

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

Blue Sheet No. 20050356-UTL

**1. Action Requested/Purpose:**

Approve final acceptance by Resolution and recording of one (1) utility easement as a donation of a fire line serving *White House/Black Market*. This is a Developer Contributed asset project located on the east side of Metro Parkway approximately 500' south of Danley Drive.

**2. What Action Accomplishes:**

Places the fire line into operation and complies with the Lee County Utilities Operations Manual.

**3. Management Recommendation:**

Lee County Utilities requests that the County Manager's office recommend approval of this item.

**4. Departmental Category: 10**

*CIOF*

**5. Meeting Date:**

*04-19-2005*

**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: *[Signature]* 3/31/05  
Rick Diaz, P. E., Utilities Director

**9. 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.

Potable water and Sanitary sewer service is provided by Lee County Utilities via existing infrastructure located within the Metro Parkway right-of-way.

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

SECTION 07    TOWNSHIP 45S    RANGE 25E    DISTRICT #2    COMMISSIONER ST. CERNY

**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.	
<i>[Signature]</i> S. Lavender Date: <i>4-4-05</i>	N/A	N/A	<i>T.O.</i> T. Osterhout Date: <i>2/21</i>	<i>[Signature]</i> S. Covert Date: <i>4/1/05</i>	<i>[Signature]</i> Date: <i>4/5/05</i>	<i>JR</i> 4/7/05	<i>[Signature]</i> 4/7/05	<i>[Signature]</i> 4/7	<i>[Signature]</i> S. Lavender Date: <i>4-4-05</i>

**11. Commission Action:**

- Approved
- Deferred
- Denied
- Other

Rec. by CoAtty  
Date: *4/5/05*  
Time: *8:10*  
Forwarded To:  
*[Signature]*  
*4/10/05*

RECEIVED BY  
COUNTY ADMIN:  
*4-6-05*  
*1pm*  
COUNTY ADMIN  
FORWARDED TO:  
*4/7/05*  
*1pm*



**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) →

07452500000060030

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:**

**CHICOS RETAIL SERVICES INC.**

Last: **11215 METRO PKWY** First: **FORT MYERS** MI: **FL** Corporate Name (if applicable): **33912**  
 Mailing Address: **FORT MYERS** City: **FL** State: **33912** Zip Code: Phone No.:

4. Grantee (Buyer):

Last: **RICK DIAZ, P.E. UTIL. DIR.** First: **FOR LEE CO. BD. OF CO. COMMISSIONERS** MI: **FL** Corporate Name (if applicable): **33902 (2394798181)**  
 Mailing Address: **P. O. BOX 398** City: **FT. MYERS** State: **FL** Zip Code: **33902** Phone No.:

5. Date of Sale/Transfer

Month: / Day: / Year:

Sale/Transfer Price

\$ . **00** (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:

YES  /  NO  \$ . **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

\$ .

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: **3/31/05**

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 Property Appraiser</b>	
O. R. Book and Page Number and File Number	
Date Recorded	

**This copy to Property Appraiser**



**FLORIDA DEPARTMENT OF REVENUE**  
**RETURN FOR TRANSFERS OF INTEREST IN REAL PROPERTY**



FDOR10240300  
 DR-219  
 R. 07/98

(PLEASE READ INSTRUCTIONS BEFORE COMPLETING)

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

07452500000060030

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:**

**CHICOS RETAIL SERVICES INC.**

Last Mailing Address  
**11215 METRO PKWY**

First City MI  
**FORT MYERS**

State Zip Code Phone No.  
**FL 33912**

4. Grantee (Buyer):

Last Mailing Address  
**RICK DIAZ, P.E. UTIL. DIR.**

City State Zip Code Phone No.  
**FOR LEE CO. BD. OF CO. COMMISSIONERS**

Last Mailing Address  
**P. O. BOX 398**

First City MI  
**FT. MYERS**

State Zip Code Phone No.  
**FL 33902 2394798181**

5. Date of Sale/Transfer

\$

. 00

Property Located In **46** County Code

Month Day Year (Round to the nearest dollar.)

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:

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 \$

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

3/31/05

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

RESOLUTION NO. \_\_\_\_\_

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

WHEREAS, it is the desire of "Chicos Retail Services, Inc.", owner of record, to make a contribution to Lee County Utilities of water facilities (one fire line) serving **"WHITE HOUSE|BLACK 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 **\$5,000.00** 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 Janes \_\_\_\_\_ (1)
- Commissioner St. Cerny: \_\_\_\_\_ (2)
- Commissioner Judah: \_\_\_\_\_ (3)
- Commissioner Hall: \_\_\_\_\_ (4)
- Commissioner 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: 2/24/2005

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)** located at  
**White House/Black Market**  
(Name of Development/Project)

was designed by me and has been constructed in conformance with:

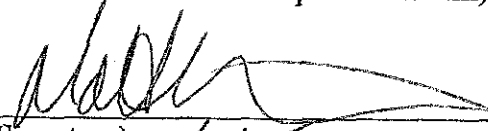
**the revised plans, attached and**

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

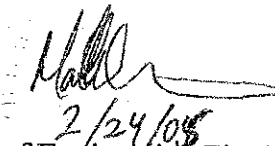
**Bacteriological Test and Pressure Test(s) - Water Main**

Very truly yours,

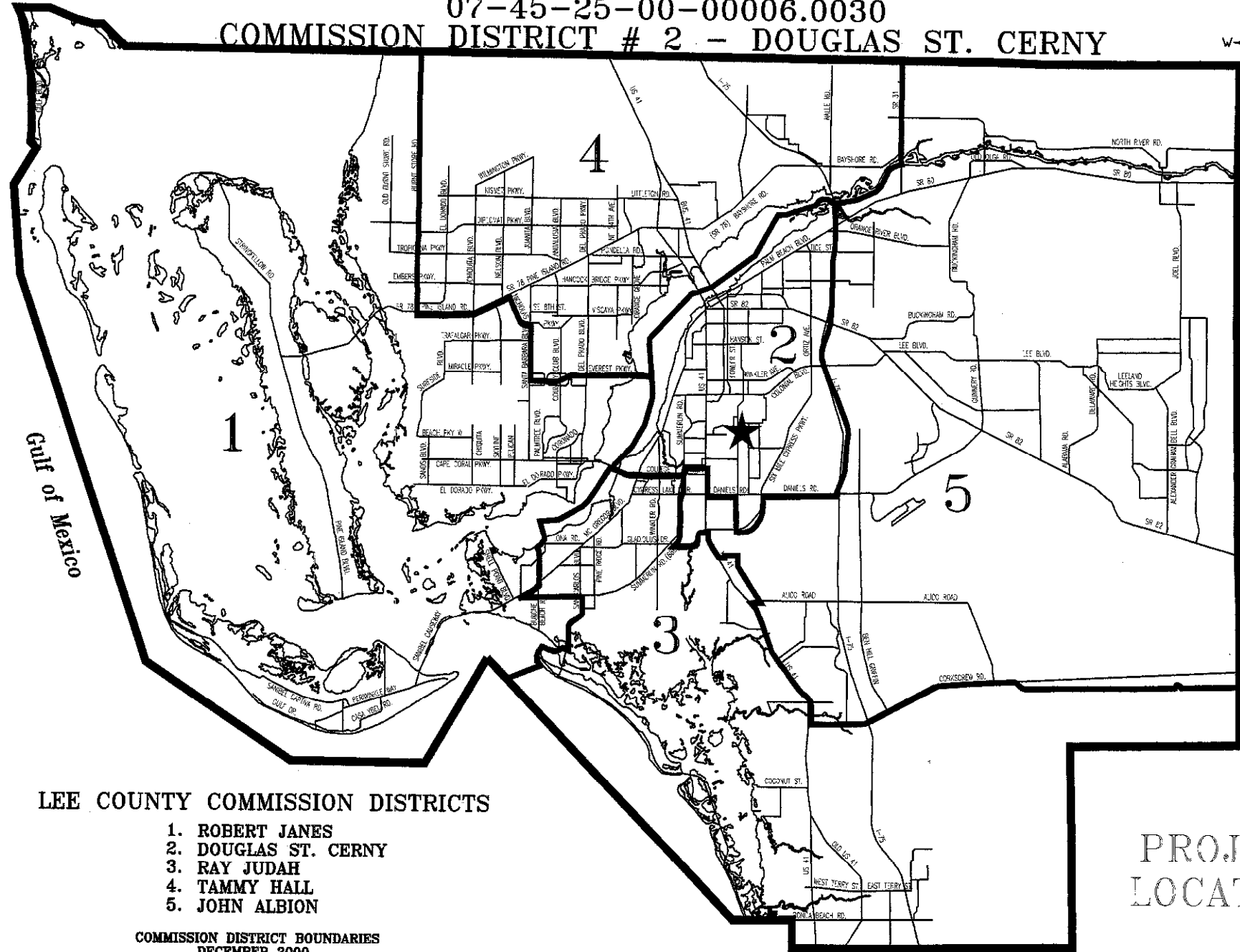
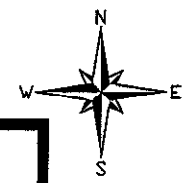
Banks Engineering, Inc.  
(Owner or Name of Corporation/Firm)

  
(Signature) 2/24/05

Matthew M. DuBois, P.E., Project Manager  
(Title)

  
(Seal of Engineering Firm)

**WHITE HOUSE/BLACK MARKET**  
**07-45-25-00-00006.0030**  
**COMMISSION DISTRICT # 2 - DOUGLAS ST. CERNY**



COPY

**LEE COUNTY COMMISSION DISTRICTS**

- 1. ROBERT JANES
- 2. DOUGLAS ST. CERNY
- 3. RAY JUDAH
- 4. TAMMY HALL
- 5. JOHN ALBION

COMMISSION DISTRICT BOUNDARIES  
 DECEMBER 2000

PROJECT  
 LOCATION

# COPY

WARRANTY

THE UNDERSIGNED parties do hereby warrant and/or guaranty all work executed by the contractor on the water system of White House/Black 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.

Florida West Underground, Inc.  
(Name of Owner/Contractor)


BY:   
(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 MAR, 2005 by Francis Keiling who has produced the following as identification - FL DL# K-452-257-46-321-0 , and who did not take an oath.

  
Notary Public Signature

Mary C. Gagnon  
Printed Name of Notary Public

 Mary C Gagnon  
My Commission DD067084  
Expires January 27, 2006

(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 \$5,000.00(\$h.00 ) hereby waivers and releases its lien and right to claim a lien for labor, services, or materials furnished to Chicos Retail Services, Inc. on the job of White House/Black Market to the following described property:

White House/Black Market  
(Name of Development/Project)

fire line up to and including 1st OS and Y valve  
(Facilities Constructed)

11235 Metro Parkway  
(Location)

07-45-25-00-00006.0030  
(Strap # or Section, Township & Range)

Dated on: March 17, 2005

By: [Signature]  
(Signature of Authorized Representative)

Florida West Underground, Inc.  
(Name of Firm or Corporation)

By: Francis Keiling  
(Print Name of Authorized Representative)

10880 Metro Pkwy. Ste. H  
(Address of Firm or Corporation)

Title: Vice President

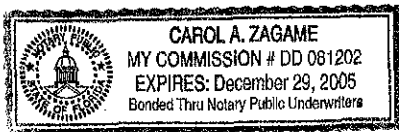
Fort Myers, FL 33912-  
(City, State & Zip Of Firm Or Corporation)

Phone #: (239)694-9378 Ext.

Fax#: (239)931-7919

STATE OF FL )  
 ) SS:  
COUNTY OF Lee )

The foregoing instrument was signed and acknowledged before me this 17 th day of March, 2005 by Francis Keiling who has produced the following as identification - FL DL #K452-257-46-321-0 , and who did not take an oath.



(Notary Seal & Commission Number)

Carol A. Zagame  
(Notary Public Signature)

CAROL A. ZAGAME  
(Printed Name of Notary Public)



# COPY

## CERTIFICATION OF CONTRIBUTORY ASSETS

PROJECT NAME: White House/Black Market

STRAP NUMBER: 07-45-25-00-00006.0030

LOCATION: 11235 Metro Parkway

OWNER'S NAME: (as shown on Deed) Chicos Retail Services, Inc.

OWNER'S ADDRESS: 11215 Metro Parkway

OWNER'S ADDRESS: Fort Myers,FL 33912-

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	10" x 8"	1.0	EA	\$3,500.00	\$3,500.00
FIRE LINE UP TO AND INCL 1ST OS + Y VALVE	8"	1.0	EA	\$1,500.00	\$1,500.00
<b><u>TOTAL</u></b>					<b>\$5,000.00</b>

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

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

CERTIFYING:

X 

(Signature of Certifying Agent)

Francis Keiling, Vice President

(Name & Title of Certifying Agent)

Florida West Underground, Inc.

(Name of Firm or Corporation)

10880 Metro Pkwy Suite H

(Address of Firm or Corporation)

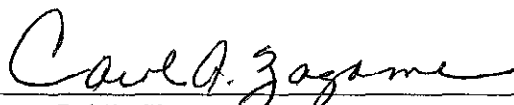
Fort Myers, FL 33912 -

STATE OF FL )

) SS:

COUNTY OF Lee )

The foregoing instrument was signed and acknowledged before me this 17 th day of March, 2005 by Francis Keiling who has produced the following as identification - FL DL #K452-257-46-321-0 , and who did take an oath.



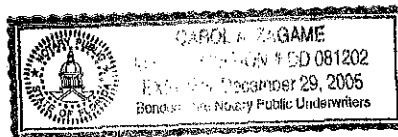
Notary Public Signature

CAROL A. ZAGAME

Printed Name of Notary Public

081202

Notary Commission Number



(NOTARY SEAL)

COPY

TO: LEE COUNTY FINANCE DEPARTMENT

FROM: UTILITIES ENGINEERING

V#111463

(Department)

BS 20050356-UTL

SUE GULLEDGE

A. AUTHORIZATION:

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

Purchase Order # N/A for WHITE HOUSE/BLACK MARKET project. EASEMENT: CHICOS RETAIL SERVICES, INC.

ACCOUNT NO. OD5360748700.504930 ORIGINAL EASEMENT TO MINUTES AFTER RECORDING, WITH COPY TO SUE GULLEDGE, UTILITIES

Sue Gulledge SUE GULLEDGE 3-23-05

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

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

Strap Number:

07-45-25-00-00006.0030

THIS SPACE RESERVED FOR RECORDING

### **GRANT OF PERPETUAL PUBLIC UTILITY EASEMENT**

THIS INDENTURE is made and entered into this \_\_\_\_ day of \_\_\_\_\_ 20\_\_, by and between Chicos Retail Services, Inc., 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.

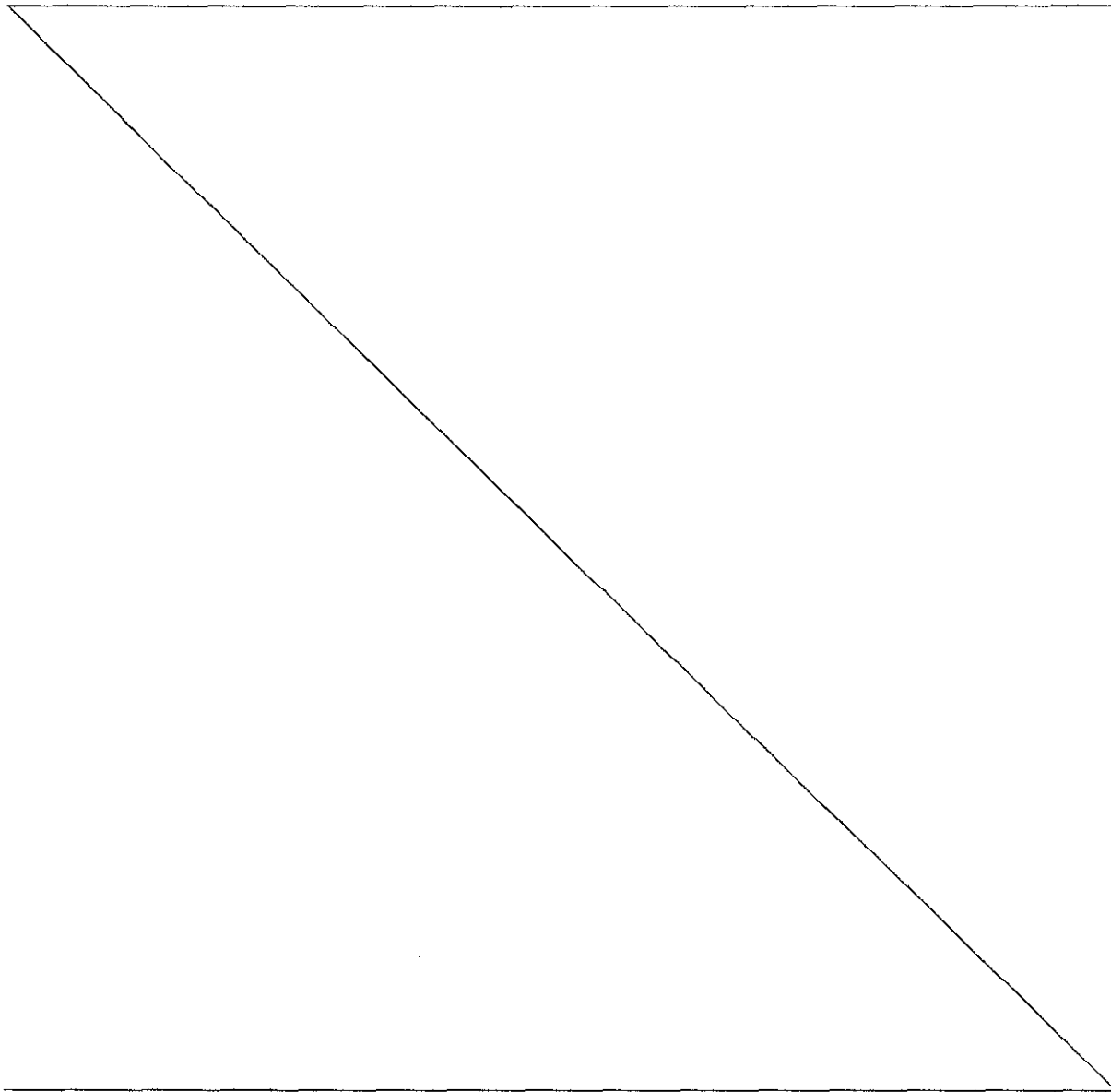
7. GRANTEE will be liable for money damages in tort for any injury to or loss of property, personal injury, or death caused by the negligent or wrongful act(s) or omission(s) of any official or employee of the GRANTEE while acting within the scope of the official's or employee's office or employment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

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

Sandy Rhodes  
[Type or Print Name]

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

Robin Martin  
[Type or Print Name]

BY: Charlie Kleman  
[Signature Grantor's/Owner's]

Charlie Kleman  
[Type or Print Name]


CFO/COO  
[Title]

STATE OF FLORIDA


COUNTY OF Lee

The foregoing instrument was signed and acknowledged before me this 3<sup>rd</sup> day of March 2005 by <sup>Charlie</sup> Kleman who produced the following as identification n/a or is personally know to me, and who did/did not take an oath.

[stamp or seal]

 Diane Saint Gearhart  
My Commission DD116000  
Expires June 26, 2006

Diane Saint Gearhart  
[Signature of Notary]

Diane Saint Gearhart  Diane Saint Gearhart  
My Commission DD116000  
Expires June 26, 2006  
[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



# Banks Engineering, Inc.

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

DESCRIPTION  
OF A  
PARCEL OF LAND  
LYING IN  
SECTION 7, TOWNSHIP 45 SOUTH, RANGE 25 EAST  
LEE COUNTY, FLORIDA

**(15' X 20' LCU EASEMENT)**

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 7, TOWNSHIP 45 SOUTH, RANGE 25 EAST, BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

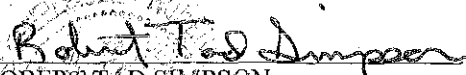
**COMMENCING** AT THE NORTHWEST CORNER OF SAID SECTION 7, THENCE RUN SOUTH 0°11'53" EAST ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 7 FOR 1651.86 FEET TO THE SOUTH LINE OF THE NORTH HALF OF THE NORTH HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER; THENCE RUN N. 89°19'52" E. ALONG SAID SOUTH LINE FOR 741.66 FEET TO THE EAST RIGHT-OF-WAY LINE OF METRO PARKWAY, BEING 50 FEET EAST OF AND PARALLEL TO THE CENTERLINE OF METRO PARKWAY; THENCE RUN N. 0°18'49" W. ALONG SAID EAST LINE FOR 250.06 FEET; THENCE RUN N. 89°41'11" E. FOR 12.50 FEET TO AN INTERSECTION WITH THE EAST LINE OF AN EXISTING DRAINAGE AND UTILITY EASEMENT AND THE **POINT OF BEGINNING**; THENCE CONTINUE N. 89°41'11" E. FOR 15.00 FEET; THENCE RUN S. 0°18'49" E. FOR 20.00 FEET; THENCE RUN S. 89°41'11" W. FOR 15.00 FEET TO AN INTERSECTION WITH THE EAST LINE OF SAID EXISTING EASEMENT; THENCE N. 0°18'49" W. ALONG SAID EAST LINE FOR 20.00 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 300.00 SQUARE FEET, MORE OR LESS.

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

ASSUMED NORTH BASED ON THE EAST RIGHT-OF-WAY LINE OF METRO PARKWAY AS BEARING N.00°18'49"W.

DESCRIPTION PREPARED MARCH 1, 2005

  
ROBERT TAD SIMPSON  
REGISTERED LAND SURVEYOR  
FLORIDA CERTIFICATION NO. 5559

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SHEET 1 OF 2

# COPY



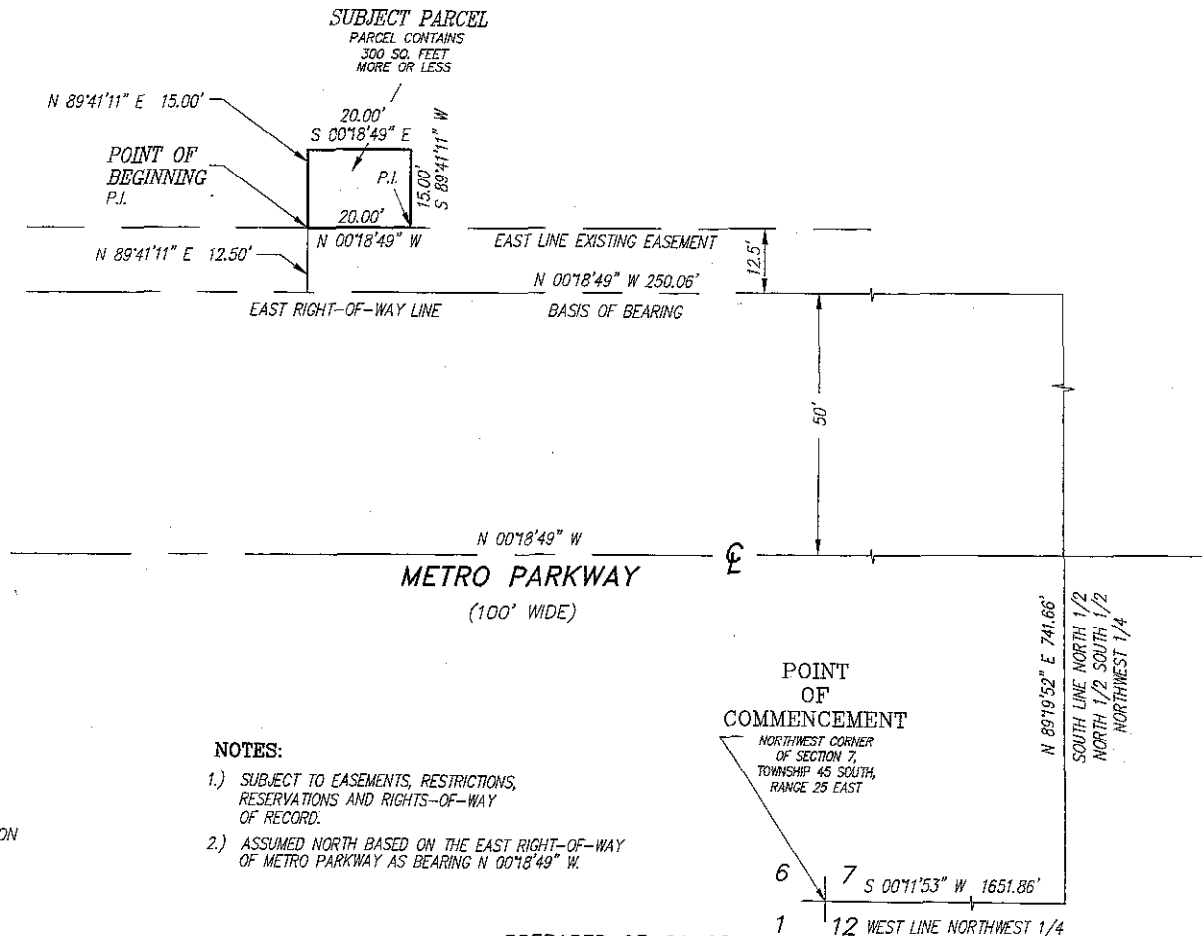
1" = 30'

## SKETCH OF DESCRIPTION

OF  
A TRACT OR PARCEL OF LAND LYING IN  
SECTION 7, TOWNSHIP 45 SOUTH, RANGE 25 EAST  
LEE COUNTY, FLORIDA  
(15' X 20' LCU EASEMENT)

**Banks Engineering, Inc.**

PROFESSIONAL ENGINEERS, LAND SURVEYORS & PLANNERS  
FLORIDA BUSINESS CERTIFICATION NUMBER LB 6690  
10511 SIX MILE CYPRESS PARKWAY - SUITE 101  
FORT MYERS, FLORIDA 33912  
(239) 839-5490



**LEGEND:**

- ⊕ INDICATES CENTERLINE
- SQ. INDICATES SQUARE
- P.I. INDICATES POINT OF INTERSECTION
- LCU INDICATES LEE COUNTY UTILITY

**NOTES:**

- 1.) SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
- 2.) ASSUMED NORTH BASED ON THE EAST RIGHT-OF-WAY OF METRO PARKWAY AS BEARING N 00°18'49" W.

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

*Robert A. Smith*  
ROBERT A. SMITH  
REGISTERED LAND SURVEYOR  
FLORIDA CERTIFICATION NO. 15559

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