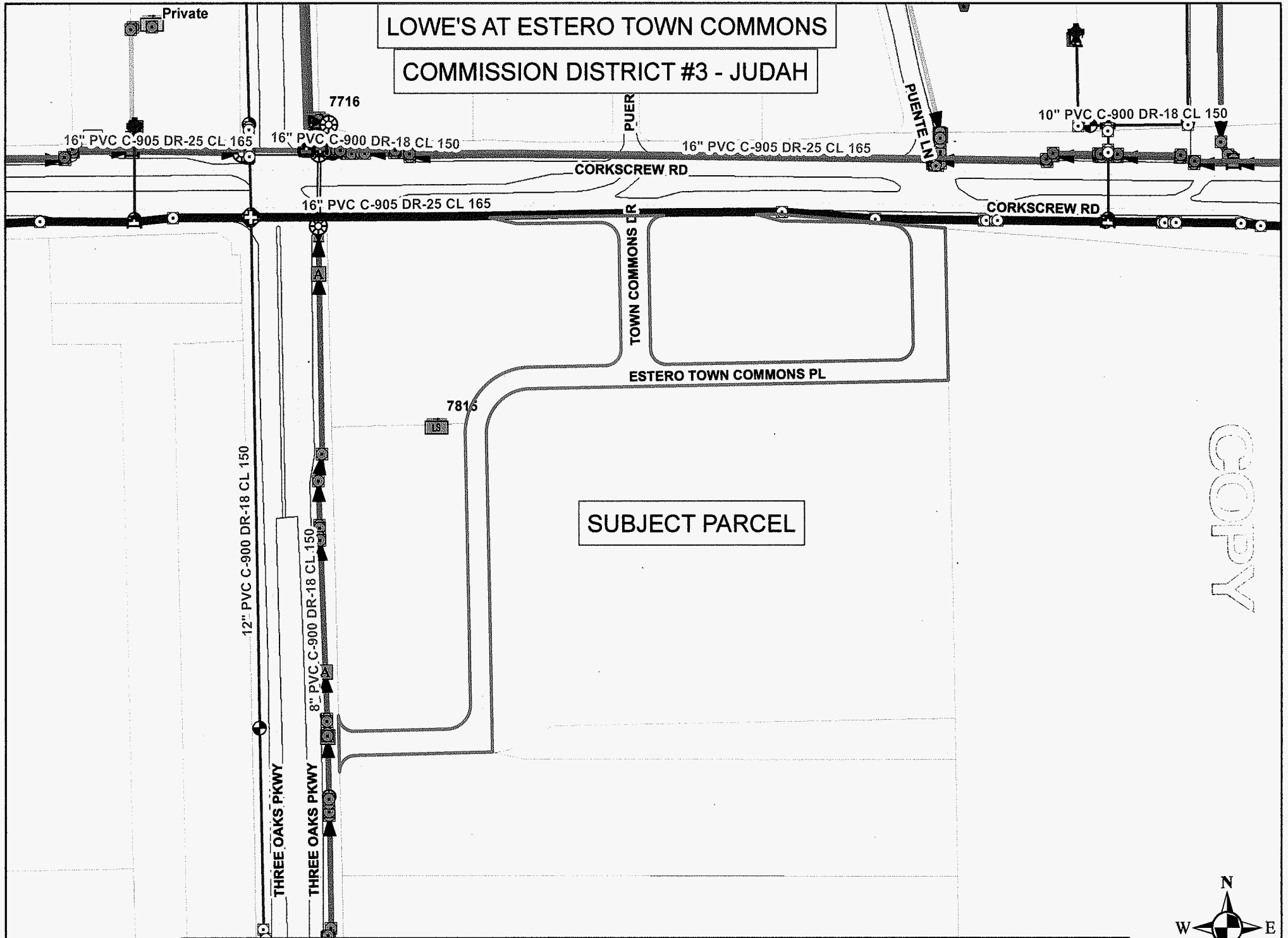
LEE COUNTY COMMISSION DISTRICTS

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

COMMISSION DISTRICT BOUNDARIES
DECEMBER 2000

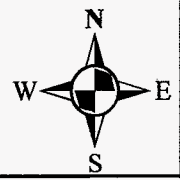
PROJECT
LOCATION

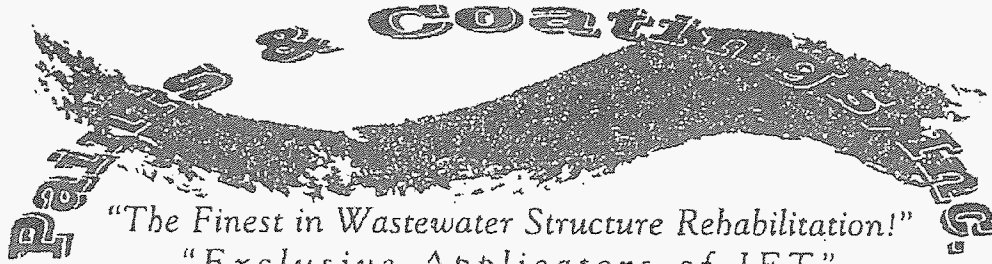
LOWE'S AT ESTERO TOWN COMMONS
COMMISSION DISTRICT #3 - JUDAH



COPY

35-46-25-33-0000R.00CE & 00000.0010 10070 ESTERO TOWN COMMONS PLACE





COPY

Date: November 21, 2006

FOR: Diamond Underground

JOB: Lowes

TEN YEAR UNLIMITED WARRANTY

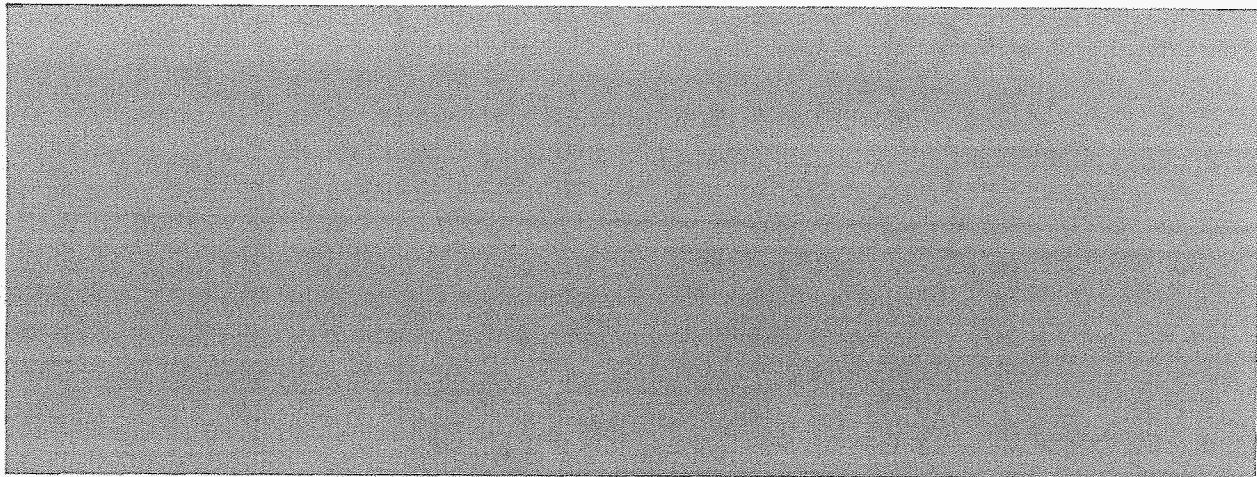
OUR DELUXE PREPARATION SYSTEM FOR APPLICATION OF IET ALLOWS US TO OFFER YOU A TEN YEAR UNLIMITED WARRANTY FOR ALL WORKMANSHIP.

ANY TYPE OF APPLICATOR ERROR WILL BE FIXED PROMPTLY WITHIN 72 HOURS OF BEING NOTIFIED.

Carl A. Laquidara
President

Jeffrey A. Yingling
Vice President

4461 Hancock Bridge Parkway • North Ft. Myers, Florida 33903 • (239) 997-6645 • (239) 997-7117 Fax



COPY

WAIVER AND RELEASE OF LIEN
UPON FINAL PAYMENT

The undersigned lienor, in consideration of the final payment in the amount of One Hundred Forty-five Thousand Three Hundred One and 50/100 (\$145,301.50) hereby waives and releases its lien and right to claim a lien for labor, services, or materials furnished to EHC, Inc. on the job of KRG/CCA Estero, LLC - Lowes at Estero Town Commons to the following described property:

Lowes at Estero Town Commons

(Name of Development/Project)

10070 Estero Town Commons Place, Estero
(Location)

Water Distribution System and Gravity Collection System

(Facilities Constructed)

35-46-25-33-0000R.00CE and 35-46-25-33-0000.0010
(Strap # or Section, Township & Range)

Dated on: March 22, 2007

By: *Penny A. Sappah*
(Signature of Authorized Representative)

By: Penny A. Sappah
(Print Name of Authorized Representative)

Title: Vice President

Phone #: (941)639-5252 Ext.

Diamond Underground
(Name of Firm or Corporation)

30108 Cedar Rd
(Address of Firm or Corporation)

Punta Gorda, FL 33982-
(City, State & Zip Of Firm Or Corporation)

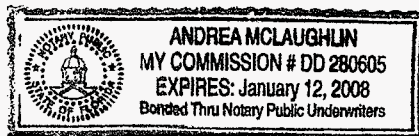
Fax#: (941)639-0233

STATE OF FL)
) SS:
COUNTY OF CHARLOTTE)

The foregoing instrument was signed and acknowledged before me this 22 nd day of March, 2007 by Penny A. Sappah who is personally known to me - _____, and who did not take an oath.

Andrea McLaughlin
(Notary Public Signature)

(Notary Seal & Commission Number) Andrea McLaughlin
(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

Penny A. Sappah
(Signature of Certifying Agent)

Penny A. Sappah, VP
(Name & Title of Certifying Agent)

Diamond Underground, Inc.
(Name of Firm or Corporation)

30108 Cedar Rd.
(Address of Firm or Corporation)

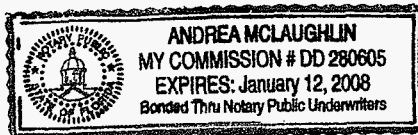
Punta Gorda, FL 33982 -

STATE OF FL)
) SS:
COUNTY OF CHARLOTTE)

The foregoing instrument was signed and acknowledged before me this 22 nd day of March, 2007 by Penny A. Sappah who is personally known to me - _____, and who did not take an oath.

Andrea McLaughlin
Notary Public Signature

Andrea McLaughlin
Printed Name of Notary Public



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 Penny A Sappah
(Signature of Certifying Agent)

Penny A. Sappah, VP
(Name & Title of Certifying Agent)

Diamond Underground, Inc.
(Name of Firm or Corporation)

30108 Cedar Rd.
(Address of Firm or Corporation)

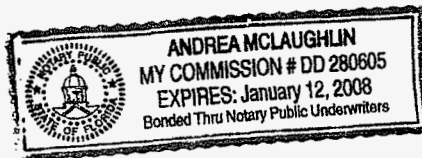
Punta Gorda, FL 33982 -

STATE OF FL)
) SS:
COUNTY OF CHARLOTTE)

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Andrea McLaughlin
Notary Public Signature

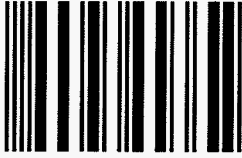
Andrea McLaughlin
Printed Name of Notary Public



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
---	---	---	---	---	---	---	---	---	---	--	--	---	---	---	---	---	---	---	---	---	---

1. Parcel Identification Number (If Parcel ID not available please call County Property Appraiser's Office) → 3546253300000010; 3546253300000000CE; 3546253300000000CE

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 20070485 KRG/CCA ESTERO, LLC**
 Last First MI Corporate Name (if applicable)
1200 S. PINE ISLAND RD-# 250 PLANTATION FL 33324

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

5. Date of Sale/Transfer: **04 / 24 / 2007** Sale/Transfer Price: **\$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: **\$0.00**

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

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

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

11. To the best of your knowledge, was personal property included in the sale/transfer? If "Yes", please state the amount attributable to the personal property. (Round to the nearest dollar.) YES / NO \$ **00.00**

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

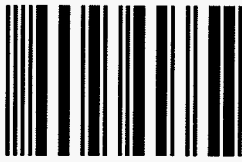
Under penalties of perjury, I declare that I have read the foregoing return and that the facts stated in it are true. If prepared by someone other than the taxpayer, his/her declaration is based on all information of which he/her has any knowledge.

Signature of Grantor or Grantee or Agent *[Signature]* Date **3/29/07**

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	

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 **0 1 2 3 4 5 6 7 8 9** **0123456789**
 (If Parcel ID not available please call County Property Appraiser's Office) → **35462533000000010; 354625330000R00CE; 354625330000D00CE**

2. Mark (x) all that apply
 Multi-parcel transaction? → **EASEMENT:**
 Transaction is a split or cutout from another parcel? → **BS 20070485**
 Property was improved with building(s) at time of sale/transfer? → **KRG/CCA ESTERO, LLC**

3. Grantor (Seller):
 Last First MI Corporate Name (if applicable)
1200 S. PINE ISLAND RD-# 250 PLANTATION FL 33324

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 2394798181

Mailing Address City State Zip Code Phone No.

5. Date of Sale/Transfer
04 24 2007 \$ \$10 . 00 Property Located In **46** County Code
 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:
 (Round to the nearest dollar.) \$ **. 00**

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

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

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

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 3/29/07

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. 20070485-UTL

**PROJECT NAME: LOWE'S AT ESTERO TOWN
COMMONS**

EASEMENT NAME: KRG/CCA ESTERO, LLC

TYPING BY: *Sue Gulledge*

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

Strap Number(s):

35-46-25-33-00000.0010
35-46-25-33-0000R.00CE
35-46-25-33-0000D.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 "KRG/CCA ESTERO, 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 20070485-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.

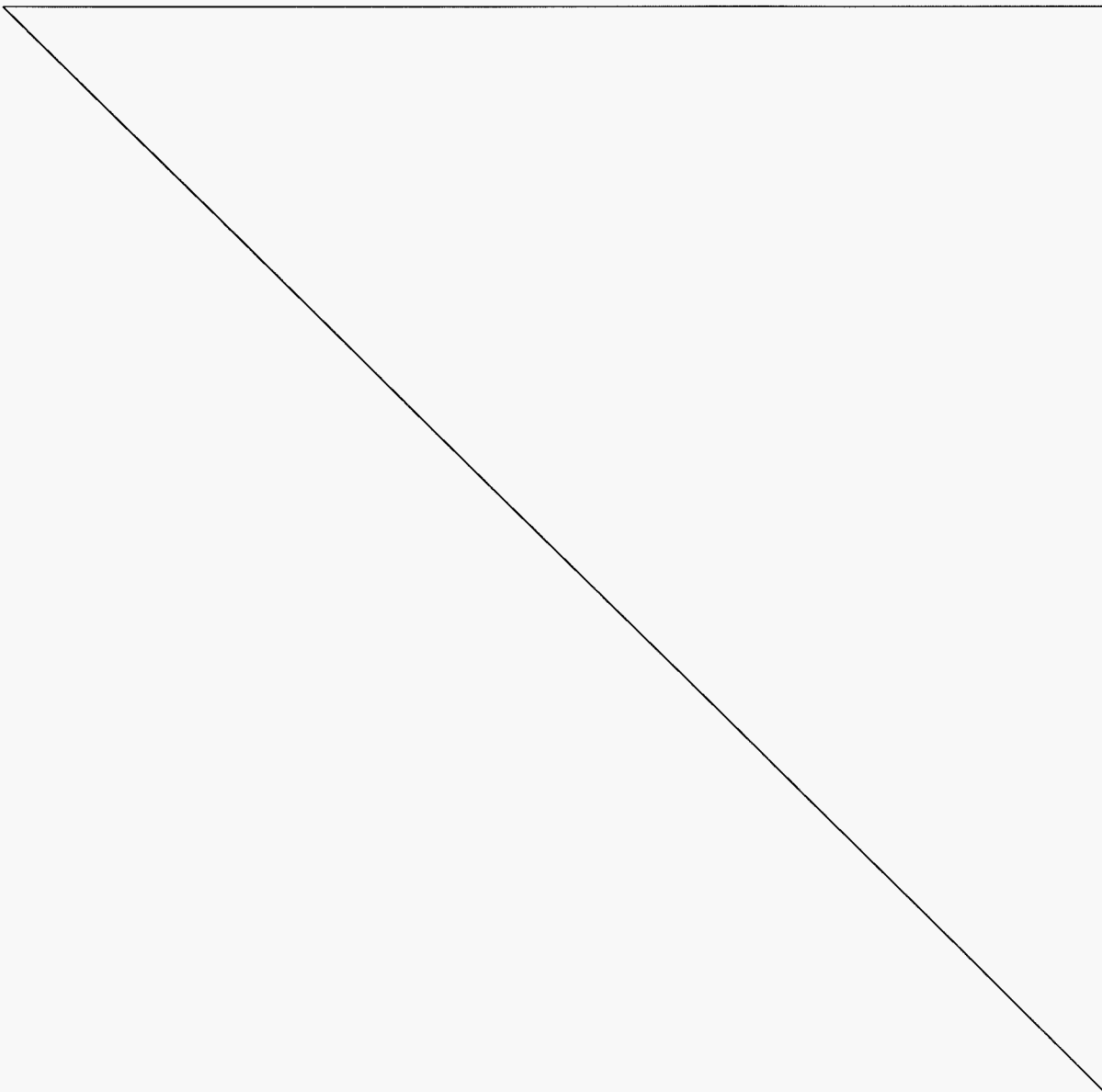
7. GRANTEE will be liable for money damages in tort for any injury to or loss of property, personal injury, or death caused by the negligent or wrongful act(s) or omission(s) of any official or employee of the GRANTEE while acting within the scope of the official's or employee's office or employment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



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

BBLs
SURVEYORS & MAPPERS INC.
1502-A RAILHEAD BLVD.
NAPLES, FLORIDA 34110
TELEPHONE: (239) 597-1315
FAX: (239) 597-5207

LEGAL DESCRIPTION
UTILITY EASEMENT

A PORTION OF LOT 1 AND A PORTION OF TRACT D, ESTERO TOWN COMMONS, ACCORDING TO THE PLAT THEREOF RECORDED AS INSTRUMENT #2006000411908 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

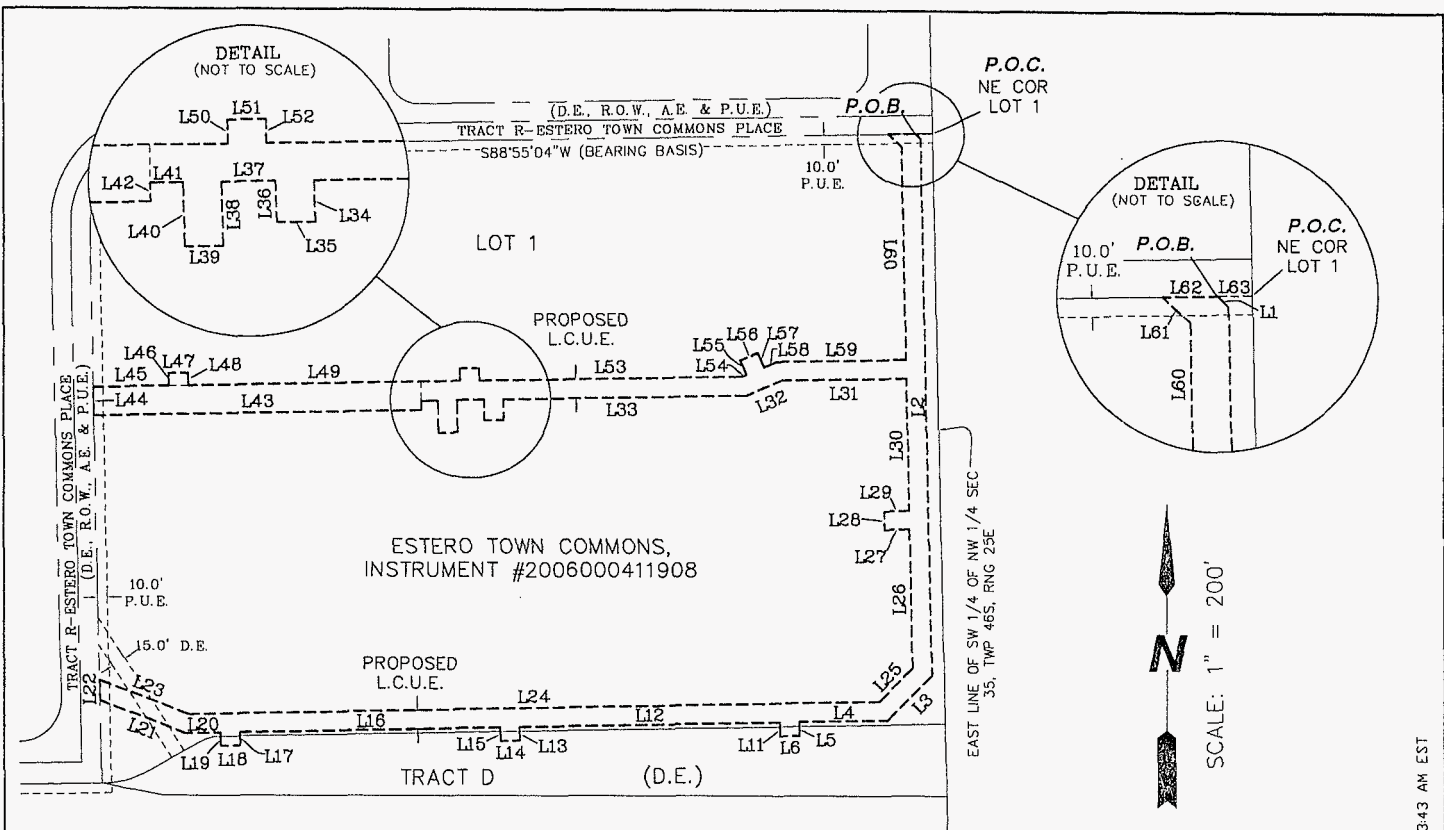
COMMENCE AT THE NORTHEAST CORNER OF LOT 1, ESTERO TOWN COMMONS, ACCORDING TO THE PLAT THEREOF RECORDED AS INSTRUMENT #2006000411908 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, THENCE RUN S.88°55'04"W., ALONG THE NORTH LINE OF SAID LOT 1, FOR A DISTANCE OF 17.98 FEET TO THE **POINT OF BEGINNING** OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN S.46°04'56"E. FOR A DISTANCE OF 7.86 FEET; THENCE RUN S.01°04'56"E. FOR A DISTANCE OF 573.91 FEET; THENCE RUN S.43°55'04"W. FOR A DISTANCE OF 66.50 FEET; THENCE RUN S.88°50'08"W. FOR A DISTANCE OF 91.85 FEET; THENCE RUN S.01°09'52"E. FOR A DISTANCE OF 14.86 FEET; THENCE RUN S.88°50'08"W. FOR A DISTANCE OF 20.00 FEET; THENCE RUN N.01°09'52"W. FOR A DISTANCE OF 14.86 FEET; THENCE RUN S.88°50'08"W. FOR A DISTANCE OF 270.00 FEET; THENCE RUN S.01°09'52"E. FOR A DISTANCE OF 14.45 FEET; THENCE RUN S.88°50'08"W. FOR A DISTANCE OF 20.00 FEET; THENCE RUN N.01°09'52"W. FOR A DISTANCE OF 14.45 FEET; THENCE RUN S.88°50'08"W. FOR A DISTANCE OF 270.00 FEET; THENCE RUN S.01°09'52"E. FOR A DISTANCE OF 14.03 FEET; THENCE RUN S.88°50'08"W. FOR A DISTANCE OF 20.00 FEET; THENCE RUN N.01°09'52"W. FOR A DISTANCE OF 14.03 FEET; THENCE RUN S.88°50'08"W. FOR A DISTANCE OF 36.78 FEET; THENCE RUN N.68°34'56"W. FOR A DISTANCE OF 95.09 FEET TO THE WEST LINE OF SAID LOT 1; THENCE RUN N.01°04'56"W., ALONG THE WEST LINE OF SAID LOT 1, FOR A DISTANCE OF 21.65 FEET; THENCE RUN S.68°34'56"E. FOR A DISTANCE OF 99.38 FEET; THENCE RUN N.88°50'08"E. FOR A DISTANCE OF 716.37 FEET; THENCE RUN N.43°55'04"E. FOR A DISTANCE OF 49.95 FEET; THENCE RUN N.01°04'56"W. FOR A DISTANCE OF 148.71 FEET; THENCE RUN S.88°55'04"W. FOR A DISTANCE OF 25.62 FEET; THENCE RUN N.01°04'56"W. FOR A DISTANCE OF 20.00 FEET; THENCE RUN N.88°55'04"E. FOR A DISTANCE OF 25.62 FEET; THENCE RUN N.01°04'56"W. FOR A DISTANCE OF 140.97 FEET; THENCE RUN S.88°55'04"W. FOR A DISTANCE OF 130.39 FEET; THENCE RUN S.66°25'04"W. FOR A DISTANCE OF 39.20 FEET; THENCE RUN S.88°55'04"W. FOR A DISTANCE OF 251.74 FEET; THENCE RUN S.01°05'18"E. FOR A DISTANCE OF

21.99 FEET; THENCE RUN S.88°54'42"W. FOR A DISTANCE OF 20.00 FEET;
THENCE RUN N.01°05'18"W. FOR A DISTANCE OF 22.00 FEET; THENCE RUN
S.88°55'04"W. FOR A DISTANCE OF 28.00 FEET; THENCE RUN S.01°05'18"E. FOR
A DISTANCE OF 34.20 FEET; THENCE RUN S.88°54'42"W. FOR A DISTANCE OF
20.00 FEET; THENCE RUN N.01°05'18"W. FOR A DISTANCE OF 34.20 FEET;
THENCE RUN S.88°55'04"W. FOR A DISTANCE OF 17.15 FEET; THENCE RUN
S.01°05'18"E. FOR A DISTANCE OF 10.00 FEET; THENCE RUN S.88°55'04"W. FOR
A DISTANCE OF 340.00 FEET TO THE WEST LINE OF SAID LOT 1; THENCE
RUN N.01°04'56"W., ALONG THE WEST LINE OF SAID LOT 1, FOR A DISTANCE
OF 30.00 FEET; THENCE RUN N.88°55'04"E. FOR A DISTANCE OF 78.50 FEET;
THENCE RUN N.01°04'56"W. FOR A DISTANCE OF 13.00 FEET; THENCE RUN
N.88°55'04"E. FOR A DISTANCE OF 20.00 FEET; THENCE RUN S.01°04'56"E. FOR
A DISTANCE OF 13.00 FEET; THENCE RUN N.88°55'04"E. FOR A DISTANCE OF
282.00 FEET; THENCE RUN N.01°04'56"W. FOR A DISTANCE OF 13.00 FEET;
THENCE RUN N.88°55'04"E. FOR A DISTANCE OF 20.00 FEET; THENCE RUN
S.01°04'56"E. FOR A DISTANCE OF 13.00 FEET; THENCE RUN N.88°55'04"E. FOR
A DISTANCE OF 272.41 FEET; THENCE RUN N.66°25'04"E. FOR A DISTANCE OF
5.23 FEET; THENCE RUN N.23°34'56"W. FOR A DISTANCE OF 16.50 FEET;
THENCE RUN N.66°25'04"E. FOR A DISTANCE OF 20.00 FEET; THENCE RUN
S.23°34'56"E. FOR A DISTANCE OF 16.50 FEET; THENCE RUN N.66°25'04"E. FOR
A DISTANCE OF 13.96 FEET; THENCE RUN N.88°55'04"E. FOR A DISTANCE OF
134.37 FEET; THENCE RUN N.01°04'56"W. FOR A DISTANCE OF 227.66 FEET;
THENCE RUN N.46°04'56"W. FOR A DISTANCE OF 19.58 FEET TO THE NORTH
LINE OF SAID LOT 1; THENCE RUN N.88°55'04"E., ALONG THE NORTH LINE
OF SAID LOT 1, FOR A DISTANCE OF 28.28 FEET TO THE **POINT OF
BEGINNING.**

BEARINGS SHOWN HEREON REFER TO THE NORTH LINE OF LOT 1, ESTERO
TOWN COMMONS, ACCORDING TO THE PLAT THEREOF RECORDED AS
INSTRUMENT #2006000411908 OF THE PUBLIC RECORDS OF LEE COUNTY,
FLORIDA, AS BEING S88°55'04"W.

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESTRICTIONS AND
RESERVATIONS OF RECORD.


11/17/06
THOMAS J. GARRIS, STATE OF FLORIDA, (LS #3741)
BBL SURVEYORS & MAPPERS INC., (LB #6753)
LOWES LCUE 1.DOC



LINE	BEARING	DISTANCE
L1	S46°04'56"E	7.86
L2	S01°04'56"E	573.91
L3	S43°55'04"W	66.50
L4	S88°50'08"W	91.85
L5	S01°09'52"E	14.86
L6	S88°50'08"W	20.00
L11	N01°09'52"W	14.86
L12	S88°50'08"W	270.00
L13	S01°09'52"E	14.45
L14	S88°50'08"W	20.00
L15	N01°09'52"W	14.45
L16	S88°50'08"W	270.00
L17	S01°09'52"E	14.03
L18	S88°50'08"W	20.00
L19	N01°09'52"W	14.03
L20	S88°50'08"W	36.78
L21	N68°34'56"W	95.09
L22	N01°04'56"W	21.65
L23	S68°34'56"E	99.38
L24	N88°50'08"E	716.37
L25	N43°55'04"E	49.95
L26	N01°04'56"W	148.71
L27	S88°55'04"W	25.62
L28	N01°04'56"W	20.00
L29	N88°55'04"E	25.62
L30	N01°04'56"W	140.97
L31	S88°55'04"W	130.39
L32	S66°25'04"W	39.20
L33	S88°55'04"W	251.74

LINE	BEARING	DISTANCE
L34	S01°05'18"E	21.99
L35	S88°54'42"W	20.00
L36	N01°05'18"W	22.00
L37	S88°55'04"W	28.00
L38	S01°05'18"E	34.20
L39	S88°54'42"W	20.00
L40	N01°05'18"W	34.20
L41	S88°55'04"W	17.15
L42	S01°05'18"E	10.00
L43	S88°55'04"W	340.00
L44	N01°04'56"W	30.00
L45	N88°55'04"E	78.50
L46	N01°04'56"W	13.00
L47	N88°55'04"E	20.00
L48	S01°04'56"E	13.00
L49	N88°55'04"E	282.00
L50	N01°04'56"W	13.00
L51	N88°55'04"E	20.00
L52	S01°04'56"E	13.00
L53	N88°55'04"E	272.41
L54	N66°25'04"E	5.23
L55	N23°34'56"W	16.50
L56	N66°25'04"E	20.00
L57	S23°34'56"E	16.50
L58	N66°25'04"E	13.96
L59	N88°55'04"E	134.37
L60	N01°04'56"W	227.66
L61	N46°04'56"W	19.58
L62	N88°55'04"E	28.28
L63	S88°55'04"W	17.98

LEGEND

- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING
- L.C.U.E. LEE COUNTY UTILITY EASEMENT
- D.E. DRAINAGE EASEMENT
- R.O.W. RIGHT OF WAY
- A.E. ACCESS EASEMENT
- P.U.E. PUBLIC UTILITY EASEMENT
- SEC. SECTION
- TWP. TOWNSHIP
- RNG. RANGE

NOTES:

- 1.) BEARINGS REFER TO THE NORTHERLY LINE OF LOT 1 ESTERO TOWN COMMONS, RECORDED AS INSTRUMENT #2006000411908 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AS BEING S88°55'04"W.
- 2.) THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.
- 3.) DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.

SHEET 3 OF 3

THIS IS NOT A SURVEY

DATE: 11/13/06
 SCALE: 1" = 200'
 DRAWN BY: BUD
 APPROVED: TJG

**SKETCH TO ACCOMPANY LEGAL DESCRIPTION
 LEE COUNTY UTILITY EASEMENT**

**A PORTION OF LOT 1 AND TRACT D, ESTERO TOWN COMMONS,
 INSTRUMENT #2006000411908
 SECTION 35, TOWNSHIP 46 SOUTH, RANGE 25 EAST LEE
 COUNTY, FLORIDA**

**BBL SURVEYORS &
 MAPPERS INC.
 1502-A RAIL HEAD
 BLVD. NAPLES,
 FLORIDA 34110
 (239) 597-1315**

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