

**Lee County Board of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20061490-UTL

1. Action Requested/Purpose:

Approve final acceptance, by Resolution and recording of one (1) Utility Easement, as a donation of a water main and force main extension, to provide potable water service, fire protection and sanitary sewer service to *Reserve at Estero - Entrance/Temporary Sales Center*, a recently constructed sales facility. This is a Developer Contributed asset project located along the north side of Estero Parkway approximately 1 mile east of U.S. 41 south.

2. What Action Accomplishes:

Provides adequate utility infrastructure to support development of the subject property and complies with the Lee County Utilities Operations Manual.

3. Management Recommendation:

Approval.

4. Departmental Category: 10 - Utilities

CIOB

5. Meeting Date:

DEC 05 2006

6. Agenda:

- Consent
- Administrative
- Appeals
- Public
- Walk-On

7. Requirement/Purpose (specify)

- Statute
- Ordinance
- Admin. Code
- Other Approval

8. Request Initiated:

Commissioner _____
 Department Public Works
 Division Utilities
 By: Douglas L. Meurer 11-16-2006
 Douglas L. Meurer, P.E., Director

9. Background:

The Board granted permission to construct on 10-19-04, Blue Sheet #20041174.
 The installation has been inspected for conformance to the Lee County Utilities Operations Manual.
 Satisfactory pressure and bacteriological testing has been completed.
 Record drawings have been received.
 Engineer's Certification of Completion has been provided—copy attached.
 Project Location Map—copy attached.
 Warranty has been provided—copy attached.
 Waiver of Lien has been provided—copy attached.
 Certification of Contributed Assets has been provided—copy attached.
 100% of the connection fees have been paid.
 Funds are available for recording fees in account number OD5360748700.504930.

SECTION 22 TOWNSHIP 46S RANGE 25E DISTRICT #5 COMMISSIONER MANN

10. Review for Scheduling

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager / P.W. Director
					Analyst	Risk	Grants	Mgr.	
<u>J. Lavender</u> Date: <u>11-17-06</u>	N/A	N/A	<u>T.O.</u> T. Osterhout Date: <u>11/16</u>	<u>S. Coovert</u> Date: <u>11/20/06</u>	<u>RK</u> Date: <u>11/16/06</u>	<u>CO</u> Date: <u>11/21/06</u>	<u>M</u> Date: <u>11/21/06</u>	<u>JK</u> Date: <u>11/21/06</u>	<u>J. Lavender</u> Date: <u>11-17-06</u>

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY
 COUNTY ADMIN:
11/21/06
8:40 AM
 COUNTY ADMIN
 FORWARDED TO:
DR 11/21/06
12:48

Rec. by CoAtty
 Date: 11/20/06
 Time: 2:40pm
 Forwarded To:
11/20/06
4:10pm



FLORIDA DEPARTMENT OF REVENUE
RETURN FOR TRANSFERS OF INTEREST IN REAL PROPERTY
 (PLEASE READ INSTRUCTIONS BEFORE COMPLETING)



FDOR10240300
 DR-219
 R. 07/98

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

0123456789

224625110000H00CE

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):

EASEMENT:

BS 20061490

TOLL FL II LP

Last First MI Corporate Name (if applicable)
28341 S TAMIMIA TRAIL BONITA SPRINGS FL 34134

4. Grantee (Buyer):

Mailing Address City State Zip Code Phone No.
THOM OSTERHOUT AS AGENT: FOR LEE CO. BD. OF CO. COMMISSIONERS

Last First MI Corporate Name (if applicable)
P. O. BOX 398 FT. MYERS FL 33902 (239) 4798181

5. Date of Sale/Transfer

Mailing Address City State Zip Code Phone No.

2006 \$ \$10 . 00 Property Located In **46** County Code

Month Day Year (Round to the nearest dollar.)

6. Type of Document

Contract/Agreement Other

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

YES NO

Warranty
 Deed

Quit Claim
 Deed

(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:

Residential

Commercial

Industrial

Agricultural

Institutional/
 Miscellaneous

Government

Vacant

Acreage

Timeshare

Mark (x) all
 that apply

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 the nearest dollar.)

YES NO \$

Cents

. 00

12. Amount of Documentary Stamp Tax

\$ 0.70

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

Date **11/16/07**

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
This copy to Department of Revenue	
O. R. Book	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
and	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
Page Number	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
and	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
File Number	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
Date Recorded	<input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
Month	Day
	Year

This copy to Department of Revenue

RESOLUTION NO.

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

WHEREAS, it is the desire of "TOLL FL II LP", owner of record, to make a contribution to Lee County Utilities of water facilities (a water main extension), and sewer facilities (a force main extension), serving "RESERVE AT ESTERO, ENTRANCE/TEMPORARY SALES CENTER"; 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 **\$59,964.30** 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 Brian Bigelow: _____ (2)
- Commissioner Ray Judah: _____ (3)
- Commissioner Tammara Hall: _____ (4)
- Commissioner Frank Mann: _____ (5)

DULY PASSED AND ADOPTED this _____ day of _____, 2006.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
DEPUTY CLERK

By: _____
CHAIR

APPROVED AS TO FORM

OFFICE OF COUNTY ATTORNEY

BS 20061490-UTL

COPY

LETTER OF COMPLETION

DATE: 7/19/2005

Department of Lee County Utilities
Division of Engineering
Post Office Box 398
Fort Myers, FL 33902

Gentlemen:

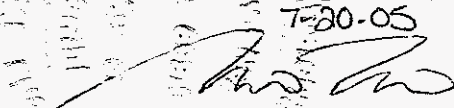
This is to certify that the **water distribution and sanitary sewer** systems located in
Reserve at Estero - Entrance/Temp. Sales Center
(Name of Development)

was designed by me and has been constructed in conformance with:
the approved plans and the approved specifications

Upon completion of the work, we observed the following successful tests of the facilities:
Bacteriological Test , Pressure Test(s) - Water Main and Pressure Test(s) - Force Main

Very truly yours,

Heidt & Associates, Inc.
(Owner or Name of Corporation)

7-20-05


(Signature)

Michael C. Pappas, P.E. - Project Engineer
(Title)

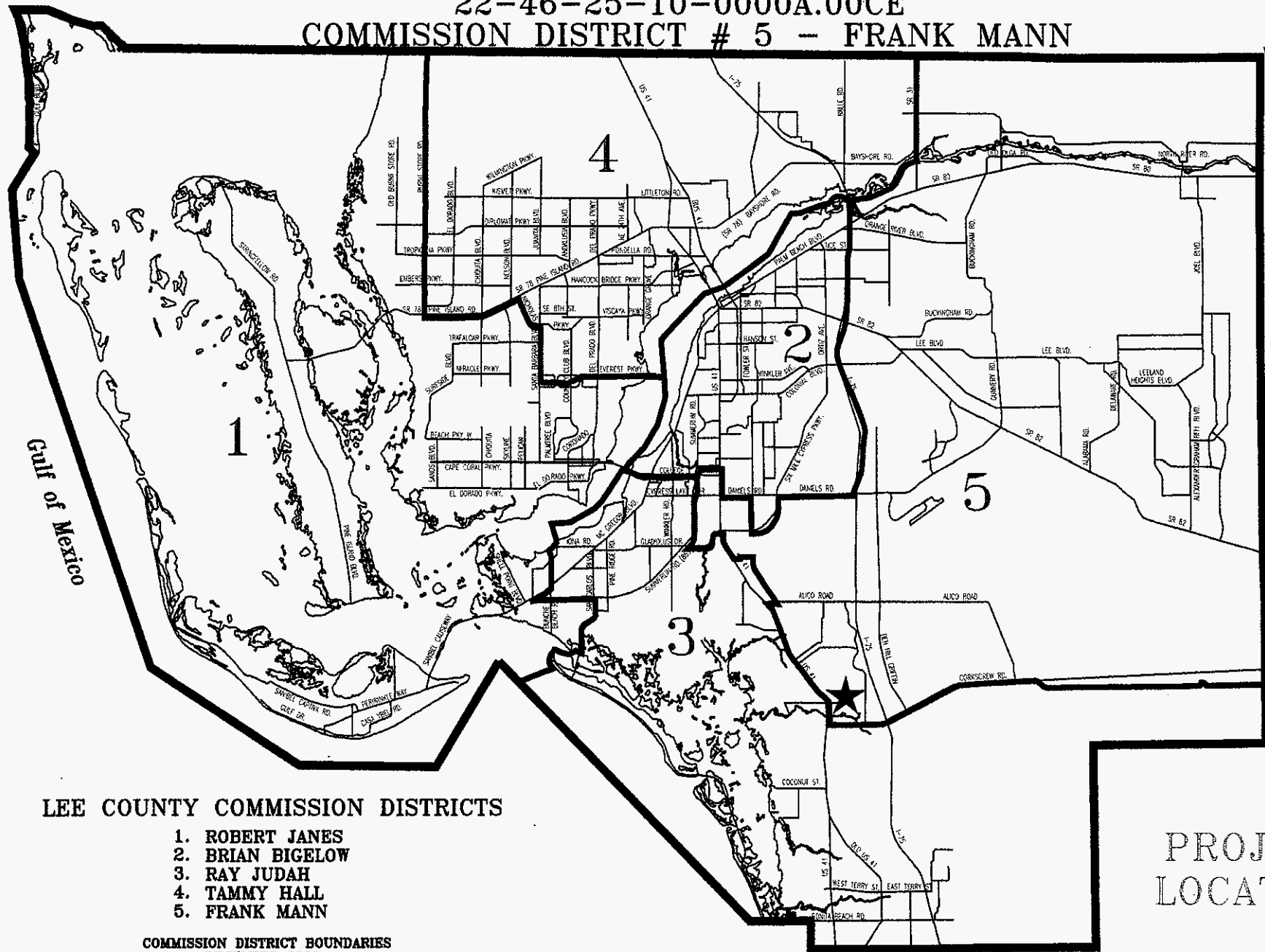
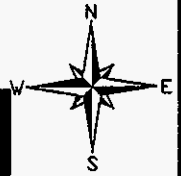
(Seal of Engineering Firm)

 LEE COUNTY
SOUTHWEST FLORIDA
(Forms - Letter of Completion - Revised 08/2003)

P:\Reserve at Estero\Temp Sales Center\Construction\LCU Engineers Ltr of Completion Entire Job_PE 071905.doc

RECEIVED DEC 21 2005

RESERVE AT ESTERO - ENTRANCE/TEMP. SALES CENTER
 22-46-25-10-0000A.00CE
 COMMISSION DISTRICT # 5 - FRANK MANN



COPY

LEE COUNTY COMMISSION DISTRICTS

- 1. ROBERT JANES
- 2. BRIAN BIGELOW
- 3. RAY JUDAH
- 4. TAMMY HALL
- 5. FRANK MANN

COMMISSION DISTRICT BOUNDARIES
 DECEMBER 2000

PROJECT
 LOCATION

COPY

11.2

WARRANTY

THE UNDERSIGNED parties do hereby warrant and/or guaranty all work executed by the contractor on the water and sewer systems of Reserve at Estero-Entrance/Temporary Sales Center 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.

Steve Goble of Gulf Coast Underground, Inc.
(Name of Owner/Contractor)

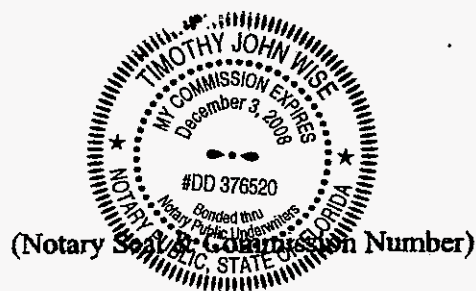
BY: [Signature]
(Signature of Owner/Contractor)

STATE OF FL)
) SS:
COUNTY OF Lee)

The foregoing instrument was signed and acknowledged before me this 7 th day of FEB. 2006 ~~JULY, 2005~~ by Steve Goble who is personally known to me, _____, and who did not take an oath.

[Signature]
Notary Public Signature

Timothy J. Wise
Printed Name of Notary Public



**WAIVER AND RELEASE OF LIEN
UPON FINAL PAYMENT**

COPY

The undersigned lienor, in consideration of the final payment in the amount of Fifty-Nine Thousand Nine Hundred Sixty-four & 30/100 (\$59,964.30) hereby waives and releases its lien and right to claim a lien for labor, services, or materials furnished to Toll FL II Limited Partnership on the job of Reserve at Estero-Entrance / Temporary Sales Center to the following described property:

Reserve at Estero - Entrance / Temporary Sales Center
(Name of Development/Project)

water distribution and sanitary sewer systems
(Facilities Constructed)

Monte Grande Boulevard & Estero Parkway
(Location)

22-46-25-10-000A.00CE
(Strap # or Section, Township & Range)

Dated on: 2/7/2006

By: [Signature]
(Signature of Authorized Representative)

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

By: Steve Goble
(Print Name of Authorized Representative)

3551 Metro Parkway
(Address of Firm or Corporation)

Title: President

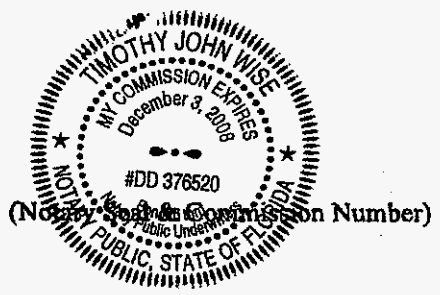
Ft. Myers, FL 33916-
(City, State & Zip Of Firm Or Corporation)

Phone #: (239)274-9504 Ext.

Fax#: (239)274-9505

STATE OF FL)
) SS:
COUNTY OF LEE)

The foregoing instrument was signed and acknowledged before me this 7 th day of Feb. 2006 by Steve Goble who is personally known to me, and who did not take an oath.



[Signature]
(Notary Public Signature)

Timothy J. Wise
(Printed Name of Notary Public)

RECEIVED FEB 10 2006

CERTIFICATION OF CONTRIBUTORY ASSETS

PROJECT NAME: Reserve at Estero - Entrance / Temporary Sales Center

STRAP NUMBER: 22-46-25-10-0000A.00CE

LOCATION: Monte Grande Boulevard & Estero Parkway

OWNER'S NAME: (as shown on Deed) Toll FL II Limited Partnership

OWNER'S ADDRESS: 28341 S. Tamiami Trail, Suite 4

OWNER'S ADDRESS: Bonita Springs, FL 34134

TYPE UTILITY SYSTEM: POTABLE WATER

(Please provide separate 'Certifications' for potable water, sanitary sewer and effluent reuse facilities.)

DESCRIPTION AND COST OF MATERIAL, LABOR, AND SERVICES

Please list each element of the system from the drop-down list provided.

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

ITEM	SIZE	QUANTITY	UNIT	UNIT COST	TOTAL
PVC C-900 DR-18 Water Main	12"	213.0	LF	\$33.60	\$7,156.80
CL-50 DIP Water Main	12"	33.0	LF	\$45.00	\$1,485.00
HDPE SDR-11 Water Main	12"	109.0	LF	\$50.00	\$5,450.00
PVC C-900 DR-18 Water Main	8"	1.0	LF	\$19.95	\$19.95
HDPE SDR-11 CASING	24"	104.0	LF	\$230.00	\$23,920.00
SINGLE WATER SERVICE/COMPLETE	1"	1.0	EA	\$500.00	\$500.00
GATE VALVE Water Main	8"	1.0	EA	\$1,155.00	\$1,155.00
GATE VALVE Water Main	12"	1.0	EA	\$2,205.00	\$2,205.00
TAPPING SLEEVE W/VALVE Water Main	16"x12"	1.0	EA	\$6,090.00	\$6,090.00
FIRE HYDRANT ASSEMBLY		1.0	EA	\$3,360.00	\$3,360.00
TOTAL					\$51,341.75

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:

X [Signature]
(Signature of Certifying Agent)

Steve Goble, President
(Name & Title of Certifying Agent)

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

3551 Metro Parkway
(Address of Firm or Corporation)

Fort Myers, FL 33916 -

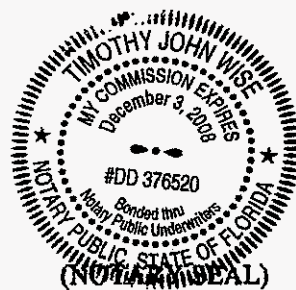
STATE OF FL)
) SS:
COUNTY OF Lee)

The foregoing instrument was signed and acknowledged before me this 7 th day of Feb. 2006 by Steve Goble who is personally known to me - _____, and who did not take an oath.

[Signature]
Notary Public Signature

Timothy J. Wise
Printed Name of Notary Public

DD 376520
Notary Commission Number



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:

X [Signature]
(Signature of Certifying Agent)

Steve Goble; President
(Name & Title of Certifying Agent)

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

3551 Metro Parkway
(Address of Firm or Corporation)

Ft. Myers, FL 33916 -

STATE OF FL)
) SS:
COUNTY OF LEE)

The foregoing instrument was signed and acknowledged before me this 7 th day of Feb. 2006 by Steve Goble who is personally known to me, and who did not take an oath.

[Signature]
Notary Public Signature
Timothy J. Wise
Printed Name of Notary Public
DD 376520
Notary Commission Number



RECEIVED FEB 10 2006

TO: RECORDERS OFFICE

PLEASE PUT MY NAME ON THE ATTENTION LINE:

Sue Gulledge

**CHARGE TO: LEE COUNTY UTILITIES -
LCU 500283**

ACCOUNT NO. OD5360748700.504930

THANK YOU.

FOR UTILITIES USE ONLY:

BLUE SHEET NO. 20061490-UTL

**PROJECT NAME: RESERVE AT ESTERO,
ENTRANCE/TEMP. SALES
CENTER**

EASEMENT NAME: TOLL FL II LP

TYPING BY: Sue Gulledge

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

Strap Number(s):

22-46-25-11-0000H.00CE

LCU 500283

(THIS SPACE RESERVED FOR RECORDING)

GRANT OF PERPETUAL PUBLIC UTILITY EASEMENT

THIS INDENTURE is made and entered into this ____ day of _____ 2006, by and between "TOLL FL II LP" Owner, hereinafter referred to as GRANTOR(S), and "LEE COUNTY", a political subdivision of the State of Florida, 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.

BS 20061490-UTL



3. The public utility easement will 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 may 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 will 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 from any and all liens and encumbrances, except as herein stated, and accordingly, GRANTOR(S) will forever defend the right, 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, agrees to 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.

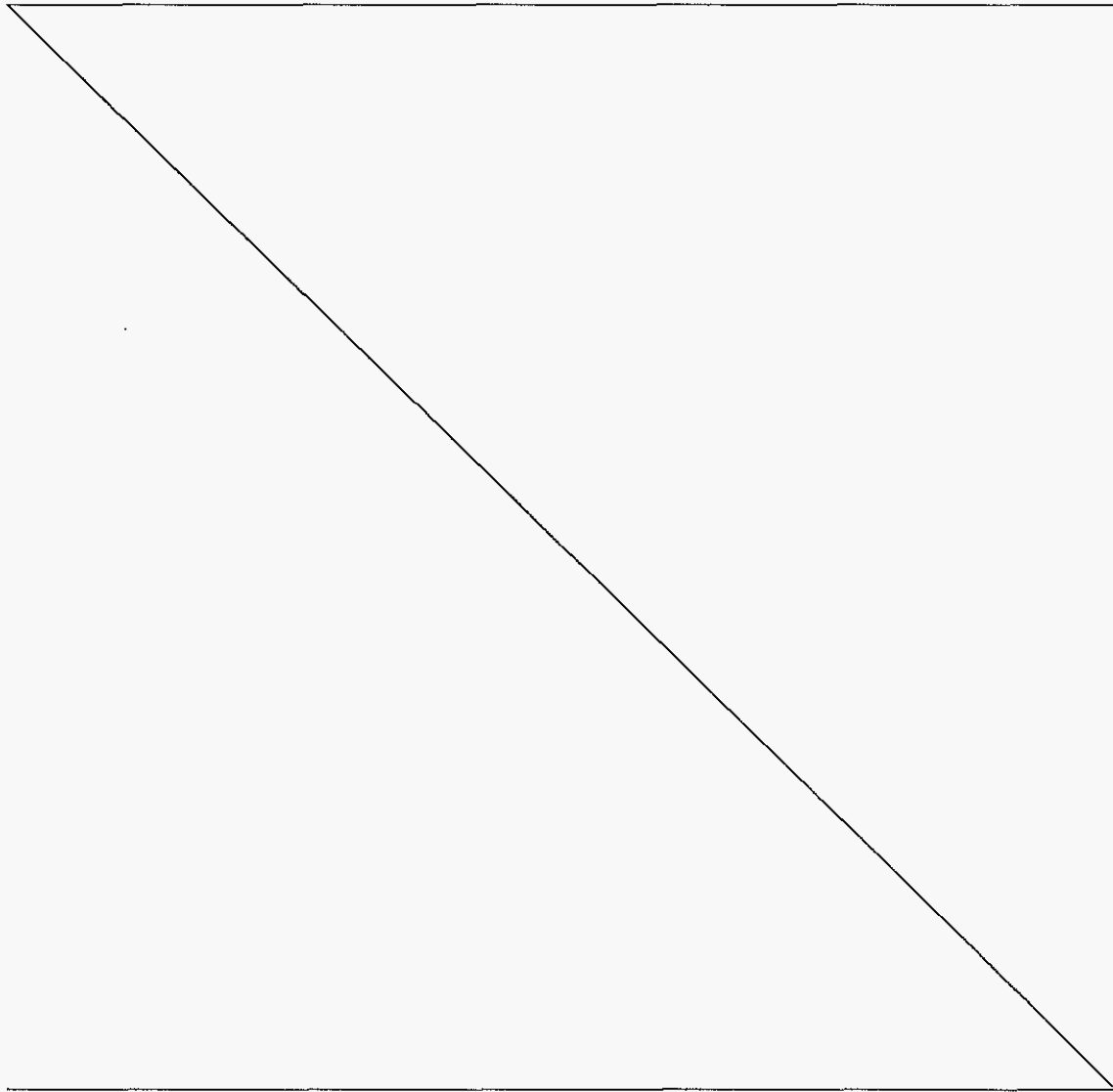
7. GRANTEE will be liable for money damages in tort for any injury to or loss of property, personal injury, or death caused by the negligent or wrongful act(s) or omission(s) of any official or employee of the GRANTEE while acting within the scope of the official's or employee's office or employment 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 will 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.

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.

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

(Balance of Page Left Intentionally Blank)



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

John H. Musto

[1st Witness' Signature]

JOHN H. MUSTO

[Type or Print Name]

Bena Knight

[2nd Witness' Signature]

Bena Knight

[Type or Print Name]

BY:

Jim Manness

[Signature Grantor's/Owner's]

JIM MANNES

[Type or Print Name]

ASST. SEC.

[Title]

STATE OF FLORIDA

COUNTY OF Lee

The foregoing instrument was signed and acknowledged before me this 6th day of October 2006, by Jim Manness who produced the following as identification _____ or is personally know to me, and who did/did not take an oath.

[stamp or seal]



Theresa A. Malloy

[Signature of Notary]

Theresa A. Malloy

[Typed or Printed Name]

Approved and accepted for and on behalf of Lee County, Florida, this _____ day of _____, 2006.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Deputy Clerk

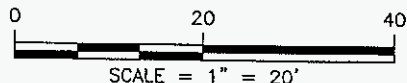
BY: _____
Chair

APPROVED AS TO FORM

BY: _____
Office of the County Attorney
Scott S. Coover, Esquire

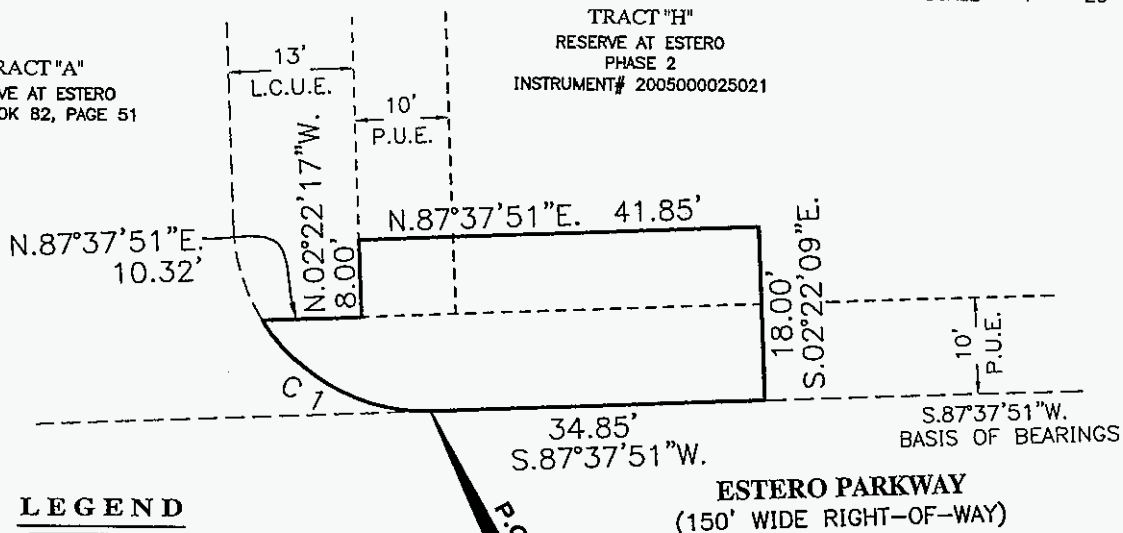
DESCRIPTION SKETCH

(Not a Boundary Survey)



TRACT "A"
RESERVE AT ESTERO
PLAT BOOK 82, PAGE 51

TRACT "H"
RESERVE AT ESTERO
PHASE 2
INSTRUMENT# 2005000025021



LEGEND

- P.O.B. - POINT OF BEGINNING
- L.C.U.E. - LEE COUNTY UTILITY EASEMENT
- P.U.E. - PUBLIC UTILITY EASEMENT

CURVE DATA TABLE

NO.	RADIUS	DELTA	ARC	CHORD	BEARING
1	20.00	60°00'00"	20.94	20.00	N.62°22'09"W.

DESCRIPTION: A parcel of land lying in Tract 'H', RESERVE AT ESTERO PHASE 2, according to the plat thereof as recorded as Instrument Number 2005000025021, in the Public Records of Lee County, Florida, being more particularly described as follows:

BEGINNING at the Southeast corner of Tract 'A' of THE RESERVE AT ESTERO PHASE 1 as recorded in Plat Book 82, Page 51 in the Public Records of Lee County, Florida, said corner also lying on the Northerly right-of-way of Estero Parkway (150 foot wide right-of-way); thence Northwesterly, along the common line of said Tract 'A' and said Tract 'H', 20.94 feet along the arc of a curve to the right having a radius of 20.00 feet and a central angle of 60°00'00" (chord bearing N.62°22'09"W., 20.00 feet); thence N.87°37'51"E., 10.32 feet; thence N.02°22'17"W., 8.00 feet; thence N.87°37'51"E., 41.85 feet; thence S.02°22'09"E., 18.00 feet to the South line of said Tract 'H' also being said Northerly right-of-way line; thence along said South line S.87°37'51"W., 34.85 feet to the POINT OF BEGINNING.

Containing 806 square feet or 0.02 acres, more or less.

SURVEYOR'S NOTES:

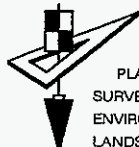
1. Subject to easements, reservations, and restrictions of record.
2. Bearings shown hereon are based upon the Southerly boundary line of Tract 'H', having a bearing of S.87°37'51"E.

NOT A SURVEY

DATE: 6/29/06
 JAMES N. WILKISON PSM # LS4876
 FLORIDA PROFESSIONAL SURVEYOR AND MAPPER

CERTIFICATE OF AUTHORIZATION NO. LB 148

PREPARED BY: **HEIDT & ASSOCIATES, Inc.**
Tampa ♦ Fort Myers



CIVIL ENGINEERING
PLANNING
SURVEYING
ENVIRONMENTAL PERMITTING
LANDSCAPE ARCHITECTURE

Fort Myers Office
3800 Colonial Boulevard #200
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**SKETCH AND DESCRIPTION L.C.U.E.
THE RESERVE AT ESTERO PHASE 1**

Prepared For: **TOLL BROTHERS, INC.**

SHEET 1 OF 1

Dwn. KAE	Ck. JNW	SNL_LCUE_ENTRY
Date: 06/28/06	Order No.: TB2-BN-05B	
SECTION 22, TOWNSHIP 46 S., RANGE 25 E., LEE COUNTY, FLORIDA		

COPY

Reserve

TOLL FL GP CORP.

SPECIAL MEETING OF THE
BOARD OF DIRECTORS

A special meeting of the Board of Directors of Toll FL GP Corp., a Florida corporation (the "Corporation"), was held on November 1, 2004 via telephone conference.

In attendance at the meeting via telephone conference were Robert I. Toll, Chairman of the Board, Zvi Barzilay and Joel H. Rassman, constituting all of the members of the Board of Directors. In addition, in attendance at the meeting at the invitation of the Board was Mark Warshauer, Vice President of the Corporation.

The chairman called the meeting to order and appointed Mr. Warshauer to serve as Secretary of the meeting.

Upon motion duly made and seconded, the following resolution was adopted:

WHEREAS, the Corporation is the general partner of Toll FL II Limited Partnership, a Florida limited partnership (the "Partnership"), and is fully authorized as general partner to make decisions and act on behalf of the Partnership; now, therefore

BE IT RESOLVED, that James Manners, in his capacity as Assistant Secretary of the Corporation, be and he hereby is authorized, empowered and directed, for and on behalf of the Corporation as general partner of the Partnership, and any and all limited partnerships of which the Corporation becomes general partner, to execute and deliver any agreement, application or document with respect to the applications for any and all permits, zoning, construction and utility matters which are to be applied for by the Partnership, and to execute and deliver any agreement, deed or document with respect to the sale of individual homes or lots owned by the Partnership, upon such terms and conditions as he deems appropriate and in the best interest of the Corporation and the Partnership.

There being no further business, upon motion duly made and seconded, the meeting was adjourned.



Mark Warshauer
Secretary of the Meeting