LEE COUNTY BOARD OF COUNTY COMMISSIONERS **AGENDA ITEM SUMMARY** BLUE SHEET NO: 20040087 - UTL

REQUESTED MOTION: 1.

ACTION REQUESTED:

Approve final acceptance, by Resolution, and recording of one Utility Easement as a donation of a 6" diameter fire line, one (1) fire hydrant and a force main serving CVS PHARMACY. This is a Developer Contributed asset project located on the southwest corner of N. Cleveland Avenue and Pondella Road.

WHY ACTION IS NECESSARY:

To provide potable water service, fire protection and sanitary sewer service to the recently constructed pharmacy.

WHAT ACTION ACCOMPLISHES:

Places the fire line, fire hydrant and force main into operation and complies with the Lee County Utilities Operations Manual.

2. DEPARTMENTAL CATT COMMISSION DISTRIC		L 3. MEETING DATE: 02-10-2004
4. AGENDA:	5. REQUIREMENT/PURPOSE:	6. REQUESTOR OF INFORMATION:
X CONSENT ADMINISTRATIVE APPEALS PUBLIC WALK ON TIME REQUIRED:	(Specify) STATUTE ORDINANCE ADMIN. CODE X OTHER Rcs., Easement	A. COMMISSIONER: B. DEPARTMENT: Lee County/Public Works C. DIVISION/SECTION: Utilities Division BY: Rick Biaz, P.E., Utilities Divector DATE: 122/6V
7. BACKGROUND:		

The Board granted permission to construct on 10/18/03, Blue Sheet #20031240.

The installation has been inspected for conformance to the Lee County Utilities Operations manual. Satisfactory pressure and bacteriological testing has been completed.

Satisfactory pressure and bacteriological testing 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 water and sewer connection/capacity fees have been paid.

Sanitary sewer service will be provided by Lee County Utilities via a recently constructed privately owned & maintained lift station and force main which now ties into existing Lee County Utilities' infrastructure located within the Palm Avenue rightof-way.

Funds are available for Easement recording fees in Account # OD5360748700.504930.

SECTION 11 T	OWNSHIP 44S	RANGE 24E	DISTRICT #4	COMMISSIONER	COY
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MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL									
(A) DEPARTMENT DIRECTOR	(B) PURCH. OR CONTRACTS	(C) HUMAN RESOURCES	(D) O'THER	(E) COUNTY ATTORNEY		BUD	F) GET VICES 1/27/04		(G) COUNTY MANAGER
Hannely Davender Date: 1-23-04	N/A Date:	N/A Date:	(7. 0. T. Osterhout Date: -2.2.	Date:	0A R.M 126 1041	OM 12101	Risk 1/57/04 57	CC Milor	Jawender Date: 1-23-04
10. COMMISSION ACTION: APPROVED					COUN 2/2 3/2 COUN FORW	VED BY TY ADMIN: 26/22/ 20 <u>Orn SC</u> TY ADMIN ARDED TO: 57/2/ 9 Arri	01.		

S. UTIL S. ENGR. WP/BLUESHT/CVS PHARMACY - HYDRANT, FIRE LINE, FM - FA - TAK BS 20040087. DOC 1/22/04 2:57 PM LAO

RESOLUTION NO. _____

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

WHEREAS, it is the desire of CVS 5488, FL LLC, owner of record, to make a contribution to Lee County Utilities of <u>water</u> facilities (6" diameter fire line and one fire hydrant) and <u>sewer</u> facilities (sewer force main) serving **"CVS PHARMACY"**; 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 **\$43,513.00** 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. Ce	rny: (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
APPROVE	D AS TO FORM

OFFICE OF COUNTY ATTORNEY

S:\UTILS\UTIL-ADM\WP\OTHER\SDG WORK DIRECTORY\BLUE SHEETS\RESOLUTIONS\ZRESOLUTION-DEV CONTRIB ASSET, W&S.DOC



LETTER OF COMPLETION

DATE: 12/1/2003

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 **CVS/Pharmacy-Pondella**

(Name of Development)

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

the revised plans, attached 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,

Kimley-Horn and Associates, Inc. (Owner or Name of Corporation)

(Signature) PERER T. VAN BUSKINK, P.E.

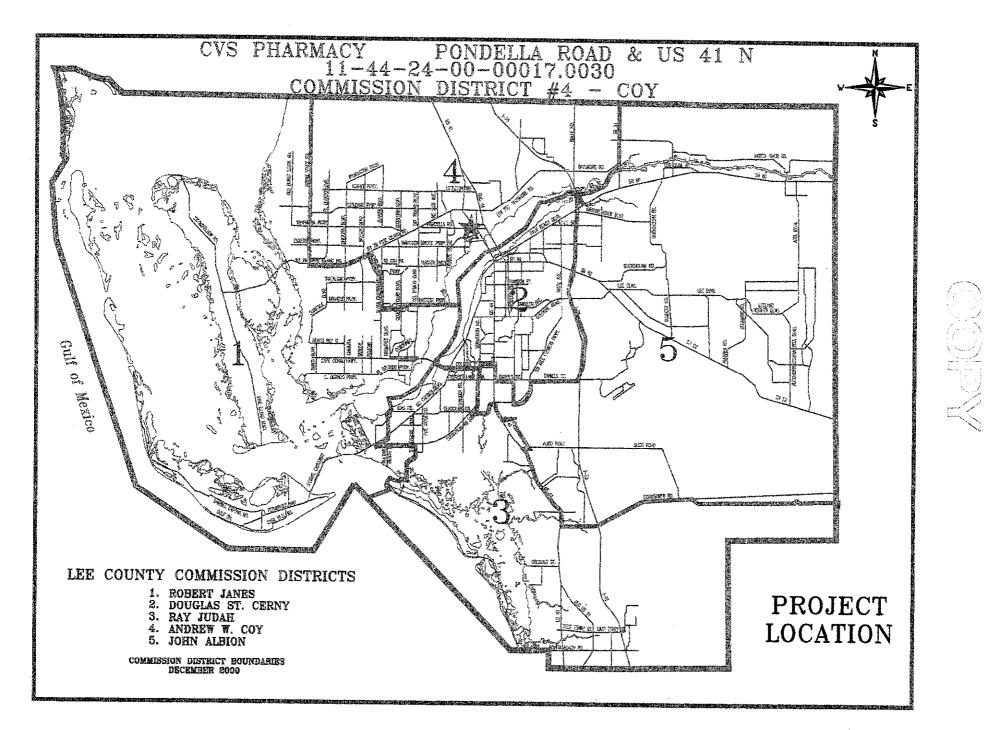
Project Manager (Title)

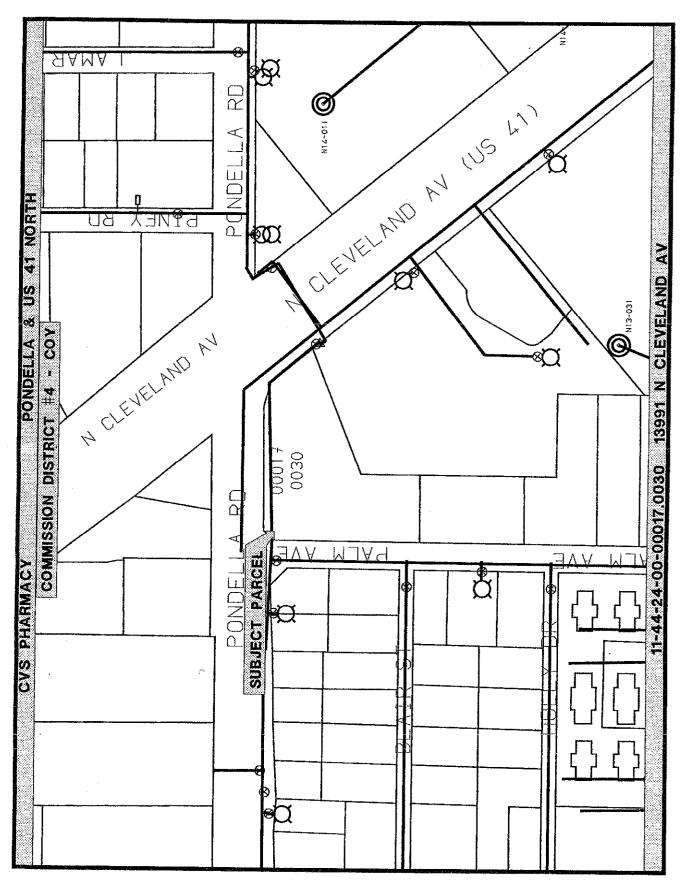
(Seal of Engineering Firm)

LEE COUNTY (Forms - Letter of Completion - Revised 04/2003)



11:\048762001 CVS Pondella Rd\ADMIN\LEE COUNTY UTILITIES\06 - Letter of completion - form.doc





(X)PY

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>CVS PHARMACY</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.

STEVEN R GOBLE (NAME OF OWNER/CONTRACTOR) BY

(SIGNATURE OF OWNER/CONTRACTOR)

STATE OF <u>FL</u>)) SS: COUNTY OF <u>LEE</u>)

The foregoing instrument was signed and acknowledged before me this <u>31 st</u> day of <u>DEC</u>, 2003 by <u>STEVEN R</u> <u>GOBLE</u> who has produced the following as identification - _____, and who did take an oath.

Notary Public Signature

Christine M Myas Printed Name of Notary Public

(Notary Seal & Commission Number)

WINGOUT DING ANNON PURE DODUG EXPIRES May 17, 200-AN COMMISSION # DD 0500 CHHISLINE W WAEK:

LEE COUNTY Southwest FLORIDA (Forms - Warranty - Revised 04/2003)



Warranty___Form



The undersigned lienor, in consideration of the final payment in the amount of forty-three thousand five hundred thirteen dollars and 00/100(\$43,513.00 _) hereby waivers and releases its lien and right to claim a lien for labor, services, or materials furnished to CVS 5488 FL LLC on the job of CVS Pharmacy to the following described property:

CVS Pharmacy (Name of Development/Project)

13991 N. Cleveland Ave, N. Ft. Myers, FL 33903 (Location)

water distribution and sanitary sewer systems (Facilities Constructed)

11-44-24-00-00017.0030 (Strap # or Section, Township & Range)

Dated on: January 14, 2004

Signature of Authorized Representative)

By: Steven R. Goble (Print Name of Authorized Representative)

Title: President

Phone #: (239)274-9504 Ext.

Gulf Coast Underground, Inc. (Name of Firm or Corporation)

3551 Metro Pkwy. (Address of Firm or Corporation)

Fort Myers, FL 33916-(City, State & Zip Of Firm Or Corporation)

Fax#: (239)274-9505

STATE OF ______) SS: COUNTY OF LEE

The foregoing instrument was signed and acknowledged before me this 14 th day of January 2004 by Steven R. Goble_ who is personally known to me - _____, and who did not take an oath.

TIMOTHY J. WISE My Comm Exp. 12/3/04 No. CC 985615 E Personally Known 11 Other I.D.

(Notary Seal & Commission Number)

(Notary Public Signature)

Timothy J. Wise (Printed Name of Notary Public)



LEE COUNTY (Forms - Waiver of Lien - Revised January 2004)

CERTIFICATION OF CONTRIBUTORY ASSETS

PROJECT NAME:	CVS Pharmacy	
STRAP NUMBER:	11-44-24-00-00017.0030	
LOCATION:	13991 N. Cleveland Ave.	
OWNER'S NAME:	CVS 5488 FL LLC	
OWNER'S ADDRESS:	1 CVS Drive	 ·
OWNER'S ADDRESS:	Woonstock, RI 02895-	

 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
TAPPING SLEEVE W/VALVE	10"x6"	1.0	EA	\$3,200.00	\$3,200.00
FIRE LINE UP TO AND INCL 1ST OS + Y VALVE	6"	1.0	EA	\$9,100.00	\$9,100.00
FIRE HYDRANT ASSEMBLY		1.0	EA	\$3,200.00	\$3,200.00
DOUBLE WATER SERVICE/COMPLETE	2"				
DOUBLE WATER SERVICE/COMPLETE	L	1.0	EA	\$1,500.00	\$1,500.00
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TOTAL					\$17,000.00

(If more space is required, use additional forms(s).

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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 х

(Signature of Certifying Agent)

Steven R. Goble, President (Name & Title of Certifying Agent)

Gulf Coast Underground, Inc. (Name of Firm or Corporation)

3551 Metro Pkwy. (Address of Firm or Corporation)

Fort Myers, FL 33916 -

STATE OF _____)) SS: COUNTY OF LEE ____)

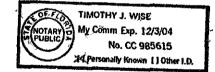
The foregoing instrument was signed and acknowledged before me this <u>14 th</u> day of <u>January</u>, 2004 by <u>Steven R. Goble</u> who is personally known to me - _____, and who did not take an oath.

Notary Public/Signature

Timothy J. Wise Printed Name of Notary Public

CC985615

Notary Commission Number



(NOTARY SEAL)

LEE COUNTY Southwast FLOADA Contractor's Certification of Contributory Assets – Form (January 2004)

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CERTIFICATION OF CONTRIBUTORY ASSETS

PROJECT NAME:	CVS Pharmacy	
STRAP NUMBER:	11-44-24-00-00017.0030	
LOCATION:	13991 N. Cleveland Ave.	
OWNER'S NAME:	CVS 5488 FL LLC	**************************************
OWNER'S ADDRESS:	1 CVS Drive	
OWNER'S ADDRESS:	Woonstock, RI 02895-	

TYPE UTILITY SYSTEM: <u>SANITARY SEWER</u> (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.

SIZE	QUANTITY	UNIT	UNIT COST	TOTAL
4"	1,016.0	LF	\$18.00	\$18,288.00
6ª	3.0	LF	\$25.00	\$75.00
10"	60.0	LF	\$110.00	\$6,600.00
4"	1.0	EA	\$750.00	\$750.00
6"x4"	1.0	EA	\$425.00	\$425.00
4 ⁿ	1.0	EA	\$375.00	\$375.00
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				\$26,513.00
	4" 6" 10" 4" 6"x4"	4" 1,016.0 6" 3.0 10" 60.0 4" 1.0 6"x4" 1.0	4" 1,016.0 LF 6" 3.0 LF 10" 60.0 LF 4" 1.0 EA 6"x4" 1.0 EA	4" 1,016.0 LF \$18.00 6" 3.0 LF \$25.00 10" 60.0 LF \$110.00 4" 1.0 EA \$750.00 6"x4" 1.0 EA \$425.00

(If more space is required, use additional forms(s).



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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.

CERTIFYIN

(Signature of Certifying Agent)

Steven R. Goble, President (Name & Title of Certifying Agent)

Gulf Coast Underground, Inc. (Name of Firm or Corporation)

3551 Metro Pkwy. (Address of Firm or Corporation)

Fort Myers, FL 33916 -

STATE OF _____)) SS: COUNTY OF LEE ____)

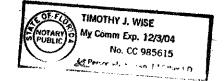
The foregoing instrument was signed and acknowledged before me this <u>14 th</u> day of <u>January</u>, 2004 by <u>Steven R. Goble</u> who is personally known to me - _____, and who did not take an oath.

Notary Public Signature

Timothy J. Wise Printed Name of Notary Public

CC 985615

Notary Commission Number



(NOTARY SEAL)





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TO: LEE COUNTY FINANCE DEPARTMENT

FROM:UTILITIES ENGINEERING	BS 20040087-UTL
(Department)	
SUE GULLEDGE	
A. AUTHORIZATION:	
This transmittal authorizes the	
office to incur expenses for ming/records against.	
Purchase Order # for project.	(CVS 5488 FL LLC)
ACCOUNT NO. OD53607.504930	
ORIGINAL EASEMENT TO MINUTES AFTER RECORDING,	& Carrie
WITH COPY TO SUE GULLEDGE, UTILITIES	The Julledge
	STE GULLEDGE Signature Authorization
B. SERVICE RECEIVED:	
O. R. COPIES	
PLAT COPIES	· · · · · · · · · · · · · · · · · · ·
CASE #/INDEX FEE	
DESCRIPTION OF SERVICERECORDING	
AMOUNT OF FEE INCURRED \$	· · · · · · · · · · · · · · · · · · ·
(date)	(DEPUTY CLERK)
THIS FORM GOES TO CASHIER WITH RE	(CUSTOMER) (DEPT.) GULAR RECEIPT ATTACHED
C. INVOICE INFORMATION: (FOR CLERK'S DEPARTMENT ONLY)	· · · · · · · · · · · · · · · · · · ·
ENTERED	
CUSI. #	
INV. #	
PLEASE REMIT TO: Clerk's Accounting P.O. BOX 2396	

FORT MYERS, FLORIDA 33902-2396 White - FINANCE Yellow - DEPT FISCAL OFFICER Pink - CLERK'S OFFICE

1.	RETURN FOR TRANS (PLEASE READ IN Enter numbers as sho Parcel Identification Number 0 1 2 3 4		REAL PROPERTY	FDOR10240300 DR-219 R. 07/98
	(If Parcel ID not available please call County Property Appraiser's Office) →	114424000	00170030	
2.	Mark (x) ali Multi-parcel	Transaction is a split	Property was improved with building(s) at time	
	that apply transaction? → EASEMENT DONA!	or cutout from another parcei?	of sale/transfer? → CVS 5488 FL LLC	
3.	Grantor (Seller): Last First	M	Corporate Name (if applicable)	
	Mailing Address	City	RI 02895 () State Zip Code Phone No.	
4.	Grantee (Buyer):Last First	. DIR. FOR LE	E CO. BOARD OF COUNTY CO Corporate Name (if applicable)	MMISSION
	P. O. BOX 398	FT. MYERS	FL 33902 239479	8181
5.	Mailing Address Date of Sale/Transfer	City Sale/Transfer Price	State Zip Code Phone No.	nty Code
	پ Month Day Year (Rou	ind to the nearest dollar.)	_ 0 0 Property 46 Cou	Inty Code
6.	Type of Document Contract/Agreement Y Other	7. Are any mortgages or		NO
	for Deed Warranty Deed Quit Claim	outstanding mortgage (Round to the nearest dollar.)	.¢	0.0
8.	Deed To the best of your knowledge, were there unusual circul such as: Forced sale by court order? Foreclosure pending Sale of a partial or undivided interest? Related to selier by	mstances or conditions to the s ? Distress Sale? Title defects?	ale/transfer	NO
9.	Was the sale/transfer financed? YES NO	If "Yes", please indicate type o	r types of financing:	
	Conventional Seller Provided	Agreement or Contract for Deed	Other	
	Property Type: Residential Commercial Industrial Mark (x) all that apply	Institutional/ Agricultural Miscellaneou		Timeshare
	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 Amount of Documentary Stamp Tax	YES NO	\$ \$ 0.00	
13.	If <u>no tax</u> is due in number 12, is deed exempt from Docume	entary Stamp Tax under s. 201.	02(6), Florida Statutes? YES	NO
ł	Under penalties of perjury, I declare that I have read the than the taxpayer, his/her declaration is based on all in Simplum of Opening of Quentum on Aparts	e foregoing return and that he formation of which nemer has	any knowledge.	vorte other
L	Signature of Grantor or Grantce or Agent WARNING: FAILURE TO FILE THIS RETURN OR ALTERNATIVE FOR OTHER PENALTY IMPOSED BY THE REVENUE LAW OF FLORIDA.	MAPPROVED BY	Date Date	ADDITION TO ANY
	To be completed by the Clerk of the Circuit		Clerks Date Starr	
	This copy to Department of Reve			
	·····			
	0: R. Book			
Pa	ge Number			
ł	le Number			
L	Month Day Year		<u> </u>	

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This copy to Department of Revenue

		RETURN FOR TRAN (PLEASE READ I) Use black ink. Enter	EPARTMENT OF SFERS OF INTEREST NSTRUCTIONS BEFORE	IN REAL PROPERTY	40300 R-219 07/98
1.	Parcel Identification Number (If Parcel ID not available	01234	4 5 6 7 8 9	0123456789	
	please call County Property Appraiser's Office)		11442400	00170030	-
2.	Mark (x) all Multi-parcel		Transaction is a split or cutout from	Property was improved with building(s) at time	l
3.	that apply transaction Grantor (Seller):	? → [_] EASEMENT DONA'	another parcel? 🔶 🔄	of sale/transfer? → CVS 5488 FL LLC	
э.	Last	First	MI	Corporate Name (if applicable)	
_	1 CVS DR Mailing Ac		WOONSOCKET	RI 02895 () State Zip Code Phone No	
4.	•		DIR. FOR LE		DN
	P. O. BOX	First	MI FT. MYERS	Corporate Name (if applicable) FL 33902 / 2394798181	
	Mailing Ad		City	FL 33902 2394798181 State Zip Code Phone No.	
5.	Date of Sale/Transfer	Year (Rou	Sale/Transfer Price	00 Property Located In Lee	
6.	Warranty	Claim	 Are any mortgages of outstanding mortgag (Round to the nearest dollar.) 	, 6 [NO 0
8.	To the best of your knowledg	e, were there unusual circu order? Foreclosure pending	? Distress Sale? Title defects?	? Corrective Deed? Mineral rights?	NO
9.	Was the sale/transfer financed?		If "Yes", please indicate type o	or types of financing:	
	Conventional	Seller Provided	Agreement or Contract for Deed	Other	
10.	Property Type: Residential Mark (x) all that apply	Commercial Industrial	Institutional Agricultural Miscellaneou	us Government Vacant Acreage Timeshare	
	To the best of your knowledge included in the sale/transfer? If amount attributable to the person Amount of Documentary Stamp	"Yes", please state the onal property. (Round to the	YES / X NO		\mathbf{n}
13.	lf <u>no tax</u> is due in number 12, is	deed exempt from Docume	entary Stamp Tax under s. 201.	.02(6), Florida Statutes? YES	NO
I	Under penalties of perjury, than the taxpayer, his/her o	I declare that I have read th declaration is based on all ir		e facts stated in it are true. If prepared by someone other	
	Signature of Grantor or Gra	antee or Agent S RETURN OR ALTERNATIVE FOR		DateDate	
<u></u>	OTHER PENALTY IMPOSED BY TH	HE REVENUE LAW OF FLORIDA.		OF REVENUE SHALL RESULT IN A PENALTY OF \$25,00 IN ADDITION TO A	ANY
<u> </u>	To be completed by the	ne Clerk of the Circuit	Court's Office	Clerks Date Stamp	
	This copy to Propert	ty Appraiser	·		
r	R. Book				
	and][] 			
Pa	ge Number				
Fi					
Dat	e Recorded				

; | |

This copy to Property Appraiser

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

PERPETUAL PUBLIC UTILITY EASEMENT GRANT

THIS INDENTURE is made and entered into this _____ day of _____, 2004, by and between _CVS 5488 FL, L.L.C., Owner, hereinafter referred to as GRANTOR(S), and LEE COUNTY, hereinafter referred to as GRANTEE.

WITNESSETH:

1. For and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged and accepted, GRANTOR hereby grants, bargains, sells and transfers to the GRANTEE, its successors and assigns, a perpetual public utility easement situated in Lee County, Florida, located and described as set forth in Exhibit "A", attached hereto and made a part hereof.

2. GRANTEE, its successors, appointees and assigns, are granted the right, privilege, and authority to construct, replace, renew, extend and maintain a wastewater collection and/or water distribution system, together with, but not limited to, all necessary service connections, manholes, valves, fire hydrants, lift stations and appurtenances, to be located on, under, across and through the easement which is located on the property described (Exhibit "A"), with the additional right, privilege and authority to remove, replace, repair and enlarge said system, and to trim and remove roots, trees, shrubs, bushes and plants, and remove fences or other improvements which may affect the operation of lines, mains and/or utility facilities.

3. The public utility easement shall not be limited to any particular diameter size or type and/or number of connections to other water/sewer mains for providing water/sewer service to this and any adjacent properties. The total area of this public utility easement is reserved for utility lines, mains, or appurtenant facilities and for any landscaping (excluding trees), walkways, roadways, drainage ways, or similar uses. Houses, fences, buildings, carports, garages, storage sheds, overhangs, or any other structures or portions of structures shall not be constructed on or placed within this easement at anytime, present or future, by GRANTOR, or its heirs, successors or assigns.

4. Title to all utilities constructed and/or placed hereunder by GRANTEE or its agents shall remain in the GRANTEE, GRANTEE's successors, appointees, and/or assigns.

5. Subject to any pre-existing easements for public highways or roads, railroads, laterals, ditches, pipelines and electrical transmission or distribution lines and

telephone and cable television lines covering the land herein described, GRANTOR(S) covenant that they are lawfully seized and possessed of the described real property (Exhibit "A"), have good and lawful right and power to sell and convey it, and that the said property is free of any and all liens and encumbrances, except as herein stated, and accordingly, GRANTOR(S) will forever defend the title and terms of this said easement and the quiet possession thereof by GRANTEE against all claims and demands of all other entities.

6. GRANTOR(S), its heirs, successors or assigns, shall assume all liability for any consequential damages to any houses, fences, buildings, carports, garages, storage sheds, overhangs, or any other structures or portions of structures subsequently constructed by GRANTOR(S) in violation of paragraph 3 within the above easement, which result from the required activities of the GRANTEE for any construction, maintenance or repairs to the utilities located within the above-described easement.

7. GRANTEE will be liable for money damages in tort for any injury to or loss of property, personal injury, or death caused by the negligent or wrongful act(s) or omission(s) of any official or employee of the GRANTEE while acting within the scope of the official's or employee's office or employment under circumstances in which a private person would be found to be liable in accordance with the general laws of the State of Florida, and subject to the limitations as set out in Section 768.28, Florida Statutes, as it may be revised, amended or renumbered from time to time.

8. GRANTEE shall have reasonable right of access across GRANTOR's property for the purposes of reaching the described easement (Exhibit "A") on either paved or unpaved surfaces. Any damage to GRANTOR's property or permitted improvements thereon as the result of such access to the described easement or the construction, maintenance, or repairs located within the described easement shall be restored by GRANTEE, to the condition in which it existed prior to the damage as is reasonably practicable. GRANTEE agrees to coordinate each activity within the easement premises in advance with the manager of the U.S. Postal Service, so as not to interfere with Postal Service operations.

9. By acceptance of this easement, the GRANTEE assumes no responsibility for ownership or maintenance of any associated roads. The easement is strictly for utility purposes. If GRANTEE fails to utilize the granted easement (Exhibit "A", hereto) for the purposes as set out herein and for the time as set out in Section 255.22, Florida Statutes, then this easement shall be extinguished pursuant to law,

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

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

Х (Grantor's/Owner's Signature) (Signature of 1st Witness) **Denise S. Perron** CVS 5488 FL, .c (Name of 1st Witness) (Grantor's/Owper's Name) Owner Zenon P. Lankowsky Title (Signature of 2 Witness President Brenda J. Herb

(Name of 2nd Witness)

STATE OF <u>RHODE ISLAND</u>)) SS: COUNTY OF <u>Providence</u>)

The foregoing instrument was signed and acknowledged before me this $\frac{\int f' th}{day}$ of <u>JAN 2004</u> by <u>Zenon P. Lankowsky</u> who has produced the following as identification - , and who did take an oath.

Notary Public Signature

Dorothy T. Obrien State of Rhode Island My Commission Expires 06/07/05

Printed Name of Notary Public

(Notary Seal & Commission Number)

DESCRIPTION OF UTILITY EASEMENT:

A PORTION OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 11, (N.= 848238.598, E.= 691723.757 FSPCS WEST ZONE); THENCE N.89'31'14"E., "GRID BEARING" ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 11, A DISTANCE OF 30.00 FEET; THENCE S.00'30'07"W., PARALLEL WITH THE WEST LINE OF SAID NORTHWEST QUARTER OF SECTION 11, A DISTANCE OF 90.19 FEET, TO A FOUND CONCRETE MONUMENT R/W MARKER ON THE SOUTH RIGHT-OF-WAY LINE OF PONDELLA ROAD; THENCE N.44'53'41"E., ALONG SAID SOUTH RIGHT-OF-WAY LINE OF PONDELLA ROAD, A DISTANCE OF 28.59 FEET, TO A POINT ON A CURVE TO THE RIGHT, HAVING: A RADIUS OF 7935.50 FEET, A CENTRAL ANGLE OF 00'02'11", A CHORD BEARING OF N.89'22'31"E. AND A CHORD LENGTH OF 5.04 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 5.04 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 5.04 FEET TO THE POINT OF TANGENCY OF SAID CURVE AND A FOUND CONCRETE MONUMENT R/W MARKER; THENCE N.89'23'50"E., ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 72.56 FEET TO THE "POINT OF BEGINNING OF THE EASEMENT"; THENCE CONTINUE N.89'23'50"E., ALONG SAID SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 20.00 FEET; THENCE S.00'36'10"E., DISTANCE OF 10.00 FEET; THENCE S.89'23'50"W., A DISTANCE OF 20.00 FEET; THENCE N.00'36'10"W., A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

		CERTIFICATE			
		I, hereby certify that this Sketch and contained herein were prepared under conformance with Chapter 61G17—6, Section 472.027, F.S.	my supervision in		
		Van Buskirk / Flsh & Associates Inc. By: Alon K. Fish, P.S.M. Registered Professional Surveyor & Ma Florida Certificate No. 3941			
PAGE 2	OF 2.	Date Prepared: 12-20-2 "Not valid without the signature and a Florida licensed surveyor and mapp to Survey maps or reports by other t prohibited; (Chapter 61617-6.003, (2)	the original raised seal of er." Additions or deletions han the signing party is		
		FOR: LEE COUNTY UTILITIES			
DESCRIPTION OF	Van Buskirk/F	ish & Associates, Inc.	DWN.: JS DATE: 12-20-2003		
		- Moppers - \\/_\/_\			
TWP. 44S. RNG. 24E.	Development Consult	onts \V/_□)/_	FIELD BOOK: PAGE:		
LEE COUNTY, FLORIDA	12450 Unit C Tamiami Trail +	North Port, FL 34287 • (941) 426-0681	PROJECT NO.: 02-591ESM		

