

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

Blue Sheet No. 20070581-UTL

**1. ACTION REQUESTED/PURPOSE:**

Developer Contributed Asset: Approve final acceptance, by Resolution and recording of one (1) utility easement, as a donation of two 4" diameter fire lines, to provide fire protection to *Fort Myers Avenue Shops, Phases 1A & 1B*, an existing commercial development. This is a Developer contributed asset and the project is located on the east side of U.S. 41 South approximately 1/2 mile north of Crystal Drive.

**2. FUNDING SOURCE:**

No funds required.

**3. WHAT ACTION ACCOMPLISHES:**

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

**4. MANAGEMENT RECOMMENDATION:** Approval.

<b>5. Departmental Category:</b> 10 - Utilities <b>CIOE</b>		<b>6. Meeting Date:</b> MAY 01 2007
<b>7. Agenda:</b> <input checked="" type="checkbox"/> <b>Consent</b> <input type="checkbox"/> <b>Administrative</b> <input type="checkbox"/> <b>Appeals</b> <input type="checkbox"/> <b>Public</b> <input type="checkbox"/> <b>Walk-On</b>	<b>8. Requirement/Purpose: (specify)</b>	
	<input type="checkbox"/> <b>Statute</b>	<b>9. Request Initiated:</b>
	<input type="checkbox"/> <b>Ordinance</b>	<b>Commissioner</b>
	<input type="checkbox"/> <b>Admin. Code</b>	<b>Department</b> <u>Public Works</u>
	<input checked="" type="checkbox"/> <b>Other</b> <u>Approval</u>	<b>Division</b> <u>Utilities</u>
		<b>By:</b> <u>Douglas L. Meurer 4-12-2007</u> <b>Douglas L. Meurer, P.E., Director</b>

**10. Background:**

Fire lines do not require permission to construct by the Board, therefore, no previous Blue Sheet number is provided.  
 The installation has been inspected for conformance to the Lee County Utilities Operations Manual.  
 Satisfactory pressure and bacteriological testing 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.  
 Potable water service and Sanitary sewer service is provided by Lee County Utilities via existing infrastructure located within the right-of-way of U.S. 41 South.  
 Funds are available for recording fees in: Account No. OD5360748700.504930  
 (Util-Util Eng-Dep Clerk Fees for Recording & Filing)

SECTION 12 TOWNSHIP 45S RANGE 24E DISTRICT # 2 COMMISSIONER BIGELOW

**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.	
<u>J. Lavender</u> Date: <u>4-16-07</u>	N/A Date:	N/A Date:	<u>T.O.</u> T. Osterhout Date: <u>4/12</u>	<u>S. Covert</u> S. Covert Date: <u>4/16/07</u>	<u>RK</u> Date: <u>4/17</u>	<u>NR</u> Date: <u>4/17/07</u>	<u>My</u> Date: <u>4/17/07</u>	<u>My</u> Date: <u>4/16-07</u>	<u>J. Lavender</u> Date: <u>4-16-07</u>

**12. Commission Action:**

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

RECEIVED BY COUNTY ADMIN: <u>TJK</u>
<u>4-17-07</u>
<u>10 AM</u>
COUNTY ADMIN FORWARDED TO: <u>PLC</u>
<u>4-18-07</u>
<u>11:15 AM</u>

Rec. by <u>CR</u>
Date: <u>4/16/07</u>
Time: <u>4:00pm</u>
Forwarded To: <u>4/17/07</u>
<u>8:45am</u>

RESOLUTION NO.

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

WHEREAS, it is the desire of "WPRM, LLC.", owner of record, to make a contribution to Lee County Utilities of water facilities (two four inch diameter fire lines), serving "FORT MYERS AVENUE SHOPS, PHASES 1A & 1B"; 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 \$15,103.00 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 20070581-UTL**

**COPY**

LETTER OF COMPLETION

DATE: 3/27/2007

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

Gentlemen:

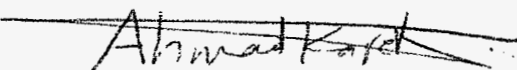
This is to certify that the **water distribution system** located in  
**Fort Myers Avenue Shops, Phases 1A & 1B**  
(Name of Development/Project)

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 and Pressure Test(s) - Water Main**

Very truly yours,

Ahmad Kareh, P.E./Bean, Whitaker, Lutz & Kareh, Inc.  
(Owner or Name of Corporation/Firm)

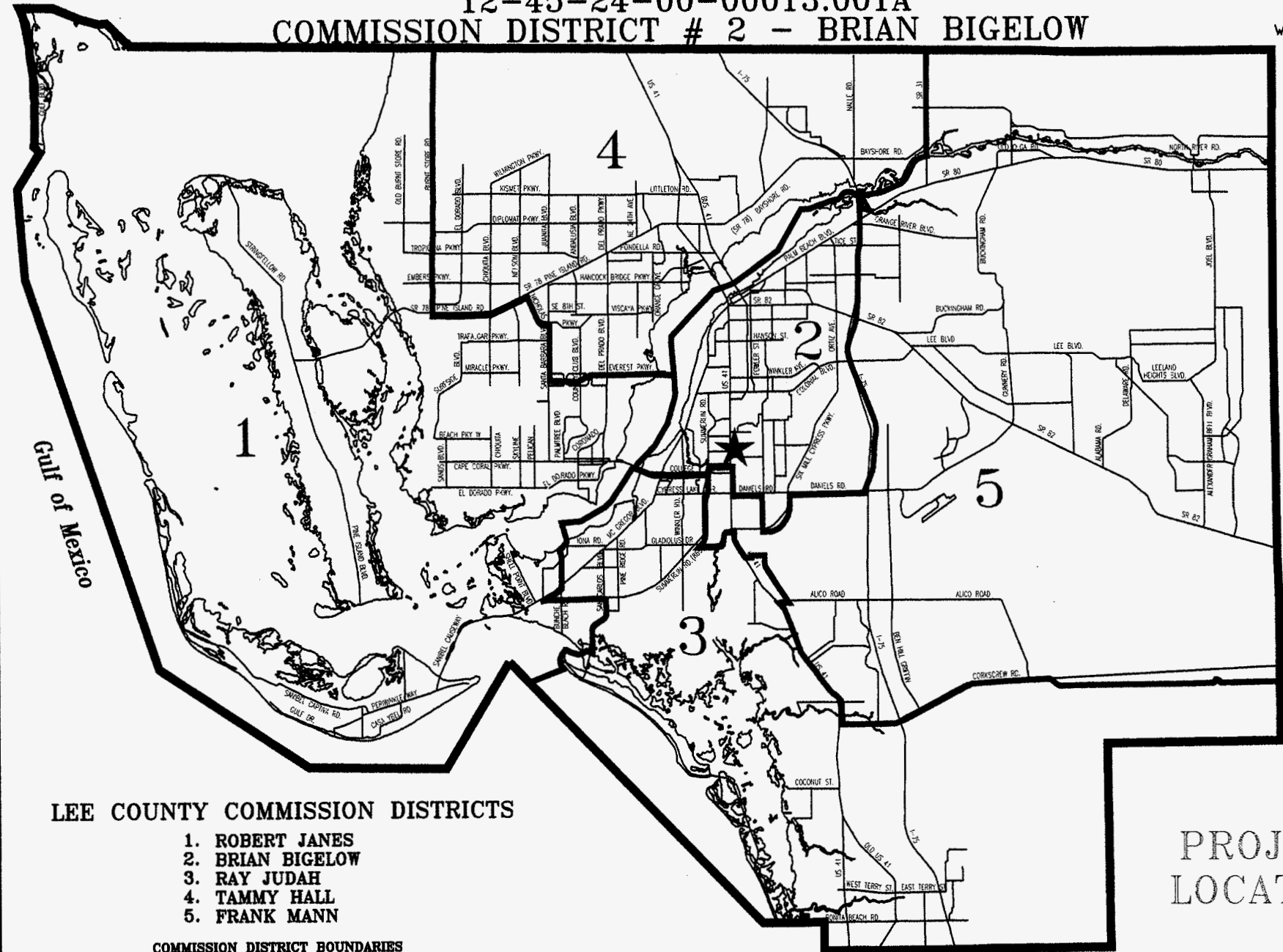


(Signature)

Vice-President  
(Name and Title)

(Seal of Engineering Firm)

**FORT MYERS AVENUE SHOPS, PHASES 1A & 1B**  
**12-45-24-00-00013.001A**  
**COMMISSION DISTRICT # 2 - BRIAN BIGELOW**



**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

**COPY**

## WARRANTY

THE UNDERSIGNED parties do hereby warrant and/or guaranty all work executed by the contractor on the water system of 11601 S. Cleveland Ave Ft. Myers, FL 33907 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.

CT Fire Protection Inc

(Contractor/Company Name)

Thomas Nader, Project Manager

(Authorized Representative, Title)

BY: 

(Signature)

STATE OF FL )


COUNTY OF LEE ) SS:  
)

The foregoing instrument was signed and acknowledged before me this 20<sup>th</sup> day of March, 2007 by \_\_\_\_\_ who is personally known to me - \_\_\_\_\_, and who did not take an oath.

*THOMAS NADER*

  
Notary Public Signature

Shirley A. Daughtrey  
Printed Name of Notary Public

NOTARY PUBLIC-STATE OF FLORIDA  
 Shirley A. Daughtrey  
Commission # DD415844  
Expires: APR. 06, 2009  
Bonded Thru Atlantic Bonding Co., Inc.

(Notary Seal & Commission Number)

WARRANTY

THE UNDERSIGNED parties do hereby warrant and/or guaranty all work executed by the contractor on the water system of 11609 S Cleveland Ave Fort Myers, FL 33907 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.

CT Fire Protection, Inc.

(Contractor/Company Name)

Thomas Nader, Project Manager

(Authorized Representative, Title)

BY: *Tom Nader*


(Signature)

STATE OF FL )  
 ) SS:  
COUNTY OF LEE )

The foregoing instrument was signed and acknowledged before me this 20<sup>th</sup> day of March, 2007 by Thomas Nader who is personally known to me - \_\_\_\_\_, and who did not take an oath.

*Shirley A. Daughtrey*  
Notary Public Signature

Shirley A Daughtrey  
Printed Name of Notary Public

NOTARY PUBLIC-STATE OF FLORIDA  
 **Shirley A. Daughtrey**  
Commission # DD415844  
Expires: APR. 06, 2009  
Bonded Thru Atlantic Bonding Co., Inc.

(Notary Seal & Commission Number)

WAIVER AND RELEASE OF LIEN  
UPON FINAL PAYMENT

The undersigned lienor, in consideration of the final payment in the amount of Seven Thousand Five Hundred Eight Nine Dollars(\$7,589.00 ) hereby waives and releases its lien and right to claim a lien for labor, services, or materials furnished to Brooks & Freund,LLC on the job of Fort Myers Avenue Shops, Phase 1A & 1B to the following described property:

Fort Myers Avenue Shops, Phase 1A & 1B  
(Name of Development/Project)

11601 S. Cleveland Ave. Fort Myers FL 33907  
(Location)

Fire Line up to and including 1st OS and Y valve  
(Facilities Constructed)

12-45-24-00-00013.001A  
(Strap # or Section, Township & Range)

Dated on: March 20, 2007

By: Tom Nader  
(Signature of Authorized Representative)

By: Thomas Nader  
(Print Name of Authorized Representative)

Title: Project Manager

Phone #: (239)694-2490 Ext.

CT Fire Protection, Inc.  
(Name of Firm or Corporation)


3860 Williamson Road  
(Address of Firm or Corporation)

Fort Myers, FL 33905-  
(City, State & Zip Of Firm Or Corporation)

Fax#: (239)694-2402

STATE OF FL )  
COUNTY OF LEE ) SS:

The foregoing instrument was signed and acknowledged before me this 20<sup>th</sup> day of March, 2007 by Thomas Nader who is personally known to me - \_\_\_\_\_, and who did not take an oath.

NOTARY PUBLIC-STATE OF FLORIDA  
 Shirley A. Daughtrey  
Commission # DD415844  
Expires: APR. 06, 2009  
Bonded Thru Atlantic Bonding Co., Inc.

(Notary Seal & Commission Number)

Shirley A. Daughtrey  
(Notary Public Signature)

Shirley A. Daughtrey  
(Printed Name of Notary Public)

**COPY**

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

The undersigned lienor, in consideration of the final payment in the amount of Seven Thousand Five Hundred Fourteen Dollars(\$7514.00 ) hereby waives and releases its lien and right to claim a lien for labor, services, or materials furnished to Brooks & Freund LLC on the job of Fort Myers Avenue Shops, Phases 1A & 1B to the following described property:

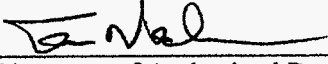
Fort Myers Avenue Shops, Phases 1A & 1B  
(Name of Development/Project)

11609 S. Cleveland Ave Fort Myers FL 33907  
(Location)

Fire Line up to and including 1st OS and Y valve  
(Facilities Constructed)

12-45-24-00-00013.001A  
(Strap # or Section, Township & Range)

Dated on: March 20, 2007

By:   
(Signature of Authorized Representative)

By: Thomas Nader  
(Print Name of Authorized Representative)

Title: Project Manager

Phone #: (239)694-2490 Ext.

CT Fire Protection Inc.  
(Name of Firm or Corporation)


3860 Williamson Road  
(Address of Firm or Corporation)

Fort Myers, FL 33905-  
(City, State & Zip Of Firm Or Corporation)

Fax#: (239)693-2402

STATE OF FL )  
) SS:  
COUNTY OF LEE )

The foregoing instrument was signed and acknowledged before me this 20 th day of March, 2007 by Thomas Nader who is personally known to me - Shirley A Daughtrey , and who did not take an oath.

NOTARY PUBLIC-STATE OF FLORIDA  
 Shirley A. Daughtrey  
Commission # DD415844  
Expires: APR. 06, 2009  
Bonded Thru Atlantic Bonding Co., Inc.

(Notary Seal & Commission Number)

  
(Notary Public Signature)

Shirley A Daughtrey  
(Printed Name of Notary Public)



**CERTIFICATION OF CONTRIBUTORY ASSETS**

PROJECT NAME: Fort Myers Avenue Shops, phases 1A & 1B

STRAP NUMBER: 12-45-24-00-00013.001A

LOCATION: 11609 S. Cleveland Ave Fort Myers, FL 33907

OWNER'S NAME: (as shown on Deed) WPRM LLC

OWNER'S ADDRESS: 132 W. 75<sup>th</sup> ST.

OWNER'S ADDRESS: New York, NY 10023-

OWNER'S TELEPHONE #: (239) 936-0025

TYPE UTILITY SYSTEM: Potable Water

(Please provide separate 'Certifications' for potable water, sanitary sewer and effluent reuse facilities.)

**DESCRIPTION AND COST OF MATERIAL, LABOR, AND SERVICES**

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

ITEM	SIZE	QUANTITY	UNIT	UNIT COST	TOTAL
TAPPING SLEEVE W/VALVE	8" x 6"	1.0	EA	\$999.00	\$999.00
ASSORTED FITTINGS	4"	4.0	EA	\$110.00	\$440.00
FIRE LINE UP TO AND INCL 1ST OS + Y VALVE	4"	1.0	EA	\$6,000.00	\$6,000.00
CL-50 DIP	6"	1.0	EA	\$75.00	\$75.00
<b>TOTAL</b>					<b>\$7,514.00</b>

(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 Tom Nader  
(Signature of Certifying Agent)

Thomas A Nader, Project Manager  
(Name & Title of Certifying Agent)

CT Fire Protection, INC.  
(Name of Firm or Corporation)

3860 Williamson Road  
(Address of Firm or Corporation)

Fort Myers, FL 33905 -


STATE OF FL )  
) SS:  
COUNTY OF LE )

The foregoing instrument was signed and acknowledged before me this 20<sup>th</sup> day of March 2007 by Thomas NADER who is personally known to me - \_\_\_\_\_, and who did not take an oath.

Shirley A. Daughtrey  
Notary Public Signature

Shirley A. Daughtrey  
Printed Name of Notary Public

DD 415844  
Notary Commission Number

NOTARY PUBLIC-STATE OF FLORIDA  
 **Shirley A. Daughtrey**  
Commission # DD415844  
Expires: APR. 06, 2009  
Bonded Thru Atlantic Bonding Co., Inc.

(NOTARY SEAL)

COPY

**CERTIFICATION OF CONTRIBUTORY ASSETS**

PROJECT NAME: Fort Myers Avenue Shops, Phase 1A & 1B

---

STRAP NUMBER: 12-45-24-00-00013.001A

---

LOCATION: 11601 S. Cleveland Ave. Fort Myers, FL 33907

---

OWNER'S NAME: (as shown on Deed) WPRM LLC.

---

OWNER'S ADDRESS: 132 W 75<sup>th</sup> Street

---

OWNER'S ADDRESS: New York, NY 10023-

---

OWNER'S TELEPHONE #: (239) 936-0025

---

TYPE UTILITY SYSTEM: Potable Water

(Please provide separate 'Certifications' for potable water, sanitary sewer and effluent reuse facilities.)

**DESCRIPTION AND COST OF MATERIAL, LABOR, AND SERVICES**

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

ITEM	SIZE	QUANTITY	UNIT	UNIT COST	TOTAL
TAPPING SLEEVE W/VALVE	8" x 6"	1.0	EA	\$999.00	\$999.00
ASSORTED FITTINGS	4"	4.0	EA	\$110.00	\$440.00
FIRE LINE UP TO AND INCL 1ST OS + Y VALVE	4"	1.0	EA	\$6,000.00	\$6,000.00
CL-50 DIP	6"	1.0	EA	\$150.00	\$150.00
<b>TOTAL</b>					<b>\$7,589.00</b>

(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 *Thomas Nader*  
(Signature of Certifying Agent)

Thomas Nader, Project Manager  
(Name & Title of Certifying Agent)

CT Fire Protection, Inc.  
(Name of Firm or Corporation)

3860 Williamson Road  
(Address of Firm or Corporation)

Fort Myers, FL 33905 -


STATE OF FL )  
                          ) SS:  
COUNTY OF Lee )

The foregoing instrument was signed and acknowledged before me this 20<sup>th</sup> day of March 2007 by THOMAS NADER who is personally known to me - \_\_\_\_\_, and who did not take an oath.

*Shirley A. Daughtrey*  
Notary Public Signature

Shirley A. Daughtrey  
Printed Name of Notary Public

DD415844  
Notary Commission Number

NOTARY PUBLIC-STATE OF FLORIDA  
 **Shirley A. Daughtrey**  
Commission # DD415844  
Expires: APR. 06, 2009  
Bonded Thru Atlantic Bonding Co., Inc.

(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

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

1245250000013001A

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? →

**EASEMENT:**

**BS 20070581**

**WPRM, LLC**

3. Grantor (Seller):

Last Mailing Address  
**132 W. 75TH ST**

First MI  
**NEW YORK**

State Zip Code  
**NY 10023**

Corporate Name (if applicable)  
**( )**

4. Grantee (Buyer):

Last Mailing Address  
**THOM OSTERHOUT**

City  
**AS AGENT:**

State  
**FOR LEE CO.**

Zip Code Phone No.  
**BD. OF CO. COMMISSIONERS**

Last Mailing Address  
**P. O. BOX 398**

First MI  
**FT. MYERS**

State  
**FL**

Zip Code Phone No.  
**33902 ( 2394798181**

5. Date of Sale/Transfer

Month Day Year  
**05 01 2007**

Sale/Transfer Price

**\$10**

**. 00**

Property Located In County Code  
**46**

6. Type of Document  
 Warranty Deed

Contract/Agreement for Deed  
 Quit Claim Deed

Other

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

**\$**

Cents  
**. 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

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
<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. 20070581-UTL**

**PROJECT NAME: FORT MYERS AVENUE SHOPS,  
PHASE 1A & 1B**

**EASEMENT NAME: WPRM LLC.**

**TYPING BY: *Jeanette Cruz***

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

Strap Number(s):

**12-45-25-00-00013.001A**

**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 "WPRM, 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 20070581- 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.

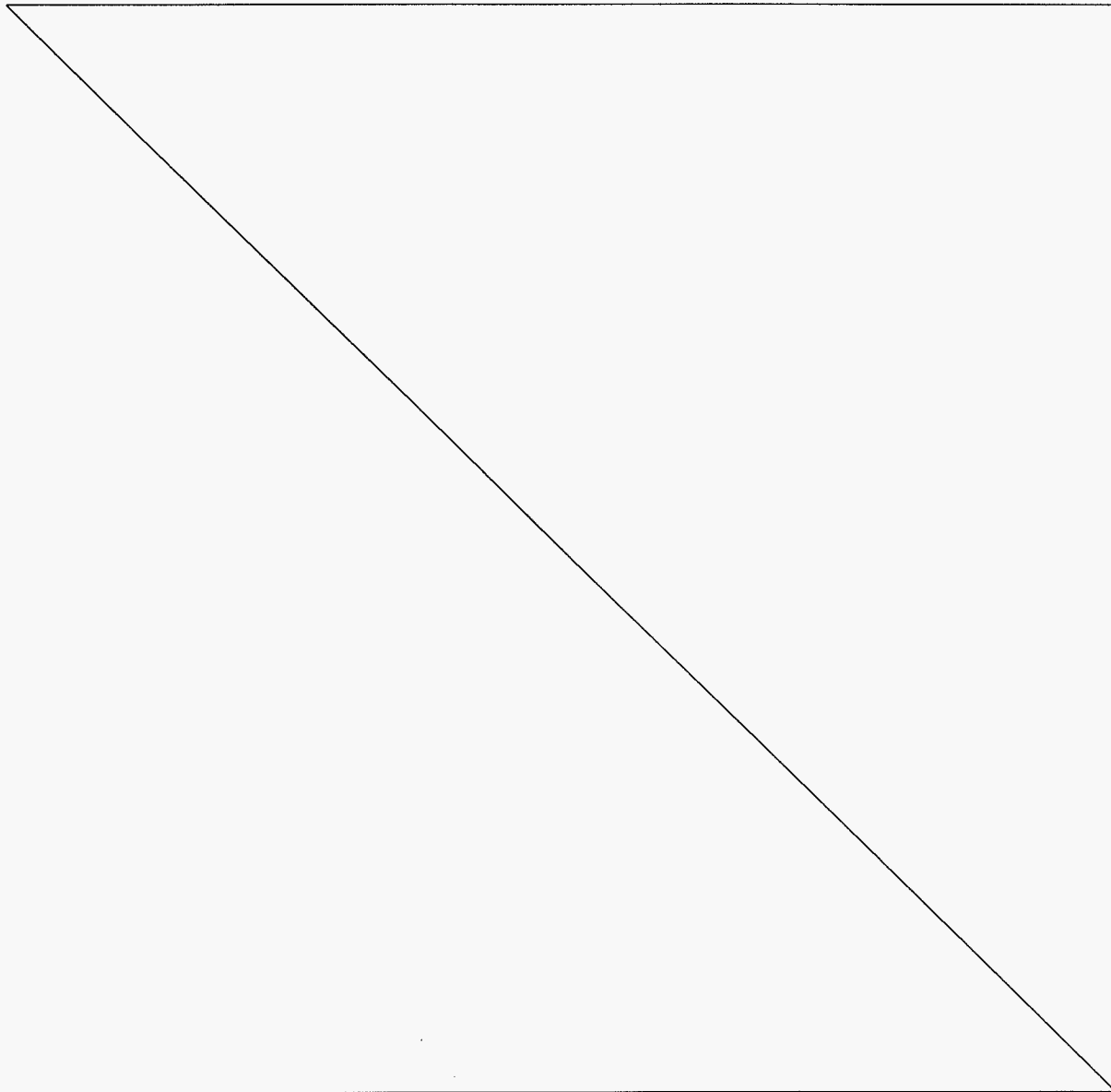
7. GRANTEE will be liable for money damages in tort for any injury to or loss of property, personal injury, or death caused by the negligent or wrongful act(s) or omission(s) of any official or employee of the GRANTEE while acting within the scope of the official's or employee's office or employment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

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

Matt Mahon  
[Type or Print Name]

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

Max Kamhi  
[Type or Print Name]

Managing Member  
W P R M., L.L.C.

[Title]

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

Ahmad R. Karch  
[Type or Print Name]

STATE OF New York  
COUNTY OF New York

The foregoing instrument was signed and acknowledged before me this 23<sup>rd</sup> day of March 2007, by Max Kamhi who produced the following as identification New York State Driver License or is personally know to me, and who did/did not take an oath.

[stamp or seal]

**SALLY HEYWARD**  
Notary Public, State of New York  
No. 01HE6104908  
Qualified in New York County  
Commission Expires Feb. 2, 2008

[Signature]  
[Signature of Notary]

Sally Heyward  
[Typed or Printed Name]

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



# Bean, Whitaker, Lutz & Kareh, Inc.

13041 McGregor Boulevard  
Fort Myers, Florida 33919-5910  
email – fmooffice@bwk.net  
(Ph) 239-481-1331 (Fax) 239-481-1073

Description of an Easement  
for  
20' Water Main Easement  
Fort Myers Avenue Shops  
Section 12, Township 45 South, Range 24 East  
Lee County, Florida

A parcel of land lying in the southwest 1/4 of Section 12, Township 45 South, Range 24 East, Lee County, Florida, more particularly described as follows:

Commence at the southwest corner of said Section 12; thence  $N00^{\circ}41'00''E$ , along the west line of the southwest 1/4 of said Section 12, a distance of 80.01 feet to a point on the north line of the south 80 feet of the southwest 1/4 of the southwest 1/4 of the southwest 1/4 said Section 12; thence  $N89^{\circ}48'27''E$ , along said north line, a distance of 68.36 feet to a point on the east right-of-way line of State Road No. 45 (U.S. 41) said point also being on a non-tangent curve concave to the east having a radius of 17,120.74 feet and to which point a radial line bears  $N89^{\circ}41'24''W$ ; thence northerly along the arc of said curve and said east right-of-way line through a central angle of  $00^{\circ}22'24''$  for 111.59 feet to a point of tangency; thence  $N00^{\circ}41'00''E$  along said east right-of-way line for 826.85 feet to the Point of Beginning; thence continue  $N00^{\circ}41'00''E$  along said east right-of-way line for 27.47 feet; thence  $S89^{\circ}19'00''E$  for 20.00 feet; thence  $S00^{\circ}41'00''W$  for 27.23 feet; thence  $N90^{\circ}00'00''W$  for 20.00 feet to the Point of Beginning.

Parcel subject to easements, restrictions, reservations and right-of-way (written and unwritten, recorded and unrecorded).

Parcel contains 547 square feet, more or less.

Bearings are based on the east right-of-way of Cleveland Avenue (State Road No. 45 - U.S. 41) as bearing  $N00^{\circ}41'00''E$ .

Bean, Whitaker, Lutz & Kareh, Inc. (LB 4919)  
Charles Donald Knight, P.S.M. 6056

Sheet 1 of 2

34035\_DESC2

3-28-07

PRINCIPALS:

WILLIAM E. BEAN, PSM, CHAIRMAN  
SCOTT C. WHITAKER, PSM, PRESIDENT  
JOSEPH L. LUTZ, PSM  
AHMAD R. KAREH, PE, MSCE, VICE PRESIDENT

CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS



ASSOCIATES:

TRACY N. BEAN, AICP  
JAMES A. HESSLER, PSM  
JAMES R. COLEMAN, PSM  
RUDOLF A. NORMAN, PE

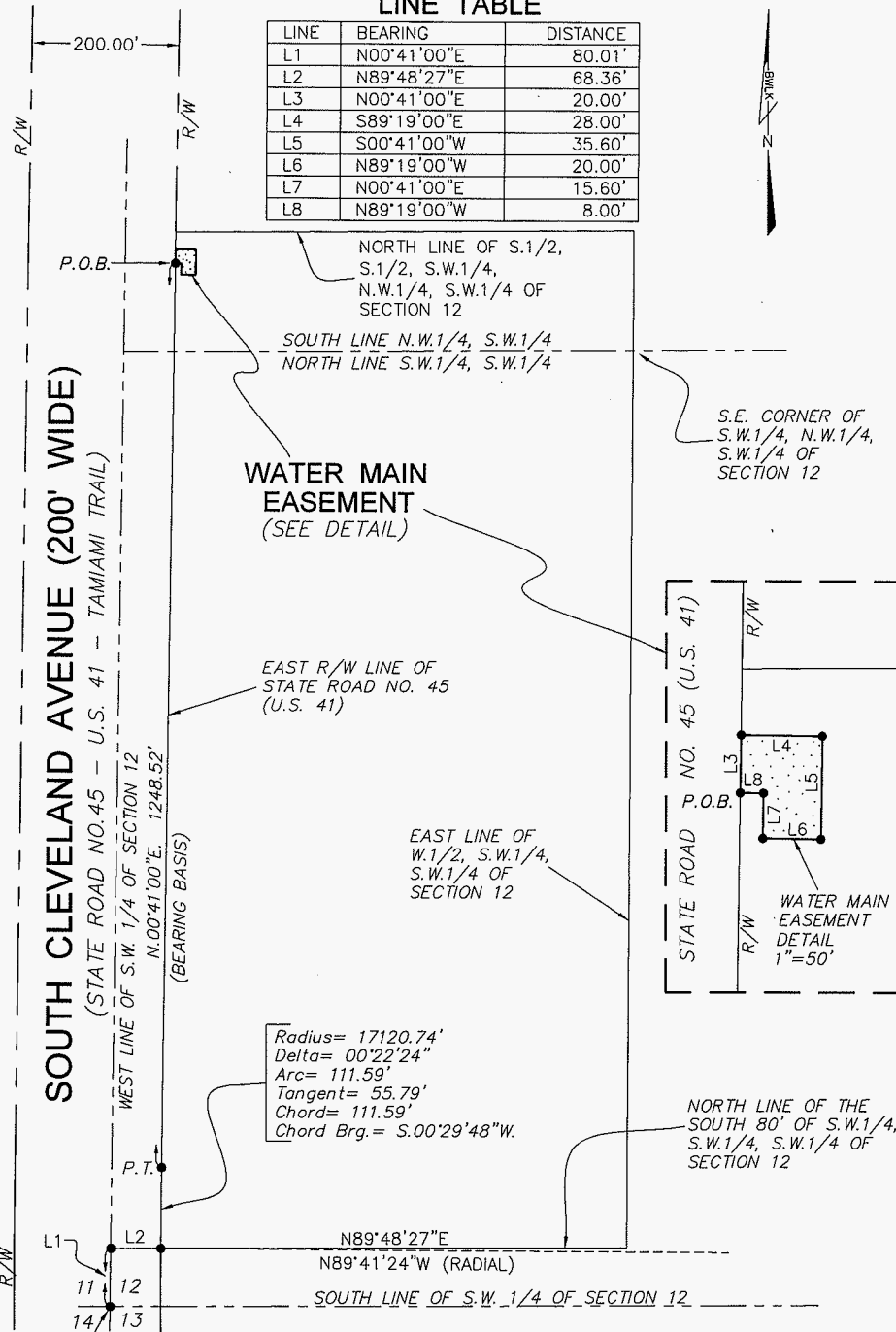
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## SKETCH TO ACCOMPANY DESCRIPTION

OF A PARCEL OF LAND  
 LYING IN  
 SECTION 12, TOWNSHIP 45 SOUTH, RANGE 24 EAST,  
 LEE COUNTY, FLORIDA.

### LINE TABLE

LINE	BEARING	DISTANCE
L1	N00°41'00"E	80.01'
L2	N89°48'27"E	68.36'
L3	N00°41'00"E	20.00'
L4	S89°19'00"E	28.00'
L5	S00°41'00"W	35.60'
L6	N89°19'00"W	20.00'
L7	N00°41'00"E	15.60'
L8	N89°19'00"W	8.00'



SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS,  
 AND RIGHTS-OF-WAY (WRITTEN AND UNWRITTEN, RECORDED  
 AND UNRECORDED).

P.O.C. = POINT OF COMMENCEMENT  
 P.O.B. = POINT OF BEGINNING  
 R/W = RIGHT-OF-WAY  
 P.T. = POINT OF TANGENCY

### NORTH - WATER MAIN EASEMENT

Bean, Whitaker, Lutz & Kareh, Inc. (LB 4919)

CIVIL ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS

13041-1 MCGREGOR BOULEVARD, FORT MYERS, FLORIDA 33919-5910 (239) 481-1331

SK34035\_WaterMain\_2.DWG

DATE	PROJECT NO.	DRAWN BY	SCALE	SHEET	FILE NO. (S-T-R)
3-28-07	34035	CDK	1" = 200'	2 OF 2	12-45-24

P.O.C.  
 S.W. CORNER  
 SECTION 12

Bean, Whitaker, Lutz & Kareh, Inc.

CHARLES D. KNIGHT, P.S.M.  
 Florida Certificate No. 6056



# Bean, Whitaker, Lutz & Kareh, Inc.

13041 McGregor Boulevard  
Fort Myers, Florida 33919-5910  
email – fmooffice@bwlk.net  
(Ph) 239-481-1331 (Fax) 239-481-1073

Description of an Easement  
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Parcel subject to easements, restrictions, reservations and right-of-way (written and unwritten, recorded and unrecorded).

Parcel contains 872 square feet, more or less.

Bearings are based on the east right-of-way of Cleveland Avenue (State Road No. 45 - U.S. 41) as bearing N00°41'00"E.

Bean, Whitaker, Lutz & Kareh, Inc. (LB 4919)  
Charles Donald Knight, P.S.M. 6056

Sheet 1 of 2

34035\_DESC3

3-28-07

PRINCIPALS:

WILLIAM E. BEAN, PSM, CHAIRMAN  
SCOTT C. WHITAKER, PSM, PRESIDENT  
JOSEPH L. LUTZ, PSM  
AHMAD R. KAREH, PE, MSCE, VICE PRESIDENT

CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS



ASSOCIATES:

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RUDOLF A. NORMAN, PE

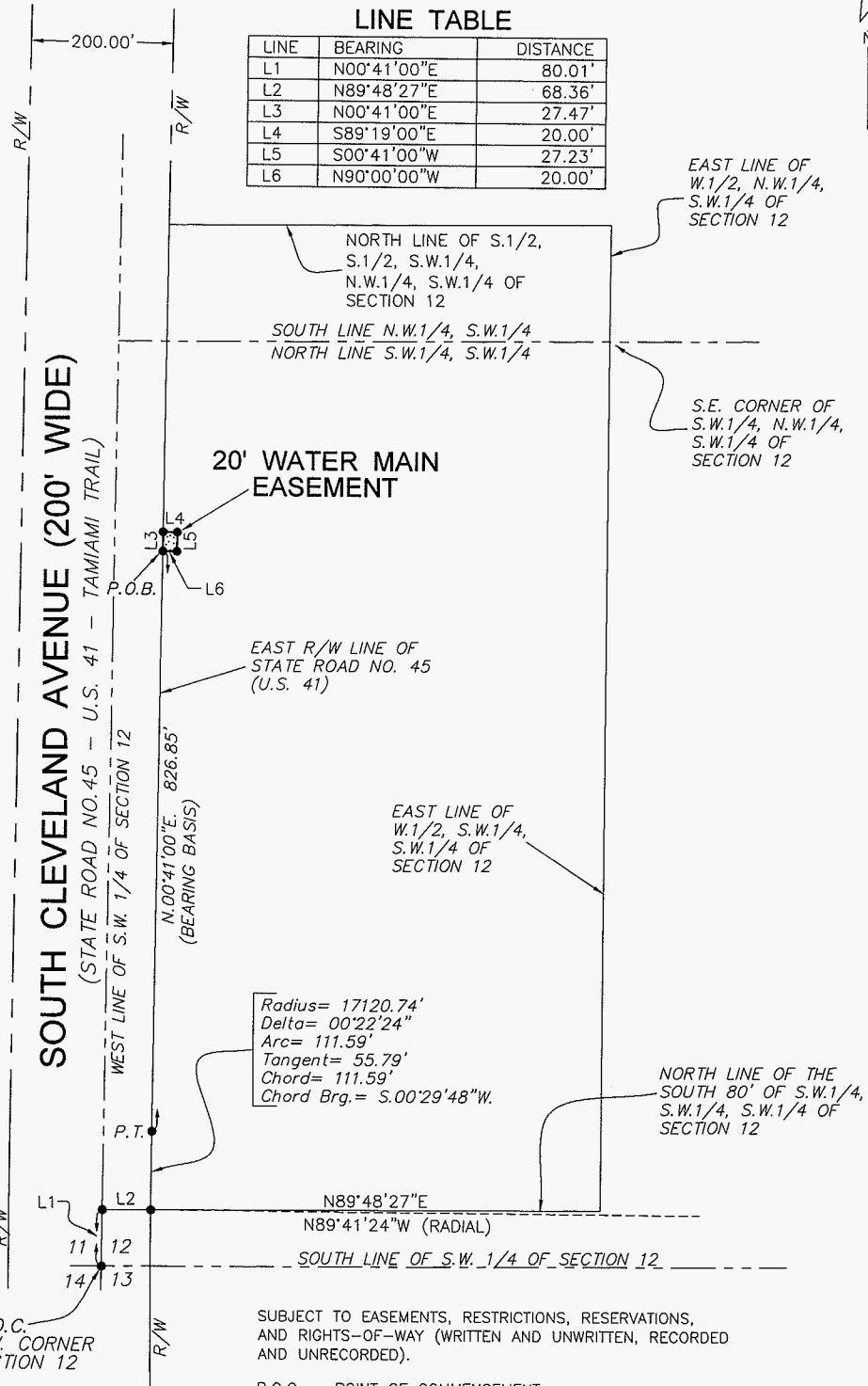
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OF A PARCEL OF LAND  
 LYING IN  
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 LEE COUNTY, FLORIDA.

# COPY

**LINE TABLE**

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L2	N89°48'27"E	68.36'
L3	N00°41'00"E	27.47'
L4	S89°19'00"E	20.00'
L5	S00°41'00"W	27.23'
L6	N90°00'00"W	20.00'



Radius= 17120.74'  
 Delta= 00°22'24"  
 Arc= 111.59'  
 Tangent= 55.79'  
 Chord= 111.59'  
 Chord Brg.= S.00°29'48"W.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS,  
 AND RIGHTS-OF-WAY (WRITTEN AND UNWRITTEN, RECORDED  
 AND UNRECORDED).

P.O.C. = POINT OF COMMENCEMENT  
 P.O.B. = POINT OF BEGINNING  
 R/W = RIGHT-OF-WAY  
 P.T. = POINT OF TANGENCY

## 20' WATER MAIN EASEMENT

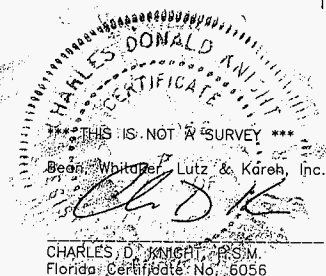
Bean, Whitaker, Lutz & Kareh, Inc. (LB 4919)

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SK34035\_WaterMain\_1.DWG

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3-28-07	34035	CDK	1" = 200'	2 OF 2	12-45-24



CHARLES D. KNIGHT, P.E.S.M.  
 Florida Certificate No. 6056