

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

**Blue Sheet No. 20070495-UTL**

**1. ACTION REQUESTED/PURPOSE:**

Developer Contributed Asset: Approve final acceptance, by Resolution and recording of one (1) utility easement, as a donation of one 4" diameter fire line, one fire hydrant and three water services, to provide potable water service and fire protection to *Market Square Lot 3*, a recently constructed commercial building. This is a Developer contributed asset and the project is located on the southeast corner of U.S. 41 and Daniels Parkway.

**2. FUNDING SOURCE:**

No funds 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:** Approval.

**5. Departmental Category:** 10 - Utilities **CIOI** **6. Meeting Date:** APR 24 2007

<b>7. Agenda:</b> <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Administrative <input type="checkbox"/> Appeals <input type="checkbox"/> Public <input type="checkbox"/> Walk-On	<b>8. Requirement/Purpose: (specify)</b>		<b>9. Request Initiated:</b>
	<input type="checkbox"/> Statute	<input type="checkbox"/>	<b>Commissioner</b>
	<input type="checkbox"/> Ordinance	<input type="checkbox"/>	<b>Department</b>
	<input type="checkbox"/> Admin. Code	<input type="checkbox"/>	<b>Division</b>
	<input checked="" type="checkbox"/> Other	<input checked="" type="checkbox"/> Approval	<b>By:</b> <i>Douglas L. Meurer</i> <b>4-5-2007</b> <b>Douglas L. Meurer, P.E., Director</b>

**10. Background:**

Fire lines 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.

Satisfactory pressure and bacteriological testing 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.

Sanitary sewer service is provided by Lee County Utilities via existing infrastructure within the Market Square Shopping Center.

Funds are available for recording fees in: Account No. OD5360748700.504930

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

SECTION 24 TOWNSHIP 434S RANGE 24E DISTRICT # 5 COMMISSIONER MANN

**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: <i>4/4/07</i>	N/A Date:	N/A Date:	<i>T.O.</i> T. Osterhout Date: <i>4/5</i>	<i>S. Coovert</i> S. Coovert Date: <i>4/9/07</i>	<i>RK</i> 4/10	<i>MP</i> 4/10/07	<i>MY</i> 4/10/07	<i>J. Lavender</i> Date: <i>4/6/07</i>	

**12. Commission Action:**

- Approved
- Deferred
- Denied
- Other

RECEIVED BY COUNTY ADMIN: <i>AK</i>
4-10-07
1pm
COUNTY ADMIN FORWARDED TO: <i>PL</i>
4-11-07
<i>11am</i>

Rec. by CoAtty
Date: <i>4/9/07</i>
Time: <i>10:30Am</i>
Forwarded To: <i>Admin. 4/9/07 4pm</i>

RESOLUTION NO.

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

WHEREAS, it is the desire of "DDRTC MARKET PLACE, LLC", owner of record, to make a contribution to Lee County Utilities of water facilities (one 4" diameter fire line, one fire hydrant, three water services), serving "MARKET SQUARE, LOT 3"; 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 \$13,780.96 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 \_\_\_\_\_, 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 20070495-UTL**

COPY

LETTER OF COMPLETION

DATE: 3/27/2007

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

Gentlemen:

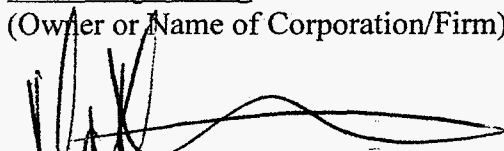
This is to certify that the **water main extension , fire hydrant(s) and fire line up to and including 1st OS + Y valve(s)** located at **Market Square Lot 3**  
(Name of Development/Project)

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:  
**Bacteriological Test and Pressure Test(s) - Water Main**

Very truly yours,

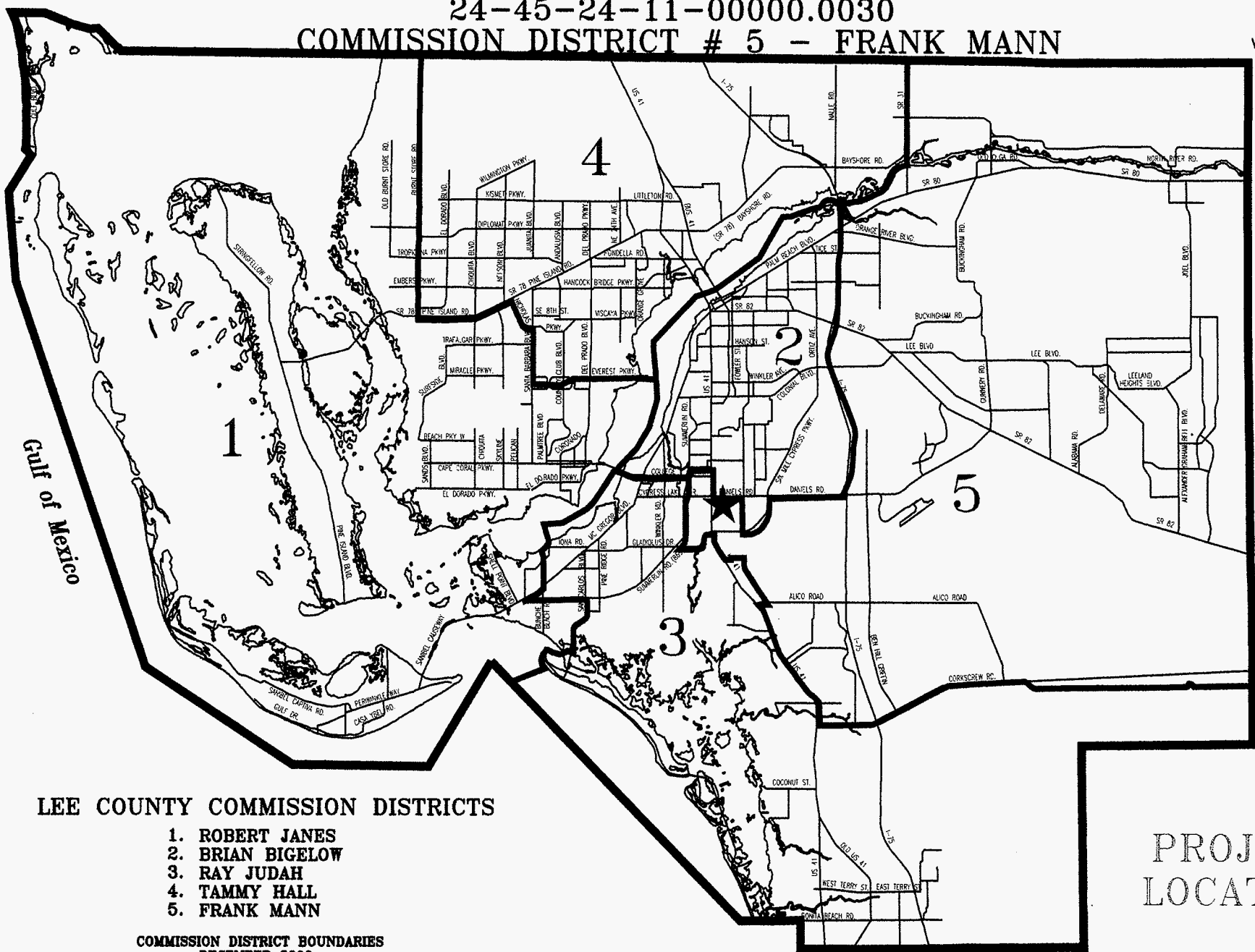
Banks Engineering  
(Owner or Name of Corporation/Firm)

  
\_\_\_\_\_  
(Signature) 3/27/07

Matthew DuBois, P.E. #54789  
(Name and Title)

(Seal of Engineering Firm)

**MARKET PLACE LOT 3  
24-45-24-11-00000.0030  
COMMISSION DISTRICT # 5 - FRANK MANN**



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

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

The undersigned lienor, in consideration of the final payment in the amount of Thirteen Thousand Seven Hundred Eighty Dollars and Ninety Six Cents (\$13,780.96 ) hereby waivers and releases its lien and right to claim a lien for labor, services, or materials furnished to DDRTC Market Place LLC Developers Diversified Realty, for contributory assets furnished on the job of Market Square, Lot 3 to the following described property:

Market Square Lot 3  
(Name of Development/Project)

5050/5056 Daniels Parkway, Fort Myers, FL 33912  
(Location)

Fire Line up to and including 1st OS and Y valve and Water Main Extension  
(Facilities Constructed)

24-45-24-11-00000.0030  
(Strap # or Section, Township & Range)

Dated on: March 27, 2007

By: Rodger M. Schrecengost  
(Signature of Authorized Representative)

By: Rodger M Schrecengost  
(Print Name of Authorized Representative)

Title: Secretary Treasurer

Phone #: (239)368-8000 Ext.

T. W. NELSON, INC.  
(Name of Firm or Corporation)

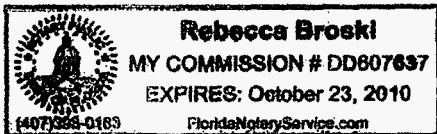
PO Box 1060  
(Address of Firm or Corporation)

Lehigh Acres, FL 33970-1060  
(City, State & Zip Of Firm Or Corporation)

Fax#: (239)303-3111

STATE OF FL )  
 ) SS:  
COUNTY OF LEE )

The foregoing instrument was signed and acknowledged before me this 27 th day of March, 2007 by Rodger M Schrecengost who is personally known to me - N/A , and who did not take an oath.



(Notary Seal & Commission Number)

Rebecca Broski  
(Notary Public Signature)

Rebecca Broski  
(Printed Name of Notary Public)



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 Rodger M. Schrecengost  
(Signature of Certifying Agent)

Rodger M Schrecengost  
(Name & Title of Certifying Agent)

T. W. NELSON, INC.  
(Name of Firm or Corporation)

PO Box 1060  
(Address of Firm or Corporation)

Lehigh Acres, FL 33970 - 1060

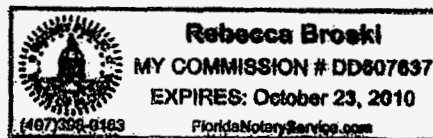
STATE OF FL )  
) SS:  
COUNTY OF LEE )

The foregoing instrument was signed and acknowledged before me this 27 th day of March, 2007 by Rodger M Schrecengost who is personally known to me - N/A , and who did not take an oath.

Rebecca Broski  
Notary Public Signature

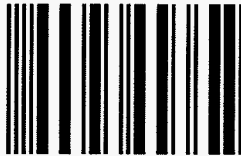
Rebecca Broski  
Printed Name of Notary Public

DA607637  
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) → 2445241100000030

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 20070495**      **DDRTC MARKET PLACE, LLC**  
 Last      First      MI      Corporate Name (if applicable)  
**3300 ENTERPRISE PKWY**      **BEACHWOOD**      **OH**      **44122**  
 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: **04/24/2007**      Sale/Transfer Price: **\$10,000.00**  
 Month      Day      Year      (Round to the nearest dollar.)  
 Property Located In: **Lee**

6. Type of Document:  Contract/Agreement for Deed       Other  
 Warranty Deed       Quit Claim Deed  
 7. Are any mortgages on the property? If "Yes", outstanding mortgage balance: **\$0.00**  
 (Round to the nearest dollar.)

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

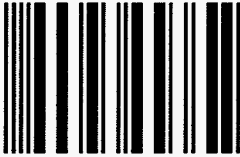
Under penalties of perjury, I declare that I have read the foregoing return and that the facts stated in it are true. If prepared by someone other than the taxpayer, his/her declaration is based on all information of which he/her has any knowledge.

Signature of Grantor or Grantee or Agent      Date **4/6/07**

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
<p><b>This copy to Property Appraiser</b></p> <p>O. R. Book and Page Number and File Number: <span style="border: 1px solid black; padding: 2px; display: inline-block;">  </span> <span style="border: 1px solid black; padding: 2px; display: inline-block;">  </span> <span style="border: 1px solid black; padding: 2px; display: inline-block;">  </span> <span style="border: 1px solid black; padding: 2px; display: inline-block;">  </span> <span style="border: 1px solid black; padding: 2px; display: inline-block;">  </span> <span style="border: 1px solid black; padding: 2px; display: inline-block;">  </span> <span style="border: 1px solid black; padding: 2px; display: inline-block;">  </span> <span style="border: 1px solid black; padding: 2px; display: inline-block;">  </span> <span style="border: 1px solid black; padding: 2px; display: inline-block;">  </span> <span style="border: 1px solid black; padding: 2px; display: inline-block;">  </span> <span style="border: 1px solid black; padding: 2px; display: inline-block;">  </span> <span style="border: 1px solid black; padding: 2px; display: inline-block;">  </span> <span style="border: 1px solid black; padding: 2px; display: inline-block;">  </span> <span style="border: 1px solid black; padding: 2px; display: inline-block;">  </span></p> <p>Date Recorded: <span style="border: 1px solid black; padding: 2px; display: inline-block;">  </span> <span style="border: 1px solid black; padding: 2px; display: inline-block;">  </span> / <span style="border: 1px solid black; padding: 2px; display: inline-block;">  </span> <span style="border: 1px solid black; padding: 2px; display: inline-block;">  </span> / <span style="border: 1px solid black; padding: 2px; display: inline-block;">  </span> <span style="border: 1px solid black; padding: 2px; display: inline-block;">  </span> <span style="border: 1px solid black; padding: 2px; display: inline-block;">  </span> <span style="border: 1px solid black; padding: 2px; display: inline-block;">  </span></p> <p style="text-align: center;">Month      Day      Year</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 **0 1 2 3 4 5 6 7 8 9 0123456789**  
(If Parcel ID not available please call County Property Appraiser's Office) → **24452411000000030**

2. Mark (x) all that apply  
Multi-parcel transaction? →  **EASEMENT:** **BS 20070495** Transaction is a split or cutout from another parcel? →   
Property was improved with building(s) at time of sale/transfer? →  **DDRTC MARKET PLACE, LLC**

3. Grantor (Seller):  
Last **3300 ENTERPRISE PKWY** First **BEACHWOOD** MI **OH** Corporate Name (if applicable) **44122**

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

4. Grantee (Buyer):  
Last **P. O. BOX 398** First **FT. MYERS** MI **FL** Corporate Name (if applicable) **33902** Phone No. **2394798181**

5. Date of Sale/Transfer **04 24 2007** \$ **\$10** Sale/Transfer Price  
Month Day Year (Round to the nearest dollar.)  
Property Located In **. 0 0** County Code **46**

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 0**

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 0**

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 **4/15/07**

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
<b>This copy to Department of Revenue</b>	
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. 20070495-UTL**

**PROJECT NAME: MARKET SQUARE, LOT 3**

**EASEMENT NAME: DDRTC MARKET PLACE, LLC**

**TYPING BY: *Sue Gulledge***

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

Strap Number(s):

**24-45-24-11-00000.0030**

**LCU 500283**

(THIS SPACE RESERVED FOR RECORDING)

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**GRANT OF PERPETUAL PUBLIC UTILITY EASEMENT**

THIS INDENTURE is made and entered into this \_\_\_\_ day of \_\_\_\_\_ 2007, by and between “**DDRTC MARKET PLACE, 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 20070495-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.

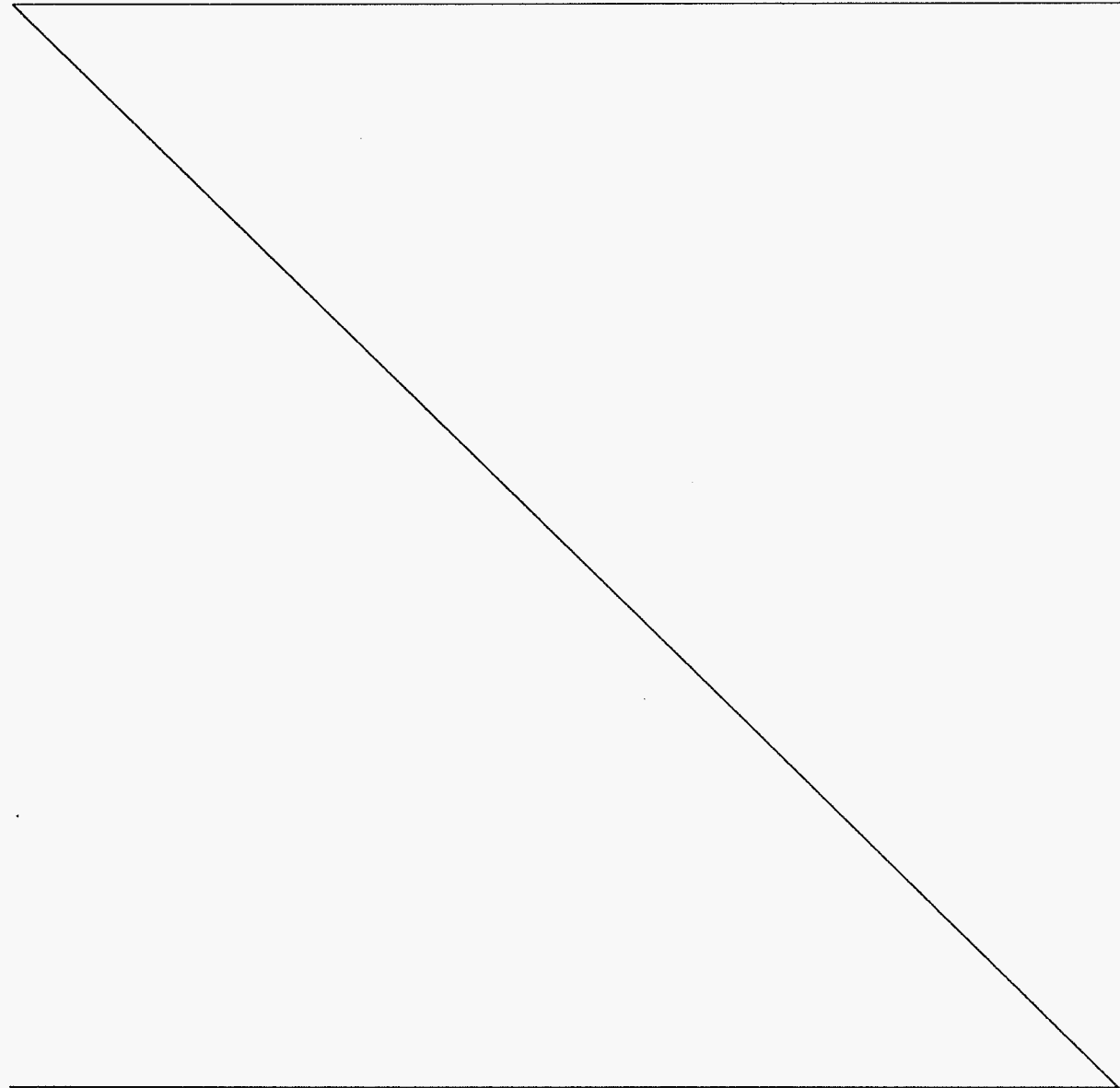
7. GRANTEE will be liable for money damages in tort for any injury to or loss of property, personal injury, or death caused by the negligent or wrongful act(s) or omission(s) of any official or employee of the GRANTEE while acting within the scope of the official's or employee's office or employment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

DDRTC MARKET PLACE LLC  
a Delaware Limited Liability Company

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

BY:

[Signature]  
[Signature Grantor's/Owner's]

Erin Hewitt  
[Type or Print Name]

David E Weiss  
[Type or Print Name]

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

Senior Vice President  
[Title]

PAULA JONES  
[Type or Print Name]

<sup>OHIO</sup>  
STATE OF ~~FLORIDA~~

COUNTY OF Cuyahoga

DAVID E. WEISS

The foregoing instrument was signed and acknowledged before me this 28 day of March 2010 by \_\_\_\_\_ who produced the following as identification

\_\_\_\_\_ or is personally know to me, and who did not take an oath.

[stamp or seal]

[Signature]  
[Signature of Notary]

TONISHA SMITH  
[Typed or Printed Name]



TONISHA SMITH  
Notary Public, State of Ohio  
Cuyahoga County  
My Commission Expires  
January 22, 2011

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



# Banks Engineering

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

DESCRIPTION  
OF  
A PARCEL OF LAND  
LYING IN  
SECTION 24, TOWNSHIP 45 SOUTH, RANGE 24 EAST  
LEE COUNTY, FLORIDA

## (LEE COUNTY UTILITY EASEMENT)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 24, TOWNSHIP 45 SOUTH, RANGE 24 EAST, BEING A PORTION OF LOT 3, MARKET SQUARE AS RECORDED IN PLAT BOOK 53, AT PAGE 11 THROUGH 14 OF THE PUBLIC RECORDS OF SAID LEE COUNTY, BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

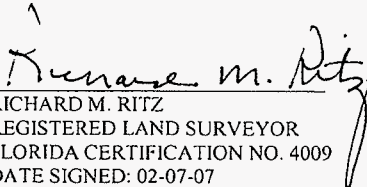
COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT; THENCE S 88°45'12" W ALONG THE SOUTHERLY LINE OF SAID LOT FOR 15.75 FEET TO THE **POINT OF BEGINNING** OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S 88°45'12" W ALONG SAID SOUTHERLY LINE FOR 2.21 FEET; THENCE N 01°14'48" W FOR 15.00 FEET; THENCE N 88°45'12" E FOR 3.63 FEET; THENCE N 01°14'48" W FOR 4.15 FEET; THENCE N 88°45'12" E FOR 14.12 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 25.72 FEET AND TO WHICH POINT OF CURVE A RADIAL LINE BEARS S 80°50'26" E; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 57°17'48" FOR 25.72 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 228.0 SQUARE FEET, MORE OR LESS.

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

ASSUMED NORTH BASED ON THE SOUTHERLY LINE OF LOT 3, MARKET SQUARE AS RECORDED IN PLAT BOOK 53, AT PAGE 11 THROUGH 14 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AS BEARING S 88°45'12" W.

DESCRIPTION PREPARED: 01-26-07

  
RICHARD M. RITZ  
REGISTERED LAND SURVEYOR  
FLORIDA CERTIFICATION NO. 4009  
DATE SIGNED: 02-07-07

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# Banks Engineering

PROFESSIONAL ENGINEERS, LAND SURVEYORS & PLANNERS  
 FLORIDA BUSINESS CERTIFICATION NUMBER LB 6690  
 10511 SIX MILE CYPRESS PARKWAY - SUITE 101  
 FORT MYERS, FLORIDA 33966  
 (239) 939-5490

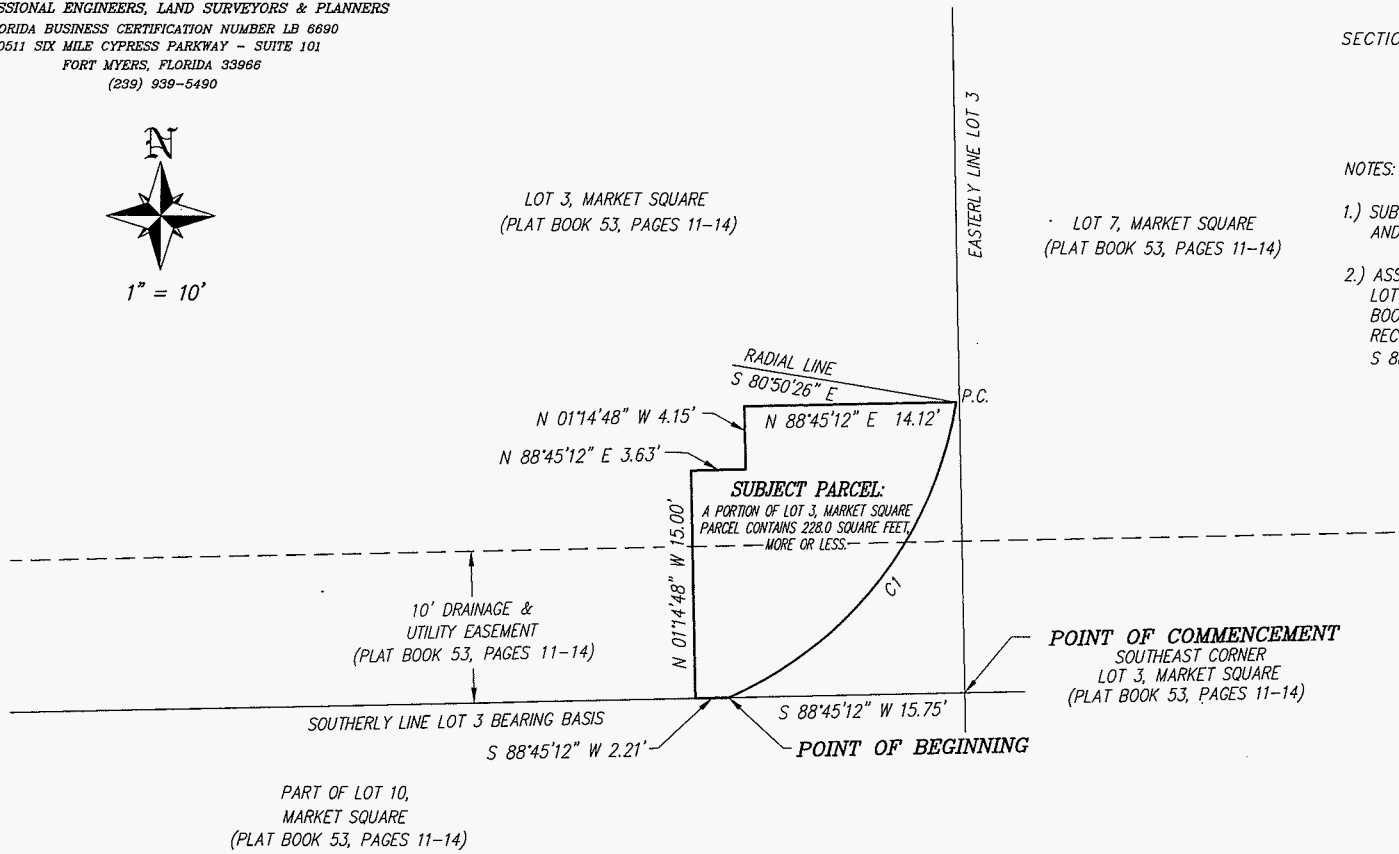


# SKETCH OF DESCRIPTION

OF  
 A TRACT OR PARCEL OF LAND LYING IN  
 SECTION 24, TOWNSHIP 45 SOUTH, RANGE 24 EAST,  
 LEE COUNTY, FLORIDA  
 (LEE COUNTY UTILITY EASEMENT)

**NOTES:**

- 1.) SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
- 2.) ASSUMED NORTH BASED ON THE SOUTHERLY LINE OF LOT 3, MARKET SQUARE AS RECORDED IN PLAT BOOK 53, AT PAGE 11 THROUGH 14 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AS BEARING S 88°45'12" W.



CURVE TABLE

CURVE	RADIUS	DELTA ANGLE	ARC	CHORD	CHORD BEARING
C1	25.72'	57°17'48"	25.72'	24.66'	S 37°48'28" W

**LEGEND:**

- P.C. INDICATES POINT OF CURVATURE  
 C1 INDICATES CURVE 1 FROM CURVE TABLE

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PREPARED 01-26-07  
 SHEET 2 OF 2

SEE SHEET 1 OF 2 FOR COMPLETE METES AND BOUNDS DESCRIPTION

**THIS SKETCH OF DESCRIPTION IS NOT A BOUNDARY SURVEY**

*Richard M. Ritz*

RICHARD M. RITZ  
 REGISTERED LAND SURVEYOR  
 FLORIDA CERTIFICATION NO.: 4009  
 - DATE SIGNED: 02-07-07  
 - THIS SKETCH OF DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

COPY

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