

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


Blue Sheet No. 20070724

1. ACTION REQUESTED/PURPOSE: Accept Slope/Restoration Easements from Estero North Point, Ltd., Stephanie Miller, Trustee, DMM Development, LLC and Christ Community Ministries, Inc. necessary to support Sandy Lane right-of-way located between Williams Road and Corkscrew Road.

2. FUNDING SOURCE: N/A

3. WHAT ACTION ACCOMPLISHES: Provides the easements to support Sandy Lane right-of-way as constructed. Acceptance of these easements is a necessary precursor to the property owners' intent to turn Sandy Lane over to the County for maintenance.

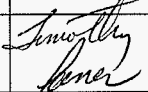

4. MANAGEMENT RECOMMENDATION: Approve

5. Departmental Category: DOT C126		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 type="checkbox"/> Statute	<input type="checkbox"/> Ordinance
	<input type="checkbox"/> Admin. Code	<input type="checkbox"/> DRI DO & Development Agreement
	<input checked="" type="checkbox"/> Other	
		9. Request Initiated: Commissioner _____ Department _____ County Attorney Division _____ Land Use By:  5/8/07 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 Order Agreement on February 24, 2004. The documents required the developer to dedicate the land necessary to support construction of Sandy Lane from Corkscrew to the southern boundary of the DRI. The land for the 100-foot Sandy Lane right-of-way was accepted by the County in 2004.

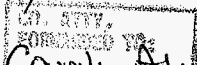
As the design and construction phases progressed, the need for easements to accommodate slope areas necessary to the continued integrity of Sandy Lane as constructed, became apparent. The attached Slope/Restoration Easements will address this need as it exists between Williams Road and Corkscrew Road. Acceptance of the Slope Easements will facilitate the turnover of the constructed Sandy Lane improvements to the County for maintenance in the near future.

11. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P. W. Director
					Analyst	Risk	Grants	Mgr.	
					RK 5/8	MR 5/9/07	19 5/9/07	MR 5/9/07	 5-9-07

12. Commission Action:

- Approved
- Deferred
- Denied
- Other


 County Admin
 5/8/07 2:30pm

RECEIVED BY COUNTY ADMIN: 5/8@3:05 mr.
COUNTY ADMIN FORWARDED TO: 5/9/07 330

Blue Sheet #: 20070724
Page #: 2
Subject: Sandy Lane Slope-Restoration Easements

The proposed easements are offered to the County in compliance with the Coconut Point DRI Development Agreement. No impact fee credits or proportionate share offset is due to the Grantors as a result of this transaction.

This request has been reviewed by Lee County DOT. Approval is recommended.

Attachments:
Copies of each easement

cc: Andy Getch, Engineering Manager I, DOT
Ned Dewhirst, PE, Oakbrook Properties, Inc.
Richard G. Cherry, Esquire, Cherry & Edgar, P.A.
Rise A. Friedman, Esquire, Simon Property Group

THIS DOCUMENT PREPARED BY:

Richard G. Cherry, Esquire
CHERRY & EDGAR, P.A.
8409 North Military Trail, Ste. 123
Palm Beach Gardens, FL 33410
Telephone: (561) 471-7767

SLOPE/RESTORATION EASEMENT

THIS INDENTURE, made and entered into this 14th day of February, 2007, by **ESTERO NORTH POINT, LTD., a Florida limited partnership**, whose address is 4200 Gulf Shore Blvd. North, Naples, FL 34013 ("Grantor") to and in favor of **LEE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA** whose address is P.O. Box 398, Fort Myers, Florida, 33902-0398 ("Grantee").

WITNESSETH:

1. For good and valuable consideration, receipt of which is hereby acknowledged, Grantor grants to the Grantee, its successors and assigns, a slope/restoration easement situated in Lee County, Florida, and located and described as set forth in attached Exhibit "A" ("Easement Parcel").
2. Grantee, its successors and assigns, are granted the right, privilege and authority to construct, replace, repair, remove, extend and maintain a slope/restoration easement on the Easement Parcel to support, reinforce and stabilize the adjacent public roadway.
3. The improvements that may be placed within the Easement Parcel for roadway slope/restoration purposes are not limited to a particular type, style, material or design.
4. Grantor, on behalf of itself and its successors and assigns, agrees that for so long as this Easement shall exist, no activity within the Easement Parcel may be conducted or permitted that undermines, detracts from or interferes with the use of the Easement Parcel for the purposes herein expressed; provided, however, that placing and compacting fill material within the Easement Parcel as part of raising the elevation of the adjacent land (or adjacent portions thereof) will not be deemed in derogation hereof.
5. This Easement is intended to be temporary in nature. Accordingly, this Easement terminates when grading and filling of the Easement Parcel is completed by the Grantor or its successors and assigns in conjunction with development of its land and written confirmation is provided by LDOT to Grantor that the Easement is no longer necessary for purposes of providing permanent lateral support for the roadway.

Subsequent to the LDOT determination that the Easement is no longer necessary, Grantee will, based upon a written request from Grantor, execute and record a document terminating this Slope/Restoration Easement.

6. General Matters.

(a) To the extent allowed by law and subject to the provisions and limitations contained in Section 768.28, Florida Statutes, the Grantee agrees to be liable for injury or loss of property, personal injury, or death caused by the negligent or wrongful act or omission of any employee, or contractor of the Grantee while acting within the scope of his office or employment under circumstances in which the Grantee, if a private person, would be liable to the claimant, in accordance with the general laws of the State of Florida.

(b) This Easement runs with the land and is binding upon and enforceable by, as applicable, Grantor, Grantee and their respective successors in title.

(c) This Easement will be interpreted and enforced in accordance with the laws of the State of Florida. The prevailing party in any action to enforce the provisions hereof is entitled to recover all attorneys' fees and costs actually incurred by that party.

(d) This Easement may not be amended except by a written instrument executed by the Grantor and Grantee or their applicable successors in title and recorded in the Public Records of Lee County, Florida.

TWO SEPARATE WITNESSES:

AS TO GRANTOR:

ESTERO NORTH POINT, LTD.,
a Florida limited partnership

By: ESTERO NORTH POINT, INC.,
a Florida corporation,
General Partner

By: _____
Name: Howard B. Gorman
Title: VP

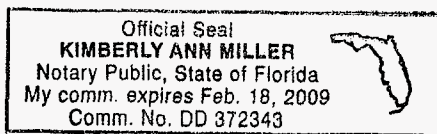
Kim Miller
1st Witness Signature
Kim Miller
Printed Name

K Samuelson
2nd Witness Signature
Kimberly Samuelson
Printed Name

STATE OF Florida)
) SS:
COUNTY OF Collier)

The foregoing instrument was acknowledged before me this 14 day of February, 2007, by Howard Gotman; as VP of ESTERO NORTH POINT, INC., a Florida corporation, General Partner of ESTERO NORTH POINT, LTD., a Florida limited partnership, () who is personally known to me, or () has produced _____ as identification.

My Commission Expires: 2-18-09



Kimberly Ann Miller
Notary Public

AS TO GRANTEE:

**LEE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS**

Charlie Green, Clerk

By: _____
DEPUTY CLERK

By: _____
CHAIRMAN OR VICE CHAIRMAN

APPROVED AS TO LEGAL FORM
AND SUFFICIENCY

COUNTY ATTORNEY (DATE)

EXHIBIT " A "

HM PROJECT #2003046
2/26/2007
REF. DWG. #B-5564
Page 1 of 2

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, THE SAME BEING A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF WILLIAMS ROAD, HAVING A 100 FOOT WIDE RIGHT-OF-WAY; THENCE RUN S.88°21'07"W., ALONG THE SOUTH LINE OF SAID SECTION 33 AND ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID WILLIAMS ROAD, FOR A DISTANCE OF 737.79 FEET TO 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 4847 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N.01°39'07"W., ALONG THE PROPOSED WESTERLY RIGHT-OF-WAY LINE OF SAID SANDY LANE, FOR A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN S.43°21'01"W., FOR A DISTANCE OF 21.21 FEET; THENCE RUN N.01°39'07"W., FOR A DISTANCE OF 247.13 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 781.00 FEET, THROUGH A CENTRAL ANGLE OF 19°20'17", SUBTENDED BY A CHORD OF 262.35 FEET AT A BEARING OF N.08°01'01"E., FOR A DISTANCE OF 263.60 FEET TO THE END OF SAID CURVE; THENCE RUN N.72°18'50"W., FOR A DISTANCE OF 60.00 FEET TO A POINT ON A CIRCULAR CURVE, CONCAVE SOUTHEASTERLY, WHOSE RADIUS POINT BEARS S.72°18'50"E., A DISTANCE OF 841.00 FEET THEREFROM; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 841.00 FEET, THROUGH A CENTRAL ANGLE OF 24°00'24", SUBTENDED BY A CHORD OF 349.80 FEET AT A BEARING OF N.29°41'22"E., FOR A DISTANCE OF 352.37 FEET TO THE END OF SAID CURVE; THENCE RUN S.48°18'26"E., FOR A DISTANCE OF 60.00 FEET TO A POINT ON A CIRCULAR CURVE, CONCAVE SOUTHEASTERLY, WHOSE RADIUS POINT BEARS S.48°18'26"E., A DISTANCE OF 781.00 FEET THEREFROM; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 781.00 FEET, THROUGH A CENTRAL ANGLE OF 18°03'05", SUBTENDED BY A CHORD OF 245.04 FEET AT A BEARING OF N.50°43'06"E., FOR A DISTANCE OF 246.06 FEET TO THE END OF SAID CURVE; THENCE RUN N.59°44'39"E., FOR A DISTANCE OF 65.41 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT WIDE RIGHT-OF-WAY; THENCE RUN S.10°29'23"E., ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID SEABOARD COASTLINE RAILROAD, FOR A DISTANCE OF 15.94 FEET TO A POINT ON THE PROPOSED WESTERLY RIGHT-OF-WAY LINE OF SAID SANDY LANE; THENCE RUN S.59°44'39"W., ALONG THE PROPOSED WESTERLY RIGHT-OF-WAY LINE OF SAID SANDY LANE, FOR A DISTANCE OF 60.02 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHEASTERLY; THENCE RUN SOUTHWESTERLY ALONG THE PROPOSED WESTERLY RIGHT-OF-WAY LINE OF SAID SANDY LANE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 766.00 FEET, THROUGH A CENTRAL ANGLE OF 61°23'46", SUBTENDED BY A CHORD OF 782.11 FEET AT A BEARING OF S.29°02'46"W., FOR A DISTANCE OF 820.82 FEET TO THE END OF SAID CURVE; THENCE RUN S.01°39'07"E., ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID PROPOSED SANDY LANE, FOR A DISTANCE OF 232.13 FEET TO THE POINT OF BEGINNING; CONTAINING 0.858 ACRE, MORE OR LESS.

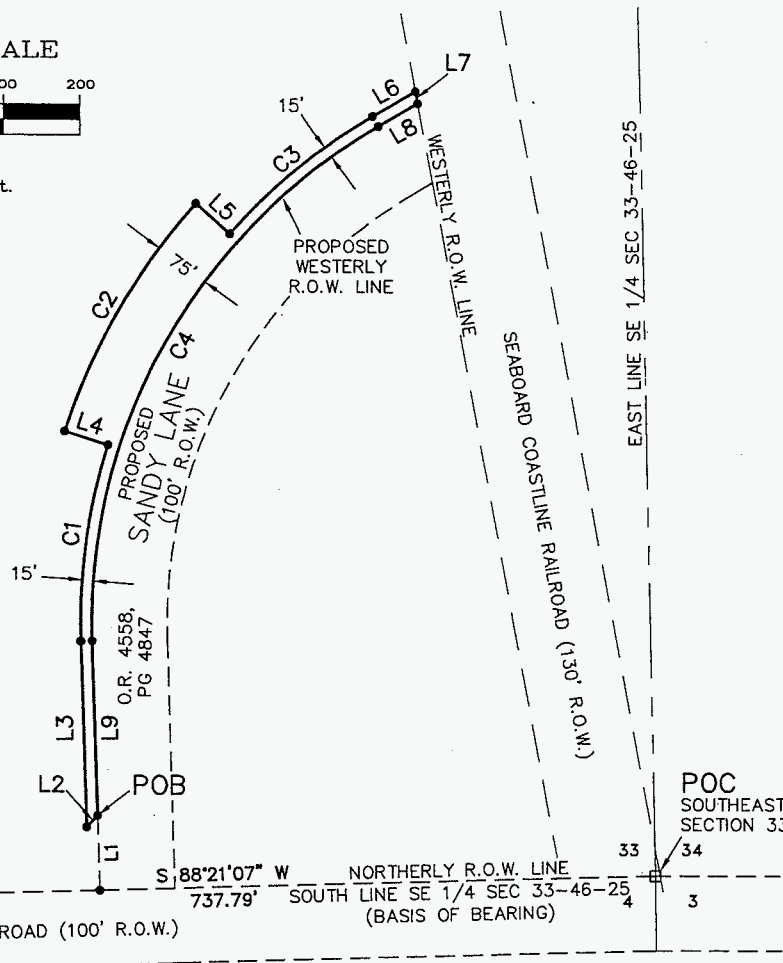
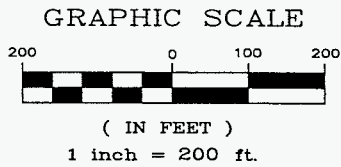
HM PROJECT #2003046
2/26/2007
REF. DWG. #B-5564
Page 2 of 2

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

BEARINGS SHOWN HEREON REFER TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AS BEING S.88°21'07"W.

HOLE MONTES, INC.
CERTIFICATE OF AUTHORIZATION LB #1772

BY  P.S.M. #6130
JERRY L. RIFFELMACHER STATE OF FLORIDA



LINE TABLE		
LINE	DIRECTION	DISTANCE
L1	N 01°39'07" W	100.00'
L2	S 43°21'01" W	21.21'
L3	N 01°39'07" W	247.13'
L4	N 72°18'50" W	60.00'
L5	S 48°18'26" E	60.00'
L6	N 59°44'39" E	65.41'
L7	S 10°29'23" E	15.94'
L8	S 59°44'39" W	60.02'
L9	S 01°39'07" E	232.13'

CURVE TABLE					
CURVE	RADIUS	DELTA	CHORD	BEARING	LENGTH
C1	781.00'	19°20'17"	262.35'	N 08°01'01" E	263.60'
C2	841.00'	24°00'24"	349.80'	N 29°41'22" E	352.37'
C3	781.00'	18°03'05"	245.04'	N 50°43'06" E	246.06'
C4	766.00'	61°23'46"	782.11'	S 29°02'46" W	820.82'

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. B-5564



950 Encore Way
Naples, FL 34110
Phone: (941) 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 TO ACCOMPANY A LEGAL DESCRIPTION

PROJECT NO. 03.046
REFERENCE NO. SLPCSL

H:\1997\697079\DW\SANDY LANE SKETCHES-AUDREY\ROW TAKES\SLPCSL.dwg Tab: Model Feb 19, 2007 - 3:15pm Plotted by: Jerry Riffe/mecher

EXHIBIT " A "

HM PROJECT #2003046
2/26/2007
REF. DWG. #B-5565
Page 1 of 2

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:

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HM PROJECT #2003046
2/26/2007
REF. DWG. #B-5565
Page 2 of 2

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

BEARINGS SHOWN HEREON REFER TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AS BEING S.88°21'07"W.

HOLE MONTES, INC.
CERTIFICATE OF AUTHORIZATION LB #1772

BY

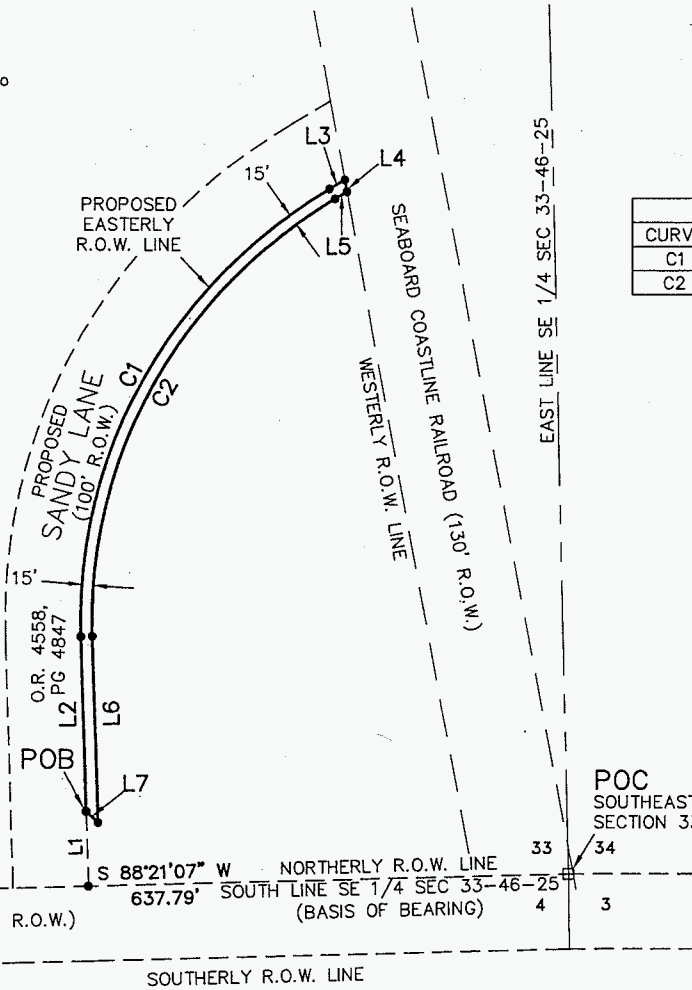

JERRY L. RIFFELMACHER

P.S.M. #6130
STATE OF FLORIDA

GRAPHIC SCALE



(IN FEET)
1 inch = 200 ft.



CURVE TABLE					
CURVE	RADIUS	DELTA	CHORD	BEARING	LENGTH
C1	666.00'	61°23'46"	680.00'	N 29°02'46" E	713.66'
C2	651.00'	61°23'46"	664.69'	S 29°02'46" W	697.59'

LINE TABLE		
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L3	N 59°44'39" E	24.08'
L4	S 10°29'23" E	15.94'
L5	S 59°44'39" W	18.69'
L6	S 01°39'07" E	247.13'
L7	N 46°39'00" W	21.21'

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. B-5565



950 Encore Way
Naples, FL 34110
Phone: (941) 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 TO ACCOMPANY A LEGAL DESCRIPTION

PROJECT NO. 03.046
REFERENCE NO. SLPDSL

H:\1997\1997079\DW\SANDY LANE SKETCHES-AUDREY\ROW TAKES\SLPDSL.dwg Job: Model Feb 19, 2007 - 3:16pm Plotted by: JerryHillmecher

THIS DOCUMENT PREPARED BY:

Richard G. Cherry, Esquire
CHERRY & EDGAR, P.A.
8409 North Military Trail, Ste. 123
Palm Beach Gardens, FL 33410
Telephone: (561) 471-7767

SLOPE/RESTORATION EASEMENT

THIS INDENTURE, made and entered into this 12th day of October, 2006, by **STEPHANIE MILLER, TRUSTEE OF THE LAND TRUST AGREEMENT DATED MARCH 21, 1997**, whose address is 9250 Corkscrew Road #8 Estero, FL 33928 ("Grantor") to and in favor of **LEE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA** whose address is P.O. Box 398, Fort Myers, Florida, 33902-0398 ("Grantee").

WITNESSETH:

1. For good and valuable consideration, receipt of which is hereby acknowledged, Grantor grants to the Grantee, its successors and assigns, a slope/restoration easement situated in Lee County, Florida, and located and described as set forth in attached Exhibit "A" ("Easement Parcel").
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4. Grantor, on behalf of itself and its successors and assigns, agrees that for so long as this Easement shall exist, no activity within the Easement Parcel may be conducted or permitted that undermines, detracts from or interferes with the use of the Easement Parcel for the purposes herein expressed; provided, however, that placing and compacting fill material within the Easement Parcel as part of raising the elevation of the adjacent land (or adjacent portions thereof) will not be deemed in derogation hereof.
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Subsequent to the LDOT determination that the Easement is no longer necessary, Grantee will, based upon a written request from Grantor, execute and record a document terminating this Slope/Restoration Easement.

6. General Matters.

(a) To the extent allowed by law and subject to the provisions and limitations contained in Section 768.28, Florida Statutes, the Grantee agrees to be liable for injury or loss of property, personal injury, or death caused by the negligent or wrongful act or omission of any employee, or contractor of the Grantee while acting within the scope of his office or employment under circumstances in which the Grantee, if a private person, would be liable to the claimant, in accordance with the general laws of the State of Florida.


(b) This Easement runs with the land and is binding upon and enforceable by, as applicable, Grantor, Grantee and their respective successors in title.


(c) This Easement will be interpreted and enforced in accordance with the laws of the State of Florida. The prevailing party in any action to enforce the provisions hereof is entitled to recover all attorneys' fees and costs actually incurred by that party.

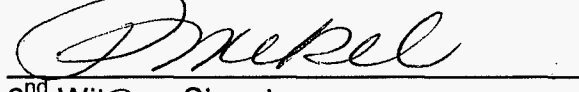
(d) This Easement may not be amended except by a written instrument executed by the Grantor and Grantee or their applicable successors in title and recorded in the Public Records of Lee County, Florida.

TWO SEPARATE WITNESSES:

AS TO GRANTOR:


1st Witness Signature
Gwen R. Messeromith
Printed Name


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

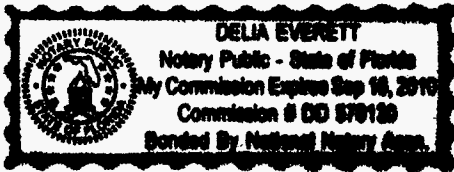

2nd Witness Signature
Patricia MERKEL
Printed Name

STATE OF Florida)
) SS:
COUNTY OF Lee)

The foregoing instrument was acknowledged before me this 12th day of October, 2006, by STEPHANIE MILLER, TRUSTEE OF THE LAND TRUST AGREEMENT DATED MARCH 21, 1997, () who is personally known to me, or () has produced _____ as identification.

My Commission Expires:

Delia Everett
Notary Public



AS TO GRANTEE:

**LEE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS**

Charlie Green, Clerk

By: _____
DEPUTY CLERK

By: _____
CHAIRMAN OR VICE CHAIRMAN

APPROVED AS TO LEGAL FORM
AND SUFFICIENCY

COUNTY ATTORNEY (DATE)

EXHIBIT " A "

HM PROJECT #2003046
2/26/2007
REF. DWG. #E-144
Page 1 of 1

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 THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST; 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 NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 33; THENCE RUN S.88°26'11"W., ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 42.45 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S.88°26'11"W., ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 15.25 FEET; THENCE RUN N.01°59'29"E., FOR A DISTANCE OF 1.32 FEET TO A POINT ON A CIRCULAR CURVE, CONCAVE EASTERLY, WHOSE RADIUS POINT BEARS N.83°32'08"E., A DISTANCE OF 1,737.00 FEET THEREFROM; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 1,737.00 FEET, THROUGH A CENTRAL ANGLE OF 05°16'57", SUBTENDED BY A CHORD OF 160.09 FEET AT A BEARING OF N.03°49'24"W., FOR A DISTANCE OF 160.15 FEET TO THE END OF SAID CURVE; THENCE RUN N.01°10'56"W., FOR A DISTANCE OF 1,011.49 FEET; THENCE RUN S.51°10'56"E., FOR A DISTANCE OF 19.58 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF PROPOSED SANDY LANE, HAVING A RIGHT-OF-WAY WIDTH OF 100.00 FEET, AS DESCRIBED IN O.R. BOOK 4558 AT PAGE 4806; THENCE RUN S.01°10'56"E., ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID PROPOSED SANDY LANE, FOR A DISTANCE OF 998.90 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN SOUTHERLY, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID PROPOSED SANDY LANE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1,722.00 FEET, THROUGH A CENTRAL ANGLE OF 05°22'09", SUBTENDED BY A CHORD OF 161.31 FEET AT A BEARING OF S.03°52'00"E., FOR A DISTANCE OF 161.31 FEET TO THE POINT OF BEGINNING; CONTAINING 0.402 ACRE, MORE OR LESS.

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

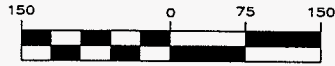
BEARINGS SHOWN HEREON REFER TO THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA. AS BEING N.01°09'58"W..

HOLE MONTES, INC.
CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

BY  P.S.M. #6130
JERRY L. RIFFELMACHER STATE OF FLORIDA



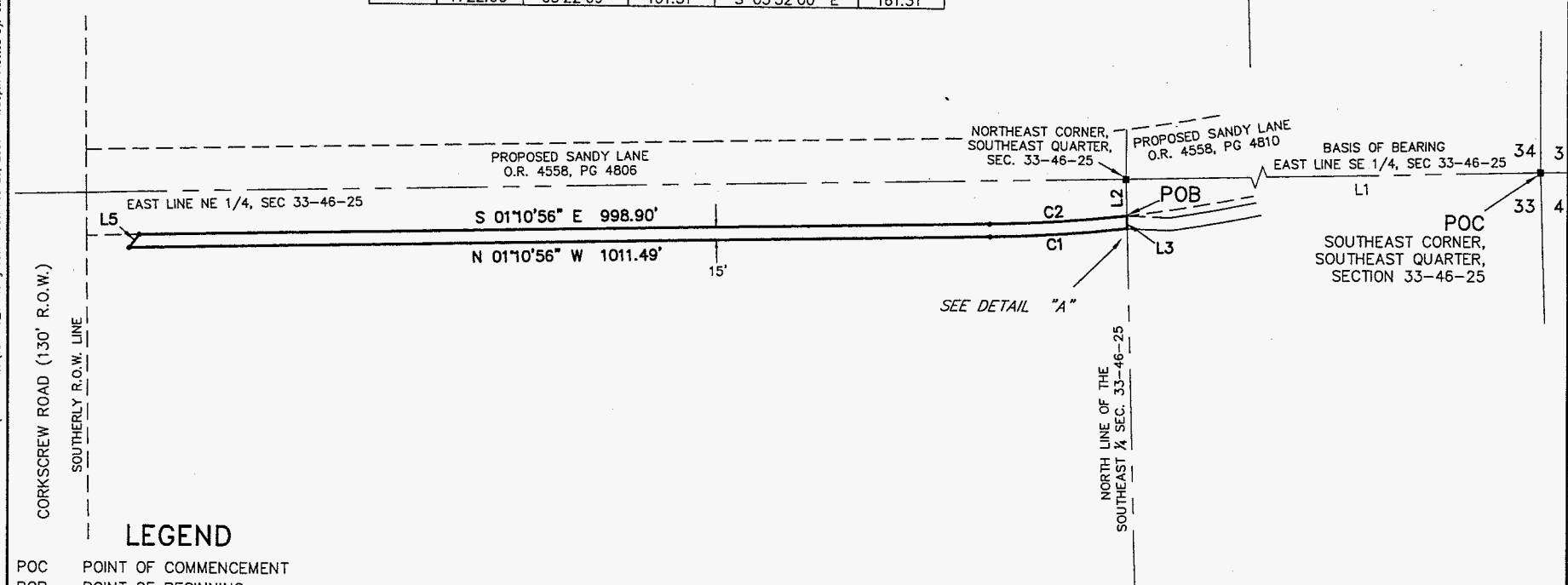
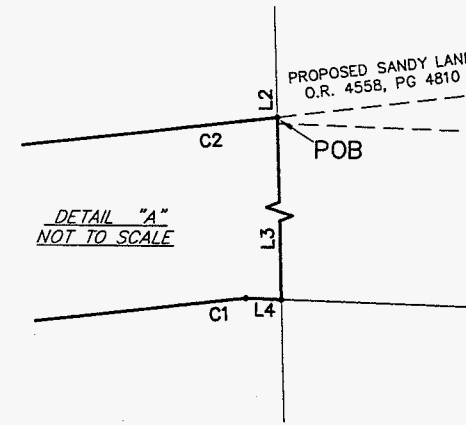
GRAPHIC SCALE



(IN FEET)
1 inch = 150 ft.

LINE TABLE		
LINE	DIRECTION	DISTANCE
L1	N 01°09'58" W	2647.10'
L2	S 88°26'11" W	42.45'
L3	S 88°26'11" W	15.25'
L4	N 01°59'29" E	1.32'
L5	S 51°10'56" E	19.58'

CURVE TABLE					
CURVE	RADIUS	DELTA	CHORD	BEARING	LENGTH
C1	1737.00'	05°16'57"	160.09'	N 03°49'24" W	160.15'
C2	1722.00'	05°22'09"	161.31'	S 03°52'00" E	161.31'



LEGEND

POC POINT OF COMMENCEMENT
POB POINT OF BEGINNING

* NOT A SURVEY *

H:\1997\19970709\DW\SANDY LANE_SKETCHES-AUDREY\ROW TAKES\SLPASL_5-1.dwg To: Model Feb 23, 2007 - 4:35pm Plotted by: jerry@hlmonte.com

SEC-TWN-RGE: 33-46-25	
DRAWN BY: AK	DATE 11/06
CHECKED BY: JLR	DRAWING NO. E-144



6202F Presidential Court
Ft. Myers, FL. 33919
Phone: (239) 985-1200
Florida Certificate of
Authorization No.1772

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

SKETCH TO ACCOMPANY A LEGAL DESCRIPTION

PROJECT NO. 03.046
REFERENCE NO. SLPASL_5-1

EXHIBIT " A "

HM PROJECT #2003046
2/26/2007
REF. DWG. #E-141
Page 1 of 2

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 THE SOUTHWEST QUARTER 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 2,307.08 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE N.01°09'58"W., ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 34, FOR A DISTANCE OF 55.02 FEET TO A POINT ON A CIRCULAR CURVE, CONCAVE EASTERLY, WHOSE RADIUS POINT BEARS N.73°53'16"E., A DISTANCE OF 1,730.50 FEET THEREFROM; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1,730.50 FEET, THROUGH A CENTRAL ANGLE OF 02°34'09", SUBTENDED BY A CHORD OF 77.59 FEET AT A BEARING OF S.17°23'49"E., FOR A DISTANCE OF 77.60 FEET TO THE END OF SAID CURVE; THENCE RUN N.71°19'07"E., FOR A DISTANCE OF 8.50 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF PROPOSED SANDY LANE, HAVING A PROPOSED RIGHT-OF-WAY WIDTH OF 100.00 FEET, AS DESCRIBED IN O.R. BOOK 4558 AT PAGE 4810, SAME BEING A POINT ON A CIRCULAR CURVE, CONCAVE EASTERLY, WHOSE RADIUS POINT BEARS N.71°19'07"E., A DISTANCE OF 1,722.00 FEET THEREFROM; THENCE RUN SOUTHERLY, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID PROPOSED SANDY LANE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1,722.00 FEET, THROUGH A CENTRAL ANGLE OF 06°19'46", SUBTENDED BY A CHORD OF 190.13 FEET AT A BEARING OF S.21°50'46"E., FOR A DISTANCE OF 190.23 FEET TO THE END OF SAID CURVE; THENCE RUN S.25°00'39"E., ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID PROPOSED SANDY LANE, FOR A DISTANCE OF 150.08 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN SOUTHERLY, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID SANDY LANE, AS DESCRIBED IN O.R. BOOK 4558 AT PAGE 4814 AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 666.00 FEET, THROUGH A CENTRAL ANGLE OF 59°02'54", SUBTENDED BY A CHORD OF 656.40 FEET AT A BEARING OF S.04°30'48"W., FOR A DISTANCE OF 686.37 FEET TO THE END OF SAID CURVE; THENCE RUN S.89°53'56"W., FOR A DISTANCE OF 18.22 FEET TO A POINT ON A CIRCULAR CURVE, CONCAVE WESTERLY, WHOSE RADIUS POINT BEARS N.55°03'45"W., A DISTANCE OF 651.00 FEET THEREFROM; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 651.00 FEET, THROUGH A CENTRAL ANGLE OF 59°56'54", SUBTENDED BY A CHORD OF 650.49 FEET AT A BEARING OF N.04°57'48"E., FOR A DISTANCE OF 681.14 FEET TO THE END OF SAID CURVE; THENCE RUN N.25°00'39"W., FOR A DISTANCE OF 150.08 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 1,737.00 FEET, THROUGH A CENTRAL ANGLE OF 06°19'46", SUBTENDED BY A CHORD OF 191.79 FEET AT A BEARING OF N.21°50'46"W., FOR A DISTANCE OF 191.89 FEET TO THE END OF SAID CURVE; THENCE RUN S.71°19'07"W., FOR A DISTANCE OF 8.50 FEET TO A POINT ON A CIRCULAR CURVE, CONCAVE EASTERLY, WHOSE RADIUS POINT BEARS N.71°19'07"E., A DISTANCE OF 1,745.50 FEET THEREFROM; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 1,745.50 FEET, THROUGH A CENTRAL ANGLE OF 00°49'27", SUBTENDED BY A CHORD OF 25.10 FEET AT A BEARING OF N.18°16'10"W., FOR A DISTANCE OF 25.10 TO THE POINT OF BEGINNING; CONTAINING 0.370 ACRE, MORE OR LESS.

HM PROJECT #2003046
2/26/2007
REF. DWG. #E-141
Page 2 of 2

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

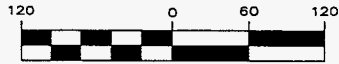
BEARINGS SHOWN HEREON REFER TO THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 34,
TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA. AS BEING N.01°09'58"W..

HOLE MONTES, INC.
CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

BY  P.S.M. #6130
JERRY L. RIFFELEMACHER STATE OF FLORIDA



GRAPHIC SCALE

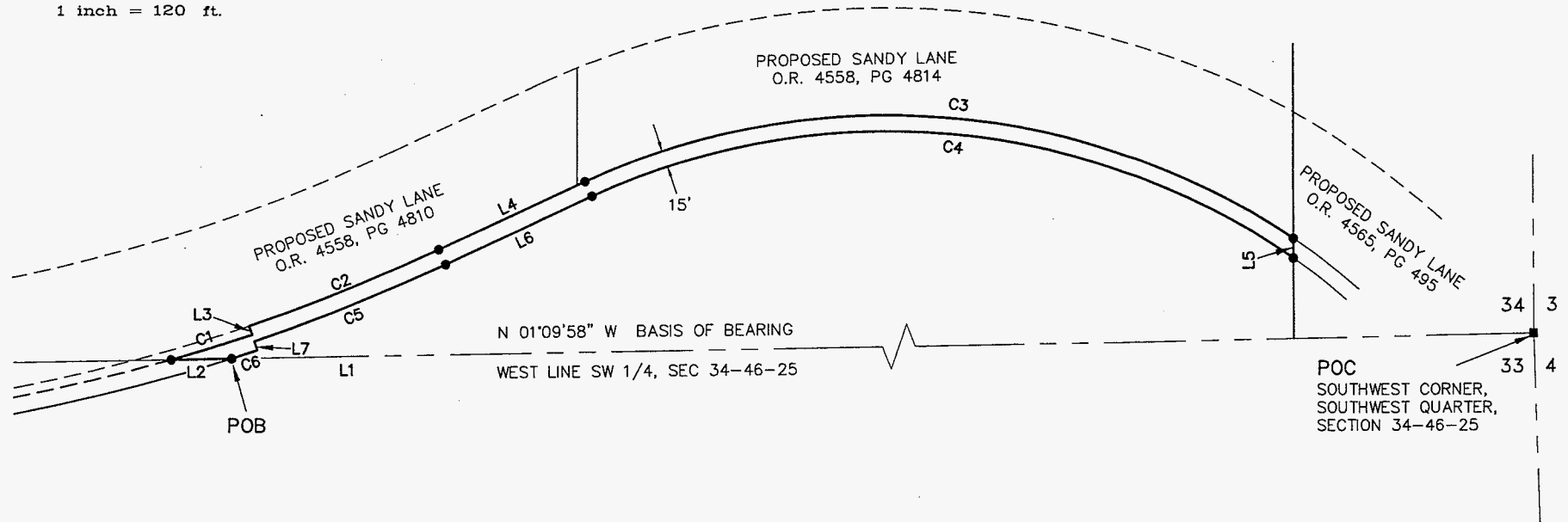


(IN FEET)

1 inch = 120 ft.

CURVE TABLE					
CURVE	RADIUS	DELTA	CHORD	BEARING	LENGTH
C1	1730.50'	02°34'09"	77.59'	S 17°23'49" E	77.60'
C2	1722.00'	06°19'46"	190.13'	S 21°50'46" E	190.23'
C3	666.00'	59°02'54"	656.40'	S 04°30'48" W	686.37'
C4	651.00'	59°56'54"	650.49'	N 04°57'48" E	681.14'
C5	1737.00'	06°19'46"	191.79'	N 21°50'46" W	191.89'
C6	1745.50'	00°49'27"	25.10'	N 18°16'10" W	25.10'

LINE TABLE		
LINE	DIRECTION	DISTANCE
L1	N 01°09'58" W	2307.08'
L2	N 01°09'58" W	55.02'
L3	N 71°19'07" E	8.50'
L4	S 25°00'39" E	150.08'
L5	S 89°53'56" W	18.22'
L6	N 25°00'39" W	150.08'
L7	S 71°19'07" W	8.50'



LEGEND

POC POINT OF COMMENCEMENT
POB POINT OF BEGINNING

*** NOT A SURVEY ***

SEC-TWN-RGE: 34-46-25	
DRAWN BY: AK	DATE 04/06
CHECKED BY: JLR	DRAWING NO. E-141



6202F Presidential Court
Ft. Myers, FL 33919
Phone: (239) 985-1200
Florida Certificate of
Authorization No.1772

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

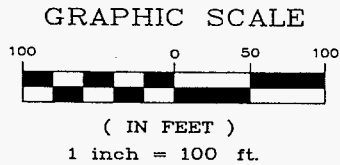
SKETCH TO ACCOMPANY A LEGAL DESCRIPTION

PROJECT NO. 03.046
REFERENCE NO. SLPASL_3

H:\1997\1997079\DW\SANDY LANE SKETCHES-AUDREY\ROW TAKES\SLPASL_3.dwg Tab: Model Feb 19, 2007 - 3:19pm Plotted by: JerryRifflinmocher

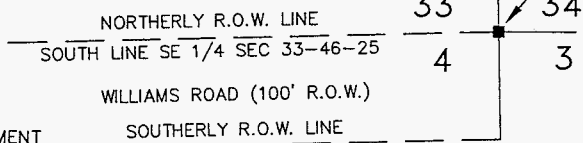
EXHIBIT "A"

H:\1997\1997079\DW\SANDY LANE SKETCHES-ANDREE\ROW TAKES\SLPASL_2.dwg Tab: Model Feb. 19, 2007 - 3:20pm Plotted by: JerryRiffelmacher



LINE TABLE		
LINE	DIRECTION	DISTANCE
L1	N 01°09'58" W	1216.21'
L2	N 01°09'58" W	20.61'
L3	N 89°53'56" E	18.22'

CURVE TABLE					
CURVE	RADIUS	DELTA	CHORD	BEARING	LENGTH
C1	651.00'	09°58'47"	113.25'	N 39°55'38" E	113.39'
C2	666.00'	12°06'34"	140.50'	S 40°05'32" W	140.76'



LEGEND

POC POINT OF COMMENCEMENT
POB POINT OF BEGINNING

WILLIAMS ROAD (100' R.O.W.)
SOUTHERLY R.O.W. LINE

*** NOT A SURVEY ***



6202F Presidential Court
Ft. Myers, FL 33919
Phone: (239) 985-1200
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

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 THE SOUTHWEST QUARTER 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 1,216.21 FEET, TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF PROPOSED SANDY LANE, HAVING A PROPOSED RIGHT-OF-WAY WIDTH OF 100.00 FEET, AS DESCRIBED IN O.R. BOOK 4565 AT PAGE 495 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, THE SAME BEING THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE N.01°09'58"W., ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 34, FOR A DISTANCE OF 20.61 FEET TO A POINT ON A CIRCULAR CURVE, CONCAVE NORTHWESTERLY, WHOSE RADIUS POINT BEARS N.45°04'58"W., A DISTANCE OF 651.00 FEET THEREFROM; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 651.00 FEET, THROUGH A CENTRAL ANGLE OF 09°58'47", SUBTENDED BY A CHORD OF 113.25 FEET AT A BEARING OF N.39°55'38"E., FOR A DISTANCE OF 113.39 FEET TO THE END OF SAID CURVE; THENCE RUN N.89°53'56"E., FOR A DISTANCE OF 18.22 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID PROPOSED SANDY LANE, THE SAME BEING A POINT ON A CIRCULAR CURVE, CONCAVE NORTHWESTERLY, WHOSE RADIUS POINT BEARS N.55°57'45"W., A DISTANCE OF 666.00 FEET THEREFROM; THENCE RUN SOUTHWESTERLY, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID PROPOSED SANDY LANE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 666.00 FEET, THROUGH A CENTRAL ANGLE OF 12°06'34", SUBTENDED BY A CHORD OF 140.50 FEET AT A BEARING OF S.40°05'32"W., FOR A DISTANCE OF 140.76 FEET TO THE POINT OF BEGINNING; CONTAINING 0.044 ACRE, MORE OR LESS.

THIS PROPERTY IS 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 NUMBER LB 1772

BY

Jerry L. Riffelmacher
JERRY L. RIFFELMACHER

P.S.M. #6130
STATE OF FLORIDA

SEC-TWN-RGE: 34-46-25	
DRAWN BY: AK	DATE 04/06
CHECKED BY: JLR	DRAWING NO. E-142

PROJECT NO. 03.046
REFERENCE NO. SLPASL_2

THIS DOCUMENT PREPARED BY:

Richard G. Cherry, Esquire
CHERRY & EDGAR, P.A.
8409 North Military Trail, Ste. 123
Palm Beach Gardens, FL 33410
Telephone: (561) 471-7767

SLOPE/RESTORATION EASEMENT

THIS INDENTURE, made and entered into this 12th day of October, 2006, 2006, by **STEPHANIE MILLER, TRUSTEE OF THE SANDY LANE PARTNERSHIP SE LAND TRUST AGREEMENT DATED FEBRUARY 14, 2000**, whose address is 9250 Corkscrew Road #8, Estero, FL 33928 ("Grantor") to and in favor of **LEE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA** whose address is P.O. Box 398, Fort Myers, Florida, 33902-0398 ("Grantee").

WITNESSETH:

1. For good and valuable consideration, receipt of which is hereby acknowledged, Grantor grants to the Grantee, its successors and assigns, a slope/restoration easement situated in Lee County, Florida, and located and described as set forth in attached Exhibit "A" ("Easement Parcel").
2. Grantee, its successors and assigns, are granted the right, privilege and authority to construct, replace, repair, remove, extend and maintain a slope/restoration easement on the Easement Parcel to support, reinforce and stabilize the adjacent public roadway.
3. The improvements that may be placed within the Easement Parcel for roadway slope/restoration purposes are not limited to a particular type, style, material or design.
4. Grantor, on behalf of itself and its successors and assigns, agrees that for so long as this Easement shall exist, no activity within the Easement Parcel may be conducted or permitted that undermines, detracts from or interferes with the use of the Easement Parcel for the purposes herein expressed; provided, however, that placing and compacting fill material within the Easement Parcel as part of raising the elevation of the adjacent land (or adjacent portions thereof) will not be deemed in derogation hereof.
5. This Easement is intended to be temporary in nature. Accordingly, this Easement terminates when grading and filling of the Easement Parcel is completed by the Grantor or its successors and assigns in conjunction with development of its land and written confirmation is provided by LDOT to Grantor that the Easement is no longer

necessary for purposes of providing permanent lateral support for the roadway. Subsequent to the LDOT determination that the Easement is no longer necessary, Grantee will, based upon a written request from Grantor, execute and record a document terminating this Slope/Restoration Easement.

6. General Matters.


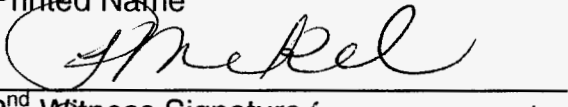
(a) To the extent allowed by law and subject to the provisions and limitations contained in Section 768.28, Florida Statutes, the Grantee agrees to be liable for injury or loss of property, personal injury, or death caused by the negligent or wrongful act or omission of any employee, or contractor of the Grantee while acting within the scope of his office or employment under circumstances in which the Grantee, if a private person, would be liable to the claimant, in accordance with the general laws of the State of Florida.

(b) This Easement runs with the land and is binding upon and enforceable by, as applicable, Grantor, Grantee and their respective successors in title.

(c) This Easement will be interpreted and enforced in accordance with the laws of the State of Florida. The prevailing party in any action to enforce the provisions hereof is entitled to recover all attorneys' fees and costs actually incurred by that party.

(d) This Easement may not be amended except by a written instrument executed by the Grantor and Grantee or their applicable successors in title and recorded in the Public Records of Lee County, Florida.

TWO SEPARATE WITNESSES:


1st Witness Signature
Gwen K. Messersmith
Printed Name

2nd Witness Signature
Patricia Merkel
Printed Name

AS TO GRANTOR:


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

STATE OF Florida)
) SS:
COUNTY OF Lee)

The foregoing instrument was acknowledged before me this 12th day of October, 2006, by STEPHANIE MILLER, TRUSTEE OF THE SANDY LANE PARTNERSHIP SE LAND TRUST AGREEMENT DATED FEBRUARY 14, 2000, () who is personally known to me, or () has produced _____ as identification.

My Commission Expires:



Delia Everett
Notary Public

AS TO GRANTEE:

**LEE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS**

Charlie Green, Clerk

By: _____
DEPUTY CLERK

By: _____
CHAIRMAN OR VICE CHAIRMAN

APPROVED AS TO LEGAL FORM
AND SUFFICIENCY

COUNTY ATTORNEY (DATE)

EXHIBIT " A "

HM PROJECT #2003046
2/26/2007
REF. DWG. #E-150
Page 1 of 1

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 THE SOUTHWEST QUARTER 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 NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 34; THENCE RUN N.89°58'00"E., ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 34, FOR A DISTANCE OF 58.12 FEET, TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED THE SAME BEING A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF PROPOSED SANDY LANE, HAVING A RIGHT-OF-WAY WIDTH OF 100.00 FEET, AS RECORDED IN O.R. BOOK 4558 AT PAGE 4802 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, THE SAME BEING A POINT ON A CIRCULAR CURVE, CONCAVE EASTERLY, WHOSE RADIUS POINT BEARS N.83°05'07"E., A DISTANCE OF 1,622.00 FEET THEREFROM; THENCE RUN NORTHERLY, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID PROPOSED 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 05°14'05", SUBTENDED BY A CHORD OF 148.14 FEET AT A BEARING OF N.04°17'50"W., FOR A DISTANCE OF 148.19 FEET TO THE END OF SAID CURVE; THENCE RUN N.08°23'52"E., FOR A DISTANCE OF 50.71 FEET; THENCE RUN N.01°10'56"W., FOR A DISTANCE OF 298.99 FEET; THENCE RUN S.88°49'04"W., FOR A DISTANCE OF 8.50 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID PROPOSED SANDY LANE; THENCE RUN N.01°10'56"W., ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID PROPOSED SANDY LANE, FOR A DISTANCE OF 258.74 FEET; THENCE RUN N.08°27'57"E., FOR A DISTANCE OF 50.72 FEET; THENCE RUN N.01°10'56"W., FOR A DISTANCE OF 353.16 FEET; THENCE RUN N.48°49'04"E., FOR A DISTANCE OF 19.58 FEET; THENCE RUN S.01°10'56"E., FOR A DISTANCE OF 367.01 FEET; THENCE RUN S.08°27'57"W., FOR A DISTANCE OF 50.72 FEET; THENCE RUN S.01°10'56"E., FOR A DISTANCE OF 257.48 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 300.25 FEET; THENCE RUN S.08°23'52"W., FOR A DISTANCE OF 50.64 FEET TO A POINT ON A CIRCULAR CURVE, CONCAVE EASTERLY, WHOSE RADIUS POINT BEARS N.88°16'23"E., A DISTANCE OF 1,607.00 FEET THEREFROM; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1,607.00 FEET, THROUGH A CENTRAL ANGLE OF 05°15'08", SUBTENDED BY A CHORD OF 147.26 FEET AT A BEARING OF S.04°21'11"E., FOR A DISTANCE OF 147.31 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 34; THENCE RUN S.89°58'00"W., ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 34, FOR A DISTANCE OF 15.11 FEET, TO THE POINT OF BEGINNING; CONTAINING 0.402 ACRE, MORE OR LESS.

THIS PROPERTY IS 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 NUMBER LB 1772

BY  P.S.M. #6130
JERRY L. RIFFELMACHER STATE OF FLORIDA



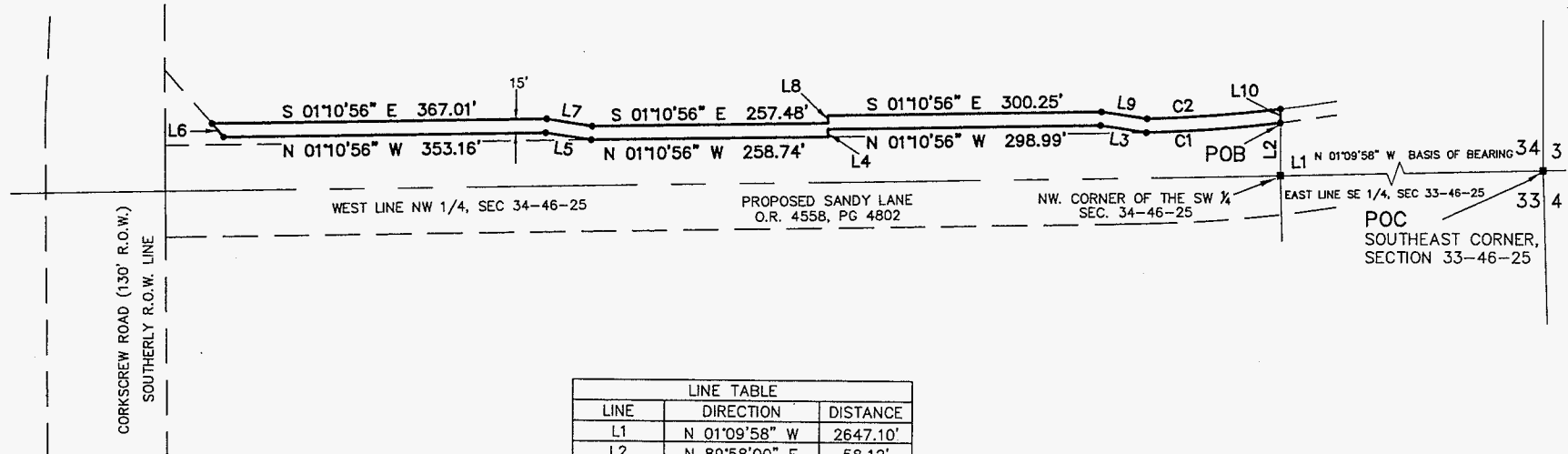
CURVE TABLE					
CURVE	RADIUS	DELTA	CHORD	BEARING	LENGTH
C1	1622.00'	05°14'05"	148.14'	N 04°17'50" W	148.19'
C2	1607.00'	05°15'08"	147.26'	S 04°21'11" E	147.31'

GRAPHIC SCALE



(IN FEET)

1 inch = 150 ft.



LINE TABLE		
LINE	DIRECTION	DISTANCE
L1	N 01°09'58" W	2647.10'
L2	N 89°58'00" E	58.12'
L3	N 08°23'52" E	50.71'
L4	S 88°49'04" W	8.50'
L5	N 08°27'57" E	50.72'
L6	N 48°49'04" E	19.58'
L7	S 08°27'57" W	50.72'
L8	N 88°49'04" E	8.50'
L9	S 08°23'52" W	50.64'
L10	S 89°58'00" W	15.11'

LEGEND

POC POINT OF COMMENCEMENT
 POB POINT OF BEGINNING

** NOT A SURVEY **

SEC-TWN-RGE: 34-46-25			6202F Presidential Court Ft. Myers, FL. 33919 Phone: (239) 985-1200 Florida Certificate of Authorization No.1772	NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.	SKETCH TO ACCOMPANY A LEGAL DESCRIPTION	PROJECT NO. 03.046
DRAWN BY: AK	DATE 04/06					REFERENCE NO. SLPBSL_4
CHECKED BY: JLR	DRAWING NO. E-150					

H:\1997\19970709\QW\SANDY LANE SKETCHES-AUDREY\QW TAKES\SLPBSL_4.dwg Tab: Model Feb 19, 2007 - 3:21pm Plotted by: JerryRHeinacher

THIS DOCUMENT PREPARED BY:

Richard G. Cherry, Esquire
CHERRY & EDGAR, P.A.
8409 North Military Trail, Ste. 123
Palm Beach Gardens, FL 33410
Telephone: (561) 471-7767

SLOPE/RESTORATION EASEMENT

THIS INDENTURE, made and entered into this 12th day of October, 2006, by **STEPHANIE MILLER, TRUSTEE OF THE LAND TRUST AGREEMENT DATED JANUARY 9, 2004**, whose address is 9250 Corkscrew Road #8 Estero, FL 33928 ("Grantor") to and in favor of **LEE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA** whose address is P.O. Box 398, Fort Myers, Florida, 33902-0398 ("Grantee").

WITNESSETH:

1. For good and valuable consideration, receipt of which is hereby acknowledged, Grantor grants to the Grantee, its successors and assigns, a slope/restoration easement situated in Lee County, Florida, and located and described as set forth in attached Exhibit "A" ("Easement Parcel").

2. Grantee, its successors and assigns, are granted the right, privilege and authority to construct, replace, repair, remove, extend and maintain a slope/restoration easement on the Easement Parcel to support, reinforce and stabilize the adjacent public roadway.

3. The improvements that may be placed within the Easement Parcel for roadway slope/restoration purposes are not limited to a particular type, style, material or design.

4. Grantor, on behalf of itself and its successors and assigns, agrees that for so long as this Easement shall exist, no activity within the Easement Parcel may be conducted or permitted that undermines, detracts from or interferes with the use of the Easement Parcel for the purposes herein expressed; provided, however, that placing and compacting fill material within the Easement Parcel as part of raising the elevation of the adjacent land (or adjacent portions thereof) will not be deemed in derogation hereof.

5. This Easement is intended to be temporary in nature. Accordingly, this Easement terminates when grading and filling of the Easement Parcel is completed by the Grantor or its successors and assigns in conjunction with development of its land and written confirmation is provided by LDOT to Grantor that the Easement is no longer necessary for purposes of providing permanent lateral support for the roadway.

Subsequent to the LDOT determination that the Easement is no longer necessary, Grantee will, based upon a written request from Grantor, execute and record a document terminating this Slope/Restoration Easement.

6. General Matters.

(a) To the extent allowed by law and subject to the provisions and limitations contained in Section 768.28, Florida Statutes, the Grantee agrees to be liable for injury or loss of property, personal injury, or death caused by the negligent or wrongful act or omission of any employee, or contractor of the Grantee while acting within the scope of his office or employment under circumstances in which the Grantee, if a private person, would be liable to the claimant, in accordance with the general laws of the State of Florida.



(b) This Easement runs with the land and is binding upon and enforceable by, as applicable, Grantor, Grantee and their respective successors in title.

(c) This Easement will be interpreted and enforced in accordance with the laws of the State of Florida. The prevailing party in any action to enforce the provisions hereof is entitled to recover all attorneys' fees and costs actually incurred by that party.

(d) This Easement may not be amended except by a written instrument executed by the Grantor and Grantee or their applicable successors in title and recorded in the Public Records of Lee County, Florida.

TWO SEPARATE WITNESSES:

AS TO GRANTOR:

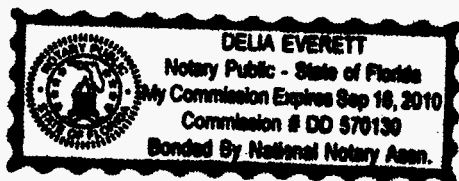

1st Witness Signature
Gwen R. Messersmith
Printed Name

2nd Witness Signature
Patricia Merkel
Printed Name


STEPHANIE MILLER, TRUSTEE OF THE
LAND TRUST AGREEMENT DATED
JANUARY 9, 2004

STATE OF Florida)
) SS:
COUNTY OF Lee)

The foregoing instrument was acknowledged before me this 12th day of October, 2006, by STEPHANIE MILLER, TRUSTEE OF THE LAND TRUST AGREEMENT DATED JANUARY 9, 2004, () who is personally known to me, or () has produced _____ as identification.

My Commission Expires:



Delia Everett
Notary Public

AS TO GRANTEE:

**LEE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS**

Charlie Green, Clerk

By: _____
DEPUTY CLERK

By: _____
CHAIRMAN OR VICE CHAIRMAN

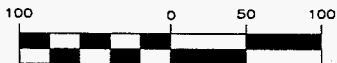
APPROVED AS TO LEGAL FORM
AND SUFFICIENCY

COUNTY ATTORNEY (DATE)

EXHIBIT "A"

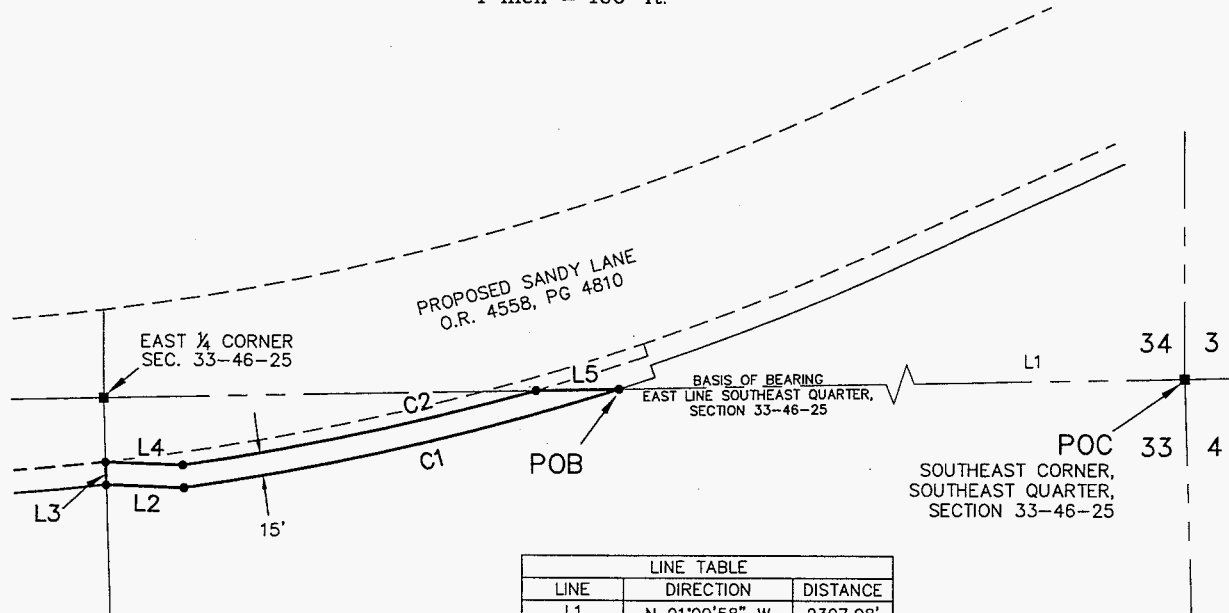


GRAPHIC SCALE



(IN FEET)

1 inch = 100 ft.



LINE TABLE		
LINE	DIRECTION	DISTANCE
L1	N 01°09'58" W	2307.08'
L2	N 01°59'29" E	51.23'
L3	N 88°26'11" E	15.03'
L4	S 01°59'29" W	50.82'
L5	S 01°09'58" E	55.02'

CURVE TABLE					
CURVE	RADIUS	DELTA	CHORD	BEARING	LENGTH
C1	1745.50'	09°41'12"	294.75'	N 13°00'51" W	295.10'
C2	1730.50'	07°53'51"	238.34'	S 12°09'49" E	238.53'

LEGEND

POC POINT OF COMMENCEMENT
 POB POINT OF BEGINNING

*** NOT A SURVEY ***

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 THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 46 SOUTH, RANGE 26 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 2,307.08 FEET, TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED, THE SAME BEING A POINT ON A CIRCULAR CURVE, CONCAVE EASTERLY, WHOSE RADIUS POINT BEARS N.72°08'33"E., A DISTANCE OF 1,745.50 FEET THEREFROM; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 1,745.50 FEET, THROUGH A CENTRAL ANGLE OF 09°41'12", SUBTENDED BY A CHORD OF 294.75 FEET AT A BEARING OF N.13°00'51"W., FOR A DISTANCE OF 295.10 FEET TO THE END OF SAID CURVE; THENCE RUN N.01°59'29"E., FOR A DISTANCE OF 51.23 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33; THENCE RUN N.88°26'11"E., ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 15.03 FEET; THENCE RUN S.01°59'29"W., FOR A DISTANCE OF 50.82 FEET TO A POINT ON A CIRCULAR CURVE, CONCAVE EASTERLY, WHOSE RADIUS POINT BEARS N.81°47'07"E., A DISTANCE OF 1,730.50 FEET THEREFROM; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1,730.50 FEET, THROUGH A CENTRAL ANGLE OF 07°53'51", SUBTENDED BY A CHORD OF 238.34 FEET AT A BEARING OF S.12°09'49"E., FOR A DISTANCE OF 238.53 FEET TO A POINT ON THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33; THENCE RUN S.01°09'58"E., ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 55.02 FEET TO THE POINT OF BEGINNING; CONTAINING 0.109 ACRE, MORE OR LESS.

THIS PROPERTY IS 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 NUMBER LB 1772

BY P.S.M. #6130
 JERRY L. RIFFELMACHER STATE OF FLORIDA

H:\1997\19970709\DW\SANDY LANE SKETCHES-AUDREY\DW TAKES\SLPASL_4.dwg Tab: Model Feb 19, 2007 - 3:22pm Plotted by: JerryRiffelmacher

SEC-TWN-RGE: 33-46-25	
DRAWN BY: AK	DATE 04/06
CHECKED BY: JLR	DRAWING NO. E-143



6202F Presidential Court
 Ft. Myers, FL 33919
 Phone: (239) 985-1200
 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

PROJECT NO. 03.046
REFERENCE NO. SLPASL_4

THIS DOCUMENT PREPARED BY:

Richard G. Cherry, Esquire
CHERRY & EDGAR, P.A.
8409 North Military Trail, Ste. 123
Palm Beach Gardens, FL 33410
Telephone: (561) 471-7767

SLOPE/RESTORATION EASEMENT

THIS INDENTURE, made and entered into this 28th day of September, 2006, by **DMM DEVELOPMENT, LLC, a Florida limited liability company, successor by conversion to DMM Development Limited Partnership, a Florida limited partnership**, whose address is 24880 Burnt Pine Drive #4, Bonita Springs, FL 34134 ("Grantor") to and in favor of **LEE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA** whose address is P.O. Box 398, Fort Myers, Florida, 33902-0398 ("Grantee").

WITNESSETH:

1. For good and valuable consideration, receipt of which is hereby acknowledged, Grantor grants to the Grantee, its successors and assigns, a slope/restoration easement situated in Lee County, Florida, and located and described as set forth in attached Exhibit "A" ("Easement Parcel").

2. Grantee, its successors and assigns, are granted the right, privilege and authority to construct, replace, repair, remove, extend and maintain a slope/restoration easement on the Easement Parcel to support, reinforce and stabilize the adjacent public roadway.

3. The improvements that may be placed within the Easement Parcel for roadway slope/restoration purposes are not limited to a particular type, style, material or design.

4. Grantor, on behalf of itself and its successors and assigns, agrees that for so long as this Easement shall exist, no activity within the Easement Parcel may be conducted or permitted that undermines, detracts from or interferes with the use of the Easement Parcel for the purposes herein expressed; provided, however, that placing and compacting fill material within the Easement Parcel as part of raising the elevation of the adjacent land (or adjacent portions thereof) will not be deemed in derogation hereof.

5. This Easement is intended to be temporary in nature. Accordingly, this Easement terminates when grading and filling of the Easement Parcel is completed by the Grantor or its successors and assigns in conjunction with development of its land and

written confirmation is provided by LDOT to Grantor that the Easement is no longer necessary for purposes of providing permanent lateral support for the roadway. Subsequent to the LDOT determination that the Easement is no longer necessary, Grantee will, based upon a written request from Grantor, execute and record a document terminating this Slope/Restoration Easement.

6. General Matters.

(a) To the extent allowed by law and subject to the provisions and limitations contained in Section 768.28, Florida Statutes, the Grantee agrees to be liable for injury or loss of property, personal injury, or death caused by the negligent or wrongful act or omission of any employee, or contractor of the Grantee while acting within the scope of his office or employment under circumstances in which the Grantee, if a private person, would be liable to the claimant, in accordance with the general laws of the State of Florida.

(b) This Easement runs with the land and is binding upon and enforceable by, as applicable, Grantor, Grantee and their respective successors in title.


(c) This Easement will be interpreted and enforced in accordance with the laws of the State of Florida. The prevailing party in any action to enforce the provisions hereof is entitled to recover all attorneys' fees and costs actually incurred by that party.

(d) This Easement may not be amended except by a written instrument executed by the Grantor and Grantee or their applicable successors in title and recorded in the Public Records of Lee County, Florida.

TWO SEPARATE WITNESSES:

AS TO GRANTOR:

DMM DEVELOPMENT, LLC,
a Florida limited liability company



1st Witness Signature

NED DEWHURST


Printed Name



2nd Witness Signature

KEITH CANTWELL

Printed Name

By: 

Name: David A. McArthur

Title: Manager

STATE OF Florida)
) SS:
COUNTY OF Lee)

The foregoing instrument was acknowledged before me this 29th day of September, 2006, by David McVelle, as _____ of DMM DEVELOPMENT, LLC, a Florida limited liability company, () who is personally known to me, or () has produced _____ as identification.

My Commission Expires:



Diane M. Yesso
Notary Public

AS TO GRANTEE:

**LEE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS**

Charlie Green, Clerk

By: _____
DEPUTY CLERK

By: _____
CHAIRMAN OR VICE CHAIRMAN

APPROVED AS TO LEGAL FORM
AND SUFFICIENCY

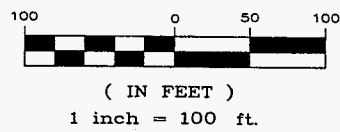
COUNTY ATTORNEY (DATE)

EXHIBIT "A"

H:\1997\1997079\DW\SANDY LANE SKETCHES-AUDREY\ROW TAKES\SLPASL_1.dwg Tab: Model Feb 26, 2007 - 3:41pm Plotted by: ADAMKREHRES



GRAPHIC SCALE



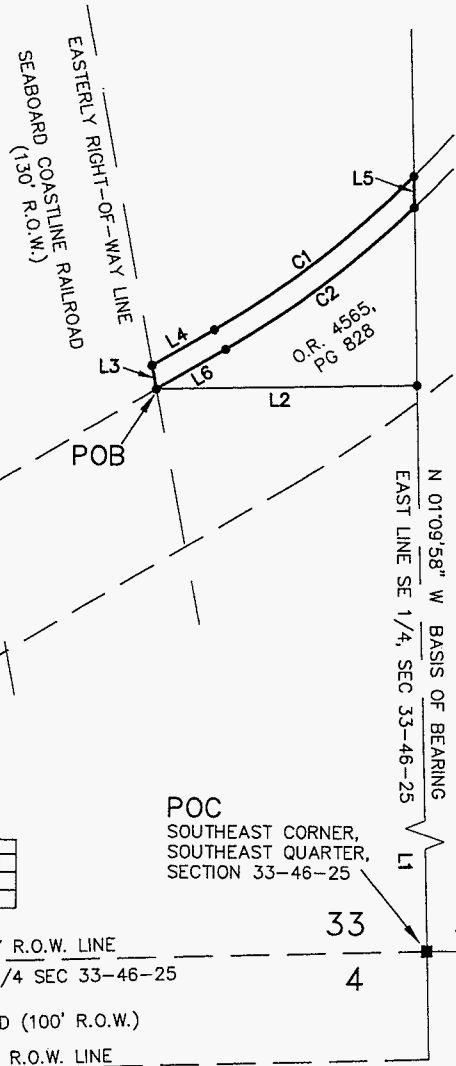
LINE TABLE		
LINE	DIRECTION	DISTANCE
L1	N 01°09'58" W	1098.12'
L2	S 88°50'02" W	173.85'
L3	N 10°29'23" W	15.94'
L4	N 59°44'39" E	47.37'
L5	S 01°09'58" E	20.61'
L6	S 59°44'39" W	52.76'

CURVE TABLE					
CURVE	RADIUS	DELTA	CHORD	BEARING	LENGTH
C1	651.00'	14°49'37"	168.00'	N 52°19'50" E	168.47'
C2	666.00'	13°35'50"	157.68'	S 52°56'44" W	158.05'

LEGEND

POC POINT OF COMMENCEMENT
 POB POINT OF BEGINNING

NORTHERLY R.O.W. LINE
 SOUTH LINE SE 1/4 SEC 33-46-25
 WILLIAMS ROAD (100' R.O.W.)
 SOUTHERLY R.O.W. LINE



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 THE SOUTHEAST QUARTER 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 1,098.12 FEET; THENCE RUN S.88°50'02"W., FOR A DISTANCE OF 173.85 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD; HAVING A RIGHT-OF-WAY OF 130.00 FEET, AND A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF PROPOSED SANDY LANE AS DESCRIBED IN O.R. BOOK 4565 AT PAGE 828, THE SAME BEING THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN N.10°29'23"W., ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID SEABOARD COASTLINE RAILROAD, FOR A DISTANCE OF 15.94 FEET; THENCE RUN N.59°44'39"E., FOR A DISTANCE OF 47.37 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHWESTERLY; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 651.00 FEET, THROUGH A CENTRAL ANGLE OF 14°49'37", SUBTENDED BY A CHORD OF 168.00 FEET AT A BEARING OF N.52°19'50"E., FOR A DISTANCE OF 168.47 FEET TO A POINT ON THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33; THENCE RUN S.01°09'58"E., ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 20.61 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID PROPOSED SANDY LANE, THE SAME BEING A POINT ON A CIRCULAR CURVE, CONCAVE NORTHWESTERLY, WHOSE RADIUS POINT BEARS N.43°51'11"W., A DISTANCE OF 666.00 FEET THEREFROM; THENCE RUN SOUTHWESTERLY, ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID PROPOSED SANDY LANE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 666.00 FEET, THROUGH A CENTRAL ANGLE OF 13°35'50", SUBTENDED BY A CHORD OF 157.68 FEET AT A BEARING OF S.52°56'44"W., FOR A DISTANCE OF 158.05 FEET TO THE END OF SAID CURVE; THENCE RUN S.59°44'39"W., ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID PROPOSED SANDY LANE, FOR A DISTANCE OF 52.76 FEET TO THE POINT OF BEGINNING; CONTAINING 0.073 ACRE, MORE OR LESS.

THIS PROPERTY IS 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 NUMBER LB 1772

BY  JERRY L. RIFFELMACHER P.S.M. #6130
 STATE OF FLORIDA

* NOT A SURVEY *

SEC-TWN-RGE: 33-46-25	
DRAWN BY: AK	DATE 04/06
CHECKED BY: JLR	DRAWING NO. E-139



6202F Presidential Court
 Ft. Myers, FL 33919
 Phone: (239) 985-1200
 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

PROJECT NO. 03.046
REFERENCE NO. SLPASL_1

EXHIBIT "A"

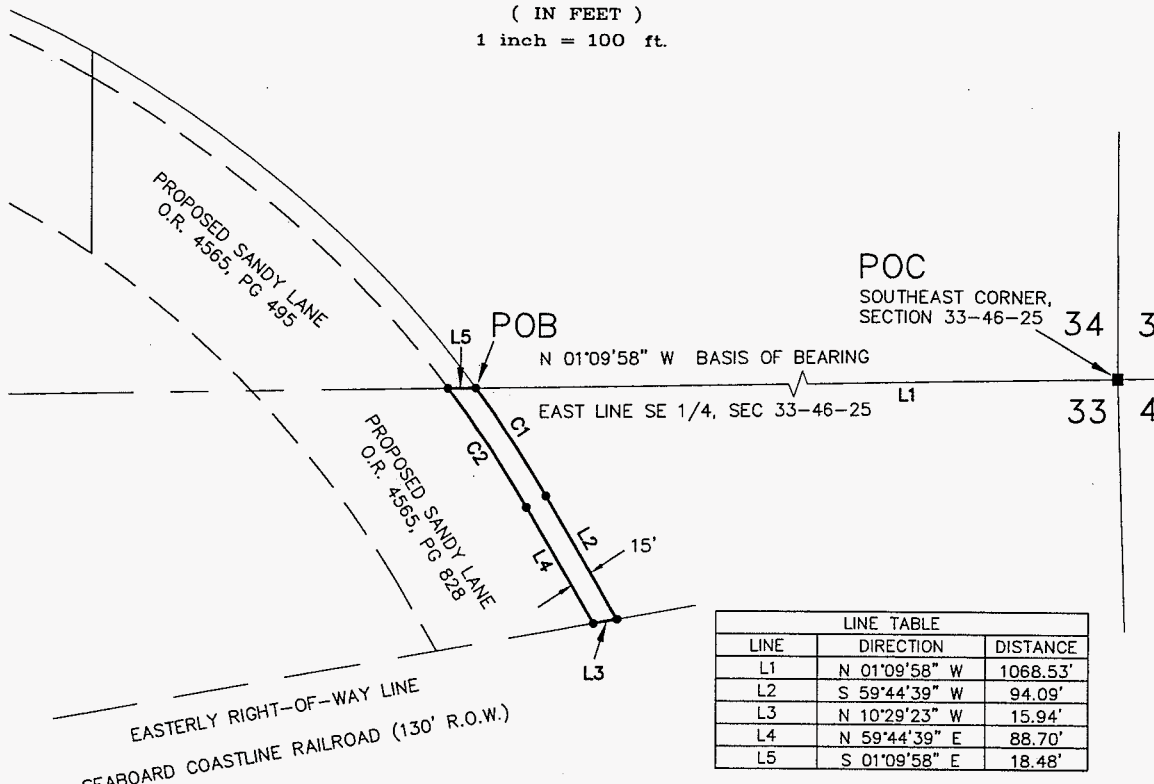


GRAPHIC SCALE



(IN FEET)

1 inch = 100 ft.



LINE TABLE		
LINE	DIRECTION	DISTANCE
L1	N 01°09'58" W	1068.53'
L2	S 59°44'39" W	94.09'
L3	N 10°29'23" W	15.94'
L4	N 59°44'39" E	88.70'
L5	S 01°09'58" E	18.48'

CURVE TABLE					
CURVE	RADIUS	DELTA	CHORD	BEARING	LENGTH
C1	781.00'	06°13'53"	84.90'	S 56°37'42" W	84.94'
C2	766.00'	07°01'49"	93.93'	N 56°13'44" E	93.99'

LEGEND

POC POINT OF COMMENCEMENT
POB POINT OF BEGINNING

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 THE SOUTHEAST QUARTER 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 1,068.53 FEET, TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED, THE SAME BEING A POINT ON A CIRCULAR CURVE, CONCAVE NORTHWESTERLY, WHOSE RADIUS POINT BEARS N.36°29'14"W., A DISTANCE OF 781.00 FEET THEREFROM; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 781.00 FEET, THROUGH A CENTRAL ANGLE OF 06°13'53", SUBTENDED BY A CHORD OF 84.90 FEET AT A BEARING OF S.56°37'42"W., FOR A DISTANCE OF 84.94 FEET TO THE END OF SAID CURVE; THENCE RUN S.59°44'39"W., FOR A DISTANCE OF 94.09 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SEABOARD COASTLINE RAILROAD, HAVING A RIGHT-OF-WAY WIDTH OF 130.00 FEET; THENCE RUN N.10°29'23"W., ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID SEABOARD COASTLINE RAILROAD, FOR A DISTANCE OF 15.94 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF PROPOSED SANDY LANE AS DESCRIBED IN O.R. BOOK 4565 AT PAGE 828 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N.59°44'39"E., FOR A DISTANCE OF 88.70 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHWESTERLY; THENCE RUN NORTHEASTERLY ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID PROPOSED SANDY LANE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 766.00 FEET, THROUGH A CENTRAL ANGLE OF 07°01'49", SUBTENDED BY A CHORD OF 93.93 FEET AT A BEARING OF N.56°13'44"E., FOR A DISTANCE OF 93.99 FEET TO A POINT ON THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33; THENCE RUN S.01°09'58"E., ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 18.48 FEET, TO THE POINT OF BEGINNING; CONTAINING 0.062 ACRE, MORE OR LESS.

THIS PROPERTY IS 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 NUMBER LB 1772

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

* NOT A SURVEY *

SEC-TWN-RGE: 33-46-25	
DRAWN BY: AK	DATE 04/06
CHECKED BY: JLR	DRAWING NO. E-147



6202F Presidential Court
Ft. Myers, FL 33919
Phone: (239) 985-1200
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

PROJECT NO. 03.046
REFERENCE NO. SLPBSL_1

H:\1997\1997079\DW\SANDY LANE SKETCHES-AUDREY ROW TAKES\SLPBSL_1.dwg Tab: Model Feb 19, 2007 - 4:19pm Plotted by: JerryRiffelmacher

Prepared by and return to:

Eric S. Grindley

Attorney at Law

HENDERSON, FRANKLIN, STARNES & HOLT, P.A. (Fort Myers)

1715 Monroe St. P. O. Box 280

Fort Myers, FL 33902

239-344-1100

File Number: 20918/1

Will Call No.: 35

TEMPORARY SLOPE/RESTORATION EASEMENT

THIS INDENTURE, made and entered into this 28th day of FEBRUARY, 2007, by **CHRIST COMMUNITY MINISTRIES, INC., a Florida not-for-profit corporation**, whose address is, P.O. BOX 1080, ESTERO, FLORIDA 33928 ("Grantor") to and in favor of **LEE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA** whose address is P.O. Box 398, Fort Myers, Florida, 33902-0398 ("Grantee").

WITNESSETH:

1. For good and valuable consideration, receipt of which is hereby acknowledged, Grantor grants to the Grantee, its successors and assigns, a slope/restoration easement situated in Lee County, Florida, and located and described as set forth in attached Exhibit "A" ("Easement Parcel").

2. Grantee, its successors and assigns, are granted the right, privilege and authority to construct, replace, repair, remove, extend and maintain a slope/restoration easement on the Easement Parcel to support, reinforce and stabilize the adjacent public roadway.

3. The improvements that may be placed within the Easement Parcel for roadway slope/restoration purposes are not limited to a particular type, style, material or design. These improvements may include the use of foliage.

4. Grantor, on behalf of itself and its successors and assigns, agrees that for so long as this Easement shall exist, no activity within the Easement Parcel may be conducted or permitted that undermines, detracts from or interferes with the use of the Easement Parcel for the purposes herein expressed; provided, however, that placing and compacting fill material within the Easement Parcel as part of raising the elevation of the adjacent land (or adjacent portions thereof) will not be deemed in derogation hereof.

5. This Easement is intended to be temporary. Accordingly, all or part of this Easement shall terminate, automatically, upon grading and filling of the Easement Parcel in whole or in part by the Grantor or its successors and assigns in conjunction with development of its land and written confirmation is provided by LDOT to Grantor that the developed portion of the Easement is no longer necessary for purposes of providing permanent lateral support for the roadway. Subsequent to the LDOT determination that

the Easement is no longer necessary, Grantee will, based upon a written request from Grantor, execute and record a document terminating this Slope/Restoration Easement in whole or in part.

6. Grantee has a reasonable right of access across Grantor's property for the purposes of reaching the Easement Parcel on either paved or unpaved surfaces. Any damage to Grantor's property or permitted improvements thereon resulting from Grantee's use of this access right will be restored by the Grantee, to the condition in which it existed prior to the damage.

7. General Matters.

(a) To the extent allowed by law and subject to the provisions and limitations contained in Section 768.28, Florida Statutes, the Grantee agrees to be liable for injury or loss of property, personal injury, or death caused by the negligent or wrongful act or omission of any employee, or contractor of the Grantee while acting within the scope of his office or employment under circumstances in which the Grantee, if a private person, would be liable to the claimant, in accordance with the general laws of the State of Florida.

(b) This Easement runs with the land and is binding upon and enforceable by, as applicable, Grantor, Grantee and their respective successors in title.

(c) This Easement will be interpreted and enforced in accordance with the laws of the State of Florida. The prevailing party in any action to enforce the provisions hereof is entitled to recover all attorneys' fees and costs actually incurred by that party.

(d) This Easement may not be amended except by a written instrument executed by the Grantor and Grantee or their applicable successors in title and recorded in the Public Records of Lee County, Florida.

TWO SEPARATE WITNESSES:

AS TO GRANTOR:

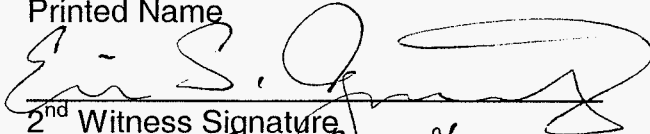
**CHRIST COMMUNITY MINISTRIES,
INC.,** a Florida not-for-profit corporation



1st Witness Signature



Printed Name

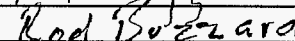


2nd Witness Signature



Printed Name

By: 

Name: 

Title: 

STATE OF Florida)
) SS:
COUNTY OF Lee)

The foregoing instrument was acknowledged before me this 28th day of February, 2007, by Pastor Rob Buzzard, as Pastor of CHRIST COMMUNITY MINISTRIES, INC., a Florida not-for-profit corporation, () who is personally known to me, or () has produced FL drivers license as identification.

My Commission Expires Christina Chambers
 MY COMMISSION # DD598125 EXPIRES
January 3, 2011
BONDED THRU TROY FAIN INSURANCE, INC.

Christina Chambers
Notary Public

AS TO GRANTEE:

**LEE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS**

Charlie Green, Clerk

By: _____
DEPUTY CLERK

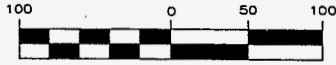
By: _____
CHAIRMAN OR VICE CHAIRMAN

APPROVED AS TO LEGAL FORM
AND SUFFICIENCY

COUNTY ATTORNEY (DATE)



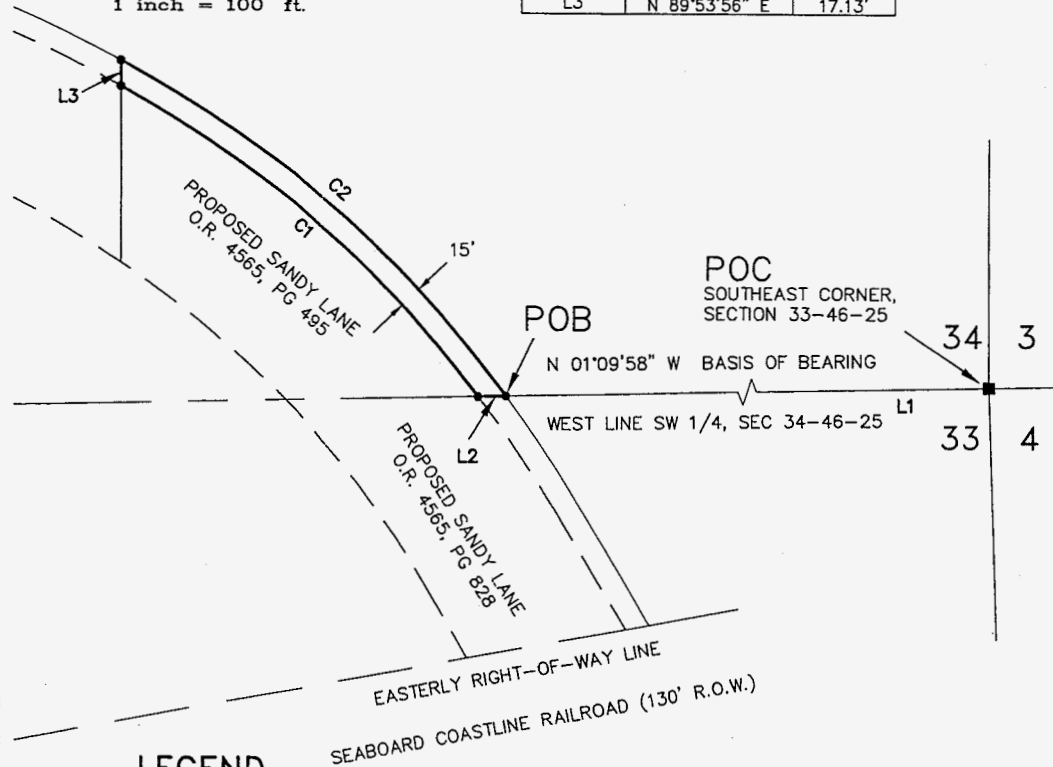
GRAPHIC SCALE



(IN FEET)
1 inch = 100 ft.

CURVE TABLE					
CURVE	RADIUS	DELTA	CHORD	BEARING	LENGTH
C1	766.00'	23°36'36"	313.42'	N 40°54'32" E	315.65'
C2	781.00'	25°01'20"	338.38'	S 41°00'06" W	341.08'

LINE TABLE		
LINE	DIRECTION	DISTANCE
L1	N 01°09'58" W	1068.53'
L2	N 01°09'58" W	18.48'
L3	N 89°53'56" E	17.13'



LEGEND

POC POINT OF COMMENCEMENT
POB POINT OF BEGINNING

* NOT A SURVEY *

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 THE SOUTHWEST QUARTER 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 1,068.53 FEET, TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE N.01°09'58"W., ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 34, FOR A DISTANCE OF 18.48 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF PROPOSED SANDY LANE, HAVING A PROPOSED RIGHT-OF-WAY WIDTH OF 100.00 FEET, AS DESCRIBED IN O.R. BOOK 4565 AT PAGE 495 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, THE SAME BEING A POINT ON A CIRCULAR CURVE, CONCAVE NORTHWESTERLY, WHOSE RADIUS POINT BEARS N.37°17'10"W., A DISTANCE OF 766.00 FEET THEREFROM; THENCE RUN NORTHEASTERLY, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID PROPOSED SANDY LANE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 766.00 FEET, THROUGH A CENTRAL ANGLE OF 23°36'36", SUBTENDED BY A CHORD OF 313.42 FEET AT A BEARING OF N.40°54'32"E., FOR A DISTANCE OF 315.65 FEET TO THE END OF SAID CURVE; THENCE RUN N.89°53'56"E., FOR A DISTANCE OF 17.13 FEET TO A POINT ON A CIRCULAR CURVE, CONCAVE NORTHWESTERLY, WHOSE RADIUS POINT BEARS N.61°30'34"W., A DISTANCE OF 781.00 FEET THEREFROM; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 781.00 FEET, THROUGH A CENTRAL ANGLE OF 25°01'20", SUBTENDED BY A CHORD OF 338.38 FEET AT A BEARING OF S.41°00'06"W., FOR A DISTANCE OF 341.08 FEET TO THE POINT OF BEGINNING; CONTAINING 0.113 ACRE, MORE OR LESS.

THIS PROPERTY IS 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 NUMBER LB 1772

BY *Jerry L. Riffelmacher*
JERRY L. RIFFELMACHER

P.S.M. #6130
STATE OF FLORIDA

SEC-TWN-RGE: 34-46-25	
DRAWN BY: AK	DATE 04/06
CHECKED BY: JLR	DRAWING NO. E-148



6202F Presidential Court
Ft. Myers, FL 33919
Phone: (239) 985-1200
Florida Certificate of
Authorization No.1772

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

SKETCH AND LEGAL DESCRIPTION

PROJECT NO. 03.046
REFERENCE NO. SLPBSL_2

EXHIBIT "A"

H:\1997\1997079\DM SANDY LANE SKETCHES-AUDREY\SLPBSL_2.dwg Tab: Modal Feb 19, 2007 - 3:13pm Plotted by: Jerry Riffelmacher

J