

This instrument prepared by:

Lee County
Department of County Lands
Post Office Box 398
Fort Myers, Florida 33902-0398

Projects: Fiesta Village WWTP RM Upgrade
Summerlin Road Force Main Replacement
Portion of STRAP No.: 08-46-24-00-00001.0410

TEMPORARY CONSTRUCTION EASEMENT AGREEMENT

THIS Temporary Construction Easement Agreement ("*TCE*") is made and entered into this 7th day of December, 2021, by and between JMAXX, LLC, a Florida Limited Liability Company, whose mailing address is 3301 SE 22nd Place, Cape Coral, FL 33904, (hereinafter the "*GRANTOR*"), and LEE COUNTY, a political subdivision of the State of Florida, whose mailing address is Post Office Box 398, Fort Myers, Florida 33902 (hereinafter the "*COUNTY*").

WITNESSETH:

GRANTOR is the owner of certain real property located in Lee County, Florida, being more particularly described in Exhibit "X", being attached hereto and incorporated herein by reference, (the "*Property*")

GRANTOR, for Ten and xx/100 Dollars (\$10.00) and other good and valuable consideration paid, the receipt and sufficiency of which is hereby acknowledged, does hereby grant unto the COUNTY, a temporary construction easement on the Property described in attached Exhibit "B" (the "*Easement Area*"), with permission to enter onto the Easement Area for the purpose of ingress and egress by workers, machinery and vehicles, storing and/or stockpiling materials as needed for the clearing of the Easement Area and the installation of certain public utility easements in the real property abutting thereto. At all times, the COUNTY shall ensure that ingress and egress on Safety Street (depicted on the sketch in Exhibit "B") shall not be impeded by the subject activities contemplated herein.

All rights granted to the COUNTY by this TCE start as of the project commencement date (notice of which shall be provided by the COUNTY to GRANTOR at least one (1) week in advance) and terminate twelve weeks from the project commencement or at the project completion date, whichever comes first, and this TCE shall terminate at that time without further notice, unless extended by a written agreement between the parties.

The COUNTY has the right and authority to remove and dispose of dirt, rocks and vegetation from within the Easement Area.

COUNTY will restore the Easement Area described above to a safe and aesthetic condition, as such existed prior to construction, as may be reasonably practicable. The completed work includes, but is not limited to, restoring or replacing sod, mailboxes, sprinkler systems and landscaping.

IN WITNESS WHEREOF, the GRANTOR has caused this document to be signed intending to be bound as of the date and year first above written.

JMAXX, LLC, a Florida limited liability company

BY:

[1st Witness' Signature]

[Signature Grantor's/Owner's]

[Type or Print Name]

Janice Albion

[Type or Print Signatory's Name]

[2nd Witness' Signature]

Manager

[Signatory's Title]

[Type or Print Name]

STATE OF FLORIDA

COUNTY OF _____

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this _____ day of _____, 2021, by Janice Albion, as the Manager of JMAXX, LLC, a Florida Limited Liability Company, who is personally known to me or who produced the following as identification: _____

[stamp or seal]

[Signature of Notary]

[Typed or Printed Name]

Approved and accepted for and on behalf of Lee County, Florida, this 7th day of December, 2021.

ATTEST:
LINDA DOGGETT, CLERK


BY: 
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: 
Cecil L. Pendergrass, Chair



APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY


County Attorney's Office

Attachments: Exhibit "X" – Legal Description of the Property
Exhibit "B" – Legal Descriptions/sketches of the Easement Area

S:\County Lands\POOL\UTILITIES\Fiesta Village RM Upgrade #0616\TEMPORARY CONSTRUCTION EASEMENT AGREEMENT revised 11 2 2021.docx

EXHIBIT "X"

Part of the Northwest Quarter of Section 8, Township 46, South, Range 24 East, more particularly described as follows:

The land lying parallel to and lying 30 feet on both sides of the following described lines: Beginning at a point on the East right-of-way of Pine Ridge Road (25 feet from centerline) 1780 feet South of the North line of Section 8, Township 46 South, Range 24 East; thence East parallel to said North line to a point 60 feet West of the East line of said Section 8; also, beginning at a point 1750 feet South of said North line of said Section 8 and 1774 feet East of the East right-of-way line of Pine Ridge Road; thence North parallel to said East right-of-way line of Pine Ridge Road 1810 feet; said described lines being the centerline of an area 60 feet wide; also that portion of turning circle on the last described property which encompasses an area from 125 feet to 267 feet South of the North line of Section 8 being approximately half a circle running East of the centerline with an East-West radius of 60 feet to the East; also,

The South 60 feet of the West 2350.53 feet of the Northwest Quarter of Section 8, Township 46 South, Range 24 East; and the Northwesterly 60 feet of the following described property; beginning at a point on the South line of said Northwest Quarter of said Section 8, 263.92 feet West of the East line of said Northwest Quarter; thence North 45 degrees 23' East 369.89 feet to the East line of said Northwest Quarter; thence the property enclosed by the following; thence North along the east line of said Northwest Quarter 2432.14 feet; thence Westerly 2695.6 feet parallel to the North line of said Northwest Quarter, then South 50 feet; then Easterly 2635.6 feet along the North line of said Northwest Quarter; then South 2356.11 feet parallel to the East Line of said Northwest Quarter.



E.F. Gaines Surveying Services, Inc.
5235 Ramsey Way, Suite 10
Fort Myers, Florida 33907
(P) 239-418-0126: (W) EFGaines.com

LEGAL DESCRIPTION

Safety Street Temporary Construction Easement

Located in Section 8, Township 46 South, Range 24 East, Lee County, Florida

All that part of Section 8, Township 46 South, Range 24 East, Lee County, Florida being more particularly described as follows;

COMMENCING at the northeast corner of Lot 4, of a subdivision named Storgard, according to the plat thereof as recorded in Plat Book 73, Page 82, Public Records of Lee County, Florida;
thence along the east line of said Storgard subdivision also being the west line of Safety Street per Official Record Book 837, Page 822, Public Records of Lee County, Florida S.01°41'40"E. for 20.00 feet to the **POINT OF BEGINNING** of the parcel herein described;
thence N.88°18'20"E for 30.00 feet to a line which lies 30 feet easterly of as measured at right angles to and parallel with the east line of said Storgard subdivision and the west line of said Safety Street;
thence along said parallel line S.01°41'40"E for 770.00 feet;
thence S.88°18'20"W. for 30.00 feet to the east line of said Storgard subdivision and the west line of said Safety Street;
thence along the east line of said Storgard subdivision and the west line of said Safety Street N.01°41'40"W. for 770.00 feet to the **POINT OF BEGINNING** of the parcel herein described;

Containing 23100 square feet, more or less;
Bearings are based on the west line of Safety Street being N.01°41'40"W.

Prepared by:

E.F. Gaines Surveying Services, Inc.
Florida License No. LB7165

Elizabeth F. Gaines P.S.M.
4576 State of Florida

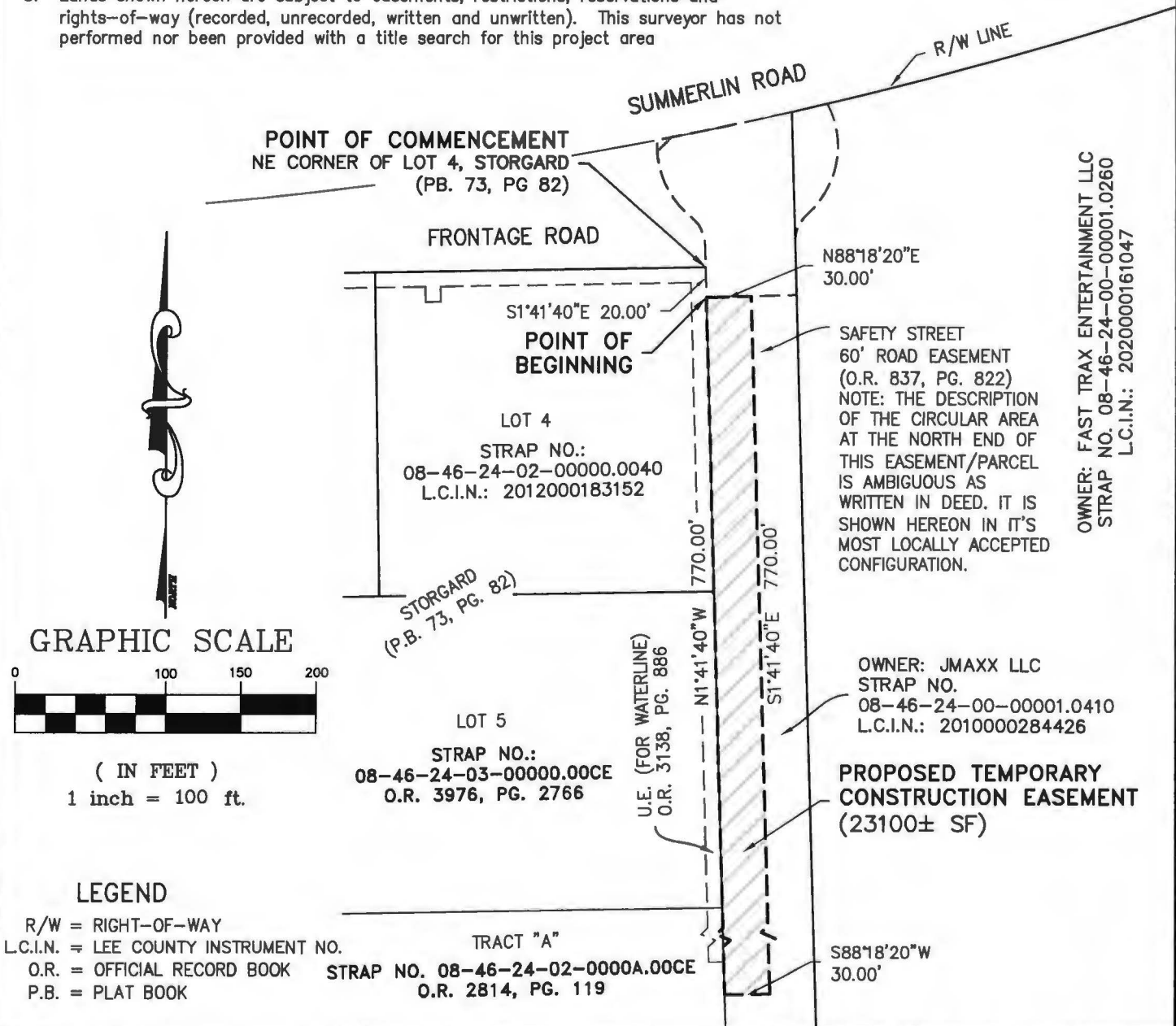
Digitally signed by Elizabeth F. Gaines
P.S.M. 4576 State of Florida
Date: 2021.03.01 15:27:58 -05'00'

Elizabeth F. Gaines, PSM
Florida License No. LS4576

Reference: Sketch 0832-003

NOTES:

- Distances are in feet and decimals thereof. Bearings are based on the west line of Safety Street being N.01°41'40"E.
- This is a sketch to accompany a legal description. This is not a Boundary Survey.
- Lands shown hereon are subject to easements, restrictions, reservations and rights-of-way (recorded, unrecorded, written and unwritten). This surveyor has not performed nor been provided with a title search for this project area



GRAPHIC SCALE



(IN FEET)
1 inch = 100 ft.

LEGEND

- R/W = RIGHT-OF-WAY
- L.C.I.N. = LEE COUNTY INSTRUMENT NO.
- O.R. = OFFICIAL RECORD BOOK
- P.B. = PLAT BOOK
- TRACT "A"
STRAP NO. 08-46-24-02-0000A.00CE
O.R. 2814, PG. 119

FIESTA VILLAGE WWTP-FORT MYERS BEACH WWTP PIPELINE ROUTE 2 - SAFETY STREET TCE

This is a sketch to accompany a legal description (see attached) of a proposed Temporary Construction Easement located in Section 8, Township 46 south, Range 24 East, Lee County, Florida.

Elizabeth F. Gaines P.S.M. 4576
State of Florida

Digitally signed by Elizabeth F. Gaines P.S.M.
4576 State of Florida
Date: 2021.03.01 15:28:54 -05'00'

Elizabeth F. Gaines, PSM
Florida License No. LS4576

Not valid without the signature and raised seal or Adobe electronic signature of Elizabeth F. Gaines, PSM shown above

Issue Date: 3/1/2021

Field Date: N/A

Checked: EFG

Drawn: KLG

Field: N/A

Scale: 1" = 100'

Project No.: 0832

CAD File: 0832-003

Sheet No. 1 of 1



E.F. Gaines
Surveying Services, Inc.

FL License No. LB7165

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