

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY **BLUE SHEET NO: 20030810-UTL**

1. REQUESTED MOTION:

ACTION REQUESTED: Approve final acceptance, by Resolution, as a donation of a water main extension and one 10" diameter fire line serving **SAINT THERESE MISSION CHURCH**. This is a Developer contributed asset project located on the west side of N US 41 approximately 1 mile south of the Lee/Charlotte county line.

WHY ACTION IS NECESSARY: To provide potable water service and fire protection to the recently constructed place of worship.

WHAT ACTION ACCOMPLISHES: Places the water system into operation and complies with the Lee County Utilities Operations Manual.

2. DEPARTMENTAL CATEGORY: 10 - UTILITIES
COMMISSION DISTRICT #: 4

C10E

3. MEETING DATE: 08-05-2003

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED: _____

5. REQUIREMENT/PURPOSE:

- (Specify)
- STATUTE _____
 - ORDINANCE _____
 - ADMIN. CODE _____
 - OTHER Res. _____

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: _____
- P.L. Uy For Rick Diaz

7. BACKGROUND:

The Board granted permission to construct on 06/19/01; Blue Sheet #20010644.
 The installation has been inspected for conformance to the Lee County Utilities' Operations Manual.
 Satisfactory pressure and bacteriological testing of the water system has been completed.
 As-builts have been provided.
 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 Contributory Assets has been provided---copy attached.
 100% of the water connection fees have been paid.
 Sanitary Sewer service is provided by a private on-site septic system.

Note: An easement was granted to Lee County in relation to this project. This easement was recorded in OR Book 3941, Pages 0871-0893 prior to submittal to Lee County Utilities. Copy attached.

No funds required.

SECTION 05 TOWNSHIP 43S RANGE 24E DISTRICT #4 COMMISSIONER COY

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	
Lavender Date: 7-11-03	N/A Date:	N/A Date:	T.O. T. Osterhout Date: 7-10	D. Owen Date: 7/14/03	P.M. 7/14/03	J.S. 7/14/03	J.S. 7/14/03	J.S. 7/14/03	Lavender Date: 7-11-03

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
 Date: 7/11/03
 Time: 3:30 PM
 Forwarded To:
 Cty 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 John J. Nevins, as Bishop, of The Diocese of Venice, owner of record, to make a contribution to Lee County Utilities of water facilities (water main extension and one 10" diameter fire line), serving "**SAINT THERESE MISSION CHURCH**"; 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 **\$25,677.00** 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 Janes _____ (1)
- Commissioner St. Cerny: _____ (2)
- Commissioner Judah(C): _____ (3)
- Commissioner Coy: _____ (4)
- Commissioner 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 OFFICE

LETTER OF COMPLETION

DATE: 3-7-03

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 _____

ST. THERESE MISSION CHURCH

(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

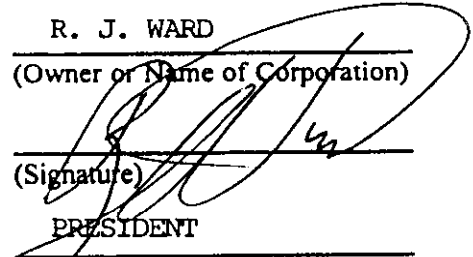
Upon completion of the work, we observed the following successful tests of the facilities: _____

HYDROSTATIC LEAKAGE TEST

Very truly yours,

R. J. WARD

(Owner or Name of Corporation)

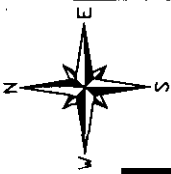

(Signature)

PRESIDENT

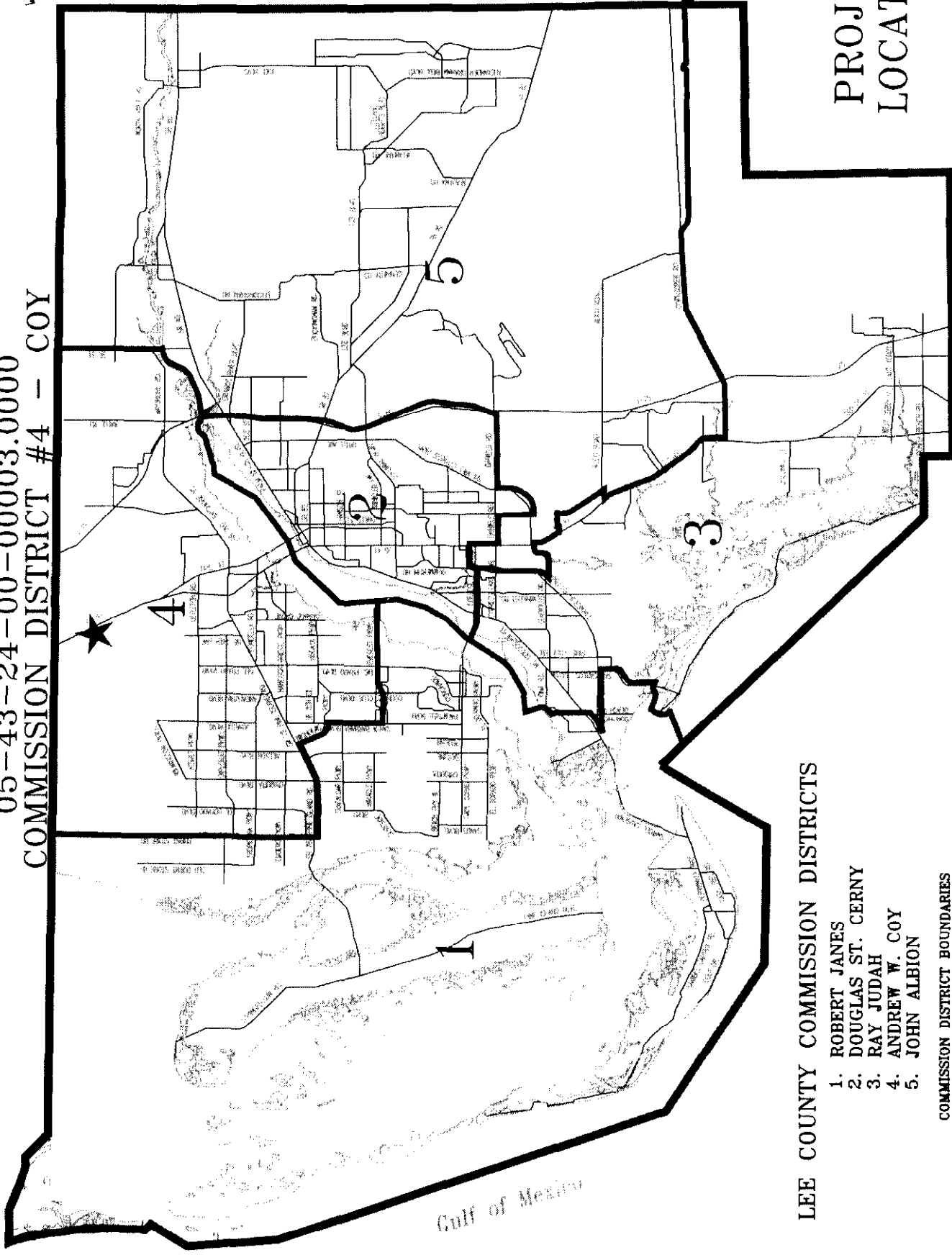
(Title)

SEAL OF ENGINEERING FIRM

ST THERESE MISSION CHURCH
05-43-24-00-00003.0000
COMMISSION DISTRICT #4 - COY



PROJECT LOCATION



LEE COUNTY COMMISSION DISTRICTS

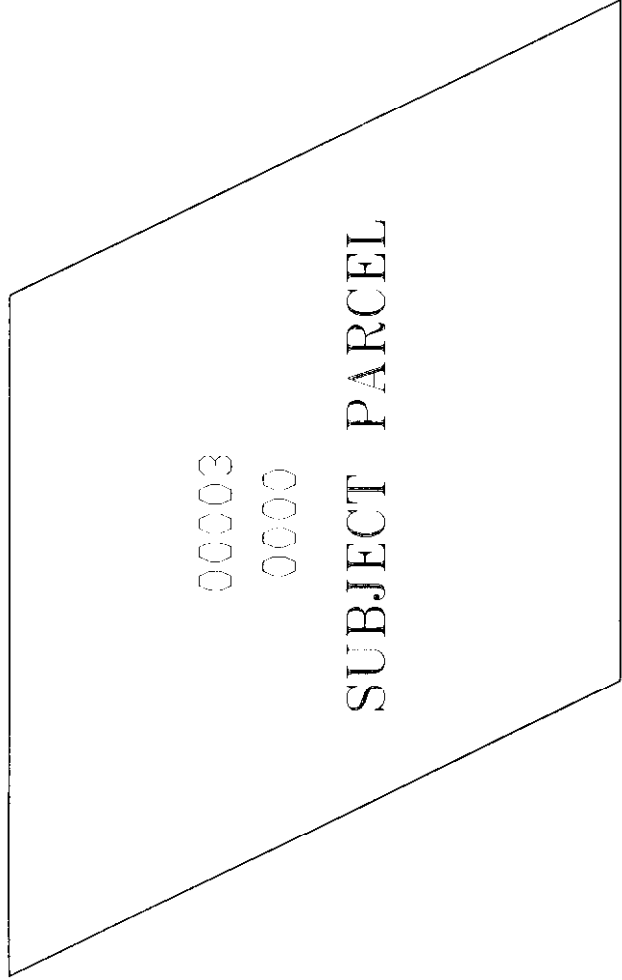
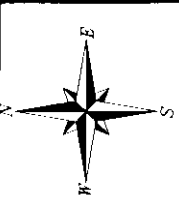
- 1. ROBERT JANES
- 2. DOUGLAS ST. CERNY
- 3. RAY JUDAH
- 4. ANDREW W. COY
- 5. JOHN ALBION

COMMISSION DISTRICT BOUNDARIES
DECEMBER 2000

Gulf of Mexico

ST THERESE MISSION CHURCH

COMMISSION DISTRICT #4 - COY



00003
0000

SUBJECT PARCEL

00004
0000

N TAMIAMI TRL (SR 45)

FRENCH CREEK LN

FRENCH CREEK LN

00001
0000

05-43-24-00-00003-0000

05-43-24-00-00003.0000 10020 FRENCH CREEK LN

WARRANTY

THE UNDERSIGNED parties do hereby warrant and/or guaranty all work executed by the contractor on the water and/or sewer systems of (Name of Development): ST. Therese Mission Church

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.

Robinson Underground Inc.
(NAME OF OWNER OR CONTRACTOR)
BY: [Signature]
(SIGNATURE & TITLE)

STATE OF FLORIDA)
) SS:
COUNTY OF CHARLOTTE)

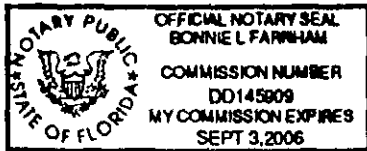
The foregoing instrument was signed and acknowledged before me this 18 day of OCT, 2002 by Jody Robinson who has produced PERSONALLY KNOWN
(Print or Type Name) (Type Of Identification and Number)

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

[Signature]
Notary Public Signature

BONNIE FAENHAM
Printed Name of Notary Public

DD145909
Notary Commission Number



(NOTARY SEAL)

WAIVER AND RELEASE OF LIEN
UPON FINAL PAYMENT

The undersigned licnor, in consideration of the final payment in the amount of Twenty-five thousand six hundred Seventy-Seven^{00/100} (\$ 25,677.00)

hereby waivers and releases its lien and right to claim a lien for labor, services, or materials furnished to The Diocese of Venice IN Florida
(insert the name of your customer)

on the job of John J. Nevins as Bishop to the following
(insert the name of the owner)

described property: St. Therese Mission Church
(Name of Development/Project)

10" Potable water main Extention and Fire line
(Facilities Constructed)

10020 French Creek Lane, N. Ft. Myers, FL / 20115 N. Tamiami Trail
(Project Location)

05-43-24-00-00003.0000
(STRAP(s) #)

Dated on June 25 2003

By: Sally L. Robinson
(Signature of Authorized Representative)

Robinson Underground, Inc.
(Name of Firm or Corporation)

By: Sally L. Robinson
(Print Name of Authorized Representative)

2831 Worth Avenue
(Address)

Title: Secretary

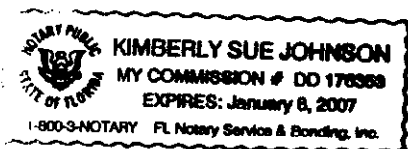
Englewood, FL 34224
(City, State & Zip)

Phone #: 941-475-8828

Fax #: 941-475-2608

STATE OF Florida
COUNTY OF Charlotte

The foregoing instrument was signed and acknowledged before me this 25 day of JUNE 2003, by Sally L. Robinson, who produced Personally Known as identification or who is personally known to me, and who did/did not take an oath.



Notary Seal

Notary Public: Kimberly Sue Johnson
(Signature)

Notary Public Name: Kimberly Sue Johnson
(Print)

My Commission Expires: Jan 8, 2007



CERTIFICATION OF CONTRIBUTORY ASSETSPROJECT NAME: St. Therese Mission ChurchLOCATION: 10020 French Creek Ln / 20115 N. Tamiami Tr.05-43-24-00 - 00003.0000

(Including STRAP)

NAME AND ADDRESS OF OWNER: The Diocese of Venice in Florida1000 Pinebrook Rd, Venice, FL 34284-2006

(as shown on Deed)

TYPE UTILITY SYSTEM: Water Distribution

(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
Tap sleeve 1/2 Valve	12" x 10"	1	Ea	\$ 4900. ⁰⁰	\$ 4900. ⁰⁰
Fire line upto including 1st body valve		1	Ea	3500. ⁰⁰	3500. ⁰⁰
Single Portable Service Complete		1	Ea	350. ⁰⁰	350. ⁰⁰
C-900 DR18	10"	696	LF	12. ⁰⁰	8352. ⁰⁰
MJ Fittings	10"	7	Ea	525. ⁰⁰	3675. ⁰⁰
Gate Valve with Box	10"	2	Ea	1100. ⁰⁰	2200. ⁰⁰
Blow off Assem.	10" x 2"	1	Ea	600. ⁰⁰	600. ⁰⁰
Gate Valve	4"	1	Ea	300. ⁰⁰	300. ⁰⁰
DI Pipe	10"	72	LF	25. ⁰⁰	1800. ⁰⁰
				\$ 25,677. 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.

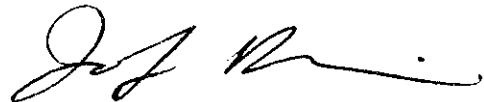
CERTIFYING:

Jody Robinson / President
(Name & Title of Certifying Agent)

OF: Robinson Underground, Inc.
(Firm or Corporation)

ADDRESS: 2831 Worth Avenue
Englewood, FL 34224

STATE OF Florida)
COUNTY OF Charlotte) SS:



The foregoing instrument was signed and acknowledged before me this 25 day of June 2003 by Jody Robinson who has produced Personally Known

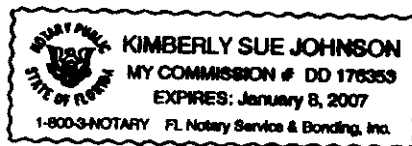
(Print or Type Name)
as identification, and who (did) (did not) take an oath.

(Type Of Identification and Number)

Kimberly Sue Johnson
Notary Public Signature

Kimberly Sue Johnson
Printed Name of Notary Public

DD 176353
Notary Commission Number



105-70
17 INDEX

COPY



THIS INSTRUMENT PREPARED BY:
LEE COUNTY UTILITIES
1500 MONROE STREET - 3RD FLOOR
FORT MYERS, FL 33901

INSTR # 5831576
Official Records BK 03941 PG 0871
RECORDED 05/22/2003 09:51:53 AM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY
RECORDING FEE 105.00
DEED DOC 0.70
DEPUTY CLERK C Keller

PERPETUAL PUBLIC UTILITY EASEMENT GRANT

THIS INDENTURE is made and entered into this 7th day of May, 2003, by and between Estelle Frank, Shirley Kaufman and Nathan Zemel, as Trustees under that certain Indenture of Trust dated December 22, 1961; Nathan Eli Zemel, Mildred Z. Klein and Freda Romanoff, as Substitute Trustees of the Charles and Lena Zemel Trust under that certain Indenture of Trust dated December 15, 1961; Chester Zemel and Nuss Nathan Zemel, as Trustees for Gilbert Zemel and Geraldine Zemel, his wife, Chester Zemel, Nuss Nathan Zemel and Alexander Zemel under Trust Agreement dated July 19, 1972; Sylvia K. Zemel; Nathaniel M. Zemel; Edward S. Zemel; and Nathaniel M. Zemel and Edward S. Zemel, as Trustees under that certain Indenture of Trust dated June 13, 1975 known as the Sylvia Trust, as Grantors, whose post office address is c/o Jeffrey M. Gussoff, Esq., Wolff & Samson, P.C., One Boland Drive, The Offices at Crystal Lake, West Orange, New Jersey 07052-3698, Owners, hereinafter referred to as GRANTORS, 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 any time, present or future, by GRANTORS, or their 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, GRANTORS 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, GRANTORS will forever defend title and terms of this said easement and the quiet possession thereof by GRANTEE against all claims and demands of all other entities.

6. GRANTORS, their heirs, successors or assigns, shall assume all liability for any consequential damage to any houses, fences, buildings, carports, garages, storage sheds, overhangs, or any other structures or portions of structures subsequently constructed by GRANTORS 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 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 GRANTORS have caused this document to be signed on the date and year first above written.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

J. Hahn
WITNESS SIGNATURE

Junie Hahn
TYPED/PRINTED WITNESS NAME

[Signature]
WITNESS SIGNATURE

Jeffrey M. Gussoff
TYPED/PRINTED WITNESS NAME

Estelle Z. Frank
ESTELLE FRANK, as Trustee under that
certain Indenture of Trust dated
December 22, 1961

WITNESS SIGNATURE

TYPED/PRINTED WITNESS NAME

SHIRLEY KAUFMAN, as Trustee under
that certain Indenture of Trust dated
December 22, 1961

WITNESS SIGNATURE

TYPED/PRINTED WITNESS NAME



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 GRANTORS have caused this document to be signed on the date and year first above written.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

WITNESS SIGNATURE

ESTELLE FRANK, as Trustee under that
certain Indenture of Trust dated
December 22, 1961

TYPED/PRINTED WITNESS NAME

WITNESS SIGNATURE

TYPED/PRINTED WITNESS NAME

Fern Sloan
WITNESS SIGNATURE

Shirley Kaufman
SHIRLEY KAUFMAN, as Trustee under
that certain Indenture of Trust dated
December 22, 1961

FERN SLOAN
TYPED/PRINTED WITNESS NAME

Donna Rae Bonn
WITNESS SIGNATURE

Donna Rae Bonn
TYPED/PRINTED WITNESS NAME



STATE OF New Jersey
COUNTY OF Essex

The foregoing instrument was acknowledged before me this 22nd day of April, 2003 by ESTELLE FRANK, as Trustee under that certain Indenture of Trust dated December 22, 1961, who is personally known to me or who has produced _____ as identification.

My Commission Expires:

[Signature]
Notary Public

JEFFREY M. GUSOFF
Attorney-at-law
State of New Jersey

Jeffrey M. Gusoff
Print/Type Name of Notary

Commission No. —

STATE OF _____

COUNTY OF _____

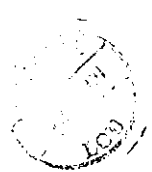
The foregoing instrument was acknowledged before me this _____ day of _____, 2003 by SHIRLEY KAUFMAN, as Trustee under that certain Indenture of Trust dated December 22, 1961, who is personally known to me or who has produced _____ as identification.

My Commission Expires:

Notary Public

Print/Type Name of Notary

Commission No. _____



STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2003 by ESTELLE FRANK, as Trustee under that certain Indenture of Trust dated December 22, 1961, who is personally known to me or who has produced _____ as identification.

My Commission Expires:

Notary Public

Print/Type Name of Notary

Commission No. _____

STATE OF Florida

COUNTY OF Broward

The foregoing instrument was acknowledged before me this 7th day of May, 2003 by SHIRLEY KAUFMAN, as Trustee under that certain Indenture of Trust dated December 22, 1961, who is personally known to me or who has produced _____ as identification.

My Commission Expires:

Fern Sloan

Notary Public



Fern Sloan
My Commission CC879385
Expires October 25, 2003

Print/Type Name of Notary

Commission No. _____



Fern Sloan
My Commission CC879385
Expires October 25, 2003



Alice V. Castell

WITNESS SIGNATURE

Alice V. Castell

TYPED/PRINTED WITNESS NAME

Edalish Rosario

WITNESS SIGNATURE

Edalish Rosario

TYPED/PRINTED WITNESS NAME

Nathan Zemel

NATHAN ZEMEL, as Trustee under that certain Indenture of Trust dated December 22, 1961

WITNESS SIGNATURE

TYPED/PRINTED WITNESS NAME

NATHAN ELI ZEMEL, as Substitute Trustee of the Charles and Lena Zemel Trust under that certain Indenture of Trust Dated December 15, 1961

WITNESS SIGNATURE

TYPED/PRINTED WITNESS NAME

WITNESS SIGNATURE

TYPED/PRINTED WITNESS NAME

MILDRED Z. KLEIN, as Substitute Trustee of the Charles and Lena Zemel Trust under that certain Indenture of Trust Dated December 15, 1961

WITNESS SIGNATURE

TYPED/PRINTED WITNESS NAME

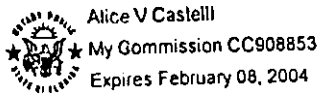


STATE OF Florida

COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me this 5th day of May, 2003 by NATHAN ZEMEL, as Trustee under that certain Indenture of Trust dated December 22, 1961, who is personally known to me or who has produced Florida Driver License as identification.

My Commission Expires: Alice V. Castell
Notary Public



Alice V. Castell
Print/Type Name of Notary

Commission No. _____

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2003 by NATHAN ELI ZEMEL, as Substitute Trustee of the Charles and Lena Zemel Trust under that certain Indenture of Trust dated December 15, 1961, who is personally known to me or who has produced _____ as identification.

My Commission Expires: _____
Notary Public

Print/Type Name of Notary

Commission No. _____



WITNESS SIGNATURE

NATHANIEL ZEMEL, as Trustee under
that certain Indenture of Trust dated
December 22, 1961

TYPED/PRINTED WITNESS NAME

WITNESS SIGNATURE

TYPED/PRINTED WITNESS NAME

Larz Lee Maxson
WITNESS SIGNATURE

Nathan E. Zemel
NATHAN ELI ZEMEL, as Substitute
Trustee of the Charles and Lena Zemel
Trust under that certain Indenture of Trust
Dated December 15, 1961

Larz Lee Maxson
TYPED/PRINTED WITNESS NAME

Shobha S. Vohra
WITNESS SIGNATURE

Shobha S. Vohra
TYPED/PRINTED WITNESS NAME

WITNESS SIGNATURE

MILDRED Z. KLEIN, as Substitute
Trustee of the Charles and Lena Zemel
Trust under that certain Indenture of Trust
Dated December 15, 1961

TYPED/PRINTED WITNESS NAME

WITNESS SIGNATURE

TYPED/PRINTED WITNESS NAME



STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2003 by NATHANIEL ZEMEL, as Trustee under that certain Indenture of Trust dated December 22, 1961, who is personally known to me or who has produced _____ as identification.

My Commission Expires:

Notary Public

Print/Type Name of Notary

Commission No. _____

STATE OF NEW JERSEY

COUNTY OF ESSEX

The foregoing instrument was acknowledged before me this 9th day of April, 2003 by NATHAN ELI ZEMEL, as Substitute Trustee of the Charles and Lena Zemel Trust under that certain Indenture of Trust dated December 15, 1961, who is personally known to me or who has produced _____ as identification.

My Commission Expires:

Delia Ann Carter
Notary Public

DELIA ANN CARTER
Print/Type Name of Notary

Commission No. _____

DELIA ANN CARTER
A NOTARY PUBLIC OF NEW JERSEY
My Commission Expires May 18, 2008



WITNESS SIGNATURE

NATHANIEL ZEMEL, as Trustee under
that certain Indenture of Trust dated
December 22, 1961

TYPED/PRINTED WITNESS NAME

WITNESS SIGNATURE

TYPED/PRINTED WITNESS NAME

WITNESS SIGNATURE

NATHAN ELI ZEMEL, as Substitute
Trustee of the Charles and Lena Zemel
Trust under that certain Indenture of Trust
Dated December 15, 1961

TYPED/PRINTED WITNESS NAME

WITNESS SIGNATURE

TYPED/PRINTED WITNESS NAME

Nancy A. DiMartino

WITNESS SIGNATURE

Mildred Z. Klein

MILDRED Z. KLEIN, as Substitute
Trustee of the Charles and Lena Zemel
Trust under that certain Indenture of Trust
Dated December 15, 1961

Nancy A. DiMartino

TYPED/PRINTED WITNESS NAME

Robert Nouack

WITNESS SIGNATURE

Robert Nouack

TYPED/PRINTED WITNESS NAME



STATE OF NEW JERSEY

COUNTY OF ESSEX

The foregoing instrument was acknowledged before me this 10th day of APRIL, 2003 by MILDRED Z. KLEIN, as Substitute Trustee of the Charles and Lena Zemel Trust under that certain Indenture of Trust dated December 15, 1961, who is personally known to me or who has produced _____

as identification.

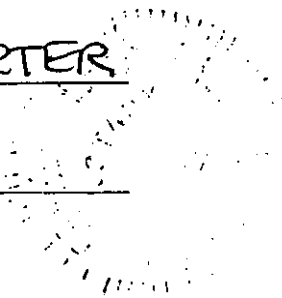
My Commission Expires:

DELIA ANN CARTER
A NOTARY PUBLIC OF NEW JERSEY
My Commission Expires May 18, 2008

Delia Ann Carter
Notary Public

DELIA ANN CARTER
Print/Type Name of Notary

Commission No. _____



STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2003 by FR EDA ROMANOFF, as Substitute Trustee of the Charles and Lena Zemel Trust under that certain Indenture of Trust dated December 15, 1961, who is personally known to me or who has produced _____

as identification.

My Commission Expires:

Notary Public

Print/Type Name of Notary

Commission No. _____



Jane Kuzma
WITNESS SIGNATURE

JANE KUZMA
TYPED/PRINTED WITNESS NAME

Freda Romanoff
FR EDA ROMANOFF, as Substitute
Trustee of the Charles and Lena Zemel
Trust under that certain Indenture of Trust
Dated December 15, 1961

Tara Benton-Hellwig
WITNESS SIGNATURE

Tara Benton-Hellwig
TYPED/PRINTED WITNESS NAME

WITNESS SIGNATURE

TYPED/PRINTED WITNESS NAME

CHESTER ZEMEL, as Trustee for Gilbert
Zemel and Geraldine Zemel, his wife,
Chester Zemel, Nuss Nathan Zemel, and
Alexander Zemel under Trust Agreement
dated July 19, 1972

WITNESS SIGNATURE

TYPED/PRINTED WITNESS NAME

WITNESS SIGNATURE

TYPED/PRINTED WITNESS NAME

NUSS NATHAN ZEMEL, as Trustee for
Gilbert Zemel and Geraldine Zemel, his
wife, Chester Zemel, Nuss Nathan Zemel,
and Alexander Zemel under Trust
Agreement dated July 19, 1972

WITNESS SIGNATURE

TYPED/PRINTED WITNESS NAME



STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2003 by MILDRED Z. KLEIN, as Substitute Trustee of the Charles and Lena Zemel Trust under that certain Indenture of Trust dated December 15, 1961, who is personally known to me or who has produced _____ as identification.

My Commission Expires:

Notary Public

Print/Type Name of Notary

Commission No. _____

STATE OF NEW JERSEY

COUNTY OF ESSEX

The foregoing instrument was acknowledged before me this 10th day of April, 2003 by FR EDA ROMANOFF, as Substitute Trustee of the Charles and Lena Zemel Trust under that certain Indenture of Trust dated December 15, 1961, who is personally known to me or who has produced _____ as identification.

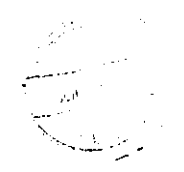
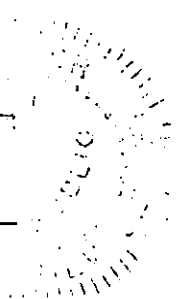
My Commission Expires:

Delia Ann Carter
Notary Public

DELIA ANN CARTER
Print/Type Name of Notary

Commission No. _____

DELIA ANN CARTER
A NOTARY PUBLIC OF NEW JERSEY
My Commission Expires May 18, 2006



WITNESS SIGNATURE

TYPED/PRINTED WITNESS NAME

FRIEDA ROMANOFF, as Substitute
Trustee of the Charles and Lena Zemel
Trust under that certain Indenture of Trust
Dated December 15, 1961

WITNESS SIGNATURE

TYPED/PRINTED WITNESS NAME

Carol Harrison

WITNESS SIGNATURE

CAROL HARRISON

TYPED/PRINTED WITNESS NAME

Chester Zemel

CHESTER ZEMEL, as Trustee for Gilbert
Zemel and Geraldine Zemel, his wife,
Chester Zemel, Nuss Nathan Zemel, and
Alexander Zemel under Trust Agreement
dated July 19, 1972

Sueann Richardson

WITNESS SIGNATURE

Sueann Richardson

TYPED/PRINTED WITNESS NAME

Carol Harrison

WITNESS SIGNATURE

CAROL HARRISON

TYPED/PRINTED WITNESS NAME

Nuss Nathan Zemel

NUSS NATHAN ZEMEL, as Trustee for
Gilbert Zemel and Geraldine Zemel, his
wife, Chester Zemel, Nuss Nathan Zemel,
and Alexander Zemel under Trust
Agreement dated July 19, 1972

Sueann Richardson

WITNESS SIGNATURE

Sueann Richardson

TYPED/PRINTED WITNESS NAME



STATE OF Washington
COUNTY OF Clark

The foregoing instrument was acknowledged before me this 10th day of April, 2003 by CHESTER ZEMEL, as Trustee for Gilbert Zemel and Geraldine Zemel, his wife, Chester Zemel, Nuss Nathan Zemel, and Alexander Zemel under Trust Agreement dated July 19, 1972, who is personally known to me or who has produced Wa State Drivers license as identification.

My Commission Expires: 6/18/05

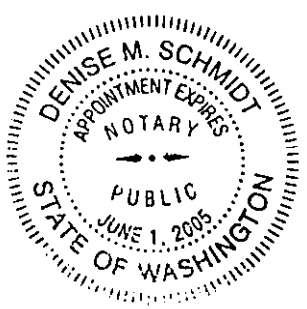


Denise M Schmidt
Notary Public
Denise M Schmidt
Print/Type Name of Notary
Commission No. _____

STATE OF Washington
COUNTY OF Clark

The foregoing instrument was acknowledged before me this 10th day of April, 2003 by NUSS NATHAN ZEMEL, as Trustee for Gilbert Zemel and Geraldine Zemel, his wife, Chester Zemel, Nuss Nathan Zemel, and Alexander Zemel under Trust Agreement dated July 19, 1972, who is personally known to me or who has produced WA State Drivers license as identification.

My Commission Expires: 6/1/05



Denise M Schmidt
Notary Public
Denise M Schmidt
Print/Type Name of Notary
Commission No. _____



Philip M. Caso
WITNESS SIGNATURE

PHILIP M. CASO
TYPED/PRINTED WITNESS NAME

Sylvia K. Zemel
SYLVIA K. ZEMEL

Alan Bigio
WITNESS SIGNATURE

Alan Bigio
TYPED/PRINTED WITNESS NAME

Philip M. Caso
WITNESS SIGNATURE

PHILIP M. CASO
TYPED/PRINTED WITNESS NAME

Nathaniel M. Zemel
NATHANIEL M. ZEMEL

Alan Bigio
WITNESS SIGNATURE

Alan Bigio
TYPED/PRINTED WITNESS NAME

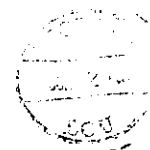
Philip M. Caso
WITNESS SIGNATURE

PHILIP M. CASO
TYPED/PRINTED WITNESS NAME

Edward S. Zemel
EDWARD S. ZEMEL

Alan Bigio
WITNESS SIGNATURE

Alan Bigio
TYPED/PRINTED WITNESS NAME



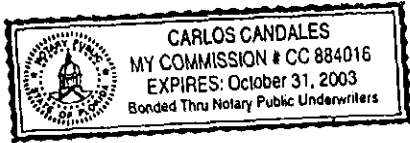
STATE OF FLORIDA

Official Records BK 03941 PG 0888

COUNTY OF MIAMI - DADE

The foregoing instrument was acknowledged before me this 14 day of April, 2003 by SYLVIA K. ZEMEL, who is personally known to me or who has produced _____ as identification.

My Commission Expires:



Carlos Candales

Notary Public

Carlos Candales

Print/Type Name of Notary

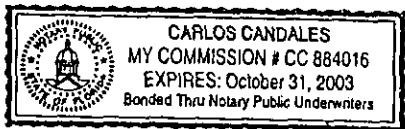
Commission No. CC 884016

STATE OF FLORIDA

COUNTY OF MIAMI - DADE

The foregoing instrument was acknowledged before me this 14 day of April, 2003 by NATHANIEL M. ZEMEL, who is personally known to me or who has produced _____ as identification.

My Commission Expires:



Carlos Candales

Notary Public

Carlos Candales

Print/Type Name of Notary

Commission No. CC 884016



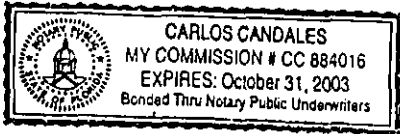
STATE OF Florida

COUNTY OF Miami - Dade

The foregoing instrument was acknowledged before me this 14 day of April, 2003 by EDWARD S. ZEMEL, who is personally known to me or who has produced _____

as identification.

My Commission Expires:



Carlos Candales

Notary Public

Carlos Candales

Print/Type Name of Notary

Commission No. CC 884016

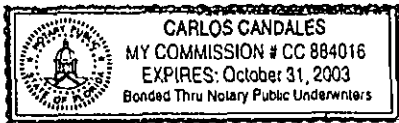
STATE OF Florida

COUNTY OF Miami - Dade

The foregoing instrument was acknowledged before me this 14 day of April, 2003 by NATHANIEL M. ZEMEL, as Trustee under that certain Indenture of Trust dated June 13, 1975 known as the Sylvia Trust who is personally known to me or who has produced _____

as identification.

My Commission Expires:



Carlos Candales

Notary Public

Carlos Candales

Print/Type Name of Notary

Commission No. CC 884016



[Handwritten Signature]
WITNESS SIGNATURE

PHILIP M. CASO
TYPED/PRINTED WITNESS NAME

[Handwritten Signature]
NATHANIEL M. ZEMEL, as Trustee under
that certain Indenture of Trust dated
June 13, 1975 known as the Sylvia Trust

[Handwritten Signature]
WITNESS SIGNATURE

Alan Bigio
TYPED/PRINTED WITNESS NAME

[Handwritten Signature]
WITNESS SIGNATURE

PHILIP M. CASO
TYPED/PRINTED WITNESS NAME

[Handwritten Signature]
EDWARD S. ZEMEL as Trustee under
that certain Indenture of Trust dated
June 13, 1975 known as the Sylvia Trust

[Handwritten Signature]
WITNESS SIGNATURE

Alan Bigio
TYPED/PRINTED WITNESS NAME



STATE OF FLORIDA

COUNTY OF Miami-DADE

The foregoing instrument was acknowledged before me this 14 day of April, 2003 by EDWARD S. ZEMEL, who is personally known to me or who has produced _____ as identification.

My Commission Expires:

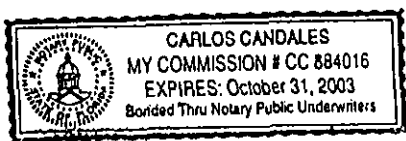
[Signature]

Notary Public

Carlos Candales

Print/Type Name of Notary

Commission No. CC 884016



STATE OF FLORIDA

COUNTY OF Miami-DADE

The foregoing instrument was acknowledged before me this 14 day of April, 2003 by NATHANIEL M. ZEMEL, as Trustee under that certain Indenture of Trust dated June 13, 1975 known as the Sylvia Trust who is personally known to me or who has produced _____ as identification.

My Commission Expires:

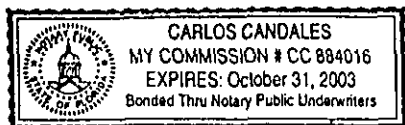
[Signature]

Notary Public

Carlos Candales

Print/Type Name of Notary

Commission No. CC 884016



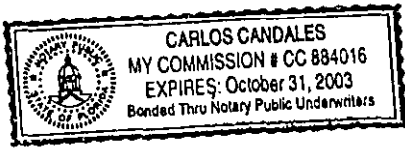
STATE OF FLORIDA

Official Records BK 03941 PG 0892

COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 14 day of April, 2003 by EDWARD S. ZEMEL, as Trustee under that certain Indenture of Trust dated June 13, 1975 known as the Sylvia Trust who is personally known to me or who has produced _____ as identification.

My Commission Expires:



Carlos Candales

Notary Public

Carlos Candales

Print/Type Name of Notary

Commission No. CC 884016

#1098566v1



EXHIBIT "A"

A 20 foot wide non-exclusive utility easement lying in Sections 4 and 5, Township 43 South, Range 24 East, Lee County, Florida. Being more particularly described as follows:

Commencing at the southwest corner of said Section 4; thence run S89°50'30"E along the south line of said Section 4 for 449.78 feet to the west right of way line of Tamiami Trail; thence run N25°53'00"W along said right of way line for 77.91 feet to the point of beginning of the centerline of said 20 foot wide easement.

From said point of beginning run N89°50'30"W along a line 10 feet south of and parallel to the north line of an 80 feet wide non-exclusive ingress-egress easement for 411.43 feet to the west line of said Section 4; thence run N89°57'09"W along said parallel line for 364.00 feet to the point of termination of said easement.

Subject to easements, restrictions and reservations of record and taxes for the year 2003 and subsequent years.

This property is not the homestead, nor it is contiguous to the homestead of any Grantor referenced herein.

