

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

Blue Sheet No. 20070114-UTL

1. ACTION REQUESTED/PURPOSE:

Developer Contributed Asset: Approve final acceptance, by Resolution and recording of one Utility Easement, as a donation of water and force main extensions, to provide potable water service, fire protection and sewer service to *Mar-Mas Professional Center*, a recently constructed commercial building. This is a Developer Contributed asset project located on the east side of San Carlos Blvd approximately 1,000' south of Gladiolus Drive.

2. FUNDING SOURCE: No funding required.

3. WHAT ACTION ACCOMPLISHES:

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

4. MANAGEMENT RECOMMENDATION: Approve.

5. Departmental Category: 10 - Utilities **C106** **6. Meeting Date:** FEB 13 2007

7. Agenda: <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Administrative <input type="checkbox"/> Appeals <input type="checkbox"/> Public <input type="checkbox"/> Walk-On	8. Requirement/Purpose: (specify)		9. Request Initiated:
	Statute		Commissioner
	Ordinance		Department
	Admin. Code		Division
	<input checked="" type="checkbox"/> Other	Approval	By: <i>Douglas L. Meurer</i> 1-25-2007 Douglas L. Meurer, P.E., Director

10. Background:

The Board granted permission to construct on 03-14-06, Blue Sheet #20060153.
 The installation has been inspected for conformance to the Lee County Utilities Operations Manual.
 Satisfactory pressure and bacteriological testing has been completed.
 Satisfactory pressure testing of the force main has been completed.
 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.
 100% of the connection fees have been paid.
 Funds are available for recording fees in account number

OD5360748700.504930.

(Util-Util Eng-Dep Clerk Fees for Recording & Filing)

SECTION 31 TOWNSHIP 45S RANGE 24E DISTRICT #3 COMMISSIONER JUDAH

11. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Res.	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.	
<i>J. Lavender</i> Date: 1/26/07	N/A Date:	N/A Date:	<i>T.O.</i> T. Osterhout Date: 1/24	<i>S. Coovert</i> S. Coovert Date: 1/29/07	<i>elw</i> 1-30-07	<i>MP</i> 1-30-07	<i>M</i> 1/30/07	<i>J</i> 1/30/07	<i>J. Lavender</i> Date: 1/26/07

12. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY COUNTY ADMIN:
 1/29 4:30 MP
 1/29 to EW
 COUNTY ADMIN FORWARDED TO:
 1/30 11:00 MP
 1/30 to PR

Rec. by CoAtty
 Date: 1/29/07
 Time: 11:50 AM
 Forwarded To:
 1/29/07
 2:00 PM

RESOLUTION NO.

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

WHEREAS, it is the desire of "Mar-Mas, LLC" owner of record, to make a contribution to Lee County Utilities of water facilities (a water main extension), and sewer facilities (a force main extension), serving "MAR-MAS PROFESSIONAL CENTER"; 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 **\$52,638.50** 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 _____, 2007.

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 20070114-UTL

COPY

LETTER OF COMPLETION

DATE: 1/18/2007

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

Gentlemen:

This is to certify that the **water service(s) , fire line up to and including 1st OS + Y valve(s) , sewer service(s)** located at

Mar-Mas Professional Center

(Name of Development/Project)

were designed by me and have been constructed in conformance with:

the approved plans and the approved specifications

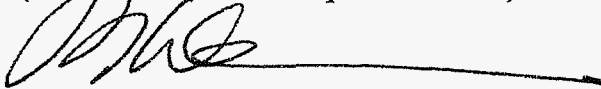
Upon completion of the work, we observed the following successful tests of the facilities:

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

Very truly yours,

Morris-Depew Associates, Inc.

(Owner or Name of Corporation/Firm)

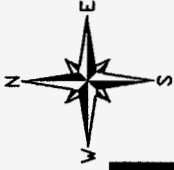


(Signature)

M. William Morris, Jr., PE, Authorized Agent

(Name and Title)

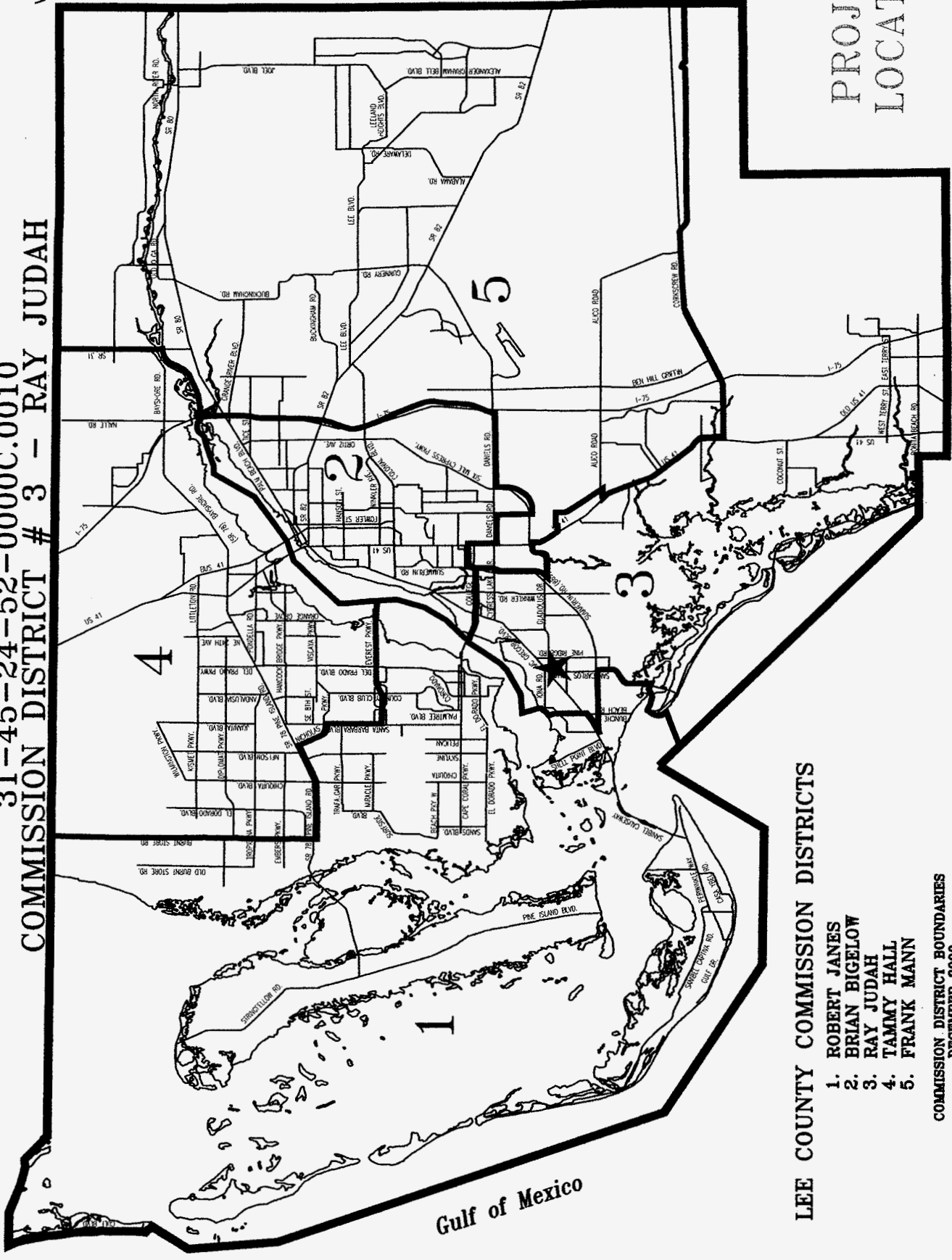
(Seal of Engineering Firm)



COPY

PROJECT
LOCATION

MAR MAS PROFESSIONAL CENTER
31-45-24-52-0000C.0010
COMMISSION DISTRICT # 3 - RAY JUDAH



LEE COUNTY COMMISSION DISTRICTS

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

COMMISSION DISTRICT BOUNDARIES
DECEMBER 2000

Gulf of Mexico

COPY

WARRANTY

THE UNDERSIGNED parties do hereby warrant and/or guaranty all work executed by the contractor on the water and sewer systems of Mar-Mas 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.

B.J. Enterprises, Inc.
(Contractor/Company Name)

Michael Sappah, President
(Authorized Representative, Title)

BY: *Michael Sappah*
(Signature)

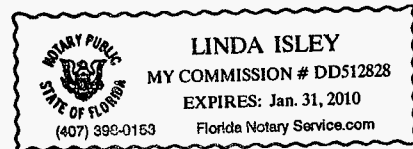
STATE OF FL)
) SS:
COUNTY OF Lee)

The foregoing instrument was signed and acknowledged before me this 3 rd day of January, 2007 by Michael Sappah who is personally known to me - _____, and who did not take an oath.

Linda Isley
Notary Public Signature

Linda Isley
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 Fifty-Two Thousand Six Hundred Thirty Eight & 50/100's (\$52,638.50) hereby waives and releases its lien and right to claim a lien for labor, services, or materials furnished to Taylor-Pansing on the job of Mar-Mas to the following described property:

Mar-Mas
(Name of Development/Project)

15671 San Carlos Blvd Ft Myers Fl 33908
(Location)

Water /or Sewer Service(s)

(Facilities Constructed)

31-45-24-52-0000C.0010
(Strap # or Section, Township & Range)

Dated on: January 3, 2007

By: *Michael Sappah*
(Signature of Authorized Representative)

By: Michael Sappah
(Print Name of Authorized Representative)

Title: President

Phone #: (239)731-2333 Ext.

B.J. Enterprises, Inc.
(Name of Firm or Corporation)

8102 Grady Dr
(Address of Firm or Corporation)

N Fort Myers, FL 33917-
(City, State & Zip Of Firm Or Corporation)

Fax#: (239)731-5205

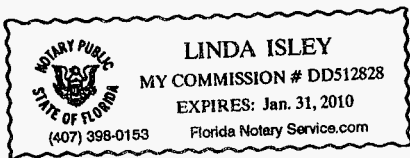
STATE OF FL)
) SS:
COUNTY OF Lee)

The foregoing instrument was signed and acknowledged before me this 3 rd day of January, 2007 by Michael Sappah who is personally known to me - _____, and who did not take an oath.

Linda Isley
(Notary Public Signature)

(Notary Seal & Commission Number)

Linda Isley
(Printed Name of Notary Public)



CERTIFICATION OF CONTRIBUTORY ASSETS

PROJECT NAME: Mar-Mas

STRAP NUMBER: 31-45-24-52-0000C.0010

LOCATION: 15671 San Carlos Blvd Ft Myers Fl 33908

OWNER'S NAME: (as shown on Deed) Mar-Mas LLC

OWNER'S ADDRESS: 12065 Metro Pkwy Ste 101 Ft Myers Fl 33912

OWNER'S ADDRESS: , -

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.

ITEM	SIZE	QUANTITY	UNIT	UNIT COST	TOTAL
TAPPING SLEEVE W/VALVE	16" x 6"	1.0	EA	\$3,200.00	\$3,200.00
CL-50 DIP	6"	49.0	LF	\$22.50	\$1,102.50
ASSORTED FITTINGS	6"	2.0	EA	\$275.00	\$550.00
FIRE LINE UP TO AND INCL 1ST OS + Y VALVE	6"	1.0	LS	\$2,150.00	\$2,150.00
SINGLE WATER SERVICE/COMPLETE	2"	1.0	EA	\$1,550.00	\$1,550.00
TOTAL					\$8,552.50

(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 Michael Sappah
(Signature of Certifying Agent)

Michael Sappah / President
(Name & Title of Certifying Agent)

B.J. Enterprises, Inc.
(Name of Firm or Corporation)

8102 Grady Dr
(Address of Firm or Corporation)

N Fort Myers, FL 33917 -

STATE OF FL)
) SS:
COUNTY OF Lee)

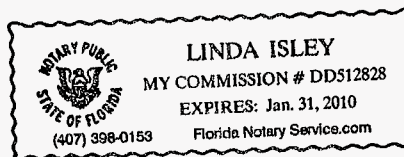
The foregoing instrument was signed and acknowledged before me this 3rd day of January, 2007 by Michael Sappah who is personally known to me - _____, and who did not take an oath.

Linda Isley
Notary Public Signature

Linda Isley
Printed Name of Notary Public

DD512828
Notary Commission Number

(NOTARY SEAL)



COPY

CERTIFICATION OF CONTRIBUTORY ASSETS

PROJECT NAME: Mar-Mas

STRAP NUMBER: 31-45-24-52-0000C.0010

LOCATION: 15671 San Carlos Blvd Ft Myers Fl 33908

OWNER'S NAME: (as shown on Deed) Mar-Mas LLC

OWNER'S ADDRESS: 12065 Metro Pkwy Ste 101 Ft Myers Fl 33912

OWNER'S ADDRESS: , -

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.

ITEM	SIZE	QUANTITY	UNIT	UNIT COST	TOTAL
ASSORTED FITTINGS	8" x 4"	1.0	EA	\$1,275.00	\$1,275.00
PLUG VALVE	4"	3.0	EA	\$1,575.00	\$4,725.00
ASSORTED FITTINGS	4"	4.0	EA	\$275.00	\$1,100.00
HDPE SDR-11	4"	676.0	LF	\$41.00	\$27,716.00
HDPE SDR-11 CASING	12"	103.0	LF	\$90.00	\$9,270.00
TOTAL					\$44,086.00

(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 Michael Sappah
(Signature of Certifying Agent)

Michael Sappah / President
(Name & Title of Certifying Agent)

B.J. Enterprises, Inc.
(Name of Firm or Corporation)

8102 Grady Dr
(Address of Firm or Corporation)

N Fort Myers, FL 33917 -

STATE OF FL)
) SS:
COUNTY OF Lee)

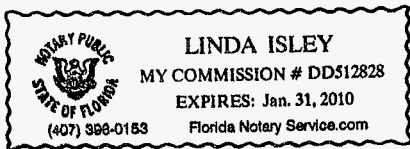
The foregoing instrument was signed and acknowledged before me this 3 rd day of January, 2007 by Michael Sappah who is personally known to me - _____, and who did not take an oath.

Linda Isley
Notary Public Signature

Linda Isley
Printed Name of Notary Public

DD512828
Notary Commission Number

(NOTARY SEAL)





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) →

314524520000C0010

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 20070114

MAR-MAS, LLC

Last First MI Corporate Name (if applicable)

12065 METRO PKWY-#101

FT. MYERS

FL

33912 ()

Mailing Address

City

State

Zip Code

Phone No.

4. Grantee (Buyer):

THOM OSTERHOUT

AS AGENT:

FOR LEE CO. BD. OF CO. COMMISSIONERS

Last First MI Corporate Name (if applicable)

P. O. BOX 398

FT. MYERS

FL

33902

(239)4798181

Mailing Address

City

State

Zip Code

Phone No.

5. Date of Sale/Transfer

Sale/Transfer Price

02 / 13 / 2007

\$ 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.)

\$ 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

\$ 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 *Thom Osterhout* Date 1/24/07

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 <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Date Recorded <input type="checkbox"/> <input type="checkbox"/> / <input type="checkbox"/> <input type="checkbox"/> / <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 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)



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
314524520000C0010

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 20070114 MAR-MAS, LLC**

Last First MI Corporate Name (if applicable)
12065 METRO PKWY-#101 FT. MYERS FL 33912

Mailing Address City State Zip Code Phone No.
 4. Grantee (Buyer): **THOM OSTERHOUT AS AGENT: FOR LEE CO. BD. OF CO. COMMISSIONERS**

Last First MI Corporate Name (if applicable)
P. O. BOX 398 FT. MYERS FL 33902 (239)4798181

Mailing Address City State Zip Code Phone No.
 5. Date of Sale/Transfer: 02 13 2007 \$ \$10 . 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: 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
 Cents

12. Amount of Documentary Stamp Tax → \$ 0.70

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 [Signature] Date 1/24/07

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	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Date Recorded	<input type="checkbox"/> <input type="checkbox"/> / <input type="checkbox"/> <input type="checkbox"/> / <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 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. 20070114-UTL

**PROJECT NAME: MAR-MAS PROFESSIONAL
CENTER**

EASEMENT NAME: MAR-MAS, LLC

TYPING BY: *Sue Gulledge*

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

Strap Number(s):

31-45-24-52-0000C.0010

LCU 500283

(THIS SPACE RESERVED FOR RECORDING)

GRANT OF PERPETUAL PUBLIC UTILITY EASEMENT

THIS INDENTURE is made and entered into this ____ day of _____ 2007, by and between "**MAR-MAS, LLC**" 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 20070114-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.

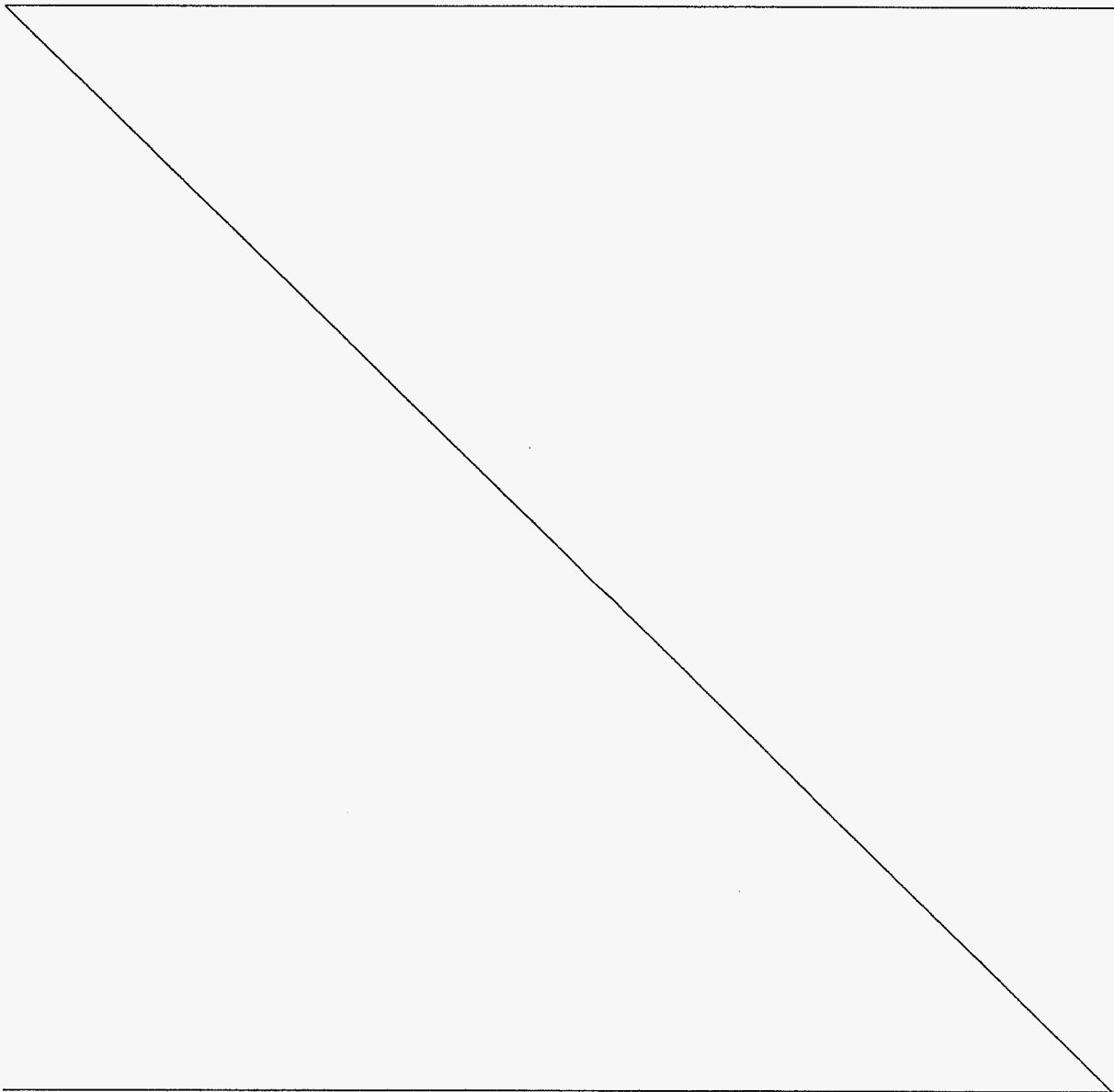
7. GRANTEE will be liable for money damages in tort for any injury to or loss of property, personal injury, or death caused by the negligent or wrongful act(s) or omission(s) of any official or employee of the GRANTEE while acting within the scope of the official's or employee's office or employment 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.

Shelly Cassman
[1st Witness' Signature]

Shelly Cassman
[Type or Print Name]

Tamie P. Gould
[2nd Witness' Signature]

TAMIE P. GOULD
[Type or Print Name]

BY: Charles A. Massie
[Signature Grantor's/Owner's]

Charles A. Massie
[Type or Print Name]

Mgr.
[Title]

STATE OF FLORIDA

COUNTY OF Lee

The foregoing instrument was signed and acknowledged before me this 4th day of January 2007 by Charles A. Massie who produced the following as identification _____ or is personally know to me, and who did/did not take an oath.

[stamp or seal]

 Michelle M. Calderon
Commission #DD215180
Expires: May 26, 2007
Bonded Thru
Atlantic Bonding Co., Inc.

Michelle M. Calderon
[Signature of Notary]

Michelle M. Calderon
[Typed or Printed Name]

Approved and accepted for and on behalf of Lee County, Florida, this _____ day of _____, 2007.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Deputy Clerk

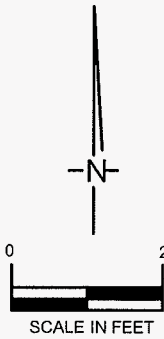
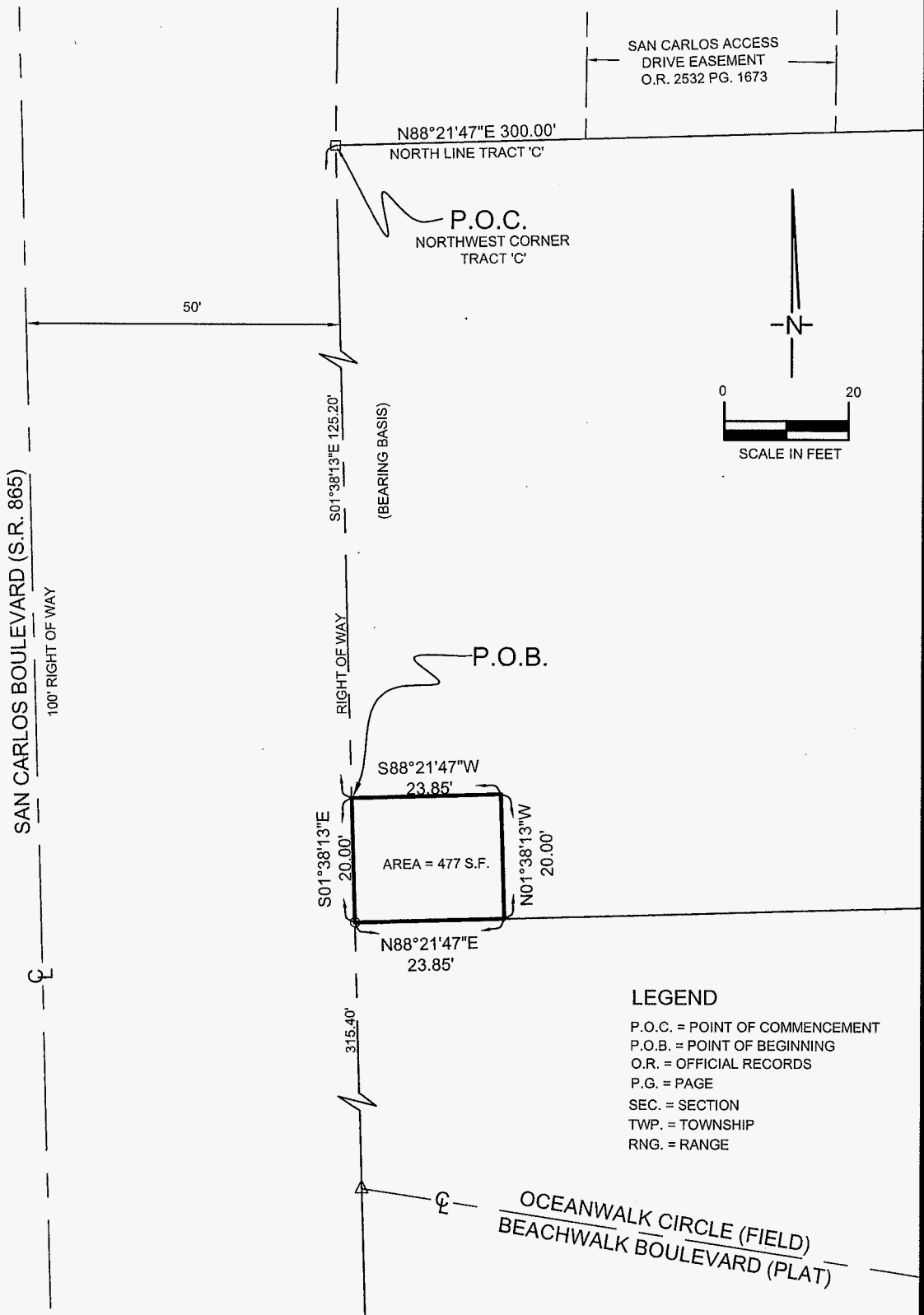
BY: _____
Chair

APPROVED AS TO FORM

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

(NOT A SURVEY)

SKETCH
OF
DESCRIPTION
SEC.31, TWP.45S., RNG. 24E.



LEGEND

- P.O.C. = POINT OF COMMENCEMENT
- P.O.B. = POINT OF BEGINNING
- O.R. = OFFICIAL RECORDS
- P.G. = PAGE
- SEC. = SECTION
- TWP. = TOWNSHIP
- RNG. = RANGE

COPY



MORRIS - DEPEW ASSOCIATES, INC.

ENGINEERS * PLANNERS * SURVEYORS * MAPPERS

2216 Altamont Avenue * Fort Myers, Florida 33901 *(239) 337-3993 *(FAX) 337-3994

DESCRIPTION

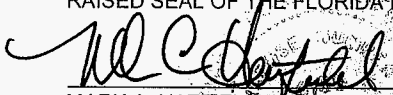
A STRIP OF LAND LYING IN SECTION 31, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF TRACT 'C', BEACHWALK, A SUBDIVISION AS RECORDED IN PLAT BOOK 66, PAGES 1 THROUGH 4 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE S 01°38'13" E ALONG THE WEST LINE OF SAID TRACT 'C' FOR 125.20 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID WEST LINE S 01°38'13" E, A DISTANCE OF 20.00 FEET; THENCE N 88°21'47" E, A DISTANCE OF 23.85 FEET; THENCE N 01°38'13" W, A DISTANCE OF 20.00 FEET; THENCE S 88°21'47" W, A DISTANCE OF 23.85 FEET TO THE POINT OF BEGINNING. CONTAINING 477 SQUARE FEET.

BEARINGS ARE BASED ON THE WEST LINE OF SAID TRACT 'C', BEING S 01°38'13" E.

COPY

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


MARK A. HATFIELD P.S.M.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 4155
DATE SIGNED: 3-11-05



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