

LEE COUNTY BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY

BLUE SHEET NO: 20040109 -UTL

**1. REQUESTED MOTION:**

**ACTION REQUESTED:**

Approve final acceptance, by Resolution and recording of one (1) utility easement, as a donation of a water and gravity main extensions, three (3) 4"-diameter fire lines, and upgrades to Lift Station #306 to serve LEGENDS, TRACT "O", (CROMWELL COURT). This is a developer contributed asset project located on the west side of Fiddlesticks Boulevard across from The Olde Hickory Club and just north of Fiddlesticks Country Club.

**WHY ACTION IS NECESSARY:** To provide potable water service, fire protection and sanitary sewer service to this phase of the residential development.

**WHAT ACTION ACCOMPLISHES:** Places the water and sewer systems into operation and complies with the Lee County Utilities Operations Manual.

**2. DEPARTMENTAL CATEGORY:** 10 - UTILITIES  
**COMMISSION DISTRICT #:** 5

C10A

**3. MEETING DATE:**

03-16-2004

**4. AGENDA:**

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- TIME REQUIRED: \_\_\_\_\_

**5. REQUIREMENT/PURPOSE:**

- (Specify)
- STATUTE \_\_\_\_\_
  - ORDINANCE \_\_\_\_\_
  - ADMIN. CODE \_\_\_\_\_
  - OTHER Res., Easement

**6. REQUESTOR OF INFORMATION:**

- A. COMMISSIONER: \_\_\_\_\_
- B. DEPARTMENT: Lee County-Public Works
- C. DIVISION/SECTION: Utilities Division
- BY: Rick Diaz, P.E., Utilities Director
- DATE: 1/29/04

**7. BACKGROUND:**

The Board granted permission to construct on 04/29/03, Blue Sheet #20030427.  
The installation has been inspected for conformance to the Lee County Utilities Operations Manual.  
Satisfactory pressure and bacteriological testing of the water system has been completed.  
Satisfactory closed circuit television inspection of the gravity collection system has been performed.  
Satisfactory lift station startup has been performed. (LS # 306)  
As-builts have been provided.  
Engineer's Certification of Completion has been provided---copy attached.  
Project location map---copy attached.  
Warranty has been provided---copy attached.  
Waiver of lien has been provided---copy attached.  
Certification of Contributory Assets has been provided---copy attached.  
100% of the connection fees have been paid.  
Funds are available for recording fees in account number OD5360748700.504930.

SECTION 28 TOWNSHIP 45S RANGE 25E DISTRICT #5 COMMISSIONER ALBION

**8. MANAGEMENT RECOMMENDATIONS:**

**9. RECOMMENDED APPROVAL**

(A) DEPARTMENT DIRECTOR	(B) PURCH. OR CONTRACTS	(C) HUMAN RESOURCES	(D) OTHER	(E) COUNTY ATTORNEY	(F) BUDGET SERVICES				(G) COUNTY MANAGER
					OA	OM	Risk	GC	
J. Lavender Date: 2-19-04	N/A Date:	N/A Date:	T. Osterhout Date: 1-29	S. J. ... Date: 2/25/04	ppm 2/25/04	ly 2/25/04	08 2/25/04	ly 2/25/04	J. Lavender Date: 2-19-04

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty  
Date: 2/24/04  
Time: 3:25 PM  
Forwarded To:  
Admin. 2/25/04

RECEIVED BY  
COUNTY ADMIN:  
2/25/04  
9:45 am SLZ  
COUNTY ADMIN  
FORWARDED TO:  
2/26/04  
ADON

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

WHEREAS, it is the desire of Kings Wood Development, LLC, owner of record, to make a contribution to Lee County Utilities of water facilities (water main extension, three 4"-diameter fire lines) and sewer facilities (gravity main extension, upgrades to Lift Station #306) serving "**LEGENDS, TRACT O (CROMWELL COURT)**"; and,

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

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, that the above facilities, for a contributed value of **\$168,011.28** is hereby ACCEPTED and acknowledged as an addition to Lee County Utilities.

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

- Commissioner Bob Janes: \_\_\_\_\_ (1)
- Commissioner Douglas St. Cerny: \_\_\_\_\_ (2)
- Commissioner Ray Judah: \_\_\_\_\_ (3)
- Commissioner Andrew Coy: \_\_\_\_\_ (4)
- Commissioner John Albion: \_\_\_\_\_ (5)

DULY PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

ATTEST:  
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

By: \_\_\_\_\_  
DEPUTY CLERK

By: \_\_\_\_\_  
CHAIRMAN

APPROVED AS TO FORM

\_\_\_\_\_  
OFFICE OF COUNTY ATTORNEY

COPY

LETTER OF COMPLETION

DATE: 1/8/2004

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

Gentlemen:

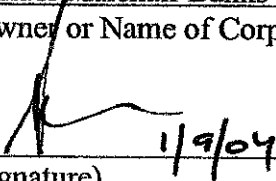
This is to certify that the **water distribution and gravity collection** located in  
**Legends Golf & Country Club - Tract "O"**  
(Name of Development)

were designed by me and have been constructed in conformance with:  
**the approved plans and the approved specifications**

Upon completion of the work, we observed the following successful tests of the facilities:  
**Bacteriological Test , Pressure Test(s) - Water Main Low Pressure Test(s) - Gravity Main  
TV Inspection, Mandrill - Gravity Main**

Very truly yours,

Samuel Marshall-Banks Engineering, Inc Florida Reg # 48881.  
(Owner or Name of Corporation) **FOR BANKS E&C, INC.**

  
1/9/04

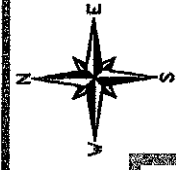
(Signature)

Project Manager  
(Title)

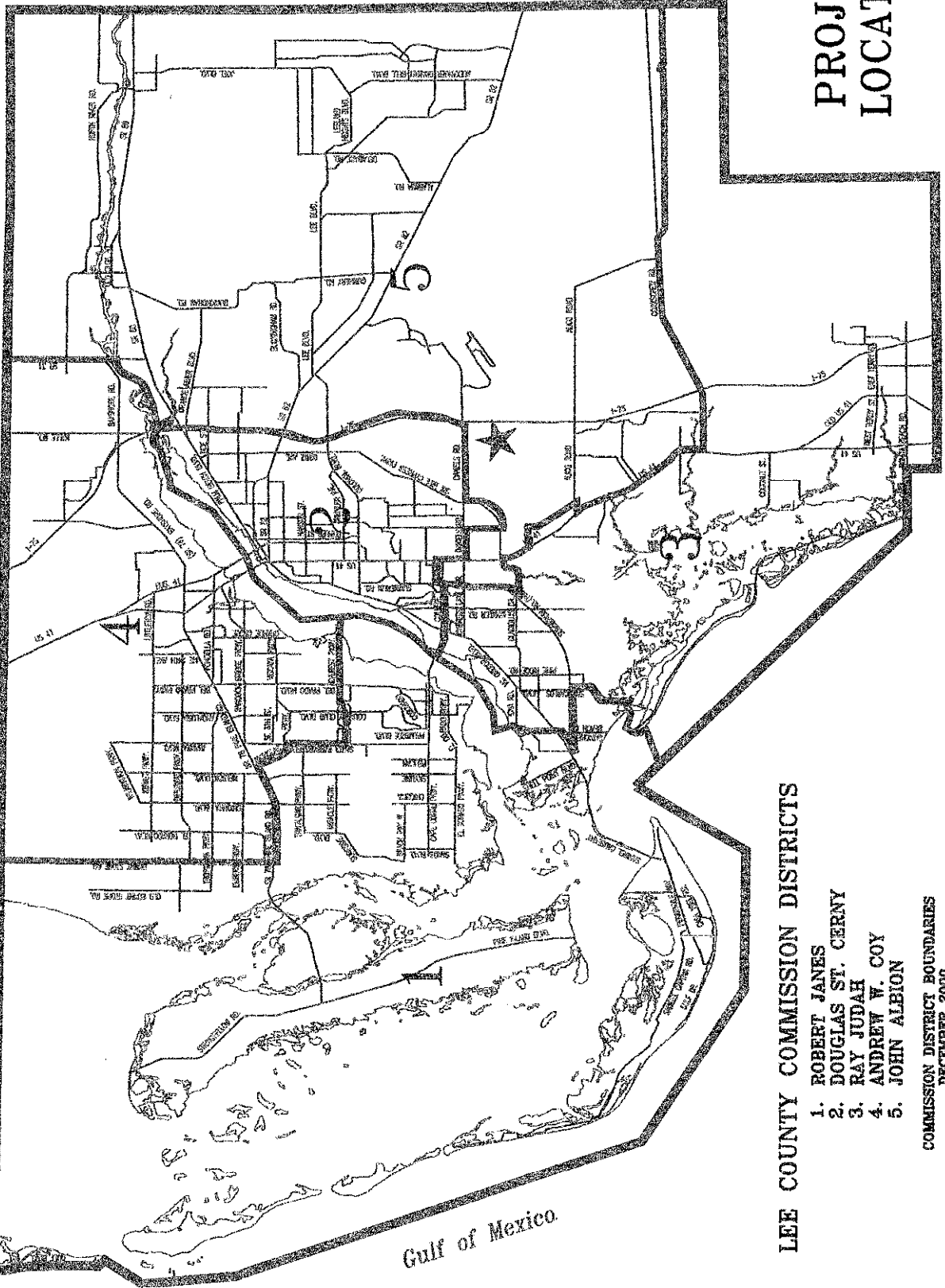
(Seal of Engineering Firm)



COPY



LEGENDS, TRACT '0,  
28-45-25-07-00000.0000  
COMMISSION DISTRICT #5 - ALBION



# PROJECT LOCATION

## LEE COUNTY COMMISSION DISTRICTS

1. ROBERT JANES
2. DOUGLAS ST. CERNY
3. RAY JUDAH
4. ANDREW W. COY
5. JOHN ALBION

COMMISSION DISTRICT BOUNDARIES  
DECEMBER 2000

Gulf of Mexico

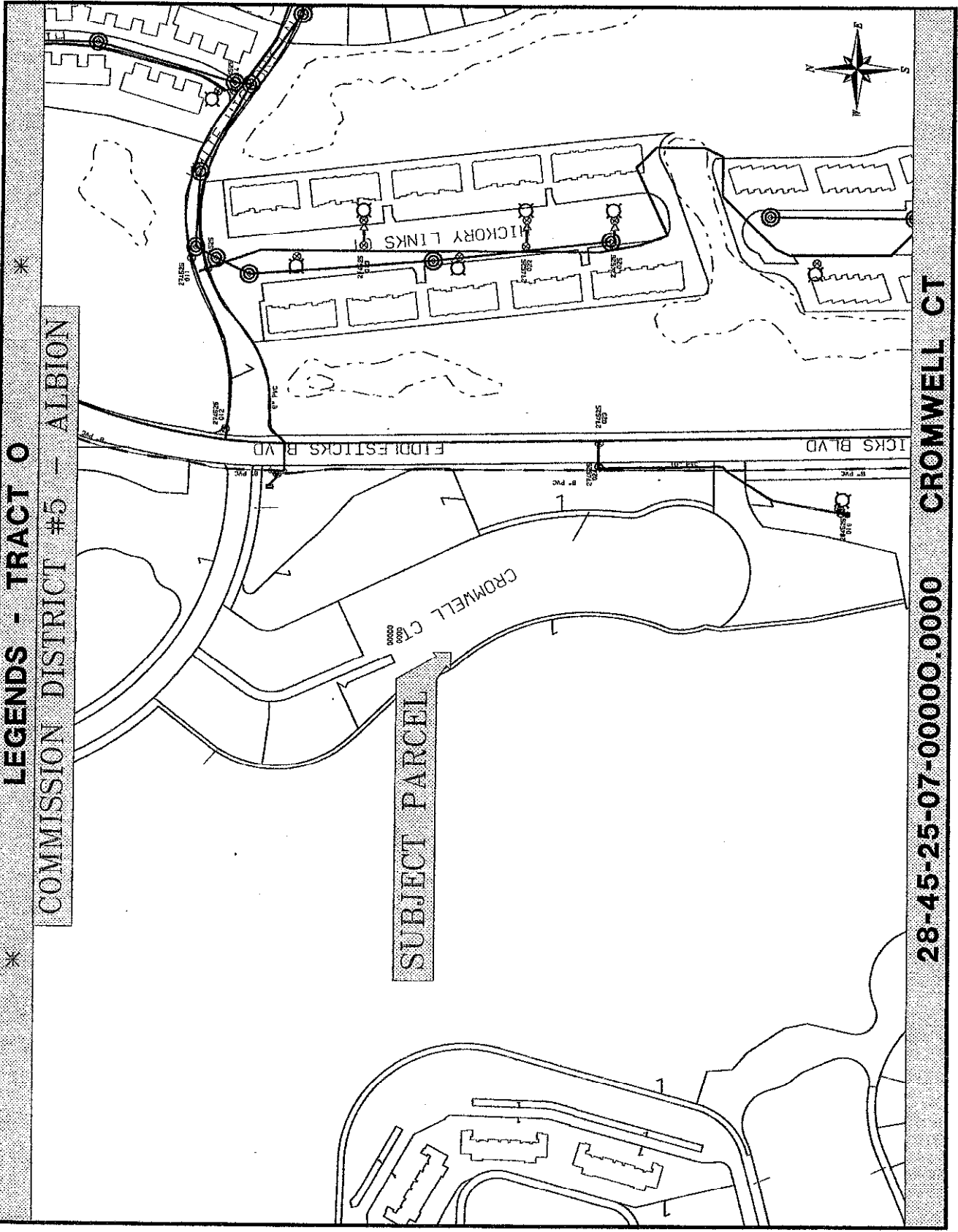
COPY

LEGENDS - TRACT O

COMMISSION DISTRICT #5 - ALBION

SUBJECT PARCEL

28-45-25-07-00000.0000 CROMWELL CT



COPY

WARRANTY

THE UNDERSIGNED parties do hereby warrant and/or guaranty all work executed by the contractor on the water and/or sewer systems of Legends Golf and Country Club Tract "O" to be free from defects in material and workmanship for a period of one (1) year from the date of acceptance by the Lee County Board of County Commissioners. The undersigned parties further agree that they will, at their own expense, repair and replace all such defective work and all other work damaged by said defective work under this Warranty-Guaranty

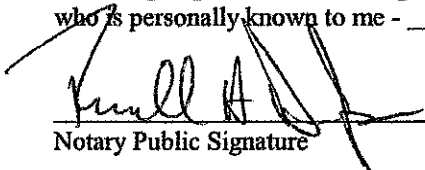
It is furthermore understood that the consideration for the giving of this warranty and/or guaranty is the requirement by the General Conditions and Specifications under which the contract was let that such warranty and/or guaranty would be given.

Mitchell & Stark Construction Co. Inc.  
(NAME OF OWNER/CONTRACTOR)

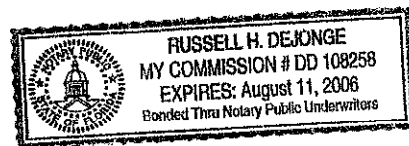
BY:   
(SIGNATURE OF OWNER/CONTRACTOR)

STATE OF FL )  
 ) SS:  
COUNTY OF Collier )

The foregoing instrument was signed and acknowledged before me this 16 th day of SEPT, 2003 by Brian Penner who is personally known to me - \_\_\_\_\_, and who did not take an oath.

  
Notary Public Signature

Russell H. De Jonge  
Printed Name of Notary Public



(Notary Seal & Commission Number)

10/21/03



COPY

**CERTIFICATION OF CONTRIBUTORY ASSETS**

PROJECT NAME: Legends Golf and Country Club Tract "O"

---

STRAP NUMBER: 28-45-25-07-00000.0000

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LOCATION: Legends Golf and Country Club Tract "O"

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OWNER'S NAME: Kingswood Development Co., LLC

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OWNER'S ADDRESS: 10481 Six Mile Cypress Pkwy.

---

OWNER'S ADDRESS: Fort Myers, FL 33912-

---

TYPE UTILITY SYSTEM: WATER  
(list water, sewer and effluent reuse separately)

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

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

<u>ITEM</u>	<u>SIZE</u>	<u>QUANTITY</u>	<u>UNIT</u>	<u>UNIT COST</u>	<u>TOTAL</u>
PVC C-900 DR-18	10"	1,202.0	LF	\$16.85	\$20,253.70
CL-50 DIP	4"	43.0	LF	\$27.00	\$1,161.00
SINGLE WATER SERVICE/COMPLETE	2"	8.0	EA	\$1,750.00	\$14,000.00
CL-50 DIP	10"	123.4	LF	\$46.50	\$5,738.10
FIRE HYDRANT ASSEMBLY		5.0	EA	\$2,340.00	\$11,700.00
FIRE LINE UP TO AND INCL 1ST OS + Y VALVE	4"	3.0	EA	\$11,320.00	\$33,960.00
<b><u>TOTAL</u></b>					<b>\$86,812.80</b>

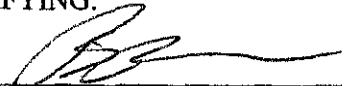
(If more space is required, use additional forms(s)).



I do hereby certify that the quantities of material and services described above are a true and accurate representation of the as-installed cost of the system being contributed to Lee County and corresponds with the record drawings.

CERTIFYING:

X



(Signature of Certifying Agent)

Brian Penner, Vice President

(Name & Title of Certifying Agent)

Mitchell & Stark Construction Co., Inc.

(Name of Firm or Corporation)

6001 Shirley Street

(Address of Firm or Corporation)

Naples, FL 34109 -

STATE OF FL )

) SS:

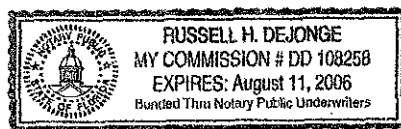
COUNTY OF Collier )

The foregoing instrument was signed and acknowledged before me this 8 th day of JAN, 2004 by Brian Penner who is personally known to me - \_\_\_\_\_, and who did not take an oath.

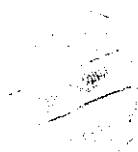
  
Notary Public Signature

Russell H. De Jonge  
Printed Name of Notary Public

DD 108258  
Notary Commission Number



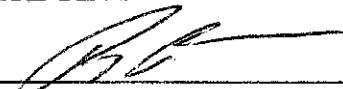
(NOTARY SEAL)





I do hereby certify that the quantities of material and services described above are a true and accurate representation of the as-installed cost of the system being contributed to Lee County and corresponds with the record drawings.

CERTIFYING:

X   
(Signature of Certifying Agent)

Brian Penner, Vice President  
(Name & Title of Certifying Agent)

Mitchell & Stark Construction Co., Inc.  
(Name of Firm or Corporation)

6001 Shirley St.  
(Address of Firm or Corporation)

Naples, FL 34109 -

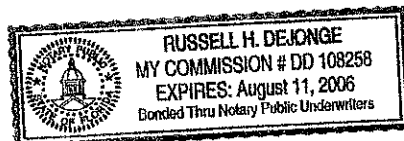
STATE OF FL )  
 ) SS:  
COUNTY OF Collier )

The foregoing instrument was signed and acknowledged before me this 16 th day of SEPT, 2003 by Brian Penner who is personally known to me - \_\_\_\_\_, and who did not take an oath.

  
Notary Public Signature

Russell H. De Jonge  
Printed Name of Notary Public

DD 108258  
Notary Commission Number



(NOTARY SEAL)



COPY

LETTER OF COMPLETION

DATE: 1/9/2004

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

Gentlemen:

This is to certify that the sanitary sewer system located in  
Legends Golf and Country Club - Lift Station "C" (Upgrade)  
(Name of Development)

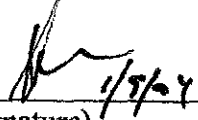
were designed by me and have been constructed in conformance with:  
**the approved plans and the approved specifications**

Upon completion of the work, we observed the following successful tests of the facilities:

**Lift Station Start-up**

Very truly yours,

Samuel W. Marshall, P.E. Florida Reg. No. 48881  
(Owner of Name of Corporation) **FOR DANKS ENG. T.D.L.**

  
\_\_\_\_\_  
(Signature)

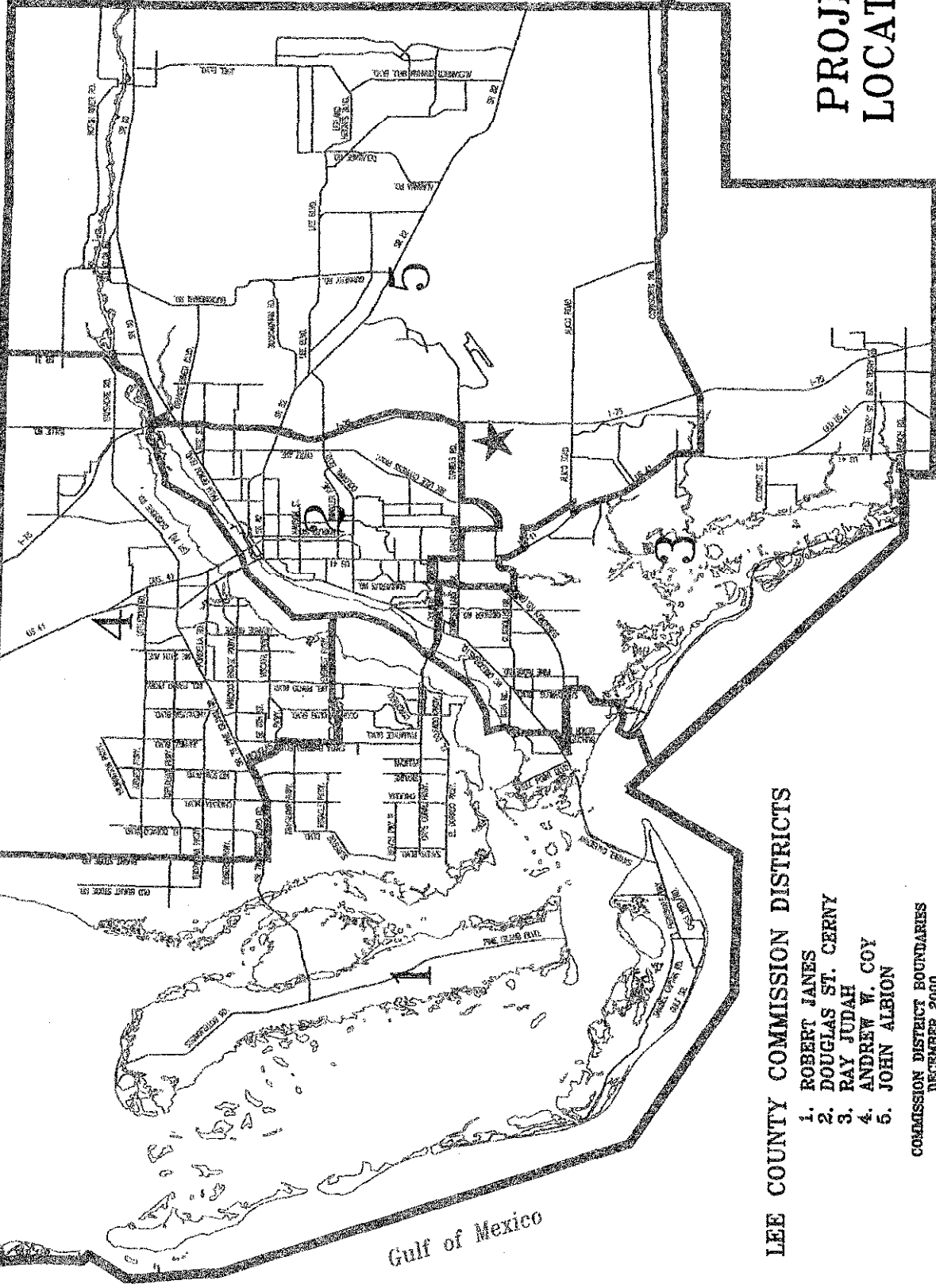
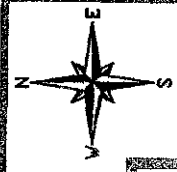
Project Manager  
(Title)

(Seal of Engineering Firm)



COPY

LEGENDS, LIFT STATION 'C' UPGRADE  
EXISTING LCU LIFT STATION #306  
COMMISSION DISTRICT #5 - ALBION



Gulf of Mexico

LEE COUNTY COMMISSION DISTRICTS

- 1. ROBERT JANES
- 2. DOUGLAS ST. CERNY
- 3. RAY JUDAH
- 4. ANDREW W. COY
- 5. JOHN ALBION

COMMISSION DISTRICT BOUNDARIES  
DECEMBER 2000

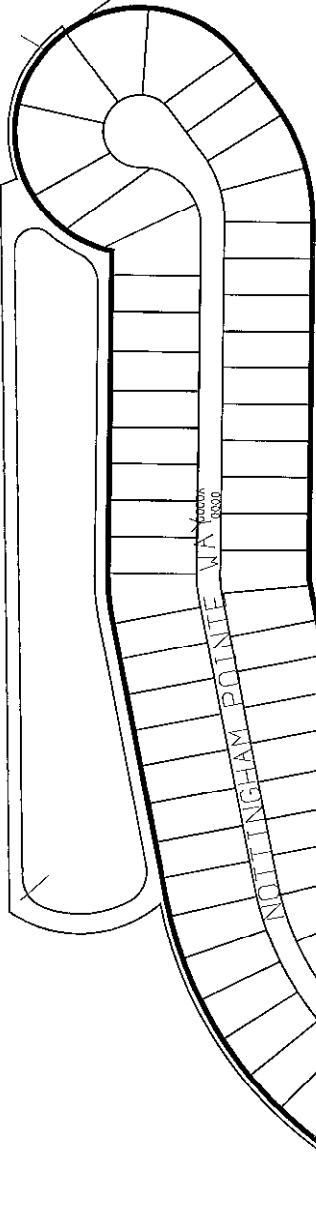
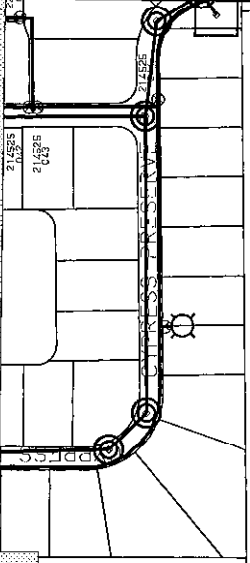
PROJECT  
LOCATION

COPY

LEGENDS LIFT STATION C - LCU #306 - UPGRADE

COMMISSION DISTRICT #5 - ALBION

DANPARK LOOP



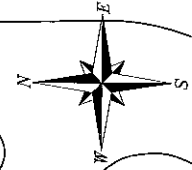
LIFT STATION LOCATION

RE WAY

LEGENDS BLVD N

NOTTINGHAM POINTE WAY

CARILLON ESTATES WAY



LEGENDS BLVD N AND NOTTINGHAM POINTE WAY



COPY

WAIVER AND RELEASE OF LIEN  
UPON FINAL PAYMENT

The undersigned lienor, in consideration of the final payment in the amount of  
One Hundred Ninety 18,190.00  
~~Eighteen Thousand Five Hundred Fifty & 90/100 (\$18,550.90)~~ hereby waives and releases its lien  
and right to claim a lien for labor, services, or materials furnished to US Home Lennar Corp. on the  
job of Legends Lift Station "C" to the following described property:

Legnds Lift Station "C" lift station upgrade (LCU #306)  
(Name of Development/Project) (Facilities Constructed)  
Legends Golf and Country Club Legends Blvd. N. 28-45-25-07-00GC1.0000  
(Location) (Strap # or Section, Township & Range)  
(Please provide full name and location of development and a description of the utility system constructed).

Dated on: September  
~~August~~ 19, 2003

By: [Signature]  
(Signature of Authorized Representative)

Mader Electric Motors  
(Name of Firm or Corporation)

By: Jeremy Mader  
(Print Name of Authorized Representative)

18161 N. Tamiami Tr.  
(Address of Firm or Corporation)

Title: VP

N.F. Myers FL. 33903  
(City, State & Zip Of Firm Or Corporation)

Phone #: 239 731-5455 Ext.

Fax#: 239 731-8165

STATE OF Florida )  
                                  ) SS:  
COUNTY OF Lee )


The foregoing instrument was signed and acknowledged before me this 19st day of 9, 2003  
by \_\_\_\_\_ who has produced the following as identification - \_\_\_\_\_ and who did take an oath.

Jeremy mader

[Signature]  
(Notary Public Signature)

(Notary Seal & Commission Number)

Lucretia A. Sergent  
(Printed Name of Notary Public)

 Lucretia A Sergent  
My Commission DD143241  
Expires August 18, 2006







I do hereby certify that the quantities of material and services described above are a true and accurate representation of the as-installed cost of the system being contributed to Lee County and corresponds with the record drawings.

CERTIFYING:

X

(Signature of Certifying Agent)

Jeremy Mader V.P.  
(Name & Title of Certifying Agent)

Jeremy Mader  
(Name of Firm or Corporation)

Mader Electric Motors John Mader Ent., In  
(Address of Firm or Corporation)

18161 N. Tamiami Trail N. Fort, FL 33903 -


STATE OF Florida )  
                                  ) SS:  
COUNTY OF Lee )

The foregoing instrument was signed and acknowledged before me this 3 st day of 2, 2004 by Jeremy Mader who has produced the following as identification - \_\_\_\_\_, and who did take an oath.

Lucretia A. Sergent  
Notary Public Signature

Lucretia A. Sergent  
Printed Name of Notary Public

DD143241  
Notary Commission Number

 Lucretia A Sergent  
My Commission DD143241  
Expires August 18, 2006

(NOTARY SEAL)







TO: LEE COUNTY FINANCE DEPARTMENT

FROM: UTILITIES ENGINEERING  
(Department)

BS 20040109-UTL

SUE GULLEDGE

A. AUTHORIZATION:

UTIL. ENGINEERING

This transmittal authorizes the office to incur expenses for filing/records against:

Purchase Order # N/A for LEGENDS, TRACT 0 (CROMWELL COURT) project. (KINGS WOOD DEV. CO. LLC)  
ACCOUNT NO. OD53607487.504930

ORIGINAL EASEMENT TO MINUTES AFTER RECORDING,  
WITH COPY TO SUE GULLEDGE, UTILITIES

*Sue Gullledge*  
SUE GULLEDGE

Signature Authorization

B. SERVICE RECEIVED:

RECORDING EASEMENT

O. R. COPIES

PLAT COPIES

CASE #/INDEX FEE

DESCRIPTION OF SERVICE RECORDING

AMOUNT OF FEE INCURRED \$

(date)

(DEPUTY CLERK)

(CUSTOMER) (DEPT.)

**THIS FORM GOES TO CASHIER WITH REGULAR RECEIPT ATTACHED**

C. INVOICE INFORMATION: (FOR CLERK'S DEPARTMENT ONLY)

REC'D

ENTERED

CUST. # 500283

INV. #

PLEASE REMIT TO:

Clerk's Accounting  
P.O. BOX 2396  
FORT MYERS, FLORIDA 33902-2396

White - FINANCE Yellow - DEPT FISCAL OFFICER Pink - CLERK'S OFFICE

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

**PERPETUAL PUBLIC UTILITY EASEMENT GRANT**

THIS INDENTURE is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2004, by and between Kingswood Development Company, LLC, Owner, hereinafter referred to as GRANTOR(S), and LEE COUNTY, hereinafter referred to as GRANTEE.

**WITNESSETH:**

1. For and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged and accepted, GRANTOR hereby grants, bargains, sells and transfers to the GRANTEE, its successors and assigns, a perpetual public utility easement situated in Lee County, Florida, located and described as set forth in Exhibit "A", attached hereto and made a part hereof.

2. GRANTEE, its successors, appointees and assigns, are granted the right, privilege, and authority to construct, replace, renew, extend and maintain a wastewater collection and/or water distribution system, together with, but not limited to, all necessary service connections, manholes, valves, fire hydrants, lift stations and appurtenances, to be located on, under, across and through the easement which is located on the property described (Exhibit "A"), with the additional right, privilege and authority to remove, replace, repair and enlarge said system, and to trim and remove roots, trees, shrubs, bushes and plants, and remove fences or other improvements which may affect the operation of lines, mains and/or utility facilities.

3. The public utility easement shall not be limited to any particular diameter size or type and/or number of connections to other water/sewer mains for providing water/sewer service to this and any adjacent properties. The total area of this public utility easement is reserved for utility lines, mains, or appurtenant facilities and for any landscaping (excluding trees), walkways, roadways, drainage ways, or similar uses. Houses, fences, buildings, carports, garages, storage sheds, overhangs, or any other structures or portions of structures shall not be constructed on or placed within this easement at anytime, present or future, by GRANTOR, or its heirs, successors or assigns.

4. Title to all utilities constructed and/or placed hereunder by GRANTEE or its agents shall remain in the GRANTEE, GRANTEE's successors, appointees, and/or assigns.

5. Subject to any pre-existing easements for public highways or roads, railroads, laterals, ditches, pipelines and electrical transmission or distribution lines and telephone and cable television lines covering the land herein described, GRANTOR(S) covenant that they are lawfully seized and possessed of the described real property (Exhibit "A"), have good and lawful right and power to sell and convey it, and that the said property is free of any and all liens and encumbrances, except as herein stated, and accordingly, GRANTOR(S) will forever defend the title and terms of this said easement and the quiet possession thereof by GRANTEE against all claims and demands of all other entities.

6. GRANTOR(S), its heirs, successors or assigns, shall assume all liability for any consequential damages to any houses, fences, buildings, carports, garages, storage sheds, overhangs, or any other structures or portions of structures subsequently constructed by GRANTOR(S) in violation of paragraph 3 within the above easement, which result from the required activities of the GRANTEE for any construction, maintenance or repairs to the utilities located within the above-described easement.

7. GRANTEE will be liable for money damages in tort for any injury to or loss of property, personal injury, or death caused by the negligent or wrongful act(s) or omission(s) of any official or employee of the GRANTEE while acting within the scope of the official's or employee's office or employment under circumstances in which a private person would be found to be liable in accordance with the general laws of the State of Florida, and subject to the limitations as set out in Section 768.28, Florida Statutes, as it may be revised, amended or renumbered from time to time.

8. GRANTEE shall have reasonable right of access across GRANTOR's property for the purposes of reaching the described easement (Exhibit "A") on either paved or unpaved surfaces. Any damage to GRANTOR's property or permitted improvements thereon as the result of such access to the described easement or the construction, maintenance, or repairs located within the described easement shall be restored by GRANTEE, to the condition in which it existed prior to the damage as is reasonably practicable. GRANTEE agrees to coordinate each activity within the easement premises in advance with the manager of the U. S. Postal Service, so as not to interfere with Postal Service operations.

9. By acceptance of this easement, the GRANTEE assumes no responsibility for ownership or maintenance of any associated roads. The easement is strictly for utility purposes. If GRANTEE fails to utilize the granted easement (Exhibit "A", hereto) for the purposes as set out herein and for the time as set out in Section 255.22, Florida Statutes, then this easement shall be extinguished pursuant to law,

10. This easement shall be binding upon the parties hereto, their successors in interest and any assigns.

IN WITNESS WHEREOF, the GRANTOR has caused this document to be signed on the date and year first above written.

X Niki K Starbuck  
(Signature of 1<sup>st</sup> Witness)

X Brian L. Starbuck  
(Grantor's/Owner's Signature)

Niki K Starbuck  
(Name of 1<sup>st</sup> Witness)

Brian L. Starbuck  
(Grantor's/Owner's Name)

X [Signature]  
(Signature of 2<sup>nd</sup> Witness)

Owner  
Title

Andrea Guerrero  
(Name of 2<sup>nd</sup> Witness)

STATE OF Florida )  
 ) SS:  
COUNTY OF Lee )

The foregoing instrument was signed and acknowledged before me this 4 st day of 2 2004 by Brian L. Starbuck who has produced the following as identification - \_\_\_\_\_, and who did take an oath. personally known

Niki K Starbuck  
Notary Public Signature



Niki K Starbuck  
My Commission DD027246  
Expires May 20, 2005

Niki K Starbuck  
Printed Name of Notary Public

(Notary Seal & Commission Number)



**KINGS WOOD DEVELOPMENT CORPORATION**

**CERTIFIED RESOLUTION**


I, Benjamin P. Butterfield, Secretary of Kings Wood Development Corporation, a Florida corporation, do hereby certify that the following resolutions were adopted by Consent of the board of Directors of said Corporation dated May 21, 2003, and that such Resolutions have not been amended or rescinded and are in full force and effect on the date hereof:

RESOLVED, that without limitation upon the power of the Board of Directors by resolution to confer the same or similar authority upon other officers and individuals from time to time, and without limiting any authority otherwise conferred on Directors and vice presidents, BRIAN SABEAN shall have the power and authority in the name and on behalf of this Corporation to execute and deliver subcontractor contracts, condominium documents, including Declarations of Condominium, amendments to Declarations, Management Agreements, Escrow Agreements and other documents required in connection with the development and sale of condominium buildings and units; Agreements of Purchase and Sale, and any and all closing documents, and any other documents necessary in connection with the business of the Corporation to sell and close on dwelling units; and other acts of the Corporation as may be necessary; and be it further

RESOLVED, that for the purpose of executing and delivering any and all instruments under the authority granted herein, BRIAN SABEAN shall be and is hereby constituted as **Authorized Agent** of the Corporation. Any action taken or done pursuant to the authority herein granted shall be an act of the Corporation and binding upon it; and be it further

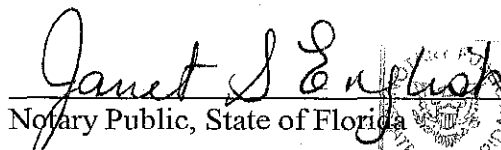
RESOLVED, that all actions, transactions and deeds by BRIAN SABEAN in his official capacity in the name of or on behalf of the Corporation, are hereby ratified, confirmed and approved.

IN WITNESS WHEREOF, I have hereunto subscribed my name as Secretary and affixed the seal of said Corporation this 17th day of June, 2003.

  
Benjamin P. Butterfield, Secretary

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE

Sworn to and subscribed before me this 17th day of June, 2003, by Benjamin P. Butterfield, Secretary of Kings Wood Development Corporation, a Florida corporation.

  
Notary Public, State of Florida

OFFICIAL NOTARY SEAL JANET S ENGLISH
COMMISSION NUMBER CC955674
MY COMMISSION EXPIRES AUG. 10, 2004

# Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors  
FORT MYERS ♦ NAPLES ♦ SARASOTA

DESCRIPTION  
OF A  
PARCEL OF LAND  
LYING IN  
SECTION 28, TOWNSHIP 45 SOUTH, RANGE 25 EAST  
LEE COUNTY, FLORIDA

## (LEE COUNTY UTILITY EASEMENT)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 28, TOWNSHIP 45 SOUTH, RANGE 25 EAST, BEING A PORTION OF TRACT-O, LEGENDS GOLF AND COUNTRY CLUB - UNIT 4, AS RECORDED IN PLAT BOOK 65, PAGES 34 THROUGH 44, PUBLIC RECORDS OF SAID LEE COUNTY, FLORIDA, BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID TRACT-O AND A POINT ON A CURVE TO THE RIGHT HAVING A RADIUS OF 780.00 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.24°10'46"W.; THENCE NORTHWESTERLY ALONG SAID CURVE AND THE SOUTHERLY LINE OF TRACT "A" (LEGENDS BOULEVARD NORTH 60.00 FEET WIDE) OF SAID LEGENDS GOLF AND COUNTRY CLUB - UNIT 4 THROUGH A CENTRAL ANGLE OF 08°39'40" FOR 117.91 FEET TO THE **POINT OF BEGINNING**; THENCE S.35°53'10"W. FOR 167.46 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 77.50 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 21°58'04" FOR 29.71 FEET; THENCE S.33°09'11"E. FOR 4.20 FEET; THENCE S.04°01'16"W. FOR 19.95 FEET; THENCE S.41°11'44"W. FOR 4.20 FEET TO AN INTERSECTION WITH A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 77.50 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.84°07'26"W.; THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 18°41'55" FOR 25.29 FEET; THENCE S.24°34'28"E. FOR 197.10 FEET; THENCE S.69°34'28"E. FOR 7.07 FEET; THENCE S.24°34'28"E. FOR 20.00 FEET; THENCE S.20°25'32"W. FOR 7.07 FEET; THENCE S.24°34'28"E. FOR 453.72 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 77.50 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 50°08'07" FOR 67.81 FEET TO A POINT OF REVERSE CURVE HAVING A RADIUS OF 122.50 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 76°28'59" FOR 163.52 FEET TO A POINT OF COMPOUND CURVE HAVING A RADIUS OF 720.00 FEET; THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 12°24'53" FOR 156.01 FEET TO AN INTERSECTION WITH A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 90.00 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.83°51'20"W.; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 42°08'13" FOR 66.19 FEET TO A POINT OF REVERSE CURVE HAVING A RADIUS OF 55.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 147°35'59" FOR 141.69 FEET TO A POINT OF REVERSE CURVE HAVING A RADIUS OF 25.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 86°25'00" FOR 37.71 FEET; THENCE S.12°54'06"W. FOR 33.53 FEET; THENCE N.77°05'54"W. FOR 40.00 FEET; THENCE N.12°54'06"E. FOR 227.21 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 675.00 FEET; THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 11°07'43" FOR 131.10 FEET TO A POINT OF COMPOUND CURVE HAVING A RADIUS OF 77.50 FEET; THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 25°19'02" FOR 34.24 FEET; THENCE N.80°22'22"W. FOR 6.06 FEET; THENCE N.34°04'35"W. FOR 19.95 FEET; THENCE N.12°13'12"E. FOR 6.06 FEET TO AN INTERSECTION WITH A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 77.50 FEET AND TO WHICH POINT A RADIAL LINE BEARS N.45°23'29"E.; THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 30°06'04" FOR 40.72 FEET TO A POINT OF REVERSE CURVE HAVING A RADIUS OF 122.50 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 50°08'07" FOR 107.19 FEET; THENCE N.24°34'28"W. FOR 680.83 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 122.50 FEET; THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 60°27'38" FOR 129.27 FEET; THENCE N.35°53'10"E. FOR 111.35 FEET; THENCE N.26°24'43"E. FOR 39.72 FEET; THENCE N.35°53'35"E. FOR 15.89 FEET TO AN INTERSECTION WITH THE SOUTHERLY LINE OF SAID LEGENDS BOULEVARD NORTH AND THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 780.00 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.36°37'39"W.; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 03°47'14" FOR 51.56 FEET TO THE **POINT OF BEGINNING**.

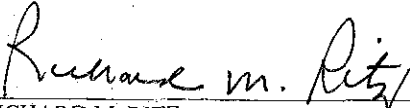
SHEET 1 OF 3

PARCEL CONTAINS 1.76 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

ASSUMED NORTH BASED ON THE EASTERLY LINE OF TRACT-O, LEGENDS GOLF AND COUNTRY CLUB - UNIT 4, AS RECORDED IN PLAT BOOK 65, PAGES 34 THROUGH 44, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AS BEARING S.35°16'01"W.

DESCRIPTION PREPARED 01-12-04



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RICHARD M. RITZ  
REGISTERED LAND SURVEYOR  
FLORIDA CERTIFICATION NO. 4009

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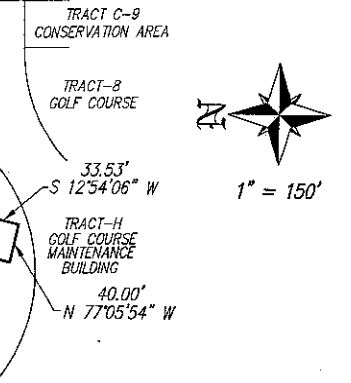
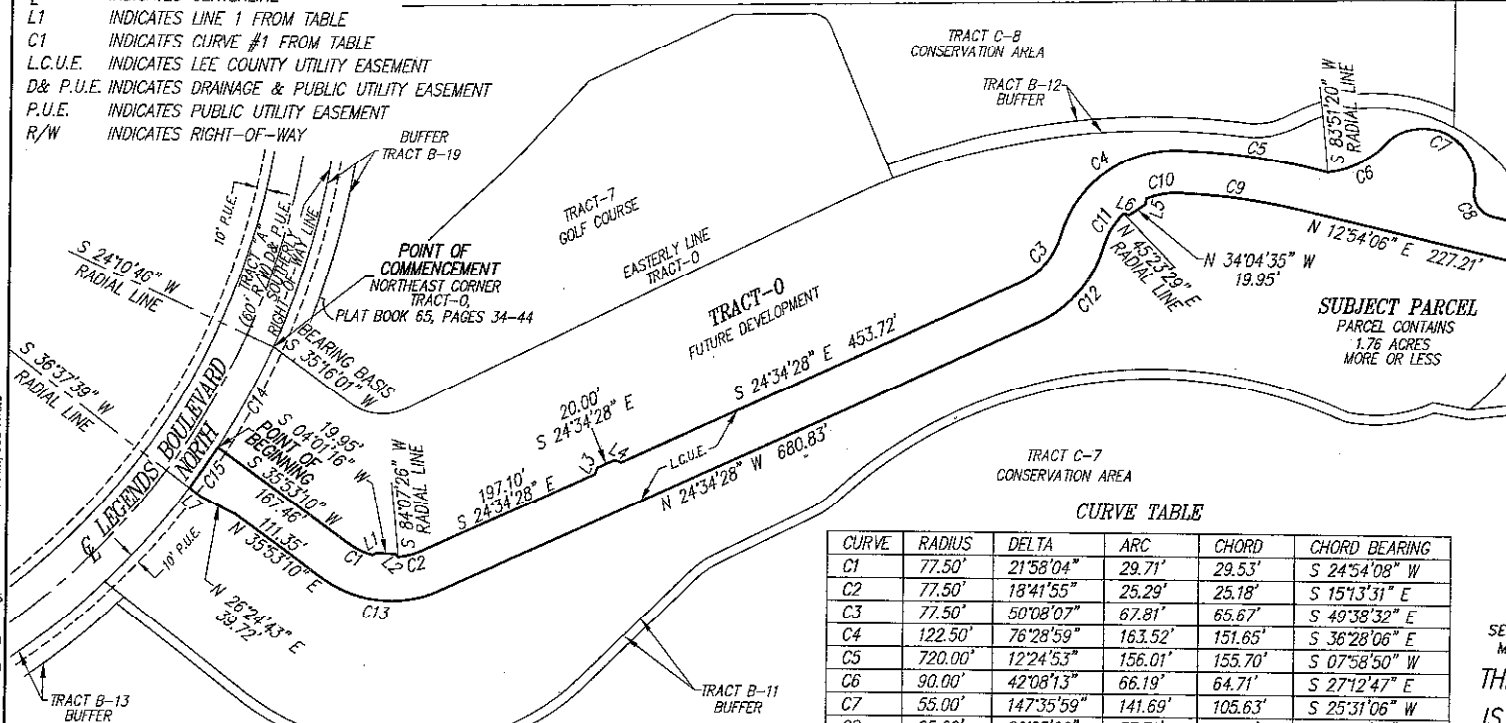
PROFESSIONAL ENGINEERS, LAND SURVEYORS & PLANNERS  
 FLORIDA BUSINESS CERTIFICATION NUMBER LP 6990  
 10511 SIX MILE CYPRESS PARKWAY - SUITE 101  
 FORT MYERS, FLORIDA 33912  
 (239) 959-6490

OF  
 A TRACT OR PARCEL OF LAND LYING IN  
 SECTION 28, TOWNSHIP 45 SOUTH, RANGE 25 EAST,  
 LEE COUNTY, FLORIDA  
 (LEE COUNTY UTILITY EASEMENT)

**FIDDLESTICKS BOULEVARD**  
 (100' WIDE)

**LEGEND:**

- Q INDICATES CENTERLINE
- L1 INDICATES LINE 1 FROM TABLE
- C1 INDICATES CURVE #1 FROM TABLE
- L.C.U.E. INDICATES LEE COUNTY UTILITY EASEMENT
- D & P.U.E. INDICATES DRAINAGE & PUBLIC UTILITY EASEMENT
- P.U.E. INDICATES PUBLIC UTILITY EASEMENT
- R/W INDICATES RIGHT-OF-WAY



**LINE TABLE**

LINE	BEARING	DISTANCE
L1	S 33°09'11\" E	4.20'
L2	S 41°11'44\" W	4.20'
L3	S 69°34'28\" E	7.07'
L4	S 20°25'32\" W	7.07'
L5	N 80°22'22\" W	6.06'
L6	N 12°13'12\" E	6.06'
L7	N 35°53'35\" E	15.89'

**CURVE TABLE**

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	77.50'	21°58'04\"	29.71'	29.53'	S 24°54'08\" W
C2	77.50'	18°41'55\"	25.29'	25.18'	S 15°13'31\" E
C3	77.50'	50°08'07\"	67.81'	65.67'	S 49°38'32\" E
C4	122.50'	76°28'59\"	163.52'	151.65'	S 36°28'06\" E
C5	720.00'	12°24'53\"	156.01'	155.70'	S 07°58'50\" W
C6	90.00'	42°08'13\"	66.19'	64.71'	S 27°12'47\" E
C7	55.00'	147°35'59\"	141.69'	105.63'	S 25°31'06\" W
C8	25.00'	86°25'00\"	37.71'	34.23'	S 56°06'36\" W
C9	675.00'	11°07'43\"	131.10'	130.90'	N 07°20'14\" E
C10	77.50'	25°19'02\"	34.24'	33.97'	N 10°53'08\" W
C11	77.50'	30°06'04\"	40.72'	40.25'	N 59°39'33\" W
C12	122.50'	50°08'07\"	107.19'	103.80'	N 49°38'32\" W
C13	122.50'	60°27'38\"	129.27'	123.35'	N 05°39'21\" E
C14	780.00'	08°39'40\"	117.91'	117.80'	S 61°29'24\" E
C15	780.00'	03°47'14\"	51.56'	51.55'	N 55°15'58\" W

**NOTES:**

- 1.) SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
- 2.) ASSUMED NORTH BASED ON THE EASTERLY LINE OF TRACT-O, LEGENDS GOLF AND COUNTRY CLUB - UNIT 4, AS RECORDED IN PLAT BOOK 65, PAGES 34 THROUGH 44, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AS BEARING S.35°16'01\" W.

SEE SHEET 1 AND 2 FOR COMPLETE METES AND BOUNDS DESCRIPTION.  
**THIS SKETCH OF DESCRIPTION IS NOT A BOUNDARY SURVEY**

*Richard M. Ritz*  
 RICHARD M. RITZ  
 REGISTERED LAND SURVEYOR  
 FLORIDA CERTIFICATION NO. 4089

- THIS SKETCH OF DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

PREPARED 01-12-04  
 SHEET 3 OF 3

**COPY**

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