SIRE BS No. 20071175

Lee County Board Of County Commissioners Agenda Item Summary

Blue Sheet No. 20070739-UTL

1. ACTION REQUESTED/PURPOSE:

Developer Contributed Asset: Approve final acceptance, by Resolution and recording of one (1) utility easement, as a donation of a water main and force main extension, to provide potable water service, fire protection and sewer service to ALICO 14 OF SW FLORIDA, INC., which will allow for a future industrial development. This is a Developer Contributed asset project located on the west side of Gator Road approximately 1/2 mile north of Alico Road.

2. FUNDING SOURCE:

No funds required.

3. WHAT ACTION ACCOMPLISHES:

Provides adequate utility infrastructure to support development of the subject property and complies with the Lee County Utilities Operations Manual.

4. MANAGEMENT RECOMMENDATION: Approval.

S:\ENGR\W P\BLUE SHEETS-ENG (MAIN)\ALICO 14 OF SW FLORIDA-FA-I ASE-MMM BS 20070739.D

| 5. Depart | mental Cate | gory: | 10 - Utilitie | s U | OF | 6. Meeting Da | ite: | JUN 0 9 YUU |
|--|-------------------------------|---------------|--|-------------------------------|-----------------------|-----------------|---------------------------|------------------------------------|
| 7. Agenda | Requireme | nt/Purpos | e: (specify) | 9. Request Ini | 9. Request Initiated: | | | |
| X Consent | | | Statute | | Commissioner | Commissioner | | |
| Admi | nistrative | | Ordi | inance | | Department | Pul | blic Works |
| Appea | | | Adm | in. Code | | Division | | Utilities |
| Public | = | | X Othe | er | Approval | - 1 | | - 5-17-2007 |
| Walk | | | ······································ | | | Douglas L. Me | eurer, P.F | E., Director |
| 10. Backg | round: | | | | | | | |
| The Board granted permission to construct on 04-25-06, Blue Sheet #20060336. The installation has been inspected for conformance to the Lee County Utilities Operations Manual. Satisfactory pressure and bacteriological testing has been completed. Satisfactory pressure testing of the force main has been completed. Record drawings have been received. Engineer's Certification of Completion has been provided—copy attached. Project Location Map—copy attached. Warranty has been provided—copy attached. Waiver of Lien has been provided—copy attached. Certification of Contributed Assets has been provided—copy attached. 100% of the connection fees have been paid. Funds are available for recording fees in: Account No. OD5360748700.504930 (Util-Util Eng-Dep Clerk Fees for Recording & Filing) SECTION 05 TOWNSHIP 45S RANGE 25E DISTRICT # 5 COMMISSIONER MANN | | | | | | | | |
| 11. Review | v for Schedu | ling: | | 1 | - | | | |
| Department Director | Purchasing or Contracts | Human Res. | Other | County Attorney | | Budget Services | | County Manager/P.W. Director |
| Lavender | N/A | N/A | T. Osterhout | S. Coovert | Analyst (| Risk Grants | Mgr, | A faculty |
| Date: 5.18.07 | Date: | Date: | Date: 5/17 | Date: 5/21/81 | Lusha, | 5/13/07 | M.S. | Date: 5. 18.07 |
| 12. Commission Action: | | | | | | | | |
| | Approved Rec. by CoAtty | | | | | | | |
| | Deferred | | | COUN | TY ADMIN: | na+ | 20,100 | |
| | Denied | | | $\frac{\partial}{\partial x}$ | (5) | 1 | ~.\ \ \\\(\).(| 300 |
| | Other COUNTY ADVOICE 3:450 W | | | | | | | |

RESOLUTION NO.

RESOLUTION ESTABLISHING UTILITY ACCEPTANCE OF <u>DEVELOPER CONTRIBUTED ASSETS</u> IN LEE COUNTY, FLORIDA

WHEREAS, it is the desire of "GATOR, LLC" owner of record, to make a contribution to Lee County Utilities of water facilities (a water main extension), and sewer facilities (a force main extension), serving "ALICO 14 OF SW FLORIDA, INC."; 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 **\$121,360.00** is hereby ACCEPTED and acknowledged as an addition to Lee County Utilities.

| THE FOREGOING RESOLUTION was of | ffered by Commissioner | who |
|--|---|-------------|
| THE FOREGOING RESOLUTION was of moved for its adoption. The motic and, upon beir | ng put to a vote, the vote was | as follows: |
| Commissioner Bob Janes: | | (1) |
| Commissioner Brian Bigelow: | | (2) |
| Commissioner Ray Judah: | | (3) |
| Commissioner Tammara Hall: | | (4) |
| Commissioner Frank Mann: | | (5) |
| DULY PASSED AND ADOPTED this | day of | , 2007. |
| ATTEST: CHARLIE GREEN, CLERK | BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA | |
| By: DEPUTY CLERK | By:CHAIR | |

APPROVED AS TO FORM

OFFICE OF COUNTY ATTORNEY

BS 20070739 - UTL



LETTER OF COMPLETION

DATE: 10/27/2006

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

Gentlemen:

This is to certify that the force main extension/connection and water distribution system located at

Alico 14 of SW Florida

(Name of Development/Project)

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 and Pressure Test(s) - Force Main

Very truly yours,

David Douglas Associates, Inc.

(Owner or Name) of Corporation/Firm)

(Signature)

David Douglas P.P. FL #34818

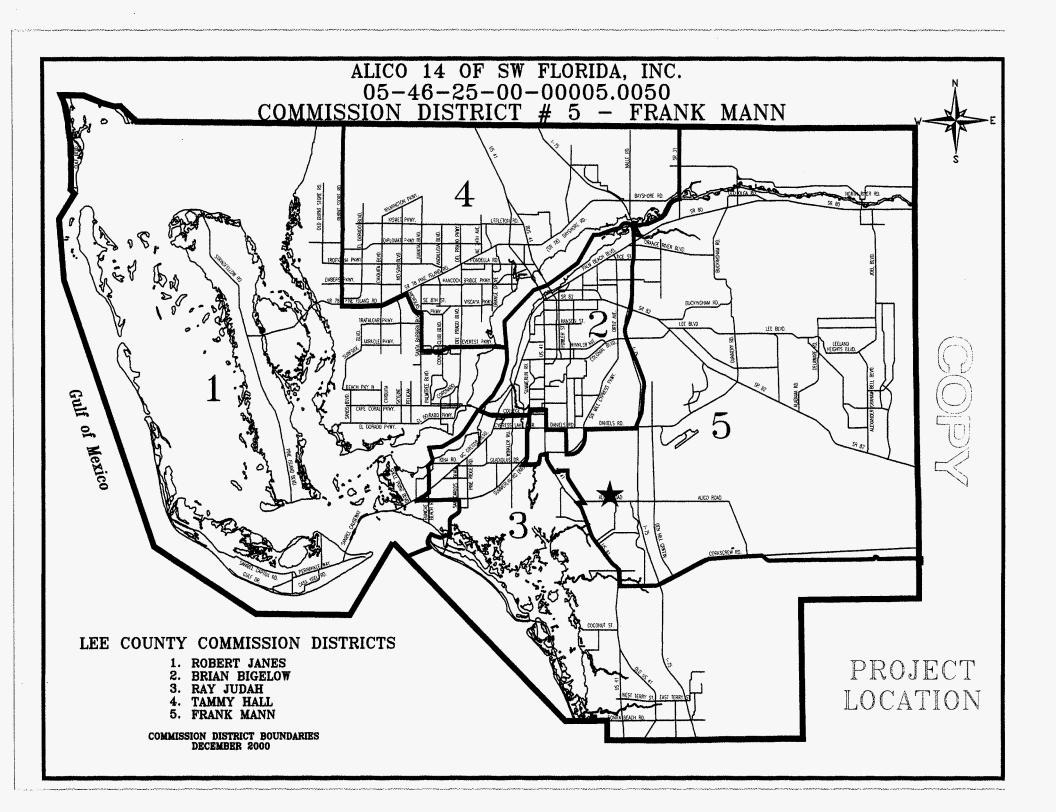
(Name and Title)

(Seal of Engineering Firm)

LLE COUNTY

(Forms - Letter of Completion - Revised 2004)

10/27/26





WARRANTY

THE UNDERSIGNED parties do hereby warrant and/or guaranty all work executed by the contractor on the <u>water and sewer systems</u> of <u>ALICO 14 of S.W. FLORIDA. INC.</u> 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.

| | CHRISTO, INCORPORATED |
|--|---|
| | (Contractor/Company Name) |
| | ROBERT A. KEILING-PRESIDENT |
| | (Authorized Representative, Title) |
| | BY: Pollet a Korling |
| | (Signature) |
| | |
| STATE OF <u>FL</u>)) SS: | |
| COUNTY OF LEE) | |
| The foregoing instrument was signed a 06 by ROBERT A. KEILING who is oath. | and acknowledged before me this 12 th day of August, 20 s personally known to me, and who did not take an |
| Mark H. Moltyho- Notary Public Signature | MARK K. NOTTINGHAM Notary Public, State of Florida My comm. exp. Jan. 6, 2008 |

MARK K. NOTTINGHAM
Printed Name of Notary Public

(Notary Seal & Commission Number)

My comm. exp. Jan. 6, 2008 Comm. No. DD 261445



WAIVER AND RELEASE OF LIEN UPON FINAL PAYMENT

The undersigned lienor, in consideration of the final payment in the amount of

One Hundred Twenty One Thousand Three Hundred SIxty dollars & No/100 (\$121,360.00)

hereby waivers and releases its lien and right to claim a lien for labor, services, or materials furnished to

DDA Engineers-Planners, Inc. on the job of Alico 14 of SW Florida, Inc. to the following described property:

| property: | |
|--|--|
| Alico 14 of SW Florida, Inc. | Sanitary Sewer System and Water Distribution System |
| (Name of Development/Project) | (Facilities Constructed) |
| 16560-591 Mass Ct FM, FL 33912 (Location) | 05-46-25-00-00005.0050 (Strap # or Section, Township & Range) |
| Dated on: August 12, 2006 | |
| By: Hut Ofhery | CHRISTO, INCORPORATED |
| (Signature of Authorized Representative) | (Name of Firm or Corporation) |
| By: ROBERT A. KEILING | 4461-B HANCOCK BRIDGE PKWY |
| (Print Name of Authorized Representativ | |
| Title: PRESIDENT | N. FORT MYERS, FL 33903- |
| | (City, State & Zip Of Firm Or Corporation) |
| Phone #: (239)997-2823 Ext. | Fax#: (239)997-4672 |
| STATE OF | knowledged before me this <u>12 th</u> day of _August <u>, 2006</u> by known to me, and who did not take an oath. |
| ROBERT A. REIENG wito is personally is | diown to me, and who did not take an oath. |
| MARK K. NOTTINGHAM Notary Public, State of Florida My comm. exp. Jan. 6, 2008 Comm. No. DD 261445 | Mark Z. White (Notary Public Signature) |
| (Notary Seal & Commission Number) | MARK K. NOTTINGHAM (Printed Name of Notary Public) |





CERTIFICATION OF CONTRIBUTORY ASSETS

| PROJECT NAME: | ALICO 14 of SW FLORIDA, INC. |
|-------------------------|--|
| STRAP NUMBER: | 05-46-25-00-00005.0050 |
| LOCATION: | 16560-591 MASS CT FORT MYERS, FL 33912 |
| OWNER'S NAME: (as shown | on Deed) GATOR LLC |
| OWNER'S ADDRESS: | 5770 SHIRLEY STREET |
| OWNER'S ADDRESS: | NAPLES, FL 34109- |
| | 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. (If more space is required, use additional forms(s).

| ITEM | SIZE | QUANTITY | UNIT | UNIT COST | TOTAL |
|------------------------|-----------|----------|------|-------------|--|
| PVC C-900 DR-18 | 12" | 951.0 | LF | \$40.00 | \$38,040.00 |
| CL-50 DIP | 12" | 31.0 | LF | \$100.00 | \$3,100.00 |
| STEEL CASING | 24" | 50.0 | LF | \$250.00 | \$12,500.00 |
| FIRE HYDRANT ASSEMBLY | 12" x 6" | 4.0 | EA | \$4,500.00 | \$18,000.00 |
| TAPPING SLEEVE W/VALVE | 12" x 12" | 1.0 | LS | \$7,500.00 | \$7,500.00 |
| GATE VALVE | 12" | 1.0 | EA | \$1,600.00 | \$1,600.00 |
| BLOW-OFF ASSEMBLY | 12" x 12" | 1.0 | EA | \$1,500.00 | \$1,500.00 |
| ASSORTED FITTINGS | 12" | 1.0 | LS | \$7,120.00 | \$7,120.00 |
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| TOTAL | | | | | \$89,360.00 |

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.

| | x Oly afrillia |
|---|---|
| | (Signature of Certifying Agent) |
| | |
| | ROBERT A. KEILING-PRESIDENT |
| | (Name & Title of Certifying Agent) |
| | ' |
| | CHRISTO, INCORPORATED |
| | (Name of Firm or Corporation) |
| | AACI D IYANGOGU DDIDOD DWAAT |
| | 4461-B HANCOCK BRIDGE PKWY |
| | (Address of Firm or Corporation) |
| | N. FORT MYERS, FL 33903 - |
| | |
| | |
| STATE OF FL) | • |
|) SS: | |
| COUNTY OF LEE) | |
| , | |
| The foregoing instrument was signed and a | acknowledged before me this 12 th day of August 2006 by |
| ROBERT A. KEILING who is person | onally known to me, and who did not take an oath. |
| | |
| Mah W THE | |
| Note: Public Simple | MARK K. NOTTINGHAM |
| Notary Public Signature | Notary Public, State of Florida |
| MARK K. NOTTINGHAM | My comm. exp. Jan. 6, 2008 |
| Printed Name of Notary Public | Gomm. No. DD 261445 |
| | |
| | |
| Notary Commission Number | (NOTARY SEAL) |
| | |



CERTIFICATION OF CONTRIBUTORY ASSETS

| PROJECT NAME: | ALICO 14 of SW FLORIDA, INC. |
|-------------------------|--|
| STRAP NUMBER: | 05-46-25-00-00005.0050 |
| DIKAI NOMBEK. | 03-10-23-00-00003.0030 |
| LOCATION: | 16560-591 MASS CT FORT MYERS, FL 33912 |
| OWNER'S NAME: (as shown | on Deed) GATOR LLC |
| OWNER'S ADDRESS: | 5770 SHIRLEY STREET |
| OWNER'S ADDRESS: | NAPLES, FL 34109- |
| | |

TYPE UTILITY SYSTEM: Sanitary Sewer (Please provide separate 'Certifications' for potable water, sanitary sewer and effluent reuse facilities.)

DESCRIPTION AND COST OF MATERIAL, LABOR, AND SERVICES

Please list each element of the system from the drop-down list provided. (If more space is required, use additional forms(s).

| ITEM | SIZE | QUANTITY | UNIT | UNIT COST | TOTAL |
|------------------------|---------|----------|------|------------|-------------|
| PVC C-900 DR-18 | 4" | 318.0 | LF | \$20.00 | \$6,360.00 |
| STEEL CASING | 12" | 105.0 | LF | \$100.00 | \$10,500.00 |
| PLUG VALVE | 4" | 2.0 | EA | \$1,500.00 | \$3,000.00 |
| TAPPING SLEEVE W/VALVE | 4" x 4" | 1.0 | EA | \$4,500.00 | \$4,500.00 |
| | | | | \$0.00 | \$0.00 |
| ASSORTED FITTINGS | 4" | 1.0 | LS | \$7,640.00 | \$7,640.00 |
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| TOTAL | | | | | \$32,000.00 |

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.

| | * Dely apolling |
|---|---|
| | (Signature of Certifying Agent) |
| | ROBERT A. KEILING-PRESIDENT |
| | (Name & Title of Certifying Agent) |
| | CHRISTO, INCORPORATED |
| | (Name of Firm or Corporation) |
| | 4461-B HANCOCK BRIDGE PKWY |
| | (Address of Firm or Corporation) |
| | N. FORT MYERS, FL 33903 - |
| | |
| STATE OFFL) | |
|) SS: COUNTY OF LEE) | |
| The foregoing instrument was signed and a ROBERT A. KEILING who is personal to the signed and a | cknowledged before me this 12 th day of August, 2006 by onally known to me, and who did not take an oath. |
| Mark H. Wath | |
| Notary Public Signature | MARK K. NOTTINGHAM Notary Public, State of Florida |
| MARK K. NOTTINGHAM | My comm. exp. Jan. 6, 2008 |
| Printed Name of Notary Public | Comm. No. DD 261445 |
| Notary Commission Number | (NOTARY SEAL) |
| • | |



FLORIDA DEPARTMENT OF REVENUE

RETURN FOR TRANSFERS OF INTEREST IN REAL PROPERTY

| NET |
|---------|
| T111111 |

FDOR10240300 DR-219

| | | INSTRUCTIONS BEFOR | | R. 07/98 |
|----|---|--|--|---------------|
| | Use black ink. Ente | r numbers as shown below. | If typing, enter numbers as shown below. | |
| 1. | Parcel Identification Number (If Parcel ID not available | 4 5 6 7 8 9 | 0123456789 | |
| | please call County Property Appraiser's Office) | 0546250 | 000050050 | |
| 2. | Mark (x) all 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 FOR BS 2 | 20070739 | GATOR, LLC | |
| | Last First 5770 SHIRLEY ST | NAPLES | Corporate Name (if applicable) FL 34109 (| |
| | Mailing Address | City | State Zip Code Phone No. | |
| 4. | Grantee (Buyer): THOM OSTERHOUT | AS AGENT: FO | OR LEE CO. BD. OF CO. COMMISS Corporate Name (if applicable) | SIONERS |
| | P. O. BOX 398 | FT. MYERS | FL 33902 (239,47981 | 81 |
| 5. | Mailing Address Date of Sale/Transfer | City Sale/Transfer Price | State Zip Code Phone No. | |
| | 6 / \$ / 2007 \$ C | ound to the nearest dollar.) | Property Located In Lee | |
| 6. | Type of Document Contract/Agreement Other | er 7. Are any mortgage | s on the property? If "Yes", | / x NC |
| | Warranty Deed Quit Claim | outstanding morts (Round to the nearest dol | | 00 |
| 8. | To the best of your knowledge, were there unusual circ such as: Forced sale by court order? Foreclosure pendir | ng? Distress Sale? Title defe | | / X NO |
| | Sale of a partial or undivided interest? Related to seller b | y blood or marriage. | , 20 | , |
| 9. | Was the sale/transfer financed? YES / X NC |) If "Yes", please indicate typ | e or types of financing: | |
| | Conventional Seller Provided | Agreement or Contract for Deed | Other | |
| | Property Type: Residential Commercial Industria | Institutio I Agricultural Miscellan | | imeshare |
| | Mark (x) all that apply | | | |
| | To the best of your knowledge, was personal property | YES / X N | | Cents |
| | included in the sale/transfer? If "Yes", please state the amount attributable to the personal property. (Round to t Amount of Documentary Stamp Tax | he nearest dollar.) | | 70 |
| | If no tax is due in number 12, is deed exempt from Docur | mentany Stamp Tay Linder's | 201.02(6), Florida Statutes? | / NC |
| | Under penalties of perjury, I declare that I have read | the foregoing return and that | t the farts stated in it are true. If prepared by someo | |
| | than the taxpayer, his/her declaration is based on a | nformation of which he/her | | - |
| L | Signature of Grantor or Grantee or Agont WARNING: FAILURE TO FILE THIS RETURN OR ALTERNATIVE FOR | ORM APPROVED BY THE DEPARTM | Date Date | DITION TO ANY |
| | OTHER PENALTY IMPOSED BY THE REVENUE LAW OF FLORIDA | | THE OF REVENUE OF MEETINGS IN A PENALTY OF \$25.00 IN AL | DITION TO AIV |
| | To be completed by the Clerk of the Circu | it Court's Office | Clerks Date Stamp | |
| | This copy to Property Appraiser | | | |
| (| D. R. Book | | | |
| | and | | | |
| 28 | ge Number | | | |
| F | le Number | | | |
| Da | te Recorded Month Day Year | | | |
| 1 | World Day feat | | | |

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.

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

05462500000050050

| 2. | Mark (x) all that apply | Multi-parcel transaction? | | В | or o | nsaction is a spectout from other parcel? ' 0 7 3 9 | → | | | W 0 | roperty vith buildiff sale/tra | ing(s) insfer | at time | → | |
|---------|---|--|---------------------------------|------------------|---|--|---------------------------|--------------|-------------------|--------------------|--------------------------------|------------------|---------|-------------|-----------------|
| 3. | | Last | | Firs | st | M | | | Corp | orate | Name (if | | | | |
| 4. | Grantee (Buyer): | Last | ess TERHOU' | T Firs | AS | City AGENT: M. MYERS | | State LEE FL | CO. | Zip BD orate | Code OF Name (if | CO. | cable) | MISSIO | NERS |
| _ | Data of Sala/Tra | Mailing Addr | ess | | Sala/ | City Transfer Price | | State |) | Zip | Code | Pho | ne No. | | |
| Э. | Date of Sale/Train | | 007 | \$ | Sale/ | \$10 | | | n | n | Property | | 16 ° | County Code | е |
| | - | Day | Year | | (Round to | the nearest do | llar.) | | U | U | Located | ın | | | |
| 6. | Type of Docume | nt Contrac for Dee | ct/Agreement d | × | Other | 7. Are any mo outstanding | | • | | ? If "Y | es", | | YES | 6 | × NO |
| | Warranty Deed | Quit Cla Deed | aim | | (Rou | and to the near | est dollar.) | , \$ | | | | | | | 0 0 |
| 8. | To the best of yesuch as: Forced s Sale of a partial of | sale by court or | der? Foreclos | ure pe | ending? Dist | ress Sale? Title | | | | ed? N | /lineral ri | ghts? | YES | 3 | × _{NO} |
| 9. | Was the sale/tran | | YES . Seller Provide | | А | s", please indica greement or contract for Dee | • | • • | of finar | ncing: | | | | | |
| 10. | Property Type: Mark (x) all that apply | | Commercial | Indu | | In | stitutional scellaneou | / | vernn | nent | Vacant | : | Acreage | e Timesl | nare |
| | To the best of your included in the sa amount attributa Amount of Docur | ale/transfer? If "Y ble to the persor | es", please s al property. (| tate th | e | | × NO | \$ \$ | | | 0.7 | 0 | | • | Cents 0 0 |
| 13. | 13. If no tax is due in number 12, is deed exempt from Documentary Stamp Tax under s. 201.02(6), Florida Statutes? 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 of all information of which he/her has any knowledge. Signature of Grantor or Grantee or Agent 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 | | | | | | |
| | Т | his copy to I | Departmer | nt of | Revenue | • | | | | | | | | | |
| Pa F | O. R. Book and age Number and file Number ate Recorded | Month | | Y |] [[[] [] [] [] [] [] [] [] [| | | | | | | | | | |

TO: RECORDERS OFFICE

PLEASE PUT MY NAME ON THE ATTENTION LINE:

Sue Gulledge

CHARGE TO: LEE COUNTY UTILITIES -LCU 500283

ACCOUNT NO. OD5360748700.504930

THANK YOU.

FOR UTILITIES USE ONLY:

BLUE SHEET NO. 20070739 - UTL

PROJECT NAME: ALICO 14 OF SW FLORIDA

EASE. NAME: **GATOR, LLC**

TYPING BY: Sue Gulledge

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

Strap Number(s):

05-46-25-00-00005.0050

LCU 500283
(THIS SPACE RESERVED FOR RECORDING)

GRANT OF PERPETUAL PUBLIC UTILITY EASEMENT

THIS INDENTURE is made and entered into this ____ day of _____ 2007, by and between "GATOR, LLC," Owner(s), hereinafter referred to as GRANTOR(S), and "LEE COUNTY", a political subdivision of the State of Florida, hereinafter referred to as GRANTEE.

WITNESSETH:

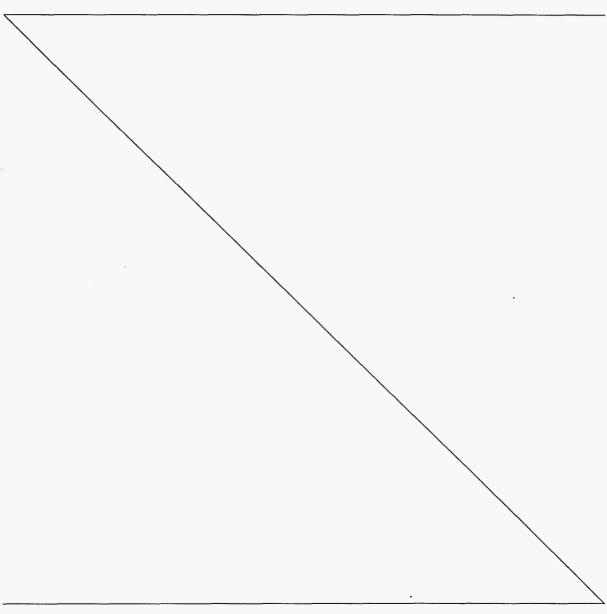
- 1. For and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged and accepted, GRANTOR hereby grants, bargains, sells and transfers to the GRANTEE, its successors and assigns, a perpetual public utility easement situated in Lee County, Florida, located and described as set forth in Exhibit "A", attached hereto and made a part hereof.
- 2. GRANTEE, its successors, appointees and assigns, are granted the right, privilege, and authority to construct, replace, renew, extend and maintain a wastewater collection and/or water distribution system, together with, but not limited to, all necessary service connections, manholes, valves, fire hydrants, lift stations and appurtenances, to be located on, under, across and through the easement which is located on the property described (Exhibit "A"), with the additional right, privilege and authority to remove, replace, repair and enlarge said system, and to trim and remove roots, trees, shrubs, bushes and plants, and remove fences or other improvements which may affect the operation of lines, mains and/or utility facilities.

BS 20070739-UTL

- 3. The public utility easement will not be limited to any particular diameter size or type and/or number of connections to other water/sewer mains for providing water/sewer service to this and any adjacent properties. The total area of this public utility easement is reserved for utility lines, mains, or appurtenant facilities and for any landscaping (excluding trees), walkways, roadways, drainage ways, or similar uses. Houses, fences, buildings, carports, garages, storage sheds, overhangs, or any other structures or portions of structures may not be constructed on or placed within this easement at anytime, present or future, by GRANTOR, or its heirs, successors or assigns.
- 4. Title to all utilities constructed and/or placed hereunder by GRANTEE or its agents will remain in the GRANTEE, GRANTEE's successors, appointees, and/or assigns.
- 5. Subject to any pre-existing easements for public highways or roads, railroads, laterals, ditches, pipelines and electrical transmission or distribution lines and telephone and cable television lines covering the land herein described, GRANTOR(S) covenant that they are lawfully seized and possessed of the described real property (Exhibit "A"), have good and lawful right and power to sell and convey it, and that the said property is free from any and all liens and encumbrances, except as herein stated, and accordingly, GRANTOR(S) will forever defend the right, title and terms of this said easement and the quiet possession thereof by GRANTEE against all claims and demands of all other entities.
- 6. GRANTOR(S), its heirs, successors or assigns, agrees to assume all liability for any consequential damages to any houses, fences, buildings, carports, garages, storage sheds, overhangs, or any other structures or portions of structures subsequently constructed by GRANTOR(S) in violation of paragraph 3. within the above easement, which result from the required activities of the GRANTEE for any construction, maintenance or repairs to the utilities located within the above-described easement.
- 7. GRANTEE will be liable for money damages in tort for any injury to or loss of property, personal injury, or death caused by the negligent or wrongful act(s) or omission(s) of any official or employee of the GRANTEE while acting within the scope of the official's or employee's office or employment under circumstances in which a private person would be found to be liable in accordance with the general laws of the State of Florida, and subject to the limitations as set out in Section 768.28, Florida Statutes, as it may be revised, amended or renumbered from time to time.
- 8. GRANTEE will have reasonable right of access across GRANTOR's property for the purposes of reaching the described easement (Exhibit "A") on either paved or unpaved surfaces. Any damage to GRANTOR's property or permitted improvements thereon as the result of such access to the described easement or the construction, maintenance, or repairs located within the described easement shall be restored by GRANTEE, to the condition in which it existed prior to the damage, as is reasonably practicable.

- 9. By acceptance of this easement, the GRANTEE assumes no responsibility for ownership or maintenance of any associated roads. The easement is strictly for utility purposes.
- 10. This easement will be binding upon the parties hereto, their successors in interest and any assigns.

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| IN WITNESS WHEREOF, the signed on the date and year first abo | | has caused this document to be |
|--|---------------------------------------|--|
| Shown Queste | BY: | President |
| [1 st Witness' Signature] | _ | [Signature Grantor's/Owner's] |
| Shown Fuent | eS | Michael Del Duca |
| [Type or Print Name] | | [Type or Print Name] |
| Melly Schneid | du | Manager |
| [2 nd Witness'/Signature] | | [Title] |
| Shelley I Schneide | <u>?</u> | |
| [Type or Print Name] | | |
| STATE OF FLORIDA COUNTY OF Florida | | |
| the foregoing instrument was day of Mach 2007 by | s signed and hael Del who produ | d acknowledged before me this <u>Dica</u> uced the following as identification |
| day of 1 1 100 CF7 2001 by | Wile produ | or is personally know to me, |
| and who did/did not take an oath. | | |
| [stamp or seal] | Vict | toua & Nusy |
| TIA E NUSZ | [Signature o | of Notary] |
| VICTORIA E. VICTOR | VICT | tona E Nusz |
| EXPIRES: February 27, 2010 EXPIRES: February 27, 2010 EXPIRES: February 27, 2010 Expired Trivi Notary Public Underwriters Bonded Trivi Notary Public Underwriters | [Typed or P | rinted Name] |

| Approve | ed and accepted for and | on behal | f of Lee County, Florida, this | | | | | |
|----------------------|-------------------------|----------|--------------------------------|--|--|--|--|--|
| day of | , 20 | 07. | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| ATTEST: | | BOAR | BOARD OF COUNTY COMMISSIONERS | | | | | |
| CHARLIE GREEN, CLERK | | | OF LEE COUNTY, FLORIDA | | | | | |
| | | | | | | | | |
| BY: | | BY: | | | | | | |
| Deputy (| Clerk | | Chair | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | 4 DDD 0 / ED 4 0 T0 F0 D4 | | | | | |
| | | | APPROVED AS TO FORM | | | | | |
| | | BY: | | | | | | |
| | | | Office of the County Attorney | | | | | |
| | | | Scott S. Coovert, Esquire | | | | | |



LAND SURVEYORS • PLANNERS

LEGAL DESCRIPTION
OF A PARCEL LYING IN
SECTION 5, TOWNSHIP 46 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA

INGRESS/EGRESS, ROAD AND UTILITY EASEMENT

A TRACT OR PARCEL OF LAND LYING IN THE STATE OF FLORIDA, COUNTY OF LEE, IN SECTION 05, TOWNSHIP 46 SOUTH, RANGE 25 EAST BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER (AS KNOWN AS THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER) OF SAID SECTION 5; THENCE NORTH 89°42′56″ EAST ALONG THE SOUTH LINE OF SAID SECTION 5 A DISTANCE OF 662.46 FEET; THENCE NORTH 00°34′32″W. A DISTANCE OF 2,130.00 FEET TO POINT OF BEGINNING OF A 50 FOOT WIDE EASEMENT FOR INGRESS/EGRESS, ROAD AND UTILITY PURPOSES; THENCE SOUTH 89°42′56″ WEST FOR A DISTANCE OF 20.00 FEET; THENCE NORTH 89°42′56″ EAST FOR A DISTANCE OF 20.00 FEET; THENCE SOUTH 00°34′32″ EAST FOR A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNIG OF SAID EASEMENT.

PARCEL CONTAINS 1,000 SQUARE FEET, MORE OR LESS.

PARCEL SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY (RECORDED AND UNRECORDED, WRITTEN AND UNWRITTEN)

BEARINGS ARE BASED ON THE SOUTH LINE OF SECTION 5, TOWNSHIP 45 SOUTH, RANGE 25 EAST AS BEING NORTH 89°42'56" EAST.

METRON SURVEYING & MAPPING, LLC FLORIDA CERTIFICATE OF AUTHORIZATION LB# 7071

TIMOTHY LEE MANN

PROFESSIONAL SURVEYOR AND MAPPER

FLORIDA CERTIFICATE NO. 5838

SHEET 1 OF 2

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