

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

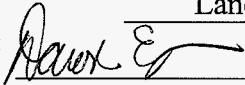
Blue Sheet No. 20070723

1. ACTION REQUESTED/PURPOSE: Accept warranty deeds for turn lanes and roundabout segments from Stephanie Miller, Trustee; approve road impact fee credits in the amount of \$103,700 related to Parcel S2-6 and, \$36,500 for Parcel S2-7; authorize the County Attorney's Office to accept and record documents related to the right-of-way transaction.

2. FUNDING SOURCE: Fund/Road Impact Fees South Fort Myers/San Carlos; Project/Capital Projects; Project/Sandy Lane Extension.

3. WHAT ACTION ACCOMPLISHES: Acceptance and approval of the deeds satisfies requirements related to the transfer of land to support construction of Sandy Lane in accordance with the Coconut Point DRI Development Order and Development Agreement.

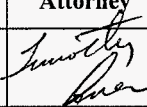
4. MANAGEMENT RECOMMENDATION: Approve

5. Departmental Category: CIZF		6. Meeting Date: May 22, 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 checked="" type="checkbox"/> Statute	
	<input type="checkbox"/> Ordinance	
	<input type="checkbox"/> Admin. Code	
	<input checked="" type="checkbox"/> Other	<input type="checkbox"/> Development Agreement
		9. Request Initiated: Commissioner _____ Department <u>County Attorney</u> Division <u>Land Use</u> By:  Dawn E. Perry-Lehnert Assistant County Attorney

10. Background: The Board approved the Coconut Point DRI Development Order on October 21, 2001 and the related Development Agreement on February 24, 2004. These documents require the developer to dedicate unencumbered fee title to the land necessary to support construction of Sandy Lane from Corkscrew to the southern DRI boundary. The land for the 100 foot Sandy Lane right-of-way was accepted by the County in 2004.

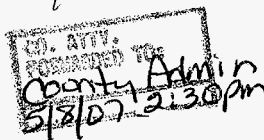
As the design and construction phases progressed, the need for right-of-way to accommodate turn lanes and roundabouts became apparent. The deeds proposed for acceptance represent some of the land necessary to accommodate these improvements. In accord with the provisions of the Development Agreement, impact fee credits are being granted for Parcels S2-6 and S2-7 located at the corners of Corkscrew Road and Sandy Lane. Parcel S2-5 will be accepted by the County, however, no impact fee credits or proportionate share payment offset will be granted.

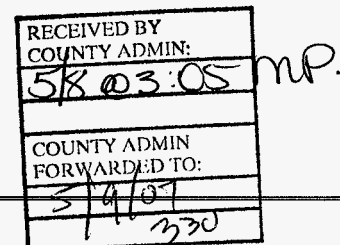
11. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P. W. Director
					Analyst <u>2/5/07</u>	R/Risk <u>6/9/07</u>	Grants <u>5/9/07</u>	Mgr. <u>5/9/07</u>	<u>5-9-07</u>

12. Commission Action:

- Approved
- Deferred
- Denied
- Other





Blue Sheet #: 20070723
Page #: 2
Subject: Sandy Lane –Warranty Deeds S2-6 & S2-7

Staff recommends acceptance of the Sandy Lane right-of-way and grant of impact fees as follows:

Parcel S2-6

Eastern corner of Corkscrew Road and Sandy Lane

Grantor: Stephanie Miller, Trustee of Sandy Lane Partnership SE Land Trust
Agreement dated February 14, 2000

Impact fee credit amount: \$103,700

Parcel S2-7

Western corner of Corkscrew Road and Sandy Lane

Grantor: Stephanie Miller, Trustee of the Land Trust Agreement dated March 21, 1997

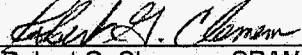
Impact fee credit amount: \$36,500

cc: Andy Getch, Engineering Manager I, DOT
Greg Toth, Select Real Estate
Richard G. Cherry, Esquire, Cherry & Edgar, P.A.

Memorandum
from the
Division of County Lands

Date: January 11, 2007

To: Andy Getch, P.E.
DOT Project Manager

From: 
Robert G. Clemens, SR/WA
Acquisition Program Manager

SUBJECT: APPRAISAL REVIEW – IMPACT FEE CREDITS

Project: Sandy Lane Right of Way

Owner: Stephanie Miller, Trustee (East Tract) & Stephanie Miller, Trustee of Land Trust dated 3/21/97 (West Tract)

Based upon the appraisal reports the estimated values of the lands to be conveyed to Lee County for the Sandy Lane connection are as follows:

Parcel 1 (Parcel 62-6)

Stephanie Miller, Trustee – East Tract

STRAP No.: 34-46-25-00-00005.0020

Parent Tract: 4.11 acres

Parcel to be acquired: .14 acres or 6098 sq. ft.

Estimated Value per square foot: \$17.00

Total Estimated value of the parcel to be acquired: \$103,700

Parcel 2 Parcel (62-7)

Owner: Stephanie Miller, Trustee of Land Trust dated 3/21/97

STRAP No.: 33-46-25-00-00018.0000 – West Tract

Parent Tract: 3.98 acres

Parcel to be acquired: .07 acres or 3049 sq. ft.

Estimated Value per square foot: \$12.00

Total Estimated value of the parcel to be acquired: \$36,500

PREPARED BY:
Richard G. Cherry, Esquire
CHERRY & EDGAR, P.A.
8409 North Military Trail, Suite 123
Palm Beach Gardens, FL 33410

RETURN TO: Dawn E. Perry-Lehnert, Esq.
Assistant County Attorney
Lee County
2115 Second Street
Fort Myers, FL 33901

Property Control Nos.: 34-46-25-01-00000.0350
34-46-25-00-00005.0020

WARRANTY DEED

THIS WARRANTY DEED made the 17 day of Nov.,
2006, by STEPHANIE MILLER, TRUSTEE OF THE SANDY LANE PARTNERSHIP SE
LAND TRUST AGREEMENT DATED FEBRUARY 14, 2000, hereinafter called
the grantor, to LEE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF
FLORIDA, whose post office address is Post Office Box 398, Ft.
Myers, Florida 33902, hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all
the parties to this instrument and the heirs, legal representatives
and assigns of individuals, and the successors and assigns of
corporations.)

WITNESSETH: That the grantor, for and in consideration
of the sum of \$10.00 and other valuable considerations, receipt
whereof is hereby acknowledged, hereby grants, bargains, sells,
aliens, remises, releases, conveys and confirms unto the grantee,
all that certain land situate in Lee County, Florida, viz:

See Exhibit "A" attached hereto and made a
part hereof for legal descriptions.

Grantor hereby states that the above-described
property is not now nor has it ever been her
homestead property nor does it adjoin her
homestead property.

TOGETHER with all the tenements, hereditaments and
appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances.

IN WITNESS WHEREOF, the grantor has caused these presents to be executed the day and year first above written.

Signed, sealed and delivered in the presence of:

Truman J. Costello
TRUMAN J. COSTELLO
(Print Name)

Stephanie Miller
STEPHANIE MILLER, TRUSTEE OF
THE SANDY LANE PARTNERSHIP SE
LAND TRUST AGREEMENT DATED
FEBRUARY 14, 2000

Sidne Turnbull
SIDNE TURNBULL
(Print Name)

STATE OF FLORIDA

COUNTY OF LEE

The foregoing instrument was acknowledged before me this 17 day of Nov., 2006, by STEPHANIE MILLER, TRUSTEE OF THE SANDY LANE PARTNERSHIP SE LAND TRUST AGREEMENT DATED FEBRUARY 14, 2000.

Sidne Turnbull
Notary Public
SIDNE TURNBULL
(Print Name)

My Commission Expires:

Personally Known OR Produced Identification _____
Type of Identification Produced _____

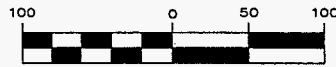


SIDNE TURNBULL
MY COMMISSION # DD 327004
EXPIRES: July 26, 2008
Bonded Thru Budget Notary Services

EXHIBIT "A"

H:\1997\1997079\01VA\SANDY LANE SKETCHES-AUDREY ROW TAKES\ROWCSL.dwg Job: Model Oct 17, 2008 - 4:37pm Plotted by: Jerry Riefelmacher

GRAPHIC SCALE

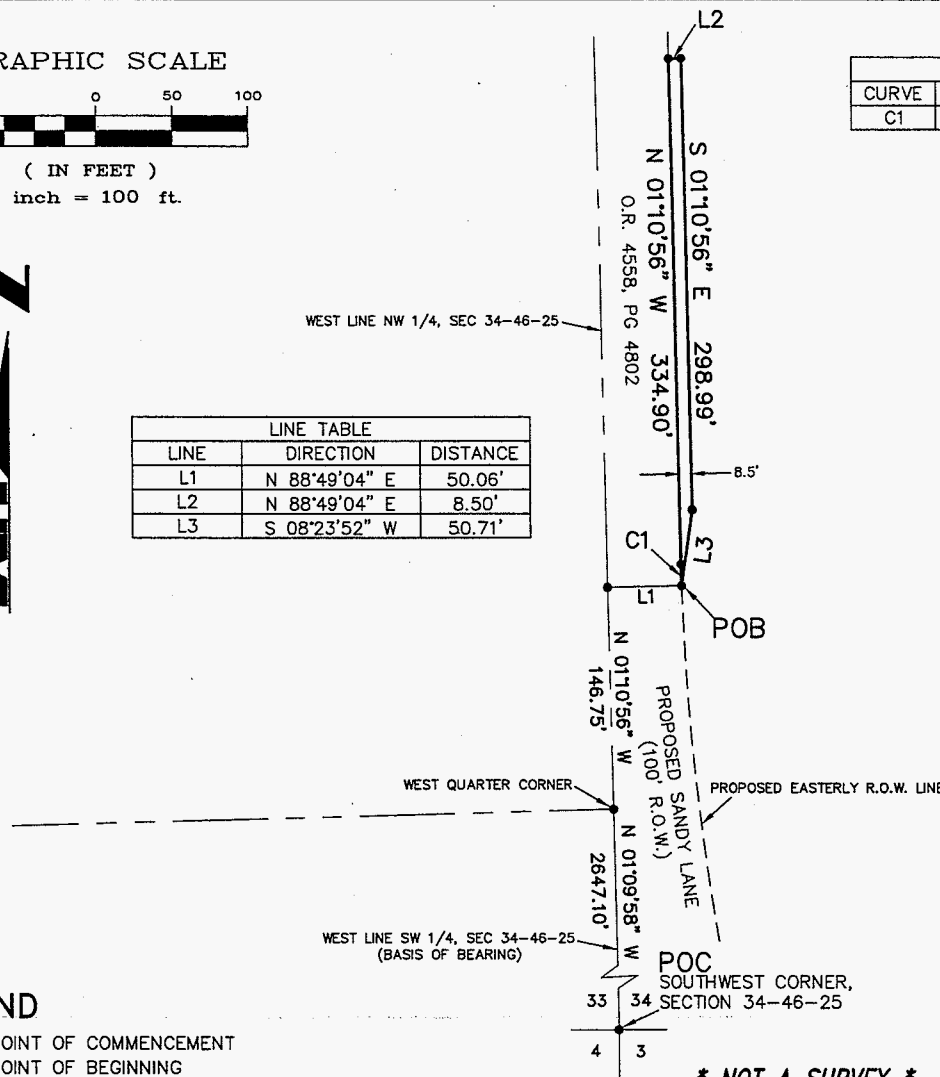


(IN FEET)
1 inch = 100 ft.



LINE	DIRECTION	DISTANCE
L1	N 88°49'04" E	50.06'
L2	N 88°49'04" E	8.50'
L3	S 08°23'52" W	50.71'

CURVE TABLE					
CURVE	RADIUS	DELTA	CHORD	BEARING	LENGTH
C1	1622.00'	00°29'52"	14.09'	N 01°25'52" W	14.09'



LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN A PORTION OF SECTION 34, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 34, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN N.01°09'58"W., ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 34, FOR A DISTANCE OF 2,647.10 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 34; THENCE RUN N.01°10'56"W., ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 34, FOR A DISTANCE OF 146.75 FEET; THENCE RUN N.88°49'04"E., FOR A DISTANCE OF 50.06 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THE SAME BEING A POINT ON THE PROPOSED EASTERLY RIGHT-OF-WAY OF SANDY LANE, A 100.00 FOOT WIDE PROPOSED RIGHT-OF-WAY, AS DESCRIBED IN O.R. BOOK 4558 AT PAGE 4802 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND A POINT ON A CIRCULAR CURVE, CONCAVE EASTERLY, WHOSE RADIUS POINT BEARS N.88°19'12"E., A DISTANCE OF 1,622.00 FEET THEREFROM; THENCE RUN NORTHERLY ALONG THE PROPOSED EASTERLY RIGHT-OF-WAY LINE OF SAID SANDY LANE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 1,622.00 FEET, THROUGH A CENTRAL ANGLE OF 00°29'52", SUBTENDED BY A CHORD OF 14.09 FEET AT A BEARING OF N.01°25'52"W., FOR A DISTANCE OF 14.09 FEET TO THE END OF SAID CURVE; THENCE RUN N.01°10'56"W., ALONG THE PROPOSED EASTERLY RIGHT-OF-WAY LINE OF SAID SANDY LANE, FOR A DISTANCE OF 334.90 FEET; THENCE RUN N.88°49'04"E., FOR A DISTANCE OF 8.50 FEET; THENCE RUN S.01°10'56"E., FOR A DISTANCE OF 298.99 FEET; THENCE RUN S.08°23'52"W., FOR A DISTANCE OF 50.71 FEET TO THE POINT OF BEGINNING; CONTAINING 0.063 ACRE, MORE OR LESS.

THIS PROPERTY SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

BEARINGS SHOWN HEREON REFER TO THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AS BEING N.01°09'58"W.

HOLE MONTES, INC.
CERTIFICATE OF AUTHORIZATION LB #1772

BY JERRY L. RIEFELMACHER

P.S.M. #6130
STATE OF FLORIDA

* NOT A SURVEY *

SEC-TWN-RGE: 34-46-25	
DRAWN BY: AM	DATE 08/05
CHECKED BY: JLR	DRAWING NO. B-5557



950 Encore Way
Naples, FL 34110
Phone: (239) 254-2000
Florida Certificate of
Authorization No.1772

NOT VALID WITHOUT
THE SIGNATURE AND
THE ORIGINAL RAISED
SEAL OF A FLORIDA
LICENSED SURVEYOR
AND MAPPER.

SKETCH AND LEGAL DESCRIPTION

S2-5

PROJECT NO. 03.046
REFERENCE NO. ROWCSL

EXHIBIT "A"

H:\1997\1997079\0\W\SANDY LANE SKETCHES-AUDREY\NOW TAKES ROWS.Dwg Job: Model Oct 17, 2006 - 4:37pm Plotted by: JenniferMachner

SEC-TWN-RGE: 34-46-25	DATE: 06/05	JLR
DRAWN BY: AM	DRAWING NO: B-5556	CHECKED BY:



950 Encore Way
Naples, FL 34110
Phone: (239) 254-2000
Florida Certificate of
Authorization No.1772

NOT VALID WITHOUT
THE SIGNATURE AND
SEAL OF A FLORIDA
LICENSED SURVEYOR
AND MAPPER.

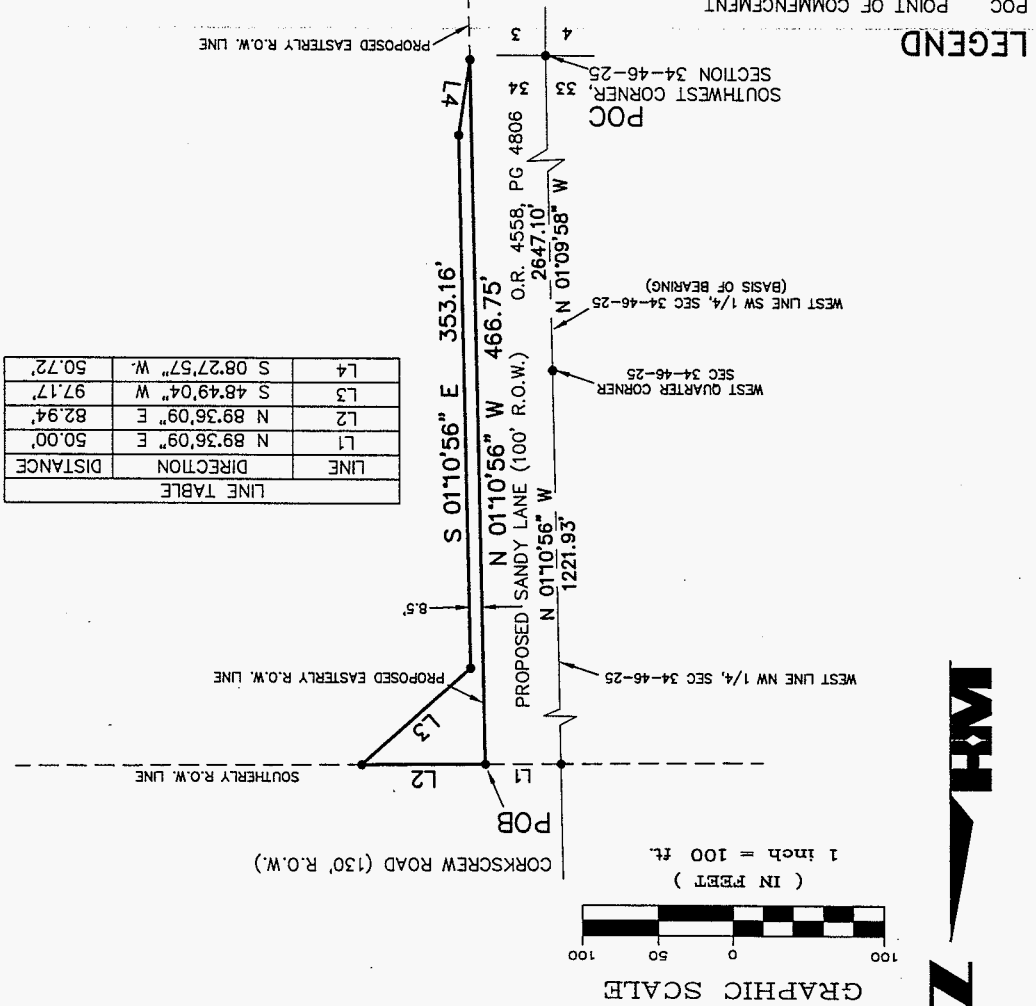
SKETCH AND LEGAL DESCRIPTION

PROJECT NO. 03.046
REFERENCE NO. ROWBSL

BY Jerry L. Riffelmacher
P.S.M. #6130
STATE OF FLORIDA

LEGAL DESCRIPTION:
A PARCEL OF LAND LOCATED IN A PORTION OF SECTION 34, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE SOUTHWEST CORNER OF SECTION 34, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN N.01°09'58"W, ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 34, FOR A DISTANCE OF 2,647.10 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 34; THENCE RUN N.01°10'56"W, ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 34, FOR A DISTANCE OF 1,221.93 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF CORKSCREW ROAD, A 130.00 FOOT WIDE RIGHT-OF-WAY; THENCE RUN N.89°36'09"E, ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID CORKSCREW ROAD, FOR A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE N.89°36'09"E, ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID CORKSCREW ROAD, FOR A DISTANCE OF 82.94 FEET; THENCE RUN S.48°49'04"W, FOR A DISTANCE OF 97.17 FEET; THENCE RUN S.01°10'56"E, FOR A DISTANCE OF 353.16 FEET; THENCE RUN S.08°27'57"W, FOR A DISTANCE OF 50.72 FEET TO A POINT ON THE PROPOSED EASTERLY RIGHT-OF-WAY LINE OF SANDY LANE, A 100.00 FOOT WIDE PROPOSED RIGHT-OF-WAY AS DESCRIBED IN O.R. BOOK 4558 AT PAGE 4802 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N.01°10'56"W, ALONG THE PROPOSED EASTERLY RIGHT-OF-WAY LINE OF SAID SANDY LANE, FOR A DISTANCE OF 466.75 FEET TO THE POINT OF BEGINNING. THIS PROPERTY SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.
BEARINGS SHOWN HEREON REFER TO THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AS BEING N.01°09'58"W.
HOLE MONTES, INC.
CERTIFICATE OF AUTHORIZATION LB #1772

* NOT A SURVEY *



CHICAGO TITLE INSURANCE COMPANY

COMMITMENT FOR TITLE INSURANCE

CHICAGO TITLE INSURANCE COMPANY, a corporation of Missouri, herein called the Company, for a valuable consideration, hereby commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest covered hereby in the land described or referred to in Schedule A, upon payment of the premiums and charges therefor; all subject to the provisions of Schedules A and B and to the Conditions and Stipulations hereof.

This Commitment shall be effective only when the identity of the proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A hereof by the Company, either at the time of the issuance of this Commitment or by subsequent endorsement.

This Commitment is preliminary to the issuance of such policy or policies of title insurance and all liability and obligations hereunder shall cease and terminate six months after the effective date hereof or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue such policy or policies is not the fault of the Company.

IN WITNESS WHEREOF, Chicago Title Insurance Company has caused this Commitment to be signed and sealed as of the effective date of Commitment shown in Schedule A, the Commitment to become valid when countersigned by an authorized signatory.

Interstate Title Services, Inc.
5 Harvard Circle, Suite 110
West Palm Beach, Florida 33409
(561) 687-1300



Authorized Signatory



CHICAGO TITLE INSURANCE COMPANY

By:



President

By:

ATTEST



Secretary

Interstate Title Services, Inc.
as Agent for Chicago Title Insurance Company
Date Revised: June 16, 2006
Commitment No.: I-1161b ROW S2 (5-6)
Escrow No.: I-1161b/pg1

Sandy Lane Additional ROW S2 (5-6) - 08.cmt

SCHEDULE "A"

1. Effective Date: May 1, 2006 @ 11:00 pm.

2. Policy or policies to be issued:

ALTA Owner's Policy (10-17-92) Amount: \$"To Be Determined"

Proposed Insured:

To Be Determined

3. The estate or interest in the land described or referred to in this Commitment and covered herein is **Fee Simple**.

4. Title to the fee simple estate or interest in the land described or referred to in this Commitment is at the effective date hereof vested in:

Stephanie Miller, Trustee of the Sandy Lane Partnership SE Land Trust Agreement, dated February 14, 2000

5. The land referred to in this Commitment is situated in the County of Lee, State of Florida, and described as follows:

SEE EXHIBIT "A" LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF.

(Page 1 of 9 Pages)



SCHEDULE "B", SECTION 1
Title Requirements

I. The following are the requirements to be complied with simultaneously or prior to closing:

1. Instrument(s) necessary to create the estate or interest to be insured must be properly executed, delivered and duly filed for record.

a) Warranty Deed from and Stephanie Miller, Trustee of the Sandy Lane Partnership SE Land Trust Agreement, dated February 14, 2000, in favor of "To Be Determined", conveying the subject property.

NOTE: If the Grantor(s) is/are individuals and the property is homestead property, the spouse(s) of said Grantor(s) must join in the execution of the Deed. If not homestead, then a statement to the effect must be reflected on the Deed.

2. Trust Affidavit in recordable form stating that the Stephanie Miller, Trustee of the Sandy Lane Partnership SE Land Trust Agreement, dated February 14, 2000, Grantor Trust has not been amended or modified, and that the Trust is still in full force and effect. Said Affidavit should also recite the name(s) of the Trustee(s) currently empowered, if different from the original Trustee(s), to execute the conveyance of the insured land.

3. Corrective Warranty Deed, to correct the legal description, conveying the subject property from W. Thomas Larkin, or his successor in interest, as Bishop of the Diocese of St. Petersburg, a sale corporation to Stephanie Miller, Trustee, of the Sandy Lane Partnership S.E. Land Trust Agreement. (Note: The last deed of record with a good legal description was to W. Thomas Larkin, as Bishop of the Diocese of St. Petersburg, a sole corporation dated February 14, 2000 and recorded January 15, 1985 in

Continued...



SCHEDULE "B", SECTION 1
Title Requirements, Continued...

3. Continued...

Official Record Book 1763, Page 3164 {See Tab 2}, of the Public Records of Lee County, Florida), and as contained in the following subsequent deeds:

- a) Warranty Deed from John J. Nevins, as Bishop of the Diocese of Venice, as Grantor, to Stephanie Miller, Trustee, as Grantee, dated February 17, 2000 and recorded February 18, 2000 in Official Record Book 3221, Page 3313 {See Tab 3}, of the Public Records of Lee County, Florida.
- b. Warranty Deed from Stephanie Miller, Trustee (Grantor), to Stephanie Miller, Trustee of the Sandy Lane partnership S.E. Land Trust Agreement, dated February 14, 2000, dated February 11, 2003 and recorded February 11, 2003 in Official Record Book 3844, Page 4566 {See Tab 4}, of the Public Records of Lee County, Florida.

4. Satisfaction or Release of record as to insured lands, of that certain Mortgage and Security Agreement from Stephanie Miller, Trustee of the Sandy Lane partnership S.E. Land Trust Agreement, dated February 14, 2000, in favor of Branch Banking and Trust Company, dated February 11, 2003 and recorded February 11, 2003 in Official Record Book 3844, Page 4570 {See Tab 5}, and Partial Release of Mortgage by Branch Banking & Trust Company, dated November 1, 2004 and recorded November 9, 2004 in Official Record Book 4489, Page 676 {See Tab 6}, both of the Public Records of Lee County, Florida.

Note: The original note secured by the above described mortgage must be produced and cancelled.

Continued...

(Page 3 of 9 Pages)



Interstate Title Services, Inc.
as Agent for Chicago Title Insurance Company
Date Revised: June 16, 2006
Commitment No.: I-1161b ROW S2 (5-6)
Escrow No.: I-1161b/pg1

Sandy Lane Additional ROW S2 (5-6) - 08.cmt

SCHEDULE "B", SECTION 1
Title Requirements, Continued...

5. Proof of payment of the 2005 real estate taxes and special assessments must be paid in the amounts of \$6.79 for Property Tax ID #34-46-25-01-00000.0350 (S2-5) and \$7.47 for Property Tax ID #34-46-25-00-00005.0020 (S2-6).
6. Proof of payment of all municipal assessments in favor of the municipality of Estero / Bonita Springs, if any.
7. Owner's Affidavit.
8. Standard Gap Indemnity.
9. Satisfactory plat of survey, in conformity with the minimum standards for land surveys made for title insurance purposes and Florida Administrative Code, certified to a current date, showing no encroachments, or other objectionable matters, must be furnished.
10. Termination or Release of record as to the subject property ONLY, of the following:
 - a) Grant of Perpetual Road Right-of-Way Easement by and between Stephanie Miller, Trustee, and Stephanie Miller, Trustee under Land Trust Agreement, dated March 31, 2000 and recorded April 4, 2000 in Official Record Book 3239, Page 416 {See Tab 10}, of the Public Records of Lee County, Florida.
 - b) Easements for roadway purposes as described in Warranty Deed from Stephanie Miller, Trustee (Grantor), to Stephanie Miller, Trustee of the Sandy Lane partnership S.E. Land Trust Agreement, dated February 14, 2000, dated February 11, 2003 and recorded February 11, 2003 in Official Record Book 3844, Page 4566 {See Tab 4}, of the Public Records of Lee County, Florida.

We hereby reserve the right to update this commitment prior to closing.

(Page 4 of 9 Pages)



Interstate Title Services, Inc.
as Agent for Chicago Title Insurance Company

Sandy Lane Additional ROW S2 (5-6) - 08 cmt

Date Revised: June 16, 2006

Commitment No.: I-1161b ROW S2 (5-6)

Escrow No.: I-1161b/pg1

SCHEDULE "B", SECTION 2
Exceptions

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the company:

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the Public Records or attaching subsequent to the effective date hereof but prior to the date the proposed Insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.

Schedule "B", Section 2, Item No. 1, is hereby deleted pursuant to Florida Statute No. 627.7841.

2. Standard Exceptions:
 - a. Rights or claims of parties in possession not shown by the Public Records.
 - b. Encroachments, overlaps, boundary line disputes, or other matters which would be disclosed by an accurate survey and inspection of the premises.
 - c. Easements, or claims of easements, not shown by the Public Records.
 - d. Any lien, or right to a lien, for service, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
 - e. Taxes or special assessments which are not shown as existing liens by the Public Records.
 - f. Any claim that any portion of said lands are sovereign lands of the State of Florida, including submerged, filled or artificially exposed lands and lands accreted to such lands.

Schedule "B", Standard Exceptions Item No. 2a, 2b, 2c, 2d, 2e and 2f may be amended or deleted upon receipt and approval of Schedule B, Section 1, Title Requirements.

Continued...

(Page 5 of 9 Pages)



Interstate Title Services, Inc.
as Agent for Chicago Title Insurance Company

Sandy Lane Additional ROW S2 (5-6) - 08 cmt

Date Revised: June 16, 2006

Commitment No.: I-1161b ROW S2 (5-6)

Escrow No.: I-1161b/pg1

SCHEDULE "B", SECTION 2, Exceptions, Continued...

3. Special Exceptions

1. Taxes for the year 2006 and any taxes and assessments levied or assessed subsequent to the date hereof. Said taxes become a lien as of January 1, 2006 but are not due and payable until November of 2006.

Note : Property Tax ID #34-46-25-01-00000.0350 (S2-5)
#34-46-25-00-00005.0020 (S2-6)

Lands lie within various county special assessment districts and municipal taxing districts and are subject to liens for any unpaid special assessments by virtue of the ordinances and resolutions creating these districts. The special assessments are payable with the ad valorem taxes, which are not yet due and payable.

2. Easement for road known as "Sandy Lane" running along the section line between Sections 33 and 34 as shown and recited in Affidavit recorded May 28, 1999 in Official Records Book 3124, Page 947 (See Tab 7), Affidavit recorded May 28, 1999 in Official Records Book 3124, Page 933 (See Tab 8), and Affidavit recorded in Official Records Book 3124, Page 940 (See Tab 9), all of the Public Records of Lee County, Florida.

3. This item is intentionally deleted and moved to Schedule "B", Section 1.

4. This item is intentionally deleted and moved to Schedule "B", Section 1.

*These need to be determined
w/ pain before transfer.
City will not
take subject to
distress
etc*

*OK -
ROW claimed
via 05-2601*



Interstate Title Services, Inc.
as Agent for Chicago Title Insurance Company

Sandy Lane Additional ROW S2 (5-6) - 08 cmt

Date Revised: June 16, 2006

Commitment No.: I-1161b ROW S2 (5-6)

Escrow No.: I-1161b/pg1

EXHIBIT "A", Legal Description

PARCEL 1 (S2 - 5) - Fee Simple:

A PARCEL OF LAND LOCATED IN A PORTION OF SECTION 34, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 34, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN N.01°09'58"W., ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 34, FOR A DISTANCE OF 2,647.10 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 34; THENCE RUN N.01°10'56"W., ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 34, FOR A DISTANCE OF 146.75 FEET; THENCE RUN N.88°49'04"E., FOR A DISTANCE OF 50.06 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THE SAME BEING A POINT ON THE PROPOSED EASTERLY RIGHT- OF-WAY OF SANDY LANE, A 100.00 FOOT WIDE PROPOSED RIGHT-OF-WAY, AS DESCRIBED IN O.R. BOOK 4558 AT PAGE 4802 {See Tab 11} OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND A POINT ON A CIRCULAR CURVE, CONCAVE EASTERLY, WHOSE RADIUS POINT BEARS N.88°19'12"E., A DISTANCE OF 1,622.00 FEET THEREFROM; THENCE RUN NORTHERLY ALONG THE PROPOSED EASTERLY RIGHT-OF-WAY LINE OF SAID SANDY LANE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 1,622.00 FEET, THROUGH A CENTRAL ANGLE OF 00°29'52", SUBTENDED BY A CHORD OF 14.09 FEET AT A BEARING OF N.01°25'52"W., FOR A DISTANCE OF 14.09 FEET TO THE END OF SAID CURVE; THENCE RUN N.01°10'56"W., ALONG THE PROPOSED EASTERLY RIGHT-OF-WAY LINE OF SAID SANDY LANE, FOR A DISTANCE OF 334.90 FEET; THENCE RUN N.88°49'04"E., FOR A DISTANCE OF 8.50 FEET; THENCE RUN S.01°10'56"E., FOR A DISTANCE OF 298.99 FEET; THENCE RUNS.08°23'52"W., FOR A DISTANCE OF 50.71 FEET TO THE POINT OF BEGINNING CONTAINING 0.063 ACRE, MORE OR LESS.

Continued...

(Page 7 of 9 Pages)



Interstate Title Services, Inc.

Sandy Lane Additional ROW S2 (5-6) - 08.cmt

as Agent for Chicago Title Insurance Company

Date Revised: June 16, 2006

Commitment No.: I-1161b ROW S2 (5-6)

Escrow No.: I-1161b/pg 1

EXHIBIT "A", Legal Description, Continued...

PARCEL 1 (S2 - 5)- Fee Simple, Continued..:

BEARINGS SHOWN HEREON REFER TO THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AS BEING N.01°09'58"W.

PARCEL 2 (S2 - 6)- Fee Simple:

A PARCEL OF LAND LOCATED IN A PORTION OF SECTION 34, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 34, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN N.01°09'58"W. ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 34, FOR A DISTANCE OF 2,647.10 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 34; THENCE RUN N.01°10'56"W., ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 34, FOR A DISTANCE OF 1,221.93 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF CORKSCREW ROAD, A 130.00 FOOT WIDE RIGHT-OF-WAY; THENCE RUN N.89°36'09"E., ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID CORKSCREW ROAD, FOR A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE N.89°36'09"E., ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID CORKSCREW ROAD, FOR A DISTANCE OF 82.94 FEET; THENCE RUNS S.48°49'04"W., FOR A DISTANCE OF 97.17 FEET; THENCE RUN S.01°10'56"E., FOR A DISTANCE OF 353.16 FEET;

Continued...

(Page 8 of 9 Pages)



Interstate Title Services, Inc.

Sandy Lane Additional ROW S2 (5-6) - 08 cmt

as Agent for Chicago Title Insurance Company

Date Revised: June 16, 2006

Commitment No.: I-1161b ROW S2 (5-6)

Escrow No.: I-1161b/pg1

EXHIBIT "A", Legal Description, Continued...

PARCEL 2 (S2 - 6)- Fee Simple, Continued..:

THENCE RUN S.08°27'57"W., FOR A DISTANCE OF 50.72 FEET TO A POINT ON THE PROPOSED EASTERLY RIGHT-OF-WAY LINE OF SANDY LANE, A 100.00 FOOT WIDE PROPOSED RIGHT-OF-WAY AS DESCRIBED IN OR. BOOK 4558 AT PAGE 4802 {See Tab 11} OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N.01°10'56"W., ALONG THE PROPOSED EASTERLY RIGHT-OF-WAY LINE OF SAID SANDY LANE, FOR A DISTANCE OF 466.75 FEET TO THE POINT OF BEGINNING CONTAINING 0.140 ACRE, MORE OR LESS.

BEARINGS SHOWN HEREON REFER TO THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AS BEING N.01°09'58"W.

(Page 9 of 9 Pages)



STANDARD EXCEPTIONS FOR OWNER'S POLICY

The owner's policy will be subject to the mortgage, if any, noted under item one of Section 1 of Schedule B hereof and to the following exceptions: (1) rights or claims of parties in possession not shown by the public records; (2) encroachments, overlaps, boundary line disputes, and any matters which would be disclosed by an accurate survey and inspection of the premises; (3) easements, or claims of easements, not shown by the public records; (4) any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records; (5) taxes or special assessments which are not shown as existing liens by the public records.


CONDITIONS AND STIPULATIONS

1. The term "mortgage," when used herein, shall include deed of trust, trust deed, or other security instrument.
2. If the proposed Insured has or acquires actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions and Stipulations.
3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof, or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions, the Exclusions from Coverage and the Conditions and Stipulations of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.
4. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company arising out of the status of the title to the estate or interest or the status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.

Memorandum
from the
Division of County Lands

Date: January 11, 2007

To: Andy Getch, P.E.
DOT Project Manager

From: 
Robert G. Clemens, SR/WA
Acquisition Program Manager

SUBJECT: APPRAISAL REVIEW – IMPACT FEE CREDITS

Project: Sandy Lane Right of Way

Owner: Stephanie Miller, Trustee (East Tract) & Stephanie Miller, Trustee of Land Trust dated 3/21/97 (West Tract)

Based upon the appraisal reports the estimated values of the lands to be conveyed to Lee County for the Sandy Lane connection are as follows:

Parcel 1 (Parcel S2-6)

Stephanie Miller, Trustee – East Tract

STRAP No.: 34-46-25-00-00005.0020

Parent Tract: 4.11 acres

Parcel to be acquired: .14 acres or 6098 sq. ft.

Estimated Value per square foot: \$17.00

Total Estimated value of the parcel to be acquired: \$103,700

Parcel 2 (Parcel S2-7)

Owner: Stephanie Miller, Trustee of Land Trust dated 3/21/97

STRAP No.: 33-46-25-00-00018.0000 – West Tract

Parent Tract: 3.98 acres

Parcel to be acquired: .07 acres or 3049 sq. ft.

Estimated Value per square foot: \$12.00

Total Estimated value of the parcel to be acquired: \$36,500

PREPARED BY:

Richard G. Cherry, Esquire
CHERRY & EDGAR, P.A.
8409 North Military Trail, Suite 123
Palm Beach Gardens, FL 33410

RETURN TO: Dawn E. Perry-Lehnert, Esq.
Assistant County Attorney
Lee County
2115 Second Street
Fort Myers, FL 33901

Property Control Nos.: 34-46-25-00-00018.0000

WARRANTY DEED

THIS WARRANTY DEED made the 17 day of Nov.,
2006, by STEPHANIE MILLER, TRUSTEE OF THE LAND TRUST AGREEMENT
DATED MARCH 21, 1997, hereinafter called the grantor, to LEE
COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, whose post
office address is Post Office Box 398, Ft. Myers, Florida 33902,
hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all
the parties to this instrument and the heirs, legal representatives
and assigns of individuals, and the successors and assigns of
corporations.)

WITNESSETH: That the grantor, for and in consideration
of the sum of \$10.00 and other valuable considerations, receipt
whereof is hereby acknowledged, hereby grants, bargains, sells,
aliens, remises, releases, conveys and confirms unto the grantee,
all that certain land situate in Lee County, Florida, viz:

See Exhibit "A" attached hereto and made a
part hereof for legal description.

Grantor hereby states that the above-described
property is not now nor has it ever been her
homestead property nor does it adjoin her
homestead property.

TOGETHER with all the tenements, hereditaments and
appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances.

IN WITNESS WHEREOF, the grantor has caused these presents to be executed the day and year first above written.

Signed, sealed and delivered in the presence of:

[Signature]
TRUMAN J. COSTELLO
(Print Name)

[Signature]
STEPHANIE MILLER, TRUSTEE OF
THE LAND TRUST AGREEMENT
DATED MARCH 21, 1997

[Signature]
SIDNE TURNBULL
(Print Name)

STATE OF FLORIDA

COUNTY OF LEE

The foregoing instrument was acknowledged before me this 17 day of Nov., 2006, by STEPHANIE MILLER, TRUSTEE OF THE LAND TRUST AGREEMENT DATED MARCH 21, 1997.

[Signature]
Notary Public
SIDNE TURNBULL
(Print Name)

My Commission Expires: 7-26-08

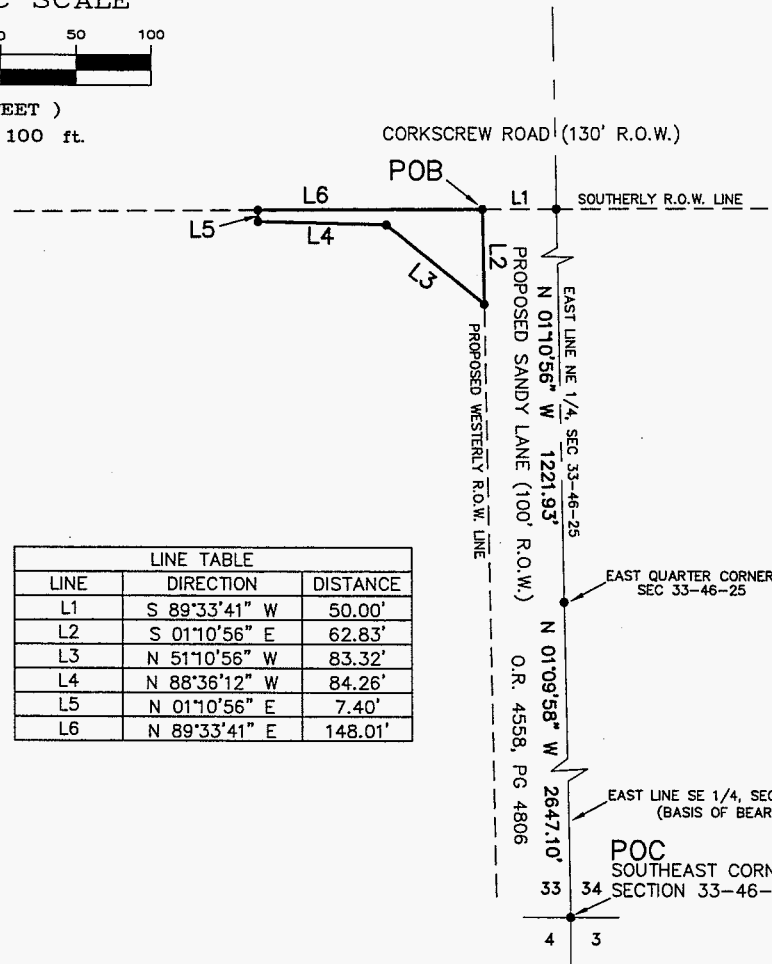
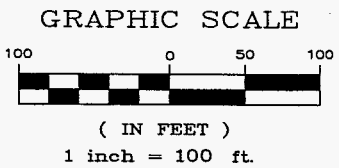
Personally Known OR Produced Identification
Type of Identification Produced _____

S:\MyFiles\DATA\Oakbrook Properties\LEE COUNTY\War.Deed.Miller.1997.doc



Approved As To Form [Signature]
By: _____
Assistant County Attorney

EXHIBIT "A"



LINE TABLE		
LINE	DIRECTION	DISTANCE
L1	S 89°33'41" W	50.00'
L2	S 01°10'56" E	62.83'
L3	N 51°10'56" W	83.32'
L4	N 88°36'12" W	84.26'
L5	N 01°10'56" E	7.40'
L6	N 89°33'41" E	148.01'

LEGAL DESCRIPTION:


A PARCEL OF LAND LOCATED IN A PORTION OF SECTION 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN N.01°09'58"W., ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 2,647.10 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 33; THENCE RUN N.01°10'56"W., ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1,221.93 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF CORKSCREW ROAD, A 130.00 FOOT WIDE RIGHT-OF-WAY; THENCE RUN S.89°33'41"W., ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID CORKSCREW ROAD, FOR A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THE SAME BEING A POINT ON THE PROPOSED WESTERLY RIGHT-OF-WAY LINE OF SANDY LANE, A 100.00 FOOT WIDE PROPOSED RIGHT-OF-WAY, AS DESCRIBED IN O.R. BOOK 4558 AT PAGE 4806 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN S.01°10'56"E., ALONG THE PROPOSED WESTERLY RIGHT-OF-WAY LINE OF SAID SANDY LANE, FOR A DISTANCE OF 62.83 FEET; THENCE RUN N.51°10'56"W., FOR A DISTANCE OF 83.32 FEET; THENCE RUN N.88°36'12"W., FOR A DISTANCE OF 84.26 FEET; THENCE RUN N.01°10'56"W., FOR A DISTANCE OF 7.40 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID CORKSCREW ROAD; THENCE RUN N.89°33'41"E., ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID CORKSCREW ROAD, FOR A DISTANCE OF 148.01 FEET TO THE POINT OF BEGINNING; CONTAINING 0.070 ACRE, MORE OR LESS

THIS PROPERTY SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

BEARINGS SHOWN HEREON REFER TO THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AS BEING N.01°09'58"W.

HOLE MONTES, INC.
CERTIFICATE OF AUTHORIZATION LB #1772

BY 
JERRY L. RIFFELMACHER

P.S.M. #6130
STATE OF FLORIDA

LEGEND

POC POINT OF COMMENCEMENT
POB POINT OF BEGINNING

*** NOT A SURVEY ***

SEC-TWN-RGE: 33-46-25	
DRAWN BY: AM	DATE 08/05
CHECKED BY: JLR	DRAWING NO. E-232



950 Encore Way
Naples, FL 34110
Phone: (239) 254-2000
Florida Certificate of
Authorization No.1772

NOT VALID WITHOUT
THE SIGNATURE AND
THE ORIGINAL RAISED
SEAL OF A FLORIDA
LICENSED SURVEYOR
AND MAPPER.

SKETCH AND LEGAL DESCRIPTION
S2-7 East

PROJECT NO. 03.046
REFERENCE NO. ROWASL-1

H:\1997\1997079\DW\SANDY LANE SKETCHES-AUDREY\ROW TAKES\ROWASL-1.dwg Tab: Model Oct 17, 2006 - 4:51pm Plotted by: JerryRiffelmacher

Interstate Title Services, Inc.

Sandy Lane Additional ROWS2 (7) - 09 cmt

as Agent for Chicago Title Insurance Company

Date Revised: October 3, 2006

Commitment No.: I-1161b ROWS2 (7)

Escrow No.: I-1161b/pg1

**SCHEDULE "B", SECTION 1
Title Requirements**

I. The following are the requirements to be complied with simultaneously or prior to closing:

1. Instrument(s) necessary to create the estate or interest to be insured must be properly executed, delivered and duly filed for record.

a) Warranty Deed from Stephanie Miller, Trustee of the Land Trust Agreement dated March 21, 1999, in favor of "To Be Determined", conveying the subject property.

b) This item is intentionally deleted.

NOTE: If the Grantor(s) is/are individuals and the property is homestead property, the spouse(s) of said Grantor(s) must join in the execution of the Deed. If not homestead, then a statement to the effect must be reflected on the Deed.

2. Trust Affidavit in recordable form stating that the Stephanie Miller, Trustee of the Land Trust Agreement dated March 21, 1999, Grantor Trust has not been amended or modified, and that the Trust is still in full force and effect. Said Affidavit should also recite the name(s) of the Trustee(s) currently empowered, if different from the original Trustee(s), to execute the conveyance of the insured land.

Continued...

(Page 2 of 8 Pages)



Interstate Title Services, Inc.

Sandy Lane Additional ROW S2 (7) - 09 cmt

as Agent for Chicago Title Insurance Company

Date Revised: October 3, 2006

Commitment No.: I-1161b ROW S2 (7)

Escrow No.: I-1161b/pg1

**SCHEDULE "B", SECTION 1
Title Requirements, Continued...**

3. This item is intentionally deleted.
4. This item is intentionally deleted.
5. This item is intentionally deleted.
6. Proof of payment of all municipal assessments in favor of the municipality of Estero / Bonita Springs, if any.
7. Owner's Affidavit.
8. Standard Gap Indemnity.
9. Satisfactory plat of survey, in conformity with the minimum standards for land surveys made for title insurance purposes and Florida Administrative Code, certified to a current date, showing no encroachments, or other objectionable matters, must be furnished.

Continued...

(Page 3 of 8 Pages)

S:\Coconut Point\SANDY LANE ADDITIONAL ROW I-1161\Phase 2 I-1161b\wpdocs\Parcel 7\09 CMT Phase 2 Parcel 7 cmt
TL prfd BM MS w jhfp w eff date move ex b1 w mark up jana with update.wpd August 3, 2005 (1:57pm)



Interstate Title Services, Inc.
as Agent for Chicago Title Insurance Company

Sandy Lane Additional ROW S2 (7) - 09 cmt

Date Revised: October 3, 2006

Commitment No.: I-1161b ROW S2 (7)

Escrow No.: I-1161b/pg1

SCHEDULE "B", SECTION 1
Title Requirements, Continued...

10. Affidavit of Facts, in recordable form, from Stephanie Miller, trustee under Land Trust Agreement, dated January 9, 2004 and Stephanie Miller, trustee of the Land Trust Agreement, dated March 21, 1997, confirming that the following leases have terminated by their own terms and that the tenants has vacated the premises:
 - a) Lease dated February 23, 1999, as identified by that certain Memorandum/Short Form Lease, from Zefir Hansen, in favor of Outdoor Systems Advertising, Inc., dated February 23, 1999 and recorded August 7, 1999 in Official Records Book 3154, Page 128 {See Tab 11}, of the Public Records of Lee County, Florida.
 - b) Memorandum of Lease by and between Stephanie Miller and The Lamar Companies, dated August 30, 2004 and recorded September 30, 2004 in Official Record Book 4450, Page 3914 {See Tab 12}, of the Public Records of Lee County, Florida.

We hereby reserve the right to update this commitment prior to closing.

(Page 4 of 8 Pages)



Interstate Title Services, Inc.

Sandy Lane Additional ROW S2 (7) - 09 cmt

as Agent for Chicago Title Insurance Company

Date Revised: October 3, 2006

Commitment No.: I-1161b ROW S2 (7)

Escrow No.: I-1161b/pg1

**SCHEDULE "B", SECTION 2
Exceptions**

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the company:

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the Public Records or attaching subsequent to the effective date hereof but prior to the date the proposed Insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.

Schedule "B", Section 2, Item No. 1, is hereby deleted pursuant to Florida Statute No. 627.7841.

2. Standard Exceptions:

- a. Rights or claims of parties in possession not shown by the Public Records.
- b. Encroachments, overlaps, boundary line disputes, or other matters which would be disclosed by an accurate survey and inspection of the premises.
- c. Easements, or claims of easements, not shown by the Public Records.
- d. Any lien, or right to a lien, for service, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
- e. Taxes or special assessments which are not shown as existing liens by the Public Records.
- f. Any claim that any portion of said lands are sovereign lands of the State of Florida, including submerged, filled or artificially exposed lands and lands accreted to such lands.

Schedule "B", Standard Exceptions Item No. 2a, 2b, 2c, 2d, 2e and 2f may be amended or deleted upon receipt and approval of Schedule B, Section 1, Title Requirements.

Continued...

(Page 5 of 8 Pages)



Interstate Title Services, Inc.

Sandy Lane Additional ROWS2 (7) - 09 cmt

as Agent for Chicago Title Insurance Company

Date Revised: October 3, 2006

Commitment No.: I-1161b ROWS2 (7)

Escrow No.: I-1161b/pg1

SCHEDULE "B", SECTION 2, Exceptions, Continued...

3. Special Exceptions

1. Taxes for the year 2006 and any taxes and assessments levied or assessed subsequent to the date hereof. Said taxes become a lien as of January 1, 2006 but are not due and payable until November of 2006.

Note : Property Tax ID #33-46-25-00-00018.0000

Lands lie within various county special assessment districts and municipal taxing districts and are subject to liens for any unpaid special assessments by virtue of the ordinances and resolutions creating these districts. The special assessments are payable with the ad valorem taxes, which are not yet due and payable.

2. Easement for road known as "Sandy Lane" running along the section line between Sections 33 and 34 as shown and recited in Affidavit recorded May 28, 1999 in Official Records Book 3124, Page 947 (See Tab 7), Affidavit recorded May 28, 1999 in Official Records Book 3124, Page 933 (See Tab 8), and Affidavit recorded in Official Records Book 3124, Page 940 (See Tab 9), all of the Public Records of Lee County, Florida.

3. This item is intentionally deleted.

Continued...

(Page 6 of 8 Pages)



Interstate Title Services, Inc.

Sandy Lane Additional ROW S2 (7) - 09 cmt

as Agent for Chicago Title Insurance Company

Date Revised: October 3, 2006

Commitment No.: I-1161b ROW S2 (7)

Escrow No.: I-1161b/pg1

SCHEDULE "B", SECTION 2, Exceptions, Continued...

LEASES and Other Leasehold Interest Instruments:

4. This item is intentionally deleted and moved to Schedule "B", Section 1.
5. This item is intentionally deleted and moved to Schedule "B", Section 1.

(Page 7 of 8 Pages)



Interstate Title Services, Inc.

Sandy Lane Additional ROW S2 (7) - 09 cmt

as Agent for Chicago Title Insurance Company

Date Revised: October 3, 2006

Commitment No.: I-1161b ROW S2 (7)

Escrow No.: I-1161b/pg1

EXHIBIT "A", Legal Description

A PARCEL OF LAND LOCATED IN A PORTION OF SECTION 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN N.01°09'58"W., ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 2,647.10 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 33; THENCE RUN N.01°10'56"W., ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1,221.93 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF CORKSCREW ROAD, A 130.00 FOOT WIDE RIGHT-OF-WAY; THENCE RUN S.89°33'41"W., ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID CORKSCREW ROAD, FOR A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THE SAME BEING A POINT ON THE PROPOSED WESTERLY RIGHT-OF-WAY LINE OF SANDY LANE, A 100.00 FOOT WIDE PROPOSED RIGHT-OF-WAY, AS DESCRIBED IN OR. BOOK 4558 AT PAGE 4806 {See Tab 13}, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN S.01°10'56"E., ALONG THE PROPOSED WESTERLY RIGHT-OF-WAY LINE OF SAID SANDY LANE, FOR A DISTANCE OF 62.83 FEET; THENCE RUN N.51°10'56"W., FOR A DISTANCE OF 83.32 FEET; THENCE RUN N.88°36'12"W., FOR A DISTANCE OF 84.26 FEET; THENCE RUN N.01°10'56"W., FOR A DISTANCE OF 7.40 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID CORKSCREW ROAD; THENCE RUN N.89°33'41"E., ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID CORKSCREW ROAD, FOR A DISTANCE OF 148.01 FEET TO THE POINT OF BEGINNING CONTAINING 0.70 ACRE, MORE OR LESS.

BEARINGS SHOWN HEREON REFER TO THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AS BEING N.01°09'58"W.

(Page 8 of 8 Pages)

S:\Coconut Point\SANDY LANE ADDITIONAL ROW I-1161\Phase 2 I-1161b\wpdocs\Parcel 7\09 CMT Phase 2 Parcel 7 cmt
TL prfd BM MS w jhfp w eff date move ex b1 w mark up jana with update.wpd August 3, 2005 (1:57pm)

