

LEE COUNTY BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY

BLUE SHEET NO: 20040088 -UTL

1. REQUESTED MOTION:

ACTION REQUESTED:

Approve final acceptance, by Resolution and recording of one (1) utility easement, as a donation of a water distribution system and a gravity collection system serving *BELLAMAR @ BEACHWALK, PHASE 2*. This is a Developer contributed asset project located on the southwest corner of Gladiolus Drive and Pine Ridge Road.

WHY ACTION IS NECESSARY: To provide potable water service, fire protection and sanitary sewer service to this phase of the recently constructed multi-family residential development

WHAT ACTION ACCOMPLISHES: Places the water and sewer systems into operation and complies with the Lee County Utilities Operations Manual.

2. DEPARTMENTAL CATEGORY: 10 - UTILITIES  
COMMISSION DISTRICT #: 3

*C10H*

3. MEETING DATE:

*02-17-2004*

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED: \_\_\_\_\_

5. REQUIREMENT/PURPOSE:

- (Specify)
- STATUTE
  - ORDINANCE
  - ADMIN. CODE
  - OTHER Res., Easement

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER: \_\_\_\_\_
- B. DEPARTMENT: Lee County-Public Works
- C. DIVISION/SECTION: Utilities Division
- BY: Rick Diaz, P.E., Utilities Director
- DATE: 1/22/04

7. BACKGROUND:

The Board granted permission to construct on 09/10/02, Blue Sheet #20020906.  
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. As-builts 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 are available for Easement recording fees in account number OD5360748700.504930.

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

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL

| (A)<br>DEPARTMENT<br>DIRECTOR              | (B)<br>PURCH. OR<br>CONTRACTS | (C)<br>HUMAN<br>RESOURCES | (D)<br>OTHER                                     | (E)<br>COUNTY<br>ATTORNEY               | (F)<br>BUDGET<br>SERVICES           |                                     |                                  |               | (G)<br>COUNTY<br>MANAGER                   |
|--|-------------------------------|---------------------------|--|---|-------------------------------------|-------------------------------------|----------------------------------|---------------|--|
|  |                               |                           |  |   | OA                                  | OM                                  | Risk                             | GC            |  |
| <i>J. Lavender</i><br>Date: <i>1-13-04</i> | N/A<br>Date:                  | N/A<br>Date:              | <i>T.O.</i><br>T. Osterhout<br>Date: <i>1-22</i> | <i>S. P. ...</i><br>Date: <i>2/5/04</i> | <i>Admin</i><br>Date: <i>2/5/04</i> | <i>Admin</i><br>Date: <i>2/5/04</i> | <i>of</i><br>Date: <i>2/5/04</i> | <i>2/5/04</i> | <i>J. Lavender</i><br>Date: <i>1-22-04</i> |

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty  
Date: 2-5-04  
Time: 11:30  
Forwarded To:  
*Admin 2-5-04*

RECEIVED BY  
COUNTY ADMIN  
Date: *2/5/04*  
*3:30 pm*  
COUNTY ADMIN  
FORWARDED TO:  
*2/5/04*  
*4:45 pm*

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

WHEREAS, it is the desire of Gladiolus Developers, Inc., owner of record, to make a contribution to Lee County Utilities of water facilities (water distribution system) and sewer facilities (gravity collection system) serving "**BELLAMAR @ BEACHWALK, PHASE 2**"; 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 **\$86,993.70** 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 Andrew Coy: \_\_\_\_\_ (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: \_\_\_\_\_  
CHAIRMAN

APPROVED AS TO FORM

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

COPY

LETTER OF COMPLETION

DATE: November 10, 2003

Department of Lee County Utilities  
Division of Engineering  
1500 Monroe Street  
Fort Myers, FL 33901

Gentlemen:

This is to certify that the water distribution and or sewage collection system(s) located in Bellamar at Beachwalk - Phase 2  
(Name of Development)

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

the approved plans                       the revised plans, attached

and:

the approved specifications       the revised specifications, attached

Upon completion of the work, we observed the following successful tests on the facilities: watermain pressure test, low air pressure gravity sewer test, lamping of gravity sewer, review of gravity sewer video.

Very truly yours,

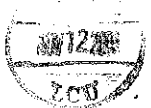
Banks Engineering Inc.  
(Owner or Name of Corporation)

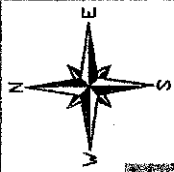
  
(Signature)

Barry E. Jones, P.E.  
(Printed Name)

Project Manager  
(Title)

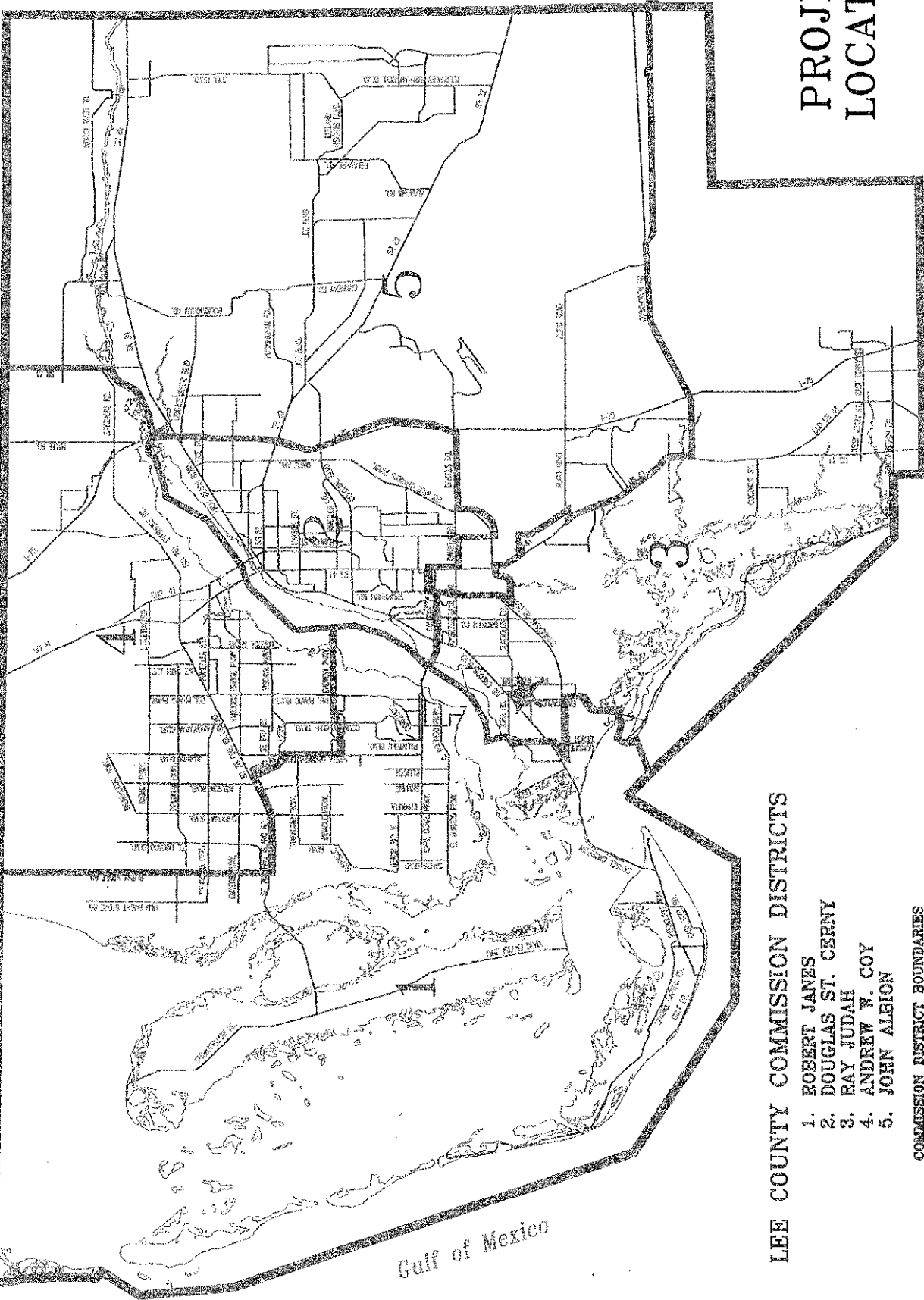
(SEAL OF ENGINEERING FIRM)





COPY

BELLAMAR AT BEACHWALK, PHASE 2  
31-45-24-52-0000F.0000  
COMMISSION DISTRICT #3 - JUDAH



PROJECT  
LOCATION

LEE COUNTY COMMISSION DISTRICTS

- 1. ROBERT JAMES
- 2. DOUGLAS ST. CERNY
- 3. RAY JUDAH
- 4. ANDREW W. COY
- 5. JOHN ALBION

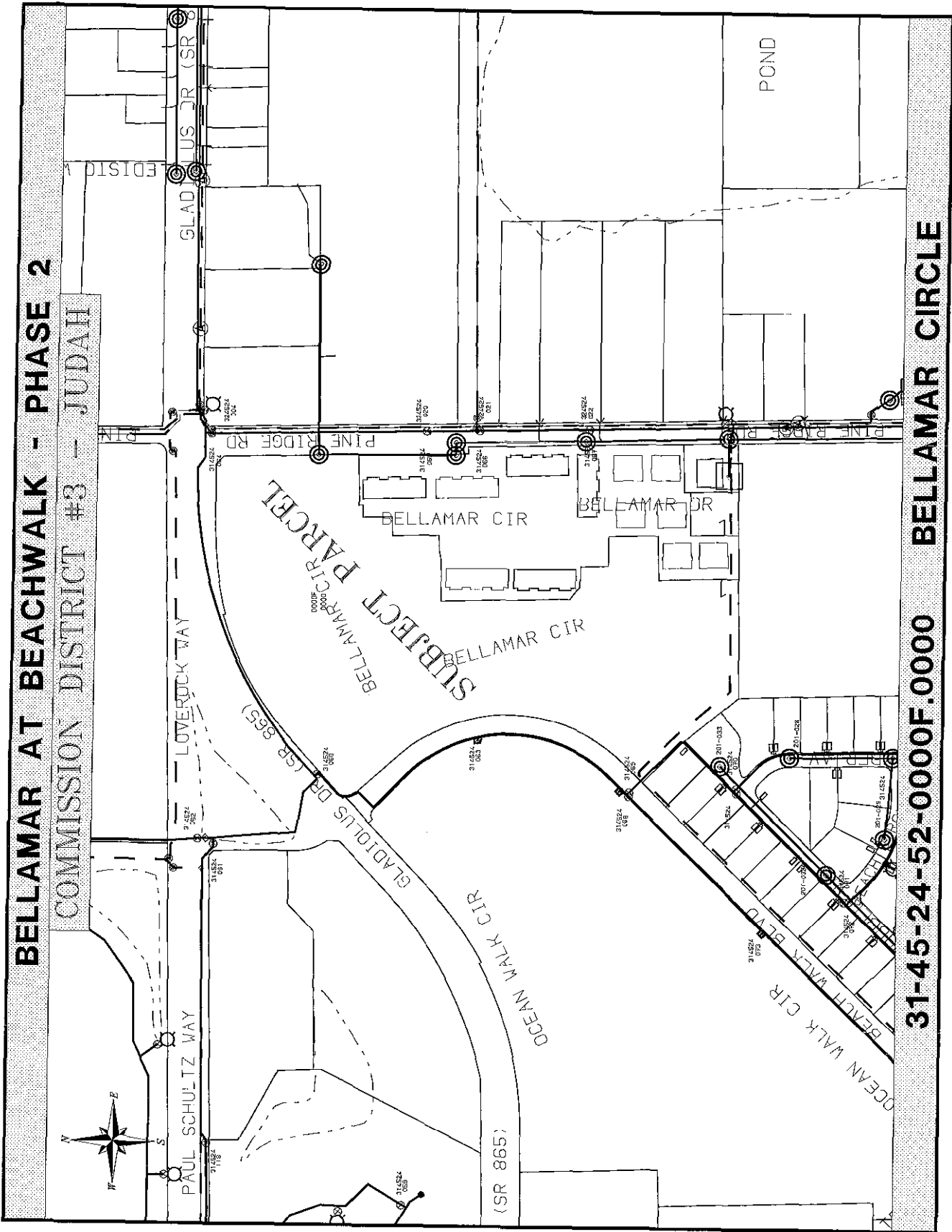
COMMISSION DISTRICT BOUNDARIES  
DECEMBER 2000

Gulf of Mexico

COPY

**BELLAMAR AT BEACHWALK - PHASE 2**

**COMMISSION DISTRICT #3 - JUDAH**



**31-45-24-52-0000F.0000 BELLAMAR CIRCLE**



COPY

WAIVER AND RELEASE OF LIEN  
UPON FINAL PAYMENT

The undersigned lienor, in consideration of the final payment in the amount of EHIGHTY SIX THOUSAND NINE HUNDRED NINTY THREE DOLLARS AND SEVENTY CENTS (\$86,993.70 ) hereby waivers and releases its lien and right to claim a lien for labor, services, or materials furnished to DAVID BARRON LAND DEVELOPMENT, INC. on the job of GLADIOLUS DEVELOPERS, INC. to the following described property:

BELLAMAR @ BEACHWALK PHASE TWO water distribution and sanitary sewer systems  
(Name of Development/Project) (Facilities Constructed)

GLADIOLUS DR AND BEACHWALK BLVD 31-45-24-52-0000F.0000  
(Location) (Strap # or Section, Township & Range)  
(Please provide full name and location of development and a description of the utility system constructed).

Dated on: December 16, 2003

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 34109-1829  
(City, State & Zip Of Firm Or Corporation)

Phone #: (239)598-9418 Ext.



Fax#: (239)598-9418

STATE OF FL )  
) SS:  
COUNTY OF COLLIER )

The foregoing instrument was signed and acknowledged before me this 16 th day of DEC, 2003 by BRENDA K. MERCHANT who has produced the following as identification - PERSONALLY KNOWN , and who did not take an oath.

[Signature]  
(Notary Public Signature)

(Notary Seal & Commission Number) LINDA MAHON  
(Printed Name of Notary Public)

 Linda Mahon  
Commission #DD177119  
Expires: Feb 21, 2007  
Bonded Thru  
Atlantic Bonding Co., Inc.  
 LEE COUNTY  
SOUTHWEST FLORIDA  
(Forms - Waiver of Lien - Revised December 2002)



# PAINTS & COATINGS

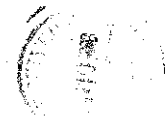
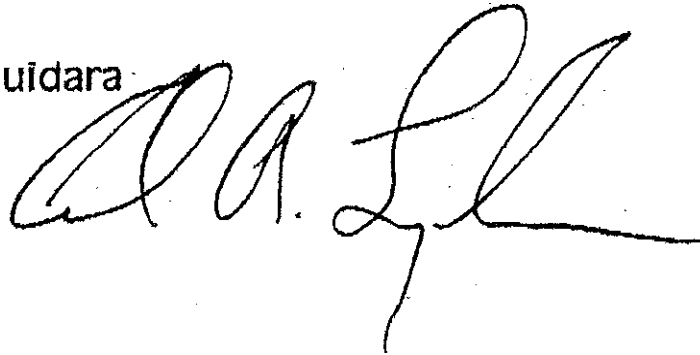
"The Finest in Wastewater Structure Rehabilitation!"

To Whom It May Concern:

Please accept this letter as certification that the structures supplied to, BELVANTON @ BEACHWALK, were coated on the inside with IET Systems by Paints and Coatings, Inc.

Yours truly,

Carl A. Laquidara  
President

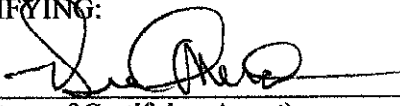






I do hereby certify that the quantities of material and services described above are a true and accurate representation of the as-installed cost of the system being contributed to Lee County and corresponds with the record drawings.

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)

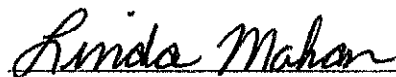
NAPLES, FL 34109 - 1829

STATE OF FL )

) SS:

COUNTY OF COLLIER )

The foregoing instrument was signed and acknowledged before me this 17 th day of DEC, 2003 by BRENDA K. MERCHANT who has produced the following as identification - PERSONALLY KNOWN , and who did not take an oath.



\_\_\_\_\_  
Notary Public Signature

LINDA MAHON

Printed Name of Notary Public

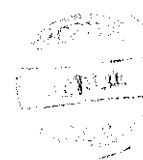
DD 177119

\_\_\_\_\_  
Notary Commission Number

(NOTARY SEAL)



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





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 - 1829

STATE OF FL )

) SS:

COUNTY OF COLLIER )

The foregoing instrument was signed and acknowledged before me this 17 th day of DEC, 2003 by BRENDA K. MERCHANT who has produced the following as identification - PERSONALLY KNOWN , and who did not take an oath.



Notary Public Signature

LINDA MAHON


Printed Name of Notary Public

DD177119

Notary Commission Number

(NOTARY SEAL)





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

**PERPETUAL PUBLIC UTILITY EASEMENT GRANT**

THIS INDENTURE is made and entered into this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by and between Gladiolus Developers, Inc., Owner, hereinafter referred to as GRANTOR(S), and LEE COUNTY, 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 shall 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 shall 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 shall 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 of any and all liens and encumbrances, except as herein stated, and accordingly, GRANTOR(S) will forever defend the 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, shall 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.

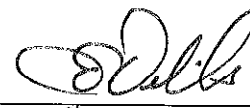

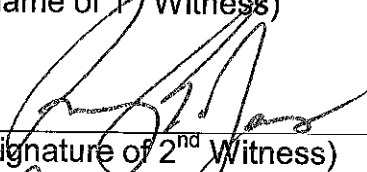
7. GRANTEE will be liable for money damages in tort for any injury to or loss of property, personal injury, or death caused by the negligent or wrongful act(s) or omission(s) of any official or employee of the GRANTEE while acting within the scope of the official's or employee's office or employment 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 shall 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. GRANTEE agrees to coordinate each activity within the easement premises in advance with the manager of the U. S. Postal Service, so as not to interfere with Postal Service operations.

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. If GRANTEE fails to utilize the granted easement (Exhibit "A", hereto) for the purposes as set out herein and for the time as set out in Section 255.22, Florida Statutes, then this easement shall be extinguished pursuant to law,

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

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

|   |   |   |  |
|---|---|---|--|
| X |  | X |  |
|   | (Signature of 1 <sup>st</sup> Witness)  |   | (Grantor's/Owner's Signature)  |
|   | <u>Gabriela Villar</u>  |   | <u>ALEJANDRO ROBLES, DIR.</u>  |
|   | (Name of 1 <sup>st</sup> Witness)   |   | (Grantor's/Owner's Name)   |
| X |  |   | President  |
|   | (Signature of 2 <sup>nd</sup> Witness)  |   | Title  |
|   | <u>Bonny E. Jones</u>   |   |  |
|   | (Name of 2 <sup>nd</sup> Witness)   |   |  |


STATE OF Florida )  
 ) SS:  
 COUNTY OF Dade )

The foregoing instrument was signed and acknowledged before me this 24<sup>th</sup> day of OCT 2003 by Alejandro Robles who is personally known to me - \_\_\_\_\_, and who did not take an oath.



Liese Grunsky  
 Printed Name of Notary Public

(Notary Seal & Commission Number)

 Liese Grunsky  
 My Commission CC916661  
 Expires April 24, 2004

# Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors

FORT MYERS ♦ NAPLES ♦ SARASOTA ♦ PORT CHARLOTTE ♦ ANNA MARIA ISLAND

DESCRIPTION  
OF A  
PARCEL OF LAND  
LYING IN  
SECTION 31, TOWNSHIP 45 SOUTH, RANGE 24 EAST  
LEE COUNTY, FLORIDA  
**(LEE COUNTY UTILITES EASEMENT, BELLAMAR AT BEACHWALK PHASE 2)**

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 31, TOWNSHIP 45 SOUTH, RANGE 24 EAST, BEING PART OF TRACT "F" OF BEACHWALK, A SUBDIVISION RECORDED IN PLAT BOOK 66, PAGES 1 THROUGH 4 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID TRACT "F"; THENCE S.89°04'35"W. ALONG THE SOUTHERLY LINE OF SAID TRACT "F" FOR 628.43 FEET; THENCE N.39°26'59"W. ALONG THE WESTERLY LINE OF SAID TRACT "F" FOR 172.75 FEET; THENCE N.45°22'18"W. ALONG SAID WESTERLY LINE FOR 140.00 FEET TO AN INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF BEACHWALK BOULEVARD (50 FEET WIDE); THENCE N.44°37'42"E. ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR 65.62 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 400.00 FEET; THENCE NORTHERLY ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 85°57'26" FOR 600.09 FEET TO THE **POINT OF BEGINNING**; THENCE N.41°19'44"W. ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR 112.04 FEET; THENCE N.40°31'41"W. ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR 18.05 FEET; THENCE N.49°28'19"E. FOR 19.75 FEET; THENCE S.41°19'44"E. FOR 129.67 FEET; THENCE N.46°35'19"E. FOR 63.80 FEET; THENCE N.42°56'23"W. FOR 5.21 FEET; THENCE N.46°40'22"E. FOR 15.49 FEET; THENCE S.79°22'27"E. FOR 24.91 FEET; THENCE N.47°03'37"E. FOR 78.54 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 578.51 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 13°43'45" FOR 138.62 FEET TO A POINT OF COMPOUND CURVE HAVING A RADIUS OF 417.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 3°51'42" FOR 28.10 FEET; THENCE N.25°20'56"W. FOR 17.86 FEET; THENCE N.66°20'01"E. FOR 20.19 FEET; THENCE S.22°41'19"E. FOR 17.74 FEET TO AN INTERSECTION WITH A CURVE TO THE RIGHT HAVING A RADIUS OF 417.00 FEET AND TO WHICH POINT A RADIAL LINE BEARS N.22°41'19"W.; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 15°15'17" FOR 111.02 FEET; THENCE N.07°26'02"W. FOR 19.43 FEET; THENCE N.83°13'16"E. FOR 21.26 FEET; THENCE S.04°38'39"E. FOR 19.71 FEET TO AN INTERSECTION WITH A CURVE TO THE RIGHT HAVING A RADIUS OF 417.00 FEET AND TO WHICH POINT A RADIAL LINE BEARS N.04°38'39"W.; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 3°14'18" FOR 23.57 FEET; THENCE N.88°35'39"E. FOR 17.79 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 75.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 62°02'12" FOR 81.21 FEET; THENCE S.49°09'16"W. FOR 44.34 FEET; THENCE S.01°24'21"E. FOR 5.00 FEET; THENCE S.88°35'39"W. FOR 49.79 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 344.00 FEET; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 27°48'16" FOR 166.94 FEET TO A POINT OF COMPOUND CURVE HAVING A RADIUS OF 505.51 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 6°06'50" FOR 53.94 FEET; THENCE S.28°50'17"E. FOR 48.46 FEET; THENCE S.53°06'04"W. FOR 20.00 FEET; THENCE N.38°30'55"W. FOR 47.99 FEET TO AN INTERSECTION WITH A CURVE TO THE LEFT HAVING A RADIUS OF 505.51 FEET AND TO WHICH POINT A RADIAL LINE BEARS N.38°30'55"W.; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 4°25'28" FOR 39.04 FEET; THENCE S.47°03'37"W. FOR 103.83 FEET TO POINT "A"; THENCE N.42°56'23"W. FOR 67.77 FEET; THENCE S.46°35'19"W. FOR 69.37 FEET; THENCE S.41°19'44"E. FOR 44.82 FEET; THENCE S.16°34'28"E. FOR 14.61 FEET; THENCE S.31°28'39"E. FOR 58.37 FEET; THENCE S.37°04'39"E. FOR 91.87 FEET; THENCE S.52°55'21"W. FOR 20.00 FEET; THENCE N.37°04'39"W. FOR 92.85



FEET; THENCE N.31°28'39"W. FOR 61.96 FEET; THENCE N.16°34'28"W. FOR 12.84 FEET; THENCE N.41°19'44"W. FOR 60.31 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 1.06 ACRES, MORE OR LESS.

**LESS AND EXCEPT THE FOLLOWING THREE PARCELS;**

**LESS PARCEL #1:**

COMMENCING AT THE AFOREMENTIONED POINT "A"; THENCE N.08°43'16"E. FOR 32.24 FEET TO THE **POINT OF BEGINNING**; THENCE N.47°03'37"E. FOR 78.54 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 525.51 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 13°43'45" FOR 125.92 FEET TO A POINT OF COMPOUND CURVE HAVING A RADIUS OF 364.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 3°53'32" FOR 24.73 FEET TO POINT "B"; THENCE N.25°19'05"W. FOR 19.00 FEET TO AN INTERSECTION WITH A CURVE TO THE LEFT HAVING A RADIUS OF 383.00 FEET AND TO WHICH POINT A RADIAL LINE BEARS N.25°19'05"W.; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 3°53'32" FOR 26.02 FEET TO A POINT OF COMPOUND CURVE HAVING A RADIUS OF 544.51 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 13°43'45" FOR 130.48 FEET; THENCE S.47°03'37"W. FOR 78.54 FEET; THENCE S.42°56'24"E. FOR 19.00 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 0.10 ACRES, MORE OR LESS.

**LESS PARCEL #2:**

COMMENCING AT THE AFOREMENTIONED POINT "B", SAID POINT BEING ON A CURVE HAVING A RADIUS OF 364.00 FEET AND TO WHICH POINT A RADIAL LINE BEARS N.25°19'05"W.; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 3°08'54" FOR 20.00 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 14°56'22" FOR 94.91 FEET TO POINT "C"; THENCE N.07°13'49"W. FOR 19.00 FEET TO AN INTERSECTION WITH A CURVE TO THE LEFT HAVING A RADIUS OF 383.00 FEET AND TO WHICH POINT A RADIAL LINE BEARS N.07°13'49"W.; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 14°56'22" FOR 99.86 FEET; THENCE S.22°10'11"E. FOR 19.00 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 0.04 ACRES, MORE OR LESS.

**LESS PARCEL #3:**

COMMENCING AT THE AFOREMENTIONED PARCEL "C", SAID POINT BEING ON A CURVE HAVING A RADIUS OF 364.00 FEET AND TO WHICH POINT A RADIAL LINE BEARS N.07°13'49"W.; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 3°08'54" FOR 20.00 FEET TO THE **POINT OF BEGINNING**; THENCE N.04°04'55"W. FOR 19.00 FEET TO AN INTERSECTION WITH A CURVE TO THE RIGHT HAVING A RADIUS OF 383.00 FEET AND TO WHICH POINT A RADIAL LINE BEARS N.04°04'55"W.; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 2°40'34" FOR 17.89 FEET; THENCE N.88°35'39"E. FOR 12.79 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 46.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 54°03'31" FOR 43.40 FEET; THENCE S.88°35'39"W. FOR 50.03 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 364.00 FEET; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 2°40'34" FOR 17.00 FEET TO THE **POINT OF BEGINNING**.


PARCEL CONTAINS 0.02 ACRES, MORE OR LESS.

NET AREA IS 0.90 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE SOUTH LINE OF TRACT "F" OF THE BEACHWALK SUBDIVISION AS BEARING S.89°04'35"W.

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

DESCRIPTION PREPARED DECEMBER 11, 2003.

 12-17-03  
\_\_\_\_\_  
THOMAS C. SHAW, F.S.M.  
PROFESSIONAL SURVEYOR & MAPPER  
FLORIDA CERTIFICATION No. 4672



1"=150'

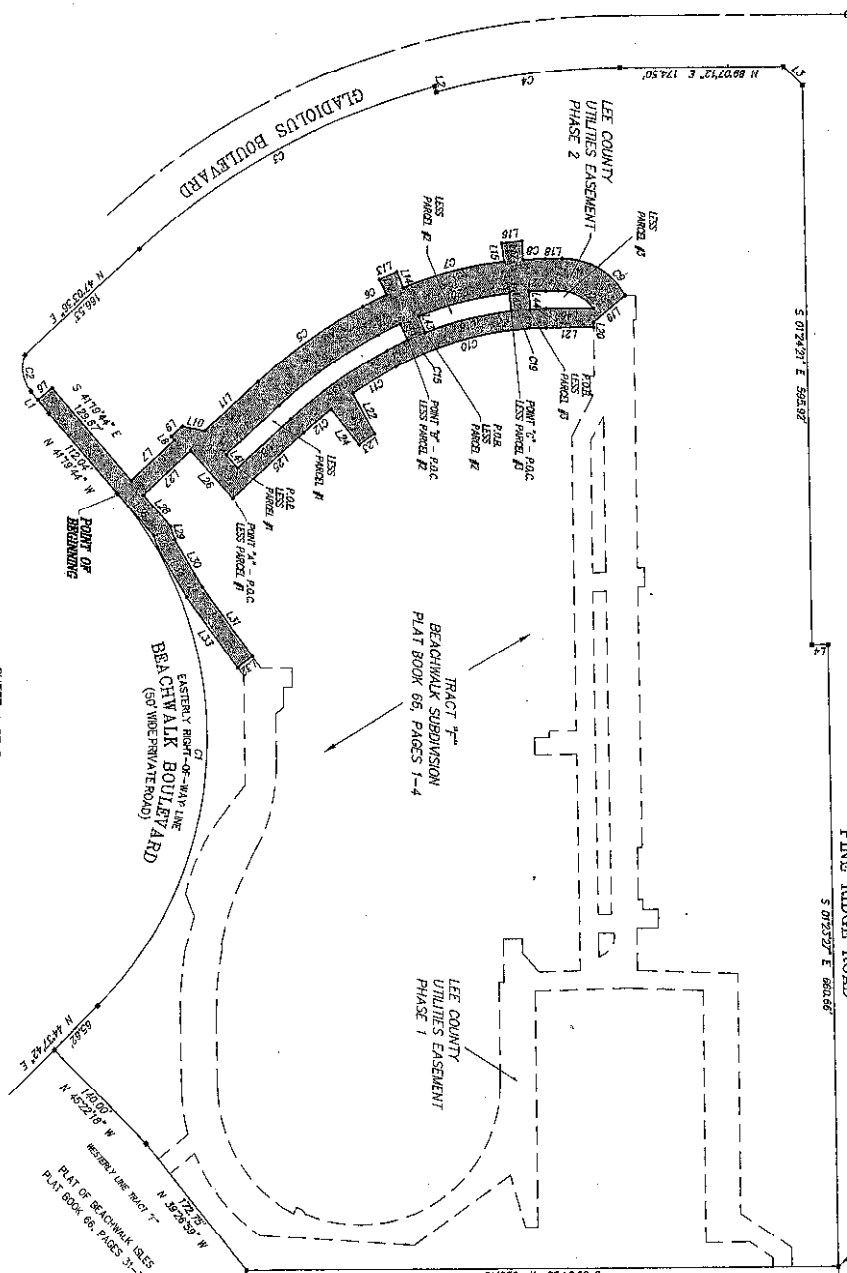
COPY

**SKETCH TO ACCOMPANY DESCRIPTION**

OF A  
 PARCEL OF LAND  
 LYING IN  
 SECTION 31, TOWNSHIP 45 SOUTH, RANGE 24 EAST  
 LEE COUNTY, FLORIDA

POINT OF COMMENCEMENT  
 SOUTHWEST CORNER OF TRACT 7,  
 BEACHWALK SUBDIVISION,  
 PLAT BOOK 66, PAGES 1-4

EAST LINE SECTION 31 & PINE RIDGE ROAD CONTINUE  
**PINE RIDGE ROAD**  
 S 07°23'07" E 662.66'



S 89°14'35" W 511.43'  
 SOUTHERLY LINE TRACT 7  
 UNPLATTED  
 DEED BOOK 176, PAGE 70  
 SE1/4, NE1/4, SE1/4

- NOTES:**
1. SEE ACCOMPANYING SHEETS FOR COMPLETE LEVEL DESCRIPTION.
  2. BEARINGS ARE BASED ON THE SOUTHERLY LINE OF TRACT 7 OF BEACHWALK AS BEARING S89°14'35" W.
  3. ALL LINES ARE RAOUL UNLESS DENOTED WITH "M".

**LEGEND**

- CF MONOLITHS CORNER 1 OF THE CORNER TABLE
- U MONOLITHS CORNER 1 OF THE CORNER TABLE
- PAC MONOLITHS CORNER OF COMMENCEMENT
- PAB MONOLITHS CORNER OF BEGINNING

**\*\*\*THIS IS NOT A SURVEY\*\*\***

*Thomas C. Shay*  
 12-17-03

THOMAS C. SHAY  
 PROFESSIONAL SURVEYOR & MAPPER  
 FLORIDA CERTIFICATION NO. 4672  
 THIS SKETCH IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND SEAL OF A FLORIDA PROFESSIONAL SURVEYOR AND MAPPER.  
 PREPARED: DECEMBER 11, 2003.

Prepared by:  
**Shanks Engineering, Inc.**  
 ENGINEERING, SURVEYING & LAND PLANNING  
 6640 WILLOW PARK DRIVE - SUITE 70  
 NORTON, FLORIDA 32109

FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6680

# DIMENSION TABLES FOR SKETCH TO ACCOMPANY DESCRIPTION

OF A  
PARCEL OF LAND  
LYING IN  
SECTION 31, TOWNSHIP 45 SOUTH, RANGE 24 EAST  
LEE COUNTY, FLORIDA

## CURVE TABLE

| CURVE | RADIUS  | DELTA ANGLE | ARC LENGTH | CHORD LENGTH | CHORD BEARING |
|-------|---------|-------------|------------|--------------|---------------|
| C1    | 400.00' | 85°57'26"   | 600.09'    | 545.39'      | S 01°38'59" W |
| C2    | 38.58'  | 61°38'41"   | 41.51'     | 39.54'       | N 09°42'20" W |
| C3    | 768.51' | 27°13'09"   | 365.09'    | 361.67'      | N 60°40'09" E |
| C4    | 762.51' | 14°50'26"   | 197.50'    | 196.95'      | N 81°41'59" E |
| C5    | 578.51' | 13°43'45"   | 138.62'    | 138.29'      | N 53°55'30" E |
| C6    | 417.00' | 03°51'42"   | 28.10'     | 28.10'       | N 62°43'13" E |
| C7    | 417.00' | 15°15'17"   | 111.02'    | 110.70'      | N 74°56'19" E |
| C8    | 417.00' | 03°14'18"   | 23.57'     | 23.57'       | N 86°58'30" E |
| C9    | 75.00'  | 62°02'12"   | 81.21'     | 77.30'       | S 60°23'15" E |
| C10   | 344.00' | 27°48'16"   | 166.94'    | 165.30'      | N 74°41'31" E |
| C11   | 505.51' | 06°06'50"   | 53.94'     | 53.92'       | N 57°43'57" E |
| C12   | 505.51' | 04°25'28"   | 39.04'     | 39.03'       | N 49°16'21" E |
| C13   | 525.51' | 13°43'45"   | 125.92'    | 125.62'      | N 53°55'30" E |
| C14   | 364.00' | 03°53'32"   | 24.73'     | 24.72'       | N 62°44'09" E |
| C15   | 364.00' | 03°08'54"   | 20.00'     | 20.00'       | N 66°15'22" E |
| C16   | 363.00' | 03°53'32"   | 26.02'     | 26.01'       | N 62°44'09" E |
| C17   | 544.51' | 13°43'45"   | 130.48'    | 130.16'      | N 53°55'30" E |
| C18   | 364.00' | 14°56'22"   | 94.91'     | 94.64'       | N 75°18'00" E |
| C19   | 364.00' | 03°08'54"   | 20.00'     | 20.00'       | N 84°20'38" E |
| C20   | 383.00' | 14°56'22"   | 99.86'     | 99.58'       | N 75°18'00" E |
| C21   | 383.00' | 02°40'34"   | 17.89'     | 17.89'       | N 87°15'22" E |
| C22   | 46.00'  | 54°03'31"   | 43.40'     | 41.81'       | S 64°22'36" E |
| C23   | 364.00' | 02°40'34"   | 17.00'     | 17.00'       | N 67°15'22" E |

## LINE TABLE

| LINE | BEARING            | DISTANCE |
|------|--------------------|----------|
| L1   | N 40°31'41" W      | 30.34'   |
| L2   | S 15°43'14" E      | 6.00'    |
| L3   | S 46°08'36" E      | 28.36'   |
| L4   | N 89°03'33" E      | 17.00'   |
| L5   | N 40°31'41" W      | 18.05'   |
| L6   | N 49°28'19" E      | 19.75'   |
| L7   | N 46°35'19" E      | 63.80'   |
| L8   | N 42°56'23" W      | 5.21'    |
| L9   | N 46°40'22" E      | 15.49'   |
| L10  | S 79°22'27" E      | 24.91'   |
| L11  | N 47°03'37" E      | 78.54'   |
| L12  | N 25°20'56" W      | 17.86'   |
| L13  | N 66°20'01" E      | 20.19'   |
| L14  | S 22°41'19" E      | 17.74'   |
| L15  | N 07°26'02" W      | 19.43'   |
| L16  | N 83°13'16" E      | 21.26'   |
| L17  | S 04°38'39" E      | 19.71'   |
| L18  | N 88°35'39" E      | 17.79'   |
| L19  | S 49°09'16" W (NR) | 44.34'   |
| L20  | S 01°24'21" E      | 5.00'    |
| L21  | S 88°35'39" W      | 49.79'   |
| L22  | S 28°50'17" E      | 48.46'   |
| L23  | S 53°06'04" W      | 20.00'   |
| L24  | N 38°30'55" W      | 47.99'   |
| L25  | S 47°03'37" W      | 103.63'  |
| L26  | N 42°56'23" W      | 67.77'   |
| L27  | S 46°35'19" W      | 69.37'   |
| L28  | S 41°19'44" E      | 44.82'   |
| L29  | S 16°34'28" E      | 14.61'   |
| L30  | S 31°28'39" E      | 58.37'   |
| L31  | S 37°04'39" E      | 91.67'   |
| L32  | S 52°55'21" W      | 20.00'   |
| L33  | N 37°04'39" W      | 92.85'   |
| L34  | N 31°28'39" W      | 61.96'   |
| L35  | N 16°34'28" W      | 12.84'   |
| L36  | N 41°19'44" W      | 60.31'   |
| L37  | N 08°43'16" E      | 32.24'   |
| L38  | N 47°03'37" E      | 78.54'   |
| L39  | N 25°19'05" W      | 19.00'   |
| L40  | S 47°03'37" W      | 78.54'   |
| L41  | S 42°56'24" E      | 19.00'   |
| L42  | N 07°13'49" W      | 19.00'   |
| L43  | S 22°10'11" E      | 19.00'   |
| L44  | N 04°04'55" W      | 19.00'   |
| L45  | N 88°35'39" E      | 12.79'   |
| L46  | S 88°35'39" W      | 50.03'   |

PREPARED BY:

**Banks Engineering, Inc.**

ENGINEERING, SURVEYING & LAND PLANNING

8940 WILLOW PARK DRIVE - SUITE "B"

NAFLES, FLORIDA 34109

(941) 687-2051

FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6080



**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.

0 1 2 3 4 5 6 7 8 9

0123456789

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

**314524520000F0000**

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:**

**GLADIOLUS DEVELOPERS, INC.**

Last First MI Corporate Name (if applicable)  
**11030 N. KENDALL DR. - #100 MIAMI FL 33176**

Mailing Address City State Zip Code Phone No.  
**RICK DIAZ, P.E., UTIL. DIR. FOR LEE CO. BOARD OF COUNTY COMMISSION**

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

Mailing Address City State Zip Code Phone No.

5. Date of Sale/Transfer

Sale/Transfer Price

\$

**. 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 \$

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/her has any knowledge.

Signature of Grantor or Grantee or Agent

Date

**1/22/04**

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



**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) →

314524520000F0000

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:**

**GLADIOLUS DEVELOPERS, INC.**

Last First MI Corporate Name (if applicable)  
**11030 N. KENDALL DR. - #100 MIAMI FL 33176**

Mailing Address City State Zip Code Phone No.

4. Grantee (Buyer):

**RICK DIAZ, P.E., UTIL. DIR. FOR LEE CO. BOARD OF COUNTY COMMISSION**

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

Mailing Address City State Zip Code Phone No.

5. Date of Sale/Transfer

Sale/Transfer Price

Month Day Year \$ (Round to the nearest dollar.) . 00 Property Located In **Lee**

6. Type of Document

Contract/Agreement for Deed  
 Warranty Deed  
 Quit Claim Deed

Other

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

\$ . 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

1/22/04

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><b>This copy to Property Appraiser</b></p> <p>O. R. Book and Page Number and File Number</p> <p>Date Recorded</p> | <p>Clerks Date Stamp</p> |
|--|--------------------------|

**This copy to Property Appraiser**

COPY

TO: LEE COUNTY FINANCE DEPARTMENT

FROM: UTILITIES ENGINEERING  
(Department)

BS 20040088-UTL

SUE GULLEDGE

A. AUTHORIZATION:

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

Purchase Order # N/A for BELLAMAR @ BEACHWALK, PHASE 2 (GLADIOLUS DEV., INC.) project.

ACCOUNT NO. OD53607487.504930

ORIGINAL EASEMENT TO MINUTES AFTER RECORDING, WITH COPY TO SUE GULLEDGE, UTILITIES

*Sue Gullidge*  
SUE GULLEDGE 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