

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY **BLUE SHEET NO: 20031125 -UTL**

1. REQUESTED MOTION:

ACTION REQUESTED:

Approve final acceptance, by Resolution and recording of one utility easement, as a donation of water distribution and gravity collection systems serving *GARDENS @ BEACHWALK, PHASE I*. This is a Developer contributed asset project located on the south side of Gladiolus Drive between San Carlos Boulevard and Pine Ridge Road.

WHY ACTION IS NECESSARY: To provide potable water service, fire protection and sanitary sewer service to the recently constructed multi-family apartment complex.

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

2. DEPARTMENTAL CATEGORY: 10
COMMISSION DISTRICT #: 3

C10C

3. MEETING DATE:

10-07-2003

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- 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: 9/18/03

7. BACKGROUND:

The Board granted permission to construct on 12/03/02, Blue Sheet #20021226.
 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.
 Satisfactory closed circuit television inspection of the gravity collection system has been performed.
 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 connection fees have been paid for this phase of the project.

Funds are available for recording fees in account number OD5360748700.504930.

SECTION 31 TOWNSHIP 45S RANGE 24 E 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	
Lavender Date: 9-22-03	N/A Date:	N/A Date:	P.O. T. Osterhout Date: 9-18	S. P. ... Date: 9/23/03	P.M. 9/23/03	9/24/03	W.O. 9/23/03	1/9 9/23/03	Lavender Date: 9-22-03

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
 Date: 9-22-03
 Time: 4:45 PM

Forwarded To:
 Cty Admin
 9-23-03 10:30

RECEIVED BY
 COUNTY ADMIN: *PM*
 9-23-03
 11:40
 COUNTY ADMIN
 FORWARDED TO:
7/25/03

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

WHEREAS, it is the desire of Gardens of Beachwalk, 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 "**GARDENS AT BEACHWALK, PHASE I**"; 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 **\$132,310.30** 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

LETTER OF COMPLETION

DATE: July 22, 2003

Department of Lee County Utilities
Division of Engineering
1500 Monroe Street
Fort Myers, FL 33901

Gentlemen:

This is to certify that the water distribution and or sewage collection system(s) located in Gardens at Beachwalk - Phase I
(Name of Development)
were designed by me and have been constructed in conformance with:

the approved plans the revised plans, attached

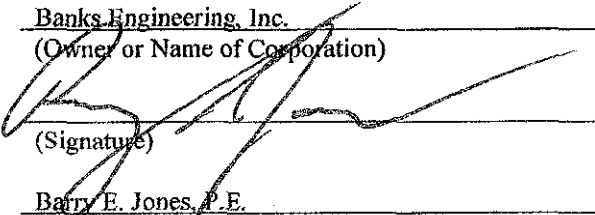
and:

the approved specifications the revised specifications, attached

Upon completion of the work, we observed the following successful tests on the facilities: watermain pressure test, low air pressure gravity sewer test, and review of gravity sewer video.

Very truly yours,

Banks Engineering, Inc.
(Owner or Name of Corporation)


(Signature)

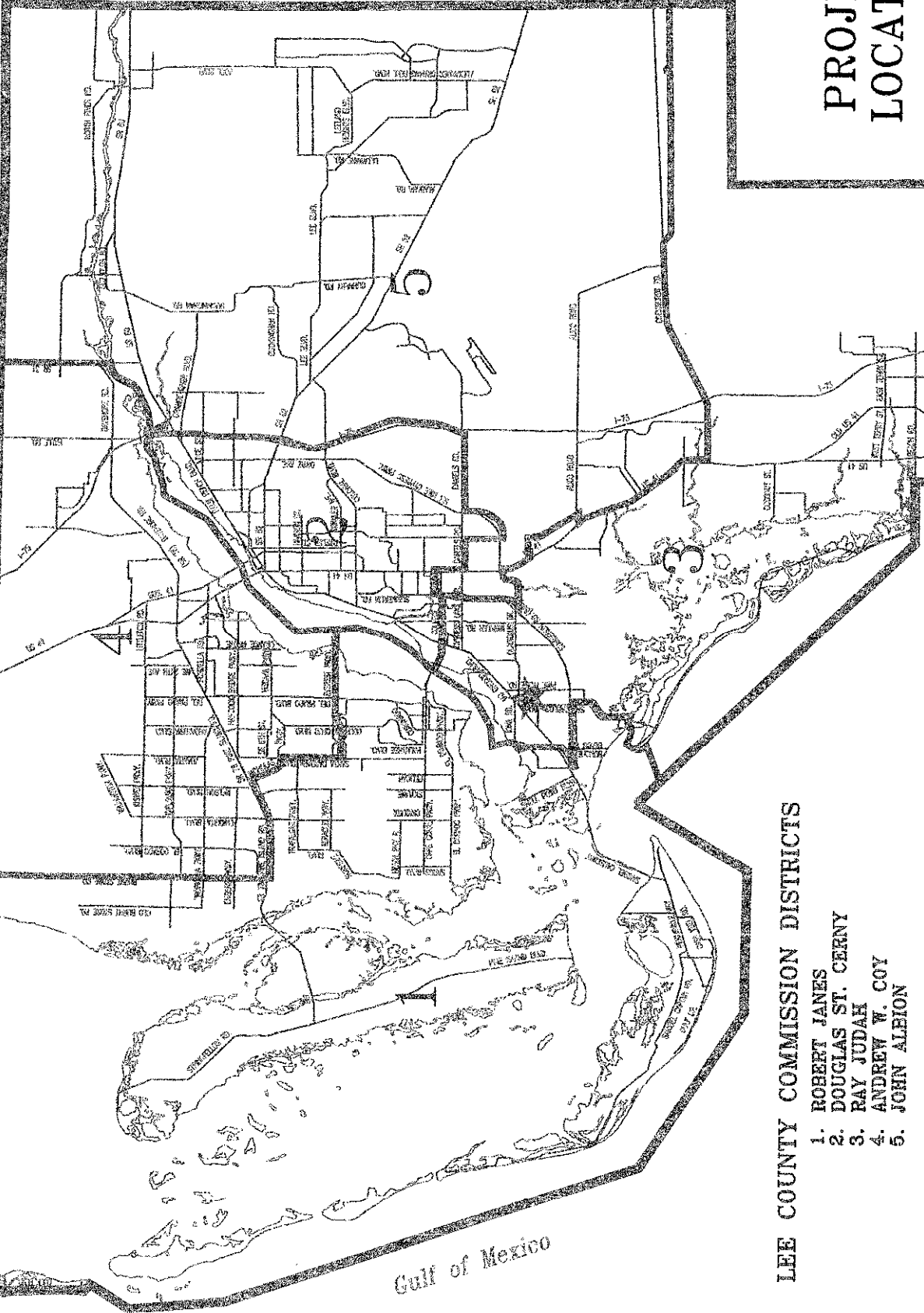
Barry E. Jones, P.E.
(Printed Name)

Project Manager
(Title)

(SEAL OF ENGINEERING FIRM)

PROJECT
LOCATION

GARDENS AT BEACHWALK - PHASE 1
31-45-24-52-0000E.0000
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

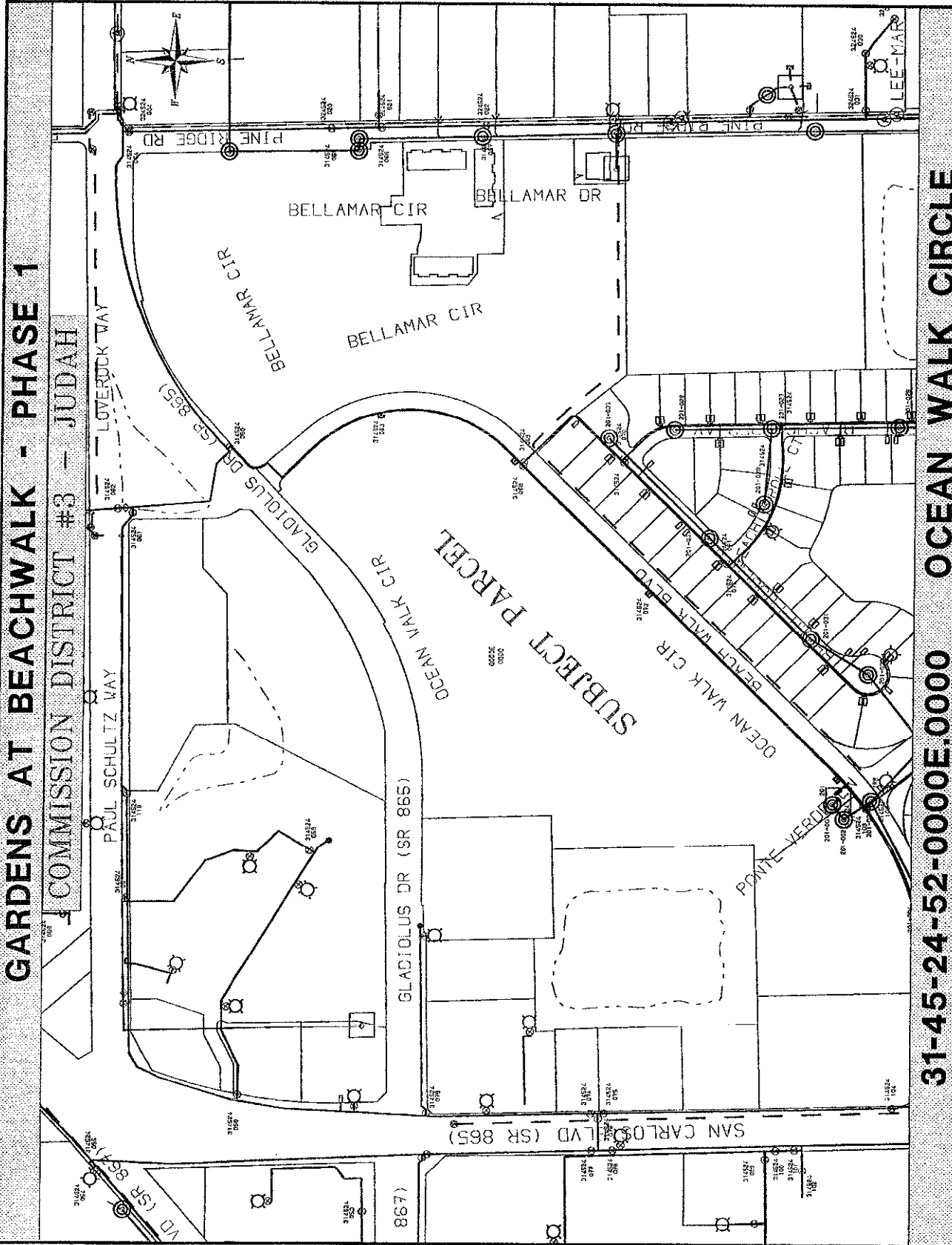
COMMISSION DISTRICT BOUNDARIES
DECEMBER 2000

Gulf of Mexico

COPY

GARDENS AT BEACHWALK - PHASE 1

COMMISSION DISTRICT #3 - JUDAH



31-45-24-52-0000E.0000 OCEAN WALK CIRCLE

COPY

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): GARDENS @ BEACHWALK - PHASE I

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.

HALEAKALA CONSTRUCTION, INC.
(NAME OF OWNER OR CONTRACTOR)

BY: *Timothy C. Mitchell*
TIMOTHY C. MITCHELL, SR. PRESIDENT

STATE OF FLORIDA)
) SS:
COUNTY OF COLLIER)

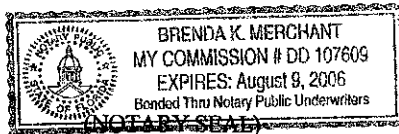
The foregoing instrument was signed and acknowledged before me this 22nd day of July, 2003 by TIMOTHY C. MITCHELL, SR. who has produced PERSONALLY KNOWN
(Print or Type Name) (Type Of Identification and Number)

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

Brenda K. Merchant
Notary Public Signature

BRENDA K. MERCHANT
Printed Name of Notary Public

DD107609
Notary Commission Number



COPY

WAIVER AND RELEASE OF LIEN
UPON FINAL PAYMENT

The undersigned lienor, in consideration of the final payment in the amount of ONO HUNDRED THIRTY TWO THOUSAND THREE HUNDRED TEN DOLLARS AND THIRTY CENTS (\$132,310.30) hereby waives and releases its lien and right to claim a lien for labor, services, or materials furnished to THROGMARTIN REALITY AND DEVELOPMENT, INC. on the job of GARDENS @ BEACHWALK to the following described property:
PHASE I

GARDENS @ BEACHWALK - PHASE I water distribution and sanitary sewer systems
(Name of Development/Project) (Facilities Constructed)
GLADIOLUS DR AND BEACHWALK BLVD 31-45-24-52-0000E.0000
(Location) (Strap # or Section, Township & Range)
(Please provide full name and location of development and a description of the utility system constructed).

Dated on: August 14, 2003

By: Timothy C. Mitchell, Sr. HALEAKALA CONSTRUCTION INC.
(Signature of Authorized Representative) (Name of Firm or Corporation)

By: TIMOTHY C. MITCHELL, SR. 5758 TAYLOR RD
(Print Name of Authorized Representative) (Address of Firm or Corporation)

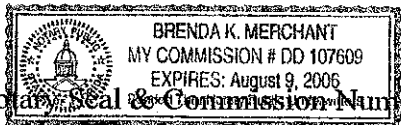
Phone #: (239)598-1968 Ext. NAPLES, FL 34109-1829
(City, State & Zip Of Firm Or Corporation)

Fax#: (239)598-9418

STATE OF FL)
) SS:
COUNTY OF COLLIER)

The foregoing instrument was signed and acknowledged before me this 14 th day of AUG, 2003 by TIMOTHY C. MITCHELL, SR. who has produced the following as identification - PERSONALLY KNOWN , and who did not take an oath.

Brenda K. Merchant
(Notary Public Signature)


(Notary Seal & Commission Number)

BRENDA K. MERCHANT
(Printed Name of Notary Public)



COPY

CERTIFICATION OF CONTRIBUTORY ASSETS

PROJECT NAME: GARDENS @ BEACHWALK - PHASE I

LOCATION: SECTION 31, TOWNSHIP 45 SOUTH, RANGE 24 EAST

LEE COUNTY, FLORIDA STRAP# 31-45-24-52-0000E.0000

(Including STRAP) GARDENS AT BEACHWALK, LLC /
NAME AND ADDRESS OF OWNER: THROGMARTIN REALTY AND DEVELOPMENT, INC.

15065 MCGREGOR BLVD. , SUIT 105 FORT MYERS, FLORIDA 33908

(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
DIP CL 50	6"	43	LF	\$ 22.27	\$ 957.61
DIP CL 50	8"	65	LF	\$ 23.59	\$ 1,533.35
PVC	10"	510	LF	\$ 22.12	\$ 11,281.20
DIP CL 50	10"	873	LF	\$ 25.68	\$ 22,418.64
GATE VALVES	10"	4	EA	\$ 1,300.00	\$ 5,200.00
HYDRANT ASSEMBLY		5	EA	\$ 2,200.00	\$ 11,000.00
WATER SERVICE	2"	4	LS	\$ 1,600.00	\$ 6,400.00
FIRE LINE (INCLUDING VALVES)		3	EA	\$ 2,500.00	\$ 7,500.00
WATER SERVICE	1"	1	LS	\$ 550.00	\$ 550.00
					\$ 66,840.80

TOTAL AMOUNT

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

500

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:

Timothy C. Mitchell, Sr.
TIMOTHY C. MITCHELL, SR. PRESIDENT

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 22nd day of July,
2003 by Timothy C. Mitchell, Sr. who has produced PERSONALLY KNOWN

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

(Type Of Identification and Number)

Brenda K. Merchant
Notary Public Signature

BRENDA K. MERCHANT
Printed Name of Notary Public

DD107609
Notary Commission Number



COPY

11.5

CERTIFICATION OF CONTRIBUTORY ASSETS

PROJECT NAME: GARDENS @ BEACHWALK - PHASE I

LOCATION: SECTION 31, TOWNSHIP 45 SOUTH, RANGE 24 EAST

LEE COUNTY, FLORIDA STRAP# 31-45-24-52-0000E.0000

(Including STRAP) GARDENS AT BEACHWALK LLC/
NAME AND ADDRESS OF OWNER: THROGMARTIN REALTY AND DEVELOPMENT, INC.

15065 MCGREGOR BLVD., SUIT 105 FORT MYERS, FLORIDA 33908

(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, e.g., pipe, manholes, lift stations, meters, valves, fittings, etc.

ITEM	SIZE	QUANTITY	UNIT	COST	TOTAL
GRAVITY SEWER 0-6'	8"	212	LF	\$ 15.50	\$ 3,286.00
GRAVITY SEWER 6-8'	8"	200	LF	\$ 18.50	\$ 3,700.00
GRAVITY SEWER 8-10'	8"	877	LF	\$ 21.50	\$ 18,855.50
GRAVITY SEWER 10-12'	8"	431	LF	\$ 24.50	\$ 10,559.50
GRAVITY SEWER 12-14'	8"	69	LF	\$ 26.50	\$ 1,828.50
LATERALS W/ CLEANOUT	6"	7	EA	\$ 900.00	\$ 6,300.00
MANHOLE 0-6'		1	EA	\$2,240.00	\$ 2,240.00
MANHOLE 6-8'		2	EA	\$2,990.00	\$ 5,980.00
MANHOLE 8-10'		1	EA	\$3,640.00	\$ 3,640.00

TOTAL AMOUNT

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



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CERTIFYING:

Timothy C. Mitchell, Sr.
TIMOTHY C. MITCHELL, SR. PRESIDENT

OF: HALEAKALA CONSTRUCTION, INC.
(Firm or Corporation)

ADDRESS: 5758 TAYLOR ROAD
NAPLES, FL 34109-1829

STATE OF FLORIDA)
) SS:
COUNTY OF COLLIER)

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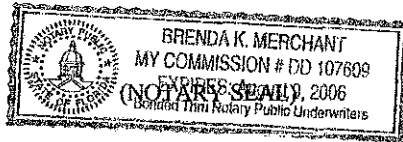
(Print or Type Name)
as identification, and who (did not) take an oath.

(Type Of Identification and Number)

Brenda K. Merchant
Notary Public Signature

BRENDA K. MERCHANT
Printed Name of Notary Public

DD107609
Notary Commission Number



[Faint circular stamp]

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

PERPETUAL PUBLIC UTILITY EASEMENT GRANT

THIS INDENTURE is made and entered into this ____ day of _____, 2003, by and between Gardens at Beachwalk, 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.

Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors
FORT MYERS ♦ NAPLES ♦ SARASOTA ♦ ANNA MARIA ISLAND

DESCRIPTION OF A PARCEL OF LAND
LYING IN
SECTION 31, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
(LEE COUNTY UTILITIES EASEMENT, THE GARDENS AT BEACHWALK)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 31, TOWNSHIP 45 SOUTH, RANGE 24 EAST, BEING PART OF TRACT "E" OF BEACHWALK, A SUBDIVISION RECORDED IN PLAT BOOK 66 AT PAGES 1 THROUGH 4 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF TRACT "H" OF SAID SUBDIVISION; THENCE N.01°38'13"W. ALONG THE EASTERLY LINE OF SAID TRACT "H" FOR 522.00 FEET; THENCE N.88°21'47"E. FOR 90.00 FEET; THENCE N.01°38'13"W. FOR 307.46 FEET TO THE **POINT OF BEGINNING**; THENCE N.89°03'36"E. FOR 20.60 FEET TO POINT "A"; THENCE S.01°38'13"E. FOR 263.12 FEET; THENCE S.55°23'25"E. FOR 93.47 FEET; THENCE S.43°47'01"E. FOR 105.52 FEET; THENCE S.46°59'03"W. FOR 63.67 FEET; THENCE N.43°00'57"W. FOR 11.00 FEET; THENCE S.46°59'03"W. FOR 10.00 FEET; THENCE S.43°00'57"E. FOR 12.00 FEET; THENCE S.46°59'03"W. FOR 194.17 FEET; THENCE N.43°00'57"W. FOR 7.50 FEET; THENCE S.46°59'03"W. FOR 23.47 FEET; THENCE S.43°00'57"E. FOR 7.50 FEET; THENCE S.46°59'03"W. FOR 34.51 FEET; THENCE S.14°44'43"E. FOR 75.72 FEET; THENCE S.01°38'13"E. FOR 167.83 FEET; THENCE S.38°51'21"E. FOR 93.18 FEET; THENCE S.14°44'43"E. FOR 101.12 FEET; THENCE S.51°08'39"W. FOR 26.63 FEET TO AN INTERSECTION WITH THE SOUTHWESTERLY LINE OF SAID TRACT "E"; THENCE S.38°51'21"E. ALONG SAID SOUTHWESTERLY LINE FOR 59.75 FEET TO AN INTERSECTION WITH THE NORTHWESTERLY RIGHT-OF-WAY LINE OF BEACHWALK BOULEVARD (50 FEET WIDE) AND AN INTERSECTION WITH A CURVE TO THE LEFT HAVING A RADIUS OF 850.00 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.38°57'57"E.; THENCE NORTHEASTERLY ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE AND ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 5°56'20" FOR 88.11 FEET; THENCE N.38°51'21"W. FOR 39.43 FEET; THENCE N.46°30'41"E. FOR 447.74 FEET; THENCE N.41°19'56"E. FOR 209.03 FEET; THENCE S.45°22'46"E. FOR 36.50 FEET TO AN INTERSECTION WITH SAID RIGHT-OF-WAY LINE; THENCE N.44°37'42"E. ALONG SAID RIGHT-OF-WAY LINE FOR 20.00 FEET; THENCE N.45°22'46"W. FOR 37.65 FEET; THENCE N.41°19'56"E. FOR 272.11 FEET; THENCE N.47°43'26"E. FOR 191.87 FEET; THENCE S.45°20'18"E. FOR 42.94 FEET TO AN INTERSECTION WITH SAID RIGHT-OF-WAY LINE; THENCE N.44°37'42"E. ALONG SAID RIGHT-OF-WAY LINE FOR 20.00 FEET; THENCE N.45°20'18"W. FOR 41.86 FEET; THENCE N.47°43'26"E. FOR 168.57 FEET; THENCE N.04°39'23"E. FOR 215.25 FEET; THENCE S.87°59'15"E. FOR 5.02 FEET TO AN INTERSECTION WITH SAID RIGHT-OF-WAY LINE AND AN INTERSECTION WITH A CURVE TO THE LEFT HAVING A RADIUS OF 350.00 FEET AND TO WHICH POINT A RADIAL LINE BEARS N.76°05'13"E.; THENCE NORTHERLY ALONG SAID RIGHT-OF-WAY LINE AND ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 2°33'53" FOR 15.67 FEET; THENCE N.87°48'03"W. FOR 116.41 FEET; THENCE N.01°44'57"E. FOR 17.17 FEET; THENCE N.87°48'03"W. FOR 10.00 FEET; THENCE S.01°44'57"W. FOR 17.17 FEET; THENCE N.87°48'03"W. FOR 316.90 FEET TO AN INTERSECTION WITH A CURVE TO THE RIGHT HAVING A RADIUS OF 880.51 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.36°10'37"E.; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 23°50'17" FOR 366.34 FEET; THENCE S.84°36'40"W. FOR 159.46 FEET; THENCE S.89°03'36"W. FOR 129.29 FEET; THENCE S.01°38'13"E. FOR 20.42 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 16.08 ACRES, MORE OR LESS.

LESS THE FOLLOWING TWO PARCELS;

LESS PARCEL #1:

COMMENCING AT THE AFOREMENTIONED POINT "A"; THENCE S.66°37'10"E. FOR 37.52 FEET TO THE **POINT OF BEGINNING**; THENCE N.84°36'40"E. FOR 150.26 FEET; THENCE S.00°56'24"E. FOR 38.79 FEET; THENCE N.89°03'36"E. FOR 12.00 FEET; THENCE N.00°56'24"W. FOR 39.73 FEET; THENCE

N.84°36'40"E. FOR 164.30 FEET TO POINT "B"; THENCE S.27°56'50"E. FOR 74.78 FEET; THENCE S.72°48'27"W. FOR 42.44 FEET; THENCE S.44°51'21"W. FOR 12.21 FEET; THENCE S.45°08'39"E. FOR 20.00 FEET; THENCE N.44°51'21"E. FOR 7.24 FEET; THENCE N.72°48'27"E. FOR 41.26 FEET; THENCE S.27°56'50"E. FOR 55.94 FEET; THENCE N.66°12'31"E. FOR 14.71 FEET; THENCE S.20°25'43"E. FOR 59.39 FEET; THENCE S.45°06'18"E. FOR 58.47 FEET; THENCE S.18°08'23"E. FOR 50.14 FEET; THENCE S.58°14'35"W. FOR 74.33 FEET; THENCE S.01°01'32"E. FOR 118.02 FEET; THENCE S.27°38'14"E. FOR 48.08 FEET; THENCE N.60°30'03"E. FOR 11.95 FEET; THENCE S.29°29'57"E. FOR 45.73 FEET; THENCE S.44°37'14"W. FOR 9.17 FEET; THENCE S.45°22'46"E. FOR 34.13 FEET; THENCE S.41°19'56"W. FOR 209.29 FEET; THENCE S.46°30'41"W. FOR 421.41 FEET; THENCE N.45°44'47"W. FOR 110.73 FEET; THENCE N.01°38'13"W. FOR 92.17 FEET; THENCE S.88°21'47"W. FOR 17.82 FEET; THENCE N.14°44'43"W. FOR 121.47 FEET; THENCE N.01°38'13"W. FOR 60.12 FEET; THENCE N.46°11'59"E. FOR 327.90 FEET; THENCE N.43°47'01"W. FOR 161.69 FEET; THENCE N.01°29'26"W. FOR 51.92 FEET; THENCE S.88°21'47"W. FOR 40.21 FEET; THENCE N.01°38'13"W. FOR 211.90 FEET TO THE **POINT OF BEGINNING**.

LESS PARCEL #1 CONTAINS 7.75 ACRES, MORE OR LESS.

LESS PARCEL #2:

COMMENCING AT THE AFOREMENTIONED POINT "B"; THENCE N.64°35'13"E. FOR 109.67 FEET TO THE **POINT OF BEGINNING**; THENCE N.62°14'10"E. FOR 144.02 FEET; THENCE N.27°45'50"W. FOR 21.00 FEET; THENCE N.62°14'10"E. FOR 27.45 FEET; THENCE S.42°02'57"E. FOR 49.50 FEET; THENCE N.73°23'45"E. FOR 55.57 FEET; THENCE N.02°11'57"E. FOR 22.73 FEET; THENCE S.87°48'03"E. FOR 101.77 FEET; THENCE S.02°00'45"W. FOR 15.78 FEET; THENCE S.87°59'15"E. FOR 171.67 FEET; THENCE S.02°11'57"W. FOR 7.00 FEET; THENCE S.87°59'15"E. FOR 16.18 FEET; THENCE S.02°36'13"W. FOR 55.03 FEET; THENCE S.87°23'47"E. FOR 38.85 FEET; THENCE S.04°39'23"W. FOR 124.95 FEET; THENCE S.47°43'26"W. FOR 87.85 FEET; THENCE N.42°16'34"W. FOR 7.74 FEET; THENCE S.47°43'26"W. FOR 10.00 FEET; THENCE S.42°16'34"E. FOR 7.74 FEET; THENCE S.47°43'26"W. FOR 62.43 FEET; THENCE N.45°20'18"W. FOR 19.12 FEET; THENCE S.44°39'42"W. FOR 20.00 FEET; THENCE S.45°20'18"E. FOR 18.05 FEET; THENCE S.47°43'26"W. FOR 200.90 FEET; THENCE S.41°19'56"W. FOR 262.50 FEET; THENCE N.29°29'57"W. FOR 136.42 FEET; THENCE N.01°01'32"W. FOR 79.77 FEET; THENCE N.58°14'35"E. FOR 78.69 FEET; THENCE N.18°08'23"W. FOR 14.22 FEET; THENCE N.71°51'37"E. FOR 14.75 FEET; THENCE N.18°08'23"W. FOR 10.00 FEET; THENCE S.71°51'37"W. FOR 14.75 FEET; THENCE N.18°08'23"W. FOR 46.45 FEET; THENCE N.45°06'18"W. FOR 58.89 FEET; THENCE N.20°25'43"W. FOR 49.88 FEET; THENCE N.69°34'17"E. FOR 5.00 FEET; THENCE N.20°25'43"W. FOR 10.00 FEET; THENCE S.69°34'17"W. FOR 5.00 FEET; THENCE N.20°25'43"W. FOR 98.19 FEET; THENCE N.62°14'10"E. FOR 58.18 FEET; THENCE N.23°53'25"W. FOR 48.05 FEET TO THE **POINT OF BEGINNING**.

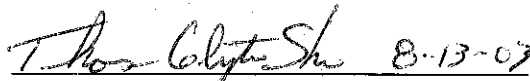
LESS PARCEL #2 CONTAINS 5.05 ACRES, MORE OR LESS.

NET EASEMENT ACREAGE IS 3.28 ACRES, MORE OR LESS.

BEARINGS ARE BASED UPON THE WEST LINE OF TRACT "E" OF THE BEACHWALK SUBDIVISION AS BEARING N.01°38'13"W.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, AND RIGHTS-OF-WAY OF RECORD.

DESCRIPTION PREPARED JULY 22, 2003.


THOMAS C. SHAW, P.S.M.
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATION No. 4672

COPY

SKETCH TO ACCOMPANY DESCRIPTION

OF A
PARCEL OF LAND
LYING IN
SECTION 31, TOWNSHIP 15 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

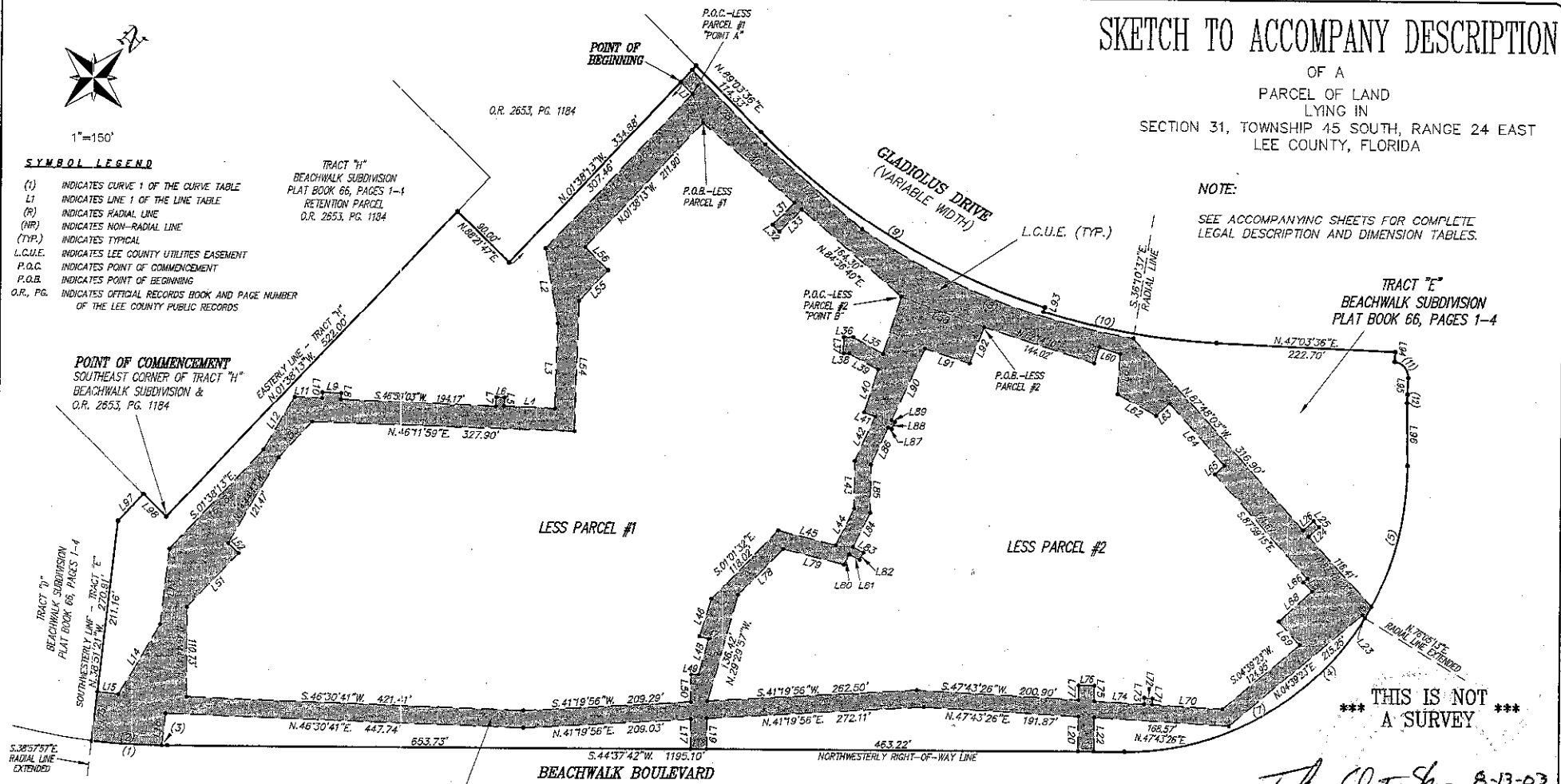
NOTE:
SEE ACCOMPANYING SHEETS FOR COMPLETE
LEGAL DESCRIPTION AND DIMENSION TABLES.



1"=150'

SYMBOL LEGEND

- (1) INDICATES CURVE 1 OF THE CURVE TABLE
- L1 INDICATES LINE 1 OF THE LINE TABLE
- (R) INDICATES RADIAL LINE
- (NR) INDICATES NON-RADIAL LINE
- (TYP.) INDICATES TYPICAL
- L.C.U.E. INDICATES LEE COUNTY UTILITIES EASEMENT
- P.O.C. INDICATES POINT OF COMMENCEMENT
- P.O.B. INDICATES POINT OF BEGINNING
- O.R., PG. INDICATES OFFICIAL RECORDS BOOK AND PAGE NUMBER OF THE LEE COUNTY PUBLIC RECORDS



*** THIS IS NOT A SURVEY ***

Thomas C. Shaw 8-13-03
 THOMAS C. SHAW
 PROFESSIONAL SURVEYOR & MAPPER
 FLORIDA CERTIFICATION NO. 4672

- THIS SKETCH IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA PROFESSIONAL SURVEYOR AND MAPPER.

- PREPARED JULY 22, 2003.

PREPARED BY:
Banks Engineering, Inc.
 ENGINEERING, SURVEYING & LAND PLANNING
 6643 WILLOW PARK DRIVE - SUITE "B"
 NAPLES, FLORIDA 34109
 (239) 597-2091
 FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6690

S:\Jobs\15x11569-1288\SURVEYING\Description\1569_LCUE_SK.dwg, 8/13/2003 11:11:50 AM, Dave Sheppard

DIMENSIONS TO ACCOMPANY DESCRIPTION

LINE TABLE

Line	Bearing	Distance	Line	Bearing	Distance
L1	N.89°03'36"E	20.60'	L50	S.45°22'46"E	34.13'
L2	S.55°23'25"E	93.47'	L51	S.01°38'13"E	92.17'
L3	S.43°47'01"E	105.52'	L52	S.88°21'47"W	17.82'
L4	S.46°59'03"W	63.67'	L53	N.01°38'13"W	60.12'
L5	N.43°00'57"W	11.00'	L54	N.43°47'01"W	161.69'
L6	S.46°59'03"W	10.00'	L55	N.01°29'26"W	51.92'
L7	S.43°00'57"E	12.00'	L56	S.88°21'47"W	40.21'
L8	N.43°00'57"W	7.50'	L57	S.66°37'10"E	37.52'
L9	S.46°59'03"W	23.47'	L58	N.64°35'13"E	109.67'
L10	S.43°00'57"E	7.50'	L59	N.27°45'50"W	21.00'
L11	S.46°59'03"W	34.51'	L60	N.62°14'10"E	27.45'
L12	S.14°44'43"E	75.72'	L61	S.42°02'57"E	49.50'
L13	S.39°51'21"E	93.18'	L62	N.73°23'45"E	55.57'
L14	S.14°44'43"E	101.12'	L63	N.02°11'57"E	22.73'
L15	S.51°08'39"W	26.63'	L64	S.87°48'03"E	101.77'
L16	N.38°51'21"W	39.43'	L65	S.02°00'45"W	15.78'
L17	S.45°22'46"E	36.50'	L66	S.02°11'57"W	7.00'
L18	N.44°37'42"E	20.00'	L67	S.87°59'15"E	16.18'
L19	N.45°22'46"W	37.65'	L68	S.02°36'13"W	55.03'
L20	S.45°20'18"E	42.94'	L69	S.87°23'47"E	38.85'
L21	N.44°37'42"E	20.00'	L70	S.47°43'26"W	87.85'
L22	N.45°20'18"W	41.86'	L71	N.42°16'34"W	7.74'
L23	S.87°59'15"E	5.02'	L72	S.47°43'26"W	10.00'
L24	N.01°44'57"E	17.17'	L73	S.42°16'34"E	7.74'
L25	N.87°48'03"W	10.00'	L74	S.47°43'26"W	62.43'
L26	S.01°44'57"W	17.17'	L75	N.45°20'18"W	19.12'
L27	S.84°36'40"W	159.46'	L76	S.44°39'42"W	20.00'
L28	S.89°03'36"W	129.29'	L77	S.45°20'18"E	18.05'
L29	S.01°38'13"E	20.42'	L78	N.01°01'32"W	79.77'
L30	N.84°36'40"E	150.26'	L79	N.58°14'35"E	78.69'
L31	S.00°56'24"E	38.79'	L80	N.18°08'23"W	14.22'
L32	N.89°03'36"E	12.00'	L81	N.71°51'37"E	14.75'
L33	N.00°56'24"W	39.73'	L82	N.18°08'23"W	10.00'
L34	S.27°56'50"E	74.78'	L83	S.71°51'37"W	14.75'
L35	S.72°48'27"W	42.44'	L84	N.18°08'23"W	46.45'
L36	S.44°51'21"W	12.21'	L85	N.45°06'18"W	58.89'
L37	S.45°08'39"E	20.00'	L86	N.20°25'43"W	49.88'
L38	N.44°51'21"E	7.24'	L87	N.69°34'17"E	5.00'
L39	N.72°48'27"E	41.26'	L88	N.20°25'43"W	10.00'
L40	S.27°56'50"E	55.94'	L89	S.69°34'17"W	5.00'
L41	N.66°12'31"E	14.71'	L90	N.20°25'43"W	98.18'
L42	S.20°25'43"E	59.39'	L91	N.62°14'10"E	58.18'
L43	S.45°06'18"E	58.47'	L92	N.23°53'25"W	48.05'
L44	S.18°08'23"E	50.14'	L93	S.28°31'12"E	6.00'
L45	S.58°14'35"W	74.33'	L94	S.42°56'24"E	12.00'
L46	S.27°36'14"E	48.08'	L95	S.42°56'24"E	20.20'
L47	N.60°30'03"E	11.99'	L96	S.46°03'54"E	76.72'
L48	S.29°29'57"E	45.73'	L97	N.01°38'13"W	45.76'
L49	S.44°37'14"W	9.17'	L98	N.88°21'47"E	39.50'

COPY

CURVE TABLE

NO.	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
1	850.00'	06°24'22"	95.04'	94.99'	S.47°49'52"W
2	850.00'	05°56'20"	88.11'	88.07'	N.48°03'53"E
3	850.00'	00°28'02"	6.93'	6.93'	N.44°51'42"E
4	350.00'	90°41'35"	554.01'	497.96'	S.00°43'06"E
5	350.00'	29°35'14"	180.74'	178.74'	S.31°16'17"E
6	350.00'	02°33'53"	15.67'	15.67'	S.15°11'43"E
7	350.00'	58°32'29"	357.61'	342.25'	S.15°21'27"W
8	880.51'	23°50'17"	366.34'	363.70'	S.65°44'31"W
9	888.51'	27°34'48"	418.07'	414.04'	S.75°16'12"W
10	874.51'	14°25'12"	220.09'	219.51'	S.54°16'12"W
11	19.78'	83°45'22"	28.91'	26.41'	S.85°50'24"E
12	200.00'	03°07'30"	10.91'	10.91'	N.44°30'09"W

PREPARED BY:

Banks Engineering, Inc.

ENGINEERING, SURVEYING & LAND PLANNING

8840 WILLOW PARK DRIVE - SUITE "B"

NAPLES, FLORIDA 34109

(239) 587-2061

FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6660

SKETCH TO ACCOMPANY DESCRIPTION

OF A
PARCEL OF LAND
LYING IN
SECTION 31, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA



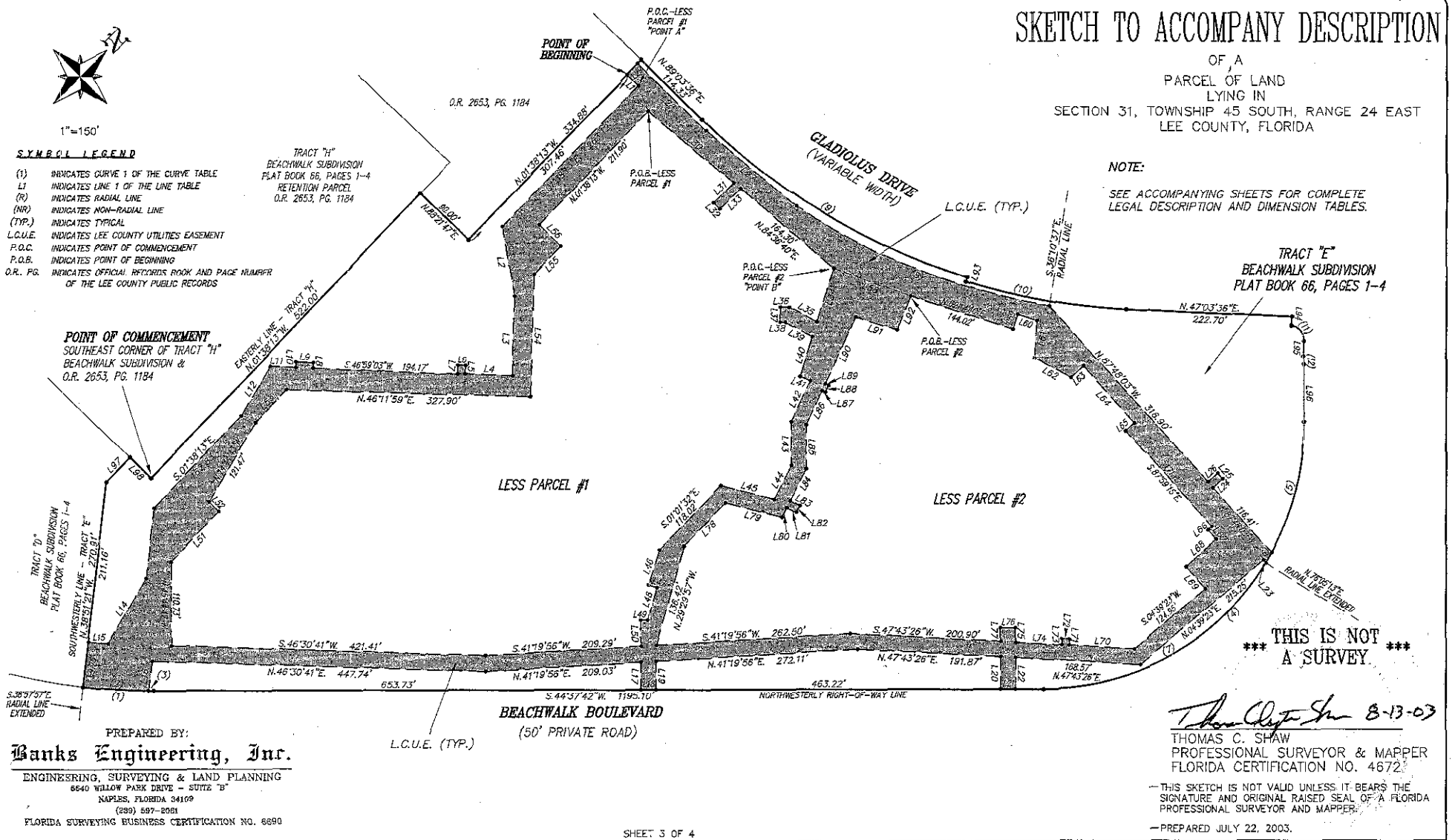
1"=150'

SYMBOL LEGEND

- (1) INDICATES CURVE 1 OF THE CURVE TABLE
- L1 INDICATES LINE 1 OF THE LINE TABLE
- (R) INDICATES RADIAL LINE
- (NR) INDICATES NON-RADIAL LINE
- (TYP.) INDICATES TYPICAL
- L.C.U.E. INDICATES LEE COUNTY UTILITIES EASEMENT
- P.O.C. INDICATES POINT OF COMMENCEMENT
- P.O.B. INDICATES POINT OF BEGINNING
- O.R., PG. INDICATES OFFICIAL RECORDS BOOK AND PAGE NUMBER OF THE LEE COUNTY PUBLIC RECORDS

NOTE:

SEE ACCOMPANYING SHEETS FOR COMPLETE LEGAL DESCRIPTION AND DIMENSION TABLES.



TRACT "E"
BEACHWALK SUBDIVISION
PLAT BOOK 66, PAGES 1-4

*** THIS IS NOT A SURVEY ***

Thomas C. Shaw 8-13-03

THOMAS C. SHAW
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATION NO. 4672

THIS SKETCH IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA PROFESSIONAL SURVEYOR AND MAPPER.

PREPARED JULY 22, 2003.

PREPARED BY:
Banks Engineering, Inc.
ENGINEERING, SURVEYING & LAND PLANNING
6640 WILLOW PARK DRIVE - SUITE "B"
NAPLES, FLORIDA 34109
(239) 597-2061
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6890

COPY

S:\Jobs\1569-1288\SURVEY\ING\Descriptions\1569_LCUE_SK.dwg, 8/13/2003 11:11:50 AM, Dave Sheppard

6640 WILLOW PARK DRIVE - SUITE 'B'
 NAPLES, FLORIDA 34109
 (889) 697-2081
Banks Engineering, Inc.
 ENGINEERING, SURVEYING & LAND PLANNING
 PREPARED BY:

NO.	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
1	850.00'	06°24'22"	95.04'	94.89'	S 47°49'52"W
2	850.00'	05°56'20"	88.11'	88.07'	N 48°03'53"E
3	850.00'	00°28'02"	6.93'	6.93'	N 44°51'42"E
4	350.00'	90°41'35"	554.01'	497.96'	S 00°43'06"E
5	350.00'	29°35'14"	180.74'	178.74'	S 31°16'17"E
6	350.00'	02°33'53"	357.61'	15.67'	S 15°11'43"E
7	350.00'	58°32'29"	357.61'	342.25'	S 15°21'27"W
8	880.51'	23°50'17"	366.34'	363.70'	S 65°44'31"W
9	880.51'	27°34'48"	418.07'	414.04'	S 75°16'12"W
10	874.51'	14°25'12"	220.09'	219.51'	S 54°16'12"W
11	19.78'	83°45'22"	10.91'	26.41'	S 85°50'24"E
12	200.00'	03°07'50"			N 44°30'09"W

CURVE TABLE

Line	Bearing	Distance	Line	Bearing	Distance
L1	N 89°03'36"E	20.60'	L50	S 45°22'46"E	34.13'
L2	S 55°23'25"E	93.47'	L51	S 01°38'13"E	92.17'
L3	S 43°47'01"E	105.52'	L52	S 88°21'47"W	17.82'
L4	S 46°59'03"W	63.67'	L53	N 01°38'13"W	60.12'
L5	N 43°00'57"W	11.00'	L54	N 01°47'01"W	161.69'
L6	S 45°59'03"W	10.00'	L55	N 01°29'26"W	51.92'
L7	S 43°00'57"E	12.00'	L56	S 88°21'47"W	40.21'
L8	N 43°00'57"W	7.50'	L57	S 66°37'10"E	37.52'
L9	S 46°59'03"W	23.47'	L58	N 64°37'10"E	109.67'
L10	S 43°00'57"E	7.50'	L59	N 27°45'50"W	21.00'
L11	S 46°59'03"W	34.51'	L60	N 62°14'10"E	27.45'
L12	S 14°44'43"E	78.22'	L61	S 42°02'57"E	49.50'
L13	S 38°51'21"E	92.18'	L62	N 73°23'45"E	55.57'
L14	S 14°44'43"E	101.12'	L63	N 02°11'57"E	22.73'
L15	S 51°08'39"W	26.63'	L64	S 87°49'03"E	101.73'
L16	N 38°51'21"W	39.43'	L65	S 02°00'45"W	15.78'
L17	S 45°22'46"E	36.50'	L66	S 02°11'57"W	7.00'
L18	N 44°37'42"E	20.00'	L67	S 87°59'15"E	16.18'
L19	N 45°22'46"W	37.65'	L68	S 02°36'13"W	55.03'
L20	S 45°20'18"E	42.94'	L69	S 87°23'47"E	38.85'
L21	N 44°37'42"E	20.00'	L70	S 47°43'26"W	87.85'
L22	N 45°20'18"W	41.86'	L71	N 42°16'34"W	7.74'
L23	S 87°59'15"E	5.02'	L72	S 47°43'26"W	10.00'
L24	N 01°44'57"E	17.17'	L73	S 42°16'34"E	7.74'
L25	N 87°48'03"W	10.00'	L74	S 47°43'26"W	62.43'
L26	S 01°44'57"W	17.17'	L75	N 45°20'18"W	19.12'
L27	S 84°58'40"W	159.46'	L76	S 44°39'42"E	20.00'
L28	S 89°03'38"W	20.42'	L77	S 45°20'18"E	18.05'
L29	S 01°38'13"E	150.26'	L78	N 01°01'32"W	79.77'
L30	N 84°36'40"E	38.79'	L79	N 80°14'55"E	78.69'
L31	S 00°56'24"E	12.00'	L80	N 18°08'23"W	14.22'
L32	N 89°03'36"E	39.73'	L81	N 71°51'37"E	10.00'
L33	N 00°56'24"W	74.78'	L82	N 18°08'23"W	14.75'
L34	S 27°56'50"E	42.44'	L83	S 71°51'37"W	46.45'
L35	S 22°48'27"W	20.00'	L84	N 18°08'23"W	58.89'
L36	S 44°51'21"E	12.21'	L85	N 45°06'18"W	49.88'
L37	S 45°08'39"E	20.00'	L86	N 20°25'43"W	5.00'
L38	N 44°51'21"E	7.24'	L87	N 69°34'17"E	10.00'
L39	N 72°48'27"E	41.26'	L88	N 20°25'43"W	5.00'
L40	S 27°56'50"E	55.94'	L89	S 69°34'17"W	98.19'
L41	N 66°12'31"E	14.71'	L90	N 20°25'43"W	5.00'
L42	S 20°25'43"E	59.39'	L91	N 82°14'10"E	58.18'
L43	S 45°08'18"E	50.14'	L92	N 23°53'25"W	48.05'
L44	S 18°08'23"E	74.33'	L93	S 28°31'12"E	6.00'
L45	S 87°14'35"W	48.08'	L94	S 42°56'24"E	20.20'
L46	S 27°38'14"E	48.08'	L95	S 46°03'54"E	46.72'
L47	N 60°30'03"E	11.95'	L96	S 46°03'54"E	46.72'
L48	S 29°29'57"E	45.73'	L97	N 01°38'13"W	39.50'
L49	S 44°37'14"W	9.17'	L98	N 88°21'47"E	39.50'

LINE TABLE

DIMENSIONS TO ACCOMPANY DESCRIPTION

COPY

COPY

TO: LEE COUNTY FINANCE DEPARTMENT

FROM: UTILITIES ENGINEERING
(Department)

BS 20031125-UTL

SUE GULLEDGE

A. AUTHORIZATION:

This transmittal authorizes the UTIL. ENGINEERING office to incur expenses for filing/records against: GARDENS AT BEACHWALK, PHASE I (GARDENS AT BEACHWALK LLC)

Purchase Order # N/A for _____ project.

ACCOUNT NO. OD5360748700.504930

ORIGINAL DOCUMENT TO MINUTES AFTER RECORDING,
WITH COPY TO SUE GULLEDGE

Sue Gulledge
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

