

Agenda Item Summary

1. ACTION REQUESTED/PURPOSE: Adopt a Resolution of Exchange relating to: 1) privately-owned property located in Sections 9 and 10, Township 44 South, Range 24 East; and, 2) County-held easements located in Sections 9 and 10, Township 44 South, Range 24 East; and authorize Chairwoman to execute all documents necessary to effectuate the exchange; authorize the Division of County Lands to handle and accept all documentation to complete the transaction.

2. WHAT ACTION ACCOMPLISHES: Exchange of County property must be approved by the Board of County Commissioners pursuant to Florida Statutes.

3. MANAGEMENT RECOMMENDATION: Management recommends the Board approve the action requested.

4. Departmental Category: 12

A12 B

5. Meeting Date:

02-21-2006

6. Agenda:

7. Requirement/Purpose: (specify)

8. Request Initiated:

<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Statute	125.37
<input checked="" type="checkbox"/> Administrative	<input type="checkbox"/> Ordinance	
<input type="checkbox"/> Appeals	<input type="checkbox"/> Admin. Code	
<input type="checkbox"/> Public	<input type="checkbox"/> Other	
<input type="checkbox"/> Walk-On		

Commissioner	
Department	County Attorney
Division	Land Use
By:	<i>Donna Marie Collins</i>
	Donna Marie Collins

9. Background:

The proposed exchange consists of parcels owned by Colonial Homes, Inc., a Florida Corporation, within a pending new development known as Moody River Estates North and five utility easements acquired by the County by instrument(s) recorded at Official Record Book 2227, Pages 3680 - 3689, Public Records of Lee County, Florida.

Based upon the terms of the Agreement with Colonial Homes, staff has determined that the existing utility easements conveyed to the County several years ago are not necessary for County purposes so long as Colonial Homes conveys the proposed replacement easements. The exchange will provide the County with new public utility easements serving the needs of the County and the Moody River Estates North project.

No funds are required for this transaction.

- Attachments:
1. Resolution of Exchange
  2. Agreement for Release and Exchange of Perpetual Drainage and Maintenance Access Easements
  3. Perpetual Drainage and Maintenance Access Easement
  4. County Release

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
				<i>Timothy</i>	Analyst	Risk	Grants	Mgr.	
					RK/B	5/8 2/6/06	2/6/06	2/6/06	HS 2/6/06

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY  
COUNTY ADMIN:  
2-3-06  
1pm.  
COUNTY ADMIN  
FORWARDED TO:  
*2/8/06*  
*7:07*

COPY

LEE COUNTY RESOLUTION NO. 06-\_\_\_\_\_

RESOLUTION OF EXCHANGE

WHEREAS, Colonial Homes, Inc., Developer of a project known as Moody River Estates North, desires to exchange five Utility Easements (hereinafter the "Easement") located North of Hancock Bridge Parkway held by the County for four drainage and access easements over, across, and through the Moody River Estates North project; and,

WHEREAS, in order to facilitate the design of Moody River Estates North as proposed by Colonial Homes, the parties propose to realign and replace existing drainage easements; and,

WHEREAS, the Board of County Commissioners entered into the Agreement for Release and Exchange of Perpetual Drainage and Maintenance Access Easements on February 21, 2006; and,

WHEREAS, based upon the terms of this agreement, County staff has determined that the five drainage easements will not be necessary for County purposes so long as Colonial Homes, Inc., conveys four replacement drainage and access easements in the same general location described in further detail herein; and,

WHEREAS, Colonial Homes has demonstrated, and County staff confirms, that this exchange would provide the County with adequate drainage and access rights to serve the needs of the public; and,

WHEREAS, the proposed exchange mutually benefits the Developer and the public; and,

WHEREAS, the proposed exchange was advertised in the Fort Myers News Press and approved after full consideration by the Board of County Commissioners.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS that:

1. An exchange will be accomplished by the execution and recording of documents as indicated below:

a. Perpetual Drainage and Maintenance Access Easement from Colonial Homes, Inc., a Florida corporation, to Lee County, a political subdivision of the State of Florida, for drainage and maintenance access purposes over the Moody River Estates North project, more particularly described as follows:

L.C.D.O.T. EASEMENT #1

DESCRIPTION: A parcel of land lying in Section 10, Township 44 South, Range 24 East, Lee County, Florida and being more particularly described as follows:

COMMENCING at the South 1/4 corner of said Section 10, thence N.00°36'02"W., along the East Boundary of the Southwest 1/4 of said Section 10, 2636.76 feet to the centerline intersection of Hancock Bridge Parkway (100' Right-of-Way) and Moody Road (66' Right-of-Way); Thence N.51°41'26"W., 81.79 feet to a point on the North Right-of-Way of said Hancock Bridge Parkway; thence N.89°22'42"W., along the North boundary of Hancock Bridge Parkway, 603.11 feet to the POINT OF BEGINNING; thence continue N.89°22'42"W., along the North Right-of-Way of Hancock Bridge Parkway, 35.00 feet; thence N.00°37'18"E., 28.66 feet; thence N.26°36'58"E., 64.09 feet; thence N.00°42'17"E., 140.41 feet; thence N.34°16'07"W., 45.60 feet; thence N.00°42'17"E., 211.99 feet; thence S.89°16'59"E., 35.00 feet; thence S.00°42'17"W., 208.25 feet; thence S.33°57'47"E., 45.95 feet; thence S.00°42'17"W., 151.77 feet; thence S.26°36'58"W., 64.06 feet; thence S.00°37'18"W., 20.59 feet to the POINT OF BEGINNING.

Containing 0.390 acres, more or less.

L.C.D.O.T. EASEMENT #2

DESCRIPTION: A parcel of land lying in Section 10, Township 44 South, Range 24 East, Lee County, Florida and being more particularly described as follows:

COMMENCING at the South 1/4 corner of said Section 10, thence N.00°36'02"W., along the East Boundary of the Southwest 1/4 of said Section 10, 2636.76 feet to the centerline intersection of Hancock Bridge Parkway (100' Right-of-Way) and Moody Road (66' Right-of-Way); thence N.51°41'26"W., 81.79 feet to a point on the North Right-of-Way of said Hancock Bridge Parkway; thence along said North Right-of-Way for the following two (2) courses; 1) N.89°22'42"W., 1253.94 feet to a point of curvature; 2) Westerly 381.65 feet along the arc of a curve to the left having a radius of 1100.00 feet and a central angle of 19°52'45" (chord bearing S.80°40'56"W., 379.74 feet) to the POINT OF BEGINNING; thence continue Westerly along said North Right-of-Way, 37.73 feet along the arc of a curve to the left having a radius of 1100.00 feet and a central angle of 01°57'54" (chord bearing S.69°45'36"W., 37.72 feet); thence N.01°39'51"E., 70.05 feet; thence N.73°16'42"E., 180.05 feet; thence N.00°42'17"E., 197.02 feet; thence N.32°11'03"W., 48.14 feet; thence N.00°42'17"E., 195.32 feet; thence S.89°17'03"E., 35.00 feet; thence S.00°42'17"W., 195.95 feet; thence S.31°38'13"E., 48.86 feet; thence S.00°42'17"W., 221.22 feet; thence S.73°16'42"W., 180.50 feet; thence S.01°39'51"W., 30.73 feet to the POINT OF BEGINNING.

Containing 0.543 acres, more or less.

### L.C.D.O.T. EASEMENT #3

DESCRIPTION: A parcel of land lying in Sections 9 and 10, Township 44 South, Range 24 East, Lee County, Florida and being more particularly described as follows:

COMMENCING at the Southwest corner of said Section 10, thence N.00°30'28"E., along the West Boundary of the Southwest 1/4 of said Section 10, 1842.71 feet to a point on the Northwestern Right-of-Way line of Hancock Bridge Parkway (100' Right-of-Way); thence N.36°54'06"E., along the said Northwestern Right-of-Way, 13.45 feet to the POINT OF BEGINNING; thence N.53°05'54"W., 359.91 feet to a non-tangential point on a curve; thence Northeasterly, 35.10 feet along the arc of a curve to the left having a radius of 960.00 feet and a central angle of 02°05'42" (chord bearing N.41°16'46"E., 35.10 feet); thence S.53°05'54"E., 357.23 feet to a point on the Northwestern Right-of-Way line of said Hancock Bridge Parkway; thence S.36°54'06"W., along the said Northwestern Right-of-Way, 35.00 feet to the POINT OF BEGINNING.

Containing 0.288 acres, more or less.

### L.C.D.O.T. EASEMENT #4

DESCRIPTION: A parcel of land lying in Section 9, Township 44 South, Range 24 East, Lee County, Florida and being more particularly described as follows:

COMMENCING at the Southeast corner of said Section 9, thence N.00°30'28"E., along the East Boundary of the Southeast 1/4 of said Section 9, 1842.71 feet to a point on the Northwestern Right-of-Way line of Hancock Bridge Parkway (100' Right-of-Way); thence S.36°54'06"W., along the said Northwestern Right-of-Way, 1133.87 feet to the POINT OF BEGINNING; thence continue along said Northwestern Right-of-way S.36°54'06"W., 15.00 feet; thence N.53°05'54"W., 8.90 feet; thence S.58°25'39"W., 96.24 feet; thence N.49°31'27"W., 138.36 feet; thence N.84°15'59"W., 48.71 feet; thence N.49°31'27"W., 181.53 feet; thence N.41°00'00"E., 15.00 feet; thence S.49°31'27"E., 181.40 feet; thence S.84°15'59"E., 48.71 feet; thence S.49°31'27"E., 127.45 feet; thence N.58°25'39"E., 95.54 feet; thence S.53°05'54"E., 19.11 feet to the POINT OF BEGINNING.

Containing 0.160 acres, more or less.

b. County Release to Colonial Homes, Inc. of five easements conveyed to the County in the Easement Deed recorded in Official Record Book 2227, Pages 3680 - 3869.

2. Lee County Staff has the authority to take all action necessary to complete the exchange and to close the transaction. The Chairman may execute the necessary documents on behalf of the Board.

The foregoing Resolution was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_, and, when put to a vote, the vote was as follows:

Robert P. Janes  
Douglas R. St. Cerny  
Ray Judah  
Tammara Hall  
John E. Albion

Duly passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2006.

ATTEST:  
CHARILE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Tammara Hall, Chairwoman

APPROVED AS TO FORM

By: \_\_\_\_\_  
Donna Marie Collins  
Assistant County Attorney

THIS INSTRUMENT PREPARED BY:  
Steven C. Hartsell, Esquire  
Pavese Law Firm  
Post Office Drawer 1507  
Fort Myers, Florida 33902-1507

Strap No.: 10-44-24-00-01054.0000

COPY

**AGREEMENT FOR RELEASE AND EXCHANGE  
OF PERPETUAL DRAINAGE AND MAINTENANCE ACCESS EASEMENTS**

This agreement is made this \_\_\_\_\_ day of \_\_\_\_\_, 2005, between **COLONIAL HOMES, INC., a Florida Corporation**, whose address is 2000 Interstate Park Drive, #300, Montgomery, AL. 36109 (COLONIAL HOMES) and **LEE COUNTY**, a political subdivision of the State of Florida, whose address is P.O. Box 398, Fort Myers, Florida 33902 (LEE COUNTY) as follows:

WHEREAS, on January 17, 1991, COLONIAL HOMES' predecessor in title, Moody Estates, Ltd., conveyed to LEE COUNTY, five separate drainage easements across COLONIAL HOMES' property by an Easement Deed recorded at OR Book 2227, Pages 3680-3689, in the Public Records of Lee County, Florida (hereinafter "Existing Drainage Easements"); and

WHEREAS, the Existing Drainage Easements are open ditch easements intended to drain stormwater from Hancock Bridge Parkway and which require wider width in order to function effectively, and which also require more maintenance to function effectively than would the closed drainage system proposed in the exchange with COLONIAL HOMES; and

WHEREAS, COLONIAL HOMES, at no cost to Lee County, will construct the closed drainage system, install the necessary culverts required to serve the system, and provide for the perpetual mowing, maintenance and repair of the system by Colonial Homes, or its successors or assigns; and

WHEREAS, the Existing Drainage Easements provide that Colonial Homes'

predecessor reserved the right to relocate said easements and that if the ditches were piped they would not exceed a 20' width; and

WHEREAS, the Relocated Drainage Easements will serve the same function as the Existing Drainage Easements and should do so at a lower maintenance cost than the existing open drainage system;

WHEREAS, the Existing Drainage Easements interfere with COLONIAL HOMES' plan of development and can be relocated into locations that will better serve the public and COLONIAL HOMES; and

WHEREAS, Lee County DOT staff have reviewed the proposed easement exchange and have confirmed that through the proposed exchange LEE COUNTY will continue to provide stormwater management for Hancock Bridge Parkway as intended; and

WHEREAS, COLONIAL HOMES and LEE COUNTY desire to exchange easements whereby LEE COUNTY will receive Relocated Drainage Easements as described more particularly in the Perpetual Drainage and Maintenance Access Easement attached as Exhibit A, herein, (hereinafter "Relocated Drainage Easements") in exchange for the Release by LEE COUNTY of the Existing Drainage Easements.

NOW, THEREFORE, for good and valuable consideration, receipt of which is hereby acknowledged, the undersigned agree as follows:

1. COLONIAL HOMES agrees to grant to LEE COUNTY, its successors and assigns, a perpetual drainage and maintenance access easement over that portion of COLONIAL HOMES' property more particularly described in attached Exhibit A. COLONIAL HOMES and its successors or assigns agree to repair and maintain those drainage facilities and pipes, and mow within the easements. It is anticipated by the parties that COLONIAL HOMES will be succeeded by a successor entity such as a community development district or property owners' association that will ultimately assume the COLONIAL HOMES responsibility of repair and maintenance of the

drainage facilities and easement area. COLONIAL HOMES specifically grants LEE COUNTY the right and authority to access, repair and maintain the drainage facilities and pipes located within the easement, but not the obligation to do so .

2. COLONIAL HOMES warrants that COLONIAL HOMES is lawfully possessed of the land that will be subject to the Relocated Drainage Easements and has good and lawful right and power to convey the easements, and that the property is free and clear of all liens and encumbrances.

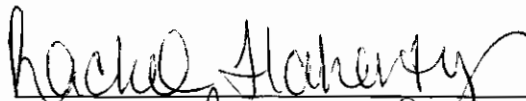
3. Although the exchange of easements does not represent an identical exchange in terms of the square footage of easement area, the drainage function of the easements will not be diminished, but will be enhanced by virtue of the closed drainage pipes that will be installed which should also serve to reduce the ongoing maintenance of these drainage easements.

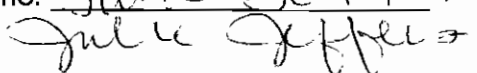
4. LEE COUNTY does hereby agree to release to COLONIAL HOMES all right, title and interest in and to those Existing Drainage Easements as described in OR Book 2227, Pages 3680-3689, recorded in the Official Records of Lee County, Florida, according to the form attached as Exhibit B.

This Agreement is binding on the parties, their successors and assigns.

IN WITNESS of the above this instrument is executed.

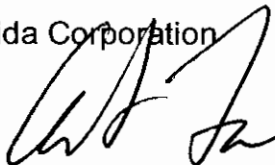
Witnesses:

  
Print Name: Rachel Flaherty

Print Name: Julie Jeffers  


STATE OF \_\_\_\_\_

COLONIAL HOMES, INC.  
A Florida Corporation

By:   
Alan S. Farrior, President



STATE OF Alabama  
COUNTY OF Montgomery

The foregoing instrument was acknowledged before me this 5<sup>th</sup> day of December, 2005, by Alan S. Farrior, President of COLONIAL HOMES, INC., a Florida Corporation, on behalf of the corporation. He is personally known to me or has produced \_\_\_\_\_ as identification.

  
Notary Public

ATTEST:  
COMMISSIONERS  
CHARLIE GREEN, CLERK

BOARD OF COUNTY  
OF LEE COUNTY, FLORIDA

By: \_\_\_\_\_  
Deputy Clerk

By:  
Chairman

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Donna Marie Collins  
Office of County Attorney

Attachments:

- Exhibit A - Perpetual Drainage and Maintenance Access Easement
- Exhibit B - County Release

F:\WPDATA\ISCH\CLIENTS\ColonialHomes\Moody River North DE Exchange\Agmt for Exch Rel Perp Drain Maint Acc Eas  
12-13-05 CLEAN.wpd

THIS INSTRUMENT PREPARED BY:  
Donna Marie Collins  
Lee County Attorney's Office  
Post Office Box 398  
Fort Myers, Florida 33902

Strap No.:10-44-24-00-01054.0000

COPY

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**PERPETUAL DRAINAGE and MAINTENANCE ACCESS EASEMENT**

This indenture is made this \_\_\_\_\_ day of \_\_\_\_\_, 2005, between COLONIAL HOMES, a Florida Corporation, whose address is 2000 Interstate Park Drive, #300, Montgomery, AL. 36109 , (Grantor) and Lee County, a political subdivision of the State of Florida, whose address is P.O. Box 398, Fort Myers, Florida 33902 (Grantee) as follows:

For good and valuable consideration, receipt of which is hereby acknowledged, Grantor grants to Grantee, its successors and assigns, a perpetual drainage and maintenance access easement over that portion of the property more particularly described in attached Schedule A, specifically reserving to Grantor, its successors and assigns, the primary responsibility to repair and maintain the drainage facilities constructed within the easements, including the right and responsibility to keep them in good repair, mowed, and free of vegetation and weeds that would interfere with the drainage functions. The Grantor and Grantee anticipate that the Grantor's obligation to repair and maintain the drainage facilities and easement areas will ultimately be turned over to a property owners association or community development district. Grantor agrees to notify the Grantee of turnover and provide the Grantee with the pertinent contact information of the successor entity.

Grantor hereby grants to Grantee the right to access the Perpetual Drainage and Maintenance Access Easements by way of any platted subdivision roads (proposed to be known as Seaside Key Court and Seaside Harbour Drive) which lie adjacent to any of the

Perpetual Drainage and Maintenance Access Easements.

Grantor warrants that Grantor is lawfully possessed of the land and has good and lawful right and power to convey the easements herein, and that the property is free and clear of all liens and encumbrances.

This easement is binding on the parties, their successors and assigns.

IN WITNESS of the above this instrument is executed.

Witnesses:

COLONIAL HOMES, INC.  
A Florida Corporation

\_\_\_\_\_  
Print Name: \_\_\_\_\_

By: \_\_\_\_\_  
Alan S. Farrior, President

\_\_\_\_\_  
Print Name: \_\_\_\_\_

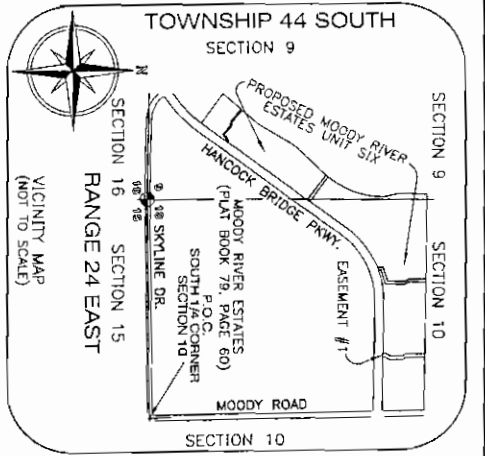
STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2005, by Alan S. Farrior, President of COLONIAL HOMES, INC., a Florida Corporation, on behalf of the corporation. He is personally known to me or has produced \_\_\_\_\_ as identification.

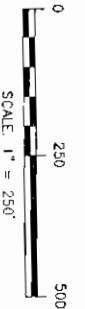
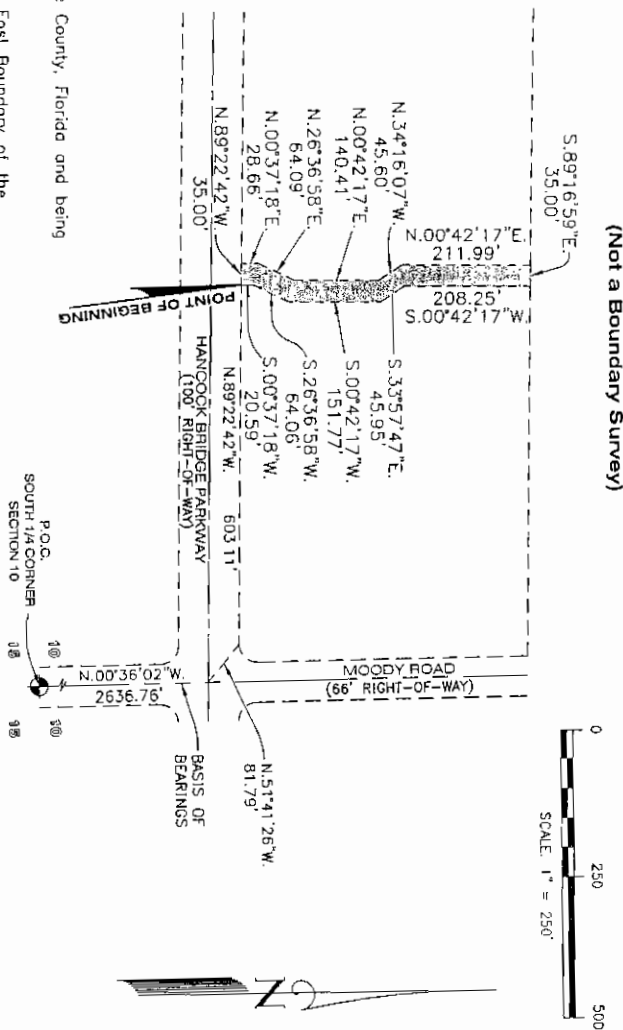
\_\_\_\_\_  
Notary Public

**SCHEDULE A to Perpetual Drainage and Access Easement:**

**LCDOT Easements #1, #2, #3, & #4**



### DESCRIPTION SKETCH (Not a Boundary Survey)



#### L.C.D.O.T. EASEMENT #1

DESCRIPTION: A parcel of land lying in Section 10, Township 44 South, Range 24 East, Lee County, Florida and being more particularly described as follows:

COMMENCING at the South 1/4 corner of said Section 10, thence N.00°36'02"W., along the East Boundary of the Southwest 1/4 of said Section 10, 2636.76 feet to the centerline intersection of Hancock Bridge Parkway (100' Right-of-Way) and Moody Road (66' Right-of-Way); Thence N.51°41'26"W., 81.79 feet to a point on the North Right-of-Way of said Hancock Bridge Parkway; thence N.89°22'42"W., along the North boundary of Hancock Bridge Parkway, 603.11 feet to the POINT OF BEGINNING; thence continue N.89°22'42"W., along the North Right-of-Way of Hancock Bridge Parkway, 35.00 feet; thence N.00°37'18"E., 28.66 feet; thence N.26°36'58"E., 64.09 feet; thence N.00°42'17"E., 140.41 feet; thence N.34°16'07"W., 45.60 feet; thence N.00°42'17"E., 211.99 feet; thence S.89°16'59"E., 35.00 feet; thence S.00°42'17"W., 208.25 feet; thence S.33°57'47"E., 45.95 feet; thence S.00°42'17"W., 151.77 feet; thence S.26°36'58"W., 64.06 feet; thence S.00°37'18"W., 20.59 feet to the POINT OF BEGINNING.

Containing 0.390 acres, more or less

NOT A SURVEY

#### LEGEND

L.C.D.O.T. - LEE COUNTY DEPARTMENT OF TRANSPORTATION  
P.O.C. - POINT OF COMMENCEMENT

DATE: 12/17/05  
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 PERMITTING  
LANDSCAPE ARCHITECTURE

Fort Myers Office  
3800 Colonial Boulevard #500  
Fort Myers, Florida 33912  
TEL: 941-933-2129  
FAX: 239-482-2700

**SKETCH AND LEGAL OF LCDOT EASEMENT #1  
AT PROPOSED MOODY RIVER ESTATES UNIT SIX**

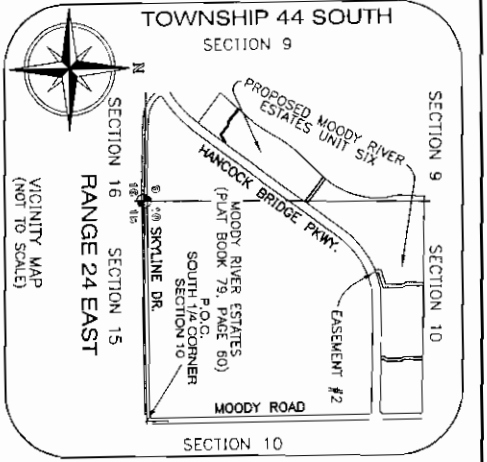
Prepared For: **COLONIAL HOMES, INC.**

SHEET 1 OF 1

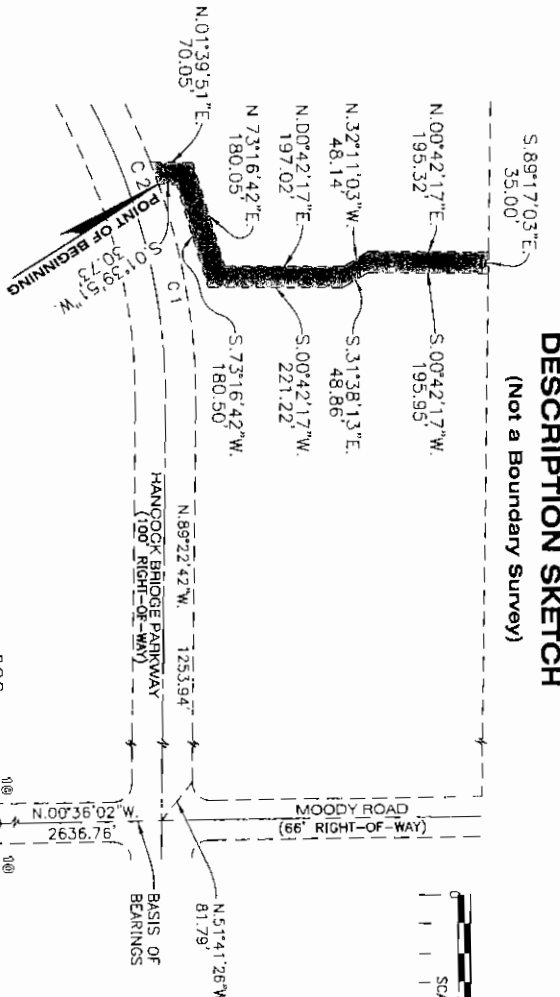
DWG: SRB | CK: JNW | DWG: LCDOT\_ESMT\_1\_NE  
Date: 7/23/05 | Order No.: 00L-NR-011  
SECTION 10, TOWNSHIP 44S, RANGE 24E  
LEE COUNTY, FLORIDA

**NOTE:**  
Bearings shown hereon are based upon the East Boundary of the Southwest 1/4 of Section 10, Township 44 South, Range 24 East, Lee County, Florida, having a bearing of N.00°36'02"W.

REVISION: REMOVED NOTE 10/17/05



**DESCRIPTION SKETCH**  
(Not a Boundary Survey)



**CURVE DATA TABLE**

NO.	RADIUS	DELTA	ARC	CHORD	BEARING
1	1100.00	195°27'45"	381.65	379.74	S.80°40'56\"/>
2	1100.00	01°57'54"	37.73	37.72	S.69°45'36\"/>

**NOTE:**

Bearings shown hereon are based upon the East Boundary of the Southwest 1/4 of Section 10, Township 44 South, Range 24 East, Lee County, Florida, having a bearing of N.00°36'02\"/>

**L.C.D.O.T. EASEMENT #2**  
DESCRIPTION: A parcel of land lying in Section 10, Township 44 South, Range 24 East, Lee County, Florida and being more particularly described as follows:

COMMENCING at the South 1/4 corner of said Section 10, thence N.00°36'02\"/>

Containing 0.543 acres, more or less.

**LEGEND**

- L.C.D.O.T. - LEE COUNTY DEPARTMENT OF TRANSPORTATION
- P.O.C. - POINT OF COMMENCEMENT

**NOT A SURVEY**

*James N. Wilkison*  
JAMES N. WILKISON, P.S.M. # 154876  
FLORIDA PROFESSIONAL SURVEYOR AND MAPPER

REVISION: REMOVED NOTE 10/7/05

CERTIFICATE OF AUTHORIZATION NO. LB 148

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

CIVIL ENGINEERING  
SURVEYING  
ENVIRONMENTAL/PLANNING  
LANDSCAPE ARCHITECTURE

Fort Myers Office  
3800 Colonial Boulevard #200  
Fort Myers, Florida 33912  
Phone: 239-482-7275  
Fax: 239-482-2100

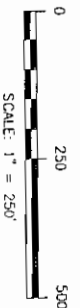
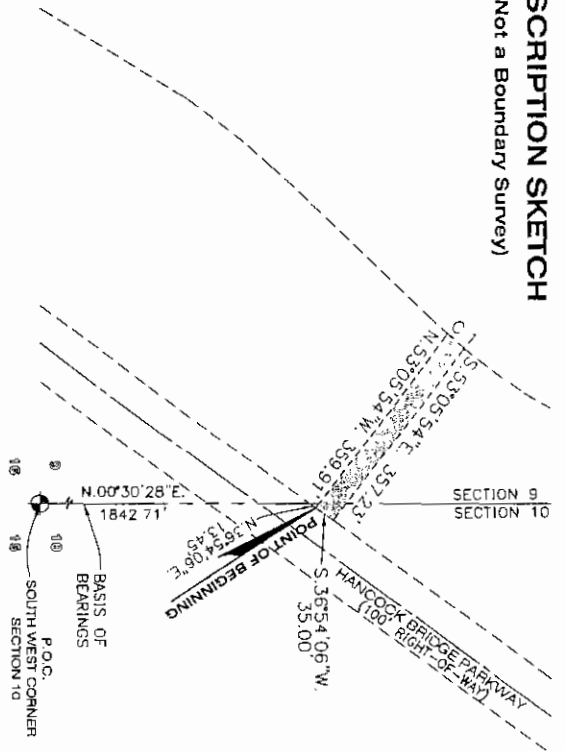
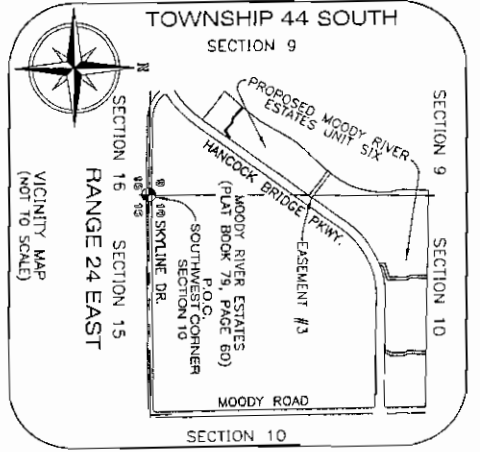
**SKETCH AND LEGAL OF L.C.D.O.T. EASEMENT #2 AT PROPOSED MOODY RIVER ESTATES UNIT SIX**

Prepared For: **COLONIAL HOMES, INC.**

SHEET 1 OF 1

DATE: 7/23/05  
DRAWN BY: DJM  
CHECKED BY: DJM  
DATE: 7/23/05  
ORDER NO.: COJ-NR-011  
SECTION 10, TOWNSHIP 44S, RANGE 24E  
LEE COUNTY, FLORIDA

**DESCRIPTION SKETCH**  
(Not a Boundary Survey)



**CURVE DATA TABLE**

NO.	RADIUS	DELTA	ARC	CHORD	BEARING
1	960.00	02°05'42"	35.10	35.10	N.41°16'46"E.

**L.C.D.O.T. EASEMENT #3**

**DESCRIPTION:** A parcel of land lying in Sections 9 and 10, Township 44 South, Range 24 East, Lee County, Florida and being more particularly described as follows:

**COMMENCING** at the Southwest corner of said Section 10, thence N.00°30'28"E., along the West Boundary of the Southwest 1/4 of said Section 10, 1842.71 feet to a point on the Northwestern Right-of-Way line of Hancock Bridge Parkway (100' Right-of-Way); thence N.36°54'06"E., along the said Northwestern Right-of-Way, 13.45 feet to the **POINT OF BEGINNING**; thence N.53°05'54"W., 359.91 feet to a non-tangential point on a curve; thence Northeasterly, 35.10 feet along the arc of a curve to the left having a radius of 960.00 feet and a central angle of 02°05'42" (Chord bearing N.41°16'46"E., 35.10 feet); thence S.53°05'54"E., 357.23 feet to a point on the Northwestern Right-of-Way line of said Hancock Bridge Parkway; thence S.36°54'06"W., along the said Northwestern Right-of-Way, 35.00 feet to the **POINT OF BEGINNING**.

Containing 0.288 acres, more or less.

**NOTE:**  
Bearings shown hereon are based upon the West Boundary of the Southwest 1/4 of Section 10, Township 44 South, Range 24 East, Lee County, Florida, having a bearing of N.00°30'28"E.

**LEGEND**

L.C.D.O.T. - LEE COUNTY DEPARTMENT OF TRANSPORTATION  
P.O.C. - POINT OF COMMENCEMENT

**NOT A SURVEY**

JAMES N. WILKINSON, F.S.M. # 154876  
FLORIDA PROFESSIONAL SURVEYOR AND MAPPER

DATE: 12/17/25

CERTIFICATE OF AUTHORIZATION NO. 18-148

PREPARED BY: **HEIDI & ASSOCIATES, Inc.**  
Tampa ♦ Fort Myers

CIVIL ENGINEERING  
PLANNING  
SURVEYING  
ENVIRONMENTAL PERMITTING  
LANDSCAPE ARCHITECTURE

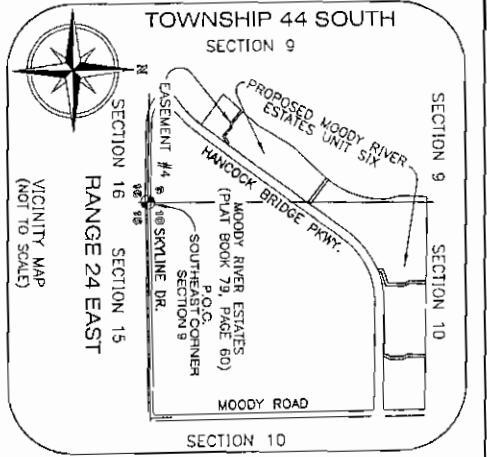
Fort Myers Office  
3800 Colonial Boulevard #200  
Fort Myers, Florida 33912  
Phone: 239-402-2778  
Fax: 239-402-2700

**SKETCH AND LEGAL OF LCDOT EASEMENT #3 AT PROPOSED MOODY RIVER ESTATES UNIT SIX**

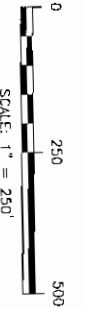
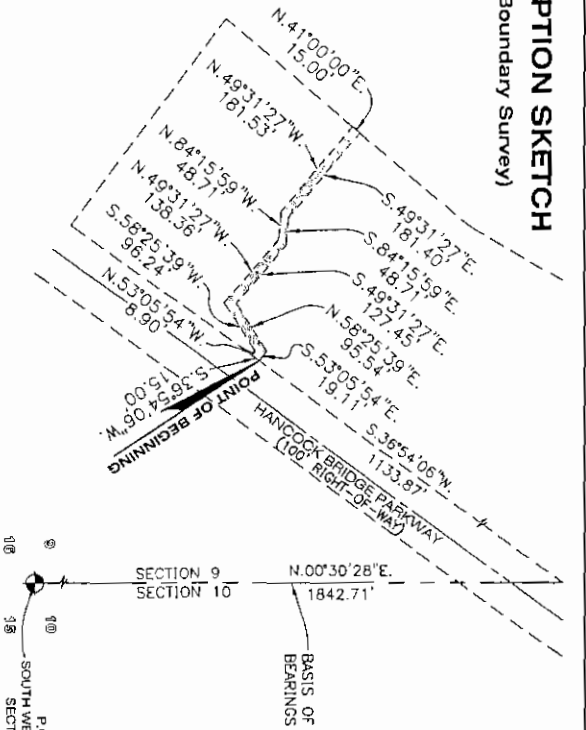
Prepared For: **COLONIAL HOMES, INC.**

SHEET 1 OF 1

Date: 7/23/05  
Order No. COL-MR-011  
SECTIONS 9 & 10, TOWNSHIP 44S, RANGE 24E  
LEE COUNTY, FLORIDA



**DESCRIPTION SKETCH**  
(Not a Boundary Survey)



**L.C.D.O.T. EASEMENT #4**

DESCRIPTION: A parcel of land lying in Section 9, Township 44 South, Range 24 East, Lee County, Florida and being more particularly described as follows:

COMMENCING at the Southeast corner of said Section 9, hence N.00°30'28"E., along the East Boundary of the Southeast 1/4 of said Section 9, 1842.71 feet to a point on the Northwestery Right-of-Way line of Hancock Bridge Parkway (100' Right-of-Way); thence S.36°54'06"W., along the Northwestery Right-of-Way, 1133.87 feet to the POINT OF BEGINNING; thence continue along said Northwestery Right-of-Way S.36°54'06"W., 15.00 feet; thence N.53°05'54"W., 8.90 feet; thence S.58°25'39"W., 96.24 feet; thence N.49°31'27"W., 138.56 feet; thence N.84°15'59"W., 48.71 feet; thence S.84°15'59"E., 48.71 feet; thence N.49°31'27"W., 181.53 feet; thence N.41°00'00"E., 15.00 feet; thence S.49°31'27"E., 127.45 feet; thence N.58°25'39"E., 95.54 feet; thence S.53°05'54"E., 19.11 feet; thence S.36°54'06"W., 1133.87 feet; thence N.00°30'28"E., 1842.71 feet to the POINT OF BEGINNING.

**NOTE:**  
Bearings shown hereon are based upon the East Boundary of the Southeast 1/4 of Section 9, Township 44 South, Range 24 East, Lee County, Florida, having a bearing of N.00°30'28"E.

Containing 0.160 acres, more or less.

**NOT A SURVEY**

L.C.D.O.T. - LEE COUNTY DEPARTMENT OF TRANSPORTATION  
P.O.C. - POINT OF COMMENCEMENT

DATE: 10/11/05  
JAMES N. WILKINSON, P.S.M. # LS4876  
FLORIDA PROFESSIONAL SURVEYOR AND MAPPER

CERTIFICATE OF AUTHORIZATION NO. LB 148  
PREPARED BY: **HEIDT & ASSOCIATES, Inc.**  
Tampa • Fort Myers  
CIVIL ENGINEERING  
PLANNING  
SURVEYING  
ENVIRONMENTAL PERMITTING  
LANDSCAPE ARCHITECTURE  
Part Myers Office  
3800 Colonial Boulevard #200  
Fort Myers, Florida 33912  
Tel: 941-933-7179  
Fax: 941-933-2103

**SKETCH AND LEGAL OF LCDOT EASEMENT #4 AT PROPOSED WOODY RIVER ESTATES UNIT SIX**  
Prepared For: **COLONIAL HOMES, INC.**  
SHEET 1 OF 1  
Dwn. SRB | Cr. JNW | DWG: LCDOT\_ESMT\_4\_STH  
Date: 7/23/05 | Order No.: COL-MR-011  
SECTION 9, TOWNSHIP 44S, RANGE 24E  
LEE COUNTY, FLORIDA



COPY

This Instrument Prepared by:

Steven C. Hartsell  
Post Office Drawer 1507  
Fort Myers, FL 33902-1507

Strap No.: 10-44-24-00-01054.0000

THIS SPACE FOR RECORDING

COUNTY RELEASE

THIS RELEASE, executed this \_\_\_ day of \_\_\_\_\_, 2005, by LEE COUNTY, FLORIDA, a political subdivision of the State of Florida, whose address is Post Office Box 398, Fort Myers, Florida 33902-0398 Grantor, to COLONIAL HOMES, INC., a Florida Corporation, whose address is 12220 Towne Lakes Drive, Ft. Myers, FL.33913, Grantee.

Grantor, for and in consideration of the sum of Ten (\$10.00) Dollars to it in hand paid by Grantee, receipt whereof is hereby acknowledged, has released, granted, bargained and sold to Grantee, its heirs and assigns forever, the easements conveyed to Lee County in the Easement Deed as recorded in OR Book 2227, Pages 3680-3689, lying and being in Lee County, Florida.

This release conveys only the interest of the County and its Board of County Commissioners in the property herein described, and is not be deemed to warrant the title or to represent any state of facts concerning the same.

**IN WITNESS WHEREOF** Grantor has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairman or Vice Chairman of said Board, the day and year aforesaid.

ATTEST:  
CHARLIE GREEN, CLERK

LEE COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Chairman

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
Office of County Attorney

EXHIBIT B

THIS INSTRUMENT PREPARED BY:  
Donna Marie Collins  
Lee County Attorney's Office  
Post Office Box 398  
Fort Myers, Florida 33902

Strap No.:10-44-24-00-01054.0000

COPY

---

**PERPETUAL DRAINAGE and MAINTENANCE ACCESS EASEMENT**

This indenture is made this \_\_\_\_\_ day of \_\_\_\_\_, 2005, between COLONIAL HOMES, a Florida Corporation, whose address is 2000 Interstate Park Drive, #300, Montgomery, AL. 36109, (Grantor) and Lee County, a political subdivision of the State of Florida, whose address is P.O. Box 398, Fort Myers, Florida 33902 (Grantee) as follows:

For good and valuable consideration, receipt of which is hereby acknowledged, Grantor grants to Grantee, its successors and assigns, a perpetual drainage and maintenance access easement over that portion of the property more particularly described in attached Schedule A, specifically reserving to Grantor, its successors and assigns, the primary responsibility to repair and maintain the drainage facilities constructed within the easements, including the right and responsibility to keep them in good repair, mowed, and free of vegetation and weeds that would interfere with the drainage functions. The Grantor and Grantee anticipate that the Grantor's obligation to repair and maintain the drainage facilities and easement areas will ultimately be turned over to a property owners association or community development district. Grantor agrees to notify the Grantee of turnover and provide the Grantee with the pertinent contact information of the successor entity.

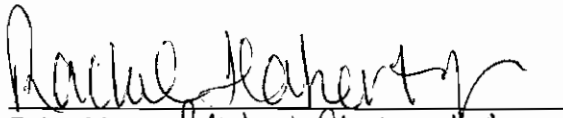
Grantor hereby grants to Grantee the right to access the Perpetual Drainage and Maintenance Access Easements by way of any platted subdivision roads (proposed to be known as Seaside Key Court and Seaside Harbour Drive) which lie adjacent to any of the Perpetual Drainage and Maintenance Access Easements.

Grantor warrants that Grantor is lawfully possessed of the land and has good and lawful right and power to convey the easements herein, and that the property is free and clear of all liens and encumbrances.

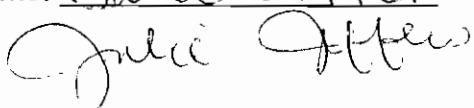
This easement is binding on the parties, their successors and assigns.

IN WITNESS of the above this instrument is executed.

Witnesses:

  
Print Name: Rachel Flaherty

COLONIAL HOMES, INC.  
A Florida Corporation  
By:   
Alan S. Farris, President

Print Name: Julie Jeffers  


STATE OF ~~FLORIDA~~ Alabama  
COUNTY OF Montgomery

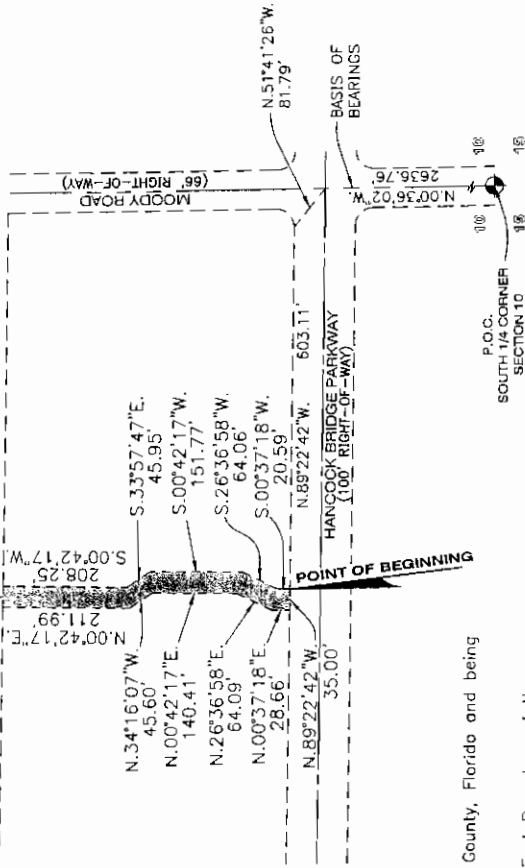
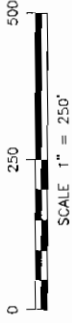
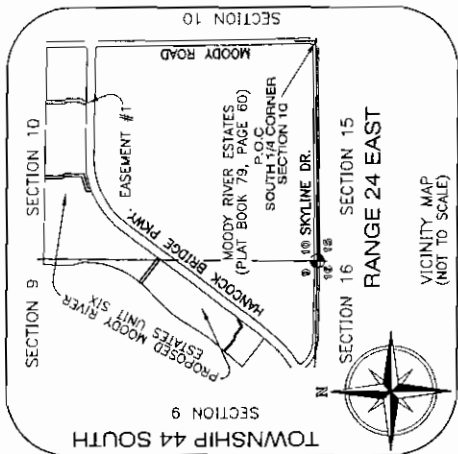
The foregoing instrument was acknowledged before me this 15<sup>th</sup> day of December, 2005, by Alan S. Farris, President of COLONIAL HOMES, INC., a Florida Corporation, on behalf of the corporation. He is personally known to me or has produced as identification.

  
Notary Public

**SCHEDULE A to Perpetual Drainage and Access Easement:**

**LCDOT Easements #1, #2, #3, & #4**

# DESCRIPTION SKETCH (Not a Boundary Survey)



**NOTE:**  
Bearings shown hereon are based upon the East Boundary of the Southwest 1/4 of Section 10, Township 44 South, Range 24 East, Lee County, Florida, having a bearing of N.00°36'02"W.

## L.C.D.O.T. EASEMENT #1

DESCRIPTION: A parcel of land lying in Section 10, Township 44 South, Range 24 East, Lee County, Florida and being more particularly described as follows:

COMMENCING at the South 1/4 corner of said Section 10, thence N.00°36'02"W., along the East Boundary of the Southwest 1/4 of said Section 10, 2636.76 feet to the centerline intersection of Hancock Bridge Parkway (100' Right-of-Way) and Moody Road (66' Right-of-Way); thence N.51°41'26"W., 81.79 feet to a point on the North Right-of-Way of said Hancock Bridge Parkway; thence N.89°22'42"W., along the North boundary of Hancock Bridge Parkway, 603.11 feet to the POINT OF BEGINNING; thence continue N.89°22'42"W., along the North Right-of-Way of Hancock Bridge Parkway, 35.00 feet, thence N.00°37'18"E., 28.66 feet; thence N.26°36'58"E., 64.09 feet; thence N.00°42'17"E., 140.41 feet; thence N.34°16'07"W., 45.60 feet; thence N.00°42'17"E., 211.99 feet; thence S.89°16'59"E., 35.00 feet; thence S.00°42'17"W., 208.25 feet; thence S.3°57'47"E., 45.95 feet; thence S.00°42'17"W., 151.77 feet; thence S.26°36'58"W., 64.06 feet; thence S.00°37'18"W., 20.59 feet to the POINT OF BEGINNING

Containing 0.390 acres, more or less.

## LEGEND

L.C.D.O.T. - LEE COUNTY DEPARTMENT OF TRANSPORTATION  
P.O.C. - POINT OF COMMENCEMENT

NOT A SURVEY

*James N. Wilkison*  
DATE: 10/17/05  
PSM # LS4876  
JAMES N. WILKISON  
FLORIDA PROFESSIONAL SURVEYOR AND MAPPER

CERTIFICATE OF AUTHORIZATION NO. LB 148

PREPARED BY: HEIDT & ASSOCIATES, Inc.

Tampa ♦ Fort Myers

Fort Myers Office  
3900 Colonial Boulevard #200  
Fort Myers, Florida 33912  
Phone: 239-482-7275  
FAX: 239-482-2103

CIVIL ENGINEERING  
PLANNING  
SURVEYING  
ENVIRONMENTAL PERMITTING  
LANDSCAPE ARCHITECTURE

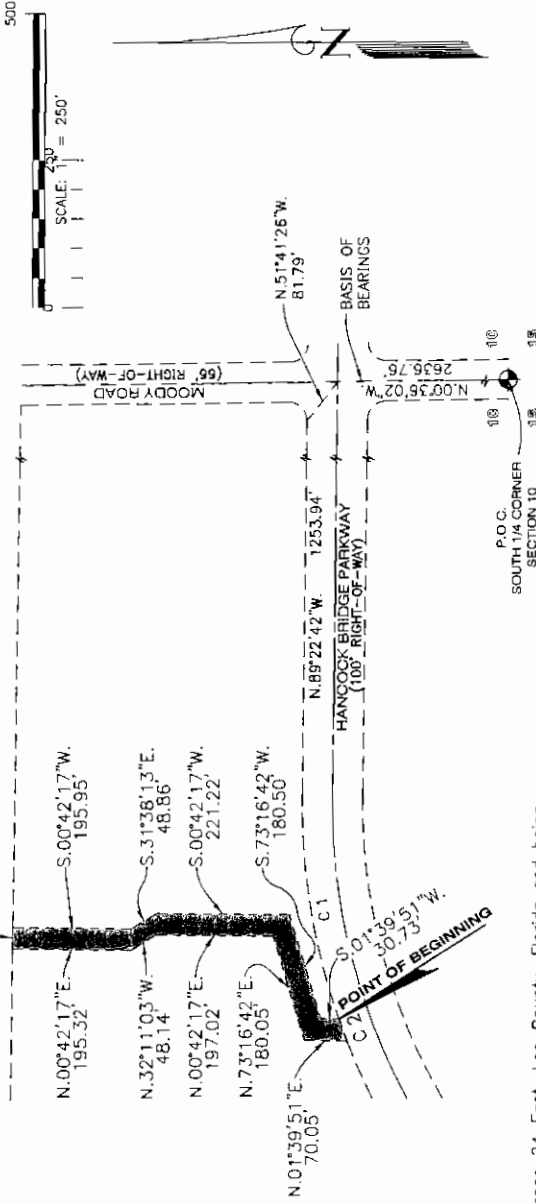
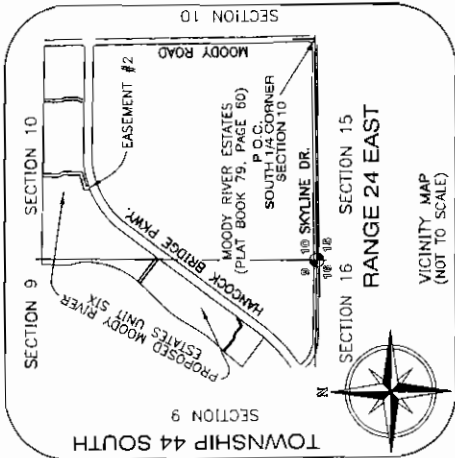
SKETCH AND LEGAL OF LCDOT EASEMENT #1  
AT PROPOSED MOODY RIVER ESTATES UNIT SIX  
Prepared For: COLONIAL HOMES, INC.

Drawn: SRB | Ck. JNW | DWG: LCDOT\_ESMF\_1\_NE  
Date: 7/23/05 | Order No.: COL-MR-011  
SECTION 10, TOWNSHIP 44S, RANGE 24E  
LEE COUNTY, FLORIDA

SHEET 1 OF 1

REVISION: REMOVED NOTE 101765

# DESCRIPTION SKETCH (Not a Boundary Survey)



### CURVE DATA TABLE

NO.	RADIUS	DELTA	ARC	CHORD	BEARING
1	1100.00	19°52'45"	381.65	379.74	S.80°40'56\"/>
2	1100.00	01°57'54"	37.73	37.72	S.69°45'36\"/>

### NOTE:

Bearings shown hereon are based upon the East Boundary of the Southwest 1/4 of Section 10, Township 44 South, Range 24 East, Lee County, Florida, having a bearing of N.00°36'02\"/>

### L.C.D.O.T. EASEMENT #2

DESCRIPTION: A parcel of land lying in Section 10, Township 44 South, Range 24 East, Lee County, Florida and being more particularly described as follows:

COMMENCING at the South 1/4 corner of said Section 10, then N.00°36'02\"/>

Containing 0.543 acres, more or less.

### LEGEND

L.C.D.O.T. - LEE COUNTY DEPARTMENT OF TRANSPORTATION  
P.O.C. - POINT OF COMMENCEMENT

### NOT A SURVEY

*James N. Wilkison*  
DATE: 12/10/05  
JAMES N. WILKISON 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 REMEDIATING  
LANDSCAPE ARCHITECTURE

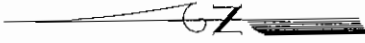
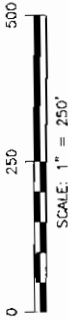
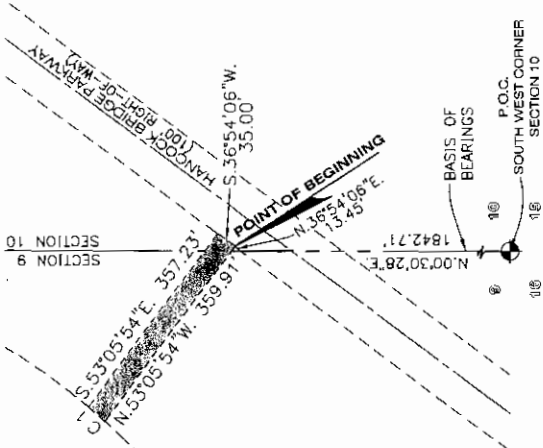
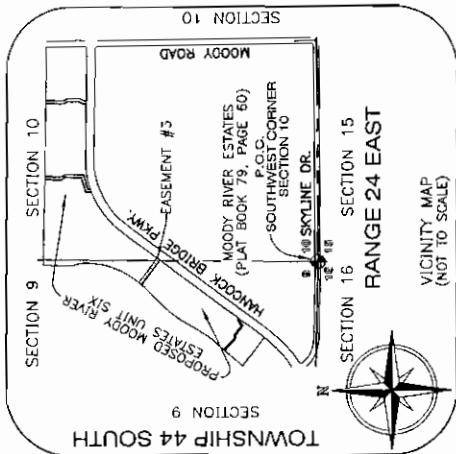
SKETCH AND LEGAL OF LCDOT EASEMENT #2  
AT PROPOSED MOODY RIVER ESTATES UNIT SIX  
Prepared For: COLONIAL HOMES, INC.

Dwn. SRB Cr. JMW DWG: LCDOT\_ESMT\_2.MW  
Date: 7/23/05 Order No: COL-MR-011  
SECTION 10, TOWNSHIP 44S, RANGE 24E  
LEE COUNTY, FLORIDA

SHEET 1 OF 1

# DESCRIPTION SKETCH

(Not a Boundary Survey)



CURVE DATA TABLE

NO.	RADIUS	DELTA	ARC	CHORD	BEARING
1	960.00	02°05'42"	35.10	35.10	N.41°16'46"E

**NOTE:**

Bearings shown hereon are based upon the West Boundary of the Southwest 1/4 of Section 10, Township 44 South, Range 24 East, Lee County, Florida, having a bearing of N.00°30'28"E.

**L.C.D.O.T. EASEMENT #3**

DESCRIPTION: A parcel of land lying in Sections 9 and 10, Township 44 South, Range 24 East, Lee County, Florida and being more particularly described as follows:

COMMENCING at the Southwest corner of said Section 10, thence N.00°30'28"E., along the West Boundary of the Southwest 1/4 of said Section 10, 1842.71 feet to a point on the Northwesterly Right-of-Way line of Hancock Bridge Parkway (100' Right-of-Way), thence N.36°54'06"E., along the said Northwesterly Right-of-Way, 13.45 feet to the POINT OF BEGINNING; thence N.53°05'54"W., 359.91 feet to a non-tangential point on a curve; thence Northwesterly, 35.10 feet along the arc of a curve to the left having a radius of 960.00 feet and a central angle of 02°05'42" (chord bearing N.41°16'46"E., 35.10 feet); thence S.36°54'06"W., 35.00 feet to a point on the Northwesterly Right-of-Way line of said Hancock Bridge Parkway; thence S.36°54'06"W., along the said Northwesterly Right-of-Way, 35.00 feet to the POINT OF BEGINNING.

Containing 0.288 acres, more or less.

**LEGEND**

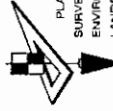
L.C.D.O.T. - LEE COUNTY DEPARTMENT OF TRANSPORTATION  
P.O.C. - POINT OF COMMENCEMENT

NOT A SURVEY

*James N. Wilkison*  
JAMES N. WILKISON, PSM # LS4876  
FLORIDA PROFESSIONAL SURVEYOR AND MAPPER  
DATE: 7/23/05

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: 239-482-7275  
FAX: 239-482-2103

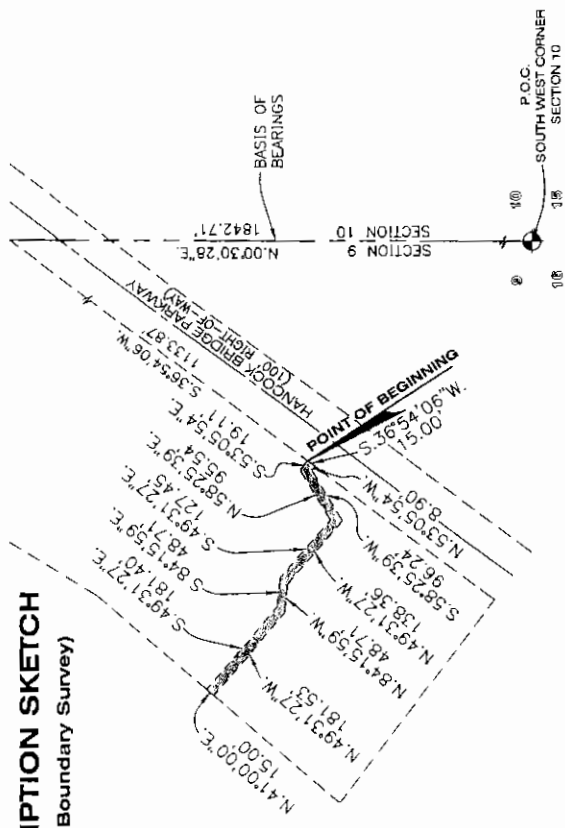
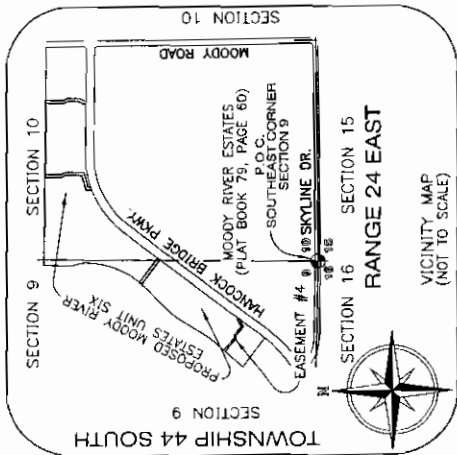
SKETCH AND LEGAL OF LCOOT EASEMENT #3  
AT PROPOSED MOODY RIVER ESTATES UNIT SIX  
Prepared For: COLONIAL HOMES, INC.

Dwn. SRB Cl. JNW DWG: LCOOT\_ESMT\_3\_CNTRL  
Date: 7/23/05 Order No.: CO.-MR-011  
SECTIONS 9 & 10, TOWNSHIP 44S, RANGE 24E  
LEE COUNTY, FLORIDA

SHEET 1 OF 1

REVISION: REMOVED NOTE 101705

**DESCRIPTION SKETCH**  
(Not a Boundary Survey)



**L.C.D.O.T. EASEMENT #4**

DESCRIPTION: A parcel of land lying in Section 9, Township 44 South, Range 24 East, Lee County, Florida and being more particularly described as follows:

COMMENCING at the Southeast corner of said Section 9, thence N.00°30'28"E., along the East Boundary of the Southeast 1/4 of said Section 9, 1842.71 feet to a point on the Northwesterly Right-of-Way line of Hancock Bridge Parkway (100' Right-of-Way); thence S.36°54'06"W., along the said Northwesterly Right-of-Way, 1133.87 feet to the POINT OF BEGINNING; thence continue along said Northwesterly Right-of-Way S.36°54'06"W., 15.00 feet; thence N.53°05'54"W., 8.90 feet, thence S.58°25'39"W., 96.24 feet; thence N.49°31'27"W., 138.36 feet; thence N.84°15'59"W., 48.71 feet; thence N.49°31'27"W., 181.53 feet; thence N.41°00'00"E., 15.00 feet; thence S.49°31'27"E., 181.40 feet; thence S.84°15'59"E., 48.71 feet; thence S.49°31'27"E., 127.45 feet; thence N.58°25'39"E., 95.54 feet; thence S.53°05'54"E., 19.11 feet to the POINT OF BEGINNING.

Containing 0.160 acres, more or less.

**NOTE:**

Bearings shown hereon are based upon the East Boundary of the Southeast 1/4 of Section 9, Township 44 South, Range 24 East, Lee County, Florida, having a bearing of N.00°30'28"E.

**LEGEND**

L.C.D.O.T. - LEE COUNTY DEPARTMENT OF TRANSPORTATION  
P.O.C. - POINT OF COMMENCEMENT

NOI A SURVEY

*James N. Wilkison*  
DATE: 10/11/05  
JAMES N. WILKISON PSM # LS4876  
FLORIDA PROFESSIONAL SURVEYOR AND MAPPER

CERTIFICATE OF AUTHORIZATION NO. LB 148

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

CIVIL ENGINEERING  
FLANNING  
SURVEYING  
ENVIRONMENTAL PERMITTING  
LANDSCAPE ARCHITECTURE

Fort Myers Office  
3800 Colonial Boulevard #200  
Fort Myers, Florida 33912  
Phone: 238-462-7275  
FAX: 238-462-2103

**SKETCH AND LEGAL OF LCDOT EASEMENT #4  
AT PROPOSED MOODY RIVER ESTATES UNIT SIX**  
Prepared For: COLONIAL HOMES, INC.

Form: SRB Ck: JNW DWG: LCDOT\_ESMT\_4\_S1TH  
Date: 7/23/05 Order No.: COL-MR-011  
SECTION 9, TOWNSHIP 44S, RANGE 24E  
LEE COUNTY, FLORIDA

SHEET 1 OF 1

REVISION: REMOVED NOTE 10/17/05



This Instrument Prepared by:

Steven C. Hartsell  
Post Office Drawer 1507  
Fort Myers, FL 33902-1507

Strap No.: 10-44-24-00-01054.0000



THIS SPACE FOR RECORDING

**COUNTY RELEASE**

THIS RELEASE, executed this \_\_\_ day of \_\_\_\_\_, 2005, by LEE COUNTY, FLORIDA, a political subdivision of the State of Florida, whose address is Post Office Box 398, Fort Myers, Florida 33902-0398 Grantor, to COLONIAL HOMES, INC., a Florida Corporation, whose address is 12220 Towne Lakes Drive, Ft. Myers, FL.33913, Grantee.

Grantor, for and in consideration of the sum of Ten (\$10.00) Dollars to it in hand paid by Grantee, receipt whereof is hereby acknowledged, has released, granted, bargained and sold to Grantee, its heirs and assigns forever, the easements conveyed to Lee County in the Easement Deed as recorded in OR Book 2227, Pages 3680-3689, lying and being in Lee County, Florida.

This release conveys only the interest of the County and its Board of County Commissioners in the property herein described, and is not be deemed to warrant the title or to represent any state of facts concerning the same.

**IN WITNESS WHEREOF** Grantor has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairman or Vice Chairman of said Board, the day and year aforesaid.

ATTEST:  
CHARLIE GREEN, CLERK

LEE COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Chairman

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
Office of County Attorney