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GRANT OF EASEMENT

2968332

This indenture made and executed this 23rd day of January, 1991, by and between KEITH A. MILLER, TRUSTEE, with full power and authority, to protect, conserve, sell, lease, encumber or otherwise manage and dispose of said property, pursuant to Florida Statute 689.071, hereinafter called GRANTOR, and WESTINGHOUSE BAYSIDE COMMUNITIES, INC., hereinafter called GRANTEE.

WITNESSETH:

That for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, receipt of which is hereby acknowledged, the GRANTOR hereby grants to GRANTEE, its successors and assigns, the following easements:

1. An easement for the purposes of (i) installing and maintaining landscaping, (ii) constructing, maintaining, repairing, replacing and operating utility lines, including water, sewer, electric and cable television, over, under, on and through the property described on Exhibit No. 1 attached hereto and made a part hereof; and

2. An easement for the purpose of erecting, maintaining, repairing and replacing signage, over and on that certain property designated parcel 3 on Exhibit No.1 attached hereto and made a part hereof; and

3. An easement for the purpose of constructing, maintaining, repairing and replacing a drainage swale, culvert and related appurtenances over, under, on and through the property described on Exhibit No. 2 attached hereto and made a part hereof.

TO HAVE AND TO HOLD the easements hereby granted to GRANTEE, its successors and assigns.

GRANTEE, by acceptance of these easements, agrees for itself, its successors and assigns, to not unreasonably interfere with the right of ingress or egress of GRANTOR, its successors and assigns, or any other party requiring access to the properties over which these easements are granted or to any properties abutting the properties encumbered by this easement.

GRANTEE agrees that it will, to the extent reasonable and possible under the circumstances, use care in performing work within the properties encumbered by this easement.

GRANTOR and GRANTEE agree that the costs for the design, permitting, construction, installation, repair, replacement, maintenance and restoration of such improvements shall be paid in accordance with a certain Development Agreement, of even date herewith, between GRANTOR and GRANTEE.

GRANTOR and GRANTEE agree that GRANTOR shall have the right of access over and across the "Landscape and Utility Easement" described on Exhibit No. 1 at any points reasonably necessary for the development of GRANTOR'S parcel lying north of "Road No. 1" as defined in the Development Agreement dated the date hereof between GRANTOR and GRANTEE.

This is a private easement between GRANTOR and GRANTEE and neither the general public nor any purchaser of property unencumbered by this easement shall acquire any right, title or interest in or to this easement. Further, this easement may be modified or vacated without written notice to the general public or any purchaser of property unencumbered by the easement.

RECORD VERIFIED - CHARLIE GREEN, CLERK
BY: G. SHERWOOD, D.C.

Documentary Tax Pd \$ 5
LEE COUNTY
CHARLIE GREEN, CLERK
G. SHERWOOD, DEPUTY CLERK

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IN WITNESS WHEREOF, the GRANTOR has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officer thereunto duly authorized the day and year first above written.

WITNESSES:

Samuel V. Johnson
Name
Robert O. 061319
Ft. Myers, FL 33906
Address
[Signature]
Name
12345 McGREGOR WDS CIR
Ft. MYERS, FL 33708
Address

By: [Signature]
Keith A. Miller, as Trustee,
with full power and authority,
to protect, conserve, sell,
lease, encumber or otherwise
manage and dispose of said
property, pursuant to Florida
Statute 689.071.

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STATE OF FLORIDA
COUNTY OF LEE

I HEREBY CERTIFY that on this day, before me, an officer duly authorized by the State and County aforesaid to take acknowledgements, personally appeared Keith Miller known to me to be Trustee under Trust Agreement dated [Signature] and that he acknowledged executing the same in the presence of two subscribing witnesses freely and voluntarily under authority duly vested in him by said Trust.

WITNESS my hand and official seal in the County and State last aforesaid this 27 day of January, 1991.

(SEAL)

[Signature]
Notary Public
My commission expires: _____
NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXPIRES: FEB. 3, 1993.
Address

This document prepared by:
Samuel V. Johnson
P.O. Box 061319
Fort Myers, FL 33906
813/489-3308

WILSON • MILLER • BARTON • SOLL & PEEK, INC.
ENGINEERS PLANNERS SURVEYORS
LANDSCAPE ARCHITECTS ENVIRONMENTAL CONSULTANTS
4571 COLONIAL BLVD., FORT MYERS, FLORIDA 33912
(813) 939-1020 FAX (813) 939-7479

W.O. 1630
REF. D-1630-3
DATE SEPT. 12, 1990
REVISED NOV. 29, 1990

**DESCRIPTION OF LANDSCAPE AND UTILITY EASEMENT
IN SECTION 16, TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA**

PARCEL 1

All that part of Section 16, Township 47 South, Range 25 East, Lee County, Florida being more particularly described as follows; COMMENCING at the South 1/4 corner of said Section 16, N.89°16'54"E. 989.41 feet; thence N.0°06'43"W. 1445.82 feet along a line that lies 300 feet westerly of (as measured at right angles to) and parallel with the westerly right of way line of U.S. Highway 41 (State Road 45); thence along the South line of that access easement as described in Official Records Book 1967, pages 2998 through 3000, Public Records of Lee County, Florida N.89°06'43"E. 300.00 feet to the westerly right of way line of said U.S. 41; thence along said right of way line N.0°06'43"W. 49.81 feet; thence continue along said right of way line Northerly 50.21 feet along the arc of a circular curve concave to the West, having a radius of 5619.58 feet, through a central angle of 0°30'43" and being subtended by a chord which bears N.0°22'05"W. 50.21 feet; thence along the north line of said access easement, S.89°06'43"W. 359.78 feet to the POINT OF BEGINNING of the parcel herein described; thence continue along said north line S.89°06'43"W. 384.60 feet; thence N.0°06'43"W. 35.00 feet; thence N.89°06'43"E. 384.60 feet; thence S.0°06'43"E. 35.00 feet to the POINT OF BEGINNING of the parcel herein described;

Containing 13460.9 square feet more or less; SUBJECT TO easements and restrictions of record;

ALONG WITH

PARCEL 2

All that part of Section 16, Township 47 South, Range 25 East, Lee County, Florida being more particularly described as follows; COMMENCING at the South 1/4 corner of said

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Section 16; thence along the South line of said Section 16, N.89°16'54"E. 989.41 feet; thence N.0°06'43"W. 1445.82 feet along a line that lies 300 feet westerly of (as measured at right angles to) and parallel with the westerly right of way line of U.S. Highway 41 (State Road 45); thence along the South line of that access easement as described in Official Records Book 1967, Pages 2998 through 3000, Public Records of Lee County, Florida N.89°06'43"E. 300.00 feet to the westerly right of way line of said U.S. 41; thence along said right of way line N.0°06'43"W. 49.81 feet; thence continue along said right of way line Northerly 50.21 feet along the arc of a circular curve concave to the West, having a radius of 5619.58 feet, through a central angle of 0°30'43" and being subtended by a chord which bears N.0°22'05"W. 50.21 feet; thence along the north line of said access easement S.89°06'43"W. 299.78 feet to the POINT OF BEGINNING of the parcel herein described; thence N.0°06'43"W. 35.00 feet; thence N.89°06'43"E. 26.17 feet; thence S.36°23'17"W. 43.98 feet to the Point of Beginning of the parcel herein described;

Containing 457.9 square feet more or less;
SUBJECT TO easement and restrictions of record;

ALONG WITH

PARCEL 3

All that part of Section 16, Township 47 South, Range 25 East, Lee County, Florida being more particularly described as follows; COMMENCING at the South 1/4 corner of said Section 16; thence along the South line of said Section 16, N.89°16'54"E. 989.41 feet; thence N.0°06'43"W. 1445.82 feet along a line that lies 300 feet westerly of (as measured at right angles to) and parallel with the westerly right of way line of U.S. Highway 41 (State Road 45); thence along the South line of that access easement as described in Official Records Book 1967, pages 2998 through 3000 Public Records of Lee County, Florida N. 89°06'43"E. 300.00 feet to the westerly right of way line of said U.S. 41; thence along said right of way line N.0°06'43"W. 49.81 feet; thence continue along said right of way line Northerly 50.21 feet along the arc of a circular curve concave to the West, having a radius of 5619.58 feet, through a central angle of 0°30'43" and being subtended by a chord which bears N.0°22'05"W. 50.21 feet to the POINT OF BEGINNING of the parcel herein described; thence along the north line of said access easement S.89°06'43"W. 254.78 feet; thence N.61°06'43"E. 74.55 feet; thence N.89°06'43"E. 17.46 feet; thence 87.22 feet along the arc of a circular curve concave

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to the Northwest, having a radius of 87.50 feet, through a central angle of $57^{\circ}06'43''$ and being subtended by a chord which bears $N.60^{\circ}33'22''E.$ 83.65 feet; thence $N.32^{\circ}00'00''E.$ 65.49 feet; thence 8.07 feet along the arc of a circular curve concave to the Southeast, having a radius of 12.50 feet, through a central angle of $37^{\circ}00'00''$ and being subtended by a chord which bears $N.50^{\circ}30'00''E.$ 7.93 feet; thence $N.69^{\circ}00'00''E.$ 58.39 feet to a point on a curve and the westerly right of way line of U.S. Highway 41 (State Road 45); thence along said right of way line Southerly 155.02 feet along the arc of a circular curve concave to the West, having a radius of 5619.58 feet, through a central angle of $01^{\circ}34'50''$ and being subtended by a chord which bears $S.01^{\circ}24'51''E.$ 155.01 feet to the POINT OF BEGINNING of the parcel herein described;

Containing 17785.5 square feet more or less;
SUBJECT TO easements and restrictions of record;

ALONG WITH

PARCEL 4

All that part of Section 16, Township 47 South, Range 25 East, Lee County, Florida being more particularly described as follows; COMMENCING at the South $1/4$ corner of said Section 16; thence along the South line of said Section 16, $N.89^{\circ}16'54''E.$ 989.41 feet; thence $N.0^{\circ}06'43''W.$ 1410.82 feet along a line that lies 300 feet westerly of (as measured at right angles to) and parallel with the westerly right of way line of U.S. Highway 41 (State Road 45) to the POINT OF BEGINNING of the parcel herein described; thence continue along said parallel line $N.0^{\circ}06'43''W.$ 35.00 feet; thence along the south line of that access easement as described in Official Records Book 1967, Pages 2998 through 3000, Public Records of Lee County, Florida $N.89^{\circ}06'43''E.$ 300.00 feet to the westerly right of way line of said U.S. 41; thence along said right of way line $S.0^{\circ}06'43''E.$ 35.00 feet; thence $S.89^{\circ}06'43''W.$ 300.00 feet to the POINT OF BEGINNING of the parcel herein described;

Containing 10,500.0 square feet more or less;
SUBJECT TO easements and restrictions of record;


Elizabeth F. Gaines, P.L.S. #4576

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(813) 939-1020 FAX (813) 939-7479

W.O. 1630
REF. D-1630-3
DATE SEPT. 12, 1990
REVISED: NOV. 29, 1990

**DESCRIPTION OF RELOCATED DRAINAGE EASEMENT
IN SECTION 16, TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA**

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All that part of Section 16, Township 47 South, Range 25 East, Lee County, Florida being more particularly described as follows; COMMENCING at the South 1/4 corner of said Section 16, thence along the South line of said Section 16, N.89°16'54"E. 989.41 feet; thence N.0°06'43"W. 1445.82 feet along a line that lies 300 feet westerly of (as measured at right angles to) and parallel with the westerly right of way line of U.S. Highway 41 (State Road 45); thence along the South line of that access easement as described in Official Record Book 1967, pages 2998 through 3000, Public Records of Lee County, Florida N.89°06'43"E. 300.00 feet to the westerly right of way line of said U.S. 41; thence along said right of way line N.0°06'43"W. 49.81 feet; thence continue along said right of way line Northerly 50.21 feet along the arc of a circular curve concave to the West, having a radius of 5619.58 feet, through a central angle of 0°30'43" and being subtended by a chord which bears N.0°22'05"W. 50.21 feet; thence along the north line of said access easement, S.89°06'43"W. 254.78 feet to the POINT OF BEGINNING of the parcel herein described; thence continue along said North line S.89°06'43"W. 45.00 feet; thence N.36°23'17"E. 63.55 feet; thence Northeasterly 92.02 feet along the arc of a circular curve concave to the Southeast, having a radius of 100.00 feet, through a central angle of 52°43'26" and being subtended by a chord which bears N.62°45'00"E. 88.81 feet; thence N.89°06'43"E. 10.23 feet; thence Northeasterly 32.40 feet along the arc of a circular curve concave to the Northwest, having a radius of 32.50 feet, through a central angle of 57°06'43" and being subtended by a chord which bears N.60°33'22"E. 31.07 feet; thence N.32°00'00"E. 65.49 feet; thence Northeasterly 43.59 feet along the arc of a circular curve concave to the Southeast, having a radius of 67.50 feet, through a central

angle of $37^{\circ}00'00''$ and being subtended by a chord which bears $N.50^{\circ}30'00''E.$ 42.84 feet; thence $N.69^{\circ}00'00''E.$ 76.79 feet to a point on a curve and the Westerly right of way line of U.S. Highway 41 (State Road 45); thence along said right of way line Southerly 58.00 feet along the arc of a circular curve concave to the West having a radius of 5619.58 feet, through a central angle of $00^{\circ}35'29''$ and being subtended by a chord which bears $S.02^{\circ}30'00''E.$ 58.00 feet; thence $S.69^{\circ}00'00''W.$ 58.39 feet; thence Southwesterly 8.07 feet along the arc of a circular curve concave to the Southeast, having a radius of 12.50 feet, through a central angle of $37^{\circ}00'00''$ and being subtended by a chord which bears $S.50^{\circ}30'00''W.$ 7.93 feet; thence $S.32^{\circ}00'00''W.$ 65.49 feet; thence Southwesterly 87.22 feet along the arc of a circular curve concave to the Northwest, having a radius of 87.50 feet, through a central angle of $57^{\circ}06'43''$ and being subtended by a chord which bears $S.60^{\circ}33'22''W.$ 83.65 feet; thence $S.89^{\circ}06'43''W.$ 17.46 feet; thence $S.61^{\circ}06'43''W.$ 74.55 feet to the Point of Beginning of the parcel herein described;

Containing 18377.8 square feet more or less;
SUBJECT TO easements and restrictions of record;


Elizabeth F. Gaines, P.L.S. #4576

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CHARLIE GREEN LEE CITY FL
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