

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

Blue Sheet No. 20070555-UTL

1. ACTION REQUESTED/PURPOSE:

Developer Contributed Asset: Approve final acceptance, by Resolution and recording of two (2) utility easements, as a donation of a water main extension, one 6" diameter fire line, and a force main connection, to provide potable water service, fire protection, and sanitary sewer service to *CVS Store #3485*, a recently constructed commercial building. This is a Developer Contributed Asset and the project is located on the northwest corner of Summerlin & Pine Ridge Roads.

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 CIOA		6. Meeting Date: MAY 01 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	<input type="checkbox"/>
	<input type="checkbox"/> Ordinance	<input type="checkbox"/>
	<input type="checkbox"/> Admin. Code	<input type="checkbox"/>
	<input checked="" type="checkbox"/> Other	<input checked="" type="checkbox"/> Approval
9. Request Initiated:		
Commissioner		
Department		Public Works
Division		Utilities
By: <i>Douglas L. Meurer 4-12-2007</i>		
		Douglas L. Meurer, P.E., Director

10. Background:

The Board granted permission to construct on 04-19-05, Blue Sheet #20051515.
 The installation has been inspected for conformance to the Lee County Utilities Operations Manual.
 Satisfactory pressure and bacteriological testing has been completed.
 Satisfactory pressure testing of the force main has been completed.
 Record drawings have been received.
 Engineer's Certification of Completion has been provided—copy attached.
 Project Location Map—copy attached.
 Warranty has been provided—copy attached.
 Waiver of Lien has been provided—copy attached.
 Certification of Contributed Assets has been provided—copy attached.
 100% of the connection fees have been paid.
 The developer constructed a privately owned and maintain lift station that connects to existing infrastructure located within the right-of-way of Pine Ridge Road.
 Funds are available for recording fees in: Account No. OD5360748700.504930
 (Util-Util Eng-Dep Clerk Fees for Recording & Filing)

SECTION 06 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: 4-16-07	N/A Date:	N/A Date:	<i>RO.</i> T. Osterhout Date: 4/12	<i>S. Coovert</i> S. Coovert Date: 4/16/07	<i>RK</i> 4/17	<i>WMP</i> 4/18/07	<i>MY</i> 4/17/07	<i>J. Lavender</i> Date: 4-16-07	

12. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY COUNTY ADMIN:	<i>TP</i>
	4/17/07
	10 AM
COUNTY ADMIN FORWARDED TO:	<i>PP</i>
	4/18/07
	11:15 AM

Rec. by CoAtty
Date: 4/16/07
Time: 4:00 pm
Forwarded To:
4/17/07
8:45 am

RESOLUTION NO.

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

WHEREAS, it is the desire of "SUMMERLIN PINE RIDGE LTD" owner of record, to make a contribution to Lee County Utilities of water facilities (water main extension, one six inch diameter fire line), and sewer facilities (force main connection), serving "CVS STORE #3485"; 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 **\$70,987.50** is hereby ACCEPTED and acknowledged as an addition to Lee County Utilities.

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

- Commissioner Bob Janes: _____ (1)
- Commissioner 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 20070555 - UTL

COPY

LETTER OF COMPLETION

DATE: 2/17/2006

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

Gentlemen:

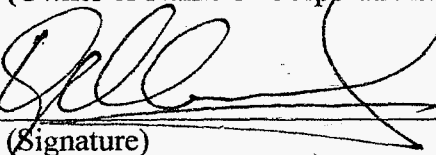
This is to certify that the **water main extension , force main extension/connection and fire line up to and including 1st OS + Y valve(s)** located at CVS Store #3485 - fka - Eckerd Store #3485
(Name of Development/Project)

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 , Pressure Test(s) - Force Main and Lift Station Start-up

Very truly yours,

Consul-Tech Development Services, Inc.
(Owner or Name of Corporation/Firm)

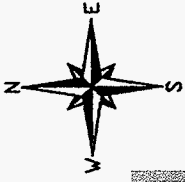


(Signature)

Gabriel E. Olivares, PE
(Name and Title)

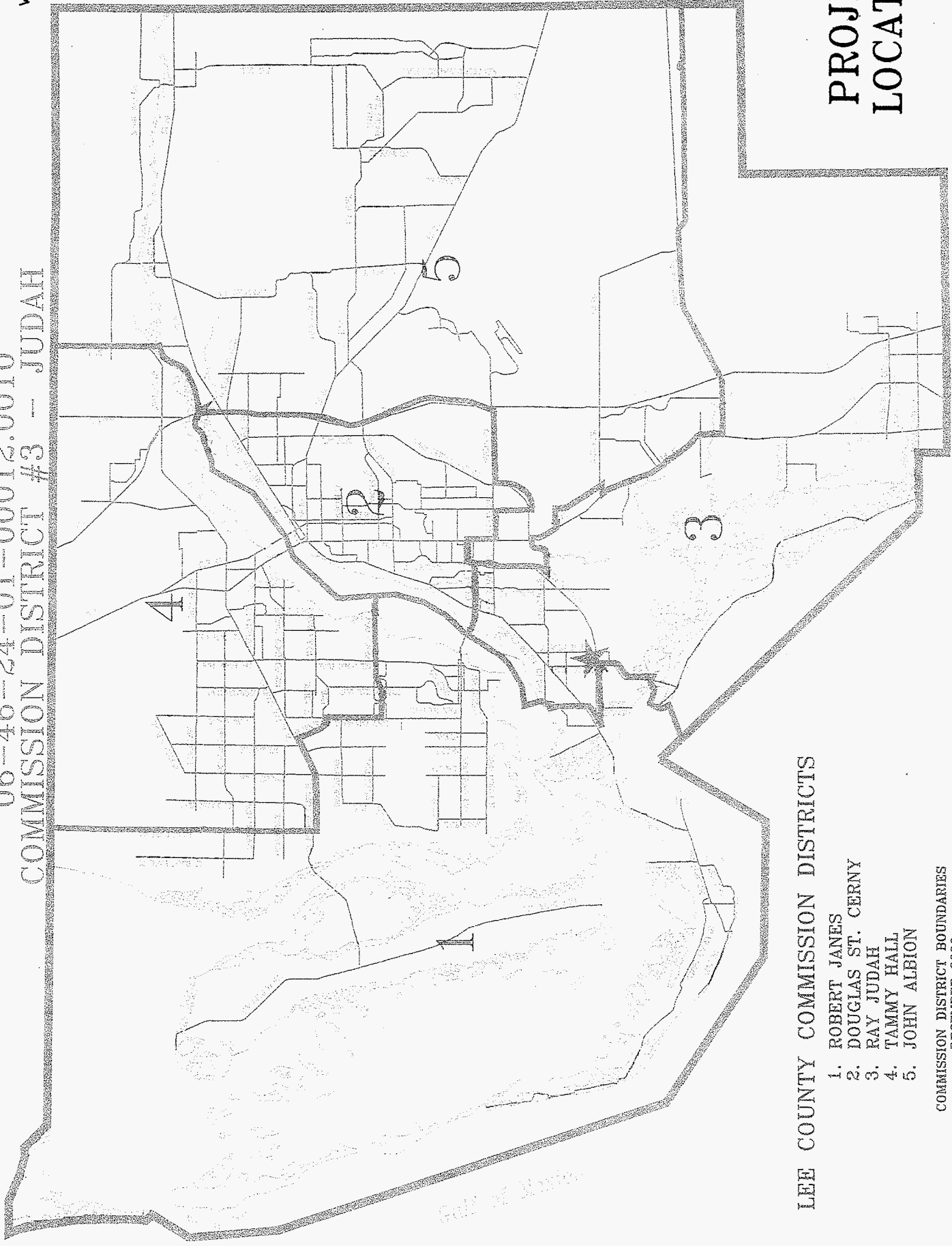
(Seal of Engineering Firm)

CVS STORE #3485 -- SUMMERLIN & PINE RIDGE
06-46-24-01-00012.0010
COMMISSION DISTRICT #3 -- JUDAH



COPY

PROJECT LOCATION



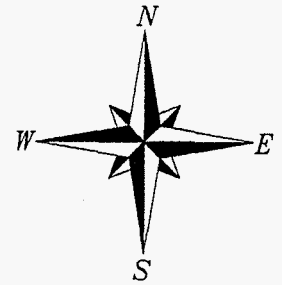
LEE COUNTY COMMISSION DISTRICTS

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

COMMISSION DISTRICT BOUNDARIES
DECEMBER 2000

- **CVS STORE #3485** -

COMMISSION DISTRICT #3 - JUDAH



SUBJECT PARCEL

00012
0010

COPY

SUMMERLIN RD (SR 869)

EDGE RD

06-46-24-01-00012.0010

16950 PINE RIDGE ROAD

COPY

WARRANTY

THE UNDERSIGNED parties do hereby warrant and/or guaranty all work executed by the contractor on the water and sewer systems of CVS STORE #3485 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.

HALEAKALA CONSTRUCTION, 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 2nd day of JUNE, 2005 by BRENDA K. MERCHANT who is personally known to me - _____, and who did not take an oath.


Notary Public Signature

LINDA MAHON
Printed Name of Notary Public

 **Linda Mahon**
Commission #DD177119
Expires: Feb 21, 2007
Bonded Thru
Atlantic Bonding Co., Inc.

(Notary Seal & Commission Number)

RECEIVED OCT 18 2005

WAIVER AND RELEASE OF LIEN
UPON FINAL PAYMENT

COPY

The undersigned lienor, in consideration of the final payment in the amount of SEVENTY THOUSAND NINE HUNDRED EIGHTY SEVEN DOLLARS AND FIFTY CENTS (\$70,987.50) hereby waives and releases its lien and right to claim a lien for labor, services, or materials furnished to SUMMERLIN PINE RIDGE LTD. on the job of CVS STORE #3485 to the following described property:

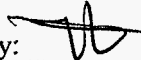
CVS STORE #3485
(Name of Development/Project)

water distribution and sanitary sewer systems
(Facilities Constructed)

16950 PINE RIDGE ROAD, FORT MYERS, FL 33908
(Location)

06-46-24-01-00012.0010
(Strap # or Section, Township & Range)

Dated on: February 6, 2007

By: 
(Signature of Authorized Representative)

HALEAKALA CONSTRUCTION INC.
(Name of Firm or Corporation)

By: BRENDA K. MERCHANT
(Print Name of Authorized Representative)

5758 TAYLOR ROAD
(Address of Firm or Corporation)

Title: AUTHORIZED AGENT

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

Phone #: (239)598-1968 Ext.

Fax#: (239)598-9418

STATE OF FL)
) SS:
COUNTY OF COLLIER)

The foregoing instrument was signed and acknowledged before me this 6 th day of February, 2007 by BRENDA K. MERCHANT who is personally known to me - _____, and who did not take an oath.



Linda Mahon
Commission #DD177119
Expires: Feb 21, 2007
Bonded Thru
Atlantic Bonding Co., Inc.

(Notary Seal & Commission Number)


(Notary Public Signature)

LINDA MAHON
(Printed Name of Notary Public)

CERTIFICATION OF CONTRIBUTORY ASSETS

PROJECT NAME: CVS STORE #3485

STRAP NUMBER: 06-46-24-01-00012.0010

LOCATION: 16950 PINE RIDGE RD FORT MYERS, FLORIDA 33908

OWNER'S NAME: (as shown on Deed) SUMMERLIN PINE RIDGE LTD

OWNER'S ADDRESS: 2226 SR 580

OWNER'S ADDRESS: CLEARWATER, FL 33763-

OWNER'S TELEPHONE #: (239) 498-5363

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

ITEM	SIZE	QUANTITY	UNIT	UNIT COST	TOTAL
PVC C-900 DR-18	12"	648.0	LF	\$34.00	\$22,032.00
CL-50 DIP	12"	181.0	LF	\$36.50	\$6,606.50
GATE VALVE	6"	1.0	EA	\$825.00	\$825.00
GATE VALVE	12"	3.0	EA	\$1,750.00	\$5,250.00
FIRE HYDRANT ASSEMBLY		2.0	EA	\$2,700.00	\$5,400.00
SINGLE WATER SERVICE/COMPLETE	2"	1.0	EA	\$2,150.00	\$2,150.00
SINGLE WATER SERVICE/COMPLETE (FIRE LINE)	6"	1.0	EA	\$3,850.00	\$3,850.00
SINGLE WATER SERVICE/COMPLETE	1.5"	1.0	EA	\$2,075.00	\$2,075.00
TOTAL					\$48,188.50

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

BRENDA K. MERCHANT AUTHORIZED AGENT

(Name & Title of Certifying Agent)

HALEAKALA CONSTRUCTION INC

(Name of Firm or Corporation)

5758 TAYLOR ROAD

(Address of Firm or Corporation)

NAPLES, FL 34109 - 1829

STATE OF FL)

) SS:

COUNTY OF COLLIER)

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

Linda Mahon

Notary Public Signature

LINDA MAHON

Printed Name of Notary Public

DD177119

Notary Commission Number



Linda Mahon
Commission #DD177119
Expires: Feb 21, 2007
Bonded Thru
Atlantic Bonding Co., Inc

(NOTARY SEAL)

CERTIFICATION OF CONTRIBUTORY ASSETS

PROJECT NAME: CVS STORE #3485

STRAP NUMBER: 06-46-24-01-00012.0010

LOCATION: 16950 PINE RIDGE RD FORT MYERS, FLORIDA 33908

OWNER'S NAME: (as shown on Deed) SUMMERLIN PINE RIDGE LTD

OWNER'S ADDRESS: 2226 SR 580

OWNER'S ADDRESS: CLEARWATER, FL 33763-

OWNER'S TELEPHONE #: (239) 498-5363

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

ITEM	SIZE	QUANTITY	UNIT	UNIT COST	TOTAL
HDPE SDR-11	4"	80.0	LF	\$20.00	\$1,600.00
PVC C-900 DR-14	4"	208.0	LF	\$28.00	\$5,824.00
PLUG VALVE	4"	2.0	EA	\$875.00	\$1,750.00
HDPE SDR-11 CASING	12"	75.0	LF	\$135.00	\$10,125.00
TAPPING SLEEVE W/VALVE	20" x 4"	1.0	EA	\$3,500.00	\$3,500.00
TOTAL					\$22,799.00

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

BRENDA K. MERCHANT AUTHORIZED AGENT
(Name & Title of Certifying Agent)

HALEAKALA CONSTRUCTION INC
(Name of Firm or Corporation)

5758 TAYLOR ROAD
(Address of Firm or Corporation)

NAPLES, FL 34109 - 1829

STATE OF FL)
) SS:
COUNTY OF COLLIER)

The foregoing instrument was signed and acknowledged before me this 31 st day of January, 2007 by Brenda K. Merchant who is personally known to me - _____, and who did not take an oath.

Linda Mahon
Notary Public Signature

LINDA MAHON
Printed Name of Notary Public

DD177119
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) →

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 20070555 **SUMMERLIN PINE RIDGE LTD**
Last First MI Corporate Name (if applicable)
16950 PINE RIDGE RD FORT MYERS FL 33908
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: 05/01/2007
Month Day Year
Sale/Transfer Price: \$10,000.00
(Round to the nearest dollar.)
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
(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 \$0.00
\$0.70

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

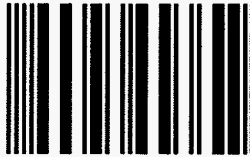
Under penalties of perjury, I declare that I have read the foregoing return and that the facts stated in it are true. If prepared by someone other than the taxpayer, his/her declaration is based on all information of which he/her has any knowledge.

Signature of Grantor or Grantee or Agent *[Signature]* Date 4/12/07

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>This copy to Property Appraiser</p> <p>O. R. Book <input type="checkbox"/><input type="checkbox"/><input type="checkbox"/><input type="checkbox"/><input type="checkbox"/> and Page Number <input type="checkbox"/><input type="checkbox"/><input type="checkbox"/><input type="checkbox"/> and File Number <input type="checkbox"/><input type="checkbox"/><input type="checkbox"/><input type="checkbox"/><input type="checkbox"/><input type="checkbox"/><input type="checkbox"/><input type="checkbox"/><input type="checkbox"/><input type="checkbox"/><input type="checkbox"/><input type="checkbox"/> Date Recorded <input type="checkbox"/><input type="checkbox"/> / <input type="checkbox"/><input type="checkbox"/> / <input type="checkbox"/><input type="checkbox"/><input type="checkbox"/> Month Day Year</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

06462401000120010

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 20070555

SUMMERLIN PINE RIDGE LTD

Last Mailing Address
16950 PINE RIDGE RD

First MI City
FORT MYERS

State Zip Code Phone No.
FL 33908

4. Grantee (Buyer):

Last Mailing Address
THOM OSTERHOUT

City
AS AGENT:

State Zip Code Phone No.
FOR LEE CO. BD. OF CO. COMMISSIONERS

Last Mailing Address
P. O. BOX 398

First MI City
FT. MYERS

State Zip Code Phone No.
FL 33902 (239) 4798181

5. Date of Sale/Transfer

05 01
 Month Day

2007 \$
 Year

Sale/Transfer Price

\$10

. 00

Property Located In 46 County Code

6. Type of Document

Warranty
 Deed

Contract/Agreement for Deed Other
 Quit Claim Deed

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

(Round to the nearest dollar.) \$

YES NO
 . 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:

Mark (x) all
 that apply

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

Cents

. 00

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

YES

NO

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

Signature of Grantor or Grantee or Agent

Date

4/12/07

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	<input type="text"/>
Date Recorded	<input type="text"/>
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. 20070555-UTL

PROJECT NAME: CVS STORE #3485

EASEMENT NAME: SUMMERLIN PINE RIDGE LTD.

TYPING BY: *Jeanette Cruz*

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

Strap Number(s):

06-46-24-01-00012.0010

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 “**SUMMERLIN PINE RIDGE LTD**” 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 2007055 - 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.

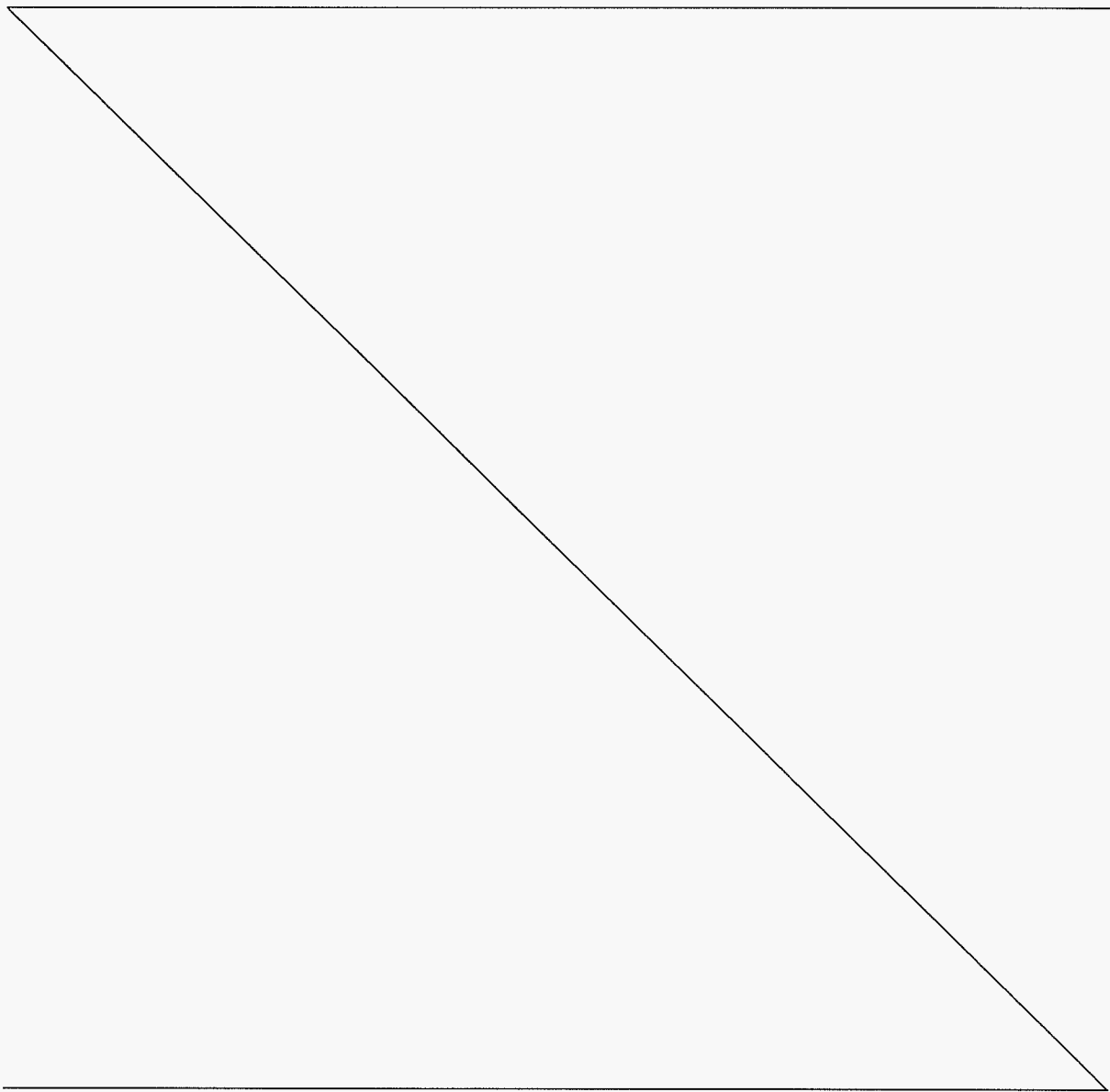
8. GRANTEE will have reasonable right of access across GRANTOR's property for the purposes of reaching the described easement (Exhibit "A") on either paved or unpaved surfaces. Any damage to GRANTOR's property or permitted improvements thereon as the result of such access to the described easement or 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.

Andrea Shay
[1st Witness' Signature]

Andrea Shay
[Type or Print Name]

Ann Thompson
[2nd Witness' Signature]

Ann Thompson
[Type or Print Name]

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

[Type or Print Name]
Robert E. Schmidt, Jr.
General Partner

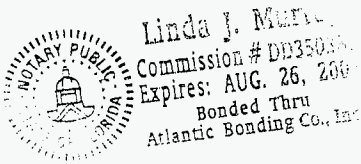
[Title]

STATE OF FLORIDA

COUNTY OF Pinellas

The foregoing instrument was signed and acknowledged before me this 14th day of September 2005 by Robert E. Schmidt Jr. who produced the following as identification _____ or is personally known to me, and who did/did not take an oath.

[stamp or seal]



Linda J. Murray
[Signature of Notary]

Linda J. Murray
[Typed or Printed Name]

[Signature]

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: _____
Chair

APPROVED AS TO FORM

BY: _____
Office of the County Attorney



COPY



CONSULT-TECH SURVEYING & MAPPING, INC.

Consulting Engineers Land Planners Land Surveyors
 24831 Old 41 Road Phone (239) 947-0266
 BONITA SPRINGS, FL. 34135 Fax (239) 947-1323
 CERTIFICATE OF AUTHORIZATION #LB7121

LEGAL DESCRIPTION AND SKETCH - NOT A BOUNDARY SURVEY

A PARCEL OF LAND LYING WITHIN SECTION 6, TOWNSHIP 46 SOUTH, RANGE 24 EAST, LEE COUNTY FLORIDA, ALSO BEING DESCRIBED AS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 6, TOWNSHIP 46 SOUTH, RANGE 24 EAST; THENCE NORTH 01°39'25" WEST, ALONG THE EAST LINE OF SAID SECTION 6, 15.54 FEET; THENCE SOUTH 88°20'35" WEST, 42.09 FEET TO THE SOUTHWEST CORNER OF A PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1630, PAGES 2017-2018, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND THE POINT OF BEGINNING;

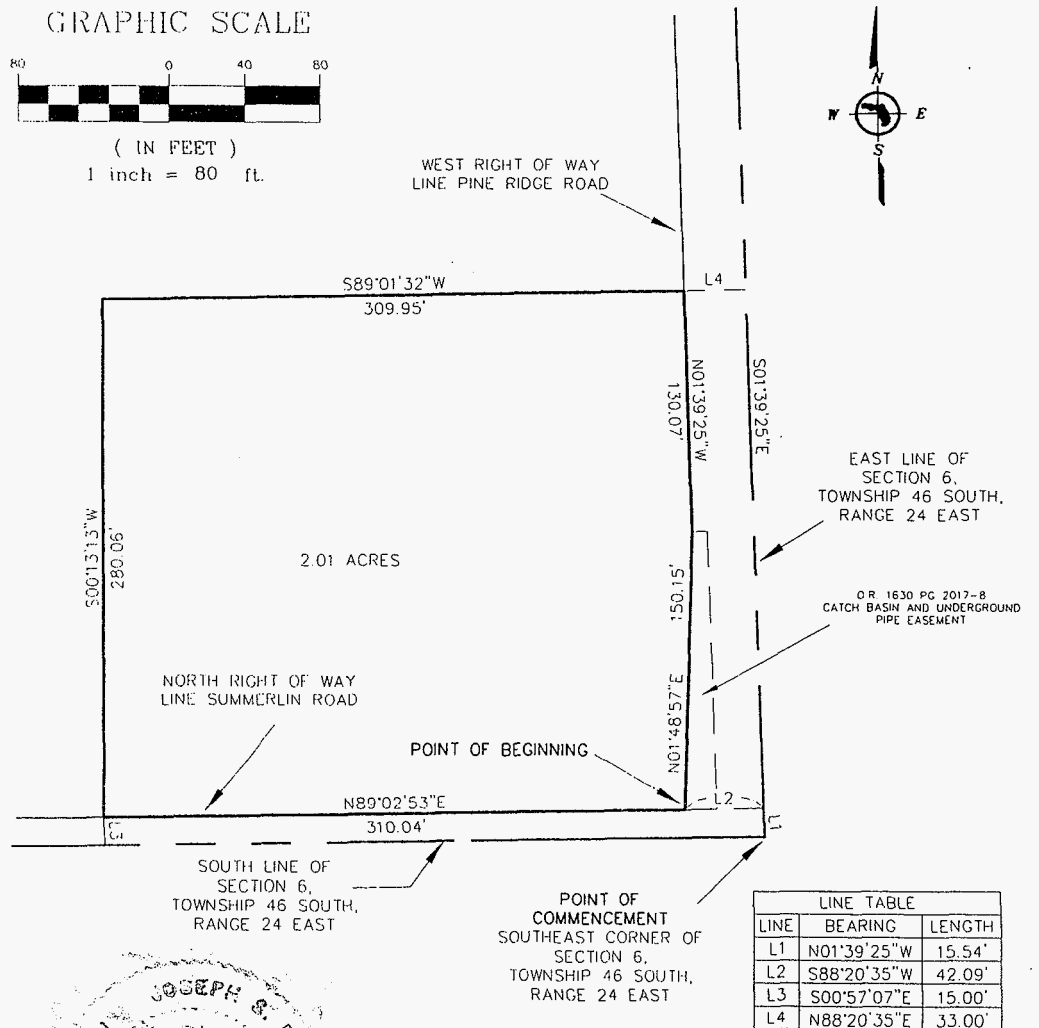
1. THENCE NORTH 01°48'57" EAST, ALONG THE WEST LINE OF SAID PARCEL, 150.15 FEET, TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF PINE RIDGE ROAD;
2. THENCE NORTH 01°39'25" WEST, ALONG SAID RIGHT OF WAY, 130.07 FEET;
3. THENCE SOUTH 89°01'32" WEST, 309.95 FEET;
4. THENCE SOUTH 00°13'13" WEST, TO THE NORTHERLY RIGHT OF WAY LINE OF SUMMERLIN ROAD, 280.06 FEET;
5. THENCE NORTH 89°02'53" EAST, ALONG SAID NORTHERLY RIGHT OF WAY, 310.04 FEET TO THE POINT OF BEGINNING.

CONTAINING 2.01 ACRES MORE OR LESS
 SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD

GRAPHIC SCALE



(IN FEET)
 1 inch = 80 ft.



I:\SUR\DRAWINGS\ECKERDS-SUMMERLIN-LEGAL-ECKERDS.dwg, Model: 10/21/2004 10:07:25 AM

CONSULT-TECH SURVEYING & MAPPING, INC.

Joseph B. Eckerds
 JOSEPH B. ECKERDS, PSM 3576 DATE 3/7/05

CVS

DWG # _____ LEGAL ECKERDS

COPY

ConsulTech

Surveying & Mapping, Inc.

Consulting Engineers Land Planners Land Surveyors

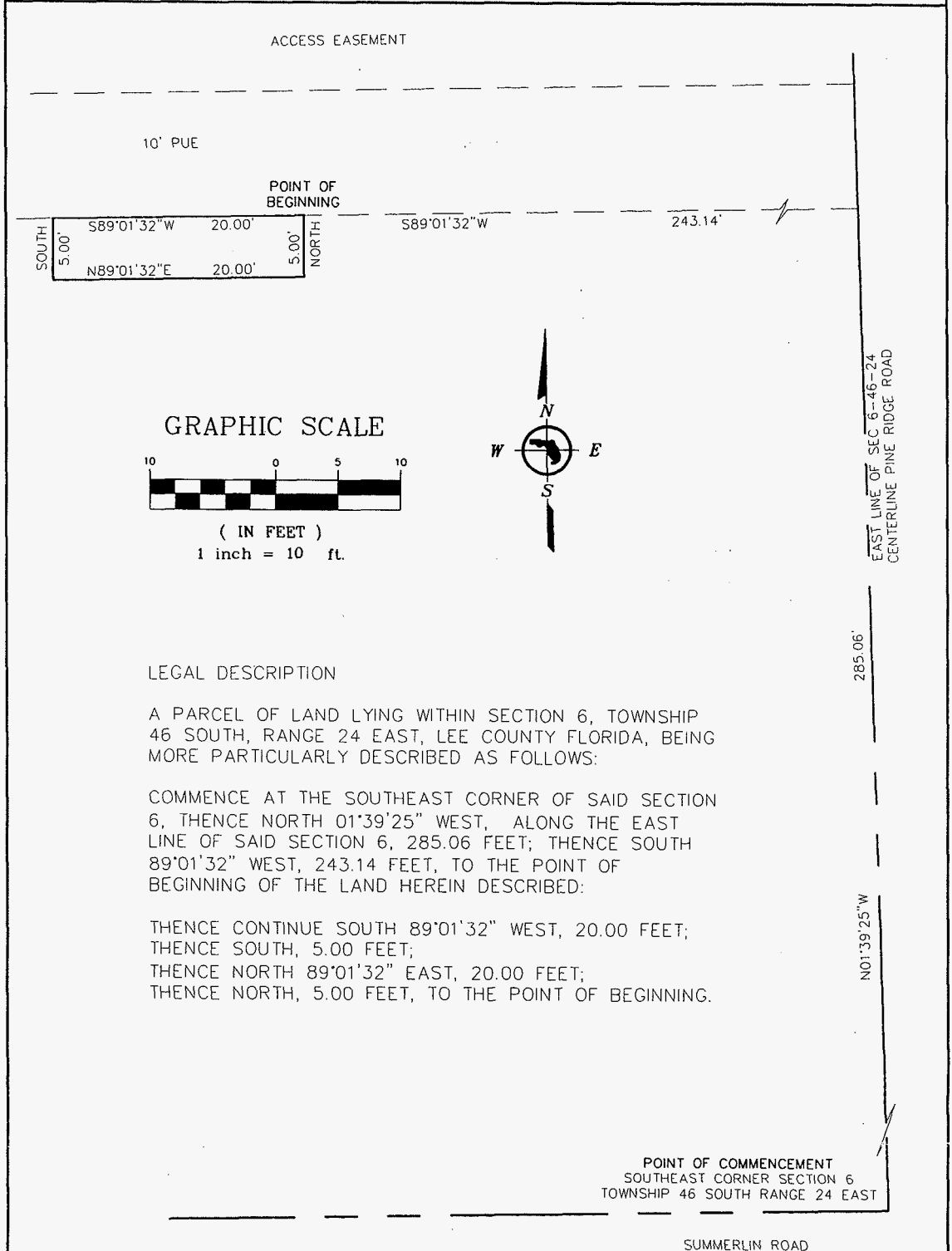
24831 Old 41 Road Bonita Springs, Fl. 34135

Phone (239) 947-0266

Fax (239) 947-1323

CERTIFICATE OF AUTHORIZATION #LB7121

LEGAL DESCRIPTION AND SKETCH - NOT A BOUNDARY SURVEY



LEGAL DESCRIPTION

A PARCEL OF LAND LYING WITHIN SECTION 6, TOWNSHIP 46 SOUTH, RANGE 24 EAST, LEE COUNTY FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 6, THENCE NORTH 01°39'25" WEST, ALONG THE EAST LINE OF SAID SECTION 6, 285.06 FEET; THENCE SOUTH 89°01'32" WEST, 243.14 FEET, TO THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED:

THENCE CONTINUE SOUTH 89°01'32" WEST, 20.00 FEET; THENCE SOUTH, 5.00 FEET; THENCE NORTH 89°01'32" EAST, 20.00 FEET; THENCE NORTH, 5.00 FEET, TO THE POINT OF BEGINNING.

CONSUL-TECH SURVEYING & MAPPING, INC.

ROBERT S. BILBY PSM 4698 DATE 10-20-04

DWG # \ECK.. \LEGAL-METE...-2.DWG

COPY



CONSUL-TECH SURVEYING & MAPPING, INC.

Consulting Engineers Land Planners Land Surveyors
 24831 Old 41 Road Phone (239) 947-0266
 BONITA SPRINGS, FL. 34135 Fax (239) 947-1323
 CERTIFICATE OF AUTHORIZATION #LB7121

LEGAL DESCRIPTION AND SKETCH - NOT A BOUNDARY SURVEY

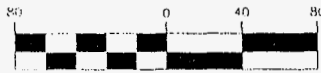
A PARCEL OF LAND LYING WITHIN SECTION 6, TOWNSHIP 46 SOUTH, RANGE 24 EAST, LEE COUNTY FLORIDA, ALSO BEING DESCRIBED AS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 6, TOWNSHIP 46 SOUTH, RANGE 24 EAST, BEARING NORTH 01°39'25" WEST, ALONG THE EAST LINE OF SAID SECTION 6, 15.54 FEET; THENCE SOUTH 88°20'35" WEST, 42.09 FEET TO THE SOUTHWEST CORNER OF A PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1630, PAGES 2017-2018, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND THE POINT OF BEGINNING;

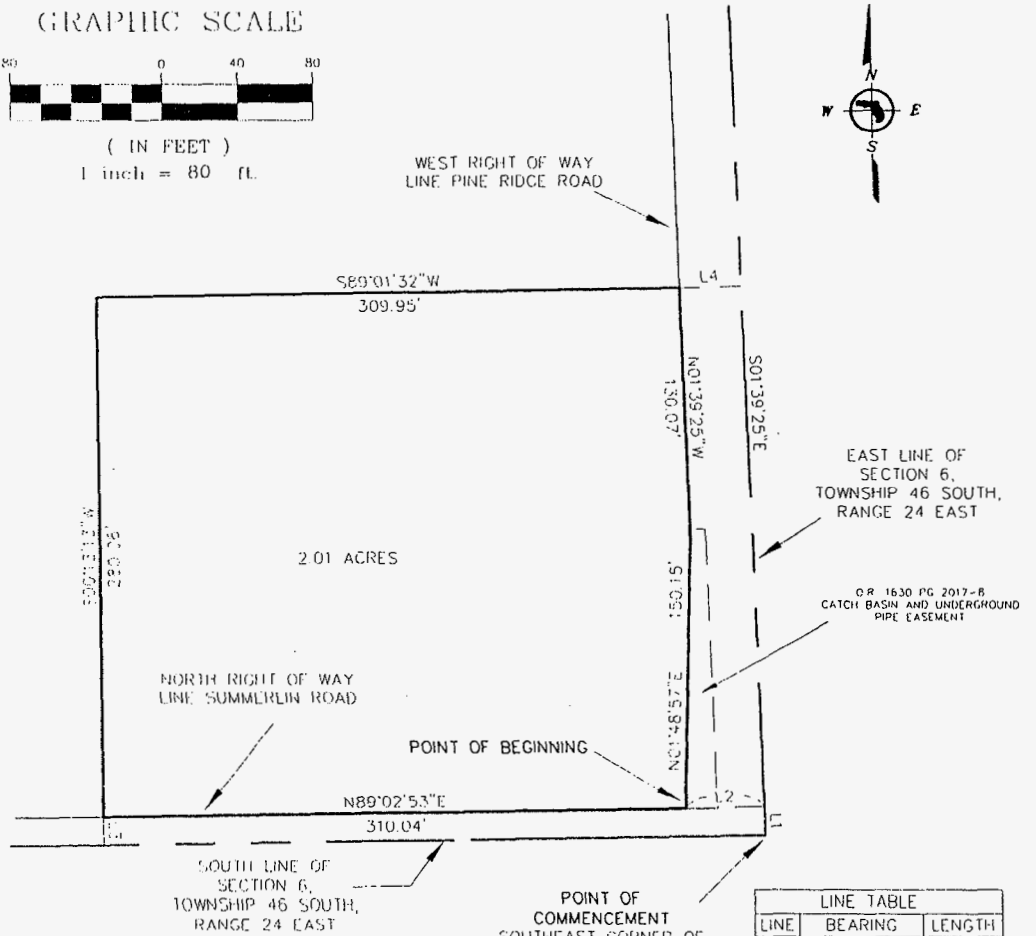
1. THENCE NORTH 01°48'57" EAST, ALONG THE WEST LINE OF SAID PARCEL, 150.15 FEET, TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF PINE RIDGE ROAD;
2. THENCE NORTH 01°39'25" WEST, ALONG SAID RIGHT OF WAY, 130.07 FEET;
3. THENCE SOUTH 89°01'32" WEST, 309.95 FEET;
4. THENCE SOUTH 00°13'13" WEST, TO THE NORTHERLY RIGHT OF WAY LINE OF SUMMERLIN ROAD, 280.06 FEET;
5. THENCE NORTH 89°02'53" EAST, ALONG SAID NORTHERLY RIGHT OF WAY, 310.04 FEET TO THE POINT OF BEGINNING.

CONTAINING 2.01 ACRES MORE OR LESS
 SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD

GRAPHIC SCALE



(IN FEET)
 1 inch = 80 ft.



LINE	BEARING	LENGTH
L1	N01°39'25"W	15.54'
L2	S88°20'35"W	42.09'
L3	S00°57'07"E	150.00'
L4	N88°20'35"E	33.00'

CONSUL-TECH SURVEYING & MAPPING, INC.

JOSEPH S. BOGGS PSM 3516 DATE 3/7/05

DWG # CUS LEGAL ECKERDS

OUR DRAWINGS/ECKERS/SUMMIT/LEGAL/ECKERS/ENG/INCH/11/21/2004/10/07/25/07

COPY

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Surveying & Mapping, Inc.

Consulting Engineers Land Planners Land Surveyors

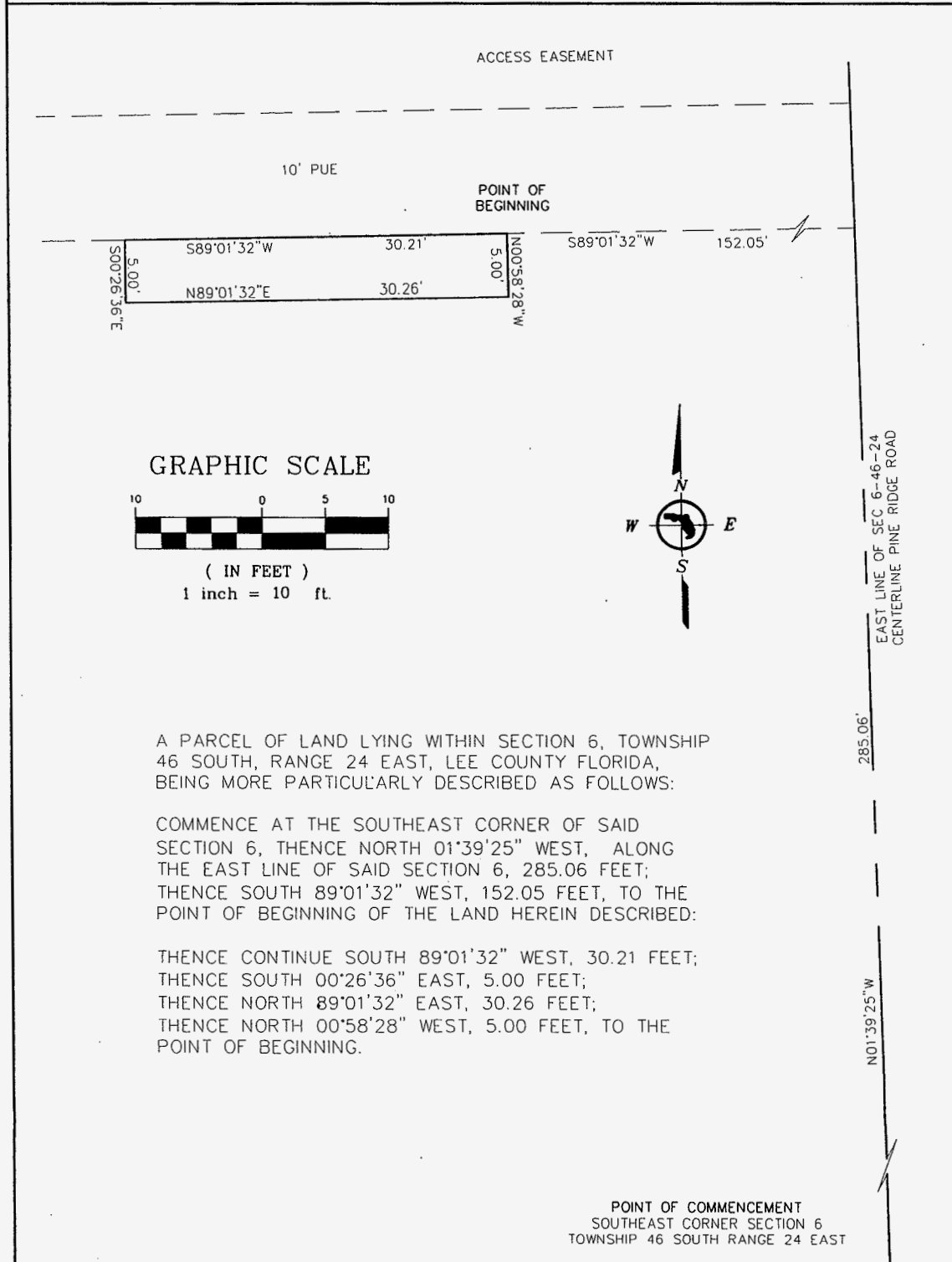
24831 Old 41 Road Bonita Springs, Fl. 34135

Phone (239) 947-0266

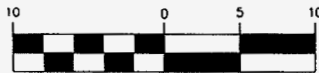
Fax (239) 947-1323

CERTIFICATE OF AUTHORIZATION #LB7121

LEGAL DESCRIPTION AND SKETCH - NOT A BOUNDARY SURVEY



GRAPHIC SCALE



(IN FEET)

1 inch = 10 ft.



A PARCEL OF LAND LYING WITHIN SECTION 6, TOWNSHIP 46 SOUTH, RANGE 24 EAST, LEE COUNTY FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 6, THENCE NORTH 01°39'25" WEST, ALONG THE EAST LINE OF SAID SECTION 6, 285.06 FEET; THENCE SOUTH 89°01'32" WEST, 152.05 FEET, TO THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED:

THENCE CONTINUE SOUTH 89°01'32" WEST, 30.21 FEET; THENCE SOUTH 00°26'36" EAST, 5.00 FEET; THENCE NORTH 89°01'32" EAST, 30.26 FEET; THENCE NORTH 00°58'28" WEST, 5.00 FEET, TO THE POINT OF BEGINNING.

POINT OF COMMENCEMENT
SOUTHEAST CORNER SECTION 6
TOWNSHIP 46 SOUTH RANGE 24 EAST

SUMMERLIN ROAD

CONSUL-TECH SURVEYING & MAPPING, INC.

ROBERT J. BILLS PSM 4698 DATE 10-20-04

DWG # \ECK.\LEGAL-METER.-1.DWG