	/		<del></del>				
	•	Lee Co	-	rd of Coun	-		
1. REQUES	TED MOTION:		Agend	la Item Sur	nmary	Blue She	et No. 20021497
<u> </u>		prove the ac	ea visition	of Darcel	106 by 20	cepting two perpetual	escoments for the
						and fees to close; autho	
						iplete this transaction.	DIAZE THE DIAISION OF
County Lands	to naticie and	accept an do	Cumental	ion necessa	ary to con	ipiete triis transaction.	
WHY ACTIO	N IS NECESS	ARY. All i	real esta	te acquisiti	ons must	be approved by the	Board of County
	Commissioners pursuant to Florida Statute.  WHAT ACTION ACCOMPLISHES: Acquires the easement during the voluntary phase of the project, thereby the						project, thereby the
Board avoids the need to exercise its power of Eminent Domain at a future date.							
2. <u>DEPART</u>	MENTAL CATE	GORY: 06	5	11	0	3. MEETING	
COMMISSIO	N DISTRICT			<u> </u>	<u> </u>	03-18	
4. AGENDA:		5. REQUIRE	MENT/PUR	POSE:	6.	REQUESTOR OF INFORMA	TION
X CONSEN		(Specify)		25		COMMISSIONER	
ADMINIS		X STATUT	NCE			DEPARTMENT Independe	
PUBLIC		ADMIN.					nds MAC L
WALK ON TIME REQUIRED:		X OTHER		<del></del>	—— В	Y: <u>Karen L. W. Forsyth, Direc</u>	for // 1954
		ress Lake Dri	ive Widen	ing Project	No. 4064	will improve Cypress Lal	ce Drive from near
						urban arterial with six la	
						ction Lakes Parkway and	
						,000 towards the construc	
	e necessary ease						-
						TD 4 D 14 . 00 45 0 4 0 7 0	0000 0000
						TRAP No. 23-45-24-07-0	
						gs totaling 25,623 square	
						ind connection to existing sement at the intersectior	
						a is approximately 814 so	
	n Lakes Drive, Fo						
	•	•					
The owner, Pho	penix Equities/DF	IDC Reflection	n Lakes, L	LP, a Florida	a Limited L	iability Partnership, has a	igreed to donate the
easements for t	he subject parcel	. Lee County	will be req	uired to pay	customary	title examination, search	and closing fees, title
			g fees tota	ling approxir	nately \$60	0; and costs of approxima	tely \$1,500 to obtain
voluntary subor	dination of mortg	age.					
Staff recommer	nds the Board ap	prove the real	ested mo	tion			,
Clair recommen	ido tilo bodia api	31070 1110 7090	100104 1110		ATTAC	CHMENTS:	
Funds are ava	ilable in Accour	nt No. 20406	418804.5	506110	Traffic	Signal Easement	
	ess Lake Drive W					Easement	
18804 - Road Impact Fees - S.M./San Carlos Partnership Affidavit							
506110 - Purchase of Land & Related Costs Updated In-House Title Search					ľ		
8. MANAGEMENT RECOMMENDATIONS:							
8. MANAGEI	VIENT RECOIME	MENDATION	<u>iS:</u>				
9. RECOMMENDED APPROVAL:							
Α	В	С	D	E		F	G
Department	Purchasing or	Human	Other	County		Budget Services	County Manager
Director	Contracts	Resources	<del>                                   </del>	Attorney		CY3/1 3/4/13	
118			KAR!	John J	QA .	OM ARISK GO	X simple
Kitanije	İ		100	3 3 03	03 403	21413 67/04/03 34	03
11/00099	100001 107101		18184		3'		
10. COMM	ISSION ACTION			Rec. by	CoAtty	RECEIVED BY COUNTY ADMIN. EN	Day CO. ATTY.
Denied Deferred Defer							
DEFERF	RED					10.15	CO. APTY.
OTHER				Time: /:	OOPM	TATY ADMIN	CONSTRUCTED TO:
				The second secon		ARDED TO: DIV	

L:\CypressLD4064\Blue Sheet\106\Signal & Public Easement.wpd/ 12/27/02 2/17/03

3/4/03 10 AM

This instrument prepared by: Lee County County Lands Post Office Box 398 Fort Myers, Florida 33902-0398

Parcel: 106

Project: Cypress Lake Drive - 4064

Legal 106E, Signal Easement

STRAP No.: 23-45-24-07-0000B.0000

URIGINAL DOCUMENTS RETAINED IN COUNTY LANDS FILES FOR HANDLING UPON BOARD ACCEPTANCE.

# GRANT OF PERPETUAL TRAFFIC SIGNAL EASEMENT

#### WITNESSETH:

- 1. In consideration of the benefits to be derived from the project, Grantor waives the right to any compensation from the Grantee and hereby grants, donates, and transfers to the Grantee, its successors and assigns, the use of a perpetual public easement situated in Lee County, Florida, and located and described as set forth in Exhibit "A" attached.
- 2. Grantee, its successors, appointees and assigns, are granted ingress and egress and the right, privilege, and authority to construct, replace, renew, extend and maintain a public roadway traffic signal, signalization equipment including overhead signal pole, and appurtenances, to be located on, under, across, and through the easement which is located on the property described in Exhibit "A", with the additional right, privilege and authority to remove, replace, repair and enlarge said signal system within the easement.
- 3. The Grantor may not construct any structures within said easement, nor will any foliage be placed in said easement.
- 4. Title to the constructed improvements will remain in the Grantee, Grantee's successors, appointees and/or assigns.

Grant of Traffic Signal Easement
Project: Cypress Lake Drive Signal Easement
Page 2

URIGINAL DOCUMENTS RETAINED IN
NOWN WOO 4NDS FILES FOR HANDLING
UPON BOARD ACCEPTANCE

- 5. Subject to any 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 covenant that they are lawfully seized and possessed of the described real property in Exhibit "A", have good and lawful right and power to sell and convey it, and that the property is free and clear of all liens and encumbrances, except as herein stated, and accordingly, Grantor will forever warrant and defend the title and terms to this said easement and the quiet possession thereof against all claims and demands of all other entities.
- 6. Grantor, its heirs, successors or assigns, will indemnify and hold the Grantee harmless for any consequential damages to any houses, fences, buildings, carports, garages, storage sheds or any other structures subsequently constructed by Grantor in violation of paragraph 3. within the above easement, resulting from the required activities of the Grantee for any construction, maintenance or repairs to the signal system located within the above-described easement.

194 ×

- 7. Grantee will have a reasonable right of access across Grantor's property for the purposes of reaching the described easement in Exhibit "A" on either paved or unpaved surfaces. Any damage to Grantor's property or permitted improvements resulting from use of the access to property described in Exhibit "A" or the Grant of Perpetual Traffic Signal Easement construction, maintenance, or repairs located within the easement will be restored, to the extent reasonably practicable, by the Grantee, to the condition in which it existed prior to the damage. The completed work includes, but not be limited to, restoring or replacing sod, mailboxes, driveways, sprinkler systems, and landscaping. COUNTY agrees to coordinate each activity contemplated within the easement area in advance with the manager of the U.S. Postal Service, so as not to interfere with Postal Service operations.
- 8. 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 County 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

LIGINAL DOCUMENTS RETAINED IN Grant of Traffic Signal Easement Project: Cypress Lake Drive Signal Easement NO: 4064NDS FILES FOR HANDLING Page 3 Page 3

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.

THIS AGREEMENT is binding upon the parties, their successors and assigns.

IN WITNESS WHEREOF, PHOENIX EQUITIES/DHDC Reflection Lakes, LLP, a Florida Limited Liability Partnership, OWNER, has caused this document to be signed on the date first above written.

LAKES, L.L.P., a Florida limited liability partnership

TWO SEPARATE WITNESSES:

PHOENIX EQUITIES LTD., a Florida limited liability Partnership, general partner

PHOENIX EQUITIES/DHDC-REFLECTION

PHOENIX EQUITIES, INC., BY:

A Florida corporation, general

By:

Edward D. Adkins.

President

2nd Witness Signature

Printed name of 2nd Witness

DHDC, L.L.C., a Florida limited BY:

liability company, general

By: David Corash,

Manager

Printed name of 2nd Witness

Grant of Traffic Signal Easement Project: Cypress Lake Drive Widening Project No. 4064 Page 4 ORIGINAL DOCUMENTS RETAINED IN COUNTY LANDS FILES FOR HANDLING STATE OF UPON BOARD ACCEPTANCE COUNTY OF The foregoing instrument was acknowledged before me this (p) day of herror, 2003, by EDWARD D. ADKINS as President of PHOENIX EQUITIES, INC., a Florida corporation, as general partner of PHOENIX EQUITIES, LTD., a Florida limited partnership, as general partner of PHOENIX EQUITIES/DHDC - REFLECTION LAKES, L.L.P., a Florida limited liability partnership who is personally known to me, or who has producedas identification. RHONDA L. SMITH MY COMMISSION # DD 114897 (Signature of Notary Public) 인하다ES: May 5, 2006 Harly Public Underwit da L. Smith (Name typed, printed or stamped) (Title or Rank) (Serial Number, if any) COUNTY OF The foregoing instrument was acknowledged before me this day of Telluan, 2003, by DAVID CORASH as Manager of DHDC, L.L.C., Florida limited liability company, as general partner of PHOENIX EQUITIES/DHDC /- REFLECTION LAKES, L.L.P., a Florida limited liability partnership who is personally known to me, or who has produced as identification. Elsa Cristobat 🔀 gnature of Notary Public) Commission #DD17474 Expires: Feb 07, 2007 Bonded Thru ELRA CRISTOBAL

> (Name typed, printed or stamped) (Title or Rank)

Atlantic Bonding Co., Inc.

Exhibit "A"

Page \_\_\_\_of\_\_2

COUNTY PROJ. NO.

CN-97-01

COUNTY PROJ. NO. CN-97-01 (S.T.A. NO. 18) CYPRESS LAKE DRIVE LEE COUNTY DESCRIPTION

ORIGINAL DOCUMENTS RETAINED IF COUNTY LANDS FILES FOR HANDLING HPON BOARD ACCEPTANCE

PARCEL 106

PERPETUAL EASEMENT

That portion of Tract B, Reflection Lakes Commercial Center, a subdivision in Section 23.

Township 45 South, Range 24 East, as per plat thereof recorded in Plat Book 64, Page 70, Public Records of Lee County, Florida.

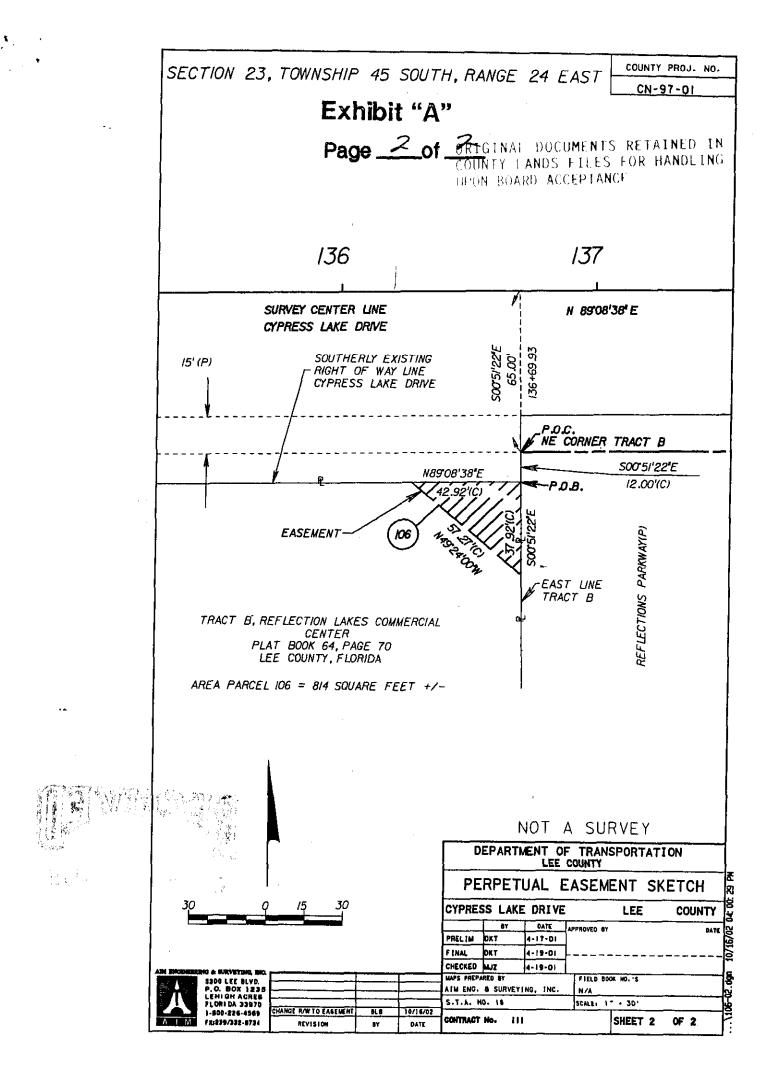
Being more particularly described as follows:

COMMENCE at the northeast corner of said Tract B<sub>i</sub> said point lying S 00'51'22" E, a distance of 65.00 feet from survey base line station 136+69.93 of Cypress Lake Drive (per Lee County Project Number CN-97-01, Contract Number III, Supplemental Task Authorization Number 18h thence along the east line of said Tract B, S 00'51'22" E, a distance of 12.00 feet to the POINT OF BEGINNING; said point lying on the southerly existing right of way line of Cypress Lake Drive (per Official Record Book 3217, Page 2802); thence along said east line, S 00'51'22" E, a distance of 37.92 feet; thence N 49'24'00" W a distance of 57.27 feet to said southerly existing right of way line; thence along said existing right of way line, N 89'08'38" E, a distance of 42.92 feet to the POINT OF BEGINNING.

Said lands containing 814 square feet, more or less.

### NOT A SURVEY

#### DEPARTMENT OF TRANSPORTATION LEE COUNTY NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICEMSED SURVEYOR AND MAPPER. PERPETUAL EASEMENT SKETCH NG & SURVEYING, INC. CYPRESS LAKE DRIVE LEE COUNTY BY DATE APPROVED BY BDB L. POTTER P REGISTERED SURVEYOR AND MAPPER PLORIDA CERTIFICATE NO. 5688 LICENSED BUSINESS "2314 PRELIM DAT 4-17-01 FINAL DKT 4-19-01 CHECKED MUZ 4-19-01 MAPS PREPARED BY FIELD BOOK NO. 'S 5300 LEE BLVD. P.O. BOX 1235 LEHIGH ACRES FLORIDA 33970 AIM ENG. & SURVEYING, INC. N/A SCALE: N/A S.T.A. NO. 18 CHARGE RAW TO EASEMENT 10/16/02 1-800-226-4569 BLQ SHEET I CONTRACT No. | | | | 0F 2 FX:230/332-8734 REVISION



This instrument prepared by:
Lee County
County Lands
Post Office Box 398
Fort Myers, Florida 33902-0398

Parcel: 106

Project: Cypress Lake Drive

Widening Project NO. 4064

STRAP No.: 23-45-24-07-0000B.0000

ORIGINAL DOCUMENTS RETAINED IN COUNTY LANDS FILES FOR HANDLING UPON BOARD ACCEPTANCE.

### GRANT OF PERPETUAL

#### PUBLIC EASEMENT

#### WITNESSETH:

- 1. In consideration of the benefits to be derived from the project, Grantor waives the right to any compensation from the Grantee and hereby grants, donates, and transfers to the Grantee, its successors and assigns, the use of a perpetual public easement situated in Lee County, Florida, and located and described as set forth in Exhibit "A" attached.
- 2. Grantee, its successors, appointees and assigns, are granted ingress and egress and the right, privilege, and authority to construct, replace, renew, extend, and maintain a type "F" curb and gutter and a sidewalk/bikepath in accordance with the Plan and Profile as shown in Exhibit "B", to be located on, under, across, and through the easement which is located on the property described in Exhibit "A", with the additional right, privilege and authority to connect all new construction to the curbs, gutters and sidewalk existing prior to construction outside of the Exhibit "A" parcel as shown on Exhibit "B".
- 3. The Grantor will not construct any structures within said easement, nor will any foliage be placed in said easement.
- 4. Title to the improvements constructed hereunder will remain in the Grantee, Grantee's successors, appointees or assigns.

Grant of Public Easement

Project: Cypress Lake Drive Widening Project No. 4064

Page 2

ORIGINAL DOCUMENTS RETAINED IN COUNTY LANDS FILES FOR HANDLING

5. Subject to any 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 covenant that they are lawfully seized and possessed of the described real property in Exhibit "A", have good and lawful right and power to sell and convey it, and that the property is free and clear of all liens and encumbrances, except as herein stated, and accordingly, Grantor will forever warrant and defend the title and terms to this said easement and the quiet possession thereof against all claims and demands of all other entities.

- 6. Grantor, its heirs, successors or assigns, will indemnify and hold the Grantee harmless for any consequential damages to any houses, fences, buildings, carports, garages, storage sheds or any other structures subsequently constructed by Grantor in violation of paragraph 3. within the above easement, which results from the required activities of the Grantee for any construction, maintenance or repairs to the curb and gutter 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 County 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 OWNER's property for the purposes of connecting new curb, gutter, and sidewalk/bikepath to existing and reaching property described in Exhibit "A" on either paved or unpaved surfaces. Any damage to OWNER's property or permitted improvements thereon as the result of such access to Exhibit "A" or the construction referred to in this agreement will be restored by the COUNTY to the condition in which it existed prior to the damage, as is reasonably practicable. The completed work shall include, but not be limited to, restoring or replacing sod, mailboxes, driveways, sprinkler systems, and landscaping. COUNTY agrees to coordinate each activity with this agreement in advance with the manager of the U.S. Postal Service, so as not to interfere with Postal Service operations.

Grant of Public Easement

Project: Cypress Lake Drive Widening Project

Page 3

ORIGINAL DOCUMENTS RETAINED IN

PROJECT NOW 14964ANDS FILES FOR HANDLING

PROJECT NOW 1500 ROARD ACCEPTANCE.

9. THIS AGREEMENT will be binding upon the parties hereto, their successors and assigns.

IN WITNESS WHEREOF, PHOENIX EQUITIES/DHDC Reflection Lakes, LLP, a Florida Limited Liability Partnership, OWNER, has caused this document to be signed on the date first above written.

PHOENIX EQUITIES/DHDC-REFLECTION LAKES, L.L.P., a Florida limited liability partnership

TWO SEPARATE WITNESSES:

PHOENIX EQUITIES LTD., a Florida limited liability Partnership, general partner

BY: PHOENIX EQUITIES, INC.,

A Florida corporation, general

partner

By:

Edward D. Adkins,

Date

President

1st witness signature

Printed hame of 1st Witness

2nd Witness Signature

Printed name of 2nd Witness

BY: DHDC, L.L.C., a Florida limited liability company, general

partner

David Corash,

Manager

By: (

1st Wit

st Witness Signature

Drinted name of 1st Witness

Numa Curole

2nd Witness Signature

Printed name of 2nd Witness

Grant of Public Easement
Project: Cypress Lake Drive Widening Project: Cypress Lake Drive Widening Project County LANDS FILES FOR HANDLING UPON BOARD ACCEPTANCE. STATE OF COUNTY OF The foregoing instrument was acknowledged before me this who day of forman, 2003, by EDWARD D. ADKINS as President of PHOENIX EQUITIES, INC., a Florida corporation, as general partner of PHOENIX EQUITIES, LTD., a Florida limited partnership, as general partner of PHOENIX EQUITIES/DHDC - REFLECTION LAKES, L.L.P., a Florida limited liability partnership who is personally known to me, or who has p<del>roduced \_\_\_</del> as identification. RHONDA L. SMITH (Signature of Notary Public) AY COMMISSION # DD 114897 EXPIRES: May 5, 2006 Sonded Thru Notery Public Underwriters da L. Smith (Name typed, printed or stamped) (Title or Rank) (Serial Number, if anv) COUNTY OF The foregoing instrument was acknowledged before me this day of telegram 2000 by DAVID CORASH as Manager of DHDC, L.L.C., a Florida limited liability company, as general partner of PHOENIX EQUITIES/DHDC - REFLECTION LAKES, L.L.P., a Florida limited liability partnership, who is personally known to me, or who has produced as identification. Elsa Chistocal Commission (Dispose Large Public)
Expires: Ecb 07, 2007 Bonded Thru Atlantic Bonding Co., Inc. / S (Name typed, printed or stamped)

(Title or Rank)

(Serial Number, if any)

COUNTY PROJ. NO.

CN-97-01

COUNTY PROJ. NO. CN-97-01 (S.T.A. NO. 18) CYPRESS LAKE DRIVE LEE COUNTY DESCRIPTION

ORIGINAL DOCUMENTS RETAINED IN COUNTY LANDS FILES FOR HANDLING HPON BOARD ACCEPTANCE

PARCEL 106

PERPETUAL EASEMENT

That portion of Tract B. Reflection Lakes Commercial Center, a subdivision in Section 23. Township 45 South, Range 24 East, as per plat thereof recorded in Plat Book 64, Page 70, Public Records of Lee County, Florida.

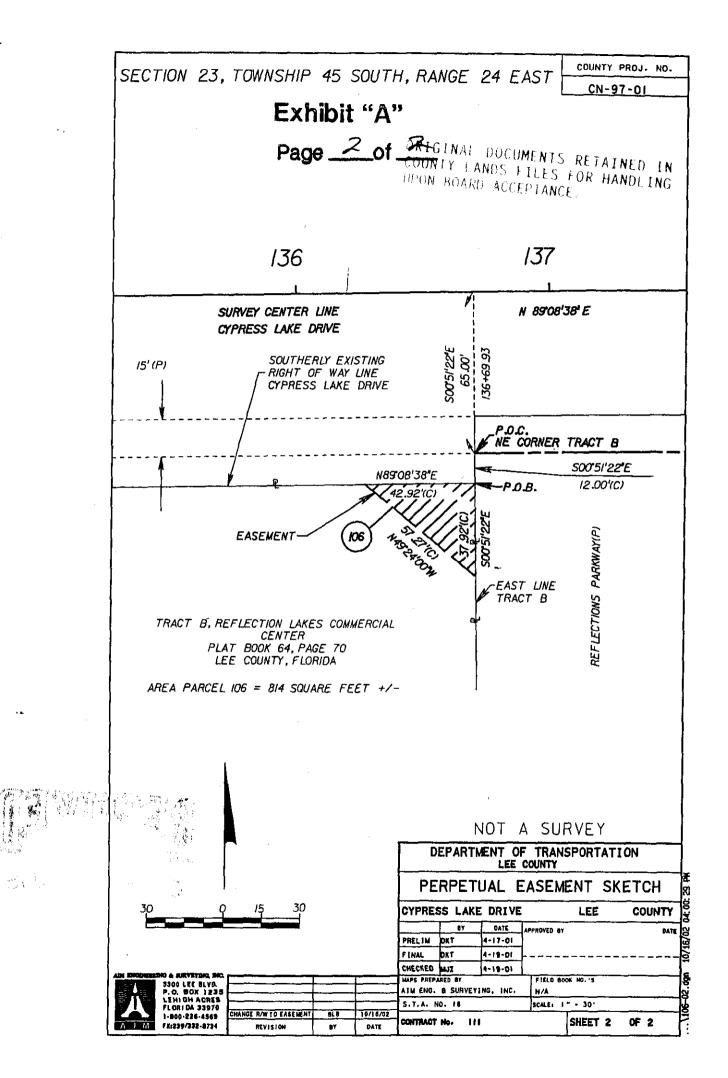
Being more particularly described as follows:

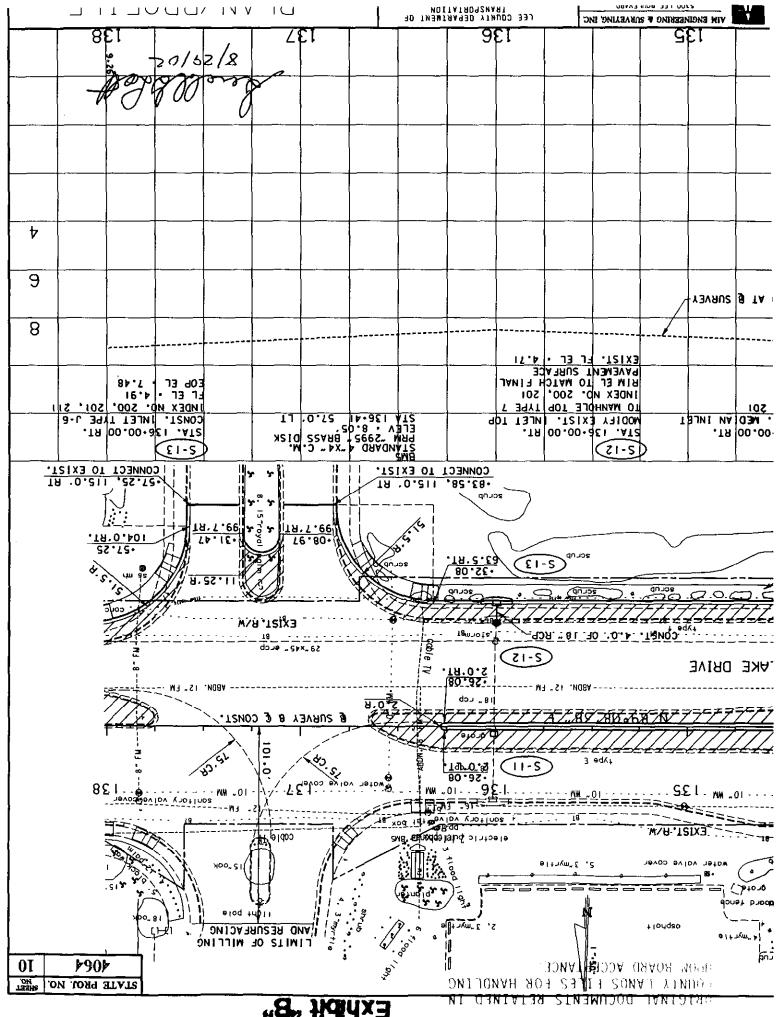
COMMENCE at the northeast corner of said Tract B; said point lying S 00'51'22" E, a distance of 65.00 feet from survey base line station i36+69.93 of Cypress Lake Drive (per Lee County Project Number CN-97-01, Contract Number III, Supplemental Task Authorization Number 18h thence along the east line of said Tract B, S 00'51'22" E, a distance of I2.00 feet to the POINT OF BEGINNING; said point lying on the southerly existing right of way line of Cypress Lake Drive (per Official Record Book 3217, Page 2802); thence along said east line, \$ 00'51'22' E, a distance of 37.92 feet; thence N 49'24'00' W a distance of 57.27 feet to said southerly existing right of way line, thence along said existing right of way line, N 89'08'38" E, a distance of 42.92 feet to the POINT OF BEGINNING.

Said lands containing 814 square feet, more or less.

### NOT A SURVEY

#### DEPARTMENT OF TRANSPORTATION LEE COUNTY PERPETUAL EASEMENT SKETCH CYPRESS LAKE DRIVE COUNTY DATE BY APPROVED BY 4-17-QL STERED SURVEYOR AND MAPPER IDA CERTIFICATE NO. 5688 NEED BUSINESS "3114 DKT FINAL DKT 4-19-01 CHECKED MAJZ 4-19-DI MAPS PREPARED BY FIELD BOOK NO. 'S S300 LEE BLYO. P.O. BOX 1235 LEMIGH ACRES AIM ENG. & SURVEYING, INC. N/A SCALE: N/A S.T.A. NO. 18 CHANGE RIW TO EASEMENT 10/16/02 BLQ CONTRACT No. 111 SHEET I OF 2 FX:239/332-8734





Prepared by:

Lee County Division of County Lands PO Box 398 Fort Myers, FL 33902-0398 ORIGINAL DOCUMENTS RETAINED IN COUNTY LANDS FILES FOR HANDLING HEON BOARD ACCEPTANCE.

#### PARTNERSHIP AFFIDAVIT AND CERTIFICATE OF AUTHORITY

STATE OF FLORIDA COUNTY OF LEE

BEFORE ME, a duly commissioned Notary Public in and for the State and County aforesaid, personally appeared **Edward D. Adkins** who, after being duly sworn as required by laws, deposes and says:

- 1. Phoenix Equities/DHDC-Reflection Lakes, L.L.P., a Florida limited liability partnership, is currently in existence under a valid partnership agreement, has not been dissolved and the partnership agreement has been in full force and effect during the entire time the partnership has held title to the real property described in Exhibit "A", attached and a part hereof.
- 2. Phoenix Equities/DHDC-Reflection Lakes, L.L.P., a Florida limited liability partnership, the Grantee in that certain deed dated May 3, 2001, recorded May 7, 2001, in Official Record Book 3408, Page 3153, as re-recorded August 2, 2001, in Official Record Book 3461, Page 806, Public Records of Lee County, Florida, is comprised of the following:
  - A. Phoenix Equities, Ltd. a Florida limited partnership
  - B. DHDC, L.L.C., a Florida limited liability company
  - 3. The names of all of the partners are as follows:
    - A. Phoenix Equities, Ltd. a Florida limited partnership
    - B. DHDC, L.L.C., a Florida limited liability company
- 3. This date, the partners have executed and delivered to Lee County, a political subdivision of the State of Florida, a Grant of Perpetual Traffic Signal Easement and a Grant of Perpetual Public Easement. The easements encumber the real property described in Exhibit "B" which is a portion of the property described in Exhibit "A". The partners are authorized to execute the said easements and other documents under the partnership agreement, and all of the partners have consented to the said easements. No partner has become dissociated from the partnership.
- 4. Neither the partnership nor any of the partners have been debtors in a bankruptcy proceeding during the existence of the partnership.
  - 5. The commercial entity general partners have not been dissolved.

IN WITNESS WHEREOF, I have	e executed this	Certificate this 4th day of
Witness:	Partner	ORIGINAL DOCUMENTS RETAINED IN COUNTY LANDS FILES FOR HANDLING OPON BOARD ACCEPTANCE.
sign: Avidal. Stritter	Phoenix Equi By Phoenix E	
Sign Conoca Cooo Oes	Edward D. Ac	lkins, President
The foregoing instrument was acknowledged	who is personal	ly known to me <del>or who produce</del> d
My commission expires:	Sign: / Am Print:	1 - 37 31
	RHONDA L. SMITH MY COMMISSION # DD 114. EXPIRES: May 5, 2006 Bonded Thru Notary Public Underwri	897

ORIGINAL DOCUMENTS RETAINED IN COUNTY LANDS FILES FOR HANDLING HOON BOARD ACCEPTANCE.

# EXHIBIT "A"

A tract or parcel of land situated in the State of Florida, County of Lee, lying in Section 23, Township 45 South, Range 24 East, and being part of Tract 'B', of REFLECTION LAKES COMMERCIAL CENTER, a subdivision, ± recorded in Plat Book 64, at pages 70 and 71, of the public records of Lee County, Florida, and being further bescribed as follows:

Tract 'B' of said REFLECTION LAKES COMMERCIAL CENTER subdivision, less the North 12.00 lest and less the following described parcel:

Commencing at the Southeast corner of Tract "C", of REFLECTION LAKES COMMERCIAL CENTER, a subdivision, recorded in Plat Book 64, at pages 70 and 71, of the public records of Lee County, Florida; thence South 89° 08'38" West, along the South fine of sald Tract "C" for 320.85 feet; thence South 00° 51'22" East, for 12.06 feet to the Point of Beginning; thence continue South 00° 51'22" East, for 339.15 feet to an intersection with a curve to the felt having a radius of 217.50 feet and to which intersection a radial line bears North 37° 19"31" East; thence Westerly along sald curve through a central angle of 38° 00'53" for a distance of 144.31 feet to a point of tangency; thence South 69° 08'38" West, for 81.50 feet to the beginning of a curve to the right having a radius of 44.50 feet; thence Northwesterly along said curve through a central angle of 90° 00'00" for a distance of 69.90 feet to a point of tangency; thence North 00° 51'22" West, for 231.01 feet to the beginning of a curve to the right having a radius of 44.50 feet; thence Northerly along said curve through a central angle of 23° 09'27" for a distance of 17.59 feet; thence Northerly along said curve through a central angle of 30° 09'27" for a distance of 17.59 feet; thence Northerly along said curve through a central angle of 30° 09'27" for a distance of 17.59 feet; thence Northerly along said curve through a central angle of 30° 09'27" for a distance of 17.59 feet; thence Northerly along said curve through a central angle of 30° 09'27" for a distance of 17.59 feet; thence Northerly along said curve through a central angle of 30° 09'27" for a distance of 17.59 feet; thence Northerly along said curve through a central angle of 30° 09'27" for a distance of 17.59 feet; thence Northerly along said curve through a central angle of 30° 09'27" for a distance of 17.59 feet; thence Northerly along said curve through a central angle of 30° 09'27" for a distance of 17.59 feet; thence Northerly along said curve through a central angle of 30° 09'27" for a distance

Page / of 2

COUNTY PROJ. NO.

CN-97-01

COUNTY PROJ. NO. CN-97-01 (S.T.A. NO. 18) CYPRESS LAKE DRIVE LEE COUNTY DESCRIPTION

ORIGINAL DOCUMENTS RETAINED IN COUNTY LANDS FILES FOR HANDLING TIPON BOARD ACCEPTANCE

PARCEL 106

PERPETUAL EASEMENT

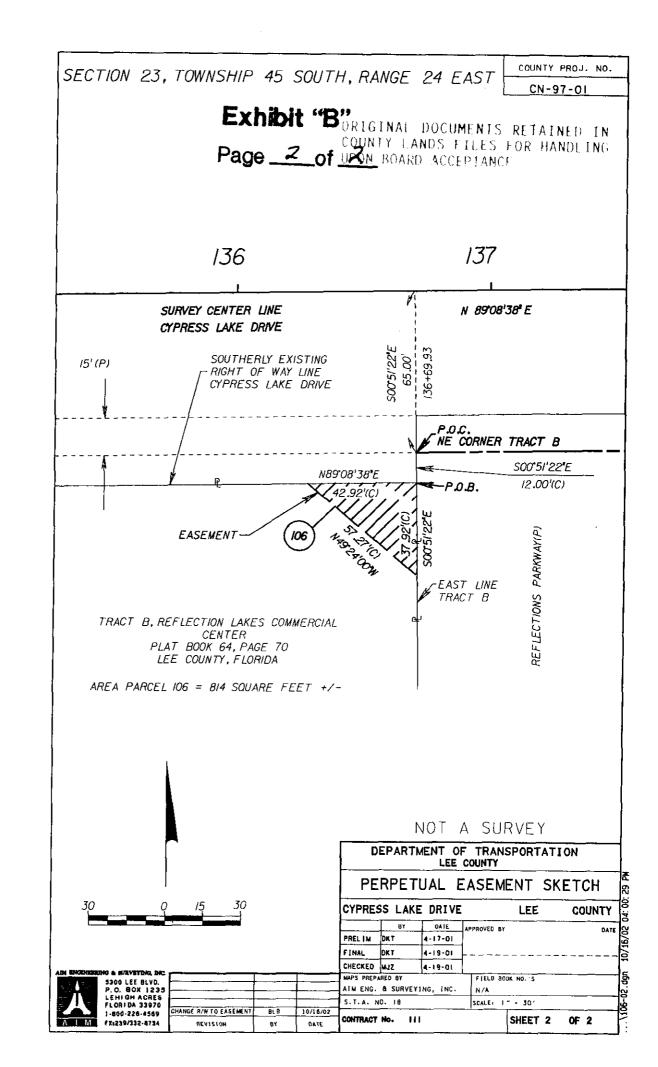
That portion of Tract B, Reflection Lakes Commercial Center, a subdivision in Section 23, Township 45 South, Range 24 East, as per plat thereof recorded in Plat Book 64, Page 70, Public Records of Lee County, Florida.

Being more particularly described as follows:

COMMENCE at the northeast corner of said Tract B; said point lying S 00'51'22" E, a distance of 65.00 feet from survey base line station I36+69.93 of Cypress Lake Drive (per Lee County Project Number CN-97-01, Contract Number III, Supplemental Task Authorization Number 18); thence along the east line of said Tract B, S 00°51'22' E, a distance of 12.00 feet to the POINT OF BEGINNING; said point lying on the southerly existing right of way line of Cypress Lake Drive (per Official Record Book 3217, Page 2802); thence along said east line, S 00°51'22" E, a distance of 37.92 feet; thence N 49'24'00"W a distance of 57.27 feet to said southerly existing right of way line; thence along said existing right of way line, N 89'08'38" E, a distance of 42.92 feet to the POINT OF BEGINNING.

Said lands containing 814 square feet, more or less.

#### NOT A SURVEY DEPARTMENT OF TRANSPORTATION LEE COUNTY NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. PERPETUAL EASEMENT SKETCH BYN NEERING & SURVEYING, INC. CYPRESS LAKE DRIVE LEE COUNTY BOB L. POTTER REGISTERED SURVEYOR AND MAPPER FLORIDA CERTIFICATE NO. 5688 LICENSED BUSINESS \*3114 ð۲ DATE APPROVED BY 4-17-01 PRELIM DAT DKT 4-19-01 FINAL CHECKED MJZ 4-19-01 MAPS PREPARED BY FLELD BOOK NO. 'S 5300 LEE BLVD. P.O. BOX 1235 LEHIGH ACRES FLORIDA 33970 AIM ENG. & SURVEYING, INC. N/A 5.T.A. NO. 18 SCALE: N/A CHANGE RIW TO EASEMENT 10/16/02 1-800-226-4569 34,8 CONTRACT No. 111 SHEET I OF 2 FX:239/332-8734 DATE



# **Division of County Lands**

## 3<sup>rd</sup> Updated Ownership and Easement Search

Search No. 21877/B Date: January 8, 2003

Parcel: 106

Project: Cypress Lake Drive Widening,

Project #4064

To:

Michael J. O'Hare, SR/WA

From:

Shelia A. Bedwell

**Property Acquisition Agent** 

Real Estate Title Examina

STRAP:

23-45-24-07-0000B.0000

Effective Date: December 16, 2002, at 5:00 p.m.

Subject Property: See attached Schedule "X"

Title to the subject property is vested in the following:

Phoenix Equities/DHDC Reflection Lakes, L.L.P., a Florida Limited Liability Partnership

by that certain instrument dated May 3, 2001, recorded May 7, 2001, in Official Record Book 3408, Page 3153, as re-recorded August 2, 2001 in Official Record Book 3461, Page 806, Public Records of Lee County, Florida.

#### Easements:

- 1. Ten foot (10 ft.) Public Utility Easement along the southerly and easterly boundary line, as shown on subdivision plat.
- 2. Exclusive and Perpetual Wastewater Force Main Easement granted to Florida Cities Water Company, as recorded in Official Record Book 2771, Page 3019, Public Records of Lee County, Florida; lengthy metes and bounds legal description for this easement was not mapped out for purposes of this report, however, the sketch attached to the easement instrument appears to indicate that the Northerly portion of the easement may affect the subject lot. [Cursory review of the metes and bounds description reveals that the easement abuts Cypress Lake Drive.]
- 3. Exclusive and perpetual wastewater force main easement granted to Florida Cities Water Company, as recorded in Official Record Book 2771, Page 3030, Public Records of Lee County, Florida; lengthy metes and bounds legal description for this easement was not mapped out for purposes of this report, however, the sketch attached to the easement instrument appears to indicate that the Northerly portion of the easement may affect the subject lot. [Cursory review of the metes and bounds description reveals that the easement abuts Cypress Lake Drive.]

# **Division of County Lands**

## 3<sup>rd</sup> Updated Ownership and Easement Search

Search No. 21877/B Date: January 8, 2003

Parcel: 106

Project: Cypress Lake Drive Widening,

Project #4064

- 4. Easement granted to Florida Power and Light Company, as recorded in Official Record Book 3121, Page 3793, Public Records of Lee County, Florida; for purposes of this report, the metes and bounds legal description was <u>not</u> mapped out, however, it appears that the easement may affect a portion of the subject parcel.
- 5. Easements for access, maintenance and use of the areas described as stormwater drainage and mitigation areas, as recited in Article IV, Section 4.1 and 4.2 of the Declaration recorded in Official Record Book 3156, Page 2364, Public Records of Lee County, Florida.
- 6. Easements set forth in Article IV, Sections 4.2 4.6 through 4.10 8.3 13.9 and 13.16 of the Master Declaration for Reflection Lakes, as recorded in Official Record Book 3156, Page 2421, Public Records of Lee County, Florida. [Note: Supplements adding property to the Master Declaration are recorded in Official Record Book 3242, Page 2153; Official Record Book 3314, Page 1048; and Official Record Book 3347, Page 3626.]
- 7. Rights and easements set forth in Article VI of the Declaration for the private roadway (service road) and the common areas, as recorded in Official Record Book 3158, Page 4399, Public Records of Lee County, Florida.
- 8. Waterline Easement recorded in Official Record Book 3626, Page 1066, Public Records of Lee County, Florida; for purposes of this report, the metes and bounds legal description was not mapped out, however, it appears that the easement may affect a portion of the subject parcel.
- NOTE (1): Hillsborough Lee Corporation, a Cayman Island Corporation, was a prior titleholder on the Quit Claim Deed recorded in Official Record Book 2888, Page 2681; the deed was executed by two "managing directors" with no corporate seal affixed; we were unable to locate any corporate status information or determine the authenticity of this company or its signatories.
- NOTE (2): The deed of record in Official Record Book 3360, Page 1532 recites an insufficient legal description; a corrective deed may be required in order to reflect the plat book and page of the named subdivision. This must be addressed and resolved by the Title Company or Attorney that handles the transfer to the County.
- NOTE (3): There is a fifteen foot (15') strip of land lying between the Southerly boundary of Cypress Lake Drive and the Northerly boundary of the subject parcel identified as "Tract C/Reserved for Future Right-of-Way" and was conveyed to Lee County by deed in Official Record Book 3217, Page 2802. This 15 foot strip abuts and lies immediately to the south of Cypress Lake Drive.

# **Division of County Lands**

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## 3rd Updated Ownership and Easement Search

Search No. 21877/B Date: January 8, 2003

Parcel: 106

Project: Cypress Lake Drive Widening,

Project #4064

NOTE (4): A check of the records of the Florida Department of State, Division of Corporations reflects no listing for Phoenix Equities/DHDC Reflection Lakes, L.L.P. This must be addressed and resolved by the Title Company or Attorney that handles the transfer to the County.

NOTE (5): Notice of Commencement recorded June 25, 2002 in Official Record Book 3674, Page 3885, Public Records of Lee County, Florida.

NOTE (6: Notice of Commencement recorded October 4, 2002 in Official Record Book 3743, Page 562, Public Records of Lee County, Florida.

NOTE (7): Notice of Commencement recorded October 4, 2002 in Official Record Book 3743, Page 563, Public Records of Lee County, Florida.

NOTE (8): Notice of Commencement recorded October 4, 2002 in Official Record Book 3743, Page 564, Public Records of Lee County, Florida.

NOTE (9): Claims of Lien in favor of ACRA Electric Inc., recorded in Official Record Book 3703, Pages 505 and 506, Public Records of Lee County, Florida. Satisfactions of Claim of Lien have been recorded in Official Record Book 3739, Pages 904 and 905, Public Records of Lee County, Florida; however, both instruments refer to the lien recorded in Official Record Book 3703, Page 505, but reflect the lien amount from Page 506. This must be addressed and resolved by the Title Company or Attorney that handles the transfer to the County.

NOTE(10): Mortgage executed by Phoenix Equities/DHDC - Reflection Lakes, L.L.P., a Florida limited liability company in favor of The Provident Bank, dated November 18, 2002, recorded November 21, 2002, in Official Record Book 3781, Page 3862, Public Records of Lee County, Florida.

NOTE(11): Assignment and Pledge of Leases, Rents and Profits between Phoenix Equities/DHDC - Reflection Lakes, L.L.P., a Florida limited liability company, and The Provident Bank, dated November 18, 2002, recorded November 21, 2002 in Official Record Book 3781, Page 3872, Public Records of Lee County, Florida.

NOTE(12): U.C.C. between Phoenix Equities/DHDC - Reflection Lakes, L.L.P. and The Provident Bank, recorded November 21, 2002 in Official Record Book 3781, Page 3877, Public Records of Lee County, Florida.

Page 4 of 4

# **Division of County Lands**

## 3<sup>rd</sup> Updated Ownership and Easement Search

Search No. 21877/B Date: January 8, 2003

Parcel: 106

Project: Cypress Lake Drive Widening,

Project #4064

NOTE(13): Partnership Affidavit and Certificate of Authority recorded in Official Record Book 3791, Page 2750, Public Records of Lee County, Florida.

**Tax Status:** 2002 Ad Valorem Taxes are PAID IN FULL. (The end user of this report is responsible for verifying tax and/or assessment information.)

The Division of County Lands has made a diligent search of the Public Record. However, this report contains no guarantees nor warranty as to its accuracy.

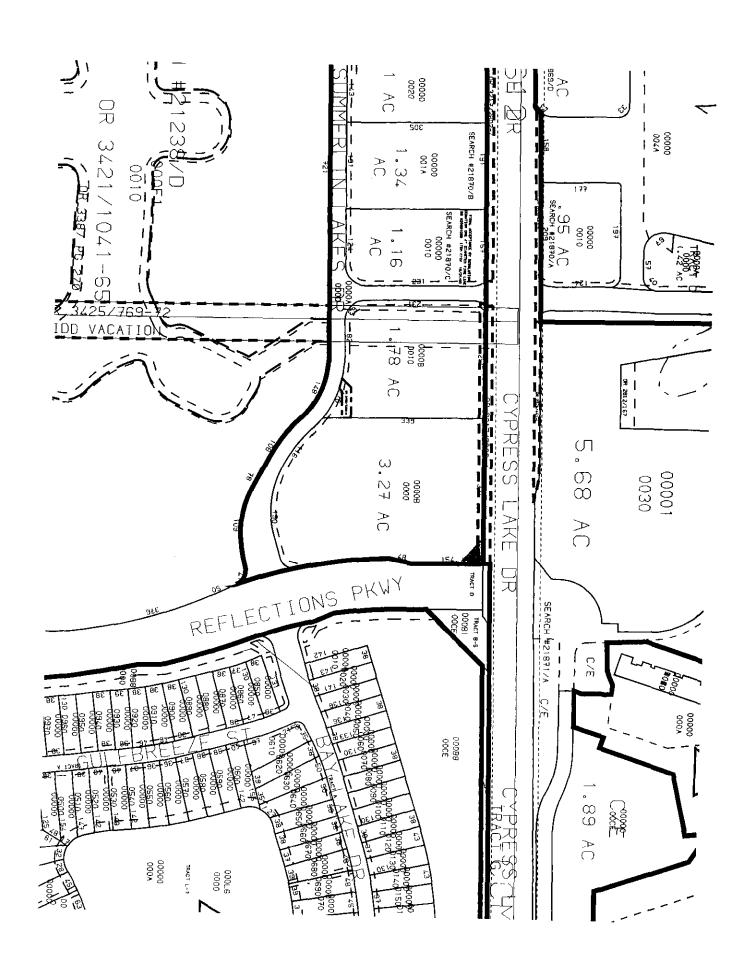
#### **SCHEDULE "X"**

That portion of Tract B, REFLECTION LAKES COMMERCIAL CENTER, a subdivision in Section 23, Township 45 South, Range 24 East, as per plat thereof recorded in Plat Book 64, Page 70, Public Records of Lee County, Florida.

Being more particularly described as follows:

Commence at the northeast corner of said Tract B, said point lying S 00°51'22" E, a distance of 65.00 feet from survey base line station 136+69.93 of Cypress Lake Drive (per Lee County Project Number CN-97-01, Contract Number 111, Supplemental Task Authorization Number 18); thence along the east line of said Tract B, S 00°51'22" E, a distance of 12.00 feet to the POINT OF BEGINNING, said point lying on the southerly existing right of way line of Cypress Lake Drive (per Official Record Book 3217, Page 2802); thence along said east line, S 00°51'22" E, a distance of 37.92 feet; thence N 49°24'00" W a distance of 57.27 feet to said southerly existing right of way line; thence along said existing right of way line, N 89°08'38" E, a distance of 42.92 feet to the POINT OF BEGINNING.

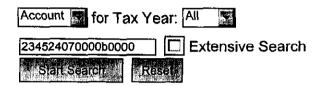
Said lands containing 814 square feet, more or less.



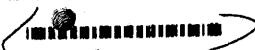
### Tax Roll Search - Real Property

Search the Lee County Tax Collector's real property records by selecting the search criteria for the tax year. Use the extensive search feature to view a broader range of data.

The results to your tax search are based upon information provided to the Lee County Tax Collector by the Lee County Property Appraiser. This website should not be relied upon for a title search. Amounts due are subject to change without notice due to statutory compliance (i.e. tax deed application, county held tax certificates, errors & insolvencies (E&I), bankruptcy, litigation, etc.)



Account	Tax Year	Owner Name and Address	Status
23-45-24-07-0000B.0000	2002	PHOENIX EQUITIES/DHDC + 13550 REFLECTIONS PKWY	PAID
23-45-24-07-0000B.0000	2001	PHOENIX EQUITIES/DHDC + 13550 REFLECTIONS PKWY	PAID
23-45-24-07-0000B.0000	2000	PHOENIX EQUITIES/DHDC + 7880 SUMMERLIN LAKES DR	PAID



# INSTR # 5201204 OR BK 03461 PG 0806

RELINGED OB/O2/01 03:36 PM
CHARLIE BREEN CLERK OF COURT
LEE CLANTY
RECORDING FEE 10.50
DEATHY CLERK & Carturisht

This Instrument Prepared By: Gordon R. Duncan, Esquire Post Office Box 249 Fort Myers, Florida 33902

# 

# INSTR # 5128291 OR BK 03408 PG 3153

RECORDED 05/07/01 04:19 PM
CHARLIE BREEN CLERK OF COURT
LEE COUNTY
RECORDING FEE 10.50
DOC TAX PD (F.S. 201.02) 9,105.60
DEPUTY CLERK K Carturight

#### QUIT CLAIM DEED

THIS INDENTURE, made this 32 day of MAV 2001, between PROENIX EQUITIES, LID, a Florida limited partnership, 15051 S. Tamiami Trail, Ste. 203, Fort Myers, Florida 33908, party of the first part, and PROENIX EQUITIES DOWN NOT Reflection Lakes, L.L.P., a Florida limited liability partnership, 15051 S. Tamiami Trail, Ste. 203, Fort Myers, Florida 33908, party of the second part.

WITHESETH, that the said party of the first part in consideration of the sum of TEN COLLARS and other good and valuable considerations, in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has remised, released and quitclaimed, and by these presents does remise, release and quitclaim unto the said party of the second part all the right, title, interest claim and demand which the said party of the first part has in and to the following described lot, piece or parcel of land, situate lying and being in the County of Lee, State of Florida, to wit:

#### GRE EXHIBIT "A" ATTACHED

TO HAVE AND TO MOLD the same, together with all and singular the appurtenances thereunto belonging or in anywise appartaining, and all the estate, right, title, interest and claim whatsoever of the said party of the first part, either in law or equity, to the only proper use, benefit and behoof of said party of the second part.

IN WITHESS WHEREOF, the said party of the first part has set his hand and seal the day and year first above written.

PHCENIX EQUITIES, LTD A Florida Limited Partnership By: Phoenix Equities, Inc., A Florida Corporation Its General Partner

BY: EDWARD D. ADKINS, President

STATE OF FLORIDA COUNTY OF LEE

The foregoing instrument was acknowledged before me this 300 day of 2001, by EDWARD D. WKINS, who is personally known to me (OR) who produced drivers license as idestrification and who did take an Oath.

erist new

My Commission Expires:

Notary Public



### Exhibit "A"

A tract or parcel of land situated in the State of Florida, County of Lee, lying in Section 23, Township 45 South, Range 24 East, and being part of Tract "B", of REFLECTION LAKES COMMERCIAL CENTER, a subdivision, recorded in Plat Book 64, at pages 70 and 71, of the public records of Lee County, Florida, and being further described as follows:

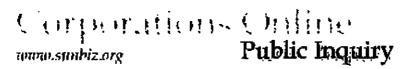
Tract "B" of said REFLECTION LAKES COMMERCIAL CENTER subdivision, less the North 12.00 lest and less the following described parcel:

Commencing at the Southeast corner of Tract "C", of REFLECTION LAKES COMMERCIAL CENTER, a subdivision, recorded in Plat Book 64, at pages 70 and 71, of the public records of Lee County, Florida; thence South 89° 08'38" West; along the South line of said Tract "C" for 320.85 feet; thence South 00° 51'22" East, for 12 00 feet to the Point of Beginning; thence continue South 00° 51'22" East, for 339.15 feet to an intersection with a move to the teft having a radius of 217.50 feet and to which intersection a radial line bears North 37° 09'31" East; thence Westerly along said curve through a central angle of 38° 00'53" for a distance of 144.31 feet to a point of tangency; thence South 89° 08'38" West, for 81.50 feet to the beginning of a curve to the right having a radius of 44.50 feet; thence North 00° 51'22" West, for 231.01 feet to the beginning of a curve to the right having a radius of 44.50 feet; thence North 00° 51'22" West, for 231.01 feet to the beginning of a curve to the right having a radius of 44.50 feet; thence Northerly along said curve through a central angle of 23° 09'27" for a distance of †7.99 feet; thence North 89° 08'38" East, for 256.37 feet to the Point of Beginning.

\* THIS DEED IS RE-RECORDED TO ESTABLISH THE PROPER SEQUENCE and ESTABLISH THAT THIS CONVEYANCE IS SUBJECT TO THE MORTGAGE RECORDED AT O.R. BOOK 3360, PAGE 1535, and THE FUTURE ADVANCE THEREUNDER EVIDENCED BY THE RECEIPT FOR FUTURE ADVANCE DATED APRIL 26, 2001, and RECORDED IN O.R. BOOK 3410, PAGE 1747, Public Records of Lee County, Florida, WHICH WAS EXECUTED PRIOR TO THE DATE OF EXECUTION OF THIS DEED.

OR BK 03461 PG 0807

## Florida Department of State, Division of Corporations



#### Florida Limited Partnership

#### PHOENIX EQUITIES, LTD.

PRINCIPAL ADDRESS 15051 SOUTH TAMIAMI TRAIL, #203 FORT MYERS FL 33908

#### MAILING ADDRESS 15051 SOUTH TAMIAMI TRAIL, #203 FORT MYERS FL 33908

A00000000246

FEI Number 650980107 Date Filed 02/07/2000

State FL Status ACTIVE Effective Date NONE

Actual Contribution 1,800,000.00

#### Registered Agent

#### Name & Address

COSTELLO, TRUMAN J 12670 NEW BRITTANY BLVD., STE. 101 FORT MYERS FL 33907

#### General Partner Detail

Name & Address	Document Number
PHOENIX EQUITIES, INC. 15051 SOUTH TAMIAMI TRAIL, #203	P00000008168
FORT MYERS FL 33908	<u></u>

#### **Annual Reports**

Report Year	Filed Date	Intangible Tax
2001	09/11/2001	
2002	04/15/2002	

Previous Films

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Next Filing

No Events
No Name History Information

# Document Images Listed below are the images available for this filing.

04/15/2002 -- COR - ANN REP/UNIFORM BUS REP

09/11/2001 -- ANN REP/UNIFORM BUS REP

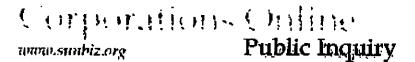
02/07/2000 -- Domestic LP

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# Florida Department of State, Division of Corporations



Florida Profit

PHOENIX EQUITIES, INC.

PRINCIPAL ADDRESS 15051 SOUTH TAMIAMI TRAIL SUITE 203 FORT MYERS FL 33908

MAILING ADDRESS C/O TRUMAN J. COSTELLO P.O. DRAWER 60205 FORT MYERS FL 33906

Document Number P00000008168 FEI Number 651012181 Date Filed 01/25/2000

State FL

Status ACTIVE Effective Date NONE

Registered Agent

Name & Address

COSTELLO, TRUMAN J 12670 NEW BRITTANY BLVD. SUITE 101 FORT MYERS FL 33907

Officer/Director Detail

Name & Address	Title
ADKINS, EDWARD D 15051 SOUTH TAMIAMI TRAIL SUITE 203	DPS
 FORT MYERS FL 33908	

Annual Reports

Filed Date	Intangible Tax
04/25/2001	
04/22/2002	
	04/25/2001

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No Events
No Name History Information

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04/22/2002 -- COR - ANN REP/UNIFORM BUS REP

<u> 04/25/2001 -- ANN REP/UNIFORM BUS REP</u>

01/25/2000 -- Domestic Profit

THIS IS NOT OFFICIAL RECORD; SEE DOCUMENTS IF QUESTION OR CONFLICT

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## Florida Department of State, Division of Corporations

www.sunbiz.org Public Inquiry

Florida Limited Liability

DHDC, L.L.C.

PRINCIPAL ADDRESS 11760 S.W. 72 AVE. PINECREST FL 33156

MAILING ADDRESS 11760 S.W. 72 AVE. PINECREST FL 33156

Document Number L01000007227 FEI Number 651104586

Date Filed 05/08/2001

State FL

Status ACTIVE Effective Date NONE

Total Contribution 0.00

Registered Agent

Name & Address

SLOTO, JAMES R 200 S. BISCAYNE BLVD., STE. 2350 MIAMI FL 33131

Manager/Member Detail

Name & Address	Title
HILL, DWIGHT 12901 S.W. 69 AVE	MGR
MIAMI FL 33156  CORASH, DAVID	
11760 S.W. 72 AVE.	MGR
PINECREST FL 33156	

**Annual Reports** 

Report Year	Filed Date	Intangible Tax
2002	04/02/2002	

Previous Filling for

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No Events

### No Name History Information

# Document Images Listed below are the images available for this filing.

04/02/2002 -- COR - ANN REP/UNIFORM BUS REP 05/08/2001 -- Florida Limited Liabilites

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