

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY **BLUE SHEET No: 20041149 -UTL**

1. REQUESTED MOTION:

ACTION REQUESTED:

Approve final acceptance, by Resolution and recording of one (1) utility easement, as a donation of one 10" diameter master meter assembly and a force main connection serving *Three Oaks Village a/k/a Coastal Village*. This is a developer contributed asset project located on the east side of Three Oaks Parkway approximately 1,500' north of Estero Parkway in Estero.

WHY ACTION IS NECESSARY:

To provide potable water service, fire protection, and sanitary sewer service to the recently constructed multi-family residential project.

WHAT ACTION ACCOMPLISHES:

Places the water and wastewater facilities into operation and complies with the Lee County Utilities Operations Manual.

2. DEPARTMENTAL CATEGORY: 10
COMMISSION DISTRICT #: 5

C10A

3. MEETING DATE: 09-28-2004

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- 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, E.E., Utilities Director
- DATE: 9/9/04

7. BACKGROUND:

This project is located within the former Gulf Environmental Services' service area however, it was built to Lee County Utilities' Standards and Specifications.
 The Board granted approval to construct on 03/30/04; Blue Sheet #20040226.
 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 pressure testing of the force main has been performed.
 Record Drawings have been received.
 Engineer's Certification of Completion has been provided---copy attached.
 Project location map---copy attached.
 Warranty has been provided---copy attached.
 Waiver of lien has been provided---copy attached.
 Certification of Contributory Assets has been provided---copy attached.
 The on-site water and sanitary sewer systems are to be privately owned and maintained.
 100% of the connection/capacity fees have been paid.
 Funds are available for recording fees in account number OD5360748700.504930.

SECTION 23 TOWNSHIP 46S RANGE 25E DISTRICT #5 COMMISSIONER ALBION

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	
Lavender Date: <u>9-10-04</u>	N/A Date:	N/A Date:	P.O. T. Osterhout Date: <u>9-9</u>	S. Covert Date:	P.M. <u>9/13/04</u>	<u>9/14/04</u>	<u>9/13/04</u> UT	<u>9/13/04</u>	Lavender Date: <u>9-10-04</u>

10. COMMISSION ACTION:

- _____ APPROVED
- _____ DENIED
- _____ DEFERRED
- _____ OTHER

Rec. by CoAtty

Date: 9/10/04

Time: 4:10

Forwarded To:

Admin 9/10/04

RECEIVED BY
COUNTY ADMIN:

9/10/04

4:35 pm SLT

COUNTY ADMIN
FORWARDED TO: JK

9-15-04 9am



FLORIDA DEPARTMENT OF REVENUE
RETURN FOR TRANSFERS OF INTEREST IN REAL PROPERTY
(PLEASE READ INSTRUCTIONS BEFORE COMPLETING)



FDOR10240300
DR-219
R. 07/98

Use black ink. Enter numbers as shown below. If typing, enter numbers as shown below.

0 1 2 3 4 5 6 7 8 9 0 1 2 3 4 5 6 7 8 9

1. Parcel Identification Number (If Parcel ID not available please call County Property Appraiser's Office) →

23462500000013000

2. Mark (x) all that apply

Multi-parcel transaction? →

Transaction is a split or cutout from another parcel? →

Property was improved with building(s) at time of sale/transfer? →

3. Grantor (Seller):

EASEMENT DONATION BY:

LELY DEVELOPMENT CORP.

Last First MI Corporate Name (if applicable)
8825 TAMiami TRAIL E. **NAPLES** **FL** **34113** ()
Mailing Address City State Zip Code Phone No.

4. Grantee (Buyer):

RICK DIAZ, P.E., UTIL. DIR. FOR LEE CO. BOARD OF COUNTY COMMISSION

Last First MI Corporate Name (if applicable)
P. O. BOX 398 **FT. MYERS** **FL** **33902** (**2394798181**)
Mailing Address City State Zip Code Phone No.

5. Date of Sale/Transfer

Month / Day / Year

\$. 00

Property Located In **Lee**

6. Type of Document

Contract/Agreement for Deed
 Warranty Deed
 Quit Claim Deed

Other

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

YES / NO

(Round to the nearest dollar.) \$. 00

8. To the best of your knowledge, were there unusual circumstances or conditions to the sale/transfer

such as: Forced sale by court order? Foreclosure pending? Distress Sale? Title defects? Corrective Deed? Mineral rights? Sale of a partial or undivided interest? Related to seller by blood or marriage.

YES / NO

9. Was the sale/transfer financed? YES / NO If "Yes", please indicate type or types of financing:

Conventional Seller Provided Agreement or Contract for Deed Other

10. Property Type:

Residential Commercial Industrial Agricultural Institutional/Miscellaneous Government Vacant Acreage Timeshare

11. To the best of your knowledge, was personal property included in the sale/transfer? If "Yes", please state the amount attributable to the personal property. (Round to the nearest dollar.)

YES / NO

\$. 00

12. Amount of Documentary Stamp Tax

\$.

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

YES / NO

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

Signature of Grantor or Grantee or Agent

Date **9/9/04**

WARNING: FAILURE TO FILE THIS RETURN OR ALTERNATIVE FORM APPROVED BY THE DEPARTMENT OF REVENUE SHALL RESULT IN A PENALTY OF \$25.00 IN ADDITION TO ANY OTHER PENALTY IMPOSED BY THE REVENUE LAW OF FLORIDA

<p>To be completed by the Clerk of the Circuit Court's Office</p> <p>This copy to Property Appraiser</p> <p>O. R. Book and Page Number and File Number</p> <p>Date Recorded</p> <p>Month / Day / Year</p>	<p>Clerks Date Stamp</p>
--	--------------------------

This copy to Property Appraiser



FLORIDA DEPARTMENT OF REVENUE
RETURN FOR TRANSFERS OF INTEREST IN REAL PROPERTY
 (PLEASE READ INSTRUCTIONS BEFORE COMPLETING)



FDOR10240300
 DR-219
 R. 07/98

Enter numbers as shown below.

If typing, enter numbers as shown below.

1. Parcel Identification Number
 (If Parcel ID not available
 please call County Property
 Appraiser's Office) →

0 1 2 3 4 5 6 7 8 9

0123456789

23462500000013000

2. Mark (x) all
 that apply Multi-parcel
 transaction? →

Transaction is a split
 or cutout from
 another parcel? →

Property was improved
 with building(s) at time
 of sale/transfer? →

3. Grantor (Seller):

EASEMENT DONATION BY:

LELY DEVELOPMENT CORP.

Last First MI
8825 TAMiami TRAIL E.

NAPLES

Corporate Name (if applicable)
FL 34113

Mailing Address City State Zip Code Phone No.
RICK DIAZ, P.E., UTIL. DIR. FOR LEE CO. BOARD OF COUNTY COMMISSION

4. Grantee (Buyer):

Last First MI
P. O. BOX 398

FT. MYERS

Corporate Name (if applicable)
FL 33902 (239) 4798181

Mailing Address City State Zip Code Phone No.

5. Date of Sale/Transfer

Sale/Transfer Price

\$

. 00

Property Located In 46 County Code

Month Day Year (Round to the nearest dollar.)

6. Type of Document

Contract/Agreement for Deed Other

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

YES NO

Warranty Deed Quit Claim Deed

(Round to the nearest dollar.) \$

. 00

8. To the best of your knowledge, were there unusual circumstances or conditions to the sale/transfer
 such as: Forced sale by court order? Foreclosure pending? Distress Sale? Title defects? Corrective Deed? Mineral rights?
 Sale of a partial or undivided interest? Related to seller by blood or marriage.

YES NO

9. Was the sale/transfer financed? YES

NO If "Yes", please indicate type or types of financing:

Conventional

Seller Provided

Agreement or
 Contract for Deed

Other

10. Property Type:
 Mark (x) all
 that apply

Residential

Commercial

Industrial

Agricultural

Institutional/
 Miscellaneous

Government

Vacant

Acreage

Timeshare

11. To the best of your knowledge, was personal property
 included in the sale/transfer? If "Yes", please state the
 amount attributable to the personal property. (Round to the nearest dollar.)

YES

NO \$

Cents

. 00

12. Amount of Documentary Stamp Tax

\$ 0.00

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

YES NO

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

Signature of Grantor or Grantee or Agent

Date

7/9/04

WARNING: FAILURE TO FILE THIS RETURN OR ALTERNATIVE FORM APPROVED BY THE DEPARTMENT OF REVENUE SHALL RESULT IN A PENALTY OF \$25.00 IN ADDITION TO ANY
 OTHER PENALTY IMPOSED BY THE REVENUE LAW OF FLORIDA.

To be completed by the Clerk of the Circuit Court's Office	Clerks Date Stamp
<p>This copy to Department of Revenue</p> <p>O. R. Book <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/></p> <p>and Page Number <input type="text"/> <input type="text"/></p> <p>and File Number <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/></p> <p>Date Recorded <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/></p> <p>Month Day Year</p>	

This copy to Department of Revenue

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

WHEREAS, it is the desire of "Lely Development Corp." , owner of record, to make a contribution to Lee County Utilities of water facilities (one 10" diameter master meter assembly) and sewer facilities (force main connection) serving "**THREE OAKS VILLAGE A/K/A COASTAL VILLAGE**"; 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 **\$36,490.50** is hereby ACCEPTED and acknowledged as an addition to Lee County Utilities.

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

- Commissioner Bob Janes: _____ (1)
- Commissioner 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: July 28, 2004

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

Gentlemen:

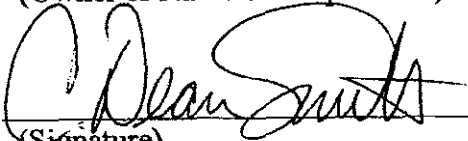
This is to certify that the **water distribution and sanitary sewer** located in
Three Oaks Village (aka Coastal Village)
(Name of Development)

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

Upon completion of the work, we observed the following successful tests of the facilities:
Bacteriological Test Pressure Test(s) - Water Main Pressure Test(s) - Force Main

Very truly yours,

Q. Grady Minor & Associates, P.A.
(Owner or Name of Corporation)

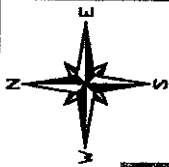

(Signature)

Vice President
(Title)

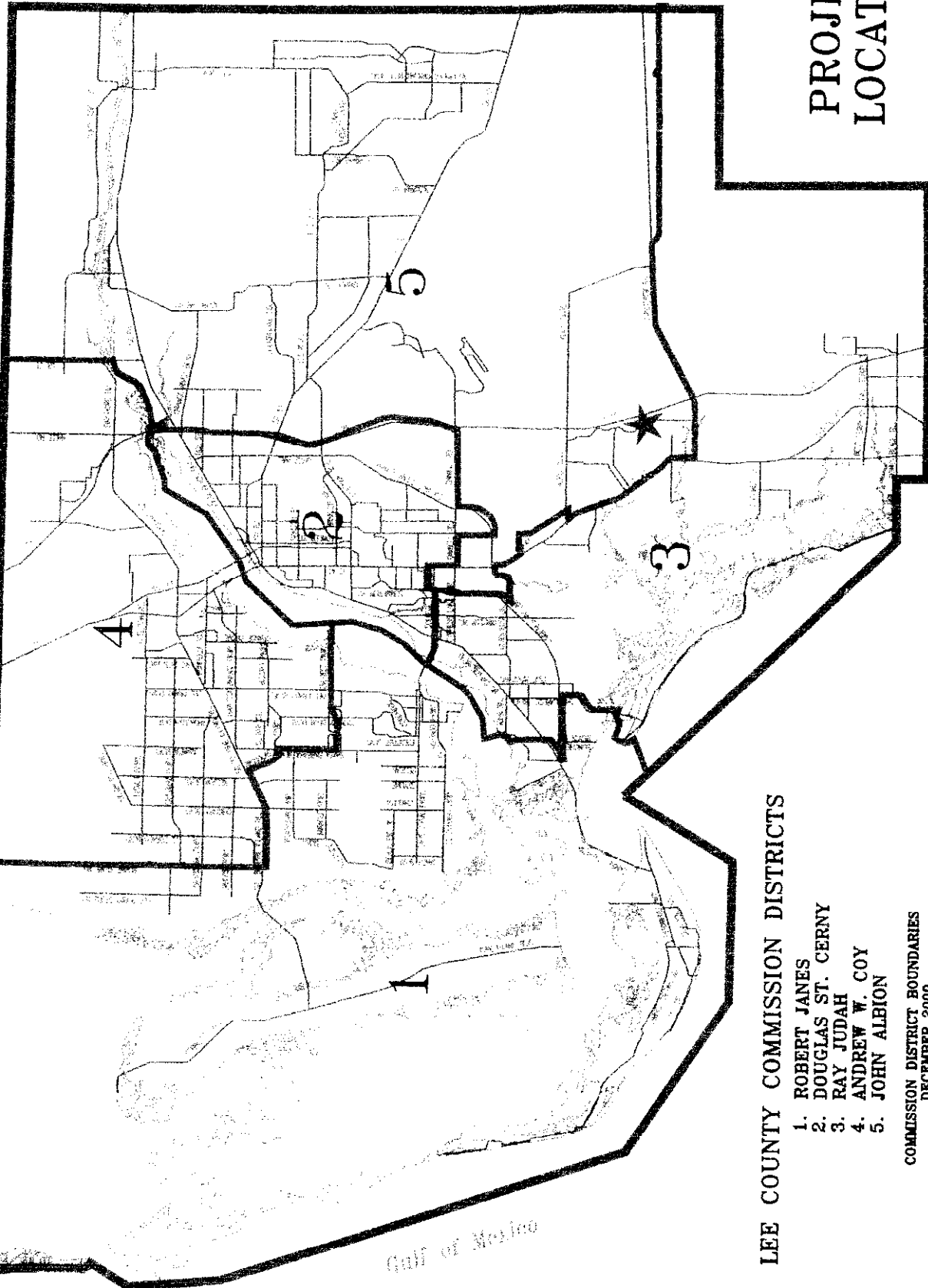
(Seal of Engineering Firm)



THREE OAKS VILLAGE (aka) COASTAL VILLAGE
23-46-25-00-00001.3000
COMMISSION DISTRICT #5 - ALBION



COPY



LEE COUNTY COMMISSION DISTRICTS

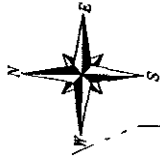
- 1. ROBERT JANES
- 2. DOUGLAS ST. CERNY
- 3. RAY JUDAH
- 4. ANDREW W. COY
- 5. JOHN ALBION

COMMISSION DISTRICT BOUNDARIES
DECEMBER 2000

PROJECT
LOCATION

THREE OAKS VILLAGE aka COASTAL VILLAGE

COMMISSION DISTRICT #5 - ALBION



LAKE

PORT

PORTO ROMANO DR

MARTINO POINTE D

57-1

SKIDMORE WAY

SKIDMORE WAY

SHEPARD ST

SUBJECT PARCEL

SKIDMORE WAY

SYRACUSE LN

SKIDMORE WAY

THREE OAKS PARKWAY

DEVONWOOD CT

OOD CIR

COUNTRY OAKS DR

WATERS WAY

POND

LAKETREE CT

OAK FOREST DR

COUNTRY OAKS DR

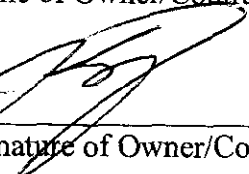
23-46-25-00-00001.3000 19601 THREE OAKS PKWY

WARRANTY

THE UNDERSIGNED parties do hereby warrant and/or guaranty all work executed by the contractor on the water and sewer systems of Three Oaks Village 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.

Jensen Underground Utilities, Inc.
(Name of Owner/Contractor)

BY: 
(Signature of Owner/Contractor)

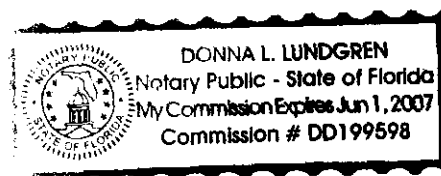
STATE OF FL)
) SS:
COUNTY OF Collier)

The foregoing instrument was signed and acknowledged before me this 10th day of JUNE, 2004 by Kevin Jensen who is personally known to me - _____, and who did not take an oath.


Notary Public Signature

Donna L. Lundgren
Printed Name of Notary Public

(Notary Seal & Commission Number)



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

The undersigned lienor, in consideration of the final payment in the amount of Thirty Six Thousand Four Hundred Ninety Dollars and 50 Cents(\$36,490.50) hereby waives and releases its lien and right to claim a lien for labor, services, or materials furnished to Lely Development Corporation on the job of Three Oaks Village to the following described property:
aka Coastal Village

Three Oaks Village aka Coastal Village
(Name of Development/Project)

water distribution and sanitary sewer systems
(Facilities Constructed)

~~10000 Acker Place~~ 19601 Three Oaks Pkwy.
(Location)

23-46-25-00-00001.3000
(Strap # or Section, Township & Range)

Dated on: July 22, 2004

By: _____
(Signature of Authorized Representative)

Jensen Underground Utilities, Inc.
(Name of Firm or Corporation)

By: Kevin Jensen
(Print Name of Authorized Representative)

5585 Taylor Road
(Address of Firm or Corporation)

Title: President

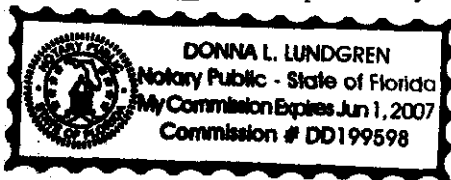
Naples, FL 34109-
(City, State & Zip Of Firm Or Corporation)

Phone #: (239)597-0060 Ext.

Fax#: (239)597-0061

STATE OF FL)
) SS:
COUNTY OF Collier)

The foregoing instrument was signed and acknowledged before me this 22 nd day of July, 2004 by Kevin Jensen who is personally known to me - _____, and who did not take an oath.



Donna L. Lundgren
(Notary Public Signature)

(Notary Seal & Commission Number)

Donna L. Lundgren
(Printed Name of Notary Public)



CERTIFICATION OF CONTRIBUTORY ASSETS

PROJECT NAME: Three Oaks Village aka Coastal Village

STRAP NUMBER: 2346-25-00-00001.3000

LOCATION: 19601 Three Oaks Parkway

OWNER'S NAME: Lely Development Corporation

OWNER'S ADDRESS: 8825 Tamiami Trail East

OWNER'S ADDRESS: Naples, FL 34113-

TYPE UTILITY SYSTEM: POTABLE WATER

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

DESCRIPTION AND COST OF MATERIAL, LABOR, AND SERVICES

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

<u>ITEM</u>	<u>SIZE</u>	<u>QUANTITY</u>	<u>UNIT</u>	<u>UNIT COST</u>	<u>TOTAL</u>
TAPPING SLEEVE W/VALVE	12"x10"	1.0	EA	\$4,010.00	\$4,010.00
PVC C-900 DR-18	10"	90.0	LF	\$13.70	\$1,233.00
HDPE SDR-11	10"	100.0	LF	\$19.40	\$1,940.00
HDPE SDR-11 CASING	16"	75.0	LF	\$167.00	\$12,525.00
SINGLE WATER SERVICE/COMPLETE	10"	1.0	EA	\$13,500.00	\$13,500.00
TOTAL					\$33,208.00

(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)

Kevin Jensen, President

(Name & Title of Certifying Agent)

Jensen Underground Utilities, Inc.

(Name of Firm or Corporation)

5585 Taylor Road

(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 26 th day of July, 2004 by Kevin Jensen who is personally known to me - _____, and who did not take an oath.

Donna L. Lundgren
Notary Public Signature

Donna L. Lundgren
Printed Name of Notary Public

Notary Commission Number

(NOTARY SEAL)



CERTIFICATION OF CONTRIBUTORY ASSETS

PROJECT NAME: Three Oaks Village aka Coastal Village

STRAP NUMBER: 23-46-25-00-00001.3000

LOCATION: 19601 Three Oaks Parkway

OWNER'S NAME: Lely Development Corporation

OWNER'S ADDRESS: 8825 Tamiami Trail East

OWNER'S ADDRESS: Naples, FL 34113-

TYPE UTILITY SYSTEM: SANITARY SEWER

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

DESCRIPTION AND COST OF MATERIAL, LABOR, AND SERVICES

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>
TAPPING SLEEVE W/VALVE	12"x4"	1.0	EA	\$2,875.00	\$2,875.00
PVC C-900 DR-18	4"	50.0	LF	\$8.15	\$407.50
TOTAL					\$3,282.50

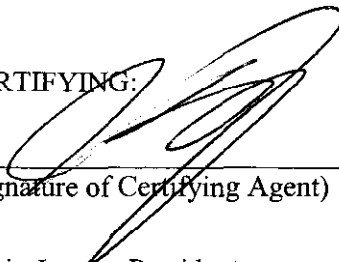
(If more space is required, use additional forms(s).)



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)

Kevin Jensen, President

(Name & Title of Certifying Agent)

Jensen Underground Utilities, Inc.

(Name of Firm or Corporation)

5585 Taylor Road

(Address of Firm or Corporation)

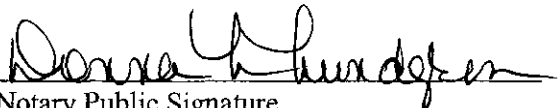
Naples, FL 34109 -

STATE OF FL)

) SS:

COUNTY OF Collier)

The foregoing instrument was signed and acknowledged before me this 26 th day of July, 2004 by Kevin Jensen who is personally known to me - _____, and who did not take an oath.



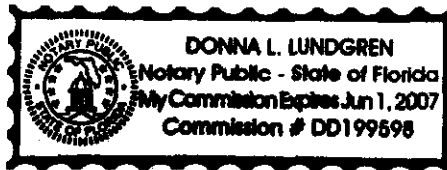
Notary Public Signature

Donna L. Lundgren

Printed Name of Notary Public

Notary Commission Number

(NOTARY SEAL)



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

Strap Number:

23-46-25-00-00001.3000

THIS SPACE RESERVED FOR RECORDING

GRANT OF PERPETUAL PUBLIC UTILITY EASEMENT

THIS INDENTURE is made and entered into this ____ day of _____ 2004, by and between Lely Development Corp., Owner, hereinafter referred to as GRANTOR(S), and LEE COUNTY, a political sub-division of the State of Florida, hereinafter referred to as GRANTEE.

WITNESSETH:

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

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

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

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

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

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

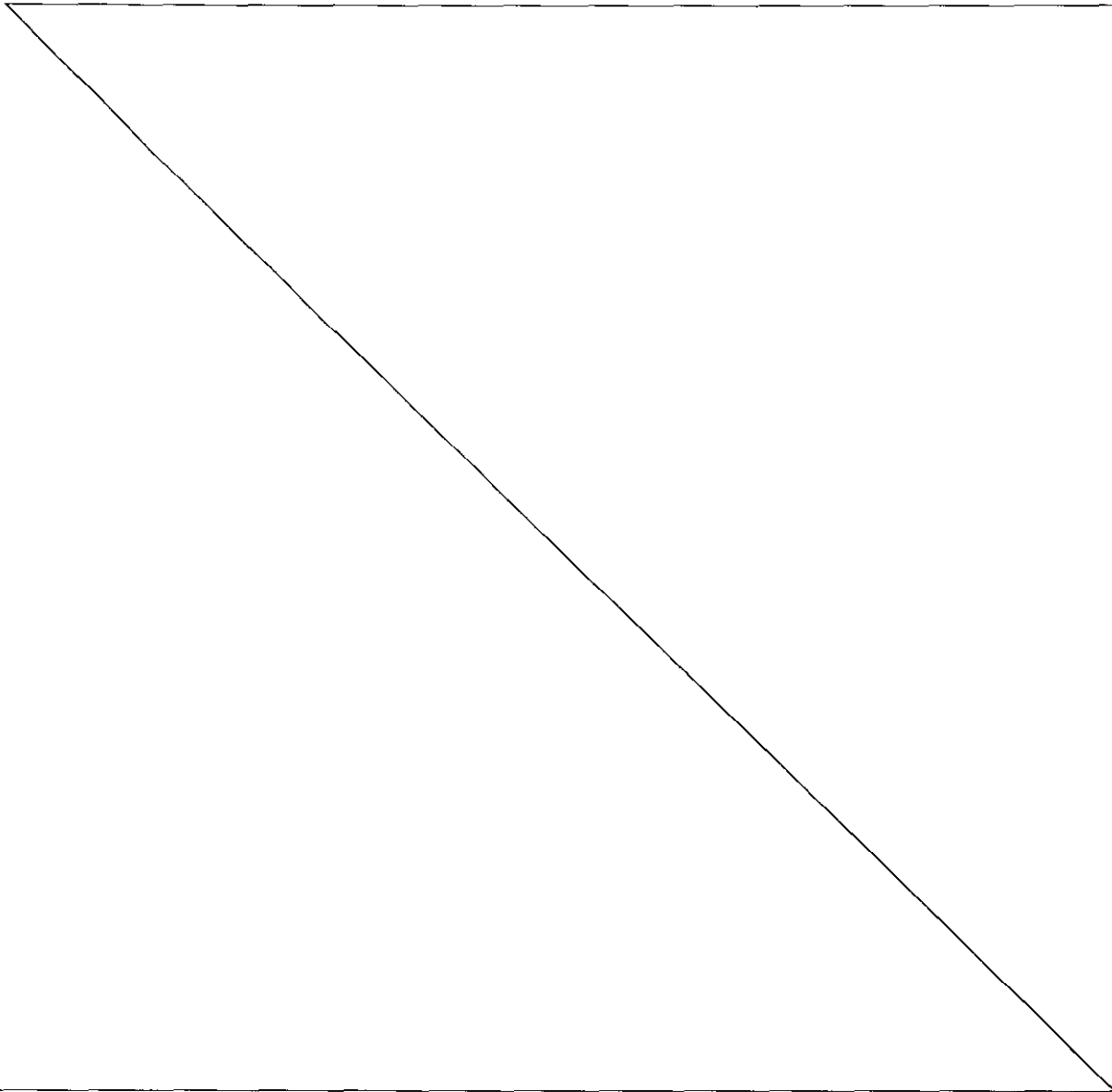
7. GRANTEE will be liable for money damages in tort for any injury to or loss of property, personal injury, or death caused by the negligent or wrongful act(s) or omission(s) of any official or employee of the GRANTEE while acting within the scope of the official's or employee's office or employment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

8. GRANTEE will have reasonable right of access across GRANTOR's property for the purposes of reaching the described easement (Exhibit "A") on either paved or unpaved surfaces. Any damage to GRANTOR's property or permitted improvements thereon as the result of such access to the described easement or the construction, maintenance, or repairs located within the described easement shall be restored by GRANTEE, to the condition in which it existed prior to the damage, as is reasonably practicable.

9. By acceptance of this easement, the GRANTEE assumes no responsibility for ownership or maintenance of any associated roads. The easement is strictly for utility purposes.

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

(Balance of Page Left Intentionally Blank)



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

Birgit Brewer

[1st Witness' Signature]

BIRGIT BREWER

[Type or Print Name]

[Handwritten mark]

[2nd Witness' Signature]

MICHELLE BUCKLEY

[Type or Print Name]

BY:

[Handwritten signature]

Luke DeLange

[Type or Print Name]

President

[Title]

STATE OF FLORIDA

COUNTY OF COLLIER

The foregoing instrument was signed and acknowledged before me this 23rd day of July 2004, by Luke DeLange who produced the following as identification _____ or is personally know to me, _____ and who did/did not take an oath.

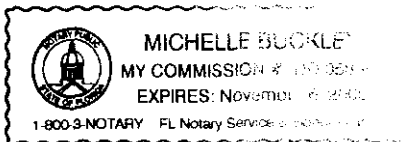
[stamp or seal]

[Handwritten signature]

[Signature of Notary]

MICHELLE BUCKLEY

[Typed or Printed Name]



Approved and accepted for and on behalf of Lee County, Florida, this _____
day of _____, 20_____.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

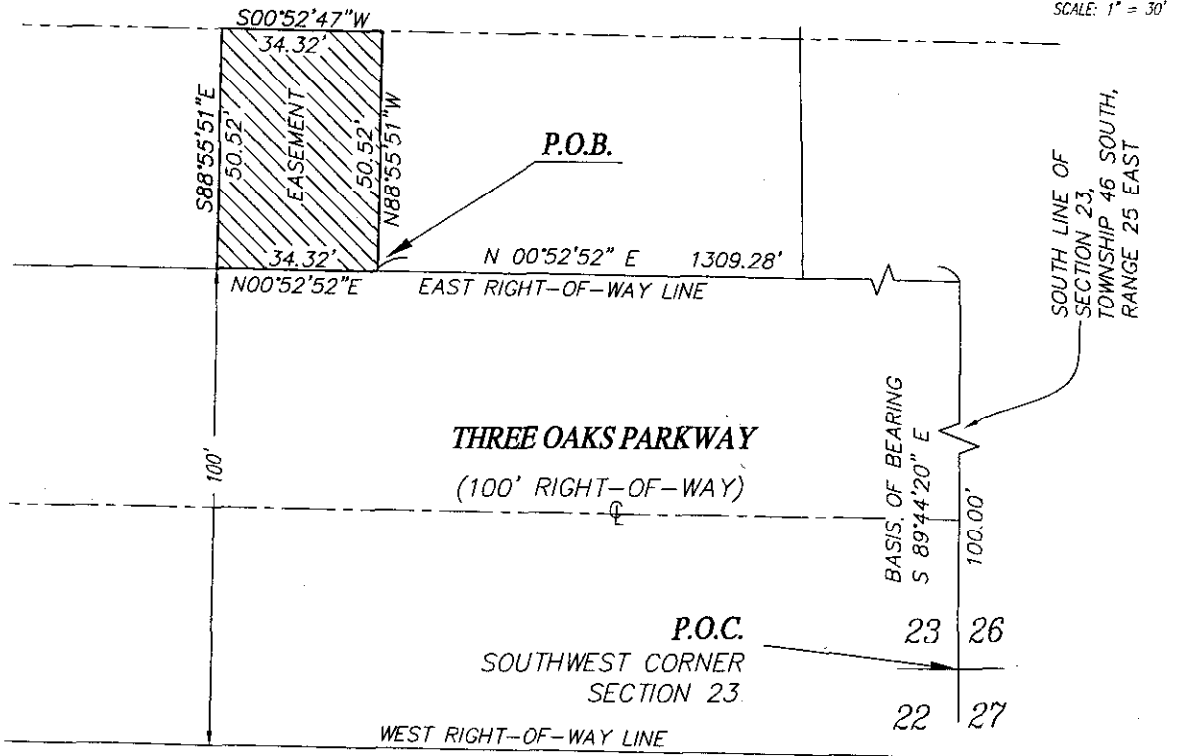
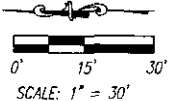
BY: _____
Deputy Clerk

BY: _____
Chairman

APPROVED AS TO FORM

BY: _____
Office of the County Attorney

COPY



LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN SECTION 23, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE SOUTHWEST CORNER OF SECTION 23, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S 89°44'20" E, ALONG THE SOUTH LINE OF SAID SECTION 23, FOR A DISTANCE OF 100.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF THREE OAKS PARKWAY, A 100.00 FOOT WIDE RIGHT-OF-WAY; THENCE RUN N 00°52'52" E, ALONG SAID EAST RIGHT-OF-WAY LINE FOR A DISTANCE OF 1,309.28 FEET TO THE **POINT OF BEGINNING** OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE N 00°52'52" E, ALONG SAID EAST RIGHT-OF-WAY LINE, FOR A DISTANCE OF 34.32 FEET; THENCE RUN S 89°55'51" E FOR A DISTANCE OF 50.52 FEET; THENCE RUN S 00°52'47" W FOR A DISTANCE OF 34.32 FEET; THENCE RUN S 88°55'51" E FOR A DISTANCE OF 50.52 FEET TO THE **POINT OF BEGINNING**. CONTAINING 0.040 ACRES MORE OR LESS.

NOTES

1. BEARINGS SHOWN HEREON REFER TO THE SOUTH LINE OF SECTION 23, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AS BEING SOUTH 89°44'20" EAST.
2. THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS AND/OR RESTRICTIONS OF RECORD.
3. DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.

Q. GRADY MINOR AND ASSOCIATES, P.A.
 CERTIFICATE OF AUTHORIZATION NUMBER LB 5151
 SIGNED 7-26-04

BY: *Stephen X. Burgess* P.S.M. #6408
 STATE OF FLORIDA

LEGEND

P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING

*** THIS IS NOT A SURVEY ***

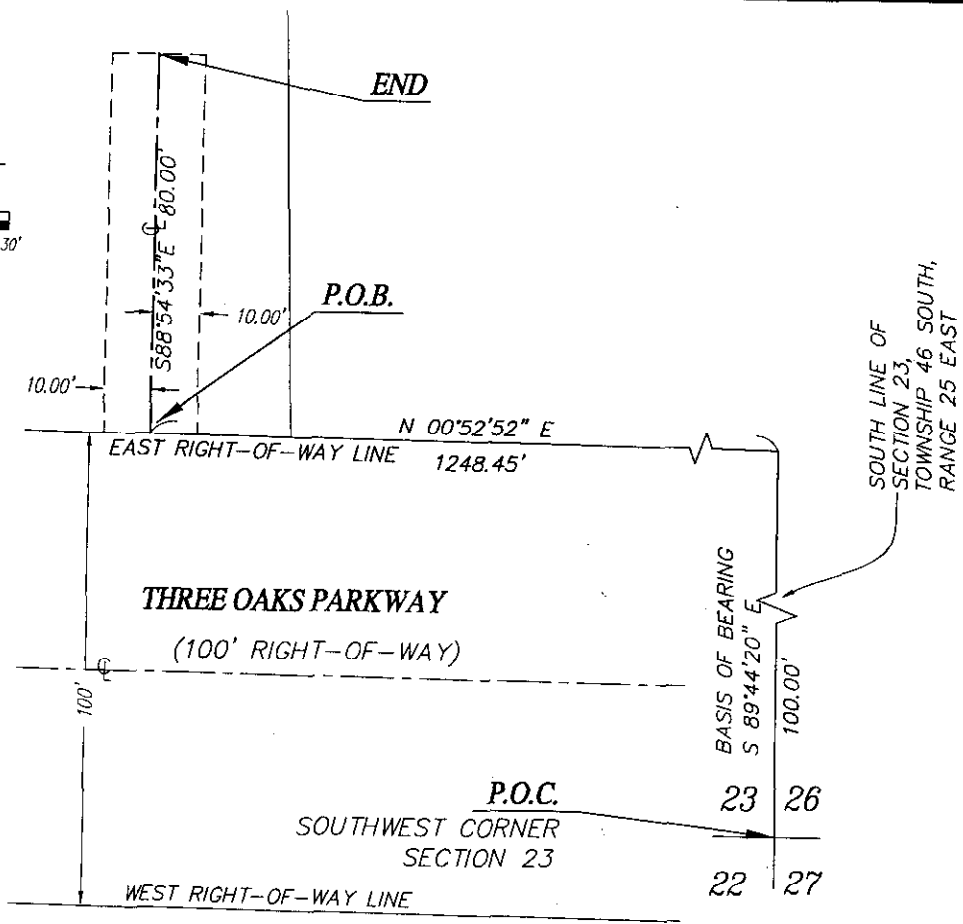
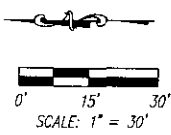
SHEET: 1 OF 1
DRAWN: DWD
JOB CODE: CVCS
SCALE: 1" = 30'

Q. GRADY MINOR AND ASSOCIATES, P.A.
 CIVIL ENGINEERS • LAND SURVEYORS • PLANNERS
 3800 VIA DEL REY
 BONITA SPRINGS, FLORIDA 34134
 PHONE : (239) 947-1144 FAX : (239) 947-0375
 CERTIFICATE OF AUTHORIZATION NUMBER LB 5151

LEGAL DESCRIPTION & SKETCH	
A PORTION OF	
SECTION 23, TOWNSHIP 46 SOUTH, RANGE 25 EAST LEE COUNTY, FLORIDA	
DATE: JULY 2004	DRAWING: B-2895-1

I:\projects\three oaks village\dwg\cb-2895-1.dwg, 07/26/2004 01:07:42 PM, I:\GIM\F32RICOH_2800\1_Q

0000



LEGAL DESCRIPTION

A 20.00 FOOT WIDE STRIP OF LAND LOCATED IN SECTION 23, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, LYING 10.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 23, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN SOUTH 89°44'20" EAST, ALONG THE SOUTH LINE OF SAID SECTION 23, FOR A DISTANCE OF 100.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF THREE OAKS PARKWAY, A 100.00 FOOT WIDE RIGHT-OF-WAY; THENCE RUN NORTH 00°52'52" EAST, ALONG SAID EAST RIGHT-OF-WAY LINE FOR A DISTANCE OF 1,248.45 FEET TO THE POINT OF BEGINNING OF THE CENTERLINE HEREIN DESCRIBED; THENCE RUN S 88°54'33"E FOR A DISTANCE OF 80.00 FEET TO THE END OF SAID CENTERLINE.

NOTES

1. BEARINGS SHOWN HEREON REFER TO THE SOUTH LINE OF SECTION 23, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AS BEING SOUTH 89°44'20" EAST.
2. THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS AND/OR RESTRICTIONS OF RECORD.
3. DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.
4. THE SIDELINES OF THE 20.00 FOOT WIDE STRIP OF LAND ARE TO BE SHORTENED OR LENGTHENED TO MEET THE EAST RIGHT-OF-WAY LINE OF THREE OAKS PARKWAY.

Q. GRADY MINOR AND ASSOCIATES, P.A.
 CERTIFICATE OF AUTHORIZATION NUMBER: K.B. 5151

SIGNED *Thomas J. Garris*

BY: THOMAS J. GARRIS P.S.M. #3741
 STATE OF FLORIDA

LEGEND

P.O.C. POINT OF COMMENCEMENT
 P.O.B. POINT OF BEGINNING

*** THIS IS NOT A SURVEY ***

SHEET: 1 OF 1
DRAWN: DWD
JOB CODE: CVCS
SCALE: 1" = 30'

Q. GRADY MINOR AND ASSOCIATES, P.A.
 CIVIL ENGINEERS • LAND SURVEYORS • PLANNERS
 3800 VIA DEL REY
 BONITA SPRINGS, FLORIDA 34134
 PHONE : (239) 947-1144 FAX : (239) 947-0375
 CERTIFICATE OF AUTHORIZATION NUMBER LB 5151

LEGAL DESCRIPTION	
A PORTION OF	
SECTION 23, TOWNSHIP 46 SOUTH, RANGE 25 EAST LEE COUNTY, FLORIDA	
DATE: JULY 2004	DRAWING: B-2895

COPY

TO: LEE COUNTY FINANCE DEPARTMENT

FROM: UTILITIES ENGINEERING
(Department)

BS 20041148-UTL

SUE GULLEDGE

A. AUTHORIZATION:

This transmittal authorizes the UTIL. ENGINEERING office to incur expenses for filing/record against:

Purchase Order # N/A for THREE OAKS VILLAGE A/K/A COASTAL VILLAGE project.
ACCOUNT NO. OD5360748700.504930 EASEMENT: LELY DEV. CORP.

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

Sue Gulledge
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