

1 SOUTH FLORIDA WATER MANAGEMENT DISTRICT

2
3 RESOLUTION NO. 2007-____

4
5 A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER
6 MANAGEMENT DISTRICT APPROVING A PARTIAL RELEASE OF
7 CONSERVATION EASEMENT FOR A PROJECT KNOWN AS LAKE
8 SHALLOWFORD ESTATES; PROVIDING AN EFFECTIVE DATE
9

10 WHEREAS, the District issued Permit No. 36-00142-S-44 on December 22, 2006, for a project known as
11 Lake Shallowford Estates, requiring a 1.86-acre conservation easement to be dedicated to the District for the
12 purpose of demonstrating that the project would avoid secondary impacts to wetland functions; and

13 WHEREAS, the permittee for that project recorded a conservation easement in the public records of Lee
14 County; and

15 WHEREAS, underground utilities must be installed under a 0.06-acre portion of the conservation
16 easement for the purpose of obtaining local zoning approval; and

17 WHEREAS, the District approved a modification of Permit No. 36-00142-S-44, via Application No.
18 060711-29 addressing the partial release of conservation easement; and

19 WHEREAS, Permit No. 36-00142-S-44 as amended meets all District criteria.

20 BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER
21 MANAGEMENT DISTRICT:

22 Section 1. The Governing Board of the South Florida Water Management District hereby approves the
23 partial release of the conservation easement described in the attached Exhibit 1. The remainder of the conservation
24 easement remains in full force and effect.

25 Section 2. This Resolution shall take effect immediately upon adoption.

26
27 PASSED and ADOPTED this ____ day of _____, 200__.

28 SOUTH FLORIDA WATER MANAGEMENT DISTRICT,
29 BY ITS GOVERNING BOARD

30
31
32
33 By: _____
34 Chairperson

35 ATTEST:
36 _____
37
38 District Clerk

Legal form approved:
Office of Counsel, April 2007

This Instrument Prepared By:
Janet E. Allison, Co-Manager
S.W. Florida Land Eight, LLC
6150 Diamond Centre Court, #1300
Fort Myers, FL 33912

Permit: _____
Tract: _____

PARTIAL RELEASE OF CONSERVATION EASEMENT

This Partial Release of Conservation Easement (“Partial Release”) is made this ___ day of _____, 2007 by the **SOUTH FLORIDA WATER MANAGEMENT DISTRICT** (“District”) having an address of 3301 Gun Club Road, West Palm Beach, Florida 33406 and a mailing address of Post Office Box 24680, West Palm Beach, Florida 33416-4680.

WITNESSETH:

WHEREAS, S.W. Florida Land Eight, L.L.C. granted in favor of the District that certain Deed of Conservation Easement dated August 30, 2005 and recorded in Instrument # 2005000001685 of the Public Records of Lee County, Florida (hereinafter referred to as the “Conservation Easement”) encumbering the real property described on Exhibit “A” attached hereto and made a part hereof (hereinafter referred to as the “Original Premises”); and

WHEREAS, the District has been requested to release a portion of the Conservation Easement with respect to only that portion of the Original Premises described on Exhibit “B” attached hereto and made a part hereof (hereinafter referred to as the “Release Parcel”); and

WHEREAS, the District is amenable to amending the conservation easement to release a portion of the Conservation Easement only with respect to the Release Parcel.

NOW, THEREFORE, for good and valuable consideration, the adequacy and receipt of which are hereby acknowledged, the District hereby partially releases the conservation easement to discharge, terminate and release the Conservation Easement with respect to only the Release Parcel, without impairing the operation and effect of the Conservation Easement as to the remainder of the original premises which are not contained within the Release Parcel, (the original Premises less and except the Release Parcel is hereinafter referred to as the “Remainder Premises”). The Conservation Easement shall remain in full force and effect with respect to the Remainder Premises and shall remain unaffected by this Partial Release of Conservation Easement. All references in the Conservation Easement to “Property” shall hereafter mean and refer to the Remainder Premises.

IN WITNESS WHEREOF, the South Florida Water Management District has caused this Partial Release of Conservation Easement to be executed in its name and its official seal affixed hereto by Kevin McCarthy, Chairperson, and attested by its District Clerk, this _____ day of _____, 2007.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

By: _____
Chairperson

(Corporate Seal)

ATTEST:

District Clerk

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 200__ by _____, Chairperson of the South Florida Water Management District, a public corporation of the State of Florida, on behalf of the corporation, who is personally known to me.

Notary Public

Print

My Commission Expires: _____

LEGAL FORM APPROVED
BY OFFICE OF COUNSEL,
April, 2007

OWNER:
S.W. Florida Land Eight, L.L.C.
A Florida Limited Liability Company

Janet E. Allison
Print Name Janet E. Allison
Title Co-Manager

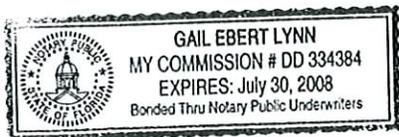
WITNESSES:

Mary C. Phillips
Print Name: Mary C. Phillips

Gail Ebert Lynn
Print Name: Gail Ebert Lynn

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 16th day of April, 2007 by Janet E. Allison, Co-Manager of S.W. Florida Land Eight, L.L.C., a Florida limited liability company, who is personally known to me or who has produced personally known to me as identification.



Gail Ebert Lynn
Notary Public
Gail Ebert Lynn
Print Name
My Commission Expires: 7/30/2008

*** EXHIBIT A ***

METRON
SURVEYING & MAPPING, LLC
LAND SURVEYORS • PLANNERS

DESCRIPTION OF A PARCEL OF LAND LYING IN
SECTIONS 26 & 35, TOWNSHIP 45 SOUTH, RANGE 27 EAST,
LEE COUNTY, FLORIDA
(LAKE SHALLOWFORD ESTATES - CONSERVATION EASEMENT)

A PARCEL OF LAND LYING IN THE STATE OF FLORIDA, COUNTY OF LEE, SECTIONS 26 & 35, TOWNSHIP 45 SOUTH, RANGE 27 EAST, BEING PART OF TRACT "C", UNIT 2, LEHIGH ACRES, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 20, PAGE 69, PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND TRACT "F", UNIT 14, LEHIGH ACRES, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 20, PAGE 51, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

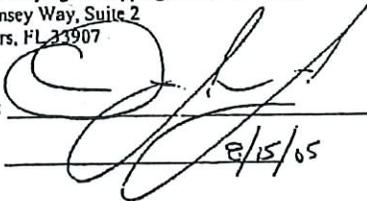
COMMENCING AT THE SOUTHEAST CORNER OF SAID TRACT "C", UNIT 2, LEHIGH ACRES; THENCE N.15°44'54"E., ALONG THE EAST LINE OF SAID TRACT "C", UNIT 2, A DISTANCE OF 252.66 FEET TO THE POINT OF BEGINNING; THENCE N.61°38'20"W., A DISTANCE OF 171.60 FEET; THENCE N.25°54'16"W., A DISTANCE OF 26.01 FEET; THENCE N.79°01'14"W., A DISTANCE OF 36.32 FEET; THENCE N.43°56'10"W., A DISTANCE OF 113.65 FEET; THENCE N.28°07'18"W., A DISTANCE OF 40.75 FEET; THENCE N.00°12'47"W., A DISTANCE OF 58.16 FEET; THENCE N.11°50'05"E., A DISTANCE OF 32.07 FEET; THENCE N.60°09'22"E., A DISTANCE OF 37.00 FEET; THENCE N.76°49'05"E., A DISTANCE OF 66.34 FEET; THENCE S.68°18'40"E., A DISTANCE OF 112.50 FEET; THENCE N.31°07'15"E., A DISTANCE OF 34.68 FEET; THENCE S.57°07'08"E., A DISTANCE OF 167.87 FEET; THENCE S.15°44'54"W., ALONG THE EAST LINE OF SAID TRACT "C" AND TRACT "F", A DISTANCE OF 259.41 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.86 ACRES, MORE OR LESS.

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

BEARINGS ARE BASED ON THE EAST LINE OF SAID TRACT "C", UNIT 2, LEHIGH ACRES AS BEING N.15°44'54"E.

Certification for Description
Surveyor and Mapper in Responsible Charge:
Dennis J. O'Connell, Jr., LS #5430
Metron Surveying & Mapping, LLC, LB #7071
5245 Ramsey Way, Suite 2
Fort Myers, FL 33907

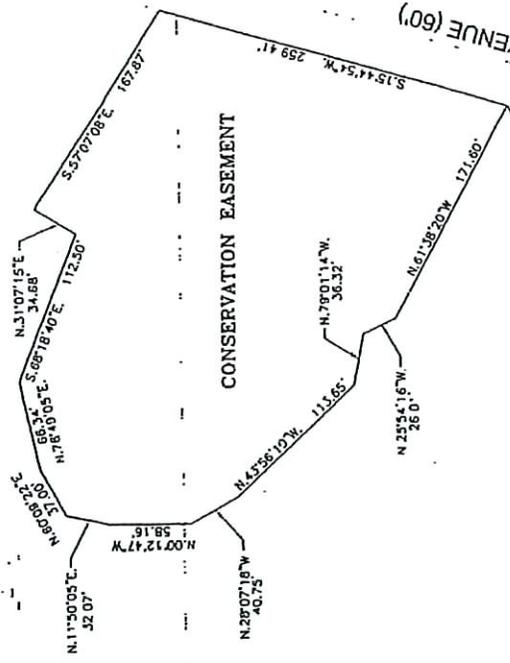
Signed: 
Date: 8/15/05

SKETCH OF CONSERVATION EASEMENT

SITUATED IN SECTIONS 26 & 35,
TOWNSHIP 45 SOUTH, RANGE 27 EAST,
LEE COUNTY, FLORIDA

SHALLOWFORD STREET (60')

HARVEST AVENUE (60')



UNIT 14
TRACT "F"
UNIT 2



For Deposit Only
Charlie Green
Clerk of Circuit Court
Excess Fee Acct
Trans# 100001247 06/29/2005
Bank of America #000087175452
OPR J MILLER
Check Amount \$12 50

BY: *[Signature]* 8/15/05
DATE SIGNED
BY: DAVIS, J. DONOVAN, JR., PROFESSIONAL SURVEYOR AND MAPPER L.S.# 3130

"PROPOSED"
LAKE SHALLOWFORD ESTATES
CONSERVATION EASEMENT

TITLE: SKETCH



METRON
SURVEYING & MAPPING, LLC
LAND SURVEYORS-PLANNERS
L.B.#1071

5245 RAUCY WAY, SUITE #2
FORT WORTH, TEXAS 76137
PHONE: (817) 275-8330
FAX: (817) 275-8437
www.metronllc.com

FILE NAME	PROJECT NO.	SHEET
7395 METLAND SK.DWG	7395	1 OF 1
SHEET DATE	DRAWN BY	SCALE
08-15-2005	DJD	NOT TO SCALE
	DJD	20-45-27

POINT OF COMMENCEMENT
TRACT "C", UNIT 2

MEADOW ROAD (60')



METRON
SURVEYING & MAPPING, LLC
LAND SURVEYORS • PLANNERS

**DESCRIPTION
OF A PARCEL OF LAND LYING IN
SECTIONS 26 & 35, TOWNSHIP 45 SOUTH, RANGE 27 EAST,
LEE COUNTY, FLORIDA
(LAKE SHALLOWFORD ESTATES – PUBLIC UTILITY EASEMENT)**

A PARCEL OF LAND LYING IN THE STATE OF FLORIDA, COUNTY OF LEE, SITUATED IN SECTIONS 26 & 35, TOWNSHIP 45 SOUTH, RANGE 27 EAST, BEING PART OF TRACT "C", UNIT 2, LEHIGH ACRES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 20, PAGE 69 AND TRACT "F", UNIT 14, LEHIGH ACRES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 20, PAGE 51, IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID TRACT "C", UNIT 2, LEHIGH ACRES; THENCE N.15°44'54"E., ALONG THE EAST LINE OF SAID TRACT "C", UNIT 2, A DISTANCE OF 252.66 FEET TO THE POINT OF BEGINNING; THENCE N.61°38'20"W., A DISTANCE OF 10.25 FEET; THENCE N.15°44'54"E., A DISTANCE OF 260.25 FEET; THENCE S.57°07'08"E., A DISTANCE OF 10.46 FEET TO A POINT ON SAID TRACT "F"; THENCE S.15°44'54"W., ALONG THE EAST LINE OF SAID TRACTS "C" AND "F", A DISTANCE OF 259.41 FEET TO THE POINT OF BEGINNING.

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

BEARINGS ARE BASED ON THE EAST LINE OF SAID TRACT "C", UNIT 2, LEHIGH ACRES AS BEARING N.15°44'54"E. ACCORDING TO SAID PLAT.

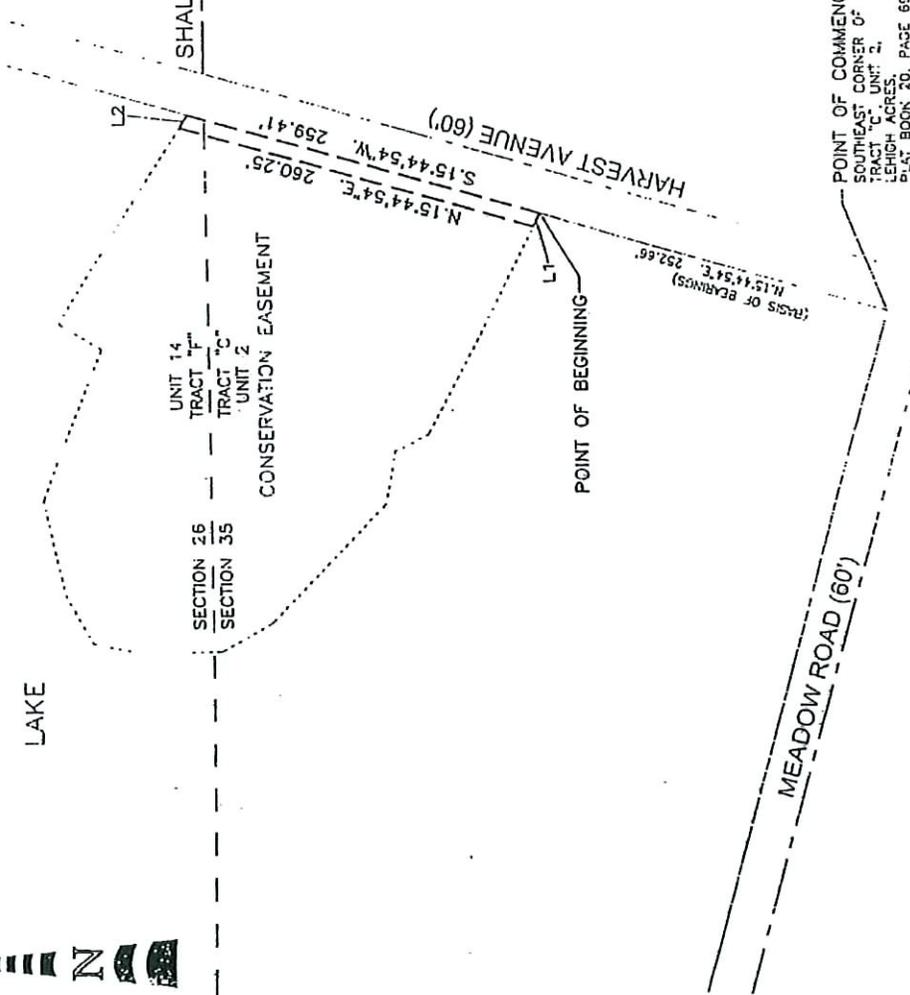
Certification for Description
Surveyor and Mapper in Responsible Charge:
Denis J. O'Connell, Jr., I.S. #5430
Metron Surveying & Mapping, LLC, LB #7071
5245 Ramsay Way, Suite 2
Fort Myers, FL 33907

Signed: _____

Date: 10/19/06

SKETCH

OF
PUBLIC UTILITY EASEMENT
SITUATED IN SECTIONS 26 & 35,
TOWNSHIP 45 SOUTH, RANGE 27 EAST,
LEE COUNTY, FLORIDA



LINE TABLE:

Line	Bearing	Distance
L1	N.61°38'20"W.	10.25'
L2	S.57°07'08"E.	10.46'

*** THIS IS NOT A SURVEY ***

[Handwritten Signature]

10/19/06

BY: DENIS J. O'CONNELL, JR., PROFESSIONAL SURVEYOR AND MAPPER LS 75430 DATE: 10/19/06

LAKE SHALLOWFORD ESTATES
PUBLIC UTILITY EASEMENT

SKETCH

METRON
SURVEYING & MAPPING, LLC
LAND SURVEYORS-PLANNERS

10870 S. BLEVELAND AVE
FORT WORTH, FLORIDA 3350
PHONE: (239) 275-8573
FAX: (239) 275-8457
www.metroninc.com

LIB #7707

TITLE	PROJECT NO.	DATE
DATE ISSUED	ISSUED BY	DATE
10-10-2006	RAW	10/19/06
SCALE	NOT TO SCALE	DWG
		2 (of 4) sheets

SEE SHEET 1 OF 2 FOR DESCRIPTION *