

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 03-28

WHEREAS, the Town is the owner of the property known as the Mound house; and,

WHEREAS, the subject property is located at 451 Connecticut Street, Fort Myers Beach,
and the current STRAP numbers is 29-46-24-W2-00146.0010; and,

WHEREAS, an easement is necessary to protect the historical authenticity of the property
and prevent undue damage to archaeological deposits; and,

WHEREAS it is to the best interests of the Town that the Town grant an easement to
Florida Power & Light Company in the form attached.

WHEREAS a hearing was held and the council considered applicable criteria.

NOW THEREFORE BE IT RESOLVED THAT THE EASEMENT IS APPROVED.

The foregoing resolution was adopted by the Fort Myers Beach Town Council
upon being put to a vote, the result was as follows:

Howard Rynearson	<u>Aye</u>
Daniel Hughes	<u>Aye</u>
Bill Thomas	<u>Aye</u>
W. H. "Bill" Van Duzer	<u>Aye</u>
Terry Cain	<u>Aye</u>

APPROVED this 22nd day of September, 2003.

ATTEST:

TOWN OF FORT MYERS BEACH

By: Marsha Segal-George
Marsha Segal-George, Town Clerk

By: Daniel Hughes
Dan Hughes, Mayor

Approved as to form by:

Richard V.S. Roosa
Richard V.S. Roosa, Town Attorney

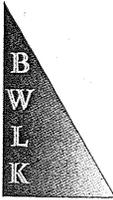
INSTR # 6010237
Official Records BK 04093 PG 1968
RECORDED 10/15/2003 11:26:37 AM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY
RECORDING FEE 24.00
DEED DOC 0.70
DEPUTY CLERK V FULLER



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Florida Power & Light Company
15034 Winkler Road
Ft. Myers, FL 33908

Grantee:



Bean, Whitaker, Lutz & Kareh, Inc.

13041 McGregor Boulevard
Fort Myers, Florida 33919-5910
email - fmoffice@bwlk.net
(Ph) 239-481-1331 (Fax) 239-481-1073

RECEIVED
SEP 25 2003
BY: _____

LEGAL DESCRIPTION

A parcel of land in Section 29, Township 46 South, Range 24 East, Fort Myers Beach, Lee County, Florida, being more particularly described as follows;

Commence at the most easterly corner of Lot 6, Block A, Shell Mound Park according to the plat thereof as recorded in Plat Book 11 at Page 4 of the Pubic Records of Lee County, Florida, thence N.47°25'15"E. along the northwesterly line of Connecticut Street for 100.00 feet to the point of beginning of the herein described parcel of land; thence continue N.47°25'15"E. for 3.90 feet; thence N.02°25'15"E. for 46.17 feet; thence N.43°13'59"W. for 191.90 feet to the point of curvature of a circular curve concave to the northeast; thence northwesterly along the arc of said curve having for its elements a radius of 320.00 feet and a central angle of 15°04'56" for 84.24 feet to a point of compound curvature with a circular curve concave to the east; thence northwesterly, northerly and northeasterly along the arc of said curve having for its elements a radius of 75.00 feet and a central angle of 71°20'57" for 93.40 feet to the point of tangency; thence N.43°11'54"E. for 51.24 feet; thence N.88°11'54"E. for 21.21 feet; thence S.46°48'06"E. for 7.74 feet; thence N.80°33'22"E. for 10.00 feet; thence N.09°26'38"W. for 10.00 feet; thence S.80°33'22"W. for 5.05 feet; thence N.46°48'06"W. for 6.94 feet; thence S.88°11'54"W. for 29.50 feet; thence S.43°11'54"W. for 55.39 feet to the point of curvature of a circular curve concave to the east; thence southwesterly, southerly and southeasterly along the arc of said curve having for its elements a radius of 85.00 feet and a central angle of 71°20'57" for 105.85 feet to a point of compound curvature with a circular curve concave to the northeast; thence southeasterly along the arc of said curve having for its elements a radius of 330.00 feet and a central angle of 15°04'56" for 86.87 feet to the point of tangency; thence S.43°13'59"E. for 187.69 feet; thence S.02°25'15"W. for 37.49 feet; thence S.42°34'45"E. for 10.24 feet to the point of beginning.

Bean, Whitaker, Lutz & Kareh, Inc.
Certificate of Authorization Number LB0004919

Date: 12/30/2003

James R. Coleman
Registered Land Surveyor
Florida Certificate Number 3205

PRINCIPALS:
WILLIAM E. BEAN, PSM, CHAIRMAN
SCOTT C. WHITAKER, PSM, PRESIDENT
JOSEPH L. LUTZ, PSM
AHMAD R. KAREH, PE, MSCE, VICE PRESIDENT

CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS



ASSOCIATES:
TRACY N. BEAN, AICP
CHARLES D. KNIGHT, PSM
W. BRITT POMEROY, JR., PSM
STEPHEN H. SKORUPSKI, PSM
ELWOOD FINEFIELD, PSM
JAMES A. HESSLER, PSM
JAMES R. COLEMAN, PSM
RUDOLF A. NORMAN, PE

Prepared by:
Richard V.S. Roosa
1714 Cape Coral Parkway, E.
Cape Coral FL 33904
PARCEL NO. 29-46-24-W2-00146.0010

EASEMENT

This utility easement, made and executed on September 30, 2003, by the Town of Fort Myers Beach, a Florida Municipal Corporation, as Grantor, to Florida Power & Light Company, its licensees, agents, successors and assigns, as Grantee.

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WITNESS: That Grantor, for and in consideration of the sum of \$10.00 and other good and valuable consideration, the receipt and sufficiency of which is acknowledged, grants to Grantee, its licensees, agents, successors and assigns, a non-exclusive perpetual easement for the construction, operation and maintenance of underground utility facilities to be installed from time to time; with the right to reconstruct, improve, add to, enlarge, change voltage, as well as, the size of and remove such facilities or any of them within an easement ten (10) feet in width described as follows: See attached Exhibit "A" Together with the right of ingress and egress to said premises at all times.

IN WITNESS, Grantor has executed this instrument on the day and year first written above.

WITNESSES:

Signed in the presence of:

TOWN OF FORT MYERS BEACH,
a Florida municipal corporation

Daniel Folke
(Print Name): Daniel Folke

By: *Daniel Hughes*
Daniel Hughes, Mayor

Rachel Lambert
(Print Name): Rachel Lambert

**STATE OF FLORIDA
COUNTY OF LEE**

The foregoing instrument was acknowledged, sworn to, and subscribed before me this 30 day of September, 2003, by Daniel Hughes, as Mayor of Town of Fort Myers Beach, Florida, a Florida municipal corporation, on behalf of the municipality. Such person is personally known to me.

(Affix notarial seal)

Notary Public: *Jill C Bitterman*
(Print name): Jill C. Bitterman
My commission expires: 3-20-06

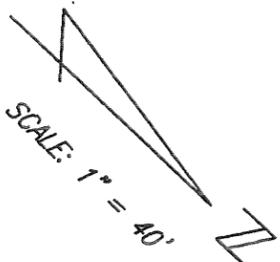
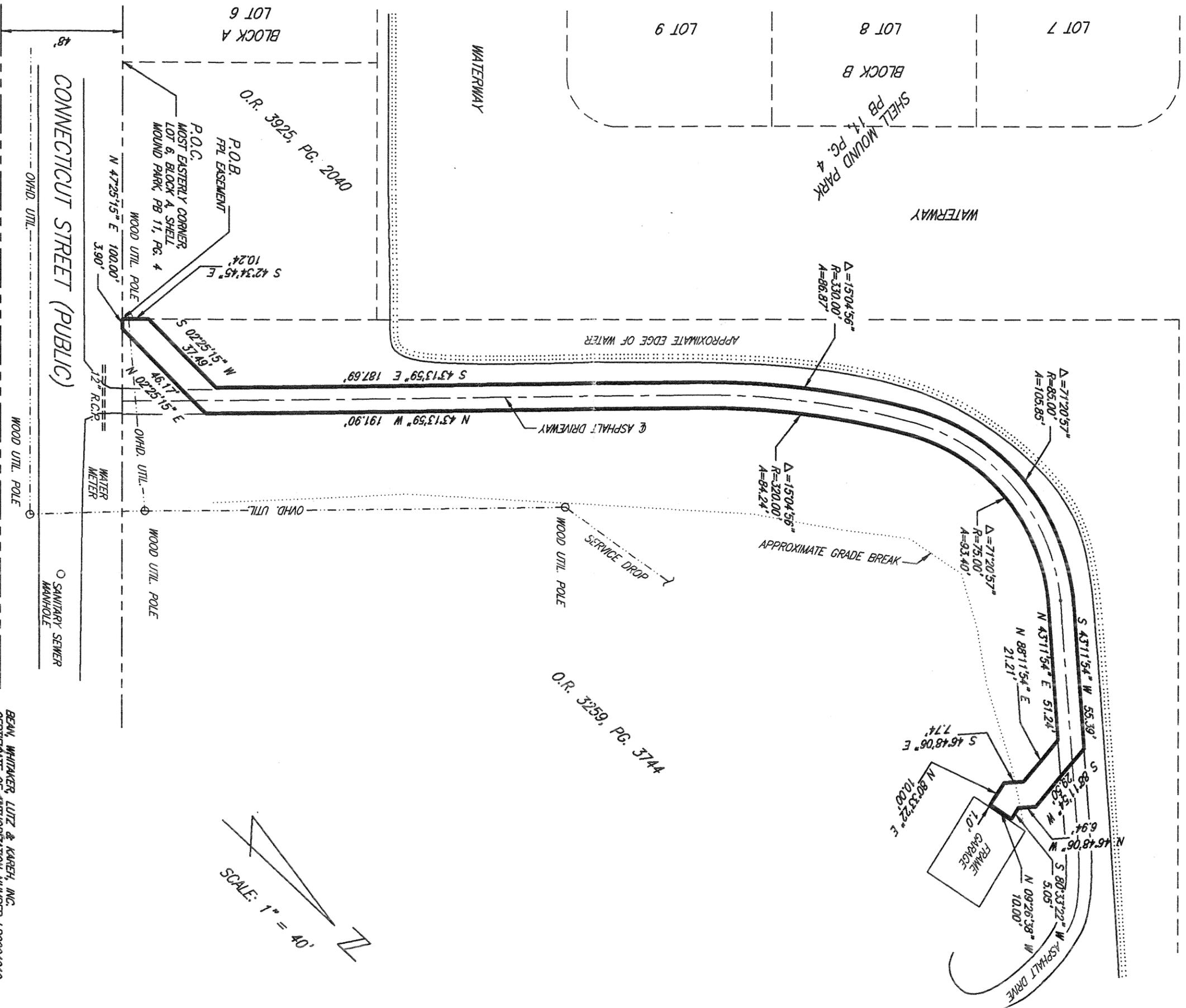


OFFICIAL SEAL
Jill C. Bitterman
DD# 101828
My Commission Expires March 20, 2006

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

OF
A PARCEL OF LAND
LYING IN

SECTION 29, TOWNSHIP 46 SOUTH, RANGE 24 EAST,
FORT MYERS BEACH, LEE COUNTY, FLORIDA



SURVEYORS NOTES

1. THE BEARINGS SHOWN HEREON ARE BASED ON THE NORTHWESTERLY LINE OF CONNECTICUT STREET BEARING N.47°25'15\".
2. THE ATTACHED SKETCH IS INTENDED TO BE A GRAPHIC REPRESENTATION OF THE LANDS DESCRIBED HEREWITH AND IS NOT TO BE CONSIDERED A SURVEY.
3. REPRODUCTIONS OF THE ATTACHED SKETCH ARE NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYORS SEAL.

BEAN, WHITAKER, LUTZ & KAREH, INC.
CERTIFICATE OF AUTHORIZATION NUMBER LB00004919
[Signature]
JAMES R. COLEMAN
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATE NUMBER 3205
DATE: 12/27/2003

34463 rev. DWG			
DATE	PROJECT NO.	DRAWN BY	SCALE
09-04-03	34463	J.R.C.	1" = 40'
Bean, Whitaker, Lutz & Kareh, Inc. (DB 4819)		SHEET 1 OF 1	
CIVIL ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS		FILE NO. (S-T-0)	
13041-1 MCGREGOR BOULEVARD, FORT MYERS, FLORIDA 33919-6910 (239) 481-1331		29-46-24	