

GRANT OF EASEMENT

THIS GRANT OF EASEMENT (hereinafter referred to as the "Easement") is made and entered into on this 10th day of November, 2015, by and between the **SOUTH FLORIDA WATER MANAGEMENT DISTRICT**, a government entity created by Chapter 373, Florida Statutes (hereinafter referred to as the "District"), and **COLLIER COUNTY**, a political subdivision of the State of Florida, whose mailing address is 3299 Tamiami Trail East, c/o the Office of the County Attorney, Suite 800, Naples, Florida 34112 (hereinafter referred to as "County").

WHEREAS, County and District are parties to a cooperative agreement governing the operational control and maintenance of various watercourses and water control structures in Collier County dated October 13, 2000 ("Original Cooperative Agreement"); as amended by that certain First Amendment to Cooperative Agreement dated Feb. 10, 2011 ("First Amendment"); as amended by that certain Second Amendment to Cooperative Agreement dated May 10, 2011 ("Second Amendment"); as amended by that certain Third Amendment to Cooperative Agreement dated Feb. 9, 2012 ("Third Amendment"); and as further amended by that certain Fourth Amendment to the Cooperative Agreement dated September 8, 2015; the Original Cooperative Agreement, as amended by the First Amendment, the Second Amendment, the Third Amendment and the Fourth Amendment is hereinafter referred to as the "Cooperative Agreement"; and

WHEREAS, a portion of the watercourses covered under the Cooperative Agreement known as the Cocohatchee Canal and the CR 951 Canal have been relocated; and

WHEREAS, the parties desire to submit the relocated canal sections to the control of the Cooperative Agreement.

NOW THEREFORE, in consideration of these premises, the sum of Ten Dollars (\$10.00), and other good and valuable consideration, the receipt and sufficiency of which is hereby mutually acknowledged, it is agreed by and between the parties as follows:

1. **RECITALS** - All of the above recitals are true and correct and are hereby expressly incorporated herein by reference as if set forth fully below, and all Exhibits referenced herein are made a part of this Easement.
2. **EASEMENT** - County hereby conveys unto the District an easement for the duration of the Cooperative Agreement across that certain real property described in Exhibit "A" (attached hereto and made a part hereof). The purpose of this Easement shall be for the transfer of operational control and maintenance of the watercourse(s) and water control structure(s) located on said real property in accordance with the terms, conditions and provisions of the Cooperative Agreement.
3. **ENTIRE AGREEMENT** - This Easement, including all exhibits attached hereto, shall constitute the entire agreement and understanding of the parties as to the real property described in Exhibit "A" and, except for the Cooperative Agreement and that certain Grant of Easement dated September 8, 2015, and recorded in the public

records of Collier County, Florida, in OR Book 5200, Page 1177, there are no other prior or contemporaneous written or oral agreements, undertakings, promises, warranties, or covenants not contained herein. No modification, amendment or cancellation of this Easement shall be of any force or effect unless made in writing and executed and dated by both County and District.

- 4. SEVERABILITY - Should any part of this Easement be found to be invalid, then such invalid part shall be severed from the Easement, and the remaining provisions of this Easement shall remain in full force and effect and not be affected by such invalidity.
- 5. VENUE - This Easement is governed and construed in accordance with the laws of the State of Florida.

IN WITNESS WHEREOF, the County has executed this Easement on the date first above written.

AS TO COUNTY:

DATED: November 13, 2015

ATTEST:
DWIGHT E. BROCK, Clerk

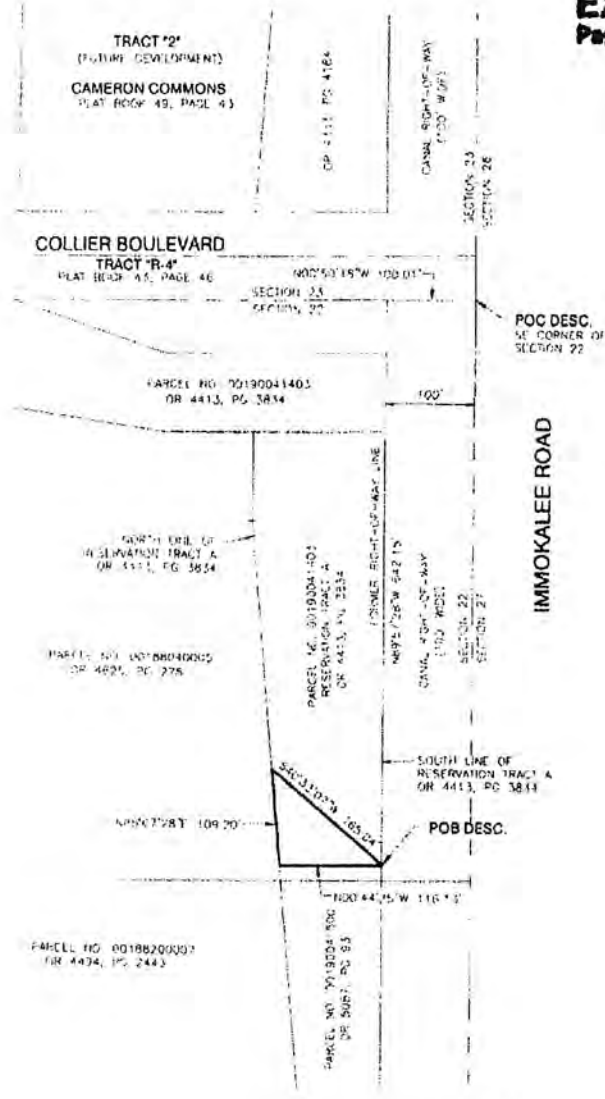
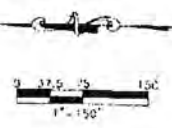
By: [Signature]
Attest as to Chairman's, Deputy Clerk
signature only.

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

BY: [Signature]
TIM NANCE, Chairman

Approved as to form and legality:

[Signature]
Assistant County Attorney



LEGEND

DESC.	=	DESCRIPTION
OR	=	OFFICIAL RECORDS BOOK
PC	=	PACEL
POB	=	POINT OF BEGINNING
POC	=	POINT OF COMMENCEMENT

- NOTES:**
1. BEARINGS HEREON ARE BASED ALONG STATE PLANE COORDINATES, FLORIDA ZONE, EAST, NORTH AMERICAN DATUM OF 83 (NAD83 2011) WHEREIN THE EAST LINE OF SECTION 22, TOWNSHIP 48 SOUTH, RANGE 26 EAST BEARS $\angle 30^{\circ}50'18''$ W.
 2. THIS SKETCH DOES NOT MAKE ANY REPRESENTATION AS TO ZONING OR DEVELOPMENT RESTRICTIONS ON THE SUBJECT PARCEL.
 3. PARCEL CONTAINS 6,129 SQUARE FEET OR 0.145 ACRES, MORE OR LESS.

T. J. Devries 10/28/15
 TIMOTHY J. DEVRIES DATE
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA CERTIFICATE NO., LS 6756
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. THIS IS NOT A SURVEY.

SKETCH AND DESCRIPTION
 PARCEL OF LAND
 LYING IN SECTION 22, TOWNSHIP 48 SOUTH, RANGE 26 EAST
 COLLIER COUNTY, FLORIDA.

RWA ENGINEERING
 6810 Willow Park Dr., Suite 200
 Naples, Florida 34109
 Phone (239) 597-0575
 Fax (239) 597-0578
 LB No. 8552

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DESCRIPTION

A TRACT OR PARCEL OF LAND LYING IN SECTION 22, TOWNSHIP 48 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA, SAID TRACT OR PARCEL IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 22 THENCE N.00°50'18"W. ON THE EAST LINE OF SAID SECTION 22 FOR 100.01 FEET TO AN INTERSECTION WITH THE EASTERLY PROLONGATION OF THE SOUTHERLY LINE OF RESERVATION TRACT A AS RECORDED IN OFFICIAL RECORDS BOOK 4413, PAGE 3634, PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA;

THENCE N.89°57'28"W. ON THE EASTERLY PROLONGATION AND SOUTH LINE OF SAID RESERVATION TRACT A FOR 642.15 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL;

THENCE N.00°44'25"W., DEPARTING SAID SOUTH LINE FOR 116.13 FEET TO AN INTERSECTION WITH THE NORTH LINE OF SAID RESERVATION TRACT A;


THENCE N.85°07'28"E. ON SAID NORTH LINE FOR 109.20 FEET;

THENCE S.40°33'07"W., DEPARTING SAID NORTH LINE FOR 165.04 FEET TO THE POINT OF BEGINNING OF THE PARCEL DESCRIBED HEREIN;

CONTAINING 6,324 SQUARE FEET OR 0.145 ACRES, MORE OR LESS.

BEARINGS HEREINABOVE MENTIONED ARE BASED ALONG STATE PLANE COORDINATES, FLORIDA ZONE EAST, NORTH AMERICAN DATUM OF 83 (NSRS 2011) WHEREIN THE EAST LINE OF SECTION 22, TOWNSHIP 48 SOUTH, RANGE 26 EAST BEARS N 00°50'18" W.

October 28, 2015 1:30 PM K:\2003\1022718 - Tree Farm\1022718.DWG Tree Farm\1022718.DWG Tree Farm Design Phase 1, Master Plan\1001 Boundary Survey\1022718.DWG BCB Easement.dwg

SKETCH AND DESCRIPTION PARCEL OF LAND LYING IN SECTION 22, TOWNSHIP 48 SOUTH, RANGE 26 EAST COLLIER COUNTY, FLORIDA							8610 Willow Park Dr., Suite 200 Naples, Florida 34109 Phone (239) 597-0575 Fax: (239) 597-0578 LB No. 8852		
JOB NUMBER	REVISION	SECTION	TOWNSHIP	RANGE	SCALE	DATE	DRAWN BY	FILE NAME	SHEET
110027.00.00	0	22	48	26		10/28/15	TJD	BCB EASEMENT	2 OF 2

