



This instrument prepared by:  
Kenneth Y. Gordon, Esquire  
24301 Walden Center Drive  
Bonita Springs, FL 34134

**INSTR # 6736266**  
OR BK 04663 Pgs 1000 - 1003; (4pgs)  
RECORDED 04/13/2005 01:23:18 PM  
CHARLIE GREEN, CLERK OF COURT  
LEE COUNTY, FLORIDA  
RECORDING FEE 35.50  
DEED DOC 0.70  
DEPUTY CLERK T Baer

Parcel I.D. No.(s): 35-44-25-P2-00002.0000

**GRANT OF EASEMENT**  
(Pelican Preserve)

THIS GRANT OF DRAINAGE EASEMENT made and executed this 8th day of April, 2005 by and between BAY COLONY-GATEWAY, INC., a Delaware corporation, whose post office address is 24301 Walden Center Drive, Bonita Springs, Florida 34134, (hereinafter called the "GRANTOR") and GATEWAY SERVICES COMMUNITY DEVELOPMENT DISTRICT, a local unit of special purpose government organized and existing under the laws of the State of Florida, whose Post Office address is: c/o Anthony P. Pires, Esquire, 3200 Tamiami Trail North, Suite 200, Naples, Florida 34103, (hereinafter called the "GRANTEE");

**WITNESSETH**

That the GRANTOR for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration paid by the GRANTEE, the receipt of which is hereby acknowledged, hereby grants unto the GRANTEE, its successors and assigns, a perpetual, non-exclusive easement, license, and privilege to enter upon, over, under and across the real property located in Lee County, Florida, and described on Exhibit "A" attached hereto and made a part hereof (the "Property"), for the purposes of water management, drainage and lake maintenance, including but not limited to the operation, maintenance, repair, improvement, construction, reconstruction of the water management and drainage improvements thereon and structures appurtenances thereto (collectively "Drainage Facilities").

(4)

SUBJECT TO easements, restrictions, covenants, conditions, limitations and reservations of record, if any.

TO HAVE AND TO HOLD the easement hereby granted unto said GRANTEE, its successors and assigns.

Except to the extent necessary to access and maintain the Drainage Facilities located within the Property to ensure the proper operation of it's water management system, GRANTEE, by acceptance of this easement agrees for itself, its successors and assigns, to in no way interfere with the right of ingress or egress of GRANTOR, their grantees, successors and assigns, or any other party requiring access to the properties over which this easement is granted or to any properties abutting the Property.

GRANTEE agrees for itself, its successors and assigns, that it will be responsible for the cost of any and all repairs, replacement, maintenance or restoration of the Drainage Facilities together with any landscaping, including sodding, that has been or will be located on the Property, which is removed or destroyed as a result of GRANTEE'S activities on the Property, except for any and all repair and replacement caused or required by GRANTOR'S activities on the Property which shall be the responsibility of GRANTOR.

This easement shall be a covenant running with title to the Property and shall be binding upon the GRANTOR, its successors and assigns, and inure to the benefit on GRANTEE, its successors and assigns.

In the event GRANTEE, its successors or assigns, shall fail to use this easement for the purposes intended, then GRANTEE, its successors or assigns, shall vacate this easement or relevant part thereof.

IN WITNESS WHEREOF, the GRANTOR has caused these presents to be executed the date and year first above written.

Witnesses:

BAY COLONY-GATEWAY, INC., a <sup>DJK</sup>  
Delaware corporation

*[Signature]*  
Witness #1  
**DIANNA M. LUTZ**

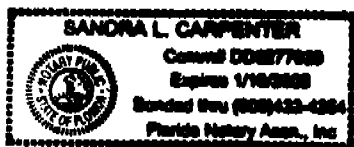
By: *[Signature]*  
Name: Timothy Oak  
Title: Vice President

Printed Name  
*Sandra L Carpenter*  
Witness #2

Printed Name **SANDRA L. CARPENTER**

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was acknowledged before me on this 8<sup>th</sup> day of April, 2005, by Timothy Oak, as Vice President of BAY COLONY-GATEWAY, INC., a Delaware corporation, on behalf of the corporation. He is personally known to me or has produced his \_\_\_\_\_ as identification.



*Sandra L Carpenter*  
Notary Public  
**SANDRA L. CARPENTER**  
Printed Name  
000277639  
Commission Number, if any

My Commission Expires: 1/19/08

LEGAL DESCRIPTION  
LYING IN  
SECTION 35, TOWNSHIP 44 SOUTH, RANGE 25 EAST,  
CITY OF FORT MYERS, LEE COUNTY, FLORIDA  
(LAKE MAINTENANCE EASEMENT)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE,  
LYING IN SECTION 35, TOWNSHIP 44 SOUTH, RANGE 25 EAST:

BEING PART OF LOT B29, SUN CITY CENTER FT. MYERS, PARCEL A & B, RECORDED IN PLAT  
BOOK 76, PAGES 35 THROUGH 40, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND  
BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE SOUTHWEST CORNER OF LOT B29 OF SAID SUN CITY CENTER FT. MYERS,  
PARCEL A & B, THE FOLLOWING DESCRIBED LAKE MAINTENANCE EASEMENT;

SAID POINT OF BEGINNING BEING A POINT ON A CURVE TO THE RIGHT, OF WHICH THE RADIUS  
POINT LIES S.32°16'43"E., A RADIAL DISTANCE OF 300.00 FEET AND HAVING A CHORD BEARING  
OF N.61°12'42"E., 36.53 FEET; THENCE NORTHEASTERLY ALONG THE SOUTH LINE OF SAID LOT  
B29 AND ARC, THROUGH A CENTRAL ANGLE OF 06°58'49", FOR 36.55 FEET  
THENCE N.64°42'06"E., FOR 22.56 FEET TO A POINT ON A CURVE, THE SOUTHEAST CORNER OF  
SAID LOT B29 AND THE WESTERLY LINE OF A CONSERVATION EASEMENT, RECORDED IN  
OFFICIAL RECORDS BOOK 3617. PAGE 2877 OF THE PUBLIC RECORDS OF LEE COUNTY,  
FLORIDA;  
THENCE SOUTHEASTERLY 15.94 FEET ALONG SAID WESTERLY LINE AND THE ARC OF A NON-  
TANGENTIAL CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 100.00 FEET THROUGH A  
CENTRAL ANGLE OF 09°08'07" AND BEING SUBTENDED BY A CHORD WHICH BEARS S.64°08'28"E.  
FOR 15.93 FEET;  
THENCE LEAVING SAID WEST LINE, S.61°22'05"W., FOR 68.35 FEET;  
THENCE N.75°37'08"W., FOR 19.00 FEET TO A POINT ON A CURVE AND THE SOUTH LINE OF LOT  
B30 OF SAID SUN CITY CENTER FT. MYERS, PARCEL A & B;  
THENCE NORTHEASTERLY 14.00 FEET ALONG SOUTH LINE AND THE ARC OF A NON-  
TANGENTIAL CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF 300.00 FEET THROUGH A  
CENTRAL ANGLE OF 02°40'27" AND BEING SUBTENDED BY A CHORD WHICH BEARS  
N.56°23'04"E. FOR 14.00 FEET TO THE **POINT OF BEGINNING**.

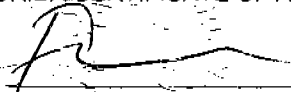
CONTAINING 997 SQUARE FEET OR 0.02 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY (WRITTEN  
AND UNWRITTEN, RECORDED AND UNRECORDED).

BEARINGS ARE BASED ON THE WEST LINE OF LOT B29, SUN CITY CENTER FT. MYERS, PARCEL  
A & B, RECORDED IN PLAT BOOK 76, PAGES 35 THROUGH 40, OF THE PUBLIC RECORDS OF LEE  
COUNTY, FLORIDA AS BEARING N.28°37'37"W..

RWA, INC.  
LAND SURVEYORS AND MAPPERS  
1542 CARSON ST  
FORT MYERS, FLORIDA 33901  
(239) 278-5224

FLORIDA CERTIFICATE OF AUTHORIZATION #6952

BY:  DATE: 3/17/05  
RICHARD V. NESTLER, PROFESSIONAL LAND SURVEYOR LS# 4786

NOT VALID UNLESS EMBOSSED WITH THE PROFESSIONAL'S SEAL.

Ref. 00-0140-04-SK4  
3-14-05

\*\*\* THIS IS NOT A SURVEY \*\*\*

TRIESTE DRIVE  
40' WIDE TRACT "R"

TRACT-"LB1"  
LANDSCAPE BUFFER

LINE TABLE		
LINE	LENGTH	BEARING
L1	22.56	N64°42'06"E

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BRG.	CHORD
C1	36.55'	300.00'	6°58'49"	N61°12'42"E	36.53
C2	15.94'	100.00'	9°08'07"	S64°08'28"E	15.93
C3	14.00'	300.00'	2°40'27"	N56°23'04"E	14.00



0 15 30  
GRAPHIC SCALE  
1" = 30'

CONSERVATION  
EASEMENT  
O.R. 3617, PAGE 2877

LOT B29  
SUN CITY CENTER FORT MYERS,  
PARCEL A & B  
PB 76, PGS 35-40

**LEGEND**

- POC = POINT OF COMMENCEMENT
- POB = POINT OF BEGINNING
- O.R. = OFFICIAL RECORDS BOOK
- PB = PLAT BOOK
- PGS = PAGES

LOT B30

N28°37'37"W  
BEARING BASIS

20' LAKE  
MAINTENANCE  
EASEMENT

SOUTH LINE  
LOT B30

POB  
SOUTHWEST CORNER  
OF LOT B29

N75°37'08"W  
19.00'

WESTERLY LINE

SOUTHEAST  
CORNER  
OF LOT B29

L1

C1

SOUTH LINE  
LOT B29

C2

S61°22'05"W 68.35'

UNPLATTED

SEE SHEET 1 FOR DESCRIPTION

**RWA** INC.  
CONSULTING

Engineers,  
Surveyors & Mappers,  
Planners, Project Managers

1542 Carson Street  
Fort Myers, Florida 33901  
Phone: (239) 278-5224  
FAX: (239) 278-5419  
Florida Certificate of Authorization # 6952

DATE:  
3-14-05

SCALE:  
1" = 30'

DRAWN BY:  
SPE

CHECKED BY:  
RVN

SEC: TWP: RGE:  
35 44 25

CLIENT:

WCI COMMUNITIES

TITLE:

SKETCH & DESCRIPTION OF A  
LAKE MAINTENANCE EASEMENT

PROJECT NUMBER: 00-0140

SHEET NUMBER: 2 OF 2

FILE NUMBER: 04-SK4