

LEE COUNTY BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY

BLUE SHEET NO: 20030809-UTL

**1. REQUESTED MOTION:**

**ACTION REQUESTED:**

Approve final acceptance, by Resolution and recording of one (1) utility easement, as a donation for a water distribution system and gravity collection system serving **GLADIOLUS PRESERVE**. This is a developer-contributed asset project located on the south side of Gladiolus Drive west of Bass Road.

**WHY ACTION IS NECESSARY:** To provide potable water service, fire protection and sanitary sewer service to the recently constructed residential subdivision.

**WHAT ACTION ACCOMPLISHES:** Complies with the Lee County Utilities Operations Manual and places the water system and gravity collection system into operation.

**2. DEPARTMENTAL CATEGORY:** 10 - UTILITIES  
**COMMISSION DISTRICT #:** 3

C10D

**3. MEETING DATE:**

08-05-2003

**4. AGENDA:**

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- TIME REQUIRED: \_\_\_\_\_

**5. REQUIREMENT/PURPOSE:**

- (Specify)
- STATUTE \_\_\_\_\_
  - ORDINANCE \_\_\_\_\_
  - ADMIN. CODE \_\_\_\_\_
  - OTHER Res., Easement \_\_\_\_\_

**6. REQUESTOR OF INFORMATION:**

- A. COMMISSIONER: \_\_\_\_\_
- B. DEPARTMENT: Lee County-Public Works
- C. DIVISION/SECTION: Utilities Division
- BY: Rick Diaz, P.E., Utilities Director
- DATE: 7/10/03

**7. BACKGROUND:**

The Board granted permission to construct on 08/06/02; Blue Sheet No. 20020826.  
The installation has been inspected for conformance to the Lee County Utilities Operations Manual.  
Satisfactory pressure and bacteriological testing of the water main has been performed.  
Satisfactory closed circuit television inspection of the gravity main has been performed.  
Satisfactory lift station startup has been performed.  
Record drawings have been received.  
Engineer's Certification of Completion has been received---copy attached.  
Project Location Map---copy attached.  
The Warranty has been provided---copy attached.  
The 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 number OD5360748700.504930.

SECTION 33      TOWNSHIP 45S      RANGE 24E      DISTRICT 3      COMMISSIONER JUDAH

**8. MANAGEMENT RECOMMENDATIONS:**

**9. RECOMMENDED APPROVAL**

(A) DEPARTMENT DIRECTOR	(B) PURCH. OR CONTRACTS	(C) HUMAN RESOURCES	(D) OTHER	(E) COUNTY ATTORNEY	(F) BUDGET SERVICES				(G) COUNTY MANAGER
					OA	OM	Risk	GC	
<i>J. Lavender</i> Date: 7-11-03	N/A Date:	N/A Date:	T.O. T. Osterhout Date: 7-10	<i>S. P. ...</i> Date: 7/14/03	<i>P.M.</i> 7/14/03	<i>AS</i> 7/14/03	<i>or</i> 7/14/03	<i>PM</i> 7/14/03	<i>J. Lavender</i> Date: 7-11-03

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty  
Date: 7/14/03  
Time: 3:30 pm  
Forwarded to:  
City Admin. 7-14-03

RECEIVED BY  
COUNTY ADMIN: *PM*  
7-14-03  
10:00  
COUNTY ADMIN  
FORWARDED TO:  
7/15/03

RESOLUTION NO. \_\_\_\_\_

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

WHEREAS, it is the desire of SW Florida Land One, LLC, owner of record, to make a contribution to Lee County Utilities of water facilities (water distribution system), and sewer facilities (gravity collection system) serving "**GLADIOLUS PRESERVE**"; 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 **\$724,627.26** is hereby ACCEPTED and acknowledged as an addition to Lee County Utilities.

THE FOREGOING RESOLUTION was offered by Commissioner \_\_\_\_\_ who moved for its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and, upon being put to a vote, the vote was as follows:

- Commissioner Bob Janes : \_\_\_\_\_ (1)
- Commissioner Douglas St. Cerny: \_\_\_\_\_ (2)
- Commissioner Ray Judah (C): \_\_\_\_\_ (3)
- Commissioner Andrew Coy: \_\_\_\_\_ (4)
- Commissioner John Albion (V-C): \_\_\_\_\_ (5)

DULY PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

ATTEST:  
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

By: \_\_\_\_\_  
DEPUTY CLERK

By: \_\_\_\_\_  
CHAIRMAN

APPROVED AS TO FORM

\_\_\_\_\_  
OFFICE OF COUNTY ATTORNEY

COPY

11.4

LETTER OF COMPLETION

DATE: 1/8/03

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/or sewage collection system(s) located in \_\_\_\_\_

GLADIOLUS PRESERVE  
\_\_\_\_\_  
(Name of Development)

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

the approved plans  the revised plans, attached

and:

the approved specifications  the revised specifications, attached

Upon completion of the work, we observed the following successful tests of the facilities:  
PRESSURE TESTS OF WATER AND FOREMANS, SEWER SYSTEM

Very truly yours,

BARRARD AND ASSOCIATES, INC.  
(Owner or Name of Corporation)

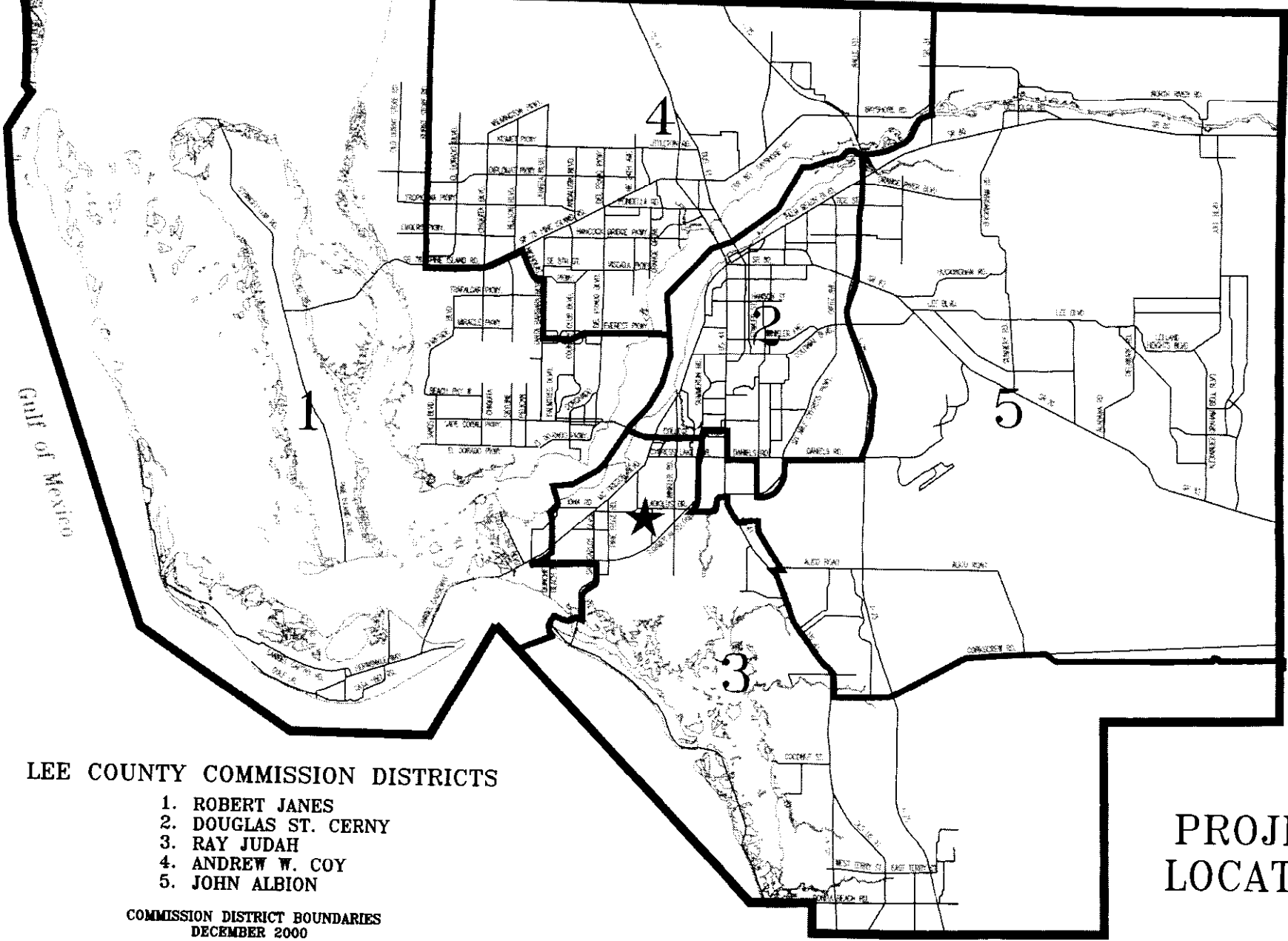
[Signature]  
(Signature) 1/8/03

DESIGN ENGINEER  
(Title)

SEAL OF ENGINEERING FIRM

FL CERTIFICATE OF AUTHORIZATION # 7995  
FL REGISTRATION # 57566

GLADIOLUS PRESERVE RESIDENTIAL DEVELOPMENT  
 33-45-24-00-00006.0000 & .0040 9681 GLADIOLUS DR  
 COMMISSION DISTRICT #3 - JUDAH



**LEE COUNTY COMMISSION DISTRICTS**

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

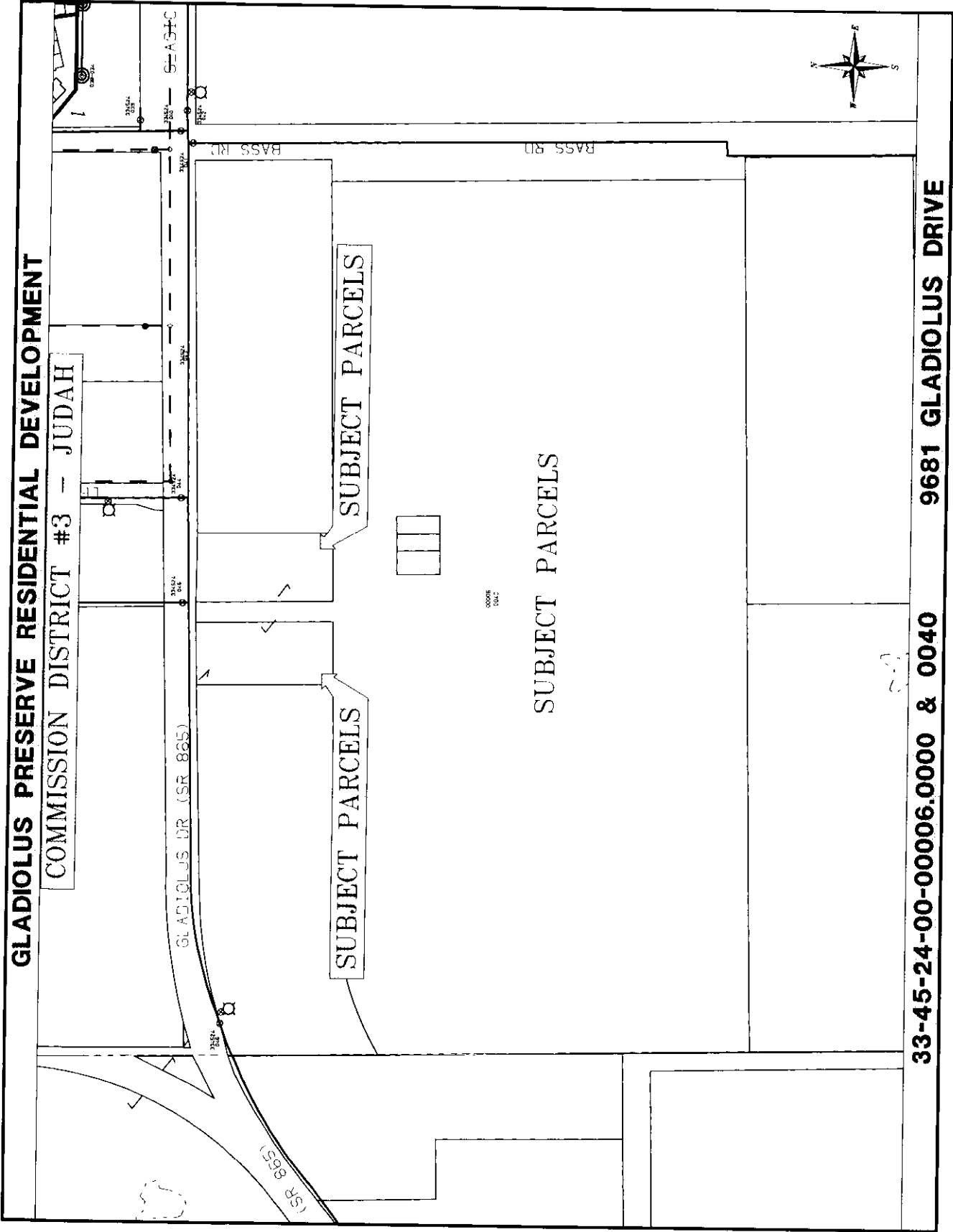
COMMISSION DISTRICT BOUNDARIES  
 DECEMBER 2000

**PROJECT  
 LOCATION**

COPY

**GLADIOLUS PRESERVE RESIDENTIAL DEVELOPMENT**

**COMMISSION DISTRICT #3 - JUDAH**



**33-45-24-00-00006.0000 & 0040**      **9681 GLADIOLUS DRIVE**





CERTIFICATION OF CONTRIBUTORY ASSETS

PROJECT NAME: GLADIOLUS PRESERVE PHASE I & II

LOCATION: PART OF SECTION 33, TOWNSHIP 45 SOUTH, RANGE 24 EAST

LEE COUNTY, FLORIDA STRAP# 33-45-00-00006.0000

(Including STRAP)

NAME AND ADDRESS OF OWNER: GLADIOLUS PRESERVE, LLC

8660 COLLEGE PARKWAY, SUITE 160, FORT MYERS, FLORIDA 33919

(as shown on Deed)

TYPE UTILITY SYSTEM: POTABLE WATER

(list water, sewer and effluent reuse separately)

DESCRIPTION AND COST OF MATERIAL, LABOR, AND SERVICES

Please list each element of the system, e.g., pipe, manholes, lift stations, meters, valves, fittings, etc.

ITEM	SIZE	QUANTITY	UNIT	COST	TOTAL
DR-18	10"	407.5	LF	\$24.01	\$9,784.08
DIP	10"	96	LF	\$27.50	\$2,640.00
DIP	16"	128	LF	\$59.81	\$7,655.68
STEEL CASING	16"	48	LF	\$170.00	\$8,160.00
DR-18	8"	8,462	LF	\$13.50	\$114,237.00
GATE VALVE	8"	14	EA	\$800.00	\$11,200.00
DIP	8"	376	LF	\$15.50	\$5,828.00
TEMP. BLOWOFF	10"	2	EA	\$1,900.00	\$3,800.00
GATE VALVE	10"	3	EA	\$1200.00	\$3,600.00
HYDRANT ASSEMBLY		13	EA	\$2,200.00	\$28,600.00

TOTAL AMOUNT

(If more space is required, use additional page(s). Number each page and include the name of the project).





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 Lec County and corresponds with the record drawings.

CERTIFYING:

Brenda Merchant

(Name & Title of Certifying Agent)

OF: HALEAKALA CONSTRUCTION, INC

(Firm or Corporation)

ADDRESS: 5758 TAYLOR ROAD

NAPLES, FL 34109-1829

STATE OF FLORIDA )

) SS:

COUNTY OF COLLIER )

The foregoing instrument was signed and acknowledged before me this 1st day of July, 2003 by BRENDA K. MERCHANT who has produced PERSONALLY KNOWN

(Print or Type Name)

(Type Of Identification and Number)

as identification, and who ~~(did)~~ (did not) take an oath.

Linda Mahon  
Notary Public Signature

LINDA MAHON  
Printed Name of Notary Public

DD177119  
Notary Commission Number



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

(NOTARY SEAL)

**CERTIFICATION OF CONTRIBUTORY ASSETS**

PROJECT NAME: GLADIOLUS PRESERVE PHASE I & II

LOCATION: PART OF SECTION 33, TOWNSHIP 45 SOUTH, RANGE 24 EAST

LEE COUNTY, FLORIDA STRAP# 33-45-00-00006.0000

(Including STRAP)

NAME AND ADDRESS OF OWNER: GLADIOLUS PRESERVE, LLC

8660 COLLEGE PARKWAY, SUITE 160, FORT MYERS, FLORIDA 33919

(as shown on Deed)

TYPE UTILITY SYSTEM: SANITARY SEWER

(list water, sewer and effluent reuse separately)

**DESCRIPTION AND COST OF MATERIAL, LABOR, AND SERVICES**

Please list each element of the system, c.g., pipe, manholes, lift stations, meters, valves, fittings, etc.

ITEM	SIZE	QUANTITY	UNIT	COST	TOTAL
C-900	10"	972	LF	\$23.50	\$22,842.00
SDR-26	10"	6636	LF	\$23.50	\$155,946.00
SDR-26	8"	372	LF	\$15.00	\$5,580.00
MAN HOLE	4'	31	EA	\$2,700.00	\$83,700.00
SINGLE SERVICE	6"	26	EA	\$500.00	\$13,000.00
DOUBLE SERVICE	6"	107	EA	\$ 525.00	\$56,175.00

\$337,243.00

TOTAL AMOUNT

(If more space is required, use additional page(s). Number each page and include the name of the project).

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: *Brenda Merchant*  
(Name & Title of Certifying Agent)

OF: HALEAKALA CONSTRUCTION, INC  
(Firm or Corporation)

ADDRESS: 5758 TAYLOR ROAD  
NAPLES, FL 34109-1829

STATE OF FLORIDA )  
 ) SS:  
COUNTY OF COLLIER )

The foregoing instrument was signed and acknowledged before me this 1st day of July,  
2003 by BRENDA K. MERCHANT who has produced PERSONALLY KNOWN

(Print or Type Name)  
as identification, and who ~~(did)~~ (did not) take an oath.

(Type Of Identification and Number)

*Linda Mahon*  
Notary Public Signature

LINDA MAHON  
Printed Name of Notary Public

DD177119  
Notary Commission Number



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

(NOTARY SEAL)



11.5

**CERTIFICATION OF CONTRIBUTORY ASSETS**

PROJECT NAME: GLADIOLUS PRESERVE PHASE I & II

LOCATION: PART OF SECTION 33, TOWNSHIP 45 SOUTH, RANGE 24 EAST

LEE COUNTY, FLORIDA STRAP# 33-45-00-00006.0000  
(Including STRAP)

NAME AND ADDRESS OF OWNER: GLADIOLUS PRESERVE, LLC

8660 COLLEGE PARKWAY, SUITE 160, FORT MYERS, FLORIDA 33919  
(as shown on Deed)

TYPE UTILITY SYSTEM: FORCE MAIN  
(list water, sewer and effluent reuse separately)

**DESCRIPTION AND COST OF MATERIAL, LABOR, AND SERVICES**

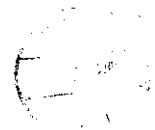
Please list each element of the system, c.g., pipe, manholes, lift stations, meters, valves, fittings, etc.

ITEM	SIZE	QUANTITY	UNIT	COST	TOTAL
SEWER FORCE MAIN	10"	283	LF	\$19.25	\$5,447.75
SDR-11 HDPE	4"	95	LF	\$14.25	\$1,353.75
DR-18	4"	324	LF	\$21.25	\$6,885.00
DR-14	4"	50	LF	\$10.00	\$500.00
PLUG VALVE	10"	1	EA	2,175.00	\$2,175.00
PLUG VALVE	4"	1	EA	\$700.00	\$700.00
SDR-11 CASING	12"	82	LF	\$150.00	\$12,300.00
LIFT STATION		1	LS	\$90,000.00	\$90,000.00

\$119,361.50

TOTAL AMOUNT

(If more space is required, use additional page(s). Number each page and include the name of the project).



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 *Brenda Merchant*  
(Name & Title of Certifying Agent)

OF: HALEAKALA CONSTRUCTION, INC  
(Firm or Corporation)

ADDRESS: 5758 TAYLOR ROAD  
NAPLES, FL 34109-1829

STATE OF FLORIDA )  
 ) SS:  
COUNTY OF COLLIER )

The foregoing instrument was signed and acknowledged before me this 1st day of July, 2003 by BRENDA K. MERCHANT who has produced PERSONALLY KNOWN

(Print or Type Name)  
as identification, and who ~~(did)~~ (did not) take an oath.

(Type Of Identification and Number)

*Linda Mahon*  
Notary Public Signature

LINDA MAHON  
Printed Name of Notary Public

DD177119  
Notary Commission Number



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

(NOTARY SEAL)



BS 20030809-UTL

TO: LEE COUNTY FINANCE DEPARTMENT

FROM: UTILITIES ENGINEERING  
(Department)  
SUE GULLEDGE

A. AUTHORIZATION:

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

Purchase Order # N/A for GLADIOLUS PRESERVE project.  
ACCOUNT NO. OD5360748700.504930

(SW FLORIDA LAND ONE LLC EASEMENT)

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

*Sue Gullledge*  
SUE GULLEDGE Signature Authorization

B. SERVICE RECEIVED:

RECORDING \_\_\_\_\_

O. R. COPIES \_\_\_\_\_

PLAT COPIES \_\_\_\_\_

CASE #/INDEX FEE \_\_\_\_\_

DESCRIPTION OF SERVICE \_\_\_\_\_

AMOUNT OF FEE INCURRED \$ \_\_\_\_\_

(date)

(DEPUTY CLERK)

(CUSTOMER) (DEPT.)

**THIS FORM GOES TO CASHIER WITH REGULAR RECEIPT ATTACHED**

C. INVOICE INFORMATION: (FOR CLERK'S DEPARTMENT ONLY)

REC'D \_\_\_\_\_

ENTERED \_\_\_\_\_

CUST. # \_\_\_\_\_

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



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

PHOTOCOPIES OF  
 THIS FORM NOT  
 ACCEPTABLE

DR-219  
 R 07/98

(PLEASE READ INSTRUCTIONS ON THE BACK OF THIS FORM BEFORE COMPLETING)

Use black ink. 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    0 1 2 3 4 5 6 7 8 9  
 33452400000060000

2. Mark (x) all  
 that apply

Multi-parcel transaction? →     Transaction is a split or cutout from another parcel? →     Property was improved with building(s) at time of sale/transfer? →

3. Grantor (Seller):

Last First MI Corporate Name (if applicable)  
 8660 COLLEGE PARKWAY #160, FT. MYERS FL 33919

4. Grantee (Buyer):

Mailing Address City State Zip Code Phone No.  
 LEE COUNTY BOARD OF COUNTY COMMISSIONERS

Last First MI Corporate Name (if applicable)  
 P. O. BOX 398, FT. MYERS, FL 33902 (239) 479-8181

Mailing Address City State Zip Code Phone No.

5. Date of Sale/Transfer

Month Day Year Sale/Transfer Price \$ . 00 Property Located In 4 6 County Code (County Codes on Reverse)

6. Type of Document

Contract/Agreement for Deed  Other  Warranty Deed  Quit Claim Deed **EASEMENT DONATION**

7. Are any mortgages on the property? If "Yes", outstanding mortgage balance:

(Round to the nearest dollar.) \$ . 00

8. To the best of your knowledge, were there unusual circumstances or conditions to the sale/transfer such as: Forced sale by court order? Foreclosure pending? Distress Sale? Title defects? Corrective Deed? Mineral rights? Sale of a partial or undivided interest? Related to seller by blood or marriage.

YES  /  NO

9. Was the sale/transfer financed? YES  /  NO If "Yes", please indicate type or types of financing:

Conventional  Seller Provided  Agreement or Contract for Deed  Other

10. Property Type: Mark (x) all that apply

Residential  Commercial  Industrial  Agricultural  Institutional/Miscellaneous  Government  Vacant  Acreage  Timeshare

11. To the best of your knowledge, was personal property included in the sale/transfer? If "Yes", please state the amount attributable to the personal property. (Round to nearest dollar.)

YES  /  NO \$ . 00

12. Amount of Documentary Stamp Tax

\$ . 00

13. If no tax is due in number 12, is deed exempt from Documentary Stamp Tax under s. 201.02(6), Florida Statutes?

YES  /  NO

Under penalties of perjury, I declare that I have read the foregoing return and that the facts stated in it are true. If prepared by someone other than the taxpayer, his/her declaration is based on all information of which he/her has any knowledge.

Signature of Grantor or Grantee or Agent S. I. VEKBY FOR RICK DIAZ, UTILITIES Date 7/10/03

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
O. R. Book <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> and Page Number <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> and File Number <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Date Recorded <input type="checkbox"/> <input type="checkbox"/> / <input type="checkbox"/> <input type="checkbox"/> / <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <small>Month Day Year</small>	



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

**PERPETUAL PUBLIC UTILITY EASEMENT GRANT**

THIS INDENTURE is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2003, by and between Lee County Land Care, LLC, Owner, hereinafter referred to as GRANTOR(S), and LEE COUNTY, hereinafter referred to as GRANTEE.

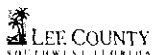
**WITNESSETH:**

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.

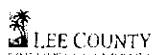
6. GRANTOR(S), its heirs, successors or assigns, shall assume all liability for any consequential damages to any houses, fences, buildings, carports, garages, storage sheds, overhangs, or any other structures or portions of structures subsequently constructed by GRANTOR(S) in violation of paragraph 3 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.

5 cc Florida Land One, LLC

X Kathy Morgan  
(Signature of 1<sup>st</sup> Witness)

X James E. Anderson  
(Grantor's/Owner's Signature)

KATHY MORGAN  
(Name of 1<sup>st</sup> Witness)

James E. Anderson  
(Grantor's/Owner's Name)

X Gail Ebert Lynn  
(Signature of 2<sup>nd</sup> Witness)

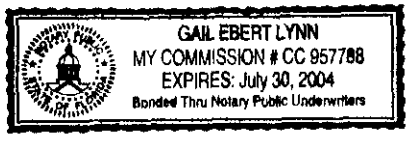
Manager  
Title

GAIL EBERT LYNN  
(Name of 2<sup>nd</sup> Witness)

STATE OF FLORIDA )  
 ) SS:  
COUNTY OF LEE )

The foregoing instrument was signed and acknowledged before me this 21<sup>st</sup> day of May 2002, by James E. Anderson, Manager of 5 cc Florida Land One, LLC who produced the following as identification ONE LLC or is personally known to me, and who did/did not take an oath.

Gail Ebert Lynn  
Notary Public Signature



GAIL EBERT LYNN  
Printed Name of Notary Public

(Notary Seal & Commission Number)

**DESCRIPTION**  
**Parcel 1**

Parcel in  
Section 33, Township 45 South, Range 24 East  
Lee County, Florida

A tract or parcel of land lying in Section 33, Township 45 South, Range 24 East, Lee County, Florida. Said tract or parcel being more particularly described as follows:


From the northeast corner of Tract "E" of the record plat of GLADIOLUS PRESERVE as recorded in Plat Book 73, Page 58, Lee County Records, run S01°04'33"E along the east line of said Tract "E" and the west right-of-way line of Preserve Boulevard for 190.31 feet; thence run S88°55'27"W perpendicular to said east line for 4.50 feet to an intersection with the west line of a Lee County Utility Easement said point being the POINT OF BEGINNING.

From said POINT OF BEGINNING run S01°04'33"E along said west line for 20.00 feet; thence run S88°55'27"W perpendicular to the east line of said Tract "E" for 35.00 feet; thence run N01°04'33"W along a line 35 feet west of and parallel with said east line for 20.00 feet; thence run N88°55'27"E perpendicular to said east line for 35.00 feet to the POINT OF BEGINNING.

Containing 700 square feet, more or less.

Bearings herein above mentioned are based on the record plat of said GLADIOLUS PRESERVE and the centerline of Preserve Boulevard to bear N01°04'33"W.

21585s28-1desc.doc

  
Scott A. Wheeler (For The Firm)  
Professional Surveyor and Mapper  
Florida Certificate No. 5949

**DESCRIPTION**

**Parcel 2**

Parcel in  
Section 33, Township 45 South, Range 24 East  
Lee County, Florida

A tract or parcel of land lying in Section 33, Township 45 South, Range 24 East, Lee County, Florida. Said tract or parcel being more particularly described as follows:


From the northwest corner of Tract "F" of the record plat of GLADIOLUS PRESERVE as recorded in Plat Book 73, Page 58, Lee County Records, run S01°04'33"E along the west line of said Tract "F" and the east right-of-way line of Preserve Boulevard for 190.31 feet to the POINT OF BEGINNING.

From said POINT OF BEGINNING run N88°55'27"E perpendicular to the west line of said Tract "F" for 40.00 feet; thence run S01°04'33"E along a line 40 feet east of and parallel with said west line for 20.00 feet; thence run S88°55'27"W perpendicular to said west line for 40.00 feet to an intersection with said east right-of-way line; thence run N01°04'33"W along said Right-of-way line for 20.00 feet to the POINT OF BEGINNING.

Containing 800 square feet, more or less.

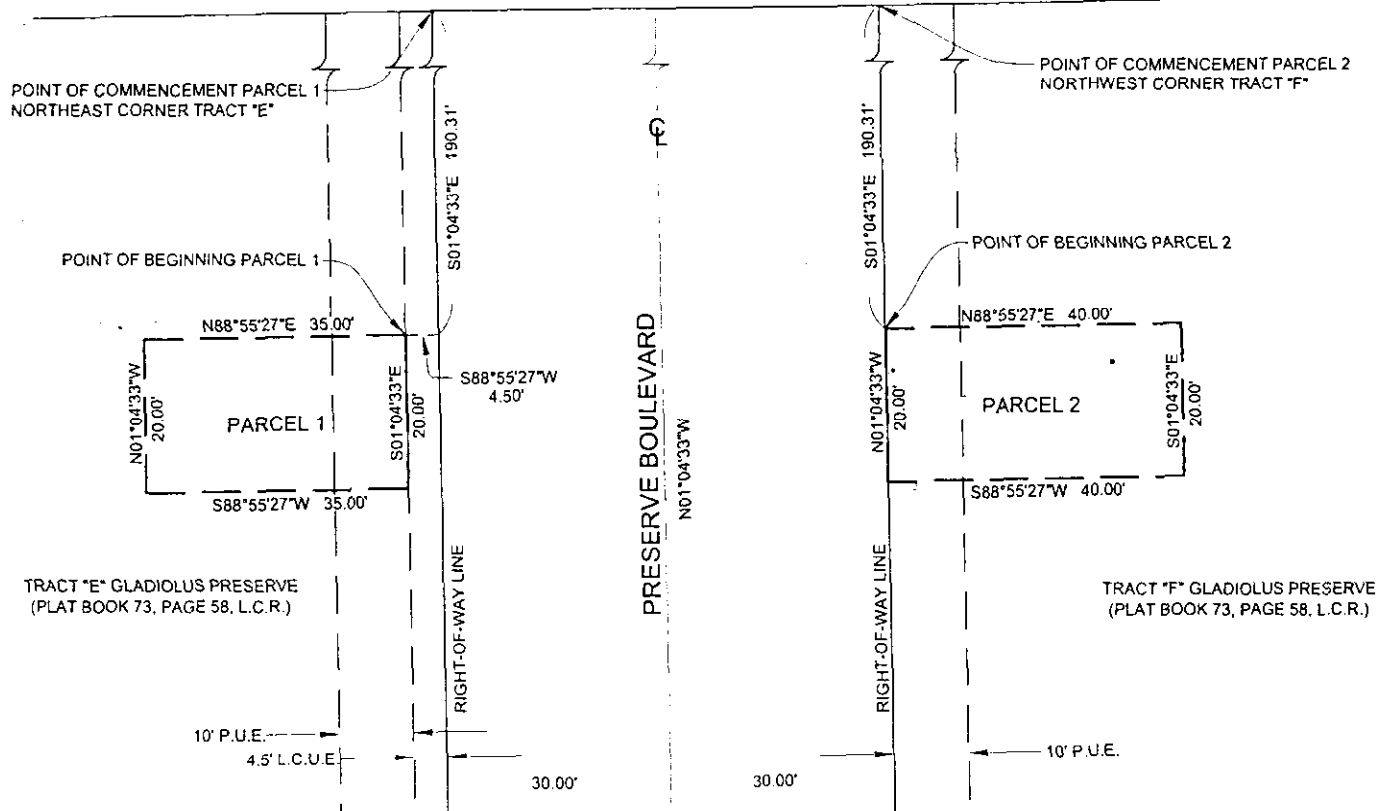
Bearings herein above mentioned are based on the record plat of said GLADIOLUS PRESERVE and the centerline of Preserve Boulevard to bear N01°04'33"W.

21585s28-2desc.doc

  
Scott A. Wheeler (For The Firm)  
Professional Surveyor and Mapper  
Florida Certificate No. 5949

# COPY

GLADIOLUS DRIVE



**THIS IS NOT A SURVEY**

*Scott A. Wheeler*  
 SCOTT A. WHEELER (FOR THE FIRM - LB-6940)  
 PROFESSIONAL SURVEYOR AND MAPPER  
 FLORIDA CERTIFICATE NO. 5949

*4/9/03*  
 DATE SIGNED:

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

**NOTES**

1. BEARINGS SHOWN ARE BASED ON THE RECORD PLAT OF "GLADIOLUS PRESERVE" AS RECORDED IN PLAT BOOK 73, PAGE 58, LEE COUNTY RECORDS AND THE CENTERLINE OF PRESERVE BOULEVARD TO BEAR N01°04'33"W.
2. DESCRIPTIONS ARE ATTACHED

**Barraco**  
 and Associates, Inc.

CIVIL ENGINEERS, LAND SURVEYORS,  
 LAND PLANNERS AND CONSULTANTS

www.barraco.net

2271 WAGLETON BOULEVARD  
 P.O. BOX 2600  
 FORT MYERS, FLORIDA 33902-2600  
 PHONE: (239) 461-3170  
 FAX: (239) 461-3188

FLORIDA CERTIFICATE OF AUTHORIZATION  
 ENGINEERING 7986 SURVEYING 13-9946

PREPARED FOR:

**SOUTHWEST  
 FLORIDA  
 LAND ONE, LLC**

1860 COLLEGE PARKWAY  
 SUITE 100  
 FORT MYERS, FLORIDA 33913

PHONE: (239) 482-1500

FAX: (239) 481-8477

PROJECT DESCRIPTION:

**GLADIOLUS  
 PRESERVE**

GLADIOLUS DRIVE AT BASS ROAD

PART OF SECTION 33  
 TOWNSHIP 45 SOUTH  
 RANGE 24 EAST  
 LEE COUNTY, FLORIDA

PROJECT SURVEYED:



NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

DATE	1/27/03
LOCATION	1/27/03/03/03/03/03/03
PLAT DATE	NOV 67 2003 11:11 AM
PLAT BY	1/27/03/03/03/03/03/03
DRAWING DATA	
DATE	
BY	
CHECKED BY	
SCALE	AS SHOWN
FILE NO.	

PROJECT NO.	
SHEET NO.	

PROJECT NO.	
SHEET NO.	

SKETCH TO ACCOMPANY DESCRIPTIONS

PROJECT NO.	
SHEET NO.	3 OF 3