

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

**Blue Sheet No. 20061536-UTL**

**1. Action Requested/Purpose:**

Developer Contributed Asset: Approve final acceptance, by Resolution and recording of one Utility Easement, as a donation of one 6" diameter fire line, one 2" diameter water service and a force main connection, to provide water service, fire protection and sanitary sewer service to *Keystone Coal Company, Inc. Fruit Market*, a recently constructed commercial building. This is a Developer Contributed asset project located on the west side of San Carlos Boulevard approximately 1/4 mile south of Pine Ridge Road.

**2. What Action Accomplishes:**

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

**3. Management Recommendation:**

Approval.

**4. Departmental Category: 10 – Utilities**

**C10B**

**5. Meeting Date:**

**JAN 09 2007**

**6. Agenda:**

☒ **Consent**  
☐ **Administrative**  
☐ **Appeals**  
☐ **Public**  
☐ **Walk-On**

**7. Requirement/Purpose (specify)**

☐ **Statute**  
☐ **Ordinance**  
☐ **Admin. Code**  
☒ **Other** Approval

**8. Request Initiated:**

**Commissioner**  
**Department** Public Works  
**Division** Utilities  
**By:** Douglas L. Meurer 12-7-2006  
**Douglas L. Meurer, P.E., Director**

**9. Background:**

Fire lines and single sewer service connections do not require permission to construct by the Board, therefore, no previous Blue Sheet number is provided.

The installation has been inspected for conformance to the Lee County Utilities Operations Manual.

Record drawings have been received.

Engineer's Certification of Completion has been provided—copy attached.

Project Location Map—copy attached.

Warranty has been provided—copy attached.

Waiver of Lien has been provided—copy attached.

Certification of Contributed Assets has been provided—copy attached.

The developer constructed a privately owned and maintained lift station that connects to existing infrastructure located within the right-of-way of San Carlos Boulevard.

100% of the connection fees have been paid.

Funds are available for recording fees in account number OD5360748700.504930.

SECTION 07    TOWNSHIP 46S    RANGE 25E    DISTRICT #1    COMMISSIONER JANES

**10. Review for Scheduling**

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager / P.W. Director
					Analyst	Risk	Grants	Mgr.	
<u>J. Lavender</u> Date: <u>12-8-06</u>	N/A	N/A	<u>N.O.</u> T. Osterhout Date: <u>12/7</u>	<u>S. Covert</u> Date: <u>12/12/06</u>	<u>ebw</u> <u>12-12-06</u>	<u>es</u> <u>12/12/06</u>	<u>12/12/06</u>	<u>12/12/06</u>	<u>J. Lavender</u> Date: <u>12-8-06</u>

**11. Commission Action:**

☐ **Approved**  
☐ **Deferred**  
☐ **Denied**  
☐ **Other**

RECEIVED BY COUNTY ADMIN:
<u>12/12/06</u>
COUNTY ADMIN FORWARDED TO:
<u>12/12/06</u>

Rec. by CoAtty
Date: <u>12/11/06</u>
Time: <u>1:45pm</u>
Forwarded To:
<u>12/12/06</u> <u>1:30pm</u>

RESOLUTION NO.

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

WHEREAS, it is the desire of "Tom L. Scholl", owner of record, to make a contribution to Lee County Utilities of water facilities (one six inch diameter fire line, one two inch diameter water service line, and fire protection), and sewer facilities (a force main extension, sanitary sewer service), serving "**Keystone Coal Company, Inc. Fruit Market**"; 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 **\$26,653.00** is hereby ACCEPTED and acknowledged as an addition to Lee County Utilities.

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

Commissioner Bob Janes:	_____	(1)
Commissioner Brian Bigelow:	_____	(2)
Commissioner Ray Judah:	_____	(3)
Commissioner Tammara Hall:	_____	(4)
Commissioner Frank Mann:	_____	(5)

DULY PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

ATTEST:  
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

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

By: \_\_\_\_\_  
CHAIR

APPROVED AS TO FORM

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

**BS 20061536-UTL**

# COPY

## LETTER OF COMPLETION

DATE: 11/15/2006

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

Gentlemen:

This is to certify that the **fire line up to and including 1st OS + Y valve(s) , water service(s) and force main extension/connection** located at  
**Keystone Coal Company, Inc. Fruit Market**  
(Name of Development/Project)

was designed by me and has 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:

**Pressure Test(s) - Water Main , Pressure Test(s) - Force Main and Lift Station Start-up**

Very truly yours,

Aim Engineering and Surveying, Inc.  
(Owner or Name of Corporation/Firm)



(Signature)

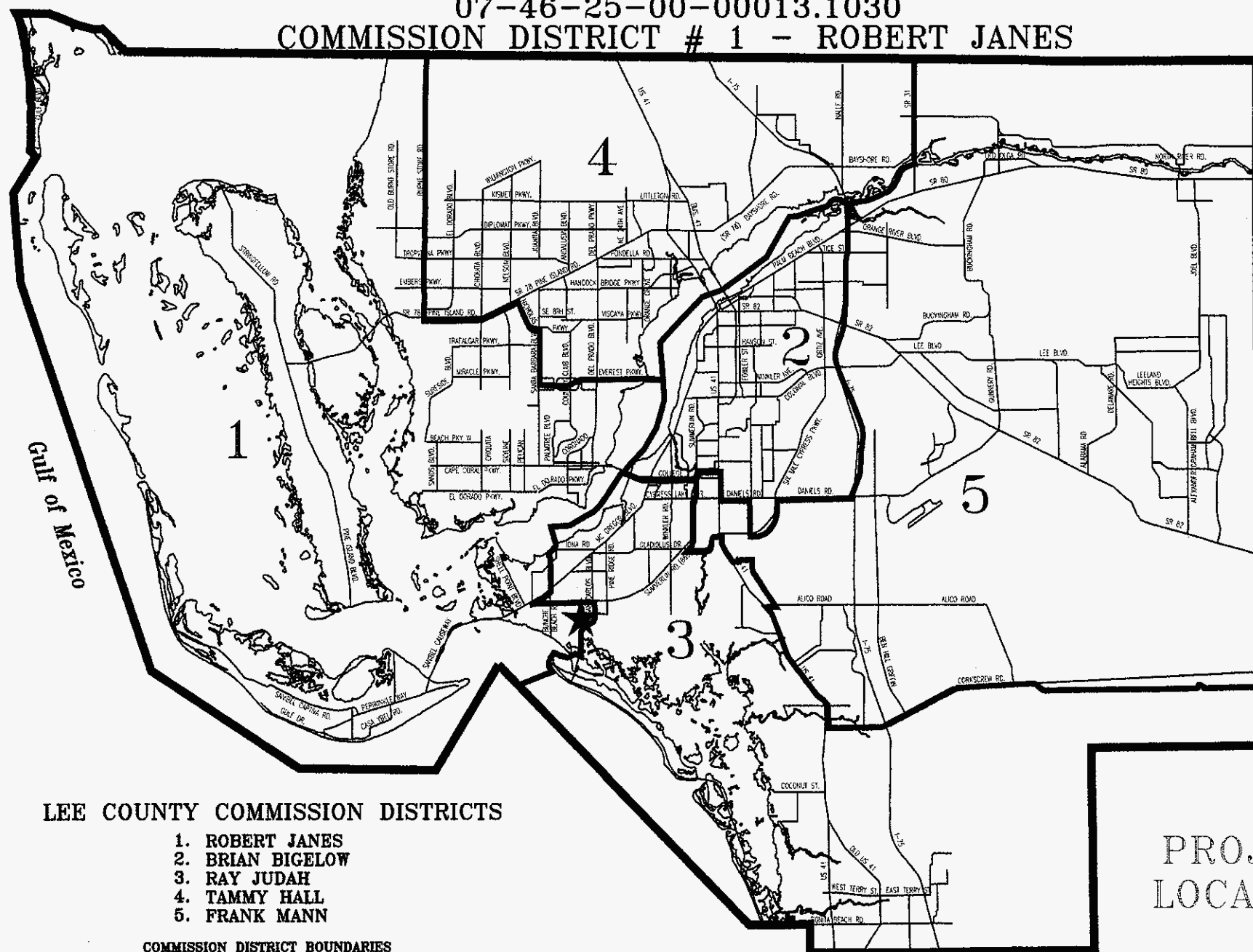
James D. Hull Owner  
(Name and Title)

(Seal of Engineering Firm)



LEE COUNTY  
SOUTHWEST FLORIDA  
(Forms - Letter of Completion - Revised 2004)

KEYSTONE COAL COMPANY, INC. FRUIT MARKET  
07-46-25-00-00013.1030  
COMMISSION DISTRICT # 1 - ROBERT JANES



COPY

LEE COUNTY COMMISSION DISTRICTS

1. ROBERT JANES
2. BRIAN BIGELOW
3. RAY JUDAH
4. TAMMY HALL
5. FRANK MANN

COMMISSION DISTRICT BOUNDARIES  
DECEMBER 2000

PROJECT  
LOCATION

**COPY**

11.2

WARRANTY

THE UNDERSIGNED parties do hereby warrant and/or guaranty all work executed by the contractor on the water and sewer of KEYSTONE COAL COMPANY FRUIT MARKET 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.

BATEMAN CONTRACTING

(Name of Owner/Contractor)

BY: William D. Reese

(Signature of Owner/Contractor)

STATE OF FL )

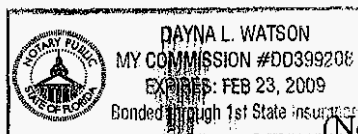
) SS:

COUNTY OF LEE )

The foregoing instrument was signed and acknowledged before me this 22 nd day of JULY, 2004 by WILLIAM D. REESE (who is personally known to me - ), and who did take an oath.

Dayna L. Watson  
Notary Public Signature

\_\_\_\_\_  
Printed Name of Notary Public



(Notary Seal & Commission Number)

**COPY**

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

The undersigned lienor, in consideration of the final payment in the amount of  
TWENTY SIX THOUSAND SIX HUNDRED AND FIFTY THREE (\$26,653.00) hereby waives and  
releases its lien and right to claim a lien for labor, services, or materials furnished to LEE COUNTY on  
the job of KEYSTONE COAL COMPANY FRUIT MARKET to the following described property:

KEYSTONE COMPANY FRUIT MARKET  
(Name of Development/Project)

water distribution and sanitary sewer systems  
(Facilities Constructed)

17650 SAN CARLOS BLVD. FT. MYERS, FL. 33931  
(Location)

07-46-24-00-00013.1030  
(Strap # or Section, Township & Range)

Dated on: February 28, 2006

By:   
(Signature of Authorized Representative)

BATEMAN CONTRACTING  
(Name of Firm or Corporation)

By: DOUG REESE  
(Print Name of Authorized Representative)

15531 CATALPA COVE DR  
(Address of Firm or Corporation)

Title: UTILITY MANAGER


FORT MYERS, FL 33908-  
(City, State & Zip Of Firm Or Corporation)

Phone #: (239)482-4826 Ext.

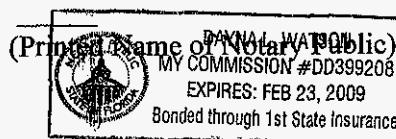
Fax#: (239)482-8177

STATE OF FL )  
 ) SS:  
COUNTY OF LEE )

The foregoing instrument was signed and acknowledged before me this 7<sup>th</sup> day of April, 2005 by  
DOUG REESE who has produced the following as identification - DL , and who did take an oath.

  
(Notary Public Signature)

(Notary Seal & Commission Number)



11.5

PROJECT NAME:	KEYSTONE COAL COMPANY FRUIT MARKET
STRAP NUMBER:	07-46-24-00-00013.1030
LOCATION:	17650 SAN CARLOS BLVD. FORT MYERS, FL. 33931
OWNER'S NAME: (as shown on Deed)	TOM L. SCHOLL
OWNER'S ADDRESS:	1375 JACKSON STREET
OWNER'S ADDRESS:	FORT MYERS, FL 33901-
OWNER'S TELEPHONE #:	(239) 337-7474

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

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	16" x 6"	1.0	EA	\$5,000.00	\$5,000.00
CL-50 DIP	6"	6.0	LF	\$19.00	\$114.00
HDPE SDR-11	2"	11.0	LF	\$6.00	\$66.00
SINGLE WATER SERVICE/COMPLETE	2"	2.0	EA	\$2,500.00	\$5,000.00
FIRE LINE UP TO AND INCL 1ST OS + Y VALVE	6"	1.0	LF	\$1,671.00	\$1,671.00
<b>TOTAL</b>					<b>\$11,851.00</b>

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



**Contractor's Certification of Contributory Assets – Form (July2006)**

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

Doug Reese  
(Signature of Certifying Agent)

DOUG REESE/ UTILITY MANAGER

(Name & Title of Certifying Agent)

BATEMAN CONTRACTING

(Name of Firm or Corporation)

15531 CATALPA COVE DR

(Address of Firm or Corporation)

FORT MYERS, FL 33908 -

STATE OF FL )

) SS:

COUNTY OF LEE )

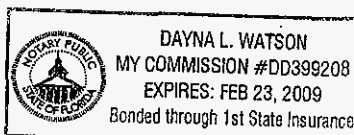
The foregoing instrument was signed and acknowledged before me this 23 nd day of February, 2006 by DOUG REESE who is personally known to me - , and who did take an oath.

Dayna L. Watson

Notary Public Signature

Dayna L. Watson

Printed Name of Notary Public



Notary Commission Number

(NOTARY SEAL)



**CERTIFICATION OF CONTRIBUTORY ASSETS**

PROJECT NAME: KEYSTONE COAL COMPANY FRUIT MARKET

STRAP NUMBER: 07-46-24 00 00013.1030

LOCATION: 17650 SAN CARLOS BLVD. FORT MYERS, FL. 33931

OWNER'S NAME: TOM L. SCHOLL

OWNER'S ADDRESS: 1375 JACKSON ST.

OWNER'S ADDRESS: FT. MYERS, FL 33901-

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.

<b><u>ITEM</u></b>	<b><u>SIZE</u></b>	<b><u>QUANTITY</u></b>	<b><u>UNIT</u></b>	<b><u>UNIT COST</u></b>	<b><u>TOTAL</u></b>
TAPPING SLEEVE W/VALVE	10"x4"	1.0	EA	\$2,170.00	\$2,170.00
HDPE SDR-11 CASING	12"	98.0	LF	\$74.00	\$7,252.00
HDPE SDR-11	4"	120.0	LF	\$24.00	\$2,880.00
PLUG VALVE	4"	1.0	EA	\$1,000.00	\$1,000.00
ASSORTED FITTINGS	4"	1.0	LS	\$1,500.00	\$1,500.00
<b><u>TOTAL</u></b>					<b>\$14,802.00</b>

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

LEE COUNTY  
SOUTHWEST FLORIDA

Contractor's Certification of Contributory Assets – Form (January 2004)

U:\My Documents\KEYSTONE CONT. ASSETS SEWER.doc

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)

DOUG REESE/ UTILITY MANAGER

(Name & Title of Certifying Agent)

BATEMAN CONTRACTING

(Name of Firm or Corporation)

15531 CATALPA COVE DR

(Address of Firm or Corporation)

FORT MYERS, FL 33908 -

STATE OF FL )

) SS:

COUNTY OF LEE )

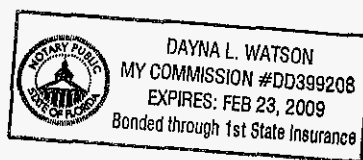
The foregoing instrument was signed and acknowledged before me this 23 nd day of February, 2006 by DOUG REESE who is personally known to me - , and who did take an oath.

*Dayna L. Watson*

Notary Public Signature

*Dayna L. Watson*

Printed Name of Notary Public



Notary Commission Number

(NOTARY SEAL)



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

INET

FDOR10240300  
DR-219  
R. 07/98

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

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

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:**

BS 20061536

TOM L. SCHOLL

Last Mailing Address  
1375 JACKSON STREET

First City  
FORT MYERS

MI State  
FL

Corporate Name (if applicable)

33901

4. Grantee (Buyer):

Last Mailing Address  
THOM OSTERHOUT

First City  
AS AGENT: FT. MYERS

MI State  
FOR LEE CO. BD. OF CO. COMMISSIONERS FL

Corporate Name (if applicable)

33902

(239) 4798181

5. Date of Sale/Transfer

Sale/Transfer Price

01/09/2007  
Month Day Year

\$10,000.00  
(Round to the nearest dollar.)

Property Located In Lee

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.) \$0.00

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

\$0.00 Cents

12. Amount of Documentary Stamp Tax

\$70

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

YES ☐ / ☐ NO

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

Signature of Grantor or Grantee or Agent

Date 12/7/06

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

This copy to Property Appraiser

O. R. Book ☐☐☐☐  
and  
Page Number ☐☐☐  
and  
File Number ☐☐☐☐☐☐☐☐☐  
Date Recorded ☐☐ / ☐☐ / ☐☐  
Month Day Year

This copy to Property Appraiser



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

INET

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

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:

BS 20061536

TOM L. SCHOLL

Last Mailing Address  
1375 JACKSON STREET

First City  
FORT MYERS

State Zip Code  
FL 33901

4. Grantee (Buyer):

Last Mailing Address  
THOM OSTERHOUT

First City  
AS AGENT:

State Zip Code Phone No.  
FOR LEE CO. BD. OF CO. COMMISSIONERS  
FL 33902 (239) 4798181

5. Date of Sale/Transfer

01 09 2007 \$  
Month Day Year

Sale/Transfer Price

\$10

. 00 Property Located In 46 County Code

6. Type of Document

Contract/Agreement ☒ Other  
for Deed  
Quit Claim  
Deed

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

Mark (x) all  
that apply

☒

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

\$

\$

0.70

Cents  
. 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/her has any knowledge.

Signature of Grantor or Grantee or Agent

Date 12/7/06

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

This copy to Department of Revenue

O. R. Book   
and  
Page Number   
and  
File Number   
Date Recorded  /  /   
Month Day Year

This copy to Department of Revenue

**TO: RECORDERS OFFICE**

**PLEASE PUT MY NAME ON THE ATTENTION LINE:**

**Sue Gulledge**

**CHARGE TO: LEE COUNTY UTILITIES -  
LCU 500283**

**ACCOUNT NO. OD5360748700.504930**

**THANK YOU.**

**FOR UTILITIES USE ONLY:**

**BLUE SHEET NO. 20061536-UTL**

**PROJECT NAME: KEYSTONE COAL COMPANY,  
INC. FRUIT MARKET**

**EASEMENT NAME: TOM L. SCHOLL**

**TYPING BY: Jeanette Cruz**

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

Strap Number(s):

**07-46-24-00-00013.1030**

**LCU 500283**

(THIS SPACE RESERVED FOR RECORDING)

**GRANT OF PERPETUAL PUBLIC UTILITY EASEMENT**

THIS INDENTURE is made and entered into this \_\_\_\_ day of \_\_\_\_\_ 2006, by and between "**TOM L. SCHOLL**" Owner, hereinafter referred to as GRANTOR(S), and "**LEE COUNTY**", a political subdivision of the State of Florida, hereinafter referred to as GRANTEE.

**WITNESSETH:**

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

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

**BS 20061536-UTL**



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

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

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

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

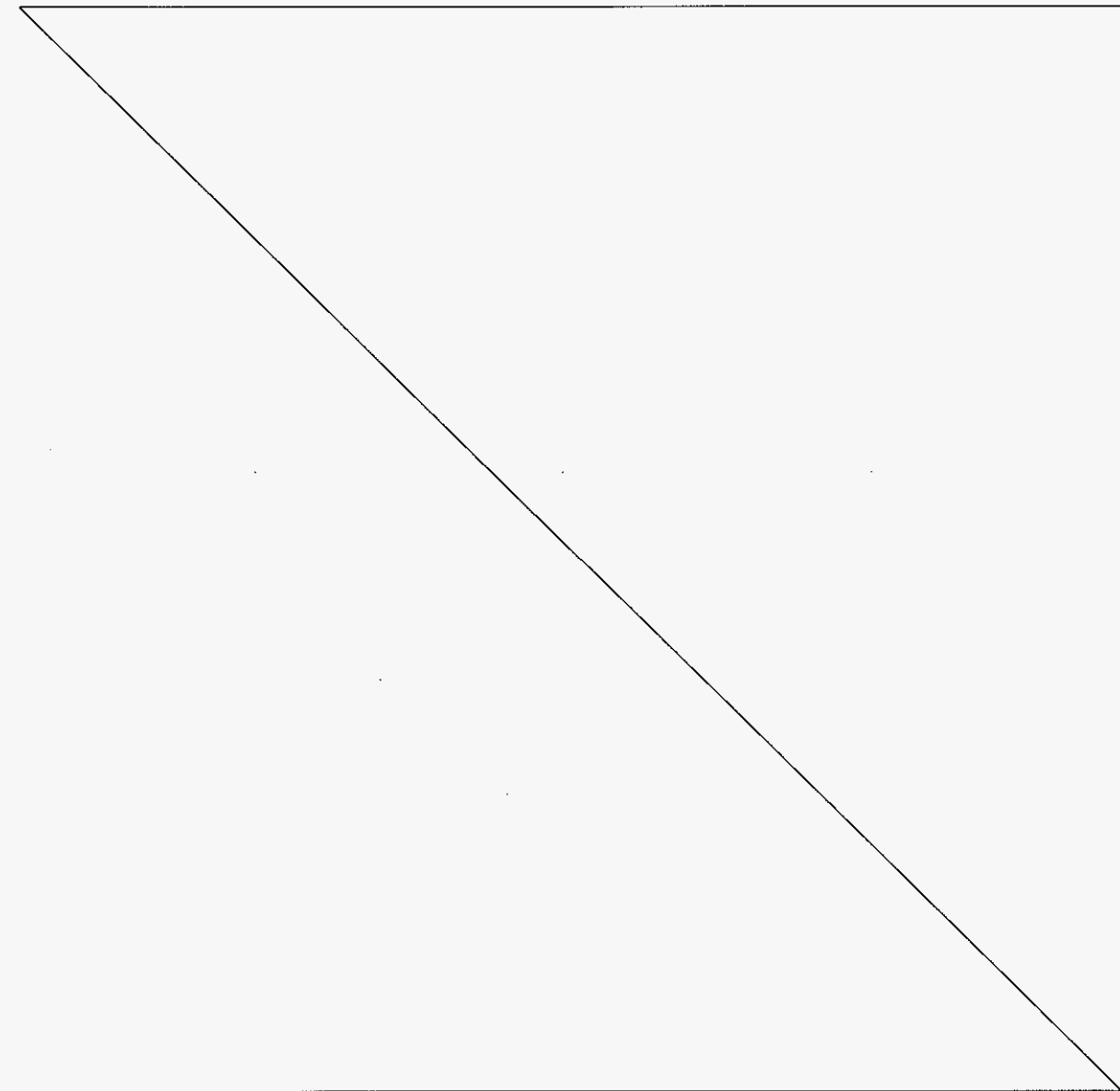
7. GRANTEE will be liable for money damages in tort for any injury to or loss of property, personal injury, or death caused by the negligent or wrongful act(s) or omission(s) of any official or employee of the GRANTEE while acting within the scope of the official's or employee's office or employment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

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

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

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

(Balance of Page Left Intentionally Blank)



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

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

Bob Pulley  
[Type or Print Name]

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

Donald Rockwell  
[Type or Print Name]

BY: Tom L Scholl  
[Signature Grantor's/Owner's]

Tom L Scholl  
[Type or Print Name]

President  
[Title]

STATE OF FLORIDA

COUNTY OF Lee

The foregoing instrument was signed and acknowledged before me this 1 day of Nov 2006 by Tom Scholl who ~~produced the following as identification~~ or is personally know to me, and who did/~~did not~~ take an oath.

[stamp or seal]



Pamela P. Dever  
[Signature of Notary]

\_\_\_\_\_  
[Typed or Printed Name]

Approved and accepted for and on behalf of Lee County, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

ATTEST:  
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: \_\_\_\_\_  
Deputy Clerk

BY: \_\_\_\_\_  
Chair

APPROVED AS TO FORM

BY: \_\_\_\_\_  
Office of the County Attorney  
Scott S. Coover, Esquire

LEGAL AND SKETCH LYING IN  
SECTION 7, TOWNSHIP 46 SOUTH, RANGE 24 EAST,  
LEE COUNTY, FLORIDA

STRAP No. 07-46-24-00-00013.1030  
OWNER: TOM L. SCHOLL

Exhibit "A"

Easement

A 40 foot wide tract of land laying 20 feet of each side of the following described line

Commencing at the Southwest corner of Section 7, Township 46 South, Range 24 East;  
thence N. 00°-18'-37" W. along the West line of the said section 7 for 660.00 feet; thence  
S. 72°-00'-17" E. for 85.20 feet; thence N. 58°-09'-41" E. parallel with and 300 feet  
Northwesterly of the Northwest right-of-way line of San Carlos Boulevard (S.R. 865) for  
2215.27 feet; thence S. 31°-50'-19" E. 300.00 feet to a point on said right-of-way line;  
thence along a chord bearing N. 51°-05'-51" E. 308.80' to a point on the Northerly right-  
of-way of San Carlos Boulevard and the Point of Beginning or herein described  
easement; thence leaving said right-of-way line on a radial line bearing N. 46°-56'-55"  
W. 20 feet and the terminus of this easement.

COPY



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

PREPARED BY:  
AIM ENGINEERING & SURVEYING, INC.

AIM Engineering & Surveying, Inc.



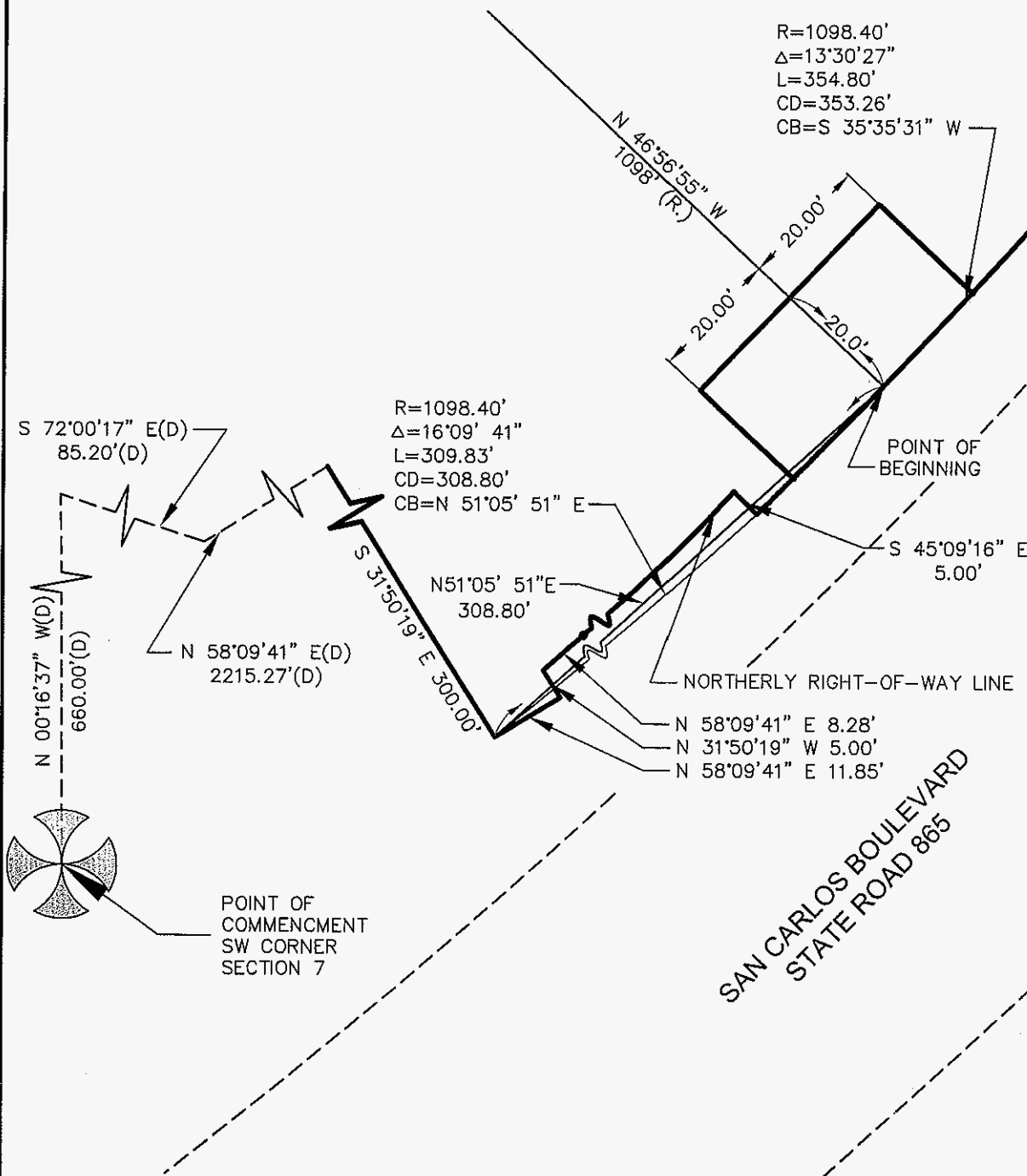
5300 LEE BLVD.  
P.O. BOX 1235  
LEHIGH ACRES  
FLORIDA 33970  
239/332-4569  
FX: 239/332-8734

THIS IS NOT A SURVEY

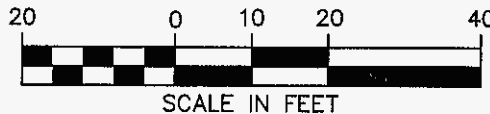
SHEET 1 OF 2

PROJECT NUMBER: 01-8125	DESCRIPTION: FRUIT MARKET		
DRAWN BY: PJM	CLIENT: KEYSTONE COAL CO. INC.		
DATE: 11/01/06	SEC-TWP-RGE 7-46S-24E	FILE: LEGAL & SKETCH	COUNTY: LEE COUNTY

LEGAL AND SKETCH LYING IN  
SECTION 7, TOWNSHIP 46 SOUTH, RANGE 24 EAST,  
LEE COUNTY, FLORIDA



COPY



NOTES

- 1) BEARINGS SHOWN HEREON ARE BASED UPON THE NORTH PROPERTY LINE HAVING A BEARING OF  $N\ 88'33'44''\ W$ .
- 2) PARCEL ID. No. 07-46-24-00-00013.1030

AIM Engineering & Surveying, Inc.

THIS IS NOT A SURVEY

EXHIBIT "B"  
SHEET 2 OF 2



5300 LEE BLVD.  
P.O. BOX 1235  
LEHIGH ACRES  
FLORIDA 33970  
239-332-4569  
FX: 239-332-8734

PROJECT NUMBER: 01-8125	DESCRIPTION: FRUIT MARKET		
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DATE: 11/01/06	SEC-TWP-RGE 7-46S-24E	FILE: LEGAL & SKETCH	COUNTY: LEE COUNTY