

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

Blue Sheet No. 20051632-UTL

1. Action Requested/Purpose:

Approve final acceptance, by Resolution and recording of one (1) utility easement, as a donation of water, gravity and force main extensions and one (1) lift station to provide potable water service, fire protection and sanitary sewer service to *MOODY RIVER ESTATES, PHASE I-C*, a phased residential development. This is a Developer Contributed asset project located on the south side of Hancock Bridge Parkway between Moody Road and Skyline Drive, approximately 1.25 miles west of N. Cleveland Avenue.

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 -

C10C

5. Meeting Date:

12-13-2005

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: Rick Diaz, P. E., Utilities Director 11/27/05

9. Background:

The Board granted permission to construct on 09/07/04, Blue Sheet #20041074.
The installation has been inspected for conformance to the Lee County Utilities Operations Manual. Satisfactory pressure and bacteriological testing of the water system has been completed. Satisfactory closed circuit television inspection of the gravity collection system has been performed. Satisfactory lift station startup has been performed. (L/S#6630)
Record Drawings have been provided.
Engineer's Certification of Completion has been provided---copy attached.
Project location map---copy attached.
Warranty has been provided---copy attached.
Waiver of lien has been provided---copy attached.
Certification of Contributory Assets has been provided---copy attached.
100% of the connection fees have been paid.
Funds for recording fees are available in Account No. OD5360748700.504930.

SECTION 10 TOWNSHIP 44S RANGE 24E DISTRICT #4 COMMISSIONER HALL

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>J. Lavender</i> Date: <u>11-21-05</u>	N/A	N/A	<u>P.O.</u> T. Osterhout Date: <u>11/21</u>	<u>S. Covert</u> Date: <u>11/29/05</u>	<u>P.M.</u> <u>11/29/05</u>	<u>11/29/05</u>	<u>11/29/05</u>	<u>11/29/05</u>	<i>J. Lavender</i> Date: <u>11-21-05</u>

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY
COUNTY ADMIN: <u>11/28/05</u>
<u>21:30</u>
COUNTY ADMIN FORWARDED TO: <u>11/28/05</u>
<u>3/11</u>

Rec. by CoAtty
Date: <u>12/3/05</u>
Time: <u>8:23 AM</u>
Forwarded To: <u>Admin/ve</u>

RESOLUTION NO. _____

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

BS 20051632

WHEREAS, it is the desire of "**Colonial Homes, Inc.**", owner of record, to make a contribution to Lee County Utilities of water facilities (**water main extension**) and sewer facilities (**gravity and force main extension and one lift station**) serving "**MOODY RIVER ESTATES, PHASE 1-C**"; 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 **\$288,845.05** is hereby ACCEPTED and acknowledged as an addition to Lee County Utilities.

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

- Commissioner Bob Janes: _____ (1)
- Commissioner Douglas St. Cerny: _____ (2)
- Commissioner Ray Judah: _____ (3)
- Commissioner Tammara Hall: _____ (4)
- Commissioner John Albion: _____ (5)

DULY PASSED AND ADOPTED this _____ day of _____, _____.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
DEPUTY CLERK

By: _____
CHAIRWOMAN

APPROVED AS TO FORM

OFFICE OF COUNTY ATTORNEY

LETTER OF COMPLETION

DATE: 7/5/2005

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

Gentlemen:


This is to certify that the **water distribution and sanitary sewer** system located in
Moody River Estates / Phase 1-C
(Name of Development)

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 , Pressure Test(s) - Water Main , Pressure Test(s) - Force Main ,
Low Pressure Test(s) - Gravity Main , TV Inspection, Mandrill - Gravity Main
and Lift Station Start-up**

Very truly yours,

Strickland T. Smith, P.E. of Heidt & Associates, Inc.
(Owner or Name of Corporation)


(Signature)

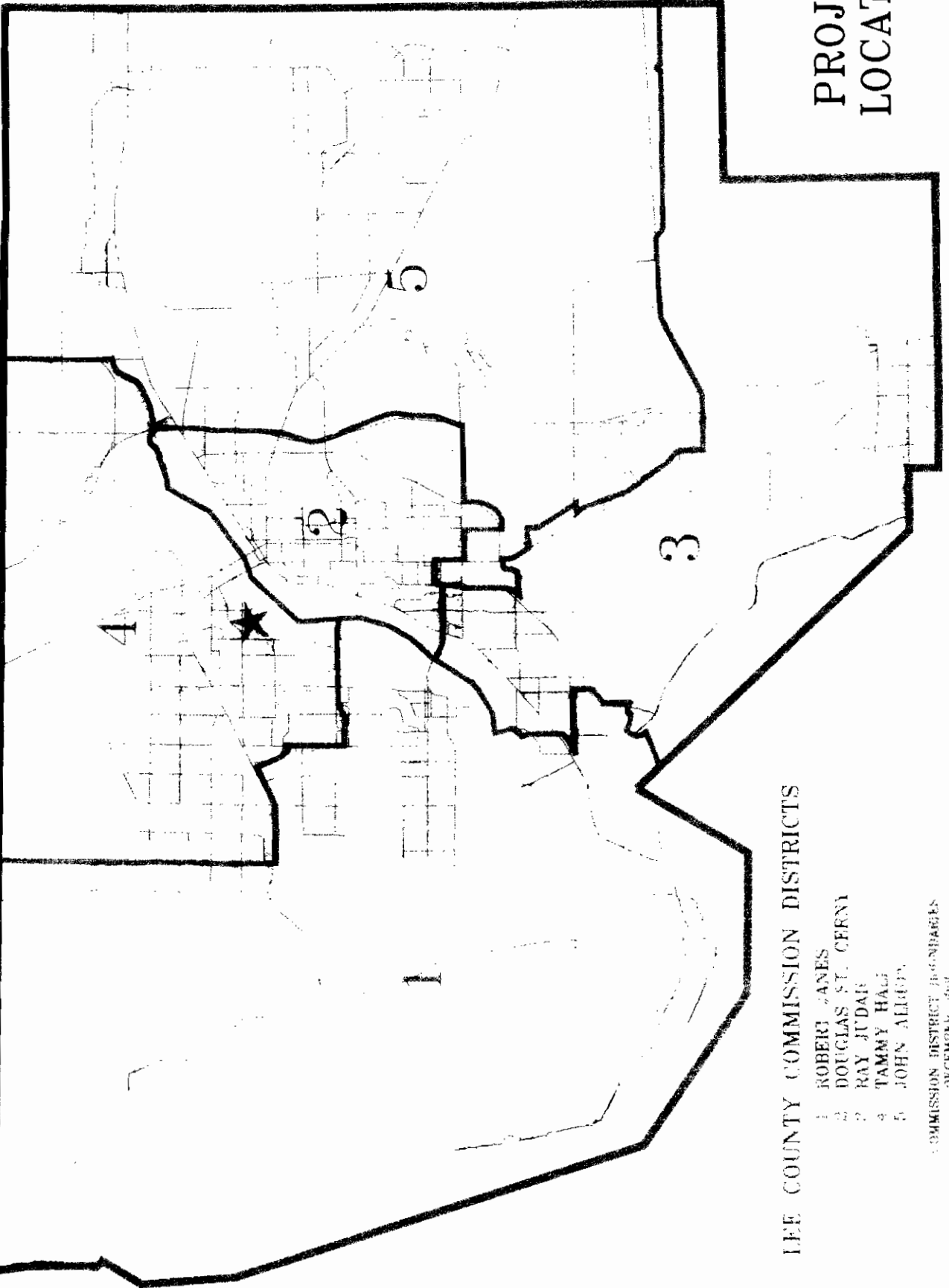
Vice President
(Title)

(Seal of Engineering Firm)

RECEIVED JUL - 6 2005

MOODY RIVER ESTATES, PHASE 1-C
10-44-24-34-0000A.00CE
COMMISSION DISTRICT #4 - HALL

PROJECT LOCATION



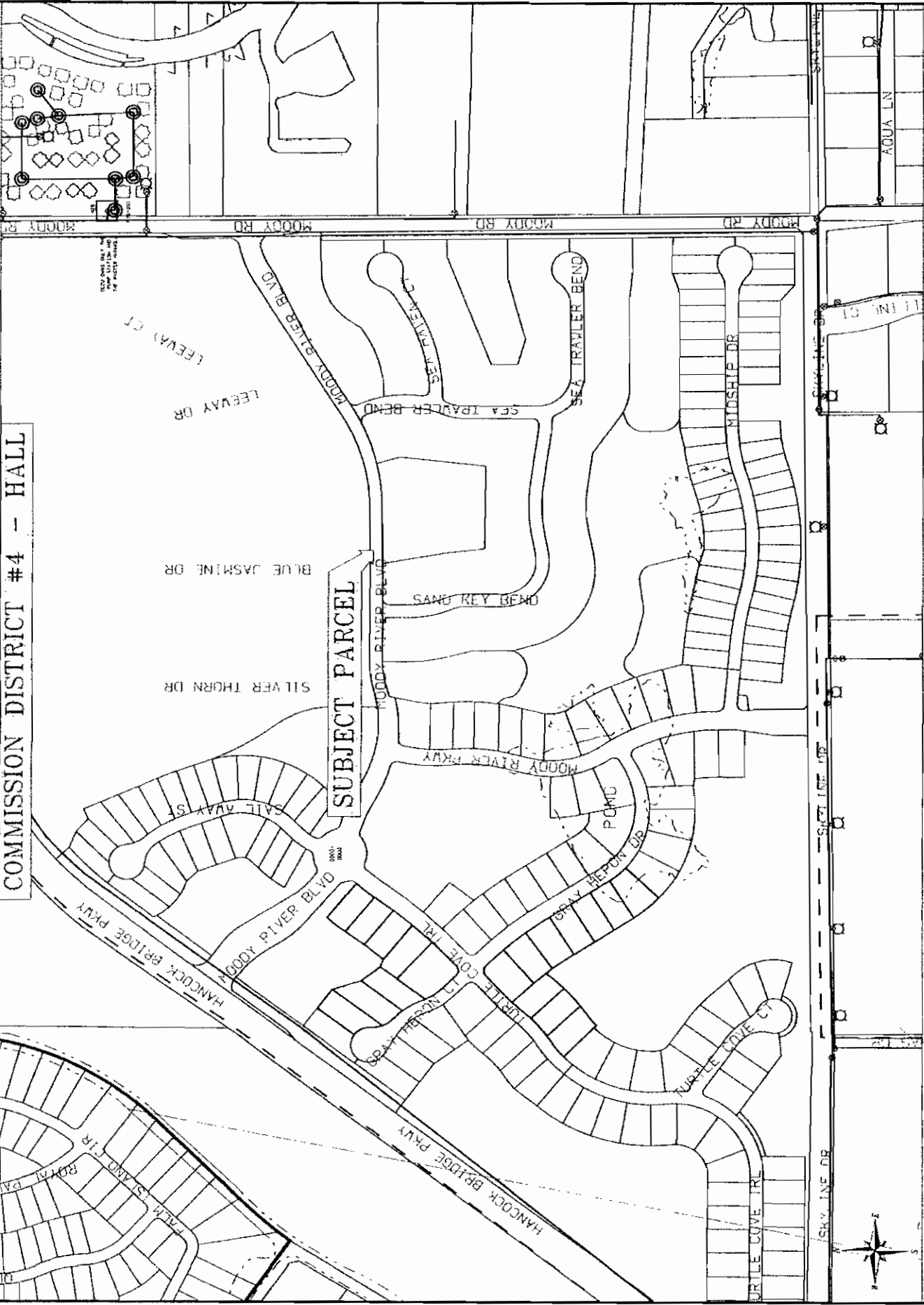
LEE COUNTY COMMISSION DISTRICTS

- 1 ROBERT JONES
- 2 DOUGLAS ST. CERNI
- 3 RAY JUDAI
- 4 TAMMY HALL
- 5 JOHN ALLCOCK

COMMISSION DISTRICT BOUNDARIES
DECEMBER 1989

MOODY RIVER ESTATES - PHASE 1-C

COMMISSION DISTRICT #4 - HALL



10-44-24-34-0000A.00CE MOODY RIVER BOULEVARD

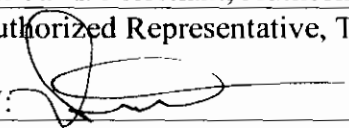
WARRANTY

THE UNDERSIGNED parties do hereby warrant and/or guaranty all work executed by the contractor on the water and sewer systems of Moody River Estates / Phase 1-C 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.

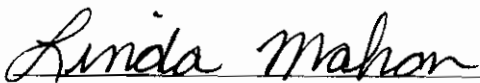
Haleakala Construction, Inc.
(Contractor/Company Name)

Brenda K. Merchant, Authorized Agent
(Authorized Representative, Title)

BY: 
(Signature)

STATE OF FL)
) SS:
COUNTY OF COLLIER)

The foregoing instrument was signed and acknowledged before me this 20th day of September, 2005 by Brenda K. Merchant who is personally known to me - _____, and who did not take an oath.


Notary Public Signature

LINDA MAHON
Printed Name of Notary Public



Linda Mahon
Commission #DD177119
Expires: Feb 21, 2007
Bonded Thru
Atlantic Bonding Co., Inc.

(Notary Seal & Commission Number)

RECEIVED SEP 23 2005

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

The undersigned lienor, in consideration of the final payment in the amount of Two hundred eighty-eight thousand eight hundred forty-five and 5/100(\$288,845.05) hereby waivers and releases its lien and right to claim a lien for labor, services, or materials furnished to Colonial Homes, Inc. on the job of Moody River Estates / Phase 1-C to the following described property:

Moody River Estates / Phase 1-C
(Name of Development/Project)

water distribution and sanitary sewer systems
(Facilities Constructed)

Moody River Boulevard
(Location)

10-44-24-34-0000A,00CE
(Strap # or Section, Township & Range)

Dated on: September 20, 2005

By: [Signature]
(Signature of Authorized Representative)

Haleakala Construction, Inc.
(Name of Firm or Corporation)

By: Brenda K. Merchant
(Print Name of Authorized Representative)

5758 Taylor Road
(Address of Firm or Corporation)

Title: Authorized Agent

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

Phone #: (239)598-1968 Ext.

Fax#: (239)598-9418

STATE OF FL)
) SS:
COUNTY OF Collier)

The foregoing instrument was signed and acknowledged before me this 20th day of September, 2005 by Brenda K. Merchant who is personally known to me - _____, and who did not take an oath.



Linda Mahon
Commission #DD177119
Expires: Feb 21, 2007
Bonded Thru
Atlantic Bonding Co., Inc.

[Signature]
(Notary Public Signature)

(Notary Seal & Commission Number)

LINDA MAHON
(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

(Signature of Certifying Agent)

Brenda K. Merchant; Authorized Agent

(Name & Title of Certifying Agent)

Haleakala Construction, Inc.

(Name of Firm or Corporation)

5758 Taylor Road

(Address of Firm or Corporation)

Naples, FL 34109 -

STATE OF FL)

) SS:

COUNTY OF Collier)

The foregoing instrument was signed and acknowledged before me this 20 th day of September, 2005 by Brenda K. Merchant who is personally known to me - _____, and who did not take an oath.

Notary Public Signature

LINDA MAHON

Printed Name of Notary Public

DD177119

Notary Commission Number



(NOTARY SEAL)

RECEIVED SEP 23 2005

CERTIFICATION OF CONTRIBUTORY ASSETS

PROJECT NAME: Moody River Estates, PH 1-C

STRAP NUMBER: 10-44-24-34-0000A.00CE

LOCATION: Moody River Boulevard

OWNER'S NAME: (as shown on Deed) Colonial Homes, Inc.

OWNER'S ADDRESS: 12631 Westlinks Drive, Unit 7

OWNER'S ADDRESS: Fort Myers,,FL 33913-

TYPE UTILITY SYSTEM: SANITARY SEWER

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

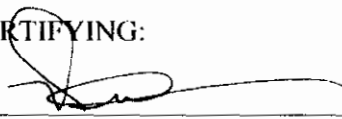
DESCRIPTION AND COST OF MATERIAL, LABOR, AND SERVICES

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

<u>ITEM</u>	<u>SIZE</u>	<u>QUANTITY</u>	<u>UNIT</u>	<u>UNIT COST</u>	<u>TOTAL</u>
PVC SDR-26 GRAVITY MAIN	8"	1,336.0	LF	\$35.00	\$46,760.00
PVC C-900 DR-14 FORCE MAIN	6"	98.0	LF	\$15.60	\$1,528.80
PVC C-900 DR-18 FORCE MAIN	6"	731.0	LF	\$14.55	\$10,636.05
MANHOLE	4'	10.0	EA	\$4,500.00	\$45,000.00
MANHOLE	6'	1.0	EA	\$15,090.00	\$15,090.00
LIFT STATION		1.0	LS	\$87,000.00	\$87,000.00
SINGLE SEWER SERVICE W/CLEANOUT	6"	1.0	EA	\$730.00	\$730.00
TOTAL					\$206,744.85

(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)

Brenda K. Merchant: Authorized Agent

(Name & Title of Certifying Agent)

Haleakala Construction, Inc.

(Name of Firm or Corporation)

5758 Taylor Road

(Address of Firm or Corporation)

Naples, FL 34109 -

STATE OF FL)
) SS:
COUNTY OF Collier)

The foregoing instrument was signed and acknowledged before me this 20th day of September, 2005 by Brenda K. Merchant who is personally known to me - _____, and who did not take an oath.



Notary Public Signature

LINDA MAHON
Printed Name of Notary Public

DD 177119

Notary Commission Number

 **Linda Mahon**
Commission #DD177119
Expires: Feb 21, 2007
Bonded Thru
Atlantic Bonding Co., Inc.

(NOTARY SEAL)

RECEIVED SEP 22 2005

RECORDERS OFFICE:

PLEASE PUT MY NAME ON THE ATTENTION LINE:

Sue Gullledge

LCU 500283

OD5360748700.504930

BLUE SHEET NO. 2005 1632

THANK YOU

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

Strap Number(s):
10-44-24-34-0000E.0000

LCU 500283

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 Colonial Homes, 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.

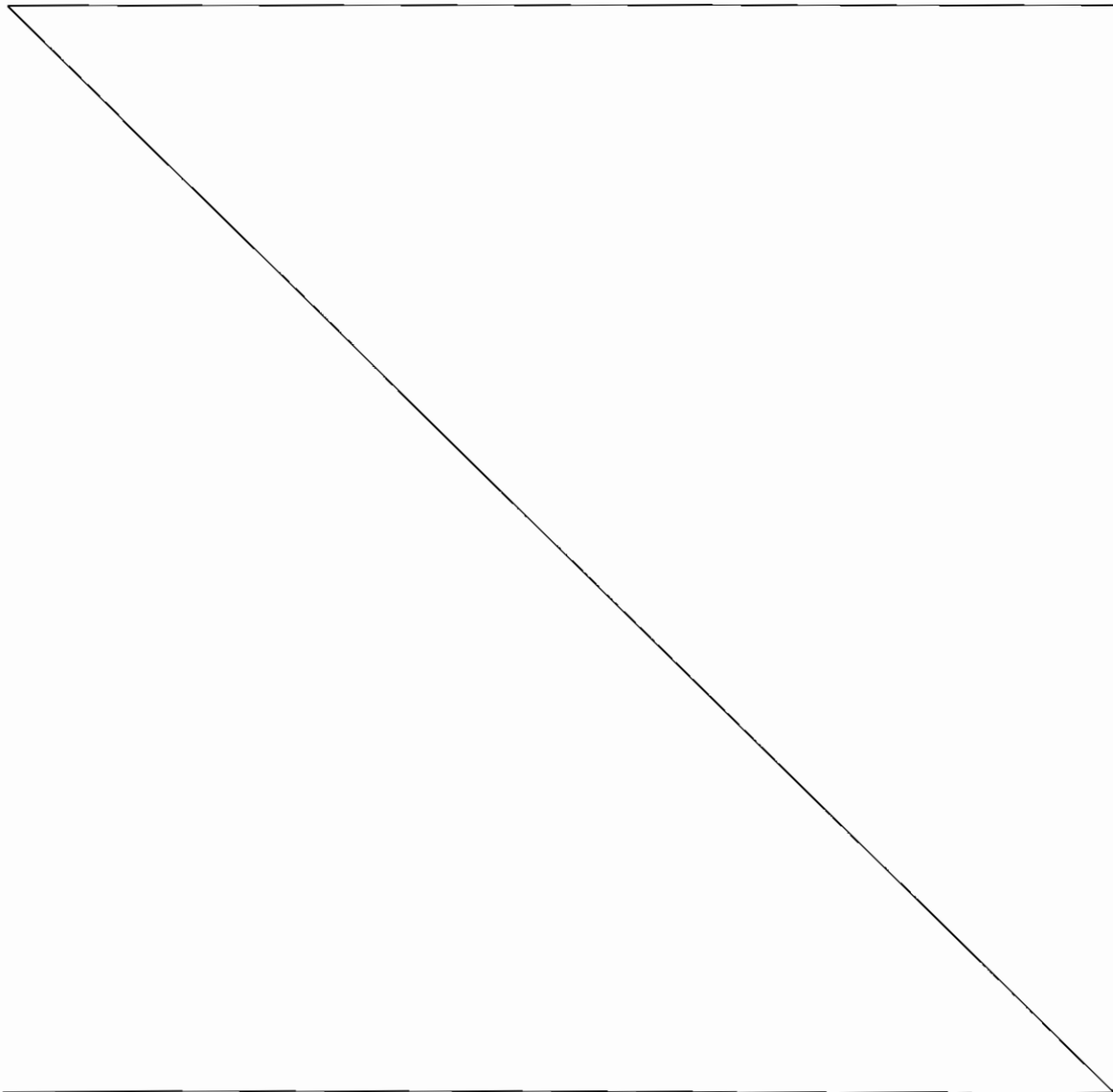
7. GRANTEE will be liable for money damages in tort for any injury to or loss of property, personal injury, or death caused by the negligent or wrongful act(s) or omission(s) of any official or employee of the GRANTEE while acting within the scope of the official's or employee's office or employment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

Julie S. Jeffers
[1st Witness' Signature]

Julie S. Jeffers
[Type or Print Name]

Donna Kitchens
[2nd Witness' Signature]

Donna Kitchens
[Type or Print Name]

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

Alan S. Farnor
[Type or Print Name]

President
[Title]

STATE OF ~~FLORIDA~~ Alabama

COUNTY OF Montgomery

The foregoing instrument was signed and acknowledged before me this 21st day of September, 2005, by Alan S. Farnor who produced the following as identification _____ or is personally know to me, and who did/did not take an oath.

[stamp or seal]

[Signature]
[Signature of Notary]

Tracy Harlow
[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

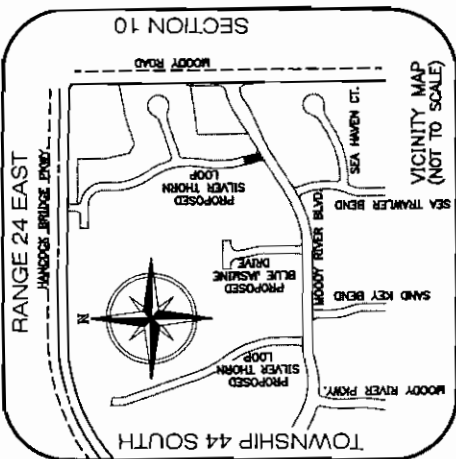
BY: _____
Deputy Clerk

BY: _____
Chairman

APPROVED AS TO FORM

BY: _____
Office of the County Attorney

DESCRIPTION SKETCH
(Not a Boundary Survey)



SURVEYOR'S NOTES

- Distances shown hereon are in feet and decimals thereof.
- Bearings shown hereon are based upon the East Boundary of the Northwest Quarter of Section 10, Lee County, Florida, having a recorded bearing of S.00°36'02"E. per the final plat of MOODY RIVER ESTATES.
- Recording references are to the Public Records of Lee County, Florida, unless otherwise noted.
- Subject to easements, reservations, and restrictions of record.

LEE COUNTY UTILITY EASEMENT #1

DESCRIPTION: A parcel of land lying in Tract 'E', MOODY RIVER ESTATES, according to the plat thereof, as recorded in Plat Book 79, at page 60, in the Public Records of Lee County, Florida. Said Parcel also being a portion of Section 10, Township 44 South, Range 24 East, Lee County, Florida and being more particularly described as follows:

COMMENCING at the Northeast corner of Tract 'A', of said MOODY RIVER ESTATES, said corner lying on the West Right-of-Way line of Moody Road (66' Right-of-Way, C.C.M.B. 6, Page 355), thence along the common boundary of Tracts 'A' and 'E' of said MOODY RIVER ESTATES the following five (5) courses; 1) S.16°05'55"W., 52.20 feet; 2) S.00°36'02"E., 150.00 feet, to a point of curvature; 3) Southwesterly, 41.90 feet along the arc of a curve to the right having a radius of 30.00 feet and a central angle of 80°01'01" (chord bearing S.39°24'29"W., 38.57 feet) to a point of reverse curvature; 4) Westerly, 113.53 feet along the arc of a curve to the left having a radius of 301.00 feet and a central angle of 21°36'41" (chord bearing S.68°36'39"W., 112.86 feet) to a point of tangency; 5) S.57°48'18"W., 261.81 feet to the POINT OF BEGINNING; thence continuing along the common boundary of said Tracts 'A' and 'E' S.57°48'18"W., 42.05 feet; thence N.14°14'57"W., 103.58 feet; thence N.75°45'03"E., 40.00 feet; thence S.14°14'57"E., 90.62 feet to the POINT OF BEGINNING.

Containing 0.09 acres, more or less.

NOT A SURVEY

DATE: 9/24/05
 JAMES N. WILKINSON PSM #LS4876
 FLORIDA PROFESSIONAL SURVEYOR AND MAPPER

CERTIFICATE OF AUTHORIZATION NO. LB 148

PREPARED BY: HEIDT & ASSOCIATES, Inc.
 Tampa • Fort Myers

Fort Myers Office
 3800 Colonial Boulevard #200
 Fort Myers, Florida 33912
 Phone: 941-937-1215
 FAX: 941-482-2103

ENVIRONMENTAL PERMITTING
 LANDSCAPE ARCHITECTURE

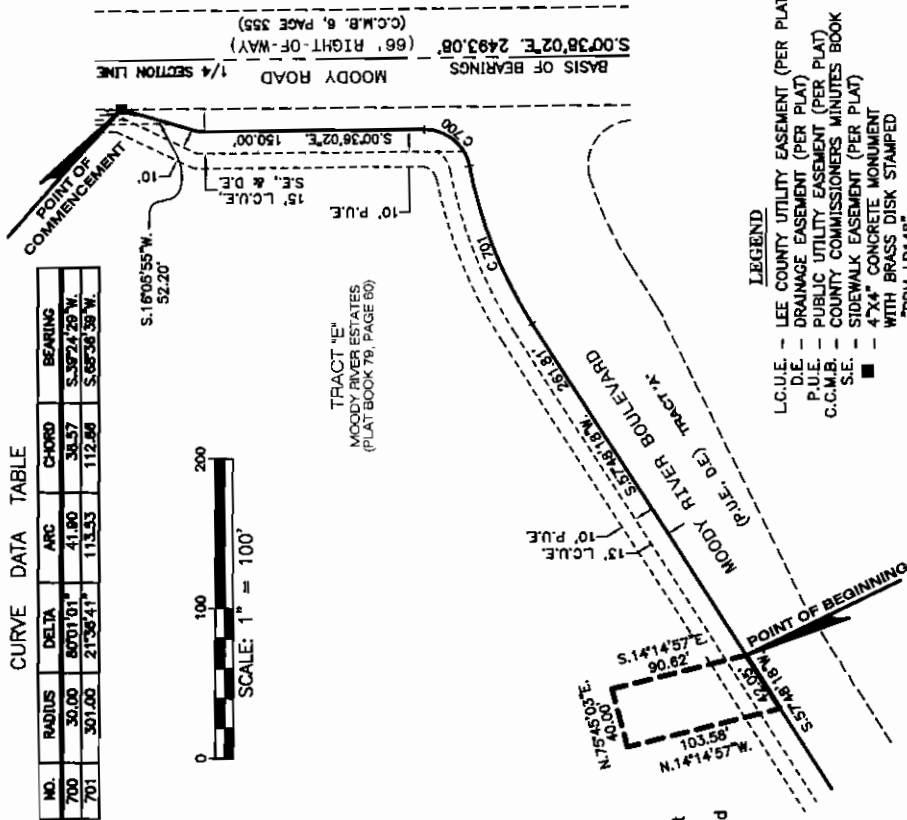
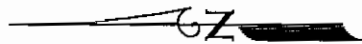
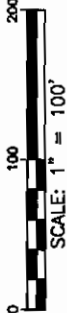
**SKETCH AND LEGAL OF L.C.U.E. EASEMENT #1
 AT MOODY RIVER ESTATES**

Prepared For: COLONIAL HOMES, INC.

Dwn. VAE Ck. JMW DWG: LOU_E#1_SNL
 Date: 09/08/05 Order No: COA-MR-121
 SECTION 10, TOWNSHIP 44S, RANGE 24E
 LEE COUNTY, FLORIDA

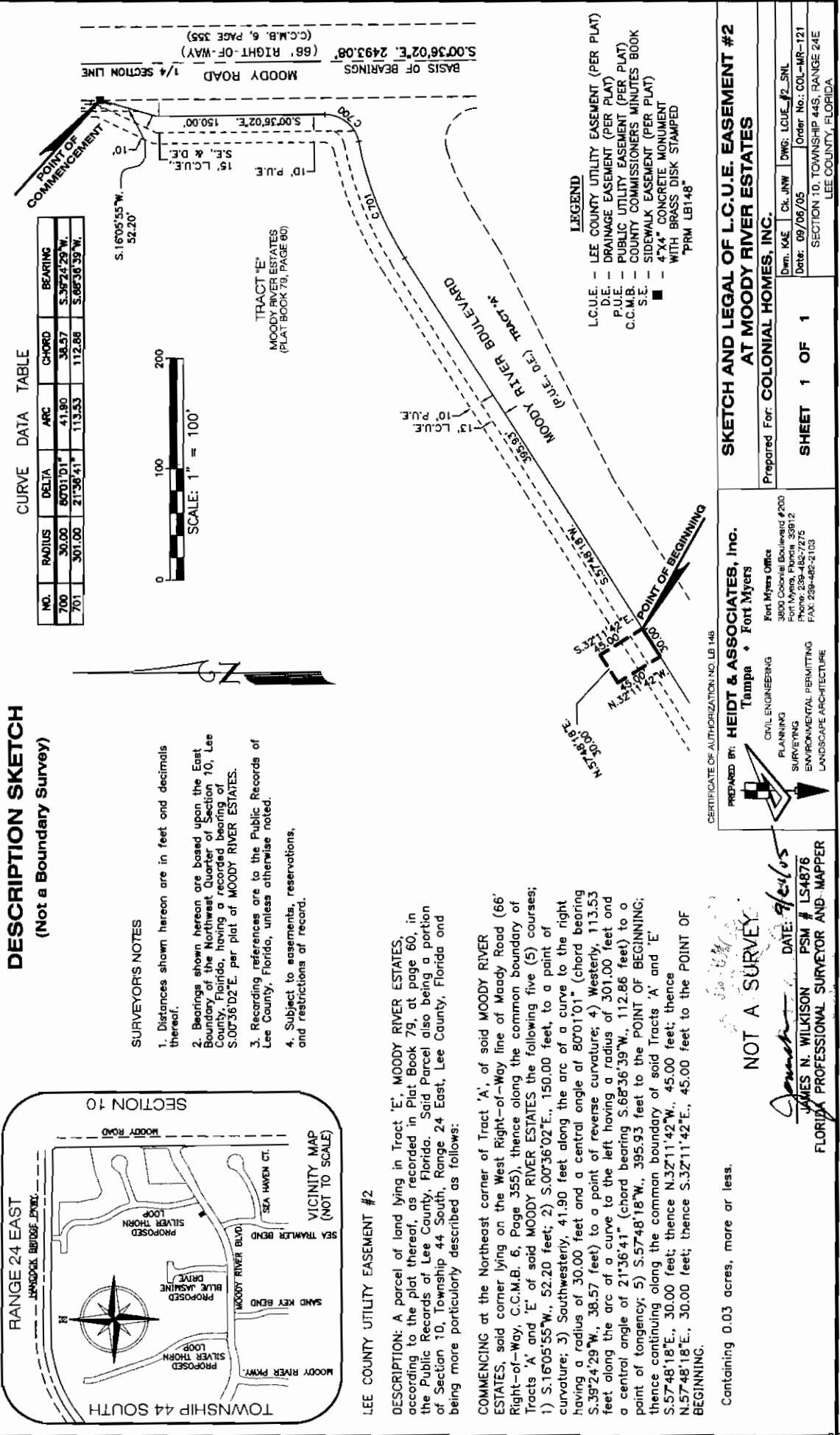
SHEET 1 OF 1

NO.	RADIUS	DELTA	ARC	CHORD	BEARING
700	30.00	80°01'01"	41.90	38.57	S.39°24'29"W.
701	301.00	21°36'41"	113.53	112.86	S.68°36'39"W.

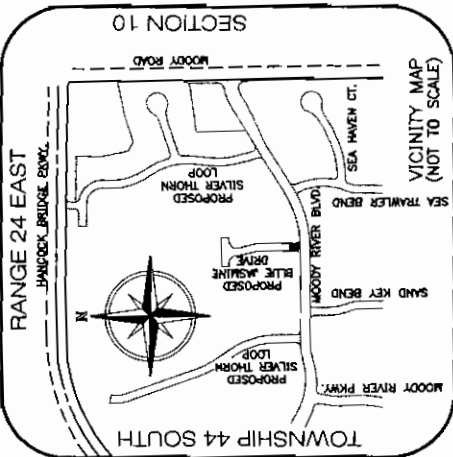


LEGEND

- L.C.U.E. - LEE COUNTY UTILITY EASEMENT (PER PLAT)
- D.E. - DRAINAGE EASEMENT (PER PLAT)
- P.U.E. - PUBLIC UTILITY EASEMENT (PER PLAT)
- C.C.M.B. - COUNTY COMMISSIONERS MINUTES BOOK
- S.E. - SIDEWALK EASEMENT (PER PLAT)
- - 4"x4" CONCRETE MONUMENT WITH BRASS DISK STAMPED "TRM LB148"



DESCRIPTION SKETCH
(Not a Boundary Survey)



LEE COUNTY UTILITY EASEMENT #3

DESCRIPTION: A parcel of land lying in Tract 'E', MOODY RIVER ESTATES, according to the plat thereof, as recorded in Plot Book 79, at page 60, in the Public Records of Lee County, Florida. Said Parcel also being a portion of Section 10, Township 44 South, Range 24 East, Lee County, Florida and being more particularly described as follows:

COMMENCING at the Northeast corner of Tract 'A', of said MOODY RIVER ESTATES, and said corner lying on the West Right-of-Way line of Moody Road (66' Right-of-Way, C.C.M.B. 6, Page 355), thence along the common boundary of Tracts 'A' and 'E' of said MOODY RIVER ESTATES the following five (5) courses; 1) S.16°05'55"W., 52.20 feet; 2) S.00°36'02"E., 150.00 feet, to a point of curvature; 3) Southwesterly, 41.90 feet along the arc of a curve to the right having a radius of 30.00 feet and a central angle of 80°01'01" (chord bearing S.39°24'29"W., 38.57 feet) to a point of reverse curvature; 4) Westerly, 113.53 feet along the arc of a curve to the left having a radius of 301.00 feet and a central angle of 21°36'41" (chord bearing S.68°36'39"W., 112.86 feet) to a point of tangency; 5) S.57°48'18"W., 510.20 feet to a point of curvature; 6) Southwesterly, 288.17 feet along the arc of a curve to the right having a radius of 575.00 feet and a central angle of 28°12'54" (chord bearing S.72°09'44"W., 285.16 feet) to the POINT OF BEGINNING; thence continuing along the common boundary of said Tracts 'A' and 'E', Southwesterly 34.93 feet along said curve to the right having a radius of 575.00 feet and a central angle of 03°27'42" (chord bearing S.88°15'37"W., 33.70 feet) to a point of tangency; thence West, 5.09 feet, thence North 52.80 feet; thence N.87°58'06"E., 40.03 feet, thence South 52.80 feet to the POINT OF BEGINNING.

Containing 0.05 acres, more or less.

NOT A SURVEY

James N. Wilkinson
DATE: 7/21/05
JAMES N. WILKINSON PSM # LS4876
FLORIDA PROFESSIONAL SURVEYOR AND MAPPER

PREPARED BY: HEIDT & ASSOCIATES, Inc.
Tampa • Fort Myers
Fort Myers Office
3800 Colonial Boulevard #200
Fort Myers, Florida, 33912
Phone: 239-482-7275
FAX: 239-482-2103

CIVIL ENGINEERING
PLANNING
SURVEYING
ENVIRONMENTAL PERMITTING
LANDSCAPE ARCHITECTURE

CERTIFICATE OF AUTHORIZATION NO. LB 148

Prepared For: COLONIAL HOMES, INC.

SKETCH AND LEGAL OF L.C.U.E. EASEMENT #3
AT MOODY RIVER ESTATES

SHEET 1 OF 1

Drawn: KAE
Checked: JNW
DWG: L.C.U.E.#3.SNL
Date: 09/06/05
Order No.: COL-MR-121

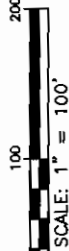
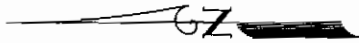
SECTION 10, TOWNSHIP 44S, RANGE 24E
LEE COUNTY, FLORIDA

CURVE DATA TABLE

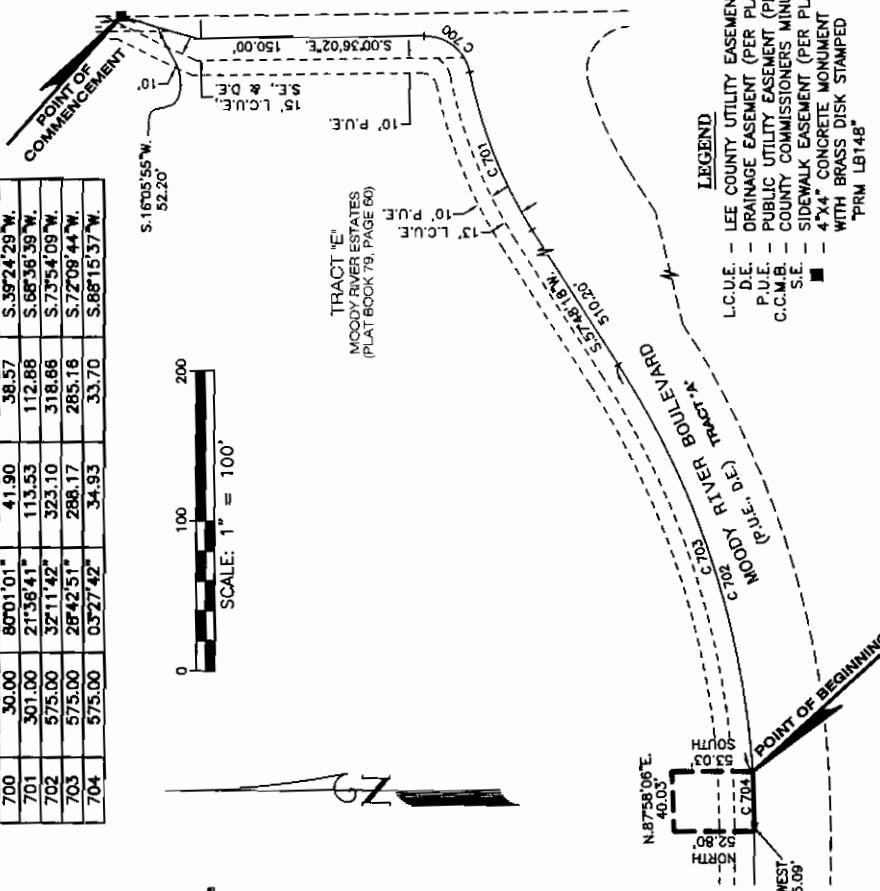
NO.	RADIUS	DELTA	ARC	CHORD	BEARING
700	30.00	80°01'01"	41.90	38.57	S.39°24'29"W.
701	301.00	21°36'41"	113.53	112.86	S.68°36'39"W.
702	575.00	32°11'42"	323.10	318.66	S.73°54'09"W.
703	575.00	28°42'51"	288.17	285.16	S.72°09'44"W.
704	575.00	03°27'42"	34.93	33.70	S.88°15'37"W.

SURVEYOR'S NOTES

- Distances shown hereon are in feet and decimals thereof.
- Bearings shown hereon are based upon the East Boundary of the Northwest Quarter of Section 10, Lee County, Florida, having a recorded bearing of S.00°36'02"E. per the plot of MOODY RIVER ESTATES.
- Recording references are to the Public Records of Lee County, Florida, unless otherwise noted.
- Subject to easements, reservations, and restrictions of record.



MOODY ROAD
BASIS OF BEARINGS
S.00°36'02"E. 2493.08'
(C.C.M.B. 6, PAGE 355)
1/4 SECTION LINE



- LEGEND**
- L.C.U.E. - LEE COUNTY UTILITY EASEMENT (PER PLAT)
 - D.E. - DRAINAGE EASEMENT (PER PLAT)
 - P.U.E. - PUBLIC UTILITY EASEMENT (PER PLAT)
 - C.C.M.B. - COUNTY COMMISSIONERS MINUTES BOOK
 - S.E. - SIDEWALK EASEMENT (PER PLAT)
 - - 4" CONCRETE MONUMENT WITH BRASS DISK STAMPED "PRM LB148"

DESCRIPTION SKETCH
(Not a Boundary Survey)

LEE COUNTY UTILITY EASEMENT #4

DESCRIPTION: A parcel of land lying in Tract 'E', MOODY RIVER ESTATES, according to the plat thereof, as recorded in Plat Book 79, at page 60, in the Public Records of Lee County, Florida. Said Parcel also being a portion of Section 10, Township 44 South, Range 24 East, Lee County, Florida and being more particularly described as follows:

COMMENCING at the Northeast corner of Tract 'A', of said MOODY RIVER ESTATES, and said corner lying on the West Right-of-Way line of Moody Road (66' Right-of-Way, C.C.M.B. 6, Page 355), thence along the common boundary of Tracts 'A' and 'E' of said MOODY RIVER ESTATES the following five (7) courses: 1) S.16°05'55"W., 52.20 feet; 2) S.00°36'02"E., 150.00 feet, to a point of curvature; 3) Southwesterly, 41.90 feet along the arc of a curve to the right having a radius of 30.00 feet and a central angle of 80°01'01" (chord bearing S.39°24'29"W., 38.57 feet) to a point of reverse curvature; 4) Westerly, 113.53 feet along the arc of a curve to the left having a radius of 301.00 feet and a central angle of 21°36'41" (chord bearing S.68°36'39"W., 112.86 feet) to a point of tangency; 5) S.57°48'18"W., 510.20 feet to a point of curvature; 6) Southwesterly, 323.10 feet along the arc of a curve to the right having a radius of 575.00 feet and a central angle of 32°11'42" (chord bearing S.73°54'09"W., 318.86 feet) to a point of tangency; 7) West 440.21' to the POINT OF BEGINNING; thence continuing along the common boundary of said Tracts 'A' and 'E', West, 40.00 feet; thence North, 52.98 feet, thence East, 40.00 feet, thence South, 52.98 feet to the POINT OF BEGINNING.

Containing 0.05 acres, more or less.

CURVE DATA TABLE

NO.	RADIUS	DELTA	ARC	CHORD	BEARING
700	30.00	80°01'01"	41.90	38.57	S.39°24'29"W.
701	301.00	21°36'41"	113.53	112.86	S.68°36'39"W.
702	575.00	32°11'42"	323.10	318.86	S.73°54'09"W.

SURVEYOR'S NOTES

- Distances shown hereon are in feet and decimals thereof.
- Bearings shown hereon are based upon the East Boundary of the Northwest Quarter of Section 10, Lee County, Florida, having a recorded bearing of S.00°36'02"E. per the plat of MOODY RIVER ESTATES.
- Recording references are to the Public Records of Lee County, Florida, unless otherwise noted.
- Subject to easements, reservations, and restrictions of record.

NOT A SURVEY

DATE: 9/21/05
JAMES N. WILKISON PSM # LS4876
FLORIDA PROFESSIONAL SURVEYOR AND MAPPER

PREPARED BY: HEIDT & ASSOCIATES, Inc.
Tampa • Fort Myers

CIVIL ENGINEERING
PLANNING
SURVEYING
ENVIRONMENTAL PERMITTING
LANDSCAPE ARCHITECTURE

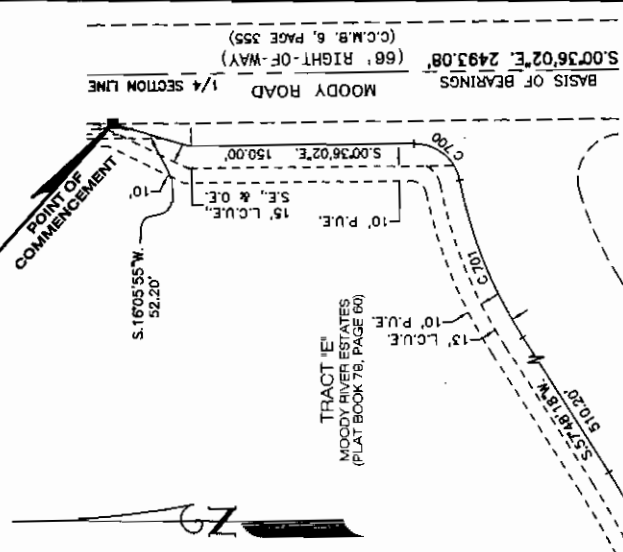
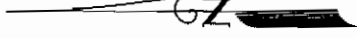
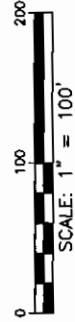
Fort Myers Office
3800 Colonial Boulevard #200
Fort Myers, Florida 33912
PH: 239-482-7276
FAX: 239-482-2103

CERTIFICATE OF AUTHORIZATION NO. LB 148

SKETCH AND LEGAL OF L.C.U.E. EASEMENT #4 AT MOODY HOMES, INC.

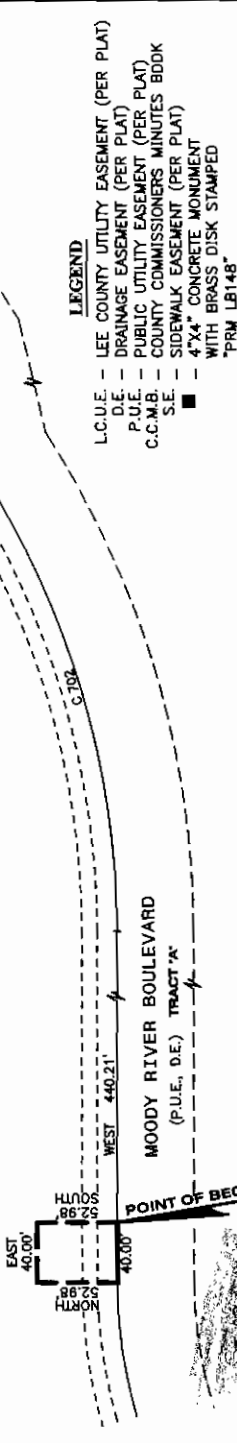
Prepared For: COLONIAL HOMES, INC.
Dwn. KAE Ck. JHW DWG: LCUE #4_SHL
Date: 09/06/05 Order No: COL-MR-121
SECTION 10, TOWNSHIP 44S, RANGE 24E
LEE COUNTY, FLORIDA

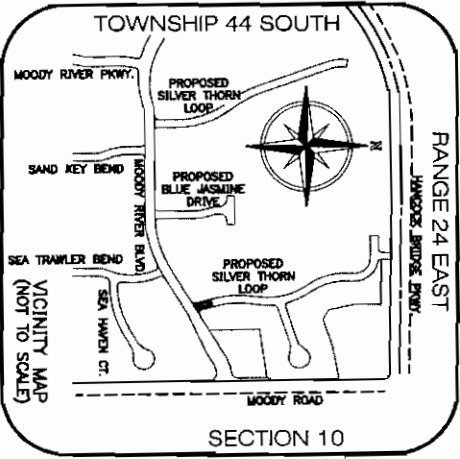
SHEET 1 OF 1



LEGEND

- L.C.U.E. --- LEE COUNTY UTILITY EASEMENT (PER PLAT)
- D.E. --- DRAINAGE EASEMENT (PER PLAT)
- P.U.E. --- PUBLIC UTILITY EASEMENT (PER PLAT)
- C.C.M.B. --- COUNTY COMMISSIONERS MINUTES BOOK
- S.E. --- SIDEWALK EASEMENT (PER PLAT)
- --- 4"x4" CONCRETE MONUMENT WITH BRASS DISK STAMPED "PRM LB148"



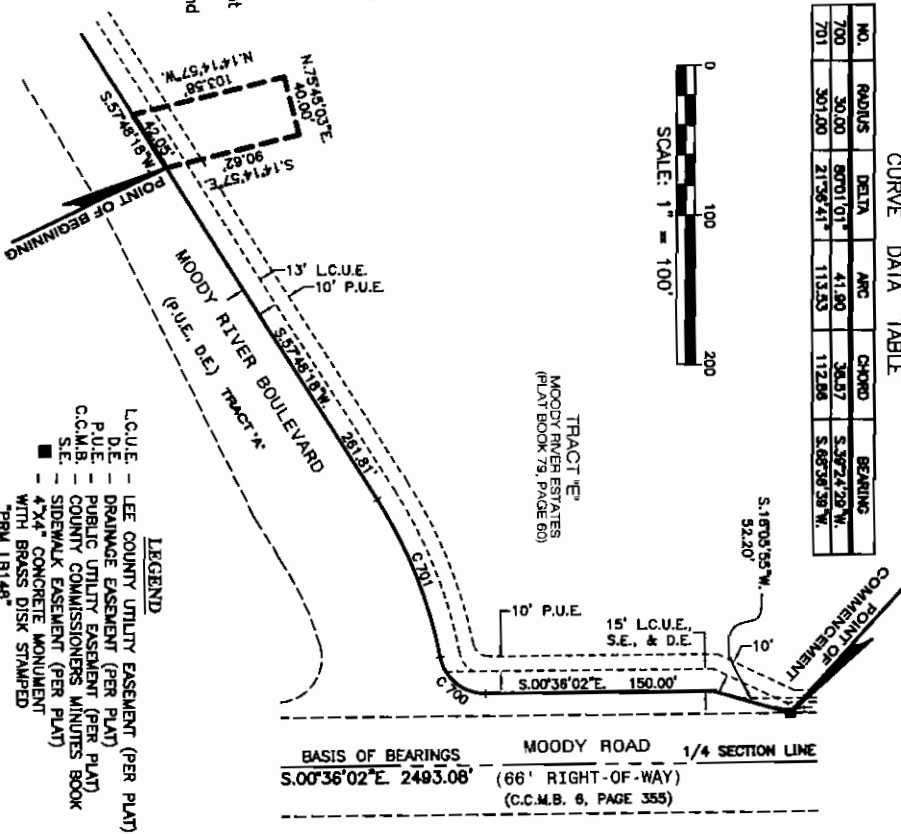


DESCRIPTION SKETCH
(Not a Boundary Survey)

- SURVEYOR'S NOTES**
1. Distances shown hereon are in feet and decimals thereof.
 2. Bearings shown hereon are based upon the East Boundary of the Northwest Quarter of Section 10, Lee County, Florida, having a recorded bearing of S.00°36'02"E. per the final plat of MOODY RIVER ESTATES.
 3. Recording references are to the Public Records of Lee County, Florida, unless otherwise noted.
 4. Subject to assessments, reservations, and restrictions of record.

CURVE DATA TABLE

NO.	RADIUS	DELTA	ARC	CHORD	BEARING
700	30.00	80°01'01"	41.90	30.57	S.35°24'29"W.
701	301.00	21°26'41"	113.53	112.86	S.65°28'28"W.



LEE COUNTY UTILITY EASEMENT #1

DESCRIPTION: A parcel of land lying in Tract 'E', MOODY RIVER ESTATES, according to the plat thereof, as recorded in Plat Book 79, at page 80, in the Public Records of Lee County, Florida. Said Parcel also being a portion of Section 10, Township 44 South, Range 24 East, Lee County, Florida and being more particularly described as follows:

COMMENCING at the Northeast corner of Tract 'A', of said MOODY RIVER ESTATES, said corner lying on the West Right-of-Way line of Moody Road (66' Right-of-Way, C.C.M.B. 6, Page 355), thence along the common boundary of Tracts 'A' and 'E' of said MOODY RIVER ESTATES the following five (5) courses: 1) S.16°05'55"W., 52.20 feet; 2) S.00°36'02"E., 150.00 feet, to a point of curvature; 3) Southwesterly, 41.90 feet along the arc of a curve to the right having a radius of 30.00 feet and a central angle of 80°01'01" (chord bearing S.35°24'29"W., 38.57 feet) to a point of reverse curvature; 4) Westerly, 113.53 feet along the arc of a curve to the left having a radius of 301.00 feet and a central angle of 21°26'41" (chord bearing S.65°28'29"W., 112.86 feet) to a point of tangency; 5) S.5°48'18"W., 261.81 feet to the POINT OF BEGINNING; thence continuing along the common boundary of said Tracts 'A' and 'E', S.5°48'18"W., 42.05 feet; thence N.14°14'57"W., 103.58 feet; thence N.75°45'03"E., 40.00 feet; thence S.14°14'57"E., 90.62 feet to the POINT OF BEGINNING.

Containing 0.09 acres, more or less.

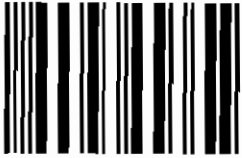
NOT A SURVEY

DATE: 9/14/05
JAMES N. WILKINSON PSM #154876
FLORIDA PROFESSIONAL SURVEYOR AND MAPPER

CERTIFICATE OF AUTHORIZATION NO. LB 148
PREPARED BY: HEIDT & ASSOCIATES, INC.
Tampa + Fort Myers
CIVIL ENGINEERING
PLANNING
SURVEYING
ENVIRONMENTAL RESTORATION
LANDSCAPE ARCHITECTURE
Fort Myers Office
3900 Central Boulevard #200
Fort Myers, Florida 33912
Phone: 239-482-7275
Fax: 239-482-2103

SKETCH AND LEGAL OF L.C.U.E. EASEMENT #1
AT MOODY RIVER ESTATES
Prepared For: COLONIAL HOMES, INC.
SHEET 1 OF 1
DATE: 09/09/05
SECTION 10, TOWNSHIP 44S, RANGE 24E
LEE COUNTY, FLORIDA

- LEGEND**
- L.C.U.E. - LEE COUNTY UTILITY EASEMENT (PER PLAT)
 - - - P.U.E. - PUBLIC UTILITY EASEMENT (PER PLAT)
 - - - D.E. - DRAINAGE EASEMENT (PER PLAT)
 - - - C.C.M.B. - COUNTY COMMISSIONERS MINUTES BOOK
 - - - S.E. - SIDEWALK EASEMENT (PER PLAT)
 - 4"x4" CONCRETE MONUMENT WITH BRASS DISK STAMPED "PRM LB148"



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



FDOR10240000
 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) →

104424340000E0000

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):

BS 20051632 - **EASEMENT:**

COLONIAL HOMES, INC.

Last Mailing Address
12601 WESTLINKS DR-#7

First City
FT. MYERS

MI State Zip Code
FL 33913

4. Grantee (Buyer):

RICK DIAZ, P.E. UTIL. DIRECTOR

FOR **LEE CO. BD. OF CO. COMMISSIONERS**

Last Mailing Address
P. O. BOX 398

First City
FT. MYERS

MI State Zip Code Phone No.
FL 33902 (239) 4798181

5. Date of Sale/Transfer

12 / 13 / 2005
 Month Day Year

Sale/Transfer Price

\$ 10 . 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

(Round to the nearest dollar.) \$ 00

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

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

YES / NO

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

Conventional Seller Provided Agreement or Contract for Deed Other

10. Property Type:

Mark (x) all that apply

Residential Commercial Industrial Agricultural Institutional/Miscellaneous Government Vacant Acreage Timeshare

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

YES / NO

\$ 00

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/she has any knowledge.

Signature of Grantor or Grantee or Agent

Date 11/27/05

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.

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

This copy to Property Appraiser



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



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

104424340000E0000

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):

BS 20051632 - **EASEMENT:**

COLONIAL HOMES, INC.

Last Mailing Address
 12601 WESTLINKS DR-#7

First City MI
 FT. MYERS FL

Corporate Name (if applicable)
 33913

4. Grantee (Buyer):

Last Mailing Address
 RICK DIAZ, P.E. UTIL. DIRECTOR

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 FL

Corporate Name (if applicable)
 33902 (2394798181)

5. Date of Sale/Transfer

12 13 2005 \$

Sale/Transfer Price

\$10

. 00

Property Located In 46 County Code

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

\$ 0.70

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

11/27/05

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