

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

BLUE SHEET NO: 20041104 -UTL

1. REQUESTED MOTION:

ACTION REQUESTED:

Approve final acceptance by Resolution and recording of one (1) Utility Easement as a donation of water distribution and gravity collection systems, lift station and force main serving *Estero River Estates*. This is a developer contributed asset project located on the east side of Sandy Lane, north of Corkscrew Road approximately 1/3 mile east of S. Tamiami Trail in Estero.

WHY ACTION IS NECESSARY:

To provide potable water service, fire protection and sanitary sewer service to this recently constructed 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
COMMISSION DISTRICT #: 5

C10D

3. MEETING DATE:

09-14-2004

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: 8/26/04

7. BACKGROUND:

This project is located within the former Gulf Environmental Services' service area, therefore 'Permission to Construct' was not granted by the Board and there is no previous Blue Sheet number.

The installation has been inspected for compliance to Gulf Environmental Services' standards.

Satisfactory pressure and bacteriological testing has been completed.

Satisfactory closed circuit television inspection of the gravity collection system has been performed.

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 Contributory Assets has been provided---copy attached.

100% of the connection/capacity fees were paid to Gulf Environmental Services prior to the Lee County acquisition.

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

SECTION 34 TOWNSHIP 46S RANGE 25E DISTRICT #5 COMMISSIONER ALBION

MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL

(A) DEPARTMENT DIRECTOR	(B) PURCH. OR CONTRACTS	(C) HUMAN RESOURCES	(D) OTHER	(E) COUNTY ATTORNEY	(F) BUDGET SERVICES				(G) COUNTY MANAGER
					OA	OM	Risk	GC	
<i>J. Lavender</i> Date: 8/27/04	N/A Date:	N/A Date:	P.O. T. Osterhout Date: 8/26	S. Coovert Date:	<i>APM</i> 9/1/04 <i>APM</i> 8/30/04	<i>APM</i> 9/1/04	<i>APM</i> 8/30/04	<i>APM</i> 8/30/04	<i>J. Lavender</i> Date: 8/27/04

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: 8/30/04
Time: 11:20
Forwarded To:
Admin 8/30/04

8/30/04
COUNTY ADMIN
FORWARDED TO: PA
9-1-04
1:25 PM



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) -> 34462500000020010

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):
Last: 6947 VERDE WAY
First: NAPLES
MI: FL
Corporate Name (if applicable): GALLERIA AT CORKSCREW, LLC
Mailing Address: City: State: Zip Code: Phone No. 34108

4. Grantee (Buyer):
Last: RICK DIAZ, P.E., UTIL. DIR. FOR
First: LEE CO. BOARD OF COUNTY COMMISSION
MI: FL
Corporate Name (if applicable):
Mailing Address: City: State: Zip Code: Phone No. 33902 (239)4798181

5. Date of Sale/Transfer: / /
Sale/Transfer Price: \$.00
Property Located In: Lee

6. Type of Document: Contract/Agreement for Deed [] Other [x]
Warranty Deed [] Quit Claim Deed []
7. Are any mortgages on the property? If "Yes", outstanding mortgage balance: \$.00

8. To the best of your knowledge, were there unusual circumstances or conditions to the sale/transfer such as: Forced sale by court order? Foreclosure pending? Distress Sale? Title defects? Corrective Deed? Mineral rights? Sale of a partial or undivided interest? Related to seller by blood or marriage. YES [] / NO []

9. Was the sale/transfer financed? YES [] / NO [] If "Yes", please indicate type or types of financing:
Conventional [] Seller Provided [] Agreement or Contract for Deed [] Other []

10. Property Type: Residential [] Commercial [] Industrial [] Agricultural [] Institutional/Miscellaneous [] Government [] Vacant [] Acreage [] Timeshare []

11. To the best of your knowledge, was personal property included in the sale/transfer? If "Yes", please state the amount attributable to the personal property. (Round to the nearest dollar.) YES [] / NO [x] \$.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/her has any knowledge.

Signature of Grantor or Grantee or Agent Date 8/26/04

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
This copy to Property Appraiser
O. R. Book and Page Number and File Number
Date Recorded
Clerks Date Stamp

This copy to Property Appraiser



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



(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

34462500000020010

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:

GALLERIA AT CORKSCREW, LLC

6947 VERDE WAY

NAPLES

FL 34108

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

4. Grantee (Buyer):

P. O. BOX 398

FT. MYERS

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 X 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 X 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

8/26/04

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

Table with 2 columns: To be completed by the Clerk of the Circuit Court's Office, Clerks Date Stamp. Includes fields for O.R. Book and Page Number, File Number, Date Recorded, and a signature line.

This copy to Department of Revenue

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

WHEREAS, it is the desire of Coastal Living Homes, LLC , owner of record, to make a contribution to Lee County Utilities of water facilities (water distribution system) and sewer facilities (gravity collection system, lift station, force main) serving "**ESTERO RIVER ESTATES**"; 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 **\$406,640.55** 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: 6/2/2004

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** systems located in
Estero River Estates
(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

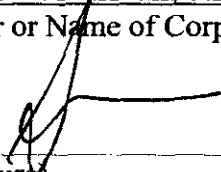
Low Pressure Test(s) - Gravity Main TV Inspection, Mandrill - Gravity Main

Lift Station Start-up

Very truly yours,

Samuel W. Marshall, P.E., for Banks Engineering, Inc.

(Owner or Name of Corporation)

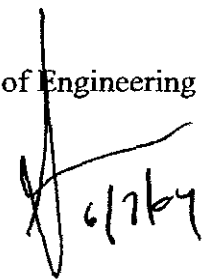


(Signature)

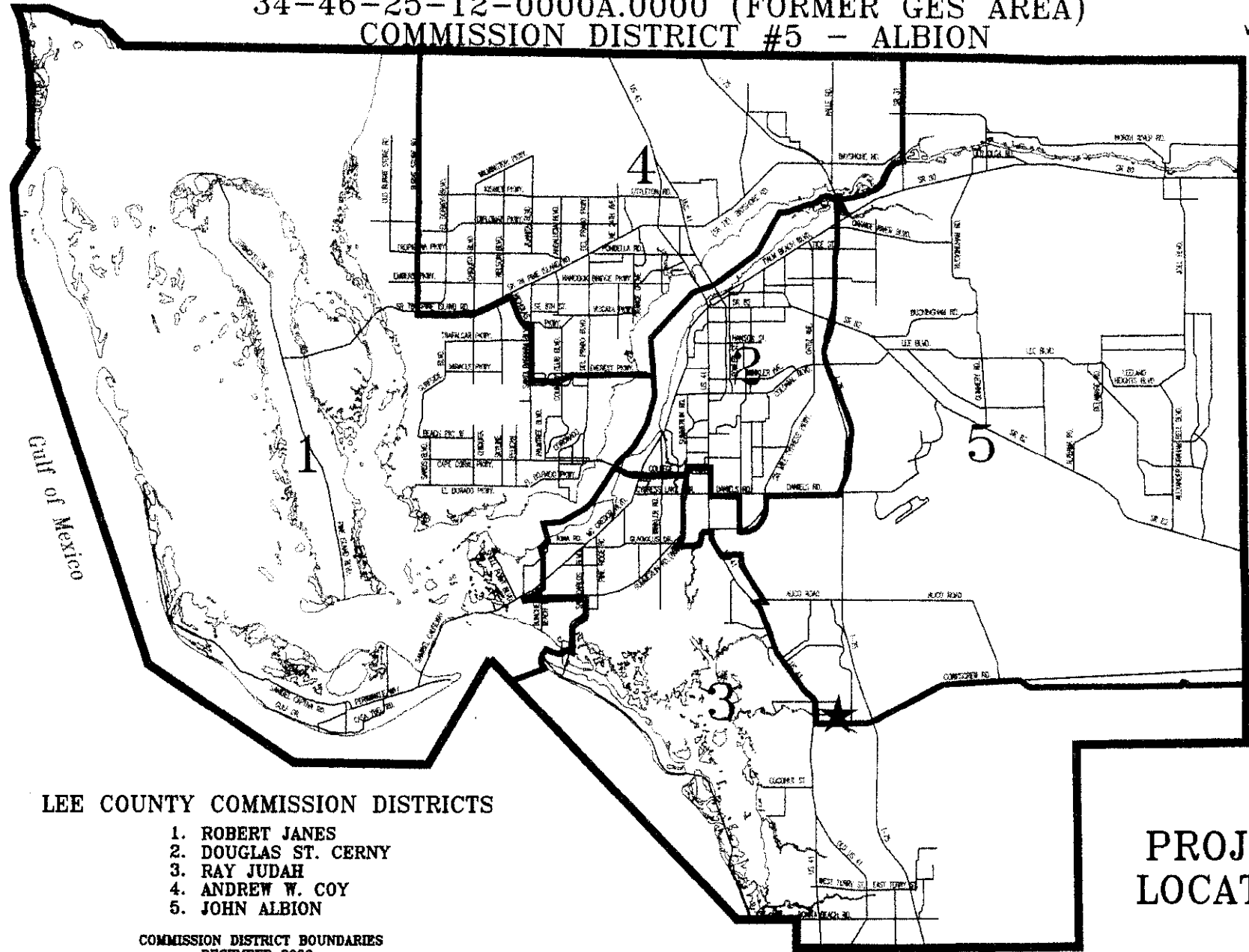
Project Manager

(Title)

(Seal of Engineering Firm)



ESTERO RIVER ESTATES aka ESTATES AT ESTERO RIVER
 34-46-25-12-0000A.0000 (FORMER GES AREA)
 COMMISSION DISTRICT #5 - ALBION



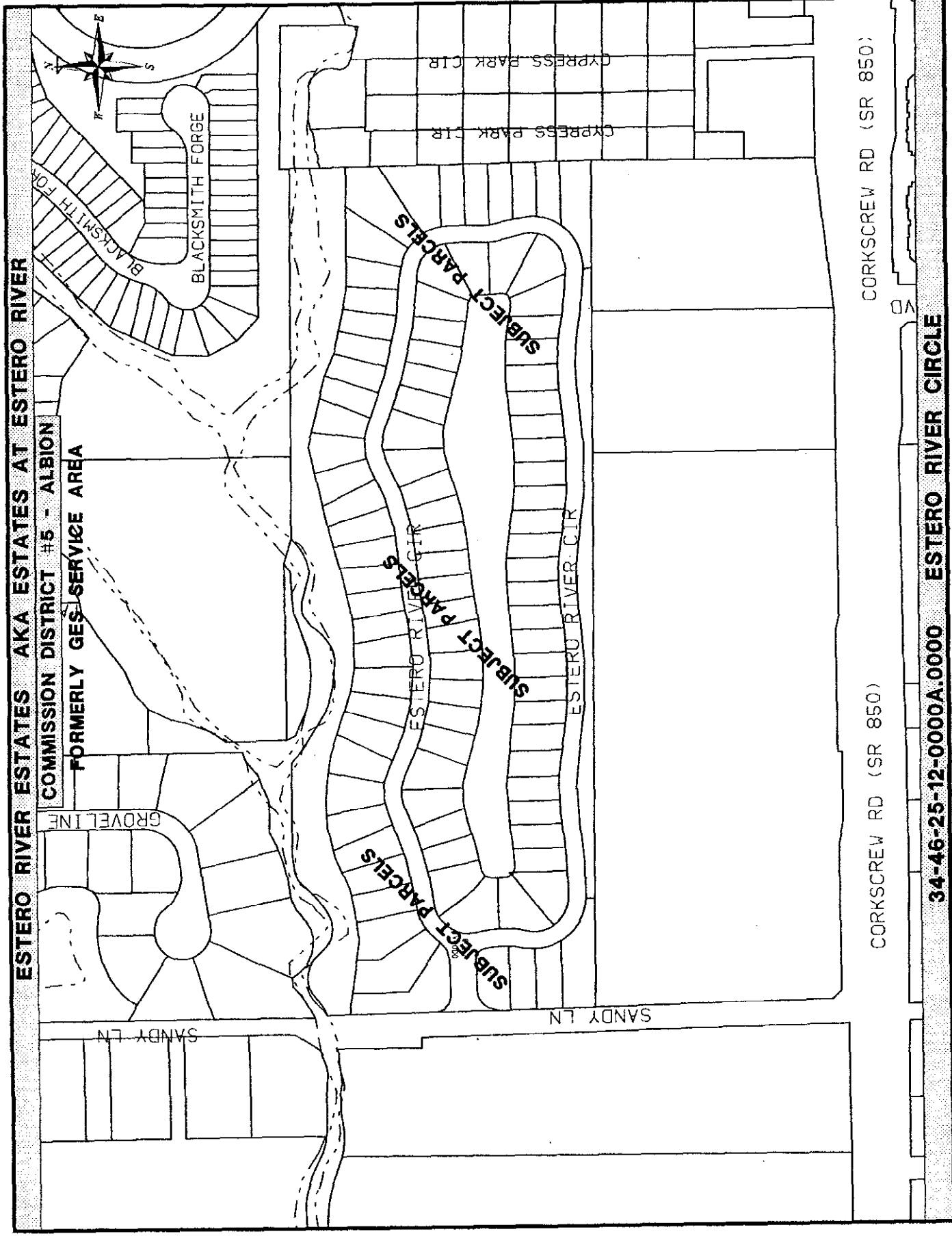
LEE COUNTY COMMISSION DISTRICTS

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

COMMISSION DISTRICT BOUNDARIES
 DECEMBER 2000

PROJECT
 LOCATION

0000



ESTERO RIVER ESTATES AKA ESTATES AT ESTERO RIVER

COMMISSION DISTRICT #5 - ALBION

FORMERLY GCS SERVICE AREA

SANDY LN

GROVELINE

BLACKSMITH FORGE

SUBJECT PARCELS

SUBJECT PARCELS

SUBJECT PARCELS

ESTERO RIVER CIR

SANDY LN

ESTERO RIVER CIR

CYPRESS PARK CIR

CORKSCREW RD (SR 850)

CORKSCREW RD (SR 850)

34-46-25-12-0000A.0000 ESTERO RIVER CIRCLE


WARRANTY

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

(Name of Owner/Contractor)

BY: 


(Signature of Owner/Contractor)

STATE OF FL)

) SS:

COUNTY OF COLLIER)

The foregoing instrument was signed and acknowledged before me this 14 th day of APR, 2004 by Timothy C. Mitchell who has produced the following as identification - _____, and who did not take an oath.



Notary Public Signature

Brenda K. Merchant

Printed Name of Notary Public



(Notary Seal & Commission Number)

1007

CERTIFICATION OF CONTRIBUTORY ASSETS

PROJECT NAME: Estero River Estates

STRAP NUMBER: 34-46-25-12-0000A.0000 and 34-46-25-12-00000.000A

LOCATION: Estero River Circle, Estero, Florida 33928

OWNER'S NAME: Coastal Living Homes, LLC

OWNER'S ADDRESS: 9010 Estero River Circle

OWNER'S ADDRESS: Estero ,Fl 33928-

TYPE UTILITY SYSTEM: POTABLE WATER

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

DESCRIPTION AND COST OF MATERIAL, LABOR, AND SERVICES

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


ITEM	SIZE	QUANTITY	UNIT	UNIT COST	TOTAL
SINGLE WATER SERVICE/COMPLETE		1.0	EA	\$175.00	\$175.00
SINGLE WATER SERVICE/COMPLETE	1"	16.0	EA	\$200.00	\$3,200.00
DOUBLE WATER SERVICE/COMPLETE	1"	39.0	EA	\$300.00	\$11,700.00
PVC C-900 DR-18	12"	1,039.0	LF	\$18.33	\$19,044.87
PVC C-900 DR-18	8"	3,848.0	LF	\$13.25	\$50,986.00
CL-50 DIP	8"	265.0	LF	\$17.50	\$4,637.50
STEEL CASING	20"	70.0	LF	\$156.75	\$10,972.50
GATE VALVE	12"	3.0	EA	\$1,200.00	\$3,600.00
GATE VALVE	8"	10.0	EA	\$825.00	\$8,250.00
FIRE HYDRANT ASSEMBLY		7.0	EA	\$2,200.00	\$15,400.00
BLOW-OFF ASSEMBLY	12"	1.0	EA	\$975.00	\$975.00
TOTAL					\$128,940.87

(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 - 1829

STATE OF FL)
) SS:
COUNTY OF Collier)

The foregoing instrument was signed and acknowledged before me this 1st day of July, 2004 by Brenda K. Merchant who is personally known to me - _____, and who did not take an oath.

Linda Mahon
Notary Public Signature

LINDA MAHON
Printed Name of Notary Public

DD177119
Notary Commission Number



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

(NOTARY SEAL)



CERTIFICATION OF CONTRIBUTORY ASSETS

PROJECT NAME: Estero River Estates

STRAP NUMBER: 34-46-25-12-0000A.0000 and 34-46-25-12-00000.000A

LOCATION: Estero River Circle, Estero, Fl. 33928

OWNER'S NAME: Coastal Living Homes, LLC

OWNER'S ADDRESS: 9010 Estero River Circle

OWNER'S ADDRESS: Estero ,Fl 33928-

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

<u>ITEM</u>	<u>SIZE</u>	<u>QUANTITY</u>	<u>UNIT</u>	<u>UNIT COST</u>	<u>TOTAL</u>
TAPPING SLEEVE W/VALVE	12"x8"	1.0	EA	\$2,000.00	\$2,000.00
SINGLE SEWER SERVICE W/CLEANOUT	6"	8.0	EA	\$470.00	\$3,760.00
DOUBLE SEWER SERVICE W/CLEANOUT	6"	43.0	EA	\$490.00	\$21,070.00
PVC SDR-26 GRAVITY MAIN	8"	3,869.0	LF	\$25.00	\$96,725.00
PVC C-900 DR-14	8"	1,131.0	LF	\$21.50	\$24,316.50
PVC C-900 DR-14	4"	731.0	LF	\$9.78	\$7,149.18
STEEL CASING	20"	70.0	LF	\$125.00	\$8,750.00
PLUG VALVE	8"	3.0	EA	\$1,200.00	\$3,600.00
PLUG VALVE	4"	1.0	EA	\$600.00	\$600.00
MANHOLE		23.0	EA	\$2,500.00	\$57,500.00
LIFT STATION		1.0	EA	\$50,029.00	\$50,029.00
ARV		1.0	EA	\$2,200.00	\$2,200.00
<u>TOTAL</u>					\$277,699.68

Please list each element of the system from the drop-down list provided.
 (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 Timothy C. Mitchell
(Signature of Certifying Agent)

Timothy C. Mitchell, Sr. President
(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

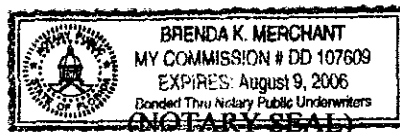
STATE OF FL)
) SS:
COUNTY OF Collier)

The foregoing instrument was signed and acknowledged before me this 1 st day of June, 2004 by Timothy C. Mitchell who is personally known to me - _____, and who did not take an oath.

[Signature]
Notary Public Signature

Brenda K. Merchant
Printed Name of Notary Public

Notary Commission Number



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

PERPETUAL PUBLIC UTILITY EASEMENT GRANT

BS 20041104-UTL

THIS INDENTURE is made and entered into this ___ day of ___ by and between X, Owner, hereinafter referred to as GRANTOR(S), and LEE COUNTY, hereinafter referred to as GRANTEE.

X Galleria at Corkscrew, LLC

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.

[Handwritten Signature]
 (Signature of 1st Witness)

Robert J Gleason
 (Name of 1st Witness)

[Handwritten Signature]
 (Grantor's/Owner's Signature)

Thies Pickenpack
 (Grantor's/Owner's Name)

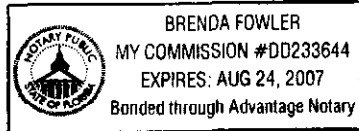
[Handwritten Signature]
 (Signature of 2nd Witness)

MONA HALLORAN
 (Name of 2nd Witness)

President + CFE
 Title

STATE OF FL)
) SS:
 COUNTY OF Lee)

The foregoing instrument was signed and acknowledged before me this 5th day of 2004 by - , and who take an oath.



(Notary Seal & Commission Number)

[Handwritten Signature]
 NOTARY PUBLIC
Brenda Fowler
 Printed Name of Notary Public

Banks Engineering, Inc.

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

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 46 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

(UTILITY EASEMENT)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 46 SOUTH, RANGE 25 EAST, SAID LEE COUNTY, FLORIDA, BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

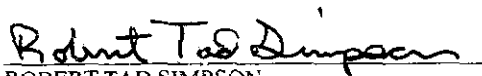
COMMENCING AT SOUTHWEST CORNER OF THE ESTATES AT ESTERO RIVER, AS RECORDED IN PLAT BOOK 76, PAGES 82 THROUGH 85, PUBLIC RECORDS OF SAID LEE COUNTY, FLORIDA; THENCE S.01°11'39"E. ALONG THE EAST RIGHT-OF-WAY LINE OF SANDY LANE FOR 511.61 FEET TO THE **POINT OF BEGINNING**; THENCE N.88°49'20"E. FOR 34.58 FEET; THENCE S.45°46'48"E. FOR 28.98 FEET; THENCE S.00°22'57"E. FOR 42.06 TO AN INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF CORKSCREW ROAD; THENCE S.89°37'03"W. ALONG SAID NORTH LINE FOR 20.00 FEET; THENCE N.00°22'57"W. FOR 33.70 FEET; THENCE N.45°46'48"W. FOR 12.25 FEET; THENCE S.88°49'20"W. FOR 26.21 FEET TO AN INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF SAID SANDY LANE; THENCE N.01°11'39"W. ALONG SAID EAST LINE FOR 20.00 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 1,778 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 SANDY LANE AS BEARING S.01°11'39"E.

DESCRIPTION PREPARED MARCH 16, 2004



ROBERT TAD SIMPSON
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 5559

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SHEET 1 OF 2

COPY

SKETCH OF DESCRIPTION

OF
A TRACT OR PARCEL OF LAND LYING IN
SECTION 34, TOWNSHIP 46 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA
(UTILITY EASEMENT)

Banka Engineering, Inc.

PROFESSIONAL ENGINEERS, LAND SURVEYORS & PLANNERS
FLORIDA BUSINESS CERTIFICATION NUMBER LB 0690
10511 SIX MILE CYPRESS PARKWAY - SUITE 101
FORT MYERS, FLORIDA 33912
(239) 839-6490



LEGEND:

PGS. INDICATES PAGES
NO. INDICATES NUMBER
PB INDICATES PLAT BOOK
C INDICATES CENTERLINE
P.I. INDICATES POINT OF INTERSECTION
O.R. INDICATES OFFICIAL RECORDS BOOK

SEE SHEET 1 FOR COMPLETE
METES AND BOUNDS DESCRIPTION.

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

Robert M. Simpson
ROBERT M. SIMPSON
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 5559

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

POINT OF
COMMENCEMENT
SOUTHWEST CORNER
THE ESTATES AT
ESTERO RIVER
PB 76, PGS. 82-85

THE ESTATES AT ESTERO RIVER
PB 76, PGS. 82-85

WEST LINE SECTION 34
SANDY LANE

EAST RIGHT-OF-WAY LINE
SANDY LANE

S 01°11'39" E 511.61'
BEARING BASIS

POINT OF
BEGINNING

34.58'

N 88°49'20" E

SUBJECT PARCEL
PARCEL CONTAINS
1,778 SQUARE FEET
MORE OR LESS

28.99'

S 45°46'48" E

20.00'

N 01°11'39" W

P.I.

S 88°49'20" W

26.21'

N 45°46'48" W

12.25'

S 00°22'57" E

33.70'

P.I.

S 00°22'57" E 42.06'

PROPOSED
TAKING 100-1

S 89°37'03" W

20.00'

NORTH RIGHT-OF-WAY LINE
CORKSCREW ROAD

EASEMENT NO. 100-DE
O.R. 3210, PG 622

PROPOSED
TAKING 100-2

CORKSCREW ROAD

NOTES:

- 1.) SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
- 2.) ASSUMED NORTH BASED ON THE EAST LINE OF SANDY LANE AS BEARING S.01°11'39"E.

S:\JOBS\12XX\1216\SURVEYING\DESCRIPTIONS\1216_20_UJ_SKT.DOC
S:\JOBS\12XX\1216\SURVEYING\DESCRIPTIONS\1216_20_UJ_SKT.DWG

PREPARED 03-16-04
SHEET 2 OF 2

TO: LEE COUNTY FINANCE DEPARTMENT

FROM: UTILITIES ENGINEERING
(Department)

BS 20041104-UTL

SUE GULLEDGE

A. AUTHORIZATION:

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

Purchase Order # N/A for ESTERO RIVER ESTATES project. EASEMENT: GALLERIA AT CORKSCREW, LLC
ACCOUNT NO. OD5360748700.504930

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


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